

ROLL CALL

Rose Ann Barrick  
Jerry Petzel, President  
Harry Baumgartner, Jr.  
James Schwarzkopf  
Keith Masterson

Michael Lautzenheiser, Jr., Secretary

Vice-President, Rose Ann Barrick called the October 23, 2012 meeting for the Board of Zoning Appeals to order at 7:05 p.m. Three members answered roll call. Harry Baumgartner, Jr. and Jerry Petzel were absent.

James Schwarzkopf made a motion to approve the minutes from the September 25, 2012 meeting. Keith Masterson seconded the motion and the minutes were approved by a 3-0 vote.

**OLD ITEMS:**

**B12-09-26 JACKSON TWP., SW/4 35-25N-10E Paul J & Margaret E Fritts are requesting a variance to reduce the side yard setback to 10' for a 32' X 64' garage. The property is located at 11801 S. St. Rd. 3, Montpelier, IN 47359. The property is zoned A-1.**

Michael Lautzenheiser, Jr. updated the board on what the Fritts are doing. Mr. Fritts called the office and stated that they are working on purchasing an acre of ground north of their property. This would allow the building to be constructed further from the septic system without the need for a variance. Mr. Lautzenheiser requested that the board continue the petition just in case the Fritts' still needed it.

Conditions:

Motion to Continue: James Schwarzkopf

Second: Keith Masterson

Vote: 3-0

**NEW ITEMS:**

**B12-10-31 HARRISON TWP., SW/4 31-26N-11E Poneto United Methodist Church is requesting a variance to increase sign face from 16 sqft. to 40 sqft and reduce the front yard setback from 30ft to 10ft. The property is located at 36 E. Walnut St., Poneto, IN 46781. The property is zoned R-2.**

Roy Nevil, pastor at the church, explained the first request for a variance. He advised that the church board members changed their mind on the location and size of the new sign. They would like the double sided sign to be visible from Meridian Road and have it located near the middle of the lot closest to Meridian Road. Mr. Nevil stated that the new sign would be similar in size to other local church signs in the area.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 3-0

**B12-10-32 JACKSON TWP., SW/4 10-25N-10E Jake D Lewis is requesting a variance to reduce the setback of the bottom of the bank of the pond to the property line from 20ft to 16ft. The property is located at 7717 S 900 W, Warren, IN 46792. The property is zoned A-1.**

Joel Hoehn, Stoodly & Associates, explained that the Parmeter's are purchasing the total property from Jake Lewis. However, the bank is only willing to give them a mortgage on the house and 15 acres. When doing the survey for the 15 acres, the bottom of the bank of the pond is only 16ft from the property line rather than 20ft. The pond is further from the property line as it goes north. The Parmeter's are going to have title to both pieces separately.

Michael Lautzenheiser, Jr stated that the parties are working on recording a maintenance and ingress/egress agreement. He advised that this is the only feasible way to break these two pieces up due to the location of the pond and the driveway.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 3-0

**Discussion:**

**Violation: V2012-003 – John E. Hofstetter**

Mr. Lautzenheiser explained the APC violation and what had occurred at the previous APC meeting. He stated that the box truck trailer has not completed its change into a shed, which is what was requested of Mr. Hofstetter when he filed a variance to correct his violation. The board had initially given him 60 days to finish this project. Mr. Lautzenheiser stated that the APC had given Mr. Hofstetter until the end of the year to complete the clean-up and moving the fence to correct the violation with APC. Mr. Lautzenheiser explained that there were letters sent to Mr. Hofstetter and calls made, but no response was received. It was explained that the consequences for not correcting the violation could be a maximum fine of \$2,500.00 per offence. There is also the ability to file a mandatory injunction to stop the violation, which would entail removing the trailer from the property. This would all be based off of the judge's decision.

Conditions: Send letter to John E. Hofstetter stating the consequences if the violation is not corrected by the date of the next BZA meeting. (November 27, 2012)

Motion: Keith Masterson

Second: James Schwarzkopf

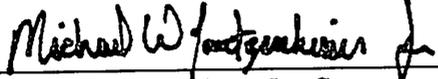
Vote: 3-0

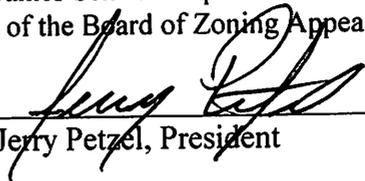
Mr. Lautzenheiser explained to the board that for the AWS petition all of the findings have been corrected and that they are working towards a resolution to the appeal process. The office has not heard from the people that attended the meeting whether or not they are planning on appealing the board's decision. He also advised the board that the APC will have a meeting on November 8, 2012 to hear Apex's modification of their original development plan. He explained that it is a similar project, but with different turbine locations. He stated that the meeting will be held at the 4-H park. He also explained that as far as he knew the appeal of the decision for the initial plan was still in place.

**ADVISORY:**

Keith Masterson made a motion to adjourn the meeting. James Schwarzkopf seconded the motion and the motion passed with a vote of 3-0. The October 23, 2012, meeting of the Board of Zoning Appeals adjourned at 7:29pm.

ATTEST:

  
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Michael Lautzenheiser, Jr., Secretary

  
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Jerry Petzel, President