

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, September 22, 2015 was called to order by Board President, Jerry Petzel at 7:00 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 July 28, 2015 meeting and Keith Masterson seconded the motion, minutes were approved 5-0.

OLD ITEMS:**NEW ITEM:**

B15-09-19 LANCASTER TWP., NW/4 27-27N-12E Ryan Cox requests a variance to reduce the rear yard setback from 14' to 6' for a pool. The property is located at 318 Willowbrook Trl., Bluffton, IN 46714. Property is zoned R-1.

Ryan Cox came in to get permit for pool. He said that Tracey explained the 14' easement. He thought that meant that it was 7' on his side and 7' on the neighbor's property. He said that he kept the fence in line with other fences. Keith Masterson asked where the pool was located on photo. He asked if all the fences were in the easements. Michael Lautzenheiser, Jr. explained that most of the fences are a foot off the property line. Rose Ann Barrick asked if there was any easement on the neighbor's property. Mr. Lautzenheiser, Jr. explained the easement is only on the one side since the neighboring property is from a 1950's development. Mr. Cox mentioned that about 2 weeks ago there was a truck that got thru the easement for trimming trees and nothing had to be taken down. Mrs. Barrick asked if the City of Bluffton had anything to say about this petition. Mr. Lautzenheiser, Jr. talked about the City Building Inspector and the code stating it is 25' from electric source. Mr. Cox said that he understands the easements now but at the time he thought he was ok. Mr. Masterson wanted to confirm that it was 8' into the easement. Mr. Lautzenheiser, Jr. said that the board isn't able to grant a variance for the 25' since it is a building code requirement. Mrs. Barrick asked Mr. Cox to verify which house was his on the photo. She talked about how it's harder to move a pool vs. a fence. Harry Baumgartner, Jr. said it's the same with buildings. Mr. Cox asked what a permanent structure was in regards to a pool. Mr. Lautzenheiser, Jr. said that it would be any pool that isn't removed or taken down at the end of the season. Mr. Cox asked if there was public record of sheds located in easements. Mr. Lautzenheiser, Jr. explained that majority of shed probably didn't have a permit since at one time that size of shed didn't require a permit. Mr. Cox said that the pool is in the same spot as previous owner. Mrs. Barrick asked if there was another location for the pool. Jerry Petzel asked if the City could measure the distance from pool to electrical source. James Schwarzkopf said that it would be hard to move. Mr. Cox mentioned the neighbors not

having any trouble with pool where it is located. Mrs. Barrick said that she would feel more comfortable if we had the City of Bluffton's ok. Mr. Lautzenheiser, Jr. City of Bluffton had a concern regarding 25'. Mr. Masterson talked about how the board can't approve petition if it doesn't meet building code. Mr. Cox said that if it is within the 25' then he's fine moving it. Mr. Lautzenheiser, Jr. talked about either continuing until next meeting when we would have an answer from City of Bluffton or a conditional approval so it's in compliance with city's building codes. Mr. Cox said that his neighbor thought the easement was on both sides as well. Mr. Petzel asked the board their thoughts. Mr. Schwarzkopf liked the idea of approving it contingent on it meeting building codes.

Conditions: Must meet City of Bluffton building code with regards to pool and electrical lines.

Motion to Approve with Condition: James Schwarzkopf

Second: Harry Baumgartner, Jr.

Vote: 5-0

B15-09-20 JEFFERSON TWP., NW/4 15-28N-12E Billy Johnson Jr. requests a variance to increase age allowance from 15 years to 25 years for a type 1 manufactured home. The property is located at 406 Christ St., Ossian, IN 46777. Property is zoned M-2.

Billy Johnson, Jr. explained to the board how he already moved out the '72 and has plans to bring in the '90 manufactured home to increase looks. He said that it had a nice swing out for living room as well. Rose Ann Barrick asked if the old unit was 70' as well. Jerry Petzel asked if the pad was on to handle new home. Mr. Johnson, Jr. he said that the new one is longer than old unit which was 60' and he had it checked to make sure the pad would work for the newer unit. Mr. Petzel talked about how the board just approved a 20 year old unit and how it is a 25 year old unit wanting approved. Mrs. Barrick said that it's really a case by case situation. Cindy Baker said they are asking for special consideration because looking at the new unit it doesn't look 25 years old. Mr. Johnson, Jr. informed board that he had siding and roofing inspected on new unit as well. Caren Hitchcock said that what Billy is doing is going to improve area. She said that she owns 5 properties in area and that the new unit looks really nice. Tommie Johnson said that it will look nicer than what was there. Keith Masterson said that he was ok it the age of the unit. Michael Lautzenheiser, Jr. explained that the goal of age requirement is to have units going in newer and in better shape than units getting replaced on properties. Mrs. Barrick said that the 15 year is like a "gold" standard. Mr. Petzel talked about how the unit in the pictures looked great and would be an improvement. Mrs. Barrick mentioned that the new unit is 18 years newer and that 1990 wasn't that long ago.

Conditions:

Motion to Approve: James Schwarzkopf

Second: Keith Masterson

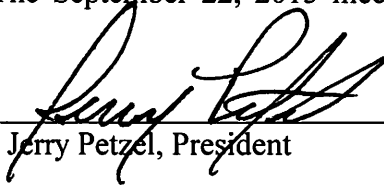
Vote: 5-0

OTHER BUSINESS:

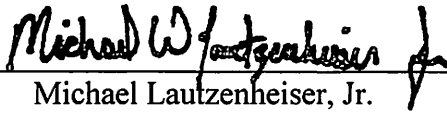
ADVISORY:

DIRECTOR COMMENTS:

Rose Ann Barrick made a motion to adjourn the meeting. Keith Masterson seconded the motion and the motion passed with a vote of 5-0. The September 22, 2015 meeting of the Board of Zoning Appeals adjourned at 7:28 pm.



Jerry Petzel, President

ATTEST: 

Michael Lautzenheiser, Jr.