

Board of Zoning Appeals  
City of Crawfordsville  
June 21, 2017

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The City of Crawfordsville Board of Zoning Appeals met on Wednesday, June 21, 2017 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Don Swearingen, Don Gould and Phil Littell. Others in attendance were: Brandy Allen, Director of Planning & Community Development; Darren Chadd, City Attorney of Taylor, Chadd, Minnette, Schneider & Clutter; Megan Huckstep, Executive Assistant, and Angie Light, Office Assistant, Department of Planning & Community Development.

President Don Gould called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from May 17, 2017 were presented. Phil Littell made a motion to approve the minutes as presented. Don Gould seconded. Motion approved 3-0.

Don Gould reviewed the rules of procedure.

407 E Market Street

Ralph Corey

DSV 0071

Planning Director Brandy Allen presented petition DSV 0071 submitted by Ralph Corey for a second free-standing sign at 407 East Market Street. Ms. Allen reviewed a staff report providing a brief overview of the current as well as proposed signage. Ms. Allen explained that the lot had two separate multi-tenant buildings used for medical offices and various services. She explained that one tenant currently had a free-standing monument sign; however the other businesses do not have any signage other than wall signage. Ms. Allen explained that the development standard variance is to allow the construction of a free-standing, multi-tenant sign that is a second free-standing sign on the property and also allow a variance from the height requirements established by the ordinance. It was noted that the sign was designed to match the existing building. Ms. Allen explained that the property was located along a very busy corridor into downtown Crawfordsville. She noted that the proposed sign would be elevated so that it would not create a line of sight issue for the traffic pulling out of or onto the property. No environmental, fire, police or emergency preparedness issues were anticipated. Findings of fact were reviewed as follows:

***The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***

No, this approval will not be injurious to the public health, safety, morals, or general welfare of the community.

***The need for the variance was not self-created.***

The need for the variance could be considered self-created. The variance for a second sign would not be necessary if the original Witham sign were removed and included on this sign. The height variance is necessary in order to maintain a clear line of sight.

***The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.***

The use and value of the area would not be affected in a substantially adverse manner. The property is zoned B-2 business, and there are other businesses and signs in the area.

***The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***

No, the strict application of the terms of this chapter would still allow the property to be used as it is currently used. The property owner simply prefers additional signage.

Based on the findings of fact, staff recommended denial of the request; however if the Board was inclined to approve the variance, Ms. Allen suggested that a condition be added that the existing free-standing Witham monument sign must be removed if it is no longer in use at any point in the future.

Yvonne Rincon of Phantom Neon came forward representing the sign request for Ralph Corey. Ms. Rincon stated that no one knows where the Resource Center is located on the back side of the multi-tenant building; therefore it was imperative to get the multi-tenant, freestanding sign installed so people knew it existed in the center. Ms. Rincon stated that the sign met the square footage requirement allowed by the ordinance; however they needed a variance for a second free-standing sign as well as the height of the sign in order to get efficient clearance for access to and from the businesses.

The meeting was opened to public comment. No one came forward in favor or opposition of the request.

Phil Littell questioned what the ordinance stated concerning signage height. It was noted that the free-standing sign could be no taller than the building height or 35 feet in height, whichever was less. It was noted that the sign height would only be two (2) more feet higher than the building. With there being no further discussion, Don Swearingen made a motion to approve the request with the condition that the Witham sign is removed once the lease is terminated. Phil Littell seconded. Motion approved 3-0.

405 E Market Street

Greg Hillan

DSV 0072, 0073, 0074

Ms. Allen presented the next petitions submitted by Greg Hillan for the property at 405 East Market Street. She explained that the site was an abandoned gas station that Mr. Ravi Singh recently purchased with the intent to redevelop as a gas station and convenience store. Ms. Allen reported that three (3) separate variances were being requested from the parking requirements, the aisle width requirement, and the setback requirements of the Crawfordsville Zoning Ordinance. Ms. Allen reviewed the parking plans explaining that the parking requirements could not be met with the proposed development plans; therefore Mr. Hillan was requesting the use of the pump locations as required parking spaces. It was noted that nine (9) parking spaces were required according to the ordinance, and five (5) parking spaces were identified by the petitioner. Ms. Allen explained that the Petitioner proposed including the four (4) spaces at the gas pumps as parking spaces, which the ordinance prohibits. She also explained that the Petitioner was requesting a variance from the aisle width requirements. It was noted that the ordinance required a 24 foot aisle width, and a 23 foot aisle width was proposed. In addition, a setback variance was also requested due to the size and angular shape of the lot. It was noted that an 1800 square foot building was being proposed and that the petitioner was requesting a one (1) foot setback from the south property line along the rail and a three (3) foot setback was requested on the east property line. Ms. Allen reported that the ordinance required a 10 foot setback on the south property line and a 5 foot setback on the east property line. Traffic and transportation were reviewed by Planning Director Brandy Allen. She reported that the property was located along a major thoroughfare known as State Road 32/47 into downtown Crawfordsville. She explained that the property was bordered by rail along the south/southwest side of the property. It was noted that the reduced aisle width and fewer parking spaces could lead to congestion on the property which could create a backup into the state highway. No known environmental issues were addressed. In regards to fire, police and emergency preparedness, Ms. Allen reported that the site was extremely tight with not much room to maneuver. She stated that the proposed building would be located a few feet from a neighboring building to the east, which fire department representatives had expressed concern. She explained that the fire department had expressed concerns with the building being located so close to an existing building as well as to the existing CSX rail line that carries hazardous materials. According to the fire department representatives, in the event of a fully engulfed fire, the department's ability to fight the fire could be compromised with the proposed plan. Ms. Allen

stated that representatives would want to be closely involved during the design process if the variances were approved. Ms. Allen continued reviewing the site plan and stated that it would be very tight in order to construct the building as proposed. She indicated that the site plan required one-way traffic in order to maneuver through the property. She explained that the site could be easily congested with fewer parking spaces and smaller aisle widths. It was noted that staff had concerns with the proposed traffic pattern and questioned whether it would be difficult to maneuver onto and around the property. Ms. Allen stated that congestion onsite causing a backup onto the state highway could be problematic for the state road as well as the rail crossing. Ms. Allen stated that the setback appeared to cross into the CSX right-of-way, and informed project representatives that the right-of-way and property line would need to be confirmed and that the setback into the right-of-way would have to be addressed. The findings of fact were considered as follows:

***The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***

The approval of these variances and development of this site as proposed could create a safety issue for convenience store visitors or traffic on the state road.

***The need for the variance was not self-created.***

The need for the variance could be considered self-created. The abandoned gas station was purchased without checking the requirements to redevelop. The Petitioner has chosen to tear down the existing building in order to construct a larger building to offer more retail convenience space. The variances requested appear to create a property with limited parking and with no neighboring overflow parking, it will be difficult to maneuver if there are more than a few cars on site.

***The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.***

The use and value of the area would not necessarily be affected in a substantially adverse manner. The Petitioner has provided sketches of the plans for the property. The abandoned building will be torn down, and the plans for the new building appear to be good quality.

***The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***

No, the strict application of the terms of this chapter would still allow the existing building to be reused as a gas station/convenience store. The variances are required by the Petitioner's desire to construct a larger building on a small site.

Based on the findings of fact, staff recommended denial of the variances. Discussion arose regarding the pumps. It was noted that the pumps on the south side of the property would be completely removed according to the proposed plans.

Greg Hillan, representing the new owner Ravi Singh, came forward to address the Board. He stated that Brandy Allen was very thorough in her report. He informed the Board that the straight or parallel to the road part, of the canopy would remain and be refurbished. He emphasized that the site had always been a gas station on a small lot that was tight. He stated that he and his client were trying to create an attractive site and continue business in the community.

The meeting was opened to public comment. No one came forward in favor of the request.

Dave Burgett, PRKD Properties, came forward representing several rental properties on East Market Street. He informed the Board that the gas tankers had been damaging his sidewalk and have crushed his sewer laterals when delivering fuel to the station. Mr. Burgett expressed concern with traffic and

congestion. The one-way traffic pattern was discussed in detail. It was noted that the tanks would not be moved and would stay in the existing locations.

No one further came forward to speak; therefore the public hearing portion of the meeting was closed. It was noted that ten letters were mailed certified and that eight return receipts had been received. There was no written correspondence received.

Phil Littell confirmed that the site could be used as a gas station, if the site was not changed. Ms. Allen explained that the Board was reviewing the variance requests for parking, aisle widths, and setbacks due to the proposed rebuilding on the existing site. It was noted that the existing building sits approximately one (1') foot from the property line.


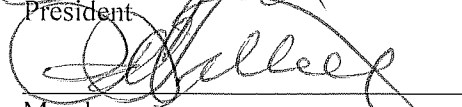
Discussion arose regarding the fire department concerns. Don Swearingen explained that their concerns would be concerns now as the building currently exists or if a new building was constructed. Mr. Swearingen stated that he has always known the site to be a gas station. Don Gould expressed concern with the building and site deteriorating worse than it is if the variances were not approved and a building reconstructed.

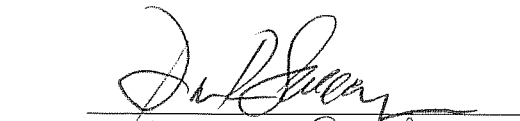

Discussion arose regarding parking. The Board reviewed the parking plans while Ms. Allen explained the ADA requirements for handicapped parking. She also explained that the ordinance required nine (9) parking spaces but using pump spaces was not permitted according to the ordinance; therefore the use variance request was to use the pump spaces in order to meet the required nine spaces.

Discussion continued among the Board. Don Swearingen stated that the proposed plan with the variances was better than leaving the site in its existing condition and he was in favor of approving the variances as presented. Don Gould explained that he felt the redevelopment would be a benefit to Mr. Burgett's concerns. Phil Littell also expressed how he felt the proposed redevelopment was the best solution. Don Swearingen made a motion to approve the parking variance. Don Gould seconded. Discussion arose concerning an additional parking space. Don Gould agreed to withdraw his second and Don Swearingen withdrew his motion. Don Swearingen then made a motion to approve the parking variance with the condition that one additional public parking space must be included, for a total 10 parking spaces including pump parking spaces. Don Gould seconded. Motion approved 3-0. Phil Littell moved to approve the aisle width variance as proposed. Don Swearingen seconded. Discussion arose concerning traffic flow. Don Swearingen removed his second to the motion and Phil Littell removed his motion and then moved to approve the aisle width requirement as presented with the condition that traffic flow is one-way traveling west to east. Don Swearingen seconded. Motion approved 3-0. Last, Don Swearingen moved to approve the setback variances from the lot and yard requirements as presented with a one a one (1') foot south side setback and a three (3') foot east side setback. Phil Littell seconded. Motion approved 3-0.

With no further business, the meeting adjourned at 8:10 p.m.

Minutes Approved: 07.19.2017

  
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