

Zoning Board of Appeals
 Wednesday, September 5, 2018
 6:00 PM Town Hall

Edinburgh Zoning Board of Appeals met on Wednesday, September 5, 2018, 6:00 p.m.,
 Edinburgh Town Hall.

Members Present: Ron Hoffman
 Richard Pile
 Lloyd Flory

Others Present: Wade Watson, Town Manager
 Dustin Huddleston, Town Attorney

Ron Hoffman opened the meeting at 6:00 p.m. with roll call. Lloyd Flory here, Richard Pile here, Ron Hoffman here, Ron Hamm absent, Keith Sells absent.

Ron Hoffman presented minutes from the January 3, 2018 meeting. Richard Pile made a motion to approve minutes, Lloyd Flory seconded. Ron Hoffman then asked for all in favor by saying aye. All ayes. Motion passed, minutes approved.

Ron Hoffman advised the audience of the sign in sheet to give their contact information if they would like to get any further information concerning tonight's meeting. He also advised the audience that they would need to be sworn in by the attorney if they wished to speak during tonight's meeting.

Dustin Huddleston swore in audience member Justin Toth wishing to speak in favor of his petition.

Ron Hoffman presented BZ 2018-01 V on agenda. Dustin Huddleston recommended beginning with BZ 2018-02 since petitioner was present to give ample time for petitioner on BZ 2018-01 to appear.

Ron Hoffman presented **BZ 2018-2-V** on agenda: Justin P Toth a *petitioner is requesting a variance on Developmental Standards, Division 11, Article 156.271 of the Town of Edinburgh Zoning Ordinance to allow construction of an accessory building sixty-feet (60') by one hundred twenty-feet (120') having sixteen-feet (16') high sidewalls on property known as 6697 E 650 S, Edinburgh IN 46124, which is by Kokomo Grain Elevators.*

Ron Hoffman opened the floor for any questions reference Mr. Toth's petition. Richard Pile inquired if Mr. Toth would have everything in the correct spectrums, buildings would meet all codes.

Mr. Toth responded by saying yes.

Ron Hoffman inquired the reason Mr. Toth would have to meet with BZA?

Wade Watson responded that the property is in a buffer zone and the accessory structure is by our ordinance the maximum size is a 24 x 30 which will be explained in presentation.

Wade Watson presented his staff report (see attached staff report) and Power Point presentation reference BZ 2018-2-V, Justin Toth, Petitioner. Wade Watson stated the property is a zoned Enclosed Industrial as opposed to residential. It has been used as residential for several years, but Justin has had the property for four or five years. He lives on the property but also operates Cherokee Development there. The property does not exist in a flood plain. The property lines are now vacated the L shaped area on the opposite of it has been incorporated into a single parcel now is the only thing that Beacon has on map, it's a 15-acre parcel total.

Previously these were sold to Justin Toth as two parcels, one was a ten-acre parcel and an additional five-acre parcel that have now been combined into one fifteen-acre parcel.

Justin Toth stated as of July 28th, the Johnson County Courthouse finalized the fifteen-acre parcel as one parcel. He stated everything west of the tracks are for sale, which is south of Mr. Toth's property.

Lloyd Flory stated the area under a petition placed for a test track, ten years ago.

Justin Toth stated his property is located south of that area.

Richard Pile stated that Verizon had more control of the area.

Justin Toth responded by stating all areas around his property west of the tracks are for sale.

Lloyd Flory stated that at the meeting was there was going to be a test track for industrial equipment, test for Cummins.

Wade Watson responded by saying that was south of the land. The property is undeveloped because the BZA did not approve the variance, it is south of Mr. Toth's area.

Ron Hoffman opened the floor for motion to approve.

Richard Pile asked Wade Watson if he was finished with his presentation.

Wade Watson continued his presentation. All the properties surrounding this particular parcel is enclosed industrial, north, south, east west. All agriculture everything that is currently beside it. Petitioner has satisfied all public notification a sign was posted on 650 rather than on site because it would not be visible from 650 so it was posted out front of property. All public notification for surrounding properties were also met. Excavation, they added a new pole line had to be moved by REMC. Construction on the building has not begun.

The standard performances areas that are designated industrial, the parking specifications, yard regulations are set forth in this Article in order to ensure safe industrial development that is compatible with adjacent uses.

CONSIDERATIONS:

1. "An accessory building with capacity of two (2) motor vehicles should not be greater than 24 X 30.
 - Petitioner is seeking a variance to construct an accessory building sixty-foot (60') by one hundred twenty-foot (120') having sixteen-foot (16') high sidewalls.
 - The purposed height is 27 feet and maximum height for this area would be 18, so the size variance is what we are looking for.
2. There is an existing 40' x 70' accessory structure was constructed on this parcel around 1996 according to Johnson County. The Single-Family residential dwelling was around 1999.
3. Petitioner is proposing that he meets the setback standards. The minimum setback standard is sixty (60) feet for accessory structure those setbacks are more than adequately met based on the proposal.
4. The proposed use of the accessory structure is for vehicle and equipment storage to support the business they own.
5. The surrounding area, Real World testing proposed a tract, it was built in this area. The closest neighbor that he has is at least a quarter of mile away, most are half a mile away. No conflict with anything.

6. The only reason Petitioner is before the BZA is because the area is in a buffer zone.

CONSIDERATIONS:

1. General Welfare: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. Adjacent Property: The use and value of the adjacent property will be negatively affected if you find it to be negatively affected, you can vote against it; however, my recommendation is it does not negatively affect the property at all.
3. Practical Difficulty: Would it be difficult to use the property as it is without variance and not it really wouldn't.

STAFF RECOMMENDATION

Wade Watson stated he recommends approval of the petition subject to the following conditions:

1. That this decision is only granted to the Petitioner, and the Developmental Variance not transferable to any other property owner(s) not directly associated with the Petitioner;
2. That this decision is null and void should the Petitioner fail to develop the subject parcel within two (2) years of the date of the BZA Findings of Fact;
3. That the subject structure be compliant with International Residential Building Codes adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances and,
4. That prior to commencement of any construction at the subject parcel, the Petitioner be issued a Buffer Approval letter from the Town of Edinburgh Building Commissioner and submit application for a Building Permit issuance(s) from Johnson County Building & Zoning Department as applicable.

Wade Watson concluded his presentation and opened the floor for questions and/or comments.

Lloyd Flory made motion to approve the petition with the recommendations of the Building Commissioner, Richard Pile seconded.

Dustin Huddleston, stated with the conditions incorporated.

Ron Hoffman answered yes, please.

Dustin Huddleston stated you need to approve that in your motion.

Ron Hoffman stated Lloyd Flory moved to approve BZ-2018-02-V with recommendations so stated in the presentation by Mr. Watson. Opened floor for a second motion, Richard Pile seconded. Ron Hoffman asked for all in favor by saying aye. The ayes carried, BZ-2018-02-V approved.

Ron Hoffman presented **BZ-2018-01-V**. The petitioner has requested a variance from Developmental Standards of Division 11, Article 156.271 of the Town of Edinburgh Zoning Ordinance to allow the construction of a 20-foot x 40-foot accessory building with fourteen (14) feet sidewalls on the property known as 600 S. Holland Street, Edinburgh IN 46124.

Wade Watson presented his staff report (see attached staff report) and Power Point presentation reference BZ-2018-1. This area is zoned residential, single family. The surrounding properties are also residential single families, a dense neighborhood. Petitioner is wanting to build 20' X 40' accessory building 14 foot high. All the documentations, legal notifications have been satisfied. Wade Watson stated there once were two sheds in the back of the lot and Johnnie purchased a demolition permit and took the sheds down and his intention to build a building in

the same area. The unusual thing about this lot is the house sits in the back southwest corner of the lot.

Wade Watson stated the Single-Family dwelling was built on 1940 and exists ninety-eight (98) feet setback off of Holland Street. The sheds are gone and the street address of 600 but it is 98 feet back here and there are no setbacks, it was built right in the back corner. Wade Watson stated there was possible a primary structure in the front and this was built as a secondary house. The first one got destroyed and this is all that's on the lot. As such, accessory buildings are generally built in the back of the property; however, there is no backyard, so this is would be built in what is considered a side yard.

Wade Watson stated the "REAR YARD" is defined as unoccupied other than, the accessory buildings which do not exceed more than 30 percent of the acquired space. So, the variance is basic it's two-fold. Basically, to build this building in what would not be considered a back yard and then the size variance, there is no rear yard on this parcel.

The Petitioner is proposing to construct the accessory structure having a five (5) foot setback from the north side property line, which is compliant with the accessory structure and twenty-two (22) feet off the rear property line. The proposed use of the accessory structure is vehicle (boat) storage for the property owner. Setbacks are going to be met. Between the existing structure based on the width of the lot, this will be directly on the alley and two or three feet off; however, it is close. The size and width of this structure and the width is going to be fourteen (14) to sixteen (16) feet between the accessory structure and the house. There is no requirement for that other than fire hazards setbacks. In this case, there is plenty of space between the two buildings.

Ron Hoffman opened the floor for a motion to approve BZ-2018-1-V without the Petitioner being in attendance.

Richard Pile inquired if it could be approved without Petitioner being present.

Dustin Huddleston stated they could.

Lloyd Flory asked Wade Watson if he had any additional comments he wanted to add.

Wade Watson continued his presentation:

STAFF FINDINGS:

- 1. This will not cause harm of general welfare issues, it will not diminish adjacent property values.
- 2. It will not be a Practical Difficulty, if we enforce the code of the strict appliance of the ordinances.

STAFF RECOMMENDATION

Based on these investigation findings, staff recommends **APPROVAL** of the petition subject to the following four conditions:

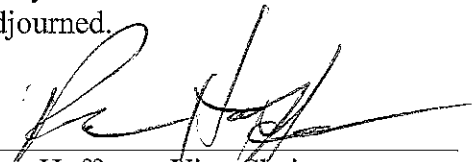
- 1. That this decision is only granted to the Petitioner, and the Developmental Variance not transferable to any other property owner(s) not directly associated with the Petitioner;
- 2. That this decision is null and void should the Petitioner fail to develop the subject parcel within two (2) years of the date of the BZA Findings of Fact;
- 3. That the subject structure be compliant with International Residential Building Codes adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances and,

4. That prior to commencement of any construction at the subject parcel, the Petitioner submit construction plans to the Town Building Commissioner for review/approval and new permit issuance(s) by the Building & Zoning Department as applicable.

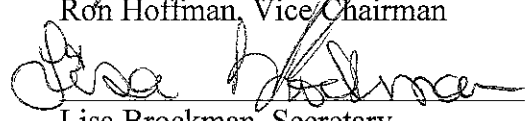
Richard Pile made a motion to approve.

Ron Hoffman opened the floor to approve with the conditions that were laid out by Wade Watson. Richard Pile replied yes. He asked all in favor by saying aye. The ayes carried, motion approved.

There being no further business, Richard Pile made a motion to adjourn the meeting. Lloyd Flory seconded. Ron Hoffman asked for all in favor by saying aye. The ayes carried, meeting adjourned.



Ron Hoffman, Vice Chairman



Lisa Brockman, Secretary