

**BOARD OF ZONING APPEALS**  
**MEETING MINUTES**  
**March 10, 2020**

Kris Schwickrath: Good evening, everyone. The March, 2020 meeting of the Board of Zoning Appeals is now called to order and we'll start with a roll call.

Allan Henderson: Mr. Lewis - here, Ms. Schwickrath - here, Mr. Clark - here, Ms. Case - here. Let the record reflect that Mr. Lisher and Mr. Cassidy are absent.

Schwickrath: Thank you. Prior to this evening's meeting, we have minutes from last month to approve. I'll entertain a motion for that.

Chris Clark: I move to approve the minutes of February.

Beth Case: I second.

Schwickrath: Okay and then all in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed, same sign?

No reply.

Schwickrath: Okay the minutes are approved. Thank you. We have no items under Old Business and moving on to New Business we have one petition this evening so when you're ready Allan.

Henderson: Yes, our one petition for the night is BZA 2020 - 4, Modern Classic Motor Cars. It's for a use variance at 38 W. Franklin Street. The property is currently zoned business central and they do have a legal non-conforming use as a medium auto-oriented business. The request tonight is to increase that to a large scale auto-oriented use. The petitioner, the new owners would like to restore cars and fix cars in there. The building is suited for that but in order for them to be able to purchase cars from auctions or other dealerships, they need an Indiana dealer's license and so the property needs to carry that proper zoning.

Schwickrath: Okay, thank you. Mr. Dillow, you have a chance now to step forward to the microphone, state your name for the record and tell us about the project beyond what Allan has just said.

Paul Dillow: Paul Dillow here representing myself and Dan Duran. Dan couldn't be here. He's at his kid's last wrestling meet tonight. Pretty simple really - we both have recently sold our businesses. This is sort of a retirement hobby thing. We're not going to be an auto dealer. I joked earlier and I said you know Acra and Chris Kramer they don't have anything to fear from us. We're not gonna have streamers and banners. That's not what we do. We and it's just really just a technicality. In order for us to source some of the cars we wanna...most of them will be old. Most people under my age won't even recognize them. We'll be restoring cars and selling 'em at auction. They'll never be sold here or online. The other side of it is higher end, don't laugh at me, Bentley, Mercedes, you know the higher end Mercedes. Wade probably knows about this. Insurance has changed a lot. They total cars pretty easy these days. There's three major dealers, not dealers. I don't know what you call 'em. Three major companies, they're all three nationwide. They buy these cars from insurance companies. We would like to source some of those cars from those companies. The hitch is, we can't buy from any of them. We can't even go on their property without a dealer's license. So that's why we need a dealer's license. We're not applying to be an auto dealer in the in a ....

Schwickrath: In the conventional sense.

Dillow: ....in the conventional sense. Thank you.

Schwickrath: Right, okay.

Dillow: So no streamers, no banners, no stuffed animals and all that. That's this will all be contained within the building.

Schwickrath: So that's pretty clear. If you don't mind, we'll just ask board members questions. We've got a few items that I'd like to just for the public record state.

Dillow: Sure.

Schwickrath: I think need to be stated.

Dillow: I understand.

Schwickrath: Was there anything further? I didn't mean to interrupt you.

Dillow: No. No that's it in a nutshell. I mean....

Schwickrath: Okay.

Dillow: ....I wouldn't bore you with the technicalities of the car thing. Unless you're a car guy, you wouldn't really get it, but we're gonna do what we call resto-mods. We're taking old cars and making the running gear and the chassis new but it'll still look like an old car.

Schwickrath: Sure. Okay.

Dillow: That's what we do.

Schwickrath: Mrs. Case, would you like to start?

Case: Yes. I was wondering will there ever be an occasion where you'll be bringing in several cars at once like on a big car carrier type trailer?

Dillow: No. We're our own pickup and delivery service.

Case: Okay. I don't have anything further.

Schwickrath: Thank you. Mr. Clark?

Clark: How will you be moving vehicles into this facility?

Dillow: Well you're conveniently located, do you see that red trailer over there in the back of the lot? That's mine. I have that and I have one that's a two-car hauler and that's what we use. The bulk of the cars that we buy come from west of Kansas. So I drive out there a lot. I got Navy buddies that live out that way and I have places to stop and find me a beer. But yeah I make a lot of trips out west. So it's typically just one or two cars at a time. Most typically one at a time.

Clark: Thank you.

Schwickrath: Okay, thank you. Mr. Lewis?

Wade Lewis: The only question and this is gonna be you're okay with this being totally just for this building? You aren't gonna move or anything?

Dillow: Oh absolutely. We're not going anywhere, yeah.

Lewis: And it's not a part of the variance thing, but you're the facade you're gonna do is on both? There's like two buildings, right?

Dillow: Oh yeah we're....

Lewis: It's gonna be from the (?) front?

Dillow: We've been talking to Brandy Coombs quite a bit about what we can and can't do. We still don't know. Yes, there's two buildings actually. It doesn't look like it, but there are, 34 and 38 and yes, we wanna make 34 and 38 look like one place.

Lewis: One, okay.

Dillow: And I think I mentioned earlier, I don't know if you were here, but we wanna do a stone veneer and make it resemble the other you know, Excel Center and the parking garage so that we don't stick out like a thumb.

Lewis: That's all I have; thanks.

Schwickrath: Okay, thank you. I have a couple of questions. The storage of cars - will you be storing anything on the outside? I know you've got that parking lot so is that shared with....

Dillow: Nothing, no.

Schwickrath: ....National Automotive or I don't know how the arrangement now works.

Dillow: They only have two employees.

Schwickrath: Okay and is it online their business now or do people come and pick things up?

Dillow: They do have walk-in traffic but it's very, very light.

Schwickrath: It's minimal?

Dillow: Most of their business is done by mail.

Schwickrath: So that whole parking lot then is obviously shared by the two properties?

Dillow: Yes.

Schwickrath: For the two, the other, okay, the two different, yeah I guess properties is the right word. Alright and it's pretty large, so ....

Dillow: Yeah we've got room for about 20.

Schwickrath: And then so when you do bring a car, as I looked out the window and I saw you've got it on a trailer. So how long....what's that staging time?

Dillow: That's an anomaly. I'm getting a new driveway poured so that's why it's not at home.

Schwickrath: Yeah, okay. That's fine.

Dillow: No we don't intend to have....we're gonna, we wanna remodel the front of the building so that we have a nice appearance. We don't want a trashy looking parking lot. We're gonna resurface the parking lot as well. I should've mentioned that.

Schwickrath: Okay. No that's fine. I just wanted to make sure that that's clear.

Dillow: No. No, no, no.

Schwickrath: 'Cause I imagine Leah here would like to know those details but you'll have a chance to talk if you want to.

Dillow: One of the well I guess I should, we don't want, the reason that's kind of a big deal to us is well we don't really want people to know we're there.

Schwickrath: Sure.

Dillow: It's hard to get anything done when you got hey, will you fix my truck? No, that's not what we do.

Schwickrath: Okay.

Dillow: So our doors are locked during the day. We don't answer it unless it's you know one of our wives which we have to then, but ....

Schwickrath: Yes.

Dillow: ...but that's, no we don't the less conspicuous we are the better for us.

Schwickrath: Okay. No, that....

Dillow: That's why we wanted the stone front on the building. It kinda throws everybody off of you know the....

Schwickrath: Who's here or what's here?

Dillow: Right.

Schwickrath: Right, okay. And I this I think is a good related question about the level of noise. I assume you're gonna be, and when I think of a shop, an auto shop, I know this is a different operation. I'm thinking of like Firestone where I'm hearing the electric tools and all of that. This is gonna be pretty quiet I imagine.

Dillow: I'd be pretty surprised if you could hear anything from outside.

Schwickrath: Okay. Alright just to make sure. I think....

Dillow: There's a large exhaust fan in the building but that's been there for since '95 so I that's the noisiest thing we have.

Schwickrath: Do you intend to use all of the property? The inside I mean?

Dillow: No. No, actually National just changed their name to Blue River Supply and they're still in the southeast corner of the space.

Schwickrath: Okay. Okay, I was just curious about that 'cause it's fairly large. I've been in there before.

Dillow: So, yeah it's a pretty good size building.

Schwickrath: Okay that's all that I have. Any other questions come to mind for any of you?

No reply.

Schwickrath: So I'll close questions then from the board and anyone from the public? Leah Knight, that would be you, if you wish to make a comment or ask questions, this is the time.

Leah Knight: I do have a question.

Schwickrath: So if you would state your name for the record please.

Knight: Sure. Leah Knight and I'm property owner of three different parcels over here within a stone's throw of that. And my question is is how where will you be delivering vehicles in and out? Is that ever gonna block, do you believe that you would be blocking the alley that runs from Franklin to Mechanic going south and north?

Dillow: No. I can't I mean I can't really stress this enough. We're not it will never be more than one car at a time. You wouldn't even notice that we....our cars, when we bring a car up here to work on, it's gonna go down the alley and into the (?) building.

Knight: 'Cause there's a rear entrance back there, door isn't there?

Dillow: The, just a service door.

Knight: Right. There's not a garage door.

Dillow: Not a overhead door, no.

Knight: So then how do you deliver the vehicle into the....

Dillow: In the alley.

Knight: Okay.

Dillow: If you go next to 34 here and head north through the alley, we do have one overhead door there.

Knight: Between 28 and 34? There is one overhead door. I thought there was. Okay. That's really I think all I can think of that I have.

Schwickrath: Sure.

Knight: I don't know that it's gonna cause any problem for us. Not anymore than any of the other stuff that's ever happened over there with Excel going in and now you know this business with the .....

Dillow: I hope we actually clean it up. You know, the building's sort of an eyesore. We know that. The facade's terrible. It's very old and it was cobbled together. We're gonna try and fix that. But the coming and going of vehicles is not going to be, you won't ....(inaudible)...

Knight: Okay. That's all I have. Thanks.

Schwickrath: Thank you. Anything?

No audible reply.

Schwickrath: Okay I will close now public commentary and I think we're ready to move to a motion. Seems that way.

Lewis: I will make a motion to approve the requested use variance to allow the subject property to be used for auto-oriented use, large scale pursuant to Findings of Facts presented in the planning staff's report and conditions outlined therein.

Schwickrath: How about stating the conditions.

Lewis: Those conditions being: Number one, the use variance is solely associated with the building at this site. No other properties owned by the applicant or adjacent properties. Two, the use variance will expire if and when the approved use, auto-oriented use, large scale

ceases to operate in this structure. Three, all auto-oriented uses shall be contained to the building.

Schwickrath: Thank you. There's a motion.

Case: I second.

Schwickrath: Okay. Please cast your ballot then for BZA 2020-4.

Henderson: For BZA case 2020-4, Ms. Case - yes, Mr. Lewis - yes, Mr. Clark - yes, Ms. Schwickrath - yes.

Schwickrath: Thank you and good luck with the project. I think you're right. It just it needs a little bit of TLC and attention.

Dillow: Uh huh.

Schwickrath: Yeah, right.

Dillow: Well we're gonna get a lot of eyes on us now with the parking garage, so better get on it, huh?

Schwickrath: That's right. You're all exposed. Thank you.

Henderson: Paul, I will complete that paperwork and give you a call tomorrow or Thursday so you can get that letter.

Dillow: Sure. Dan or I can stop by anytime.

Henderson: Okay.

Dillow: Thanks, guys. Appreciate it.

Schwickrath: Thank you.

Case: Thank you.

Schwickrath: Thanks, Leah. Anything? Any discussion or I have a quick question then about I've seen I saw you last week or earlier this week. I think it was last week. And where is the landscaping code ordinance, the revisions? I thought Adam's gonna send that to me and I haven't seen it yet?

Henderson: Okay. We do have a draft copy of that.

Schwickrath: You have a draft.

Henderson: Right now we were kind of gonna go through it ourselves just to make sure, but we're happy to share that with you as well.

Schwickrath: Okay. And thank you and I didn't know where that stood. I know you're busy people but maybe we could send it to everyone on the board eventually electronically.

Henderson: Okay.

Schwickrath: Just so that you can we can see it 'cause quite a few revisions have been made and I think it's important that we look at that, that we understand that. So whenever that's possible.

Henderson: Okay.

Schwickrath: It's not going anywhere anytime soon.

Henderson: To date we have one case for next month that has already filed.

Schwickrath: Okay. That's good to know.

Henderson: So we will meet next month as well.

Schwickrath: Okay, thank you. I think we're finished.

Lewis: Move to adjourn.

Clark: Second.

Schwickrath: Alright, thank you everyone.

Meeting adjourned.