

ROLL CALL

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

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel called the August 28, 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 July meeting. James Schwarzkopf seconded the motion and the minutes were approved by a 4-0-1 vote, with Jerry Petzel abstaining.

OLD ITEMS:

B12-07-23 HARRISON TWP., NE/4 02-26N-12E Blake C Gerber & Ernest L Schwartz are requesting a variance to reduce the setback for a pond to 20'ft from the water's edge to the property line. The property is located on the east side of SR 201 south of SR 124, Bluffton, IN 46714. The property is zoned A-1.

Blake Gerber explained that the property is a new minor subdivision and that there is an easement that runs the length of the driveway area. The variance request is due to the fact that the easement for all of the utilities over laps the drive as it angles to the south. The pond would be in the very southeast corner of the lot. The pond would maintain or slow down the run off from this property to the properties located to the south and southeast. Doing so would make the building site larger and more manageable. There will be an overflow drain pipe from the pond to the ditch. The pipe would be in the easement of the 3.99 acre lot, which would flow into a tile and that would then drain into the ditch.

The board explained that the petition was not filled out completely and asked Mr. Gerber to further explain his answers to the questions on the petition. Number 1, Mr. Gerber stated that it would not be affecting public health or safety. He advised that it would be a benefit to the four other neighboring property owners. Number 2, Ernest Schwartz advised that it would slow down water run off to the neighboring properties and ease erosion on the property to the east. This would not adversely affect the neighboring property values. Number 3, Blake Gerber stated that it would be consistent with the neighboring environment. The pond would lessen the erosion, which would cause the grass to have a better chance of growing. Number 4, Mr. Gerber stated that this would cause an issue because if the pond met the setbacks then the house that would be constructed on that lot would not be consistent with the other homes in the area. Constructing a house similar to the neighboring houses would be beneficial to maintain the property values of the existing surrounding homes. Number 5, Mr. Gerber stated that they are just going to be constructing a pond and the regulation of tall structures is not applicable to this petition. He advised that they have not determined the size of the pond that they are planning to construct, however, they are thinking about a third of an acre.

Michael Lautzenheiser, Jr. advised the board on the reason behind the 50ft setback for ponds.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

NEW ITEMS:

B12-08-24 HARRISON TWP., NE/4 04-26N-12E Robert & Tammy Mullen are requesting a variance to reduce the front yard setback to 23.5'ft for a 12'x26' metal carport structure. The property is located at 504 E. South St., Bluffton, IN 46714. The property is zoned R-2.

Robert Mullen stated that in 1993, he received a variance to construct a garage. This new structure will be south of that garage and maintain the same line, which is 23.5ft from the road. He advised that this new structure would be to store a boat.

Michael Lautzenheiser, Jr. stated that the variance is for the west side of the property. There is no problem with the distance on the south side to the alley. He also advised that there would be no issue with the sight triangle. The rule for garage door openings is that there is 20ft before you pull out a vehicle out into traffic; however, it stated that the 20ft is before you get off of your property. Mr. Lautzenheiser advised that with the other structure there and the fact that they don't believe this road will ever be widened, the 23.5ft would be sufficient even with it mostly being in the public right of way. The front yard setback is 30ft., therefore the variance request is really to reduce the front yard setback to 6.5ft.

Conditions:

Motion to Approve: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

B12-08-25 JEFFERSON TWP., NW/4 10-28N-12E David & Jocelyn Harmon are requesting a variance to reduce the side yard setback to 12.5'ft for an existing 48'x56' pole barn. The property is located at 3421 E 1050 N, Ossian, IN 46777. The property is zoned A-1.

Jocelyn Harmon stated that they hired a contractor to put up a pole barn. He did not get a permit for the barn and she only became aware of it when she called into the office to try to get an address for the location of the barn. She stated that she paid the violation fee for the barn being built without a permit. Upon inspection of the barn, it was determined that the barn was built too close to the west property line. Mrs. Harmon explained that there were issues with the construction of this barn from the start. The material for the barn was initially placed on her neighbor's land. Then it was constructed, not only too close to the west side yard, but she had wanted the barn to be further north on the property. She stated that she spoke to her neighbor to the west and he has no issue with the barn's location.

Michael Lautzenheiser, Jr. stated that the 12ft to the property line does make enough space for the barn to be maintained. He restated how the violation came about.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Rose Ann Barrick

Vote: 5-0

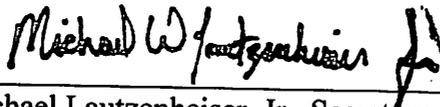
Discussion:

Michael Lautzenheiser, Jr. advised that AWS filed a civil suit and that there have been conversations between our attorney and their attorney. Due to a comment that was brought up about concrete pads during one of the petitions, he explained what exactly starts the building process per the ordinance. He advised that there are 4 petitions for the next month and stated that one is a non-conforming use for Park Center, which is due to the development plan that they filed.

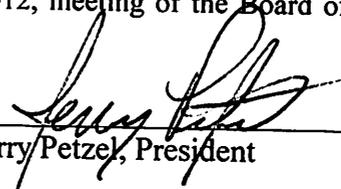
ADVISORY:

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 August 28, 2012, meeting of the Board of Zoning Appeals adjourned at 7:48pm.

ATTEST:



Michael Lautzenheiser, Jr., Secretary



Jerry Petzel, President