

## BZA MINUTES

JULY 16, 2024

Members present: Jason Hawley, Bill Davis, Jason Allen, Jim Hufford, Jon Peacock, Don Calhoun, Drew Cleveland

Members absent: None

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director/Recording Secretary

Others present: Richard Huffman, Cindy Huffman, Tim Whitesel, Amelita Whitesel, Bradley DeVries, Ed Thornburg, Linda Brown, Jeff Mills

Chairman Hawley: Good Evening. It's July 16, 2024. This is the Randolph County Board of Zoning Appeals. First order of business, I'd like to call the meeting to order. Up next we have the approval of minutes from June 18, 2024. I motion we table those because they haven't been completed yet and I like to give the Board a chance to review those. I'd like to go through and ask each member to please state their name for the record so we have those: Jason Hawley, Bill Davis, Jim Hufford, Jason Allen, Jon Peacock. Thank you very much. Just a quick review of the procedures. Petitioners will have fifteen minutes to present their petition. During that time there will be no interruptions or questions. After the presentation the Board may ask questions. Anyone wanting to speak for or against will have three minutes each and then the petitioners will have an additional five minutes to respond to the comments. Say your name for the record: Don Calhoun. Thank you very much.

Chairman Hawley: First on the agenda tonight we have BZA2024-20-SP. Looks like Civil Engineer on behalf of Indiana Michigan Power Company. And request for special exemption on an existing public utility. Could you please come forward, state your name and address for the record.

B. DeVries: Good evening everybody. I'm Brad DeVries. I'm a Civil Engineer with Wightman.

Chairman Hawley: Before we get started, have you sent out notices by certified mail and return the receipts to the Area Planning Office? Yes. Have you received Article V on Conduct of Hearing? Why don't you tell us what you're looking to do, sir.

B. DeVries: Well, we were here last month looking at this project for AEP. They have an existing electrical substation, we call it the Price substation near the Cardinal Ethanol Plant. Cardinal Ethanol Plant has requested that AEP provide a little more electricity to them. As part of that station expansion, we need to basically add stone, some fence and some more electrical equipment as part of that, we need to address the stormwater. I think at the last meeting it was tabled just due to the fact that we didn't have an approved outlet for the stormwater. Since that time talking with Cardinal Ethanol Plant, Ed, I can't think of his last name, the farmer. Well, this is Ed Thornburg. I couldn't think of the farmer's name.

D. Johnting: Ed Bateman.

B. DeVries: Bateman, yes. That's the one that we met with out there on the site. During that time Cardinal indicated that they had additional capacity in their stormwater system. They've got a couple of large 24-inch diameter storm sewer that goes near where the substation expansion is. We went and had our surveyors go out there took a look at things and it's tight, but we can make it work. We had to raise up our storm sewer a little bit. We've got adequate capacity now in our pond and we have an outlet that goes into the Cardinal Ethanol stormwater system, which does have capacity for that. I don't think I have really anything else as far as presentation goes. Ed if there's anything you would like to say on behalf, but other than that, I think it's...

Chairman Hawley: Again, with matters of drainage, I always refer to Ed. Ed what's your thoughts?

E. Thornburg: This will work. It was, I say I met Mr. Bateman on site the day after our last meeting and he told me, he said I've been mowing over this box all the years I've mowed over there. I didn't realize what it was for. Anyway, and anyway, yeah, they're everybody seems to be on board. This has to be represented to the Drainage Board for approval for a revised plan. We'll be doing that the first Monday of this next month. I foresee no issue with that whatsoever. Your approval basically will end up being contingent on their approval.

Chairman Hawley: Does that makes sense?

B. DeVries: Yes.

Chairman Hawley: Are there any other questions the Board may have at this time?

J. Hufford: He has answered the questions that we had from the last time. That main thing was the drainage, that's what we're worried about, so.

B. DeVries: Okay.

Chairman Hawley: Is there anything else you'd like to add sir? Is there anyone else here that would like to speak for or against the proposal? Seeing that we have no one, I move that the Board have a roll call vote on the contingency that it also passes the Drainage Commission.

B. Davis: So moved.

J. Peacock: Second.

D. Johnting: Jason Allen, yes. Jon Peacock, yes. Drew Cleveland, yes. Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Motion approved.

Chairman Hawley: Congratulations. Thank you very much, Sir.

B. DeVries: Thank you guys. I appreciate that. Is there anything that gets sent out then to me, as far as?

D. Johnting: You'll get findings of fact in the mail.

B. DeVries: Okay, very good. Thank you.

Chairman Hawley: Right. Next on our agenda, we have BZA2024-21-SP. It looks like Tim Whitesel on behalf of Twyla Whitesel. Request for conditional special exemption put mobile home in a residential zone. Request is conditional upon APC 7/17/24 sending the recommendation to the Union City Common Council and the Council voting favorably to rezone to R-1 zoning. Before we get started, I must ask. Has the petitioner sent notices by certified mail and returned the receipts to the Area Planning Office?

T. Whitesel: Yes.

Chairman Hawley: Have you received Article V Conduct of Hearing?

T. Whitesel: Yes.

Chairman Hawley: Alright. Please state your name and address for the record and tell us what you would like to see started.

T. Whitesel: My name is Timothy Whitesel. Address is 7759 East Base Road, Union City, Indiana, 47390. During the tornado, we lost everything. House, garage, everything. And with the insurance, we have not got enough money to rebuild. The property that we are talking about my mom owns on the corner and it is where city sewer is and she's got outbuildings. We would like to put a living quarters there. A mobile home there to get us by for a couple of years until we get back on our feet. We're right now living in a camper with four dogs and two of them got anxiety from the tornado. Every time the wind picks up, they shake. So, we just want to try to get back on our feet and get started in the right direction. And that's what we're asking to rezone that so we can put something there to get started.

Chairman Hawley: So and just to clarify, the goal is to actually get something else in long term, yeah, just trying to get a temporary patch on this.

T. Whitesel: Yes, we. Yeah, just get a trailer there to live in for a couple years so we can start at least have a solid place to stay through the winter and everything to get back to that where we were.

Chairman Hawley: Are there any questions that the Board may have?

B. Davis: Tim have you already picked a unit out?

T. Whitesel: We have picked the unit out, we've talked to them. It's on hold right now.

B. Davis: Is it, do you know? Is it a newer one?

T. Whitesel: It is brand new. We're not getting a used one, we went with the brand new one.

Chairman Hawley: Do we have any other questions from Board members?

B. Davis: The only other comment I'd make is. I mean, I think we most of us know where this is at. I mean, there's other hundreds of trailers.

J. Hufford: Yes, just a block away right across the field.

T. Whitesel: And there was a house at that address at one time. It burned down.

J. Hufford: Right, a couple of years ago.

Chairman Hawley: And I would also like to remind the Board that they are sending conditions to the APC as well as a recommendation to Union City Common Council that would also need to go favorably.

D. Cleveland: Is your plan to build a house there or in that location, or near there?

T. Whitesel: We're wanting to move back out where we're at. As of right now, we're just kind of, we're getting moved up there and then there's septic and everything, issues. We have to update septic at the old place. So, it's going to take money to get where it will be able to be built back on.

Chairman Hawley: Is there any other questions? Is there anyone here that would like to speak in favor or against the proposal? Seeing no one, I move that we have a roll call vote.

B. Davis: So moved.

D. Cleveland: Second.

D. Johnting: Jon Peacock, yes. Drew Cleveland, yes. Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Jason Allen, yes. Motion approved.

Chairman Hawley: Congratulations.

T. Whitesel: Thank you very much.

J. Welch: This will be contingent upon the city approving your zoning.

T. Whitesel: Yes. We're going to go through these steps and then.

D. Johnting: Go there. So, we'll see you back here tomorrow.

Chairman Hawley: Next on our agenda, we have BZA2024-23-V, Cindy and Richard Huffman requesting a variance to build a barn taller than their residence. Sir, would you please state your name and address for the record.

R. Huffman: Sure. It's Rick Huffman, 2121 North 1000 West, Parker City, Indiana.

Chairman Hawley: And have you sent out notices, certified mail and returned receipts to Area Planning?

R. Huffman: We have.

Chairman Hawley: Have you received Article V Conduct of Hearing?

R. Huffman: Yes.

Chairman Hawley: Please tell us what you're looking to do, sir.

R. Huffman: We have another acre lot adjacent to our existing lot and we wanted to put a pole barn on it. It's 32 feet by 56 feet and for storage, recreational, family get togethers, that type of thing. And the possibility of a camper to go in there.

Chairman Hawley: I saw the pictures that were submitted, are, obviously I assume that's what we're looking at. FBI buildings? I was looking on here for dimensions, for porches and all that sort of stuff. Are you also looking to have, like, porches and have, like, a rendering or the full digital rendering also done, what now? Are you looking to have as close to this rendering as you can?

R. Huffman: Yes, this picture is a little misleading, but the porch it's probably come over about half rather than have full length and just wrap around the corner. We were kind of playing around with this and that's kind of what came back at, but it's a little bit smaller than that porch would be.

Chairman Hawley: Is there any other questions that the Board may have tonight?

D. Johnting: And I just wanted to say they'll have to combine this and they know that. Even if they didn't need a variance, they would have to combine it before they build. So, when they come through our office, they'll do a simple combination and so it'll be all one lot.

Chairman Hawley: Okay, so obviously everything is contingent on that factor as well. Yeah, I was wondering about that one, yeah.

D. Johnting: Yeah. That's not a big deal.

Chairman Hawley: Is there anyone else here that? I'm sorry.

J. Peacock: Will there be living quarters in this?

R. Huffman: No, it's just a big garage for storage, you know that type of thing.

Chairman Hawley: Is there anyone else? Is there anyone here tonight that would like to speak in favor or against the proposal? Having seen no one, I move that we have a roll call vote.

B. Davis: So moved.

J. Allen: Second.

D. Johnting: Drew Cleveland, yes. Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Jason Allen, yes. Jon Peacock, yes. Motion approved.

Chairman Hawley: Congratulations.

R. Huffman: Thank you. I appreciate it.

Chairman Hawley: Once again, don't forget to meet with Area Planning?

R. Huffman: Yeah, we will. Thank you. Appreciate it.

Chairman Hawley: Next on tonight's agenda, we have BZA2024-24-V Linda Brown. Request variance to leave a shed in place two feet from the side setback. Please state your name and address for the record.

L. Brown: Linda Brown, 630 South Western Avenue, Winchester.

Chairman Hawley: And have you sent out notices, certified mail, and return receipts to Area Planning? Have you received Article V Conduct of Hearing?

L. Brown: Yes.

Chairman Hawley: Just tell us what you have in mind, let's see what we can do.

L. Brown: When the tornado hit Winchester, I had a shed that was a 10 feet by 12 feet. And the tornado blew it away. And I had gotten a building permit to have it placed where it was placed before having it set. This time I went to get a larger shed. Also got a building permit to have it set in the same area. And I have a neighbor next door that asked me or asked that it be moved five feet off the property line. The first one was not. So, I paid the expense to have it moved five feet off the property line. The line to the street was exactly the same as the first shed. And she has also stated that she doesn't feel, excuse me, doesn't feel that it's correct? It probably is not, but it's exactly where the first shed was the first time. Crestwood Street is 50 feet wide versus Western Avenue that is only 40 feet wide. Which becomes difficult to for me where my property is at, to have the setback be what is required, so I'm asking for a variance.

Chairman Hawley: I understand that you're putting it on kind of the same footprint but are you making a larger shed on the same?

L. Brown: Yes. Yes.

B. Davis: What size is that Linda?

L. Brown: It's a 10 by 16.

Chairman Hawley: I've been by that property. It's really kind of tough the way it is laid out to get a shed or an outbuilding and in kind of almost any other location.

L. Brown: There is no place else to put it.

J. Hufford: The way it looks, her side yard there is really her backyard.

Chairman Hawley: Yeah, I mean, with the garage and everything kind of up to the cemetery or to the graveyard.

J. Allen: How long was the previous shed there?

J. Mills: About five years. It was set in 2019.

J. Allen: I'm just curious because on the Google map thing it didn't show the existing, the previous shed on the map so I didn't know where it was.

D. Johnting: Yeah, they're about two years old, I think. We call them the new maps, but you know the ones in town may not be.

J. Mills: She's no closer to Crestwood than what the old one was and she's five feet further away from her neighbor's property line.

J. Allen: Yeah, I drove by there on the way here to look at it and the shed's there, so I mean, is there any plans to, are you guys going to divide the yard with a fence or anything in the future?

L. Brown: Yes, we are checking into, we're pricing fences now.

J. Allen: It's going to be covered up anyway?

L. Brown: Right.

J. Allen: Majority of it anyway.

L. Brown: Right. And she did not say a word with the first one. And it was five feet closer to her property.

J. Allen: It's a nice shed. I'll say that.

D. Cleveland: This is neither here nor there, but was the building permit was it for five feet off or was it for where it is? Was it put somewhere else than it should have been, or how did that happen not that it matters.

L. Brown: The building permit was for the original footprint, just four feet off to the east on to my property. And had I had it, it was prepared, we were ready to go. And my neighbor disputed that so I had the site preparer come back and move the site five feet to the east.

B. Davis: Can't make them all happy.

Chairman Hawley: Are there any other questions that the Board may have? Is there anyone else here that would like to speak in favor or against the proposal tonight? Seeing no one, I motion to have a roll call vote.

J. Allen: So moved.

B. Davis: Second.

D. Johnting: Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Jason Allen, yes. Jon Peacock, yes. Drew Cleveland, yes. Motion approved.

Chairman Hawley: Congratulations.

L. Brown: Thank you gentlemen very much.

J. Mills: Just one quick question on the fence. Should we have somebody come out and lay out the property line so we don't have an issue or how do we handle that?

J. Hufford: I guess it'd be a good idea to have a surveyor before you put it in, especially if you're having trouble with your neighbor. Or you're going to wind up back here?

B. Davis: Jeff Mills, what's your number?

J. Mills: 765-993-7983.

B. Davis: I'm going to give you a call later.

D. Johnting: We will help you all we can and as I tell folks, it's always a good idea. It kind of depends on who you're dealing with. When you put up a fence, just, you know, try to coordinate because it's a free fence for them. They ought to be nice.

B. Davis: Hey, Linda. You should check my mom's fence out? Have you looked that?

L. Brown: No. Yes, yes, because I was checked. Yes, I did, but. You can see through it.

B. Davis: It's semi-privacy.

L. Brown: I like it. I like it, but yes.

Chairman Hawley: With that being concluded, is there any old business that needs to be addressed by the Board? Any new business? Reports from officers, committees and staff? Anybody coming next month?

D. Johnting: Yes. What are you talking about? Of course, we do.

Chairman Hawley: Other than that, do we have a motion to adjourn tonight?

B. Davis: So moved.

J. Hufford: Second.

Chairman Hawley: Thank you so much gentlemen. Have a wonderful evening.

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Chairman, Jason Hawley

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Debra Johnting, Recording Secretary

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Vice Chairman, Bill Davis