



Minutes October 5, 2022 Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, October 5, 2022, at 7:00 pm, in the 1st Floor Meeting Room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana 46072.

Call to Order

Chairman Gary David called the meeting to order at 7:00 p.m.

Roll Call

Members in attendance: Gary David, Bob Powell, Scot Gasho, Weston Nicholson and Doug Heron.

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) September 6, 2022, Minutes

Scot Gasho made a motion to approve the minutes of September 6, 2022, as presented; seconded by Doug Heron. Motion carried 4-0.

Weston Nicholson entered meeting at 7:03 pm.

Public Hearings

a) CO-V-30-22 Reagan Outdoor development standard variances.

Michelle Noppenberger came forward to present the petition.

Doug Heron asked if there is a hardship. Michelle Noppenberger stated that if they do not relocate their sign, Duke Energy will have to relocate the electrical, which would put the state project behind schedule.

Gary David asked how far away from the edge of U.S. 31 the new sign location would be. Michelle Noppenberger stated that it looks like the new sign will need to be placed 60 feet away from the edge of the pavement, which is farther east than the current sign location.

Gary David asked if they are wanting to move farther east and north to get away from the sign that is across the road. Michelle Noppenberger stated that they are wanting to move the sign to get out of the Duke Energy electrical easement.

Scot Gasho motioned to close the public hearing; seconded by Weston Nicholson. Motion carried 5-0.

Discussion ensued concerning the petition and the new sign locations.

With no further discussion, Doug Heron made a motion to approve all six (6) variances as presented; seconded by Scot Gasho. Motion carried 5-0.

b) CO-V-31-22 Zaremba Group LLC development standard variances.

Whitney Pizzala came forward to present the petition for two (2) development standard variances, concerning a reduction in required parking spaces and a reduction in the required rear setback.

Scot Gasho asked why the City of Elwood ran utilities to the north side of the street but not to this location. Whitney Pizzala stated that they had extensive conversations with the City of Elwood about tying into the current utility system and about annexation into the city. Whitney Pizzala stated that the City of Elwood denied both utilities and annexation for this project.

Tom Cowen came forward to further present the petition.

Gary David noted that they are asking for a reduction in rear setback and asked what is back in that corner. Whitney Pizzala stated that there is a communication tower back in that corner.

Gary David asked if there is a setback that that the cellular tower company would like for the Dollar General to stay from them. Whitney Pizzala stated that the cellular tower companies usually own the amount of land that they need, but no one from the engineering company has spoken with the cellular tower company. Steve Niblick confirmed that they were notified of the meeting.

Bob Powell asked how many parking spaces they are planning on putting in. Whitney Pizzala stated that they would like to put in 34 spaces, which is a reduction from the 43 that the county requires. Bob Powell asked if they had considered using the extra required spaces for storage of snow. Whitney Pizzala stated that there is no need to have spaces for snow because the snow can be pushed into the detention basin located on the west side of the property,

Bob Powell asked where the loading docks will be located. Whitney Pizzala stated that there are two doors at the southwest corner and that is where the loading docks will be located. Whitney Pizzala stated that they will receive one semi-truck per week.

Bob Powell asked if the semi-truck will be able to travel entirely around the store. Whitney Pizzala stated that the truck will not be able to go completely around the store. Whitney Pizzala stated that behind the building on the south side would be mostly green space and stormwater drainage.

Bob Powell asked if there would be adequate room for a semi-truck to turn around. Whitney Piazza confirmed that there would be, on site.

Bob Powell asked if the semi-truck would back up in the parking lot. Whitney Pizzala confirmed that the semi-truck would pull in and make the turning maneuvers onsite.

Discussion ensued concerning the parking lot and how semi-trucks would maneuver to make deliveries.

Christy Basham came forward to speak concerning the well and septic. Gary David responded that the septic system and well are not under consideration by the Board of Zoning Appeals.

Bob Edinger came forward to state that the property may not be large enough.

Kevin Wallace came forward to ask where the closest Dollar General is located and how is it designed. Whitney Pizzala stated that she is unsure how the Dollar General is designed, but that the ones she has worked on have been this basic design.

Discussion ensued concerning the parking.

Weston Nicholson asked if on the west side of the property, could they take some of the detention basin and extend the parking lot to allow semi-trucks to come in and back up, and extend the detention basin down to the south/southwest. Whitney Pizzala stated that having septic, well and storm requirements makes it difficult. Whitney Pizzala stated that the septic, well and storm requirements will take up a lot more space than depicted on the drawing.

Scot Gasho motion to close the public hearing; seconded by Doug Heron. Motion carried 5-0.

Discussion ensued concerning the parking and rear setback requests.

Discussion ensued concerning the criteria for the requested parking variance.

Criteria A: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Discussion ensued concerning this criterion, with Weston Nicholson stated that he does not think the number of spots has an impact on this criterion. Scot Gasho stated that he has concerns that people will park at the bank and walk over.

Doug Heron asked if the 43 spaces is based only on the size of the store. Steve Niblick stated that the parking requirement is based on number of employees, square footage of the building, and use.

Weston Nicholson asked if a reduction in parking spaces would reduce the amount of handicap spaces. Whitney Pizzala explained how they came up with the required number of 43 parking spaces, per the zoning ordinance and stated that the number of handicap spaces would not be reduced.

Discussion ensued concerning the required number of parking spaces and how the number of spaces is determined.

Doug Heron asked if the variance would stay with the building or with the petitioner. David Smith stated that it would depend on if it is the same type of use or not.

Criteria B: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Discussion ensued concerning the current zoning of this property and the possible downgrading from I-1 to B-4 zoning district, the difference between a hardship and a practical difficulty, and how the square footage of the store is used.

Parking variance request: Gary David made a motion to deny the parking variance request; seconded by Scot Gasho. Motion carried 3-2 by roll call vote.

Roll Call-

Bob Powell – Y
Scot Gasho – Y

Weston Nicholson – N
Doug Heron – N

Gary David – Y

Setback Variance Discussion –

Steve Niblick stated that the application requested a reduction of the rear setback from 50 feet to 15 feet, however, the drawing shows a rear setback of 29 feet. Steve Niblick asked for clarification from the petitioner. Whitney Pizzala stated that they would like to have a foot or two for wiggle room and would like to ask for a reduction of the rear setback from 50 feet to 27 feet.

Bob Powell asked if there are any plans for a deceleration lane off of State Road 28. Gary David stated that a deceleration lane is for the state to decide.

Discussion ensued concerning Criteria A. The board agreed that a reduction in the rear setback from 50 feet to 27 feet would not be injurious to the public.

Discussion ensued concerning Criteria B. The board agreed that a reduction in the rear setback from 50 feet to 27 feet would not affect the value of the adjacent property in an adverse manner because there would be an expected downgrade in zoning.

Discussion ensued concerning Criteria C. Weston Nicholson asked Whitney Pizzala to explain the practical difficulty with the rear setback that would warrant the need for a variance. Whitney Pizzala stated that this is an L-shaped parcel so it is only a portion of the east side of the lot that would need a relief from the required setback. Whitney Pizzala stated that there are also development requirements, such as drainage, stormwater detention, the septic and the well that they need to accommodate. Whitney Pizzala stated that they have put a lot of thought into this layout to try to minimize the need for variances.

Scot Gasho asked if the store could be relocated to the west and have the greenspace and septic moved to the east so that there is more room. Whitney Pizzala explained that the septic cannot be moved because the soil on the east is not suitable for a septic system, per the soil scientist.

Setback variance request: Bob Powell made a motion to approve the rear setback variance request at 27 feet; seconded by Doug Heron. Motion carried 4-1 by roll call vote.

Roll Call-

Bob Powell – Y
Scot Gasho – N

Weston Nicholson – Y
Doug Heron – Y

Gary David – Y

Old Business

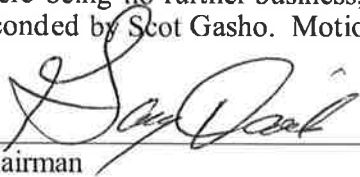
a) CO-V-21-22 Morrow use variance and development standard variance findings of fact.

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, Gary David made a motion to adjourn the meeting at 8:33 pm; seconded by Scot Gasho. Motion carried 5-0.


Chairman

1-4-2023
Date


Executive Director

1-4-2023
Date

