

BZA MINUTES

February 17, 2026

Members present: Jim Hufford, Jason Allen, Don Calhoun, Drew Cleveland, and Jason Hawley

Members absent: Bill Davis and Jon Peacock

Legal Representation: Jason Welch

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

Others present: Russell Jackson and Michael Sarris

Chairman Hawley: All right, good evening. Tonight is February 17, 2026. I would like to call to order this meeting of the Board of Zoning Appeals. First off I would like to have everyone state their name for the record so we can definitely have that for transcription. My name is Jason Hawley, James Hufford, Don Calhoun, Drew Cleveland, Jason Allen.

Chairman Hawley: Thank you very much. First on our agenda we have the approval of the minutes from January 20, 2026. I believe everybody has been given those. Has everybody had a chance to review those?

D. Cleveland: I move we approve the minutes.

J. Allen: Second.

Chairman Hawley: All those in favor "Aye".

All: "Aye".

Chairman Hawley: Motion has passed approved minutes. Moving on before we get started tonight I would like to remind 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 to the comments. Looks like we have three cases up tonight. First case we have BZA2026-3-V, Russell Jackson. If you'd like to come up state your name and address for the record sir?

R. Jackson: Names Russell Jackson, 621 North East Street in Winchester.

Chairman Hawley: Excellent. If you'd like to tell us what you're looking to do. It looks build a carport closer to the property line.

R. Jackson: Yes. Most of my neighbors are all rental properties around me and I've had trampolines in the backyard and rocks thrown on the cars and everything else back there but the biggest thing I want is my carport.

Chairman Hawley: Before we get started I need to ask have you sent out notices of certified mail and returned receipts to the Area Planning Office.

R. Jackson: Yes we have.

Chairman Hawley: And have you received Article V Conduct of Hearing?

R. Jackson: Yes.

Chairman Hawley: Okay, go ahead.

R. Jackson: I just want to put a 12-gauge carport up and my back's a double wide one and I just want to be able to slide in where my existing parking that have been parking for about 40 years there now. I just want to put a carport over it to protect my vehicles keep the sun and rain and stuff off it. Getting ready to retire and I'm trying to keep the sun make my cars last a little longer fitting pretty expensive. That's about it it's just a 20 x 25 carport. It's all it is.

Chairman Hawley: I guess my only real question is we're not talking like permanent garage or anything in case there's utilities or anything can be easily moved.

R. Jackson: No it's just a carport.

Chairman Hawley: Okay that was my question.

J. Hufford: Is this right on the property line?

R. Jackson: What's this?

J. Hufford: Is it going to be right on the property line?

R. Jackson: Well according to the pictures that my back yard...Ralph West's old house right there on North East Street and I've got a six-foot-high fence up all the way around my backyard. It's just right up against the fence on both sides. And I got a gate right there you walk through and it's just taking the space up that I've been parking in for about last four years. That's all it is.

D. Johnting: There's no sides.

J. Hufford: What?

D. Johnting: There's no sides on it.

J. Hufford: Okay, yeah I know the carport will probably be two foot taller than what's the fences.

R. Jackson: Yeah it's an eight footer. Put up just 8 foot.

D. Cleveland: Is it a wood fence?

R. Jackson: What's that?

D. Cleveland: Is it a wood fence?

R. Jackson: No it's a well on my existing fence is all wood and it's a six foot high fence but the carports is going to sit right in the back right where I've been parking.

D. Johnting: We did not have any calls or question on this.

Chairman Hawley: Do you have any more questions from the board? Is there anyone else here this evening that would like to speak for or against the proposal. Seeing none I move for roll call vote.

J. Hufford: So moved.

K. Halloran: Jason Hawley, yes. Jason Allen, yes. Drew Cleveland, yes. Don Calhoun, yes. Jim Hufford, yes. It passes.

Chairman Hawley: Congratulations Sir. thank you for the best of luck.

R. Jackson: Thank you. Can I go ahead leave and do I have to wait.

D. Johnting: Go right ahead.

J. Allen: He's going to go home and build the carport.

Chairman Hawley: Okay, up next we have BZA2026-4-V, Michael Sarris representing APC Towers on behalf of Charles Shaw. Looks like a request to build a tower on a property containing a residence. First off could you please state your name and address for the record.

M. Sarris: Yes Michael Sarris, 11208 Lake Avenue, Cleveland, Ohio.

Chairman Hawley: And have you sent out notice of certified mail and returned receipts to the Area Planning Office?

M. Sarris: Yes I have.

Chairman Hawley: And have you received Article V Conduct of Hearing?

M. Sarris: Yes.

Chairman Hawley: Tell us what you would like to have done this evening sir.

M. Sarris: Yes I'm here representing APC Towers. And we are seeking a special exception of approval to construct a wireless communication facility on the parcel owned at 6272 East US 36, Lynn, Indiana owned by Charles Shaw. We're going to construct a 305' foot guide tower and related facilities which would be enclosed in a fenced in compound. I don't need to tell anybody on the board that the demand for wireless services has exploded exponentially over the last few years. Just some data points I'd like to throw out in 2016 average data use per smartphone was 5.2 gigabytes per month. In 2017 that went up to 7.1 gigabytes per month. That's a 36% increase. In 2024 average data use per smartphone in North America was 57 gigabyte per month. That's 700% increase over 2017. So obviously it's no secret to anybody how many people are staring at their phones. On average there are 250,000,000 911 calls originated in North America every year and 80% of those are from wireless you know wireless devices and there's also 62% of households are now completely wireless which you would you think would be

higher because not too many people have landlines anymore and on average about 13 connected devices per home. So I can take any questions at this time. Oh I also wanted to tell you about the I think they have a copy of the map of the amount of towers within a five mile radius of the proposed location.

K. Halloran: No, they don't have that.

M. Sarris: Oh they don't have that. I didn't include that. Well there's really only two and neither one of those are feasible. If you'd like to see the picture I have I can share with them.

D. Johnting: The due diligence before we do a permit is that we they go through a process to make sure that there isn't a tower within so many miles they could use instead. We found several years ago it doesn't really work that way anymore. When they put it up they already have tenants for it and even kick people off because they find tenants that they would rather have on there. The only thing they have to do is keep in mind that if our county would want to use it for anything we can do that but we generally build our own as well.

J. Welch: On the special exception why does it need to be 305 instead of 300 feet. You're requesting 5 feet taller than what the ordinance allows.

M. Sarris: Oh that might have been, that might have been a misprint of mine because I believe the drawings show it's only 295 with a 5 footer rooster.

J. Welch: So we will not need that second part.

J. Hufford: Oh so the second won't even count them.

M. Sarris: The second?

Chairman Hawley: We have two petitions on one was for the one was for the height and the other was for the address.

M. Sarris: Oh, okay.

J. Welch: So if you're under 300 feet we don't need to do that.

M. Sarris: Okay.

J. Welch: So do you want to withdraw that?

D. Johnting: The application states that it's 305 so that's where we got that.

M. Sarris: Oh okay.

Chairman Hawley: Just make sure we got our ducks in a row before we withdraw that.

D. Johnting: Right so if it is 295 plus 5 then we won't need that.

M. Sarris: Yeah I have the drawings here I can share I mean I think I think I've submitted those also you should have it.

J. Welch: As long as you're not requesting anything additional to the 300 feet you can withdraw the petition and that's.

M. Sarris: Yeah it's 295 top of tower. 300 with a lightning rod.

Chairman Hawley: Okay so we can up withdraw that petition. So realistically then the only thing we have in front of us is the variance to build the cell tower on a property that contains a residence.

D. Johnting: So we'll withdraw 5.

K. Halloran: Correct.

D. Johnting: However you still would have had to the variance containing a residence. We've had a few calls. When they find out where it is then they're okay with it. The closest neighbor said he probably won't even see it.

Chairman Hawley: That's fair. I guess a lot of the towers we have coming through here are designed and kind of collapsed straight down. In case of that I've just and it looks like it's far enough away from residence yeah.

M. Sarris: Yeah you have a copy of the fall zone letter which we provided. They are designed to collapse upon themselves.

Chairman Hawley: So that was just not yeah that's kind of my only just don't want to see anybody 's house get taken out.

D. Cleveland: Even if they fell straight over it still.

M. Sarris: You'd have to blow about 400 feet.

Chairman Hawley: If it's doing that we've got bigger problems.

M. Sarris: That's true.

J. Hufford: And we were we got we got a lot of powerlines close to houses.

Chairman Hawley: Do you have any other questions from the board this evening?

J. Allen: Is it going to have a light up beacon on top of it or anything?

M. Sarris: Yes, anything over 200 feet is by FFA standards.

J. Allen: I was just thinking for crop dusters or anybody out there. I mean obviously they aren't doing it at night but just in case.

M. Sarris: Right.

Chairman Hawley: Is there anyone here that would like to speak for or against the proposal this evening?

D. Johnting: I have one comment just so you know there is a very extensive list of things once he's done here that they have to meet to get a permit. FAA approvals is one. The five-mile radius of towers is another. They jump through a lot of hoops after this meeting. And that's in the ordinance under the, that's in the tower ordinance.

J. Allen: This is a side note, but how do you get electricity out to that thing?

M. Sarris: How? Do you mean as far as...

J. Allen: Underground or obviously it's going to be overhead.

M. Sarris: Sometimes it's with poles but I think it yeah it depends on what the landlord prefers. I think in this case it would be underground.

J. Allen: Has Ed Thornburg been informed about if there's drainage in that field? Just out of curiosity.

K. Halloran: I think that's on that list of things right.

M. Sarris: Who's Ed Thornburg?

J. Allen: Ed Thornburg is the County Surveyor. Just in case where you're doing it underground that there's no drainage tiles that are going to be within that 400 and I'm assuming you ...

M. Sarris: We come off the access utility easement.

J. Allen: So like if you have any if there's any drainage from the road to that tower area? In that field pertaining to like land that's already existing just in case there's no obstruction there.

M. Sarris: Our construction teams are pretty experienced in dealing with the local, the local engineer so our access and utilities we will come off of South Arba Pike there that's our we'll run power and fiber.

J. Allen: There's fiber out there?

M. Sarris: Yeah we'll get it out there. We run it to all towers. Unless it's going to be a microwave but that's not that's the RF engineers decision but I'm pretty sure we'll want to run fiber.

D. Cleveland: So this is cell phone only?

M. Sarris: Well it's in data.

D. Cleveland: And this is your tower and then you lease it out.

M. Sarris: Yeah to Verizon. They'll be the first tenant. It'll be built for two other additional tenants as well. So AT&T, T-Mobile, whoever wants to go there.

J. Allen: You mean to tell me I'll actually get cell phone signal on 227 now. And you're only half a mile away from it.

D. Cleveland: It's a dead area.

J. Allen: It's completely dead. You drive down through that road and you hit a certain part on 227 and the phone instantly dies. I don't care what service you have.

M. Sarris: They know. That's why we, it's about them having enough capital resources.

J. Allen: Verizon's got plenty of that.

Chairman Hawley: Any other questions that we have this evening? Seeing none I move for a roll call vote.

D. Cleveland: Second.

K. Halloran: Jason Allen, yes. Drew Cleveland, yes. Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. It's approved.

Chairman Hawley: Thanks very much sir and just to reconfirm 5 has been removed from the agenda for this evening, yes.

D. Johnting: Yes, 5 is withdrawn.

Chairman Hawley: Alright thank you so much. Moving on do you have any old business that we need to take care of?

M. Sarris: We're done? So we don't need that, we're not going to have the variance hearing now? Or it's all one?

D. Johnting: That's it. You withdrew the special exception.

M. Sarris: Okay.

Chairman Hawley: Moving on do we have any old business and then we need to take care of? Any new business? Reports of officers, committee, and staff?

D. Johnting: At this moment we do not have a hearing in March for BZA.

K. Halloran: Someone is going to come in tomorrow.

D. Johnting: I know.

J. Hufford: You say next month BZA?

D. Johnting: APC definitely. We have four or five things on the agenda for the APC. But BZA nothing yet and I'm not going to take anything probably after today.

Chairman Hawley: And with that I motion that we adjourn.

J. Allen: Second.

Chairman Hawley: Thank you very much ladies and gentlemen.

Chairman, Jason Hawley

Kristi Halloran, Recording Secretary

Vice Chairman, Bill Davis