



Board of Zoning Appeals City of Crawfordsville, Indiana

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

November 15, 2023 at 7:00 PM Meeting Minutes

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, November 15, 2023 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Ron Henricks, Shelle Wheeler, Allen Slight, and Mac Petty. Member Joyce Burnette was not in attendance. 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.

Ron Henricks called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from the October 18, 2023 meeting were presented for consideration. Shelle Wheeler made a motion to approve the minutes as presented. Allen Slight seconded. Motion passed 4-0.

With no items of old business, the Board moved forward with new business.

605 W Market Street Mandeep K. Baidwan UV 0087

Planning Director Megan Huckstep reviewed the staff report presented to the Board concerning petition UV 0087 submitted by Mandeep K. Baidwan who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to operate a self-storage business in an R-2, residential zoning district at 605 W Market Street. Ms. Huckstep reminded the Commission that they had reviewed this same property recently for a separate petition, so much of the history and information may sound familiar. She explained the property is currently vacant, having formerly been a Dollar Plus retail store and historically known as Crawford's Food Store. Ms. Huckstep reported that the property is surrounded by R-2, residential to the north, east, and west and property to the south is zoned R-1, residential. She stated that the Petitioner is proposing to construct three (3) new exterior buildings on the existing paved lot that would include 86 storage units in addition to 110 units that would be added to the inside of the existing building. Concerning traffic, Ms. Huckstep reported that the property is located on West Market Street, also commonly known as US Highway 136, a heavily travelled road. She stated that Staff understand the proposed plan would be to use the existing ingress and egress; the Petitioner would have to have INDOT approval due to the change of use and potential traffic flow changes. Ms. Huckstep stated that any approval from the Board of Zoning Appeals should not be interpreted as an approval of the access to US Highway 136. She reported that the Petitioner intends to fence the entire property with a gate for both the entrance and exit, stating that Chief Fire Inspector Brian Bechtel would need to be consulted concerning emergency access to the property should fencing be approved. Ms. Huckstep noted that in the past, neighbors have expressed traffic and safety concerns. She reported no



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known environmental, fire, police or emergency issues at this time. Ms. Huckstep reported in 2011, the Board approved a use variance request for a Dollar General Retail Store contingent upon alley access concerns being resolved among all parties prior to building permits being issued for renovations. Then in 2012 a separate request was submitted and approved for Dollar Plus, a similar retail store, but with a different owner and different business, which required the separate petition request. Ms. Huckstep stated the Dollar Plus store closed and the building has been vacant and deteriorating, adding that any work that Staff has been aware of has been maintenance and repair, which has not resulted in any permits being issued. Ms. Huckstep reported that in April 2023, the Board denied a request for a multi-tenant retail development and after that denial, City Staff met with the owner to discuss growth and development in the area as well as possible uses for the site. She explained that the Petitioner, who owns the property, has intent to construct 110 self-storage units ranging in sizes from 4x6 to 10x16 in the existing structure and to construct three (3) new buildings which would include an additional 86 self-service storage units ranging in size from 5x6 to 11x21. Ms. Huckstep explained that the proposed plan shows a 6 foot tall, black, commercial grade, chain link fence. She added this fence would not meet the current fence and wall standards in a residential zoning district; therefore it would require a development standard variance from the Board of Zoning Appeals, should the use be approved, but approval of the use would not be approval of the site plan. Ms. Huckstep stated prior to any construction, the site plan would have to meet all state and local zoning, building, storm water and fire codes. She reported that the current concept plan does not address driving widths, parking, setbacks or traffic patterns. 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. Some uses, such as a neighborhood grocery store, educational facility, or church can complement a residential development, but a self-service storage facility would be in direct conflict.

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



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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 Petitioner as well as a realtor.

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 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 substantially with the future plan for this area.

Ms. Huckstep stated based on the findings of fact, Staff would recommend denial of the use variance. Should the Board be like to consider approval of the petition, Staff would recommend the following conditions:

1. Hours of operation be specified 7 a.m. to 10 p.m.;
2. A lighting plan be submitted and approved to meet the lighting standards;
3. Any additional variances go before the Board for approval, which include but are not limited to: fencing standards and signage in a residential zoning district;
4. An acceptable landscaping, screening or both between the residential neighbors on the south and east sides of the property;
5. The north face of the buildings should be designed to be sensitive to the architecture of the residential neighborhood for example brick, stone, siding or a combination for the front façade;
6. The structures should meet the lot and yard requirements section of the Zoning Ordinance.

Attorney Dave Peebles came forward representing the Petitioner. Mr. Peebles questioned Jassi Baidwan whether he intended to construct housing or a park on the property. Mr. Baidwan responded that he did not. Mr. Peebles confirmed with Mr. Baidwan that he intends to



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find a use for the property that would generate revenue. Mr. Peebles asked Mr. Baidwan how much he spends per year on the building. Mr. Baidwan responded that he spends approximately \$10,000 per year and has had no income from the property since 2015. Mr. Peebles pointed out other businesses nearby, specifically Dollar General and Pettit's Pools and he questioned whether the City's land use plan was up to date. Mr. Peebles introduced Melvin Wright, who would be the contractor for the proposed plan. Mr. Baidwan named his other businesses within the City and stated these businesses are all in good standing with the community. Shelle Wheeler asked what research had been done and why Mr. Baidwan decided to pursue the self-service storage business. Mr. Baidwan felt that there were no other options for the location in order to generate income.

Realtor Brian Pyle came forward to speak in favor of the petition. He spoke about the need for storage units in the community. Mr. Peebles sought confirmation that there would be no storage of vehicles or RVs. Mr. Baidwan stated there would not be.

Mac Petty questioned whether the existing building was structurally sound for the proposed plan. Mr. Wright indicated that it appears to be structurally sound, adding that the roof did require some repairs, but anything that would be built on the inside would not affect the structure itself.

At this time the meeting opened for public comment. Caroline Behr, 510 W Main Street, came forward in opposition of the petition. She indicated that she had also submitted a letter to the Board. Ms. Behr stated there are six storage facilities within a 3 mile radius, all of which have openings. She felt that the adjoining property values would be adversely affected, as would their quality of life. Ms. Behr appealed to the Board, pointing out that housing and childcare would be appropriate for the area and are needs in the community. Additionally, Ms. Behr had concerns regarding the lighting plan.

Jon Behr, 510 W Main Street, came forward in opposition of the petition. Mr. Behr thanked the Board for their time and consideration of the well-being of the community. Mr. Behr felt the adjoining property values would be adversely affected, as well as the quality of life. He felt that future buyers would not be attracted to the area with the proposed plan. Mr. Behr also had concerns with the lighting plan and the lack of need for such a business in the area.

John Clark, 305 W Market Street, came forward in favor of the position. Mr. Clark named other businesses in the area. He stated that as a renter in the area, he felt that storage was a need in the area.



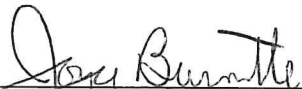
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At this time the meeting closed for public comment. After some discussion amongst the Board, Allen Slight requested to hear what the Comprehensive Plan stated regarding the area. Ms. Huckstep read from the Comprehensive Plan. Allen Slight made a motion to deny the use variance based upon direct conflict with the Comprehensive Plan. Shelle Wheeler seconded. Motion to deny passed 4-0.

Under miscellaneous items, Ms. Huckstep reminded the Board that the City is working with HWC Engineering to finish up the Unified Development Ordinance. With no other further business, the meeting adjourned at 7:47 p.m.

Minutes Approved: _____



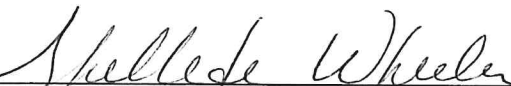
President



Member



Member



Member



Member