

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
August 4, 2014**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, August 4, 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, Teresa Mendoza, Karen Owen, Chip Long, Chairman.

Members absent: William Johnson, Doug Kingseed, Bob Monroe.

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

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

Lois Jones moved and Teresa Mendoza seconded that the minutes from May 5, 2014 be approved; vote was 4 - 0; motion carried.

Steve Niblick went over the rules and procedures.

Docket: 07BZAV-14 **Public Hearing**

Name: Jeffrey & Rebecca Blessing

Address: 8051 W 894 S, Fairmount, Indiana

Zoning District: Residential-3 (R-3)

Legal Description: Being Lots #19 & 20, Original Plat to the town of Point Isabel and located in the Southeast Quarter of Section 22 in Green Township, Grant County, Indiana.

Request: to allow the construction of a single family home to be zero (0) feet from the north (894 S) and west (807 W) property lines instead of the required fifteen (15) feet

Jeff Blessing was present at the meeting, the reason for the zero setback requests is at some point they will add a porch and want to make sure there is enough room. The southeast corner of the house will be thirty-four (34) feet from the centerline of 807 W and the northwest corner will be thirty (30) feet from the centerline of 894 S.

At the first county Commissioners' meeting (July 22, 2014), David White, Highway Superintendent had questions on how the snow plow would navigate if the house was that close to the road right-of-ways. He has since visited the site and has no objections to this variance; at the next County Commissioners' meeting (July 29, 2014) a favorable recommendation was given. The Area Plan office gave a favorable recommendation to this petition.

Board members questioned why the house could not be located in a way to meet setbacks.

Blessing stated that to change the location of the house he would have to either move the septic tank or cut down a very large mature tree. He also submitted a petition from the neighbors showing their support.

No objectors were in the audience and none on file.

Motion: Teresa Mendoza moved that Docket #07BZAV-14 be approved; this motion died due to lack of a second.

Motion: Karen Owen moved Lois Jones seconded to continue Docket #07BZAV-14 until the September 8, 2014 meeting with the petitioner submitting a more specific drawing locating the house, porch and sidewalks. All members present voted yes. Vote 4 - 0; motion carried.

Docket: 02SP-14 Public Hearing **Name:** Susan (Smith) Lobsiger

Address: 0738 S 500 E, Marion, Grant County, Indiana

Zoning District: Residential Suburban (RS)

Legal Description: Being Lot # 11, Brentwood Subdivision, and located in the Southeast Quarter of Section 11 in Center Township, Grant County, Indiana

Request: Type III, Customary Home Occupation, to allow the operation of a landscaping business

Mike & Susan Lobsiger were present; they passed out photos and a description of their business operation. The business is a makeover lawn care; the hours of operation are seasonal; during off season the hours are 8:00 AM until 5:00 PM, during peak season the hours are 7:30 AM until 8PM. The workers are independent contractors who come to the residence, load up the trucks and then go to the jobs. There is no retail or wholesale business conducted on site and they do not receive deliveries.

Mendoza questioned if the business was already in operation and for how long. Is the burning a health department issue?

Lobsiger stated the business has been in operation at this site since 2009.

Karen Owen questioned what made him apply for the special exception now.

Lobsiger stated he received a letter from the Area Plan office. He is in the process of buying a chipper and hasn't burnt in about a year and a half.

Niblick said the office has received complaints in the past but until recently could not determine if a business was being operated or not. The burning would be a health department issue; you can burn your own brush; sticks etc.; but you cannot bring in from other locations and burn.

Mendoza questioned what a type III Customary Home Occupation is.

Niblick said there are three (3) types of home occupations; type I would be approved through the office; type II is allowed in an accessory building and would be approved through the office; type III has outside employees, etc. which requires a special exception.

Audience members: A petition with thirteen (13) signatures encompassing eight (8) addresses was submitted to the Area Plan office in opposition of this petition. Steve went over the eleven concerns listed on the petition.

Thomas Biehl Jr, 0841 Brian Road, Marion, voiced the following concerns regarding the Special Exception: subdivision road is used for business traffic, not just 500 E. The independent contractors are a concern because background check was probably not done on these employees and he has a young child, do not know what type of people are coming and going. The landscaping business is not registered through the state. There are piles of trash (including shingles etc.) on the property; this devalues the property in the neighborhood.

Vernon Damme, 0817 S Brian Road, Marion, stated that Mr. Lobsiger is no longer burning but is starting a landfill, there is a thirty (30) to forty (40) foot pile of brush etc.; doesn't know what they are planning to do with it. He doesn't know if the property was purchased because they wanted the house or because of the four (4) bay garage. The trucks come and go in the early morning hours and disturb the neighborhood with the noise; business has expanded beyond a landscaping business. He requests this petition be denied.

Mendoza questioned what type of equipment is used for the business.

Lobsiger –their home was purchased as an investment not for the purpose of operating the business there. They have pick-up trucks, one dump truck (1 ton load) and lawn tractors. The burn pile is all brush, no trash; some materials in the driveway.

Mendoza ó what happens if this petition is denied?

Niblick – The brush and trash is a health department issue; if the special exception is denied the business cannot continue. If the special exception is approved the board can place stipulations on that they would have to follow. The special exception could be approved for the Lobsigers only; if property is sold the special exception does not stay with the property.

Motion: Karen Owen moved Teresa Mendoza seconded to continue Docket #07BZAV-14 to the September 8, 2014 meeting. Vote ó Lois Jones voted no, motion will not carry.

Steve Niblick stated in a case like this the petition will be continued until the next meeting.

There being no other business Lois Jones moved and Teresa Mendoza seconded to adjourn, vote 4 - 0; meeting adjourned at 7:05 PM.

Chip Long, Chairman