



CITY OF RUSHVILLE

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Rushville, Indiana 46173
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MINUTES FOR THE MEETING OF THE RUSHVILLE BOARD OF ZONING APPEALS

May 19, 2021
7:00P.M.

Call to Order: The Rushville Board of Zoning Appeals met on the above date and time in Council Chambers. Chairman Joe Rathz called the meeting to order at 7:00pm.

ROLL CALL: Jeff Houser, Jean Kopf and Joe Rathz.

Absent: Phil Brashaber.

Deputy Director Carmen Clark, Consultant Shelly Wakefield and Attorney Grant Reeves also attended.

MINUTES: Mr. Houser made a motion to approve the April 21st minutes as presented. Mrs. Kopf seconded the motion. All in favor. Motion carried.

Old Business:

Findings of Fact:

21-V-06 & 21-V-07: Delbert Frazier, 641 Cameron Drive. Mr. Houser made a motion to approve. Mrs. Kopf seconded the motion. All in favor. Motion carried.

21-V-08: Dan Hedrick, 128 W. 11th Street. Mrs. Kopf made a motion to approve and Mr. Houser seconded the motion. All in favor. Motion carried.

Chairman Rathz swore in all meeting participants at this time.

New Business:

Special Exception:

21-SE-01: Southern Indiana Housing & Community Development Corporation is seeking a special exception from Article III, Section G. The applicant is requesting to have multi-unit apartment housing. The property is zoned CBD, Central Business District. The address is 440 W. Third Street.

Eric Frey, with ARA, spoke to the board regarding the petition. The proposal has 10 units including 2 studio, six 1-bedroom and two 2-bedroom apartments. It is affordable housing based on income. Mr. Frey said this will enhance and improve the proposed area. There will also be updated landscaping. The architect's layout will have 19 parking spaces which is within the ordinance. They plan to add a new glass bus shelter. The trash/refuse will be behind the building and will be screened. There will be 2 handicap accessible apartments on the first floor.

Mrs. Kopf inquired about the parking lot and how many entrances there would be. Mr. Frey stated there would only be one.

Public Hearing: Tim Yazel and Brian Sheehan both stated they were in favor of the project. Chairman Rathz closed the public hearing.

Mrs. Kopf made a motion to approve 21-SE-01: 1. The Haven School project will be consistent and harmonious with other land uses in the neighborhood and will include landscaping. 2. There will be one entrance in and out from the alley to help maintain safe traffic flow. 3. There will be 19 parking spaces and some off street parking on McClaren Street. 4. There will be a bump out behind the building to contain the refuse. It will be screened and unable to be seen from the public road. 5. The Haven School project will help to rehabilitate an abandoned building and a blighted neighborhood and bring the historic building up to code. Mr. Houser seconded the motion. All in favor. Motion carried.

21-V-09: John Malcom, on behalf of Davis Towing, is seeking a use variance from Article III, Section B, to build a commercial garage for a wrecker business to store wreckers. The address is 709 W. 1st Street and is zoned R-1, Single-Family Residential.

Attorney Geoff Wesling, 205 N. Main Street, spoke on behalf of Davis Towing. The proposed commercial structure has been staked and there is no visual obstruction around the curve. The lot is awkward due to the fact that most parcels are in the county and 2 are in the city.

The new structure will house wreckers. There is a new unique and substantial wrecker that will need to be housed in this structure. This will help so the wreckers are not parked outside. An added benefit is the new structure will screen the impound lot.

The adjoining neighbor has not complained. It will be located next to the accessory structure she has on her property.

Chairman Rathz voiced his concern for setting a precedence.

Public Hearing: Mayor Pavey stated he was in favor of the variance. Chairman Rathz closed the public hearing.

Mr. Houser made a motion to approve 21-V-09: 1. There will be no safety issues adding the commercial garage to an already established towing business. 2. There will be no adverse effect. This will not have any effect on neighboring properties. It will fit with other properties in the area. 3. Yes. This is a peculiar property. Most parcels are in the county but the front two parcels are in the city. The parcels in the county are already being used for the towing business. 4. Yes. The building I needed to house the wreckers and there is no other location to place it on the city parcels. 5. Yes. This is in line with the City Comprehensive Plan. Conditions: 1. The city parcels will be rezoned within one year. 2. There will be appropriate and approved landscaping between the new commercial garage and the residential property to the east. 3. There will be no outdoor storage. Mrs. Kopf seconded the motion. All in favor. Motion carried.

21-V-10 & 21-V-11: Andy Scholle, on behalf of Christina Levi, is seeking a variance from Article III, Section B, #4, (a) (i) and Article III, Section B, #4 (b) for lot area and building setbacks to change lot lines for a replat for 1304 and 1306 N. Morgan Street. Both parcels are zoned R-1, Single-Family Residential.

Mr. Scholle explained that Mrs. Levi owns both properties and is only changing the north boundary between the two parcels. The northeast corner of the property is difficult getting the car in and out of the garage or doing maintenance to this corner of her home is a struggle not being on the neighboring property.

Public Hearing: No one spoke at this time.

Mr. Houser made a motion to approve 21-V-10: 1. Moving the lot lines will make it safer. It will not be injurious. 2. There will be no adverse effect. There will be no value change in property in the area. 3. Yes. It would be a practical difficulty following the ordinance. The replat would not be possible. Mrs. Kopf seconded the motion. All in favor. Motion carried.

Mr. Houser made a motion to approve 21-V-11: 1. Moving the lot lines will make it safer. It will not be injurious. 2. There will be no adverse effect. There will be no value change in property in the area. 3. Yes. It would be a practical difficulty following the ordinance. The replat would not be possible. Mrs. Kopf seconded the motion. All in favor. Motion carried.

Reports:

Deputy Director: Ms. Clark stated new board member, Ywan Jenkins, will begin his term at the next meeting.

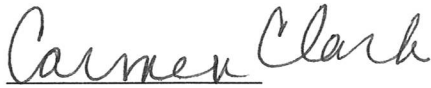
Attorney: Mr. Reeves inquired about the Orr property located 7th & Morgan Street. Ms. Clark informed him that Code & Building Compliance Officer had inspected the home. The upstairs apartments are locked and not in use. The entire downstairs is being used for a single-family residence for an extended family unit.

Consultant: Mrs. Wakefield said with a new board member beginning it will be a good time for board education. There will be a work session on Wednesday, June 23rd at 6pm.

ADJOURNMENT: Mrs. Kopf made a motion to adjourn the meeting. Mr. Houser seconded the motion. All in favor. Meeting adjourned at 7:43pm.



Joe Rathz, Chairman



Carmen Clark, Secretary