

BOARD OF ZONING & APPEALS MINUTES

Tuesday, September 13, 2016

7:00 P.M.

A. Andrew Baudendistel's 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 August 9, 2016 minutes. Seconded by Mrs. Ohlmansiek. All in favor. None opposed. Motion carried.

D. Old Business Scheduled to be Re-opened

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| 1. Request: | Requesting a Variance for driveway spacing |
| Applicant/Owner: | Daniel Baitz/Floyd & Kim Osborne |
| Site Location: | 13885 Independence Lane |
| Legal: | Sec. 14 T6 R3, Parcel #15-09-14-300-022.000-021 |
| Township: | Sparta |
| Zoning: | Residential (R) Size: 1.8 Acres |

Ms. Daily presented the staff report. This property has been purchased by Floyd and Kim Osborne since the August 9, 2016 meeting. This variance is for driveway spacing. The variance request is for 123 feet for both the northern and southern closest driveways (the actual spacing would be 107 feet in both directions).

Mr. Osborne agrees with this request. He would like to keep the U-turn-which would require a separate variance. He would create a separate driveway approximately 5 feet from the southern property line and this would separate from the neighbor's driveway so there were no further maintenance disputes. Therefore his property would have a U shaped driveway (two connections to Chesterville Road).

Mr. Orville Vanover, 13869 Independence Lane, stated that he has had issues with 2 previous owners concerning this driveway. There were always constant arguments regarding the maintenance of the shared portion of the driveway. He also has agreed with Ms. Daily's presentation and all of staff's recommendations.

Ms. Daily stated that if Mr. Osborne is wanting a U shaped driveway, that second driveway would also need a variance. The Board would not be able to take a vote on two different driveway connections onto Chesterville since the request was not advertised as such. It was only advertised for one variance related to the proposed driveway closest to the house location. The owner would have two options. The Board can take a vote on the request that is before them which would be only for the driveway closest to the house. If the owner wanted to install a separate driveway on the southern property line, he would need to file for another variance. Or the owner can have the Board table the request tonight, have the request advertised for two different driveways and make a decision at the October meeting.

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

No public discussion.

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

Mr. Osborne has agreed to table this request until the October 11, 2016 meeting.

Mr. Beiersdorfer made a motion to table this request until the October 11, 2016 meeting. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

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| 1. Request: | Requesting a Variance for Pond & Acreage Setback |
| Applicant/Owner: | Jeffrey Caudill, Jr. |
| Site Location: | 27560 Lawrenceville Road |
| Legal: | Sec. 18 T7 R2, Parcel #15-02-18-200-016.000-009 |
| Township: | Jackson |
| Zoning: | Agricultural (A) Size: 2.3 Acres |

Ms. Daily presented the staff report. The applicants request is tabled from November 10, 2015 meeting. This item was tabled because during inspections in 2015, it was discovered the pond

was constructed over the property line and the property owner had two options; 1) To remove a portion of the pond, or 2) to obtain more property from the adjoining property owner. The property is requesting a variance for a pond he constructed on this property without proper permitting. The setback requirement for a pond is 150 feet from any right of way and 30 feet from any property line. Therefore applicant is requesting a variance of 10 feet from the proposed property line and a variance of 2.2 acres (which includes 0.5 acres from the adjoiner) is needed because the property will still be less than 5 acres.

Mr. Pope asked the applicant address the board.

Mr. Caudill stated he has placed a new driveway for Mr. Sunderhaus on his property that was agreed to in the agreement that he has with Mr. Sunderhaus. This work was done to satisfy the desire to obtain approximately 0.5 acres of additional ground to ensure the entire pond was located on property owned by Mr. Caudill.

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

No public discussion.

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

Mr. Thatcher made a motion to approve the Variance of 10 feet from the proposed rear property line and a Variance of 2.2 acres (which includes 0.5 acres from the adjoiner.) With the condition that the transfer of 0.5 acres to Mr. Caudill has transferred and been recorded for this approval to be official. The property is located at 27560 Lawrenceville Road, Parcel # 15-02-18-200-016.000-009 of Jackson Township. The variance arises from Article 25, Section 2554. 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.

E. Old Business to remain tabled- None

F. New Business-

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| 1. Request: | Request a Conditional Use for an electronic changeable message board |
| Applicant/Owner: | John L. Gibbs & Amy J. Fletcher |
| Site Location: | 11831 SR 48 |
| Legal: | Sec. 19 T6 R2, Parcel #15-05-19-300-017.000-019 |
| Township: | Manchester |
| Zoning: | Agricultural (A) Size: 2.0 Acres |

Ms. Daily presented the staff report. The applicant installed an electronic sign without proper permitting and once notified of the violation, has filed for an application of a conditional use for the sign. The business has been on the property since at 1995 when the business was approved through the Board of Zoning Appeals. The previous sign was a wooden sign. The electronic portion of the sign measures 6 feet by 1 foot, with the total dimensions of the entire sign being 6 feet by 3 feet (total square footage is 18 SF). The total height of the sign is 8 feet. In an agricultural zone a sign is permitted to be 32 square feet, with a maximum height of 10 feet. As this sign is installed it does meet the standard regulations for a sign permitted in an Agricultural District.

The Conditional Use is needed due to the fact the existing wooden sign was upgraded to an electronic message sign.

The Board's concern is the sign is only 25 feet from the centerline of the road, which would put the sign within the State right-of-way.

Mr. Pope asked the applicant to address the Board.

Mr. John Gibbs stated that he did not know he needed a permit to replace his sign, that is why he is here tonight to bring this sign in compliance. He also stated that the sign was placed in the same exact location as the old sign, he used the same hole for the post. The electronic message sign is located outside the location of the utility lines that run along the roadway, therefore he was assuming that he was out of the right-of-way for SR 48.

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

No public discussion.

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

The Board made the decision if there is an approval there will need to be a letter of acknowledgement from Mark Brunner, with the State of Indiana, stating they are aware of the location of the sign and their approval of its location.

Mrs. Ohlmansiek made a motion to grant approval for Conditional Use for electronic sign to be placed in an Agricultural zoned district. With the condition that Mr. Gibbs submit at the time of applying for the permit, a letter of approval from the State of Indiana acknowledging

the location of sign and allowing that sign to be in the State right-of-way. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

2. Request:	Variance for driveway spacing
Applicant/Owner:	Austin & Pamela Hoskins
Site Location:	29514 Stout Road
Legal:	Sec. 1 T7R1, Parcel #15-01-01-400-038.000-006
Township:	Harrison
Zoning:	Agricultural (A) Size: 3.0278 Acres

Ms. Daily presented the staff report. The applicant is requesting the approval of a variance for driveway spacing. In July 2016 the applicant filed for a permit for a new house construction. At that time the proposed driveway was closer to the northeastern property line. Once construction began on the site the applicant requested to move the driveway towards the middle of the property along Stout Road. This change cannot be done until a variance is approved through the Board. The applicant states the proposed driveway locations is a better location based on the topography. The required driveway spacing on a collector road with a speed limit of 35 MPH is 150 feet. Therefore the variance request would be for 63 feet for the western closest driveways (the actual spacing would only be 86 feet to the western adjoining driveway). The distance to the eastern adjoining driveway would be 237 which would be over the required 150 feet.

Ms. Daily stated that Mr. Todd Listerman, County Highway Engineer supplied a letter to Board, agreeing to the sight distance if the brush along the roadway is cleared from both sides of the proposed driveway to ensure proper sight distance. The current driveway permit will need to be reapplied for to show the new driveway if approval is granted.

Mr. Pope asked the applicant to address the Board.

Mr. Austin Hoskins stated that he wanted the driveway to be closer to the new home. He has issues with current traffic and speed safety on Stout Road for his current location of the permitted driveway and this is also why he would like to relocate his driveway.

Mr. Beiersdorfer made a motion to open public discussion. Seconded by Mr. Darling.

Mr. Ed Baugh, a former owner of the property across the street from Mr. Hoskin's property, stated that there are blind spots on the curve at Mr. Hoskin's property. He has always had safety concerns due to the speeding and traffic.

Mr. Thatcher made a motion to close public discussion. Seconded by Mr. Darling.

Mrs. Ohmansiek made a motion to grant the Variance of 63 feet for the western of the closest located driveway. The property is located at 29514 Stout Road, Parcel # 15-01-01-400-038.000-006 of Harrison Township. The Variance arises from Article 24, Section 2406 (table 24.4). Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

ADMINISTRATIVE:

Ms. Daily stated that there will be an October 11th meeting.

Ms. Daily shared with the Board that there could be possible lawsuits files against 3 different properties in Hardintown. She has sent out letters to allow the owners time to get their properties cleaned up and is not getting any response from them. Ms. Daily presented photos to the Board of the sites containing storage and garbage issues. The storage will need proper permitting which the owners do not have. Ms. Daily stated she will be handing the files over to Mr. Baudendistel to begin court proceedings.

Ms. Daily stated there have been no new changes to Marvin Hamon property. The next court date is October 14th.

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

Meeting adjourned at 8:45 p.m.


Rick Pope, Chairman
Nicole Daily, Zoning Administrator