

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
May 5, 2014**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, May 5, 2014 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, William Johnson, Bob Monroe, Karen Owen, Chip Long, Chairman. Members absent: Doug Kingseed, Teresa Mendoza. Staff present was Executive Director Steve Niblick and Recording Secretary Debbie Wallace.

Chip Long brought the meeting to order with the Pledge of Allegiance.

Bill Johnson moved and Lois Jones seconded that the minutes from April 7, 2014 be approved; vote was 5-0; motion carried.

Steve Niblick went over the rules and procedures.

Docket: 03BZAV-14 **Public Hearing**

Name: James & Kelly Franklin

Address: 1898 S 600 E, Marion, Indiana

Zoning District: Residential Suburban (RS)

Legal Description: Being 1.09 acres more or less and located in the Southeast Quarter of Section 13 in Center Township, Grant County, Indiana

Request: Allow construction of an accessory building to be a) twelve (12) feet from the south property line instead of the required sixteen (16) feet and b) allow an accessory building to be in the required front yard.

Steve Niblick stated this is a 25% setback variance; and based on the petition and information submitted staff recommends approval.

James Franklin was present, his septic is on one side of the house, well on the other and his leech field is behind the house, no other location to build. There is a twelve foot public utility easement to the south; the building would be up to but not in the easement. This building would store two classic cars, lawnmowers, etc. It would not be used to work on other people's vehicles or used for commercial activity. He is currently paying storage at a different location to have his cars inside.

Board members had concerns of this being a want rather than a need, therefore failing to meet the hardship criteria. Mr. Franklin was asked if he could reduce the size of the building to conform to setbacks. He answered that he would prefer not to.

No objectors were in the audience and none on file.

Motion on first request: After discussion, Bill Johnson moved and Bob Monroe seconded to approve Docket #03BZAV-14's request to build an accessory building in the required front yard. All members present voted yes. Vote 5-0; motion carried.

Motion on second request: Bill Johnson moved and Lois Jones seconded to deny Docket #03BZAV-14's request to build an accessory building twelve feet from south property line. All members present voted yes. Vote 5-0; motion carried.

Docket: 04BZAV-14 **Public Hearing**

Name: Charles Jr & Lisa Chaffin

Address: 4140 W Michael Drive, Marion, Indiana

Zoning District: Residential-1 (R1)

Legal Description: Being lot #23, Avondale S/Div Sec 2 and located in the Northwest Quarter of Section 23 in Pleasant Township, Grant County, Indiana

Request: Allow construction of an accessory building to be two (2) feet from the south property line instead of the required five (5) feet.

Steve Niblick stated of the four criteria for a variance number two is questionable. This is a 60% decrease from the minimum setback requirement. This is an established subdivision that has an existing house to the south; based on the information provided staff recommends approval of this variance.

Chuck Chaffin was present; the attached garage has a mud room, hot tub and pantry in it so it cannot be used as a garage. This would be to park his personal vehicles in, personal use only. He has a yard barn that currently is three feet from the property line, and he could move the yard barn and shift the location of the proposed garage to meet the five foot setback requirement. The fence was up when the house was purchased and they have always used that as the south property line. Mr. Chaffin was not aware of a property survey showing the exact location of his property lines. Mr. Chaffin stated that he could locate the proposed garage five (5) feet from the existing fence.

Objectors:

APC office received a call from Richard Adams (neighbor to the south) who has concerns about this new building being an expansion to an auto repair business and the exact location of Mr. Chaffin's south property line.

Motion: After discussion, Bill Johnson moved and Lois Jones seconded to deny Docket #04BZAV-14 as presented. All members present voted yes except Bob Monroe who voted no. Vote 4-1; motion carried.

There being no other business Bill Johnson moved and Lois Jones seconded to adjourn, vote 5-0; meeting adjourned at 6:35 PM.

Chip Long, Chairman