

Albion BZA Meeting – Minutes
August 19, 2009
6:00 PM Albion Municipal Building
211 E Park Drive

Members Present: Larry Ellet, Terry Dazey, David Bremer and Charles Elser. Absent was member David Dunn. Also in attendance were Beth Shellman, Town Manager; Joy LeCount, Albion New Era; Bob Braley, Kendallville News Sun; John Strange and Russ Leitch from the Noble County Highway Dept.; and Dan and Duane Leatherman representing Everett Leatherman.

Meeting was called to order by Chairman Ellet at 6:02 PM, with a quorum present.

Approval of Minutes: Minutes from the March 18, 2009 regular meeting were approved as submitted by a motion and second (Terry, D. Bremer). Carried by a 4-0 voice vote.

New Business:

Variance Number 2009-03, Everett Leatherman, requesting a Variance from Albion Zoning Ordinance Section 4 Authorized Uses; to replace an existing 1965 single-wide mobile home with a 1977 single-wide manufactured home; real estate located Lot 45, Seneca Addition to the Town of Albion, common location 324 S Oak Street

Proof of legal publication was noted as was verification of notification to surrounding property owners. Chairman Ellet opened the hearing at 6:04 p.m.

Dan Leatherman announced he was the Power-of-Attorney for Everett Leatherman. He and Duane were representing their father tonight with a request to move Lee Leatherman's 1977 single-wide home and portable shed from Maple Courts a few blocks over to this site. The existing 1965 mobile home on the property would be removed. The unit is currently a rental and will continue to be a rental made available to middle-income families. Pictures of the 1965 and 1977 units were submitted and made a part of the permanent record. It was noted the 1977 unit was very well maintained and since Everett no longer owns Maple Courts, they are paying lot rent to keep the vacant unit in the park.

Board member Terry Dazey wanted to make note the BZA's action tonight should not set a precedent. The BZA has taken the position that single-wide homes should be located in MH Park zonings. Beth explained that each Variance is considered on a case-by-case basis depending on the circumstances surrounding it.

All interested parties were notified of this request, none were present. No written correspondence was received from the public.

Duane Leatherman noted they would like to set the unit on a temporary foundation. Board members discussed the possibility of placing a time frame on the approval so it could be reviewed again a few years down the road. The Leatherman's were supportive of a conditional time limit.

There being no further discussion, a motion was made and seconded (Terry, D. Bremer) to close the hearing at 6:10 p.m. Voice vote carried 4-0. Board members then reviewed and adopted Findings of Fact in support of the request.

A motion was made and seconded (D. Bremer, Terry) to approve the Variance allowing the 1977 unit to be set on a temporary foundation for a period of five (5) years. Motion carried by a 4-0 voice vote.

Variance Number 2009-04, Noble County Highway Department, requesting a Variance from Albion Zoning Ordinance Section 5.5 Standard Setbacks, to allow construction of a salt shed at a setback of 1' from the right-of-way on Fifth Street, instead of the required 30' setback for I-2 Districts; real estate located Lot 47 in Tiffin Addition to Town of Albion; northeast corner of Fifth & Hazel Streets, main office 1118 E Main Street.

All interested parties were notified of this request; Duane and Dan Leatherman were present. No written correspondence was received from the public. Proof of legal publication was noted as was verification of notification to surrounding property owners. Chairman Ellet opened the hearing at 6:17 p.m.

John Strange stated they plan to construct the building against the old mower shed with bunkers on the east side of the 42 x 82 building. They will utilize the property to its highest and best use and clean it up. The salt shed would be a block foundation with a fabric top similar to what the Town of Albion constructed last year.

Terry questioned how the building would be constructed to assure drainage would divert run-off water into the highway department complex and not into the road or on adjacent properties. John assured the board they would place drainage swales to divert the run-off into the highway complex where existing drainage infrastructure would carry it into the town's storm drain system.

Russ noted the dead/dying tree in this area of the property would be removed at the county's expense. The stump will also be removed.

Duane Leatherman spoke in favor of the request and said the proposed location of the salt shed is great. Dan Leatherman concurred with Duane's comments. No negative or written correspondence was received.

There being no further discussion, Chairman Ellet closed the hearing at 6:25 p.m. Board members then reviewed and adopted Findings of Fact in support of the request. A motion was made and seconded (Terry, D. Bremer) to approve the Variance as requested. Motion carried by a 4-0 voice vote.

With no further business, a motion was made and seconded (Terry, D. Bremer) to adjourn the meeting at 6:30 p.m. Voice vote determined the motion carried by a unanimous 4-0 margin.

Larry Ellet,

Chairman

Beth A. Shellman,

Secretary