

# **Minutes**

## **February 3, 2021**

### **Tipton County Board of Zoning Appeals**

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, February 3, 2021, at 7:00 pm, in the 1<sup>st</sup> Floor Meeting Room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana.

#### **Call to Order**

Chairman Joe Mahaney called the meeting to order at 7:00 p.m.

#### **Roll Call**

Members in attendance: Joe Mahaney, Bob Powell, Grant Dunn, Scot Gasho and Gary David.

Members absent: none.

Staff in attendance: Steve Niblick, Judy Coker and David Langolf Smith.

Staff absent: none.

#### **Modifications to Agenda / Agenda Summation**

None.

#### **Approval of Minutes**

a) January 6, 2021 Minutes

Bob Powell made a motion to approve the minutes of January 6, 2021, as presented; seconded by Scot Gasho. Motion carried 5-0.

#### **Public Hearings**

a) CO-V-01-21 Henderson development standard variance

Austin Henderson came forward to present the petition for a development standard variance to reduce the front setback for an agricultural building from 75 feet to 45 feet.

Robert Powell asked the petitioner if the yellow flags that are placed on the property indicate the four corners of the proposed location for the new structure. Austin Henderson confirmed. Robert Powell asked if the flags were set from the traveled part of the road and not the road right-of-way. Austin Henderson stated that the flags are located 45 feet from the edge of pavement.

Bob Powell asked if there would be entrance and exit drive on that side. Austin Henderson responded that the drives are already there and that the new building will be facing the other two buildings that are already there.

Bob Powell asked if this building would be used for seed and chemical storage. Austin Henderson stated that this building would be used for overflow storage and would be heated and insulated so that it could be used for a workshop.

Bob Powell stated that he felt like the placement of this building would create an obstruction of the view of the traffic to the east when exiting the west drive and to the west when exiting the east

drive. Austin Henderson responded that they mainly send truck traffic east towards SR 19, and truck traffic coming in uses the main drive to the east, which is the larger drive. Austin Henderson stated that they do not foresee a problem because 450 N is not a well-traveled road.

Discussion ensued concerning the orientation of the building and where the doors would be located.

Bob Powell asked if the petitioner owned all the property around the barn. Austin Henderson confirmed that they own all the farm ground around this location.

Bob Powell stated that his two main issues with the petition are that he believes that this will cause visibility issues, and that in order to receive a variance, there should be some type of hardship. Bob Powell stated that there is no hardship, the petitioner is just trying to keep from using a few extra feet of farm ground. Bob Powell stated that he believes this is a want and not a need.

Joe Mahaney asked how big the barn would be in this proposed location. Austin Henderson responded that the barn would be 72' X 40'. Joe Mahaney asked how many feet they need between the existing barn and the new barn. Austin Henderson responded that he could push it to the south a little bit but probably not much.

Discussion ensued concerning other possible locations for the barn.

Bob Powell asked if he knew what the road right-of-way is off 450 N. Judy Coker answered that it was 30' or 40' because that is what most of the roads are in the county.

Bob Powell asked if the petitioner put in the side drainage ditch or if the county did. Austin Henderson responded that he put in the drainage ditch with approval from the county. Bob Powell asked if all of the drainage is on the county road or if it is split between him and the county. Austin Henderson stated that, with the county's permission, he moved the drainage a little further south so that the county would not have to maintain any of the ditch.

Bob Powell raised concerns about an increase of traffic on this road in the future.

Gary David asked what size is the barn that is already on the property. Austin Henderson responded that the current barn is 57' x 75' and the new machinery shed is 60' x 104'.

Joe Mahaney asked the petitioner if he could move the structure 10 feet to the south. Austin Henderson responded that he would be comfortable moving it five feet but would need to go back and measure to see if he could move it 10 feet.

Discussion ensued concerning the distance between the proposed site for the new structure and the current barns on the property, as well as the distance from the proposed site to the road.

Bob Powell stated that the problem he is having is that there is an excess amount of land that could be used for building within the setbacks. Austin Henderson stated that, for the logistics of the property and the other buildings that are already present, this site makes more sense. Austin Henderson stated that the drives are already there so it makes sense to have this building across from the other building so the forklifts could go back and forth between the buildings.

Discussion ensued concerning other possible locations for the proposed structure.

Scot Gasho asked if the land where the barns are located and the land the petitioner's parents' home sits on is one parcel. Austin Henderson responded that the home is located on a 1.5 acre parcel separate from the larger parcel with the outbuildings and farm ground.

Scot Gasho asked why the petitioner wants the new barn in this specific location. Austin Henderson responded that he chose this location so that the come in and out of the U-drive from the east can whip around and back up to either the new barn or the brown because both sheds will be used for warehousing. Austin Henderson stated that this will allow for the fork trucks to unload the trucks easier and move easier back and forth between the two buildings. Austin Henderson stated that the cargo might need to be split between the two buildings at times.

With no further public comments, Bob Powell made a motion to close the public hearing; seconded by Scot Gasho. Motion carried 5-0.

Bob Powell stated that he believes that this petition goes back to a want versus a need, and this is a want and not a need.

Scot Gasho asked David Smith if the petitioner was creating his own hardship. David Smith stated that, in a sense, this is correct because what is requiring a variance is that he is wanting to place a building where one is not allowed by the ordinance. David Smith stated that an argument for a hardship would be that there is nowhere on the property to place a building that would comply with the ordinance, which is not the case for this petition.

Grant Dunn stated that they have a couple of buildings that are placed 15 feet off the road, but it is something that you get used to. Grant Dunn stated that he understands the logistics of the request.

Scot Gasho asked what would happen in the future if there were growth and development in that area, specifically, how close would a turn land or deceleration lane be to the corner. Steve Niblick responded that he measured approximately 200 feet to the intersection to the west. Steve Niblick stated that in his staff report, he indicated that this is not much of a concern.

Grant Dunn asked how far the tile that the petitioner installed is located from the white barn. Austin Henderson stated that there are laterals over 20 acres that are 75' centers starting 10' from 450 N., and there are 10 laterals going back to the south, every 75 feet.

Gary David asked if the laterals run north and south. Austin Henderson confirmed. Gary David asked where the main was located. Austin Henderson stated that the main is to the east and runs southwest to north east.

More discussion ensued concerning the logistics of the location for the new barn.

Joe Mahaney asked if the drive to the east is already there. Austin Henderson stated the drive is already installed.

With no further discussion, Bob Powell made a motion to deny the petition; seconded by Gary David. Motion failed 2-3.

After discussion, Joe Mahaney made a motion to continue the petition and ask for the petition to come back with a revised building location; seconded by Grant Dunn. Motion carried 4-0 with Bob Powell abstaining.

b) CO-V-05-21 Comer development standard variance

Chad Comer came forward to present the petition for a development standard variance to construct a porch in the front setback.

Bob Powell asked if the porch would extend beyond the hedge. Chad Comer responded that the porch will not extend past the hedge and would be eight feet off of the west edge of the house.

Gary David asked what the normal setback is in town and how wide the porch that goes toward 725 W will be. Chad Comer responded that the porch would be 26 feet wide and would come off the house 8 feet.

Gary David asked if the house is currently only about 40 feet off the road. Chad Comer stated that he measured from the edge of pavement, and it is 39 feet. Judy Coker responded that the petitioner is in a Rural Residential zoning district, which has a front setback of 75 feet.

Gary David asked if any of the neighbors have complained about the proposed project. Chad Comer responded that they have not and are in favor of the project.

Joe Mahaney asked if this would be an open porch. Chad Comer responded that it would be.

Steve Niblick directed the board's attention to the letter of support that was provide by Bob King.

With no further public comments, Bob Powell made a motion to close the public hearing; seconded by Scot Gasho. Motion carried 5-0.

There was no further discussion. Bob Powell made a motion to approve the petition; seconded by Scot Gasho. Motion carried 5-0.

### **Old Business**

a) Amendment to BZA Rules of Procedure – Refunds

Steve Niblick stated that he and David Smith met to discuss the issue of refunds. Steve Niblick stated that he and David Smith both felt that it would be inappropriate to put something in the bylaws that would direct another board to do something.

Discussion ensued concerning the best method for handling refund requests. The board chose to take no action.

### **New Business**


None.


## Adjournment

There being no further business, Gary David made a motion to adjourn the meeting at 7:59 pm; seconded by Scot Gasho. Motion carried 5-0.

  
Chairman

  
Executive Director

  
Date

  
Date