

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
March 26, 2024
7:30 P.M.**

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

MEMBERS	PRESENT	ABSENT	STAFF
Kelley Sheiss	X		Nathan Bilger
Danny Wilkinson	X		Brent Bockelman
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 February 27, 2024, regular meeting were presented for review. Mr. Green made a motion to approve the minutes as presented. Ms. Sheiss 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

There was no old business.

NEW BUSINESS

24-W-VAR-4

Aaron & Vanessa Schoon, owners of the subject property, are requesting approval of a Development Standards Variance to allow for encroachment into the front setback for construction of an accessory structure. The property is located at 1250 W. 200 North, in Section 29 of Thorncreek Township.

Mr. Bilger presented a summary of the staff report for the petition. He explained that the petitioner had acquired additional property from the adjoining farm to lessen the amount of

encroachment. They were not able purchase enough to eliminate the need for a variance. Discussion was made regarding an existing utility easement that ran through the property and that the proposed building needed to be located outside of that easement. Aerial views and overlays were displayed to show the building location, utility easement, and additional property that was purchased. Review criteria was discussed.

Ryan Weber, 2185 N. Etna Road, addressed the Board and explained the proposed structure and use of the building. He explained the positioning of the building to the south to stay out of the utility easement and that the petitioner had purchased additional ground to allow for as much setback as possible.

Mr. Wilkinson asked if anyone else wished to speak for or against the case. Hearing none, he closed the public hearing and asked for further discussion.

With there being no conditions of approval, Mr. Wilkinson asked for a vote. 24-W-VAR-4 was approved by a vote of 5-0.

24-W-VAR-5

Adam Huntley, owner of the subject property, is requesting approval of a Development Standards Variance of the maximum number of Animal Units permitted in Section 5.17 of the Zoning Code. The property is located at 4495 N. 250 East, in Section 14 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained that the petitioner was looking to acquire a variance to be allowed to raise small animals. He stated that the Health Department made staff aware of the keeping of several animals on this property, as well as various unpermitted structures. The petitioner has since obtained permits for the structures. The maximum number of animals permitted by code is 1.25 Animal Units for the 1-acre property. The petitioner is proposing to be allowed to keep the number of animals he has. Per calculations of the existing animals, that would be approximately 9.4 Animal units. Aerial views were displayed for reference to show adjacent properties and homes. Review criteria were reviewed. A suggested condition of establishing an alternative maximum animal unit number. An explanation was also given that if the property was over 80,000 square feet, there would be no limit on animal units.

Mr. Wilkinson asked how much more land the petitioner would need to have for this variance to not be needed. Mr. Bilger stated that the parcel would need to be an additional .837 acres.

Ms. Sheiss discussed the animal unit numbers for goats and pigs. She asked if these numbers accounted animal offspring. She also asked if the State Chemist had been consulted on this case regarding manure matters. Mr. Bilger stated that they had not. He explained that consultation with the state agencies is not done directly, and that communication would be through the petitioner as is done in confined feeding operation petitions.

Adam Huntley, 4495 N. 250 East, addressed the Board and discussed his petition. He explained that he and his daughter brought in rescue goats. He stated that they raise them for milk as well as to make butter, cheese, and soap. He also explained that they had been raising rabbits and chickens for years. He stated that the Health Department had inspected the property, and the Vet Tech had inspected the animals and found them in good health and condition. He discussed that he had been given some Kune Kune pigs. He intends on keeping two of them to help reduce hay waste from the goats. He stated that basically he wants to be able to keep doing what they have been doing for the last several years.

Ms. Sheiss asked if the petitioner had a manure plan for the operation.

Mr. Huntley explained that he has a compost plan that after a year, the compost is used on his garden. He stated that he also provides some of the compost to friends for their gardens.

Ms. Sheiss also asked about disposal of dead animals.

Mr. Huntley stated that he would have them taken to be incinerated.

Ms. Sheiss asked if he had a premise ID number registered with the Board of Animal Health.

Mr. Wilkinson asked if anyone else wished to speak for or against the case.

Jennifer Esterline, 8324 W. State Road 14, addressed the Board stating her support of the petition. She explained that the goats that they raise are a smaller breed of goat and they are well taken care of. She also discussed the daughter's love for her animals.

Mark Born, 2060 E. 400 North, addressed the board in support of the petition.

Tom Smith, 825 summit drive, addressed the board in support of the petition. He explained that he works with Adam Huntley. He explained that he had witnessed the family's passion and caring for the animals that they raise. He stated that he believes the petitioners should be allowed to do what they love.

Ms. Sheiss discussed that she was involved in the process of determining Animal Units. She stated that the code was determined with considerable time, effort, and thought so that people would abide by the code. She explained her understanding that additional land is hard to find. She stated that she thought the code should be followed and was put in place to avoid future land use conflicts. She felt strongly that the Board should abide by the Zoning code and respect the animal units as listed with the acreage given.

Mr. Wilkinson asked for clarification on how much more land would be needed to not require a variance. The additional land was described to be .837 acres. Mr. Bilger displayed an aerial view of what the extra land would look like. Discussion was made about not needing a Board of Zoning Appeals if we went by the rules. Further discussion was made regarding waste concerns, neighbors being in favor, and possible conditions of a maximum of ten animal units and the approval being nontransferable.

Mr. Wolf made a motion to approve 24-W-VAR-5 with conditions. Seconded by Mr. Wright. 24-W-VAR-5 was approved with the following conditions by a vote of 4-1, with Ms. Sheiss voting in opposition.

1. The maximum number of Animal Units is set at Ten.
2. Variance approval applies to only Adam Huntley and his daughter and is nontransferable.

24-W-SE-3

Christopher Martin, owner of the subject property, is requesting Special Exception approval to allow for Automobile Detailing and Repair. The property is located at 715 N. 300 West, in Section 6 of Columbia Township.

Mr. Bilger presented the staff report. He explained that the nature of the proposal was to expand the previously approved home occupation of auto detailing business. The business has grown and

the proposed would exceed the requirements of the Traffic Generating Home Occupation. The petitioner proposes constructing a new 40' X 64' pole building for the expanded business to be able to service larger vehicles and agricultural equipment. The business may also employ up to an additional 5 people. Aerial views were displayed to show the property and location of the new structure. Discussion of further expansion was made with the option of approving that as well. Suggested conditions and Review criteria were also discussed.

Christopher Martin, 715 N. 300 West, addressed the Board. He explained the proposal and the request for variance. He explained the request for future expansion beyond the new proposed building.

Mr. Green asked if any equipment repair would be taking place. Mr. Martin explained that there would not be mechanical work being done.

Discussion was made regarding the additional employees being remote workers and working off site at farms.

Ms. Sheiss suggested that approval of the second building be held and approved in the future.

Mr. Martin explained that he was building the barn himself to save on the cost and be able to have a larger building.

Mr. Wilkinson asked if anyone else wished to speak for or against the case. Hearing none, he closed the public hearing and asked for further discussion.

Mr. Green made a motion to approve 24-W-SE-3 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 ten vehicles per week.
5. Customer vehicles will be parked in or to the west of the proposed building.
6. No more than five customer vehicles will be on-site at one time.
7. There will not be more than five non-resident employees.
8. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
9. Any signage will conform to the requirements of the code.

The motion was seconded by Mr. Wright. Petition 24-W-SE-3 was approved by a vote of 5-0.

24-W-SE-4

Earl Herron, resident of the subject property, is requesting Special Exception approval for a traffic generating home occupation to operate a barber shop. The property is located at 1746 S. 350 West, in Section 18 of Columbia Township.

Mr. Bilger presented the summary of the staff report. He explained that the petitioners were requesting approval to operate a barber shop in the pole building on the property. He explained that the barn used to be a Yoga studio that is no longer in operation. Discussion of the number of clients and hours of operation was made. Aerial views of the property were displayed to show the location of the barbershop itself. Suggested conditions were displayed and explained. Review criteria was discussed.

Earl Herron, 1746 S. 350 West, addressed the Board and explained his petition. He discussed the hours of operation and the possible number of clients. He stated that the shop would work from an appointment only basis. He discussed the potential of growing the business and needing to move to a new location.

Ms. Sheiss made a motion to approve 24-W-SE-4 with the staff recommended conditions as follows:

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. The area used for the business shall not exceed 20% of the habitable area of the residence.
4. Any signage will conform to the requirements of the code.
5. The number of clients on-site will not exceed an average of 10 per day.
6. The Health Department may need to review the septic system permit in conjunction with this proposed use. Any recommendations of that Department must be implemented.
7. Hours of operation will be limited to the hours of 8:00 a.m. to 6:00 p.m., Tuesday – Saturday.

The motion was seconded by Mr. Wright. Petition 24-W-SE-2 was approved by a vote of 5-0.

OTHER BUSINESS

Code Interpretation of lot width/depth standard in AG District

Mr. Bilger discussed Section 3.2 in AG district standards for maximum lot depth as 3 times the lot width. He questioned the purpose and intent of the code as well as how and when it was enforced. Scenarios were discussed where this measurement would come in to play. Aerial views were displayed showing properties with dimensions as examples.

Ms. Sheiss asked if there would be a problem if this standard was removed from the AG district. Mr. Bilger explained that he could not and that he was not sure why it was put in place. Possibly to limit flag lots in some way. He stated that he has not found a drawback of not having this standard. However, he is not sure what the intent was at the time.

Discussion was made about doing further research. Mr. Bilger stated that with that request, an actual petition would be coming before the Board at the next meeting for a variance of this development standard.

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 9:02 P.M.

GUEST LIST

- 1. Jennifer Esterline8324 W. State Road 14
- 2. Jay Esterline8324 W. State Road 14
- 3. Kaitlyn Huntley.....4495 N. 250 East
- 4. Adam Huntley4495 N. 250 East
- 5. Mark Born2060 E. 400 North
- 6. Ryan Weber4134 W. 100 South, Kimmell
- 7. Chris Martin715 N. 300 West
- 8. Earl Herron.....1746 S. 350 West
- 9. Tiffany Herron1746 S. 350 West

GUEST LIST – ELECTRONIC

- 10. Sonya Emerick5865 E. State Road14
- 11. Emily Studebaker5147 W. 200 South