

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
March 22, 2022
7:30 P.M.

Whitley County Government Center
Meeting Room A/B

MEMBERS	PRESENT	ABSENT	STAFF
Tim Denihan		X	Nathan Bilger
Sarah Lopez	X		Brent Bockelman
Danny Wilkinson	X		
Doug Wright	X		LEGAL COUNSEL
Joe Wolf	X		Elizabeth Deckard
Kelley Sheiss (<i>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 February 22, 2022 regular meeting were presented for review. Mr. Wolf made a motion to approve the minutes as presented. Mr. Wright 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

NEW BUSINESS

2-W-VAR-3, Variance, Thomas & Joann Carlson, 7010 E. Harrold Place

Thomas G. & Joann Carlson are requesting a development standards variance for an encroachment into the required front yard setback. The subject property is located at 7010 E. Harrold Place, Churubusco, IN 46723 in Section 15 of Smith Township and is zoned LR, Lake Residential.

Mr. Bilger presented the staff report. He explained that the existing dwelling was to be removed and new dwelling with garage and deck would be constructed. This property has lake frontage.

However, the setback is measured from the assumed right of way at the road. He stated that the variance request would be for 13'±.

Mr. Bilger presented aerial views of the property and explained the setbacks and how they were measured. He also referenced other structures in this area.

Troy Slattery addressed the board. He explained their request and discussed the location of the proposed construction.

Mr. Wilkinson asked for a vote for approval of petition 22-W-VAR-3. Petition was approved by a vote 4-0.

22-W-VAR-7, Setback Variance, Richard Brooks, 6699 E. McGuire Road

Richard C. Brooks is requesting a development standards variance for encroachments into the required setbacks and total lot coverage. The subject property is located at 6699 East McGuire Road, Churubusco, IN 46723 in Section 10 of Smith Township and is zoned LR, Lake Residential.

Mr. Bilger presented the staff report. He explained that the petitioner has proposed the construction of a 40'x80' structure on a 4,500 sq. ft. lot. He explained that it is proposed to include a 960 sq. ft. area of living space. Proposed setbacks were given as 15' for the front, 4' and 1' for the sides, and 5' for the rear. Also noted was the lot coverage being 84% of the total lot area. Aerial views were displayed of the property and build site. Plot plan was displayed to show placement of the structure on the property. Mr. Bilger described staff concerns and review criteria.

Mr. Wilkinson asked if the living quarters would be an issue for the Board to discuss.

Mr. Bilger confirmed it would not be.

Mr. Wilkinson asked for clarification on the 10' walk area displayed.

Mr. Bilger gave clarification to the use and ownership of the area.

Richard Brooks, 6700 E. McGuire Road, addressed the board and explained the project. His plan for the living quarters was to have a place to stay while the house that he owns across the road is torn down and rebuilt.

Mr. Wolf discussed the possibility of making the building smaller. Suggested 36' instead of 40'.

Mr. Wilkinson discussed parking on the property.

Mr. Pippenger, 6691 E. McGuire road, asked about ability to access the well at his mother's property that is to the west side. Discussion was made to this situation and possible access.

Mr. Brooks addressed the board again.

Ms. Lopez shared concerns of the number of setbacks that were being changed. Discussion was made on the proposed variances with this being the primary structure on the parcel. Well and sewer were discussed.

Mr. Wilkinson asked about square footage of living area and code requirements with reducing total square footage.

Mr. Wright discussed reducing the total size of the structure. Discussion was made as to the 5' rear set being okay and changing the width of the structure from 40' to 36'. That would allow for the left side set back over 5' and the right side set back closer to 3'. The reduced square footage would be a reduction to 77% lot area coverage from 84% and closer to the 75% code requirement.

Motion was made by Ms. Lopez, seconded by Mr. Wolf, to approve variance 22-W-VAR-7 with the following changes.

1. West side set back of at least 5'.
2. Structure size no greater than 36'x80'
3. East side set back be no less than 1'.

With no questions, Mr. Wilkinson asked for a vote. Petition was approved with a roll call vote of 4-0.

22-W-VAR-9, Lot Size Variance, Orizon Real Estate, 7945 N. Brown Road

The petitioner, Orizon Real Estate, is requesting a development standards variance for minimum lot size on their property located at 7945 N. Brown Road. The subject property is located on the west side of Brown Road, approximately 200 feet north of Thompson Road in Section 36 of Etna Troy Township and is zoned LR, Lake Residential.

Mr. Bilger presented the staff report. He explained that the petitioner intended to split and plat two new lots on the north end of the property. Lots would be intended to be sold to existing property owners on Brown Road for construction of garage and storage structures. Aerial views were displayed, and explanation was given of the proposed lot locations. Review criteria was discussed. Recommendation was made to place a condition of intended use if the variance were to be approved.

Brooks Langeloh, 818 N. Newport Run, addressed the board and explained the project and proposed uses of the lots. He discussed details of the area and other lots similar on Brown Road.

Claude Holeman, 7940 N. Brown Road, stated his support for the petition.

Hearing no questions, Mr. Wilkinson asked for a vote. The petition passed by roll call vote of 4-0.

OTHER BUSINESS

Mr. Bilger discussed electronic participation now that the health emergency had expired.

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 8:40 P.M.

GUEST LIST

1. Claude Holeman.....7940 N. Brown Road
2. Karen Holeman7940 N. Brown Road

3. Richard Brooks6700 E. McGuire Road
4. Betty Pippenger.....6691 E McGuire Road
5. Tonia Knapp.....323 N 850 West-92
6. Troy Slattery7010 E. Harrold Place
7. Brooks Langeloh.....818 N. Newport Run
8. Gary Hicks7846 N. Brown Road
9. Steve Burman.....7840 N Brown Road

GUEST LIST – ELECTRONIC

10. Sonya Emerick5865 E. State Road 14