

**BZA MINUTES**

**AUGUST 21, 2006**

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

Members absent: Gary Moore.

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

Legal representation: Robert C. Oliver.

Others present: Kenneth (Butch) Rhonemus.

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

Chr. Blankley: I hope that all the members got the minutes of the meeting of July 17<sup>th</sup>. If so I will accept a motion to accept the minutes without reading.

B. Davis: So moved.

J. Trautman: Second.

Chr. Blankley: It has been moved and seconded that we accept the minutes as written for the July 17<sup>th</sup> meeting. All in favor say aye. "Ayes". Opposed (none). We have one item on the agenda tonight, BZA 2006-17-V for Kenneth Rhonemus.

K. Rhonemus: Rhonemus. That is not easy to say.

Chr. Blankley: Would you like to step forward up here please.

K. Rhonemus: Yes.

BZA 2006-17-V (Kenneth (Butch) Rhonemus) Winchester

Chr. Blankley: First of all, did you receive an Article V, Conduct of Hearing when you applied for your hearing?

K. Rhonemus: Yes.

Chr. Blankley: There is nobody here but you. Jamie have all the notices been sent out and received and was it published in a timely manner?

J. Stump: Yes.

Chr. Blankley: Tell us what you would like to do.

K. Rhonemus: Yes, I would like to put back the porch the way it was with a cover on the west side of the house. That is where the address states the house. That is where the entrance is to the house and I just had a cement pad there before and we completely tore it out and we are going to put a cement pad back but we are going to put a cover on it with shingles on it. It will be a covered entrance to the house. I don't want anyone standing out in the rain when they come to the house. It is an on going part of the renovation of my house.

Chr. Blankley: You need a variance of about what?

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C. Flatter: Nineteen feet. No, I mean the other way around, he is going to be nineteen feet from the right-of-way. Twenty-one foot, because the front of the house is currently 27 feet and the porch is going to be 6' x 11.6' so he is coming out 6' closer so it is a 21' variance.

Chr. Blankley: I understand. Any board members have any questions?

C. Addington: The drawing on the second page, is that to the center of the street?

C. Flatter: No, it is to the right-of-way.

C. Addington: It is to the right-of-way only?

C. Flatter: Yes.

C. Addington: It said something about the center of the street some place, I read.

C. Flatter: See he has an 82 ½ foot lot and so he has all the measurements on there so if you take that 82 ½ minus all these measurements.

C. Addington: That was the only question I had.

C. Flatter: That is just inside of the sidewalk.

Chr. Blankley: Any other questions from any other board members?

J. Trautman: This porch, it is not going to be closed in on all sides?

K. Rhonemus: No, it is just going to have a cover over it.

C. Flatter: Any roofed area is required to be 25' from the right-of-way, whether it is enclosed or just an open porch.

Chr. Blankley: If there are no other questions, I would entertain a motion to take action.

D. Clevenger: So moved.

C. Starbuck: Second.

Chr. Blankley: It has been moved and seconded to take action on BZA 2006-17-V. All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Now I need a motion to take a roll call vote.

B. Davis: So moved.

Chr. Blankley: Do I have a second?

D. Clevenger: Second.

Chr. Blankley: All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

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

C. Flatter: Your variance has been granted. You are ready to go.

K. Rhonemus: Thank you. I appreciate it.

C. Flatter: You just have to stop in and pick up the permits tomorrow. If you have time tomorrow.

K. Rhonemus: I can do that. I will do it after I get off work. Thank you very much. Have a good evening.

Chr. Blankley: Anything else to come before the board tonight?

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C. Flatter: I guess I will just add one thing, I was going to talk to Bob about this anyway, the Planning Commission submitted amendments to the legislative bodies to add the variance article to our Zoning Ordinance and everybody got them back or just didn't return them except for Union City. Union City didn't accept it. As of that day that I received that, if anybody from

Union City comes in and asks for a variance I am going to have to tell them that they can't file for any variances because the City didn't accept it. We have 90 days to respond back to them, the Planning Commission has to do this and I have to get together with Bob and we have to discuss it but we can either accept their motion to deny that and their ordinance would be just like ours except with no variance or we can send it back to them and say that we think they need to look at this again. They will have 45 days at that point to either accept it or deny it again. But as of right now, no variances for Union City.

Chr. Blankley: When did you send that?

C. Flatter: They got it back just right at the end of the 90 day period. They had 90 days. If we didn't hear back from them, it was they accepted it as we proposed it but they actually sent us an affidavit back stating different reasons why they didn't accept it.

Chr. Blankley: Didn't want it.

C. Flatter: Yes. So this is August, it was in May.

B. Oliver: Linda Stemmer had called, I think, right before or as the time was running out, but she was going on vacation for two weeks and Cathy and I had talked about trying to get together with her because they approved it twice, verbatim, basically isn't it?

C. Flatter: Yes.

B. Oliver: In a longer form, so .....

C. Flatter: I don't know what, she just went over it with a fine tooth comb and there was just a few things that I think maybe if she would sit down with us and explain them to her, that she would understand them a little bit better but she just told the council, she questioned a couple of articles in there so they denied it.

B. Oliver: Some of it is right out of the statute that says, this is what the standard is and they were objecting to what the statute says, not what the ordinance said because we had taken in the verbiage straight from the statutory language. I think it would be, if the APC doesn't accept it, which I don't think they will, then we will send it back and I think the next step would be to sit down and talk to Linda.

C. Flatter: See I had to go to the Winchester Council and sit and talk with them in one of their meetings because they had some questions and I was able to answer their questions and they had their three readings right there and they approved it but Union City didn't call and ask for me to attend their meeting and explain anything.

B. Oliver: Hopefully we can get it worked out or they are going to have a mess.

C. Flatter: Yes.

Chr. Blankley: The reason I asked, one of the council members resigned.

C. Flatter: Oh, Seidel.

Chr. Blankley: Yes and Pete Olson resigned.

B. Oliver: Who?

Chr. Blankley: The City Manager.

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C. Flatter: Now Monte Poling is doing Police Chief and .....

B. Oliver: I saw where he was acting City Manager. I wondered if he was still Chief of Police.

Chr. Blankley: I just wondered if that might have had something to do with it. Maybe not.

C. Flatter: I don't know. I don't think so. Bryan Conklin sits on the APC....

B. Oliver: It was unanimous. He didn't object to the amendment. If I remember, looking at the back page and all the signatures were "nay".

C. Flatter: So I don't know why he didn't explain it. But that is all I have.

The meeting adjourned at 7:12 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS SEPTEMBER 19, 2006 AT 7:00 PM  
IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR  
FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

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Mike Blankley, Chairman

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Dale Clevenger, Vice Chairman

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Jamie Stump, Recording Secretary