

## ELLETTSVILLE PLAN COMMISSUON

July 9, 1998

Board members present: Terry Baker, Sandy Gann, Diana Evans and Geraldine McIntyre, Secretary.

Board members not present: Patrick Wesolowski, President; and Charles Merrimon.

### **COMMENTS:**

None

### **OLD BUSINESS:**

None

### **NEW BUSINESS:**

Questions on property – James Arnett

Mr. Arnett who lives at 1008 Oak Street stated the reason for being here tonight is I would like to put in a silkscreen shop on my property. You have the plans before you. The red arrow is the driveway coming in and the green drawing is the back is the building I am connecting to my garage. Mr. Arnett said it is a quiet operation, all it is just decorating garments and some signs, such as real estate signs. It is a one-man operation. The building will be 24 by 36 type building that is the bottom story. The upper story will be 15 by 36 by 8 foot tall.

Diana said she could not remember where this is. Mr. Arnett said you go the stop light and turn right on Oak Street and got to the very end of Oak street and that is where my driveway begins. Don asked if he owns this property. Mr. Arnett said he owned a little over an acre. I am out there by myself. Sandy Gann said I still don't understand where this is. A long discussion was held as to where this was.

Don asked what the property is zoned. Mr. Arnett said at the courthouse it is not shown as being zoned. Diana asked Mr. Arnett if he was going to have customers coming back there. He said no. Sandy said we need to know what it is zoned. Diana said she believes it is R1 but really what you are wanting to go for is a variance to put it there.

Diana stated that he just wanted to come and talk to us tonight to see if we had any problems with it. I told him this was the best way to start. She also said that since he will be taking orders from people like little league, etc. He also will be having a UPS truck coming in once in awhile. He said right. Mr. Arnett stated what has happened in the last tow months, my boss Jim Slinkard of Winters Associates has passed away and the opportunity has came to me to buy out this part of the business. If I go anywhere else, it would cost me more money than I would like. Since I got the land and utilities, I would be better off to have this in my building.

Don and Sandy still thinks he would have to have a variance and go before the BZA Board. Diana asked if we could send it with a favorable recommendation. A brief discussion was held. Don said we would actually have to turn you down first before you can go to the BZA Board. Diana said could we recommend a land use variance to them.

Geraldine asked Terry what he was thinking about. He said he thought a land use variance would be the only thing the BZA Board would go for and specify to that building and if be ever went out of business it would go back to a R1 use only.

Diana asked Mr. Arnett if he had a problem with that. He said it was fine with him. If I get so big and would have to move out, I would use for storage.

Don asked for the motion. Diana made the motion that we prefer you didn't re-zone but go for a land use variance for your silk screening business with a favorable recommendation to the BZA Board. Don asked for a second. Terry said comment. He asked could we actually do anything because it has not technically come before the planning and zoning.

Diana said he had a question as to go for a rezone or a variance and I told him it would better to go for a variance. Sandy said that he actually has to apply for this. Diana stated he really is questioning what he should do. There was much discussion on this. Diana asked if her motion still stands. Don said yes. Is there anymore comments or questions? Mr. Arnett said yes, where do I go. And how do I get in touch with the BZA Board? Diana explained that he would get a packet from her and that the BZA Board would meet here. After much discussion, Don asked for a second. Sandy seconded the motion. Motion carried 4-0. Terry Baker voted nay.

Discuss variance at 103 E. Temperance Street – Rick Anderson

Mr. Anderson stated he lived at 614 W. Oak Street and Diana said she was sorry for the mistake on the address. Mr. Anderson stated I am here for a variance for a recording studio. I came before the planning commission about 3 years ago. The problem at that time was we made too much noise. We were recording in my house. Due to the noise, I had several neighbors angry at me. Now I have built a drum room. He gave pictures to the board to see. I have gone to a lot of trouble to build this. It is made of soundboard and carpet. I have also dropped the ceiling to control the noise. Since October I have had some friends come over and we have recorded not for money or anything but just for pleasure. I have talked to my neighbors around me and the noise isn't a problem. He said the meter you have on your tape recorder there, that called a D-V meter and it has a sound level on it. The sound meter in at the drums was 110 D-V and I have it down to 70 D-V, which is not level, but when I went outside the sound level was down to 55 D-V.

He gave us a list of the neighbors that has okayed him to having the business there. He said Mr. Kleindorfer said no, not because of the noise but of it being a business there, which he doesn't want. He gave us a list of the people he has notified. Diana stated she was looking at the list he notified the last time when he came before the plan commission for a re-zone instead of a variance. Now he wants a variance for this. Geraldine asked if there would be a lot of traffic. Since this is a recording studio, you will have people coming to make recordings. He said this would not be a full time business. We will be making one tape a month. That is the most we can do. This will take about 16 hours a session. I gladly invite you to come tomorrow night during our session. Geraldine said the traffic still bothers her. Sandy asked what kind of music would this be. He stated Gospel.

Diana asked how many parking space he would have. He said he drew up a plan the last time on parking. This isn't paved, but it could be. I have permission from my cousins at Stop-n-Go Muffler for people to park there, which might be 3 or 4 cars. A brief discussion was held. Don Ashley said we also have a report here. It looks like the rear yard set back on the site plan doesn't conform to the 30 foot rear yard set back as required. If this is going to be commercial. Diana said she hadn't talked to Rick Coppock, Town Engineer, on this. Don said we need to. She also asked Mr. Anderson when he planned to have this ready if approved. He said probably about a year and a half. That will be when people will be coming in. Right now, we are only doing demos. Don asked are you recording now. He stated yes, but not for commercial use. I understood that was okay. Diana said he not doing it for money. A long discussion was held. Don said you do understand if we send you to the BZA Board for a variance, you will have to send out letters again. He said yes.

Don asked Mr. Anderson how he is planning to tone down the sound. He stated that this is a block building. I have put in soundboards and I will seal the door, etc... Geraldine stated I think we have a real problem here. When Jeff Schunn who lives in Ridge Springs had many bands coming to his house and then he bought the property next to him. He wanted to build a basement a basement for the bands to play but the board voted him down. Diana said she voted him down because of the noise. Geraldine said he was voted down because it was going to be business in a residential area.

They were afraid if we let one business like this one go in; there would be others. A discussion was held.

Don stated you are here tonight to ask for a variance. Mr. Anderson said yes. Sandy said if he would ever sell or move out no other business could move in there, right. Diana said yes.

Don asked if there were anymore comments. Diana said before she voted she would like to talk to Rick Coppock. Don said just let me explain here. We can turn you down as planning and zoning and you would go before the BZA Board with a now favorable request as far as we are concerned. Diana said she needed to talk to Rick and tell him what your plans are, etc... and she thinks he could give us more guidance on this. Diana asked Mr. Anderson if we held off for one month so we could get Rick's input on this, would that effect your plans? He said no, I just had to get something going. She said if we could have a continuance until next month. This way we would have a report from Rick. Geraldine asked, are we going to table this until next month? Diana said yes. Don said we still would have to have a motion on this. Terry made the motion that we table this discussion until next month's meeting. Diana seconded it. Motion carried 5-0.

- **MINUTES:**

Don said we have minutes to approve for April 10, June 12, July 21 and September 11 1997. In addition, January 20 and February 12, 1998. Diana made the motion to approve these minutes. Sandy seconded the motion. Motion carried 5-0.

- **COMMENTS:**

Geraldine said yes. We have a house on Vine Street across from 7-Eleven that are having a yard sale all the time. It is where Red's Bait Shop used to be. Don asked if she was paying for her permit. Diana said no and she can only have one yard or garage every three months. Terry said there is one up on Oak Street with a similar situation. Geraldine said what we need to do is notify Diana to see if they have a permit, if not we need to send our police up there to close them down. The more we close down the more they will come down and get a permit so they will be legal. Diana suggested you bring this up when we have the police department at our department heads meeting before the Town Council meetings. A brief discussion was held on this subject.

- **ADJOURNMENT:**

Geraldine made the motion to adjourn. Diana seconded it. Motion carried 5-0.