

BZA MINUTES

MAY 15, 2006

Members present: Charles Addington, Dale Clevenger, Mike Blankley, James Trautman, Bill Davis & Christy Starbuck.

Members absent: Gary Moore.

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

Legal representation: Robert C. Oliver.

Others present: Elaine Leese.

The meeting was called to order by Chairman Mike Blankley at 7:00 PM.

Chr. Blankley: The first thing on the agenda is, I hope that all the members got a copy of the minutes. We need to approve the minutes of March 20.

D. Clevenger: So moved.

B. Davis: Second.

Chr. Blankley: Without reading?

D. Clevenger: Yes.

Chr. Blankley: It has been moved and seconded that we approve the minutes of the March 20th meeting. All in favor say aye. "Ayes". Opposed (none).

BZA 2006-12-V (Thomas & Elaine Leese, Union City, IN)

Chr. Blankley: We have one item on the agenda tonight and that is BZA 2006-12-V. That is Thomas and Elaine Leese. Would you please come forward. This is a recorded meeting so will you please state your name and your address for us.

E. Leese: Elaine Leese, 716 N. Howard Street, Union City.

Chr. Blankley: The first question I am going to ask you is did you receive a copy of the Conduct of Hearing when you applied?

E. Leese: Yes.

Chr. Blankley: Jamie did all the notices get sent out?

J. Stump: Yes.

Chr. Blankley: Received back?

J. Stump: Yes.

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

J. Stump: Yes.

Chr. Blankley: I'll read this. Well you are the only one here so I guess I really don't need to read this do I?

C. Flatter: No.

Chr. Blankley: Okay will you kindly tell us, the board what you would like to do.

BZA Minutes 5/15/06

E. Leese: I would like to have a one foot variance. My foundation was constructed based on what I believed my property lines to be. After the foundation was constructed, then there began to be some question and I finally called a surveyor and he set the lines, well what it comes down to, is that I am 14 feet and not 15 feet.

Chr. Blankley: And we are talking about 6424 N. 800 East in Union City?

E. Leese: That is right.

C. Flatter: I don't know if any of you went to the site or not but if you did, you probably questioned the fact that this building has been started. I don't have the date. When did I issue that permit? Do you remember?

E. Leese: I have been crazy since then, I don't know.

C. Flatter: Any way, they had survey pins and the neighbor to the south of them is the one that surveyed off this piece of property and sold it. Well actually he built on it...

E. Leese: He built the house.

C. Flatter: He built the house that burnt down in January and he showed Mr. and Mrs. Leese where the property lines were located and then came back later and then everything was different, correct?

E. Leese: Actually he told us. He didn't have time to show us. He had started a new job and he was on call and he had been ill and he didn't have time to show us so he told us. He told me that there were metal stakes in the ground and I went and bought a metal detector and I found the metal stakes, which were the wrong metal stakes. That is what we based it on and he said the tree line, well the tree line you know, it is a 34 year old tree line and so I based my measurements on the metal stake that I found in the ground and it was 18 feet, the actual survey stake is 14 feet. He actually didn't say anything until after the foundation was constructed and didn't say anything to me.

C. Flatter: So he started contacting the office and making inquiries about their construction and I had issued the permit based on the information that they had in hand and so that is why Mrs. Leese pursued it further because she felt there was going to be a problem with this person and we came to find out that it was a foot short so I said because of the situation with the neighbor we need to go to the Board of Zoning Appeals and ask for a variance on that setback. That is why the house was started before the variance was applied for.

E. Leese: After the foundation was constructed he came up with a solution. I have a 180 feet wide and 380 feet deep. He wanted 100 feet off the back and he would give me 6 feet on the side.

Chr. Blankley: That would be a good swap.

C. Flatter: He was doing them a favor.

D. Clevenger: I would measure it.

E. Leese: So I need this foot.

C. Flatter: He did call the office the other day and wanted to know if you realized there would be big tractors out in the field.

E. Leese: There have been for 4 years.

C. Flatter: I said, I think that they do realize that". I didn't even talk to him I just let the other secretary talk to him.

C. Addington: I know him. It is Carl Everett's boy isn't it?

BZA Minutes 5/15/06

E. Leese: Yes.

C. Addington: I know him very well.

Chr. Blankley: Does any of the board members have any questions of the petitioner? Since there is nobody here in favor or against you, I guess the board is ready to take action on this. This is BZA 2006-12- Variance.

D. Clevenger: So moved.

C. Starbuck: Second.

Chr. Blankley: It has been moved and seconded that we take action. All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Now we need a motion for a roll call vote.

B. Davis: So moved.

C. Addington: Second.

Chr. Blankley: It has been moved and seconded that we have a roll call vote. Jamie we are ready.

A roll call vote was taken: Charles Addington, yes; Mike Blankley, yes; Dale Clevenger, yes; Bill Davis, yes; Christy Starbuck, yes; Gary Moore, absent; James Trautman, yes.

Chr. Blankley: It has been approved.

C. Flatter: You are good to go.

E. Leese: Thank you very much.

C. Flatter: You already have your permits so you are good.

E. Leese: Thank you.

C. Flatter: You are welcome.

C. Starbuck: Good luck.

Chr. Blankley: Is there anything else to come before the board?

C. Flatter: You are all welcome to come to the meeting tomorrow night.

Chr. Blankley: Yeah you can come in my place.

C. Flatter: Because you guys might have to have something to do with this when it is all said and done.

The meeting adjourned at 7:15 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS JUNE19, 2006 AT 7:00 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

Mike Blankley, Chairman

Dale Clevenger, Vice Chairman

Jamie Stump, Recording Secretary