DELPHI BOARD of ZONING APPEALS (BZA)

Feb 18, 2025 – 7 PM

Second Floor, City Building, 201 S. Union Street

Mayor Yates opened the meeting at 7pm

Attendance:

BZA Member	Present	Absent
Brandon Short (P)	X	
Courtney Kingery (VP)	X	
Christina Langsdorf (S)	X	
Jacob Grist	X	
Greg Norman		X

The Nov 20, 2023, meeting minutes were reviewed. No additions or corrections were made. Christina Langsdorf made a motion to approve the Nov. 20, 2023, minutes. Second by Jacob Grist. Motion carried unanimously.

The agenda was considered, and no changes were made.

Christina Langsdorf made a motion to maintain the current slate of officers, seconded by Jacob Grist. Motion carried unanimously.

Old Business (none)

New Business – Public Hearing

- **Docket BZA25-01-UV**
  - **Petitioner Request:** The petitioner is requesting approval of a variance of use to allow a carwash on the site of a proposed future gas station. The property is located at 2053 N US 421, is zoned General Business (GB), and contains 5.167 acres. The petitioner is Family Express Corporation.
  - Attorney for petitioner clarified that the request is for an accessory use. The gas station is permitted as a matter of right by GB zoning. The car wash would be environmentally friendly. Reference was made to the staff report and the petitioner responses contained in it. The petitioner will be adding approximately $5M to the tax base and employ approximately 15 – 18 people.

  - **Staff Report:** Per the IC 36-7-4-918.4 and the Unified Development Ordinance (UDO), all five of the following criteria must be met before the BZA can grant a Variance of Use request from the development standards of the ordinance. In summary, no objections were noted in the staff report related to the regulatory criteria. Please see the staff report for full petitioner and staff responses.

- Beverly Seese: The builder doesn't want to do the project without the car wash. She is concerned about the congestion at the intersection. Also, concerned about potential leaks and chemicals making it into the Guilford ditch. She opposes the location. Clarification was provided regarding the site - Family Express is only purchasing a portion of the parcel.
- Dan McCain: concerned about leakage/seepage with tanks in this particular soil. Could be addressed by engineering solutions. Property could be used as an entry point to the housing development. This is a lost opportunity for a grand entrance. History could be recognized (plank road, entrance to fairgrounds)
- Lauren Murfree: concerned about environmental hazards (HFCs, etc.) related to the car wash. Lauren is concerned about children and people with asthma and has asked for the material data sheets be provided. Reiterated concern about the ditch and alignment with the comprehensive plan.
- Dick Bradshaw: Wastewater is a concern (at 80/90% capacity now). Would like a carwash but not the convenience store, etc. Dick agrees with Dan McCain that it is not a great visual at the entrance to the city. Poor choice for our city. Comp Plan says no to carwash.
- Pam Minear: Seven choices today for gas stations. Too many gas stations. Land could be used for something else.
- Ashley Tiner: When was this zoned commercial? Prior to 2022 Delphi Plan Commission. Approved by Carroll County Area Plan Commission.
- Sandy Flora: Would love a carwash but doesn't want another gas station/convenience store. Concerned about the impact on existing businesses.
- Dave Rumbet: Visually unappealing.

- Closing remarks by Petitioner:
  - Family Express has been in business for over 50 years. Staff report notes the comprehensive plan is aligned with this use. General Business zoning would allow a lot of different uses, vs. good owners with a track record (Family Express).
  - Appropriate land use does not consider business competition.
  - Family Express has had no issues with existing carwashes.
  - Environmental rules are severe, and engineers comply.
  - West Lafayette is very picky and there is one there acting as a good addition for local residents and a golf course.
  - INDOT rules will address the intersection entrance.
  - Follow staff report and be careful about basing variance requests on aesthetics as courts do not look positively at those decisions.

- Discussion by BZA:
  - Christina Langsdorf asked when will water use/cost be more specifically looked? After this decision, the technical advisory committee would review the development plan. If variance is approved, the car wash still might not work at this site.
  - Brandon Short asked for clarification that there have been no other recent permit requests related to car washes. Deb Luzier confirmed there had not been during her tenure as admin for the Delphi PC and BZA.
  - Jacob Grist asked if the petitioner had data on the average car wash water usage. Petitioner noted these were fair questions, but not part of this process.
  - Christina Langsdorf clarified that the petitioner could build a Gas station/convenience by right based on current zoning.
  - Jacob Grist asked if the petitioner could provide an safety data sheet (SDS) as informational to the public. The petitioner agreed.
  - Courtney Kingery asked about the next phase of the wastewater treatment plant. No timeframe yet (depends on Indiana Packer plans, finance structure, etc) Clarifier is 99% done.

- Motion/Vote:
  - Motion to approve the variance with the four conditions noted in the staff report was made by Christina Langsdorf. The motion did not receive a second.
  - Christina Langsdorf made a motion to deny the variance of use based on injury to public welfare as reflected in public comment. Jacob Grist seconded the motion. Motion passed unanimously and the variance was denied.

There was no business from the floor.

Jacob Grist asked that the Delphi Plan Commission review the permit requirements for beekeeping and chickens in low density residential areas as the permit fee is $1100. This item will be added to the Delphi Plan Commission agenda in April with Jacob Grist as the presenter.

Motion to adjourn the BZA meeting was made by Brandon Short with a second by Jacob Grist. The meeting adjourned at 8:25pm.

Christina Langsdorf, Secretary