

**BZA MINUTES**

**NOVEMBER 19, 2018**

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

Absent: Dan Vinson, Eli Jones (resigned), Jason Hawley

Legal Representation: Jason Welch

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

Others present: Mike Malak

Chairman Davis: It's Monday, November 19, 2018. It's 7 O'clock and I will call this meeting to order. First on the agenda tonight is to approve the minutes from October 15, 2018. Do I hear a motion? A motion has been made and seconded to approve the minutes from October 15, 2018 as written. All in favor say aye, opposed, no. First on the agenda tonight is BZA2018-18-V, Mike Malak on behalf of Mark & Mary Anderson. Would Mike Malak come forward please? This is a recorded meeting so if you would please state your name and address for the record and who you're representing.

M. Malak: My name is Michael Allen Malak, my address is 1175 E Greenville Pike, Winchester, representing Mark and Mary Anderson.

Chairman Davis: Just for the record, there are just four of us here tonight, so you have the option to continue to the next hearing as you need a unanimous vote from us for approval tonight. Do you wish to move forward?

M. Malak: Yes, let's move forward.

Chairman Davis: Did you receive Article V, Conduct of Hearings?

M. Malak: I believe so, yes.

Chairman Davis: Ok, please tell us what you would like to do.

M. Malak: Mark and Mary approached me about adding an addition on to their house. We looked up the property and the house sits basically on the property line. Their existing porch is too small and they'd like permission to build a mud room on to their house approximately 6'x10' to make their space a little bit bigger for entry during inclement weather. The house doesn't meet the correct setbacks so we'd like permission to get a variance to allow them to be approximately 6' from the property line which is the fence and right now the house is about 1 foot from it. So we'd be sitting back an additional 5 feet from what's already on the property line. That's basically the gist of the situation.

Chairman Davis: It doesn't get much simpler, does it? Any comments or questions by the board members? Anyone in the audience who would like to speak? Let the record show that no one is here.

J. Hufford: Who owns the property that is adjacent to the house?

D. Johnting: Nancy Walker is to the south.

J. Hufford: Ok, so, they're not here so they must not have any objections.

M. Malak: I know letters were sent to all the neighbors.

R. Abel: At one time it was all owned by the same person.

M. Malak: It's possible. I don't know if Mark told me that or if you have it in your records.

Chairman Davis: Any other conversation between board members?

J. Peacock: Is there any reason not to allow this, Randy?

R. Abel: No, not really. I mean, the house is already there, and was sold off as it was. And when it was sold I am assuming they just didn't want to split off more than they had to from the farm ground.

J. Hufford: And it looks like they have a barn that's right on the line in the back of the property.

D. Johnting: And possibly that was a split done before we changed the ordinance. We have had no complaints or calls from anyone to the office.

Chairman Davis: It has been moved and seconded to take action on this petition with a roll call vote.

D. Johnting: Jim Hufford, yes, Myron Cougill, yes, Jon Peacock, yes, and Bill Davis, Dan Vinson, Elijah Jones and Jason Hawley are absent. Motion approved.

M. Malak: Thank you to the board, have a good evening.

Chairman Davis: You're welcome, you too. Good luck. Alright, is there any old business?

D. Johnting: We do have a new schedule we'd like to present. The first page is the typical schedule where we fall back to the fourth week in January and February to avoid the Monday holidays, and the rest follow on the first and second Monday and Tuesday after the 1<sup>st</sup> Monday all year long. Our proposal is to move the BZA to Tuesday, the APC to Wednesday. You will see on the back page all the things we are trying to stay away from. We feel in the past, and currently, there are members who have had to quit serving due to conflicts by being on other boards. And avoiding Monday at any cost would help. The BZA may have a few conflicts, but the BZA is not made up of members of other boards like the APC is, so that gets them completely off Mondays and Tuesdays.

J. Hufford: Yes, Mondays are extremely difficult for me.

Discussion followed regarding days and times of hearings. Bill Davis mentioned that since Eli Jones moved to Muncie there would have to be a new appointment by the Mayor. Overall, the BZA members were in agreement that moving the day of their hearing from Monday to Tuesday would be beneficial.

Chairman Davis: Ok, if there is nothing else I will hear a motion to adjourn this meeting? All in favor, all opposed. We are adjourned.

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Jason Hawley, Chairman

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Debra Johnting, Recording Secretary