

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
August 3, 2015**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, August 3, 2015 at 6:00 P.M. on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana.

The following members were present: Lois Jones, Chip Long, Teresa Mendoza, Karen Owen, William Johnson, Chairman.

Absent were: Doug Kingseed, and Bob Monroe

Staff present was Executive Director Steve Niblick and Recording Secretary Debbie Wallace.

Bill Johnson brought the meeting to order with the Pledge of Allegiance and a moment of silence.

Minutes Lois Jones moved Teresa Mendoza seconded that the minutes from June 1, 2015 be approved; all members present voted yes. Vote was 5-0; motion carried.

Steve Niblick went over the rules and procedures.

Docket: 03BZAV-15 **Public Hearing** **Name:** Craig Freeman

Address: 9760 W 300 S. Swayzee, Indiana

Zoning District: Agriculture (AG)

Legal Description: Being one (1) acre more or less and located in the Southwest Quarter of Section 21, Sims Township, Grant County.

Request: To allow construction of an accessory building to be in the required front yard and twenty-five (25) feet from the South property line (300S) instead of the required thirty (30) feet; in an Agriculture zone district, on real estate being one (1) acre more or less and located in the Southwest Quarter of Section 21, Sims Township, Grant County.

Steve Niblick stated this is the first time this variance has been in front of the board. There are four criteria that must be met. They are requesting two developmental standard variances

- 1) to allow construction of an accessory building to be in the required front yard;
- 2) to allow the accessory building to be fifteen (15) feet from the south (300 S) property line instead of the required thirty (30) feet.

This is a corner lot, the Grant County Commissioners gave no recommendation; no comment was received from the County Highway department; the use and value of surrounding area will not be adversely affected, this is a true statement. Need for variance arises from a condition peculiar to the property; yes to variance number one. With the location of his septic system, well and swimming pool this is the only logical and efficient location for the building. For variance number two there is a possibility that the building could be oriented differently and not require the second variance. Strict application of the ordinance would constitute an unusual and unnecessary hardship, yes to variance number one (building in the front yard); variance numbers two not necessarily.

Craig Freeman was present; to rotate the building 90 degrees would cause a problem. The land to the west has a gradual slope and holds water; it would have to be built up considerably; floods when area receives heavy rain. Because of the location of his septic and leech field cannot relocate to a different area on the property. The proposed building would be 30' x 48' with a concrete floor and hold his truck, car,

motorcycle and work bench, he has no room in the other small sheds on the property. He did check from the stop sign looking west and it does not block the visual clearance from the road.

No objectors were in the audience and none on file.

Teresa Mendoza would like him to consider reducing the size of the building.

Motion: Teresa Mendoza moved Lois Jones seconded to deny both variances on Docket #03BZAV-15. All members present voted yes; except Karen Owen who voted no. Vote 4-1; motion carried.

Craig Freeman stated he could reduce the size of the building and could meet setbacks but would still need the variance to build in front of the house. He would like to know if it would be possible to be reconsidered tonight.

Bill Johnson stated motion was made and both variances were denied. At this time no other options could be considered.

Docket: 03SP-15 Public Hearing

Name: John Downing

Address: 8591 W 900 S, Fairmount, Grant County, Indiana

Zoning District: Agriculture (AG)

Legal Description: Being 5.77 acres more or less and located in the Northwest Quarter of Section 27 in Green Township, Grant County, Indiana.

Request: allow a wine tasting room as a Type III Customary Home Occupation in an Agriculture zone district

Steve Niblick stated this was the first time this request has been to the board; there are three criteria that must be met. 1) Type III Customary Home Occupation is allowed in an Agriculture district; 2) All zoning codes will be met and 3) Location is away from surrounding homes, the vineyard is on the same property. Area Plan staff gave favorable recommendation to this petition.

John Downing was present; a barn that was built in the late 1800's was converted into a wine tasting room; the wine is made in Marion and then transported back to the farm. The state allows three satellite tasting rooms, this would be one. This will create at least three new jobs possibly more; the vineyard has been in operation for approximately nine years. They have twenty parking spaces available with room for more if needed.

No objectors were in the audience or on file.

Motion: Lois Jones moved Karen Owen seconded to approve Docket #03SP-15. All members present voted yes; vote 5-0; motion carried.

Other Business:

Teresa Mendoza questioned if the Board members could have some type of badge identifying them as members when they go out to review the petitions.

The 2016 meeting schedule is in draft form it will go to APC in the next couple of months to be approved.

Karen Owen thanked Steve Niblick for speaking to the Kiwanis Club in July; most Kiwanis members did not know what the Area Plan office does, they now have a better understanding.

Teresa Mendoza resigned from the Board of Zoning Appeals effective immediately.

There being no other business Karen Owen moved Lois Jones seconded to adjourn, vote 5-0; meeting adjourned at 6:40 PM.

William Johnson, Chairman