

March 30, 2017

The Ellettsville, Indiana, Board of Zoning Appeals met on Thursday, March 30, 2017, at Town Hall. Terry Baker called the meeting to order at 5:30 p.m. Terry Baker led the Pledge of Allegiance.

Roll Call: Members present were Terry Baker, President; Fred Baugh, Todd Lare, Russ Ryle and Pat Wesolowski.

Election of Officers

Terry Baker opened the nomination for President. Fred Baugh nominated Terry Baker as President. Todd Lare seconded. Motion carried.

Terry Baker opened the nomination for Vice President. Pat Wesolowski nominated Russ Ryle as Vice President. Fred Baugh seconded. Motion carried.

Approval of Minutes

Terry Baker entertained a motion for approval of the minutes for the meeting on October 18, 2017. Pat Wesolowski moved for approval. Russ Ryle seconded. Roll call: Terry Baker – yes; Fred Baugh – yes; Todd Lare – yes; Russ Ryle – yes and Pat Wesolowski – yes. Motion carried.

New Business

Request for a setback variance of the south property line from 20' to 10' to allow for the construction of a commercial building at 4501 Outback Drive; Petitioner: Jeff Van Horn; Case No: BZA 2017-01

Kevin Tolloty, Planning Director, explained this request is for a setback variance at 4501 Outback Drive. Petitioner is requesting a variance to encroach 10' into a 20' side yard setback. Property is zoned C-1, Neighborhood Commercial. Setback is 20' because the property runs against a residential zone. The reason for the variance is because there is a floodplain that runs across the north to northeast portion of the lot and it pushes everything toward the residential side. The structure will be built outside of the floodplain and the variance will allow the parking and drive areas to be as well. Staff recommends approval of the variance. There will be six findings required for approval of the variance and are as follows:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property;
4. The approval does not interfere substantially with the Comprehensive Plan;
5. The approval is not based solely upon financial hardship or mere convenience; and
6. The approval is in conformance with all other Town ordinances.

Terry Baker asked if the parking will be outside of the floodplain. Mr. Tolloty answered the intention is for it all to be outside of the floodplain. If the variance for the 10' setback is granted it will shift everything further out of the floodplain.

Pat Wesolowski asked if the utility easement on the plans will be a problem and if they're on the Petitioner's property. Mr. Tolloty answered the utility easement runs where the creek is. Mr. Wesolowski asked if the proposed building will also serve as a residence. Mr. Tolloty replied no, it will be a business.

Fred Baugh asked if there will be any corrosion due to oil leaks from automobiles. Mr. Van Horn answered he only does graphics and window tinting inside the building. Mr. Wesolowski asked if the business was being moved from the residence. Mr. Van Horn answered yes, it is his intention to move it 100% to the new commercial building.

Russ Ryle asked if the property line abuts McDonalds' property. Mr. Tolloty answered it abuts the McDonalds' property and the creek runs between the properties. Mr. Ryle is concerned about the dumpster pad that appears to be close to the floodplain. Mr. Tolloty

explained there will be development plan and technical reviews and those issues will be discussed at that time. There will be a survey with everything on it for the development plan review so they will know exactly where the floodplain is located. If anything is in the floodplain it will have to go through the Department of Natural Resources (“DNR”). Mr. Van Horn commented the DNR does know some of what is going on because he is working with them and McDonald’s to obtain a permit for cleaning out the creek at his cost. Mr. Ryle appreciates his efforts to improve the floodplain. Plan Commission members complimented Mr. Van Horn on the appearance of his residence and business.

Terry Baker entertained a motion. Fred Baugh made the motion to approve BZA 2017-01 as presented. Russ Ryle seconded. Roll call vote: Terry Baker – yes; Fred Baugh – yes; Todd Lare – yes; Russ Ryle – yes; and Pat Wesolowski - yes. Motion carried.

Adjournment

Terry Baker entertained a motion to adjourn. Pat Wesolowski so moved. Fred Baugh seconded. Motion carried. Meeting adjourned at 5:50 p.m.

Terry Baker, President

Fred Baugh

Todd Lare

Pat Wesolowski

Russ Ryle

Denise Line, Secretary