

Hamilton County Board of Zoning Appeals - North District
February 23, 2022

Mrs. Johnson called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 8:01 p.m.

Members Present: Frank Habig III, Gerald Kirby, Kristin Johnson, Ron Hall, and Tim Clark. Also present: C. J. Taylor, 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: *Mrs. Burdett* stated that everything had been passed out.

Approval of Minutes: *Mrs. Johnson identified the minutes from the January 26, 2022 meeting.*

Mr. Kirby moved to approve as mailed.

Mr. Hall seconded.

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

Old Business: Nothing to present.

New Business: *Mrs. Johnson* began with **NBZA-R.V.-0002-02-2022** a Requirement Variance. This is concerning allowing the construction of a home and barn on an 8 acre lot. Whereas, the minimum allowed buildable lot size is 10 acres. Location: 568 West 261st Street, Sheridan, Indiana. Would you please come forward, state your name and address for the record, and then tell us about your petition?

Mr. Culp advised the board that we do have a power of attorney from Mr. Harbaugh that designates Mr. Veldhuizen to speak on his behalf.

Ryan Veldhuizen, of 9643 Cypress Way, Carmel, Indiana, stated his name and address for the record. We would like to move out to Sheridan. It is an 8 acre lot. The hardship is that there is a creek that divides the property. When the property was divided, they chose the creek as the dividing line.

If there was a way to extend the property further back it would essentially landlock the land on the other side of the creek. It would be inaccessible without going on someone else's property. Without the variance it is not a buildable lot.

Mr. Habig asked when the 21 acres was divided out.

Mr. Veldhuizen stated that it was actually a larger lot than that at one point. There is a 3 acre lot to the west and there is a 13 acre lot to the north and then this 8 acre lot. I believe it was all divided out in the 90s when the home was constructed on the site.

Mr. Hall asked for clarification. The parcel to the north, the parcel to the west, and this parcel were all the same parcel at some point in the last few years? In the 90s somewhere? (2) Who divided this up? The Harbaughs? (3) Are you also an owner of this property?

Mr. Veldhuizen answered, yes. (2) Correct. (3) I am not. We are interested in purchasing it.

Mr. Habig asked who owns the property we're talking about and who owns the field behind it. (2) He owns both of those?

Mr. Veldhuizen answered, David Harbaugh. (2) Correct.

Mr. Hall asked *Mr. Veldhuizen* why *Mr. Harbaugh* wouldn't sell him enough ground (2 acres beyond the creek) to make this a 10 acre parcel. (2) How do they access it now? (3) I would suggest to you... why don't you buy that 2 acres? You've got a nice creek running behind your property. And, any part of the 2 acres that is farmable – lease it back to him. Make the description of the full 10 acres into one parcel and you don't need us.

Mr. Veldhuizen stated that the creek really provides a natural boundary. It is currently farmland to the north. If we were to purchase the 8 acre lot, we wouldn't be able to farm the two acres without having to go onto his property or someone else's if he sells the property in the future. (2) He owns the whole 13 acre lot. I'm saying if there were two acres to the north of the creek it would be a landlocked section to make the 8 acres into 10 acres. (3) Theoretically that would be an option. Still, it is awkward.

Mrs. Johnson stated that the one thing you wouldn't have to worry about is somebody building right across the creek from where you're at and you'd have more privacy.

Mr. Kirby stated that he thinks when the property was divided this way, he knew that that lot would not be able to be sold as a house lot.

Mr. Veldhuizen stated that is what he has been told. *Mr. Harbaugh* was under a different impression.

Mr. Hall asked if staff had a date for when the property was parceled out.

Mr. Taylor stated that he did not. *Mr. Harbaugh* had started the process for a variance for this parcel to make it a buildable parcel and then he withdrew that action.

Mrs. Johnson asked if the three acre lot with the house and barn... was that built in the last 25 years or so? Or was that an older home that was split off.

Mr. Veldhuizen stated that they were built at the time of the split. He lived there several years after it was built.

Mr. Habig asked about the 3 acre split.

Mr. Veldhuizen stated that it was a homestead exemption.

Mr. Kirby stated that there wasn't a home there previously, but he owned the property.

With no further questions from the board... *Mrs. Johnson* opened the hearing to the public at 8:12 p.m. and invited anyone who wished to speak for or against the petition to come forward and do so at this time.

And with no one stepping forward to address the board... *Mrs. Johnson* closed the public portion of the hearing at 8:12 p.m.

Mr. Hall moved to approve as presented.

Mr. Habig seconded.

Mr. Hall stated that he does oppose this. There are reasonable alternatives. There is perhaps a hardship here, but the hardship can be easily resolved, and the hardship was self-inflicted by the present owner.

Mr. Habig stated that he was in full agreement. The creek makes a natural line but, then again, a 10 acre lot with a creek flowing through the back would be an ideal place to build. I don't see a hardship.

Mr. Hall stated that it would make a beautiful piece of property with an additional two acres back there that has control of the creek on both sides. If this occurs no property will be landlocked because the entire 10 acres will be all yours and you'll have access like you would have access to the 8 acres.

Mrs. Johnson agreed. I can see a hardship but there is a way around it.

Mr. Clark applauded the petitioner for coming in and finding out before purchasing the property.

After minimal comments... *Mrs. Johnson* called for the vote. **0 yes votes... 5 no votes.** Your variance is not approved.

Director and Legal Counsel Reports combined: Mr. Taylor stated that the ordinance team has been focused on the U.S. 31 Corridor and the solar ordinance. The plan commission will have a public hearing regarding the U.S. 31 Corridor and the solar ordinance in the next few months.

We are working to create a solar ordinance that is usable, defensible, and manageable.

The update information to the board on the efforts for the solar ordinance continued.

Mr. Culp stated that they target areas because they need the big, high-voltage transmission lines.

They have to have large fields because they have to invest twenty million dollars in the station that then connects into the power grid.

Mr. Taylor stated that in the Wayne Township area they're looking at 4,000 acres. And in the White River Township area they're looking at 8,000 acres. The bottom line is... they have to get property owners under contractual lease before they can even get the agreement to hook on to those transmission lines.

Mr. Culp added that one of the options they are looking at here is having the rows spaced enough that there can be farming in between the rows. They are looking at ways so the land doesn't ceased to be farmed altogether.

Mr. Taylor stated that they told us to be very clear in our ordinances for what we want. They prefer to come in and build it to our ordinance. They do not want to go through a variance.

When I asked about a public information meeting that they would host and they would manage... they said that they do that anyway.

People will not be kept in the dark because part of the proposed ordinance says that every landowner within a half a mile of any portion of a solar field will have to be notified by certified mail of the public information meeting. They will take comments and questions from people and all those things have to be logged and provided to our office as well.

Mr. Hall asked for clarification that the public did not have veto power as long as it meets the standards in the ordinance.

Mr. Taylor answered, no.

Mr. Habig stated that he was getting a lot of calls from the people in Sheridan that Westfield is looking to annex a piece of property in Washington but then once they do that, they want to jump into Adams Township along U.S. 31; so it's coming at us. If Westfield can supply the utilities, they can march right up U.S. 31.

Mr. Culp stated that the county does not have the ability to stop a municipality from annexing unincorporated territory. They either have to have 100 % of the property owners voluntarily petition to be annexed, or if they are taking a group, they need 51 % of the property owners to be in favor of being annexed, then they can annex it.

Once the annexation is complete, we lose jurisdiction; and our zoning ordinances are null and void in that area.

Discussion continued.

Mr. Taylor stated that Westfield is taking the entire U.S. 31 right-of-way. That means that they will be jumping U.S. 31 and that connects them to Jackson Township on the east side of U.S. 31. They will be contiguous, and they can continue to grow into Jackson Township as well.

Discussion continued.

With no petitions having been submitted for presentation at the next BZA meeting... Mrs. Johnson cancelled the Wednesday, March 23, 2022 meeting. The next meeting will be Wednesday, April 27, 2022.

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

Mr. Habig made a motion to adjourn.

Mr. Kirby seconded.

With no further comments... *Mrs. Johnson* called for the vote. ***5 yes votes... 0 no votes.*** Meeting adjourned at 8:48 p.m.

Minutes approved as presented on May 25, 2022 by a vote of 5 yes... 0 no.

Frank Habig, III

Tim Clark

Linda Burdett, Secretary

Gerald Kirby

Tracy Dean

Ron Hall