

BZA MINUTES**APRIL 21, 2003**

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

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

Legal representation: Robert C. Oliver.

Others present: Linda & Duane Rittenhouse, Larry Rittenhouse, Mary Edwards.

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

Chr. Addington: We are not going to approve any minutes tonight. We are going to put that off until the next meeting. Is that okay?

C. Flatter: Since you didn't get any.

Chr. Addington: 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 un-interrupted. Board members may then ask questions of these interested parties. Other persons attending the hearing shall then be allowed to speak to the board either pertaining to the facts or questioning the board on any matter pertaining to the petition being heard.

BZA 2003-9-SP (Larry Rittenhouse, Winchester, IN)

Chr. Addington: On the agenda tonight is BZA 2003-9-SP. Larry Rittenhouse. He lives at 982 Short Street, Winchester, Indiana. Larry would you come forward. This is a recorded meeting. You can sit there at the table and

Larry Rittenhouse: I lost my voice. Can my mom speak for me?

Chr. Addington: Sure. Bring your helper up. Can you state his name for him?

Linda Rittenhouse: Larry Duane Rittenhouse II.

Chr. Addington: Your name?

L. Rittenhouse: My name is Linda Rittenhouse.

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

L. Rittenhouse: He wants to...his house is a little small and he has two girls and he would like to put a trailer in. The house at one time was a garage. He would like to put a trailer in for them, to add some space on to the existing home.

Chr. Addington: Anything else?

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L. Rittenhouse: That is basically it. He needs the extra space. That was the most economical way to do it.

Chr. Addington: Questions from the board.

M. Blankley: Is it going to be a 12' x

L. Rittenhouse: It is a 12' x 60' trailer.

Chr. Addington: What age is the trailer going to be?

L. Rittenhouse: It is a 1981.

Chr. Addington: What kind of condition is it in?

L. Rittenhouse: The outside is fairly nice, it has new vinyl skirting. The inside was remodeled not too long ago. It was on the back road to Farmland by Golden Rule Campground there on the County Road.

C. Flatter: Did it belong to one of the family members that owns Golden Rule?

L. Rittenhouse: Yes. It was Chuck Messersmith's.

C. Flatter: It was sitting there beside the drive that goes back.

L. Rittenhouse: No, it was the next one, the one by Chuck's house. It was the one his sister had.

Chr. Addington: How do you propose to attach that?

L. Rittenhouse: Right now he is considering just putting like a breezeway or walkway or hallway or something.

C. Flatter: I know that Larry has talked to Chuck Bogard. You talked with him when you first came in the office, is that right?

Larry Rittenhouse: Yes.

C. Flatter: Chuck was discussing with him about having to put a foundation under the breezeway. He is going to have to meet building code requirements because of this being attached to his house.

L. Rittenhouse: Chuck explained that to him.

Chr. Addington: What about the drainage? How is that going to drain? Is that trailer going to be a flat roof?

Larry Rittenhouse: It's not really flat it is kind of rounded.

Chr. Addington: I was thinking where the water is going to go from the house, in between the house and the trailer?

Larry Rittenhouse: It will just go down on the ground between the two. That is about all you can do.

Chr. Addington: Any other questions board members?

M. Thurston: Are you going to make your house and the trailer all look the same?

L. Rittenhouse: He says it will all eventually be the white vinyl.

M. Thurston: How long do we.....

L. Rittenhouse: He has most of the vinyl. There is some left upstairs from when he bought the house.

Chr. Addington: Is that a two story house that is there now?

L. Rittenhouse: No. One story. It is a two bedroom and he has two little girls.

Chr. Addington: Any other questions from the board? If not, we are ready to take action.

C. Flatter: No. People. Ask questions.

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Chr. Addington: Yes, is there anybody here that opposes? I need to talk to them. Anybody want to come forward that is a surrounding property owner that got a notice? Come up and have a seat. State your name for the record.

M. Edwards: I am Mary Edwards. I live just west of Mr. Rittenhouse. Do you want me to tell you my beef first?

Chr. Addington: Yes go right ahead.

M. Edwards: Before he explained about how they are going to attach it, which really it is not really attached. How is this going to affect all these junk cars he has in the backyard? He has nine cars back there and a truck and a pile of tires and all other kinds of junk back there and trash that brings in rats. It is not a business that I know of, just junk cars. It looks terrible. It is surrounded by a fence. I will agree, but it is falling down. We have been going over this. I have been going to the police department. They have to send a petition to him. He does not have any pride in the neighborhood. He does not pick anything up unless the police send him a notice to clean it up. We are afraid if he moves in a trailer, what all he digs up and what all is going to be the excess lumber, whatever it takes, that is going to be there for years unless they make him clean it up. He just has no pride at all.

Chr. Addington: I think as far as the junk cars are concerned, that is not our jurisdiction. That would be the city that would have to take care of that part.

M. Edwards: I am talking with Dwight on that. He is supposed to get back with me. He didn't get a chance to get back with me yet.

Chr. Addington: Go ahead with what you were saying.

M. Edwards: I guess you covered most of the questions I had to ask, I believe. I think that is all I have.

Chr. Addington: Thank you, Mrs. Edwards. Is there anyone else that would like to speak that is a surrounding property owner? We are ready to take action on BZA 2003-9-SP. Do I hear a motion?

M. Thurston: Now hold on a minute here. We need to set up a time frame for when that has to be enclosed and the vinyl and everything on it, I think, because if we don't, it can set there for three or four years before he ever does anything.

Chr. Addington: Well it expires in 18 months or a year doesn't?

C. Flatter: He has 18 months to start and 36 months to finish. That is setting the home and completing the setting. I agree with Mike, if you want to put some conditions on this.

Chr. Addington: Yes, let's do that. I need to ask you when you think you will start it and when do you think it will be completed?

Larry Rittenhouse: As soon as possible. I have to get it done real soon. You are going to have to talk mom, I can't.

L. Rittenhouse: Chuck is wanting the trailer moved as soon as possible.

Chr. Addington: When do you think it will be completed then?

L. Rittenhouse: Three to six months tops, that is giving a little extra.

Chr. Addington: Your statement will be part of the record then. Is that right Robert?

B. Oliver: You have to make it a condition for approval.

Chr. Addington: Of course.

B. Oliver: You have to put conditions on that special exception if you want to do that but you have to do that before you take action.

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Chr. Addington: Sure.

L. Rittenhouse: His dad said to try for a year if that is possible.

Chr. Addington: That is okay isn't it. Is that permissible Cathy?

C. Flatter: That is up to the board. You do discuss it.

Chr. Addington: It is in the time frame that we are okay?

C. Flatter: Sure.

Larry Rittenhouse: He is the one helping me put the trailer in and stuff.

Chr. Addington: Board members anything else? Do you want to elaborate on that Mike, what you said about that?

M. Thurston: I'd say have it completed in six months.

B. Davis: I agree.

Chr. Addington: We will make that part of the... tell me again.

B. Oliver: They have to make it a condition or whatever you are going to take action on.

C. Flatter: Whoever makes the motion to take action, if you all agree on the time frame, I mean if you want to have more discussion on it, that is up to you, but whoever makes the motion to take action has to put that time frame in that motion as a condition.

M. Thurston: Now are you planning on putting like a regular roof over it so it will all look like one building?

L. Rittenhouse: Eventually, but he is not going to be able to get that done within the six months.

B. Davis: My thought is, I have driven out past there too and I agree with what Mary said, I have no issue here but at the same time, if we are putting a condition on it, I wouldn't want it in my neighborhood if it is not going to look right.

L. Rittenhouse: For one thing, she is not a property owner.

B. Davis: I know, but she lives there.

L. Rittenhouse: The cars for the most part have been removed, so that he can get the trailer in. He has been working on it for the last two or three weeks.

Chr. Addington: We need to take action on BZA 2003-9-SP. Do I hear a motion?

M. Thurston: Not yet, we are still thinking about it. What do you think, 6 months?

D. Clevenger: I think it should be done by fall, because if you get into winter you won't get much done.

Chr. Addington: That would be the last of October.

D. Clevenger: Yes.

C. Flatter: So that would be six months.

M. Thurston: Cathy here is a question for you. If we put a condition on there for 6 months, and it is not completed in 6 months, what do we do?

C. Flatter: I have to contact him that he is going to have to get it done or he can bring it back to the Board of Zoning Appeals for an extension of it or I can grant an extension, if he has good valid reason for not being able to get it done.

Chr. Addington: For how long?

C. Flatter: For six months.

Chr. Addington: So that would make it a year, like they wanted to do it.

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J. Trautman: I don't think a year would help them any way. Like you said in October it is the beginning of bad weather for the next six months. If they don't have it done by the end of October or beginning of November then they probably won't get it done in the year period.

Chr. Addington: What is next? Are you ready to take action now?

D. Clevenger: I'll make the motion we take action and we put the condition on there that he has it completed by the last of October.

Chr. Addington: Do I hear a second?

J. Trautman: Second.

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

J. Prescott: So moved.

M. Thurston: Second.

B. Oliver: I want to go back for just a second. I think you need to define, what do you mean completed?

D. Clevenger: Right.

B. Oliver: What do you mean?

B. Davis: The matching siding. Isn't that what we are.....

M. Thurston: I'd say the whole thing needs to be completed period.

B. Oliver: What does that mean?

M. Thurston: The roof, the whole shooting match.

L. Rittenhouse: He is not going to be able to afford to put the complete roof on. The roof on the breezeway he said he could do. The trailer and the house and the whole thing, he is probably not going to be able to afford that within the six months.

D. Clevenger: Bob how would it be to put the outside appearance completed?

B. Oliver: It is not up to me. That is up to you guys. I just think he needs to know what you expect of him because the way the Ordinance is written and from what Cathy just said, is that if that is not completed then he is subject to penalties because those conditions under 12.03, such conditions shall become enforceable as if they were provisions of this Ordinance. Any condition that you put on there is just as if it was in the Ordinance. There are a lot of pretty stiff penalties in that. I think he just needs to know what you guys decide.

D. Clevenger: I would say with the outside appearance be complete.

M. Thurston: So you are talking about the breezeway and the vinyl siding on the mobile home?

D. Clevenger: Can you live with that?

L. Rittenhouse: In six months it can be matching. It is just that I can't afford the whole roof all in one shot.

B. Oliver: Mom you are going to have to speak up here. This is on the record.

L. Rittenhouse: The appearance he can have done. The breezeway is probably all he will be able to afford right now.

Chr. Addington: What about the siding?

L. Rittenhouse: Most of his house is white and he has white siding to go with it. If not he can paint the trailer to match it. You can get regular mobile home paint because we have ours. It will all be a matching color.

Chr. Addington: You can get that done by the end of October you think?

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L. Rittenhouse: He should be able too.

Chr. Addington: That is part of the action Robert?

B. Oliver: If that is what you guys decided, but define it so he knows what he is doing.

Chr. Addington: I don't know what else to define.

B. Oliver: You don't want to say outside appearance, say what is outside appearance.

Chr. Addington: Which is the siding and the paint.

D. Clevenger: Yes.

M. Blankley: All be one color. The breezeway too.

Chr. Addington: And the foundation you said.

C. Flatter: That is going to be part of the requirement for putting it in.

Chr. Addington: Did you understand that from Mr. Bogard?

Larry Rittenhouse: Yes.

Chr. Addington: Okay, do I hear a second to that action? Is that where we are at?

J. Trautman: I'll second that.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Now 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, no; Jeff Prescott, no; Dale Clevenger, yes; Mike Blankley, yes; Charles Addington, yes; Bill Davis, no. The petition was granted.

C. Flatter: It was approved by a vote of 4 – 3. You have to come in and get your permits to get started and you have six months to make that look like it is one structure. That is not including the roof that you talked about.

Larry Rittenhouse: Thanks. Will she be able to pick up the permits? I work until 4 o'clock.

C. Flatter: She can pick up the paperwork and bring it to you and then bring it back into the office.

Larry Rittenhouse: I don't get off work in Muncie until 4 o'clock.

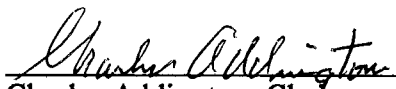
Chr. Addington: Is there anything else to come before the board this evening.

C. Flatter: I don't have anything.

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The meeting adjourned at 7:20 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS MAY 19, 2003 AT 7:00 P.M. IN THE CONFERENCE ROOM (IN THE BASEMENT) OF THE RANDOLPH COUNTY COURTHOUSE, WINCHESTER, INDIANA.



Charles Addington, Chairman

Mike Blankley, Vice Chairman



Jamie Stump, Recording Secretary