

**February 14<sup>th</sup>, 2024 BZA Minutes**

**Attendance:** *Geoffrey Wessling (APC/BZA Attorney), Paula Keller (Chairperson), Bob Braun (BZA Vice Chairperson), Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)*

**Appointments**

Daryl Kramer moved to appoint Paula Keller as the chairperson of the board. Bob Braun seconded. All in favor. Motion carried. Tom Wodtke moved to appoint Bob Braun as the vice chairperson. Daryl Kramer seconded. All in favor. Motion Carried.

**December 13<sup>th</sup>, 2023 Minutes**

Daryl Kramer abstained from voting. Terry Duffy moved to approve the minutes. Tom Wodtke seconded. All in favor. Motion carried.

**Cell Tower Class 3 Conditional Use - 011924-CU-01 - John Marcelletti, Parcel 24-11-33-226-008.000-020, located at Hubble St (owned by Chad Merrell)**

Daryl Kramer recused himself. Paula Keller asked Kaitlin Sterwerf if all of the letters were in order. Sterwerf replied yes. Keller asked Sterwerf if the Town of Mount Carmel had approved the cell tower yet. Sterwerf responded no. Keller asked the board if they had any questions for the applicant since all were present for the Area Plan Commission hearing. Terry Duffy requested that the development plan be in a written format and turned into the director prior to approval. Duffy motioned to approve the conditional use contingent upon the following: town approval, revised site plan, and a revised development plan. Bob Braun seconded. Motion carried 3-4 with Tom Wodtke opposing.

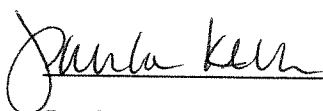
**Case Number: 10242023-CU-01, John Palmer – Petition for Conditional Use, County Building –24-02-36-100-025.000-012 Findings of Fact**

Daryl Kramer abstained from voting. The board voted to approve the findings of fact pending the revision of the applicant to the Franklin County Commissioners.

**Case Number: 11142023-V-01, Beverly Ellis – Petition for Variance –24-10-20-335-015.000-004 Findings of Fact**

Daryl Kramer abstained from voting. The board voted to approve the findings of fact pending the revision of the requested setback.

**Meeting adjourned.**



*Paula Keller*

**BZA Board President**



*Kaitlin Sterwerf*

**Executive Director**



### **March 13<sup>th</sup>, 2024 BZA Minutes**

**Attendance:** *Paula Keller (Chairperson), Bob Braun (BZA Vice Chairperson), Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)*

### **December 13<sup>th</sup>, 2023 Minutes**

Bob Braun moved to approve the minutes. Daryl Kramer seconded. All in favor. Motion carried.

#### ***02152024-V-01 – Floyd Pence***

***Parcel 24-07-03-300-009.000-017, located on Cupps Chapel Rd***

***Petition for Variance – Requested Single Family Dwelling***

***with less than 900 sq ft of living space***

Paula Keller asked Kaitlin Sterwerf if all of the notifications were in order. Sterwerf replied yes. Floyd Pence approached the stand. Pence explained that he is 78 years old and not in good health, so he wants to split his 23 acres and build a small house for himself to live in. Terry Duffy said that the application described that Pence would like to build a 24' by 24' house. Duffy asked what kind of house would be built. Pence said that the house would be on a foundation but he had not decided on the exact type of house he would like to build. Pence showed the board the pre-built houses that he was looking at. Tom Wodtke said there was nothing on the drawings that showed a 24' by 24' building. Wodtke then asked if drawings were going to be submitted to the building department. Sterwerf explained that Mr. Pence was waiting to see if the smaller house would get approved prior to applying for a building permit. Sterwerf said that the dimensions may change but the structure would be around 500 sq ft. Bob Braun asked if this was just a preliminary approval. Sterwerf said that Pence did not want to commit to a building until he knew it would be approved. Keller explained that the board is in a position where they do not want to approve something that could end up being a shipping container. Braun said that he understands what is trying to be done, but he believes there needs to be more presented before he can say yes. Todd Raible approached the podium and said that this is something he has been advocating for for a long time. Raible said that his understanding of the situation is that Pence is asking for approval of a building less than 900 square feet. Raible explained that even if the BZA approves his request, Pence would still have to apply for a building permit and get approval for the structure being used as a dwelling. Raible asked if it was still necessary to divide parcels if the house is less than 900 square feet. Keller said that according to the zoning code, there cannot be two dwellings on one parcel. Raible made the point that there are school houses less than 900 square feet on parcels that have dwellings. Braun told Pence that he would much rather base his decision off of the actual building plans than just photos in a catalogue. Keller said that she thinks the board can approve the variance as long as there is an understanding by the applicant that he will need to obtain a building and zoning permit to ensure proper setbacks and construction of the dwelling. Daryl Kramer said that in his opinion, the only thing the board should be asking themselves is if they are going to allow a dwelling less than 900 square feet to be built on this parcel. Kramer said that the actual construction and the septic are to be handled by the building and health department. Pence said that he is currently working on getting

estimates for the septic system, but he wants to wait for the approval of the smaller dwelling before he spends the money. Braun asked if it would be proper to say that as long as the rules are followed for the application of the permit, the board will approve the variance. Keller said there is no need to make that a condition since it is expected. Keller said there can be a number that the board can limit the house size to stay above before the board approves the variance. Kramer said one of the conditions that would need to be made would be to ensure that the house is on a parcel split off from the parent parcel. Kramer explained that according to section 80.12.02 of the Franklin County Zoning Code, Variances, C., '1. Conditions. The BZA may impose such reasonable conditions upon its approval as it deems necessary to find that the variance will not subvert the general purpose of this or any other County.' Keller asked the public if there were any comments or questions. Duffy asked Sterwerf if the application was for a 24' by 24' building which equals 576 square feet, which is well below what is generally approved, in addition to whether the variance is granted or not, the board also has a responsibility to check on the impact of surrounding properties – if the building is approved, does the APC office have the resources/authority to ensure that the building is suitable for habitation? Sterwerf said if the variance is granted today, she would make sure that the dimensions that Pence does decide on will be in the findings of fact, along with the square footage. Sterwerf said that the building department will make sure that the building codes for dwellings are being followed for the state of Indiana. Braun said that he thought the dimensions did not need to be decided right now. Kramer said that the board had to determine the following from section 80.12.02 from the Franklin County Zoning Code: 'a. The approval will not be injurious to the health, safety, morals, and welfare of the community;' Sean Smallwood approached the podium and explained that he is Pence's neighbor and that they have no issue with him building a small house. Braun said that he agreed, but the proper process needs to be followed. Sterwerf explained that Pence will not receive a permit unless he splits his parcel, is in his proper setbacks, has proper septic approval, and has adequate building plans. Keller said that she thinks there needs to be a limit on the size of the building. Braun made a motion to approve the variance for no less than 572 square feet. Duffy seconded. Kramer said that he wanted to continue the findings of facts. Kramer explained that the board determined that the variance would not be injurious to the health, safety, morals, and welfare of the community based off of the neighbor, Smallwood's, testimony. Kramer continued: 'The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;' based on the neighbor's testimony. Kramer stated: 'The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.' Kramer said that Pence needs this due to his age. Keller seconded the motion made by Braun. AIF. Motion carried.

***02212024-CU-01- County Commissioners***

***Parcel 24-09-24-400-002.000-003, located on Landfill Rd, Metamora***

***Municipal County or Governmental Building: Class 3 Conditional Use***

Paula Keller explained that a favorable recommendation was given by the APC pending septic approval by the health department if there are any changes to their plan. Keller said that all of the board members were present for the APC hearing and asked if anyone had any questions.

Tom Wodtke clarified that the septic system will need to be approved by the state and the county. Daryl Kramer explained that the holding tanks that have been approved technically could be permanent, but the plan is to install an actual septic system pending the approval of the local health department. Keller asked Commissioner Wendel about the ADA parking spot on the plans. Keller asked why the ADA spot was the furthest from the door. Wendel said he would change that. Keller said that the conditional use would not be denied over it, but it is her preference that it be changed. Keller asked for public comment. Terry Duffy said that he would like to note that he is really pleased with the work of the Technical Advisory Committee. Duffy said that it has really made a difference in the board's ability to go over applications. Duffy mentioned that he would be more than happy to see a report from now on any application. Duffy motioned to approve the conditional use for the county's construction of the animal shelter with the contingency that they move the ADA parking spot closer to the door. Bob Braun seconded. All in favor. Motion carried.

***Findings of Fact***

***011924-CU-01 - John Marcelletti***

***Parcel 24-11-33-226-008.000-020, located at Hubble St***

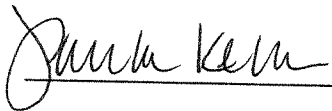
***(owned by Chad Merrell)***

***Cell Tower Class 3 Conditional Use***

Paula Keller said that Kaitlin Sterwerf came to her prior to the meeting to explain that she is not getting any response back from the clerk of Mount Carmel. Keller gave Sterwerf the trustee phone number for the township trustee phone numbers for Springfield and Whitewater township. Keller said that as a last resort, Sterwerf can put it back in the applicant's hands. Daryl Kramer abstained from voting on this matter. Terry Duffy made a motion to approved the findings as submitted. Tom Wodtke seconded. All in favor. Motion carried.

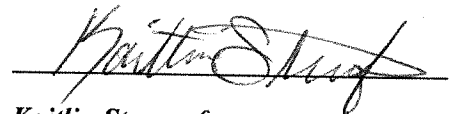
***Meeting Adjournment***

Paula Keller opened the meeting up for public comment. Hearing none, Keller said she would entertain a motion to adjourn. Daryl Kramer made a motion to adjourn. Terry Duffy seconded. All in favor. Motion carried.



***Paula Keller***

***BZA Board President***



***Kaitlin Sterwerf***

***Executive Director***



**May 8<sup>th</sup>, 2024 BZA Minutes**

**Attendance:** Paula Keller (Chairperson), Bob Braun (BZA Vice Chairperson), Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)

*April 10<sup>th</sup>, 2024 Minutes*

Bob Braun moved to approve the minutes. Tom Wodtke seconded. All in favor. Motion carried.

*Petition for Class 3 Conditional Use for Truck Freight Terminal*

*04182024-CU-01 - Michael Deck & Denver Petree (owners)*

*Kodal Transportation – Alan Ketcham*

*Parcel 24-04-25-100-001.000-007 - Located at 14023 Franklin Rd in Fairfield Township*

*Petition for Variance for Truck Freight Terminal*

*04182024-CU-01 - Michael Deck & Denver Petree (owners)*

*Kodal Transportation – Alan Ketcham*

*Parcel 24-04-25-100-001.000-007 - Located at 14023 Franklin Rd in Fairfield Township*

Paula Keller asked Kaitlin Sterwerf if all of the neighboring properties were properly notified. Sterwerf responded yes. Keller asked the petitioners if they wanted to table the variance application. Ketcham said he would like to table it. Tom Wodtke made a motion to continue the hearing. Terry Duffy seconded. All in favor. Motion carried.

Terry Duffy made a motion to table the conditional use. Tom Wodtke seconded. All in favor. Motion carried.

*Brian Bauman – Application for Class 2 Self-Storage Facility*

Paula Keller told Brian Bauman that all of the BZA board members were present for the APC meeting and that if Bauman wanted to appeal the decision of the APC director, he would have to wait for a decision to be made by the director under zoning code 80.12.03. Keller said that would be the step before the decision went to court. Bauman asked whether or not he would get the appeal if the application is denied. Keller read the following code to Bauman: Any order, requirement, decision, determination or any other action made by the Executive Director, the APC, or employees, agents, or subcommittees of the APC, is able to be appealed, subject to the provisions set forth in this section. A. General Provisions I. An appeal filed with the BZA must specify the grounds of the appeal and must be filed within 1 year of the date of the appealed action. 2. The Executive Director, administrative board, or other body from whom the appeal is taken shall, on the request of BZA, transmit to it all documents, or copies thereof, of plans, and papers constituting the record of the action from which an appeal was taken. 3. Upon appeal, the BZA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the BZA has all the powers of the official, officer, board, or body from which the appeal is taken. B. Procedure for Those Seeking an Appeal I. File Application. An

applicant seeking an appeal from a decision under zoning code, shall file an application in the Area Plan Office. Such a request shall be received at least 30 days prior to the next BZA meeting. 2. Application Fees. There fee shall be assessed for an appeal. 3. Hearing. Upon the proper filing of all relevant documents. the BZA shall set a date for public hearing, as set forth in Section 80.12.04. Applicant will have duties associated with public notification, as set forth in Section 80.1 1.08. Applicant should be prepared to present their case using facts and reason at the meeting, and may use an attorney or other representative on their behalf. Bauman handed the following code to Keller: D. Resubmittal as Class 3 Conditional Use. Applicants who are denied Class 2 may request, within 60 days of the decision. to have their application submitted as a Class 3 Conditional Use. In such cases, no new application need be submitted. The Executive Director shall refer the application to the Commission for public hearing, with all provisions and regulations of said process in effect. Keller said if Sterwerf denies the Class 2 application it will automatically become a Class 3 hearing and will come before the APC and the BZA.

*Findings of Fact for 02152024-V-01 – Floyd Pence*

*Parcel 24-07-03-300-009.000-017, located on Cupps Chapel Rd*

*Petition for Variance – Requested Single Family Dwelling with less than 500 sq ft of living space*

Terry Duffy moved to approve the findings of fact. Tom Wodtke seconded. All in favor. Motion carried.

*Findings of Fact for 02212024-CU-01- County Commissioners*

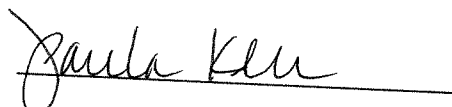
*Parcel 24-09-24-400-002.000-003, located on Landfill Rd, Metamora*

*Municipal County or Governmental Building: Class 3 Conditional Use*

Tom Wodtke moved to approve the findings of fact. Bob Braun seconded. All in favor. Motion carried.

*Adjournment*

Bob Braun moved to adjourn the meeting. Terry Duffy seconded. All in favor. Motion carried.



**Paula Keller**

**BZA Board President**



**Kaitlin Sterwerf**

**Executive Director**

**June 12<sup>th</sup>, 2024 BZA Minutes**

*Attendance:* Paula Keller (Chairperson), Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)

***May 8<sup>th</sup>, 2024 Minutes***

Daryl Kramer moved to approve the minutes. Tom Wodtke seconded. All in favor. Motion carried.

***Petition for Variance for Truck Freight Terminal – 10 acres required***

***Variance request for 5 acre parcel***

***04182024-V-01 – Michael Deck & Denver Petree (owners)***

***Petition for Class 3 Conditional Use for Truck Freight Terminal***

***04182024-C-01 – Michael Deck & Denver Petree (owners)***

***Kodal Transportation – Alan Ketcham***

***Parcel 24-04-25-100-001.000-007***

Paula Keller mentioned that the Variance and Class 3 Conditional Use were withdrawn from the applicants and asked the board to vote to close the Variance and Class 3 Conditional Use. Tom Wodtke moved to close the cases. Terry Duffy seconded. All in favor. Motion carried.

***Petition for Class 3 Conditional Use for Wireless Telecommunication Facility***

***05102024-CU-01– TAG Towers LLC – Ryan Streff***

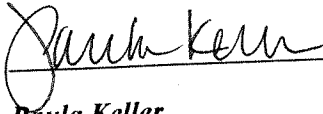
***Property Owner – Calvin & Barbara Finch***

***Parcel 24-11-03-200-001.000-019 - Located on Springfield Rd, Bath, IN 47010***

Paula Keller explained that the APC passed the Class 3 Conditional Use with a favorable recommendation to the BZA. Terry Duffy asked Kaitlin Sterwerf if the recommendation included the contingency of the fall zone being recorded on the survey? Sterwerf responded yes. Ryan Streff stated that the APC board said the contingency is to either construct the tower within the fall zone and have that recorded on the survey or to have the tower re-engineered to collapse in on itself. Keller said that all of the BZA members were preset for the APC hearing. Keller asked Sterwerf if all of the notifications to adjacent neighbors were in order. Sterwerf replied yes. Keller complimented the applicant on the very complete application that he presented. Tom Wodtke moved to approve the Class 3 Conditional Use. Terry Duffy seconded. All in favor. Motion carried.

***Adjournment***

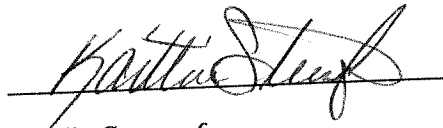
Daryl Kramer moved to adjourn the meeting. Terry Duffy seconded. All in favor. Motion carried.



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**Paula Keller**

**BZA Board President**



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**Kaitlin Sterwerf**

**Executive Director**

## **August 14<sup>th</sup>, 2024 BZA Minutes**

**Attendance:** Paula Keller (Chairperson), Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)

## ***June 12<sup>th</sup>, 2024 Minutes***

Terry Duffy moved to approve the minutes. Tom Wodtke seconded. All in favor. Motion carried.

### ***Petition for Variance for 1' Setback requested for the South Side of Property***

***07092024-V-01 – Ken Tueschler***

***Property Owner – Yaryan Properties, LLC***

***Parcel 24-10-29-181-015.001-004- Located on 305 Main Street, Brookville, IN 47012***

Ken Tueschler explained that he is seeking a variance for Dr. Yaryan's office. Tueschler said that they are going to add an addition to fill in the current L-shape of the building. Paula Keller asked Kaitlin Sterwerf if all of the notifications were in order. Sterwerf responded yes. Daryl Kramer asked if the town approved the variance. Sterwerf replied yes. Terry Duffy asked if this addition would just fill in the footprint of the existing office. Tueschler responded yes. Keller asked for public comment. Hearing none, Keller opened the floor for a motion. Duffy moved to approved the plan as submitted. Bob Braun seconded. All in favor. Motion carried.

### ***Petition For Variance for 6 lots on one private drive without subdivision application***

***07122024-V-02 – Brian Bauman***

***Property Owner – BAM Investments, LLC***

***Parcel 24-04-27-200-003.000-007 – Located on Fairfield-Causeway Rd***

Paula Keller stated that Brian Bauman had sent her a message request via Facebook prior to the hearing (May 15<sup>th</sup>) which she did not open. Keller asked the board to speak up if she needed to recuse herself. Hearing no requests, Keller proceeded with the hearing. Bauman explained that he is trying to do a private lane with 6 lots rather than 5. Bauman said that there would be no negative impact on the county since the sewer lines would be the same. Keller asked Kaitlin Sterwerf if all of the adjoining property owners were notified. Sterwerf responded yes. Kramer asked Bauman if the lots were on sewer. Bauman said yes, and the engineering and permits were completed. Bauman explained that they have Franklin County water approved as well. Kramer asked if the easement shown would also be a utility easement. Bauman said yes, the 50' wide driveway is going to be owned either 1/5<sup>th</sup> or 1/6<sup>th</sup> by all lot owners. Bauman said that there was another 10' easement around each lot for utilities. Kramer asked if the driveway would be paved or gravel. Bauman responded gravel, but for 30' to Fairfield-Causeway Rd the driveway is concrete. Bauman provided photos of the concrete and drainage swale to the board members explaining that the catch basin and driveway culvert were put in by the Franklin County Highway Department. Kramer asked if the lot access for the two lots with road frontage

were off of Fairfield-Causeway Rd. Bauman replied that they were, but he would have preferred to access them off the driveway. Kramer asked the board if the variance could be done for the other two lots. Wessling responded no – the application was only for 6 lots and the advertisement did not describe the other two lots. Duffy asked if the sewer and the water start at Fairfield-Causeway Rd. Bauman said they have to be bonded and insured, and they have a contract with Brookville Regional Waste District, and they will extend the line 400 feet and they will take it over after two years. Bauman said that the water line is tested and taken over right away. Duffy asked at what time the lot owners have to take over. Bauman said that since it is an extension of a main line they will not have to. Duffy said that he is not very comfortable with this variance since all of the other zoning codes that he is familiar with say that an 8-lot subdivision cannot be done without subdivision control code. There are a lot of things that are in the control code that would make this a lot easier for him to approve the plan. Bauman responded that is why he did not request 8 lots, he only requested 6. Keller said that she remembered this being a very hot topic of debate over several CIC meetings when the code was being written as to what the magic number was for houses on a private lane. Keller explained that they eventually settled on 5. Bauman said that his plan is the most efficient so that the last lot is not one long lot but two lots – making it more efficient. Duffy asked Sterwerf if Bauman had the proper requirements for a stormwater permit. Sterwerf responded that the original response from IDEM stated that the development would be a strip-development and that the individual lot owners would be responsible for acquiring their own drainage permits. IDEM then changed their answer upon further inspection and told Bauman that a permit would be required from him – not the individual lot owners. Bauman said that under the Franklin County Zoning code, the drive would just be considered an extension of the road with undeniable access, and a strip development would be the lots with assets coming off the road. Bauman said that the developer is not disturbing over an acre of ground. Duffy asked if IDEM required the permit from Bauman. Bauman said that he thinks the lot owner should be responsible and not him. Bauman explained that IDEM originally stated that they did not need a permit, but Rob Seig emailed IDEM and they changed their answer. Sterwerf said that where it stands now, Bauman needs a permit. Tom Wodtke said that he agrees with Duffy and thinks Bauman is just trying to avoid applying subdivision rules to his development. Bauman said that the cost is not worth doing the subdivision. Bauman said that it is up to this group to decide if they want two more taxpayers, more kids attending the local school, and more tax money for the next hundred years on the house that is going there. Kramer asked how big the residences were going to be. Bauman responded that they will probably be around 1,600 square feet with a two-car garage. Kramer asked if the lots would be strictly residential. Bauman said yes, they will either be duplexes or single-family dwellings. Kramer asked what he was planning. Bauman said that the houses could be duplexes. Wodtke asked where all of the rainwater shed would go. Bauman said that there are drainage swales that move it toward Fairfield-Causeway Rd. Duffy asked about the cell tower that hovers over the development. Bauman responded that the tower cannot hinder their development. Duffy asked what the collapse zone was of the tower. Bauman said that it did not matter. Wodtke asked about the stormwater runoff again. Bauman showed him photos of the swale. Wodtke asked where the basins flowed. Bauman said that they outlet to the

lake on the other side of the road. Duffy moved to deny the variance due to lack of subdivision control. Wodtke seconded. Bob Braun and Paula Keller were in favor. Daryl Kramer was not in favor. Motion carried. Bauman requested a Finding of Fact. Bauman stated that the board had previously approved 9 lots when he had applied for them in the past. Keller said that was because he had threatened to do 2 ugly lots. Bauman said that he could do that here. Duffy said that was his business.

The BZA determined the following reasons for such denial:

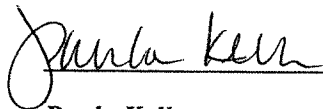
- a) Six lots are considered to be a subdivision, requiring subdivision control.
- b) The proposed drainage was deemed to adversely affect neighboring property owners.
- c) Applicant was unclear about the future development on the lots when the board asked if single-family or multi-family homes would be constructed.

***Findings of Fact***

Daryl Kramer moved to accept the findings. Tom Wodtke seconded. All in favor. Motion carried.

***Adjournment***

Daryl Kramer moved to adjourn the meeting. Tom Wodtke seconded. All in favor. Motion carried.



***Paula Keller***

***BZA Board President***



***Kaitlin Sterwerf***

***Executive Director***



## **September 11<sup>th</sup>, 2024 BZA Minutes**

**Attendance:** Paula Keller (Chairperson), Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)

## ***August 14<sup>th</sup>, 2024 Minutes***

Terry Duffy asked Kaitlin Sterwerf to change the third line of the first page where it said Duffy also received a Facebook message from Brian Bauman. Sterwerf said that she would remove that line. Duffy asked Sterwerf to change the bottom of the second page, 6 lines up, where it says that Brian Bauman said he would 'likely build modular homes.' Sterwerf agreed to remove this line as well. Terry Duffy moved to approve the minutes with those corrections. Tom Wodtke seconded. All in favor. Motion carried.

### ***Petition for Variance for West Setback, No Screening West North East Sides, Reduction of Setback for Pre-Existing, Non-Conforming Structure (Self Service Storage Facility)***

***3112 Bath Rd, Bath Indiana 47010 – Todd Treadway***

***Parcel: 24-05-27-100-009.000-001***

***08092024-V-01***

Rob Seig, Seig Surveying, spoke on behalf of the petitioner. Sieg explained that the Treadways are trying to build another storage building on their property. Seig said that one of the reasons for the petition for a variance is due to the setback of the proposed building being non-compliant. Seig explained that the other item that the Treadways were asking for a variance on was landscape screening since the site used to be a farm and feed mill prior to 2005. The gravel makes screening difficult. Terry Duffy asked if there would be doors on both sides of the buildings. Seig responded that he believes a door would be on the east side of the building. Daryl Kramer asked if the Treadways have an easement for the railroad property. Seig responded that he did not see one. Kramer asked what would keep people from exiting the property on the east side. Seig responded the existing grass buffer. Kramer read a portion of a letter from Bryan Atkins (neighbor): 'He has hired a guy to make the water from his property to my culvert on my property which has massive water back up which floods my gardens and driveway. The water proceeds to the railroad property which there is nowhere for the water to go.' Seig stated that the drainage pattern does go in that direction, but after doing calculations comparing what the site used to be to what it is proposed to be, the Treadways have made sure that the new amount of hard surface area will not impact the water runoff. Seig explained that the drainage issue is preexisting. Todd Treadway explained to the board that he and the neighbor have had ongoing conflict. Duffy asked Seig if he was confident that the proposed building will not significantly change the water runoff. Seig responded that the grade is not changing and the gravel is existing. Treadway also explained to the board how he was told previously that the other storage building was considered 'agricultural' by the previous APC office and that no permit was required at that time. The board agreed that likely happened. Paula Keller asked Sterwerf if all of the notifications were in order. Sterwerf responded yes.

Bob Bruan moved to grant the variance for the west setback, no screening west north east sides, reduction of setback for pre-existing, non-conforming structure (self-service storage facility), 3112 Bath Rd, Bath Indiana 47010 – Todd Treadway, parcel: 24-05-27-100-009.000-001. Terry Duffy seconded. Daryl Kramer said that there is room for screening on the south side of the property, and the east side. Kramer asked if they could remove the gravel and put in landscape screening to prevent trespassing. Todd Treadways said there is no good soil there since it is a rail bed. Kramer requested the board state the findings of fact. Kramer asked if the board found that 3" gravel was an impediment to installing landscape screening. Paula Keller said that she disagrees, because there is railroad track by her work with a lot of plant life growing. Treadway asked what the purpose of

the screening was. Kramer said that it acts as a border and a visual screen. Geoff Wessling asked if concrete poles would work in place of the landscape screening. Kramer asked Treadway if something like that would work. Treadway responded yes.

Daryl Kramer moved to amend the motion to require screening on the east side of the property along the southeast corner of the red building to the southeast corner of the driveway. Tom Wodtke seconded. Daryl Kramer, Tom Wodtke, and Terry Duffy were in favor of the amendment. Bob Braun opposed. Paula Keller voted in favor.

All were in favor for the motion to grant the variance. Motion to grant the variance with the amendment carried.

***Petition for Variance for 17' Setback from front property line (50' required per code)***

***24141 Old US 52 Laurel, IN 47024 – Daniel Yager***

***Parcel: 24-02-18-300-002.000-010***

***08142024-V-03***

Paula Keller asked if all of the notifications were in order. Kaitlin Sterwerf responded yes. Daniel Yager explained that he wants to replace his existing barn with a 24' by 36' or 30' by 36' pole barn. Terry Duffy asked if the proposed building would have the same footprint as the existing building. Yager responded that the building is different but the setback is the same.

Terry Duffy moved to approve the variance as presented. Bob Braun seconded. All in favor. Motion carried.

***Petition for Variance for Porch 18' from edge of front property line (50' required per code)***

***5010 Bath Rd Brookville, IN 47012 – Zach Taulbee***

***Parcel: 24-05-29-200-007.000-001***

***08162024-V-04***

Zach Taulbee explained that he wanted to install the wraparound porch between his house and the road for safety since his bedroom is on the side of the house closest to Bath Rd. Taulbee said there is a house 3 houses from his that is closer to the road than his porch would be. Paula Keller asked Kaitlin Sterwerf if all of the notifications were in order. Sterwerf responded yes. Tom Wodtke asked if there were utilities or septic out front. Taulbee responded no.

Daryl Kramer moved to grant the variance. Terry Duffy seconded. All in favor. Motion carried.

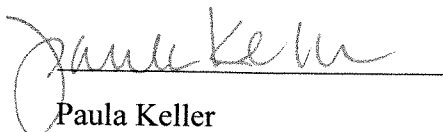
***Findings of Fact***

Terry Duffy moved to accept the findings for BAM Investments, LLC. Bob Braun seconded. All in favor.

Tom Wodtke moved to approve the findings for Yaryan Properties, LLC. Daryl Kramer seconded. All in favor.

***Adjournment***

Tom Wodtke moved to adjourn the meeting. Daryl Kramer seconded. All in favor. Motion carried.

  
Paula Keller

BZA Chairperson

  
Kaitlin Sterwerf

APC Director

## **December 11<sup>th</sup>, 2024 BZA Minutes**

*Attendance:* Daryl Kramer, Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director), Geoff Wessling (BZA Attorney)

## ***November 13<sup>th</sup>, 2024 Minutes***

Tom Wodtke moved to accept minutes. Daryl Kramer seconded. All in favor. Motion carried.

## ***Meeting Schedule***

Terry Duffy moved to accept the 2025 meeting schedule as presented. Daryl Kramer seconded. All in favor.

## ***Ryan Ibold Findings of Fact***

Terry Duffy moved to approve the findings of fact. Daryl Kramer seconded. All in favor.

## ***Annese Findings of Fact***

Daryl Kramer moved to approve the findings of fact. Tom Wodtke seconded. All in favor.

## ***Meeting Adjournment***

Terry Duffy moved to adjourn the meeting. Tom Wodtke seconded. All in favor.

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Paula Keller

BZA Chairperson

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Kaitlin Sterwerf

APC Director



FRANKLIN COUNTY BOARD OF ZONING APPEALS

MEMORANDUM & MINUTES

COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM, 203

FEBRUARY 8, 2023

**Those present:** Paula Keller, Chairperson; Robert Braun; Christine Rains, Vice-Chairperson; Terry Duffy; Chris Munchel; Tammy Davis, Commission Attorney, Glenn Bailey.

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes:** Chris Munchel reported he attended the meeting but was left out of the minutes, With that correction noted Bob Braun made a motion to accept the January 11, 2023 minutes, Terry Duffy 2<sup>nd</sup>. AIF MC.

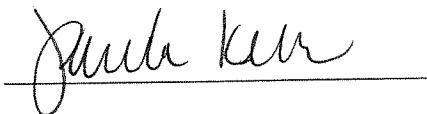
**Public Hearing**

V-1-23-22574 for Ronald and Jennifer Meier to vary from to permit less than required setback in Section 10 of Brookville Township located at 9008 Snider Road, parcel # 24-10-10-200-001.002-003 containing 3.993 acres.

Paula Keller asked if all the paper work was in order. Glenn Bailey replied that it was. Bob Braun asked for clarification on the length of the setback, was it 40' or 42'. Ronald Meier stated if it needed to be 42' that was okay with him. Paula Keller asked if there was any public comment? Hearing none Paula Keller asked for a motion.

**Motion:** Terry Duffy made a motion to approve the request with a 42' setback. Christine Rains 2<sup>nd</sup> it. AIF

**Adjournment-** Bob Braun made a motion to adjourn, Christine Rains 2<sup>nd</sup>. AIF meeting adjourn at 9:04pm



*Paula Keller*

**BZA Board President**



**FRANKLIN COUNTY BOARD OF ZONING APPEALS**  
**MEMORANDUM & MINUTES**  
**May 10, 2023**  
**COMMISSIONERS/COUNTY COUNCIL MEETING ROOM 203**

**Pledge of Allegiance**

**Roll Call**

Paula Keller, President; Christine Rains, Vice-President; Robert Braun; Terry Duffy; Tammy Davis, Attorney; Kaitlin Sterwerf, Executive Director; and Ailur Blair, Recording Secretary were all present. Chris Munchel was absent.

**Approval of Minutes from March 8, 2023**

Paula Keller noted that the minutes from the February 8, 2023 meeting were missing and may need additions. Kaitlin Sterwerf said she would bring them to the next BZA meeting.

**Hearings**

**Trade & Industrial Supply – Randy Sizemore, Adam Leising, and Chad Nantz representing**

Paula said the item on the agenda was a condition use hearing, Case Number 202304-CU-01 for Trade and Industrial Supply, to permit a secondary refueling site for propane in Section 14 of Ray Township on Pocket Rd, containing 7.7367 acres, Parcel 24-12-14-100-002.001-022. Paula noted that the APC had passed this with a favorable recommendation.

Randy Sizemore stated that he was representing Trade and Industrial Supply, and he had the owner with him, Mr. Chad Nantz. Paula then asked if there were any questions from anyone on the board. Terry Duffy spoke up and expressed concern that a number of stipulations had been applied in the presentation to the APC, and he wanted to make sure that each of those requirements was a part of the formal record for this conditional use. Kaitlin assured the board that she would work with Randy Sizemore to make certain that each of the stipulations is recorded, and she would send a copy to each member of the board in an email. Paula noted that some of this information was in the binder Kaitlin had provided, but Terry wanted to make certain that there was a formal list that included everything.

Tammy Davis said that the list of items discussed by the APC and added to their motion needed to be included in the minutes and the motion made by the BZA. She stated that the approval is conditional upon all of those stipulations being met, and Randy Sizemore agreed that he understood. Randy stated that Daryl Kramer had been focused on safety with his stipulations, and Trade and Industrial Supply agreed wholeheartedly with those conditions put forth by the APC. Terry expressed that as long as all those stipulations and requirements were formally included in the development plan, then he was fine with approving the conditional use. Paula said that this was why she also wanted to say the parcel number, to make certain that the approval was only for the property in question. Kaitlin stated the parcel number was incorrect in the advertisement, but Paula noted that it was correct in the application that was provided.

Terry asked about an industry pamphlet for safety that Randy said the company would be following. Randy identified this as the International Fire Code and NFPA 58: Liquid Petroleum Gas Code, and when Terry asked how big the pamphlet was, Randy made a gesture indicating around 2" thick. Terry then asked if the site would be paved, and Randy said it would all be gravel, so there would be no drainage issues created by the driveway.

Paula then asked if there were any questions from the public. There were none. Paula then asked the members of the BZA if there were any more questions from them. Bob Braun asked if this was a situation where they would pass on a favorable recommendation to the commissioners, and Paula stated that the BZA was the final approval for a conditional use.

***Motion***

Bob Braun made a motion to approve the conditional use, with all the stipulations from the APC, including downlighting, safety barriers, an 8-foot fence with safety gates on the east and west side of the parcel, 5 feet of landscape screening, a gravel driveway, no public access, approximately 3 daytime refill deliveries per week, exactly one 18,000-gallon propane tank to be centered on the parcel, and with no more than 15 of the smaller residential/agricultural propane tanks present at any time. Christine Rains 2<sup>nd</sup> the motion. All were in favor. The conditional use was approved.

**New Business**

**Findings and Agenda**

Terry stated that when the BZA does a conditional use or a variance, they are supposed to have findings, and he didn't think they had had those for a number of months now. He didn't know how far back we would need to go to discover when the last findings of fact were, but formal findings are something the state requires. Tammy Davis stated she would help locate this and assist Kaitlin. Kaitlin said that providing this would be no problem. Paula referenced 80.12.02 of the Zoning Ordinance as the location of this rule, as well as 80.06.03. Paula then requested that the BZA agenda in the future should include information about the conditional use as it had in the past, so it could be easily read into the record. Kaitlin said she would provide this information for the next meeting.

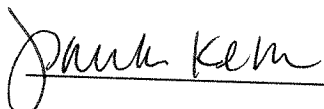
***Motion***

No motion was needed at this time.

**Adjournment**

***Motion***

Terry Duffy moved to adjourn. Bob Braun 2<sup>nd</sup> the motion. All were in favor.



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***Paula Keller***

***BZA Board President***

## **September 13<sup>th</sup>, 2023 BZA Minutes**

**Attendance:** *Tammy Davis (APC/BZA Attorney), Bob Braun, Paula Keller (BZA President), Christine Rains (BZA Vice President), Kaitlin Sterwerf (Recording Secretary/Executive Director)*

### **Hearing for Variance for Zero Setback in Single Family Residential Zone (Todd Rynn)**

Paula Keller asked Kaitlin Sterwerf if the notifications were in order for the hearing. Sterwerf responded 'yes'. Rob Seig presented for Todd Rynn. Seig gave the history of his involvement on the project. Seig stated that Rynn's intentions with the property were to have his existing garage on a separate lot to be moved to the lot in question. Seig stated that all other setbacks are able to be met with the exception of the rear. Seig noted that there are several other structures placed locally that have the same zero setback and that this one would not be different. Seig let the board know that there was a survey completed on the lot so they could say with certainty that the garage would be placed directly on the line and not over it. There were 2 hearings in the Town of Oldenburg regarding the project. Seig and Rynn were not notified of the initial meeting so Seig requested a second meeting. Seig admitted that there was an unfavorable recommendation at the first meeting, followed by no recommendation at the second.

Paula Keller asked the board if they had any questions for Rob Seig. Keller then opened the hearing up for comments from the public. Tom Wodtke typed up a list of issues for having a zero lot lines. The issues included the following:

- a) Sets a bad precedent for future developments in the area
- b) Aesthetically unappealing
- c) Devalued the affected neighbor's property
- d) Decreases visibility; limits the view of the neighbors
- e) Water/snow runoff from the uphill side of the building and roof creates a point-source discharge onto the neighbor
- f) Establishes potential problems and property line disputes for future property owners, especially if a new affected property owner does not allow access
- g) Roof eaves should not be allowed to extend across the property line
- h) Places potential fire hazards on the property line (flammable materials, fuels, and chemical storage)
- i) Termite chemical treatment should not be injected into the ground of the neighbor
- j) The provisions of a zoning requirement for a maintenance easement should be considered proper and necessary for access for construction and maintenance
- k) The provision of a maintenance easement would further limit the use of the neighbors' property

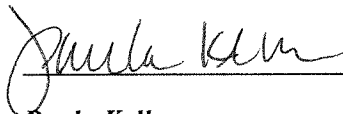
- l) The existing structure at zero side setback on 3021 Washington Street is a detached garage or barn that was built in 1940, likely well before the subdivision was platted, and should not be used as a precedent in this application

Debbie Enneking spoke up next stating that she is friends with Todd Rynn, which makes being against the placement of the garage so difficult. She provided photos of the space where it is to go to show how that would inconvenience her and her neighbors.

Mary Wodtke also provided photos for the board to review and voiced her concern for the proximity of the garage door.

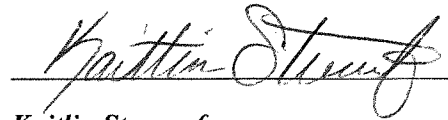
Paula Keller asked if there were any other comments from the public. Keller then asked the board for their comments. Terry Duffy stated that the precedent has been set in the past that zero setbacks are not approved mainly for the reasons described on Tom Wodtke's list. Duffy then moved to deny the application. Bob Braun seconded. All in favor. Motioned carried.

Paula Keller adjourned the meeting.



*Paula Keller*

**BZA Board President**



*Kaitlin Sterwerf*

**Executive Director**

**November 8<sup>th</sup>, 2023 BZA Minutes**

**Attendance:** *Tammy Davis (APC/BZA Attorney), Bob Braun, Christine Rains (BZA Vice President), Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)*

*September 13<sup>th</sup>, 2023 Minutes*

Minutes approved.

*Case Number: 09212023-V-3, Zach Taulbee – Petition for Variance, House Addition – 10' off West Property Side Yard, Zoned Secondary Agriculture – Requires 15' Setback on Side Yard, 24-05-29-200-007.000-001*

Christine Rains read the description of the hearing. The board took a moment to review the site plans. Terry Duffy asked for some clarification on the site plan. Zach Taulbee explained that he is just trying to square up the addition to the rest of the house. Duffy asked if the 1,200 square feet on the plan was referencing the entire house. Taulbee said no, the 1,200 square feet is only describing the addition. Duffy then estimated the house to be around 60' by 40' since it was not properly labeled on the site plan. Duffy asked Kaitlin Sterwerf if the notifications were in order. Sterwerf responded 'yes.' Rains asked if there were any other questions. Duffy noted that it was difficult to understand the site plan due to the lack in dimensions. Bob Braun asked Taulbee to present a better site plan next time. Tom Wodtke asked where the septic site was located on the drawing. Taulbee said that he did not know for sure but he had an idea that the septic tank was located under the driveway. Braun asked if the addition required additional septic approval. Taulbee responded 'no.' Duffy made a motion to approve the variance contingent upon the property owner locating the existing septic system. Wodtke seconded. Duffy, Wodtke, and Rains were in favor. Braun was opposed. Motion carried 3-1.

*Case Number: 10262023-V-01, Donald Johnson – Petition for Variance, Pole Barn – 15' off West Property Line Front Yard, Zoned Single Family Residential – Requires 35' Setback, 24-10-29-400-005.000-004*

Christine Rains read the description of the hearing. The board took a moment to review the site plans. Terry Duffy asked whether or not Sonja Ave would be considered a road or a private drive. The board discussed the details with Donald Johnson. Duffy asked Kaitlin Sterwerf if the notifications were in order. Sterwerf replied 'yes.' Rains asked what the pole barn would be used for. Johnson said it would be used for storage. Duffy asked what the actual distances were from the building. Johnson explained the distances and the trouble with elevation if he were to build within the property setbacks. Sterwerf explained that the setbacks were 15' on the west side and 10' from the north side. Tom Wodtke asked why the building would not fit within the required setbacks. Sterwerf explained that there were trees in the way and elevation changes that inhibit building within the setbacks. Bob Braun moved to grant the variance. Terry Duffy seconded. All in favor. Motion carried.

*Findings of Fact – Todd Rynn*

Terry Duffy moved to approve the findings of fact. Bob Braun seconded. All in favor. Motion carried.

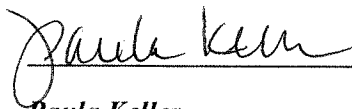
*Findings of Fact – 4-H Expo Building*

Terry Duffy asked Kaitlin Sterwerf if she received revised drawings. Sterwerf said yes. Duffy motioned to approve the findings of fact. Bob Braun seconded. All in favor. Motion Carried

*Findings of Fact – Rosella Fields*

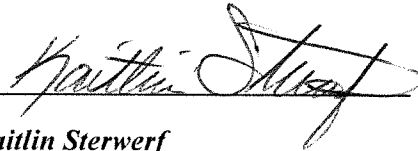
Christine Rains asked if the family had been in contact with Kaitlin Sterwerf regarding this project. Sterwerf replied 'yes.' Terry Duffy motioned to approve the findings of fact. Bob Braun seconded. All in favor. Motion Carried.

Meeting adjourned.

  
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*Paula Keller*

*BZA Board President*

  
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*Kaitlin Sterwerf*

*Executive Director*

## **December 13<sup>th</sup>, 2023 BZA Minutes**

**Attendance:** *Tammy Davis (APC/BZA Attorney), Bob Braun, Christine Rains (BZA Vice President), Tom Wodtke, Terry Duffy, Kaitlin Sterwerf (Recording Secretary/Executive Director)*

*November 8<sup>th</sup>, 2023 Minutes*

Bob Braun moved to approve the minutes. Tom Wodtke seconded. All in favor. Motion carried.

*Case Number: 10242023-CU-01, John Palmer – Petition for Conditional Use, County Building – 24-02-36-100-025.000-012*

Paula Keller asked Kaitlin Sterwerf if the notifications for the hearing were in order. Sterwerf confirmed. Keller confirmed that the Board of Zoning Appeals had received favorable recommendation from the Area Plan Commission for the conditional use. John Palmer noted that since everyone was present for the Area Plan Commission Meeting, he would be ready for any questions that the board may have for him. Terry Duffy asked Palmer to clarify who the property belonged to since one document said the Metamora Church of Christ and the other said the Franklin County Commissioners. Palmer answered that the property is owned by the Franklin County Commissioners. Tom Wodtke asked if the health facility was ever intended for overnight stays from the patients. Palmer said no. Keller asked if the public had any questions or comments. No one spoke up. Christine Raines made a motion to approve the conditional use for the county building. Bob Braun seconded. All in favor. Motion carried.

*Case Number: 11142023-V-01, Beverly Ellis – Petition for Variance –24-10-20-335-015.000-004*

Paula Keller asked Kaitlin Sterwerf if the notifications for the hearing were in order. Sterwerf confirmed. Clyde Johnson approached the podium on behalf of Beverly Ellis. Johnson said that he and Ellis discussed having the deck be 16 inches from the property line. He said that Tina Bischoff is the property owner next door and she approves of it. Sterwerf informed the board that the town of Brookville does approve the variance. Johnson said that the property was independently surveyed by Rob Seig. Terry Duffy asked for clarification on the distance from the deck to the property line, as it differs from the site plan to what has been advertised. Johnson explained that they originally planned to have the deck 6 inches off the property line but later decided on 16 inches. Duffy asked if 16 inches would be an extension of the existing line of the house. Johnson responded no, it would be extended past the house. Seig asked if he could explain further. Seig said that Clyde and Beverly asked him to survey the property since the County GIS was inaccurate. Seig explained the site plan that he generated to the board members. The board explained to Seig that since their site plan was in black and white and not in color, it was difficult to interpret. Seig said that he had originally made the drawing to reflect the deck being 6 inches from the property line and that he was unaware that Johnson and Ellis decided to push the deck back 10 more inches. Duffy asked Sterwerf if she had a recorded change in the application. Sterwerf responded no. Tom Wodtke asked Seig if the house was actually over the property line as it shows on the County GIS. Seig said that it is over the setback line since it was built prior to the new zoning ordinance. Seig explained that the applicants were just asked to extend the already existing house line. Bob Braun asked what would happen to the concrete slab.

The applicants responded nothing. Paula Keller asked for public questions and comments. Bob Braun moved to grant the 16-inch variance. Christine Raines seconded. All in favor. Motion carried.

Paula Keller said that the BZA meetings will follow the APC meetings for the following year of 2024.

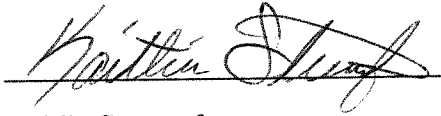
Meeting adjourned.



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*Paula Keller*

*BZA Board President*



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*Kaitlin Sterwerf*

*Executive Director*