

**Town of Georgetown  
Board of Zoning Appeals  
June 6, 2023 5:00 P.M.  
9111 State Road 64  
Georgetown, IN 47122**

**Haley James called the meeting to order.**

**Pledge of Allegiance**

**Roll Call:** Michael Mercer, Jeff McCaffrey, and Doug Wacker.

Members not in attendance: Doug Bledsoe, Jason Parrish, and Bob Woosley.

Also in attendance: Kristi Fox, Haley James, and Reny Keener.

**Organizational Items**

Doug Wacker made a motion to appoint Michael Mercer as president. Seconded by Jeff McCaffrey and approved 3-0.

Jeff McCaffrey made a motion to appoint Doug Wacker as Vice President. Seconded by Michael Mercer and approved 3-0.

**Approval of Minutes**

Jeff McCaffrey made a motion to approve the minutes from November 17, 2022. Seconded by Doug Wacker and approved 3-0.

**New Business**


**Public Hearing for 1610 Canal Lane- Special Use Variance**

Todd and Tiffany Rosenbaum are the owners of Three Roses, LLC. and have submitted a Special Use Variance to allow them to sell antiques, ammunition, guns, and other items at 1610 Canal Lane. Tiffany Rosenbaum is in attendance tonight to answer any questions about this application.

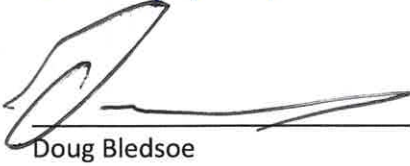
Bob Woosley has presented his Town Engineer Staff Report. Bob Woosley recommends this Special Use variance be approved because it will not be injurious to the public health, safety, morals, and general welfare of the community since it will be regulated with State and Federal regulations with the ATF. The neighboring properties will not be affected in a substantially adverse manner, and because the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

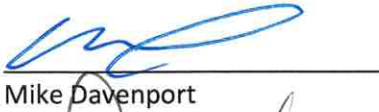
Kristi Fox recommends the Board also submit written conditions stating, this Special Use Variance only applies to Three Roses, LLC. If Three Roses, LLC. sells or transfers the property, this special use will

**Minutes Approved By:**

  
Michael Mercer

  
Jeff McCaffrey

  
Doug Bledsoe

  
Mike Davenport

  
Vacant DOUG WACKER

**Attest:**

  
Haley James, Secretary

# USE VARIANCE BALLOT

## TOWN OF GEORGETOWN BOARD OF ZONING APPEALS

Docket: G-23-017206

Petitioner's Name: Three Roses, LLC.

**Ordinance Authority:** Town of Georgetown Zoning Ordinance

The use variance petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and the Indiana State Code. The board may make reasonable conditions related to the required findings of fact part of its approval or accept commitments from the petitioner.

**The Board may grant a variance of use from the terms of the zoning ordinance if, after a public hearing, it makes findings of fact in writing, that:**

1. Approval of the variance (WILL NOT WILL ) be injurious to public health, safety, morals, and general welfare of the community because:

*The sale of fire arms and ammunition will be regulated in accordance with state & federal regulations. Assuming all laws & regulations are followed it does not appear that allowing the sale of such items would be of detriment to the surrounding area.*

2. The use and value of the area adjacent to the property included in the variance (WILL NOT WILL ) be affected in a substantially adverse manner because:

*The current zoning use makes it not ideal for the sale of fire arms & ammunition as an allowable use. However the definition of B-3 states it is appropriate for "all kinds of businesses". The sale of sporting goods is allowable in B-3. The availability of these goods for sale will have no negative impact on the use and value of the areas adjacent to the property.*

3. The need for the variance arises from some condition peculiar to the property involved because:

*The current property is zoned Business, but a variance is needed to allow for <sup>the</sup> sale of ~~sporting goods~~, firearms & ammunition.*



4. The strict application of the terms of the zoning ordinance ( WILL NOT/ WILL ) constitute an unnecessary hardship if applied to the property for which the variance is sought because:

it would prevent the business from selling firearms & ammo which can be considered sporting goods and their ability to operate the business venture.

5. The approval of this variance ( DOES NOT / DOES ) interfere substantially with the comprehensive plan adopted to the Town because:

the town wants to allow for growth & business development.

The Board of Zoning Appeals hereby ( GRANTS / DENIES ) the Petitioner's Use Variance at the meeting held on the 6 day of June, ~~2022~~ 2023

Approval by the Board is subject to the completion of the following conditions:

1. Must follow all state, local, & Federal regulations related to firearms & ammunition.
2. Must follow all State, local, town & County rules, regulations, ordinances and laws. This includes any regulations imposed by the Fire Marshall.
3. The town is authorized to inspect the property.
4. The applicant must sign written approval of these certifications.
5. This variance is valid for 5 year time period.

Approval by the Board is subject to the following written commitments:

Variance contingent on current ownership & property interest at 1610 canal lane  
It is further agreed that if the current ownership ~~changes~~ of the ~~and then~~ of the applicant LLC changes to where the current owners retain less than 51% of the controlling interest this use var shall be voided. This is valid for 5 years.

**Board Members in Favor:**

Michael Mer  
D-3 h- Warr  
H. Maffay

**Board Members Opposed:**

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**Board Members Abstaining:**

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**The following conditions are a requirement of this approval:**

- The Use Variance is for granted only for the existing footprint of occupied space by the applicant. ~~It does NOT include the proposed container unit the applicant discussed during presentation at the meeting. The applicant was also requesting a variance to allow for a container to be placed on the premises to allow for the manufacturing of flares. The container would be located outside the current building footprint and placed in another location on the parcel. It was agreed this request was no clear in the application made by the applicant and would require the applicant to come back before the BZA with a separate request for this item. The applicant agreed to withdraw this request from his current application.~~
- The Use Variance granted applies to only this applicant at this specific address. Should the business be sold or transferred in any way the Use Variance is void at that time. The Use Variance is non-transferred and specific only to the address. It is further agreed that if the current ownership of the applicant's LLC changes to where the current owners retain less than 51% of the controlling interest this Use Variance shall be voided.
- ~~Any physical expansion of the current facility (specifically meaning square footage of floor space) shall be required to secure a Use Variance. Any expansion into adjoining areas (or within the current overall building footprint) shall be required to obtain a Use Variance.~~
- C - The applicant shall follow all State, Local, Town, and County rules, regulations, ordinances and laws. This includes any regulations imposed by the Fire Marshal.
- C - The applicant agrees the Town shall be authorized to inspect the property at any time to ensure compliance with all conditions outlined herein and zoning ordinances of the Town.
- C - The applicant agrees to sign a prepared document with written conditions that shall be filed and recorded in the Floyd County Recorder's Office.

~~In addition, the BZA voted to have the Board's Attorney, Kristi Fox, prepare the written conditions document for signature and recording.~~

## SIGN IN SHEET

MEETING DATE & TIME: June 6, 2023 - 5:00 PM

**PUBLIC HEARING FOR:** BZA-Public Hearing 160 Canal Lane-D-2023-017206

[illegible]

## PAYROLL SIGN IN SHEET

**MEETING DATE & TIME:** June 6, 2023 - 5:00 P.M.

**MEETING FOR:** BZA-Public Hearing for 1610 Canal Lane-D-

[illegible]





DocId:8127664

Tx:4070673

**202306078**

FLOYD CO. IN RECORDER

LOIS ENDRIS

06/14/2023 09:57 AM

Pages: 2

**Zoning Variance – 1610 Canal Lane, Georgetown, Indiana**


We, Todd and Tiffany Rosenbaum, members (including managing member) of Three Roses, LLC, agree to the following written commitments and conditions for the property located at 1610 Canal Lane, Georgetown, IN 47122 (reference: Parcel #22002-03-300-011.000-003 Tax # 006-05200-10 property address of 1610 Canal Lane, Georgetown, Indiana) as a follow-up to the June 6, 2023 Georgetown Board of Zoning Appeals approval. Said approval was provided for by the BZA under Docket G-23-017206.

We agree to the following commitments and conditions as stipulated by the BZA:

The Use Variance approved by the Board of Zoning Appeals on June 6, 2023 is only for the existing footprint of the property occupied and located at 1610 Canal Lane, Georgetown, IN 47122.

1. The Use Variance approved by the Board of Zoning Appeals on June 6, 2023 applies only to the applicant at this specific address listed in the application, 1610 canal lane, Georgetown, IN 47122. Should the business be sold or transferred wherein the current owners retain less than 51% interest, the Use Variance will be voided. The Use Variance is non-transferable in the event of a sale transaction of the property as it is specific only to 1610 Canal Lane, Georgetown, Indiana. It is further agreed that if the current ownership of Three Roses, LLC changes whereby the current owners retain less than 51% of the controlling interest in Three Roses, LLC, this Use Variance shall be voided.
2. The Use Variance is non-transferable to any other applicant/owner or address.
3. The applicant must follow all state, local, and federal regulations related to firearms and ammunition.
4. The applicant shall follow all state, local, Town, and County rules, regulations, ordinances, and laws. This shall include any and all regulations imposed by the Fire Marshal.
5. The applicant/owner agrees the Town shall be authorized to inspect the property at 1610 Canal Lane any time to ensure compliance with all conditions outlined in the Board's approval, the written conditions contained herein and the zoning ordinances of the Town of Georgetown, Indiana.
6. The means for expiration of this use variance are upon any transfer of ownership of the property, upon any expansion as prohibited herein, or upon termination of the time period set out herein.
7. The applicant agrees to sign a prepared document with written conditions upon presentment which shall be filed and Recorded in the Floyd County Records office.
8. The Use Variance is only valid for five (5) years and shall terminate and become void thereafter.

Authorized Managing member of Three Roses, LLC:

  
TODD ROSENBAUM

Date:

June 14, 2023

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STATE OF Indiana

COUNTY OF Floyd

Before the undersigned a Notary Public, in and for said County and State, this Ninth day of June, 2023 personally came the above-named, and acknowledged the execution of the foregoing document.

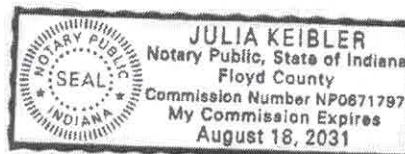
In Witness whereof, I have hereunto subscribed my name and Notarial Seal

[Signature]  
Signature

Julia Keibler  
Printed Name

County of Residence: Floyd

My Commission Expires: August 18, 2031



I AFFIRM, UNDER THE PENALTIES FOR PERJURY,  
THAT I HAVE TAKEN REASONABLE CARE TO REDACT  
EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT,  
UNLESS REQUIRED BY LAW  
NAME Todd Rosenbaum

NAME- \_\_\_\_\_  
DOCUMENT PREPARED BY: \_\_\_\_\_

DOCUMENT PREPARED BY:  
NAME- Todd Rosenbaum