

**HANCOCK COUNTY AREA PLAN COMMISSION  
111 AMERICAN LEGION PLACE  
GREENFIELD, IN 46140**

**BOARD OF ZONING APPEALS MINUTES  
DATE: APRIL 27, 2023      TIME: 6:30 P.M.**

**PRESENT:**

**ABSENT:**

**BYRON HOLDEN, PRESIDENT  
RENEE OLDHAM, SECRETARY  
MICHAEL LONG, VICE PRESIDENT  
JASON FAUCETT  
EVAN MATLOCK  
DARLA SMOAK, RECORDING SEC.  
RHONDA COOK, ATTORNEY**

The April 27, 2023, meeting of the Hancock County Area Board of Zoning Appeals was brought to order by President Jason Faucett. Mr. Faucett stated due to the absence of Mr. Holden from the March meeting and the absence of Mr. Matlock from this meeting and the vacant seat on the board the minutes cannot be approved due to lack of a quorum. March minutes approval carried over to May 25, 2023.

Ms. Rhonda Cook, the Board's attorney, duly swore in all persons appearing before the Board of Zoning Appeals.

Mr. Faucett moved to adjourn. Mr. Matlock seconded and the meeting was adjourned at 8:23 p.m..

**ATTEST:**

**ATTEST:**

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**JASON FAUCETT,      PRESIDENT      BYRON HOLDEN,      SECRETARY**

**HANCOCK COUNTY AREA PLAN COMMISSION  
111 AMERICAN LEGION PLACE, SUITE 146  
GREENFIELD, IN 46140**

**BOARD OF ZONING APPEALS MINUTES**

**Thursday, April 27, 2023**

**TIME: 6:30 PM**

Wright, Casey  
3441 W 1000 N Ft.Ville  
17 - 17 - 6

Industrial General  
Variance 23-2350  
Vernon

Ms. Brooks stated the petitioner requested to withdraw the petition. Mr. Holden moved to withdraw the petition. Mr. Long seconded. Petition was withdrawn.

Niemier, William T. Singh, Gurpreet  
3097 N 600 W  
18 - 16 - 6

Commercial Neighborhood  
Special Exception 23-2363  
Buck Creek

Ms. Brooks presented a staff report with favorable recommendation. Mr. Bill Niemier, along with previous property owner, Mr. Donald J Tharp, new property owner, Mr. Gurpreet Singh, architect, Joseph Letsy, to request a special exception to allow a convenience store with a gas station. Mr. Niemier stated the new owner Mr. Singh is not affiliated with the Singh family who are installing the semi-tractor parking facilities. He said Mr. Gurpreet Singh owns 8 locations in Indiana and the proposed store will be his 9<sup>th</sup> location and first in the County. Mr. Niemier said the petitioner will not request any variances and they commit to building a store that is over the top and will exceed the required standards. He said 3 hours before the meeting Ms. Brooks sent him a suggested site plan that would flip the lay out of the store and pumps. Mr. Niemier said he sent the suggestion to the architect and owner, and they quickly redesigned the lay out. He said the new proposed lay out will be a much better plan. He said the store will be facing 600 W and the new plan will allow for outdoor seating to be adjacent to the walking path and the gas pumps will be behind the store. He said the entire hard surface will be concrete not asphalt. Mr. Niemier said he met with the Pastor to the church on the north side and the view will be a landscape buffer blocking the view of the facility. He said they commit to not allowing 18 wheelers to access and use the site. Mr. Niemier said they plan to install signage to restrict semi-trucks from accessing the side street and driveway. He said the signage will comply with the county standards. Mr. Niemier said the asphalt pathway will be from corner to corner of the property with a sidewalk leading to the store entrance. Mr. Long asked if the building elevations be designed with the front side rotated along with the lay out? Mr. Niemier answered both sides of the building that face the streets will be as presented for the front elevation with the architectural design. He said unlike the project on the nw corner of intersection the use will be only one use for the convenience store and gas pumps with a high end food café that offers better selection of food choices. Mr. Niemier said the proposal will be much like Leo's with nice healthy meal options offering indoor and outdoor seating areas. He said the project will be top of the line and over the top and they commit to not requesting any developmental variances. Mr. Donald J. Tharp said he owned the property for over 30 years and he is selling the property to this person because of his commitment to developing something over the top. He said he visited the other stores that are owned by Mr. Singh and said the stores are very nice and will be an asset to the county. Mr. Long asked if the petitioner will commit to collaborate with the property owners on the nw corner of the intersection on the landscaping plan, asphalt pathway and sculptures? He said that project offered a nice seating area with the art sculptures that will bring a nice look to the area and he would like to see that look to continue. Mr. Holden said he is not comfortable with approving last minute changes. Ms. Brooks said staff will review the development plan to ensure that the proposal meets the standards before the permit is issued. Mr. Niemier said they commit to working with staff to develop an over the top store that the county will be proud of. Mr. Long moved, if approved, the petitioner must comply with: 1) The signage (including restricting semi-truck access) must be installed to county standards, 2) The layout must be rotated as presented, 3) The east & west elevations must match (similar to as presented), and 4) The petitioner must collaborate with the property owners on the NW corner of the intersection on the landscaping plan and asphalt pathway. Mr. Holden seconded. Motion carried. There was no further discussion. Three (3) approved and zero (0) denied.

Landis, L Matthew  
2570 W. 100 S  
3 - 15 - 6

Residential  
Special Exception - 23-2364  
Sugar Creek

Ms. Brooks presented a staff report with favorable recommendation and conditions of approval: 1) Maximum of 12 hens and 0 roosters, 2) Any structures over 200 square feet must apply for and receive a building permit, 3) Accessory structures must be at least 15 feet from the side and rear property lines\*, and 4) Special Exception will be revoked if the property is deemed a public nuisance. \*Please note that the county surveyor is the authority over regulated drains. Objects, such as fences and sheds, may be considered obstructions if they are located in the regulated drain easement. Mr. Holden said he has concerns about the waste going into the regulated drain that then flows into Spring Lake. He said the community has spent a large amount of money to keep the waterway clean and safe. Mr. Matthew Landis said he wants to have 5-6 chickens for their own personal consumption. Mr. Landis said there will be no waste disposed of in the regulated drain. He said they will clean the waste from the coop into the trash can and none will be dumped on the ground. Mr. Landis said the coop will be inside the fence area and the

fence is set in over 10' from the property line. Mr. Faucett asked for remonstrators; and none were present. Mr. Long moved if approved the petitioner must comply with staff conditions and added: 1) Maximum of 12 hens and 0 roosters, 2) Any structures over 200 square feet must apply for and receive a building permit, 3) Accessory structures must be at least 15 feet from the side and rear property lines\*(Refer to County Surveyor), 4) Special Exception will be revoked if the property is deemed a public nuisance, 5) The special exception shall automatically expire if/when the owner ceases the activity for 12 consecutive months or longer, and 6) The special exception shall not be transferable to any other person or entity. There was no further discussion. Two (2) approved (Long, Faucett) and one (1) denied (Holden). Continued to May 25, 2023, due to lack of a quorum vote.

Poor, Adam & Crystal  
1061 S 600 W, NP  
7 - 15 - 6

Residential  
Variance 23-2365  
Sugar Creek

Ms. Brooks presented a staff report with favorable recommendation. Mr. Adam Poor, and wife, Crystal, were present to request a variance to allow an existing barn to remain. He said the picture presented by Ms. Brooks says it all. Mr. Poor said they purchased the property with the intentions of building a new home. He said they originally planned to tear down all the structures but since the house is under construction that have learned that the barn is needed and is in good condition. Mr. Poor said they thought about relocating the barn elsewhere on the property but it just did not seem financially feasible. He said the barn is in good condition for their intended use. Mr. Poor said the larger barn and old house will be removed before they obtain final occupancy per their permit approval for the new house. He said the barn will not obstruct the view of the street from the house or obstruct the front view of the house from the street. Mr. Long asked if the barn is torn down or falls in disrepair would they commit to not rebuilding in that location? Mr. Poor answered yes, but said they plan to keep the barn in good shape because it has historical character with a rock foundation. He said if he did build a new barn, he would want it to build it closer to the house. Mr. Faucett asked for remonstrators; and none were present. There was no further discussion. Three (0) approved and zero (0) denied.

Walmart Fulfillment Ctr Springfield Sign  
5259 W. 500 N, McCordsville  
7 - 16 - 6

Industrial Light  
Variance 23-2366  
Buck Creek

Ms. Brooks presented a staff report with favorable recommendation and conditions of approval: 1) Sign permit must be obtained within 12 months, and sign must be installed within 12 months of permit issuance, and 2) Petitioner must comply with landscaping, illumination, and all other required sign standards. Ms. Brooks said the petitioner did obtain a variance, similar to the request, in August 2022. Mr. John Oxford, with Springfield Signs representing the petitioner, was present to request a variance for the blue spark logo of Walmart. He said the blue spark is their signature logo and the request will fill an area of the blank sided wall of the building. Mr. Oxford said they are wanting to put the blue spark logo on a blank white wall so that all sides of the building have the signature markings to identify the building from a distance for the truck drivers. Mr. Oxford said the location will be on the east elevation on the NE corner of the large warehouse wall. He said the building is so large and awkward to see and the logo branding helps the truck drivers identify the location. Mr. Holden said the proposed sign will balance the building. Mr. Faucett said the entrances are clearly marked and there is already a large amount of signage on the property. Mr. Long said he use to agree with not needing so much signage but he has changed his opinion due to the size of the structure and property. He said once a truck driver is able to see the sign at the entrance many times, they have already passed the entrance and it is difficult to turn around. Mr. Long said having the identification on the building allows the drivers to see the building in the distance. Mr. Faucett asked for remonstrators; and none were present. Mr. Holden moved, if approved, the petitioner must comply with staff conditions of approval. Mr. Long seconded. Motion carried. There was no further discussion. Three (3) approved and zero (0) denied.

Crays, Michael & Chasity  
6084 N. Deckshire Lane, Shirley  
35 - 17 - 8

Agricultural  
Variance 23-2367  
Brown

Ms. Brooks presented a staff report with favorable recommendation. Mr. Michael Crays, and wife, Chasity, were present to request variances to allow a pole barn to be built in the front yard in front of the house, to allow an above ground pool to be built in the front yard in front of the house, to allow a 6' tall privacy fence to be built in the front yard and to allow the fence to be less than 50% transparent (to allow a privacy fence in the front yard). Mr. Crays said they were approved for the requested variances in December 2021, however, when they were finally ready to submit the permit application the variance approval had expired. He said it has been one obstacle after another that has prevented the start of the project. Mr. Crays said his mother was diagnosed with dementia and he is an only child so he must take care of her. He said the proposal is even more necessary since her diagnose because they will not be able to take a vacation or travel. Mr. Crays said in order for him to be allowed to build his pole barn, his wife

must get the permit for her pool issued also. He said no pool then no pole barn. Mr. Faucett said the previous condition was that County Highway must grant approval for the fence and they have obtained that approval for sight visibility. Mr. Faucett asked for remonstrators; and none were present. Three (3) approved and zero (0) denied.

Pritchett, Richard  
2316 Postmaster Lane, Gnfl  
34 - 16 - 6

Residential  
Variance 23-2368  
Buck Creek

Ms. Brooks presented a staff report with unfavorable recommendation with possible options for path forward: 1) Deny rabbit hutch in the side yard setback, and/or 2) Require greenhouse be no taller than 6 feet in height at the property line. Ms. Brooks noted that the variance request for the side yard setback pertains to the accessory structures that would typically be allowed without a permit, however, due to structure location, in the side yard setback, makes the reason for the variance request necessary. She said similarly the proposed uses (greenhouse & rabbits) would be permitted uses. Mr. Richard Pritchett, along with his wife, were present to request a variance to reduce the required 15 side yard setback to 0' for a greenhouse, rabbit hutch and retaining wall. He said the retaining wall will be a continuance following the property line from the front of his home around to the side to help with erosion control. Mr. Pritchett said his lot is higher than the neighbor's property. He said he is trying to make his property flatter because the ground slopes 2' to 3' on the west side. Mr. Pritchett said the love of his life, his wife, loves flowers so the greenhouse is for her. He said the proposed location is the most feasible location due to the layout of the property. Mr. Pritchett said this is their forever home and want the property to look very nice and they only do things the right way. Mr. Faucett asked why they must install the rabbit hutch so close to the property line? Mr. Pritchett answered because they have garden beds, existing plants and trees that prevent some locations. He said other areas will allow access to predators that love rabbits. Mr. Pritchett said they removed a gazebo and hot tub and that is the area they plan to install the rabbit hutch in. He said rabbits do not like sun light, so they need to be in the shade. Mr. Pritchett said he plans to have 4 doe and 1 buck rabbits with a reserved breeding area. Mr. Long said that area on Postmaster Lane has had problems with drainage for many years. Mr. Pritchett said he has no drainage issues due to the elevation of his property and he is trying to keep erosion from occurring with the installation of the retaining wall. He said he wants to be a good neighbor while helping the environment. Mr. Pritchett said rabbit waste is excellent fertilizer that can be used on the plants immediately. Mr. Pritchett said the greenhouse will be constructed out of a plexiglass type material that is see through. Mr. Faucett asked for remonstrators; and none were present. Mr. Holden said the property appears to have ample space without the need for the variance. Mr. Pritchett answered there is no other place that will work on the property due to existing features that cannot be changed. He said they have researched the entire property and the proposed location is the only location they can build what they want and make it work. Mr. Pritchett said they were very close to a family dog that passed away last summer and the rabbits will fill the void left from the loss of the family pet while providing necessary fertilizer for flowers and vegetables they plan to grow and harvest. Mr. Faucett moved, if approved, the petitioner is limited to 1 rabbit hutch with the number of rabbits as stated to the board (4 does and 1 buck). Mr. Holden seconded. Motion carried. Variance request to allow a portable rabbit hutch to be constructed with a 15" to 18" side yard setback from property line: zero (0) approved and three (3) denied. Variance request to allow the greenhouse to be constructed with a 2' side yard setback from property line: One (1) approved (Faucett) and two (2) denied (Holden, Long). Continued to May 25, 2023, due to lack of a quorum vote.

Goins, Delbert  
7407 W. 300 N, Grnfl  
23 - 16 - 5

Residential  
Special Exception 23-2370  
Buck Creek

Ms. Brooks stated the petitioner requested a continuance to the next regularly scheduled meeting due to a scheduling conflict. Mr. Holden moved to continue the petition to May meeting, as requested. Mr. Long seconded. Motion carried. There was no further discussion. Continued to May 25, 2023.

#### OTHER BUSINESS:

1. Violator Status- Ms. Smoak presented a violator's status report. She said updates need to be completed in the program and follow up inspections are occurring to the open violations as time allows. Ms. Smoak said a few of the open violations are carry overs from the previous Inspector.

2. TFG Properties, LLC- Mr. Faucett said he is working with the company and did ask for them to consider moving the entrance gate to the facility back at least 100' from the street to prevent semi trucks from stacking up on the street and blocking traffic. He said he asked for the company to meet with County Highway to discuss how to prevent the trucks for blocking the road. He said the property was approved under the old zoning ordinance so no special exception approval was required. Mr. Faucett said in 2020, variances were granted to reduce the

landscaping requirements and to waive the pavement requirements. He said they are currently in the process of installing the 2<sup>nd</sup> phase of the project and working on submitting the paperwork to obtain the permit. He said his goal is to help reduce the trucks from stacking on the road and to provide a better product for the county. Mr. Faucett suggested as the board considers any future semi truck parking facilities, that they consider requiring the entrance gate to be 100' off the road or at minimum 75' to allow room for the trucks to get off the road. There was no further discussion.