

Pursuant to Executive Orders 20-04 and 20-08 issued by Governor Eric Holcomb in response to the COVID-19 pandemic, the BZA held a Public Hearing on May 11, 2020 by way of a conference call using GoToMeeting. The adjacent property owners were mailed a notice of the meeting with instructions on how to participate using GoToMeeting. An agenda was posted at the door and a link to the agenda was on the City of Berne homepage of the City of Berne website. The legal notice was published on April 27, 2020 in the Berne Witness.

Members Present using GoToMeeting

Jerry Burke Present	John Kaeser Present
Dave Burson Present	Linda Steury Present
Brent Lehman Absent	Tom Stuber Present

Staff Present

Director, Shannon Smitley at City Hall
Board Attorney Dave Baumgartner using GoToMeeting

Present from the City of Berne using GoToMeeting

Gregg Sprunger, Mayor Kurt Dailey, Work Force Manager

Guests Present using GoToMeeting : Doug Inman 1422 Carrington Way; Brice Amstutz, Amstutz Construction, and Clint Anderson, Berne Witness.

Shannon Smitley called the meeting to order and verified a quorum.

Re-organization of the Board. Shannon informed the board that since the last BZA hearing on February 10, 2020, the BZA has two new members, Dave Burson who replaced Tony Mellencamp and John Kaeser who replaced Mike Habegger. Dave and John were sworn in earlier today by Clerk-Treasurer Gwen Maller at City Hall.

With both Tony and Mike having been elected as officers at the February 10, 2020 meeting, the board now needs to reorganize tonight.

President: Jerry Burke made a motion to nominate Linda Steury as President. Tom Stuber made the second and the motion was unanimously approved by the following Roll Call vote:

Jerry Burke	Aye	Tom Stuber	Aye
Dave Burson	Aye	Linda Steruy	Aye
John Kaeser	Aye		

Vice President: Tom Stuber made a motion to nominate Brent Lehman as Vice President. Jerry Burke made the second and the motion was unanimously approved by the following Roll Call vote:

Jerry Burke	Aye	Tom Stuber	Aye
Dave Burson	Aye	Linda Steruy	Aye
John Kaeser	Aye		

Secretary Tom Stuber made a motion to nominate Dave Burson as Secretary. Linda Steury made the second and the motion was unanimously approved by the following Roll Call vote:

Jerry Burke	Aye	Tom Stuber	Aye
Linda Steruy	Aye	Dave Burson	Aye
John Kaeser	Aye		

Public Hearing BZA 2020-2 Variance Request; BZA 2020 -2 filed by Douglas L.Inman for their residence at 1422 Carrington Way, Berne.

Shannon Smitley explained to the board that the Inman's plan to build an addition onto their home at 1422 Carrington Way for a master bedroom and bath. Because the addition will be within six feet of the property line instead of the required ten foot setback, the board is here to consider a variance that will allow the addition to be built.

Shannon reviewed information that the board members received last week, including a sketch of the addition from Brice Amstutz, Amstutz Construction, and also a GIS photo of the home and the adjacent bare land owned by Dan Claghorn.

Brice Amstutz explained that the addition will be on the east side of the Inman's home and the size of the addition will be 12 X 34 square foot.

Linda Steruy asked for and received confirmation that all of the adjacent property owners were sent a letter explaining the reason for the meeting with the time, date, and instructions on how to attend using GoToMeeting. Shannon reported that he was not contacted by the adjacent owners or anyone from the public concerning the hearing.

Tom Stuber asked if the Inman's have given any consideration as to what the addition might do to the property value of the home should they wish to sell. Mr. Inman said that it is not a concern at this time, and they plan for this to be their long term home.

A question was asked about the pitch of the roofline on the addition. Brice Amstutz stated that it will be the same roofline but will set back four foot. Shannon added that the four foot will be like a bump out to south.

Comments from the Public None

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: *no concerns expressed by the neighbors*
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

3. The need for the Variance **does** arise from some condition peculiar to the property involved: *Because the Inman's want to build their addition closer to the property line than setback allows.*
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: *The Inman's would not be able to build the added space 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: *None as long as the addition is built as presented.*

(DECISION)

Therefore, on a motion by Tom Stuber and a second by Linda Steury, the decision of the Board of Zoning Appeals unanimously approved the Variance Use request of BZA 2020-2 as presented.

Adopted this the 11th day of May 5 yeas -0 nays

BERNE BOARD OF ZONING APPEALS

Jerry Burke aye
Linda Steury aye
Tom Stuber aye
Dave Burson aye
John Kaeser aye

REGULAR MEETING

Approval of Minutes. Jerry Burke made a motion to approve the minutes of February 10, 2020 and John Kaeser made the second. The minutes were unanimously approved by the following Roll Call vote:

Jerry Burke	Aye	Tom Stuber	Aye
Dave Burson	Aye	Linda Steruy	Aye
John Kaeser	Aye		

Old Business- None

New Business- None

Closing of Meeting. On a motion by Linda Steury and a second by Tom Stuber the meeting was adjourned on a vote of 5-0

Respectfully Submitted,

BZA Secretary Dave Burson