

## **BZA MINUTES**

**NOVEMBER 16, 2021**

Members present: Jason Hawley, Jim Hufford, Tim Hart, Jon Peacock

Absent: Bill Davis, Don Calhoun, Drew Cleveland

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: William Maines, Jr., Claudia Ruiz, Yvonne Tye, Darla Brown, Greg Brown, Preston Myers

Chairman Hawley: Alright, good evening tonight is November 16<sup>th</sup>, 2021 and it's 7:00 o'clock. I would like to call the Board of Zoning Appeals to order. Has everybody had a chance to take a look at the minutes from September? I know last time we didn't have them ahead of time. So, we'll have an approval of September's minutes as well as October's minutes. Have we all had a chance to take a look at those?

J. Hufford: I'll make a motion that we approve the minutes from September and October as presented.

Chairman Hawley: I'll second. All those in favor say aye, all those opposed? All right, looks like we've got that. Before we get started, I'd like to welcome Tim Hart, the Mayor's appointment here. Welcome and hope that it'll be pleasant experience for you here tonight.

T. Hart: Thank you.

Chairman Hawley: Also, before we get started because we only have four members here, we have members that had other obligations, so we have a 4:4 vote rule. All votes have to be unanimous. If you'd like to postpone, it'll be January. We don't meet until in December, so it would be January to try again when we have more votes. If you go ahead with it and it doesn't get approved, you have to wait six months for reapplication. So if anybody wants to postpone, you're more than welcome to. You don't have to go tonight if you're wanting to see how it goes, but once we make our vote, that's kind of where we go, right?

D. Johnting: You can have discussion, but you have to withdraw before the vote.

Chairman Hawley: We can have discussion, but if you decide at any time that you might like, take a moment, regather yourself or you want to try again, you can say that you'd like

postponement and we can withhold on that. But once the votes are made, they're final. So I just want to let everyone know that before we got started. Alright, any questions or concerns before we get going? Awesome. Okay, looks like tonight's first docket is BZA2021-23-SP, Greystone Tranquility and Family Recovery. Is there anyone here that would like to speak for the project?

W. Maines: That's me.

Chairman Hawley: If you'd like to please approach the table. State your name and address for the record. Yeah, you can have a seat, thanks, and kind of give us an idea of what you'd like to do and what we can do to help you.

W. Maines: I'm brother William Allen Maines, Junior. I'm the President and founder, or co-founder of Greystone Tranquility Family Recovery Church. We are in the process of a lot of things, the most important is that we've retained counsel. Ryan Prinkey is our attorney, and he would like us to get a continuance so that we could present a proper plan to the council.

D. Johnting: And that would be in January, I mean January at the earliest.

W. Maines: That would be perfect. Well, you're going to leave it to my attorney to decide whether he needs more preparation. He knows the ins and outs and I just want to be in obedience to man's law and do the right thing.

Chairman Hawley: Okay. I see no problem with that.

W. Maines, Jr.: Alright, thank you so much Sir.

D. Johnting: You'll need to have a vote.

Chairman Hawley: Oh, have a vote to have a continuation until January once we get all the paperwork and everything? Sounds good to me. Do we need to make a roll call vote?

J. Welch: Yes.

D. Johnting: Okay, roll call vote. Jason Hawley, yes, Jon Peacock, yes, Jim Hufford, yes, and Tim Hart, yes. Continuance approved, we will see you soon.

Chairman Hawley: Thank you so much. Okay, moving on. Next, it looks like we have BZA2021-24-SP. Am so sorry for this, I am I'm going to do my best. Iglesia Casa de...

C. Ruiz: Oracion.

Chairman Hawley: Thank you, I am so sorry, I apologize.

C. Ruiz: That's alright.

Chairman Hawley: Yeah, so once again you heard the discussion about having a 4:4, that needs to be unanimous? Are you comfortable proceeding tonight?

C. Ruiz: Oh yes.

Chairman Hawley: Okay, please approach the bench, have a seat and tell us your name and address and what you like to do.

C. Ruiz: My name is Claudia Ruiz and my address is 3165 Pleasant View in Richmond, Indiana.

Chairman Hawley: Okay.

C. Ruiz: So we want to buy a building, I mean, we close next week. We want to do the closing but I want to make sure that we can operate like a church. I think it's not been operated like a church, but it's a church, but it's not been used like a church. And so, we want to buy it and I want to make sure that it's not going to be any problem.

Chairman Hawley: Make sure you get all your ducks in a row? Yeah, because it looks like we're just asking for a special exemption to hold church services and all church functions as related activities. And establish a small daycare next year if possible, looking to possibly add that on. Alright, any questions from any board members?

T. Hart: I guess I just assume nobody will be living in the facility, right?

C. Ruiz: They've been using it for a minister, for singing? But no, nobody will be living in there.

Chairman Hawley: Any other questions from the board?

J. Hufford: I want to say that until just a couple of years back, it has been a church since the 1800's.

Chairman Hawley: I saw the photos and it looks beautiful. Well, if there's no other questions from the board, if you'd like to have a seat, is there anybody from the public that would like to make any comments for or against the proposal?

[Unknown]: I just have a question about the previous. If it's postponed till January, then we'll all have to come back in January and then we have our chance to discuss it or whatever.

D. Johnting: How it will work is, it is postponed until January now. If they have decided to come not to come back until February, that will be announced at the January meeting.

[Unknown] So, we won't know until that night, we have to be here to find out?

D. Johnting: Yes, the earliest they will be here is January but they are not obligated to be here then. We will just announce when they will be here.

[Unknown]: And how do we know the date and time?

R. Abel: It's the third Tuesday after the first Monday.

D. Johnting: I am still working on the calendar, let me give you my number, you can call me for the date of the January meeting. You can check if they are coming in January, too.

[Unknown] Okay, can I ask one more question? Is he allowed to conduct as he plans, or he's on hold until January?

J. Welch: It's not established yet.

R. Abel: It's not established yet. There's nothing stopping him from working on the building or doing things like that.

[Unknown] My understanding is that they were going to start meetings before Thanksgiving?

J. Welch: There shouldn't be a church in there until he's approved.

[Unknown] And that's what I thought too, but I didn't know what legally, he was allowed to do or not do.

J. Welch: He's not legally permitted to conduct church services until it's approved, that would be a violation of the ordinance.

[Unknown] Okay.

R. Abel: So January 18th is the third Tuesday after the first Monday.

[Unknown] Okay. And I'll just call and check later.

R. Abel: And same time 7:00 o'clock.

[Unknown] Sorry, thank you.

J. Welch: Sorry Claudia.

Chairman Hawley: Well, that wraps that up.

J. Hufford: Well I make a motion that we take a roll call vote.

Chairman Hawley: I will definitely second that one.

D. Johnting: Jon Peacock, yes, Jim Hufford, yes, Tim Hart, yes, and Jason Hawley, yes. Motion approved.

C. Ruiz: Thank you, thank you so much. God bless you guys.

R. Abel: Just for a short note, it's supposed to be a Conditional Use instead of a Special Exception, but really the procedures are all the same. But the uses are so close, and we are going to do away with the Conditional Use in the new UDO. So, we just kind of got it in our head to do everything with a Special Exception.

Chairman Hawley: I don't think that would necessarily change anybody's vote.

J. Peacock: Jason, I was just wondering, do you know what the other group didn't like about the other hearing?

J. Hufford: It used to be a Jehovah Witness Church.

R. Abel: If you look there are some close houses nearby.

Chairman Hawley: Alright, is there any other business we need to discuss? Any new business?

D. Johnting: No meeting in December.

Chairman Hawley: No meeting in December, so yes, please stay home and spend time with your family. Report of officers, committees and staff. Alright then, I make a motion that we adjourn.

J. Hufford: I'll second.

Chairman Hawley: All in favor say aye, there it is, see you next year ladies and gentlemen.

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Jason Hawley, Chairman

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Debra Johnting, Recording Secretary

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Bill Davis, Vice Chairman