

**BZA MINUTES**

**APRIL 15, 2002**

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

Staff present: Jamie Stump, Recording Secretary.

Legal Representation: Robert C. Oliver.

The meeting was called to order by Chairman Charles Addington at 7:00 P.M.

Chr. Addington: The first thing we need to do tonight is approve the Minutes of the March 18th meeting. Do I hear a motion to that affect?

M. Blankley: So moved.

D. Clevenger: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Those minutes have been approved as written for March 18th. Number two on the agenda tonight is Fred Davis. Fred if you would please come forward. State your name for the record.

BZA 2002-10-SP (Fred R. Davis, Winchester, IN)

F. Davis: Fred R. Davis.

Chr. Addington: Did you send all the surrounding property owners a notice of this meeting.

F. Davis: Yes I did.

Chr. Addington: Did you get receipts back for those Jamie?

J. Stump: Yes I did.

Chr. Addington: What else do I need to ask you? There is something else. Was that published in a timely manner?

J. Stump: Yes.

Chr. Addington: The notice of this meeting. I will read this here for the benefit of every body here. The petitioner shall be allowed to present the facts and arguments of his or her case without interruption by any other person. The board member will then be allowed to ask questions of the petitioner. Any interested person or parties sent a notice shall then be allowed to present their facts or arguments uninterrupted. The board members may then ask questions of these interested parties. Other persons attending the hearing may 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. You can go ahead Fred and tell us what you want to do.

F. Davis: I am wanting to put a single wide in there, 80' x 16'. Right now I am actually looking at a modular, double wide. It is new and it will be on a foundation and everything. It looks more like a home than a trailer. It will improve everybody's property around me. That is basically all I know.

## BZA Minutes 4/15/02

F. Davis: I will replace an old existing trailer I have there with a new one. Jake Gullett used to have it. It has been there for, I think it is 30 some years old. It is getting in pretty bad shape.

Chr. Addington: Board members do you have any questions? When do you plan on doing that?

F. Davis: Well as soon as I get everything done. It will probably be in 60 to 90 days. At least that is what I am looking at anyway by them. I have to get that building permit .....

J. Stump: Improvement Location Permit.

F. Davis: Whatever it is. I have to get that up there. I don't know if the people that do the foundation will take care of that. That is what I have to find out, or if I have to take care of that?

Chr. Addington: Any other questions from the board?

D. Clevenger: Are you going to set a double wide or a trailer?

F. Davis: Right now, the loan deal is on a modular. It is a 28' x 60'. If for some reason it falls through, I am going to stay with the 16' wide. The modular wouldn't what do you call it? Depreciate. The modular would keep the equity in it better.

J. Prescott: So what are we doing a variance on then?

J. Stump: What he is saying Jeff, is if he can't get this double wide, he wants to know that he can use the single wide. We are doing a Special Exception to set a single wide. If this is approved and he can't get the double wide then he can set the single wide.

J. Prescott: Okay. But does it meet the square footage requirements?

J. Stump: The single wide meets the square footage requirement, it just has to have a special exception to set it in town.

F. Davis: As far as the modular, I believe I have enough property there to put that on. It is 100' wide and I think I have 165' deep.

Chr. Addington: Plenty of variance.

F. Davis: Yes.

Chr. Addington: Okay if there are no other questions we are ready to take action on BZA 2002-10-SP.

M. Blankley: Is there anybody in the audience opposed to this?

Chr. Addington: I guess that is right. I better ask that hadn't I? Is there anybody in the audience that got a notice, surrounding property owner, that would like to speak? If not we are ready to take action on this. Do I hear a motion to that affect?

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.

J. Prescott: So moved.

B. Davis: Second.

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

## BZA Minutes 4/15/02

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

Chr. Addington: Your petition has been granted.

F. Davis: Is it all right to leave then?

Chr. Addington: Yes. Maybe Jamie can tell you what you need to do.

J. Stump: Fred, if you decide to go with the single wide, this has been approved.

All you have to do is come up to the office and go ahead and apply for your permit. It will be issued since it was approved tonight.

F. Davis: Now on the modular I come up and redo that drawing I did for a single wide?

J. Stump: If you decide to go with a double wide, we can run a copy of your site plan and you can draw in the double wide, you will probably just have to change some measurements.

F. Davis: I was wondering, when I get ready to do this and I have the permit, when I stake it out, does somebody come out and check the staking?

J. Stump: Yes. They will leave the permits there if everything is okay with that.

F. Davis: Thank you for everything.

J. Stump: Thank you.

## BZA 2002-9-V (Greg Eviston, Losantville, IN)

Chr. Addington: The next petition on the agenda is Greg Eviston. Please state your name for the record.

G. Eviston: Greg Eviston.

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

G. Eviston: Yes.

Chr. Addington: Were all the receipts received back on this Jamie?

J. Stump: Yes.

Chr. Addington: The notices were in the local paper in time?

J. Stump: Yes.

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

G. Eviston: Yes.

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

G. Eviston: Basically we are going to build a pond at that address that you have. We didn't know at the time that we needed to be 50' away from the surrounding property owners, which we have three abutting property owners on there. Two of them are well over 50 foot and one is going to be closer than 50-foot on the property line there. I am seeking a variance to be able to build that pond so it is sitting on the property line on the north side property line.

Chr. Addington: That would be the Tutterrow's?

G. Eviston: Tutterrow would be on the east side across the county road that you see there. He is on the east side of the road. The property owner that is on the north side is Lusion Bowlin, which he is with me here tonight if you need to hear from him too.

## BZA Minutes 4/15/02

G. Eviston: I talked to Cathy. She said it might be helpful if I took some pictures and brought it up if anybody wanted to see those too. It is kind of strange, the drawing that I drew up for you. It looks like a very weird shaped pond, the actual drawing of the pond itself, the way the scaled drawing, it looked weird there but the reason it goes so far one side and not to the others, there are two hills that come down there that we are going to dam up the backside. One side really comes off and is steep. The other sides are really gradual declines down there. That is why it takes up more area on one side.

Chr. Addington: You can present those pictures, start with Dale there but they will belong to us when you are done.

G. Eviston: That is fine. Basically what I put on there was, I just tried to take pictures to go with that, it has the north bank and the south bank so you can kind of get an idea of why it is shaped like that. We had Jim Norris come out there from Soil & Water and he told me where I should survey it out. We took an instrument and went around and there is not going to be any water that is going to be hitting the drainage pipe that comes under the county road where the top part of the water level will be 6 inches below the culvert that goes under the county road there.

J. Stump: Greg this was approved by the drainage board right?

G. Eviston: Right.

J. Prescott: This pond is going to be right on the line then?

G. Eviston: It is going to be, actually right now as it is staked out where it gets back to the dam, it is a little bit over on Lusion's side of the property line, but when we construct it, all it is going to take is about 5 or 6 foot of dirt pushing over and filling that one low area where that bank drops off to be on the property line, if it needs to be. Lusion Bowlin, he is my brother-in-law, he is going to be on one side and I am going to be on the other side. It is going to be a family deal where it is a joint venture. Like I said, he is here tonight if you need to speak with him, for him to agree to it. The dam side, Roger Bowlin owns to the backside where the dam is going to be as well as the south side. He kind of wraps around from the west end and goes all the way around to the south. It is close to 50 to 75 feet from the dam to his property line in the back and then we have all kinds of property between us on the other side. But Lusion's is the main concern where it is going to be closer than 50 feet.

J. Prescott: Do you own the 7.11 acres on the south side of the pond, between you and Roger Bowlin?

G. Eviston: Right.

J. Prescott: I thought that was the way it was from the way this looked.

G. Eviston: Right.

Chr. Addington: Is that located just south of the old cemetery then, on the west side of the road?

G. Eviston: By the what? Cemetery?

Chr. Addington: There is an old cemetery there just north of where I was thinking it was going to be located. I am not sure if I found the right place or not.

G. Eviston: I don't know of any cemetery around there.

Chr. Addington: County line, Wayne County line and back this way a half mile or about something like that.

## BZA Minutes 4/15/02

G. Eviston: Yes. There is a cemetery there?

Chr. Addington: Well back on north a little bit, on the west side of the road. Any more questions from the board?

G. Eviston: You are talking about on Hwy. One?

Chr. Addington: No. I am talking about on 1000 West. That is where I am thinking about. That is where you are going to build on the west side of 1000 West?

G. Eviston: Yes. I am going to have to get with you and find out where that cemetery is located.

Chr. Addington: I just wanted to try to get it in my mind if that was the right place though. Any more questions from the board? If not, is there anyone in opposition? Come on up. State your name please for the record.

L. Tutterrow: Lanny Tutterrow. I basically am going to feed it so to speak. I am really not in opposition of it, I just wanted to make sure, unfortunately Greg and I didn't have an opportunity to talk or I would have talked to him about this concern. I did talk to his father-in-law yesterday, Roger Bowlin, who has been my neighbor for 30 plus years and I was concerned since he was going to have to drop at least 6 inches from the culvert and the water would basically just shoot through me and I would lose a majority of my water. Roger assured me that if we need to put a pipe in or level a little bit off to slow me down just a little bit so I would still have water, that he would do that. I guess I should ask Greg if he would? I guess that is the only thing I am worried about, if down the road, you know, it runs me out and you know we need to do something to slow it down, because it is a natural drain.

Chr. Addington: According to this that I have here, you are north of the pond then?

L. Tutterrow: I am east.

Chr. Addington: East? They have this....

J. Prescott: You have to turn your map around.

Chr. Addington: Well it says north this way. We are going north.

J. Prescott: Mine says East that way.

Chr. Addington: It does?

J. Prescott: Yes. It looks like it should be north but....

Chr. Addington: Okay let me see here a minute.

G. Eviston: The way you have it there, North should be to your right, south to your left.

Chr. Addington: That is the way it is.

G. Eviston: Okay. The county road is right down where your left hand is. So Lanny would be, well I think I have his name at the bottom of the sheet.

Chr. Addington: You do, you have it down here. I was thinking this was North according to, I see now. I got it.

J. Prescott: What you are concerned about is like a creek running through here and you don't want it dry?

L. Tutterrow: Yes and like I said, Roger told me he would help my out on that and unfortunately I didn't get a chance to talk to Greg about that.

## BZA Minutes 4/15/02

Chr. Addington: It doesn't have particularly anything to do with where the line is or anything?

G. Eviston: No, because he is clear over on the other side of the road and Roger actually feeds me, so it is actually more between Roger and myself. You can see where the property line is with Roger, too and what that does, Roger has maybe 8 acres or so, Lanny has maybe 10, just an estimate. They both come down and meet basically in that corner, they come under the road where that culvert is. I don't quite understand why Lanny is concerned. Roger told me he called last night or come over last night and was concerned. He is wanting to slow the water up that comes down through there, I don't know what kind of drop there is on the culvert, it is a pretty good drop from his side to our side. The pipe going through the road is over 60-foot long, so if there is a drop in that, we are going to be 6 inches below the culvert that is on our side of the road, then we will, I don't know, maybe 18 inches lower than where the pipe, the culvert starts on his side of the road.

Chr. Addington: As far as the pond itself, that has been approved then? That part has been approved?

G. Eviston: Right, through the Drainage Board and the Soil and Water people have been out there.

Chr. Addington: The only thing that we can answer to is the property lines.

L. Tutterrow: Okay.

Chr. Addington: Any more questions from the board? If not, is there any body else.....

L. Tutterrow: So what you are getting ready to say is that since the Drainage Board already approved this.....

Chr. Addington: It would be out of our hands, as far as I know, wouldn't it?

B. Oliver: As far as drainage? We don't have any control over that. We are just dealing with the issues of whether to grant the variance as far as placement. As far as the drainage, that is all up to the Drainage Board, if that answers your question.

G. Eviston: If I could clear it up a little bit Lanny. I talked to the man from the Drainage Board or the surveyor's office, he said that he has talked with Dan Love and as long as no water backs up, he is up hill from us and he is draining into us and as long as no water comes up and into the culvert and backs up into the culvert his main concern should be, "Are we going to dam it up there and back water up and it goes through and floods him out?" We sit a whole lot lower than him. Where we are going to dam it and where the water level is going to be at, is still going to be 6-inches lower on our side of the culvert so I don't see where he is concerned about water flowing through there. He is still going to have the same amount of water that flows through. Nothing is going to change that.

L. Tutterrow: But if there is a big empty hole down here, all my water that trickled through here is going to go straight through and fill this hole up. I don't care about water backing up on me. All I care is that I want to continue to have a trickle of water. That is the only thing that I am concerned about.

G. Eviston: Jim Norris from Soil Conservation was out there and he told me to set it up this way, that everything would be alright.

## BZA Minutes 4/15/02

G. Eviston: Then he told me to get in contact with Cathy and told me to get in contact with the surveyor. The surveyor came out with another guy and they said that everything was fine the way we had it set up.

Chr. Addington: One other thing I was going to ask you, that is right back of those farm buildings on the west side of the road? Almost directly west?

G. Eviston: There are no buildings....

Chr. Addington: The farm buildings where the grain bins are? I never found any markings or anything out there. Did any of you?

G. Eviston: I have right there where that is at, I posted the Zoning Board number that this is issued. You weren't in the right area if you were around a cemetery somewhere.

Chr. Addington: I went on South of the cemetery, clear to the county line.

G. Eviston: Did you cross Rd. 1?

Chr. Addington: Cross Road 1?

G. Eviston: Did you go across Road 1?

Chr. Addington: I was on 1000 West going south.

L. Tutterrow: You probably went across St. Rd. 1, there is a little cemetery there on the left.

Chr. Addington: Yes that is the one I am talking about.

L. Tutterrow: Down there by Lumpkins, Lumpkins Cemetery.

G. Eviston: Yes but that is on the other side of 1.

L. Tutterrow: Yes but I think that is what he is talking about.

Chr. Addington: I was on 1000. Any way, it doesn't make a difference, I don't think.

J. Prescott: Have you dug any test holes?

G. Eviston: Yes. It came up to about 3 or 4 foot before it came out of the top of the ground.

J. Prescott: See you make get, some of the hole may be filled from, I know I have dug a few holes and I am always getting water coming up and filling the hole from the bottom.

G. Eviston: We dug them where the dam area is going to be and when we got through the top soil we hit about a 2 inch vein of sand before it went to clay and it poured in there and overnight it filled up to that level.

L. Tutterrow: You know, I am not trying to wreck his project. Him and I maybe should have talked.

J. Prescott: You can always dam it up on your side.

L. Tutterrow: Yes. Like I said, his father-in-law assured me that he would work with me and I just figured Greg was the same way. Roger said that they would take care of them. That is fine.

Chr. Addington: We are ready to take action on BZA 2002-9-V. Do I hear a motion to that affect?

M. Thurston: So moved.

J. Prescott: Second.

## BZA Minutes 4/15/02

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Now I need a motion to take 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 to take a roll call vote on BZA 2002-9-V.

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

G. Eviston: Thank you. Do I just need to get a hold of you Jamie, since Cathy is out of the office right now? Just get hold of you to get the permit?

J. Stump: Yes.

G. Eviston: Is that all I need right now?

J. Stump: Yes.

G. Eviston: Thanks.

## BZA 2002-11-SP (YMCA, Winchester, IN)

Chr. Addington: Next will be BZA 2002-11-SP the Randolph County Young Men's Christian Association Inc. Who wants to speak about that? You can identify yourself if you would please.

C. Bales: I am Ceann Bales, Executive Director of the Randolph County YMCA.

Chr. Addington: Did you send out notices to the surrounding property owners?

C. Bales: Yes we did.

Chr. Addington: We got the receipts back Jamie?

J. Stump: Yes we did.

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

J. Stump: Yes.

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

C. Bales: Yes we did.

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

C. Bales: Thank you. I would like to begin my presentation by reporting a few statistics to you. The review of 40 early childhood programs found positive long-term effects on parents or teacher ratings of anti-social behavior and or actual delinquency records. Large scales of national surveys of early childcare programs have demonstrated long-term effects on outcomes such as; school achievement, grade retention, placement in special education and social adjustment. Research also shows that poor children could participate in pre-school programs have gone on to greater success in school and in life. As you may know Randolph County has been experiencing a childcare crisis in our community. Of the 1835 children in Randolph County under the age of 4, 49% of them have both parents in the work force. So that means that there is 899 children in our community that could be in need of childcare.



## BZA Minutes 4/15/02

C. Bales: However, the crisis arises when you consider that there are only currently 355 childcare slots in Randolph County that have been approved by the state. These are facilities such as; the Y's Registered Ministry and the licensed homes. This crisis is going to become even greater because this summer the State has issued new guidelines for certified providers. Certified providers it says that, myself as in the home, I can watch five children. There are going to be stricter guidelines if I want to do that. One of those guidelines is that I would have to take a drug test. The State is already projecting that they are going to lose 50% to their Certified providers in the State. Which means, in Randolph County there are 75 slots available for certified providers, we could lose half of those. That means the childcare crisis is going to become greater this summer. What is importance of doing that, it is quality but it is also for the families who need childcare so they can work, sponsored by the State. There is a voucher program and they have to be served by a certified provider in order to be able to qualify for this voucher program. Currently Randolph County has 40 people as of Friday waiting to get this voucher. If they are fortunate enough to get this voucher, because their income guidelines are so low that they can qualify for this voucher, even if they are lucky enough to get off the waiting list there is no place for them to go. They will not be able to utilize that assistance. This crisis is not new to Randolph County. We have been talking about it for the last couple of years. However, in May 2001, Little Lambs Registered Ministry closed, which was serving approximately 85 children. They announced that in May of 2001 and officially closed in August of 2001. That brings us to why the YMCA is here this evening. We stepped up to the childcare, opened a childcare facility in response to the crisis on August 6th, 2001. The Y Board is committed to childcare; the staff is committed to providing quality childcare. We currently are running our childcare programs at the Winchester Church of Christ facility and in the Y's facility. We turned our aerobics room into a childcare center and also used another multi-purpose room. One of the things that are challenging to meet this need of childcare is that we are studying the possibility of building a new childcare center on our property east of Winchester. However, the time that is going to being involved in finalizing the drawings and raising the funds is not going to provide for the needs of our children currently. The Y Board is determined not to go into capital debt, so that means that we have to have the funds raised and in the bank before we can begin the construction. Children can not wait for this construction. The current facilities the Y is utilizing do not provide the needed space to provide quality childcare program. The church has been wonderful to us. We are very appreciative but there are no windows in the church so the children who are there, which are 9 months to 3 years old, have no way to look outside and see the light, which is very important in the development of a child. Also the staff are in there. Another concern has been a safety issue with a nearby construction that has come up, that a pond in the church, since it is a temporary agreement with the church, would not allow us to build a fenced in playground area so that means the children will be exposed to that construction without having a fenced in playground area to protect them, so we have safety concerns. The church, as I said, agreed to allow us temporary usage of their facility for 18 months. That will expire in February of 2003. The Y's facility is also overflowing due to the children.

## BZA Minutes 4/15/02

C. Bales: The children have to, the main concern is they have to use the women's restroom facility, which is a conflict with our members, but that is not the important issue. The important issue is that they are adult size restrooms and this causes uses problems for the little ones and affects their self esteem when they have issues there. These are the situations that brought me here tonight to discuss with you the facility located at 700 - 702 Browne Street, which the Y has deemed to be the best interim solution for the childcare needs of the community and to help with the Y's operations. This is how we have the plan of the operations of Browne Street; we will operate the facility from 6:30 A.M. to 6:00 P.M. We will have a maximum of 35 children from ages 2 to 5. There will be five staff on site with these children at all times for supervision. The peak drop-off time will be between 7:30 A.M. and 8 A.M. with only approximately five families arriving at one time. The peak pick up time will be 4:30 to 5 P.M. Pick up and drop off will occur in the front of the facility. An outdoor playground facility will be constructed in the southwest corner of the lot with a 6-foot privacy fence around it. The children will be outdoors during the hours of 8:30 A.M. and 5 o'clock P.M. with no more than 12 children outside at one time. The Y is planning to invest \$25,000 to 30,000 in this facility to put a new roof, paint the exterior, do some landscaping and then the outdoor playground area I referred too and then also the renovations in the interior of the facility. I do have pictures, a drawing I should say, to distribute to you and outlining the proposed privacy fenced area.

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

J. Prescott: This will be an addition to the two that you are running?

C. Bales: No, this will be taking the children out of the church facility and one room of the Y's facility will remain. Some of the children will remain at the Y, a community pre-school, which is separate from childcare. The after kindergartner's will come in the afternoon to the Y's facility and then our after school program will still go to the Y but all the children from ages 2 to 5 that need all day childcare will be at the proposed Browne Street facility.

J. Prescott: You would be at a maximum of 35?

C. Bales: Yes, that is all the State has approved us based on square footage. We will only be able to have 35 children.

Chr. Addington: How big of a playground area does it have?

C. Bales: You can kind of see that we are proposing the fenced in area will come all the way over there to the north edge and take that entire area. That is based on square footage from the State that you have to have for the playground.

Chr. Addington: It is going to be okay with the property line and everything? I didn't see that on there any place. Are there any other questions from the board? Bear with us for a minute we are looking something up.

M. Blankley: Jamie, isn't this supposed to be 250' radius for property owners?

J. Stump: No. This is abutting property owners. Just the abutting property owners.

M. Blankley: I thought it was within 250' radius.

J. Stump: Just for rezoning is it within a 250' radius.

Chr. Addington: Any more questions from the board? Is there anybody else that wants to speak?

## BZA Minutes 4/15/02

M. Triezenberg: I do.

Chr. Addington: Are you a surrounding property owner?

M. Triezenberg: I live to the south of the building. My lot comes.....

Chr. Addington: Would you please come up so we can get this on record.

M. Triezenberg: I am Marilyn Triezenberg. I live to the south of the building. It shows on here, there is 2 foot from where the bulk in the pavement out front is, that is about what I figured that my lot comes within 2 foot of that. I am not against having children there. I am concerned about what kind of fence. What is it going to be a stockade type or plastic or vinyl?

C. Bales: We haven't decided about the fence yet.

M. Triezenberg: Parking is my concern. When Dr. Cook had these built, he paved back into the lots for parking there, which is in front of my house also. Right now, I get parking, some, from people going into the offices there. I get people turning around to pick up kids from school. It is paved there, but where are the workers going to park?

C. Bales: We looked at that, that was one of the first things we looked at when we went there because we didn't want to park in front of people. We are hoping that when, are plan is to build the playground area so that the staff parking can be up there butting up against to that fenced in area.

M. Triezenberg: You mean off of Orange Street?

C. Bales: Back onto the parking that there is.

M. Triezenberg: You mean coming in here?

C. Bales: Yes.

M. Triezenberg: Now you are going to start right at the edge of the building here for the fence and come up not quite to the edge here?

C. Bales: Well most likely it will be here but we want to make sure.

M. Triezenberg: Then there should be parking there shouldn't there? Off the street.

C. Bales: Yes. And the drop off would be in the front of the facility.

M. Triezenberg: Yes that is what I understood. I was just wondering if this goes on for a long time and the road it gets beat up from all the traffic, if I have a lot there, am I going to have to do the re-paving on what is already paved? I went out and measured and I think from that bolt that is sitting out in front of the corner of the lot, it is paved back about 15 feet, as close as I could tell, I suppose that bolt is at the edge of the street, I'd imagine. It reads in the property description. There is one there and I can find it. I was concerned about that.

Chr. Addington: Board members do you have any questions for Mrs. Triezenberg? Thank you. Is there any one else that wants to speak?

J. Wray: I have a whole lot to say to you tonight.

Chr. Addington: Please state your name for the record.

J. Wray: John Wray. I own the property just west of this property that is in question here. I bought this property years ago. This property was surveyed from Main Street east. I don't want a big fence in my driveway of my doorway. I don't want that and I protest this going in there. I bought the place when old Miss Connor had a little brick sided house there where the doctor's office was.

## BZA Minutes 4/15/02

J. Wray: I have lived there for many years. I will be dogged if I can sit by and watch this. Listen to me, Doctor Cook and I had the property surveyed from Main Street east and I don't want half of my property taken. The line is right there. It has been there for many years. I come there when Doctor Cook built the house. Doc Cook and I had it surveyed and it come from Main Street east and that fence that is there, that is the line.

Chr. Addington: The fence, the one to the west? Is that the one that you are talking about?

J. Wray: The one to the east.

Chr. Addington: The one to the east?

J. Wray: Of my property.

Chr. Addington: Your property, okay.

J. Wray: Now, I have two lots there and I will take \$105,000.00 for the two and they can build whatever they want to. I will not stand for them to put a fence there where my door, I need to breathe. That is no place for a bunch of children. That is a big parking lot. What are they going to do, fence it in and turn the children loose? I will be 74 years old my next birthday. I have lived there and worked hard for my property. I will not stand, I protest this. I don't think it is a place for the children.

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

J. Trautman: Your house faces Orange Street?

J. Wray: My house faces Orange Street, 308 E. Orange Street. My driveway separates this building that this lady wants to put all these children in my driveway.

J. Trautman: Is there already a fence there?

J. Wray: There is a line fence there.

O. Wray: Just a section.

J. Wray: Just a section out front and a steel pipe down there where the line is. It was surveyed years ago, by Doctor Cook and myself.

Chr. Addington: Are you saying that the survey the way they have it planned here is not accurate?

J. Wray: Well they are wanting to go west and they can't do it because the survey, when I bought the property off of Byrum McCormick years ago, they surveyed from Main Street east. That fence is where it was agreed upon by Doctor Cook and myself. That is the line. Now they can go from their east.

Chr. Addington: Any more questions from the board?

J. Prescott: Mr. Wray, are you concerned about bringing the fence all the way to Orange Street, blocking your view?

J. Wray: Yes I certainly am.

J. Prescott: If they did not take their fence all the way to Orange Street, would that satisfy you?

J. Wray: That blocks me. I can't see out. I go in and out the east side of my driveway.

D. Clevenger: To my understanding, they are not going to go clear to the street, they are going to go to the edge of where their playground is going to be.

J. Wray: Well their playground has got to be from my house, over.

D. Clevenger: But it is not going to be clear to the street, right?

## BZA Minutes 4/15/02

C. Bales: Right.

J. Wray: There isn't enough room in the back to go.

Chr. Addington: How long a fence is that? Do you know off hand?

C. Bales: No we haven't designed how far we are going to go. We haven't planned to take it for zoning purposes as far, we never proposed to take it to the street. It would be to the edge of the facility itself.

Chr. Addington: The edge of the playground you are saying?

C. Bales: Yes.

J. Stump: That is allowed.

Chr. Addington: That is the way it is set up in the Ordinance.

J. Stump: Even if someone made that into a house, they could still put a 6-foot fence up. But they couldn't go any higher than 6 foot and they can't go farther out with it or it could only be 4 foot.

D. Clevenger: According to the map here, it shows that lot being 83.89 north and south, where on this other map where it shows there playground fence going there at 53 feet. They are 28 feet from the road. Is that the way you read it?

Chr. Addington: From Orange Street you are saying?

J. Wray: They have Browne Street here going north. That Browne Street is south of Orange Street.

Chr. Addington: No, look Mr. Wray, if you will look you will see the arrow is going north, where it says north at the top of the page and then there is an arrow.

J. Wray: The arrow here goes down towards Browne.

Chr. Addington: Any more questions from the board? Is there any body else that wants to speak about this? If they do, please come forward. If not, Mr. Cook do you have any thing on this? Mr. Peterson, come up and state your name please.

C. Peterson: I am Charles Peterson. Most of my questions have been answered. What I was particularly interested in was that 6-foot fence, which that is going to be across the road from me, but I just don't like the looks of a 6-foot privacy fence in that area, residential area. I mean it looks like it could be a junkyard or something on the other side and I just don't like that.

Chr. Addington: The fence would be going north and south. Is that right?

C. Peterson: It is going to be at an angle, it isn't going to come out to the street which won't look so bad, but still a 6-foot fence, I don't think it is going to look to good.

Chr. Addington: Like someone pointed out, I think they could put the fence up there even if it was just a residence, according to the Ordinance.

C. Peterson: Another thing, the letter said it was temporary. Temporary means a while, a short distance. How long is it going to be there? If it is a short time, will they take the fence down and replace it so it will look like it does now?

C. Bales: The Y plans to, once, like I said, I can't project a time frame for you, we hope it will at least be a year. I can tell you that. We do plan to build onto the Y facility. The Y does plan to keep the facility, at this point; we don't know what purposes the facility would be used for. We would understand that we would have to come back and get more zoning permission to utilize it in different manners but at this point I could not tell you what the property would be used for.

## BZA Minutes 4/15/02

C. Peterson: You didn't buy the property?

C. Bales: We are in the process of purchasing it.

C. Peterson: I was going to say to spend \$25 - 30,000.00 on somebody else's property, I couldn't.....

C. Bales: We are planning on purchasing the facility and invest in it and keep it for future programming for the YMCA.

C. Peterson: If you do buy it, there is one thing I want to tell you. Those trees on Orange Street belong to whoever buys the property. So far, they haven't taken care of them. I told Mr. Full, the dead limbs up in there and the young kids going by there all the time, if those limbs would happen to fall, you are going to be responsible. I know every time a wind comes along, I have to get out there and clean up the limbs. Why Mr. Full didn't do that, I don't know.

C. Bales: It is in our plans to do landscaping. So if we know that we can address that issue. Our main concern is the safety of the children.

C. Peterson: That's what I was concerned about too. He didn't do anything about it.

Chr. Addington: Let's have some more questions from the board, if we have any? If not, thank you Mr. Peterson. Is there anyone else that would like to speak? Hearing no more questions I will entertain a motion to take action on BZA 2002-11-SP.

D. Clevenger: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (Mr. Wray).

Chr. Addington: You are out of order on that. I 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.

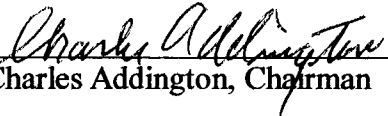
A roll call vote was taken: Mike Blankley, yes; Dale Clevenger, yes; Jeff Prescott, yes; Charles Addington, yes; Mike Thurston, yes; James Trautman, yes; Bill Davis, yes. The petition has been granted.

C. Bales: Thank you on behalf of the children. Thank you very much.

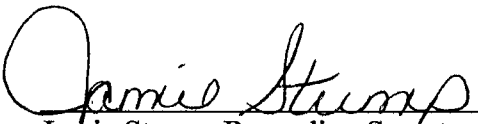
The meeting adjourned at 7:45 P.M.

BZA Minutes 4/15/02

THE NEXT REGULARLY SCHEDULED MEETING IS MAY 20, 2002 AT 7:00 P.M.  
IN THE CONFERENCE ROOM (IN THE BASEMENT) OF THE RANDOLPH  
COUNTY COURTHOUSE, WINCHESTER, INDIANA.

  
\_\_\_\_\_  
Charles Addington, Chairman

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Mike Blankley, Vice Chairman

  
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Jamie Stump, Recording Secretary