

**Area Plan Commission Regular Session**  
**July 20<sup>th</sup>, 2023**

The July 13, 2023 regular session of the Area Plan Commission was postponed until the following Thursday July 20<sup>th</sup> for lack of a quorum. The July 20<sup>th</sup>, 2023 was called to order at 6:03 p.m. by President Scott Nogle. Those members who answered roll call for the APC were Scott Nogle, John Moore, Brian Stevens, Joe Ellis, Phil Cox, Ron Mack, Lary Langley and Barbara Phillips. Those who answered roll call for the BZA were Scott Nogle, Travis Newman, Barbara Phillips, Judi Paloncy and John Graves. Also present: Attorney Ron Severt, Executive Director/Recording Secretary Penney Carpenter, Building Inspector Roger Meyer, and Kelsey Boling

The June 8<sup>th</sup>, 2023 minutes were examined. Mr. Langley made the motion to approve the minutes as presented. Mrs. Phillips seconded. MC

**Old Business:**

Update on ongoing violations: Mrs. Carpenter stated that during the hearing on the junk yard violation located at 5495 N Main, Cayuga, In 47928 that the judge issued a bench warrant for the respondent for not attending the hearing. Grimes 14396 S 125 E, Clinton has mowed and has reached out to the office that with the heat index and his age he is still working on it. Gilman 13766 S 100 E, Clinton, has had a dumpster on their property and has been in contact as well and are making progress.

Update on RFP-Request for Proposal-updating the Vermillion County Zoning Ordinance, Zoning Maps, and the Subdivision Control Ordinance. Mrs. Carpenter stated we have heard back from Ground Rules Inc. out of Zionsville, IN and Civic Blueprint from Lebanon, IN. Both proposals were reviewed, and it was requested that Brad Johnson from Ground Rules Inc attend the August meeting to answer a few questions. The APC already had a presentation from Civic Blueprint last fall.

Commission Member attendance. Mrs. Carpenter stated she had not heard anything from the Vermillion County Commissioners on the letter that was sent, except that they wanted to see the minutes from the meeting. Mr. Joe Ellis stated he had not heard anything either.

Other Old Business Mrs. Carpenter stated she has spoken with Kristy Jerrell regarding our recently adopted Comprehensive Plan being a completed document, according to Kristy Jerrell and the Indiana Office of Community and Rural Affairs our comprehensive plan is a completed document. Mrs. Carpenter stated she will not be attending the Indiana Association of Floodplain Conference in September because of a scheduling conflict.

**New Business:**

Austin Boling has filed with the Vermillion County Board of Zoning Appeals, Petition 23-01 requesting a Variance on the 200' lot width requirement on real estate in an Agriculture Zoning District, located in Highland Township, Vermillion County, Indiana commonly known as 375 East 1650 North, Covington and further described as: The East one-half (1/2) of all that part of the West one-half of the East one-half of the Southeast Quarter of the Northwest Quarter of Section 5, in Township 19 North, Range 9 West, located North of Interstate Highway Number 74, and containing 3.5 acres, more or less. Mr. Nogle opened the public hearing. With seeing none and hearing none, Mr. Mack made the motion to close the public hearing, seconded by Mr. Moore. MC. Mr. Langley made the motion to pass Petition 23.01 for a Variance on the 200' lot width requirement on to the BZA with a favorable recommendation. Mr. Ellis seconded. MC

Mrs. Carpenter stated that the updated Rules of Procedures and the Fee Schedule could be addressed in the updated zoning ordinance.

Other New Business Mrs. Carpenter handed out an email from Mr. Britton Luther on his request for the APC:

From: Britton Luther Wednesday June 21, 2023 11:23am

To: Area Plan, Scott Nogle, Tim Yocum, RJ Dunavan, Brenda Furry, Kylee Yocum and Jon Spurr

The County Commissioners are interested in receiving the following from Area Planning:

County Area Plan (preferably electronic spreadsheet)

- i. Provide a monthly accounting (log or Journal) of the
  1. Inspections
    - a. Location
    - b. Person(s), address
    - c. Cause for Inspection
    - d. Status
  2. Zoning violations
    - a. Person(s), address
    - b. Nature of violation w/ code or ordinance as appropriate
    - c. Status
- ii. Ordinance Draft Request:
  1. Use and Conditional Use of County Property - Alleys and Road ROW
    - a. improved (travel lanes established)
    - b. unimproved (unfinished surfaces)
    - c. Maintenance & Use of Alley & ROW (improved & unimproved)
      - i. Adjacent properties
      - ii. General public
      - iii. Parking on public property
      - iv. Storage on public property
    - d. encroachments and trespass on public property
      - i. Structures
        1. temporary & permanent
        2. Permits issues
      - ii. Improved access - private purpose and use
      - iii. Placement and storage
    - e. Enforcement, Violations, and Penalties
    - f. Other
  - b. Request for Area Plan & BZA meeting minutes to be forwarded:
    1. Commissioners (electronic preferred) and
    2. Posted on the County Website (See Kylee Yocum if assistance needed)
  - c. Because of a number of reasons (Covid, IOCRA requirements, etc.) the latest County Comprehensive Plan prepared by HWC was not considered by the Commissioners nor HWC to be a complete document. Accordingly, at a minimum:
    1. Address GIS, data gaps, topic, use (PUD, Conditional, Commercial (PUC), Rural business, State Highway(s), access considerations, enterprise zones, forward looking changes, etc. are to be completed. Area Plan should undertake the completion of the document in 2023.
    2. Except as may be needed or warranted in the short term any proposed Zoning / Ordinance Changes need to be addressed following the completion of the Comprehensive Plan.
    3. Depending on Area Plan's strategy, the move to GIS / electronic mapping may be started in a limited capacity to provide the basis for integrating both the Comprehensive Plan and Zoning.

Thank you for the consideration,

Following a brief discussion on Mr. Britton's request, Mrs. Carpenter stated that the building permit and inspection log are the responsibility of Roger Meyer the building inspector, the minutes of both APC and BZA are now on the County website and as always, the Commissioners are welcome to attend our monthly meetings for more information, plus we have already covered the Comprehensive Plan be a complete document under old business.

Mr. Mack stated that the Surveyor's Office, in an attempt to correct many past failings of the drainage board, has before the council a request for additional help to research Plat Documentation for Regulated Drains and for County Road Right of Ways as they pertain to drainage issues the county is facing. The true issue is that Vermillion County has no concise records of the road widths or ROW widths of any roads in Vermillion County. In reviewing the Original County road Petitions, road widths are stated as 20', 22', 24', 28', 30' 32', 33', 38', 40', 50', 60' and even 80'. These widths are reported to also be recorded in the County Commissioner Record Books. In the early 1980's a project began in Clinton Township to gather all this information so taxpayers and county officials would know exactly where roads were. No other county areas have been done. Mr. Mack then asked if the APC would be willing to write a letter in support of the additional appropriations he has before the Vermilion County Council currently. Mr. Ellis made the motion for a letter of support be written. Mr. Moore seconded. MC

Mrs. Carpenter passed out the letter that Nancy Roberts 17777 S 200 W, Clinton, IN 47842 had provided to the office for landowners from the EPA regarding Class VI UIC Injection Well Carbon Storage. The letter makes it sound like it is a done deal. For the record, the EPA letter will be placed in the minute book.

Mrs. Carpenter then suggested that the August APC/BZA meeting be moved to August 9<sup>th</sup>, so both APC/BZA could attend the public meeting and public hearing for the Class VI UIC Injection Well Carbon Storage taking place on August 10<sup>th</sup> beginning at 6:00 at the ISU Federal Hall Smith Magna Carta Courtroom, Second Floor 30 North 7<sup>th</sup> Street, Terre Haute, IN 47807. Mrs. Carpenter went on to ask all members to do research on this and the Wabash Carbon Services. Knowledge is power.

Mrs. Carpenter also stated she will be out of the area for the September 14<sup>th</sup> meeting and asked for it to be moved to the following Thursday September 21<sup>st</sup> with the doors opening at 5:30 and the meeting beginning at 6:00. Mrs. Carpenter went on to say she will get the County Calendar updated with the meeting changes as well as have it published in the Clintonian as soon as possible.

Ms. Carpenter presented the claims paid since the last meeting; she also handed out the inspection list and fees collected for 2023. Claims paid June 9<sup>th</sup> – July 13<sup>th</sup>, 2023:

06/20/23	Canon	Copier	\$82.10
07/07/23	IN-APA	Training	\$100.00
07/11/23	Ron Severt	3 <sup>rd</sup> Quarter	\$1,000.00

Mr. Langley made the motion to approve the claims. Mr. Moore seconded. MC

With no further business before the board Mr. Moore made the motion to adjourn the meeting at 6:53p.m. Mr. Mack seconded. MC

Penney Carpenter  
Penney Carpenter, Recording Secretary

Board of Zoning Appeals  
July 13<sup>th</sup>, 2023

The July 13<sup>th</sup>, 2023 regular session of the Board of Zoning Appeals was called to order at 7:25 p.m. by Chair Barbara Phillips. Those members who answered roll call were Scott Nogle, Barbara Phillips, Travis Newman and John Graves. Also present: Attorney Ron Severt, Recording Secretary/Executive Director Penney Carpenter, and petitioner Kelsey Boling.

The March 9<sup>th</sup> 2023 minutes were examined. Mr. Nogle made the motion to approve the minutes as presented. Mr. Graves seconded. MC

New Business:

Austin Boling has filed with the Vermillion County Board of Zoning Appeals, Petition 23-01 requesting a Variance on the 200' lot width requirement on real estate in an Agriculture Zoning District, located in Highland Township, Vermillion County, Indiana commonly known as 375 East 1650 North, Covington and further described as: The East one-half (1/2) of all that part of the West one-half of the East one-half of the Southeast Quarter of the Northwest Quarter of Section 5, in Township 19 North, Range 9 West, located North of Interstate Highway Number 74, and containing 3.5 acres, more or less.

Mrs. Phillips opened the public hearing. With seeing none and hearing none Mrs. Paloncy made the motion to close the public hearing, seconded by Mr. Nogle. MC

Mrs. Phillips read the findings of fact for Petition 23-01:

Findings of fact #1 Mr. Nogle made the motion to accept Findings of Fact #1. Mrs. Paloncy seconded. MC

Findings of fact #2 Mr. Nogle made the motion to accept Findings of Fact #2. Mr. Graves seconded. MC

Findings of fact #3 Mr. Graves made the motion to accept Findings of Fact #3. Mr. Nogle seconded. MC

Findings of fact #4 Mr. Newman made the motion to accept Findings of Fact #4. Mrs. Phillips seconded. MC

It is therefore, the decision of the Vermillion County Board of Zoning Appeals that Petition 23-01 a Variance on the 200' lot width requirement, on real estate in an Agriculture Zoning District, located in Highland Township, Vermillion County, Indiana Vermillion County, Indiana is hereby GRANTED subject to any conditions stated in the minutes of this Board (which conditions are incorporated herein by reference and made a part of this decision).

With no further business before the board Mr. Nogle made the motion to adjourn the meeting at 7:31p.m. Mr. Graves seconded. MC

Penney Carpenter

Penney Carpenter, Recording Secretary