

ROLL CALL

Rose Ann Barrick
Harry Baumgartner, Jr.
Tyson Brooks
Jerry Petzel
Jim Schwarzkopf

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, January 24, 2017, was called to order by Secretary, Michael Lautzenheiser, Jr. at 7:00 p.m. Roll call was answered by all five members.

ELECTION OF OFFICERS FOR 2017:

Jim Schwarzkopf offered a motion to nominate Jerry Petzel as president, Rose Ann Barrick as vice president, and Michael Lautzenheiser, Jr. as Secretary and Harry Baumgartner, Jr. seconded the motion. The vote was 5-0.

APPROVAL OF MINUTES:

Rose Ann Barrick offered a motion to approve the minutes from the November 22, 2016, meeting and Jim Schwarzkopf seconded the motion, minutes were approved 5-0.

OLD ITEMS:

NEW ITEM:

B17-01-01 JEFFERSON TWP., SE/4 16-28N-12E Michael Privett requests a variance to reduce the easement setback from 10' to 6' for a deck. The property is located at 407 Brenden Way, Ossian, IN 46777. The property is zoned R-1.

Michael Privett explained the need for the variance for the deck to encroach into the easement. He stated that he believed by his measurements that he was fine until the Plan Commission office did their site inspection and found the violation. He stated that the reason for the deck was to help level the back of his property to help reduce the chance of injury on the natural slope of the land. Board members asked about the progress of the construction of the deck. Mr. Privett stated that after receiving the violation notification he stopped construction until a resolution could be made. Mike Lautzenheiser, Jr. stated that while doing the site checks the property corners were located and flagged. That is what was used to determine the level of encroachment. The Board members asked Mr. Privett what was located in the Easement. Mr. Privett stated that there were overhead electric, phone and most likely cable running in the easement. Board members asked if Mr. Privett could modify the deck to comply with the 10-foot easement. Mr. Privett said it was possible, but it would reduce the usefulness of the deck for the purpose of leveling out the property. Board members took the time to discuss the tight layout of the homes in that part of the Sandalwood subdivision, and why the home is not built parallel with the rear property line.

Conditions:

Motion to Deny: Harry Baumgartner, Jr.

Reason: Utility Easements are required by the Wells County Zoning Ordinance to free from impediment, so they can be accessed to install new and maintain existing utilities. The encroachment would limit the access to this easement. That would negatively affect the purpose of the easement and the service it provides to the utility companies, neighbors and to the Town of Ossian.

Second: Tyson Brooks

Vote: 4-1 (Jerry Petzel)

Michael Lautzenheiser, Jr. notified Mr. Privett that he has two options moving forward. He can comply with the easement requirements and modify the deck under his existing permit, or he can file an appeal within 30 days of this meeting in the local courts to challenge the BZA's decision.

OTHER BUSINESS:

APPROVAL of 2017 BZA CALENDAR

Rose Anne Barrick offered a motion to accept the proposed 2017 BZA calendar, and Harry Baumgartner, Jr. seconded the motion, calendar was approved 5-0

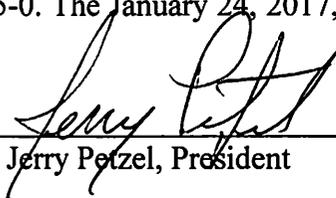
There were not any petitions for the February meeting as of the meeting tonight.

ADVISORY:

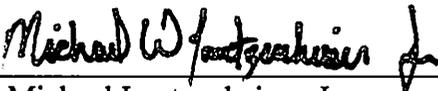
DIRECTOR COMMENTS:

Michael Lautzenheiser, Jr. informed the board that 2017 is the 50 anniversary of the Wells County Area Plan Commission.

Rose Anne Barrick made a motion to adjourn the meeting. Jim Schwarzkopf seconded the motion and the motion passed with a vote of 5-0. The January 24, 2017, meeting of the Board of Zoning Appeals adjourned at 7:31 pm.



Jerry Petzel, President

ATTEST: 

Michael Lautzenheiser, Jr.