

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Bill Maxwell, John Randall, Jr., Mary Jane Baker, and Bill Hobbs.

Members Absent: Shirley Aubrey.

Also Present: Michael Hershman, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken and one member, Shirley Aubrey was absent.
2. The board was informed the November minutes would be presented at the February 2007 meeting.

Election of officers:

Mr. Hobbs made a motion, seconded by Mr. Randall to nominate Mary Jane Baker as Chairman.

Mr. Maxwell made a motion, seconded by Mr. Randall to close the nominations.

The vote was unanimous in favor of the motion. Mary Jane Baker will be Chairman of the Board of Zoning Appeals for 2007.

Mr. Hobbs made a motion, seconded by Mr. Maxwell to nominate John Randall as Vice Chairman.

Mr. Maxwell made a motion, seconded by Mr. Hobbs to close the nomination.

The vote was unanimous in favor of the motion. John Randall will be Vice Chairman of the Board of Zoning Appeals for 2007.

Mr. Maxwell made a motion, seconded by Mr. Randall to retain Gerald Shine as Attorney for the Board of Zoning Appeals for 2007. The vote was unanimous in favor of the motion.

Mr. Maxwell made a motion, seconded by Mr. Hobbs to retain Beverly Guignet as Secretary for the Board of Zoning Appeals for 2007. The vote was unanimous in favor of the motion.

New Business

1. **Petition #505 of Aaron and Sharon Goen, landowners and petitioners, for special use to have taxidermy shop at residence.** This property is zoned "CR" and is located on the North side of 400S and approximately 1/8 mile East of 400W in Fall Creek Township, with the physical address being 4424 W. 400 South.

Mr. Hershman said, fields characterize the surrounding area. The site is a house with several additions. There are several outbuildings on the property.

Staff has received proof of proper notification.

The special use is a home occupation, type 2 as per the Ordinance. The business will be run from an addition to the house. The business is already being run the property, in an addition to the rear of the house.

Staff is concerned if the addition meets state building codes for the type of business being run from the property and in general.

Aaron Goen, 4424 W 67th Street (400S) is present representing this request.

Mr. Goen said, we want to run a taxidermy shop out of our home. There will be no retail. They will be dropped off, mounted then they come back and pick them up.

We have lived at this location for ten years. The addition where I want to do my work will be on the back of the house.

Mr. Hershman informed the board the business is all ready there and the signs are all ready up.

Mr. Goen said, to dispose of the waste I usually take it to work and dispose of it in the dumpster. Our dumpster at work is for animals. I work for the City of Pendleton and this is where we place the road kills. It is for the waste of animals.

Mr. Shine said, he can dispose of the waste at an authorized outlet but I don't believe he can take it to his place of employment without the Town of Pendleton give written approval.

Mr. Goen was informed that he had a number of vehicles on his property and for that to be allowed they all needed to be licensed and in operable condition.

Mr. Maxwell said, I would just like to mention that in the staff report it talks about the number four, the septic system.

Mr. Hershman said, I talked to the Board of Health regarding this and he had nothing as residential out there. So, my concern is, he go back before the Board of Health and make sure the septic system is adequate for what he is using it for.

Mr. Hershman read the following staff report:

The property is to have all debris removed. All vehicles on the property need to be licensed and operable. Finally, the property is to be kept free of all debris.

All waste generated by the business is to be disposed of properly.

Approval must be obtained Indiana Department of Fire and Building Services.

Approval of the septic system must be obtained by the Madison County Board of Health
All structures are to be brought up to state building code.
There shall be no outside storage of business related material.

We need proof that he is legally able to dump his waste at the Pendleton site or finding a way to dispose of it.

Mr. Goen said, what I mount is deer heads, fish but when we get them they have usually gone through the processing part. All I am receiving is the head.

There were no remonstrators present.

Mr. Maxwell said, I would make a motion to table Petition #505 until these staff recommendations are met.

Mr. Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #505 of Aaron and Sharon Goen, landowners and petitioners, for special use to have taxidermy shop at residence was tabled until the February meeting.**

2. Petition #509 of McCord Farms, landowners and Bill McGuire and Rene' Powell petitioners, is for a Special Use to run a small excavating company out of the barns. This property is zoned Agriculture and is located on the North side of 600W between 600N and 700N in Pipe Creek Township, with the physical address being 6370 N. 600 West, Frankton.

Mr. Hershman said, fields and agricultural operations characterize the surrounding area. The site is house with barns.

Proof of proper notification has been received.

McGuire and Powell are buying the property from McCord Family Farms. Further, an administrative plat has been approved on the site, dividing the house and barns from the surrounding property. There was a trucking firm run from the property previously. Ordinance does allow these types of uses with approval of a special use. The applicant does plan on having 4 employees. Rene Powell will be living on the property.

Bill McGuire, 10056 N 400w, Frankton.

Mr. McGuire said, I represent Powell-McGuire, which is a small excavating business. We have four employees. Our business is mainly in the field. There will be little action at the building. It is mainly a storage facility for the equipment and for repairs. There will be no public interaction and we have no plans at this time for any large expansions. There will be no office, as the public does not come in to pay bills.

There will be no increase in traffic. And like I said the existing barns will be used for storage and maintenance.

Mr. Powell lives on site in the existing house. We bought the house and two of the barns north of the house.

Access to the property to the south is a driveway and an easement. Our private office, not for public use is in the big barn.

We do small site development, gas stations, water and sewers, storm sewers, parking lots so there will be some material on site but it is kept inside.

We have a total of six pieces of equipment, two tri-axles, one single axle, three trailers and bobcat.

There were no remonstrators present.

Mr. Randall said, I would say looking at the Findings of Fact, they will not be injurious to public health, safety or whatever and it does met the requirements and development standards set forth for the district. And it will not permanently injure other property or uses in the same district. It is consistent with the character of the zoning district and the Comprehensive Plan. And I would move that it be approved.

Mr. Randall said, I would add on there that they follow the staff recommendations that are listed.

Mr. Hershman read the following staff recommendations:

- 1) The property should be kept free from debris.
- 2) All waste generated by the business should be disposed of properly.
- 3) There should be no outside storage of business related material.
- 4) If the business expands beyond what is described in the letter of intent, the applicants will have to come back before the Board.
- 5) Hours of operation should be limited to normal business hours.
- 6) Approval must be obtained from all appropriate federal, state and local agencies.

After some discussion Mr. Hershman said he would strike the hours of operation.

The rest will stand.

Mr. Hobbs seconded the motion.

The vote was unanimous in favor the motion. **Petition #509 of McCord Farms, landowners and Bill McGuire and Rene' Powell petitioners, is for a Special Use to run a small excavating company out of the barns was approved.**

Mr. Shine said, as this is our first one for 2007 year I would recommend that to the board that they conditions/stipulations be recorded with the description so that it will run with the land and we will know specifically what conditions we placed on them. Any time we grant a variance this year we should be doing this and I would recommend that is done. The conditions be written out, signed by the chairman of the board and there is a legal description that is recorded for the document.

Ms. Baker said, now we will discuss Petitions #506,507 and 508 by the Pilot Travel Centers, LLC requesting variances for parking requirements, signage requirement and variance of the gable roof requirement.

Mr. Hershman said, various types of businesses and field characterize the surrounding area. The site is a truck stop/travel center.

Staff has received proof of proper notification.

The applicant is redeveloping the existing Pilot site, complete with a new building. The property is in the Corridor Development Overlay District. The request is to vary the 150 square feet of total signage allowed under the sign code. Currently, the site has a total of 1,399 square feet of signage. The applicant is proposing 1,515 square foot of total signage.

The applicant is requesting approval of 2 other variances for parking and roof design. If the variances are approved, the applicant will have to obtain site plan approval from the Technical Review Committee.

The site does have public sewer and the water lines are there they have just not hooked up as of yet.

5. Petition #508 of Pilot Travel Centers, LLC, landowners and petitioners, is for a variance to install building and freestanding signage in excess of 150 square feet. The property is located at the NW corner of SR 13 and I-69 in Green Township, with the physical address being 7455 S. SR 13, Pendleton.

Brad Alsup, 5508 Lonas Road, Knoxville TN, Project Manager, Pilot Travel Center, LLC was present representing these request.

Mr. Alsup said, I have spoken with the South Madison Utility Company and the water lines are approximately a mile and a half away from the intersection of 13 and 69.

Mr. Hobbs said, I am going to reclude myself from this conversation.

Mr. Alsup was informed there is a requirement that they have the water for the facility.

Mr. Alsup said, I was not until I spoke with Mr. Hershman last week.

Mr. Shine said, with Mr. Hobbs rescuing his self I would like to point out you will have to have a unanimous opinion today with three board members for approval. If they like this matter could be tabled to next month.

Mr. Alsup said, I would like to continue.

Mr. Randall asked, is Mr. Hobbs involvement with the water company enough for him to have to recuse his self from this?

Mr. Hobbs replied, I don't necessarily have recuse myself on those issues but anything dealing with the water ----

Mr. Maxwell said, a variance for the water is not one of the items before the board today.

Mr. Hobbs returned to the board to participate in the hearing.

Mr. Hershman said, as a point on the signage a 150 square foot pole falls under the sign code. Currently the site has 1,399 square foot of signage. The applicant is proposing 1,515 square foot of usage. That is increase of 116 square feet.

Mr. Alsup said, the high-rise sign out front, those signs will only be refaced. We are not changing structure of height, size, we will just take out the old facing and replace it. As far as the building signs, basically what we are doing is tearing all construction on both sides and build a new (not audible) advertising what business are on the premises. The on building signs will increase in total square footage simply do to the fact it's more than the one business.

The board decided to go a head an act on Petition #508 then go on with the rest of the variances.

There were no remonstrators present.

Mr. Maxwell said, I make a motion to approve Petition #508 variance for installing freestanding signs in excess of 150 square feet. I don't believe it will be injurious to the public health, safety, and welfare of the community. The travel center already exist its just not being remodeled so to speak, it's not going to bother the property value of adjoining properties. It is an existing business that's been there for years. And it's a good location right there o n the interstate which is an improvement or they wouldn't being enlarging it. Does meet the approval for the State law and ordinance. Granting approval should not set a precedence and the applicant will me the other requirements for the site that we talked about, water, sewage and everything that is under the General Commercial requirements.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion. **Petition #508 of Pilot Travel Centers, LLC, landowners and petitioners, is for a variance to install building and freestanding signage in excess of 150 square feet was approved.**

The board then went back to item 3.

3. Petition #506 of Pilot Travel Centers, LLC, landowners and petitioners, is for a variance to allow more than 30% of total parking between front façade of primary structure and the abutting public street. This property is located at the NW corner of SR 13 and I-69 in Green Township, with the physical address being 7455 S. SR 13, Pendleton.

Mr. Alsup said, your ordinance has a requirement that not more than 30% of the total parking on site is not to include front facade only the structure and the applied street. And the street that faces -- we are currently seeking a variance to install up to the 31% rule and add two spaces.

The front façade of the building, the way I figured this is, I drew a line straight across the front of this building so it includes 10 or 11 truck spaces which will add up to 93 truck spaces all together and the car spaces will be up front which will be 36 to 38 cars. We are pushing it further to the north. There will be green space a long the front and landscaping area as required.

There were no remonstrators present.

Mr. Randall said, I would move that Petition 3506 be approved. It will certainly not be injurious to public safety, health, moral, or general welfare of that community. It will not adversely affect any of the property around it. It is strict application of the zoning ordinance with the overlay situation. It would be in opposition of that but I believe that is what we are moving to change. And it will not hurt anything in the long run. This is for the 48 parking stalls or 31% of the total area.

Mr. Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #506 of Pilot Travel Centers, LLC, landowners and petitioners, is for a variance to allow more than 30% of total parking between front façade of primary structure and the abutting public street was approved.**

It was the consensus of the board to take a five-minute recess (10:22:41 A.M.)

The board was called back to order (10:30:17 A.M.).

4. Petition #507 of Pilot Travel Centers, LLC, landowners and petitioners, is for a A.M. variance to construct a building without a gabled roof. This property is located at the NW corner of SR 13 and I-69 in Green Township, with the physical address being 7455 S. SR 13, Pendleton.

Mr. Hershman said, part of the structure will meet the requirement, McDonalds, I took a look at the one they have down in Covieville. I think what they are talking about is the part, which is not McDonalds. It will have a flat fronted façade.

Mr. Alsup presented the board with photos of the one they have in Shelbyville. The only difference being the facility in Shelbyville does not have a Subway. The basic blueprint does not change.

For several reasons one being when you put the standing seam on the Pilot it becomes very large in structure and it really hides (not audible) the second reason being, our corporate identity is how that building looks. We build building like that all across the country with that flat roof and the front facade. That is McDonalds trademark. The Subway will be over where it says Travel Center.

Mr. Shine said, remember we asked Gas America that is located across the street, we made them conform to Corridor Overlay. They asked for the same thing and but did not proceed with it. So, is this sitting precedence?

Ms. Baker said, I think one thing that we need to consider thought is the corporations themselves have an image that they like to present to the public as their identification on their part. Just like McDonalds has their little roof thing. And I think we need to take that in to consideration also for these corporations that are moving in.

There were no remonstrators present.

Mr. Hobbs said, it is my understanding that the purpose of this board is to look at individual application. If something similar comes in as a variance for us to review. I don't see where the county loses control by approving this. Or that it sets a real precedence because it's my understanding that the BZA and I have always been told they have the authority to approve or disapprove design.

And having said that I would make a motion that we approve Petition #507. Based on Findings of Fact that the travel center already exist and would not be injurious to public health, safety, morals and general welfare of the community. Any impact on the adjacent properties has all ready been made and this is quite an improvement. The property value has all ready been affected. It is a unique circumstance and it is like everyone that will come before all three businesses and us or sites or franchises with fairly set design standards.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion. **Petition #507 of Pilot Travel Centers, LLC, landowners and petitioners, is for a variance to construct a building without a gabled roof was approved.**

6. Miscellaneous: Nothing was presented under miscellaneous.

It was the consensus of the board to adjourn.

Adjournment: 10:53:31 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary