

**Board of Zoning Appeals (BZA) Special Meeting  
Thursday, December 7<sup>th</sup>, 2023 - 6:30 p.m.**

**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 (via Zoom), Rick Jacobs (via Zoom), and Nathan Sturdevant (via Zoom) – 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 AGENDA**

Approval of Agenda for 12/7/2023 – E. Bolander, Jr. motions to approve, 2<sup>nd</sup> – N. Sturdevant. Motion carries 4-0.

**NEW BUSINESS**

**Case No. VAR-12-2023 – 625 W Broadway St – BP Signage Variances**

To consider a petition from Raymond Basile of Basile Law Office, LLC requesting approval of Development Standards Variances to allow a polycarbonate box sign and an LED sign for a new BP gas station at 625 W. Broadway Street.

**Staff Presentation**

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

- **Location:** 625 W. Broadway St (Northwest corner of Broadway St. & Garden St./Vitality Dr.) Parcel No. 30-02-16-200-001.006-017
- **Petitioner:** Ray Basile of Basile Law Office on behalf of BP32 Oil, LLC
- **Zoning:** Commercial: Neighborhood (CN)
- **Use of Property:** Under construction; Future commercial – gas station
- **Request:** The owner of the BP gas station would like to install a sign with LED pricing and a polycarbonate box, both prohibited in the Zoning Ordinance. Therefore, the request is for Development Standards Variances.
- Maps & images of the site plan, location of the sign, the design concept & dimensions of petitioner's sign request, staff exhibits, staff review & analysis.
- **Variances Requested:**
  - Prohibited signs – Electronic/LED signs.
  - Illumination – Box signs with only polycarbonate or acrylic panels and internally illuminated are not permitted.
- Community response requirements were completed and met for the Variances.
- Public Remonstrance for Variance – None
- Decision Criteria specific for a Variance –
  - General Welfare – Probably not met.
  - Adjacent Property – Probably not met.
  - Practical Difficulty - Not met.
- Staff recommends denying the request and complying with the adopted Zoning Ordinance.

**BZA Questions**

Amandia – Would the petitioner have to ask for a Variance if the suggested sign were pursued? Adam – The sign should be able to fit the standard.

Rick – Same request by Huck's from before? Adam – Similar, but Huck's was expanding a legal non-conforming sign. BP is putting in a brand-new sign.

**Petitioner Comments** – John Cross, 13 N. State St. Greenfield, IN 46140, attorney for petitioner Limited BP sign with the price points as the purpose, no scrolling or distraction to passers-by, controlled from inside the building by employees. This meets BP approval. Rolling mechanism signs would result in only one price point on the sign due to the size required and the size of the mechanism cabinets. Vinyl numbered signage would result in employees having to physically change outside, plus a not-as-nice aesthetic look. LED makes it easier to see when approaching Broadway and Garden/Vitality.

Brian Dyke, facilitates BP with the gas station owner – The “Invigorate” must be included on the sign per BP.

**Public Comments - NA**

**Government Officials Comments / Remonstrance – NA**

#### **BZA Questions**

Nathan – If he were to drive around, he would see “Invigorate” on all BP signs. Brian Dyke – Correct, you would see them on all the BP signs.

#### **BZA Motion**

E. Bolander, Jr. motions to approve, 2<sup>nd</sup> – R. Jacobs. Motion passes 3-1.

#### **Case No. VAR-14-2023 – 520 E Mill St – Key Ready Properties LLC Variances**

To consider a petition from Key Ready Properties LLC to consider approval of Development Standards Variances (Lot Width and Setbacks) on a proposed new two-family residence at 520 E. Mill Street.

#### **Staff Presentation**

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

- **Location:** 520 E. Mill St. (Southwest corner of Mill Street & Ash Street)
  - 2 parcels; Each are 22’ wide x 111’ deep.
  - Vacant grassy lots
  - Parcel Nos. 30-02-09-410-004.004-017, 30-02-09-410-004.001-017
- **Owner/Petitioner:** Key Ready Properties LLC (Tom Caldwell)
- **Zoning:** Residential: 3.5 (R3.5)
  - Within Old Town Overlay
- **Request:** Mr. Caldwell would like to construct a duplex (2-family) home. The home would be 2,026 SF (each unit 1,013 SF). Each unit would be on a separate lot shared by a common wall. To construct the home as desired, Mr. Caldwell is seeking the following Development Standards Variances:
  - Lot Width – to allow construction on 22’ wide lots instead of a 44’ wide lot.
  - Setback – To reduce the required 25’ front yard setback on Ash Street to 6’.
  - Setback – To reduce the 6’ side yard setback to allow 0’ between the lots.
- **History:** Variances for a similar proposed home were granted by the Hancock County BZA in November 2017 for a previous owner, However, the approval expired because the plat was not recorded within a year of approval (it was recorded later).
- **Maps & images of aerial / parcel, oblique, plot plan, building dimensions, elevations, staff review & analysis.**
- **Community response requirements were completed and met for the Variances.**
- **Public Remonstrance for Variance – None**
- **Decision Criteria specific to Variances- General Welfare, Adjacent Property, and Comprehensive Practical Difficulty have been met for each.**
- **Staff recommend approving all three Variances.**

**BZA Questions**

E. Bolander, Jr. – Do you know the utility setback/easement along Ash St.? Would it impact the easement?  
Adam – The water main is between the sidewalk and street, in the right-of-way. Would not impact the easement.

Amandia – West side of the property, is it in compliance between the properties? Adam – Yes, it complies.

**Petitioner** – Tom Caldwell owner of Key Ready Properties LLC

Two separate properties with no utilities being shared through the firewall.

**Public Comments - NA**

**Government Officials Comments / Remonstrance – NA**

**BZA Questions**

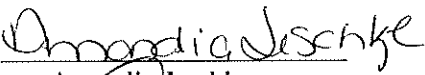
E. Bolander, Jr. – Will these properties be sold to different owners or rental properties? Tom Caldwell – Unsure currently. Depends on the market at the time and how much is invested.

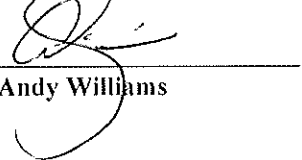
**BZA Motion**

E. Bolander, Jr. motions to approve all Variances, 2<sup>nd</sup> – R. Jacobs. Motion approved 3-0, 1 abstained.

**ADJOURNMENT**

Motion made to adjourn the meeting at 7:23 p.m. by E. Bolander, Jr., 2<sup>nd</sup> – R. Jacobs. Motion carried 4-0.

BZA Chairperson:   
Amandia Jeschke

Recording Secretary:   
Andy Williams