

BZA MINUTES

OCTOBER 21, 2002

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

Members absent: Mike Thurston.

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: First thing on the agenda is we need to approve the minutes of the September 16th meeting.

J. Prescott: So moved.

M. Blankley: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). The minutes have been approved as written for the September 16th meeting. Next I will read this for the benefit of everybody here so you will know how we conduct the meeting. The petitioner will be allowed to present the facts and arguments in 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/party 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 should then be allowed to speak to the board either presenting facts or questioning the board on any matter pertaining to the petition.

BZA 2002-35-V (Tim Page, Ridgeville, IN)

Chr. Addington: First petition on the agenda tonight is Tim Page. Could you come up to the front. That will be BZA 2002-35-V. Tim did you receive the Conduct of Hearing when you applied for the petition for the variance?

T. Page: Did I receive what?

Chr. Addington: An Article V, Conduct of Hearing when you applied?

T. Page: Yes I did.

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

T. Page: Yes I did.

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

J. Stump: Yes.

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

J. Stump: Yes.

Chr. Addington: Tim tell us your name, this is a recorded meeting so we need your name for the record.

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T. Page: My name is Tim Page and I am asking for a 5' variance on the railroad. It has been abandoned for 30 years, I would say. I have lived there for almost 20 years. I have talked to the railroad and my name is on a list and they say that it is going back to the property owner sooner or later anyway. I never received anything from them. They said they would send something but they haven't yet.

Chr. Addington: How long ago has that been?

T. Page: The first of this month.

Chr. Addington: Anything else you want to add?

T. Page: Just that the front of the building will be on the line, the back of it won't be on the line.

J. Prescott: Because it angles?

T. Page: Yes.

Chr. Addington: Board members any other questions? That is going to be 5' from the southwest corner is that right?

T. Page: Yes.

Chr. Addington: Is there anybody here that is a surrounding property owner that would like to speak about this? If there are no other questions from the board then we are ready to take action on BZA 2002-35-V.

J. Prescott: So moved.

B. Davis: Second.

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

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

Chr. Addington: Your petition has been approved.

C. Flatter: Tim all you have to do is come in and get your permit.

T. Page: Thanks.

BZA 2002-34-SP (Michael Ball, Parker City, IN)

Chr. Addington: Next on the agenda is Michael Ball. Would you please come forward. State your name for the record please.

S. Ball: Sheila Ball.

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

S. Ball: Yes.

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

S. Ball: Yes we did.

Chr. Addington: Did we get receipts back Jamie?

J. Stump: Yes we did.

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- Chr. Addington: Was it published in a timely manner?
- J. Stump: Yes it was.
- Chr. Addington: State your name again for the record.
- S. Ball: Sheila Ball.
- Chr. Addington: Tell us what you would like to do.
- S. Ball: We are wanting to temporarily move in a mobile home to house my elderly father-in-law, for medical reasons.
- Chr. Addington: That is a 14' x 70', is that right?
- S. Ball: Yes sir.
- Chr. Addington: What kind of condition will the trailer be in.
- S. Ball: It is a very nice trailer. It has the siding on it. It looks like a home. I think it is a 1997, I am not sure what the year is exactly, but it is a newer one.
- Chr. Addington: How many square feet?
- C. Flatter: That is 980 square feet. They are required to have 950, so this meets the requirement.
- Chr. Addington: Anything else you would like to add?
- S. Ball: No.
- Chr. Addington: Board members do you have any questions?
- D. Clevenger: Will that be set permanently?
- S. Ball: No it is just temporarily.
- D. Clevenger: And you will move it out?
- S. Ball: Yes sir.
- Chr. Addington: How soon?
- S. Ball: If something happens to my father-in-law, then it will be moved.
- Chr. Addington: I move to make your testimony part of the condition.
- S. Ball: That is fine. That is our purpose.
- Chr. Addington: Any surrounding property owners that would like to speak? If there are no other questions from the board members we are ready to take action.
- B. Davis: So moved.
- J. Prescott: Second.
- Chr. Addington: All in favor say aye. "Ayes".
- B. Oliver: You need to make sure the condition on the testimony is in the motion to take action.
- D. Clevenger: Bob should that be put in there that it will be moved?
- B. Oliver: Right. That is what Charles said, the condition is her testimony as far as how long it will be placed there. That needs to be put into your motion to take action. So I would just say adopt the testimony of the petitioner as the condition for the approval. That will cover it because Charles asked her if that was going to be part of the testimony.
- Chr. Addington: Who made that motion?
- J. Stump: Bill.
- J. Prescott: You just need to say that.
- B. Davis: Just what Bob said, her testimony to be put in that as a condition.
- B. Oliver: Condition on the approval.
- B. Davis: Condition on the approval.

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Chr. Addington: Do I hear a motion for a roll call vote?

D. Clevenger: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready to take action on BZA 2002-34-SP.

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

C. Flatter: Sheila you just need to come in and see us to get the permit to set the home.

S. Ball: Thank you.

BZA 2002-33-V (First United Methodist Church, Winchester, IN)

Chr. Addington: Next on the agenda is BZA 2002-33-V. Steve Longnecker you can come forward and state your name for the record.

S. Longnecker: Steve Longnecker.

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

S. Longnecker: I did.

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

S. Longnecker: Yes.

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

J. Stump: Yes.

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

J. Stump: Yes.

Chr. Addington: Steve you can tell us what you want to do.

S. Longnecker: The congregation at the Methodist Church would like to move an existing sign, have a new sign placed a little bit closer to the sidewalk that runs parallel to Meridian Street. The existing sign sits about 23' back from the sidewalk. We understand that normally a 15' setback is required. We would like to set the new sign about 6' back from the sidewalk. A couple reasons for this is there is a slight incline or hill on the property that runs parallel to Meridian Street and if we go with the 15' setback we are going to have the back side of that sign dug into that hill.

Chr. Addington: What size?

S. Longnecker: It is going to be the base of that or the foundation is about 30" x 10'.

Chr. Addington: Anything else you would like to add?

S. Longnecker: It will be a lighted sign. The existing sign will be removed. The existing sign does have a couple lights on each side. This will be a sign similar to the sign that is in front of the YMCA. It has a changeable message panel in it.

Chr. Addington: Are you going to do that right away?

S. Longnecker: We hope to have it in before winter.

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Chr. Addington: Board members any questions? Are there any surrounding property owners here that would like to speak? Not hearing any questions or nothing from surrounding property owners, we are ready to take action on BZA 2002-33-V.

J. Prescott: So moved.

M. Blankley: Second.

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

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

S. Longnecker: Thank you.

BZA 2002-32-V (Paul Winbigler, Winchester, IN)

Chr. Addington: On the next petition, I am going to excuse myself on it because I am a surrounding property owner. I will let Mike handle it.

V. Chr. Blankley: Paul & Janet Winbigler please come forward. Did you notify all the surrounding property owners?

P. Winbigler: Yes we did.

V. Chr. Blankley: Did we get them back Jamie in a timely manner?

J. Stump: Yes we did.

V. Chr. Blankley: Will you please state your name and tell us what you would like to do please.

P. Winbigler: Paul Winbigler. I would like to put in a garage on the backside of my property 5' from the boundary line to the south and 15' in from the alley. It is going to be a 27' x 30' garage. There is already a driveway there so we won't have to put a drive in and there is a driveway from an old barn that was there that has been torn down. The driveway is there already from the street.

C. Flatter: The reason he is having to ask for the variance is because he is on a corner lot. It is Orange Street and Richmond Street and so he would be required to have street setback for the garage just like he would a dwelling, so it needed to be 25' off the street right-of-way. If I am figuring right, it is only going to be 15' off the street right-of-way.

P. Winbigler: Five feet plus 27 is 32 from a 50' lot. I don't think the lot starts until after the sidewalk which is there, which is about 10' to 15' in from the street anyway. Maybe more than that.

C. Flatter: So he is basically asking for a 7' variance because he is going to be 18' off the street right-of-way.

V. Chr. Blankley: Board members any questions? Are there any surrounding property owners that would like to speak?

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V. Chr. Blankley: I would entertain a motion to take action.

D. Clevenger: So moved.

B. Davis: Second.

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

J. Prescott: So moved.

B. Davis: Second.

V. Chr. Blankley: All in favor say aye. "Ayes". Opposed (none). I think we are ready Jamie.

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

C. Flatter: The variance has been granted so all you need to do is come in and get your permits for your garage now.

P. Winbigler: Thank you.

BZA 2002-31-V (Randy Thorne, Winchester, IN)

V. Chr. Blankley: Last on the agenda is Randy Thorne. Will you come forward and state your name.

R. Thorne: Randy Thorne.

V. Chr. Blankley: Were all the surrounding property owners notified.

J. Stump: Yes.

C. Flatter: She knows they were.

V. Chr. Blankley: You got your receipts back didn't you?

J. Stump: Yes.

V. Chr. Blankley: Would you tell us what you want to do.

R. Thorne: I am asking for a variance to be able to raise a small quantity of live stock on my property. The county Ordinance says 5 acres. I have 8/10 of an acre. The livestock I am wanting to put, I already allocated enough property to raise them. I am not putting them out to pasture. It is a small quantity to raise food for my family.

V. Chr. Blankley: Any questions from the board?

D. Clevenger: How many animals do you figure on raising on that?

R. Thorne: It is 2400 square feet for what I have listed on the diagram. I am only wanting some chickens and about 5 hogs. It takes square feet to raise a hog, commercially.

Chr. Addington: Is that going to be sows and pigs?

R. Thorne: When I pick them up, if I get them at a sale barn, I get what they give me and then I cut them....

Chr. Addington: You are not going to farrow any sows or anything?

R. Thorne: No. It is strictly to raise them for three or four months, five months, whatever it is until they get the size, butcher them and put them in my freezer.

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V. Chr. Blankley: I don't know how much time it takes. You are a farmer, speak up buddy.

D. Clevenger: You are not going to buy a pig and put it up to butchering size in three months. It will take about 5 months to.....

R. Thorne: Last year it took me almost 7 months but I had it from a runt.

C. Addington: According to what kind of feed they're on Dale.

R. Thorne: Last year I raised three but I got all three of them as runts. It took me right at seven months and then when I was told about the variance, that was the same day the butcher came and got them.

C. Addington: It says something here in your application that you didn't want to be limited to just those types of livestock, what else did you have in mind?

R. Thorne: The reason I did that was I have three little girls and they may want to have a 4-H project when they grow up or as they grow up. To have a little lamb or something for 4-H and then they have 4-H sales, so I wouldn't have to necessarily maintain it, you know there to its adult life.

C. Addington: You are going to do that on the west end of your property?

R. Thorne: Very far west end. It is nothing but farmland on the other side.

C. Addington: What kind of fence?

R. Thorne: None right now, I have waited until this hearing.

C. Addington: What are your plans on that?

R. Thorne: My plans are that my whole entire property will be fenced in. The pigs themselves, if I choose to have these pigs, will be in a hog fence by themselves, besides the fact of the outside barrier fence.

D. Clevenger: What kind of shelter are you going to have?

R. Thorne: Listed on the paper in front of you, I have a 10' x 16', 2' x 6' shed.

C. Flatter: That is already on the property now isn't it Randy?

R. Thorne: Yes it is.

C. Addington: What about the manure disposal? What are you going to do about that?

R. Thorne: I have access to a Bobcat and the farmer right there beside me, bent over backwards for me. They told me to get rid of it for me, if I have to, besides my own garden use, it is not a problem.

V. Chr. Blankley: Any other questions from the board? Any surrounding property owners have any questions?

R. Mosier: I do.

V. Chr. Blankley: Step forward and state your name for the record.

R. Mosier: My name is Ralph Mosier. I am down wind of him. My well would be 160 feet from where he is raising hogs or wanting to. The manure disposal, if you would dump it right out there where he is talking about west of right over his property line, every spring it fills about 10-14 inches depending on how much rain. His well would probably only be about 70 feet from where that hog manure is at. I have been out there 25 years and I don't want to jeopardize my 60 foot well with hogs in what I call the backyard.

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R. Mosier: The 8/10 of an acre has the house on it, a shed he pulled in, a dog pen that is only 50 feet away from my house that has been there for a year and a half and the dog runs around in the pen, sleeps in his own dung, when he is not in the house, in just that little pen. I think he is going to jeopardize my well water that is only 60 feet down in the gravel. Rosie doesn't like it. I have a list of the names of the people up and down the road that do not like this. You don't have 8/10 of an acre to raise hogs in if you are talking about putting them in a little pen where they are going to stand in their own manure, eat in their own manure. I was born and raised on a farm, I know what hogs do. This letter that was sent to me, he never said anything to me, he just sent it to me, is misleading that you have 8/10 of an acre to raise hogs on. The way I look at it, you only have about 10 or 12 feet to raise those hogs on. I kind of know what hogs leave and the smell that they leave and the mess that they leave. He says that he is laid off, well I hear that he is working. If you are laid off, how are you going to spend \$22.50 for a 50 lb. of hog feed if you have 5 hogs eating it? How long is it going to last? If you have 10 or 15 chickens, how long is that going to last? If he wants to put rabbits or something in that building that is fine but I don't see where we should jeopardize our water system, the mosquitoes, the flies, the bugs that come along with the hogs. I have been out there since 1976 and I have had two other sets of neighbors and have never had any problems with any of them. He says he is going to fence in the whole property, well I believe he told me that a year ago. He might tell you people that I am mad at him, I am kind of perturbed at him. I built him a whole lawn set for his lawn, a picnic table and benches and chairs, loaned him my swing, gave him strawberries, apples, loaned him by canning equipment and jars, now if you are mad at a guy would you be doing all that? I am perturbed about this letter that he didn't even say anything to me about, he just sent it to me, like he didn't even know me. He has a saw that I sold him for \$150.00. He has paid me \$75.00 for that and that was two years ago and he hasn't paid the rest of that. I think I have been a pretty good neighbor. I have a snow fence up on the property line now because that is what he wanted was a property line fence. The snow fence has been there about a year. The summer he had those hogs, you couldn't get in or out my door without all the flies flying in there and hanging on the house. Every time the breeze blows, which is about 90% of the time to the east, and I live right east of him just 170 feet away. Like I said, I have a 60 foot gravel well. How long is it going to take hog manure to get into a gravel well if you have it concentrated there all the time? His well is closer than mine. His is probably only about 50 feet away. We are looking at the water system and the water system in Randolph County isn't that great anyway, so why jeopardize it? Livingston says that he can dump it in there. I haven't talked to Livingston about it but if you dump it in there, it is going to run right down there along County Road 100 and right straight over to Bob and right straight down to White River, that is where that water goes. Mr. Roberts is up there on the other end. Rosie signed the paper. Norris, Keys, Shaneyfelt's signed it. The reason why Rosie is not here is because she is working and the other women has little ones at home. Mike Keys is working. I have to go to work at 2:30 in the morning and I am up here. I think you are talking about an awful small acre of ground because back in I think 1980, I came up here and asked to put me a couple of ponies out there before I sold the property, when I owned the whole two acres, and was denied it.

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R. Mosier: Why are we talking about raising something that is going to maybe pollute my well. Where his hogs are on here is only 160 feet away. Right on the other side of that property line is where my well is. His well is right here behind his house. Like I said, he has a house, a garage and he pulled that other building in this summer, he has another shed back there, over here next to my well, about 50 feet away from it, where he's got his dog kennel that has been there for 2 years. His dog just stays right there in that one little pen, sleeps in his own dung, eats there and he has a little dog house. No shelter for him, just a fence around him. He did, when I said something to him this summer, he did put a tarp over it to keep the poor dog out of the sun. I think he is getting awful close to my well. I have been asked why I don't put a privacy fence up, well I have lived out there for 25 years, why should I spend \$1500.00 to put a privacy fence up. I owned the property at one time and then sold it to my uncle. When Mary Daly lived out there and Nick Tyson, they had dogs and cats, there was never a privacy fence up. A year after he moved in, a privacy fence goes up. I have done about everything I could do to help the man out when he was laid off truly, but I don't believe he is laid off right now. I believe he is working out at Jarrett's. I went and pulled an old car he had sitting in his front yard around back and parked in back of his garage so nobody could see it. I think he is asking a little bit too much to be raising hogs that close to two well systems. Rosie Wrestler lives out there by herself. I went and talked to her and she signed the petition that I hand wrote. I don't own a computer. I think hogs in the backyard is basically what he is asking for. He is not asking to raise them on 8/10 of an acre. If you had a full 8/10 of an acre to put them hogs on, I wouldn't say a word, but about 30 feet from his back door is where he is planning on putting them hogs because his garage is right outside his back door and he said he was going to put them in that metal building. That garage is 24' x 30' because I helped build it when my uncle lived there. So you are talking 40 feet at the most away from the back door with the hogs and chickens. Put rabbits in there and 4-H projects, but lambs, I don't see where that is a project. That is a grazing animal that has to have something to eat. Access to a bobcat, maybe he does, maybe he doesn't. If he has all this money to fence in all of this other property and everything, why doesn't he buy some ground off of Livingston and move the hogs further away from our drinking well system?

D. Clevenger: Mike I do think if you go to drill a new well, there are stipulations that it has to be so far from livestock and septic tanks, because we drilled a new well and we had to put it out in the barn lot due to these rules and regulations.

R. Mosier: See he would be about 50 feet away from his own well if he puts them in that metal building that he come dragging in there this summer.

D. Clevenger: I won't quote the exact figures, but I do know there are figures on it.

R. Mosier: The last that I talked to the Board of Health, they said 175 feet on a well and limestone. I am not limestone and why should I have, I have been there for 25 years and have good drinking water so why should I have to spend the money to move my well and drill it down into limestone just so somebody can raise some pigs in their backyard.

V. Chr. Blankley: Do you have a rebuttal?

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R. Thorne: I sure do.

V. Chr. Blankley: We will listen to your rebuttal then.

R. Thorne: In reference to his well, it was right in the middle of a horse pasture prior to him buying his property. So if the well was already contaminated it would have already been done. As far as contamination of that well, where the pigs are is on the other side of my property not near yours or my well, which is at least what 80 to 100 feet.

R. Mosier: Eighty feet, it can't be. Your garage is only 30 feet long.

R. Thorne: Yes and my well is another 30 feet in the yard.

R. Mosier: No it isn't. It is only about 15 feet

R. Thorne: I am not going to argue with you Ralph. I am going to speak to the board.

V. Chr. Blankley: Let him go ahead and then you will have a chance to come back.

R. Thorne: The other thing is last I knew, water doesn't go up hill. His well, if it is 60 feet, is uphill from me. All water goes downhill, so there is no way it would get to his well. My well is 180 feet deep, in limestone. In reference to every thing else, it is just pure character judgment and I am not even going to rebut against him. I don't think I need to. I am asking the board to do theirs in what I am asking. In reference to the dog, I have a dog house, Cathy you have been out there, you have seen it. I don't need to rebut anything or argue with this man. That is all I have to say.

C. Addington: Do you have a job now?

R. Thorne: Yes I do.

V. Chr. Blankley: Do you want to come back and say something that you haven't already said before?

R. Mosier: Water will run uphill when it gets backed up on the ground when it rains. I just don't see, and is this variance going to be for everybody up and down that road that has 8/10 of an acre?

C. Flatter: Each person that would want to raise hogs would have to come before the board and ask for a variance.

R. Mosier: Mike expressed the opinion that he wants to raise chickens on that lot that he's got with his mobile home on it and Rodgers back there, he wants to put a pony in out there. We are a grain community out there. The only one that has any cattle is the veterinarian that lives clear over on 32.

R. Thorne: Dr. Howell which is what, 800 meters from our houses? Then right down the dead end road, you have a horse farm right down there on the end, which is what another 800 meters from our house.

R. Mosier: I am talking and they squawked this summer about all the mosquitoes. How much water stands around when there are hogs?

D. Clevenger: Do you want to put your paper with the names on it up for evidence?

R. Thorne: I have something against that if you don't mind me adding to it.

C. Flatter: Go ahead Randy.

R. Thorne: I haven't seen that. I think if we are going to use this for any type of evidence, I think we should use it the same way I had to.

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R. Thorne: I had to send mine out by certified letter. The other thing, at the time when he took that around to have everyone sign it, they didn't see this letter right here, which is what you guys have in your packet. They don't know that it is just 5 hogs, a total of 5 hogs, if I get that many, it might be 2. They were under the impression that it was going to be 30 to 50 hogs. That is why they signed that paper. That was out of his own families mouth.

R. Mosier: My families mouth? You don't even know, what family?

R. Thorne: Isn't..... I won't even discuss it.

R. Mosier: I have a son. You went down to Georgia?

R. Thorne: Don't you have they are related to you by marriage, right down the road? Charlie Davis?

V. Chr. Blankley: We are not going to argue back and forth.

R. Mosier: That is step-kids.

V. Chr. Blankley: Is there any other surrounding property owners against this that want to come up and say something? You can stay there.

R. Thorne: He is not an adjoining property owner.

C. Flatter: Who is the property owner?

R. Thorne: There are only three of them. He is not one of them.

M. Rodgers: I am down the road.

R. Thorne: He is a mile down the road.

R. Oliver: If anybody else adjoining speaks, then anybody else can come up next.

V. Chr. Blankley: Any of the adjoining property owners?

R. Mosier: Rosie couldn't be here.

R. Thorne: Rosie isn't adjoining either. It is only the Livingston's, Ralph and Bob.

C. Flatter: Okay, go ahead.

V. Chr. Blankley: You can go.

M. Rodgers: My name is Mike Rodgers. I live at the end. The only thing we are concerned about is the space of the property. I mean it is so small for that many animals. The only thing that I was concerned about, I got one of these too, in my door, so I guess it does concern me because he delivered it to my door. He doesn't want to limit this to just those types of animals. He could move a pony in or a horse or whatever. He only has 8/10 of an acre. The size that these animals are going to be pinned up in is not fair to the animals. That is about all I have to say about it.

V. Chr. Blankley: Do you want to rebut?

R. Thorne: What he's got to say. The only thing I have to say, as far as the area that the animals are going to be in, it takes 12 square feet to raise a hog for commercial butcher. That is 2' x 6'. That is bigger than your bathroom. As far as a chicken, it takes 2 square feet for every three chickens. That 10' x 16' shed is big enough to raise everything that I wanted, but I an giving them 2400 square feet. I have someone that would like to speak in reference to what they saw last year.

M. Rodgers: We just moved in up here and we got pulled into the whole dispute. The only thing I dispute is the problem with the acreage not being enough.

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M. Rodgers: It is only 8/10 and he has kids. Who would want to have their kids out playing next to a hog pen on that small of a property?

J. Prescott: If he owned 5 acres, could he have this same setup just like it is on the 5 acres versus 8/10?

C. Flatter: Sure.

J. Prescott: He could be right next to the fence?

C. Flatter: He could be right next to the fence.

J. Prescott: There are no setbacks, no well requirements?

C. Flatter: There are no requirements in the Zoning Ordinance where an individual comes in that has the 5 acres, but I say, "Well no I am sorry but you are too close to your neighbor's well, or your well." There are no requirements.

J. Prescott: So someone on 5 acres could put in 30 hogs in the same space that he is asking for?

C. Flatter: Exactly. Yes.

J. Prescott: That is all that I want to know.

V. Chr. Blankley: Is there anyone else in opposition to this? I will get back to you in a minute. Anyone in favor? Do you want to come up and speak?

N. Baker: I am a friend of Randy's. My name is Norm Baker and I was out there last year when he had a couple hogs and a few chickens. He kept them nice. I don't know of any other farmer who would have kept his animals as well as what Randy kept his. Didn't smell, at least I didn't notice a smell when I was out there. I thought it was a nice, clean little operation he had. He cared for his animals.

V. Chr. Blankley: Anyone else? Do you want to come back up?

R. Mosier: I have a son-in-law that raises 900 hogs and he got out of business because they were too much for property. Grant you, you can raise a sow in a 2' x 6' pen but when she desecrates and all that other stuff, there is drainage and it drains down in a pit and then periodically he pumps it out with a honey-wagon and takes it out into the fields and buries it in the field. He is going to leave it on a dirt ground on a dirt floor. Now if you have a bobcat inside a building, how much of that dirt are you going to keep scooping out of there? It is not on concrete where everything is going to run away, it is going to go right into the ground. There are no concrete facilities for that hog, the hog is going to have to walk around in the mud and everything else in its own pen. It is not going to be on concrete like farmers do. I see a lot of farmers that raise 1000 + head of hogs, but they have buildings that have facilities for them to keep them up out of the weather. All he is going to have is that little building there with a dirt floor in it. There is no way to drain the system away. You keep on contaminating and contaminating that soil and it is eventually going to get into the water table somewhere. If not only and right there where he is talking about on the west side, I have seen that water back up there and when my uncle lived there he had 3 inches of water in that garage in the spring time because the culvert right there going under 100 and over across Bob and on over there to White River, is not big enough to carry all the water away. He has seen this himself. Where that building is sitting, he moved his dog pen because his dog was in his belly up to water last spring.

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R. Mosier: When the water was there this spring, it didn't bother the dog because he moved it clear over there by the well. I am a 25 year resident out there. He just moved in.

V. Chr. Blankley: You haven't come up with anything new, so we have heard everything that you have had. Do you want to rebut anything that he has just said?

R. Thorne: I don't have anything else to say.

V. Chr. Blankley: We have heard everything, unless you have anything new, we have already heard.

R. Mosier: In other words you people have made your mind up.

V. Chr. Blankley: No.

B. Oliver: No Ralph that is the rule. It has nothing to do with making up your mind. If it is new material...

V. Chr. Blankley: We will listen. But if it is the same thing were not. Do any of the board members have anything?

C. Addington: I would like to ask Randy a question if he would come back up here. Mr. Trautman and I were wondering on this map that we received, who that is to the west of you there? It is outlined like this.

J. Trautman: There is no name written on it.

R. Thorne: That is Rosie's residence. That is 3 or 4/10 of a mile down the road.

C. Addington: That is John Wrestler's widow?

R. Thorne: Yes.

V. Chr. Blankley: Any other board members have any questions? Not hearing any, I will entertain a motion to take action.

D. Clevenger: So moved.

C. Addington: Second.

V. Chr. Blankley: It has been moved and seconded to take action. Do I hear a motion for a roll call vote?

C. Addington: So moved.

B. Davis: Second.

V. Chr. Blankley: It has been moved and seconded to take a roll vote. Jamie we are ready.

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

V. Chr. Blankley: Now what coach?

C. Flatter: Randy, we have to have a majority of the entire membership to vote in favor and I think I went through that with you, it is a seven member board and we have three in favor and three opposed so that means that your petition has been denied.

R. Thorne: Okay. Anything else?

C. Flatter: No.

C. Addington: He does have a chance to come back right?

R. Thorne: In six months, right?


C. Flatter: Yes, or you can appeal it within a month from today.

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R. Thorne: Thank you.
V. Chr. Blankley: Anything else to come before the board?
C. Flatter: I have nothing.
V. Chr. Blankley: Do you have anything else to come before the board?
B. Oliver: No.
V. Chr. Blankley: I will entertain a motion that we adjourned.
C. Addington: So moved.
J. Trautman: Second.

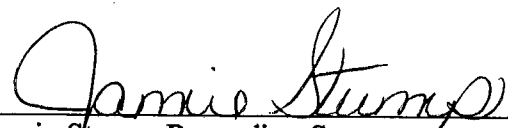
The meeting adjourned at 7:40 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS NOVEMBER 18, 2002 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