

**City of Batesville
Board of Zoning Appeals
Advisory Planning Commission
Memorial Building
February 7, 2013**

Planning Members Present: Dave Raver, Chris Fairchild, Tony Gutzwiller, Tim Macyauski,
Richard Fledderman
Absent: Doug Amberger, Kevin Chaffee

Zoning Members Present: Dave Raver, Ken Wanstrath, Mary Kay Cambron, Darrick Cox
Absent: Doug Amberger
City Clerk-Treasurer: Ron Weigel

Mary Kay Cambron made a motion, seconded by Darrick Cox, to approve the minutes from the previous meeting.

Ken Wanstrath made a motion, seconded by Mary Kay Cambron, to approve an application by Langen Meats for a variance to have more than 3 signs per occupancy or site; 151.35 (c) (5).

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

The approval will not be injurious to the public health, safety, morals, and general welfare 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: 4 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: 4 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: 4 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: 4 Against: 0 Variance Granted

The variance was approved because the property is unique given that it borders three streets, it could have complied by making the two new signs into one but that would have disrupted the look on the side of the building with the lighting as well as would have removed a light by the handicapped parking space, the total square footage of their signage is well under the max allowed and a number of other businesses that have grown up over time have more than three signs.

Ken Wanstrath made a motion, seconded by Darrick Cox, to approve an application by Langen meats to allow an existing off premise sign to advertise the availability of goods, property, or services at locations other than the premise in which the sign is located are prohibited; 151.35 (E) (4).

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

The approval will not be injurious to the public health, safety, morals, and general welfare 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: 4 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: 4 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: 4 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: 4 Against: 0

Variance Granted

This sign was essentially grandfathered, but was approved by city council when it was initially installed, at the time however, it should have been approved by the BZA, so this vote was basically to follow proper channels in the approval of an off premise sign.

Darrick Cox made a motion, seconded by Mary Kay Cambron, to approve an application by Jeff & Linda Williamson for a special exception variance (151.22) to operate a personal training facility and retail sales business (need 25 -30 parking spaces). The property is located at 1038 SR 46 E between Ertel's Paintball Store & Indiana Title Co. Zoned B4.

A 5 factor Variance of use from the 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
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: 2 Against: 2
3. The need for the variance arises from some condition peculiar to the property involved; For: 0 Against: 4
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
5. The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of the Indiana Advisory Planning Statute. For: 1 Against: 3

Variance Denied

B-4 is essentially designed to allow small office operations (tax, insurance, accounting, etc.) to exist in residential areas. This request involved the construction of a pole barn type building requiring up to 30 parking spaces to contain a retail sales and service fitness and health store type operation with significant operating hours, thus not maintaining the neighborhood environment and clearly operating as a significant sales and service operation.

Chris Fairchild made a motion, seconded by Tony Gutzwiller, to approve an order of the City of Batesville Plan Commission Determining that a Declaratory Resolution (#2-2013) and Economic Development approved and adopted by the Batesville Redevelopment Commission (1/21/13) can form to the comprehensive plan and approving that resolution and the economic plan. This will allow expansion of the 1-74 TIF area. All ayes so passed.

Tony Gutzwiller made a motion, seconded by Mary Kay Cambron to adjourn. All ayes so passed.

Meeting adjourned at 7:45 PM.

Dave Raver, President

Attest:

Ronald C. Weigel, Clerk-Treasurer