BOARD OF ZONING MINUTES

AUGUST 13TH, 2019

6:00 P.M.

**ROLL CALL:** Present were President, Ben Wicker, Vice President, Sandra Jackson, Dohn Green, Phil Shanahan, Craig Trent, Attorney Geoff Wesling, Director Gregg Duke, and Secretary Linda Ashwill.

**APPROVAL OF MINUTES**: For July 9th, 2019. Hearing no additions or corrections. Phil makes a motion to approve the minutes as written. Seconded by Dohn. All in favor. Motion carries.

President Ben goes over the procedures for the meeting before addressing new business.

**NEW BUSINESS**:

**#1. BZA 2019-14 Anita McDaniel and The Keystone Trust** requested standard variances to allow a two lot subdivision at 9362 North 50 West, Knightstown. Parcel # 70-03-19-426-001.000-002. Gregg gave **Finding of Facts** statingthe two lot sizes of 7.4 acres and 3.856 acres were nonconforming and the front yard housing setbacks of 32 feet (Lot #1) and 53 feet (Lot #2). **Staff Recommendation** was for approval. There being no objections, Dohn made for approval for these variances. Seconded by Sandra. All were in favor. Motion approved.

**#2. BZA-2019-20 Gary & Sandra Miller** are requesting a variance to allow an easement for potential new subdivision at 9185 South State Road 3, Rushville. Parcel 70-14-23-400-001.000-001. Andy Scholle was representative for the Miller’s. **Findings of Facts**: Currently the 210 acre parcel has no right of access. The Miller’s want to propose a subdivision and use the existing easement for both existing acreage and the newly created lot**. Recommendation**: Staff recommendation was to deny this variances and not allow the creation of a subdivision without a platted right of way access. After much discussion, Andy stated he would get with Sarah Miller, the adjacent property owner, to the north to see if she would agree to allow the easement to the two parcels. Craig made a motion to continue this partition for another hearing to allow time for Andy to do this. This was seconded by Sandra. All were in favor of postponing for a later date.

**OLD BUSINESS**:

Craig asked Gregg if he could update them on NextEra law suit against the county. Gregg stated he believed it was still in limbo. There was the question if wither we should move to dismiss. Geoff stated he inquired what the benefits of dismissal would be at this point. It would cost the county if we did so. Gregg stated what they are doing is basically what this Board requested them to do. They have gone to the IURC. They keep delaying their hearing dates. Now their hearing date is sometime in October to see if they can become a public utility. Craig said he was confused because there wasn’t a Judge setting on the case. Geoff said he would reach out to Mr. Snyder and provide an update for them.

**REPORTS:**

**Attorney:** Geoff had nothing further.

**Director**: Gregg had nothing.

Ben asked if there was anything else for the cause. Hearing nothing he asked for a motion to adjourn.

**ADJOURNMENT**: Dohn makes the motion to adjourn. Seconded by Phil. All in favor. Meeting adjourned 6:45 P.M.

Ben Wicker Linda Ashwill

President Secretary