

Board of Zoning Appeals Meeting Minutes

June 8, 2015

In attendance: Lou Mohlman, Jan Linn, David Baker, Brad Miller, Robin Liechty, Peg Garton

Meeting was called to order.

Previous meeting notes were read and signed.

A motion was made by Jan Linn to open the hearing for Martin Schmucker that was tabled at the previous meeting. David seconded the motion; all were in favor of the motion.

Mr. Schmucker, applicant, was not in attendance. The board members discussed the two lots in question. Mr. Schmucker was seeking permission to have twenty foot setbacks instead of thirty foot setbacks for the front yards of two lots on Yellow Feather Court in Pioneer Village. Mr. Schmucker placed stakes and string lines up on both lots to represent a foot print of the proposed houses. The board requested at the previous meeting that a plot plan showing the exact placement of the houses on both lots be made for further clarification and documentation. Mr. Schmucker had not filed that plot plans as requested.

Ms. Linn discussed the lots in detail. She felt that by allowing the requested setback that a precedent would be set for others to do the same. She stated that there was a statement made previously about other lots with a twenty foot setbacks allowed in Pioneer Village for the front yards and she clarified that those were for corner lots, and that they were plotted that way originally.

Mr. Miller did not see a reason to grant the variance when others had met the requirements, especially those in the area and on the cul-de-sac.

Mr. Mohlman stated that the plot plan filed by the developer that was approved by the Plan Commission protects all the owners from beginning to the end of development. He felt that the standards should not change as they go along.

Jan made a motion to deny the applicants request.

The motion failed for lack of a second.

The discussion continued.

Mr. Baker felt that the one house was set back as far as the others and discussed the setback allotments in detail.

Mr. Robin Liechty stated that Mr. Schmucker had called in earlier that day and stated that there was an emergency and he would not be in attendance. Robin stated that Martin told him that he could do with less of a setback on one property than the other. Mr. Liechty reminded Mr. Schmucker that he was considered to be an interested party as his property was within 300 feet of the property in question and that he could not vote on his application.

Peg Garton stated that the applicant is not allowed to call the board members and thanked Mr. Liechty for his honesty.

David Baker made the motion to table the applicant request, Lou Mohlman seconded the motion. The motion passed with Jan Linn voting against tabling the request and Robin Liechty abstaining.

The board continued the meeting by introducing the second applicant.

The staff reviewed the application for Mr. and Mrs. David Smith of 11302 Schlatter Road. The Smiths were requesting a variance to allow horses and chickens. The property is zoned R2 residential and horses and chickens are not considered pets but as agriculture farm animals. The board discussed Mr. Smith's application in great detail. Mr. Smith was requesting the board permission for horses on their property to do equine therapy for their special needs son. The placement of run off ditches, manure processing, and the location of the new barn, chicken coop, and fence was all discussed in great detail. The board discussed ditching, composting, pasture placement and types of fencing. The owner stated that there were be no breeding of horses involved.

The board chairman opened the public hearing.

Two neighbors spoke in favor of the applicant. The board also received a letter from another neighbor.

The public hearing was closed.

Jan Linn asked if the resident would consider moving the fence line on Schlatter road ten foot back off the required set back if the application was approved.

Brad Miller made the motion to approve the application with limitations. Jan seconded the motion, the motion passed unanimously. Jan made the motion that the applicant must limit the horses to four or less, that the applicant may not have more than twelve chickens, that the variance is not transferrable to another owner and that the fence line on Schlatter Road be ten feet from the property line, and that permits were required for the barn, the chicken coop, and fence.

Brad Miller seconded the motion, and all were in favor of the motion.

The board discussed the next hearing date. After much discussion regarding the date David Baker rescinded his previous motion to table Martin Schmucker's application till the next meeting date. Lou seconded, all were in favor of the motion. The board agreed that Mr. Schmucker needed to be notified immediately and that a plot plan needs to be filed with a time limit set.

A special hearing date was discussed.

Lou made the motion to set a special hearing for Tuesday May 16, 2016 at 7 pm for Mr. Schmucker's application with the condition that Mr. Schmucker files plot plans showing the foot print of the proposed houses for both lots showing a twenty foot setback as requested and discussed at the previous meeting when he was in attendance. The plot plan needs to be at the Town Hall by noon on Friday June 12, 2015, or the board would consider the application incomplete, and not proceed with Tuesday's meeting. Jan Linn seconded the motion; all were in favor of the motion.

Peg Garton agreed to notice the special hearing and to notify Martin Schmucker in writing.

The meeting was adjourned.

Respectfully Submitted: Peg Garton Town Manager

Attested: Lou Mohlman, Chairman