

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
February 28, 2023
7:30 P.M.**

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

MEMBERS	PRESENT	ABSENT	STAFF
Jack Green	X		Nathan Bilger
Kelley Sheiss	X		Brent Bockelman
Danny Wilkinson	X		
Joe Wolf	X		LEGAL COUNSEL
Doug Wright	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 January 24, 2023 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 5-0.

Mr. Bilger introduced Jack Green as the newly appointed member representing the Plan Commission.

ADMINISTRATION OF OATH

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

OLD BUSINESS

NEW BUSINESS

23-W-VAR-1

Steven & Jennifer Grable are requesting a development standards variance for an encroachment into the required front setback at 3160 E. Basin Street. The property is located on the southeast corner of the intersection of Basin Street and Lakewood Drive, in Section 12 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained the proposed project, size, and location. Explanation was given to the building lines of the property. Discussion was made that the variance was being requested in order to construct an addition to the home for one of the petitioner's parents to live. Review criteria were discussed.

Jennifer and Steven Grable, 3160 Basin Street, the petitioners addressed the Board and explained the request to encroach into the front setback for their parent to move in with them.

Mr. Wilkinson opened the public hearing. Hearing nothing, he closed the hearing.

Mr. Wilkinson asked the Board for any further discussion. Hearing none, He called for a vote. Petition 23-W-VAR-1 was approved by a 5-0 vote with all members voting in favor.

23-W-VAR-2

Larry Bull is requesting a development standards variance for encroachment into the required front building line for construction of a garage on the property located at 5800 S. 600 East, in Section 3 in Jefferson Township.

Mr. Bilger presented the staff report. He stated that the need for the variance was due to a proposed garage to be placed closer to the property line than the platted 200' building line. He displayed the survey and aerial views of the property including neighboring properties that enjoyed similar encroachments. Review criteria were discussed.

Larry Bull, 5800 S. 600 East, addressed the board and explained his project. He stated that the location was chosen to lessen the need for additional driveway.

Mr. Wilkinson opened the public hearing. Hearing nothing, He closed the public hearing.

Mr. Wilkinson asked the Board for any further discussion. Hearing none, He called for a vote. Petition 23-W-VAR-2 was approved by a 5-0 vote with all members voting in favor.

23-W-VAR-3

Roanoke Woodworking is requesting a development standards variance to allow the refacing of a pole sign that currently exists on the property. The proposed would include the lower section of the sign to be an Electronic Message Center (EMC). The sign would be located on their property at 7477 E. State Road 114 in Section 36 of Jefferson Township.

Mr. Bilger presented the staff report. He described the need for a variance due to the inclusion of an EMC (electronic message center) that is not addressed in the current code. He reviewed standards and provided aerial views of the property and sign location. Existing and proposed sign design was also provided. Staff recommended conditions of approval were discussed. Review criteria were displayed and discussed.

Justin West, 3202 Caprice Court, addressed the Board and explained the project.

Mr. Wilkinson opened the public hearing. Hearing nothing, he closed the hearing.

Mr. Wolf made a motion to approve 23-W-VAR-3 with the recommended conditions. Seconded by Ms. Sheiss. Petition 23-W-VAR-3 was approved by a vote of 5-0 with the following conditions.

1. The sign shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light or blinking or chasing lights.

2. Electronic messages may not change more rapidly than once every one and one-half (1.5) seconds.
3. Electronic messages may not require more than ten (10) seconds to display in its entirety.
4. The sign shall have a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.

23-W-SE-3

Brad & Kimberly Jenkins are requesting Special Exception approval for a Traffic Generating Home Occupation to operate a craft and antique store and Development Standards Variance for total surface area for a sign on the property at 5463 E. 200 North in Section 29 of Smith Township.

Mr. Bilger presented the staff report. He provided an overview of the request and provided details of the location of the structure that would be used and the identification sign. Details regarding the nature of use were given as well as the size of the proposed sign that required the variance. Aerial views were provided for clarification of the area, parking, and sign location. Staff recommended conditions were reviewed and explained. Review Criteria was discussed.

Kimberly Jenkins, 5463 E. 200 North, addressed the Board and gave explanation to the petition and nature of the business proposed. She stated that it was her intention to have a craft business after her retirement. She gave explanation to the reason for the request to have a larger sign. Discussion was made to the hours of operation to extend that would allow for evening classes in the future if wanted. Discussion was also made as to the placement of the signs on the property. Discussion was made about outdoor storage on the property for items being sold.

Mr. Wilkinson opened the public hearing. Hearing nothing, he closed the hearing.

Ms. Sheiss made a motion to approve 22-W-SE-3 with conditions. Seconded by Mr. Wolf. Petition 23-W-SE-3 was approved by a vote of 5-0 with the following conditions.

1. The Special Exception is granted for the applicant and is non-transferable.
2. The Special Exception is granted as presented and per the site plan.
3. No additional employees are to be hired by the petitioner to operate this facility.
4. The parking areas must be kept in good condition and available to accommodate the required parking.
5. Hours of the retail operation would not exceed 10am to 8pm.
6. Exterior lighting, if any, shall be directed and/or oriented to prevent light spillage and glare onto adjacent properties and rights-of-way.
7. Signs shall not be illuminated.

23-W-SE-4

Christopher Martin is requesting special exception approval for a Traffic Generating Home Occupation to operate an automobile detailing business. The property is located at 715 N. 300 West in Section 6 of Columbia Township.

Mr. Bilger presented the staff report. Details were given as to the nature of use for the proposed business. Aerial views were provided of the property pointing out the structure to be used for the auto detailing. Staff suggested conditions were reviewed and explained. Review criteria were discussed.

Chris Martin, 715 N. 300 West, addressed the Board and explained his request to be able to operate an auto detailing business.

Mr. Wilkinson opened the public hearing. Hearing nothing, he closed the hearing.

Mr. Wright made a motion to approve 22-W-SE-4 with recommended conditions. Seconded by Ms. Sheiss. Petition 23-W-SE-4 was approved by a vote of 5-0 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. Operation will not extend beyond business hours of 7:00 am to 9:00 pm.
4. Operation will not exceed an average of three vehicles per week.
5. Customer vehicles will be parked in or beside the garage.
6. No more than three customer vehicles will be on-site at one time.
7. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
8. Any signage will conform to the requirements of the code.

23-W-SE-5

Braden Coffelt, operator of the Cider Mill Propane, is requesting special exception approval for expansion of its gas storage/distribution use. The property is located at 3901 East Cider Mill Road in Section 31 of Smith Township.

Mr. Bilger presented the staff report. He explained that this approval was for a change and expansion to an earlier approved Special Exception for a new vehicle storage building. Aerial views were provided of the property. The earlier approved site plan was provided and compared to the new site plan. Recommended conditions were reviewed and explained.

Braden Coffelt, 455 S. 300 East, addressed the Board and explained the proposed change. He stated that they would be adding an additional structure and changing the orientation of the propane storage tanks to allow for multiple trucks to load at the same time.

Discussion was made to the number and size of the tanks that were proposed and allowed.

Ms. Sheiss made a motion to approve 22-W-SE-5 with conditions. Seconded by Mr. Wright. Petition 23-W-SE-5 was approved by a vote of 5-0 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, including a fifth tank on the west side of the current tanks.

23-W-SE-6

Chris Santor is requesting a special exception approval for specialty retail, variety store, and farmer's market use in the AG, Agricultural district. The property is located on the north side of 200 South, about 1,200' west of 425 West in Section 13 of Richland Township, with an address of 4490 West 200 South.

Mr. Bilger presented the staff report. He discussed the earlier rezoning request to VC, Village Commercial, that had been denied by the Commissioner. Explanation of the natures of use were given as well as the desire of the petitioner to keep the appearance and architecture to remain as it is. Aerial views were provided of the property and parking areas were discussed. Staff recommended conditions were reviewed and explained. Comment letters were discussed.

Christopher Santor, 7317 Rob Roy Road, Fort Wayne, addressed the Board. He explained the intended use of the property for online auction.

Discussion was made about viewing available for the online items and type of items that would be auctioned. Mr. Santor stated that most of the items auctioned are antiques and collectables with examples of coins, jewelry, and furniture. At times they have sold larger items, rolling stock, and industrial items. However, generally these items are not brought to the auction location. They would remain where they are located at, and photos taken for advertisement online. Mr. Santor also stated that due the nature of the business, and not knowing what the next phone call might be, it would be difficult to say with certainty the size of potential items. Historically, they have sold very few large items.

Discussion was made to the idea of the farmer's market.

Discussion about the auction house was made. It was stated that the items would be on site and the majority of the merchandise would be owned by the business. Small amount of consignment pieces would be sold. Discussion was also made on lighting in the area for after dark traffic.

Mr. Wilkinson opened the public hearing.

Robert Thompson, 2201 S. Whitley Road, addressed the Board. He stated his concern with traffic due to the location. Stating the location of a concrete wall at the cemetery, narrow roadway, and hills in the area.

Emily Studebaker, 5147 W. 200 South, shared her concern about the narrow road in the area. She stated the agricultural nature in the area and size of vehicles and equipment that travel that road. She suggested that parking along the road, in the Right of Way, be prohibited.

Jenny Markins, 4663 W. 200 South, addressed the board. She shared her concern for safety of her children due to the traffic. She stated that her children would not be able to walk on the road, ride their bikes safely. She also stated that the owner would not be living in the community and would only work here and return to his home.

Shari Thompson, 2201 S. Whitley Road, stated her concern with safety and added the presence of Amish buggies in addition to the other traffic.

Emily Studebaker, 5147 W. 200 South, added the concern with parking for the Cemetery across the road. With this, would suggest posting no parking in the road right of way in the grassy area.

Chris Santor, 7317 Rob Roy Road, stated that he is unaware of any accidents that have occurred in the area. Right of way distances were discussed.

Ms. Sheiss asked the petitioner about picking up auction items at the location.

Mr. Santor explained that items would be picked up there and the past Fort Wayne location was not an option. He also made discussion about the pre-existing Church and the traffic in the past. Weddings, Funerals, and classes being included as uses of the Church. He stated that the impact of his intended use would be no more that if it were to continue as a congregational Church.

Robert Thompson, 2201 S. Whitley Road, asked the location of the farmer's market and amount of parking taken up by the use. Mr. Santor stated that the farmer's market would be held in the grassy area, green space around the parking lot. Including the wooded area.

Mr. Wilkinson discussed the hours of operation. Discussion was made about the number of customers visiting the property. A suggestion was made to have hours of operation from 9 AM to 6 PM on Monday through Saturday. Discussion was made about the hours of operation and that if the hours needed to be modified in the future, the petitioner could come back to the Board for approval. Discussion was also made about parking be limited to the back of the property. ADA parking on the west side was discussed also and would need to remain in that location. The entrances to the building were discussed.

Mr. Wright made a motion to approve 23-W-SE-6 with conditions stated. The motion failed due to no second. Discussion was made as to movement forward with an action taken.

Mr. Wright made a motion to approve 23-W-SE-6, and seconded by Ms. Sheiss, 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. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
4. Hours of operation for the year-round businesses will not exceed 6 to 9, Monday through Saturday.
5. Freestanding sign area will not exceed 50 sq. ft. per sign face.
6. Any refuse container/dumpster stored outside will be screened from public view with an opaque enclosure.
7. Only Special Exception permissible venues are allowed.

The motion failed by a vote of 2-2-1 with Mr. Wolf abstaining due to being too close to home.

Further discussion was made regarding options to move forward.

Mr. Wilkinson made a motion to deny the petition. The motion failed due to no second.

Mr. Wolf discussed being respectful of the community and the families that may be visiting the cemetery to honor loved ones who are buried there.

Ms. Sheiss made motion to approve 23-W-SE-6, seconded by Mr. Green 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. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
4. Hours of operation for the year-round businesses will not exceed 9 am to 6 pm, Monday through Saturday.
5. Freestanding sign area will not exceed 50 sq. ft. per sign face.
6. Any refuse container/dumpster stored outside will be screened from public view with an opaque enclosure.
7. Only Special Exception permissible venues allowed.
8. Business related parking limited to the rear of the building except for the ADA parking.

Motion to approve the petition with the conditions passed with a vote of 4-1 with Mr. Wilkinson voting against.

OTHER BUSINESS

Mr. Bockelman addressed the Board regarding a possible future petition regarding a billboard location. He asked the board which variance would be considered less of a deviation from code, and how the Board would like to see the case brought to them for decision and how the staff should guide the petitioner as to which variance to file. It was a consensus to have both options available in the proposal.

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 9:44 P.M.

GUEST LIST

1. Justin West3202 Caprice Ct. Fort Wayne
2. Larry Bull.....5800 S. 600 East
3. Amy Bennett3202 Caprice Ct. Fort Wayne
4. Janessa Ochoa3202 Caprice Ct. Fort Wayne
5. Kimberly Jenkins5463 E. 200 North
6. Brad Jenkins.....5463 E. 200 North
7. Chris Martin715 N. 300 West
8. Steve Parker1884 S. 425 West
9. Debbie Parker.....1884 S. 425 West
10. Sonya Emerick5865 E. State Road 14
11. Jenny Markins.....4663 W. 200 South

- 12. Braden Coffelt.....455 S. 300 East
- 13. Lory Marshall.....3875 E Cider Mill Rd.
- 14. Christopher Santor7317 Rob Roy Road, Fort Wayne
- 15. Gene Thompson2201 S. Whitley Road
- 16. Shari Thompson2201 S. Whitley Road
- 17. Steve Grable.....3160 E. Basin St.
- 18. Jennifer Grable.....3160 E. Basin St.
- 19. Emily Studebaker.....5147 W. 200 South

GUEST LIST – ELECTRONIC

- 20. Ann Evilsizer5840 S. 600 East

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