

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the March 19, 2013 meeting for the Board of Zoning Appeals to order at 7:00 p.m. Five members answered roll call.

Rose Ann Barrick made a motion to approve the minutes from the February 26, 2013 meeting with the condition that her last name be corrected on the second page. Keith Masterson seconded the motion and the minutes were approved by a 5-0 vote.

**NEW ITEMS:**

**B13-03-06 JEFFERSON TWP., NE/4 01-28N-12E Zane F. & Lisa M. Reed request a variance to reduce the side yard setback from 20ft to 16ft to correct violation V2013-001. The property is located at 5629 E 1150 N, Ossian, IN 46777. Property is zoned A-1.**

Zane Reed stated that he is requesting a variance because when constructing the new pole barn, the post of the door hit a field tile. Therefore they moved it 3.5ft to avoid the field tile, which is the reason why the structure is closer than 20ft to the property line. He explained that the contractor found the tile, but he told the contractor that it was okay to move the structure. Mr. Reed stated that he did not notify the Area Plan office of the situation. He explained that the field tile drains the water from the existing barn. He provided the board with a letter from Heckber Farms, the neighboring property owner, which stated that they have been notified of the issue and have no concerns.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Rose Ann Barrick

Vote: 5-0

**B13-03-07 JEFFERSON TWP., SW/4 22-28N-12E Brian G. Crowl requests a variance to reduce the front yard setback from 30ft to 8ft. The property is located east of the intersection of 850 N and State Road 1, Ossian, IN 46777. Property is zoned B-3.**

Luann Martin, Ossian Town Manager represented Mr. Crowl, stated that they are requesting a variance for a "Welcome to Ossian" sign. It would be off of the INDOT right of way, but she would still like the sign close enough so that it would be visible for traffic. She provided the board with a copy of the maintenance easement that has been sent to the attorney. She stated that the permit application was filled out and sent to the state on February 13, 2013. She has not heard back from INDOT on the permit yet.

Larry Heckber, Ossian Revitalization, explained that the construction of the sign would be off site. He stated that there would be steel posts and concrete coming out of the ground, which the sign would be dropped over the

posts and pinned in. The stone is a thin flag stone façade that will be screwed on. He advised the board that the sign will not be lit and it appears to be far enough off of the road that there would be no obstructions.

Ms. Martin explained the location would be 8ft to the east of the stop light posts and wooden utility pole. She stated they did not want the crops to impede on the view of the sign or inconvenience the farmer. She informed the board that the sign would just have one face, which would be facing to the south.

The board discussed the location in relation to the right of way. They also questioned if the sign could be relocated if the town's limits changed, which due to the construction the sign could be moved if necessary. They also discussed the type of sign permit that the town applied to INDOT for. Ms. Martin explained that the placement of the sign determines which type of permit and since it would be outside of the road right of way, they had to apply for an advertisement sign permit.

Conditions: State permit must be approved

Motion to Approve: Rose Ann Barrick

Second: James Schwarzkopf

Vote: 5-0

**B13-03-08 JEFFERSON TWP., NE/4 09-28N-12E Dale W. & Joann Fryback request a variance to reduce the front yard setback from 35ft to 8ft and increase the sign face from 16sqft to 40.375sqft. The property is located north of the intersection of 1050 N and State Road 1, Ossian, IN 46777. Property is zoned S-1.**

Luann Martin, Ossian Town Manager represented the Frybacks, stated that it was the same sign for the north side of Ossian as it was for the south. She provided the board with a copy of the maintenance easement that has been sent to the attorney. She stated that this variance request was the same as the first, which is to get it out of potential crop obstruction and not to inconvenience the farmer.

Larry Heckber, Ossian Revitalization, advised the board that there was a recent survey of the location and the drive way for the house is located on the farm property.

Michael Lautzenheiser, Jr. advised that due to this property being zoned S-1 there is also the request to increase the sign face from 16sqft to 40.375sqft. He also questioned what INDOT was telling Ms. Martin because previously there was an advertising sign not permissible from INDOT due to a residential zoning. Ms. Martin stated that the individual from INDOT did question her on if there would be any other advertising on the sign besides the welcome sign, which there will not be.

Conditions: State permit must be approved

Motion to Approve: Rose Ann Barrick

Second: Keith Masterson

Vote: 5-0

**OLD ITEMS:**

**B13-01-03 CHESTER TWP., NW/4 31-25N-11E Ronald Mang and Bruce Leas appeal of violation V2012-019 in regards to a satellite manure lagoon.**

Michael Lautzenheiser, Jr. stated that the office received a letter from the Leas' attorney requesting a continuance until the June meeting. He explained that this was their last request to continue and that the

appeal must be heard at the June meeting. He stated that they have not got anything from IDEM and that is the reason for the continuance request.

Conditions: Continue to June 25, 2013 meeting.  
Motion to Continue: James Schwarzkopf  
Second: Harry Baumgartner, Jr.  
Vote: 5-0

**Discussion**

Michael Lautzenheiser, Jr. stated that he will not be in the office the first two weeks in June due to a trip, but he will be back for the June meeting.

Jerry Petzel questioned a building concern that he brought up a couple of months ago about the corner of Silver Street and Clark Avenue in Bluffton.

Mr. Lautzenheiser stated that there has been a violation issued and it is currently being worked out. He advised that part of it has to do with an old BZA petition approval that required some of the lots to be combined, which was never done. The land deed issues are being taken care of and once that is complete, the building will actually meet the setbacks. He advised the board that the building was constructed with a permit. However, the location that was indicated on the permit does not match where the structure was actually constructed.

**ADVISORY:**

James Schwarzkopf made a motion to adjourn the meeting. Rose Ann Barrick seconded the motion and the motion passed with a vote of 5-0. The March 19, 2013, meeting of the Board of Zoning Appeals adjourned at 7:35pm.

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

Jerry Petzel  
Jerry Petzel, President