

BOARD OF ZONING APPEALS MINUTES

Tuesday, July 14, 2009

7:00 P.M.

A. ROLL CALL

Members Present:

Mike Hall – Chairman
Jim Deaton
Rick Pope

Michael Witte – Attorney
Ashley Webb – Enforcement Officer
Ron Barnhart – Assistant Planner

Members Absent:

Ken Nelson
Nicole Daily - Vice- Chairman

B. ACTION ON MINUTES

The minutes have been Tabled due to a lack of quorum.

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

There was no old business.

D. OLD BUSINESS TO REMAIN TABLED

There was no old business.

E. NEW BUSINESS

Mr. Hall makes an announcement that the second item on the agenda has been tabled to August 11th and will not be heard tonight.

- 1. Request:** Conditional Use to allow a second sign on the property.
Applicant: Carol Bamberger/Owner: Hubbard Property Management
Site Location: Stateline Road
Legal: Sec. 34, T7, R1, Map #01-34, Parcel #003
Township: Miller Size: .5 Acres
Zoning: Restricted Business (B-1)

Ms. Webb states that the Applicant is seeking the approval of a variance to allow a second sign on the property. The existing sign on this property advertises the Bright Veterinary Clinic on the adjoining parcel (Lot 7 of Lillian Blasdel Subdivision), which is also owned by Hubbard Property Management. Both signs are located on Lot 8 of Lillian Blasdel Subdivision. She states that Bamberger's grooming business—Just for Pets Place—and part of the Bright Veterinary Clinic are also located on Lot 8. The proposed sign is 4' X 4' (16 square feet) and stands 7' tall. It is located 5' outside of the public right-of-way. Ms. Webb presents the staff report and shows slides.

Mr. Pope clarifies that there is only one sign on the two properties. He states that if the original sign would have been built properly, this request would not be a problem.

Ms. Webb agrees that the vet sign is currently on the line of the two properties. She states that this proposal would create 2 signs on one property.

Open public comment.

Mr. Richard Johnson states that his daughter owns the property and built the first building years ago with their vet sign, then built a new larger clinic and continued using the old sign while renting the old building. They have no problem with having two signs on their property.

Mr. Ron Barnhardt states that in investigating this violation, it was found that the current location is the best location for the sign, due to sight issues if placed on Sneakville Road. He feels there is a need to advertise the business and that this sign fits within the character of the surrounding area.

Close public comment.

Mr. Deaton states that there are 3 solutions to discuss, 1) have 2 signs on the same pedestal, 2) give the rights of one lot to the other, or 3) approve the variance as requested.

Mr. Pope agrees and has no problem with allowing the signs to stay as they exist now.

Applicant: Animal Shelter / Owner: Dearborn County
Commissioners
Site Location: County Farm Road
Legal: Sec. 30, T6, R2, Map #05-30, Parcel #011.003
Township: Manchester Size: 13.84 Acres
Zoning: Agricultural (A)

Ms. Webb states that the applicant is proposing a six-foot chain link fence to enclose the animals on site in conjunction with the Dearborn County Animal Shelter. At the nearest point, the fence would be 99 feet to the property line. It would enclose a pet pen area of approximately 14,980 square feet. Ms. Webb presents the staff report and shows slides.

Mr. Deaton clarifies that this request is for a fence setback.

Mr. Mark Rosenberger of Bayer-Becker, states that his client is asking for a 151ft. dimensional variance for the dog run area. He explains that in December of last year, when the variances were requested, the dog run area was not included in the proposal. Now the dog run area is being designed. He states that he is willing to answer any questions that the Board may have.

Open public comment.

Mr. Steve Walker President of the Park Board, states that they were asked at their last meeting for property to relieve the need for a variance. However, the Park Board would like to see a variance allowed; so they may preserve their land for future park area. He feels if a variance can be granted, there would be no issues in the future because the park land would never be developed; he sees no conflict with the park land and the animal shelter. He feels that with this request everyone wins. Mr. Walker presents a letter of support to the Board.

Mr. Ralph Thompson President of County Commissioners, states that he is willing to answer any questions from the Board. He states they would like to proceed with the animal shelter.

Close public comment.

Mr. Deaton states that he drove by shelter and the only property being affected would be the park that is in support of this request.

Mr. Deaton made a motion to approve the 151ft. variance for the animal shelter, owned by the County, with respect to the criteria in that it would not be injurious to the public health, safety, and welfare of the community, will not have an adverse effect on the neighbors, that the need arises from a condition of the property, and that the need would constitute a hardship if not granted. Mr. Pope seconded. All in favor. None opposed. Motion carried.

F. ADMINISTRATIVE

Ms. Webb presents the Enforcement report.

Mr. Pope questions if Board members are legally or ethically bound to report violations.

Mr. Witte states that Board members are not obligated to do so.

Mr. Pope asks Ms. Webb to investigate the LED signs and report back to the Board.

Mr. Pope made a motion to adjourn. Mr. Deaton seconded. All in favor. None opposed. Motion carried.

Meeting adjourned at 7:53P.M.

Mike Hall, Chairman

Ashley Webb, Enforcement Officer