

# Fortville Board of Zoning Appeals (BZA) Meeting Minutes

THURSDAY, 11/30/2023 – 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, 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 and Rick Jacobs

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MEETING AGENDA

Motion to approve the 11/30/2023 Meeting Agenda - E. Bolander, Jr., 2<sup>nd</sup> – N. Sturdevant. Motion carried 3-0.

### APPROVAL OF MINUTES

- Motion to approve the 10/26/2023 Minutes - N. Sturdevant, 2<sup>nd</sup> – E. Bolander, Jr. Motion carried 3-0.
- Motion to approve the 10/30/2023 Minutes - N. Sturdevant, 2<sup>nd</sup> – E. Bolander, Jr. Motion carried 3-0.

## 2. **OLD BUSINESS** – None

## 3. NEW BUSINESS

### 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.

Alex Intermill states that there must be a quorum for a vote of final action regarding the agenda cases. Nathan Sturdevant is hesitant to vote on Case No. VAR-14-2023 – 520 E Mill St – Key Ready Properties LLC Variances, due to living next door to the property. Alex advises that the case be continued at the next BZA meeting. Adam suggests a Special BZA Meeting take place on Thursday, December 7<sup>th</sup>, 2023, at 6:30 pm.

### 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.

- **Variations Requested:**
  - Prohibited signs – Electronic/LED signs.
  - Illumination – Box signs with only polycarbonate or acrylic panels and internally illuminated are prohibited.
- Community response requirements were completed and met for the Variations.
- 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 – Is this a deviation from what was originally planned. Adam – Site plan doesn't get into that much detail. They have two signs on the property. One sign will follow the ordinance. This one will be located on the southeast corner of the property.

**On behalf of Petitioner** – John Cross, attorney for the petitioner, 13 N. State St. Greenfield, IN 46140  
 BP is pushing for the proposed sign requested. This is not an uncharacteristic request based on the other Fortville gas stations already having LED signs. Spoke on alternative styles of signs that are not able to be used based on the sizes of those signs. The sign will only contain prices of fuel, not further advertisements. The purpose of the sign is to be visible to vehicles/drivers from a distance on the road.

**On behalf of Petitioner** - Doug Westlund, Westlund Concept Design  
 Spoke on sign options that they had discussed in planning.

**BZA Questions**

Nathan – How many diesel fueling pumps vs regular – 2 islands for large trucks, 5 islands for passenger vehicles. Volume perspective on anticipated trips in and out of the gas station? Brian Dyke facilitates BP with the gas station owner – Higher volume diesel site due to lack of fuel stations for larger diesel pumps. Guessing 7:1, passenger: larger trucks.

**Public Comments - None**

**Government Officials Comments / Remonstrance – None**

**BZA Questions**

Amandia – Speed Limit at that point? Adam - 40 mph with no change in sight.

Amandia – Monument sign will be the only sign with prices? Brian Dyke – The other sign will not have pricing and will conform to the ordinance.

Nathan – Rollers make it difficult on a sign? Doug Westlund – The roller mechanism isn't made small enough for the size of the sign permitted.

Amandia – Our ordinance only allows for roller or placard signs, no LED? Adam – Yes, that is correct. It doesn't prohibit either one.

**BZA Motion**

E. Bolander, Jr. motions to approve the variance, 2<sup>nd</sup> – N. Sturdevant.

Discussion - Amandia spoke on the ordinance prohibiting LED. Having the ordinance for a reason. Why is the ordinance prohibiting if we allow everyone to change to LED? Nathan doesn't disagree. Amandia asks Adam why the ordinance doesn't allow LED. Adam – Prohibit them altogether because different LED sign boards with message scrolling and are bright at night, safeguards to prevent that. Main Street and Broadway standards allow external illumination with a spotlight shining down on the sign, no internal illumination. This allows control over that.

Amandia opposes therefore no action is taken. Table the case until the special meeting on Thursday, December 7<sup>th</sup>, 2023. Nathan motions to table until the next meeting, in December, 2<sup>nd</sup> – E. Bolander, Jr. Motion carries 3-0.

**Case No. VAR-13-2023 – 1837 W 900 N – Alexander Pole Barn/Garage Variances**

To consider a petition from Eddie & Jodi Alexander requesting approval of Use and Development Standards Variances on a proposed 16' x 39' expansion of an existing pole barn/garage at 1837 W. 900 North.

**Staff Presentation**

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

- Location: 1837 W. 900 N.
- Owner/Petitioner: Eddie & Jodi Alexander
- Zoning: Residential: 3.5 (R3.5)
- Use of Property: Single-Family Estate/Rural Residential
- Request: The Alexanders would like to expand an existing metal pole barn/garage on the property. Pole barns/metal buildings are no longer permitted in the R3.5 zoning district as of January 2023. Therefore, the structure is a legal non-conforming use and expansion of this use requires BZA approval:
- **Variances Requested:**
  - Use Variance – To allow expansion of a metal pole barn on a property zoned R3.5.
  - Development Standards Variances –
    - Allow expansion of a gravel driveway
    - Allow a roof pitch less than 6:12
    - Allow a garage door with no garage door windows.
- 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 a Use Variance - General Welfare, Adjacent Property, Peculiar Conditions, Unnecessary Hardship, and Comprehensive Plan Consistency have been met.
- Staff recommend approving the Use Variance.
- Decision Criteria specific to Development Standards Variances - General Welfare, Adjacent Property, and Practical Difficulty have been met.
- Staff recommend approving Development Standards Variances.

**BZA Questions - NA**

**Petitioner Comments – NA**

**Public Comments - NA**

**Government Officials Comments / Remonstrance – NA**

**BZA Questions - NA**

**BZA Motion**

N. Sturdevant motions to approve Variance 1 as presented. 2<sup>nd</sup> – E. Bolander, Jr. Motion passed 3-0.

N. Sturdevant motions to approve Variance 2 as presented. 2<sup>nd</sup> – E. Bolander, Jr. Motion passed 3-0.

N. Sturdevant motions to conduct a Special Meeting for Thursday, December 7<sup>th</sup>, 2023, at 6:30 pm, to continue Case No. VAR-12-2023 – 625 W Broadway St – BP Signage and Case No. VAR-14-2023 – 520 E Mill St. 2<sup>nd</sup> – E. Bolander, Jr. motion carries 3-0.

**4. ADJOURNMENT**

Motion made to adjourn the meeting at 7:46 p.m. by E. Bolander, Jr, 2<sup>nd</sup> – N. Sturdevant. Motion carried 3-0.

**BZA Chairperson:** Amandia Jeschke  
Amandia Jeschke

**Recording Secretary:** Andy Williams  
Andy Williams