

## **Owen County Board of Zoning Appeals Minutes**

June 19<sup>th</sup>, 2008

Owen County Courthouse Commissioner's Rm.

### Member's Attended

Michael Branham

Benton Pittman

Patty Steward

### Member's not Present

Reese Nichols

Vern Souders

### Public

Paul McElwain

Jeanie McElwain

Ralph Schwarz

Beth Schwarz

Patricia Eastes

Taylor Eastes

Angela Eastes

John Steiner

Sharon Steiner

### **Open Meeting**

Patty Steward: Opens meeting with pledge to the Flag.

### **Approval of Minutes**

Benton Pittman: Motions to approve Minutes as written.

Michael Branham: Seconds the motion.

Motion passes: 3-0

### **Old Business**

There was no old Business

## New Business

Patricia Eastes

Patricia Eastes came before the Board to ask for a variance for a second home on her property. The second home would be for her Daughter and her children. The Second home entrance would be coming off of West Dam Road. Mrs. Eastes and her husband own approximately 8.5 acres with one thousand foot of lake frontage on a private lake.

Patty Steward: Opens the floor to the Board member's for questions.

Benton Pittman: We were questioning, there is a lot of little square's here that appear to be one acre lots, can you help us with that?

Patricia Eastes: Sure, she explains to the Board who owns the property and the size of each piece of land. The land ranges from 1 acre to 5 five acres.

Mike Branham: There south of you is a lake, it looks like it is split up too.

Patricia Eastes: Yes it is, We did send out letters to all of them, one was returned from a bank.

Mike Branham: Then all the other lots must have owners to that lake?

Patricia Eastes: Yes they do. We all belong to a lake management fund where we all up keep that lake.

Mike Branham: You belong to a lake management fund?

Patricia Eastes: Well we have our own lake management fund.

Mike Branham: Who controls that?

Patricia Eastes: They have me do the finance, but right now we are trying to get the emergency assistance because our dam was destroyed by the water.

Patty Steward: Are you putting on a separate septic system?

Patricia Eastes: Yes, about five years ago my Husband and I were going to put a double wide right on the lake at the back end. We checked into that and talk to a guy about buying it we called Staley, I think I cant remember, and they came out and did a soil sample and told us what we needed to do about the septic system we already had the ground checked. It ended up were they wanted to put the septic system is where we are wanting to put the trailer. So we already know that the soil is okay.

Mike Branham: You have enough land to do what you want to do. I guess the odd question is why not just deed off one acre to your Daughter then you do not have to do this.

Patricia Eastes: It is right in the middle of our property, how would I do that?

Mike Branham: You would have to have a survey.

Patricia Eastes: Would she still have to have to go through the septic system and power line?

Mike Branham: Right.

Patricia Eastes: Then what is the difference?

Mike Branham: The difference is you would not be coming before us.

Patricia Eastes: But I have already done that, would I have to do that again?

Mike Branham: If you deed her off one acre? No

Patricia Eastes: We are doing this today, will I need to do this again?

Mike Branham: No that is just another option.

Patty Steward: Motions to approve a conditional variance place the trailer on the 8.5 acres. Conditional being that as long as the parents are living, then after that the trailer will be moved. And with the following stipulations.

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of 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
- 3) The need for the variance arises from some condition peculiar to the property involved.
- 4) The strict application of the Zoning Ordinance will constitute unnecessary hardship if applied to the property involved.
- 5) The approval does not interfere substantially with the Comprehensive Plan.

Mike Branham: Seconds the motion

Passes: 3-0

(Issue begins at 025 on meeting tape)

### **Paul and Jeanie McElwain**

Paul and Jeanie McElwain came before the Board to ask to put a second home on their property to live in while they remodel their home.

Mike Branham: Is that only a temporary thing, the trailer?

Jeanie McElwain: Well our intention was originally temporary, then we were thinking permanent we didn't know all of this stuff we are learning tonight. It is going to be a lot of work not just drywall but the wiring and plumbing. This house was built in the early 70's. We are going to have to gut the house and are doing it ourselves. We have already built a house and it takes years to do. Then we thought about my Dad, who is elderly and when we move out he could come over and live with us there on the property.

Patty Steward: How many acres do you have?

Jeanie McElwain: It is forty point six four (40.64)

Mike Branham: almost forty one. If they're wanting to just live in that trailer temporarily while you rebuild that house they would not have to be here period. Now they are changing their mind and want to make it permanent.

Jeanie McElwain: That is what we decided after we talked with Ralph (Schwarz) and permanent seems much safer. And the cost of doing that is a lot of money.

Mike Branham: Is that a definite that your Father will move in there?

Jeanie McElwain: That depends on his health. So I can not say it is definite but is our intention. I can't lie to you because I don't know.

Mike Branham: How close will the trailer be to the home?

Ralph Schwarz: I would say about 150 feet up the hill.

Patty Steward: Opens the floor to the public for questions on this issue.

John Steiner: We were concerned that this mobile home was going to be permanent because we have enough trailers out there already and some of them are really ramshacked. If this is going to be on the upper side we would not have a problem with it.

The Board shows Mr. Steiner a map of the proposed area where the home is going. Mr. Steiner was okay with that area.

Patty Steward: What you are asking for now is actually putting a permanent trailer on the forty acres.

Jeanie McElwain: Yes

The Board informs the McElwain's that she could survey off an acre of land and deed it to her Father and that way it could be permanent, and that the variance would only be good for the purpose of her Father.

Benton Pittman: Motions to grant a temporary variance for the trailer to be there and to be lived in as long as the septic system is properly installed. And with the following stipulations

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of 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
- 3) The need for the variance arises from some condition peculiar to the property involved.
- 4) The strict application of the Zoning Ordinance will constitute unnecessary hardship if applied to the property involved.
- 5) The approval does not interfere substantially with the Comprehensive Plan.

Mike Branham: Seconds the motion.

Passes: 3-0

### **Adjourning**

Benton Pitman: Motions to adjourn

Patty Steward: seconds the motion

Passes: 3-0

Next meeting is scheduled for July 17, 2008

These minutes are approved on \_\_\_\_\_,20\_\_\_\_

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Michael Branham,

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Reese Nichols,

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Benton Pittman,

\_\_\_\_\_,  
Vern Souders

\_\_\_\_\_,  
Patty Steward