

# Board of Zoning Appeals

## *-Meeting Minutes-*

Wednesday, April 13, 2022

in the G.A.R. Room of the Court House

- Meeting called to order at 7:22 pm by Brad Fruth
- Roll call of board members
  - Grant Cade – *Present*
  - Jamie Hopper – *Present*
  - Randy Hileman – *Present*
  - Heidi Miller: VP – *Present*
  - Brad Fruth: President – *Present*
- Brad Fruth introduces **VAR01-22 – JOHN CATTIN**
  - *Seeking a “Variance from Developmental Standards”*
    - *TO PROVIDE RELIEF FROM CURRENT MINIMUM BUILDING LINE IN ORDER TO CONSTRUCT A POLE BUILDING AT A SETBACK OF 2-FEET OFF THE FRONT PROPERTY LINE ON R-1 ZONED LAND IN MEXICO, INDIANA.*
  - Megan Mongosa reads staff report
  - Brad Fruth opens the floor for public comment and asked John Cattin to explain the intended build site.
    - John Cattin states his pole building will go where the half circle drive is and it will be 14 feet total from the road.
    - Megan Mongosa states there will not be any obstruction of traffic where the pole building is located and that the stop sign at the end of Alpine Drive is far enough ahead of the pole building.
    - No further questions or comments from John Cattin or the public.
  - Brad Fruth opens the floor to the board for questions or concerns.
    - Heidi Miller and Grant Cade asked if the building would be right on the property line

- Corey Roser explained that Elevate has the parcel lines shifted slightly and it makes it look as if the building will sit right on the property line.
- Steve Downs counted voting ballots from board members
  - As requested, attorney Downs presented proposed supplemental findings for VAR01-22. After review and discussion, on motion duly made and seconded, the proposed supplemental findings were unanimously adopted.
- VAR01-22 was approved
- Brad Fruth introduces **VAR02-22 – RAYMOND III & BARBARA H. KEYES JOINT REVOC. TRUST & MATT FOLZ**
  - Brad asks the board if they are all in agreeance that this variance be dismissed due to the temporary change in the Subdivision Control Ordinance.
    - Board is in agreeance and shows no concerns.
  - Brad opens the floor to the public for questions and comments
    - Many people had questions about if a subdivision was going to be placed where the land was being split.
      - Megan Mongosa and Corey Roser assured the public it is staying as farm ground
      - Brad Fruth also stated this is why we have the Subdivision Control Ordinance in place, so people do not put subdivisions on prime farm ground without strict rules.
  - Brad Fruth calls for motion to reimburse variance fees
    - Heidi Miller motions
    - Randy Hileman 2<sup>nd</sup>
    - All “Aye”
  - Fees will be reimbursed for VAR02-22
- Brad Fruth introduces **VAR03-22 – AARON ROYER**
  - *Seeking a “Use Variance”*
    - *TO ALLOW THE OPERATION OF A CABINET AND FURNITURE BUSINESS TO OPERATE ON 86.271 ACRES OF A-2 ZONED LAND IN PIPE CREEK TOWNSHIP*
  - Megan Mongosa reads staff report


- Brad Fruth opens the floor to Aaron Royer to explain more of his business venture and where he wants to place his cabinet shop. Mr. Royer wants to place the cabinet shop on a flood fringe connected to an “A” Floodplain.
  - Randy Hileman asked Mr. Royer if he is 100% set on that location or if he would be willing to shift the cabinet shop away from the floodplain.
  - Mr. Royer stated he was not set on that location but would like it there.
  - Mr. Royer also discussed having two houses on the same parcel and eventually splitting off where his cabinet shop would be to make that area his family’s “homestead.”
- Brad Fruth opens the floor to the public for questions and comments
  - Skipper Nuezerling had many objections to this variance.
    - Is there a traffic study that is going to be done? She states, along with others, that there is a lot of traffic that is diverted from US 31 and traffic can be very dangerous on that road.
    - Has IDEM been called about water diversion once the Royers start cutting trees and whatnot?
    - How many homes and businesses are allowed on one parcel of land? Does the Subdivision Control Ordinance state there is a limit to how many homes are on one parcel?
    - Flooding is a big issue
    - How will big trucks get turned around where their current little circle drive is on 400 W?
  - Elaine Anderson asked several questions regarding business size and the amount of homes on one parcel.
    - How many will this business employ?
      - Mr. Royer stated it was just going to be him and possibly his brother when he needed extra help.
    - How many people will be on this parcel?
    - How much traffic will come through this area?
      - Aaron stated it will be maybe 2 customers a week, and a shipment truck.

- Mike McDonald had many concerns as well
  - He is concerned about ingress and egress drives for emergency vehicles
  - There is no septic installed yet... Where is solid waste going? When it floods, solid waste could be an issue as well.
  - How many people will live on this parcel?
- Ben Robertson has concerns about the “quiet, peaceful living” they all signed up for when living out in the country.
  - Is this cabinet shop going to be a strip mall type of business?
  - He is concerned about the flood plain and where the cabinet shop is located.
  - Traffic is not safe and that is a big safety issue for all drivers, especially those with a horse and buggy.
  - The road flooding is an issue. Ben states when there is a really bad flood, he can hear the water roaring from the top of 500 S.
- Dorothy Sullivan has concerns about traffic as well
  - There are kids that drag race on that road and you cannot see traffic from the top of that hill.
  - She has seen many accidents on this road in front of her house
- Brad Fruth addresses the Royers and Aaron states he would like his dad to speak
  - Abner Royer states he does not want to cause any issues with his neighbors and just wants to live in peace and get along. He also shared future plans for wanting to have a fruit market there.
  - No further comments from the public or the Royers
- Steve Downs counted voting ballots from board members
  - As requested, attorney Downs presented proposed supplemental findings for VAR03-22. After review and discussion, on motion duly made and seconded, the proposed supplemental findings were unanimously denied on one account.

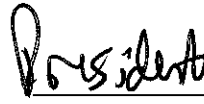
- *“The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the Variance is sought.”*

- VAR03-22 was defeated

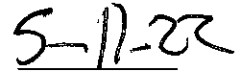
- Brad Fruth calls to adjourn meeting
  - Jamie Hopper motioned
  - Heidi Miller 2<sup>nd</sup>
  - All “Aye”
- Meeting adjourned at 8:40 pm




Representative of Miami County Plan Commission



Title



Date



Printed Name

