

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
August 7, 2017**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, August 7, 2017 at 6:00 P.M. on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana.

The following members were present: Craig Freeman, Chip Long, Rex Maynard, Bob Monroe and Vice-Chairman Lois Jones.

Members absent were: Teresa Mendoza and Bill Johnson.

Staff present was Executive Director Larry Strange, APC attorney Bruce Elliott and Recording Secretary Debbie Wallace.

Lois Jones brought the meeting to order with the Pledge of Allegiance.

Rex Maynard moved Lois Jones seconded that the minutes from June 5, 2017 be approved; all members present voted yes. Vote was 5-0; motion carried.

Lois Jones moved Rex Maynard seconded that the minutes from June 26, 2017 be approved; all members present voted yes. Vote 5-0; motion carried.

Larry Strange went over the rules and procedures; he also outlined the procedure for the continuance of Docket #01SP-17. The only people that will be allowed to speak are the ones who signed in as they came into the meeting.

Docket: 01SP-17 (**Public Hearing**) **cont.** **Name:** Mike Riddle/Junior Stone

Address: 4455 S Meridian Street, Marion

Zoning District: Light Industry (I1)

Legal Description: Being 26.9 acres more or less and located in the Southwest quarter of Section 20, Center Township, Grant County, Indiana.

Request: to hold events that allows mud bogging and musical entertainment at the “Mudd Yard” Junior Stone was present; he gave a list of proposed events with fewer dates. Mr. Stone has spoken with his neighbor to the west, Shane Ford, who has no objections.

Audience:

For: Haley Mullins, 108 E Walnut, Marion– would like to have an event in September; also want to try to give local artists the opportunity for exposure and connect to people who have made it in the music business. They have an agreement with a local hotel in Gas City who is willing to give special rates to people attending and participating in these events. They have also talked to other local businesses about sponsoring some of these events; feels revenue would be made for the community not just for themselves.

Paul Dooley, 3001 S Lincoln Blvd, Marion; additional equipment has been purchased to help Junior keep the streets clear; is planning to talk to the individual that owns the car wash and is willing to pay the car wash employees to work during the events. He has spoken to several local businesses and insurance companies that are interested in potentially sponsoring the business.

Cory Koch, 707 N 700 W, Swayzee; he is the owner of Top Dog Security; works most of the local events; he is fully insured. Half of his security team are local police officers; have six paramedics so there is at least one present per event. He has been operating a security company for about ten years now.

Larry asked if there was anyone else in support that did not sign in that would like to speak for the petition.

Against: Carol Murphy, family owns property at 4427 S Meridian Street, Marion. A lilac bush was recently cut down, when she contacted the highway department, they told her Junior Stone gave them permission to remove the bush and that Junior maintained the property, which is incorrect.

Kay Oyler, 4404 S Meridian, Marion; she requested that a six month moratorium be placed on the muddyard based on three concerns. 1) is there a site plan review that will continue if the events continue; 2) who pays for emergency and safety in the event that the event holders, attendees, security and insurers abstained from responsibilities; and 3) there has been no environmental impact assessment. For the number of attendees (largest event was somewhere between 800 – 2000 people) best practices is per 1000 attendees for a mud bog with food, camping and music, 100 acres and this site is well under the acreage.

Debra Carroll, 4110 S Meridian St., Marion; she does not want this but if approved is requesting that Meridian Street be blocked off from the south side of the mudd yard to 38th Street; all traffic would enter and exit from Adams. Music is better than what it was, but when the sheriff leaves around 11pm the campground noise starts, engines revving who is going to control this?

Rick Stanley, 4002 S Meridian, Marion, consideration needs to be regarding the people that already live in this area, and how this affects them. This is what should be taken into consideration.

Sandy Vest, 3902 S Harmon, Marion, president of College Park neighborhood Association; was contacted by the Chronicle after the last meeting and asked if she would purchase property on Meridian Street. She said absolutely not, she encourages the board members to consider that question as they make their decision.

Ed Hartman, has a question concerning a point of order; at the last meeting there was a 3-3 vote for this special exception. It takes 4 votes to pass an exception. I think the exception has failed, would like to hear the opinion of that from the attorney.

Larry Strange stated this is the public comment period and that will be addressed during the discussion.

James Heasley, 3912 S Felton, Marion; the 3-3 vote that took place on the 26th of June, should not have been a 3-3 vote, it should have been 3-2 vote, the president, Mr. Johnson should not have voted.

Dave Steins, request that the special exception be denied. In the noise ordinance who is going to enforce this ordinance; what happens if they go over the decibel levels; and who is going to be measuring these decibel levels. Most importantly for the petitioner to consider would be what the consequences of violating this ordinance would be.

Sara Jones, 3908 S Meridian, Marion; events of this type are not put into neighborhoods like this. After the event is over who enforces the laws; thinks this needs to be in a different location.

Keith Jones, 3908 S Meridian, Marion; big trucks going up and down the road at night; also have a skating rink in this area. Feels this is a potentially dangerous because of the increase of traffic.

Larry Strange if anyone has been missed they will now have an opportunity to speak.

Jeremy Tevebaugh, 9896 S Durbin Ln, Fortville, IN; he was the coordinator of what was formerly the “Red Neck Rave” which has since been dissolved. His understanding is there were no complaints made during the last event and he sees no reason why it would not continue the same. The music and campground noise could not be heard at the gate; the Sheriff’s office has a decibel meter and nothing registered at the peak time of the concert.

Attorney Bruce Elliott stated it is important for that the board understands what their votes can mean or not mean. Our Grant County ordinance requires that at least four members vote in the affirmative for a special exception to pass. The chairperson is entitled to vote to make or break a tie vote. We’re here today because the board voted to continue until tonight; for the special exception to pass; there must be four votes in the affirmative.

Motion: Lois Jones moved Craig Freeman seconded to approve Docket #01SP-17 as presented. All members present voted yes; except Chip Long, Bob Monroe and Rex Maynard who voted no; vote was 2-3; motion died. Petition is denied.

Docket: 05BZAV-17 (**Public Hearing**) **Name:** Von & Joanna Moore/Dee & Kathy Gibson

Address: DeVoe Drive, Sweetser, IN 46987

Zoning District: Residential-1 (R1)

Legal Description: Being lot # 47, Eagle Estates Subdivision to the Town of Sweetser located in the Northwest quarter of Section 05, Franklin Township, Sweetser Corp, Grant County, Indiana.

Request: to allow construction of new home to be twenty-eight (28) feet from the west (DeVoe Dr) property line instead of the required forty (40) feet

Larry Strange went over the four criteria; Sweetser Town Council gave a favorable recommendation. The Area Plan staff also gave the petition a favorable recommendation.

Dee and Kathy Gibson were present to represent this petition. They want to build a new home on this site and would like to square up the house so they do not look into their neighbor's backyard when they look out their door. The house will be approximately twenty-four hundred (2400) square feet in area.

No objectors were in the audience or on file.

Proof of publication is on file.

Motion: Craig Freeman moved Rex Maynard seconded to approve Docket #05BZAV-17 as presented.

All members present voted yes; vote 5-0; motion carried.

Docket: 07BZAV-17 (**Public Hearing**) **Name:** Jon Glessner/Terry & Floretta Kratzer

Address: 201 E Howard, Sims, IN

Zoning District: Residential-3 (R3)

Legal Description: Being lots #11 & 12 in Fiermoods 2nd Addition Cleopas and located in the Northwest quarter of Section 28, Sims Township, Grant County, Indiana.

Request: to allow construction of a detached garage to be three thousand (3000) sq. ft. instead of the maximum allowed of twelve hundred sq. ft. (1200) feet

Larry Strange went over the staff report and four criteria for the variance. The County Commissioners gave the petition a favorable recommendation and APC staff also gave a favorable recommendation.

Terry & Floretta Kratzer was present for this petition. Mr. Kratzer's father passed away in December and he now has the antique tractors from his father and grandfather; the building is needed to store antique tractors in. There is an older house on the property but at this time they have no intentions of renting it out or in living in it.

No objectors were in the audience or on file.

Proof of publication is on file.

Motion: Craig Freeman moved Rex Maynard seconded to approve Docket #07BZAV-17 as presented.

All members present voted yes; vote 5-0; motion carried.

Docket: 08BZAV-17 (**Public Hearing**) **Name:** Kevin & Jamie Cates

Address: 1305 Troy Ave, Marion IN

Zoning District: Agriculture (AG)

Legal Description: Being two (2) acres more or less and located in the Northeast quarter of Section 10, Franklin Township, Grant County, Indiana.

Request: to allow construction of an accessory building to be fifteen (15) feet from the north property line instead of the required twenty-five (25) feet

Larry Strange reviewed the four criteria that should be met. The Area Plan staff and the Grant County Commissioners gave the petition a favorable recommendation.

Kevin Cates was present and wants to build a 46' x 72' pole barn. The barn will be used for personal storage and a portion will be used for his children's 4-H animals. No type of business will be operated there.

No objectors were in the audience or on file.

Proof of publication is on file.

Motion: Rex Maynard moved Bob Monroe seconded to approve Docket #08BZAV-17 as presented. All members present voted yes; vote 5-0; motion carried.

Docket: 09BZAV-17 (**Public Hearing**) **Name:** Scott Cole

Address: 312 N Main, Fairmount

Zoning District: Residential-4 (R4)

Legal Description: Being lots 11, 12 & 13 in Baldwin's Second add to the town of Fairmount and 0.19 acres more or less and located in the Northwest quarter of Section 29, Fairmount Township, Fairmount Corp, Grant County, Indiana.

Request: to allow construction of an accessory building to be five (5) feet from the east property line (Walnut Street) instead of the required ten (10) feet

Larry Strange went over the four criteria; Fairmount Town Council gave a favorable recommendation; the Area Plan office also recommended approval.

Scott Cole was present. Mr. Cole stated the problem with his existing garage is it used to be a carriage house and will barely fit one vehicle. Mr. Cole is willing to downsize the proposed garage to a 24' x 30'. There were no objectors in the audience and none on file.

Proof of publication is on file.

Motion: Rex Maynard moved Craig Freeman seconded to approve Docket #09BZAV-17 as presented. All members present voted yes, except Lois Jones who voted no. Vote 4-1; motion carried.

Docket: 10BZAV-17 (**Public Hearing**) **Name:** Jay Koontz

Address: 9513 W 100 N – 27, Converse, Indiana

Zoning District: Agriculture (AG)

Legal Description: Being eleven point thirty-eight (11.38) acres more or less and located in the Northeast quarter of Section 04, Sims Township, Grant County, Indiana.

Request: to allow construction of an accessory building to be ten (10) feet from the east property line instead of the required twenty-five (25) feet

Larry Strange reviewed the four criteria; the Grant County Commissioners gave a favorable recommendation and the Area Plan office gave a favorable recommendation.

Jay Koontz was present representing the petition. His property has two county maintained creeks/ditches; Taylor Creek is on the northwest side and the other (Wood's ditch) is south of his proposed building. Mr. Koontz goes to the drainage board meeting tomorrow to request a variance from the seventy-five (75) feet easement. The building permit will not be issued without drainage board approval.

No objectors were in the audience or on file.

Proof of publication is on file.

Motion: Craig Freeman moved Bob Monroe seconded to approve Docket #10BZAV-17 as presented. All members present voted yes; vote 5-0; motion carried.

Docket: 11BZAV-17 (**Public Hearing**) **Name:** Jared Collins

Address: 81 E Urban Street, Upland, IN

Zoning District: Residential -3 (R3)

Legal Description: Being lots 6 & 25' street vacation in Burgers 3rd Addition and located in the Northeast Quarter of Section 03, Jefferson Township, Upland Corp, Grant County, Indiana.

Request: to allow construction of an accessory building to be eight (8) feet from the west property line instead of the required sixteen (16) feet

Larry Strange reviewed the four criteria for a variance; the Area Plan staff gave a favorable recommendation. Upland Town Council also gave the petition a favorable recommendation. Jared Collins was present; he wants to build the building to be used for personal storage only. Mr. Collins has spoken to his neighbors and they have no objections to the request. The entrance to the building will be on the east side of the building; the alley will not be used for access. No objectors were in the audience or on file.

Proof of publication is on file.

Motion: Rex Maynard moved Lois Jones seconded to approve Docket #11BZAV-17 as presented. All members present voted yes; vote 5-0; motion carried.

There being no other business, meeting adjourned at 7:45 PM.

Lois Jones, Vice-Chairman

g:bza:minutes17:bza2017-08