CALL TO ORDER
At 7:14 p.m., Vice Chairman Donna McKay called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Karen Clementi, Donna McKay (Vice-Chair), Scott Cherry, Dick Whitfield, and Dick Thompson
Members absent: Randy Mohr (Chairman) and Tom LeCuyer
Staff present: John Sterrett, Senior Planner
Public: Julie Gengler, Dan Kramer, Rod Wheeler

MINUTES
Ms. Clementi made a motion, seconded by Mr. Whitfield, to approve the May 2, 2016 meeting minutes. With a voice vote of all ayes, the motion carried.

PETITIONS
16-12 Julie Gengler
Request: Variance to the allow an accessory building to encroach into the required A-1 front yard setback
Location: 15531 O’Brien Road, Seward Township
Purpose To allow an accessory structure in the A-1 district to be located 90’ from the centerline of the roadway.

The petitioner, Julie Gengler, is requesting a variance to the required front yard setback for accessory structures to locate an accessory building ninety (90) feet from the centerline of Bell Road. This will encroach into the required front yard setback of 150’ by sixty (60) feet. An existing accessory structure is located ninety (90) feet from the centerline of Bell Road and will be relocated further south on the property. The petitioner would like to utilize the existing impervious area where the existing accessory structure is located. The petitioner has indicated that by pushing the accessory building further south it would be located in a low area near an existing pond.

Staff recommends approval of the variance request with the understanding that the existing structure currently encroaching in the front yard setback will be relocated in an area on the property that meets the required setbacks.

Ms. Clementi made a motion to approve the variance and incorporate the findings of fact along with the conditions recommended by staff. Mr. Cherry seconded. The findings of fact are as follows:
That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The topography of the property would place a building in a low-lying area if the building were to be pushed further back to meet the required 150’ front yard setback. Furthermore, by placing the building structure further back on the property it will be located in close proximity to an existing pond potential impacting the building.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. An existing pond on a lot with this size creates difficulty unique to this property as it reduces the amount of available area to build on the property without the need to encroach into the required setback.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The property was developed as it exists today prior to the petitioners purchasing the property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The structure will still maintain all other required setback distances to other property lines.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed structure will be used to serve only the owners of the subject property for accessory purposes and will not create any additional traffic on the roadway nor will it affect other nearby areas. A building permit will be required for the construction of the building.

Vice Chairman McKay called for a vote. Mr. Sterrett called the roll: Mr. Whitfield – Yes, Mr. Cherry – Yes, Ms. McKay – Yes, Mr. Thompson – Yes, Ms. Clementi – Yes. The motion carried 5-0.

16-13 Rodney Wheeler
Request: Variance to the allow an accessory building to encroach into the required A-1 front yard setback
Location: 4202 Wheeler Road, Na-Au-Say Township
Purpose To allow three grain bins to be located 107’ from the centerline of the roadway.

The petitioners, Rodney and Patricia Wheeler, are requesting a variance to the required front yard setback for accessory structures to locate three (3) grain bin structures 107’ from the centerline of Wheeler Road. This will encroach into the required front yard setback of 150’ by forty-three (43) feet. The bins will be located on the north side of an existing grain leg and drying system which, according to the petitioner, is the only method of connecting to the drying system and grain leg. Nine (9) storage bins currently exist on site and the additional three (3) bins will reconfigure the placement of these bins by removing some of these existing bins. Based on the submitted site plan, it appears five (5) bins will be removed to accommodate the proposed bins. Staff recommends approval of the variance request for the three proposed grain bin structures to be located 107’ from the centerline of Wheeler Road.
Mr. Whitfield made a motion to approve the variance and incorporate the findings of fact. Mr. Cherry seconded. The findings of fact are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The location of the existing grain leg and drying system prevents any future bins from being placed further back to meet the required 150’ front yard setback. Meeting the requirement would require existing farmland to be utilized for the placement of the storage bins.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The proposed grains bins will be located so they are able to function with the existing drying system.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The existing grain leg and drying system was established prior to the requirement for additional grain bins to be located at least 150’ from the centerline of the roadway.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The grain bins are consistent with the existing agricultural uses in the area and will have minimal additional impact.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The grain bins are for an agricultural use and meet all other required setback distances. The location is a sufficient distance away from public roadway intersections.

Vice Chairman McKay called for a vote. Mr. Sterrett called the roll: Ms. Clementi – Yes, Mr. Thompson – Yes, Mr. Whitfield – Yes, Mr. Cherry – Yes, Ms. McKay – Yes. The motion carried 5-0.

REVIEW PETITIONS THAT WENT TO COUNTY BOARD None
NEW BUSINESS/OLD BUSINESS None
PUBLIC COMMENT - None
ADJOURNMENT OF THE ZONING BOARD OF APPEALS
Mr. Cherry made a motion to adjourn the Zoning Board of Appeals meeting, Ms. McKay seconded the motion. With a voice vote of all ayes, the motion carried. Vice Chairman McKay adjourned the Zoning Board of Appeals meeting at 7:39 p.m.

Respectfully Submitted,
John H. Sterrett, Senior Planner