

BOARD OF ZONING APPEALS MINUTES

Tuesday, June 14, 2011

7:00 P.M.

A. ROLL CALL

Members Present:

Mike Hall– Chairman
Rick Pope
Jane Ohlmansiek
Nicole Daily
Ken Nelson

Arnold McGill – Attorney
Ron Barnhart – Assistant Planner

Members Absent:

None

B. ACTION ON MINUTES

There were no minutes to approve at this time.

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

1. Request:	Variance for a second sign on the property.
Applicant:	Sign-A-Rama / Owner: Bright Christian Church
Site Location:	Stateline Road
Legal:	Sec. 34, T7, R1, Map #01-34, Parcel #012
Township:	Harrison Size: 5.73 Acres
Zoning:	Restricted Business (B-1)

Mr. Barnhart states that the Applicant is seeking the approval of a variance to allow a second sign on this property. The church currently has an (32 square feet) electronic message board located on this property, which was approved at the March 8, 2011 meeting. He explains that a condition placed on the message board's approval was that the preschool sign must be removed. Tonight's request is for the second sign, in order to advertise the church's preschool located on this site. The proposed sign is 3' X 6' (18 square feet) and will be 6.5' tall. Bright Christian Church has formerly had enforcement issues regarding signage, particularly temporary signage. The total square footage of both signs will be (50 square feet). Mr. Barnhart presents the staff report and shows slides.

Mrs. Ohlmansiek asks where the entrance for the daycare is located.

Mr. Pope states that the daycare is actually located in the rear portion of the church.

Mr. Kevin McCord, of Sign-A-Rama, explains that at a previous meeting the Bright Christian Church requested an electronic message board for their property, and at that time it was discovered that a second sign for the existing daycare was already located on the property. He states that the church wishes to retain the second sign for the daycare and is requesting a variance to allow them to do so.

No public to comment.

Mr. Pope clarifies that if this were zoned General Business (B-2) that the square footage of signage would be based on the amount of road frontage the business owned. He states that, while this property is zoned Restricted Business (B-1), there is ample road frontage to accommodate a second sign on this property and he feels that this request should be granted.

Mrs. Ohlmansiek states that it is important for the daycare to have a sign for identification purposes and she is in favor of this request.

Mrs. Ohlmansiek makes a motion to grant a variance for the Bright Christian Church to have an additional sign for the daycare on their property and feels that this request would not be injurious to the public health, safety, and welfare of the community; that this request will not have an adverse affect on the adjacent properties since there is ample road frontage; that this request arises from a peculiar condition to the property in that the daycare is located there; that this would create an unnecessary hardship if not granted because it is important to a daycare facility to be properly identified; that the special conditions and circumstances are not the result of the applicant. Mr. Pope seconds. All in favor. None opposed. Motion carries.

2. Request:	Variance for the location of a pond.
Applicant/Owner:	Randall Busch
Site Location:	Weisburg Road
Legal:	Sec. 1, T7, R1, Map #01-34, Parcel #070.003
Township:	Jackson Size: 10 Acres
Zoning:	Agricultural (A)

Mr. Barnhart states that the applicant's proposal involves the construction of a .45 acre pond on 10 acres of land. The toe of the slope from the pond dam will be located across the property line of two adjoining; therefore, the pond will require a 30' variance. The nearest single-family residence is approximately 340' away. The proposed pond is 12' in depth. He further explains that the two adjoining both have written and signed statements saying that they do not have a problem with the pond. Mr. Barnhart presents the staff report and shows slides.

Mr. Dennis Kraus, Jr. of Kraus Surveying, states that the applicant wishes to construct a pond on his property. He explains that the proposed pond will back onto the neighboring property and that those owners have provided signed letters of approval for this request. He further states that this request is not the fault of his client, but is due to the previous development of these tracts of land.

Mr. Hall asks if an easement can be recorded, for the pond crossing onto the adjacent property.

Mrs. Daily is concerned with the elevations of the proposed pond in comparison with the neighbors' house.

Mr. Kraus states that the elevation is not a problem; the pond is being located in a natural valley.

No public to comment.

Mrs. Daily agrees with Mr. Hall and states that she would like to see an easement recorded to avoid any future issues.

Mr. Pope makes a motion to grant the variances for the setback of a pond on property owned by Mr. Randall Busch on Weisburg Road and feels that the request would not be injurious to the public health, safety, and welfare of the community; that the need arises from a situation peculiar to the property and without this variance it would create an unnecessary hardship. Mr. Nelson seconds. All in favor. None opposed. Motion carries.

F. ADMINISTRATIVE

Perry Seamon Custom Homes, LLC is requesting a 1-year extension for the approved Conditional Use to allow duplexes in Rolling Hills Subdivision.

Mr. Rob Seig, of Seig and Associates, explains that due to the current economy and the health of his client Mr. Tom Gillespie, the approved duplexes have not been built. He states that Mr. Perry Seamon will be taking over the project and would like an extension in order to complete the project for Mr. Gillespie.

Mrs. Daily makes a motion to grant a 1-year extension for the conditional use that was approved in December 2009 for the duplexes on Rolling Hills Drive and that extension shall begin June 14, 2011. Mr. Pope seconds. All in favor. None opposed. Motion carries.

Mr. Barnhart presents the enforcement report.

Mr. Nelson makes a motion to adjourn. Mrs. Daily seconds. All in favor. None opposed. Motion carries.

Meeting adjourned at 7:28 P.M.

Mike Hall, Chairman

Ron Barnhart, Assistant Planner