

BZA MINUTES**JUNE 16, 2003**

Members present: Mike Thurston, Charles Addington, James Trautman, Dale Clevenger, Jeff Prescott.

Members absent: Bill Davis & Mike Blankley.

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 P.M.

Chr. Addington: Board members first thing we need to do is approve the minutes of the March 17th meeting and the April 21st meeting. We didn't get to do that the last meeting.

D. Clevenger: I make a motion they be approved as written.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Those minutes have been approved as written.

BZA 2003-12-V (Bart Ward, Lynn, Indiana)

Chr. Addington: The first hearing will be Bart Ward because he was here last time and didn't get to come before the board.

C. Flatter: We have a quorum this time.

B. Ward: Just sit here?

Chr. Addington: Yes. This is a recorded meeting. This will be BZA 2003-12-V. Bart Ward lives at 205 E. Sherman Street, Lynn, Indiana. Did you receive an Article V, Conduct of Hearing when you applied for this hearing, do you remember?

B. Ward: Yes, I think I did.

Chr. Addington: You got all the surrounding property owners notified?

B. Ward: Yes.

Chr. Addington: Did we get receipts back on that Jamie?

J. Stump: Yes.

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

J. Stump: Yes.

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

B. Ward: I would like to build a garage and put a beauty shop on the other side of the garage. All connected to the house.

Chr. Addington: I will tell you something I need to do. Let me back up just a minute. I will read this for the benefit of everyone here.

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Chr. Addington: 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 then be allowed to ask questions of the petitioner. 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 shall then be allowed to speak to the board either pertaining to presenting facts or questioning the board on any matter pertaining to the petition being heard. Now you can tell us. Go ahead.

C. Flatter: Bart, how far is the new garage going to be from your south property line?

B. Ward: It would be right on the line. Right on the alley way line or between the alley and my house.

C. Flatter: Which the alley has never been improved right?

B. Ward: Right.

Chr. Addington: Think it ever will be?

B. Ward: No.

Chr. Addington: The old garage sits back off the alley doesn't it?

B. Ward: Yes, 6 feet. There are no telephone lines or anything running down through there.

Chr. Addington: There are no water lines or sewage or anything like that?

B. Ward: No it is all out in the street.

Chr. Addington: Board members do you have any questions? Do we have any surrounding property owner that was notified of this hearing that would like to speak? I guess we are ready. I need a motion to take action on BZA 2003-12-V.

J. Prescott: So moved.

D. Clevenger: Second.

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

D. Clevenger: So moved.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2003-12-V.

A roll call vote was taken: Mike Blankley, absent; Charles Addington, yes; Dale Clevenger, yes; Bill Davis, absent; Jeff Prescott, yes; Mike Thurston, yes; James Trautman, yes. The petition was approved.

Chr. Addington: Your petition has been approved Bart.

B. Ward: Thank you.

C. Flatter: All you have to do is get local permits, once you get State approval for the beauty shop.

BZA 2003-15-V (Stephen Knott, Parker City, Indiana)

Chr. Addington: This is in Parker City, Indiana at 302 E. Oak Street. Did you receive Conduct of Hearing, Article V notice?

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S. Knott: Yes.

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

S. Knott: Yes.

Chr. Addington: Did we get receipts back Jamie?

J. Stump: Yes.

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

J. Stump: Yes it was.

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

S. Knott: I just want to add a garage to my house. There is already an existing garage there and I was going to tear it down and put up a different garage but I want to attach it to the house. I think the existing garage is 2 feet off the alley way and I was going to come in a couple feet and be 4 feet off the alley way.

Chr. Addington: Are you going to leave that old building up there?

S. Knott: No I am going to tear it down.

Chr. Addington: The garage and the old building both?

S. Knott: Yes.

Chr. Addington: I noticed there was a building in back of the garage there.

S. Knott: Yes it is an old shed. I was going to tear it down after I get the garage up so I can put the stuff in the garage.

Chr. Addington: I couldn't find any address. I hunted and hunted to find you. Did you have an address?

S. Knott: Well I just moved the in November. I have pictures if you want to see.

Chr. Addington: Do you guys want to see the pictures?

J. Prescott: Just to let you know, we keep them if we see them.

Chr. Addington: We do keep them if you do present them to us.

S. Knott: Okay.

Chr. Addington: Is that okay?

S. Knott: Yes. That is fine.

Chr. Addington: Go ahead.

S. Knott: Who wants to see them?

Chr. Addington: Everybody.

S. Knott: Let me get the ones I want you to see. I didn't know how you did that. Here you go.

Chr. Addington: Any questions from the board members?

J. Prescott: You are just going to be close to the alley?

S. Knott: Yes.

J. Prescott: And you are already 2 feet from the alley now. You are going to be about 4 feet?

S. Knott: Yes. The existing garage is real close. I was going to go farther back from the alley.

J. Prescott: Move it in and attach it to your house?

S. Knott: Yes.

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C. Flatter: The reason he is having to apply for the variance is because the existing garage is a detached garage and he is wanting to add it to his house so he was required to be 10 feet from the property line and even though he is going to be further away than what the other one does, he still has to ask for the variance because he is only going to be about 5 feet from the alley right-of-way. Actually the edge of the alley. Is that what you said?

S. Knott: Well if you look at that picture, the garage sits 2 feet from the alley way not from the center but from the actual edge.

J. Prescott: From the edge of the alley.

S. Knott: I was going to go about 4 or 5 feet in from the alley way.

Chr. Addington: It is going to be about 5 foot?

C. Flatter: Yes but it is from the edge of the alley and that is not the actual right-of-way.

Chr. Addington: So where is the right-of-way?

S. Knott: I am not real sure.

J. Prescott: Do they use the alley for trash pick-up now?

J. Trautman: They have two different kinds of pick up in Parker. There is one group that does go through the alleys to pick up and the Best Way or something like that makes you put it out in front of your house and they pick it up.

J. Prescott: They have two different companies over there then?

J. Trautman: Yes, one group picks up in the allies and then Best Way is the one that lets you have it out front and they pick it up with an arm. Nobody gets out of the truck. They charge you twice as much for the second one.

Chr. Addington: Anything else you want to add?

S. Knott: Well that garage sets too low and the water runs in it and that is why I want to put in a new foundation and kind of raise it a little bit.

Chr. Addington: Does water run in the old building too?

S. Knott: Yes, not very much just a little bit there in one corner but the bottoms of them are rotten. The old garage is not going to go back to, I mean it is going to go up back in front of the old building, the other shed but I am not going to build it all the way back.

Chr. Addington: Your old garage just sits 2 foot off the edge of the alley right?

S. Knott: Yes. It is like 2' 3".

Chr. Addington: Okay so it is going to be 3 foot back to the east farther than.

S. Knott: Yes, I was going to try to stay about 4 foot off the alley side there because I don't ^{want} know anyone to run into it.

Chr. Addington: Was there anything else you want to add?

S. Knott: No.

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

S. Knott: I am just wanting to attach it to the house and it is only going to be attached to the house, I don't know how you determine that but probably only 8 feet of it is going to be attached to the house. Just enough to have a door to go in and out of the garage.

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Chr. Addington: Is there any surrounding property owners that got a notice that would like to speak? Any more questions from the board? We are ready to take action on BZA 2003-15-V.

J. Prescott: So moved.

M. Thurston: Second.

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

J. Prescott: 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: James Trautman, yes; Mike Thurston, yes; Jeff Prescott, yes; Bill Davis, absent; Dale Clevenger, yes; Mike Blankley, absent; Charles Addington, yes.

Chr. Addington: Your petition has been approved.

C. Flatter: All you have to do is get your permits now.

S. Knott: Just come see her tomorrow?

C. Flatter: Yes and the Building Commission. Do you have ~~like~~ a contractor lined up or are you doing it yourself?

S. Knott: I am going to have a contractor do all the concrete and footer work and then I was going to build the garage myself.

C. Flatter: The Building Commission for the building permit you need to know the estimated total cost. So if you have that you can come in and you can apply for the Improvement Location Permit and the Building Permit at the same time.

S. Knott: Okay and was that for 4 or 5 feet off the edge of the alley?

Chr. Addington: Five is what it says here.

S. Knott: Five? Okay, I was just making sure. Thanks.

BZA 2003-16-V (Kelly & Emilia Price, Union City)

Chr. Addington: Next on the agenda is Kelly & Emilia Price. Did I pronounce your name right?

E. Price: Emilia, yes.

Chr. Addington: This is BZA 2003-16-V. Kelly & Emilia Price.

E. Price: My husband is not here.

Chr. Addington: Oh he's not?

E. Price: No. He is on the road.

Chr. Addington: You will be the one doing the speaking right?

E. Price: No. He is.

R. Sibery: I will be the one trying to answer the questions. I am Robert Sibery from Sibery Builders.

Chr. Addington: Hang on just a minute and I'll finish this. It will be at 518 W. Lynn Street in Union City and I need to ask you if you received the Conduct of Hearing when you applied for this hearing?

E. Price: Yes.

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

E. Price: Yes.

Chr. Addington: We get receipts back Jamie?

J. Stump: Yes.

Chr. Addington: Were they published in a timely manner?

J. Stump: Yes.

Chr. Addington: Okay. State your name, whoever does the speaking, for the record.

R. Sibery: I am Robert Sibery of Sibery Builders.

E. Price: I am Emilia Price, the owner of the property.

Chr. Addington: Tell us what you would like to do.

R. Sibery: We would like to put an attached garage addition on to the side of the house. The reason we are here is because it is within the 10 foot because it's attached we have to have a variance on it within 4 foot of the property line.

Chr. Addington: Will that fence come down when you, I see there is a fence there on the west side. Does that come down then?

E. Price: Oh yes.

Chr. Addington: Anything else you want to add?

R. Sibery: There will just be a short gate there where that fence is right now between the addition and the property next door.

Chr. Addington: Okay. When are you going to try to do this?

R. Sibery: As soon as we can get this cleared.

Chr. Addington: If it is approved you mean?

R. Sibery: If it is approved, within the next couple weeks.

Chr. Addington: Okay. Do you have any questions board members? Is there anybody here that received a notice that would like to speak? Please come up.

F. Root: I am Floyd Root.

Chr. Addington: Let him have a seat there if you would. Bring a chair right here.

F. Root: I am Floyd Root, 522 Lynn Street just west of Kelly. I do not have any objection of a 4 foot variance. The only concern I have is locating the property line. When I moved there in 1964 there were steel stakes in each side of my lot. Those stakes have been long gone. They told me the telephone back on the north end of the lot was a property line and that fence that you were asking about, if you are speaking of the one running north and south, that will not come out.

Chr. Addington: Yes, it goes to the west and runs north and south.

F. Root: That is my fence and it will not come down. Their fence that runs across will come down. But my fence will not come down because I put that up. That is the only problem that I have. I talked to Kelly yesterday and he was asking about if it needed to be surveyed. Bob is going to try to find a stake. I don't know if it is down in there or not. There is a stake directly across the street on the south end of that lot between Buckingham's and I don't know who owns that other one.

C. Flatter: Mr. Root when you put your fence up did you know where the property line was at that time?

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F. Root: I vaguely knew. There were two trees on Kelly's property, which wasn't Kelly's at that time, it was Dan Lease, and I knew vaguely where it was out there on Lynn Street, so I put it on the west side of the telephone pole and came on out. Now my overhang, the house sits about like that and here runs the property line, my overhang is probably about 5 foot. I don't think I have 5 foot of fence there, so I don't think the fence is over on their property.

Chr. Addington: You thought originally that maybe near that telephone pole was the line?

F. Root: Yes.

C. Flatter: So you set the fence where from the telephone pole?

F. Root: On the west side.

C. Flatter: How far west?

F. Root: About like that.

C. Flatter: So you are assuming there is maybe 6 inches that is your property that is on the other side of that fence?

F. Root: Yes but....

C. Flatter: That is on their side of the fence.

F. Root: Yes but I am not going to take the fence down. I am not concerned with that. If he is within 3 foot, I am not arguing that, I want to know where the property lines are.

Chr. Addington: That is kind of out of our field.

C. Flatter: Yes.

F. Root: I talked to Kelly yesterday and he said maybe he ought to get it surveyed. But if Bob can find the stakes then that is fine. When those houses were built.....

Chr. Addington: If you present that we will need to keep it for our records.

F. Root: That is fine. It is just a copy. See you have a 5 foot build line.

Chr. Addington: This is the one here?

F. Root: Their's is here and mine is here. You have a 5 foot so I know when Russ Mendenhall built all those the overhang was probably.....

Chr. Addington: Let the rest of them see it too.

F. Root: I doubt if he went over the 5 foot line. Of course there wasn't any zoning back then so I don't know if he did or didn't.

Chr. Addington: Number three I believe it is there on that?

F. Root: Kelly's is number three and Root's are number four and across the street there is a stake between 15 and 16 that stands about that high, back by the south telephone pole. You can't go by the telephone pole on lot 16 because that was put in while I was on the council so I know that has nothing to do with property lines.

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

J. Prescott: Are you going to enter this garage from the south?

R. Sibery: Yes. There will be an overhead door in the south and in the north end of the building.

J. Prescott: There is a driveway there now and you will be swinging over.

R. Sibery: Yes they will swing on over into it. There will be an overhead door on each end of the garage.

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J. Prescott: Did they pin the streets when they surveyed the streets years ago?

C. Flatter: Excuse me.

J. Prescott: Do you know if they pinned the streets years ago when they surveyed these out?

C. Flatter: I have no idea.

J. Prescott: They have a lot of them here in town. They are pinned.

C. Flatter: If there was pins put in and I am assuming there was when this was laid out, it wouldn't be in the street. It would be right inside the street right-of-way because it's a lot in a sub-division. It wouldn't have been in the street. The only time it is in the street is if it is like the meets and bounds description and then it would go to the center of the street.

F. Root: When I moved out there they were steel fence posts is what they were. They were 3 or 4 feet high. Of course, my yard wasn't even put in then. Russ took them off, I don't know when but he took them up. I noticed over on Park he's got notches I think on the curbs. Well those curbs are about that deep. I know I tore one out one time to redo my driveway. If he cut that off and drove it down into the ground right there, I don't know. Bob is going to try to find out. If he can find it, fine.

J. Prescott: Normally that is what they will do is drive a pin and put a steel stake up to mark it.

F. Root: Yes. I didn't realize that until Bob told me.

Chr. Addington: Do you think there is a good chance of finding it?

R. Sibery: I just found some the other day. I practiced on some that I knew where they were.

J. Prescott: Do you use a metal detector?

R. Sibery: Yes I have one and I knew where they were. Most of them were in like 2 ½ to 3 feet deep. We know about where they are at. I found four of them the other day on one that I practiced on. I knew about how that thing was working.

Chr. Addington: Those are metal then aren't they?

F. Root: Yes they are steel fence post. I was looking at the post yesterday. You know you've got one here on the property line and you have one there for the end of your garage. This one looks like it is jogged over, like it is not in line and that is why we were discussing it.

C. Flatter: Jeff what is the right-of-way of the street right there? Does it say?

J. Prescott: Fifty-five feet, I think if that is it down there at the end.

C. Flatter: Fifty feet. Bob you could go to what looks to be the center of the street and come in about 25 feet and that is where I would start searching with the metal detector because the right-of-way is 50 feet total so if you go from the center and come in 25 feet that will put you close.

Chr. Addington: That is so you can measure out then right? If he finds the center then he can measure out?

C. Flatter: Well with his metal detector if he comes in 25 feet approximately in that area from the center of the street he should be able to find that pin in there somewhere.

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Chr. Addington: Okay any other questions? Anything you want to add? If not hearing anything, I guess we are ready to take action on BZA 2003-16-V.

J. Prescott: So moved.

D. Clevenger: Second.

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

M. Thurston: 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: Jeff Prescott, yes; Mike Thurston, yes; James Trautman, yes; Charles Addington, yes; Mike Blankley, absent; Dale Clevenger, yes; Bill Davis, absent.

Chr. Addington: Your petition has been granted

BZA 2003-14-V (James Jarrett, Omega Enterprises, Winchester)

Chr. Addington: Next will be BZA 2003-14-V Omega Enterprises, Inc. 732 W. Washington Street, Winchester, Indiana, James Jarrett.

J. Jarrett: That is me.

Chr. Addington: You might state your name in the microphone please for the recording.

J. Jarrett: James Jarrett.

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

J. Jarrett: Sure did.

Chr. Addington: Did you get the Article V, Conduct of Hearing when you applied for this hearing?

J. Jarrett: Yes.

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: You can tell us what you would like to do Mr. Jarrett.

J. Jarrett: I am wanting to build an office and it is going to infringe on the right-of-way of the street there, I guess that is North Street. You have to have 25 feet from the edge of the building to the edge of the street and if I build this office it will only be 8 feet. I don't know what you have there, I didn't bring...

C. Flatter: We just copied everything that you gave us Jim so we've copied the survey that was in there too.

J. Jarrett: You will see where the proposed office would be. You can see that actually you can't even tell where the street is.

Chr. Addington: The proposed new construction is 8' x 6' on the west end and 8' x 2' on the east end. I wonder why that is? Something is crooked some place.

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J. Jarrett: Actually if you look at it it doesn't even come close to the edge of the street because the street has a big curve there and it comes away from that area, so you can't even tell where the street is. We had to get it surveyed to even know where the edge of the street was.

Chr. Addington: I have a survey map like this.

J. Jarrett: You can see the office is completely away from any area right there where it is not going to be a hazard to anything. In my opinion anyhow.

C. Flatter: The street is in the dash line there but the actual right-of-way is the bold line. It is a 66 foot right-of-way but realize the pavement is not that wide.

Chr. Addington: Anything else?

J. Jarrett: If you will notice especially with the aerial photograph, the city street is actually not a city street it is my property.

Chr. Addington: Are you talking about North Street?

J. Jarrett: Not North Street, what is supposedly Cable Street. There is not a street that is an alley. It has just been taken over as a street through the years. I own that lot and that street is on my property.

Chr. Addington: I am lost here, I don't see it.

C. Flatter: The street that runs north and south beside D & J's.

Chr. Addington: Jackson?

C. Flatter: That is not a part of W. North Street.

Chr. Addington: We got Jackson and we got Clem and then where?

C. Flatter: Over here Charles. This is D & J's Restaurant over here and the street that runs north and south on the east side of D & J's, it is not actually a street.

Chr. Addington: Okay. That belongs to you and I know you own the property on east of that too don't you? According to this map.

J. Jarrett: Yes.

Chr. Addington: Anything else?

J. Jarrett: Nope.

Chr. Addington: Board members do you have any questions? Mr. & Mrs. Smith would you like to come up and say a thing or two?

P. Smith: Not necessarily.

M. Smith: I was just wondering if.....

Chr. Addington: Please come up to the table and state your name please.

M. Smith: Mary Smith. I was wondering if there is going to be more traffic than what we already have down there?

J. Jarrett: It won't effect the traffic at all.

M. Smith: Is the office going to be where it is now?

J. Jarrett: The office is going to be, you know where the corner is right there on North Street comes around and curves around and then that is what they call Cable Street, there is a square right here where my building goes into this part is north and then this part is west and it comes around to my building here and my building here. The office is going to sit right up here in this grassy area.

M. Smith: Okay.

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J. Jarrett: Actually it is going to improve my feet, is what it is going to improve. The way it is now, I walk a bunch. The office now is all the way in the front and I am walking back and forth through here everyday several times a day.

M. Smith: That is all I was worried about, that we didn't have more traffic. I didn't know whether since you do have traffic down there now but I mean not a whole lot.

J. Jarrett: No.

M. Smith: Okay.

Chr. Addington: It doesn't keep you awake at night or anything?

M. Smith: No. But they could do something with that fan down there. No I don't have any objections.

Chr. Addington: Thank you. Paul do you have anything?

P. Smith: No I don't think so.

Chr. Addington: Board members anything for Mr. and Mrs. Smith? Any more questions for Mr. Jarrett? If not we are ready to take action on BZA 2003-14-V.

J. Trautman: So moved.

D. Clevenger: Second.

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

D. Clevenger: So moved.

M. Thurston: 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: Charles Addington, yes; Mike Blankley, absent; Dale Clevenger, yes; Bill Davis, absent; Jeff Prescott, yes; Mike Thurston, yes; James Trautman, yes. The petition has been granted.

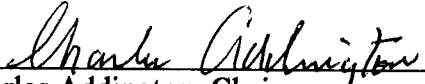
Chr. Addington: Your petition has been granted Mr. Jarrett.

J. Jarrett: Thank you.

J. Trautman: I make a motion to adjourn.

The meeting adjourned at 7:35 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS JULY 21, 2003 AT 7:00 P.M. IN THE CONFERENCE ROOM (IN THE BASEMENT) OF THE RANDOLPH COUNTY COURTHOUSE, WINCHESTER, INDIANA.


Charles Addington, Chairman

Mike Blankley, Vice Chairman


Jamie Stump, Recording Secretary