



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building

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

October 16, 2024 at 7:00 PM Meeting Minutes

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, October 16, 2024 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Joyce Burnette, Ron Henricks, Allen Slight, Shelle Wheeler, and Mac Petty. 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 September 18, 2024 were presented for consideration. Ron Henricks moved to approve the minutes as presented. Shelle Wheeler seconded. Motion passed 5-0.

1870 S US Highway 231 – Wingmen V dba Buffalo Wild Wings – DSV 0141

There were no items of old business. Planning Director Megan Huckstep reviewed the staff report presented to the Board concerning petition DSV 0141 submitted by Wingmen V dba Buffalo Wild Wings who was requesting a development standard variance from the lot and yard requirements of the City Zoning Ordinance in an B-3, business zoning district at 1870 S Us Highway 231. 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, the approval of this variance will not be injurious to the public health, safety, morals, and general welfare of the community. It could be quite simply the opposite. If the variance is not approved to enclose the patio addition, and the outdoor patios would remain, it could be unsafe for the public due to the new road extension.
- 2. *The need for the variance was not self-created.***
The need for the variance would not be considered self-created. The City and County are working together to extend infrastructure to the south side and as a result of that road extension, the current setback would not be met regardless of the patio enclosure addition.
- 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.***
No, the use and value of the area should not be affected in a substantially adverse manner.
- 4. *The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building

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

The strict application of the terms of this chapter would result in practical difficulties in the use of this property. The restaurant could still operate; however it could lose the additional seating or if they continued to use the outdoor patio as it currently exists there could be safety concerns with how close the outdoor patio area is to the road.

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

Russell Arbuckle came forward representing the petition. He stated with the road extension, their main concern is safety.

With no members of the public present for comment, the Board engaged in discussion. Mac Petty made a motion to approve the development standard variance. Ron Henricks seconded. Motion passed 5-0.

502 Bluff Street – Delbert Maxwell – UV 0096

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0096 submitted by Delbert Maxwell who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow a shipping container as an accessory structure in an I-1, industrial zoning district at 502 Bluff 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?*

The structure could be considered injurious to the public health, safety, morals and general welfare of the community. The shipping container is used for storing and shipping items, not for human occupancy as a gathering place. Accessory structures should be state and local building codes and requirements.

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 would be affected in a substantially adverse manner. A shipping container does not compare to the residential aesthetics of the existing residential structure nor does it meet the fence and wall requirements of the City's Zoning Ordinance.

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

The need for the use variance does not arise from a condition peculiar to the property.

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

The need for the variance would be considered self-created.



Board of Zoning Appeals City of Crawfordsville, Indiana

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

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. The Petitioner can obtain permits for an approved accessory structure like a garage or portable shed.

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

Yes, the use would interfere substantially with the Comprehensive Plan. The Future Land Use Map identifies this area as residential neighborhood and a shipping container would not be an ideal accessory structure in a residential neighborhood.

Ms. Huckstep stated based on the findings of fact, Staff would recommend denial of the request to allow a shipping container as an accessory structure.

Delbert Maxwell was present to represent the petition. With no members of the public present for comment, the Board engaged in discussion. Several members expressed concern for safety and adverse effects to neighboring properties. Mr. Maxwell came forward to address the Board. The Petitioners expressed that they liked to do unique things. They also expressed conflicts with the neighbors and were fearful that if they installed a typical fence, the neighbors would remove it, stating they had done so in the past. The Petitioners also had concern regarding their property lines and expressed that their neighbors may be encroaching on their property. In their discussion, the Board felt that they did not have enough information at this time to make a determination. Ron Henricks moved table the petition, requesting additional information regarding location of the structure with dimensions, plans for what the structure would look like, and how it would be constructed and anchored to the ground. Allen Slight seconded. Motion passed 5-0.

1301 Darlington Avenue – Tacos La Guera c/o Elizabeth Fuentes – UV 0097

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0097 submitted by Tacos La Guera c/o Elizabeth Fuentes who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow a food truck to operate for more than sixty (60) days in a B-3, business zoning district at 1301 Darlington Avenue. 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 approval of this variance will not be injurious to the public health, safety, morals, or general welfare of the community.



Board of Zoning Appeals

City of Crawfordsville, Indiana

City Building

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

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 in the use variance could be affected in a substantially adverse manner. The property is surrounded by various business uses in a highly travelled area of the city. This property is on a major thoroughfare. The second business would be conducted on the outside of the existing business and could result in exterior storage and nuisances.

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

No, the property is zoned for business. The Petitioner has invested in a food truck and wants to be able to use it within city limits longer or on a permanent basis compared to the allowable 60 days in a calendar year. Food trucks and roadside stands have become more popular over the last 5-10 years. The City Zoning Ordinance currently views food trucks as temporary uses, rather than permanent uses. Recently, the City Council adopted an ordinance restricting food trucks and roadside stands in the downtown area to Pike Place. We have plans to address food trucks and mobile food or merchant stands in more detail within the proposed Unified Development Ordinance. The Petitioner has provided a lease for the property from September 2024 through August 31, 2025, which could more than likely be renewed or extended.

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

The need for this variance could be considered self-created. The Petitioner purchased the food truck and has entered into a lease with the property owner to operate the food truck on private property prior to obtaining the regulations from the City and obtaining a variance from the Board.

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?*

No. This site is currently being used for a self-service ice and water machine that was permanently set up on the property. Permits could be obtained to construct or set up a permanent stick-built structure on this site for a business as long as it met the zoning regulations, building code and storm water ordinances.

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

The Comprehensive Plan shows this parcel as residential neighborhoods. While the city encourages food trucks and mobile merchant stands, we want to preserve the character of our city as well as support all of our businesses including brick and mortar businesses who are existing.



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building
300 E. Pike Street, 2nd Floor
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Ms. Huckstep stated based on the findings of fact, Staff would recommend denial of the use variance. If the Board was inclined to grant a variance, Staff would recommend it be limited to a specified number of days within a calendar year and that there be no outside storage, including when the mobile food truck is not operating in would be moved or relocated off-site.

Jose Gonzalez came forward representing the petition. Mr. Gonzalez stated they do have permission from the property owner in the form of a lease agreement and that there would be no outside storage. He stated they may leave the site to for events and then return. Mr. Gonzalez stated the operation would be carry out only at this time.

There were no members of the public present for comment. The Board engaged in discussion. Allen Slight moved to approve the use variance with the following conditions: no outside storage, proper disposal of grease, meet all other state and local regulations, and the approval expires August 31, 2025. Motion passed 5-0.

With no further business, the meeting adjourned at 8:24 p.m.

Minutes Approved: 11.20.24



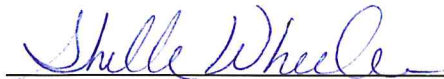
President



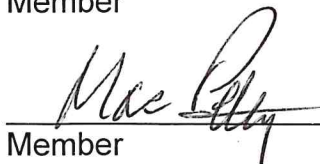
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