

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
September 27, 2022
7:30 P.M.**

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

MEMBERS	PRESENT	ABSENT	STAFF
Tim Denihan		X	Nathan Bilger
Sarah Lopez		X	Brent Bockelman
Danny Wilkinson	X		
Doug Wright	X		LEGAL COUNSEL
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 August 23, 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-19

Jacob & Elizabeth Johnson, owners of the subject property, requested a development standards variance for an encroachment into the required front setback for construction of a pole barn on the property located at 7200 W. 350 South in Section 28 of Cleveland Township.

Mr. Bilger presented the staff report. He described the project of removing an existing garage and construct a new 40' x 48' pole barn at the same building line. This would require an allowance of a 7'± front setback. He displayed aerial views of the property with an overlay of the survey showing the setback variance required. Review criteria were discussed.

Elizabeth Johnson, 7200 W. 350 South, addressed the Board. She explained their project and explained that a large tree had fallen and destroyed the garage. Her reason for the placement of the new structure was to keep distance from the well and garden site.

Mr. Wilkinson called for anyone from the public to speak. Hearing no public comments, he asked for any further Board discussion. With no further discussion, Mr. Wilkinson asked for a vote on the petition. Petition 22-W-VAR-19 was approved by a vote of 4-0 with all voting members voting in favor.

22-W-VAR-20

Joel & Leslie Harman, owners of the subject property, requested a development standards variance for encroachment into the required front setback for construction of a pole barn on the property located at 6140 E. 1000 South, in section 35 in Jefferson Township.

Mr. Bilger presented the staff report. He explained the request for a proposed 25' front setback for new construction of a pole building. He provided aerials with plot plan overlay. He also described limitations and constraints on other parts of the property.

Joel Harman, 6140 E. 1000 South, addressed the Board and described his project and the issues that had made him determine this location for the new structure. These included topography and location of wetlands nearby.

Mr. Wilkinson called for anyone from the public to speak. Hearing no public comments, he asked for any further Board discussion. With no further discussion, Mr. Wilkinson asked for a vote on the petition. Petition 22-W-VAR-20 was approved by a vote of 4-0 with all voting members voting in favor.

22-W-VAR-21

Mr. Bilger stated that the petitioners in this case had requested continuance to the October meeting in order to have time to address concerns that had been brought up by neighboring property owners. There was a brief discussion regarding the situation and the number of comment letters received. Being the first continuance, the continuance request was administrative.

22-W-VAR-23

Jim & Susan Heimann, owners of the subject property, requested a development standards variance for an encroachment into the required side setback for construction of a new house on the property located at 1328 E State Road 14, in Section 12 of Washington Township.

Mr. Bilger presented the staff report. He explained that the proposed new structure would be replacing a home that had been destroyed by fire. The new dwelling would be a single-story structure rather than a two-story structure like the previous home, which increased the width of the building. He displayed aerial views that described the side set back that was being proposed and the ability to use the existing driveway and pool and limit the removal of existing trees on the property.

Jim Heimann, 1328 E. State Road 14, addressed the Board. He described his project of building a new home at the location of the previous home that was destroyed by a fire. The new structure would be ten feet closer to the west property line, resulting in a 15' side yard setback.

Mr. Wilkinson called for anyone from the public to speak. Hearing no public comments, he asked for any further Board discussion. Hearing no further comments, Mr. Wilkinson asked for a vote. Variance 22-W-VAR-23 was approved by a 4-0 vote with all members voting in favor.

ADJOURNMENT

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

GUEST LIST

1. Joel Harman6140 E. 1000 South
2. Elizabeth Johnson7200 W. 350 South
3. Rodney Hardesty210 W. Poplar Street
4. Jim Heimann1328 East State Road 14
5. James Davis610 N. Mill St., North Manchester

GUEST LIST – ELECTRONIC

6. Sonya Emerick5865 E. State Road 14