

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the November 26, 2013 meeting for the Board of Zoning Appeals to order at 7:00 p.m. Five members answered roll call.

**APPROVAL OF MINUTES:**

Rose Ann Barrick made a motion to approve the minutes from the October 22, 2013 meeting. Keith Masterson seconded the motion and the minutes were approved by a 5-0 vote.

**NEW ITEMS:**

**B13-11-22 JEFFERSON TWP., SE/4 09-28N-12E BL 3401 Morse LLC (Dollar General) requests a variance to reduce the front yard setback from 30ft to 22.7ft. The property is located at 1011 N. Jefferson St, Ossian, IN 46777. Property is zoned B-3.**

Marvin Flanery, Signs Unlimited, explained that the sign is already set and that it was due to mis-measurement that it got set too close. He stated that the variance request is to leave it at the current location. He comments that the sign is set further back than any of the business signs that are near this location. He also explained that there are trees to the north that would obstruct the view of the sign, if it were put at the full 30ft.

Michael Lautzenheiser, Jr advised the board that at the time of the development plan for the Dollar General there was discussion about having a variance for the sign because the site plans had the sign at a different location on the property than where it currently is. He stated that the petitions chose not to file the variance and moved the sign's location to avoid having to have a variance. He commented that current location is not encroaching on the state road right of way. He addressed the need for the petition questions 1-3 to be answered yes if the petitioner wants to have the variance approved. Then Mr. Lautzenheiser went on to comment about the language of the answers to questions 3 & 4.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Rose Ann Barrick

Vote: 5-0

**B13-11-23 LIBERTY TWP., NE/4 21-26N-11E Rickey E. & Sylvia K. Southard request a special exception to change the occupancy of the Mobile Home on the property. The property is located at 3454 S 300 W, Liberty Center, IN 46766. Property is zoned A-1.**

Sylvia Southard stated that her sister and her husband moved back and both are ill and can't work. The Southard's helped them out by allowing them to stay in the mobile home. She explained that she would like it to be okay for Tammy & Mike Kistler to stay there, but also keep their name and Mitchel Southard's name on the mobile home as well which was petitioned for last year. She then stated that they would like to add their

daughter, Jennifer Southard, too because she's not sure how long the Kistler's are going to live in the mobile home and doesn't want to have to go through the process again.

Michael Lautzenheiser, Jr. stated that the special exception is for special health or family need. He informed the Southard's that the special health or family need for each person needs to be listed. Mrs. Southard explained that the Kistler's lost their house, Jennifer Southard needs help getting her life started plus she helps out with the house, Mitchel Southard would need a place to stay to take care of his daughter, and her and her husband would like to keep their names on it so that they have a place to downsize to when they retire.

The board discussed the means of special health and family need as it relates to the mobile home special exception. They also talked about previous petitions that were approved. The board questioned how long the mobile home had been at the location to which the Southard's stated about 30-40 years.

Mr. Lautzenheiser explained to the board that the petition is due to a violation due to the change of occupancy of the mobile home. He stated that this is not a permanent mobile home. He addressed that the special exception is for temporary mobile homes that are for a specific need and then must be removed. Mr. Lautzenheiser explained that single wide mobile homes are only permitted in M-1 and M-2 zoning districts, unless it was grandfathered in. He advised that question 4 on the petition needs an answer and Mrs. Southard restated the list of all the people that should be on the mobile home and the reasons why they are in need. He also explained that the \$125.00 violation fee still needs to be paid since this petition is correcting a violation.

Conditions: Upon the payment of the violation fee.  
Motion to Approve Occupancy change to Mike & Tammy Kistler: Rose Ann Barrick  
Second: Harry Baumgartner, Jr.  
Vote: 5-0

**DISCUSSION:**

Michael Lautzenheiser, Jr discussed the pond violation on North Meridian. He stated that in September it was three years since the initial petition was heard and the 3ft retaining wall still has not been built. The variance is voided and the property owner will be notified of the violation again. He advised the board that it could be coming back through the board.

The board asked Mr. Lautzenheiser to look into seeing if someone in the office could be a notary so that when documents need to be notarized there doesn't have to be special trips made to the law office.

**ADVISORY:**

Rose Ann Barrick made a motion to adjourn the meeting. Jim Schwarzkopf seconded the motion and the motion passed with a vote of 5-0. The November 26, 2013, meeting of the Board of Zoning Appeals adjourned at 8:11pm.

ATTEST: Michael W. Lautzenheiser Jr  
Michael Lautzenheiser, Jr., Secretary

Jerry Petzel  
Jerry Petzel, President