

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the November 27, 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 October 16, 2012 and October 23, 2012 meetings. James Schwarzkopf seconded the motion and the minutes were approved by a 5-0 vote.

OLD ITEMS:

B12-09-26 JACKSON TWP., SW/4 35-25N-10E Paul J & Margaret E Fritts are requesting a variance to reduce the side yard setback to 10' for a 32' X 64' garage. The property is located at 11801 S. St. Rd. 3, Montpelier, IN 47359. The property is zoned A-1.

Michael Lautzenheiser, Jr. updated the board on what the Fritts are doing. He stated that Mr. Fritts called the office before the last meeting, but there has been no communication since. Mr. Lautzenheiser requested that the board continue the petition just in case the Fritts' still needed it.

Conditions:

Motion to Continue: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

NEW ITEMS:

B12-11-30 LANCASTER TWP., SW/4 22-27N-12E Lowes (Property Owner) & 3Rivers Federal Credit Union (Easement) are requesting a variance to add an addition 6ft 1in X 14ft sign face to an existing sign. The property is located at 2105 N. Main St., Bluffton, IN 46714. The property is zoned B-3.

William Nicholson, 3Rivers Federal Credit Union, stated that the sign will support the newly constructed branch and the sign will be under the marquee at Lowes. Diana Chamber, Commercial Signs, explained that the reason for the variance is due to the fact that the branch is located on a side street off of State Road 1 and they would like the visibility from the highway. She also stated that there is a monument sign at the front of the building along with a sign attached to the building. The monument sign cannot be seen from State Road 1. Paula Johnson, 3Rivers Federal Credit Union, explained that when the credit union purchased the property Lowes was not constructed yet.

Michael Lautzenheiser, Jr. stated that there is a second sign on the Lowes property for Pine Grove Apartments. This sign was not permitted and recommends that a condition of approval be that the apartment sign be removed. He explained that it would be consistent with other properties that have requested additional sign faces.

Conditions: Remove Pine Grove Apartments sign
Motion to Approve: James Schwarzkopf
Second: Harry Baumgartner, Jr.
Vote: 5-0

B12-11-33 HARRISION TWP., NE/4 05-26N-12E Dallas T. Moser II is requesting a variance to increase the height of his barn from 26ft to 28ft. The height of 26ft was previously approved with a variance B12-03-09. The property is located at 1526 W. Lancaster St., Bluffton, IN 46714. The property is zoned R-1.

Dallas Moser stated that when the barn was constructed he changed the pitch of the roof and did not realize that it would have increased the height of his structure.

Michael Lautzenheiser, Jr. stated that the petition is to correct a violation. He went out to measure the structure after the initial variance request for 26ft and it measured 2 feet taller. The property is zoned R-1, but it is not in a housing addition. He explained that the questions on the petition were fully answered. Question 1, Mr. Moser answered yes that the building would be used for storage of a camper and personal work. Question 2, Mr. Moser answered yes due to the fact that it is in a farm like setting and that it's next to an industrial zoned area. There is some shielding between the property and Hi-Lo Addition. Question 3 answered yes and Mr. Moser stated that there are four other large structures within two blocks from the site; therefore it doesn't seem out of place. Question 4 was answered yes and Mr. Moser explained that the building needed to be taller than 20 feet due to the fact that he wanted a place to store his camper and the doors of the structure would have to be 14 feet tall. Question 5, Mr. Moser answered yes. Mr. Lautzenheiser explained that it is a height variance request, but it is not to a height that the state code would come into question.

Conditions:
Motion to Approve: Rose Ann Barrick
Second: James Schwarzkopf
Vote: 5-0

B12-11-34 HARRISION TWP., NE/4 04-26N-12E William K. & Sharon E Gentis are requesting a variance to reduce lot size from 7,000 sqft to 6,800 sqft and 3000 sqft in order split lot 236. The property is located at 127 W. Central, Bluffton, IN 46714. The property is zoned R-2.

Joe Collins, representative for the Gentis family, stated that Bill Gentis purchased a property with two houses on it and wants to divide the property so that each house is on its own lot. He explained that there is an encroachment agreement with the neighbors for the garage on the back of the lot.

Michael Lautzenheiser, Jr. explained that there are several other lots in the area that are of similar size. The smaller lot sizes are not uncommon in that area. He stated that the reduction of the lot size may be a minor issue. He explained that having two houses on one lot is a bigger issue; therefore dividing the lot so that each house is on its own parcel is better from the ordinance stand point.

Conditions:
Motion to Approve: James Schwarzkopf
Second: Keith Masterson
Vote: 5-0

Discussion:**Violation: V2012-003 – John E. Hofstetter**

Michael Lautzenheiser, Jr. explained that during his last inspection of the property it appeared that work on the shed/truck body had not been started yet. He stated that the fence looked to be in the correct location and outside of the road right of way.

John Hofstetter explained that he is in the process of getting a quote on the price for a tin roof for the shed/truck body. He stated that he is also looking into wood siding to complete the structure. He expressed that he would like to have the project completed by the end of the year.

The board discussed Mr. Hofstetter's initial request of a variance, which gave him 30 days to comply with the condition. Mr. Hofstetter stated that he thought it was 30 days after the tree was removed, which took 60 days to remove. He stated that it's been about 4 months since he moved the shed. He expressed his confusion because the permit that he was issued states on it that he has six months to start his project from the date of issuance. The board explained that their condition trumps what is stated on the permit.

Conditions: Must have project finished by December 31, 2012

Motion: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

Director's Annual Report

Mr. Lautzenheiser reviewed what has occurred during the past year. He explained the status of the appeal and lawsuit with Wells County Concerned Citizens about the Apex project approval and AWS's appeal. He stated that 290 permits were issued as of the date the packets went out, which is similar to last year's numbers. There was a small amount of growth in permits for houses. Mr. Lautzenheiser said that currently there were 32 total violations and that the Stewarts violation is going to court. The APC has had 30 total petitions, which include three CAFOs and then the Apex modification petitions. The BZA has had 35 petitions with 27 of those being variances. The Plat Committee will have two more meetings before the end of the year, but they are already up to 115 petitions which is similar to previous years.

2013 Plan of Operations

Mr. Lautzenheiser stated that in general he would like to keep the operations the same. The DNR reviewed our permitting process for compliance with the state and FEMA's requirements; and complimented us on our permit procedure and how we handled flood plain items in our county. He stated that the director's opinion will still be part of the board members packets. He also said that for record keeping the office will continue to work on digitizing the old records as well as the current petitions that come in. Mr. Lautzenheiser explained that enforcement of the ordinance will still be resolved through the violation fee. The fee is getting people's attention. He stated that for the advertisement of the petitions it's mandatory per state code that a notice be placed in two local newspapers and the best results the office has had is with the signs at the site locations. He informed the board that the office employment would stay the same except that Tracey Ulmer would go from working three days a week to two days, which was done to help cut the office budget. Mr. Lautzenheiser stated that the main goal for 2013 is to get the Comprehensive Plan completed. Then look at rewriting the ordinance to make it more concise and eliminate duplication within the document. Indiana Codes have changed and he stated that the rules and procedures for the boards may need to be updated to reflect those changes. Also with the code changes, there

are some other committees that could be utilized to speed up some of the petitions. He then went on to explain each of the committees and listed some of the benefits of using them.

Violations

The board then went on to discuss a possible violation on the corner of Clark Avenue and W. Silver Street and talked about what was being constructed. They believe that the owner is building without a permit. Michael Lautzenheiser, Jr. stated that he would investigate it. He commented on a violation on W. Market Street, which is similar in nature.

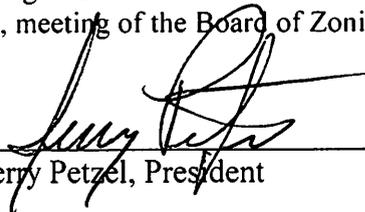
ADVISORY:

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 November 27, 2012, meeting of the Board of Zoning Appeals adjourned at 7:57pm.

ATTEST:



Michael Lautzenheiser, Jr., Secretary



Jerry Petzel, President