

BOARD OF ZONING APPEALS
OF THE CITY OF DECATUR / MINUTES

June 5, 2018

A meeting of the Board of Zoning Appeals of the City of Decatur, Indiana was called to order by Chairman Kitson on Tuesday, June 5, 2018 at 4:30 pm at City Hall, 172 N 2nd St, Decatur IN 46733.

Present at the meeting were: Dave Haggard, Steve Hakes, Greg Kitson, John Schultz, and Bill Stuckey. Also in attendance were Tim Baker, City Attorney; Curt Witte, Superintendent Building/Zoning; and Sharon Braun, Assistant.

Upon motion by Haggard, seconded by Hakes, the minutes of the previous meeting were approved as presented. Motion carried, 4-0.

Upon motion by Haggard, seconded by Hakes, the Proof of Publication was approved as presented. Motion carried, 4-0.

Upon motion by Haggard, seconded by Hakes, the Affidavits of Notice to Adjoining Property Owners were made a matter of record. Motion carried, 4-0.

The first application before the board was the request by Franklin Neil Keller, 1325 Bears Pass, Decatur IN 46733, who applied for a variance of the side yard setback requirement for a garage addition. Keller requested approval to build a 12x28 addition to his garage on the west side of his residence eight feet from the side property line, a variance of two feet from the required ten foot side yard setback.

Chairman Kitson asked for any comments from the audience, either in favor or opposed, with no response.

Following the board's final discussion, Chairman Kitson read the Findings of Facts for the Variance of two feet, to allow construction of the garage addition eight feet from the property rather than the required ten feet, which were approved without conditions, 4-0.

Chairman Kitson advised the board that the second applicant, George Lukas on behalf of McDonald's USA, had incurred a last-minute family emergency and was unable to attend in person.

For the record, Baker summarized the following circumstances –

- Lukas' emergency occurred at a time when no other representative could be available in person
- the project was previously reviewed by the Plan Commission for site plan approval, which was given
- Lukas brought the need for a variance to the city's attention, which had the city realized the need, the city could have scheduled the variance request on the same day that site plan approval had been given
- delaying the hearing would potentially cause hardship to the applicant through no fault of the applicant

Via telephone, the second applicant was George Lukas, Landwater Group Inc, on behalf of McDonald's, 410 N 13th St, Decatur IN 46733, for variances of –

- the front yard setback requirement of 25-feet on 13th and Marshall Streets
- the front yard height restriction of three feet for structures
- the clear vision triangle, which requires no obstructions in height between three feet and 12 feet
- prohibition of accessory structures in the front yard

Lukas explained that the McDonald's property has four front yard setback requirements, as the property faces 13th St, 12th St, Marshall and Nuttman. The corner facing 13th St and Marshall sets back the farthest from the streets and is the most unobtrusive. Because of the facility's designated parking spaces and drive-up lanes, there is no alternative location for the dumpster holding area.

Chairman Kitson asked for any comments from the audience, either in favor or opposed, with no response.

Following the board's final discussion, Chairman Kitson read the Findings of Facts for the request for variances--

- of the front yard setback requirement of 25-feet on 13th and Marshall Streets
- of the front yard height restriction of three feet for structures
- of the clear vision triangle, which requires no obstructions in height between three feet and 12 feet
- to allow an accessory structure in the front yard

Variances were approved as requested without conditions. Motion carried, 4-0.

Chairman Kitson asked for old or new business, discussion as follows –

Witte explained the proposed ordinances for signs regulations and parking requirements, which had been previously emailed to the BZA, Plan Commission, and Council members, and asked for comments or suggestions. Following discussion, Baker asked for a motion of recommendation to City Council.

Upon motion by Schultz, seconded by Haggard, the Board of Zoning Appeals made recommendation to City Council for the adoption of the proposed sign and parking requirement ordinances. Motion carried, 4-0.

There being no further business to come before the board, upon motion by Schultz, seconded by Haggard, the meeting was adjourned at 5:00 pm. Motion carried, 4-0.

Respectfully submitted,

Sharon Braun
Recording Secretary