

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
June 25, 2019 7:30 P.M.

MEMBERS PRESENT

Sarah Lopez
Danny Wilkinson
Doug Wright
Tim Denihan

ATTORNEY

Dawn Boyd

STAFF

Nathan Bilger

MEMBERS ABSENT

Elizabeth Deckard

VISITORS

There were 4 visitors who registered their attendance at the June 25, 2019 regular meeting of the Whitley County Board of Zoning Appeals. A signed guest list is kept on record.

CALL TO ORDER/ ROLL CALL

Mr. Wilkinson called the meeting to order at 7:30 p.m. and Mr. Bilger read the roll call.

CONSIDERATION AND ADOPTION OF THE MAY 28, 2019 REGULAR MEETING MINUTES

Mr. Bilger stated that due to being short-staffed, the May minutes were not yet ready for review.

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

NEW BUSINESS

19-W-VAR-7

Mr. Wilkinson stated that this item would be tabled at the request of the petitioner.

19-W-VAR-8

Dianne Schroeder requested a variance of required front and side yard setbacks on the property at 2469 East Shirley Avenue, Columbia City. The property is Lot 8 of Pfeiffer's Addition, located on the north side of Shirley Avenue, 250' west of Center Street at Shriners Lake in Thorncreek Township and is zoned LR, Lake Residential.

Mr. Bilger summarized the staff report and details of the petition. The petitioner is seeking to purchase the subject property to construct a 56'x30' pole building for storage. He stated that the property has two road frontages, so 35' front yard setbacks apply to both the south and north ends of the lot. He stated that if the pole building were centered on the property, it would result

in 4.8' side setbacks and 19.8' front setbacks. However, due to issues with subsurface conditions on the adjacent lot found during construction, the petitioner was requesting additional variance to allow for shifting the structure as may be necessary. The requested setbacks would be up to 4' on each side, and 15' on each front. Mr. Bilger reviewed the required findings of fact criteria, noting that while the expected subsurface conditions are likely a practical difficulty, the overall size of the structure may be a self-imposed difficulty. He recommended to use a balanced/aggregate setback for the variance request rather than granting all the variances as requested. Doing so would allow for shifting of the proposed building instead of allowing effectively a larger building footprint.

Dianne Schroeder, 1639 E. Bair Rd, Columbia City, approached the podium to speak. She stated her intended use of the building was for storage. She desired to center the building on the lot, but she was requesting the additional variances to avoid possible tree roots that had been found when the adjacent building was constructed.

Mr. Wilkinson asked if the Board had questions for the petitioner. Hearing none, he asked for members of the public to speak. There were none. He asked if the Board had any further discussion and if the Staff's recommended condition regarding the balanced setback variance was acceptable. The Board consensus was that it was. Mr. Wilkinson then asked for a vote on the petition, with the condition recommended by Staff. The variance petition passed unanimously 4-0.

OTHER BUSINESS

Mr. Bilger reminded the Board members that Staff handles enforcement of the zoning code, and the BZA members should not enter properties after the conclusion of a case. He stated that there was an issue recently with a member of another BZA in which that occurred. Mr. Wilkinson stated that he had learned that lesson long ago.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 7:43 P.M.