

**BZA MINUTES**

**OCTOBER 27, 2003**

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

Members absent: Dale Clevenger.

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: The first thing tonight is we need to approve the minutes of the September 15<sup>th</sup> meeting.

J. Prescott: So moved.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). The minutes of the September 15<sup>th</sup> meeting have been approved as written. I will read this for the benefit of the people here. The petitioner will be allowed to present the facts and arguments in support of his/her case without any interruption by any other person. The board members will then be allowed to ask questions of the petitioner. Any interested person or parties sent a notice shall then be allowed to speak and present their facts and arguments uninterrupted. The board members may then ask questions of these interested parties. Other persons attending the hearing should then be allowed to speak to the board either pertaining to the facts, questioning the board or any matter pertaining to the petition being heard.

BZA 2003-27-V (Phyllis Terrell, Losantville, IN)

Chr. Addington: First one I have here tonight is, it may not be in order but we will take Darrell Wright. If you would come up please. That will be BZA 2003-27-Variance. Darrell lives at 11803 Arba Pike, Fountain City. The owner is Phyllis Terrell. Tell us your name please.

W. Terrell: My name is William Terrell. I am her brother.

Chr. Addington: Did you receive an Article V, Conduct of Hearing when you applied?

D. Wright: Yes.

W. Terrell: My brother Harry did. I am just filling in for him tonight because he is in Indianapolis.

C. Flatter: Actually Darrell came in and picked up all the paperwork so he received everything.

## BZA Minutes 10/27/03

Chr. Addington: Were all the surrounding property owners were notified?

D. Wright: Yes.

Chr. Addington: What is your name? Speak into the microphone.

D. Wright: Darrell Wright.

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

J. Stump: Yes.

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

J. Stump: Yes.

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

D. Wright: The house has an existing deck on it, a 12' x 12' deck. We would like to put a covered porch over that. The deck extends, I believe, 7 foot into the setback. That is where the problem is.

Chr. Addington: Okay. Anything else?

D. Wright: No.

W. Terrell: It is on a dead end street. There is only two other residences on that street, my other sister Betty and another lady that lives at the end of the street. It is not in a busy congested area.

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

M. Thurston: I have a question. Why did they have a porch that already exceeds in 7 feet into the setback?

C. Flatter: We have never required permits for decks. They are unroofed. The definition of structure is something that is supported by walls and columns. So we've considered a deck like the fences. If it doesn't have a roof over it then you don't have to have a permit. So it can basically sit just about any where on the property but when you go to extend the roof line is when you have to meet the setback requirements.

M. Thurston: Okay. It was just a question.

C. Flatter: Good question.

M. Thurston: Good answer.

Chr. Addington: Does anyone else have any questions? I was going to ask one thing. I noticed there was a utility shed sitting out pretty close to the street, who does that belong to?

W. Terrell: That belongs to my other sister, Betty.

Chr. Addington: I wonder if it ever had a permit or anything. It sits pretty close to the street, it looks like.

C. Flatter: If it is under 100 square foot they don't have to have a permit for it. I think it is probably small enough.

W. Terrell: It is probably a 5' x 7' shed.

Chr. Addington: Okay. Any other questions from the board? Is there anyone here that received a notice that would like to speak about this? We are ready to take action on BZA 2003-27-V.

B. Davis: So moved.

M. Thurston: Second.

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

## BZA Minutes 10/27/03

J. Prescott: So moved.

J. Trautman: Second.

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

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

Chr. Addington: Your petition has been approved.

C. Flatter: You just need to come in and get your permits.

D. Wright: Okay. Thank you.

W. Terrell: Thank you Cathy.

BZA 2003-26-V (David & Felisia Legg, Lynn, IN)

Chr. Addington: The next petition is David Legg, 302 S. Main Street, Lynn, IN 47355. Could you come forward please. Tell us your name for the record.

D. Legg: My name is David Legg.

Chr. Addington: David did you receive an Article V, Conduct of Hearing when you applied for the hearing?

D. Legg: Yes.

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

D. Legg: 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: You can have a seat.

D. Legg: I am here on behalf of myself and my family. We are asking for a variance to have a horse on our property at 302 S. Main Street in Lynn. We have almost 3 acres there at the property and we feel that we should be able to have a horse for many different reasons. Our property is located right at the edge of the city limits. Two of our adjoining properties are Lynn Elevator and a very large agricultural field to the west of us. When the family and I moved up here just a little over 10 years ago, one of the things that really appealed to us was the large field that it had. Growing up on a small mini-farm myself, we always had a horse and I felt that one day my kids might want one as well. Knowing that there had been some livestock here at this property before, I didn't feel that there would be any problem having a horse there. My middle daughter is involved with the Randolph County 4-H. She competed this year for the first time, showing the horse. She did very well and looks forward to competing in the years to come. As far as appearance of the property, we keep the property very well maintained. We put up new fences and gates. There won't be any problem with the horse getting out or anything like that. We have a nice barn there for the horse to stay in as well. With that we are asking for a variance to be able to have the horse on the property. I would be happy to entertain any questions that you might have.

## BZA Minutes 10/27/03

M. Blankley: Does the Town of Lynn have an ordinance on animals in the city limits?

C. Flatter: No they don't. That was the first place I checked before I had David file any kind of paperwork with the BZA. I called the town of Lynn and they don't have an ordinance that prohibits this type of animal in the town limits.

M. Blankley: Does anybody know if there is anybody else in that town that has a horse or livestock of any kind that is inside? Besides a dog or a cat.

D. Legg: There are some chickens.

C. Flatter: I talked with the town clerk, I talked with a council member and I talked with the Town Marshall and they didn't have a problem.

M. Thurston: So we have the okay from those people?

C. Flatter: Well I mean, it wasn't like they said they needed to do something about this. They didn't say they needed to enact an ordinance to prohibit this. They just said they didn't have anything. One of them, I don't know which one of the three, told me that there had been animals at this piece of ground before.

D. Legg: That is a fact and I have the previous property owner with me tonight that can testify to that.

C. Flatter: How long did you say that you have lived there David?

D. Legg: Just a little over 10 years.

C. Flatter: Ten years. You have not had any animals since you have lived there?

D. Legg: Not a horse, no. We had a dog that was almost as big as a horse.

Chr. Addington: I went out and looked at it a little bit. Is there a playhouse on that property?

D. Legg: That is correct.

Chr. Addington: That fence, is it high enough? Part of it looked like it was pretty low to me.

D. Legg: The new fence?

Chr. Addington: It looked like it was a yard fence or something. There was probably a fence I didn't see that was along the north side.

D. Legg: Yes there is new cattle fence with barbed wire at the top around the whole.....

Chr. Addington: Okay. So where the yard fence is, the horse can't get in that part?

D. Legg: No that is correct. It can not. The dog stays in that part.

Chr. Addington: Okay. Is there anybody else that have any questions? If not, is there any surrounding property owners that would like to speak.

B. Cox: I would.

Chr. Addington: Please come forward.

B. Cox: Barbara Sha Cox. I grew up on the property that sits next to Thornburg's Grocery and then in the home where the Legg's live now. When I was a little girl I had a pony back there. Before then, the people who lived where Mr. Isenbarger lives, had cattle there. In the time after my pony died, my children were old enough to have a pony. Dad had sheep in there. After that my children had two ponies in there and two geese. Meanest geese I ever saw, but they were in there.

## BZA Minutes 10/27/03

B. Cox: That always had been there. After those ponies died, I made hay off of that, every year, keeping it agricultural. I really think the property owners, it would be, it is so good to have that horse back there and have that variance because if you drove down there you noticed next to Legg's you have got this public alley that comes around and separates the home owners from it. We are much better off as property owners there to have one horse back there then we would if that was not agriculture and went into some factory and all the traffic you would have back there or trailers or something like that. Certainly one horse can not be near as noisy as all that traffic on 27. Or smell as bad as all that exhaust. The Legg's take beautiful care of their property. The way that sits, it sounds like it is in the Town of Lynn but actually it abuts right up to that farm. It is not like it is between two houses. I am all for the variance.

Chr. Addington: Board members do you have any questions to ask her? Thank you Mrs. Cox. Did you want to come up?

D. Chasteen: Yes.

Chr. Addington: State your name for the record.

D. Chasteen: My name is Dana Chasteen. I oppose the variance. I have some pictures here. There is no alley between my property and the Legg's property. Our properties adjoin on the south end of their property approximately 207 feet. I have pictures of manure. The horse has been there since August 6<sup>th</sup>. I am greatly concerned about health issues. We have city water. My children play in our backyard. I am just real concerned about the health issues as far as the manure. They have standing water at times in their yard when it rains. The flies and mosquitoes have been very annoying and we all know they carry disease. The manure is very unpleasant to look at. The horse is relieving itself, as you will, all along the whole east-west line of the fence that adjoins with our property. I have pictures of all the manure. It is not being cleaned up. It smells. I guess I am just concerned with the health issues and the value of our property. We lived in the country for 14 years and we have only lived, it will be 2 years in December. We moved into town to reap the benefits of living inside city limits. We are concerned about our city water. I have a county ordinance that states that any use which includes an area devoted to confinement operations of livestock should be located a minimum of 300 feet from the lot line of any residential use situated on a lot of one acre or less and any residential use shall not be located within 300 feet from the lot of any such existing use. So there is a county ordinance which I would hope would overrule any city ordinance. This has been an issue. The fence started going up on July 3<sup>rd</sup>. The utility companies were not contacted when they were digging. They were 2.86 feet over into our yard according to Mr. Legg. I don't know if there were any permits or legal surveys. I am just real concerned with the health issues and the value of our property.

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

C. Flatter: I want to make a statement, this is not considered Confined Feeding for a confinement when we are talking about that in the definition of the ordinance is where you have at least 300 animal units in a confined area that are not taken outside. I would have to look into the ordinance to be more detailed but one horse in not considered confined feeding operation. I do have a copy of a survey.

## BZA Minutes 10/27/03

C. Flatter: Because of the size, I didn't include it in your packets but Mr. Legg presented this with his packet of information. It is a survey that was done by Beals surveying out of Richmond. David when was this... here it is. January 1993.

D. Legg: Yes.

C. Flatter: So there has been a survey done of the property. This letter was submitted after that property owner received a letter.

D. Chasteen: Do you want to see the pictures. I have lots of pictures of manure.

Chr. Addington: If you would happen to submit them to us then we have to keep them. You can't have them back.

D. Chasteen: Also our property boundary marker was removed from our property and I have a picture of it still leaning against the wood pile. It has just been a frustrating situation for my family and I. Most of these people they are talking about live on 27 and there is an alley between all those peoples houses but we live at the south end of this fence and a large amount of the fenced area....

Chr. Addington: You live right by Thornburg's?

D. Chasteen: No. We live south.

Chr. Addington: Oh you live on the other end.

C. Flatter: Right here.

Chr. Addington: Any more questions from the board? I guess they want to look at that before we go much further. Is there anyone else here that received a notice that wants to speak? You can have a seat right here. You can come up.

D. Chasteen: You want me to stay here?

Chr. Addington: Yes.

F. Legg: I am Felisia Legg. I just want to make some comments to Mrs. Chasteen. She is worried about health issues. Like David had said, behind our property is a big corn field right on the same side as that is the Co-Op or Elevator. There is grain dust that flies through there. There is pesticides that come off the corn field. They spread manure to fertilize their corn field. There are health issues there and as far as manure, I mean it is a big piece of property. We are not going to go and clean up manure out of the acreage that we have there for the horse. We might clean it out of the barn and we have been told that we can take the manure and put it in the corn field if we need to or if somebody wanted it, they would come and get it to fertilize their own gardens in town. If you are worried about where manure is going to go, that is, I mean we have options to do that too.

D. Chasteen: It is just really unpleasant to look at. This is the backyard where my children play and have their friends over. We had planned a family reunion on Labor Day and as you can see in these pictures, I mean the manure goes all along, there is standing water when it rains. It is very unpleasant to look at. I just want.....

Chr. Addington: We will let these guys look at this.

J. Trautman: Between this red line and yellow line there is an alley?

C. Flatter: Yes.

J. Trautman: What is between her property and I can't make out that name?

Chr. Addington: Chasteen.

J. Trautman: No the other property there. There is a gap between....

## BZA Minutes 10/27/03

C. Flatter: The gap here. That would be what would probably at one time been a part of a street.

J. Trautman: It is just an empty lot?

C. Flatter: Right. I assume it is just empty ground in there.

J. Trautman: So is it a dead end alley? You can't get out of that alley?

C. Flatter: I don't know. Does traffic go in through this way here?

F. Legg: They can go completely around between her property and where the other property is. They can actually go all the way around but just part of the alley is actually paved.

D. Chasteen: It is not my alley.

J. Trautman: No. I was talking about this alley down here and this space between your property and whoever this person is.

F. Legg: Yes that is an alley.

J. Trautman: It doesn't have anything written. I can't see anything written on it.

F. Legg: It is actually an alley but it is not paved. The town did not pave that part of the alley.

J. Prescott: Is the Johnson farm in the city limits?

C. Flatter: Yes, part of that is.

J. Trautman: Okay the city of Lynn has their own water system doesn't it?

M. Thurston: Yes, city water.

J. Trautman: City water and sewage and the cities water area is not in this area is it?

M. Blankley: It is up on the north end. It is up by the school.

C. Flatter: The tower.

Mr. Isenbarger: Isn't the town pump out there by the ball park?

F. Legg: Yes.

B. Oliver: You can't have comments unless you are up here talking because Jamie has to do a transcript.

Chr. Addington: You can come up Mr. Isenbarger though.

Mr. Isenbarger: I am going to in a minute.

Chr. Addington: You might as well do it.

R. Isenbarger: I am Russ Isenbarger. I own property adjoined to them. The horse is a pleasure. It is a joy. I am a livestock buyer. That is my first job every day, to check the discipline of the horse. If it had been an animal that I wouldn't accept his discipline by being mean, trying to ride fences, stomping the ground, I would have just went and discussed it with David and tell him I was a little nervous with the horse and I think we better do something, but I have had no problems. They have taken every prevention for safety in the world, putting log chains around gates and they did it right. They cemented the end posts. It is just kind of a pleasure to have out there. I said something to a lot of the neighbors and that is the first thing they like every morning is seeing this horse. You talk about manure. I run a stockyard in Williamsburg. If you want to live in manure, live around the Amish. You are going to get plenty of it on the roads. If they moved in next door they would have three or four riding horses. David keeps it clean and it is just a blessing to have really.

Chr. Addington: Did you used to live there?

## BZA Minutes 10/27/03

R. Isenbarger: I lived there. I am going to call her Mrs. Anderson because her dad was Herb Anderson. They had ponies and I remember her having sheep. I remember the two geese too. No one cares. Thank you.

Chr. Addington: Okay. Thank you Mr. Isenbarger. Any more questions from the board? Did you have anything else to add Mrs. Chasteen?

D. Chasteen: Just these pictures if you want to see them.

Chr. Addington: If you want to submit them, but remember we keep them.

C. Flatter: You might just want to take your pictures out and pass them out. But like he said, any of them that you give to us remains in our record. We do not give them back.

D. Chasteen: You can have them all. You can just have this whole thing.

C. Flatter: Okay.

Chr. Addington: If you would come back up Mrs. Chasteen. I may be asking something that is already here but I was wondering how far your line fence is from, is that a common line fence along there on the west side? On this aerial map it shows maybe two different fences or something.

D. Chasteen: There are no fences other than the fence the Legg's have put up.

Chr. Addington: Thank you.

D. Legg: What was the question? I didn't hear you.

Chr. Addington: Well David on the aerial map it shows like there might be two fences or that is the way I look at it but I guess Mrs. Chasteen said there wasn't. There is a yellow line and a red line.

C. Flatter: That is just property lines. That is just the overlay.

Chr. Addington: So it is just this fence right here.

D. Legg: Just right here.

Chr. Addington: Okay, thanks.

C. Flatter: David you can stay up there in case we have more questions or in case there is anything else that you have.

M. Blankley: In the future are you thinking of more than one animal?

D. Legg: At this time I have no intentions of adding another animal.

Chr. Addington: No chickens or anything?

D. Legg: No chickens, unless we can't keep our horse. Just kidding.

Chr. Addington: How big is your horse?

D. Legg: She is 3 years old. I am not sure how big.

Chr. Addington: I saw her out there one day.

D. Legg: I am not sure how many hands she is. She is over 56 hands. You have to talk to the horse girl.

J. Trautman: I have one more question. I know this looks like a big lot, but do you take this horse any place else and give it a real run or exercise? Do you have any other places that you take it to really run it?

D. Legg: No. We run it right there.

J. Trautman: Just right there.

D. Legg: It is just over 2 acres in that fenced area there.



## BZA Minutes 10/27/03

F. Legg: Can I say something? Do I have to come back up?

Chr. Addington: Yes.

F. Legg: My daughter...

Chr. Addington: You need to state your name again for the record.

F. Legg: Felisia Legg. My daughter participates heavily in sports at the moment and she is wanting to do and is going to do some trail riding with her other friends that have horses, with her. I mean it is not just going to stay there to, it is going to do other things. She does participate in 4-H. We had just gotten the horse this year so we are going to do some of the surrounding 4-H's in other counties and stuff. She is going to be doing some trail riding with the horse.

Chr. Addington: Okay.

D. Legg: Comments on, she was talking about the safety as far as manure, I mean we have city water. Everybody down through there has city water and city sewer and like my wife Felisia said, the farmer behind us spreads manure on that very large field and they spray their crops with insecticides. I really don't see the big point on the safety issues on the manure. That is all I wanted to say.

J. Trautman: It is not so much as the safety as it is an unsightly thing to look right outside your back window and see it stacked up there. Maybe if you made an effort to clean up at least that end of the field....

J. Prescott: Do you have a small tractor or lawn tractor?

D. Legg: We have a lawn tractor.

J. Prescott: If you would just take a harrow behind that and go out there and hit those piles it will help your pasture, besides make it look better.

D. Legg: I have intentions to do that.

J. Prescott: I have had horses and they don't like to eat in those piles. If you will spread them out though when it rains, the grass will come out and they will eat it. If you don't you will have big piles.

D. Legg: Right. That is correct.

Chr. Addington: You think you might be able to do that?

D. Legg: Yes.

D. Chasteen: I have a question.

Chr. Addington: You can come back up Mrs. Chasteen. State your name again for the record.

D. Chasteen: My name is Dana Chasteen. I guess that concerns me too. That's fine if they can do that but as you can see in those pictures when it rains there is an area where there is standing water and that is runoff that runs into our property. I just, the horse is a beautiful horse. They are our neighbors and I apologize. This is very uncomfortable for me. Our kids are friends. But we our living there for the benefit of living in town and like I said, we don't want to have to look at the manure all the time and we can not go outside and enjoy ourselves with all these piles of manure everywhere along the fence line. It is different than a farmer spreading it out as manure than it is just all these big piles. Our shed is only 8 feet from this fence. Our house is only 32 feet from this fence and our garage is only 12 feet from this fence.

## BZA Minutes 10/27/03

D. Chasteen: It is a residential area. It is very unpleasant to live around. I am not used to living in that type of environment and I just oppose it. It has not been well maintained. It has been there since August 6<sup>th</sup>. None of the manure has been cleaned up and like I said, it has been going to the restroom all along that fence line that goes along with our yard. In my opinion it is not well maintained. I feel that if you are going to have livestock like that, there is 2 acres but I thought you had to have 5 acres from what I understood and I am concerned about the barbed wire. Our children play out there. We have family over a lot. I am just real concerned about it. If you want to have livestock I feel it should be in a country environment.

Chr. Addington: Is there anybody else that wants to speak about this? Board members do you have any more questions? If not we are ready to take action on BZA 2003-26-V. We need to, when we take action on this,

J. Prescott: I make a motion that we limit it to one horse.

Chr. Addington: Wait a minute here. On Article VIII, paragraph 5, I need to read this to you and we will incorporate it into the motion to take action. "In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with." When we take action we need to incorporate the one horse thing. Maybe the manure near Mrs. Chasteen, if it passes, we need to have that incorporated into the motion to take action.

J. Prescott: Who will police the manure? Who is going to do that?

M. Thurston: That would be a good job for you. You are a farmer.

J. Prescott: That is the only problem I see with putting that in the motion. Who is going to be the authority on it if the manure is taken care of?

B. Oliver: I think, I don't know how you could enforce that. I would say that it would be run and cleaned with in view basically of what has transpired tonight in the interest that it is a residential area as opposed to a country field. Maybe good husbandry would be the term you put in there, if you want to condition it with regard of the manure. I think any quantitative or area of decision is not going to be workable

J. Prescott: Right.

B. Oliver: You might put the conditions on the number of horse and to be kept and maintained in good husbandry.

Chr. Addington: How about his testimony being part....

D. Legg: Are you talking about running a mower across it?

J. Prescott: Run a mower and harrow over it. Just keep it so you don't have those big piles out there. I have had horses right beside my house. That is what we do. They do look bad and they were our own horses. Just anything to knock it away and the rain will take it away.

## BZA Minutes 10/27/03

J. Trautman: Yes but the trouble too is they have the standing water there. There is a low spot there.

J. Prescott: Yes but how many times have we had 3 – 7 inch rains in the summer? You know.

M. Blankley: I have another question for you before we take action. This alley that is a dead end down here by your house, how wide is it? From the end of your property.

C. Flatter: It is probably at least 40 feet wide. The actual right-of-way of that is probably at least 40 feet. The small alley that runs north and south that is between the houses that are on Hwy. 27 and Legg's field, that is probably a 12 foot alley right there.

M. Blankley: I am talking about this right here.

C. Flatter: This, that is what I am saying. That is probably at least 40 feet. I don't have a scale or ruler or anything right here but it is probably at least 40 feet.

D. Chasteen: I need to ask, there is no alley by my house. I am not aware of an alley.

C. Flatter: This belongs to the Town of Lynn. There is a spaced area where Grubbs' property is, north of you and your property, there is a space that belongs to the Town of Lynn, where the cars come through there from the alley.

D. Legg: They actually don't travel that path there. It is all grassed over.

C. Flatter: But that doesn't belong to either of you or Grubbs' either one. That is just an open space that belongs to the Town of Lynn.

J. Trautman: So you can quit mowing that if you are. Just kidding.

D. Legg: Grubbs' actually mows that part, I think.

M. Blankley: If you would take your fence down by your house and move it back to the north side of that, whatever that old alley or whatever it is, would you have an objection to that?

D. Chasteen: That may help, but I just, my main concern is that manure that just piles up all along there and that water that stands. I wasn't aware that that was an alley. I thought it was my neighbor's driveway. It is gravel and she parks there. I wasn't aware that it was an alley. I don't know how far it is either.

Chr. Addington: If Mr. Legg would agree to harrow that like Mr. Prescott suggested and take care of it a little better, would that help?

D. Chasteen: I don't know. I have not seen any kind of...

Chr. Addington: I was just asking if you think that would help.

D. Chasteen: I can't answer that. I don't....

Chr. Addington: Okay thanks. Let's take action on this with the one horse as a limit.

C. Flatter: Jeff made the motion so we need a second.

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.

B. Davis: Second.

## BZA Minutes 10/27/03

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

M. Blankley: Before we vote, what is the actual motion? Just spell it out so we all know exactly what we are voting on.

Chr. Addington: The way that I understand it is Mr. Legg is going to be limited to one horse and the husbandry part of it that Mr. Oliver stated would be the best way to handle that in a reasonable fashion and how it is going to be policed, I don't know. Is that okay?

M. Blankley: I still don't know for sure what all we are voting on.

B. Oliver: State it so that they can hear it.

J. Stump: The motion was made with only one horse and the good husbandry.

Chr. Addington: Do you think that is okay Mr. Oliver?

B. Oliver: Yes.

C. Flatter: It was seconded and approved.

Chr. Addington: Okay, Jamie we are ready for a roll call vote.

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

C. Flatter: Your variance has been approved.

D. Legg: Thank you board.

J. Trautman: What about this thing?

C. Flatter: Mrs. Rittenhouse, who is Duane's mother, contacted the office today and first of all Charles and I went by there last Monday before the meeting and it is connected with a breezeway now and it looks pretty good from the road and she contacted us today and it has been painted. It is connected and it has been painted which those were the conditions of the approval, so he didn't need to be here tonight.

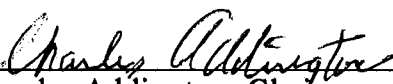
Chr. Addington: I have one thing I was going to say, I went by there and I was surprised because it did look pretty good.

C. Flatter: I was really surprised last Monday when I went by there too, as nice as it actually did look because just a couple weeks prior to that it looked pretty bad.

BZA Minutes 10/27/03

The meeting was adjourned at 7:50 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS NOVEMBER 17<sup>TH</sup> 2003  
AT 7:00 P.M. IN THE COMMISSIONERS CONFERENCE ROOM (ON THE  
SECOND FLOOR) OF THE RANDOLPH CENTER FOR FAMILY  
OPPORTUNITIES BUILDING, WINCHESTER, INDIANA.

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

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Mike Blankley, Vice Chairman

  
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Jamie Stump, Recording Secretary