

The meeting of the Berne Board of Zoning Appeals was held on March 13, 2017 at 6:30 P.M. in the Conference Room at City Hall, Berne Indiana.

MEMBERS PRESENT

Jerry Burke Present
Mike Habegger Present
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

GUESTS PRESENT Brett Miller, Miller Land Surveyor representing Quad Properties.

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

Reorganization of the Board On a motion by Linda Steury and a second by Brent Lehman, the board unanimously approved electing the same officers as in 2016. **5 yeas 0 nays**

President: Tony Mellencamp
Vice President Mike Habegger
Secretary Jerry Burke

Public Hearing BZA 2017-1 Filed by Quad Properties, 269 S Jefferson Street, Berne Indiana.

Mike Habegger asked board director Shannon Smitley to give an overview as to why this hearing is needed. Shannon reported that Berne Plan Commission previously approved Quad Properties request to rezone the same property from R-1 (single family residential) to R2P (Planned Unit Development) Tonight, Quad Properties is requesting they be allowed to have a 60-foot setback.

Brett Miller, on behalf of Quad Properties, said that allowing the variance of only 60 feet will match the already developed homes in the Westwind Subdivision.

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

After hearing all those wishing to be heard and with no further discussions, Mike 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: *It is consistent with adjacent property.*
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: *60- foot setbacks already exist in the same area of development.*
3. The need for the Variance **does** arise from some condition peculiar to the property involved: *Right of way setback is to close and to have setbacks of only 60 feet, a variance is needed.*
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: *Without the variance, the development as designed and would not line up with existing setbacks.*
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: *Setbacks must be no less than 60 feet.*

(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. 5 years -0 nays

BERNE BOARD OF ZONING APPEALS

*Mike Habegger
Linda Steury
Brent Lehman
Jerry Burke
Tom Stuber*

REGUALR MEETING

Approval of Minutes. On a motion by Jerry Burke and a second by Linda Steury, the minutes of September 12, 2016 were unanimously approved after the correction as noted. **5 yeas -0 nays**

Old Business- None

New Business- none

Closing of Meeting. On a motion by Jerry Burke and a second by Linda Steury the meeting was adjourned. **5 yeas -0 nays**