

**MINUTES**  
**WHITLEY COUNTY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**October 25, 2022**  
**7:30 P.M.**

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

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>STAFF</b>
Tim Denihan		X	Nathan Bilger
Sarah Lopez		X	
Danny Wilkinson	X		
Doug Wright	X		<b>LEGAL COUNSEL</b>
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 September 27, 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**

**22-W-VAR-21**

Michael & Aprel Cornyn are requesting a development standards variance for encroachments into the required front setback on the property located on the southwest corner of the intersection of North Woods Trail Drive and North Valley Avenue. The property is comprised of the north 50 ft of Lots 28, 29, 30, & 31 of Forrest Park Addition in Section 4 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained the proposed building size, floor plan, and that would be a permanent residence. He also described the property, the setbacks that would be proposed, and the encroachment into the front setback to the north. This property would have two front setbacks due to it being a corner lot at an intersection of two roads. Aerial views were displayed as well as the floor plan that was presented.

Review criteria were discussed. Mr. Bilger stated that the strict application of the terms of the ordinance would result in practical difficulties in the use of the property and would only allow for a ten-foot-wide structure on this fifty-foot-wide lot. With the setbacks of five feet on the side, and 35 feet on the front, if a ten-foot-wide structure was proposed, there would have been no need for a variance. Mr. Wilkinson asked for clarification that if the building would have been built within the setbacks, the petitioner would not have had the need to go before the BZA for approval. Mr. Bilger confirmed that was correct.

Michael & April Cornyn, 2354 W. 700 North, addressed the Board. He described his proposed project and explained that it would be a residence and not a pole barn. He discussed the well and sewer tap that would be connected. He stated that the materials used for the structure would be similar to the materials used in the surrounding homes in the area. He explained the issue of the setback on the north side only allowing 10 feet of building width on the property.

Mrs. Cornyn stated that the proposed building will not be something that will devalue the other properties in the area. She explained that they would like to reside on the property to allow for them to work on their property on the lake.

Mr. Cornyn stated that, at this time, they are renting a property in New Haven that is closer to his wife's work due to health issues. They would like to move to the property to eliminate travel time needed to clean up the lake side property.

Paula Fisher Mullins, 6920 N. Valley Avenue, asked why they were renting in New Haven if they had property on Loon Lake. Mr. Cornyn answered that it was to be closer to his wife's work. Ms. Fisher Mullins also asked if the home would be a one-story or two-story building. Mr. Cornyn answered that he was not sure at that time.

Debby Vincent, 6982 N. Valley Avenue, asked if the variance was approved and the building is finished, what would be stopping them from turning it into storage or a rented home. Mr. Bilger stated that if the Board felt they needed to address that concern, conditions of approval could be added to the approval. Ms. Vincent then asked if the drive would be out onto Woodstrail Drive and how the drainage of water would be handled. Mr. Cornyn stated that the County Highway would need to be part of that answer.

Paula Fisher Mullins, 6920 N. Valley Avenue, shared her concerns with the property becoming a multi-family dwelling.

John Meier, 355 E. Morsches Road, asked what the proposed plans were for the lots that they own on the lake side. Ms. Cornyn stated that they were planning to build there in the future.

John Meister, 5995 S. Woodstrail Dr.-57, stated that he had two phone conversations with Mr. Cornyn. He asked what the timeframe was for the construction of the home. Mr. Cornyn stated that the timeframe would be two to three years.

Mr. Wilkinson asked for further questions. Hearing none, he opened the floor for presentations from the public.

Paula Fisher Mullins, 6920 N. Valley Avenue, addressed the Board with concerns. She stated that a lot of people at Crooked Lake were opposed to approving the variance. She stated that she had thirty-two signatures of residents that were opposed to the petition. She discussed that there were no oppositions to them building on the lake side property. She discussed that the proposed structure would be out of character for the area, many trees would need to be removed for

construction, and view of nature would be obstructed. Discussion was also made about the property value of the homes in the area, as well as the size and square footage of the proposed structure.

Mr. Wilkinson asked if she would have any issue with them building a home on the property across the road that is on the lake. She stated that she would not have any issue with that. Discussion was made as to the setbacks and structures on the property that she owns.

John Meier, 355 E. Morsches Road, stated his concerns regarding the safety aspects of the proposal. He discussed the view obstruction as well as the hazard of pulling out of the driveway of the property.

George Banta, 6964 N. Valley Avenue, addressed the Board. He shared his concern with negative effects on his property and the structure being out of character for the area. He stated that he and others adjacent property owners are unclear as to why the Cornyn's are not building on the lake front property that they own.

John Meister, 5995 S. Woodstrail Dr.-57, addressed the Board. He shared his concern about traffic safety on Woodstrail Drive and North Valley Avenue. He stated concerns with property value as well. He discussed the Comprehensive plan and future goal to take action to address lake specific issues and update regulations to minimize variances needed on lake properties. He suggested taking time to reevaluate the situation.

Michael Cornyn, 2354 W. 700 North, addressed the Board. He asked Ms. Mullins where she lived. She answered that she lived in Illinois. He discussed the setbacks that are proposed compared to the area properties. He also stated that the property he owns had been for sale publicly for quite a while before he purchased it. If anyone wanted control of the property it could have been purchased by them. He stated that when they bought the property, neighbors were happy because it was not purchased by a developer.

Aprel Cornyn, 2354 W. 700 North, stated that with the setback being around the Thirty-five feet distance, visibility at the turn should not be an issue.

Mr. Cornyn, 2354 W. 700 North, stated that he wants to be a good neighbor and welcomed any calls and conversations from any of the neighbors.

John Meier, 355 E. Morsches Road, stated that he did not think this was an appropriate location for this structure. He discussed that the property owners around the lake do not have a neighborhood association like a subdivision would. So, the owners must join and present their side of the situation.

Mr. Wilkinson Closed the public hearing and turn to the Board for discussion.

Ms. Sheiss ask for clarification on some of the standards in the LR district for height and lot coverage. Discussion of possible conditions of approval was made.

Mr. Wilkinson discussed the length of time that a building permit would be good for. Discussion was made regarding the floor plan that was proposed and if changes would be made.

Mr. Wolf discussed the dwelling remaining a single-story structure.

Ms. Sheiss made a motion to approve 22-W-VAR-21 as presented with the following conditions:

1. The residence remains a single-story structure.

2. The structure remains a single-family residence.
3. The residence exterior will use material similar to the surrounding homes.
4. Preparation of findings of fact to be delegated to staff.

Mr. Wright seconded the motion. Motion passed with a vote of 4-0.

## **NEW BUSINESS**

### **22-W-VAR-22**

Wesley & Sarah Wolfe are requesting a development standards variance for encroachment into the required front setback for construction of a pole barn on the property located at 5525 N. State Road 5, in Section 8 in Etna Troy Township.

Mr. Bilger presented the staff report. He described the project to construct a new 48' x 64' pole barn with a lean-to. This would require an allowance of a 20'± front setback. He displayed aerial views of the property with an overlay of the survey showing the setback variance required and topography of the property. Review criteria were discussed.

Wesley Wolfe, 5525 N. State Road 5, addressed the Board. He explained the project. He stated the reason for the placement of the new structure was to keep distance from the existing building and the steep hill to the north.

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-22 was approved by a vote of 4-0 with all voting members voting in favor.

### **22-W-VAR-24**

Joshua Born is requesting a development standards variance for an encroachment into the required front and side yard setbacks on their property located at 2248 E. Esterline Road in Section 11 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained the request for a proposed 6.3' front setback, 3.2' west side setback, and 1' east side setback, for new construction of a pole building. He stated that the existing well would be used. He provided aerials with plot plan overlay. He also described limitations and constraints on other parts of the property. Review criteria were discussed.

Joshua Born, 5718 Ashford Drive, addressed the Board and described his project. He stated that after looking into concerns, they have decided to change the structure size to 24'X 70' structure, instead of a 30'X 70' structure, to allow for more access on the west side. Discussion was made regarding the placement of the structure and the east side setback of the proposed structure.

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. Ms. Sheiss made a motion to approve petition 22-W-VAR-24 with the 6.3' front set back and 1' east side setback for construction of a 24'X 70' Structure. Seconded by Mr. Wright. Petition 22-W-VAR-24 was approved by a vote of 4-0 with all voting members voting in favor.

## **22-W-VAR-25**

McClurg Builders, LLC. is requesting a development standards variance for the minimum floor area on the property located at 2619 N. State Road 109, in Section 28 of Thorncreek Township.

Mr. Bilger presented the staff report. He explained the proposed would be for construction of a garage with second floor living quarters with total area of 850± sq. ft., with a residence to be added to the garage in the future. He described the development standards being 950 sq. ft. for a 1-story and 1,200 sq. ft. total, with 850 sq. ft. on the first floor, for a 2-story dwelling. Aerial views of the property and floor plans for the dwelling were displayed. The staff suggested conditions were as follows:

1. The variance is granted for a maximum of 3 years, or until the permanent dwelling is completed, whichever comes first.
2. The structure is to be compliant with building and health code requirements.
3. The kitchen is to be removed with the completion of the permanent dwelling, unless further approval (e.g., secondary dwelling special exception) is granted.
4. These conditions are to run with the property and are binding on any subsequent owners.

Andy McClurg, 285 Eagle Glen Trail, addressed the Board and explained the project. He explained that the residence would be added in a two-to-three-year period.

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 motion. Mr. Wright made a motion to approve petition 22-W-VAR-25 with staff suggested conditions. Seconded by Mr. Wolf. Motion passed with vote of 4-0 with all voting members voting in favor

## **22-W-VAR-26**

WAJ Real Estate Holdings LLC. is requesting development standards variances for the number of signs and total square footage of signage to allow for the installation of two new signs. The signs would be located on their property at 1171 S. Williams Drive, in Section 18 of Union Township.

Mr. Bilger presented the staff report and displayed specification of the existing signs, proposed signs, and standards of the code. He explained that the proposed construction of the new signage would require a variance for the total number of signs from 1 to 2, and maximum sign face area from 300 sq. ft. to 324 sq. ft. He displayed aerial views that described the locations of the proposed signs on the property. Displays of the current signs and proposed signs were shown for comparison of size and appearance. Review criteria items were discussed.

John Young, 3590 W. 900 North, Huntington, representing W.A. Jones, addressed the Board and explained the project.

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-26 was approved by a 4-0 vote with all members voting in favor.

## **OTHER BUSINESS**

Mr. Bilger Discussed the 2023 calendar had been prepared. With it not being included in packets that were sent out, it would be included on the agenda for the November Meeting. He explained that training dates have been added.

### **ADJOURNMENT**

Having no other business, Mr. Wilkinson adjourned the meeting at 9:30 P.M.

### **GUEST LIST**

1. John Meister.....5995 S. Woodstrail Dr.
2. Debby Vincent .....6982 N. Valley Ave.
3. Paula Fisher Mullins .....6920 N. Valley Ave.
4. Michael Cornyn .....2354 W. 700 North
5. Aprel Cornyn .....2354 W. 700 North
6. Colleen Banta.....6964 N. Valley Ave.
7. George Banta .....6964 N. Valley Ave.
8. Alan Anderson .....411 E. Morsches Rd.
9. John Meier .....355 E. Morsches Rd.
10. Wes Wolfe .....5525 N. State Road 5
11. Heather Reid .....6910 N. Valley Ave.
12. Hannah Reid.....6910 N. Valley Ave.
13. Bryce Geiger .....9004 E. 150 North
14. John Young .....Huntington (no address given)
15. Andy McClurg .....285 South Eagle Glen Trail
16. Michelle Bailey .....662 N. Long Ridge Rd.
17. Miranda Ditton.....662 N. Long Ridge Rd.
18. Josh Born .....2248 E. Esterline Rd.
19. Todd Reid.....6910 N. Valley Rd.

### **GUEST LIST – ELECTRONIC**

20. Sonya Emerick .....5865 E. State Road 14
21. Brent Bockelman .....115 E. Jefferson St.
22. Ursula Werdan .....7885 E. Oakbrook Cir, Madison, WI
23. Steve Witt.....50 Deville Circle, Williamsville, NY
24. William Fisher .....6920 N. Valley Ave