

**MINUTES  
WHITLEY COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING  
July 26, 2022  
7:30 P.M.**

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

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>STAFF</b>
Tim Denihan		X	Nathan Bilger
Sarah Lopez	X		Brent Bockelman
Danny Wilkinson	X		
Doug Wright	X		<b>LEGAL COUNSEL</b>
Joe Wolf	X		Elizabeth Deckard
<i>Kelley Sheiss (alt.)</i>		X	

**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 June 28, 2022 regular meeting were presented for review. Mr. Wright made a motion to approve the minutes as presented. Mr. Wolf seconded the motion. The motion passed by a vote of 4-0.

**ADMINISTRATION OF OATH**

Ms. Deckard provided the oath to the audience members wishing to speak.

**OLD BUSINESS**

**NEW BUSINESS**

**22-W-VAR-14**

Robert and Linda Strabbing are requesting a development standards variance for an encroachment into the required side setback on the property located at 6601 East Harrold Road in Smith Township. The property is comprised of Lot 3 of Frank Harrold’s First Addition to Blue Lake Resort.

Mr. Bilger presented the staff report. He explained the nature of the request to construct a third-car garage addition on the west side of the detached garage. Aerial views were provided to show

the site plan and location of the addition. A request would be for a variance of 4', resulting in a 1' west side setback. Review criteria was discussed.

Robert Strabbing, 6601 E. Harrold Rd., addressed the Board. He explained the project and stated that the carport in the views had been damaged by the storms and removed.

Mr. Wilkinson asked for any questions from the public.

Hearing nothing further, Mr. Wilkinson asked for a vote. The motion was passed by a vote of 3-1.

## **22-W-VAR-15**

Richard and Karen Pape are requesting a development standards variance for encroachments into the required front and rear setbacks on the property located at 6680 East Harrold Road in Smith Township. The property is comprised of Lot 18 of Frank Harrold's Second Addition to Blue Lake Resort.

Mr. Bilger presented the staff report and displayed aerial views of the property and proposed building site. He explained that the setbacks proposed would be 22' for the front setback, 6'± for the sides, and 10' for the rear. Mr. Bilger described the setbacks and compared these setbacks to other properties in the area. A variance of 13'± for the front setback and 5'± for the rear setback were requested. Review criteria was discussed, pointing out the through drive on the west side of the property. He also stated that the structure would not be in the floodplain.

Richard Pape, 6680 E. Harrold Road, addressed the Board and explained that he was looking to construct a pole barn on the property. He explained that he will be making the lake residence his permanent residence in the spring

Steve Hanan, 2320 Valley Creek Run, New Haven, addressed the Board representing Fay Palmer who is an adjacent property owner. He stated his concerns with the drainage issue on the lot to the south and moving of the electrical lines. Discussion was made about the utility easement and electric right of way. The drainage issue was discussed at length to verify the issue and areas affected. Concerns were also stated with the height of the structure.

Richard Pape discussed the drainage issue. He stated that his plan was to have gutters installed to guide the water to the north. He also discussed installing a grate to help guide water to the other side of the road. This should help get less water heading south to the back property.

Mr. Wilkinson asked for any other questions from the public. Hearing none, he asked for a vote. The motion was approved by a vote of 4-0.

## **22-W-VAR-16**

Timothy J. & Trisha Sarrazin are requesting a development standards variance for the minimum floor area on the property located at 1906 W. Sheckler Road, in Section 30 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained that the garage was built with future plans to build a permanent residence connecting to it. During the construction, living space was added to total 988'±sq. ft. The required square footage would be 1200 for a two-story dwelling. The petitioners are now seeking to sell the property and would like to finalize the open permit and the inspection process to acquire a Certificate of Occupancy. Aerial views and floor plan were

displayed. Mr. Bilger discussed the review criteria, and the following suggested conditions of approval.

1. The variance is granted for a maximum of 3 years, or until the permanent dwelling is completed, whichever comes first.
2. A building permit for a permanent dwelling must be obtained within one (1) year of the approval of the variance.
3. The structure is to be compliant with building and health code requirements.
4. These conditions are to run with the property and are binding on any subsequent owners.

Discussion was made regarding who the approval would be for. Either the petitioner or the purchasing party. With the condition of 3 years, it would be for both. However, other options and conditions could be put into place. Another option would be to come back before the Board or remove the living space from the building.

Trisha & Timothy Sarrazin, 1906 W. Sheckler Road, addressed the Board. They explained the project and that the property is pending a sale and would like to have the approval with no conditions. Conditions of approval could hinder the sale of the property if they would require building in a certain amount of time.

Discussion was made about the permitting timeframe and removing the timeframe conditions. Discussion was also made about other ways to monitor future building and code requirement without having conditions of approval. Mr. Bilger provided a view of what the code is intended to prevent. The petitioners explained that all of the garage area was finished and drywalled.

Mr. Wilkinson asked for any questions from the public. Hearing none, he asked for a motion. Mr. Wright made a motion to approve 22-W-VAR-16 with the following conditions:

1. The structure is to be compliant with building and health code requirements.
2. These conditions are to run with the property and are binding on any subsequent owners.

The motion was seconded by Ms. Lopez. The petition was approved by a vote of 4-0.

## **22-W-SE-11**

Moreland, Inc., owner of the subject properties located on the east side of S. 600 East in Section 35 of Jefferson Township, is requesting special exception approval for an automobile repair use.

Mr. Bilger presented the staff report. He stated that the proposed would be a classic car restoration and repair located in an existing building on the property. Aerial view of the property were displayed to show the property and the buildings that would be included in the Special Exception. He discussed the review criteria and suggested the following conditions:

1. The Special Exception is granted for the applicant and is non-transferable without Board approval.
2. The Special Exception is granted as presented and per the site plan.
3. All automobile repair and maintenance operations shall take place within the existing buildings.
4. Operation shall not extend beyond normal business hours of \_\_\_\_ am to \_\_\_\_ pm.

5. There shall be no employees of the use other than the petitioners.
6. Dismantled or disassembled vehicles shall not be parked outside overnight.
7. No parts, junk, scrap, etc. shall be stored outside.
8. Automobile sales, if any, shall be limited to those vehicles restored by the petitioner and shall not be the primary use.
9. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.

Larry Gerig, 6049 E. State Road 114, Addressed the Board. He stated that there were 3 employees on the property for grounds maintenance and office work that were in place. He discussed that he had reached out to the neighboring property owners to explain what was being done and all had signed a letter of support for the project.

Discussion as made about the layout of the properties and where the petitioner lived, how often employees were there, and the properties owned by Moreland Inc. Hours of operation were discussed and how many days a week. Discussion was made about the type of cars would be included in the restoration business.

Thomas Brewer, 6416 Illinois Rd, stated his concern with possible lighting issues that would shine onto his property and was happy to see this addressed in the conditions.

Discussion was made on not allowing storage of cars for sale outside.

7:30 AM to 6:00 PM

Mr. Wilkinson asked for any questions from the public. Hearing none, he asked for a motion.

Ms. Lopez made a motion to approve 22-W-SE-11 with the following conditions:

1. The Special Exception is granted for the applicant and is non-transferable without Board approval.
2. The Special Exception is granted as presented and per the site plan.
3. All automobile repair and maintenance operations shall take place within the existing buildings.
4. Operation shall not extend beyond normal business hours of 7:30 am to 6:00pm.
5. There shall be no more than three employees of the use other than the petitioners.
6. Dismantled or disassembled vehicles shall not be parked outside overnight.
7. No parts, junk, scrap, etc. shall be stored outside, including vehicles that are for sale.
8. Automobile sales, if any, shall be limited to those vehicles restored by the petitioner and shall not be the primary use.
9. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.

Motion was seconded by Mr. Wright. The petition was approved by a vote of 4-0.

**OTHER BUSINESS**

Mr. Bilger discussed a complaint that had been filed and notice had been received from IDEM regarding property owned by Richard Pape. This notice was dated in June but was just received by the Planning Department. The complaint was for work done and filled in an area located in the flood plain. It was stated that it was on a residential property separate and unrelated to the property included in the petition.

Mr. Pape explained that on the property, people are allowed to drive vehicles across his property. It was called a walkway easement back in the day. He had brought dirt in to fill in ruts made down by the lake. He showed on the map where he had done the work. Discussion was made about the work done restoring the grade that it used to be because the driving has pushed dirt out and compacted. Discussion was also made about repairing a drainage issue in the area. It was decided to get together and discuss the issue further and prepare documentation to report back to IDEM. Discussion was also made about getting with the Highway Director and Drainage Department.

**ADJOURNMENT**

Having no other business, Mr. Wilkinson adjourned the meeting at 9:01 P.M.

**GUEST LIST**

- 1. Larry Gerig.....6049 E. State Road 114
- 2. Rich Dolsen.....10541 S. 600 East-92
- 3. Steve Hanan .....2320Valley Creek Run, New Haven
- 4. Doreen Hanan .....2320 Valley Creek Run, New Haven
- 5. Fay Palmer .....6670 E. Harrold Rd.
- 6. Thomas Brewer.....6416 Illinois Rd.
- 7. Timothy Sarrazin .....1906 W. Sheckler Rd.
- 8. Richard Pape .....3136 E. 675 North, Huntington
- 9. Robert Strabbing.....6601 E. Harrold Rd.

**GUEST LIST – ELECTRONIC**

- 10. Sonya Emerick .....5865 E. State Road 14