

**BZA MINUTES**

**NOVEMBER 15, 2004**

Members present: James Trautman, Bill Davis, Charles Addington, Mike Blankley, Gary Moore, Dale Clevenger, Jeff Prescott.

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 7:05 P.M.

Chr. Addington: This meeting is called to order. We need to approve the minutes of the October 18<sup>th</sup> meeting. Do I hear a motion for that?

J. Trautman: So moved.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Those minutes have been approved as written. I think probably everyone heard this last time they were here but I will read this for the benefit of the people here. This is how we conduct a Board of Zoning Appeals meeting. The petitioner will be allowed to present the facts and arguments in support of his/her case without any interruption by any other person. The board members will then be allowed to ask questions of the petition. Any interested person or parties sent a notice shall then be allowed to speak and present their facts and 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 facts or questioning the board on any matter pertaining to the petition being heard.

BZA 2004-24-SP (Dave Hersberger, Ridgeville, IN)

Chr. Addington: The one we have tonight is Dave Hersberger. This was postponed from the October 18<sup>th</sup> meeting. Dave if you would come up. Identify yourself because this is a recorded meeting.

D. Hersberger: My name is Dave Hersberger and I live at 7844 N. U.S. 27, Ridgeville, Indiana.

Chr. Addington: Did you receive an Article V, Conduct of Hearing when you applied for this from the Area Planning Commission?

D. Hersberger: Yes.

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

D. Hersberger: Yes I did.

Chr. Addington: We got receipts back on that Jamie?

J. Stump: Yes.

## BZA Minutes 11/15/04

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

J. Stump: Yes.

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

D. Hersberger: Well I have a lot in Ridgeville there that I have had for 12 years and I am wanting to put a mobile home on it for me and my wife to live in. That is basically what I had to send the letters out for and that is what I am here for. As far as I see my property meets all criteria of the rules and regulations to be able to move it in there. That is basically what I want to do is just put the mobile home in there for me and my wife.

Chr. Addington: It is not going to be rented or anything?

D. Hersberger: No, it is for me and her. I have my place up for sale and we want to downsize. We just want something in there to live in that we can fix up for ourselves and live right there in town. My mom lives on Main Street and my mother-in-law lives on Main Street. One lives on one end and the other lives on the other end. One is 77 and one is 76. That makes me within two or three blocks of both of them.

C. Flatter: What size is the mobile home?

D. Hersberger: 16' x 70'.

M. Blankley: How wide is that lot?

C. Flatter: Forty-four feet wide.

Chr. Addington: He has 16' x 70' in here. It says that it is in good shape.

D. Hersberger: I bought it off the people who bought it brand new. It had never been rented out or anything.

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

D. Hersberger: It is a 1992.

Chr. Addington: Any other questions from the board members?

C. Flatter: I have a question. Are you wanting to skirt it or are you putting a permanent foundation around it.

D. Hersberger: I was wanting to put a permanent foundation because I was wanting to build porches on it.

Chr. Addington: Any more questions board members?

G. Moore: Is this drawing correct that the lot itself is 44' x 66'?

D. Hersberger: There are two lots there.

C. Flatter: It is 166 feet.

G. Moore: Okay I see.

D. Hersberger: There are actually two lots and they are 44' x 66', two lots.

C. Flatter: It is kind of out of proportion the way that it is drawn because .....

G. Moore: It is 132 foot.

Chr. Addington: It is 66 feet and 66 feet.

G. Moore: Okay it is 132 foot.

D. Hersberger: Yes it is 132 foot deep.

C. Flatter: Well on here it says 166 feet. It is out of proportion as far as the east property line because there is a lot more room back there than what it actually shows between the end of the manufactured home and that property line.

Chr. Addington: There used to be a house there that is torn down is that right?

## BZA Minutes 11/15/04

D. Hersberger: Yes there was a house and an old garage there and when I first bought it, I don't know, we hauled like 70 loads of stuff out of there. It was so opened up that it seemed like every time I would go up there the doors would be open so the fire department wanted to burn it down one day and I told the to just do it. I have kept it mowed and cleaned up ever since then. I have never parked any cars or anything on it.

Chr. Addington: You got to cut that big tree there in the back?

D. Hersberger: Yes. I have already contacted a guy about cutting all three of the trees down because they are all old trees and that one they cut it basically down but they left just the big stalk and it came back. That one tree is going to have to come down for sure.

Chr. Addington: Any more questions from the board members? If not, if anyone that received a notice wants to come up and speak about this.

C. Flatter: Dave you can, well no just go ahead and sit there. If there is just one person coming up, then that way you can maybe answer some questions after this person is finished.

Chr. Addington: Please identify yourself for the record.

M. Yoder: My name is Mary Yoder and I live at 108 E. Main, Ridgeville. My main concern is the property value of my home. Will it affect it? And also the enjoyment of it with a trailer parked next door.

Chr. Addington: So you are south of it? The proposed. East?

M. Yoder: Yes east.

Chr. Addington: Any questions for Miss Yoder from the board members?

J. Prescott: Is there any other mobile homes on Main Street? I go through there all the time and I don't .....

D. Hersberger: On Main? There is one by the old city building.

J. Prescott: That is down on the north end.

D. Hersberger: Right it would be on the north end of town. There is one there.

J. Prescott: But there is none going right through town on 28?

D. Hersberger: Just the one down there on the north end. Well if you go on out there is but that is going on out of town.

J. Prescott: I was more concerned about the downtown part of Ridgeville.

D. Hersberger: Yes there is only one downtown there.

Chr. Addington: Where about is that?

D. Hersberger: Right next to the old fire department.

Chr. Addington: Oh, on up north of 28 then.

D. Hersberger: Right.

Chr. Addington: Any thing else you'd like to say.

M. Yoder: No that was my only concern.

Chr. Addington: Who else wants to speak about this? Thank you.

J. Tharp: Yes my name is Jim Tharp and I live at 304 S. Walnut. I am on the west side of Dave's property, across 28 by the Post Office. The reason I am here to oppose it is when we had a firm of GOVE Associates come into town to do a revitalization study and they wanted us to clean up the downtown.

## BZA Minutes 11-15-04

J. Tharp: They had different priorities for us to do to bring it up to shape and one of them was properties and the kind of properties we would have.

Chr. Addington: So is there any other reason that you are opposed?

J. Tharp: No it is just that I am on the committee and we wanted to..... I don't dislike Dave, I was one of the firemen that helped burn it down for training and he did clean it up at that time.

Chr. Addington: Do you have any questions for Mr. Tharp board members?

J. Trautman: What year was the study done?

J. Tharp: It was about 4 years ago because it was about the time we started our fire department project. It was part of the project too.

J. Trautman: Was this an economic development type thing?

J. Tharp: Yes.

J. Trautman: As to how the community would look?

J. Tharp: Yes. They did drawings of the storefronts and what different things could look like and lighting and we did some sidewalks but we have run out of money at this time. They were just in the first stage of doing a lot of it.

Chr. Addington: Think that would interfere with it if this was to be approved? Do you think it would interfere with your economic development?

J. Tharp: They just said that trailers and various things on the main thoroughfare get judged by their appearance. Their comment was, "You don't get a second chance to make a first impression on some of the people that drive through a community." Being on the main thoroughfare is why they stated that.

Chr. Addington: Any more questions board members? Okay. Who else would like to speak about this that received a notice? Mr. Cockerill do you want to speak? Yes sir. Are you Michael Roderick?

M. Roderick: Yes.

Chr. Addington: Identify yourself for the record.

M. Roderick: I am Michael Roderick and I live at 307 S. Walnut, directly south of Dave's property.

Chr. Addington: Go right ahead and tell us what you are thinking.

M. Roderick: My main concern is my property value and also the parking. I can't see any room for that either, when the trailer gets put in.

Chr. Addington: Will there be any parking in the back Dave on that?

D. Hersberger: Yes.

Chr. Addington: Okay. Anything else? Board members any questions for Mr. Roderick? Okay, thank you. Who else in the audience wants to speak about this? Mr. Orr wanted to speak Tom but you can go first if you want.

A. Orr: Did you say you had a notice? You were going to read a notice.

Chr. Addington: I beg your pardon.

A. Orr: Did you say you had a notice on file?

Chr. Addington: I don't know, do we?

C. Flatter: What do you mean a notice on file? A copy of the letter that was sent out notifying the property owner?

A. Orr: No, a letter that was sent to you.

## BZA Minutes 11-15-04

C. Flatter: Those letters. Yes.

A. Orr: If.....

Chr. Addington: Have a seat and identify yourself.

A. Orr: My name is Alan Orr, from Ridgeville. That was my only question.

Chr. Addington: Okay, I hadn't see this. Is there more than one?

A. Orr: I was on the Town Board, I was part of the Town Board when we were doing the revitalization downtown.

C. Flatter: Let me just go through this briefly. I received a letter from Robert Orr. It is dated October 11<sup>th</sup>. He is a resident of Ridgeville and he is not an adjacent property owner but he is concerned about the town and feels that the request should not be granted. He says he owns a lot on 28 within a block of the property that is the subject of the appeal and has refused to sell it because the buyer wanted to put a single wide on it. He feels that the, he puts variance, but it is a Special Exception, would distract the appearance of Ridgeville. As of today there are two or more single wide mobile homes available for rent in Ridgeville as well as empty homes and vacant apartments. The Town of Ridgeville adopted zoning laws and they expected the Special Exceptions to be limited and not granted unless it benefited the entire town and not just the person wanting the Special Exception. We received another letter and it is signed by Virginia Hiatt and Lynda Harshman and it is dated October the 12<sup>th</sup>. They are residents of Ridgeville at 110 E. Main St. and they wish to oppose the request to install the trailer on North Walnut. Again they are not abutting property owners. They are concerned about possible renters of this trailer that might have children. Well Dave stated this evening that that is not valid now because it is he and his wife. The lot is on the main thoroughfare into the town and we have enough abandoned houses along that street. They don't think the installation of a trailer would enhance this street and even though Mr. Hersberger's description of the trailer said it is in good shape, that term depends on who is interpreting what good shape means. She goes on to say that we have too many trailers in Ridgeville that people thought were in good shape that are now abandoned and are eyesores.

Chr. Addington: Okay anything else Alan on that?

A. Orr: No I just wanted to see if those letters got read. Thanks.

Chr. Addington: Anybody else?

D. Tharp: My name is Debra McGriff Tharp and I live at 304 S. Walnut and our property is across the street from that vacant property. I have only lived in the community for 14 years so that house that he is speaking of was abandoned when I moved across the street and stuff and I remember looking at that property and saying, "Man I wish somebody would do something about that because it is really a nasty looking property and stuff". Later on, ....

Chr. Addington: Excuse me just a minute, what was your address.

D. Tharp: 304 S. Walnut.

Chr. Addington: Thank you.

D. Tharp: I am not sure if Mr. Hersberger says that he is the gentlemen that tore down that property and stuff, which I appreciate that. My big concern is, we just had some people beside us that abandoned a home and if you drive through the alley it is full of trash. They left a canoe and bicycles and boards and everything.

## BZA Minutes 11-15-04

D. Tharp: That is what I look at outside my kitchen window. The property across the street now of course, they have cleaned up but before we've even had this hearing and stuff there has already been a shed moved in there and there are two sets of steps that have been moved in there. So it was like, "have we already made a decision that this trailer is going in there?" Then my other thing is I have had to ask for zoning permission before to move a trailer on some property and I know that when I moved out of it the trailer had to be removed and so if, you know at one point do we come to the board and say, "We are going to live there and stuff", and then they decide that they are going to move out, then does the trailer get moved out also? I am not opposed to Hersberger, I don't even really know the Hersberger's but my concern is that we've just spent a lot of money on new windows, new roof and getting ready to side our home and then I look out my kitchen window and I see run down stuff and I looked at that home across the street for many years before it was cleaned up and stuff and I just don't want to go back to where I was I want, it is a community that is small and is struggling, you know in just to see improvements made and stuff. So my question is, first of all, I am told that we can't put trailers in without some kind of special permission and then the next thing I know, I hear that there is a trailer being put in across the street so that is a concern of mine also. How do we get from, "You can't put a trailer in", to "We are here today asking permission?"

C. Flatter: Well I can't just simply issue a permit for any individual to set a single wide manufactured home in any city or town in Randolph County so that is what we are doing here tonight. They are allowed to come to the Board of Zoning Appeals and ask for a Special Exception and if they meet all of the requirements, which there are 6 requirements under Article XII, which addresses Special Exception and if the board determines that they meet all those requirements then they are giving the approval for him to set that single wide in town.

D. Tharp: That is my confusion because we make a phone call and we are told we can't and then the next thing you know, we get a thing that says we are going to go to a meeting because someone is asking to.

C. Flatter: I am sure of this, that anybody that is a staff member in my office, when somebody calls and asks about a single wide, they are not going to say well you can't and then end the conversation there. They are going to say, "We can't issue a permit, however, you do have the chance, if you want, to go to the Board of Zoning Appeals and ask for a Special Exception." Then we explain to them briefly over the telephone what that involves. So if that is what they want to do then they come into the office and file the paper work.

Chr. Addington: Board members do you have any questions for Mrs. Tharp? Okay, thanks. Who else sitting back in the audience? I know Mr. Cockerill wants to speak if everyone has spoken.

T. Cockerill: I have been asked by the Town of Ridgeville to come tonight.

Chr. Addington: Identify yourself Tom if you would please.

T. Cockerill: My name is Tom Cockerill, attorney for the Town of Ridgeville.

## BZA Minutes 11/15/04

T. Cockerill: There are a couple of board members here, also with the Town of Ridgeville and they had asked me to come and their objection was that the town had gone through a plan for revitalization of the town which, plan.....

C. Flatter: Are you giving that to us Tom?

T. Cockerill: I will give that to you to look at.

C. Flatter: No, we have to keep it if you.....

T. Cockerill: Oh you can have it we have more of them. They also had a drawing made of what it would look like when they revitalize the town and this details the plan use for the town, which does talk, as Mr. Tharp had mentioned, about the need that when people come to Ridgeville that an impression be set to encourage people to come to the town and to develop and use the downtown. As a matter of fact, I think they refer to it on this as a "Gateway to Ridgeville" is come in on 28 and of course out is 28 the same way.

Chr. Addington: Point out to us there Tom where that would be.

T. Cockerill: I believe we are talking about right across the Tharp's, which is right here is the Marathon, here is the post office and right here is the property.

Chr. Addington: Hold that up so they can kind of see.

B. Oliver: If everybody can see.

Chr. Addington: It would be right in this area right here.

T. Cockerill: And along this way they are going to put in lights and benches and just develop the town in a way that would encourage business to come to town because that is where this is going, into a business district. Therefore the town felt like there were two reasons, one for the general development of the community. I think you will find that in your reasons under 12.02 as number 1 and the second one was number 3, that the normal and orderly development of the town requires the town to protect the zoning of the downtown area so that people when they come to town, the first thing they see isn't a trailer. They come to town to see the business area of the town and that business should go in the business part of the community. I think the plan when you get to it will show that there are lights like Winchester, well maybe not like Winchester, but lights similar. There will be benches something in the order of what Winchester has done and at the time this revitalization program was done, they asked members of the community to come forward and assist in the development of the plan, which Mr. Tharp, I believe he said was one of them but there were several residents of the Town of Ridgeville that were involved in that project and they even suggested in that plan, retail businesses and services that ought to be in the downtown area and as you look at the plan as you go through the plan that I have left for you, you will see that there isn't that much room for these suggested businesses. There's room once you put in the park which would go beyond the old city building, down close to where the new fire station is. Of course I understand there are new businesses going into town. They just opened a new restaurant not very long ago. The objection being that it would impede the normal development of the town and that the business district should remain business, not residential and what was it? You only get one chance to make a first impression and that is what the people that developed this study told us. Does anybody have any questions?

Chr. Addington: How far along is that project?

## BZA Minutes 11/15/04

T. Cockerill: It was started I believe 6 years ago and I believe they spent \$25 or \$30,000 developing it. They are looking for economic development money to assist them with the project. I know at one time they had the street department that was going to provide in-kind services and part of the sidewalk work had been done. Do you know what's been done, either one of you board members, these are two new board members, by the way, they weren't on the board when the project was started.

B. Oliver: Tom you have to have him come up and identify himself for the record.

G. Davis: My name is Gary Davis.

Chr. Addington: Just have a seat Mr. Davis.

G. Davis: I live in Ridgeville. I wasn't in when this plan was developed here for the revitalization of the town but the way that I understand it they have put a lot of money into the plan. They have done some work such as sidewalks and other planning of things that will be done later, something that we work on as we go.

Chr. Addington: Any questions from the board?

J. Prescott: Is there any vacant storefronts on Main Street now?

G. Davis: I think there is one on the corner right now. That is about all.

Chr. Addington: Where about is that?

G. Davis: Right on the 4-way stop, it is an old restaurant.

Chr. Addington: Where Cheeseman owns the restaurant.

G. Davis: Yes Cheeseman.

Chr. Addington: Okay. Thank you.

M. Blankley: Is there any commercial business on Walnut Street at all beyond Main Street in either direction, north or south?

C. Flatter: Just north.

M. Blankley: Or east of west of Walnut Street.

G. Davis: You have the Post Office, Tharp's Marathon, there is a Pak-a-Sak there, and Goodhew's Roofing.

M. Blankley: That is on Main Street, what about Walnut?

C. Flatter: No, that is Walnut.

Chr. Addington: That is Walnut.

C. Flatter: That is Walnut, that is State Road 28. Walnut is State Road 28. Main Street runs east and west.

M. Blankley: Okay.

Chr. Addington: You have Thornburg's.

G. Davis: Doug Thornburg, yes. You have some apartments there.

D. Hersberger: Is that Main Street, that is beside the post office isn't it?

C. Flatter: It is running east and west. The street that runs east and west is actually Main Street.

D. Clevenger: What would your opinion be if he was to build a house there or set a double-wide? Would you still be opposed to it?

G. Davis: Well I think we would have to look at each thing separately. I don't think, I've known Dave a lot of years and I know these people behind me for a lot of years and I think there are some options that would be better for the town than what's going here, and better for these people and their property values.



## BZA Minutes 11/15/04

G. Davis: I know these people keep their places very nice and I am not saying that Dave doesn't but I don't know if a trailer in that location would be a good thing. Just as a person who lives in the town.

Chr. Addington: Any more questions board members? Thank you Mr. Davis. Do you have another board member.....

T. Cockerill: Does anyone have any questions from me?

Chr. Addington: Any more board members that want to add anything to it? You said you had another new one.

T. Thornburg: I am here.

G. Davis: There is one more property owner here too, in the area.

T. Thornburg: I am Tina Thornburg from Ridgeville. The only thing that I want to add is that I don't know that I have a problem with it being a trailer. The area seems so small and it is a business. I don't know that it is a good place to put the trailer in or maybe even a house. It just seems like such a small area. I know you say it is two lots but you are going back this way and it just seems like the houses are so close and then you have the post office right here. That would be the only thing I have.

Chr. Addington: What was the width of that Dave? I forget.

C. Flatter: Forty-four feet.

Chr. Addington: It is not quite 50 then is it?

T. Thornburg: So how much extra? The spot looks very small.

C. Flatter: Ten feet or 10% of the lot width, whichever is less, so he only has to be basically 4 ½ feet from the north and south property lines. Those are the required setbacks.

Chr. Addington: Ten percent is that right?

C. Flatter: Yes.

D. Hersberger: Yes there is plenty of room to put it on there.

T. Thornburg: I wasn't on the board when the committee came up with this. Any questions?

Chr. Addington: Anything else? Any questions for Mrs. Thornburg? Thank you. How about the other surrounding property owner back there?

B. Hotmire: My name is Barbara Hotmire and I live at 309 S. Walnut Street, which is not adjoining but the next house south.

T. Cockerill: Can you show it on this map here?

B. Hotmire: Right there. Right south of Roderick.

C. Flatter: So you are directly south of Rodericks?

B. Hotmire: Yes.

Chr. Addington: You are not a surrounding property owner though right?

B. Hotmire: No not directly but I am concerned about property values. Everybody around there with the exception like Mrs. Tharp said, that just moved out of that house, have tried to keep their houses up. Roderick's right next to us have put a new roof on their house, they have put new soffitt and all new windows in their house and next year he is planning on putting a new porch on his house. Everybody is trying to maintain a certain level in that area and I just feel like the trailer, I have seen the trailer, it is sitting behind his house.

## BZA Minutes 11/15/04

B. Hotmire: I have known Dave since he was knee high to a grasshopper, but it is not anything against Dave, it is that I do not want a trailer in that area if possible. It is just everybody knows it lowers your property value. There are no two ways about it. That is my concern.

Chr. Addington: Any questions? Thank you. Okay. No one else? Tom do you have anything else to say?

T. Cockerill: Well I think that from what I have heard, I have heard of 3 reasons under the section, I think if you go to 12.02, one would be the section 1, general welfare of the community. In other words a trailer on Main Street when you are trying to maintain a certain level, does impede the normal development of the town because this is the downtown and the downtown needs protected. It was made downtown for business and business should be in this location. That is its purpose.

Chr. Addington: Is there anyone else that wants to speak about this?

D. Hersberger: Well like on the revitalization, they haven't even finished the sidewalks and that has been over 6 years ago and I talked to the guy that lives across the street there and he told me that they had no money to do anything with any how.

Chr. Addington: I understand maybe you are applying for grants or something is that right Mr. Tharp?

J. Tharp: Yes.

D. Hersberger: I took some pictures of the sidewalks and stuff that is, they haven't even finished the sidewalks within a block over from my house and if they have no money to do any thing with the revitalization, how are they going to you know.....

Chr. Addington: Mr. Tharp will tell you what he has to say about that.

J. Tharp: My name is Jim Tharp again. The revitalization study has to go to get a grant again. At the time, Build Indiana has quit issuing funds so we are going to go about it a different way of getting a grant and we just haven't developed any program to go any further with it.

D. Hersberger: I mean if I move there I would like to see the whole town fixed up too, but there is a lot of areas in town that are in bad shape. They are going to be in bad shape unless somebody does fix it up.

J. Tharp: The last amount of money we got was \$660,000.00 from the Department of Commerce for the Fire Department and Library. We have to wait for the next draw and have a grant available.

Chr. Addington: Do you have any idea how long that will be?

J. Tharp: Not honestly no.

Chr. Addington: Anything else board members? Thanks. Mrs. Hersberger do you want to say anything?

N. Hersberger: Sure.

Chr. Addington: We didn't want to leave you out.

N. Hersberger: I've been itching on my chair. Yes, my name is Nancy Hersberger. Yes we have the intention to building that place to make it look nice. We have no reason to default anybody else's property. I am going to live in that place. If I live in that place it is going to be my place. I try to take care of my place, even out there in Deerfield. I try to do what I can do around my house.

## BZA Minutes 11/15/04

N. Hersberger: I am not going to sit there and default anybody's property. I don't want to degrade anybody's property and you know I just want to be closer to my mom and his mom. My mom is sick and his mom is very sick. The closer you are to them so you can take care of them the better it is. That is our main project, to take care of our mothers. We just want to live there. We have lived in Ridgeville and we have been married for 36 years, going on 37 years. I mean, it is just we want to be closer to our mother's. It is time to take care of our folks. The older they get, they need help and the closer you are to them the better you can help them when their needs our coming in.

Chr. Addington: Board members anything that you want to ask Mrs. Hersberger? Thanks.

N. Hersberger: Your welcome. Thank you.

Chr. Addington: Is there anyone here in the audience that is in favor of the petition other than Mr. and Mrs. Hersberger? Thanks. Go ahead Tom.

T. Cockerill: That's fine that we want to take care of our mothers and be helpful to them especially in times of need but that is not one of the reasons for granting a Board of Zoning Appeals Special Exception here. They are spelled out here in the statute and there are other things you can do to get next to your mom.

Chr. Addington: Thanks.

D. Hersberger: I have a question for him.

Chr. Addington: Okay come back for a minute Tom if you would please.

D. Hersberger: Did all the board members vote for you to come over here and represent them. Was it at a meeting where it was voted.

T. Cockerill: I was requested yes. I was requested to come over.

D. Hersberger: It was voted on though.

T. Cockerill: I was requested. I wasn't at the meeting when that was done.

D. Hersberger: Because I heard that it wasn't voted on at a meeting to have you come over here and represent them.

C. Flatter: Do we have a board member that can answer that question?

T. Thornburg: When we asked Tom to come.....

Chr. Addington: You have to come up Tina. Identify yourself again.

T. Thornburg: Yes sir. Tina Thornburg. When we ask Tom to come to our meetings, we ask him to come to our meetings. When we ask Tom to represent us, we ask him to represent us. It is not like we have a meeting and all three of us get together, it is just a request. He works for the town. He is the towns attorney.

C. Flatter: So evidently it was unanimously agreed, not unanimously but at least two of you obviously wanted him to .....

T. Thornburg: Yes we agreed but it is not something, we didn't have a meeting and say, "Yes we want Tom to be here." Arlinda will call and ask him to come to a meeting. Arlinda will call and ask him too. He works for our town so it is not something we all have to agree on.

Chr. Addington: How many are on the board?

T. Thornburg: Three.

T. Cockerill: It did come up at the board meeting where I was sitting.

T. Thornburg: Yes but that is not the way it has to be done.

## BZA Minutes 11/15/04

Chr. Addington: Thank you.

T. Thornburg: Your welcome.

Chr. Addington: Okay, I think we are ready to take action on this....

D. Clevenger: So moved.

Chr. Addington: Well let me identify some stuff first. Take action on BZA 2004-21-SP, Dave & Nancy Hersberger. Ready to take action on that I already had a second on that, or a motion a while ago, I think. Do I hear a second?

G. Moore: Second.

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

G. Moore: So moved.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2004-21-SP.

A roll call vote was taken: James Trautman, no; Jeff Prescott, no; Gary Moore, no; Mike Blankley, yes; Dale Clevenger, yes; Charles Addington, no; Bill Davis, no.

C. Flatter: David it is a vote of 5 against 2 for, so your petition has been denied. You do have a recourse for that but you would just have to discuss it with an attorney.

D. Hersberger: Okay.

C. Flatter: You can come back before the board in 6 months from now.

D. Hersberger: Now to put a double wide in all I would have to do is buy a permit.

C. Flatter: As long as it is at least 23' or wider all you have to do is come in and file for the permit as long as it meets all the setback requirements for that area, which you know what those are, I issue the permit.

D. Hersberger: Okay. Thank you.

Chr. Addington: Okay, is there anything else to come before the board this evening? One thing, if I can get your attention for a minute, this is going to be Mr. Trautman's last meeting. We appreciate his input.

B. Davis: After how many years?

J. Trautman: Just two.

C. Flatter: But he served on the Planning Commission prior to that for several years.

Chr. Addington: Thank you Jim.

J. Trautman: I have to be a nanny 911. My daughter is phased up her college in the last 5 months of her college to get her degree as a clinical at a hospital and she has to drive, she lives in Clarksville, Tennessee because my son-in-law is a First Sergeant of the Company C of the Second Battalion of the 101<sup>st</sup> Airborne. He is going back to Iraq so he won't be home and she has to drive an hour and a half one way so when she told us about it I said, "Well I guess there is only one thing, I guess grandpa has to come down there and live."

G. Moore: Grandpa is going south.

## BZA Minutes 11/15/04

J. Trautman: Yes I have to go down and take care of the kids for 5 months so I decided.....

Chr. Addington: Where about is that Jim?

J. Trautman: Clarksville, Tennessee.

C. Flatter: It is breaking his heart that he is having to spend the winter down there.

B. Davis: Yes, I bet.

J. Trautman: Yes they say that the weather is a little bit nicer down there.

G. Moore: That is a great deal.

J. Trautman: No, I just turned a letter of resignation in because you know, I can't be gone for 5 months. I am hoping you people will have a lot of meetings and a lot of businesses and all that kind of stuff.

C. Flatter: See what a nice guy he is.

Chr. Addington: Maybe another landfill?

J. Trautman: Yes maybe add another landfill.

J. Prescott: Have they filed any suits or anything in that?

B. Oliver: Are we still on the record?

G. Moore: No, I make a motion to adjourn.

B. Oliver: I wanted to be on the record. I did want to congratulate you and say thank you for your input over those years and with the APC. I mean I have never said much nice to you personally. You do come up with some good questions in your participation so you did a good job.

Chr. Addington: You have done a good job.


B. Oliver: Be safe as you travel.

The meeting adjourned at 7:40 P.M.

THE NEXT REGULARLY SCHEDULED MEETING WILL BE HELD JANUARY 24, 2005 AT 7:00 P.M. 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

