



Minutes

March 7, 2018

Tipton County Board of Zoning Appeals

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, March 7, 2018, at 7:00 pm, in the 1st Floor meeting room, Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana.

Call to Order

Chairman Mark Baird called the meeting to order at 7:00 pm.

Roll Call

Members in attendance: Mark Baird, Joe Mahaney, Gary Herrell, Jerry Acres and Bob Powell

Members absent: none

Staff in attendance: Steve Niblick, Lynlie Adair and David Langolf Smith

Staff absent: none

Modifications to Agenda / Agenda Summation

Mark Baird noted that petition TC-SE-03-18 will be continued due to review by legal counsel. The petitioners were notified prior to the meeting. The matter will be heard at the April BZA regular meeting.

Approval of Minutes

a) January 3, 2018 Minutes

Bob Powell made a motion to approve the minutes as presented; seconded by Joe Mahaney. Motion carried 5-0.

b) February 7, 2018 Executive Session Memorandum

Joe Mahaney made a motion to approve the memorandum as presented; seconded by Gary Herrell. Motion carried 5-0.

Public Hearings

a) TC-V-01-18 John Morris Use Variance

Joe Mahaney made a motion to open the public hearing; seconded by Bob Powell. Motion carried 5-0.

Property owner John Morris spoke as petitioner. John Morris is renting his property to Ford Hawkins and asking for a variance of use for the property at 7880 E SR 28 Elwood for a used automobile dealership.

Ford Hawkins spoke about the request and his history of working with cars. He also told the board how he plans to run his business if approved by keeping the property clean and safe. Ford Hawkins went on to say that he would only grow the sales to about 25 – 30 cars at one time on the lot. Ford Hawkins has improved the building such as lighting and added an office. In the future with hopes of approval he is looking at improvements to the outside of the building, painting, new roof, etc.

No others came forward to speak. Joe Mahaney made a motion to close the public hearing; seconded by Bob Powell. Motion carried 5-0.

President Mark Baird asked Mr. Hawkins if he needed to be a licensed car dealer in the state of Indiana. Mr. Hawkins said he was not but he planned to be, contingent to his petition. He does need to be registered which includes proper zoning approval from the local planning jurisdiction. Part of the registration is having insurance as well.

President Mark Baird asked if Mr. Hawkins had a sign on the property at this time. Mr. Hawkins said the State of Indiana requires to have signs posted with hours and business name. Mark Baird asked that he meet the requirements for the sign ordinance.

President Mark Baird asked about the capacity of the car lot and how many cars will be there at a time. Ford Hawkins said it could handle 40-50 cars, with it just being himself he would have 30 cars.

President Mark Baird asked about extra parts and where they would be stored. Ford Hawkins said he does not keep parts around as most of the work that will be done is detailer work. He may have occasional part changes. Mr. Hawkins told the board he recycles everything that can be recycled.

President Mark Baird asked if he was correct in assuming that all work would be done inside the building. Mr. Hawkins answered yes; all work would be done inside the building. Mr. Morris (property owner) told the board that in the lease agreement it states there was not to be junk or trash laying around.

Joe Mahaney asked if the property had been a car lot before? Mr. Morris answered yes; Sheila and Gordy Ball operated an auto sales lot back in 1997 (Ticket to Ride). President Mark Baird asked when the last time it was open. Mr. Morris answered he believed it had been opened till 2000-2004.

Joe Mahaney asked if the lot was asphalt and if there still is access off of ST RD 28. Ford Hawkins answered yes to both questions.

Gary Herrell asked how Mr. Hawkins would dispose of liquids such as used motor oil, coolant, etc. Mr. Hawkins said he takes his liquids to an AutoZone or local places that recycle liquids.

Being no more discussion, Jerry Acres made a motion to approve the petition as presented; seconded by Joe Mahaney. Motion carried 5-0.

b) TC-SE-02-18 Brock Rutledge Special Exception

Bob Powell made a motion to open the public hearing; seconded by Joe Mahaney. Motion carried 5-0

Brock Rutledge spoke as petitioner for his project requesting an equestrian business on his property (training, boarding, riding lessons). Mr. Rutledge expressed he had been a professional for 15 years and he is a certified riding instructor and his wife has been a professional for 5 years and she has a bachelor's degree in equestrian science.

There were no others to come forward. Jerry Acres made a motion to close the public hearing; seconded by Gary Herrell. Motion carried 5-0

Jerry Acres asked how many acres will be used for boarding horses. Mr. Rutledge replied that he owns 10 acres. Mr. Acres asked how many horses would be boarded at a time. Brock Rutledge said starting out he will have 7-10 and long term 20-25. Mr. Acres asked what buildings were on the property now for horses. Mr. Rutledge has a 30x60 barn and is in process of adding an addition on to the barn and adding a fence. Mr. Acres asked if Mr. Rutledge would be selling horses as well and Mr. Rutledge replied no he would not.

Mr. Powell asked how many horses he is anticipates in the barn. Mr. Rutledge answered that there are none at the present but he would like to have 20 -30 stalls in the future. Mr. Powell asked what Mr. Rutledge wished to have approved for this hearing, Mr. Rutledge replied that what he was asking to be approved is to run his agribusiness on his property. Mr. Powell asked for a property of that size what would be the maximum capacity of horses. Brock Rutledge answered 20-25 horses.

The board had various questions and discussions on regulations for professional horse trainer and sizes of stalls for horses. Bob Powell wondered if Tipton County should have some equestrian standards. Steve Niblick stated that he would propose the idea to the Plan Commission at their next meeting.

Mr. Baird asked if Mr. Rutledge had his own horses at the property now. Brock Rutledge answered no.

Being no more discussion, Bob Powell made a motion to approve the petition as presented; seconded by Jerry Acres. Motion carried 5-0.

c) TC-SE-03-18 Rodney Johnson Special Exception
Continued until April 4, 2018.

Old Business

Steve Niblick noted that after review of the BZA Bylaws that prevision for public comments are not in the bylaws. Steve Niblick also spoke about not making recommendations; President Mark Baird noted he was very comfortable with this arrangement at this time. Steve Niblick also told the board that the County Planning Commission is looking at their bylaws and making changes recording attendance, and educational training on an annual basis.

New Business – None.

Staff Report – None.

Adjournment

Being no further business, Bob Powell made a motion to adjourn at 7:50 pm; seconded by Jerry Acres. Motion carried 5-0.

Chairman

Executive Director

Date

Date

