



City of Tipton Board of Zoning Appeals Minutes June 10, 2020

The City of Tipton Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, June 10, 2020. The meeting was called to order by Michelle Owens at 6:00 p.m. The meeting was held at the Tipton County 4H Building.

Roll Call

Members present: Jake Heard, Adrian Roach, Roberta Heinzmann, Christina Kring and Michelle Owens.

Members absent: None

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

Staff absent: None.

Modifications to Agenda

Michelle moved Item c) CTI-V-11-20 first and Item a) CTI-V-03-20 HAND last under public hearings.

Approval of Minutes

Roberta Heinzmann made a motion to approve the minutes of March 11, 2020 as presented; seconded by Jake Heard. Motion carried 5-0.

Public Hearings

c) CTI-V-11-20 Mundell

Steve Niblick detailed the staff report for the petition. Roberta Heinzmann questioned whether proof of neighbor notification had been received. Steve Niblick responded that both the green receipts as well as proof of publication from the newspaper had been received.

Kaitlyn and Kyle Mundell came forward to request that the board grant their petition for a development standard variance so that they could place a fence with the height of six feet in the front setback of their home. Michelle Owens asked if the petitioners had spoken to any of their neighbors concerning the fence. Kyle Mundell responded that he has spoken with two of his neighbors who both approve of the petition.

Kyle Mundell presented the board with photos that demonstrate where the fence would be located on their property. Roberta Heinzmann asked Mr. Mundell to show where the fence would be located on the provided site map.

Christina Kring stated that she believes the petitioners have proven a specific need versus a want.

Michelle Owens asked the audience if there was anyone who wanted to speak in favor of or against the petition. No one came forward.

There being no further business, Christina Kring made a motion to approve the petition as presented; seconded by Jake Heard. Motion carried 5-0.

b) CTI-V-05-20 Ripberger

Steve Niblick detailed the staff report for the petition.

Ronald Ripberger came forward to detail the use variance petition to have a mini-storage unit business in a S-1 zoning district. Ronald Ripberger provided images to the board of the current state of the building. The petitioner stated that he has spoken with his neighbors who all approve of the project.

Michelle Owens questioned the petitioner about how many units would be on the property, and how people would access the units. Ronald Ripberger stated that initially there would be seven units; six 10 x 10 units and one larger unit on the end. Ronald Ripberger stated that the entrance to these units would be on the west side of the building, and that units to the north side of the building might be added at a later date. Ronald Ripberger stated that the entrance would always be to the south or west because he does not want people driving in his yard in order to access their units.

Roberta Heinzmann asked if the building is 18 feet from Hamilton Street, and if the petitioner will gravel the entire 18 feet. Petitioner confirmed that the building 18 feet from Hamilton Street, and stated that he would place gravel along the entire 18 feet because that is where customers would park to access their units.

Roberta Heinzmann asked if the petitioner would be doing anything to beautify the property. Ronald Ripberger stated that he has already began cleaning the property and would continue to do so if his petition is granted.

Roberta Heinzmann asked if any of the units would be temperature controlled, and if the petitioner would have to carry liability insurance. Ronald Ripberger stated that the building would not be temperature controlled, and that he would carry at least a small amount of liability insurance. Mr. Ripberger stated that he plans to have customers show proof that they are carrying their own insurance on the units.

No one came forward for or against the petition.

There being no further discussion, Roberta Heinzmann made a motion to approve the petition as presented; seconded by Christina Kring. Motion carried 5-0

c) CTI-V-03-20 HAND, Inc.

Christina Kring, due to being a notified property owner for this petition, recused herself and left the table.

Steve Niblick detailed the staff report for the petition.

Andrea Davis came forward to present the petition for three variances: a development standard variance to allow 12 parking spaces instead of the required 18, a development standard variance to allow a minimum lot area of 4,450 sq. ft. per dwelling unit instead of the required 8,000 ft. per dwelling unit, and a development standard variance to allow a 10 ft. buffer yard without the required fencing. Petitioner also provided some information about the company.

Bill Gosser came forward to speak in favor of the petition, citing the need for affordable senior housing in the community. Bill Gosser also noted that the HAND project will add approximately 2.1 million dollars in value to the community.

Kara Kellerman came forward to speak in favor of the petition. Kara Kellerman explained that just one month ago, there were over 100 names on the new senior apartment development waiting list. Kara Kellerman noted that this new building only holds 49 units so the need for more senior housing is apparent.

Nate Kring came forward to speak in favor of the petition, citing the property owner's rights to use the property in the manner that they see fit. Nate Kring also stated that he does not feel that the board should consider the size of the property, because this is usually not a factor when the city evaluates other projects.

Jim Ashley came forward to address the petition. Jim Ashley stated that he believes the 8,000 sq. ft. property size is a bit excessive, but that the board should be careful considering variances on parking space requirements because the city will not get any do-overs. Jim Ashley stated that he is impressed with the materials that are being used.

M.E. Barwacz, speaking on behalf of Alice Ryan who tried to send an email, spoke in favor of the project because Alice Ryan would like for her elderly disabled daughter to live there. Alice Ryan also believe that the city is receiving a 2.1 million dollar gift, in the form of an investment to the community.

Randall Hudson came forward to speak against the petition, especially concerning the zoning being R-2 and not R-1. Randall Hudson contends that the original zoning of the property was R-1, and that the changed the zoning to R-2 without proper neighbor notification.

Beverly Hudson came forward to challenge the petition, especially concerning the size of the building lots in relation to the square footage requirements.

Scott and Kim Randall came forward to speak in opposition to the petition, especially the reduction in parking spaces. The Randall's feel that the petitioner should meet the minimum requirement of two off-street parking spaces per unit.

Mr. Cootz came forward to contest the petition, specifically noting the combining of the lots. Mr. Cootz believes that there is a discrepancy in the zoning ordinance concerning multi-family usage. Mr. Cootz feels that the proposed foundations do not meet the definition of a duplex. Mr. Cootz stated that he believes the rental units will lower the property values of the owner-occupied homes in the neighborhood.

Brad Cox came forward to state that he is concerned with the parking lot being adjacent to his property without a fence. Brad Cox also raised concerns about drainage issues that might develop as a result of the parking lot.

Cheryl Gunn came forward to express her disapproval of the project because she contends that the project will have a negative impact on neighboring property values. Cheryl Gunn also stated that she believes that the properties did not sell prior to HAND purchasing them because they were not marketed well.

Scott Reecer came forward to express disapproval of the project because he built his home because of the low traffic on the street. Scott Reecer stated that he believes that the school would receive multiple complaints due to the noise from multiple sports events at the neighboring school.

Sarah Funke came forward to express concern with the number of parking spaces as well as the possibility that HAND might lose the property in the future. Sarah Funke expressed concern with what would happen with the homes if HAND had to sell the property.

Mike Moller came forward to express concern about the HAND organization's credibility.

Richard Brown came forward to oppose the petition because he believes that nine units will not do much to help the senior community. Richard Brown also stated that he believes having rental units in this area would be a mistake.

Andrea Davis came forward to provide rebuttal comments and information to address the opposing speaker's concerns.

Steve Niblick stated that in order to move forward, this project would go before the city Development Plan Review Committee and the City Plan Commission to look at the aesthetics of the project. Steve Niblick stated that this is where landscaping, façade and utility concerns would be looked at.

Michelle Owens asked the residents if there were any covenants for the neighborhood. The residents stated that there are covenants, but only for the duplexes on the east end. Michelle Owens asked if she could have a copy of the covenants. Beverly Hudson agreed to provide Michelle with the information.

David Smith asked if the parking would be assigned to each unit. Andrea Davis stated that they normally do not assign parking, but that is something they could look at if they need to.

David Smith asked if handicap spaces would only be used for disabled residents, or if able-bodied residents would be permitted to park in those spaces. Andrea Davis stated that there is usually at least one unit that is built to be handicap accessible, so those spaces usually get used.

Adrian Roach asked Steve Niblick if he had any information concerning the zoning and if it has been changed. Steve Niblick stated that when the petition first came into the office, the zoning was R-2. Steve Niblick stated that he has no information showing that the zoning was ever R-1, and when the property was annexed in from the county, the county zoning allowed for multi-family housing. Niblick stated that usually the zoning remains similar to what it was before it was annexed.

Adrian Roach asked how many of the houses in the neighborhood currently meet the 8,000 sq. ft. lot size requirement. Steve Niblick responded, with the help of the petitioner, that only four properties in the subdivision currently meet that development standard. Adrian Roach asked if the other property owners were required to obtain a variance before they built their homes. Steve Niblick responded that he did not believe they did.

Jake Heard stated the he is most concerned with the parking.

Adrian Roach stated that parking is also his biggest concern.

Roberta Heinzmann stated that parking is also her biggest concern.

Michelle Owens stated that she does not have a concern about the parking because the units are income capped. Michelle Owens stated that she does not have a concern with the buffer yard because this is something that will be addressed by the Plan Commission. Owens stated that she has more concern about the 8,000 sq. ft. lot size requirement.

Adrian Roach asked the petition could be tabled; Jake Heard agreed. Steve Niblick asked if the board would like to table the petition for a special meeting or until the regularly scheduled July meeting. David Smith cautioned that if the meeting is tabled, the board member would need to be careful not to discuss the case with anyone, or any of the other board members. David Smith also advised that the board members should not seek out any additional information, and should only consider the materials that they have been provided.

Roberta Heinzmann asked if the board could hold a special meeting. Steve Niblick responded that the board could either hold a special meeting, or they could table the petition until the regularly scheduled July meeting.


Michelle Owens asked if she could get a copy of the covenants. Nate Kring responded that he was given a copy of the covenants and could provide them to the board.

Adrian Roach motion to table the petition for a special meeting; seconded by Jake Heard. Motion carried 4-0.


Adjournment

There being no other business, Roberta Heinzmann made a motion to adjourn at 8:36 p.m.; seconded by Jake Heard. Motion carried 4-0.


Chair


Date


Executive Director


Date