Mr. Kirby called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 7:03 p.m.

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

Declaration of Quorum:   Mr. Kirby  declared a quorum with four members present.

Guests:   See sign-in sheet.

Communications/Reports:   Nothing to present.

Approval of Minutes:   Mr. Kirby asked for approval of the minutes of March 27, 2019.

Mr. Kirby moved to approve with the corrections as sent to the secretary.

Mr. Hall seconded.

With no further comments or corrections… Mr. Kirby called for the vote.  4 yes votes… 0 no votes. The minutes are approved.

Old Business:   Nothing to present.

New Business:   Mr. Kirby began with NBZA-R.V.-0007-05-2019 a requirement variance.  This is concerning adding a 640 sq. ft. covered porch onto an existing 7,200 sq. ft. garage and storage building; zoning ordinance allows a maximum size of 5,000 sq. ft. for an accessory building. Location:  277 State Road 13 North, Anderson, Indiana.   Would you please step forward and present your case?

Daniel McClintick, of 277 North State Road 13, Anderson, Indiana, 46011, stated his name and address for the record.  Teri McClintick, of 277 North State Road 13, Anderson, Indiana 46011, stated her name and address for the record.

Mr. McClintick stated that they were wanting to add a 640 sq. ft. covered porch.  I had originally put that on all my drawings but neglected to add that square footage to the building square footage. I wasn’t thinking about the outside porch being on there.  I realized it the night you guys approved it and I was filling out the rest of my paperwork to give to Mrs. Burdett and said, “oh no!” So here we are.

Mr. Kirby asked if this was just to add on to the building they had approved previously.
Mr. & Mrs. McClintick both answered, yes. I put everything on the drawings. Everything was there.

Mr. Hall asked Mr. McClintick what his total square footage was.

Mr. McClintick stated that it would be 7,840.

Mr. Habig asked Mr. McClintick if the porch would have a concrete floor.

Mr. McClintick answered, no. Not at this time. It will just be gravel.

Mr. Kirby stated that from the pictures it was just to cover your doors and windows.

Mr. McClintick answered, yes. We have a rather large family and if we have get-togethers I kind of wanted to have somewhere so if it was raining they could go stand outside and mingle or whatever, and for the looks. Because it is so big... it kind of breaks it up.

Discussion followed on the dimensions on pages 8, 9, and 10.

With no further comments from the board... Mr. Kirby opened the hearing to the public at 7:09 p.m. and invited anyone who wished to speak for or against the petition to please step forward. And with no one stepping forward to address the board... Mr. Kirby closed the public portion of the hearing at 7:09 p.m. Do I have a motion?

**Mr. Habig moved to approve as submitted.**

Mr. Clark seconded.

Mr. Habig stated that the little front porches that they are putting on pole barns kind of makes them a little bit more aesthetically attractive looking.

Mr. Kirby agreed.

Mr. Hall added... doesn't look quite so commercial. I’m sorry we missed it the last time and you had to come back.

Mr. McClintick stated that it was his mistake not theirs.

Mr. Clark stated that he looked at the picture but didn’t check the square footage.

With no further comments from the board... Mr. Kirby called for the vote. 4 yes votes... 0 no votes. Your variance is approved.

Mr. Kirby continued with **NBZA-R.V.-0008-05-2019** a requirement variance. This is concerning constructing a grain facility pit with a 3 ft. side yard setback when zoning ordinance requires a
minimum of 5 ft. and with a 129 ft. front yard setback when zoning ordinance requires a minimum of 180 ft. (2) constructing a 2,496 sq. ft. grain storage bin with leg brace with a front yard setback at 67.7 and 54.0 ft when zoning ordinance requires front yard setback of 115 ft. and 180 ft. Location: 22093 Prairie Baptist Road, Noblesville, Indiana.

Aaron Sheller, of 22093 Prairie Baptist Road, Noblesville, Indiana, stated his name and address for the record.

Sherry Sheller, of 22135 Prairie Baptist Road, Noblesville, Indiana stated her name and address for the record.

Mr. Sheller stated that in the 1960s his grandfather started this grain system and it is not ideally located for us. We have been in that same location since the 1860s. We have continued to add and continued to grow our business. We are at a point now that we would really like to be able to continue to add storage. We have invested in a tower drier, two legs, a receiving leg, wet bins, as well as some other storage facilities, but to optimize the facilities that are there the next bin location is really where we want to put this one. Our stand is we would like to build a bigger bin but I don’t want to encroach on the road any more than I intend to. We have a guyed wire post that sits closer to the road now than this bin will and we will anchor our leg to the bin pad. The bin pad will be a structured pad that will allow us to do that now. The pit, there again, we are just continuing to grow. My objective is to make it to where my mother doesn’t have to get out of the semi when she dumps it. She will be able to pull in the pit, open the gates, everything will turn on automatically, and then she’ll be able to drive away. As our work force in ag ages it is our hope to be able to keep these people that love doing this doing it longer. The pit will basically be able to hold an entire semi.

Mr. Habig asked for clarification. You have one bin coming down. (2) And you’re replacing it with the bigger one?

Mr. Sheller answered, correct. (2) Correct. We’re taking down a 12,500 bushel bin and we are building a 135,000 bushel bin.

Mrs. Sheller stated that the bin was built in 1980.

Mr. Kirby stated that right now you have a support for the leg that is out closer to the road than what this bin actually will be.

Mr. Sheller answered, correct. If they said we need to widen this road they will probably have to help me relocate my leg and everything anyway because the structural supports are held by that. So we will brace it off a bin now to where it will not get any closer to the road.

Mr. Habig asked if that was the one at 54 ft.

Mr. Sheller answered, yes. It is basically the concrete pad that holds that.

Mr. Kirby asked why there were different acreages.
Mr. Sheller stated that when his grandfather cut this land apart in preparation for his death, he separated off two smaller bins and then later because my dad was farming, he left that to my mother. And then when they cut the property again for myself it is essentially cut into three parcels right there in one nugget. It is owned by all the same three people. Ideally, we would like to have a meeting about making that all one big parcel because it would be so much easier.

Mrs. Sheller stated that it was her grandfather that built the very first bin there in 1965.

Mr. Hall asked about the three landowners.

Mr. Sheller stated that it was he, his wife and his mother.

Mr. Kirby asked about the pictures of the pit.

Mr. Sheller stated that was just an example of what it would look like. We will have a structure base underneath it with drainage and then there will be pillar reinforcement basically to hold and distribute all that weight.

Mr. Hall asked how long it would take to get this in. (2) Do you think you will be using it this fall? (3) Is that an all steel pit?

Mr. Sheller stated that they have the engineering crew lined up to do the core bores. They will do that probably next week assuming that it isn’t raining. (2) That’s the objective. The pit will need to go in before the bin so you can swing it in with the crane. (3) Yes. It is power coated on the outside and the inside doesn’t get anything. This is a higher elevation site, so it doesn’t carry much water.

With no further questions from the board… Mr. Kirby opened the hearing to the public at 7:19 p.m. and with no one from the public present other than the petitioners… Mr. Kirby closed the public portion of the hearing at 7:19 p.m. Do we have a motion?

**Mr. Clark made a motion to approve as presented.**

Mr. Habig seconded.

Mr. Kirby stated that he didn’t have a problem with it.

Mr. Hall stated that there is clearly a hardship here and we want to make sure that these people are encouraged to use the land as it’s zoned. It’s agriculture and they do a great job out there and the operation only enhances the value of that area.

With no further comments from the board… Mr. Kirby called for the vote. **4 yes votes… 0 no votes.** Your variance is approved.

Director’s Report: Mr. Kiphart advised the board that we were probably going to start working on an update to the comprehensive plan. It has been brought to our attention by three or four
people that they think it is time that it be redone. A company came in and offered to do a cost estimate for us for budget hearing purposes and it’s looking like that cost might be somewhere between $80,000.00 and $100,000.00 excluding the public mailings which would add about $4,000.00 to it if we did three of them to every property owner in our jurisdiction. Friday I was supposed to have an estimate of what it is going to cost. Once that’s done and the plan commission approves it then the county commissioners give their approval to it, we would then ask for a Request for Proposals to go out and let planning firms know that we would like them to bid on the process. I imagine we will get eight or nine of those. The plan commission will go through them and approve the hiring of a firm to do that. As it stands now it probably wouldn’t start until some time next year.

Mr. Heirbrandt talked to Mrs. Burdett earlier today and mentioned about having a steering committee other than the consultant, other than me, and other than the plan commission to kind of guide things. I think I brought this up the last time we did the comprehensive plan and the plan commission said “No. The steering committee should be everyone on the plan commission.” I didn’t know whether you feel there is a need for a group of property owners from our area to kind of guide the process.

Mr. Hall stated that he didn’t know if “guide” was the right word, but I think it is very important that they be highly involved because when we get done with this, we’re going to have to have public buy-in on it. If you have input from the property owners and particularly if those property owners are reasonably well known in their communities they lend a lot of credibility to the fact that this isn’t just a top down program. I think it is very important.

Mr. Culp stated that if you make the plan commission the steering committee then every meeting has to be a public meeting. Then we need to have a quorum so you can officially meet to discuss it whereas if you have a steering committee where you have someone from each BZA and two or three from the plan commission you guys could meet at a time that was convenient to talk about those issues. And then everything still gets recorded in public and discussed in public, but you don’t have to worry about public notice just to do your business meeting. Cicero just went through a comp plan and they had a steering committee that was made up of some members of the council, staff, and some of the plan commission. Everything went through public meetings at one point or another but outside of that it allowed them to work together. Legally we can’t get a quorum of the plan commission to meet unless we make it a public meeting even if it is just to discuss a purely administrative detail.

Mr. Clark stated that he would like the public to understand that. If you don’t make the statement, they don’t know what’s going on.

Mr. Culp stated that in going out to meet in the communities you explain this in our steering committee, and they are the people who are helping to come up with this. Then we will put everything to the public to get their feedback before any decision is made.

Mr. Habig asked how you go about coming up with that committee. (2) Then you still have people at-large from the communities? (3) I mentioned last week that I thought we already had
a pretty good comprehensive plan in effect. There were certain areas that probably needed to be re-evaluated.

Mr. Culp stated that that would be up to the plan commission. We could have, at most, two members of each BZA, four members of the plan commission but that might be hard to coordinate that many people’s schedule. You need to have staff, maybe two or three plan commission members, and then maybe a member from each BZA. (2) You could. I know that Cicero went and recruited some members. They looked for the general public members.

Mr. Hall stated that he thought we had a good plan. I think there are a lot of cool features in it that have been there ever since we first adopted it. The idea is… have times changed enough that we need to tweak it some? I think it’s a great idea.

Mr. Culp stated that cost wise… he didn’t know if they would look at the whole plan or just portions of it to make a difference. I think they will look at it and if this still reflects what we want they are not going to look at replacing it. That would be where public feedback and the guidance of the steering committee helps them. The steering committee would say “Yea. We think this is still accurate. We don’t want to get into that.” Then we could tell the public and if someone was really concerned, they would have a chance to raise that issue.

Mr. Kirby asked about how many they would have on something like that.

Mr. Culp stated that we are dealing with a broad geographic area. You don’t want to get it too large. Normally anywhere from eight to 15 people. (2) You may want to ask the township trustee or someone the trustee would suggest from each township who would fall under the plan. Because if we have a problem with a specific geographic area they would probably be able to help us identify someone who would be willing and ready to show up and participate.

Mr. Kiphart stated that you would want at least one from each township.

(2) Mr. Hall stated that that would be good too because the township trustees are elected and that gives a legitimacy to somebody that they would pick out rather than getting criticized for us trying to drive the thing by picking out selected people. Or they may know of people who have an interest in the community. I think it’s a great idea. I’m glad to see it moving forward.

Mr. Clark stated that 10 acre minimum… people are coming in and wanting to break those in half already. Do we have a next step? (2) I remember at our meeting I stood up and explained to them why it was 10 acres and almost unanimously they wanted to keep it at 10 acres.

Mr. Kiphart stated that at the first meetings there were a lot of people who wanted 40 acres. There were a lot that wanted one acre. So, what we had was what the public worked out and agreed on and in the revision it was still strongly supported. (2) And that is probably something that will be discussed. Somebody is going to bring it up at one of the public meeting. (3) The board does not set a precedence by approving one thing over another. They should have a reason and should be on the finding of fact if you turn something down.
Mr. Culp stated that each piece of property is unique with-it location and what’s around it.

Mr. Kiphart stated that at every board meeting he will be giving all the boards an update on where we are and what they decided to do. I think Mr. Heirbrandt has talked to the other county commissioners and Mr. Schwartz has talked to the other council members. They all know it is going to come and be part of our budget request. I would say that the committee would want to have an initial meeting and then meet after the nine public meetings and that will add as much as $5,000.00 to $6,000.00 to the budget.

Legal Counsel Report: Mr. Culp stated that the plan commission authorized him to proceed with the lawsuit against the Calhoun property. We are in the process of getting that setup right now. There are a number of violations and issues. We have basically given them until we are ready to file the lawsuit to see if they will resolve it. Mr. Kiphart met with them today and we are working up a list of things that have to be resolved. We have been dealing with this property for almost three years. We have gone into a cycle where they make promises and then do a few things but then it never quite gets done.

Mr. Hall asked if it was use issues.

Mr. Culp responded, some of it’s use.

Mr. Kiphart added, building issues.

Mr. Culp stated that they have a different attorney. I feel he has been more responsive because he’s local. He was approved to operate a sealcoating business but at various points it’s appeared that he is operating a more large-scale construction type operation. The building was supposed to be just a garage. There are offices in the building. We don’t know that those offices have proper septic or have met other codes.

Mr. Kiphart stated that 18 months ago he bought 55 acres in Madison County to move and basically nothing has happened.

Mr. Culp stated that part of the reason we didn’t file the suit last year was the plan commission had approved it but said let’s see if we can resolve it. When he said he was moving we thought that would resolve our problem. So as long as things aren’t getting worse let’s give him the time to get out. But I have no signs and Mr. Kiphart has seen no signs that that has actually happened yet.

Mr. Kiphart stated that Mr. Ringley was the other one that has gone on for years and years. That has kind of resolved itself due to other issues.

Mr. Culp stated that we had obtained a default judgment against him. As that was moving forward he wound up having half of his property sold out from under him by his creditor and then his property is being foreclosed on. The issue was he was running a garage / auto shop and he had broken down cars and stuff all over the property. We got him to finally move all of that just in time for the creditors to swoop in.
Mr. Kiphart stated that he did go past the property today. I want to get a hold of the property owner who purchased the part that had the big building on it where he was actually doing the work because there is some new junk and things and I want him to take care of that himself. It definitely looks a lot better.

The next BZA meeting will be Wednesday, June 26, 2019.

With nothing further to come before the board... Mr. Kirby asked for a motion to adjourn.

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

Mr. Clark seconded.

After minimal comments... Mr. Kirby called for the vote. 4 yes votes... 0 no votes. Meeting adjourned at 7:40 p.m.

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Gerald Kirby, Vice Chairman

Date: ______________________

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Linda Burdett, Secretary

Date: ______________________