

BZA MINUTES

JUNE 17, 2002

Members present: Mike Blankley, James Trautman, Charles Addington, Mike Thurston.

Members absent: Dale Clevenger, Jeff Prescott, Bill Davis.

Staff present: Cathy S. Flatter, Executive Director, Sheryl Fidler, Assistant 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: The first thing we need to do tonight is approve the Minutes of the May 20th meeting.

J. Trautman: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Those minutes have been approved as written for the May 20th meeting. I will need to first read how we conduct the meeting so you will know what to expect. The petitioner will be allowed to present the facts and arguments in support of his/her case without interruption by any other person. Then the board members will be allowed to ask questions of the petitioner. Any interested person or party sent a notice shall then be allowed to speak or 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 being heard.

There are only four of us here. This is a seven-member board. Three members will not be here. It is going to take four positive votes to approve. At any meeting of the board which has scheduled a petition for the Board to determine, whether the meeting is an initial meeting or one continued for any reason, and only four (4) board members are eligible to vote on the petition are present, the petitioner may request a continuance of the meeting and such continuance shall be granted. The meeting shall be continued at the next regularly scheduled meeting, provided however, that the Board may call a special meeting if the petitioner presents a sufficient reason(s) and need for a special meeting. A special meeting hereunder shall be called by an affirmative vote of a majority of the members present and eligible to vote. I think everyone can understand that what they are saying is it takes all four (4) of us for you to get an approval. It will be up to you when you come forward to tell us what you want to do.

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BZA 2002-18-V (William Mizner, Winchester)

Chr. Addington: William Mizner would you please come up first. This is a recorded meeting and would you state your name please.

W. Mizner: William Mizner.

Chr. Addington: You live at 529 W. Franklin Street in Winchester?

W. Mizner: Yes.

Chr. Addington: Did you receive an Article V, Conduct of Hearing from the Planning Commission when you applied for the hearing?

W. Mizner: Yes.

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

W. Mizner: Yes.

Chr. Addington: Do we have the receipts back on this Ms. Fidler?

S. Fidler: Yes.

Chr. Addington: Did we get it published in a timely manner?

S. Fidler: Yes, we did.

Chr. Addington: Mr. Mizner you can tell us what you would like to do. Unless you want the option of postponing it on account of only having a four (4) member Board.

W. Mizner: No. I would like to build a carport next to my garage. Nothing fancy, just six (6) poles with a steel roof. I have a small construction company doing it, so it should look nice and neat.

C. Flatter: Bill has a good reason, it is basically a hardship situation because he has a 36' wide lot. Ten or eleven years ago he built a 20'x22' garage and had to be 5' from his west property line. That has left him just a small amount of space on the east side of his property, so he is confined in there because of the width of the lot. It basically does present a hardship for him to be able to place it anywhere else and to be able to have access to it because of the garage.

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

Chr. Addington: I went down and looked at it and I was wondering where are you going to put the water that comes off the roof?

W. Mizner: There will be a gutter. I will have that gutter right down in my yard in a rain barrel or down a regular gutter shute.

Chr. Addington: OK. Is this going to slope off the east and west?

W. Mizner: It is going to slope off to the east a little bit, but I'll have the gutter sloping toward my front, so it will be going in my yard if anywhere.

Chr. Addington: Any questions Board Members? I don't know if I announced it at the beginning. This is BZA 2002-18-V a variance. We are going to take action on that. Do I hear a motion to that effect?

M. Thurston: So moved.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Ms Fidler we are ready for a roll call vote on BZA 2002-18-V a variance.

S. Fidler: Bill Davis, absent; James Trautman, Yes; Mike Thurston, Yes; Jeff Prescott, absent; Dale Clevenger, absent; Mike Blankely, Yes; Charles Addington, Yes.

Chr. Addington: Your petition has been approved.

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W. Mizner: Thank You.

C. Flatter: You need to come in and see us Bill, before you get started, for your permit.

W. Mizner: Sure, will do. Thank you.

BZA 2002-19-V (Betty Hadley, Farmland)

Chr. Addington: Next is Betty Hadley. Will you come forward please Ms. Hadley. Mr. Caskey you may come forward too if you want. This will be BZA 2002-19-V, Betty Hadley, 2304 Burlington Dr. Muncie, IN is that right?

B. Hadley: Yes it is.

Chr. Addington: Please state your name for the record.

B. Hadley: My name is Betty Hadley.

Chr. Addington: Did you receive an Article V when you applied?

B. Hadley: Yes I did.

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

B. Hadley: Yes I did. I have the receipts too.

Chr. Addington: OK. Thank you.

Chr. Addington: Ms. Fidler, did you get that published in a timely manner.

S. Fidler: Yes, we did.

Chr. Addington: Please tell us what you would like to do Ms. Hadley.

B. Oliver: You need to ask about proceeding with only a four (4) member board.

Chr. Addington: Mr. Oliver has reminded me of the rules I read you. Do you wish to go ahead or put it off until there are more of us here?

B. Hadley: I am satisfied with doing it tonight.

P. Caskey: Yes, let's proceed.

Chr. Addington: OK. Go ahead and tell us what you would like to do.

B. Hadley: I would like to make an apartment in the East End of 112 N Main Street in Farmland, Indiana. This presently is used for storage. It would be converted to about 440 to 460.

P. Caskey: I think it is up to 520 now.

B. Hadley: 520 square feet. It would not change the outside of the building at all. There would be a window put in the south side, but it wouldn't change the dimensions in any way on the exterior of the building. This property, as I indicated in my written materials, has been a stained glass studio since 1978, operated by my son, Patrick Caskey. He now needs to have a living arrangement for himself only. We don't know how long this living arrangement will be needed there at the studio, but in the event he would not be living there, we propose to have an artist in residence. This is sometimes done in such situations similar to apprenticeships they use to have in medieval times actually. So the purpose to have a place to live in this studio is not for rental purposes. It is not to be a money making proposition. It is because he needs a place to live right now. We are requesting permission for this variance for that purpose and in the future for an artist, if would so happen that he did not live there.

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Chr. Addington: Board members, any questions? I don't hear any questions from the Board; so we are ready to take action on BZA 2002-19-V. Do I hear a motion to that effect?

M. Thurston: So moved.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I 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). Ms. Fidler we are ready for a roll call vote on BZA 2002-19-V.

S. Fidler: James Trautman, Yes; Mike Thurston, Yes; Jeff Prescott, absent; Bill Davis, absent; Dale Clevenger, absent; Mike Blankley, Yes; Charles Addington, Yes.

Chr. Addington: Your petition has been approved Ms Hadley.

B. Hadley: Thank you.

P. Caskey: Thank you.

BZA 2002-21-SP (Allan Holly)

Chr. Addington: Next we have BZA 2002-21-SP, Allan Holly, Please come forward and state your name for the record.

A. Holly: OK, I'm Allan Holly and I'm here for a special exception for a mobile home placed on a parcel of ground at 7th and Walnut Street.

Chr. Addington: Excuse me just a minute. I need to ask you about the.

A. Holly: Article V is all taken care of.

Chr. Addington: OK.

A. Holly: And it is ok that only four (4) of you are here.

Chr. Addington: You notified everyone didn't you?

A. Holly: Yes.

Chr. Addington: We got the receipts back and it was published in a timely manner Sheryl?

S. Fidler: Yes, it was.

Chr. Addington: Go ahead and tell us what you want to do Mr. Holly.

A. Holly: I want to place a 14x 70 mobile home on the south end of the lot on 7th and Walnut Street. To my knowledge, the last time I was over here, I talked to Cathy, and I think everything is satisfied as far as the fence.

C. Flatter: Charles and I were just talking about that. I told him it is kind of vague in the minutes. Charles interpretation was from his memory, was that it was to be the whole length of the lot. I told him we pulled the minutes out and it is kind of up in the air.

C. Addington: I was under the impression that we asked for a fence clear down through there. From the beginning to the end of where the trailers were set, but I'm not saying that is right, If the minutes contradict that.

A. Holly: I came over and asked her because I wasn't sure. I thought it was to the south end of the trailer or 150'to the property line?

C. Flatter: Was it 150' Allan, was that what it said?

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Chr. Addington: From the property line? From your property line?

A. Holly: Yes.

C. Flatter: South 150', so you are not sure at this point if it is a full 150'.

A. Holly: Well, I have at least 25' setback and the trailer is 70' long, so I am close. On top of that, they set another one right there in front of it, so Mr. Orr can look at that instead of my fence.

C. Flatter: The doublewide?

A. Holly: Yes.

C. Flatter: That is to the east of your property.

A. Holly: Yes.

Chr. Addington: Yes, fact is, that is where the fence is between those two, right?

C. Flatter: Right.

A. Holly: Right.

Chr. Addington: Anything else?

A. Holly: I'll just try to answer some questions if you have any. I have eight (8) of these things in town and as far as I know I've had no complaints on any of them. I have pretty good renters in them all. Young kids trying to get started. I try to keep them up. I don't know if you all have had a chance to look or not, I have some papers if you'd like to look at them. The town hasn't stood up to their end of the deal. They haven't finished the street for me. I'd like it down there, but there is nothing I can do if they are not going to do anything. I want to put grass along the edges. They just won't finish it.

C. Addington: What about the driveway that goes into a curve east and then back north. Is that the cities?

C. Flatter: Yes.

A. Holly: I call it the Panama Canal.

C. Addington: Does the water come down through there?

A. Holly: It stands there.

Chr. Addington: Does it wash or flood?

A. Holly: I don't know, I haven't really watched it. I don't know what he was doing when he done that. I have no clue.

Chr. Addington: Do you think they will improve that?

A. Holly: I am on them every week.

C. Flatter: That was the agreement wasn't it Allan? That they said they would straighten out Walnut Street there for you?

A. Holly: They sure have.

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

M. Thurston: Have they straightened the street out?

A. Holly: They put it in, they didn't put it in right, but it is there. You can drive down it.

C. Flatter: I'm scared to drive down it.

Chr. Addington: You might get hung up in that stone.

C. Flatter: You can only go so far on it right?

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Chr. Addington: You can go clear to the other street.

A. Holly: You can go clear through.

C. Flatter: But you have to go around that curve, actually it is suppose to go straight north.

A. Holly: Yes, it is suppose to. That is the way it is plotted out.

C. Flatter: And I thought that was the agreement, the town of Ridgeville's agreement to do that.

Chr. Addington: Any Questions? If not, I'll entertain a motion for action on BZA 2002-21-SP.

M. Blankley: 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. Trautman: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). OK, Sheryl we are ready for a roll call vote on BZA 2002-21-SP.

S. Fidler: Charles Addington, Yes; Mike Blankley, Yes; Dale Clevenger, absent; Bill Davis, absent; Jeff Prescott, absent; Mike Thurston, Yes; James Trautman, Yes;

Chr. Addington: Your petition has been granted Allan.

A. Holly: So, I need to come over and get a permit, and do I have to have it fixed for you to look at?

C. Flatter: You have to have it staked out. You need to know what size home you are going to put on there.

A. Holly: I already know what size I'm going to put on there, I just haven't bought it yet.

C. Flatter: You know it is going to be at least 950 square feet, you cannot set it if it doesn't. So, mark it, come file for a permit and I can get you a permit.

A. Holly: OK. Thanks.

Chr. Addington: Do we have anything else we need to discuss?

C. Flatter: I have nothing.

Chr. Addington: This meeting is adjourned.

The meeting adjourned at 7:20 P.M.

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THE NEXT REGULARLY SCHEDULED MEETING IS JULY 15, 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


Sheryl Fidler, Acting Recording Secretary