

**BOARD OF ZONING & APPEALS MINUTES**  
**TUESDAY, July 14, 2015**  
**7:00 P.M.**

**A. ROLL CALL-**

**Members present:**

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

**Action on Minutes-**

Motion was made to accept June 9, 2015 minutes with corrections by Jane Ohlmansiek. Seconded by Phil Darling. All in favor. None opposed. Motion carried.

**B. Election of Officers-**

Mrs. Ohlmansiek nominated Rick Pope as Chairman of the Board of Zoning. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carries.

Mr. Thatcher nominated Jane Ohlmansiek as Vice-President. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carries.

Nominations closed. All in favor of the election of officers. Motion carried.

**C. Old Business scheduled to be reopened-None**

**D. Old Business to remain tabled-None**

**E. New Business-**

1. Request: Front Yard Setback Variance for a garage

Applicant/Owner: Charles Kerns

Site Location: 3979 Gaynor Ridge Road

Legal: Sec.21, T7, R1 Parcel #15-01-21-300-025.000-018

Township: Logan

Zoning: Agricultural (A) Size: 3 Acres

Ms. Daily presented the Board with the staff report. This Variance arises from Article 25, Section 2516. The property owner is requesting to construct a garage on the property. The garage is being proposed to be placed closer to the road because of the configuration of the tract of land. The required front yard setback is 80 feet. The owner is requesting to construct the garage 60 feet from the centerline of the roadway; therefore the front yard setback variance is 20 feet. There were 7 letters mailed out, 7 were received back. No phone calls.

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

Mr. Charles Kerns stated he had no issues with his neighbors. He stated there are no visibility issues from the road.

No public discussion.

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

Mr. Darling stated he had drove out to this site and felt he had no issues with this variance request.

No further discussion by the Board.

Mr. Beiersdorfer made motion to approve the front yard variance of 20 feet to construct a garage. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Seconded by Mr. Darling. All in favor. None opposed. Motion carried.

2. Request: Variance for boarding stables setback for dog kennels

Applicant/Owner: Rodney Barrows/Phyllis Barrows

Site Location: 18672 Keller Road

Legal: Sec.31, T6, R1 Parcel #15-06-31-100-018.000-012

Township: Lawrenceburg

Zoning: Agricultural (A) Size: Lot 23 Clover Hill Subdivision (6.82 acres)

Ms. Daily presented the Board with the staff report. This Variance arises from Article 9, Section 910. The applicant has existing dog kennels on the property related to the operation of a kennel on a separate property. The kennels on this property are to house the dogs that are

retired from breeding. The kennels are located closer to the property line than that are required by the Zoning Ordinance. The required setback for kennels is 250 feet. The applicant is requesting to have the kennels 5 feet from the nearest property line and 215 feet from the furthest property line, therefore setback variances would need to be 245 feet and 35 feet. Both variances would be from the side yard property lines. There were 7 letters mailed out, 6 were received back, one is outstanding.

Ms. Daily would like to go over both cases before discussions to prevent repeated questions and concerns.

3. Request: Variance for boarding stables setback for dog kennels and Conditional Use for commercial kennels.

Applicant/Owner: Rodney and Beverly Barrows

Site Location: 18829 Keller Road

Legal: Sec.31, T6, R1 Parcel #15-06-31-100-031.000-012

Township: Lawrenceburg

Zoning: Agricultural (A) Size: Lot 9 Clover Hill Subdivision (2 acres)

Ms. Daily presented the Board with the staff report. This Variance arises from Article 9, Section 930. Variances arise from setback issues and the Conditional Use arises from the acreage of the property being less than 5 acres. The applicant has existing dog kennels on the property. The kennels on this property are to house the dogs being bred or the babies which are being sold. The kennels are located closer to the property lines than that are required by the Zoning Ordinance. The owner is proposing to also place a third kennel on this property. The required setback for kennels is 250 feet. The applicant is requesting to have the kennels 13 feet from the northeast property line, 100 feet from the southeast property line, 210 feet from the southwest property line and 25 feet from the northwest property line, therefore setback variances would need to be 237 feet, 150 feet, 40 feet and 225 feet. There were 7 letters mailed out, 5 were received back and 2 outstanding. One phone call from an adjoining property owner with concern's and she is here at tonight's meeting to speak.

Ms. Daily also stated there is a letter from Dearborn County Animal Control. The Planning and Zoning wanted them to do an inspection on both sites and to give us their opinion on what they deem as code for kennels on treatment and housing of the animals. Ms. Daily also stated she found no issues on her inspection of the properties as well. Also there is a letter from Phyllis Barrows, owner of the 6.82 acres stating she has given Rodney Barrows, her son, permission to submit the application on her behalf.

Mr. Thatcher asks if there are residents on both properties. Ms. Daily stated there was not a residence on the 6.82 acre tract and the applicant lives on the 2 acre tract. Mr. Thatcher asked what the larger structure is on the larger tract and Ms. Daily stated it is an older vacant trailer.

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

Rhonda Frank, 18397 Keller Road, adjoining property owner caddy corner to the 2 acre property, spoke about her concern about the noise of the barking dogs and the property value. She feels she has the right to privacy and does not feel the peacefulness since the owner built the kennels in the past year.

Phyllis Kaiser, 18656 Keller Road, adjoining property owner to the 6.82 acres. She has been living by the property close to four years. She explained Mr. Barrows uses her driveway to get to the kennels and she has allowed them to do that. She stated she has no concerns and feels they take good care of the dogs and the upkeep of the kennels.

No further questions from the board.

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

Discussion took place on the 6.82 acres from the board. They reviewed the map once again for this property.

Mr. Beiersdorfer asked if the driveway is located on the 6.82 acres due to the fact Mr. Barrows is using Phyllis Kaiser's property to get to the kennels. Ms. Daily stated the driveway is on the 6.82 acre piece. He uses the neighbor's entrance because it is easier to get there because there is a deep elevation drop on his property.

Mr. Thatcher asks if the kennels are already in place on this property. Ms. Daily stated yes.

Mr. Darling asks how far back off of Keller Road the kennels are. Ms. Daily stated approximately 300 feet.

Ms. Daily noted on the 2 acre property she suggested they do the Conditional Use first before getting into the Variance, to be decided in three different motions for both requests.

Mrs. Ohlmansiek made a motion to grant a 245 feet Variance from the Northwest property line and a 35 feet Variance from the Southeast property line for Rodney and Beverly Barrows to have kennels on 18672 Keller Road, Sec 31, T6, and R1 in Lawrenceburg Township. Citing the request meets the criteria of Article 3, Section 320 within the Dearborn County Zoning Ordinance. Seconded by Mr. Beiersdorfer. All in favor. Mr. Thatcher opposed. Motion carried.

Mr. Pope asked the board for their thoughts on the 2 acre property.

Mr. Beiersdorfer stated he had a big issue with the 2 acre property with the neighbor behind them.

Mrs. Ohlmansiek stated she has an issue with the selling of the vacant property next to this property, in the future due to the fact it is in a subdivision.

Mr. Beiersdorfer made a motion to deny the Conditional Use. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

Mr. Pope stated since the Conditional Use is denied there is no need for the Setback Variance on the 2 acre lot.

## **ADMINISTRATIVE-**

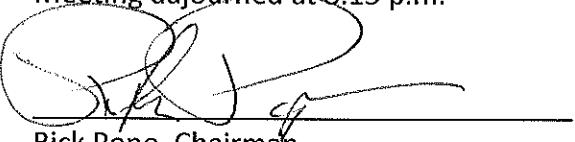
Ms. Daily informed the Board that Mr. Vinnie Fazzino has left the Planning & Zoning office. With the shortage of a staff member some projects are being put on hold and will be back on track once the office hires a new employee. She is still working on the Electronic Sign ordinance and the revisions, she updated the Board on BEP Project and with the deadlines she has had to spend time on this project.

Ms. Daily informed the Board that Mr. Dave Batta came into the office today and would like to build a 50'x50' pole barn. He previously had a Conditional Use granted in 2011. She was here to ask the Board for their opinion to whether or not it was necessary for him to come back to the Board for this pole barn. The Board decided he will need to apply for a Modification to Conditional Use due to the fact there is a letter that was submitted and mentioned in the motion on the 2011 Conditional Use that there would be no new buildings on the property.

Ms. Daily stated the next Board meeting will be August 11<sup>th</sup>.

Mr. Beiersdorfer made a motion to adjourn. Seconded by Mrs. Ohlmansiek. All in favor. None opposed.

Meeting adjourned at 8:15 p.m.

  
Rick Pope, Chairman

  
Niccole Daily, Zoning Administrator