

**MINUTES OF
Rensselaer Board of Zoning Appeals Meeting 2023-07
Thursday, September 7, 2023 at 6:30 pm CST**

I. Call to Order: The members of the Rensselaer Board of Zoning Appeals met on Thursday, September 7, 2023 in City Hall Council Chambers. Board Chairman Stan Haines called this meeting to order at 6:30 pm CST. Building Commissioner, Joshua Davis, was asked to proceed with roll call.

II. Roll Call:

Present: Chairman - Stan Haines, Vice Chair - Sean Cawby, Secretary - Rob Dobson, Jeff Rayburn and Chad Gutwein.

Absent: Scott Malone

Guests: City Attorney - Jacob Ahler, Building Commissioner - Joshua Davis, Plan Commission Secretary - Jessica Call, Robert Schenk, Doug Harris and Russ Overton.

III. Approval of Past Minutes: Chairman Haines presented the minutes from the past BZA Meeting 2023-06, held on Thursday, August 10, 2023. Rayburn made a motion, seconded by Dobson.

Motion Passed.

IV. Old Business: None

V. New Business:

A. Variance from Developmental Standards; Accessory Structure in Front Yard - John

Doughty: Commissioner Davis presented this application since Mr. Doughty was unable to attend due to his work schedule. Commissioner Davis explained this petition was the result of a routine neighborhood inspection after a complaint about another property had been received. Mr. Doughty was sent a preliminary warning letter for erecting an accessory structure in his front yard, which is not permitted. Instead of removing the carport, Mr. Doughty elected to petition the Board for a variance. There was discussion on other properties with the same accessory structures, in which Commissioner Davis explained that any accessory structure put up prior to 2008 was irrelevant, since that was the last time city ordinances were updated. City Attorney Ahler reiterated his point from the Plan Commission meeting that even though the Zoning Ordinance has not been updated in fifteen (15) years, it's the BZA's duty to enforce the ordinance as it stands.

Chairman Haines explained that in order to approve the Variance from Developmental Standards, all members must approve the following paragraphs, following with a roll call vote. *(This procedure for a vote includes 6 paragraphs; these are listed as items a. through f. on page 10 in Chapter 28: Rensselaer Zoning Ordinance. If any one of these does not pass, then the application is denied). Commissioner Davis then read the following paragraphs and followed with a roll call vote...

Chairman Haines said having heard paragraph a., he would entertain a motion. Motion made by Rayburn, seconded by Dobson. **Motion Passed.**

Chairman Haines said having heard paragraph b., he would entertain a motion. Motion made by Dobson, seconded by Cawby. **Motion Passed.**

Chairman Haines said having heard paragraph c., he would entertain a motion. Motion made by Dobson, seconded by Cawby. **Motion Passed.**

Chairman Haines said having heard paragraph d., he would entertain a motion. Motion made by Rayburn, seconded by Dobson. **Motion Passed.**

Chairman Haines said having heard paragraph e., he would entertain a motion. Motion made by Cawby, seconded by Dobson. **Motion Passed.**

Chairman Haines said having heard paragraph f., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Since the petition passed all six conditions Chairman Haines entertained a motion to grant the variance. Motion made by Cawby, seconded by Dobson. Commissioner Davis proceeded with a roll call vote.

Chairman Haines:	Yes	Cawby:	Yes
Dobson:	Yes	Rayburn:	Yes
Malone:	Absent	Gutwein:	Yes

Motion Passed and the Variance from the Developmental Standards was granted.

- B. Variance from Developmental Standards; Illuminated Sign in Residential District - First Assembly of God AKA Brookside Church:** The Petitioner was represented by their Pastor Doug Harris. The Petitioner stated they believe their church is a welcoming gate into Rensselaer due to its location next to the park at 615 W Clark St. The Petitioner has made several improvements to their church's property recently, including new siding, pressure washing and clearing out burn piles and debris on the property. The original sign was installed approximately in the 1970's, and they would like to replace it with a video message board. The Petitioner contacted the Building Department to acquire a Sign Permit and was informed their property is in a residential zone and that type of sign is prohibited in that zone. The Building Department advised them to petition for a variance and to pay special attention to how a sign of this type would impact their immediate neighbors. The Petitioner explained that they are more than willing to work with neighboring properties and that if it is required to turn the illuminated sign off at night, it would get done. They proposed to turn the video message board off two (2) hours after dusk during winter months and at dusk during the summer months. Commissioner Davis clarified that according to Indiana DNR hunting guidelines dusk is defined as 30 minutes after sunset. Commissioner Davis also suggested that the variance should stipulate they be allowed to maintain the sign in its current location as this type of structural change would require the sign to abide by the current zoning setbacks. Attorney Ahler then suggested that instead of using seasons to determine when the sign would be shut off, to use specific dates, to eliminate any future confusion.

Chairman Haines explained that in order to approve the Variance from Developmental Standards, all members must approve the following paragraphs, following with a roll call vote. *(This procedure for a vote includes 6 paragraphs; these are listed as items a. through f. on page 10 in Chapter 28: Rensselaer Zoning Ordinance. If any one of these does not pass, then the application is denied). Commissioner Davis then read the following paragraphs and followed with a roll call vote...

Chairman Haines said having heard paragraph a., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Chairman Haines said having heard paragraph b., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Chairman Haines said having heard paragraph c., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Chairman Haines said having heard paragraph d., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Chairman Haines said having heard paragraph e., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Chairman Haines said having heard paragraph f., he would entertain a motion. Motion made by Dobson, seconded by Gutwein. **Motion Passed.**

Chairman Haines entertained a final motion for approval, based on the two (2) conditions listed:

1. From April 1 to September 30 the sign will be turned off at dusk
From October 1 to March 31 the sign will be turned off two (2) hours after dusk.
2. Setback requirements have been waived.

Motion made by Rayburn, seconded by Cawby.

Commissioner Davis proceeded with a roll call vote.

Chairman Haines:	Yes	Cawby:	Yes
Dobson:	Yes	Rayburn:	Yes
Malone:	Absent	Gutwein:	Yes

Motion Passed and the Variance from the Developmental Standards was Granted with the two conditions.

VI. Adjournment: Chairman Haines adjourned the meeting with a motion by Rayburn, seconded by Gutwein.

Motion Carried. Meeting adjourned at 7:27 pm CST.

Next Meeting: TBD

Minutes Prepared by: Plan Commission Secretary, Jessica Call