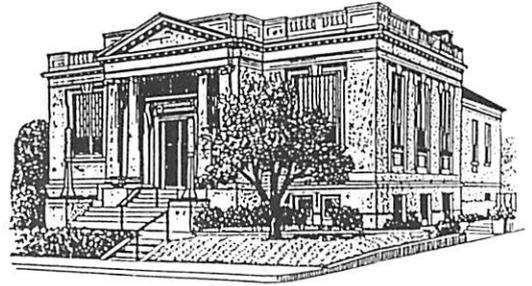


# WELLS COUNTY AREA PLAN COMMISSION

WELLS CARNEGIE GOVERNMENT ANNEX

223 W. Washington St.  
Bluffton, Indiana 46714-1955  
Room 211 PHONE - 824-6407



October 20, 2010

## WELLS COUNTY BOARD OF ZONING APPEALS MEETING

TUESDAY OCTOBER 26, 2010, AT 7:00 P.M.  
ROOM 214 (CONFERENCE ROOM) AREA PLAN OFFICE  
GOVERNMENT ANNEX BUILDING 223 W. WASHINGTON ST., BLUFFTON, IN

### AGENDA

#### ROLL CALL

#### APPROVAL OF MINUTES

#### NEW ITEMS:

B10-10-09 JEFFERSON TWP., SANDALWOOD SOUTH, SEC. B, LOT 132 Sharlon Robinson requesting reduction of secondary front yard setback (corner lot) for a gazebo at 418 Greenwood Trail, Ossian. Property is zoned R-1.

B10-10-10 ROCK CREEK TWP., NW/4 1-27N-11E Joel Fremion requesting expansion of non-conforming use for light manufacturing and outside storage of materials at 5921 Main St. Uniondale. Property is zoned B-1.

B10-10-11 ROCK CREEK TWP., NW/4 1-27N-11E Joel Fremion requesting a height variance for an accessory structure (gazebo) that exceeds 20' ft (maximum allowed) in a B-1 zone at 5921 Main St. Uniondale.

B10-10-12 JEFFERSON TWP., NE/4 21-28N-12E Property owned by Harry T. and Lois A. Gerber to be considered for a special exception to allow a residence in a B-zone. Property is located at the 1725 Hillcrest Dr., Ossian.

B10-10-13 HARRISON TWP., NE/4 3-26N-12E Nick and Jessica Fiechter appeal administrative decision for a building that was constructed in a floodplain after property was marked where it could be constructed. Property is located at 444 Elm Grove Rd., Bluffton and zoned S-1.

#### OTHER BUSINESS:

#### ADVISORY:

#### DIRECTOR COMMENTS:

ROLL CALL

Rose Ann Barrick  
Jerome Markley  
Jerry Petzel, President  
Jim Schwarzkopf  
Mark Shaffer

Michael Lautzenheiser, Jr., Director

Board president, Jerry Petzel called the October 26, 2010 Board of Zoning Appeals meeting to order at 7:00 p.m., all five members answered roll call.

Mark Shaffer made a motion to approve the minutes from the September meeting. Jim Schwarzkopf seconded the motion and the motion passed with a 5-0 vote.

**NEW ITEMS:**

**B10-10-09 JEFFERSON TWP., SANDALWOOD SOUTH, SEC. B, LOT 132 Sharlon Robinson requesting reduction of secondary front yard setback (corner lot) for a gazebo at 418 Greenwood Trail, Ossian. Property is zoned R-1.**

Sharlon Rose Robinson appeared for the request to reduce the setback to allow a gazebo to be placed in what would be considered her side yard at 13 ½ ft. from the right-of-way. The property is a corner lot and by ordinance standards would actually have two front setbacks due to the public right-of-way on two sides. It has been determined that the proposed location of the gazebo does not obstruct the site triangle for vehicular traffic.

The platted subdivision on Sandalwood Dr. has a 35' ft. building setback line. Noted was that there is a fence that was put in by the previous owner that is closer and it does not impede the site triangle at approximately 7' ft. from the right-of-way. In addition it was stated that this would not be placed on a permanent foundation.

Conditions: None

Motion to approve: Jim Schwarzkopf

Second: Rose Ann Barrick

Vote: 5-0

**B10-10-10 ROCK CREEK TWP., NW/4 1-27N-11E Joel Fremion requesting expansion of non-conforming use for light manufacturing and outside storage of materials at 5921 Main St. Uniondale. Property is zoned B-1.**

Joel Fremion was present to explain his request, stating that he builds gazebos using materials from barns that are being torn down. This has caused him to have a need to store some of his materials outside of the actual building where his business is located. The zoning ordinance does not allow manufacturing in a B-1, thus he needs the special exception to continue his business

and to be able to store some materials outside. The backside of the property is being utilized for storing the large pieces. A neighbor has put in a privacy fence and he has also installed some lattice work sections on his property to help to conceal the storage piles.

The building has a history of being used in a light manufacturing capacity or industrial storage inside. The proposed petition if approved will allow the business to continue without petitioning to rezone the property, which the Town of Uniondale has indicated they do not desire.

Conditions: None

Vote to approve: Rose Ann Barrick

Second: Jim Schwarzkopf

Vote: 5-0

**B10-10-11 ROCK CREEK TWP., NW/4 1-27N-11E Joel Fremion requesting a height variance for an accessory structure (gazebo) that exceeds 20' ft (max. allowed) in a B-1 zone at 5921 Main St. Uniondale.**

Joel Fremion, requesting a variance to allow the gazebo that he constructed as a model for his gazebo business to remain on the premises as is. Mr. Fremion explained the gazebo with the bell tower is the model he has used on his brochures is 3'ft above the maximum height allowed for the B-1 zoning classification of his property.

Rose Ann Barrick asked if was on a permanent foundation? Mr. Fremion explained it is anchored but not on a permanent foundation, it can be dismantled.

Conditions: None

Motion to approve: Rose Ann Barrick

Second: Mark Shaffer

Vote: 5-0

**B10-10-12 JEFFERSON TWP., NE/4 21-28N-12E Property owned by Harry T. and Lois A. Gerber to be considered for a special exception to allow a residence in a B-3 zone. Property is located at the 1725 Hillcrest Dr., Ossian.**

**Petition requested to be continued by the property owner and his agent.**

**B10-10-13 HARRISON TWP., NE/4 3-26N-12E Nick and Jessica Fiechter appeal administrative decision for a building that was constructed in a floodplain after property was marked where it could be constructed. Property is located at 444 Elm Grove Rd., Bluffton and zoned S-1.**

Nick Fiechter was in attendance for his appeal stating he and a friend built the building and they made a mistake and got too far over.

To correct the error DNR allows compensating fill where soil is removed from another area in the flood plain in order to fill in or to elevate the Fiechter property. There is a required recorded

document that states the building was constructed in the flood plain and anytime there may be a mortgage held on the structure flood insurance will be required.

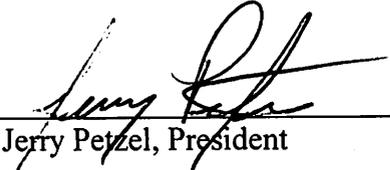
The appeal for the violation was denied as it was determined the flood plain ordinance can be satisfied with the property owner in agreement to take steps to remedy the problem with DNR approved compensating fill.

Motion to deny appeal: Jim Schwarzkopf  
Second: Jerome Markley  
Vote: 5-0

**DIRECTOR COMMENTS:**

**ADVISORY:**

Mark Shaffer made a motion to adjourn the meeting. Jim Schwarzkopf seconded the motion and the motion passed with a vote of 5-0. The October 26, 2010, meeting of the Board of Zoning Appeals was adjourned at 7:40 p.m.

  
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Jerry Petzel, President

ATTEST:   
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Michael Lautzenheiser, Jr., Secretary