

**BZA MINUTES**

**March 21, 2016**

Members present: Bill Davis, Myron Cougill, Phil DeHaven, Jim Hufford, and Christy Starbuck

Absent: Charles Addington, Lee DeGuise, and Legal representation: Jason Welch

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

Others present: Ed Thornburg

Vice-Chairman Bill Davis opened the meeting of the Randolph County Board of Zoning Appeals on March 21, 2016 at 7pm.

Vice Chairman Davis: The first item on the agenda is the election of officers. I would make a motion to keep the officers the same as last year.

C. Starbuck: I will second that.

Vice-Chairman Davis: All in favor, say aye. All opposed, no. Motion passes to keep the officers the same as last year. Next on the agenda is to approve the minutes way back on November 16, 2015.

C. Starbuck: I make a motion to approve them as written.

P. DeHaven: I'll second that motion.

Vice-Chairman Davis: All in favor, say aye. All opposed, no. Motion passes, minutes approved. Next on the agenda is...

D. Johnting: The first docket was withdrawn, so we can go to the second.

BZA2016-2-V Wendy McDavid

Vice-Chairman Davis: This is represented by BZA2016-2-V, a request for a variance to build a detached garage closer to the side setback than the five feet required. Please state your name and address for the record please.

W. McDavid: Wendy McDavid, 1150 North Columbia Street, Union City, Indiana, 47390.

Vice-Chairman Davis: Now, just let us know what you plan on doing.

W. McDavid: We had a total loss structure fire on January 25, 2016 and we just want to rebuild as is, with the addition of three feet to the west, which will not affect the corner of the property line in question. That will stay the same where it was before.

J. Hufford: You're wanting to make it bigger than what it is now?

W. McDavid: Yes, just by three feet—but it will go closer to the house. We are wanting to put it back where it was on the corner where it was too close to the setback. We will use existing

foundation on the south side where it is too close to the setback. And then on the west side it will come three feet closer to our house. We'll have to pour a little more foundation, but we are using existing where it was before.

D. Johnting: I included a letter in your packet that we just received from Dr. Pyle's attorney. Dr. Pile is the owner that Wendy is buying the house from on contract, and also the adjoining neighbor. She says that this just puts things back the way they were and she has no problem with it.

Vice-Chairman Davis: Are there any comments or questions from the board? Any comments for or against the request from the audience? I do not see anyone coming up to speak for or against this so I will entertain a motion to take a roll call vote.

J. Hufford: I make a motion that we take a roll call vote.

C. Starbuck: I second the motion.

Vice-Chairman Davis: All in favor say aye. Motion carries.

D. Johnting: Roll call vote, Myron Cougill--yes, Bill Davis--yes, Phil DeHaven--yes, Jim Hufford—yes, Christy Starbuck—yes. It is approved.

Vice-Chairman Davis: Good luck with everything.

W. McDavid: Thank you very much, I appreciate everyone's time.

J. Hufford: Sorry for your loss in the fire.

W. McDavid: Thanks. Thank God nobody was hurt.

G. McDavid: The fire was right next to the bedroom and it could have been worse than what it was. Thanks for your time.

R. Abel: Another thing to mention, we changed a lot of the forms in the last month or two, Debra did a really good job on them. If you're interested in looking at them they are over there. We have changed some of the wording on them to bring them up to date on how we do things now with the GIS map that we use now and things like that.

Vice-Chairman Davis: Is this the most recent UZO?

D. Johnting: It is, and we have been trying to determine all of the Amendments and things that need to go in it and give out handouts to go in it until we can have them reprinted. And we have been going back trying to determine which things have passed that should be added. We have a few that we thought had been approved but have not been signed by all the communities. So, we are working on that.

R. Abel: Satellite manure storage is not in there, that's a big one.

D. Johnting: That's one we know for sure. There was one written up for a situation for a veterinary clinic in Farmland, and there was a definition that was added and sent out to most of the communities and returned, but not all were sent out. And we don't know why they were not all sent

out.

There is another definition that was created and voted on but didn't go any farther than that but never got sent out. So, we'll have some handouts to go in the back of your book until new books can be reprinted.

J. Hufford: These things that are going out to members of the board, would it be better if this were in a loose leaf notebook, where if there's a change we can just change it out?

D. Johnting: We can definitely do that.

R. Abel: Deb has a binding machine that will actually bind these books like the old ones are now. It will do the holes and everything.

J. Hufford: So, there would be no problem making new books.

R. Abel: We didn't really want to mention the parcel split issue until we have more time to do research on a fix, but that's going to be a big issue coming up here in the future. We have had a lot of parcel splits and we may be flooded with folks coming in here to obtain variances, make sure you read through the section on variances. If you go by the letter of the law, they cannot obtain a variance because the situation is of their own making. We have not sent letters out yet, and we are trying to figure a way to get this fixed first before we start.

J. Hufford: The biggest problem is on CAFO's isn't it? They start out with 40 acres, and they can just keep splitting off down to a few acres?

R. Abel: We've got one that's down to about 4 acres.

D. Johnting: There was recently a home parceled off in the last month down to one acre, now if they come in to get a variance to build something, they can ask but going by the UZO rules we can't grant it.

J. Hufford: We had one that came in like that, and they didn't even have enough ground to put in a septic system, so we denied it.

D. Johnting: So, if they have an acre of ground and they want to build a garage and the lot size was due to a situation of their own making we can't grant them a variance.

R. Abel: The discussion with Jason and I have been that for thirty or forty years we allowed a house on one acre. So now what do you do with all those people who abide by that law for all those years and built homes and now you're going to say now you can't build a garage, you can't add on.

D. Johnting: You can't do anything—you can't rebuild it if it burns down.

R. Abel: To me that's a little restrictive.

D. Johnting: As long as it is standing and you don't touch it, it's grandfathered, you can't make them move out, you can't keep them from using it as a home anymore, but they can't do anything with it.

R. Abel: An acre is a pretty good size lot, and it was allowed for years.

J. Hufford: I think it was mainly because of the septic system that they changed to two acres.

D. Johnting: And I don't have an issue if they parcel off a lot to an acre and come in to get a permit to build a new home the answer is going to be no. But if they own a home on an acre and it's always been an acre and they want to build a garage and we have to say no because it is only an acre lot.

R. Abel: So we just wanted to make you all aware that there may be some activity from this that would affect you.

P. DeHaven: Why was the other variance request withdrawn?

D. Johnting: Jason wanted to deal with that without setting a precedent to be a variance issue. The lot has always been an acre, there has always been a garage there, she's paying taxes on a garage. Myron said he drove by there and there's a garage still standing there, where they want to build it. I was sure they had said it wasn't there anymore. Since we have been looking into this, Jason just didn't want to make this a variance issue since it was legally established, he felt like if we denied it and she appealed we would lose. He wrote a brief on it, and that these could be dealt with without a hearing, for a legally established non-conforming residence to be treated with all the rights as a two acre lot would be today as they are considered grandfathered. .

R. Abel: The other issue we have been looking at is adding an accessory structure in front of a house, so we have been given permission to rewrite that, and Ed thought that 500 feet away from a residence would be enough distance to not make a difference.

C. Starbuck: I think that would help when people are way off the road and not near a neighbor.

R. Abel: We have had several of these just since I have been here.

J. Hufford: It's just like the one we did for Union City, Dr. Howell, his garage, his barn everything was out in front of his house.

R. Abel: So, we are trying to look at things to simplify what we have to do in here.

D. Johnting: Some days it seems like everyone who walks in the door is going to have to get a variance due to lot size, putting something in front of the house. The last couple moved where they were going to put their garage because they didn't want to wait, and there is already a garage sitting in front of their house. They wanted to put it next to the other one. But we had to say no, without a variance.

Vice-Chairman Davis: I think we are working on it to get it to where it is more convenient for the community members to build what they need.

J. Hufford: There are entire communities that if something happened to that house, there's no way they could rebuild on that property.

Vice-Chairman Davis: Is there any other business.

D. Johnting: I passed out a roster for everyone, we have all positions filled on both boards...for a few minutes.

C. Starbuck: Do you want a motion to wrap this meeting up then? I will make that motion.

J. Hufford: I second it.

Vice-Chairman Davis: A motion has been made and seconded to close the meeting. All were in favor and the meeting was adjourned.

THE NEXT REGULARLY SCHEDULED MEETING IS APRIL 18, 2016 AT 7:00 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

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Lee DeGuise, Chairman

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Bill Davis, Vice Chairman

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Debra Johnting, Recording Secretary