

# MIAMI TOWNSHIP ZONING BOARD OF APPEALS

**DECEMBER 2, 2013**

This meeting was called to order by Rick Goettke, Chairman.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Harry Holbert, Wayne Loudermilk, Todd Munro, Mike Weisensel, Rick Goettke and Rod Trombley.

Mr. Munro made a motion to approve the minutes of November 4, 2013 as presented, seconded by Mr. Holbert with Mr. Holbert, Mr. Loudermilk, Mr. Munro, Mr. Weisensel and Mr. Trombley voting "YES". Mr. Goettke abstained because he was not present for the November meeting.

The Director of Community Development, Mr. Lou Ethridge, was sworn in for the hearing.

The Common Rules of Conduct were waived and there were no continued hearings.

Public hearings: Case #848, Jay & Kimberly Harmeyer, was called and the notice of public hearing was read. Mr. Ethridge explained the applicant is requesting a variance of 28 feet to the rear yard property line to reduce the rear yard setback from 40 feet to 12 feet for the construction of three one story storage buildings. The Board asked if other structures that are in the Industrial zone area there are in compliance with the setbacks and Mr. Ethridge said they are.

The applicant, Kimberly Harmeyer, came forward and was sworn in. Ms. Harmeyer explained in order to meet the front yard setback and parking in the front, they need the rear yard setback. They will be storing equipment and trucks for their business. Ms. Harmeyer also noted the property is surrounded by other industrial property.

Mr. Bob Long, of Sycamore, came forward and was sworn in. Mr. Long is opposed to the request because of decreased property values and a variance on this property was denied five years ago.

Mr. James Evans, of Sycamore, came forward and was sworn in. Mr. Evans is opposed to the request based on increased traffic on the small roads and they do not know what will be stored in the storage buildings.

Ms. Claudette Coleman, of Sycamore, came forward and was sworn in. Ms. Coleman is opposed to the request because she does not know what type of business will be there, the minimum lot size for industrial uses, possible lighting on the outside of the building and decreased home values.

Mr. James Brown, representing his mother Roberta Brown, of Sycamore, came forward and was sworn in. Mr. Brown is opposed to the request because of the narrow roads and the condition of other property that is zoned industrial, the new construction will be right across the street from his mother's house and the condition of the current industrial storage properties.

Ms. Harmeyer was asked to come forward and explain what the building will be used for and what will be stored there. Ms. Harmeyer stated she is the president of Wildlife Communicable Services and have been in business since 2001. Their vehicles are three pickup trucks and they will be storing the trucks and equipment they use for catching the wildlife and materials they use for repairing the damage done to homes where they have removed the wildlife. Ms. Harmeyer stated the properties shape will only allow for the construction of a ten foot deep building and that is why she is requesting the variance. The variance is for the rear yard so the front yard setback will be in compliance and will respect the homes that are there.

Mr. Ethridge advised the Board that property maintenance issues are separate from the issue of whether or not there should be a variance granted. Mr. Ethridge recommended the rear yard setback variance be approved. The Board asked if there had been any zone changes in this area where this area was changed to industrial recently. Mr. Ethridge stated this has been industrial for many years. The Board advised the residents to address property maintenance issues with the Community Development Department directly. The Board asked about buffering between industrial and residential. Mr. Ethridge advised the homes in that area are also on industrial zoned property. Mr. Ethridge did note there are regulations regarding industrial use as to lighting.

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The Board asked the applicant if they would be heating or cooling the building and Ms. Harmeyer stated not at this time.

The Board asked if the applicant could put a concrete pad down without worrying about setbacks and Mr. Ethridge stated they could and if there was outside storage it would have to be screened.

The open portion of Case #848 was closed and the Board discussed the request noting the property is basically useless the way it is, if approved anything can go in and they can do what they want, the size and dimension of the lot, the proposed lot is surrounded by industrial, not able to restrict the use, residential uses in an industrial zoned area, previous variance request denied, whether or not there is a hardship and what the proposed use will be.

Mr. Loudermilk stated that in Case #848 he moves that the 28 foot rear yard setback be approved based on the characteristics of the site, the industrial use and with the variance being in the rear yard, seconded by Mr. Holbert. Upon roll call the vote was as follows: Mr. Holbert, "YES"; Mr. Loudermilk, "YES"; Mr. Munro, "NO", Mr. Weisensel, "NO" and Mr. Goettke, "NO".

CASE #848 ~ VARIANCE REQUEST DENIED.

With no further business to come before the Board the meeting was adjourned.

The next regularly scheduled meeting is scheduled for Monday, January 6, 2014 at 7:30 p.m.

Respectfully submitted,

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Richard Goettke, Chairman

Jo Brotherton, Secretary

Sound reference

C: Zoning Board Members BZA & RZC  
Board of Trustees  
Director of Community Development  
Zoning Administrator  
Fiscal Officer  
File