

PUTNAM COUNTY BOARD OF ZONING APPEALS MINUTES

The Putnam County Board of Zoning Appeals met for its regular monthly meeting on August 9, 2021, 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 7:00 p.m. A roll call was taken to determine a quorum. The following members were present: Raymond McCloud, Kevin Scobee, Randy Bee, Ron Sutherlin, and Lora Scott. Also, present were Jim Ensley, County Attorney, and Lisa Zeiner, Plan Director. Audience present see attached sign in sheet.

REVIEW OF MINUTES:

Raymond McCloud asked if there were any corrections or additions to the July 12, 2021, meeting minutes.

Lora Scott made a motion to table the minutes to the September 13, 2021, meeting, since not everyone has read the minutes and there are some corrections needed.

Kevin Scobee seconded the motion. The July 12, 2021, minutes were tabled to the September 13, 2021, meeting with all in favor.

OLD BUSINESS:

2021-BZA-26: JOAN BOOK – Special Exception to allow two (2) primary residences on one parcel; Zoned A1; Cloverdale Township; 15/12N/4W (903 E SR 42 Cloverdale)

Joan Book, property owner and petitioner, approached the board. Ms. Book stated that she is wanting to let her renter stay in the mobile home setting behind her property.

Mr. McCloud asked if there was already a home on the property.

Ms. Book stated that was correct.

Mr. McCloud asked if the property was 4.2 acres.

Ms. Book stated that was correct.

Randy Bee asked why the petitioner changed her mind because an agreement was signed back when a permit was issued for the second dwelling that the original dwelling would be removed.

Ms. Book explained that during that time she had lost her husband, sold her house within three weeks and was living in a motel. Ms. Book stated that she did not understand the whole thing. Ms. Book explained that the tenant had lived there for 4 or 5 years before she signed the agreement. Ms. Book stated that there is a mobile home in front of her and two travel trailers that people stain off and on. Ms. Book asked how three people can live on a piece of property and not say anything.

Mr. McCloud stated we do not go looking for issues, unless a complaint is filed then we take action.

Ms. Book asked if there was a complaint on her property.

Lisa Zeiner stated that it was brought to our attention by the Assessor's Office.

Ms. Book explained that this was brought up before, she went to the office when it was at the hospital and was told, by a gentleman in there when told that the tenant was a disabled veteran, that he could stay for as long as he likes.

Mr. McCloud stated that he had not heard that nor was he aware of that conversation.

Mrs. Zeiner explained that Bret Wagner was the plan director at the time the building permit was issued, and he signed the agreement with Ms. Book, then Don Hatfield took over he sent a violation letter to Ms. Book. Mrs. Zeiner stated that Mr. Hatfield could have been the one who said that, but there is no documentation of the conversation.

Ms. Book stated that the gentlemen dated and signed a paper approving it.

Mrs. Zeiner stated that the only items that are in the file are the letters and on the cover of the complaint file has the name "John Ford" and two phone numbers. Mrs. Zeiner explained that there is a statement from the previous director was not in the file.

Macie Jones, granddaughter of the tenant, approached the board. Ms. Jones presented each board member with exhibits (attached hereto). Ms. Jones thanked the board for the opportunity to address the board. Ms. Jones explained that the Putnam County Building and Planning Department had notified Joan Book that only one dwelling is permitted per parcel. Ms. Jones stated that upon further review the question was raised if this dwelling should be considered an Accessory Dwelling in accordance with Putnam County Ordinance Section 155.055. Ms. Jones explained that the structure that Mr. Ford lives in should be considered an Accessory Dwelling. Ms. Jones stated that an Accessory Dwelling is defined as a residential dwelling unit located on the same lot as a single-family dwelling unit, developed in accordance with the standards set forth in Ordinance 1999-4-5 (codified as Chapter 150 of this code of ordinance), and only in those zoning districts where the use is listed as a permitted use. Ms. Jones explained that the parcel shall be able to support a primary and backup septic system site for the single-family dwelling unit, as well as a primary system site for the accessory dwelling unit. Ms. Jones further defined that an accessory dwelling unit is to be a temporary use and reviewed by the Plan Commission on a yearly basis. Ms. Jones explained that Mrs. Zeiner confirmed that the property was zoned Agricultural Protection District (A1). Ms. Jones stated that per the Zoning Ordinance Section 155.022 (c)(22) does permit an accessory dwelling for this zoning district. Ms. Jones explained that the dwelling unit in question was developed in accordance with the standards set forth in Ordinance 1999-4-5. Ms. Jones stated that both dwellings are in compliance with all setback lines, and there are no encroachments or nonconforming issues. Ms. Jones explained that each dwelling has its own septic system. Ms. Jones explained that the dwelling in question is a mobile home that is not affixed to a permanent foundation, which does not qualify it as a permanent structure, and therefore should be considered a temporary and movable structure. Ms. Jones requested that the board grant Ms. Book's request to allow two single-family dwellings on the parcel. Ms. Jones explained that her grandfather has lived in the home for six years.

Mr. McCloud asked if all the neighbor's cards have been returned.

Mrs. Zeiner stated that we have received proof of mailing but not the returned green cards or the proof of publication.

Ms. Book submitted the proof of publication, but stated that there were no green cards for the letters that were sent.

Mr. McCloud asked if there was anyone in the audience that was a neighbor that was for or against the petition. No one came forward.

Mrs. Scott asked for an explanation of the arrangement of the parcel of property. Mrs. Scott asked who own the structures and property.

Ms. Book stated that she owns the 4 acres and both dwellings that are on the property. Ms. Book explained that Mr. Ford was renting one of the dwellings.

Mr. Scobee stated that it appears the only reason we are here is because the Assessor's caught this and an agreement was signed in 2016 that the mobile home would be removed and in 2017 an extension was given. Mr. Scobee explained that in 2018 a violation was noted. Mr. Scobee stated that when the letters from the director tell of the violation this should have been address prior to now.

Ms. Book explained that she was never told to come before the board.

Mr. Scobee stated that you were told of a violation, and you said that you would remove it, then in 2018 you got a letter of violation that you chose to ignore.

Ms. Book stated that she did not ignore the 2018 letter. Ms. Book explained that she went to the Planning Office and spoke to them twice and told them that the tenant was a disabled veteran and did not want to ask him to move as it would be a hardship for him. Ms. Book stated that the Mr. Hatfield went to the home.

John Ford stated that he was told that he could stay there until he died and that his wife would have 90 days to move.

Mr. McCloud stated that there is no record of any of that.

Ms. Book asked if there was a record of her going to the office.

Mr. McCloud stated no.

Mrs. Zeiner stated that the only items in the complaint file were copies of the building permit, manufactured home plan, the letters, property card report from the Assessor's office showing the two dwellings.

Mrs. Scott asked if Mr. Ford lives in the dwelling now and if he was a disabled veteran.

Mr. Ford stated that was correct.

Jim Ensley explained that the office that Ms. Book visited was a 8 to 4 job and that this board does not know what goes on in the office on a day to day basis. Mr. Ensley stated that this board only has certain things that come up. Mr. Ensley explained that unless the director kept good notes, they would not know about it. Mr. Ensley stated that there have been problems in that position, and we are trying to do better. Mr. Ensley explained that Mrs. Zeiner has provided the board with everything that she could to inform the board of the issues.

Ms. Book stated that when she was told that it was settled, she did not know that it would need to go to a meeting.

Mrs. Scott stated that in order for a special exception to be approved the board must find that:

1. The establishment, maintenance or operation of the special exception will not be injurious to the public health, safety or general welfare of the community
2. The special exception will not affect the use and value of other property in the immediate area in a substantially adverse manner
3. The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land use.
4. The board may impose conditions as part of its approval to protect the public health, and for reasons of safety, comfort and convenience.

Mrs. Scott stated that she believes this special exception meets all the criteria. Mrs. Scott suggested consideration of the terms of what happens to the second residence at the death of Mr. Ford.

Ms. Book explained that she had made arrangements to have the trailer moved off the property and then after talking to the guy at the hospital then stopped it.

Mr. McCloud stated that on the application submitted by Ms. Book it does state that if and when he passes the mobile home would be removed.

Mrs. Scott stated that it needs to be put into the terms of the conditions and giving a time frame for the spouse to move from the dwelling. Mrs. Scott explained that a hardship would be created for this family if the mobile home is moved at this time.

Mr. Bee stated that he did not think she should be allowed to sell the property.

Mrs. Scott stated that the property is not to be subdivided and would remain entire. Mrs. Scott explained that it would allow the existing mobile home to stay there.

Ms. Book asked if she could sell the mobile home to Mr. Ford, but was told no.

Mr. Bee stated he was talking about the entire property. Mr. Bee explained that if approved it would be approved with the condition that the property could not be sold with the two dwellings on it.

Mr. McCloud stated that if the property was sold the mobile home would have to be removed.

Mr. Scobee stated that as a special exception what about a stipulation reviewing every three years. Mr. Scobee explained that this would keep them from allowing someone else to move in.

Ms. Book asked who came out to assess the property.

Mr. McCloud stated that it would be the Assessor's Office.

Mrs. Scott asked about the scenario of Ms. Book passing before Mr. Ford.

Ms. Book stated that she has a daughter that would handle things.

Mr. Ensley stated that commitments/restrictions would be recorded to run with the land. Mr. Ensley explained that when a title search is done, they would find the conditions and if not met the property would not be able to be sold.

Mr. Bee stated that it could not be sold without the mobile home being removed.

Ms. Book asked what the purpose of the reason for not allowing two homes on one property.

Mr. Bee explained that five acres is the requirement for one dwelling. Mr. Bee stated that this property is four acres with two dwellings.

Mrs. Scott made a motion to approve the special exception to allow two residents on one parcel with the following conditions:

1. The property is not to be subdivided and sold as two parcels
2. The accessory mobile home must be removed after the death of Mr. John Ford, a disabled veteran. Any member of Mr. Ford's family must vacate the accessory mobile home within 90 days after Mr. Ford's passing
3. Every three years the planning director will review the case to ensure compliance.

Mr. Scobee asked if Mr. Ford's wife was living.

Mr. Ford stated she was. Mr. Ford explained that they were the only two residents of the home.

Mrs. Scott stated that Mr. Ford is the disabled veteran and is the one who the hardship applies.

Mr. Bee seconded the motion. The motion carried with all in favor.

Mr. McCloud thanked Mr. Ford for his service.

Mrs. Scott thanked Ms. Jones for her presentation.

NEW BUSINESS:

2021-BZA-32: CONNIE DANHOUR – DEVELOPMENT STANDARDS VARIANCE: To allow a reduction of the road frontage requirements; Zoned A1; Washington Township; 8/12N/5W (112925 S CR 775 W Reelsville).

Connie Danhour, petitioner, approached the board. Ms. Danhour stated that her husband had passed away in 2019. Ms. Danhour explained that the property is too much for her to handle. Ms. Danhour explained that she was willing to add the additional acreage to make it 3 acres, but not sure about the road frontage.

Mr. McCloud stated that the survey shows that tract A is 5.37 acres with 238 feet of road frontage and tract B is 2.64 acres with 289 feet of road frontage.

Mrs. Zeiner stated that to do a homestead variance it is 3 acres with 200 feet of road frontage so she does not have enough acres with the dwelling to meet the homestead variance so she needs a variance for the acreage on Tract B and a variance for the road frontage on Tract A because she can not meet the required 350 feet of road frontage.

Ms. Danhour explained that she wants to save as much of it as she can so that it can be handed down to her son.

Mrs. Scott stated that when she looked at the property on GIS it would appear that the house is sitting in the middle and there are already two tracts.

Mrs. Zeiner explained that the plan is to reconfigure the existing two tracts to what the proposed survey shows.

Mrs. Scott explained that it did need to be cleaned up.

Ms. Danhour explained that when she first got married her in-laws gave them one acre of ground as a wedding gift. Ms. Danhour has spoken to an attorney to combine it into one land.

Mrs. Scott stated that as it is the house is split in the middle of two tracts.

Mr. McCloud asked if the barn would go with tract A.

Ms. Danhour stated that the barn was built by her husband. Ms. Danhour explained that she had to get the property card corrected to show that the dwelling was on the 6 acres and not on the one acre.

Mr. Scobee explained that the lines needed to be squared up for tract B.

Ms. Danhour explained that more woods could be taken to make the parcel wider.

Mr. Bee asked if Greg had looked at it.

Greg Williams, with ASA Land Surveying, stated that he spoke with the surveyor but had not seen the survey as his office did not complete the survey.

Mr. McCloud stated that if by squaring it up you might get 3 acres.

Ms. Danhour showed the area that was fenced in on the survey.

There was discussion with the board and the petition on the survey about moving proposed lines to square Tract B up.

Mr. McCloud asked if 3 acres is created than the board is out of it.

Mrs. Zeiner explained that a variance for the remaining ground would still be required for road frontage.

Mr. Sutherlin stated that the remaining property would be short of the 350 feet of road frontage.

Mrs. Scott stated that she was good with the proposal because the way the parcels are configured now is not satisfactory.

Mr. Sutherlin stated that he would like to see the property squared up but did not see the need for changing the acreage because any change in the acreage would reduce the road frontage of the remaining parcel.

Mr. Scobee stated that the two points along the road would remain the same, only the back two points would change.

Mr. Sutherlin stated that if that was the case, the set back for the dwelling would not be met.

Mr. Scobee made a motion to approve the development standards variance contingent on the two property lines moving to square Tract B up, so that the road frontage stays the same and setbacks are maintained, and the survey must be reviewed the plan director prior to recording.

Mrs. Scott seconded the motion. Motion carried with all in favor.

2021-BZA-34: JANN BECK – DEVELOPMENT STANDARDS: to allow a reduction of the side setback requirements; Zoned A1; Floyd Township; 9/15N/3W (6103 N CR 500 E Bainbridge)

Greg Williams, with ASA Land Surveying, approached the board on behalf of the petitioner. Mr. Williams stated that the request is to reduce the side setbacks on a proposed three-acre parcel that will be surveyed off of larger 66-acre tract. Mr. Williams explained the petitioner wanted to survey off the existing house and garage with three acres, leaving the barn on the remaining ground.

Jann Beck, petitioner, approached the board. Ms. Beck explained that the proposed owners already live in the dwelling with her. Ms. Beck stated that she is building a one level house on the remaining ground so that she can remain on the farm. Ms. Beck explained that it was under her mother's trust.

Mrs. Scott asked about the driveway.

Ms. Beck explained that there is a driveway going to the house a new driveway would be built south of the barn.

Mr. Bee asked about separate wells and septic.

Mr. Williams stated that a new well will be drilled and a new septic will be installed.

Ms. Beck explained that between the garage and the barn there is only 30 feet. Ms. Beck stated that she was asking for a reduction to 10 feet.

Mr. Williams stated certified letters had been sent out.

Mr. Sutherlin asked about the doors on the barns.

Ms. Beck stated that on the south end there was two double barn doors and a livestock gate, on the front of the barn there is a walk-through door and a sliding door, on the side toward the house there is only a walk-through door.

Mr. Bee asked if we should verify the ones buying the house have a problem with the 10 feet.

Ms. Beck explained that they were the ones that were asking for the variance. Ms. Beck explained that it would help them for driving in better. Ms. Beck showed the area where they already have llamas, goats, chickens and ducks.

Mr. McCloud asked if they were aware of the request.

Ms. Beck stated they were.

Mr. Williams stated that leaving the 23.8 feet on the side with the dwelling would give them more of a drive around the garage to get to the back of the three acres.

Mr. McCloud made a motion to approve as presented.

Mrs. Scott seconded the motion. Motion carried with all in favor.

RULES OF PROCEDURES – Discussion Only

Mrs. Scott suggested the board go through the proposed procedures section by section. Mrs. Scott explained that under the Authority and rules it does not say anything about the unsafe building cases and that needs to be added.

Mr. Ensley stated that under section 2 it says the duties of the board shall be those set forth in Indian Code and such other responsibilities as may be required by state statute or Putnam County Ordinances. Mr. Ensley explained that the County adopted the State's version of the unsafe building. Mr. Ensley stated that it gives the enforcement up to the local authority. Mr. Ensley explained that from county to county on who enforces it, it could be the BZA, the Plan Commission, etc. Mr. Ensley explained that he spoke with the County Attorney for Hendricks County and told him that the BZA would be the best ones to enforce it since they are a board that hears a fair amount of detail and your decision is not contingent on the commissioners, your decision can be overturned by a judge. Mr. Ensley stated that the Unsafe building ordinance number could be placed in there, but an ordinance has already been adopted.

Mrs. Scott stated that if anyone on the outside was looking at the procedures online, could see who the body that is hearing unsafe building cases, so it needs to be added.

Mrs. Zeiner stated that it could say at the end of section 2 that stated, includes Unsafe Building Ordinance 150.075.

Mrs. Scott stated that there is a lot of additional items in proposed rules. Mrs. Scott moved on to page 2 section 7. Mrs. Scott stated regarding an alternate member to participate with the Board in any hearing or decision if the regular member it has appointed as a disqualification. Mrs. Scott explained that the responsibility should not fall to the chairperson it should be the appointing authority, i.e., the commissioners, to appoint alternates as they see fit.

Mr. McCloud stated that since he has been on the board there has never been alternates.

Mrs. Scott stated that this is really important to read.

Mr. Sutherlin asked if that section referred to, for example, last month's meeting. Mr. Sutherlin explained that he was appointed by the county council.

Mrs. Zeiner stated that it would be the council's responsibility to appoint an alternate in your place. Mrs. Zeiner explained that the alternates would get the packets just like the board members do and would attend the meetings, they would not vote unless someone was abstaining or unable to attend.

Mr. Bee asked if five alternates were needed.

Mr. Sutherlin asked who appointed everyone else.

Mrs. Scott and Mr. McCloud both stated that Commissioner's appointed them.

Mr. Scobee asked if the board could pick two alternates from the planning commission.

Mrs. Scott said no because then you get into the politics of it. Mrs. Scott explained that the alternate needs to be a neutral person.

Mr. Sutherlin asked if this two people would always be alternates.

Mrs. Scott stated that other counties do that.

Mr. McCloud stated he understands needing alternates.

Mr. Scobee stated that this board knows how the others act and how we move as a board, if an alternate is brought in, they would not be familiar.

Mrs. Zeiner stated that the alternates would need to attend all meetings.

Mr. Scobee said that maybe the alternates could be from the plan commission.

Mrs. Scott stated that by state statute only two members can be from the plan commission and if the alternates were from the plan commission, that would be four from the plan commission.

Mr. Scobee said the alternates would need to have some sort of clue about zoning issues.

Mrs. Scott asked Mrs. Zeiner to confer with Mr. Ensley on Section 7. Mrs. Scott moved on to page 3 item 6 B, conducting administrative hearings regarding the separation of an existing dwelling from the remainder of a parcel, which the administrative hearings are covered under Section 9.

Mrs. Zeiner explained that per the zoning ordinance, the hearing officer cannot review any BZA related cases.

Mrs. Scott asked why we would have a hearing officer.

Mrs. Zeiner stated that it was discussed at the plan commission meeting, and it did not get removed from the rules.

Mrs. Scott stated that she was not in favor of having a hearing officer because of all the previous issues with the hearing officer.

Mrs. Zeiner stated that she would remove section 9.

Mrs. Scott stated under Article 4 meetings on page 4, section 2 talks about special meetings which the board has not had, does there need to be a line added about advertising for special meetings.

Mr. Ensley stated that it was open door law, requiring 48 hours' notice. Mr. Ensley explained that if a non-serial meeting was needed, you have to let the local media outlet know within 48 hours so that they can come and cover it.

Mrs. Scott asked if the line that stated the department complies with the notice requirements IC 5-14-1.5.

Mr. Ensley stated that it does.

Mr. McCloud stated that the meeting shows 7:30.

Mrs. Scott stated it shows 7:00

Mrs. Zeiner explained that there are two sets of rules.

Mrs. Scott asked on page 6 of 11, section C why would you want to exclude any petition.

Mrs. Zeiner stated that it can be removed.

Mrs. Scott stated under minutes and records section three, the findings of fact need to be included and supplied to each of the members.

Mrs. Zeiner asked if they wanted the blank ones or the ones after they are signed.

Mrs. Scott stated that she would line the signed ones.

Mr. Sutherlin stated that the counting was incorrect.

Mrs. Scott stated that the public hearing order, other counties have the order of the petitioner makes a presentation, then the people who are in favor in support speak, then the people who are opposed, then rebuttal on both sides. Mrs. Scott asked if that would be better.

Mr. Scobee stated that whoever made the presentation we should hear those in favor of the petitioner in that order.

Mr. McCloud stated that is what we currently do.

Mrs. Scott explained that currently after the petitioner gives the presentation then we hear from those opposed.

Mrs. Zeiner stated that during last month's meeting the opposition spoke after the petitioner's presentation.

Mrs. Scott stated that four minutes for the petition is not long enough. Mrs. Scott explained the current layout of the meeting being that the petitioner speaks first, then the opposition for four minutes, next is those in favor of the petition for four minutes, then rebuttals.

Mr. Scobee stated that should be changed.

Mr. Ensley stated that it is being construed wrong. Mr. Ensley explained that the petitioner should present the entire case up front then have all those in favor, then those in opposition with the petitioner rebuttal or address concerns.

Mrs. Scott stated the order needs to be flipped and the petitioner needs at least ten minutes.

Mr. Scobee stated that 2 minutes is enough for the opposition and those in favor to speak.

Mr. McCloud said that three minutes would be middle ground.

Mr. Sutherlin stated that a total of four minutes being available for presentation of objections, so that means the whole room full gets four minutes.

Mrs. Scott suggested changing the allowed time to three minutes per person. Mrs. Scott asked if ten minutes was adequate for the petitioner's presentation.

Mr. Ensley stated that they could be presenting longer than that depending on the board's questions.

Mrs. Scott asked about the statement on page 9 Article 11, "If the property described in the application abuts or includes a county line, the applicant shall secure the names and addresses of property owners from the appropriate county office"

Mrs. Zeiner explained that the petitioner would have to go to that county to get the addresses of the property owners. Mrs. Zeiner gave an example of a property in Putnam County that is on the Parke County line. Mrs. Zeiner stated that the petitioner would be required to notify those parcels in Parke County that fall within the 660 feet or two property owners rule as well as those in Putnam County.

Mr. Ensley stated that it had been done before.

Mrs. Scott asked about section 4 communication with board members and county departments, the last sentence, "Staff case reports shall also be made available to the public a minimum of five business days prior to the hearing," how is that done.

Mrs. Zeiner stated that the recommendation letter that is drafted and given to the board is also placed in the petitioner's file so that anyone who wants to review the file also has the opportunity to review that letter.

Mrs. Scott asked if anyone comes in and asks for them.

Mrs. Zeiner stated that no one has actually asked for them, but they are part of the file that they review.

Mr. Ensley stated that Lisa is the first director to draft these letters.

Mrs. Scott asked what the commitments mean in Article 12.

Mr. Ensley explained that in special exceptions where it states the board can make conditions, this is just a catch all for that. Mr. Ensley stated that once a commitment is made, it is filed, then any property owner can file something showing that the owner is out of compliance.

Mrs. Zeiner explained when the board makes conditions on a proposed variance or special exception, she types up the commitments and sends them to the owner/petitioner requiring them to sign and record the commitments and return a recorded copy back to the office.

Mr. Ensley explained that a commitment is found when a title company does a title search.

Mrs. Scott stated that the action of the board generates the commitment.

Mr. Ensley stated that it took the Assessor's to tip the office off. Previous directors had verbally told people they could do things. Mr. Ensley explained that the ordinance does address hearing officer. Mr. Ensley stated that as far as appointments go, the code states it is up to the appointing authority.

Mrs. Scott stated that she still wanted the hearing officer section deleted.

Mr. Sutherlin stated that there were two article 13.

Mrs. Zeiner agreed. Mrs. Zeiner asked if the board wanted the signed copies of the findings.

Mrs. Scott stated that she wanted the signed ones.

Mrs. Zeiner asked if the board wanted copies of all of them or just from here forward.

Mrs. Scott stated that she has received calls asking if she remembers such and such case.

Mrs. Zeiner stated that the findings are also in the minutes.

Mrs. Scott stated that they have not been in the past.

Mrs. Zeiner stated that she would make sure the signed findings are sent to the board starting with this meeting.

Mr. Scobee asked when the board grants a special exception or variance, does the petitioner/owner sign anything.

Mrs. Zeiner stated that they get a copy of the signed findings of fact showing what they were granted. Mrs. Zeiner explained that for special exceptions have commitments that the owner of the property has to sign and record.

Mr. Ensley explained that one of the dwellings has to be a permanent structure, which is defined by the dwelling, which includes manufactured homes. Mr. Ensley stated that if both dwellings were manufacture homes, then the petitioner is wrong as they are both considered permanent. Mr. Ensley explained that a trailer is considered an accessory structure. Mr. Ensley stated that the confusion was on how they were assessed. Mr. Ensley explained that if each of them were manufactured homes, they are dwellings, and you cannot have two of them on a parcel.

Mrs. Zeiner explained that if the dwelling, manufactured, mobile or otherwise, is on a permanent foundation then they are not accessory structures.

Mr. McCloud asked if there was any additional agenda items or comments. There being none, Mr. McCloud asked for a motion to adjourn.

Mrs. Scott made a motion to adjourn the meeting.

Mr. Sutherlin seconded the motion.

Meeting adjourned at 8:35p.m.

Minutes approved on the 12th day of October 2021.



Raymond McCloud, President

PUTNAM COUNTY BOARD OF ZONING APPEALS
1 Courthouse Square Room 46
GREENCASTLE, IN 46135
(765) 301-9108

DATE: AUGUST 9, 2021

TIME: 7:00 P.M.

PLACE: PUTNAM COUNTY COMMISSIONER'S ROOM

NEXT MEETING DATE: SEPTEMBER 13, 2021

AGENDA

- 1) CALL TO ORDER**
- 2) ROLL CALL DETERMINATION OF QUORUM**
- 3) REVIEW OF MINUTES** – July 12, 2021, Meeting – due to surgery the minutes are not complete
- 4) OLD BUSINESS**
 - a. **2021-BZA-26: JOAN BOOK – SPECIAL EXCEPTION:** to allow two (2) primary residences on one parcel; Zoned A1; Cloverdale Township; 15/12N/4W (903 E SR 42)
- 5) NEW BUSINESS**
 - a. **2021-BZA-32: CONNIE DANHOUR – DEVELOPMENT STANDARDS VARIANCE:** to allow a reduction of the road frontage requirements; Zoned A1; Washington Township; 8/12N/5W (112925 S CR 775 W Reelsville)
 - b. **2021-BZA-34: JANN BECK – DEVELOPMENT STANDARDS VARIANCE:** to allow a reduction of the side setback requirements; Zoned A1; Floyd Township; 9/15N/3W (6103 N CR 500 E Bainbridge)
 - c. **RULES OF PROCEDURES** – Discussion only
- 6) REPORT**
- 7) ADJOURNMENT**

PUTNAM COUNTY BOARD OF ZONING APPEALS

August 9, 2021

SIGN IN SHEET

PLEASE PRINT CLEARLY

NAME	ADDRESS
Connie Danhour	11292 S. CR 775W Reelsville IN
Joan Bank	903 E. St. Rd. 42 Clovedale, In. 46120
Jann Beck	6103 N. Co. Rd. 500 E. Bainbridge, IN 46105
Macie Jones	707 Cannon Court Ellettsville, IN 47429
GREN WILLIAMS	ASA Land Surveying

**PUTNAM COUNTY BOARD
OF ZONING APPEALS
MEETING**

CASE NO.

2021-BZA-26

JOAN BOOK – SPECIAL EXCEPTION

AUGUST 9, 2021

7:00PM

PUBLIC STATEMENT

August 9, 2021

Good evening, Members of the Board,

I'm thankful for having this opportunity to address the Board, and I appreciate your time and consideration with regard to this matter. I felt it was my duty and obligation to appear today, not only because this man, who resides in the dwelling in question, is my Grandfather, but because this is what I do for a living. I am a paralegal for a full-service, national law firm, employing 725 attorneys throughout 29 cities coast to coast. The practice area that I am assigned is commercial finance and real estate. With that being said, I have prepared a statement, which I humbly present to the Board today.

It is my understanding that the Putnam County Building and Planning Department has notified Ms. Joan Book, that only one dwelling is permitted per parcel, in which Ms. Book has petitioned the Board for a Special Exception, to permit two single-family dwellings upon the parcel. Upon further review, the question was raised: should this dwelling be considered an Accessory Dwelling in accordance with Putnam County Ordinance, Section 155.005, Definition; Accessory Dwelling? The answer is yes.

If you could please turn your attention to the highlighted portion of Exhibit A, an Accessory Dwelling is defined as a residential dwelling unit located on the same lot as a single-family dwelling unit, developed in accordance with the standards set forth in Ordinance 1999-4-5 (codified as Chapter 150 of this code of ordinances), and only in those zoning districts where the use is listed as a permitted use. The parcel shall be able to support a primary and backup septic system site for the single-family dwelling unit, as well as a primary system site for the accessory dwelling unit. The Accessory Dwelling unit is to be a temporary use and reviewed by the Plan Commission on a yearly basis.

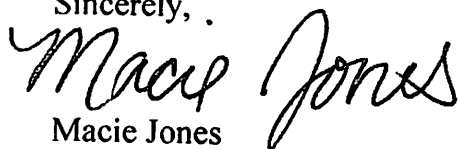
I'd like to quickly address each point in the definition, if you could please turn your attention to Exhibit B, Putnam County Ordinance, Section 155.022, Agricultural Protection District (A1). I was able to confirm with Ms. Lisa Zeiner that this property is zoned in District A1. (C)(12) of this Section, *does permit* an Accessory Dwelling for this zoning district. The dwelling unit in question was developed in accordance with the standards set forth in Ordinance 1999-4-5. If you could please direct your attention to Exhibits C1 through C3, you will find an outline of the parcel, with measured distances for both dwellings, according to the Putnam County GIS. Both dwellings are in compliance with all setback lines, and there are no encroachments or nonconforming issues. Also, within these Exhibits, you will see where each dwelling's septic system site has been identified. This parcel is in compliance with Putnam County's ordinances, and supports a primary septic system for the single-family dwelling unit, as well as a primary system site for the accessory dwelling unit. Last but not least, the definition of Accessory Dwelling states that the Accessory Dwelling Unit is to be a temporary use and reviewed by the Plan Commission on a yearly basis.

The dwelling in question is a mobile home, it is not affixed to a permanent foundation, which does not qualify it as a permanent structure, and therefore should be considered a temporary and movable structure.

I pray that this allows the Board a clear understanding of why my Grandfather's home should be considered to be an Accessory Dwelling, which is in compliance, and has been in compliance with all Putnam County Ordinances, and if the board finds that a Special Exception is necessary beyond the sections that I've discussed today, I pray the Board grants Ms. Book's petition to allow two single-family dwellings upon this parcel.

To my Grandfather, to all of us, this dwelling is not a definition or a code, this is his *home*. It's where he lives, and has lived for over 6 years. It's where he takes care of his dogs, his plants, his garden, where he cooks dinner for our family, and where we gather. It's the beautiful piece of land in Putnam County that we all cherish, and are immensely thankful for. I truly understand and appreciate the importance of implementing all ordinances and zoning regulations in an effort to keep Putnam County the enjoyable, and peaceful place that it is. I know there are times when it is equitable, and when we must enforce these rules to prevent hardships, but I also know that Putnam County values its citizens, especially those citizens who make a positive impact on the community, and I know that Putnam County is not the place that would turn a disabled vet away from his home. We don't treat our people, our neighbors, that way. We value this community and the closeness of it. I've met so many wonderful people of Putnam County through my Grandfather, as he has so made so many lifelong friends here. He helps his neighbors, he's one of those men that would give you the shirt from his back, he brings value to this property with his exceptional skills and knowledge of how to properly maintain the land around him, he spent his entire childhood growing up on a farm. There is no hardship created here with him living peacefully in his home upon this land, it would be an extreme hardship for him, his family, and his neighbors if he were to be required to leave. If there is a reason to grant Ms. Book's petition today, this is it. In conclusion, my grandfather's dwelling should be considered an accessory dwelling in accordance with Putnam County's Ordinance Section 155.022, A1 zoning district, and I pray that the Board finds that two single-family dwellings are permitted to be upon this parcel. I thank you all, tremendously, for your consideration.

Sincerely, .

A handwritten signature in black ink that reads "Macie Jones". The signature is written in a cursive, flowing style.

Macie Jones

§ 155.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.

ACCESSORY DWELLING. A residential dwelling unit located on the same lot as a single-family dwelling unit. **ACCESSORY DWELLING UNITS** shall be developed in accordance with the standards set forth in Ord. 1999-4-5 (codified as Chapter 150 of this code of ordinances) and only in those zoning districts where the use is listed as a permitted use. The parcel shall be able to support a primary and backup septic system site for single-family dwelling unit and also a primary system site for accessory dwelling unit. The **ACCESSORY DWELLING UNIT** is to be a temporary use and reviewed by the Plan Commission on a yearly basis.

ACCESSORY USE. A subordinate use which is incidental to that of the primary use and is a use other than human occupancy.

AGRICULTURE. The use of land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, forestry, aquaculture, viticulture and commercial raising of livestock and related products; necessary accessory structures and uses such as tenant housing; and for the packing, treatment or storage of produce; provided that the operation of these accessory uses shall be secondary to that of the normal agricultural activities.

AIR POLLUTION. The presence in the outdoor atmosphere of one or more air contaminants in quantities sufficient to be harmful to human, plant or animal life, or to property.

ALLEY. A public right-of-way (other than a street, road, crosswalk or easement) that provides secondary access to abutting property.

APPROVED. Acceptable to the appropriate authority by reason of investigation, accepted principles or tests by nationally recognized organizations.

BOARD. The Board of Zoning Appeals of Putnam County, Indiana.

BUILDING. A structure built for the support, enclosure, shelter or protection of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING ADMINISTRATOR. The employee of the Plan Commission who issues permits, administers the daily office business of the Commission, and enforces the provisions of this chapter, all under the guidance, direction and control of the Commission.

BUILDING AREA. The horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

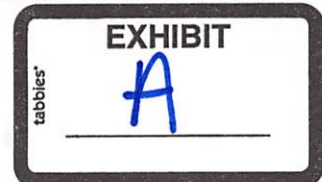
BUILDING FRONTAGE. The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

BUILDING PERMIT. See **IMPROVEMENT LOCATION PERMIT.**

BZA. The Board of Zoning Appeals.

CHILD CARE HOME. As defined by I.C. 12-7-2-33.7, as amended or replaced by the Indiana General Assembly. **CLASS I CHILD CARE HOME** and I.C. 12-7-2-33.8 (as amended or replaced by



the Indiana General Assembly) **CLASS II CHILD CARE HOME** both apply to only a child care home that is used as the primary residence of the person who operates the child care home.

CLINIC. Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight.

COMMISSION. The Putnam County Advisory Plan Commission.

CONDITIONAL USE PERMIT. A permit issued by the Zoning Inspector upon approval by the BZA to allow a use other than a principally permitted use to be established within a district.

CONFINED FEEDING. The confined feeding of animals for food, fur or pleasure, in lots, pens, ponds, sheds or buildings where all food is supplied by means other than grazing.

CONFINED FEEDING OPERATIONS.

- (1) Any confined feeding of 300 or more cattle, 600 or more swine or sheep, and 30,000 or more fowl;
- (2) Any animal feeding operation where the operator elects to come under the state law;
- (3) Any animal feeding operation that violates I.C. 13-18-10; or
- (4) As defined by the Indiana Department of Environmental Management (IDEM) latest revisions or amendments.

CONSERVATION SUBDIVISION. The grouping or concentration of dwellings/buildings on lots smaller than otherwise permitted in an existing zoning district in order to preserve quality land and/or open space without increasing the overall allowable density of a development, with the exception of bonus lots based on conservation areas.

CONSTRUCTION. Work done which is beyond the preparation stage and into that stage where the changes and additions are made permanent.

CONTRACTOR. A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.

CONTRACTOR EQUIPMENT STORAGE YARD. For the storage of equipment, vehicles or other materials commonly used in the contractor's type of business. Excludes private landowners and their personal equipment solely engaged in forestry or agricultural activities on their own personal property.

COUNTY COMMISSIONERS. The Putnam County Board of Commissioners.

DAY CARE FACILITIES. Any place, home or institution which receives children not of common parentage, for care apart from their natural parents, legal guardians or custodians for a substantial part of the day.

DEVELOPMENT. Any constructed change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTILLERY. A facility where distilled liquors or spirits are produced in accordance with and subject to state or federal regulations.

DWELLING. A permanent building or portion of (but not a mobile home), designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, motels or lodging houses.

DWELLING, MULTIPLE-FAMILY. A dwelling or portion thereof containing three or more dwelling units, including condominiums.

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units only.

DWELLING UNIT SINGLE-FAMILY. One or more rooms which are used as living quarters for one family.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities, municipalities or governmental agencies of underground or overhead gas, electrical, telephone, sewer, water transmission drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and for the furnishing of adequate services for the public health, safety or general welfare, but not including buildings.

FAMILY. One or more persons, each related to the other by blood, marriage or adoption, or a group not all related, but maintaining a common household in a dwelling unit, but excluding groups occupying hotels, motels, clubs or dormitories.

FARM. An area used for agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.

FLOOD or FLOODWATER. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of the watercourse.

FLOOD DISTRICT. Refer to definitions of districts beginning in § 155.021.

FLOOD HAZARD AREA. Any floodplain district, floodway district, floodway fringe district or any combination which is subject to inundation by the regulatory flood or any floodplain district delineated by Zone A on a flood hazard boundary map.

FLOODPLAIN. The area adjoining the river or stream which has been or may be covered by floodwaters.

FLOOD PROTECTION GRADE. The elevation of the lowest floor of a building, including the basement, which shall be two feet above the elevation of the regulatory flood.

FLOODWAY DISTRICT. The area designated as a "Commission floodway" by the Indiana Department of Natural Resources. (IDNR).

FLOODWAY FRINGE DISTRICT. That portion of the floodplain outside the floodway where development is allowed under certain restrictions.

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the floors of a building or portion of area devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor areas devoted retailing activities, the production or processing of goods, or to business or professional offices. This definition can be used for determining off-street parking and loading requirements.

FRONT YARD. A yard extending along the full length of the front lot line between side lot lines.

GRADE. The average level of the finished surface on the ground adjacent to the exterior walls of the building or structure.

HOME OCCUPATION. An occupation or activity conducted entirely within a dwelling by its occupants which is clearly incidental and secondary to the use of the building for dwelling purposes and does not occupy more than 25% of gross square footage.

IMPROVEMENT LOCATION PERMIT (ILP). A document issued under provisions of this chapter permitting a person, firm, government or corporation to erect, construct, enlarge, alter or convert, any building or structure within its jurisdiction, or cause the same to be done or to change the use or condition of the land. The following improvements are excepted from an **ILP**: fences, sidewalks,

patios, decks, flagpoles, mail boxes, agricultural drives and lanes, gates, portable sheds, new roofs on existing buildings, landscaping, play or tree houses, or dog houses.

INDUSTRIAL ENVIRONMENTAL MANAGEMENT ACTIVITY. Those processes used to treat, store, recycle or dispose of industrial and hazardous wastes in a program subject to permitting by the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency.

INDUSTRIAL, HEAVY. The manufacture, storage, extraction, processing, assemblage, fabrication, storage, disposal or repair of certain materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor or fire hazard which will disturb or endanger any neighboring property and where all operations and storage are entirely within fenced areas.

INDUSTRIAL, LIGHT. The manufacture, storage, processing, assemblage, fabrication or repair of certain materials or products where all processes involved are clean, quiet and free of hazardous or objectionable elements, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor or fire hazard. All operations and storage occur entirely within enclosed buildings.

JUNK YARD. A place, usually outdoors, where waste or discarded used property other than organic matter, including, but not limited to, automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard or normal farming activities.

KENNEL. An establishment licensed to operate a facility housing animals (such as dogs or cats) and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

LOT. A tract or parcel of land of sufficient size to meet minimum zoning requirements for use and area. Such **LOTS** shall have 50-foot minimum frontage on public streets.

LOT, CORNER. A lot situated at the intersection of two or more streets.

LOT DEPTH. The mean horizontal distance between a front lot line and rear lot line, measured within the lot boundaries.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the County Recorder's office, or a parcel of land, the deed to which was recorded in the Recorder's office prior to adoption of this chapter.

LOT, THROUGH. A lot having frontage on two non-intersecting streets (as distinguished from a corner lot). Both street lines shall be deemed front lot lines.

LOT WIDTH. The horizontal distance between side lot lines, measured at right angles to the lot depth at the established front building lines.

LOW IMPACT/PROPERTY OCCUPATION.

- (1) An occupation which is conducted by the deed holder (legal owner) of the property.
- (2) The occupation must conform to the following:
 - (a) Will be conducted entirely within the described legal description on the deed;
 - (b) Will be conducted entirely within a single enclosed, permanently attached to the ground, built on site structure (this does not mean fences, and absolutely no outside storage, and no manufactured type structures);
 - (c) The owner of the property (as listed on title) shall be the only employee of the associated activity;

(d) Signs shall comply with the current zoning of the property, (absolutely no directional lighted signs; flashing arrows);

(e) The structure shall not exceed 3,000 square feet; and

(f) The type of occupation does not include mini warehouse, and/or storage type structures for the purpose of rental storage.

MANUFACTURED HOME TYPE 1. A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal Manufacturing Housing Construction and Safety Standards Law (42 U.S.C. §§ 5401 et seq.), and which also complies with the following specifications:

(1) Shall have been constructed after January 1, 1981 and must exceed 950 square feet of occupied space per I.C. 36-7-4-1106(d);

(2) Is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One- and Two-Family Dwelling Code;

(3) Has wheels, axles and towing chassis removed;

(4) Has a pitched roof with a minimum rise of two to 12; and

(5) Consists of two or more sections which, when joined, have a minimum width of 23 feet.

MANUFACTURED HOME TYPE 2. A dwelling unit built in a factory and bearing a seal of compliance with Federal Manufacturing Housing Construction Safety Standards or I.C. 22-12-1-5, which shall have a minimum of 720 square feet and is installed and anchored according to manufacturer's specifications, but which need not be anchored to a permanent foundation and perimeter wall, and which need not have a pitched roof or siding of materials customarily used for site-constructed homes.

MICROBREWERY. An establishment that produces specialized beers in accordance with and subject to state or federal regulations, for sale on premises in a tap room, or for sale in packages for later consumption off premises via retail carry-outs and/or through distribution. A **MICROBREWERY** may also in conjunction with the sale of beer on the premises, sell wine by the glass for consumption on premises.

MINIMUM ROAD FRONTAGE. The minimum property on one side of a street or county road measured along the right-of-way of the street or county road between property lines as set out in §§ 155.020 through 155.033.

MOBILE HOME. A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, being 42 U.S.C. §§ 5401 et seq., which became effective for all mobile home construction on June 15, 1976. (For the purpose of this chapter a mobile home manufactured after 1976 is defined as a **MANUFACTURED HOME TYPE 2.**)

MOBILE HOME PARK. An area of land under single ownership used for the parking of three or more occupied motor homes.

MOBILE HOME SITE. The area of land for the parking of one mobile home.

MOBILE HOME SUBDIVISION. A residential subdivision designed exclusively for and occupied by mobile homes in which the homes and land are owned by the same person.

NET BUILDABLE. The portion of a lot that can be developed with buildings, septic system and water well.

NONCONFORMING STRUCTURE. A structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting the use or structure in its location.

NONCONFORMING USE. Any use or arrangement of land or structures legally existing at the time of enactment of this chapter or any of its amendments, which does not conform to provisions of this chapter.

OCCUPIED SPACE. The total area of earth horizontally covered by a structure, excluding accessory structures such as (but not limited to) garages, patios and porches.

OFF-STREET PARKING. The provision of parking spaces which are not located on any public right-of-way.

PLANT AREA. The territory planned for extraction of sand, gravel or other earth materials and the operational installation for the excavating, processing and distribution of minerals.

POND. A still body of water.

PUBLIC SEWERAGE SYSTEM. A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision, or an existing public sewer system, such system must be operated by units of local government, conservancy district and/or sewer district, all as defined by the Indiana Code and Indiana Department of Environmental Management. This does not include package treatment plant. The policy is: systems are encouraged to hook onto units of local government (i.e., municipal).

PUBLIC WATER SYSTEM. A community water system including distribution facilities established by the developer to serve a new subdivision, designed to connect to existing public water system, such system must be operated by public/private company, unit of local government, conservancy district and/or water district, all as defined by the Indiana Code and Indiana Department of Environmental Management.

PUBLIC UTILITY STRUCTURE. Electrical and telephone substations and distribution centers; filtration plants, pumping stations, water reservoirs, water and sewage treatment plants; telephone exchanges; radio and television transmitting or relay stations; antenna towers and other similar public utility service structures. This definition does not apply to wireless facilities.

RECREATIONAL VEHICLE. A portable structure designed as a temporary dwelling for travel or vacation uses in a recreational park which:

- (1) Is identified on the unit by the manufacturer as a travel trailer of a motor home; and
- (2) Of a size that is street legal: or
 - (a) Is a structure mounted on an automobile or truck; and
 - (b) Is designed to be used for sleeping and human habitation.

RECREATIONAL VEHICLE PARK. An area of land used for the parking of two or more recreational vehicles.

REGULATORY FLOOD. A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of 1% in any given year.

REGULATORY FLOOD PROFILE. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

SALVAGE OR SCRAP METAL YARD.

(1) A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps or automobile graveyards.

(2) The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or non-metal scrap materials such as wood, paper, rages, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a **SCRAP METAL YARD**, and the same will be classified as either a junk yard, a sanitary fill or refuse dump depending on the content of the accumulated matter.

SETBACK. A line parallel to and equidistant from the relevant lot line (front, back and side) between which no buildings or structures may be erected.

SIGN. A single or multi-faced structure or device designed to inform or attract the attention of persons not on the premises on which the structure or device is located.

SIGN, ADVERTISING. A sign, including a billboard, which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where the sign is located or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business, building, product, activity or service manufactured, sold or offered upon the premises (as the primary uses) where the sign is located.

SIGN, GROSS AREA OF. The entire area with a single continuous perimeter enclosing the extreme limits of the sign. The perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display.

SPECIAL EXCEPTION. The authorization of a use that is designated as such by this chapter as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Advisory Board of Zoning Appeals.

STREET. A partially or fully improved public right-of-way which provides principal access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, except public utility, communication and electrical transmission lines, and support equipment and facilities.

SUBSTANTIAL MODIFICATION.

(1) Any alteration, repair, enlargement or extension of a building.

(2) **SUBSTANTIAL MODIFICATION** is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building begins.

(3) This term does not include either:

(a) Improvement of a structure to comply with health, sanitary or safety code specifications; or

(b) Any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historical, Architectural, Archeological and Cultural sites, structures, districts and objects.

SUPPLY YARDS. A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. **SUPPLY YARDS** do not include the wrecking, salvaging, dismantling or storing of automobiles and similar vehicles.

USE. The purpose or activity for which the land or building is designed, arranged or intended, or for which it is occupied or maintained.

USE VARIANCE. The approval of a use other than that prescribed by this zoning chapter. Changes of allowed uses are not permitted by this chapter except by zoning map amendment.

VARIANCE. A specific approval granted by the Advisory Board of Zoning Appeals in the manner prescribed by this chapter, to deviate from the development standards (such as height, bulk, area) that the chapter otherwise prescribes.

WETLAND.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

(2) For purposes of this classification **WETLANDS** must have one or more of the following three attributes:

(a) At least periodically, the land supports predominantly hydrophytes, (water plants);

(b) The substrate is predominantly undrained hydric soil; and

(c) The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

WINERY. A facility where vinous liquors are produced in accordance with and subject to state or federal regulations.

YARD. (See **FRONT YARD.**) An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by this chapter.

YARD, REAR. A yard extending along the full length of the rear lot line between side lot lines.

YARD, SIDE. A yard extending along a side lot from the front of the rear yard.

ZONING. The division of an area into districts. The public regulation of the character and intensity of the use of the land, buildings and structures in accordance with a Comprehensive Plan.

ZONING DISTRICT. An area within which the zoning regulations are uniform.

ZONING MAPS. Maps which show zoning districts.

ZONING ORDINANCE. A legal tool for accomplishing the objectives of a land use plan. A regulatory measure designed to encourage high standards of development and to foster the most efficient use land.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1996-12-2, passed 12-2-1996; Ord. 1999-4-19-1, passed 4-19-1999; Ord. 2001-12-17, passed 12-17-2001; Ord. 2003-07-07-1, passed 7-7-2003; Ord. 2012-12-3-2, passed 12-3-2012; Ord. 2014-10-6, passed 10-6-2014; Ord. 2015-6-1-2, passed 6-1-2015)

§ 155.022 AGRICULTURE PROTECTION DISTRICT (A1).

(A) *Purpose.* This district is established to protect suitable land for active agricultural production in the county. Agricultural production is recognized as the primary economic activity in the county, and certain lands are particularly suited to such uses because of their size, configuration, soil, topography and location in relation to other land uses. This district is intended to prevent the conversion of such agricultural lands to urban uses and to promote the compatibility of land uses in the county.

(B) *Permitted uses.*

- (1) Field crop farm;
- (2) Truck crop farm;
- (3) Animal husbandry;
- (4) Kennels;
- (5) Stables;
- (6) Forestry;
- (7) Veterinary office;
- (8) Nursery or greenhouse;
- (9) Grazing;
- (10) Public utilities (does not apply to wireless facilities);
- (11) Feed stores, excluding the milling or grinding of any feed for commercial purposes;
- (12) Confined feeding operations;
- (13) Spreading or injecting animal wastes; and
- (14) Fertilizer storage.

(C) *Permitted accessory uses and structures.*

- (1) Single-family dwelling
- (2) Manufactured home Type 1 and 2;
- (3) Roadside stand;
- (4) Truck farm market;
- (5) Home occupation;
- (6) Primary farm processing;
- (7) Any use customarily accessory to any permitted use;
- (8) Grain storage;
- (9) Storage and management of animal wastes;
- (10) Barns, tool sheds and implement storage buildings;
- (11) Conservation subdivision(s); and

(12) Accessory dwelling.



(D) Development standards.

(1) The minimum parcel size for all uses in the A1 District shall be five acres, or the minimum acreage estimated by the County Health Department for a primary and backup septic system site, whichever is greater. The minimum lot frontage on road is 350 feet.

(2) Minimum development standards for the A1 District shall be as shown on the following chart.

	Residential Use	Farm/Other Structures	Special Exception*
Front setbacks			
Collector	80 ft.	50 ft.	80 ft.
Local	60 ft.	50 ft.	60 ft.
Maximum building height	35 ft.	No limit	35 ft.
Lot size	5 acres	No limit	5 acres
Minimum lot frontage on road or street	350 ft.	350 ft.	NA
Minimum lot width	350 ft.	No limit	300 ft.
Minimum setbacks for any side of lot abutting			
Arterial	120 ft.	120 ft.	120 ft.
Freeway	200 ft.	200 ft.	200 ft.
Side setbacks	30 ft.	30 ft.	50 ft.
Rear setbacks	30 ft.	30 ft.	50 ft.
* Setback requirements for confined feeding operations are in § 155.051			

(3) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

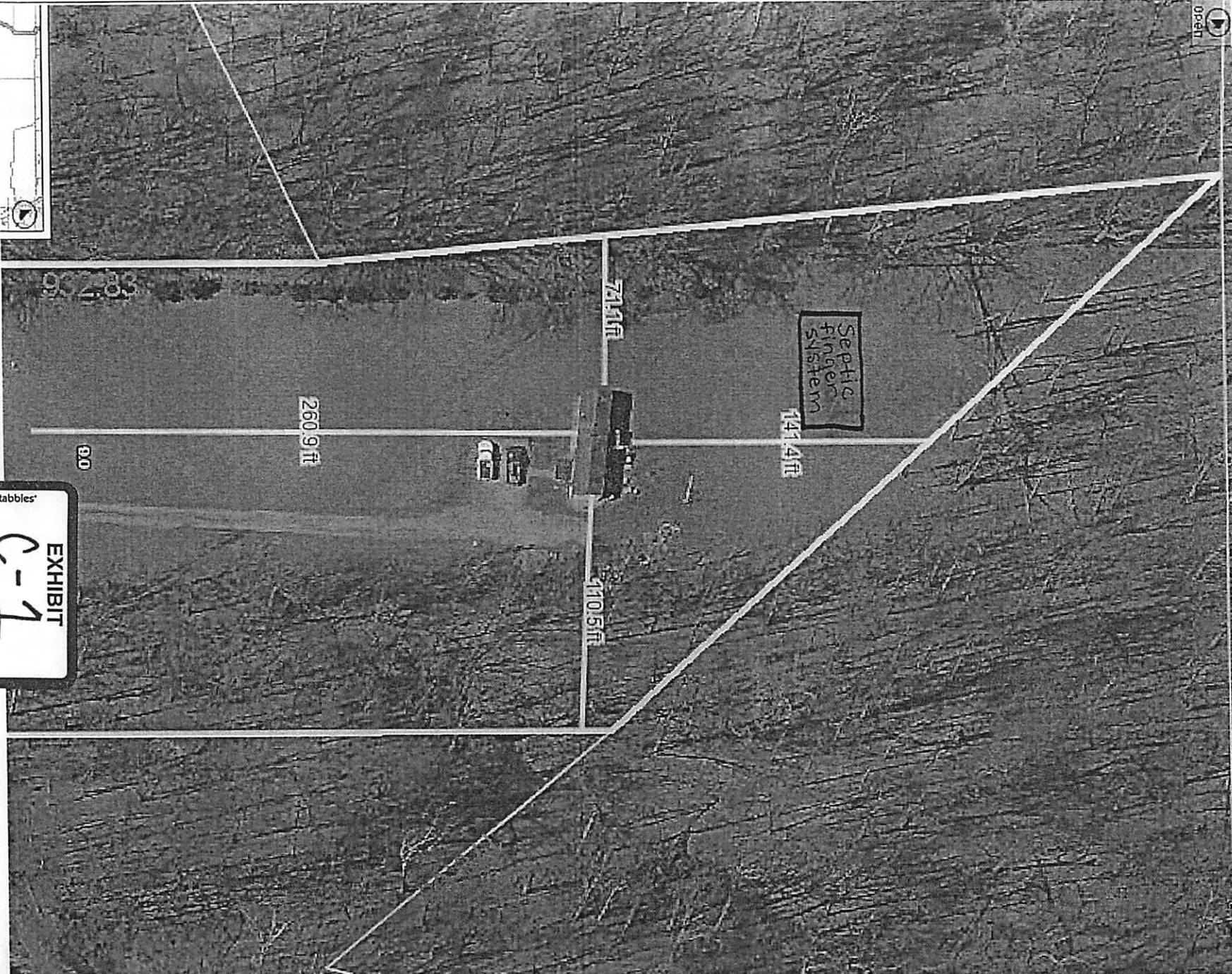
(4) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front yards.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1999-4-19-1, passed 4-19-1999; Ord. 2001-12-17, passed 12-17-2001; Ord. 2012-9-4, passed 9-4-2012; Ord. 2012-12-3-1, passed 12-3-2012; Ord. 2012-12-3-2, passed 12-3-2012; Ord. 2013-4-1-B, passed 4-1-2013; Ord. 2013-4-13, passed 4-16-2013; Ord. 2013-12-2-B1, passed 12-2-2013)



903

- Id Ftr
- Id Area
- Zm Box
- Zm Out
- Home
- Prev
- Send



tabbles[®]
EXHIBIT
C-1



903

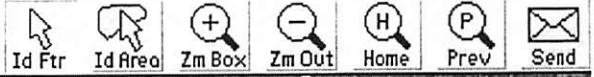


EXHIBIT
 tabbles
 C-2



903

Id Ftr Id Area Zm Box Zm Out Home

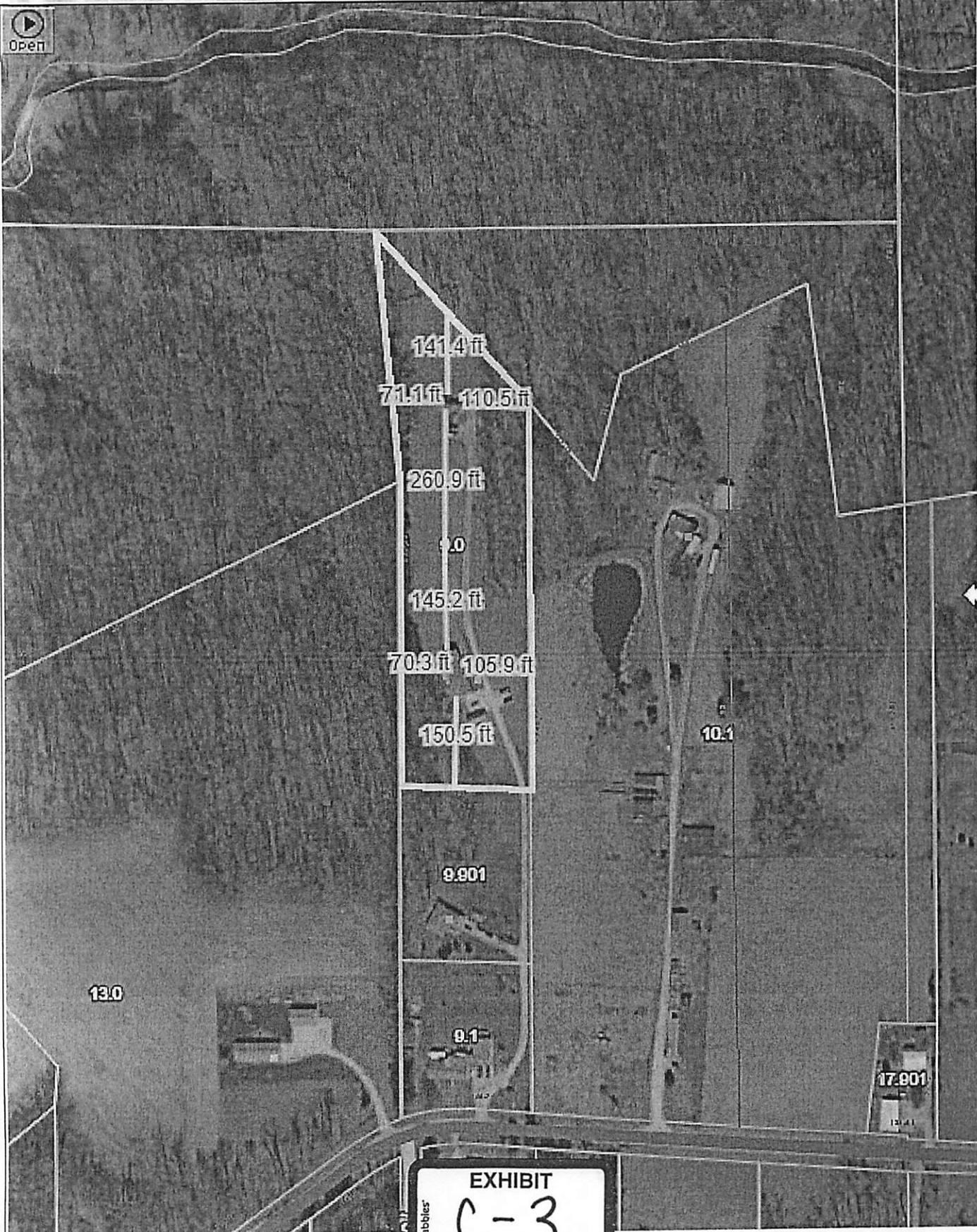


EXHIBIT
C-3