

BOARD OF ZONING & APPEALS MINUTES

Tuesday, March 8, 2016

7:00 P.M.

A. ROLL CALL-

Members present:

Phil Darling
Jim Thatcher
Rick Pope
Jane Ohlmansiek
Nicole Daily, Zoning Administrator
Andrew Baudendistel, Attorney

Members Absent:

Russell Beiersdorfer

B. Action on Minutes-

February 9, 2016 minutes will be tabled due to lack of quorum tonight of the members that were in attendance at that meeting.

C. Election of Officers-

Mrs. Ohlmansiek made a motion to elect Rick Pope as President. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

Mr. Thatcher made a motion to elect Jane Ohlmansiek as Vice-President. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

Mrs. Ohlmansiek made a motion to elect Andrew Baudendistel as Dearborn County Board of Zoning attorney. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

Mrs. Ohlmansiek made a motion to appoint Nicole Daily as Board of Zoning Secretary. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

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: | Conditional Use request for a Contracting Business with outdoor storage in an Agricultural Zone |
| Applicant/Owner: | Matthew Paul Honeycutt |
| Site Location: | Lower Dillsboro Road |
| Legal: | Sec. 31, T5 R2 Parcel #15-07-31-300-007.000-002 |
| Township: | Center |
| Zoning: | Agricultural (A) Size: 2 Acres |

Ms. Daily presented the Board with the request. The property owner is requesting to construct a barn on the property to house a construction business. The barn would be for storage of materials and there would be work related vehicles stored outside the barn. During the daylight hours the vehicles parked on the property would be employee personal vehicles. This would not be a location for customers to visit. Ms. Daily stated this was an enforcement case before coming to the Board for the request. She also went over the County Engineers notes that she had received this week with the Board. The driveway that is currently there does not meet commercial sight distance to the West. Trees and shrubs will need to be removed for more sight distance. A 12 inch slotted drain will need to be installed. The original advertisement did not include a variance for sight distance or slope of driveway. Ms. Daily suggested tabling the request so that this can be advertised properly. The applicant will save application fees if this is tabled and his requests are brought before the Board at the same time at a later date. This will give the applicant more time as well to meet with the Highway Engineer to find out what is needed for the driveway.

Mr. Thatcher made a motion for the request by Matthew Paul Honeycutt to be tabled until the April 12, 2016 meeting. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

2. Request: Variance request for Pantry Use in a Residential District and
Variance request for Building setback
Owner: North Dearborn Pantry
Site Location: 2517 North Dearborn Road
Legal: Sec. 27, T7, R1, Parcel #15-01-27-300-005.000-018 & 15-01-27-300-
004.000-018
Township: Logan
Zoning: Residential (R) Size 1.4 Acres

Ms. Daily presented the Board with the staff report. The existing food pantry is a pre-existing, non-conforming use but is proposing to construct a new storage barn on the property. In order for the use to expand, the property must be brought into compliance. The Variance for the Building setback is not needed due to only needing a 5 foot setback and this is being met by the applicant. The only variance needed is for the use of the property. Ms. Daily also recommends that the Board put conditions on the approval of this request that the driveways be switched and marked due to the entrance and exit drives have sight distance issues or at a minimum, a design be approved by County Engineer prior to permit being issued.

Mr. Darling asked if this was a church first. Ms. Daily stated yes this is preexisting and just need to be brought in compliance.

The Board had no further questions for Ms. Daily.

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

Mr. Bill Ward, President of North Dearborn Pantry, addressed the Board and explained when they get food for the pantry that they also share with other pantries in the area. They receive it in bulk on pallets and the need for this building will eliminate them having to travel to pick up food from their current warehouse and having to move every so often to have space to store their food. He would like to think and talk about the switching of the driveway relocations. He would like others' thoughts on this decision.

Mr. Thatcher asked Mr. Ward if the 30x40 building will be big enough for their use of storage and Mr. Ward stated this would be adequate. He would also like to get grants to help build this. He wanted to get the approval of this Board before getting any bids on who will build this for them.

No further questions for the applicant.

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

Jim Bear, 2517 North Dearborn Road, had filled out a comment card and stated that Mr. Ward answered all his concerns.

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

Mr. Thatcher made a motion to grant the Variance approval for a pantry use in a Residential district on property located at 2517 North Dearborn Road, Parcel #15-01-27-300-005.000-018 & 15-01-27-300-004.000-018 of Logan Township. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Also to include a condition of the North Dearborn Pantry to work with Dearborn County Planning & Zoning Department and Dearborn County Highway Engineer on the sight distance of the entering and exiting of the driveways of the pantry property. Motion was seconded by Mrs. Ohlmansiek. All in favor. None opposed. Motion carried.

3. Request:	Variance Request for Lawn Care Business Use within a Residential District
Applicant/Owner:	Donald L. Geiger, Jr. /William W. Hodge, Jr. & Linda S. Herget
Site Location:	23604 Salt Fork Rd
Legal:	Sec. 3, 6 R1 Parcel #15-06-03-402-002.000-020
Township:	Miller
Zoning:	Residential (R) Size: 2 Acres

Ms. Daily presented the Board with the staff report. The applicant wants to operate a Lawn mower repair business from an existing barn that is located on this property. The applicant would be renting the space in the barn from the property owner. There will be no outdoor storage related to this business. The applicant wants to install a sign (4x5 feet) which would meet the sign requirements for a residential zoned district (maximum sign size permitted is 32 sq. ft.). This variance arises from Article 10-Residential District. This use does not fall exactly within any zone district or as a conditional use. The variance would allow the operation of the business and the placement of a sign on the property.

The Board had no further questions for Ms. Daily.

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

Mr. Geiger feels Ms. Daily did a good job presenting his request. He has done this type of business before. He stated he will only be having electric in the space he is renting in the barn. He will not have a bathroom. His home is one lot over from this location.

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

No public discussion.

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

Mrs. Ohlmansiek made a motion to approve the operation of a lawn mower repair business for Donald Geiger, Jr. on the property owned by William W. Hodge, Jr. & Linda S. Herget at 23604 Salt Fork Road, parcel # 15-06-03-402-002.000-020 of Miller Township. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Motion seconded by Mr. Darling. All in favor. None opposed. Motion carried.

4. Request:	Variance request for Building Setback
Applicant/Owner	Jeffrey P. French/ Harold F. Whisman
Site Location:	Cole Lane
Legal:	Sec. 11, T4, R2, Parcel #15-11-11-400-106.000-023
Township:	Washington
Zoning:	Agricultural (A) Size: 3.47 Acres

Ms. Daily presented the Board with the staff report. The property owner wants to split the property to give the majority of the property to a family member but to maintain a panhandle access to a larger tract owned by Mr. Whisman. In order to maintain a 50 foot panhandle to additional property a variance is needed for a setback to an existing barn on the property. The setback required it 5 feet; therefore the variance needed is 4.8 feet.

Mr. Thatcher asked how close is the driveway is to the barn. Ms. Daily stated maybe 10 feet.

The Board had no further questions for Ms. Daily.

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

Mr. Jeff French, applicant for Mr. Whisman addressed the Board with the plans of Mr. Whisman and his property. He stated Ms. Daily explained the request well. The family wants to keep the two parcels separate for liability reasons. This barn was built in 1965 by a previous owner even with the hopes of the original use were for a road (which did not take place) and the road would go back into the property for future subdividing. The family has no future intent of subdividing the rear of the property. The entire 50 foot strip will have an ingress/egress easement with shared maintenance.

There were no further questions for the applicant.

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

No public discussion.

Mr. Thatcher made a motion to close public discussion. Motion was seconded by Mrs. Ohlmansiek. All in favor. None opposed. Motion carried.

Mrs. Ohlmansiek made a motion to grant a Variance of 4.8 feet for building setback for Harold Whisman on property located off Cole Lane, Parcel # 15-11-11-400-106.000-023 of Washington Township. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Motion seconded by Mr. Darling. All in favor. None opposed. Motion carried.

5. Request:	Variance request for Use of Elderly Multi-Family Housing in an Agricultural District
Applicant/ Owner:	Pelzel Enterprises, LLC/Cheviot Savings Bank
Site Location:	21563 Fox Road
Legal:	Sec. 13, T6, R2, Parcel #15-05-13-800-013.001-023
Township:	York
Zoning:	Agricultural (A) Size 7.679 Acres

Ms. Daily presented the Board with the staff report. The applicant is requesting a variance on the proposed use of an existing residential structure. The structure currently is vacant, unfinished larger residential home. The applicant is proposing to have a pre-paid room and board for the purpose of aging in place, orthopedic rehabilitation, surgery recovery and end of life comfort. People who live there, ("roommates") will prepay for accommodations on a weekly or monthly basis, depending on their needs. The applicant has stated there will be 2 full time employees that will live in the home as well. There will be 7 rooms available (2 being used by the live in employees) with a future growth of up to 10 rooms.

This variance arises from Article 9-Agricultural District: This type of use is not permitted as principally permitted use or as a conditional use. The item that comes close to this type of use is a Conditional Use within a Residential District. Therefore the variance requested is on the type of use being proposed in the structure.

Staff has discussed this case with the Dearborn County Health Department. The Health Department stated what would be needed is an applications submitted to the State. This will be more on the line of Commercial. The original septic was approved for Residential Use. The State would get this but might kick it back to the County for final inspections. The county would then have to perform an inspection based on the new proposed use and since the home has been sitting vacant they will check to see if the current septic system is working properly.

Mrs. Ohlmansiek asked if that was a pond along Fox Road. Ms. Daily stated yes.

Mr. Thatcher asked what type of pavement is on the road. Ms. Daily stated it is hard to explain. The center of the road is paved and the edges seem to have chipped asphalt. Fox Road is about one half mile to York Ridge.

Mr. Darling asked again how the State would be involved and Ms. Daily explained again how it will work through the Health Department.

Mr. Thatcher asked where the secondary septic site was. Ms. Daily stated in the front yard.

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

Tom and Jackie Pelzel, Pelzel Enterprises addressed the Board. They stated that Ms. Daily did an excellent job in the presentation of their request. Mr. Pelzel stated he had contacted the State Health Department and was told they do not need to have a license because they are not providing medical service to their occupants. They will only be providing food and cleaning service. Mr. Pelzel asks the Board for this request to be approved.

Mr. Darling asks the applicant if there will be delivery trucks delivering to the home and Mr. Pelzel state no they will be picking up their own food.

Mr. Thatcher asks if they will have employees preparing the food. Mr. Pelzel stated yes.

Mr. Thatcher asks again how many will be preparing food and taking care of the patients. Mr. Pelzel stated that they are not care takers but only providing concierge services. Mrs. Pelzel spoke up and stated that they will contact facilities to come in for the medical or rehab part of care. They will only be providing a home for people that cannot return to their own homes due to Medicare would not allow them to or the client does not want to go a nursing home to rehabilitate. The Pelzel's are going into homes now to provide this type of care for people and this request is something they are proposing to bring into this home and is a new concept for this area. The only place she has heard of this type of concept is in the State of Hawaii. She explained how this will go through insurance and stated that this will be self-pay for those interested in living in this home.

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

Brad & Renee Hudgins, 21640 Fox Road, stated concerns are with public safety and road use concerns. They feel there will be more traffic and this concerns them with the amount of use of the road. There is a lot of hunting and recreational traffic. They stated Fox Road is not maintained by the county. They stated that their property is for sale. Their other concern is if this doesn't work and it passes now we have property that is specialized in its use.

John Kuebel, 6219 York Ridge Road, stated his concern is the septic system, how many people will be housed? Medical staff and traffic, he feels it is to open ended to say how the property owners will be impacted. He feels the community is stable and having a business at a dead end road in a rural area will cause an impact. He asks the Board to deny this request.

Steward Cline, 6312 York Ridge Road, stated he moved out to this community 25 years ago. He decided to move here due to the quietness and rural setting. He feels it sounds too much like a dormitory setting. The road use is a concern. He doesn't feel it is adequate for commercial use. He feels it will have an adverse effect on the general welfare of the community. He feels the use sounds to open ended. He requests that this variance be rejected by Dearborn County.

Martha Chrisman, 21833 Fox Road, stated that it is a nice concept but does not belong on Fox Road. Her concerns are the snow drifts in the winter. Death this close to her home affects her quality of life. She loves her community and is also concerned to the landscape of the community. Change of the character of the community. Concerns of future upkeep, will it be an eye sore? Concerns of security, visitors, and traffic at 1 a.m., she does not want that. Several other concerns that were repeated. She is also concerned with property value.

Dan Thomas, 21804 Fox Road, he feels we need something like this in our community but not on Fox Road. He has concerns due the narrowness of the road. There will be vehicles going through owner's yards. He also states this will lower his property value. He is totally opposed to this because of property values.

Greg Chrisman, 21833 Fox Road, his concern is the secondary septic system in front yard. If a parking lot goes in front it will cover up that site.

Dave Badescu, 21354 Fox Road, his property along with this property in question on Fox Road is on the higher and upper Dearborn County property value and allowing this commercial property on this road will definitely devalue their properties. It will cost people of Dearborn County money to pave the road. He is also concerned with safety with extra road traffic.

John Balli, 21799 Fox Road, moved here because of the rural setting and quietness. Rural areas are there for a reason. He feels that allowing this business to come in on Fox Road will cause precedence for others to come in. He is totally opposed to this idea.

Mrs. Pelzel addressed the Board again. They stated they have met with a company to finish the home. She stated to the home owners that she understands what they are saying but she feels this will be a perfect area for this type of business. The people who will be in this home will be able to live here and they will be able to come and go as they please. She tried to explain again what her concept involved and tried to clear up a few questions.

Ms. Daily explained that if the variance is approved, the maximum will be 10 rooms. If the room number would expand they will need to come back to the Board. If they have the building for 5 years, if this is approved and they decide to leave, the variance is only good for this use. If they would need to change anything with their intentions of the use, they will need to start over.

The Variance could carry over to the next owner but there could be no change other than what was proposed. Any changes or additions to the building the new owners would have to come back to the Board and start the process over. She also explained that the septic system is based on the number of bedrooms not based on the number of people living in the home.

Steward Cline asked how many people were staying in each room. Mrs. Pelzel stated 1 person. He also has concerns with the Criteria's of the Dearborn County Zoning Ordinance. He questioned how the Board can pass the Variance based on the wording of the Ordinance.

Mrs. Ohlmansiek made a motion to end the public discussion after the next speaker. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

Mr. Balli asked where the medicines will be disposed of. Mrs. Pelzel stated that the nurses have containers to take back needles with them and they take them to Dillsboro Pharmacy.

Mr. Thatcher stated he has concerns with the first 3 criteria's of the Dearborn County Zoning Ordinances are not being met.

Mr. Darling has concerns with the use of the road and septic system.

Mrs. Ohlmansiek likes the concept but is concerned with the condition of the road.

Mr. Thatcher made a motion to deny the Variance for allowance of an elderly Multi Family housing use for Cheviot Savings Bank at property at 21563 Fox Road, parcel #15-05-13-800-013.001-023, York Township. Denial is based on the criteria that are not demonstrated in points:

- a. That the approval is injurious to the public health, safety, morals and general welfare of the community;
- b. That the use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner;
- c. That the need for the variance arises from some condition peculiar to the property involved which are applicable to other lands, structures or buildings in the same district.

Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

ADMINISTRATIVE-


Ms. Daily informed the Board will have a meeting on April 12, 2016.

There will be a contempt hearing for Marvin Hamon on March 31st at 2:30 p.m.

There will be a media day for Blight Elimination Program on Friday March 12 at 9 a.m. for property located at 536 Green Blvd. Aurora, IN. There will be several speakers before the demolition of the home.

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

Meeting adjourned at 9:30 p.m.


Rick Pope, Chairman


Nicole Daily, Zoning Administrator

