BOARD OF ZONING MINUTES

OCTOBER 8TH, 2019 MEETING

6:00 P.M.

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

**ROLL CALL:** Dohn Green, Vice President Sandra Jackson, Phil Shanahan, Ben Wicker, President. Also present was Attorney. Geoff Wesling, Planning Director, Gregg Duke, Secretary, Linda Ashwill. Craig Trent was absent.

**APPROVAL OF MINUTES** for September 10t, 2019 meeting. Sandra made the motion for approval. Seconded by Phil. All in favor. Minutes approved.

President Ben gave an explanation of the procedure for the meeting.

**NEW BUSINESS**:

**1. BZA-2019-17 Glenjim Corporation** and agent Kenny Aulbach are requesting standard variances to 7.10.2(a) to allow a subdivision at 9001 400 West, Carthage, IN Parcel #70-02-16-400-006.999.008. This is for lot sizes of 4.444, 5.076 & 30.48 acres in A-3 District. All less than the forty acre rule. After discussion Dohn makes the motion to approve these variances. Seconded by Phil. All were in favor. Variances granted.

**2. BZA-2019-22 Ellen Foust Family Trust** and agent Kenny Aulbach are requesting development standard variances to 7.7.3 (a) to allow a subdivision at 7351 West 1000 North, Carthage Parcel #70-01-13-201-001.000-008. This variance is to allow a subdivision of 4.214 acres from a parent tract of forty acres in an A-1 District. The standard requires a maximum lot size of 2 acres in an A-1 District. Phil made the motion to approve this variance. Seconded by Sandra. All were in favor. Motion carried.

**3. BZA-2019-23 Joyce Thompson** and agent Andy Scholle are requesting development standard variances to 7.10.2 (a & d1) to allow a three lot subdivision at 450 South, Glenwood Parcel #70-01-13-201-001.000-008. Lot # 1 is 16.631, Lot 32 is 23.916 & Lot #3 is 6.279 from a parent tract of 100.234 acres in an A-3 district. The remainder of the parent tract will be 53.408 acres. The standard requires a minimum lot size of forty aces in an A-3 District. Additionally, the proposed 16.631 acre (Lot #1) has a dwelling nineteen feet from the County right-of-way. The standard 7.10.2 d1 requires the dwelling to be a least 100 feet. After discussion, Dohn makes to motion to approve these variances. Seconded by Phil. All in favor. Motion carried.

**4. BZA-2019-24 Joyce K. Thompson** and agent Andy Scholle are requesting development variances to 7.10.2 (a) to allow a subdivision at 3322 East 1000 South, Rushville. Parcel #70-15-23-300-003.000-007. This variance is for a single lot size of 23.213 acres. The standard requires a minimum lot size of forty acres in the A-3 District. There were no questions from the Board or audience. Dohn made the motion to approve this variance. Seconded by Sandra. All were in favor. Variance is approved.

**5. BZA-2019-25 Steve Comer** is requesting a development standard variance to 7.10.2 (a) to allow a subdivision at 4915 East US 52, Rushville Parcel #70-11-6-276-001.000-004. There was no representative for the Comer’s in the audience. Phil made the motion to continue this item until next meeting. Seconded by Dohn. All were in favor.

**6. BZA-2019-26 Shank-A-Tank Farms** and Gerald Manning are requesting a variance and Special Exception also to 7.10.2(d1) to construct a dwelling thirty foot from the County Right of Way at 1693 East 500 North, Rushville Parcel # 70-07-09-200-003.000-12 Gerald was present as representative. The total acreage on this parcel is forty. On August 29th Mr. Manning was issued an Improvement Location Permit to build a 48x72 barn. After completion of the barn Mr. Manning would like to construct a dwelling inside of the barn. The Health Dept. has not issued a permit for this yet and Gerald will need an ILP when he gets their approval. Ben asked the question why this had to be put so close to the road. Gerald said there was a hill further back. He stated the living quarters would be in back of the building. There was no public comment. Sandra makes the motion for this variance and Special Exception. Seconded by Phil. All were in favor. Variance and Special Exception passes.

**7. BZA-2019-28 Shena Sandefur** is requesting a Special Exception to allow a mobile home to be placed at 2358 North 700 West in Arlington, Parcel #70-06-19-302-004.000-006. Ms. Sandefur is requesting this Special Exception to allow a mobile home to be places on a lot while an existing dwelling is being reconstructed in a residential district. Ben stated when we talk about temporary Special Exceptions we put a time limit on them. Gregg stated it is usually one to five years. Phil asked how long she thought it would take to be able to get the home livable. When Ms. Sandefur filed the partition she had stated she wanted to leave the mobile home there permanently for an elderly relative. Shena states now she is just going to pass it on to a family member when the house is done and it will be moved. She was asked if she had the utility company permission for hook up. She stated yes and they are sending a letter to the office. Jack Tindell, the contractor that is going to be working on the house for her stated it is going to take a while to fix the house. The back side where the kitchen was is badly burnt and will have to be completely gutted. Sandra made the motion to allow this Temporary Special Exception to allow the mobile home to be on the parcel for three years. Seconded by Dohn. All in favor. Special Exception granted.

**8. BZA-2019-29 Trevor McDonald** is requesting a Special Exception to construct a dwelling at 3692 North 350 East, Rushville, Parcel #70-08-14-201-003.000-012 The house has already been razed on this parcel. The construction of this new dwelling will be in the same location. Mr. McDonald scored 24 point on the regulated Livestock Housing Scoring System. The Health Dept. will have to issue the permit before an ILP can be issued. Trevor stated they had been out to the job site. There were no public comments. Motion was made by Dohn to approve this Special Exception for this dwelling. Seconded by Phil. All were in favor. Motion for this Special Exception was approved.

**9. BZA-2019-31 Joell Palmer** is requesting a Special Exception to allow Entertainment Assemblies and Sports Activities in a Residential Zone at 215 North Pleasant Street in Milroy, Parcel 370-14-12-379-003.000-001. This is the old Milroy school building. The original use of this building was intended for heavy traffic during business hours. These particular Special Exceptions could be expected in a residential district for entertainment purposes for the youth of the neighborhood. Wedding receptions, club meetings, etc., are also activities expected within a residential district. Rush County encourages an entrepreneurial spirit that allows old buildings such as the school to become a thriving part of the city. Unless a plan is developed to correct electric, sanitation, asbestos, lead, and lighting, the public safety cannot be ensured. Between the times the school moved out of the building and now, many alterations have taken place. Gregg stated he would suggest the value of the building has declined by 50% or more. Alterations to this building as a Class 1 structure should be supervised by the State Inspector. Joell stated he is trying to have the school be a place where sock hops, and things like that offered there. Currently this is just a house, if he doesn’t have the Board’s permission first before he can move on. He stated there is no need for him to throw money into the project if he can’t get the Board permission. After lengthy discussion with the neighbor’s attorney and Jessie Russet the current Director with Indiana Landmarks, giving the conditions of the building and the liability involved Dohn made a motion to deny this Special Exception. Seconded by Sandra. All members of Board were in favor. Special Exception was denied.

Ben asked if anyone was here to represent the Comer application. There was no one present.

**REPORTS:**

**Attorney:** Geoff had nothing.

**Director:** Gregg stated he had nothing

Adjournment: Sandra makes the motion to adjourn. Seconded by Dohn. All in favor. Meeting adjourned. 7:35 P.M.