

BOARD OF ZONING & APPEALS MINUTES

Tuesday, June 14, 2016

7:00 P.M.

A. ROLL CALL-

Members present:

Phil Darling
Russell Beiersdorfer
Rick Pope
Jane Ohlmansiek
Derek Walker, Assistant Planner
Andrew Baudendistel, Attorney

Members Absent:

Jim Thatcher

B. Action on Minutes-

Mr. Beiersdorfer made a motion to approve May 10, 2016 minutes. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

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

D. Old Business to remain tabled- None

E. New Business-

- | | | | |
|-------------------------|--|-------|--------------------|
| 1. Request: | Requesting a Variance for Pond less than 5 acres and a Variance for Pond Setback | | |
| Applicant/Owner: | Steven Weller | | |
| Site Location: | 6054 Shangri La Drive | | |
| Legal: | Sec. 12 T5 R2 Parcel #'s 15-08-12-100-035.001-019 & 15-08-12-100-056.000-019 | | |
| Township: | Manchester | | |
| Zoning: | Agriculture (A) & Residential (R) | Size: | 3.475 & 0.79 Acres |

Mr. Walker presented the Board with the Variance requests. This request comes from an enforcement case. The applicant is requesting the approval of variances for permitting a pond on less than 5 acres and being within 150 feet of the County's right-of-way. The first variance request for the applicant is for permitting a pond on less than 5 acres, if granted approval

applicant will be required to tie parcels together with the contiguous lot form. The variance request required is 0.735 acres. The second Variance will be for the location of the pond to the right-of-way. Currently the pond is 110 feet from the edge of Shangri La Drive. The applicant is requesting a variance of 40 feet.

No further questions for Mr. Walker.

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

The applicant had nothing to add.

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 first Variance approval of 0.735 acres needed to build a pond on less than 5 acres. The applicant will need to file a contiguous lot form to join the properties. The second Variance approval of 40 feet is to meet the required 150 feet of the County's right-of-way with the contingency that they place the posts recommended by the County Engineer on property located at 6054 Shangri La Drive, Parcel #'s 15-08-12-100-035.001-019 & 15-08-12-100-056.000-019 of Manchester Township. The Variances arise from Article 25, Section 2554. Citing the requests meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Motion was seconded by Mrs. Ohlmansiek. All in favor. None opposed. Motion carried

2. Request:	Variance to create a buildable lot with no road frontage
Applicant/Owner:	Nicholas & Jennifer Wunderlich/Frank D. & Mary Ann Brauer and Frank M. Brauer
Site Location:	18013 & 18023
Legal:	Sec. 33, T6, R1, Parcel #15-06-33-300-016.000-012 & 15-06-33-300-025.000-012
Township:	Lawrenceburg
Zoning:	Residential (R) Size 4.4 Acres

Mr. Walker presented the Board with the staff report. The applicant is requesting the approval of a variance to split pieces from two parcels to create a third lot which does not have road frontage.

The Board had no further questions for Mr. Walker.

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

Mr. Dennis Kraus, Jr. speaking on behalf of JDJ Surveying & Engineering. Stated he felt Mr. Walker explained the request well.

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

Mr. John Brauer, adjainer, stated he felt all of his questions were answered by Mr. Walker's explanation of the request.

Mr. Beiersdorfer 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 grant the Variance approval of 65 feet to create a buildable lot with no road frontage. The survey will include the driveway maintenance agreement for all properties accessing its use. The property is located at 18013 & 18023 Pribble Road, Parcel #'s 15-08-12-100-035.001-019 & 15-08-12-100-056.000-019. The Variance arises from Article 25, Section 25.1. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Motion was seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.


ADMINISTRATIVE:

Mr. Baudendistel stated that there are 2 cases for BZA that have had no movement in the courts for a period of time. The property owners in these cases had indicated they were going to try and rectify the violations. Mr. Walker will be checking into those so that Mr. Baudendistel can let the court know if we need a hearing or if we will dismiss the cases. Trial Rule 41E states that if no one responds then the courts will dismiss the case due to lack of progress. Mr. Baudendistel has until July 29th to deal with the 2 cases.

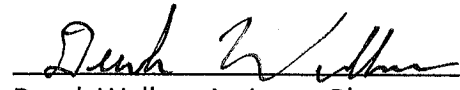
Mr. Walker stated that there will be a July 12th meeting.

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

Meeting adjourned at 7:30 p.m.



Rick Pope, Chairman



Derek Walker, Assistant Planner