

BZA MINUTES

SEPTEMBER 17, 2007

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

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: The first thing on the agenda tonight is to approve the minutes of the August 20th meeting. Do I have a motion?

D. Clevenger: So moved.

B. Davis: Second.

Chr. Blankley: It has been moved and second that we will approve the minutes unless there were any corrections, deletions or additions to them. We have 5 items on the agenda tonight. For the people that have never been here before I will kind of explain how this meeting operates. We will call the petitioner up to the microphone, it is a recorded meeting and you will speak your name and address and what you are wanting to do. The people on the commission will then have the right to ask questions of you and then you can answer those questions. Then if there is anyone in the audience that is opposed or in favor of what you want to do, they have a right to speak. We will keep going back and forth until it is all settled then we will make a motion to take action on it. Does anybody have any questions about that? Okay the first petition on the agenda tonight will be Bruce Clevenger.

BZA 2007-28-V (Bruce Clevenger, Winchester)

Chr. Blankley: The first petition is BZA 2007-28-V, Bruce Clevenger. Will you please come forward.

B. Clevenger: Hello My name is Bruce Clevenger and I am the owner of Main Street Storage here in Winchester and I am asking for a variance on a lot that I own on East North Street. For some of you that don't know where East North Street is, it is the street that Anchor Glass Container is on. It is a vacant lot that is right across the street from Anchor Glass. It has been a vacant lot for years. My petition tonight is for a variance in setbacks. The only neighboring property that abuts my property is owned by AEP Power Company and it is a vacant lot also. It has been used as a parking lot for years and years. I am asking for a 5 foot variance on the east lot and a 10 foot, I am sorry, a 5 foot variance on the east line and a 10 foot variance on the south line.

Chr. Blankley: Okay before we go any further, Jamie were all the notices sent out and returned?

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J. Stump: Yes.

Chr. Blankley: Okay. Anybody on the committee have any questions of Mr. Clevenger?

C. Addington: You own the lot just west of the AEP lot then? Is that right?

B. Clevenger: Yes sir.

C. Flatter: I thought that I might add for the board's information, under Article V, which addresses the commercial zoning districts, 5.07 addresses transitional yards and it says, "Wherever residential zoning districts, church, school or park property line adjoins a commercial zoning district, transitional yard and setback shall be provided for all improvements except screening and landscaping unless a commercial or industrial use has been legally established." So side and rear transitional yard setback shall measure at least 20 feet, so that is why Bruce is here tonight is because of the transitional 20 foot yard requirement on the east side.

Chr. Blankley: Anybody else have any questions or concerns?

C. Addington: On the west side of your property, I noticed there are vehicles parked real close to the alley, is that, you are not asking for anything on the west side....

B. Clevenger: No, the west line will have an adequate setback. It will be about 20 to 25 feet from that alley. Almost 25 feet.

C. Addington: Okay thank you.

Chr. Blankley: Does anybody in the audience have any comments or questions for the petitioner? None. I would entertain a motion to take action.

G. Moore: So moved.

C. Starbuck: 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.

D. Clevenger: So moved.

G. Moore: Second.

Chr. Blankley: It has been moved and second for 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; Dale Clevenger, yes; Mike Blankley, yes; Bill Davis, yes; Gary Moore, yes; Christy Starbuck, yes; James Trautman, yes.

Chr. Blankley: Your petition has been approved.

C. Flatter: All you have to do is get your permits.

B. Clevenger: Thank you ladies and gentlemen.

BZA 2007-29-SP (Nancy Brim, Wayne Township)

Chr. Blankley: Second item on the agenda tonight is Nancy Brim. Will you please come forward.

N. Brim: Good evening. I am Nancy Brim and I am seeking permission to operate a Bed & Breakfast at 5363 E. St. Rd. 32, Union City, Indiana.

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Chr. Blankley: Okay now I have a question to ask you. There are two houses on the property if I am not mistaken. A front one, I know you used to live in the back one years ago.

N. Brim: Right.

Chr. Blankley: Now do you still live in the back one? I think you have an address of Richmond.

N. Brim: Right I live in Richmond. If this is okayed I would need to move to the back one.

Chr. Blankley: You would go into the back one and the front one would be the....

N. Brim: I think it would probably be the office.

Chr. Blankley: Oh okay. Anybody on the commission have any questions? Oh first, Jamie did all the notices get sent out and returned?

J. Stump: Yes.

Chr. Blankley: Okay. Anybody on the commission have any questions for Nancy?

C. Flatter: How many rooms would you have to....

N. Brim: There are three and there is 2 baths and a half.

C. Addington: That is where you would live also?

N. Brim: Yes. There is plenty of parking. You probably all know where it is.

C. Addington: I stopped and looked at it. Nice place.

D. Clevenger: You would be limited then on the number of people that you could accommodate right?

N. Brim: Yes.

C. Addington: The empty house would be your office?

N. Brim: Yes. Those have set empty for several years because I have a difficult time finding suitable renters so I have left them empty and I am not in this to make a lot of money or anything it is just something maybe to bring in a little bit of money each month for me to, mad money. I can always put no vacancy and take off.

Chr. Blankley: Anybody on the board have any other questions of her? Anybody in the audience have any questions? None. I would entertain a motion to take action.

B. Davis: So moved.

J. Trautman: Second.

Chr. Blankley: It has been moved and second that we take action on BZA 2007-29-SP. All in favor say aye. "Ayes". Opposed (none). I would entertain a motion to take a roll call vote.

G. Moore: So moved.

C. Starbuck: Second.

Chr. Blankley: 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; Gary Moore, yes; James Trautman, yes; Christy Starbuck, yes; Charles Addington, yes; Mike Blankley, yes; Dale Clevenger, yes.

C. Flatter: That is approved.

N. Brim: Thank you very much.

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BZA 2007030-V (Linda Brown, Winchester)

Chr. Blankley: Next item on the agenda is Linda Brown. Will you please come forward.

L. Brown: My name is Linda Brown. I live at 630 S. Western Avenue in Winchester.

Chr. Blankley: Jamie has all the notices been sent out and received back?

J. Stump: Yes.

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

L. Brown: I would like to pour a cement patio and put a roof over it for my back yard or the back of the house.

C. Flatter: The required setback is 20 feet so Linda is requesting a 16 1/2 foot variance from her west property line. I did receive a phone call this evening, actually from Buck Anderson, who was calling for Joyce Lewis and she evidently was planning on being here tonight but she had fallen over the weekend. I don't know if you have had a chance to have any conversation with Mrs. Lewis or not and Buck didn't bother to tell me reasons or anything

behind it other than he called to say that she was against it and could not be at the meeting tonight and wanted me to relay that. Have you talked with Mrs. Lewis at all?

L. Brown: No because I couldn't find her at home.

C. Flatter: I don't know anything other than she is against it. I told him I would state that and that is as much as I can do.

C. Addington: She is your neighbor right to the west?

L. Brown: Yes.

C. Starbuck: Actually, Linda it will face the side of her house? It is not really facing her outdoor area is it?

L. Brown: It will part of her backyard but I find that kind of funny because she just had a roofed patio enclosed not long ago and I told her how much I liked it.

C. Flatter: Well that is, I was assuming that is what this was on your drawing.

L. Brown: Yes.

C. Starbuck: Okay I see that. You wouldn't be facing each other.

L. Brown: No.

C. Starbuck: That is what I thought.

L. Brown: She has the vertical blinds that are usually closed to my side because the sun comes up on the east and would beat in there so it is usually closed and really I haven't even seen her in the back, use her little enclosure very much at all. Mine is, one of the purposes of wanting to do this also is I have wide open, no trees, nothing, and the sun beats in tremendously bad on that side of the house so I am thinking a roofed patio ..

C. Flatter: Will block a little bit of the sun from the west.

L. Brown: Right plus I have no privacy if I want to use my grill, I am out in my driveway out front and this would let me have the grill out back. I also think maybe at some point in time I might like to enclose part of that myself and have a little bit of enclosure sort of like Joyce does but not this year and it would not be enclosing all of it because I would like to have some of it to continue to use the grill.

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L. Brown: I kept thinking I would see Joyce and I thought maybe she was gone on vacation or something because I hadn't seen any activity there.

C. Flatter: I did tell Buck if he wanted to come to the meeting and represent her and maybe go into a little bit more detail because I wasn't going to ask questions because that is not what I am supposed to do. He declined to that offer. I don't have any good reasoning.

C. Addington: Where you live, that used to be Faye Fisher?

L. Brown: Yes.

B. Oliver: How many feet Linda between the two of you there at the back and her side, do you know?

L. Brown: You know I don't really know.

C. Flatter: If I had a scale I could tell you what it is because the aerial is on a scale of 1" = 50'. It is probably about 50 feet between the back of her house and the east side of Mrs. Lewis's house. Very close.

Chr. Blankley: That is what I was going to say was about 40 or 50 feet.

C. Flatter: I mean it is not like they are right on top of each other.

B. Oliver: She has enclosed hers?

L. Brown: Right. Where I would like to put this, her side of the house, there is not even any windows there. The only thing that would actually be there would be that enclosure and again.....

G. Moore: Front part of the garage.

L. Brown: Yes it is the garage and I think like her family room or something is right, here is her enclosure and here would be the family room and there are no windows there and then her garage. Again she keeps her vertical blinds closed to my side all the time and I honestly I use my backyard more than I think she uses hers but I am not there all day long either so.....

Chr. Blankley: Is there any other questions from board members? Is there anyone in the audience that would like to speak? Okay. If there are no more questions I would entertain a motion to take action.

C. Starbuck: So moved.

G. Moore: Second.

Chr. Blankley: It has been moved and seconded that we take action on BZA 2007-30-V. All in favor say aye. "Ayes". Opposed (none). I would entertain a motion to take a roll call vote.

J. Trautman: So moved.

D. Clevenger: Second.

Chr. Blankley: It has been moved and second that we take 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: Dale Clevenger, yes; Mike Blankley, yes; Christy Starbuck, yes; James Trautman, yes; Gary Moore, yes; Charles Addington, yes; Bill Davis, yes.

C. Flatter: Well Linda all you have to do now is come back in and get permits.

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L. Brown: I will do that and I will make a special effort to talk to Joyce and I appreciate this tonight.

C. Flatter: She may not have understood what you were wanting to do. It could be something as simple as that.

L. Brown: I am sure. Thank you very much.

BZA 2007-32-SP (600 Land Inc., Union Township)

Chr. Blankley: The next item on the agenda is 600 Land Inc.

G. Fine: Good evening.

Chr. Blankley: Good evening.

G. Fine: My name is Gary Fine and I represent 600 Land Inc., at 7256 W. 600 South in Modoc, Indiana. I am here tonight to ask for a special exception to reduce some setback areas from real property boundaries we had to set back in the last petition when we came before the board. Let me give you a brief history. If I stand up will you still record me?

C. Flatter: It should work.

G. Fine: This site drawing 1-A, the original part of the landfill is three 40 acre tracts. You have 40 acres here, 40 acres here and 40 acres here. When the original zoning for the landfill was obtained the setback requirement was 50 feet from property boundaries and at that time we did not own this piece of property over here. This was owned by Lee & Sylvia Chamberlain and in June of this year we obtained that piece of property. When we came before you in 2004, we had, I believe it was 82 acres to the north, which was approved, and 14 acres to the south that was approved. Well since we did not own that piece of property we had to set back from that property line 200 feet and the same thing to the south there. I am here tonight to petition the board to reduce that setback from 200 feet to 50 feet so it will line up with everything else on the west side of the landfill. It just makes things better for construction and drainage and everything else. Now if the special exception is approved, we will still have to petition the Indiana Department of

Environmental Management to get that portion of the landfill approved. That is solid waste boundary and we will increase the area to the north by 6/10 of an acre and the area to the south 1.94 acres for a total of almost 2 ½ acres, it would increase.

Chr. Blankley: Down at the bottom, that is where the buildings are?

G. Fine: Well....

C. Flatter: On the very east side of all that is outlined in red, over there.

G. Fine: The landfill buildings?

Chr. Blankley: Yes.

G. Fine: The office is here. Our shop is here and the evaporator building is here and these are residences barns over here. The area you are looking at, this is 600 South, 500 South, State Road 1 and Indian Trail Road.

C. Addington: What you bought from Chamberlain is 76.84 acres, is that right?

G. Fine: I believe it is 143 acres is what it amounted to. It was

C. Addington: Oh it comes on down. I see.

G. Fine: Yes all the way up to here.

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C. Addington: I was looking at this tract right above it I guess. I see it is 76, and 40 and the 118.

G. Fine: Yes, I think there is 23. There is 26 up here.

C. Addington: Oh up north. Okay.

G. Fine: Operational wise there would be no changes. Along with our application to the Indiana Department of Environmental Management, we would ask to increase our facility boundary and if you remember right, the facility boundary is the area outside of the solid waste boundary where you, we have our basins, our offices, our containers storage, ground water monitoring wells and types of things that are necessary in the everyday business and life. Does anyone have any questions?

Chr. Blankley: Jamie did he have to send notices out to anybody?

J. Stump: No.

C. Flatter: No they are the abutting property owner all around.

Chr. Blankley: I was going to say they own everything around them don't they?

C. Flatter: Yes.

Chr. Blankley: Just making sure. Does any other board members have any questions to ask? Any body in the audience want to ask anything? That will be something new and different, for you.

C. Flatter: Lets mark this on our calendar.

Chr. Blankley: When he comes usually this place is full.

C. Flatter: Don't think it is going to be like this every time you come in.

G. Fine: I hope I am not back.

Chr. Blankley: If none of the board members have any questions 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 2007-32-SP. All in favor say aye. "Ayes". Opposed (none). I would entertain a motion that we take a roll call vote.

B. Davis: So moved.

C. Starbuck: Second.

Chr. Blankley: All in favor of the motion 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, yes; Christy Starbuck, yes; James Trautman, yes. The petition was approved.

G. Fine: You have all these drawings right?

C. Flatter: Yes I do.

G. Fine: All I need from you is proof of zoning and if I could get that.

C. Flatter: Okay. I am not sure what, I don't remember what all you want. Do you just want....

G. Fine: I don't either. I will get back with you.

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C. Flatter: Oh you do want permits though don't you? Hang around for a few minutes. I don't think this petition will take long.

G. Fine: Okay.

BZA 2007-33-V (Chris Hammerstein, Farmland, IN)

Chr. Blankley: The last petition on the agenda tonight is Chris Hammerstein.

C. Hammerstein: Good evening. I am Chris Hammerstein. I live at 219 N. Hickory in Farmland, Indiana and I am applying for a variance to start a personal landfill.

C. Flatter: He has a sense of humor.

C. Hammerstein: I need a variance. I am wanting to build a detached stand alone garage on a vacant lot. That vacant lot is actually two parcels to the south of my residence, my house so there is actually one house and it would be in between us.

C. Flatter: Chris do you own any of the property that is on the west side of these lots? Are you going to have to go down Hickory Street to get to your building?

C. Hammerstein: Yes. The land that is behind there is owned by the Farmland Friends Church is directly behind.....

C. Flatter: So they do own all of that in behind there?

C. Hammerstein: Yes.

Chr. Blankley: Before we go any further, Jamie were all the notices sent out and returned?

J. Stump: Yes they were.

Chr. Blankley: Good.

C. Flatter: Do you at any time plan on doing anything else with the lot Chris? Just use it for this garage, is that all?

C. Hammerstein: Exactly, yes it would just be for garage use.

C. Addington: So you won't enter that from Hickory Street then?

C. Hammerstein: Yes I would enter from Hickory Street through a driveway.

Chr. Blankley: Is there any other questions from anybody on the board? Anyone in the audience?

C. Addington: You going to cut that big tree down? That is a pretty tree there.

C. Hammerstein: Well, I am probably going to have to trim a little bit of it but no I hope to leave it standing.

Chr. Blankley: If there are no other questions I would entertain a motion to take action.

C. Starbuck: So moved.

G. Moore: Second.

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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.

D. Clevenger: So moved.

B. Davis: Second.

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

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

C. Flatter: You can come in and get your permits Chris.

C. Hammerstein: Thank you very much.

Chr. Blankley: Is there anything else to come before this board?

C. Flatter: I have nothing.

The meeting adjourned at 7:35 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS OCTOBER 15, 2007 AT 7:00 PM IN
THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR
FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

Mike Blankley, Chairman

Dale Clevenger, Vice Chairman

Jamie Stump, Recording Secretary