

BOARD OF ZONING & APPEALS MINUTES

Tuesday, February 9, 2016

7:00 P.M.

A. ROLL CALL-

Members present:

Phil Darling
Russell Beiersdorfer
Jim Thatcher
Nicole Daily, Zoning Administrator
Andrew Baudendistel, Attorney

Members Absent:

Rick Pope
Jane Ohlmansiek

B. Action on Minutes-

Motion was made to accept the December 8, 2015 minutes as presented by Mr. Beiersdorfer. Motion seconded by Mr. Darling. All in favor. None opposed. Motion carried.

C. Election of Officers-Tabled until the March 8th meeting.

D. Old Business Scheduled to be Re-opened-None

E. Old Business to remain tabled- None

F. New Business-

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| 1. Request: | Requesting a Variance to create a non-contiguous, non-buildable lot with no road frontage |
| Applicant/Owner: | D.A. Kraus Land Surveying/Leon Werner |
| Site Location: | Werner Lane |
| Legal: | Sec. 21, 7 R2 Parcel #15-02-21-400-014.000-010 |
| Township: | Kelso |
| Zoning: | Agricultural (A) Size: 9 Acres |

Ms. Daily presented the Board with the staff report. In 2014, the owner requested a variance to create a buildable lot with no road frontage, which was approved. In order to get water

available to the site, the water company requires the water meter to be on property owned by the home owner; it cannot be placed within an easement. The 10'x10' proposed tract will be created to install a water meter at this location, with the service line within an easement to the 3 acre non-buildable tract approved in 2014. The required road frontage is 150 feet; therefore the applicant is requesting a variance of 150 feet (100% of the required frontage). The required lot size in one acre, therefore the applicant is requesting a variance of 0.9977 acres.

There were 6 certified letters mailed out, 6 receipts were received back. No phone calls or issues.

No further questions from the Board for Ms. Daily.

Mr. Thatcher called the applicant to speak before the Board.

Mr. Dennis Kraus, Jr., applicant addressed the Board and stated Ms. Daily has explained his request pretty well. He stated that North Dearborn Water Corporation has a policy that the meter must own the property that it is placed on.

No further questions for the applicant.

Mr. Darling made a motion to open public discussion. Motion was seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

No public discussion.

Mr. Beiersdorfer made a motion to close public discussion. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

Mr. Beiersdorfer made a motion to grant the Variance of 150 feet on property, a variance of required lot size and Variance creating a non-contiguous lot for Leon & Alice Werner located along Werner Lane, Parcel #15-02-21-400-014.000-010 of Kelso Township. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

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| 2. | Request: | Requesting a Variance to create a non-buildable lot with no road frontage |
| | Owner: | Leo Singleton |
| | Site Location: | Hoffman Road |
| | Legal: | Sec.4, T4, R2, Parcel #15-11-04-300-042.000-023 |
| | Township: | Washington |
| | Zoning: | Agricultural (A) Size 5 Acres |

Ms. Daily presented the Board with the staff report. In 2005, the owner split the property into 3 lots, creating a Minor Subdivision, Leo's Place Subdivision. This parcel was labeled as Lot 3 of

the subdivision and was designated as a non-buildable lot. Within the restrictive covenants Lot 3 was considered "additional acreage and may be conveyed to an adjoining property owner. Lot 3 may not be considered for an independent lot unless replatted and approved by Dearborn County Plan Commission." The owner now wants to build on the property, therefore needing a variance to create the lot as a buildable lot with no road frontage. The required road frontage is 150 feet; therefore the applicant is requesting a variance of 150 feet (100% of the required road frontage).

There were 5 certified letters mailed out, 5 receipts were received back. No phone calls, emails or comments.

The Board had no further questions for Ms. Daily.

Mr. Thatcher called the applicant to speak before the Board.

Mr. Dennis Kraus, Jr., applicant addressed the Board and explained when Mr. Singleton had bought and divided the property. He would like to create this as a buildable lot in order to sell it.

No further questions for the applicant.

Mr. Beiersdorfer made a motion to open public discussion. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

No public discussion.

Mr. Beiersdorfer made a motion to close public discussion. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

Mr. Beiersdorfer made a motion to grant the Variance of 150 feet on property for Leo Singleton on property located along Hoffman Road, Parcel #15-11-04-300-042.000-023 of Washington Township. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

3. Request:	Variance Request for pond setbacks: R/W setback & side yard setback
Applicant/Owner:	Ray Hobbs/Russell Love
Site Location:	10195 Texas Gas Rd
Legal:	Sec. 17, T4, R2 Parcel #15-11-17-400-023.000-004
Township:	Clay
Zoning:	Agricultural (A) Size: 71.6 Acres

Ms. Daily explained that the applicant is looking at options on the cost for barriers and has asked that his request to be tabled.

Mr. Beiersdorfer made a motion to table Variance request for pond setbacks for Ray Hobbs/Russell Love. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

4. Request: Conditional Use for camping and outdoor resort
Applicant/Owner: Art Reckman, CMM Retreat, LLC
Site Location: 20364 Schaefer Rd
Legal: Sec. 20, T6, R2, Parcel #15-05-20-300-024.000-019
Township: Manchester
Zoning: Agricultural (A) Size: 80.0 Acres

Ms. Daily presented the Board with the staff report. The property owner has had a few weddings and receptions for family and friends on his property. The property owner has submitted a letter outlining the uses associated with his property and the reason for this request. This is not a marketed business. This Conditional Use arises from Article 9, Section 930-Conditional Uses and Criteria, Item #7: Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resort outdoor sporting activities.

Health Department has inspected the property and the buildings, septic and use has been approved through their department.

There were 9 certified letters mailed out, 6 receipts were received back, and 3 outstanding. Staff has received several phone calls concerning this request.

The Board had no further questions for Ms. Daily.

Mr. Thatcher called the applicant to speak before the Board.

Mr. Art Reckman, owner, addressed the Board. He stated he has owned the property for about 5 years and has remodeled the property and fixed several issues on the property. He explained several uses that he has planned for his property. He will be inviting about 50 under privileged children to be bussed once a year out to fish and camp. He would like to hold weddings for family and friends. He would like to have a couple retreats for Crossroads Church. Mr. Reckman stated he does have a caretaker that is an adjoining owner, Mr. Tom Ober and is watching his property and taking care of it. He stated he is only out at his property a few times a week and this is why he does have a caretaker.

Mr. Thatcher has asked Mr. Reckman if he wants to turn this into a marketable business. Mr. Reckman stated that life has been good to him financially and would like to share with family and friends and does not want this to become a business.

Mr. Thatcher discussed and read a letter received from an adjoining property owner, Mr. Distler, the letter stated some concerns with the property and what the uses will be and by Mr. Reckman speaking to the Board he has answered Mr. Distler's concerns. Mr. Reckman stated he would like to contact Mr. Distler and will talk to him about them.

There were no further questions for the applicant.

Mr. Beiersdorfer made a motion to open public discussion. Motion was seconded by Mr. Darling. All in favor. None opposed. Motion carried.

Mr. Michael Davis, adjoining property owner. He stated his concerns about camping and becoming a permanent camp ground. He also has concerns with hunting and gunfire. He is worried about campers using Schaefer Road. He feels Mr. Reckman did answer a lot of his concerns.

Mr. Kurt Detmer, adjoining property owner. He stated he is concerned about camping and noise. How often will he be having events on his property? He hopes it's well managed and taken care of.

Ms. Daily stated a Minor Site plan is necessary and there will be a limit of the events stated on the plan.

Mr. Beiersdorfer asked Mr. Reckman what he would feel comfortable with on the number of events a year he will be using his property for.

Mr. Reckman explained in conversation with his wife that they may only be holding 2 events a month at most.

The Board decided 12 events a year seems to be fair on the amount for this request.

Mr. Darling made a motion to close public discussion. Motion was seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

Mr. Darling made a motion to grant a Conditional Use for camping and outdoor resort use. This Conditional Use will consist of 12 events a year for family or friends (weddings and retreats) not including personal uses on property located at 20364 Schaefer Road, Parcel # 15-05-20-300-024.000-019 of Manchester Township. Citing the request meets the criteria of Article 3, Section 315 within the Dearborn County Zoning Ordinance. Motion seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

ADMINISTRATIVE-

Ms. Daily stated that there should be a letter in their packets from Mrs. Terri Randall, Dearborn County Redevelopment Commission.

Ms. Daily updated the pond on Peppertown Road. She was contacted by the engineering company and wanted the details with the concerns. She has also contacted the owner and has asked him for a date when he will be coming back to the Board.

Ms. Daily stated we are at 2 months concerning Mr. Hamon and there is no work completed. Mr. Baudendistel will be filing an Affidavit of Contempt.

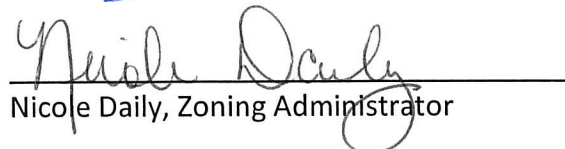
Ms. Daily stated the next meeting will be March 8th.

Mr. Beiersdorfer made a motion to adjourn. Motion was seconded by Mr. Darling. All in favor. None opposed.

Meeting adjourned at 8:08 p.m.



Jim Thatcher, Chairman, Pro-tem



Nicole Daily, Zoning Administrator