

**The meeting of the Berne Board of Zoning Appeals was held on July 10, 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 Present

**STAFF PRESENT**

Director, Shannon Smitley

Board Attorney Dave Baumgartner

**Present from the City of Berne**

Mayor Bill McKean

**GUESTS PRESENT :** Jon Lehman, 418 W Hoosier Street, Berne

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 2017-4** A Variance Request filed by Jon Lehman on his property at 418 West Hoosier Street, Berne.

Mr. Lehman explained to the board that his lot is very narrow and he is wishing to erect a new garage that will be within two feet of the property line on the west side of his residence. Mr. Lehman is also planning to build a porch on the front of his home that will not be enclosed.

Mr. Lehman stated that he is planning to construct the garage in a manner that is consistent with his home and the surrounding area.

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: *it is an improvement and will blend in to the area*
3. The need for the Variance **does** arise from some condition peculiar to the property involved: *The lot is more narrow than the standard lot.*

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: ***The garage could not be built within 2 feet of the west property line without 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: ***The west side of the garage has all to be drywalled, the garage has to blend in with the existing structures in the neighborhood, the old storage shed will need to be removed.***

(DECISION)

Therefore, on a motion by Mike Habegger and a second by Tom Stuber, the decision of the Board of Zoning Appeals unanimously approved the variance of ~~BZA 2017-3~~ BZA 2017-4 as presented. **Adopted this the 10<sup>th</sup> day of July 2017. 6 years -0 nays**

BERNE BOARD OF ZONING APPEALS

*Tony Mellencamp*

*Jerry Burke*

*Linda Steury*

*Brent Lehman*

*Tom Stuber*

*Mike Habegger*

## **REGUALR MEETING**

**Approval of Minutes.** On a motion by Linda Steury and a second by Jerry Burke, the minutes of June 12, 2017 were unanimously approved after the correction as noted. **6 yeas -0 nays**

**Old Business-** None

**New Business-** none

**Closing of Meeting.** On a motion by Mike Habegger and a second by Linda Steury the meeting was adjourned. **6 yeas -0 nays**