

## APC MINUTES

**February 18, 2026**

Members present: John Reece, Tom Kerns, Don Calhoun, Coy Applegate, Jim Hufford, Jason Brewer, Adrian Moulton, Todd Holaday, Abby Journey, Terry Alfrey

Members absent: Will Greer, Amy Alka, Steve Hernly

Legal Representation: Jason Welch

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

Others present: Stephen Stoltzfus, Charlie Haviza, Sally Haviza, Tom Boyer, Jordan Alfrey

President Calhoun: It's 7:00 o'clock now so we'll go ahead and get started with the Area Planning meeting. Approval of the minutes from the January 21st meeting. Everybody had a chance to look at the minutes? I would entertain a motion to accept the minutes.

Vice President Applegate: I'll make the motion.

President Calhoun: We have a second.

T. Kerns: Second.

President Calhoun: It's been moved and seconded to approve the minutes from the January 21st meeting. All those in favor say Aye.

All: "Aye."

President Calhoun: All those opposed No. Motion passes. Tonight petitioners will have 15 minutes to present their petition. During this 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. Then the petitioner will have additional five minutes to respond to the comments. So first on the agenda tonight is APC2026-6-SD. Thomas Boyer representing Mote and Associates. Is he here? If you would like to come up and.

T. Boyer: Good evening. As was mentioned this is for Isaac Gray Subdivision Phase II and III. The original Phase I subdivision was developed by the city of Union City, Indiana back in 2021. I believe in that time frame. This will just be a continuation of the existing subdivision that's out there. Divided into Phase II and III. Phase II will contain 24 residential lots and then the one storm detention lot. And Phase III will retain 14 residential building lots and then one additional storm detention lot. The covenants for Phase II and III will be the same as was approved for Phase I. This Phase II and III has been approved by the County Drainage Board back on February the 2nd. This is just basically a continuation of what was done back in 2021. That

pretty much summarizes the project. The street widths will be the same again, as shown them on the map. Same as Phase I.

President Calhoun: On the map, where is Phase I at?

T. Boyer: Phase I is to the east.

President Calhoun: Okay, I see it now.

T. Boyer: To the east of what, right off Plum Street was.

President Calhoun: Yes.

D. Johnting: Phase I just has an outlet correct. The street outlet.

T. Boyer: Yes.

D. Johnting: Phase II and III goes through Phase I to get to. Is it Plum and then down?

T. Boyer: Down to Lynn Street.

D. Johnting: From Lynn to Park Avenue.

T. Boyer: Yes.

D. Johnting: So there won't be additional outlets from Phase II and III.

T. Boyer: Back in 2021 they wanted to when this was kind of laid out they wanted to allow for possible development further north and get an outlet all the way up to the state route. If that will ever happen I don't know but that was the grand plan at the time.

D. Johnting: But for now it will funnel down through Phase I and go out to Plum and Lynn.

T. Boyer: They'll all come down through there. Probably most of the traffic will come out to Plum Street, I would assume.

D. Johnting: And there's a lot more that's been turned in and that's quite a bit of stuff they have to work through—the soil sampling and all that. We didn't copy everything. This is just some of the things that they had to do that you would be interested in. We do have a drainage certificate from Ed 's office. Did Casey send that?

K. Halloran: It's in his folder. I didn't copy it and put it in the packet.

D. Johnting: If you look at the subdivision ordinance there is a lot that goes into this and rather than copy everything.

J. Welch: Deb, as far as you know have the petitioners met all the legal requirements for the Subdivision Application.

D. Johnting: Yes.

President Calhoun: Are there any other questions from the board? Seeing none, is there anybody from the audience who would like to ask questions? If you'd like to come up and state your name and your address.

C. Haviza: My name is Charlie Haviza. This is my wife Sally. We live at 1231 Beverly Drive in Union City which Phase III is going to be right outside our back door. We are fully in favor of this project. I mean it's been good. The only question we have is the maintenance of that area. Since it started they've let the weeds grow up in the field and when they go to seed they just bombard our house. It looks like it's snowing. It gets in the landscape. It gets in the grill. It gets in the air conditioning. It gets everywhere, so we just want to know if it's going to be maintained a little bit better now but we're going to continue on with this Phase. Other than that we're happy it's going through. Thank you.

T. Boyer: I'm sorry. Does your property, does it come up to the undeveloped area or what's already been developed?

C. Haviza: It's mainly where Phase 3 is going to be.

T. Boyer: Okay. So you're over here somewhere then.

C. Haviza: Yeah we're just right, we're right here. This this probably us right here. So it's coming from the west and this way.

T. Boyer: So hopefully when the rest of this has developed. This won't be planted in grass you know.

C. Haviza: When will that take place?

T. Boyer: I can't tell you for sure.

C. Haviza: Can it be mowed down before the weeds go to seed?

T. Boyer: I can definitely point that out to the owner, yes.

C. Haviza: I appreciate that.

T. Boyer: Beyond that we have no control?

C. Haviza: Other than that we're fine.

T. Boyer: Okay thank you.

President Calhoun: Is there anybody else who would like to speak for or against?

T. Kerns: I would think with that once it's developed or laid out and they put the streets in. They would have to follow all the city ordinances with keeping the lots mowed and the weeds maintained. Wouldn't they?

T. Boyer: I would guess. I'm not sure who's maintaining. What's out there now, I mean. It's not owned by the city anymore.

T. Kerns: Correct.

T. Boyer: But whoever the owner is should be, yeah should be.

T. Kerns: They are now city lots so they should have to be mowed and maintained.

J. Welch: The city would likely be able to enforce that ordinance against the developers now if they're not following the city ordinance. They can get with the city attorney in Union City and make a complaint.

T. Kerns: They enforce it on other lots in the town where somebody doesn't mow their yard. They actually go down and mow it and add it to their taxes. So there's ways like you said, they can enforce that.

President Calhoun: Any more discussion?

J. Reece: Is Phase I all done? Full? Sold? Or people living there?

T. Boyer: I haven't been there out there for a while. The last time I was there was last summer. And I think there are three houses at that time. So there were a lot of empty lots at that time. I don't know what's happened since. There's probably.

T. Kerns: The same, three houses.

D. Johnting: I think the lots have been sold. I just think the houses haven't been built.

T. Boyer: All the lots have been sold to someone called US Homes so. Other than maybe the three that have houses on them obviously they belong to. And there I think there are out there now again back in June there was a bunch of mounds of dirt out there. Someone just contacted us today for our original drainage plan so I don't know if someone's going to be out there at some point here in the near future grading that area. They wanted the grading plan from Phase I so I'm assuming someone might be out there working on Phase I to get it graded and get those mounds either graded out the right way or hauled off.

President Calhoun: I'd entertain a motion for a positive recommendation.

J. Welch: It'd be approval.

D. Johnting: Primary approval.

Vice President Applegate: I'll make the motion for primary approval.

T. Kerns: Second.

President Calhoun: Need a roll call vote.

K. Halloran: Tom Kerns, yes. Jim Hufford is absent. Jason Brewer, yes. Coy Applegate, yes. Terry Alfrey, yes. Amy Alka is absent. Adrian Moulton, yes. Will Greer is absent. Steve Hernly is absent. John Reece, yes. Abby Journey, yes. Todd Holaday, yes. Don Calhoun, yes.

President Calhoun: It's approved.

T. Boyer: Thank you.

D. Johnting: So once they deliver everything and its all done we'll do a secondary approval but that's just where you come in and sign. You won't have to meet on that because we didn't make any suggestions for changes or anything. If you see that we don't meet on this again the second meeting doesn't have to come here unless you ask them to make some changes.

President Calhoun: Second on the agenda is 2026-1-A, discussion of the amendment of Article II.

D. Johnting: Okay, the first request was whenever there is a lot that has two residences on it is less than two buildable acres each. If one house is torn down it can't be replaced now. The commissioners had asked us to look into making that situation where they can get a variance. Opening it up to a variance would not just specifically help the people in this situation. Anybody could ask for a variance. So Jason made the suggestion to look at. There were eight different articles that stopped us from doing that and the subdivision ordinance. If we make the changes that are in red in Article II, we think that that will cover just those people affected. The reason that we're legally established structure existed prior to 2017. That's when the Area Planning Office took over looking at splits and combinations. And so that's basically when this situation stopped happening. However there are houses out there that are in this situation and the changes that we made in red reflect being able to continue that nonconformance. Now the reason we call it a nonconformance and the reason that we had said no is that you write the ordinance and you write the setbacks and the size of lot we're not going to go around and move houses and shrink lots and increase lots obviously. The only time you can fix it is if the house is gone. If that's your goal and you keep doing what you've always done you'll never get there. So what's the point? However for the people who find themselves in this situation that want to rebuild that second house this should take care of that. No variance and since it's before 2017 if it was done

in 1925 the burden of proof that there was a house there is on them. Does anybody have any questions? And you want to go over the different sections? We really didn't have to change all that much. The process that we had dismisses the humanity that recognizes there are a few situations that fall outside of a black and white ordinance. There will always be and to just demand no variance just doesn't take into consideration those few situations. If we had opened it up for a variance for anybody we can have variance hearings forever. We also removed the reference to rebuilding if it was 60% destroyed. But we did have to add the floodplain language which is nonnegotiable. If you own a house that's sitting in the floodplain and it's destroyed for any reason you're going to be dealing with DNR before you can rebuild. If they determine that you can't get a septic system in it then you can't rebuild that maybe the situation and they don't do variances. And so I feel like this, I did go back to the commissioners and they have changed their request also to meet this. I didn't see them in time to get this in the paper so we can't vote tonight but we have four zoning petitions next month so we will be having a meeting so we can vote on this next month. That gives you a month to read it over, if you think of any questions. So this will be even a house that's been torn down for 10 years can be rebuilt if it wouldn't normally qualify otherwise.

President Calhoun: Is this something that the commissioners, they've looked at this and something you...

T. Kerns: I think, so this is pretty narrow and straightforward I think the way Jason they drew it you drew it up is relative I don't think it's going to affect probably a dozen properties of the county right now.

J. Welch: Basically there's a house there you can replace it, right? That's the idea. Even if the lot is too small. Generally before if your lot was too small and your house burnt down over 60% you couldn't rebuild it. So what this does is it kind of closes that little loophole and allows you to at least replace the house that's there.

T. Kerns: We read through it.

D. Johnting: It fits the target without opening up the door for anybody to say well I would like to have two houses on my one-acre lot. We do also have in our back pocket the one thing we don't have control over is a septic system. So regardless of us wanting to help people out if you can't put a septic system on your lot Indiana says you can't build. We always have that to fall back on that we can't issue them a permit they get the house done they get ready to put the septic system in and then.

T. Holaday: That applies on a rebuild?

D. Johnting: That applies on every build.

T. Holaday: So if you're rebuilding the house you still have to apply for a new septic.

D. Johnting: Not new. It has to either be fixed according to what may be, what makes something may need fixed. It may be perfectly fine and you might have to put in a new one.

T. Kerns: Basically it has to be brought up to code.

D. Johnting: It has to be brought up to code and the Health Department will go. Actually they'll have you hire a certified inspector to go look at it. It's controlled through the Health Department. So there is a house in the county that they the house needs to be torn down and rebuilt and it does not qualify for a septic system. So they can't rebuild there.

T. Holaday: Makes it hard to resell the property I would think.

D. Johnting: It would and that's the State of Indiana. It's not Randolph County. The same way goes with if it's in the floodplain. You may have to raise it up anywhere from a few feet to drive your car underneath it like you see on the coast. However, we do have some lots for sale that even if you raised it up you can't put a septic system in a floodplain. So that is also Indiana well that's DNR but that's. I mean we can't do anything about that. So as long as they can put a septic system in and meet the setbacks. They'll be able to rebuild.

President Calhoun: Another other discussion? So is there any other old business that needs to be brought up? Any new business?

D. Johnting: Meeting next month. We have two for sure, maybe four rezoning petitions.

President Calhoun: Entertain a motion for adjournment.

T. Holaday: So moved.

J. Brewer: Second.

President Calhoun: Thank you for coming everybody.

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President, Don Calhoun

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Vice President, Coy Applegate

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Recording Secretary, Kristina Halloran