

Fortville Board of Zoning Appeals (BZA)
Meeting Minutes
Thursday, April 25, 2024 – 6:30 PM

OPENING

Meeting called to order at 6:30 PM by Amandia Jeschke, Board President.

PLEDGE OF ALLEGIANCE

ROLL CALL

BZA Members Present: Earl Bolander Jr., Amandia Jeschke, Dan Justus, Rick Jacobs

BZA Members Absent: Nathan Sturdevant

Town Staff Present: Alex Intermill- Town Attorney (via Zoom), Adam Zaklikowski- Planning & Building Director, Elizabeth McCreight- Recording Secretary

APPROVAL OF AGENDA (With continuation of Case No. VAR-03-2024-712 W Broadway St)

Motion to approve – E Bolander Jr. 2nd – R Jacobs. Carried 4-0.

APPROVAL OF 3.28.2024 MINUTES

Motion to approve – E Bolander Jr. 2nd – R Jacobs. Carried 4-0.

NEW BUSINESS

Case No. VAR-04-2024 – 222 W Broadway St – Sign Variance: To consider a petition from Kevin Crotchfelt for a Development Standards Variance to allow for continued use of a non-conforming pole sign for a proposed ice cream shop at 222 W Broadway St.

STAFF PRESENTATION

A Zaklikowski gives staff presentation including plan overview.

- Location: 222 W Broadway Street
- Petitioner: Kevin Crotchfelt – property owner
- Zoning: Commercial: Community (CC) within Broadway-Main Overlay
- Current Use of Property: Commercial – vacant
- Request: Mr. Crotchfelt intends on leasing his vacant space at 222 W Broadway Street to a tenant for an ice cream shop.
 - The RDC approved Façade Repair funding for some of the remodeling.
 - The Plan Commission will review the Architectural and Site Plan portion of the Remodel at their meeting on Tuesday, April 30.
 - The petitioner would like to continue using the non-conforming 20-25' tall pole sign.
- Maps & Images
- Section 4.435 D. within the Broadway-Main Overlay of the Zoning Ordinance states the following:
 - Abandoned Signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days from the date when the business which it advertises is no longer conducted on the premises. For the purpose of this

requirement, the sign shall include all supports, poles, and other structural elements. In no instance shall the removal of only the sign face be considered compliance with this provision.

- The removal of supports, brick columns, or other materials need not be necessary if the sign is a legal, conforming sign meeting the most up-to-date requirements of this Ordinance.
- The current sign requirements for a free-standing sign are as follows:
 - Freestanding pole signs are prohibited.
 - Monument-style sign required if proposing a freestanding sign. Structure shall be constructed of decorative brick, stone, or other masonry, wood or metal.
 - No free-standing sign may exceed eight (8) feet in height and 32 square feet in area.
 - Internally lit box signage with full acrylic or polycarbonate faces is prohibited.
 - Landscaping required around sign.
- The sign was not taken down within 30 days as required in the Broadway-Main area.
- Denver's Pizza complied with the ordinance and removed their pole sign.
- 216 W. Broadway – Vacant pole sign still remains.
- Remonstrance to Variances
 - All public hearing notice requirements have been met (sign posting, newspaper publication, mailing).
 - No known remonstrance.
- Decision Criteria for Variance per Zoning Ordinance (based on Indiana Code) with staff opinion in yellow:
 - “(a) General welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;” *(Probably not; But the sign code in the Zoning Ordinance was written to enhance aesthetics of the overall community, therefore enhancing general welfare. With the addition of sidewalks in the corridor and a “road diet”, the corridor is becoming less auto-oriented and more pedestrian-oriented, which was a goal of the town. The existing sign is more auto-oriented.)*
 - “(b) 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;” *(Probably not; A residential neighborhood would not be impacted.)*
- Decision Criteria for Variances per Zoning Ordinance (based on Indiana Code):
 - “(c) Practical difficulty. The strict application of the terms of this chapter will result in a practical difficulty in the use of the property.” *(Unclear. While it would be cheaper to use the existing sign, a new sign could be constructed to be more pedestrian-oriented and meet the code requirements. The code appears to be very explicit about removal of non-conforming pole signs such as this one.)*
- Staff Recommendation - No opinion

Board Questions for Staff:

R Jacobs – Clarified about Denver's Pizza Sign. A. Zaklikowski answered that it was removed.

Petitioner Comments:

Kevin Crotchfelt – Wants to keep sign for old filling station looks and costs.

R Jacobs – Asked what will change with the sign. K Crotchfelt - the pole will stay but top half will reflect new business.

E Bolander Jr. – Asked about the structural integrity of the existing pole. K Crotchfelt – No safety concerns.

Public Comments:

None

Government Officials Comments:

Tonya Davis – In support of the pole.

Board Comments:

E Bolander Jr. – Confirmed that Denver's Pizza did not apply for variance. A Zaklikowski – Confirmed that Denver's Pizza did not pursue a variance.

A Jeschke – Will sign rendering come to board? A Zaklikowski – Renderings would not come back for board approval.

K Crotchfelt – Sign will be illuminated.

D Justus – Will sign rotate? A Zaklikowski – Signage rotation is prohibited. K Crotchfelt – Not interested in rotating sign.

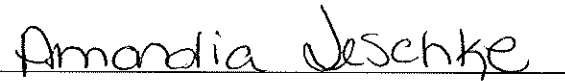
R Jacobs – Asked about flashing or blinking? K Crotchfelt – No blinking and set to timer.

BZA Motion:

R Jacobs motioned to approve. 2nd – D Justus. Carried 3-0 (A Jeschke – Vote Abstained)

ADJOURNMENT

E Bolander motioned to adjourn at 6:52. 2nd – D Justus. Carried 4-0.



Amandia Jeschke, BZA President



Elizabeth McCreight, Recording Secretary