City of Batesville
Board of Zoning Appeals
Advisory Planning Commission
Memorial Building
Dec. 13, 2012
7:00 PM

Planning Members Present: Dave Raver, Doug Amberger, Chris Fairchild, Kevin Chaffee,
                      Tim Macyauski, Richard Fledderman
            Absent: Tony Gutzwiller
  Zoning Members present: Dave Raver, Ken Wanstrath, Doug Amberger, Mary Kay Cambron,
                      Darrick Cox
City Clerk-Treasurer: Ron Weigel

Chris Fairchild made a motion, seconded by Richard Fledderman, to approve an application by Steak & Shake (120 W. SR 46) for a plat amendment to shift lot lines between lot 1,2, & 3 of the subdivision to create a parcel sufficient for the Steak & Shake development. All ayes so passed.

Ken Wanstrath made a motion, seconded by Darrick Cox, to approve an application by Steak & Shake (120 W SR 46) for an off street parking variance 151.15 (D) 2, off street parking spaces may be located within the required front yard, but not within 20 feet of the front lot line. Steak & Shake is asking to have this reduced to 14 ft.

A four (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

Mary Kay Cambron made a motion, seconded by Darrick Cox, to approve an application by Steak & Shake (120 SR 46 W) for a setback requirement on properties fronting on a highway 151 (A) (3) setback depth required is at least 80 feet; Steak& Shake is asking for a minimum of 61.95 ft. from the property line (R/W line of SR 229).

A four (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

Ken Wanstrath made a motion, seconded by Darrick Cox, to approve and application by Steak & Shake (120 SR 46 W) for a variance of not more than 3 signs per site and not to exceed 300 sq.ft. of signage. 151.35 (C) (7). This variance will allow the sign package submitted by Steak & Shake for a pylon, directional, and on building identification signs to be used.

A four (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

Darrick Cox made a motion, seconded by Kevin Chaffee, to adjourn. All ayes so passed.

Meeting adjourned at 7:53 PM

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Dave Raver, President

Attest:

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Ronald C. Weigel, Clerk-Treasurer