

BZA MINUTES

NOVEMBER 19, 2007

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

Members 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: The first item on the agenda tonight is to approve the minutes of the October 15th meeting. I would entertain a motion to approve them without reading, if there are no corrections, deletions or additions.

D. Clevenger: So moved.

B. Davis: Second.

Chr. Blankley: It has been moved and seconded that we approve the minutes without being read. All in favor say aye. "Ayes". Opposed (none). We have two items on the agenda tonight.

BZA 2007-37-V (Donald Aberle Jr., Union City, IN)

Chr. Blankley: The next item on the agenda is Donald Aberle Jr., from Union City. I just found out there is nothing this committee can do for anything that is happening in Union City because the Council did not approve our amendments so I am sorry Linda and Don. We can't help you.

C. Flatter: I did sit down and explain to them the reasoning behind this and so ...

L. Aberle: We will go to the council and ask them.

C. Flatter: She just happens to be an employee with the City of Union City.

Chr. Blankley: So I am sorry.

C. Flatter: Bob I was wondering if it would be possible for them to request a continuance based upon their concurring with Union City and seeing what they can do. Just so that we could by-pass the legal notice and notification again and whenever we would continue it or if they see it is not going to be possible at that point to request for another continuance at that point? After all it was my mistake that they notified everybody and spent money on a legal notice.

B. Oliver: I think we could. The procedure rules that the board at its discretion may continue or postpone the hearings of any case on affirmative vote of the majority of the members present.

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C. Flatter: What I suggested to them is that we possibly make it a continuance to our February BZA Meeting. I think it would probably be nearly impossible that Union City would have anything done by our January meeting.

B. Oliver: Right. The only thing I would need to do probably and in the meanwhile is to look and make sure we can proceed on something that we don't have any jurisdiction of at the time it was filed. I don't know that that would be a problem but I'll take a look at that but as far as continuing it, yes we can do that.

C. Flatter: Okay.

Chr. Blankley: To the February meeting then?

C. Flatter: Yes. So I need a request then from the commission.

C. Starbuck: I would like to make a motion then that we continue this particular request.

Chr. Blankley: To the February meeting?

C. Starbuck: Yes the February meeting.

Chr. Blankley: Was that in the form of a motion?

C. Starbuck: Yes that was in a form of a motion.

J. Trautman: I'll second that.

Chr. Blankley: Okay it has been moved and seconded that BZA 2007-37-V be postponed and moved to the February meeting.

C. Flatter: Which in February that is the 4th Monday.

L. Aberle: That is going to conflict with me. The 4th Monday I have meetings every month with the Housing Authority.

B. Oliver: Actually we only need one of you here. I suppose we can note that there is....

L. Aberle: Okay. That is up to you. My husband doesn't hear very well. He has hearing aids but it is just very hard for him to understand what is going on. That is why I normally handle things....

B. Oliver: Is there anyone here in opposition to this?

L. Aberle: No.

C. Flatter: We could set it for March and in March it goes back to the 3rd Monday.

L. Aberle: We would like to start doing something before then.

C. Flatter: In January and February both because of the holidays on the 3rd Mondays, that is why we have them on the 4th Mondays.

B. Oliver: I would imagine your husband could get through this without any problems, if Union City will do it.

L. Aberle: Will do something. I really don't understand the whole reasoning behind it but again that is Union City's Council.

C. Flatter: Is there anyway I can get a copy of the letter to you like tomorrow? Can I fax you anything so you can read what their reasoning was?

L. Aberle: Sure. I can give you my fax number.

C. Addington: How long has it been since we've been able to handle a variance over there? It's been two or three years hasn't it?

C. Flatter: 2006.

C. Addington: Oh not as long as I thought.

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D. Clevenger: They have a new mayor maybe he'll straighten things out.

C. Addington: That is what I thought.

C. Flatter: I'll get that out to you tomorrow morning.

L. Aberle: Okay thank you. You always meet at 7 o'clock?

- C. Flatter: Yes.
- L. Aberle: Mine start at 6 and like you I never know how long they will last.
- B. Oliver: You will be first on the agenda unless you want to be moved down, probably.
- C. Flatter: If there are other things on the agenda that night, we can put you as far down at the bottom of the agenda as possible if that would help.
- L. Aberle: Closer to the time I will give you a call and see what is going on to make sure.
- C. Flatter: Okay. We will be in touch.
- L. Aberle: Is that all we need then?
- Chr. Blankley: That is it. I am sorry. Good luck with the council.
- C. Starbuck: Did we have to vote on that motion or are we good?
- J. Trautman: No we didn't.
- Chr. Blankley: All in favor of the motion signify by saying aye. "Ayes". Opposed (none).

BZA 2007-38-CU (Town of Modoc, Modoc, IN)

- Chr. Blankley: Next on the agenda is BZA 2007-38-CU, The Town of Modoc.
- C. Flatter: Is there a representative? Well let me explain this. The legal notice advertised the meeting to be November the 20th rather than the 19th. So we have to re-advertise and re-notify so we need to have a special meeting. The news paper said that they could get the legal notice in the paper by Wednesday, so that means that we could meet any time from the first week of December on, starting with the 3rd. Because of it being our mistake, we will put the legal notice in the news paper. There was only one property owner and that's the school itself, so we just need to decide when we are going to have a special meeting.
- Chr. Blankley: Are you doing anything December the 3rd? Mr. Clevenger?
- D. Clevenger: That is a long ways down the road.
- C. Flatter: We could do it earlier in the evening rather than 7 o'clock if that means there is something going on in the evening, like Christmas programs or anything like that.
- C. Starbuck: I don't have any thing that I know of.
- C. Flatter: Would you rather meet earlier than 7?
- C. Starbuck: It would be fine with me. How bout the rest of you?
- J. Trautman: I am retired. I don't care.
- C. Addington: Just make it 7.
- D. Clevenger: Don't get it confused.
- C. Addington: Yeah.
- C. Flatter: Go ahead for 7 o'clock? Well it looks like it is going to be December 3rd at 7 PM. That is it. We do have to have that in a form of a motion too.
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- C. Starbuck: I make a motion that we have a special meeting at 7 o'clock on December 3rd.
- C. Addington: Second.
- Chr. Blankley: It has been moved and seconded that we have a special meeting on December 3rd at 7 o'clock. All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Anything else to come before the board tonight?
- C. Flatter: I don't think so.

The meeting adjourned at 7:20 PM.

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THE NEXT REGULARLY SCHEDULED MEETING IS JANUARY 28, 2008 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