

The meeting of the Berne Board of Zoning Appeals was held on Monday the 9th day of April, 2012 at 6:00 P.M. in the Conference Room at City Hall, Berne Indiana.

MEMBERS PRESENT

Tony Mellencamp
Don Sipe
Mike Habegger

Jerry Burke
Ned Liechty
Tom Stuber

MEMBERS NOT PRESENT

STAFF PRESENT

Director, Shannon Smitley

Attorney, Dave Baumgartner for Jim Beitler

Present from the City of Berne

Mayor Bill McKean

Kurt Dailey

GUESTS PRESENT

Chad Bailey from VANADCO Signs and Charlie Habegger, 1295 Emmental Drive, Berne.

After opening with prayer, the meeting was called to order and a quorum was verified.

Public Hearing BZA 2012-2 Contingent Use Request filed by First Mennonite Church, 566 W. Main Street Berne.

Shannon explained that the church filed a variance request because they are asking that they be allowed to install a programmable animated sign along US 27 on the west side of the church parking lot. The City of Berne Signage Ordinance does not allow scrolling, or flashing signage which the software in the animated sign would allow them to do.

A question was asked by the board what the policy is at the CVS Pharmacy which has a flashing animated sign that scrolls with multiple messages. Shannon explained that the CVS sign was installed before the signage ordinance was adopted and is grandfathered but will have to be replaced according to the ordinance and cannot transcend ownership.

Mr. Bailey informed the board that the sign has a multiple choice of light colors, can be programmed to change messages as often as the church wishes, adjusts to the light conditions so it maintains a pleasing look while still being able to be read and that the programming is done entirely at the church by their personnel.

There was continued discussion about how often the sign would change in a 24 hour period, color of the lights and whether to allow flashing lights. Charlie Habegger, speaking on behalf of the church said there will be times within a 24 hour period that the church would like more than one message, for example, at Christmas morning service, the afternoon rendition of the Messiah and an evening service.

The reading of the Finding of the Facts: for contingent use --- B2012-2

APPLICANT: --- First Mennonite Church 566 West Main Streets, Berne, IN 46711.

No permit for a Contingent Use shall be granted if the Board shall find that such use is in conflict with any plan adopted by ordinance or if the Board determines that the proposed use will be detrimental to the surrounding area.

1. Approval **will not** be injurious to the public health, safety, morals and general welfare of the community because:
2. The use and value of the area adjacent to the property included in the Contingent Use **will not** be affected in a substantially adverse manner because:
3. The need for a Contingent Use **does** arise from some condition peculiar to the property involved: *City of Berne Ordinance No. 570 sec. 9.2 states no animated signs.*
4. The applicant **did** establish that the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the Contingent Use is sought because: *Due to the nature of a church and the activities and number of events a church provides, they would be unable to inform the public of their functions unless granted the variance.*
5. The petitioner **has** established that approval **does not** interfere substantially with comprehensive plan of the City of Berne: *Because they will abide by the restrictions.*
6. The proposed Contingent use **will not** create an undue hazard for vehicular or pedestrian traffic because: of the restrictions being placed on the sign. *Because they will abide by the restrictions.*
7. The nature, location and site layout of use permitted by such Contingent Use **will** be harmonious to the district in which it is situated. *They are replacing an existing sign.*
8. If granted, the Board prescribes the following conditions:
 - 1.) *One text change per hour*
 - 2.) *No animation/flashing or scrolling signage*
 - 3.) *No red lights*

(DECISION)

It is therefore the decision of the Board that this Contingent Use is **granted** subject to any condition stated hereinabove.

Adopted this ___**9th** day of April, 2012

BERNE BOARD OF ZONING APPEALS

Ned Liechty

Tony Mellencamp

Thomas E. Stuber

Mike Habegger

Jerry L. Burke

Donald L. Sipe

After hearing all of those wishing to be heard and on a motion by Tony and a second by Tom, BZA 2012-2 Contingent Use Request filed by First Mennonite Church, 566 W. Main Street, Berne, Indiana was unanimously approved as presented.. 6-0

REGUALR MEETING

Approval of Minutes On a motion by Tom and a second by Don the minutes from the BZA meeting of March 12, 2011 were unanimously approved.

New Business None

Old Business- None

Closing of Meeting. Therefore, upon a motion by Don and seconded by Mike and unanimously carried, the agenda was incorporated into the minutes, and upon a motion by Mike and seconded by Ned and unanimously carried the meeting was adjourned.