

**BZA MINUTES**

**April 18, 2016**

Members present: Bill Davis, Phil DeHaven, Jim Hufford, and Lee DeGuise.

Absent: Charles Addington, Myron Cougill, and Christy Starbuck.

Legal representation: Jason Welch

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

Others present: Ed Thornburg

Chairman DeGuise: It is 7 O'clock, April 18, 2016, and I open this meeting of the Randolph County Board of Zoning Appeals. The first item on the agenda is to approve the minutes from the last meeting, all those in favor of approval signify by saying aye. All those opposed. Minutes are approved. The next item on tonight's agenda is BZA2016-3-V, a variance for Julie Rideout. Is Julie Rideout here? Can you please come up to the table? Ms. Rideout, this is a recorded meeting, have you received Article V, Conduct of Hearing? Please state your name and address for the record.

J. Rideout: Yes, my name is Julie Rideout, 4660 N 300 E, Winchester, Indiana.

Chairman DeGuise: Thank you, ma'am. Basically what we are going to ask you is to just give us in your own words what you are doing here tonight. What would you like from us, ma'am?

J. Rideout: Ok, we have 24 acres at 4660 N 300 E, and we'd like to separate the farmhouse from the rest of the land. We'd like to sell that home, my husband and I would like to downsize. It's a large home and I'm here because we need a variance. We can't get the house on two full acres without encroaching on the existing barn and racetrack we have there for our business.

Chairman DeGuise: We do have that all in front of us too, by the way.

J. Rideout: Ok, great. So, we are hoping we can get a variance to leave the house on 1.85 acres and separate it from the other piece of property where we will still run our business.

Chairman DeGuise: I am assuming your surveyor is taking this into account, the only question I really have is that the well and the septic system are on that 1.85 acres?

J. Rideout: Yes.

Chairman DeGuise: Ok, that's the only question I had, anyone else on the board have any questions?

B. Davis: Since there are only four here should we tell her of her options?

Chairman DeGuise: Yes, normally we are a larger board, in this case we have a minor quorum, we only have four, four yes votes are required for this variance to pass. If anyone on this board should happen to decline, your next option is that you would have to refile. Not that I am predicting anything, I am just stating that for the record. Anybody have any questions?

J. Hufford: This is not a question for her, but, being under two acres, will she have any problems in selling this?

R. Abel: As long as you have the variance, that will go along with the property.

J. Hufford: As long as the variance is there they won't have any problem, it will be grandfathered in no matter what?

J. Welch: There's already a house there, correct? Are there barns with animals on the 1.9 acres that you are surveying off?

J. Rideout: No, behind the house that would be on 1.85 acres, there are four outbuildings that are all relatively the same size that are about the size of a one car garage.

J. Welch: The reason I am asking is that right now the ordinance has a five acre limit for grazing and feeding of livestock, so if you slice off that two acres they wouldn't be able to have livestock there the way the ordinance reads now. I just wanted to make sure you were aware of that.

J. Rideout: There are none now, and there really wouldn't be room.

J. Welch: I just wanted to make sure you were aware of that before you did it so you wouldn't have a problem later.

J. Rideout: Ok, thank you.

Chairman DeGuise: Any other questions? Well, with that being said, anybody make a motion for a roll call vote?

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

B. Davis: Second.

Chairman DeGuise: All those in favor signify by saying aye, all those opposed. Debra, roll call vote please.

D. Johnting: Bill Davis--yes, Lee DeGuise--yes, Phil DeHaven--yes, Jim Hufford--yes. Motion passes.

Chairman DeGuise: I didn't mean to scare you.

D. Johnting: You just have that option, if you thought you might need all seven members to get your outcome you could have withdrawn tonight and brought this back next month.

J. Rideout: Oh, I understand.

Chairman DeGuise: But you're fine, your variance is passed.

J. Rideout: Thank you.

Chairman DeGuise: Next matter, BZA2016-4-V, a variance for Tracy Stark. Tracy Stark, I assume, would you please come up here and this is a recorded hearing, so please state your name and address for the record.

T. Stark: Tracy Stark, 300 South Main Street, Farmland, Indiana.

Chairman DeGuise: Thank you very much ma'am, have you received Article V Conduct of Hearing from Debra?

T. Stark: Yes.

Chairman DeGuise: Basically it is the same thing as in the hearing before, just in your own words give us an idea of what you're doing here tonight.

T. Stark: I would like to put a storage shed in line with my garage so that I can put a privacy fence up, and I want it to look nice from every angle. It's only off a little from where I am supposed to be and I would like for it to be in line with the garage.

Chairman DeGuise: I am going to give you the same forewarning that I just gave Ms. Rideout, we are normally a much larger group, It just so happens tonight we are not. It requires a four vote minimum to pass, without even one yes vote it will fail. You have the option to withdraw and come back next month, or you just can continue forward with what we have today.

T. Stark: I will continue.

Chairman DeGuise: I do have a question, we have the drawing, and you said privacy fence, I don't think it shows on here exactly where the privacy fence extends.

T. Stark: I don't have a privacy fence up yet, I would like to at some point put one up to keep the car wash trash and debris off my property, I just want to put my shed in line with my garage so that when I do they are in line with one another. So when I put up a privacy fence I can put it between those two buildings and keep the trash and debris from coming over from the car wash into my yard.

Chairman DeGuise: The way I am reading the petition, it said would allow the installation of 18' fence panel and provide 24' of privacy fence in protection from trash and debris from the current use of the neighboring car wash. According to this petition you are asking for the fence.

T. Stark: No, that's incorrect, it should say that I want the storage shed.

D. Johnting: The agenda states she is asking for a variance to build a shed closer to the lot line than the required 5 feet.

Chairman DeGuise: I am just reading from the plan of operation, and it states "we would like to sit a 10'x16' portable shed 42.5 inches from the north side property line 8' from the rear of the existing garage. This setback would match the existing garage and would allow the installation of 18' fence panel and provide 24' of privacy fence in protection from trash and debris from the current use of the neighboring car wash. The way I am reading this it is also asking for a fence.

D. Johnting: No, just the shed. The reason for a variance is so that the buildings line up, and the only way they can line up is if the shed goes as close to the line as the garage. The only way to add a connecting fence later is if the shed lines up with the garage now.

Chairman DeGuise: My concern would have been the privacy fence extending out to the roadway.

T. Stark: Oh no.

Chairman DeGuise: That’s why I asked the question. I know that a privacy fence is allowed in the back yard, but if it were extending out to the street that’s a whole different question. Sorry, just wanted to clarify.

J. Hufford: This is a portable shed, so it can be moved?

T. Stark: Yes.

P. DeHaven: The other side of the property line to the north, what is behind the car wash all the way to the alley? What is there now?

T. Stark: Four vacuum cleaners, and trash cans. We have taken photos of pillows, crutches, you name it. They fill it up within 6 hours on a Saturday and they empty it every two weeks. I don’t want to have to pick it up or look at it when I am sitting on my deck in my back yard.

B. Davis: I move we take a vote.

J. Hufford: I will second that.

Chairman DeGuise: All those in favor signify by saying Aye. All those opposed. Debra, roll call vote please.

D. Johnting: Bill Davis—yes, Lee DeGuise—yes, Phil DeHaven—yes, Jim Hufford—yes. Motion passes.

Chairman DeGuise: You’re all set, thank you for coming.

T. Stark: Thank you.

Chairman DeGuise: If that is all I will entertain a motion to adjourn the meeting. Meeting adjourned.

\_\_\_\_\_  
Lee DeGuise, Chairman

\_\_\_\_\_  
Bill Davis, Vice Chairman

\_\_\_\_\_  
Debra Johnting, Recording Secretary