

BOARD OF ZONING APPEALS
OF THE CITY OF DECATUR/MINUTES

January 5, 2021

A meeting of the Board of Zoning Appeals of the City of Decatur, Indiana was called to order by Chairman Hakes on Tuesday, January 5, 2021 at 4:30 PM at City Hall, 172 N 2nd St, Decatur, IN 46733.

Present at the meeting were: Steve Hakes, Dave Schnitz, and Dave Haggard. Also, in attendance were: Tim Baker, City Attorney; Mayor Dan Rickord; Curt Witte, Superintendent Building/Zoning; and Erin Heyerly, Office Administrator.

Upon motion by Haggard, seconded by Schnitz, the minutes of the previous meeting were approved as presented. Motion carried, 3-0.

Upon motion by Schnitz, seconded by Haggard, the Proof of Publication was approved as presented. Motion carried, 3-0.

Upon motion by Haggard, seconded by Schnitz, the Affidavits of Notice to Adjoining Property Owners were made a matter of record. Motion carried, 3-0.

The first application before the board was David Beer on behalf of Midwest Auto Spa, LLC (Super Wash) at 509 S 13th St in a C-2 Zoning district requesting a variance for off premise signs. David explained that they are wanting to put signs for advertisements on the fence along the back property line of his property for those visiting his car wash to view while washing their vehicles. He said that it all started when his wife Haley wanted to advertise her business (Edward Jones). They use a local sign maker for all of their signs, Premier Signs.

Schnitz made a statement that the fence appears to be solid and not open to the neighbors behind so the signage would not affect the property behind them on Elm St.

Hakes opened for comments or questions.

Witte stated off-premise signs are prohibited by our ordinance. If approved by the board as a variance there needs to be guidance on how the permits are to be charged for this property.

Baker asked is all of the signs are uniform in size and Beer confirmed that they are. Baker also asked how many signs he would like to see on the fence. Beer said 10 to 11 is all that will fit on the sign at the back of his property.

Witte asked what size the signs are that he will be using and Beer stated they would all be 5 x 8.

Witte suggested that the fee per sign would be \$100 each.

Baker stated that the fence cannot be treated as a billboard and would have to treat each sign on the fence as an individual sign due to the way that the ordinance is written. He also recommended that the City look at their sign ordinance and consider updating or rewriting portions of it. He said that in this particular situation only the off premise signage would only be visible by the people that are

patronizing the Beer's business. Baker also suggesting contacting other communities to see how they treat similar situations.

Witte recommends granting the variance with conditions that the signs may only be 5 x 8, that they are all uniform, and that there are no more than 10 on the fence at the back of the property at 509 S 13th St.

Schnitz made a motion to approve the variance with the conditions that there would be no more than 10 signs measuring 5 x 8 and be placed in the isolated area (on the fence at the back of the property) and only viewed by those that are on the premise. There will also be a \$100 permit fee per sign placed on the fence. When the signs are replaced a new permit will be required. Haggard seconded the motion. Motion carried, 3-0.

Hakes read the finding of facts.

Variance was granted with the conditions listed above.

The second application before the board was Jeff and Kelley Miller of 35 Homestead requesting a special exception for home occupation in an R-H zoning district. The Miller's explained that they would like to have a one chair salon in their home. They have parking for six in their drive.

Upon motion by Haggard, seconded by Schnitz, the Affidavits of Notice to Adjoining Property Owners were made a matter of record. Motion carried, 3-0.

Witte confirmed that all permits and inspections were done with the building department and have passed with no issues.

Hakes opened for comments or questions.

There were none.

Hakes read findings of facts.

Special exception for use was granted with no restrictions.

Old Business – Nothing to address at this time.

New Business – Nothing at this time.

Witte commented that he would like to go back to more current business of off premise signs. He suggested making a change to the ordinance to state that off premise signs must have BZA approval in order to be permitted.

There being no further business to come before the board, upon motion by Haggard, and seconded by Schnitz, the meeting was adjourned at 5:30 PM. Motion carried 3-0.

Respectfully Submitted

Erin Heyerly, Recording Secretary