



Minutes September 1, 2021 Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, September 1, 2021, at 7:00 pm, in the 1st Floor Meeting Room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana.

Call to Order

Vice-Chairman Gary David called the meeting to order at 7:00 p.m.

Roll Call

Members in attendance: Gary David, Scot Gasho, Bob Powell and Grant Dunn.

Members absent: Joe Mahaney.

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 4, 2021, Minutes

Bob Powell made a motion to approve the minutes of August 4, 2021, as presented; seconded by Scot Gasho. Motion carried 4-0.

Public Hearings

a) CO-V-29-21 Bailey Signs development standard and use variance

Steve Niblick provided a staff report for the use variance request.

James Bailey came forward to present the petition for a use variance in order to have a billboard in and Agriculture zoning district.

Steve Niblick asked James Bailey if the property where the sign was originally located was taken by eminent domain or did the property owner choose to sell the land to the state. James Bailey stated that the property was acquired by eminent domain.

Gary David asked if the relocation of the sign will be in compliance with the state. Steve Niblick responded that he believes Mr. Bailey is in compliance with the state, but our local ordinance does not allow for a billboard to be placed in an AG zoning district. Steve Niblick advised that this is the reason for the use variance request.

Steve Niblick advised that when looking at the five criteria for a use variance, the petitioner has complied with several requirements, and there is very little concern with the others.

Scot Gasho asked if there was court action concerning the eminent domain. James Bailey stated that there was a judgement from the Tipton County Circuit Court stated that the sign had to be moved.

David Smith asked if there was money awarded. James Bailey stated that there was money paid to move the sign. David Smith asked how much money was awarded by the court. James Bailey stated that he does not believe that the amount is relevant to the petition request.

David Smith asked if the court awarded money to relocate the sign or if the court awarded money for the sign. James Bailey stated that they sent an appraiser to determine how much it would cost to move the sign, and that is what the court awarded.

David Smith clarified that the petitioner is not willing to disclose the amount of money that was awarded by the court because the condemnation had to do with the loss of the use of the sign. James Bailey stated that the court awarded \$13,000.00.

Steve Niblick stated that the discussion arises from criteria C. Steve Niblick stated that if the state project were not going on, there would be no need to relocate the sign. Steve Niblick stated that this is a legal nonconforming sign that would have been able to be maintained and repaired, but due to the actions of the state, the sign must be relocated.

Scot Gasho asked if the old sign met the new overlay standards. Steve Niblick responded that, while he is unsure if the old sign was set back 15' from the right-of-way, as far as the distances from other signs and the height of the sign, this sign met the standard for a non-illuminated sign. Steve Niblick stated that the sign itself will not change, only the location of the current sign.

James Bailey stated that this sign is 300 square ft., and that will not change. James Bailey stated that the state has allowed for the sign to be raised, due to visibility issues once the overpass is constructed. James Bailey stated that the intention is to raise the sign slightly to accommodate visibility issues. Steve Niblick confirmed that the request to raise the sign from 18' to 21' is still well below the 35' maximum height standard.

There was no further discussion, Bob Powell made a motion to approve the use variance petition as presented; seconded by Grant Dunn. Motion carried 4-0.

James Bailey came forward and explained that there is a utility easement that runs along the new highway right-of-way which prohibits the new sign to be placed closer than 15 feet. Therefore, he asked that the development standard variance be withdrawn. The BZA members accepted the withdrawal.

Old Business

a) CO-V-24-21 Mraz findings of fact

Bob Powell made a motion to approve the findings of fact as presented; seconded by Grant Dunn. Motion carried 4-0.

b) CO-V-25-21 Burrow findings of fact

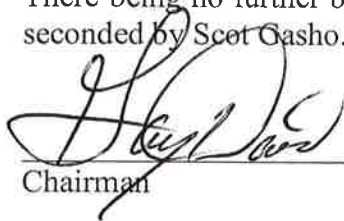
Bob Powell made a motion to approve the findings of fact as presented; seconded by Grant Dunn. Motion carried 4-0.

New Business

None.

Adjournment

There being no further business, Bob Powell made a motion to adjourn the meeting at 7:22 pm; seconded by Scot Gasho. Motion carried 4-0.



Chairman



Executive Director

10-6-2021

Date

10-6-2021

Date