

**MINUTES**  
**WHITLEY COUNTY PLAN COMMISSION**  
**REGULAR MEETING**

**February 21, 2024**

**7:00 p.m.**

**Whitley County Government Center**  
**Lower Level, Meeting Room A/B**

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>STAFF</b>
Travis Baker	X		Nathan Bilger
Chad Banks	X		Brent Bockelman
Dane Drew	X		
Brent Emerick	X		<b>LEGAL COUNSEL</b>
Jack Green	X		Elizabeth Deckard
Thor Hodges	X		
Mark Johnson		X	<b>NONVOTING ADVISOR</b>
Kim Kurtz-Seslar	X		John Woodmansee
Joe Wolf	X		

**AUDIENCE MEMBERS**

The list of in-person and electronic guests is attached below.

**CALL TO ORDER/ROLL CALL**

Mr. Hodges called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.  
Mr. Bockelman read the roll call with members present and absent listed above.

**CONSIDERATION OF PREVIOUS MEETING MINUTES**

The minutes for the January 17, 2024, regular meeting were presented for consideration. Mr. Green made a motion to approve the minutes as presented. Seconded by Ms. Kurtz-Seslar. Motion passed 7-0-1 by roll call vote, with Mr. Baker abstaining due to being absent from the January meeting.

**ADMINISTRATION OF OATH**

Ms. Deckard administered the oath to audience members wishing to speak. Mr. Hodges discussed that there would possibly be a petitioner electronically participating in the meeting and asked if they had taken the oath. Mr. Bilger explained that Brooks Langeloh planned on participating in the meeting remotely and had taken the oath as part of the online registration.

**OLD BUSINESS**

**NEW BUSINESS**

**24-W-SUBD-3 West Loon**

Brooks Langeloh, owner of the subject property, is requesting preliminary plat approval for a two-lot subdivision to be named “West Loon.” The proposed plat is located on the northwest corner of the intersection of 700 North and Brown Road. More commonly known as 2740 West 700 North, in Section 36 of Etna Troy Township.

Mr. Bilger presented a summary of the staff report. He reviewed the proposed plat and code minimums. He explained that the plat would include one lot with the existing home and a second lot with the outbuilding. An ingress egress easement on the west side is also included on the plat. Aerial views and plat overlays were displayed for reference. Discussion was made regarding variance that would be required for lot area and lot width located on the property. The variance petition will be heard at the next Board of Zoning Appeals meeting. Discussion was made regarding an existing 10’ wide lake access easement, between 7054 and 7040 Brown Road, for the property involved. Section 5.3.1 addressing the anti-funneling code was discussed and a condition is suggested to have one of the lots to no longer have grantee access to this easement. He concluded with finding for the requested waiver as follows.

1. Brown Road connects 700 North to Buckles Road and 250 West, making it a through road. It is not planned to connect any farther.
2. The width of existing rights-of-way along Brown Road vary but are generally between 40’ and 50’.
3. The existing right-of-way adjacent the subject property is approximately 35’ wide, of which 15’± is on the west side of the road centerline.
4. The existing residence is 50’± from the road centerline, or 35’± from the existing right-of-way line, which is the minimum front setback for LR zoning.
5. Dedication of any additional right-of-way will create a nonconforming front setback.
6. Standards for new rights-of-way for subdivision roads are 50’; local roads are 60’; and collector roads are 70’.
7. The existing right-of-way for Brown Road at the subject property is less than the minimum standard for any class of road. The dedication of 35’, the standard called for by the code, would create a right-of-way of 55’, while dedication of 30’ would create a right-of-way width of 50’.
8. The dedication of any additional right-of-way width creates an unnecessary hardship by creating a front setback encroachment for the existing dwelling.
9. The proposed 30’ dedication would reduce the resulting front setback encroachment while adding sufficient width to create a right-of-way comparable to that required for new subdivision streets.

Ryan Peppler, 3490 N. Etna Road, addressed the Commission as the petitioner representative and explained the proposed plat. Descriptions of the easements, setbacks, lot sizes, and rights-of-way were discussed. He explained that if the additional right-of-way dedication was not required, the setbacks and lot size would meet the code minimum. He explained that Lot 1 would retain the rights to the easement across the road, and Lot 2 would not.

Brooks Langeloh, 818 N. Newport Run, addressed to Commission electronically and apologized for not being able to attend in person. He explained that by removing the easement rights from one of the lots that would allow for no net gain of access to the easement.

Mr. Hodges opened the public hearing.

Dan Weigel, 7054 N. Brown Road, addressed the Commission and expressed his concern with the lot with the storage building becoming an eye sore with boats and trailers being stored outside. He also shared concerns about the easement being available to the barn property that has no running water.

Ms. Kurtz-Seslar asked why the plan was to have easement rights go to the barn property and not the house property.

Brooks Langeloh, 818 N. Newport Run, stated that the barn lot was being sold to someone who already owned property on the lake, down the road, and would be using it for personal storage with no plans for outdoor storage. He would like to have the easement to add value to the property.

Gene Donaghy, 7040 N. Brown Road, addressed the Commission. He discussed the easement explaining that the original easement included three properties. These three properties have now been split into six properties that have access. He shared concerns about the number of people that he did not know, including temporary renters, having the ability to walk between he and his neighbor's house to get to the lake anytime they would like. He explained that, with having young grandchildren, this is a safety concern.

Deb Honn, 7064 N. Brown Road, addressed the Commission. Having not taken the oath earlier, she did at this time. She shared in the safety concern of having people they don't know walking across their properties to get to the lake. This could disturb family get togethers and be a safety issue for the young grandchildren that visit. She also shared her concern with the effect on their property value if the barn property would turn into a storage lot for trailers and becoming an eye sore.

Mr. Hodges closed the public hearing and turned to the Commission for discussion.

Discussion was made regarding the number of properties that were served by the easement. The history of the original lots included, and the later splits, were discussed. Discussion of the easement not having the ability to install a pier was made. Clarification was made as to how close the easement was to the neighboring houses. Discussion was made about how the easement was written and who has the actual rights for use. Discussion was made about the property owners' knowledge of the easement when they purchased the property. Further discussion was made about the Plan Commission's decision being based on the plat and not involving the easement.

Mr. Drew asked if the sale of the barn was dependent on the property split.

Brooks Langeloh joined the meeting by phone due to computer issues. He stated that the buyer of the building was a co-buyer of the property and if the split did not go through, the buyer would keep the barn for his use and rent out the house on the property.

Mr. Banks made a motion to approve the petition with the staff recommended conditions. The motion was seconded by Mr. Green. Petition 24-W-SUBD-3 was approved by roll call vote of 6-

2 with Mr. Emerick and Mr. Drew voting against. The petition was approved with the following conditions.

1. At least one of the proposed lots shall no longer be a grantee of the access easement recorded as Instrument #1991050245. The petitioner must record an instrument documenting this rescission, or similar documentation.
2. The requested waiver of right-of-way width is granted as presented, with the suggested findings.
3. Variances for the lot area and lot width must be obtained.
4. Secondary plat approval delegated to the Plan Commission Staff.

### **OTHER BUSINESS**

### **ADJOURNMENT**

Having no further business, Mr. Hodges adjourned the regular meeting at 7:53 p.m.

### **GUEST LIST**

1. Ryan Pepler .....3490 N. Etna Road
2. Deb Honn .....7064 N. Brown Road
3. Dan Weigel .....7054 N. Brown Road
4. Gene Donaghy .....7040 N. Brown Road

### **GUEST LIST-ELECTRONIC**

5. Brooks Langeloh .....818 N. Newport Run
6. Sonya Emerick .....5865 E. State Road 14
7. Robert Kehmeyer .....8411 S. 600 East