

BZA MINUTES

JULY 18, 2023

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

Members absent: None

Legal Representation: Jason Welch

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

Others present: Kelli Taflinger May, Brad May, Patricia Raney

Chairman Hawley: It is now 7 O'clock, my name is Jason Hawley. I would like to bring this BZA meeting for July 18, 2023 to order. So first off, I would like for all the board members to state their names for the record, that way we have it in case we need it for the finding of facts. My name is Jason Hawley, Bill Davis, Don Calhoun, Jim Hufford, Jason Allen, Drew Cleveland, Jon Peacock. Thank you very much. Tonight, it looks like we have two petitions on the ballot. I would like to remind the petitioners that we have, sorry, skip that. Did everyone have a chance to look over the minutes from the June 20th meeting?

D. Johnting: They were a little late.

Chairman Hawley: They were a little late, but we do have them today.

B. Davis: I move that we approve the minutes as passed.

J. Hufford: I second.

Chairman Hawley: All those in favor of approving the minutes say aye? Those opposed no? Motion is passed. We have two petitions tonight. I would like to remind everybody that petitioners will have 15 minutes to present their petitions, during that time there will be no interruptions or questions. After the presentation the board members may ask questions. After that anyone wanting to speak for or against will have three minutes each and the petitioners will have an additional five minutes. Okay, we've got that out of the way. First off, we have BZA2023-20-SP, Patricia Rainey requesting a Special Exception to place a single wide mobile home at the rear of her property. Please come to the table and state your name and address for the record.

P. Rainey: Patricia Rainey, 307 East Jackson Street, Farmland, Indiana.

Chairman Hawley: Thank you, and for the record did you receive the articles of conduct? [Conduct of Hearings]

P. Rainey: Yes.

Chairman Hawley: Why don't you tell us what you're looking to do and we'll see if we have any questions and see if we can help you.

P. Rains: Well I have seven acres there of property, five is country and two is town. On the town part we was going to put a trailer. Somebody gave us a mobile home and I was going to put it on there. Well, the frame was messed up so we did not put it there. So, we are just trying to see if we can get the okay, for in the future, maybe finding a different trailer to put there. The house we are questioning if it's going stay or be demolished, because it is an old house. So, it's kind of a flip of a coin you know.

Chairman Hawley: Alright I guess kind of the issue I was having especially with a single wide is if you don't have one in mind, what size are you looking to get?

P. Ranes: He would like to get a double wide or modular. That is what he is looking at.

Chairman Hawley: Because that kind of changes where we are from going from a single wide to double wide, or modular right?

J. Hufford: Yes.

Chairman Hawley: So, I guess that's...

P. Ranes: But we would, where it shows on the paperwork, did you put on the paperwork where it's going to be?

D. Johnting: Where you did have it, I did.

P. Ranes: Okay, well we were going to move it up, if you see where the front of the barn is right there? If we put a modular it's going to be like, the front of the modular and the front of the barn will be like equal. If that makes sense to you.

D. Johnting: That's still going to be a couple hundred feet off the road probably. And there's room for two residences whether there's one or two it really doesn't matter. As far as the size of the lot.

Chairman Hawley: I guess this is just me, speaking out of ignorance though, changing the placement on the map as well as changing from a single to a double wide to a modular, that kind of changes where we are as far as the petition we have tonight, right?

J. Welch: I think it would change the whole petition.

J. Hufford: Yeah, it would change the whole thing.

Chairman Hawley: Yeah I'm like...

J. Welch: It's hard to make a decision if you don't know what you're making a decision on.

Chairman Hawley: So, I'm like the sticky point that we have is that, this petition is just for a single wide where it's marked on there. So, I can't, really vote for like the double wide moving around or the modular moving around. I don't see what it is. And so, I guess that's kind of where I'm at. I'm like--we can make the vote tonight for what is presented and what's there but you know...

P. Ranes: So, would we come back when we get something? Or, we just want to see if we can get it approved, even if there would be a chance where we can, or maybe a possibility?

J. Hufford: Don't come back after you get it, come back before you get it, but come back when you know what size you're going to be putting in and if it's going to be a modular or if it's going to be a double wide or whatever it's going to be.

D. Johnting: You wouldn't have to come back if it's a modular.

Chairman Hawley: Yeah, I think if it's modular you're good to go. A modular is ok, you're good to go, there is no BZA involved in that.

P. Ranes: No wheels right? So, is that the one that is on a foundation?

D. Johnting: If you get one from the factory they will deliver it. I don't know how you'd buy a used one that is already in place.

P. Ranes: So, that's what I'm saying, it's a coin toss anyways.

Chairman Hawley: And I've got, so far everything that is presented and it doesn't seem like it's problematic, it's just we don't know what we are dealing with and if you want to move it around because the worst thing comes to happen is if we vote for this and you get something else and I wind up going to court.

P. Ranes: If it's a modular it would be in that position, up by the garage.

Chairman Hawley: Yeah, and that is one that would go through Area Planning. Modulares are usually, they don't necessarily need to go through us.

P. Ranes: So, the trailers are the question mark then? Are you saying just the trailer is a question mark? Not the modular?

Chairman Hawley: Well...

J. Allen: You have to get approval for a trailer right?

Chairman Hawley: Yes.

P. Ranes: So, if it was a modular you wouldn't? Just get ahold of them?

D. Johnting: You would just get a normal permit.

Chairman Hawley: It's fine, like I said.

P. Ranes: This one was supposed to be for the daughter.

Chairman Hawley: Yeah, and that's a great thing, I guess what we could probably do is go for a continuance and that way you don't have to wait six months, right?

J. Welch: She could withdraw her petition prior to the vote and then bring back a petition after she knows what she is going to have, which is probably the way to do it.

Chairman Hawley: Yeah I think...

J. Welch: Then she wouldn't have to wait.

P. Ranes: Well, don't want to hold you guys up if we don't do anything.

Chairman Hawley: That way there's no vote tonight and you're not held to anything, and you can get your ducks in a row and if things don't line up through the permitting process or through Area Planning you can come back here and it would be no harm no foul.

D. Johnting: Did you want to withdraw right now then?

P. Ranes: Yeah cause, I really don't see anything going on anyway.

Chairman Hawley: Okay.

P. Ranes: If something goes on I'll just contact you back.

Chairman Hawley: Okay thank you very much.

P. Ranes: Thank you for your time.

Chairman Hawley: Alright, moving on, it looks like we have BZA2023-26-V. Kelli Taflinger. Requesting a variance of three feet to place storage barn behind her house two feet from the side and rear property lines instead of the required five feet. Please state your name and address.

K. Taflinger: Kelli Taflinger, 333 Illinois Street, Parker City.

Chairman Hawley: Okay, did you receive Article V, Code of Conduct? [Conduct of Hearings].

K. Taflinger: Yes.

Chairman Hawley: Why don't you tell us what you're looking for and what we can do to try to help you out.

K. Taflinger: You want me to explain this? Okay, well, so we bought a boat and it's twenty foot long, and I don't know if you got pictures, but where our house is and the neighbors fence we want to be able to back it straight up and get it kind of close to the fence, because if he goes way over here, he's got to finagle it and he might hit the fence turning it, am I saying that right?

B. May: Yeah, and our house.

K. Taflinger: And our house, so we are asking for two feet. And I know that they have a five foot rule so we were asking for two, possibly three. But if we go over five we won't be able to do it then, because of the angle, you know how when you back it up. I don't know how else to explain it.

Chairman Hawley: I think most of us know the joy of trying to back up something.

K. Taflinger: We do have other neighbors on the north, but we are not near anything. But on this other side we have the fence. The south side, and I don't know if they have any issues with it or not?

D. Johnting: Nobody called.

K. Taflinger: Oh yeah, you did say that. Nobody called. So that the fence is the main problem.

Chairman Hawley: Right. Just out of curiosity, how big are looking to make the barn?

K. Taflinger: 24 feet by 30 feet.

Chairman Hawley: I guess it is on there. Alright, is there any other questions that we have from the board?

D. Johnting: The easement in the back is electrical.

J. Peacock: So, the lines here?

D. Johnting: The inside line is the five foot setback, and that shows you where the two foot setback would be. That shows you the difference of the five foot and two foot and how close it would be.

K. Taflinger: Like not from the pole, from our property line we could even come in a little bit further, but the closer we go this way the closer to the house we are. We could go up some, if that's an issue, but the biggest issue is from the fence.

J. Peacock: I was just making sure I understood what these lines were. And make your barn bigger than you think you need. You will always wish you'd built it bigger. You will fill it up fast.

K. Taflinger: Oh, that's true. But we only have so much area, so we have to work with that.

D. Johnting: The electrical easement, we were concerned about that from the back. And if you look at one of the pictures the neighbor the furthest north, I think his barn is on the line. So, the electric company said if it was in their way they could make you move it. But I think that was there before we were here so, that's one of things that we try to look at. Also, it's a subdivision but I don't see any evidence of a covenant there, and there wasn't a covenant on the deed.

K. Taflinger: A what?

D. Johnting: That's where they tell you what can and can't do.

K. Taflinger: Oh no, I don't think we have anything like that.

Chairman Hawley: When to mow your lawn, what color to paint your mailbox, that sort of stuff.

K. Taflinger: Oh no.

D. Johnting: If you can have an out building and where it should go.

K. Taflinger: Oh no, no there is nothing like that, I'm sure of that.

Chairman Hawley: So, this will not interfere with the electrical.

D. Johnting: It shouldn't, they have their twelve foot easement and I don't see an easement taking up any of their property. And if there was one it should show that on my map.

Chairman Hawley: Alright, anybody else have any questions?

J. Allen: I'm assuming that this is going in the place where this other shed is? Or is this coming out?

K. Taflinger: Oh no, you have an old picture, that's already been moved to the other side of the yard, to the north side of the property.

J. Allen: So, it's going right here then? And I am assuming that the tree is gone too?

K. Taflinger: Yes, the tree is gone also, and we moved the barn over, so we're ready.

B. May: So, there is fence right along here. The black line.

K. Taflinger: The neighbor's fence.

Chairman Hawley: Alright, anyone else have anything? Anybody else here that would like to speak for or against the proposal? I move that we have a roll call vote.

B. Davis: 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. Is there any old business we need to address? Any new business? Reports from committee, officers or staff? Seeing none I move to adjourn.

J. Allen: Second.

Chairman Hawley: All in favor say aye. Thank you very much.

Chairman Jason Hawley

Debra Johnting, Recording Secretary

Vice Chairman Bill Davis