

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
February 25, 2020 7:30 P.M.

MEMBERS PRESENT

Sarah Lopez
Danny Wilkinson
Joe Wolf
Doug Wright

ATTORNEY

Sam Ladowski

STAFF

Nathan Bilger
Mark Cullnane

MEMBERS ABSENT

Tim Denihan

VISITORS

Twelve visitors signed the guest list at the February 25, 2020 regular meeting of the Whitley County Board of Zoning Appeals. The original guest list is kept on record in the Columbia City/Whitley County Planning & Building Department.

CALL TO ORDER/ ROLL CALL

Mr. Wilkinson called the meeting to order at 7:30 p.m. Mr. Cullnane read the roll call with all members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE JANUARY 28, 2020 REGULAR MEETING MINUTES

The minutes for the January 28, 2020 regular meeting were presented for approval. Mr. Wright made a motion to approve the January 28, 2020 meeting minutes as presented. Ms. Lopez seconded the motion. The motion passed unanimously by a vote of 4-0.

OATH TO WITNESSES

Approximately 5 guests were sworn in by Mr. Ladowski.

OLD BUSINESS

There was no old business.

Prior to moving on to new business, Mr. Wilkinson reviewed the Board's rules of procedure.

NEW BUSINESS

20-W-VAR-1

Kenneth & Melissa Pinaire requested variances of the lot size and lot width requirements at 6729 S. State Road 105, South Whitley. The property is located on the west side of S. State Road 105, approximately ¼ mile north of W. 700 South in Section 9 of Cleveland Township, and is zoned AG, Agricultural.

Mr. Bilger reviewed the staff report and discussed existing structures on the subject property. He stated that this variance request involves a split of a property that is currently 2.31 acres into 1.36

acre and 0.95 acre parcels. These parcels were combined in 2018 by the petitioners, and they are requesting to split the existing parcel back to the way they were prior to the combine. Mr. Bilger stated that usually the Zoning Code avoids reversions, but, in this case, the unique aspects of the petition make it a reasonable request.

He explained that the 1.36 acre parcel is being sold to an adjacent land owner and would be combined with the buyer's parcel so as to avoid creation of a non-conforming parcel. The remaining 0.95 acre parcel would be retained by the petitioners, and they would continue to operate the storage facility that currently exists on the parcel. Although the 0.95 acre parcel would not likely be large enough for a septic system, there should be little concern because the parcel is an unoccupied commercial use currently and is planned to remain so in the future.

Kenneth Pinaire, 6795 W. 700 South, South Whitley, stated that he wants to sell the 1.36 acre southern portion of the subject property to Joe and Loretta Jenkins, owners of the parcel directly to the south of the subject property.

Mr. Pinaire and the Board discussed the existing structures on the subject property. Mr. Pinaire confirmed that he intends to continue operating the storage facility as it has been since he acquired it in 2018.

Mr. Wilkinson asked the Board if it had any questions for Mr. Pinaire. Hearing none, Mr. Wilkinson asked the public if it had any questions or comments regarding this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson asked for a vote on the petition. The petition passed unanimously by a vote of 4-0.

20-W-SE-3

Norman Burns requested a special exception approval to permit a mobile home at 5530 W. 750 North, Larwill. The property is located on the northwest corner of W. 750 North and N. 550 West in Section 33 of Etna-Troy Township, and is zoned AG, Agricultural.

Mr. Bilger reviewed the staff report. He stated that this petition is requesting permission to place a Type III manufactured home on the subject property to replace the existing single-family home that is in an unlivable condition. A new septic system for the manufactured home had been approved by the Health Department.

Mr. Bilger presented aerials of the subject property and surrounding area and a plot plan of the subject property depicting the existing house and outbuildings along with the approximate location of the manufactured home.

Mr. Bilger discussed the review criteria of the staff report. He stated that the standards of review criteria 1, 4, and 5 should be met. He recommended that the Board give some consideration to review criteria 2 and 3, which deal with aesthetics of the proposal. He suggested that an alternate location or orientation for the proposed home may reduce visual impacts for these criteria, and might use open ground in the southeast quadrant of the subject property or a location immediately east of the existing home.

Mr. Bilger then reviewed the Staff's suggested conditions.

Norman Burns, 5530 W. 750 North, Larwill, stated that he wants to install a 15'x52' manufactured home on his property to replace the existing home, which has become unlivable due to deterioration. Mr. Burns clarified that the plot plan's measurement of 40'± from the right-of-way to the proposed manufactured home would be closer to 60'.

Mr. Burns and the Board discussed alternative locations for the manufactured home. He stated that the elevation of other locations may be too low to allow proper flow to the septic system.

Mr. Wright asked Mr. Burns if the manufactured home would be a new model, which he confirmed. Mr. Wolf asked Mr. Burns if he is currently residing in the existing home on the subject property. He confirmed that he is currently residing in the existing home on the subject property.

Mr. Wilkinson asked the Board if it had any other questions for Mr. Burns. Hearing none, Mr. Wilkinson asked the public if it had any questions or comments regarding this petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson asked if a condition requiring removal of the existing home within a specific time period would be desired. Mr. Wolf and Ms. Lopez agreed with the idea, and Mr. Wright suggested that the existing home be removed in six months. The Board and Staff discussed the wording of the condition.

Mr. Wright made a motion to approve the petition with the following conditions:

1. The Special Exception is granted for the applicant only and is non-transferable.
2. The special exception must be renewed each year through the Board of Zoning Appeals Staff as long as the mobile home remains on the property.
3. The special exception is granted for a period of 5 years. If the applicant wishes to continue the use of the mobile home approval must be obtained through the Board of Zoning Appeals Staff.
4. Verification of the age of the mobile home must be submitted to the Staff, which verifies the mobile home as a 1981 or newer.
5. No attached additions or structures shall be constructed to the mobile home.
6. The original home must be removed or demolished within six (6) months of issuance of a Certificate of Occupancy for the new mobile home.

Mr. Wolf seconded the motion. The motion passed unanimously by a vote of 4-0.

OTHER BUSINESS

Mr. Bilger pointed out the recently-installed TV screens in Meeting Room A/B. He also stated that the County Comprehensive Plan update was proceeding with consultant selection.

There was no other business.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 8:00 p.m.