

Zoning Board of Appeals
 Wednesday, May 4, 2011
 6:00 PM Town Hall

Edinburgh Zoning Board of Appeals met in special session on Wednesday, May 4, 2011, 6:00 p.m., Edinburgh Town Hall.

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

Members Absent: Arvis Sneed

Others Present: Brad Teter, Building Commissioner
 Dustin Huddleston, Town Attorney

Keith Sells opened meeting at 6:00 p.m. with roll call, Keith Sells, here, Arvis Sneed, not here, Ron Hamm, here, Richard Pile, here, Lloyd Flory, not here, Rhonda Barrett, here.

Keith Sells presented the April 6, 2011 meeting minutes for approval, he asked for any corrections or additions to the minutes. There being no corrections or additions, he asked for a motion to approve the minutes. Ron Hamm made motion to approve minutes. Richard Pile seconded. Keith asked for showing of right hand for all in favor. All right hands were raised. Motion approved.

Keith Sells presented the first item on the agenda, which is Michael Fisher, 500/502 W Center Cross Street, Edinburgh, Indiana, 6 month review of variance granted on November 3, 2010. Keith asked Brad Teter, Building Commissioner if he had anything for the board concerning the property.

Brad Teter stated that letters were sent out to all surrounding property owners notifying them of tonight's meeting. Brad then presented a recap on what had been previously approved was an automobile transmission business on the property with stipulations requested that included no more than two vehicles at any one time could be parked in the back portion of the subject property, and that a 6 month review would be done of the property. Brad stated that from observation from then until now he had never witnessed more than two vehicles. He took pictures today to show what the property looked like and there were only two vehicles and one of those vehicles was Mr. Fisher's personal vehicle. He then distributed pictures to the board members. He stated that there were no visible problems. He suggested to visit the property periodically, whatever time frame the board would like to establish.

Keith asked if there were anyone in the audience that would like to speak to the board about the property. There being no one in attendance wanting to speak, he then asked the board if anyone had any questions or comments.

Ron Hamm stated that he had been by several times and seldom saw any vehicles at the business and could see no problems.

Richard Pile asked the property owner, Tom Crow, if he was satisfied with the property, to which Mr. Crow replied that it was a strict lease. Richard Pile then stated that if Mr. Crow was satisfied, then he had no issues with the property.

Keith Sells asked a gentleman who had come in late to the meeting if he had any questions or input on the property before the board made any decisions. The gentleman had no input.

Dustin Huddleston counseled Keith that the options concerning the property were to continue to approve the variance that had been granted back in November, the variance could be revoked, per the building inspectors request the board could set another time, but unless the variance is

revoked the variance still stands and the variance is still allowed to operate under the variance with those conditions.

Lloyd Flory came into the meeting at 6:05 p.m., and Keith brought him up to date on what had been discussed so far. Keith informed Lloyd that Brad had visited the business that the variance had been granted for in November, 2010, and it meets all recommendations and requirements, and that Brad had also recommended that the board revisit this again in another six months or at the end of the year. He asked Lloyd if he had any questions or comments. Lloyd had no questions or comments at this time.

Tom Crow, property owner asked if there was any way to up the amount of cars allowed in back, to maybe four as there is plenty of room in the back. The area is fenced in and there are trees in the back.

Dustin informed Keith that Mr. Crow needs to identify himself. Keith then asked Mr. Crow to identify himself and state where he lives, Dustin asked Mr. Crow if he wanted to be sworn in to speak on the request.

Dustin then swore in Tom Crow.

Tom Crow stated his name and that he is the property owner. Tom stated that he is requesting for additional cars as a favor for Mr. Fischer, as he sometimes needs more than two cars in the back.

Dustin asked if the request is to have four cars instead of two cars total in the back. Mr. Crow stated yes that he also needs space to park his own personal vehicles in the back.

Keith Sells asked the board if they had any comments or recommendations.

Dustin asked Brad if he was sure that all adjoining landowners had been notified, as the secretary stated otherwise. Per the request in November, the only person to be notified was the property owner and the business owner. No one else surrounding the property had been notified.

Keith recommended that the limit of two vehicles be left and maybe revisit this in three months after notifying the surrounding property owners. Dustin stated that the property owner would be responsible for notifying the surrounding property owners, per Indiana law.

After some further discussion, Tom Crow dropped the request to modify the variance, he was not aware that he would be required to notify the surrounding property owners again.

Keith Sells asked if someone would like to make a motion to continue the variance and revisit the property in a certain amount of time.

Ron Hamm asked if rather than everyone come back in six months or so, could the board have Brad check on the property and report back to them if there is a problem.

Richard Pile made a motion to accept the way it was agreed and to revisit like it was before without the owners coming back before the board to accept a report from Brad.

Dustin swore in Brian Gabbard. Brian asked about doing notification of surrounding property owners to save the Town the cost, Dustin informed him that per our zoning board regulations, it is at the expense of the petitioner to notify the surrounding property owners.

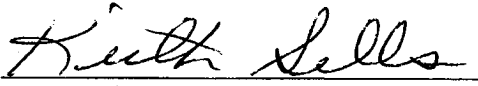
After some further discussion, Keith asked Richard if he would like to make his motion again.

Richard Pile made a motion to accept that the business is in compliance with the variance and to have Brad come back in six months with a report on the property.

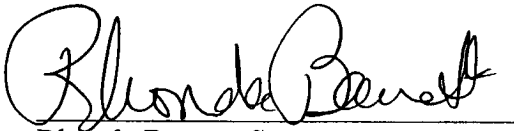
Ron Hamm seconded.

Keith Sells stated that there is a motion that has been properly seconded, to continue the variance and Brad will report back to the board in six months. Keith asked for all in favor to raise their right hand. All right hands were raised. Motion carried.

There being no further business, Keith asked for a motion to adjourn. Richard Pile made a motion to adjourn the meeting. Keith Sells seconded. All right hands were raised. Meeting adjourned.



Keith Sells, Chairman



Rhonda Barrett, Secretary