

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

August 20th, 2025

6:00 PM

Members Present: Kevin Tussey, Tracie Shearer, Tiffany Dalton, Randy Waltz
Members Absent: Jill Howard
Staff Present: Lesa Ternet, Mark Morgan, Brittany Mays
Legal: Hayley Sears - Taft Law
Guests: Michael Chatham, Lucas Callahan

A quorum was established, and the meeting was called to order by K. Tussey. The minutes from June 18th, 2025, were approved. R. Waltz made a motion to approve. T. Dalton seconded the motion. Motion carried 3-0.

Swear in Participants: R. Waltz swore in L. Callahan.

T. Shearer arrived to the meeting at 6:02 P.M.

Old Business: None

New Business:

- A. Public Hearing: A development standards variance to allow a fence to be located within a drainage and utility easement (UDO Section 4.02.G.2.a Fence and Wall Locations) in the Planned Unit Development (PUD) zoning district on property located at 1122 Stubble Run**
(Lucas Callahan)

L. Callahan stated he was requesting this variance due to child safety, a change in regulations, and topographical challenges of his lot. He stated his family entered a purchase agreement to build on this lot in 2023, and at that time the current UDO had not been enacted or put into effect. Callahan stated that by the time his family closed on the home, the current UDO had taken effect, significantly decreasing the principal area of the lot for a fence. He stated the fence was non-solid per definition to ensure drainage, and by regulation he would be willing to remove and repair at his own cost if the Town needed access. He also mentioned he received signed affidavits from both his neighbors stating they had not had any drainage issues with his current fence in place. Callahan stated his family was heavily influenced to choose this lot based off the idea they would be able to fence their entire yard. He stated the yard had a large slope in it, and the only level area for his children to safely play in would be on the other side of the easement, and with the current UDO that would be outside of the fenced area. T. Dalton asked if Callahan would

be willing to raise the fence by six inches over the drainage swale. Callahan stated he would be willing to raise the fence so the water could flow beneath it. T. Dalton also asked if Callahan would be willing to sign a hold harmless agreement with the Town of Danville and have it recorded at the Hendricks County recorder's office to be cross-referenced with his deed. In the event the property would sell the new homeowners would have to keep the same agreement. Callahan responded that he would be willing to sign a hold harmless agreement. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. T. Shearer made a motion to approve subject to the petitioner signing a hold harmless agreement with the Town of Danville and having it recorded with the deed for future property owners. R. Waltz seconded the motion. Motion failed due to lack of unanimous vote, 2-2.

Roll Call Vote:

R. Waltz – Aye
T. Shearer – Aye
K. Tussey – Nay
T. Dalton – Nay

Other Business: None

Report of Officers and Committees: None

With there being no further business before the board, T. Dalton made a motion to adjourn. T. Shearer seconded the motion.

The meeting was adjourned at 6:40 P.M.

Kevin Tussey - President

Randy Waltz – Vice President

