

MARTINSVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
September 26, 2006

Chairman Dee Terrell called the regular meeting of the Martinsville Board of Zoning Appeals to order at 6:00 PM on Tuesday, September 26, 2006, in the Council Chambers of City Hall, Martinsville, IN.

ATTENDANCE

Those members present were:

Robert C. Beesley
Mike Kirsch, Vice Chairman
Keith Sichtung
Marilyn Siderewicz, Secretary
Dee Terrell, Chairman
Rod Bray, Attorney

Z-06-06-01. Morgan Hospital and Medical Center, 2209 John R. Wooden Drive, Martinsville, IN.

Requested a variance from the Development Standards to include the sign height, total square foot of a sign, and closer to the property lines than the required setbacks.

TABLED at the June 27, 2006, meeting.

TABLED at the July 25, 2006, meeting.

TABLED at the August 22, 2006, meeting.

Attorney Peter Foley made the request presentation to the Board of Zoning Appeals. A packet of pictures with the proposed sign was presented to the Board along with a sheet containing the findings of fact pertaining to the variance request. (See attached sheets.) Also present at the meeting were members of the hospital board, Tom Laux, Hospital Administrator, and Mike Pflum from Sign Solutions.

Ms. Verdia Parke, hospital board member for seven years and director of nursing for 38 years, reiterated the value of having the sign. Ms. Parke said the signage would be important to those using the Emergency Department and patients from out of the area that would be using the Cancer Center.

REMONSTRATORS:

Three people remonstrated in opposition to the request. They expressed concern that the electronic message board would distract drivers and the number of serious accidents at the intersection could increase. Another complaint was that the large sign would detract from the scenic view and was not appropriate along the road.

Dale Chaffey said he felt Doctor Robert Beesley should not vote because he is employed by the hospital. Doctor Beesley said that he is one of 40 staff physicians at the hospital and is not an employee of the hospital. Doctor Beesley said he felt he could be objective about the request.

MOTION:

Robert C. Beesley moved to approve the variance from the Development Standards to include the sign height, total square foot of the sign, and closer to the property lines than the required setbacks as requested by the Morgan Hospital and Medical Center. (See attached sheet for Findings of Fact.) The motion was seconded by Keith Sighting and passed with a vote of 3 in favor and 2 opposing votes. Dee Terrell and Mike Kirsch cast the opposing votes.

Z-06-09-01. Dean Ellis, 1439 Blue Bluff Road, Martinsville, IN.

Requested a variance from the Development Standards for the reconstruction of a three (3)-unit apartment building and a detached barn (destroyed by fire) on the same property with a single-family dwelling. Refer to the Board of Zoning Appeals Minutes of July 22, 1997, for the original variance.

Attorney Rod Bray gave a brief summary regarding the variance request and approval at the July 22, 1997, meeting. Mr. Ellis had been granted a variance because he had already constructed the buildings before getting the variance approval. The Board had specified that if anything occurred to destroy the structures, Mr. Ellis would have to obtain a new variance before reconstruction could begin.

Ross Drapalik made the presentation to the Board. A fire had destroyed Mr. Ellis' barn and triple apartment complex in April 2006, and he would like to reconstruct the barn and apartment building.

REMONSTRATORS:

Dale Coffey, lives across the road from Mr. Ellis. Mr. Coffey said he was representing several neighbors. He further stated that the request does not meet the five conditions required by law and should not be approved.

Charles Hendrickson, neighbor. Opposed. Concerned about the water shortage.

Brenda Hayes. Opposed. Not enough water supply at this time.

MOTION: Mike Kirsch made a motion to deny the request for a variance from the Development Standards for the reconstruction of a three (3) unit apartment building and a detached barn (destroyed by fire) on the same property with a single family dwelling as requested by Dean Ellis at 1439 Blue Bluff Road. Mr. Kirsch said this request did not meet the five conditions required for a variance of Development Standards. The motion was seconded by Marilyn Siderewicz and passed with a vote of 3 in favor and 2 opposed. Robert C. Beesley and Keith Sighting cast the two opposing votes.

Z-06-09-02. The Prince of Peace Lutheran Church, 3496 E. Morgan Street, Martinsville, IN.

Requested a variance from the Development Standards to allow a second sign along the frontage road at 3496 E. Morgan Street, and to allow the total signage to exceed the total amount of square feet allowed by the City Ordinance.

Nathan Jansen, Pastor of the Prince of Peach Lutheran Church, made the presentation to the Board. This second sign would be used for school advertisement. The sign would be ground level and lighted.

Due to lack of information at this meeting, it was decided to table the request.

MOTION: Robert C. Beesley made a motion to table the request for variance from the Development Standards to allow a second sign along the frontage road at 3496 E. Morgan Street, and to allow the total signage to exceed the total amount of square feet allowed by the City's Ordinance as requested the Prince of Peace Lutheran Church. The motion was seconded by Keith Sighting and passed unanimously.

Z-06-09-03. The City of Martinsville, 59 S. Jefferson Street, Martinsville, IN. Requested a Variance from the Development Standards to change the set back lines from 20 ft. to zero ft. and to build across lot lines.

City Engineer Ross Holloway made the presentation to the Board. Handouts as well as findings of fact sheets were distributed to members of the board. The area would be used to build the new fire station. This is the old Chrysler Square property on West Morgan Street.

REMONSTRATORS: None.

MOTION: Robert C. Beesley made a motion to approve the request for variance from the Development Standards to change the set back lines from 20 ft. to zero ft. and to build across lot lines as requested by the City of Martinsville. (See attached sheet regarding the Findings of Fact.) The motion was seconded by Mike Kirsch and passed unanimously.

Z-06-09-04. Greg Hamilton, 789 E. Walnut Street, Martinsville, IN. Requested a variance from the Development Standards to build a garage addition across the lot line of Lots #35 and 36 at 490 W. Garfield Avenue.

Greg Hamilton told the Board that he was requesting a variance from the Development Standards to build a garage addition to his house in order to store his vehicles. The area is zoned as business but he wishes to use it as his personal residence. Mr. Hamilton said the garage would be used for his camper and work trailer. There would be no heavy machinery stored on the property. This is to be used strictly for his residence. Mr. Hamilton had mailed a copy of the Findings of Fact, a drawing of the area, and a picture showing the lot and placement of the house and proposed garage.

REMONSTRATORS:

Mr. Van Winkle, 459 West Sumner Avenue. The back of Mr. Van Winkle's lot faces the back of Mr. Hamilton's lot. He was concerned about the use of the lot.

Brian Williams, attorney for Mark Pitman. Mr. Pitman would like it to stay zoned as Business-3.

Donny Burns, neighbor. Mr. Burns was concerned about the water drainage if the ground was built up any at all.

Discussion was held concerning how Mr. Hamilton would use the property. Mr. Hamilton insisted the area would be used for his personal residence. He said that no heavy equipment would be stored on the property.

MOTION: Robert C. Beesley made a motion to approve the request for variance from the Development Standards to build a garage addition across the lot line of Lots #35 and 36 at 490 W. Garfield Avenue as requested by Greg Hamilton. The motion was seconded by Mike Kirsch and passed unanimously. (See attached sheet for Findings of Fact.)

MINUTES:

The minutes of the August 22, 2006, meeting were approved upon a motion by Robert C. Beesley and a second by Mike Kirsch. Motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned.

The next scheduled meeting of the Martinsville Board of Zoning Appeals will be Tuesday, October 24, 2006, at 6:00 PM.

Dee Terrell, Chairman

Marilyn Siderewicz, Secretary

Robert C. Beesley, MD

Rod Bray, Attorney

Mike Kirsch, Vice Chairman

Keith Sighting