

BOARD OF ZONING & APPEALS MINUTES

Tuesday, September 13, 2011

7:00 P.M.

A. ROLL CALL

Members Present:

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

Arnold McGill – Attorney
Ron Barnhart – Assistant Planner
Mark McCormack – Planning Director

Members Absent:

None

B. ACTION ON MINUTES

Mrs. Ohlmansiek makes a motion to approve the May 10, 2011 minutes, as written. Mr. Pope seconds. All in favor. None opposed. Motion carries.

Mrs. Daily makes a motion to approve the June 14, 2011 minutes, as written. Mrs. Ohlmansiek seconds. All in favor. None opposed. Motion carries.

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

There was no old business to discuss.

D. OLD BUSINESS TO REMAIN TABLED

There was no old business to discuss.

E. NEW BUSINESS

- 1. Request:** **Variance to allow a recreational vehicle to be used as a temporary living structure.**
- Applicant/Owner:** **Benjamin & Judy Barrett**
- Site Location:** **Jesse Lane**
- Legal:** **Sec. 30, T5, R2, Map #08-30, Parcel #002**
- Township:** **Sparta Size: 22.3 Acres**
- Zoning:** **Agricultural (A)**

Mr. Barnhart states that the applicant is requesting a variance to allow for a recreational vehicle to be used as a temporary living structure. He explains that the applicant is seeking to establish a recreational vehicle that would be in place year-round so that he may provide care to his mother until such time as she is no longer living on the property. The proposed recreational camper is 38' L x 10' W x 9' H (380 sq. ft.). He further states that the applicant has already applied with the Dearborn County Health Department and has had a preliminary review that has identified suitable soil areas where a septic system can be installed. Both the existing residence and the proposed care taker residence would be tied into the new system. Mr. Barnhart presents the staff report and shows slides.

Mrs. Daily asks if this request is the result of an enforcement issue.

Mr. Barnhart states that, in July, a complaint was filed with the Planning & Zoning Office.

Mrs. Ohlmansiek asks who is living in the recreational vehicle.

Mr. Barnhart explains that Mr. Barrett is living in the recreational vehicle in order to take care of his ill mother who is living in the house.

Mr. Benjamin Barrett, Applicant, states that he sold his home and moved to this property to take care of his 90-year old mother. He would like to stay in the recreational vehicle so that he does not infringe upon his mother's privacy.

Mrs. Daily asks how long Mr. Barrett has been living on the property.

Mr. Barrett states that he moved there on July 18, 2011.

Open public comment.

Mr. Mark Folop, adjoiner, states that he understands the Barrett's situation and feels that this is a reasonable request for a family situation. He states that his only concern is with the proliferation of private recreational areas—allowing for numerous recreational vehicles or mobile homes to be located on a property.

Close public comment.

Mrs. Ohlmansiek makes a motion to approve a Variance for a recreational vehicle to be used as a temporary residence for Benjamin and Judy Barrett on Jesse Lane in Section 30 of Sparta Township- with the findings: 1) that the approval will not be injurious to the public health, safety, and welfare of the community; 2) that the use and value of the area adjacent to the property included will not be effected in an adverse manner; 3) that the need for this variance arises from a condition peculiar to the property – being that of his mother who needs care at this time; 4) that the strict application of the terms of the Zoning Ordinance would constitute an unnecessary hardship—being that Mr. Barrett’s mother needs constant care that her son can provide if this request is granted; 5) that the special conditions and circumstances do not result from actions of the applicant. Mr. Nelson seconds. All in favor. None opposed. Motion carries.

2. Request: Conditional Use to allow an electronic message board.
Applicant: Sign-A-Rama / Owner: Manchester Fire Department
Site Location: State Road 48
Legal: Sec. 29, T6, R2, Map #05-29, Parcel #078
Township: Manchester Size: 1.364 Acres
Zoning: Restricted Business (B-1)

Mr. Barnhart states that the applicant is seeking the approval of a Conditional Use Permit to allow a sign with an LED element on this 1.364 acre property. The proposed monument-style sign would be 32 total square feet in size, with 9.52 sq. ft. of the signage proposed to be dedicated to an electronically changeable message board. Mr. Barnhart states that the electronically changeable message board comprises of 42% of the total text and graphics area associated with the sign, therefore it is under the 50% that is allowed for an electronically changeable message board in accordance with Article 20 of the Zoning Ordinance. The LED sign element will be contained on both sides of the sign and will be viewable from State Road 48. He notes that the Manchester Fire Department was forced to replace its old sign on the property after it incurred storm damage earlier in the year. Mr. Barnhart presents the staff report and shows slides.

Mr. Kevin McCord, of Sign-A-Rama, explains that the Manchester Fire Department contacted him after a strong storm took the sign out of commission. He states that the newly designed sign would be an electronic message board that would allow the fire department to continue to display public messages to the community. He further states that the sign will be located within the same general area; however, it will be situated outside of the State’s road right-of-way.

No public comment.

Mr. Pope states that the sign would be a nice upgrade for the fire department. He notes that he has been concerned that the electronic signs that have been approved (historically) are often in violation of the County’s ordinances, due to scrolling or animated messaging.

Mr. McCord states that he does review the restrictions with each client when he installs an electronic message board sign; however, he has no control over what occurs with a sign after it has been installed. He suggests that if a sign is found to be in violation of the County's ordinances, the owner of the sign should be notified that the message board must be turned off for a specified period of time.

Mr. Nelson asks if controls can be placed on the programming of the signs as they are installed.

Mr. McCord states no, he has no control over the programming of the signs that would limit the display options. He states that there are specific keys to press in order to program the sign to scroll or flash, and he informs the client every time 'not to hit those keys.'

Mrs. Ohlmansiek makes a motion to approve the conditional use for an electronically changeable message board for the Manchester Fire Department—noting that the property is located on the west side of State Road 48 in Section 29 of Manchester Township and with the condition that the sign must be located outside of the road right-of-way of State Road 48. Mr. Nelson seconds. All in favor. None opposed. Motion carries.

3. Request:	Conditional Use to allow retail sales and repair of tractors and farm equipment.
Applicant:	Daryl Zimmer / Owner: Jeanette McIntosh
Site Location:	U.S. 50
Legal:	Sec. 2/11, T4, R2, Map #11-11/11-02, Parcel #003.002/014/051
Township:	Washington Size: 13.8 Acres
Zoning:	General Business (B-1)

Mr. Barnhart states that the applicant is requesting a Conditional Use for the establishment of retail sales and service of tractors and farm equipment on this property. Mr. Barnhart notes that the applicant currently operates a business on Randall Avenue and is proposing to relocate the business to this site. This use is only permitted in a Restricted Business (B-1) District as a Conditional Use. Mr. Barnhart explains that the applicant is proposing a 30,000sq.ft. building with a loading dock and an outside display area. He further states that the existing access along U.S. 50 would be moved 290ft. to the west; a left turn lane is being proposed along the east bound lanes of U.S. 50. Mr. Barnhart presents the staff report and shows slides.

Mr. Daryl Zimmer, of Zimmer Tractor, states that he has been searching for property to purchase along U.S. 50 for several years. He feels that this property is the perfect location for the sales and display of large farm equipment.

Mr. Hall asks if the existing house will remain on the property or be torn down.

Mr. Zimmer states that the existing house will be removed.

Mrs. Ohlmansiek asks whether the business is expanding or moving entirely to this location.

Mr. Zimmer states that the entire business will be moving to this location.

No public to comment.

Mrs. Daily states that she doesn't have any concerns with this request and feels that this use will work well within this area, since it is surrounded by manufacturing and commercial activities.

Mrs. Ohlmansiek states that this location is a good fit.

Mrs. Daily makes a motion to approve a Conditional Use for retail sales and repair of tractors and farm equipment on U.S. 50 in Sections 2 & 11 of Washington Township within the Restricted Business (B-1) Zoning District; with the findings: 1) that the approval will not be injurious to the public health, safety, and welfare of the community; 2) that the use and value of the area adjacent to the property included will not be effected in an adverse manner; 3) that the need for this variance arises from a condition peculiar to the property; 4) that the strict application of the terms of the Zoning Ordinance would constitute an unnecessary hardship; 5) that the special conditions and circumstances do not result from actions of the applicant.

4. Request:	Variance for the setbacks to allow a pond to be located closer to the road than the Ordinance allows
Applicant/Owner:	Brian Moore
Site Location:	Zimmer Road
Legal:	Sec. 35, T7, R2, Map #02-35, Parcel #017
Township:	Kelso Size: 5.32 Acres
Zoning:	Agricultural (A)
Note:	<i>Applicant requested to table until the October meeting.</i>

F. ADMINISTRATIVE

Mr. Barnhart states that he will email the Enforcement Report for September to the Board in the next couple of days.

Mr. Nelson makes a motion to adjourn the meeting. Mr. Pope seconds. All in favor. None opposed. Motion carries.

Meeting adjourned at 7:40 P.M.

Mike Hall, Chairman

Ron Barnhart, Assistant Planner