

BZA MINUTES

APRIL 19, 2010

Members present: James Trautman, Bill Davis, Dale Clevenger, Lee DeGuise Christy Starbuck, Charles Addington.

Member absent: Larry Amspaugh.

Staff present: Cathy Flatter, Executive Director; Jamie Stump, Recording Secretary.

Legal representation: Robert C. Oliver.

Others present: Tim & Rebecca Strizu, Denver Durham, David Eley, Samantha Boyd.

The meeting was called to order by Bill Davis at 7:00 PM.

B. Davis: Today's date is Monday, April 19, 2010. We will have a motion to approve minutes as presented for the minutes of October 19, 2009.

B. Oliver: I would just take an exception with that Mr. Chairman. Jamie omitted my name. I was present that night.

B. Davis: Okay with that exception, do I have a motion to approve?

C. Addington: Yes.

C. Starbuck: Second.

B. Davis: Okay. Motion passed. Next on the agenda is the re-organization of the election of officers.

D. Clevenger: I make a motion to keep the officers we have.

C. Addington: I second that.

B. Davis: First of all speaking for myself, I would be in favor of that. Christy Starbuck are you okay with that?

C. Starbuck: Sounds good to me.

B. Davis: Okay, all in favor say aye. "Ayes". Opposed (none). Okay, chairman for another year will be Bill Davis and Vice Chairman will be Christy Starbuck. For the audience out there, this is a recorded meeting so what you are presenting please state your name and please speak into the microphone because, like I said, this is a recorded meeting. The first item on the agenda is Tim and Rebecca Strizu.

C. Flatter: Wait we need to reappoint Bob.

B. Davis: I'm sorry. I do make a motion for the attorney for the BZA to keep it as is with Bob Oliver, if he is willing to.

D. Clevenger: Second.

B. Davis: All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Thanks Bob.

BZA 2010-2-V (Tim and Rebecca Strizu, Farmland)

Chr. Davis: Tim and Rebecca would you come forward please. This is a variance on a size requirement for a mobile home, replacing and existing. Please state your name for the record.

T. Strizu: Tim Strizu.

Chr. Davis: I need to back up here. I want to make sure you received the Article V, Conduct of Hearing from our group and presented it?

T. Strizu: Yes.

Chr. Davis: Jamie was it properly published in a timely manner?

J. Stump: Yes.

Chr. Davis: And we have proof of the mailing?

J. Stump: Yes.

Chr. Davis: Okay, please present your case.

T. Strizu: The trailer that is there now is deteriorating and it is about a 50' x 12' and I would like to put a 70' x 12' trailer, which I have already purchased. It is located out of Greenville, Ohio. It does not meet the 950 square feet requirement but it would be a great improvement to the community by putting it there. It is a 1996 that has been remodeled inside and the existing one is a 1971 and I would like to, I have already bought the trailer and if I can't put it on there I would have to sell it but I would like to be allowed to do that if you would grant me that permission.

Chr. Davis: I do have one question. Do you own the lot that you are setting that on?

T. Strizu: Yes I own the lot. We had sold it on land contract to the Kings and they defaulted and we have repossessed that back and we do own the lot. It is paid for and I would like to put the trailer on there and then sell the property.

C. Flatter: Tim is this a rental property or do you live there?

T. Strizu: Nobody lives there at all. I want to sell it. I want to fix it up and sell it because I am actually moving to Greenville, Ohio. I live in Winchester but I am in the process of moving to Greenville, Ohio so I want to be able to get

C. Starbuck: Will it sit in the same place where the other one is sitting? When you move this one in will it be set in the same spot?

T. Strizu: The front of it will sit at the same lot. It will be a little longer but yes it will be at the exact same spot. It will meet the boundary lines of the 20 feet from the back and from the road and all that.

Chr. Davis: Any further questions by the board? Anyone else in the audience that would like to speak for or against? Please come up and state your name for the record. If you would like you can pull a chair up.

D. Eley: I will be real brief. My name is David Eley and I own the property adjacent to this to the south and I would be in favor of any improvements of any sort. That trailer really is in pretty bad shape so I just wanted to speak in favor of this. That's all.

Chr. Davis: Okay.

T. Strizu: Thank you.

Chr. Davis: Anyone else that would like to make a comment? With that I'd entertain a motion for action.

D. Clevenger: So moved.

C. Starbuck: Second.

Chr. Davis: All in favor. "Ayes". Opposed (none). I would entertain a motion for a roll call vote.

J. Trautman: So moved.

D. Clevenger: Second.

Chr. Davis: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: Charles Addington, yes; Larry Amspaugh, absent; Dale Clevenger, yes; Lee DeGuise, yes; James Trautman, yes; Christy Starbuck, yes; Bill Davis, yes.

C. Flatter: Okay Tim it is approved. You just need to come back in the office and finish up the paperwork for your permit and we will get that taken care of.

T. Strizu: Thank you.

Chr. Davis: Thank you. Good luck.

T. Strizu: Can I just ask what needs to be done because I leave for Georgia tomorrow. Can my wife handle that?

C. Flatter: Oh yes, that is fine. No problem.

T. Strizu: Okay, thank you.

BZA 2010-4-V (Denver Durham, Wh. River Twp.)

Chr. Davis: Next on the agenda is Denver Durham with a variance on side yard requirement. Hi Denver. State your name for the record.

D. Durham: Denver Durham.

Chr. Davis: Did you receive an Article V, Conduct of Hearing?

D. Durham: Yes.

Chr. Davis: Jamie was it published in a timely manner?

J. Stump: Yes.

Chr.. Davis: Please present your case.

D. Durham: This carport is really more than a carport. It has an A-frame roof on it and we anchored it and the legs or uprights are in concrete. There is an existing building that sits approximately 4 feet from the south property line and this one sits farther back than that away from the property line. I did have to take one tree down and if they moved it, the existing, I would have to take down a big maple tree, which I really don't want to lose that tree.

C. Flatter: I thought I would just state for the board, as you can see by looking at the aerial.

C. Flatter: I'm sure, Mr. Durham thought that he had two other buildings sitting closer to the property lines but he is in the A-L zone and it is a 15 foot requirement and since this building is not going to be attached to either one of the other that is there, the required setback is 15 feet.

Chr. Davis: Questions from the board? Anyone in the audience that would like to make a comment for or against?

L. Deguise: I do have a question. Their supposed to be 15 feet, how close are we really?

C. Flatter: Six feet. I think Jamie had written that on the side, 6 feet from west building....

L. Deguise: I got it now.

C. Addington: When are you going to start on that Denver? Do you know?

D. Durham: It's already there.

C. Flatter: It's up. Those go up really quickly and so by the time he came in...

D. Durham: Yeah, they put that up in three hours.

C. Flatter: It's just one of those things that happen.

C. Addington: I see, I went by there but I hadn't noticed it.

D. Durham: They had the crew in, well as a matter of fact, I guess when I left on the bus they had started and when I got back by 5 o'clock, they were done. It was almost finished up and then we got the call the next day that I need to file a variance for it.

Chr. Davis: The question is, "How fast can they come down?"

D. Durham: That depends on how big of a bulldozer you have, I reckon.

Chr. Davis: Any other questions?

D. Durham: If it comes down Dale Clevenger has to come help move all the wood out of it.

Chr. Davis: Okay, I would entertain a motion to take action.

L. Deguise: So moved.

C. Starbuck: Second.

Chr. Davis: All in favor. "Ayes". Opposed (none). I will take a motion for a roll call vote.

D. Clevenger: So moved.

L. Deguise: Second.

Chr. Davis: All in favor. "Ayes". Opposed (none). Jamie.

A roll call vote was taken: Jim Trautman, yes; Christy Starbuck, yes; Lee Deguise, yes; Bill Davis, yes; Dale Clevenger, yes; Charles Addington, yes; Larry Amspaugh, absent.

Chr. Davis: Your petition is granted.

C. Flatter: Now we can take care of the permit.

D. Durham: Well thank you.

C. Flatter: Your welcome.

BZA 2010-6-V (Samantha Boyd, Wayne Twp.)

Chr. Davis: The next item on the agenda tonight is Samantha Boyd, BZA 2010-6-V. This is a variance on lot size requirement. Hi Samantha. Please state your name.

S. Boyd: Samantha Boyd.

Chr. Davis: Did you receive an Article V, Conduct of Hearing?

S. Boyd: Yes I did.

Chr. Davis: Jamie was it properly published?

J. Stump: Yes it was.

Chr. Davis: Please present your case.

S. Boyd: I purchased a home on land contract at 954 N. St. Rd. 227 and from my understanding, to be able to have horses and livestock, which I currently own, you must

have 5 acres so I am filing for a variance because I have 3.9 acres. There are accurate building that are in decent shape and able to hold the animals. I did build a pen over the weekend and I plan on fencing, I do have the fence but I am waiting on the State to give me the right-of-way requirements for the two highways that border the property and so once they do that, then I'll begin to cement my corner post and stretch the fence up. I have spoken to the one neighbor that is adjacent to the property on the west and he is more than fine with the animals being there. He grew up there in 1927 and they had cattle there and as far as I know about 10 to 15 years ago they also had cattle there. They had several head. I just plan on having horses and maybe a few 4-H animals or a beef steer to raise and butcher. Nothing major and I don't plan on ever having a business there.

C. Addington: Could I ask who the neighbor was?

S. Boyd: Bob Harneson, I think is his last name. There are horses across the road at Mathias's. She has a large riding arena and the people across the street have the business "T-Cycle" so I haven't spoken to any of them but Bob who is adjacent to me said there was no problem with him.

C. Flatter: We haven't received any calls and obviously there is nobody here tonight.

S. Boyd: I was worried. I was really stressing about it.

L. Deguise: Question Cathy. By voting, if we vote yes on this, are we effectively changing the zoning of that piece of property to agriculture for the horses.....

C. Flatter: It is currently zoned agriculture. It is A-L, Ag Limited, but you are required to have 5 acres in the Ag Limited zone to have animals unless it is grandfathered, meaning if there were animals there and the animals continued and didn't cease for 12 months or more, she could have had her animals there. There has not been any there for a while and so that is why she has to file for the variance.

L. Deguise: Okay so we are not voting on a limitation of amount, we are just voting on an ability to have?

C. Flatter: We are voting on a variance on the acreage requirements.

L. Deguise: Okay.

Chr. Davis: Good question. Further questions? Anyone in the audience? I would entertain a motion to take action.

L. Deguise: So moved.

C. Starbuck: Second.

Chr. Davis: All in favor of the motion signify by saying aye. "Ayes". Opposed (none). I would entertain a motion for a roll call vote.

D. Clevenger: So moved.

L. Deguise: Second.

Chr. Davis: All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: Bill Davis, yes; Dale Clevenger, yes; Charles Addington, yes; Larry Amspaugh, absent; Christy Starbuck, yes; Lee Deguise, yes; James Trautman, yes.

C. Flatter: You are good Samantha.

S. Boyd: So I am good as of now?

C. Flatter: Yes.

S. Boyd: Do I need to sign anything?

C. Flatter: No.
S. Boyd: Okay, thank you.
C. Flatter: Your welcome.
S. Boyd: Can I pick up a copy of that that just passed sometime?
J. Stump: I will have the tally sheet done tomorrow.
S. Boyd: I will pick it up on my way home.
C. Flatter: Or we can mail it to you.
S. Boyd: That would be fine. I just want something that shows I actually got it passed in case somebody has questions.
C. Flatter: We will mail it.
S. Boyd: Thank you.
Chr. Davis: Is there anything else to come before the board?
C. Flatter: I just thought that I would add that the last one on the agenda, I'm not sure what is going to happen with that. The reason he is not here tonight is because he got clear up to the point of notification of abutting property owners and failed to get the letters out in a timely manner and so I'm not sure if he will be reapplying but he would definitely have to completely reapply.
L. Deguise: In that case Cathy, you were saying that is inside of city limits?
C. Flatter: Actually, did they all get copies?
J. Stump: Yes.
C. Flatter: The 8/10 of an acre, well it's .7850, that portion of the property is outside of the city limits. Where the house is sitting is in the city. We could grant him the variance on the lot size for animals because that is out in the unincorporated area but the city doesn't allow animals, horses, cows or whatever.
L. Deguise: Right.
C. Flatter: In this case, that parcel is not. That is in White River Township.
L. Deguise: But we would be voting on the entire property?
C. Flatter: No, just this 8/10 of an acre.
C. Addington: That is out there towards the west edge of town?
C. Flatter: Yes. Where Don Hesser lived years ago. That is all I have.
Chr. Davis: Okay.

THE NEXT REGULARLY SCHEDULED MEETING IS MAY 17, 2010 AT 7 PM IN THE CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

Bill Davis, Chairman

Christy Starbuck, Vice Chairman

Jamie Stump, Recording Secretary