

MINUTES
BOARD OF ZONING APPEALS
June 3, 2020 at 5:00 o'clock P.M.
VIA ZOOM

MEMBERS PRESENT: ROBERT J. JACOBSON, DARRELL GINN and DAVID FERGUSON

VISITORS PRESENT: TREVOR CRAFTON, RYAN WARDLOW, MICHAEL THURMAN, and MICKEY GEER

STAFF PRESENT: MIKE PITTMAN, Surveyor, PAT MAGRATH, Attorney, JIM DIERDORF, Building Inspector/Zoning Enforcement Officer, and LYNETTE ANDERSON, Secretary

Chairman Robert Jacobson called the meeting to order. A quorum was present with Mike Shelton and Virginia Franks absent. Darrell Ginn made a motion to approve meeting minutes of March 3, 2020 and May 6, 2020. David Ferguson seconded the motion. Motion passed unanimously. There were no communications.

New business as follows:

- **Trevor Crafton & Van Crafton**, 4850 S Hanover-Saluda Road, Hanover, IN, Saluda Township, containing 4.86 acres, requested a conditional use for other recreation, including camping & picnic areas, conditional use item #749. Darrell Ginn made a motion to table this item. David Ferguson seconded the motion. The motion passed unanimously. This item was tabled until July 7, 2020. *Summary before motion to table: Bob Jacobson read the application. All the certified mail return receipt requested cards were turned in. Two written objections were emailed; one of those objections had an attachment of 911 calls pertaining to the 4000 block of Hanover Saluda Road (the location of the conditional use application for the retreat). Lynette Anderson, secretary, read aloud both objections. Trevor Crafton told the board he and his brother's plan for Red Squirrel Retreat is to appeal to the older citizens (those around 60+ to 70+ age range) and that each cabin would be a permanent residence with one year leases. After much discussion, the application was tabled for the July 7th meeting. (After further review of Trevor Crafton's statement pertaining to permanent residences with one year leases, and obtaining advice from Attorney Pat Magrath, the Craftons' application actually falls under the Jefferson County Subdivision Ordinances. A letter was written to the Craftons explaining to them Red Squirrel Retreat needs to be presented to the Jefferson County Plan Commission and their application for conditional use is withdrawn from the Board of Zoning Appeals)*
- **Ryan Wardlow & Markietta Burns**, 2215 S SR 62, Hanover, IN, Hanover Township, containing 7.3513 acres, requested a conditional use for a roadside market produce stand, conditional use item #515-Wholesale Farm Products Raw Materials. Part of the property is

zoned AG and part of the property is zoned Light Industrial. All certified mail return receipt requested cards were turned in. There were no objections. Bob Jacobson read the application out loud. Mr. Wardlow told the board the stand will be 100 feet from the state highway and has been in contact with INDOT concerning their permits and requirements. David Ferguson asked about how many cars will fit in the parking lot. Mr. Wardlow said it is hard to envision how many cars; depends on how well the market takes off. Mr. Wardlow said the parking lot is big enough to hold ten cars and there is overflow parking in the grass area. He also said no cars will park on the side of the highway due to the lay of the land. Jim Dierdorf asked about exits in the building in case of fire. Mr. Wardlow told the board the building has all open sides. The tables that will be in the open sided building will not pose a problem for exiting the building. Darrell Ginn made a motion to approve the application. David Ferguson seconded the motion. The motion passed unanimously. **Findings of Fact-** 1. Is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved: *Yes*. 2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan and/or the Zoning Ordinance: *Yes harmonious*. 3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area: *Yes*. 4. Will not be hazardous or disturbing to existing or future neighboring uses: *No problem*. 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services: *Yes*. 6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community: *No, will be a benefit not a detriment*. 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors: *Will not*. 8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares: *Yes no problems with INDOT*. 9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance: *No*. **Decision-** The Jefferson County Board of Zoning Appeals voted to *approve* the application for a conditional use in this matter with members voting as follows: *unanimously approved*. Conditions of the conditional use are as follows: *None*.

- **Michael Thurman**, 8660 E SR 62, Vevay, IN, Milton Township, requested a variance from developmental standards of nineteen (19) feet setback from side property line instead of the required twenty-five (25) feet setback. Applicant wants to build a 24' x 36' pole barn. Applicant stated there is a natural slope of the land and water drains through the yard to where the barn can't be placed within the twenty-five (25) feet setback. The property is zoned AG. All certified mail return receipt requested cards were turned in. There were no objections. Bob Jacobson asked Jim Dierdorf if he had anything to say about this application. Jim Dierdorf

mentioned to the board that Mr. Thurman had already started the barn with the encroachment and had Mr. Thurman file an application for variance. Darrell Ginn made a motion to approve the application. David Ferguson seconded the motion. The motion passed unanimously.

Findings of Fact-1. The approval *will not* be injurious to the public health, safety, morals and general welfare of the community because *no visual problems-Highway is straight there.* 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 be an enhancement.* 3. The strict application of the terms of the zoning ordinance *will* result in practical difficulties in the use of the property because *setback requires twenty-five feet.* **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: *unanimously approved.* Conditions of Variance from developmental standards are as follows: *None.*

- **Mickey Geer**, 6955 W 400 N, Madison, IN, Smyrna Township, requested a variance from developmental standards from center of road to forty-five (45) feet setback instead of the required ninety (90) feet setback. Applicant wants to build a 30' x 40' pole barn. Mr. Geer said due to septic system and lateral lines on the east and south sides and with sloping ground on the southwest side of the his home, he is limited on the location of the pole barn. The property is zoned AG. All certified mail return receipt requested cards were turned in. There were no objections. David Ferguson asked Mr. Geer how much slope there was (it is hard to see how much slope there is in the pictures that were submitted with the application). Mickey Geer said the slope rolls pretty good, maybe around three or four feet and then a rain water issue. Bob Jacobson asked Jim Dierdorf if he had any comment. Jim Dierdorf said he drove out to the property and he thought the building could go back another twenty (20) feet. David Ferguson asked Mr. Geer why he couldn't go back another twenty (20) feet. Mr. Geer said in order to keep the twenty-five (25) feet side property line setback and the thirty-five (35) feet back property line setback, the land slopes quite a bit near that electrical box; even going five more feet causes problems. Jim Dierdorf agreed. David Ferguson made a motion to approve the application. Darrell Ginn seconded the motion. The motion passed unanimously. **Findings of Fact-1.** The approval *will not* be injurious to the public health, safety, morals and general welfare of the community because *there are no visual problems.* 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 property value and is zoned AG.* 3. The strict application of the terms of the zoning ordinance *will* result in practical difficulties in the use of the property because *slope of land and setback requires 90 feet.* **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: *unanimously approved.* Conditions of Variance from developmental standards are as follows: *None.*

Other business/misc items not on agenda as follows:

- **Next Meeting: Tuesday, July 7, 2020**

Chairman Robert Jacobson asked if there is anything else that needs to be mentioned or discussed. There was nothing further. Darrell Ginn moved for a motion to adjourn the meeting. David Ferguson seconded the motion. The motion passed unanimously. The meeting was adjourned.

Minutes prepared by: Lynette Anderson
Lynette Anderson, Secretary

APPROVED THIS 7th DAY OF July, 2020.

JEFFERSON COUNTY BOARD OF ZONING APPEALS

BY: Mike Shelton
~~ROBERT J. JACOBSON, Chairman~~
Mike Shelton, Vice Chairman