

BZA MINUTES
AUGUST 16, 2022

Members present: Jim Hufford, Bill Davis, Jason Hawley, Tim Hart, Don Calhoun, Jon Peacock

Absent: Drew Cleveland

Legal Representation: Jason Welch

Staff present: Debra Johnting, Director and Recording Secretary

Others present: Ed Thornburg, Ryan Burk, Brianna Schroeder

Chairman Hawley: Alright, good evening, it is now 7 O'clock, on August 16, 2022. I'd like to bring this meeting of the Randolph County Board of Zoning Appeals to order. My name is Jason Hawley, if we'd have a moment for just the members of the board to state their name for the record so it's easier to transcribe? [Board members stated their names: Tim Hart, Bill Davis, Jim Hufford, Don Calhoun, Jon Peacock].

Chairman Hawley: Thank you very much, first order of business, has everybody had a chance to look over the minutes from our last BZA from June 21, 2022? And would we like to approve these minutes? Do I hear a motion?

J. Hufford: I make a motion that we approve the minutes as presented.

B. Davis: Second.

Chairman Hawley: All those in favor, say aye? All those opposed? Motion approved. So, moving on, it looks like our first case of the evening, if you look down at our agenda, we are moving down to the second petition, BZA2022-26-V, for Russell Harris. It looks like you are requesting a five-foot variance to replace a single car attached garage with a two-car attached garage 5 feet east of the property line. The zone is Residential, is this correct?

R. Harris: Yes.

Chairman Hawley: Okay, would you state your name and address for the record sir?

R. Harris: Yes, my name is Russell Harris, I actually live at 713 Heaston, Winchester, Indiana. But we own this home at 712 Heaston Street as well.

Chairman Hawley: Okay, I would like to remind you that due to the rules of the BZA you will have fifteen minutes to make your presentation and we will have three minutes for anybody who would like to speak for or against the proposal and three minutes for a rebuttal thereafter.

R. Harris: Alright. I believe each of you received this little presentation. The first page, I'm just going to go through this very quickly. The house as it stands, then I've got a cad drawing of it. Second page is it was built around 1945, it's 1,024 square foot, reasonably maintained, but with very little renovation and it needs some love. What I would like to do with it is add about 300 square feet at the back of the house, adding a second bathroom, enlarging the 3rd bedroom, giving it a closet, giving it a mechanical room, providing new electrical and plumbing, but the big thing in this particular case is the

garage is a single car garage right now. I'd like to make it a two-car garage. If you look on the next page the GIS shows lot 15 which is what we're talking about. You can kind of see the lines there. The next page however, I went ahead and put my drone 400 feet up in the air and took a picture down so that we have a little clearer view of what we're specifically looking at. Right in the top dead center is the solid yellow line is the property line between 708 and 712. You can see the dashed yellow outline of the proposed addition. There's a couple of issues associated with this. It brings me right at 18 feet from the house at 708. I own the house at 708 as well. I asked for, and you guys to give me a variance to add a porch to the front of that a couple of months ago. And, hopefully in about 5 weeks you can come by and see its progress. I was hoping to have it tonight, but not quite there. I additionally own 709 and 713. My goal here is to clean this little area up so the street itself is in pretty good shape. These were the worst of the two and I'm trying to enhance Winchester. It brings me to two problems though, this two-car garage and making it 24 feet wide takes me 5 feet from the property line. Which if it were an independent building the setback building would be no problem. As I read it and as Deb explained it to me, I think it would have had to been 8.8 feet because it's an 80 foot wide space so I'm actually asking for 3.8 feet to add that garage to 24 feet. It also brings me about 18 feet of 708 and I know that the fire departments have asked for about 20 feet between the houses. There are a number of locations, so if you look within the street where the distance between homes is less than 15 feet throughout that neighborhood and on both sides of 712 and 708 there's large access even if I put this garage in. That's really at the core of my request. Fun facts to know for information only there's a layout on the next page and elevation views on the last page if you'd like to look at it. But the core of this is really about putting the two-car garage in. And that's what brings me to you this evening.

Chairman Hawley: I guess looking through the paperwork my question is that it says our intention is to renovate the home to use as a guest house along with providing us as additional storage. Is it your intention to use as a guest house or a rental?

R. Harris: It will probably be our guest house. The other little underlying thing here is if I have a two-car garage that's 32 feet deep my boat will fit in there just fine and there's no other place for me to put my boat right now. The boat is on the agenda.

Chairman Hawley: Okay, now with the boat I understand. Now I'm with you. Are there any other questions from the board?

B. Davis: I just want to go on the record and say that I live in that area. I don't see an issue with this, like you said it's going to better the community.

R. Harris: Thank you.

B. Davis: I think you're making good progress.

R. Harris: Thank you.

Chairman Hawley: Is there anyone in the audience that would like to speak for or against the proposal? State your name and address for record.

B. McCoy: Winchester Mayor Bob McCoy. 196 South Tamarac Drive, Winchester. I just echo what Bill said. It's an improvement to the neighborhood. Basically, fixing Winchester up is our goal to make nice homes and this guy is doing it and I just appreciate what he's doing. Thank you.

R. Harris: Thank you, Bob. That was an unsolicited comment.

Chairman Hawley: It's always nice to have a few of those. Alright since I see no other questions or comments from the board as well as the audience, I would like to motion that we have a roll call vote on the proposal.

B. Davis: So moved.

J. Peacock: I second.

D. Johnting: Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Tim Hart, yes, Jon Peacock, yes, Drew Cleveland is absent, Don Calhoun, yes, motion approved.

Chairman Hawley: Congratulations, sir.

R. Harris: Gentlemen, thank you. I appreciate it very much hopefully I can bring you back pictures of the finished product.

Chairman Hawley: I'm looking forward to seeing the porch.

R. Harris: The porch should be there in about five weeks. Thank you.

Chairman Hawley: Thank you. Okay, next on the agenda we have BZA2022-25-V. Monna Goforth. Would you like to come up to the table and state your name and address for the record?

M. Goforth: My name is Monna Goforth, I reside at 230 South Main Street in Winchester, Indiana. I'm coming about another property I have at 508 South Main Street, which is, once my grandchildren are not living with me and out of school, that's where I want to live.

Chairman Hawley: As before you will have 15 minutes to make the presentation, 3 minutes for questions and 3 minutes for rebuttals and response. Why don't you tell us what you are looking for.

M. Goforth: Thank you. I'm looking to do a carport on the south side of what I call my garage house because it was a garage and years ago I turned it into a two bedroom living space. And I had some health issues in the past couple months and I'd always wanted to build a garage on that side, but with flood plains and things have changed so much over the years, I've still felt that I've really needed to have a covered parking for when I retire so I don't have to worry about even if I were handicapped, that I could get out of the car. I would have covered parking to walk around the car and to be able to get into the residence. Years ago, there was a horse carriage barn there and before I tore it down, I knew that I would someday want to add on a garage or something to that side. And before, it went almost to the alley way. That was years ago and I came down to the Planning Department and said will I be able to utilize that if I tear this down or should I keep so many boards up or half of the house up or part of it up, you know to redo it. They said no you won't have any problem with that, well, that was 15 years ago and things change, and setbacks and so forth. So, when I went down this time to look at getting a car port done because I was afraid if I didn't do it now prices would keep going up and things are just crazy, and I thought I better get this done now before it's just out of reach for me to do. So, and

then now it's a 10 foot set back and so, I didn't have that old paperwork from when I had asked that years ago if I would be able to put something that close. So, I looked at it from all different directions and I don't see any impediment in anything for any other neighbor or any vehicles or anything like that to be able to just, I need 15 feet to have a few feet close to the building, a vehicle, a space for a vehicle and a spot to get out. So, it would be covered parking so I didn't have to worry about the safety in the winter time. So that's when I realized I needed to come and request a variance to see if I can get it the size that would meet safety requirements for me if I ever had to be in a wheel chair, because I just had to go through some of that and I seen what space I really needed, and I need that type of space for safety to be able to have a covered area for the future. I have a picture here, I was wanting to do a timber framed look so it should be a nice addition, and a pretty look and I'll submit it to you so you'll see the look that I'm going after. But it's not going to have that pitched roof like that, I was going to do like the shed type of roof just so I don't have to worry about how the joining of the two go on. I noticed about the water running down towards the existing building and so I was hoping to do a 25 foot by 15 foot shed covered parking to accommodate a vehicle and for me to be able to do what I want. So, it's a few feet, 3 feet I think that's the difference that I'm wanting to take more over to that area. So that is what my request, why I'm asking for this variance. That's the reason behind it.

Chairman Hawley: Okay, questions from the board members? Are there any comments either for or against the proposal from the assembled folks today?

B. McCoy: Winchester Mayor Bob McCoy 196 South Tamarac Drive. Same situation with this lady here. They have huge investments in this city of Winchester, they've got a beautiful home right across from the jail if you've been by it. What year what that built?

M. Goforth: It's built in 1870 by Henry Keiser he was a pharmacist downtown and had a building downtown for years. I was just blessed to be able to take stewardship of that building. It's taken me 15 years to get it where it is, but it takes time and this I've talked with and got my proposals and everything whether I had to stay at 12 or I could go to 15 and it's an Amish crew that's proven performers. They handle their materials well and they'll do most of the cutting and all of that stuff actually in their warehouse so it won't be any sounds or anything like that. They'll work within the daylight hours. They're quick, they're efficient, clean and they're proven performers for this type of work. So, I don't see any problem with the crew that's going to be there or how the materials are handled or how anything that they do is going to not be efficient, and clean and organized and not cause any of the neighbors any irritation or impediments on anybody.

B. McCoy: We had looked at things like trash trucks, there is no trash truck that goes down that alley, that alley is fairly narrow. There's a shed to the west of you in the alley that actually will probably stick out further than your car port.

M. Goforth: Oh, it definitely will.

B. McCoy: So, looking at it I had the street superintendent go down there, and like I said I don't see an issue with it as far as the city is concerned. Services, this is kind of an unusual place where the house

sits because it was a garage, and it's kind of in an alley, but she's made a huge investment in Winchester and continues to so that's really all I have to say.

M. Goforth: Thank you, Bob, I appreciate it.

Chairman Hawley: So, you're requesting the 508 Main Street, correct?

M Goforth: Yes sir, it's right off of the first alley way past Orange Street.

Chairman Hawley: No, that's fine, I saw the 508 and then 230 and it said right across from the jail, and I'm like hold on.

M. Goforth: No, I live at 230.

Chairman Hawley: Yeah, okay, now I've got where you're at.

M Goforth: I just tell people come on in, have a seat, you're better off here than across the street.

Chairman Hawley: I would just like to say on a personal note, I grew up in this neighborhood and that is a bit of a distance to go from the parking area where she's proposing up to the main house, that is a bit of a trek, especially when the winter conditions get bad. I think that personally I think that probably would be a reasonable request to ask for a carport there.

J. Hufford: I see the houses on the other side of the alley are almost built right up against the alley, so.

Chairman Hawley: Yeah, they are. Alright, without any other questions or comments from anyone, I move that we take a roll call vote on the proposal.

B. Davis: Second.

D. Johnting: Jason Hawley, yes, Bill Davis, yes, Tim Hart, yes, Jon Peacock, yes, Drew Cleveland is absent, Don Calhoun, yes, Jim Hufford, yes, motion approved.

M. Goforth: God bless you all, I appreciate it this so much. It's great, I'm thrilled, I don't have to cancel any work and I can have what I want. Thank you so much, all of you.

Chairman Hawley: Congratulations. The last one tonight we have BZA2022-27-V, Eric Hall is requesting a variance to build a garage five feet from the north property line. The zone is Ag Intensive. Please state your name and address for the record sir.

E. Hall: It is Eric Hall, 3702 West 950 South, Lynn.

Chairman Hawley: Like I've stated for others before you, 15 minutes to make your proposal, we'll have 3 minutes for rebuttals as well as 3 minutes for response. So, tell us what you're looking for, sir.

E. Hall: Sure, so the reason I'm here obviously is to get a variance for a garage. The main reason for this garage is, at the property next door I have a shop that I run East Central Contractors out of where I have eight employees and we've added about a half a million dollars of equipment in the last eight months so we've expanded and that's where I kept all of my stuff in that shop. So, the reasoning for

the garage is to build it up at my house to move all of my personal stuff out of the shop for this expansion that we've done. Where it's located at, the majority of that property is under a flood plain and I built a new house up there where it's at now, basically in the only corner in the back where there isn't a flood plain. So, there's ANR Pipeline that we're butting up against. We actually maintain the property for them and have spoken to them about that, we keep it mowed. The main reason for the size of the garage, we wanted to go bigger, but obviously with a variance having to be in effect, being able to back out of my existing garage is the problem. So, where it's at it'll be minimal, I will have like thirteen feet to back out of the garage to be able to get turned out. If it put it on the other side it drops off over eight feet, so it makes no sense. So, that's kind of the reason I'm here to get the variance.

T. Hart: Can I ask, on the, I'm a little confused when I look at the GIS. Your drawing, it almost looks like to me that, did you do this drawing or did someone else do it?

D. Johnting: I did.

T. Hart: Okay, okay maybe that's where the confusion is coming from. Because I think the drawing is actually on your other parcel.

J. Hufford: This is the drawing that we've got, we don't have that one.

E. Hall: It doesn't show the house on there, because it was just built. We built the house about a year and a half ago.

T. Hart: On the drawing we have here is not where your house is because the pond is not here.

E. Hall: Oh yeah, that is the wrong parcel. It's right here.

T. Hart: That's what I thought. I took a picture. The pond is right there, and your house is right there. Just to clarify that this was drawn on the parcel next to it.

D. Johnting: Oh, that's the one we drew it on.

E. Hall: We drew it on one, but it didn't have the driveway in the right place...

D. Johnting: And I redrew it on the wrong parcel. That's my fault. So, it's the right drawing, on the parcel next door.

T. Hart: So, the parcel number you have on your petition is correct, but that map drawing is not.

J. Welch: So, do you mind submitting that as an exhibit? So we can see where it should be?

T. Hart: Sure, you can have this one.

D. Johnting: Well, that may be a first, I put the drawing on the wrong parcel.

E. Hall: So, the house takes up the top portion of this, so we are actually putting it up right beside where the house is now.

J. Welch: You might want to get a pencil and draw it out on that parcel and pass it around so that everyone can see where the house is and then pass it around so that they can see what you're looking at there.

E. Thornburg: This picture is from 2017.

E. Hall: So the house is right here, and the garage will be right here. There's an eight foot drop off right here. You can't see too well, but I've drawn it in.

J. Welch: So, it's the same situation just on the parcel next door.

E. Hall: Yes, correct.

D. Johnting: Thanks Tim.

E. Hall: I think I had it crooked so you were going to redraw it and clean it up.

Chairman Hawley: Thank you for bringing that to our attention. Are there any other questions or comments from the board? If not, I will entertain a motion for a roll call vote.

B. Davis: So moved.

J. Peacock: Second.

D. Johnting: Bill Davis, yes, Tim Hart, yes, Jon Peacock, yes, Drew Cleveland is absent, Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes. Motion approved. Even though I tried to mess you up, sorry about that!

E. Hall: I appreciate you Deb, for what you do.

D. Johnting: You're welcome.

Chairman Hawley: Congratulations sir, it all worked out for the best.

E. Hall: Yes, thank you.

Chairman Hawley: Okay, with the conclusion of all the proposals this month, I'd like to move on to old business. Seeing as there is no old business, I'd like to ask about new business?

D. Johnting: I just have a comment, because we are having people bring things in right before the hearing, and even at the hearing, do you guys, it's one thing to get a couple of pages, or a picture, or a plat map or something. But twenty or thirty pages, even ten or fifteen pages for you to read before you make a decision. I would like to find some way to make it so that we would just tell them bring it before this date or it doesn't get considered.

J. Welch: We can add in that it should be brought in 24 hours before the hearing, or the board at its discretion can still vote to consider it or to not consider it if it's not brought in at that time period. This is just so you don't get brought in...

J. Peacock: What time frame are you thinking?

J. Welch: I was at least going to say 24 to 48 hours before the hearing date so that Deb could get it emailed out to everyone.

D. Johnting: And a plat map, I could get a photo sent out to you, but, fifteen to twenty pages brought in at 7pm and you guys are going to make a decision based on what they say is in it?

J. Peacock: So, just to clarify, if I have to have something to bring to this board, I have to have it to you by when?

D. Johnting: For the September 20th meeting, you have to submit everything by August 25th. Not everyone comes in two or three weeks ahead, with everything that they need, they have to come back.

J. Peacock: The nice thing, if we have more than 24 to 48 hours, if there's opposition, they can access that information too.

D. Johnting: A couple of hearings ago we had a packet of papers brought in that was not in the office that if someone had walked in that day and asked for everything to do with this hearing, it would not have been here.

J. Peacock: I think it's reasonable to make sure there is plenty of time for anyone who would have opposed any of these things tonight for example, to consider. I would encourage there be more than 48 hours.

J. Welch: We can make it the time of the petition.

J. Peacock: That's what I would propose.

D. Johnting: EDP had a lot of opposition, and they brought in stacks of stuff right up to the last minutes, and none of that was in the office ahead of time, they brought it in that night.

J. Welch: And part of the concern is then that gets introduced and its part of the record. So, on an appeal a judge can look at what's in the record, to glean out evidence or decide whether or not to use what was submitted. So, if it's brought in and submitted as part of the record, and no one reads it, it doesn't seem appropriate for the judge to be able to consider it as well, if that's something that the board didn't actually read. So, that's why we think it should be submitted ahead of time, it's just how long ahead of time is something for you to decide because you're the board.

D. Johnting: There might be something like a map that you would want to look at.

J. Welch: We should probably have to have a provision where you could allow the person to move to continue to the next month if they wanted to submit additional evidence. Or the board could have a fail- safe where it could be admitted with a unanimous vote from the board. I mean there's some different ways you can do it and still allow it. The board could say that if it's unanimous you could still consider if it's submitted on that night.

D. Johnting: It might not be worth carrying it over if it's just a picture. If someone brings in a picture of what their barn is going to look like. That's not that big of a deal.

B. Davis: My thought is, I think it would be fair to have at least a week's notice. Instead of 48 hours or asking everybody for three or four weeks.

J. Welch: So you are thinking that at least one week prior, or the board will not consider it?

B. Davis: I think that should give us adequate time and that way anybody that would like to review the material that you have it will give them a week to do it.

Chairman Hawley: And the same with rebuttals, if somebody has something that they want to submit against it, they have the same time frame to submit that as well. I think that's reasonable.

J. Welch: It will be whatever you decide to do.

B. Davis: I like how you worded that, Jason, personally. Like a fail-safe, or whatever you want to word it.

J. Welch: If it's something minor, you could still agree to suspend the rules, just like other cases. But I think you'd want to make it unanimous if you were going to do that.

Chairman Hawley: That makes sense,

J. Welch: So, you're looking at any evidence to be submitted at least one week before, if they want to supplement it, then they will have to come and ask for a continuance. And then there would still be a provision where they could consider additional evidence if the vote was unanimous of the members attending on that evening.

All members agreed that that was what they wanted the changes to reflect.

J. Welch: I will have to draw it up so it's written and we'll know exactly what we're voting on.

Chairman Hawley: I am looking forward to seeing that.

B. Davis: I do have something else to talk about if we can move on. Jason, this is probably directed towards you, but the last couple of months I have been watching the Union City Council meetings on KISS, am I right?

J. Hufford: Yes.

Davis: What's the thought if we have video in here, if someone wants to come in here and video tape these meetings? Are they allowed?

J. Welch: I'm not sure we can stop it.

B. McCoy: It's a public meeting, you're not going to stop it.

J. Hawley: I feel like you are speaking from experience.

D, Johnting: We were discussing with our former IT person the idea of video taping these meetings, but I can't really see the benefit of doing that. He bought some things, but that has ended for now as he is no longer with the county. So, we're kind of back where we were. I can't really see the benefit. We tape the meetings ourselves sometimes, we were having trouble with the tapes working and Ed has saved me with his phone recordings.

B. McCoy: And you've been using tapes for, I was on this board for twelve years, and I am still amazed that they haven't provided you with a better system before now.

D. Johnting: This is a really good system, we're lucky to have it and it works great. It worked better before.

B. McCoy: You can still get tapes?

D. Johnting: Ebay, [laughter] It was better before I got a new computer. Thanks to our former IT person I can no longer make an audio file but I'm still working on it. Also, Randy has stepped down from Area Plan Director, he asked me if I would take his place and I have agreed. I will do my best, I have big shoes to fill and we'll see how it goes. He's still here, he's not going anywhere, but we'll just have to see. I am looking for an assistant but I will still be taking care of the meetings. So, that's the news. Randy wanted to be here but he had something else he had to take care of. He will still be available for information but I will eventually be taking over his Area Planning duties. Wish me luck because I will need it. Right this minute we don't have any petitions for next month, I will let you know, thank you.

Chairman Hawley: Any other reports of officers and committees, is that anything?

D. Johnting: No.

Chairman Hawley: Motion for adjournment?

J. Hufford: So moved.

D. Calhoun: I second.

Chairman Hawley: We are adjourned.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman