

Findings of Fact and Ruling

PETITION FOR VARIANCE 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 VARIANCE: **Reduce Rear Yard Set Back from 10' to 5'**

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 Variance makes the following Findings of Fact, to wit:

John H. Doe filed a Petition for a Variance 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.

8-05 (2) The variance shall not be injurious to the public health, safety, morals, and general welfare of the community due to the fact that the reduction in the setback lines up with other legal non-conforming structures in the neighborhood.

8-05 (3) The variance shall not adversely affect the use or value of adjacent properties due to the fact that there are other similar structure with similar setbacks located on the adjacent properties.

8-05 (4) The variance shall not create a visual impression that is inconsistent with the environment of the neighborhood due to the fact that the proposed structure will appear similar to the other neighboring structures.

8-05 (5) The variance is required due to the fact that the strict application of the terms of this ordinance would of not allowed the same development on this property that are existing on neighboring properties. The variance's practical difficulty does not include financial hardship or aesthetic preference.

8-05 (6) This variance does not involve a tall structure so this section is not applicable.

Any conditions or commitments: _____

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a Variance by John H. Doe is hereby granted by a vote of _____ in favor and _____ opposed.

Granted this 26th day of May, 2009.

Wells County Board of Zoning Appeals – President

Wells County Board of Zoning Appeals – Secretary