

MINUTES
WARRICK COUNTY AREA BOARD OF ZONING APPEALS
Regular meeting held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, March 26 2012, 6:00 PM

ROLL CALL:

MEMBERS PRESENT: Larry Willis, Chairman; Don Mottley, Vice Chairman; Tina Baxter, Terry Dayvolt, and Jeff Valiant.

Also present were Morrie Doll, Attorney; Sherri Rector, Executive Director; and Christy Powell, Staff.

MEMBERS ABSENT: Judith Writsel and Mike Winge

Roll call was taken and a quorum was declared present.

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance

The Chairman explained the rules of procedure.

MINUTES: Don Mottley made a motion to accept the minutes from the regularly held meeting on February 27, 2012. Jeff Valiant seconded and the motion carried.

BZA-SU-12-06

APPLICANT: Custom Sign & Engineering, Inc. by Chris Moore, Sales Rep.

OWNERS: ElleClaire, LLC by Scott & Allison Elpers, Owners

PREMISES: Property located on the N side of Vann Rd. approximately ¾ mile east of the intersection formed by Anderson Rd. and Vann Rd., lot 16B in Warrick Research & Industrial Center 2 Minor of Lot 16 Minor Subdivision in Ohio Township. *5344 Vann Rd.*

NATURE OF CASE: Applicant requests a Special Use (SU 8) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for an electronic message board in an "M-2" General Industrial Zoning District. *Complete legal on file. Advertised in the Boonville Standard March 15, 2012.*

The Chairman called for a staff report.

Mrs. Rector stated they have all the return receipts from certified mail to the adjacent property owners except for Clearview Development but they do have the white pay receipt showing it was sent to the correct address. She asked the petitioners to bring the green card into the office when it is received by them. She stated this is a request for a Special use SU-8 to allow an electronic message board in an 'M-2' General Industrial zoning district. She stated the applicant states on their application "to advertise and show the units that we sell". She stated the applicant has answered the questions on the proposed use statement. She stated the surrounding zoning and land use to the east and west is the Industrial Park Subdivision zoned "M-2". She stated to the south are the baseball fields zoned "A" Agriculture and to the north is vacant property zoned "M-2" General Industrial. She stated there is no flood plain and the property has access to Vann Rd. She stated the sign is a 26.33 square foot message board under an existing 10x10 pole sign which is to be moved, giving a total of 126.33 square feet. She stated the allowed square footage is 1125 square feet. She stated the existing signage is 196 square feet. She stated the total signage on the lot will be 322.33 square feet. She stated the 10' x 10' pole sign already exists, however an Improvement Location Permit was never issued for it. She stated Mr. Elpers thought it was included in the permit that was issued for the signs on the building however it was overlooked. She stated she doesn't believe he was trying to put a sign up without a permit out there. She stated it was discovered that the existing sign is within the 50' building setback line and the Applicant agreed to move it out of the building line. She stated the new location of the sign is shown on the amended plot plan. She stated they were measuring from the pavement originally and didn't realize they had additional right of way to take off. She stated they have agreed to move it back to where it is meeting the yard requirements and out of the building setback line so they don't need a variance or anything like that and the application is in order.

Chairman Willis stated they will be coming in compliance wanting additional square footage for a sign. He asked if they had anything to add to the Executive Director's report.

Mr. Moore stated they have a copy of the amended plot plan to submit to the Board.

Mrs. Rector stated the Board had a copy of it already to review.

Chairman Willis asked how big the electronic message board will be.

Mrs. Rector stated 26.33 square feet.

Mr. Elpers stated it is a 4' by 6'7" sign. He stated it is a rather small size.

Chairman Willis asked if there were any other questions by Board Members. There being none he asked for any remonstrators for or against the petition. There being none he entertained a motion.

Don Mottley made a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.

2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to an Improvement Location Permit being obtained on the existing sign including the new message board.
2. Subject to any required Building Permits being obtained.
3. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.
4. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
5. Subject to all public utility easements and facilities in place.
6. Subject to no use of the words, 'stop', 'danger', 'look', or any other word which would confuse traffic.
7. Subject to no revolving beams of light or strobe lights.
8. Subject to the existing sign being moved to the amended location shown on the amended plot plan.

Jeff Valiant seconded and the motion carried.

BZA-SU-12-07

APPLICANT and OWNER: Tudor Manor Inc. by Jerry Bryan, Owner

PREMISES: Property located on the N side of Basin St. approximately 0' E of the intersection formed by Basin St. and Morningside Dr. Lot 11 in Gaslight Square Subdivision in Ohio Twp. 10282, 10284, 10286, & 10288 Basin St.

NATURE OF CASE: Applicant requests a Special Use (SU 14) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a temporary mobile office to be used for Tudor Manor Apartment Complex in an “R-2” Multi Family Dwelling Zoning District. *Advertised in the Boonville Standard March 15, 2012.*

Jerry Bryan approached the podium and stated he is the owner of Tudor Manor Apartments.

Chairman Willis asked for the Executive Director’s report.

Mrs. Rector stated they have all the return receipts from certified mail to the adjacent property owners except one. She stated they do have a signed waiver of notice for Paul Staser and Ruby Baker. She stated they are in order. She stated this is a request for a SU-14 to allow an Improvement Location Permit to be issued for a temporary mobile office to be used for Tudor Manor Apartment Complex. She stated the applicant states on their application “Temporary use construction trailer for re-doing apartments on site for 6 or 7 months”. She stated the applicant has answered the questions on the proposed use statement. She stated the surrounding property and subject property is zoned “R-2” Multi Family dwelling zoning district except for the property to the west (the Baker’s) which is zoned “A” Agriculture and is a large open field. She stated there is a Letter of Map Amendment on the property removing it from the flood plain. She stated the access to the property is off Morningside Dr. She stated this petition for Special Use is a result of a neighbor calling in about the existing construction trailer on the property. She stated the applicant called in and was unaware of the requirement to obtain a special use to have the mobile office parked in the parking lot. She stated the plot plan shows 10 parking spaces, 2 spaces being taken up by the construction trailer / temporary mobile office. She stated there are 4 dwelling units therefore only 8 spaces are required. She stated they are not taking up any of the required parking spaces. She stated they have an email from Aaron Franz with the Health Department stating that he is okay with the construction trailer / temporary mobile office being there not attached to the sewer without a restroom. She stated if approved, the Board should assign a time period when the trailer, mobile office, needs to be removed.

The Chairman asked if the petitioner had anything to add to the Executive Director’s report.

Mr. Bryan stated he wanted to compliment the Planning Commission office because when he put this on the property he didn’t realize any of this was required. He stated when they came here to take care of these properties he had a choice of trying to take a unit and make an office in one of their apartments, which there was no apartment available and the young family he was going to have to displace was devastated that he was going to possibly have to move them out to make an office. He stated his plan was to have this trailer here long enough for them to get the property renovated and show the apartments in a nice space and not be invasive on any of the tenants. He stated his long range plan when they are finished with the mobile office is to have a 2 car garage they can convert into an office. He stated it was a plan that was helpful financially for him and also beneficial to his tenants, not to have to invade their space.

The Chairman stated he understands completely where he is coming from. He asked how long he thinks he will need this trailer on site.

Mrs. Rector asked if he thinks that will be the maximum amount of time he needs it.

The Chairman stated it is easier to come up with a reasonably flexible time period now instead of coming back and requesting an extension after the time period expires. He stated a person never knows what will cause a delay with weather etc.

Mr. Bryan stated he would like a year and will move it out sooner if they are done with it in less than a year.

The Chairman stated that would be up to whoever makes the motion but he wanted him to think how much time he would in reality need. He asked for questions by Board Members. There being none he asked for remonstrators. There being none he entertained a motion.

Terry Dayvolt made a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to an Improvement Location Permit being obtained.
2. Subject to any required Building Permits being obtained.
3. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.
4. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.

5. Subject to all public utility easements and facilities in place.
6. Subject to the construction trailer / mobile office being removed by April 1, 2013.

Tina Baxter seconded and the motion carried.

OTHER BUSINESS:

None.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

Don Mottley made a motion to adjourn.

Jeff Valiant seconded and the meeting adjourned at 6:20 p.m.

Larry Willis, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held March 26, 2012.

Sherri Rector, Executive Director