

The meeting of the Berne Board of Zoning Appeals was held on May, 8 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
Becky Sprunger

Gwen Maller
Gary Nussbaum

GUESTS PRESENT Brett Miller, Miller Land Surveyor; Travis and Jamie Smith.

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 2017-2 Filed by Travis and Jamie Smith for lots 23 and 24 in Bernigen Point, Berne Indiana.

Tony Mellencamp asked board director Shannon Smitley to give an overview as to why this hearing is needed. Shannon reported that a variance is needed because the Smiths are building a home at 1357 Old Colonial Drive and are planning to build the home centered on two lots. Because of the circular street, the home will be closer than the required 30-foot building line setback. This will also keep the home in line with the existing homes and the 40 feet back of curb setback.

Tony asked for questions or comments from the public. There were none.

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: *home is not close to any adjacent property lines.*
3. The need for the Variance **does** arise from some condition peculiar to the property involved: *Because of the radius.*

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 with 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***

(DECISION)

Therefore, on a motion by Linda Steury and a second by Brent Lehman, the decision of the Board of Public Works and Safety unanimously approved the variance of BZA 2017-1 as presented.

Adopted this the 13th day of March 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 March 13, 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**