

ROLL CALL

Harry Baumgartner, Jr.	Jerome Markley
Dan Baumgardner	Keith Masterson
Jarrold Hahn	Mike Morrissey
Bill Horan	Tim Rohr
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The December 5, 2013 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Eleven members were present for roll call.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the November 7, 2013 meeting. Mike Morrissey seconded the motion; the motion carried 11-0. Mike Morrissey made a motion to approve the minutes from the November 14, 2013 meeting. Jarrold Hahn seconded the motion; the motion carried 11-0.

NEW ITEMS:

A13-12-34 HARRISON TWP., NE/4 05-26N-12E Norman E. & Bonnie J. Wall request rezoning approval for a 0.53 acres tract to be zoned B-3. The property is located on the NW corner of Beth and Wiley Ave., Bluffton, IN 46714 and is currently zoned M-1.

Joel Hoehn, Stoodly & Associates, explained that Mr. Wall would like to put up a U-store building there and have an office at the front of the structure. He stated that they have been approved for the addition to the tract with the mobile homes on it. So now this property does not have any of the mobile homes on it. Mr. Hoehn stated that the minimum setback to the east is 5ft and currently the mobile homes are 6ft from that property line. He explained that Mr. Wall also has a variance petition into the BZA to request a front yard setback reduction for the structure and for a sign.

Michael Lautzenheiser, Jr. stated that the findings on the petition were not completed and questions 3 & 4 were answered no, but in order for the board to give a favorable recommendation all of the questions need to be answered yes. He stated some proposed explanations in his director’s opinion and requested comments from the petitioner.

Mr. Hoehn stated that for question #1, the area to the west is a commercial property and the mobile homes are to the east and more residential homes to the north and south. There are also commercial properties further to the west of this site. For question #2, he explained that there are a mix of uses in the surrounding area of this property. It would not be the first commercial property going up in the area. Mr. Hoehn stated that for question #3, there is nothing that would hinder the safety of the public at this site. For question #4, he advised that he didn’t believe that an additional commercial building in the area would damage property values. He explained that there is currently a row of pine trees on the property that act as a buffer and those would remain.

Tom Wall, representative for the petitioner, stated that there would be 20 storage units and that it could be possible that some of the neighboring mobile home residents would use the facility.

Jarrold Hahn commented on the fact that a business zoning for this property would act as a buffer between the industrial zoning and the residential zoned areas. He also stated that U-store buildings are permitted in I-1 zoned areas; however, B-3 is better because it's a more desirable use for this location.

Conditions:

Do Pass Motion: Jarrod Hahn

Second: Mike Morrissey

Vote: 11-0

Violation Update:

Brandon Weiss

Michael Lautzenheiser explained that on September 28, 2010, the BZA granted a variance for a pond to remain closer to the road than the setback allows with the condition that a 3ft wall be constructed at the side of the pond that is against the road. This has not been completed yet and a variance becomes void after 3 years. He stated that the offices next step is to inform Mr. Weiss that the variance has expired and a new variance would be required or the violation would need to be alleviated through one of the other options. He advised the board that there could be more discussion on this later depending on the outcome of the notification of the expired variance.

Ronald Mang

Mr. Lautzenheiser stated that the permit for the pond at the location is still active. At this time, there has been no further action on this as a manure lagoon. IDEM has not issued anything for this location. The pond has never been used as manure storage. He explained that the setbacks are met for the structure to remain a pond, but as a manure lagoon, it would be too close to the road per the ordinance. He stated that as long as the structure remains a pond, the violation will go away in time.

Send a letter with current use as a pond stating there is no violation. If the use of the structure changes, then the proper petitions would need to be filed.

Motion: Jarrod Hahn

Second: Tim Rohr

Vote: 11-0

John Hofstetter

Mr. Lautzenheiser advised the board that the violation was due to junk on the property and a container truck being used as an accessory structure. On May 22, 2012, the BZA granted a variance to convert the truck container into a storage structure with siding and a roof. This needed to be done within 60 days; however it was not completed. He explained that now there is a camper that has been moved in with someone residing in it and junk is starting to accumulate again. He advised the board that the violation should go on to the third phase of taking this through the court process.

Send a letter stating the violation is moving on to phase 3 of violation in 30 days if the agreed upon action is not taken and mention the other violation of using the camper as a dwelling.

Motion: Mike Morrissey

Second: Finley Lane

Vote: 11-0

Adam and Josey Kahn

Mr. Lautzenheiser explained that the last part to resolve the violation is to move the last semi-trailer. It is still there, but was knocked over during one of the wind storms. It is supposed to be cleaned up and parts removed from the site, but it is still there. He advised that at this point there needs to be some type of action taken. He stated that the privy was installed and some work is being slowly done on the property.

Send a letter stating 30 days to remove the semi-trailer or the next step will be taken.

Motion: Jarrod Hahn

Second: Keith Masterson

Vote: 11-0

Andrew Price

Mr. Lautzenheiser explained that the violation is in Ossian where Mr. Price is residing in a business. The project to correct the violation is Mr. Price fixing up a farm house so that his family can relocate to that. He advised the board that there is work going on at the farm house. He stated that the office just has not received any update on the process.

Send letter requesting update and timeline of completion

Motion: Mike Morrissey

Second: Jarrod Hahn

Vote: 11-0

Bank New York Mellon and Mark and Dixie Barkley

Mr. Lautzenheiser advised the board that Andy Antrim has sent a letter to the Barkley's to get a resolution to the violation before legal action is taken. He stated that the land could be purchased or given to one of the adjacent land owners and have it added to their property. He explained that the Barkley's are still the current deeded owners of the property.

A&T Lance

Mr. Lautzenheiser explained that the rezoning request, which was to correct the violation, for this property was denied at the April 4, 2013 meeting. He advised that there was a resolution put together stating that the site was supposed to be cleaned up and a petition for a development plan was supposed to be submitted within a year. As of right now there has not been any clean up at the site, in fact more stuff has been put on the property. He stated that Mr. Lance should attend the next meeting and discuss what to do as far as a timeline.

Send letter about the time line for the clean-up and informing him of not seeing progress being made.

Motion: Jarrod Hahn

Second: John Schuhmacher

Vote: 11-0

Dennis Berlin Sr.

Mr. Lautzenheiser stated that Mr. Berlin has filed an appeal with the BZA. He restated the violation of the mobile home and a residence on an industrial zoned property. He advised the board that if the BZA upholds the violation then this violation would come back to the board and a discussion on what should occur next will need to take place.

Ossian Partners

Mr. Lautzenheiser advised the board that the BZA approved the variance for the sign. He stated that there is still 30 days before a permit can be issued, which will close the violation.

Erick Kahn and Jessica Sizemore

Mr. Lautzenheiser stated that the violation is a scrap business in Uniondale. He advised the board that there has not been any response from the violation letter that was sent out.

Send second violation out as certified letter.

Motion: Jarrod Hahn

Second: Harry Baumgartner, Jr.

Vote: 11-0

Charles and Linda Harris

Mr. Lautzenheiser advised the board that there was a permit issued for a pole building and upon inspection the building did not meet the rear yard setback. They have filed for a variance and are on the December agenda for the BZA.

Rex Bates

Mr. Lautzenheiser stated that it was a mobile home violation. He advised that the property has a farm house and a grand-fathered mobile home, and then a newer mobile home was placed on the property, which caused the violation. He stated that Mr. Bates is currently working with the office, but there is an issue with the septic and the health department if they try to replace the old mobile home with the new or try to keep both mobile homes.

Rickey and Sylvia Southard

Mr. Lautzenheiser advised the board that the BZA approved a special exception that would meet the ordinance requirements. This violation has been resolved.

2013 End of the Year Report

Mr. Lautzenheiser stated that between the three boards there were 57 total meetings held during this year, and no meetings were missed due to lack of petitions on the agenda. He explained the four items that were in judicial review and whether they are still active or not. He stated that permits were up for the first time in several years and as of the meeting 317 were issued. He commented on the number of violations and the fact that 19 are still active. Mr. Lautzenheiser addressed the number of petitions heard by each of the three boards. He went over the budget and fees collected by the office. He explained the high amount of fees were due to the fee schedule change and due to the fact there were two wind petitions filed. He commented on the completion of the comprehensive plan. He addressed some of the projects done through GIS. He commented on the continuing education for the office and his maintenance of credit hours for the AICP.

2014 Plan of Operations

Mr. Lautzenheiser advised the board that the 2014 approved budget was for \$108,323.00. He then noted a couple of major purchases of a new copier and camera. He then commented on the reason for any changes to budget line items. He stated that he will continue membership in the America Planning Association and its Indiana Chapter. He asked the board if there was any specific type of training that they would like to have for the upcoming year. Mr. Lautzenheiser explained the comprehensive plan implementation and what projects will need to be started for 2014. He advised the board that permitting will remain the same; however, if the City of Bluffton approves a building inspector there will be changes due to potential software need and correspondence between the offices. He stated that the board packets and receiving the director's opinion will remain the same, but binders will be made that will have the rules of procedure, ordinances, the comprehensive plan, and other pertinent information for the board to have at each meeting. He advised that record keeping will remain the same with all documents being scanned to the computer, and the enforcement procedure will remain the same due to the fairly good results. He stated that the advertisement process will need to be discussed at some point during the year to discuss whether or not to continue to use the signs or use notification by letters. Next, Mr.

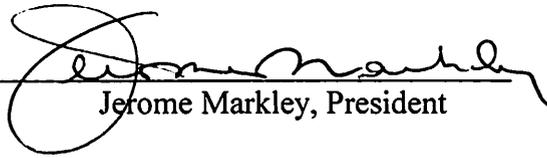
Lautzenheiser stated that the employment level and director's salary will remain the same. Finally, he went on to talk about the GIS budget, purchases, and projects that will be addressed during the upcoming year.

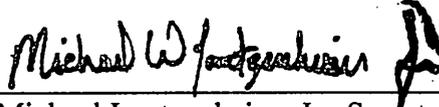
DISCUSSION:

The board talked about when their annual compensation would be received and if board members would like to change the way they are receiving their board members packets.

ADVISORY:

John Schuhmacher made a motion to adjourn the meeting. Finley Lane seconded the motion. The December 5, 2013 Area Plan Commission meeting adjourned at 9:12 p.m.


Jerome Markley, President

ATTEST: 
Michael Lautzenheiser Jr., Secretary