

**MINUTES OF THE LAWRENCE  
BOARD OF ZONING APPEALS  
AUGUST 17, 2021**

**MEMBERS PRESENT:** Rebecca Lightle, Thomas Crouch, Stephen Hall, Eugene West and Amber Denney (alternate). Desmond Woods participated virtually via Zoom.

**STAFF PRESENT:** Economic Development Director Dan Zuerner, City Engineer Sri Venugopalan

**COUNCIL PRESENT:** Rick Wells and Maria Rusomaroff

Mrs. Lightle called the meeting to order at 6:00pm and announced a quorum was present.

**APPROVAL OF MINUTES FROM JULY 20, 2021:**

The motion for approval was made by Mr. West, second by Mr. Hall and were approved 5-0

**SPECIAL REQUESTS, WAIVERS OR WITHDRAWALS:**

**21-LUV-07 ~ 5505 N Post Rd**

Petitioner representative, Joe Calderon, requests withdrawal of this petition from the Agenda.

**Old Business:**

**21-LSV-05 ~ 6002 Sunnyside Rd**

Petitioner representative, Joe Calderon, presented the case for a Variance of Development Standards of the following sections of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, in order to facilitate occupancy of a portion of the existing facility by a distributor of lumber type products:

1. 743-306-2: outside storage in excess of 25% of the building, within 500 feet of a protected district.
2. 744-510-2: twelve foot (12') tall fence in front and side yard proposed; three and one-half feet (3.5') permitted in front yard and 10 feet (10') permitted in side and rear yard

Rick Wells, Council District 2, no new concerns regarding this petition.

Director Zuerner supports the petition with fencing as displayed on the latest site plan, shielding for any lighting on the north side of the property and signage for no left turn onto Sunnyside Rd.

After discussion the Board voted and approved 5-0 with the following commitments:

1. fencing subject to the site plan dated July 20, 2021
2. exterior lights shielded on the north side of the property, and
3. installation of "no left turn" signage.

**21-LUV-08 ~ 12024 E 65th St**

Petitioner representative, Joe Calderon, presented the case for Variance of Use of Table 743-1 to allow motor vehicle sales (not permitted).

Maria Rusomaroff, Council District 4, recommends denial.

Rick Wells, Council District 2, recommends denial.

The following remonstrators spoke regarding the petition:

Gene Harner, 11940 E 65<sup>th</sup> St recommends denial

Brad Klopfenstein, 5674 Lawton Loop W Dr recommends approval

Director Zuerner recommends approval with the commitments outlined in tab 6 of the presentation with the addition of no repairs.

After discussion the Board voted and approved 5-0 with the following commitments:

1. subject to the Plan of Operation filed on June 16, 2021
2. shall be specific to Shawn Miller only and does not run with the land
3. no vehicle repairs allowed
4. no banners, balloons or electronic signage allowed
5. only landscape and building lighting allowed

**New Business:**

**21-LSE-09 ~ 4330 N Post Rd**

Petitioner representative, Howard Stevenson, presented the case for Special Exception to allow a Charter School within a SU-1 District.

Director Zuerner recommends approval.

After discussion the Board voted and approved the 5-0 with no commitments.

**21-LSV-10 ~ 5602 Caito Dr**

Petitioner representative, Kevin Sims, presented the case for a Variance of Development Standards of the Marion County Sign Ordinance, Table 744-906-12(G), to allow an Electronic Variable Message Sign in a SU-6 zone.

Engineer Venugopalan recommends approval with the commitments required for all EVMS in Lawrence

After discussion the Board voted 5-0 to approve the petition with the following commitments:

1. The EVMS will be turned off between midnight and six o'clock a.m. each day.
2. The EVMS will not flash or have scrolling messages; it will change instantaneously from one static message to another.
3. The EVMS screen will change messages no faster than every six seconds.
4. The EVMS screen will be one consistent static image during rush hours of seven thirty o'clock a.m. to nine o'clock a.m. (7:30 - 9:00 a.m.) and four o'clock p.m. to six o'clock p.m. (4:00 - 6:00 p.m.) during the weekdays (Monday - Friday).
5. The EVMS screen shall not have monochromatic messages or message with a dominant color of red, yellow or green due to potential interference with a signalized intersection.
6. The EVMS shall utilize a system which shall automatically regulate brightness and dim the message when appropriate.
7. No advertising banners shall be located in the windows on the same side of the building as the EVMS.
8. The variance would be granted to Options Behavioral Health Center only, and should the tenant move out, the variance and these commitments are null and void.

**21-LSV-11 ~ 11915 Pendleton Pike**

Petitioner, Dan VanTreese, presented the case for a Variance of Development Standards of the Marion County Sign Ordinance, Table 744-906-12(G) to allow Electronic Variable Message Billboard.

After a short discussion Mr. Hall motioned for a continuance with notice. The motion was second by Mr. West. The Board voted 5-0 to continue with notice to the September 21, 2021 meeting.

**21-LSE-12 ~ 7650 Oaklandon Rd**

Petitioner representative Bob Goodsmen and Pastor Wade presented the case for Special Exception to allow construction of an outdoor structure in a SU-1 District.

Engineer Venugopalan recommends approval

After discussion the Board voted 5-0 to approve with no commitments.

**Approval of Updated Rules of Procedure Manual**

After discussion Mr. Hall motioned for approval, second by Mr. West and passed with a 5-0 vote.

There being no other business before the board the meeting was adjourned at 8:11 p.m.

  
Rebecca Lightle, Chair

  
Renea Rafala, Secretary

These minutes are not intended to be verbatim. They are a summary of discussions held, with the exception of the motions. An audiotape is made which provides a detailed record.