

**City of Batesville  
Board of Zoning Appeals  
Advisory Planning Commission  
Memorial Building  
July 7, 2011  
7:00 PM**

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

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

City Clerk-Treasurer: Ron Weigel

Ken Wanstrath made a motion, seconded by Richard Fledderman, to approve the minutes from the previous meeting. All ayes so passed.

Mary Kay Cambron made a motion, seconded by Jim Hortemiller, to approve an application by D & D Tractor Sales for a special exception for outside storage and display at 1818 Hwy 46 E. All ayes so passed.

A 5 factor special exception was then voted on:

1. The establishment, maintenance, or operation, of the exception will not be detrimental or endanger the public health, safety, or general welfare.  
Vote: For: 5 Against: 0
2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.  
Vote: For: 5 Against: 0
3. The establishment of the special exception will not impeded the normal and orderly development and improvement of surrounding property for uses permitted in the district;  
Vote: For: 5 Against: 0
4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided  
Vote: For: 5 Against: 0
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; the Board shall direct the Building Commissioner, following receipt of a recommendation from the Commission (if the Commission has made a recommendation), to issue an Improvement Location Permit for such special exception; otherwise, the Board shall direct the Building Commissioner to reject the application. The findings of the Board and its order to the Building Commissioner shall be in writing.  
Vote: For: 5 Against: 0

Special Exception granted

Ken Wanstrath made a motion, seconded by Mary Kay Cambron, to approve an application for D & D Tractor Sales for a variance for outside storage with front & side display 151.18 (E) (3) (a) . All ayes so passed.

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

Doug Amberger made a motion, seconded by Jim Hortemiller, to approve an application from D & D Tractor Sales, for a variance from our development standards to allow a gravel parking area for display, 151.34 (F) (4) (5) (a) & (b). All ayes so passed.

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

Mary Kay Cambron made a motion, seconded by Jim Hortemiller, to approve and application from the BP Gas Station located at 904 SR 229 to replace the existing signage to LED lighting. All ayes so passed.

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

Dave Raver, Planning & Zoning President, reviewed the proposed sign ordinance revisions with members and asked for any additional changes or corrections. Doug Amberger then made a motion, seconded by Herman Struewing, to make a favorable recommendation to city council at the August 2011 meeting, to amend the current sign ordinance with the changes made. This will be contingent upon review by city attorney, Lynn Fledderman. All ayes so passed.

Mayor Fledderman informed members that Pat Moore and Doc Toole, from Duke Energy, notified him that banners and signs are no longer allowed to be displayed or attached to the electric poles. Mayor Fledderman is looking into other locations for the banners.

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

Meeting adjourned at 7:55 PM.

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Dave Raver, President

Attest:

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Ronald C. Weigel, Clerk Treasurer