

PLAINFIELD BOARD OF ZONING APPEALS
May 15, 2017
7:00 p.m.

CALL TO ORDER

Mr. Monnett: I will now call to order the Plainfield Board of Zoning Appeals meeting for May 15, 2017.

ROLL CALL TO DETERMINE QUORUM

Mr. Monnett: I will now ask our Board Secretary Mr. Klinger to have a roll call for determination of a quorum.

Mr. Klinger: Ms. Duffer- here
 Mr. Monnett- here
 Mr. Cavanaugh- here
 Mr. Philip- here
 Mr. Slavens-

Mr. Slavens sent his regards earlier he will not be able to attend tonight, but we do have a quorum.

Mr. Monnett: We do have a quorum and we are a five-member board, so an absence of one our members is the four of us, we do have a tie breaker which is our Board Secretary, Mr. Klinger.

PLEDGE OF ALLEGIANCE

Mr. Monnett: If you would all please rise for the Pledge of Allegiance.

APPROVAL OF MINUTES (April 17, 2017)

Mr. Monnett: I will now entertain a motion for approval or amendments to our meeting of April 17, 2017.

Mr. Cavanaugh: I move to approve the minutes from the April 17th meeting as written.

Mr. Monnett: I have a motion for approval all in favor say aye, thank you.

OATH OF TESTIMONY

Mr. Monnett: I will now ask our Town Attorney, Mr. Daniel to administer the Oath of Testimony.

Mr. Daniel conducted the Oath of Testimony.

PUBLIC HEARINGS

Mr. Monnett reviewed the Guidelines Governing the Conduct of Public Hearings.

PETITIONS FOR PUBLIC HEARING

Mr. Monnett: First petition tonight is BZA-17-006, Mr. Berg.

Mr. Berg: Good evening. First agenda item is BZA-17-006, The Spears, Kimberly Spears at 4404 Nigella Dr., in Vandalia, Vandalia Boulevard trailside kind of over there. They are looking to have a variance of development standards to exceed the lot coverage standards of 40% and to encroach about 3' into the rear setback. You can see here in the Vandalia Boulevard this is a berm, I want to say it is about 6' tall plus or minus, there is a little bit of drainage easement along the back, 10' or so on the applicant's property, roughly about the same on either side. Nigella Drive here, again Vandalia Boulevard, this is the common area with the berm. The pool is roughly about there. I tried to clean the copy up as much as I could and I apologize, the auto pool cover is there. Again, what they are looking to do is encroach 3' into the setback and the outside of all easements and again only 47' instead of 40%. At the time that the notices were sent out, there were no recorded owners on the Hendricks County GIS, having approved many of the houses through here as ILP's, I think they probably were owners, I think I have approved about 50 of them just in that section but there is usually a little bit of a lag in the County updated their ownership. So, they did sent the proper notice and I did see the sign was posted and our notice was also in the paper. It will back up into a common area. It will be outside of the drainage easement and over here the property adjacent to this side setbacks do comply. As I did mention they are a little bit behind in updating that is why we asked if the variance is granted that Pulte and the houses adjacent have not been sold that Pulte notify the potential buyers of this variance. In ground pools are permitted, above ground pools are not permitted in this subdivision through the community. A condition was that no other structures will be permitted. That is my part of the show, the applicant is here to answer any questions or if you have any questions for me I will be happy to answer those.

Mr. Cavanaugh: The encroachment is basically just to the west?

Mr. Berg: Yes.

Mr. Monnett: If the petitioner is here you may come forward.

Ms. Spears: My name is Kimberly Spears at 4404 Nigella Drive here in Plainfield, Indiana. I think all of the information is there and would be happy to answer them.

Mr. Monnett: I was reading your comments, besides the pool, something about your patio or an extension thereof?

Ms. Spears: All of that is included to have patio area, if you look at the lot you see an outline, to take the patio it goes out like 3' into the encroachment and so just to carry that across to the sunroom so it is not just pool.

Ms. Duffer: Mr. Berg can you go back to that picture please?

Mr. Monnett: I'm not playing the devil's advocate, I'm just looking at this, if you look at it from a quote to quote black and white standpoint, just me. You purchased the lot, you read, or I assume signed a covenant, right.

Ms. Spears: Yes.

Mr. Monnett: Then you were told by a sales person that you could allegedly could have this, which that has nothing to do with us at this point. How I am looking at this I have nothing against a pool. That covenant you are allowed to have it, I just think we may come up with a concept of maybe a smaller pool, a smaller patio to get that fit, because my worry is that is fine if you have it, but we may get bombarded with the other homes coming in for the same thing, which I think is going to be unnecessary if we do this right now. At least to help you but to help the future homeowners/lot owners.

Ms. Spears: Originally when we were looking at the house and looking at pools we looked at an even larger pool but this was a pool that I thought is big enough, I have 1 daughter who is 7 and I am getting ready to be married and so big enough but not like to get a tiny pool. Either way because it is going to be over the 40% any pool size unless I am just getting a little one. That was something, so we purchased the house and went in and said these are our dream, we want one story and that was part of the problem it is all one story, it is a good size home for one story because we didn't want stairs and we want this into our retirement we want to live here forever. True when you start to look at it and you are just looking at basics, you don't even like consider this is where I am going to end up because they said you can have a pool, the Town says you can have a pool, the covenant says you can have a pool, but not understanding completely there is a 40% rule or there is even until very close to the end we were at the impression we only had the 10' water easement a lot of people weren't even paying attention to the extra 5' that doesn't really say what it is for, just that it is there. So just with all of those factors we were so far into that and we were like this is a home that we love and we wanted and it is unfortunate that we were kind of given wrong information or vague information and I definitely tell people now to check further than the sales lady and just the basic information. It is like I said our dream and we were willing to take the chance to build this home to be everything we want it to be and hopefully the pool as well.

Mr. Monnett: The way they have it now it will be 47.7%, right of lot coverage, but they are allowed 40.

Mr. Philip: They are 38.

Mr. Monnett: They are at 38 right now.

Ms. Spears: Most of the houses, we own the only one story type of home that they sell.

Mr. Monnett: So what with what they have given that would be 47.7%, but they are allowed 40.

Ms. Spears: From what I understand I guess houses newer and newer are making the smallest lots as they can because people don't really even want a large yard and that was fine with me too.

Mr. Monnett: Right, and I want you to have a pool, I'm just trying to figure out how to get it in there without, I mean.

Ms. Spears: A 12X24 pool is still relatively, it is on their small scale of all of the pools they offer. Originally we were looking at doing just like a medium size pool thinking we had that extra 15' to build on. I've learned a lot through this process and the Town.

Mr. Monnett: The hard way I know. That is how it is.

Ms. Spears: It is not the blame game it is just learning and going through the steps that this can be approved.

Mr. Monnett: Can you go back to where the lot actually is and outline that lot in the neighborhood? How many lots do you think are on that side, Eric?

Mr. Berg: Twelve.

Mr. Monnett: Any questions or comments?

Ms. Duffer: I just want to clarify something and I think that you said this. So currently you are at 38%,

Ms. Spears: Correct.

Ms. Duffer: So really you only, within the ordinance or within the guidelines you only have the 2%.

Mr. Philip: She could always put a patio on that.

Ms. Duffer: Right.

Mr. Klinger: Eric, what do we know about the berm? How wide is that and how high?

Mr. Berg: It is about 6' high.

Mr. Monnett: Again if this is approved, future homeowners are given a written statement from the builder that this certain lot was given, the adjacent has been given this so hey you can try your luck at it or, I mean I am looking at it or I mean it is almost spot zoning, I don't know how else to term that and it is not against you.

Mr. Berg: It is not necessarily a precedent.

Mr. Monnett: No.

Ms. Duffer: That is true because they could build any type of home and depending what the percentage is for that foot print of a home, it could be different.

Ms. Spears: Yes I like I said I have the only one story home that they even offer, most of the homes are most of their homes are 2 story.

Mr. Cavanaugh: I have to say I am kind of at an agreement with Mr. Monnett on that. It is clear that a pool is allowed but I am a little concerned that we are setting precedent for every other home that is out there to come in and perhaps and intersect into the setback areas. (inaudible) probably what I have seen on an aerial would probably be the first pool out there on all of the homes, so you get to be a ground breaker. In considering your layout, you are going across the entire back of the house and lot. Have you given consideration to the possibility to moving the western edge of the patio and the pool 3' closer to the home?

Ms. Spears: Possibly.

Mr. Cavanaugh: If I understand the layout correctly if you were 3' closer we don't have an issue.

Ms. Spears: We don't have an issue when the variance (inaudible), we do have an issue for the 40%.

Mr. Monnett: Here we are right now, Mr. Cavanaugh is saying if you move the pool 3' to the east.

Ms. Spears: Yes to move the pool 3' to the east to not go into the setback.

Mr. Monnett: Now the patio, which I can't see, is right there, so if you move the pool 3' closer.

Ms. Spears: Move that line...

Mr. Philip: The idea is if you can get the patio so you would be in compliance with the 40% setback. Then we are talking about the coverage and we can work this relative to the fact that that is a house with a big footprint.

Ms. Spears: Yes that is.

Mr. Philip: I built one myself 20 years ago, I get that. I have driven that neighborhood and there is an awful lot of 2 story houses and not that many looking like this. As I stated earlier when you show up at 38% there is not room to put a patio or a deck and be 40% in compliance. I think if you could meet us part way like that that.

Ms. Spears: I would be more than happy to do that. If that is something that we could do we could work with that and we would still have our dream, the patio and the pool and our days outside.

Mr. Monnett: So basically the pool line, that would line up.

Ms. Spears: That is where the setback is starting.

Mr. Philip: As a practical matter anyone that show up with this style house is going to come talk to us about a deck or patio or something, right?

Mr. Monnett: they could, yes.

Mr. Philip: With the 40% coverage rule.

Ms. Duffer: Correct.

Mr. Monnett: Yes.

Mr. Philip: So a precedent to set, this might be one of the less horrific from that standpoint.

Ms. Spears: Stick with the 15' setback?

Mr. Philip: Right.

Mr. Klinger: Eric, do you have the standards in here for area D? It says living space 1,200 square feet.

Mr. Berg: That is a minimum.

Mr. Klinger: and their home is over 2,300 square feet.

Ms. Spears: That is one of the smallest homes they have, all the rest of them are 2 stories.

Mr. Monnett: So if the homeowner is willing we move that and it stipulation still stays the same for no accessory, correct?

Mr. Philip: No outbuilding, that is how I read that.

Mr. Monnett: If you are willing to work with us and that is an agreeable option on the pool then the line would be kosher, we would probably not allow you to have any other structures, obviously because there is no space. We have to put that in there.

Ms. Spears: That is fine with me.

Ms. Duffer: If they move it 3' in does that reduce the 47.8%.

Mr. Daniel: yes because you are looking at 70' across the back times 3 feet that is about 310 square feet.

Mr. Cavanaugh: I think we are still over but I think from my view point it is a more reasonable perception and if you consider the facts we have for you to grant a variance there has to be some type of unnecessary hardship to get resolved in the strict application of rules. In this particular case for me personally I think homeowners are entitled to a reasonable use of their property.

Ms. Spears: I agree with that.

Mr. Cavanaugh: We do have rules and regulations that help keep everybody's property the way it should be. I think that if we consider the strictest exception we are talking about I feel that that is a reasonable alternative to saying no because I think it is allowed and you are making reasonable effort to comply and we do appreciate you coming through the process and making the effort to do this, it is not easy, we know. I think that is kind of where I am at.

I think we can consider the most restricted version and then we aren't setting a controlled precedent for future development there and if there are other homes that have significant preexisting lot coverage like this one does, that may push them to a similar situation where the other homes that are 2 story that the lot coverage is not going to be this great and they may have different type of consideration if they were considering these same types of coverage or layout. That is just kind of how I feel.

Mr. Monnett: Are there any other questions or comments from the Board? Thank you. I will open it up for to the public if anyone else wants to come forward, please do so. Seeing none I will close it to the public and I will open it back up to our Board for any further discussion or a possible motion.

Mr. Cavanaugh: I think I am going to make 2 motions or see if I can do this in one. If there is no other questions or discussion think it seems we are kind of all in agreement with the direction for this. I move that the Board of Zoning Appeals approve BZA-17-006, as filed by Kimberly Spears, requesting a Variance of Development Standards to exceed lot coverage of 40% because of proposed swimming pool addition subject to the following conditions.

1. Substantial compliance with the site plan submitted file date April 6, 2017, with a note that we are not approving the structure to encroach in the rear setback.
2. No additional accessory structures are permitted.
3. If the variances are granted and adjacent lots have not been sold, Pulte shall inform potential buyers of the variances.

Mr. Monnett: I have a motion from Mr. Cavanaugh.

Mr. Philip: Second.

Mr. Monnett: Second by Mr. Philip. Mr. Klinger if you would please poll the board.

Mr. Klinger: Ms. Duffer- yes
Mr. Monnett- yes
Mr. Cavanaugh- yes
Mr. Philip- yes

BZA-17-006 is approved 4-0.

Mr. Monnett: Our next petition tonight is BZA-17-007, Carlson Consulting Engineer's.

Mr. Berg: BZA-17-007 for Allpoints 7, located at 9360 Allpoints Parkway. Been looking to a variance of use for an accessory use, the parking lot prior to the construction of the primary use which is a distribution center. The parcel building here to the right is leased by the same owners to the parcel to the left in the ecommerce center. 9360 Allpoints Parkway. Here is the leased building here, property in question here to the west. Just had this structure come through the Plan Commission a couple of months ago. They are looking to construct the parking areas here again prior to construction of the building. This building did go through the Design Review Committee last year. It was not required to go through Plan Commission since it is outside of the gateway corridor. Going over some of the things we said in the staff report. It was designed to work with Allpoints 3 the building to the east, which is a spec building and has yet to be constructed reasons I am not certain of. Does granting this variance impact any adjacent property owners. From what I have been told it is supposed to have 4,000 employees in over 5 years which would overpower the parking that was on the site, which was slightly exceeding the requirements. We are asking for substantial compliance with all of the plans that were submitted on April 13, 2017. An ILP shall be submitted for the construction of the parking lot. Joe has told me that the request has deference of the landscaping requirements. That is what I know I'd be happy to answer any questions, if there are none for me the applicant is here.

Mr. Monnett: I don't have any, thank you Mr. Berg. If the petitioner or the representative thereof is here please come forward.

Mr. Kendall: My name is Steve Kendall I am with Carlson Consulting Engineer's in Bartlett, Tennessee, which is just right outside of Memphis. I

appreciate you hearing the case tonight, I'm glad to be with you. As he said this is a distribution center that is not ready to be built yet for some reason, they don't tell me why. However, the building that is existing is an ecommerce building and as you all know that business is booming these days. Currently they have had a spike in their business. they have had to provide temporary parking along the east side of the east building of building 3, which is not well lit and it has taken up their truck space, it is not a good situation so they said our site design is complete for the new building, what if we constructed the parking lot and all of the infrastructure that pertains to that and utilize that for their peak season which is coming up. Get it installed and functional prior to their peak season. Their peak season will be different than this newer buildings peak season. So, it should work well from what I am told. So simply the waiver request is that we be allowed to construct the parking lot and all of the infrastructure that goes with it prior to the building being built and for them to be able to use it. I am not the project Engineer, I am representing them, Elizabeth could not be here tonight so I will do my best to answer your questions. But in a nutshell, I think that is a pretty simple explanation of why and what.

Mr. Daniel: Mr. Kendall you mentioned a waiver, this is not really a waiver, it is a use variance.

Mr. Kendall: Yes, thank you.

Mr. Monnett: Mr. Kendall you had mentioned currently the way it is now it takes up the truck parking.

Mr. Kendall: To the east, I guess it is to the east of the existing building, I am not sure where. I am assuming it is right around this area. I have not been to the site myself. We feel like the setup of the parking lot would be a safer more functional use than what they got now and it will allow that truck park to be used increase their dock space and truck.

Mr. Cavanaugh: Mr. Kendall do you know the intent to finish the lot completely with finished asphalt, lighting, landscape islands. I notice that the suggested motion includes deferring the final landscaping for some time.

Mr. Kendall: I discussed that with Elizabeth just a little bit and with landscaping to put it in early, it just gets beat up and I am assuming they just don't want it to get damaged before the new building is in to the point where they would feel like they would need to redo it, that is my understandings.

Mr. Cavanaugh: But then everything else would be.

Mr. Kendall: Everything else, all the light, I think you've got the photometric, lights utilities, striping, asphalt it will be fully functional as it's designed.

Mr. Monnett: If there is anyone here for or against you may come forward now on this variance. Seeing none I will close it to the public and I will open it up for our board for discussion. I've got a question for Mr. Berg. Will this be a first for us to have something like this for like after 1 year the ILP for Allpoints 7 it has not been issued for the required landscaping shall be installed? Have we ever had the condition before on something for this board? I can't remember but I can't remember.

Ms. Duffer: Not a deferral that I can recall. I understand the concern not to put it in if you are going to have building. my thought process and I suppose I should have asked Mr. Kendall this, but my thought process is if they are going to delay it for one year, then at some point during that time they are going to start building the building.

Mr. Klinger: That is exactly my question, what is the timeframe for actually building the primary building then?

Mr. Kendall: I asked Elizabeth that same question, where the site designers not the building designers. So, she would not commit to anything regarding to the building itself. I don't know.

Mr. Monnett: Maybe Mr. Daniel or Mr. Klinger can answer this and even Eric. So, these plans were reviewed by the Design Review Committee as part of a requirement for them a tax abatement. Now did any of this discussion come of them as when this would be finished?

Mr. Berg: I looked on the minutes and it did not say. I think our general assumption is that it comes to us.

Mr. Cavanaugh: I think we are probably all thinking along similar lines but I think time sensitivity by having a structure out there. I understand that you cannot commit to that.

Mr. Kendall: I just don't know so I don't want to say anything.

Mr. Cavanaugh: I understand.

Mr. Monnett: I understand.

Ms. Duffer: I understand that.

Mr. Cavanaugh: I had some experience with the industrial development and it is hard to say what they are going to do and when, but what we are being asked to is approve a parking lot that could be there forever if it is approved without ever having a building there. So, would cross this out for discussion, I think we should perhaps have a time factor and perhaps to have the developer to come back in a time period to have a variance granted re-granted, it is something that we have done with other temporary structures, we've done it with classroom structures at different locations, we've I think said all of the review standards where other requests as well. I am considering and up for discussion that if we were to move forward with this that we should have a time factor for reviewing this again because this could go on for a couple of years and who knows what happens then and in the meantime, we approved a parking lot with no building.

Mr. Monnett: That was what I was curious about the tax thing came before the Review Committee about the tax abatement and there weren't dates or anything.

Mr. Klinger: I don't know for sure but I don't believe that there has been a tax abatement application on this building. Building number 3 was initially started out as spec I think maybe and there was a tax abatement granted on that building. I have no memory of that.

Mr. Daniel: I think you are right Kevin because the only thing I remember, I know there has been a couple of times on residential property where the board

has granted the opportunity to put a garage or something in before the residential structure is built, but they always put a time limit that that residential structure had to be built within a certain period.

Mr. Klinger: You are not something to commit to right now is it something to consider continuation to go back.

Mr. Daniel: It would be nice to get some idea of what they are thinking.

Mr. Monnett: Maybe a continuance to actually get, I would like to get, I know there is no concrete date, but there is an end date. I would feel better if we had an end date when there would actually be a building there or somebody could find an answer or someone could come, I just to me personally it is just my opinion.

Mr. Philip: Mr. Kendall is there a timebox you are in relative to having this in time for the peak season?

Mr. Kendall: Say that again.

Mr. Philip: How much hardship is there going to be if we take this out a month?

Mr. Monnett: For the peak season.

Mr. Philip: Because the sense of urgency...

Mr. Kendall: I believe it is, let me check my notes.

Mr. Monnett: As a Board can we maybe approve but with a stipulation that your office.

Mr. Kendall: August 1st is when we would like to see it happen.

Mr. Cavanaugh: Greg, what I was considering is that if we have a time limit for construction for the building to start, but to have the owner come in and have their variance reviewed add a set time period if the building has not been started. At that point and time we would be able to consider to extend the variance or cancel the variance and basically shut off the parking lot now that they have a parking lot that they can't use, but once we give an approval it is going to be there unless we set the standards now that allows us to stop that. that is my consideration and I don't know, honestly another month will give them a more solid understanding of when or what they would build. If too much time goes on and they end up building something different than what they are considering now. There are many factors that can influence what can happen out there, it can be outside of our control it can be outside of the owners control as well. I would consider moving forward with this now but with a timeframe for a follow-up review if the building has not been started.

Mr. Monnett: What length of timeframe?

Mr. Cavanaugh: I am thinking one year.

Ms. Duffer: How long does it take to build the infrastructure and build the parking lot? What is your timetable on that?

Mr. Kendall: By August.

Ms. Duffer: By August? So, 3 months, it will take 3 months to do that?

Mr. Kendall: It will be fast.

Ms. Duffer: Weather permitting. So, the variance for the landscape development is for one year. So, that coincides with the one year that you are thinking of Mr. Cavanaugh?

Mr. Cavanaugh: There is a lot of factors that can influence what happens with the development out there and let's say if plans aligned and everything was perfect in their project then it might be November or December before (inaudible). So, there could be other limiting factors to push that out there further, but if we set where we have to have further review or the variance for parking goes away.

Mr. Klinger: Was the pad ever finished on that site? Partially?

Ms. Duffer: The pad for the structure, or the base of the building is that what you are saying?

Mr. Klinger: Yes they started to do some work on that at least at one point.

Ms. Duffer: Well let me ask you this Mr. Klinger, if the current owner.

Mr. Klinger: I guess I should clarify that, it was Browning that started that before they sold to the current petitioner.

Ms. Duffer: Okay that is my ultimate question, if it doesn't go forward with this owner it is going to be warehouse of some sort for a different owner. I am just thinking if the parking lot is there and then in one year it doesn't move forward and we have this empty parking lot.

Mr. Daniel: I think what you are saying is if the current owner doesn't commence construction within a year they have to come back here to get this extended or the parking lot goes away.

Ms. Duffer: That's fair.

Mr. Cavanaugh: There are a lot of variables that influence when or what gets built there that can be outside of everybody's control. So, that is my consideration.

Mr. Monnett: So you are thinking one year?

Mr. Cavanaugh: Yes.

Ms. Duffer: So in essence it is granting the variance for one year.

Mr. Monnett: Which we could run into this again maybe, right?

Mr. Daniel: Yes, that is right.

Mr. Monnett: I mean the buildings go quick, what UPS is doing out there it is huge.

Mr. Klinger: So the condition it would be an ILP issue?

Mr. Berg: An ILP or beginning of construction.

Mr. Monnett: Well an ILP could be issued and it could still be another 3 years.

Mr. Kendall: So just so I understand the impact and explain it. The conditional or the additional use will allow us to build the parking lot and use it for the building 3 until a date you set at which time did I say they've got to begin construction or they come in to discuss the project of the plan?

Mr. Cavanaugh: A simple explanation of what I am considering because there is not a motion yet, would be to allow construction and use of the parking lot as requested this evening and then if construction is not started on primary use within one year then you have to come back and have variance re-granted, so the variance has a one year.

Mr. Kendall: For them to continue to use the parking lot.

Mr. Cavanaugh: Yes you could continue to use the parking lot.

Mr. Kendall: As an additional use.

Mr. Cavanaugh: If there is no construction that starts out there on the primary use building within the year timeframe and you come back and ask for another variance, there is no guarantee it will be granted, there has to be a little emphasis on getting something done out there.

Mr. Kendall: That is perfectly reasonable and I don't know whether the delay in construction is because of building plans or because of business cycles or whatever. So, it seems like a revisit of that is perfectly reasonable. I just want to make sure I can explain it right when I get back what you are actually allowing us to do.

Mr. Klinger: If I can ask a couple more questions and I don't know if you are going to be able answer these questions or not, but I am a little concerned if you don't have sufficient parking for your building 3 for employees in that building and you are going to use this parking to accommodate those employees, how are you going to handle that when building 7, sorry I call it building 7.

Mr. Kendall: They have studied it, I am not the use person, however it was stated several times that the peak cycles are not the same so there will be almost a shift of when that parking lot is going to be full. So, one building has a peak cycle at a different time than the other building does.

Mr. Cavanaugh: My understanding of that is that whatever occupies site 7, is going to have development standards and there is going to be a shared use agreement of some type between the 2 sites.

Mr. Kendall: This is what I am understanding.

Mr. Cavanaugh: So that is an internal agreement between the 2 users, I don't think that we have anything to cover that other than your now to allow it to

be built prior to the primary structure. So, these 2 entities have an internal agreement with cross access.

Mr. Kendall: For sharing.

Mr. Klinger: Because 3 is not owned by Walmart, right? That is a lease, right?

Mr. Kendall: I cannot answer that; I should be able to but I didn't get that brief.

Mr. Cavanaugh: I think as long as we have some emphasis on controlling the use of that use of that lot so that something does get built there, there is motivation to follow through with the primary structure. I am fairly comfortable with the request if you guys think that is a reasonable approach.

Mr. Monnett: What are you going to use as your year date?

Mr. Cavanaugh: I haven't gotten that far yet.

Mr. Monnett: Well no the only reason is because the original site plan, lighting is April 13, 2017, I want to use that one. Ms. Duffer, unless you want to go with May.

Ms. Duffer: I would use today's date.

Mr. Cavanaugh: I don't think it matters too terribly much. I think April is fine, it matches up.

Mr. Monnett: April 13th, I am comfortable with that. Thank you, Mr. Kendall. I will entertain a motion or denial of BZA-17-007.

Mr. Cavanaugh: If there is no further discussion I would move the Board of Zoning Appeals approve BZA-17-007 as filed by Carlson Consulting Engineer's, requesting approval of a Variance of Use to permit the construction of an accessory use (a Parking lot) prior to the construction of the primary use (a distribution center), subject to the following conditions:

1. Substantial compliance with the site plan, lighting plan, and landscaping plan submitted file date April 13, 2017.
2. An Improvement Location Permit (ILP) is required prior to the construction of the parking lot.
3. Required landscaping shall be deferred for one year. If after one year, the ILP for Allpoints 7 has not been issued, the required landscaping shall be installed.
4. As of file date April 13, 2017 this variance has a one year life span. If construction has not started on the primary use structure within the one year timeframe petitioner shall return and file for a new variance.

Ms. Duffer: I will second that motion.

Mr. Monnett: I have a motion by Mr. Cavanaugh and a second by Ms. Duffer. Mr. Klinger, would you poll the board?

Mr. Klinger:

Ms. Duffer- yes
Mr. Monnett- yes
Mr. Cavanaugh- yes
Mr. Philip- yes

BZA-17-007 is approved.

Mr. Monnett: Thank you Mr. Kendall.

OLD BUSINESS/NEW BUSINESS

Mr. Monnett: Mr. Berg any old or new business?

Mr. Berg: No sir.

ADJOURNMENT

Mr. Philip: Motion to adjourn.

Mr. Monnett: Thank you.