

WELLS COUNTY AREA PLAN COMMISSION

WELLS CARNEGIE GOVERNMENT ANNEX

223 W. Washington St.

Bluffton, Indiana 46714-1955

Room 211 PHONE - 824-6407



November 10, 2009

WELLS COUNTY BOARD OF ZONING APPEALS MEETING

TUESDAY, NOVEMBER 17, 2009, AT 7:00 P.M.

ROOM 214 (CONFERENCE ROOM) AREA PLAN OFFICE

GOVERNMENT ANNEX BUILDING 223 W. WASHINGTON ST., BLUFFTON, IN

AGENDA

ROLL CALL

APPROVAL OF MINUTES

NEW ITEM:

B09-11-18 HARRISON TWP., NE/4 17-26N-13E James M. and Sandra K. Wenger requesting a variance approval for the construction of a cellular tower approximately ½ mile west of Vera Cruz on SR 301 in an A-1 zone.

APPEAL:

B09-11-19 John and Lori Frettinger appeal violation notification of a home occupation at 0854 E US 224, Uniondale in an A-1 zone.

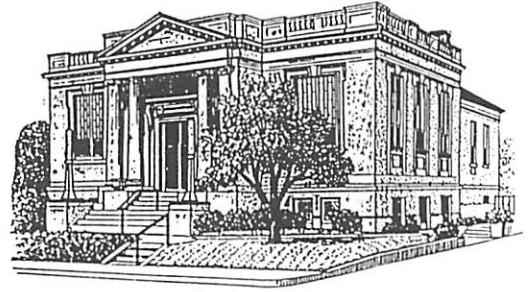
ADVISORY:

DIRECTOR COMMENTS:

WELLS COUNTY AREA PLAN COMMISSION

WELLS CARNEGIE GOVERNMENT ANNEX

223 W. Washington St.
Bluffton, Indiana 46714-1955
Room 211 PHONE - 824-6407



November 2, 2009

BZA Board Members:

The November BZA meeting has been rescheduled and will be held November 17, 2009 @ 7:00 p.m. at the request of the company representing the cell tower petition.

The agenda packet will be mailed out as usual 1-week in advance of the meeting; the mailing will include a brief copy of a booklet they submitted with the cell tower filing. Due to postage cost we will not mail the entire booklet. Should you be interested in the entire booklet you are welcome to stop by the office and pick up a copy.

In the event you will not be able to attend the BZA meeting on the 17th of November please give the office a call.

Thank You

A handwritten signature in cursive script that reads "Becky Longenberger".

Becky Longenberger
APC Administrative Assistant

ROLL CALL

Rose Ann Barrick
Jerry Petzel, President
Jim Schwarzkopf
Mark Shaffer

Michael Lautzenheiser, Jr., Director

Board president, Jerry Petzel called the November 17, 2009 Board of Zoning Appeals meeting to order at 7:00 p.m., four members answered roll call, Jerome Markley was absent

Rose Ann Barrick made a motion to approve the minutes from the September meeting. Mark Shaffer seconded the motion and the motion passed by a 4-0 vote.

NEW ITEMS:

B09-11-18 HARRISON TWP., NE/4 17-26N-13E James M. and Saundra K. Wenger requesting a variance approval for the construction of a cellular tower approximately ½ mile west of Vera Cruz on SR 301 in an A-1 zone.

Petition to request cell tower approval by Judd Chaille for Stout and Company LLC on the land of James and Saundra Wenger.

The proposed tower is for Centennial Wireless and will be a standard 300' ft. guy wire tower. Engineering documentation was submitted to support the data that in a catastrophic event the collapse of the tower would be within the guy wire area they are constructed to withstand winds of 100 miles per hour. The tower will also allow co-locators and has been determined not to be a FAA hazard and license from the FCC has been obtained with letters documenting each submitted.

Conditions: None

Motion to approve: Rose Ann Barrick

Second: Jim Schwarzkopf

Vote: 4-0

APPEAL:

B09-11-19 John and Lori Frettinger appeal violation notification of a home occupation at 0854 E US 224, Uniondale in an A-1 zone.

Attorney, Eric Orr and property owner John Frettinger appeared to appeal the notice received for a violation of the home occupation rules.

Mr. Orr states his interpretation is that this is not a violation in that the property is zoned A-1 and not residential and is not a violation of the ordinance as it is a consumer product for direct sale away from a storefront and sold person to person and there are not any additional employees.

Michael explained that the intent of person to person sale stated in the ordinance does not include visual displays of merchandise. Also that a key point here is that even with the farm fields nearby there are four homes close together as a small neighborhood and residential in use and the displays change the character.

The outside display of the merchandise was debated and a compromise was agreed upon with the merchandise displayed to be fewer in number and set back further on his property. Rose Ann Barrick said her concern is safety and suggested the merchandise be moved back on his property further and a turn around on his property created for vehicles to turn-around. The safety factor and perhaps the visibility from the neighboring property were discussed at length.

Condition: Property owner will make suggested changes by moving the displays back further on his property and reducing the number displayed on the trailer. Creating a place for vehicles to pull in to look at the boilers and be able to turn around is not financially feasible at the present time but something he would entertain in the future.

Motion to uphold violation: Jim Schwarzkopf

Second: Mark Shaffer

Vote: 4-0

DIRECTOR COMMENTS:

Michael gave the board more information on signs being displayed by property owners for petitions heard by the BZA and the pros and cons of using disposable type or larger signs that are maintained by the sign company used for the APC and the costs associated.

ADVISORY:

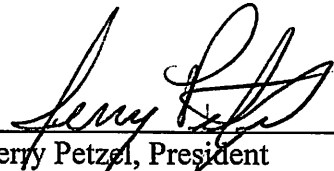
Discussion pertaining to moving the regularly scheduled meetings opposed to offering a special meeting at the petitioners cost was discussed at length. The consensus of the board is to keep the meeting on the fourth Tuesday of the month. Should a petitioner want an earlier meeting they have the option of paying all fees associated with having a special meeting pending the availability of the board. Noted was that when changing a meeting for one petition it may inconvenience other petitioners who would have been on the agenda. Other issues of making all the necessary calls and making sure the legal ad can be published the required amount of days in advance are all factors.

Motion: Jim Schwarzkopf

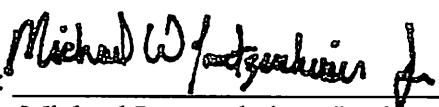
Second: Mark Shaffer

Vote: 4-0

Rose Ann made a motion to adjourn the meeting. Mark Shaffer seconded the motion and the motion passed with a vote of 4-0. The November 17, 2009, meeting of the Board of Zoning Appeals adjourned at 8:30 p.m.



Jerry Petzel, President

ATTEST: 

Michael Lautzenheiser, Jr., Secretary