

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the May 22, 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 April meeting. Harry Baumgartner, Jr. seconded the motion and the minutes were approved by a 5-0 vote.

NEW ITEMS:

B12-05-13 HARRISON TWP., SW/4 01-26N-12E John E. Hofstetter is requesting a variance for 11-01(4) for a truck body to be used as an accessory building. The property is located at 5433 E. 100 S, Bluffton, IN 46714. The property is zoned A-1.

John Hofstetter stated that he has been using the 10' X 20' body of a box truck for an accessory building and he would like to put barn siding or paint the body along with putting up a privacy fence so that it would not be visible from the road. He would also like to relocate it to the northwest side of his property, but to do so he would have to remove a tree. Mr. Hofstetter has lived at the property for six years. He advised the board that the truck body has been on the property since November 2011. It was brought in and he was unaware that his father had purchased the truck body or that it was going to be placed 3 1/2'ft from the property line. Mr. Hofstetter started to clean the property up in March 2012 after his father had passed. Out of the three buildings on the property, he stated that this one was the most sound structurally. He explained to the board that he changed the door on the body of the truck so now it looks more like a camper or horse trailer. He also has plans on removing one of the other buildings on the property.

Larry Stoller, neighbor to the east of the property, said that Mr. Hofstetter is a great neighbor and is in favor of the box truck body to be used for storage. His main concern is the property line setbacks. He would like it to be moved off of the property line more.

Michael Lautzenheiser, Jr. advised the board on the current ordinance for truck bodies as accessory structures. He also stated that there would be no issue if the truck body was stored in a structure. He explained that at a minimum the revamping of the truck body to at least look like a structure would be necessary, which would include siding and possible roof. A timeline for the project to finish would be required.

Linda Luginbill, Mr. Hofstetter's aunt, stated that it would take longer to remove the tree than anything else. It could possibly take two weeks maybe more.

Conditions: 60 days to take care of the body of the truck, with moving it, siding it and putting a roof on it to meet the standards of a building.

Motion to Approve: James Schwarzkopf

Second: Jerry Petzel

Vote: 4-0-1 (Harry Baumgartner, Jr.)

B12-05-14 HARRISON TWP., NE/4 05-26N-12E Christian New Light Church is appealing the administrative decision for violation V2012-008 for operating a multiple family dwelling in an R-2 zoning at the old Columbian School. The property is located at 1225 W. Washington St, Bluffton, IN 46714. The property is zoning R-2.

Tim McKnight, pastor of the church, explained that part of the building was being used as the parsonage. He stated that the residents of the parsonage are he and his wife, along with his mother-in-law, father-in-law, sister-in-law, and daughter with her children. His wife takes care of her mother, father and sister. There are no apartments in there and they do not rent any part of it out. Most of the structure is used for church purposes. Mr. McKnight stated that Jerry, a trustee and deacon of the church, lives down at the other end of the structure. He takes care of building and property.

Michael Lautzenheiser, Jr. advised the board on the reason for the violation. Several phone calls to the city of Bluffton stated that there could be two or three apartment units in the structure. He explained the zoning of the property and what is and is not allowed. If the family is one unit and the single gentleman as the other unit, then there are two and it would comply with the zoning.

Cynthia Morrow, Mr. McKnight's daughter, explained the renovation of the structure from a school to the living area with temporary walls and lowered ceilings.

Mr. McKnight stated that the state fire marshal came into the structure for an inspection due to the school using part of the north wing again. The fire marshal stated that a fire wall between the living area and the north end would be needed to comply with state standards. Mr. McKnight advised that was put in and is compliant. He also explained the bathroom and plumbing situation.

Conditions:

Motion to Approve: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

Discussion:

The board discussed the petitions filed for next month's meeting.

Michael Lautzenheiser, Jr. advised the board that the office has a record number of violations that are out. He explained the group homes that are being operated out by Autumn Court and

another set of group homes that are operated in the north part of the county. He also explained the shed violations that were turned into the office in Rose Ann Heights. Mr. Lautzenheiser stated that another violation was a pitcher's back stop located in an easement on Brook Drive. He explained Mr. Hofstetter's clean-up process on the property. He advised that the pond on State Road 124 that requested a variance is in violation due to it being measured from a grass line and not a property line.

The board discussed the process of the Shepherd's correcting their violation with the auto body shop operation out of any accessory building. They also brought up the progress of the pond violation on North Meridian and the fact that it could go in front of the board again. The Stewart's violation was also brought up and discussed. The board talked about Dennis Johnson's violation clean-up process.

ADVISORY:

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 May 22, 2012, meeting of the Board of Zoning Appeals adjourned at 8:01pm.

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

Jerry Petzel
Jerry Petzel, President