

**City of Batesville
Planning & Zoning
Memorial Building
April 7, 2011
7:00 PM**

Planning Members Present: Dave Raver, Herman Struewing, Doug Amberger, Tony Gutzwiller, Chris Fairchild, Rick Fledderman, Tim Macyauski

Zoning Members Present: Dave Raver, Ken Wanstrath, Doug Amberger, Jim Hortemiller, Mary Kay Cambron

City Clerk-Treasurer: Ron Weigel

Chris Fairchild made a motion, seconded by Jim Hortemiller, to approve the minutes from the previous. All ayes so passed.

Doug Amberger made a motion, seconded by Mary Kay Cambron, to approve an application from C & B Sign Services for a sign variance 151.40(B) on a LED sign and also a height of sign located at 923 SR 229 (Marathon).

A 4 factor variance from development standards of the zoning code was voted on:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
Vote: For: 5 Against: 0
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
Vote: For: 5 Against: 0
3. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.
Vote: For: 5 Against: 0
4. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
Vote: For: 5 Against: 0

Variance Granted

The size of the sign does not change and is consistent with other signs in the area.

Ken Wanstrath made a motion, seconded by Doug Amberger, to approve an application of Park Ave. Realty LLC for a variance 151.40; general office space in the old Romweber Factory Building – zoned I 1.

A 5 factor variance of use from terms of the zoning code was voted on:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community: For: 5 Against: 0
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; For: 5 Against: 0
3. The need for the variance arises from some condition peculiar to the property involved; For: 5 Against: 0
4. The strict application of the terms of the zoning code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and For: 5 Against: 0
5. The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of the Indiana Advisory Planning Statute For: 5 Against: 0

Variance Granted

An application from G.K.L. Properties LLC for a variance 151.40 (A); change of use to construct and locate a small business at 1066 SR 46 E, zoned R-2 was received.
A motion was made by Mary Kay Cambron, seconded by Ken Wanstrath, to table until next month by request of their attorney Kristen Weiler.

Jim Hortemiller made a motion, seconded by Mary Kay Cambron, to approve an application from Bill Vankirk requesting a variance, 151.40 (A); to locate his insurance business in an existing structure located at 1066 SR 46 E. zoned R-2 as well as to place a sign. A document with 22 signatures from neighbors objecting to the variance was also received. Dave Weiler, Kara & Chad Mehlon, Ralph Hostetler, & William Weberding, Jr. adjoining property owners, all spoke against the variance at the meeting.

A 5 factor variance of use from terms of the zoning code was voted on:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:
For: 4 Against: 0 Abstain: Amberger
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
For: 4 Against: 0 Abstain: Amberger
3. The need for the variance arises from some condition peculiar to the property involved;
For: 0 Against: 4 Abstain: Amberger
4. The strict application of the terms of the zoning code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
For: 0 Against: 4 Abstain: Amberger
5. The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of the Indiana Advisory Planning Statute
For: 4 Against: 0 Abstain: Amberger

The sign request was not heard due to that a sign cannot be erected on property zoned R-2.
Variance Denied

Discussions on signage and the Architectural Review Board were again heard at the meeting. Open discussion from those in attendance included Ralph Hoestetler, Bruce Rippe, Robert Fitzpatrick, Erin & Rob Fitzpatrick, Linda Hardebeck, Mark Hardebeck &, Jim Fritsch. The main topic was the sign ordinance, especially the LED signs. It was noted that LED was a type of light, but not the correct name of a sign that has been used by the Board in the past. A electronic multi- directional sign was more appropriate. After much discussion the board , It was decided to look at additional information that will be provided by Green Sign Company and these topics will again be discussed at the next meeting.

Tony Gutzwiller made a motion, seconded by Tim Macyauski, to adjourn. All ayes so passed.

Meeting adjourned at 8:50 PM.

Dave Raver, President

Attest:

Ronald C. Weigel, Clerk-Treasurer