

BZA MINUTES

OCTOBER 15, 2007

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

Members absent: Gary Moore, Dale Clevenger.

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 item on the agenda tonight is to approve the minutes of the September the 17th meeting. If there are no corrections to them I would approve a motion to approve them without reading.

B. Davis: So moved.

C. Addington: Second.

Chr. Blankley: It has been moved and second that we accept the minutes as written. For the people who are here tonight we have two petitioners on the agenda. I will explain how we will go about this. We will call you up. This is a recorded meeting. We will call you up to the microphone at this table and speak your name and address and tell us what you want to do. The board members will have the opportunity to ask you any questions. You may respond and if there is anyone in the audience that wants to ask questions of you then they can come up and ask questions and then you can respond to them if you so wish. We will go back and forth until everyone has had an opportunity to say what they want to do and then we will take action on it.

BZA 2007-34-V (Linda Whitby, Winchester)

Chr. Blankley: Will you please come forward.

L. Whitby: I think that is me. Whitby. My name is Linda Whitby and my address is 402 S. Browne Street in Winchester. What I would like to do is, currently in my backyard I have a cabana and I want to extend the roof from the cabana to my fence line, which I found out is my property line. There is an easement beyond that property line that goes to the street.

C. Flatter: Actually I think you've got about 2 ½ feet that is still actually your property on what would be the north side of your fence before the street right-of-way actually starts. It is a 40' right-of-way. I think the way the gentleman that is doing this for you measured it and you've got about 2 ½ feet.

L. Whitby: Rick Sanders. Okay. When we first came we were told the fence line was currently on the property line and that is why we needed the variance.

BZA Minutes 10/15/07

C. Flatter: Well actually you need the variance because you are a double frontage lot and you are required to be back off the right-of-way of Browne and Thompson Street for any type of

addition to the house or a roofed area and you are only 2 ½ feet instead of 25 feet. So really her roof line is not going to be really any more intrusive than, I mean she already has the privacy fence up there it is just that it is a roofed area and I can't issue the permit unless it is 25 feet from the right-of-way and so that is why she is here tonight.

Chr. Blankley: This is going to cover the deck right?

L. Whitby: It is concrete in the back yard yes. The idea is to make it a covered area so we don't have to worry about putting an umbrella up over a table.

C. Flatter: I don't know how many years ago it was that Mrs. Wickersham owned the property, when the pool was put in.

L. Whitby: Right.

C. Flatter: And she had to file for a variance on setbacks for the pool itself at that time too. It has been quite a few years ago.

L. Whitby: The way I understand probably over 30.

C. Flatter: How long?

L. Whitby: She had told me when I moved in there that the pool was about 25 years old and I have been there 6 years.

C. Starbuck: I don't think you've been in business that long Cathy.

C. Flatter: I have memory of it and I have only been in the office for 22 years. It's not been quite that long.

L. Whitby: Okay.

Chr. Blankley: Jamie I forgot, have all the notices been sent out and returned?

J. Stump: Yes.

Chr. Blankley: Is there any board members that have any questions of the petitioner?

C. Addington: I was wondering how high that fence was?

L. Whitby: The fence is, from the concrete it is about 5 ½ to 6 feet. I know it is taller than I am.

C. Flatter: Maximum for a privacy fence is 6 feet so I know it can't be any higher than 6 feet.

L. Whitby: It is a little bit below the concrete because of the way the property is.

Chr. Blankley: Any other questions from board members? Anybody in the audience have any questions of the petitioner? Hearing none, I would entertain a motion that we take action on BZA 2007-34-V.

C. Starbuck: So moved.

B. Davis: Second.

Chr. Blankley: It has been moved and second that we take action on BZA 2007-34-V. All in favor say aye. "Ayes". Opposed (none). I would entertain a motion that we take a roll call vote.

C. Addington: So moved.

J. Trautman: Second.

BZA Minutes 10/15/07

Chr. Blankley: It has been moved and second that we have a roll call vote. 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: Charles Addington, yes; Dale Clevenger, absent; Mike Blankley, yes; Bill Davis, yes; Gary Moore, absent; Christy Starbuck, yes; James Trautman, yes. The petition was granted.

C. Flatter: Now all you have to do is come back into the office and obtain your permits.
L. Whitby: Okay. Thank you.

BZA 2007-35-SP (American Electric Power, Ward Township)

Chr. Blankley: Next on the agenda is American Electric Power.

P. Simmons: My name is Peggy Simmons on behalf of American Electric Power for a special exception permit for a temporary meteorological tower.

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

J. Stump: Yes.

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

P. Simmons: We would like a special exception for a temporary permit for a meteorological tower.

C. Flatter: When you say temporary what are you talking about?

P. Simmons: Two years.

Chr. Blankley: Did I read some place in here that they have a lease for 55 years or something on the land?

P. Simmons: The lease, we have an option lease but I don't recall it being for 55 years. Meteorological towers only detect the wind for a two year period before it, you determine whether you want to go forward and have actual towers placed on this site.

Chr. Blankley: Then I have a question? This would only be for a two year special exception? Some place in there I thought I read 55 years or something.

C. Flatter: Pursuant to the terms of the lease through 2064.

B. Oliver: This isn't the lease. This is memorandum, just a short version just for the record. If they get something there, I guess the tower is going to tell them if it is going to be affordable to put up?

C. Flatter: If it is feasible to have one there.

P. Simmons: Yes, that is what it will tell us if its possible but the wind is viable for us to justify putting up an actual wind tower.

B. Oliver: Then they are going to be more interested in coming back and ...

Chr. Blankley: They would have to come back then?

B. Oliver: Yes but you have to condition under Article XII if you are going to make it a two year special exception because other wise it is in perpetuity.

BZA Minutes 10/15/07

B. Oliver: So if you approve it in the two years its sufficient then you make your motion if you are going to approve this and put the condition that it is a two year permit. Are you ready to start construction?

P. Simmons: Yes. We have one in two other neighboring counties and we want to erect this one and we would not, production would not start we would just start getting wind data to be able to start doing analysis.

B. Oliver: Okay, so you are waiting, your two years can start running as of the date of the decision?

P. Simmons: Of erection of the tower or date of the permit if issued.

B. Oliver: Which you are right Mike, it is in there but they are talking about that would be when the actual tower goes up if it is feasible to put up.

Chr. Blankley: If they put it up.

C. Addington: After the test. What happened with the tower that we approved, I don't know, maybe six months ago or something, over on Kerns property. What happened to it? Do you know?

P. Simmons: We have one put up in Jay County and we have another one in Wayne County. We erected those September 11th and 12th and this is the third one we will have.

C. Flatter: We approved a special exception for the southeastern part of our county for another property. The gentleman I talked to, Carl Meyer, had said that one was not going to happen and I think Mr. Addington was just wondering if you knew why?

C. Addington: That is not the one I was thinking of. I was thinking about the one on Kerns north of 28, east of Saratoga.

B. Davis: Wasn't that the realtor, Bob?

C. Addington: Yes, Bob Wisner.

C. Starbuck: That is for emergency radio.....

C. Addington: No it was a wind tower.

C. Flatter: No it wasn't up north. It was south east.

P. Simmons: Kerns property. Is that the one you were referring to? We decided once they went out and looked at the sites it wasn't the best place for us to get a reading from.

C. Addington: I never heard anything about it.

P. Simmons: This is a better site so that is why we are back here to submit this.

Chr. Blankley: Is there anybody in the audience that has any questions? Any of the other board members have any questions?

B. Oliver: I am not a board member but I have a question, what is a brief description of one of these? What does it look like? How tall is it?

P. Simmons: About a 200 foot tower that has guide wires that has it anchored. Then they have anemometers put on about 30 feet, 40 feet and then 2 at 60 feet and another at the highest point and there is a satellite system where it reads and comes right back into a computer system into ours and one of our consultants.

BZA Minutes 10/15/07

P. Simmons: They read the data and say what it looks like and whether we are getting the wind source that would be viable for us to put up an actual tower and receive or be able to produce energy at a level that we could go to a commission and tell them that this is what we want to do for the benefit of our customers.

B. Oliver: You take two years of accumulated information to make that determination more or less?

P. Simmons: Yes.

B. Oliver: Okay.

P. Simmons: That is at a minimum. I mean sometimes you can get enough information, usually you can get enough information within that time frame. There are some that stay up if the

tower goes up to continue to test the wind speeds that go through there. Usually 2 years is a sufficient amount of time.

C. Flatter: I am curious, do you handle hearings like this throughout the state or do you have just a certain region where you handle things because I am wondering if you are familiar with Benton County and what they are going through over there? Did you handle any of that process?

P. Simmons: Benton County, the PPA, yes I helped work on that as far as,.....

C. Flatter: When did AEP start their studying over in Benton County?

P. Simmons: Benton County from AEP's standpoint is just a power purchase agreement. We are purchasing the output from a developer who developed that site and they did.....

C. Flatter: So the developer, AEP has not been the developer in this project in Benton County?

P. Simmons: In Benton County correct. We were just buying the off take. This project that we are looking at potentially as being the developer or having someone develop it and at least get the information to be able to make that decision.

Chr. Blankley: How tall will this tower be?

P. Simmons: It is 200 feet.

C. Addington: Are the propellers, those blades higher than that yet? They are aren't they? Higher than the tower?

P. Simmons: This is not a turbine so there are no blades on it. It is anemometers on it.

C. Addington: Oh I see so it is just for the test? There won't be any turbines on this.

P. Simmons: No turbines just anemometers that kind of test what the wind speed is coming through there.

Chr. Blankley: If there are no questions from the board members I would entertain a motion that we take action.

C. Starbuck: So moved.

B. Davis: Second.

Chr. Blankley: It has been moved and second that we take action on BZA 2007-35-SP.

J. Trautman: Don't we have to put a motion in to make that special 2 year, do we have to make a motion stating that that was a 2 year

BZA Minutes 10/15/07

B. Oliver: Right. Pursuant to Article XII 12.04 Special Exception use shall be limited to specific use and improvements shall be in perpetuity, until such authorized use becomes an abandoned use unless otherwise specified by the Board of Zoning Appeals, so you would then be pursuant to 12.04 to authorize the Special Exception for a period of two years from issuance of

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C. Flatter: Improvement Location Permit.

B. Oliver: Cathy's Improvement Location Permit. Is that what you said?

J. Trautman: Yes that is what I said.

C. Flatter: Exactly.

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. Addington: So moved.

Chr. Blankley: Do I hear a second?

J. Trautman: 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: Christy Starbuck, yes; James Trautman, yes; Gary Moore, absent; Bill Davis, yes; Dale Clevenger, absent; Mike Blankley, yes; Charles Addington, yes. The petition was granted.

C. Flatter: You are approved. You can come in and get your permit whenever you are ready to put the tower up.

P. Simmons: Thank you very much.

B. Davis: Good luck.

The meeting adjourned at 7:20 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS NOVEMBER 19, 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