

Minutes

August 4, 2021

Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, August 4, 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 and Grant Dunn.

Members absent: Scot Gasho and Gary David.

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

Staff absent: none.

Modifications to Agenda / Agenda Summation

None.

Approval of Minutes

a) June 2, 2021, Minutes

Bob Powell made a motion to approve the minutes of June 2, 2021, as presented; seconded by Grant Dunn. Motion carried 3-0.

Public Hearings

a) CO-V-24-21 Mraz development standard variance

Joe Mahaney opened the public hearing.

Renee Mraz came forward to present the petition for a development standard variance to reduce setbacks in order to construct a new home.

Joe Mahaney asked Renee Mraz if she would be using a contractor for the new home build. Renee Mraz stated that they would be using Taylor Homes.

Joe Mahaney asked if they would be utilizing the existing septic system. Renee Mraz stated that they would be using the existing septic system, well and driveway.

Joe Mahaney asked how they plan to get around the house to the septic. Tony Mraz stated that it will go behind the existing. Tony Mraz stated that the tank is on the north side of the property and the finger system is on the west side of the property, so there should not be a problem with running a line to the existing system.

Bob Powell asked if they have approval from the Health Department.

Tony Mraz stated that they have a call into Evan Smith to come out to do an inspection. Tony Mraz stated that they have spoken with Brian Shortridge, who is aware of the project. Tony Mraz stated that as long as the test come back ok, Brian Shortridge is agreeable to the use of the existing septic system.

Bob Powell asked staff if there is any information about when the parcel was split from the farm ground. Steve Niblick stated that he checked with the Auditor's office, and this parcel has been in existence since at least 1999. Renee Mraz stated that she has owned this parcel since 1978. Renee Mraz stated that her mother and father-in-law owned it before she did. Renee Mraz stated that she believes her mother and father-in-law purchased the property in 1968.

Discussion ensued concerning the ownership of the property before Renee Mraz owned the property.

There was no further discussion, Bob Powell made a motion to approve the petition as presented; seconded by Grant Dunn. Motion carried 3-0.

b) CO-V-18-21 Burrow use variance
Joe Mahaney opened the public hearing.

Lyneen Burrow came forward to present the petition for a use variance.

Joe Mahaney asked if the church is currently in use. Lyneen Burrow stated that she believes it is still in use but is not sure.

Joe Mahaney asked about neighbor notices. Lyneen Burrow stated that she sent out the notices but was unaware that she had to provide the receipts to staff. Steve Niblick stated that the hearing has been published in the newspaper and there was a sign place on the property. David Smith stated that the board could ask the petitioner to provide sworn testimony that they have properly mailed the notices, as required by the ordinance, then provide the necessary documentation to staff at a later date.

Bob Powell asked if the petitioner had parking facilities. Brett Burrow stated that there was adequate parking for the church and believes that the church is large enough to hold a congregation of approximately 200, which is well beyond the capacity of any event the Burrows would like to facilitate.

Bob Powell asked the petitioners to indicate on an aerial photo what property is under consideration.

Bob Powell asked if the building currently has all necessary utilities. Brett Burrow stated that the building does have all necessary utilities and has recently been a working facility.

William Salsbery stated that, for the last six months the church has used the building for meetings.

Bob Powell asked what the land classification was. Steve Niblick responded that the property is currently zoned Agriculture. Steve Niblick responded that this use is being treated similar to the use on Mike Lee's property, an event center or place of assembly. Steve Niblick stated that, unlike a church, which is permitted in this zoning district, this is a for-profit business or event center.

Joe Mahaney asked if Mike Lee had to obtain a variance. Steve Niblick responded that Mike Lee did receive a use variance.

William Salsbery came forward to correct the property line drawings on the monitor. William Salsbery stated that the Heartland Church actually owns 30' to the left of the driveway.

Joe Mahaney asked William Salsbery if Heartland Church owns the driveway. William Salsbery stated that Heartland Church owns the driveway because they traded the land just north of the building, behind the building, and the square to the left with the same square footage as the land to the right, in exchange for the property to the left of the driveway.

Joe Mahaney asked if Heartland Church has any problem with the petition. William Salsbery stated that the church has no problem with the petition, as long as they won't be having any wild parties. William Salsbery stated that they would be glad to have the new neighbors.

Joe Mahaney closed the public hearing.

Steve Niblick summarized the staff report.

Joe Mahaney asked if the variance is granted, would the property need to be rezoned. Steve Niblick responded that the property would not need to be rezoned because what they are granting is a use variance, which allows this particular use.

David Smith noted that the property owners would be licensed for different things but would have a maximum occupation based on the size of the building. David Smith recommended that the board designate the required parking because as a church, they were required to have one parking space for every three seats. However, as a recreation hall, they are required to have one parking space per three persons, plus one parking space per employee. David Smith stated that are additional spaces required for employees that the church didn't have.

Joe Mahaney asked the petitioner to indicate on the aerial view where the parking is located for this property. Lyneen Burrows stated that the parking area is the dark area on the east side of the church. Lyneen Burrows stated that it is all gravel under the grass. Brett Burrows stated that the parking is just south of the small black building and comes around to make an "L" shape.

Discussion ensued concerning how much parking would be needed, and how many spaces are currently on the property.

Bob Powell stated that the capacity of the building should be limited to the number of parking spaces that are available.

Discussion ensued concerning parking space requirements, as defined by table D of the zoning ordinance.

There was no further discussion, Bob Powell made a motion to approve the petition as presented; seconded by Grant Dunn. Motion carried 3-0.

Old Business

a) CO-V-17-21 McQuinn findings of fact

Bob Powell made a motion to approve the findings of fact as presented; seconded by Grant Dunn. Motion carried 3-0.

b) CO-V-10-21 Cripe findings of fact


Bob Powell made a motion to approve the findings of fact as presented; seconded by Grant Dunn. Motion carried 3-0.

New Business

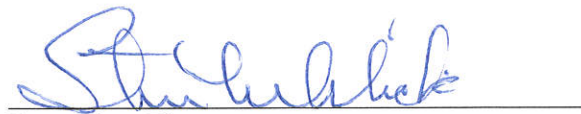
None.

Adjournment


There being no further business, Bob Powell made a motion to adjourn the meeting at 7:34 pm; seconded by Grant Dunn. Motion carried 3-0.




Chairman



Executive Director



Date



Date