

**MINUTES OF
RENSELAER BOARD OF ZONING APPEALS**

Tuesday March 19, 2024 at 6:30 pm CT

I. Call to Order:

The Rensselaer Board Of Zoning Appeals met on Tuesday March 19, 2024 in City Hall Council Chambers. BZA Chairman Stan Haines called the meeting to order at 6:30 PM CT. Building Commissioner, Joshua Davis, was asked to proceed with roll call.

II. Roll Call:

Present: Chairman - Stan Haines, Vice-Chair - Sean Cawby, Secretary - Rob Dobson, Craig Hewitt, Chad Gutwein (Zoom) & Building Commissioner (BC) Joshua Davis

Absent: City Attorney Todd Sammons

Guests: Jim Shanley, Dain Hayworth, Fire Chief Kenny Haun, Justin Bednar, Tim Misch, Ruth Hammonds, Bob Souza, Reporter Bob Schenk, Councilman Arnold, Councilman Rayburn, & BD Admin Assistant Chrissy Martin.

III. Review and Approval of Past Minutes:

Chairman Haines presented the minutes from the last BZA Meeting, held on Thursday February 15th, 2024. Motion to approve was made by Cawby, seconded by Rob Dobson. **Motion Passed.**

V. Old Business:

Permit #1419 extension request, 5554 S Airport Road, Ruth Hammonds

In July of 2023 the Permittee came before the BZA to request a Building Permit extension since BC Davis was unwilling to grant the request after receiving multiple complaints from adjacent property owners. She explained the hardships she had endured during the construction and that she was having trouble finding subcontractors to help her finish. After hearing her request and questioning her, the BZA granted her a 180 day extension but they also placed the condition that if she would not be able to complete the project by then, that she was required to reach out to BC Davis before the extension expired. The extension deadline was January 10th, 2024.

The Permittee's next interaction with the Building Department was during the week of March 10th, 2024 when she called to have a rough-in electrical inspection performed. BC Davis did a scheduled inspection of the property and electrical on March 14th. During the inspection he informed the Permittee that she was past the previously granted deadline and that she would need to once again appeal to the BZA for an extension.

During the meeting, the Permittee once again explained her need for an extension was because of health problems, trouble finding contractors, and also stated there was not much left to complete. She also expressed her frustration with BC Davis because she disagreed with the items he said were not in compliance with the Indiana Residential Code (IRC), also informed her that the City did have the authority to deny her extension request leaving the home unfinished, and that her temporary occupancy could be revoked and she would then be ordered to vacate the premises.

The BZA asked BC Davis why he could not supply her with a simple list of items that needed to be completed. He stated the list was so numerous, that he did not know where to begin besides just supplying her with a copy of the IRC. Additionally, he stated that he receives regular complaints from her neighbors about the unfinished project. He did not agree with granting the extension because she failed to comply with the last extension, he did not believe she would actually finish the project, and that the living conditions were

extremely unsanitary. BC Davis asked that if the BZA did grant her another extension that would be only until the next meeting and that one of the members accompany him to inspect the property ahead of the meeting.

City Councilman Rayburn also asked the BZA if he could speak on the matter. He informed the members that he had accompanied the previous BC, Kevin Cochran, on an inspection of the property to see if it had been completed enough to grant a temporary occupancy. The Councilman stated that BC Davis' depiction of the living situation was accurate.

After offering to accompany BC Davis to re-inspect the property, Cawby made a motion to extend the permit until the April 18th BZA Meeting, seconded by Dobson. **Motion Passed.**

V. New Business:

A. Petition 02-2024, Good Samaritan Food Pantry, Inc., 227 S College Ave Ste 1- Variance of Use-

Bob Souza came before the BZA to request variance of use, he presented the Food Pantries hours of operation and stated he did not think parking would be an issue. No Comments from the board other than Thank you for providing the service to the community. Dobson recused himself, due to a conflict of interest.

President Haines requested BC Davis read the five paragraphs that require approval before granting a Variance of Use.

Cawby made a motion to approve paragraph A) seconded by Hewitt. **Motion Passed.**

Cawby made a motion to approve paragraph B) seconded by Haines. **Motion Passed**

Cawby made a motion to approve paragraph C) seconded by Hewitt. **Motion Passed**

Cawby made a motion to approve paragraph D) seconded by Hewitt. **Motion Passed**

Cawby made a motion to approve paragraph E) seconded by Hewitt. **Motion Passed**

Final Vote to Approve

Haines- yes, Cawby- yes, Dobson- Abstain, Hewitt- yes, Gutwein- yes

Variance of Use Approved with no additional conditions.

B. Petition 03-2024, Shan Shan LLC, 226 E Washington- Variance of Use

Jim Shanley has been working to restore the building on 226 E Washington, he is making 4 residential rentals, as opposed to the office space he initially started to make. He presented many before and after pictures. Jim spoke of all of the improvements made to old water lines.

President Haines requested BC Davis read the five paragraphs that require approval before granting a Variance of Use.

Dobson made a motion to approve paragraph A) seconded by Hewitt. **Motion Passed**

Hewitt made a motion to approve paragraph B) seconded by Dobson. **Motion Passed**

Hewitt made a motion to approve paragraph C) seconded by Dobson. **Motion Passed**

Hewitt made a motion to approve paragraph D) seconded by Dobson. **Motion Passed**

Hewitt made a motion to approve paragraph E) seconded by Dobson. **Motion Passed**

Final Vote to Approve

Haines- yes, Cawby- yes, Dobson- yes, Hewitt- yes, Gutwein- yes

Variance of Use Approved with no additional conditions.

C. Petition 04-2024, Rensselaer Volunteer Fire Department, 740 N Monroe St. Variance of Developmental Standards

Fire Chief Kenny Haun, stated that in attendance was state Representative Director of Training, Mike Parks, and several instructors of the Northwest Region, brought along for questions about the unique project. In 2023 the Rensselaer Volunteer Fire Department won a grant from the Indiana Department of Homeland Security (IDHS) to construct a 40 ft plus tall Fire Tower at their training facility located next to the Fire Station. IDHS would supply and place the tower, which was made out of shipping containers, and the RVFD would be responsible for all the sitework, foundation, and utilities. BC Davis had four concerns about the proposed tower. First, the original Conditional Use approval for the training facility did not include a structure of this height or a structure that would not end up resembling a home or business. Second, the max height allowed in the Regional Business (B-2) district is 40 ft. It was unclear if the finished structure with climbing apparatuses on the roof would be in violation of the district standard. Third, since neither the IDHS nor the Tower manufacturer had provided engineered foundation drawings, BC Davis requested they be prepared to ensure the safety of all the surrounding area fire fighters that would be utilizing the Tower for training. Finally, the JC Airport had not yet received approval for the proposed location of the Tower from the FAA. This location is in the potential flight path of the future east-west airport runway. There was a lengthy discussion over all BC Davis' concerns. Ultimately it was decided that an engineered foundation plan would not be required, that the height variance would be required, and that it was not unreasonable to wait on the FAA before placing the tower.

President Haines requested BC Davis read the six paragraphs that require approval before granting a Variance from the Developmental Standards.

Hewitt made a motion to approve paragraph A) seconded by Dobson. **Motion Passed**

Dobson made a motion to approve paragraph B) seconded by Haines. **Motion Passed**

Dobson made a motion to approve paragraph C) seconded by Hewitt. **Motion Passed**

Dobson made a motion to approve paragraph D) seconded by Hewitt. **Motion Passed**

Dobson made a motion to approve paragraph E) seconded by Hewitt. **Motion Passed**

Dobson made a motion to approve paragraph F) seconded by Hewitt. **Motion Passed**

Final Vote to Approve

Gutwein made a motion to approve of the variance, subject to FAA approval. Seconded by Dobson.

Haines- yes, Cawby- yes, Dobson- yes, Hewitt- yes, Gutwein- yes

Variance from DS Approved subject to FAA approval.

VI. Adjournment:

With no other business before the board, Chairman Haines entertained a motion to adjourn the meeting. Motions made by Cawby, seconded by Hewitt.

Motion Passed. Meeting adjourned at 6:53 PM CT

Next Meeting: Thursday, April 18th, 2024 @ 6:30 PM CT

Minutes Prepared by: Chrissy Martin, BD Admin Assistant