

BZA MINUTES**SEPTEMBER 20, 2022**

Members present: Jim Hufford, Bill Davis, Jason Hawley, Tim Hart, Don Calhoun, Jon Peacock, Drew Cleveland.

Legal Representation: Jason Welch

Staff present: Debra Johnting, Director and Recording Secretary

Others present: Eric and Jessica Noggle, Brian and Shannan Miller, Steve Shoemaker

Chairman Hawley: Alright, good evening, it is now 7 O'clock, on September 20, 2022. I'd like to bring this meeting of the Randolph County Board of Zoning Appeals to order. My name is Jason Hawley, before we get started, I would like to have the members say their name for the record so it's easier to transcribe. [Board members: Bill Davis, Jim Hufford, Tim Hart, Drew Cleveland, Don Calhoun, Jon Peacock]. First order we have is approval of minutes from August 16, 2022 as I am understanding they are still in the process of being worked on. I move that we table that approval until next session. All those in favor? Aye. All of those opposed? Motion is carried till next meeting. First up on the agenda we have BZA2022-29-V, Eric Noggle, if you would like to come forward and state your name and address for the record? I have a brief memo about this, Eric is asking to bring in a garage to set next to his home and six feet away from the south property line. Since this is the front of his house, the side setbacks are ten feet. If it were behind the house, it would be five feet. The garage will sit right next to the house, so it will be considered attached for building purposes. This means that the wall next to the house will be a fire wall and exits will be fire rated. I have no calls or complaints about this project.

E. Noggle: Yes, it's Shawn Eric Noggle, 429 North Howard Street, Union City, Indiana.

Chairman Hawley: Before we get started, I would like to remind you that you have 15 minutes to state your proposed project. We have three minutes for rebuttals from anyone who would like to speak for or against the project and three minutes to answer. What are you looking for?

E. Noggle: Basically, we just need to expand. We have three teenagers in the house so we've run out of room. With this property, the way it is set up, the existing garage has always been way undersized. We've never been able to use it, it's on a slope and with the nature of it, it's not feasible to use. We currently use it for storage and it's overrun with common household things. We've considered and what we're really looking for is to build on to a reasonable size garage. One that we can use and benefit from because we've simply run out of space within the home for the five of us.

Chairman Hawley: And this looks like you have an odd property line?

E. Noggle: Yes, that's really added to the issue, trying to find a section of real estate that's even an acceptable build site; so, we have very few options outside of the proposed site. Actually, we really have no real estate without an appeal.

T. Hart: Where is the existing garage that you have now? Where is it, is it attached to the house?

E. Noggle: Yes, it is a two-story dwelling and it is attached.

J. Hufford: That's the neighbor's garage, their's comes in and out from Division Street?

E. Noggle: From Division Street, correct.

T. Hart: So, your garage is where?

E. Noggle: The garage is not visible from this, here is Howard Street and Division Street. So, it will be in the back corner furthest west.

Chairman Hawley: I think if there's no window box it just looks like it might be a little hard to tell. Is it just a straight piece of siding or will it jet out and have a window box?

E. Noggle: Where the patio begins, there is a slide out set where it's at the kitchen wall. It's probably 12 inches at best.

Chairman Hawley: Okay, that was what I was wondering what the garage was going to butt up to. If it was going to butt up to a kitchen, or a bedroom, or anything like that.

E. Noggle: No, we have a patio back there and we were going to bring it right to the edge of the patio.

Chairman Hawley: Okay, and this is just me, I was just concerned that we would have a closed structure next to a bedroom window. If there were a fire, getting somebody in and out was my big concern.

E. Noggle: All bedrooms are on the second story.

Chairman Hawley: Okay, I just wanted to make sure that I was reading that right. After reading everything about your memo, I assume you had fire codes in mind there looking at it. Alright, is there any other questions from the board? Anyone in the audience who would like to speak for or against this proposed project? I guess just thinking out loud for myself, the real problem is just kind of the shape of this lot. I think if it were a different shape lot this would be an open and shut case.

J. Hufford: There's only two parallel streets in the whole town, State Line and Division. I have my house on right up on Oak Street and we had a survey done when we bought the house, and my property lines are five feet down through the center of my house. Every house down the whole street is that way. So, wherever you've got your property line that's where it's at.

Chairman Hawley: Okay, fair enough. Are there any other questions or issues that need to be addressed by the board?

T. Hart: Is there not an option to put it back in the back? Is there something there? It looks like there's something there.

E. Noggle: So, at the very back of the lot, we have a neighbor that their garage is built almost on the property line itself. So, we would still have to deal with the variance even at that point. It was a consideration, but when faced with the fact that we're going to have to go through this whole process, why not just put it where the preference would be and where it would be more accessible.

Chairman Hawley: Any other questions, comments or concerns? I move we vote.

B. Davis: Second.

D. Johnting: Jon Peacock, yes, Drew Cleveland, yes, Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Tim Hart, yes. Motion approved.

Chairman Hawley: Congratulations.

E. Noggle: Thank you ladies and gentlemen.

Chairman Hawley: Alright, next on our agenda it looks like we have BZA-2022-31-V, Brian and Shannan Miller High Point Hills. The memo I received says Brian and Shannan have been working towards having a place where folks can come and enjoy the farm. As you can read in their plan, they have parking, restrooms, a huge variety of farm related activities, as well as vendors on their property. I think they are very well prepared and have done their homework to be ready for this venue. They plan to open on October 1st and be open most weekends in October. They have detail plans for growth that go along our guidelines for Agritourism. We've had no calls or complaints on this petition. Again, like I've said before you will have fifteen minutes for your proposal, three minutes for rebuttal, and three minutes for answers. Would you please state your name and address for the record and tell us what you would like to get approved tonight.

S. Miller: Shannan Miller, 7498 South Arba Pike in Lynn.

B. Miller: Bryan Miller, 7498 South Arba Pike in Lynn.

S. Miller: We are working to open a seasonal venue, pumpkin patch, and educational facility for families to come and build long lasting memories. We have on our property, a pumpkin patch where families can come and pick their own pumpkins. We have a sunflower maze, straw maze, combine playground, hopper wagon basketball, tire obstacle course, duck races, climbing on straw bales, amongst several other corn sensory area where they can shell and grind their own corn. And then we have farm animals that they can visit while they are there. So, I'm an educator by trade and I find that with students that I teach, they don't know where their food comes from, they don't know how animals are raised. So, one of the things I wanted to bring to the community is where families can come together and enjoy a day on our farm spending time together and learning about agriculture, animals, plants, how vegetables grow. In addition, I grow herbs in the spring and have attended several farmers markets where we've sold some of our eggs and our herbs to people, which I want to continue to do. So I have a small greenhouse for that. We also raise popcorn; we've raised it for generations. By the way it is Indiana's official snack now, that was just adopted in 2021. We're hoping to open it up to the community. We want to bring small business vendors in so they can promote their business making it a

community event. There's no charge for that, they can just come so that we can get more people in Randolph County and in our area for tourism.

Chairman Hawley: And are you planning on opening this October 1st?

S. Miller: Yes.

Chairman Hawley: I'm assuming you also have plans for expansion in the future?

S. Miller: Yes, I'm hoping we can start bringing school groups in and other groups to come and visit during the school year.

Chairman Hawley: Are there any other questions that the board may have?

J. Peacock: My wife showed me pictures of wooden cow, is that correct?

S. Miller: Yes, they are wooden, but you can milk them, yes.

J. Peacock: That's pretty cool.

Chairman Hawley: Is there anyone else here that would like to speak on behalf or against the proposal tonight? Are there any other questions, comments, or concerns from the board? In that case, I put a motion on table that we vote on the proposal in front of us.

B. Davis: Second.

D. Johnting: Tim Hart, yes, Jon Peacock, yes, Drew Cleveland, yes, Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes. Motion approved.

Chairman Hawley: Congratulations and good luck in October.

S. Miller: Thank you, come visit, bring your family, you'll have a great time.

Chairman Hawley: Alright, next on our agenda do we have any old business that needs to be attended? Any new business that we need to go over?

S. Shoemaker: Are you guys discussing anything with Workhorse?

D. Johnting: That's tomorrow. Did I send you the wrong date?

S. Shoemaker: Yes, but that's alright I just want to make sure it passes.

D. Johnting: I apologize, that hearing is tomorrow night.

J. Welch: Jason, there is an amendment to the rules which has been drafted, but did not necessarily have to be considered tonight. You had discussed, to make a seven-day deadline to present the written materials to the board before the hearing because we've ran into some problems about people bringing in volumes of materials the night of the hearing. So, what the new rule basically says is that it needs to be there seven days before. If there's something does come in later than that, then the board can make

a motion and still vote to consider and it would take at least four members present on that night to still consider that material. So, there is an exception in case there is something that needs to be looked at.

Chairman Hawley: Yes, when we talked about that I remember being there. It's nice to actually see it fleshed out in a language that's for smarter people than me.

J. Welch: That's really the only thing that was changed from the last time. And that goes for the 'for or against' information. I also put it in there for any objections should be written, should be filed before the time period, but it's going to be a written objection.

D. Johnting: I have two written objections on things that haven't happened yet, where to file those?

Chairman Hawley: So, it looks like we have an amendment that needs to be voted on for our rules of procedure. I'd like to put a motion before the board that we vote for the amendment that was presented tonight.

J. Peacock: I'll second.

Chairman Hawley: All those in favor? Aye. All those opposed? All those abstained? Let it be noted that the vote was favorable and the amendment has carried.

J. Welch: We should have a roll call vote, because there have to be at least five members to carry the rule change.

J. Hufford: I'll call for a roll call vote

D. Calhoun: Second.

D. Johnting: Drew Cleveland, yes, Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Tim Hart, yes, Jon Peacock, yes. Motion approved.

Chairman Hawley: Thank you very much, Jason. Any reports from officers, committees, or staff?

D. Johnting: We do have a meeting in October.

Chairman Hawley: Okay. Other than that, I see no other reports. I motion that we adjourn for the evening.

B. Davis: Second.

Chairman Hawley: All those in favor say aye. Aye. Alright, thank you very much.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Chairman