

**MARTINSVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
April 26, 2005**

Chairman Dee Terrell called the regular meeting of the Martinsville Board of Zoning Appeals to order at 6:00 PM on Tuesday, April 26, 2005, in the Council Chambers of City Hall, Martinsville, IN.

ATTENDANCE

Those members present were:

Robert C. Beesley, M.D., Vice-Chairman
Rod Bray, Attorney
Mike Kirsch
Keith Sighting
Marilyn Siderewicz, Secretary
Dee Terrell, Chairman

APPROVAL OF MINUTES: The minutes of the March 22, 2005, meeting were approved upon a motion by Robert Beesley, M.D., and a second by Keith Sighting. Motion passed unanimously.

Z-05-02-01. Verizon Wireless by Murray Clark, One Indiana Square, Ste. 2200, Indianapolis, IN 46204.
Requested a Special Exception for the purpose of erecting a wireless communication facility of a monopole design on Lot #2 at the Industrial Park.
TABLED at the March 22, 2005, meeting by applicant's request.

City Superintendent Roger Laymon had received a letter dated 4/22//05 from Murray Clark on behalf of Verizon Wireless asking for a continuance of its request for a variance at the June 28, 2005, meeting of the Martinsville Board of Zoning Appeals.

Mike Kirsch questioned if there was a limit on how many times a case can be continued.

Attorney Rod Bray said there is no limit to how many times a case can be continued. He further stated that there were good reasons for this particular continuance.

MOTION:

Marilyn Siderewicz moved to grant the request for continuance as requested by Verizon Wireless to be heard at the June 28, 2005, meeting. Robert Beesley seconded the motion and it passed unanimously.

Z-05-04-01. John Michael Miles, 225 Hillview Drive, Martinsville, IN.
Requested a special exception for the old Dairy Queen building (601 Morton Avenue) to allow for retail auto sales.

Attorney Phil Smith had notified Chairman Dee Terrell and said that his client had asked for the request to be withdrawn.

Z-05-04-02. Hermann Nann, 1025 Legendary Court, Martinsville, IN.
Requested a variance from the development standards to build a new home across the center property line of lots 54 and 55 (2265 Legendary Drive) in the Legendary Hills Subdivision, Section two.

Attorney Rod Bray reported the necessary notification and verification papers were in order.

Ross Drapalik made the presentation to the Board. Mr. Drapalik said that his client was asking for a variance of side setbacks on Lots 54 and 55, which would allow him to build his home across the center lot line and have more space. Mr. Drapalik also told the Board that one of the lots is sharply inclined and would cause practical construction difficulties unless the house is placed more to the center.

REMONSTRATORS: None.

MOTION:

Robert Beesley moved to grant the request for variance from the development standards to build a new home across the center property line of Lots 54 and 55 in the Legendary Hills Subdivision, Section two. Mike Kirsch seconded the motion and it passed unanimously.

The request for variance of development standards met the following requirements:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community due to the following reason:
No it would not cause harm to the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; for the reason that:
This would be consistent with several other homes in the area.
3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:
Mr. Nann wants more space for his home. The topography plan shows Lot 55 to be extremely steep and it would be costly to build on this lot.

OTHER BUSINESS:

Mr. Ross Drapalik presented a letter to the Board of Zoning Appeals questioning the language in the city-zoning ordinance regarding "lot line" in a platted subdivision. (See attachment.) Mr. Drapalik said it was causing expense and unnecessary time for lot owners who wanted to build a home or accessory building across their own property lines. He stated that one of his clients had spent \$600 to get a two-minute decision by the BZA to allow him to build his home across the lot line.

City Engineer Ross Holloway admitted the language could have been clearer but the process allowed neighbors with certain expectations of their subdivision to remonstrate.

Attorney Rod Bray said there were cases where a small portion of more than one property was sold, and the symmetry of the neighborhood became compromised. He said the process gives the BZA members a chance to say yes or no on the matter.

The Board said they did not want a change to be made regarding this issue.

Mr. Drapalik asked that his letter be made an attachment to the minutes of the meeting.

ADJOURNMENT:

There being no further business, the meeting adjourned.

The next scheduled meeting of the Martinsville Board of Zoning Appeals will be Tuesday, May 24, 2005, at 6:00 PM.

Dee Terrell, Chairman

Marilyn Siderewicz, Secretary

Robert C. Beesley, MD, Vice-Chairman

Rod Bray, Attorney

Mike Kirsch

Keith Sighting