

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

**Regular Meeting - City Council Chambers - Room 301  
Administration Building - Civic Center Complex  
Evansville, Indiana**

**September 15, 2005**

**ROLL CALL**

**Mr. McCarthy:** I would like to call the September 15, 2005 meeting of the Board of Zoning Appeals to order. Will the secretary please call the roll?

**MEMBERS PRESENT**

Derek Dunigan, Alan Groves, Bill Harrison, Roger Herrin, Erika Taylor, Wayne Washington, Burkley McCarthy, Jr.

**MEMBERS ABSENT**

None

**AREA PLAN STAFF PRESENT**

Bradley G. Mills, Executive Director; Beverly Behme, Zoning Administrator; Janet Greenwell, Zoning Enforcement Officer; Donna Holderfield, Zoning Enforcement Officer; Joe Harrison, Jr., Counsel.

**APPROVAL OF MINUTES**

**Mr. McCarthy:** May I have a motion to approve the minutes of the August meeting? (Upon unanimous voice vote, the minutes of the August meeting are approved.)

**Mr. McCarthy:** I would like to welcome you on behalf of the Board of Zoning Appeals and the staff of the Area Plan Commission. The Board of Zoning Appeals is an appointed seven member Board established by State Legislature. It is given the responsibility to hear and act on all appeals, requests for variances from the zoning code and establishment of special uses. Since there are seven members of the Board of Zoning Appeals, to establish a quorum, we must have four members present in order for a petition to be approved or denied. If you do not have four votes to either approve or deny the request, you have the opportunity to go before the Board the next month and be heard again. The denial of a petition for a variance, special use, or an appeal by the Board of Zoning Appeals or the withdrawal of such a petition by the petitioner shall prohibit the Board of Zoning Appeals from hearing the petition for a variance,

special use, or an appeal for the subject property or a part thereof for 12 months from the date of the denial or withdrawal. An exception may be made upon unanimous vote of the Board of Zoning Appeals. In granting a variance or special use, the Board may set any conditions, requirements or limitations that it deems necessary and which are appropriate to implement the principles and purposes of the zoning ordinance. The Board keeps minutes of official action of its proceedings. These minutes and files are public records and are kept in the Area Plan Commission office in Room 312 of the Civic Center Complex. When you come before us, we ask that you state your name and address into the microphone, since everything is recorded and kept as record. The next meeting of the Board of Zoning Appeals is Thursday, October 20, 2005 at 4:00 p.m. in Rom 301 of the Civic Center Complex.

This Board, which by State law, is a quasi judicial body that cannot be contacted by the public prior to the Board of Zoning Appeals hearings, has jurisdiction over two types of petitions. One is special use and the other is variance. Neither of these categories is a rezoning. They are special waivers or special conditions that this Board has authorization to grant to the petitioner. A variance is an application to waive or modify certain requirements of the Zoning Ordinance. It is not a rezoning of the property. In order to receive approval, the following criteria must be satisfied.

The conditions necessary to grant a variance are summarized as follows:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of 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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

In our review of variance requests, the Zoning Code [Section 15.153.164(B)] establishes the criteria that must be applied to each petition. The Code specifically requires that these criteria must all be met for a variance to be granted.

The second category that we have before this Board would be special uses. Certain uses are necessary to the life and economic health of the community. But they have characteristics of the operation that do not readily permit classification in the usual residential, commercial or industrial districts. Special uses are secondary classifications. They are not rezonings. In order for a special use to be approved, the following criteria are used:

1. whether the specific site is the appropriate location for the use;
2. whether the use, as developed, will adversely affect the surrounding

- area;
3. whether there will be a nuisance or a serious hazard to vehicles, pedestrians or residences;
  4. whether adequate and appropriate facilities will be provided for proper operation of the use;
  5. whether the use is in harmony with the Evansville and Vanderburgh County Comprehensive Plan; and
  6. whether the use is essential or desirable to the public convenience and welfare.

The Board of Zoning Appeals approval or modification of a special use classification may include whatever reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest.

To protect public interest and to ensure compliance with requirements to be included in the site plan, the Board of Zoning Appeals may require whatever evidence and guarantees are necessary to assure compliance with conditions, limitations, and temporary uses.

We have one petition that will not be heard this evening.

Now, let's move on to the first petition on the agenda.

**Mr. Joe Harrison:** Mr. Mills, on all petitions tonight, do you swear or affirm that the testimonies you will give are true and accurate so help you God? (Mr. Mills has been sworn in.)

### **OLD BUSINESS** **VARIANCE**

Docket No: 2005-55-BZA Applicant: Danco Construction, Inc.

Common address: 3201 Interstate Drive

Nature of Case: Applicant requests relaxation of zoning code to allow maintenance of a gravel parking lot for two years.

**Mr. Mills:** Danco Construction is requesting variance approval for their property located at 3201 Interstate Drive. Currently, Danco operates a 40,140 sq ft contractor shop on the 2-acre site. They are requesting a variance to allow maintenance of an existing gravel parking area for a period of two years. This petition was continued from last month's meeting by motion and vote of the Board of Zoning Appeals. Danco Construction received Site Review approval on

June 27, 2005 for a new 4-vehicle garage addition to the existing contractor shop and offices on this site. The approval and issuance of the permit were subject to variance approval of the gravel parking/loading area or paving of the rest of the area. This is a request for relaxation of zoning code requirements to allow maintenance of a gravel parking lot for two years.

**Mr. Joe Harrison:** All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Those persons have been sworn in.)

**Ms. Smith Jones:** Sandy Smith Jones. I am part owner of Danco Construction.

**Mr. McCarthy:** This was continued from last month due to the fact that there were a lot of questions that could not be answered. I appreciate you being here. Do you have anything to add?

**Ms. Smith Jones:** I just wanted to request a time limit of two years on paving the portion that is remaining on the lot, due to the fact that we need to complete this one storage building, and have plans to build another storage building in the area that is gravel. If you see where the red trailer is, that is where the one is being built presently. I just need a time limit to get that one finished and then to the left where this trailer is parked, we need more storage. So we would like to build another out-building before we have to pave all of that. If they could relax that variance to give us two years, it would be deeply appreciated.

**Mr. Groves:** So if you were forced to pave it, you are saying you would have to come along and scrape off that asphalt?

**Ms. Smith Jones:** Yes, I would have to tear it out again to elevate the floor to meet the correct drainage.

**Mr. Herrin:** Is this new construction or did you buy it this way?

**Ms. Smith Jones:** This is brand new. We just finished all of this just this past year.

**Mr. Herrin:** How did it get through Site Review without being paved?

**Mr. Mills:** It went through Site Review and showed the area as being heavy-duty pavement. It was not installed.

**Ms. Smith Jones:** From the corner of the building over has not been completed. Everything else is all completed.

**Mr. Joe Harrison:** So you are saying there is pavement on the property, except for this area?

**Ms. Smith Jones:** Yes, except in front of this building is all paved.

**Mr. Joe Harrison:** How much of the area is paved?

**Mr. Mills:** If you look in the packet, you can see the map of the site. It shows the area outlined in black and shows gravel. The remainder of the area has been paved. So from the gravel to the west has been paved around the building.

**Ms. Smith Jones:** The remaining unpaved is not even a fourth of the entire area.

**Mr. McCarthy:** So what you are saying is you have every intention of paving this. It is just that you have pending construction?

**Ms. Smith Jones:** Yes.

**Mr. Washington:** INAUDIBLE QUESTION

**Ms. Smith Jones:** I truly feel if we have two years, we would have it all finished. That is just due to the fact of the time element. We are just extremely busy right now that it is hard to do anything for ourselves.

**Mr. McCarthy:** Are there any remonstrators? (None.) Motion for approval, subject to a two year time limit to pave. (Motion was made and seconded.) Roll call.

Ayes: Mr. Dunigan, Mr. Groves, Mr. Harrison, Mr. Herrin, Ms. Taylor, Mr. Washington, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 2005-55-BZA is approved.

## **NEW BUSINESS** **VARIANCES**

Docket No: 2005-65-BZA Applicant: Sidetrack Tavern/Garry Ice

Common address: (Complete legal on file.) 664 E. Illinois Street

Nature of Case: Applicant requests relaxation of front yard setback from 10 feet to 0 feet, relaxation of side yard setback from 10 feet to 8 feet 8 inches; and relaxation of the amount of

required off-street parking from 70 spaces to 20 spaces for a tavern addition.

**Mr. Mills:** Garry Ice is requesting variance approval for the Side Track Tavern located at 664 E. Illinois Street. Currently, the Sidetrack Tavern is a 1,360 sq ft tavern with a 1,000 sq ft beer garden, and small gravel parking lot on a 0.32 acre lot. They are proposing a 1,643 sq ft addition to the tavern and expansion and redesign of parking. The plans for the proposed new addition include installing a new wall along the west side of the building and the north (rear) wall of the building, extending into the vacant lot at the east side of the building, approximately doubling the side of the tavern. The existing canopy over the entrance extends into the right-of-way of Illinois Street. Mr. Ice has indicated that the front of the building will be on the front property line and will not encroach into the right-of-way as was indicated on the initial site plans. The zoning code requires one off-street parking space for each two customer seats in a tavern. Information from the applicant indicates that the existing tavern has 34 seats and the existing beer garden at the rear of the lot has 20 seats. The new addition is planned to accommodate 85 seats. Parking required for this proposed expansion is 70 spaces. 20 spaces are to be provided on site with the expansion of the existing parking along the west side of the lot and installation of four new parking spaces at the rear of the lot. Applicant has also submitted a written agreement to allow parking for eight additional vehicles on the adjacent body shop property. Parking in commercial districts must be paved with a hard and sealed surface. This is a request for relaxation of the front yard setback from 10 feet to 0 feet, relaxation of the side yard setback from 10 feet to 8'8"; and relaxation of the amount of required off-street parking from 70 spaces to 20 spaces for a tavern addition.

**Mr. Joe Harrison:** All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Mr. Ice was sworn in.)

**Mr. Ice:** My name is Garry Ice, 805 N. Kelsey.

**Mr. McCarthy:** Are there any questions? Are there any remonstrators? (None.)

**Mr. Dunigan:** Will 20 parking spaces be sufficient for your tavern?

**Mr. Ice:** Yes.

**Mr. Dunigan:** What is your busiest night? How many patrons do you get?

**Mr. Ice:** Usually Friday and Saturday nights. I would say we have about 40 people.

**Mr. Dunigan:** And some of them are parking there?

**Mr. Ice:** Yes. And along the street.

**Mr. McCarthy:** Would it be safe to say you have a bit of walk-in neighborhood traffic?

**Mr. Ice:** No, not so much walk-in.

**Mr. McCarthy:** Is there a motion for approval? (Motion was made and seconded.) Roll call.

**Mr. Dunigan:** (During roll call.) My concern is since this is zoned C-4 and we are drastically reducing the parking and the use could change, that we might be short on parking for different uses. But I will vote yes.

Ayes: Mr. Groves, Mr. Harrison, Mr. Herrin, Ms. Taylor, Mr. Washington, Mr. Dunigan, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 2005-65-BZA is approved.

**Mr. Mills:** The variance will run with the land.

**Mr. Dunigan:** So it doesn't matter if the use changes.

**Mr. Mills:** Not if they do an addition where they actually do construct, we can ask them at that time to make changes.

Docket No: 17-2005-APC Applicant: Media Ministries

Common Address: (Complete legal on file.) 16 W. Morgan Avenue

Nature of Case: Applicant requests a special use for a charitable and philanthropic institution.

AND

Docket No: 2005-66-BZA Applicant: Media Ministries/Gary Jossa

Common address: (Complete legal on file.) 16 W. Morgan Avenue

Nature of Case: Applicant requests relaxation of front yard setback from 10 feet to 0 feet and relaxation of side yard setback from 20 feet to 10 feet for construction of a multi-use, youth activities building.

**Mr. Mills:** Gary Jossa of Media Ministries is requesting special use 5 approval and variance approval for their property located 16 W. Morgan Avenue. Media Ministries plans to establish

a non-profit youth program on the 0.41 acre site located on the south side of Morgan Avenue, between North Main Street and Baker Street. A variance is necessary to allow relaxation of front and side yard setbacks. The proposed new 8,820 sq ft "Dream Center" youth programs building will house a gymnasium, activities rooms, and offices. This use requires parking spaces in an amount determined by the Board of Zoning Appeals to be reasonably adequate to serve the public for customers, patrons, visitors, and employees. A 13-space parking lot is planned at the front of the facility. A single, two-way drive is planned from Morgan Avenue to provide access to the 13-space parking lot. The proposed new parking lot requires relaxation of the front yard setback to zero feet. A railroad right-of-way is adjacent across the front (north side) of the property, and the site plans indicate that there will be 18 feet between the proposed new parking lot and the railroad tracks within the railroad right-of-way. Morgan Avenue is adjacent north of the railroad tracks. This site is zoned M-3 and there is an M-3 zoned residence adjacent east of this site. The zoning code requires that in industrial districts, a minimum 20-foot open and unobstructed yard is required adjacent to a residential use. In commercial districts, a 10-foot open and unobstructed yard is required adjacent to a residential use. Media Ministries is requesting variance approval to relax the side yard setback adjacent to the residence from 20 feet to 10 feet. This is a request for special use # 5 approval for a charitable and philanthropic institution and a request for variance approval to relax the front yard setback from 10 feet to 0 feet for the parking lot and relax the side yard setback from 20 feet to 10 feet for construction of the multi-use, youth activities building. The two petitions will require separate votes. The special use is the first vote.

**Mr. Joe Harrison:** All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Those persons have been sworn in.)

**Mr. Jossa:** My name is Gary Jossa, 2070 Long Cove Circle, Newburgh.

**Mr. Cook:** Tim Cook, 1650 Shelton Road, Boonville.

**Mr. McCarthy:** Do you have anything to add?

**Mr. Jossa:** I think it is self-explanatory. We do have a letter from our neighbor for the drywall business next door. It gives us permission to use their parking lot, should we need additional space. But our program is designed for boys and girls that we pick up in vans or buses that walk or ride their bikes to this facility. So we will have very few cars there, probably no more than 7-10 at one time.

**Mr. McCarthy:** Are there any remonstrators?

**Mr. Effinger:** My name is Ralph Effinger. I own the property east of their property. My greatest thing against this is the parking situation. I have to provide parking places for my tenants in my home, which I own 10 and 12 W. Morgan. At baseball time, Garvin Park parking for people that play tennis, basketball and that, I have to park across the street. I am limited to what I can use. When they say they will not have that many cars there, I don't think that will happen. I have seen Fred have his garage there and I had to go over several times to have him get his people away from there. My tenants didn't have no parking. The other things is that I think if you want to build that big a building, you need more ground. This city should increase the parking spaces instead of decrease them. When I went up to the board and built apartments in this area, I couldn't get no relaxation on parking spaces and green ways. I built 8-10 buildings in the last 25 years in this area. That is my point. I think the City does not provide much parking for the park. That is on the north side of Morgan. I am on the south side. I have no street parking at all. I wish you would think of my two old houses there. Thank you.

INAUDIBLE QUESTION

**Mr. Effinger:** Well, that's probably my tenant's car there. That is all the place we got. They will bring that building within 10 feet of that.

INAUDIBLE

**Ms. Montgomery:** My name is Elizabeth Montgomery. I am the property owner at 25 W. Eichel, which will be directly behind the building they will be building. In answer to his question, during the time when the Otters are playing, I have had people come and park on my property. I ask them to move. They have told me if I want their car gone, I will have to have it towed. I have called the police and they said to have it towed. That would be at my expense. I would have to pay the towing company. My objection is the white building that is there now was not in the other photo. When it was built, it was put on a 12 inch concrete slab at the alley way. Is this building also going to be put right at the edge of the alley? We had problems in the past with drainage. The rain would run down the alley and into my property. It flooded my side yard. If this building is built similar to the one that is there now, it will cause the drainage problem to be even worse.

**Mr. Mills:** The building plan that is in your packet shows that the building is going to be four feet off of the property line, which is adjacent to the alley.

**Mr. Jossa:** I sympathize with them and their concerns. But I think their concerns are more with the Otters and other events that are held at Bosse Field, rather than what we are proposing to do. We have some 300 boys and girls that are in great need of these services. We do not want to hamper or hurt the neighbors. We want to be a good neighbor and try to bring the much needed help to that community. The parking issue seems to be the biggest

issue here. We have a letter from our drywall neighbor giving us permission to use their parking. Our functions are in the evenings after school. Kids to not drive cars. We have a youth program.

**INAUDIBLE QUESTION**

**Mr. Cook:** I would guess there are about 20 on their lot. I don't know that it is all marked. But it is a fairly new building.

**Mr. McCarthy:** So you are anticipating more drop off and pick up traffic.

**Mr. Jossa:** Most of ours will be the kids walking, riding their bicycles or using the vans. We are contemplating a bus too. But that is the extent of it. We may have one or two extra vehicles a night. That is the extent of it.

**Mr. McCarthy:** What hours are we talking about?

**Mr. Jossa:** We propose to have after school activities from 3 to 5:30 or 6. Then we will have a hot meal program for the kids. We will have bible study and other youth activities, mentoring programs, etc. That goes till about 8. We will have a recreational program that will go as late as 9. But that would be the extent of the hours.

**Mr. Cook:** As far as the drainage issues, we realize there may be some but we will meet all the City requirements.

**Mr. Mills:** It will have to go through Site Review and the City Engineer will be able to review that.

**Mr. Joe Harrison:** Do you have a copy of the letter you were talking about that we can submit for the record? Thank you.

**Mr. Herrin:** You will have five vans and a bus. Will that be permanently parked on that lot?

**Mr. Jossa:** At this point, two or three of the vans are drive home vans that go with the volunteers or employees. I don't expect more than three vehicles sitting there. One we are not sure of the extent of vandalism. That is a concern we have. So we are not going to leave many vehicles outside.

**Mr. McCarthy:** Is there a motion for approval for the special use? (Motion was made and seconded.) Roll call.

Ayes: Mr. Harrison, Mr. Herrin, Ms. Taylor, Mr. Washington, Mr. Dunigan, Mr. Groves, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 17-2005-APC is approved.

**Mr. McCarthy:** Now for the variance. (Motion was made and seconded.) Roll call.

Ayes: Mr. Herrin, Ms. Taylor, Mr. Washington, Mr. Dunigan, Mr. Groves, Mr. Harrison, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 2005-66-BZA is approved.

Docket No: 18-2005-APC Applicant: Evansville ARC

Common Address: (Complete legal on file.) 703-709 W. Virginia St., 512-514 Oakley St.

Nature of Case: Applicant requests a special use for a parking lot.

AND

Docket No: 2005-67-BZA Applicant: Evansville ARC

Common address: (Complete legal on file.) 703-709 W. Virginia St., 512-514 Oakley St.

Nature of Case: Applicant requests relaxation of hard surface parking lot requirement to allow un-paved parking facilities for a period of one year, and relaxation of side yard setback from 10 feet to 0 feet along Oakley Street for new parking lots.

**Mr. Mills:** Evansville ARC is requesting special use 10 approval and variance approval for their properties located at 703-709 W. Virginia Street and 512-514 Oakley Street. These two sites are adjacent west across Oakley Street from the Evansville ARC building. ARC plans to construct a new parking lot at the northwest corner of Virginia and Oakley Streets and expand an existing parking lot on Oakley. Variances requested are to relax setbacks along Oakley Street and to allow gravel for a period of one year. This variance is a request to relax the green space requirement along Oakley Street to 0 feet for the proposed new 60-space parking lot at the northwest corner of Oakley and Virginia Streets. The proposed 30-space parking lot on Oakley Street is an expansion of an existing parking lot that was requested by Deaconess Hospital and approved for SU-10 and green space variances in March, 2002. Evansville ARC proposes to expand the parking lot into one additional lot to the north, and is requesting SU-10 and variance approval for that lot. ARC is requesting to allow gravel parking on both parking lots for a period of one year. The preliminary site plan indicates that one new

curb cut is planned along Oakley Street for the parking lot at 512-514 Oakley Street. No curb cuts or access drives are planned for the 60-space lot at the northwest corner of Oakley and Virginia Streets. Access for the corner parking lot is planned from the public alley along the north property line. This is a request for SU-10 approval to allow installation of new parking lots and a request for variance approval to allow relaxation of the setback from Oakley Street right-of-way to Zero feet and to allow use of gravel for the parking lots for one year. The two petitions require separate votes. The special use is the first vote.

**Mr. Joe Harrison:** All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? Mr. Nicholson has been sworn in.)

**Mr. Nicholson:** My name is Bill Nicholson. I am here representing ARC. Tony Winstead is here to answer any questions on behalf of ARC. The parking in the vicinity of Deaconess Hospital is pretty slim to none. There is a lot of other businesses that occupy not only their parking lots but street parking leaving very little open space. The ARC building was designed with a ramp and parking on its roof. Years of continual use and the maximum daily parking have presented problems that needed to be addressed. Maintenance and leaking problems demands something be done as soon as possible. They have bought several properties. Most of them have been cleared. The proposed parking lot will provide about 90 spaces and four additional handicapped spaces. They had an opportunity to buy property on the south side of Virginia Street, but with handling of handicapped people and crossing Virginia Street, it would present a greater problem. This is probably the best location for the parking. It is adjacent to their building on the west of Oakley. Very little traffic is generated on Oakley Street. I prepared a drawing showing the proposed green space. We are asking for relaxation along Oakley to zero feet. INAUDIBLE PORTIONS-AWAY FROM MIC. I would be glad to answer any questions.

**Mr. Dunigan:** The need for a one year extension on paving is financial?

**Mr. Nicholson:** With the removal of those houses and filling the basements, etc., there is bound to be some settling. That would help that from that aspect.

**Mr. McCarthy:** Evansville ARC is not currently the owner of 709 W. Virginia Street. But I have a letter from the property owner that I will read into the record. It is dated September 13, 2005. "To Whom it May Concern: I, Nancy J. Luzar, have no objections to the parking lot project for Evansville ARC going forward as filed with the Area Plan Commission." It was signed by Nancy J. Luzar. Are there any questions? Are there any remonstrators? (None.) (Motion was made and seconded for the special use.) Roll call.

Ayes: Ms. Taylor, Mr. Washington, Mr. Dunigan, Mr. Groves, Mr. Harrison, Mr. Herrin, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 18-2005-APC is approved.

**Mr. McCarthy:** Now for the variance, subject to a one year time limit. (Motion was made and seconded.) Roll call.

Ayes: Mr. Dunigan, Mr. Groves, Mr. Harrison, Mr. Herrin, Ms. Taylor, Mr. Washington, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 2005-67-BZA is approved.

Docket No: 2005-68-BZA Applicant: Delta Properties, LLC

Common Address: (Complete legal on file.) 6600 Hank Drive

Nature of Case: Applicant requests relaxation of access drive limitations from one drive to two drives within less than 200 feet of frontage, and relaxation of the distance between parallel access drives on the same property from 50 feet to 0 feet for installation of driveways.

**Mr. Mills:** Evan Beck is requesting variance approval for the Delta Properties site located at 6600 Hank Drive. This is a vacant 6.14 acre lot located at the terminus of the cul-de-sac of Hank Drive. Delta Properties is proposing a new 19,420 sq ft office & warehouse with two curb cuts on the site. Mr. Beck submitted site plans for review by Site Review Committee in July, 2005. One of the items identified by Site Review during the initial review of this proposed new development was noncompliance with the curb cut restrictions of the zoning code: lots with 0-200' of frontage are allowed one curb cut. On August 22, 2005, a revised site plan indicating only one curb cut for the project was submitted and approved by Site Review Committee. Mr. Beck has filed for variance approval to allow the second curb cut to be installed on the cul-de-sac lot. This is a request for relaxation of access drive limitations from one drive to two drives within less than 200 feet of frontage, and relaxation of the distance between parallel access drives on the same property from 50 feet to 0 feet for installation of driveways.

**Mr. Joe Harrison:** All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Mr. Wallace has been sworn in.)

**Mr. Wallace:** My name is Matt Wallace with Morley & Associates. I am the engineer for this project. The owner is Delta Properties. The tenant will be Sigecom. They want to relocate

their business to this property. The site plan in your packet shows the proposed building that will be built at this time. I have another site plan to pass out that shows possible future expansion and an area for a call center that may be built in the future. I think it will help to show the reason for the two curb cuts. Sigecom has vans that go around to do the maintenance and installation for new and existing customers. The curb cut to the south would be the truck entrance to bring in the new supplies to come into the building, and also the entrance for the vans and trucks that maintenance uses. The second entrance would be for the people within the office, as well as customers who come for new business or to pay their bill. The expansion could be a second user or an expanded call center for the technical assistance phone lines. They are wanting to segregate those two uses between caller traffic and the trucks and the van traffic. We feel that would be advantageous to them as far as safety goes. We are on the end of a cul-de-sac and there won't be any other traffic coming by. We don't see this as a traffic hazard or detrimental to other users in the area.

**Mr. McCarthy:** Are there any questions? Are there any remonstrators? (None.) Motion for approval? (Motion was made and seconded.) Roll call.

Ayes: Mr. Washington, Mr. Dunigan, Mr. Groves, Mr. Harrison, Mr. Herrin, Ms. Taylor, Mr. McCarthy

Nays: None

There being 7 affirmative votes, Docket No: 2005-68-BZA is approved.

Meeting adjourned.

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Burkley McCarthy, Jr., Chairman

Attest:

The undersigned secretary certifies that the foregoing are minutes and not intended to be a verbatim transcript. Audio tapes of the proceedings are on file in the Area Plan Commission office.

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Bradley G. Mills, Executive  
Director/Executive Secretary

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Karen Yokel, Transcriber