

RUSH COUNTY
BOARD OF ZONING APPEALS MEETING MINUTES
WEDNESDAY APRIL 5TH, 2023
5:00 P.M.

President Sandra Jackson calls the meeting to order at 5:00 P.M.

ROLL CALL: Vice President, Virgil Bremer, Denny Corn, Dohn Green, Kenny Aulbach, President, Sandra Jackson. Also present were the Board's Attorney, Geoff Wesling, Planning Director, Mike Holzback, and Deputy Director, Linda Ashwill.

APPROVAL OF MINUTES for the February 1st, 2023 meeting. Sandra asked if there were any additions or corrections for these minutes. Hearing none she asked for a motion. Denny made the motion to approve the minutes as written. This was seconded by Virgil. All were in favor. Minutes approved as written.

NEW BUSINESS:

1. **2023-4 Variance**-Board of Trustees of Rush Memorial Hospital 7747 South 175 West Milroy, IN Parcel 70-14-12-302-001.000-001

Finding of Facts were as follows:

1. RMH is constructing a new medical facility on this parcel.
2. This parcel is owned by the Board of Trustees of Rush Memorial Hospital
3. Purchased from Harcourt Industries and duly surveyed and recorded 10-20-2022
4. Parcel contains 1.71 acres.
5. Parcel contained a medical office building previously.
6. A setback of an additional ten (10) feet will not cause any issues to surrounding Parcels.
7. This will not impede any public line of site issues for St Road 3 or Co. Road 175 West, Milroy, IN.
8. This was properly advertised and certified mailings to adjoining property owners were sent. All certificates have been returned and filed.

Recommendation:

Recommendation is to grant the setback without any reservations.

Jeff Bischoff, with JPS Consultants & Engineering, was the representative for the hospital.

Mr. Bischoff came to the podium and stated there just wasn't enough room to build the 4,230SF 1 story building they want to build without this variance for the additional ten (10) foot for the setback. This is a triangle shaped property. It's pretty narrow and has a nine-foot grade change on it. This setback is from the East to West. Mr. Bischoff said they could make the building work with a twenty (20) foot setback instead of the thirty (30) foot that is the requirement.

Sandra asked if there were any questions from the Board. Denny asked if this interfered with the State Highway setback. Mike stated no it didn't. There was still sixty (60) for the state highway setback. This is the country setback they are requesting to be ten (10) foot less.

Sandra asked if there were any more questions from the Board. Hearing none she opened the meeting for public comments. Hearing none she closes the public hearing. She stated if the Board had no further questions, she asked for a motion.

Denny made the motion for the setback of twenty (20) foot instead of the standard thirty (30) foot setback for the County in this zone. This was seconded by Dohn. All were in favor. Variance for the twenty (20) foot setback is approved.

OLD BUSINESS:

Mike stated he needed some direction or guidance from the Board on some of the complaints as to how to proceed.

1. Moscow structure-Commissioners need to decide how to proceed. There were no timely bids for the demolishing of this structure. Kenny said Commissioners would have to decide to reopen bids or if they could accept the one bid that was turned in late.
2. Wehr property-Henley & Main St. Carthage. Several letters have been sent. They go back to 2020, 2021 and late last year. Due to the time lapse and no response Geoff stated he would recommend litigation was the next step. Virgil made the motion to start litigation. This was seconded by Denny. All were in favor.
3. Whiteside-7123 US Hwy 52 Arlington. This property was given a default judgement on January 12th by the Judge. The Commissioners need to find where storage can be obtained for all the wood and debris and rubbish on this property. The judgement was to remove such and gave the Planning Commission authorization to go on the property. Kenny said he would bring this up to the other Commissioners.
4. Haney-11828 N 900 West Carthage. He is doing pretty much what we told him he couldn't do. Nothing much to clean up on this property has been accomplished. He did put a metal fence that he attached to the trailer of the property. Geoff recommended to start litigation on this property. Denny made the motion to start the process of litigation. Seconded by Kenny. All were in favor.
5. Koby – 9390 West 250 South Manilla & McDaniel property-9543 W 250 South in Manilla- Mike had complaint recently again on McDaniel property of chickens running loose. Mike said McDaniel had hauled out pick-up trucks & a van.
6. Ebbert & Baker – 5922 W 950 North Carthage- Mike sent a letter on March 13th about the unlicensed vehicles, old junk cars. This is fairly new, so maybe the owners will make them clean it up.
7. Keck- 7166 W US Hwy 52 Arlington-Mike sent a certified letter on April 4th, in regard to inoperable, unlicensed, and dilapidated vehicles on the property.

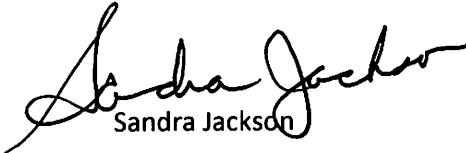
Sandra asked if there was anything else that needed to come before the Board.

REPORTS:

Attorney: Geoff Wesling Only thing Geoff wanted to mention was the old church in Milroy. Commissioners do have precession of this now, so they should be able to get this demolished.

Director: Mike Holzback.-Discussion regarding Parent care structures. Mike stated he had gotten two phone calls in regard of siblings wanting to build structures on parents' property in the A-1 and A-3 zones instead of moving a trailer on the property. One wanted to build a small cabin. The other wanted to build a pole barn with an office. After discussion, members of the Board thought this was a good idea, since trailers were hard to monitor, as to when the parents had passed, and not wanting single trailers on property out in the county. They were in agreement, as long as the Health Dept. approves the septic set up, structures would be allowed on the same parcel. Mike said in both of these cases there was plenty of room.

Sandra asked if there was anything else that needed to come before the Board. Hearing nothing, she asked for a motion to adjourn. Virgil made the motion to adjourn. Seconded by Denny. All in favor. The meeting adjourned 5:35 P.M.


Sandra Jackson

President

Kenny Aulbach

Secretary

