

BZA MINUTES

AUGUST 20, 2024

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

Members absent: Jason Allen and Bill Davis

Legal Representation: Jason Welch

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

Others present: Dion Davis and Ed Thornburg

Chairman Hawley: Good Evening. It's August 20, 2024 and I would like to call to order the Board of Zoning Appeals for this evening. I'd like all the board members to state your name for the record. My name is Jason Hawley, Jim Hufford, Don Calhoun, Drew Cleveland, and Jon Peacock. Thank you very much. First order of business, I know we had to table this last time, but I would like to have a motion to approve the minutes from June 18<sup>th</sup>, 2024. I believe we've all had a chance to look over those.

D. Cleveland: I move to approve them.

D. Calhoun: Second.

Chairman Hawley: So moved. I would also like to add a motion to approve the minutes from July 16, 2024.

J. Hufford: I make a motion to approve the minutes from July 16<sup>th</sup> meeting.

D. Cleveland: Second.

Chairman Hawley: So moved. So before we get started, 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 petition, 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 comment. Looks like we have BZA2024-25-V Fred Dion Davis. If you'd like to come up to the microphone, please state your name and address for the record, Sir.

D. Davis: Deon Davis address 1295 East Greenville Pike, Winchester, Indiana.

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

D. Davis: Yes.

Chairman Hawley: You set out notices and certified mail and returned receipts to Area Planning Office?

D. Davis: Yes.

Chairman Hawley: All right. Why don't you tell us what you're looking to do and we'll see if we can help you out today.

D. Davis: What I'm asking for is to move my barn or the pole building I'm getting ready to build five feet to the property line instead of fifteen. I don't have to do it. I just chose to do it to help the people out behind me in Gray Lanes because there's such a water problem back there and I did let Chris Culy come through my property with a drain to hook into the ditch that goes across the road. That drained all the water off back there that kept standing. So I don't want to put the barn over the top of that in case something was ever to go wrong and we did put clean outs back behind to where we can get stuff down through it. If something was ever going wrong with it and I put the barn over the top of it, then I'm too close to my septic and everything else. And I don't want to go that way. So we move it ten feet over. We're almost off the whole thing. So if something does happen, we can go around it a little bit and tie back in if necessary.

Chairman Hawley: And typically for me, especially when it comes to water drainage, because I've got to be honest that is one of the biggest problems I see, I always refer to Ed. Ed, thoughts on the drainage situation?

E. Thornburg: I was there when he put the ditch in. What he's looking at is good. The location behind him is a cornfield. You're not up against somebody else's yard. It's just a field there and I think it's a good choice. Do you have? Do you have like ten feet or so between the end of the barn and this tile as well?

D. Davis: Yes. As far as the end of it. The only thing that will be over a little bit is the pad that I'm putting up front. It will cross probably ten feet of it, and that's going to be it. But like I said, if we ever have problems we have got a clean out that we can hopefully clean it out first, I took the two big trees out that were a big problem anyway, right there. So there's no trees hopefully growing into that, so it should never plug up. But if it does we have the clean out and then if we have to we can go out and around there at that one spot. Chris did come and look at it.

E. Thornburg: Concrete pad or gravel?

D. Davis: It's going to be concrete. Yeah, I got. I'm going to get permits and everything for it, but yeah, concrete drive and the pad.

E. Thornburg: If you're going to be over the tile of the driveway, it's better under concrete anyway.

D. Davis: And Chris did have like a foot of water standing underneath his house. And that was the whole problem and that was when he asked me. And I had water under mine too constantly. So it helped both of us, benefited us all when we put that drain in. Since then I've not had water standing and I've not had any under my house and neither has he.

Chairman Hawley: Other than that, and just for me again. I can only speak for myself instead of the whole board, the only other issues that I can see is there going to be enough space between the proposed barn and the cornfield that they can still get equipment through there without problem.

D. Davis: It's not a corn field. All they do is get hay out of it and they go in at Debbie 's house. See, she's landlocked down there at the end. They go through her driveway and back through the back part of her field, and all they do is take small tractors through there. That's just, they put hay in it.

Chairman Hawley: I just didn't want there be damage to the barn from the neighbor. You know how the machinery is. I didn't want them to do damage and then come back and be a thing.

D. Davis: She's got probably six foot. I'm going to say six to ten-foot path all the way around her field. So the farmer can't get close. And then, like I said, I'm going to keep it back. The property actually is like this at an angle, so my barn will be, the corner of it will be here, but it'll go away from it. So there's only going to be one corner. And I'm still going to bring a little farther than five feet away because I just want to be safe so.

J. Hufford: Have you talked to your neighbor next door that you're going to be butting up within five feet of his property line?

D. Davis: Eric Grubbs? Yes, Sir, I have. He said he did not have a problem with it because I went to all the neighbors first, because if they had a problem, I wasn't going to do it. I'm just going to build the barn and go on. I'm just here to try to help. Like I said, the people in the back and Eric understood also because he's had water problems also, so we let them come through the front yard and tie into the same drain to get water away from his house.

Chairman Hawley: Where there any other questions the board might have tonight for this proposal? Is there anyone else here that would like to speak in favor or against the proposal? Seeing no one, I motion that we have a roll call vote.

J. Peacock: Second.

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

Chairman Hawley: Congratulations sir.

D. Davis: Thank you. That all I need now?

D. Johnting: Yes, see us tomorrow.

D. Davis: All right, come back up and see you tomorrow. All right. Thank you guys very much appreciate.

Chairman Hawley: Thank you. Have a wonderful evening. Next on our agenda we have any old business or new business that needs to be addressed. Seeing none, do we have any reports of officers, committee and staff.

D. Johnting: We have a meeting next month.

Chairman Hawley: I thought we weren't having one in September?

D. Johnting: APC is not. BZA is.

Chairman Hawley: With that being said I motion we adjourn tonight's meeting.

D. Cleveland: Second.

J. Peacock: Approved.

Chairman Hawley: Thank you very much ladies and gentlemen.

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Chairman, Jason Hawley

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Debra Johnting, Recording Secretary

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Vice Chairman, Bill Davis