

**BZA MINUTES**

**JULY 18, 2005**

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

Members absent: Gary Moore, Dale Clevenger.

Staff members: 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 Charles Addington at 7:00 P.M.

Chr. Addington: Board members we need to approve the minutes of the May 16<sup>th</sup> meeting. Do I hear a motion on that?

M. Blankley: So moved, without reading.

B. Davis: Second.

Chr. Addington: All in favor of the motion signify by saying aye. "Ayes".  
Opposed (none). The minutes of the May 16<sup>th</sup> meeting have been approved without reading. Good evening ladies and gentlemen. I should have said that first. The first thing I want to do tonight is to read the following for the benefit of the petitioners. The petitioner will be allowed to present the facts and arguments in support of his/her case without interruption by any other person. Board members will then be allowed to ask questions of the petitioner. Any interested person/parties sent a notice shall then be allowed to speak and present their facts and arguments uninterrupted. The Board members may ask questions of these interested parties and then if there are other people attending the meeting they will be allowed to speak to the board either pertaining to the facts or questioning the board on any matter pertaining to the petition being heard. We have three petitions before us tonight.

**BZA 2005-9-V (Clover Bearfield, Ridgeville)**

Chr. Addington: The first one is going to be Clover Bearfield. Could you come up to the front please. Take your time. This is a recorded meeting. This will be BZA 2005-9-V, Clover Bearfield, 209 W. 3<sup>rd</sup> St., Ridgeville, Indiana. The location will be at 209 W. 3<sup>rd</sup> St. It is a variance for lot size requirements. Did you receive an Article V, Conduct of Hearing when you applied for the petition?

C. Bearfield: Yes sir I did.

Chr. Addington: Did you notify all the surrounding property owners?

C. Bearfield: Yes sir I did by certified mail.

Chr. Addington: Did we get those receipts back Jamie?

J. Stump: Yes we did.

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

J. Stump: Yes.

Chr. Addington: Okay you can tell us what you would like to do.

C. Bearfield: Well what I have is Habitat for Humanity wants to build a home on the lot east of where I currently live and the land that is taken together is approximately 7,000 feet but the requirement is 10,000 square feet for the Area Planning. I am asking for a variance to that 10,000 square feet for the home to be built.

C. Flatter: I just want to explain to the board, if you will look at your site plan, all of this property that is marked for lot 1 and lot 4, the whole thing is currently owned by Clover. Like she said, Habitat for Humanity is going to be building her the home.

C. Bearfield: Yes ma'am.

C. Flatter: Where it is marked "A", that is her current home that is going to be torn down. That property right there is going to remain in Clover's name but the area east of the driveway is going to be under Habitat for Humanity so it is a separate legal description, like she said of 7,000 square feet. I could not issue the permit because of the lot size requirement being 10,000 square feet.

Chr. Addington: After that existing structure is torn down will that be part of the lot then?

C. Flatter: No because they have prepared a separate legal description. The legal description that was included in the, well you don't get a copy of it, but it was just for that area where the home is located.

Chr. Addington: Okay, any questions from the board members?

C. Starbuck: Does this meet all the other setbacks, just not the minimum?

C. Flatter: It meets all the requirements except that.

C. Starbuck: Okay.

C. Flatter: It meet setbacks, everything. The home has enough square footage.

Chr. Addington: When do you think that might start? When will it be finished?

C. Flatter: They wanted to start, what, two months ago?

C. Bearfield: Yes.

C. Flatter: Something like that?

C. Bearfield: Yes they wanted to start in the beginning of May I believe. I didn't know, well Mr. Stoner didn't know.....

C. Flatter: Mr. Stoner from Union City was the one handling all the paperwork for Habitat and he came in with the idea of filling out paperwork for a permit until I saw the lot size and told him we would have to go through all this. The way everything fell, she had just missed applying to get into the June meeting.

C. Bearfield: By one day.

C. Flatter: So that is why it has taken this long.

Chr. Addington: Okay. Any more questions from the board? Is there anyone in the audience that wants to speak about this that received a notice? Okay, I believe, not hearing any more questions, we are ready to take action on BZA 2005-9-V. Do I hear a motion to that affect?

B. Davis: So moved.

C. Starbuck: Second.

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Chr. Addington: Now I need a motion for a roll call vote.

M. Blankley: So moved.

J. Trautman: Second.

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

Chr. Addington: Your petition has been granted.

C. Bearfield: Thank you very much.

C. Flatter: Clover now all you have to do is get hold of Mr. Stoner and let him know that everything was approved tonight and maybe he can come in tomorrow morning and fill out the paperwork for the permits and I should be able to have the permits over there within a few days.

C. Bearfield: Thank you very much. I appreciate your time and effort.

Chr. Addington: Thank you for coming.

## BZA 2005-10-V (Frances Keys, Winchester, IN)

Chr. Addington: The next petition on the agenda is BZA 2005-10-V. It will be Frances J. Keys, 3450 E. Base Road, Winchester, Indiana. She is also the owner. This will be a variance also. Would you state your name for the record.

F. Keys: Frances J. Keys.

Chr. Addington: Did you receive a Conduct of Hearing, Article V when you applied for this petition?

F. Keys: It's all here.

Chr. Addington: Did you notify all the surrounding property owners?

F. Keys: Yes.

Chr. Addington: We got the receipts back Jamie?

J. Stump: Yes.

Chr. Addington: It was published in a timely manner?

J. Stump: Yes.

Chr. Addington: Okay, you can tell us what you would like to do.

F. Keys: We are negotiating to put this size trailer on our property, on my property.

C. Flatter: Most of you are probably familiar with the trailer. You have probably seen it on 32, west of Farmland, about a half a mile is a farmhouse that sits on the north side of the road and there is a small mobile home that has set there for .....

F. Keys: Ten years.

C. Flatter: Has it been 10 years?

F. Keys: That is what she said.

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C. Flatter: Very nice little mobile home and that is the one that Mrs. Keys is wanting to move onto her property. I believe you will be living in the mobile home and this is your daughter that will be taking over all the work that is required for the house.

F. Keys: The 9 room house that I don't need.

Chr. Addington: Is that the trailer that sits there pretty close to the legion? The Farmland Legion?

C. Flatter: No, no. West of Farmland.

Chr. Addington: Oh okay, I was going the wrong way.

C. Flatter: Where the old junk yard was years ago.

Chr. Addington: Where Roe Miller.....

C. Flatter: Right across the road. On the north side of the road. The farmhouse sits here and the little mobile home is just west of the farmhouse.

F. Keys: Lana Helms' father and mother.

Chr. Addington: Oh yes. Max's wife.

F. Keys: We are negotiating. It is not cut and dried. We are negotiating.

Chr. Addington: Is it in good condition then?

F. Keys: Yes.

Chr. Addington: What year is it? Do you know?

F. Keys: It is 10 years old.

Chr. Addington: You said that already.

F. Keys: Yes.

Chr. Addington: Is there anything else you want to add? Do you have any questions board members? Where are you going to set that? Are you going to set that east of the house?

C. Flatter: Well I was just now looking at the site plan and it didn't copy very well. It is very faded. The farmhouse is here. There is actually a rectangle here on the original site plan and the farmhouse sits here and the mobile home is just north of it, so on the aerial the house is here and the mobile home is just going to be a little north here.

Chr. Addington: Between the house and the barn then?

F. Keys: The barn is way out in the field.

Chr. Addington: It will still be between them though.

F. Keys: It will be in the yard.

Chr. Addington: It will be closer to the house though. Are there any questions from the board members for Mrs. Keys? Anyone in the audience that wants to speak about this? I see nobody. We are ready to take action on BZA 2005-10-V.

B. Davis: So moved.

C. Starbuck: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Now I need a motion for a roll call vote.

B. Davis: So moved.

C. Starbuck: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

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

Chr. Addington: Your petition has been approved.

F. Keys: Thanks.

C. Flatter: Just let Judy know that she can come in and fill out paperwork for the permits whenever you are ready and whenever you get to that point.

## BZA 2005-10-V (Steven Retter, Winchester, IN)

Chr. Addington: Would you come forward please Steve. State your name for the record please.

S. Retter: Steve Retter.

Chr. Addington: Steve did you receive a Conduct of Hearing, Article V?

S. Retter: Yes.

Chr. Addington: Did you notify all the surrounding property owners?

S. Retter: Sure did.

Chr. Addington: We received the receipts back Jamie?

J. Stump: Yes.

Chr. Addington: It was published in a timely manner?

J. Stump: Yes.

Chr. Addington: Okay Steve you can tell us what you would like to do.

S. Retter: We are wanting to install a 24' above ground swimming pool in our back yard and due to the proximity of the septic tank and the existing patio I am going to have to set it closer to the back property line than, I think it is 5 feet is what they normally prescribe for clearance, so I will have to be closer than that.

Chr. Addington: How close is it going to be?

S. Retter: That backfill.....

C. Flatter: The pool itself will be actually what, about 2 feet? The pool will be about 2 feet from the property line.

S. Retter: Somewhere around there. I have to allow a foot or so for backfill around it.

C. Flatter: As you can see on his drawing he has put the property line on there and he has put a 26 foot footprint but the actual pool itself is 24, so it is not going to be right on top of the line.

S. Retter: Since I drew that, I was able to get a tree stump cleared out up closer to the house so I might be able to crowd the house a little more and give me more room back there too.

C. Flatter: Mr. Brown is the property owner and he was notified and he obviously has no objection since he is not here.

S. Retter: No, he doesn't care.

Chr. Addington: Any questions from the board for Steve? Okay, are you going to do this right away Steve?

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S. Retter: They have set a date for Wednesday afternoon if this goes through, provided it doesn't rain a whole lot. They would tear my yard up.

Chr. Addington: Okay, not hearing any questions from the board, is there anybody in the audience that wants to speak about this? There is not anyone here to speak about the swimming pool of Steve Retter so we are going to ask for action on BZA 2005-11-V. Do I hear a motion?

C. Starbuck: Motion.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I am ready for a motion for a roll call vote.

J. Trautman: Motion.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2005-11-V.

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

Chr. Addington: Your petition has been approved.

S. Retter: Thank you very much.

C. Flatter: Since they are coming Wednesday you better come in tomorrow to get your paperwork filled out.

S. Retter: Yes I will be right in.

Chr. Addington: Thanks a lot.

S. Retter: Thank you.

Chr. Addington: Is there any thing else to come before the board this evening?

C. Flatter: I just thought I might let all of you know that the Planning Commission is meeting tomorrow night and we are going to be discussing amendments to the Zoning Ordinance and a lot of the amendments, if they pass, are going to be dealing with Board of Zoning Appeals hearings. So if any of you are interested in coming and seeing what we are talking about you are welcome to come. Hopefully we will have a quorum tomorrow night, with the fair going on.

B. Oliver: What do you think?

C. Flatter: I .....

Chr. Addington: How many does it take?

C. Flatter: Seven. We weren't able to get a quorum last month and now with the 4-H Fair, I am kind of questioning it.

Chr. Addington: Is it maybe going to go along the line with the one in Blackford County?

C. Flatter: Oh, see what I have given to the Planning Commission doesn't even have anything to do with CAFO's but I know there are going to be some people here tomorrow night, we have people leaning toward wanting the Board of Zoning Appeals to be the board to either give approval or not give approval for CAFO's.

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C. Flatter: Which we have discussed and over discussed and over discussed prior but I don't know if the Planning Commission will allow it to be discussed again or not. But there are other things other than that too. That is the main thing.

Chr. Addington: Do you know of any more coming in?

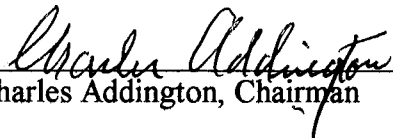
C. Flatter: What?

Chr. Addington: Are there any more CAFO's thinking about coming in that you know about?

C. Flatter: I haven't heard anything. Somebody else had but I don't know of it, nobody has contacted me.

The meeting adjourned at 7:20 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS AUGUST 16, 2005 AT 7:00 PM. IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

  
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Charles Addington, Chairman

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Mike Blankley, Vice Chairman

  
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Jamie Stump, Recording Secretary