

Hamilton County Board of Zoning Appeals – South District  
February 23, 2022

*Mr. McMillan* called the official meeting of the Hamilton County Board of Zoning Appeals – South District to order at 7:02 p.m.

*Roll call:* Adam Zeller, Charlie McMillan Jr., Frank Habig III - alternate, Jim Galloway, and Mike Pugel. Also present: C. J. Taylor, Director; Aaron Culp, Legal Counsel; and Linda Burdett, Secretary.

*Declaration of Quorum:* *Mr. McMillan* declared a quorum with five board members present.

*Guests:* See sign-in sheet.

*Communication / Reports:* Nothing to present.

*Approval of Minutes:* *Mr. McMillan* identified the minutes of the December 08, 2021 meeting. We have one correction on page 16 at the top. The name was Marten not Merten.

***Mr. Galloway moved to approve the minutes as corrected.***

*Mr. Zeller* seconded.

With no further comments or corrections... *Mr. McMillan* called for the vote. **5 yes votes... 0 no votes.** The minutes are approved.

The minutes of January 26, 2022 have not been handed out to the board members at this time. May I have a motion to table until next month's meeting?

***Mr. Zeller moved to table the January 26, 2022 minutes until the next meeting.***

*Mr. Pugel* seconded.

With no further comments... *Mr. McMillan* called for the vote. **5 yes votes... 0 no votes.**

Election of Officers: *Mr. McMillan* identified the position of Chairman.

***Mr. Zeller moved to nominate Charlie McMillan for chairman.***

*Mr. Galloway* seconded.

With no other nominations... *Mr. McMillan* called for the vote. **5 yes votes... 0 no votes.**

*Mr. McMillan* identified the position of Vice Chairman.

**Mr. Pugel made a motion for Jim Galloway as Vice Chairman.**

Mr. Zeller seconded.

With no other nominations... Mr. McMillan called for the vote. **5 yes votes... 0 no votes.**

Mr. McMillan identified the position of Secretary.

**Mr. Zeller moved to nominate Linda Burdett.**

Mr. Habig seconded.

With no other nominations... Mr. McMillan called for the vote. **5 yes votes... 0 no votes.**

*Old Business:* Nothing to present.

*New Business:* Mr. McMillan began with **SBZA-R.V.-0001-01-2022** a requirement variance. This is concerning reducing the required minimum front yard setback from 110 feet down to 25 feet. **Location: 16605 Durbin Road, Noblesville, Indiana.**

Mr. Culp stated that they would not be able to move forward with this tonight. There were three of the verifications we needed to show that the people who are statutorily required to receive certified letters have been sent those notices. If we can't do that we can't proceed. On that ground I would ask that this be tabled until next month so we can ensure that the three individuals are noticed.

*Mr. Culp addressing the petitioner* stated that just those three would need to be noticed. You don't have to re-notice the other people or advertise in the paper again. I believe you talked with Mrs. Burdett about who that would be.

**Mr. Galloway moved to table the petition until the March meeting.**

Mr. Zeller seconded.

Mr. McMillan stated that next month's meeting will be March 23, 2022 at 7:00 p.m.

After minimal comments... Mr. McMillan called for the vote. **5 yes votes... 0 no votes.**

*Director's Report and Legal Counsel Report - combined:* Mr. Taylor stated that the steering committee on the zoning ordinance updates is meeting weekly. The committee is Aaron Culp, Conner Sullivan, Byron Settles, Corrie Meyer, and myself. You should be seeing some things come through, hopefully, before very long.

It would be three or four months before going to the plan commission at a public hearing.

Mr. Culp added that they anticipate doing this in two phases. The first one will be the overlay

covering U.S. 31 and the solar ordinance. Then the rest of it coming through later. We hope to have the first draft ready to share with the commissioners on the solar. The reason why they want to be in the area is the big transmission lines.

*Mr. Taylor* stated that what they explain is those lines have a limited amount that they can carry and therefore they have to have so much acreage under a lease contract to say that they can provide however many megawatts that they are bidding on that goes to that line. They are hoping for about 4,000 acres in Wayne Township and the southern part of White River Township. And then about 8,000 acres in White River Township is what they would like to see happen. That will get them to the megawatts they would like to be able to put on the grid.

*Mr. Culp* stated that in our ordinances we are dealing with everything from decommissioning plans, screening, spacing, the glare if it is near a residential area, setbacks. But for any of this to come into effect they have to find people who are voluntarily of their own free will willing to lease them the land.

One thing that they told us is that they would prefer us to adopt a detailed ordinance and then they will comply with it. They say they would much rather you tell them, and they will follow your rules and not seek a variance.

*Mr. Habig* stated that his phone is lighting up with Sheridan people really concerned about Westfield jumping over the township line and annexing ground along U.S. 31.

Discussion followed.

*Mr. Taylor* stated that if they can provide the utilities and the services to it, they have full legal right to do so.

*Mr. Culp* stated that under Indiana Law especially if the landowners are signing petitions volunteering, and as long as Westfield can show that it is contiguous and that they can provide the services, they can annex it.

Once Westfield annexes something it becomes part of Westfield and we lose all jurisdiction. Their plan commission and their planning ordinances will become effective in that area.

As Noblesville has expanded, they have taken territory that was under our jurisdiction.

*Mr. Taylor* stated that they were taking in the entire right-of-way for U.S. 31 so that would give them contiguous [\[boundary\]](#) into Jackson Township, too.

The next BZA meeting will be Wednesday, March 23, 2022 at 7:00 p.m.

With nothing further to come before the board at this time... **Mr. McMillan asked for a motion to adjourn.**

**Mr. Galloway so moved.**

*Mr. Habig seconded.*

Mr. McMillan adjourned the meeting at 7:31 p.m.

*Moved to approve as amended on March 23, 2022... 4 yes votes... 0 no votes.*

*Charlie McMillan, Jr.*

*Frank Habig, III*

*Mike Pugel*

*Robert McCormack*

*Linda Burdett, Secretary*