

**MINUTES  
BROWN COUNTY BOARD OF ZONING APPEALS  
COUNTY OFFICE BUILDING  
MARCH 1, 2017  
WEDNESDAY, 6:00 P.M.**

**ROLL CALL:**

Lamond Martin, President called the meeting to order at 6:00 p.m. Members present were: Jane Gore, Lamond Martin, Peggy Thompson, Darla Brown and John Dillberger. Also present were Christine Ritzmann, Director and Ora Roberts, Secretary. Absent was David Schilling, Attorney.

**APPROVAL OF MINUTES:**

Mr. Dillberger moved to approve the January 25, 2017 BZA minutes. Ms. Brown seconded the motion. A voice vote was taken. All were in favor.

**OLD BUSINESS:** There was no old business.

**NEW BUSINESS:**

**1) 17-VAR-02 RONALD AND CHERYL CONDRA, PETITIONERS.**

The petitioners are requesting a side setback variance. The property is located at 7185 Center Lake Road in Hamblen Township.

Ms. Ritzmann read the staff report. Ms. Brown asked about the location of the easement. Ms. Ritzmann pointed out the easement on the map. Mr. Martin asked if the easement shows on the deed records. Ms. Ritzmann commented that a perpetual easement is detailed in the GIS map information.

Ms. Gore asked how many green cards were returned. Ms. Ritzmann commented that 1 of 4 was returned.

Mr. Dillberger asked if the dotted line (one the site plan) is the outline of the structure. Ms. Ritzmann responded by saying yes.

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Mr. Martin opened the public hearing.  
Those speaking in favor: There were no speakers.

Those speaking in opposition: There were no speakers.

Mr. Martin closed the public hearing and moved the meeting back to the Board.

Mr. Dillberger moved to approve the petition. Ms. Brown seconded the motion. A roll call vote was taken. The motion passed with a unanimous vote of 5-0.

|                |     |                 |     |
|----------------|-----|-----------------|-----|
| Jane Gore      | yes | John Dillberger | yes |
| Darla Brown    | yes | Lamond Martin   | yes |
| Peggy Thompson | yes |                 |     |

**2) 17-SE-03 RICK AND KAY FOLLOWELL, PETITIONERS.**

The petitioners are requesting a special exception for a tourist home. The property is located at 5073 Lower Schooner Road in Washington Township.

Mr. Dillberger commented that he has a relationship with the Followells that might create an appearance of conflict of interest. Mr. Dillberger explained that he would be recusing himself from this petition to avoid any appearance of conflict of interest.

Ms. Ritzmann read the staff report.

Those speaking in favor:

Sharon Snodgrass lives down the road and has no issue with the tourist home.

Karen Glanders asked if boundaries will be clearly marked. Mr. Followell commented that there is a fence marking the property.

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Those speaking in opposition: There were no speakers.

Mr. Martin closed the public hearing and moved the meeting back to the Board.

Ms. Brown moved to approve the petition with the following conditions: A notice be posted to prohibit target shooting. All tourist home guidelines and conditions will be met. A driveway will be constructed to meet the terms of the Brown County Zoning Ordinance. Ms. Thompson seconded the motion. A roll call vote was taken. The motion passed with a 4-0 vote. Mr. Dillberger recused himself.

|               |     |                |     |
|---------------|-----|----------------|-----|
| Lamond Martin | yes | Jane Gore      | yes |
| Darla Brown   | yes | Peggy Thompson | yes |

**3) 17-SE-04 TIMOTHY AND ELIZABETH BURDSALL, PETITIONERS.**

The petitioners are requesting a special exception for a tourist home. The property is located at 8370 Spearsville Road in Hamblen Township.

Ms. Ritzmann read the staff report. Ms. Gore asked how many green cards were returned. Ms. Ritzmann conveyed that 16 of 21 green cards have been returned.

Those speaking in favor: There were no speakers.

Those speaking in opposition:

Marilyn Voland is concerned about people wandering on her property and wants to know if fencing will be put up.

Mr. Martin commented that typically boundaries are identified. Mr. Dillberger asked if Ms. Voland's boundaries are identified. Ms. Voland conveyed that some of her property is marked.

Kevin Addison is concerned about people wandering on his land. He is also concerned about the noise because he already hears so much noise from the all men's camp.

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Matthew Fannin is concerned about the guests complaining about the smell of his cattle. He is concerned about them wanting to change his lifestyle.

Patty Frensemeier commented that the management company the petitioner uses, should take care of noise and any problems that arise.

Petitioner: Eric Spreen, representing Moondance Vacation Rentals, commented that the boundaries will be marked and he can't smell cattle at the tourist home.

Ms. Thompson asked if there are 2 lakes on the property. Ms. Ritzmann commented that there are 2 but only 1 lake will be used with the tourist home.

Mr. Spreen commented again that everything will be clearly marked and the management company phone numbers will be provided.

Mr. Martin closed the public hearing and moved the meeting back to the Board.

Ms. Gore asked if the petitioners are buying the property contingent on approval. Ms. Payton commented that she was the petitioner for the Burdsalls and they are the owners. Ms. Gore asked if Ms. Burdsall lives in the county. Ms. Burdsall responded by saying yes.

Mr. Dillberger moved to approve the petition with the following two conditions: All tourist home conditions are met. A notice be posted to prohibit target shooting on the property. Ms. Brown seconded the motion. A roll call vote was taken. The motion was unanimously approved with a vote of 5-0.

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|-----------------|-----|----------------|-----|
| Jane Gore       | yes | Lamond Martin  | yes |
| John Dillberger | yes | Peggy Thompson | yes |
| Darla Brown     | yes |                |     |

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**4) 17-SE-05 RAE A. MCQUEARY, PETITIONER.**

The petitioner is requesting a special exception for a tourist home. The property is located at 1651 Jackson Branch Ridge Road in Jackson Township.

Ms. Ritzmann read the staff report. Ms. Gore asked how many green cards were returned. Ms. Ritzmann commented that 11 of 14 green cards have been returned.

Petitioner:

Matt Barr, attorney with Tom Barr and Associates, is representing Ms. McQueary. Mr. Barr commented that the only issue is proximity to the existing tourist home. He conveyed that this is a sparsely populated area. He feels that allowing this special exception will not alter the character of the neighborhood. Mr. Barr feels there is adequate buffering between the tourist homes.

Rae McQuery commented that she has lived on the property for 7 years and she sent a personal letter to her neighbors with no negative feedback. She commented that there are many natural buffers and no room for wandering.

Those speaking in opposition:

Chris Brooks is the owner of the other tourist home and feels this proposed tourist home is too close to theirs. He explained that the structures of the proposed tourist home can be seen looking from inside their house.

Christina Brooks is also concerned about the distance and that the house is up for sale.

Ms. McQueary commented that her house has been for sale 3 years and she is looking at renting the house for an investment. She commented

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they can see her garage and she cannot see their house from the inside of hers.

Ms. Brooks explained that she can see the proposed tourist home property from the kitchen window. She conveyed that her concern is the Board varying from the guidelines.

Those speaking in favor:

Patty Frensemeier commented that the Board has approved a lot of cabins closer than mentioned in the guidelines. She commented that many families like to rent cabins close together. Ms. Frensemeier commented that she has 10 or 15 cabins that are closer than a quarter of a mile. She feels this meets the perfect rules for the buffer.

Mr. Martin closed the public hearing and moved the meeting back to the Board. Ms. Gore commented that there are no tourist homes this close together. Mr. Dillberger feels the same way as Ms. Gore. Mr. Martin conveyed that he feels this pushes the limit. Ms. Thompson explained that she wouldn't have any problems renting full time.

Ms. Gore moved to deny the petition. Mr. Dillberger seconded the motion. A roll call vote was taken. The motion was denied with a 4-1 vote.

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|---------------|-----|-----------------|-----|
| Jane Gore     | yes | Peggy Thompson  | yes |
| Darla Brown   | no  | John Dillberger | yes |
| Lamond Martin | yes |                 |     |

**DISCUSSION ITEMS:**

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**ANNOUNCEMENTS AND INSPECTORS REPORTS:**

**ADJOURNMENT:**

Ms. Brown moved to adjourn the meeting. Mr. Dillberger seconded the motion. The meeting was adjourned at 7:05 pm.

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Lamond Martin, President

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Ora Roberts, Secretary