



BOARD OF ZONING APPEALS

Minutes

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

Monday, May 8th, 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: Matthew Browning

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. April 10, 2023 - Regular Meeting

Motion: Brett Scowden made a motion to **APPROVE** the April 10, 2023 regular meeting minutes, seconded by Stacey Risk, motion carried 4 In Favor/0 Opposed/0 Abstained.

D. APPROVAL OF FINDINGS OF FACT

1. **Motion:** JEFF HUMPHREYS made a motion to **APPROVE** the Findings of Fact for **BZUV-23-2 204 E MAIN ST** on the agenda, seconded by BRETT SCOWDEN, motion carried 4 in Favor/0 Opposed/ 0 Abstained.

E. HEARING OF REQUESTS FOR CONTINUANCES

1. None

F. CONTINUED PUBLIC HEARINGS

1. None

G. OLD BUSINESS

1. None

H. NEW BUSINESS

1. BZDV-23-6 428 E MAIN ST DEVELOPMENT STANDARDS VARIANCE

A request for a Development Standards Variance from Article 2, § 2.30 "Moderate Intensity General Commercial (C1) District – Development Standards," to reduce the front yard setback for accessory structures.

Parcel No(s): 32-07-11-145-022.000-016

Jenna Wertman presented. She stated this case a somewhat different from normal. Due to there was a parking lot expansion that was completed prior to a permit being requested. When the permit was submitted, it was determined that the parking lot did not meet the front setback standards of the district. She also explained the applicant requests the Board approve the proposal, to allow reduced setbacks of 8 feet for a parking lot where 20 feet is required.

Jenna opened the floor for questions from the Board. The Board did not have questions.

Kevin & Tammy Forrest, applicants, stepped up to the stand. Mr. Forrest explained it what not his intent to have this parking lot designed the way it is presently designed. He had his contractor take over the permits and some things were not done the way they were supposed to. He continued to explain the logistics and plans for their project. Mr. Forrest opened the floor for questions from the Board. Mr. Forrest noted that they were hoping to bring on another person in the practice. There was a brief discussion and questions about drainage. Ms. Wertman noted that drainage had not been reviewed for the site since it had not gone through any sort of approval, and that there had been drainage concerns discussed with a previous owner regarding the site.

ADVERTISED PUBLIC HEARING OPENED 6:11pm

Resident Mrs. Holman stepped up to the stand. She stated that size of the project was too large and it would conflict with the Main St. improvements that are in the works. Mr. Forrest explained how this would not interfere with the Main St. plans.

ADVERTISED PUBLIC HEARING CLOSED 6:17pm

Motion: Jeff Humphreys made a motion to **DENY** BZDV-23-6, noting that it does not meet criteria to number three, seconded by Stacey Risk. The motion carried 4 In Favor /0 Opposed/0 Abstained.

2. BZDV-23-8 1570 E US HWY 136 DEVELOPMENT STANDARDS VARIANCE

A request for a Development Standards Variance from Article 2, § 2.32 "Moderate Intensity General Commercial (C2) District – Development Standards," to reduce the front yard setback for primary and accessory structures.

Parcel No(s): 32-07-13-200-040.000-016

Jenna Wertman presented. She explained the applicant is requesting a setback variance to reduce the front yard setback for this property. They are also proposing a daycare for the site, which is an allowed use in the zoning district. Given the site's long shape and relatively shallow depth, the applicant is seeking a variance for relief toward putting a structure on the lot.

She opened the floor for questions from the Board. Mr. Scowden asked about the 57.5' Right-of-Way. Jenna stated INDOT was involved and she explained the logistics of it.

Andrew Wert, applicant, stepped up to the stand. Mr. Wert explained the plans and vision of the project. He expressed the team is very excited about this plan. He opened the floor for questions from the Board. Mr. Scowden asked about the difficulty of using this parcel due to its odd shape and length. Mr. Wert stated that they have been trying to get the support from INDOT to make this project work seamlessly with the fact of having the odd shaped property.

ADVERTISED PUBLIC HEARING OPENED 6:28pm.

Cindy Holman stepped up and asked about structure surrounding. Jenna helped with answering her question and satisfying her concerns.

ADVERTISED PUBLIC HEARING CLOSED 6:30pm

Motion: Brett Scowden made a motion to **APPROVE** BZDV-23-8, seconded by Marlon Webb. The motion carried 4 In Favor/0 Opposed/0 Abstained.

3. BZDV-23-9 1000 S ODELL ST DEVELOPMENT STANDARDS VARIANCE

A request for a Development Standards Variance from Article 2, § 2.24 "Institutional (IS) District – Development Standards," to reduce the front yard setback to 25'.

Parcel No(s): 32-07-14-200-003.000-016, 32-07-14-200-015.000-016, 32-07-14-200-010.000-016, 32-07-14-200-050.000-016 and generally the parcels comprising the school property at 1000 S Odell Street.

Jenna Wertman presented. Jenna explained the applicant is requesting a setback variance to reduce the front yard setback for this property. The proposal is a parking lot expansion for the site and building expansion. IS (Institutional District) requires a 35' front setback minimum and the applicants request is to reduce that to 25'. Jenna opened the floor for questions from the Board. Mr. Scowden asked about the front yard setback. Jenna provided clarification on the locations and the jog Odell Street makes.

Mr. John Voigt, applicant, stepped up to the stand. He mainly explained the reason as to why this project is being proposed in the first place. In addition, how they are coming to these variances they are requesting.

Mr. Voigt opened the floor for questions from the Board. Mr. Humphreys asked about the setback and future plans to expand them. Mr. Voigt explained that they hope this would be the last expansion in Brownsburg High School.

Mr. Scowden asked about the side yard. Jenna explained and clarified the applicability for the side yard. Mr. Scowden asked Mr. Voigt to expand on the practical difficulties of the project. Mr. Voigt stated that the school is required to expand to provide more classroom spaces. And the sooner this gets done, the smoother the transition will be. Mr. Scowden asked Mr. Voigt if they anticipate needing all 25' or property that surround the area. Mr. Fred Prazeau from Context Design stepped up to the stand. He stated there were various options to expand in the future if needed.

ADVERTISED PUBLIC HEARING OPENED 6:42pm.

Cindy Holman, resident. She commented that she is in agreement with this expansion.

Rob Kendall, resident. He stated he was there to request the Board to table this plan request due to traffic count, public safety (especially for children who walk to school) and impacts on infrastructure. He also stated there needs to be more transparency from the School Board System due to the short notice the residents had to this upcoming project.

Mike Kendall, resident. He stated that he was notified about this project only a week ago. He also, stated that the school system does not take in consideration the concerns of the residents.

Mr. Voigt stepped up to the stand to address concerns. He explained and listed the efforts made by

the Brownsburg School System to notify the residents. He also stated that they received minimal response from the residents. He also talked about property value.

Mr. Scowden requested some time before the closing of the Public Hearing. He would like to discuss this plan request with the Board some more. Mr. Scowden wanted to make sure that all members present were aware of all the points of issues with this project. Jenna helped clarify some questions and concerns. Mr. Humphreys asked about future approval obligations if they approve this plan. Jenna explained that they would not be obligated to approve anything in the future.

ADVERTISED PUBLIC HEARING CLOSED 7:00pm

Motion: Stacey Risk made a motion to **APPROVE** BZDV-23-9, subject to and conditioned upon Staff recommendations. Seconded by Brett Scowden. The motion carried 4 In Favor/0 Opposed/0 Abstained.

4. BZDV-23-10 1000 S ODELL ST DEVELOPMENT STANDARDS VARIANCE

A request for a Development Standards Variance from Article 2, § 2.24 "Institutional (IS) District – Development Standards," to increase the lot coverage to 75%.

Parcel No(s): 32-07-14-200-003.000-016, 32-07-14-200-015.000-016, 32-07-14-200-010.000-016, 32-07-14-200-050.000-016 and generally the parcels comprising the school property at 1000 S Odell Street.

Jenna Wertman presented. She talked about lot coverage and things to consider, such as drainage and buffering. She also covered open and recreational space. She talked about the applicant's proposal and the logistics of the plan. Jenna opened the floor for questions from the Board. Mr. Scowden asked about what the parking lot/landscape requirements would be. Jenna explained the requirements and plans. They also discussed number of spaces in the lots.

Mr. John Voigt stepped up to the stand. He stated that most of his comments and explanations on the previous plan (BZDV-23-9) still apply. He moved on to parking, detained water issues on the school property and expansion. Mr. Voigt opened the floor for questions from the Board. Mr. Scowden had a question about the increasing coverage and drainage. Je. Mrs. Jennifer Lasch stepped up on the stand to discuss drainage considerations being built into the project, underground storage in the parking lot, and the like.

ADVERTISED PUBLIC HEARING OPENED 7:15pm.

Robert Kendall had a comment for the Board. He stated he was not in agreement with the plan. He stated the residents just wanted to be included in all the plans the town has.

John Voigt responded that there is an access road planned on the west side of the property and not a connection to Grant Street. Mr. Prazeau clarified that the road is set back more than the 20' required.

ADVERTISED PUBLIC HEARING CLOSED 7:20pm

Motion: Brett Scowden made a motion to **APPROVE** BZDV-23-10, subject to and conditioned upon Staff recommendations. Seconded by Stacey Risk. 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 discussed variance applications.

J. **MISCELLANEOUS BUSINESS**

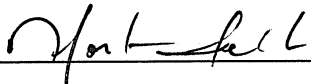
2. None

K. **CITIZENS COMMENTS RELATING TO AGENDA**

3. Cindy Holman stepped up to the stand. She made a comment about the conditions the Board should be setting.

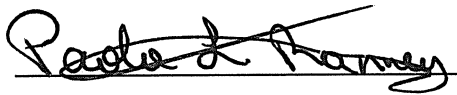
L. **ADJOURNMENT**

Motion: Brett Scowden made a motion to **ADJOURN**, seconded by Marlon Webb, motion passed 4 In Favor/0 Opposed/0 Abstained. Meeting adjourned at 7:25pm.



Marlon Webb, President

ATTEST:



Paola Ranney, Administrative Assistant