



**BOARD OF ZONING APPEALS**  
**Minutes**

**Brownsburg Town Hall  
61 North Green Street  
Brownsburg, Indiana 46112**

**Monday, December 12, 2011**

The Brownsburg Board of Zoning Appeals convened at 7:00 PM with the Pledge of Allegiance. A roll call was taken.

Members Present: Chuck Walker, Al Wolting, Eric Willman, and Tom Lacey

Also Present: Todd A. Barker – Director of Planning, Tom Derue – Town Attorney, and Jonathan Blake – Planning Technician

**C. Consideration of Previous Minutes:**

**1. October 17, 2011 – Regular Meeting**

**Motion:** Tom Lacy made a motion to APPROVE the October 17, 2011 regular meeting minutes, seconded by Al Wolting, motion carried 4-0.

**2. November 14, 2011 – Regular Meeting**

**Motion:** Tom Lacy made a motion to APPROVE the November 14, 2011 regular meeting minutes, seconded by Al Wolting, motion carried 4-0.

**D. Approval of Findings of Fact**

**1. NONE**

**E. Old Business:**

**1. BZUV-10-11-1088 - C. Hart Landscaping - 645 N. Green Street, Brownsburg, IN**

A request for a USE VARIANCE from 155.209 (B)(1) if the Brownsburg Zoning Ordinance, Entitled "Permitted Uses" to allow Outdoor Storage as a permitted use on the property. This property is currently zoned 'I-1'. **ADVERTISED PUBLIC MEETING**  
(Parcel No. 32-07-02-385-007.000-016)

Ben Comer of Comer Law Office requested a continuance for BZDV-9-11-1086.

**Motion:** Al Wolting made a motion to CONTINUE case BZDV-10-11-1088 to the next meeting, seconded by Tom Lacy, motion carried 4-0, the Advertised Public Hearing was recessed until January 9<sup>th</sup>, 2012 at 7:00 PM.

**F. New Business:**

1. BZDV-9-11-1086 CVS Pharmacy 21 West Main Street  
A request for a Development Standards Variance from 155.297(B)(3) of the Brownsburg Zoning Ordinance, to exceed the maximum number of signs permitted on a lot as permitted in the ordinance. This property is currently zoned 'C-3'.

Jason Carter resides at 500 N. Rangeline Rd., Morristown, Indiana

Mr. Carter stated that signs are the number one way of advertising a business. Businesses like CVS chose corner lots to be visible from multiple streets.

Mr. Carter stated they would like to amend their request to only add one (1) additional sign on the north façade, which would be illuminated by LED lights. They are willing to remove the drive-thru signs on the drive-thru canopy.

Eric Willman stated that the paperwork indicated that the "24 Hour" signs would be replaced with "Minute Clinic" signs on the north & east façades, but the petitioners were requesting to withdraw the request for the east façade.

Tom Lacy asked for a clarification that the amended request was only for the north façade and that the drive-thru sign on the drive-thru canopy which is visible from Green Street would be removed.

Mr. Carter acknowledged that to be correct.

OPEN ADVERTISED PUBLIC HEARING

Bill Sibbing resides at 1011 Woodridge Dr., Brownsburg, IN 46112

Provided handout regarding the number of signs on site and presented a PowerPoint presentation. Mr. Sibbing stated during his presentation that the existing number of signs on the property far exceeds the maximum number permitted by ordinance and in his opinion it looks cluttered.

CLOSED ADVERTISED PUBLIC HEARING

**Motion:** Tom Lacey made a motion to DENY case BZDV-9-11-1086 CVS Pharmacy, seconded by Al Wolting, motion carried 3-1.

2. BZSE-10-11-1089 Sawmill Creek, LLC. 1650,1652,1630,1632 East Northfield Drive  
This petition is a request for a Special Exception Use from §155.212(B)(2) of the Brownsburg Zoning Ordinance, entitled "Special Exception Uses" to allow Childcare/Daycare Centers on the property. This property is currently zoned 'I-4'.

Kim Seals of Sawmill Creek, LLC. appeared before the Board to request a Special Exception Use to permit Childcare/Daycare Centers in the four (4) buildings located at 1650,1652,1630,1632 East Northfield Drive. Also with Ms. Seals was Sabrina with HIP Studio.

Mr. Willman asked the petitioner if they had read the staff report that recommended an Annual Life Safety Inspection by the Building Department. Ms. Seals responded that they had and was agreeable to the inspections.

Mr. Lacey expressed that he was concerned with a 'blanket' approve for Childcare/Daycare Centers in these four (4) buildings because of the potential of having children adjacent to race shops, engine testing etc.

Ms. Seals stated we were willing to limit the approvals to on the two (2) buildings that front East Northfield Drive.

Mr. Barker explained that during staff's analysis of the BZSE-3-11-1068 Kidz Depot, Inc. it was discovered that an existing Childcare/Daycare Center existed on the Sawmill Creek property. Staff suggested that the property owner attempt to request a Special Exception on all of their buildings. Staff consulted with the Building Commissioner regarding the safety / separation of uses within the buildings. Based on the construction of the building the Building Commissioner was satisfied with construction so long as the Building Department could complete an Annual Life Safety Inspection as recommended in the staff report.

Ms. Seals stated that HIP Studios primarily had children before and after school and during the summers they hold summer camps off the premises.

Mr. Willman expressed he agreed with Mr. Lacey's concerns, and would like to see the request limited to the two (2) building that front E. Northfield Drive.

Mr. Wolting asked if this request is for a specific business. Mr. Barker clarified that the current request is not for a specific user. Mr. Wolting stated he would prefer that any approval be limited to the specific user.

#### OPEN ADVERTISED PUBLIC HEARING

No one appeared to speak for or against the petition.

#### CLOSED ADVERTISED PUBLIC HEARING

**Motion:** Tom Lacey made a motion to APPROVE case BZSE-10-11-1089 Sawmill Creek, seconded by Al Wolting, motion carried 4-0 subject to and conditioned upon the following:

1. That the Special Exception Use be approved for HIP Studios;
2. That the Special Exception Use be limited to 1650 E. Northfield Drive, Suites 100, 200, and 300;
3. Those recommendations included in the staff report dated December 5, 2011; and
4. The approval of the Findings of Fact and Conclusions of Law.

#### **G. Reports from Officers, Committees & Staff:**

1. Staff update on "Year in Review Meeting": Staff is preparing the information for the review meeting in January and explained the expected process for the meeting. Staff will review available dates and coordinate with the members on the best possible date and time.

#### **H. Communications & Bills**

1. None

#### **I. Adjournment:**

**Motion:** Al Wolting made a motion to **ADJOURN**, seconded by Tom Lacy, motion carried 4-0.  
7:47pm

This minutes of the December 12, 2011 Board of Zoning Appeals meeting are hereby approved:

\_\_\_\_\_  
Eric Willman, President

ATTEST:

\_\_\_\_\_  
Dawn Brown, Recording Secretary