



# **City of Tipton**

## **Board of Zoning Appeals**

### **Minutes**

### **September 8, 2020**

The City of Tipton Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, August 12, 2020. The meeting was called to order by Michelle Owens at 6:04 p.m. The meeting was held at Tipton City Hall, located at 216 S. Main Street, Tipton, Indiana.

#### **Roll Call**

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

Members absent: Jake Heard.

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

Staff absent: None.

#### **Modifications to Agenda**

Steve Niblick asked to add one item under Old Business.

#### **Approval of Minutes**

Roberta Heinzmann made a motion to approve both the minutes of August 12, 2020 and the Executive Session Memorandum of August 12, 2020 as presented; seconded by Adrian Roach. Motion carried 4-0.

#### **Public Hearings**

CTI-V-20-20 Tunmer Development Standard Variance

**\*\*Michelle Owens recused herself because she is a notified neighbor. Roberta Heinzmann chaired the hearing.**

Ryan Tunmer came forward to present the petition to request a development standard variance to have a fence in the front setback of the property.

Steve Niblick explained the course of events that led to the filing of the petition.

Discussion ensued among the board members concerning the petition, and why a variance is required.

Toni Tunmer came forward to ask why this property is declared to have two front yards when she has never been told that. Steve Niblick responded that this is how our local law is written, and that a house on a corner lot has two sidewalks, therefore, is considered to have two front yards.

Discussion ensued concerning the original site plan that was provided, as well as the reasons why the fence needed to be placed in the front setback of the home.

With no further discussion, Christian Kring made a motion to approve CTI-V-20-20; seconded by Adrian Roach. Motion carried 3-0.

Staff asked the petitioner for the proof of mailing. They were not available, so staff asked for an amendment to the approval. Christina Kring made a motion to amend the approval with the condition that the proof of mailing be submitted to the plan department office; seconded by Adrian Roach. Amendment passed 3-0.

**\*\*Michelle Owens rejoined the meeting.**

### **Old Business**

a.) Steve Niblick informed the BZA that he has received an itemized request for refund from Lou Ann Berndt. David Langolf Smith discussed a process for the BZA to consider refund. David Smith suggested that the BZA treat the Berndt's email request for a refund as an application. David Smith stated that this matter should be resolved in a public hearing as an appeal to the decision to collect money for this matter. The board could then take an action to refund the money in a manner that produces a better public record.

Michelle Owens asked how much money the Berndt's were asking to be refunded. Steve Niblick responded that they are requesting a refund of \$472.25. Steve Niblick stated that the Berndt's have provided receipts for both the certified mailings and the newspaper publishing.

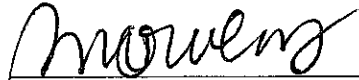
Steve Niblick stated that the Berndt's are essentially filing a petition to get a refund for their original petition fee, but that they should not have to pay a fee to get their refund, and that the waiving of that fee could be a part of the motion. Steve Niblick clarified that this is the best way to resolve this matter because there is not a line item in the budget for refunds, so having this action by the BZA will assist with the claim process.

After discussion, Christina Kring made a motion to set a public hearing at the next BZA meeting to consider the refund request; seconded by Roberta Heinzmann. Motion carried 4-0.

David Langolf Smith asked if the motion included the fee waiver from the Berndt's. Christina Kring made a motion to amend the hearing approval to include the fee waiver; seconded by Roberta Heinzmann; motion carried 4-0.

### Adjournment

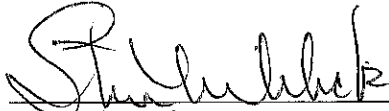
There being no other business, Roberta Heinzmann made a motion to adjourn at 6:36 p.m.; seconded by Christian Kring. Motion carried 4-0.



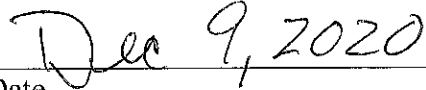
Chair



Date



Executive Director



Date