

**Decatur County Board of Zoning Appeals Minutes**  
**Decatur County Courthouse**  
**150 Courthouse Square**  
**Meeting Room**

**Special Meeting**

The special meeting of the Decatur County Board of Zoning Appeals was convened at 6:30 p.m. on Wednesday, July 24, 2024, at the Decatur County Courthouse. All 5 board members were present with Rick Hoeing and Scott Smith being present via video and audio. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Paul Stone opened the meeting and Debbie stated that *there are Title VI forms in the back of the room if anyone wants to complete the anonymous survey.*

**\* Rules of Procedure Update**

**Krista;** gave an overview of the Rules of Procedure updated form. This is something that you as a board can change as needed. If something is not working, as a board we can go in and make changes, through a meeting, make the changes and once voted and signed, the resolution will be recorded in the Courthouse and on file. **Melissa;** a little bit of background, when we last revised our ordinance, the rules of procedure in the past had been part of the ordinance, it is recommended to pull out of the ordinance. To amend an ordinance or change it there is a lot of procedure and process. It takes two readings. A lot of counties have pulled them out and have them as separate documents which works better, easier to make them efficient, especially if it is just some minor things that need changed. In the process we had gotten the APC done but had not done the BZA. We wanted to make sure that they were back in this place, in this fashion, not as part of our ordinance.

**Paul;** it is a nine-page document, it is not a huge in-depth deal but reading through this I didn't see anything that has principally changed how we have done business. **Krista;** I tried to make it very specifically, exactly how we do business. No add ins, no changes, I used the old one and ... **Janey;** I thought I was missing something because I read it and this is exactly how we do things. **Krista;** I just wanted it in a format, mirroring the APC, which is working, the same format and an updated resolution. I don't think that I changed anything. Melissa, did you see anything? **Melissa;** no, it's just very straightforward, very simple, the manner in which notice is given, the manner in which meetings are conducted. If the meeting goes until 10 p.m. we can move it on to another day because after a certain period of time it just gets too late to be there. Paralleling what some of the statutory requirements are for the Board of Zoning Appeals, it is mainly like an operating agreement, telling how we function and putting it in writing. It is what he have historically done in the past. **Paul;** there is a word that needs fixed... **Krista;** I have already fixed that. **Paul;** honestly, I really didn't see a lot, otherwise it seemed really logical to me, didn't see anything that caused a lot of concern. **Melissa;** we fixed the word "all" and "area" to get them corrected. It was very minor changes from what you received in the mail. **Paul;** there was something else, there was still an open question on the committees. **Krista;** I changed that, removed the entire sentence. **Paul;** so the one on the table is newer than the one that you mailed out? **Krista;** I changed that today. And as for the committees, the APC does use committees like Technical Review, we, the BZA, typically do not us committees so from the old ordinance I pulled out the "powers and duties" and put it in

that place because it seemed like it should be there and not the committees. **Paul**; our folks on video and phone, can you all hear us? **Rick**, yes. **Scott**, yes. **Melissa**; we changed that on article **3.01 Date, Time, and Place of Public Meetings and Hearings**, the location, dates, and times for regular sessions of the BZA, designated as public meetings and /or public hearings, shall be established by the BZA at the first meeting of each year, or as necessary throughout the year. We added that at the first meeting of the year, which is always the first Wednesday of the month, unless it falls on a holiday or whatever, and we just added in “or as necessary throughout the year”, because sometimes we do, like for July, the July 4<sup>th</sup> holiday may have interfered. In section **5.05 Hearing Limited to a Reasonable Length of Time**, the BZA may cease hearing new cases after 10:00 p.m. Cases not heard shall be placed at the beginning of the agenda of the next regular session of the BZA. In addition, comments from the public can be limited in time when there are numerous individuals desiring to speak. The BZA can further request that point of discussion already presented by another individual may not be restated and only unheard matters be addressed. Trying to make the meeting run in a more efficient manner. **Number 7.03 Withdrawal**, d. If a case is withdrawn upon request of the applicant, a new application will need to be filed and all fees paid for the case to be heard by the BZA. Those were the only changes made to what was actually mailed to you.

**Paul**; I appreciated your work on this Krista. While it is 9 pages in length, there are a lot of things that go into that for it to be to a final form. I think it is good that we have this. **Rick**; I have one little question on section 5.04 Continuance, is that continuance a board decision, the petitioner or is it a combination of both. Can you clarify so that I understand. **Melissa**; it is broken down to whether the applicant is making the request or the BZA is making the request. It just talks about parameters on that. Obviously if there is a situation where it does need to continue on, the BZA can always override a time period based upon special circumstances. I think the main point of this was just to not have a petition remain pending on the agenda from month to month with no activity. Obviously if there is say a drainage study that is being done and taking a longer amount of time or other circumstances that a delay is necessary, obviously the board has the opportunity to say that yes, it can remain pending before the board. **Krista**; that is under e. (3). **Rick**; ok, just wanted to clarify that, it makes sense. **Paul**; any questions Scott from your end? **Scott**; no, I am good on my end. **Paul**; Krista, do we need, I assume, a motion and a second to adopt this? **Krista**; correct. **Paul**; last call for any public or board comment, if none then I will look for a motion. Is there anyone who has a concern or question regarding our nine-page draft of Rules of Procedure?

Janey Livingston made a motion to pass the Rules of Procedure Resolution; Joyce Brindley seconded the motion. Roll call was initiated with all members voting yes. **Joyce**; it is passed.

**Paul**; Rick and Scott, thanks for calling in for this meeting. **Krista**; it will take about ten days for this to be recorded in the courthouse and it will be on file for anyone to see.

Janey Livingston made a motion to adjourn the meeting at 6:49 p.m. with a second from Joyce Brindley, all members present signified by saying aye.

Decatur County Board of Zoning Appeal

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Secretary, Joyce Brindley

ATTEST:

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Rick Hoeing, President, Decatur County Board of Zoning Appeals