

Fortville Board of Zoning Appeals (BZA)  
Meeting Minutes  
Thursday, May 30, 2024 – 6:30 PM

**OPENING**

Meeting called to order at 6:32 PM by Amandia Jeschke, Board President.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

BZA Members Present: Amandia Jeschke, Nathan Sturdevant, Earl Bolander Jr.

BZA Members Absent: Dan Justus, Rick Jacobs

Town Staff Present: Alex Intermill (via Zoom), Adam Zaklikowski, Elizabeth McCreight

**APPROVAL OF AGENDA**

Motion to approve – N Sturdevant. 2<sup>nd</sup> – E Bolander Jr. Carried 3-0.

**APPROVAL OF 4.25.2024 MINUTES**

Motion to approve – E Bolander Jr. 2<sup>nd</sup> – N Sturdevant. Carried 3-0.

**NEW BUSINESS**

**Case No. SE-02-2024 – 712 W Broadway St. – Special Exception:** To consider petition from Badger Engineering for a Special Exception to allow contractor's warehouse within existing 2,400 SF building at 712 W Broadway St.

**Staff Presentation**

A Zaklikowski gives presentation:

- **Location:** 712 W Broadway St
- **Petitioner:** Christian Badger of Badger Engineering
- **Owner:** TFG Properties LLC
- **Zoning:** Commercial: Neighborhood (CN)
- **Size:** 4.0 acres
- **Current Use of Property:** Heavy commercial (truck repair) / commercial (contractor) / residential (brick home - rental)
- **Request / Background:**
  - ◆ Code Enforcement discovered that a remodel of an existing building was occurring without a permit; The building was being remodeled for a heavy truck repair shop.
  - ◆ Upon review of the Zoning Ordinance, it was discovered that Truck Service is not allowed in the CN Zoning district.

- ◆ The owner sought a Rezone of the property to Industrial: Light (IL) but received an Unfavorable Recommendation from the Plan Commission and subsequently withdrew the request.
- The owner wants to have the ability to use the finished space for a legal use. The recently finished space is about 2400 SF. Since heavy truck repair would likely not be allowed, they now propose using the space for a “contractor’s warehouse”, which as defined by the Zoning Ordinance can be allowed in CN zoning but needs approval of a Special Exception by the BZA.
- A “contractor’s warehouse” includes storage of items for contractors dealing in HVAC, plumbing, electrical, etc.
- No tenant for this space has been secured. If SE is granted, owner can then allow renters who specialize in such trades that have storage needs.
- Images and Site Plans
- Community Response
  - ◆ All public hearing requirements have been met (sign posting, mailing to nearby property owners, newspaper publication in Greenfield Reporter).
  - ◆ Mark Pressley, owner of Moon Drops Distillery, has expressed concerns about the overall condition of the property and maintenance issues.
- Staff Analysis / Suggested Findings / Approval Criteria:
  - ◆ 1) *The Special Exception is listed in the Zoning Ordinance.*
  - ◆ 2) *The Special Exception can be served with adequate utilities, access roads, drainage, or other necessary facilities.*
  - ◆ 3) *The Special Exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons and shall comply with the development standards of the Zoning Ordinance.*
  - ◆ 4) *The Special Exception is sorted, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties. See suggested approval condition.*
  - ◆ 5) *The Special Exception produces a total visual impression and environment which is consistent with the environment of the neighborhood.*
  - ◆ 6) *The Special Exception organizes vehicular access and parking to minimize traffic congestion in the neighborhood.*
  - ◆ 7) *The Special Exception preserves the purpose of the zoning ordinance.*
- Staff Recommendation
  - ◆ Approve subject to the following conditions:
    - 1) The front parking and drive area shall be graveled or paved by November 1, 2024.
    - 2) Landscaping shall be installed in accordance with the Site Plan by November 1, 2024.

Board Questions for Staff

A. Jeschke – Confirmed usage and asked if site plan would go back to Plan Commission if BZA approves. A. Zaklikowski – No, proposed plans to site fall under property maintenance. A. Jeschke – Will truck repair stop? A. Zaklikowski – Truck repair is in violation of ordinance but not occurring in the unit discussing this evening.

N. Sturdevant – is contractor warehouse defined? A. Zaklikowski – Yes, it is defined in the ordinance.

Petitioner Comments

Chris Badger, Engineer – Agree with staff recommendations. Said landscape and gravel could be done by November and also introduced a new façade to the front building. Also handed out renderings.

E. Bolander Jr – Asked for examples of usage of storage. C. Badger – Cabinets or home products that contractor would purchase and use at a later date.

A. Jeschke – How many tenants? C. Badger – It's set up for multiple, but tenant could need larger or multiple units.

A. Jeschke – Would the change of the façade go under a different permit? C. Badger – We will submit a different permit at a later time.

Public Comments None

Government Official Comments None

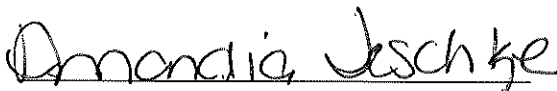
Board Comments None

BZA Motion

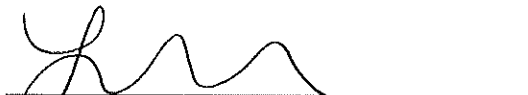
Motion to approve with conditions – front parking/drive area be graveled/paved, and landscaping installed by 11/01/24 – N Sturdevant. 2<sup>nd</sup> – E Bolander Jr. Carried 3-0.

ADJOURNMENT

Motion to adjourn at 7:00 - E Bolander Jr. 2<sup>nd</sup> – N Sturdevant. Carried 3-0.



Amandia Jeschke, BZA President



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Elizabeth McCreight, Recording Secretary