

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
June 27, 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. Bockelman read the roll call; the members present and absent are listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the May 23, 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.

ADMINISTRATION OF OATH

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

OLD BUSINESS

NEW BUSINESS

23-W-VAR-11

Areeda Rieder, owner of the subject property, is requesting a development standards variance for minimum lot size on the property located at 3180 N. State Road 109, in section 21 of Thorncreek Township.

Mr. Bilger presented the staff report stating the request for a lot size variance was to allow for a split of the parcel to sell to the adjacent property. He stated that this would be a split and combine situation. Aerial views were provided to show the property and location of the project. Review criteria were discussed.

Mr. Wilkinson discussed the new parcel having VC and AG zoning on the property.

Areeda Rieder, 3180 State Road 109, addressed the Board and explained that they had recently sold the lot to the south of their home and the new owner is interested in purchasing the portion of the property to the east.

Mr. Wilkinson opened the public hearing.

Andy McClurg, 3276 N. State Road 109, addressed the Board and asked what would happen if Mrs. Rieder would want to sell the property after reducing the lot size. Mr. Bilger explained that if the variance were approved, the reduced lot would be complying with the zoning code. He discussed his concern with available room for an additional septic site.

Hearing no additional comments, the public hearing was closed.

Having no further questions, Mr. Wilkinson asked for a vote. 23-W-VAR-11 was approved by a vote of 5-0.

23-W-VAR-12

Gregory Saylor, owner of the subject property, is requesting a development standards variance for an encroachment into the required side setback on the property located at 5552 N. Willow Avenue, in Section 12 of Thorncreek Township.

Mr. Bilger presented the staff report and provided aerial views and overlays to describe the proposed structure. The project would include an addition of a 9' wide deck to the east side of the dwelling that would tie into the existing deck/porch. The proposed setback would be 2' on the east side resulting in a 3' variance. Review criteria were discussed including emergency access.

Greg Saylor, 5552 N. Willow Avenue, addressed the Board and explained the project to construct a deck and joint to the fence he already has installed.

Mr. Wolf discussed steps to access the side door of the house.

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

Having no further questions, Mr. Wilkinson asked for a vote. 23-W-VAR-12 was approved by a vote of 5-0.

23-W-VAR-13

Cheryl Ritchard, owner of subject property, is requesting a development Standards variance for an encroachment into the required front setback on the property located at 1354 E. State Road 14, in Section 12 of Jefferson Township.

Mr. Bilger presented the staff report and provided aerial views and overlays to describe the proposed structure construction. This would be a 32' X 28' garage addition resulting in a 23' proposed front setback. The proposed would result in a 17' variance. Review criteria was discussed.

Cheryl Ritchard, 1354 E. State Road 14, addressed the Board and explained her project of adding a garage and breezeway.

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

Having no further questions, Mr. Wilkinson asked for a vote. 23-W-VAR-13 was approved by a vote of 5-0.

23-W-VAR-14

Phillip and Jane Frazier, owner of the subject property, are requesting a development Standards variance for an encroachment into the required front setback on the property located at 9053 S. 200 East, in Section 30 of Jefferson Township.

Mr. Bilger presented the staff report and provided aerial views and overlays to describe the proposed structure construction. This would be adding a 10' porch onto a 32' X 36' barn addition that is already under construction, resulting in a 30' proposed front setback. The proposed would result in a 10' variance. Review criteria was discussed.

Mike Reiff, 5961 E. 300 North, Warsaw, represented the petitioners. He described the project and explained the request for a variance to allow for a display area for antique tractors.

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

Having no further questions, Mr. Wilkinson asked for a vote. 23-W-VAR-14 was approved by a vote of 5-0.

23-W-SE-10

GTE Mobilenet of Fort Wayne/Verizon Wireless, lessee of the subject property, is requesting special exception approval for a communications tower to be constructed on the subject property located at 2429 N. State Road 9, in Section 27 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained the tower project and described the design, dimensions, and area of lease. Discussion was made regarding the site plans design for fencing and buffering landscape. Legal drain easement on the property was also discussed. Aerial views and overlay were displayed for reference. The code requirement is to have landscape screening on all four sides while the site plan only shows screening on three sides.

Discussion was made regarding the screening and what is to be done if some of the screening plants were to die. Further discussion was made to change the species of landscape to be planted.

Discussion was made to the maximum height of a tower before it was required to have a beacon light installed.

David Coots, 255 E. Carmel Drive, Carmel, Indiana, represented the petitioner. He explained the project to construct a communication tower to increase the service coverage in the area. He explained that this would increase the speed for data and facilitate the implementation of 4G service. He stated that the tower would meet the FAA and FCC requirements. He discussed the similarity of this tower to the tower located near State Road 9 and State Road 114.

Mr. Bilger asked if there was a timeline to begin construction. Mr. Coots stated that he speculated that construction would begin within the next 6 months. He also discussed the landscape plan and that the landscape contractor would manage the planting for 2 years. After that, Verizon would hire a company to replace plants that needed.

Discussion was made regarding the lease area and easement area to plant the additional screening to meet zoning code.

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

Ms. Sheiss made a motion to approve 23-W-SE-10 with the following conditions:

1. The Special Exception is granted as presented and per the site plan.
2. Obtain Drainage Board approval if any improvements are to be located in a legal drain easement.
3. The evergreen landscaping must screen all sides of the equipment area.
4. Coordinate with INDOT on permitting for driveway approval.

Mr. Wilkinson asked if further discussion needed to be had regarding the screening. The distance from the road to the location was discussed. Mr. Sheiss amended the third condition to state “The evergreen landscaping must screen three sides of the equipment area, as per the site plan.” Mr. Wolf seconded the motion. Petition 23-W-SE-10 passed with four conditions by a vote of 5-0.

OTHER BUSINESS

Mr. Bilger discussed the rules of procedure revisions that are in process and the training session that is to be held July 31st. He stated that development plan and site plan review may be the topic with a visit to the construction site for the new jail location. The meeting will begin at the Government Center for the classroom portion.

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 8:32 P.M.

GUEST LIST

1. Cheryl Ritschard1354 E. SR 14
2. Mike Reiff.....5961 E. 300 North, Warsaw
3. Gregory Saylor.....5552 N. Willow Ave.
4. Areda Rieder3180 N. State Road 109
5. Randy Jahn.....4755 N. Airport Road
6. E. Davis Coots255 E. Carmel Dr., Carmel
7. Jamie McClurg.....3324 N. State Road 109
8. Andy McClurg3276 N. State Road 109
9. Ernie Brindley.....237 W. Rue Dijon
10. Charlotte Brindley.....237 W. Rue Dijon
11. Tyler Coffelt.....1331 E. 250 North
12. Keith Coffelt1890 E. 250 North
13. Eric Dorais1230 N. State Road 109
14. Jody Dorais1230 N. State Road 109

GUEST LIST – ELECTRONIC

There were no electronic guests.