

The meeting of the Berne Board of Zoning Appeals was held on Monday, November 12, 2019 at 6:30 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 Present
Tom Stuber Present

STAFF PRESENT

Director, Shannon Smitley

Board Attorney Dave Baumgartner

Present from the City of Berne

Mayor Bill McKean

GUESTS PRESENT : LaVern Troyer, 891 W 300 S Berne, In; Paul Troyer, 1145 E Main St. Berne, In; Levi K Schwartz, 4860 W 900-S, Montpelier, In.

Tony Mellencamp called the meeting to order and verified a quorum. Notice of the hearing was advertised in the Berne Witness according to state statute.

Public Hearing BZA 2019-3 filed by LaVern Troyer, Auto & Tool Supply, LLC, located at 1045/1145 E Main Street, Berne Indiana 46711. Auto & Tool Supply LLC will be asking for a variance to install two extra wall signs and one ground sign that exceeds what the City of Berne Signage Ordinance allows.

Shannon Smitley explained to the board that Mr. Troyer plans to put up 4 wall signs and one ground sign for his business at 1045/1145 E Main Street and the city ordinance only allows for 2 wall signs and one ground. Discussion was held on the signs, the location of the building and that it is 336 foot off of Main Street.

When asked by the board if there are any plans to have more signage on the building, Mr. Troyer stated there are no plans at this time, and should they want more signage they would come back to the BZA. Mr. Troyer did say there will be times when they might have banners on display but those would be only temporary and only when they would have a sales or special event. It would only become a problem if there were complaints from the public or if it became a frequent practice.

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:
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: *the building is large and sets 336 feet from the Right of way.*

3. The need for the Variance **does** arise from some condition peculiar to the property involved: *The business wants to have 4 wall signs which exceeds the City of Berne signage ordinance and one ground sign.*
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: *without a variance they could not display the wall signs the way they presented.*
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: *there are no restrictions but if they want to add more signs than presented tonight, they would have to come back to the BZA.*

(DECISION)

Therefore, on a motion by Linda Steury and a second by Jerry Burke, the decision of the Board of Zoning Appeals unanimously approved the Variance Use request of BZA 2019-2 3 as presented. **Adopted this the 12th day of November, 2019. 5 yeas -0 nays**

BERNE BOARD OF ZONING APPEALS

Tony Mellencamp-yea

Jerry Burke- yea

Linda Steury-yea

Ton Stuber-yea

Brent Lehman-yea

REGULAR MEETING

Approval of Minutes. Linda Steury made a motion to approve the minutes of July 8, 2019 and Tom Stuber made the second. On a vote of 5-0, the minutes were unanimously approved.

Old Business- None

New Business-

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