

**BZA MEETING MINUTES
WEDNESDAY, APRIL 4, 2018**

Julie Weaver called the meeting to order at 1:00 pm

ROLL CALL: Attending were Board Members, Julie Weaver, Dawn Whalen, Kathy Arsenault and Rick Greenfield. Also present, Clerk Treasurer, Dan McMillan, and Attorney, Scott Oliver.

RULES OF PROCEDURE: Dan McMillan read the Rules of Procedure. Attorney, Scott Oliver swore in those giving testimony.

CONTINUED PETITIONS:

2017-DVB -004 – Dan Vantreese 5457 Elmwood Avenue

Dan Vantreese gave testimony in support of his case and provided books and testimony from consultants in support of his case.

Rich Correll, Commercial Real Estate Appraiser and Consultant- gave testimony regarding the study that they had performed, which supports the variance request of Dan Vantreese.

David Brenton, Real Estate Broker – gave testimony which supports the variance request of Dan Vantreese.

Mike Mallot, – employed with Watch Fire since 2003 and they produce digital signs. He gave testimony from a Federal Highway Report and other reports that he believes supports the idea that digital billboards do not have any adversary effects on driving, he also reported that all Watchfire digital signs are compliant with INDOT guidelines and they have had zero complaints from municipalities and the State of Indiana, which supports the variance request of Dan Vantreese.

Dan Vantreese presented documentation of commitments that were made and accepted by the City of Indianapolis in a federal case that was settled and if his variance is approved he would agree to abide by all the commitments that are applicable.

Russell Jones, Attorney, representing the owner of the property there are issues that may impact that property. Real estate taxes are past due, insurance is unsure, and there is pending litigation for forfeiture of that land contract and a recording has been recorded without the owner's consent or knowledge.

Staff: Linda Ahlbrand

Staff recommends denial of the request for the variance citing many issues with supporting documentation of denial.

Petitioner Rebuttal - Dan Vantreese testified that he has a state permit and his billboard is permitted to be converted to a digital billboard and ordinance currently does not allow for conversion. A billion-dollar company is not going to sell him billboard credits, especially with the new take-down program. He stated that is a joke. He also stated that there will be a digital billboard in that area. That sign is rated the number #1 billboard in that corridor. He also gave further testimony regarding billboards nationwide, statewide and city wide.

Kathy Arsenault moved to approve the variance. Rick Greenfield seconded the Motion; which was approved by a 3-1 voice vote. Julie Weaver voted no.

NEW PETITIONS

2018-DVB-002 – Dan Vantreese 5457 Elmwood Avenue
Variance of use of the Consolidated Zoning and Subdivision Ordinance
to provide for truck repair.

Dan Vantreese gave testimony supporting his variance request. The truck repair would be in the rear of the property facing the interstate and the office would be facing Elmwood Avenue. They have moved the building back to allow for more greenspace and they have also limited it to one entrance. He testified to the surrounding properties which includes residential property. He also gave additional information.

Remonstrators: Russell Jones, Attorney, representing the owner of the property there are issues that may impact that property. Real estate taxes are past due, significant debt is owed and there is pending litigation

Staff: Linda Ahlbrand

Staff recommends approval citing a large mix of uses in that corridor. The ordinance standards should be enough protection. They recommend that if approved the findings to Number #4 be continued to next month to be adopted separately.

Petitioner Rebuttal: Dan Vantreese asked if this can be amended to day and no it cannot. He asked Linda Ahlbrand if amended it will be adopted. He also addresses Mr. Jones remarks.

Rick Greenfield moved to approve 2018-DVB-001. Dawn Whalen seconded the Motion; which was approved by unanimous voice vote.

Remonstrator Rebuttal: None

Rick Greenfield moved to approve the variance. Kathy Arsenault seconded the Motion; which was approved by unanimous voice vote.

NEW PETITIONS CONTINUED

2018 UVB -003 – Ben Singh Bashal – 5320 and 5324 Elmwood Avenue
Variance of use of the Consolidated Zoning and Subdivision Ordinance
to provide for general office uses

Ben Singh Bashal gave testimony supporting his request for variance.

Remonstrators:

Cassandra Nichols asked what is going on around her.

Staff: Linda Ahlbrand

Recommends approval.

Petitioner Rebuttal: None

Remonstrator: None

Rick Greenfield moved to approve the minutes as presented. Dawn Whalen seconded the Motion; which was approved by unanimous voice vote.

READING OF MINUTES: Clerk -Treasurer Dan McMillan read the minutes from the March 7, 2018.

Dawn Whalen moved to approve the minutes as presented. Kathy Arsenault seconded the Motion; which was approved by unanimous voice vote.

ADJOURNMENT: Kathy Arsenault moved to adjourn. Julie Weaver seconded the Motion. The meeting was adjourned at 1:59 pm.

Dawn Whalen

Rick Greenfield

Julie Weaver

Kathy Arsenault

Dan McMillan, Secretary