

**BZA MINUTES**

**JANUARY 22, 2007**

Members present: Gary Moore, Bill Davis, James Trautman, Dale Clevenger, Charles Addington, Mike Blankley.

Members absent: Christy Starbuck.

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

Legal representation: Robert C. Oliver.

Others present: Mark Gray, Beverly Schemmer, Jim Swift.

The meeting was called to order by Mike Blankley at 7:00 PM.

M. Blankley: We are going to get started. We can only go so far until Bob gets here. First thing on the agenda tonight is to approve the minutes of the November 20<sup>th</sup> meeting. If there are no corrections or deletions, I would entertain a motion to approve them without reading.

J. Trautman: So moved.

B. Davis: Second.

M. Blankley: All in favor say aye. "Ayes". Opposed (none). We have that over with. Since this is the first meeting of the year we have the election of officers. First is the Chairman. Do we have any nominations?

J. Trautman: You.

G. Moore: Second. Keep it like it was.

C. Flatter: We can just do it all at once if anybody would like to make the motion like that also. Chairman, Vice Chairman and attorney.

G. Moore: So moved.

B. Davis: Second.

M. Blankley: I oppose but that is okay I will go and get knocked down.

C. Flatter: You have no choice.

Chr. Blankley: Do you think Bob will do it?

C. Flatter: I think he probably will.

Chr. Blankley: We have that over with. Now we have to wait folks. Unless we want to move ahead without him.

C. Flatter: Well the one for Kamp Modoc, I think Bob needs to be here for that.

Chr. Blankley: Well do you want to start at the bottom and come up?

C. Flatter: Well let's just give him a few minutes.

J. Trautman: There he is.

Chr. Blankley: We will give you a few minutes to get all your paperwork out and get ready. We have already approved the minutes. Jamie I will ask you and I don't know if this is legal or not but for both petitions have all the notices been sent out and returned?

J. Stump: Yes.

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Chr. Blankley: Were they both published in a timely manner?

J. Stump: Yes.

Chr. Blankley: Okay I won't forget that now.

BZA 2007-01-CU (Kamp Modoc, Modoc, IN)

C. Flatter: Mr. Swift you can come on up. That is one of the things that we need to talk about on this petition for Kamp Modoc. Go ahead and introduce yourself.

J. Swift: Hi, my name is Jim Swift and my wife and I are owners of Kamp Modoc, located on South 800 West, Modoc, Indiana.

Chr. Blankley: He is asking for a Conditional Use.

C. Flatter: It is Conditional Use but before we go any further, Mr. Swift was in early as you can see on the front of your petition that he filed on December 4<sup>th</sup>. He was way ahead of our time, deadline to get into this meeting. It just so happened that Charles went out to Kamp Modoc last week just to look things over and I guess ran into Mr. Swift and he kept saying the 23<sup>rd</sup>. If you go to your due notice to interested parties, obviously it was myself, the office, somehow gave him January 23<sup>rd</sup> as the meeting date and we didn't catch that when he brought the notice back into us because he would have had plenty of time to correct it and get them back out because well he brought it in on December 5<sup>th</sup>. Jamie did publish the legal notice correctly. So Charles called the office and brought it to our attention and we opened up the letter and saw that we overlooked that so I called Mr. Swift and told him that because the letters were incorrectly dated that I wanted him to be here tonight so that he could request that we continue this petition to our next meeting and because of it being a mistake of the office, we would bear the cost and the responsibility of the re-notification but the legal notice was correct so if he requested it to be continued at the meeting tonight, we wouldn't have to re-publicize it.

J. Swift: So request a continuance please.

C. Flatter: I am not so sure that I didn't give you the wrong date for February when I was talking to you on the phone this morning.

J. Swift: I didn't even write it down. I figured I would find out about it tonight.

C. Flatter: Well that is so good because I was looking at my calendar later and ....

J. Swift: I think it was the 17<sup>th</sup>, maybe.

C. Flatter: In February we have to meet the 4<sup>th</sup> Monday also, because of the holiday so it is the 26<sup>th</sup>.

J. Swift: The 26<sup>th</sup>? Okay.

C. Flatter: We just need a motion to accept his request for it to be continued to the next meeting.

D. Clevenger: So moved.

C. Addington: Second.

Chr. Blankley: It has been moved and second that Kamp Modoc's petition be moved to the February 26<sup>th</sup> meeting. All in favor of the motion signify by saying aye. "Ayes". Opposed (none). It has been moved.

C. Flatter: We will see you next month. Thank you Mr. Swift.

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J. Swift: Your welcome. Thank you. Thanks for showing up the other day or I wouldn't be here until tomorrow.

C. Flatter: It was meant to be.

BZA 2007-04-V (Murray & Beverly Schemmer, Winchester)

Chr. Blankley: The next petition on the docket is BZA 2007-4-V. Would you please step forward. One of you or both of you.

C. Flatter: Both of you introduce yourself so we have it on record.

M. Gray: I am Mark Gray with L.J. Stone Company. We are the contractor for Mr. and Mrs. Schemmer. If there are any questions.

B. Schemmer: I am Beverly Schemmer. My husband Murray had a prior commitment. We were here last week at the wrong meeting but we are here tonight. Well at least I am here.

C. Flatter: Just go ahead and explain.

Chr. Blankley: I already asked Jamie so you will you please tell us what you would like to do.

B. Schemmer: All right I will go ahead and you correct me if I am wrong on anything.

M. Gray: Okay.

B. Schemmer: We built a new home at 1614 S. Old Hwy. 27 this last summer. TK Builders built our home. Because of the lay of the land, we situated the house on the southwest corner of it and we were within the legal limits and all for that space. We had a patio at that time installed on the back part of the house. The patio is 12 ½ x 16 feet. Since that time, we have decided we would like to enclose that patio, adding a sunroom on that same spot. I think the zoning is a little bit different evidently for a cement patio than it is if the patio is enclosed. We had contacted L.J. Stone to enclose that patio and sunroom for us and the size of the sunroom which would be on that cement patio would be a little bit smaller. It would be 12' x 14'. That would make instead of the 36 feet to the property line, that would make it 24 feet to the property line instead. The lot is 1.1 something acres and we don't have anyone near us. That is basically what we would like to do and so we are requesting a variance to allow us to enclose that patio into a sunroom.

C. Flatter: Just for explanation, a cement slab or an unroofed deck is not required a setback so anytime you put a roofed area over a building or an addition to a house is when it is required to be, in this location, 35 feet from the rear setback so that is why they are having to request it now.

Chr. Blankley: Do any of the board members have any questions for her?

C. Addington: Who is the property owner to the west of you?

B. Schemmer: Just west, directly west is.....

C. Flatter: Loyd's have built the new house but Kevin Cook owns the rest of the property.

B. Schemmer: Kevin Cook owns the property directly west of us and the Loyd's are at a bit to the southwest of us.

C. Addington: Okay, I had it turned around then.

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B. Schemmer: Kevin Cook is well aware of this so he thought the sunroom would be a nice idea.

C. Addington: Is that the one that would be closer to Mr. Cook then it would be to Mr. Loyd?

B. Schemmer: He owns the property but there is no home on that lot. But he does own the lot.

C. Addington: That is what was confusing me. Okay.

C. Flatter: Kevin's house is the one that is the furthest south in the Sub-Division that he created.

C. Addington: I didn't realize it was a vacant lot.

B. Schemmer: Yes it is a vacant lot there.

Chr. Blankley: Does anybody else have any questions of the petitioner? I would entertain a motion to take action.

G. Moore: So moved.

B. Davis: Second.

Chr. Blankley: It has been moved and second that we take action on BZA 2007-4-V. All in favor say aye. "Ayes". Opposed (none). I would entertain a motion for a roll call vote.

B. Davis: So moved.

J. Trautman: Second.

Chr. Blankley: It has been moved and second that we have a roll call vote. Jamie.

A roll call vote was taken: Charles Addington, yes; Mike Blankley, yes; Dale Clevenger, yes; Bill Davis, yes; Gary Moore, yes; Christy Starbuck, absent; James Trautman, yes.

Chr. Blankley: You have a positive vote.

C. Flatter: You have been approved. All you have to do Mark is come in and get the permits now.

M. Gray: Thank you. It makes you wonder why I was here doesn't it? Mrs. Schemmer explained the way she can.

C. Flatter: They are paying you enough that you should be here.

B. Schemmer: Thank you.

Chr. Blankley: Anything else to come before the board?

C. Flatter: I have nothing else.

The meeting adjourned at 7:20 PM.

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THE NEXT REGULARLY SCHEDULED MEETING IS FEBRUARY 26, 2007 AT 7:00 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

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Mike Blankley, Chairman

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Dale Clevenger, Vice Chairman

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Jamie Stump, Recording Secretary