



BOARD OF ZONING APPEALS

Minutes

**Brownsburg Town Hall
61 North Green Street
Brownsburg, Indiana 46112**

Monday, March 13, 2023

The Brownsburg Board of Zoning Appeals convened at 6:00 PM, having enough members for quorum, and began the meeting with a moment of silence and the Pledge of Allegiance.

Members Present: Jeff Humphreys, Stacey Risk, Brett Scowden, and Marlon Webb

Members Absent: None

Also Present: Jodi Dickey, AICP- Director of Development Services, Jenna Wertman, AICP-Senior Planner Adeleke-Taiwo Mustapha- Associate Planner and Paola Ranney – Administrative Assistant.

A. CALL TO ORDER AND DETERMINATION OF QUORUM

B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

C. CONSIDERATION OF PREVIOUS MEETING(S) MINUTES

1. February 13, 2023 - Regular Meeting

Motion: Jeff Humphreys made a motion to **APPROVE** the October 26, 2022 regular meeting minutes, seconded by Stacey Risk, motion carried 4 In Favor/0 Opposed/0 Abstained.

D. APPROVAL OF FINDINGS OF FACT

1. None

E. HEARING OF REQUESTS FOR CONTINUANCES

1. None

F. CONTINUED PUBLIC HEARINGS

1. None

G. OLD BUSINESS

1. BZDV-23-1 COMMUNITY REHAB HOSPITAL MAXIMUM WALL SIGN SIZE

- A request for a Development Standards Variance from Article 5, § 5.71 "Institutional Signs – Wall Signs," to exceed the maximum size for wall signs in the IS – Institutional District.
Parcel No(s): 32-07-01-401-001.000-016

Jenna Wertman presented. She explained all the reviews made and observations. She also mentioned the applicant had submitted some revisions. She suggested that if this were to be approved, that it would be approved with previously mentioned conditions. She opened the floor for questions. The Board did not have any questions.

Applicant Karen Nicholl stepped up to the stand. Mrs. Nicholl explained her revisions. She also explained why the larger signage is necessary. She opened the floor for questions. The staff did have some questions. She answered and explained questions and concerns. Board also had questions for staff. Jenna answered and satisfied questions and concerns.

Motion: Jeff Humphreys made a motion to **APPROVE** BZDV-23-1, subject to and conditioned upon Staff recommendations as amended, seconded by Marlon Webb, motion failed 2 In Favor/2 Opposed/0 Abstained.

Motion: Brett Scowden made a motion to **DENY** BZDV-23-1, seconded by Stacey Risk, motion failed 2 In Favor/2 Opposed/0 Abstained.

Mr. Webb stated that this case would continue to next month and hopefully we will have a fifth member.

H. NEW BUSINESS

1. BZUV-23-1 10731 E 300 N USE VARIANCE

- A request for a Use Variance from Article 2, § 2.39 "High Intensity Industrial (I2) District – Permitted Uses," to allow Retail Type 5 uses for tractor-trailer sales.

Parcel No(s): 32-08-29-200-018.000-016

Jodi Dickey presented. She stated the staff is recommending denial of this variance. She explained and presented the access to proposed driveways, parking and materials. She explained the reasoning for denial recommendation. She suggested that if this were to be approved that it would be with conditions. There were no questions from the Board.

Applicant Ben Comer stepped up to the stand. Mr. Comer explains this is a 15.5-acre site. This would be for leasing and occasional sales only. It would be more like a leasing facility.

Mr. Scowden asked if future UDO updates permitted sales in the I2 zoning district, then this use would be allowed by right. Ms. Dickey responded in the affirmative.

ADVERTISED PUBLIC HEARING OPENED 6:35pm

Resident Mr. David Kulchar stepped up to the stand. He wanted to give a perspective from a resident in the area. He noted that an increase in noise and traffic would be harmful and suggested a berm. Mr. Comer responded that a landscape berm will be required through the site plan approval process.

ADVERTISED PUBLIC HEARING CLOSED 6:39pm

Mr. Humphreys asked why sales were not allowed in Industrial districts. Jenna answered and brought clarification.

Motion: Marlon Webb made a motion to **APPROVE** BZUV-23-1, subject to and conditioned upon Staff recommendations as amended, seconded by Jeff Humphreys. The motion carried 3 In Favor (Humphreys, Webb and Risk) /1 Opposed (Scowden) /0 Abstained.

2. BZDV-23-2 10731 E 300 N Parking lot Materials Variance

- A request for a Development Standards Variance from Article 5, § 5.56 (E.1) "General Parking Standards – Materials," to allow a gravel parking lot.

Parcel No(s): 32-08-29-200-018.000-016

Jodi Dickey presented. She explained the applicant proposal, which is for a gravel surfaced parking lot. Staff is recommending denial. She stated some conditions for the Board to consider if they determined that all criteria could be met by the project. She opened the floor for questions. The Board did not have any questions.

Applicant Ben Comer stepped up to the stand. He clarified how the plan is respecting the surrounding residents and any other commercial neighboring facility. He noted that the practical difficulty was focused around the maintenance of the lot.

Mr. Comer opened the floor for questions. The Board of Zoning Appeals did have some questions, Mr. Comer answered and helped shed some light on the concerns. Questions from the Board included how the gravel would be easier to maintain than solid surface, whether cost was a factor and whether it could be considered by the Board, and how the project meets criterion 3.

ADVERTISED PUBLIC HEARING OPENED 6:51pm.

No one spoke for or against the petition.

ADVERTISED PUBLIC HEARING CLOSED 6:52pm

Motion: Brett Scowden made a motion to **DENY** BZDV-23-2, seconded by Stacey Risk. The motion carried 4 In Favor/0 Opposed/0 Abstained.

3. BZDV-23-3 CHIPOTLE AT BROWNSBURG SQUARE SIDE YARD SETBACK VARIANCE
4. BZDV-23-4 CHIPOTLE AT BROWNSBURG SQUARE LOT STANDARDS - FRONTAGE

Board members agreed to hear both cases together and to vote separately on each.

- A request for a Development Standards Variance from Article 2, § 2.32 "High Intensity General Commercial (C2) District Development Standards," to allow an accessory structure setback of 14 feet to the parking spaces where 20 is required.
Parcel No(s): 32-07-02-421-001.000-016
- A request for a Development Standards Variance from Article 5, § 5.48 "Lot Standards – Frontage," to allow a parcel to be created without street frontage.
Parcel No(s): 32-07-02-421-001.000-016

Jenna Wertman presented details on both variance requests. She explained the property lines and parcel lay out. She stated both requests meet all the criteria for approval and staff is recommending approval with conditions. There were no questions from the Board.

Applicant, Joe Calderon stepped up to the stand. He explained all the reasons for both requests and proposals.

Mr. Calderon opened the floor for questions. Mr. Scowden asked about pedestrian crossing safety. Mr. Brad Schoeff, project engineer, stepped up to the stand to help answer the questions.

ADVERTISED PUBLIC HEARING OPENED 7:14pm.

No one spoke for or against the petition.

ADVERTISED PUBLIC HEARING CLOSED 7:14pm

Motion: Brett Scowden made a motion to **APPROVE** BZDV-23-3, subject to and conditioned upon Staff recommendations and the added condition that the Applicant will provide a more permanent pedestrian connection from the McDonald's parcel east to the walk fronting the tenant spaces and the anticipated business. The approval of Findings of Fact and Conclusion of Law. Seconded by Jeff Humphreys. The motion carried 4 In Favor/0 Opposed/0 Abstained.

Motion: Brett Scowden made a motion to **APPROVE** BZDV-23-4, subject to and conditioned upon Staff recommendations and the added condition that the Applicant will provide a more permanent pedestrian connection from the McDonald's parcel east to the walk fronting the tenant spaces and the anticipated business. The approval of Findings of Fact and Conclusion of Law. Seconded by Jeff Humphreys,. The motion carried 4 In Favor/0 Opposed/0 Abstained.

I. COMMUNICATIONS & REPORTS

1. Jodi Dickey did have some information to report to the board. She stated we are redoing the UDO. She suggested to the board to collect any questions or comments that may be good to discuss.

J. MISCELLANEOUS BUSINESS

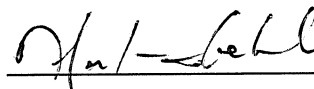
Mr. Charles Twon stepped up to the stand. He inquired about the town house project on the East side of Kroger. Jenna replied to his question.

K. CITIZENS COMMENTS RELATING TO AGENDA

- a. None

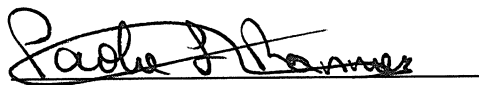
L. ADJOURNMENT

Motion: Brett Scowden made a motion to **ADJOURN**, seconded by Marlon Webb, motion passed 4 In Favor/0 Opposed/0 Abstained. Meeting adjourned at 7:20pm.



Marlon Webb, President

ATTEST:



Paola Ranney, Administrative Assistant