

BOARD OF ZONING AND APPEALS MINUTES
Wednesday, May 9th, 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
Mark Lehmann
Joe Schmeltzer

Nicole Daily – Zoning Administrator
Andrew Baudendistel – Attorney

Members absent: NONE

C. ACTION ON MINUTES: NONE

D. OLD BUSINESS TO REMAIN TABLED: NONE

The Board decided to change the order of the meeting, therefore the New Business was heard before the tabled item.

E. NEW BUSINESS

- 1. Request: A Variance for setbacks on a pond**
Applicant/Owner: Chris Durham
Site Location: Platt Road
**Legal: Sec. 28, T6, R2 Parcel #15-05-28-100-049.002-019,
#15-05-28-100-049.003-019 & #15-05-28-100-049.004-019**
Township: Manchester
Zoning: Agriculture (A) Size: 6 acres (Total)
Subdivision: Stinchcomb Acres—Lots 12, 13 & 14

Ms. Daily presented the staff report and presentation slides for a variance request on setback for a pond. The property owner is wanting to construct a pond on property he owns along Platt Road. The setback requirement for a pond is 150 feet from any road right-of-way. Therefore, the applicant is requesting a

variance of 70 feet for setback from the road right-of-way. If the Variance is approved the owner will need to file an Improvement Location Permit for the pond. If approved the staff is recommending it to be required that the property owner file a contiguous lot form to tie all three lots together, which eliminated the need for side yard variances. The form is filed with the Recorder's Office aiding in the prevention of the lots ever being sold separately.

Mr. Todd Listerman County Engineer has review the request and supplied staff with a letter requesting a barrier be put into place between Platt Rd and the pond. The County Engineer will need to approve the type of barrier prior to the permit being issued.

There were eight letters mailed out, seven of which had been received with one remaining in transit.

Mr. Mark Lehmann wanted to verify if Mr. Listerman is requiring a stamped plat with guard rail specs only.

Ms. Daily stated that if the property owner chooses to put in a guard rail, the property owner would need to provide specifications on the type of guard rail being used. But if the property owner chooses to do a mix of berm and planting, he would just need to provide a drawing showing the location of the berm and plantings. These drawings would need to be approved by Mr. Listerman and then would be added to the approved permit.

The Board had no further questions for Ms. Daily.

Mr. Chris Durham, the property owner, stated he would like to put in a line of trees and a berm between the road and the pond, but is willing to install whatever is necessary to obtain the approval of Mr. Listerman. He stated that prior to the meeting he did meet with Mr. Listerman on site to discuss the areas that would need the barrier.

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

No Public Discussion

Mr. Beiersdorfer made a motion to end public discussion. Mr. Pope seconded the motion. All in favor. None opposed. Motion carried.

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Mr. Pope made a motion to grant a 70-foot setback Development Standard Variance for the construction of a pond to be built closer to the road right-of-way as permitted by the Zoning Ordinance, on property of parcel 15-05-28-100-049.003-019, 15-05-28-100-049.002-019, 15-05-28-100-049.004-019, with the conditions that a barrier be built between the road and pond as approved by the County Engineer and a contiguous lot form be filed in the Dearborn County Recorder's office. The approval is based on that 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. Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carried.

2. Request: A Conditional Use for electronic message sign
Applicant/Owner: Dearborn County Redevelopment Commission
Site Location: US 50 and Randall Avenue
Legal: Sec. 11, T4, R2 Parcel #15-11-11-200-026.000-023
Township: Washington
Zoning: Light Industrial (I-1) Size: 1.077 acres

Ms. Daily presented the staff report and presentation slides for a Conditional Use request for an electronic message sign. The applicant wants to install an electronic sign to replace the existing freestanding sign. The sign will be used for all the businesses located in the industrial park. The electronic portion of the sign will rotate between the different businesses in the park. The electronic portion of the sign measures 9.5 feet by 4.5 feet, and the height of the overall sign will be 16 feet from the ground. A Conditional Use is required for any electronic message sign proposed to be erected. The sign would be 55 feet from the east bound centerline of US 50 and will be approximately 36 feet from the centerline of Randall Avenue.

There were seven letters mailed out to adjacent property owners, 6 were received and one not picked up.

Mr. Phil Darling wanted to verify the size 20 foot by 45-foot area located on the site plan and wanted to know about future owners of the property.

Ms. Daily stated that the area would be an easement or split with a survey and to be retained by the Redevelopment Commission.

Mr. Beiersdorfer asked if the sign would be too close to the electrical easement for the lines that run along the side of the road in that area.

Ms. Daily indicated that they would have to move it back from the electrical easement.

Mr. Joe Schmeltzer wanted to know if the old sign would be removed.

Ms. Daily stated that the old sign would be removed.

The Board had no further questions for Ms. Daily.

Mr. Jim Deaton, President of the Redevelopment Commission, addressed the Board regarding the request. The Redevelopment Commission is wanting to install a nicer sign for the Aurora Industrial Park and improve the image of the entrance to help attract more businesses.

The Board had no questions for Mr. Deaton.

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

Mr. Kevin McCord with Signarama addressed the Board about the sign. The design of the sign would be that Signarama would handle the operations of the sign with an agreement with Dearborn County Redevelopment Commission. This would ensure that the sign is operated to meet the standards of the ordinance.

Mr. Pope made a motion to end public discussion. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.

Mr. Pope made a motion to grant an approval of a Conditional Use for an electrical sign in Aurora Industrial Park located at the southwest corner of US 50 and Randall Avenue. The approval is based on that 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. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.

F. OLD BUSINESS SCHEDULED TO BE REOPENED:

1. **Request:** A Variance of Use for to operate and storage for a tow yard business and a Variance for fencing type (Tabled from April 10th, 2018 meeting)
- Applicant/Owner:** Josh Walker
- Site Location:** Texas Gas Road
- Legal:** Sec. 17, T4, R2
- Parcel Numbers:** #15-11-17-400-025.000-004 & #15-11-17-400-026.000-004
- Township:** Clay
- Zoning:** Agriculture (A) **Size:** 8.12 acres

Ms. Daily presented the staff report and presentation slides for a variance of use request. The property owner is wanting to operate his business of a tow yard and storage business for vehicles. He is also wanting to improve the buildings which already exist on the property for office space and indoor storage. The owner also wants to provide an area for emergency services training which would include using some of the vehicles. Ms. Daily conducted an additional inspection of the property to observe existing vegetation and fencing surrounding the property. She displayed an aerial map of the property with locations of areas of low vegetation but most of the area has good vegetation to block the use of the property. The side and front property line will need some vegetation planted to block the view of the property.

Mr. Darling asked about the southern property line where there is 20 feet from the fence and the property line.

Ms. Daily stated that the mapping is not surveyor accurate, and the property owner would need to hire a surveyor to determine the exact location of the property line.

Mr. Beiersdorfer asked what the property was zoned when the old Nike Base operated on the property.

Ms. Daily indicated that it was always agriculture.

Mr. Lehmann asked if they are able to limit the area of the future outdoor storage areas.

Ms. Daily indicated that the Board is able to set a max of area for the storage areas. If the Board approved the request with conditions on the area permitted for outdoor storage (or per Site Plan), any modifications to the Site Plan or growth of the business would have to come before the Board for approval of those modifications.

Mr. Michael and Nicole England, property owners of land across the street from the site, wrote a letter with their concerns on the variance request. The Board received this letter and the concerns.

Ms. Daily received a petition from the surrounding citizens Texas Gas Rd and other nearby streets. She has included the petitions in the Board members packets and also reviewed the signatures on the petitions. She generated a map to show the location of the signatures property related to the Walker Towing property. The petitions asked the Board to deny the variance of use request and fence variance on the Walker Towing property.

The Board had no further questions for Ms. Daily.

Mr. Walker indicated that Ms. Daily did a good job stating all the facts and just wants to make this storage facility work with everyone.

Mr. Schmeltzer asked when the property was purchased.

Mr. Walker indicated that he purchased the property three months ago.

Mr. Schmeltzer ask when did they start bring cars of the property?

Mr. Walker stated he had removed several cars that were on the property when he purchased and has removed the cars that he brought in over the past month once he found out he was in violation of the ordinance.

Mr. Lehmann asked if he was planning on planting vegetation in the 20' area between the power line easement and existing fence.

Mr. Walker agreed with the dimensions of the proposed Site Plan and he would follow planting requirements of the Ordinance. Mr. Walker would like to hang a black mesh on the outside fencing area and could also put additional fencing on the inside area indicated for outdoor storage. He would be having the buildings evaluated to determine if they were worth saving prior to putting new roofs on the buildings. The goal is to have roofs on the buildings within the next 5 years.

Mr. Pope indicated that they received a letter in the mail that they brought in 100 cars and crushed them before they had approval. How long would they have a crusher on the property?

Mr. Walker indicated that they would only have the crusher on the property once a year for four days. He stated that he must wait for the titles before they can get dispose of any vehicles. That process can take a couple months if he has to wait for a Judge to grant the titles in his nam.

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

Ms. Chrys Cook, 10321 Hueseman Road, addressed the Board about her concerns. She stated that there were never any cars on the property prior to Mr. Walker purchasing the property. She indicated that there were storage tanks removed from the ground and there are asbestos materials in the building. Ms. Cook indicates that there were several tanks leaking and should test the soil. She has been an owner of the property in the past and knows what has been on the property.

Ms. Daily indicated that any commercial building proposed to be demolished would have to go through asbestos testing before removing.

Mr. Max Webster, an auctioneer for vehicles, is planning on working with Mr. Walker in the future on selling the vehicles. Mr. Webster stated he is working with the laws of Indiana to sell the vehicles on-line. The auction would only be online and the only time people would be on site is to pick up the vehicle they purchased.

Ms. Shamra Browning, 9513 Texas Gas Road, stated that she walked the property and has lived around this area for years. Her concerns are with the width of the road for tow trucks traveling up and down the road. She has concerns with the lead paint that could potentially be in the buildings and concerns with the Mr. Walker not following the rules if the variances were approved.

Mr. Patrick Schwing, owns the property located at 10200 Texas Gas Road, addressed the Board about his concerns with selling his property if this was approved. Mr. Schwing wants to see a buffer of trees around the property and wood fencing put up. He also has concerns with the fluid running on the ground from the cars being crushed.

Ms. Monica Klingelhoffer, 9174 Texas Gas Road, addressed the Board and shared photos of the property. Her concerns are with the public safety of the neighbors if a tow yard is permitted to operate on the property. The concerns are with Mr. Walker not doing what he has been told to do by discontinuing the business until it is approved and permitted. She also indicted that the Mr. Walker brought all the cars into be crushed and fluids were leaking on the ground. The noise level from the crusher is disturbing to the neighbors. The proposed mesh is for only construction sites not for a permit fix.

Mr. Jeff Lane, Aurora Fire Chief, provided a letter for the support of the Walker towing facility to help the with training for the Aurora Fire Department Trainees.

Mr. Pope made a motion to end public discussion. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.

Mr. Lehmann indicated that Mr. Walker has stated that he is willing to work with the Board on the buffering of the site. Mr. Lehmann adds that there is a real issue with the property being agricultural but should be industrial. He stated that if Board doesn't approve this tow yard, how long will it take for someone else to

come in and want to change it and clean it up. He feels getting someone in here sooner than later, will be a benefit.

Mr. Schmeltzer stated that he is having issue with Mr. Walker still operating as a tow yard when he hasn't been permitted yet.

Mr. Beiersdorfer wondered how long people are wanting to wait for someone to clean up the property. He believes the mess is worse than a tow yard as long as the property owner makes all the proposed improvements.

Mr. Pope has farmed next to tow yards and never had an issue. He also believes that it would be nice for someone to make an improvement to the property.

Mr. Pope requested to look at the map of the topography of the property and the location of the nearby pond.

Ms. Daily pulled up the slide with the topography and which shows that the majority of the water runoff from the property does not enter the pond that is on neighboring property to the east.

Mr. Lehmann made a motion to grant approval of the Variance of Use for a tow yard and storage business in an agriculture district with the following conditions. The property owner must install additional screening in conjunction with the proposed fence (mesh lining on the fence and landscaping); that the limitations for the use of property as shown in the presented Site Plan with setbacks as shown; install a secondary fence around the future outdoor storage area located on the presented Site Plan in the middle of the property; if the property owner repairs the roofs of the existing buildings, those buildings can be used for indoor storage; the property owner must clean up property under appropriate IDEM and other necessary commercial permit procedures. 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. Mr. Beiersdorfer seconded the motion. Mr. Pope, Mr. Lehmann, Mr. Beiersdorfer and Mr. Darling voted in favor of the motion. Mr. Schmeltzer opposed. Motion carried with a vote of 4 to 1.

Mr. Lehmann made a motion to grant approval of the Development Standard Variance to allow chain link fencing with black mesh material to be used as part of buffering the property, along with an approved landscape plan. The fencing shall be placed in the location as indicated on the presented Site Plan. 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 Fact. Mr. Beiersdorfer seconded the motion. Mr. Pope, Mr. Lehmann, Mr. Beiersdorfer and Mr. Darling voted in favor of the motion. Mr. Schmeltzer opposed. Motion Carried.

G. ADMINISTRATIVE

Ms. Daily stated the next meeting is scheduled for June 12 and there will two cases on meeting agenda.

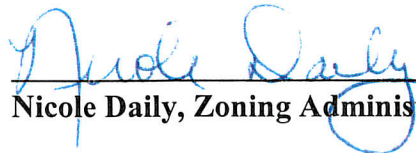
Mr. Andrew Baudendistel reported on the pond dam (Truman Services, LLC) on Peppertown Road from 2015 and approval in 2017. The property owner has not complied with obtaining a State permit nor has a local permit been issued, therefore the court date has been set for the case.

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

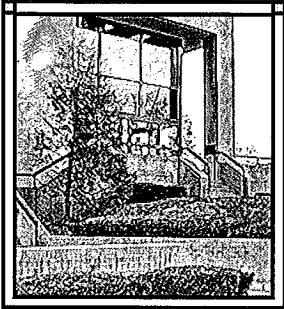
Meeting adjoined at 9:42 p.m.



Phil Daring, Chairman



Nicole Daily, Zoning Administrator



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Development Standard Variance

165 Mary Street Lawrenceburg, IN 47025
Phone: (812) 537-8821 Fax: (812) 532-2029
www.dearborncounty.org/planning

CASE TITLE: Durham--Pond right-of-way setback variance

CASE NUMBER: 18BZA0509-001

PROPERTY ADDRESS: Platt Road, Guilford, IN 47022 (15-05-28-100-049.002-019)

PROJECT DESCRIPTION:

The property owner wants to construct a pond on property he owns along Platt Road. The setback requirement for a pond is 150 feet from any road right-of-way. Therefore the applicant is requesting a variance of 70 feet for setback from the road right-of-way.

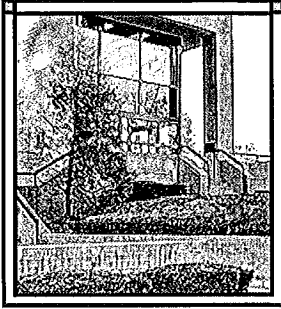
ZONING ORDINANCE: Article 25, Section 2554

ARTICLE NOTES:

Items number 2 and within Section 2554

The Dearborn County Board of Zoning Appeals conducted a hearing regarding the application on May 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 development standard 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 Development Standard 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:



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Development Standard Variance

165 Mary Street Lawrenceburg, IN 47025
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1. That the approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, morals, and general welfare of the community:

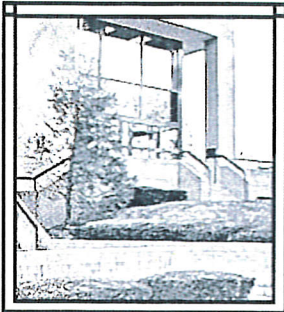
The approval WILL NOT be injurious to the public health, safety, morals and general welfare of the community. The County Engineer has made recommendations to the property owner to ensure errant vehicles will not enter the pond.

2. That the approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner:

The approval WILL NOT affect the use and value of the area adjacent to the property as the majority of the surrounding properties are residential and ponds can create natural characteristic to the area. The pond would serve a small value to the adjoining property to help decrease and slow the water drainage from the subject property.

3. That the approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which is defined as a significant development limitation in Article 3, Section 320 of the Dearborn County Zoning Ordinance:

The approval IS the minimum variance necessary to eliminate practical difficulties in the use of the property. With the rough topography of the land, it limits the uses of the property. The pond on this property is a greater responsible use of the land. A pond is a far better use than filling in the valley to create a buildable lot in the subdivision. The pond will help support drainage in the surrounding area.



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Development Standard Variance

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Lawrenceburg, IN 47025
Fax: (812) 532-2029

If the Board of Zoning Appeals approves the Development Standard Variance it will apply to the subject parcel until such a time as (a) the improvement in which the variance was granted for is not built, constructed, established or permitted within twelve (12) months of the date of the approval, (b) the use of the variances ends, is vacated, or unused for twelve (12) months consecutively, or (c) the property conforms with the applicable Zoning Ordinance as written.

The approval of this application is subject to the following reasonable conditions being met and maintained by the applicant and current and all future property owners or entities responsible for the conditions of this property:

- 1) The property owner must file a Contiguous Lot Form with the Dearborn County Recorder's Office for parcels #15-05-28-100-049.003-019, #15-05-28-100-049.002-019 and #15-05-28-100-049.004-019 (Lots 12, 13 & 14 of the Stinchcomb Acres Subdivision). This will help ensure that the properties can only be sold together and not separated due to the encroachment of the pond dam on the property lines.
- 2) The property owner must follow any instructions outlined by the County Engineer for improvements necessary between the road right-of-way and the edge of the pond. (See Attached letter from the County Engineer).

The applicant is responsible for planting 6ft tall evergreen trees that have a minimum growth of 10ft tall at maturity. The trees shall be planted 10ft off center apart. There shall be wooden posts installed in the middle of the trees planted. The wooden post must be 6 inches by 6 inches and buried 36 inches deep and extend a min. 42 inches above ground to be installed in the gaps of the trees.

*Said conditions must be attached to any permit that is issued for the proposed improvement or a signature is required hereto these conditions and attached to a previously issued permit of the improvement.

Chin W. Dunham
Owner's Signature

5-9-18
Date



Dearborn County Highway

10255 Randall Avenue
Aurora, IN 47001

Telephone (812) 655-9394
Fax (812) 655-9424

May 4, 2018

Dearborn County Board of Zoning Appeals

RE: Pond, Platt Road

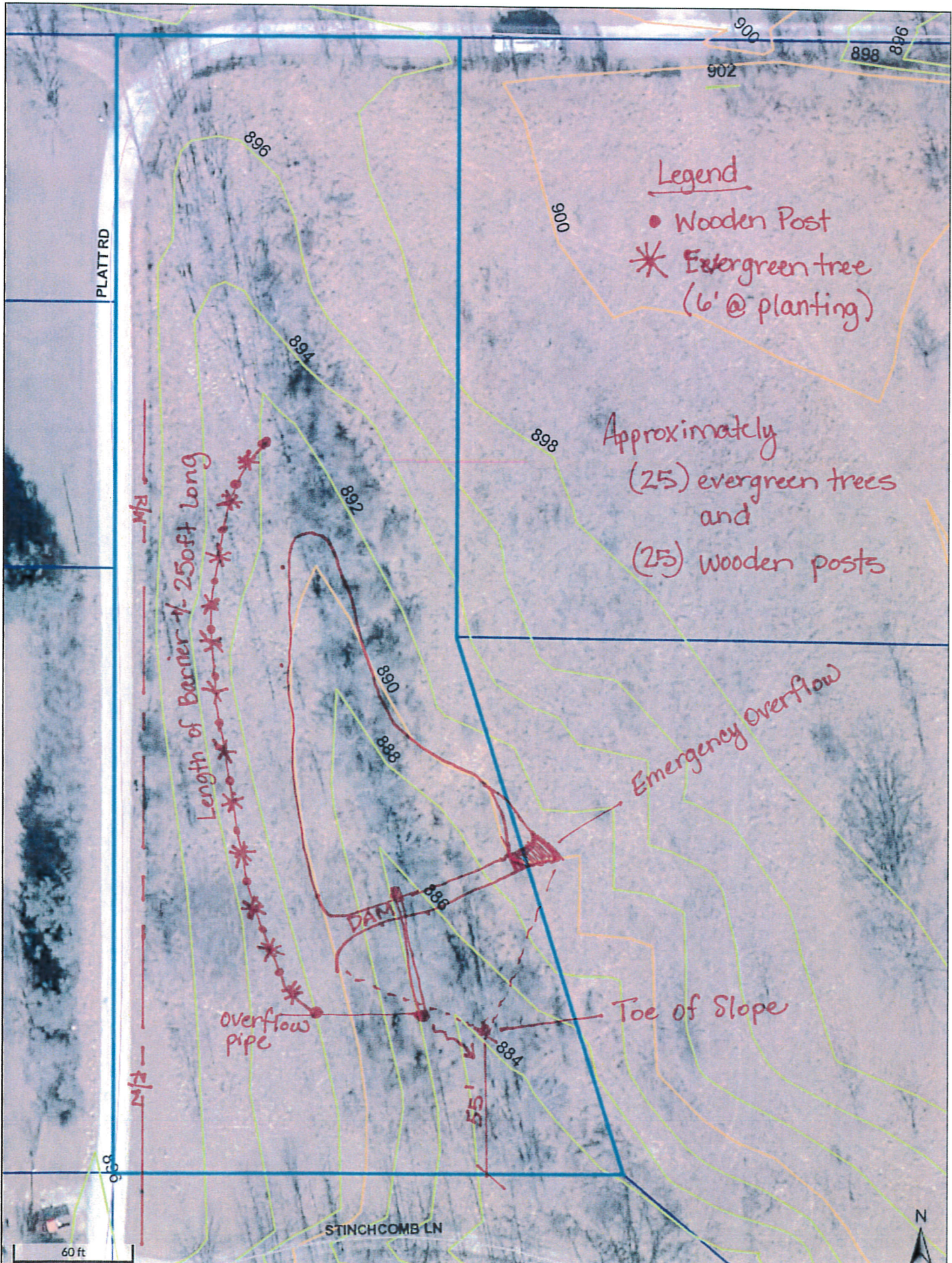
Dear Board,

This office has visited the site. To ensure errant vehicles do not enter the proposed pond, there needs some type of physical barrier to be constructed between proposed pond and Platt Road. Barrier can be guardrail, an earthen berm, etc. (A stamped drawing showing barrier type and its location and length will be required.)*

Sincerely,


J. Todd Listerman

*Stamped drawing only required if owner uses guardrail as a barrier.



PLATTRD

Legend

- Wooden Post
- * Evergreen tree (6' @ planting)

Approximately
(25) evergreen trees
and
(25) wooden posts

Length of Barrier ~ 250ft Long

DAM

overflow pipe

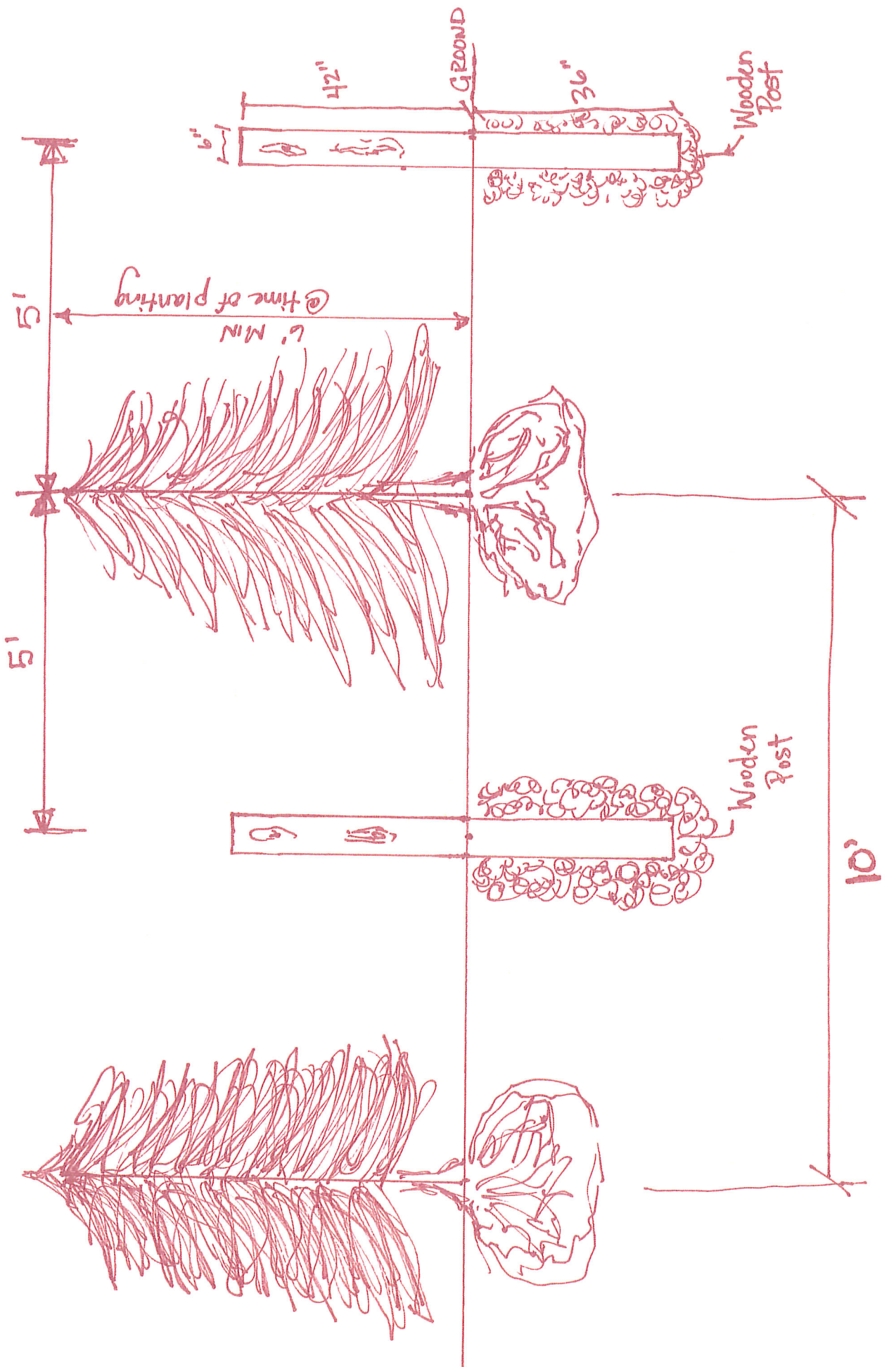
Emergency overflow

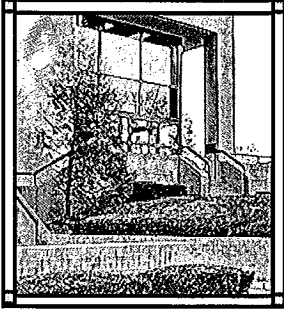
Toe of Slope

STINCHCOMB LN

60 ft







Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Conditional Use

165 Mary Street Lawrenceburg, IN 47025
Phone: (812) 537-8821 Fax: (812) 532-2029
www.dearborncounty.org/planning

CASE TITLE: DC Redevelopment Commission--Electronic message sign in I-1 district

CASE NUMBER: 18BZA0509-002

PROPERTY ADDRESS: SW corner of US 50 and Randall Avenue

CASE DESCRIPTION:

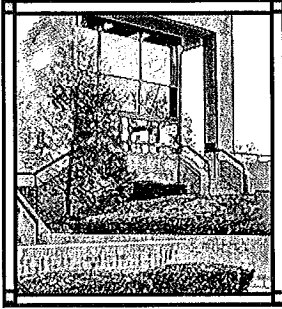
The applicant wants to install an electronic sign to replace the existing freestanding sign. The sign will be used for all businesses located in the industrial park. The electronic portion of the sign will rotate between the different businesses in the park. The electronic portion of the sign measures 9.5 feet by 4.5 feet, and the height of the overall sign will be 16 feet from the ground. A conditional use is needed to permit an electronic message sign on the property.

ZONING ORDINANCE: Article 20, Section 2080

ARTICLE NOTES:

The Dearborn County Board of Zoning Appeals conducted a hearing regarding the application on May 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:



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Conditional Use

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

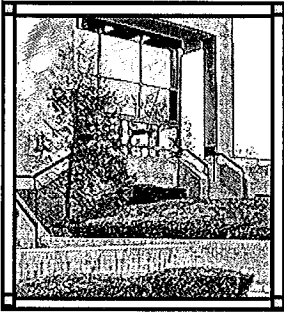
The electronic message sign WILL NOT endanger the public health, safety, morals, comfort, or general welfare as the sign will only be displaying the businesses in the park and is located far enough from the edge of pavement to cause sight distance issues.

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 the existing area is commercial and industrial land uses and it will not change the essential character of the area.

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 as it will not use public services.



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Conditional Use

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

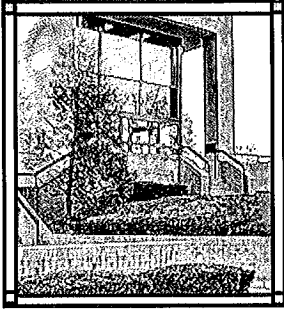
The sign WILL NOT impede on the normal and orderly development and improvement of the surrounding property as the establishment for the sign is in an area of commercial and industrial development. Therefore the sign will be consistent with other uses and signage in the area.

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 businesses is already established. The sign WILL NOT cause congestion or unsafe ingress and egress within the neighborhood.

6. Will preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan:

The sign WILL preserve the purpose of this Ordinance and it WILL NOT interfere substantially with the Comprehensive Plan as the area is designated for commercial and industrial uses, the electronic sign will not interfere with the future goals of the area.



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Conditional Use

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If the Board of Zoning Appeals approves the Conditional Use it will apply to the subject parcel until such a time as (a) the improvement in which the conditional use was granted for is not built, constructed, established or permitted within twelve (12) months of the date of the approval, (b) the use ends, is vacated, or unused for twelve (12) months consecutively, or (c) the property conforms with the applicable Zoning Ordinance as written.

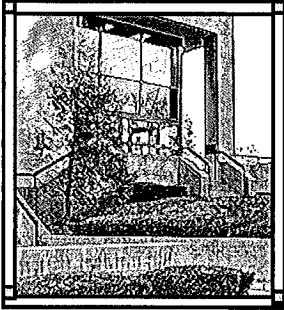
The approval of this application is subject to the following reasonable conditions being met and maintained by the applicant and current and all future property owners or entities responsible for the conditions of this property:

- 1) The property owner and owner/manager of the business shall be responsible to adhere to all requirements set forth in Article 20, Section 2080, Item #2, which list the intervals and the scrolling of the messages. "Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages. The message displayed on the board must be displayed for a minimum of five second intervals. In no instance can a message, or part thereof, flash on the message board."

*Said conditions must be attached to any permit that is issued for the proposed improvement or a signature is required hereto these conditions and attached to a previously issued permit of the improvement.

Owner's Signature

Date



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Variance of Use

165 Mary Street Lawrenceburg, IN 47025
Phone: (812) 537-8821 Fax: (812) 532-2029
www.dearborncounty.org/planning

CASE TITLE: Walker--tow yard and storage business in an agriculture district

CASE NUMBER: 18BZA0410-002

PROPERTY ADDRESS: Texas Gas Road

PROJECT DESCRIPTION:

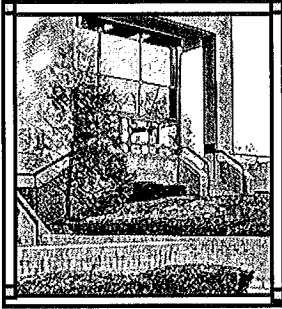
The property owner is wanting to operate his business of a tow yard and storage business for vehicles. He is also wanting to improve the buildings which already exist on the property for office space and indoor storage. The owner also wants to provide an area for emergency services training which would include using some of the vehicles.

The Dearborn County Board of Zoning Appeals conducted a hearing regarding the application on May 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 of use and the motion was carried with a vote of 4 - 1 - 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 of Use. Dearborn County Zoning Ordinance Article 3, Section 322 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 approval WILL NOT be injurious to the public health, safety, moral and general welfare of the community. The property owner will be cleaning up the property and making improvements on a property that has been vacant industrial use for many years. The business will not be generating much traffic as it will not be open to the public therefore providing safety to the roads and surrounding area. The property will also be improved with new fencing and better security.



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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 approval WILL NOT affect the use and value of the area adjacent to the property in a substantially adverse manner. The property has been a vacate, unmanaged, and unmaintained old industrial property for many years which has created a degrade of the values of the surrounding area. The proposed use will provide the clean-up that is much needed for the area and the fencing and landscaping will provide buffer so that the use will not affect the use and values or the area adjacent.

3. That the need for the variance arises from some condition peculiar to the property involved:

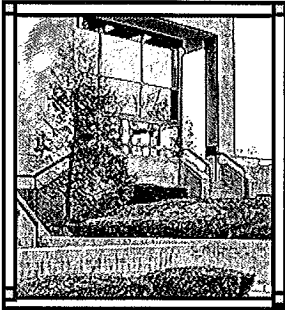
The need for the variance DOES arise from a condition peculiar to the property. The property has been used for similar commercial/industrial uses in the past. The buildings on the property are vacant, and the property has been a saleable hardship due to the previous use of the property. The proposed use would be able to use the property in a similar manner. It would be a hardship to return the property to a permissible use in an agriculture district, and even harder to revert the land to farm land.

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 sought:

The approval WILL constitute an unnecessary hardship to the property. The property has been used for similar commercial/industrial uses in the past. The buildings on the property are vacant, and the property has been a saleable hardship due to the previous use of the property. The proposed use would be able to use the property in a similar manner. It would be a hardship to return the property to a permissible use in an agriculture district, and even harder to revert the land to farm land.

5. That the approval does not interfere substantially with the Comprehensive Plan:

The approval WILL NOT interfere substantially with the Comprehensive Plan. The property has been used for industrial uses in the past and this proposed use is down grading from an industrial use.



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If the Board of Zoning Appeals approves the Variance of Use it will apply to the subject parcel until such a time as (a) the improvement in which the variance was granted for is not built, constructed, established or permitted within twelve (12) months of the date of the approval, (b) the use of the variances ends, is vacated, or unused for twelve (12) months consecutively, or (c) the property conforms with the applicable Zoning Ordinance as written.

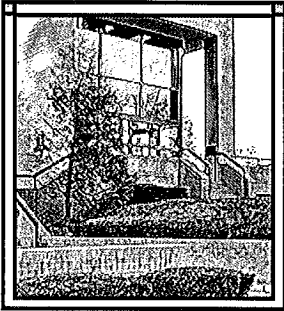
The approval of this application is subject to the following reasonable conditions being met and maintained by the applicant and current and all future property owners or entities responsible for the conditions of this property:

1. The property owner must install additional screening in conjunction with the proposed fence (mesh lining on the fence and landscaping);
2. That the limitations for the use of the property as shown in the presented Site Plan with setbacks as shown;
3. The property owner must install a secondary fence around the future outdoor storage area located on the presented Site Plan in the middle of the property;
4. If the property owner repairs the roofs of the existing buildings, those buildings can be used for indoor storage;
5. The property owner must clean up the property under appropriate IDEM and other necessary commercial permit procedures.

*Said conditions must be attached to any permit that is issued for the proposed improvement or a signature is required hereto these conditions and attached to a previously issued permit of the improvement.

Owner's Signature

Date



Dearborn County Plan Commission

Board of Zoning Appeals: Findings of Fact Development Standard Variance

165 Mary Street Lawrenceburg, IN 47025
Phone: (812) 537-8821 Fax: (812) 532-2029
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CASE TITLE: Walker--Variance for chainlink fencing for a tow yard and storage business

CASE NUMBER: 18BZA0410-002

PROPERTY ADDRESS: Texas Gas Road

PROJECT DESCRIPTION:

The property owner is wanting to operate a business of a tow yard and storage business for vehicles. He must have the property secure and is proposing to install chainlink fencing with black mesh material on the front yard fencing. Therefore a variance is needed for the type of fence being proposed.

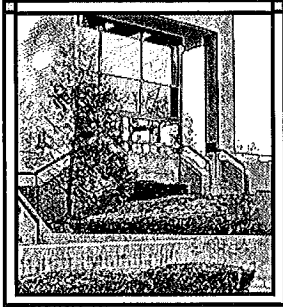
ZONING ORDINANCE: Article 22 , Section 2275

ARTICLE NOTES:

Item #6--In situations where fencing for outside storage is proposed or exists, a site plan must be submitted to, and approved by, the Planning Director or designee. Fences constructed and installed for these purposes shall be solid and one-hundred percent (100%) opaque. Chainlink fences with slats shall not be permitted.

The Dearborn County Board of Zoning Appeals conducted a hearing regarding the application on May 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 development standard variance and the motion was carried with a vote of 4 - 1 - 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 Development Standard 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:



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Board of Zoning Appeals: Findings of Fact Development Standard Variance

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1. That the approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, morals, and general welfare of the community:

The approval WILL NOT be injurious to the public health, safety, morals, and general welfare of the community. The fencing will be also surrounded by areas of heavy vegetation which will added additional screening to the type of fencing being used. The chain link fence will provide better security to proposed business while not being injurious to the community.

2. That the approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse maner:

The approval WILL NOT affect the use and value of the area adjacent to the property in a substantially adverse manner. The fencing will provide security to the site and the existing vegetation and proposed landscaping will offer additional buffering for the visibility of the fence, therefore not affecting the value of the area. The property has been surrounded by chain link fence for many years left remaining from the previous use, and the ground being vacant has had more of an affect than the chain link fence.

3. That the approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which is defined as a significant development limitation in Article 3, Section 320 of the Dearborn County Zoning Ordinance:

The approval IS the minimum variance necessary to eliminate practical difficulties in the use of the property. The propose business use must uphold a certain standard of security and the chain link fence provides more security for the vehicles that will be on the site. The only type of fence that is permitted by code is a wooden fence, which does not provide the security of a chain link fence.



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If the Board of Zoning Appeals approves the Development Standard Variance it will apply to the subject parcel until such a time as (a) the improvement in which the variance was granted for is not built, constructed, established or permitted within twelve (12) months of the date of the approval, (b) the use of the variances ends, is vacated, or unused for twelve (12) months consecutively, or (c) the property conforms with the applicable Zoning Ordinance as written.

The approval of this application is subject to the following reasonable conditions being met and maintained by the applicant and current and all future property owners or entities responsible for the conditions of this property:

1. The chain link fence shall have the black mesh material with the fence along the road frontage and 20 feet along the west and east property lines.
2. The chain link fence is permitted as long as there is an approved landscape plan and maintenance of the existing vegetative tree lines.
3. The fencing location shall be as indicated on the presented Site Plan.

*Said conditions must be attached to any permit that is issued for the proposed improvement or a signature is required hereto these conditions and attached to a previously issued permit of the improvement.

Owner's Signature

Date