

BZA MINUTES

July 18, 2016

Members present: Bill Davis, Phil DeHaven, Jim Hufford, Myron Cougill, Christy Starbuck and Lee DeGuise, and Jason Hawley

Absent: none

Legal representation: Jason Welch

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

Others present: Christina Welch, Gary Welch, Mat Berger, Gary Foulke, Jan Foulke, Brock Featherston, Sarah McVey, Ed Thornburg.

Chairman DeGuise: It is 7 O'clock, July 18, 2016, and I 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. All those in favor signify by saying aye. All those opposed. Minutes have passed. Secondly, just for the record, I personally would like to thank Mr. Charles Addington for his service to this board. Mr. Addington feels that he can no longer serve but I thank him very much for his service and I think everyone on this board would say so. We have a new member tonight, Mr. Jason Hawley, a representative from Winchester. First docket tonight is BZA2016-11-V a variance for Pig Tails Hog Farm, Gary & Jan Foulke. Are Gary and Jan Foulke here? Can you come forward please? Gentlemen this is a recorded meeting, so we need you to state your name and address for the record please.

G. Foulke: Gary Foulke, 1149 W 400 S, and this is my nephew, Brock Featherston.

B. Featherston: Brock Featherston, 4603 S Bloomingsport Road, Winchester.

Chairman DeGuise: Mr. Foulke, did you receive Article V, Conduct of Hearings from Debra?

G. Foulke: Yes.

Chairman DeGuise: Basically what we have had you come up here for is to explain to the board in your own words what it is you are up to and what you need the variance for.

G. Foulke: I own the land with an existing hog building and my nephew would like to build one right beside it. And I am going to let him tell you. He's borrowing the money, it's going to be his building and I am getting the variance but he's the one who needs it.

B. Featherston: My name is Brock Featherston, as I said, I moved here to Randolph County in 2012, after I graduated from Purdue, with an Ag Assistance Management degree. I came here to farm with my uncle Gary, I have been given an opportunity that's hard to come by to farm nowadays to come over here and do something I have wanted to do since I was a kid. Since I am a fairly newcomer to the county, for me to find land to rent or to buy—I don't have the assets or equity to do so, that building this hog barn where Gary has an existing hog barn is beneficial for me to establish myself and earn a living here in this county and that is why I am here. The variance says I am 122 feet closer than the allowed 1500 feet from the closest property.

Chairman DeGuise: We have the variance and pretty much everything, the aeriels, thanks to Debra. From the aeriels, we can see that you have the room to put it elsewhere, explain why you want the variance to put it where you are putting it.

B. Featherston: Originally there was a permit to build two barns there, Gary built the one and the permit expired on the second one. The second one was going to be in that general vicinity, close to where the electrical building is where all the electrical comes in, the driveway and everything else comes in and sits in that general area. The permit ran out and Gary didn't want to put up another one and I came into the picture and want to put one up in the same location as a way for me to earn income and get into farming.

G. Foulke: We had water and electricity setup together to the south where the proposed building is. There is a generator building in the middle of where the other building would be as it was all set up for the two buildings.

Chairman DeGuise: So basically in this case applying for the variance is because of the hardship of having to change all that stuff?

G. Foulke: Yes

B. Featherston: I am approved for so much for my loan to build this barn, and when he built the other barn there in 2006-2007 the prices have gone up a lot more since then. With him having the barn there, the drive already set, the electric already set, the well is dug, the generator building on the electric there, everything was put in so there could be another barn there in the general vicinity for the amount that I am able to build it for. Moving all that would mean more cost for the driveway, electric, if I had to move it anywhere else there would be a lot more money that I personally wouldn't be able to put forth.

Chairman DeGuise: Ok, I don't have any more questions for you, any other member of the board have any more questions? Thank you for your time, you can take a seat please. Is there anybody here in the audience who would like to speak for or against this variance? If there is please step forward. Again, this is a recorded meeting, so I need you to state your name and address for the record please.

G. Welch: Gary Welch, 4784 South Bloomingport Road.

C. Welch: Christina Welch, 4784 South Bloomingport Road.

Chairman DeGuise: Ok, just tell us what you'd like to say sir.

G. Welch: We have concerns obviously over the first barn, and now they want to put up a second barn up. We live approximately...we're going to be inside their variance. Our property line is approximately 300 feet inside their variance. To our back door, they measured from our back property line to their barn which was within 1378 feet. Now our back property line is about 200 feet closer than that. So, we use our whole property we don't just live in our home, we use our whole property. So, the variance is a little bit more than 122 feet which they state. [122 feet was verified by Area Planning and the Surveyors Office] We deal with odors, we have dealt with that for 10 years, 13 years, we have dealt with other things too. We understand the odor, we understand what you have to deal with to live in the country. We both grew up in the country, we understand that. These are a little bit different than the hog barns of fifty years ago, forty years ago, obviously. I am sure some of you have been around them. But our main

interest, our main concern is our property value though. We purchased our property 13 years ago, and within maybe two years of that time they built their hog barn. Which is going to have an effect on resale value. I see some realtors and bankers up here so we know that [inaudible]. The house at the end of the driveway was affected by the resale, they went from \$124,000 in 2008 and ended up selling for \$99,900. External influences that we have no control over you know, affected our property values. I am pretty sure it's going to affect our property value when we go to resell ours. It doesn't just affect values, it affects your marketing times, and in addition to that Mr. Foulke was on this committee to set these rules 10 years ago. These are his rules, and now when they don't suit his needs anymore he wants to break his own rules, which doesn't see quite right to us. Our biggest investment... is our home. And we are trying to protect the value of our home. We never planned on staying there forever, I mean not too many people plan on staying in their home forever, you've got to protect the value of their home, I'm sure everybody up here would do the same you know. It's nothing personal to us, it's nothing personal at all, we just feel like we have kept quiet for 10 years obviously, I don't know that any of you has seen us in here before today complaining, we just feel like enough is enough and we need to say something. Our biggest problem is we don't understand why he needs to break his own rules now, to save him some money. It is going to benefit him, he told me this, \$50,000. He's going to save \$50,000 on his cost of his barn. Well, I don't know what it's going to cost me on another barn back there, I don't know. But it's probably going to cost us something. I just feel like, we feel like that we have given enough over the years and we don't really want to give up any more, we're going to protect our value of our home now. We're going to. Now he told you he's going to build it either way, so we really don't have anything to lose coming and trying to fight this variance. It's 122 feet by their measurements, it's a little more than that to my back property line by my measurements. Closer to 300 feet to 350 feet to my back property line. It's going to cost them more money to build it where they want to build it but it's also probably going to cost us more money too when we go to resale. So, sometime or another we are going to have to protect our property values in this county. Rules are rules, I just don't understand why he made the rules 10 years ago, and now he wants to break them, that's what he came and told me, you know, I mean. And when he tells me he's going to build it regardless, I don't have anything to lose then, you know, I mean. I don't have anything to gain in this either, really, I don't have anything to gain. We really don't have anything, we don't have nothing to lose by contesting this, so I mean that's where we're at, you know. Like I said, it's nothing personal to us, our biggest investment is our home. His biggest investment is his farm ground. I don't try to devalue his farm ground, my property is probably going to be devalued by his hog barn. That's the way we see it. It doesn't seem fair, but regardless, if he gets his variance, we are going to keep doing what we have to do. Which is pay our mortgage and do what we have to do. We've lived there for 13 years, and we haven't missed one mortgage payment, we've improved our home just trying to keep the value where it's at at least. We've added central air to try to combat not only the heat but the smell. It's hard to open up your windows. We do what we can, and we are prepared to do what we have to do whether it be staying there for another 13 years until we can get out from underneath it, but ten years ago we couldn't really resell our home and move because we didn't have the equity built up in our home, we were stuck there. So we couldn't really do anything about it, we were defenseless. And now, if we can get it 100 to 200 feet away from our house then we're going to try to do that. So, that's where we're at, and I appreciate you listening to us. Do you have anything you want to add?

C. Welch: No.

Chairman DeGuise: Don't get us wrong, we want to hear anybody and everybody's voice.

G. Welch: Honestly, I am in a position that if I can't sell my house for more than what I've got in it, then I am not a homeowner any more, I am a renter. And I don't want to be in that position. We bought our house 13 years ago because we wanted to be homeowners. And I don't want to take a loss on the biggest investment of my life. And, become a renter again. So, you know, I mean. We feel like we have made a big investments, to us it's a big investments, to some it might not be, and we have improved our house as we could along the way and we are going to continue to do that and hopefully someday, I mean...we will be able to resell our property. We don't know that for sure, it's an unknown, nobody knows that for sure so um we just...I guess our biggest thing is we just don't understand why he wants to break his own rules 10 years later when they don't suit his needs any more. That's our biggest dilemma, we just don't, we can't wrap our heads around that. So, you know. He's saving himself money but it's costing us in our eyes. Quality of life, quality of air, quality of you know, it's affected. It is, it's affected. Um, I don't want to go in to too much, because I don't want to be too personal here, I am going to try to protect my [inaudible]. I am going to try to protect my family. That's where we're at. Thanks for listening.

Chairman DeGuise: Do you have anything Mrs. Welch? Thank you for coming.

G. Welch: Thanks for listening, appreciate it.

Chairman DeGuise: Anyone else in the audience have anything to say for or against?

B. Davis: I make a motion to vote.

C. Starbuck: I second

Chairman DeGuise: Roll call vote Debra.

D. Johnting: Lee DeGuise, yes, Bill Davis, yes, Phil DeHaven, no, Jim Hufford, no, Christy Starbuck, yes, Myron Cougill, no, Jason Hawley, no. 4 to 3, motion does not pass.

Chairman DeGuise: I'm sorry Mr. Foulke, variance does not pass. You need a majority, and the majority went in the other direction. Any other business tonight? If not I will entertain a motion to adjourn.

C. Starbuck: So moved.

B. Davis: Second.

Chairman DeGuise: All those in favor signify by saying aye. All those opposed, meeting is adjourned.

Lee DeGuise, Chairman

Bill Davis, Vice Chairman

Debra Johnting, Recording Secretary