

## **BZA MINUTES**

**November 18, 2025**

Members present: Bill Davis, Jim Hufford, Jason Allen, and Don Calhoun

Members absent: Drew Cleveland, Jason Hawley, and Jon Peacock

Legal Representation: Jason Welch

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

Others present: Ed Thornburg and Cassie Padgett

Vice Chairman Davis: Good evening. Tonight is November 18, 2025. I'd like to call the meeting to order. First of all I'd like to get the minutes from October 21, 2025 approved. Do I hear a motion?

J. Hufford: I'll make a motion that we accept the minutes as presented.

D. Calhoun: Second.

Vice Chairman Davis: All in favor say aye. "Aye." Just for tonight looks like we have one on the agenda. Just a reminder, 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 and then the petitioner will have an additional five minutes to respond. I guess it's been practiced that we go around introducing ourselves so I'm Bill Davis. Jim Hufford. Don Calhoun. Jason Allen. First on the agenda looks like Keith and Cassie Padgett. Come forward and state your name and address for the record please.

C. Padgett: Cassie Padgett, 4727 East 700 South.

Vice Chairman Davis: Yep thank you. Cassie, did you receive Article V Conduct of Hearing?

C. Padgett: I did. I receive a lot of things so I'm sure I did.

Vice Chairman Davis: That's in effect tonight?

D. Johnting: Yes, because there is only four.

Vice Chairman Davis: Yes, because there's only four of us here tonight it'll take all four of us to vote yes. Do you want to move forward or wait until the next meeting?

D. Johnting: We can have the discussion and just not the vote. Or does she have to decide tonight?

J. Welch: She'll have to decide.

D. Johnting: So, we've gone through the discussion or not.

J. Welch: You want to move forward tonight? It has to be unanimous vote for you to be able to get approved.

Vice Chairman Davis: Usually they're seven of us here.

C. Padgett: Yes, let's move forward.

Vice Chairman Davis: All right tonight first agenda we have BZA2025-24-V. Please tell us what you'd like to do.

C. Padgett: Well my husband and I are just wanting to extend our garage out on the south side of our property. I think it's going to be 24 feet by 32 feet. My husband is a contractor so it would just benefit us in being able to have more room for storage, more room for materials. And the issue is that it's too close to the property line. We've lived there for 12 years and the whole property is surrounded by woods. We've never seen any kind of activity go on in the woods. There's nobody that comes around there but us. I have been in touch with Mr. Barbee recently and in the past about possibly even being able to buy all of the woods or partial acreage of the woods just so we could have more access to the property around us. The last time I talked to him was just maybe about a month ago—right after I came up here. He said he was in the middle of making some other deals and whatnot but that he would definitely consider it and get back with me. It was also brought to my attention that there might be the opportunity to file for something called an easement. So, I guess maybe that's something that I could do if need be. But yeah, it's a 12 acre woods. Like I said there's never no activity ever in it. There's nobody ever comes up to our property or the property line there. And like I said we lived there for 12 years and the property when we bought it was as is like we bought it like it is now so. I guess there must have been an issue in the past with the property lines then.

D. Johnting: Yeah, I doubt if the house was actually built on the property line. I suspect that that was a survey. They just surveyed off the house and sold it off and that's where the line ended up. Because the driveway is actually over on that other property as well.

C. Padgett: Mr. Barbee actually sold the house and the property off. When I talked to him I learned that. That he did own it and he sold it off because he didn't want the house or the property, so why they sold it as they did I guess. It's just, I mean because that's where the woods run is all along the property.

D. Johnting: That was how they used to do it.

J. Hufford: Is this going to be built right on the line?

D. Johnting: It's very close.

C. Padgett: My current garage is already on the line. It's already there. We didn't build it that way. It was already there. We lived there for 12 years and we've never made any structural changes or anything. So my current garage is like already there right on the property line. We just want to build onto the back of the garage. It's not going to go over any further west or into the into Mr. Barbee's property. It's just going to stay right on the line where it already is. Just 24 more feet down south.

D. Johnting: It would be 24 more feet on the line.

J. Hufford: And it's going to set on the east side, right?

C. Padgett: No, it's the west side.

J. Hufford: I'm sorry, west.

C. Padgett: But it will be going 24 more feet down south into my part.

Vice Chairman Davis: It's not going any further into Barbee's.

C. Padgett: No, it's not going to go any further but like I said my current garage is already there so it's just going to go further south into my property.

Vice Chairman Davis: And I'm assuming Barbee's good with this.

C. Padgett: Yes, he was. He received a letter as well. We wrote the letters out and I submitted them on like I said. I have spoken to Mr. Barbee a few different times even in the past about you know maybe even just buying a couple acres you know that surround our property and like I said right now he said he was in the middle of a couple of other deals and stuff and that was just something that he was going to think about and possibly get back with me. I know he's getting up there in age and stuff too so if he doesn't maybe give me a call back by summer I might give him a call back you know.

Vice Chairman Davis: The older we get our memories just aren't what they used to be.

C. Padgett: Hey, I'm right there with you.

J. Allen: Is there any plans with the new addition to have doors that are on the side of the garage on the property line side? Like the garage door.

C. Padgett: No, the door will face the east.

J. Allen: So, there's going to be a door on this side facing the house?

C. Padgett: Yes.

J. Allen: Because the reason why I'm asking is that obviously the drive is already on his property which you bought it that way. I get it. My thoughts are if there's a garage door on the side of this garage and if the driveway will then eventually become that entrance way which I think would be an easement situation there because I don't want it to be right...

C. Padgett: Well we wouldn't extend the driveway is that what you mean into the backyard.

J. Allen: Yeah because if there's a garage door on the side, I'm thinking if I was a construction guy instead of driving all the way through the garage I just drove down to the side of the garage door on the side of the garage.

C. Padgett: We wouldn't be putting any more driveway in.

J. Allen: So there's not going to be a drive.

C. Padgett: There will be a garage door out on the east side and it will go out into a patio.

J. Allen: Yeah but not on the west side? Towards the woods.

C. Padgett: No, there will just be a garage on the east side. Yeah like we have a small shed in the backyard and stuff and he has a lawnmower and our general that he, we have wood burning so he drives the general in and out and because we have the wood burning stove in our garage as well because he does a lot of work out there as well. No, it wouldn't be on the west side facing Mr. Barbee's property. It would be on the east side facing our property.

J. Allen: It would just be siding on this side.

C. Padgett: Yeah just siding, no windows, no nothing.

J. Allen: I mean eventually it would be nice if you like you said if you were able to get an easement variance or easement purchase. Then this variance would be null and void.

C. Padgett: Yeah, she suggested that to me because I never even heard of it before and when I met with her she had suggested it. It's definitely something I'd be willing to try. I don't really know the process.

D. Johnting: You just you have to consult an attorney. Tell them what you want to do and they would see if he would be agreeable to.

C. Padgett: Like I said it's definitely something I would be willing to try. Like I said if Mr. Barbee is not willing to sell any other property because like I said I've tried that we've tried to buy some of the property before.

J. Allen: The only reason I was asking is there like obviously he's getting up there in age but like if he would pass and then the next owner says no we're not happy about any of this situation and then it becomes a problem later on down the road is the only thing. This would protect you. If there was an easement there then there is no question because the easement was done before he passed and the new owner would have to adhere to that easement. Is what I was saying. That's why I was bringing it up. That way you won't have any issues later on when they start bringing it up like. Why are they so close to my property if they want to bulldoze all them woods down and turn it into acreage.

C. Padgett: And I would probably die. Like I said I've lived there for 12 years and I would probably sell and move if they did that.

J. Allen: That's what I'm saying we're protecting you from that situation.

C. Padgett: Yeah. I definitely don't want to have any issues. Yeah, that's for sure. So, I mean yeah that's why we're trying to do everything the right way like.

Vice Chairman Davis: Good points. Any further questions from the board? I don't see anyone in the audience that would like to speak for or against. Let the record show none. So, I'd be open for a roll call vote.

D. Calhoun: So moved.

Vice Chairman Davis: Deb?

K. Halloran: Nope, that's me.

Vice Chairman Davis: Oh, sorry. Kristi.

K. Halloran: Jason Allen, no. Don Calhoun, no. Jim Hufford, no. Bill Davis, yes.

D. Johnting: The motion was not approved. So, you can respond in six months or if you want to move it over because it is 15 feet from the line obviously you could do that at any time to build.

C. Padgett: Other than what, file for the easement?

D. Johnting: Well you don't file that with us. You would hire an attorney and talk to them about that. I'm not sure exactly how that works. If they're on the line.

J. Welch: It'd be better just to purchase it, 15 feet.

C. Padgett: So like I said I've tried to buy the property in the past. What if they say no? Then I file for the easement? Like I don't know.

D. Johnting: That is not with this board that would be and then I'm not sure how that would work with us. In the past once a structure has been on the line they tried to get an easement from the neighbor and it would actually go on both? But that's something your attorney would have to do.

C. Padgett: Okay, thank you for your time.

Vice Chairman Davis: Good luck. Any other old business for the board? Doesn't look like it. Any new business?

D. Johnting: No meeting in December.

Vice Chairman Davis: I'll make a motion to adjourn the meeting.

J. Allen: Motion.

Vice Chairman Davis: All those in favor say aye. "Aye."

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Chairman, Jason Hawley

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Kristi Halloran, Recording Secretary

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Vice Chairman, Bill Davis