

BRVA LAND USE AND DEVELOPMENT COMMITTEE MEETING MINUTES

May 28, 2024, 6:00 P.M.

Northminster Presbyterian Church
1660 Kessler Blvd. E. Drive

Present: Bo Boroski, John Jackson, Sam Rogers, Josh Mazur, Andrew Baldwin, Chad Fallis, Tim Oprisu, Brian Gamache, Kristen Kraus, and Jordan Dillon

Guests: Ted Darnall, Tom Stidham, Loc Phan, Logan Gemmill, Chelsea English, Sue Huff, Aaron Haun, Andrew Tarantino, Scott Moshier, Joseph Lese

Bo Boroski, LUD Chairman, called the meeting to order at 6:04pm. He explained the objectives of the Land Use & Development Committee, the rules of presenting to the committee and the committee members were introduced.

Bo asked if there is a motion to approve the minutes from the prior meeting. Andrew made a motion to approve, Chad seconded. The minutes were approved.

Bo explained that we have three presentations tonight and stated that 6013 College Avenue is no longer on the agenda.

6255 N College Avenue (Eating Fresh) – Loc Phan, the proprietor of Eating Fresh, will be presenting. His establishment is seeking a new liquor license for their restaurant. They had a liquor license previously, and it has since expired. They are seeking a new one now that business has stabilized.

Liquor License – RR4941239

Ricky Phan introduced himself, he is the owner of Eating Fresh at 6255 N College Avenue. He stated that the restaurant has been opened for almost two years now. They opened during the Broad Ripple construction, which caused them to run behind on a lot of financial issues. The Red Line and Broad Ripple garage closure also created an obstacle for customers and created further trouble for the restaurant. He had no other choice but to recreate another entity to get the restaurant going. He met with his staff and Landlord and people that were willing to support to keep the restaurant going. He and his staff worked without getting paid and also had help from the Landlord, to keep the restaurant open. They are getting better now. They have not been serving alcohol, but their recent license expired. They are at a point now where they can reapply for a new liquor license.

Bo asked Ricky just to summarize, he had a two-way, it expired and now he's reapplying for a the same two-way.

Ricky said that is correct.

Bo asked Ricky there's no new exterior, no outdoor bar.

Ricky said that is correct.

Bo opened it up to the Committee.

Tim had no questions.

Chad said he admires how they've held it together and wishes them the best of luck.

There were no further comments from the Committee. Bo opened it up to the public.

Chelsea English spoke. She said she loves the restaurant.

Scott Moshier spoke. He said it seems like this is the kind of business that we want in Broad Ripple and he imagines that a liquor license for this kind of business is great for us.

Chad made a motion to support a new liquor license for 6255 N College, Eating Fresh. Tim seconded the motion. All were in favor.

6176 Carrollton Avenue - Ted Darnall with Milestone Design Group will be appearing with a presentation on the petition filed for Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and attached carport with a 3-foot southern side yard setback (five-feet required).

Case Number: 2024-DV2-019; Hearing Date: June, 11, 2024

Ted Darnall, with Milestone Design Group, introduced himself. He is here to request the Committee's nod to the Board of Zoning Appeals for a variance they've requested at 6176 Carrollton Avenue. They are requesting a side setback variance. The required setback is 5 feet and they are requesting a setback of 3 feet on the South side of the property. Ted explained the background of the property, there was an existing home that had a detached garage. The garage and home were torn down. A new build was started back in November of 2023. That build was designed to meet 5-foot setbacks on both sides of the property and that building includes an attached car port. Once the home and car port got under construction, the car port was designed to be 8-feet wide to meet the 5-foot setback. Once they owner physically saw the 8-foot wide car port, he realized it was too small to get a car into the carport or open a car door. They decided with the builder to request a variance for a 3-foot side setback which will allow a 10-foot wide car port to be constructed.

Bo asked if they have any drawings for the group.

Ted said just what they submitted electronically.

Bo confirmed this is a single family home. He asked if there was a variance requested previously.

Ted said no. The building permit was applied for and issued with 5-foot setbacks. The home is currently under construction, nearly complete.

Bo opened it up to the Committee.

Tim asked if the only 3-foot set back is on the one side of the property.

Ted said that is correct. It's on the southeast side of the lot. He said the only structure part of the car port is a small storage area that will extend out. The rest of the car port is what you think of a car port.

Chad said he has seen an existing car port on that property and asked if they will just be making that bigger.

Ted said that is correct. He said the pad is currently poured at 8-foot. The request is to basically enlarge the pad that's there.

Chad asked about the house directly adjacent, on the south side and if that is the same owner.

Ted said it's the same owner.

Chad said so he's basically asking to get closer his own property adjacent to it.

Ted said correct.

Chad said so I'm guessing he's ok with that.

Andrew said that takes care of his question if they talked to the neighbors.

Bo confirmed that the parcel to the south has the same owner. He asked if they have documentation that shows it's the same owner for both parcels.

Ted said they have the adjoining property owner list that was provided through the planning.

Bo said his concern if a vote is requested, they need proof that it's the same owner for both parcels.

Ted said the property is titled in J Lily.

Bo asked if J Lily owns both parcels.

Ted said correct.

Bo said he does not feel comfortable voting on something that they don't have confirmed information on specific to the neighbors.

John said he can confirm it's the same owner for both parcels.

Bo said you understand the bureaucratic aspect of it, we're asking for a vote and the owner's not here.

Jordan said she thinks they are representing the owner.

Bo said there is no documentation that he was sent. He asked who the email is from.

Ted said that they made the request to the board initially on behalf of the owner. And they have a signed consent form from the owner to make that application with the Board of Zoning Appeals.

Jordan said she doesn't believe there is any issue and explained that they are appearing in representation of the owner.

Bo said he's just making sure to dot the I's and cross the T's and has no apprehension now.

Jordan said they could request a short note from the owner in support of this presentation if this goes to vote.

Chad asked what the intent is for the two homes.

Tom Stidham, the builder, said it's for the owners children for when when they move in.

John said it's an improvement.

Ted said the home to the north is closer than 5 feet.

John said it's better than it was before and he's in support.

Sam said he's in support as well.

Chad said it looks like nice work.

Bo opened it up to the public. No remarks.

Bo asked for a motion.

John made the motion to support. Sam seconded the motion with a support letter from the owner. All were in favor.

Edgewater Apartments – A representative for Edgewater Apartments, will be appearing with a presentation on the petition filed for a variance.

Case Number: 2024-DV1-019; Hearing Date: June, 4, 2024

Bo explained that they have eight Committee members present and they need to have seven people for a vote and three members have to recuse themselves from this vote, including himself, Sam Rogers and Andrew Baldwin, due to family members that work closely with the subject property. He said they do not have a quorum for a vote. He explained that they can hear the presentation, then share the presented information with the absent Committee members and provide a vote within 48 hours. Joseph was comfortable to move forward.

Joseph Lese, from Progress Studio and representing Edgewater Apartments, introduced himself. He passed out handouts for the presentation. He said he is here to present the Edgewater pool deck permit. He said the short history of the pool deck as it is right now, it is closed by the health department and is no longer being used. The owners wish to demolish the deck in place and reconstruct it. The existing fence that surrounds the pool deck encroaches on the front yard setback, which is the purpose of the variance to request two things. One is reconstruction of the pool itself which encroaches in the front yard setback by a foot, foot and a half. The other is the security fence around the pool encroaches into the front yard setback about 10 feet or so. The fence is 6-feet tall. In the packet, you can see the picket fence that will replace the chain link fence with black aluminum. He said there is an existing pool equipment shed that will be demolished. Outside of the pool deck area there is a two sequenced entrance. One is for residents to access the grill station and the second is to access the pool itself. As part of the improvements that are not subject to the variance is a sidewalk that is being extended from the pool deck to interior restrooms where the fitness area is to provide connection between restroom facilities and the pool itself. It's within the limit of 300-foot travel distance. The existing landscaping will have some limb trimming but everything else will stay as it is. Joseph said there has been some recent utility work done on the south end of the pool deck, along the street. A few shrubs have been removed that will be replaced. He said the notices were sent out after the required deadline because they received the paperwork from Indianapolis a few days after the deadline was required. During the hearing they will be asking for a waiver of notice for the 3 day delay.

Bo opened it up to the Committee.

Tim said he's glad to see The Edgewater getting a new pool, it's very much needed. He confirmed that they are not getting rid of any of the trees surrounding the pool.

Joseph said that is correct.

Tim confirmed they are replacing the shrubs.

Joseph said yes.

Tim asked if it will be the same size pool as before.

Joseph said it's almost exactly the same size.

Chad confirmed that the fence will be going back in the same place.

Joseph said that is correct.

Chad said he has no problem replacing a chain link fence with a nice aluminum fence. He asked about the sidewalk running on 62nd Street.

Joseph said there are a lot of utilities running along that section of 62nd Street currently and not a lot of room to add additional sidewalk.

Chad asked if it's feasible to extend the sidewalk.

Joseph said if they did extend the sidewalk they would encourage Virgin Health to put it on the west side of that drive due to the existing shrubs.

Josh asked if they have spoke with the neighbors and the Art Center.

Joseph said that he has not, but he did make sure they got a survey.

Josh asked if there is a sidewalk on the north side of 62nd.

Joseph said the new pavement is from the pool deck heading north.

John pointed out the many objects in the area making it difficult to put a sidewalk in that section.

Joseph said there's a lot going on in that little strip.

John said it's almost impossible to put a sidewalk there and he appreciates the improvements.

Bo opened it up to the public. No remarks.

Bo said the Committee will be in touch with a vote.

Bo asked if there was a motion to adjourn.

Brian moved to adjourn the meeting. Tim seconded. The meeting was adjourned at 6:31pm

