



**BOARD OF ZONING APPEALS**  
**Minutes**

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

**Tuesday, September 18, 2018**

The Brownsburg Board of Zoning Appeals convened at 7:00 PM with a moment of silence and the Pledge of Allegiance. Mike Arnould opened the meeting, and a roll call was taken.

Members Present: Michael Arnould, Claire Rutledge-Sakha, Brett Scowden and Chris Keeslar

Members Absent: David Emery

Also Present: Joe Y. James, AICP- Senior Planner, David Wilson- Planner II and Heather Wetzel- Administrative Assistant

**A. CALL TO ORDER AND DETERMINATION OF QUORUM**

**B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE**

**C. NEW BUSINESS**

1. BZDV-08-18-1666 35 Whittington Dr. Architecture Roof Treatment  
A request for a Development Standards Variance from Art. 5, §5.18(B)(3)(b) AR-04: Commercial Architectural Standards—Architectural Features, Sloped roof Treatment, of the Unified Development Ordinance; to: permit a decrease in the projection of the roof overhang from the primary structure from a minimum of eighteen inches (18”) to a new minimum of eight inches (8”) within the Moderate Intensity General Commercial (C1) zoning district.  
Parcel(s): 32-07-02-210-003.000-026

**ADVERTISED PUBLIC HEARING**

Represented by: Jansen Gehring, Banyan Holdings, LLC

Jansen Gehring, Banyan Holdings, LLC first thanked the Board for the Special Meeting. Their construction timeline necessitated the Special Meeting as they were trying to be done before the end of the year and weather would be a factor. The variance was for overhangs. The Unified Development Ordinance (UDO) required 18” overhangs. Mr. Gehring reviewed the proposed building elevations on the overhead and explained that an 18” overhang would change the look and style of the building. Unfortunately they did not pick up on that requirement earlier in the process.

Mr. Gehring briefly went through his Detailed Statement of Reasons and said he would not read through those as the Board had them before them. Mr. Gehring said that approval of the variance would not be injurious to the public health, safety, morals and general welfare of the community; it would not affect any one at all having 8” versus 18”. He felt they had gone above and beyond the other UDO standards and that the building would be overbuilt for that part of town. The request would not affect the use and value of the area adjacent to the

property. The cost of the building was over \$1,000,000. The overhangs themselves would not affect the adjacent area either way. Without the approval of the variance Mr. Gehring would have to go back and redesign the building and would lose time. The practical difficulties in the use of the property would be the loss of time and the additional expense. The 18" requirement would result in him wanting to completely redesign the building to get new look and would push construction into winter.

David Wilson said the Applicant had gone over how they got to this point and he would give the Board background on the project. The structure would be a 9,200 sq. ft. building. They had gotten approval from the Plan Commission contingent upon them seeking a variance or meeting the standards of the UDO. Mr. Wilson said all commercial districts required specific architectural features. Since the Ordinance was updated in 2012, no commercial structures had come through with a sloped roof. Banyan was the first one to test that standard. The overhang requirement did not fit every style or every location.

Mr. Wilson said that Staff reviewed the Applicant's Detailed Statement of Reasons and found they had satisfied the requirements for approval and had the following recommendations:

- (1) The Development Standards Variance be valid for the subject property and that the new Minimum Roof Overhang shall be eight inches (8").
- (2) The variance approval shall expire on September 18, 2020, two years from the date of approval if a Certificate of Occupancy for the proposed structure has not been issued.
- (3) The Applicant's Detailed Statement of Reasons, dated 9/7/18 & Proposed Architectural Elevations, dated 08/27/2018.
- (4) The approval of the Findings of Fact and Conclusions of Law.

Brett Scowden asked if it was typical for residential buildings with a sloped roof to have less than 18" in overhang. Mr. Wilson said that single family homes had a different set of architectural standards. As far as roof overhangs, single- and two-family homes were looking at 8" overhangs and a roof pitch of 5:12. Mr. Scowden asked if it made sense for flat roofs on commercial buildings to have 18" overhangs and Mr. Wilson said the requirement was only for sloped roofs.

Mr. Scowden asked the Applicant if he had mock-ups made with the 18" overhangs and Mr. Gehring said he did not have the CAD version of that made.

Mr. Scowden said that the hardest aspect generally was how did the Ordinance create a practical difficulty in the use of the property but he thought what Mr. Gehring said that evening helped solve that hardship for him.

Mike Arnould asked Staff if there was a specific reason for requiring the 18" overhang during the 2012 Ordinance overhaul. Mr. Wilson explained he was not on the staff at that time; it's possible it was a carryover from the previous ordinance. He added that the architectural and landscape standards were on the list of items to be reviewed and updated with the Plan Commission.

## **ADVERTISED PUBLIC HEARING OPENED**

## **ADVERTISED PUBLIC HEARING CLOSED**

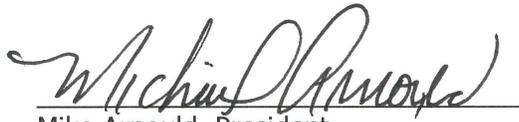
**Motion:** Claire Rutledge-Sakha made a motion to **APPROVE** BZDV-08-18-1666 subject to and conditioned upon staff recommendations, seconded by Chris Keeslar, motion carried 4 In Favor/0 Opposed/0 Abstained.

2. Rules of Procedure Update

Joe James told the Board that revisions had been made to the draft Rules of Procedure to clear up the Continuance language. The changes were previously sent to the Board members and were also available at the meeting. Mr. James reviewed the changes that were made and the Board was satisfied with those. Staff would bring the Resolution to the October meeting.

D. **ADJOURNMENT**

**Motion:** Brett Scowden made a motion to **ADJOURN**, motion carried 4 In Favor/0 Opposed/0 Abstained. 7:15 P.M.

  
Mike Arnould, President

ATTEST:

  
Heather Wetzel, Administrative Assistant