



# **City of Tipton**

## **Board of Zoning Appeals**

### **Minutes**

### **July 14, 2021**

The City of Tipton Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, July 14, 2021. The meeting was called to order by Michelle Owens at 6:05 p.m. The meeting was held at Tipton City Hall, located at 216 S. Main Street, Tipton, Indiana.

#### **Roll Call**

Members present: Michelle Owens, Roberta Heinzmann and Adrian Roach.

Members absent: Robert Cochrane and Christina Kring.

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

Staff absent: None.

#### **Modifications to Agenda**

None.

#### **Approval of Minutes**

Roberta Heinzmann made a motion to approve the June 9, 2021, regular meeting minutes as presented; seconded by Adrian Roach. Motion carried 3-0.

#### **Public Hearings**

a) CTI-V-23-21 LaBoyteaux Use Variance

Steve Niblick provided a staff report for the petition request.

Mark Laboyteaux came forward to present the petition for a use variance.

Roberta Heinzmann asked if this will be a single story or a two-story structure. Mark LaBoyteaux stated that this is a 16' structure that will possibly have a loft space.

Adrian Roach asked if this building would be used for any commercial purpose. Mark LaBoyteaux stated that this building will not be for commercial use.

Adrian Roach asked if there are any intentions to rent the living space out. Mark LaBoyteaux stated that there are no plans to rent the space, and that the space will be for personal use only.

Roberta Heinzmann asked when sewer and water would be hooked up. Mark LaBoyteaux stated that he would like to phase that in, and would like to bring in sewer, water, and electrical in as it is needed.

Michelle Owens asked if the petitioner thinks the living space will be completed within five to seven years. Mark LaBoyteaux stated that five to seven years would be an extended timeframe and believes the timeframe to be more in the 24 to 36 months range.

Nick Retz came forward to ask if there is an easement along the property that would allow him the ability to access the back of his property. Nick Retz also expressed concerns about drainage.

Steve Niblick asked Nick Retz if he knew of any easement that would allow access through the neighbor's property. Nick Retz stated that he did not know of any easement, but stated that when the property survey was completed, the property line was moved to the north two feet so that the property line now goes through his garage. Steve Niblick stated that this is not something that the BZA could address, but that the proposed drawing shows the structure being 20 feet from the north property line. Steve Niblick stated that without an easement, there would be no legal right for Nick Retz to use Mark LaBoyteaux's property.

Steve Niblick stated that any drainage problems would be looked at during the permitting process.

David Smith asked if the drawings were handed out are representative to what will be constructed on the property. Mark LaBoyteaux stated that the structure will have 16' side walls and no more than 22' to the peak.

Roberta Heinzmann stated that she believes the board should build in a time requirement for residential use versus recreational use.

Discussion ensued concerning requirements for a certificate of occupancy.

With no further discussion, Adrian Roach made a motion to approve CTI-SE-15-21 with the condition that the residential portion of the structure will receive a certificate of occupancy within 36 months; seconded by Michelle Owens. Motion carried 3-0.

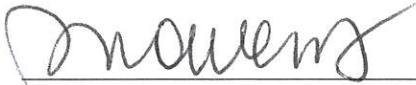
### **Old Business**

#### **a) CTI-SE-15-21 Elevation Excavation Inc. Findings of Fact**

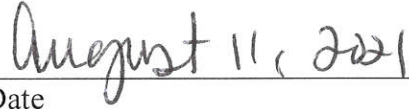
Roberta Heinzmann made a motion to approve the findings of fact as presented; seconded by Adrian Roach. Motion carried 3-0.

### Adjournment

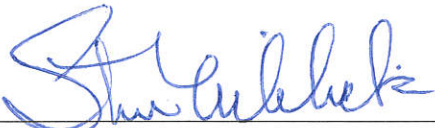
There being no other business, Roberta Heinzmann made a motion to adjourn the meeting at 6:38 p.m.; seconded by Adrian Roach. Motion carried 3-0.



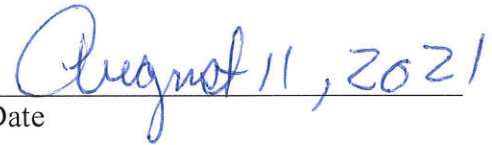
Chair



Date



Executive Director



Date