

JEFFERSON COUNTY, INDIANA, BOARD OF ZONING APPEALS, REGULAR MEETING, TUESDAY, APRIL 2, 2019 AT 5:00 O'CLOCK, P.M.

JEFFERSON COUNTY COURTHOUSE ANNEX, SURVEYOR'S OFFICE, 315 JEFFERSON STREET, MADISON, INDIANA 47250

MEMBERS PRESENT: JERRY YANCEY, ROBERT J. JACOBSON, CHAIRMAN, MICHAEL SHELTON, VICE CHAIRMAN, VIRGINIA FRANKS AND DARRELL GINN

VISITORS PRESENT: PAUL HASTINGS, MICHAEL BARNES AND GUEST, AND KAY GROSS

**STAFF PRESENT: ALANA G. JACKSON, SECRETARY
R. PATRICK MAGRATH, ATTORNEY
JEFF DAGHIR, DIRECTOR**

The meeting was called to order by Robert Jacobson. He stated there was a quorum present with all members present. He then asked for consideration of the minutes from the March 5, 2019 meeting. He asked for a motion to approve the minutes. Darrell Ginn pointed out errors in name in minutes and the secretary stated she would make changes. Darrell Ginn moved to approve the minutes with changes and Virginia Franks seconded the motion. All members voted to approve the minutes from March 5, 2019 meeting.

Mr. Jacobson stated there are no communications. He then went to current business continued from March 5, 2019 meeting as follows:

Barnes Oil and Petroleum Products, 2236 Peck Pike Rd, Milton, KY 40045 Telephone (502) 268-5405 Makes application to the Jefferson County, Indiana, Board of Zoning Appeals for a variance of the zoning requirements of Jefferson County, Indiana, on the following described real estate located in Jefferson

County, Indiana, described as follows: Being a part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 North, Range 11 East, Shelby Township, Jefferson County, Indiana and more particularly described as follows: Commencing at a P.K. nail found in the intersection of County Road 900 North and County Road 450 East (Flat Bottom Road) marking the South Quarter Corner of said Section 16; thence with the approximate centerline of County Road 450 East (Flat Bottom Road), North 00 degree 45' 10" West 1348.13 feet to a P. K. nail found in the intersection of County Road 450 East (Flat Bottom Road) and Copeland Road; thence with the approximate centerline of Copeland Road South 89 degrees 00'00" West, 2298.87 feet to a P. K. nail found and the TRUE POINT OF BEGINNING; thence continuing with said road, South 89 degrees 00' 00" West, 222.53 feet to a P.K. nail found; thence leaving Copeland Road, North 01 degree 11' 20" West, 130.59 feet to a 2 inch pipe found; thence North 00 degree 47' 40" West, 46.16 feet to a 2 inch pipe found; thence North 85 degrees 18' 43" East, 221.75 feet to a corner post; thence South 00 degree 23' 01" East, 179.86 feet to the TRUE POINT OF BEGINNING. Containing 0.917 acres, more or less, and subject to all legal rights-of-way and easements. The real estate is zoned agricultural and is located in Shelby Township at 4063 E 925 N. Applicant is requesting a variance from developmental standards from setback to the side property line (Hastings). The real estate fronts on 925N. Applicant is requesting a setback of two (2) feet from the Hastings property line instead of the twenty-five (25) feet required by the county zoning ordinance. Applicant built a garage on his property approximately 4 years ago. The garage is 20' x 24'. Applicant did not obtain a building permit at that time and is now wanting to comply with county regulations and make legal under the ordinance.

Mr. Hastings came forward. He stated he now feels he was wrong to mention the building in question. He stated he didn't know a lot of things back then that he knows now. He stated that since he did not speak up at the time he wondered if possible, he moves that you grant the application for Barnes Oil for the building. It wasn't done right but it is a nice building that he did. Mr. Jacobson asked if he was removing any objections he had regarding this

application and Mr. Hastings replied, yes sir. He apologized for the problem. Mr. Jacobs thanked him and asked if there needed to be any further discussion on this? Mr. Shelton moved to approve and Darrell Ginn seconded the motion. Mr. Dagher suggested putting a condition on it that the building is not encroaching on the other property. Mr. Jacobson stated he thought that was resolved. Mr. Dagher stated you wouldn't want to issue a variance that the building might be over the property line. Mr. Jacobson asked if we need to. Mr. Jacobson asked if they agree on the property line. Mr. Dagher stated we always have taken the property owner's word on the property line. Mr. Hastings talked about his property being surveyed at one time. Talked about how trees and poles were used , give and take, that it may be difficult to maintain a building. He tries to do his part. Mr. Dagher stated that we have always taken the property owners word on property line. Mr. Magrath stated that didn't mean there couldn't be some civil suit down the road. The secretary asked if they agree where the property line is located. Mr. Barnes stated he had a surveyor company come out a couple of weeks ago and he said the building is on Barnes property. He stated he shot it but he did not do a whole survey and he staked it. Mr. Jacobson asked if Mr. Hastings was okay with it. He stated both sides were wrong. Mr. Jacobson asked for further discussion. The board is happy they have resolved their problem.

Mr. Jacobson then went through the Findings of Fact.

The Board of Zoning Appeals, having heard the testimony and being duly advised, finds:

1. The approval will/will not be injurious to the public health, safety, morals and general welfare of the community because: location of the building is issue.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because it will increase the value.

3. The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because the building would be if moved or located elsewhere over the water line.

DECISION

The Jefferson County Board of Zoning Appeals voted to approve the application for a variance from developmental standards in this matter with members voting as follows: All in favor (unanimous).

Conditions of Variance from developmental standards are as follows:
None.

Mr. Jacobson asked for anything further to discuss and there was nothing. He then asked for a motion to adjourn. Virginia Franks moved to adjourn and Darrell Ginn seconded the motion. All members voted for adjournment.

The meeting was adjourned.

By: _____

Alana G. Jackson, Secretary

APPROVED THIS _____ DAY OF _____, 2018.

JEFFERSON COUNTY BOARD OF ZONING APPEALS

By: _____

Robert J. Jacobson, Chairman