

MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS

January 3, 2022

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, January 3, 2022, at 6:00 P.M. at the Grant County Fairgrounds at 1403 E State Road 18, Marion, Indiana.

The following members were present: Ed Hartman, Chip Long, Rex Maynard, Ron Howe, and Lois Jones. and Bill Johnson was present via Webex.

Staff present: Ryan Malott, Executive Director, Kyle Persinger, Attorney for Area Plan, Aaron Elsworth, Building Inspector, Nicole Bailey, Code Enforcement Officer and Brenda Harrison, Executive Administrative Assistant.

1. Ed Hartman brought the meeting to order with the Pledge of Allegiance.
2. Roll Call
3. Approval of the Minutes
 - 3.2 The minutes from November 15, 2021 were approved as submitted. Motion made by Rex Maynard and Chip Long seconded. Members Ron Howe, Bill Johnson, Lois Jones, Chip Long and Rex Maynard voted yes - motion carried.
 - 3.3 The minutes from December 6, 2021 were approved as submitted. Motion made by Rex Maynard and Lois Jones seconded. Members Ron Howe, Bill Johnson, Lois Jones, Chip Long and Rex Maynard voted yes - motion carried.
 - 3.4 The minutes from December 13, 2021 were placed on hold until the February meeting to give all members a chance to review them since they were not in the packet when mailed out.
4. Finding of Facts – There were none to be approved.
5. PUBLIC HEARING(S)
 - 5.1 01BZAV-22 Upland Community Church
Ryan Malott introduced the petition for the Church. The church is requesting to place a new sign where the existing sign is located. The ordinance will not allow a sign larger than 8 sf. The new sign will be 8 x 6 or 48 sf. Terri Collins was the representative for the Church. She stated that the current sign had served the church well for a long time and this is an upgrade from what is there now.
Chip Long asked if it was going in the same location. Ms. Collins stated it was.

Ed Hartman asked if there were any objectors. There were none and the hearing was closed.

Motion made by Lois Jones and seconded by Rex Maynard. Members Ron Howe, Bill Johnson, Lois Jones, Chip Long and Rex Maynard voted yes - motion carried.

6. OTHER BUSINESS - Election of Officers

6.1 Rex Maynard nominated Ed Hartman as Chairman; Lois Jones seconded.

Members Ron Howe, Bill Johnson, Lois Jones, Chip Long and Rex Maynard voted yes - motion carried.

6.2 Lois Jones nominated Rex Maynard as Vice Chairman, Chip Long seconded.

Members Ron Howe, Bill Johnson, Lois Jones, Chip Long and Rex Maynard voted yes - motion carried.

6.3 Oath of Office will be sent to the BZA member in next month's packet. They will need to sign and return to staff.

6.4 Ryan Malott stated that the BZA appointment will be discussed at the APC meeting and asked if the Board wanted to meet another evening to discuss the Rules of Procedure.

Lois Jones made a motion to go over the Rules of Procedure at the next normal meeting, Rex Maynard seconded. Members Ron Howe, Bill Johnson, Lois Jones, Chip Long and Rex Maynard voted yes - motion carried.

7. OPEN PUBLIC FORUM

Since there was extra time, Ed Hartman gave some of the solar people five minute each to speak.

Linda Morgan asked about Delaware County is putting solar on the county line, if the zoning board would have anything to do with it? Ed Hartman stated that it would be outside of our jurisdiction.

Lois Jones asked if it could be explained what BZA does.

Ed Hartman explained that the Board of Zoning Appeals grants a petition approval or denial a petition from the zoning standards. If there is a restriction on the height of a building, a petitioner can request to have the building a little higher than required and the BZA would review their petition and grant the petitioner a variance on the height. The BZA also grants Special Exceptions, like what was seen earlier with the sign. The sign does not comply with zoning regulations now. In that situation the sign has been there for years and has not caused problem, so we granted a Special Exception for the church to have a new sign of similar size. Those are the two main functions that the BZA does. Rarely, but occasionally, the BZA may also rule if someone wants to petition a decision on something the department has ruled on. So, if the staff of the Area Plan makes a decision on something for a resident or a business, they want to appeal it, appeals are taken by the BZA.

Ryan Malott read the general statement from the Rules of Procedure.

“The Grant County Board of Zoning Appeals (BZA) is the local government body that is empowered by State Law to consider granting relief from the requirements of the Zoning Ordinance. BZA decisions are required by State Law to be guided by specific criteria, and made based upon the facts, not opinions. The primary role of the BZA is to rule on the application of the existing zoning laws as opposed to passing new laws, and therefore it is considered an administrative body (quasi-judicial in nature).

Per IC 36-7-4-901 Establishment of the Board of Zoning Appeals, as a part of the Areawide Zoning Ordinance, the legislative body shall establish a board of zoning appeals.”

8. ADJOURNMENT

There being no other business, meeting adjourned at 6:31 PM. ✖



Ed Hartman, Chairman