

## **Board of Zoning Appeals**

### **Meeting Minutes**

**November 4, 2020**

**Held in-person and over Zoom Meeting App due to Covid-19 Restrictions**

#### **Call to order and Roll Call**

**Members Present in Person:** Grant Adams, Dan Vail

**Members Present via Zoom:** Brianne Schneckenberger, Steve Duhamel

**Members Absent:** Cory Karn

**Others Present:** Tonya Galbraith, Town Manager; Ryan Crum, Director of Planning & Building; Ariel Schoen, Town Attorney; Jennifer Pack, Administrative Assistant; Brian House

#### **Agenda Considerations**

None

#### **Approval of Minutes**

After review, Mr. Vail made a motion to approve the Minutes from the October 7, 2020. Ms. Schneckenberger seconded the motion. The motion carried 3/0. Mr. Duhamel abstained.

#### **Old Business**

None

#### **New Business**

***BZA-20-013 – Chris William’s request for approval of a Special Exception to expand an existing, legal nonconforming use***

This item was continued because the petitioner was unable to attend the meeting.

***BZA-20-014 – Family Express’ request for approval of Development Standards Variances***

Brian House presented for Family Express, presenting a brief overview of the gas station/convenience store's model and the three development standards variances they are requesting. Those requests are as follows:

1) Place signage on existing canopy. The canopy will be refurbished and lighting replaced. The fascia will be replaced with an engineered composite material with non-fading material. It will have a stripe on the canopy and the tri-leaf logo on front of store and side of store facing CR 600. In conjunction with the canopy signage, the Petitioner is also asking for the gas pump decals to be 7 sf per side.

2) A larger monument sign than is allowed with two electronic message boards, one for gas pricing and one with a changing message. Petitioner states that the message will not change more than one time per hour, but generally far less often than that. Petitioner and Staff came to an agreement on sign size and materials for the base before the meeting. This monument sign will replace the current tall, freestanding sign.

3) Petitioner stated that they will be demolishing the current carwash structure and replacing it. The new building will comply with architectural standards. It will also have wall signs which will require a variance because of the signage already planned for the primary structure.

Petitioner stated that the landholder to the west is in support of change.

#### *Staff Report*

Mr. Crum stated that Staff and the Petitioners met before the meeting and discussed the concerns presented in the Staff Report and those concerns have been addressed. Staff is now in support of the Petitioner's request.

#### *Public Hearing*

No comments from the public in person or on zoom

#### *Conditions to Grant Variance*

##### Variance #1 Conditions

- (1) The background color for the fascia is a neutral color which is complimentary to the primary structure,
- (2) the Family Express logo and tri-leaf is limited in size as shown in the petitioner's packet,
- (3) the blue banding is limited as shown in the petitioner's packet,
- (4) any awning on the reconstructed carwash shall be a simple, angled awning, instead of a mansard style,
- 5) Gas Pump Decals be limited to 7 sf per side, and
- 6) Only on 25 sf sign will be allowed on the carwash.

#### Variance 2 Conditions

- (1) The total sign square footage is no more than 95 square feet,
- (2) a brick or stone (not CMU) base (min. of 1' tall), brick or stone (not CMU) sides, and a decorative top feature, as determined by the Zoning Administrator, shall be incorporated into the sign feature,
- (3) a uniform sign height is incorporated,
- (4) the existing pylon sign is removed,
- (5) ground sign landscaping, as required by the Zoning Ordinance, is installed, and
- (6) the sign is no closer than 10 feet to the existing right-of-way line

#### Variance 3 Conditions

- (1) electronic message boards (EMB) shall not flash, twirl, spin, or make movements of any kind,
- (2) no more than 2 EMBs as depicted in the petitioner packet shall be permitted, and
- (3) one of the aforementioned EMBs is restricted to gas pricing as its function

Ms. Schneckenberger made a motion that if the Variances are granted, they meet the conditions presented. Mr. Adams seconded the motion. The motion passed 4/0.

#### Ballot for Variance #1

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

4/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

4/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed

4/0

Mr. Adams made a motion to Grant moves to approve Variance Request #1. Ms. Schneckenberger seconded. The motion passed 4/0.

#### Ballot for Variance #2

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

4/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

4/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed

4/0

Mr. Vail made a motion to approve Variance Request #2. Mr. Adams seconded. The motion passed 4/0.

#### Ballot for Variance #3

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

4/0

2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

4/0

3. Practical Difficulty: The strict application of the terms of this (Zoning) Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed

4/0

Mr. Vail made a motion to approve Variance Request #3. Mr. Adams seconded. The motion passed 4/0.

#### ***2021 Calendar approval***

Mr. Crum presented the 2021 calendar to the Board for approval. Ms. Schneckenberger noted the wrong day was listed for January.

Mr. Vail made a motion to approve the 2021 calendar with the correction as noted above. Mr. Adams seconded the motion. The motion passed 4/0.

#### ***Meeting in person***

The question was raised if the meetings would continue in person or virtually. Concerns for meeting in person were the continuing pandemic conditions. Concerns for meeting virtually were technology limitations. Mr. Adams noted that when the beauty shop made their presentation a few months ago the audio was so bad that he was uncomfortable voting. Mr. Vail asked if meetings could be held both virtually and in person. Mr. Crum noted some audio concerns that would need to be solved and there may be issues if there is a large meeting with many speakers. He did note that the combined meeting worked well tonight and that he would send notices for the December meeting as both in-person and virtual.

***McCordsville Investments, Inc Property Update – CR 600 W***

Mr. Duhamel asked Staff an update on the status of this property. Mr. Crum reported that it has been mowed, but he is unaware if a farmer has been contracted. He also said that the signage is still in violation – the election sign is still standing. Mr. Crum will inspect the property the following week to see if the sign has been removed. Mr. Adams asked if this process will need to be repeated next year if he doesn't cut the grass. Mr. Crum said that we would, but Staff would move quicker. He explained that Staff tried to be patient this year and wound up being too patient.

**Announcements**

The Christmas party has been canceled. Ms. Galbraith will announce alternate celebration plans soon.

Permit applications continue to come in far above what was submitted in 2019.

**Adjournment**

There being no further business, the meeting was adjourned.