

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

Vice President, Rose Ann Barrick called the July 24, 2012 meeting for the Board of Zoning Appeals to order at 7:03 p.m. Four members answered roll call. Jerry Petzel was absent

James Schwarzkopf made a motion to approve the minutes from the June meeting. Keith Masterson seconded the motion and the minutes were approved by a 4-0 vote.

NEW ITEMS:

B12-07-19 ALLEN CO. LAFAYETTE TWP., SW/4 34-29N-11E David & Geraldine Bailey are requesting a variance to reduce the side yard setback to 2'ft for a 12'x12'x12' shed. The property is located at 11006 S County Line Rd., Zanesville, IN 46799. The property is zoned B-2.

David Bailey stated that they were originally going to put a lean to on the back of the garage that they had received a variance for. However, that would not work. So they are putting up a shed for storage, which will be sided the same color as the garage in hopes that they two will blend together. They will remove an existing shed from the property. He advised that he has not received any complaints from the neighbors.

Michael Lautzenheiser, Jr. advised the board that this petition is due to a violation.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 4-0

B12-07-20 LANCASTER TWP., NW/4 27-27N-12E Richard & Beverly Reed (Reed's Do It Best Hardware) is requesting a variance to increase a sign face by adding an additional sign below an existing billboard sign. The property is located at 1879 N. Main St., Bluffton, IN 46714. The property is zoned B-3.

B12-07-21 LANCASTER TWP., NE/4 28-27N-12E Jabez Leasing, LLC (Andy's Car Wash) are requesting a variance to increase a sign face by adding an additional sign below an existing billboard sign. The property is located at 1930 N. Main St., Bluffton, IN 46714. The property is zoned B-3.

(These two were heard together)

Greg Reed was present representing both petitions as the owner of the businesses on both properties. Mr. Reed stated that they would like to add another 2 side faced sign to each of the existing billboard signs. It would be the same size as the ones currently on the billboard. He advised that the billboards are about 4

years old and commented on some of the reframing that they have done to the posts for strengthening purposes. He explained how the signs are constructed on the billboards. He stated that the advertisements on the signs change annually.

Michael Lautzenheiser, Jr. commented on the total number of signs currently on each property. He questioned if the number of signs could be reduced to increase the proposed face sizes. He stated that on the hardware site that there are 3 permanent signs and explained where they were located. Mr. Lautzenheiser explained the sign ordinance. He also stated that the car wash has 5 permanent signs that are on the property and explained where they were located.

Greg Reed commented on the other businesses in town and the number of signs they have at each location. He stated that his signs won't flash or be distracting. He advised that the permanent signs were all built to according to the regulations at that time.

Tony Crowell, attorney with Gordon & Associates, stated that he was representing Midland, LLC the owner of the property south of Andy's Carwash. His client is not opposed to signage. However, he stated that all 3 requirements for a variance are not met and asked the board to look at the ordinance and statute when making their decision. He advised that the petitioner has not mentioned anything about practical difficulties. He commented that the ordinance states that practical difficulties exclude financial difficulties and esthetic reasons. He cited some Indiana court cases about practical difficulties.

Rob Troxel, owner of Midland, LLC, stated that he is trying to sell or lease the ground and visibility is very important for businesses. He is concerned that this could affect his opportunity to try and sell that lot to a business. He stated that if he was just going to use it as farm ground that he would have no problem with the sign. He also said that he has no problem with the sign at the hardware store.

Mr. Lautzenheiser advised on the reason for the sign change in the ordinance. He also commented on a couple of the properties that were the reason for the change.

The board discussed when the permanent signs were constructed on each property. They also questioned if the temporary signs were ever removed from their location. They stated what some of the requirements would be for a temporary sign. They also talked about other signs on property around the proposed site.

B12-07-20

Conditions: Remove the temporary signs and banners from the site

Motion to Approve: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 3-1 (Rose Ann Barrick)

B12-07-21

Conditions: Remove the temporary signs and the 3 wooden signs from the site

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 3-1 (Rose Ann Barrick)

B12-07-22 HARRISON TWP., SW/4 31-26N-12E The Poneto United Methodist Church is requesting a variance to increase the sign face from 16 sqft to 32 sqft and reduce the front yard setback. The property is located at 36 E. Walnut St., Poneto, IN 46781. The property is zoned R-2.

Roy Nevil, pastor of the church, stated that current sign is old and falling apart. He advised that the church owns the property from the church to Meridian Road. He stated that there was a temporary sign near Meridian Road advertising the church's food pantry. The proposed sign would be closer to the building and further from the road than what the existing sign is. The proposed sign would be larger than the current sign so that it could be visible for people traveling on Meridian Road. The sign would be lit internally. The sign's letter would be 6" inch changeable letters. The proposed sign is a 4'x8' sign, 7'ft. tall on a post.

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

B12-07-23 HARRISON TWP., NE/4 02-26N-12E Blake C Gerber & Ernest L Schwartz are requesting a variance to reduce the setback for a pond to 20'ft from the water's edge to the property line. The property is located on the east side of SR 201 south of SR 124, Bluffton, IN 46714. The property is zoned A-1.

There was no representation present at the meeting.

Conditions:
Motion to Continue: Keith Masterson
Second: Harry Baumgartner, Jr.
Vote: 4-0

Discussion:

ADVISORY:

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 July 24, 2012, meeting of the Board of Zoning Appeals adjourned at 8:31pm.

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

Jerry Petzel
Jerry Petzel, President