

BZA MINUTES

MARCH 19, 2024

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

Members absent:

Legal Representation: Jason Welch

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

Others present: Deric Compton, Darrin Lowe, Ellen Hohl, Jeff Macomber, Ed Thornburg

Chairman Hawley: It is 7:00 o'clock, on March 19, 2024. I would like to call to order the Board of Zoning Appeals. For the record, I'd like to have the board members say their name for the record. My name is Jason Hawley, Bill Davis, Don Calhoun, Jim Hufford, Drew Cleveland, Jason Allen, Jon Peacock. First order on the agenda is approval of the minutes from February 20, 2024. Has everyone had a chance to look those over?

B. Davis: I'd like to make a motion to approve as presented.

Chairman Hawley: Do I hear a second?

J. Hufford: I'll second.

Chairman Hawley: All in favor? Aye, all those opposed? Thank you very much. Before we get started I'd like to remind you that petitioners will have 15 minutes to present their petitions. 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. The petitioner will then have additional five minutes to respond to the comments. So, with that out of the way, let's get started. First up, we have BZA2024-5-V, Deric Compton. Would you please come to the table and state your address for the record, please? Name and address.

D. Compton: Deric Compton, 251, West 1st Street, Losantville, Indiana, 47354.

Chairman Hawley: Have you sent out notices certified mail and returned the receipts to the Area Planning office? And received Article V, Conduct Hearings?

D. Compton: Yes, sir.

Chairman Hawley: Okay, why don't you tell us what it is you're looking for today and we'll see what we can do for you?

D. Compton: I want to build a 30 foot by 44 foot pole barn, with 14 foot side walls. That was the issue. The house itself is 14 foot tall from ground to peak. The barn will be 19 foot tall from ground to peak.

Chairman Hawley: Are you just looking for a regular place for storage, you're not setting up a business?

D. Compton: No, just looking for a place to store, I bought a brand-new camper last year and I am wanting to get it in out of the weather.

Chairman Hawley: Are there any questions from board members tonight? Is there anyone here that would like to speak for or against the proposal? Not seeing anyone, I motion that we have a roll call vote?

B. Davis: I will make that motion.

Chairman Hawley: Do I hear a second?

J. Allen: I second.

Chairman Hawley: Roll call vote?

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

Chairman Hawley: Congratulations, Sir.

D. Compton: Thank you.

Chairman Hawley: Alright, next on the list, we have BZA2024-6-V, HWC Corp., American Water Shared Service Corp, represented by Darrin Lowe and Bowen Engineering Company.

D. Lowe: This is the findings of fact.

Chairman Hawley: Before we get started, have you sent out notice of certified mail and returned the receipts to the Area Planning office and received Article V, Conduct of Hearings?

D. Lowe: Yes sir.

Chairman Hawley: And please state your name and address for the record please.

D. Lowe: Darrin Lowe, 8802 N Meridian Street, Indianapolis. Indiana, 46260.

Chairman Hawley: And tell us what you are looking for?

D. Lowe: We're looking for a Variance in your provisions for flood hazard reduction. We are in the process of building a new water treatment facility for American Water on the west side of town, and to do that to raise it up out of the floodplain, the two feet, we have to add 78 cubic yards of fill within the add filled to the site versus just reduction in fill. So, there's roughly an eight mile watershed that contributes to that area per the flood map. And then within that flood map we're adding 78 cubic yards of fill which would roughly fit in this room, to apply for that variance. So, it's, that's what we're asking for to get it up and out of the floodway. But in doing so, we are adding

that fill to the area. I've got maps attached to this handout. So, kind of showing where the flood plain is, the BFE, the base flood elevation, and then off to the left-hand side in purple, if you got the colored version it is the retention swale. The biggest area is over on the eastern portion where we're putting the clear well for the elevated storage of the water, post treatment. So that kind of gives you a look at where we're at, especially in relationship to Sugar Creek. So, if you look as well at that area just to the southwest and that yellow is where we're talking. And it's about 78 cubic yards. And additionally, just so you know there is a letter from DNR within this packet saying that they do not have an issue as well, from Anita Nance.

D. Johnting: It's not within DNR's jurisdiction. They don't need a permit from DNR. The letter states that this variance is from our higher standards, not from their standards. That is listed on your agenda.

Chairman Hawley: This is a request to the higher standard Randolph County adopted that requires compensatory fill.

D. Johnting: That is the key word, compensatory fill. What you take out you put in, what you put in you take out. They're going to be 78 cubic yards above that.

Chairman Hawley: And is this an addition or a replacement of what's already existing there?

D. Lowe: It's a replacement of the existing there. Just to the north is where we're putting in the new treatment facility and then the third one is going to be just to the east of the existing treatment facility. The main reason for this location is so we can keep the operation ongoing during the construction, that way there's no interference with the water system within the City of Winchester. We don't think that there is a really other viable option to maneuver it on that site. Just due to the layout without either having to acquire a different property or...

Chairman Hawley: So, is this a permanent structure that will be there? Or is this just temporary?

D. Lowe: Yes, Sir. This is a brand-new structure. All new treatment facility. All new Cam feed systems, all new clear well, all new aeration backwash and you name it. It is a brand-new turnkey operation. After that is done and then put online, put through the paces, we will demolish the existing facility. And there will be parking out front for the employees.

Chairman Hawley: As always, if you don't mind, I'm going to refer to Ed and get his opinions. Obviously, Ed is the surveyor.

E. Thornburg: We had a grueling hearing for him yesterday. It's going to be better than what we've got. You know, it's fine. It's fine. I recommended it and the Drainage Board approved it. I don't have a problem with it.

D. Johnting: Generally, you would have the drainage approval in your packet, but since it was just yesterday, I don't have it yet.

Chairman Hawley: It's been a rough couple of days for this community.

D. Lowe: That's an understatement, yes.

Chairman Hawley: You gotta bear with us just a little bit. Okay. Are there any questions from the board? Jason, I know this is kind of in your wheelhouse.

J. Hufford: Are you going to raise the level up, and rebuild it? I think I saw in the packet there? You're going to fill in part of that area or something?

D. Lowe: Correct. Yes, it is over if you look at, it's this area right here. Okay? It's coming out. That is where this clear well is. Yeah, that's the area that's coming out.

J. Allen: How high above that driveway is it going to be, the grade?

D. Lowe: There is actually a retaining wall that's going in around this clear well. So, there will be a step down at this retaining wall to go next to the drive. This will be tapered to match that drive and going into the front of the facility.

J. Allen: I assume that Kevin Cook, or whoever owns that driveway has been told just in case there is water shed that's going to wash that driveway out with rain that may come. That's going to shed that way.

D. Lowe: That I cannot answer to be honest with you. I know that he was notified about the project, and we've spoke to him about this project, but I cannot tell you that I dictated that to him.

D. Johnting: Yes, he was on the list.

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

D. Lowe: With that too, just so you know...

J. Allen: I'd be concerned, you know, that just because they changed the elevation tapered toward that yellow area. And his Washington street driveway washed out. I'd say you're going to be concerned about it.

D. Lowe: Just so you know, part of that water is going to go down to this retention pond. Which is then going to go down to Sugar Creek. So, it's not going to be directed to his driveway.

J. Allen: I'm not saying that, but you're going to stop it all.

D. Lowe: Yeah, correct. Correct.

J. Allen: Just as long as it's not going to shed his driveway off when it rains.

D. Lowe: That is part of the intent of that detention bond is to collect the side, where it's not just pushing everything right to blow that out.

J. Allen: Perfect.

B. Davis: I don't see Kevin's name on these receipts.

D. Lowe: Kevin Cook? The very last one. Multiple attempts.

B. Davis: It's just not stamped, it just looks different, my fault. Okay.

D. Lowe: No, you're fine. I was going to say, I remembered sending that out.

J. Peacock: So, Ed, you have looked at this? Do you see any possible issues for the neighbors?

E. Thornburg: No, I'm fine with it.

D. Johnting: And DNR did look it over as well. Even though we are not in their flood plain.

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

B. Davis: I'll just make a comment that I know Kevin well enough that he if he had an issue with the project, he probably would have said something.

J. Allen: I mean, they work together enough, and I'm sure if they work it out they can figure out a deal to work it out together and so.

D. Lowe: Correct, we do work together, so if this is an issue we can work this out with him.

B. Davis: Agreed. Exactly.

D. Lowe: We're also in the process of trying to get an easement through there through that drive as well for the drainage line going through that drive so, yeah, we'll be working with him.

D. Cleveland: Are you going to be able to increase your capacity or is this just updating?

J. Peacock: So, are the water bills going to go down?

D. Lowe: I don't work for American Water. [Laughter]

E. Thornburg: Don't look at me, I'm on a well.

Chairman Hawley: Anything else that the board would like to add? Are there any questions or comments from anyone else here tonight or against the proposal? Having seen none, I motion that we have a roll call vote.

B. Davis: Second.

Chairman Hawley: Roll call vote please?

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

Chairman Hawley: Congratulations.

D. Lowe: Thank you, guys. Appreciate your time.

B. Davis: How long do you think it'll take?

D. Lowe: As of right now, our potential completion date is April 29<sup>th</sup>, of next year, 2025.

B. Davis: Good luck, thank you.

D. Johnting: Please fill out all the ballots are different as this came from the variance in the Flood Plain Ordinance.

Chairman Hawley: Yes, please fill all those out. Is there any old business that we need to address tonight? Seeing none, any new business? Reports from officers committee and staff?

D. Johnting: We do have a meeting next month, I have four petitions.

Chairman Hawley: I will accept a motion to adjourn. Thank you very much, ladies and gentlemen, I'll see you all next month.

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Chairman, Jason Hawley

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Debra Johnting, Recording Secretary

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Vice Chairman, Bill Davis