

**BEECH GROVE BOARD OF ZONING APPEALS  
MEETING MINUTES  
WEDNESDAY, JANUARY 7<sup>th</sup>, 2015**

Julie Weaver called the meeting to order at 1:00 p. m.

**ROLL CALL:** Attending were, Board Members, Julie Weaver, Joe Haag, Diana Hendricks, Kathy Arsenault, Rick Greenfield, Clerk Treasurer Dan McMillan, and City Attorney Craig Wiley.

**RULES OF PROCEDURE:** Clerk Treasurer Dan McMillan read the Rules of Procedure and City Attorney Craig Wiley swore in those giving testimony at the meeting.

**CONTINUED PETITIONS:** N/A

**NEW PETITIONS:**

**2014- UVB – 006 5245 Elmwood Avenue Beech Grove, Indiana**

Perma Pools Bill Lambert presented his variance of use and development standards of the commercial zoning ordinance to provide for swimming pool sales, construction and service business (not permitted) with 9,000 square-feet of outdoor illuminated display area for fiberglass pool shells (not permitted) located zero feet from the right of way line of interstate 465 (minimum 10-foot setback required), outdoor storage of construction equipment (not permitted) and a new parking area to be surfaced with gravel (hard-surfacing required).

**Remonstrators:** NONE

**Staff:**

Staff recommends denial of the variance petition. This request would provide for a swimming pool sales, construction and service business with outdoor storage and display of pool shells and outdoor storage of construction equipment. The site currently has two uses variance on it. A 2011 variance allowed for used automobile sales, an antique store and a pawn shop. A 1996 variance permitted a home service and repair business. The subject site is zoned C-6 which is thoroughfare service commercial district and is designed to permit development of limited service uses related to freeway interchanges such as food, lodging and gas stations. The Comprehensive Plan recommends Community Commercial uses for the subject property. The proposed use would not be consistent with this recommendation as it is considered a heavy commercial or industrial use.

While staff is not opposed to the use of the site for a swimming pool sales, construction and service business, given the history of the site and other heavy commercial/industrial uses along Elmwood Avenue, it is the outdoor display of pool shells adjacent to interstate 465 that is problematic. While there are some properties along Elmwood Avenue that display large recreational vehicles adjacent to the interstate, there is only one where outdoor storage of equipment is visible. That business will be relocating to a different location outside of Beech Grove, in the near future. Staff would suggest that the pool shells (as depicted in attached photo) have the appearance of being outdoor storage of construction equipment rather than display of finished products such as recreational vehicles. Since the interstate 465/Emerson Avenue interchange is one of the main gateways into Beech Grove.

It is important to keep outdoor storage of construction equipment away from the ramps and screened from view. Finally, staff has some safety concerns regarding the display of the pool shells.

Since the subject property is located adjacent to where the off-ramp begins, it is important that motorist not be distracted by large display items as they are maneuvering off the interstate. Additionally, staff is concerned that the shells could be lifted up in high winds causing them to enter into the travel lanes of the interstate.

**Petitioner:**

The petitioner stated he has never seen these shells move due to wind, he also stated he did not think this would be a distraction for drivers on I-465 because drivers would be slowing down to get off the interstate ramp.

Rick Greenfield, made a Motion to recommend approval of petition 2014-UVB-006. Julie Weaver seconded the Motion; which was approved 5-0.

**2014-DVB-007 1600 Albany Street, 116 north 13<sup>th</sup> Avenue, 218 North 16<sup>th</sup> Avenue, 209 North 17<sup>th</sup> Avenue.**

Rick Greenfield made a Motion to continue this petition to the February 4<sup>th</sup>, 2015 meeting due to no petitioners showing up, Julie Weaver seconded the Motion which was approved by unanimous voice vote.

**2014-DVB-008 Donald J. & Jill L. Wright 1202 and 1206 Churchman Avenue.**

Represented by David KingenThey requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to:

- (A) Legally establish a dwelling and storage shed with zero-foot side yard setbacks (minimum four-foot side yard setbacks required),
- (B) Legally establish a six-foot fence within the required front yard setback of Churchman Avenue (maximum 42-inch tall fence permitted in the front yard,
- (C) Legally establish a 7.33-foot tall fence in the side yard (maximum six-foot tall fence permitted),

(B) (D) Legally establish a deck and roofed canopy with a three-foot side yard setback (minimum four-foot side setback required), (E) Legally establish a basketball court in front of the established building line along 12<sup>th</sup> Avenue (not permitted).

**Remonstrators:** None

**Staff:**

Staff recommends approval of the variance petition subject to the site plan file dated December 10, 2014.

This request would legally establish several items on the two subject parcels. Some have existed for several decades and some have recently been installed. For the western parcel (1206 Churchman Avenue), it would legally establish a zero-foot east side yard for the dwelling and storage shed. This situation has apparently existed since the property was split and the dwelling on the eastern lot (1202 Churchman Avenue) was constructed in 1977. This request would also legally establish a basketball court for the 1202 Churchman Avenue parcel in front of the established building line. The ordinance requires accessory uses to not be located closer to the street than the primary dwelling structure. The purpose of this requirement is to keep the main appearance of the property as primarily residential. The subject basketball court is only located five feet in front of the dwelling along 12<sup>th</sup> Avenue and does not have the appearance of being the predominant structure on site. Additionally, it has existed since at least 1995 with no known issues. In addition to the above items that have existed for some time, this request would also legally establish some recent improvements. A deck and roofed canopy have been installed in between the two dwellings creating a three-foot west side setback for the 1202 Churchman Avenue parcel. The ordinance requires a four-foot setback in the D-5 classification. Additionally, a 7.33-foot tall fence has been installed around the deck when a maximum six-foot tall fence is permitted. These structures do not have impact on the street views/frontages of either 12<sup>th</sup> Avenue or Churchman Avenue. The only impact of the new improvements is on the adjacent 1206 Churchman Avenue parcel. Since the petitioner owns both of the subject properties, the deviation would be acceptable. Finally, this petition would legally establish a six-foot tall fence in the required front yard of Churchman Avenue.

The ordinance limits the maximum height of fence in the required front yard to 3.5 feet. The required front yard is the first 25 feet of the property adjacent to Churchman Avenue. After the 25-foot setback, a fence may be six feet in height. The subject six-foot tall fence is located approximately a 23 feet from the right-of-way line of Churchman Avenue; just a two-foot deviation. It does not create a visual obstruction along the street and is much further back than many buildings along Churchman Avenue further southeast.

**Petitioner:** No rebuttal.

Dianna Hendricks made a Motion to approve petition 2014-DVB-008, Julie Weaver seconded the Motion the Motion was approved by unanimous voice vote.

**READING OF MINUTES: Clerk – Treasurer Dan McMillan**

Dan read the minutes from the November 5<sup>th</sup>, 2014 BZA meeting, Dianne Hendricks made a motion to approve the minutes as presented, Rick Greenfield seconded the motion which was approved by unanimous voice vote.

**BZA PRESIDENT NOMINATIONS:**

Dianna Hendricks nominated Julie Weaver for president, Rick Greenfield seconded the motion. There were no other nominations so nominations were closed. Julie Weaver was elected president with a unanimous voice vote.

**ADJOURNMENT:**

Rick Greenfield made a Motion to adjourn; Joe Hagg seconded the Motion, The motion was approved by unanimous voice vote.

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Diana Hendricks

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Joe Haag

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Rick Greenfield

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Julie Weaver

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Kathy Arsenault

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Dan McMillan, Secretary

Prepared by: Dan McMillan