

Agenda Item #1

Case Number	BZNA-0085-2020	Acreage	1.00 acre
Address	1302 South 16 th Street	Zoning	R-4 (Moderate- to High-Density Single-Family Residential/Two-Family)
Owner	Teresa Coonce	Reviewer	David Hirschle, AICP
Applicant	Annette Snyder and Richell Vaughn	BZA Meeting	August 3, 2020

Requested Action:

Variance from Unified Development Ordinance § 8.B.5.B. and Appendix C (Official Schedule of Uses) – Variance of Land Use application to establish a fitness studio in a former auto repair shop building in an R-4 (Moderate- to High-Density Single-Family Residential/Two Family) zoning district.

Recommendation:

Approval, with conditions. See Findings of Fact on page 3 and Recommendation on page 5.

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ANALYSIS

This R-4-zoned property is located on the east side of 16th Street, east of the T-intersection of South Street and 16th Street. It is surrounded by residential zoning and residential uses in all directions, with wooded I-1-zoned land owned by Firestone Rubber Company further to the north. The parcel contains a commercial building within which the applicant wishes to establish the proposed use, a single-family residence, and about two acres of generally wooded land in its eastern half.

The commercial building was constructed in 1968 for equipment storage. Records indicate that Smitty's Body Shop operated at the site from at least 1984 until 1994, when the Board heard a Land Use Variance allowing establishment of a new non-conforming use on a parcel already exhibiting a non-conforming use. In that case, Ultimate Images Auto Detailing and Accessories replaced Smitty's Body Shop, but did not stay in business very long.

During the period from 1995 to 1997, there was over a one-year period when no commercial operation was conducted from the building, effectively ending the grandfathering of commercial use at the site. In 1997, the Board heard a Land Use Variance application for establishment of a car repair business on the site. After that approval, Mendell's Auto Repair operated from the site until Mr. Mendell's retirement closed its doors in June 2020, and the building remains empty pending the decision in this case. The 1997 Land Use Variance approval carried with it a condition "that this Land Use Variance be specific to this property and owner and that the approval not run with the land." This means that another auto repair business could not simply move in and take over where Mendell left off, nor could any other use not permitted in the R-4 zoning district.

The applicant proposes to establish a fitness studio in the commercial building. A "Health/Fitness Facility" is listed as a Recreational Use in the UDO's Schedule of Uses and is a Permitted use in the GB (General Business), DT (Downtown), and PB (Planned Business) zoning districts. It is not listed as a Conditional Use or a Permitted Use in any other zoning district. Seventy-five percent of the studio's offerings would be classes for 12 to 15 students, while the other twenty-five percent would comprise individual instruction for 1 to 3 people. Classes of between 30 and 75 minutes are proposed every day of the week, mainly in the mornings and evenings. The specific anticipated schedule is included in the applicant's Application, contained herein.

Proposed improvements include the removal of the two larger overhead doors and replacement with conventional wall and windows. Existing vegetation along the south property line is thick and serves as a good buffer from residential uses. Every aerial photograph from 2004 to the present shows the location of the dumpster at the south side of the entrance drive. This should be rectified, as it poses sight line problems for drivers and possible interference with traffic flow when being emptied. The Ordinance requires the dumpster to be located behind the plane of the front wall of the building, and provided with fencing and landscaping.

The Comprehensive Plan adopted in February 2020 recommends "Mixed Residential" for the portion of the property where the structures are currently located. The "Mixed Residential" classification "encourages a variety of housing types with accompanying mixed-use retail and office located along intersections and corridors." For the wooded portion of the property, the Comprehensive Plan recommends "Commercial-Neighborhood," which includes smaller-scale retail uses. The 2013 Comprehensive Plan recommended "Commercial" for the entire property, as did the 2003 Comprehensive Plan Update; however, the City has not taken steps to rezone the land to promote commercial use, and the zoning remains R-4. If it is important for the City to end the commercial use of this residentially-zoned building, then the ceasing of the automotive use represents a good opportunity for a stopping point. If, on the other hand, commercial use on this site is not objectionable, then the proposed use represents a lower-intensity use than automotive-related uses.

The parking area is currently as asphalt slab with no curbing, striping, or landscaping. The UDO requires one parking space for every 150 square feet of building floor area, meaning the proposed use requires 20 parking spaces. There is enough area to accommodate this number, but additional paving will likely have to be placed. If this application was being considered as one nonconforming use replacing another (and no structural alterations were being proposed), the application could be reviewed under the following UDO section:

"If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this ordinance."

IF this was the case, the Board might perhaps not require curbing and landscaping of the parking lot, for example. However, the grandfathered status of commercial use of the property was lost during the period of 1995-1997 when the structure sat empty for more than one year (the 1997 Staff Report confirming this is included as an Exhibit, as are the minutes from the BZA meeting for the item). The 1997 Land Use Variance approval to allow Mendell's turned that "Prohibited" use in the R-4 to a "Permitted" use through Board approval. Any new proposed use must stand on its own, and cannot rely on being classified as "grandfathered." The point of all of this is to relate that any parking area established for a new use of the property will have to conform to UDO requirements, including striping, curbing, landscaping, and lighting. Staff will simply recommend that this item be required to appear before the Technical Advisory Committee.

VARIANCE OF USE FINDINGS for AGENDA ITEM #1:

A Variance of Land Use may be approved only upon a determination in writing that the following five State standards are met (see Indiana Code § 36-7-4-918.5). The BZA may impose

reasonable conditions as part of its approval. The bold text below each numbered standard represents staff's explanation as to how the standard has or has not been met.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

It does not appear that the proposed use will adversely affect public health, safety, morals, or general welfare. The use is less intense in terms of visual impact and hours of operation per day, and, if recommended conditions are attached, would lead to specific safety improvements. This standard appears to be met.

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;

There is no evidence that the use or value of adjacent property will be compromised. Staff is not aware of any specific degrading of the ability to use adjacent land, or adverse impact on property value, stemming from the previous automotive use, and the proposed use appears less intense than the previous use. There is at least one resident opposing this application (letter included in this Staff Report), but she does not claim reduction of use or value of her property. This standard appears to be met.

3. The need for the proposed variance arises from some condition peculiar to the property involved;

The condition peculiar to this property, requiring the Land Use Variance application, is the zoning of the property as R-4. This standard has been met.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;

Strict application of the terms of the zoning ordinance would require that the structure be utilized for a single-family dwelling, two-family dwelling, residential care home, fire or police station, government office, or public service facility as "Permitted" uses. "Conditional Uses" include bed & breakfast establishment, board or lodging house, temporary shelter, townhouse, school, church, and library. With the possible exceptions of the fire station and temporary shelter, it seems clear that the type of construction of the building and its layout of spaces do not lend themselves to the listed uses. Strict application could very well cause the structure to remain vacant. This standard appears to be met.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana.

The Comprehensive Plan adopted in February 2020 recommends "Mixed Residential" for the portion of the property where the structures are currently located. The "Mixed

Residential” classification “encourages a variety of housing types with accompanying mixed-use retail and office located along intersections and corridors.” While the proposed use does not include retail services, retail services generally have a higher traffic volume than service-type uses, and so the proposed use represents a lower-intensity use than that envisioned by the Comprehensive Plan with its retail-plus-accompanying-residential recommendation. For the wooded portion of the property, the Comprehensive Plan recommends “Commercial-Neighborhood,” which includes smaller-scale retail uses. This standard appears to be met.

RECOMMENDATION for AGENDA ITEM #1:

APPROVE the requested Variance of Land Use based upon the Findings of Fact above, with the following conditions:

1. An approval shall not run with the land, but shall be valid only for this applicant. At such time that the applicant no longer operates the use at this site, future use shall be limited to “Permitted” uses within the R-4 zoning district.
2. The use shall not exhibit a ground sign, but shall be allowed a wall sign.
3. The applicant shall cause alterations of the façade to remove the two garage doors on the western face of the building at its southern end and the conversion of that façade to one reasonably similar to that shown in the building elevation submitted with the Variance application.
4. There shall be no enclosed expansion of the subject building by greater than two hundred (200) square feet, other than that approved by the Board through a new hearing.
5. The dumpster shall be moved to be compliant with the UDO, and fenced and landscaped in accordance with the UDO.
6. A subdivision of land shall be completed so that the structures at 1300 South 16th Street and 1302 South 16th Street sit on different parcels of land.
7. The development shall be reviewed by the Technical Advisory Committee and implement its requirements prior to occupancy.
8. The Petitioner shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Department of Planning and Development.
9. Any alterations to the approved land use or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Development Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

Exhibit 2

BZNA-0085-2020



July 9, 2020

□ Parcels



**CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
VARIANCE OF LAND USE APPLICATION**

Application Number: BZNA-0085-2020

The undersigned requests a Variance of Land Use as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: The Apto Cella - Fitness Studio

Common Address: 1302 S. 16th Street Noblesville, IN. 46060

Applicant Name: Annette Snyder/ Richell Vaughn

Applicant Address: 333 Whispering Willow Court/ 2390 North Harbour Drive

Applicant City/State/Zip: Noblesville, IN 46060/46062 E-mail: indysnyder99@gmail.com/

Applicant Phone #1: 317-523-0849/ Phone #2: _____ Fax: _____
317-260-8263

Owner Name: Teresa and Wm Dean Coonce

Owner Address: 1300 S. 16th Street

Owner City/State/Zip: Noblesville, IN 46060 E-mail: tlcampbellcoonce@hotmail.com

Owner Phone #1: 317-938-1218 Phone #2: _____ Fax: _____

Property Location: Not located in a recorded subdivision, see legal description attached.

Subdivision Name: Smith Hill

Subdivision Section: 6 Lot Number: 2 Last Deed of Record Number: _____

Existing Land Use: Residential and Commercial

Common Description of Request: Request to repurpose an auto repair shop into a fitness studio.

Zoning District of Property: R-4 Code Section(s) Appealed: UDO § 8.B.5.B & Appendix C

Date: 06/29/2020 Applicant's Signature: Annette Snyder, Richell Vaughn

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Land Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Land Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

Upon approval, our request for variance of land use will be quite the opposite of injurious to the community of Noblesville. Our proposed use of the land at 1302 S. 16th Street will benefit the people of Noblesville and surrounding areas by encouraging health, well being and an over all deeper sense of 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 by the approval of this variance request. Explain why this statement is true in this case:

The areas adjacent to the property will retain their use and value as they currently have. Our plans are to complete improvements to the exterior of the existing building and add landscape. We only look to improve what already lines the property between our business and the surrounding neighbors along with maintaining the existing green space.

3. The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

The property has existed as a combined residential (1300 S. 16th St.) and commercial (1302 S. 16th St) since the property was developed in the 1960's. The building at 1302 S. 16th St. has been the location of an auto repair business and an auto body shop prior to that. With the sale of this property, it will revert back to the original R4 Residential Zoning. The original building at 1302 S. 16th St. was built for commercial purposes and will continue to serve that purpose as a fitness studio.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:

The design of the current building at 1302 S. 16th St. does not lend itself to the conversion of a single family residential use. The concrete block construction with large garage doors was specifically built originally to serve the purpose of housing construction equipment and after that to operate auto repair businesses. The current owner would find it difficult to sell the property to someone looking to use the existing building as a single family residence.

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:

With approval, our variance of land use lines up directly with Noblesville's Master Plan and the City's goals for the upcoming years. The current land use policies are mirrored with our wish to redevelop a current structure without disrupting the surrounding neighborhoods and/or businesses. The area at 1302 S. 16th St. is currently inventoried for "other services" and zoned for Infill/Redevelopment. As laid out in the Land Use Plan, the guiding principals encourage attractive and diverse development, both of which we believe are at the forefront of our business plan when redeveloping the space. Within the City of Noblesville, and per it's planning, we too are in line with acquiring a business that puts an emphasis on quality construction and community connection along with a strategic theme allowing for minimal cost regarding infill and redevelopment. In addition, the land is centrally located between Pleasant Street and SR 38, which is currently or proposed to be a corridor off SR 37 and Greenfield Avenue. Overall, I believe our vision for this land matches up with what the City of Noblesville has in mind when looking toward the future for business and community growth.

Narrative Statement:

We are requesting the variance of land use with the idea of repurposing an auto repair business of twenty-five years into a fitness studio. It sounds crazy, but oddly enough, the space is perfect for our proposed plan.

Building on a friendship of fourteen years, we feel ready to start a business together and are looking to bring a space to Noblesville that will not only foster a healthy lifestyle, but also build connection through community.

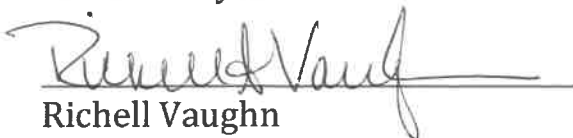
Our knowledge of fitness and our passion to uplift, encourage and support others is our driving force and we have the confidence to know it will be a success. Together through many endeavors, most of which consisted of volunteering in our schools and community, we have shown leadership skills and the ability to be successful at anything tasked to us.

We now have the opportunity to bring to our community, and surrounding communities, a place to connect, to be mindful and to be healthy. Our proposed plan will set us apart from similar businesses because our focus will be on group classes suited for every BODY! There is strength in numbers and we plan to foster that idea fully. When the discussion began about taking our ideas and making them a reality, we could think of nowhere else we'd rather build this fitness community than in our hometown of Noblesville. We have been looking at various properties in the area for a while and feel we have finally found the location that fits our needs and will allow us to bring our vision to life. The property at 1302 S. 16th Street is what we believe to be the perfect space right in the heart of Noblesville and our hope is to give not only the surrounding residents a place to call their fitness home, but anyone in or around the City of Noblesville.

Thank you for your time and consideration,



Annette Snyder



Richell Vaughn

Dated: June 28, 2020

The Apto Cella Hours of Operation, Sample Class Schedule, Students per Class and Personal Instruction

Hours of Operation

Monday – Saturday: 6:00am – 8:00pm

Sunday: 12:00pm – 8:00pm

**Hours are contingent on class schedule but not to extend before or after hours listed above. Class duration will vary from thirty to seventy five minutes depending on type of class. Studio may remain closed when classes are not in session.

Sample Class Schedule

Monday/Wednesday/Friday: 9:30am – Yoga Class

11:00am – Yoga Class

5:30pm – Yoga Class

6:45pm – Restorative Class

Tuesday/Thursday: 6:30am – Express Class

9:30am – Barre Class

4:30pm – Yoga Class

6:00pm – Yoga Class

Saturday: 9:30am – Yoga Class

Sunday: 7:00pm – Restorative Class

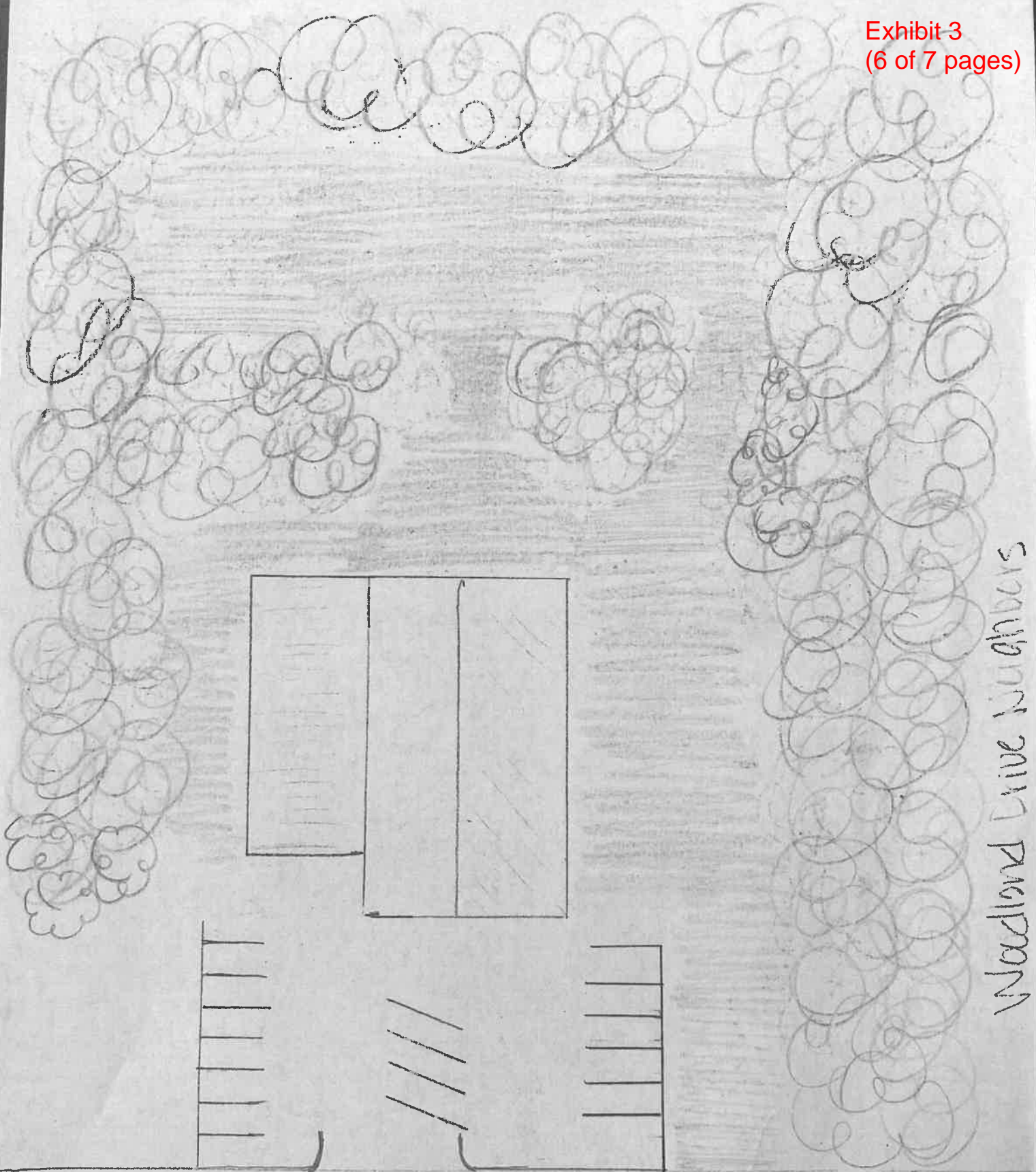
Students per Class

Most classes will allow for between 12-15 students, depending on the class type. To be in compliance with the Governor's/State order during the Pandemic, class size may vary representing a lower attendance.


Private/Individual Instruction


We do plan to offer Personal Instruction in a 1:1, 1:2 or 1:3 formats depending on the client preference. Private Sessions/Classes will be available but not scheduled outside the listed hours of operation.

At this time, we anticipate this portion of our business to be around, but not more than, 25%.



Woodland Drive Walkways

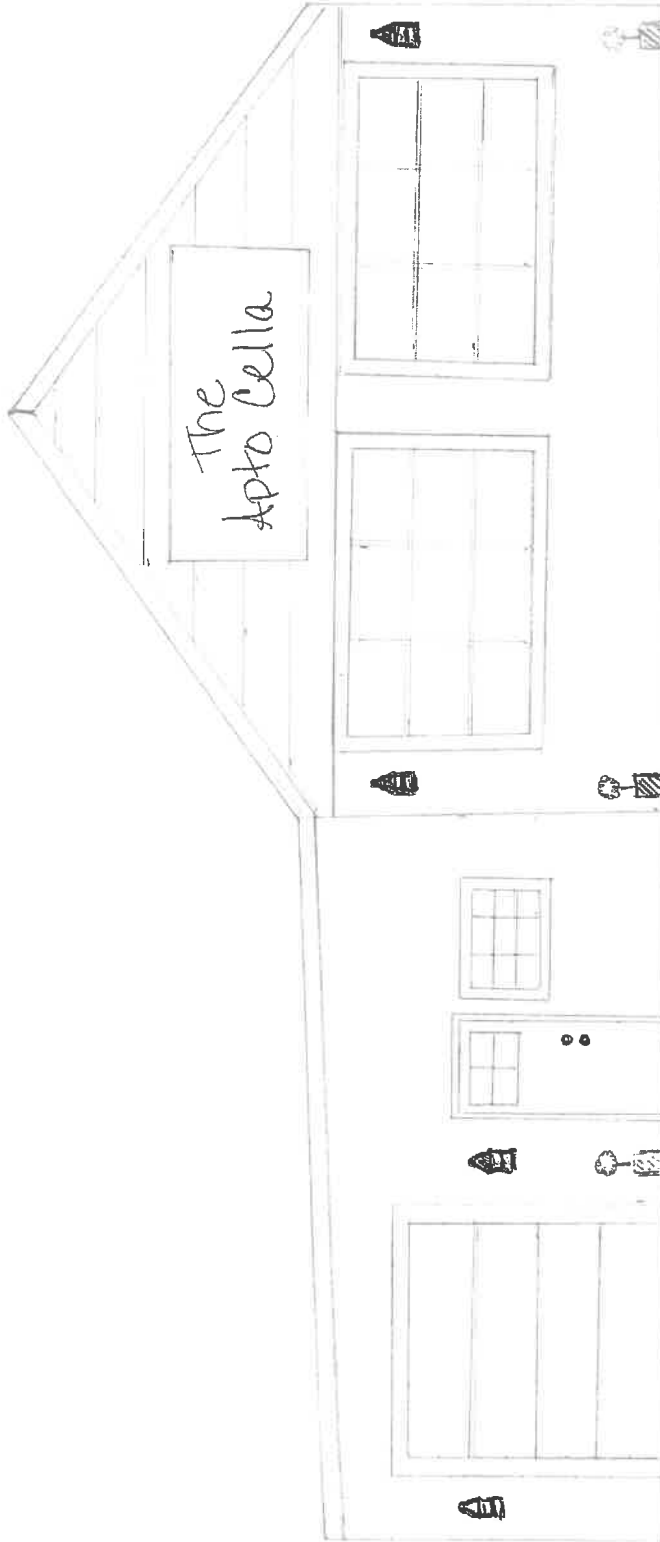
 flat useable green space

 fully wooded green space

S. 110th Street

Proposed for
1302 S. 10th Street
Noblesville, IN 46060

Exhibit 3
(7 of 7 pages)



Rhennell Vaughn
317-260-8263
Annette Snyder
317-523-0850

Exhibit 4 (1 of 2 pages)



Photo 1: Looking west from 16th Street



Photo 2: Looking northwest toward 16th Street

Exhibit 4 (2 of 2 pages)



Looking northeast toward single-family residence on same parcel

Hello

7-27-20

My name is Brenda Lunsford. My husband Brian and our two sons live across from the property up for sale located at 1302 S. 16th St in Noblesville. We understand Rickelle Vaughn and Annette Snyder would like to repurpose it into a fitness studio.

Our first reaction was why and this is not what our neighborhood needs. It is zoned Residential Across from our home, a school zone and a skat intersection from the stop sign and sidewalk to South Street. Our house and neighbors is the distance with this location in the middle.

We have dealt with traffic in front of our house for about 30 years. Mendell's Auto Repair was needed in our neighborhood and he was reasonable and respected by many people.

I did contact David Heisette with our concerns.

First thought is L.A. Fitness is down the road and you can join for \$10.00. We don't need the traffic again. It's a school zone and the area around here has grown from a new addition and local businesses since 30 years ago

See next page →

We will admit that his retirement has been nice to finally sit on our front porch and have peace and quiet.

Our address is 1395 S. 16th Street, Noblesville. We have lived here for over 30 years. Bought this place in our early 20's and raised both of our sons in this location.

Honestly we would like to see no other business go in due to the traffic. We also understand that probably will not happen.

We do not see this type of business taking off due to the location and local competition.

I do know the history behind the property listed for sale as well as the owner's located next door at 1300 S. 16th Street. Both were built in 1965.

Original owners were Robert & Lola Stephens who built the place. The first business was actually theirs and it was Stephens Construction Co.

They later sold both locations to William (Bill) and Ann Smith who operated Smith's Body Shop.

Bill died suddenly from a tragic accident in May of 1993.

Ann Smith later sold the properties to the current owners I believe to be Teresa & William Dean Coonce.

They in turn then rented the property at 1302 S. 16th Street to Mendell's Auto Repair.

Many changes has occurred since the beginning of each of these businesses.

From a small quiet neighborhood with only one surrounding addition to another added on.

Stores such as Walmart Supercenter, Kohls and many other retailers now surround this area.

This is a school zone and the traffic has greatly increased on this road. Many now use this as a quick cut through to reach all of this.

We understand these ladies are determined to start their dream. I understand this since I operated my own licensed daycare for 20 years.

Our main concern is the traffic that seems to keep increasing as well as hours of operation.

None have operated past 5 to 6 p.m. the latest.

We do live directly across the street and are requesting that if approved

to start this fitness studio, that the hours reflect the residential appeal.

This is the main restriction we are asking for, so that we may continue to live here and enjoy our home in return.

Thank you for considering our request.

* Another piece of history in final closing is, I am the youngest daughter of Robert & Lola Stephens.

They built this house the year I was born.

1965

My maiden name was
Brenda S. Stephens

BOARD OF ZONING APPEALS SEPTEMBER 2, 1997 CLH

7-A Board to consider a Land Use Variance application to allow an auto repair business in an R-4 (Residential Zone). Location is 1300 S. 16th Street in the City of Noblesville. Filed by Janet Campbell. (97N-13-0737)

GENERAL INFORMATION

Applicant	Janet Campbell
Requested Action	Land Use Variance approval to allow an auto repair business in an R-4 (Residential Zone).
Appl. Regulations	Art. 4, Part D, Sec. 3; Art. 8, Part B.
Location	1300 S. 16th Street
Ex. Zoning	R-4 (Residential)
Ex. Land Use	Vacant Commercial Building
Sur. Land Use/Zoning	North: Residential / R-4 (Residential) South: Residential / R-3 (Residential) East: Vacant / R-3 (Residential) West: Residential / R-4 (Residential)
Master Plan	Town Core
Road Condition	16th Street - Fair

ANALYSIS

The applicant wishes to operate an auto repair business from the 25 year old commercial building currently located on the property. The applicant has stated that, even though the building has been located on the property for some time, no commercial operation has been present during the past 12 months. This is relevant because any grandfathering that might have existed has expired. The applicant has also indicated that they are intending to perform some retail sales of clothes and the processing of ceramic items on the property along with the auto repair. The applicant has indicated that no structural changes are proposed to the property, and that it is anticipated that two employees will be working at the site from the hours of eight in the morning to five in the evening. One area of concern is the general nature of what the applicant is proposing for this Land Use Variance. Another issue is the large amount of outdoor storage that is normally associated with automobile repair. It is significant to note that a thick vegetative screen does currently exist between this property and the residences directly to the south, however, Staff would recommend that no outdoor storage be permitted on the property. Staff is also concerned that the applicant is proposing retail sales on the property. While auto repair and ceramic manufacturing are not greatly dissimilar to the manner that the property has been used in the past, retail sales would represent a significant change from the property's previous uses.

LAND USE VARIANCE FINDINGS OF FACT

[1] The approval will not be injurious to the public health, safety, morals and general welfare of the community;

This use should 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;

The uses, as amended, do not represent a drastic change from the previous uses of the property.

[3] The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property;

This property has not been used for any commercial use in the past two years, however, prior to that a grandfathered auto repair business was operated from the property.

[4] The need for the variance arises from some condition peculiar to the property involved:

Staff knows of no particular condition peculiar to this site.

[5] The approval does not interfere substantially with the comprehensive plan adopted by the Noblesville Plan Commission and Council;

The Comprehensive Plan envisions residential uses for the property.

RECOMMENDATIONS

Staff recommends approval of the Land Use Variance application subject to the following conditions:

[1] That no retail sales of any kind be permitted on the property.

[2] That the property be limited to auto repair and ceramics production uses only.

[3] That no outside storage be permitted on the property.

[4] That this Land Use Variance be specific to this property and owner and that the approval not run with the land.

[5] That the property be limited to a total of two employees at any one time.

[6] That no signage be installed on this property for this proposed use.

The applicant must meet all other developmental standards and requirements except for specific instances in which standard and requirement variances have been granted by the Board of Zoning Appeals.

7-A Board to consider a Land Use Variance application to allow an auto repair business in an R-4 (Residential Zone). Location is 1300 S. 16th Street in the City of Noblesville. Filed by Janet Campbell. (97N-13-0737)

Exhibit 6
(3 of 3 pages)

Ms. Janet Campbell states that the building has existed for 25 years. She notes that it has been used as a body shop in the past. She notes that she has had some problems with recent occupants of the building, but that she will not tolerate cars on the property for more than two months at a time. She does note that she intends to possibly do ceramic work in the building as well. She does state that there will be a dumpster, however, trash will be limited to that dumpster.

Chairman McCullough asks if the applicant is aware of Staff's recommendations. Ms. Campbell states that there will be no retail sales on the property. She also notes that she is considering ending the ceramics production.

Mr. Rand asks what Staff would consider outside storage. Mr. Hamm states that the Ordinance would consider inoperable vehicles parked outside as outside storage. Chairman McCullough states that the applicant has stated that she will not allow the property to be in a state of disrepair. Ms. Campbell states that she will not tolerate junk kept on the property.

Public hearing is opened. Nobody from the audience comes forward to speak. Public hearing is closed.

Ms. Campbell states that cars will only be parked outside when the applicant is waiting for a part.

Mr. Rand asks about Staff's recommendation regarding signage. Mr. Hamm states that as a residentially zoned property, no signs would be permitted without Variance approval.

Mr. Rand moves to approve the variance application subject to Staff's amended recommendations. Mr. McNulty seconds. **The roll call vote is as follows. AYE: ALL MEMBERS PRESENT. NAY: NONE. The vote is 5-0.**

The Land Use Variance application to allow an auto repair business in an R-4 (Residential Zone) is approved subject to the following conditions:

- [1] That no retail sales of any kind be permitted on the property.
- [2] That the property be limited to auto repair and ceramics production uses only.
- [3] That no outside storage be permitted on the property.
- [4] That this Land Use Variance be specific to this property and owner and that the approval not run with the land.
- [5] That the property be limited to a total of two employees at any one time.
- [6] That no signage be installed on this property for this proposed use unless approved by the Board.

8-A Board to consider the extension of a Temporary Use application to allow the replacement of a previously approved mobile home in an R-4 zone. Location is 13732 Howe Road in Fall Creek Township. Filed by Jeanne Clark. (97F-20-0748)

Chairman McCullough states that the Board has received three items of information regarding this application.