

## **BOARD OF ZONING & APPEALS MINUTES**

**Tuesday, July 12, 2016**

**7:00 P.M.**

- A. Andrew Baudendistel reading of the Voluntary Title VI Public Involvement Survey-** As a recipient of federal funds, and in support of Dearborn County's efforts to ensure nondiscrimination and equal access to all citizens, the County gathers statistical data regarding participants in county activities. Therefore, we have provided a Voluntary Title VI public Involvement Survey at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title VI and ADA.

### **B. ROLL CALL-**

#### **Members present:**

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

### **C. Action on Minutes-**

Mr. Beiersdorfer made a motion to approve the June 14, 2016 minutes with correction. Seconded by Mrs. Ohlmansiek. 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-**

- |                  |   |
|------------------|---|
| 1. Request:      | Requesting a Variance for lot to be a buildable lot with no road frontage |
| Applicant/Owner: | Michael J. & Heather A. Miller/Jeffery A. & Tina M. Meister               |
| Site Location:   | Hogan Hill Road   |
| Legal:           | Sec. 2 T6 R3, Parcel #15-09-02-300-026.002-021                            |
| Township:        | Sparta  |
| Zoning:          | Agriculture (A)      Size: 1.0 Acre                                       |

Ms. Daily presented the Board with the Variance request. In 1990, this lot was created through a certified survey with the stipulation it was a non-buildable lot and must be transferred to an adjoiner. Mr. Miller wants to purchase from the Meister's for the purpose of a home construction. In order to make it a buildable lot Mr. Miller needs an approval of the variance request. Therefore, the applicant needs a variance of 100% of the required 150 feet of road frontage.

No further questions for Ms. Daily.

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

Mr. Tom Miller, spoke on behalf of his son, Michael Miller concerning this request. He explained that his son wants to build a home on this property and the shared driveway would only be shared by Michael Miller and the Marksberry's, which are Michael's in-laws. He stated everything was explained by Ms. Daily in her staff report.

**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 approval of 100% of the 150 feet of road frontage needed to create a buildable lot. Also the deed transfer from the Meister's for the lot will also state that this variance was approved for this lot to be considered buildable and will also indicate the shared access and the utility easement. The property is located off Hogan Hill Road, Parcel #15-09-02-300-026.002-021 of Sparta Township. The Variance arises from Article 25, Table 25.1. 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.**

## **ADMINISTRATIVE:**

Ms. Daily stated that there will be an August 9th meeting.


Ms. Daily discussed the Jeff Caudill case. The property is off of Lawrenceville Road and has a pond with no permit. She stated she had spoken to the adjoining owner and their different options on bringing the pond into compliance. She told him he needed to get this situation

taken care of with Mr. Caudill as soon as possible. Mr. Caudill will still need to come before the board for a variance once this property issues have been resolved with his neighbor.

Mr. Pope brought the idea of offering some time to the public to come in and permit their businesses and to bring illegal unpermitted small business owners into compliance. The Board discussed the ways that this issue can be resolved. Ms. Daily stated the Planning and Zoning Department are looking into fining unpermitted businesses and bypassing the courts when necessary. Ms. Daily said she will look into this issue and the probability of enforcement fees for unpermitted businesses.

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

Meeting adjourned at 7:35 p.m.

 8/9/2016  
Rick Pope, Chairman

  
Nicole Daily, Zoning Administrator