

BZA MINUTES

MARCH 20, 2006

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

Members absent: Gary Moore.

Staff present: Cathy Flatter, Executive Director, Sheryl Fidler, Acting 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 I would like to make sure everyone received a copy of the minutes of February 27, 2006.

B. Davis: I make a motion to approve the minutes of February 27th without reading.

C. Addington: So moved.

Chr. Blankley: It has been moved and seconded that the minutes be approved without reading. All in favor say aye. "Ayes". Opposed (none). We have three items on the agenda tonight and I will read this Conduct of Hearing for the people out in the audience. The petitioner will be allowed to present the facts and arguments in support of his/her case without interruption by any other person. The board members will be allowed then to ask questions of the petitioner. Any interested person or party in the audience that would like to ask any questions will be heard. The board members may ask them questions also and after we are all done, we will take a vote on the petition. The first petition tonight is BZA 2006-6-V, Mark Wickens.

BZA 2006-6-V (Mark Wickens, Winchester)

Chr. Blankley: Will you come up to the table please. This is a recorded meeting. Speak your name and your address for the record please.

J. Wickens: James Wickens. 2482 N. 130 West, Winchester, Indiana.

Chr. Blankley: Okay, did you receive an, well does he know if they received an Article V?

C. Flatter: Yes because he actually did most of the leg work for his son.

Chr. Blankley: Okay.

J. Wickens: My son lives out of town.

Chr. Blankley: You did receive an Article V, Conduct of Hearing. Okay will you please tell us what you would like to do.

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J. Wickens: Okay, he is building a shed in the south end of this lot that he bought. It is a storage shed. He collects antique cars and stuff and the variance is because he plans to build a home there but there is a variance of 35 feet off the back property line and he wanted to go 15

feet off of it because he wanted to be as far off the road as possible just because he didn't want vandalism or anything to happen. The building is going to be approximately 28 – 34,000 maybe even higher than that. It is going to be a 40' x 60' storage shed. He has a 1969 Roadrunner that he has completely restored. He has 2 other cars that he is going to restore out there in this building. Everything will be kept inside. Nothing outside.

C. Flatter: Mr. Wickens you might want to explain to the board why you are here tonight instead of your son.

J. Wickens: I did say that, because he is in school tonight. He works down in Lawrenceburg at Anchor Glass. He is on his apprenticeship and his has to attend college four nights a week, Monday through Thursday.

C. Flatter: I will just explain to the board, because of him wanting to put the accessory building up prior to putting a home up, the accessory building would have had to have met the principle buildings setback requirements which would be 35 feet from the rear property line rather than the 15 feet. If he were building this building after he built his home on there, these setback requirements would be fine. He would have no problems because he meets the minimum requirement. It is simply because there is not a house on the property now.

Chr. Blankley: Not at this time.

J. Wickens: Also there is a fact that the property line he is going off of is, his property is completely fenced in except the front. They've just got horses out in the field there so I don't see what 15 or 35 feet would make a difference, myself.

Chr. Blankley: Is he going to do any painting or any type of that when he is working on these cars back in there?

J. Wickens: I doubt it because he doesn't paint. He usually has somebody else do the painting on them.

C. Flatter: This is just a hobby, is that

J. Wickens: Right. He has probably \$25,000.00 worth of Mo-Par parts that he has been buying since he was 16 years old. What he does is he goes to swap meets and stuff and sells them. He has stuff in my garage and my shed. He rented a storage building and he is going to rent another storage building and he is wanting to get this shed up so he can get everything organized so he will know exactly what he does have. These parts have quadrupled in the last 10 years and maybe more than that.

Chr. Blankley: This is going to be strictly used for his own personal use? No business or anything else?

C. Flatter: No. He can't put a sign up saying anything for sale or he can't put one of his cars in his front yard and start selling from there. It is just not allowed in that zoning district.

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

B. Davis: What type of framing is that going to be? Has he determined that yet?

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J. Wickens: It is going to be a frame. I think it is going to be a wood structure but it is going to have the metal siding, colored siding. It will be one color on top and a different color at the bottom. Like a gray and a tan or something like that. He has been looking. We went to Indianapolis 4 weeks ago and he was pointing out, going down the interstate, all the different colored buildings and said, "I like that one and I like this one." It is going to be built by a local construction guy and it is going to be a very, very nice building I can tell you that. There is no doubt about that. He has a lot of stuff to put in it and he doesn't want, he is afraid of vandalism

with him not being here right now. It is about 3 miles from my house so I can periodically check on it. In the middle of the night though, nobody knows.

Chr. Blankley: Any other questions from any of the other board members? Is there any questions from anybody in the audience? Come forward and speak your name.

S. Rutledge: Steve Rutledge and I live in that area out there and I have lived there for 30 some years and I would just like to make sure that this is not going to be a garage where he repairs cars or a used car lot where he sticks a bunch of cars out there. What happens if he starts doing this?

C. Flatter: Then you just have to report it to the Planning Department. What I would be issuing a permit on is for his own personal use. Like I said, he is not going to be able to sell cars from there, repair other peoples cars there, so if something like that happens, then it just needs to be told to the office and he would have to file for a zoning change.

S. Rutledge: We just wanted to make sure. We have lived there for thirty some years and I don't want it to be a junkyard. I have known Jimmy for years and I hope that is not what he is planning on doing but you just can't tell any more. You know? We just wanted to make sure what it was.

J. Wickens: No it is not what he is planning.

C. Flatter: Well he is planning on living there eventually in what, the next two or three years, hoping to build there.

J. Wickens; He has a year in July to go on his apprenticeship and then he is looking to maybe relocate back up this way and then his plans right now are to build a home there. That is why he bought the lot. He paid I think a little over \$10,000.00 for the lot, so by the time he gets the building done, he is going to have a little over \$50,000.00 and like I said, basically he is just going to start storing his Roadrunner in there and Mo-Par parts. He is not planning on working on anything except he has two cars that he is going to restore back to original and that is all he is going to do. He takes them to car shows and shows them off. He is not going to make a mess out there.

Chr. Blankley: Sounds fine. Is there anybody else? I would entertain a motion from the board to take action on BZA 2006-6-V.

B. Davis: So moved.

C. Addington: Second.

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

D. Clevenger: So moved.

C. Starbuck: Second.

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

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

C. Flatter: Well the petition has been approved. When he is ready to start you just need to come in and apply for the Improvement Location Permit and the Building Permit.

J. Wickens: I don't think I've got that stuff here but he will come up and do it I hope. Thank you guys very much.

BZA 2006-7-V (Saratoga United Methodist Church, Saratoga)

Chr. Blankley: The next petition is the Saratoga United Methodist Church. Will you please speak your name.

K. Prescott: My name is Kurt Prescott. My address is 4101 E. 500 North, Winchester. Sorry for the glasses, I had eye surgery 3 weeks ago. Light really bothers it. I am not trying to be cool. I just.....

C. Flatter: I thought you were trying to hide from us.

D. Clevenger: We still recognize you.

K. Prescott: Actually it was not a good thing. I had a piece of steel go through my eye.

Chr. Blankley: Did you receive an Article V, Conduct of Hearing when you applied for this?

K. Prescott: Yes.

C. Flatter: Were you in the office at all?

K. Prescott: I was the one that sent the letters out.

C. Flatter: I guess I wasn't in there when you were in there but somebody received it along the way.

K. Prescott: Yes. I don't know what it was.....

Chr. Blankley: Did we get the receipts back?

S. Fidler: Yes we did.

Chr. Blankley: Was it published in a timely manner?

C. Flatter: Yes it was and I forgot to remind you, all three of them were in the paper on the same day.

Chr. Blankley: So if you will please tell us what you would like to do. I don't think I am going to go through all this again when I just did it.

K. Prescott: What the church is asking to do is we are wanting to expand our fellowship hall to the north, 30' x 35' addition, I think is what it was. We need to ask for a variance to the rear. I think the exact there was 15 feet and we are going to be 14 feet 6 inches.

C. Flatter: Now Kurt, am I right to, Mrs. Conn donated some property so that you would have a little extra room to build on but she didn't want to, there was some reason.....

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K. Prescott: To build the Fellowship Hall. She didn't go any further than that?

C. Flatter: Yeah, is there a building back there or something?

K. Prescott: There is a barn on it should be northeast of that, right at the corner of that property.

C. Flatter: Oh well you can see it on the aerial, what she did donate is what is sticking out there from the existing lot and because of that building there she didn't want to go much beyond that and so that is why they are having to ask for a variance on the rear setback.

Chr. Blankley: They are wanting to go from 14'5", they want to go back to 14' 5" or 14' 6".

C. Flatter: Actually it is a 20' setback requirement so they are just asking for a little less than 6 foot.

Chr. Blankley: I will ask, is there anybody in the audience opposed to this? Is there anybody in the audience in favor of this? Would you guys come forward.

K. Prescott: Ask them if they would like to donate.

Chr. Blankley: Is there any of the board members that have any questions to ask? If none, I would entertain a motion to take action on BZA 2006-7-V.

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 that we have a roll call vote.

J. Trautman: So moved.

D. Clevenger: Second.

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

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

Chr. Blankley: Here again you have approval.

C. Flatter: Same with you guys, I don't know if you have submitted anything to the State, yet, so.....

K. Prescott: Yes we got that back and got the approval.

C. Flatter: If you have that then that could be brought in to the office and we will get the paperwork filled out and you guys will be good to go.

K. Prescott: Okay, thank you very much.

BZA 2006-8-V (Carolyn Wheat, Union City, Indiana)

Chr. Blankley: Next on the agenda is BZA 2006-8-V, Carolyn Wheat. First of all, did you receive an Article V, Conduct of Hearing when you first signed up for your petition?

C. Wheat: Yes.

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Chr. Blankley: Now, will you please state your name and address for the record and then tell us what you would like to do.

C. Wheat: Carolyn Wheat and I live at 733 W. Division Street in Union City. What I am wanting to do is put a new single wide on my mom and dad's property there on Hwy. 27 because they are both up in age and have both been sick and I spend a lot of time going there. It would just be a lot simpler and easier with me being right there. It would basically be right where the old barn is. We will have that taken down.

C. Flatter: At the time that the application was submitted I think you hadn't decided for sure if it was going to be a double wide or a single wide, so you have decided now that you will be going with the single wide?

C. Wheat: It would be the bigger single wide or the smaller double wide. We have went out and measured and stuff because we really wanted to make sure it would be okay so we went out and looked.

C. Flatter: So the board members know, they have 1.2 acres and it takes an acre per dwelling in an agricultural zone and that is what the variance is for tonight, asking for them to be allowed to set a second home on this 1.2 acres. If in a few years, when your mom and dad are gone, do you plan on keeping that second mobile home there on the property too or have you even thought about that?

C. Wheat: Yes, we've talked about it. It would probably depend on the condition it was in. It is pretty old. I mean we wouldn't put another one right there but if it was in bad shape, it would have to come down and be cleaned up.

C. Flatter: Okay.

Chr. Blankley: Are you going to put this on any kind of a foundation?

C. Wheat: Yes.

C. Flatter: I think you talked about putting in a new septic system too, didn't you?

C. Wheat: Yes. I wasn't sure with their well there, if we could hook into their well, I know we would have to put in a leech bed or septic system, we weren't really sure what we had to do or what we needed to do because we have never done anything like this.

C. Flatter: There aren't any regulations as far as the well is concerned. If you feel like it is sufficient for both homes, you can

C. Wheat: I would have to have that checked out. My dad says that it is but

C. Flatter: But you don't have to have any kind of permits or anything but with the septic system, you will.

C. Wheat: Right.

Chr. Blankley: Does any of the board members have any questions for the petitioner? If not I would entertain a motion to take action on this.

T. Wheat: Can I ask a question here?

C. Flatter: Her husband is wanting to ask a question.

T. Wheat: We failed to mention in there, you have the drawings there, we failed to mention a garage. The place where we are going to put it, as you can see in the drawings, the trailer will sit behind where the barn is. What we would like to do is maybe put a small 12' x 14' or something where the barn is.

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T. Wheat: It is still, I mean there is plenty of room and it wouldn't, basically the barn is there but it is going to come down. I would just like to have a place to put tools and his lawn mower or whatever.

C. Flatter: I am sorry Mr. Wheat, if you would just state your name for the record.

T. Wheat: Thomas Wheat. 733 W. Division Street, Union City. What I am basically wanting to ask is if we just put a mobile home there now, do we have to go through this again to put a garage there or just come and get a permit?

C. Flatter: As long as you meet all the setback requirements for an accessory building.

C. Wheat: We would just have to come for a permit?

C. Flatter: Right.

D. Clevenger: What size of home are you going to sit there?

T. Wheat: Probably 16' x 80'.

C. Wheat: If it is the single wide, it will be 16' x 80' and which that is basically probably what we are going to go with.

T. Wheat: Or a 16' x 70'. We were looking at one.

C. Wheat: Right.

C. Addington: What kind of condition is the trailer in now?

C. Wheat: That they live in?

C. Addington: No, the one that you will live in.

C. Wheat: No we would buy a new one. We own a home in Union City and we will sell that and then

C. Addington: I saw your address. Is your mother's name Beer?

C. Wheat: No, that was my aunt.

Chr. Blankley: Any other questions? I will entertain a motion to take action on BZA 2006-7-V.

D. Clevenger: So moved.

B. Davis: Second.

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

C. Starbuck: So moved.

B. Davis: Second.

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

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

C. Flatter: All you need now is just decide what you want to go with. You will need to get in touch with the Health Department before you do anything as far as obtaining your permits because if you are putting in a whole new septic system then you will have to have permits from them which will take longer than our permitting process will.

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C. Flatter: You might want to start talking with them now even though you don't know for sure. As long as you know how many bedrooms you are going to have in your home, you can start your process with them because it is based on bedrooms.

C. Wheat: Okay. Thank you.

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

C. Flatter: I don't have anything else.

Chr. Blankley: I would entertain a motion to adjourn.

J. Trautman: So moved.

B. Davis: Second.

The meeting adjourned at 8:00 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS APRIL 17, 2006 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