



Minutes September 6, 2022 Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Tuesday, September 6, 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, and Doug Heron.

Members absent: Weston Nicholson.

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

Staff absent: None.

Modifications to Agenda / Agenda Summation

None.

Approval of Minutes

a) August 3, 2022, Minutes

Doug Heron made a motion to approve the minutes of August 3, 2022, as presented; seconded by Scot Gasho. Motion carried 4-0.

Public Hearings

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

Steve Niblick provided the staff report for the petition and asked that the board consider the use variance and development standard variance separately, beginning with the use variance.

Cameron Morrow came forward to present the petition for a use variance.

Gary David asked when the petitioner first received a petition to remodel the building. Cameron Morrow stated that he applied for and received the remodel permit to remodel the building and add on the front porch in early 2020.

Gary David asked why they didn't get a business permit then. Cameron Morrow stated that he was unsure but that they are zoned AG but are taxed as commercial. Cameron Morrow explained that they now would like to put up a sign and the sign company stated that they would not install the sign without a permit. It was upon applying for the sign permit that the petitioner was made aware of the zoning issue.

Steve Niblick explained that Morrow is a contractor who pulls many permits through the office, and it was not until the petitioner came in for a sign permit, that it was discovered that this building is being used as the location for the Morrow Construction business.

Bob Powell asked if Cannon ever changed it from Ag to commercial. Scot Gasho stated that the property was never changed from commercial to Ag.

Discussion ensued concerning the use variance.

Steve Niblick stated that he received a call from Carla Bowers, who lives across the road. Carla Bowers stated that she does not have a problem with the business.

Gary David stated that he would like to go through the criteria one by one for this petition.

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

None of the board members saw a problem with this criterion.

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.

Scot Gasho stated that he does not see a problem with this criterion at the current size but feels like they should come back to the board for further approval if the business grows. Bob Powell asked how much ground is involved in business location. Cameron Morrow stated that he owns and acre and a half.

Gary David asked if they store lumber at that location. Cameron Morrow stated that they do, but everything is stored inside and the only thing outside are the trailers. Cameron Morrow explained that inside the main building, there are two offices and a break room. Cameron Morrow stated that any need to expand would be expanding the storage building, not the main office building.

Bob Powell asked how far off the road is the building. Cameron Morrow stated that the building is probably 150 feet off the road. Bob Powell asked if the entire acre and a half is road frontage. Cameron Morrow stated most of the property is road frontage, except for approximately 50 feet to the north that the farmer still plants. Cameron Morrow stated that he has no intention to take that land out of tillable ground because he does not want to have to mow it.

Discussion ensued concerning the fuel tanks next to the property. Bob Powell asked who the fuel tanks belong to. Cameron Morrow stated that the fuel tanks belong to the Harlows. Bob Powell asked if there are any restrictions of fuel tanks near a commercial building. Steve Niblick stated that there is nothing in the zoning code.

Criteria C.: The need for the variance arises from some condition peculiar to the property involved.

Discussion ensued among the board members concerning this criterion.

Criteria D.: The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Discussion ensued among the board members concerning this criterion.

Criteria E.: The approval does not interfere substantially with the Comprehensive Plan.

Discussion ensued among the board members concerning this criterion.

Bob Powell motioned to close the public hearing; seconded by Doug Heron. Motion carried 4-0.

After a brief discussion, Bob Powell made a motion to approve the use variance for only Morrow Construction, LLC inside the footprint of the existing property and only for the use as a construction company and the variance is nontransferable; seconded by Doug Heron. Motion carried 4-0.

Cameron Morrow came forward to present the petition for a development standard variance for a sign that extends above the roofline the building.

Bob Powell asked how the sign above the porch roofline compares to the building behind it. Cameron Morrow explained that the sign does not extend above the highest peak line, only above the flat part where the sign is located.

Bob Powell asked if this is all the same building in the picture. Cameron Morrow confirmed that it is all the same building in the picture.

Bob Powell asked if this building is a house or an office. Cameron Morrow confirmed that the building is the office.

With no further discussion, Doug Heron made a motion to approve the variance as presented; seconded by Scot Gasho. Motion carried 4-0.

Old Business


None.

New Business


None.

Adjournment

There being no further business, Bob Powell made a motion to adjourn the meeting at 7:51 pm; seconded by Gary David. Motion carried 4-0.


Chairman

10-5-2022
Date


Executive Director
Oct 5, 2022
Date

