

BZA MINUTES

JULY 20, 2009

Members present: James Trautman, Christy Starbuck, Larry Amspaugh, Bill Davis, Charles Addington, Lee Deguise.

Members absent: Dale Clevenger.

Others present: Mr. & Mrs. Mick Whitesel, Vickie Day.

Attorney present: Robert C. Oliver.

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

The meeting was called to order by Chairman, Bill Davis at 7:00 PM.

Chr. Davis: I would like to approve the prior meeting minutes as presented.

C. Starbuck: I would like to make the motion on that.

Chr. Davis: Do I hear a second?

L. Deguise: Second.

Chr. Davis: All in favor signify by saying aye. "Ayes". Opposed (none). For those in attendance, this is a recorded meeting so once you are up here please state your name and address and speak clearly into the microphone so we can hear you properly.

BZA 2009-13-V (Mick Whitesel, Union City)

Chr. Davis: First and only case tonight is Mick Whitesel, a Variance. Can you come on up here Mick?

M. Whitesel: I'm having.....

Chr. Davis: Mick before you get started I just want to double check that you received an Article V, Conduct of Hearing?

M. Whitesel: Yes.

Chr. Davis: Jamie was it published in a timely manner?

J. Stump: Yes.

Chr. Davis: Okay. Just state your name and address please.

M. Whitesel: My name is Mick Whitesel. I am from Union City, Ohio. 8796 Springhill Road. I have with me my real estate agent who talked with the people who want to buy the property, so she knows the agreements with that. Vickie Day with Mangas Real Estate Agency. It is still Mangas correct?

V. Day: Yes.

M. Whitesel: So, I think you have in front of you, if you want me to go ahead and present I've gotten?

Chr. Davis: If you want to come up.

BZA Minutes 7/30/09

M. Whitesel: We have this piece of farm ground we purchased from my aunt and uncle years ago and have a house and barn that sits way back a long lane. I'll pass this out so you can see what I'm talking about. The lane splits the farm so I have farm ground on both sides of this lane and a house back in the back.

C. Flatter: We have copies of that.

M. Whitesel: You have? Okay, very good.

C. Flatter: Everything that you presented to us, we make sure everyone has copies.

M. Whitesel: So everybody has copies? So you can see the copies and see what we have here. We come up with, to purchase the ground back in the back and the house and the barns there is 8.3 acres and to add the lane to that, just the lane itself, if they want to purchase you are adding another acre and a half that they would have to purchase. Besides that they really don't want to purchase that and I would rather they didn't any how because that limits me from getting access to my farm ground on both sides of the lane. Vicky has talked to them and I can let her say what they say about it.

V. Day: They are not wanting the lane either. What they would like would be an easement for the lane and have Mick maintain the lane.

M. Whitesel: The easement would allow, it would be 40 foot of access forever. We have been involved in something like this before. I own a piece of ground close to Union City's. Close to the ground that we talked about last month with the turbine. That land has an easement to the City. They have a lane along the side of one of my pieces of ground. We bought the ground with that and we knew that. It doesn't mean that. If an easement is probably written up it goes with the land forever. It's not like after I would sell my ground, if I would to someone else, the easement would have to go with that ground as it sold. It would stay with the title to the ground. When somebody would purchase that ground, if I sold it, they would understand that the easement would stay with that piece of ground and whoever bought that house would have use of that lane forever. It takes a lot to maintain a lane and it would limit me in my farming operations so one way or the other it would have to be an easement. They prefer that we have the easement to them instead of the other way around. That way we maintain the lane. Do you have any questions?

C. Flatter: Just to refresh board members memories on this, out in the agricultural area when a property is split with a dwelling on it, it is required to have 40 foot of road frontage. That means that they own 40 feet clear out to the road and then it has to widen out to 100 feet for the building line. So the request tonight is to not have any road frontage and that is the variance. It has nothing to do with us granting any kind of easement it is the variance on road frontage.

M. Whitesel: I have one more comment, if you look on that piece you have....do you have the map that shows like this or the other one? Okay, out in the front of that farm, there is also a piece of ground on the north side of that lane that we do not own so if an easement was not granted then someone would have to build a new lane somewhere to get around that farm that is already out in front. It is kind of locked in. There is no way to get to that north side except off of that lane as far as the farming ground.

C. Addington: Does that belong to Miller?

BZA Minutes 7/20/09

M. Whitesel: That land there is not one of the Miller's. I am trying to think of who does ... I am not sure who that belongs to. It is not Miller. Its that little piece right in the front corner is all it is. It's not Miller, I don't believe. Do you have any other questions?

Chr. Davis: I don't see anybody else in the audience that would like to speak for or against.

M. Whitesel: I don't think my wife wants to talk.

Chr. Davis: Do any of the board members have any questions?

C. Starbuck: Cathy summed it up for me.

Chr. Davis: Okay. Without any further questions I will take a motion to take action.

L. Amspaugh: I make a motion as it has been presented to us.

C. Starbuck: Second.

Chr. Davis: All in favor say aye. "Ayes". Opposed (none). Let's have a motion for a roll call vote.

L. Amspaugh: So moved.

L. Deguise: Second.

Chr. Davis: All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Jamie go ahead.

A roll call vote was taken: Dale Clevenger, absent; Charles Addington, yes; Bill Davis, yes; Lee Deguise, yes; Larry Amspaugh, yes; Christy Starbuck, yes; James Trautman, yes.

C. Flatter: That means it has been approved.

M. Whitesel: Thank you very much.

C. Flatter: Your welcome.

Chr. Davis: Good luck.

L. Deguise: Will we be seeing you next month?

M. Whitesel: I doubt that. The gentleman that was here last month with the turbine contacted us and is keeping in contact.....

C. Flatter: Great.

M. Whitesel: We are going to get back with him. It's working out.

C. Flatter: I figured he would get back with you.

The meeting adjourned at 7:08 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS AUGUST 17, 2009 AT 7 PM
IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER
FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

Chairman, Bill Davis

Vice Chairman, Christy Starbuck

Recording Secretary, Jamie Stump