

**MINUTES OF THE MEETING
OF THE
DECATUR ZONING BOARD OF APPEALS**

Thursday, January 31, 2019, 3:00 P.M.
City Council Chamber, Decatur Civic Center

I. Call to Order and Determination of a Quorum

The January 31, 2019 meeting of the Decatur Zoning Board of Appeals was called to order at 3:00 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Acting Chairman Chris Harrison who determined a quorum was present.

Members Present: Kim Aukamp, Robert Brice, Chris Brodnicki,
Julie Gahwiler, Zane Peterson, Chris Harrison

Members Absent: Leslie Risby

Staff Present: Ray Lai, Scott Dedert, Amy Waks,
Kylie Reynolds, Janet Poland

II. Approval of Minutes: September 13, 2018

It was moved and seconded (Peterson/Brice) to approve the minutes of the September 13, 2018 meeting of the Zoning Board of Appeals. Motion carried unanimously.

III. Approval of Minutes: November 5, 2018

It was moved and seconded (Aukamp/Gahwiler) to approve the minutes of the November 5, 2018 meeting of the Zoning Board of Appeals. Motion carried unanimously.

IV. Approval of Minutes: January 10, 2019

It was moved and seconded (Peterson/Gahwiler) to approve the minutes of the January 10, 2019 meeting of the Zoning Board of Appeals. Motion carried unanimously.

V. New Business

Case No. 18-04 Petition of DAN BYARD, for a variance from the provisions of the Zoning Ordinance (Ordinance #3512, as amended, Sections VI.C.4. and VI.C.5.) to reduce the minimum front yard setback from twenty-five feet (25) to twenty-two (22) feet, and reduce the side yard setback from eight (8) feet to six (6) feet along the west property line to allow for the construction of two additions to the existing single-family residence at 1997 WEST MAIN STREET in the R-2 Single-Family Residence District.

Mr. Scott Dedert was sworn in by Mrs. Janet Poland.

Mr. Dedert discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with staff's recommendation for denial of the side yard setback request

and its recommendation of approval of the front yard variance, based on the staff report distributed to the Zoning Board of Appeals prior to the meeting, subject to the following condition:

1. Before construction takes place, building permits to be obtained from the Department of Economic and Community Development and the Department of Public Works, as applicable.

(Staff report is on file and is available for reviewing by request)

Mr. Dan Byard, petitioner, was sworn in by Mrs. Poland.

Mr. Byard stated the addition on the east side of the house is to allow for a larger area for their recreational room. The addition on the west side of the house is to gain a couple of extra feet for a proposed garage addition since their daughter will soon be getting her license and the existing garage does not adequately hold two (2) vehicles. They do not want to attach the garage to the house as they would lose a significant amount of light in the kitchen.

There were no questions and no objectors present.

It was moved and seconded (Brodnicki/Brice) to approve Cal. No. 18-04 as both variances were presented.

Upon call of the roll, Commission members Kim Aukamp, Robert Brice, Chris Brodnicki, Julie Gahwiler, Zane Peterson and Acting Chairman Chris Harrison voted aye. Acting Chairman Harrison declared the motion carried.

Case No. 18-06 Petition of SOUTH SHORES CHRISTIAN CHURCH, for a variance from the provisions of the Zoning Ordinance (Ordinance #3512 as amended, Section XXV.B.2. and XXV.B.9.b.) to reduce the required setback line of an Electronic Message Unit from a residential district/use from 100 feet to 84 feet from the south property line, from 100 feet to 80 feet from the east property line, and from 100 feet to 74 feet from the north property line to allow for the construction of a sign with an electronic message unit for the existing church at 130 BRISTOL DRIVE in the R-3 Single-Family Residence District.

Mr. Dedert discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with staff's denial of the petition based on the staff report distributed to the Zoning Board of Appeals prior to the meeting. (Staff report is on file and is available for reviewing by request)

Acting Chairman Chris Harrison asked if the electronic message unit (EMU) will replace the existing sign. Mr. Dedert said yes.

Mr. Jason Tompkins, representative for the petitioner, was sworn in by Mrs. Poland.

Mr. Tompkins stated this is a unique case in the fact that the sign is landlocked with respect for expansion of an LED or a message unit. No matter which direction they go they run into a residential property line. The church would like to be able to control the sign from a nice warm office instead of trying to change letters in the cold. The Zoning Ordinance dictates that the sign must shut off at 11 P.M. The lighting automatically adjusts for daytime and nighttime. It is not as bright in the evening. This is just electronic means to get a message out versus doing it manually. If the sign is moved to another location it cannot be seen from the road.

Ms. Gahwiler asked if the sign automatically shuts off at 11 P.M. Mr Tompkins said it would be controlled by software that comes with the sign.

Ms. Kim Aukamp asked if the electronic message unit would be simply letters scrolling across the screen. Mr. Tompkins stated the church is using a full color unit that is a static graphic in the software. A message cannot change any faster than every six (6) seconds. Their clients are trained on the software and are made aware of the Zoning Ordinance requirements.

There were no objectors present.

It was moved and seconded (Gahwiler/Aukamp) to approve Cal. No. 18-06 as the petition was presented.

Upon call of the roll, Commission members Kim Aukamp, Julie Gahwiler, Zane Peterson and Acting Chairman Chris Harrison voted aye. Robert Brice and Chris Brodnicki voted nay. Acting Chairman Harrison declared the motion carried.

Case No. 18-07 Petition of Ribhi & Sajed Qattoum, for a variance in the provisions of the Zoning Ordinance (Ordinance #3512 as amended, Section XXX.B.4. and Section XXX.B.7.) to a) reduce front yard parking setback from fifteen (15) to zero (0) feet along North Jasper Street and East Prairie Avenue, and b) reduce the required number of parking stalls from twenty-four (24) to twenty-one (21) for a proposed restaurant at 1154 East Prairie Avenue. Said premise zoned B-1 Neighborhood Shopping District.

Mr. Dedert discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with staff's recommendation for approval of the petition, based on the staff report distributed to the Zoning Board of Appeals prior to the meeting, subject to the following conditions:

1. Install bollards every three (3) feet center line on site next to the curb islands located on North Jasper Street and on East Prairie Street.
2. Before construction takes place, building permits to be obtained from the Department of Economic and Community Development and the Department of Public Works, as applicable.

(Staff report is on file and is available for reviewing by request)

Mr. Jonas Ozier, representative for the petitioner, was sworn in by Mrs. Poland.

Mr. Ozier stated the developer is trying to redevelop the area and is bringing a restaurant in. The variance is requested to reduce the setback for parking. They have no objection to the bollards.

There were no questions and no objectors present.

It was moved and seconded (Peterson/Gahwiler) to approve Cal. No. 18-07 as recommended by staff.

Upon call of the roll, Commission members Kim Aukamp, Robert Brice, Chris Brodnicki, Julie Gahwiler, Zane Peterson and Acting Chairman Chris Harrison voted aye. Acting Chairman Harrison declared the motion carried.

Case No. 18-08 Petition of SPEED LUBE 10 MINUTE OIL CHANGE SHOPS, for a variance from the provisions of the Zoning Ordinance (Ordinance #3512, as amended, Section XVI.C.3.) to reduce the minimum front yard setback from twenty-five feet (25) to eighteen (18) feet to allow for the construction of an Automobile Repair and Service, major or minor facility at 928 EAST ELDORADO STREET in the M-1 Intense Commercial – Light Industrial District.

Mr. Dedert discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with staff's approval of the petition based on the staff report distributed to the Zoning Board of Appeals prior to the meeting. (Staff report is on file and is available for reviewing by request)

Ms. Aukamp asked if the current building would remain. Mr. Dedert said yes.

Mr. Corey Hosier, representative for the petitioner, was sworn in by Mrs. Poland.

Mr. Hosier stated they are expanding for more space and the setback is comparable with others on the street. It will not deter from the character of the development. They will have appropriate landscaping and will be consistent with their other buildings.

There were no questions and no objectors present.

It was moved and seconded (Brodnicki/Aukamp) to approve Cal. No. 18-08 as recommended by staff.

Upon call of the roll, Commission members Kim Aukamp, Robert Brice, Chris Brodnicki, Julie Gahwiler, Zane Peterson and Acting Chairman Chris Harrison voted aye. Acting Chairman Harrison declared the motion carried.

VI. Appearance of Citizens

No citizen expressed comments.

VII. Comments and Information from Commission Members

No commission member expressed comments.

VIII. Adjournment

There being no further business, it was moved and seconded (Gahwiler/Peterson) to adjourn the meeting. Motion carried unanimously. Acting Chairman Harrison declared the meeting adjourned at 3:40 P.M.