

BZA MINUTES

January 23, 2017

Members present: Phil DeHaven, Myron Cougill, Lee DeGuise, Bill Davis, and Jason Hawley

Absent: Jim Hufford, Christy Starbuck

Legal representation: Jason Welch

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

Others present: Robert Cook, Mark Haney, Leon Fetters, Tom Boxell, James Byrd, Tommy Oswald, Jim Nance, Ed Thornburg, Brian Ramirez

Chairman DeGuise: It is 7 O'clock, January 23, 2017, and I call to open this meeting of the Randolph County Board of Zoning Appeals. First on the agenda tonight is to approve the minutes from our last meeting. Are there any motions? All those in favor signify by saying aye. All those opposed. Minutes are approved. Second on tonight's agenda is the election of officers.

B. Davis: I make a motion to keep as is, if all are in favor.

Chairman DeGuise: Is there a second? All those in favor of keeping leadership as it was last year, signify by saying aye. All those opposed. We will stay the same as we were in 2016. The first application for tonight is BZA2017-1-V a variance, for Mr. Jim Byrd. Would you please step forward? Mr. Byrd this is a recorded hearing, first of all did you receive Article V Conduct of Hearing from Debra?

J. Byrd: Yes.

Chairman DeGuise: I also need you to please state your name and address for the record.

J. Byrd: James W. Byrd, 2396 N Old US 27, Winchester, Indiana, 47394.

Chairman DeGuise: Thank you. Basically what we ask you to come up here for is to describe in your own words what you're doing here. We have all the paperwork you submitted.

J. Byrd: I have a sign I want to put in front of my office. I thought my property line was the curb so when I stepped back what I thought was the setback it was where I wanted it. Come to find out my property line is actually the back of the sidewalk so if that's the case the setback in on my porch and that doesn't do me any good for having a sign. So basically I think it measures if I put it a foot away from the sidewalk it still measures 20 feet away from the curb and it's back far enough that it shouldn't block the vision from the alley. There's a picture of the sign and it does have a light on it now. It does have a frame around it now is the only difference. We set it back where it needs to be by the Ordinance for now but if we get the Variance we will move it over where it shows in the picture.

Chairman DeGuise: This picture here is this real or a mockup?

J. Byrd: No, that's where we want it to be.

Chairman DeGuise: So, this picture here is a mockup of what you want it to be.

J. Byrd: Yes, the sign guy did that on Photo-Shop for me. You can see it was in the fall because the leaves are still on.

Chairman DeGuise: Any questions by any board members? Ok, sir, you may take your seat please. At this time I would like to ask the audience if there is anyone who would like to speak for or against this petition to please come forward. Let the record show no one came forward. Any motions for a roll call vote?

B. Davis: So moved.

P. DeHaven: Second.

Chairman DeGuise: All those in favor signify by saying aye. All those opposed? Debra, roll call vote please.

D. Johnting: Jim Hufford is absent, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes, Lee DeGuise, yes, Christy Starbuck is absent, Myron Cougill, yes. Motion is approved.

Chairman DeGuise: Mr. Byrd, you are approved.

J. Byrd: Thank you all very much.

Chairman DeGuise: The second item on tonight's agenda is BZA2017-3-CU, Conditional Use permit. Applicant, Main Street Christian Church, is there any one here to represent Main Street Christian Church. How are you tonight Mr. Cook?

B. Cook: I'm fine, thank you.

Chairman DeGuise: Mr. Cook, this is a recorded hearing. First of all, did you receive Article V, Conduct of Hearings from Debra?

B. Cook: Yes.

Chairman DeGuise: And please state your name and address for the record.

B. Cook: Robert Cook, I'm an attorney and my office is located at 116 E Washington Street, Winchester, Indiana, 47394.

Chairman DeGuise: Thank you sir, now in your own words if you could tell us why you are here.

B. Cook: I think that I can reiterate the Findings of Fact that I have given to the Zoning Office, but if you have read those, those are the reasons why we want to move the church body to the, what was formerly the Funeral Home, and prior to that it was a church. It is in a C-1 Zoning District and a church is a Conditional Use in that Zoning District. We feel that the use of that facility as a church will be much less intrusive than most of the commercial uses that are allowed in C-1 Zoning District. We do have the Trustees here this evening if you have any questions. We would request that you grant the Conditional Use permit and that you adopt the proposed Findings of Fact. I would be happy to take any questions.

Chairman DeGuise: This property was originally a church, is that correct?

B. Cook: I think it was the Maranatha Baptist Church.

Chairman DeGuise: Any board members have any questions? I have no questions for you Mr. Cook at this point in time, thank you for coming and please have a seat. Anyone else here in the audience who would like to speak for or against or have an opinion on the subject? Let the record show no one came forward. Any motions for a roll call vote? All in favor signify by saying aye. All those opposed. Debra, roll call vote please.

D. Johnting: Jim Hufford is absent, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes, Lee DeGuise, yes, Christy Starbuck is absent, Myron Cougill, yes. Motion is approved.

Chairman DeGuise: You're all set Mr. Cook.

B. Cook: Thank you very much.

Short recess.

Chairman DeGuise: Next on tonight's agenda, BZA2017-2-V, a variance for Skyway Towers. Is anyone here to represent Skyway Towers?

B. Ramirez: Yes, sir, that's me.

Chairman DeGuise: Have you received Article V, Conduct of Hearings from Debra?

B. Ramirez: I believe so, yes.

Chairman DeGuise: This is recorded hearing, so I need you to please state your name and address for the record.

B. Ramirez: My name is Brian Ramirez, I am an agent for Central States Towers, and also Verizon, my address is 8255 West US36, Coatsville, Indiana, 46121.

Chairman DeGuise: You just stated a name that is not what the applicant is on the petition, are you also a representative of Skyway Towers?

B. Ramirez: Yes, I am.

Chairman DeGuise: Ok, just to clarify. Basically sir, what you are doing here is you are just going to state in your own words-- obviously representing the company--what you are doing here tonight, and what you are asking from us.

B. Ramirez: Ok, great. Thank you and I apologize for running late, I was stuck on I-465 in Indianapolis during a traffic jam so... I am here to request a variance for setbacks for from a residence, but also for a wireless telecommunication facility. We are looking to have a 275' self-support tower and all associated equipment within a 100' x 100' lease area with access to utility easements. Within that 100' x 100' we would have the tower and all associated equipment within the fenced in compound. The only thing that would be outside the compound would be any telephone or electrical facility such as a pad or a transformer so that the power or utility company can access their equipment in case there was any sort of

a failure. There is no sewage or water needed at all. This is an unmanned outdoor equipment platform. This is currently on a farm and there is an old rural farmhouse that is currently being rented. Our property owner has a tenant there but once that property but once that tenant leaves they plan on tearing the building down. I think we're only asking for less than 5 feet to meet the 100% setback between the tower and the residence. I did provide a professional engineer's letter from the manufacturer stating that this has a zero foot fall zone radius, meaning that this is a latticed self-support tower. Essentially it's the strongest tower, it's better than the towers with the guy wires on it, or the straight up mono-pole. So from a structural standpoint these are the best that they make. I did provide that stating that there is a zero radius fall zone. This will be a co-locatable structure so the first carrier out there will be Verizon Wireless, and be co-locatable for additional carriers such as AT&T, T-Mobile and Sprint. If there is County 911 wants to go in there, there will be available space. The closest tower in the area is actually six and a half miles away to the south. There are some others that surround it as indicated on this map. So, the closest one is about six and a half miles away in any direction. So this will fill in that gap out in there for Verizon Wireless. We will meet all state and federal regulations and of course local if we are approved here. Our federal requirements are through the FCC. We are an FCC license holder, so we have to meet a list of very stringent regulatory items such as FAA, which we have already been approved on our FAA for the height. FCC, NEPA, any historical, fish and wildlife, tribal, migratory birds, things like that. So we have to adhere to all those items before we can build. From a state level there's a State Historical Preservation Office that we have to gain approval from. So, we really have to go through local, State and Federal review on every tower we do. We are on the end of this at the zoning process, I will provide the FCC information at a later time, once we get our NEPA completed I will provide that as well. It's a five to six month process. That's all I have at this time, if there are any questions, I would be happy to answer them.

Chairman DeGuise: Any questions from the board? I don't have any questions for you at this time, please take a seat. Is there anyone in the audience here to speak for or against this docket? Let the record show that no one came forward. Any motions to take a roll call vote? All those in favor, signify by saying aye. All those opposed. Debra, roll call vote please.

D. Johnting: Jim Hufford is absent, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes, Lee DeGuise, yes, Christy Starbuck is absent, Myron Cougill, yes. Motion is approved.

Chairman DeGuise: That's it sir, you are approved. Thank you very much for coming.

B. Ramirez: Thank you for your time.

Chairman DeGuise: Does the board have any further discussion? It has been moved and seconded to end this meeting. All those in favor signify by saying aye. All those opposed. Meeting is closed.

Lee DeGuise, Chairman

Bill Davis, Vice Chairman

Debra Johnting, Recording Secretary