

## AGENDA

### BOARD OF ZONING APPEALS OF EVANSVILLE AND VANDERBURGH COUNTY

NOVEMBER 17, 2016 AT 4:00 P.M.

CITY COUNCIL CHAMBERS  
ROOM 301, CIVIC CENTER COMPLEX

#### ROLL CALL

#### APPROVAL OF MINUTES

#### VARIANCES

Docket No: [2016-33-BZA](#) Petitioner: JK Partners, LLC

Address: (Complete legal on file.) 2124 & 2122 W. Franklin Street & 2115, 2119, & 2121 W. Illinois Street

Nature of Case: Applicant requests relaxation the front yard green space along Franklin Street and along Illinois Street from 10 feet to 0 feet; relaxation of the (parking lot) side yard setbacks from 5 feet to 0 feet; relaxation of the number of required parking spaces from 118 (based on a total occupancy of 235 per the amended site plan) to 93 (to include 17 spaces by shared agreement) or alternatively to 76 (not including the 17 shared spaces); relaxation of the minimum two-way aisle widths from 24' to 23' on Illinois Street and from 24' to 22.5' on W. Franklin Street; relaxation of the zoning code to allow 2 access drives within less than 200 feet of frontage on Illinois Street and on Franklin Street; and variance from the requirements of the landscaping ordinance for a change-of-use from a motorcycle shop to a bar and grill.

Docket No: [2016-66-BZA](#) Petitioner: EAN Holdings, LLC/Steven Holt

Address: (Complete legal on file.) 7801 Bussing Drive

Nature of Case: Applicant requests relaxation of the zoning code to allow use of a 6-foot chain link fence in lieu of a required 8-foot solid fence for a proposed new storage yard.

Docket No: [2016-77-BZA](#) Petitioner: Andrew Kissel

Address: (Complete legal on file.) 119 Miller Road

Nature of Case: Applicant requests relaxation of the zoning code to allow accessory buildings larger than the residence for construction of a new pole barn.

Docket No: [2016-78-BZA](#) Petitioner: Tanya Macer, Macer Development, LLC

Address: (Complete legal on file.) 829 Canal Street

Nature of Case: Applicant requests relaxation of the minimum 8-foot solid fence requirement to allow fencing as installed to be maintained.

Docket No: [2016-79-BZA](#) Petitioner: Dawn Manges

Address: (Complete legal on file.) 777 Cross Street

Nature of Case: Applicant requests relaxation of the maximum fence height from 6' to 9'6" to allow maintenance of a fence.

Docket No: [2016-80-BZA](#) Petitioner: David P. Ritter  
Address: (Complete legal on file.) 4125 Allens Lane  
Nature of Case: Applicant requests relaxation of front yard setback from 25' to 4' and the side yard setback from 2' to 1' for maintenance of an enclosed carport/garage constructed without a permit.

Docket No: [2016-81-BZA](#) Petitioner: Jamie Ramsey-Garnett  
Address: (Complete legal on file.) 1413 S. Green River Road  
Nature of Case: Applicant requests relaxation of the zoning code to allow maintenance of a gravel storage area for parking at the rear of the proposed new car sales lot; and relaxation of the front yard green space requirement from 10 feet to 0 feet for automobile display.

Docket No: [2016-82-BZA](#) Petitioner: Brett & Angela Weinzapfel  
Address: (Complete legal on file.) 2308 Walnut Hill Drive  
Nature of Case: Applicant requests relaxation of the minimum lot width/frontage requirement from 60' to 21.9' to allow platting a 2-lot minor subdivision.

Docket No: [2016-83-BZA](#) Petitioner: JB Towers, LLC c/o CIS Communications, LLC  
Address: (Complete legal on file.) 770 Division Street  
Nature of Case: Applicant requests relaxation of the minimum setback from residential from 800' to approximately 564' for erection of a new 400' communications tower.

## **SPECIAL USES**

Docket No: [35-2016-APC](#) Petitioner: William Gaddis  
Address: (Complete legal on file.) 2209 & 2221 S. Green River Road  
Nature of Case: Applicant requests a special use #2 for church and church-related incidental facilities.

Docket No: [36-2016-APC](#) Petitioner: Buggy Bath/Custom Signs & Engineering  
Address: (Complete legal on file.) 6515 Vieth Road  
Nature of Case: Applicant requests a special use #13 for an electronic message sign.

Docket No: [37-2016-APC](#) Petitioner: Gary M. Price (Agape Life Church)  
Address: (Complete legal on file.) 2525 Stringtown Road  
Nature of Case: Applicant requests a special use #2 for a church and church-related incidental facilities.

Docket No: [38-2016-APC](#) Petitioner: Busler Enterprises, Inc.  
Address: (Complete legal on file.) 1375 Washington Avenue  
Nature of Case: Applicant requests a special use #17 for the sale of gasoline in connection with a convenience mart.

## **BUSINESS MEETING**

Any other business of a regular meeting.

Adjournment

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
UPDATED AND (SECOND) AMENDED NOVEMBER 3, 2016**

Docket Number: City VARIANCE 2016-33-BZA  
Address: 2124 & 2122 W. Franklin Street and 2115, 2119, and 2121 W. Illinois Street  
Parcel ID: 82-05-24-030-036.003.029; .004-029; .020-029; .021-029; and .021-029  
Petitioner & Owner: J K Partners, LLC  
Zoning district: 2122 & 2124 W Franklin = C-4; 2115-2121 W Illinois Street = R-2

**REQUESTED VARIANCE(S) (NOTE: changes indicated in BOLD TYPE)**

- 18.130.010 Table A Applicant requests relaxation of the front yard green space along Franklin Street and along Illinois Street from 10 feet to 0 feet;
- 18.135.050(C) relaxation of the (parking lot) side yard setbacks from 5 feet to 0 feet;
- 18.135.080(A)(8) relaxation of the number of required parking spaces **from 118 (based on a total occupancy of 235 per the amended site plan) to 93 (to include 17 spaces by shared agreement) or alternatively to 76 (not including the 17 shared spaces);**
- 18.135.030(B) **relaxation of the minimum two-way aisle widths from 24' to 23' on Illinois Street and from 24' to 22.5' on West Franklin Street;**
- 18.135.090 relaxation of the zoning code to allow 2 access drives within less than 200 feet of frontage on Illinois Street **and on Franklin Street;** and
- 18.135.120(A)(1) variance from the requirements of the landscaping ordinance for a change-of-use from a motorcycle shop to a bar and grill.

**BACKGROUND SUMMARY:**

This petition was continued from the June Board of Zoning Appeals meeting at the Petitioner's request to allow amendment to include additional variances needed for the project. An updated site plan and floor plan was submitted for the hearing in July, along with the amended request for variance(s). The new (July) floor plans indicated seating capacity reduced from 450 seats to 316 seats. The floor plans indicated that 2,260 sq. ft. on the east side of the building was to be walled off and was identified on the plan as unoccupied space conditioned and sprinkled. The variance for the number of parking spaces was reduced from a request to relax from 225 spaces to 49 spaces to a request to relax from 158 spaces to 45 spaces.

JK Partners has submitted a (second) revised site plan that was reviewed by Site Review Committee on September 19, 2016. The new site plan indicates that the building on the Franklin Street site is to be reduced in size to accommodate more parking for the proposed business. Portions of the building will be razed, reducing the size from 10,593 sq. ft. to 5,200 sq. ft. with an 840 sq. ft. covered patio. The seating capacity has now been reduced from 316 seats (requiring 158 parking spaces) to 236 seats (requiring 118 parking spaces). The business proposes to provide 93 parking spaces instead of the 45 spaces originally proposed. The redesigned parking lot on Illinois Street provides 36 parking spaces, the two parking lots on Franklin Street provide 38 to 40 spaces, and the Petitioner has secured a shared parking agreement for 17 additional spaces on an alternate (private) lot. (Relaxation of the number of parking spaces from 118 to 76 on-site and 17 off-site spaces.) The revision of the site plan and the redesign of the parking lot(s) resulted in amendment of the petition to the variances as listed above on this staff report.

The City Zoning Code establishes a minimum parking requirement for all uses listed within the use groups in the zoning code. A restaurant serving alcohol is a Use Group 8 use, and per 18.135.080(A)(8), this use requires one parking space for each 2 seats per minimum commercial standards. The application seeks to relax the number of required spaces from 158 spaces, based on the total seating capacity of 316 seats as shown on the revised/amended site plan to allow a 45-space parking lot.

Table A in the zoning code establishes minimum standards for front, side, and rear yard setbacks in each of the zoning classifications. Both the C-4 along Franklin Street and the R-2 along Illinois Street would require a 10-foot green space front yard setback.

**CONTINUED ON NEXT PAGE**

Standards for parking lots in residential districts include the provision of minimum 5' side and rear yard setbacks, limitation of access drives to only one drive within up to 200 feet of frontage, and compliance with the landscape ordinance for parking lots. Variances have been requested to relax these parking lot standards.

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

10,593 sq. ft. vacant motorcycle shop 0.48 acre C-4 site and a vacant 0.27 acre R-2 site

**PROPOSED**

Change-of use from a motorcycle shop to a bar and grill

**SURROUNDING ZONING AND LAND USE:**

North	C-4	alley – vacant motorcycle shop (proposed bar and grill) – Franklin Street- commercial
South	R-2 & C-1	Illinois Street – residences & mortuary
East	R-2	residence
West	R-2	residence

**GENERAL INFORMATION**

Applicant submitted site plans for review by the Site Review Committee meeting on May 23, 2016. At the Site Review meeting, there was a list of items recommended for change by several different departments. The Area Plan Commission staff identified several variances that would be required that were not included in this variance request. It was also noted that the floor plan shown to Site Review members indicated that a total of 450 seats are planned for the bar and grill. At the June 16, 2016 Board of Zoning Appeals hearing, the petitioner requested a continuance to allow amendment to include the additional variances.

Applicant has submitted revised plans and a revised variance request. The new site plans indicate that 28 spaces are requested on the R-2 lot and 17 spaces are shown on the C-4 site. The seating capacity has been reduced from 450 seats to 316, and a section of the building is to be walled off and unoccupied. Please note the amended site plan that has been filed has not gone back through Site Review; therefore, there are no guarantees that additional variances may be required going forward.

**UPDATED INFORMATION AUGUST 4, 2016:** This petition was continued from the July 21, 2016 meeting of the Board of Zoning Appeals because of a "NO ACTION" vote by the Board (3 YES – 3 NO.) The proposed SU-10 parking lot at 2115-2121 W. Illinois Street that accompanied this variance request was approved by the Board at the July meeting (5 YES – 1-NO.)

**UPDATED INFORMATION OCTOBER 6, 2016:** This petition was continued for two months from the August Board of Zoning Appeals meeting at the Petitioner's request to allow time to meet with the remonstrators to try to work out some compromises and to find a way to provide more parking.

**UPDATED INFORMATION NOVEMBER 3, 2016:** This petition was continued from the October 20, 2016 meeting of the Board of Zoning Appeals because of a "NO ACTION" vote by the Board (3 YES – 3 NO.)

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

VARIANCE REQUEST:

- Reduction of required parking spaces from 118 (based upon a total occupancy of 235 according to the enclosed site plan) to 93 (to include 17 spaces by shared agreement) or alternatively to 76 (not including the 17 shared spaces). [REVISED THIS AMENDMENT]
- Relaxation of front 10' greenspace (along W. Franklin Street) to 0' (due to pre-existing condition).
- Relaxation of front 10' greenspace (along W. Illinois Street) to 0' (although there will be green in areas, this is predominantly for driveways).
- Relaxation of side yard 5' setback to 0'.
- Request for 2 curb cuts within 200' (along W. Illinois Street).
- Request for 2 curb cuts within 200' (along W. Franklin Street) [ADDED THIS AMENDMENT]
- Waiver of landscaping requirements within parking areas.
- Waiver of parking aisle width requirements to 23' on Illinois Street property and 22.5' on W Franklin Street property [ADDED THIS AMENDMENT]

(IF MORE SPACE IS NEEDED), ATTACH ADDITIONAL SHEET-TO THIS APPLICATION.) VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

The West Franklin area has ample on-street parking during peak business hours, and it is common for patrons to park and walk between establishments. Other properties have been granted similar variances, obviously in recognition that the number of parking spaces in the ordinance is higher than generally required. This area is targeted for entertainment growth, and to accommodate such goals and increase property values will enhance the value of adjacent properties. Update: The revised site plan contemplates a substantial reduction to the existing building footprint creating additional on-site parking spaces while also reducing seating capacity thereby reducing the number of parking spaces required under the ordinance. Petitioner's parking will consist of 78 on site parking spaces plus 17 spaces under a shared parking agreement for a total of 95 spaces or approximately 80% of the parking required by code. 78 on-site spaces alone provides 66% of required parking. (The original request heard in June amounted to 22% of required parking.) Note: The amount of spaces identified in the variance request was reduced by 2 to allow for flexibility in the development and use of the site.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

See above. Additionally, the property is located on a main thoroughfare with ample on-street parking in addition to that provided by businesses.

(3) The strict application of the terms of this title will result in practical difficulties in the use of the property. Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

The property was developed in a limited space which will not accommodate a massive parking lot to meet the requirements of the ordinance. The idea of an entertainment district implies many destinations in close proximity – encouraging walking between establishments rather than driving to each. In addition the building is a pre-existing structure which currently sits vacant. Update: Petitioner proposes to substantially reduce the footprint of the building to create additional parking spaces and, at the same time, reduce the number of parking spaces required by code. Petitioner additionally has also obtained shared parking agreement to add additional parking. Petitioner efforts have maximized available parking resulting in on-site and shared parking that provides 80% of the parking required by code still requiring a variance.

(4) The variance is not a variance of the district or classification of the property. TRUE

(5) The petitioner's property is not located in a planned unit development. TRUE

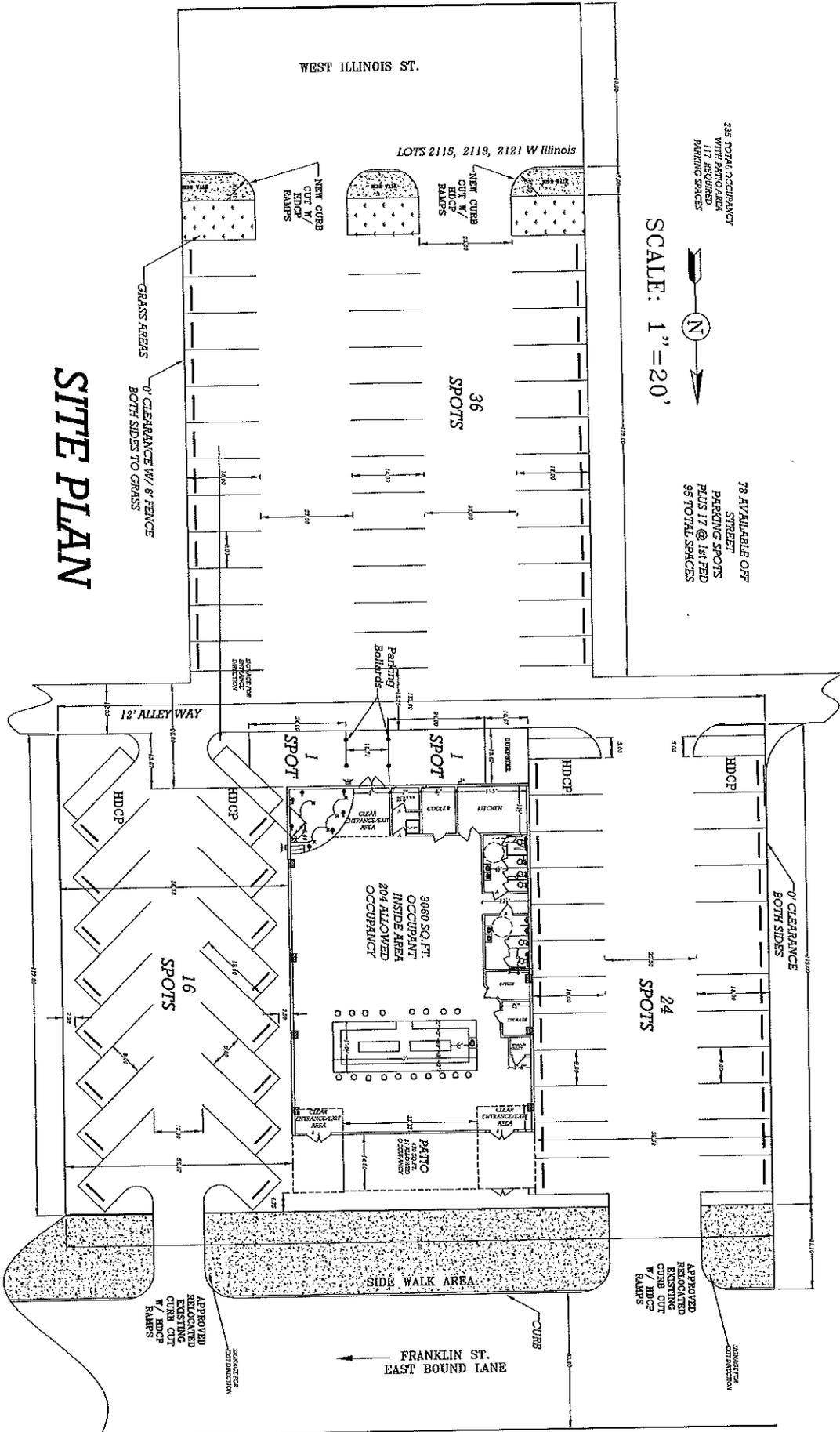
(6) The need for the variance is not created by the applicant. Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

The applicant purchased the building which was already constructed to accommodate the seating capacity. Applicant is utilizing existing structures to minimize waste and did not create the space situation. Update: Applicant is taking affirmative steps to lessen the need for variance by reducing the footprint of the building and acquiring a shared parking agreement.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

ALL ATTACHMENTS ARE ADOPTED BY REFERENCE. I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

# SITE PLAN



WEST ILLINOIS ST.

LOTS 2115, 2119, 2121 W Illinois

36 SPOTS

SCALE: 1" = 20'

235 TOTAL OCCUPANCY WITH PROVIDED PARKING SPACES



78 AVAILABLE OFF STREET PARKING SPOTS PLUS 17 @ 1st FLD 95 TOTAL SPACES

GRASS AREAS 0' CLEARANCE W/ FENCE BOTH SIDES TO GRASS

12' ALLEY WAY

3680 SQ. FT. OCCUPANT INSIDE AREA 204 ALLOWED OCCUPANCY

24 SPOTS

16 SPOTS

SIDE WALK AREA

FRANKLIN ST. EAST BOUND LANE

ISLAND

2016-33-BZA AMENDED

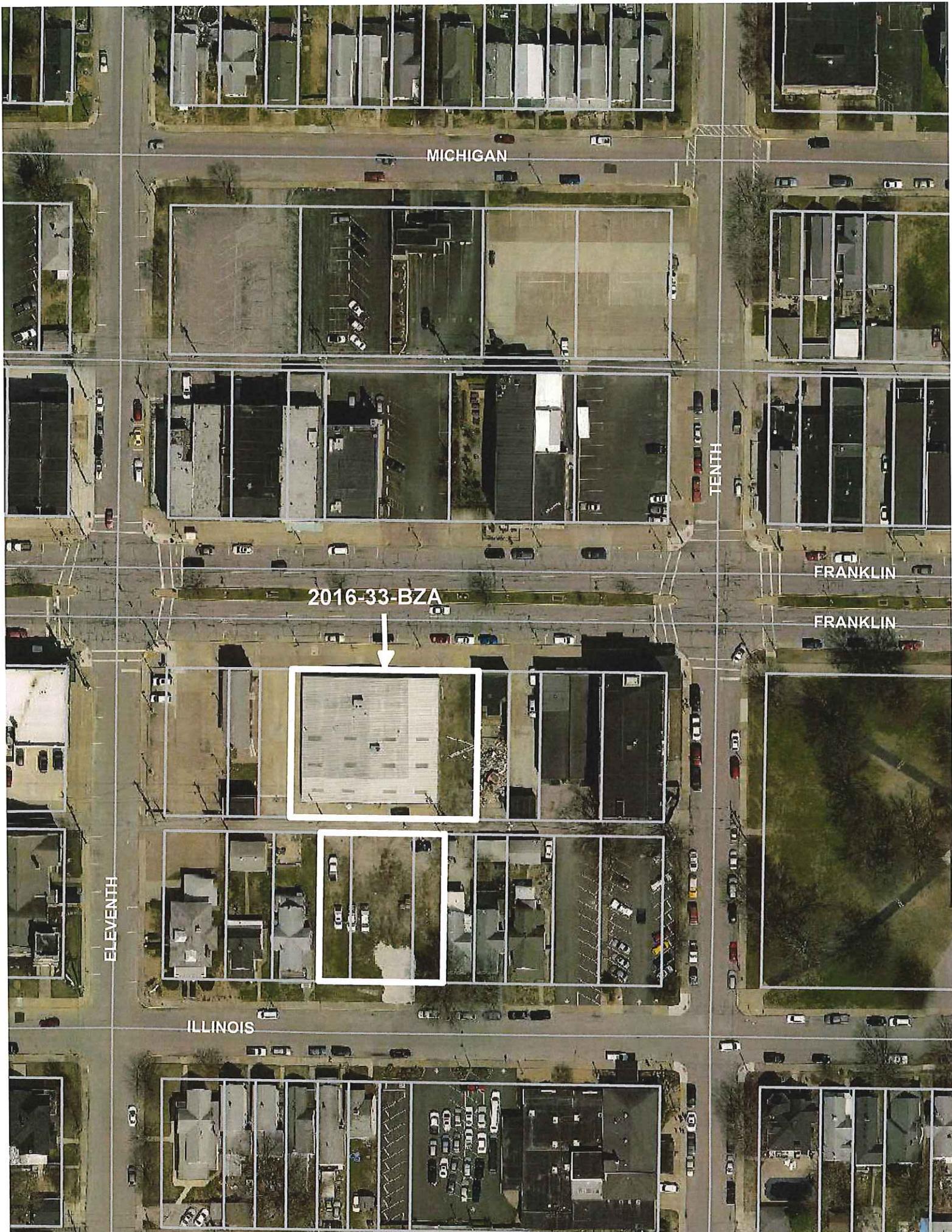
# ZONING

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



2016-33-BZA

2122 & 2122 W. FRANKLIN ST. and 2115, 2119, & 2121 W. ILLINOIS ST.



MICHIGAN

TENTH

FRANKLIN

FRANKLIN

2016-33-BZA

ELEVENTH

ILLINOIS

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
UPDATED November 3, 2016**

Docket Number: City VARIANCE 2016-66-BZA  
Address: 7801 Bussing Drive  
Parcel ID: 82-06-04-034-096.009-020  
Petitioner: EAN Holdings, LLC – Steven Holt  
Owner: Evansville Vanderburgh Airport Authority District  
Zoning district: AIR

**REQUESTED VARIANCE(S)**

18.130.060(C) Applicant requests relaxation of the zoning code to allow use of a 6-foot chain link fence in lieu of a required 8-foot solid fence for a proposed new storage yard.

**BACKGROUND SUMMARY:**

The zoning code requires that all storage yards and outside storage areas or similar operations shall be completely enclosed with an opaque fence not less than eight feet high. This fencing requirement is mandatory for all storage areas for inoperable vehicles or inoperable equipment in conjunction with repair shops or similar operations when such storage areas abut residential areas or are visible from public thoroughfares. Enterprise Car Rentals is proposing to establish a storage yard in conjunction with a new business processing vehicles for sale. The proposed storage yard is planned at the location of the old Evansville Regional Airport terminal parking lot.

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

(Proposed) 6,490 sq. ft. office, retail and service bays on a 3.76 acre part of the Evansville Vanderburgh Airport Authority District property

**PROPOSED**

Vehicle storage yard with non-opaque fencing

**SURROUNDING ZONING AND LAND USE:**

North	AIR	Flightline Drive – restaurant & airport hangars
South	AIR	hotel
East	AIR	airport
West	R-1 & M-2	Flightline Drive & Highway 41 – airport property & Atlas Van Lines

**GENERAL INFORMATION**

Applicants are proposing erection of a 6-foot chain link storage area perimeter fence with three strands of barbed wire at the top in lieu of the 8-foot solid fence required to screen the proposed new vehicle storage yard.

**UPDATED INFORMATION NOVEMBER 3, 2016:** This petition was continued from the October Board of Zoning Appeals meeting to allow satisfaction of notice requirements.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

**STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED**

VARIANCE REQUEST:

Relax the 8ft tall opaque fence requirements around the "Vehicle Storage Area". Owner will provide 6ft tall chain link fence (non-opaque) with 3 strand barb wire. Storage area will be used to store vehicles removed from the rental fleet as they await processing for sale.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

**VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE**

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

**(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Approval of this variance will have a neutral effect on the use and value of the adjacent area(s) due to the fact that the style and look of the proposed fence will match the surrounding airport property fencing.

**(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.** Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Approval of this variance will have a neutral effect on the use and value of the adjacent area(s) due to the fact that the style and look of the proposed fence will match the surrounding airport property fencing.

**(3) The strict application of the terms of this title will result in practical difficulties in the use of the property.** Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

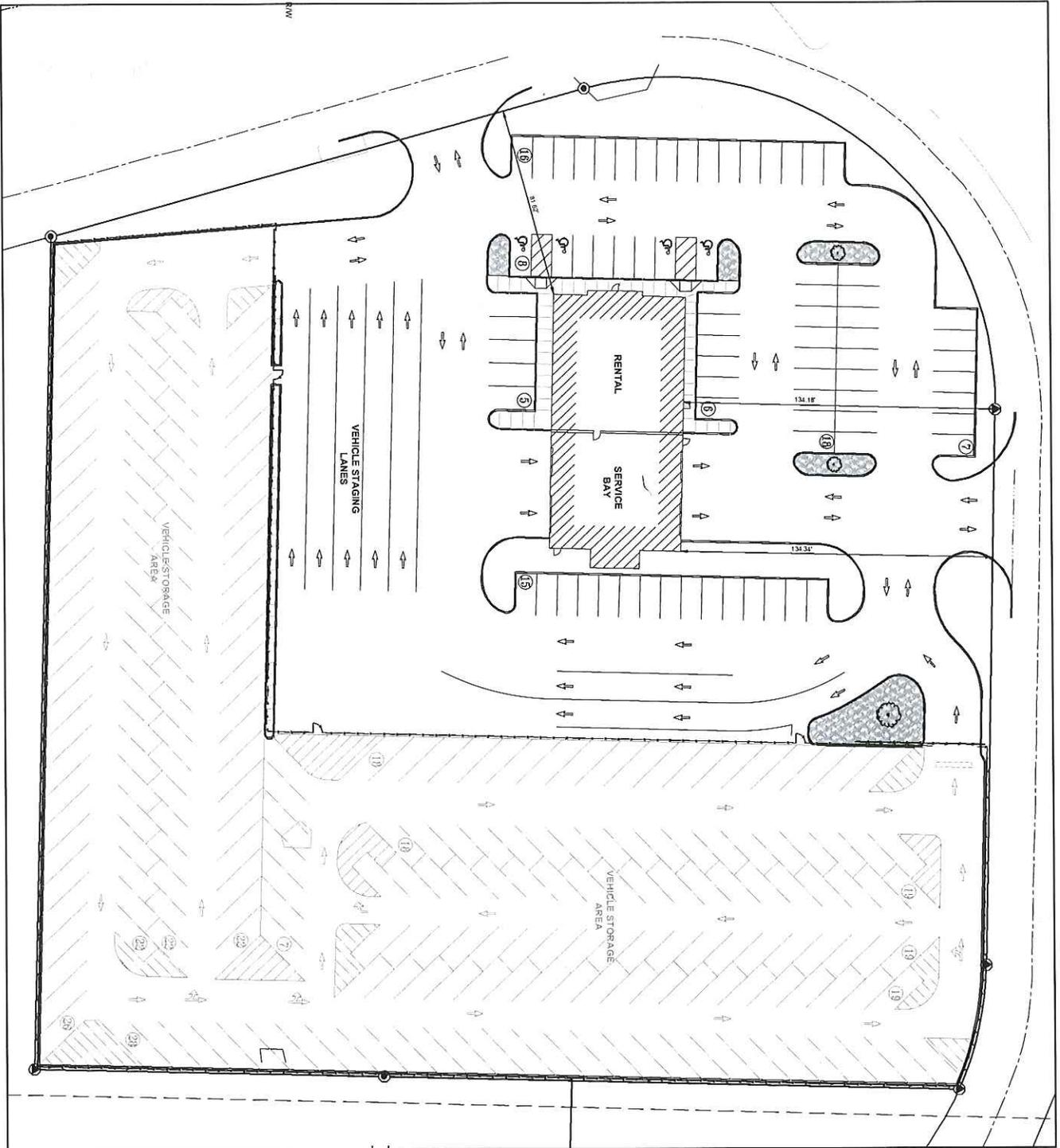
Compliance with the existing zoning laws requires the owner to effectively "hide" the contents of the storage area. This is counter productive to the use and operation of the proposed facility.

**(4) The variance is not a variance of the district or classification of the property.**     TRUE     FALSE

**(5) The petitioner's property is not located in a planned unit development.**     TRUE     FALSE

**(6) The need for the variance is not created by the applicant.** Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

Applicant is requesting variance due to ordinances in place by the Area Plan Commission. Ordinance is inappropriate for this type of storage lot usage.



SCALE 1" = 20'

20 0 20 40



<b>C-100</b>	Project Name	Car Rental Facility - EAN Holdings, LLC
	Scale	1" = 20'
Author	DATE	DATE
Checked	DATE	DATE
Approved	DATE	DATE

**Geometric Site Plan**

Revisions			
No.	By	Date	Description

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**Morley and Associates, Inc.**

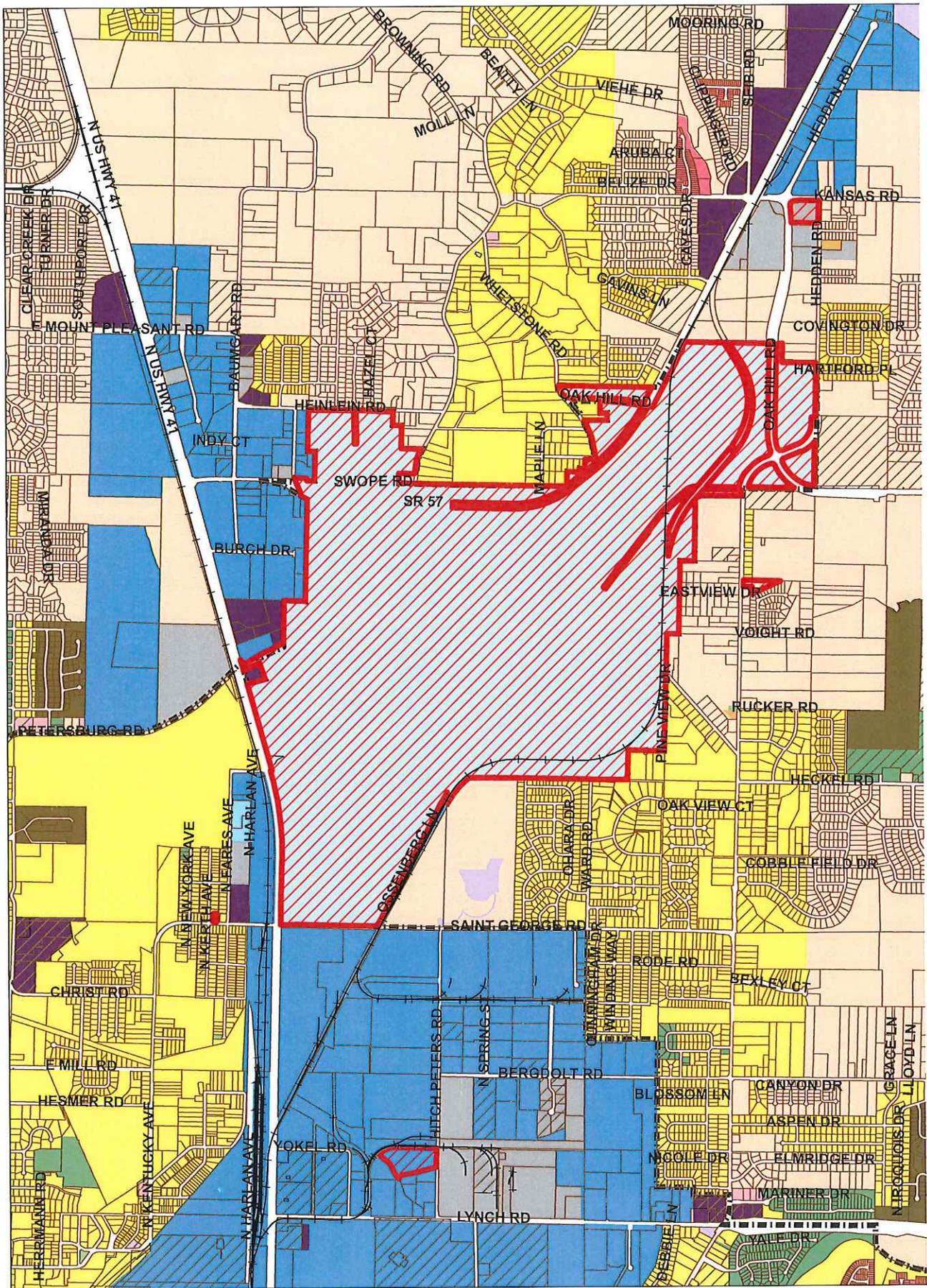
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Houston, TX 77056  
(832) 465-9300  
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2016-46-BZA

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**7800 BUSSING DRIVE**  
**2016-66-BZA**



**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: County VARIANCE 2016-77-BZA  
Address: 119 Miller Road  
Parcel ID: 82-05-28-007-096.067-024 and .003-024  
Petitioner: Andrew Kissel  
Owner: Same  
Zoning district: Agricultural

**REQUESTED VARIANCE(S)**

17.12.070(B)(2) Applicant requests relaxation of the zoning code to allow accessory buildings larger than the residence for construction of a new pole barn.

**BACKGROUND SUMMARY:**

The Vanderburgh County Zoning Code requires that accessory structures be subordinate in size and height to the main structure - the residence. With the construction of the proposed new garage addition on this site, the applicant will have a 1,500 sq. ft. main structure (residence), and 3,018 sq. ft. accessory structures (garage and shed).

**LAND USE:**

Variations may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

1,500 sq. ft. residence and 378 sq. ft. storage shed on an 11.246 acre lot

**PROPOSED**

Construction of a new 2,400 sq. ft. pole barn with a 240 sq. ft. covered porch

**SURROUNDING ZONING AND LAND USE:**

North	Ag	residences
South	Ag	residences
East	R-4	Miller Road - church
West	Ag	wooded area/residential

**GENERAL INFORMATION**

Applicant is proposing construction of a new 40' x 60' pole barn with a 10' x 24' covered porch. Accessory buildings in Agricultural districts may not be used as dwellings and may not be used for any commercial use, only for personal use. Any retail, service, or storage uses not for the residents of the site require commercial or industrial zoning classification.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

VARIANCE REQUEST: It is requested that the pole barn I am wanting to have built can be larger than my home that is on the property. The home that I reside is 1500 sq ft and I would like the pole barn to be 2400 sq ft.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

This pole barn will be used for storage of lawn equipment, therefore our yard will not look junky with <sup>lawn</sup> equipment sitting outside the house.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

The adjacent properties will not even be able to see the pole barn from their houses and will be a good distance away from property lines.

(3) The strict application of the terms of this title will result in practical difficulties in the use of the property. Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

We cannot build a pole barn big enough for what we need with the current law of not being able to build a pole barn larger than your home.

(4) The variance is not a variance of the district or classification of the property.  TRUE  FALSE

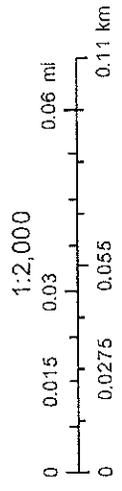
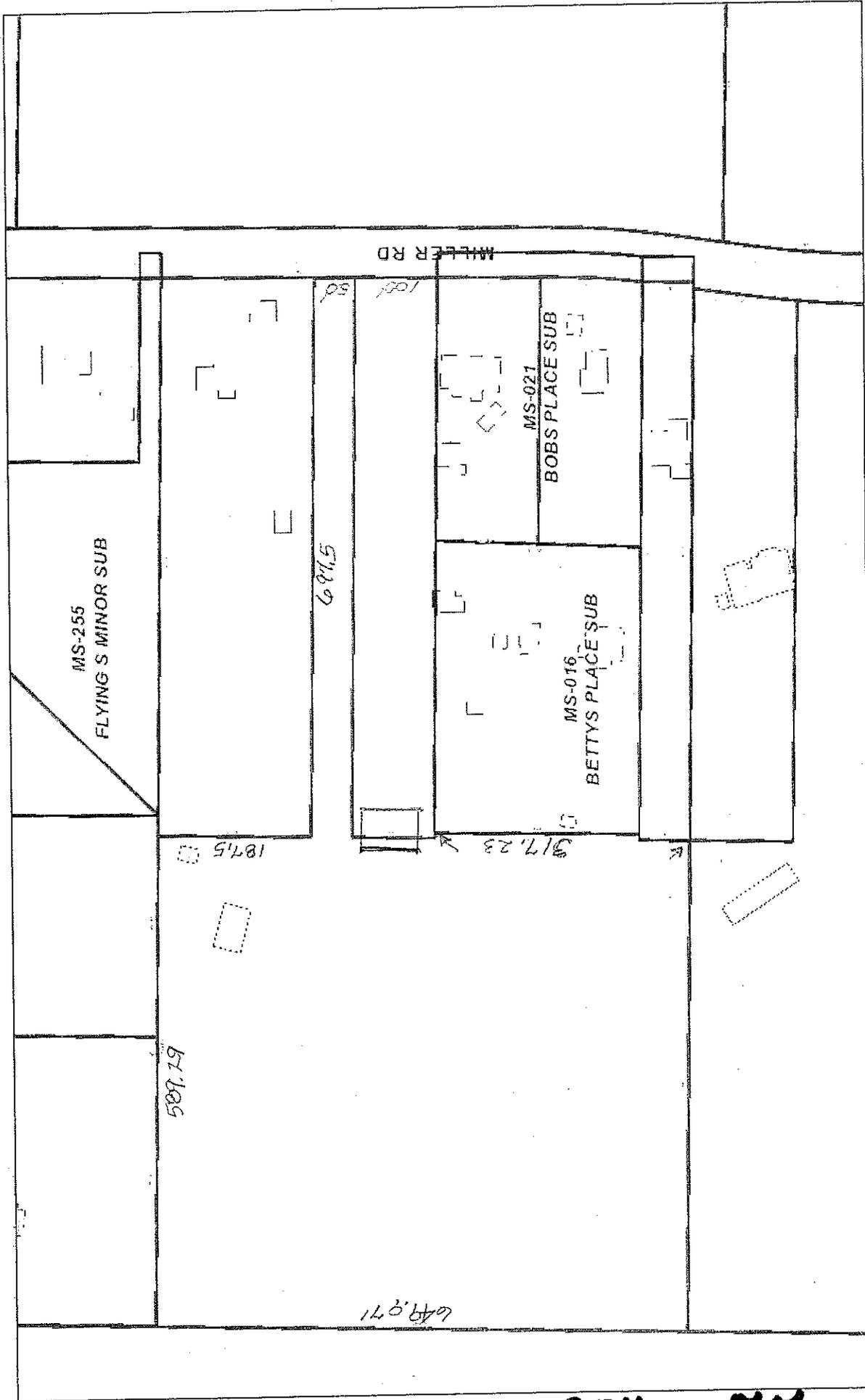
(5) The petitioner's property is not located in a planned unit development.  TRUE  FALSE

(6) The need for the variance is not created by the applicant. Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

~~It~~ In order to store my equipment indoors I would like my barn's dimension to be 40' x 60' which is larger than the foot print of my house. I did not build my house and I did not create the law that states the out building needs to be smaller than my house.

Property Address:

Applicant Signature:

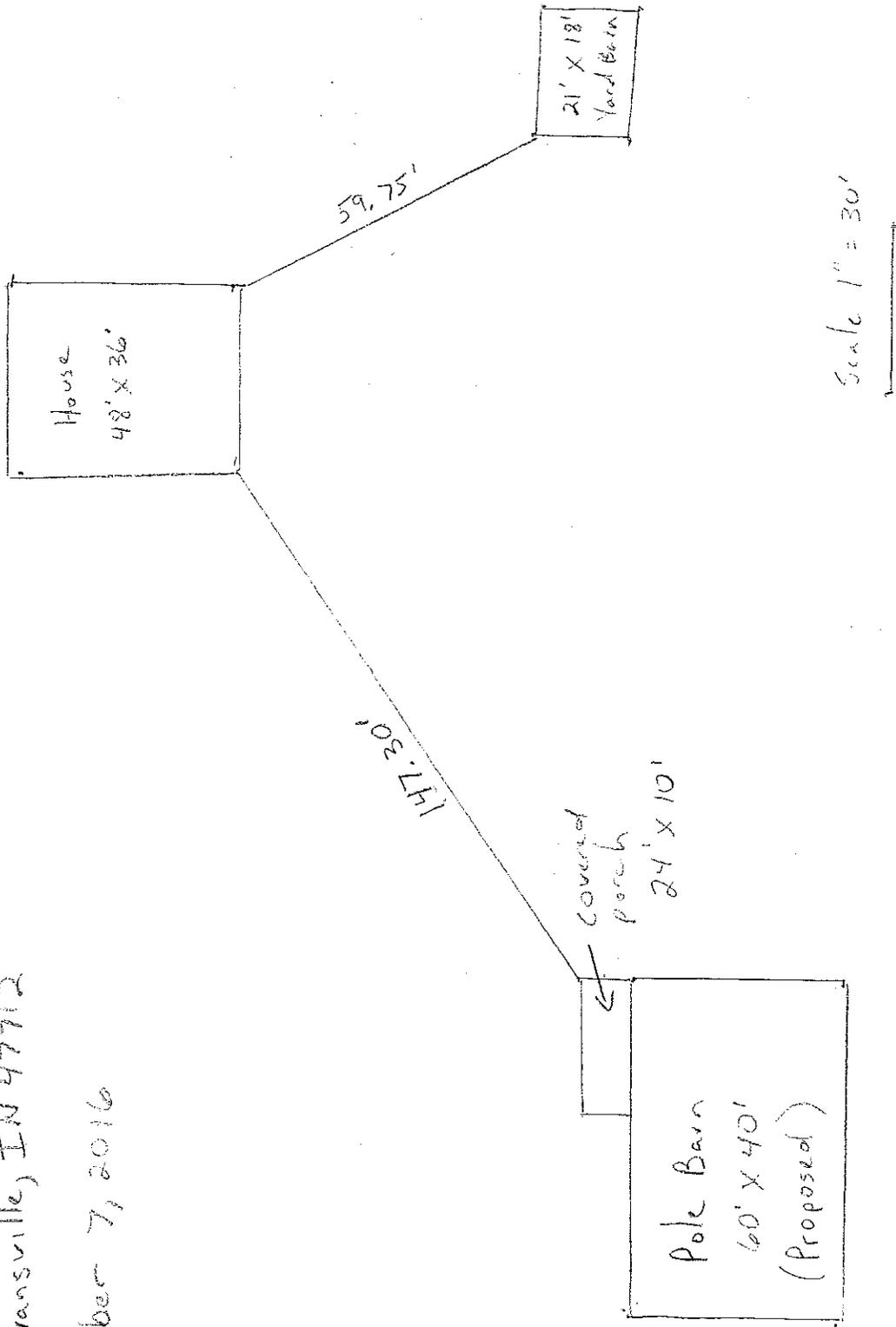


September 8, 2016

2016-77-BZA

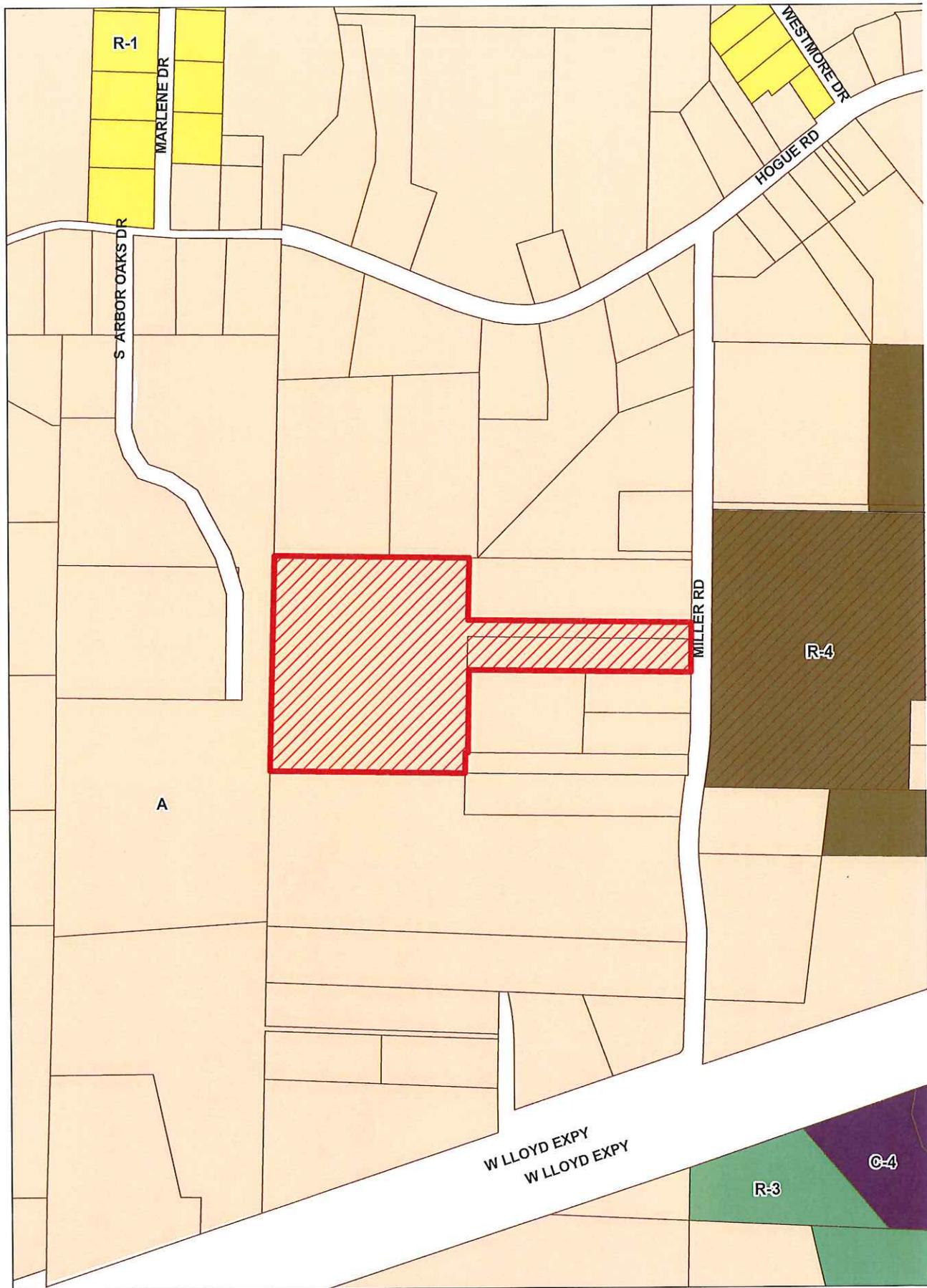
Prepared by Andrew Kissel  
119 Miller Rd  
Evansville, IN 47712

Date: September 7, 2016



**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**119 MILLER ROAD  
2016-77-BZA**



2016-77-BZA

ARBOR OAKS

MARLENE

HOGUE

WESTMORE

MILLER

LLOYD  
LLOYD

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: City VARIANCE 2016-78-BZA  
Address: 829 Canal Street  
Parcel ID: 82-06-29-024-106.002-029  
Petitioner: Tanya Macer, Macer Development, LLC  
Owner: Same  
Zoning district: C-4

**REQUESTED VARIANCE(S)**

18.130.060(C) Applicant requests relaxation of the minimum 8-foot solid fence requirement to allow fencing as installed to be maintained.

**BACKGROUND SUMMARY:**

The zoning code requires 8-foot opaque screening of any storage yard, commercial vehicle & equipment storage area and similar uses. In 2015, the Applicant applied for variance approval requesting relaxation of the minimum front yard green space from 10 feet to 0 feet along Canal Street and along Walnut Street; relaxation of the minimum 8' solid fence requirement to allow a six-foot chain link fence; and relaxation of the zoning code to allow gravel parking in lieu of paved parking and access drives. The Board of Zoning Appeals granted approval (2015-78-BZA) subject to two conditions: (1) The Applicant must maintain 10 feet of green space along Walnut Street and plant a row of trees along Walnut Street for screening of the storage yard; and (2) The Applicant must erect an opaque fence along the alley at the east property line.

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

8,800 sq. ft. office/warehouse and trucking business and a landscape business on a 2.3 acre lot

**PROPOSED**

Maintenance of a mesh screen in lieu of required opaque fencing along the alley on the eastern property line

**SURROUNDING ZONING AND LAND USE:**

North	C-4 & M-1	Canal Street – mixed use
South	R-2	Walnut Street - residences
East	R-2 & C-4	alley – residences and (C-4) church
West	C-4 & M-1	mixed commercial & industrial use

**GENERAL INFORMATION**

The Board of Zoning Appeals and Site Review required a ten-foot green space along Walnut Street with a row of trees to screen the materials storage area, and erection of a six-foot opaque fence along the alley at the eastern property line as was negotiated with remonstrators prior to Board of Zoning Appeals approval. Area Plan Commission records indicate that the Board of Zoning Appeals approval with conditions was on December 17, 2015 and the Area Plan Commission Improvement Location Permit was issued May 12, 2016. The business was open prior to the Improvement Location Permit being approved and is still open even though the conditions have not been satisfied. In June, 2016, Landscapes by Dallas Foster and Macer Development LLC were fined \$500.00 for non-compliance with the conditions of approval of the variance and the conditions of the Improvement Location Permit. In July, the Applicant contacted staff and was given until September 19, 2016 (two months) to plant the required row of trees along Walnut Street as was shown on the approved site plan, and to erect the opaque fence that was required as part of the prior variance approval. On September 20, the Applicant filed this variance request.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

**STATEMENT OF VARIANCE APPLIED FOR**  
**WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED**

VARIANCE REQUEST: This petition is to clarify the material used for opaque screening for the eastern alleyway fence as per variance 2015-78-BZA, approved on December 17, 2015. The term opaque screening is requested to include opaque fabric commonly used with chain link fencing in lieu of slat inserts or solid fence placement. The fabric screening allows for greater airflow necessary for some of the container plants stored by the landscaping business.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

**VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE**

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Fabric screening has been in use around the county and at the site since approval of the original variance. Prior to the occupancy of the landscape business, no screening was present or required.

(2) **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.** Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

No changes are expected to impact property values in a negative fashion as the properties within the neighborhood and subject property are not being changed in any significant manner besides general landscape improvements.

(3) **The strict application of the terms of this title will result in practical difficulties in the use of the property.** Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

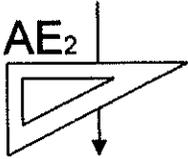
Fabric opaque screening provides benefits to the landscape plant storage area that solid fencing/screening does not.

(4) **The variance is not a variance of the district or classification of the property.**     TRUE     FALSE

(5) **The petitioner's property is not located in a planned unit development.**     TRUE     FALSE

(6) **The need for the variance is not created by the applicant.** Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

The need for clarification arose via the applicant's tenant, being the landscape business, and usage of the existing storage yard.



**ANDY EASLEY ENGINEERING, INC.**

1133 WEST MILL ROAD, SUITE 205  
EVANSVILLE, INDIANA 47710

**CIVIL ENGINEERS  
LAND SURVEYORS**

Telephone (812) 424-2481  
Facsimile (812) 425-3463

[www.easleyengineering.com](http://www.easleyengineering.com)

December 17, 2015

Board of Zoning Appeals  
c/o Ron London, Director APC  
1 N.W. M.L. King Jr. Blvd  
Civic Center Room 312  
Evansville, IN 47708

RE: Macer BZA Docket No. 2015-78-BZA

Dear Mr. London,

After the November 19<sup>th</sup> BZA meeting was continued to allow for Macer to discuss issues with remonstrators at the meeting, this office provides the following meetings and agreements made with said remonstrators.

Steve Smith, FC Tucker Realty and Smith & Briscoe, LLC on behalf of Habitat for Humanity met with Tonya Macer and Easley Engineering November 19<sup>th</sup> and agreed to the following:

- Provide opaque screening of the six foot high fence along the eastern portion of the storage yard facility at the alleyway.

Alexander Chapel AME Church representatives, Angela Fields, Julia Taborn, Carl Lyles, Jr., Trustees, and Rev. Arthur Cortez met with Tonya Macer and Easley Engineering on December 16<sup>th</sup> and agreed to the following:

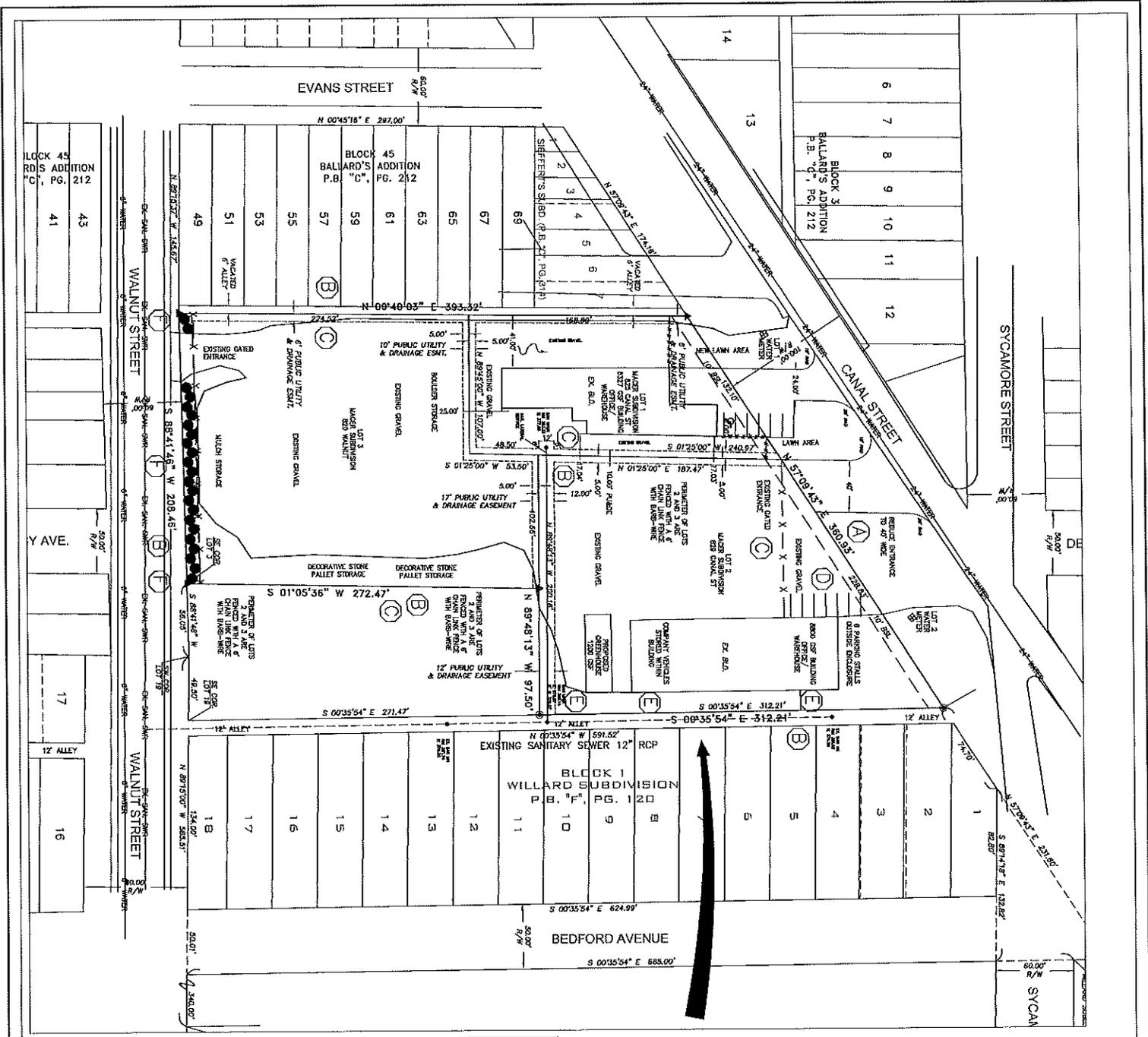
- Maintain a 10 foot green space along Walnut Street. Screening of the six foot high fence along Walnut Street preferred material is planting of evergreens with a nominal height of six to eight feet in lieu of opaque fence screening. This planting type is typical of most Arborvitae specimens readily available to public and landscaping consumers.

At this time, Macer requests that the variance requests be approved with the noted exceptions listed above and agreed upon with the adjacent property owners.

Sincerely,

ANDY EASLEY ENGINEERING, INC.

Justin Shofstall  
Project Manager



APPROVED VARIANCE  
2015-78-BZA

A. RELAX 10' GREEN SPACE TO 0'

B. MAINTAIN EXISTING PERIMETER FENCE OF 6' HIGH WITH BARB WIRE IN LIEU OF 8' HIGH FENCE.

C. WAIVE REQUIREMENT FOR OPAQUE SCREENING

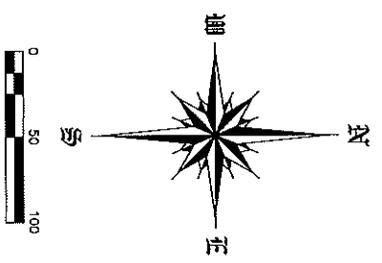
D. MAINTAIN EXISTING GRAVEL PARKING AREA

E. OPAQUE FABRIC SCREENING ALONG STORAGE FENCE AT ALLEYWAY

F. 10' GREEN SPACE WITH EVERGREEN PLANTING FOR OPAQUE SCREENING.

REQUESTED VARIANCE  
2016-78-BZA

CLARIFY OPAQUE SCREENING TO INCLUDE FABRIC MATERIAL IN LIEU OF SOLID SCREENING.



DRAWING AT SCALE ON 18X24 PAPER  
REDUCED SCALE DRAWING FOR 11X17

SHEET NO.:	1 OF 1
------------	--------

DATE:	10-28-16	DRAWN BY:	JKS
PROJECT NO.:	8632	CHECKED BY:	JES
REVISIONS:		SCALE:	1"=50'

VARIANCE EXHIBIT  
829 CANAL STREET  
MACER-DALLAS FOSTER  
EVANSVILLE, IN

**AE** **ANDY EASLEY ENGINEERING**  
CIVIL ENGINEERING (812) 424-2481 LAND SURVEYING  
1133 WEST MILL ROAD EVANSVILLE, INDIANA 47710

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**829 CANAL STREET  
2016-78-BZA**



DENBY

SYCAMORE

CANAL

OLIVE

2016-78-BZA

WALNUT

EVANS

DENBY

BEDECORD

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: City VARIANCE 2016-79-BZA  
Address: 777 Cross Street  
Parcel ID: 82-06-32-033-074.010-029  
Petitioner: Dawn Manges  
Owner: Same  
Zoning district: R-4

**REQUESTED VARIANCE(S)**

18.130.060(A)(2) Applicant requests relaxation of maximum fence height from 6 feet to 9'6" to allow maintenance of a fence.

**BACKGROUND SUMMARY:**

The zoning code establishes a maximum height for fences, walls, and hedges when they are erected within required yard setbacks. The maximum height along a side or rear lot line of residential property is six feet. The Applicant has erected a fence at an overall height of 9'6".

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

1,116 sq. ft. residence, 96 sq. ft. shed, and an 18' diameter above ground pool and deck on a 0.14 acre lot

**PROPOSED**

Maintenance of a fence erected atop the deck around the swimming pool at an overall height of 9'6"

**SURROUNDING ZONING AND LAND USE:**

North	R-4	Cross Street - residences
South	R-4	vacant land
East	R-4	residence
West	R-4	residence

**GENERAL INFORMATION**

The Applicant was contacted by staff after a complaint was filed regarding the height of the fence erected in the rear yard.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

VARIANCE REQUEST:

To Relax ~~§~~ The ordinance  
for over 6 feet fence

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Privacy, bring up property value  
Noise Reduction

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Privacy, increase property value on both sides  
Noise Reduction

(3) The strict application of the terms of this title will result in practical difficulties in the use of the property. Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

Fence allows Privacy, so we have no peppers +  
Privacy from street, Blocks or help Redness Noise

(4) The variance is not a variance of the district or classification of the property.  TRUE  FALSE

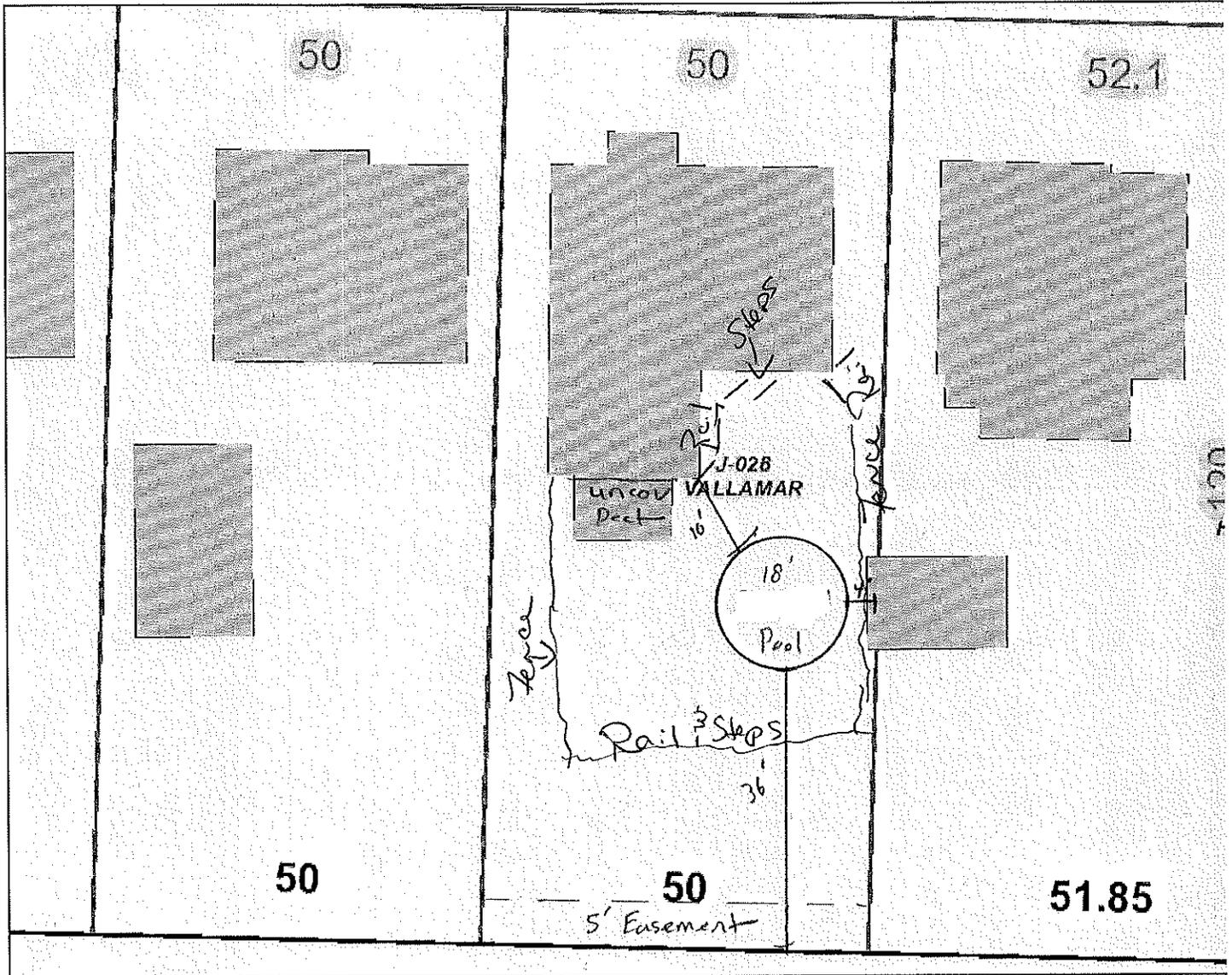
(5) The petitioner's property is not located in a planned unit development.  TRUE  FALSE

(6) The need for the variance is not created by the applicant. Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

Privacy, for both sides

Property Address:

Applicant Signatur



August 16, 2016

Subdivisions



This site plan has been submitted to the APC for issuance of an ILP Permit. APC disclaims

*Don Meyer*  
 Aug 16, 2016

2016-79-BZA

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**777 CROSS STREET  
2016-79-BZA**



SWEETSER

EVANS

EVANS

WALL

CROSS

LINWOOD

CROSS

2016-79-BZA

SHADWOOD

BAYSE

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: County VARIANCE 2016-80-BZA  
Address: 4125 Allens Lane  
Parcel ID: 82-05-10-003-100.006-022  
Petitioner: David P. Ritter  
Owner: Same  
Zoning district: R-1

**REQUESTED VARIANCE(S)**

17.12.010 Applicant requests relaxation of front yard setback from 25 feet to 4 feet and the side yard setback from 2 feet to 1 foot for maintenance of an enclosed carport/garage constructed without a permit.

**BACKGROUND SUMMARY:**

Table A in the zoning code establishes minimum standards for front, side, and rear yards setbacks in each of the zoning classifications, along with maximum lot coverage, maximum height limitations, and minimum lot size. Per the Table A requirements, with the exception of permitted driveways, 100% of all required front yard setbacks must remain green space. The zoning code states that any accessory structure not attached to or part of the main structure must be located at least two feet from any side lot line, and may not be located in any required front yard setback. The R-1 zoning district requires a minimum 25-foot front yard setback for any buildings.

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

2,892 sq. ft. residence, 308 sq. ft. shed, and a 540 sq. ft. enclosed carport (constructed without permit) on a 1.78 acre lot

**PROPOSED**

Maintenance of the existing enclosed carport/garage "as built" without permit within the front and side yard setbacks

**SURROUNDING ZONING AND LAND USE:**

North	R-1	residences
South	R-1	Allen's Lane - residences
East	R-1	residences
West	R-1	residences

**GENERAL INFORMATION**

Applicant was contacted by staff after complaint concerning the construction of the enclosed carport/garage without a permit and within the front and side yard setbacks. The Applicant has measured the structure, and has determined that the building is 38'6" from the center line of Allens Lane. Allens Lane has 60 feet of right-of-way at this location, but it would appear that the road is not located in the true center of the right of way, and is actually a few feet south of the center line of the right-of-way. While the Applicant has relied upon the right of way from his subdivision plat indicating 30 feet right-of-way and has therefore determined that the new structure is about 8 feet from the front property line, staff has adjusted the request to a relaxation from 25 feet to 4 feet, taking into consideration that the road is not in the true center of right-of-way. This is a request to allow maintenance of the structure "as built".

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

RECEIVED

OCT 25 2016

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

ARTICLE 10 - ZONING

VARIANCE REQUEST:

Relax Frontage setback & Side line to  
the west.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

No, ~~the~~ Barrow Built strong

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

No, Barrow has a nice look to it

(3) The strict application of the terms of this title will result in practical difficulties in the use of the property. Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

No, Easy Access to Barrow

(4) The variance is not a variance of the district or classification of the property.  TRUE  FALSE

(5) The petitioner's property is not located in a planned unit development.  TRUE  FALSE

(6) The need for the variance is not created by the applicant. Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

6 yrs ago installed a used airport, couple yrs ago  
closed in, Garages builder doing by reported

1/40 scale

David Ritter

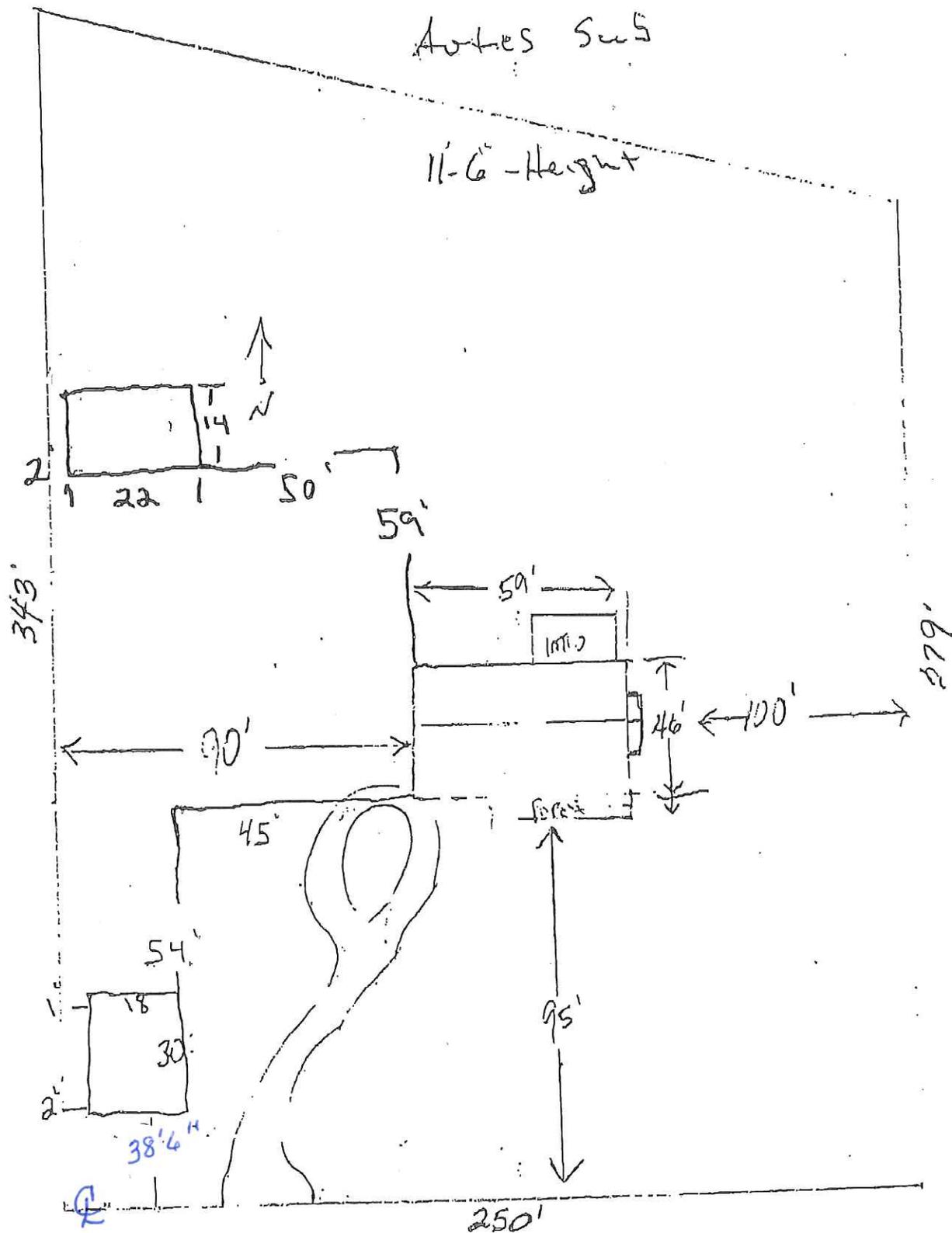
4125 Alleys Ln.

Evans. Ind. 47720

lot 8+9

Notes See 5

11'-6" Height



82-05-10-003-100.018-022  
CLARK, LEWIS RAY & FRANCES M T / E  
82-05-10-003-100.017-022  
DANIELS, LINDY K & DEBRA S T / E

82-05-10-003-100.016-022  
SPILLMAN, ANDREW J & SUSAN B T / E

82-05-10-003-100.015-022  
MARX, GARY R TRUST FBO TAMRA L MARX

82-05-10-003-100.014-022  
RICKETTS, VIRGINIA RUTH OLIVIA

82-05-10-003-100.005-022  
PFETTSCHER, DAVID & CAROLYN ROSE H

82-05-10-003-100.006-022  
RITTER, DAVID P & STEPHANIE A T / E

82-05-10-003-100.009-022  
FEHRENBACHER, BRANDON S & KERRI L

**NEW 18' X 30'  
ENCLOSED CARPORT**

**APPROX 4' TO PROPERTY LINE**

**38'6"**

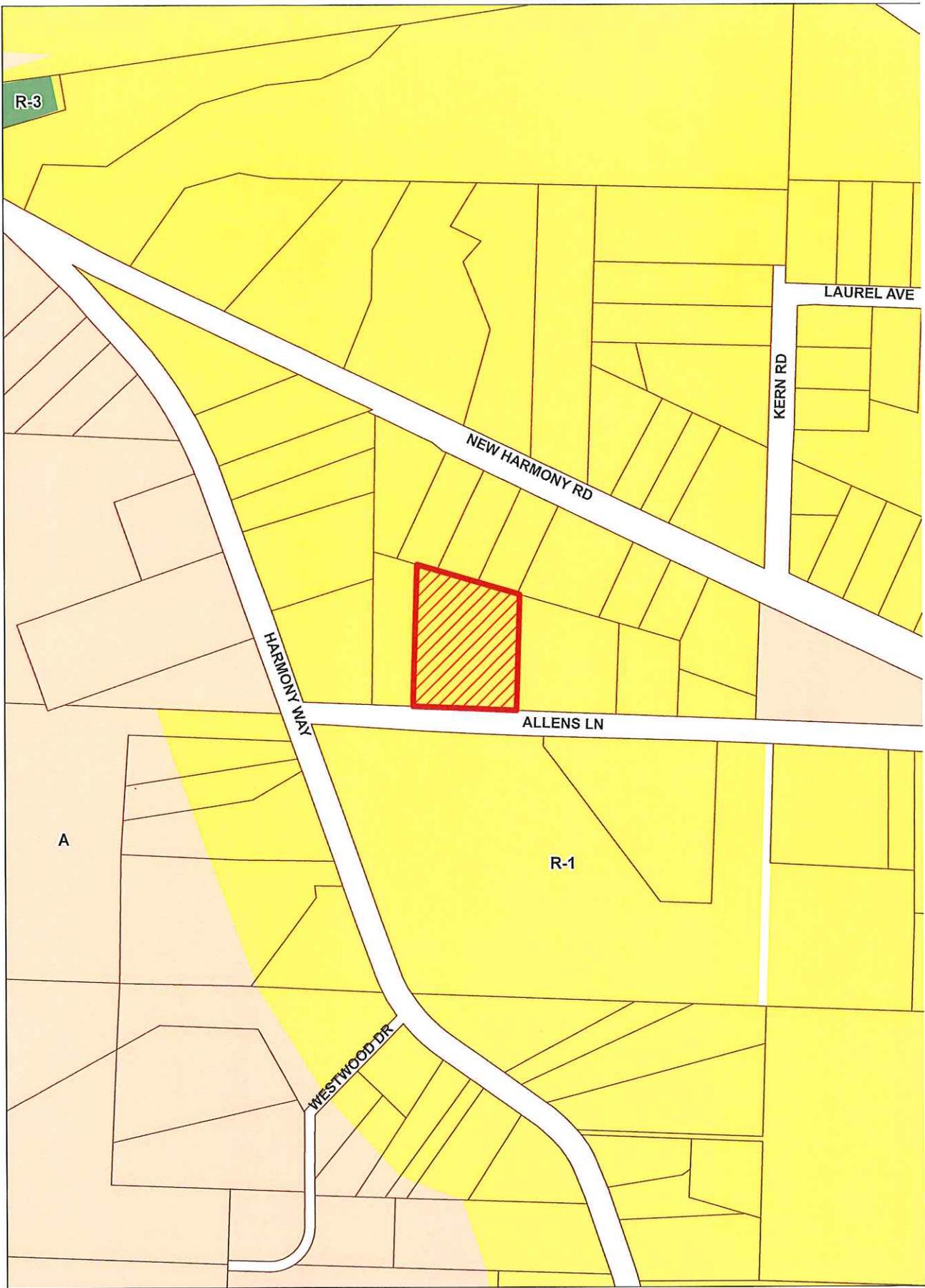
**CENTER LINE OF ALLEN'S LANE**

82-05-15-007-070.001-024  
HICKS, JAMES L & ROSEMARY ELMA

82-05-15-007-499.001-024  
HICKS, JAMES DOUGLAS & CREECH

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**4125 ALLENS LANE  
2016-80-BZA**



NEW HARMONY

HARMONY

ALLENS

2016-80-BZA

WESTWOOD

KERN

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: City VARIANCE 2016-81-BZA  
Address: 1413 S Green River Rd.  
Parcel ID: 82-06-35-015-111.004-027  
Petitioner: Jamie Ramsey-Garnett  
Owner: Patrick Melchiors  
Zoning district: C-4

**REQUESTED VARIANCE(S)**

18.135.040(D) Applicant requests relaxation of the zoning code to allow maintenance of a gravel storage area for parking at the rear of the proposed new car sales lot, and  
18.130.010 Table A relaxation of the front yard green space requirement from 10 feet to 0 feet for automobile display.

**BACKGROUND SUMMARY:**

The zoning code requires that all non-residential parking lots be paved with a hard and sealed surface. This variance is a request to allow the former storage/parking area at the rear of this site to remain gravel.

Table A in the zoning code establishes minimum standards for front, side, and rear yard setbacks in each of the zoning classifications. The zoning code requires that for parking lots, minimum front and side yards shall meet or exceed the minimum front and side yards required on Table A in the ordinance, and further requires that all required yards must be maintained in grass or natural ground cover. Per the Table A requirements, this C-4 zoned site is required to maintain a 10-foot green yard setback along Green River Road.

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

984 sq. ft. sales office on a 0.26 acre site

**PROPOSED**

Maintenance of existing gravel and pavement

**SURROUNDING ZONING AND LAND USE:**

North	C-4	office
South	C-4	trailer sales lot
East	R-1	Green River Road - cemetery
West	C-4	alley - residences

**GENERAL INFORMATION**

Green River Motors is requesting variance approval to allow maintenance of the gravel and pavement on this site that was installed by a prior business. The new used car lot proposes to utilize the front paved parking area for vehicle display, and the rear gravel area for customer and employee parking.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

VARIANCE REQUEST:

1. Do away with required 10 foot space along the front of the lot.
2. Allow the back portion of lot to be rock.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Car lot will increase traffic to both businesses. Will not affect any adjacent businesses

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Approval will not have any affect on adjacent business

(3) The strict application of the terms of this title will result in practical difficulties in the use of the property. Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

there is currently no grass in front of area. Rock in back has always been there

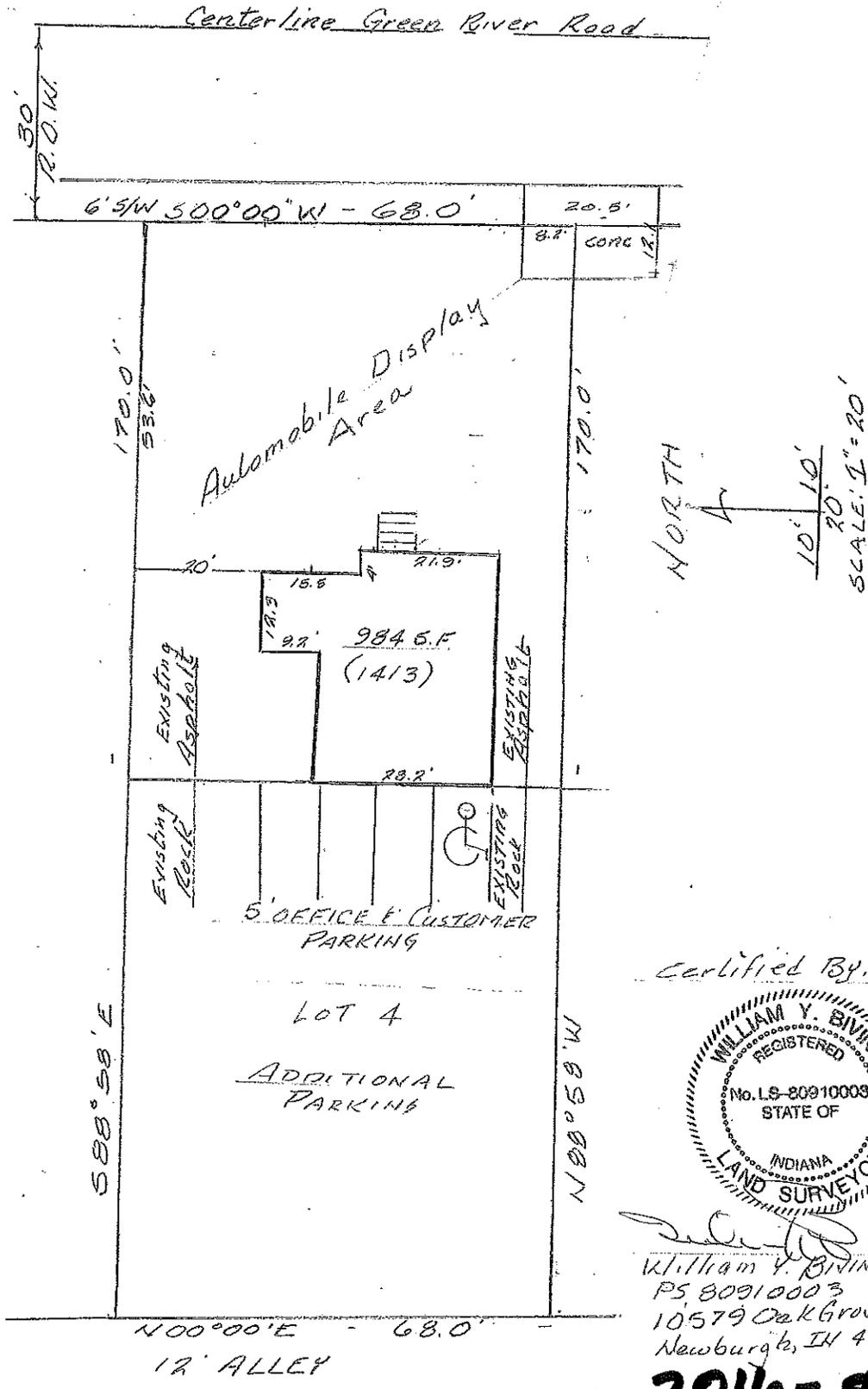
(4) The variance is not a variance of the district or classification of the property.  TRUE  FALSE

(5) The petitioner's property is not located in a planned unit development.  TRUE  FALSE

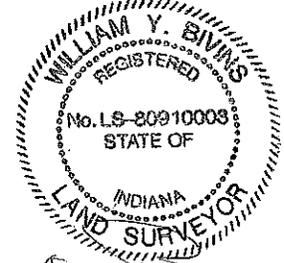
(6) The need for the variance is not created by the applicant. Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

existing condition of property when leased.

**SITE PLAN**  
 1413 S. Green River Road  
 Lot 4, Smith's East Side  
 Subdivision



Certified By:

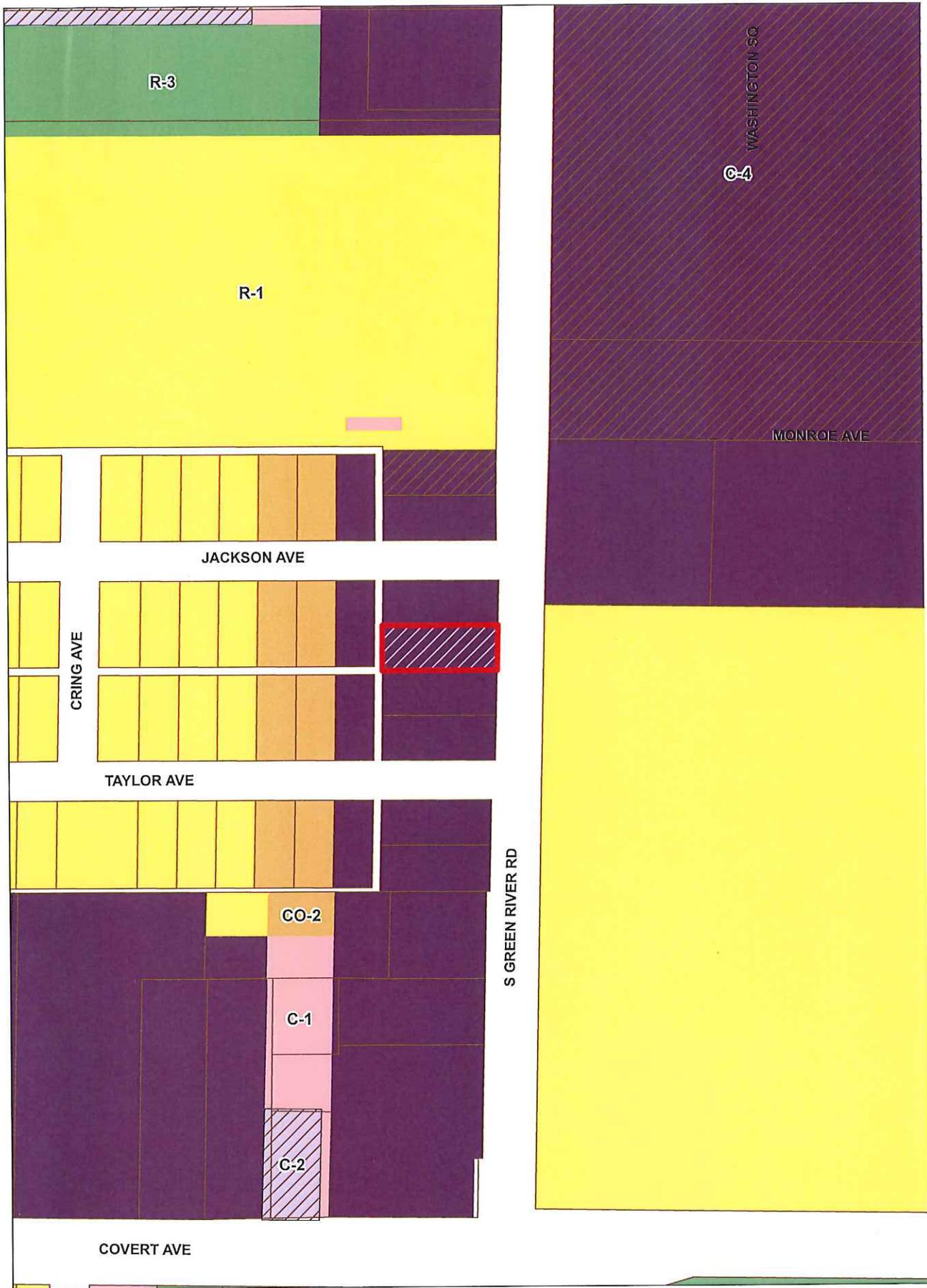


*William Y. Binns*  
 William Y. Binns  
 PS 80910003  
 10579 Oak Grove Rd  
 Newburgh, IN 47630

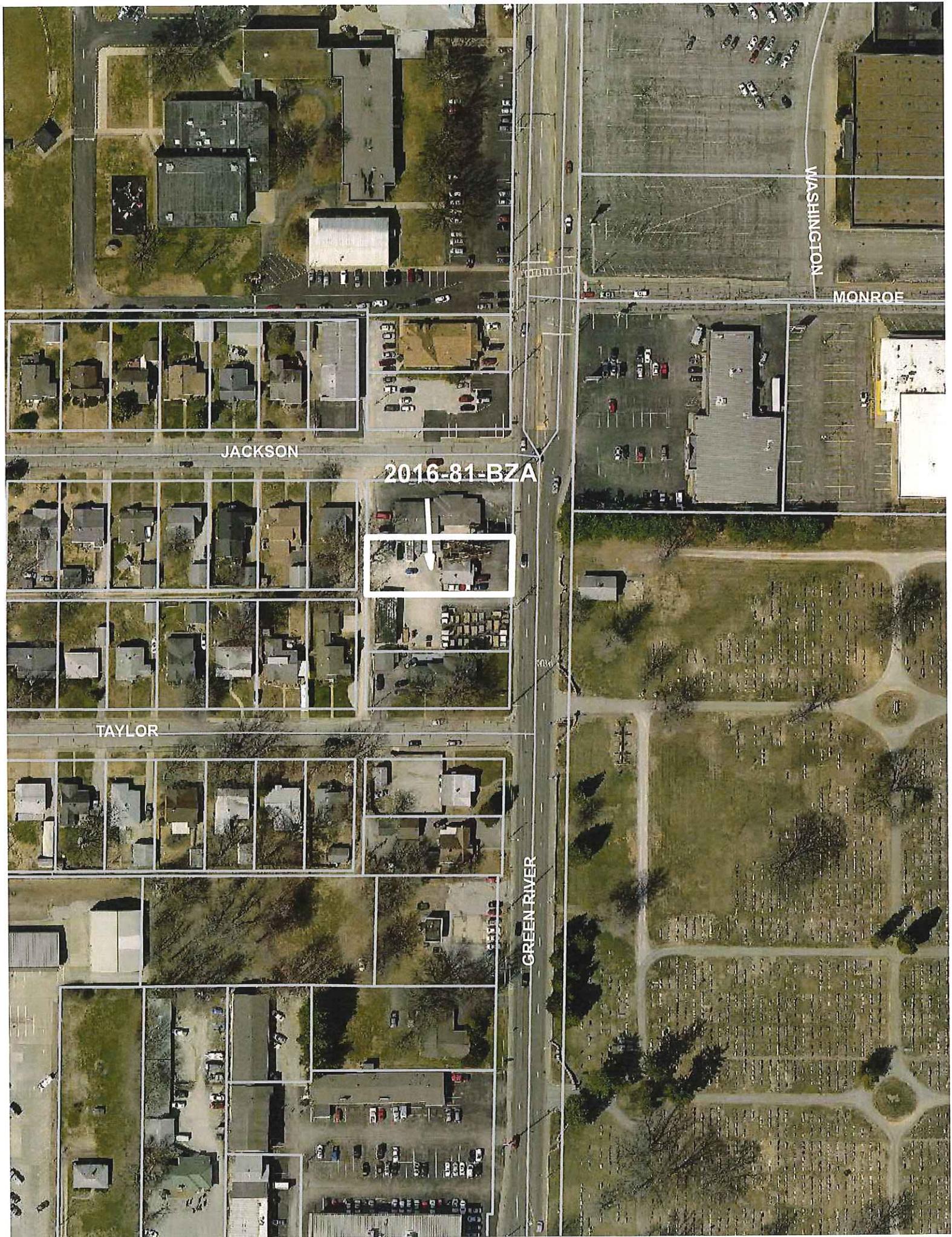
**2016-91-BZA**

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**1413 S GREEN RIVER ROAD  
2016-81-BZA**



WASHINGTON

MONROE

JACKSON

2016-81-BZA

TAYLOR

GREEN RIVER

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: City VARIANCE 2016-82-BZA  
Address: 2308 Walnut Hill Dr  
Parcel ID: 82-05-15-007-073.009-024 and .008-024  
Petitioner: Brett and Angela Weinzapfel  
Owner: Same  
Zoning district: R-1

**REQUESTED VARIANCE(S)**

18.130.010 Table A Applicant requests relaxation of the minimum lot width/frontage requirement from 60 feet to 21.9 feet to allow platting a 2-lot minor subdivision.

**BACKGROUND SUMMARY:**

Table A requirements in the zoning code require a minimum 60 feet of frontage for any new platted lots. The existing residence at 2308 Walnut Hill Drive has no frontage and has access to Harmony Way by way of an existing driveway. The remaining 6+ acres has only 43.8 feet of frontage on Harmony Way. The Applicants own both tax parcels. They are proposing to plat a 2-lot minor subdivision, revising the two existing parcels with each new lot sharing half of the frontage on Harmony Way.

**LAND USE:**

Variances may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

1,674 sq ft residence on a 0.39 acre landlocked tax parcel and a 5.91 acre vacant parcel with 43.8 feet of frontage

**PROPOSED**

Platting a 2-lot minor subdivision, with each of the two lots sharing half of the frontage on Harmony Way

**SURROUNDING ZONING AND LAND USE:**

North	R-1	wooded area
South	R-1	Harmony Way - residences
East	R-1	wooded & residential
West	R-1 & C-4	residences & car repair shop

**GENERAL INFORMATION**

This is a request to relax the minimum frontage of two new lots from 60 feet to 21.9 feet. If approved, the Applicants may proceed with platting the site as a 2-lot minor subdivision which will allow construction of one additional residence on the site.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

Applicant is wanting to create two revised parcels at 2308 Walnut Hill Drive, with each parcel having 1 residence. Currently there are two parcels with only one residence on a land locked parcel and the vacant parcel containing approximately 44' of frontage on Harmony Way. If variance is allowed, applicant will create a 2 lot minor sub with each lot using half of the available frontage.

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION)

**VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE**

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18.165.010 City/17.36.100 County). The petitioner affirms compliance with each of the conditions as follows:

**(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

Having one additional residential structure using the existing drive and frontage will not be injurious to the public health, safety, morals or general welfare of the community as the 2 homes will share an existing drive called Walnut Hill Drive.. It is the opinion of the applicant that there will be a neutral effect on the community.

**(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.** Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

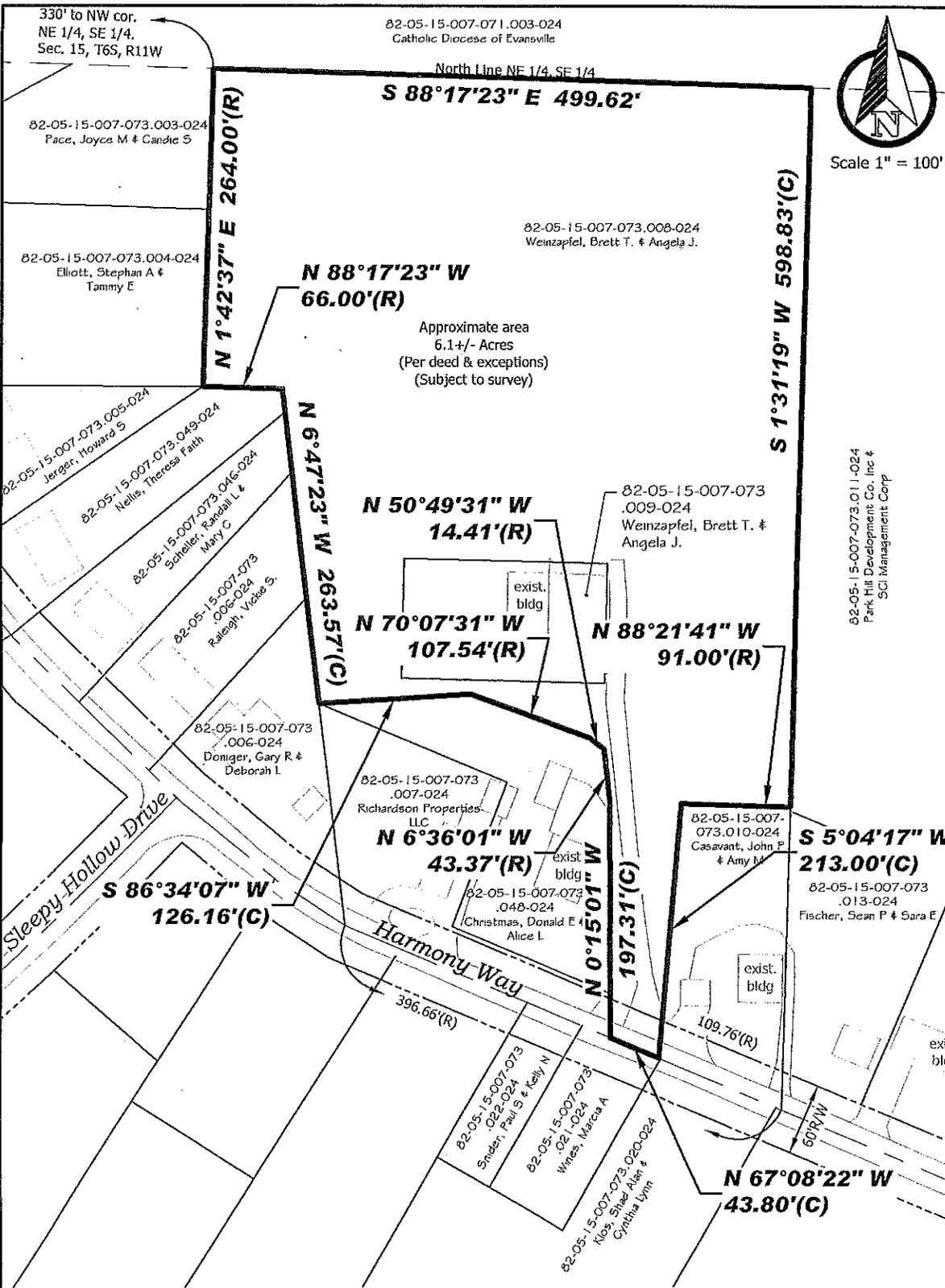
The use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner. Having one additional user of the existing drive with one additional residence should not have an adverse affect on the value of the residential adjoining properties.

**(3) The strict application of the terms of this title will result in practical difficulties in the use of the property.** Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property): Per the current zoning ordinance, no additional structure could be constructed.

**(4) The variance is not a variance of the district or classification of the property.**  TRUE  FALSE

**(5) The petitioner's property is not located in a planned unit development.**  TRUE  FALSE

**(6) The need for the variance is not created by the applicant.** Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control): Currently the property consists of two separate tax codes. Per older documents of record, it appears that the combination of the two parcels was to be a multi lot residential subdivision. When the subdivision did not materialize, it appears a tax code was placed around the structure which caused it to be landlocked.



Variance being applied for:  
 To allow 2 New Lots to have a frontage of less than the  
 required 60' each per the Zoning Code

**Morley and Associates Inc.**

Engineering  
 Surveying  
 Architecture  
 Construction Management

4800 Rosebud Lane  
 Newburgh, IN 47630  
 (812) 464-9585  
 www.morleyandassociates.com

2016-82-BZA

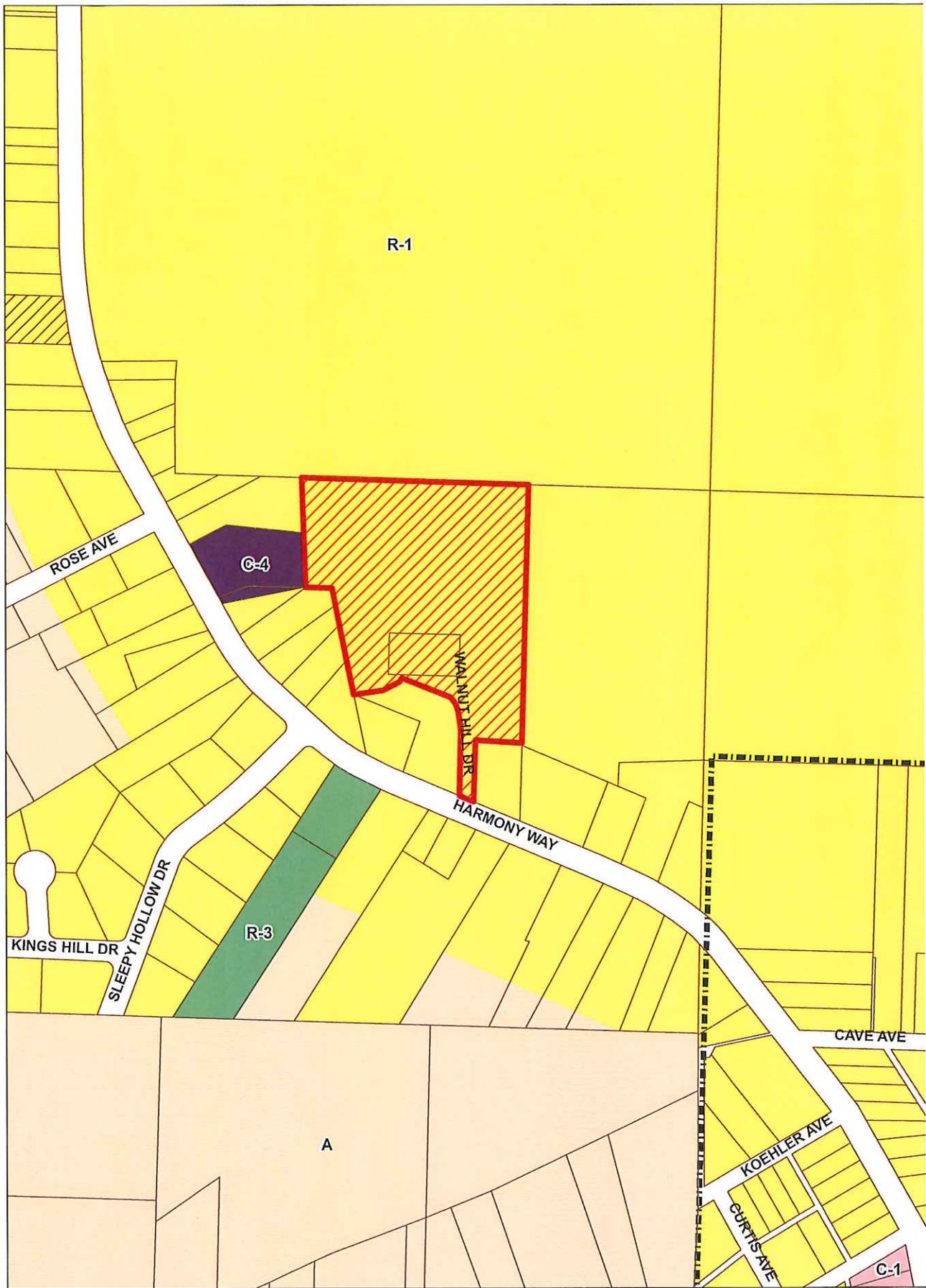
Variance Exhibit  
 2308 Walnut Hill Drive

Designed By: BAS	Job Number: 9950.4.001-A
Drawn By: JEW	Date: 9/29/2016
Filename: 9950 Variance.dwg	

Applicant: Brett T. & Angela J. Weinzapfel

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**2308 WALNUT HILL DRIVE  
2016-82-BZA**



2016-82-BZA

ROSE

WALNUT HILL

SLEEPY HOLLOW

HARMONY

**BOARD OF ZONING APPEALS  
VARIANCE STAFF FIELD REPORT  
November 3, 2016**

Docket Number: City VARIANCE 2016-83-BZA  
Address: 770 Division Street  
Parcel ID: 82-06-20-024-014.007-029  
Petitioner: JB Towers, LLC c/o CIS Communications, LLC  
Owner: Marie Wilhite  
Zoning district: M-3

**REQUESTED VARIANCE(S)**

18.145.070(E) Applicant requests relaxation of the minimum setback from residential from 800 feet to approximately 564 feet for erection of a new 400' communications tower.

**BACKGROUND SUMMARY:**

The zoning code requires that cell towers shall be set back from any residential dwelling, property line of an undeveloped residential district or recorded residential subdivision a distance of two feet for each foot of height of the tower or 300 feet, whichever is greater. The proposed 400' tower requires a minimum 800' setback from residential.

**LAND USE:**

Variations may be granted on a finding that the proposed variance meets all of the six criteria listed in the zoning code. The Board may incorporate into the granting of a variance reasonable conditions or limitations necessary to protect adjacent properties and the surrounding neighborhood and to effectuate the purpose of the zoning code.

**EXISTING CONDITIONS**

Vacant area, north of Wilhite Supply parking lot

**PROPOSED**

Erection of a 400' communications tower

**SURROUNDING ZONING AND LAND USE:**

North	M-3	warehousing
South	M-1, C-4 & R-2	Division Street – Lloyd Expressway - mixed residential & commercial
East	M-3	commercial & industrial
West	M-3	commercial & industrial

**GENERAL INFORMATION**

This is a request to allow erection of a new 400-foot, free-standing communications tower. The tower is planned on a 55' x 80' leased area at the rear (north) of the paved parking lot for Wilhite Supply. The closest residence is 564' from the proposed tower, south across Lloyd Expressway from the site. The site plan submitted indicates four co-location areas within the tower's leased area.

**APPLICANTS STATEMENT ON PETITION:**

STATEMENT BY APPLICANT ATTACHED

STATEMENT OF VARIANCE APPLIED FOR  
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

VARIANCE REQUEST: Relief From R.145.070 "Limitations on Special Uses"  
Section (E).

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

VERIFIED STATEMENT OF QUALIFICATION FOR REQUESTED VARIANCE

A variance may be approved only upon a determination in writing that the petition for variance complies with ALL of the criteria in the ordinance (18:165.010 City/17,36.100 County). The petitioner affirms compliance with each of the conditions as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

The project will not be injurious to the community in any way. Improved wireless coverage is needed for the area and this will help allow that.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Grounds for compliance (describe or explain how the approval will have a positive or neutral effect on the use and value of the area adjacent to the property):

The parcels surrounding the proposed project are commercial/industrial in nature. The proposed use is consistent with the neighborhood.

(3) The strict application of the terms of this title will result in practical difficulties in the use of the property. Grounds for compliance (describe or explain how compliance with the existing zoning laws inhibits the use of the property):

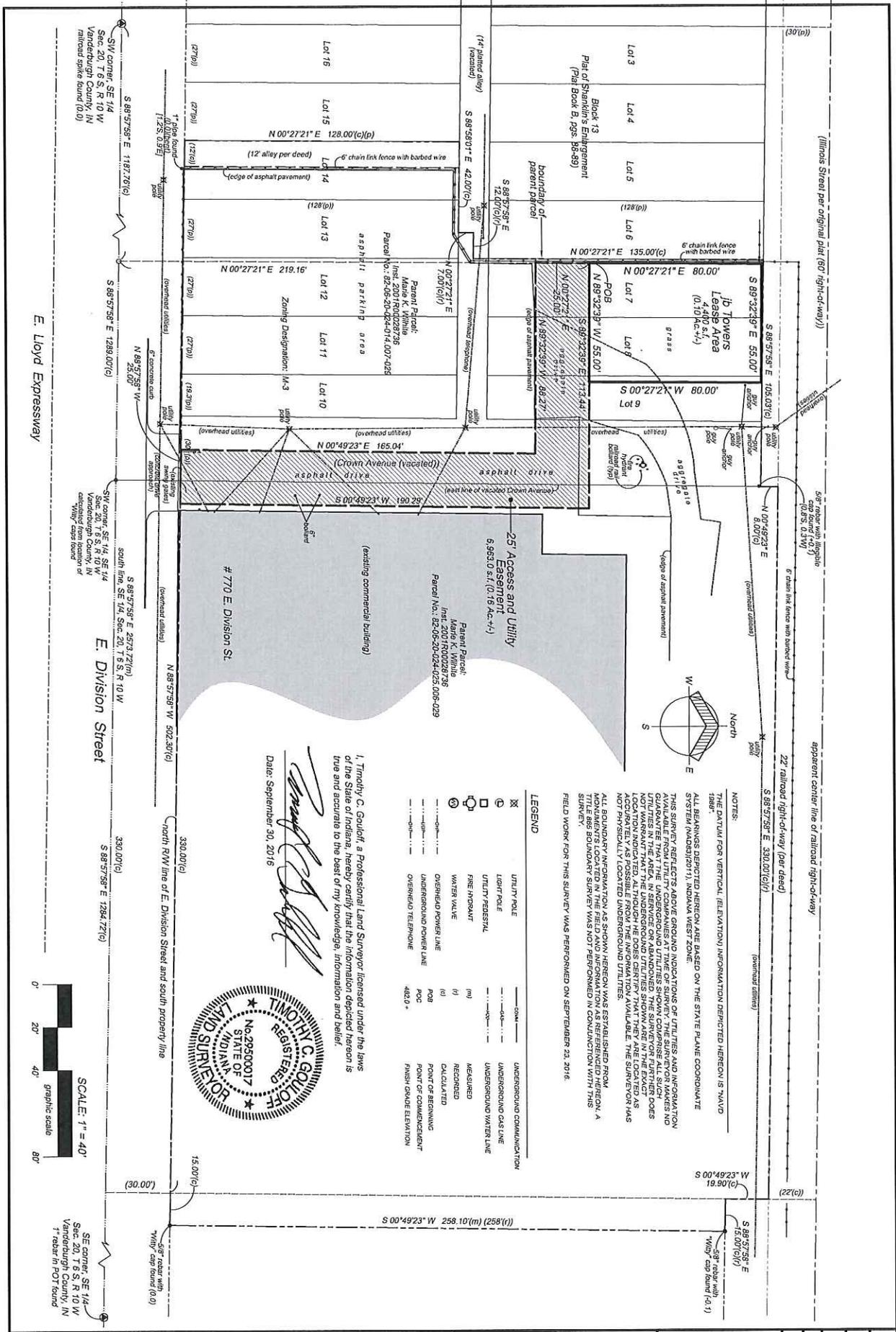
A 400' tower is required for RF coverage purposes. The above setback would limit the applicant's ability to provide coverage to the area.

(4) The variance is not a variance of the district or classification of the property.  TRUE  FALSE

(5) The petitioner's property is not located in a planned unit development.  TRUE  FALSE

(6) The need for the variance is not created by the applicant. Grounds for compliance (describe or explain how the need arose through the actions or inaction of persons other than the applicant, and who those others were, or other circumstances beyond the applicant's control):

Radio Frequency propagation patterns cannot be controlled or manipulated by the applicant.



Illinois Street per original plat (90' right-of-way))

apparent center line of railroad right-of-way

22' railroad right-of-way (per deed)

NOTES:

1. ALL BEARINGS DEPICTED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM (NAD83) 2011, INDIANA WEST ZONE.

2. THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES AT THE OF SURVEY. THE SURVEYOR MAKES NO WARRANTIES IN THE AREA, IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.

3. ALL BOUNDARY INFORMATION AS SHOWN HEREON WAS ESTABLISHED FROM MONUMENTS LOCATED IN THE FIELD AND INFORMATION AS REFERENCED HEREON. A SURVEY BOUNDARY SURVEY WAS NOT PERFORMED IN CONNECTION WITH THIS SURVEY.

4. FIELD WORK FOR THIS SURVEY WAS PERFORMED ON SEPTEMBER 22, 2016.

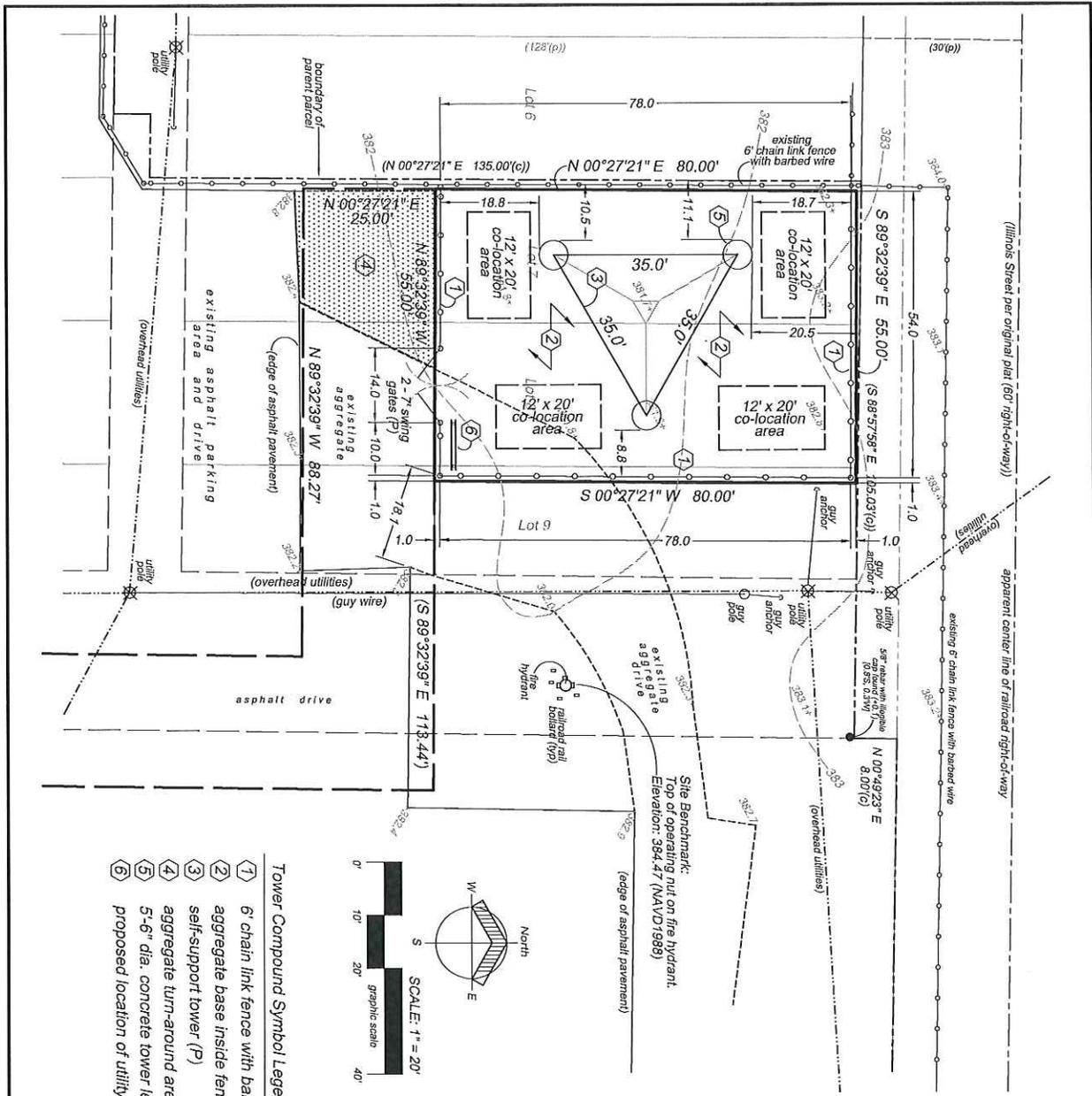
- LEGEND
- UTILITY POLE
  - LIGHT POLE
  - UTILITY/PRESSURE
  - FINE HYDRANT
  - WATER VALVE
  - OVERHEAD POWER LINE
  - UNDERGROUND POWER LINE
  - OVERHEAD TELEPHONE
  - UNDERGROUND COMMUNICATION
  - UNDERGROUND GAS LINE
  - UNDERGROUND WATER LINE
  - MEASURED
  - RECORDED
  - CALCULATED
  - POINT OF BEGINNING
  - POC
  - FINISH GRADE ELEVATION

I, Timothy C. Gouloff, a Professional Land Surveyor licensed under the laws of the State of Indiana, hereby certify that the information depicted hereon is true and accurate to the best of my knowledge, information and belief.

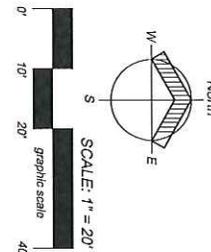
Date: September 30, 2016



	<b>GOULOFF - JORDAN</b> SURVEYING AND DESIGN, INC. 1133 BROADWAY FORT WAYNE, IN 46802 PH (260) 424-5362 FAX (260) 424-4916	PROJECT NO. <b>20160322</b> DRAWING DATE <b>09/27/2016</b> PRINT DATE <b>09/30/2016</b>	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV. NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV. NO.	DATE	DESCRIPTION			
REV. NO.	DATE	DESCRIPTION							
<b>Survey Plat</b> <b>Evansville Central Site</b> LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 10 WEST PIGEON TOWNSHIP, VANDERBURGH COUNTY, INDIANA	DRAWING NO. <b>20160322</b>	SHEET <b>2 OF 4</b>	SCALE: 1" = 40' graphic scale 0' 20' 40' 80'						



- Tower Compound Symbol Legend**
- ① 6" chain link fence with barbed wire (P)
  - ② aggregate base inside fence (P)
  - ③ self-support tower (P)
  - ④ aggregate turn-around area (P)
  - ⑤ 5-6" dia. concrete tower leg foundation
  - ⑥ proposed location of utility h-frame

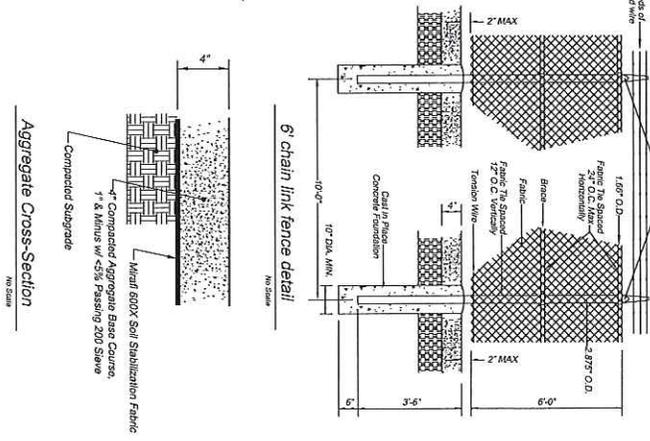


**LEGEND**

⊗	UTILITY POLE	---	UNDERGROUND COMMUNICATION
□	LIGHT POLE	---	UNDERGROUND GAS LINE
□	UTILITY PEDestal	---	UNDERGROUND WATER LINE
⊕	FIRE HYDRANT	(M)	MEASURED
⊕	WATER VALVE	(R)	RECORDED
⊕	OVERHEAD POWER LINE	(C)	CALCULATED
---	UNDERGROUND POWER LINE	(P)	POINT OF BEGINNING
---	OVERHEAD TELEPHONE	(P)	POINT OF COMMENCEMENT
---	EXISTING SPOT ELEVATION	(P)	PROPOSED STATE FUTURE

**Site Plan Notes:**

- Total disturbed area = 5335 s.f. +/- = 0.12 ac. +/-
- For tower details, see tower plans (separate document).



**Aggregate Cross-Section**

**Site Plan**  
**Evansville Central Site**  
 LOCATED IN THE SOUTHEAST QUARTER OF  
 SECTION 20, TOWNSHIP 6 SOUTH, RANGE 10 WEST  
 PIGEON TOWNSHIP, VANDERBURGH COUNTY, INDIANA

**GULOFF - JORDAN**  
 SURVEYING AND DESIGN, INC.  
 1133 BROADWAY, FORT WAYNE, IN 46802  
 PH (260) 424-3362 FAX (260) 424-4916

**jbTOWERS**

PRODUCT NO.  
 20160322

ISSUE DATE  
 09/30/2016

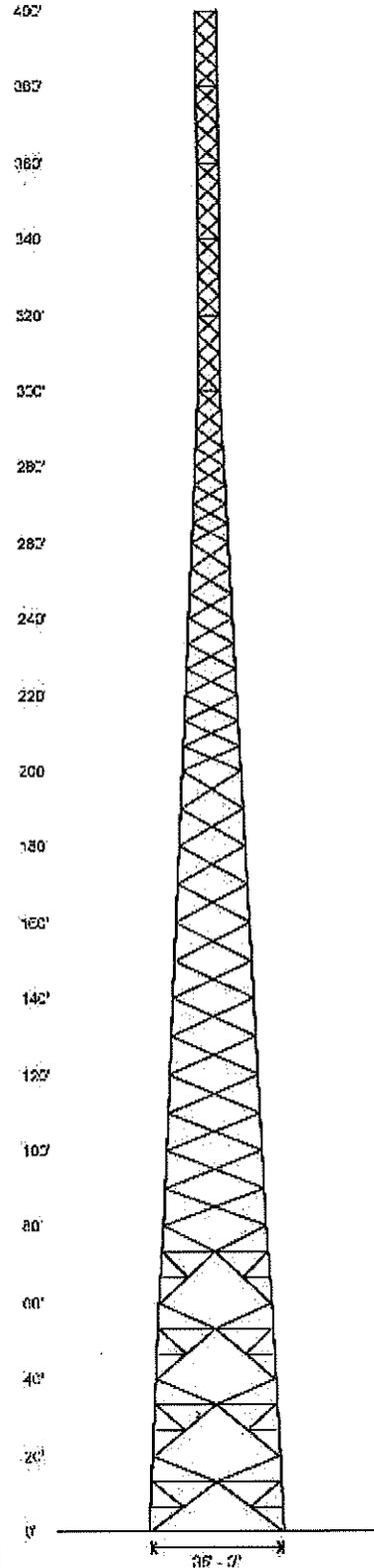
SCALE  
 1" = 20'

DATE  
 09/30/2016

BY  
 TJC

CHKD  
 TJC

SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN													
Legs	10.75 OD X 500	E.225 OD X 500		5.525 OD X 372		4.900 OD X 367		B		C			
Diagonals	G F F G	F D I H	A		K		I		L		M		
Horizontal	J W I S	L 4 X 4 X 1/4	NONE		L 2 X 2 X 1/2 X 3/16		L 2 X 2 X 1/8		N		O		
Vertical	K M M K	NONE		NONE		NONE		NONE		NONE		NONE	
Site Diagonals	O W D M	NONE		NONE		NONE		NONE		NONE		NONE	
Site Horizontal	P W D M	NONE		NONE		NONE		NONE		NONE		NONE	
Site Vertical	Q W D M	NONE		NONE		NONE		NONE		NONE		NONE	
Top Flange Width	30"	31"	25"	27"	25"	29"	21"	19"	15"	11"	7"	6"	5"
Panel Count Height	388	8517	7225	7900	5872	5258	5010	3940	3557	2417	2309	2271	1554
Reaction Weight													



**Base Reactions**

Total Foundation		Individual Footing	
Shear (kips)	100.05	Shear (kips)	64.12
Axial (kips)	310.4	Compression (kips)	509
Moment (ft-kips)	17433	Uplift (kips)	512
Torsion (ft-kips)	-105.02		

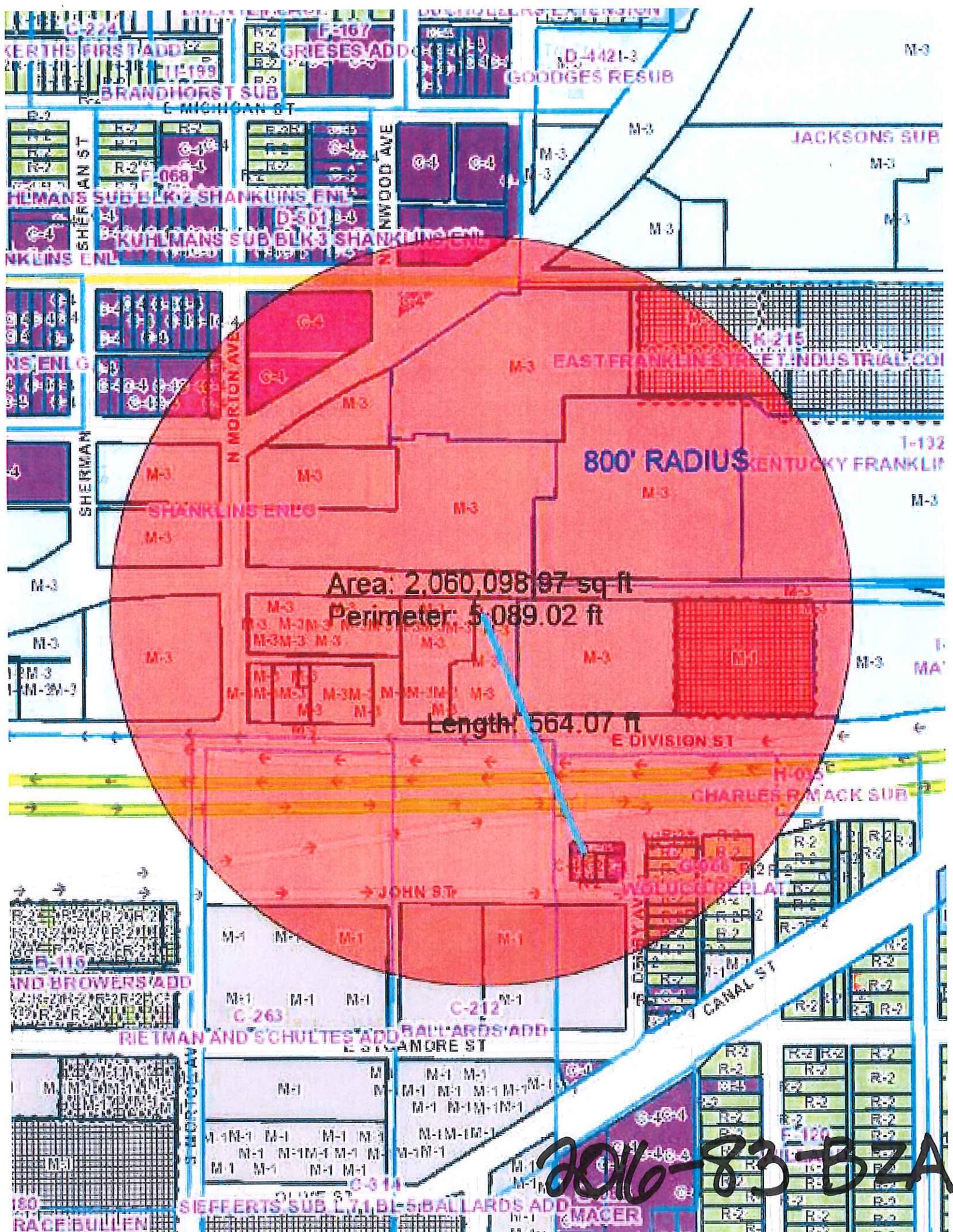
**Material List**

Display	Value
A	6,693 OD X 500
B	3,503 OD X 300
C	2,075 OD X 200
D	1 0 X 4 X 3/8
E	1 5 X 5 X 3/8
F	1 5 X 3 1/2 X 5/16 (RLV)
G	1 4 X 4 X 3/8
H	1 4 X 4 X 5/16
I	1 5 X 5 X 5/16
J	1 3 1/2 X 3 1/2 X 1/4
K	1 3 X 3 X 1/4
L	1 2 X 2 X 5/16
M	NONF
N	1 2 X 2 X 1/8
O	1 3 X 3 X 5/16

**Notes**

- 1) All legs are 50 ksi,
- 2) All braces are 36 ksi.
- 3) All brace bolts are A325-X,
- 4) The tower model is SSSL Series HD1.
- 5) Transmission lines are to be attached to standard 12 hole waveguide ladders.
- 6) Azimuths are relative (not based on true north).
- 7) Foundation loads shown are maximums.
- 8) (6) 1 1/2" dia, F1554 grade 105 anchor bolts per leg. Minimum 58" embedment from top of concrete to top of nut.
- 9) All unequal angles are oriented with the short leg vertical.
- 10) Weights shown are estimates. Final weights may vary.
- 11) This tower was designed for a basic wind speed of 90 mph with 0" of radial ice, and 40 mph with 1" of radial ice, in accordance with ANSI/TIA-222-G, Structure Class II, Exposure Category C, Topographic Category 1.
- 12) The foundation loads shown are factored loads.

<p>Sabre Industries Towers and Poles</p> <p><small>Information provided herein is the sole property of Sabre Communications Corporation. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Sabre Industries Corporation.</small></p>	<p>Sabre Communications Corporation 7101 Southridge Drive P.O. Box 665 Biloxi City, MS 39260-0665 Phone: 313-355-6900 Fax: 313-355-6914</p>	<p>Quote: 18-2428-TJH Customer: JB TOWERS LLC Site Name: Budgetary Tower Quote, TN Description: 402' SSSL Date: 8/20/2015 US: KJL</p>	<p>Page: 4</p>
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**800' RADIUS**

Area: 2,060,098.97 sq ft

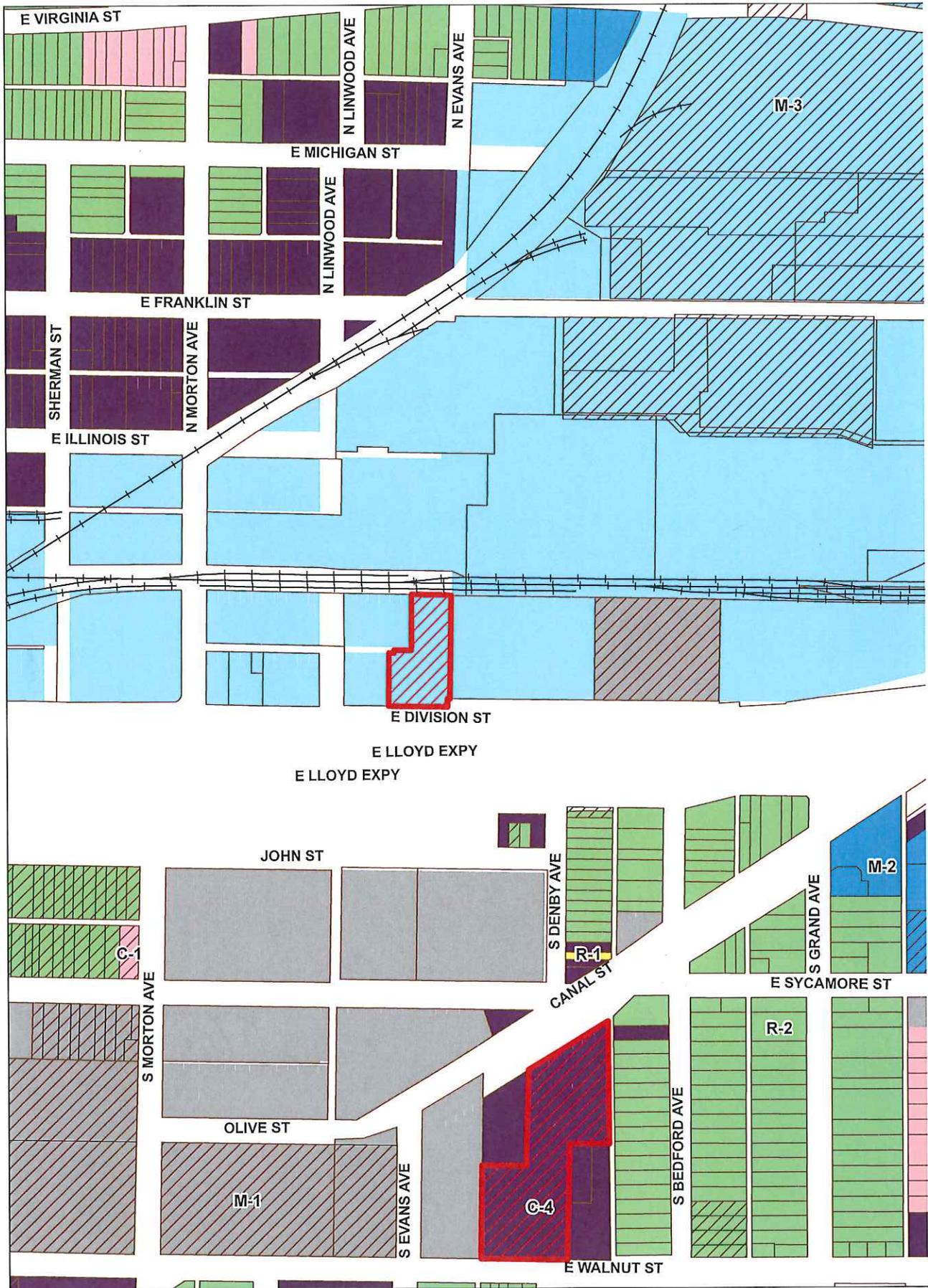
Perimeter: 5,089.02 ft

Length: 564.07 ft

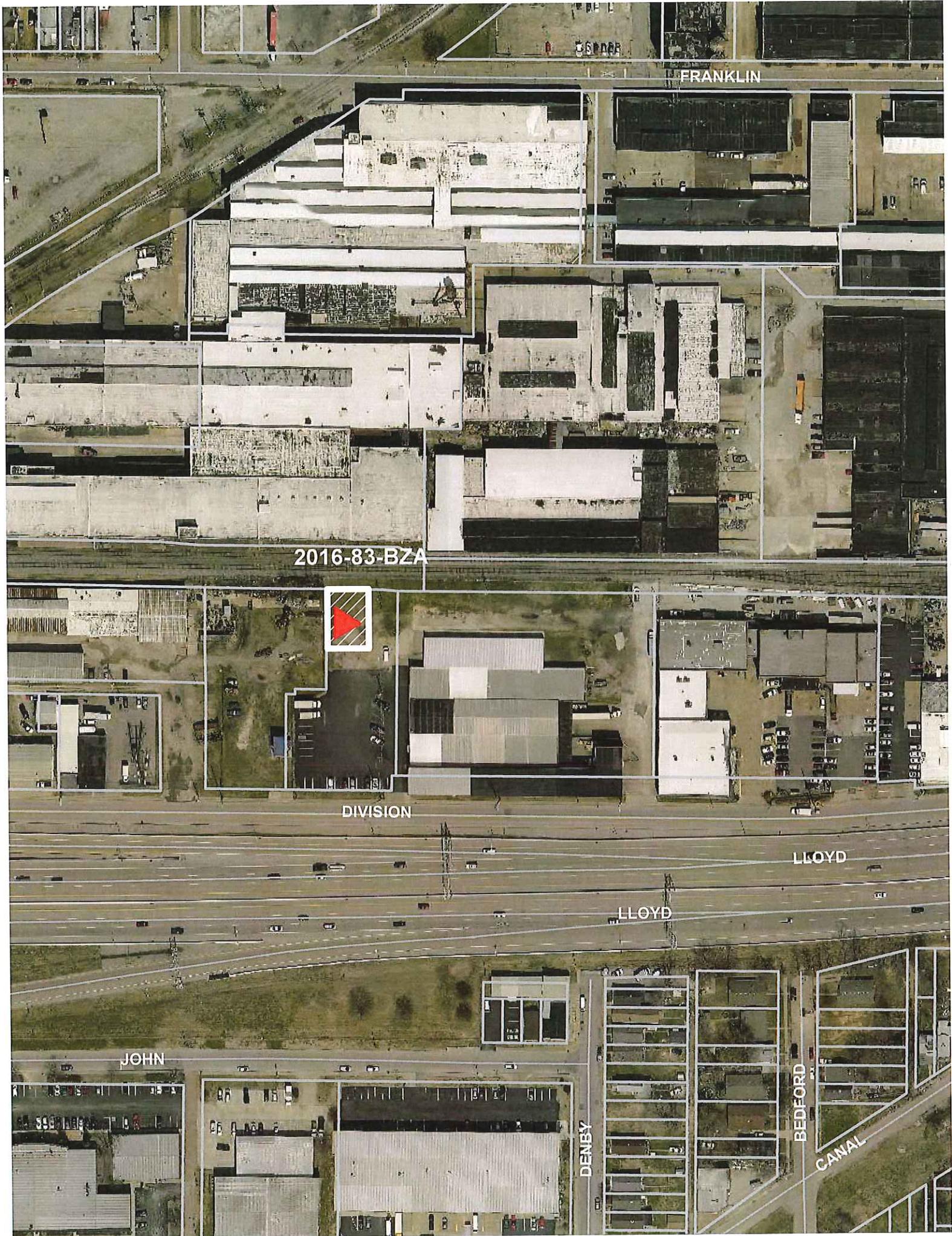
**2016-83 BZA**

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**770 DIVISION STREET  
2016-83-BZA**



FRANKLIN

2016-83-BZA



DIVISION

LLOYD

LLOYD

JOHN

DENBY

BEDFORD

CANAL

**BOARD OF ZONING APPEALS  
STAFF REPORT  
November 3, 2016**

Docket Number: City SPECIAL USE 35-2016-APC  
Address: 2209 & 2221 S Green River Road  
Parcel ID: 82-09-02-012-119.027-027 and .028-027  
Location: Northwest corner of Green River Road and Kathleen Avenue  
Petitioner: William Gaddis  
Owner: Church of God of Prophecy, Inc. of Cleveland, Tennessee  
Request: SU-2 Church and church-related incidental facilities

**BACKGROUND SUMMARY**

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. The zoning code Chapter 18.145.050 requires approval of a special use permit (SU-2) by the Board of Zoning Appeals for churches and church-related incidental/accessory facilities

**LAND USE**

The Board of Zoning Appeals shall consider the criteria listed in the zoning code when making its determination for approval, denial, or modification of a proposed special use. The Board approval or modification may include reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest, and guarantees may be required if necessary to assure compliance with any conditions, limitations, and temporary uses.

ZONING DISTRICT: R-1

EXISTING LAND USE: Residence and vacant

**SURROUNDING ZONING AND LAND USE:**

North	R-1	residences
South	C-4	Kathleen Avenue – pest control facility
East	CO-1 & C-4	Green River Road – child care facility & vacant lot
West	R-1	residences

**GENERAL INFORMATION**

FLOOD ZONE: No – Zone “X”

UTILITIES: Information submitted by the applicant indicates that all utilities are available to this site.

ALLOWED USES WITHIN THE ZONING DISTRICT: The City zoning code allows single-family use, with maximum 30% lot coverage in the R-1 district, and 35-foot height limit for structures. The minimum lot size is 6,000 sq. ft. with a minimum of 60 feet of frontage on a road. The R-1 district also allows 14 specifically-identified special uses, including SU-2 “church”, if approved by the Board of Zoning Appeals. Special Uses are permitted one sign per frontage totaling up to 100 sq. ft. in the R-1 zoning classification.

**CONTINUED ON NEXT PAGE**

TRAFFIC/STREETS/ACCESS:

This site is at the northwest corner of Green River Road and Kathleen Avenue. The site plan was reviewed by Site Review on October 10, 2016. Numerous changes were recommended to the existing access and setbacks, and options regarding how those changes could affect the development of the site were discussed with the Applicant.

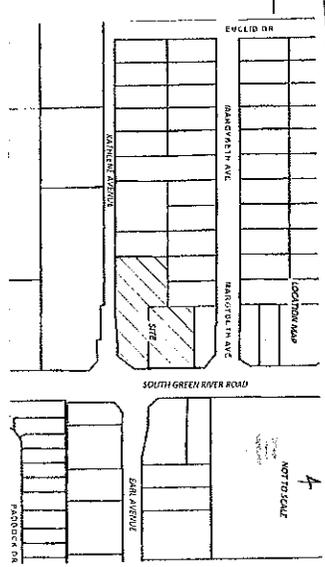
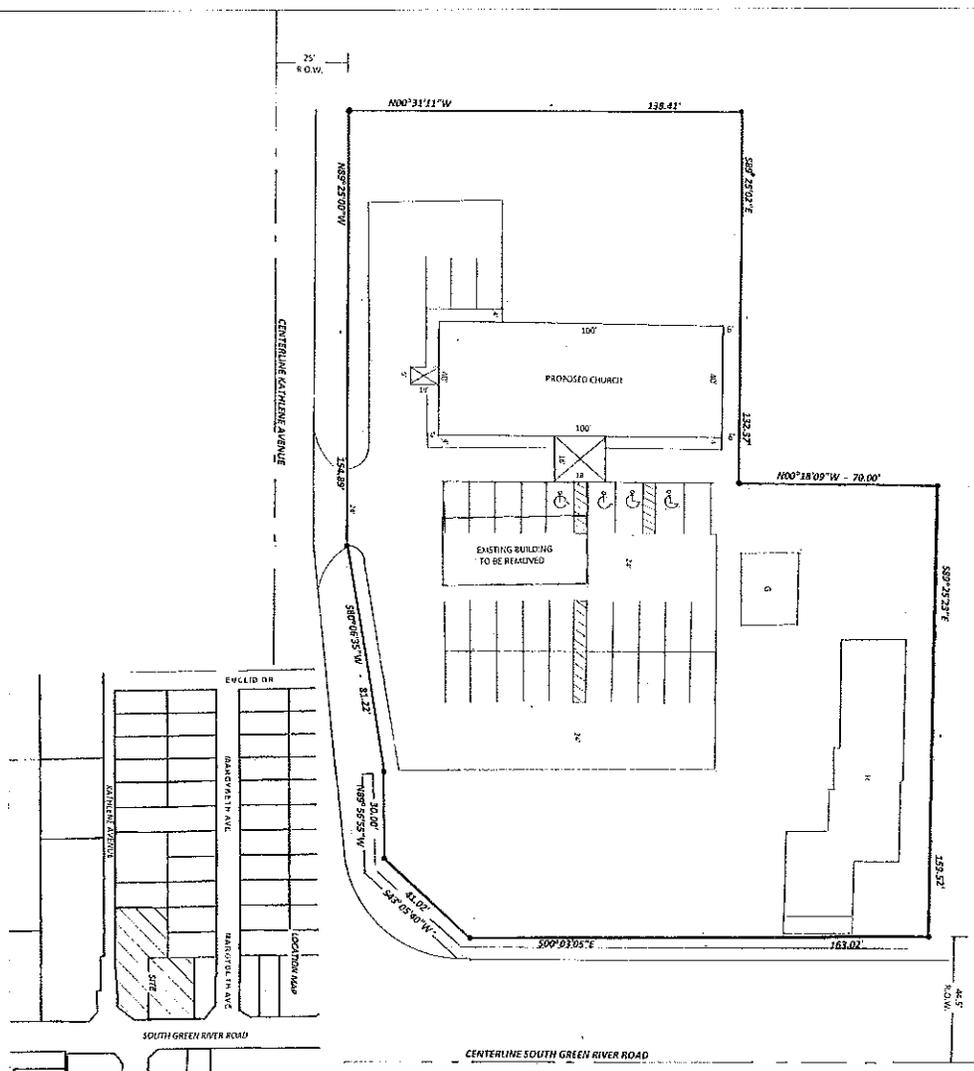
APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:

**COMPLIANCE:** Compliance with all code requirements will be addressed by Site Review upon submission of a revised site plan.

**PARKING:** A church requires 0.3 seats per the seating capacity of the proposed new church. The proposed church plans to have 120 seats, requiring 36 parking spaces on-site. There are currently 32 spaces shown on the site plan, and some are substandard. The site plan does not include the two required parking islands.

ADDITIONAL INFORMATION

A redesign of the parking area to comply with site review recommendations is required. A variance for parking may be required unless a lease agreement for parking within 300 feet is obtained. Staff will determine whether variances are to be required after re-submission of the site plan and any additional documents.



LEGEND  
 Right of Way  
 Iron Pin  
 Building House  
 R  
 D  
 R.O.W.

NORTH  
 50' | 50'  
 100' | 100'  
 SCALE: 1" = 100'

**SITE PLAN**

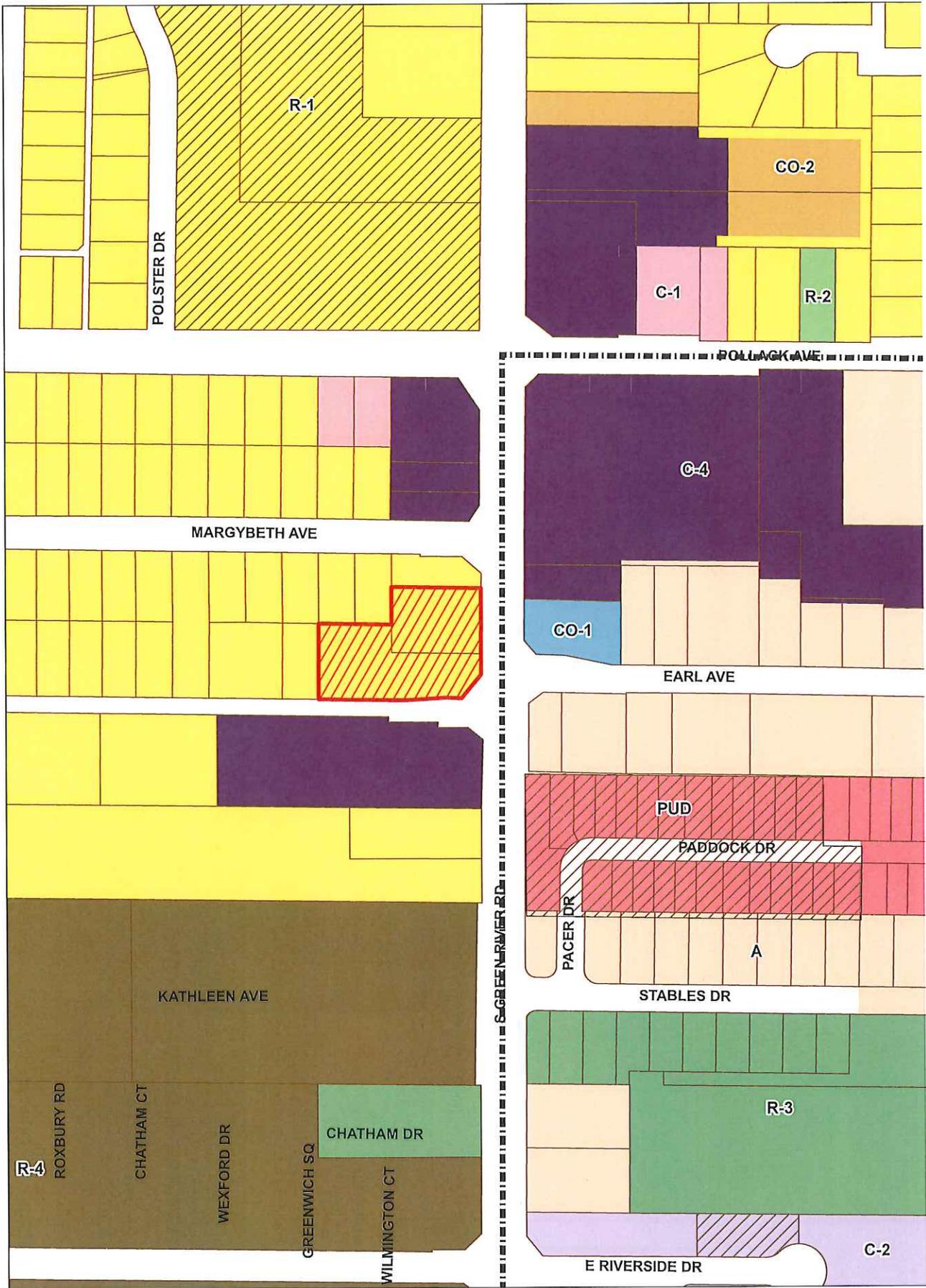
PLANNED BY:  
**CHURCH OF GOD OF PROPHECY**  
 2206 - 2213 SOUTH GREEN RIVER ROAD, CUMMINGS, TN 37024  
 ACCU  
**LAND SURVEYING & ENGINEERING, LLC**  
 12399 OAK GARDEN ROAD, MEMPHIS, TN 38188

CERTIFIED BY:  
 WILLIAM V. BIVINS, P.E.P.S.  
 AUGUST 31, 2016

**35 - 2016 - APC**

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**2209 & 2221 S GREEN RIVER ROAD**  
**35-2016-APC**

EUCLID

POLSTER

POLLACK

MARGYBETH

35-2016-APC

EARL

GREEN RIVER

PADDOCK

PACER

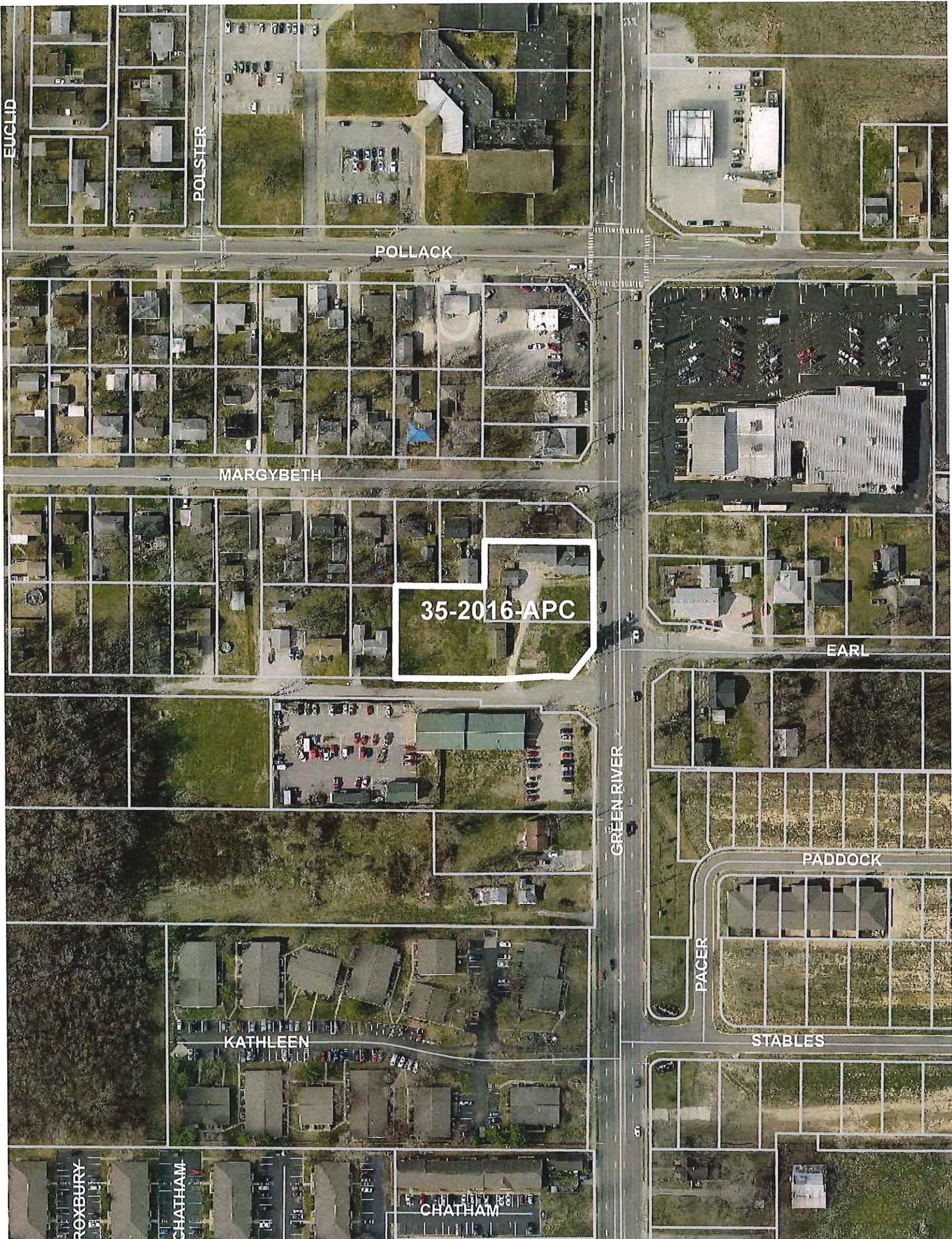
STABLES

KATHLEEN

ROXBURY

CHATHAM

CHATHAM



**BOARD OF ZONING APPEALS  
STAFF REPORT  
November 3, 2016**

Docket Number: County SPECIAL USE 36-2016-APC  
Address: 6515 Veith Road  
Parcel ID: 82-04-35-002-145.008-019  
Location: Northwest corner of Green River Road and Hannie Lane  
Petitioner: Buggy Bath / Custom Sign & Engineering  
Owner: Zach Fortner  
Request: SU-13 Electronic message sign

**BACKGROUND SUMMARY**

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. The zoning code Chapter 17.28.050 requires approval of a special use permit (SU-13) by the Board of Zoning Appeals for all electronic message boards and/or signs with flashing, moving, rotating or intermittent lights, or animated messages.

**LAND USE**

The Board of Zoning Appeals shall consider the criteria listed in the zoning code when making its determination for approval, denial, or modification of a proposed special use. The Board approval or modification may include reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest, and guarantees may be required if necessary to assure compliance with any conditions, limitations, and temporary uses.

**ZONING DISTRICT:** C-4

**EXISTING LAND USE:** Vacant land

**SURROUNDING ZONING AND LAND USE:**

North	C-4	vacant lot
South	C-4	Hannie Drive – vacant lot
East	Ag	Green River Road - residences
West	C-4	Veith Drive – vacant lot(s)

**GENERAL INFORMATION**

**FLOOD ZONE:** Not applicable to this petition

**UTILITIES:** Information submitted by applicant indicates that all utilities are available to this site.

**SIGNAGE ALLOWED WITHIN THE ZONING DISTRICT:** The County zoning code allows two on-premises signs per frontage totaling up to 300 sq. ft. in the C-4 zoning district.

**TRAFFIC/STREETS/ACCESS:**

The electronic message sign must not interfere with traffic.

**APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:**

**COMPLIANCE:** Compliance with overall signage will be addressed by staff prior to issuance of permits for the new sign.

**PARKING:** Parking is not applicable to this request; parking was addressed by Site Review at the time of development of the site.

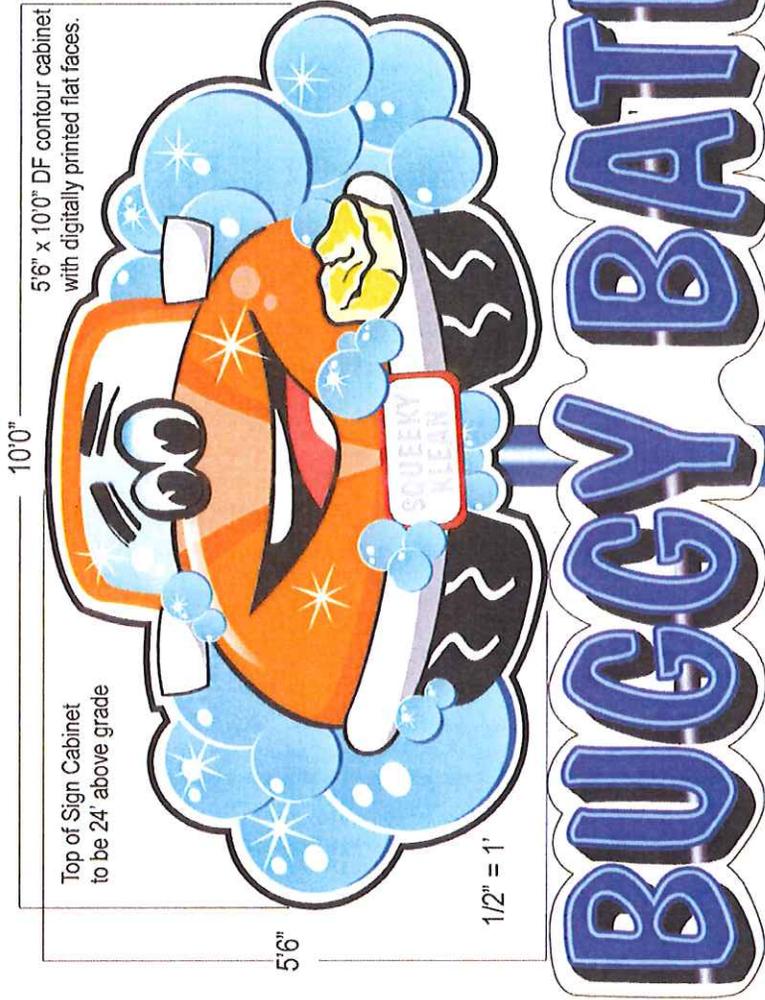
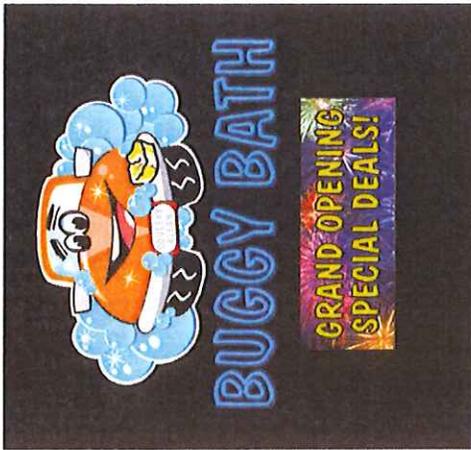
**ADDITIONAL INFORMATION**

This is a request for SU-13 approval to allow a 3' x 7' (21 sq. ft.) electronic message unit as part of a new pole sign planned on the site for "Buggy Bath", a new self-serve car wash. The sign is planned along the Green River Road frontage of the lot. A thoroughfare encroachment permit is required for any sign within 70 feet of the center line of Green River Road.

Client: Buggy Bath Car Wash  
 Design: Signage Overveiw 090916  
 Date: Sept. 9, 2016 Scale: 1/2" = 1'  
 Sales/Design: Debra Mountis 812-455-2431

*Signage Proposal*

Approximate  
Night View



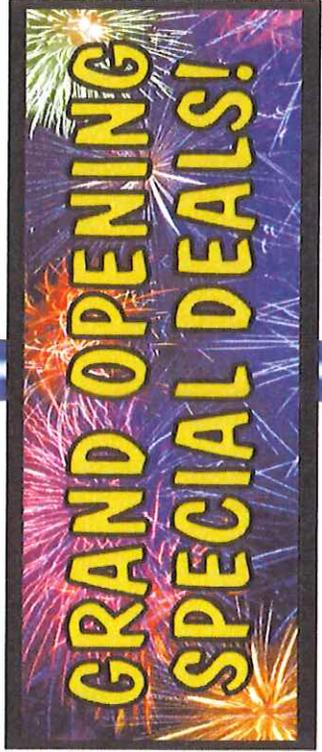
Two (2) sets of channel letters mounted back to back on pole with backplate for contrast. To have transparent blue faces and blue exposed neon illumination, with black returns and trimcap



One (1) 5' x 5'4" Single faced LED illuminated wall mounted sign cabinet with flat digitally printed face.



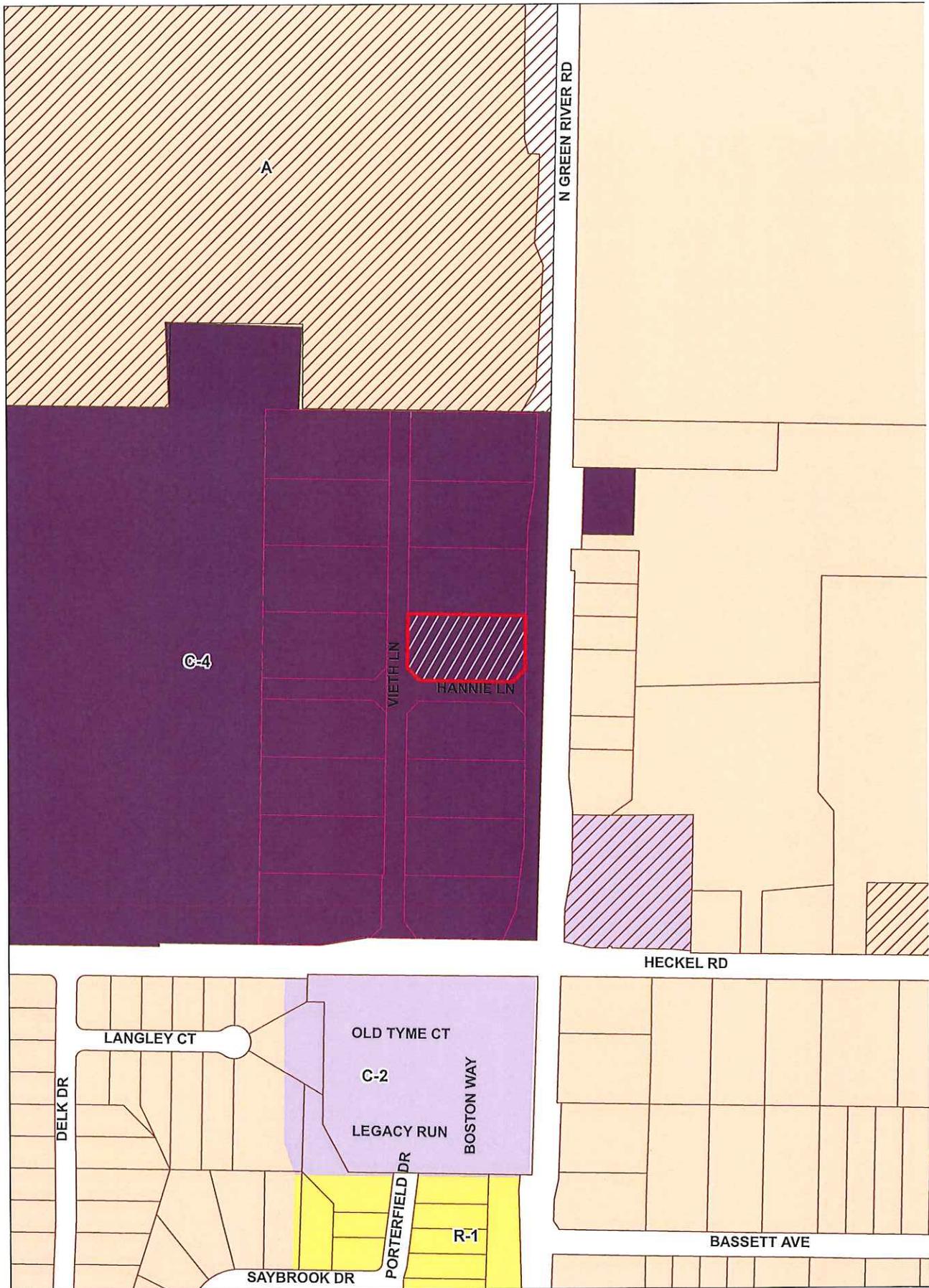
5344 Vann Road, Newburgh, IN 47630  
 812-401-1550 Fax: 812-401-1554  
 www.customsign.bz



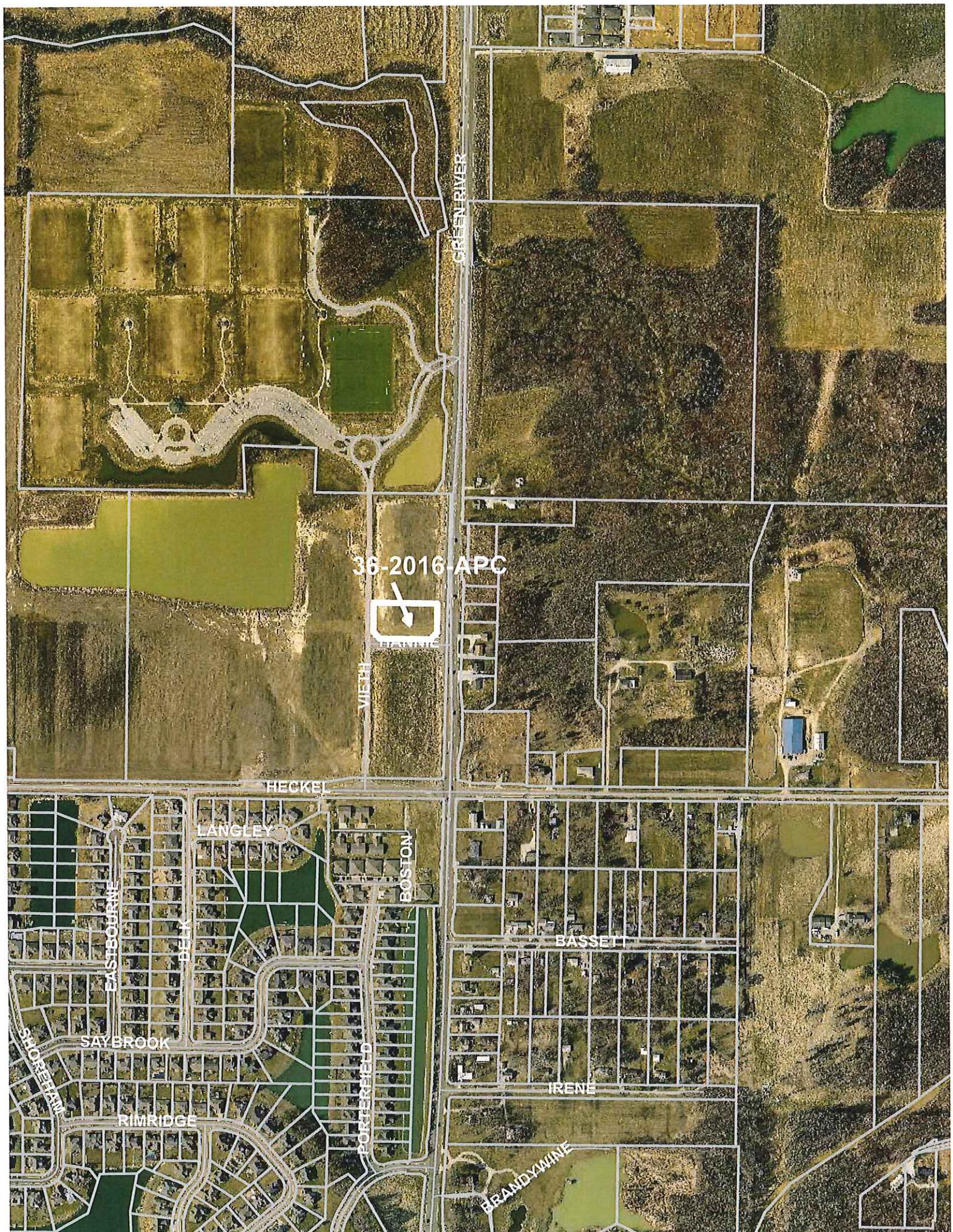
3' x 8' 19mm  
 full color Watchfire  
 digital display. Bottom  
 of digital display to  
 be 13' above grade.

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**6515 VEITH ROAD  
36-2016-APC**



36-2016-APC



GREEN RIVER

VIETH

HECKEL

LANGLEY

BOSTON

BASSETT

IRENE

BRANDYWINE

EASTBOURNE

DELK

SAYBROOK

RIMRIDGE

PORTERFIELD

**BOARD OF ZONING APPEALS  
STAFF REPORT  
November 3, 2016**

Docket Number: City SPECIAL USE 37-2016-APC  
Address: 2525 Stringtown Road  
Parcel ID: 82-06-17-031-081.007-029  
Location: Southeast corner of Stringtown Road and Stanley Avenue  
Petitioner: Gary M. Price (Agape Life Church)  
Owner: Busler Enterprises  
Request: SU-2 Church and church-related incidental facilities

**BACKGROUND SUMMARY**

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. The zoning code Chapter 18.145.050 requires approval of a special use permit (SU-2) by the Board of Zoning Appeals for churches and church-related incidental/accessory facilities

**LAND USE**

The Board of Zoning Appeals shall consider the criteria listed in the zoning code when making its determination for approval, denial, or modification of a proposed special use. The Board approval or modification may include reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest, and guarantees may be required if necessary to assure compliance with any conditions, limitations, and temporary uses.

**ZONING DISTRICT:** C-4

**EXISTING LAND USE:** Vacant retail store

**SURROUNDING ZONING AND LAND USE:**

North	C-4	Stanley Avenue - offices
South	C-4	residence
East	R-2	residence
West	R-2	residence

**GENERAL INFORMATION**

**FLOOD ZONE:** No – Zone "X"

**UTILITIES:** Information submitted by the applicant indicates that all utilities are available to this site.

**ALLOWED USES WITHIN THE ZONING DISTRICT:** The City zoning code allows 184 different uses within the C-4 district, including office, commercial, service, storage, and recreational uses - no residential uses. The district allows maximum 75% lot coverage, and up to a 50 foot height limit for structures. C-4 allows on-premises signs up to 500 sq. ft. at 50' height and billboards up to 700 sq. ft. at 50' height.. The C-4 district also allows 28 specifically-identified special uses, including SU-2 "church", if approved by the Board of Zoning Appeals.

**CONTINUED ON NEXT PAGE**

**TRAFFIC/STREETS/ACCESS:**

This retail building site is located at the southeast corner of Stringtown Road and Stanley Avenue. The site plan was reviewed by Site Review on October 24, 2016, for the required change-of-use permit. Changes were recommended to the existing access.

**APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:**

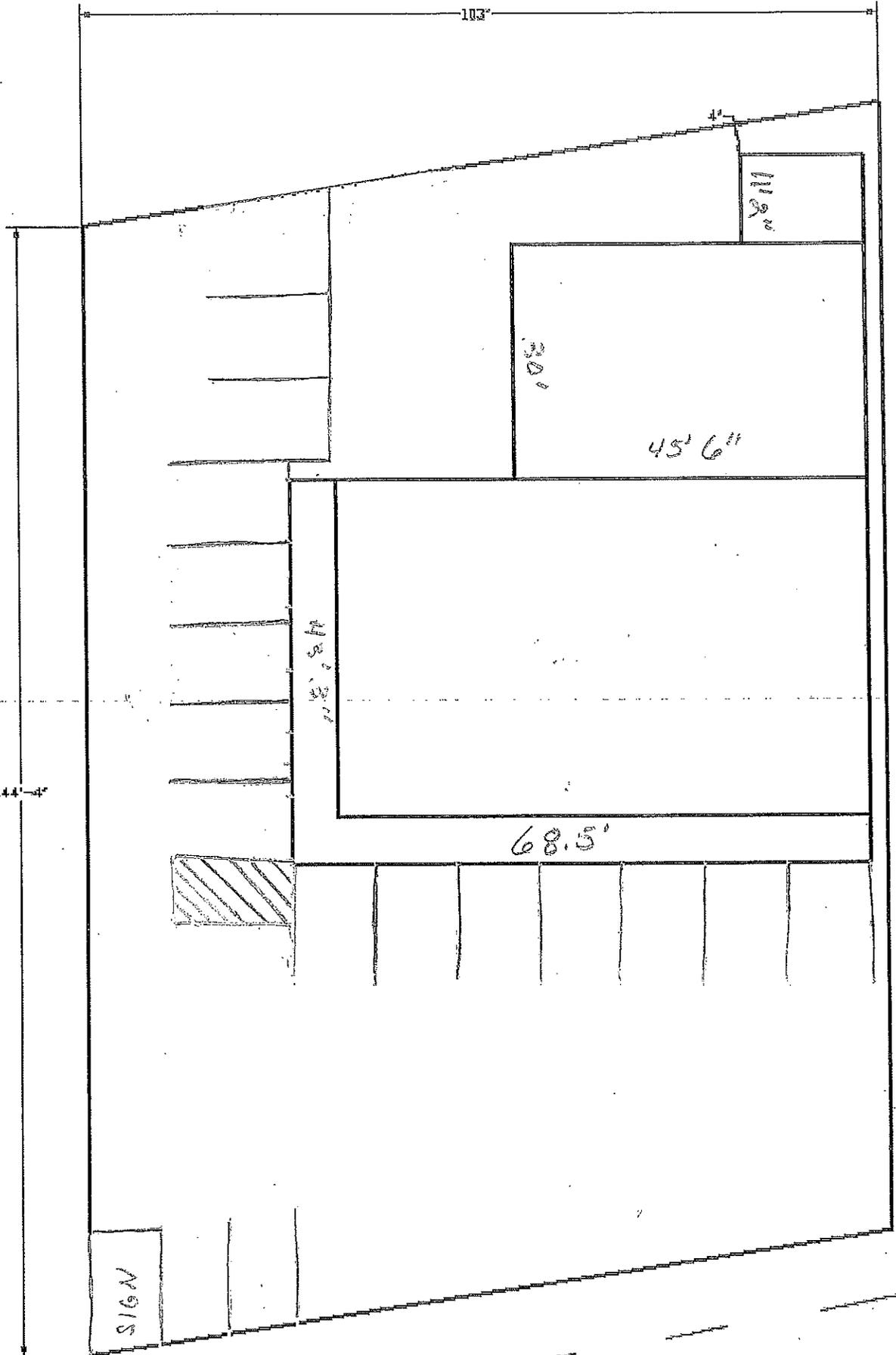
**COMPLIANCE:** Compliance with all code requirements will be addressed by Site Review upon submission of a revised site plan.

**PARKING:** A church requires 0.3 seats per the seating capacity of the proposed new church. The proposed church plans to have 75 seats, requiring 23 parking spaces on-site. There are currently 15 spaces available on site, and seven of the spaces are substandard.

**ADDITIONAL INFORMATION**

A redesign of the parking area to comply with site review recommendations is required. A variance for parking may be required unless a lease agreement for parking within 300 feet is obtained. Staff will determine whether variances are to be required after re-submission of the site plan and any additional documents.

Stanley Ave.



Stringtown Road

37-2016-APC

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**2525 STRINGTOWN ROAD  
37-2016-APC**

PARKLAND

STRINGTOWN

STANLEY

37-2016-APC  
STANLEY

SUNNYMEADE

SHERMAN

NEGLEY

NEGLEY



**BOARD OF ZONING APPEALS  
STAFF REPORT  
November 3, 2016**

Docket Number: City SPECIAL USE 38-2016-APC  
Address: 1375 Washington Avenue  
Parcel ID: 82-06-33-012-042.014-027  
Location: Southwest corner of Washington and Lodge Avenues  
Petitioner: Busler Enterprises, Inc.  
Owner: Same  
Request: SU-17 Sale of gasoline in connection with a convenience mart

**BACKGROUND SUMMARY**

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. The zoning code Chapter 18.145.050 requires approval of a special use permit (SU-17) by the Board of Zoning Appeals for the sale of gasoline in connection with a convenience mart in the C-1 zoning district.

**LAND USE**

The Board of Zoning Appeals shall consider the criteria listed in the zoning code when making its determination for approval, denial, or modification of a proposed special use. The Board approval or modification may include reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest, and guarantees may be required if necessary to assure compliance with any conditions, limitations, and temporary uses.

**ZONING DISTRICT:** C-1

**EXISTING LAND USE:** Vacant lot

**SURROUNDING ZONING AND LAND USE:**

North	R-1	Washington Avenue – Bosse High School
South	R-2	alley - residences
East	C-1	Lodge Avenue – office building
West	C-2	tattoo shop

**GENERAL INFORMATION**

**FLOOD ZONE:** No – Zone “X”

**UTILITIES:** Information submitted by the applicant indicates that all utilities are available to this site.

**ALLOWED USES WITHIN THE ZONING DISTRICT:** The City zoning code allows 58 uses within the C-1 district, including residential, office, commercial, and service uses. The district allows maximum 75% lot coverage; 35-foot height limit for structures. C-1 allows on-premises signs 300 sq. ft. at 35' height. The C-1 district also allows 21 specifically-identified special uses, including SU-17 “gasoline sales”, if approved by the Board of Zoning Appeals.

**CONTINUED ON NEXT PAGE**

TRAFFIC/STREETS/ACCESS:

This site is located at the southwest corner of Washington Avenue and Lodge. There was a convenience mart with gasoline sales located on the site since the mid 1970's that was razed in recent years due to a fire that completely destroyed the business. Applicant is requesting to rebuild on the site, the same type of business that previously occupied the site for approximately 40 years. Compliance with access and parking will be determined by staff after submission of final plans for the reestablishment of the convenience mart/gasoline sales use.

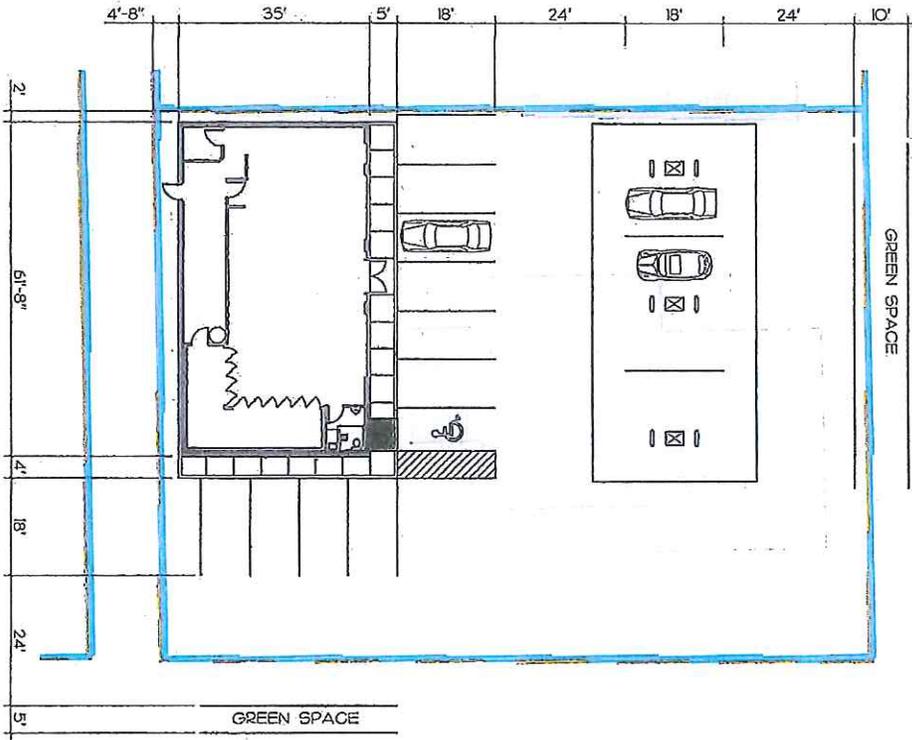
APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:

**COMPLIANCE:** Compliance with all code requirements will be addressed by staff upon submission of final plans for the development of the site.

**PARKING:** The convenience mart requires one parking space for each 200 sq. ft. of gross floor area

ADDITIONAL INFORMATION

The former convenience mart and gasoline sales that previously occupied this site was recently destroyed by fire. The owner has been diligently trying to reestablish the use on the site, and has a potential buyer or lessee for the site. The "USE" of the site needs to be in place for the transaction to proceed. Applicant is aware that it may be necessary to apply for a variance or variances once the final site plans for the development are submitted to Site Review, but wants to proceed with this special use separately in order to proceed with the development. A variance application will follow at a later date.



**SITE PLAN**  
 PRELIMINARY DRAWING

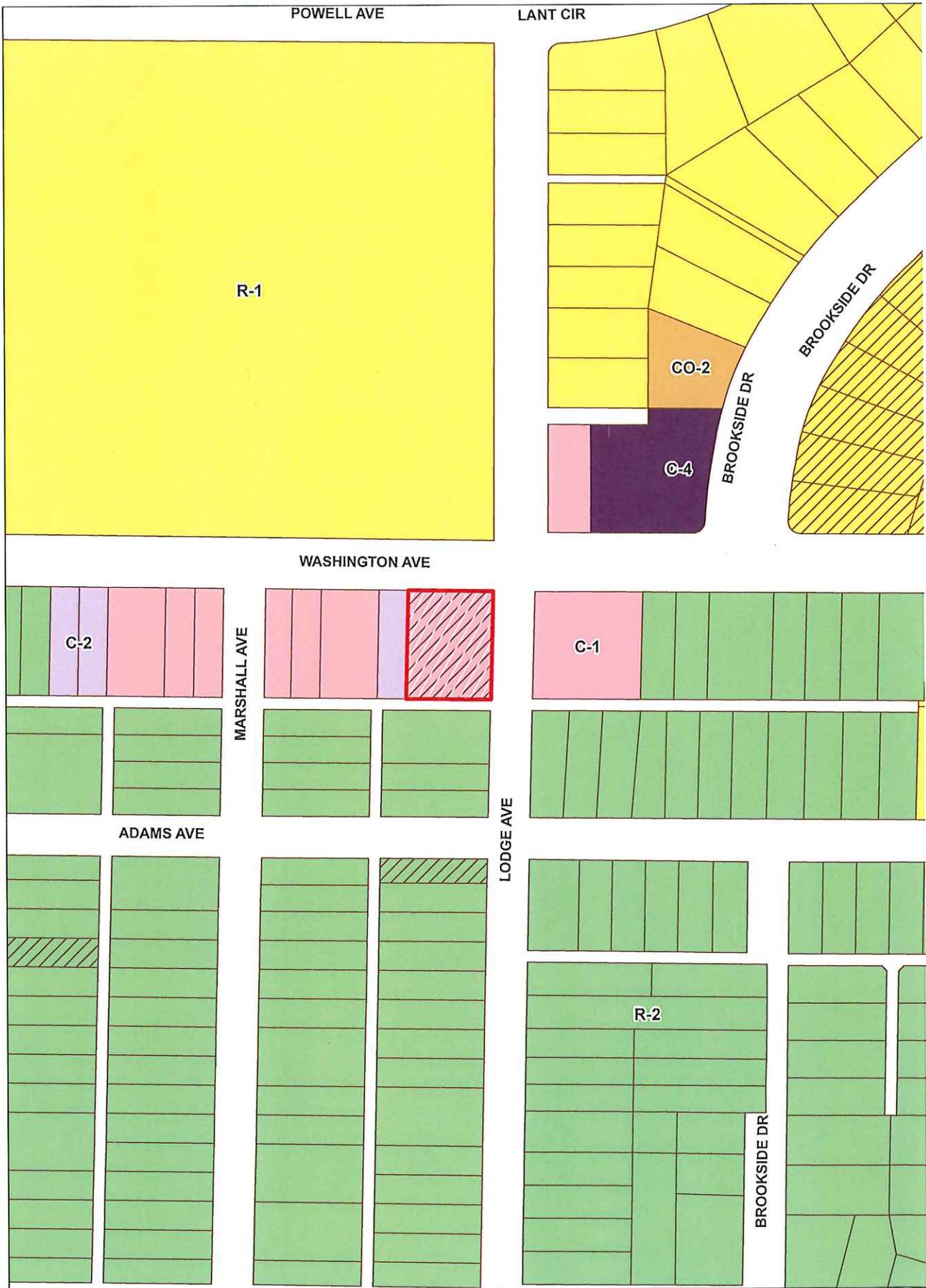
12	DATE	BY	<b>NEW "XPRESS PANTRY"          CONVENIENCE STORE</b> 1375 WASHINGTON AVENUE EVANSVILLE, INDIANA
	DATE	BY	

**DESIGN & ENGINEERING INC.**  
 2750 N. BURKHARDT ROAD SUITE 108  
 EVANSVILLE, INDIANA 47715  
 PHONE: 812-402-4500

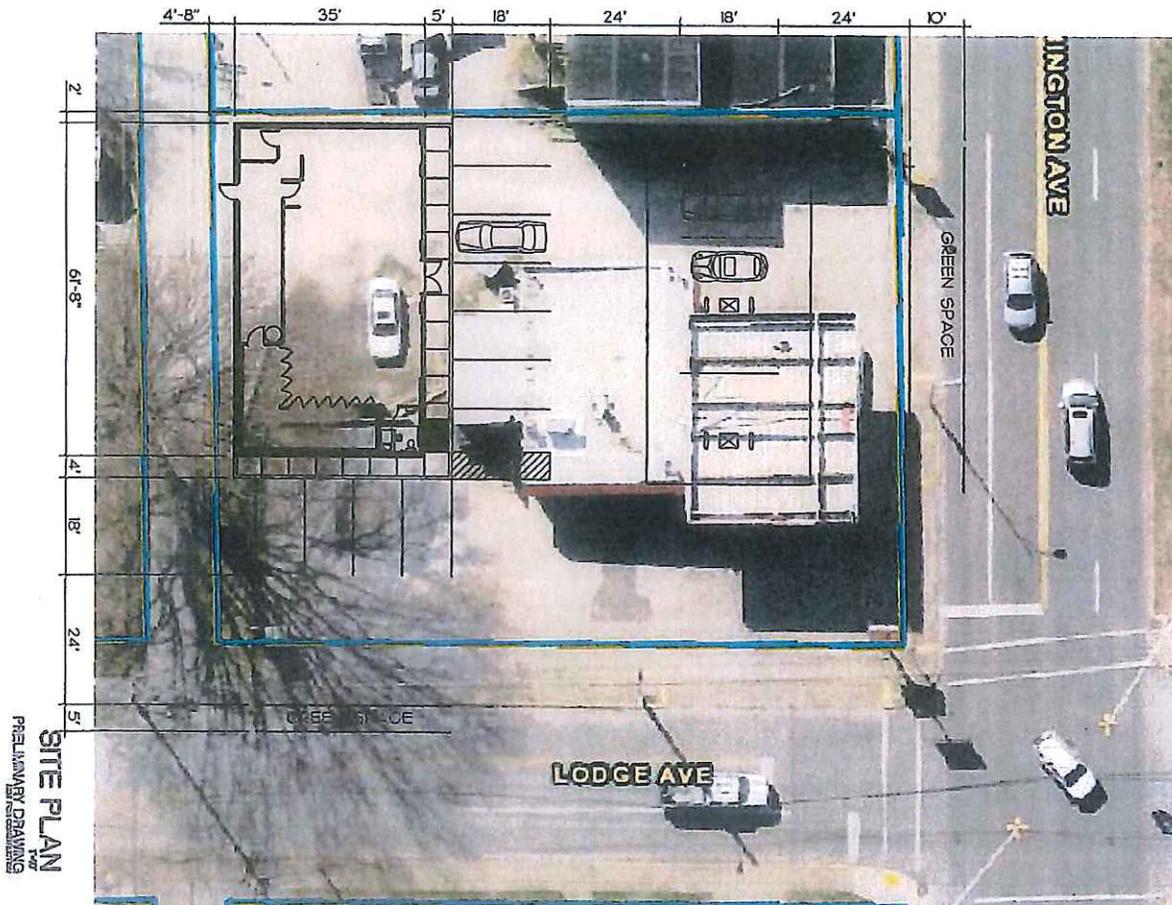
38 - 2016 - APC

**Zoning Class**

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



**1375 WASHINGTON AVENUE  
38-2016-APC**



**SITE PLAN**  
PRELIMINARY DRAWING

DATE	06-24-81
BY	...
SCALE	AS SHOWN
PROJECT NO.	...
11	

**NEW "XPRESS PANTRY"**  
**CONVENIENCE STORE**  
1375 WASHINGTON AVENUE  
EVANSVILLE, INDIANA

**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE SHOWN DIMENSIONS ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE NOTED.
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10. THE SHOWN DIMENSIONS ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE NOTED.

**LANDMARK**  
DESIGN & ENGINEERING INC.  
2750 N. BURKHARDT ROAD SUITE 108  
EVANSVILLE, INDIANA 47715  
PHONE: 812-402-4500

