



# **Minutes Tipton County Board of Zoning Appeals May 7, 2025 6:00 p.m.**

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, May 7, 2025, at 6:00 pm, in the 1<sup>st</sup> Floor Meeting Room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana. The minutes are as follows:

## **Call to Order**

Ryan Bergman called the meeting to order at 6:00 p.m.

## **Roll Call**

Members in attendance:

Ryan Bergman, Christy Kirtley, D.K. DeLong, Gary David, and Joe Mahaney.

Members absent:

None.

Staff in attendance:

Judy Coker, Michael Nasser, and Weston Nicholson.

Staff absent:

None.

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

None from staff or members.

## **Approval of Minutes**

a) April 2, 2025, Minutes.

Joe Mahaney motioned to approve the minutes from the April 2, 2025 meeting. Christy Kirtley seconded the motion to approve. Hearing no discussion, the motion passed 5-0.

## **Public Hearings**

a) CO-V-04-25 Rieth-Riley Use Variance

Ryan Bergman opened public hearing for CO-V-04-25.

Representatives from Rieth-Riley came forward to present their petition for a use variance to construct an asphalt plant in an I-1 Zoning District and in the Prospect Overlay District.

Mindy Brown of Fagre Drinker and Scott Stein of Rieth-Riley gave a presentation regarding the background/history of the company, services the plant would provide, examples of other plants already in operation, typical plant operations, the positive impact Rieth-Riley would have on the community, and their Findings of Fact.

Sean Murphy spoke against the petition citing concerns regarding the location and increased traffic.

Mark Simmons spoke against the petition citing concerns regarding property values, road conditions, and increased traffic.

Deena Dodd spoke against the petition citing health concerns and property values.

Lindsay Reynolds spoke against the petition citing concerns regarding drainage and aesthetics.

Beth Cline spoke against the petition citing health concerns, increased traffic, and noise.

Brent Snow came forward to speak and presented documents to the board that had not been provided to the office in advance of the hearing.

Discussion ensued concerning whether or not to accept the documents and enter them into the record.

The board made the decision to vote upon the acceptance or rejection of the documents provided by Brent Snow.

D.K. DeLong made a motion to reject the documents provided by Brent Snow. Joe Mahaney seconded the motion to not accept the documents. The motion passed 3-2 by roll-call vote.

Roll Call:

Christy Kirtley- No  
D.K. DeLong- Yes

Gary David- No  
Ryan Bergman- Yes

Joe Mahaney- Yes

Brent Snow provided his comments to the board in which he spoke in opposition to the asphalt plant citing Rieth-Riley's lack of evidence backing up their claims as well as the noise and smell created by the plant.

Jane Harper spoke against the petition citing the wording of the ordinance.

Louis Wolford spoke about the lack of knowledge he had regarding the meeting and its contents.

Hannah Miller spoke against the petition citing the Prospect Overlay Ordinance. She also asked questions regarding plans, the timeframe, chemical usage, and taxes.

Scott Dovel spoke against the petition citing concerns regarding smell, time of operation, lack of notification, and property values.

Ryan Bergman asked if there were any further comments from the public. Hearing none; D.K. DeLong made a motion to close the public hearing. Ryan Bergman seconded that motion. Motion passed 5-0.

The petitioner came forward to answer questions asked during public comment and rebut claims made during that time.

Discussion ensued between the board and the petitioner regarding the previous proposed location, landscaping, potential growth, how the location was chosen, smell, water usage, lighting, and the projected lifespan of the plant.

A brief discussion occurred between the board members.

Joe Mahaney made a motion to deny. Motion died for lack of a second.

The board discussed the Findings of Fact, finding themselves in agreement with criterion A, B, C, and D but in disagreement with criterion E.

D.K. DeLong made a motion to deny the use variance for an asphalt plant in an I-1 Zoning District. Gary David seconded the motion to deny the use variance for an asphalt plant in an I-1 Zoning District. The motion passed 5-0 by roll-call vote.

Roll Call:

Christy Kirtley- Yes

Gary David- Yes

Joe Mahaney- Yes

D.K. DeLong- Yes

Ryan Bergman- Yes

D.K. DeLong made a motion to deny the use variance for an asphalt plant in the Prospect Overlay District. Gary David seconded the motion to deny the use variance for an asphalt plant in the Prospect Overlay District. The motion passed 5-0 by roll-call vote.

Roll Call:

Christy Kirtley- Yes

Gary David- Yes

Joe Mahaney- Yes

D.K. DeLong- Yes

Ryan Bergman- Yes

The Chair called for a 15-minute recess.

Ryan Bergman called the meeting to order at 8:00 p.m.

b) CO-V-06-25 Davis Development Standard Variance

Ryan Bergman opened the public hearing for CO-V-06-25.

Tyler Davis came forward to present his petition for a development standard variance reducing the setback distance from the right-of-way from 75 feet to 43.5 feet. He cited the location of his septic system, location of existing buildings, and desire to keep as many trees as possible as reasons why he is requesting the variance.

Jim Purvis came forward asking about the location of the building.

Discussion ensued between the petition and the board regarding traffic, the layout of the building, and neighbor notifications.

Gary David made a motion to close the public hearing. Christy Kirtley seconded the motion to close the public hearing. Motion passed 5-0.

Brief discussion ensued between the board members.

The board discussed the Findings of Fact, finding themselves in agreement with all criterion.

Gary David made a motion to approve the development standard variance as presented. Joe Mahaney seconded the motion to approve the development standard variance as presented. The motion passed 5-0 by roll-call vote.

Roll Call:

Christy Kirtley- Yes  
D.K. DeLong- Yes

Gary David- Yes  
Ryan Bergman- Yes

Joe Mahaney- Yes

c) CO-V-07-25 Rosselot Development Standard Variance

Ryan Bergman opened the public hearing for CO-V-07-25.

Wyatt Johnson presented the petition for a Development Standard Variance reducing the required lot width from 150 feet to 120 feet for a minor subdivision.

Discussion ensued between the board and the petitioner regarding location of the septic system on the neighboring property, location of the driveway, and what would happen in the event that either the existing or the new lot were sold.

There was no public that came forward in opposition to the petitioner.  
There was no public that came forward in favor of the petitioner.

Hearing nothing further, Ryan Bergman closed public hearing.

The board discussed the Findings of Fact, finding themselves in agreement with all criterion.

D.K. DeLong made a motion to approve the development standard variance reducing the required lot width from 150 feet to 120 feet at 3470 W 100 N Tipton, IN 46072. Gary David seconded the motion to approve the development standard variance reducing the required lot width from 150 feet to 120 feet at 3470 W 100 N Tipton, IN 46072. The motion passed 5-0 by roll-call vote.

Roll Call:

Christy Kirtley- Yes  
D.K. DeLong- Yes

Gary David- Yes  
Ryan Bergman- Yes

Joe Mahaney- Yes

**Old Business**

a) None.

**New Business**

a) None.

**Adjournment**

There being no further business or discussion, Joe Mahaney made a motion to adjourn the meeting at 8:35 p.m. Seconded by Gary David. Motion Carried 5-0.

  
Chairman

  
Executive Director

  
Date

  
Date

