

**BZA MINUTES**

**MAY 21, 2018**

Members present: Jim Hufford, Bill Davis, Eli Jones, Jason Hawley, Jon Peacock and Myron Cougill

Absent: Dan Vinson

Legal Representation: Jason Welch

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

Others present: Ed Thornburg, Joel Davis, Donald Branham

Chairman Davis: It's 7:00, so I will call this meeting of the Board of Zoning Appeals to order. Tonight is Monday, May 21, 2018. The first thing I would like to do is to approve the minutes from way back to October 16, 2017. Do I hear a motion? We have a motion and a second, all in favor, say aye, opposed? Minutes are approved. Then we need to vote for officers for 2018. I would be willing to be Chairman for the rest of 2018. And Jason Hawley has agreed to be Vice-Chairman. Is there any other member that would like to be in one of these positions?

J. Hufford: I make a motion that we accept the officers as they have been presented.

Chairman Davis: Do I hear a second? It has been moved and seconded to accept the officers as presented. All in favor say aye, opposed no. Chairman will be Bill Davis, Vice Chairman will be Jason Hawley.

Chairman Davis: We have a new member tonight, Jon Peacock, so if everyone would just state your name? Eli Jones, Bill Davis, Jim Hufford, I'm from Union City, Jason Hawley, Myron Cougill, Deb Johnting, Jason Welch, Randy Abel. Welcome Jon. Okay, let's get down to business now. First up is BZA2018-3-SP, Donald Branham. Please come up and state your name and address for the record please.

D. Branham: Donald Lee Branham, 229 Railroad St., Parker City.

Chairman Davis: And did you receive Article V, Conduct of Hearings?

D. Branham: Yes.

Chairman Davis: So just tell us what you are wanting to do.

D. Branham: I'd like to put a trailer on my property and tear the house down.

C. Davis: So, you haven't picked out a unit yet?

D. Branham: No, I know I have to have 950 square feet, but I wasn't going to pick anything out until I got approval here.

C. Davis: Any idea of the age or what you might be looking at?

D. Branham: Brand new.

Chairman Davis: Any questions from the board at this time? Any idea of what you are looking for? Single wide or double wide?

D. Branham: Not for sure, but it seems like with the prices it's probably going to be a regular 14 foot.

J. Hawley: Just strictly for a residence I assume.

D. Branham: Yes.

J. Hufford: Are there any other trailers in the area?

D. Branham: Not close to it, no.

Chairman Davis: Is there anyone in the audience who would like to speak for or against? Let the record show that no one came forward. Any other comments by the board?

J. Hufford: All the residents in the area were notified, correct?

D. Johnting: Correct. And all the cards were returned and no one called. Two are rentals and one is vacant. He's pretty secluded back there, not that visible from the other homes.

Chairman Davis: I will entertain a motion for a roll call vote. A motion has been made a seconded to take a roll call vote. Debra.

D. Johnting: Bill Davis, yes, Jim Hufford, yes, Jon Peacock, yes, Jason Hawley, yes, Eli Jones, yes, Myron Cougill, yes, and Dan Vinson is absent. Motion approved.

D. Branham: Thank you.

Chairman Davis: Ok, next on the agenda is Mr. Joel Davis, BZA2018-5,6,7-V, would you come forward please? Joel, please state your name and address for the record.

J. Davis: Joel Davis, 10412 W 500 S, Parker City.

Chairman Davis: Just for the record, I am going to read each one of these and we'll vote on each one. Ok, this one is BZA2018-5-V, Variance of 12' to put a residential solar panel closer to the right of way than is allowed by the Unified Zoning Ordinance. The second one is BZA2018-6-V, a variance to put a residential solar panel closer to the right of way than residence, since property is within 500 feet of another residence. And the third one is BZA2018-7-V, a variance of 5' to put an unattached garage closer to the side setback than the required 10'. Have you received Article V, Conduct of Hearings? And have all the letters been sent out? Ok, let's go to the first one BZA2018-5-V, to put a solar panel closer to the right of way than allowed.

J. Davis: Right now my setback is 47' from the road and I am asking to be 35' from the center, the main reason is I can't put it any farther back due to the flood plain being in my back yard. It's the only place I have to put it.

Chairman Davis: Any comments by the board?

J. Hufford: You say it's 35' back from the road?

J. Davis: Center of the road, it's supposed to be 47', I'd like to have an extra 12', after completion. It's ground mounted solar.

Chairman Davis: Any other questions.

J. Hawley: What is the difference between solar panel and solar array?

J. Davis: A solar array is made up of 32 panels. In this case I am actually putting up 3 16-panel arrays. So there would be 48 total panels.

J. Hufford: All of these will be on the ground.

J. Davis: Yes, they will all be mounted on the ground. We've got some already in the county. They have been well received. There's not a structural issue, I don't think, it's just a location issue.

J. Peacock: Why would there be a 50' normal distance?

D. Johnting: The right away there is 34'. So, from center of the road the distance is half that, or 17'. To the beginning of Joel's property. The setback from there is 30'. So you add those together and the distance from the center of the road to the buildable line is 47'.

J. Peacock: Is that for visibility on the roadway?

D. Johnting: Yes, and cars traveling at a speed of 55 mph, it's a safety factor for homes.

J. Hawley: And for future development, sidewalks, widening the road.

D. Johnting: The road measures 34', if you didn't have some setback you'd be right on the edge of the road.

J. Peacock: And what you're wanting to have is 35' instead of 47'.

J. Davis: The edge of a county road changes mile to mile, so that's why we went with the center of the road because that's easier to find.

D. Johnting: So, instead of us using a variance to the ROW line, which is that blue line in your photo which we have access to that you can't usually see in your side ditch, we just took half the width of the road plus 30'.

J. Welch: You're 22' from the edge of the road right now, right?

D. Johnting: Yes, the solar panels will set at least 22' off the roadway.

Chairman Davis: Joel, how tall will these be?

J. Davis: They will manually angle, the pivot point is right at 6'. I have a picture of them if you'd like to see it. They will look somewhat like that. So, in the summer time, it's going to be flat, so there will be zero visibility issues really. My driveway would be the only place there would be and there's not going to be.

[ ] Is this going to be a visibility issue for you?

D. Johnting: The distance from a drive for any issue like this the setback is 15', and this will be further away than 15'.

J. Peacock: And this is your business, right?

J. Davis: Yes, and this is going in at my house.

J. Peacock: Practice what you preach, right?

Chairman Davis: Any other comments or questions from the board?

M. Cougill: If somebody would happen to leave the road and hit this, would there be any danger involved there?

J. Davis: No more than a fence post. There's no electrical danger. I mean, any time you leave the road there's always a danger. But no, there's no danger from electrical. Any time there's a break it instantly shuts off. That's all required by AEP. They don't want any back-feeding or electrical issues. It's pretty high tech stuff. But you could still get hurt if you crashed into the panels.

Chairman Davis: Anything else?

D. Johnting: We did have a call from the landowner across the street who said she had no issue what whatever Joel was doing, she wasn't worried about him doing anything that would devalue her property. It's farm ground across the street, there's no house.

Chairman Davis: Is there anyone in the audience to speak either for or against this? Let the record show that no one came forward. I would entertain a motion to take a roll call vote? It has been moved and seconded to take a roll call vote.

D. Johnting: Bill Davis, yes, Jim Hufford, yes, Jon Peacock, yes, Jason Hawley, yes, Eli Jones, yes, Myron Cougill, yes, and Dan Vinson is absent. Motion approved.

Chairman Davis: Next we'll go to the next docket BZA2018-6-V, with the structure being closer to the road than the house. I think we have the same issue.

D. Johnting: It really is, but there are two separate ordinances that we are dealing with.

There was discussion dealing with the difference in solar panels and solar street lights, and a potential solar ordinance.

J. Davis: I thought the problem was that this was closer to the road than the house.

D. Johnting: It is, if the house closest to your house was over 500' away, this would not be an issue.

J. Peacock: Can Randy give us his opinion on the things like this that Joel is proposing?

R. Abel: When we did this, I tried to talk the Commissioners into making this 300' and on the same side of the road, but they insisted it being either side of the road. For visibility purposes I don't see any issues especially when the house is on the other side of the road.

Discussion followed on the ordinance regarding structure closer to the road than the residence and solar panels.

Chairman Davis: Are there any more questions or do I hear a motion? There has been a motion made and seconded to take a roll call vote on this issue.

D. Johnting: Bill Davis, yes, Jim Hufford, yes, Jon Peacock, yes, Jason Hawley, yes, Eli Jones, yes, Myron Cougill, yes, and Dan Vinson is absent. Motion approved.

Chairman Davis: So, our last variance is BZA2018-7-V, a variance of 5' to put an unattached garage closer to the side setback than the required 10'. Are there any questions or comments?

J. Hufford: That is the side closer to Monte Burrows?

J. Davis: Yes, I hope to buy that one day.

Chairman Davis: Are there any questions or comments from the audience? Hearing none, do I have a motion? There is a motion and second to take a roll call vote on BZA2018-7-V. Debra?

D. Johnting: Bill Davis, yes, Jim Hufford, yes, Jon Peacock, yes, Jason Hawley, yes, Eli Jones, yes, Myron Cougill, yes, and Dan Vinson is absent. Motion approved.

J. Davis: Thank you.

D. Johnting: Just come see us for permits.

Chairman Davis: Any old business we need to discuss? Any new business?

R. Abel: I wanted to bring up just to make you aware that we have had an issue with our sign ordinance, and we are having a company come in and fix that. And they have made a proposal to work on the entire ordinance. The first thing she's going to do is fix the sign ordinance, work on that. The other thing she has proposed to do is do a Unified Developmental Ordinance, to basically combine the Unified Zoning Ordinance with the Subdivision Ordinance. So the definitions are more aligned and requirements for setbacks and she also reformats the whole thing so that the numbering system matches a little better. She would also create a land-use chart. In the zoning ordinances I have seen all you do is look for a use, and you look across and find it in the land use table.

J. Hawley: Where is she from?

R. Abel: From Indianapolis, well, originally she was from Winchester....

J. Hawley: Well, I was just asking if she was from a company, or...

R. Abel: Yes, she's from GRW Engineering. And she has worked as executive director for 3 or 4 different counties. And is a member of American Institute of Certified Planners, so she really knows her stuff. And I think she will really be able to make some changes that we really need and do them all quickly and make us legal. And we are going to form a steering committee, which some of you on this board might want to be part of that. And, then when we find changes that we think are necessary that we think we need, now's the time to do it. And if you want to change any set-backs, now's the time to do that, all she has to do is plug the numbers in. So, now's the time to do that, if we think we can get

this approved from the Commissioners. Area Planning would be first, and then the Commissioners and then County Council, for her to come and work with us.

Chairman Davis: It sounds like a good plan.

R. Abel: Yes.

Chairman Davis: Is there any other business?

R. Abel: I have one other thing I wanted to mention, one thing we have had in the past, we have had a variance over in Union City fifteen years ago. And technically we had to honor that. And in this amount of time, he had new neighbors, so I had to go around and check with his neighbors to make sure they were ok with it. So, something we may want to start doing is to on a variance, say, you need to get your ILP within 1 year. We can put conditions on anything that we approve a variance for.

Discussion on conditions followed.

Chairman Davis: Ok, do I hear a motion and second to call it quits for the night? All in favor, all opposed, see you next month.

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Bill Davis, Chairman

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Jason Hawley, Vice Chairman

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Debra Johnting, Recording Secretary