

BOARD OF ZONING AND APPEALS MINUTES

Tuesday, January 9, 2018

7:00pm

A. Andrew Baudendistel's reading of the Voluntary Title VI Public Involvement Survey –

As a recipient of federal funds, and in support of Dearborn County's efforts to ensure nondiscrimination and equal access to all citizens, the County gathers statistical data regarding participants in county activities. Therefore, we have provided a Voluntary Title VI public Involvement Survey at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title VI and ADA.

B. ROLL CALL –

Members present:

Rick Pope

Russell Beiersdorfer

Phil Darling

Jim Thatcher

Nicole Daily – Zoning Administrator

Andrew Baudendistel – Attorney

Members absent:

Joe Schmeltzer

C. ELECTION OF OFFICERS—

Mr. Thatcher made a motion to nominate and elect Mr. Darling for the Chairman position. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

Mr. Thatcher made a motion to nominate and elect Mr. Beiersdorfer for the Vice Chairman position. Seconded by Mr. Pope. All in favor. None opposed. Motion carried.

Mr. Beiersdorfer made a motion to nominate and appoint Ms. Daily as Secretary for the Board of Zoning Appeals. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

Mr. Darling made a motion to nominate and appoint Mr. Baudendistel as the Attorney for the Board of Zoning Appeals. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

D. ACTION ON MINUTES—

Mr. Beiersdofer made a motion to approve the October 10, 2017 minutes and Finding of Facts as written. Seconded by Mr. Pope. All in favor. None opposed. Motion carried.

E. OLD BUSINESS SCHEDULED TO BE REOPENED—NONE

F. OLD BUSINESS TO REMAIN TABLED—NONE

G. NEW BUSINESS—

- 1. Request: Conditional Use and Variance for electronic message sign**
Applicant/Owner: Regina Pennington/Bright Enterprises, LLC
Site Location: 1940 Jamison Drive
Legal: Sec. 35, T7, R1 Parcel #15-01-35-303-019.000-006 & #15-01-35-303-023.000-006
Township: Harrison
Zoning: Local Business (B-1) Acres: 0.76 acres

Ms. Daily presented the staff report and slide presentation to the Board. The applicant is requesting a Conditional Use for an electronic message sign and a variance for the total square footage of the electronic portion related to the entire size of the sign. The applicant wants to install an electronic sign (building mounted sign) above the entrance to the establishment. The applicant owns a local bar and grille that leases space in the retail center on the property. The electronic portion of the sign measures 8.5 feet by 4.5 feet and will be next to a fixed building mounted sign displaying the name of the business. A Conditional Use is needed to permit an electronic message sign on the property. Two separate motions will be needed for the request as the variance cannot be granted unless the conditional use is approved. Mr. McCormack did issue the permit ahead of time, but was told the electronic portion would not be permitted to change until the Board approved the request.

There were 6 letters mailed out. There were 4 letters that had been delivered and two remain in transit.

The Board had no further questions for Ms. Daily.

Ms. Regina Pennington, applicant and owner of the bar and grille, addressed the Board regarding her request. She states the sign has already been purchase and has been installed. She did not realize an approval was needed until she filed for the permit, which she had done prior to the sign being installed. The applicant plans on leaving the digital sign lit up all day and night.

The Board had no questions for the applicant.

Mr. Beiersdorfer made a motion to open public discussion. Seconded by Mr. Pope. All in favor. None opposed. Motion carried.

There was no public present for any comments.

Mr. Beiersdorfer made a motion to close public discussion. Seconded by Mr. Pope. All in favor. None opposed. Motion carried.

Mr. Beiersdorfer made a motion to approve the Conditional Use request for an electronic message sign to be erected on the building in a Local Business zoned district. The approval is based on the request has met the criteria set forth in Article 3, Section 315 of the Dearborn County Zoning Ordinance and the attached Finding of Facts. Seconded by Mr. Pope. All in favor. None opposed. Motion carried.

Mr. Pope made a motion to approve the Variance request to increase the portion of the electronic message sign by 25% of the total size of the entire sign. The approval is based on the request has met the criteria set forth in Article 3, Section 320 of the Dearborn County Zoning Ordinance and the attached Finding of Facts. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

H. ADMINISTRATIVE—


Ms. Daily stated that there will be a new Board member, Joe Schmeltzer, who is replacing Jane's position.

Ms. Daily stated that there will be no February meeting as there were not cases submitted.

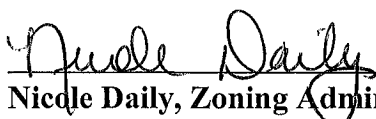
The meeting schedule for 2018 was handed to the Board with notes being made that there are a couple meetings that are not on Tuesday's but on different days of the week because of holidays.

Mr. Beiersdorfer made a motion to adjoin the meeting. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

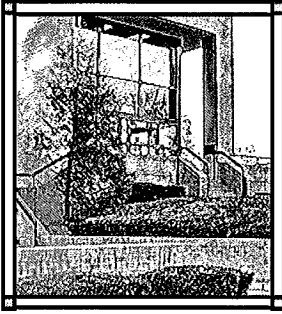
Meeting adjoined at 7:30 p.m.



Phil Darling, Chairman



Nicole Daily, Zoning Administrator



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact

215 B. West High Street Lawrenceburg, IN 47025
Phone: (812) 537-8821 Fax: (812) 532-2029
www.dearborncounty.org/planning

CASE TITLE: Pennington--Conditional Use for electronic message sign

CASE NUMBER: 18BZA0109-001

PROPERTY ADDRESS: 1940 Jamison Drive

CASE DESCRIPTION:

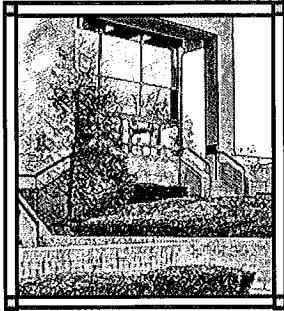
The applicant is requesting a Conditional Use for an electronic message sign to be installed as a building mounted sign above the entrance to the establishment. The sign will display daily specials and weekly events at the bar and grille.

The Dearborn County Board of Zoning Appeals conducted a hearing regarding the application on **January 9, 2018** (date). After testimony was given and evidence was presented to the Board, a motion was made to **APPROVE** or **DENY** the request of conditional use and the motion was carried with a vote of **5 - 0 - 0**.

In its deliberations, the Dearborn County Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in **APPROVING** or **DENYING** the request for a Conditional Use. Dearborn County Zoning Ordinance Article 3, Section 315 states that a conditional use determination in writing that the following are true or not true:

1. Will not endanger the public health, safety, morals, comfort, or general welfare:

The electronic message sign **WILL NOT** endanger the public health, safety, morals, comfort, or general welfare as the sign will be installed on the building away from traffic. The sign is far enough away to cause potential visibility issues to moving traffic, which are typically a concern for electronic signs. The sign is also located in a business district with very minimal distraction to residential residents.



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2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area:

The sign WILL BE designed, constructed, operated and maintained to be harmonious with the character of the general area, as it will be a building mounted sign and will be consistent with other signs that are located on the multi-tenant building.

3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services:

The sign WILL NOT have any affect on the public facilities and services.

4. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district:

The sign WILL NOT impede on the normal and orderly development and improvement of the surrounding property as the establishment for the sign is in a shopping center and the sign will be building mounted. Therefore the sign will be consistent with other building mounted signs on the building.



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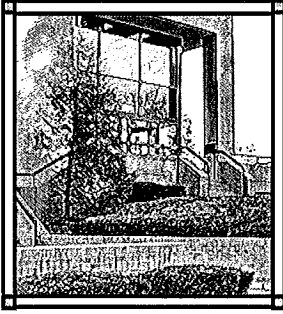
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5. Will not generate traffic on the existing street network that will cause congestion or unsafe ingress and egress within the neighborhood as a result of the development, unless evidence is provided that improvements can be made to minimize or relieve the impacts:

The sign WILL NOT cause any unsafe ingress and egress within the neighborhood, as the request is for an electronic sign, the business is already established and the sign is a building mounted sign therefore, lower the effect on the safety of traffic distractions along the public street network.

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production or traffic, noise, smoke, dust, fumes, glare or odors:

The sign WILL NOT involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production or traffic, noise, smoke, dust, fumes, glare or odors as the request is for an electronic message sign that will be mounted on the front of the building. It is a sign that will not create any of conditions related to this criteria.



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CASE TITLE: Pennington--Variance for the total square footage of an electronic sign

CASE NUMBER: 18BZA0109-001

PROPERTY ADDRESS: 1940 Jamison Drive, Lawrenceburg, IN 47025

PROJECT DESCRIPTION:

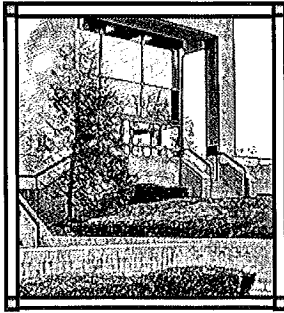
The applicant is requesting a variance for the total square footage of an electronic portion related to the entire size of the sign. The electronic portion of the sign will be 38 S.F., therefore the electronic sign will be approximately 75% of the total signage on the face of the building. Therefore, the variance is for a 24% increase.

The Dearborn County Board of Zoning Appeals conducted a hearing regarding the application on **January 9, 2018** (date). After testimony was given and evidence was presented to the Board, a motion was made to **APPROVE** or **DENY** the request for a variance and the motion was carried with a vote of **5 - 0 - 0**.

In its deliberations, the Dearborn County Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in **APPROVING** or **DENYING** the request for a Variance. Dearborn County Zoning Ordinance Article 3, Section 320 states that a variance may be approved only upon a determination in writing that the following are true:

1. That the approval will not be injurious to the public health, safety, morals, and general welfare of the community:

The signage increase **WILL NOT** be injurious to the public health, safety, moral and general welfare of the community, as the sign will be mounted on the front of the building and will not impede on any safety issues of the surrounding community.



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2. That the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

The increase of the electronic portion of the sign WILL NOT substantially have an adverse affect on the use and value of the area adjacent, with the sign being mounted on the front of the building the size difference will be harder to tell with relation to the other adjoining building mounted signs.

3. That the need for the variance arises from some condition peculiar to the property involved which are not applicable to other lands, structures or buildings in the same district:

The need for the increase of the electronic portion of the sign DOES arise from a peculiar condition, as the non-electronic portion of the sign is the logo of the establishment, the logo is smaller in size. It is deemed that it would be better for the stationary sign to remain smaller than to increase the size to meet the code for the size and portion of the electronic sign.

4. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is ought:

The strict application of the ordinance WILL constitute an unnecessary hardship. The stationary portion of the sign could be increase to allow the size of the electronic portion, but the Board feels it would be better for the community if the sign is smaller rather than larger. The overall area of the sign is still less the maximum permitted.

5. That the special conditions and circumstances do not result from the actions of the applicant:

The special conditions and circumstances DOES NOT result from the actions of the applicant, as the ordinance does not specify the difference between building mounted signs and monument type signs. The required percentage should be different between the two different types of signs as the distance from the roadway and distraction of traffic and the overall size of the sign would make a difference.