

Fortville Board of Zoning Appeals (BZA)

Meeting Minutes

01.30.2025 – 6:30 PM

(Time stamps in parentheses to match up with time on meeting video)

Opening of Meeting

Called to order at 6:30 PM by Nathan Sturdevant

Roll Call

Members Present: Nathan Sturdevant, Earl Bolander Jr., Sean Simmons

Members Absent: Rick Jacobs, Joe Murphy

Town Staff Present: Alex Intermill – Town Attorney (via Zoom), Adam Zaklikowski – Planning and Building Director, Andy Williams – Recording Secretary

Pledge of Allegiance

Approval of Agenda

Motion to approve – E. Bolander Jr. 2nd - S. Simmons. Carried 3-0.

- Remove Oath of Office
- Select Chairman and Vice Chairman for 2025

Appointment of Chairman and Vice Chairman for 2025 (2:00)

Motion to appoint Nathan Sturdevant as Chairman – E. Bolander Jr. 2nd - S. Simmons. In Favor 2-0. Abstained 1.

Motion to appoint Earl Bolander Jr. as Vice Chairman - E. Bolander Jr. 2nd S. Simmons. Favor 2-0. Abstained 1.

Approval of Minutes (3:30)

Motion to approve September meeting minutes – E. Bolander. 2nd – S. Simmons. Carried 3-0.

New Business (3:51)

Case No. VAR-01-2025-225 W. Garden Street – Elite Beverages

To consider a request by Ray Cox of Elite Beverages to allow a Variance for the number of parking spaces to excess of the Zoning Ordinance maximum; Same number as approved by the Plan Commission as part of the Concept Site Plan approval on November 26, 2024.

Staff Presentation: Adam Zaklikowski (4:14):

- Zoning: Commercial: Community
- Property Use: Vacant Single-Family Residential
- Mr. Cox purchased the property, which is south of Elite beverages, and he would like to demolish the home to extend his parking lot.
- Elite Beverages parking lot currently has 21 spaces
- After completion between the two lots, the total available parking will be 42 spots.

Board Questions and Comments (12:16):

- S. Simmons: What was the remonstrance at the Plan Commission?
- A. Zaklikowski: The neighbors to the east were upset that the property was commercial to begin with, their position was that it has been a house the whole time they lived there but how did it get to be commercial. What we gathered was that it was rezoned back in 2007 as commercial when the county implemented their zoning ordinances.
- S. Simmons: The council just addressed this zoning that was talked about recently – Is that correct?
- A. Zaklikowski: In the Comprehensive Plan, the council decided to keep the neighboring homes as residential.
- A. Zaklikowski: Lastly, there were concerns with having a parking lot that close to the houses as well as noise from vehicles, but the biggest concern was the land use.
- S. Simmons: The lighting could be troublesome for the neighbors as far as to the side of them, was there any comments on what kind of lighting they will use?
- A. Zaklikowski: Lighting will be provided but making sure it is faced downward and not too high/bright.

Petitioner Comments (16:19):

- Ray Cox (Owner of Elite Beverages): First, the lighting we have had approved are shielded and below 20 feet. They thought they did not need lighting, but it is permitted in case it is needed. We wanted to make a point in keeping the building up front and parking in the rear and that is what this plan supports. We think this extension will appear that way with the same landscaping and fencing. MT nails is also in the same building, and they have a lot of business coming in and having all

open hours as busy hours. Our busy hours might be from 4pm-7pm and MT nails creates a lot of traffic even during those times. They have known they need parking for a long time and believe this is a good option to help that. The Plan Commission did vote 5-0 to approve this after hearing all the evidence, the need for this variance has been satisfied. We really want to provide adequate parking that is easy and accessible for all. We have made sure there was fencing to cut off access to our residential neighbors, they have made sure to get signs for loitering as well as finished landscaping.

Board Questions for the Petitioner (27:02):

- S. Simmons: This is paved, correct?
- R. Cox: It will be yes.
- S. Simmons: Between the existing property and the residential property is it going to just be an open lot that just extends into the new lot? I am also concerned about the lighting.
- R. Cox: Inaudible
- N. Sturdevant: With my recollection, from the Plan Commission meeting, the main concern was privacy. It was determined that lighting should not encroach their property. As well as the lighting on Garden Street needed to be fixed so this property may not need to be put in.
- S. Simmons: Is the parallel parking planning to stay with the future layout?
- R. Cox: We have planned that but again, we like to have the leeway in case we do need it.

Public Comments and Questions (32:00):

- Tim Flick (Lives in Old Bridge – 219 Swan Court): My backyard is very closed to where the entrance and exit would be. So, this house was not vacant until it was purchased. Seems to me that the Dairy Queen parking lot would be a better solution to the parking issues if it isn't too late for that. Safety wise, Garden St. is a residential street and there is already a lot of traffic now with cars driver over the speeding limit. Adding another entrance/exit on Gardin St. is a big safety concern. The other thing that could be a problem, right now when Garden St. meets Broadway, people cut through parking lots which they could do that to the Liquor store. With my backyard bordering that, I was concerned about the lights and would hate more lights even headlights that will flash into my windows.

Petitioner Rebuttal (35:49):

- R. Cox: We did agree to install additional landscaping which will help with headlight problems there.

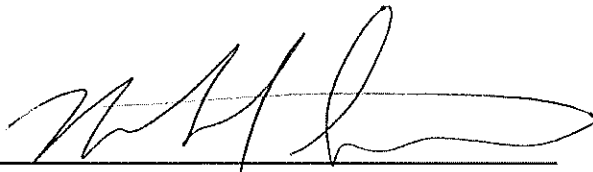
Additional Comments (37:04):

- T. Flick: The landscaping wouldn't stop the lights as they are entering and exiting.

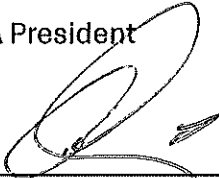
BZA Motion – Motion to approve – E. Bolander Jr. 2nd – S. Simmons. Carried 3-0.

Adjourn

Motion to adjourn at 7:15 PM – E. Bolander Jr. 2nd – S. Simmons. Carried 3-0.

A handwritten signature in black ink, appearing to be "E. Bolander Jr.", written over a horizontal line.

BZA President

A handwritten signature in black ink, appearing to be "Andy Williams", written over a horizontal line.

Andy Williams, Recording Secretary