

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, July 25, 2017, was called to order by Vice-President, Rose Ann Barrick at 7:00 p.m. Roll call was answered by four members. Jerry Petzel arrived late.

**APPROVAL OF MINUTES:**

Jim Schwarzkopf offered a motion to approve the minutes from the June 27, 2017, meeting and Tyson Brooks seconded the motion. The minutes were approved 4-0.

**OLD ITEMS:**

**NEW ITEM:**

**B17-07-12 LANCASTER TWP., NW/4 27-27N-12E Theodore & Susan Chemey III request a variance to reduce the side yard setback from 10' to 0' for a deck. The property is located at 104 Greenbriar Dr., Bluffton, IN 46714. Property is zoned R-1.**

Theodore Chemey III explained the petition and the location of the deck on the property. Rose Ann Barrick asked if it was already built. Mr. Chemey explained that he didn't know a permit was needed prior to building. Mrs. Barrick asked if it was in an easement of any kind. Michael Lautzenheiser said that it was a result of an ordinance violation but that it wasn't located in an easement. He said that the board needs to decide if it can stay as is, be removed to meet the standard setback, or a reduced setback. Mrs. Barrick asked about the size. Mr. Chemey said that it is 26' x 10 with an additional 5' section along the home. Tyson Brooks confirmed the location of the deck on his home where he had the property pulled up. Mr. Chemey showed Mr. Brooks where the deck was located. Mr. Lautzenheiser asked if the way it was built if it would be possible to remove a portion. Mr. Chemey said that it could be a possibility but he would need to look at it. Mr. Brooks asked what his mower width was. Mrs. Barrick asked if there were any comments or questions presented to the office. Mr. Lautzenheiser talked about the possibility of water going on to the neighbors. He suggested best case scenario would be to have some grass surrounding the deck to help with the water issue. Wanita West, neighbor, said that the deck is 4" from the fence and that when it rains there is water standing on her property now. The board discussed options. Mrs. Barrick asked if 3' would be enough of a setback. Mr. Lautzenheiser said that he would be comfortable. Mr. Brooks said that there would be enough room for a mower to get thru and stay on the property. Jerry Petzel said that he felt the deck would still be a good size.

Conditions:

Motion to Approve 3' setback instead of proposed 0': Rose Ann Barrick

Second: Jim Schwarzkopf

Vote: 5-0

**B17-07-13 LANCASTER TWP., NW/4 27-27N-12E BAF Investments LLC request a special exception to allow a residence in the building for the owner of the property. The property is located at 1169 N Main St., Bluffton, IN 46714. Property is zoned B-3.**

Blake Fiechter asked permission to allow his family to reside in the business while they decide where they want to build in the future. He said that he would be able to maintain this building better by living on the property. Michael Lautzenheiser asked about the improvement to the property. Mr. Fiechter said that he got the idea from the previous owner. Jerry Petzel asked if it was all commercial. Rose Ann Barrick asked if there would be businesses in the building. Mr. Fiechter said that the former owner contacted them to make sure it would be just their family in the building. Mr. Lautzenheiser talked about the commitment that would be needed. Mrs. Barrick asked if it was temporary. Mr. Fiechter said that he is planning on 3 to 5 years for now. Mrs. Barrick asked how the security would work when they leave the property. Mr. Fiechter said that it would be similar to now. Mr. Petzel asked if there were any questions or comments from the public. Mrs. Barrick asked about the letter. Mr. Lautzenheiser explained that the office received an email. Mr. Fiechter asked what the concern was. Mr. Lautzenheiser explained the concern and that this would only be for one person/family. Tyson Brooks asked if it would be in his name only. Mr. Lautzenheiser explained how the special exception worked and if it were to be changed in the future for person in charge of security then it would need to be reapproved. Mr. Brooks asked if it would be just himself. Mr. Fiechter said that it would be for his family. Mrs. Barrick talked about previous petitions. Mr. Petzel asked the board if they had any other questions or comments. Mr. Lautzenheiser asked Mr. Fiechter his wife's name. Mr. Fiechter replied with Taye. Mr. Lautzenheiser reminded the board about the commitment that would be needed.

Conditions: Recorded commitment stating that they would be the only ones to live on the property and that if it were to ever change a new special exception would be needed.

Motion to Approve with Condition: Rose Ann Barrick

Second: Jim Schwarzkopf

Vote: 5-0

**B17-07-14 HARRISON TWP., SE/4 4-26N-12E Andrzej & Anna Kmita request a variance to reduce the rear yard setback from 10' to 8', reduce side yard setback from 8' to 4', and reduce the overhead door setback from 20' to 18' for an attached garage. The property is located at 916 S Bennett, Bluffton, IN 46714. Property is zoned R-2.**

Andrzej Kmita explained his proposed project. He wants an attached garage. Michael Lautzenheiser said that this lot is just over the size of a half lot. Jerry Petzel asked about neighbor's garage. Mr. Lautzenheiser said that the neighbor's garage is only 3' from the property line. Tyson Brooks wanted to confirm that it was 7' total between the garages. Mr. Lautzenheiser confirmed that Mr. Kmita's garage would be 4' from the property line making it 7' total. The board discussed overhang vs foundation. Mr. Lautzenheiser said that Mr. Kmita currently parks in the garage. Mr. Petzel asked if the board or the public had any additional questions or comments. There were none.

Conditions:

Motion to Approve with 12" overhangs: Tyson Brooks

Second: Jim Schwarzkopf

Vote: 5-0

**B17-07-15 LANCASTER TWP., SE/4 32-27N-12E Private Capital Group Diversified Fund LLC (Bluffton KOA) request a special exception to allow extended stays greater than 8 months. The property is located at 1625 W Lancaster St., Bluffton, IN 46714. Property is zoned A-1.**

Ryan Crismore, General Manager for Bluffton KOA, and Missy Crismore, Operations Manager for Bluffton KOA, represented the petition. Mr. Crismore explained how they created the area

for the proposed special exception. He talked about the kind of people who are requesting to stay at the campground and how they are there for work. He said that the units that were in previous violation have been brought into compliance to work for the special exception as well. Jerry Petzel asked about the contract employees. Ms. Crismore said that most are union employees who bring their own place to stay with them. Mr. Crismore said that sometimes the whole family comes too. He said they are just trying to create an area in the NE corner of the property. Tyson Brooks asked about the rest of the campground. Michael Lautzenheiser told the board that the 5 existing PMRV's are located within the highlighted area. Mr. Brooks asked if people stay longer than a year. Mr. Crismore said that they have had to ask people to leave due to not being able to be there more than 8 months. He said he doesn't want people living there but staying there while they are on a job is a different story. Mr. Lautzenheiser explained that the special exception would only be good for 1 year and that it would need to be reapplied for every year. Mr. Crismore told the board about how Fort Wayne just broke ground on a major project and if they were able to provide a place for them to stay it would bring money into Wells County as well. Mr. Lautzenheiser talked about how it's a multi-year project. Mr. Crismore talked about how he felt they have gone thru extraordinary efforts to make things be in compliance. Mr. Petzel asked about where the existing ones were located. Ms. Crismore confirmed the locations. Mr. Brooks asked how many people have been asked to leave due to the timeline restriction. Mr. Crismore said around 2 dozen. Mr. Brooks asked how long it was until they came back. Ms. Crismore said they haven't come back. Mr. Petzel asked how long the longest stay was. Mr. Crismore said that prior to the 8 month limitation set someone had been there 14 months. Mr. Petzel said that contractors can be on a job anywhere from 1 day to 5 years. Mr. Brooks asked why he left. Mr. Crismore said that the job was finished and he moved on to the next one. Mr. Petzel asked the board if they had any additional questions or comments. There were none.

Jerry Petzel asked the public if there were any questions or comments regarding these petitions. Russell Yohman said that he's been on both sides. He said there was some concern regarding security and drainage. He said he's all for the KOA succeeding and enjoyed having a base location. Ryan Crismore said that the KOA has a set standard of rules and if they aren't met the individuals are sited or asked to leave. Missy Crismore said that she's asked 4 to leave due to being out of control especially since it's a family campground. Mr. Petzel asked about the drainage. Mr. Crismore said that they get drainage runoff from the addition. Mr. Yohman said that most contractors like having a base but can be rowdy from time to time. Ms. Crismore said that they wouldn't be allowed to stay if they caused issues like that. Mr. Crismore said that they have the police patrol at all hours as well. Deidre Licht said she was concerned for the security and that more homes won't be built due to the sites being allowed. Mr. Petzel asked how far the proposed located was from the addition. Mr. Lautzenheiser explained that it was 330' away from the neighborhood. Mrs. Licht talked about a lady who now keeps her windows closed due to the change. She voiced her concern about property values. Mrs. Licht talked about the fireworks around the 4<sup>th</sup> of July and how they shouldn't be allowed there. Ms. Crismore said that no fireworks came from the KOA. Mr. Yohman confirmed that he didn't see any fireworks coming from the KOA. Doug Sundling talked about the history of Forget-Me-Knot Acres and the KOA Campground. He voiced concern over access for the road and how he felt it will turn into a mobile home park. He said that the people in the neighborhood just want the board to say no. Bill Archbold said that he doesn't have any problem with the campers just doesn't want it to turn into a mobile home park. He mentioned the fireworks too and how they scared his dog. Ms.

Crismore and Mr. Crismore said that if they felt it was there property setting the fireworks off then call them or if there were any other problems all they have to do is call or go talk to them. Mr. Archbold asked if there would be more PMRV's moved in. Susan Grove said that she was concerned that it would become a trailer park. She said that she felt a hotel could house them just as easily. Mrs. Grove felt it would hurt the property value too. Mr. Lautzenheiser asked what she thought the site would be filled up with. Ms. Grove said that it would be rental RV's. Bev Foreman said she has the same view as Mr. Archbold and doesn't want to see this happen. Mr. Sundling talked about the drainage and how both plans were approved prior to the current regulations and that it can only be resolved by private owners now. Ms. Crismore responded to the comment about the hotel instead of the campground. She said that most of the individuals bring their "home" with them to save them from staying in a hotel. Mr. Crismore said that he started this place 10 years ago. He talked about how he grew up here and has maintained a good thing for the community. He explained that majority of the spaces would be used by high quality campers and that they are privately owned park models not mobile homes. He said that the KOA is a premier campground around the world now and not just in the USA. Tyson Brooks asked if there would be any additional PMRV's owned by the campground. Mr. Crismore explained the cost involved with the current 5. Rose Ann Barrick asked if there were any other places around similar to this location. Mr. Crismore talked about the location in Auburn, a smaller one called Timber Ridge, and Mendenhall's here in town. Mrs. Barrick questioned why this area. Mr. Crismore explained that they created an area to comply with the ordinance. Mrs. Barrick asked about water and sewer. Mr. Crismore said that it needs to be completed still. Mrs. Barrick said that she can understand where the neighbors are coming from. Mr. Lautzenheiser informed the board about a call that the office had from Colten James. Mr. Crismore said that it's not condo camping and that it won't become a mobile home park. Mr. Petzel asked about the water lines. Mr. Crismore said that not all are freeze proof water but all the sites do have water. He talked about the sanitary sewer that was starting in the fall and how they made all the PMRVs comply with the ordinance. Mr. Lautzenheiser asked if the KOA would be ok with a commitment that no further PMRVs could be owned by the KOA. Mr. Brooks asked Mr. Archbold if there were any security issues before the 8 month timeline was granted. Mr. Archbold said that there hadn't been. Mr. Yohman said that he just stopped mowing a small portion to keep people out of his yard. Mr. Lautzenheiser asked the board if they had any additional questions or concerns. Mr. Petzel confirmed the request of being able to stay longer on the designated sites. Mr. Lautzenheiser said that the KOA will have to come back every year for a quality check to be reapproved. He also talked about the 2<sup>nd</sup> part for allowing the spots to be within 300' of the farm ground. Mrs. Barrick asked if the property owner for the farm ground had any concerns. Mr. Lautzenheiser said that we hadn't heard anything. He also suggested allowing the less than 300' to remain approved as long as the special exception is valid. Mr. Petzel confirmed that the board would need to review the special exception every year.

Conditions: No additional owner owned PMRV's on the property in the proposed location besides the 5 currently there.

Motion to Approve 49 sites designated on drawing with condition: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

**B17-07-16 LANCASTER TWP., SE/4 32-27N-12E Private Capital Group Diversified Fund LLC (Bluffton KOA) request a variance to allow extended stays greater than 8 months to be within 300' of undeveloped R-1 property to the North & East of the proposed designated extended stay area. The property is located at 1625 W Lancaster St., Bluffton, IN 46714. Property is zoned A-1. See discussion under petition B17-07-15.**

Conditions: Variance will remain effective as long as the Special Exception remains approved yearly.

Motion to Approve with condition: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

**OTHER BUSINESS:**

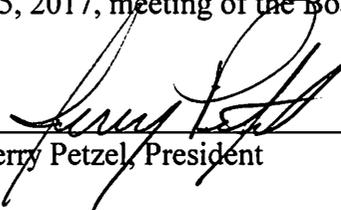
**ADVISORY:**

**DIRECTOR COMMENTS:**

Michael Lautzenheiser said that he will be discussing the 2018 Budget at the next meeting.

**ADJOURN:**

Tyson Brooks made a motion to adjourn the meeting. Jim Schwarzkopf seconded the motion and the motion passed with a vote of 5-0. The July 25, 2017, meeting of the Board of Zoning Appeals adjourned at 8:43 pm.

  
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Jerry Petzel, President

ATTEST:   
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Michael Lautzenheiser, Jr.