

**HENRY COUNTY PLANNING COMMISSION  
1201 RACE STREET, SUITE 214  
NEW CASTLE, INDIANA 47362**

*Darrin Jacobs  
Zoning Administrator*

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The Henry County Board of Zoning Appeals held a public hearing in the Old Circuit Courtroom of the Henry County Courthouse, 101 S. Main Street, New Castle, IN 47362 on Thursday, May 3, 2018 at 7:00 pm.

Board members present were: Larry Brayton, Carol Goodwin, Cathy Hamilton, and Dan Roach. Also present was Darrin Jacobs, Zoning Administrator. Board member Steve Hernly was absent.

**Previous Minutes**

The Board reviewed the minutes from the March 1, 2018 meeting. Larry Brayton moved to approve, Cathy Hamilton seconded, and the motion carried 4-0.

**Case C: 2314**

An appeal has been filed by Gillman Home Center, 1162 Tekulve Road, Batesville, IN 47006 for a variance from all interior parking lot landscaping requirements. The property is owned by Gillman Family Real Estate LLC., 1162 Tekulve Road, Batesville, IN 47006. The property parcel number is 007-85277-00 and is also known as 3485 S. Commerce Dr., New Castle, IN 47362 in Henry Township.

Chair Carol Goodwin asked if the applicant was prepared to present their case. Ben Madison stepped to the podium to present his case.

Mr. Madison stated that they would like to request a variance from the interior parking requirements in the existing parking lot due to the size and design of the parking lot. Mr. Madison stated that meeting the code's interior parking requirements could pose a safety hazard, would make product pick more difficult for their customers, and downtime to change the current lot would create significant disruption to their business.

Carol Goodwin asked for any Comments in Support, there were none.

Carol Goodwin asked for any Comments in Opposition, there were none.

Carol Goodwin asked for any Comments from Government entities, there were none.

The Board and Mr. Madison engaged in a lengthy and in-depth conversation about what had led to this point and what was expected going forward.

Concerns raised by the Board were as follows: That there never was an attempt to do any landscaping, that the Board's wishes had been ignored to this point, that communication with the Board and their staff had not been maintained once the permits were issued, that the property was not kept attractive and is in a highly visible area, that the outside storage creates a hazard to safely navigating their parking lot, that their expansion project to handle overstock should have been began sooner.

The following conditions are to be followed if a variance from the interior landscaping requirements is granted.

Before the July BZA meeting the following items would be completed and maintained going forward: the exterior landscaping would be finished as presented, with plantings approved by the code; wheel stops would be installed along the west side of the parking lot; the new product storage building would be completed; all products being stored along State Road 3 will be moved into the new building or to the rear of the lot; outside storage of products for sale along State Road 3 on or in front of the parking lot will be prohibited; outside storage will be allowed along the sides and rear of the building, and around the entrance of the store provided it does not interfere with approved parking; the rental equipment may be stored outside so as to be visible from State Road 3, provided that the equipment is placed near as possible to the new build and not on or in front of the parking lot.

**The Findings of Fact were as follows:**

**Question A... 4 Yes 0 No**

**Question B... 4 Yes 0 No**

**Question C... 4 Yes 0 No**

**Question D... 4 Yes 0 No**

**Question E... 4 Yes 0 No**

**Variance approved with conditions**

**Case C: 2315**

An appeal has been filed by John Padgett, 4592 N Co Rd 500 W, IN 47356, for a variance to allow for a second dwelling unit on a parcel less than 20 acres, specifically the construction of an accessory apartment above a garage. The property is owned by John Padgett of 4592 N Co Rd 500 W, IN 47356. The property parcel number is 008-00734-00 and is located in Jefferson Township.

Chair Carol Goodwin asked if the applicant was prepared to present their case. John Padgett stepped to the podium to present his case.

Mr. Padgett stated he had torn down a dilapidated garage on his property and wanted to replace it with a new garage with an accessory apartment above it. Mr. Padgett stated he has a 79 year old mother who needs to be closer to him so he can help care for her, but she is still independent enough to want to live separate from the family. Mr. Padgett also stated that he has a teenage daughter who is special needs and that most likely once his mother is no longer using the accessory apartment his daughter will move into it so she can have some independence while still having the safety net of family nearby.

Dan Roach asked if the apartment would have a separate septic system. Mr. Padgett stated that he had recently replaced his septic system with the approval of the Health Department and had already sized it for the accessory apartment.

Cathy recommended that the apartment be built with ADA compliance in mind and asked about the feasibility of Mr. Padgett's 79 year mother climbing stairs to a second story apartment. Mr. Padgett stated that they were looking into purchasing a standalone elevator unit that could help with that issue.

Carol Goodwin asked for any Comments in Support, there were none.

Carol Goodwin asked for any Comments in Opposition, there were none.

Carol Goodwin asked for any Comments from Government entities, there were none.

**The Findings of Fact were as follows:**

**Question A... 4 Yes 0 No**

**Question B... 4 Yes 0 No**

**Question C... 4 Yes 0 No**

**Question D... 4 Yes 0 No**

**Question E... 4 Yes 0 No**

**Variance approved**

**Case C: 2316**

An appeal has been filed by Richard Truscott, 8331 W Co Rd 750 S, Knightstown, IN 46148 requesting two variances. 1.) To allow for the construction of an accessory structure with a 40 foot road setback rather than the required 60 feet. 2.) To allow for the construction of a private swimming pool in the front yard, rather than the rear yard requirement in the Henry County Code. The property is owned by Richard Truscott of 8331 W Co Rd 750 S, Knightstown, IN 46148 .The property parcel number is 014-02334-00 and is located in Wayne Township.

Chair Carol Goodwin asked if the applicant was prepared to present their case. Richard Truscott stepped to the podium to present his case.

Mr. Truscott stated he would like to improve his property by adding a barn and pool to the front of his property. Mr. Truscott stated he would have put the pool in the backyard

as the code required, but due to the number of large trees and topography of his backyard he would have to cut most of the trees in order to get any sunlight and even then very little because of the neighboring trees. Mr. Truscott stated he would construct the barn in front of the pool which will have a two fold benefit of giving his pool some privacy and at the same time mostly blocking the pool from view from the road. Mr. Truscott stated that in order to fit the pool and barn in the front yard he will also need a setback variance for the barn. Mr. Truscott stated he met with a representative from REMC who informed him that his proposed barn would not be in their utility easement and would meet their setback standards.

Larry Brayton asked if it would be above or in ground pool. Mr. Truscott stated it would be an above ground pool.

Carol Goodwin asked for any Comments in Support, there were none.

Carol Goodwin asked for any Comments in Opposition, there were none.

Carol Goodwin asked for any Comments from Government entities, there were none.

The Findings of Fact were as follows:

**Question A... 4 Yes 0 No**

**Question B... 4 Yes 0 No**

**Question C... 4 Yes 0 No**

**Question D... 4 Yes 0 No**

**Question E... 4 Yes 0 No**

**Variance approved**

## **Old Business**

The Zoning Administrator gave an update on the Mark Clark (MC Auto) waring ticket and informed the Board that Mr. Clark would be presenting his case at the next BZA meeting

Larry Brayton moved to adjourn, Cathy Hamilton seconded, and the motion passed 4-0.

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Chair

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Secretary