BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 10th, 2019

6:00 P.M.

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

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

**APPROVAL OF MINUTES**: For August 13th, 2019. Hearing no addition or corrections, Phil makes the motion to approve these minutes. Seconded by Craig. All in favor. Minutes approved.

**OLD BUSINESS**:

**1. BZA 2019-20 Gary and Sandra Miller** are requesting standard variances to allow an easement for a potential new subdivision at 9185 South State Road #3, Milroy, IN Parcel # 70-14-23-400-001.000-001. Representative, Andy Scholle, for the Millers made the request to withdraw this partition at this time and requested the Board waive the six month waiting period. This is to go before the Area Plan Commission next month. Phil makes the motion to waive the six month waiting period. Seconded by Craig. All in favor. Motion carried.

At this time President, Ben gives an explanation of the procedures for the meeting.

**NEW BUSIINESS**:

**1. BZA-2019-16 Glenjim Coporation** with agent Kenny Aulbach are requesting variance to allow a subdivision at 4400 West 900 North, Carthage. Parcel #70-02-16-400-004.000-008. Gregg gave the **Finding of Fact as follows:** Glenjimrequesting variances to allow the creation of a 2.608 acresubdivision in the A-3 district from parent tract of 52.792 acres. The remainder of the parent tract will be 50.184 acres. **Recommendation**: Staff recommendation would be to approve this variance. After discussion Craig makes the motion to approve this variance. Seconded by Phil. All in favor. Motion carried.

At this time Ben recluses himself from the next agenda item. Sandra presides over the meeting.

**2. BZA-2019-18 James and Rhonda Hester** are requesting development variances to allow a subdivision at 9085 South 650 West Milroy, IN 46156 Parcel # 70-14-18-484-002.000-005. Gregg gave the **Findings of Fact** as follows: James and Rhonda Hester are requesting this variance listed in Rush County Zoning Ordinance 7.10.2(a) to allow a subdivision of 15.103 acres. The remainder from the parent parcels would be 40.843 acres. **Recommendation**: Staff recommendation would be to approve the variance to development standards to allow this variance. After discussion. Motion was made by Phil to approve this sub-division. Seconded by Craig. All in favor. Motion carried.

**3. BZA-2019-19 John Norris** and agent Andy Scholle are requesting development standard variance to 7.10.2(a, b, and d1) to allow a three lot subdivision. Gregg gives **Finding of Fact** as follows: Lot #1 of 3 acres, Lot #2 34.006 and Lot #3 of 2 acres from a parent tract of 81.287 acres in an A-3 district, and to allow a lot width of 162 feet from the County right-of-way, and a housing setback of 45 fee from the right-of-way. The remaining parcel size of 42.375 acres is conforming. **Recommendation:** Staff recommendation would be to approve the variances. Surveyor, Andy Scholle, explained what Mr. Norris was trying to do with this subdivision. After visual demonstration and discussion, Craig made the motion to approve these variance with the condition Lot #1 to be replotted with the existing house. Sandra seconded the motion. All in favor. Motion carried.

**4. BZA-2019-21 Marick Ventures and Mary Shannon** are requesting a Special Exception to allow weddings and other similar social events on three parcel at 300 East 3rd Street Carthage, IN 46115 Parcel # 70-02-19-205-001.000-009, 70-02-19-205-005.000-009, and 70-02-19-203-004-000-009. Mary Shannon owner was present as representative. Gregg gives **Findings of Fact** as follows: Residential zoning only allows “Entertainment Assembly” by Special Exception. The building was originally used as a church, but most recently has been unused and showing signs of aging. The church itself sits on two parcels with associated parking. Marick Ventures also owns the parcel across the street that was used for parking when the church was in operation and is intended to continue to be used as parking. Notice of this public hearing was locally advertised ten days prior and adjacent property owners were notified. This Special Exception is not expected to be detrimental to the public interest. **Recommendation**: Staff recommendation would be to allow this Special Exception for Entertainment Assembly in this residential district. There were three neighbors that spoke against this Special Exception being granted stating concerns of noise parking in their yard, and alcohol use. Gregg had received prior to the meeting 28 letters in favor for the Special Exception which he read. Applicant, Mary stated she hoped they were successful as her neighbors think they will be. She said she was just praying that they could just make enough on a few birthday parties and ventures to make enough to pay her utilities and insurance on the building. They want to bring something nice back to Carthage. Her husband does the Santa Clause at Christmas. They want to build a little Santa house in there. She stated they wanted to have a community s’mores night. They want to bring the neighborhood to come together. Mary said they feel in love as soon as they moved into this little town and jumped in with both feet. She did the scholarship applications so they could get the scholarship application from the township. She helped organize the parade. Mary stated they were in for the long haul. They just want to improve what is there. It is such a beautiful building. The building needs someone to take care of it. Craig made the motion to approval this Special Exception for Marick Ventures for entertainment assembly in this residential district on these three parcels listed. Sandra seconded the motion. All in favor. Motion carried.

Ben asked if there was any other business to come before the Board. There was none

**REPORTS:**

**Attorney**: Geoff stated he had nothing.

**Director**: Gregg stated he was good**.**

Ben asked if there was any further discussion from the Board. Hearing none. Craig makes the motion to adjourn. Seconded by Sandra. All in favor. Meeting adjourned. 7:10 P.M.