

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, April 28, 2015 was called to order by Board President, Jerry Petzel at 7:03 p.m. Roll call was answered by all five members.

APPROVAL OF MINUTES:

Rose Ann Barrick offered a motion to approve the minutes from the March 24, 2015 meeting and Jim Schwarzkopf seconded the motion, minutes were approved 4-0-1. Harry Baumgartner, Jr. abstained from voting due to being absent at the March meeting.

OLD ITEMS:**NEW ITEM:**

B15-04-07 HARRISON TWP., NW/4 17-26N-12E Kurt & Angie Beer requests a variance to reduce the side yard setback from 20ft to 9ft for a garage addition. The property is located 1284 E 200 S, Bluffton, IN 46714. Property is zoned A-1.

Kurt Beer talked about how he changed the plans for garage addition to make it further away from property line. He talked about why it was needed to be attached where the drawing showed. The board discussed previous request and required setbacks. They also talked about previous variance for the pond. Mr. Beer added that at the last meeting it was suggested to add on to the horse barn. He said that they are looking into getting more horses and that between the house and the barn is the septic and leach field. Mr. Baumgartner, Jr. asked about remaining yard as possibility. Mr. Beer said that he would like to have a grass area for kids to play.

James Schwarzkopf asked if there were objections like last time. Chad Captain, owner of neighboring property, talked about how he is still worried about the liability from farm equipment and maintenance of the building. He said that he wanted to work things out and suggested a 15' swap of land and Mr. Beer turned it down because it would take away from horse pasture. He said that nothing has been done to resolve other issues regarding property lines. He suggested maybe 10' instead of 8' so a full size vehicle can drive around the garage or maybe add to the west side instead of east side of garage. He said that 8' is better than last time but it's still not 20'. Mr. Captain talked about a skid loader being on his property as well. Kurt Beer talked about how taking 15' away from the horse pasture when they are planning on adding additional horse doesn't work. He mentioned how he felt the reasons were due to a grudge. Jerry Petzel said that personal grudges aren't taken into account. Keith Masterson mentioned how he felt the 15' land swap would have worked. Mr. Beer talked about his concern of the having to move the horse pasture over the leach field. Rose Ann Barrick said that she would like it to be 10'. Mr.

Beer said that he can't build on the other side of garage due to not having enough room. Mr. Petzel asked how much room was there between back of garage to the edge of the beach. Michael Lautzenheiser, Jr. mentioned the Findings page needing completed. Mr. Beer mentioned how the skid loader had to go on Mr. Captain's property to remove part of a burn pile that was found to be on Mr. Captain's property after having the survey done.

Jerry Petzel asked for a decision. Harry Baumgartner motioned to deny the petition due to there being other location on the property that he could build. There wasn't a second for the motion. Mr. Petzel asked for a second motion. Kurt Beer said that he's trying to make things work and cut back on the size of the building like suggested for the last petition. Rose Ann Barrick mentioned maintenance for the building.

Michael Lautzenheiser, Jr. mentioned the 30 day appeal period and how a permit would be needed.

Conditions:

Motion to Approve 9' side yard setback: Jim Schwarzkopf

Second: Keith Masterson

Vote: 4-1 (Harry Baumgartner, Jr.)

B15-04-08 HARRISON TWP., NE/4 5-26N-12E Violet E. Stevens requests a variance to reduce the front yard setback from 35ft to 23ft for a porch addition. The property is located 26 Woodlawn, Bluffton, IN 46714. Property is zoned R-1.

Violet Stevens asked the board for a reduced front yard setback so they could put a roof over the front porch to help with the weather. Michael Lautzenheiser, Jr. mentioned the platted setback of 30' and two properties with similar styled front porches. Rose Ann Barrick asked if the 8' depth of the porch was needed. Mrs. Stevens said that it is just going over what already exists and the extra room requested was for the posts to hold the roof. Mrs. Barrick asked about the appearance. Mr. Lautzenheiser, Jr. talked about how this lot is close to 1/2 the size of surrounding lots. James Schwarzkopf asked about the property with the 24'6" setback. Mr. Lautzenheiser, Jr. said that property was at the other end of the street and that the covenant allows open air porches.

Conditions:

Motion to Approve: Rose Ann Barrick

Second: Keith Masterson

Vote: 5-0

B15-04-09 HARRISON TWP., NE/4 4-26N-12E Delores Gregg requests a variance to reduce the side yard setback from 8ft to 2ft for a garage addition. The property is located 312 E Central Ave., Bluffton, IN 46714. Property is zoned R-2.

Jeff Gregg, Delores Gregg's son and buying home on contract, talked about he is trying to go as much as he can to the property line. He said that there was useless area that could be used for extra garage area. Jerry Petzel asked if he was adding on to the existing garage. Mr. Gregg said that he can't use the current garage as is and needs the additional storage. He mentioned a new

vinyl fence waiting to be installed when garage is done. He said that the fence is currently 1' from the property line. Michael Lautzenheiser, Jr. asked if the board members had any questions. The board discussed location and properties around the addition requested. Mr. Petzel didn't see anything wrong with it. James Schwarzkopf asked if 5' would work. Mr. Gregg mentioned the needed space and reasons behind it. Rose Ann Barrick asked about going to the back of the garage. Mr. Gregg said that there is a pool in the back year and that Mr. Lautzenheiser, Jr. advised him to stay the 20' from the road. He talked about it having metal siding with gutters. Mrs. Barrick mentioned how it may not be a problem not but is concerned with maintaining it down the road. The board discussed a possible 2' setback instead of the 6" requested.

Conditions:

Motion to Approve 2' side yard setback: James Schwarzkopf

Second: Rosa Ann Barrick

Vote: 5-0

B15-04-10 HARRISON TWP., NE/4 3-26N-12E John & Susan Dowling, Jr. requests a variance to increase height variance from 20ft to 22ft for a garage. The property is located 1012 Riverview Drive, Bluffton, IN 46714. Property is zoned R-1.

John and Susan Dowling, Jr. explained that they had plans for the garage to have a maximum height of 20' per the ordinance. Michael Lautzenheiser, Jr. stated that the concrete to the top of the inside peat is 21'6". Mrs. Dowling said that it was completely accidental. Mr. Dowling, Jr. said that they told the contractor 20' max. Mrs. Dowling said that before building they drove around and looked to see what was around. Mr. Dowling, Jr. talked about how it was set back off the front property line. Mrs. Dowling said that the building gave them an outdoor area between the buildings to use and was unaware of height problem. She talked about having tall trees on each side. James Schwarzkopf asked how far the garage was from the house. Mr. Lautzenheiser, Jr. explained the different options available. Mrs. Dowling asked to go with the variance option. Mr. Dowling, Jr. showed the board a photo of the garage. Mrs. Dowling said that they moved there in July 2013. She said they wouldn't have built the garage if they thought you would have this trouble. She said that they felt there were meeting all the requirements and explained how they weren't happy with the contractor. Jerry Petzel asked if there were any public or board questions. Rose Ann Barrick asked if there had been any complaints. Mr. Lautzenheiser, Jr. said that there was one and how they were upset with the height. He also mentioned that they were not happy with 20' height max either. Mr. Schwarzkopf asked about rebuilding if something were to happen. Mr. Lautzenheiser, Jr. talked about how the variance go with the building and if for some reason it would have to be rebuilt they would need to reapply for a variance if they wanted to go to the 22' height again.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 5-0

OTHER BUSINESS:

Ordinance Amendments

Michael Lautzenheiser, Jr. described a number of possible ordinance changes and asked the board's opinions and suggestions regarding wording on the items.

ADVISORY:

DIRECTOR COMMENTS:

Rose Ann Barrick made a motion to adjourn the meeting. James Schwarzkopf seconded the motion and the motion passed with a vote of 5-0. The April 28, 2015 meeting of the Board of Zoning Appeals adjourned at 9:10 pm.

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

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