

**BZA MINUTES**

**JULY 21, 2020**

Members present: Jon Peacock, Myron Cougill, Jim Hufford, Don Calhoun, Bill Davis

Absent: Jason Hawley

Legal Representation: Jason Welch

Staff present: Randy Abel, Debra Johnting, Recording Secretary

Others present: Bobbie Siccardi, Mary Janek, Gary Gullett, Greg Retter, Brent Hager, Kory Thomas

V. Chairman Bill Davis: Alright, it's now 7 O'clock, we'll get this meeting started. Today is July 21, 2020 already. First thing we need to do is approve the minutes dating back to March 17, 2020. Do I hear a motion to approve as presented?

J. Hufford: I'll make a motion to accept the minutes as presented.

D. Calhoun: Second.

V. Chairman Davis: All in favor say aye. Ok, minutes approved. First on the agenda tonight is represented by BZA2020-10-V, it's a variance and the owner is Mary...and Barbara, I'll leave it at that. If you would come up here please. I don't want to attempt it and mess it up. Please state your name and address for the record.

M. Janek: Mary Janek, and the address is 8517 West State Road 32 in Farmland.

B. Siccardi: I am Barbara Siccardi, address is 8517 West State Road 32 in Farmland, Indiana.

V. Chairman Davis: Thank you, and did you receive Article V, Conduct of Hearings?

M. Janek: Yes.

V. Chairman Davis: And Deb, it was published in a timely manner.

D. Johnting: Yes.

V. Chairman Davis: Thank you. Ok, would either of you like to tell us what you'd like to do?

M Janek: When we first purchased the property, we were under the impression that we had more room behind our home. When we started adding some buildings, we decided it would probably be in our best interest to have the property surveyed and at that point in time they determined that the measuring that was in the written measurement was incorrect, and they did find an intention post so that did give us a little more room behind the house but not a lot. So what we are looking at, at this point is to either build a storage building in the front of the property towards the woods, or in front of the home next to the pool.

V. Chairman Davis: It's pretty simple. At this time does the board have any questions or comments?

D. Johnting: And this would be approval for either or preferably both. They don't want to proceed any further until they see if one or both would work.

J. Peacock: Neighbors have been notified and no objections?

G. Gullett: I've got an objection.

V. Chairman Davis: That's coming up next here. Is there anybody in the audience who would like to speak. We need you up here, this is a recorded hearing, please come up and state your name and address please. Now's a good time to do it.

G. Gullett: Gary Gullet, and I live next door, 8513 West State Road 32.

V. Chairman Davis: Thank you, what would you like to add to it?

G. Gullett: Well, I don't think they need another building. They told me when they bought that and moved there they were going to build a building for dogs. They've got a three car attached garage, and they built a garage over to the west big enough to hold five or six vehicles. And the dogs are still in that attached garage, they haven't moved them. They built this ridiculous fence out front. And they still let the dogs out back. I have to look at that fence every day, I don't want to look at a building out there.

V. Chairman Davis: Anybody else like to add anything to it? You guys can add anything or leave it as is.

G. Gullett: If they need more room, downsize on some of their junk, and downsize on dogs.

R. Abel: Is this going to obstruct your view to anything?

G. Gullett: I think they've already ruint the looks of the place.

R. Abel: Pardon?

G. Gullett: They've already ruint the looks of that place.

R. Abel: No, I mean from your home and property is this going to obstruct your view?

G. Gullett: It's not going to hurt the view, it's I have to look at that ridiculous fence out there now, it looks like a horse fence instead of a dog fence. And I'm not the only one who comments on it neither. I was born and raised in Farmland, I've got a lot of friends and neighbors out there.

B. Siccardi: And I have had three people who pulled down the driveway to ask us who did the fence and wanted recommendations because they are going to put the same fence on their property. It's a three board wood fence with farm fence on the inside. So, when we do put the dogs out in the front, they can be out there without us having to worry about them getting on 32.

G. Gullett: You let dogs out there, every once in a while, ninety per-cent of the time I never see a dog out there, you let them out there and they're out there...

V. Chairman Davis: Sir, that's not what this meeting's all about.

G. Gullett: I know.

V. Chairman Davis: Would anybody else like to come up and talk right now? Comments by the board?

J. Hufford: Does it make any difference which location you use?

B. Siccardi: I'm sorry?

J. Peacock: Does it make any difference which location you use?

J. Hufford: You've got two locations marked on here does it make any difference?

M Janek: You know, it doesn't, it just makes it more difficult to get to the other side of the property because of the pool being in front, so we'd have to go all the way around and behind and through the front gate. So, we are waiting on some prices so we know what it's going to cost.

J. Hufford: The reason I asked is because it's so close to his place, it's only 75 feet from his place on number one, and over there it wouldn't be obstructing his view at all on number two.

M. Janek: The only thing it's going to be obstructing is his view of our pool.

V. Chairman Davis: Any additional questions or comments?

D. Johnting: The barn that's around the house on the other side of the house is a 24 by 36?

B. Siccardi: The building on the other side of the house is a 30 by 36 feet, it's the training building.

D. Johnting: So, it's not huge, it's not a 5 or 6 car garage, more like a two car garage?

B. Siccardi: Right, no, it's a two car garage. If we wanted to stack them in there we could, but it's the would-be two car garage. Especially with the door on it, we couldn't get more than two cars in there.

D. Johnting: I tried to draw it in there for perspective so they could see that it fits up with the driveway around it.

B. Siccardi: Right, we didn't find out we didn't have that much room in the back until we had it surveyed.

V. Chairman Davis: Ok, last time I will ask, any other comments or questions by the board. I will entertain a motion to move forward.

J. Peacock: Question, would one of these two locations be better with the neighbor?

G. Gullett: Whichever side would be hid from me.

J. Hufford: That would be number two, that's what I was taking about.

J. Peacock: Ok.

J. Hufford: They said it would be harder for them for construction but I don't see where it would be any problem with construction.

D. Johnting: They said it would be harder to get to.

M. Janek: It would be harder to get the delivery truck around. Where we put the driveway in for the garage there's big drop off, and a pretty tight turn. Our gravel driveway goes right up to the property line and then there's a drop off.

J. Hufford: People put those in all the time, you just need to get a bobcat in there.

M. Janek: And that's very possible.

J. Peacock: So, we can't specify which one of those locations?

J. Hufford: I don't know?

D. Johnting: That's up to you, do you want to vote on them separately?

M. Janek: Well, the preference would be the one in front of the house by the pool.

B. Siccardi: To be next to the pool to give us some privacy.

J. Welch: I think you can specify in your motion if you want to grant a variance with respect to one of the two locations and vote.

D. Johnting: That would be the one that's labeled number one, and the second choice would actually be number two.

V. Chairman Davis: So to get this right, you would actually prefer choice number one.

B. Siccardi: One, yes number one would be our preference. But we can make choice number two work.

V. Chairman Davis: So, do I hear a motion to move forward with option number one? Do we want to vote on option number one first, or how are we going to do this?

J. Hufford: If you don't get a motion you have to go on to option number two.

V. Chairman Davis: If I don't get a motion or just a vote?

J. Hufford: Well, you have to have a motion to take a vote.

V. Chairman Davis: Do I have a motion for option number one?

D. Calhoun: So moved.

V. Chairman Davis: Do I have a second?

B. Albertson: Second.

V. Chairman Davis: Let's have a roll call vote on option number one.

D. Johnting: Don Calhoun, no, Jim Hufford, no, Bill Davis, no, Bryn Albertson, no, Jon Peacock, no, Myron Cougill, no.

V. Chairman Davis: Option number one is declined, do I hear a motion for option number two?

D. Calhoun: So, moved.

D. Johnting: Bill Davis, yes, Jim Hufford, yes, Myron Cougill, yes, Jon Peacock, yes, Bryn Albertson, yes, Don Calhoun, yes.

D. Johnting: Motion passes.

M. Janek: Thank you.

V. Chairman Davis: Next we have BZA2020-11-V, and this is a variance to build a pole barn and it looks like we have Greg Retter. Would you state your name and address for the record?

G. Retter: Greg Retter, 9407 South 300 West, Lynn, Indiana.

V. Chairman Davis: And Greg you received Article V Conduct of Hearings?

G. Retter: Yes.

V. Chairman Davis: And Deb the notice was published in a timely manner?

D. Johnting: Yes

V. Chairman Davis: So, Greg, please state what you would like to do.

G. Retter: I am looking to build a 60 by 100 foot pole barn, I have a Lynn address but I live in Carlos, that would be bigger than my house but it wouldn't be taller.

D. Johnting: This is a map courtesy of our neighbor Ed, he printed this out to give you a better idea of the larger picture of the property that might help you see the situation. They own this and this, and they are already taking steps to combine this. And no one has called to say anything. And this owner here has already agreed to sell them more land when they are ready to purchase it.

V. Chairman Davis: Greg, what's the height again?

G. Retter: It actually says 10 feet in there but I think it would be 14 feet to the eave, that's the height we're looking at. My house is every bit of 18 to 20 foot to the eave, it's a two story.

V. Chairman Davis: Questions or comments by the board, anyone in the audience that would like to say anything at this time?

V. Chairman Davis: Do I hear a motion for a roll call vote?

J. Peacock: So moved

J. Hufford: Second.

D. Johnting: Jim Hufford, yes, Myron Cougill, yes, Jon Peacock, yes, Bryn Albertson, yes, Bill Davis, yes, Don Calhoun, yes.

V. Chairman Davis: Ok, next we have BZA2020-09-V, General Telephone of Indiana, Frontier Communication. Brent Hager, on behalf of the owner. Please come up and state your name and address for the record please.

B. Hager: yes sir. My name is Brent Hager, I am working on behalf of Frontier Communications. My address is 720 Harrelson Ridge Road, Taylorsville, North Carolina, 28681.

V. Chairman Davis: Thank you, and please summarize what you'd like to do.

B. Hager: Frontier Communications would like to build a cell tower and they have an existing lot with communications being used, the equipment in their building there is being used for telecommunications already. They would like to put the tower on the back side of the building on that lot. The problem is that it does not meet setbacks. So, the issue is whether we can get approval even though it does not meet setbacks to property lines. I have a letter from the tower manufacturer, Rohn Products, and it specifies that in some catastrophic event that could cause tower failure, that the tower would buckle and not fall more than fifty feet. It actually would buckle and fold straight down and hang on to the tower, it wouldn't break loose. Now they can't control the direction it falls, but they can control by strengthening the lower portion of it, and the anchoring of it, that it wouldn't fall full tower height. So, with that in mind, and their letter and their survey showing the placement, that it is fifty feet from the property line and the manufacturers statement that it will fall within fifty feet I don't see any issue with it endangering any neighboring property. I also have some construction drawings, these are a little preliminary, these are not finalized and stamped, but they are a good depiction of what we want to do and we will certainly get stamped construction drawings to you shortly.

V. Chairman Davis: I think we've run across a similar situation with the structure of the towers before, on that, so. Does the board have any questions or comments at this time? Please state your name and address for the record, please.

K. Thomas: My name is Kory Thomas, I live at 9230 West 800 South, Modoc Indiana and I am right by that property and I would just be concerned about if it did fall incorrectly ending up on my property.

B. Hager: Which property is yours?

D. Johnting: North and west.

K. Thomas: North and west.

D. Johnting: They all have maps showing the neighbors.

V. Chairman Davis: So this is your property line then.

B. Hager: To his property is 50 feet. That's to the eastern property line. The northern property line is further than that.

K. Thomas: There's no real benefit for me, and it will lower my property value with no real value for me, those are the only two concerns that I have.

B. Hager: I can speak to that, and that's argued quite a bit, that property value could be lowered. It's not really the case, first of all, unless you have some sort of spectacular view that it would obstruct up in the mountains for instance, and there's a tower right below that obstruct your view. But if you think about it, there are people buying properties these days that are young people and there's nothing that they like more than good cell service. And so, if anything it's an attraction to them these days. Because

we have come to rely on these little phones that we carry around so much that having better service in an area makes it more appealing if anything.

J. Peacock: This is just a cell phone tower, not WIFI, nothing else?

B. Hager: Yes. Uh, well, your phone can be used as a hot-spot.

J. Peacock: That's not my question. It would not be for WIFI in particular without a cell phone activated as a hot spot.

B. Hager: No sir.

J. Peacock: Thank you.

B. Hager: No, it's for cell phone use only.

J. Peacock: Have any other sites been explored?

B. Hager: We looked at towers in the area, and there are none that are close. The closest tower is 1.93 miles away, south-southwest. The only towers around there are south-southwest. It's owned by Telebo Wireless. I don't know any other information on it. I didn't look at it carefully because it is just too far away it didn't work for our purposes. It's just too far away to work. The next one is 4.75 miles away and that's definitely way too far to help.

V. Chairman Davis: Anyone else in the audience who would like to speak?

D. Calhoun: I have a question for Kory, where the lot you have that is east of your house and all, do you plan on doing anything with that?

K. Thomas: It's just pasture right now, I have thought about putting a pond there at some point in the future.

V. Chairman Davis: Kory, how much ground do you own there?

K. Thomas: It's around seven acres.

J. Peacock: Bill, you said that this committee has voted on other structures like this before? Was it this close to a neighbor's property line?

V. Chairman Davis: I don't know, I am just referencing the structure of the tower.

R. Abel: I think the last one was White River.

V. Chairman Davis: Yes, the last one was White River Fire Department.

J. Peacock: And I was here but nobody was opposed to that.

B. Hager: Do my statements help ease your mind any?

K. Thomas: I just, I mean there's just no benefit for me. I will be walking out my front door and looking at a big tower and it doesn't help me out at all.

B. Hager: Well, if you changed to Frontier cell service it sure would. How's your cell service now?

K. Thomas: It's pretty good.

V. Chairman Davis: Ok, last chance for the board or audience to ask anything. I will entertain a motion to move forward.

J. Hufford: I will make a motion for the roll call vote.

V. Chairman Davis: Deb?

D. Johnting: Bryn Albertson, yes, Jim Hufford, yes, Don Calhoun, yes, Bill Davis, yes, Jon Peacock, no, Myron Cougill, yes. Motion passes.

V. Chairman Davis: Is there any old business that we need to discuss tonight?

B. Hager: I thank you all for your time. Mr. Abel, I think I talk with you next about the building permits?

V. Chairman Davis: Any other discussions the board needs to talk about, old or new business? If not I will entertain a motion for adjournment. Motion made and seconded for adjournment. All in favor say aye, we are adjourned.

---

Jason Hawley, Chairman

---

Debra Johnting, Recording Secretary

---

Bill Davis, Vice Chairman