

Plan Commission Meeting  
 Tuesday, April 17, 2018  
 6:00 p.m. Town Hall

Edinburgh Plan Commission met in a meeting at 6:00 p.m. Tuesday, April 17, 2018.

Members Present:

Jerry Lollar  
 Glenn Giles  
 Ray Walton  
 Mike Graham  
 Curtis Rooks  
 Stephanie Taylor  
 Keith Sells  
 Richard Pile  
 Matt Ervin

Also, Present: Dustin Huddleston, Town Attorney  
 Nick Valenzuela, Building Commissioner  
 Lisa Brockman, Plan Commission Secretary  
 Wade Watson, Town Manager

Matt Ervin, Chairman opened the meeting at 6:00 p.m.

Matt Ervin did roll call of the Plan Commission. Jerry Lollar here, Glenn Giles here, Ray Walton here, Mike Graham here, Curtis Rooks here, Stephanie Taylor here, Keith Sells here, Richard Pile here, Lisa Brockman our Secretary here and Dustin Huddleston our attorney is here and myself Matt Ervin.

Matt Ervin presented the first item on the agenda, which are the minutes from March 20th meeting. Matt Ervin asked for motion to approve. Richard Pile made a motion to approve, Mike Graham seconded. Matt Ervin asked for a vote for all in favor by saying aye. All board members present voted aye to approve the minutes. Motion carried.

Matt Ervin presented the continuance of **Case #PC-2018-01:**

**Angela M. Kelsay, on behalf of Chad Stapleton, for proposed site development under the Zoning Ordinance of the Town of Edinburgh.**

- **7995 S US Highway 31**
  - **Requesting a building permit for a storage container placed at the premises**
- **US 31 (unaddressed) & US 31 (unaddressed)**
  - **Requesting a gravel addition 15' x 100', across both parcels**

Nick Valenzuela, Building Commissioner of the Building and Zoning Department, spoke in matter of Case #PC-2018-01 the Town Plan Commission had public hearing last meeting that went through a portion of the process until it was determined public notifications requirements had not been met in order to continue the hearing. The Plan Commission voted for a continuance to allow the Petitioner to satisfy public notice requirements for the case. Since that time the Petitioner has not provided any proof of notice that the public notification requirements have been met for tonight's continuance of hearing. Independently, Nick Valenzuela attempted to verify public notification requirements being met for the continuance of the hearing and Nick Valenzuela found none. It appears that all of the public notification requirements under the Ordinances of the Town of Edinburgh and the equivalent State Law have not been met. We have consulted with legal counsel on whether to continue on with the hearing.

Dustin Huddleston, Town Attorney stated that since the Petitioners had will not complied with the Plan Commission's Rules and Procedures. The Rules and Procedures has a second section that contemplates this in Article 4 Section 1 called "Dismissal of Petitions".

**ARTICLE IV - FINAL DISPOSITION OF PETITIONS**

**1. DISMISSAL OF PETITIONS**

*a. The Commission may dismiss any petition for want of prosecution or for lack of jurisdiction. Any petition which has been dismissed by the Commission for want of prosecution shall not be filed for reconsideration by the Commission within a period of twelve (12) months from the date of the dismissal unless the Commission grants an approval petition to permit a refiling of the petition.*

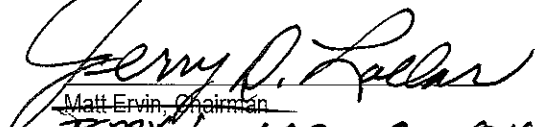
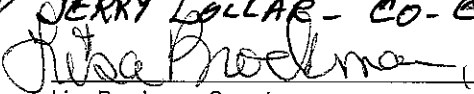
You can find that determination for want of prosecution, meaning they have not complied with your rules and regulations and they have not withdrawn their petition, which they have not officially. You can decide you aren't moving on this, so rather than keep continuing you can move with a vote to dismiss the Petition for lack of prosecution or lack of moving forward. The effect of this is they cannot bring forth a similar petition before this board for a period of twelve (12) months, so that would be my recommendation. You can do the same thing as last meeting; however, Nick Valenzuela has given the Petitioner ample opportunity by discussing with them in person as well as by detailed letter which they have not taken that opportunity.

Matt Ervin inquired about the Petitioner's request for gravel addition to be placed could not be approved. Dustin Huddleston responded by stating that we cannot discuss anything the Petitioner requested because the Petitioner had not complied with the first step of giving notification. So, any petitions they have filed you either continue to give them another opportunity to give notifications or you dismiss it.

Mike Graham made a motion to dismiss the case, Matt Ervin seconded. Matt Ervin asked for a vote for all in favor by saying aye. All board members present voted aye to approve the minutes. Motion carried.

Richard Pile inquired that since we denied petition, can the Petitioner not be allowed to have a storage container as well? Dustin Huddleston responded by stating the second step of the process is since the Petition has dismissed, its the enforcement of the Building Commissioner.

Matt Ervin requested a motion to adjourn, Glenn Giles made a motion to adjourn the meeting. Curtis Rooks seconded. Matt Ervin asked for all in favor to say aye. All board members present voted aye. Meeting adjourned.

  
~~Matt Ervin, Chairman~~  
**JERRY LOLLAR - CO-CHAIR**  
  
Lisa Brockman, Secretary



# TOWN OF Edinburgh

Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124  
Nick Valenzuela, Building Commissioner, telephone: (812) 526-3513, e-mail: nvalenzuela@edinburgh.in.us

## PLAN COMMISSION STAFF REPORT

**To:** PLAN COMMISSION MEMBERS  
**From:** Nick Valenzuela, Building Commissioner, Building & Zoning Department  
**Date:** April 13, 2018  
**Re:** Case No. PC-2018-01

### GENERAL INFORMATION:

Applicant/Owner: Angela M. Kelsay  
7995 S US Highway 31  
Edinburgh, IN 46124

Property Addresses: 7995 S US Highway 31  
Edinburgh, IN 46124

US 31 [unaddressed #1]  
Edinburgh, IN 46124

US 31 [unaddressed #2]  
Edinburgh, IN 46124

### PETITIONER'S REQUEST

**Angela M. Kelsay** (the "Petitioner") is requesting site development review for developmental requirements under the Zoning Ordinance of the Town of Edinburgh ("Zoning Ordinance"). Specifically, the Petitioner asks in PC-2018-01 for approval from the Plan Commission for a scope of work completed, and a prospective scope of work, for the following:

1. **Proposed:** A building permit for a storage container, 8' x 40' x 8' with no permanent foundation, currently placed at the subject premises
2. **Proposed:** A gravel parking strip, 15' x 100', across all three (3) parcels

### DOCUMENTATION REQUIREMENTS, LEGAL & PUBLIC NOTIFICATIONS

The Petitioner has **not** satisfied the following documentation requirements, and/or legal and public notifications, specified in the Town Plan Commission's *Application Packet for Platting, Annexation & Rezoning* ("Application") adopted on January 16, 2018:

- **The owners of all applicable adjoining parcels as prescribed in the Application**
- **A legal notice in the Johnson County Daily Journal at least ten (10) days prior to the meeting**
- **A legal notice in The Republic at least ten (10) days prior to the meeting**
- **A sign of public notice on the subject property at least ten (10) days prior to the meeting**
- **Proof of notice to the Town of Edinburgh Building & Zoning Department for all the above**

## CASE HISTORY

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A storage container for the subject 7995 S US 31 parcel was placed at the parcel sometime between April 23, 2017 and October 5, 2017. The Petitioner filed *Application* for PC-2018-01 with the Building & Zoning Department on January 26, 2018.

On March 19, 2018, the Petitioner submitted proof of some notification requirements to the Building & Zoning Department. In a discussion with Building & Zoning Department staff of deficiencies in public notification requirements for the Plan Commission's March 20, 2018 hearing, the Petitioner expressed frustration with Commission requirements and said that she would ask the subject property business operator to move the subject storage container from the premises. Building & Zoning Department staff said that the March 20, 2018 Plan Commission hearing would have to be held since some public notice was provided and verified.

In a Plan Commission hearing held on March 20, 2018, the Commission voted for a continuance of the case to permit the Petitioner to satisfy public notice requirements consistent with the *Application* and Indiana Code.

In a March 28, 2018 Building & Zoning Department letter to the Petitioner, confirmation of the Plan Commission's March 20, 2018 continuance to the Commission's next-scheduled meeting of April 17, 2018, as well as an itemized list detailing public notice requirements, was sent to the Petitioner. The letter provided the new deadlines for providing public notices, and for proof of such notices, to be submitted to the Building & Zoning Department. The letter requested that should the Petitioner wish to withdraw the *Application*, she should do so in writing to the Building & Zoning Department by April 12, 2018. The letter also referenced an open Zoning Ordinance violation for the subject storage container due to lack of prior permit and Plan Commission review, with an option of removing the container as sufficient to cure the violation.

To date, there has been no Petitioner request to withdraw the *Application*; Building & Zoning Department staff independently verified a lack of Petitioner public notice requirements being fulfilled for the April 17, 2018 Plan Commission hearing continuance; and, the subject storage container remains at the premises.

## STAFF RECOMMENDATION

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Building & Zoning Department staff recommends declining the petition.

Respectively Submitted,

Nick Valenzuela  
Building Commissioner  
Planning/Building & Zoning Department