



**MEETING MINUTES
NEW HAVEN BOARD OF ZONING APPEALS**

DATE: April 20th, 2022, at 6:00 p.m.
LOCATION: New Haven City Hall Council Chambers (Room 135B)
815 Lincoln Highway E. New Haven, Indiana

Members in Attendance

MEMBER	MEMBERSHIP TYPE	P	A
Mickey Hill, President	Citizen Member	X	
Scott Eagleson, Vice President	Citizen Member	X	
Leslie Chalfant	Citizen Member		X
Phil Talarico	Citizen Member	X	
Rick Trabel	Citizen Member	X	

Staff Members in Attendance

- Rob Gutierrez, Planning Director
- Brian Acheff, Planning & GIS
- Jen Basting, Administrative Assistant
- Attorney Pat Hess

Meeting was called to order at 6:00 p.m. by Mickey Hill.

For the first order of business, the Commission discussed the officers for 2022. Scott Eagleson nominated Mickey Hill for President. Rick Trabel seconded the nomination. Scott Eagleson nominated Rick Trabel for Vice President. Mickey Hill seconded the nomination. Mickey nominated Zoning Administrator for Secretary. Scott Eagleson seconded the nomination. The board voted unanimously to elect officers for 2022 as nominated.

The Commission reviewed the minutes of the August 18, 2021, meeting and made no changes. Scott Eagleson motioned to approve the minutes of the August 18, 2021, meeting. Rick Trabel seconded the motion, and the motion unanimously approved.

22-BZA-01 Variance for The Tube

PROPOSAL: Variance 22-BZA-01 The Tube Carwash (645 Lincoln Highway West)
APPLICANT: Josh Neal of Barrett McNagny LLP on behalf of The Tube Inc.
REQUEST: To vary from Section 157.409 Sign Standards of the New Haven Unified Development Code to allow for signage that does not conform to. The Tube Inc. is requesting to construct and install a



City of New Haven

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815 Lincoln Highway East | New Haven, IN 46774

pylon sign measuring approximately seventeen feet (17') in height, including an electronic message center measuring approximately eleven feet (11') wide and seven feet (7') tall. The electronic message center, while larger than the allowed Zoning Ordinance, is intended to replace the static panel for an overall square footage that is still within the parameters defined by the Zoning Ordinance.

Josh Neal gave their presentation to the Commission and the residents. The public hearing was open to comments and questions on the Variance 22-BZA-01. After questions from the residents, the public hearing was closed. The commission then had a chance to ask questions and voice concerns to the applicant.

Staff is making **no recommendation** variance petition 22-BZA-01. Staff recommend that the Board look to Indiana Code to form its decision.

IC 36-7-4-918.5 Board of Zoning Appeals; Variance from Development Standards

Sec. 918.5. (a) A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. The board may impose reasonable conditions as a part of the board's approval. A variance may be approved under this section only upon a determination in writing that:

- (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. However, the zoning ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by this subdivision.

Staff has no conditions to recommend on this petition.

Following the comments by staff, and general discussion by the Commission, Scott Eagleson motioned to approved 22-BZA-01 Variance for The Tube Inc. along with staff recommendations and Findings of Fact and conditions as presented. The motion was seconded by Rick Trabel and was approved with a 4-0 vote. The Variance for 645 Lincoln Highway West was accepted.

Next meeting: May 18, 2022, at 6:00 PM in Council Chambers, 815 Lincoln Highway East, New Haven, Indiana.

With no other business to come before the Commission, Scott Eagleson made a motion to adjourn. Phil Talarico seconded the motion, and the motion was unanimously approved.

President

Secretary