Mr. McMillan called the official meeting of the Hamilton County Board of Zoning Appeals – South District to order at 7:04 p.m.

Members Present: Adam Zeller, Charlie McMillan, Jr., Frank Habig, III - alternate, Jim Galloway, and John Miller. Also Present: Charles Kiphart, Director; Aaron Culp, Legal Counsel; and Linda Burdett, Secretary. I would like to welcome Mr. John Miller to the board as a full-time member. He has got some big shoes to fill. I would like to publicly thank Mr. Chuck Crow for approximately 29 years of service to this board. He will be missed.

Declaration of Quorum: Mr. McMillan declared a quorum with four regular members and one alternate member present.

Guests: See sign-in sheet.

Communications/Reports: No reports.

Approval of Minutes: Mr. McMillan stated that the minutes from May 08, 2019 are not available, nor are the June 26, 2019 minutes.

Old Business: Nothing to present.

New Business: Mr. McMillan began with SBZA-R.V.-0005-06-2019 a requirement variance. It was tabled at the June meeting for additional information. We have a request to table again so we will be looking at Wednesday, August 28, 2019 at 8:00 p.m. Is that correct?

Mr. Kiphart answered yes.

Mr. McMillan asked for a motion to table.

Mr. Galloway moved to table the petition until next month.

Mr. Habig seconded.

With no further comments… Mr. McMillan called for the vote. 5 yes votes… 0 no votes.

Mr. McMillan asked Mr. Kiphart if there was any communication from the highway department.

Mr. Kiphart stated that he got some information yesterday. I have also talked with the state. It has to go up the chain of command but there is a recommendation from some of the staff. As soon as I get the final information, I will see to it that you all get it in the mailing.
Mr. Habig asked Mr. Kiphart for clarification that that information is passed on to the petitioner.

Mr. Kiphart responded, absolutely.

Mr. McMillan continued with SBZA-R.V.-0006-07-2019 a requirement variance. This is concerning replacing one of two existing single family residents with a new larger home that will be located within the zoning ordinance required front yard setback of 205 ft. Setback of the new home will be 100 ft. Location: 21559 Cyntheanne Road, Noblesville, Indiana. Please step forward and state your name, your address, and tell us about your petition.

Brent McClain stated this name and introduced his wife, Katrina, of 21515 Cyntheanne Road, for the record. We would like to take down an existing home on our property and build a new home off of the foundation of that existing home. It would be within the 205 ft. setback so we are asking for a variance for that. The house we are taking down was built in 1929. We are planning to use the existing well. It has been replaced, has a submersible pump, and a nice wellhead on it. We are replacing the existing septic system to the house. I think it is as old as the house. The existing driveway to this home would be used. There is a small one car garage that is there that we would be taking down. We have been talking to Hallmark Homes and getting some pricing from them. We are looking to build an 1,800 sq. ft. home with possibly a three or four car garage. If we had to move back to the 205 ft. it would put us over 140 ft. from the well. If we stay in the area where the home is now, we wouldn’t have to clear as much. There are 15 to 18 trees we would have to take down. When we get quite a bit of rain there is water that stands back in that area and that would put the house back in that area also.

Mr. McMillan asked Mr. McClain if they were currently living in the second house. Do you plan on selling the other one or…

Mr. McClain answered, correct. No. We plan on keeping that house. We have a younger daughter that may live there or we were looking at maybe moving my mother-in-law into that house or another family member. We have done quite a bit of updates to that house. We’ve redone the floor, painted, put in new windows, and painted the outside of it.

Mr. Habig asked Mr. McClain for clarification that the old garage would come down. Are the house and the garage the only two structures in that area?

Mr. McClain answered, yes. That small one car garage will. Yes, they are.

Mr. McMillan asked Mr. McClain if he was aware the board had received communication from the surveyor’s office. You’re aware that it is within a regulated watershed? Did you get that communication as well? We also got something from the highway department as well. If allowed there would be potential setback damages of a significant amount if the roadway is needed. We do not have any timeframe for future improvements to Cyntheanne or an idea of when those improvements might be. We are not opposing the variance, we are not supporting the variance. Only stating the potential future issue.
Mr. McClain answered, I got something from the surveyor. I know it is marked watershed back behind where the existing house is now. That is probably about the area of where the water stands. (2) I do remember seeing that. The house will be 115 to 130 ft. off the road depending on what part of the foundation we use. The current house is only 70 ft. off the road so we will be moving it back by 40 to 50 ft.

Mr. Galloway asked Mr. McClain for clarification that he was going to use part of the existing foundation. What part of it?

Mr. McClain answered yes. The back wall.

Mr. McMillan asked if that was on a crawl or is that a… (2) Is there a reason you’re keeping any of the foundation at all? Would it be considered a remodel by keeping anything existing?

Mr. McClain stated that there was a basement and a crawlspace foundation at the back. So it will depend on when we talk to a contractor if we use the back wall of the basement or we use the back wall of the crawlspace. It’s screened but it has a roof and everything over it. (2) We’re looking to keep the two houses on the property without having to subdivide it down.

Mr. Kiphart stated that for that classification he would have to use almost the entire foundation not just part of it. He wouldn’t be grandfathered under that.

Mr. Galloway asked if Mr. McClain tore the whole house all the way down would he be allowed to build another house on that parcel. (2) So he has to use part of the foundation?

Mr. Kiphart answered, no. (2) Right.

Mr. McClain stated that the existing house was pretty small and it’s only a two bedroom, one bath.

Mr. Zeller asked Mr. McClain what the new house was going to look like. I don’t see any plans.

Mrs. McClain stated that she has changed her mind three times.

Mr. McClain stated that they have not locked down what they’re going to build yet. At the time we applied for the variance we hadn’t talked to Hallmark yet. We will definitely be improving what’s there.

Mr. Galloway asked how many acres they had there.

Mr. McClain stated it was 11.74 acres.

Mr. McMillan asked if the two houses were on the same parcel. (2) So it’s not divided in any way?

Mr. McClain answered, correct. (2) No.
Mr. Miller asked Mr. McClain if he knew how deep the entire property was.

Mr. Galloway answered, 748 ft.

Mr. McClain stated that that property was basically a square.

Mr. Galloway asked if the parcel had been that size for a long time.

Mr. McClain stated that it was bigger than that. It was like a square and it had a little triangle area that jutted off of it. When we bought it they squared up the parcel and sold the little triangle piece to the gentleman that owned all the farmland around it.

Mr. Zeller asked how long they owned the property.

Mr. McClain stated that they bought it in November of 2012, I believe.

Mrs. McClain stated at the back there is a creek that runs through there.

Mr. Galloway asked if their property went all the way back to the creek.

Mr. McClain answered, yes. On the site plan the floodplain is marked there where the creek is. As you go back on the property it starts to drop off and drops off down to the creek.

Mr. McMillan asked where the current septic system was. (2) So you’ll have to clear some trees? (3) So it will be going to the side and not within the setback, correct?

Mr. McClain stated it comes straight out of the north of the house. (2) Yes, we will. Depending on where the soil samples decide is the best place to put it. (3) My guess is yes. The well is southeast of the home that is there now. So it will probably have to go to the north and maybe the northwest or behind it. I think if you put the septic to the front it would be too close to the well.

Mr. Galloway asked Mr. McClain about the distances on his site plan. It shows the new home proposal at 132 ft. from the center of Cyntheanne Road. (2) Your variance, you’re asking for 100 ft. aren’t you?

Mr. McClain stated that was about where the very back wall of the home was. (2) Basically, we wouldn’t be closer than 100 ft. I originally said 110 ft. but I got to measuring and if we just use the back wall to the basement we’re getting kind of close to the 110 ft. So I just dropped it back to 100 ft. to make sure we had plenty of room.

Mr. Zeller asked about building the garage.

Mr. McClain stated that it would be at least a three car garage, maybe a four car.

Mr. Miller asked if this would be to the side of the house.
Mr. McClain stated that it would probably be where the existing garage is now. It will be about in that same area. The driveway comes into the south of the existing house so the driveway will pretty much be straight into the garages.

Mr. Galloway asked for clarification. So you want a variance for 100 ft. when in fact your house is going to be between 100 and 132 ft.?

Mr. McClain answered, yes. I used the GIS maps and measured. It will probably be around 118 ft. or 133 ft. depending on which one of the walls we’re going to use.

With no further questions from the board… Mr. McMillan opened the hearing to the public at 8:33 p.m. and with no one stepping forward to speak for or against the petition… Mr. McMillan closed the public portion of the hearing at 8:33 p.m. I’ll call for a motion.

**Mr. Zeller moved to approve SBZA-R.V.-0006-07-2019.**

Mr. Miller seconded.

Mr. Galloway asked Mr. Kiphart since there are two homes there… the ordinance allows him to remodel either one of them? (2) And this would be considered a remodel of the home that’s there?

Mr. Kiphart answered, yes. (2) Yes.

Mr. Zeller stated that the good thing was he wasn’t coming any closer to the road and despite the surveyor’s potential concern for the future he is still going farther away from the road than he is now. And, of course, it will be a lot nicer property.

Mr. Miller, Mr. McMillan, and Mr. Habig all agreed.

Mr. Galloway asked if Cyntheanne Road was a primary. That 205 ft. sounds like a lot.

Mr. Kiphart answered that it would have to be a primary or a secondary. There’s not much difference between the two.

Mr. Culp stated that we can’t consider the future value. We have to either purchase that value or we have to let a person do what they want. We can’t use it as extra criteria.

Mr. Miller stated that he has heard of plans to make it a four-lane through there but I don’t see it.

Mr. Zeller stated that he didn’t have any real opposition to it.

Mr. Miller stated that just make sure he builds it high enough if it’s kind of low at the back there.

Mr. Galloway stated that he would have to deal with the surveyor’s office on the drainage so his plans will have to be passed by them.
With no further comments from the board… Mr. McMillan called for the vote. **5 yes votes… 0 no votes.** Your variance is approved.

Director’s Report: No report.

Legal Counsel Report: No report.

The next BZA meeting will be Wednesday, August 28, 2019.

With no further business to come before the board… **Mr. McMillan asked for a motion to adjourn.**

**Mr. Galloway so moved.**

Mr. Zeller seconded.

With no further comments… Mr. McMillan called for the vote. **5 yes votes… 0 no votes.** Meeting adjourned at 8:40 p.m.

___________________________________
Charlie McMillan, Jr., Chairman

Date: ________________

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Linda Burdett, Secretary

Date: ________________