

Zoning Board of Appeals
 Wednesday, December 7, 2011
 6:00 PM Town Hall

Edinburgh Zoning Board of Appeals met on Wednesday, December 7, 2011, 6:00 p.m.,
 Edinburgh Town Hall.

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

Others Present: Wade Watson, Building Commissioner
 Dustin Huddleston, Town Attorney
 John Drybread, Director of Utilities

Keith Sells opened the meeting at 6:00 p.m. with roll call, Keith Sells, here, Becky Wilhelm, here, Ron Hamm, here, Richard Pile, here, Lloyd Flory here, Rhonda Barrett, here.

Keith Sells presented the November 2, 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. Becky Wilhelm seconded. Keith asked for a showing of right hand for all in favor. All right hands were raised. Motion approved.

Keith Sells then presented the next item on the agenda, for the Revised Application Packet and 2012 meeting dates.

Dustin Huddleston, Town attorney, advised the board that he does this every year to give people notification of when the board meets and if there are no agenda items then the board will not meet. The application packet is the same as last years with the only change being to the meeting dates for 2012 and includes some dates for 2013.

Keith Sells then asked the board if anyone had any questions for the proposed meeting schedule. There being no questions Keith asked for a motion to accept the 2012 meeting dates. Ron Hamm made a motion to approve the 2012 meeting dates. Lloyd Flory seconded. Keith asked for a showing of right hand for all in favor. All right hands were raised. Motion approved.

Keith Sells then presented the next item on the agenda for Herschel & Shirleen Shaw, 901 S. Walnut Street, Edinburgh, Indiana for a developmental standards variance to place a used mobile home instead of a new unit as required by ordinance. Keith then asked Dustin to present the information he had to the board.

Dustin Huddleston informed the board that he was summarizing what the petition is rather than the building commissioner, due to the fact that as was discussed at the last meeting, the previous building commissioner had transferred to another position. Since that time this petition was filed while there was not a building commissioner on staff, so no building commissioner has reviewed this petition or given an opinion on the petition. Dustin then explained to the board that certain requirements have not been checked, including no site plan review, or flood plain determination by a building commissioner. He then stated that the town now has a building commissioner who started to work on Monday, December 5, 2011, and this has not given the new building commissioner enough time to review the information and give a staff report to the board. The building commissioner will be able to give opinions and staff reports at future meetings. Dustin just wanted to point out to the board that there are several issues that are open ended on this petition, due to the fact of not having a building commissioner to review the petition. The petition is asking for a variance from the town ordinance that requires manufactured homes to be new that are replacing older ones, requiring the manufactured home to be brand new, not a used one. The petitioners are requesting to put in a manufactured home that is not new. The petitioners have properly notified everybody, provided a sketch of where they would put the unit,

and all notices and affidavits are in compliance. The petition is in compliance and is ready to be heard, the only thing not in the packet is a recorded legal description and deed of the property.

Richard Pile asked if the petitioner owned the property.

Dustin Huddleston stated that they had signed an affidavit saying they owned the property, but part of the application says they are required to supply a recorded deed and legal description, which they did not supply.

Keith Sells asked about the opinions, the flood plain, and other issues, if these need to be cleared up before hearing the petition.

Dustin Huddleston stated that this was the board's decision as this information could affect this and the building commissioner needs to determine that where the unit is placed complies with the building ordinance.

Keith Sells then asked the board if this was something that needed to be cleared up before making a decision.

Lloyd Flory said he thought it was as it could have a lot of bearing on the petition.

Keith Sells then asked for the opinion of the board if this was something that should be tabled until those items have been discussed.

Dustin Huddleston stated that the board could hear the petition now, or they could move it to the next date to allow the new commissioner time to give a full review.

Richard Pile asked how long it would take to give a full review.

Wade Watson, Building Commissioner, stated that he could probably have it reviewed in the next four days.

Dustin Huddleston stated that the next meeting was scheduled for January 4, 2012, which is approximately 30 days.

Richard Pile asked if this would inconvenience the petitioner.

Shirleen Shaw, petitioner, stated that it kind of would inconvenience them but they would do whatever, and informed the board that she had pictures of the unit if they wanted to see them, and gave them some information on the previous owners of the unit and the condition of the unit.

Richard Pile stated that he felt like the other members that if they agreed to it there could be something wrong.

Becky Wilhelm asked if the question the board was discussing and trying to determine is if the unit is going to be placed in a flood zone.

Dustin Huddleston stated that there were other things besides the flood zone determination, that there is the whole zoning book that needs to be complied with.

Richard Pile asked that even though it is the town's fault that it was not ready for the petitioners that the petitioners had done everything they needed to do.

Dustin Huddleston stated that the petitioners knew that when they filed there was not a building commissioner on staff.

Shirleen Shaw asked if they would be required to send out more letters.

Dustin Huddleston stated that they would not need to notify the surrounding property owners for a continuance as they had been properly notified for tonight's meeting, which gave them opportunity for any objections. Dustin then stated that there was one objection that was submitted in writing.

Keith Sells then asked the board what they wanted to do. If they wanted to postpone until the January meeting, until proper documentation is submitted.

Lloyd Flory made a motion to continue the hearing until the January 4, 2012 meeting pending a staff report.

Ron Hamm asked about the pie shape of the lot and the fact that the current trailer on it is a single wide and the proposed unit is a double wide as to whether or not the lot is big enough for the proposed unit.

Dustin Huddleston stated that this is part of the opinion that is needed from the building commissioner.

John Drybread stated that he and Wade had been to the lot and were pretty confident that it would fit on the property.

After some further discussion, Keith reminded the board that Lloyd had made a motion to continue until the January 4 meeting and the board has the report from Wade, and if somebody wanted to second the motion.

Keith Sells then seconded the motion.

Shirleen Shaw asked the board if they would like to see the pictures of the unit.

Keith Sells stated that the board had been provided with some pictures and for her to keep the pictures until the next meeting.

Keith Sells stated that there was a motion and a second to continue the meeting until January 4th and asked for a vote with the showing of right hands. All right hands were raised. Motion carried.

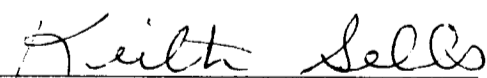
Keith Sells asked if there was anything else that needed to come before the board tonight.

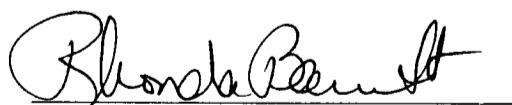
Dustin Huddleston stated that the objection received would be included at the next meeting and would be read aloud.

Richard Pile asked if there was anything else the petitioners needed to do before the next meeting.

Dustin Huddleston reminded the petitioners that they would need to submit a recorded deed to the building commissioner before the next hearing.

There being no further business, Keith Sells asked for a motion to adjourn. Ron Hamm made a motion to adjourn the meeting. Lloyd Flory seconded. Keith asked for a showing of right hands to approve. All right hands were raised. Meeting adjourned


Keith Sells, Chairman


Rhonda Barrett, Secretary