

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
August 1, 2016**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, August 1, 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, Lois Jones, Chip Long, Rex Maynard, and Chairman Bill Johnson.

Members absent were: Teresa Mendoza and Bob Monroe.

Staff present was Debbie Wallace and Brenda Harrison.

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

Rex Maynard moved and Lois Jones seconded that the minutes from June 6, 2016 be approved with one change; all members present voted yes. Vote was 5-0; motion carried.

Bill Johnson went over the rules and procedures.

Docket: 01SP-16 **Public Hearing)**

Name: Neil & Velvet Haisley

Address: 1457 W 800 S, Fairmount, IN 46928

Zoning District: Agriculture

Legal Description: Being 5.00 acres more or less and located in the Northeast Quarter of Section 23 in Liberty Township, Grant County, Indiana

Request: to operate a bed and breakfast

The proposed special exception is located in a district wherein the use may be permitted:

Yes, based upon the submitted application staff has determined that the request, according to the Use Table found in §153.186 of the zoning code is allowed in the AG zoning district by Special exception.

The requirements set forth in the district and the section for the special exception will be met: Yes, it appears that all zoning code requirements, including setbacks, parking, ingress/egress, landscaping, signage, etc., should be met without the need of any development standard variances.

However, additional requirements or conditions may be stipulated by the BZA as deemed necessary to assure that the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or the general welfare of the county.

The special exception is consistent with the spirit, purpose and intent of these regulations, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare:

Yes, this property is surrounded by farm fields and will not substantially and permanently injure the appropriate use of neighboring property.

Based upon meeting the above criteria, staff recommends approval of the special exception with any necessary conditions as deemed appropriate by the BZA. The Grant County Commissioners gave a favorable recommendation to this petition.

Velvet Haisley was present representing this petition. This will not adversely affect traffic or noise in the neighborhood. Two bedrooms in the house will be used; one bedroom can accommodate two people and the second room can accommodate three people; there would be a maximum of five people total. The market will be geared for Grant County events (i.e. James Dean days; events for Indiana Wesleyan University and Taylor University, local museums etc.). Advertisement will be through a website and social media.

No objectors were in the audience or on file.

Motion: Craig Freeman moved Rex Maynard seconded to approve Docket #1SP-2016 as presented. All members present voted yes; vote 5-0; motion carried

Docket: 12BZAV-16 (**Public Hearing**) **Name:** Terril Fetz

Address: 0664 W 600 S, Marion, IN 46953

Zoning District: Agriculture

Legal Description: Being 4.94 acres more or less located in the Southwest quarter of Section 01, Liberty Township, Grant County, Indiana.

Request: to allow the placement of a second home

Bill Johnson 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.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community?

Yes. There are cultivated farm fields to the east, west and north of this parcel and large rural residential properties toward the south. There is no anticipated evidence of community injury.

The use and the value of the area subject to the property included in the variances will not be adversely affected?

Yes, no evidence has been produced indicating that the proposed variance would adversely affect area uses and property values.

The need for the variances arise from some condition peculiar to the property involved and does not exist in similar property in the same district?

Questionable, in 2006 this parcel was separated off from farm ground to the east and is unusually shaped. The general requirement to split the property for a second residence would require several variances to comply. Therefore the need for the variance arises from the peculiar conditions of the existing property.

The strict application of the terms of the Ordinance will constitute an unusual and unnecessary hardship as applied to the property for which a variance is sought?

Questionable, there is an existing home on the property that is used as a rental.

Based on the provided information, public input to date and the above criterial staff recommends denial of the request as presented. The Grant County Commissioners gave no recommendation to this petition.

Terril Fetz was present; he wants to build the second home to live in. The property was purchased about eight years ago; a modular and a garage was put on the property for Mr. Fetz's son; the son no longer

resides there. The existing home is now a rental. He put in a lot of tile and did grading work with the intent to build a second home.

Mr. Fetz was asked what the large barn was used for. Mr. Fetz stated he stores his tractors and has a workshop in the barn.

Lois Jones questioned if a business is being operated out of the barn.

Mr. Fetz stated he lets a guy do mechanical work out of the barn during the winter. He was told that the business has to stop immediately and cannot resume in the winter time; property is not zoned for business and cannot operate as one.

Objectors:

A letter was received by the office from a neighbor who voiced several concerns: someone using the garage (barn) as a business and possibly living in it; people coming to his house looking for the business. **Lowell Harter**, 711 Laura Lane, Sweetser; owns the property to the east. He sold non-tillable ground to Mr. Fetz along the creek to build a house. He has a grain bin that is sixty-four (64) feet from where the petitioner wants to build the new house. Has concerns regarding the noise and dust from the semis and tractors accessing the grain bin, and would rather not see a house built at this location. The existing house was built where a mobile home used to be.

Steve Comer, 8925 S 500 W, Fairmount; he farms the land next to the home site. He agrees with the concerns that Mr. Harter has.

Rebuttal: Terril Fetz stated he could move the proposed location of the home; however, if he moves it back too far he will lose the elevation of the ground.

Bill Johnson asked what the variance request was; the request is specifically to have two homes on one tract of ground.

Motion: Lois Jones moved Chip Long seconded to deny Docket #12BZAV-16 as presented. All members present voted yes; vote 5-0; motion carried.

The same variance request cannot be made for at least one year.

There being no other business meeting adjourned at 6:33 PM.

William Johnson, Chairman