Mr. McMillan called the official meeting of the Hamilton County Board of Zoning Appeals – South District to order at 8:39 p.m.

Members Present: Adam Zeller, Becky Harger – alternate, Charlie McMillan, Jr., David Musselman, and John Miller. Also Present: Charles Kiphart, Director; Aaron Culp, Legal Counsel; and Linda Burdett, Secretary.

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 identified the minutes of May 08th, 2019.

**Mr. Musselman made a motion to approve.**

Mr. Zeller seconded.

With no comments or corrections… Mr. McMillan called for the vote. **5 yes votes… 0 no votes.**

Mr. McMillan then identified the minutes from June 26, 2019. I’ll need a motion to approve those minutes.

**Mr. Zeller moved to approve the June 26, 2019 minutes.**

Mr. Miller seconded.

With no comments or corrections… Mr. McMillan called for the vote. **5 yes votes… 0 no votes.**

Mr. McMillan then identified the minutes of July 24, 2019. I’ll need a motion please.

**Mr. Zeller moved to approve the July 24, 2019 minutes.**

Mrs. Harger seconded.

With no comments or corrections… Mr. McMillan called for the vote. **5 yes votes… 0 no votes.**

All the minutes are approved.

New Business: Nothing to present.
Old Business: Mr. McMillan began with SBZA-R.V.-0005-06-2019 a requirement variance. It was tabled at the June meeting for additional information and at the July meeting at the petitioner’s request. We were just handed this evening some amended requests; there are four of them. They do not follow in order so I’m not sure which of the current ones to take out.

Mr. Culp asked the petitioner to come up and explain to the board what corresponds to what.

Mr. Jones stated that they are replacing the other requests with these four.

Mr. McMillan asked Mr. Jones to read the new ones and identify which ones the board needs to omit from the original request.

Shawn Jones, of 948 South 9th Street, Noblesville, Indiana, stated his name for the record.

Valerie Osinski, of 121 Cherokee Lane, Noblesville, stated her name and address for the record. We are completely replacing the original request with the new proposed simplified request. Number 1 of the original request is no longer applicable. The second and third requests are also no longer required. Reduce the required south rear yard setback of building 1 is no longer required.

Item number 4 is amended with the proposed item number 1. We just renamed it from building 2 to proposed.

Number 5 to reduce the required south side yard for building 2 from 80 ft. down to 45 ft. is now replaced with… number 2 of the amended which is to reduce the required south side yard setback on proposed building from the zoning ordinance required 80 ft. down to 65 ft.

Then we added that the current structure that we will be taking down is actually 10 ft. today.

Number 6 is now replaced with number 3 on the amended. Which is the same request… to reduce the front yard setback on Durbin Road from 120 ft. down to 40 ft. - it did say 75 ft.

Number 7 on the original is now number 4 which allows for outside storage.

Number 8 is no longer applicable, and number 9 is no longer applicable. Does that help?

Mr. McMillan answered, yes. Thank you.

Mrs. Osinski stated that what they are proposing is to simplify the request.

Mr. Culp stated that they were going to have an issue considering number 3 on the new request. If you were going to be more in compliance with the standards that would be fine, but this is actually increasing it beyond what was advertised. So this would be more out of compliance with our standards if I’m understanding you right. You were initially proposing 75 ft. and now it is being moved to 40 ft. Since that is a greater difference from our ordinance that would require a notice specifically… (2) Yea. (3) You are permitted if you want to request a continuance
because of that. If you would like to do this when your attorney can be here and especially if that would help you to make certain this was ready to go at the same time.

Mr. Jones asked… another variance request? (2) My attorney is ill and was not able to be here this evening. (3) Whether my attorney was here or not the issue would be the 40 ft. and I didn’t think about that aspect of it. With foregoing the corner lot I was trying to give myself a little more outside storage is the reason behind that. Is this more self-explanatory to the board than what we had last time?

Several members said yes.

Mr. McMillan stated that the outside storage was something new.

Mr. Jones stated that that was in the original request as well.

Mrs. Osinski stated that it was the original number 7 and now number 4. The main difference is we pushed the building up towards Durbin Road.

Mr. Culp asked Mr. Jones if he would like to proceed without his attorney tonight or would you prefer to continue.

Mr. Jones asked for a five minute recess to discuss.

Mr. McMillan reconvened at 8:54 p.m. We can’t do number 3 at this time.

Mr. Jones stated that from the center of the road they are 60 ft., from the property line we are 40 ft.

Mr. Kiphart stated that you measure from the center of the road.

Mr. Culp advised Mr. Jones that the BZA should table this so they could do this all at one time and also for his attorney to be here. We also need to make sure that all these measurements are from the points that we are required by statute to measure. You wouldn’t have to do any additional advertising except for number 3 where you are now requesting a greater variance from our requirement than you were before.

Discussion followed on the setbacks as identified on numbers 2 and 3.

Mr. Jones asked if the board minded if they tabled this.

Mr. McMillan stated that he would highly suggest that they table at this time so we have clarification.

Mr. Zeller made a motion to table SBZA-R.V.-0005-06-2019 for September 25th at 8:00 p.m.
Mr. Musselman seconded.

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

Director’s Report: No report.

Legal Counsel Report: No report.

The next BZA meeting will be Wednesday, September 25, 2019 at 8:00 p.m.

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

**Mr. Musselman so moved.**

Mr. Zeller seconded.

With no further comments… Mr. McMillan called for the vote. 5 yes votes… 0 no votes. Meeting adjourned at 9:00 p.m.

_____________________________________
Charlie McMillan, Jr., Chairman

Date: __________________________

_____________________________________
Linda Burdett, Secretary

Date: __________________________