

# Board of Zoning Appeals

MEETING DATE: February 15, 2022

TIME: 7:00 p.m.

LOCATION: Pendleton Town Hall

100 W. State Street Pendleton, Indiana

## **ORDER OF BUSINESS**

### **I. CALL TO ORDER**

Meeting was called to order by Chairperson Kyle Eichhorn at 7:00 p.m.

### **II. ROLL CALL AND DETERMINATION OF QUORUM**

Board members in attendance in person were Kyle Eichhorn, Jenny Sisson, Jamila Zafar and Jerry Burmeister. A quorum was established. Individuals representing the Town was Interim Planning Director Hannah Urbanski, Clerk Denise Mckee and Town Attorney Jeff Graham.

### **III. APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Motion to Approve the January 18, 2022 Meeting Minutes made by Jenny Sisson; seconded by Jerry Burmeister; Roll call was taken and all members present voted to approve the January 18, 2022 Meeting Minutes; motion so carried.**

### **V. OLD BUSINESS**

No old business to report.

### **VI. NEW BUSINESS**

A. Resolution to update certified mailing notice requirements

- Hannah Urbanski presented the following information:
  - Resolution proposes to allow Petitioner to have the option to give notice by a Certificate of Mailing.
  - Current BZA applications require notice by Certified Mail.
  - Option of Certificate of Mailing is a lot more cost efficient as only costs approximately \$1 per mailing versus \$9 per mailing.
  - Certificate of Mailing still provides proof that the mailing was sent out to neighboring properties that are due notice.
  
- Town Attorney Jeff Graham, advised the following:
  - Notice by a Certificate of Mailing shows that notices went out, but no return receipt is involved.

- State Statute states that BZA/PC can determine their methodology of notice requirements.
- Certificate of Mailing methodology meets the standard of due process just as with Certified Mail.
- With the 150 feet notice requirement, this can create a large list of properties to be noticed; therefore, costing the Petitioner a substantial amount of money.
- Hannah Urbanski recommended Resolution in which Graham expressed his endorsement as well as anticipates Petitioners to agree with the new option.
- Hannah Urbanski added the following:
  - Certificate of Mailing process involves a form that the Post Office provides listing up to six (6) addresses on each form. Post Office will then stamp the form confirming the notices were sent out to listed addresses.
- Attorney Jeff Graham added the following:
  - With Certificate of Mailing, the Post Office will not track the mailing after sent out.
  - As during the Covid -19 Pandemic, return receipts were not required; therefore, notice requirements can now be more flexible.
  - Proper Notice is also supported by providing social media and town website coverage, local newspaper publishing and sign in yard in addition to the notice sent to interested parties in the mail.
  - Other towns permit this form of noticing, such as Whitestown.
- The following discussions took place:
  - Jenny Sisson stated that the Resolution accomplishes what is needed. Sisson further stated that the Resolution is reasonable and prudent.
  - Jeff Graham advised that to pass the Resolution, a motion to pass Resolution 22-01 is needed.
  - Kyle Eichhorn entertained a Motion to Adopt Resolution 22-01 as presented.

**Motion to Adopt Resolution 22-01 as presented made by Jenny Sisson; seconded by Jerry Burmeister; Roll call was taken and all members present voted to approve said motion; motion carried.**

- Hannah Urbanski shared the following update:
  - BZA applications originally required a notice to all property owners within 300 feet of the subject property (if in a subdivision) and 150 feet (if not in a subdivision). BZA applications have been amended to remove the 300 feet/subdivision distinction to be accurate with rule set.

## **VI. ADJOURNMENT**

Meeting was adjourned by Kyle Eichhorn at 7:08 p.m.

Next meeting March 15, 2022 at 7 pm.