

**MINUTES OF
RENSELAER BOARD OF ZONING APPEALS**

Thursday April 18, 2024 at 6:30 pm CT

I. Call to Order:

The Rensselaer Board Of Zoning Appeals met on Thursday April 18, 2024 in City Hall Council Chambers. BZA Chairman Stan Haines called the meeting to order at 6:30 PM CT. Building Commissioner Davis was asked to proceed with roll call.

II. Roll Call:

Present: Chairman Stan Haines, Secretary Rob Dobson, Craig Hewitt, Chad Gutwein (Zoom) & Building Commissioner (BC) Joshua Davis, City Attorney Todd Sammons

Absent: Vice-Chair Sean Cawby

Guests: Dale Nester/D-1 Towing, Paul Floyd/Paul's Towing, Ruth Hammonds, Nancy Klockow/Truth Bible Church, Robert Schenk, Councilman Arnold, Councilman Rayburn, Chad Rentschler, & Harley Houghton.

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 Dobson, seconded by Hewitt. **Motion Passed.**

V. Old Business:

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

Mrs. Hammonds came before the board to request yet another extension to her permit to the 30 day extension granted to her the previous month. BC Davis reviewed the inspection of the property that he completed with Cawby during the previous month. In his opinion, she had done a lot to clean up the inside of the home and made some progress with the construction; however no work had been completed on the exterior. He informed the BZA he was willing to work as long as it takes with Mrs. Hammonds to complete the interior of her home, in compliance with the Indiana Residential Code, but he would like to see major efforts on her part to clean up and complete the exterior. He felt this was the main complaint of her neighbors, so it may appease them. After further discussion, Hewitt motioned to grant an additional permit extension (90 Days) until the July 18th meeting , seconded by Dobson. **Motion Passed.**

V. New Business:

A. Petition 05-2024, James Shanley, 112 N McKinley Ave – Variance of Use

BC Davis presented the Variance of Use Petition for Jim Shanley since he was unable to attend the meeting. Davis explained that this variance was required because the existing residential use of the property was non-conforming and now that the ownership had changed hands, the variance was required in order to continue the residential use. He explained Shanley was currently remodeling the two-family dwelling and he would like to keep the main floor residential. Davis had not received any complaints from the surrounding properties and Davis did not have any concerns allowing the use to continue.

Chairman 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.**

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**

Final Vote to Approve

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

Variance of Use Approved with no additional conditions.

B. Petition 06-2024, Truth Bible Church, 116 S Van Rensselaer St – Conditional Use

Nancy Klockow, the property owner and member of Truth Bible Church, was in attendance to request the conditional use. She explained that they are currently using the property (Ritz Cinema) on Sundays to hold their services, and they are coming before the BZA because they would like to make it their permanent meeting location. BC Davis explained that a Conditional Use approval for Religious Institution was required in every zoning district, not just the Central Business District where this property is located. He also informed the BZA that the only concern that had been raised was a church's ability to limit the issuance of liquor licenses within a certain distance of their property. There was further discussion between Nancy and the BZA and she confirmed the church would be willing to waive their right to limit liquor licenses as a condition of the approval.

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

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

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

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

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

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

Chair Haines asked if the BZA would like to add any conditions to the final approval. The BZA determined the approval should come with the condition that the Church would waive their right to protest or request the denial of a liquor license, temporary outdoor alcohol permit, or the City's creation of a Designated Outdoor Refreshment Area (DORA).

Final Vote to Approve with Conditions:

Hewitt made the motion, subject to the above conditions, seconded by Dobson.

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

Conditional Use Approved with the additional conditions.

C. Petition 07-2024, Pauls Auto Repair & Towing, 1658 N McKinley Ave – Variance of Use

Paul Floyd came before the BZA to request a Variance of Use to operate a vehicle towing and storage business, in addition to his auto repair business, which is not permitted in the Regional Business (B-2) District. BC Davis explained that he had been contacted by the business to see if they could expand the current fencing around the property for additional vehicle storage. While reviewing the request, he discovered that they did not get a variance to operate a towing and storage business. He informed them that he could not allow them to expand their business without a Variance of Use being granted from the BZA. There was a lengthy discussion between the BZA and Paul about how many cars would be stored on the property, would wrecked cars be parted out, which vehicles would be stored along the street frontage, and how the property would be fenced in to buffer it from the abutting properties.

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

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

Chair Haines asked if the BZA would like to add any conditions to the final approval. The BZA determined the approval should come with the following conditions:

1. Maximum of 75 cars could be stored on the property.
2. The business was not allowed to operate a salvage yard or sell used parts off of stored vehicles.
3. Only customer vehicles being repaired or awaiting pickup could be stored in the front yard.
4. All unclaimed vehicles, which required storage before they could be sold, must be stored in the fenced area and the fence required screening from the road and abutting properties.

Hewitt made the motion, seconded by Dobson.

Final Vote to Approve

Hewitt made a motion to approve of the variance, subject to the above conditions. Seconded by Dobson.

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

Variance of Use Approved with the additional conditions.

D. Petition 08-2024, D-1 Towing & Recovery LLC, 146 W Vine St – Variance of Use

Dale Nester came before the BZA to request a Variance of Use to operate a vehicle towing and storage business in the Two-Family Residential (R-2) District. BC Davis explained that the Mayor was currently working with CSX and Amtrak to improve the driveway and parklot at the Amtrak station. They were concerned that improvements would not hold up to the heavy duty tow trucks that D-1 currently drives through this area. While reviewing the needed improvements Davis discovered that D-1 was located in a residential zone and had never been granted a variance from the BZA for this. Dale informed the BZA and presented a letter that he would cease using the Amtrak drive and use his property's road access off of Vine St. It was noted that this portion of Vine was not a truck route, but the street department did not object because it was such a short distance off of Cullen St to his driveway along Vine.

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

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

Hewitt made a motion to approve of the variance of use, seconded by Dobson.

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

Variance of Use Approved.

VI. Adjournment:

With no other business before the board, Chairman Haines entertained a motion to adjourn the meeting. Motions made by Dobson, seconded by Hewitt. **Motion Passed.** Meeting adjourned at 7:39 PM CT

Next Meeting: Thursday, May 16th, 2024 @ 6:30 PM CT, if needed.

Minutes Prepared by: Joshua Davis, Building Commissioner