

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
December 22, 2020
7:30 P.M.

Whitley County Government Center
Meeting Room A/B

MEMBERS	PRESENT	ABSENT	STAFF
Tim Denihan	Electronic		Nathan Bilger
Sarah Lopez	X		
Danny Wilkinson	X		
Doug Wright	X		LEGAL COUNSEL
Joe Wolf	X		Elizabeth Deckard (Electronic)
<i>Kelley Sheiss (alt.)</i>	NA		

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. Bilger read the roll call; the members present and absent are listed above. Mr. Wilkinson 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 August 25, 2020 and November 24, 2020 were presented for review. Mr. Wilkinson stated that there were changes made to page two of the August 25, 2020 minutes. Mr. Wilkinson stated that there were a few instances where Mr. Wright and Mr. Wilkinson's names had been mistakenly transposed. Mr. Wolf made a motion to approve the August 25, 2020 and November 24, 2020 minutes as corrected; Mr. Wright seconded. The motion passed by a roll call vote of 5-0.

ADMINISTRATION OF OATH

Ms. Deckard 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-12, Setback Variance, Bradley & Jean Schantz, 2731 W. Buckles Road

Bradley and Jean Schantz requested a variance of the required setback at 2731 W. Buckles Road, Columbia City. The property is located on the west side of W. Buckles Road, approximately 24.' North of N. Arnold Road in Section 25 of Etna-Troy Township and is zoned LR, Lake Residential.

Mr. Bilger presented the staff report. He stated that petitioners have proposed a 16'40' two-story addition to the existing dwelling and that the addition would encroach on the required rear-yard setback of 15'. At its nearest, the proposed addition would be 8' from the right-of-way line of W. Buckles Road, necessitating a variance of 7'. Mr. Bilger presented aerial photographs of the subject property and surrounding area along with a plot plan. He reviewed the criteria by which the Board is to use for its review and the proposed findings of fact.

Hearing no questions for Mr. Bilger from the Board, Mr. Wilkinson asked the petitioner or its representative to address the Board. Jeff Ormsby, 8100 N. Brown Road, Columbia City, stated that he is the contractor for this project. He stated that petitioner's goal is to gain living space with this addition, to include three additional bedrooms, a bathroom, and an extension of two existing bedrooms. He stated that there would still be a clear line of sight from the driveway despite the proximity of the dwelling to the roadway after the addition is completed. He said that the speed limit along this stretch of W. Buckles Road is 20 mph. He added that there is a guardrail along the western edge of N. Brown Road between the edge of pavement and the dwelling.

Ms. Lopez stated that she believed the speed limit around Loon Lake was 30 mph. She asked Mr. Ormsby if this was correct. Mr. Ormsby stated that the speed limit along this stretch of W. Buckles Road was 20 mph. Mr. Wolf stated that the speed limit on W. Buckles Road in Noble County is 30 mph, but that it is unposted after passing through the intersection with N. Arnold Road, traveling north and west. Mr. Ormsby stated that this dwelling is not the property owners' primary residence. Mr. Wolf stated that he has some concern that a plow traveling south on W. Buckles Road may throw snow and other debris at the siding and any windows. Mr. Ormsby acknowledged the possibility that this could occur. He stated that the proposed addition is nearly 15' from the edge of pavement, just not from the property line.

Hearing no other questions for the petitioner from the Board, Mr. Wilkinson opened the public hearing. Hearing none, he closed the public hearing. Mr. Bilger stated that no questions or comments were made by electronic participants.

Mr. Wilkinson asked the Board if it had questions or comments. Hearing none, he called for a vote on 20-W-VAR-12. The petition passed by a roll call vote of 4-1, with Ms. Lopez voting against.

20-W-SE-9, Secondary Dwelling Unit, Scott & Theresa Clough, 3390 N. 50 West

Scott and Theresa Clough requested a special exception to permit a secondary dwelling unit at 3390 N. 50 West, Columbia City. The property is located on the east side of N. 50 West, approximately 3,170' south of W. 400 North in Section 21 of Thorncreek Township and is zoned AG, Agricultural.

Mr. Bilger presented the staff report. He stated that petitioner proposes to place a Type II manufactured dwelling on the property that would be occupied by petitioner's brother and child and that septic permitting is in progress. He displayed aerials showing the subject property and surrounding area along with a site plan. He reviewed the criteria by which the Board is to use for its review and the proposed findings of fact. He listed staff's suggested conditions of approval.

Hearing no questions for Mr. Bilger from the Board, Mr. Wilkinson asked the petitioner or its representative to address the Board. Theresa Clough, 3390 N. 50 West, Columbia City, stated that she is asking permission to place a mobile home on her property for her brother and his son to occupy. Mr. Wilkinson and Ms. Clough discussed the proposed location of the secondary dwelling unit.

Mr. Wilkinson asked the Board if it had questions for Ms. Clough. Mr. Bilger asked Ms. Clough if the septic permit was still pending approval. Ms. Clough affirmed that the septic permit had not yet been approved.

Hearing no other questions for the petitioner from the Board, Mr. Wilkinson opened the public hearing. Hearing none, he closed the public hearing. Mr. Bilger stated that no questions or comments were made by electronic participants.

Mr. Wilkinson asked the Board if it had questions or comments. Hearing none, he called for a motion on 20-W-SE-9. Mr. Wright made a motion to approve 20-W-SE-9 with the following conditions:

1. The Special Exception is granted as presented and is non-transferable.
2. The secondary dwelling unit shall be removed when it is no longer occupied by a family member of the petitioner.
3. If it has not already occurred, Health Department review and approval of the septic system shall be required.
4. In addition to the requirements in the Zoning Code definition of "Secondary Dwelling Unit", the dwelling shall not be used as an income-producing rental unit.

Ms. Lopez seconded; motion passed by a roll call vote of 5-0.

20-W-SE-8, Secondary Dwelling Unit, Thomas & Laurel Stockamp, 4875 E. McJunkin Street

Thomas and Laurel Stockamp requested a special exception to permit a secondary dwelling unit at 4875 E. McJunkin Street, Columbia City. The property is located on the west side of E. McJunkin Street, approximately 880' west of Simonson Street in Section 21 of Union Township and is zoned AG, Agricultural.

Mr. Wilkinson stated that he was under the impression that there had been an error in newspaper publication of the notice of public hearing. Mr. Bilger affirmed this and asked the Board to continue the petition.

Mr. Wright made a motion to continue 20-W-SE-8. Mr. Wolf seconded; motion passed by a roll call vote of 5-0.

OTHER BUSINESS

Mr. Bilger stated that Mr. Wolf was no longer an alternate on the Board as the County Board of Commissioners had approved his appointment as a full member at its December 21, 2020 meeting.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 7:57 p.m.

GUEST LIST

1. Theresa Aiello Clough3390 N. 50 West, Columbia City
2. Tang Scott Clough3390 N. 50 West, Columbia City
3. Jeff Ormsby8100 N. Brown Road, Columbia City

GUEST LIST – ELECTRONIC

4. Sonya Emerick5865 E. SR 14, Columbia City