

MINUTES
BOARD OF ZONING APPEALS
PUBLIC HEARING
Tuesday, November 16, 1993

10:00 a.m.

Members Present: Belvin Harris, Paul McCormack, Bill Pate, Mike Allison.

Members Absent: John Thomas and Clarence Tucker.

Staff Present: Pat Payne and Mike Land

Visitors: List

The first item of business was calling the meeting to order at 10:02 a.m. by Chairman Bill Harris.

The second item of business on the agenda was swearing in of a new board member; however that person was not present.

The third item of business was consideration of and approval of the minutes of the special meeting of October 5, 1993. A motion was made by Mike Allison and seconded by Bill Pate to approve the minutes as presented. Motion carried by the following votes: Ayes: Pate, Allison, Harris and McCormack. Nays: none. Absent: Thomas, and Tucker. Abstentions: None.

The next item of business was the fifth item on the agenda. A request was made by Jamie Knabe for a 3'4" sideyard setback variance to the requirements of the Zoning Ordinance to erect a carport at his residence at 1008 N. Clements Street.

Mr. Harris asked if anyone was present to speak for the request. Jamie Knabe said he would like to present his request to the Board. He stated that he wants to erect a steel carport at the side of his house to protect the family car and for protection for his family from the elements to get into the house from the automobile. There is no garage on the property. The carport will be open on all sides except for the side attached to the house.

Mike Allison depicted the property with a drawing and asked Mr. Knabe if he was going to attach the carport to the side of the house and not extend it past the front of the house; Mr. Knabe verified that it would not extend past the front of the house.

Mr. McCormack asked Mr. Knabe if he was going to build it himself. Mr. Knabe replied he will have a contractor to do it.

There were no objections to the variance request.

After no further discussion, a motion was made by Mike Allison and seconded by Paul McCormack to grant the 3'4" side yard setback variance at 1008 N. Clements Street to build a carport. Motion carried by the following votes: Ayes: Pate, Allison, Harris and McCormack. Nays: none. Absent: Thomas, and Tucker. Abstentions: None.

The fourth item of business on the agenda was consideration and action on a request by Southbend Outdoor Advertising Company for a 225' variance to Ordinance Number 564-10-93, allowing and regulating off-premises signs within the I-35 Corridor. Southbend requested a variance to Section 2.9.5.4, restricting off-premises signs within the I-35 Corridor from being within 300' of a residential structure.

Mr. Harris asked if anyone was present to speak for the request. Steve Hannigan, representing Southbend Outdoor Advertising Company, presented and explained the variance request. Mr. Hannigan said the property owner has agreed to the lease of a billboard and its maintenance to Southbend. After the legal notices were sent to the property owner and surrounding property owners, the property has changed ownership. The present owner is Wayne Harper rather than Richard Klement.

Mr. Hannigan continued by saying the sign will be a single, mono-pole (3' diameter) structure located (75') north of the present residential structure. The billboard will be 300 square feet in size and 35' in height, as the ordinance allows. The sign will be illuminated.

Mr. Allison said he had been told that the residential structure may be removed from the property at a later time and would like to have a time frame for that procedure. Mr. Hannigan said he did not have that information. Mr. Land said Mr. Harper had indicated that the house would probably be moved from the property within approximately ninety days. However, it could be longer because Mr. Harper plans to construct a business on the site and wants to do all the dozier and construction work at the same time, which would include removing the residential structure. That would possibly take longer than the stated 90 day period.

Mr. Hannigan continued by saying that his company will make sure that the sign will be a sufficient distance from any power line in order that safety measures will be maintained and followed.

There was no one present to speak in opposition to the variance request.

After no further discussion, a motion was made by Mike Allison and seconded by Paul McCormack to grant a 225' variance for an off-premises sign to be closer than 300' to a residential structure within the I-35 Corridor. Motion carried by the following votes:

Ayes: Pate, Allison, Harris and McCormack. Nays: none. Absent: Thomas, and Tucker. Abstentions: None.

After no further business, the public hearing adjourned at 10:35 a.m.