

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
April 4, 2016**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, April 4, 2016 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: Chip Long, Rex Maynard, Bob Monroe, Lois Jones, and Chairman Bill Johnson.

Absent were: Craig Freeman and Teresa Mendoza.

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.

Rex Maynard moved Lois Jones seconded that the minutes from March 7, 2016 be approved; all members present voted yes; except Bill Johnson who abstained. Vote was 4-0-1; motion carried.

Steve Niblick went over the rules and procedures.

Docket: 04BZAV-16 **Public Hearing** **Name:** **Merlin & Lori Mughmaw**

Address: 5333 W Bechtel Court, Marion, Indiana

Zoning District: Residential-1 (R1)

Legal Description: being lot #7 Bechtel Acres, and located in the Northeast Quarter of Section 30, Pleasant Township, Grant County.

Request: To allow an accessory building to be built seven feet six inches (7'6") from the west property line instead of the required ten (10) feet

Steve Niblick went over the criteria; this is the first time this variance request has been in front of the board. This is a one development standard variance that has four (4) criteria that the board should look at.

- 1) will the variance be injurious to the public – no evidence of community injury
- 2) will the variance affect the use and value of the neighborhood – no evidence produced indicating proposed variance would adversely affect area uses & property values
- 3) need for variance arise from some condition peculiar to property – yes, small platted parcel has little room to expand or construct reasonable accessory structures;
- 4) the strict application of terms will constitute an unusual and unnecessary hardship – yes, only reasonable, efficient and logical location for new accessory building would be proposed location

Based upon the provided information and the above criteria, staff recommends approval of the request as submitted. Grant County Commissioners also gave a favorable recommendation to this petition.

Keith Mughmaw was present representing the petition. He was maintaining property fifteen (15) beyond his property line, neighbor died before that strip of land was transferred. The existing concrete is ten (10) by twenty (20) the proposed shed will be ten (10) by eighteen (18). It will set two (2) feet back from the existing garage. The siding, windows, etc. of the proposed accessory building will all be the same in appearance as the home. Shed will be anchored; actual property line is the fence line. If he placed it in the back yard, he would have to find access back to it. It will not hurt the value of his property or his neighbors' property.

No objectors were in the audience or on file.

Motion: Bob Monroe moved Lois Jones seconded to approve Docket #04BZAV-16. All members present voted yes. Vote 5-0; motion carried.

Other Business:

Chip Long expressed appreciation for Jeff Burbrink, who was the speaker at the March meeting; he felt Mr. Burbrink shared very good information regarding the rules and regulations for both the Area Plan Commission and the Board of Zoning Appeals.

Steve Niblick apologized to the BZA board for going over the boards' head and approving Craig Freeman's permit for his garage after the board denied his variance request. If the same type of situation occurs it won't be handled the same way in the future. A day or so after the meeting on August 3, 2015 when his variance was denied, Craig Freeman asked Steve how members were appointed to the BZA and Steve explained; Craig then went and spoke with the Commissioners who appointed him to the board.

There are currently three (3) petitions for May's meeting with the possibility of two to three more. Whenever any Board member has a question about anything please contact the office.

There being no other business Rex Maynard moved Lois Jones seconded to adjourn, vote 5-0; meeting adjourned at 6:25 PM.

Bill Johnson, Chairman