



Board of Zoning Appeals City of Crawfordsville, Indiana

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

September 20, 2023 at 7:00 PM Meeting Minutes

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, September 20, 2023 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Shelle Wheeler, Allen Slight, Joyce Burnette, and Ron Henricks. Others in attendance were: Megan Huckstep, Director of Planning & Building Services; Kent Minnette, City Attorney of Taylor, Minnette, Schneider & Clutter; and Kathryn Vice, Executive Assistant, Planning & Building Services.

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

Having had two members resign and acquiring one member since the last meeting of the Board, Ms. Burnette called for the election of a new 2023 Vice President and Secretary. She proceeded to nominate Ron Henricks as Vice President and Shelle Wheeler as secretary. With no objections, Allen Slight seconded. Motion passed 4-0.

Meeting minutes from June 21, 2023 were presented for consideration. Ron Henricks made a motion to approve the minutes as presented. Shelle Wheeler seconded. Motion passed 4-0.

With no items of old business, the Board moved forward with new business. Prior the hearing the first petition, Ms. Burnette reviewed the rules of procedure.

619 E Wabash Avenue Shantel Caudill SE 0060

Planning Director Megan Huckstep reviewed the staff report presented to the Board concerning petition SE 0060 submitted by Shantel Caudill who was requesting a special exception from the City Zoning Ordinance to allow a boutique as a home occupation in an R-2, residential zoning district located at 319 E Wabash Avenue. The findings of fact are as follows:

- 1. *Whether the special exception is listed as such in the Official Schedule of Uses?***
Yes, a home occupation is a special exception in the official schedule of uses established by the City Zoning Ordinance.
- 2. *Whether the special exception will not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons?***
No, we do not believe the special exception will involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons.
- 3. *Whether the special exception is a manufacturing or industrial/processing facility that will comply with all of the performance standards of Section 153.023?***
n/a. The petition request is not for a manufacturing or industrial processing facility.



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4. *Whether the special exception will be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?*

The home occupation business will be conducted inside the existing residential dwelling. There has been an antique store at this location in the past. The property and the structure has been remodeled and cleaned up recently. The Petitioner is requesting to place a 5' x 3' or 15 square foot sign on the side of the building. A home occupation name plate must not exceed two (2) square feet in area, shall not be illuminated and shall be attached in a manner that causes it to be flush or flat against the structure or simply visible through a window. The Petitioner is requesting a sign that is larger than the ordinance allows for a home occupation; therefore the Board will need to make a determination if they will allow the larger sign. Except for the sign, there would likely be no indication that there is a business operation, unless there is retail product displayed in the large front windows.

5. *Whether the special exception will produce a total visual impression and environment which is consistent with the environment of the neighborhood?*

The business activity will take place completely within the residential structure, so other than signage and possibly product displayed in the front windows, there should not be a visual impact on the neighborhood.

6. *Whether the special exception will organize vehicular access and parking to minimize traffic congestion in the neighborhood?*

The site has enough off street parking to adequately meet the requirements for a single-family home as well as a home occupation business. Staff's only concern would be a holiday open house or event that could create additional traffic during a given time period. It appears there may also be access from an alley on the back side of the property to Sheridan Avenue that could also be used.

7. *Whether the special exception is for a home occupation?*

Yes, the special exception is for a home occupation.

8. *Whether the special exception will preserve the purposes of this chapter?*

The property is zoned R-2, residential. A home occupation is a special exception in the R-2 zoning district. Approval as a home occupation will preserve the purposes of this chapter of the ordinance. Any changes to the home occupation or use of the structure could require additional approval from the Board of Zoning Appeals.

Ms. Huckstep reported based on the findings of fact, Staff would recommend approval of the special exception with the following conditions:

1. Signage be limited to two square feet as the ordinance allows for a home occupation; or the Board decide what is an appropriate size.



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2. Parking spaces be clearly identified or labeled. Should parking or traffic become a concern, Staff would request to revisit the issue with the Petitioner.
3. The retail business not be visual from the front windows (i.e. retail products not be displayed in the front windows). The structure looks and appears as a residential structure from the outside.

Shantel Caudill came forward to represent the petition. Ms. Caudill explained the sign would entail a QR code that passersby may scan for a discount. With no members of the public present to speak and after brief discussion amongst the Board, Shelle Wheeler made a motion to approve the special exception with the conditions as recommended, with the exception of condition number one, allowing for a four square foot sign instead of the recommended two feet. Ron Henricks seconded. Motion passed 4-0.

605 E Market Street

Ryan Richards

UV 0084

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0084 submitted by Ryan Richards of G Team Mechanical who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow an HVAC business in an R-3, residential zoning district at 605 E Market Street. The findings of fact are as follows:

1. ***Whether the special exception is listed as such in the Official Schedule of Uses?***
Yes, a home occupation is a special exception in the official schedule of uses established by the City Zoning Ordinance.
2. ***Whether the special exception will not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons?***
No, we do not believe the special exception will involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons.
3. ***Whether the special exception is a manufacturing or industrial/processing facility that will comply with all of the performance standards of Section 153.023?***
n/a. The petition request is not for a manufacturing or industrial processing facility.
4. ***Whether the special exception will be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?***

The home occupation business will be conducted inside the existing residential dwelling. There has been an antique store at this location in the past. The property and the structure has been remodeled and cleaned up recently. The Petitioner is requesting to place a 5' x 3' or 15 square foot sign on the side of the building. A home occupation name plate must not exceed two (2) square feet in area, shall not be illuminated and shall be attached in a manner that causes it to be flush or flat against the structure or simply visible through a window. The Petitioner is requesting a sign that is larger than



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the ordinance allows for a home occupation; therefore the Board will need to make a determination if they will allow the larger sign. Except for the sign, there would likely be no indication that there is a business operation, unless there is retail product displayed in the large front windows.

5. *Whether the special exception will produce a total visual impression and environment which is consistent with the environment of the neighborhood?*

The business activity will take place completely within the residential structure, so other than signage and possibly product displayed in the front windows, there should not be a visual impact on the neighborhood.

6. *Whether the special exception will organize vehicular access and parking to minimize traffic congestion in the neighborhood?*

The site has enough off street parking to adequately meet the requirements for a single-family home as well as a home occupation business. Staff's only concern would be a holiday open house or event that could create additional traffic during a given time period. It appears there may also be access from an alley on the back side of the property to Sheridan Avenue that could also be used.

7. *Whether the special exception is for a home occupation?*

Yes, the special exception is for a home occupation.

8. *Whether the special exception will preserve the purposes of this chapter?*

The property is zoned R-2, residential. A home occupation is a special exception in the R-2 zoning district. Approval as a home occupation will preserve the purposes of this chapter of the ordinance. Any changes to the home occupation or use of the structure could require additional approval from the Board of Zoning Appeals.

Ms. Huckstep reported based on the findings of fact, Staff would recommend denial of the use variance. Should the Board be inclined to approve the use variance, Staff would recommend the following conditions:

1. No outside storage of HVAC equipment, tools or parts;
2. No business signage without approval by the Board;
3. No additional exterior lighting other than what currently exists for the residence;
4. A landscape buffer, 6 foot privacy fence or a combination of both be installed along the back or south side and west side of the property;
5. Hours of operation be limited to 7:30 a.m. to 5:00 p.m.; and
6. Obtain necessary state and local permits.

Ryan Richards came forward to represent the petition. Mr. Richards explained a majority of his business is commercial, with no customer traffic at the proposed sight. The Board asked clarifying questions of Mr. Richards.



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The meeting was opened to the public for comment. Bernard Thompson, 610 E Main Street, came forward in opposition. Deantha Wright, a concerned citizen, also came forward in opposition. Cathy Raff, 605-607 E Market Street, came forward in support of the petition. At this time, public comment was closed.

Mr. Richards came forward to offer a rebuttal, stating he would not be receiving deliveries at this location and would instead meet for deliveries at an offsite location.

The Board engaged in discussion. Allen Slight proposed offering the Petitioner 1-3 months to allow operation at the proposed location, during which time the Petitioner would be expected to find a new location for business and to cease operations at the proposed location after the allotted time period. After some continued dialogue, Joyce Burnette moved to deny the use variance based on findings 4 and 6. Shelle Wheeler seconded. Motion to deny passed 4-0.

108 E North Street Joshua Baxter UV 0083 & DSV 0127

Ms. Huckstep reviewed the staff report presented to the Board concerning petitions UV 0083 and DSV 0127 submitted by Joshua Baxter who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow an antique store and residence in an I-1, industrial zoning district located at 108 E North Street. Additionally, Mr. Baxter was requesting a development standard variance from the parking requirements of the City Zoning Ordinance. Ms. Huckstep noted the findings for both the petitions would be separate and should be voted on separately. The findings of fact are as follows:

The applicable statutes and the City's Zoning Ordinance provide that a use variance may be granted upon the following written findings of fact that:

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

Approval of the use variance for an antique store, office, and personal residence in an existing building in an Industrial zoning district could be injurious to the public health, safety, morals, and general welfare of the community. The Petitioner has begun clean-up of a historic building that was damaged by fire many years ago. The Petitioner has intent to renovate the existing structure. The property is located in the Downtown Historic District; however it has not been designated as a local site or district at the time of this variance request; therefore the Historic Preservation Commission currently does not have the ability to ensure the historical integrity of the building is preserved through established standards and guidelines.



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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 should not be affected in a substantially adverse manner as long as the property is restored in a historically appropriate manner and there is no outside storage.

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

Yes, the property is zoned I-1, Industrial. The building was used for a warehouse or storage facility in the past which is a permitted use according to our current zoning ordinance. The Petitioner would like to make it a multi-use building with an antique store on the bottom two floors, office space on the third floor and residential use on the fourth and fifth floors. This has been allowed and encouraged in downtown, if the upper floors were used for residential in the past and it could meet building and fire codes.

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

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

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?*

The strict application of the terms of the Zoning Ordinance does not constitute an unnecessary hardship if applied to the property. There are uses that are permitted in the I-1, Industrial zoning district; however state and local building codes would still have to be met and it would be difficult for other land use regulations such as parking to be met for those uses.

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

The Future Land Use map of the Comprehensive Plan shows this property as "Future Industrial" and "Conservations & Parks".

The applicable statutes and the City's Zoning Ordinance provide that a development standard variance may be granted upon the following written findings of fact that:

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

Approval of the development standard variance could be injurious to the public health, safety, morals and general welfare of the community. There is no public street parking along North Street. Parking along the street would be a safety concern. The Crawfordsville Police Department is located across the street from the property.



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Emergency vehicles respond to calls from this location 24-7, 365 days a year. With no defined plan for parking, traffic could be a concern in this area.

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

The need for the development standard variance for parking is not self-created. However, staff encouraged the Petitioner to have a survey completed of the property, identify parking spaces on the property to meet the ordinance, and potentially speak with an adjoining property owner about a possible shared parking agreement, which has often been approved by the city.

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 adjacent to the property included in the variance could be affected in an adverse manner. Parking could potentially overflow onto other neighboring properties without consent or even parking in the public right-of-way which would be a safety concern.

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

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

Ms. Huckstep reported based on the findings of fact, Staff would recommend denial of the use variance. Should the Board be inclined to approve the use variance, Staff would recommend the following conditions:

1. The uses are approved as following:
 - a. Floors 1-2: antique store
 - b. Floor 3: office space
 - c. Floors 4-5: residential
2. The building is constructed to meet all state and local building and fire codes including but not limited to egress and sprinkler systems;
3. No outside storage;
4. Any signage must meet the signage standards of the zoning ordinance or receive a variance from the Board;
5. Parking must be met or a variance approved by the Board.

Ms. Huckstep reported based on the findings of fact, Staff would recommend denial of the development standard variance. Should the Board be inclined to consider the request, Staff would recommend tabling the request and requiring the Petitioner to submit additional information including a survey and/or a shared parking agreement with an adjoining property owner.



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Joshua Baxter came forward representing the petition. Mr. Baxter stated having verbal agreements with adjoining property owners. He claimed to be sensitive to the historic nature of the building and disagreed with Staff's assessment of traffic flow in the area.

The meeting was opened for public comment. Bob Zahn, 310 N Green Street, came forward in favor of the petition. Bernard Thompson, concerned citizen, also came forward in support of the petition. At this time, public comment was closed.

The Board engaged in discussion regarding the use variance. Addressing the use variance first, Ron Henricks made a motion to approve the use variance with the recommended conditions. Shelle Wheeler seconded. Motion passed 4-0. After further discussion amongst the Board, Mr. Baxter requested a continuance of petition DSV 0127. Ron Henricks made a motion to continue. Joyce Burnette seconded. Motion to continue passed 4-0.

698 E 150 S Donald & Brenda Stonebraker UV 0085

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0085 submitted by Donald and Brenda Stonebraker who were requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow a roadside stand from April to October in an R-1, residential zoning district at 698 E 150 S. 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 approval of this variance could be injurious to the public health, safety, morals, or general welfare of the community. From the amount of supportive documents received with the Petition application, overall approval of the use variance would not be injurious to the public health, safety, morals and general welfare of the 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 could be affected in a substantially adverse manner. The uses currently 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 not arise from a condition peculiar to the property. The property is zoned R-1, residential. Currently, the Zoning Ordinance allows for a roadside stand to operate in a Business zoning district for a maximum of 60 calendar days in a given year. The 60 days can be individual events or can run consecutively. The Petitioners request is to run their roadside stand as a business on their residential property from April through October, which exceeds the 60 day limit and is outside a business zoning district; therefore the need for a use variance from the ordinance requirements.



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

The need for a use variance could be considered self-created. The Ordinance does allow for roadside stands in a business zoning district up to 60 calendar days. It also excludes zoning requirements for approved Farmers Markets and Festivals.

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 property can still be used as a single family residential dwelling.

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 substantially with the future plan for this area.

Ms. Huckstep reported based on the findings of fact, Staff would recommend denial of the use variance. Should the Board be inclined to approve the use variance, Staff would recommend the following conditions:

1. The roadside stand business only operates April-October;
2. Hours of operation be limited;
3. From November-March there should be no outside sales or outside storage of business products;
4. Customers should be encouraged to pull in and pull out of the driveway rather than backing out on 150 South.
5. Any sign must be limited to two square feet (2 SF) as specified for a home occupation business sign or seek a development standard variance from the Board;
6. The use variance is only good for the roadside stand business for the current owners/petitioners at the specified location. Any new owners must seek approval from the Board for their business operation. Should the Petitioners move they would have to seek approval for the new location.

Donald Stonebraker came forward representing the petition. Mr. Stonebraker read from a written document he had submitted to the Board, presenting their business in great detail. He addressed each issue which had been raised by written complaints submitted to the Planning Department by an anonymous citizen. Mr. Stonebraker also presented 1,500 signatures from members of the public in support of the petition.

The meeting was opened for public comment. Eight members of the public came forward to speak in favor of the petition. Several more members of the public were in attendance in



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support of the petition, but did not stand to speak on record. No one from the public was present in opposition. At this time, public comment was closed.

After brief discussion amongst the Board, Allen Slight made a motion to approve the use variance with the recommended conditions, with the exception of condition two. Shelle Wheeler seconded. Motion passed 4-0.

2981 Industrial Drive Arends Hogan Walker, LLC DSV 0128

Ms. Huckstep reviewed the staff report presented to the Board concerning petition DSV 0128 submitted by Arends Hogan Walker, LLC who was requesting a development standard variance from the lot and yard requirements of the City Zoning Ordinance for the addition of a wash bay in a B-3, business zoning district at 2981 Industrial Drive. 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.*

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

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

The need for the variance was not self-created. The new structure will not be any taller than other buildings that surround it. The wash bay is needed to wash and service farm equipment.

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 necessarily be affected in a substantially adverse manner. Improvements have been made to the property over the years. There have been many variances issued for height of accessory structures; therefore this is an amendment that will be considered in the Unified Development Ordinance.

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

The strict application of the terms of this chapter would still allow the Petitioner to construct a wash bay but they would not be able to use it as they would like for the agricultural equipment because the equipment would likely not fit.

Ms. Huckstep reported based on the findings of fact, Staff would recommend approval of the development standard variance.

A representative from AHW was present to represent the petition. He stated they had already been approved through the state and had also spoken with local storm water, code enforcement, and the building inspector.



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With no members of the public present to comment, Shelle Wheeler made a motion to approve the development standard variance. Ron Henricks seconded. Motion passed 4-0.

1274 W Country Club Road Nathan & Michelle Chambers UV 0086

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0086 submitted by Nathan and Michelle Chambers who were requesting a use variance from the schedule of uses of the City Zoning Ordinance to operate a pet boarding business in an R-1, residential zoning district at 1274 W Country Club Road. 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 approval of this variance will not be injurious to the public health, safety, morals, or general welfare of the 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 could be affected in a substantially adverse manner by a pet boarding business. The uses currently surrounding the property are all residential. While the property is larger than most in the area, there are still neighbors that adjoin the length of the property and would be close enough to hear barking dogs.

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. The property is zoned R-1, residential. The Petitioner can continue to use their property as their residence, but they also desire to operate a pet boarding business, which would not be necessary due to a condition particular to the property. A kennel is a permitted use in a B-3 zoning district or would be a special exception in an A-R zoning district.

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

The need for a use variance could be considered self-created. The Petitioner desires to operate the pet boarding business from their residential property. There is nothing about the property that would require that. They were informed of the requirements and would like to provide a service, connect with others and supplement their income.

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 property can still be used as a single family residential dwelling.



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

This area is identified as Residential/Agricultural Transition on the Future Land Use Map in the Comprehensive Plan. This area aims to preserve the older, larger lot areas that were initially established in the county. This is a transition area that serves as a buffer between agricultural and low density residential uses. The appropriate density is approximately one dwelling unit per acre or parcel.

Ms. Huckstep reported based on the findings of fact, Staff would recommend denial of the use variance. Should the Board be inclined to approve the use variance, Staff would recommend the following conditions:

1. The structure must meet all state and local building and fire codes, if applicable;
2. Hours of operation be limited with drop-off and pick-ups being by appointment only to allow for adequate parking;
3. Signage be limited to four square feet and in character with the neighborhood;
4. If noise is a concern, the Board could re-evaluate the approval;
5. The approval is good for the Petitioner only at 1274 W Country Club Road.

Michelle Chambers came forward to represent the petition. Ms. Chambers reported having spoken with and touring other dog boarding facilities and speaking with adjoining property owners, having received several letters of support. She reported going to extensive efforts to inhibit any noise that may occur.

The meeting was opened for public comment. Neighbors Bob and Anna Tunin came forward in support of the petition. There were no members of the public present in opposition. At this time, the meeting closed for public comment.

The Board engaged in discussion. Ms. Chambers was asked if they could operate with business hours limited as recommended. Ms. Chambers insisted that the proposed hours were well thought out in congruence with their business plan. Shelle Wheeler made a motion to approve the use variance with the recommended conditions, with the exception of condition 2. Ron Henricks seconded. Motion passed 4-0.

Under items of miscellaneous business, Ms. Huckstep reported they are working on the UDO, as well as an ordinance in regards to mobile food vehicles. With no further business, the meeting adjourned at 9:43 p.m.

Minutes Approved: _____



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Joyce Burnette

President

Ron Donolo

Member

Allen Hight

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Member

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