



# **Minutes**

## **January 4, 2023**

### **Tipton County Board of Zoning Appeals**

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, January 4, 2023, at 6:00 pm, in the 1<sup>st</sup> Floor Meeting Room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana.

#### **Call to Order**

Chairman Gary David called the meeting to order at 6:00 p.m.

There was discussion about the time change and the proper notice time for the public hearing. After discussion, Korey Henderson made a motion to suspend the meeting and resume at 7:00 pm.

Meeting called to order by Chairman Gary David at 7:00 p.m.

#### **Roll Call**

Members in attendance: Bob Powell, Weston Nicholson, Korey Henderson, Doug Heron, and Gary David.

Members absent: none.

Staff in attendance: Steve Niblick and Judy Coker.

Staff absent: David Langolf Smith.

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

Bob Powell asked that meeting times be discussed under new business.

#### **Election of Officers**

a) Chairman. Bob Powell nominated Gary David for Chairman; seconded by Weston Nicholson. Nomination closed. Gary David elected Chairman by a 5-0 vote.

b) Vice-Chairman. Bob Powell nominated Doug Henderson for Vice-Chairman; seconded by Gary David. Nomination closed. Doug Henderson elected Vice-Chairman by a 5-0 vote.

c) Secretary. Bob Powell nominated Judy Coker for Secretary; seconded by Gary David. Nomination closed. Judy Coker elected Secretary by a 5-0 vote.

#### **Approval of Minutes**

a) October 5, 2022, Minutes

Bob Powell made a motion to approve the minutes of October 5, 2022, as presented; seconded by Doug Heron. Motion carried 4-0-1 with Korey Henderson abstaining.

*Doug Heron recused himself from the meeting.*

## **Public Hearings**

a) CO-V-39-22 Heron development standard variances.

Phil Heron came forward to present his petition to have two dwellings on one parcel and to reduce the front set back from 100 ft. from the right-of-way to 60 ft. from the right-of-way.

Gary David asked if the petitioner would be constructing a house or a garage-house. Phil Heron stated that he would be constructing a house with a garage.

Bob Powell asked how big the new house would be. Phil Heron stated that the new house would be 1800 sq. ft. with a three-car garage.

Bob Powell asked how big the existing lot is. Phil Heron stated that the existing lot is approximately six acres.

Bob Powell asked if the petitioner has considered subdividing the lot. Phil Heron stated that he would prefer not to subdivide, and that his grandson would be moving into the main house to help take care of the property.

Gary David asked why the petitioner chose to bring this matter to the BZA and not just subdivide the property. Phil Heron stated that the BZA is a quicker process and time is of the essence. Phil Heron stated that the subdivision process could take anywhere from a year to two years.

Bob Powell asked if the planned location for the new house would be somewhere so that if the property were sold sometime in the future, the new owners would have the ability to subdivide the property and still meet the standards of the ordinance. Phil Heron stated that he would.

Bob Powell asked if this dwelling would have a separate septic system and well. Phil Heron stated that he already has approval from the Health Department for a separate septic system and well.

Steve Niblick confirmed that the proposed location for the new dwelling would meet current development standards if the property were ever subdivided.

Steve Niblick stated that the property owner is also asked for a variance to construct the new house 60 ft. from the road right-of-way, instead of the required 100 ft. Korey Henderson clarified that 60 ft. is from the right-of-way and not the edge of the road. Phil Heron stated that he would still be 130 ft. from the center of the road, which would place him in line with the other barns on the property.

Bob Powell asked if the petitioner would be avoiding the intersection. Phil Heron stated he is not getting close to the intersection because there is a roundabout coming in at the corner of S.R. 28 and S.R. 213., which is scheduled in 2025 but could be as early as June of 2024 because INDOT is ahead of schedule.

Korey Henderson asked the petitioner to clarify where the proposed septic system will be located. Phil Heron stated the septic will be located east and north of the proposed house location.

Korey Henderson asked if the petitioner plans to use the existing driveway coming off S.R. 213, and just extend the current driveway to the new house. Phil Heron stated that it depends on whether

he is successful in receiving a variance to construct a second dwelling or if he will have to subdivide the lot. Phil Heron stated that if he has to subdivide, he will make a new driveway off of S.R. 28.

Weston Nicholson asked if this variance is necessary for the use of this property or for the future subdivision of this property. Phil Heron stated he will need the variance to allow a building 60 ft. from the right-of-way, either way he goes.

Bob Powell asked if there is a pond on the property. Phil Heron confirmed that there is a pond on the property. Bob Powell asked if the pond would interfere with the placement of the septic system. Phil Heron stated the septic will be completely back from the pond area.

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

Discussion ensued amongst the board members concerning the development standard variance criteria for allowing two dwelling units on one parcel.

Gary David stated that he does not think this petition meets criteria C because there is not a need for this variance, only a want. Gary David pointed out that the petitioner could very easily subdivide the property, which would eliminate the need for the variance.

Discussion ensued concerning reasonable conditions.

Gary David motioned to deny the development standard variance to allow two dwellings on one parcel; seconded by Weston Nicholson. Motion carried 4-0.

Discussion ensued concerning the development standard variance to allow a structure to be built 60 ft. from the right-of-way.

Gary David asked the petitioner how far he would be from the center of S.R. 213. Phil Heron stated that he is several hundred feet from S.R. 213.

Discussion ensued concerning the roundabout going in at S.R. 213 & S.R. 28.

Korey Henderson made a motion to approve variance for a 60 ft. setback from the S.R. 28 right-of-way for a permanent residential structure. Motion died for lack of a second.

Bob Powell made a motion to deny the variance; seconded by Gary David. Motion carried 3-1, with Korey Henderson dissenting.

*Doug Heron reentered the meeting.*

### **Old Business**

a) CO-V-30-22 Reagan Outdoor Development Standard Variance Findings of Fact.

Bob Powell made a motion to approve the Findings of Fact as presented; seconded by Weston Nicholson. Motion carried 4-0-1, with Korey Henderson abstaining.

b) CO-V-31-22 Zaremba Group LLC Development Standard Variance Findings of Fact  
Bob Powell made a motion to approve the Findings of Fact as presented; seconded by Doug Heron.  
Motion carried 4-0-1, with Korey Henderson abstaining.

**New Business**

**BZA Meeting Times**

Bob Powell made a motion to set the BZA meeting time to 7:00 pm; seconded by Gary David.  
Motion carried 4-1, with Doug Heron dissenting.

**Adjournment**

There being no further business, Bob Powell made a motion to adjourn the meeting at 7:34 pm;  
seconded by Doug Heron. Motion carried 5-0.

  
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Chairman  
\_\_\_\_\_  
Executive Director

4-5-2023  
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Date

4-5-2023  
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Date