

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
June 25, 2024
7:30 P.M.**

**Whitley County Government Center
Meeting Room A/B**

MEMBERS	PRESENT	ABSENT	STAFF
Kelley Sheiss	X		Nathan Bilger
Danny Wilkinson	X		Brent Bockelman
Doug Wright		X	
Joe Wolf	X		LEGAL COUNSEL
Jack Green	X		Elizabeth Deckard

AUDIENCE MEMBERS

The list of audience members, in-person and electronic, is attached to these minutes. The signed guest list is kept on record.

CALL TO ORDER/ROLL CALL

Mr. Wilkinson called the meeting to order at 7:30 p.m. Mr. Bockelman read the roll call; the members present and absent are listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the May 28, 2024 regular meeting were presented for review. Mr. Wolf made a motion to approve the minutes as presented. Mr. Green seconded the motion. The motion passed by a vote of 4-0.

ADMINISTRATION OF OATH

Mr. Bockelman provided the oath to the audience members wishing to speak.

OLD BUSINESS

There was no old business.

NEW BUSINESS

24-W-VAR-10

Michael Acton, owner of the subject property, is requesting a development standards variance of the required front setback on the property located at 2611 E. Stalf Road, in Section 1 of Thorncreek Township.

Mr. Bilger presented a summary of the staff report for the petition. He explained that the petitioner wanted to install a roof over an existing patio on the south side of the house. The proposed structure would encroach closer to the right-of-way than the existing structure. This

additional encroachment results in a 27'± proposed front setback. Therefore, the petitioner requests a variance of 8' from the 35' code standard. Setback averaging for the area was discussed. Aerial views were provided to show the proposed project and location. Review criteria was discussed.

Michael Acton, 2611 E. Stalf Road, addressed the Board and explained the proposed structure. He explained that they were wanting to cover the patio space for more enjoyment.

Mr. Wilkinson asked if anyone else wished to speak for or against the case. Hearing none, he closed the public hearing and asked for further discussion.

With there being no conditions of approval, Mr. Wilkinson asked for a vote. 24-W-VAR-10 was approved by a vote of 4-0.

24-W-VAR-11

Stephen and Karen Homan, owners of the subject property, are requesting a development standards variance of the required front (lakeside) setback for reconstruction of a deck on the property located at 2718 E. Island Court, in Section 2 of Thorncreek Township.

Mr. Bilger presented a summary of the staff report for the petition. He explained that the petitioner wanted to remove an existing deck and construct a new deck on the same footprint of the existing structure. The proposed structure would not encroach closer to the right-of-way than the previous deck. This encroachment results in a 0'± proposed lake front setback and a 0.2'± encroachment on the east side. Therefore, the petitioner requests a variance of 35'± from the 35' front setback, and 4.8'± from the 5' side setback code standard. Aerial views were provided to show the proposed project and location. Discussion was made regarding the floodplain. Review criteria was discussed.

Mr. Bilger relayed a comment from Edward Dauscher, a neighboring property owner. He expressed that he was opposed to the petition because of the many encroachments in the area and this decision setting precedence. He shared his concern with wanting to view the lake and not a deck or other structure.

Discussion was made regarding the floodplain requirements.

Karen Homan, 2718 E. Island Court, addressed the Board and discussed her petition. She explained that they would like to construct a new deck replacing the existing deck. She stated that they are not changing the layout. She confirmed that she had spoken with the DNR about the construction of the deck.

Mr. Wilkinson asked if anyone else wished to speak for or against the case. Hearing none, he closed the public hearing and asked for further discussion.

With there being no conditions of approval, Mr. Wilkinson asked for a vote. 24-W-VAR-11 was approved by a vote of 4-0.

24-W-SE-9

It was stated that petition 24-W-SE-9 was being continued to the July 23, 2024 Meeting.

Clarification was made that additional notice would not be required.

OTHER BUSINESS

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 7:55 P.M.

GUEST LIST

1. Jennifer Esterline8324 W. State Road 14
2. Jason Esterline8324 W. State Road 14
3. Charlotte Terhaar8325 W. State Road 14
4. Robert Terhaar8325 W. State Road 14
5. Tom Smith8300 W. State Road 14
6. Karen Homan2718 E. Island Court
7. Michael Acton.....2611 E. Stalf Road
8. Deb Davis.....2585 E. Stalf Road
9. Lexie Frye405 Raleigh Court
10. Dennis Davis2585 E. Stalf Road

GUEST LIST – ELECTRONIC