MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
BOARD OF ZONING APPEALS
Held April 4, 2016 at 7:00 p.m.
Washington County Government Building

The Washington County Plan Commission was called to order at 7:10 p.m. by President, David Hoar, and the Board of Zoning Appeals was called to order at 7:15 p.m. by President, Max Greene. Plan Commission members in attendance were David Hoar, William Ridgway, Adam Dufour (at 7:18 p.m.), Phil Marshall, Mark Hartman, and Joseph Anthony Scifres. Danielle Walker, Jeff Souder, and Ervin Day were absent. BZA members in attendance were Max Greene, Darrell Tye, John Mishler, and Adam Dufour.

Also present for the meeting were WCPC/BZA attorney Mark Clark and Plan Director Travis Elliott. Rhonda Greene was the only public member present.

Upon motion by Phil Marshall, second by William Ridgway, the minutes of the March 7, 2016 Plan Commission and BZA meetings were unanimously approved by both bodies.

David Hoar called upon Plan Director Travis Elliott to give a report regarding changes in the various forms to be used by the Plan Commission and the BZA. Travis requested that Mark Clark, as the attorney, review the forms with both bodies. Mark Clark described in the review the revised Washington County Board of Zoning Appeals application form, the Affidavit and Consent of Property Owner form, the new Notice form, and the new Washington County Board of Zoning Appeals Variance from Developmental Standards form, as well as the Applicant Checklist form which have been prepared by Mead, Mead & Clark. Discussion was held regarding the new forms. After said discussion, upon motion by Mark Hartman, second by Phil Marshall, the BZA unanimously approved and adopted the forms as the formal documents of the Washington County Plan Commission for use by the Board of Zoning Appeals.

David Hoar brought before the Plan Commission a Zoning Affidavit for Trent's Auto. Trent's Auto is moving locations on east State Road 56 and the Affidavit was documentation of location of the business known as Trent's Auto for the purpose of the Applicant obtaining a retail merchant's license. Travis Elliott made a recommendation to the Plan Commission to approve the Affidavit as no portion of the Zoning Ordinance was actually affected but that the Affidavit was simply a form required in order for the applicant to obtain a retail merchant's license. Upon motion by Adam Dufour, second by Mark Hartman, the Plan Commission unanimously approved the Affidavit.

A report was given by Travis Elliott on applications for AFO's and CFO's. Travis noted that there are currently five (5) applications outstanding but that none of the applications had been returned to him. Some of the applications would be for CFO's which would be subject to the jurisdictional requirements of the Indiana Department of Environmental Management.

David Hoar brought up as point of discussion as to when a fee for an application, either in front of the Plan Commission or the BZA, should be collected. Upon motion by Phil Marshall, second by William Ridgway, the Plan Commission approved that neither the Plan Commission or the BZA take any action on any application tendered to it before payment of the application fee and

that the application fee be due from an applicant at the time a completed application is submitted to the Plan Director for action and verification by the Plan Director. Upon discussion of the motion, it was determined that the Plan Director should take no action on any application other than distributing the applications to the public until a fee is paid by the applicant and once the fee is paid, is the time in which the Plan Director would begin investigating and verifying the information in the application. After said discussion, and upon a call for the question, the motion was unanimously approved.

As a member of the Plan Commission, Joseph Anthony Scifres volunteered to also be a member of the BZA to fill the vacancy of Danielle Walker. Upon motion by Adam Dufour, second by Phil Marshall, the BZA unanimously approved the appointment of Joseph Anthony Scifres as a member of the BZA.

Discussion was held regarding the need for a consultant during 2016 and what services were needed from the consultant. Upon motion by Adam Dufour, second by Joseph Anthony Scifres, the Plan Commission approved K.K. Gerhart-Fritz remaining as the consultant to be used by the Plan Commission but that K.K. would be used as an "online" consultant only with the Plan Commission first drafting sections of the Zoning Ordinance and then requesting K.K.'s review and opinion of the draft prepared by the Plan Commission. Phil Marshall abstained from the vote.

General discussion was held regarding the Harrison, Jackson, and Scott Counties' Zoning Ordinances and there was review of the draft of the rural residential section previously tendered by K.K. to the Plan Commission. David Hoar requested all members to consider as their homework for the next meeting to review the Harrison County Ordinance and the draft prepared by K.K. and that Adam Dufour would bring a report of information regarding a survey taken at the Washington County Fair in approximately 2005 or 2006 regarding citizens' input into a zoning ordinance for consideration at the next meeting.

There being no further business to come before the Plan Commission, upon motion by Mark Hartman, second by Phil Marshall, the Plan Commission adjourned at 8:18 p.m.

The BZA continued in session with Adam Dufour joining the BZA members and Joseph Anthony Scifres attending the BZA meeting. Upon motion made by Adam Dufour, second by Darrell Tye, the BZA unanimously adopted the Rules of Procedure tendered by K.K. Gerhart-Fritz under date of October 5, 2015 as the Rules of Procedure for the proceedings of the BZA. Said Rules of Procedure will be sent to all BZA members and be considered the official Rules of Procedure of the BZA meetings.

There being no further business to come before the BZA, upon motion by Darrell Tye, second by Joseph Anthony Scifres, the BZA adjourned at 8:20 p.m.

MINUTES OF MEETING OF
BOARD OF ZONING APPEALS
Held April 4, 2016
Washington County Government Building

The Washington County Board of Zoning Appeals met on April 4, 2016 at the Washington County Governmental Building. The meeting was called to order at 6:52 p.m. by President, Max Greene. The meeting was called to order late due to a discrepancy in the time for the Board of Zoning Appeals to meet. BZA members in attendance were Max Greene, Darrell Tye, and John Mishler.

The BZA had two (2) variances to be considered with both variances having been submitted by Chad Johnson. Both variances dealt with real estate located at 9649 W. Gypsy Ridge Road, Campbellsburg, Indiana. Max Greene reviewed the procedures to be followed during the hearing on the variances. Documentation was produced for both variances by Plan Director, Travis Elliott.

The BZA first considered the variance involving the fact that the proposed poultry barn would not be in compliance with Section 701.2.1(d) of the zoning variances as the poultry barn would not be at least 200' from the closest point along all of the property lines. Chad Johnson stated the distance which the poultry barn would be from the east property line of the tract upon which it would sit would be approximately 97'. It was noted that Mr. Johnson had also obtained the Variance Agreement Consent Form signed by Jerry and Leta Giesbrecht. No members of the public were present to speak against the variance. After presentation of information, the BZA found that the variance from the requirement of Section 701.2.1(d) would not be injurious to the public health, safety, morals, and general welfare of the community because the poultry barn would still be in a location upon the Johnson property that would only affect the Giesbrecht property, that no other member of the public would be affected, and that the general welfare of the community would not be affected as the Johnson lot as a whole was large enough to support the poultry barn. Additionally, the BZA found that the use in the value of the adjacent area to the property included in the variance will not be affected in a substantially adverse manner because the surrounding neighborhood was such that the poultry barn would not be an uncommon or disputed use of the Johnson property and that the Giesbrechts consented to said use and, finally, the BZA considered that the strict application of terms of the zoning ordinance would result in practical difficulties in the use of the property because the location of the poultry barn as proposed was the best use location upon the Johnson property. After having said discussion and making said findings, upon motion by John Mishler, second by Darrell Tye, the BZA unanimously approved the variance.

The BZA also considered an additional appeal of Chad Johnson for the same poultry barn, now seeking a variance in Section 701.2.1(b) of the Zoning Ordinance in that there was not 3,960' between the poultry barn and a school located in the general vicinity. After hearing presentation of the application for the variance, Mr. Johnson also presented a Variance Agreement signed by all members of the school board for said school approving and not objecting to the poultry barn upon the Johnson property. Travis Elliott spoke to the BZA and presented all documentation regarding the variance. Chad Johnson, as the applicant, was present at the meeting. No members of the public spoke against the variance. Upon discussion, the BZA found that approval of the variance would not be injurious to the public health, safety, morals, or general

welfare of the community because there was still a substantial distance between the poultry barn and the school in that the school is located over 1,000' away from the poultry barn and that the existence of the poultry barn would not be a burden to the property upon which the school is located. The BZA further found that the use and value of the area adjacent to the property included in the variance would not be affected in a substantially adverse manner because of the distance which exists between the school and the poultry barn and that there were other tracts of property located between the poultry barn and the school. The BZA considered that the strict application of the terms of the zoning ordinance would result in practical difficulties in the use of the property due to the proposed layout of the poultry barn was the best use in location of the barn upon the subject tract. After said discussion, there being no further discussion on the variance, upon motion by John Mishler, second by Darrell Tye, the BZA unanimously approved the variance.

After having addressed both variances, there was no further business to come before the BZA. Upon motion by Darrell Tye, second by John Mishler, the BZA meeting adjourned at 7:10 p.m.

Board of Zoning and Appeals by:

Max Greene, President	Adam Dufour
Darrell Tye	John Mishler
Joseph Anthony Scifres	

Washington County Plan Commission by:

David Hoar, President

Danielle Walker

Phillip Marshall

Mark Hartman

Anthony Scifres

William Ridgway

Adam Dufour

Jeff Souder

Ervin Day

Board of Zoning and Appeals by:

Max Greene, President

Adam Dufour

Darrell Tye

John Mishler

Anthony Scifres

WCPC/BZA Attorney:

Mark D. Clark