

ROLL CALL

Rose Ann Barrick  
Harry Baumgartner Jr.  
Keith Masterson  
Jerry Petzel, President - Absent  
Jim Schwarzkopf

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, June 24, 2014 was called to order by Board Vice-President, Rose Ann Barrick at 7:02 p.m. Roll call was answered by four members. Jerry Petzel was absent.

**APPROVAL OF MINUTES:**

James Schwarzkopf offered a motion to approve the minutes from the May 27, 2014 meeting and Keith Masterson seconded the motion, minutes were approved 4-0.

**OLD ITEM:**

**NEW ITEM:**

**B14-06-08 JEFFERSON TWP., SW/4 15-28N-12E Northern Wells Community Schools Corp. requests a variance to reduce the front yard setback to 5ft and increase the sign face to 50sqft. The property is located at 213 S. Jefferson St., Ossian, IN 46777. Property is zoned R-1.**

Scott Mills, Northern Wells Superintendent, stated that the school corporation would like to establish LED signs in front of each of the schools, in order for the schools to better broadcast messages to the public. He explained that they would like to put the new sign close to where the existing sign is, which would then be removed. The new LED sign will be able to be dimmed. It works with the amount of daylight at the time and adjusts itself accordingly. He stated that the LED sign would be shut down between 10pm and 6am. The base of the sign would be 10ft high with the 3ft LED message center and then the 2ft school name on top of that.

Michael Lautzenheiser, Jr. explained that the existing sign is closer than what the setback would allow.

Mr. Mills advised the board that the new sign would be 15ft north of the existing sign and roughly the same distance from the road.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 4-0

**B14-06-09 LANCASTER TWP., SW/4 15-27N-12E Northern Wells Community Schools Corp. requests a variance to reduce the front yard setback to 5ft and increase the sign face to 75.5sqft. The property is located at 275 E. Jackson St., Bluffton, IN 46714. Property is zoned R-1.**

Mr. Mills stated that this sign will be a little larger than the Ossian sign and will be on the east side of State Road 1 at the intersection of Jackson on the north side. It will be back off of State Road 1 enough for any future expansion of that road. The sign will have 5ft LED message center with a 2ft school sign

on top. He explained that the existing sign for the school is a monument sign that is up by the structure that will be kept.

Mr. Lautzenheiser advised the board that the new sign will be on a different property than the monument sign, but that the school owns both parcels.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 4-0

**B14-06-10 LANCASTER TWP., NW/4 05-27N-12E Northern Wells Community Schools Corp. requests a variance to reduce the front yard setback to 5ft and to allow a third sign on the property. The property is located at 1100 E. US 224, Ossian, IN 46777. Property is zoned A-1.**

Mr. Mills explained that this sign would just be a LED message center with no school identification on the sign due to the two monument signs, one for the high school and one for the middle school. He advised the board on the location of the two existing signs. He stated that the message center will be closer to the intersection of 100 E and US 224. The sign will be the same distance off of the road as the existing monument signs. He advised the board that they would consolidate signs before returning to the board to ask for another sign.

Mr. Lautzenheiser advised the board on what actions that have previously been taken with petitioners requesting more than one sign, which is to have a written commitment stating that temporary signs will be removed and not allowed on the property

Conditions: Written Commitment for no temporary signs and any additional signage would have to go on one of the three existing signs.

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 4-0

**B14-06-11 UNION TWP., SE/4 01-28N-11E Brandon Weiss requests a variance to reduce a pond front yard setback from 50ft to 13ft. The property is located at 11470 N. Meridian Rd., Ossian, IN 46777. Property is zoned A-1.**

Brandon Weiss stated that the pond has been constructed and that he had previously been granted a variance for it with the condition that a retaining wall be constructed. He explained that the retaining wall was not done in time and the variance was voided.

Mr. Lautzenheiser advised the board that the original variance was heard in September 2010. He stated that a variance needs to be completed within 2 years. He explained that the retaining wall was to be 3ft off of the ground and that just hasn't been completed.

Mr. Weiss explained that the wall should be going around the side and he initially didn't have that done. He stated that there is a dry fire hydrant installed and that the one side is 18in high and the other side is 21in. He explained that he has everything to get the blocks placed on, which shouldn't take too long. He advised the board that there were family issues that caused the project not to be completed on time. He stated that the finished project would have the outer wall as 3ft and the inner wall would be one block higher.

Conditions: The project must be complete within 60 days of the meeting date.

Motion to Approve: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 3-1 (Rose Ann Barrick)

**B14-06-12 HARRISON TWP., NW/4 01-26N-12E Robert J. Swisher requests a variance to reduce the side yard setback from 20ft to 3ft. The property is located at 0249 S 500 E, Bluffton, IN 46714. Property is zoned A-1.**

Robert Swisher stated that there was a house fire, which caused the house to be removed. He explained that in either 1996 or 1997 a variance was filed to put the house closer to the property line. He stated that the new pole barn would use the same footers.

Mr. Lautzenheiser explained the reasoning for the variance and stated that the first variance for the house was to be 3ft from the property line. He advised that there weren't any concerns voiced from the neighboring property.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 4-0

**B14-06-13 LANCASTER TWP., SE/4 19-27N-13E Gary & Nancy Schladenhauffen request a variance to reduce the rear yard setback from 20ft. The property is located at 6503 E 200 N, Craigville, IN 46731. Property is zoned A-1.**

Gary Schladenhauffen explained that the existing garage is to be torn down, which is 26ft from the center of the railroad. The new garage is going to be 8ft wider and 20ft deeper than the existing. He stated that it will be moved in so that it will be 36ft from the center of the railroad, which would be 16ft from the property line.

Mr. Lautzenheiser advised the board that he was out at the property and measured that the property line is the right-of-way for the railroad. He stated that all of the structures on the property are parallel to the road and not the railroad. Therefore, the 16ft is the closest that one corner will be.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 4-0

**B14-06-14 LANCASTER TWP., SW/4 04-27N-12E Sally McConn requests a special exception for a mobile home. The property is located at 2143 E 500 N, Ossian, IN 46777. Property is zoned A-1.**

Sally McConn explained that her house burnt down and she has livestock on the property, which need to be taken care of. She stated that they are going to rebuild a house on the property. She stated that the mobile home would be placed west of the existing garage and would only be on the property while the new residence is being constructed. She explained that the mobile home is being rented from a company and would be removed once the house is completed. She advised the board that the septic permit has been approved. She stated that the mobile home would be connected into the new septic once it was complete, but for the time being there will be an above ground pump and hull. She advised the board that her daughter and her will be the only ones occupying the mobile home.

Conditions: The mobile home must be removed by December 31, 2014  
Motion to Approve: James Schwarzkopf  
Second: Keith Masterson  
Vote: 4-0

**B14-06-15 LIBERTY TWP., SW/4 01-26N-11E Barry & Cherry Story request a variance to reduce the side yard setback from 20ft to 15ft. The property is located at 0633 W 100 S, Bluffton, IN 46714. Property is zoned A-1.**

Barry Story explained that he got a building permit for his structure and constructed it at where he thought 20ft from the property line was. He stated that he checked with neighbors before the variance and they didn't have an issue with where the building was located. He commented on potentially making the building smaller to try and meet the setback. He explained that the survey stakes were either not in the correct place or they had been removed. He stated that Mr. Lautzenheiser came out after the building was up to inspect it and said that it was within 3ft of the setback, so 17ft from the property line.

Mr. Lautzenheiser stated that the office has a copy of the survey and checked it to where he thought that the property lines were. He indicated that they were very close to where the survey stakes were replaced.

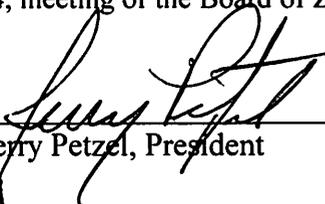
Conditions:  
Motion to Approve: James Schwarzkopf  
Second: Keith Masterson  
Vote: 4-0

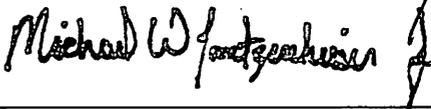
**OTHER BUSINESS:**

**ADVISORY:**

Mr. Lautzenheiser advised the board of potential getting an unpaid intern from Ball State and that he may attend a BZA meeting. He discussed what occurred at the last Redraft Committee meeting with potential changes to the language for the variance and legal non-conforming structure and use. He provided the board with examples of the difference between legal and illegal uses. He also talked about potential changes to the setback for signs due to the number of variances and waivers that have occurred. He also advised the board that the floodplain ordinance has to be adopted by October of this year.

James Schwarzkopf made a motion to adjourn the meeting. Keith Masterson seconded the motion and the motion passed with a vote of 4-0. The June 24, 2014, meeting of the Board of Zoning Appeals adjourned at 7:40pm.

  
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Jerry Petzel, President

ATTEST:   
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Michael Lautzenheiser, Jr.