

# Sellersburg Board of Zoning Appeals

August 20, 2018

The minutes as written are not verbatim from the meeting.

## **Call to Order:**

President Vincent C. Thacker, Jr. called the meeting of the Sellersburg Board of Zoning Appeals to order on August 20, 2018 at 6:00pm at Sellersburg Town Hall, 316 East Utica St.

## **Roll Call:**

Members present: President Vincent C. Thacker, Jr., Members Dennis V. Amos, Charles Popp, and Randall W. Mobley. Also present was BZA attorney Jacob Elder. Vice-President Francis A. Conroy was absent.

## **Approval of Minutes:**

Minutes from the July 16, 2018 meeting was presented for approval. Charles Popp motions to approve the minutes as submitted, seconded by Randall Mobley. 4- aye, 0- nay. Motion is approved unanimously.

## **Unfinished Business: - None**

## **New Business:**

Petition # 0818-001 for variance at 612 E. Utica, Sellersburg, IN 47172

Motion by Dennis Amos and second by Charles Popp to close regular meeting at 6:04pm. 4- aye, 0- nay

Motion by Randall Mobley and second by Charles Popp to open public hearing on Petition # 0818-001 at 6:04pm. 4- aye, 0- nay

Jeff Parrish representing Jeep Construction Co. presented his request for a variance. President Vincent Thacker requested proof that proper notices had been posted. Those documents were provided by Mr. Parrish.

Jeep Construction purchased the property at 612 E. Utica. Mr. Parrish wants to raze the house currently standing on the property and replace it with two duplexes. Since the petition did not specify the actual variance requested, Attorney Jacob Elder asked Mr. Parrish what variance he was requesting. Mr. Parrish responded that he wanted the property zoning to be changed from R1 to R2. Attorney Elder stated that the BZA did not have the authority to change the zoning. Only the Planning Commission could change the zoning. All that the BZA could do was issue a variance. Mr. Parrish then stated he wanted a variance to build two duplexes on the property.

This was followed by significant discussion regarding the variances and what the BZA could actually do. This discussion covered the requirements for issuing the variance, and the fact that even though the variance was approved, Mr. Parrish would still have to build according to the R1 zoning requirements. Mr. Elder suggested the best was a zoning change.

Once the discussion ended, President Thacker asked if anyone in the audience wanted to address the BZA regarding the requested variance. Two individuals raised their hand.

Mr. Christopher Kummer of 616 E. Utica St. stated that he did not want any additional apartments in the area.

Mr. Travis Boling of 622 E. Utica St. stated he has seen a steady decline in property values and believes this project would continue that trend.

Since no one else wanted to speak, President Thacker requested a motion to close the public hearing. Dennis Amos made that motion seconded by Randall Mobley. 4- aye, 0- nay. Public hearing closed at 6:42pm.

President Thacker requested a motion to re-open the regular meeting. Charles Popp made that motion seconded by Dennis Amos. 4- aye, 0- nay. Regular meeting re-opened at 6:42pm.

President Thacker opened up discussion on the petition. Based on the discussion, the Board had two options. Approve the request with stipulations that Mr. Parrish return before the board in the future with requests for any additional variances needed. The second option was to deny the variance request. The Board along with Mr. Elder suggested that Mr. Parrish petition the Planning Commission for a zoning change request on the property. He stated that was his intention.

The Board then took up the petition.

The first motion requested by President Thacker was to determine that the variance will not be injurious to the health, safety, morals and welfare of the community. Randall Mobley made that motion seconded by Dennis Amos. 3-aye 1-nay Motion passed.

The second motion requested by President Thacker was to determine that the variance will not have substantial adverse effect on the use and value of any neighboring or adjacent property owners to the property in the variance. Charles Popp made that motion seconded by Dennis Amos. 2-aye 2-nay Motion failed.

The third motion requested by President Thacker was to determine that the need for the variance does not come from some condition peculiar to the property. Randall Mobley made that motion seconded by Charles Popp. 4-aye 0-nay Motion passed.

The fourth motion requested by President Thacker was to determine that the strict application of the Zoning Ordinance will constitute an unnecessary economic hardship if applied to the property for which the variance is sought. Dennis Amos made that motion seconded by Charles Popp. 4-aye 0-nay Motion passed.

The fifth motion requested by President Thacker was to determine that the variance shall be the minimum necessary to permit the proposed development such that the substantial intent and purpose of the ordinance is preserved. Randall Mobley made that motion seconded by Dennis Amos. 0-aye 4-nay Motion failed.

Due to motion 3 and 5 failing, the Petition 0818-001 is denied.

Findings of facts:

- 1) The petitioner would be required to review additional variances related to R1 zoning and request those.
- 2) Two neighbors of the property raised objections to the petition.
- 3) Having the petitioner make a request to the Sellersburg Planning Commission to rezone to R2 is the best route.
- 4) The petition was denied.

**Adjourn:**

Motion to adjourn by Charles Popp. Francis Conroy seconded. Motion approved 5-aye, 0-nay. Meeting adjourned by President Vincent C Thacker, Jr at 7:20pm.

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Vincent C. Thacker, Jr. President

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Francis A. Conroy, Vice President

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Dennis V. Amos, Member

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Randall W. Mobley, Member

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Charles E. Popp, Member

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Attest: