Albion BZA Meeting – Minutes
July 19, 2006
7:00 PM Albion Police Department Training Room
124 S Orange Street

Members Present: Stanley Strater, Larry Ellet, Terry Dazey and John E. (Jack) Robinson. Absent was member Charles Elser. Staff members attending were Beth Shellman, Town Manager and Mike Yoder, Town Attorney. Members from the public attending were those noted on the Sign In sheet attached to these minutes.

Meeting was called to order by Chairman Robinson at 7:00 PM, after recognizing a quorum.

Approval of Minutes: Stan Strater motioned, seconded by Larry Ellet, to approve minutes from the June 21, 2006 regular meeting. Voice vote determined the motion carried 4-ayes, 0-nay.

Old Business: BZA Variance Number 2006-04 Joseph and Marcille Leatherman and Jack Houser, requesting a Variance from Albion Zoning Ordinance Section 4.1 Authorized Uses and Section 5.5 Standard Setbacks, to allow permanent placement of a 2002 single-wide manufactured home with a setback of 1' from a platted 16' wide alley instead of the minimum required setback of 25'; real estate located Lots 19 and 20 in Lawndale Addition to the Town of Albion, Section 24, Albion-York Township; common location 302 S High Street.

This petition was continued from the June 21, 2006 regular meeting to allow the petitioners and interested parties time to collect evidence to support the findings of fact. Joe Leatherman and his legal counselor Steve Hagen were in attendance. Also attending were Vickie Bowman; Randy Gunder; Don McBride; Brock Smolek and Brad Smolek. Hearing re-opened at 7:02 p.m.

Steve Hagen reported they have presented the renter of the 1971 mobile home (Vickie Bowman) with a Notice to Quit and she will be moving out on July 29, 2006. They will then remove the mobile home. They have filed paperwork requesting Vacation of the Platted Public undeveloped Alley that runs to the east of where the proposed 2002 single-wide will be located. The Albion Town Council will consider the Vacation petition on August 22, 2006. Steve presented letters from Realtors Tony Black and Tina Craft demonstrating that the value of the 2002 Palm Harbor manufactured home was estimated to be $53,000-$58,000 once permanently set and that property values in the area may increase rather than decrease. Randy Gunder was in attendance to verify the foundation work would be done according to building code specifications. Steve Hagen announced a neighbor told him Smolek's offered their home to a neighbor for $22,000. Stan asked if the 1971 was already removed. Steve stated the 1971 mobile home will be removed prior to setting the 2002.

Don McBride submitted signatures from 14 residents in the neighborhood that opposed the request. (on file in petitioners file) He also submitted a letter from Realtor Christie Ybarra stating that the placement of a trailer on the property may affect the future ability to sale land. (on file in petitioners file)

Brock and Brad Smolek each expressed a concern about setting a precedent by allowing placement of single-wide homes outside of a mobile home park.

Steve Hagen objected to the opposition petition since it is unclear as to what circumstances were involved in the gathering of signatures. Also, it is factual that some adjacent zoning to this

property is zoned for Mobile Home Park which allows the placement of single side manufactured and mobile homes.

Terry Dazey expressed he was uncomfortable with establishing a precedent by placement of mobile homes outside of MH zoning. Larry Ellet felt mobile home zoning protects both the neighbor and the park owner by providing a designated place for single wide homes. The park owner makes a living by renting single wide homes sites on designated lots. Homeowners in town on single family residential properties can invest in their property with the confidence of knowing mobile homes are not permitted outside of MH zoning. Beth clarified the Zoning Ordinance permits mobile homes and single-wide manufactured homes inside of Mobile Home Park zoning. Modular Homes and newer double-wide manufactured homes are permitted in residential districts. With no further comments, the public hearing was closed at 7:35 p.m.

After some discussion, a motion was made and seconded (Stan Strater, Terry Dazey) to deny the Variance based upon the findings of fact and after considering all information and testimony presented. Voice vote determined the motion carried by a 4-in favor, 0 opposed margin.

New Business: Variance Number 2006-05 Professional Animal Retirement Center, Inc., (PARC) d/b/a: Black Pine Animal Park, requesting a Variance from Albion Zoning Ordinance Section 4 Authorized Uses; to allow a public non-profit zoological park and recreation use in an Agriculture District; real estate located Section 14, York Township; common location 1426 W – 300 N, containing 54 acres.

Chairman Robinson opened the public hearing at 7:45 p.m. and noted the Noble County Board of Commissioners filed a Letter of Authorization allowing Mark Thaler, Josh and Jessica Price and Lori Gagen were to act on behalf of the Variance application. Mark explained PARC entered into a 40 year lease with the 4-H Exhibit Corporation and the Noble County Board of Commissioners to use approximately 18 acres of land on the north side of the open county regulated ditch. PARC will not change the existing animal park use as presently being operated from the Albion Rd facility and will continue to have educational outreach programs.

Jack asked if PARC will perform upkeep and maintain the property. Mark stated PARC will maintain the drive access. Josh presented a conceptual plan for the property, including construction of 5 buildings. There is natural screening around the property. The restroom facility will be handicap accessible and the pathways will be hard surfaced, ADA compliant too. They have an USDA Class C Exhibitor License from the US Fish and Wildlife Dept. Phase I will be the initial 5 buildings that need to be constructed for winter enclosures. Phase II consists of other enclosures and construction will occur between October 06 and Spring 07.

Larry asked about security. Lori stated there will be an 8’ perimeter fence around the entire 18 acres and each carnivore cage will have a 16’ secondary fence. There will be two locked gates in the driveway and each cage will have a second fence constructed in compliance with state and federal regulations. Jack asked about animal waste. Josh explained they will continue to compost in accordance with SWCD and State Board of Health regulations and a mound system will be installed to handle the public restroom human waste. Future plans call for dorm housing in the area for their interns.

Interested party Delbert Smith was concerned about the security of the facility since a pair of bolt cutters can get into a fenced area. Josh replied that was true, but this is the scenario in any animal park in the United States. They will install cameras for added security.

After some discussion, the public hearing closed at 8:20 p.m. and a motion was made and seconded (Terry Dazey, Larry Ellet) to approve the Variance based upon the findings of fact and after considering all information and testimony presented. Voice vote determined the motion carried by a 4-in favor, 0 opposed margin.

Variance Number 2006-06 Faye Leatherman, d/b/a: Crop-a-Daisy, Inc. requesting a Variance from Albion Zoning Ordinance Section 4 Authorized Uses; to allow a Bed and Breakfast, Craft Shop and Reception Hall operation in an Industrial Two (I-2) District; real estate located Section 19, Albion-Jefferson Township; common location 1134 E Main Street.

Faye Leatherman was present and it was noted a Letter of Authorization from property owners Mr. and Mrs. John and Barbara McCoy is on file in the petitioners file. Public Hearing was opened at 8:27 p.m. and Faye explained retreats would permit up to 18 guests + 2 staff members on the property. The house has 6 guest rooms (2 rooms with 4 twin beds; 1 room with 1 full and 2 twin beds; 1 room with 3 twin beds; and 2 rooms with 2 twin beds). The off-street parking area would permit up to 12 vehicles on site. Any additional parking needs would be located on an off-site parking area with shuttle service available to the site. Craft workshops would house a maximum of 24 attendees + instructors. Future plans call for remodeling of the 26' x 40' detached garage into a Reception Hall. Faye checked with the county Building Inspector and was told the retreat and craft uses would not need to be filed with the state building commission, now governed through the Department of Homeland Security. At such time the Reception Hall is proposed, those plans would need to be filed and approved through the state. She would also like to construct an open pavilion and outdoor gazebo. The retreat and workshop operations will place emphasis on weekend use, rather than use during the week.

Workshops will be held in the garage beside the house; sessions would most likely include quilters and scrap-booking. The building will be handicap accessible. Faye was unsure about acceleration/de-acceleration lanes; off-street parking accommodations and serving of alcoholic beverages that are all associated with the Reception Hall planned use. It was suggested that any approval be subject to further review and consideration of the Reception use at such time Faye plans to start this particular operation.

After some discussion, the public hearing closed at 8:44 p.m. and a motion was made and seconded (Terry Dazey, Stan Strater) to approve the Variance, based upon the findings of fact and after considering all information and testimony presented, subject to the following conditions: 1.) Reception Hall operation would need to be reviewed by the Board before using. 2.) A maximum of twelve vehicles are allowed to be parked outside on the property at any given time. 3.) Graduation parties and small gatherings in the home and smaller garage are permitted if the use does not exceed 12 vehicles, as described in the previous condition. 4.) Use of the second, larger garage will require additional review and prior approval by the Board. Voice vote determined the motion carried by a 4-in favor, 0 opposed margin

With no further business, Terry Dazey moved, seconded by Stan Strater, to adjourn at 8:55 p.m. Voice vote determined the motion carried by 4-in favor, 0 opposed margin.

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John E. Robinson, Chairman Beth A. Shellman, Secretary