



Minutes

November 1, 2023

Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, November 1, 2023, at 7:00 pm, in the 1st 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 7:00 p.m.

Roll Call

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

Members absent: None.

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

Staff absent: None.

Modifications to Agenda / Agenda Summation

None.

Approval of Minutes

a) October 4, 2023, Minutes

Bob Powell made a motion to approve the minutes of October 4, 2023, as presented; seconded by Doug Heron. Motion carried 5-0.

Public Hearings

a) CO-V-29-23 Turner development standard variance

The neighbor notices were never mailed so Korey Henderson motioned to continue CO-V-29-23 until the next regularly scheduled meeting; seconded by Bob Powell. Motion carried 5-0.

b) CO-V-30-23 Co-Alliance development standard variance

Ryan Satchell came forward to present the petition for a development standard variance.

Robert Powell and Gary David recused themselves from the petition and left the room, citing a conflict of interest.

Doug Heron asked if the new structure would stay in the same footprint as the current structure. Ryan Satchell replied that the new structure will be in the same footprint so as to utilize the existing concrete pad.

Weston Nicholson asked if they were to pull the building back, is there a concrete pad underneath.

Ryan Satchell explained that there is an existing concrete pad that would remain and would be used for the new structure.

Discussion ensued concerning where the structures and concrete pads are located on the property. Korey Henderson asked if they plan to tear down the existing building and the footprint to place a new building, or will they leave any part of the building or structure. Ryan Satchell stated that the building will come down and they will go over the top of the existing concrete pad with sand, then pour new concrete that would meet the required thickness.

Weston Nicholson clarified that they are not expanding the current footprint, only supplementing what is currently there. Ryan Satchell agreed.

Weston Nicholson asked if there has been any issue with the building only being 22 feet off the railroad tracks. Ryan Satchell stated that there have not been any issues and stated that, at one time, the spurs for the railroad tracks were probably utilized so there was a reason why the building was placed so close to the railroad.

Korey Henderson asked the attorney, David Smith, for clarification on whether the setback from a right-of-way is for the road right-of-way only, or if that included a railroad right-of-way as well. David Smith provided clarification to the board regarding the petitioner's request.

Korey Henderson motioned to close the public hearing; seconded by Weston Nicholson. Motion carried 3-0.

With no further discussion, Weston Nicholson motioned to approve the Co-Alliance development standard variance with the restrictions that the structure is placed back in the same footprint as the existing structure and any change from this footprint would need to be approved by the Board of Zoning Appeals; seconded by Korey Henderson. Motion carried 3-0.

c) CO-CU-32-23 – Fornax Solar conditional use
This petition was rescheduled for December 6, 2023.

d) CO-V-34-23 Walls development standard variance
Mike and Kim Walls came forward to present the petition for a development standard variance to allow a second dwelling on their property for Mike Walls' father.

Weston Nicholson asked if this would be a permanent structure or if this would be something that would be able to be removed. Mike Walls stated that this is a temporary structure that would come in on a semi and would leave on a semi. Mike Walls stated that as soon as his father passes, the home would be removed.

Doug Heron asked if this structure would be on a foundation. Mike Walls stated that they planned to put lattice around the bottom.

Gary David asked if they are sure about the location of the septic and well and if that is the well and septic system that the petitioner is tied into. Mike Walls stated that this is an extra septic system and well that will be used on for the modular home. Mike Walls stated that they have their own septic system and well for their home.

Steve Niblick stated that any septic system questions or approvals would come from the Health Department before the Planning Office would issue a permit.

Discussion ensued concerning why the petitioners did not consider subdividing the lot. Mike Walls stated that they do not want this to become permanent and would like a temporary dwelling that would be removed once their father no longer needs the dwelling.

Discussion ensued concerning the prior second dwelling that was on the property and what the setbacks would be to add another dwelling to this property.

Gary David asked if they had figured out what size modular home they would like to put there. Mike Walls stated that his father would like a two-bedroom, but they are trying to talk him into a one-bedroom.

John Hinkle came forward to express support for the project, but to also share concerns about the septic system placement.

Korey Henderson motioned to close the public hearing; seconded by Weston Nicholson. Motion carried 5-0.

Korey Henderson asked who would be living in the second dwelling, would it be the petitioners or the father. Mike Walls stated that they would remain in the main house and his father would live in the second dwelling.

Discussion ensued amongst the board members concerning the petition.

Korey Henderson motioned to approve the petitioner's request for a temporary second dwelling on the property, and that it be removed at a deadline of six months after Mr. Walls' father has passed away; seconded by Gary David.

After a brief discussion, Korey Henderson amended the motion to approve the petitioner's request for a temporary second dwelling on the property, and that the dwelling be only permitted for Mr. Walls' father and the dwelling must be removed within six months after Mr. Walls' father vacates the property; the amended motion was seconded by Bob Powell. Motion carried 5-0.

Old Business

a) CO-SE-27-23 Brad Ward Findings of Fact

Bob Powell made a motion to approve the Findings of Fact as printed; seconded by Doug Heron. Motion carried 5-0.

New Business

Doug Heron pointed out that the Board keeps hearing cases concerning second dwellings on a single parcel, for the purpose of taking care of elderly parents. Steve Niblick recommended that this matter be forwarded to the Plan Commission for further consideration to amend the ordinance.

Adjournment

There being no further business, Doug Heron made a motion to adjourn the meeting at 7:53 pm; seconded by Korey Henderson. Motion carried 5-0.

Douglas P. New
Chairman

Stuhlick
Executive Director

12-6-23
Date

DECEMBER 6, 2023
Date