

**Fortville Board of Zoning Appeals (BZA)
Meeting Minutes**

THURSDAY, 12/28/2023 – 6:30 PM

1. OPENING OF MEETING

The meeting was called to order at 6:30 p.m. by Amandia Jeschke.

ROLL CALL

- **BZA Members Present:** Earl Bolander, Jr., Amandia Jeschke, Rick Jacobs, and Nathan Sturdevant – Quorum Declared
- **Town Staff Present:** Alex Intermill - Town Attorney (via Zoom), Adam Zaklikowski - Planning and Building Director, and Andy Williams – Recording Secretary
- **BZA Members Absent:** Dan Justus

PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING AGENDA

Motion to approve the **12/28/2023 Meeting Agenda** - N. Sturdevant, 2nd – R. Jacobs. Motion carried 4-0.

APPROVAL OF MINUTES

- Motion to approve the **11/30/2023 Minutes** - N. Sturdevant, 2nd – R. Jacobs. Motion carried 4-0.
- Motion to approve the **12/7/2023 Minutes** - E. Bolander, Jr., 2nd – R. Jacobs. Motion carried 4-0.

2. OLD BUSINESS – None

3. NEW BUSINESS

Case No. VAR-15-2023 – 322 W Broadway St – Huck’s Expansion Variances

To consider a petition from Troy Deitz of Martin & Bailey, Inc. (dba Huck’s) requesting approval of Use and Development Standards Variances related to a proposed expansion of Huck’s gas station at 322 W. Broadway St.

Staff Presentation

Adam Zaklikowski gives the staff presentation via slides including a plan overview –

- **Location:** West side of Walnut St. south of 322 W. Broadway
- **Owner/Petitioner:** Martin & Bailey, Inc. (dba Huck’s Gas Station)
- **Zoning:** Residential: 3.5 (R3.5) (pending Rezone to Commercial: Community (CC))
- **Use of Property:** Single-family residential (side yard)
- **Request:** Huck’s would like to expand their convenience store and parking lot.
- **Variances Requested:**
 - Use Variance – To allow expansion of a gas station use on a property within the Old Town Overlay.
 - Development Standards Variance – To allow expansion of the store southward rather than towards Broadway or Walnut frontages.
- Maps & images of the site plan, location, rezone exhibit, the design concept elevations of petitioner’s request, staff exhibits, staff review & analysis.
- Community response requirements were completed and met for the Variances.
- Public Remonstrance for Variances – None

- Decision Criteria specific for **Use Variance**:
 - General Welfare – Met
 - Adjacent Property – Met
 - Need for variance arises from some condition peculiar to the property involved - Met.
 - The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship – Met.
 - Does not interfere with the comprehensive plan adopted - Met.
- Staff recommends approving the request, subject to Town Council approval of the associated Rezone.
- Decision Criteria specific for **Development Standards Variances**:
 - General Welfare – Met
 - Adjacent Property – Met
 - Practical Difficulty - Met
- Staff recommends approving the request, subject to Town Council approval of the associated Rezone.

BZA Questions

Rick – Will trees on the property remain or be removed? Adam – Presumably they will be removed. Fence and landscaping will be put in place.

Rick – Will the house stay residential? Adam – Usage remains to be seen.

Nathan – Are we greenlighting property development with the remodel project? Adam – With a remodel, we ask for all to be brought into compliance as much as possible.

Amandia – Are they tearing down the existing Huck’s building? Adam – Reskinning the building and adding on.

Petitioner

Darren Helms, Landmark Surveying – engineer & site designer – Expanding the back of the building 13 feet, landscaping strip in the rear with parking (7 spaces), trash dumpster will be in the rear, removing part of the canopy and updating the canopy. Upgrade the look of the store that’s been there for 26-27 years.

BZA Questions - None

Public Comments

Mark Dudley, ReMax Realty – Enhancements will make it much more attractive and should not negatively impact the residential area.

Government Officials Comments / Remonstrance – None

BZA Questions - None

BZA Motion

N. Sturdevant motions to approve the variances subject to Rezone by the Town Council, 2nd – E. Bolander, Jr. Motion carries, 4-0.

Case No. VAR-16-2023 – 9737 N Fortville Pike – Marmion Property Variances

To consider a petition from Clay Marmion to consider approval of Use and Development Standards Variances on a proposed pole barn at 9737 N. Fortville Pike.

Staff Presentation

Adam Zaklikowski gives the staff presentation via slides including a plan overview –

- **Location:** 9737 N. Fortville Pike
- **Owner/Petitioner:** Clay Marmion
- **Zoning:** Residential: 3.5 (R3.5) (pending Rezone to Residential: Rural)
- **Use of Property:** Single-Family Estate/Rural Estate
- **Request:** To construct a pole barn on the property. To do so, the following Variances are needed:
- **Variances Requested:**
 - Use Variance – To allow expansion of a metal pole barn on a property zoned R3.5.
 - Development Standards Variances – Various (location, size, architectural requirements)
- Maps & images of aerial / parcel, oblique, zoning, plot plan, building image, staff review & analysis.
- Community response requirements were completed and met for the Variances.
- Public Remonstrance for Variance – None
- Decision Criteria specific to a Use Variance:
 - General Welfare – Met.
 - Adjacent Property – Met.
 - Peculiar Conditions – Met.
 - Unnecessary Hardship – Met.
 - Comprehensive Plan Consistency - Met.
- Staff recommends approving the Use Variance.
- Development Standards Variances Requested:
 - Accessory structure shall be placed a minimum of 15 feet behind the front plane of the primary structure.
 - Accessory structure shall be no larger than 50% of the area of the primary structure. The proposed structure is 1680 sf, and the house is 3156 sf. Therefore, the garage could not exceed 1578 sf.
 - 9” roof overhang required
 - Minimum 6:12 roof pitch required.
 - Paved driveway required.
- Decision Criteria specific to Development Standards Variances:
 - General Welfare – Met.
 - Adjacent Property – Met.
 - Practical Difficulty - Met.
- Staff recommends approving Development Standards Variances.

BZA Questions

Rick – The size of the building would have to be reduced to 102 sf. Adam – Correct, if you didn’t want to approve that one.

Amandia – If the zoning was Rural, would this still come before the BZA? Adam – Yes, except for the Use Variance.

Nathan – Would the placement of the barn impact the South Madison ROW? Adam – No, it does not.

Amandia – Is there a reason there will be a non-paved drive? Adam – It ties into the existing gravel drive.

Petitioner Comments

Clay Marmion – The property came with a diminished barn that he wants to replace for storage. Amandia – Would this replace the barn at that same spot? Clay – No, this barn would be north on the property 600 ft away from Fortville Pike.

Public Comments - None

Government Officials Comments / Remonstrance – None

BZA Questions

Amandia – Placement of the barn, would there be any setback concerns? Adam – No, he would have to stay 5 feet away from the property line as an accessory structure.

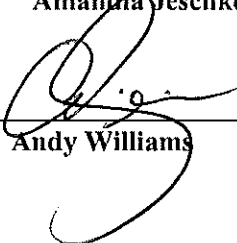
BZA Motion

E. Bolander, Jr. motions to approve both Variances as presented. 2nd – R. Jacobs. Motion passed 4-0.

4. **ADJOURNMENT**

Motion made to adjourn the meeting at 7:08 p.m. by R. Jacobs, 2nd – N. Sturdevant. Motion carried 4-0.

BZA Chairperson: 
Amandia Jeschke

Recording Secretary: 
Andy Williams