

**MINUTES of the GRANT COUNTY
AREA BOARD OF ZONING APPEALS
September 8, 2014**

A PUBLIC HEARING OF THE GRANT COUNTY BOARD OF ZONING APPEALS was held on Monday, September 8, 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: William Johnson, Lois Jones, Teresa Mendoza, Bob Monroe, Karen Owen, Chip Long, Chairman.

Members absent: Doug Kingseed.

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 Teresa Mendoza seconded that the minutes from August 4, 2014 be approved; all members present voted yes, except Bob Monroe who abstained; vote was 5-0-1, 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

This petition was continued from last month. Steve Niblick went over the four criteria for a variance; the APC staff gave a favorable recommendation.

Jeff Blessing was present at the meeting; the home cannot be relocated to meet setbacks partly because the septic system is to the south and would have to be moved. There is a large mature tree which would have to be removed to square the house on the lot to comply. The house will be no closer than what is shown on the plot plan drawing. The main entrance they would use would be at the south end of the house; the porch would be four (4) feet by six (6) feet wide.

Steve stated that the house would be seven feet two inches (7.2) from the north (894 S) property line and eleven feet six inches (11.6) from the west (807 W) property line.

No objectors were in the audience and none on file.

Motion: Bill Johnson moved Lois Jones seconded to approve Docket #07BZAV-14 as presented. All members present voted yes; vote was 6-0; 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

This petition was continued from last month. Steve Niblick went over the three criteria for a special exception; the APC staff recommends approval with any necessary stipulations placed by the Board.

Mike Lobsiger, petitioner and Christine Kroft, 5807 Weybridge Pl, Ft. Wayne, were present to present the petition. Christine went over the criteria and also complaints listed in petition that was submitted by adjacent property owners. The petitioner has already started to rectify some of the concerns voiced at last month's meeting. There are no retail sells at this location; no clients come to the house. Independent contractors, in their personal vehicles, come to the house early in the morning to load the trucks that will be used on the jobsites; then return to the property at the end of the day; get their vehicles and go home.

Audience members: An audience member passed out a petition with twenty-three (23) signatures encompassing fourteen (14) addresses to the Board members in opposition of this petition.

Thomas Biehl Jr, 0841 Brian Road, Marion, has concerns about the traffic; employees coming and going; and devaluing his property. The traffic issue has been addressed but still has the other concerns.

Vernon Damme, 0817 S Brian Road, Marion, his wife passed out the petition to the board members. The petitioner purchased the property knowing that it was residential; the business is an annoyance to the neighbors which outweighs the convenience of the petitioner having his business at his home. Mr. Damme stated he started calling with complaints about one to two months after the Lobsiger's moved in. He has contacted the Sheriff, fire and planning departments about this business. The burning has stopped but "rubble" is being brought in from other locations.

Robert Embree, 5535 E 100 S, Marion – he has lived in this location for thirty-five (35) years; property belonged to his grandparents and was passed down. He does not live right next door but sees no problem with the operation of this business. Petitioner is a good person and doing a good job.

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 Lobsiger's only; if property is sold the special exception does not stay with the property.

Motion: Bill Johnson moved to approve Docket #02SP-14; motion died due to lack of a second.

Motion: Lois Jones moved Bob Monroe seconded to deny Docket #02SP-14; all members present voted yes, except Bill Johnson and Chip Long who voted no. Vote 4 – 2; motion carried.

Docket: 08BZAV-14 **Public Hearing**

Name: Terry & Jill Lynch

Address: 1830 E 600 S, Marion

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 an accessory building to be twelve feet six inches (12.6) from the north property line (600 S) instead of the required fifty (50) feet building line and seven feet five inches (7.5) from the west property line (undeveloped Day Drive) instead of the required thirty (30) feet

Steve Niblick went over the four criteria for a variance; the APC staff gave a favorable recommendation; this is the first request on this property. The undeveloped Day Drive was platted when the subdivision was developed for access to possible future expansion of the subdivision. The subdivision never expanded and probably will not.

Jill Lynch, 1830 E 600 S and Larry Bridges, contractor, were present to present the petition. This will be a detached garage for personal use only. The topography of the land, location of septic system and leech field does not allow any other options to build the garage. The accessory building would be twelve feet six inches (12.6) from the north property line (600 S) and seven feet five inches (7.5) from the west (undeveloped Day Drive) property line.

Motion: Bill Johnson moved Teresa Mendoza seconded to approve Docket #08BZAV-14; all members present voted yes. Vote 6-0, motion carried

Steve Niblick went over the contractor registration process and reminded board members that a contractor registration can be revoked by the board when a contractor does not comply with the regulations.

There being no other business Bill Johnson moved and Lois Jones seconded to adjourn, vote 6-0; meeting adjourned at 7:10 PM.

Chip Long, Chairman