

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the December 18, 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 November 27, 2012 meeting. 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 the petition. He stated that there has been no contact from the Fritts and that the APC office has not received any paper work for an addition to their property. He also explained that due to the BZA's Rules of Procedures, this is the last time that this petition could be heard.

James Schwarzkopf made a motion to deny due to the plans for the building and its location to the septic.

Conditions:

Motion to Deny: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

NEW ITEMS:

B12-12-35 HARRISON TWP., NE/4 04-26N-12E Roger D. Compton is requesting an expansion on his non-conforming structure. The property is located at 223 E. Market St., Bluffton, IN 46714. The property is zoned B-1.

Cyndee Fiechter, represented the petition on behalf of Roger Compton, stated that she and Mr. Compton spoke with Michael Lautzenheiser, Jr when the violation notice was issued. She explained that he was unaware of the need for a permit due to the fact that it was a rebuild on existing foundation plus the addition of a second story. She provided the board with copies of photos of the remodeling that occurred to the house. She also explained the reason that the rebuild occurred was due to a neighbor's tree falling on to the single story portion of the house. The front part of the home is two stories.

Bo Alstoft, neighbor to the west of the property, commented on the fact that the construction occurred so quickly and stated that he was concerned about the foundation being able to support both stories when it is old and initially only supported one story.. He also addressed his concerns for who owns the tree and who's responsible

for the cleanup of it. He then commented on the fact that during construction there has been too much debris in the yard. There was much discussion on where the property line is and if Mr. Alstoft's fence is on his property or Mr. Compton's, along with who owns the tree.

Michael Lautzenheiser, Jr. explained that the questions on the petition were answered "Yes", but no explanation was given. He stated question number 1 and said what the board looks at is what the buildings in the area look like as far as being residences next to residences and businesses next to businesses. This case would be two story houses next to two story houses. The neighboring properties are residential and the proposed building design is consistent with the size and shape of the surrounding buildings. He stated question number 2 and asked does the addition adversely affect the public's health, safety, or welfare. The tree issue that was brought up is a private issue between the land owners. An answer to the question would be similar to the answer to question number 1, which is, the expansion of the structure doesn't necessarily change the effect on the public.

Conditions:

Motion to Approve: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

Discussion

Michael Lautzenheiser, Jr. informed the board that the ordinance revision information for CAFO and WECS has been emailed out and that the proposed fee schedule that was discussed a few months ago will be added too. The BZA does not do anything with it. This was strictly just to keep the board informed.

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 December 18, 2012, meeting of the Board of Zoning Appeals adjourned at 7:34pm.

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

Jerry Petzel
Jerry Petzel, President