

**City of Batesville
Board of Zoning Appeals
Advisory Planning Commission
September 1, 2011
7:00 PM**

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

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

City Clerk-Treasurer: Ron Weigel

Chris Fairchild made a motion, seconded by Ken Wanstrath, 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 Margaret Mary Community Hospital for a variance to reduce the number of parking spaces (from 224 to 144) required per Appendix C of the Zoning Code (Hansen Center).

A 4 factor variance from developmental 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: 3 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: 3 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: 3 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: 3 Against: 0

Variance Granted

The variance was granted because data was presented which demonstrated that 144 parking spaces were sufficient to meet the needs of the staff and the patients. Additional parking is also available at the Hansen Center if needed. No businesses, neighborhoods or public streets will be impacted in any negative way by the reduction in the required parking spaces.

Mary Kay Cambron made a motion, seconded by Ken Wanstrath, to approve an application by Pulskamp Carpet Plus, located at 12 Dirks Road, for a variance to locate an off premise sign 151.35 (D) (4) (i) 4 on Batesville Chrysler Property.

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

The variance was granted because other businesses in the immediate area have off premise signs located on Highway 46. Pulskamp's could put a lighted sign near the front of their parking lot which would be much nearer to the neighborhood, but also much less visible from the highway, so an unlighted sign further from the neighborhood and closer to the highway is a much more desirable outcome for all concerned.

Ken Wanstrath made a motion to approve an application by Pulskamp Carpet Plus, located at 12 Dirks Road, for a height variance 151.34 (D) (4) (f) 2 on the sign.

A 4 factor variance from the development standards 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: 3 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: 3 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: 3 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: 3 Against: 0

Variance Granted

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

Meeting adjourned at 7:30 PM.

Dave Raver, President

Attest:

Ronald C. Weigel, Clerk-Treasurer