

**MINUTES OF
RENSSELAER BOARD OF ZONING APPEALS
Public Meeting 2023-08
Thursday December 14, 2023 at 6:30 PM CST**

I. Call to Order:

The members of the Rensselaer Board of Zoning Appeals met on Thursday, December 14, 2023 in City Hall Council Chambers. Board Chairman Stan Haines called the meeting to order at 6:33 PM CST. Building Commissioner, Joshua Davis was asked to proceed with roll call.

II. Roll Call:

Present: Chairman - Stan Haines, Secretary - Rob Dobson, Jeff Rayburn, Scott Malone, Chad Gutwein, Building Commissioner - Joshua Davis, & City Attorney Ahler

Absent: Vice-Chair - Sean Cawby

Guests: Councilman Kevin Arnold, Reporter Bob Schenk, Scott Barton, Teri Phegley, Martha Langley, Evelyn Mora Medina, Juan Ruan Roman, & Mark Hubers.

III. Review and Approval of Past Minutes:

Chairman Haines presented the minutes from the last BZA Hearing 2023-07, held on Thursday September 7, 2023. Motion to approve was made by Malone, seconded by Rayburn. **Motion Passed.**

V. Old Business:

Chairman Haines asked Commissioner Davis if there were any outstanding items to discuss. There were none.

V. New Business:

A. Public Hearing on the Conditional Use Petition to Establish a Church or Religious Institution in the B-3 Central Business District at 240 W Kellner Blvd

Evelyn Mora Median came before the BZA to represent the Iglesia de Dios Pentecostal. The church desires to completely rehabilitate the blighted property at 240 W Kellner Blvd, commonly now known as R&M Wholesale. The proposed architectural drawings show that they will be re-using the walls but also plan to add a second story to the building. During the hearing it was stated that their current goal is to start and finish construction within a year. Additionally, the board asked questions about the church's history, current size of its membership, and how it plans to operate. Mrs. Mora stated that in the past 4 years they have been meeting at the Nazarene Church in the city. They currently have around 100 attendees and they plan to have larger meetings at the church 2 to 3 times per week.

The board then reviewed the provided renderings of the proposed improvements. The plans presented were prepared by an architect from Spain but they are working with Hamstra Builders to meet Indiana building standards. Items directly discussed were the exterior lighting plan as well as the availability of off-street parking.

Lastly, the board discussed the potential negative impact of the B-3 district in terms of future development. If the board approved the use, any new business within 600 ft of the church that was applying for a liquor license would first need their approval. Additionally, there are two city parks within that radius that have been or will plan to host events with beer gardens. The state recently created a new law that allows the city to establish "Designated Outdoor Refreshment Areas" (DORAs) which are effectively permanent beer gardens. The city was concerned that this may

affect the use of these parks. The last discussion item was about the existing conditions of the site. It is currently blighted and the board desired to ensure the site would be cleaned up if the use was approved. The main concern was that they did not want to see development halted in the event any funding sources fell through.

Chairman Haines explained that in order to approve the Conditional Use, the board must find in favor of each of the 5 requirements to approve a Conditional Use located on page 18 of the 15-2008 Zoning Code. If any one of these individual requirements does not pass, then the application is denied.

Commissioner Davis then read the following paragraphs...

Paragraph i) After hearing the requirement, Chairman Haines called for additional discussion and entertained a motion to vote on said requirement. Motion was made by Rayburn, seconded by Malone. **Motion Passed**

Paragraph ii) After hearing the requirement, Chairman Haines called for additional discussion and entertained a motion to vote on said requirement. Motion was made by Malone, seconded by Gutwein. **Motion Passed**

Paragraph iii) After hearing the requirement, Chairman Haines called for additional discussion and entertained a motion to vote on said requirement. Motion was made by Dobson, seconded by Rayburn. **Motion Passed**

Paragraph iv) After hearing the requirement, Chairman Haines called for additional discussion and entertained a motion to vote on said requirement. Motion was made by Malone, seconded by Gutwein. **Motion Passed**

Paragraph v) After hearing the requirement, Chairman Haines called for additional discussion and entertained a motion to vote on said requirement. Motion was made by Rayburn, seconded by Dobson. **Motion Passed**

With the finding that all 5 requirements of a Conditional Use had been met Chairman Haines opened discussion to determine if any additional conditions from the Board be included with the approval. Malone proposed four (4) Additional Conditions or Stipulations:

1. The church is required to grant approval to any business seeking a liquor license in the B-3 Central District.
2. The church is required to re-appear before the board to have their final exterior elevations and site plans approved before starting construction.
3. The church may not impede the development of any Designated Outdoor Refreshment Area as defined by IC 7.1-3-31.
4. The church must obtain a bond to cover the cost of demolishing the building prior to issuance of a building permit.

After discussion of the additional conditions Chairman Haines entertained a motion to approve the four (4) additional conditions. Motion made by Rayburn, seconded by Malone. **Motion Passed**

Chairman Haines asked Commissioner Davis to proceed with a Roll Call vote for final approval of the Conditional Use with the four (4) additional conditions.

Commissioner Davis then proceeded with a roll call vote:

Chairman Haines	Yes	Scott Malone	Yes
-----------------	-----	--------------	-----

Rob Dobson

Yes

Jeff Rayburn

Yes

Chad Gutwein Yes

Motion Passed

B. Discussion of Citizen Member Requirements for BZA Members

Commissioner Davis presented the Board with the Indiana Code on the requirement for the members to be regular citizens and also the statutory definition of a Public Officer. Currently, Chairman Haines and Scott Malone hold positions on other government boards which disqualifies them from continuing to serve on the BZA. There was a discussion with Ahler to clarify their understanding and the history of this rule. Both Haines and Malone stated they will make a decision as to which board they will continue to serve on.

VI. Adjournment:

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

Motion Carried. Meeting adjourned at 7:11 PM CT

Next Meeting: TBD

Minutes Prepared by: Joshua Davis, Building Commissioner