

## BZA MINUTES

SEPTEMBER 17, 2024

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

Members absent: Jason Allen and Drew Cleveland

Legal Representation: Jason Welch

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

Others present: Christina Tinsman, Marcha Cross, and Ed Thornburg

Chairman Hawley: Good Evening. It is currently September 17, 2024, and I would like to call the Board of Zoning Appeals to order tonight. First order of business is the approval of minutes from August 20<sup>th</sup>, 2024. Has everybody had a chance to look over and review the minutes?

Vice Chairman Davis: I make a motion to accept as presented.

D. Calhoun: Second.

Chairman Hawley: So carried. Before we get started for order of record, I would like to ask each member of the board to please state their name for the record, so it makes it easier for folks to transcribe the minutes. My name is Jason Hawley, Bill Davis, Don Calhoun, Jim Hufford, and Jon Peacock. Thank you very much. Before we start, I'd like to remind 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 and the petitioner will have an additional five minutes to respond to comments. Up first it looks like we have BZA2024-26-SP Jim and Christina Tinsman. Looks like they're requesting to move a mobile home onto a vacant lot. Is there anyone here that would like to speak for this project? Please come up and state your name and address for the record.

C. Tinsman: Christina Tinsman, 6877 W 300 S, Farmland, IN 47340.

Chairman Hawley: Would you like to tell us what you're looking to do and see how we can help you out?

C. Tinsman: Its basically an empty lot we bought. It's got already the foundation there. It had a 24 x 60 mobile home, we was told, and I had a guy look at the foundation, he said it's fine, but my mom lives in a double wide that's cattycorner like 3 or 4 houses down from it now. She had a stroke and we're thinking of putting her there and selling that one. That's pretty much what we're planning. In the meantime, until she's ready. We'll probably rent it.

Chairman Hawley: So. I guess my question is long term, obviously your mother's going to be there. Will there come a time when the plan is to move the mobile home off or looking to sell it. Do you have any longtime plans for that?

C. Tinsman: It will stay there. It will be set up to stay.

Chairman Hawley: Any other questions from the board tonight?

Vice Chairman Davis: Just curious. How many acres is that going to be sitting on?

C. Tinsman: Well, we own the property, right next to it too.

Group Discussion/Clarification on GIS Maps

C. Tinsman: There is just a foundation there now.

D. Johnting: We can see something in the picture.

C. Tinsman: It's a pretty big foundation.

Chairman Hawley: It is back here off to the side? Okay, so the proposed location would be this one. Sorry. Yeah, just checking on that. Are there any other questions that the Board may have? As always, I'm kind of, yeah, I was going to do that.

J. Welch: If there's anybody opposed, there was a letter that was presented to Debra just yesterday. As you know, according to our bylaws, it's supposed to be presented 7 days in advance for any written material to be considered. Debra did say that the notice that was sent out did not include that information that said that it had to be within seven days and it indicated that they could send a letter if they had a comment about it. So the neighbors may not have gotten the proper notice about having this seven days in advance. The board may consider it if there's a motion made by a board member and at least four members vote to consider the letter. Then it still can be considered. If it's not, there's no motion and it's not related by at least four votes, then it cannot be considered because it was not submitted seven days in advance. And this is a letter. Did you get a copy of this?

C. Tinsman: No but whoever it is has had a long time to send a letter.

D. Johnting: Well, he didn't know. I didn't realize it was.

J. Welch: The letter is from Erin and Shelby Wilson.

D. Johnting: I knew it was for petitioners, but I didn't realize that it was actually for also people receiving the letter. So the letter didn't state that and the legal notice didn't state that. So in fairness they didn't know they couldn't just drop it off yesterday.

J. Welch: So I guess it would be up to the board to decide whether or not they will still want to consider the letter or not. That would be up to the board to decide.

Vice Chairman Davis: I would make a motion that it's just a one-page letter. It's not like it's 20 pages that we can't read within one minute. That we consider it.

Chairman Hawley: Do we have any motions to? We have a motion and a second. Let's have a roll call vote or let's have a vote to see if we accept it all. All those in favor say aye. Aye.

J. Welch: It needs to be a roll call vote because there has to be at least four.

Chairman Hawley: So we need a roll call vote.

D. Johnting: Don Calhoun, yes. Jim Hufford, yes. Jason Hawley, yes. Bill Davis, yes. Jon Peacock, yes. Jason and Drew were absent.

Chairman Hawley: Just give us a minute to read over the letter and see what?

D. Johnting: And I apologize that will be fixed in the due notice letters and the newspaper. I knew it was for petitioners, but.

C. Tinsman: I'm going to add all this stuff that happened did not happen on my dime. I mean, this was whoever owned it way before us. I'm pretty sure my mom would not do any of this. I'm hoping that when we put it in there and she'll just go ahead and say I want to move there. That's my plan.

J. Peacock: Question. Are they here tonight?

D. Johnting: They could not be here tonight. He dropped it off yesterday afternoon and said they had to leave to go out of town.

J. Hufford: And that's the problem you know, problem with letters. They're good. You know what she said. But there's no way to question the letter. And there's no way to make a compromise with the person who wrote the letter. Makes it bad.

Chairman Hawley: Yeah. I'm like the only thing that I guess I feel like this board is going to ask is there a plan to later turn it into a rental.

C. Tinsman: No, not that I'm you know, not under me. I would like my mom to be there and then sell the doublewide because I really don't want a rental.

Chairman Hawley: Right.

C. Tinsman: I mean, it's my personal opinion and my, I know my mom wouldn't do any of this stuff that they're saying happened.

Chairman Hawley: Yeah. I think.

C. Tinsman: And if you've seen their property, yeah.

Chairman Hawley: I think that's a safe assumption that your mother wouldn't be any of those types of people. I just think the neighbor's concern is in the long term, if the property should move. If the property should sell. They don't want to see another rental.

C. Tinsman: I think you could go with that with anybody that has a property beside you, especially in town.

Vice Chairman Davis: Right and you're just diagonal from where it is going to set.

C. Tinsman: I live on 300 South. My mom lives on 1225 West 1461. I think you have a picture of the double wide.

D. Johnting: And who's in the other house?

C. Tinsman: My daughter.

D. Johnting: Your daughter. So you don't want a wild renter.

C. Tinsman: No. I mean, I'm saying to you I have a granddaughter there. I'm not going to want somebody there, that's you know.

D. Johnting: I was thinking it's somebody.

C. Tinsman: Yeah. Yeah, my daughter and her.

D. Johnting: So the trailer can be moved out if you don't need it. People do that all the time, so.

C. Tinsman: My hope is that it's a double wide and we just leave it. Make it permanent.

D. Johnting: So what did you plan when your mom doesn't need it anymore?

C. Tinsman: Then I'm assuming it would go stay with my daughter's house. Then she can do whatever she wants. Honestly if something happens to me and my husband it's going to be hers. So we're not planning on selling it. And if you've seen the double wide, you can see that we take pretty good care of our property.

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

J. Peacock: So if we approve this variance request. If your mother doesn't want to stay there, then you can just rent it out.

C. Tinsman: She definitely wants to move there, but she's.

J. Peacock: I know but if this neighbor doesn't know you. And knew that it wasn't good before.

C. Tinsman: The biggest thing with this neighbor. I'm just going to tell you right off. He wanted that property sold to him, but the guy sold it to us. So there's your beef right there. I mean, you just got mad because we bought. But we was really good friends with the guy we bought it off of.

J. Welch: There's no way to put a restriction on this either. It's just you can have a mobile home or you can't have a mobile. We can't control anything down the road. That's the only issue you're looking at tonight.

Chairman Hawley: Yeah, I think that was where my big issue was is I can't foresee anything 15-20 years in the future, however long.

J. Welch: We can't control any of that, just about whether or not it can be there right.

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

Vice Chairman Davis: I'll make a motion.

Chairman Hawley: Well, let's check and see if there's anybody else here that would like to speak in favor or against the petition. As seeing none, I believe you were making a motion to vote.

Vice Chairman Davis: Yes sir.

Chairman Hawley: I second, so I request that we have a roll call vote on the petition at hand.

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

Chairman Hawley: Thank you very much. I hope that you and whoever sent the letter can find some common ground. Just be good neighbors. Just try to be good.

C. Tinsman: We don't bother him. We just don't.

Chairman Hawley: Just try to be good neighbors, that's what we ask.

C. Tinsman: We are, we are we don't like drama. We're not into that.

Vice Chairman Davis: Good luck.

C. Tinsman: Thank you guys.

Vice Chairman Davis: Good luck.

Chairman Hawley: Thank you so much. Next we have BZA2024-27-V. Marcha Cross requesting a variance to build five feet from the property line instead of 15 feet. Would you please state your name and address for the record.

M. Cross: Marcha Cross, 4653 W CR 700 S, Modoc, Indiana 47358.

Chairman Hawley: Have you sent notices out certified mail and returned the receipts to Area Planning Office and received Article V Conduct of Hearing?

M. Cross: Yes.

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

M. Cross: I'm wanting to build a 24 x 24 foot carport, an enclosed carport. It will be set there beside my house on the asphalt. It's carport but it's got sides on it. And I'm good on every other north, south, and on the east side but on the west side, it backs up to my lane that I'm asking for the variance and the lane has an easement between me and the land owners which is my nephews that own the own the farm there. My brother, which owned all that sold it to my nephews and my brother since passed, so I've lived there since 1976. I've taken care of, the whole lane is paved, I've taken care of that lane since my dad put it in years ago and my dad used to have a business there, cabinet business and so that's why we have had that and so the extra 10 foot will be towards the lane, but it won't be in the lane. And right now, my nephews that farm all that and they don't even use the lane. There's nobody else around. It's all farm ground. They have the fields. They couldn't use the lane anyway because all of their equipment is too big. So basically that's my only problem is on the west side where I want to put this, it's going to back up towards the lane. It won't be out in the line at all because I still have my 5 foot. You know, away from the lane. So if anybody did come but.

Chairman Hawley: It looks like here that there is already existing asphalt where you want to put it. And did you say there's already a carport there and you just going to add walls?

M. Cross: No, there's not.

Chairman Hawley: Okay, sorry, I misunderstood.

M. Cross: For years I've used the barns. They've let me use the barns for storage, but I've never had a place to put the car and stuff like that and the barns are big old barns and it's getting harder and harder. I've got my lawn mower stored out there. They let me store the lawn mowers and stuff out there, but it's they're big old barn doors and it's getting harder and harder for me to open them and shut them, so I wanted to build. Not only that, I want. It's kind of messed up the way my dad did that. Because where I live is one acre of the existing farm that used to be there. And like I said, I've lived there since 1976 and he gave me that one acre and the house and they said you can have the house, but I'm not touching it. And it was and it was pretty bad when I moved in there and I put redone everything. So I've never had a place to put my car so I'd like to have this garage to put my car in and plus the stuff that I have stored out in the Retters which own the buildings. The stuff that I have out there because sooner or later I'm going to pass away, and I don't want my kids to have to deal with going out in the barn and what's moms and what's, you know, because they don't know that. So I just like to get it done now.

Chairman Hawley: So is it an enclosed carport or a garage?

M. Cross: It's an enclosed carport.

Chairman Hawley: OK, just double checking. Any other questions from the board?

D. Johnting: I can't remember if we put it on there, but the reason it can't go further to the east is because there's a window.

M. Cross: Yeah, that's my living room window right there. And then if I shove it back towards the east, then it's going to be right in front of my living room window because it would be like 6 foot away from my house.

Chairman Hawley: Right, you need to have at least fire escape. Nobody wants to look out the window at a building.

M. Cross: Well, not only that, but every other I only have one, two, three windows on the north side of my because if you can see the big picture there of all the barns, it's there. I only have three windows that's not obstructed by barns.

Chairman Hawley: Understood.

M. Cross: So even though my living room window there is a barn when you lookout there. It's a little bit farther away. And then if I put my garage there, then it's going to be, you know, it's just another one.

Chairman Hawley: Any other questions from the board? Is there anyone else here that would like to speak in favor against the proposal? A motion we have a roll call vote for the proposal in front of us?

Vice Chairman Davis: So moved.

D. Calhoun: Second.

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

Chairman Hawley: Thank you so much. Good luck.

M. Cross: Thank you very much.

Chairman Hawley: What else do we have on the docket tonight? Old business that we need to attend to before the board looks forward. Seeing none, do we have any new business to attend to?

D. Johnting: We have a meeting next month.

Chairman Hawley: Yes. Reports from officers, committees, and staff? Seeing none, I motion to adjourn.

Vice Chairman Davis: So moved.

Chairman Hawley: Thank you very much, ladies and gentlemen. We'll see you next month.

---

Chairman, Jason Hawley

---

Debra Johnting, Recording Secretary

---

Vice Chairman, Bill Davis