

CITY OF PERU

Board of Zoning Appeals



Date: May 28th, 2024

Time: 6:00 pm

Place: Peru City Hall- Common Council Room

35 S. Broadway Peru, Indiana

PERU BOARD OF ZONING APPEALS

Call to Order: Brent Wedding

Time: 7:37pm

ROLL CALL: Max Glassburn (P), Ron Rylands (P), Mike Siblisk (P), Brent Wedding (P), Myke Wilson (P)

READING & APPROVING PREVIOUS MONTH'S MINUTES

Motion to waive the reading and accept the minutes.

1st: Ron Rylands

2nd: Myke Wilson

ALL IN FAVOR

OLD BUSINESS

- NONE

NEW BUSINESS

- Chair Elections
 - **Chair-** Brent Wedding

Motion to vote: 1st: Ron Rylands 2nd: Mike Siblisk

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Roll Call:

Max Glassburn	<u>X</u> YES	___ NO
Ron Rylands	<u>X</u> YES	___ NO
Mike Siblisk	<u>X</u> YES	___ NO
Myke Wilson	<u>X</u> YES	___ NO
Brent Wedding	<u>X</u> YES	___ NO

- **Vice Chair-** Ron Rylands

Motion to vote: 1st: Brent Wedding 2nd: Mike Siblisk

Roll Call:

Max Glassburn	<u>X</u> YES	___ NO
Ron Rylands	<u>X</u> YES	___ NO
Mike Siblisk	<u>X</u> YES	___ NO
Myke Wilson	<u>X</u> YES	___ NO
Brent Wedding	<u>X</u> YES	___ NO

NEW BUSINESS

- Special Exception for parcel #52-08-27-302-094.000-016, commonly known as 68 S Wabash St.
 - Strictly auto storage of wrecked vehicles or vehicles under police impound for towing company.
 - Eric Buckley, owner of Area 52 towing, went in front of the Board and explained that he is just starting out and would like to be on the police rotation, but he needs a property with a fence that is able to be locked. He would store up to 12 vehicles on

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this property if the request is granted. He said there will be no dismantling or scrapping on this property. There was some discussion between Mr. Buckley and the Board about possibly finding a different property because of the size of the property and the location of the property being in the downtown district.

- Rachel Richter, 20 and 24 E 2nd, went in front of the board to remonstrate about this special exception because she is worried about the leaking of fluids, seeing wrecked cars, bright lights, and the noise near her home. She does not want to knock anybody out of making any money, but she is not comfortable with the idea of having wrecked cars around.
- James Richter came in front of the board and explained that they are in the historic district, and they are trying to make the neighborhood look better with everything going on around that area.
- The Board discussed some more with Mr. Buckley about where he may be able to look into obtaining different property for this purpose. The board tabled the request. 5-0.

Motion to table: 1st: Ron Rylands 2nd: Myke Wilson

Roll Call:

Max Glassburn	<u>X</u> YES	___ NO
Ron Rylands	<u>X</u> YES	___ NO
Mike Siblisk	<u>X</u> YES	___ NO
Myke Wilson	<u>X</u> YES	___ NO
Brent Wedding	<u>X</u> YES	___ NO

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- Use Variance for parcel #52-08-22-401-463.000-016, commonly known as 334 Monroe Ave.
 - Use Duraskirt for the skirting of new manufactured home instead of the block foundation.
 - Edward Hatch, 334 Monroe, went in front of the Board and told everyone that his contractor explained to him that the Duraskirt is kind of the same as a block foundation, just cheaper. Mr. Hatch then explained that he cannot afford the block foundation, but he can afford the Duraskirt. Bruce Carson, Building Commissioner, explained to the Board that Mr. Hatch had a fire in his home and the home was demolished and the new modular home was very nice, and he explained more about what the Duraskirt is. He then told the Board that he thinks this particular home would be good to try this type of skirting because the front of the home is going to be covered by the front porch/deck and passersby will not be able to see it very well. Mr. Carson told the board that he thinks it would be good to try, even if it is a one-time variance and that he gives a favorable recommendation. The Board passed the request 5-0.

Motion to vote: 1st: Brent Wedding

Roll Call:

Max Glassburn	<u>X</u> YES	___ NO
Ron Rylands	<u>X</u> YES	___ NO
Mike Siblisk	<u>X</u> YES	___ NO
Myke Wilson	<u>X</u> YES	___ NO
Brent Wedding	<u>X</u> YES	___ NO

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- Use Variance for parcel #52-08-28-104-010.000-016, commonly known as 418 N Broadway.
 - Build a greenhouse on the south side of the home. 3 feet from the house and 3 feet from the fence.
 - Ray and Kim Alexander went to the Board and told them that they moved here last year, and they have been cleaning up the property. They would like to put in a greenhouse on the southside of the property and there is a 17' clearance from the house to the fence. The greenhouse will be 6'w X 12'l and originally, they thought it would be 3' from the house and 3' from the fence. They said they would have 5' on one side and 6' on the other. Haley Shuck, Zoning Administrator, explained to them that they will not need the variance then. The only reason they needed it before was because according to the ordinance they needed 5' between the house and the greenhouse, so as long as they keep the greenhouse at least 5' away from the house, they will not need a variance. No vote needed.

NEW BUSINESS

The special exception and area variances for the property commonly known as E Wabash Road were discussed simultaneously during the meeting.

- Special Exception for parcel #52-08-26-100-007.000-015, commonly known as E Wabash Road.
 - Allow Mineral extraction in an area zoned A-3. Contingent upon the granting of the request to rezone the property from a R-1 to A-3.
- Area Variance for parcel #52-08-26-100-007.000-015, commonly known as E Wabash Road.

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- Reduce setbacks to 100' for both the setback from the residential dwelling and the setback from loading berth to resident. Applicant also requests relief from the requirement of a 500' setback from a residential district. Contingent upon the granting of the request to rezone the property from a R-1 to A-3.
 - Josh Petruniw, applicant's lawyer, Mike Bowyer, went in front of the Board and distributed the Miami County Economic Developmental Authority's (MCEDA) letter of recommendation. He then went on to say that there was a lot of discussion at the Plan Commission meeting that was before the Board of Zoning Appeals meeting about this request. He stated that there are two factors for the Special Exception that the BZA will need to determine. He said that they believe it would greatly serve the public and they don't believe it will add any hardship to the surrounding area. He mentioned that the fact that they will not be dewatering while extracting the minerals, there will be less dust the surrounding areas will have to deal with. He then went on to the five factors the BZA will need to take into consideration for the area variances on the setbacks. Brent Wedding, Chair, asked how much they actually need because his concern is the fact that they are asking for 100' setback compared to the 1000' setback that is in the restrictions for the Special Exception. Mr. Wedding asked Mr. Bowyer if it would be profitable and doable if the Board were to put the setback at 200' instead of the 100' setback that is being requested. Mr. Bowyer said that he could do it at the 200' setback if that is what the Board decided to make it. Mr. Wedding said that he was asking because he heard what the citizen's concerns during the Plan Commission meeting and he wants to know if there is any way to give them peace of mind but also wanting Mr. Bowyer to be successful as well since he is trying to invest in the community. Mr. Bowyer also explained to the Board that he does not believe the first gravel pit was the cause for the neighbor's wells to run dry and that some of them were replaced 3

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years before he started dewatering the first gravel pit. He also said that some of the issues with the wells running dry could be because of the high-water usage wells over by the solar panels. Mr. Wilson asked about the berms being 6' tall and Mr. Bowyer explained that 6' is what is required but he wanted to make it 8' tall instead.

- Sharon Cattin, 2043 E Wabash Road, came to the board and explained that her property goes out 190' from her house to the property line on the west side. She is concerned that if the setback from a dwelling is 100', then the gravel pit will be on their property. Mr. Wedding and other members of the Board assured her that the gravel pit would not be on her property. She also mentioned her concern about what the plan is for the piece of field on the east side of her home. She is worried that Mr. Bowyer will move the entrance to the east side of her home. The Board assured her that if they approve the developmental plan in front of them, then Mr. Bowyer cannot move the entrance without their permission.
- The Board had a little more discussion and then made a motion to table both of the requests until the City Council made their decision.

Motion to table both requests:

1st: Myke Wilson

2nd: Max Glassburn

Roll Call:

Max Glassburn	<u>X</u> YES	<u> </u> NO
Ron Rylands	<u> </u> YES	<u>X</u> NO
Mike Siblisk	<u> </u> YES	<u>X</u> NO
Myke Wilson	<u>X</u> YES	<u> </u> NO

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Brent Wedding

X YES

___ NO

ADJOURNMENT:

1st: Brent Wedding

2nd: Ron Rylands

Time: 8:54 pm

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