

CITY OF DECATUR BOARD OF ZONING APPEALS

Findings of Fact/Law: Case No. 2676-14

Location: 108, 116, and 122 South 3rd Street, Decatur, Indiana

Applicant: Adams County Board of Commissioners

An application for the above noted Contingent Use by Special Exception was filed in the office of the City of Decatur Board of Zoning Appeals (BZA). That application sought a **Contingent Use by Special Exception to allow a governmental building in a B-2 zoning district**. The BZA staff subsequently created a file containing all documentation of the request and made that file available for public inspection at 225 West Monroe Street, Decatur, Indiana 46733.

In accordance with Indiana Code (IC) 5-3-1, the BZA staff published a legal notice in the *Decatur Daily Democrat*. This notice advertised the public hearing scheduled in conformity with IC 36-7-4-920. The public hearing included the above Contingent Use by Special Exception on its agenda.

In addition, courtesy notices were sent to certain surrounding property owners of record and other interested persons. A copy of these courtesy notices and a list of those receiving them were made a part of the file for this Contingent Use by Special Exception.

The Board conducted the public hearing as advertised and heard evidence and testimony on the above noted Contingent Use by Special Exception. An audio recording of this proceeding has been on file and available to the public in the BZA offices since the date of the hearing.

Meeting in open session, the Board subsequently considered the above noted request and its relationship to the requirements of Indiana Code (IC) 36-7-4 and City of Decatur Code, Title XV (the City of Decatur Zoning Ordinance). An audio recording of this meeting has been on file and available to the public in the BZA offices since the date of the meeting.

In its deliberations, the BZA weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-918.2 Exceptions and uses. A board of zoning appeals shall approve or deny all: ...(1) special exceptions (3) contingent uses;... from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance.

Section 150.92(D) authorizes the BZA to approve a Contingent Use by Special Exception for a government building in a B-2 zoning district.

