

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, March 27, 2018, was called to order by President, Jerry Petzel at 7:00 p.m. Roll call was answered by all five members.

APPROVAL OF MINUTES:

Jim Schwarzkopf offered a motion to approve the minutes from the February 27, 2018, meeting and Rose Ann Barrick seconded the motion, minutes were approved 5-0.

OLD ITEMS:

B18-02-03 JEFFERSON TWP., NW/4 22-28N-12E Timothy & Allena Wilson request a variance to reduce the 10' rear yard setback and 20' utility easement to 6.5' for an above ground pool. The property is located at 216 Ridge Court, Ossian, IN 46777. Property is zoned R-2.

Timothy and Allena Wilson talked about the letter they received back from the owner of the farm ground stating that they were ok with the pool location but weren't willing to change property lines due to possibly future development. Jerry Petzel gave a recap of the petition and the options available. Michael Lautzenheiser, Jr. also mentioned that a partial approval could be an option too. Mr. Petzel asked the size of the pool and if there was a deck as well. Mr. Wilson said that there wasn't a deck and that it was a 30' diameter round pool. Tyson Brooks asked what a partial approval would look like. Mr. Lautzenheiser, Jr. said that the pool would still need to be moved but not to the full 20'. Rose Ann Barrick asked about the cost of partial vs full change. The Board discussed how the cost would be the same to make it 10' or 20' and the property layout making it difficult for the full 20' setback. Mr. Brooks said that he liked the partial approval idea. Mrs. Barrick asked about the Town of Ossian and the utility easement located at back of property and her concern for it being a platted drawing of the easement. Mr. Lautzenheiser, Jr. said that the town could always sent a notification stating they needed to do work and then it would have to be moved. Mrs. Barrick said she would be more comfortable with having a letter from Town of Ossian and the neighborhood association stating they were ok with the change. Mrs. Wilson said that the neighborhood is ok with it as she has already asked. Mr. Lautzenheiser, Jr. said that it could be a condition of the approval. Mr. and Mrs. Wilson said they would be ok with the 10' setback but the 20' would be impossible for them. Mr. Lautzenheiser, Jr. gave an example of the condition. There was no comment from the public.

Condition: Letters from Town Board and Neighborhood Association stating they are ok with 10' vs required 20'.

Motion to Approve 10' setback with Condition: Rose Ann Barrick

Second: Jim Schwarzkopf

Vote: 5-0

NEW ITEM:

B18-03-04 JEFFERSON TWP., NE/4 21-28N-12E Harry & Lois Gerber request a special exception to allow property owners to live in building so they can live and operate business out of same location.. The property is located at 1725 Hillcrest Drive, Ossian, IN 46777. Property is zoned B-3.

Noah Cook explained the proposed petition. He said that he and a partner are starting up an e-commerce business and working variable hours. He said that it made sense to stay on the property. Mr. Cook gave a recap of the property and that there has only been a tenant occupy the building for 1 year out of the 9 years that the current owner has owned the property. Jerry Petzel confirmed the location. Mr. Cook he explained how allowing mixed use in this building would allow them to put more money back into the business. Tyson Brooks mentioned going thru the home when it was a model house. Rose Ann Barrick said that back in 2009 the town was not in favor and it was turned down. She said she spoke with 4 members of the board and that they are not in favor and they have concern of traffic in the area. She also mentioned a concern for family activities on the property. Mr. Cook talked about the problem back in 2009 was that the property was separate from the property they were supposed to be managing. He said that the home's garage has been converted into an office already and that after talking to the owner of W-CAP LLC that they felt that this would add value to the properties since this lot would be up kept. Mrs. Barrick said that she is representing the Town of Ossian and they are against this petition. She said that then TK was allowed to build the model home it was never to be used as a home. Mr. Lautzenheiser, Jr. said that the ordinance amendment that would allow for this was approved after 2009. Mr. Brooks asked if it was his family moving in with him. Mr. Cook said that it would be himself along with this business partner Evan Troxel. He also mentioned contacting the Town of Ossian board members and gave a recap of their opinions. Mrs. Barrick asked where the work would be located. Mr. Cook said that with e-commerce everything would be located inside. Mr. Lautzenheiser, Jr. asked if any other board members had any questions. Mr. Brooks asked if this was a long-term thing or more a stepping stone for the business. Mr. Cook said he wasn't sure of a timeframe. Mr. Petzel asked if there would be a possibility of moving to a warehouse. Mr. Cook explained that there are hopes for hiring several employees in the future. Mr. Brooks asked about a trial run. Mr. Lautzenheiser, Jr. talked about similar cases that the board has reviewed and approved. Mrs. Barrick talked about the history of the rezoning for Ossian from 20 to 25 years ago. Mr. Brooks mentioned a possibly condition to the approval. Mr. Lautzenheiser, Jr. asked about the concern for traffic issues and asked about any outdoor usage. Mr. Cook said that there would be minimal traffic and that there was an outdoor a patio. Mr. Lautzenheiser, Jr. asked if they would be willing to place a fence to block the patio area. Mr. Petzel asked more about the business traffic. Mr. Cook said that they currently drop the packages off for sending out. He said that there could possibly be traffic from a delivery truck for pick-ups and drop-offs.

Condition: Recorded Commitment that if either moves out then it would need to be reapproved.
1 year approval. Fence to shield back patio area.

Motion to Approve with conditions: Tyson Brooks

Second: Harry Baumgartner, Jr.

Vote: 4-1 (Rose Ann Barrick)

OTHER BUSINESS:

Michael Lautzenheiser, Jr. mentioned the upcoming housing study meetings for the public. The dates, times, and locations are listed below. He also said that there is more information available at the Chamber. He talked about needing people on board and participating with the project to make it work.

April 3, 2018 6 PM – 8 PM Southern Wells School

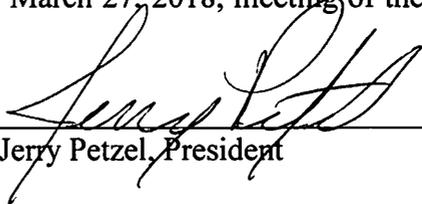
April 5, 2018 6 PM – 8 PM Ossian Elementary

Rose Ann Barrick asked about the Meyer property north of Ossian. Michael Lautzenheiser, Jr. said that there is nothing that the office is aware of at this time and that it appears that Mr. Meyer put the old sign back up.

ADVISORY:

DIRECTOR COMMENTS:

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 March 27, 2018, meeting of the Board of Zoning Appeals adjourned at 7:45 pm.



Jerry Petzel, President

ATTEST: 

Michael Lautzenheiser, Jr.