

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

**BOARD OF ZONING APPEALS MINUTES
DATE: AUGUST 24, 2023 TIME: 6:30 P.M.**

PRESENT:

**EVAN MATLOCK, SECRETARY
JASON FAUCETT, PRESIDENT
MICHAEL LONG, VICE PRESIDENT
SANDY CASEY
KAYLA BROOKS, DIRECTOR
HOLLIE KINKER, PLANNING ASSIST.
DARLA SMOAK, RECORDING SEC.
RHONDA COOK, ATTORNEY**

ABSENT:

LACEY WILLARD

The, August 24, 2023, meeting of the Hancock County Area Board of Zoning Appeals was brought to order by President Mr. Faucett. Mr. Long moved to accept the previous month's minutes as received via e-mail. Ms. Casey seconded. Motion carried.

Ms. Rhonda Cook, the Board's attorney, duly swore in all persons appearing before the Board of Zoning Appeals.

Mr. Matlock moved to adjourn. Mr. Long seconded and the meeting was adjourned at 10:02 p.m..

ATTEST:

ATTEST:

JASON FAUCETT, PRESIDENT

EVAN MATLOCK, SECRETARY

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE, SUITE 146
GREENFIELD, IN 46140**

BOARD OF ZONING APPEALS MINUTES

Thursday, August 24, 2023

TIME: 6:30 PM

Gillihan, Toby Schleter, Kurt
1323 N 300 W., Greenfield
27- 16 - 6

Agricultural
Variance 23-2391
Buck Creek

Ms. Kinker presented a staff report with an unfavorable recommendation, due to lack of proven necessity and possible conditions of approval: Conditions/ paths forward could include: 1. Deny – This is self-imposed. or 2. Modify – a) Require a lesser height/smaller building; b) Amend architectural requirement from 2021 Special Exception, allowing alternative design options that could meet the height requirements; c) Require additional landscape buffering around perimeter of property; or 3. Approve as is. Mr. Kurt Schleter was present with a presentation. Ms. Cook stopped the presentation due to the BZA rules require that all evidence presented to the board must be submitted to the Plan Commission office prior to noon on the Monday prior to the meeting. Mr. Schleter expressed frustration with the rules and said he should have been told about the deadline for submittal. Ms. Cook said the deadline is on the paperwork and are in the rules and procedures for the BZA. Mr. Schleter said in one of the photos in the presentation, it shows that he has been flying his private plane to visit his mother since he was a very young man. He said if he revised his application and declared the building use for agricultural use, the permit would have been issued without questions. Mr. Schleter said if he put one bag of feed or one bale of hay in the barn it would make the barn agriculturally used. He said he disagrees with the Director, Kayla Brooks, narrow view, and interpretation of agricultural uses. Mr. Schleter said local farmers are in constant competition about the size of their farm and equipment and how the farmer's attitude is theirs must be the biggest and the best. He said the design of the building is inspired by Kingen Round Barn. Mr. Schleter said the proposal is not about him having the biggest barn, but he would like to build a barn with a nice design that is unique to the area. He said he could build a flat top large warehouse like the other warehouses in the area without board approval, but he does not want that. He said the BZA required that the new hangar match the architectural design of the existing structures on the property so to get the design it requires the proposed height because of the size of the proposed structure. Mr. Schleter said this is a retirement project for him. He said at some point he plans to retire so the proposed building will be his hang out for a myriad of different things. Mr. Faucett asked why the height was necessary? He asked if the height was needed to store his airplane? Mr. Schleter answered the height is needed due to the design of the roof on the proposed barn. He said he traveled out of state to see the special-order trusses at the manufacturer. Mr. Schleter said the roof trusses are specially constructed then they are delivered to the site and a crane will lift them into place. He said his plane is only 9' to 10' tall so the plane does not require the additional height. He said the height is a desire and a need due to the unique style of the structure. Mr. Long asked if Mr. Schleter lived on the property? Mr. Schleter answered no, but said his son lives in the house on the property and at some point he might build a new home nearby or on the portion of the property. He said he plans to apply for a driveway permit for a new driveway that would be north of the house. Mr. Schleter said he wants his proposed barn to be a different type of barn in the county and be a different look from the flat roof warehouses, like Walmart, in the area. Mr. Long said the variance granted to Walmart was for a height of 70'. Mr. Schleter said the height is needed to meet the gambrel roof design requirements due to the size of the barn. Ms. Donna Martin and Mr. Durand Yordy, neighbors, were present with concerns. Ms. Martin said she has lived on 300 West since 1992 in a quiet country setting. She said she wants the area to remain the quiet country setting. Ms. Martin asked why the height was necessary. She said a barn with that height will be a dramatic change to the area. Ms. Martin said the barn will be visible from her home. She said she is concerned about the proposed use of the second story. Ms. Martin asked will the second story be used for office space or a banquet hall or any type of gathering? Mr. Yordy said he is opposed to the proposed height of the barn. He said he purchased his property for his retirement, and he enjoys the open field views from his home. He does not want his view to be of a tall barn that blocks the light or blocks his view of the sunrise/sunsets. Mr. Yordy said this home is his retirement dream and he wishes to keep the quiet country look and feel of the community. He said he is

concerned about what Mr. Schleter considers as agricultural uses. Mr. Yordy said he does not agree that one bag of feed or one bale of hay stored in the barn makes the barn considered agricultural uses. He said he is concerned about what the second story will be used for. Mr. Yordy said a variance should be only supported out of necessity when a case has proven a hardship that the height is necessary, and no hardship has been proven. He said he feels it is no coincidence that the proposed barn dimensions are the exact size of, 80' x 100', that would be required for his Pilatus plane to be stored in. However, he said Mr. Schleter made a commitment to this board when he obtained approval for his airstrip, to never store that plane on the property. Mr. Schleter said the proposed barn height, without the cupola, is equal to the Walmart height. Mr. Schleter said he likes tall stuff. He said his home has 10' ceilings. Mr. Schleter said the gambrel roof is the design that he prefers for the barn and the size of the barn makes the height necessary to support the trusses. He said the trusses will be specially designed in New York then shipped to Indiana. Mr. Schleter said there will be over 800' to 900' of green space between the proposed barn and Mr. Yordy's property. He said the barn will not block the view from Mr. Yordy's home. Mr. Schleter said the comprehensive plan calls the area ready for medium to high density housing but when he is gone he wants the barn to be there with an architecturally unique look. He said he wants the 70 acres to be green space and not be covered urban sprawl. Mr. Long said the restricted area is 500' from the south property line but the proposed barn is showing a setback of 493' from the south property line so the proposed barn will need to be moved toward the north. Mr. Long asked Mr. Schleter if he would agree to construct the barn in the middle of the property? Mr. Schleter answered he would like to construct the barn where he has proposed it, however, he is fine with that restriction if required. Mr. Faucett said the restriction of building in the middle of the property gives an area where the hangar can be built. Mr. Schleter said he agreed with having a restricted area in the middle of the property. Mr. Long moved, if approved, the structure must maintain a minimum setback as submitted on the 2023 plans and they must respect the restricted area declared during the special exception approval in 2021. Ms. Casey seconded. Motion carried. There was no further discussion. Two (2) approved (Casey & Faucett) and two (2) denied (Long & Matlock). Continued to September 28, 2023, due to lack of a quorum vote.

Cave, Charles
1315 W 1000 N Ft.Ville
15- 17 - 6

Residential
Variance 23-2392
Vernon

Ms. Kinker presented a staff report with unfavorable recommendations and possible conditions of approval: Conditions/paths forward could include: 1) Deny – structures are in violation until they are corrected to meet Code, 2) Approve as built – sets the minimum side-yard setbacks for this parcel at 8' and 10' for an indefinite amount of time (“forever”), or 3) Approve with Conditions: a) Variances apply specifically to the current building footprints; b) No additional alterations on existing structures or any new structures on the property may deviate from current setback standards and proper permitting; c) Conditions must be recorded with the County Recorder and include the legal description of the entire parcel and an Exhibit (survey) showing the placement of the existing structures that are granted variance; d) Permit for the home addition issued retroactively (fees doubled); and e) Install gutters and downspouts that divert water away from neighboring properties. Mr. Charles Cave was present to request an 8' side yard setback variance for a pole barn that was built with a permit in the wrong location and a 10' side yard setback for a room addition that was built without a permit. Mr. Cave said he called into a county office and was told if he is building onto his home, no permit would be required. He said the barn permit was obtained by the builder and a footer inspection was approved. He said the County inspector approved the location when it was inspected. Mr. Cave said Morton Buildings obtained the permit for the pole barn and built it. He said the barn's side yard setback was lined up with an existing garage. Mr. Cave said he purchased the property in 2009 and in 2019, his insurance agent told him that no permit was required if he was adding an addition onto the house. He said he needed the room addition for his aging parents to live in. Mr. Cave said he added 2 bedrooms and a full bath and a living room area with a kitchenette area. He said there is no full kitchen space within the addition. Mr. Faucett said in the aerial photo it shows the driveway gravel is extended toward the rear of the property. He asked what was the gravel driveway extended for? Mr. Cave answered the family considered constructing a barn in the rear of the property,

where the extra gravel from past jobs was dumped to expand the driveway, but they have decided against constructing the barn, at this time. Mr. Long asked if they run a business from the property? Mr. Cave answered no, and said only his parents live with him. Ms. Casey asked if the structures have gutters and downspouts installed? Mr. Cave answered yes. Mr. Long asked for remonstrators, and none were present. Mr. Long moved, if approved, the petitioner must comply with staff conditions of approval. Ms. Casey seconded. Motion carried. There was no further discussion. Variance to reduce side yard setback to allow 8' for pole barn: Four (4) approved and zero (0) denied, and Variance to reduce the side yard setback to 10' for a room addition: Four (4) approved and zero (0) denied.

Irving Materials, Inc.
8032 N. SR 9, Greenfield
19 - 17 - 7

Agricultural
Special Exception 23-2400
Green

Ms. Kinker said the petition must be continued to the September meeting due to improper advertising. Mr. Matlock moved to continue the petition to September meeting. Mr. Long seconded. Motion carried. Continued to September 28, 2023, due to improper advertising.

Jones, Jeff & Lindsey
6880 W. Jennifer Dr.
36 - 16 - 5

Residential
Special Exception 23-2401
Buck Creek

Ms. Kinker said the petitioner requested to withdraw the petition. Mr. Long moved to withdraw the petition as requested by the petitioner. Mr. Matlock seconded. Motion carried. There was no further discussion. Petition was withdrawn.

Smith, Jeary
660 W. 100 S, Greenfield
1 - 15 - 6

Industrial Business Park
Variance 23-2402
Center

Ms. Kinker presented a staff report with an unfavorable recommendation, due to lack of necessity and lack of support from County Highway; and conditions of approval: Conditions/paths forward could include: 1) Deny – variance from paved parking is not a proven necessity, or 2) Approve, or 3) Approve with Conditions: a) Approved Landscaping buffer around perimeter of storage; or b) Use stone/millings on a percentage of the parking. Mr. Jeary Smith was present to request a variance to waive the hard surface paving requirement for an area he will use for RV/ boat parking on a parcel zoned IBP. Mr. Smith said he purchased the property a year and half ago and thought that the property was approved for RV/ boat parking. He said he parked a couple of personal RVs on the site and installed a coming soon banner RV & Boat Storage and he received a notice of violation for no change of use permit being obtained. Mr. Smith said after receiving the notice he met with Plan Commission staff, and it was determined he would need to obtain a variance to waive the hard surface requirement. He said when the rezoning was approved the RV & boat parking area was shown on the rezoning exhibit. He said there was always parking planned for the area. Mr. Smith said the stone does not start for about 500' off the street. He said they use #4 stone & millings for the surface. He said #4 stone does not have the dust like #53 stone would have. Mr. Smith said there is pre-existing asphalt driveway and parking areas around the buildings. He said he was concerned about the site holding water, however, after a heavy rain he visited the site early the next morning and there was no standing water on the site. Mr. Smith said the stone and road millings will allow the water to soak into the ground, but the stone has no dust. He said the lower number of stone does not generate the dust that a stone with double digits would like a #53 stone which has the white dust. Mr. Smith said the County Surveyor said that stone and millings would be a better surface to allow the water to soak in. He said the County Highway Department said the driveway was pre-existing and the use was not changing much so they have no issues. Ms. Kinker said

that County Highway Engineer feels that all parking and driving surfaces should be paved. Mr. Smith said he spoke to the County Building Official, Scott Williams, who said nothing would be needed since the use of the buildings are not changing. He said the buildings were used for a warehouse and they will continue to be used for a warehouse. Mr. Smith said he is proposing parking spaces of 16' wide by 50' long on the north side of the lot. He said the parking area will be behind the buildings. Mr. Smith said the property was part of the Lilly Corp, but it was sold at a public auction. He said Mr. Dave Hedge purchased the property with the intention of converting the large warehouse to a single-family dwelling, however, he found out there would be too many issues to convert it to a home. He said Mr. Hedge then filed and was approved for a rezoning petition which shows the area reserved for the RV & boat parking. He said Mr. Hedge owns the two lots in the front of the lot and built a home on the other lot. Mr. Smith said Duke Energy has a 15' utility easement on the south side of the lot. He said he was concerned that a buffer yard will dam the water on the property. He said there is a drainage issue on the property so additional hard surface will create further issues. Mr. Smith said the neighbors do not want fencing installed. Mr. Faucett asked for remonstrators, and none were present. Mr. Faucett said he does not feel that a buffer yard is necessary. Ms. Casey said the buffer yard would hide the RV's. Mr. Matlock said, in his opinion, there is no need for the buffer yard since there is nothing around it and it has been used for a similar use for many years. Mr. Faucett moved, if approved, the driveway must be re-paved and be maintained, as a paved driveway, for the life of the business. Ms. Casey seconded. Motion carried. There was no further discussion. Four (4) approved and zero (0) denied.

Addison, Wayne
1161 W. 600 N
2 - 16 - 6

Agricultural
Special Ex & Variances 23-2403
Center

Ms. Kinker presented a staff report with a favorable recommendation and conditions of approval: 1) Home Occupation remains in proposed pole barn (other structures on the property may not be used for the purpose of these variances), 2) Petitioner must seek and obtain a change of use permit, 3) Petitioner must obtain annual occupancy permits, and 4) No signage without approval from BZA. Mr. Wayne Addison was present to request approval of a special exception to allow a home occupation which includes firearms dealer and variances needed for the home occupation. Mr. Addison said his family has been in the auction business since 1966. He was 6 years old when he went to his first auction. He said when covid hit it changed the way they operate. He said much of his business is now done online. Mr. Addison said he will upload an item for sale online and a person will bid on the item then when the auction time has expired the person will come to pick up the item. He said he wants to have more restrictions and control over who he sells a gun to online. Mr. Addison said currently anyone can purchase a gun at an estate sale. He said federal firearms license says the executor of the estate holds the guns and releases it to the purchaser. He said he feels that there needs to be controls over whose hands the guns are in. He said if he can get his federal firearms license he will have the ability to do background checks and ensure that the wrong person does not get their hands on them. Mr. Addison said he and his son are both auctioneers and they work many charity events. He said the people in the state offers a large market interested in guns. He said he wishes to maintain his business in today's times and offer a place that guns can be picked up and given to legal owners that have been approved by federal firearms licensing board. He said once an item is purchased online they will schedule a time to come to his shop and pick up the item. He said pick up will be by appointment only. Mr. Addison said he and his son are both in the Community Corrections field and they wish to make sure that a gun they sell is sold to a legal person before it is handed over to the buyers. He said there will not be any live auctions on his property. He said he does not want to have hundreds of people at his home. Mr. Long asked how many people at any one time? Mr. Addison answered there would be no more than five people at any one time on site

and that would include him and his son. Mr. Long asked would a large number of guns be stored on the property? Mr. Addison answered no, and said not unless an estate would have a large number and they were sold to the same person. He said the federal firearms commission has rules for storing firearms and he will have to follow those rules. He said the federal firearms commission will make site inspections and he is required to process paperwork and follow the regulations. He said the variances are needed because of the home occupation standards. Ms. Debra Clifford and Mr. Richard Huntzinger, neighbors, were present with concerns. Ms. Clifford said she is concerned that the home occupation will invite people to her quiet neighborhood. She said she has lived there for over 30 years without any crimes or violence. Ms. Clifford said it is well known that gun shops bring down property values and bring unwanted visitors to the neighborhood. She said she is concerned that if people know there are guns there it will bring mischief. Mr. Huntzinger asked if there would be a shooting range or selling of ammunition from the site? He said he does not want a shooting range to operate there. He said gun shops reduce property values and he does not feel that it is the right location for a gun shop. Mr. Huntzinger said he feels the gun shop is a steppingstone to welcoming other commercial uses to the area. Ms. Clifford said there are a lot of commercial properties that are in the correct zoning location for a gun shop. She does not feel it is the correct location for a gun shop. Mr. Addison said he has been a probation officer for over 37 years and his son is a deputy sheriff and they want to make sure that guns are given to the correct person and that the ATF regulations are followed when they auction a gun. He said there will never be any guns fired from his shop. He said the regulations about having ammunition onsite. He said he will be subject to very strict rules, but he welcomes the control to ensure guns are sold safely. Mr. Addison said he loves the community and does not wish to harm his neighborhood. He said his main objective and the most important thing is to make sure that guns that are sold online or at an estate sale are sold and delivered to a person legally. Mr. Faucett asked if he lived in the home? Mr. Addison answered yes. Mr. Faucett asked if he planned to or allow others to test fire any of the guns onsite? Mr. Addison answered no, and said there will never be a gun fired on his property. Mr. Long moved, if approved, the petitioner must comply with staff conditions and added 5) No more than ten (10) people onsite at any one time, and 6) No shooting allowed. Ms. Casey seconded. Motion carried. There was no further discussion. Special Exception: four (4) approved and zero (0) denied; Variance to allow HO in detached structure: four (4) approved and zero (0) denied; Variance to allow HO area to exceed 500 sf: four (4) approved and zero (0) denied; and Variance to allow regular gathering of more than one person: four (4) approved and zero (0) denied.

Sugar Creek Fit LLC Boothby, Mary
3575 W. US 40, Greenfield
4 - 15 - 6

Commercial Neighborhood
Special Exception 23-2408
Sugar Creek

Ms. Kinker said the petitioner requested to withdraw the petition. Mr. Long moved to withdraw the petition as requested. Mr. Matlock seconded. Motion carried. There was no further discussion. Petition was withdrawn.

McDaniel, Larry & Dixie
86ee E. 200 S., Greenfield
16 - 15 - 8

Agricultural
Variance 23-2409
Blue River

Ms. Kinker presented a staff report with a favorable recommendation. Mr. John Apple, attorney, representing Larry and Dixie McDaniel, was present to request a variance to allow an existing barn to remain in the front yard in front of the home when a new home is constructed. Mr. Apple said they plan to tear down the existing house when the new home is constructed but they would like to keep the existing barn. He said the existing house was only about 8' from the edge of right of way but the new home will be further back on the lot. Mr. Apple said they have already removed 3 other structures to prepare for the new home, but they would like to keep the barn because it is a nice-looking barn. He said the new home will be an improvement to the area. Mr. Faucett asked for remonstrators, and none were present. Mr. Faucett asked what assurance does the County have that the existing

home will be torn down when the new home is completed? Ms. Smoak answered when the permit is issued for the new home there will be condition on the final occupancy release that the existing home must be removed prior to final occupancy. She said the Planning Department has a process in place for handling the situation. Mr. Apple said he assures the board that the existing house is coming down. There was no further discussion. Four (4) approved and zero (0) denied.

Martin, Rachele
9600 N. 500 E., Pendleton
15- 17 - 7

Agricultural
Special Exception 23-2410
Green

Ms. Kinker presented a staff report with a favorable recommendation and conditions of approval: 1) No additional employees than the two (2) petitioners; 2) No additional parking constructed; 3) No signage; and added 4) Petitioner must obtain annual occupancy permit. Ms. Rachele Martin was present to request a special exception to allow a home occupation for a hair salon. Ms. Martin said she was gung-ho about her business with 34 employees and 4 different locations until March 9, 2023, when her 6-year-old son was diagnosed with a rare disease and her life was halted and changed in an instant. She said their life now consists of doctors' visits and trips out of state to specialists. Ms. Martin said in March, she sold one of her hair salons and in May, she sold two more, so she now has one hair salon with 9 total hairstylists. She said they decided to simplify life and bring the salon home. She said they have a very large home that was empty for over 20 years. She said they are very close to their neighbors, and they meet with their neighbors once a month and hold porch parties. Ms. Martin said there is no remonstrators present because her neighbors know they can meet with her, and she would change any issue that would be problematic to any of her neighbors. She said the area that would be dedicated to the salon was intended to be a pool house area with existing electric and water installed and a separate entrance and a restroom right outside the door for easy access. Ms. Martin said they partnered with her father to purchase the house in 2019, and they plan to live there forever. She said she was a very active business owner in the Town of Pendleton, and she participated in many events during her time there. Ms. Martin said she and her husband both do hair, and she would like to offer her sister a spot to operate on a part time basis. She said her sister works part time, maybe 8 to 10 hours a week, cutting five to seven customers hair. She said she and her husband do not operate during the same times so there will only be two workstations needed. Ms. Martin said parking will not be a problem. She said they have a long driveway and parking areas large enough to accommodate their clients. Ms. Martin said she does not have a large customer base any longer because she was operating the 4 locations, but she feels that a lot of people need to do a lot of internal healing and their property offers the serenity needed. She said the property is very relaxing and she wishes to share the property while making an income and being able to put her family first. Ms. Martin said the home was purchased at sheriff sale and they had to have cash upfront to purchase so she had some cash, but her father had more. She said he is on the acting as her bank, and he is present in support of the request. Mr. Long asked if the additional person, her sister, need any additional approval? Ms. Smoak answered the home occupation standards allows for one person not living in the home. Ms. Casey asked if all three would ever be doing hair at the same time? Ms. Martin answered no, and said rarely do she and her husband do hair at the same time. Mr. Faucett asked will they operate by appointment only? Ms. Martin answered yes, and said they have complete control over their schedules now. Mr. Faucett asked for remonstrators, and none were present. Mr. Long said the typical hairstylist home occupation conditions of approval would apply. Mr. Faucett agreed. Mr. Long moved, if approved, the petitioner must comply with staff typical conditions of approval A-F: A) The home occupation shall continuously comply with the proposed business operations and the county's home occupation standards, B) The special exception shall become null and void if the business ceases operations for 12 consecutive months or longer, C) The special exception shall run with the petitioner and shall not be transferrable to any other owner or entity, D) The maximum number of clients on the property at any one time shall not exceed one, E) The petitioner shall seek and obtain annual occupancy permits for the home occupation. Prior to commencement of the business, the owner shall consult with the Hancock County Health Department regarding the proper care and treatment of the on-site septic system, and F) The BZA reserves the right to revoke or modify the special exception at a public hearing if it determines that the home occupation constitutes a public nuisance. Mr. Matlock seconded. Motion carried. There was no further discussion. Four (4) approved and zero (0) denied.

Sugar Creek Twnsp Fire
3545 South 600 W, New Palestine
19 - 15 - 6

Residential
Variance 23-2413
Sugar Creek

Ms. Kinker presented a staff report with an unfavorable recommendation, without having an application and plans for future expansion, the parcel appears to have space on the site to place a monument sign at the minimum front yard setback requirement. Mr. Bill Niemier, attorney representing the Fire Department, along with Trustee Mr. Jayson Combs, was present to request a variance to reduce the required front yard setback for a monument sign. Mr. Niemier said the Fire Department are concerned that the sign being closer to the building would impair their view coming out of the fire station in an emergency. He said he did his due diligence and talked with Mr. Gary Pool, County Engineer, to verify there are no future plans to expand the road more than 60' so the proposed 65' would be out of the right of way and would not be an issue. Mr. Niemier said the proposed sign will be for community service announcements. He said the proposed sign location is the best suitable place due to a drainage swale and there's a flat spot there. Mr. Niemier said they have a very limited area where the sign can be placed. He said they cannot move it any further to the East due to the swale and drainage easement. Mr. Niemier said they do plan to expand the building in the area that staff suggested the sign be built. He said he knows that they may need to apply for variances for future expansions. Mr. Combs said the planning department staff recommended that they rezone the property to IN- Institutional zoning. He said planning department staff recommended they contact the church to the east of their property to ask if they were interested in rezoning the property, as well. Mr. Combs said they plan to pursue the rezoning petition to prevent future petitions needed to expand. Mr. Faucett asked for remonstrators, and none were present. Mr. Matlock said they would not want to block the view of the emergency vehicles leaving the fire station. He said the sign would serve as a message board for the public for public service announcements. There was no further discussion. Four (4) approved and zero (0) denied.

OTHER BUSINESS:

1. Gillihan/ Schleter- Board members asked to discuss the variance petition request of Gillihan/ Schleter due to Ms. Willard is a neighbor of the project and they were told she will abstain from the voting and the vote was a split two to two vote. Mr. Matlock asked why 86' is necessary? He said he does not agree with Mr. Schleter's statement that storage of one bale of hay or one bag of feed make the barn used for agricultural purposes. Mr. Matlock said the barn will be 80' by 100' a massive size with the height going straight up. He said the barn will be taller than Walmart new warehouse and a height of a grain leg on a large farm operation. Mr. Matlock said the proposed height is extreme and will result in one very big building. Mr. Faucett said $\frac{3}{4}$'s of the building will be roof and the proposed door will be oversized at 8'. Mr. Long said the height makes sense with the pitch, size, and style of the structure. Mr. Faucett said the round barn height is 69' tall. Mr. Matlock stated he does not feel that the petitioner has provided enough information for the board to make an adequate decision. Ms. Cook asked if the size of the barn would trigger the need for sprinklers to be installed? Mr. Faucett answered if the barn is for private use no sprinkler system would be required, however, if the barn was used for commercial purposes like a wedding venue then sprinklers would be required. He said that is the reason they need to know what Mr. Schleter plans to do on the second story. Mr. Faucett said the most restrictive occupancy classifications in state regulations are the event venues because of the use. Mr. Matlock stated the Depot in downtown Greenfield is 110' tall. Mr. Matlock said he feels when Mr. Schleter was asked about the use of the building he was very vague and provided very limited information. He said the requested height is as tall as a grain leg and that is extreme height but a necessary height. Mr. Faucett said Mr. Schleter should be very detailed about the intended use of the building. Ms. Brooks said Mr. Schleter wanted to compare his request to the round barn however, that barn is 69' tall and it use to have a windmill sticking out the roof that fell shortly after it was built. She said that is the largest barn she could find record of in the county but in her opinion the comparison does not apply here. Mr. Matlock said the round barn is historical and has been around for-ever. He said the really old barns in the area cannot be a comparison for any new proposed barn. Ms. Brooks said the barn does not classify as an agricultural exception. Mr. Long said the gambrel roof system design of a 20/12 pitch without intermediate support is how the roof got so tall. Mr. Matlock said they have 2 of the older taller red barns in the area, at their family farm, that are maybe 50' at max. in height and they stand out from miles away. Mr. Long said he is concerned about what Mr. Schleter will request after this if approved because he requested a grass runway with the hangar in the existing barn on the NW corner of the property but now he is

requesting this. Ms. Casey said a neighbor pointed out that Mr. Schleter had a larger plane that he feared would be kept here after BZA restricting the plane from the site. Mr. Long explained that when the petition was approved for the airstrip the neighbors were concerned that Mr. Schleter would use the airstrip for a larger plane. He said Mr. Schleter had a couple of planes and one was a dual engine plane, so the BZA restricted the use of the airstrip to a single engine plane only. Mr. Matlock and Ms. Casey asked for the minutes and approval letter from the previous petition be forwarded to them via email. Ms. Casey said she suspects that the barn will be used by the public and become an event center. Mr. Faucett said if the board did grant approval, they would need to make a condition of approval that restricts the public use of the barn. Mr. Long said he does not want to see the barn turn into a wedding venue or a party place for airplane fly ins. Ms. Casey said she wants to know what the second floor will be used for. Mr. Matlock said the absence of details about the use makes him suspicious of the intended use or future use. Mr. Matlock said a building that tall will have some serious water draining off it. Ms. Cook said at one point Mr. Schleter said he would not use the proposed building as a hangar, and he would store his plane in the other barn on the property. She said according to the BZA approval he cannot store the plane in the other building on the property because it is located outside of the restricted area. Ms. Casey said the other barn is outside of the restricted area and asked what he plans to use that barn for? Mr. Long said Mr. Schleter said his son lives in the house and the existing barn is in the area near his son's house and will be used accessory to the house. Ms. Brooks said the other barn has a new addition with a large door that is large enough to house an airplane. She said the addition was issued a permit for agricultural uses only. Mr. Faucett instructed staff to forward the following questions to Mr. Schleter; 1. What is the use of the second floor? 2. Will this be used for private use only? a. Are there plans for future commercial use (wedding barn, party hosting for income, vineyard, etc.)? 3. Are there future construction plans for the property? 4. Floor plan? Mr. Matlock said he would like to research the list of conditions of approval for the special exception for the airstrip. Mr. Long said Mr. Schleter was agreeable to all the conditions of approval and the restrictions of no fly in parties, for his single engine one plane only and limited to 150 times a year. He said the neighbors and the board thought the airstrip would be used for fly in parties because of the amount of support from the aviation community but Mr. Schleter said the airstrip would only be used for personal use only. Ms. Kinker presented the airstrip special exception conditions of approval. Mr. Matlock said, if approved, Mr. Schleter could sell the building and/ or the airstrip once the building is built and the next person come in here to ask something. Mr. Long said with the current zoning Mr. Schleter could sell the property to a developer to build medium density housing all around this giant barn. Ms. Casey questioned if they could be building the barndominium. Ms. Kinker said she feels that Mr. Schleter does not know his long-term plans for the property; however, during one meeting he did mention that his wife thought the property was a nice place for a new home to allow a walk out basement. Ms. Kinker said when questioned about the second story use Mr. Schleter said he does not know what he plans to use it for. Mr. Matlock said the typical barn ceiling height are between 14' to 20' and 20' is extreme. Ms. Kinker showed a photo of an example of an elevator that Mr. Schleter saw, while in Michigan, that he has considered installing. Mr. Faucett said the property can have an agricultural design or feel but that does not make it an agricultural structure because he is not doing agricultural work from the barn. Ms. Kinker said she will forward the questions to the petitioner, and she will forward the requested special exception conditions of approval and minutes from the meeting. There was no further discussion.