

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 ~~July 14~~ July 13, 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 website homepage. The legal notice was published on June 26, 2020 in the Berne Witness.

Members Present using GoToMeeting

Jerry Burke Present

Dave Burson Present

Brent Lehman Present

John Kaeser Present

Linda Steury Present (at City Hall)

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

Among the Guests Present using GoToMeeting : Zachary Wilson, 415 W. Van Buren Street, and Clint Anderson, Berne Witness.

Linda Steury called the meeting to order and verified a quorum.

Public Hearing: Variance Request; BZA 2020-3 filed by Zachary and Cristy Wilson, 415 W. Van Buren St. The petitioners will be asking for a Variance to put a moveable shed on runners closer to the property line than is allowed.

Linda reviewed the Variance request made by Zachary Wilson with the Board. Shannon added that because Zack is wanting to place his shed within 4.5 feet of his home and within 4.5 feet of the property line, a variance had to be requested because the ordinance regulating both the home and property line are being exceeded.

In further explaining his request, Zack stated that until now, he has housed his commercial coffee roaster in his basement, which allowed him to sell his coffee at Da Marit farmers market. Zack is wanting to expand his business to include sales to retail businesses, and that operation cannot take place in his residence. Zack added that the reason for operating from a shed at this time, is because it is the most financially feasible option.

Zack reviewed with the board a letter he gave to each adjacent property owner and two neighbors not adjacent. The letter included a description of his plans to roast coffee from the outbuilding and a drawing as to the placement of the shed. Zack also submitted a signed copy from all of the neighbors stating that they did not have an issue with his request.

Board member Dave Burson asked how hot the furnace gets, Zack explained that the roaster will get up to a temperature of 400 degrees. Zack stated that he is going to dry wall the entire interior for fire suppression.

Dave Baumgartner asked about any smell or fragrance that the roasting process might emit into the air. Zack stated that the roasting process does not emit a lot of smoke, but there will be a slight odor in the air similar to burning leaves.

Linda Steury asked if there would be increased traffic once Zack starts roasting coffee in his shed. Zack stated that the shed is not going to be a retail outlet, so there will be no foot traffic, as he will only be selling to retailers. The only additional traffic might be for deliveries via Fed Ex for the raw coffee beans, but this should not be an issue.

Dave Burson asked why the shed is so close to the house instead of in the backyard. Zack said that his shed would literally need to sit in the middle of the whole back yard in order to maintain the 10' spacing per the code and he added that being closer to his residence will be helpful in extending needed utilities to his shed.

Comments from the Public None

After hearing all those wishing to be heard, Linda 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: ***Will be an inside coffee roasting facility***
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: ***To close to the property line.***
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: ***Zack Wilson could not move his coffee roaster out of his house and sell to retailers 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: ***That Zack Wilson returns to the BZA in two years.***

(DECISION)

Therefore, on a motion by Dave Burson and a second by Jerry Burke, the decision of the Board of Zoning Appeals unanimously approved the Variance Use request of BZA 2020-3 as presented. **Adopted this the 13th day of July by the following roll call vote 4 yeas -0 no response**

BERNE BOARD OF ZONING APPEALS

Jerry Burke aye

Linda Steury aye

Tom Stuber no response when name called

Dave Burson aye

John Kaeser aye

REGULAR MEETING

Approval of Minutes. Brent Lehman made a motion to approve the minutes of May 11, 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 Steury	Aye
John Kaeser	Aye		

Old Business- None

New Business- Shannon reported to the board that he has a request for a hearing and the applicant would like to have the hearing as soon as possible. When asked, the board confirmed that Monday, July 27, 2020 at 6:00 PM will work for them. The hearing will be for an acceptance to the City of Berne signage ordinance regulating electronic signage.

Closing of Meeting. On a motion by Brent Lehman and a second by Dave Burson the meeting was adjourned on a vote of 5-0

Respectfully Submitted,

BZA Secretary Dave Burson