

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
May 23, 2023
7:30 P.M.**

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

MEMBERS	PRESENT	ABSENT	STAFF
Kelley Sheiss	X		Nathan Bilger
Danny Wilkinson	X		
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. Bilger read the roll call; the members present and absent are listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the April 25, 2023 regular meeting were presented for review. Mr. Wright made a motion to approve the minutes as presented. Mr. Green seconded the motion. The motion passed by a vote of 5-0.

ADMINISTRATION OF OATH

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

OLD BUSINESS

NEW BUSINESS

23-W-VAR-9

Scott and Conni Walkup Hull, owners of the subject property, are requesting a development standards variance for an encroachment into the required front setback on the property located across from 7743 North Arnold Road in Etna-Troy Township.

Mr. Bilger presented the staff report stating the request for a setback variance to allow for a 17'± setback from the south property line for the proposed 30' X 24' storage building. Aerial views were provided to show the property and location of the project. Topography of the property was

also displayed. The topography of the property was discussed as a difficulty, and the criteria were reviewed.

Conni Walkup Hull, 7743 N. Arnold Road, property owner addressed the Board. He explained the project and reasons for the request, indicating that the location of the structure was limited by the topography.

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

Hearing no further questions, Mr. Wilkinson asked for a vote. 23-W-VAR-9 was approved by a vote of 5-0.

23-W-VAR-10

Anne Wall, owner of the subject property, is requesting a development standards variance for an encroachment into the required rear setback on the property located at 5901 North Center Street in Thorncreek Township.

Mr. Bilger presented the staff report and provided aerial views and overlays to describe the proposed structure. He stated that the existing front setback of the carport was approved by a previous variance. The proposed is a variance of 15' of the rear set back to allow for a 0' set back. The project was discussed, and grade of the property explained. Concerns were stated with the impact on public safety and precedence set for future projects in the area.

Discussion was made by the Board regarding visibility, and other existing structures in the area. Mr. Bilger stated that he had talked with the County Engineer, and he did not have any concern at this location. If the property were farther north, near the center of the curve in the road, it could possibly be an issue. Ms. Sheiss asked about the precedence being set. Mr. Bilger stated that each variance is site specific. However, there are several properties that are similar in the area. Mr. Wolf discussed getting equipment through the tight area and snow that would be pushed toward the structure.

Joe Leffers, 9454 E. 375 North, addressed the Board. He explained the project. He stated that the plan from the beginning was to include 5' X 3.5' picture windows on the east ends of the north and south wall to allow for visibility from inside the garage when backing out. Discussion was also made about the visibility from the road. He discussed the reason for adding the structure addition was to allow for the home owner to remain in her home and have protection from the weather.

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

Mr. Green made a motion to approve 23-W-VAR-10, and seconded by Mr. Wright, with the following condition.

1. An area of clear visibility must be maintained along the side of the garage for a distance of at least five feet as measured back from the roadside façade.

Hearing no further discussion, Mr. Wilkinson asked for a vote. 23-W-VAR-6 was approved by a vote of 4-1, with Ms. Sheiss voting against.

OTHER BUSINESS

Mr. Bilger discussed updating the rules of procedure and removing them from ordinance and into resolution as a stand-alone document. He stated that he had provided a copy of the Columbia

City BZA rules for reference. Explanations of proposed changes were reviewed. The duties of the Secretary were reviewed and stated that it would be the duty of the Department Staff. Compensation was discussed. Rules for electronic meeting participation for members, applicants, and the public were reviewed. Meeting length, including cut-offs for opening time of public hearings, continuation of public hearings, and adjournment. Discussion was made regarding an appropriate meeting length. Tentatively, three hours was decided as appropriate. On-site signage was discussed regarding the addition of a provision to state that loss of the posted sign due to weather, vandalism, theft, or acts outside the applicant’s control would not necessarily constitute notice failure. Presentation time limits were discussed. Voting and official actions were presented to clarify the meaning. Abstentions requirements were explained to be included. Waiting periods were discussed for withdrawn petitions and rehearing. Explanation was given that it will require a zoning amendment to remove this from ordinance. He stated that it may be a few months process.

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 8:31 P.M.

GUEST LIST

1. Conni Walkup Hull7743 N. Arnold Road
2. James Gibson5695 S. Red Bud Ln-57
3. Joe Leffers.....9454 E. 375 North, Churubusco
4. Trina Leffers9545 E. 375 North, Churubusco
5. John De Good II.....7751 N. Arnold Road

GUEST LIST – ELECTRONIC

There were no electronic guests.