

**BZA MINUTES**

**AUGUST 19, 2002**

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

Staff present: Cathy Flatter, Executive Director, Jamie Stump, Administrative/Recording Secretary.

Legal Representation: Robert Oliver.

Others present: See attached sheet.

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

Chr. Addington: Good evening ladies and gentlemen. Welcome to the BZA meeting. First thing we need is an approval of the minutes from June 17th.

C. Flatter: We corrected that.

Chr. Addington: I need a motion to approve or to change.

M. Blankley: I will make a motion to approve them without reading.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Those minutes have been approved from the June 17th meeting. Next I will read this for the benefit of everybody that is here so you will know how we conduct the meeting. The petitioner will be allowed to present the facts and argument 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 or present their facts and arguments uninterrupted. The board members may then ask questions of those interested parties. Other persons attending the hearing shall 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.

BZA 2002-24-V (Winchester #1 Package Store, Winchester)

Chr. Addington: First one tonight is a continuation of the July meeting. That was the Winchester #1 Package Store on 653 E. Washington Street. Mr. Oliver would you come forward please. Did you receive a Conduct of Hearing when you applied for the petition?

F. Oliver: Yes I did.

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

F. Oliver: Yes I did.

Chr. Addington: State your name for the record.

F. Oliver: It is Fred Oliver. My address is 1133 N. 200 East, Winchester.

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

J. Stump: Yes.

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

C. Flatter: This time yes.

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

F. Oliver: During the road construction they moved my lighted sign out in front of my store. They removed everything so I asked the sign man to check into putting a new sign up for me and he talked to Cathy and she said that according to her map, 32 goes straight in front of the store, it does not curve. She said I would have to apply for a variance to put up a new sign which I drew maps of where the new sign would be. It is not at the old location, right on the highway, it is back on my property.

C. Flatter: The Ordinance requires that any type of business sign needs to be 15 feet off of the right-of-way. I think all of you can tell by your aerials the way that we marked the red area for Fred. Washington Street goes straight and curves off in there and so the right-of-way, the 60-foot right-of-way goes straight across Fred's property and I think you have all seen that area enough, that that little island part in front of the liquor store is actually in the street right-of-way. That is how we determined that he was going to be closer than 15-feet. That is what the variance is all about.

Chr. Addington: The curve starts after that doesn't it?

C. Flatter: Yes.

Chr. Addington: Anything else you want to add to that?

F. Oliver: No, I think that is pretty much it.

Chr. Addington: Questions from the board? No questions from the board. Are there any surrounding property owners that would like to speak? If not, not hearing any questions, I would like to entertain a motion to take action on BZA 2002-24-V.

D. Clevenger: So moved.

M. Thurston: Second.

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

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

Chr. Addington: Your petition has been approved Mr. Oliver.

F. Oliver: Thank you.

C. Flatter: All you have to do is send your sign man in to get your permit and you will be ready to go.

F. Oliver: Thank you.

## BZA 2002-25-V (Maureen Jester, Farmland)

Chr. Addington: Next on the agenda is Maureen Jester, 8291 W. St. Rd. 1, Farmland. Would you come forward please? Did you receive an Article V, Conduct of Hearing when you applied for the hearing?

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M. Jester: Yes sir.

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

M. Jester: Yes.

Chr. Addington: Did we get receipts back Jamie?

J. Stump: Yes.

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

J. Stump: Yes.

Chr. Addington: State your name for the record please.

M. Jester: Maureen Jester.

D. Coulter: I am Darren Coulter.

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

M. Jester: I am opening up an agri-entertainment facility at my farm and I would like to put up a farm sign. My farm sign is 4' x 5'. I think your rules say a 9-foot square so it is a little larger than what is allowable so I would like to make it bigger. It is a wooden hand carved sign. I would like to place that as my farm sign instead of a 9-foot squared.

Chr. Addington: Is there anything else?

D. Coulter: No.

Chr. Addington: Questions from the board? I don't know if I saw that in the drawing here. How far is that going to be off the road?

M. Jester: We have to give the State at least a 25-foot right-of-way.

Chr. Addington: Is has been approved by the State?

M. Jester: To put the sign up?

Chr. Addington: Yes.

M. Jester: They said that I just need to abide by the right-of-way.

Chr. Addington: Are there any questions from the board? If not is there anyone in the audience that would like to speak about this?

P. Reed: I just have one question.

Chr. Addington: Come up if you would please and state your name for the record.

P. Reed: Phil Reed. I just live across the street from them. We were just wondering if it was going to be on your side?

Chr. Addington: Stay up here if you would. It is recorded. I forgot to tell you.

C. Flatter: We can't pick you up on the microphone.

P. Reed: I just wanted to know if you wanted it on our side or just your side?

M. Jester: Our side.

P. Reed: That is all we wanted to know.

Chr. Addington: If there are no other questions, do any board members have any question?

J. Trautman: I have a question. The map here has State Rd. 1 and then State Rd. 1.

M. Jester: I live in the jog, the east and west jog for that mile that it makes. If you come north out of Farmland and it turns left....

C. Flatter: They are on the one-mile that goes east and west of State Rd. 1.

Chr. Addington: On the south side. I need a motion to take action on BZA 2002-25-V.

J. Trautman: I make that motion.

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M. Thurston: Second.

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

B. Davis: So moved.

J. Prescott: Second.

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

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

Chr. Addington: Your petition has been approved.

M. Jester: So I can put it up?

C. Flatter: Yes that means you can put it up. You just need to come in and get your permit.

M. Jester: Just anytime?

C. Flatter: Any time you want.

M. Jester: You are open until 4 right?

C. Flatter: Eight to 4 Monday through Friday.

M. Jester: Thank you.

## BZA 2002-26-CU (Charles Rich, Winchester)

Chr. Addington: Next on the docket is BZA 2002-26-CU. Charles Rich lives at 985 W. St. Rd. 32, Winchester. If you would please come forward Mr. Rich and state your name for the record.

C. Rich: Charles Rich.

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

C. Rich: Yes I did.

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

C. Rich: Yes sir we did.

Chr. Addington: Did you get the receipts back Jamie?

J. Stump: Yes.

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

J. Stump: Yes.

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

C. Rich: My name is Charles Rich. I live and work at 985 W. St. Rd. 32, the white house with the red barn, across from the Indiana Department of Transportation Garage and salt barn at the west edge of town. I have published both my e-mail and postal addresses. My gate is open Monday through Saturday 8 – 8 and Sunday 10 – 5. I am easy to find and easy to talk to. I am a member of the Winchester Area Chamber of Commerce. My neighbors know how to reach me and I am hoping that the whole community will come to know me and be proud of what I bring to Winchester, as I am proud of it. I am operating an agricultural enterprise selling farm and garden equipment and supplies.

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C. Rich: I am here this evening to request your conditional use permit for Agricultural Equipment Sales. I am not advertising nor am I looking for service work, I do intend for my customers to be happy with their purchases from me and therefore I am prepared to perform service on equipment but expect most of that to be done in the field. Hopefully I won't have much of that. Also, I do not intend to handle farm chemicals or chemical handling equipment, such as sprayers and pressure containers. The clean and neat display and presentation of the equipment I do handle is as important to my sales and my business as it is to the community. I do take this responsibility very seriously. The services I provide to the community have and will continue to draw dollars into Winchester from a wide area. I have had customers driving 2 and 3 hours to get to my place and I have filled orders from all over the world. The drawings I have submitted to the commission as part of my Plan of Operation include a permanent greenhouse, glass greenhouse, improvements to parking facilities and a lath garden center. It is like latticework that is open just for partial shading. Lath garden center construction on which may begin in 1 to 2 years, depending on the volume of business and traffic. The other greenhouses in the drawing are seasonal plastic structures. I have been discussing with the adjacent property owners, improvements to fences and visual barriers. Long term plans include dikes and opaque fencing between the Mobile Home Park and my lot. We currently have a very good visual barrier with vegetation along the fencerow. The Davis's on my west prefer chain-link fencing so we can watch each other's properties for mutual security. I believe that I am providing a service that will be good for the community. I take my responsibilities to the community very seriously and I am happy to come here and make certain that there are no misunderstandings about my plan and operation.

Chr. Addington: Any thing else?

C. Rich: No.

Chr. Addington: Board members do you have any questions? What type of farm machinery are you planning on selling?

C. Rich: Basically some implements of some tractors and also gardening equipment like smaller tillers. My main business actually, that I hope to expand is really a mail order seed. That is what we are pushing for. The garden and equipment is important for our getting started and establish that this is our place of business.

Chr. Addington: How big of equipment are you talking about?

C. Rich: I would like to sell combines and tractors. It is mostly smaller stuff right now but I don't want to get into any kind of chemical handling thing. I live on the property and I know about environmental issues with a lot of different things with fertilizer and oil changing and service and I am not going to be getting into any of that stuff.

Chr. Addington: No herbicides or anything that way?

C. Rich: Right, no chemicals.

Chr. Addington: Board members any questions? Is there anyone here in the audience that would like to speak about this that has been sent a notice? Mr. Hawley please come forward.

P. Hawley: Phil Hawley at 603 Stone Street. Mr. Rich and I have talked and he has cleaned up that property and he maintains it very well.

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P. Hawley: He and I talked about a green buffer zone on the driveway going back into the Mobile Home Park, which I would like to have due to the fact that his is going to be commercial and farm equipment and trucks and whatever and I am trying to maintain some what of a residential down to mine. If we could have a small green buffer zone running down through there, that would be well for me and I would like to have that if we could work that out. On the back side when we put the Mobile Home Park in, we had to leave 100-foot of buffer zone, which we can't put any mobile homes in, which it has really worked out and as far as giving children a place to play and stuff like that. We have also planted trees, so on the south side of his property we already have a buffer zone there, where it is a visual buffer zone. If we could do something where there is on the east side of the property where the driveway is going back we can come in with some kind of planting or something there. He and I talked some about that. That would give it a buffer zone and as a result it would make the entrance into the park better, a little more pleasant than maybe seeing equipment over to the side. As far as him putting a business in, he has been a good neighbor and I can't see anything wrong with what he is trying to do. I think he is going to be an asset to us and a providing business out on that side of town. I would just like to have maybe shrubs or something planted down through there that can grow up to where we have that green buffer zone down through there.

C. Rich: It sounds good to me. I think that is basically what we were talking about before. The one greenhouse that I plan to put up in the back corner, did you look at the plan?

P. Hawley: No.

C. Rich: You know how I told you I was going to put in a big greenhouse, this will pretty well block the view from the driveway back from the back of the barn all the way back. This right here is set back 20-foot from my property line and 20-foot from my property line this way and other than that setback, which there might be a glimpse of this, it will pretty much block the view as far as that goes.

P. Hawley: On the backside yes.

C. Rich: This is going to be the garden area and out in front is where I would like to have equipment sales. You have got a pine tree there.

P. Hawley: We have a couple there but if we can run something, some shrub down through there, whatever it would take to give a visual block. That is all I am asking.

Chr. Addington: Is all of your property south of the proposed?

P. Hawley: The drive is also ours down through there.

Chr. Addington: The drive to the west?

P. Hawley: Mobile Home Park, to the east.

Chr. Addington: But all of your property lies on the south of Mr. Rich then?

P. Hawley: South and East.

Chr. Addington: You are wanting a buffer zone?

P. Hawley: Just some kind of shrubs down through there or something of this nature because of the farm equipment and so on. I don't expect it to grow 3-feet tall or anything like that but it won't be tall enough. It would have to be planted and allowed to grow. That is about all we would ask is on the east side down through there.

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Chr. Addington: Any questions board members?

D. Clevenger: I have a question. It says Sunday 10 A.M to 5 P.M. Is that 10 in the morning going to be good or bad?

C. Rich: Ten o'clock in the morning good or bad?

D. Clevenger: On Sunday, is what I am getting at.

C. Rich: For traffic or for me getting out of bed?

D. Clevenger: I mean, what will people think of you starting that up at 10 o'clock on a Sunday?

C. Rich: Starting up that early?

D. Clevenger: Yes.

C. Rich: I figured that was late enough because I see a lot of traffic on the road at 10 o'clock on Sunday. The people that are coming into town and going back out, I want to be able to provide a service. I live on the property. My thought was basically that I am there, I might as well be able, if someone was in need of service, I am there any way. I was thinking that if somebody is desperate enough for something that I could do for them, was probably going to be knocking on my door anyway. I published regular hours of having the gate open all those times but I live on the property so I am there all the time.

Chr. Addington: Any questions from the board? Come back up Mr. Hawley if you would please.

P. Hawley: I am not opposing you.

C. Rich: That is why we are here.

Chr. Addington: State your name again for the record.

P. Hawley: Phil Hawley. The only other thing is on the driveway, if you set a combine right near the end of the corner down there, it is going to cause a visual affect when people pull on onto 32. I don't think he would, you know, knowing him as a neighbor, he probably would not do something like that.

C. Rich: We can't put it close enough that it blocks the view of traffic going in and out.

Chr. Addington: Where would you be setting that large machinery?

C. Rich: The drawing that I presented actually was measured within 4-feet of the fence but I didn't intend to put anything that would block the view of traffic pulling in and out on his driveway. The road is actually another, see I have got a scaled drawing here that I actually traced off of the aerial photos. Any big piece of equipment has to be set back.

Chr. Addington: Would you be setting it on the west side of your buildings or the east side?

C. Rich: Yes, sure I can just promise to do that, make sure all the real big stuff gets put on the west side.

M. Thurston: That would be over where the truck is sitting at now?

C. Rich: Where the truck is sitting at now, right.

M. Thurston: That would be a good idea.

D. Clevenger: Where are you going to get this equipment? Are you going to go out and buy it or are you going to be a dealer for a company?

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C. Rich: I am going to just go out and buy it. I will probably just mostly be trading with people in the county and maybe if real close surrounding counties, I don't have any arrangements with any big companies because I don't want to necessarily connect my name with these dealers, or these manufacturers that are changing their name all the time. My idea right now is I plan to be a big business with garden seed and this equipment is mostly to trade with my neighbors essentially.

P. Hawley: If you are only back 4-foot, if you put any shrubs down through there, that is going to be crowding that 4-foot.

C. Rich: Yeah. Basically I need 4-feet around the stuff so it'll have to be, there will be a space from the shrubs back 4-feet before the equipment.

C. Flatter: Of course, the board can keep in mind, that this is a conditional use so part of this hearing is that you can condition Mr. Hawley's requirement asking for shrubs or condition how far he needs to leave before the right-of-way and setting his equipment to sell, you can condition where he puts that on the property too. You want to keep that in mind when you make your motion.

C. Rich: What I am promising to do right here is part of the record right? I am putting the big equipment on the west side.

C. Flatter: It is part of the record but that doesn't legally tie you to have to do it even though you are saying that you would. If they make it a condition of the hearing, then you are required to abide by what they have voted on at the hearing.

C. Rich: Okay. I have said I will do it.

Chr. Addington: Let's hear a motion to that affect.

B. Oliver: I think before you do that, I think Cathy makes a good point there but I think, Phil don't run away yet. Two things: I guess my inclination would be that the Plan of Operation becomes part of your order. That part is by the Ordinance already, that is defined and shall become enforced by part of approval if you approve this. My suggestion would be in this case, in your motion you just adopt the testimony of the petitioner as part of your approval, conditional approval. In other words, we have no chemicals, we have whatever your litany here was that you are not planning on being a service spot but you are going to have happy customers.

C. Rich: I can present or make copies of what I read.

B. Oliver: That would be good too, but I still think, because we will have a transcript of the testimony, three or four part here, I would have that testimony, I would then adopt that as a condition, adopt his testimony completely as part of your condition and then I think, Phil, are you titled on the real estate driving back there or do you have an easement?

P. Hawley: I pay taxes.

C. Flatter: He is titled to it Bob.

B. Oliver: Your property line is pretty well defined between you and Mr. Rich?

P. Hawley: Yes there is a fence between us.

B. Oliver: The fence is the dividing line?

P. Hawley: Right.

B. Oliver: Just so we don't have any problems, you are going to put the shrubs on the west side of the fence?



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C. Rich: I thought when we first talked, we were maybe going to put some of that dirt you had.....

P. Hawley: When I can get some, we will do that.

C. Rich: That was a year away. I am going to do it on the west side of the fence, put the shrubs that he is asking for.

B. Oliver: Where is this 4-feet that....

C. Rich: That would be then inside from the shrubs.

B. Oliver: Does that have to do with the diking?

C. Rich: No. That is just, I had this drawing to show the sales area where I was going to put equipment and that was all marked back 4-feet from the fence. I am just going to move and keep that same 4-foot from the shrubs. Move it in.

Chr. Addington: You will move it back then west of the shrubs?

C. Rich: Yes.

B. Oliver: Phil said you don't need 40-foot shrubs or trees there but I think you need something...

P. Hawley: Something when you are driving in so you don't see farm equipment. That will grow up.

B. Oliver: Are we talking about something that will grow up to 6-feet or something that ...

P. Hawley: Six to eight feet, something like that. Is that reasonable?

C. Rich: Not getting out too close to the corner though right?

P. Hawley: Right.

C. Rich: Basically up to where that first tree is?

P. Hawley: I can't remember that.

C. Rich: See when I am looking out my window at that first tree...

P. Hawley: Oh you mean that evergreen?

C. Rich: Yes.

P. Hawley: I should, John planted it.

J. Hawley: We won't say the first tree, because we can cut the trees.

P. Hawley: I just like to have it to when they pull in they are not seeing farm equipment up here. We are getting up there.

Chr. Addington: It won't be on that side anyway will it Phil? The way I understood it.

B. Oliver: The big equipment will be moved to the west but the garden equipment and stuff is smaller.

C. Rich: Right. I plan to have equipment on that side too, but it will be smaller.

B. Oliver: We need a line of vision for the people pulling out.

C. Rich: Right.

B. Oliver: I think we just need to have some indication of what everybody is anticipating here or if you guys have a depth and height.

M. Thurston: Ten-foot back from the edge of the road.

B. Oliver: No, I am thinking of little height on the shrubs.

M. Thurston: Are you going to use the dirt to make like a ridge?

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C. Rich: No we don't really have the room I don't think unless we use the top of that with the dirt going both ways. But that is a year away.

P. Hawley: At least.

C. Rich: So 10-feet back from the road for turning visibility and then we can use something 6-feet high.

M. Thurston: I would say 10-foot from the road for the visual affect of people pulling out on the road.

P. Hawley: Just high enough so they are not going to see them when they come in there.

Chr. Addington: You are saying not to let the machinery set any farther than that? That close to the road.

J. Prescott: Is the fence going to stay?

B. Oliver: I think it is staying, Jeff.

J. Prescott: I will probably grow up weeds anyway.

C. Rich: I guess he is thinking about something in particular about 5 or 6 feet.

P. Hawley: I would say around 6-feet. That would probably take care of it.

C. Rich: Yes.

B. Oliver: Is that something that is going to be done immediately?

C. Rich: Should we say this season?

P. Hawley: If he says he is going to do it, I think he is going to do it.

B. Oliver: I think these guys just need a time line that they can go by.

C. Rich: If we plant something this spring, how tall is it going to be the first of the year?

C. Flatter: We are not saying immediately that it has to be.....

B. Oliver: You are supposed to be able to do that.

Chr. Addington: Can we use that testimony to condition then?

B. Oliver: Yes, you should.

Chr. Addington: Any other testimony here? Does anyone have any other questions?

C. Flatter: Hold up for just a second because I haven't actually given an explanation as to why Mr. Rich has the farm equipment out there already. By his testimony he is already operating. Just so you will know some background, I read it in the paper that there was an open house for the Chamber of Commerce and so I called Mr. Rich and said that part of this is an allowable use and part of this is not and the farm equipment sales is not and so we started discussing it and come to find out when he purchased the property he and Teresa, they were told that it was zoned agricultural business, which there is no such thing. It doesn't exist. The Realtor told him that that is what this was zoned and that is why we already have everything sitting out there. He has his sign up on the barn and everything is ready to go. It was kind of a cart before the horse, type situation but I honestly believe that had he known he would have been right in and taken care of this before hand.

C. Rich: When I bought the property I also saw the previous uses, you know, the store that Sanzo had in the barn and the service operations, the tree service and the water softener sales and the bail bonds service and the surrounding properties.....

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Chr. Addington: You bought that off of Cochran didn't you?

C. Rich: Yes.

Chr. Addington: Guide me through this Bob. What is my next step here?

B. Oliver: There should be a motion to take action and as conditions for that, the Plan of Operation, which consists of three pages, two diagrams, the written testimony that was read into the record by Mr. Rich, the record of the hearing with regard to representations made as far as the conditions and then a green buffer zone to be established on the east side consisting of some kind of an evergreen or a shrub anticipated to grow approximately 6-feet tall between the Hawley property and the Rich property.

Chr. Addington: And do we need a time on that? When they are going to start on that.

B. Oliver: Spring would be the anticipated planting of the buffer zone.

C. Flatter: Spring of 2003. We will put that in the minutes.

B. Oliver: I think that covers everything

Chr. Addington: We are ready to take action on BZA 2002-26-CU. We will use the plans that you submitted plus what Mr. Oliver said. I can't remember it all. Is that okay? Now I need a motion to take action.

B. Davis: So moved.

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

Chr. Addington: Your conditional use has been approved.

C. Rich: Thank you.

C. Flatter: Your welcome.

BZA 2002-27-CU (Randolph County CASA, Winchester)

Chr. Addington: The next petition on the agenda is Randolph County CASA, Inc., 100 S. Main St., Winchester, Indiana. Rod Hines would you come forward please. State your name for the record please.

R. Hines: Rod Hines.

Chr. Addington: Did you receive a Conduct of Hearing when you applied for this from the Planning Commission?

R. Hines: Yes.

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

R. Hines: Yes

Chr. Addington: Did we get receipts back?

J. Stump: Yes.

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

J. Stump: Yes.

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

R. Hines: The building located at 120 W. 3<sup>rd</sup> St. is traditionally being used, before the J.C.'s owned it they deeded it over to the A.A. Group, a group of individuals who operated A.A. (Alcoholic's Anonymous) out of the building. That was deeded over to an individual with just a handshake agreement that if that individual ever didn't want to maintain the property any more then it would be given to another non-profit agency. That individual has since deeded that over to Randolph County CASA, which is an arm of the courts that works with youth. Randolph County CASA also operates Camp YALE on the south of town. CASA stands for Court Appointed Special Advocate and advocate is provided for some of the children who are going through court proceedings that need a voice for them. Judge Chalfant is the president of that and I am speaking as a representative for him tonight. We are looking at using the building located at 120 W. 3<sup>rd</sup> St. as a day treatment classroom. It would be a half-day program that the classroom would house students from the local school corporations who were facing expulsion or a long-term suspension for behaviors that they have done while they were in school. We have had tremendous success with the alternative transition classroom that we are also responsible for. So much success that the schools have asked us to expand. This is the expansion that we are looking to do. The building would also house AA. They would continue to meet there and also another alcohol counseling program called "Sober Life Alternatives", would run in the afternoons.

Chr. Addington: I was going to ask you, they wouldn't be held simultaneously would they? You wouldn't be having AA there while you were in session with the school?

R. Hines: No, they would be separate times.

J. Prescott: Are they keeping the one at the High School?

R. Hines: Yes.

D. Clevenger: Is it open to all schools in the county?

R. Hines: Yes it is. In fact, the schools have all, I have already met with all the Superintendents and the schools have already bought into the program by providing the teacher. The teacher is being provided and I am going to provide an aide to go with the building, a behavioral specialist that will be there.

Chr. Addington: I noticed in the last paragraph, the last line that says, "the majority of lessons will take place inside the building eliminating any interaction with the public and the neighborhood." What would be the exception to that? Would there be any?

R. Hines: I couldn't foresee anything, I just thought that question would come up. Would the boys be sitting outside at a picnic table or anything like that? So I wanted to eliminate that. I don't see any reason for the kids to be outside other than going to and from their transportation, to a bus, to come and go.

Chr. Addington: Okay. There wouldn't be any lessons outdoors?

R. Hines: No not unless they were going via van or bus to camp YALE, we hold our outdoor classes out there.

Chr. Addington: No picnics or anything?

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R. Hines: No.

C. Flatter: Rod do you have a maximum amount of students that would be allowed in the classroom?

R. Hines: As far as the students are concerned we are not going to take more than ten. I know that on occasion AA has 30 plus people there for their meetings.

Chr. Addington: How do they progress on that? Is it according to how they get along or is there a set time on that?

R. Hines: We have a level system that they have to work up through. The same with the classroom that we are already running, it is a level system based on how well they perform, they do their studies, how respectful they are to staff, how they show up, any attitude problems that they have they earn a certain amount of points during the day, once they earn enough points, they phase up and then they earn their way back to school. One of the things that we impress the school as much with us running this current classroom is, if the kids a tardy problem in the traditional school and he doesn't show up for our school, we are in the car with a sheriff's deputy going to his house and finding out why he is not in school and generally bringing him to school. A lot, and I would like to blame it all on the kids and their responsibility but a lot of the kids just don't have the parents to get them up and make them go to school and we end up being surrogates.

Chr. Addington: It is all public transportation then normally. Is that right?

R. Hines: The schools are responsible for providing all the transportation.

Chr. Addington: Any questions from the board?

J. Prescott: So they can not drive?

R. Hines: No. The schools have to provide transportation. They may be able to drive to the school but then they have to get on the bus and come to our building. Similar to the local career centers, when they go to Muncie.

Chr. Addington: Any more questions from the board? We are ready to take action on BZA 2002-27-CU. There is no one here in opposition, I don't believe.

J. Prescott: So moved.

D. Clevenger: Second.

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

M. Thurston: So moved.

B. Davis: 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; Charles Addington, yes; Mike Blankley, yes; Dale Clevenger, yes; Bill Davis, yes; James Trautman, yes.

Chr. Addington: The conditional use has been approved.

R. Hines: Thank you.

B. Oliver: Did you get a copy of his royal testimony?

C. Flatter: No I didn't get a copy of it but she has it word for word transcribing it.

B. Oliver: I would probably say we ought to get that since we specifically said that. When he comes in just have him drop that off.

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C. Flatter: I will call him.

B. Oliver: I would almost think that when you have a conditional use like that and you have testimony, he did a good job saying what it is going to be and what it isn't, his Plan of Operation probably could have been expanded a little bit more, but I would say that if it is appropriate whoever makes those motions ought to just make that a condition that you adopt his testimony as part of the conditions because then we have him under, if this guy starts putting in herbicides and whatever, we have something right there to uphold.

Chr. Addington: We did ask him that however.

B. Oliver: He said it though. That is what I am saying, a conditional use like this than I think we ought to just make that.....

M. Thurston: Adopt his testimony for the conditional use.

B. Oliver: Yes. In other words, to take action, the Plan of Operation is already part of your approval. In your Ordinance it says that but the testimony then plus anything else like Phil Hawley's, just add that to it. Just make all the petitioners testimony part of the Plan of Operation and the condition of your approval.

Chr. Addington: Plus what you say.

B. Oliver: Right. I am saying as a general rule. They sure can't complain if we put in what they say they will or will not do. His testimony lended pretty well to that. He did a lot more than some of them that we have gotten that have done that.

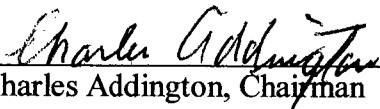
Chr. Addington: Anything else that we need to discuss or anything.

J. Trautman: I vote we adjourn.

M. Thurston: So moved.

The meeting adjourned at 7:40 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS SEPTEMBER 17, 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

  
Jamie Stump, Recording Secretary