

Board of Zoning Appeals
City of Crawfordsville
Meeting Minutes
April 19, 2023

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, April 19, 2023 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Shelle Wheeler, Bernard Thompson, Joyce Burnette, Scott Voliva, 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.

Mrs. Burnette asked for nominations for 2023 officers. Bernard Thompson nominated Joyce Burnette as President. Scott Voliva seconded. Nominations were closed. Mrs. Burnette was elected President 5-0. Scott Voliva then nominated Bernard Thompson as Vice President. Joyce Burnette seconded. Nominations were closed and Bernard Thompson was elected Vice President 5-0. Joyce Burnette then nominated Scott Voliva as Secretary. Ron Henricks seconded. Nominations were closed. Scott Voliva was elected Secretary 5-0.

Meeting minutes from December 21, 2022 were presented for consideration. Scott Voliva made a motion to approve the minutes as presented. Ron Henricks seconded. Motion approved 5-0.

There were no items of old business, therefore the Board moved forward with new business. Shelle Wheeler recused herself due to a conflict of interest with Jordan Turner's request for a special exception (SE 0058).

800 W Wabash Avenue	Jordan Turner	SE 0058
---------------------	---------------	---------

Megan Huckstep, Director of Planning & Building Services reviewed the staff report presented to the Board concerning petition SE 0058 submitted by Jordan Turner who was requesting a special exception from the schedule of uses of the City Zoning Ordinance to allow dog grooming services as a home occupation in an R-2, Residential zoning district at 800 W Wabash Avenue. Ms. Huckstep explained that the property was currently used as a single-family residence. It was surrounded by R-2 to the north, east and west and R-3 to the south. Ms. Huckstep reported no traffic, transportation, or environmental issues anticipated. She also reported no fire, police or emergency concerns anticipated. Ms. Huckstep explained that the Petitioner was requesting to use her forty-eight (48) square foot bathroom and two hundred twenty-eight (228) square foot garage to provide the dog grooming services. She explained that the Petitioner was requesting to operate her business Sunday through Tuesday, between the hours of 8:00 a.m. and 8:00 p.m., however those days and times were subject to change. Ms. Huckstep explained that the Petitioner expects three to four (3-4) clients per day or eight to ten (8-10) clients per week. She reported that the Petitioner would be the only employee, and the Petitioner has identified three (3) off-street parking spaces near the garage of the home. Ms. Huckstep explained that the Petitioner would expect one (1) delivery per month of supplies such as shampoo, conditioner, shears, and blades from Amazon, FedEx, or UPS. Ms. Huckstep explained the Petitioner would use her personal vehicle to pick up and drop off client's pets when necessary or the clients would drop them off. The findings of fact were considered as follows:

1. *Whether the special exception is listed as such in the Official Schedule of Uses?*
Yes. A home occupation is listed as such in the Official Schedule of Uses.
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 issues are anticipated. All grooming services are anticipated to be conducted indoors, however one could argue that the business is dangerous, injurious or noxious with animals coming and going and potentially getting away from the residence or the groomer. Noise could also be intolerable to the

surrounding neighbors if dogs are left all day for their grooming appointment or left with animals they are not familiar with.

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 proposal 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?*

Yes, the dog grooming services will be conducted inside the residential home and garage; therefore the special exception for the home occupation will continue to preserve and produce a harmonious relationship of buildings and grounds to the adjacent buildings and properties.

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

Staff does not believe anything will change with the exterior of the residential dwelling; therefore the special exception for the home occupation should produce a visual impression and environment consistent with the residential neighborhood as it currently does.

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

Staff has no concerns regarding traffic and vehicular access for this request. The Petitioner has indicated that there are 3 off-street parking spaces. If needed she could stagger her client appointments to minimize traffic concerns.

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

Yes. The special exception is to allow dog grooming services as a home occupation.

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

The property is zoned residential, and a home occupation is a special exception in the R-2, Residential zoning district. Also, a beauty salon is a special exception in the residential zoning districts according to the Schedule of Uses of the City Zoning Ordinance. Approval of the home occupation as a special exception will preserve the purposes of this chapter. Future special exceptions or home occupations will require separate approval.

Ms. Huckstep stated that staff recommended denial of the special exception based on the findings of fact. She indicated that if the Board was inclined to approve the request, that she would recommend the following conditions:

1. All grooming services are conducted solely within the residential structure;
2. There is no outside storage;
3. Limiting hours of operation from 8:00 a.m. to 5:00 p.m. due to noise concerns;
4. Any signage meets the Signage Standards and Regulations of the City Zoning Ordinance for a home occupation, which only allows one, two (2) square foot sign.

Petitioner Jordan Turner came forward to address the Board. Ms. Turner asked to clarify the conditions, specifically if conducting business solely within the residential structure would allow her to use her garage and home. She stated that her goal was to do all the transport herself, bringing the dogs directly into her garage and from the garage to her home via the connecting walkway. Ms. Turner reported that she would only be accepting dogs under thirty-five (35) pounds at this point in time, so that she may be able to carry them. She noted that her

yard is fenced in. Ms. Turner stated that the dogs would be returned to their owners immediately, estimating that appointments would last no more than one and a half hours.

The meeting opened to questions from the Board. Bernard Thompson asked to clarify if clients would be bringing dogs to the home. Ms. Turner stated that she would be giving clients the option, but transportation would be included in the cost of her services and her policies would require all dogs be returned to their owners within thirty (30) minutes of the conclusion of services. Ron Henricks asked to confirm that there would be no boarding of the dogs. Ms. Turner attested that there would be no boarding. Scott Voliva questioned whether there must be a dedicated area as is required with a beauty salon. City Attorney Kent Minnette advised that was a state requirement for beauty salons, but does not apply here.

With no further questions from the Board, Robert Johnson, 718 W Wabash Avenue came forward in favor of the request. No one came forward in opposition of the request. Mrs. Burnette noted for the record that thirteen (13) letters were sent to the adjoining and adjacent property owners and the Board received no written responses.

The meeting was opened to discussion amongst the Board. Mr. Thompson noted the difference between a dog groomer and a beauty salon, specifically pointing to the potential of being bit. He asked for clarification, should the Board approve the request, whether the City could be held liable for injuries from a dog bite. City Attorney Kent Minnette explained that the Board would only be approving the use, not taking on any liability.

Mrs. Burnette commented that only providing grooming services and the dog immediately returning to the owner would be no different than a neighbor owning a dog who could get loose or bark, there is no issue of the potential risks of boarding here. She stated that the Board could add that there is to be no boarding as part of the conditions should they approve the request. After further discussion, Bernard Thompson made a motion to approve the request with conditions as follows:

1. There will be no dogs kept on the premise for more than an hour after the conclusion of grooming services;
2. All grooming services are conducted solely within the residential structure;
3. There is no outside storage;
4. Limiting hours of operation from 8:00 a.m. to 5:00 p.m. due to noise concerns;
5. Any signage meets the Signage Standards and Regulations of the City Zoning Ordinance for a home occupation, which only allows one, two (2) square foot sign.

Joyce Burnette seconded. Motion approved with the conditions 3-1, with Scott Voliva dissenting.

Shelle Wheeler rejoined the Board. Bernard Thompson identified a potential conflict of interest with Bill and Karen Jurkowski's request for a development standard variance due to a personal relationship with the Petitioners. It was determined that Mr. Thompson held no bias or financial interest in the outcome of the request, therefore he remained present with the Board.

400 Lincoln Street

Bill and Karen Jurkowski

DSV 0124

Ms. Huckstep continued with the second item of new business, submitted by Bill and Karen Jurkowski who were requesting a development standard variance from a platted 100 foot rear yard setback in Fishero Subdivision for future residential development located at 400 Lincoln Street, due to the property adjoining the Odd Fellows Cemetery. She explained that the property is in an R-1, Residential zoning district and is currently vacant. It is surrounded by R-1, Residential to the north, south, east and west. Ms. Huckstep informed the Board that Petitioner purchased the property from Mike and Deborah Fishero who had platted Fishero's Lincoln Street Subdivision and initially received subdivision plat approval in April 2004, however it was never recorded. On February 21, 2017, the Plat Committee approved the plat for recording and it was recorded with the Montgomery County Recorder on February 22, 2017. Ms. Huckstep explained that the property was located on Lincoln Street,

which is a public, dead end, city street that is maintained by the City of Crawfordsville Street Department. The property is accessed from Grant Avenue and no traffic or transportation issues were anticipated. She stated that there are no environmental, fire, police, or emergency issues anticipated. Ms. Huckstep noted that the Crawfordsville Zoning Ordinance requires a five (5) foot rear yard setback in an R-1, Residential zoning district, however Fishero's Lincoln Street Subdivision was platted with a 100 foot rear yard setback. She cited State Administrative Code IC 14-21-1-26.5, a person may not disturb the ground within one hundred (100) feet of a burial ground or cemetery for the purpose of erecting, altering, or repairing any structure without having a development plan approved. She informed the Board that the Petitioner had submitted their residential development plans to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology. In a letter dated December 12, 2022, Department of Historic Preservation and Archaeology issued a letter authorizing the construction of the new residential home within 100 feet of the Odd Fellows Cemetery and approving ground disturbance and construction associated with the new home including a patio, pool, fence, and landscaping with a fifty (50) foot setback from the Odd Fellows Cemetery with conditions. Ms. Huckstep reviewed the findings of fact for considering a development standard variance as follows:

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

No, the approval will not be injurious to the public health, safety, morals, and general welfare of the community. Should there be anything discovered during development activity on the property, land disturbance should cease immediately and the Petitioner or authorized representative should contact local officials as well as the Department of Natural Resources.

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

The need for the variance is not self-created. The 100 foot setback is not required locally, but DNR must review development plans within 100 feet of any cemetery based on State Code. The 100 foot setback was added to the Fishero Lincoln Subdivision Plat for this reason. There are other properties adjacent to or adjoining the cemetery that do not meet the 100 foot setback. It is unknown whether their development plans were approved.

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 should not be affected in a substantially adverse manner. The Petitioner has taken the necessary steps to request a variance. Adjoining or adjacent property owners have the right to do the same.

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

The strict applications of the terms of this chapter would result in practical difficulties in the use of the property. The property could still be built on, however the size of the home would be limited and space would simply be limited for accessory uses such as sheds, garages, playsets, swimming pools, as well as landscaping activities in the backyard.

Ms. Huckstep stated that staff recommends approval of the development standard variance, with the conditions set forth by the Department of Natural Resources, Division of Historic Preservation and Archaeology and that the following conditions be recorded with the property for future owners:

1. If during any phase of construction any buried remains are disturbed, the Department of Natural Resources must be notified of the discovery within two (2) business days, per IC 14-21-1-27. In that event, please call (317) 232-1646. If human remains or burials are discovered, the relevant state statutes, including IC 23-24 and IC 14-21-1, will be adhered to.
2. If during any phase of the development activities any artifacts or burial objects are discovered, the person shall "immediately cease disturbing the ground and the area within one hundred (100) feet of the artifact or burial object," and the Department of Natural Resources will be notified within two (2) business days, per IC 14-21-1-29. In that event, please call (317) 232-1646.

3. Any proposed changes or modifications to the cemetery development plan shall be submitted to the DHPA in writing for review and comment prior to implementation.
4. The approved cemetery development plan is not transferrable.
5. The variance is approved for the Petitioner and the project as submitted. Any changes or alterations will require additional approvals.

Petitioner Bill Jurkowski came forward representing the variance request. Mr. Jurkowski stated that based upon their plans, they likely would not reach the fifty (50) foot setback. He informed the Board that they had asked for a seventy (70) foot setback and DNR had approved a fifty (50) foot setback instead. Mr. Jurkowski noted the City's 25 foot front yard setback, however he stated their plan would align the home with 402 Lincoln Street and 306 Lincoln Street in order to be uniform with the neighborhood. He indicated that doing so would leave them with approximately three (3) feet for accessory structures in the backyard.

The meeting opened to questions from the Board. Mr. Thompson asked if the request had been approved by the State. Mr. Jurkowski stated that he had researched the appropriate steps, gathered documentation, and submitted it to DNR and the plan was subsequently approved by the DHPA. Mrs. Burnette asked if the house itself was one hundred (100) feet away from the cemetery. Mr. Jurkowski stated that the house is forty (40) feet from the front property line and ninety-seven (97) feet from the back.

The meeting was opened to public comment. No one was present from the public who wished to speak in favor of the request. Union Township Trustee, Sally Molin came forward with concerns about the proximity to gravesites, as well as encroachment upon the cemetery. She stated that the Odd Fellows Cemetery is a historical site with veterans laid to rest from 1812 and claimed that there are two unknown gravesites yet to be found. Ms. Molin was very concerned with the morality of the potential to disturb gravesites. She further stated that the Petitioners were aware of the cemetery's existence upon purchasing the property. Mrs. Burnette proceeded to read into the record the letter the Board had received from Ms. Molin in opposition to the request, reiterating her in person statements.

Brad Mullendore, 402 Lincoln Street, came forward to offer comment. Mr. Mullendore stated that the possibility of burial in the area of the request would be small in his opinion. He referred to the map, specifically the area behind his home that extends to 400 Lincoln Street, pointing to an area where the property dips and water drains through. Scott Voliva asked how far away Mr. Mullendore's house was from the cemetery. Mr. Mullendore stated that his home was right at one hundred (100) feet from the back property line. He stated that he initially had concerns with the Petitioner's plans in relation to his own property, but that they had come together and addressed any questions.

With no further public comment, the meeting was opened to discussion amongst the Board. Mr. Voliva stated that he had driven through the neighborhood after reviewing the request and there are several homes far closer than even fifty (50) feet. Shelle Wheeler asked who assumes responsibility should a gravesite or burial objects be found during construction. Mr. Thompson stated that Department of Natural Resources should take responsibility. Mrs. Burnette stated her inclination to stick with the platted setback as it is new construction and her belief is that there is a way to situate the plans in a manner that abides the by one hundred (100) foot setback. Mr. Voliva stated that the State has already approve the fifty (50) setback. Mr. Thompson added that the City's code only calls for a five (5) foot setback from the rear property line. City Attorney Kent Minnette advised that the Board was reviewing the request for a variance because it was platted according to the State's standards, not the City's. To conclude the Board's discussion, Mr. Thompson stated that the State has already addressed any concerns and set conditions. Mr. Voliva made a motion to approve the development standard variance with the conditions set forth by staff and the State as follows:

1. If during any phase of construction any buried remains are disturbed, the Department of Natural Resources must be notified of the discovery within two (2) business days, per IC 14-21-1-27. In that

event, please call (317) 232-1646. If human remains or burials are discovered, the relevant state statutes, including IC 23-24 and IC 14-21-1, will be adhered to.

2. If during any phase of the development activities any artifacts or burial objects are discovered, the person shall “immediately cease disturbing the ground and the area within one hundred (100) feet of the artifact or burial object,” and the Department of Natural Resources will be notified within two (2) business days, per IC 14-21-1-29. In that event, please call (317) 232-1646.
3. Any proposed changes or modifications to the cemetery development plan shall be submitted to the DHPA in writing for review and comment prior to implementation.
4. The approved cemetery development plan is not transferrable.
5. The variance is approved for the Petitioner and the project as submitted. Any changes or alterations will require additional approvals.

Ron Henricks seconded. Motion approved 4-1 with Joyce Burnette dissenting.

605 W Market Street

Varender Singh

UV 0080

Ms. Huckstep reviewed the staff report for the request submitted by Varender Singh for a use variance from the Schedule of Uses by the City Zoning Ordinance to operate a multi-unit strip center with the potential to construct a secondary building with additional units in the future in an R-2, Residential zoning district for the property located at 605 W Market Street. She stated that the property is currently vacant, having previously been a Dollar Plus retail store and historically known as Crawford’s Food Store. The property is surrounded by R-2, Residential to the north, east, and west. The property to the south is zoned R-1, Residential. Ms. Huckstep reported that the property is located on West Market Street, also commonly known as US Highway 136, a heavily traveled road. She stated that a multi-tenant commercial development would likely increase the traffic flow at this site. She noted that INDOT would require the Petitioner to submit the project for review, any approval from the Board should not be interpreted as an approval of the access to US Highway 136. Property owners in the area have expressed traffic and safety concerns with the adjoining public city alley as well. Ms. Huckstep reported no known environmental, fire, police, or emergency issues at this time, adding that the fire department would be involved in the review process of the project. Ms. Huckstep reported that the Petitioner does not currently own the property, but they do have a purchase agreement that is contingent upon receiving the use variance approval. She stated that in 2011, the Board approved a use variance request for a Dollar General Retail Store contingent upon alley access concerns being resolved. In 2012 a separate request was submitted and approved for a Dollar Plus. She reported that since that time, the Dollar Plus store had closed and the building had been vacant and deteriorating. Ms. Huckstep stated there would be a technical review of the site plan required prior to construction. Approval of the use variance is not an approval of the site plan. Ms. Huckstep stated that the concept plan does not appear to address lot and yard requirements such as setbacks, parking, traffic patterns, or drainage, nor does it address the number and size of units, all of which would have to be addressed and may require additional variances. She noted that the list of proposed tenants is quite broad, to include beer and wine shop, hair salon, insurance office, lending institution, t-shirt shop, attorney’s office, shared office space, and small retail shop. 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-family residential properties. This type of use would increase traffic and safety concerns in the area. Certain types of approved uses may not be appropriate in the middle of a residential neighborhood with children and families. For instance our more restrictive business classification is B-1 and a bar, liquor store, pawn store, and tobacco specialty store are permitted uses to name a few.

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 a significant need in our community. The property could also be rezoned to avoid the need for the use variance. Staff provided this option to a representative of the Petitioner.

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. Currently, we have other multi-use or tenant spaces that remain empty and some buildings that may even be available for purchase.

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.

Based on the findings, Ms. Huckstep stated that staff recommends denial of the use variance. She stated that if the Board is inclined to approve the request, staff would recommend the following conditions:

1. Specific uses that are allowed be identified and recorded with the property;
2. Hours of operation be specified;
3. A lighting plan be submitted and approved to meet the lighting standards;
4. Only one free-standing, multi-tenant monument sign be permitted for the complex and each tenant follow the signage requirements established by the Zoning Ordinance;
5. Traffic patterns be addressed prior to construction.
6. Any additional improvements such as an expansion to the property would require additional approval from the Board.

Wayze Mall, realtor of the Petitioner, came forward representing the request. He referred to a PowerPoint presentation of the concept plan. Mr. Mall stated that the plan would be to take the existing space and create eight (8) retail spaces, each space being approximately 1,250 square feet. He stated that the Petitioner intended use local architect, Judith Kleine for the design to ensure that it is compliance with City code. Mr. Mall stated that the list of proposed tenants was quite broad, however they are tenants who have reached out to the listing agent or to the Petitioner within the last ninety (90) days. He stated that the hours of operation would be 8:30 a.m. to 9:00 p.m. Mr. Mall listed potential benefits as follows: 1. tax revenue for the City; 2. economic activity; 3. convenient location; 4. more space for events and socializing. He noted that this was Phase I of the plan and that Phase II would add four to six (4-6) more retail spaces in an additional building, to be constructed at a later time.

The meeting opened to questions from the Board. Mrs. Burnette asked whether the Petitioner intended to add square footage to the existing building. Mr. Mall stated that they would not be adding square footage to the existing building, only using the current ten thousand (10,000) square feet. Mr. Voliva asked if the Petitioner intended to remove the "shed" attached to the side of the building. Mr. Mall stated that was the intention, adding that there would be one multi-tenant sign that would comply with the City's Signage Standards. Ron Henricks asked to clarify if they would demolish the entire structure and build new or just renovate the existing building. Mr. Mall stated that the Petitioner intended to renovate the current building, but would take some of it down.

The meeting opened for public comment. No one was present from the public to speak in favor of the request. Chester Sayler, 609 W Market Street, came forward to express his concern that the proposal would not benefit the neighborhood. He was particularly concerned with a proposed beer and wine shop, as well as the traffic at the site.

Robert Johnson, 718 W Wabash Avenue, came forward with concern about the foundation of the building, noting that he had lived in the area for fifty years and had watched the building decline. Mr. Mall came forward to address the comments. He stated that the tenants would be approved by the City and that the plan would be reviewed for traffic and safety concerns prior to construction. He further stated that the foundation would be addressed during inspections as part of the sale of the property.

Sue Lucas, resident of the west side of Crawfordsville, came forward to express her agreement with staff's recommendation to deny the request. She pointed to the need for housing in the community, as well as the historic nature of the neighborhood. Mrs. Lucas felt that the proposed tenants were not firm enough to garner confidence in the plan.

Carolyn Behr, 510 W Main Street, came forward to express her opposition to the request. As an adjacent property owner abutting the public alleyway, Mrs. Behr shared that traffic had been a safety issue when only one business occupied the property. She recounted incidents that had occurred endangering her and her children. Mrs. Behr expressed concern with the Petitioner living out of town and not being present to manage the operation. In addition, she was concerned with the level of noise and lighting that would be expected. She was in agreement with Mr. Sayler that a beer and wine shop was not appropriate for the neighborhood and added that the less invasive businesses were redundant with what is already located downtown.

Gary Ross, 604/606 W Main Street, came forward to express his opinion that the proposal was not appropriate for the historic neighborhood. He was concerned with property values. Mr. Ross added that the existing property has not been cleaned up since Dollar Plus closed. As a rental owner himself, Mr. Ross asserted that the request did not address the long term welfare of the property, stating that tenants will come and go as leases expire.

Jonathon Behr, 510 W Main Street, came forward to express concern regarding the effect of the request on property values on the neighborhood. He was also concerned with safety, traffic, and the nature of the proposed tenants. Mr. Behr strongly urged the Board to deny the request.

Cathy Randles, 511 W Market Street, came forward in agreement with other members of the public with concern about the effect on property values, as well as the lack of maintenance of the property. Mrs. Randles professed that she had at times maintained the property herself by trimming the weeds. She questioned the definitiveness of the proposed tenants. Mrs. Randles was particularly concerned with traffic, referring not only to bus routes that make stops in the area, but also the traffic that comes from Interstate 74 during any sort of diversion.

At this time Mrs. Burnette read into the record two comment letters that the Board received. The first letter was signed by five (5), many of whom had also spoken aloud. The letter reiterated their points. The second letter was signed by Jeremy Harnett, 508 W Main Street, who wrote in opposition of the request. Mr. Harnett expressed his

feeling that the proposal was not appropriate for the neighborhood. He pointed out that there are more appropriate, vacant places for such a development. Mr. Harnett stated his lack of confidence in the plan that was presented.

The meeting was opened for discussion amongst the Board. Mr. Thompson questioned the whether the request was being defined as a retail shopping center or a retail specialty shop, for square footage requirements. City Attorney Kent Minnette clarified that the Petitioner is asking for a use variance, not a special exception. Mr. Thompson expressed his opposition to the proposal, stating that approving this use variance in a residential zoning district was incongruent with the City's need for housing. Mrs. Burnette stated there was no need for more retail spaces in the community. Mrs. Wheeler was in agreement, adding that she was concerned about property values as well.

After further discussion, Joyce Burnett made a motion to deny the request for a use variance from the Schedule of Uses by the City Zoning Ordinance to operate a multi-tenant strip center in an R-2, Residential zoning district. Mr. Thompson pointed to item 2 in the findings of fact, use and value of the adjacent property owners will be affected. Mrs. Burnette added that item 6 in the findings of fact was also applicable, as it interferes substantially with the comprehensive plan. Bernard Thompson seconded the motion. The motion carried, denying the request 5-0.

1008 E Market Street

Joyce Fitzwater

DSV 0125

Ms. Huckstep proceeded with the last item of new business, reviewing the staff report concerning petition DSV 0125 submitted by Joyce Fitzwater for a development standard variance from the lot and yard requirements to construct a larger garage in place of the existing structures, closer to the property line than the ordinance allows in an B-3, Business zoning district. Ms. Huckstep explained that the existing property is a residential home with a detached garage, and a portable/prefabricated storage shed. The property is surrounded by B-3, Business on all sides, however there are residential uses to the east and south. Ms. Huckstep explained the Petitioner is asking for a variance from the setback requirements to allow a two (2) foot setback from the west, side property line. She reported that the home and garage are accessed from E Market Street, however Darlington Avenue/State Road 32/47 also runs directly behind the property. Both thoroughfares are heavily traveled, main corridors that serve as truck routes in the community. Ms. Huckstep stated there are no traffic, environmental, fire, police, or safety issues anticipated. She reported the Crawfordsville Zoning Code requires a side setback of five (5) feet for an accessory structure in a B-3 zoning district, adding that the existing garage and shed do not meet the required setback. Ms. Huckstep stated the request would be the same distance from the property line as the current structures are located on the property and the Petitioner will be removing the old garage and existing shed from the property. She noted that it appears the Petitioner will be meet the required front setbacks from both Market Street and 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.*
The approval 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 could be considered self-created; however the existing garage and driveway were already constructed. The Petitioner wants to utilize the existing driveway.
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 should not be affected in a substantially adverse manner due to the setback variance. The front yard setback will be met from both Market Street and in the rear, due to the back of the property facing a thoroughfare, it is required to meet the front yard setback as well.

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 not prohibit development at this site, but will make it more difficult to develop in the manner that the Petitioner has proposed.

Ms. Huckstep stated based on the findings of fact, Staff recommends approval of the development standard variance.

The Petitioner, Joyce Fitzwater came forward representing the request. Ms. Fitzwater explained that she would like to build a larger garage where the existing garage is, two feet away from the property line. At this point, the meeting was opened to question from the Board. Mrs. Burnette commented that the Petitioner does not have a lot of space to work with. Mr. Voliva asked whether there was a curb cut from Darlington Avenue. Ms. Fitzwater stated there was no curb cut from Darlington Avenue, she would only be accessing the property from Market Street. After further discussion, Mrs. Burnette reported that eleven (11) letters had been sent out and the Board received ten (10) receipts. Ron Henricks moved to approve the request. Scott Voliva seconded. The motion passed 5-0.

With no further business, it was noted that the next meeting was scheduled for May 17, 2023. The meeting adjourned at 8:46 p.m.

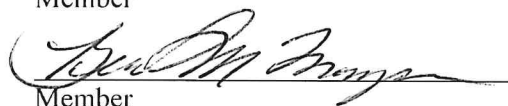
Minutes Approved: Yes



President



Member



Member



Member



Member