



City of Tipton

Board of Zoning Appeals

Minutes

August 11, 2021

The City of Tipton Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, August 11, 2021. The meeting was called to order by Michelle Owens at 6:00 p.m. The meeting was held at Tipton City Hall, located at 216 S. Main Street, Tipton, Indiana.

Roll Call

Members present: Michelle Owens, Adrian Roach, Robert Cochrane and Christina Kring.

Members absent: Roberta Heinzmann.

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

Staff absent: None.

Modifications to Agenda

None.

Approval of Minutes

Robert Cochrane made a motion to approve the July 14, 2021, regular meeting minutes as presented; seconded by Adrian Roach. Motion carried 4-0.

Public Hearings

a) CTI-V-27-21 Red Diamond Use Variance

Steve Niblick provided a staff report for the petition request.

Josh Ehrgott & Kyle Byrd came forward to present the petition for a use variance.

Michelle Owens asked what the plans were for the residence that is located on the property. Josh Ehrgott stated that they would like to make the necessary improvements to the home, then possibly rent it out.

Adrian Roach asked what the material storage would be and if there would be any heavy equipment stored. Josh Ehrgott stated that they would have no heavy equipment. Kyle Byrd stated that, if they did have any material storage on site, it would be temporary storage for materials from between sites. Josh Ehrgott stated that the majority of the space would be for office space.

Michelle Owens asked if the temporary storage of material would be inside the building and not in the parking lot. Josh Ehrgott stated that there would never be any material storage in the parking lot. Josh Ehrgott stated that they would not have any vehicle onsite, other than regular business hours.

Christina Kring asked if any storage that would occur onsite would be stored inside, and there would typically be three or few vehicles on the property at one time. Kyle Byrd agreed.

Michelle Owens asked where the plan was to have the dumpster enclosure and how they plan to handle that, considering they are located in a residential area.

Josh Ehrgott stated that they could add an enclosure somewhere next to where the utility garages are right now.

Michelle Owens asked the petitioners if they looked at other locations in Tipton that might be more compatible. Josh Ehrgott stated that they have looked at other locations in Tipton, and even in Cicero. Kyle Byrd stated that he believes this location to be a good fit for both the company and for the community, as this building is a commercial building that has already sat empty for over two years. Kyle Byrd stated that they are general contractors and are more than willing to come into the building and renovate it so that it meets today's standards and would be something that the community would be proud to have in the area.

Christina asked the petitioners if their desire to grow means growing as a company and not an expansion into the surrounding neighborhood. Josh Ehrgott stated that the growth and expansion would only entail the business. Josh Ehrgott stated that this facility would allow the company the room that they need to grow the business, without increasing office staff.

Robert Cochrane asked the petitioners what percentage of their business is in Tipton County, and if the petitioners were looking to increase the amount of business they do in this county. Robert Cochrane also asked if the people who are added to the staff would come from Tipton County.

Josh Ehrgott stated that if they are located in Tipton, they would want to hire people from Tipton that would have easier commutes to work and would want to grow with the company.

Robert Cochrane asked the petitioners if they had any conceptual ideas about what the façade updates would look like. Josh Ehrgott stated that they plan to give the exterior paint an update, put some more windows in and a new roof. Kyle Byrd stated that they plan to put in new landscaping and plan to take down the large sign out front. Kyle Byrd stated that they want to keep a lot of the brick and stonework that is currently there but would like to give the exterior a more updated and modern look.

Robert Cochrane asked what the plans are for signage and what could be expected, given that there are houses to north and south, as well as the church across the street putting in a new sign. Josh Ehrgott stated that they plan to just put a sign right on the building, a little larger than the sign that is there now.

Michelle Owens asked if they have spoken with Mrs. Porter regarding their plans for the building. Kyle Byrd stated that they have not directly spoken with Mrs. Porter because they are utilizing a realtor to navigate the purchase of the building.

Adrian Roach asked if all the workers would be staged out of this building. Josh Ehrgott stated that the majority of the workers would be staged out of this building. Adrian Roach expressed concern about the influx of traffic in the area of North Street and Ash Street. Kyle Byrd stated that they are more of a commercial construction company. Kyle Byrd stated that they would have mostly office workers and traveling superintendents. Kyle Byrd stated that they tend to use subcontractors from the city they are working in to do a lot of the work.

David Smith asked for clarification about what the petitioners are referring to when they speak of 726 E. North St. Kyle Byrd stated that they understand that there are three different lots there, but all three parcels fall under the 726 E. North St. address when they are talking about the purchase. David Smith asked if the residence has the 409 Poplar St. address. The petitioners confirmed that the house is located at the 409 Poplar St. address. David Smith clarified that the petitioners are discussing the funeral home, located at 726 E. North St., the second residence, located at 409 Poplar St., and a parking lot with approximately 20 parking spaces, the petitioners confirmed.

David Smith asked the petitioners to explain how and where they will be receiving and storing materials in a residential area, and how that material will not be visible in a residential neighborhood. Josh Ehrgott stated that all material would be stored in the 3-car utility garage. David Smith clarified that storage would be interior. Josh Ehrgott confirmed.

David Smith asked how many vehicles would be used now and how many could be expected once the business takes off. Josh Ehrgott stated that there are currently only two vehicles, but once business takes off, he would expect five or six vehicles to be parked in the lot. David Smith asked if the petitioners believe they will have enough parking spaces available. Josh Ehrgott stated that there are more than enough spaces available and have even contemplated taking away part of the parking lot to add more yard to the residence.

Steve Niblick asked if the company vehicles were pick-up trucks or dump trucks. Josh Ehrgott and Kyle Byrd stated that the company vehicles would be either pick-up trucks or vans but would be nothing that would require a special license to drive.

Michelle Owens asked if the purchase of the property would include all three parcels. Josh Ehrgott confirmed that they would be purchasing all three parcels in the sale.

Nate Kring came forward to speak, stating that he is supportive of the project as long as it is not intrusive to the surrounding neighborhood. Nate Kring asked if the variance request is for only one parcel, or for the three parcels. Steve Niblick stated that the legal description is for all three parcels, so the variance request is for all three parcels.

Michelle Owens asked the petitioner if the petitioners will have any parking lighting. The petitioners stated that they will not.

The public hearing was closed.

Adrian Roach stated that he believes the material storage plan is vague. Adrian Roach stated that he would like to have clarification on what will happen if the petitioners begin storing material outside. Steve Niblick stated that if the petition is approved under the condition that there is no outside storage permitted, staff would contact the property owner to advise that they are in violation of the conditional approval. If the property owners continued to violate the conditional approval, staff would then come to the BZA to ask that the BZA use variance approval be rescinded. Steve Niblick explained that this is the process that would be used to enforce any conditions that are placed on the approval.

Kelsey Ehrgott explained that the vision is not to be a storage facility, but to have a location that will be kept clean. Kelsey Ehrgott expressed her excitement to join the community and thanked the board members for hearing the petition.

Amanda Byrd came forward to stated that all material is delivered to job sites. Amanda Byrd stated that any storage would be for a short time on the occasion that material is delivered before the jobsite is ready or if there is material that needs to be returned. Amanda Byrd stated that any material storage would be inside the building.

Amanda Byrd also stated that the employees drive regular pick-up trucks to and from the job sites, and any heavy equipment would be kept on the jobsite. Amanda Byrd stated that the only people who would be at the office location would be computer people or people who would be coming by to pick up a check. Amanda Byrd stated that the people would typically be driving their single-use vehicles, and overnight parking would be a rare occurrence.

Christina Kring stated that she does not see this property going back to residential use, and the property as it stands right now is not serving the neighborhood.

Discussion ensued concerning the types of commercial uses that would fit into this zoning area.

Michelle Owens asked if it would be possible to separate the parcel with the residence from the variance request so that this lot would need to remain residential. After discussion, Steve Niblick explained that the board could make it part of the motion that the residential home must remain used as a residential home.

Adrian Roach asked if the parcel where the home is located is currently commercial. Steve Niblick explained that this property is currently zoned R-1 Residential. Steve Niblick advised that if the board makes an approval to allow commercial use of this property, they make a condition that specifically excludes the house.

Discussion ensued concerning conditions of the approval, and the location of any trash enclosure.

With no further discussion, Michelle Owens made a motion to approve CTI-V-27-21 with the following conditions:

- The parking lot will not be illuminated.
- There will be no exterior storage of material.
- Any exterior trash container will be locked and located in a parking space.
- The home on parcel #80-11-11-504-038.010-002 will remain a residence and will not be used for any business use.
- There will be no expansion of the business onto neighboring properties.
- The use would not transfer to any new owners.

Motion as made seconded by Christina Kring. Motion carried 4-0.

Old Business

a) CTI-V-23-21 LaBoyteaux Findings of Fact

Robert Cochrane made a motion to approve the findings of fact as presented; seconded by Christina Kring. Motion carried 4-0.

Adjournment

There being no other business, Michelle Owens adjourned the meeting at 6:55 p.m.


Chair

12/8/2021
Date



Executive Director

12-8-21

Date