

**MINUTES**  
**ELKHART COUNTY BOARD OF ZONING APPEALS MEETING**  
**HELD ON THE 19<sup>TH</sup> DAY OF FEBRUARY 2015 AT 8:30 A.M.**  
**MEETING ROOM - DEPARTMENT OF PUBLIC SERVICES BUILDING**  
**4230 ELKHART ROAD, GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Vice Chairperson, Roger Miller. Staff members present were: Brian Mabry, Zoning Administrator; Liz Gunden, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr.

**Absent:** Randy Hesser.

2. A motion was made and seconded (*Campanello/Homan*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 15<sup>th</sup> day of January 2015 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Campanello/Homan*) that the Board accepts the Zoning Ordinance and Staff Report materials as evidence into the record and the motion was carried with a unanimous roll call vote.

4. The application of ***Chad E. & Brook A. Friesner, as Trustees of Friesner Trust*** for a 7 to 1 depth to width Developmental Variance to allow for the construction of a residence on property located on the South side of SR 120, 2,700 ft. West of CR 131, in York Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #SR 120-150105-1*.

There were 11 neighboring property owners notified of this request.

Mervin Stoltzfus of MS Construction, 60112 CR 41, Middlebury, was present on behalf of this request representing the petitioners who would like to build a residence on the property. He noted he does not believe it would cause a hardship for any of the neighbors. When Mr. Miller asked if he understood and would agree with the staff's recommendations, Mr. Stoltzfus indicated yes.

There were no remonstrators present.

The public hearing was closed at this time.

If granted, Mr. Homan questioned staff about the need for the subdivision procedure. Mr. Mabry indicated it would probably be an Administrative Subdivision which would go along with the building permit request to make the parcel a buildable lot prior to the building permit. He went on to say there are also Minor Subdivisions that go through a more formalized review, and these are part of the subdivision standards. He reported the subdivisions require more review of drainage, soils, and septic.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Robert Homan that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these,

further moved that this request for a 7 to 1 depth to width Developmental Variance to allow for the construction of a residence be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless a subdivision plat is approved within 90 calendar days from the date of the grant.
2. Approved in accordance with the site plan submitted (dated January 5, 2015), and as represented in the Developmental Variance application.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

**Yes:** Robert Homan, Tony Campanello, Jennea Schirr, Roger Miller.

***\*\*It should be noted that Randy Hesser arrives\*\****

5. The application of *Edwin A. & Velda M. Yoder* for a 7 to 1 depth to width Developmental Variance to allow for the construction of a residence on property located on the East side of CR 37, 2,246 ft. North of CR 10, common address of 54092 CR 37 in York Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #54092CR 37-150112-1*.

There were seven neighboring property owners notified of this request.

Andrew Lambright, 14824 CR 108, Middlebury, was present on behalf of this request representing the petitioners. He noted with the donation of land to a private school, the petitioner is giving up more than half of his road frontage so the request is to maintain compliance on his property.

Mr. Homan inquired about the amount of frontage, which Mr. Lambright indicated 100 feet would be left with the donation of 150 feet.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser noted he feels the charitable donation makes a difference too.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a 7 to 1 depth to width Developmental Variance to allow for the construction of a residence be approved with the following conditions:

1. A variance from the developmental standards of the Zoning Ordinance is void unless a subdivision plat is approved within 90 calendar days from the date of the grant.
2. Approved in accordance with the site plan submitted (dated January 12, 2015), and as represented in the Developmental Variance application.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

6. The application of *Edwin A. & Velda M. Yoder* for a Special Use for a private elementary school on property located on the East side of CR 37, 2,354 ft. North of CR 10, in York Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #000CR 37-150112-1*. He noted a correction in #2 of the conditions of August 2011 from 2010.

There were four neighboring property owners notified of this request.

Andrew Lambright, 14824 CR 108, Middlebury, was present representing this petition. Currently, he reported the school, Singing Hills, is located at 56256 CR 33 and has 39 students and two teachers so it is getting full. Regarding the fencing business, he stated it is still in operation on the other property/parcel. When Mr. Hesser inquired the location of the business, Mr. Lambright pointed it out on the aerial. Mr. Mabry indicated the approval of the Special Use was for the original configuration of the parcels. Mr. Hesser suggested the issue could be addressed by saying it is revoked as to this parcel, with Mr. Mabry and Attorney Kolbus in agreement.

Regarding the site plan for a private school, Mr. Homan noted usually a more detailed site plan is received showing the school, parking, playground, ball diamond, and septic. Mr. Homan questioned the location of these items if applicable. Mr. Lambright reported the playground is going to be on the East side of the school with a ball diamond, and the septic system is going to be placed between schoolhouse and north property line. Mr. Homan questioned if staff wants a more detailed site plan if this is approved. Mr. Mabry indicated this is going through the minor subdivision process where soil borings and septic review will be approved by the Health Department so it would not be as essential in this case.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Robert Homan, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a private elementary school be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The Special Use permit (#54014CR 37-100719-1) for the fencing business approved in August 2011 to be removed from the new parcel created for the school.

The following commitment was imposed:

1. Approved in accordance with the site plan submitted (dated January 12, 2015), and as represented in the Special Use application.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

7. The application of *Jack A. & Mary J. Personette (land contract purchasers/owners of semi tractors) and Terry R. & Geraldine M. Bloom (land contract holders)* for a Special Use for warehousing and storing (parking of two semi tractors) in an A-1 district (Specifications F - #44) on property located on the North side of SR 120, 1,100 ft. West of CR 37, common address of 13187 SR 120 in York Township, came on to be heard.

There were 10 neighboring property owners notified of this request.

Mr. Homan noted the letter included in the board members' packets requesting this petition be tabled until next month's meeting.

In this particular set of circumstances, Mr. Homan questioned the new Zoning Ordinance regarding truck parking. He questioned why this request is a Use Variance noting Section 3.7.1 which sounds perfect to him. He also noted Article 5 Use Standards which has a use category for parking commercial truck, tractor/trailer, or bus storage or parking yard, lot, or garage in A-1 zone which appear to be a Special Use permit request. He stated he does not know how to interpret that in this case. Mr. Mabry explained the old ordinance was in effect when this request was submitted which fell under the Special Use requirement in an A-1 zone. He noted Mr. Homan brings up a very valid point which makes him question if the second sentence in the staff analysis findings should be changed in the next staff report because it is describing truck, trailer, and bus parking as a Special Use in A-1 rather than a Use Variance. He went on to say that it is irrelevant for this particular case because the request falls under the old ordinance. If this had been submitted after the new Zoning Ordinance effective date, while his original thought was that this request would need to be a Use Variance, with Mr. Homan's notation of that specific use on the Use Standards table for truck, trailer/tractor parking as a Special Use in A-1, it would be a Special Use permit even under the new ordinance. He noted revision of that bullet point will occur in the Revised Staff Report. Mr. Miller noted many A-1 uses that utilize semi-trucks for hauling and questioned if every one of those would require a Special Use permit. Mr. Mabry noted that Code Enforcement is complaint driven, and this property has a code enforcement complaint. But it is true, even under the old ordinance, that parking a semi is counted as outdoor warehousing.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Table, **Moved by** Robert Homan, **Seconded by** Tony Campanello that this request for a Special Use for warehousing and storing (parking of two semi tractors) in an A-1 district (Specifications F - #44) be tabled until the March 19, 2015, Elkhart County Advisory Board of Zoning Appeals meeting to allow the petitioner's representative to be present.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

8. The application of *Sonshine Day Care Ministry, Inc.* for a Special Use for a child care center in an R-4 district (Specifications F - #23) and for a Developmental Variance for 0 onsite parking spaces where 12 are required on property located on the North side of East Main Street, 300 ft. East of Jefferson Street, being Lots 1 & 2 of Ells Add, common address of 125 E. Main Street in Clinton Township, zoned R-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #125EMAIN STREET-141118-2*. He noted rezoning was approved on February 11, 2015, from R-1 to R-4 by the Millersburg Town Council.

This request was previously tabled for the rezoning approval.

Eric Brown, 60760 CR 37, Millersburg; and Larry Shroyer, 2012 Bashor Road, Goshen, were present on behalf of this request. Mr. Brown submitted a packet of revised site plans with various parking scenarios *[attached to file as Petitioner Exhibit #1]* which he explained indicating number of spaces, average walking distance to the front door, and if the existing house would need to be removed. He added that he feels parents will still utilize the parking spaces on the street. He also reported communication with Fairfield Schools about a parking option that would utilize Fairfield's drive, but the school indicated concerns with that option.

Based on his business involvement with Fairfield Schools, Mr. Hesser questioned a possible conflict with this case. Mr. Brown indicated the petitioner has eliminated this option. Mr. Hesser said he has not heard anything from the school about this issue and stated he will abstain from voting.

Mr. Brown noted the site plan on Page 9 with stipulations is their proposed parking plan with six parallel parking spots in the front. He noted the most cars present at any one given time ranges between two and five. As the school was concerned with the last space on the east end with the cross walk and bus traffic, he reported they will block it off so no one can park there. He noted they can restrict drop off and pick-up times with none allowed during bus-active periods between 7:30 a.m. and 8:30 a.m. and 3:00 p.m. to 3:30 p.m. which is pretty typical of their current schedule.

He reported there are 10 full-time kids currently enrolled who are there all day long. Additionally, he said they have eight children before/after school and six part-time which is anything from one day a week to a couple hours a day sporadically. In the event of future growth, he said their contingency plan is to take down the house and detached garage to put in a parking lot as noted in the questionnaire. He went on to say that removing the house and adding a parking lot is not financially feasible at this time.

When Mr. Campanello asked if they could enforce the restricted times, Mr. Brown reported they can lock the door during that time. He further questioned if they could enforce no on-street parking if they install a parking lot. Mr. Brown suggested they could inform parents repeatedly to use the parking lot but could not enforce it. He noted the parking area in front of the building is not part of the street and was used by the church that previously occupied the building. Mr. Miller inquired where the church members parked previously, and Mr. Brown indicated they used the front parking and the school parking lot. He further questioned the amount of space behind the house to the rear property line. Mr. Brown indicated they plan to install the playground behind the church which requires a certain amount of square footage per child.

Joan Kopyy, 19174 CR 16, Bristol, noting she is a teacher, questioned where staff will park. She noted if they utilize the front parking, it does not leave much room for the parents. For the current number of children, Mr. Brown responded by saying that they need two to three employees during the day by state guidelines which would use two or three of the six proposed street parking spots.

The public hearing was closed at this time.

Regarding the Developmental Variance, Mr. Campanello noted it is a business and the Zoning Ordinance does require off-street parking. He pointed out that the petitioner did show a plan to provide off-street parking in the event of expansion of the day care. Mr. Miller questioned whether the Board can approve this type of parking. Attorney Kolbus suggested if

the request is approved, the Board should pick a parking plan and grant the approval for a period of time with renewal before the Board so there is a definite cut-off time and any issues can be addressed. If the petitioner seeks a building permit for an addition to the property, Mr. Campanello asked if they would be required to return to the Board or if they would automatically be required to add off-street parking. Noting it would be a change to the Special Use permit, Mr. Mabry said it would depend on the size of the expansion whether it could be proposed as a minor change or return to the Board as a major change.

Mr. Homan questioned the ability to claim the on-street parking spaces as their own if they are in the right-of-way as it is not their property. Attorney Kolbus added that they cannot control any parking that is off-site. Procedurally, if this were denied as requested with the parking plan on Page 9, Mr. Hesser questioned if they were to come back with a different parking plan if it would be a substantial change so they would not have to wait a year. Attorney Kolbus said it would be a substantial change because the petitioner is requesting no parking in this request.

Regarding the rezoning, Mr. Campanello asked if Millersburg agreed to the parking plan. Mr. Brown reported when they were at the Millersburg Town Council, the plan was discussed with the parking spaces on the east side of the property on the school drive, and they were in favor of the request. He went on to say that the school was not in favor of that plan, and as they want to be good neighbors, they are not seeking that plan. He noted the council had some of the same concerns as staff regarding bus traffic and safety risk, but did not care about the street parking.

Mr. Brown asked if the 12 space parking requirement is based on the current number of children or their maximum number by state which is 50. Mr. Mabry pulled up the Zoning Ordinance on the screen and referred to the parking table for the parking requirement for the day care. After some calculation, Mr. Brown indicated if staff and all 24 kids were there at the same time, nine would be required. Although he noted he cannot say that scenario ever occurs. If the Board is feeling the desire for on-site parking and would allow it at eight or nine spaces, Attorney Kolbus suggested tabling the request for a revised site plan showing that parking. Additionally, he noted the Board could deny the request. Mr. Homan suggested it might work with nine spaces and requested staff input.

Mr. Campanello expressed agreement but, referring to Page 3 of the exhibit, asked if that is their plan if they are approved with off-site parking. Mr. Brown indicated the barn is not safe and will be demolished regardless of the parking plan. If staff calculated 12 parking spaces and the Board is going to approve nine, Mr. Homan said he believes everyone needs to understand why they are saying nine which would cap the number of children being serviced to less than the 50 that they are licensed for by the State. Mr. Miller said the stipulation is pretty clear that they would need nine spaces unless a variance is given. Mr. Kolbus noted staff calculated 12 spaces but they asked for zero, and stated the Board could approve anything between 0 and 12. For excavation purposes in constructing that parking lot, Mr. Campanello said whether 9 or 12, they would still need to take up as much of that land as possible for parking. With nine, he stated they would not have to take the house down right away. Mr. Homan noted people are going to use the street parking spaces anyway, but Mr. Miller stated that is not the Board's concern. Attorney Kolbus suggested they make sure there is adequate parking for staff on-site and let the parents drop off in front.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Tony Campanello, **Seconded by** Roger Miller that the request for a Developmental Variance for 0 onsite parking spaces where 12 are required be approved for nine off-street parking spaces in accordance to the design plan on Page 5 of Petitioner's Exhibit #1 based on the following Findings and Conclusions of the Board:

1. Approval of the request will not be injurious to public health, safety, morals or general welfare.
2. Approval of the request will not cause substantial adverse affect on the neighboring property.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property provided there are nine off-street parking spaces in accordance to the design plan on Page 5 of Petitioner's Exhibit #1 (dated 2/19/15).

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr.

**Abstain:** Randy Hesser.

**Motion: Action:** Approve, **Moved by** Tony Campanello, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a child care center in an R-4 district (Specifications F - #23) be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. Approved in accordance with a revised site plan, subject to Staff approval, which shows the nine off-street parking spaces required consistent with the parking plan on Page 5 of Petitioner's Exhibit #1 (dated 2/19/15), and as represented in the Special Use application.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr.

**Abstain:** Randy Hesser.

9. There were no items transferred from the Hearing Officer.

10. The first staff item was for Amos Zimmerman – 92-71-U (65417 CR 11, Goshen) – presented by Brian Mabry. He explained the request is for an addition to an approved greenhouse which is not a home workshop/business but a stand-alone greenhouse. He did say that the residence is on the property as well. The original approval was in 1985 and an amendment was made in 1992 with no remonstrators in the 1992 hearing. He went on to say that he could not locate the minutes from the 1985 hearing.

The petitioner wants to add a 50'x50' structure to store sawdust used to heat the greenhouse which Mr. Mabry indicated on the aerial photo. He reported it is less than a 20% addition to the overall square footage of the greenhouse business which makes it eligible to be considered a staff item. He went on to say the request could not be approved

administratively because it is more than 10%. He asked the Board to consider if this is a minor change they would approve as a staff item or if they felt it should be considered a major change with a formal public hearing. If approved as a minor change, he noted a new state law and Zoning Ordinance require notification of adjacent property owners of the approval.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello that this request be approved as a minor change.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

11. The next staff item was for Kyle Swartz – CR 27-14072-1 – was presented by Mr. Mabry as a request for modification of a condition of approval. He indicated the petitioner received a 3 to 1 Developmental Variance in August of 2014. One condition of that approval was obtaining an Improvement Location Permit within 90 days of approval which the petitioner has been unable to do. Mr. Mabry stated the petitioner expects to be able to obtain the ILP with an additional 90 days and requests same. He noted that would put the extended deadline for the ILP at May 20, 2015. He pointed out that minutes are attached as well as some aerial photos of the property (included in file).

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello that this request for an extension to May 20, 2015, be approved as a minor change.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

12. The next staff item for Charles F. & Joan L. Koppo – 19174CR 16-120220-1 – was presented by Mr. Mabry as a request for modification of a condition of approval that all construction would be completed within one year from the date of the issuance of the building permit. He reported construction has not been finished, and the petitioners request more time for completion. He noted the extensive letter explaining some of the hardships which have led to the need for an extension to complete the project. When Attorney Kolbus questioned if the building has been started, it was confirmed that the construction process has begun. Mr. Homan noted the mechanicals need to be completed. As the letter did not request a certain amount of time or date for the extension, there was discussion about a possible time frame to complete the plumbing and electrical services.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Robert Homan, **Seconded by** Roger Miller approve the request for an extension for six months as a minor change.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.



The petitioners, Charles and Joan Kopy, 19174 CR 16, were present for their extension request as a staff item following the scheduled petitions on the agenda. Mr. Kopy indicated with his health issues, six months will not allow enough time to complete the project. When Mr. Campanello asked if an extension for one year would help them, Mrs. Kopy indicated yes and said the project could be completed within a year.

Mr. Hesser asked if there was any objection to reconsidering this request, and no objections were indicated.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello to amend the prior motion and grant the requested extension for 12 months.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

13. The last staff item was for Karl D. & Beth E. Chupp – 70486CR 31-131220-1 – was presented by Mr. Mabry as a request for modification of commitments of approval for a Use Variance. He went on to say it was a case where they had an existing residence and wanted to build a new residence on the same property and upon completion of the new, convert the old into a non-residential use. He indicated part of the approval was that they would have to return to the BZA if occupancy of the new residence and conversion of the existing residence has not been accomplished by February 28, 2015. Blake Doriot, as the petitioners' representative, has requested a six month extension to finalize the process of transitioning into the new house and removing the residential aspect of the old structure. Mr. Mabry noted the date of August 28, 2015, for the extension as this is set to expire February 28, 2015.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello to approve the request as a minor change and extend the timeline for six months.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Robert Homan, Tony Campanello, Roger Miller, Jennea Schirr, Randy Hesser.

14. Rules of Procedure Application Amendments and Signatures were presented by Brian Mabry. He noted there were a few things in the rules that needed changed in response to the updated Zoning Ordinance, and those changes were reviewed last month. He also reported there were a few parts of the applications that are exhibits to the rule that needed changing. Copies of the revised Rules of Procedure were distributed. Signatures were obtained from Randy Hesser, Chairman, and Tony Campanello, Secretary, for the office copy. He said there was no vote needed and reminded the Board that they approved the Rules of Procedure at last month's meeting.

15. Board of Zoning Appeals Basics – Public Hearings was presented by Attorney Jim Kolbus. He presented a hand-out (included in minutes) which he also noted he presented at the Plan Commission last week. He reported this came about because of a hearing held on the Stone Lake matter which is now in front of the Commissioners. At times, he said the hearing got a

little out of control with some of the remonstrators. He prepared the presentation as a reminder to the Boards about how the hearings are supposed to function. Regarding the Stone Lake hearing, Mr. Miller noted that although he did not say anything at the time, he objected to the audience holding up signs during the meeting. He felt it was not appropriate but did not know if there was any rule that kept them from doing that. Attorney Kolbus stated there is no rule on that but suggested further future discussion of that situation. He said he believed the signs were just held up for a few seconds and then put back down. He suggested if the audience were waving them during the whole meeting, it is distracting; and the chair has the right to tell them to put the signs down. Mr. Miller said he had felt that the signs were an intimidation tactic. Attorney Kolbus stated it would be within the discretion of the Chairman to put an end to it once it becomes a distraction.

16. Mr. Mabry noted it was his last BZA meeting. He expressed his appreciation in working with the Board members of BZA, Plan Commission, and staff. Mr. Miller said that Mr. Mabry has lent an air of sophistication and knowledge that has given him a lot of peace of mind during this time when it has not been easy to put together a plan. He also commended Mr. Mabry for remaining impartial and being very matter-of-fact about issues.

17. The meeting was adjourned at 10:17 am.

Respectfully submitted,

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Deborah Britton, Recording Secretary

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Randy Hesser, Chairman

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Tony Campanello, Secretary