

BZA MINUTES

August 19, 2025

Members present: Bill Davis, Jim Hufford, Jason Hawley, Drew Cleveland

Members absent: Jason Allen, Jon Peacock, and Don Calhoun

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director

Staff absent: Kristi Halloran, Recording Secretary

Others present: Linda Brown

Chairman Hawley: This evening is August 19, 2025. This is the Board of Zoning Appeals. For the record I would like all the members present to state their name. My name is Jason Hawley, Bill Davis, Jim Hufford, Drew Cleveland. Thank you so much. First order of business is to approve the minutes from our last meeting of July 22, 2025. Has everybody had a chance to review the minutes?

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

D. Cleveland: Second.

Chairman Hawley: So moved. Before we get started I'd like to remind petitioners we'll have 15 minutes to present their petition. During this time there will be no interruptions or questions. After the petition the board may ask questions. Anyone wanting to speak for or against will have three minutes and the petitioner will then have an additional five minutes to respond to comments.

Tonight we have one petition on the board BZA2025-17-V. Linda Brown request to put a six foot fence instead of a four foot on the northside of her house for security and privacy reasons. Is there anyone here that would like to speak for this?

L. Brown: I would like to speak.

Chairman Hawley: Please come forward state your name and address for the record.

L. Brown: Linda Brown 630 South Western Avenue in Winchester.

Chairman Hawley: Have you sent out notices by certified mail and return receipts to Area Planning Office?

L. Brown: Yes.

Chairman Hawley: Have you received Article V Conduct of Hearing?

L. Brown: Yes.

Chairman Hawley: Why don't you tell us what you're looking to do tonight ma'am.

L. Brown: I would like to put up a privacy fence around the west side and north side of my property. My neighbor on the north has rebuilt and changed his address from Western Avenue to Crestwood Avenue so his front door faces my bedroom window side. And I'd like to have a privacy fence on the west side between my neighbors there and myself so that we both could have privacy because our backyards are small and sort of, well they do interconnect with each other. I don't know if I need to tell you that I have a protective order against my neighbor on the north side also.

Chairman Hawley: And the fence will also be going around the shed.

L. Brown: Yes.

D. Johnting: Well, will the shed be inside it or just up to it?

L. Brown: I'd like to have it at the north side of the shed so the sheds basically inside the fence.

Chairman Hawley: So the shed will be blocked off basically from Crestwood, yes?

L. Brown: Yes.

Chairman Hawley: Okay. Are there any other questions that the board members may have this evening?

L. Brown: Let's go back. I want to be sure that we're on the same page about the back side of the shed. I thought I could just take the fence to the back side of the edge of the fence, of the shed and then start it again on the east side of the back side of the shed. I can attach it to the backside of the shed.

D. Johnting: Yes, you can. It's off the line. Put the fence on the line or attach it to the shed, either one.

L. Brown: So it could actually be on, so the shed can't be seen.

D. Johnting: Yes.

L. Brown: So how far behind the shed can I have it be?

D. Johnting: You can put your fence on the line. And I know that the shed's not on the line.

L. Brown: No, it's not. So I can take it to the edge of the property?

D. Johnting: Yes.

L. Brown: Okay, I thought it had to just be to the shed but it could go farther?

D. Johnting: Yes.

L. Brown: Thank you. That's assuming it's approved tonight.

D. Cleveland: It'd probably be better to have it surveyed to find the line. If not just for your benefit. So there's no question about where the property line is.

L. Brown: Okay.

Chairman Hawley: I was just reminded that before we go any further we have to have a unanimous vote from the board tonight to proceed. You do have the opportunity to withdraw before the vote is cast if that is your wish or you may proceed?

L. Brown: To proceed to ask for the variance?

Chairman Hawley: Yes ma'am.

L. Brown: I want to proceed to ask for the variance.

Chairman Hawley: Just making sure that you are aware.

Vice Chairman Davis: It would take all four votes.

L. Brown: I understand that.

D. Cleveland: I had a question. I think I saw in the notes that you plan on, you might have already done it, but have a survey done?

L. Brown: I have not had a survey done. I have talked to my neighbor on the west side and I feel that we can agree on where that property line is because she had measured before when we were having tornado work done and so I feel like we can agree again.

J. Welch: Okay just to make sure we're clear Linda we're not approving or disapproving the location of the fence.

L. Brown: Right.

J. Welch: We're only approving or disapproving whether you can build it taller so we're not saying you can put it in any certain location only the height.

L. Brown: I understand that I understand that. But thank you. Always good to have it all out there.

D. Cleveland: I'm just bringing it up. I built a fence and when you put the fence up you want to make really sure you're doing it correctly and where it needs to be because normally then that's just kind of the assumption that's the property. It might not be but that's normally what's done so. It just clears up any confusion.

L. Brown: I understand.

J. Hufford: Is there a fence there now?

L. Brown: No.

D. Johnting: It's not a question of if you can have the fence there. It's the height. Because of it being on the corner.

D. Cleveland: Yeah we're strictly talking about the height.

D. Johnting: Yes.

D. Cleveland: I'm just trying to be helpful.

D. Johnting: Yes. I deal with that every single day and I tell them if you pull it back off make sure your neighbors know. You know where the line is. You just didn't put your fence on the line. That will soon be the line.

D. Cleveland: Yes.

D. Johnting: Far as everybody knows.

D. Cleveland: Right.

Chairman Hawley: Are there any other questions? Is there anyone else here that would like to speak in favor or against the petition please come forward. Seeing none I move that we have a roll call vote.

Vice Chairman Davis: So moved.

D. Johnting: Drew, did you have another question?

D. Cleveland: No.

D. Johnting: Jason Hawley, yes. Bill Davis, yes. Drew Cleveland, yes. Jim Hufford, yes. Motion approved.

Chairman Hawley: Congratulations.

L. Brown: Thank you gentlemen very much.

(Discussion on Fence)

Chairman Hawley: Any old business? Any new business? Motion to adjourn. All those in favor say aye, "Aye". Thank you very much we'll see you next month.

Chairman, Jason Hawley

Kristi Halloran, Recording Secretary

Vice Chairman, Bill Davis