

The meeting of the Berne Board of Zoning Appeals was held on Monday, February 10, 2020 at 6:00 P.M. in the Conference Room at City Hall, Berne Indiana according to the posted notice.

MEMBERS PRESENT

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

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

STAFF PRESENT

Director, Shannon Smitley

Board Attorney Dave Baumgartner-**Absent**

Present from the City of Berne

Gregg Sprunger

Kurt Dailey

GUESTS PRESENT : Council member Rod Mason; Street Superintendent Gary Nussbaum, Clerk-Treasurer Gwen Maller, Berne Witness, Clint Anderson; Vicki Myers, 5148 US Hwy 27 Berne; Logan Dettmer, Logansport.

Following an opening prayer, Tony Mellencamp called the meeting to order and verified a quorum.

Oath of Office Clerk Treasurer Gwen Maller administered the oath of office to Tony Mellencamp, who was reappointed to the BZA this year.

Re-organization of the Board. On a motion by Tom and a second by Brent, the board unanimously approved the following on a vote of 4-0:

President Tony Mellencamp
V/President Mike Habegger
Secretary Jerry Burke

Public Hearing BZA 2020-1 Variance Request BZA 2020-1 filed by John Kirchofer and Yager Furniture on behalf of Logan Dettmer.

Shannon Smitley reported to the board that Mr. Dettmer is considering purchasing the land that forms a triangle along US 27 and Harrison Street and is owned by Yager Furniture/John Kirchofer. Mr. Dettmer is wanting to build a barn style building for this residence with plans to build a permanent home on the property at a later date. Shannon explained to the board that a variance is needed because the barn/home is only 840 sq. foot, which does not meet the minimum sq. foot for a home and also because it is being built as temporary housing.

Mr. Dettmer presented his rendition of the plans for the barn he plans to build for the board to review.

Comments from the Public Vicki Myers, 5148 US Highway 27 Berne asked that if Mr. Dettmer is allowed to build the barn, how long would he have to build his permanent home. In response to her question, the board included the time frame of three years and that is part of the Finding of the Facts.

After hearing all those wishing to be heard, 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: *Nothing should be there that would make the traffic flow on US 27 change. The property will have ingress/egress off of Harrison Street and not off of US 27.*
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 zoned for it.*
3. The need for the Variance **does** arise from some condition peculiar to the property involved: *Because, one, it is a temporary residence and two, the structure does not have enough square footage to meet the Standard Single Family as required.*
4. The applicant **did** establish that the strict application of the terms of the Zoning Ordinance constitute an unnecessary hardship if applied to the property for which the Variance Request is sought because: *Mr. Dettmer would not be able to build without the variance.*
5. The petitioner **has** established that approval **does not** interfere substantially with the comprehensive plan of the City of Berne. *Zoning is*
6. If granted, the board prescribes the following conditions: *If not ready to build a permanent home on the property within three years, the applicant must seek an extension from the BZA Board by 2/10/2023.*

(DECISION)

Therefore, on a motion by Jerry Burke and a second by Brent Lehman, the decision of the Board of Zoning Appeals unanimously approved the Variance Use request of BZA 2020-1 as presented.

Adopted this the 10th day of February 4 yeas -0 nays

BERNE BOARD OF ZONING APPEALS

Tony Mellencamp-yea

Jerry Burke- yea

Ton Stuber-yea

Brent Lehman-yea

REGULAR MEETING

Clerk Treasurer Gwen Maller presented the board with the Conflict of Interest Statements that each board member must fill out and sign. Once filled out, Brent Lehman made a motion to accept the statements and Jerry Burke made the second, the motion was unanimously approved on a vote of 4-0.

Approval of Minutes. Jerry Burke made a motion to approve the minutes of December 9, 2019 and Tom Stuber made the second. On a vote of 4-0, the minutes were unanimously approved.

Old Business- None

New Business- None

Closing of Meeting. On a motion by Brent Lehman and a second by Tom Stuber the meeting was adjourned on a vote of 4-0