

**MINUTES**  
**WHITLEY COUNTY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**AUGUST 28, 2018 7:30 P.M.**

**MEMBERS PRESENT**

Will Klein  
Danny Wilkinson  
Doug Wright  
Tim Denihan  
Elizabeth Deckard

**STAFF**

Nathan Bilger  
Jennifer Shinabery

**ATTORNEY**

Dawn Boyd

**VISITORS**

There were 8 visitors who registered their attendance at the June 26, 2018, regular meeting of the Whitley County Board of Zoning Appeals. A signed guest list is kept on record.

**CALL TO ORDER**

Mr. Wilkinson called the meeting to order at 7:30 p.m.

**ROLL CALL**

Ms. Shinabery read the roll with all members present and absent listed above.

**CONSIDERATION AND ADOPTION OF THE JULY 24, 2018 REGULAR MEETING MINUTES**

Mr. Wilkinson asked if there were any corrections or additions to the minutes as amended. There being none, Mr. Klein made a motion, seconded by Mr. Denihan, to approve the minutes as submitted. The motion carried unanimously.

**OATH TO WITNESSES**

Attorney Boyd administered the oath to those present who wished to speak during the meeting. Mr. Wilkinson then briefly explained the procedure for conducting the meeting.

**OLD BUSINESS**

**18-W-VAR-15** Larry Anderson, 14112 Pendleton Mills Court, Fort Wayne, is requesting a development standards variance to allow for the construction of a structure within the required front and side setbacks and on a lot that does not meet the required minimum lot area. The property is located on the east side of W. Old Lake Road, approximately 1/10 mile north of W. 700 North in Section 36 of Etna-Troy Township, and is zoned LR, Lake Residential District.

Mr. Bilger explained that the petition was originally presented to the Board in May and for various reasons the petitioner has not been able to attend. He explained that the petitioner has communicated that he will be able to attend in September.

Following discussion, Ms. Deckard made a motion to hear the petition in September without requiring the petitioner to refile, yet requiring the petitioner to again notify adjoining property owners and the public. Mr. Klein seconded and the motion passed unanimously.

## **NEW BUSINESS**

**18-W-VAR-10** Amos Yoder, 4757 W. 300 South, Columbia City, is requesting variances relating to the required setbacks. The property is located on the south side of W. 300 South, at the south end of S. Whitley Road, in Section 25 of Cleveland Township and is zoned AG, Agricultural District.

Mr. Bilger reviewed the staff report, providing the history and details of the petition. He referred to the aerial view of the property, explaining that as proposed, the existing two buildings would be approximately 1' from the new property line that is going through the subdivision process, with the other two approximately 8' and 8.7' from the line. He discussed the review criteria, explaining that the Board should consider whether the proposal is self-imposed.

Amos Yoder, 4757 W. 300 South, presented his request, explaining his plans to install a fence, along with trees to separate the properties, allowing 3-4' on each side for maintenance. He explained that his family is interested in the business, but is not sure at this time who would purchase the home.

Mr. Wilkinson asked if there was anyone present who opposed the petition or wanted to speak or ask questions regarding this petition. There was no one.

The Board discussed the petition. Mr. Klein stated that he would abstain from discussion and voting as he is a neighbor to the petitioner. Mr. Wilkinson stated that he believes the proposal is self-imposed. Mr. Wright stated that he is in favor of the installation of a privacy fence. Mr. Wright made a motion to approve the petition as proposed, including the installation of an 8' privacy fence of a total approximate length of 293 feet to connect with the fence recently installed; Mr. Denihan seconded. There being no further discussion, Mr. Wilkinson called for a vote. The motion passed with a vote of 3-1-1, with Mr. Wilkinson voting in opposition and Mr. Klein abstaining.

**18-W-VAR-12** Harcharn (Nitu) Garcha, 15712 Bald Eagle Way, Huntertown, is requesting a setback variance to allow for the reconstruction of an existing gas station building into a convenience store. The property is located on the northeast corner of N. SR 5 and W. US 30, in Section 32 of Richland Township, is zoned GC, General Commercial District, and is more commonly known as 1190 N. State Road 5, Larwill.

Mr. Bilger reviewed the staff report, providing details of the petition. He explained that the petitioner proposes to construct a new 2,016 square foot building to replace the existing building, expand the existing canopy to cover two additional new pumps, and relocate the freestanding sign. He explained that per the submitted plans, the new building would be 15'10" from the north property line, which is considered a side setback. He referred to the aerial view of the property and proposed site plan, explaining that because the property is zoned GC and is adjacent to a RR zoned property, there is an additional 10' setback required, resulting in a total required setback of 20' and a variance request of 4'2". He reviewed the criteria for the Board to consider, suggesting the Board discuss landscaping.

Phil Troyer, architect, 1510 W. Ludwig Road, Fort Wayne, explained he was present to represent the petitioner, who owns the property. He explained the store would only provide pre-packaged food and the owner purchased the property because he owns a larger store in Columbia City and does not want competition at this site and is not expecting a high volume store. He explained that the building is small and there is limited room to work with on the property due to the location of the water well, fuel tanks, and front setbacks. He stated that they were planning a reduction in the curb cut onto SR 5 as required by INDOT. He explained that the reconstruction would result in an improvement to the side of the building where the variance is being requested.

Mr. Wilkinson asked if there was anyone present who opposed the petition or wanted to speak or ask questions regarding this petition.

Bob Crouse, stated he was representing Richard Crouse of Crouse Everlasting Memorials, Larwill, asked what type of lighting would be used and expressed some security concerns. Mr. Troyer stated the plan was to upgrade the existing lighting to LED lighting. He also stated he anticipated security concerns would likely decrease as the building will be no longer be abandoned.

Mr. Wilkinson asked whether the existing trees on the north property line would be removed. Mr. Troyer stated they would not be removing the trees. With there being no further discussion, Mr. Wilkinson called for a vote. All members voted in favor of the petition.

**18-W-SE-9** Noah Lovell, 5811 Bass Road, Fort Wayne, is requesting a special exception to allow for a church in an AG, Agricultural District. The property is located on the north side of E. State Road 114, about ¼ mile west of S. 700 East and is more commonly known as 6755 E. State Road 114-92, Roanoke, in Section 35 of Jefferson Township.

Mr. Bilger explained that the newspaper notice was not published. The consensus of the Board was to continue the petition until September.

#### **OTHER BUSINESS**

There was no other business.

#### **ADJOURNMENT**

There being no further business to discuss, Mr. Wilkinson declared the meeting adjourned at 8:05 p.m.