

Board of Zoning Appeals

Minutes February 11, 2020

6:00 P.M.

President Ben Wicker called the meeting to order at 6:00 P.M.

Roll Call: Present were Dohn Green, Sandra Jackson, Craig Trent, Phil Shanahan, and Ben Wicker. Also present was attorney Jeff Wesling, and Executive Director Gregg Duke. Absent were Secretary Linda Ashwill.

Approval of Minutes: January 7, 2020 Mr. Wicker asked for additions or corrections to the January 7, 2020 minutes. Hearing none Mr. Wicker asked for a motion to approve. Mr. Shanahan motioned to approve, seconded by Mr. Trent. Minutes were unanimously approved by voice vote.

New Business:

Mr. Wicker voiced BZA general hearing guidelines for the following public hearings.

1. **BZA 2019-34** Charles and Mary Justice and Daryl and Lynda Raab are requesting development standard variances to 7.10.2(a and b) to allow a subdivision at 3337 S. 725 West, Manilla. Gregg read the staff findings of fact with a recommendation of approval. Applicant Daryl Raab did not have any further findings. Mr Trent asked if this was to be replatted with another parcel. Mr Raab responded yes. President Wicker opened the public hearing. No public comment received. President Wicker closed the public hearing and asked the Board for questions or comments. Hearing nothing further Mr. Wicker asked for a motion. Mr. Trent motioned for approval seconded by Ms. Jackson. Voice vote for approval of variances was unanimous.
2. **BZA 2019-37** Eakins Family Trust and Trustee Carolyn Meyer are requesting development standard variances to 7.10.2(a and d1) to allow a subdivision at 2914 W. 450 North, Rushville. Gregg read the staff findings of fact with a recommendation of approval. Agent Andy Murray did not have any further findings. No questions from the Board. President Wicker opened the public hearing. No public comment received. President Wicker closed the public hearing and asked the Board for questions or comments. Hearing nothing further Mr. Wicker asked for a motion. Ms. Jackson motioned for approval seconded by Mr. Green. Voice vote for approval of variances was unanimous.
3. **BZA 2019-40** RNP LLC, and agent Andy Scholle are requesting development standard variances to 7.10.2(a and b) to allow a two lot subdivision at 3609 E. Orange Pike, Rushville. Gregg read the staff findings of fact with a recommendation of approval. Agent Andy Scholle gave a short presentation focused on the existing .224 acre tract and noted it would be replatted with another adjacent parcel. No further questions from the Board. President Wicker opened the

public hearing. Adjoiner, Debra Banks expressed concern the .224 acre lot would be used for a building lot and that the lot was actually there. She was assured by agent Andy Scholle it would not be a building lot and it was presently a legal lot. Mr. Green asked Mrs. Banks if she felt it was going to affect her property. Mrs. Banks said she did not feel it would. President Wicker closed the public hearing and asked the Board for questions or comments. Hearing nothing further, Mr. Wicker asked for a motion. Mr. Green motioned for approval seconded by Mr. Shanahan. Voice vote for approval of variances was unanimous.

4. **BZA 2020-2** Joe Criswell is requesting development standard variances to 7.0.11.1(b) to allow a garage one foot from the North property line at 301 South Main Street, Carthage. Gregg read the staff findings of fact with a recommendation of approval. Gregg also noted the construction has already taken place. Mr. Criswell did not have anything further to add. Mr. Trent asked if Mr. Criswell had obtained a building permit before construction. Mr. Criswell did not. Mr. Trent asked Gregg if Mr. Criswell had obtained an ILP yet. Gregg responded he did not yet and is waiting until after the hearing. Gregg also included Mr. Criswell will be fined at that time. No further questions from the Board. President Wicker opened the public hearing. No public comment received. President Wicker closed the public hearing and asked the Board for questions or comments. Hearing nothing further, Mr. Wicker asked for a motion. Mr. Trent motioned for approval seconded by Mr. Green. Voice vote for approval of variances was unanimous.
5. **BZA 2020-3** Carthage Partners are requesting development standard variances to 7.6.4 and 7.6.6(d) to allow construction of a general retail building at 713 N. Main St, Carthage. Gregg read the staff findings of fact with a recommendation of approval. Agent Spencer O'Dell did not have any further findings. Mr Wicker asked about the razing of the present building. Mr. O'Dell said it would be razed. Mr Green questioned Mr. O'Dell about fencing. Gregg responded Carthage Partners have not requested any variance for this. President Wicker opened the public hearing. Patty Cribby of Carthage asked if the General Retail was going to be a Dollar General. Mr. O'Dell responded he could not say at this time. No further public comment received. President Wicker closed the public hearing and asked the Board for questions or comments. Hearing nothing further Mr. Wicker asked for a motion. Ms. Jackson motioned for approval seconded by Mr. Trent. Voice vote for approval of variances was unanimous.

Old Business:

Reports:

Attorney: Nothing

Director: Nothing

Adjournment Mr. Wicker asked for a motion to adjourn. Motion by Mr. Green to adjourn, seconded by Mr. Shanahan. Voice vote to adjourn was unanimous.

Minutes approved March 10, 2020

President - Marvin Rees

Executive Director – Gregg Duke