

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
May 25, 2021
7:30 P.M.

Whitley County Government Center
Meeting Room A/B

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

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the March 23, 2021 and April 27, 2021 regular meeting were not ready for review.

ADMINISTRATION OF OATH

Mr. Bilger said that there were no members of the public attending in-person, but that there was one electronic attendee. He stated that those attending electronically could submit questions using the online question box.

OLD BUSINESS

21-W-VAR-7, Setback Variance, David & Kelli Hosler, 2032 E. Bair Road

David and Kelli Hosler requested a variance of the required side yard setback for a primary structure. The subject property is located on the south side of E. Bair Road, approximately ¼ mile northwest of E. Esterline Road, in Section 11 of Thorncreek Township and was zoned LR, Lake Residential.

Mr. Bilger stated that this petition was continued at the April meeting due to no action. He said that staff had provided an option to petitioner that would have avoided the need to pursue a setback variance, and that petitioner initially appeared to be amenable to a proposal that included

10' east and west side setbacks for the proposed outbuilding and a 10' west side setback for the 40'x80' existing outbuilding (10'-10'-10'), but they still opted to continue with this proposal that would require a variance.

Mr. Bilger stated that the original proposal was for setbacks of 10'-5'-5'. This original proposal had been modified during the April meeting to a 10'-5'-10'. He stated that petitioner was now pursuing approval for setbacks of 10'-10'-5', and that the existing and proposed outbuildings would have a 15' separation. Mr. Bilger displayed the revised draft plot plan. He said that the width of the proposed outbuilding had been reduced from 40' to 35', increasing the east side setback of the proposed outbuilding from 5' to 10'. He said that petitioner wanted to maximize the footprint of the proposed outbuilding on the proposed lot and reminded the Board that the lot does not currently exist and would need to be approved by the County before seeking a building permit. He said that petitioner was made aware of the meeting but was unsure where they were; Ms. Deckard had checked the exterior doors and first floor for anyone. He added that he was not sure whether petitioner had much more to add to the discussion, as the only thing that had changed since the previous meeting was a reduction in width of the proposed outbuilding and concomitant changes to the proposed setbacks. He stated that this was a unique part of the Zoning Ordinance that requires different side setbacks for lots created in the LR after the date of Ordinance adoption as compared to lots created before adoption. He said that it was up to the Board to consider whether this aspect of the Ordinance created a practical difficulty or whether it was self-imposed.

Mr. Bilger asked the Board if it had any questions. Hearing none, Mr. Wilkinson opened the public hearing. Hearing no public comment, he closed the public hearing.

Mr. Wilkinson asked for discussion from the Board.

Mr. Wright asked if the idea was that the proposal for a 5' setback for the existing building was acceptable because that building is existing. Mr. Bilger stated that it was up to the Board for consideration whether the Ordinance requirement of different side yard setbacks based on date of the lot creation created a practical difficulty. He said that it was obvious that two new lots were being created and that it was up to the Board to determine how it wanted to interpret the application of the Ordinance.

Mr. Denihan asked whether it was correct that the lot had not yet been created. Mr. Bilger confirmed and stated that a replat was pending the outcome of this petition.

Mr. Wright stated that his interpretation was that two new lots were being created and that the minimum side setbacks for those two new lots should be 10'. Mr. Denihan agreed.

Mr. Wolf stated that after the event that occurred in Columbia City the previous weekend, the side yard setbacks should be 10'. Mr. Denihan and Mr. Wolf briefly discussed an explosion at a warehouse at 515 N. Line Street in Columbia City on May 22 that killed one person, destroyed the building, and caused significant damage to surrounding buildings.

Ms. Lopez stated that the Ordinance had required setbacks for a reason and questioned why the Board would choose not to enforce them.

Mr. Wilkinson asked for further discussion. Hearing none, he called for a vote. The motion was denied by a vote of 4-1, with Mr. Wilkinson voting in favor.

Mr. Bilger stated that staff would make a note of this decision to inform future, similar proposals.

NEW BUSINESS

There was no new business.

OTHER BUSINESS

Mr. Bilger stated that the Board should soon consider changes to its rules of procedure to have some guidance concerning electronic meetings due recent passage of state statute.

Ms. Deckard stated that the any member of the Board who wished to participate electronically should notify staff as soon as possible so that staff and legal counsel can determine whether electronic participation is possible.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 7:40 p.m.

GUEST LIST

No members of the public attended this meeting in-person.

GUEST LIST – ELECTRONIC

1. Sonya Emerick5865 E. State Road 14, Columbia City