

**BZA MEETING MINUTES**  
**WEDNESDAY, MAY 2, 2018 1:00pm**

**Rick Greenfield 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:** The Rules of Procedure were read into the record. Attorney, Scott Oliver swore in those giving testimony.

**NEW PETITIONS**

**Case Number:** 2018-UVB-004

**Address:** 520 North 11<sup>th</sup> Avenue (approximate address) **Location:** Center Township, Council District #21 **Zoning:** D-5

**Petitioner:** Michael Hughes

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an electrical contracting business (not permitted).

**Speakers**

Clerk McMillan read a letter into the record from neighbors David Miller and Gloria Miller who recommend the approval of the variance and praise Mr. Hughes for the upkeep of the property.

Sister Jennifer from the monastery also spoke in favor of approving the variance for Mr. Hughes and praised him on the upkeep of his property and for putting up Christmas lights.

Staff recommends approval of the variance petition subject to the following commitments:

- There shall be no vehicular access to the building from Southern Avenue.
- There shall be no outside storage of materials on site.
- The dumpster shall be relocated to an area west of the front (east) building façade.

**SUMMARY OF ISSUES**

The following information was considered in formulating the recommendation:

**LAND USE**

This request would legally establish and provide for the expansion of an electrical contracting business. The site has been used as an industrial or commercial business for over 70 years. The main part of the structure was built in 1941. All of the dwellings to the south and east were constructed after 1941. A variance was granted in 2006 for an automobile repair business on the subject site. In 1997, a variance was granted for the fabrication, assembly, repair and storage of pump units. Prior to that it was apparently used as an appliance repair facility for approximately three years. From the mid 80's to the mid 90's it was used as an industrial manufacturing facility. Staff was unable to locate any uses prior to the mid 80's, however the structure was clearly built as an industrial or commercial building and was probably used as such since 1941.



**Case Number:** 2018-UVB-005  
**Address:** 5361-5401 Elmwood Avenue (approximate address) **Location:** Franklin Township, Council District #18  
**Zoning:** I-2  
**Petitioner:** Big Tex Trailer World, Inc.  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the sale, rental and repair of trailers (not permitted).

**SPEAKERS**

Joe Culvert gave a brief history of the company and stated that they are refurbishing the old McCallister’s Building on Elmwood. The company will conform with the staff recommendations.

Mayor Buckley spoke on behalf of Big Tex. He commented that the building inside they have redone is beautiful. He recommends approval.

**RECOMMENDATIONS**

Staff **recommends approval** of this request subject to the following condition:

The gravel parking area adjacent to Elmwood Avenue shall be paved, according to the site- plan, file-dated April 27, 2018, within six months of the variance grant.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**VARIANCE**

This request would allow the sale, rental and repair of trailers. The previous use of the subject site was for heavy equipment sales, rental and repair. While the heavy equipment use is a permitted use in the I-2, trailer use is not because trailers are technically classified as vehicles and not equipment.

This section of Elmwood Avenue has a combination of heavy commercial and industrial uses with some residential uses across Elmwood Avenue to the north. Many of these uses have heavy truck traffic and significant outside storage and operations. The addition of trailer sales would be consistent with the nature of other intense uses in the area.

Because the site would be used similar to its historical use and trailer sales would be consistent with other heavy commercial uses along Elmwood Avenue, the variance grant would be appropriate.

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE I-2 Vacant SURROUNDING ZONING AND LAND

USE

North - I-2	Industrial
South - C-S	Interstate 465
East - I-2	Undeveloped
West - C-5	Commercial

COMPREHENSIVE GENERAL LAND USE PLAN Recommends community commercial use development for this site.

THOROUGHFARE PLAN

Interstate 465 is listed as a freeway with a 200-foot right-of-way existing and a 300-foot right-of-way proposed. Elmwood Avenue is a primary collector with a 60-foot right-of-way existing and an 80-foot right-of-way proposed.

**ZONING HISTORY**

**2018-UVB-002; 5457 Elmwood Avenue,** requests a Variance of Use to provide for heavy truck repair, **granted.**

**2014-UVB-006; 5245 Elmwood Avenue,** requests a Variance of Use of the Commercial Zoning Ordinance to provide for swimming pool sales, construction and service, **granted.**

**2013-DVB-006; 5324 Elmwood Avenue,** requests a Variance of Development Standards to provide for a gravel parking area for semi-cab truck parking (paving required), **granted**

**2012-DVB-001; 5336 Elmwood Avenue,** requests a Variance of Development Standards of the Commercial Zoning Ordinance to provide for gravel parking and drive aisle, with a zero-foot south landscape strip and parking encroaching into the right-of-way, a zero-foot west transitional yard, a 19-foot driveway access and a 20.25-foot access drive and parking without proper maneuvering, **granted.**

**2011-UVB-005; 5245 Elmwood Avenue,** requests a Variance of Use of the Commercial Zoning Ordinance to provide for automobile sales, an antique store and a pawn shop, **granted.**

**2007-DVB-012; 5336 Elmwood Avenue,** requests a Variance of Development Standards of the Commercial Zoning Ordinance to provide for automobile display at the rear of the site on gravel, a four-foot south landscape strip, a zero-foot west transitional yard, a 15-foot driveway access and parking without proper maneuvering, **denied.**

**2007-ZON-109; 5354 Elmwood Avenue,** request a rezoning of 1.16 acres, from the D-3 District to the I-2-S classification to provide for light industrial uses, **approved.**

**2007-ZON-011; 5423 Elmwood Avenue,** requests a rezoning of 0.555 acres, from the D-3 District to the I-2-S classification to provide for light industrial uses, **approved.**

**2006-DVB-005; 5401 Elmwood Avenue,** request a Variance of Development Standards of the Sign Regulations to legally establish a 40-foot tall, 137.7 square-foot free-standing sign and to provide a 46.22 addition to said sign located 160 feet from an existing free-standing sign on the same street frontage and to legally establish three freestanding signs all located on the same premises, **granted.**

**2006-UVB-013; 5423 Elmwood Avenue,** requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for a contractor's business, **granted.**

**2004-UVB-003; 5454 Elmwood Avenue,** requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for retail sales of parts for all terrain vehicles, **granted.**

**2003-ZON-017; 5418 Elmwood Avenue**, requests a rezoning of 3.09 acres from the D-7 and I-2-S Districts to the I-2-S Classification to provide for industrial uses, **approved**.

**2000-ZON-093; 5348 Elmwood Avenue**, requests a rezoning of 1.79 acres from the D-3 District to the I-2-S classification, **approved**.

**2000-DVB-009; 5348-5352 Elmwood Avenue**, requests a Variance of development standards of the Industrial Zoning Ordinance to provide for the construction of 2,896-square foot building, with a related parking area, with a 10-foot transitional side yard along the east property line, **granted**.

**2000-ZON-064; 5350 and 5352 Elmwood Avenue**, requests a rezoning of 1.79 acres from the D-3 District to the C-ID classification, **withdrawn**.

**86-BGV-5; 5342 Elmwood Avenue**, request a Variance of Development Standards of the Commercial Zoning Ordinance to provide for 15-foot side and rear transitional yards for parking and drive aisles, **granted**.

**83-BGV-12; 5342 Elmwood Avenue**, request a Variance of Development Standards of the Commercial Zoning Ordinance to provide for 10-foot side and rear transitional yards for commercial/warehouse buildings, **denied**.

**81-Z-30; 5342 Elmwood Avenue**, requests a rezoning of 2.0 acres, from the D-3 District to the C-ID classification to provide for a contractor's office, **approved**.

**77-Z-158; 5508 Elmwood Avenue**, requests rezoning of 5.0 acres, being in the A-2 and I-3-S Districts to the I-2-S classification to provide for office/warehouse uses, **approved**.

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

#### **ADDITIONAL BUSINESS:**

**2018 DVB- 002 - Elmwood Avenue** -The petitioner has submitted the findings, so they are here to tender the Board signature. It was approved last month. The Board reviewed the findings.

Rick Greenfield moved to adopt. Kathy Arsenault seconded the adoption; which was approved by unanimous voice vote.

#### **READING OF THE MINUTES:**

Clerk Treasurer McMillan read the minutes into the record from April 4, 2018. Kathy Arsenault moved to accept the minutes as presented. Rick greenfield seconded the Motion; which was approved by unanimous voice vote.

#### **ADJOURNMENT:**

The meeting was adjourned at 1:30.

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Julie Weaver

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Kathy Arsenault

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Dawn Whalen

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Rick Greenfield