

## **PUTNAM COUNTY BOARD OF ZONING APPEALS MINUTES**

The Putnam County Board of Zoning Appeals met for its regular monthly meeting on June 13, 2022, at 7:00 p.m. in the Commissioner's Room of the Putnam County Courthouse, 1 Courthouse Square, Greencastle, IN 46135. Raymond McCloud called the meeting to order at 7:01 p.m. Lisa Zeiner took a roll call to determine a quorum. The following members were present: Raymond McCloud, Kevin Scobee, Randy Bee, Ron Sutherlin, and Lora Scott. Also, present was Jim Ensley, County Attorney; and Lisa Zeiner, Plan Director. Also present was the Audience, see attached sign in sheet.

Lisa Zeiner stated that before we begin the meeting there are a few people here who would like to be added to the end of the agenda under wishes to be heard to ask a question about the property located at 7821 E CR 350 N.

### **REVIEW OF MINUTES:**

Raymond McCloud asked if there were any corrections or additions to the May 9, 2022, meeting minutes.

Lora Scott stated that on the first page, under 2022-BZA-6 the fourth sentence states, "Mr. Zeiner state that the tenant would like the dwelling while the William Phillips retains the remaining farm ground", the word "the" before William needs to be deleted. Mrs. Scott stated that on page seven the thirteenth paragraph says, "Mrs. Scott stated that there were several people that committed on the state road too", committed needs to be changed to commented.

Mr. McCloud asked if there were any other corrections or additions.

Mrs. Scott made a motion to approve the May 9, 2022, meeting minutes contingent on stated corrections being completed.

Ron Sutherland seconded the motion. The May 9, 2022, minutes were approved contingent on the corrections being made with all in favor.

**OLD BUSINESS:** No old business

### **NEW BUSINESS:**

**2022-BZA-8: TOWN OF RUSSELLVILLE – SPECIAL EXCEPTION:** to allow the construction of a new water tower on the Town's property; Zoned ME; Russell Township; 5/16N/5W (Northeast corner of the intersection of CR 1300 North and CR 725 West Russellville)

Brian Bullock, with Beam Longest and Neff Engineering and agent for the petitioner, approached the board. Mr. Bullock stated that the Town of Russellville will be replacing the existing storage tank with a new storage tank. Mr. Bullock explained that there is not enough room next to the existing tank to construct the new tank, therefore, the plan is to place it near the water plant located at the southeast side of town. Mr. Bullock stated that a piece of property was purchased from Kentucky Stone for the construction site. Mr. Bullock explained that the parcel is zoned mineral extraction which does not allow for utilities without a special exception.

Mrs. Scott asked what is the life expectancy of water towers.

Mr. Bullock stated that if they are maintained properly, they last fifty plus years. Mr. Bullock explained that every fifteen years blasting, and repainting would need to be done. Mr. Bullock stated that it would be more expensive to rehab the existing tank.

Randy Bee stated it would be more expensive to rehab than build a new.

Mr. Bullock explained that to do all the repairs, the cost would be comparable to a new one. Mr. Bullock stated that better money spent to build a new one.

Mr. McCloud asked if there was anyone in attendance that wanted to speak in favor or against this petition. No one came forward. Mr. McCloud closed the public hearing for this petition.

Kevin Scobee made a motion to approve **2022-BZA-8: Town of Russellville Special Exception** as presented.

Mr. McCloud seconded the motion.

**2022-BZA-8: Town of Russellville Special Exception** was approved with all in favor.

**2022-BZA-9: DONALD & AMY WININGS – USE VARIANCE:** to allow for a small western wear/supply tack repair shop; Zoned A1; Jackson Township; 21/16N/3W (10565 N CR 550 E Roachdale).

Amy Winings, petitioner, approached the board. Mrs. Winings stated that they are purchasing a pre-existing western wear/tack supply shop in Shelbyville that is closing. Mrs. Winings explained that this includes a trailer that will travel to the equine venues. Mrs. Winings stated that to have the existing suppliers a brick-and-mortar store is required. Mrs. Winings explained that they have looked for a building around Putnam County but when they could not find anything, decided to add on to an existing building on their property. Mrs. Winings stated that they would have open to sell from, but it would mainly qualify as the brick-and-mortar to then sale at the various equine shows.

Mr. McCloud asked if they were adding on to an existing structure.

Mrs. Winings stated that they would be.

Mr. McCloud asked how many acres they owned.

Mrs. Winings stated nine acres.

Mr. McCloud asked how much road frontage they had.

Ron Sutherlin asked what the size of the existing structure was.

Donald Winings stated it was sixty feet by forty feet.

Mrs. Scott asked if there would be restrooms in the structure and regular hours.

Mrs. Winings stated that they would not have public restrooms in the structure, and they would have regular hours, but only on certain days. Mrs. Winings explained it was mostly to house inventory.

Mrs. Scott stated that there was good line of site at the driveway.

Mrs. Winings stated that the concrete drive would not be used, but the other driveway has good line of site in both directions. Mrs. Winings explained that a parking lot would be constructed at the structure.

Lisa Zeiner stated that the road frontage was greater than four hundred forty feet.

Mr. Bee stated that he was not sure if public restrooms were a requirement.

Jim Ensley stated that there are lots of establishments that do not have public restrooms.

Mrs. Zeiner stated that restaurants require restrooms, but for a general store she was not sure.

Mr. McCloud stated that he has been in several establishments that have signs posted stating “no public restroom”.

Mr. Bee asked if the trailer would be used just for shows.

Mr. Wining stated that was correct.

Ron Sutherlin asked if the brick-and-mortar was already there.

Mr. Wining stated it would be in an existing building that may need to be added on to.

Mr. McCloud asked if there was anyone in the audience who wanted to speak in favor or against this petitioner. No one came forward. Mr. McCloud closed the public hearing for this petition.

Mrs. Scott made a motion to approve **2022-BZA-9: Donald & Amy Winings Use Variance** as presented.

Mr. Bee seconded the motion.

**2022-BZA-9: Donald & Amy Winings Use Variance** was approved with all in favor.

#### **WISHES TO BE HEARD:**

Mrs. Zeiner stated that the property located at 7821 E CR 350 N Coatesville is zoned R2 with a legal nonconforming agricultural use.

Beth Flint with First National Bank and guardian of the owner of the property, approached the board. Ms. Flint explained that the owner is wanting to sell the property and the buyers are wanting to place cattle on the property.

Mr. Zeiner explained that it was not a variance request. Mrs. Zeiner stated that the property has been used as agricultural, hay field/crops, but has not had livestock on the property. Mrs. Zeiner explained that as the property is zoned R2 because of the proximity to Heritage Lake. Mrs. Zeiner stated that the question is if bringing in cattle increasing the nonconformity or is it still considered a nonconformity and they could have cattle in an R2 district.

Mrs. Scott asked what the zoning was on the south side of the road.

Mrs. Zeiner stated that the south side of the road is zoned A2. Mrs. Zeiner explained that the north side of CR 350 N and 800 East is zoned R2, the south side of CR 350 North is A2.

Mr. McCloud asked about the 62 acres and the 82 acre parcels.

Mrs. Flint stated that those parcels are owned by someone else. Mrs. Flint showed on a map the area that would be fenced off for the cattle. Mrs. Flint stated that across the road there is a cattle farm.

Mr. Sutherlin asked about the six-acre area.

Mrs. Flint stated that it would be a hay field, nothing would be split off.

Mrs. Zeiner explained that the cattle on the other property is legal nonconforming as they were there prior to zoning.

Mr. Scobee stated that he assumed that at one point there were cattle on this property.

Mr. Sutherlin asked what the option were.

Mrs. Zeiner stated that the board could decide that placing cattle on the property does not increase the existing nonconformity and they are good to go, or the board could decide that it would be increasing the nonconformity and therefore would need to be rezoned or a development standards variance.

Mr. Ensley explained that there are two types of nonconformity, one is a structure the other is the use. Mr. Ensley stated that most of the time this board has had structures, like Gavilan when they wanted to add on to their structure, which is not allowed for nonconforming structures. Mr. Ensley explained that this is the first nonconforming use that is ongoing, which is using the property as agricultural in a residential zone. Mr. Ensley stated that the question is: is it still a legal nonconformity if they change the character of the ag use. Mr. Ensley read Section 155.095 Nonconforming Use in the Putnam County Zoning Ordinance, specifically (B)(1)(d) "Nonconforming structures and uses shall not be enlarged upon, extended or expanded with the exceptions to residential homes in A1, A2, R1 and R2 districts existing before the enactment of this chapter." Mr. Ensley stated that it will still be used as agricultural.

Mr. Scobee asked what the best way would be to clean this up.

Mr. Ensley stated that right now it is a legal nonconformity and if the board gives them blessing to have cattle, then the board is recognizing that it is the same character as the existing nonconformity.

Mr. Scobee asked if they wanted to build a cattle barn would they be able to.

Mr. Ensley stated that building a new structure or adding on to an existing structure that is not a dwelling, it would be expanding the use. Mr. Ensley explained that the dwelling could be added on to, but not the accessory structures. Mr. Ensley stated that there are fourteen allowable uses in A1.

Mr. McCloud asked if adding a barn would bring into a new classification.

Mr. Ensley explained that a new barn would be an expansion. Mr. Ensley stated that currently it is tillable and being used as agricultural. Mr. Ensley explained that the character of the ag use, by placing cattle on the property, is not an expansion. Mr. Ensley stated that if they wanted to but a grain silo on the property that would be an expansion.

Mr. McCloud asked if the board approves it, if they want to add on in a year would it come back to the board.

Mr. Ensley stated that it would then need to be brought into compliance.

Mr. McCloud asked if the cattle would be for personal use.

Jennifer Couch, proposed buyer of the property, stated that the cattle would be for freezer beef.

Mr. McCloud asked how many head of cattle would be on the property at one time.

Rashell Harcourt, buyer real estate agent, stated that there would be ten to twenty. Mrs. Harcourt asked if expanding off the current barn would be okay.

Mr. Ensley stated that it would not be. Mr. Ensley explained that increasing the footprint of the building is change then the nonconformity would go away.

Mr. Sutherlin asked if a use variance would give more flexibility.

Mr. Ensley explained that it would have to be applied for. Mr. Ensley stated that R2 does not allow agricultural enterprises. Mr. Ensley explained that a use variance would be for the R2 district. Mr. Ensley stated that the board could put conditions on the property like not be able to expand on structures or any uses that would be controversial could be limited.

Mrs. Scott asked if by it not being on the agenda and no notification of property owners would we be able to vote.

Mr. Ensley stated this is a guidance question. Mr. Ensley explained that the board is allowed to move forward.

Mrs. Scott stated that she did not want to get into a situation like the one in Clinton Township.

Mr. Ensley stated that the lines were blurred in that case as to where A2 and R2 was located.

Mrs. Scott stated that she was concerned about the proximity of neighbors and issues down the road.

Mr. Ensley stated that this does not fall under the category of requiring notice, this is just guidance.

Mrs. Harcourt stated that the buyer is just wanting to purchase the property to put cattle, the surrounding area has cattle on it. Mrs. Harcourt asked if they could back within a year to apply for the zoning to change it to agriculture.

Mr. Ensley stated that the zoning ordinance is being redone, so the zoning of that parcel could be changed during that process.

Mr. Scobee stated that a rezoning would go before the plan commission. Mr. Scobee explained that he was not sure that the plan commission would rezone the area. Mr. Scobee asked if a special exception could be obtained.

Mr. Ensley stated that a special exception does not exist in this situation.

Mr. McCloud asked if the board could give blessing for grass feed lot but not confine feeding.

Mr. Ensley stated that the question before the board is do you see it as a big problem to move the field crop nonconformity to grazing nonconformity. Mr. Ensley explained that if they wanted to build, then the property would be treated as R2.

Mr. McCloud stated that the only problem they would be if they wanted to expand the agricultural buildings. Mr. McCloud stated that they could remodel it, but not add to it.

Mrs. Harcourt asked if they should go through the process of rezoning the property.

Mrs. Zeiner stated that they should wait until the new zoning ordinance is completed.

Mr. Sutherlin asked if any of this needed to be publicized.

Mr. Ensley explained that the board could make a decision because the Plan Director could have made the decision without it going before the board. Mr. Ensley stated that this is for guidance.

Mr. Scobee stated that he was surprised this has not come up before.

Mr. McCloud stated that any decision would only be for the sixteen acre parcel.

Mr. McCloud made a motion that the adding cattle to **7821 E CR 350 N** would not be an expansion of the nonconformity, however expansion of existing structures could not be done.

Mr. Sutherlin seconded the motion.

The determination that **adding cattle to 7821 E CR 350 N would not be an expansion of the nonconformity, but the owner/buyer would not be allowed to expand the structures** was agreed on by the board with all in favor.

#### **OTHER BUISNESS**

Mrs. Scott updated the board on the Comprehensive Plan. Mrs. Scott stated that the steering committee met last Wednesday. Mrs. Scott explained that the meeting was an overview with a timeline and schedule for when public input would occur. Mrs. Scott stated that a HWC would be at the fair with questionnaires. Mrs. Scott explained that there would be several different ways for the public to give input. Mrs. Scott stated that the next step is creating the questionnaire. Mrs. Scott explained that there were things that needed to be acted upon quickly that the ordinance do not address: 1. Development plan review - that would be a group that would review the development plans for projects like the camp ground for drainage.

Mrs. Zeiner stated that the technical review committee would review everything then it would go before the plan commission for approval.

Mrs. Scott stated that another item that needs to be addressed is an accurate zoning map tied to parcel data, which HWC is working on now. Mrs. Scott explained that the flood hazard ordinance is also outdated and does not comply with the state requirements. Mr. Scott stated that there was not anything about solar and wind but at the plan commission meeting it was clear that the solar and wind ordinance need to be completed soon.

Mr. Sutherlin asked if the plan commission or the commissioners changing the acreage before the comprehensive plan.

Mrs. Zeiner explained that the plan commission had been discussing changing the acreage and road frontage requirements for A1 and A2 prior to the hiring of HWC. Mrs. Zeiner stated that the plan commission did not have meetings in December, January, February, March or April because there were no petitions filed. Mrs. Zeiner explained that in May the board decided that they needed to move forward with the changes to the ordinance to clean up the ordinance. Mrs. Zeiner stated it was up to the commissioners to decide to approve, deny or table the ordinance.

Mrs. Scott asked for an update on the store in New Maysville.

Mr. Ensley explained that the house with the storage building in the back, went to tax sale but was redeemed. Mr. Ensley stated that he would have to check to see if the structures were ruled to be destroyed. Mr. Ensley explained that the store parcel was taken by the Commissioners when it went to tax sale. Mr. Ensley stated that the store crosses the property line, and the other parcel is owned by someone else. Mr. Ensley explained that after the period of redemption is over, the county will work with the neighbor on getting the structure torn down.

Mr. McCloud asked if there was any other business to be brought before the board. There being none, Mr. McCloud asked for a motion to adjourn.

Mr. McCloud made a motion to adjourn the meeting.

Mr. Bee seconded the motion.

Meeting adjourned at 7:56 p.m.

Minutes approved on the 11<sup>th</sup> day of July 2022.

  
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Raymond McCloud, President

PUTNAM COUNTY BOARD OF ZONING APPEALS

June 13, 2022

SIGN IN SHEET

PLEASE PRINT CLEARLY

NAME	ADDRESS
Shane Winings	10565 N CR 550 E Roachdale IN 46172
Amy Winings	10565 N CR 550 E Roachdale W 46172
Jennifer Couch	1070 Halifax lane Indianapolis IN 46231
Rashu Hancock	300 S. Co. Rd. 475 E Fillmore IN 46128 ReMax Cornerstone 214 Jackson St. G'castle
C. Mouch - Cynthia Couch	1070 Halifax Ln. Indianapolis 46231
Joshua Couch	1070 Halifax Ln., Indianapolis 46231
Beth Flint	236 Hillsdale, Greencastle, IN
Cheryl Thomas	71 Briarwood Ct, Greencastle
Briou Bullock	BLH 505 S. Woodscrest Bloomington, IN 7401



PUTNAM COUNTY BOARD OF ZONING APPEALS  
AGENDA

MONDAY JUNE 13, 2022

7:00 p.m.

Commissioner's Meeting Room - 1 W Washington St - Greencastle, IN 46135  
(765) 301-9108

1. CALL TO ORDER

ROLL CALL DETERMINATION OF QUORUM

Raymond McCloud  Kevin Scobee  Randy Bee  Ron Sutherlin  Lora Scott  
 Jim Ensley, Attorney  Lisa Zeiner, Plan Director

2. REVIEW OF MINUTES – May 9, 2022, Minutes

3. PUBLIC HEARINGS -Public hearing items have been advertised according to law. For items involving a piece of land, courtesy notices have been sent to some property owners. Testimony for and against each proposal will be taken and a decision by the Board of Zoning Appeals made. The Board may continue an item to another date for hearing if the public is better served by such a continuance.

❖ OLD BUSINESS - NONE

❖ NEW BUSINESS

**2022-BZA-8: TOWN OF RUSSELLVILLE – Special Exception:** to allows the construction of a new water tower on the Town's property; Zoned ME; Russell Township; 5/16N/5W (Northeast corner of the intersection of CR 1300 North and CR 725 West Russellville)

**2022-BZA-9: DONALD & AMY WININGS – Use Variance:** to allow for a small western wear/supply tack repair shop; Zoned A1; Jackson Township; 21/16N/3W (10565 N CR 550 E Roachdale)

4. BUSINESS SESSION - In its business session, the Board of Zoning Appeals meets in open session to discuss each item and decide on an outcome. By law, a business session agenda is posted at least 48 hours prior to this meeting. This is not a public hearing. No testimony is taken unless the Board requests it. The Board may continue an item to another date for the hearing if the public is better served by such a continuance.

5. OTHER BUSINESS

6. WISHES TO BE HEARD

\* 7821 E CR 350N - Zoned R2 - Nonconforming Ag use - wants to bring in live stock - Options?

Information pertaining to these cases is available to the public weekdays from 8:00 a.m. to 4:00 p.m. at the Department of Planning & Building, Putnam County Courthouse 1 W Washington St, 4<sup>th</sup> Floor Room 46 Greencastle, Indiana 46135. There are times during routine application processing when files may not be immediately available. Written objections to any item on the agenda may be filed with the secretary of the Plan Commission before the hearing. At the hearing, oral comments concerning each Public Hearing proposed will be heard. The jurisdiction of the Plan Commission is all of Putnam County except the City of Greencastle, and the Towns of Bainbridge, Cloverdale, and Roachdale. For more information call (765) 301-9108.

FOR SPECIAL ACCOMODATIONS NEEDED FOR HANDICAPPED INDIVIDUALS PLANNING TO ATTEND THIS HEARING. PLEASE CALL THE PLANNING SECRETARY AT (765) 301-9108 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.





















