

**BZA MINUTES**

**JUNE 18, 2007**

Members present: Dale Clevenger, Mike Blankley, Charles Addington, Bill Davis, James Trautman and Christy Starbuck.

Member absent: Gary Moore.

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

Legal representation: Robert C. Oliver.

Others present: See attached sheet.

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

Chr. Blankley: First of all on the agenda I would like to approve the minutes of the May 21<sup>st</sup> meeting without being read. I am sure all the members got copies of them. I would entertain a motion to approve them without reading.

D. Clevenger: So moved.

B. Davis: Second.

Chr. Blankley: It has been moved and second. All in favor say aye. "Ayes". Opposed (none). The minutes are approved as written. We have four items on the agenda tonight and for the people in the audience who have never been here before I will try to explain how this meeting will work. The petitioner will come forward and speak their name into the microphone because this is a recorded meeting and you will tell us what you want. The board members will have the opportunity to ask you questions and then after we are through with that and you have responded, the people in the audience will have the opportunity to come up and ask questions. That is basically how it is going to work.

**BZA 2007-18-V (Tim & Anne Teeters)**

Chr. Blankley: The first item on the agenda tonight is Tim & Anne Teeters. Will you please come forward. One of the first questions I am going to ask you is did you receive an Article V, Conduct of Hearing when you applied for this?

A. Teeters: Yes sir we did.

Chr. Blankley: Okay. Jamie have all the notices been sent out and received?

J. Stump: Yes.

Chr. Blankley: Thank you. Now will you please speak your names into the microphone and tell us what you would like to do.

A. Teeters: Anne Teeters.

T. Teeters: Tim Teeters.

A. Teeters: We are asking or requesting a variance so we can build a two car garage on our property.

A. Teeters: Within the guidelines of the way our lot sits and the measurements of it we found out we were either going to be too close to the trailer or too close to the alley and that is why we are requesting the variance. We do have enough within your restrictions from the middle

of Arba Pike to the garage and we also have plenty of room with the dimensions from the back alley on the west side to the back of the garage.

Chr. Blankley: This is at 6832 S. Arba Pike?

A. Teeters: Yes sir.

C. Flatter: It has been a while since I have talked to you. You filed this early enough. My understanding is that the alley that is on the south side of your lot has never been improved and it is a grassed area that you maintain.

A. Teeters: Yes.

T. Teeters: Right. We have been mowing it ever since we've lived there.

C. Flatter: So actually the 16' alley that is directly on the south, they are going to be 10' from the center of that but nobody uses it other than them but I couldn't issue the permit as it was because it has never been vacated. That is why they are here. You can see on their aerial that it is a grassed area there.

Chr. Blankley: I can't even see a driveway or an alley.

C. Flatter: Well this is actually an alley right-of-way right there. This red line is their property line.

Chr. Blankley: Okay.

C. Flatter: There is an improved alley to the west of their property but my understanding when I talked to Anne was that neighbors use that and they park, some of the neighbors park in it as if it were their driveway so they can't use that as access to the back of their property to come in and build the garage further back in that area to the west.

Chr. Blankley: Does any of the board members have any questions on this?

C. Addington: I noticed there is a small shed in there where....

T. Teeters: Right.

C. Addington: Will that come out of there then?

A. Teeters: Yes.

C. Addington: I can testify that that alley is blocked because I tried to get through there Wednesday evening and I couldn't get through so I know that is right.

Chr. Blankley: Any other comments from the board? Anybody in the audience have anything they would like to ask of this? None. I would entertain a motion to take action on BZA 2007-18-V.

B. Davis: So moved.

D. Clevenger: Second.

Chr. Blankley: It has been moved and second that we take action. All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

J. Trautman: So moved.

C. Starbuck: Second.

Chr. Blankley: 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; Mike Blankley, yes; Dale Clevenger, yes; Bill Davis, yes; Gary Moore, absent; Christy Starbuck, yes; James Trautman, yes.

Chr. Blankley: You got approved from the board so you have to talk to this lady now.

C. Flatter: Come on in and we will give you some permits.

A. Teeters: That is wonderful. Thank you very much for your time.

BZA 2007-19-V (Rodney Neu, Winchester)

Chr. Blankley: Next on the agenda is Rodney Neu.

R. Neu: My name is Rod Neu.

J. Neu: Janet Neu.

Chr. Blankley: You live at 163 S. Kidder Lane?

R. Neu: That is correct.

Chr. Blankley: Did you receive Article V when you applied?

R. Neu: I don't think so. Did I?

C. Flatter: I am pretty sure you did.

R. Neu: I am not sure what Article V is.

C. Addington: Conduct of Hearing.

R. Neu: Okay then I did.

Chr. Blankley: Have all the notices been sent out and received?

J. Stump: Yes.

Chr. Blankley: Would you please tell us what you would like to do.

R. Neu: Okay I live in Edgewood Addition and I have a home and a property on lot 5 a house on lots 9 and 13. We want to build a new home on lots 9 and 13. There is however a city easement or right-of-way, whatever you refer to it as, I am not sure what the legal term is, but anyways when I went to the Planning Commission to get our permit to start the building process we were told we had to stay back 25 feet from that right-of-way or easement. Anyways our house is 64 feet long and my lot is only 100 feet wide and I wanted to position our house in the center of the property. It is going to be a very nice home. It is going to be approximately \$175,000.00 when we build it and by the time we put the well in, landscape it, driveway and sewage it is going to be well over \$200,000.00 home. We want to position it properly and want it centered so I am asking for a variance of 16 feet from our west property line. That is all I am asking for. That puts me into the right-of-way area of approximately 8 to 9 feet. The right-of-way area goes no where other than into Austin Cox's farm field. It serves no purpose to the city what so ever. The home I am building will be approximately \$60 to 78,000 value more than the surrounding properties so all the values should increase in value and give you folks a better tax base. That is the reason for my variance.

C. Flatter: That is correct. Mr. Neu was referring to the fact that the minimum front setbacks in an R-1 zoning and this would be considered a local street even though it has never been improved as such, is 25 feet.

R. Neu: I would like to find out also, this variance goes right through my neighbors garage so the usefulness of ever utilizing this variance really makes no sense to anyone.

C. Flatter: So somebody built a garage right through it?

J. Neu: It was there before.....

R. Neu: The garage on that one was already built when we got annexed into the city. That is when you folks decided to put this right-of-way in which goes through my neighbors garage, or somebody put.....

C. Flatter: No, when the Subdivision was created was when the street was put in there.

R. Neu: No the Subdivision was created before we were annexed into the city.

C. Flatter: That is what I am saying. That street has always been there in the Sub-division when it was originally created. You were annexed after the creation of the Sub-division but the creator of the Subdivision put that street right-of-way in there even though it was never improved or never used as a street it has always been there.

R. Neu: Okay.

C. Flatter: If somebody built a garage there and it was after 1974 then they were in violation of zoning requirements which I have been director since 1999 so I don't know what

happened prior to that but if somebody put a garage that is actually in that street right-of-way they are in violation. If it was prior to 1974 there weren't any rules and regulations to tell a person, "Well you need to think about where your property lines are at".

R. Neu: Okay my point is there are 4 right-of-ways in the Edgewood Addition. Two of them going into, 1 goes into Austin Cox's farm field and the other one goes into Keys' farm field and the other one goes into your newly elected council members backyard, Bobby McCoy and the other one is mine that goes into Austin Cox's field.

C. Flatter: But because it was created as a street never improved, if you didn't have that street in there I wouldn't have even been able to issue the permit at all. You would have had to go through this because you had no street frontage because you are required to have a street that fronts onto the lot where you are wanting to build so fortunately enough you do have that but it was created when the Subdivision was created.

R. Neu: So that serves my protection so I can actually build a home back there. Is that the way we're looking at this?

C. Flatter: Right. So on your site plan drawing you submitted for the hearing you have 18 feet on the west side and 18 feet on the east side.....

R. Neu: Right I am asking for 16 feet just in case we are slightly off a foot or two.

C. Addington: So you are going to try to center between the lots then?

R. Neu: That is correct. On the east side of our property I have a tree line there and I can't get to close to that tree line or otherwise they are getting on the side of my gables there on the new house.

Chr. Blankley: Any board members have any other questions for them? Anybody in the audience have any questions for them? None? I would entertain a motion that we take action.

B. Davis: So moved.

C. Starbuck: Second.

Chr. Blankley: It has been moved and seconded that we take action on BZA 2007-19-V a variance. All in favor say aye. "Ayes". Opposed (none). I will entertain a motion for a roll call vote.

B. Davis: So moved.

J. Trautman: Second.

Chr. Blankley: It has been moved and seconded. Jamie we are ready for the roll call vote.

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

Chr. Blankley: You got approved from us.

C. Flatter: All you need to do is come in and file for your permits now.

R. Neu: Thank you for your time and your decision.

C. Flatter: Oh and to go to the city about your sewer hook up tap too and bring that into us when you file for the permit.

R. Neu: Okay. The builders already filed for that permit didn't they? TK didn't they already do that?

C. Flatter: Oh yes, I am sorry. They did.

R. Neu: I thought they brought you a copy of that.

C. Flatter: They did.

R. Neu: Okay.

C. Flatter: The permits been filed.

R. Neu: Thank you.

BZA 2007-20-CU (Verizon Wireless, Monroe Township)

Chr. Blankley: Next on the agenda is Verizon Wireless. Will you please come forward? First of all I have to ask if you received an Article V when you applied for this?

J. Stayte: We received an Article XI.

C. Flatter: You may have that too but I know you got an Article V.

J. Stayte: Okay. Yes we did.

Chr. Blankley: Have all the notices been sent out and returned?

J. Stump: Yes.

Chr. Blankley: Okay. Please tell us your names and tell us what you would like to do.

J. Stayte: My name is Jeffrey Stayte and this is Elizabeth Williams, here representing Verizon Wireless. We are seeking an approval of a conditional use permit to build a wireless communications facility to be located east of County Road 1100 West. That is Robert Perkins property. Currently agricultural use.

J. Stayte: The facility will have a 285 feet free standing 3 legged lattice type tower with a 10 foot lightning rod so it will be a total of 295 feet. The compound surrounding the facility is a 100' x 100' area fenced in and it will contain a 12' x 30' equipment shelter housing the radio equipment. The facility is designed for 3 additional carriers. We term them co-locaters so that should other carriers have a need for coverage in this area they won't be in front of you asking to build another tower. The primary need for this is to increase coverage in the area. Do you all have copies of the packet we submitted?

C. Flatter: Yes.

J. Stayte: If I could just direct your attention very briefly to tab 3, the bright yellow splotches on that diagram show that the little black dots in the center of the yellow, that is existing Verizon Wireless towers and the yellow signifies very good coverage. Blue being the next step down and red being the worse coverage and white being no coverage.

C. Flatter: I believe that is tab 4.

J. Stayte: It is the one that looks like this. If you would compare that to the next page in that same tab, you can see where our proposed tower adds a yellow splotch right in the center of those two, of the other yellow splotches. That signifies you can see how the yellow would fill in a very big gap in between to the left and the right on the diagrams and basically will eliminate all the white, no coverage and improve coverage everywhere in the area. The location is important to Verizon Wireless because it acts as a handoff between one tower to the next as you travel and that is why the location was picked. I did want to note that we have space on the tower for emergency management antennas and radios should the county or state request it. We provide that at no cost. I also wanted to note on the subject property our setbacks are pretty large. We are in the center of the apparent parcel. We are 1860 feet from the north property line, 700 feet from the south property line, 518 feet from the east property line and 800 feet from the west property line so we are well within the setbacks and it is deep into the property and not in anybody else's backyard so to speak. I guess I would like to note that the development will be in conformance with the developmental standards for the zoning district, the use will adhere to the general character of the property and will not be substantially detrimental to the use and development in the vicinity of the property and it has been designed to minimize adverse effects on the use and value of the surrounding properties, primarily by the deep setbacks. I guess at this time I would like to respectfully request the board approve this request for a conditional use permit and we would be happy to answer any questions.

Chr. Blankley: Board members have any questions you would like to ask? Any body in the audience have any questions they would like to ask? I guess not.

C. Addington: I notice in your, on the back page of the material I have here it says you are going to have additional users. Can you explain that?

J. Stayte: Yes, we welcome other, by additional users that would be other carriers such as a Sprint or a Nextel or it is AT&T Wireless now or Cingular, that is who we are referring to as co-locaters. If you look at what I have as tab 2, the site plan.....

C. Addington: I didn't bring that with me. I forgot it.

J. Stayte: Well essentially the 285 foot tower it has been designed so that Verizon will be at 285 but there, we refer to them as center lines, because carriers don't necessarily co-mingle their antennas so there will be a space at 270, another space at 255 and another space at 240 and the tower is built of such a strength that they will be able to come on with the tower existing and then the site plan itself within the 100' x 100' lease area the tower compound, there is space for three more equipment shelters.

C. Flatter: Charles do you have that?

C. Addington: I have this.

C. Flatter: That same site plan is in your packet there.

C. Addington: I was just wondering if I can return this to them or if we need to keep it?

B. Oliver: We don't need it.

Chr. Blankley: Why is it they don't want to go east of 27? Nobody?

C. Flatter: Ask Verizon.

J. Stayte: I would introduce Brian Hasselby at this time. He is a radio frequency engineer with Verizon. He actually has expertise on that type of thing.

C. Flatter: I think I should clarify his question. It is because he lives clear on the eastern side of Randolph County that has absolutely horrible cellular reception.....

B. Hasselby: Well with us .....

C. Addington: Please introduce yourself.

B. Hasselby: I will, sorry. Brian Hasselby, I am an RF Design Engineer for Verizon Wireless. I apologize for my cold that I have. Since we've been up against Ohio, with them being our neighbor, not just our state neighbor but a license neighbor and radio frequency and Verizon does not own that radio frequency across the line so by FCC Rules I am only allowed to build so close to that line. I have to negotiate every time I do that with my neighbor and so if they don't have a site let's say that is really close to the Ohio line bleeding into Indiana then I can't very much, it is hard to argue the fact that I put one right close to the Ohio line on the Indiana side.

C. Flatter: So how close can you come within the line?

B. Hasselby: It starts to depend on how tall they are. If I build a short one and point everything back to Indiana, I can do that and then not to bore you with too many details but there is also a fact that this area is considered, it is a partnership so I have partners that I have to get approvals to spend money and they like to spend money where there is population coverage and I am sorry that you are in that area that is not.....

Chr. Blankley: Anything east of 27, you might as well not have a phone.

C. Addington: Up north of Saratoga up in there it is dead.

Chr. Blankley: It is dead.

C. Flatter: You automatically go into roaming a lot, well not automatically but a lot of times....

Chr. Blankley: You have almost get to 27 before you can pick anything up at all.

B. Hasselby: But that is the restriction I am under as I am trying to just stay back from the border.

C. Flatter: I appreciate the explanation because I had never been told that before.

B. Hasselby: Yes.

C. Flatter: That helps when people call me and ask.

B. Hasselby: Sure.

J. Stayte: Verizon is constantly adding towers and trying to improve coverage but generally it is where we can get the biggest bang for the buck first, which as you saw on that plot map this fills in a big hole that I would say in the future you'll probably continue to work towards this one.....

B. Hasselby: Yes we are always trying to better it. It will just be when it comes up as something that the partners want to improve on.

C. Addington: At one time we approved one up north about the Jay County line up in there. Nothing ever happened. I wonder what happened to that one?

B. Hasselby: Do you know what city it was?

C. Addington: It would be east of Ridgeville on 900 North.

C. Flatter: Just right off of 27.

C. Addington: It was approved but nothing ever happened.

B. Hasselby: I don't remember. What year would that have been?

C. Addington: Oh five or six years ago.

C. Flatter: At least.

J. Trautman: Did they ever build the one on Chalfant's farm?

C. Addington: Yep.

J. Trautman: They did build that one? That is outside of Parker. It is probably just about straight south of where you are going to put one.

B. Hasselby: Around Losantville?

J. Trautman: No, just on the other side of 32.

C. Flatter: About a mile north of where you are at.

C. Addington: Yeah it is right on the north side of 32 and you are going just south of 32.

B. Hasselby: I drove through Parker City on the way here just to scope out the area. I saw that. It is a shorter tower. It is about 100.....

J. Trautman: It was AT&T I believe.

B. Hasselby: Our co-location spot on that would have been about 120 feet and that would drastically reduce how far I could.....

C. Flatter: But the one in the Modoc area did make all the difference in the world. The reception down there is unbelievable compared to what it was before.

B. Oliver: So there are areas here that your commercial would not farewell?

B. Hasselby: That is why we are building this one.

Chr. Blankley: Any other questions from the board members? If not I would entertain a motion to take action.

D. Clevenger: So moved.

J. Trautman: Second.

Chr. Blankley: It has been moved and seconded that we take action on BZA 2007-20-CU. All in favor say aye. "Ayes". Opposed (none). I would entertain a motion for a roll call vote.

J. Trautman: So moved.

C. Starbuck: Second.

Chr. Blankley: It has been moved and seconded that we have a roll call vote. 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; Mike Blankley, yes; Dale Clevenger, yes; Bill Davis, yes; Christy Starbuck, yes; James Trautman, yes; Gary Moore, absent.

C. Flatter: There we go. Your petition has been approved.

J. Stayte: Thank you for your time. Have a nice evening.

BZA 2007-21-V (Poplar Run United Baptist Church, Monroe Twp.)

Chr. Blankley: Will you please come forward.

N. Morris: Good evening. My name is Nathan Morris I am speaking for Poplar Run United Baptist Church. We are requesting a building setback variance for 900 West in hopes of building additional facilities. Restroom facilities for men and women off the front of our fellowship hall. Currently the setback right-of-way is 20 foot on our side and setbacks are 30 feet. We are requesting 10 feet of that 30 to come out 21 feet in front of our fellowship hall. The reason for this location is because over the past probably 2 ½ years we have considered several locations but in the building, between the buildings to try to add conveniences there is just not a real good way of tying on. This is the easiest for tie on to existing structure and mechanicals. The property that we have is 1 acre and is bordered by two county roads, 300 South and 900 West. We are also pursuing buying additional property but that hasn't come through yet.

Chr. Blankley: Well I have to step back and ask you did you get an Article V when you applied for the petition?

N. Morris: Yes I did.

Chr. Blankley: Jamie did all the notices get sent out and returned?

J. Stump: Yes.

Chr. Blankley: Okay I am sorry about that.

N. Morris: That is fine.

Chr. Blankley: Any of the board members have any questions on what they want to do?

C. Addington: I went down and looked at that and it looks like there is parking on the east side of where you are going to build. Are you still going to allow parking in there with that being on the corner that way?

N. Morris: Yes the parking that is there where the sidewalk is is going to be between the building and that sidewalk.

C. Addington: It won't destroy that sidewalk?

N. Morris: Well we will have to remove it for construction but we are going to put it back. It will go back up against the south and east.

C. Addington: So cars won't be sticking out any farther than they are now?

N. Morris: No they won't.

C. Addington: Okay.

Chr. Blankley: Any other questions from any of the board members? There is one gentleman in the audience, would you like to come forward and speak? If the board members have nothing else to ask I would entertain a motion to take action.

D. Clevenger: So moved.

B. Davis: Second.

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

C. Starbuck: So moved.

C. Addington: Second.

Chr. Blankley: All in favor of the motion signify by saying aye. "Ayes". Opposed (none).  
Jamie.

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

C. Flatter: You are ready to go. All you have to do, well you've been through this before so you know what to do.

N. Morris: Go on to the next step. Thanks a lot.

Chr. Blankley: Looks like we've gone through all those. Anything else to come before the board?

C. Flatter: I don't have anything.

The meeting adjourned at 7:35 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS JULY 16, 2007 AT 7:00 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

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Chairman, Mike Blankley

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Vice Chairman, Dale Clevenger

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Recording Secretary, Jamie Stump