

BOARD OF ZONING APPEALS MINUTES

Tuesday, May 11, 2010

7:00 P.M.

A. ROLL CALL

Members Present:

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

Arnold McGill – Attorney
Ashley Webb – Enforcement Officer
Mark McCormack – Planning Director

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

- Request:** Dimensional Variance to allow a pond located closer than 150ft. from the right-of-way.
Applicant/Owner: Joshua Sizemore
Site Location: Union Ridge Road
Legal: Sec. 5, T5, R2, Map #08-05, Parcel #018.001
Township: Manchester **Size:** 6.775 Acres
Zoning: Agricultural (A)

Ms. Webb states that the Applicant is requesting a Front Yard Dimensional Variance of approximately 105 feet for the location of a pond. She explains that the applicant's proposal involves the construction of a 0.5 acre pond on a 6.775 acre tract of land. The applicant's property has road frontage on Union Ridge Road. The pond is proposed to be situated 45 feet from the right-of-way of Union Ridge Road—a location which would place the pond approximately 105 feet closer to the road's right-of-way line than what is currently permitted by Article 25, Section 2554 (2) & (7) of the zoning ordinance. She adds that a letter from the Dearborn County Engineer was received dated August 18, 2009, and that the nearest single-family residence is approximately 410' away. Ms. Webb presents the staff report and shows slides.

Mr. Josh Sizemore states that he hired a contractor to construct the pond and was never made aware of a permit requirement until the staff contacted him. He apologizes to the Board and states that he did contact the County Engineer and has received a letter from him.

Open public comment.

Mr. William Estes, adjoiner, states that the pond is an improvement to the community and benefits everyone in the area. He asks the Board to grant the variance to allow the pond.

Close public comment.

Mr. Nelson made a motion to approve the dimensional variance of 105ft. for the location of a pond on Union Ridge Road in Section 5 of Manchester Township for Josh Sizemore for the following reasons: 1) it is not injurious to the health, safety, and welfare of the community; 2) this request will not have an adverse effect on the adjoining properties; 3) this request arises from a peculiar situation with the property and its topography along with the fact that there are only certain locations that a pond can go; 4) this request would create an undue hardship if not granted; and 5) that this request is not the fault of the applicant. He explains that he remembers the discussions during the time these ordinance requirements were prepared and that there would be certain circumstances including topography and vegetation that a variance would be appropriate. Mr. Nelson feels that this request fits the right circumstances. Mr. Pope seconded. All in favor. None opposed. Motion carried.

F. ADMINISTRATIVE

- **William Scharold requests to address the Board.**

Mr. William Scharold, Commander of the American Legion Post 452, explains that he approached the Board in March regarding a sign issue on the American Legion property and thought at that time, everything was resolved. He later received a letter from staff informing him of a violation for his off-premise signs that he uses for advertising events and directions to the Legion property. He expresses concern that those signs were never mentioned prior and feels the American Legion is being singled out. He is asking to resolve the matter and allow the signs to remain on their posted properties.

Mr. McCormack explains that the Board did allow the American Legion time to address the issues surrounding the sign on their property; however, the current ordinances have no provisions to address portable, off-premise signage within an Agricultural Zoning District. He states that he informed Mr. Scharold that he could apply for a temporary permit that would allow advertising 5 times per year for a period of 14 days per event. He also states that he informed Mr. Scharold of his options to apply for a variance before this Board.

The Board clarifies the options for the American Legion to resolve these issues and discusses the possibilities of amending the sign ordinance to better address circumstances that may arise within Agricultural Zoning Districts.

Ms. Webb presents the Enforcement Report.

The Board discusses the format for the minutes and details they would like to see within the document.

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

Meeting adjourned at 8:20 P.M.

Mike Hall, Chairman

Ashley Webb, Enforcement Officer