

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the January 24, 2012 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 December meeting. James Schwarzkopf seconded the motion and the minutes were approved by a 4-0-1 vote with Jerry Petzel abstaining.

NEW ITEMS:

B12-01-01 JEFFERSON TWP., NW/4 10-28N-12E David W. Myers requesting a variance to increase size of sign face from 16 sq ft to 400 sq ft; increase height of sign from 20'ft to 30'ft; reduce the front yard setback to 10'ft and reduce the side yard setback to 5'ft. The property is located at 10687 N SR 1, Ossian, IN 46777. Property is zoned S-1.

Derek Myers, son of David Myers, represented the petitioner. He stated that they wish to construct a sign on the property, which would be similar in nature to the sign that he constructed at 656 N. Main, Bluffton. The sign would be a wooden structure with five supports and it would be considered a double deck sign. The sign will be lighted from the center and lit both up and down. The sign will not be illuminated. The lights will shine on the face of the sign. He stated that he is aware that the request would be contingent upon the stated approval because of it being located on State Road 1.

The Board discussed the location of the proposed sign, along with the location of a previously proposed sign. They also discussed the surrounding properties to the proposed location.

Michael Lautzenheiser, Jr. explained the S-1 zoning. He stated that the zoning is suburban residential for 0.5 acre lots or larger. He advised that it was originally designed for subdivisions with septic systems and wells. The zoning does have residential characteristics.

Rose Ann Barrick stated that the area has a residential feel to it and besides Lighted Gardens, which has a commercial sign, and there are no other commercial properties around the proposed location.

The Board discussed the S-1 zoning in the area on State Road 1 and the surrounding area around Ossian.

Mr. Lautzenheiser stated that the road frontage of the proposed location is 200'ft, as is the lot next to this. The lots both have the same dimensions of 200'ft by 394'ft. He stated that the property to the south could have sell-offs, if it is a primary parcel. If there are any sell-offs left, it would have to be something that could be looked into.

The Board discussed where the Ossian water and sewage service stops. They also commented on where the lines are and what properties have access. They also conversed on where lift stations were located at.

Mr. Myers stated that the signs would be billboards and they would be open to paid advertisements. He advised that his father has spoken with the neighbors and that none of them have expressed any concerns. He explained the reasoning for the sign was due to the fact that there were no advertisement signs between Ossian and Waynedale and he had received numerous calls from business owner requesting a sign to advertise on in that area. He stated that this would be the only sign between the north side of Ossian to the county line with Allen County.

Rose Ann Barrick made a motion to deny the petition due to the fact that she does not believe that billboard signs are appropriate for residential area and S-1 zoning is still a residential zoning. There was no second given by the board.

The Board stated that the state still might not allow the sign along State Road 1. The Highway Beautification Act was then discussed.

Conditions: None

Motion to Continue: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 4-0-1(Rose Ann Barrick)

B12-01-02 LIBERTY TWP., NE/4 21-26N-11E Mitch Southard & Sylvia Kay Southard requesting a Special Exception to change the occupancy of the Mobile Home on the property. The property is located at 3454 S 300 W, Liberty Center, IN 46766. Property is zoned A-1.

Sylvia Kay Southard stated that the mobile home was initially placed at the location for her mother and she lived there for 23 ½ years. Her mother has now moved and Mrs. Southard's son now wishes to move in with his 8 year old daughter. She advised that he is gone a lot for work and they take care of the granddaughter. She stated that she was aware of the potential wind farm in the area. Mrs. Southard said that another option, later on, would be that her and her husband move into the mobile home and that one of the children move into the house. She commented that they also have a daughter.

The Board discussed age limits on mobile homes, along with what would need to be done if the mobile home were to be replaced. What were to occur if the mobile home were vacated was also commented on.

Mrs. Southard stated that the mobile home was purchased for her mother when she and her husband purchased the farm.

Michael Lautzenheiser, Jr. explained the petition was for both options. Either the son and his daughter occupy the mobile home or later on Mrs. Southard and her husband occupy the mobile home while one of the children lives in the house. He also discussed that the special health need is usually what is petitioned for, but there is the special family need that is also under the special exception.

Mrs. Southard discussed the way they would like to preserve a stable life for their granddaughter and keep the family close. She also listed the ways that they have maintained the mobile home and what improvements would be done before her son moves in.

Conditions: None

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

ELECTION OF OFFICERS:

The meeting was turned over to Michael Lautzenheiser, Jr. for the election of officers. The nominations were opened for president.

Motion to keep the officers the same: James Schwarzkopf:

Second: Keith Masterson

Vote: 5-0

Jerry Petzel will remain President, Rose Ann Barrick will remain Vice-President, and Michael Lautzenheiser, Jr. will remain Secretary.

Discussion:

Michael Lautzenheiser, Jr. advised the Board that the office was called a couple of times about the pond variance for DeWayne & Kathy Macon. He stated that there could be a potential for an appeal. He told them that the neighbor has until Friday, January 27, 2012 to file with the court. He stated that it was the neighbor to the southeast. It is the neighbor that the pond would be closest to.

Mr. Lautzenheiser then discussed violation fee options. He provided the Board with examples of possible fee options of two times, three times and four times the petition fee for a violation fee. The Board conversed on when the violation fee should occur and who the fee should fall on, whether it is the property owner or the contractor. It was stated that the violation fee goes on both ends; there would be a fee added on to the petition and a fee added on to the permit. The Board

discussed that a violation fee should be big enough that it hurts that way the property owner/contractor, therefore, they know the correct way to file in the future.

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 January 24, 2012, meeting of the Board of Zoning Appeals adjourned at 8:08pm.

Rose Ann Barrick
~~Jerry Petzel, President~~
Rose Ann Barrick, Vice President

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