

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, December 23, 2014 was called to order by Board President, Jerry Petzel at 7:00 p.m. Roll call was answered by five members.

APPROVAL OF MINUTES:

Rose Ann Barrick offered a motion to approve the minutes from the November 25, 2014 meeting and James Schwarzkopf seconded the motion, minutes were approved 5-0.

OLD ITEMS:

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. Removal Time Extension Request

Sally McConn asked for an extension of one month for the removal of the mobile home on the property due to items that delayed the building of her home on that property. Michael Lautzenheiser, Jr. explained the deadline that was passed earlier this year was the January 1st date. Ms. McConn said that the builders promised it would be done by the end of January 2015. Jerry Petzel and Rose Ann Barrick asked Ms. McConn if one month was enough time. Ms. McConn said she wasn't sure. She said that she's never built a house before. Keith Masterson said that things can happen. Ms. McConn said that she wasn't sure how long she was allowed to extend it and if she had a little more time then that would allow for removal of mobile home too. Mr. Petzel suggested extension last until February 2015.

Conditions:

Motion to Approve Extension until February 28, 2015: James Schwarzkopf

Second: Rose Ann Barrick

Vote: 5-0

NEW ITEM:

B14-12-33 HARRISON TWP., SW/4 03-26N-12E Dave & Diane Willits requests a variance to reduce the side yard setback from 10ft to 7ft 6in for a room addition. The property is located at 810 Parkway Dr., Bluffton, IN 46714. Property is zoned R-1.

Kevin Hunter, Windows, Doors, & More – General Contractor, asked that the reduced setback requested be approved due to the actual room addition following the setback and the overhang with gutters making the reduced setback required. Michael Lautzenheiser, Jr. explained that the house has an unusually large overhang. Rose Ann Barrick stated that different counties handle setbacks differently. She said that LaGrange County doesn't include overhang while Wells County does. Mr. Hunter said that it wasn't the Willit's fault and that it is Windows, Doors, & More fault. He said that they were trying to match up with what already existed which caused the issue they are facing today. Mr. Lautzenheiser, Jr. showed the

board which addition was in question. Mr. Hunter said that it was the master bath project. Mr. Lautzenheiser, Jr. said that the neighbor's home is only approximately 5 feet from the property line. Rose Ann Barrick asked if there was enough room to maintain the property since the neighbor's house was located closer. Both Mr. Lautzenheiser, Jr. and Mr. Hunter said that there was room to maintain since the side of the building is 10ft from the property line.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

B14-12-34 HARRISON TWP., SW/4 04-26N-12E Scott A. Habegger requests a variance to reduce the side yard setback from 8ft to 0ft for a garage lean-to. The property is located at 809 South Oak, Bluffton, IN 46714. Property is zoned R-2.

Scott Habegger asked to keep the lean-to he built on the property line. Michael Lautzenheiser, Jr. said that he questioned if any of the building is crossing the property line. Mr. Habegger said that it was right on the line and that he knew where the pins were that located property lines. Mr. Lautzenheiser, Jr. stated that it needs to be 0' not negative. Jerry Petzel asked if anyone from the audience had anything to say regarding this petition. Michael Gurwig said that his only objection would be the drainage due to the lean-to putting water on their property. He said that he had talked to Mr. Habegger regarding their problem and Mr. Habegger said that he would put a spout on the lean-to to take the water elsewhere. He said that all properties are crooked and have been that way since the 50's. Kristina Williams said she just wanted the drainage to go away before the spring to avoid flooding. Mr. Gurwig said that they may want to put a fence up and talked to Mr. Habegger about attaching to the lean-to and he was told that was fine. Mr. Lautzenheiser, Jr. asked where the gutters would take the water. Mr. Gurwig said that the natural drainage goes north. Rose Ann Barrick asked about maintaining the structure since it's right on the property line. Mr. Gurwig said it wouldn't be a problem.

Conditions: Gutters to be installed on lean-to.

Motion to Approve with a Condition: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

B14-12-35 HARRISON TWP., SW/4 04-26N-12E Jade M. Heyerly requests a variance to reduce overhead door setback from 20ft to 10ft. The property is located at 1023 W. Market St., Bluffton, IN 46714. Property is zoned R-2.

Jade Heyerly said that he wants to build onto his current garage. He said that he needs to build the addition on the north side of the current building due to narrow lot size. Michael Lautzenheiser, Jr. said that it was currently 37 ft from the property line. Mr. Heyerly confirmed that it was 37 ft. Jerry Petzel asked if that was from the alley. Mr. Lautzenheiser, Jr. said that it would be almost 20ft pull-out from garage to alley. He said that it is an alley and isn't a fast moving road either. Keith Masterson said that it is narrow as well. Mr. Heyerly said that there are other garages and sheds on neighboring properties that are closer to the alley that he would be. Mr. Lautzenheiser, Jr. mentioned that there are 2 garages on Baldwin that are similar. Mr. Heyerly said that those are 12 to 13ft off edge of alley for garage doors.

Conditions:

Motion to Approve: Harry Baumgartner, Jr.

Second: Keith Masterson

Vote: 5-0

B14-12-36 JEFFERSON TWP., NE/4 09-28N-12E Lighted Gardens (Jerry Springer) requests a variance to increase sign face size from 80 sq ft to 101.33 sq ft. The property is located at 10794 N SR 1, Ossian, IN 46777. Property is zoned S-1.

Jerry Springer, Lighted Gardens, said that he would like to modify the current small message board with a new larger LED message board. Junior Springer showed the board what the sign company drew for them. Rose Ann Barrick verified that they are keeping the company sign at the top and replacing the message board under the company sign. Michael Lautzenheiser, Jr. stated that they are not getting any closer to the road and that the new LED sign will fill out the section underneath company sign. Jerry Petzel stated that they were removing the old and putting in the new. Mr. Springer confirmed that. Mr. Lautzenheiser, Jr. said that they reason they were here before the board was because the new sign is larger than what the ordinance allows. Mrs. Barrick said that they would have to go out and change the letters all the time.

Michael Lautzenheiser, Jr. asked if the new sign had a nighttime dimmer on it. Jerry Springer said that he was unsure but would check. Mr. Lautzenheiser, Jr. said that he was concerned with LED requests and how they need to control format for evening hours and that the board has the ability to make that a requirement. Jerry Petzel asked if they wanted sign on 24 hours a day. Mr. Springer said that he wasn't sure if it would be run 24 hours or not. Junior Springer, Jerry's father, said that they bought the sign used and it's a year old. Rose Ann Barrick said that it was a good point to bring up the dimming issue. Keith Masterson asked about how the houses across the street would do with new sign. Mr. Petzel said that he didn't feel they would be affected. Mr. Lautzenheiser, Jr. suggested a light sensor feature

Conditions: Sign needs to either be dimmed or turned off between hours of 10pm and 8am.

Motion to Approve with Condition: Rose Ann Barrick

Second: James Schwarzkopf

Vote: 5-0

OTHER BUSINESS:

Approval of 2015 Calendar

Michael Lautzenheiser, Jr. talked about the date in February that needed to be changed in order for him to attend. He said that all the other meetings will be on the 4th Tuesday.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

2014 End of Year Reports & Plan of Operations for 2015

Michael Lautzenheiser, Jr. mentioned the paper that was handed out and talked about the BZA items on the list. He said that they are almost to a resolution regarding the Dennis Berlin Petition. They are working on a final inspection at this time. Rose Ann Barrick asked if the property had sold. Mr. Lautzenheiser, Jr. said that it had not sold due to a lean on the property. He mentioned the high number of violation from citizens turning other in after they were turned in. He talked about 19 possible mobile home violations for the 2015 already that need to be checked out. Keith Masterson asked if they had to be occupied. Mr. Lautzenheiser, Jr. said that if a mobile home sits for empty for over a year or if it's used as an accessory structure then it is a violation per the county ordinance. Mrs. Barrick asked if there would be a meeting next month. Mr. Lautzenheiser, Jr. said that it would be on January 27, 2015. He spoke on the online

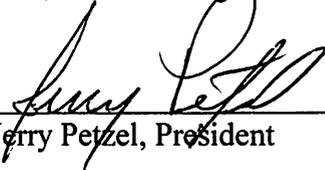
permitting that will be starting next year at some point. There was talk regarding possibility of having a notary in the Area Plan Office. All members confirmed how they wanted to receive the monthly packet and nothing changed.

Director's Comments:

Michael Lautzenheiser, Jr. mentioned some items that will be discussed at the upcoming meetings regarding redraft committee items for the BZA.

ADVISORY:

Keith Masterson made a motion to adjourn the meeting. James Schwarzkopf seconded the motion and the motion passed with a vote of 5-0. The December 23, 2014 meeting of the Board of Zoning Appeals adjourned at 7:37pm.



Jerry Petzel, President

ATTEST: 
Michael Lautzenheiser, Jr.