

Findings of Fact and Ruling

PETITION FOR NON-CONFORMING STRUCTURE APPROVAL: **B09-04-01 (This # comes from APC office)**

OWNER OF REAL ESTATE: **John H. Doe**

LOCATED AT: **125 W File St**

DESCRIPTION: **Lot 51 of the John H. Doe Subdivision**

CURRENT ZONING CLASSIFICATION: **R-2**

PROPOSED NON-CONFORMING STRUCTURE: **Reinstatement of a 40' X 24' Residential Structure destroyed in a fire on April 1, 2009**

PRINT DATE: **April 22, 2009**

Comes now the Wells County Board of Zoning Appeals and in support of granting John H. Doe's Petition for a Non-Conforming Structure makes the following Findings of Fact, to wit:

John H. Doe filed a Petition for a Non-Conforming May 26, 2009 as to the following described real estate located in Lancaster Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

Notice of the scheduled May 26, 2009 public hearing on the Petition was duly published in accordance with I.C. 5-3-1 more than ten (10) days prior to the public hearing.

On May 26, 2009, the Wells County Board of Zoning Appeals conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Wells County Board of Zoning Appeals and the following evidence was heard.

**8-07 (4) This petition shall involve the reinstatement of a legal non-conforming structure that was destroyed in a fire of April 1, 2009. The petition will have no lesser set backs or cubic feet content than before the structure suffered casualty as shown on the plans for reconstruction.**

**8-07 (5) (A) The petitioner is petitioning the Board of Zoning Appeals to allow the reconstruction of the legal non-conforming structure destroyed in a fire on April 1, 2009.**

**8-07 (5) (B) The petition shall not adversely affect the value of the neighboring properties due to the fact that the neighboring properties have existing structures with similar encroachments.**

**8-07 (5) (C) The petition shall preserve the spirit of the Wells County Zoning and Floodplain Management Ordinance and shall not be injurious to the public interest, health, safety, comfort, convenience, and general welfare due to the fact the neighboring properties have existing structures with similar encroachments and those encroachments are not causing any damages to the public.**

Any conditions or commitments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Wherefore, based upon the above findings of fact and upon the Motion of \_\_\_\_\_, duly seconded by \_\_\_\_\_, the Petition for a Non-Conforming (Use or Structure) by \_\_\_\_\_ is hereby granted by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

Granted this 26<sup>th</sup> day of May, 2009.

\_\_\_\_\_  
Wells County Board of Zoning Appeals – President

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Wells County Board of Zoning Appeals – Secretary