

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, May 27, 2014 was called to order by Board President, Jerry Petzel at 7:00 p.m. Roll call was answered by five members.

APPROVAL OF MINUTES:

Rose Ann Barrick offered a motion to approve the minutes from the April 22, 2014 meeting and Keith Masterson seconded the motion, minutes were approved 4-0-1 with Harry Baumgartner Jr. abstaining.

OLD ITEM:

NEW ITEM:

B14-05-05 HARRISON TWP., NW/4 03-26N-12E Dave & Shirley Goodwin Trust requests a variance to reduce the front yard setback to 10ft and increase the sign face to be greater than 16sqft. The property is located at 3220 East State Road 124, Bluffton, IN 46714. Property is zoned R-2.

Dave Goodwin provided the board with some history of the property to explain why the property is in a residential zoned area. He explained the location of the other business signs along State Road 124 and that they would like to place the new sign roughly the same distance from the road as the other business' signs. He stated that the sign will be in the setback but out of the road right-of-way. He explained that the new sign face would be 27 square feet, which is larger than what is permissible in the R-2 zoning. Mr. Goodwin stated that the existing sign will come down and the new sign will be a plain wooden engraved sign, which will be lit with landscaping lights from the ground.

Mitch Harnish, one of Mr. Goodwin's partners at the funeral home, expressed his concerns for the need of the new sign. He explained that the existing sign is parallel with the road and close to the building. He stated that with the nature of their business, many people come from out of town and find it difficult to locate their facility without passing it first. He explained that the new two faced sign, which is perpendicular and closer to the road, would help to cause less confusion for out of town guests.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Rose Ann Barrick

Vote: 5-0

B14-05-06 HARRISON TWP., NE/4 10-26N-12E William D. Farabee requests a variance for a fence to remain in the 10ft utility easement on the west and south sides of the property. The property is located at 1200 Fawncrest Ct., Bluffton, IN 46714. Property is zoned R-1.

William Farabee explained to the board that there are two 8 inch round drains that come to the center of his yard, which is about 7 feet from the edge of his property. He stated that they were unaware of the easements when the fence was starting to be constructed. He advised the board on the reason for the fence being built was for his daughter to be able to play safely in their back yard. He explained that during his time of residing at the house, he has not seen any trucks or utility personnel use that easement. He stated that the posts are 2 feet from the property line on the south side and that fencing is already up on the east and west side about $\frac{3}{4}$ of the way to the south line. Mr. Farabee advised the board that the neighbor to the south has a fence up on the property line and utility boxes are inside his property. He requested permission to use the ground and stated that they would work with the city if there was an emergency where trucks would have to get back there. He stated that he would agree to the city removing part of the fence to get back if there were an emergency, and he would pay to repair and replace the fence. He explained that the fence company knew where the easements were and told him that they construct fences in easements all the time. He also advised the board that the fence will be 2-2.5 inches off the ground so that the water will not be impeded and could flow to the drain more smoothly.

Michael Lautzenheiser, Jr. explained that the west side easement is an 8 inch public water line that runs through and then at the south property line goes west. He stated that the south easement has the storm drain, electrical, and some fiber-optic and phone services, all of which is underground. He advised the board that the fencing along the west side is about 6 feet from the property line. Mr. Lautzenheiser informed the board that the city utility office was the entity that complained and brought this issue to our offices attention.

Chris Honegger, neighbor and owner of lot 12, stated that he was unaware of an easement between the two properties.

Harry Baumgartner Jr. read the section out of the ordinance, which states that a fence shall not be constructed in an easement.

Rose Ann Barrick made a motion to deny due to the fact that the city needs access to the utilities that are located in the easement.

Conditions:

Motion to Deny: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

B14-05-07 HARRISON TWP., NW/4 09-26N-12E PEND II (OH-IN) LLC requests a variance to increase the height of an accessory structure from 20ft to 42ft. The property is located at 130 Harvest Road, Bluffton, IN 46714. Property is zoned I-1.

Wade Ziler, materials technician for Pendaform, stated that they are preparing to build six 42ft storage silos for polyethylene plastic material. He explained the reason for the larger silos is because the smaller silos would hinder the company's operations due to the fact that there would be more storage taking up floor space. He advised the board on where the location of the property was at and then where the silos would be on that property.

explained that there was a modification done when the silos for the ethanol plant were approved. Mr. Lautzenheiser advised the board that the silos were going on hard surface therefore it would not change the drainage. He explained that there would be a parking lot expansion in the future for this site.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

OTHER BUSINESS:

ADVISORY:

Mr. Lautzenheiser commented on potential ordinance amendments, which could include increasing the height of accessory structures in industrial zoned areas. He also informed the board on changes made to the development plan, CAFO, and WECS sections of the ordinance, which were from the Redraft Committee discussions. He stated that the floodplain ordinance has a mandatory amendment which will need to be adopted with the new maps. He went on to further discuss the change from CAFO numbers to CFO numbers, which is the minimum animal capacity that the state begins to review.

James Schwarzkopf made a motion to adjourn the meeting. Keith Masterson seconded the motion and the motion passed with a vote of 5-0. The May 27, 2014, meeting of the Board of Zoning Appeals adjourned at 8:05pm.

Rose Ann Barrick V.P.

~~Jerry Petzel, President~~

ROSE ANN BARRICK, VICE-PRESIDENT

ATTEST:

Michael W. Lautzenheiser Jr.

Michael Lautzenheiser, Jr.