

Zoning Board of Appeals  
 Wednesday, October 3, 2012  
 6:00 PM Town Hall

Edinburgh Zoning Board of Appeals met on Wednesday, October 3, 2012, 6:00 p.m., Edinburgh Town Hall.

Members Present: Keith Sells  
 Richard Pile  
 Lloyd Flory  
 Ron Hamm  
 Rhonda Barrett, Secretary

Others Present: Wade Watson, Building Commissioner  
 Dustin Huddleston, Town Attorney

Ron Hamm opened the meeting at 6:00 p.m. and turned it over to Dustin Huddleston to explain tonight's meeting to those in attendance.

Dustin Huddleston explained that with the rules and procedures of the Zoning Board of Appeals, any member of the Zoning Board who lives within the affected area of the variance request is not allowed to participate in the meeting. Since Keith Sells is the Chairman and lives in the area he is unable to participate in tonight's meeting. Becky Wilhelm is the Vice Chair for the Zoning Board but is unable to attend tonight's meeting. With both the Chairman and the Vice Chair not being there brings the total members down to three and any kind of valid vote would require the vote to be 3 to 0 or 0 to 3. Anything in between would need to go to the next meeting since it would not be a majority vote. As there is a quorum to meet, the board can continue to hear the petition, or the petitioner can ask for a continuance if the board agrees to allow a continuance. Since there is no acting Chairman in attendance the remaining members need to elect a chairman just for this meeting. Dustin then asked if the members would like to make a motion to elect an acting chairman for tonight. Richard Pile made a motion to elect Ron Hamm as acting chairman, Lloyd Flory seconded. All votes were in favor Ron Hamm is acting chairman. Dustin then explained to the board that they now need to decide if they want to continue the variance petition for tonight, or proceed with the petition or if the petitioner would like to proceed or continue with the case tonight.

Charles Cooper, petitioner, stated that it was a shame that so many people came out and were inconvenienced, and that it is convenient for the board to not have enough people there to vote, and then proceed to withdraw his petition.

Dustin Huddleston asked Mr. Cooper to clarify that he is withdrawing the petition and not continuing it. Mr. Cooper stated yes that he was withdrawing the petition and that he was done.

Brian & Tamara Foster stated that they owned the land and that they have a lot of questions.

Dustin asked the board if there was any other business since the petition had been withdrawn.

Ron Hamm then did the roll call, Richard Pile, here, Lloyd Flory here, Keith Sells here, Becky Wilhelm not here, Ron Hamm, here.

Ron Hamm presented the September 2, 2012 meeting minutes for approval, and asked for a motion to approve the minutes. Richard Pile made motion to approve minutes. Lloyd Flory seconded. Ron Hamm asked for all in favor to say aye. All ayes. Motion approved.

Dustin informed the board that the board was not required to but that they could entertain questions from the property owners. Since the petition was withdrawn there is really nothing else to discuss, but if they would like to hear the questions that they could.

Ron Hamm then stated that they would listen to questions from the audience concerning the petition that had been on tonight's agenda.

Brian Foster stated that he owns the property that was being petitioned and that he had been told several different things and wanted to know if there was anything in writing that stated what could or could not be built on the property.

Tamara Foster stated that she would like to have in writing what can be built from the smallest to the largest..

Wade Watson informed the Fosters that if they would stop by his office that he could provide them with all of the information that they are requesting.

Dustin stated that the answer to their questions is the Edinburgh Zoning Ordinance which is published online and is available to anybody and their best option is to talk with Wade as he is the building commissioner and could give them all the information that they need.

Brian Foster then asked why he was required to get approval from Edinburgh but that his permit comes from Bartholomew County.

Wade Watson stated that the property is outside Edinburgh's municipal boundaries but within the two-mile buffer zone. Any zoning issues have to come through Edinburgh first. Permits for the property are through Bartholomew County, but the construction needs to be in compliance with Edinburgh's regulations set through our zoning ordinances. If the requested construction is in compliance with the regulations, then a letter of compliance is sent to Bartholomew County, if it is not in compliance then it has to come before the Zoning Board of Appeals for a variance from the zoning ordinance. After the zoning board rules on the variance then a notification is sent to Bartholomew County.

After some further discussion, Carl Kane, adjoining neighbor, stated that the objection from the surrounding property owners comes from the building of a manufactured home, as there was very little information given to them. That in the already established neighborhood, a manufactured home would not look like it blends in.

Rita Ellis asked about how only the property within 500 feet were notified, that she thought the entire neighborhood should have been notified about the petition. She had found out about it by word of mouth.

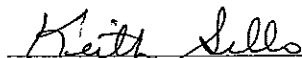
Barb Boucher felt that allowing a manufactured home in Talberton addition would set a precedence. For example if a home burns, can they bring in a manufactured home or would they be required to rebuild a similar home.

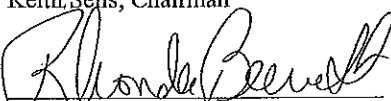
Wade Watson stated that the zoning rules that we have do not allow manufactured homes in that area. Anytime somebody wants to put in a manufactured home they need to petition the Zoning Board.

Ralph Childers asked what needed to be done to prevent this from ever happening, if there needs to be covenants for the neighborhood.

Dustin stated that covenants and restrictions have nothing to do with the zoning board that the homeowners would need to have a homeowners association.

After some further discussion, Ron Hamm asked for a motion to adjourn the meeting. Richard Pile made a motion to adjourn the meeting, Lloyd Flory seconded. Ron then asked for all in favor to say aye. All ayes. Meeting adjourned.

  
Keith Sells, Chairman

  
Rhonda Barrett, Secretary