

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
March 7, 2016**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, March 7, 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: Craig Freeman, Chip Long, Rex Maynard, Bob Monroe, and Vice-Chairman Lois Jones.

Absent were: Bill Johnson and Teresa Mendoza.

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

Lois Jones brought the meeting to order with the Pledge of Allegiance and a moment of silence.

Bob Monroe moved Chip Long seconded that the minutes from January 4, 2016 be approved; all members present voted yes. Vote was 5-0; motion carried.

Steve Niblick went over the rules and procedures.

Docket: 03BZAV-16 **Public Hearing** **Name:** James & Jan Newby

Address: 6434 E 450 N, Van Buren, Indiana

Zoning District: Agriculture (AG)

Legal Description: being six and one half (6 ½) acres more or less and located in the Southwest Quarter of Section 18, Van Buren Township, Grant County.

Request: To allow an above ground swimming pool without the required five (5) feet high fence

Steve Niblick went over the criteria; this is the first time this variance request has been in front of the board. The pool has been there for several years, but was placed without a permit. Mr. Newby obtained a permit in 2015; but never completed the requirements for the permit. This is a one development standard variance request that has four (4) criteria that the board should look at.

- 1) Approval will not be injurious to public health, safety and general welfare – yes, no evidence that the variance will affect any nearby properties;
- 2) Use and value of area will not be adversely affected – yes, no evidence indicting proposed variance would adversely affect area uses and property values;
- 3) Need for variance arises from some condition peculiar to property – no, there are fencing packages that would meet the five (5) foot fencing requirement;
- 4) Strict application of the terms of the ordinance will constitute an unusual and unnecessary hardship to the property – no, there is nothing physical concerning the property or location of pool that would create an unusual and unnecessary hardship.

Based on the provided information, public input and above criteria; staff recommends denial. The Grant County Commissioners also recommended denial of this variance.

James Newby came forward to speak. They live on an isolated property and the pool is approximately three (300) hundred feet from the road. None of the surrounding neighbors have small children. When the Newby's grandchildren are visiting the pool it is not used. The pool is 52" to 54" deep and you cannot get in without using a ladder. If something is added on top of the pool he would not be able to use the skimmer to clean the pool and if he placed a five foot high fence he would not be able to mow.

No others came forward to speak.

Motion: Bob Monroe moved Rex Maynard seconded to follow the recommendation of the County Commissioners and Area Plan staff and deny Docket #03BZAV-16. All members present voted yes. Vote 5-0; motion carried.

There being no other business Bob Monroe moved Craig Freeman seconded to adjourn, vote 5-0; meeting adjourned at 6:25 PM.

Lois Jones, Vice-Chairman