

BZA - Minutes – March 23, 2010

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The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Bill Hobbs, Vice Chairman, presiding.

Members Present: Bill Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: Mary Jane Baker.

Also Present: Cory Wilson, Executive Director, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with one member, Mary Jane Baker being absent.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Stewart made a motion to approve the minutes with the corrections as stated. Member Durham seconded the motion. The vote was unanimous in favor of the motion.

New Business

1. **Petition:** **2010-V-001** **Variance** Zoning: R-2
Address: 000 CR 100 West (Parcel directly behind 4100 N 100 West)
Location: East side of CR 100 West North of CR 400 North
Petitioner: Richard Hendrickson
Request: A variance for the construction of an accessory structure on a parcel without the presence of a primary dwelling. (Section 6.6 AS-01 (B) states Accessory structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary structure unless otherwise permitted by this Ordinance).

Richard Hendrickson, 4100 N 100W was present representing this request.

Mr. Hendrickson informed the Board he owns the duplex and the property to the rear. He would like to build a barn to store the stuff that is in his back yard. He has bobcats, trailers and an old truck. He wants to clean up the yard and store everything in the barn.

The easement that is there now is owned by the neighbor, Mr. Gray, but he lets Mr. Hendrickson use it to access the property to the rear. At one time Mr. Hendrickson's was told the easement was part of his property but somehow it was showing it was owned by the neighbor to the south. The easement was not made to serve the adjoining lots to the rear. There is a drive on Mr. Hendrickson's property that can serve the rear parcel.

The Board was told staff informed Mr. Hendrickson if he combined his lot with the duplex and his ground to the back into one lot he would not need this variance. At the present there are two key numbers. However, same development standard variances would be required if the parcels were combined.

Lawanda Hobbs, 26599 N 750W, Frankton was present. Mrs. Hobbs told the Board she owns the property adjacent to the north.

Mrs. Hobbs informed the Board she would like to see the lots combined so that in the future there is not a building standing by its self so someone could come in and try to locate a business.

There were no objectors present.

Member Maxwell moved to approve Petition #2010-V-001 per staff recommendation and the following Findings of Fact; it will not be injurious to the public health, safety, morals and general welfare of the community; there is sufficient area for the building; will not affect the property adjoining.

Also, there shall be no business run out of the building; no outside storage of supplies or construction vehicles on the property; the two lots shall be consolidated into one legal description (one taxing number).

Member Stewart seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2010-V-001 was approved.**

2. Miscellaneous:

Mr. Shine provide information the Board's regarding K.C.C.A. , specifically the litigation that is ongoing concerning the Constitutionality of the recent law passed by the legislature. The K.C.C.A. has until the 22nd of this month to present to the Court of Appeals the record. If they do not then there will be no appeal.

There has been a petition filed along with this in the Court of Appeals to transfer the case to the Indiana Supreme Court. The Indiana Supreme Court is the only court that has jurisdiction over the Constitutionality of the Statute. The Attorney General Office still has not intervened.

There is still another case that was filed in Noblesville and that was against former Director Mike Hershman for failure to place the appeal on the agenda. They have requested that be set for a pre-trial conference which has been set around June 21st. The Board of Zoning Appeals has a motion to dismiss which is pending and has not been decided. It has been requested that the court rule on that motion prior to the pre-trial conference. The Board of Zoning Appeal is being represented by council from Indianapolis.

Member Durham made a motion, seconded by Member Stewart to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:56:20 A.M.

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Bill Hobbs, Vice Chairman

Beverly Guignet, Secretary