

October 24, 2006

The Ellettsville, Indiana Board of Zoning Appeals (BZA) met in regular session on Tuesday October 24, 2006 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Ray Freetage called the meeting to order at 7:00 p.m. leading the Pledge of Allegiance.

Roll Call: Members present were Geraldine McIntyre, Terry Baker, David Drake, Ray Freetage and Denise Knell.

Old Business -None

New Business

Case 2006-EUV-003

Location: 121 South 2nd Street Jack and Jill Daycare

Petitioner: Linda and Ted Smith

Special Use Variance Request (Scrolling Sign)

Frank Nierzwicki, Director of Planning Services outlined the case and stated he had a discussion with Mr. Smith concerning the use of the new lighted message sign. He had the understanding that message sign would not be scrolling; messages would change from day to day. Frank said he did not have a problem if the sign did not scroll and the message changed from day to day. He went on to say that staff would recommend approval with that stipulation.

Ted Smith, petitioner, requested a special use variance to allow him to replace his current sign with a new lighted sign. This sign would be for his business, Jack and Jill Daycare. The new sign would be 4' x 8' just like the old sign but would be lighted with a message board. The sign would be set up so you could read the sign from Temperance Street [SR 46 Eastbound]. Ted also said the sign would scroll.

David Drake asked Mr. Smith how bright the new sign would be.

Ted Smith he didn't know how bright the new sign would be but there is a brightness control and settings.

Denise Knell asked Mr. Smith if the end of the business day for the Daycare Center is 5:00 PM?

Ted Smith said 6:00 PM is the closing time but sometimes parents are late picking up their children and they would remain open until the last child is gone.

Frank Nierzwicki asked Mr. Smith about the scrolling part of the sign. Frank thought the sign would not scroll.

Ted Smith stated that yes he did say that to Mr. Nierzwicki but after thinking about the situation he decided he wanted a scrolling sign.

Bob Holland spoke in favor of having a scrolling sign at the Daycare Center. He stated that the Edgewood High School had a scrolling-flashing message sign further west on Temperance Street. A number of businesses like banks often have a time and temperature "flashing" message sign.

Mrs. Norris who lives directly across the street from the Daycare Center did not want the new lighted scrolling sign. She has lived in the same location for over 25 years. Having a sign on twenty-four hours a day is not right. Her bedroom is in the front of her home and the lighted sign would cause her sleeping problems. She went on to say that the business across the street is not a bank, McDonald's or the High School. She said she would work with the Daycare Center but did not want the lighted sign.

David Drake asked Frank Nierzwicki the zoning for the Daycare Center.

Frank Nierzwicki stated that according to his records the zoning is Residential.

Linda Smith, petitioner, said that was not correct the property is zoned Commercial.

David Drake said he did not have a major problem with scrolling signs but the Town Code said no scrolling signs. We need to follow the code.

Terry Baker stated we could go back to the Plan Commission and change the code and look at the Comprehensive Plan.

David Drake said he did not want to go back and revisit the Comprehensive Plan. We most likely need to add more language in the Town Code to handle such situations.

Geraldine McIntyre said she did not like to see this type of sign in a residential zone.

Denise Knell made a motion to deny the petitioners request to have a lighted-scrolling sign at the Jack and Jill Daycare Center, 121 South 2nd Street. Geraldine McIntyre seconded the motion.

Roll Call: Geraldine McIntyre yes; Terry Baker yes; David Drake yes; Ray Freetage yes; Denise Knoll yes. **The request for a special variance for Jack and Jill Daycare Center at 121 South 2nd Street was denied.**

Case 2006-ESV-004 Location: 504 Temperance Street Petitioner: Circle K

Frank Nierzwicki stated the variance request from Circle K is to expand their building (Shell Gas Station) closer to Temperance Street. The required setback, according to Town Code, is 25 feet. The Circle K building expansion would be within 22 feet of Temperance Street. There is also a concern about parking in this area. The Circle K would not reduce their parking below Town Code requirements. **The Planning Staff recommends denial of petition.**

Kathleen Owens, Monroe County Library, has concerns about parking. The Monroe County Library, Ellettsville branch is directly across the street [Sale Street] from the gas station.

Ken Guzik has a business across the street [Temperance Street] from the gas station. He is pro-business and thinks business expansion is good for the Town and supports the variance.

Clint Sherill is the Postmaster at the Ellettsville Post Office is adjacent to the gas station on Sale Street. He is also concerned about parking but his main problem is if the alley behind the Post Office is closed. Max was informed that alley would not be closed and he had no objections to the expansion.

Terry Baker asked if there are any sight distance issues with the proposed building expansion. Frank Nierzwicki said there would not be any sight distance issues with the proposed building expansion.

David Drake said he did not have a problem with the reduction of the setback with this petition.

Denise Knell made a motion to accept the request for a variance at 504 Temperance Street, the Shell Station expansion. Geraldine McIntyre seconded the motion.

Roll Call: Geraldine McIntyre yes; Terry Baker yes; David Drake yes; Ray Freetage yes; Denise Knell yes. **The request for a variance at 504 Temperance, Shell Station, was approved.**

Adjournment

Terry Baker made a motion for the meeting to be adjourned. David Drake seconded. Motion carried. Meeting adjourned 7:44 p.m.