Mrs. Johnson called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 7:00 p.m.

Members Present: Frank Habig, III, Gerald Kirby, Kristin Johnson, Ron Hall, and Tim Clark. Also present: Charles Kiphart, Director; Aaron Culp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mrs. Johnson declared a quorum with five members present.

Guests: See sign-in sheet.

Communications/Reports: Nothing to present.

Approval of Minutes: Mrs. Johnson identified the minutes of November 28, 2018 and asked for a motion.

Mr. Habig moved to approve as submitted.

Mr. Clark seconded.

With no further comments or corrections… Mrs. Johnson called for the vote. 5 yes votes… 0 no votes. The minutes are approved.

Election of Officers: Mrs. Johnson identified the position of Chairman. May I have a motion?

Mr. Kirby nominated Kristin Johnson.

Mr. Hall seconded.

With no other nominations being made… Mrs. Johnson called for the vote. 5 yes votes… 0 no votes.

Mrs. Johnson identified the position of Vice Chairman.

Mr. Hall nominated Gerald Kirby.

Mr. Habig seconded.

With no other nominations being made… Mrs. Johnson called for the vote. 5 yes votes… 0 no votes.

Mrs. Johnson identified the position of secretary.
Mr. Kirby nominated Linda Burdett.

Mr. Hall seconded.

With no other nominations being made… Mrs. Johnson called for the vote.  5 yes votes… 0 no votes.

Old Business: Nothing to present.

New Business: Mrs. Johnson began with NBZA-R.V.-0001-01-2019. This is a requirement variance. This is concerning reducing the first floor living area from the required 900 sq. ft. down to 288 sq. ft. for a new single-family residence. Location: 644 West 256th Street, Sheridan, Indiana. Would whoever is presenting the petition please come forward; state your name and address for the record, please?

John Van Rees, of 644 West 256th Street, Sheridan, stated his name and address for the record. The ground level square footage is supposed to be 900 ft. I am requesting down to 288 sq. ft. It’s just a garage with some living space on the first floor and then the majority of the living space is on the second floor. I still meet the minimum requirement of 1,350. I actually have 1,440 sq. ft. of total living space proposed. The street, 256th Street, is set up to be a four lane road which means I have a 75 ft. easement for the street. There is a 60 ft. off-set clearance in the front and a 60 ft. clearance in the back which only gives me 95 ft. of actual buildable space on a property that is 290 ft. deep. In order to get some of the things that I desire which… I want a comfortable place to live, I want to keep my vehicles out of the elements, a place for hobbies and indoor storage. I see a lot of people who have garages and keep their cars parked outside because they have their stuff stored inside or they’re making room for their hobbies. I want a dedicated space for my hobbies, and a dedicated place for my cars to be parked inside, and then my residence. I came up with this design that saves some space on the property. It puts all three of these under one roof.

I know there are a couple of concerns in making sure that the approval of this wouldn’t be injurious to public health, safety, morals, or general welfare of the community. From the outside it won’t really look any different other than the fact there will be a couple extra garage doors, but it will just be a single family residence. That’s what my plan is for the building so it won’t really affect anybody in the community in any way.

Any adjacent property – I want to make sure it is not being adversely affected. Again, this is just for a single family residence. It wouldn’t affect anybody in an adverse manner any more than a home being built on the property that does have 900 sq. ft. on the first floor.

It is my belief that with this approval and me building this building it will actually improve the community. This property has been a little bit of an eye-sore for quite some time. I wish to improve and clean-up the property to make it look better.

The current house that is on the property is in a very dilapidated state. I definitely desire to demolish that and that alone will improve the overall look and get rid of the eye-sore.
The building I wish to build will be esthetically pleasing. It’s not going to be funky colors or anything like that. I’m already planning on it being a bunch of gray tones with white accents for the doors and windows.

If there are any questions that I can answer I would be more than happy too.

Mr. Habig asked when you say hobbies… you wouldn’t be doing any kind of commercial business in there as far as repairing or any body work, or as far as repairing other people’s cars?

Mr. Van Rees answered, absolutely not. I am a member of the military reserves and a federal employee. Those two things keep me so busy. It will be mostly for hobbies. I am a DIYer. I’m a very mechanical person. So, I like to do my own things, but I have zero intent, zero interest in doing any commercial activity whatsoever.

The building is only 36 ft. deep. So, if someone wanted to put an auto-shop in there they couldn’t fit more than one car in each section and you can’t extend the building down because of where my septic is off the end of the building. I am also going to be building the building to a residential standard not to a commercial standard.

Mr. Clark stated that for clarification…it says all interior walls by owner. You’re not going to have that done for inspection? (2) It also says “garage area” and on the next page it says that area is an “open kitchen and living area.” (3) So, the back part will not be garage area? The half of the building behind the stairway. (4) As for the garage doors… 9 by 8 in your living area?

Mr. Van Rees answered, yes. Those plans were drawn up by my builder. They will build the main structure first and then I will be subcontracting out the other portions. They will not be completing the interior. (2) It will pretty much be done in two different stages. The first stage will be putting up the main building itself and installing the second floor. The second stage of that will be coming and finishing the second floor with interior walls. (3) That’s going to be garage area and everything else will be on the second floor. On the first floor it has a laundry room type area and mechanical area. The rest of it will be open downstairs and then upstairs will have everything else. (4) There is a 12 ft. by 24 ft. area living space on the downstairs and then all the rest of that is garage area on the first floor.

Mr. Kirby asked if the living space on the bottom floor is basically your laundry. (2) You’re planning on having a total of five overhead doors?

Mr. Van Rees answered, entryway, laundry room, mechanical room, coat closet. (2) Yes.

Mr. Clark stated that everything would have to be built to code.

Mr. Van Rees answered, absolutely. Fire code and all safety, residential codes will be followed.

Mr. Hall stated that you talk about this being a post and frame construction. Can you tell me about that? (2) What is your foundation? (3) Is that acceptable, Mr. Kiphart? (4) You have five
garage doors here which makes a very commercial looking appearance. The home, it appears that you have done a good job in designing it, so it kind of looks rural and looks like a lot of other homes. The garage doors really stand out as saying “wow, this is a commercial property.” I see a lot of garage doors anymore that are architecturally designed to look an awful lot like a house. Is there something that you can do in the design of those garage doors to make those so it doesn’t look so commercial? (5) We don’t want commercial looking buildings in areas that are going to be primarily residential. (7) I think that was a great step.

Mr. Van Rees stated that the builder who was going to build the building was here. It is going to be a standard post frame construction. I will have 6 by 6 posts in the ground that will be what holds up the roof, the walls, and all the supports. (2) The foundation will be done with the posts themselves. There is an 18 inch hole that gets drilled down. There is a concrete cookie that sits 4 ft. down. So, the entire support structure for the building is based off of those posts and that foundation, and then a concrete slab will be poured as the floor.

(3) Mr. Kiphart answered, yes. The whole building will have to be designed by an architect or an engineer and stamped.

(4) Mr. Van Rees stated that he could put windows in the doors potentially. I know that was an option that was discussed with the builder. I think that would give it a little more residential look if I put windows across the top. I don’t know if putting trim around them a little bit more… I’m not sure how else I can make them look more residential. They are going to be fairly large doors, but I am definitely open to any ideas to limit that. (6) That’s why I added a front porch on there. Without the front porch it would definitely look like a commercial building. It looked like a big shoe box. The front porch really made a big difference when I put that on.

Mr. Habig stated that you could camouflage them to make them look more like a horse barn type. (2) I would think that these people who paint now could almost make it look like wood even if it is a fiberglass panel or metal panel door just to get it away from looking like more of a commercial type building. It might be more esthetic for the neighborhood.

Mr. Hall stated that that would be great, too.

Mr. Kirby stated that the three to the east would be the most. The other two are like a garage there.

Mr. Hall stated that according to the schematic it looks like the three doors next to each other are relatively residential size doors but it looks like the two doors are oversized. Is that right?

Mr. Van Rees stated that they were 10 ft. by 10 ft. doors just for the extra clearance to get in and out. If I get a travel trailer or an enclosed trailer I don’t want them sitting outside.

Mr. Clark stated that there are quite a few trees on the property to help hide the doors. You could possible do some fir or pine trees out from the front right corner parallel with 256th Street.

Mr. Van Rees stated that it was part of his plan to landscape. I have done quite a bit out there just
mowing it down because it was in quite an overgrown state. I do wish to plant some trees along 256th Street to shield it a little bit. There are actually quite a few trees on the property already. That’s one of the reason I bought the property.

Mrs. Johnson stated that she thought it would lend itself to less of a commercial appearance if maybe the doors weren’t white. A lot of times if you get a color in there it will make it look a little bit… maybe that would be a less expensive way to camouflage those doors.

Mr. Van Rees responded, ok. Absolutely. I can probably try to get them to match the color of the building potentially. I would be more than willing to do that.

Mr. Habig asked for clarification. Did you say that the house right now is not livable? So you do not live on the property? And you would not live on the property until you get the Certificate of Occupancy?

Mr. Van Rees answered, correct. No. I do not live on the property. Correct.

Mr. Clark asked Mr. Van Rees how long he had owned the property.

Mr. Van Rees stated that he has owned it since July. I know there is a travel trailer out there right now. I am in the process of trying to get rid of that eyesore also. One of the junk yards won’t take it because it is fiberglass and in a pretty dilapidated state. I will be starting to disassemble it here shortly and have it hauled away.

Mr. Habig asked about the future plan for some of the buildings on the property.

Mr. Van Rees stated that there were several other buildings on the property. There is a house, a large barn on the west half of the property, a chicken coop, a large barn, and a garage. Right now the garage is being used as storage. It is the only one that is “pest” proof. The large barn on the eastern part of the property – that one is in a little bit of disrepair, but it is structurally in very good shape. I would hate to have to tear down that barn. It is held together with post and peg. I wish to fix that one up a little bit. Put a coat of paint and a new roof on it, and make it look nice again. That will be somewhat of storage. It is not “pest” proof because it is so old. It has a very good agricultural use to it for storage of hay or equipment. The house is in pretty bad shape. It is my intent to tear that one down. There is a shed or chicken coop that was also marked in red on the illustration for me. That chicken coop has mostly collapsed right now. The roof caved in with all the snow and ice that we got in the last couple of days. I have finished collapsing it down in the name of safety. I didn’t want to have something happen and something get stuck in there. It is still in its spot but the walls are laying down on top of each other. The last barn depicted in the illustration circled in red – that one has a metal roof and my plan is to get rid of that building. But right now I am trying to build a house and demolish a house and put a septic system in so it is going to take me a little bit to try and get that one torn down.

Mr. Hall asked if those were the three buildings identified in the documented in red boxes and you do agree to remove those.
Mr. Van Rees answered, yes. I would remove those. The big barn – I would just ask for a little bit of time to remove because, again, I am trying to focus on getting a house built and demolishing a house and getting everything else done and ready.

Mrs. Johnson asked if those were grain bins in the picture. (2) What are your thoughts with that?

Mr. Van Rees answered yes. (2) One of them has been turned into a corn crib so it has some netting around the outside of it. That one will eventually be torn down. The other one is in pretty decent shape and I have seen some pretty nice projects where people have turned them into three season rooms or gazebos. It definitely fits the area. It would look nice.

Mr. Clark asked about the four tiny structures behind and to the west of the house.

Mr. Van Rees stated that that was a fence row. At some point in time someone may have had a three-stage composting type system where they would move things from one to the next. I can literally pick it up with a tractor and move it. I plan to get rid of that little fence row and the composting pile also.

Mrs. Johnson asked for clarification. On the barn that you said you would like to keep and refurbish, what would be your timeline on that?

Mr. Van Rees stated that his primary focus was getting the house put up first. I would say probably 18 months to two years after my house is completed I would be able to have the other barn demolished and taken apart. I couldn’t even tell you a timeline on the large barn, but it would probably take me several years to get to.

Mr. Habig asked Mr. Van Rees if he would have any problem with having the old house torn down within 30 days of occupying the new home.

Mr. Van Rees stated that what he would like to do is apply for a building permit and a demolition permit at the same time. While the house is being built I will start taking shingles off the roof and taking the windows out and start disposing of everything properly and then absolutely within 30 days after receiving my occupancy permit I would have the other building removed.

Mr. Clark asked if it was wood siding on the house. (2) Do you have the paper about a septic permit that was applied for and never continued?

Mr. Van Rees answered, yes. I think it is wood siding and I think there might be some metal siding on it also. It’s got several layers. It is in a very serious state of disrepair. (2) I believe it is in the works right now. The person designing my septic system has scheduled a meeting with the health department to see what he has to do to make sure his drawing is correct. I have had the soil sample and everything done. I have had an infiltrator representative come out and take a look. They did the design out there with the septic installer. So I know that it is in the works to make sure that everything is going to work for the septic system. There is a field tile that comes up onto my property that they will be tying into for the perimeter drain. I’ve tried to make sure I’m not
going to run into any snags throughout this process.

Mr. Hall asked for clarification. You say you’re having difficulty getting rid of the trailer. (2) Are you going to have to dismantle it piece by piece? (3) You use the term “motor home” and the term here is “travel trailer.” Is there a motor to it or just a hook-up and pull type of trailer?

Mr. Van Rees answered, yes. (2) Yup. I think I’m going to have to end up getting a couple of dumpsters out there and when I throw away a bunch of junk from the house I plan to dismantle part of that motor home to get the fiberglass portions of it and broken down small enough so I can put them in the dumpster. Once the only thing that is left is the metal frame and engine I will be able to bring that to a recycler. (3) There is an engine to it. It is an entire Class-A motor home.

Mrs. Johnson asked Mr. Van Rees if it was there when he moved there.

Mr. Van Rees stated that it was there when he purchased the property. It was deemed as abandoned property and they ended up getting me the title for it. I have everything to get rid of it; it’s just very difficult to find a place that will take it.

Mr. Hall asked if there was a different timeline for getting rid of that than there was for the house and the barns. Or, when do you think that would be gone?

Mr. Van Rees stated that he hopes to have that gone the same time as the house is gone just because of the dumpster situation. Earlier if I can, of course, but… that would be my timeframe.

With no further questions from the board… Mrs. Johnson opened the hearing to the public at 7:27 p.m. and invited anyone who wished to speak for or against the petition to please step forward and state their name and address for the record.

George Billeisen, with property at 737 West 256th Street, stated his name and property location for the record. My property is adjacent to the property. I just have a couple of questions for him. The existing home has a basement and it’s full of water. You said you are going to tear down the home. What about the basement? What are you going to do with that? (2) So there is none now? (3) Are you going to fill it in? (4) Where is the new home going to be situated? (5) So it will be closer to our property. (6) We’re right across the street. We have all the maples along the driveway. (7) How close to the road? (8) Total square footage? (9) The building will be in two phases? (10) What timeline is the first phase and what timeline is the second phase? (11) What kind of construction was this? It was sounding like… a pole barn? (12) Like a pole barn turned into a residence? (13) So it will have the same type of metal that our barn has across the street? (14) Is the roof going to be metal too? (15) Alright. That’s all I’ve got.

Mr. Van Rees stated that he was going to try and rip out as much as he could. I’ve been in the basement a few times and I haven’t seen any water down there. I know there has been water down there in the past. (2) No. There is no standing water in it. (3) Yes. My plan is to completely fill it in to make it look like the rest of the landscape. (4) It will be on the western half of the
property. Pretty much right in front of the metal roof barn. (5) On the west side. (7) It has a 160 ft. setback. (8) 1,440 sq. ft. total living space. The footprint is 36 by 64 ft. The eastern end of the building will be two story. (9) The entire outside of the building will be completed and then I will be finishing the inside. (10) I plan to file for the building permit in the next couple of weeks. I plan to be living in it by the end of the summer. (11) Yup. (12) Yes. (13) Yes. (14) Yes.

Mr. Habig asked… when he gets the demolition that’s all regulated. Am I not right, Mr. Kiphart? (2) Someone will come out once the house has been demolished and it has to be all leveled?

Mr. Kiphart answered, correct. (2) At grade.

Mr. Billeisen asked if they had to bust up the basement concrete and pull that out, or just fill it in.

Mr. Kiphart stated that concrete could stay as long as there is nothing above ground. You can use concrete and brick you just can’t use roofing or insulation or anything that will dispose or isn’t solid that could cave in.

Mr. Clark asked if a normal building permit time limit was one year. (2) So it would be done before it would expire.

Mr. Kiphart answered, no. It’s like 18 months but you can get that extended. (2) Sounds like. That’s one thing about post and beam. It goes up pretty fast.

With no further comments from the public… Mrs. Johnson closed the public portion of the hearing at 7:33 p.m. Any motions?

Mr. Clark moved to approve with the recommendations… a statement of no commercial use, has to meet fire protection codes, can’t live in the trailer, the three properties buildings outlined in red will be removed before occupancy. (2) That was one barn, the compost area, and the house. And, the chicken coop. (3) I didn’t specify that but… within 30 days of receiving the occupancy permit. It sounds like it will be gone before that. (5) Yes. Accepted conditions: (4) the petitioner shall submit a landscape plan that is acceptable to the plan director. (5) The barn, the chicken coop, and the compost / fence area to be removed within 18 months of the issuance of the Certificate of Occupancy.

Mrs. Burdett asked for point of clarification… “you said three properties?”

Mr. Clark clarified that he meant “buildings.”

Mr. Hall asked about the house being demolished within 30 days of the occupancy permit. Did you say that? (4) Before there is a second on that, would you be willing to add a condition on that the petitioner submit a landscape plan that is acceptable to the plan director? (6) Then I’ll second that.

Mr. Habig asked for a bit of clarification on the conditions. As far as 30 days after the Certificate
of Occupancy, I can see the house and the RV being gone but with the expense that he’s got in everything else are we saying that he has to have all of those barns down? I think that’s pushing it.

Mr. Hall stated that the petitioner did say within 18 months to two years and that would be satisfactory to me. I don’t know that that actually got in the motion.

Mr. Clark stated that he would accept that correction.

Mr. Hall stated… let’s just say 18 months.

Mrs. Burdett asked for clarification. Eighteen months for what?

Mr. Hall responded… for the three dilapidated buildings to be removed. Eighteen months after the issuance of the occupancy permit.

Mr. Habig stated that the house and the RV need to be completely gone within 30 days after the occupancy permit. (2) No commercial.

Mr. Hall and Mrs. Johnson answered, yes. (3) And a statement to that affect recorded.

Mr. Hall withdrew his second.

Mr. Clark withdrew his motion.

**Mr. Hall moved to approve the petition subject to the following conditions:** (1) no commercial use of the new building and a statement of no commercial use being recorded; (2) the new building meets all state fire code standards; (3) no one may live in the RV and that the RV should be removed within 30 days after the issuance of the Certificate of Occupancy; (4) the existing home be removed within 30 days of the issuance of the Certificate of Occupancy; (5) and that the three dilapidated buildings identified in the materials as in red boxes be removed within 18 months of the issuance of the Certificate of Occupancy; and last that the petitioner submit a landscape plan to the satisfaction of the plan director that it mitigates the commercial appearance of the property.

Mr. Habig seconded.

With no further discussion… Mrs. Johnson called for the vote. 5 yes votes… 0 no votes. Your variance is approved.

Mr. Clark stated that this will be a great improvement for that property.

Director’s Report: No report.

Legal Counsel Report: No report.
The next BZA meeting will be Wednesday, February 27, 2019.

With nothing further to come before the board... Mrs. Johnson asked for a motion to adjourn.

**Mr. Habig made a motion adjourn.**

Mr. Kirby seconded.

After minimal comments... Mrs. Johnson called for the vote. 5 yes votes... 0 no votes. Meeting adjourned at 7:49 p.m.

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Kristin Johnson, Chairman

Date: ______________________

______________________________
Linda Burdett, Secretary

Date: ______________________