

Hamilton County Board of Zoning Appeals - North District  
May 27, 2020

Mrs. Johnson called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 8:00 p.m.

*Members Present:* Frank Habig III, Gerald Kirby, Kristin Johnson, and Ron Hall. *Absent:* Tim Clark. Also present: Charles Kiphart, Director; Aaron Culp, Legal Counsel; and Linda Burdett, Secretary.

*Declaration of Quorum:* Mrs. Johnson declared a quorum with four members present.

*Guests:* See sign-in sheet.

*Communications/Reports:* Mrs. Burdett stated that everything had been passed out.

*Approval of Minutes:* Mrs. Johnson identified the minutes of February 26, 2020. Could I have a motion to approve?

**Mr. Habig motioned to approve.**

Mr. Hall seconded.

With no further comments or corrections... Mrs. Johnson called for the vote. **4 yes votes... 0 no votes.** The minutes are approved.

*Old Business:* Nothing to present.

*New Business:* Mrs. Johnson began with **NBZA-R.V.-0002-03-2020**. This is a requirement variance. It has been tabled and the same with the second item **NBZA-R.V.-0003-05-2020**. It is still being processed. There was a discrepancy in the acreage.

Mrs. Johnson moved on to **NBZA-L.U.V.-0004-05-2020**. This is a Land Use Variance concerning establishing a business in an existing accessory building. The business area would be 384 sq. ft. in order to assist people with location to location transfer of firearms, a small amount of retail sales, and provide background checks when required. **Location: 23587 Newtown Avenue, Noblesville, IN 46060.** Mr. Jones, would you like to tell us about your petition, please?

Thanks everybody for coming tonight with everything going on. My name is **Frazier Jones**. I live at **23587 Newton Avenue, Noblesville, Indiana**. The variance I am requesting is to establish a business in an existing accessory building in order to assist people with location to location transfer of firearms, a small amount of retail sales, and provide background checks when requested.

I am requesting this variance because I am in the process of obtaining a federal firearms license.

According to the most recent Hamilton County GIS map statistics of 2017 the average daily traffic county is 26 vehicles on Newton Avenue. The traffic that will be coming to my property will be by appointment only. By doing this I will be able to restrict multiple vehicles coming to my business at one time and minimize the number of vehicles on Newton Avenue.

Due to the strict regulations implemented by the ATF, individuals that will utilize me as a federal firearms licensed dealer will have to pass a background check through the national instant criminal background check system prior to me releasing a transferred firearm or a purchase to said individuals.

A person with a criminal background will be flagged and will not be able to receive a firearm minimizing the risk of crime to the community and public health.

The purpose of the FFL is to make the community safer by providing a location for individuals to do a background check when purchasing a firearm. It will also serve as a place for private individuals and potential buyers of private individuals to come get a background check prior to conducting the private sale of a firearm.

According to Google Maps... there are approximately eight businesses operating in the general vicinity of my property at this time. I feel that adding my business to this area would not affect the value of adjacent properties in a substantially adverse manner. Some of these businesses include: Gator Sharp – a knife sharpening company; Rebel Devil Customs – a custom car shop; Cruiser Golf Cars – a golf cart mechanic; Southard Gravel – a sand and gravel supplier; Craftec, Inc. – a truck accessory store; Strawtown Pottery and Antiques; Zathletics – a gymnastic center; and Sigman Well and Pump Services.

I would like to run my FFL out of my barn due to the lack of space in my primary residence. At this time there are 25 FFL dealers within a 25 mile radius of the zip code 46060. As an individual who has utilized FFL dealers in the past for gun transfers and firearm purchases, I feel there is a lack of convenient FFL dealers in my area. By me becoming an FFL dealer I feel it would bring more convenience to individuals seeking firearms transfer or a retail firearms purchase.

Although there is no hardship that directly affects the property in which the variance is sought, I feel the lack of FFL dealers in my area is a hardship to the individuals close by seeking the need of an FFL dealer.

The Hamilton County Comprehensive Plan shows my area to remain rural at this time. I anticipate at this time having roughly five to ten vehicles coming to my business per week if I'm lucky.

Items for retail merchandise will be delivered via USPS, UPS, and FedEx. Patrons will be able to come to my business by appointment Monday through Friday from 5:30 p.m. to 8:00 p.m. and from 8:00 a.m. to 5:00 p.m. on Saturdays and Sundays to conduct transfers and retail purchases.

I have spoken with David Lutz with the Indiana State Board of Health with regards to my septic system. Their office verified that since there are no drains or water in the building, I do not need

my septic inspected and they do not object to the use.

I have spoken with David Lucas at the Hamilton County Highway Department. They requested that once my variance was approved that I get a minor commercial driveway permit. I have the application for the permit filled out and all I have to do is mail them a check for the permit. He also indicated that he did not feel I needed to make any modification to my driveway.

I have also spoken with Andrew Conover at the Hamilton County Surveyor's Office. He indicated that the Hamilton County Surveyor's Office has no objection to the variance request.

Mrs. Burdett gave me a letter from the Hamilton County Soil and Water today. They said they have no objections either.

I have spoken to some of my neighbors about this, not all of them.

We just moved in there December 20<sup>th</sup>. I am a responsible person who is financially responsible and a hard-working individual. I was raised to be a man you could count on. This has been an interest of mine for one-third of my life. The location is one that I share with my wife. I have no interest in turning my location into a Cabelas or a large retail store. I am not opening a public shooting range, nor will any patron be allowed to discharge a firearm on the premises. My plans are to live here long-term and raise my future children here. I have had an Indiana hunting license since the age of eight and I've been an NRA member for the last five years.

I understand I have some neighbors who have had some concerns about traffic coming to and from my business. I will direct, or suggest, or ask patrons coming to my property that they come from the northeast of Newton Avenue where they would only drive past two houses.

I appreciate everybody listening to me. Thank you very much.

Mr. Hall ask for clarification. You say you're going to provide location to location transfers. Does that mean you are going to put firearms in vehicles and drive them places? (2) So any firearms that would come to and go from your property would be by FedEx or some other commercial carrier. They don't have to be by a special licensed...

Mr. Jones stated that a person as an individual cannot have a firearm shipped directly to them. So they would have to ship it to somebody like me – an FFL dealer – that would basically take that firearm and put it in their books, and then have that individual come over, do a background check - make sure they are able to receive that firearm, but if it flags them you send that firearm back to the sender. (2) When the firearms do arrive, they have to have an adult signature. They can't leave them on anybody's doorstep. Somebody has physically got to be there to take that firearm.

Mrs. Johnson asked about the closest FFL to your location.

Mr. Jones stated that there are so many. The closest one that I know would be Corks Firearms. The only reason I know of him is because I have used him in the past. He is in Noblesville.

Mr. Hall asked if the FFLs were primarily held by commercial dealers that have shops or are they mostly held by people like you who are working out of your home. (2) The building that you're proposing to put this in... this is an existing building, correct? (3) Have you made improvements to this building? (4) And you made those improvements for what purpose? (5) Before you bought the property last year, what was this building used for? (6) Did you have an improvement location permit to do that work?

Mr. Jones stated that nowadays... I would say more and more people are doing it from their homes. I think it is a lot easier to do it from your home because you're not opening up a huge establishment. A majority of the 25 that I know about are at home FFLs. (2) um-huh. (3) I have. (4) I was going to make it a mancave. Then I said, "well, let's make it something that I can actually utilize and not just sit there." (5) It's a pole barn with a lean-to coming off of that. We just framed in the walls around that lean-to. We didn't break any ground. It was just a barn. (6) I did not.

Mr. Habig asked about security. (2) The word "retail store" throws the one flag up for me. Explain the retail part of this. (3) Once word gets out, how do you stop the causal person from stopping by your place to purchase a firearm? (4) So if somebody pulls up in your driveway and you greet them outside your door and they say... "I heard you sell guns here." What would you tell them?

Mr. Jones stated that there are video cameras. I have a sign indicating there are cameras on the premises. (2) At this time, I am not planning on holding any merchandise. The majority of what I want to do is just transfers. My ultimate goal with this entire thing is to get this license so I can interact with auctioneers that are doing off-site auctions – NOT on my premises – that have 200 firearms. They need every one of those firearms to have a background check ran when they get sold. I have to put my address as the FFL. I have to say that I'm going to hold retail with the ATF. I have to put all these things in this so that they will give it to me. It is basically going to be an office. (3) On these websites, it says you have to contact this person. It doesn't show you their address. It just shows you the name and the contact information. Once they call you and tell you what they want to do that's when you decide if he sounds like he wants to do what he's telling you. Then it's up to my discretion whether that individual can come to my property or if I choose to take their business. (4) I would tell them that they were going to have to leave and then come back, and make an appointment.

Mrs. Johnson asked if there were any other businesses on Newton Avenue. (2) How do you think the surrounding land value will be impacted if this were to be approved?

Mr. Jones answered, not that I'm aware of. I was told by one person that there is a house at the end of the road on the northeast of the property that he believes that the building is used for an office space. (2) With the small amount of what I'm trying to do, if I didn't have to notify anybody, I don't think anybody would have noticed. I know that it is zoned as an A-2 Agricultural Use for land but... I don't think it would negatively affect the property values in the area especially with all the business within a two mile radius of my address; the closest one being .7 miles away. By adding another business, I just couldn't foresee that it would lower the property values. The market is good there.

Mr. Hall asked Mr. Jones if there was something about his property, something peculiar, a condition to his property that makes this variance necessary - size, location, topography, or even the 384 sq. ft.? (2) But there is nothing about the physical nature of the property that would require a variance?

Mr. Jones stated that the 384 sq. ft. once he realized what he wanted to do with this he wanted to be able to secure it. I was able to make it so that I was confident that if somebody tried to come there, they wouldn't easily get into that building. (2) No.

Mrs. Johnson asked Mr. Jones if he felt that there would be a really big hardship if this was not approved.

Mr. Jones answered, as far as going with the property itself – no. The only hardship, and I know you don't look at financials and stuff like that, is for me. I have spent my time and my money for something that I dreamed of doing. I moved up here because I was thinking that this is something I want to do in the future. I got the opportunity to do that. I got the opportunity to build a room and I finally did it. This is something that I am always going to want whether I get approved for this or not.

Mr. Kirby stated that he knows a FFL guy up in Tipton and he works out of his home office/basement; very little impact.

Mr. Hall asked if the FFL was what gives one the ability to make a retail sale. (2) If you get the FFL do you have to apply for any other licensing?

Mr. Jones stated that the only thing this gives me the opportunity to do is accept shipments of firearms; to have UPS send me a gun. In the state of Indiana, I could post on social media... "these are all my guns, this is where my address is, come check them out." I don't have to do a background check as a private seller. Once you get an FFL you are required to. I am trying to do this to go above and beyond for safety and to make sure there are less criminals out there getting guns. (2) No. That's it.

Mr. Habig asked for clarification. Did you say you were not selling ammo?

Mr. Jones answered, not at this time. It's a formality that they're wanting to put on there because they're trying to get as much as I can get.

With the FFL the ATF did an extensive background check on me and I passed everything. I'm not a criminal standing up here or somebody who is going to make bad decision. I make good decisions and, if the ATF thinks that I'm suitable, I feel like that says a lot.

Mr. Hall stated that your materials say that you would condition this... you're not planning to have any employees, you're not planning to have any signage.

Mr. Jones answered, no.

Mrs. Johnson asked Mr. Jones if he thought that would continue that he wouldn't want to have any employees and signage. (2) So you're not planning on this being a full time job?

Mr. Jones stated that he has honestly looked at this as a hobby. I'm not really here to make money. I will probably make \$ 20.00 a transfer. (2) No. I have a full time job.

With no further questions from the board... Mrs. Johnson opened the hearing to the public at 8:34 p.m. and invited anyone who wished to come forward and speak for or against the petition could do so at this time.

**Loren Schmierer, of 23540 Newton Avenue**, stated his name and address for the record. I am against this proposal. Newton Avenue is just a mile and a half and comes off State Road 37, curves and goes back into State Road 37. It's not through traffic, and people who live there use that street with the kids on bikes and whatever, and is part of the reason we moved there. We don't need extra traffic coming in. I did talk to Frazier one time over the fence and he explained what he wanted to do. In talking with the neighbors everybody agreed that this is not something that we want to have in the community. There are ten residences on this mile and a half, and it was developed as a residential community. We don't feel this is the right fit for a gun shop when it could be done in a retail area down in town.

**Travis Barrickman, of 23410 Newton Avenue**, stated his name and address for the record. I have lived there 22 years now. I am a gun enthusiast myself, but I am not really for this proposal. I have four children. They are constantly out in the yard playing. We do bike rides up and down the road all the time. We do it safely. When cars come, we get over. But you increase the cars on the road, you increase UPS deliveries, FedEx, whatever... that increases the risk to my family of some type of accident because of the increased traffic. I realize that he says his clients will be by appointment and he can control that, but eventually word of mouth is going to get out and I believe that we will have random people coming down the road and stopping because... this guy did a transfer. As of now he says he doesn't want to do retail sales and he isn't planning to open up and have a lot of access to accessories but with his proposal and what he is asking... in the future he can expand his business to whatever it is he wants. I understand that he has his plan and his dream of helping people get firearms. I'm not opposed to that. I'm just opposed to that happening down the street from me on my road where I have already lived for 22 years.

Mr. Schmierer stated that he thought they wanted him to speak for them to. In talking to all the people who live there, there was nobody in favor of this.

**Cassie Ottinger, of 23309 Newton Avenue**, stated her name and address for the record. We have been out there about 35 years now. We moved out to the country from town because we like it out there. It's quiet, very little traffic. UPS and FedEx don't go 30 miles an hour. They go swoosh. They go as fast as that little road will let them go. It's just not safe. We walk the road for exercise. We enjoy the agriculture out there and that's the way we want it to stay.

Mr. Habig stated that eventually in the future people are going to start buying up property and building houses along that road. Are you going to feel the same way about people wanting to build

out there? That you don't want them out there? (2) It would be more traffic on the road. (3) I just pose that question because you can't live the rest of your lives thinking that there isn't going to be more traffic.

Mr. Schmierer stated that he didn't think they had any objection to that because it would just add to the community.

(2) Mrs. Ottinger stated that there is very little property that is available. (3) But it's not going to be downtown Noblesville.

Mr. Barrickman stated that if you add one or two houses to the entire road, you're not increasing clientele traffic. You're making one home with maybe two vehicles coming and going to that home.

Mr. Habig stated that he was just saying that in the future there would be a lot more traffic coming down that road. (2) Would you feel the same way if someone was selling Mary Kay products out of the house? (3) Girl Scouts selling cookies out of their house?

Mr. Barrickman stated that he agreed that eventually there could be more traffic but not by adding a business to the road. Adding a retail sales facility to the street is not like adding a residence. (2) Yes, I would. (3) Yup. I have four small kids and you can ask my neighbors... when there are school fundraisers going on, they don't go knocking on my neighbors' doors.

Mrs. Ottinger added... they don't even trick-or-treat.

I've lived there for about 90 years. It's just a private drive down along the river and going right back on State Road 37. It's a mile and a quarter, and I've lived there my whole life. I like the guy who has the gun shop. He seems like a nice gentleman. But I don't want a gun shop on that mile and a quarter drive because if we have that we could have people breaking in for guns and they might stop at my house because I live right next to him. He's a good man but I don't favor a man selling guns there.

Mr. Culp asked the speaker to identify his name and address of the record.

**Edgar Irion, of 23483 Newton Avenue, 46060.**

Mr. Kirby stated that one of the only ways you can control what goes on next to you is to buy the property. Whenever you moved out there you bought it to have what you wanted so whenever somebody else buys out there shouldn't they be able to do what they want to do as long as it's within reason?

Mr. Schmierer stated that as long as it's residential it's not a problem with anybody.

Mr. Irion stated that you hear all the time about them breaking into gun shops and trying to steal guns from them and all that.

**Kevin Irion, Edgar's son.** We own most of the property around that area. Dad's had that ground for I don't know how long. And I'm going to have that ground for I don't know how long. My intent is not to ever sell that ground. It's going to stay ag.

The only time we ever have any traffic on that road is when the sale barn is going on on Thursday night. People drive down that road just to drive down that road. It's not a thrill for us to have even that much traffic going down that road at that particular time especially with the kids running around down at the end of the road. It's a quiet community. We want to keep it quiet. That's the reason everybody loves to be out there. I think a lot of people here want to keep it that way.

Mrs. Johnson asked Kevin Irion for his address.

Kevin Irion, of **23483 Newton Avenue, 46060**, stated his address for the record.

Mrs. Johnson thanked those present for coming and telling the board their thoughts.

Mr. Edgar Irion stated it was his understanding that Mr. Jones is almost selling something. He would have to re-zone it to have him as a sales person, wouldn't you?

Mr. Culp answered, not necessarily. This variance could permit him to do this. You can do it one of two ways – either a re-zone or a variance.

**An unidentified female:** I was a Flanders when I lived across the river. That river - you used to go out for canoeing and kayaking and all that stuff. When I was married a long time ago, my ex-husband barely missed a bullet that whizzed by him. I don't know where it came from. If that wind gets to picking up that wind can make a bullet change directions no matter how fast it's coming out of that gun, rifle, or whatever. A lot of little kids live right along that river across from where they live. I think it's wrong. I'm sorry.

Mr. Culp stated for the record... we have received four written statements that were passed out to the petitioner as well as the members a head of time. These were comments submitted via email through Mrs. Burdett. One of them is by Oliver J. Menard, Jr. who is a firearms owner. Another one is from Bruce and Raylene Frytz who are opposed. Another one is from Elizabeth LaCava who is opposed. And one is from Irene Robinson who is opposed.

This was heard before the plan commission last week and passed with a favorable recommendation.

Mrs. Johnson stated that with these letters and everybody here that's pretty much everybody on your road. Are we missing anybody?

Mr. Schmierer and Mr. Barrickman discussed one person (Russell) that was not present. Mr. Schmierer stated that he was opposed to this when he talked to him also. And Monty Lively also was opposed but he couldn't attend. He's farming. When I talked to Rutledge he was opposed to it also.

With no further comments from the public... Mrs. Johnson closed the public portion of the hearing at 8:50 p.m. May I have a motion?

Mr. Kirby made a motion to approve as presented with the condition that it is for this landowner only. *Mr. Kirby then addressed all the remonstrators* - We have to make a favorable motion.

Mr. Hall seconded. I think the petition for a use variance fails for two reasons. First of all, they are using the property now in compliance with the ordinance, so I can't find any hardship. It can be used either as an ag property and has been used as an ag property, or it can be used as a building that is personal to the petitioners use. He said he even thought about using it as a mancave.

It is a very high standard and a use variance is the toughest thing we have to get over and that's on purpose so that we don't have this group trying to decide uses that become "spot uses" when ultimately a use change should best be decided by the plan commission on a re-zone.

The property is being used in compliance so there is no hardship in using it in compliance with the ordinance. Also, there is nothing that's particular about the condition of the property that would make this request for a variance necessary. There doesn't seem to be anything particular about this 384 sq. ft. I think before we even get to the debatable issues about a safety or public health issue, I think it fails for those two reasons – the lack of hardship and the particular condition.

Mr. Habig stated that he felt the same why with a piece of property when the word retail comes in. I think there are a lot of home enterprises going on out there that we know little about whether it's Mary Kay or vitamins and stuff like that but when you start talking about a retail store in a residential community that starts concerning me. There are a lot of good people who have voiced their opinion on that property and just on the way it sits. And, with no hardship proven I have a difficult time with it.

Mrs. Johnson stated that she felt the business itself was fine and I think what he wants to do is good, too. But for a land use variance I totally agree with Mr. Hall and that's kind of the way my questioning went as far as a hardship. It has to pass all five for us to be able to say, "yes, we, with a clear conscious, can vote this through."

Mr. Hall stated that a use variance is an appropriate way to go about changing a use so long as it meets all of the criteria. The other part is, if it needs to be a use change... you need to go to the plan commission for a change in the zoning. Despite all the caution that the petitioner is putting into this I think, on it's face, does not meet the ordinance requirements for a use variance.

Mr. Kirby stated that he agreed with that. It doesn't meet what we're supposed to find to be able to vote in favor of it.

With no more discussion from the board... Mrs. Johnson called for the vote. **0 yes votes... 4 no votes.** Your variance did not pass.

Mr. Jones asked if what he tried to do here is not the correct thing based off of what you guys said.

Mr. Habig stated that he felt he was in the wrong location. But don't give up on the fact that you're looking for a place where that will fit. I think you've got a great idea and if that's your life's dream, don't give up on it. There are plenty of places out there that you can find to operate.

Mr. Hall stated that a lot of people come before them and tell them what they would like. I really appreciate the fact that you have looked at the ordinance and you have tried to match what you are doing with the requirements of the ordinance. That's refreshing and I appreciate that.

Mrs. Johnson stated that they appreciated all the extra information. We can tell you really did your research and know what you're talking about.

Mr. Kirby stated that they have to watch what they approve because if we approve something like this that's not finding the facts that we're supposed to look at.

Mr. Jones asked what zoning a place like that would allow.

Mr. Kiphart answered, C-3.

Mrs. Johnson continued with **NBZA-R.V.-0005-05-2020**. A requirement variance. This is concerning constructing a 58 ft. by 74 ft. (3,912 sq. ft.) accessory building with porch overhangs on a 13.23 acre parcel of land without a principal building on the parcel. **Location: 10223 East 221<sup>st</sup> Street, Noblesville, Indiana.** Would you tell us about your petition after you state your name and address?

Thank you for having us here for this. **My name is Wallace and this is my wife, Dayna.** We want to build a building. The building is actually 48 ft. by 64 ft., 16 ft. tall with a 10 ft. extension porch that wraps around. I want to be able to do this before we build our house. We have lived on State Road 32 for almost 36 years. We eventually want to build a house on the property. A friend of mine at my church has put alfalfa on the property and instead of mowing it we wanted to put alfalfa and get hay off of it to sell. I would like to have a barn to be able to put my hay into. I also have a 35 ft. camper and a utility trailer to put in the building so I can have them out of the weather.

Mr. Habig asked Mr. Brown if there was a timeline on building the house.

Mr. Brown answered, maybe two to four years. It just depends. Where we live is going to all go commercial. We live on State Road 32. I would like to build a house in the next two to four years, but I can't say I can guarantee I can build the house. That is my goal, my plan. I know the county is going to widen that highway so they may make me move out sooner. Or the state would because it is State Road 32.

Mrs. Johnson asked if the building was going to have a cement floor or insulation or anything.

Mr. Brown stated that they wanted to put a full cement floor in it. I would like to put electricity. I would like to have water and sewer. I would like to get the well and the septic put in before I

build if I can. I would like to have a restroom out there and be able to use that when my wife and I are out there doing anything.

Mr. Hall asked if there was electricity and a septic... you would not be living in this until you built your house, correct?

Mr. Brown answered, no. I have a residence that I own right now that I will be living in.

Mrs. Johnson asked if they included that as part of the variance approval that you could never live in it, you'd be ok with that?

Mr. Brown answered, yes.

Mr. Habig asked about the wooded area. (2) There is a house...

Mr. Brown stated that that was their neighbors. (2) He has built a house in there already. He owns 13.25 acres also. They have been very gracious. They have allowed us to use their driveway to get our stuff in and out of the field. We have the approval for the driveway already. It is 20 ft. wide and will go back 300 ft. to get to the pole barn. We have already started planting trees out there. The house will be built west of the pole barn.

Mr. Kirby asked about the back end of the property. Is that the old railroad track/bed?

Mr. Brown answered, it's where it used to be. Duke Energy has the right-of-way with the power lines.

Mrs. Johnson asked if there was a pond back there.

Mr. Brown answered, no. Not on our property.

With no further questions from the board... Mrs. Johnson opened the hearing to the public at 9:12 p.m. and invited anyone who wished to speak for or against the petition to do so at this time.

Terry Humphrey stated that they were in favor.

**Steven Cavanaugh, of Noblesville,** stated his name and city location for the record. I own property just to the east of this particular farm. I have owned the property since 1946. You would know me as "the guy who sold dirt" and I fought with this group many times.

These people have come to the countryside and are taking a piece of property and they're going to make it their home. I know that having a barn built first is against your rules but I would encourage you that as long as you suggest that they not live in the barn, and whether it is the septic you handle that with or not, but don't deny people the right to have a barn in the country to store some hay in, to store some equipment in, it's the way they get their start.

Not many people are blessed to have millions of dollars the way the current White River Township

is set up with 10 acre minimum lots to come out and build big houses and big barns. It has certainly happened to some degree but it's not commonly yet happening.

Don't deny good people coming in wanting to be a part of the countryside. This is a good project. I have four good people that have bought property just to the east of them that are building nice homes and they love the countryside just as the group that was in here before. They love what they've got in White River Township. On Monday I watched a bald eagle fly over my lake. I've watched a mink transverse the side of the lake. I saw a big snake go into the lake. We caught a lot of fish and had a wonderful time.

I've got a barn that sits across the road and it's the only thing that I have on my property. I've owned the farm since 1976. It ended up that I sold the house and just ended up with the barn. I store a lot of equipment in it. I would be in favor of you allowing this transition.

Mr. Brown stated that he had never met this gentleman, *being Steve Cavanaugh*, but I would like to thank him for his comments.

With no further comments from the public... Mrs. Johnson closed the public portion of the hearing at 9:17 p.m. Could I have a motion, please?

**Mr. Habig made a motion to approve with the condition that they don't live in the newly built barn.**

Mr. Kirby seconded.

Discussion revolved around recordation, a timeline for building the new house, non-commercial use of the building.

**Mr. Habig withdrew his motion.**

Mr. Kirby withdrew his second.

**Mr. Habig made a motion to approve this with the conditions that there would be no living in the barn, no commercial activity in the barn other than ag related, given up to five years to build the new home, and it should all be recorded.**

Mr. Kirby seconded.

Mr. Hall stated that they have somewhat routinely approved these to build the accessory prior to building a residence. I think this is exactly what our comprehensive plan is looking for. I think it is a super asset to the area. They are going about it exactly in the right way.

Mrs. Johnson stated that it looked like a great project.

With no further comments from the board... Mrs. Johnson called for the vote. **4 yes votes... 0 no votes.** Your variance is approved. Good luck with your project.

Mr. Brown thanked the board for taking their time and the neighbors for taking time away from their schedules to come out and help them.

*Director's Report:* No report.

*Legal Counsel Report:* Mr. Culp stated that there were items on the other agenda and one item on this agenda that we had to postpone, and the reason is... if we table something tonight and we say for certain that it is happening next month then we're ok without re-noticing. But Covid-19 created a unique situation when month to month we didn't know if we were going to meet. In looking at that and what some of the other municipal attorneys have decided, we didn't feel we could meet the statutes since we weren't clear because we said in March we would do it in April if we have a meeting instead of being able to say "we will definitely have a meeting on this date and time." Since we couldn't do that, we pushed all those things off so, at the county's expense, we could re-notice them and that way we are ensuring that everyone has notice when they appear next.

Mr. Hall asked Mr. Kiphart and/or Mr. Culp about the status of people with the outside storage of half-trailers on State Road 213. Are we pursuing that? They have actually added trailers since we last talked about it. (2) Why don't we pursue that for violation of outside storage? (3) Why is it with the sheriff?

Mrs. Burdett stated that this did go to the sheriff's department. They did cite them. Last time I talked to the sheriff's department they had until the end of February and he said they had promised that they would have all that stuff off of the property.

(3) Mr. Culp stated that it was because of the junk ordinance. I think at the time we decided to let them proceed under the junk ordinance because it is more of a quick moving process.

Mrs. Johnson asked about the end use of the half-trailers.

Mr. Kiphart stated that they are trying to sell them. I'll call the sheriff's department tomorrow.

*The next BZA meeting will be Wednesday, June 24, 2020.*

With nothing further to come before the board... Mrs. Johnson asked for a motion to adjourn.

**Mr. Kirby moved to adjourn.**

Mr. Habig seconded.

After minimal comments... Mrs. Johnson called for the vote. **4 yes votes... 0 no votes.** Meeting adjourned at 9:34 p.m.

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Kristin Johnson, Chairman  
Date: \_\_\_\_\_

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Linda Burdett, Secretary  
Date: \_\_\_\_\_