

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
November 24, 2020
7:30 P.M.**

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

MEMBERS PRESENT

Danny Wilkinson
Doug Wright
Joe Wolf

MEMBERS ABSENT

Sarah Lopez

STAFF

Nathan Bilger

MEMBERS PARTICIPATING REMOTELY

Tim Denihan

ATTORNEY

(absent)

AUDIENCE MEMBERS

The list of audience members is attached to these minutes; there were no webcast attendees. 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. Bilger read the roll call; the members present and absent are listed above. Mr. Bilger reminded the Board that due to the electronic member participation, any votes would need to be taken by roll call.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the July 28, 2020 regular meeting were presented for review. Mr. Bilger stated that the department was slowly catching up with the previous meetings minutes. Mr. Wright made a motion to approve the minutes as presented; Mr. Wolf seconded the motion. The motion passed by roll call vote of 4-0.

ADMINISTRATION OF OATH

Mr. Bilger provided the oath to the audience members wishing to speak. Mr. Wilkinson reviewed the rules of procedure for the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

20-W-VAR-11, Setback Variance, Philip & Kathryn Ehinger, 7488 N. Brown Road

Philip and Kathryn Ehinger requested a development standards variance of the required setbacks for the property at 7488 N. Brown Road, Columbia City. The property was located on the southeast corner of Brown Road and Maple Lane in Section 36 of Etna-Troy Township and was zoned LR, Lake Residential.

Mr. Bilger presented the staff report. He stated that the petitioners propose to replace the existing legal nonconforming dwelling on the property with a new dwelling. The new dwelling would have a different footprint from the existing, removing any legal nonconformance, but making the south setback compliant with the code. The north setback of 5' was the subject of the variance, because the Maple Lane frontage was considered a front yard per the application of the zoning code for corner lots. He stated that since this was a lakefront lot, the setbacks would be reversed, making Brown Road (west side) the rear setback, and the lake the front. Depending on how it would be applied, the Maple Lane (north side) setback could then either be a front or rear setback; either setback would require a variance. Mr. Bilger suggested the Board's interpretation in this case may set a precedent for future similar lakefront corner lots. He concluded by stating that staff felt the review criteria were generally supportable.

Mr. Wilkinson asked the petitioner or its representative to address the Board. The petitioners Philip and Kathryn Ehinger stated that they would like to build a new house on the property. They then asked for clarification why the Maple Lane side was being treated as a front yard since they had a Brown Road address. Mr. Bilger explained the zoning code definition of a corner lot as having two front yards. Mr. Ehinger added that they just needed to know what to do to proceed. Mr. Wilkinson asked if the existing house was already demolished; the petitioners confirmed that it was.

Being no further questions for the petitioner, Mr. Wilkinson asked if the public had questions or comments for petitioner. Hearing none, he closed the public hearing. He asked staff if there were any conditions or recommendations for the motion; Mr. Bilger indicated there were not.

Mr. Wilkinson called for a vote on 20-W-VAR-11. The petition passed by a roll call vote of 4-0. Mr. Bilger let the petitioners know their building permit should be able to be issued the following week, but there was some uncertainty about being open due to the spike in COVID cases.

OTHER BUSINESS

Mr. Bilger mentioned the status of the ongoing update to the County's Comprehensive Plan.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 7:41 p.m.

GUEST LIST

1. Philip and Kathryn Ehinger1514 Lakewood Drive, Fort Wayne