

RUSH COUNTY
BOARD OF ZONING APPEALS MEETING MINUTES

WEDNESDAY FEBRUARY 1ST, 2023

5:00 P. M.

President Sandra Jackson calls the meeting to order at 5:00 P.M.

ROLL CALL: Denny Corn, Dohn Green, Kenny Aulbach, Secretary, Sandra Jackson, President. Also present were Geoff Wesling, Board's Attorney, Director, Mike Holzback and Deputy Director, Linda Ashwill. Virgil Bremer was absent.

APPROVAL OF MINUTES for the January 4th, 2023 meeting. Sandra asked if there were any additions or corrections for these minutes. Hearing none she asked for a motion. Denny made the motion to approve the minutes as written. Seconded by Kenny. All were in favor. Minutes were approved.

NEW BUSINESS:

1. **BZA-2023-1 Jay D. Haney** is requesting a Special Exception to have a Home Business/Private Yard to construct a barn or barns to be used for automobile chop shop. Location of property is 11828 North 900 West Carthage, IN - Parcel 70-01-02-103-008.000-008. This petition was continued from the January meeting.

Dohn Green excuses himself from hearing and voting on this petition. Mr. Haney wanted Dohn to explain why he was excusing himself. Geoff stated he didn't need to. Mr. Haney said he thought he did. The Board members need to hear it. Geoff said Dohn got into a conversation after the last board meeting involving the remonstrator in this case that he talked with before this hearing which he didn't mean anything about it. He agreed willing that he should not be part of this discussion. He hasn't had any conversations with the Board members on this. Geoff stated he had dealt with Dohn on several discussions and years and this is the first time that this had ever happened to his knowledge.

Grant Reeves was the attorney representing Mr. Haney. Grant said he wanted the Board to be clear as to what Mr. Haney is doing to the property. He called Mr. Haney to the podium to explain what kind of building he wanted to put up on the property. Mr. Haney spoke and stated he wanted to put up a hoop building. Grant said, as we addressed last time, as far as you bringing in the vehicles and removing parts. He asked him to explain again. Mr. Haney said he brought a vehicle in. He takes the convertor off of it. Take the aluminum wheels off of it. Then takes it to the scrap yard, or if it's a vehicle he wants to fix he fixes it for resale. Grant asked once he gets the building he would be able to store the vehicles in it and do the operation in the building. Mr. Haney stated yes. Grant asked if he was doing any other operation on the property. Mr. Haney said he builds trailers. Grant asked if there was any danger of any fluid leaks. Haney stated no. The fluid has already been drained out of the vehicles. He stated it has already been drained out of where they have been setting. It's forty-five days before he ever gets them. Grant asked in general how many vehicles max

would he have at one time. Mr. Haney stated at the most ten. Mr. Reeves asked how long the vehicles were there at any period of time. Mr. Haney stated at the most four days. He asked Mr. Haney if there was anything else he wanted to address. Mr. Haney said just his trailers. Grant asked if there were any restrictions as to overnight hours, if that would be something he would address. Mr. Haney yes, it is. Grant also asked if he was going to put up a privacy fence and if in fact if he had already in the works to obtain the fencing. Mr. Haney said he had. Grant stated he has Findings that he would like to pass out to the Board are all in the Ordinance.

Grant passed the Draft Findings out with pictures of Mr. Haney's property in question.

1. **Ingress and Egress:** The property has adequate road frontage and access to a public road. No significant traffic is expected as no customers will be on the property.
2. **Off-street parking and loading areas:** No customers will be on the property, all loading and unloading can be done on the property. No odors should be present. Noise may be regulated during overnight. The building itself will move much activity indoors and a fence is planned if needed for screening.
3. **Refuse and services areas:** The building itself will help control any refuse by allowing much work to move inside. Whatever small waste will be generated will be manageable and can be scrapped with other materials.
4. **Utilities:** No utility updates are needed.
5. **Screen and buffering:** The building will allow work to move indoors and additional fencing may be placed if desired. Work should not occur overnight, limiting noise issues. Noise from the adjacent agricultural facilities will likely far exceed the noise from the proposed building.
6. **Signs:** No signage or special lighting beyond typical security lights should be required, given that no customers will be on the property.
7. **Required yards and other open space:** The property has adequate space for the building requested and will allow many activities to move indoors.
8. **General compatibility with adjacent properties and other property in the district.** The area is mixed use. There are residences, farms, two commercial agricultural facilities and a church. It is zoned residential, but the actual use varies greatly and includes far more intensive activities.

Grant went on to state one of the adjacent property owners that was complaining has a lean to that has a tarp covering wrapped around the building. He also points out the survey markers which show exactly where the property boundaries are. The pictures that were shown last time, some of the debris was actually on another person's property. In addition, in some of the previous photographs were pictures of a pool, a fire pit which are not on his property. Grant said in principal this is actually something that would allow this to go forward. This would be something that would be an improvement. He thanks argument ally this is something that would be an accessory structure in a residential area. A Special Exception is possibly not even needed. There is a residential structure there and accessory structures are allowed and he could potentially operate it through that. None the least, he was asked to go forward with that reserving the right to a raise he would have the right to go forward with the Special Exception that is before you tonight. Grant asked Mr. Haney if he had anything else he wanted to add. He said he didn't. Grant asked if there were any other questions. Kenny had a question on the septic system. Was it

functioning? Mr. Haney said he had taken the septic system out. Grant asked if he anticipated needing a septic for this. Mr. Haney said he did not. He said he was told by the State that he could put a port-a-pot out if he needed to. Sandra asked what happened to the old septic system. Mr. Haney said it was dug out. It was all rotted and nasty. It was installed like in 1910. He stated when he bought the property, he was going to upgrade it anyways, but the neighbors started in, so he just tore it up. It's been capped off at the trailer. The Board of Health has been out to see this. Grant stated last time there were several complaints against this. He asked Mr. Haney about these and Jay stated all but two people had complaints about this. There are only two people that are close to this property. Dillion Hendrix being one and the neighbors. Everyone else is a half mile away. Grant said he didn't know if Mr. Johnson was aware of that, but this is a written copy of complains, but only a couple of these people are actually in the area.

Sandra asked Denny and Kenny if they are any more questions. They said they didn't. Sandra asked if there any more questions.

Paula Lahey comes to the podium with her husband Shawn. They are owners at 11858 North 900 West just north of Mr. Haney's property. Mr. Lahey stated basically their concerns hadn't changed much since the last time they were here. He stated they are the deeded property owners. They are selling this property to the Hodnuts. They are about half way through paying the balance, so there is still a sufficient balance to pay. The history on this is it was Paula's fathers house. He passed away several years ago. She inherited the home or property. They sold the property on contact to the Hodnuts. This is part of her inheritance and her retirement for what comes in the future. Paula said this was nothing against Mr. Haney, but the value of the property. Keeping things nice in surrounding area and not devaluing the property. They are basically doing a business transaction. Mr. Lahey said his concern was maybe the Hodnuts wouldn't want the property and back out of the contact, which he hopes doesn't happen. It's probably not going to happen, but if it does, they have to resale this with a salvage yard or whatever is going to be going on. We are told possibility a privacy fence. He would like to know if there is going to be a privacy fence, if it's going to be preceding in that fashion. An outhouse – ok- but is that really kosher for a neighborhood? He didn't know. They just have a vested interest in seeing things are kept nice so they can continue selling the property. Mr. Lahey said as far as the tarp on the lean to, Andy and Jennifer are in med school right now, there's school supplies in there right now. He put up a trap to try to protect, but with the winds and bad weather, it has been shredded. He is aware of it. He can easily take care of this problem. Their son lives there right now, but as far as maintenance he tries to help them out. He didn't know about the noise part of this. If Mr. Haney what kind of hours we are talking about. If he would be working at night or not and making noise when neighbors are trying to sleep. The environmental part of it, he agrees with Mr. Haney, he's getting cars from the impound and they are wrecked. He knows for sure there is residual fluid in those cars. They don't drain them at the impound yards. If you take a radiator for instance, there is going to be residual coolant and this kind of thing in the radiator itself and in the block. This is just one example. He stated this was all he had. The Lahey's thanked the Board.

Dillion Hendrix's came to the podium. He lives at 11892 North 900 West, Carthage. This is two doors north of Mr. Haney's property. Mr. Hendrix states there is fluid that drains out of these vehicles into the yard. The hoop barn that Mr. Haney wants to put up, he has already stated this isn't going to have a cement floor in it. The neighbors that live passed this property still have to drive by this property multiply times and see this property that see the mess he has made. The pictures that Dillion have today

are of all the tires, vehicles without registrations and plates. Trailers without plates and rubbish that is on the property. Tires that are piled up everywhere. Dillion said the last two photos were most concerning. Mr. Haney interrupted Dillion and stated he was trespassing. Dillion said he wasn't. He said they were most concerning in that you can see how Mr. Haney addresses the situation with him. Standing in the middle of the street blocking his car. Standing between him and his home. No new utilities-is he not going to have any power out there? Previously they would be out there with flashlights working in the middle of the night. He hasn't been since the last meeting, which he appreciated this. He would be loading and unloading cars, making noise in the middle of the night, right outside the Hodnut's windows. Dillion stated he hadn't been in their home in a few years, since Paul and Phyllis lived in it, but he believes their bedroom was over on the side next to his property. He said he runs his business on Thursday and or gets the vehicles then and tears them all up on the weekends. This is when our families are trying to enjoy our back yards. The neighbors pool has a deck around it. Even with a privacy fence, they are going to be able to see over the fence in their nice back yard. The noise, the smells, he has already admitting to burning the building that was there. Him ripping out the sewer system. He's no professional, but he believes you have to have some sort of authorization to do this, than just tearing sewer systems up out of the ground. He doesn't take any kind of safety into consideration. It is going to drive down the value of the adjoining properties. Dillon thank the Board for their time.

Mr. Johnson wanted to see the photos. He introduces himself as the Attorney for the Hodnut's. He passes out a packet that he states is similar as the one he passed out last month and recent photos which some might be duplicates of some that have been passed around. Mr. Johnson states pass performance is the best indicator of future behavior. Mr. Haney bought this property back in August. If he had done his due diligence, he would have known it was zoned residential. It had a house on it. Dilapidated house, but did have a house on it. Obviously residential is not zoned for this type of business that Mr. Haney wants to engage in. He kind of jumps into this thing not knowing his activities are beyond the bounds of what he wanted to use it for. Since then we have had nine complaints. Nine complaints is a lot. If the defense is some of these complaints are from people that don't even live by there. It's hard enough to get people to do something that really matters. Let alone these guys aren't neighbors, think of how long this is for these people to stick their necks out there and sign these complaints and bare Mr. Haney's raft. Them being of all continuous owner, shows the problem that we have. November 14th Mr. Haney was given notification that he was out of compliance. He is out of compliance to this day, if you look at the pictures. He has torn down the house, but the trailer remains. You can't have the trailer without a house. It's still there. He has purchased this property and has used it outside of what is permissible. He had been notified in November that he is using this property impermissibly and he is still not cured legally and here we are in February. The Health Department was contacted. He believes that was remedied. Mr. Johnson explained the new packet he handed out from last month. The vehicle that fell off the trailer predated the purchase of this property by Mr. Haney. He didn't think that was proper to be included in this packet of information. He wanted to correct that information. This did happen. The most important addition is on the last page. This is a Facebook post from Mr. Haney, just after our last hearing. It a post that Mr. Haney makes demeaning and derogatory post about his neighbors. He then states he is trying to sell this place. One note in there has it a 30 x 96 hoop building that goes with the property. Mr. Johnson said that immediately caught his eye because last time Mr. Haney said he was going to build a 30 x 96 hoop building but the plan he submitted to you guys called it to two 30 x 60 buildings. He stated that was what he was going to do, when in fact he has no intention of doing this. He's going to have a 30 x 96 building there. This is because he's not going to

do what he tells you he is going to do. This seems to be the pattern with Mr. Haney. Mr. Johnson said he thought the derogatory comments dovetails with Mr. Hendrix's experience with Mr. Haney. The off and on neighborly approach that has created unnecessary problems to go with the neighborhood. Mr. Johnson when you go to the finals again. 1. Ingress & Egress – A that's why in the last packet he left the picture of the school bus. He's blocking traffic with the school bus. There are safety issues. There are traffic code issues. 2. Deals with economic, noise, glare, or odor effects in the general district. The economic impact-you have to think about this-if your neighbor sold their house and a guy moves in. There is no bathroom. No house and turns this into a junk yard. This meets the definition in the Ordinance of a junk yard. Admit it. They didn't stress that because it clearly meets the definition of a junk yard in the Ordinance and is not permissible in a residential district. Period. If you were living next to Mr. Haney, what you think? He knows what he would think. Screening and buffering of objectionable or unsafe views. Odors or unsafe views, noises with reference to type, dimensions, and character. Again, the plan again calls for two 30 x 60 buildings. On site he has a different size of building. He not sure of what his intention is, but again these hoop buildings are not designed to effectively buffer the noise., odor, vibrations pertaining to the chop shop. The last item – General compatibility with adjacent properties and other property in the district. There's a church there. Some sort of Ag building that sells seed etc. This is not a junk yard. This is basically an agricultural area. The church is not a commercial area, period. Agricultural fits with the community's history. You are comparing apples to oranges. Then we get into a lot about my neighbor. Two wrongs don't make it right. We're not here to talk about anyone else. They are file their own complaint. We're here to talk about Mr. Haney's request to this Board. Mr. Johnson goes on to say Mr. Reeves isn't even sure if a Special Exception is necessary since this is an accessory structure. The problem is that there is no primary structure. There is no house and the trailer is impermissible. This is a residential area. He has no plans to make it such. It's on there but there is no meat for this. He knows that Mr. Haney is just trying make money, live his life, better his situation. He has no doubt about this. It's the way that he is doing it that he has a problem with. You guys exist because you have zoning laws. There are areas where you are supposed to live. You have areas where you are supposed to work. This is an area where you are supposed to live. Just like Mr. Hendrix said, on the weekend when you are out with your family, listening to saws. Sawing off of catalectic convertors. This is totally incompatible with the historical use. It is totally incompatible with the nature and character of this district. On behalf of the Hodnuts' we would respectfully the Board deny the request. Mr. Johnson asked if they had any questions for him. Hearing none Mr. Johnson thanks the Board.

Mr. Reeves asked if they could rebut and answer any questions if we may. Sandra said they could. Grant asked Mr. Haney to clarify about the 30 x 96 building. Mr. Haney said it was a 30 x 96 building that he bought, but he is making it into a 30 x 60 building. Denny asked if it was just one structure then? Mr. Haney said he had enough stuff to make a 30 x 96 but he is just going to be using enough to make a 30 x 60 building. On the drawing he just put that together because he was told to show it that way. So, Grant said we are here for the one 30 x 60. Grant asked in the photos that were passed around this evening are the vehicles salvage vehicles now or operable vehicles? Mr. Haney said they were operable vehicles. Grant asked about the material shown. Mr. Haney stated all the trailers that were showing he is waiting on the vend numbers from the State. Grant said you have applied f or these. Mr. Haney stated he had. He's just waiting on that so he can get them registered. Grant asked about any of the materials out there you would be able to store in the building. Mr. Haney asked what materials he was talking about. Grant any of the tires out there. Mr. Haney said yes, they would be stored in the building. He has a

storage building. Grant said people keep bringing up odors. Could you address this. Mr. Haney said he didn't know about what odors they were talking about. He is not using torches. So, it is not smoke from fires. He doesn't smoke. If they want to talk about odors crossing property lines we have farmers around that are putting thousand and thousands of gallon of pig manure on the fields. Then you have this one over here that smoked dope. U can smell it two houses away. You're going to all kinds of odors going across property lines. If you start your car, you can smell it. Grant said but you are not going to be running things for a long period of time. Mr. Haney stated he didn't. He used his Sawzall on the convertors. Once he gets his building up he will be inside his building doing this. Grant said as far as the definition of a junk yard picks up numerous activities. Numerous agricultural activities as far as tearing down equipment. He thought these fits into more of automobile service. He's doing this as well. This is in more of the lines of that. As far as the legal definition of a junk yard it is broad. You are in charge of determination what a junk yard is and what it isn't. If he's hauling cars in there and smashing them and stacking them to selling as scrap metal. He's thinking of the operation in Carthage where they are doing this all the time and it's considered a junk yard with piles and actually moving them all around. There is actually a junk yard not far from there "Paine's". Yes, you do have a board definition of a junk yard. You are the interrupted body in charge of this. He didn't think the intention was small operations. He would argue this was more as a automobile service. If you had some activity going on there as taking the catalectic convertor off and replacing it, you are not going to have any more activity there than what Mr. Haney is doing. You're not going to have any more activity as changing tires. You're not going to have any more activity as he is doing. We are going to address this as to the rezone issue of it. He thinks you have the legal say on the definition with common sense way. Grant asked Mr. Haney if he has anything to say. Jay stated he is doing nothing different than is what is going on in any mechanics place a couple of houses down the other way. There are plenty mechanics that work out of their garages and body shops. His is not different. Grant said with that he would base his approval on the findings as presented and appreciate your lengthy time and consideration having to search through all of this. Mr. Haney said he wanted to talk about him confronting him. He confronted him because he was talking crap about his wife. Saying stuff about his wife. That's going to make any man mad. He did confront him in the middle of the road. He wants to take a picture which is all fine and dandy. He wouldn't get out of his car and say anything. He wanted to stay in his car and run his mouth. When someone wants to talk about his wife he is going to defend his wife. Mr. Haney said he bought the property. He has never been told he has to get rid of the trailer. Not one time has he ever been told the trailer has to be moved. Where he got that, he has no idea. Mr. Hendrix stated Mr. Holzback had told him that. Mr. Haney said he had told him wrong then by the letter he received. It never said anything about him having to move the trailer. He stated he had asked Mr. Holzback and he told him he never had to. Mike Holzback spoke and said he bought the property with the trailer on it. He has looked back through hundreds of files and he cannot find any ILP. Mr. Haney stated they didn't have to go through his department. Mike said yes, they do. Mr. Haney said they can go through the Treasurer's office. Mr. Haney said this was Indiana State law allows this. Mike stated in Rush County you have to have a permit with a house on the property. Jay said it did have a house that he tore down, but he has never been told he has to move the trailer. Mike said in one conversation with him you said the trailer was going to be gone within two weeks. He said he did have it sold, but you never told him he had to get rid of it.

Mr. Johnson asked Mike the question if it was a requirement that the plat be permitted actually of the intent of the applicant. Mr. Wesling answered stating it is. This Board has done deviations but for the most part it is to have an accurate intention of what the parcel is to be used for. Mr. Haney said if that's

the cause the two storage containers, he wouldn't have to have a permit for them. Those are on the drawing and it does show the fence that is going to be around it. For someone to say he had to get rid of the trailer, he has never been told that. He did say he was going to sell it, yes. Yes, he posted that on Facebook. He didn't lie about anything in there. Sandra asked if anyone else had any public comments on this. Mr. Haney said he still had something he wanted to point out. Phillip Phifer is the neighbor behind him and the one he had end up hitting because he had hit him with a slag hammer, and he pressed charges on him. He has had problems with him the last four years. There have been letters sent out to every one of his neighbors against him. He stated he didn't know these people (pointing to the Lahey's). He doesn't have a problem with them. Yes, they own property, but they are locked into a contract. Their property value isn't going to go down. Mr. Hendrix's past is stalking people. Seven restraining orders since he was thirteen years old. That's is public record, just so you know. He states he is not the one starting the trouble. He bought the property so he could use it and do something with it. He does have a future plan of having a house put there for his son. That is his long-term goal. If he wants to put up a building so he can work on some cars on property that he owns he should be able. Regardless of what he does. He did what he had to do. He filed the paperwork. He's not the one going after his neighbors. His neighbors are going after him. They started on him the day he bought the property. His fights started on him the day he bought the property. So, if that's not someone going after somebody, before they even know his plans for what he wants to do with the property. The day he bought the property, his wife called the Board of Health on him for the septic system. He knew nothing about the septic system until he bought the property. He then saw it didn't have a proper tank in it. He took it out because it was outdated and nasty. If you want to talk about somebody starting on people. He just wants to do something with the property he owns and pays taxes on. Whether it is be build a small house for this son and a place where he can work on some cars, or park his trailers on his property. What's wrong with that? Half of these people he has had problems with since day one.

Linda had a question about all these old tires. How are you deposing of them? She knows he can't burn them per IDEM regulations. Mr. Haney said all of them had rims in them except for a few that they had just taken off. Those are getting ready to get thrown away. He has a dumpster at his house where he cuts them up and puts them in it. Every Thursday his dumpster is full with nothing but tires to get rid of. Ninety percent of the tires there all have rims in them, so they are not holding water. Linda said she knows you can't burn them by IDEM regulations. Jay stated he has a contract and has a four-yard dumpster. He takes a sawsall and cuts the rims out and cuts them up and puts in this dumpster. Linda said, so you can get rid of them. The dumpster will take them. Jay said as long as they are cut up, they take them. Denny had a question for Grant. Stating this parcel is zoned residential and there is not a house that can be lived on it right now. Grant said it is zoned residential. Grant stated there is a mobile home there right now. Denny said no one is living in it right now though. Grant said no one is living in it presently. Denny said so this would not be an accessory building is he right, since there is no permanent residence. Grant said he didn't know that it has to have a permanent residence or occupied, for it have an accessory building on it.

Sandra makes a motion to close the public hearing. She asks if there are any further questions from the Board before she asks for a motion. Sandra asked Geoff if he had anything further. Geoff said he didn't have anything right now to just state there is a lot of confusion right now. Maybe he could kind of wrap it up for the Board. 1. The simplest think you could say an accessory building doesn't even need your approval. 2. You could grant a Special Exception as to Mr. Reeves findings or you own findings. 3. You

could deny the request based upon the fact that it is a junk yard in a residential zone which is not permitted with a Special Exception. 4. You could state that you are not sure if it is a junk yard, but based on criteria of our Ordinance it does not pass as a Special Exception. You need to get specific into the terms as the criteria. To him these are the opinions. Geoff asked if he made it clearer or less? Kenny said the Ordinance says it got to have a house. Geoff said yes to be an accessory structure. Geoff stated this doesn't have a septic system on it. It thinks that a pretty good comment as an accessory structure. No one living in it, what ever type of mobile facility this is. There is nobody living in it. Mr. Haney stated it was a mobile home. It's a three-bedroom mobile home. Geoff stated he didn't get to speak at this time. You can speak anytime at the public hearing but it has been closed. Denny said that was his thinking. It wasn't a residential building because of the septic. Geoff said that would knock off one of the four opinions then. The next thing you have to decide if it's a junk yard or not, which the Ordinance it's a lot land or structure, or part thereof, used for the collection, storage or sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, or salvage of machinery or vehicles not in running condition, or for the sale of parts thereof. Denny said he thought this was a junk yard. Geoff said if it's a junk yard, it can't be in a residential area. Sandra would ask the Board for a motion. Denny made the motion stating this was a junk yard and this wasn't allowed in a residential zone. He denies this for the Special Exception on that ground. Kenny seconded this motion. All were in favor. This Special Exception was denied.

2. **BZA-2023-2 Nathan A. Tucker** is asking for a Variance from setback distance on south side of his property to construct a pole shed for woodworking. This property is located at 506 North 980 West Morristown, IN 46161 Parcel # 70-05-34-326-003.000-006.

Sandra asked if there was a representative for this request. Mr. Tucker came to podium. Mr. Tucker said hopefully he wanted to build a 32 x 48 pole barn on his property. He is going to school to be a master woodworker, mainly in building furniture. He is requesting to build this pole barn four foot from the southside of his property line. Currently he has to be forty foot off the property line. He stated he's not sure there is anyplace on this property where he could do this. He's looking for a variance to be four (4) foot off of this property line. He has talked with his neighbors. Tony Smith, the neighbor where this would be adjacent, they have talked a lot about this. He is all for this. This is the southside of his property. He really wouldn't be encroaching, because the only thing between their houses is a five-acre field. Denny asked if this was for his own pleasure. It's not going to be a business? Nathan stated yes.

Sandra asked if all the green cards were returned. Mike stated they were and notice in the newspaper. All were in his file. Sandra asked if there were any public comments. Hearing none she closed the public hearing and asked for a motion. Kenny made the motion BZA-2023-2 to approve a four-foot setback for this pole barn/shed from the southside of Mr. Tucker's property. Seconded by Denny. All were in favor. Motion carried. Mike told Mr. Tucker he could come get his building permit at any time.

OLD BUSINESS:

REPORTS:

Attorney: Geoff Wesling stated he had nothing at this time.

Director: Mike Holzback Mike stated he had been contacted by a cell tower. The Special Exception had been granted back in 1999. At that time, it was for a radio tower and another cell tower had taken this over. In the last six months they have taken that tower down. This T-Mobile wants to put a tower back up in that location. His question is if that original Special Exception will still apply. Denny asked if everything was going to be the same. Mike said there was a building there and a footing. Kenny asked if the foundation was still there for the tower. Mike said it was. Kenny said it's pretty well there then. Denny thought so too. Mike said, so the Special Exception was still intact. Mike said that was all he had.

Sandra asked if there was anything else that needed to come before the Board. Hearing nothing, she asked for a motion to adjourn.

ADJOURNMENT:

Denny makes the motion to adjourn. Seconded by Kenny. All were in favor. Meeting adjourned 6:00 P.M.

Sandra Jackson
President

Kenny Aulbach
Secretary