

The meeting of the Berne Board of Zoning Appeals was held on June 12, 2017 at 6:00 P.M. in the Conference Room at City Hall, Berne Indiana.

MEMBERS PRESENT

Jerry Burke Present
Mike Habegger **Absent**
Brent Lehman Present

Tony Mellencamp Present
Linda Steury Present
Tom Stuber **Absent**

STAFF PRESENT

Director, Shannon Smitley

Board Attorney Dave Baumgartner

Present from the City of Berne

Mayor Bill McKean
Kurt Dailey

Gary Nussbaum

GUESTS PRESENT : Michael and Kristen Hough, 266 Hilty Street, Berne, Indiana.

After opening with prayer, Tony Mellencamp called the meeting to order and verified a quorum. Due notice was given and an agenda was posted at the door.

Public Hearing BZA 2017-3 A Variance Request filed by Herbert E and Luella Myers and Michael and Kirsten Hough on a property at 266 Hilty Street, Berne Indiana.

Shannon Smitley reported to the board that because the Hough's are wanting to build an addition on to their house at 266 Hilty Street, (corner of Hilty and Van Buren Streets) the addition would be closer than the allowed 10 foot setback of the Right-of-Way on Van Buren Street. A variance will have to be granted to allow them to build. The city department heads reviewed the plans and signed off on them.

The Hough's presented a letter to the board that had eight neighbors signatures on it and is as follows: "We, Michael and Kristen Hough, are meeting with the Berne BZA on Monday, June 12th in regards to a proposed addition that we would like to add onto the south of our home. If you have no objections to this, please sign below."

After hearing all those wishing to be heard and with no further discussions, Tony called for the reading of the Finding of the Facts.

1. Approval **will not** be injurious to the public health, safety, morals and general welfare of the community because:
2. The use and value of the area adjacent to the property included in the Variance **will not** be affected in a substantially adverse manner because: *adding value to the area*

3. The need for the Variance **does** arise from some condition peculiar to the property involved: ***Right-of-Way is 60 ft.***

4. The applicant **did** establish that the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the Variance Request is sought because: ***They would not be able to build the addition without approval of the variance.***

5. The petitioner **has** established that approval **does not** interfere substantially with the comprehensive plan of the City of Berne.

6. If granted, the board prescribes the following conditions: ***None, as long as the addition follows the blueprint.***

(DECISION)

Therefore, on a motion by Brent Lehman and a second by Linda Steury, the decision of the Board of Zoning Appeals unanimously approved the variance of BZA 2017-3 as presented.

Adopted this the 12th day of June 2017. 4 yeas -0 nays

BERNE BOARD OF ZONING APPEALS

Tony Mellencamp

Jerry Burke

Linda Steury

Brent Lehman

REGUALR MEETING

Approval of Minutes. On a motion by Jerry Burke and a second by Linda Steury, the minutes of May 8, 2017 were unanimously approved after the correction as noted. **4 yeas -0 nays**

Old Business- None

New Business- none

Closing of Meeting. On a motion by Brent Lehman and a second by Linda Steury the meeting was adjourned. **4 yeas -0 nays**