

Fortville Board of Zoning Appeals (BZA) Meeting Minutes

THURSDAY, 9/28/2023 – 6:30 PM

1. **OPENING OF MEETING**

The meeting was called to order at 6:30 p.m. by Nathan Sturdevant (for Amandia Jeschke) with the Pledge of Allegiance following.

ROLL CALL

- **BZA Members Present:** Dan Justus, 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:** Earl Bolander, Jr., and Amandia Jeschke

2. **APPROVAL OF MINUTES**

Motion to approve the **7/27/2023 Minutes** – R. Jacobs., 2nd – D. Justus. Motion carried 3-0.

3. **OLD BUSINESS** – None

4. **NEW BUSINESS**

Case No. VAR-09-2023 – AutoZone – W. Broadway St.

To consider a petition by Prism Engineering on behalf of AutoZone seeking approval of Development Standards Variances on setbacks and driveway width pertaining to a proposed AutoZone store on W. Broadway St. (east of 3Rivers Credit Union) (Parcel No. 30-02-16-200-001.011-017).

Staff Presentation

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

- **Proposed Location:** W. Broadway St. (US 36 / SR 67) (Parcel No. 30-02-16-200-001.011-017)
- **Owner/Petitioner:** Jason Hall – Prism Engineering on behalf of AutoZone Development, LLC
- **Zoning:** Commercial: Community (CC)
- **Use of Property:** Undeveloped
- **Request:** AutoZone desires to build a new store on the property. They are seeking deviations from the Zoning Ordinance on two (2) issues.
- **History of the case:** The Town Council approved a re-zone of the property from CN to CC on September 5th and the Plan Commission approved the Concept Site Plan.
- **Maps & images of aerial / parcel, oblique, zoning maps; concept site plan, building dimensions, plot plan, colors of building, staff review & analysis.**
- **Variance 1 of 2:** Relief from some setback requirements (Fortville Zoning Ordinance Sec. 3.13)
 - **North setback** – 36' instead of 50' as required for a Front Setback.
 - **South setback** – 26' instead of 50' as required for a Front Setback.
 - **West Setback** – 10' instead of 15' as required for a Side Setback.
- **Petitioner's Justification:** The site is challenged because it has a triangular shape containing a floodplain. The attempt to keep the building outside of the floodplain but still maintain a typical floorplan for AutoZone.
- Community response requirements were completed and met for the Variances.
- Public Remonstrance for Variance 1 – None
- Decision Criteria of General Welfare, Adjacent Property, and Practical Difficulty have been met.
- Staff recommends approving.
- **Variance 2 of 2:** Seeing allowance for an approximately 32' wide driveway at the north entrance of the site at the right-of-way line more than the 28' maximum allowed by the Zoning Ordinance (Sec. 6.12 A.1a.).
- **Petitioner's Justification:** Delivery trucks navigating through the site and utilizing the north entrance need a slightly wider entrance.
- Public Remonstrance for Variance 2 – None
- Decision Criteria of General Welfare, Adjacent Property, and Practical Difficulty have been met.

- Staff recommends approving.

Public Comments - None

Government Officials Comments / Remonstrance - None

BZA Motion

R. Jacobs motions to approve both Variances. 2nd – D. Justus. Motion carried 3-0.

5. **ADJOURNMENT**

Motion made to adjourn the meeting at 6:47 p.m. by R. Jacobs, 2nd – D. Justus. Motion carried 3-0.

BZA Representative:


Nathan Sturdevant

Recording Secretary:


Andy Williams