

**BZA MINUTES
SPECIAL MEETING
SEPTEMBER 26, 2005**

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

Members absent: Bill Davis, 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, Charles Addington at 7:00 PM.

Chr. Addington: Good evening ladies and gentlemen. First thing is the approval of the August 15th minutes. Do I hear a motion?

M. Blankley: So moved.

D. Clevenger: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Okay those minutes have been approved as written for the August 15th meeting. I will read this for the benefit of the people here so they understand what we are doing a little bit. The petitioner will be allowed to present the facts and arguments in support of his/her case without interruption from any other person. The board members will then be allowed to ask questions of the petitioner. Any interested person or parties sent a notice shall then be allowed to speak or present their arguments uninterrupted. The board members may then ask questions of these interested parties. Other persons attending the hearing will then 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. There are five of us here isn't there? The first one I am going to call, tonight I am going to do this backwards.

BZA 2005-16-V (Olus & Melanie Lykins, Union City)

Chr. Addington: Mr. and Mrs. Lykins, could you come forward please. Did you receive a Conduct of Hearing, when you applied for this hearing?

O. Lykins: Yes.

Chr. Addington: You sent notices out to all the abutting property owners?

O. Lykins: Yes sir.

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

J. Stump: Yes.

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

J. Stump: Yes.

Chr. Addington: Would you state your name for the record? This is a recorded meeting.

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O. Lykins: Olus Lykins.

M. Lykins: Melanie Lykins.

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

O. Lykins: I am asking for a 4 foot variance to the west side of my property to put a utility shed in. The reason I am asking for this is there is a tile that runs through my backyard that is 4 foot from my house. I have 26 feet from my bedroom, which is the "L"-shape, to the property line. I am going to put up a 12' x 16' building. If I put it within these ranges, it is going to run across that tile and it is also going to run across, I have a lift station to keep water pumped out of my basement if the water raises and it will be sitting right over the corner of where that comes out and over this tile. I wanted the 4 foot variance to keep it away from that stuff in case I ever have problems and have to have that dug up. That way I don't have to move the building.

Chr. Addington: Okay, do you have anything to add Mrs. Lykins?

M. Lykins: Don't think so. He did a good job. He is a nervous wreck.

Chr. Addington: Anything else you would like to add, either one of you?

O. Lykins: I don't think so. I just wanted to make it short and sweet. I have a couple drawings here that if you guys would like to look it over....

C. Flatter: We gave them copies of everything that you gave us.

O. Lykins: I mean these are new ones that show where the tile and where the building is going to sit.

C. Flatter: If you have one to spare.

O. Lykins: I have two of them and you can keep them if you want.

C. Flatter: Okay because we will keep them if you give them to us.

O. Lykins: Is it alright if I come up?

Chr. Addington: Yes.

O. Lykins: I'll show some of you would we have here. This is my house and I have 26 feet here and if I put it, this is where they wanted me to put it.....

M. Blankley: Is this going to be a cement slab foundation?

M. Lykins: No, it is going to be on runners.

O. Lykins: My sewage line comes out to the lift station.

Chr. Addington: The lift station is?

O. Lykins: It is out here on Meadow Drive and the other tile goes here. They are supposed to be, now this is what the person that bought the house off of told me, this is the drain from around the basement.

Chr. Addington: These are not the same?

O. Lykins: These are different. This shows Retz house, Miller's house. That is where I was originally going to put it until I figured I would be over the edge of these. If I get a 4 foot variance, I will probably a little better than 1 foot from the line here. That keeps, and I am going to go back one more foot here. These, I am not an architect, don't get me wrong.....

C. Flatter: These are pretty good drawings.

Chr. Addington: Yep it is.

O. Lykins: But anyway,

Chr. Addington: Well that make this five foot instead of six?

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O. Lykins: No I was going 7 foot and 6 foot here. What I want to do is put 1 foot and 6 foot here, which that puts me in the

C. Flatter: Okay, on this drawing we had five.

O. Lykins: That is the drawing I done when I talked to you.

C. Flatter: So you have changed it to six feet.

O. Lykins: Yes, that is what I came up with after.....

Chr. Addington: If you would be so kind as to show those guys down there, while you are at it.

O. Lykins: Okay.

M. Blankley: I don't think it really makes any difference if it is on runners.

O. Lykins: Where do you want me to start?

D. Clevenger: He has already explained it to me.

M. Blankley: If it is going to be on runners, I don't think it is going to make that big of a difference. Yes it can be moved.

O. Lykins: Yes it can be, but it would be a pain in the

D. Clevenger: Not like a cement slab.

O. Lykins: No.

C. Flatter: We need to keep those.

Chr. Addington: We need to keep those Mr. Lykins.

O. Lykins: No problem.

Chr. Addington: Any questions from the board? What did I see? How far from this to the Miller's on the west?

O. Lykins: Originally where I wanted to put it or where it will be?

Chr. Addington: Where it will be.

O. Lykins: It will be about, I would say, about a foot to two foot.

Chr. Addington: I had it in my notes here that it would be a foot.

O. Lykins: That is according to everyone's measurements and all the stakes that are in there.

Chr. Addington: Do you have to move the trees out of there do you?

O. Lykins: Pardon?

Chr. Addington: Do you have to move a couple trees or are they going to be okay?

O. Lykins: No. We cut all the trees and trimmed then so they are out of the way. I have an electric line that will run right across it.

Chr. Addington: Yes, I was going to ask you about the utility.

O. Lykins: It will be close if I put it the other way.

Chr. Addington: And the purpose of the drain tile is so it goes to that lift station. Any more questions from the board? Okay, we are ready to take action.....

C. Flatter: Is there anybody here that wants to talk?

Chr. Addington: I don't think so but I will ask? Is there anybody here that opposed? Okay we are ready to take action on BZA 2005-16-V. I will ask for a motion to that affect.

C. Starbuck: I make a motion for a vote.

D. Clevenger: Second.

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

M. Blankley: So moved.

D. Clevenger: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready to take action on BZA 2005-16-V.

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

Chr. Addington: Your petition has been approved.

O. Lykins: Thank you very much, to each and every one of you.

C. Flatter: You just have to come back in and get your permit.

O. Lykins: It will probably be Wednesday. I have other things to do tomorrow or it would be tomorrow. Do I start with her when I come back in.

C. Flatter: Any of us. Whoever is in the office at the time.

O. Lykins: Thank you.

M. Lykins: Thank you.

BZA 2005-14-V (Don Matchett, Winchester)

Chr. Addington: Next is Mr. Matchett. Identify yourself for the record please.

D. Matchett: My name is Donald Matchett. I live at 247 E. Franklin Street in Winchester.

Chr. Addington: Did you receive the Conduct of Hearing when you applied for the hearing?

D. Matchett: Yes I did.

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

D. Matchett: Yes I did.

Chr. Addington: Did we get all the receipts back Jamie?

J. Stump? Yes.

Chr. Addington: Again, was it published in a timely manner?

J. Stump: Yes.

Chr. Addington: This would be BZA 2005-14-V. You can tell us what you would like to do.

D. Matchett: I am asking to build a garage on a residential lot that has no other structure on it, beside our house at 247 E. Franklin Street. The address, I think or it used to be of the two houses that were on this property were 249 and 253 E. Franklin Street. Our request was to build a 4 car brick garage that matches our house. It would be Greek revival style. I have submitted pictures. I don't know if you all have those or not, or what the building would be like. We are not asking for any side lot variances or anything like that it is just that I guess I have to have a variance to build a garage on.....

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C. Flatter: It is because when you have a residential lot that does not have a principal building on it then the way our ordinance reads, is that he is required to ask for a variance to build the accessory building on this lot because you could build a home on it.

D. Matchett: Since I have applied for this variance it is possible that the size of the building may be reduced down. The style will still be the same but it may be a three car garage instead of a four car garage, which would make the, I guess, clearance from the east side of the property less. But the style of the building would still be the same, where it shows, I submitted pictures showing how the.....

C. Flatter: So you would be taking it down from 49 to approximately what length, do you know at this point?

D. Matchett: It would be something like 38' to 40'.

Chr. Addington: And you say it would take away from the 18 feet that is on the east side then right?

D. Matchett: On the east side. It would reduce down the east side. We thought we needed that garage that size for the storage space but we recently required another property that has alleviated some of our storage space needs.

Chr. Addington: Board members do you have any questions?

D. Clevenger: Bob do we have to have a definite size on that?

B. Oliver: No, I don't think so from the stand point of the aesthetics. It would be more aesthetics than the size. It is the idea, that the building will be an accessory use on a non other wise occupied lot, so that is basically what you are doing. You can condition it if you want to but I don't know that, if he requested four and going for less, I think he would be covered. Going the other way, the neighbors, if they didn't have a question about four then I don't think they would have a question about three. I think we are okay with that. Are you going to stay with the brick?

D. Matchett: That is correct.

Chr. Addington: Is the driveway going to stay the same?

D. Matchett: Well, where the drive is now, that ran between the two houses, I would say that it might move slightly west from where that driveway is.

Chr. Addington: Where you have the 8 foot variance on the west side, that is yours next door anyway, isn't it?

C. Flatter: That is not actually a variance Charles.

Chr. Addington: What is it?

C. Flatter: This becomes the principal building on the property even though it is an accessory building. The lot is 75 feet so it is 10 feet or 10% of the lot width.....

Chr. Addington: Oh okay I see what you are saying.

C. Flatter: He has met all of the setback requirements.

Chr. Addington: I knew that. I just was asking a question really. I see that it says Donald L. & Terry Matchett on the west side there. There is 8 foot between that line and the line of the lot where you are going to put the garage?

D. Matchett: Correct.

Chr. Addington: Any more questions from the board? I am asking for a motion to take action on BZA 2005-14-V.

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D. Clevenger: So moved.

M. Blankley: Second.

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

C. Starbuck: So moved.

D. Clevenger: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2005-14-V.

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

Chr. Addington: Your petition has been approved.

D. Matchett: Thank you very much. I appreciate it.

BZA 2005-13-V (Dallas & Dixie Osting, Winchester)

Chr. Addington: Next on the agenda is Mr. and Mrs. Osting. Would you please come forward. This will be Dallas and Dixie Osting. 536 S. Main Street is where they live. But the premises affected will be lot 16 in the Hanes Addition. The street is Westwood in Winchester. 411 Westwood, I believe it says. Would you identify yourselves for the record please?

D. Osting: I am Dallas Osting.

D. Osting: Dixie Osting.

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

D. Osting: Yes.

Chr. Addington: And did you receive the Conduct of Hearing when you applied for the hearing?

D. Osting: Yes.

Chr. Addington: And we got the receipts back Jamie?

J. Stump: Yes.

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

J. Stump: Yes.

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

D. Osting: What we would like to do is, we just purchased this property to move into in the very close, not to distant future and we are moving from a 3 story home with a one car garage to a small ranch style home with a one car garage. In the back of this property we have purchased is a large swimming pool, in ground pool and in the back yard there is also a water shut off, which we are wanting to build a storage building back here for some supplies that we are bringing with us plus swimming pool supplies that would be stored in this building. We would be able to meet the 5 foot setback from the property owner to our east but we have a corner lot with two frontages and the other section in the back where the water shut-off is and the pool and the cement around the pool, we would need to get a variance on this south east corner and there is a tree on that section right now, that would be coming down if this building were going up.

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D. Osting: We know that a garage is too large to fit on this area but a storage building should be able to fit with enough room from the road back that wouldn't obstruct any view other than what the tree is obstructing right now. I think that is the main thing.

Chr. Addington: Okay, do you have anything to add to that Mrs. Osting?

D. Osting: Not really.

Chr. Addington: Do we have any questions from the board members?

J. Trautman: How tall is the building?

D. Osting: I am not sure. I know that we have talked to our contractor that is doing the internal work and it would be, we have one on our property now that is probably 12 or 13 feet high and it probably wouldn't be any higher than that.

C. Flatter: And that is to the peak I would assume.

D. Osting: Yes.

C. Flatter: Probably have 8 foot walls?

D. Osting: Yes. It wouldn't be a 2 level, it would just be a normal peak and then there would be a little loft in it so I am not really sure about the actual height but it won't be, I know the tree there is about 30 feet high so it is not going to be that high.

C. Flatter: That would be about right.

D. Osting: It is not going to be something big like I have seen.

M. Blankley: Is this going to be on a slab or is it going to be on runners?

D. Osting: It is not going to be on a slab. It is just going to have like a plywood floor in the base of it there. No, it will not be on a slab.

Chr. Addington: You will have it on runners then Mr. Osting?

D. Osting: Yes.

Chr. Addington: Any more questions from the board?

J. Trautman: You say that it won't impede your neighbor's vision of the corner if they back out?

D. Osting: Well the tree actually sticks out farther than what this building is going to be sticking out now.

D. Osting: There is a big cedar tree. It won't in-vision or keep them from seeing at the corner.

C. Flatter: They are going to have 11 feet from the edge of the pavement so you know that should allow the neighbor to be able to back out or however they get out of their driveway, it gives them at least 11 feet to be able to see to the west.

D. Osting: Their driveway is on the other side too.

D. Osting: And the tree right now, I think, goes out to the road so it is obstructing it more than what this would, even though it is a really nice straight tree, it just.....

Chr. Addington: It is a pretty tree.

D. Osting: It is, but we need it down and something to store in.

Chr. Addington: Any more questions from the board? Okay I am asking for a motion to take action on BZA 2005-13-V.

B. Oliver: I don't think there are any objectors but you might check.

Chr. Addington: I'll ask if there is anybody back there?

B. Oliver: I don't see anyone.

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Chr. Addington: Anyone back there?

B. Oliver: We have it on the record.

Chr. Addington: It was BZA 2005-13-V. I probably already said that. I need a motion to take action on that.

D. Clevenger: So moved.

M. Blankley: Second.

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

M. Blankley: So moved.

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

Chr. Addington: Your petition has been approved.

D. Osting: Thank you very much. Now if you would like to come when we start filling it, do I have to petition for that one too?

Chr. Addington: How about cutting the tree down?

D. Osting: I don't know, maybe if we could get somebody to do that too I would be very appreciative.

B. Oliver: When does the pool open? That is what they want to know.

D. Clevenger: That is what we were really asking.

J. Trautman: When are you going to cut the tree down?

D. Osting: In the next two or three weeks.

Chr. Addington: Jim wants the firewood

J. Trautman: No, I need it.....

B. Oliver: To catch it?

J. Trautman: No I couldn't catch it.

B. Oliver: I'll cut it just for you.

D. Osting: Thank you.

D. Osting: Thank you very much.

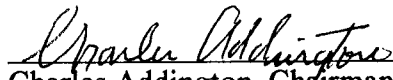
Chr. Addington: Thanks for coming. Is there anything else to come before the board this evening?

C. Flatter: I don't have anything.

The meeting adjourned at 7:25 PM.

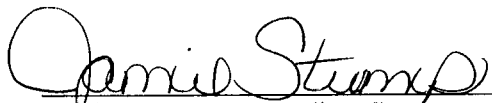
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THE NEXT REGULARLY SCHEDULED MEETING IS OCTOBER 17, 2005 AT 7:00 PM. IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.



Charles Addington, Chairman

Mike Blankley, Vice Chairman



Jamie Stump, Recording Secretary