



Minutes

March 3, 2021

Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, March 3, 2021, at 7:00 pm, in the 1st 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) February 3, 2021 Minutes

Bob Powell made a motion to approve the minutes of February 3, 2021, as presented; seconded by Scot Gasho. Motion carried 5-0.

Public Hearings

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

After confirmation by David Langolf Smith, Steve Niblick reported that the petition has been withdrawn by the petitioner.

b) CO-V-09-21 George development standard variance

Joe Mahaney opened the public hearing. Nathan George came forward to present the petition for a development standard variance to allow a recreational vehicle to be lived in on the property.

Bob Powell asked if the 5th wheel that is currently sitting on the property is in the location that it will be when occupied. Nathan George confirmed that this is the 5th wheel that will be used and in that location.

Bob Powell asked where the septic system is located. Nathan George responded that it is in the back yard, and the opening for the tank is on the other side of the garage. Nathan George then proceeded to show Bob Powell the location of the septic tank on the arial map of his property. Bob Powell asked if the petitioner knew how big his septic tank was. Nathan George responded that he did not, and that he had contacted the Health Department when he bought the home, but the Health Department stated that they did not have any records for this property.

Gary David asked if the petitioner would dump into that tank or if he had plans to dump somewhere else. Nathan George responded that has plans to utilize the dump station located at the Love's at 26 & 31. Nathan George stated that his plan is to use a plastic dump bin that they use at campgrounds to collect the waste, then dispose of it on a regular basis at Love's. Gary David asked if the petitioner had a way to load the dump bin once it was full. Nathan George responded that he did, and that he did not plan to wait until it was completely full to 30 gallons before dumping it. Nathan George stated that the 5th wheel has a gauge that shows how full the gray and black water tanks are so they will know when to empty them.

Gary David asked if the petitioner's mother would only be living in the camper for eight months out of the year, where would she be for the other four months. Nathan George responded that his grandfather lives in Panama City, Florida, and his mother usually flies down there to stay with them during the winter because her health condition does not do well with cold weather.

Bob Powell asked the petitioner how often he would need to empty the 30-gallon sanitary tank. Nathan George responded that his mother would be inside the main house from 8 a.m. to 6 p.m. everyday babysitting his children while he and his wife were at work. Nathan George stated that his mother would only be using the camper for a sleeping quarters and to have some private time away from the children.

Nathan George stated that they have thought about the possibility of adding on to their home, but all the bathrooms are upstairs, and if you add on a bedroom and a bathroom, you have to redo the septic system. Nathan George state that the cost to add on and to redo the septic system was substantially more than purchasing the 5th wheel. Nathan George stated that there is an add-on to the back of the house and the septic system is just beyond that, which would make it difficult to further add on to the house.

Gary David asked if that was just a field beside the property. Nathan George confirmed that it is a farm field to the east of the property.

Bob Powell asked how many bedrooms the home had. Nathan George responded that it was listed as a four-bedroom home, but that one of the rooms does not have a closet so it is probably technically a three-bedroom home. Bob Powell asked if it was originally built as a four-bedroom home. Nathan George responded that it was listed by the realtor as a four-bedroom home.

Bob Powell asked if the petitioner knew what year the home was built. Nathan George responded that he believes the home was built in 2000 or 2001.

Bob Powell asked Steve if he knew what the standards were for a septic tank for a four-bedroom home. David Smith stated that the property was not a four-bedroom home, it was just listed as a four-bedroom home by the real estate agent. Davis Smith stated that it was never confirmed by the Health Department whether it was built as a three-bedroom or a four-bedroom home. Nathan George stated that they have made some improvements to the home that make a closet for the fourth bedroom.

Bob Powell asked what size of family the petitioner had. Nathan George responded that they are a family of six – four kids and two adults.

Gary David asked how close the R.V. is to the field. Nathan George responded 20 ft. Gary David asked if there were any regulations concerning that. Steve Niblick responded that it was his understanding that it would be kept inside the fence. Nathan George stated that they have taken that part of the fence down. Steve Niblick asked if the R.V. would be located right next to the garage. Nathan George confirmed.

Nathan George stated that the R.V. is approximately eight feet wide but then you add three feet for slides, making the total distance approximately 20 feet. Nathan George stated that it would be more like 23 or 24 feet from the base.

Discussion ensued concerning why the petitioner does not want to or cannot hook up to the septic tank.

With no further public comments, Joe Mahaney closed the public hearing.

There was no further discussion, Scot Gasho made a motion to deny the petition based on the petitioner failing to prove Criteria A and B; seconded by Gary David. Motion carried 5-0.

c) CO-V-10-21 Hobbs development standard variances
Joe Mahaney opened the public hearing.

Bob Kelly came forward to request a development standard variance to reduce the setback on the west side of the property to 10 feet.

Scot Gasho asked if they were aware of the tile that drains in that area. Kip Achenbach came forward to state that they would be willing to reroute that tile around the building. Kip Achenbach stated that they have had someone come out to tell them what they would need to do.

Scot Gasho asked if they planned to put everything back to county standards. Kip Achenbach responded that they would do everything up to code.

Joe Mahaney asked for clarification on the BZA approval for this building back in 2018. Bob Kelly replied that they received variances for the north, south, and east setbacks, but failed to request a setback reduction for the west side.

Bob Powell stated that the first building was for storage and noted that the new addition has a scale and mixer labeled. Bob Powell asked if this building will be for grinding. Bob Kelly stated that they will be mixing and bagging feed in this building.

Bob Powell asked what type of air recirculation system they will have for dust collection. Bob Kelly stated that they will just be using fans to export the dust outside.

Bob Powell asked how that will affect the neighbors. Bob Kelly responded that this will be no different than what they are doing now. Kip Achenbach stated that the opening for the building will be to the south which faces away from the neighboring properties.

Bob Powell asked if they will be moving the mill operation from the current building into this building. Bob Kelly stated that they will be moving part of the operation into this building, but some for the feed preparation will remain in the current location.

Bob Powell asked if they custom grind feed for farmers, specifically, do they put calcium in the feed. Bob Kelly responded that they do.

Discussion ensued concerning the method Hobbs Feed will be using to collect the dust from the feed manufacturing process, considering the location of the new building in relation to the neighbors.

Dennis Henderson came forward to speak in favor of the petition.

Scot Gasho asked if they have a plan for the drainage. Kip Achenbach stated that they have not drawn anything up yet, but that they plan to address the situation as they progressed. Bob Kelly stated that they rerouted for the existing building when they built it three years ago.

Discussion ensued concerning how new drainage would be rerouted and tied into the existing drainage tile.

David Smith noted that the BZA approval would be for the structure and setbacks only. The approval from this board would not be for any activity that would be conducted in the new building.

With no further public comments, Joe Mahaney closed the public hearing.

With no further discussion, Bob Powell made a motion to approve the petition as presented; seconded by Gary David. Motion carried 5-0.

Old Business

a) CO-V-09-21 Comer findings of fact

Bob Powell made a motion to approve the findings of fact as presented; seconded by Scot Gasho. Motion carried 5-0.

New Business

None.

Adjournment

There being no further business, Bob Powell made a motion to adjourn the meeting at 8:09 pm; seconded by Gary David. Motion carried 5-0.


Chairman


Executive Director

6-2-2021
Date

6-2-2021
Date