

**City of Batesville
Board of Zoning Appeals
Area Planning Commission
Memorial Building
March 7, 2013
7:00 PM**

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

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Mary Kay Cambron made a motion, seconded by Chris Fairchild, to approve the minutes from the previous meeting. All ayes so passed.

Ken Wanstrath made a motion, seconded by Mary Kay Cambron, to approve an application from Jimmy L. Widener (JMW 129 Properties LLC) to allow an automotive and truck repair facility in a B-2 district. Appendix B: permitted use table, property located at 301 SR 129 S. (lot south of Nobbe's Mower Shop). This would be contingent upon the following- Front of business parking is limited to customers and for pick up or delivered vehicles only. All in service or overnight vehicles must be parked inside the building or in the rear of the building, essentially out of sight from SR 129.- No individual vehicle may remain on the property for more than 90 days.- Code requirements for screening between residential and business property must be adhered to on the south and west property lines. .

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

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|--|--------|------------------|
| 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: 4 | Against: 0 |
| 3. The need for the variance arises from some condition peculiar to the property involved; | For: 4 | 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: 4 | 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: 4 | Against: 0 |
| | | Variance Granted |

The following considerations impacted the decision to grant the variance;

- The permitted use table created inconsistencies and difficulties for this type of business in that it's only allowed in B-3 (the downtown) or I-1 (essentially only located along the East Pearl St. area). This type of business is generally not viewed as desirable for the downtown area and I-1 property within the city limits is very limited. In addition, B-2 does allow for similar or related businesses, such as boat storage, sales and repair as well as filling stations doing very similar work to what will be performed in this business. - A number of other similar type businesses are currently located in B-1 and B-2 zones (neither of these zones allow for this type of business). - This business use is reasonably consistent with other rather heavy duty retail and service businesses on the west side of SR 129, in that most of them have outside product display/storage and significant out buildings and warehouse type facilities. In addition, the adjacent business provides service and repair to lawn mowers and similar vehicles. This is also the last business lot going south in the original UD development, all lots to the south are now residential.

Ken Wanstrath made a motion, seconded by Darrick Cox, to adjourn. All ayes so passed.

Meeting adjourned at 7:45 PM.

Dave Raver, President

Attest:

Ronald C. Weigel, Clerk-Treasurer