



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building
300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

July 17, 2024 at 7:00 PM Meeting Minutes

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, July 17, 2024 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Ron Henricks, Allen Slight, Shelle Wheeler, Mac Petty, and Joyce Burnette. Others in attendance were: Megan Huckstep, Director of Planning & Building Services; Kent Minnette, City Attorney of Taylor, Minnette, Schneider & Clutter; and Katie Fisher, Executive Assistant, Planning & Building Services.

Joyce Burnette called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from June 18, 2024 were presented for consideration. Mac Petty moved to approve the minutes as presented. Ron Henricks seconded. Motion passed 5-0.

1006 Covington Street – Resurrection Auto Real Estate LLC – UV 0094

There were no items of old business. Under items of new business, Planning Director, Megan Huckstep reviewed the staff report presented to the Board concerning petition UV 0094 submitted by Resurrection Auto Real Estate LLC who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow a car dealership in an I-2, industrial zoning district at 1006 Covington Street. The findings of fact are as follows:

- 1. *Whether the approval will not be injurious to the public health, safety, morals, and general welfare of the community?***
No. The property will not be injurious to the public health, safety, morals, and general welfare of the community. The location has operated as an automobile service and repair business since 1992 with no known issues, other than possible water damage during flood events; therefore this will be something that the Petitioner will be cautious and attentive to should the approval be granted and the business venture proceed.
- 2. *Whether the use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner?***
No. Property values will not be affected in a substantially adverse manner. This property will basically be operating the same with the addition of some cars on the property that will be listed and available for sales. Again, currently the Petitioner has received a Change of Occupancy for a second location near the Interstate Interchange that will have more visibility to the public. If anything the continued operation of the service and repair business with the added sales business should improve the value of adjacent properties.
- 3. *Whether the need for the use variance arises from some condition peculiar to the property involved?***



Board of Zoning Appeals **City of Crawfordsville, Indiana**

City Building
300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

Yes. This property, along with several other parcels between this stretch of Covington Street and Sugar Creek includes several warehouses, an HVAC business as well as another wrecker service and automobile repair business has been zoned for industrial.

4. *Whether the need for the variance was not self-created?*

No.

5. *Whether the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?*

Yes. The Petitioner would like to use this location to continue its current operations while also having the flexibility to obtain their dealership license with the State of Indiana and be able to have an automobile sales dealership at the site. The Plan currently is to sell cars at a second location that has more visibility but the Petitioner would like to have the flexibility and option to use the same property as the service and repair business as the dealership as well. Without the Board's approval of the variance, Petitioner cannot obtain an auto dealer license for the property since the use is not permitted by right according to the zoning ordinance.

6. *Whether the approval does not interfere substantially with the Comprehensive Plan?*

No, the future land use map shows this area as Future Industrial, therefore this use additional use would not interfere with the Comprehensive Plan it would actually be considered a less insensitive use to the Industrial character of the neighborhood.

Ms. Huckstep stated based on the findings of fact, Staff would recommend approval of the use variance.

Attorney Stu Weliever came forward representing the Petitioner. He encouraged the Board to follow Staff's approval recommendation.

With no members of the public present for comment, Ron Henricks made a motion to approve the use variance. Shelle Wheeler seconded. Motion passed 5-0.

605 W Market Street – Adan Perez – UV 0095

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0095 submitted by Adan Perez who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow a grocery store in an R-2, residential zoning district at 605 W Market Street. The findings of fact are as follows:

1. *Whether the approval will not be injurious to the public health, safety, morals, and general welfare of the community?*

Yes, the approval of this variance could be injurious to the public health, safety, morals, or general welfare of the community. The property is surrounded by single and two-



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building
300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

family residential properties. While a neighborhood grocery store can complement a residential development, this area is mostly made up of residential properties. As stated in previous, meetings and reports, residential is a significant need in our community.

2. *Whether the use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner?*

The use and value of the area adjacent to the property included will likely be affected in a substantially adverse manner. The uses surrounding the property are all residential.

3. *Whether the need for the use variance arises from some condition peculiar to the property involved?*

The need for the use variance does arise from a condition peculiar to the property. The property is zoned R-2, Residential, and it was the home to a locally owned neighborhood grocery store for many years until it closed. The building has been vacant and lost its grandfathered use. The commercial building is existing, but has been deteriorating. It will require approvals and necessary construction to meet the state and local fire and building codes.

4. *Whether the need for the variance was not self-created?*

The need for a use variance could be considered self-created since the property could be developed for other purposes without a use variance. The property is zoned R-2, Residential and housing is a significant need in our community. The property could also be rezoned to avoid the need for the use variance. Staff has provided this option to the existing owner, his attorney and several realtors.

5. *Whether the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?*

Staff does not believe that the strict application of the terms of the zoning ordinance would constitute an unnecessary hardship if applied to the property. There are many ways that the property could be developed. Single family residential dwellings as well as duplexes are permitted uses in the R-2 zoning district. Other permitted uses are public parks, neighborhood churches and educational facilities. Good housing is a need in our community.

6. *Whether the approval does not interfere substantially with the Comprehensive Plan?*

This area is identified as Residential Neighborhood in the Comprehensive Plan, therefore approval of the use variance would interfere with the future plan for this area. Should a variance be approved appropriate screening such as fencing, appropriate curbs or islands with landscaping can be used to minimize potential land use conflicts between residential and business uses while also strengthening the sense of character in the surrounding neighborhood.



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building

300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

Ms. Huckstep stated based on the findings of fact, Staff would recommend denial of the use variance. If inclined to approve the use variance, Staff would recommend the following conditions:

1. All code violations must be correct and any fees paid prior to an Occupancy Certificate being issued if the variance is approved;
2. Hours of operation be as specified 9 a.m. to 8 p.m.;
3. Absolutely No Outside Storage;
4. No additional exterior lighting than what currently exists or would be appropriate in a residential neighborhood;
5. The existing monument sign may be refaced only and not lighted;
6. Any additional signage must receive Board of Zoning Appeals approval;
7. An acceptable screening of a retaining wall, curb, fence, bollards, landscaping or both between the residential neighbors on the south and east sides of the property be added (after speaking with one resident, the Street Department, Police and Fire Departments a bollard would be acceptable along the alley);
8. The exterior improvements should be designed to be sensitive to the architecture of the residential neighborhood for example include brick, stone, siding or a combination of these for the front façade and the color pallet should also be sympathetic to the residential neighborhood as well;
9. A parking and striping plan be submitted to the Planning Department for review with permits to ensure it meets the parking requirements.

Adan and Estrella Perez came forward representing the Petition. The Petitioners referred to a PowerPoint that had been presented to the Board. Mr. Perez explained their existing store was running out of space. The Petitioners felt the walkability of the existing location was not the safest or easiest for the high volume of foot traffic they attract. They stated the hours of operation would be 9:00 a.m. to 8:00 p.m. Mr. Perez explained they would be seeking a loan to make improvements to the property. He reported that deliveries typically occur between 1:00 p.m. and 3:00 p.m.

Carolyn Baer, 510 W Main Street, who had also provided a letter to the Board, came forward in support of the Petition.

Cathy Randles, 511 W Market Street, who had also provided a letter to the Board, came forward with some concern, but was agreeable to the Petition with the recommended conditions.

Jeremy Hartnett, 508 W Main Street, came forward with enthusiastic support for the Petition.

The Petitioners again came forward stating their willingness to follow the recommended conditions and to work with the neighbors to ensure the grocery store fit well within the area.



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building
300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

After some brief discussion amongst the Board, Allen Slight moved to approve the use variance with Staff's recommended conditions. Ron Henricks seconded. Motion passed 5-0.

1450 Darlington Avenue – Good Oil Company – DSV 0137

Ms. Huckstep reviewed the staff report presented to the Board concerning petition DSV 0137 submitted by Good Oil Company who was requesting a development standard variance from the signage standards of the City Zoning Ordinance in a B-3, business zoning district at 1450 Darlington Avenue. The findings of fact are as follows:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

No, this approval will not be injurious to the public health, safety, morals, or general welfare of the community.

2. *The need for the variance was not self-created.*

The need for the variance could be considered self-created. The Petitioner has made sure to ensure a clear line of sight clearance. They have noted that they could reduce the height one (1') foot to be closer to the zoning allowance and still maintain the required 8 foot ground clearance. Had the developer built the building two foot taller the variance would not have been necessary. There are some commercial businesses in the area that are taller and have taller signage.

3. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

The use and value of the area would not be affected in a substantially adverse manner. The property is zoned B-3, business. There are other businesses in the neighborhood who have received sign variances.

4. *The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.*

No, the strict application of the terms of this chapter would still allow the property to be used as it is currently used. The property owner simply prefers additional signage.

Ms. Huckstep stated based on the findings of fact, Staff would recommend approval of the development standard variance to allow a freestanding pole or pylon sign for BP Gas Station at 1450 Darlington Avenue with an overall height of 23'1".

Cathie Taylor, SG Group/Good Oil Company, was present to represent the Petition.

With no members of the public present for comment, Ron Henricks made a motion to approve the development standard variance. Shelle Wheeler seconded. Motion passed 5-0.



Board of Zoning Appeals
City of Crawfordsville, Indiana

City Building
300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

With no further business, the meeting adjourned at 8:15 p.m.

Minutes Approved: 8/21/24

Joyce Burnette
President

Tom Hancock
Member

Allen Slight
Member

Shelle Wheeler
Member

Mac Petty
Member