

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

**BOARD OF ZONING APPEALS MINUTES
DATE: JUNE 29, 2023 TIME: 6:30 P.M.**

PRESENT:

**JASON FAUCETT, PRESIDENT
MICHAEL LONG, VICE PRESIDENT
EVAN MATLOCK
LACEY WILLARD
KAYLA BROOKS, DIRECTOR
DARLA SMOAK, RECORDING SEC.
RHONDA COOK, ATTORNEY**

ABSENT:

VACANT, SECRETARY

The, June 29, 2023, meeting of the Hancock County Area Board of Zoning Appeals was brought to order by President Mr. Jason Faucett. Mr. Long moved to accept the previous month's minutes as received in the mail. Mr. Matlock seconded. Motion carried.

Mr. Faucett appointed Mr. Matlock, as secretary in the absence of a secretary .

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

Ms. Willard moved to adjourn. Mr. Matlock seconded, and the meeting was adjourned at 9:52 p.m..

ATTEST:

ATTEST:

JASON FAUCETT, PRESIDENT

EVAN MATLOCK, ACTING SECRETARY

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

BOARD OF ZONING APPEALS MINUTES

Thursday, June 29, 2023

TIME: 6:30 PM

Singh, Kamaldeep
Approx. 6901 West 500 N
12 - 16 - 5

Industrial Light
Special Exception/Time Extension
Buck Creek

Ms. Brooks presented a staff report with recommendations and conditions of approval as previously approved with 2022 petition: 1) A building permit and /or improvement of location permit relating to this Special Exception must be obtained within 12 months of the above approval date, and an occupancy permit must be obtained within 12 months of approval of the permit(s), or the Special Exception will automatically expire, 2) Landscape plan approved by the Planning Director, 3) Exterior lighting plan approved by the Planning Director, 4) Special exception becomes null and void if business ceases to operate after twelve months, 5) Special exception does not run with the landowner and cannot be transferrable to any other owner or entity, 6) The BZA reserves the right to modify or revoke the special exception at a public hearing if it determines that the semi-tractor parking lot constitutes a public nuisance, 7) The petitioner must provide a traffic study subject to approval by the Planning Director, and 8) The petitioner must submit a development plan as required by section 156.107 of the County Code. Ms. Brooks said many changes have occurred in the past year that could make the approval more or less appropriate. 1. Turner Farms PUD/ surrounding residential, 2. Adjacent warehouse construction, 3. New roads have been installed and the county has plans to extend 700 West, and 4. Growing consideration for cut-out residential parcels not included. Ms. Brooks said the small lots in the front that are cut-out of the parcel are a concern with future uses due to the size and zoning. She said a traffic study was a requirement of the original special exception approval, and the petitioner presented a traffic study memo prepared by Shrewsberry. Ms. Brooks said the County Highway was satisfied with the memo. Mr. Phil Going, surveyor with Accura Land Surveying, along with Mr. Warren Johnson, were present representing Mr. Kamaldeep Singh, to request approval of a time extension for the special exception to allow semi-tractor/ trailer parking facility. Mr. Going said the extended time request is not due to actions of the petitioner. He said the petitioner has completed all the items he can complete. Mr. Going said Mr. Singh hired him to prepare the land survey, development plan, and the drainage plan are completed. He said the holdup is due to a revision needed to the regulated drain that runs from the north side of the parcel. He said the exterior lighting plan is complete and the landscape plan is in the works, and it will meet the buffer yard requirements. Mr. Going said the County regulated drain is in need of major repairs in that area. He said the previous County Surveyor (Susan Bodkins) made a deal with many of the property owners so that the revisions needed would not be at the expense of the county but would be at the expense of the new developments. Mr. Going said Ms. Bodkins had a plan that would improve the area without an added burden to the taxpayers, however, the plans did not go as planned and the property to the north is not ready to develop. He said the new County Surveyor, Chad Coughenour, has tried to continue the plan but without the Air Logistics project being developed has delayed the project. Mr. Going said he looked for an alternative plan and he located a private tile that Mr. Coughenour said they could use to prevent further delays and he suggested they upsize the pipe to 42". He said the landscape plan has not been prepared because they need to finalize the drainage to ensure that is in place before they can finalize the landscape plan. Mr. Going said the petitioner is ready to move forward with the project, if approved. He said the exterior lighting, development and drainage plans are complete. Mr. Long

asked what the amount of time needed for the extension? Mr. Going answered he would like a year; however, the project can be ready to move forward within the next six weeks. Mr. Long asked if the petitioner would consider moving the gate to the entrance back from the road at least 100' instead of 50'? Mr. Going asked why 100' was necessary? Mr. Faucett answered the 100' gives enough room for the semi-truck and trailer to get into the driveway and not block traffic. He said it is not safe for the gate to be only 50' when a truck and trailer is 74' long. Mr. Long asked if they agree to install a type 4 buffer yard, as required? Mr. Going answered yes, they commit to installing type 4 buffer yard and moving the gate back 100' off the road. He said the petitioner owns the home on the NW corner of the intersection and he is fully aware that the county has planned to install a round about at that corner. Mr. Going said according to the newspaper article the house is planned to be removed. Mr. Matlock asked was the project intended to be installed in phases? Mr. Long said he recalls from the previous meeting the petitioner stated the refrigerated units will be parked toward the interior of the site and asked if parking for refrigerated units were still in the plan? Mr. Johnson answered most of the drivers using the parking area will be local drivers or overnight use only. He said they do not anticipate having many refrigerated units frequenting the parking area. Mr. Long said when the project was proposed a year ago the board was cognitive about the residential uses and a year later there are even more residential uses they need to be further aware. Mr. Johnson said the design presented with the retention pond on the west property line and 700 West, moves the trucks further east away from the residential uses giving an increased buffer yard. Ms. Willard asked if the plan to connect to the drainage pipe to the south was a temporary fix until the original plan is installed? Mr. Going answered yes, and said Mr. Coughenour suggested they upsize the pipe they install which is not conventional but will meet their current needs. Ms. Willard asked what the time frame for installation of the planned drainage tile? Mr. Going answered Mr. Coughenour is working with Air Logistics and he did not ask him a time frame. Ms. Willard asked what the intended time frame to execute all the commitments, if approved, this would include plans, permits and operations, etc? Mr. Going answered all the plans, with the exception of landscaping and new drainage plan using the private drainage tile, are prepared. He said they can be ready to start construction in 6 weeks. Mr. Faucett asked if the property owner was associated with the DBA Properties, LLC? Mr. Going answered he is not aware of any association to them. Ms. Sandra Hudson, neighbor representing the residential homes on the West side of 700 W, was present and still opposed to the project. Ms. Hudson said she lives across the street on the west end of the property. She said she is very disappointed by the condition of the property. She said the property is covered in weeds that are waste high and it looks horrible. Ms. Hudson said the weeds are a violation of county ordinance. She said she hopes the petitioner takes care and shows some pride in the property because it looks terrible. Ms. Hudson said in the past year several other truck parking facilities have been approved and installed and they are very unattractive. She asked how many parking facilities are needed? Ms. Hudson said there are a number of nice houses on the stretch of road across from the property and if approved, she feels more buffering, than required, needs to be installed to prevent the reduction in property values. Ms. Hudson said Pepper Construction is doing a project just south of this location and when the project was proposed she talked with them. She said they were very nice to work with her. She said she met with their representative and requested 8' mound and buffering. Ms. Hudson said she read an article in the newspaper about a farm homestead in Hendryx County who asked for the 10' mound and buffering when the warehouses were installed there. She said the owners were more pleased with outcome, so she thought why can't Hancock County request the mounds. Ms. Hudson said she knows the zoning is what it is, and something will develop there so all she would ask is that the development be compatible with housing and the quality of life. She said there are currently very nice houses and if Turner Farms is developed there will be even more very nice houses that must be considered. Ms. Hudson said they really don't want to move but 4' buffers just will not be enough. She said the ordinance is just not adequate to protect the homeowners from the impact of having to look at

hundreds of semi-tractor trailers and a service building. Mr. Faucett said there has been a new landscape ordinance adopted within the past year. Mr. Matlock asked the height of the buffer on the site plan? Ms. Brooks answered the mound height is proposed to be 6'. Ms. Brooks said there will be a 50' half right of way, a 50' zoning setback and a 30' buffer yard requirement along 700 W, along the rear of the residential property and could be required along 500 West. Ms. Willard asked Ms. Hudson was her request to increase the height of the landscape berm? Ms. Hudson answered her concern is with the height of the mound. Mr. Faucett said it may be difficult to increase the height of the mound because there is going to be a retention pond along the road on that side. Ms. Hudson said that is news to her. She said no retention pond was proposed on the west side. Mr. Faucett said the retention pond was part of the drainage plan. Ms. Hudson said the retention pond will allow open view of the hundreds of semi-trailers. Ms. Brooks said the 6" tall buffer yard will be required just beyond the retention pond. Mr. Long said a 6' tall berm would need to be wider 30' with a 3:1 slope. Mr. Goings answered the 6' height with 3:1 slope would make the width of the berm 18' on each side of the mound. He said he does not think an 8' tall berm is necessary. Mr. Long said he feels that 6' tall berm is tall enough with the distance it will be off the road. He said he does not like to see one long narrow hill with trees on top. Mr. Going said the ground will have a large amount of dirt from the pond being dug so he proposes having 6' landscape berms with valleys to compliment the project. Mr. Matlock said the landscape berm will be around 130' from centerline. Mr. Going said the original request was for 334 parking spaces however, this plan has 305 parking spaces so that number has reduced. Ms. Brooks asked what the intended surface will be? Mr. Going answered they are proposing a gravel surface so that it will still be pervious and will not be a sea of asphalt. Ms. Brooks said if gravel is proposed then a variance will be required. Mr. Going said he did not realize a hard surface would be required. Mr. Faucett said all parking areas requires hard surface. Mr. Long said the past condition requested a traffic study. He said another recent project required a traffic study, however, he felt that the study did not offer any new information. Mr. Long said he was satisfied with the traffic memo prepared by Shrewsberry. Mr. Long moved, if approved, the petitioner must comply with following conditions: 1) A building permit and /or improvement of location permit relating to this Special Exception must be obtained within 6 months of the above approval date, and an occupancy permit must be obtained within 12 months of approval of the permit(s), or the Special Exception will automatically expire, 2) Landscape plan approved by the Planning Director, 3) Exterior lighting plan approved by the Planning Director, 4) Special exception becomes null and void if business ceases to operate after twelve months, 5) Special exception does not run with the landowner and cannot be transferrable to any other owner or entity, 6) The BZA reserves the right to modify or revoke the special exception at a public hearing if it determines that the semi-tractor parking lot constitutes a public nuisance, 7) The petitioner must submit a development plan as required by section 156.107 of the County Code, 8) Petitioner must install a type 4 buffer yard on along all right of way and residential, 9) Entrance gate must be setback 100' from the right of way, 10) Refrigerated trucks must be parked on the interior spaces on the lot, and 11) The lot must be mowed within 15 days from today. Mr. Matlock seconded. Motion carried. Four (4) approved and zero (0) denied.

Baker Elizabeth
5532 W 900 N McCordsville
13 - 17 - 5

Residential
Special Exception 23-2378
Vernon

Ms. Brooks presented a staff report with favorable recommendation and conditions of approval. Ms. Elizabeth Baker and her husband, Mr. Derek Grubbs, were present to request a special exception to allow grazing/ pastureland and animal stables for their 4-H animals. Ms. Baker said they are purchasing the property on land contract. She said they moved to the County from the Geist area so the children could have 4-H animals. Ms. Baker said the kids have been in 4-H for years with showing sheep, goats and an alpaca. Mr. Grubbs said he comes from a 4-H family of 88 years, and

being able to carry on the tradition is important to him and the kids. He said the neighbors, the Ewings, live across the street and are present in support of the 4-H animals. Ms. Willard asked if the property owner who is on the title gave consent to the petition? Ms. Smoak answered yes, and said the owner, Mr. Mark Elsbury, came into the office to show his support and fill out the consent. Ms. Baker said Mr. Elsbury comes from a large 4-H family, and he was happy to provide consent. Mr. Grubbs said animals will be in the rear part of the lot behind the fence. Mr. Oscar Logan, neighbor across the street, representing Stone Grove subdivision, was present to ask questions. Mr. Logan said he is from Birmingham, Alabama, and grazing/ pastureland could negatively impact the neighbors, but he said the proposal sounds like it won't impact much. He said he was concerned about limits and no buffers required. Mr. Logan said more communications could prevent many questions and unknowns. He said smell could negatively affect neighboring properties. Mr. Logan said he wants to protect the community and make sure there is a balance that allows all in the community to flourish. He said he wants people to be accountable for their words and do what they say they are going to do. Mr. Logan said he is not opposed to the 4-H animals. Ms. Baker said they have spoken to a large number of their neighbors, who are happy to know that there will be no chickens and are only sheep, 3 pigmy goats and an alpaca. Mr. Grubbs said each child has an animal. Ms. Willard asked if there is an acceptable amount of acreage per the number of animals? Ms. Smoak answered, doing a brief internet search, Google says that the average is 9 hooved animals (like goats and sheep) per acre. Mr. Matlock said he would encourage everyone to visit a show animal farm. He said show animals are well taken care of and they are very clean. Mr. Matlock said 4-H kids, at a very young age, are taught to take care of their animals and that mindset follows them through life. Mr. Long moved, if approved, the petitioner must comply with the following conditions: 1) The petitioner must seek and obtain an improvement of location permit, 2) The petitioner is limited to 12 hens and chicks and no roosters allowed, 3) The special exception shall automatically expire if/when the owner ceases the activity for 12 consecutive months or longer, 4) The BZA reserves the right to revoke the special exception at an advertised public hearing if the activity is deemed to be a public nuisance, and 5) The special exception shall not be transferable to any other person or entity. Mr. Matlock seconded. Motion carried. There was no further discussion. Four (4) approved and zero (0) denied.

Outback Storage, LLC
5478 N SR 9 Greenfield
5 - 16 - 7

Commercial Regional
Variances 23-2380
Center

Ms. Brooks presented a staff report with recommendations and conditions of approval/ paths to move forward could include; 1) Deny the petition, 2) Modify- a) Require a lesser setback, like 5' or 10'; or b) Require high architectural standards (meaning don't allow variances from the C-OL, or 3) Approve or partially approve as is. Ms. Brooks stated in the CR zone, there should be 25' separation between buildings and the setback and Type 3 buffer on the north property line would be 40'. Ms. Kim Medlin, owner's assistant, representing Outback Storage, LLC, was present to request variance to reduce the required side yard setback to 5', variance to waive the required landscaping buffer yard and variance to waive the C-OL standards. Ms. Medlin said the current storage facility is at 90 to 95% capacity and they would like to provide additional storage space for the residents of the community and Twin Oaks subdivision. She said they turn people away every day wanting storage space. Ms. Medlin said the addition will close up the entire facility. She said if the new addition is constructed it will close up the interior so that all the doors are facing the interior of the site. Ms. Medlin said currently the neighbors can see the cars unloading in the units and they see the doors of the units, however, if the new addition is constructed the back of the unit will wall off the view and close up the site. She said they plan to move the existing trees and add additional landscaping into the 5' greenspace between the proposed building and the property line. Ms. Medlin said there will be a 20' separation between the buildings to accommodate fire trucks. She said the fire department requires

20' width to maneuver their trucks. Ms. Medlin said the fire department brought one of their large trucks out to the facility to make sure they could fit. Ms. Willard asked when the facility was built? Ms. Medlin answered in 2018. Ms. Willard asked when the homes were built? Mr. Faucett answered most of the homes in Twin Oaks were built in the 1990's. Ms. Medlin said the gate has a unique code for each customer to access the facility, so they know who's coming and going. She said on the north side there's a privacy fence on the west side half and chain link fence on the east side of the property line. Mr. Ed Flick said he lives behind the facility, and he is opposed to reducing the landscape buffer between his home and the facility. He said the fence helps but landscaping plants would soften the look of the project. Mr. Flick said the fence worked very well to help shield the view of the facility. He said he has not seen a plan for the proposed addition so he would like to make sure the fence is extended. Mr. Flick said the storm knocked down several trees in the woods, but he has not seen any removed. Mr. Matlock said at the last month's meeting Mr. Smith stated the fence would be extended along the back and around to the side. Mr. Flick said he is not opposed to the building, but he wants there to be a fence and landscaping installed. He said the board could be setting precedent, if approved, and they could come back and request a building on the west side with the building running north/ south. Ms. Medlin answered the wood privacy fence will be extended toward the north and into the woods and look as it does now. Mr. Matlock said he does not believe there was enough room for an additional building on the west side of the property. Ms. Medlin said there is no room on the west side to place another building because the fire department requires the width for turning and maneuvering the fire trucks. She said the fire department brought their largest truck out to the site to verify that they could turn the vehicle around the buildings and all the space was needed to get around. Mr. Long said the project will not be reviewed by the Tech Committee. Ms. Medlin said they are very familiar with the permitting process and will apply for the permit after this approval. Mr. Matlock said the proposal appears to close up the site and finish it off. Mr. Long said much of the green space will be taken up with the building, however, the proposal appears to close up the site. Mr. Long said with 5' of space for landscaping there will not be a lot of room for trees. Mr. Long moved, if approved, the landscaping, screening and buffering plan must be approved by the Plan Commission Director. Mr. Matlock seconded. Motion carried. There was no further discussion. Variance to reduce the required 15' side yard setback to 5': Two (2) approved (Matlock and Willard) and two (2) denied (Faucett and Long). Variance to waive the landscape buffering and screening: Two (2) approved (Matlock and Willard) and two (2) denied (Faucett and Long). Variance to waive the C-OL standards to match existing: Three (3) approved (Matlock, Long and Willard) and one (1) denied (Faucett).

Lord Matthew
6372 W. US 52, New Palestine
24 - 15 - 5

Commercial Neighborhood
Special Exception 23-2384
Sugar Creek

Ms. Brooks presented a staff report with unfavorable recommendations and conditions of approval; 1) Petitioner must sort out boundary issues regarding east drive ownership and that drive shall not be used for this landscaping business., 2) A Type 4 buffer will be installed along adjacent residential neighbors according to landscape/buffering ordinance (30-foot wide + 6' tall screen + 8 trees (50% evergreen) per 100 feet of boundary. Mr. Matthew Lord was present to request a special exception to allow a home occupation for a landscaping business and variance to allow him to park 2 trailers on his property associated with the home occupation. Mr. Lord said his original requests are from the result of meeting with the Plan commission staff. He said since speaking with the staff and filing the petition, his proposal has changed. Mr. Lord said he only wishes to park his trailers on the property. He said the complaining neighbor, Ms. Hughes, does not even live on the property. He said the property may be in Ms. Hughes' name, but she does not live there but her mother does. Mr. Lord said the complaint is result of a conflict with his father and not with him. He said he has never used the driveway that he shares with Ms. Hughes. He said he accesses the property from his driveway at his

home. Mr. Lord said his father does not plan to build the accessory dwelling, on the property, that he was approved for in March 2023. Mr. Lord said he wishes to withdraw his requests for the variances. He said he does not plan to have employees, materials stored outdoors, or use the accessory buildings for the business, no additional parking area is needed, and he does not propose a sign. Mr. Long moved to withdraw the variances requested; #1 to exceed max. # of employees, #2 to allow HO to operate in detached building, #3 to allow HO area to exceed 500 sf, #5 to allow additional parking area for HO and #6 to allow a sign for the HO. Ms. Willard seconded. Motion carried. Mr. Paul Carroll, attorney representing Ms. Sheree Hughes, neighbor who owns the adjacent property was present and opposed to the petition. Mr. Carroll said the area is residentially used and they want to ensure that it remains residential looking. He said the proposal does not meet with threshold for a home occupation. Mr. Carroll said Mr. Lord has not presented any type of fencing plans or buffering plans. He said the property has industrial type equipment with excavator and large tractor and log splitter. Mr. Carroll said at the March 2023 meeting, Mr. Lord, Sr told this board that there was no business operating on the property and evidence clearly shows that Mr. Lord, Jr had filed for his business license with the state prior to that meeting. Mr. Carroll said they do not trust that the business will operate as Mr. Lord has stated with only 2 trailers. He asked where the trailers will be parked on the property? Mr. Carroll said the survey to verify the location of the driveway has not been completed by Mr. Going yet. He said Ms. Hughes wants assurance that the driveway next to her property will not be used by Mr. Lord. Mr. Carroll said Mr. Lord's trailer has signage on the side of it. Mr. Faucett asked Mr. Going when the survey is expected to be completed. Mr. Going answered he is working on correcting a historical error on a property plat. He said he must analyze who has rights. Mr. Going said the lines are marked. Mr. Faucett asked if the stakes are installed. Mr. Going answered not yet due to the error, but the stakes will be installed as soon as error is corrected. Mr. Lord said the survey is moot because he will not use the driveway. He said he has never used the driveway and never will. Mr. Lord said the trailer with the signage will be parked in the rear lot behind the pole barn and will not be visible from U.S. 52 or the neighbor. He said the tractor and log splitter will be moving with his father when he moves to his new home in a couple of months. Mr. Long moved, if approved, the following conditions apply: 1) The special exception shall run with the petitioner and shall not be transferrable to any other owner or entity, 2) The special exception shall become null and void if the business ceases operations for 12 consecutive months or longer, 3) The BZA reserves the right to modify or revoke the special exception at a public hearing if it determines that the home occupation constitutes a public nuisance or if the petitioner operates any of the withdrawn variances #1, 2, 3, 5 & 6, 4) The outdoor storage of (2) trailers maximum is limited to behind the residence and not visible from the road, and 5) East driveway (adjacent to Ms. Hughes) shall not be used for business purposes. Mr. Matlock seconded. Motion carried. There was no further discussion. Special Exception: Four (4) approved and zero (0) denied, and #4 Variance to allow outdoor storage of two (2) utility trailers: Four (4) approved and zero (0) denied.

Hatcher A Greg
310 S. Carthage Rd, Charlottesville
35 - 16 - 8

Residential
Variance 23-2386
Jackson

Ms. Brooks presented a staff report with a favorable recommendation and conditions of approval. Ms. Brooks said the location makes the lot difficult to build on because it has 3 front yards with a 35' front setback requirement. She said the lot is in the village overlay which does not offer much relief due in this case. Mr. Greg Hatcher was present to request a variance to reduce the required 35' front yard setback to 20' for a proposed garage. He said he looked at all the options and the only way the garage will fit is with approval of the variance. Mr. Hatcher said the garage will compliment the house. He said his proposal is straight forward. He said the garage will be pole barn style with stone siding to match the house. Mr. Hatcher said the garage will have a metal roof and his plan is to replace the roof

on the house to match. He said the existing shed will be removed. He said the garage height to match the house height. Ms. Willard asked the age of the home? Mr. Hatcher answered the property record card says 1900. Mr. Faucett said usually when the property card says 1900 for the year constructed, it means the county does not know the age of the home. Mr. Hatcher said he looked to see if he could attach the garage to his home to avoid the variance request, but his septic system location prevented it. He said the proposed location is the only spot that the garage will work. Mr. Long asked Mr. Hatcher if he intends to add a new driveway to the garage? Mr. Hatcher answered yes, and he said there will be only one driveway to the new garage and the existing driveway will be removed and seeded. Mr. Faucett asked for remonstrators, and none were present. Mr. Long asked if the neighbor to the north was in support of the variance request? Mr. Hatcher answered he has not heard anything from the neighbors. Mr. Faucett said the neighbor was properly notified. Mr. Long moved, if approved, the following conditions apply: 1) The petitioner must obtain an improvement location permit, 2) The colors and materials, with the exception of the roof, must match the house, and 3) The garage shall be constructed as presented. Mr. Matlock seconded. Motion carried. There was no further discussion. Four (4) approved and zero (0) denied.

Stickford Monica & Craig
3651 W. US 52, New Palestine
28 - 15 - 6

Residential
Variance 23-2389
Sugar Creek

Ms. Brooks presented a staff report with recommendations and conditions of approval. Ms. Monica Stickford was present to request a variance to reduce the required 125' of road frontage to allow 50' for an existing lot in the subdivision. Ms. Stickford said they plan to increase the number of lots to add one additional lot so they can build a new home on the newly created lot. She said currently the major subdivision consists of 3 lots. Ms. Stickford said the property was in the family for many years and they want to remain on the property, and they want to keep the woods at the rear of the property. She said wanting to keep the woods is the reason for the odd shaped lot. Ms. Stickford said they plan to build their new home up next to US 52, if approved. She said her in-laws own the property on the east side and they purchased a 35' wide, one acre, parcel the length of the lot that will be added to the plat that will increase the road frontage to lot 3 from 14' to around 50'. She said lot 4 will have the road frontage along US 52. Ms. Stickford said when the original major subdivision was approved a private street requirement was waived. She said the wooded area in the rear of the property is wetlands and is not buildable in that area. Ms. Stickford said there are 2 recorded easements for access and utilities. Ms. Willard said the original approval for the major subdivision appeared to have concerns about the rear parcel being landlocked and now another lot is being added to the plat. Ms. Stickford said the additional acreage purchased on the east will give the parcel in the rear more road frontage and eliminate the parcel being landlocked. She said the woods will be a part of lot 4 which has an ample amount of road frontage. Ms. Willard asked Ms. Stickford if she anticipates coming back requesting more lots? Ms. Stickford answered no. Mr. Long asked if the remaining parcel to the east that is owned by the in-laws will be built on? Ms. Stickford answered not at the current time and said the discussion is a sore spot within the family. Mr. Faucett asked for remonstrators, and none were present. Mr. Long said the only changes to the original plat is to divide lot 3 by adding an additional lot creating lot 4. Ms. Stickford said the only changes is adding the parcel to the east and cutting off lot 3 which is already built on. She said they plan to build a new home on lot 4. Mr. Long said the layout makes the division a bit different looking. There was no further discussion. Three (3) approved (Long, Willard, Faucett) and one (1) denied (Matlock).

Gillihan, Toby Schleiter, Kurt
1323 N 300 W., Greenfield
27 - 16 - 6

Agricultural
Variance 23-2391
Buck Creek

Ms. Brooks said the petitioner requested a continuance to the July 27, 2023, to allow more time for further research. Mr. Long moved to continue the petition, as requested. Mr. Matlock seconded. Motion carried. Continued to July 27, 2023.

OTHER BUSINESS:

1. Assistant Planner Update- Ms. Brooks introduced, Ms. Hollie Kinker, as the assistant planner. Ms. Kinker comes from the County Auditor's office with years of experience in land use and the ambition for obtaining her AICP certification. The board welcomed Ms. Kinker to the team.
2. Amended BZA Rules and Procedures- Ms. Brooks stated the amended rules and procedures has been reviewed by staff. Ms. Willard moved to approve the amended BZA Rules and Procedures as written. Mr. Long seconded. Motion carried. There was no further discussion.
3. Unified Development Ordinance- Ms. Brooks said she requested \$100,000 from the County Council to revise the zoning ordinance and the subdivision control ordinance to combine into one complete document that would unify the documents so that there is only one set of definitions and procedures. She said the County Council supported her request and awarded the money, as requested.
4. Solar Ordinance- Ms. Brooks said she is working on a new solar ordinance so the County is ready for the future. She welcomed comments and questions.

ZONING VIOLATIONS:

1. Zoning Violation Update- Ms. Smoak presented a list of ongoing zoning violations.