

**MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
September 28, 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 | | Brent Bockelman |
| Danny Wilkinson | X | | |
| Doug Wright | X | | LEGAL COUNSEL |
| Joe Wolf | X | | Elizabeth Deckard |
| <i>Kelley Sheiss (alt.)</i> | | | |

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 August 24, 2021 regular meeting were presented for review. Ms. Lopez made a motion to approve the minutes as presented. Mr. Wolf seconded the motion. The motion passed by a vote of 4-0.

ADMINISTRATION OF OATH

Ms. Deckard provided the oath to the audience members wishing to speak.

OLD BUSINESS

There was no old business.

NEW BUSINESS

21-W-VAR-16, Setback Variance, 7672 N. Brown Road

Robin Cadwallader requested a variance of the required front yard setback. The subject property, commonly known as 7672 N. Brown Road, Columbia City, was located on the east side of Brown Road, approximately 500' north of Maple Lane in Section 36 of Etna-Troy Township.

Mr. Bilger presented the staff report. The petitioner proposed to remove the existing dwelling and replace it with a 30'x52' dwelling. The existing dwelling crossed the lakeside property line, but its removal and replacement would remove the legal nonconforming status. As proposed, the new dwelling would be 4' from the lakeside property line at the nearest point, 6.3' on each side, and 21.7' from the roadside property line. He reviewed aerial views and the submitted plot plan and displayed the proposed building plan.

Mr. Bilger discussed the review criteria. He said that the proposed variance likely would not injure the public health, safety, morals, and general welfare. He stated that the value and use of the area likely would not be affected since similar properties in the LR district and adjacent properties have similar structures with encroachments and this setback change should not be particularly noticeable. He mentioned that the proposed structure would be about 2' from the shared driveway but this effect is not caused by the variance that is being requested.

Mr. Bilger asked the Board if it had any questions. Mr. Wright asked to see the aerial view again with a question regarding the amount of parking on the west side of the proposed structure. Mr. Wilkinson asked the petitioner or its representative to address the Board.

Robin Cadwallader, petitioner, stated that proposed new structure would include an attached garage and there would be enough space for additional two vehicles between the house and shared drive. Mr. Cadwallader added that there is an existing structure near the proposed northwest corner of new structure, and that there had been no issues with dump truck access and garbage truck access.

Mr. Wilkinson asked the Board if it had questions for the petitioner. Mr. Wolf addressed the concern of access for fire trucks into the area.

Mr. Wilkinson opened the public hearing. Hearing no public comment, he closed the public hearing. Having no other discussion from the Board, he called for a vote. The petition was approved by a vote of 4-0.

21-W-SE-5, Special Exemption, 6747 N State Road 5

The petitioner, Vester and Jill Damron, owners of the subject property, requested special exception approval for a secondary dwelling unit on their property located at 6747 North State Road 5 in Etna Troy Township.

Mr. Bilger summarized the staff report, stating that the new dwelling was proposed to include a separate living area/kitchen, bathroom, and bedroom on the south end of the structure, which constituted a second dwelling unit. Both the primary dwelling unit and secondary unit would have access to the attached garage. The unit was proposed to be used by the petitioner's father. Long-term, the petitioner proposed that the dwelling unit could be converted to a shop and storage space.

Mr. Bilger displayed aerial views, proposed site plan, and showed where the new dwelling would be placed. He reviewed the staff's suggested conditions of approval: that the Special Exception be granted as presented; and that 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.

Mr. Bilger asked the Board if it had any questions for him. Hearing none, Mr. Wilkinson asked the petitioner or its representative to address the Board.

Vester Damron, petitioner, described the project and that the existing home on the property would be demolished when the new home was built.

Mr. Wilkinson opened the public hearing. Hearing no public comment, he closed the public hearing. Having no other discussion from the Board, Mr. Wilkinson asked for a motion from the Board. Ms. Lopez made a motion to approve with the staff's two conditions and was seconded by Mr. Wright. Mr. Wilkinson called for a vote. The petition was approved by a vote of 4-0.

OTHER BUSINESS

Mr. Bilger discussed the projected tentative dates of the 2022 meeting times. He also introduced Brent Bockelman as the newest employee of the Department.

ADJOURNMENT

Having no other business, Mr. Wilkinson adjourned the meeting at 7:54 p.m.

GUEST LIST

1. Robin Cadwallader.....1605 N. Lafayette Dr. Muncie, IN
2. Vester & Jill Damron6747 N State Road 5, Larwill, IN

GUEST LIST – ELECTRONIC

There were no electronic attendees.