

PLAINFIELD BOARD OF ZONING APPEALS
July 17, 2017
7:00 p.m.

CALL TO ORDER

Mr. Monnett: Plainfield Board of Zoning Appeals meeting for July 17, 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- here

All are present and accounted for.

PLEDGE OF ALLEGIANCE

Mr. Monnett: Would you all please rise for the Pledge of Allegiance?

APPROVAL OF MINUTES (June 19, 2017)

Mr. Monnett: I will now entertain a motion for amendments or approval of the Board meeting minutes from June 19' 2017.

Ms. Duffer: I make the motion to approve the minutes.

Mr. Slavens: Second.

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

Mr. Cavanaugh: Mr. President let the record show that I abstain from voting because I was not present at that meeting.

Mr. Monnett: Thank you Mr. Cavanaugh.

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: Before we begin tonight we have an announcement on BZA-17-009 will be continued until August 21, 2017.

Mr. James: Yes Mr. Chairman and members of the Board. They failed to do the interested party notice, so we will have to continue this to the August 21st meeting.

Mr. Monnett: I am sorry for those of you that are here for that, so it will be August 21st, so you can stay or you can leave it is up to you. Our first petition tonight is BZA-17-008.

Mr. Berg: Good evening Mr. President and members of the board. First item on the agenda is BZA-17-008, the Wilkerson's. they are looking to allow a standard to reduce the rear setback at 1750 Devonshire Avenue to allow a pergola to be built into the existing rear setback. Bradford Road, Devonshire Avenue this is the location here. it backs up to a common area as well as a kidney shaped retention pond there. This is the plot plan for the location. Existing patio is right there at the rear. What they are looking to do again is to reduce that rear setback from the 20 that is required under code to 30. As I mentioned before this is the map north over here is the retention pond and the common area. It will not encroach into the drainage easements. If you chose to approve this, we are asking for substantial compliance with the site plan and that no accessory structures are permitted with the rear setback. The applicant is here if you have any further questions.

Mr. Monnett: Thank you Mr. Berg. If the applicant would like to come forward, please.

Mr. Wilkerson: David Wilkerson, 1759 Devonshire Avenue, Avon, Indiana. Basically, what we are requesting, we have an existing 12' patio and we want to cover the full patio, right now we can only build an 8' long without the permit and the variance, we just want to be able to cover it so we can have a little more usable time on the patio. It does not impede anybody's view of the pond or anything the way the houses are laid out, so the neighbors I don't think have complained. I have talked to all of them and they are all in agreement that it is something that will enhance the look of the area. That is all that I have.

Ms. Duffer: I have a question for you, Mr. Wilkerson. I just want to understand, so the addition is for the overhang because of the way that the structure sits there is a 2' overhang for the pergola, is that correct?

Mr. Wilkerson: No it is for the length to cover the whole patio. I can build the pergola as wide as I want and it would be perfectly legal, but there is 30' from the edge of my house to the end of the property line and for some reason with the 20' setback it only gives me the 8'.

Ms. Duffer: Okay, thank you.

Mr. Cavanaugh: I also have a question, this might be for staff. With the existing 12X12 concrete patio is that not in the setback area?

Mr. James: The patio is considered a grade level improvement, so it can encroach into the rear setback.

Mr. Klinger: Joe, while you are there. If the pergola wasn't attached to the house would we still have the same problem?

Mr. James: We did recommend that but he wanted to attach it.

Mr. Klinger: Because it is attached.

Mr. James: Because it is attached it becomes part of the primary structure.

Mr. Cavanaugh: Mr. Wilkerson I am mostly curious on how this would be built I guess. If you want to go to 12X14 are you going to have to add to the patio?

Mr. Wilkerson: No. The 14 will just be extend over the patio a little bit.

Mr. Cavanaugh: Okay, so you are not going any further out that what the patio covers now structurally. Primarily overhang extension?

Mr. Wilkerson: Yes, it attaches to the house and then it comes out to the end of the patio.

Mr. Cavanaugh: Okay.

Mr. Wilkerson: Then the 2' will be divided up a little bit on each side, so I mean it will be grass with gravel on the side of it. There are several houses that are in the neighborhood that have full roof covering on their patio.

Mr. Monnett: If there is anyone here who would like to speak for or against this petition please come forward. Seeing none I will close it to the public and I will open it up to our board for further discussion or a possible motion.

Mr. Slavens: Mr. President I move that the Board of Zoning Appeals approve BZA-17-008, as filed by David Wilkerson, requesting a Variance of Development Standards to allow a pergola to encroach into the rear setback, subject to the following conditions:

1. Substantial compliance with the site plan submitted file date June 8, 2017.
2. No additional accessory structures are permitted with setbacks

Mr. Philip: Second.

Mr. Monnett: I have a motion by Mr. Slavens and a second by Mr. Philip. Mr. Klinger, would you please poll the board?

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

BZA-17-008 is approved.

Mr. Monnett: Our next item is BZA-17-010.

Mr. Berg: BZA-17-010, Plainfield Logistics Center 2, located at Wamsley Way and Ronald Reagan Parkway. Reagan Parkway there, Main Street, Medallion Meadows, Adesa, AirTech, just to kind of give you an idea of where it is located. Looking for a variance of development standards to reduce the front yard setback and the western boundary, which is along the future Klondike Road from 30' to 10'. They are currently using the depth of yard incentive

to reduce the 60 to a 30 and then they are just looking for that extra 20. Again, that is Wamsley Way. Here is an enlargement of what we are looking at, this is the future right of way there for Klondike. So, unlike the commercial where you can have parking within that 10' setback, you can't do that within industrial. It is not like they are proposing to move the building that close, they are moving the parking. Because of the depth of yard development incentive, they have doubled the amount of landscaping that was required, so they comply with that. This is going to be due to some other issues with the stream, the only section of Klondike Road. So, it is not going to be terribly noticeable because there would be a building further back or anything like that. So, it is really not going to present that much of a visual impact in comparison. If you chose to vote to approve this we are asking we have substantial compliance and with all of the plans that are submitted file date June 23, 2017. If there are no questions I know we have several here from the applicant.

Mr. Monnett: Thank you Mr. Berg. Representatives here for the petitioner if you would like to come up.

Mr. Touhy: Good evening, my name is Brian Touhy and my address is 50 South Meridian and I represent the petitioner, here with me today is Grant Goldman of the petitioner and members of the Board of Zoning Appeals thank you for hearing our case tonight. This is kind of an interesting case and Eric and Joe summarized it fine in the staff report, I just might add a few things if I can maneuver my way through this technology. The site is about 29 acres and this is an aerial view of it, here is Ronald Reagan Parkway, Old National Road, East Main Street. In the site, there is a road which is called Wamsley Way, the gentleman that owns this land. Tim Belcher tells me it is one of his favorite streets in the Town of Plainfield because it never gets used and it is in perfect condition and here we come along and we want to vacate it. It is the east parcels right here as I said it makes up 29 acres and it is surrounded by property that is zoned for the most part, GC General Commercial. It is also zoned General Commercial but we have a petition on file that will be before the Plan Commission here in August to zone I-2. To the west of it is Tilman's Truck Accessory business, there is an airplane accessory business right in here which you can't see very well. There is Wright's Floor Coverings, there's Old National Auto Sales. So, what the petitioner proposes to do in connection with the rezoning is to put a distribution warehouse similar that is smaller than these on this site. Again, it is a little bit of a different situation because what we are asking for is a variance of a front yard, even though the front yard of this building will be on Ronald Reagan, eventually there is going to be a road that is going to come down here and so the site will have 2 front yards, it will have a front yard on Ronald Reagan and it will have a front yard on where Klondike extends. So, that is really our practical difficulty we want to build a building and we are going to have a building that is going to have a rear yard but eventually it is going to have another front yard so it is kind of an unusual situation. So, there is a picture of the one that Mr. Belcher likes, Wamsley Way, that is looking east towards Ronald Reagan, that would be vacated and there is another petition to vacate this. Here is our neighbor to the west, Old National Auto Sales and the floor covering. Here is the view looking north from the IU building, there is the Indiana University Health Building to the southwest of ours. Here is what we propose to build so it would be a similar style building that you see on Ronald Reagan Parkway, this is the four elevations of that building. Here is where and Joe and Eric showed you, here is where we need the variance, so right there what that says it is hard to read, it says future extension of Klondike

Road. As Eric mentioned we've doubled the landscaping, our building is setback fine, our building is not too close to the property line but this yard here, this rear yard that will be a front yard, we've asked for a variance because that is now how this building can now fit on the site. If that road wasn't coming, we wouldn't need this variance. This is a close-up example of that, again to show you what we are seeking, what our plans to look like and I think the staff report has asked us to make the variance contingent upon substantial compliance with the site plan which we agreed to do. You can see we heavily landscaped the site as per our rezoning and working with the staff, Joe and Eric. I think the findings of fact are met I don't think this will be injurious to the public safety, morals, and general welfare of the community. We are surrounded on our west side by commercial properties on the south. South and southwest by industrial properties and then this site is stated in your comprehensive plan for industrial use. I don't believe that we will be injurious to the neighboring property owners, it is a very consistent use with what has been built in this area and it will be screened properly. As to the strict application of the Plainfield Zoning Ordinance again as I explained, what we have here is a situation where we would not need a variance but for this future road coming down and so applying the strict rules of the Zoning Ordinance in this unusual situation would create a hardship in the use of the property. My summary is the strict allocations of standards on a non-existent road, yet, constitutes an unnecessary hardship. In summary, or I might also mention that this Board of Zoning Appeals has actually seen this issue as you might expect on a couple of other occasions because of the changing roadways in that area, there was an Airtech building 10A in 2012, I don't know if you folks were the same Board, but they had a similar situation to allow a front setback variance, then not existing Metropolis Parkway and the Board approved that. Then Pure Development a local developer in April of this year received a similar variance along Reeves Road because Reeves Road, it was in but the classification of the road got changed from a collector to a secondary arterial. So, all of a sudden, their setback increases substantially and so they asked for a similar variance. Our situation is kind of kin to that, we don't have a setback issue today but we are going to have one when this road comes in. With that, we have sent out 45 notices relating to this variance and I have talked to 2 folks, Mr. Singh and a woman who lived nearby and they did not object to the variance. The variance that we are seeking is on the side of the property and the building that is up against the other commercial uses as you recall from that photograph. Our variances over here with all those other commercial uses as you can recall from that photograph. We think the use is consistent with the comprehensive plan and we do meet the rear yard requirements of an I-2 district but with a new road coming in that is why we need the variance. So, we thank you this evening for your time in hearing our case, and we will certainly try to answer any questions you might have.

Mr. Cavanaugh: I do just have one quick question. Some of the information that we received and I believe this probably came from you. There is a note that says the alignment of Klondike Road was going eastward after the site was purchased for industrial development. Was there a previous alignment for Klondike?

Mr. Touhy: I did say that because I attended a meeting where I was told that happened. I haven't been able to find, Mr. Cavanaugh, where that alignment was I just heard it was moved over a little bit.

Mr. Cavanaugh: Regardless we know where the alignment is now.

Mr. Touhy: We were told where it is going to go now, yes sir.

Mr. James: Kevin, if I could add to that. Our transportation plan did show that Klondike Road collector coming down from US 40/Old National Road and connecting to Airtech Parkway. That is more of a corridor preservation than an actual alignment. That alignment can shift based on avoiding impacts.

Mr. Cavanaugh: Thank you, Joe.

Mr. Monnett: If there is anyone here for or against this petition please come forward now.

Mr. Fields: Mike Fields, I assume this is all my property here. I am just curious how many warehouses Plainfield needs? And how is that going to affect my property value, and the noise. I've lived there 27 years, I'd like to know honestly how many warehouses does Plainfield absolutely need? That is my biggest gripe right now. Plus, it is going to be in my backyard. So, is there any plans for noise pollution? I guess that would be my biggest complaint other than it is going to destroy my property again. I've been a resident here for quite some time and I just don't think it is fair that Plainfield needs another warehouse. But that is up to you guys, I just thought it was pretty unfair to me, you wouldn't want a warehouse in your backyard, and I don't want one in my backyard. I'm sure you are going to approve it but I still get to voice my opinion and I appreciate you listening to me.

Mr. Monnett: If you would also verbally give us your address please.

Mr. Fields: 10373 E. Old National Road. Do they have any kinds of plans, are they required to make some kind of noise ordinance or whatever you want to call it? And will someone keep me informed of exactly what is going on around my property?

Mr. James: This is the first public hearing needed before this project gets approved. After tonight's hearing, it will go to the Plan Commission on August the 7th and that is when the rezone and the development plan will be approved. The development plan is when we look at the lighting, landscaping, site plan, they have to comply with the required 50' buffer yard, they got to do level 3 landscaping up here because it is adjacent to the residential. There are standards that they have to comply with in order to reduce impacts to the surrounding residential.

Mr. Fields: So with all of those commercial developments going on around my property so is my property commercial now. I don't know how that works?

Mr. James: You are still zoned R-2, this is the R-2 area, this is GC, this is GC, and this is I-2 Light Industrial Warehousing and that is what they are proposing to rezone this site to I-2.

Mr. Fields: With all the commercial property going around I can get it rezoned again can I not?

Mr. Klinger: Joe could you talk about the Comprehensive plan.

Mr. James: The Comprehensive Plan is our long-range plan to help us guide future growth. This whole area was recommended for Ligth Industrial

Warehousing use so that is the Comprehensive Plan supports the rezone and the property up here certainly has the right to petition for a rezone to rezone their property to I-2.

Mr. Fields: Like my neighbors could also rezone their property?

Mr. Monnett: Which is not through our Board, the Town Council which is a different issue.

Mr. Fields: Okay, thank you for listening.

Mr. Monnett: Is there anyone else that wishes to speak for or against this petition please come forward.

Mr. Crist: My name is Gary Crist I live at 2942 S. Ronald Reagan. So, I am the south side of that line. My concern is water. I brought up the same concerns when Ameritech went in and they assured me that I would not have water problems that their drainage plan would take care of it and they held true. I am just concerned of the same thing. I am also concerned about having all of those warehouses, the parking. I am not sure whether that was car parking, truck parking facing up against our house and I would agree with you, I am concerned of the noise. That's it.

Mr. Monnett: Thank you. If anyone else would like to come forward, please do so.

Mr. McKinley: I live at 10259 Old National Road. Directly across the street from Tillman's. The reason I am here is for questions and answer. We moved into this home and we really had no notification or anything like this I guess I am here for a timeline, how long do we have in this area? If the sides are going to be torn down and so forth, our house is right here across the street from Tillman's right on that yellow line. Are those homes going to be torn down? Is that the goal per the aerial right there?

Mr. James: The notice went to Mr. Wamsley, the property owner.

Mr. Klinger: To answer your question eventually those homes will be taken down.

Mr. McKinley: Is here a time frame?

Mr. Touhy: So we still have to obtain a rezoning and a development plan approval and then get Town Council approval of that, so an optimistic timeline to that would be sometime in the fall, October kind of time frame if all of that was done, if the weather permits we would like to start construction on the site this fall so at that point those houses would come down, but I am glad to call you as this moves along. One of your neighbors called me, Amanda, she called me and asked me the same question. I told her I would be glad to call her and give her the heads up when I thought it was proceeding and it would be doing construction on the site. So, my guess is I could give you 60 days' kind of notice, a couple of months.

Mr. McKinley: That is what we are looking for today is some answers on it.

Mr. Monnett: If anyone else would like to come up and speak for or against this please do so.

Ms. Tague: Hi my name is Debbie Tague and I live at 10151 Old National Road so I have the 8 and a quarter acres on the west side of Mr. Wamsley. My question is that if all of this gets approved Klondike is going to be running between me and Walmsley's, once all of this gets started we still have active businesses and everything, I was kind of wondering how much this could affect entrance to all of our sites and my home. I was kind of wondering how this will affect me with the Klondike going in and or if any of this will affect me right now. Does that make sense?

Mr. Monnett: Yes.

Mr. James: We are working on a design of these intersections on how to separate Old National from US 40 once we have a good separation from the potential truck traffic that will be going through. We will not cut off access to these properties over here. You will still have access to your property.

Ms. Tague: So basically nothing will affect me as of right now.

Mr. James: That is correct, you will still get to your same exits. It might not be the same design but you will still get access to either Klondike or Old National.

Mr. Tague: Does anybody have an idea when discussion on the installation of Klondike Road when it might?

Mr. Klinger: It is targeted for construction in the spring.

Ms. Tague: But there has not been any final plans or anything yet.

Mr. James: I would say it would be maybe, as Mr. Touhy stated late this fall when they start construction, so they are going to need an access to the site somehow, so that may speed up the construction.

Ms. Tague: I think all of this is probably going to be encroaching on me.

Mr. Klinger: Yes, I am sure you probably had some conversations with Tim Belcher or Scott Singleton.

Ms. Tague: I've talked to Scott, but as of right now I don't know how much...

Mr. James: Klondike Road is a collector, that means road classification. We have to get 70' of right of way so we will have to get 35' off of your property and we will have to get 35' off of Wamsley property, that is also what is impacting their setback and why they need the variance, but we will negotiate with you and give you a fair price for the 36'.

Ms. Tague: I just didn't know when I might get any notification on this.

Mr. Klinger: Yes you will be hearing somebody about it. I can't give you a timeframe but you will be hearing from somebody.

Ms. Tague: That is all I got.

Mr. Klinger: I do think that this roadway will also present some opportunities for you and the other property owners to the west. If you

don't want to do anything with your property you don't have to, but if you did, it presents an opportunity and better access.

Mr. Monnett: Would anyone else like to come up and speak for or against?

Mr. Luttrell: Hi my name is Tim Luttrull and I live at 10345 Old National Road. I live next door to Mike, I've been there for 29 years. I think most of my questions have been answered tonight or at least give me an idea of what is going on. One thing and I believe as far as standards of having a berm or fencing is not going to happen tonight, and I just wanted to verify that that's going on. We are worried, there is going to be 5 property owners that live on our road that are going to be in the midst of all of this. Not the most ideal situation for us, but we understand that times go on and this is going to happen, we've known it was going to happen for a long time. We would like to minimize on our road, I don't want semi's parked on my road 24 hours a day, I don't want to hear the noise and the lights, and how are we going to get out, like Debbie was saying, access to get out of our house, I think that has been pretty well answered. I do know that where the new UPS hub is coming in behind that they've got a berm and fencing up and I would like to see that because they are going to be backed up into our backyard. That is all I have got to say.

Mr. Monnett: Would anyone else like to come up and speak?

Mr. Sheffler: Good evening. My name is Jeremiah Sheffler, I live at 2938 S. Ronald Reagan Parkway. It is the property immediately to the south of the planned warehouse here. The berm doesn't really affect us, this is a first time that there was a guaranteed warehouse going in right out my bedroom window and there is going to be semi's parked there next to me. I just wanted to confirm the August 7th date is when you get notification so that we are kept in the loop, because like my uncle said our water, you can't drink it. My septic system moves, my water table has been effected by everything that has gone on downstream and now you are getting ready to take care and eliminate my well by doing this, because we already have pressure issues. I'm tired of changing out pressure tanks so I can take a shower in my house. My concern is what this is going to happen, communication to us as far as when these things are going to be done. It is like playing chicken to get in and out of my driveway right now. You put this warehouse here Wamsley's Way is great, I can go down and I can make a U and go back out there and play the roadrunner and go through. You put a warehouse there and I can't turn around anymore. We already have a problem with semi's sitting on Wamsley Way, about 3 am you can come in and see all the guys at the warehouse are testing their stereos out back there. It is already bad and with this it is just going to continue to get worse and all we are wanting to know is to be kept in the loop on what is being planned because we keep being told numerous things and it continues to change and if we could get better communication that would be great. We are already effected and it is bad now.

Mr. Monnett: Where is this property at on the map?

Mr. Luttrull: From my back yard to Wamsley, the cul de sac is 243' from my bedroom to where the semi's sit. It is good because the Police sit back there and catch everybody, so normally they are just a phone call away if something does happen. There is stuff, we have walkers all the time in there and we just need to know what is going on. We have had our property up for sale for 6 years now and we are landlocked. We are boxed in and now you are going to put a road on the back side of us too. So, we are stuck right here

with no place to go and everything that has been built all around us has effected everything. We have dogs, we have kids, you can't let them out they have to all be on leashes, you don't know who is going to be walking by and you put a warehouse in my backyard it is going to get worse, I don't care how big the fence is. So, if it is possible for us to get notified when there is anything going on with this property. 2938 S. Ronald Reagan Parkway, 2940 and 2942 are all on the south side of this.

Mr. Cavanaugh: Did you receive the notice for this meeting.

Mr. Luttrull: Yes.

Mr. Cavanaugh: You did, okay.

Mr. Luttrell: I just wanted to come in and, I mean I understand the berm doesn't affect us but it affects all of our neighbors and we've already been affected.

Mr. Cavanaugh: For the Town's process you should all be receiving future notices for specific Town meetings.

Mr. Luttrull: This is the only one we received.

Mr. Philips: This is the first one.

Mr. Luttrull: We've had people on our property for the past 3 years with plans from the Town of Plainfield, so at one time our property was going to be purchased when a larger warehouse was going to be put in there and then the subject of wetlands came up and that is when we found out about Klondike and that is how I know here in the next 5 years this corner right here there is going to be a medical center and all of this is gone and this is all gone and this road is going to connect and go over here to Perimeter Road once you get funding to go over here to Perimeter Road once you get funding to go over this creek back here. I've seen what this looks like and we are not there, I need to know how long we are going to be there, there is 3 families right here and we are landlocked. Just a little bit of courtesy would be nice. We are on a daily basis gambling with their life going in and out of that driveway. Thank you for your time.

Mr. Klinger: We are a little bit off of topic of the waiver but just to kind of respond to that real quick, when Airtech Parkway is extended and that is looking like it is going to happen sooner than later, easily within 5 years. That intersection ultimately will be signalized and I think that that will probably help you guys out in terms of your access in and out.

Mr. Monnett: If there is anyone else who wishes to come up and speak for or against this petition please do so. Seeing none I will open it up to our Board for further discussion or a possible motion.

Mr. James: The notices for the rezone and development plan, they have to go out by this Friday so everybody that received a notice for tonight's hearing should be receiving those notices sometime this week.

Mr. Philip: Joe, question. Comprehensive Plan, how common is it for I-2 to butt up against R-2? How common will it be?

Mr. James: Not very common, there are some pockets like Clover Drive, I mean that is the zoning, it is zoned R-2 and this is zoned R-2 but the Comprehensive Plan recommends long term light industrial warehousing.

Mr. Klinger: The Comprehensive Plan actually identifies that as a commercial use.

Mr. James: These properties are already zoned General Commercial and this is GC now so this is all GC and I think there is some GC over here too.

Mr. Philips: I'm actually asking more about the Field's property to be honest with you.

Mr. Klinger: It is fairly uncommon.

Mr. Monnett: Any questions or discussion?

Mr. Cavanaugh: I have a quick question regarding the landscaping. Level 6 is that the commitment for the normal setback reduction?

Mr. James: They are using the depth of yard development incentive to reduce the setback 30', but with that they have to increase landscaping over here to a level 2, so they are going to do a level 2 over here and then the variance is to go 30' to 10', so they will still have that 10' planning strip where we can put that level 2 landscaping in there. We don't think there is going to be any conflicts with utilities in there.

Mr. Cavanaugh: One more question for Mr. Touhy please. A little bit earlier did you mention about a commitment for obtaining other approvals that you are seeking for this development.

Mr. Touhy: Yes sir. I was thinking that how Joe and his staff was wanting to tie them together was that we would only, our variance would be conditioned upon finishing the other approvals we needed which included several items, rezoning, development plan approval, where this landscaping will be covered, vacation of Wamsley Way, so there is some other steps, so we would offer that condition also.

Mr. James: Also at the August 7th Plan Commission meeting they will hear a petition for a primary plat and that is when we look at the infrastructure needed to service this development and the transportation system, will it be adequate to service the development and also drainage, do they have an adequate drainage plan to control all the storm water on their site? They had to submit those plans for us to review for the primary plat.

Mr. Cavanaugh: If there is no more discussion I am prepared to make a motion. I move that the Board of Zoning Appeals approve BZA-17-010 as filed by Ambrose Plainfield Industrial III, LLC, requesting approval of variances to development standards to reduce the front yard setback on the western boundary (future Klondike Road) from thirty (30) feet to ten (10) feet, subject to the following condition:

1. Substantial compliance with the site plan submitted file date June 23, 2017.
2. This approval is based on receiving similar approvals for primary plat, development plan approval, excuse me, DP-17-011 and rezone request RZ-17-003.

Ms. Duffer: I'll second.

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

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

BZA-17-010 is approved 5-0.

Mr. Monnett: Next petition is BZA-17-011.

Ms. Duffer: We are going to continue on with our meeting, thank you.

Mr. James: This is a variance request to reduce the required side yard setback at the west perimeter to allow for redevelopment of the Butler Animal Hospital site at 2908 E. Main Street, zoned General Commercial. This is for Fite Plumbing they will be relocated from their existing site on Main Street to this site. They have submitted a development plan. They want to do a 1,500-square foot expansion to the existing building and also do a parking lot and do some parking for their employees behind the building. At the west perimeter, there is a 9 to 18' deed gap. The ownership at this time is unknown. We don't know if the gap belongs to Mr. Butler's property or the parcel to the west of the Plainfield Sales site. If the gap is on Mr. Butler's property then the variance isn't needed and they will comply with that 10' setback, but if the gap belongs to the adjacent property, that is why they need the variance, because then they will need a 0 setback at that west perimeter in order for them to develop the site like they want to. There is no timeframe on when the gap will be resolved. So, that is why they needed to go ahead and ask for the variance now. They do have to do a level 1 perimeter on that west perimeter within a 10' side yard and it has been submitted with the development plan. Here is US 40, Adesa back here, Dr. Butler's Animal Hospital was, it is his residence right there and then that is Plainfield Auto Sales right there, there is another auto sales across the street zoned all this in red is General Commercial and that is the I-2 as we saw what the previous case. Here is the aerial view of the site, that is the Plainfield Auto Sales, this is Dr. Butler's site, so this will be cleared, most of it will be cleared back here and then they are going to add onto the building back here and then they are going to add onto the building here. Here is the site plan, this is the west perimeter and this is the deed gap right here. If the gap belongs they don't need the variance but if the gap does not belong, then they need the variance. That is the expansion to the existing building. Parking for customers and then employees and equipment back here. This is what the former hospital looks like now, and I mentioned that west perimeter there is already some existing landscaping that the Plainfield Auto Sales had to do. This is a rendering of how they want to remodel the building and add to it. South, that is the one that will be facing Main Street, the elevation will be facing Main. If the Board grants the variance and if the gap is not on Dr. Butler's property staff would request a 10' wide landscaping easement to be obtained from the adjoining parcel to the west so that they can put in that required level 1 perimeter landscaping. That is all I have and Mr. Fite is here if you've got any questions.

Mr. Monnett: I have a quick question for you or Mr. Berg probably. I'm sure this has happened before similar what is the difficulty in determining who's

that is? I do know but then I am trying to figure out there has to be a point somewhere. Years ago, that was all agriculture.

Mr. James: I think it is tied up in the estate why the gap exists?

Mr. Daniel: I will answer that, that can be difficult, it has been a long time since I've seen it. When I first started practicing law it came up semi regularly but it is probably the first time in years since I've seen a deed gap like that. It can be resolved but it can take some real time.

Mr. James: What I hear it is tied up in the estate and there is also a law suit that has to be resolved before they can determine who owns the gap.

Mr. Daniel: My experience most of the time it has been bad survey work. If it is bad survey work it can take some time.

Mr. Monnett: If the petitioner is here or a representative that would like to come and speak?

Mr. Butler: My name is Mark Butler with Banning Engineering representing the owner and no relation to Dr. Butler or his estate. 853 Columbia Road, Plainfield. Really Mr. James did a good job talking about the situation here I am just here to answer any further questions that you might have, technically.

Mr. Cavanaugh: Mr. Butler, has the owner had any discussion with the adjoining property owner about the potential establishment of the landscaping easement?

Mr. Butler: The landscape easement I believe not. Correct me if I am wrong.

Mr. Fite: My name is Bill Fite and I reside in Monrovia, Indiana, address 140 S. Chestnut Street. I purchased the property from Dr. Butler really with the understanding that this whole area was the property and it wasn't discussed in real depth, my lawyer Tim Kerns represents me and we do have a contract with Dr. Butler. Since then Dr. Butler has passed away and so his family actually owns it, I shouldn't say owns it, I own the property in contract, the contract was not paid in full yet because there is some litigation on some real estate situation, so the money is set aside in a trust or in escrow right now. So, that is why I don't actually have the deed in my hand even though I have documents that is filed a recorded as a deed owner. This was all new to us and we are not really sure how this got created and I do know I spoke to Plainfield Auto the owner which is Mike Firestone, and as far as he's is concerned where the fence is right now which is the top dotted line, that is his property and so he doesn't want to sign an affidavit or anything he feels like he doesn't want to get involved and his property is where it is and that is what he is going by.

Mr. Daniel: Would that then give you the ownership of the gap if the fence line is the...

Mr. Fite: We believe so and I have spoken to Eric Butler which is Dr. Butler's son who is the controlling interest but he resides in Hawaii so he is not available but he has no problem with this he actually called me once he received that he received the document.

Mr. Daniel: Do you know how long that fence has been there?

Mr. Fite: Yes, I think that was there when Mr. Mike Firestone purchased the property. He built Plainfield Auto and he purchased it in I think 1995. That is when I believe everything got rezoned at that time.

Mr. Daniel: So it has been treated as a property line by the owners as far as you know.

Mr. Fite: Yes. I do know that between our properties where this deed so called this gap, there is almost a road back there that is actually made out of asphalt but it was when they redid US 40, they took the hill out and they just put all of the rendurance through there, that is where Dr. Butler used to drive back and forth on.

Mr. Klinger: So the adjoining property owner is not exerting any sort of claim to the deed gap?

Mr. Fite: Absolutely.

Ms. Daniel: I imagine Mr. Kerns will be talking to you about the significance of that fence.

Mr. Fite: Yes and they are still doing some research.

Mr. Monnett: Will there be much or are you planning on much outside storage?

Mr. Fite: Actually we will have outside there is an existing greenhouse which is going to be served as shelter for the skid loader, the excavator. What we will have in this back area, we have 3 trailers including the trailers and the skid loader and excavator, all of that will be behind the building and then this right here is the trash dumpster and then really during the day our employees take the trucks home, so we don't have a lot of vehicles in the parking lot. Normally it runs between 7 and 8 and that is usually office personnel. We don't sell retail but we have a lot of customers come in for the town and want to talk so we have 3 spots up in the front, we had to go horizontal with the building because the setback wasn't deep enough to go in front of the building. then we have 4 additional spots over here which we do have salesperson come in on a weekly basis other than that it is strictly for the employees in these parking spots across here.

Mr. James: The GC is silent with regards to outdoor storage but the gateway corridor standards say that you cannot have outdoor storage between the building and the gateway corridor. So, it being behind the building we are okay with it.

Mr. Monnett: Questions? If there is no one else I will close it to the public and open it back to our Board for discussion or a possible motion.

Mr. Philip: Mr. President, I move that the Board of Zoning Appeals approve BZA-17-01, as filed by Bill Fite, requesting approval of a variance to reduce the side yard setback at the west property line at 2908 E. Main St. subject to the following conditions:

1. Substantial compliance with site plan submitted June 30, 2017.
2. In the event the "gap" does not belong to the Butler site, a ten-foot-wide landscaping easement at the west perimeter shall be obtained from the adjoining parcel to the west to allow for the required Level 1 perimeter landscaping.

Mr. Cavanaugh: Second.

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

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

BZA-17-011 is approved 5-0.

OLD BUSINESS/NEW BUSINESS

Mr. Monnett: Mr. James old or new business?

Mr. James: No, that is all we have for tonight.

ADJOURNMENT

Mr. Monnett: Motion for adjournment.

Ms. Duffer: So moved.

Mr. Cavanaugh: Second.

Mr. Monnett: Thank you.