

**MINUTES  
WHITLEY COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING  
JUNE 26, 2018 7:30 P.M.**

**MEMBERS PRESENT**

Danny Wilkinson  
Doug Wright  
Tim Denihan

**MEMBERS ABSENT**

Will Klein  
Elizabeth Deckard

**VISITORS**

There were 6 visitors who registered their attendance at the June 26, 2018, regular meeting of the Whitley County Board of Zoning Appeals.

**CALL TO ORDER**

Mr. Wilkinson called the meeting to order at 7:31 p.m.

**ROLL CALL**

Ms. Shinabery read the roll with all members present and absent listed above.

**CONSIDERATION AND ADOPTION OF THE MAY 22, 2018 REGULAR MEETING MINUTES**

Mr. Wilkinson asked if there were any corrections or additions to the minutes as amended. There being none, Mr. Wright made a motion, seconded by Mr. Denihan, to approve the minutes as submitted. The motion carried unanimously.

**OATH TO WITNESSES**

Attorney Boyd administered the oath to those present who wished to speak during the meeting. Mr. Wilkinson then briefly explained the procedure for conducting the meeting.

**OLD BUSINESS**

**18-W-VAR-5** Larry Anderson, 14112 Pendleton Mills Court, Fort Wayne, requested a development standards variance to allow for the construction of a structure within the required front and side setbacks and on a lot that does not meet the required minimum lot area. The property is located on the east side of W. Old Lake Road, approximately 1/10 mile north of W.

700 North in Section 36 of Etna-Troy Township, and is zoned LR, Lake Residential District.

Ms. Shinabery explained that the petitioner has requested his petition to be tabled until the August meeting due to personal and work conflicts. Mr. Wright made a motion, seconded by Mr. Denihan to continue the petition. The motion passed unanimously.

### **NEW BUSINESS**

**18-W-VAR-6** Julie & Michael Pierce, 4361 E. Lincolnway, Columbia City, requested a development standards variance to allow for the construction of a pole building within the required side setback. The property is located on the north side of E. Lincolnway, ¼ mile east of S. 400 East in Section 16 of Union Township, and is zoned AG, Agricultural District.

Ms. Shinabery reviewed the staff report, providing the details of the petition. She explained that the petitioners were proposing to construct a 30' x 40' pole building to the east of their residence, 1' from the eastern property line. She referred to the aerial view of the property as well as the submitted site plan. She explained that the placement of the building would allow the existing driveway to be utilized. She explained that the variance request is 9'. She discussed the review criteria and possible discussion points.

Mr. Wilkinson asked if there was anyone present to represent the petition. There being no one, Mr. Wright made a motion, seconded by Mr. Denihan to continue the petition until the next regular meeting in July. The motion passed unanimously.

**18-W-VAR-7** Kristan Weiss, 332 E. 800 South, Lafayette, requested a development standards variance to allow for the construction of a residential addition within the required rear and side yard setbacks. The property is located at 2631 E. Lakeview Avenue, Columbia City, on the northwest side of E. Lakeview Avenue, ½ mile west of N. Fish Hatchery Road in Section 12 of Thorncreek Township, and is zoned LR, Lake Residential District.

Ms. Shinabery reviewed the staff report, providing details of the petition. She explained that the petitioner was proposing to construct a 390 square foot attached garage with a second story of equal size for his mother, who resides at the property. She explained that the requested variances were 4'2" on the west side and 11' on the road side. The resulting setbacks would be 10" and 4', respectively. She referred to the aerial view of the property as well as the site plan. She summarized the review criteria, explaining that the requested setbacks may limit visibility for the adjacent property owners and there may be a safety concern when exiting the garage.

Mr. Weiss presented his request, explaining that the existing shed was there when his mother purchased the property and will be removed in order to make room for the new addition and for parking. He explained that the second story will be utilized as an office. He explained that on the west side, the properties are separated by a seawall of varying heights.

Mr. Denihan expressed concern over the road side setback and asked whether that variance could be reduced. Mr. Weiss explained that the reason for the requested variance was due to the location of the sewer and also to keep in line with neighboring setbacks. Mr. Wright asked what

the line in the road was for and Mr. Weiss explained that the line was drawn for a new well. Mr. Wright also asked if Ms. Weiss's western neighbor had any issues with the 10" setback and Mr. Weiss stated no. Mr. Wilkinson clarified that the new addition would not be any closer to the road than the neighbors and Mr. Weiss positively confirmed.

Mr. Wilkinson asked if there was anyone else present who wanted to speak regarding this petition.

Ronda Salge, 5465 N. 650 East, asked which direction Ms. Weiss would be entering and exiting the garage and whether or not that was a safety concern. Mr. Weiss explained that the road was a dead end with little traffic and the garage door will face the road.

There being no further discussion, Mr. Wilkinson called for a vote. The petition passed unanimously.

**18-W-SE-3** Ronald and Kimberly Harrison, 7535 S. 200 West, Columbia City, requested a special exception to allow for a secondary dwelling unit. The property is located on the east side of S. 200 West, approximately ½ mile north of W. 800 South, in Section 16 of Washington Township, and is zoned AG, Agricultural District.

Ms. Shinabery reviewed the staff report, providing details of the petition. She explained that the petitioners are requesting to add a shower and a closet to an existing building on their property that already has a half bath, kitchen, and living room. She explained that the petitioners recently purchased the property and the primary residence is unlivable due to a fire. She explained that the intent of the petitioners is to live in the secondary dwelling while they repair the primary dwelling and then allow their aging mother to reside there. She referred to the aerial view of the property, pointing out the 24' x 36' building where the secondary dwelling will be located. She discussed the review criteria and stated that the request is a permissible special exception for this zoning district. She reviewed the staff's suggested conditions.

Ron Harrison, presented his request, explaining that they recently moved from Missouri and confirmed the details of the petition as presented in the staff presentation.

Mr. Wilkinson asked if the Harrison's owned the parcel directly north and Mr. Harrison confirmed this to be true. Mr. Denihan asked what the future plan for the dwelling would be after their mother moved out. Mr. Harrison stated that he did not have any plans for the dwelling beyond that.

Mr. Wilkinson asked if there was anyone else present who wanted to speak regarding this petition, which there was no one. There being no further discussion amongst the Board, Mr. Wright made a motion to approve the petition with the following conditions:

1. The Special Exception is granted as presented.
2. 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. Denihan seconded the motion and the motion passed unanimously.

**18-W-SE-6** Laura Maley, 5192 E. State Road 14, Columbia City, requested a special exception to allow for a hair salon home occupation. The property is located on the south side of State Road 14, 930 feet east of 500 East, in Section 14 of Jefferson Township, and is zoned AG, Agricultural District.

Ms. Shinabery reviewed the staff report, providing details of the petition. She referred to the aerial view of the property and the submitted site plan, showing the proposed parking area. She explained the hair salon is proposed to be located in a 9.5' x 12' former bedroom at the rear of the residence and will operate Tuesdays, Thursdays, and Fridays from 10am until 8 pm and Saturdays 8am until noon. She mentioned that no sign information had been submitted. She reviewed the suggested staff conditions. She explained that the health department had become aware of the petition and there is no septic permit for this property.

Mrs. Maley presented her petition. Mr. Wilkinson asked whether she is currently in operation and Mrs. Maley stated that she was not and if this petition is approved, she would begin the process with the State Board of Cosmetology. Mrs. Maley stated that the septic system works properly and the room where the salon will be located was previously a bedroom with a bathroom.

The Board discussed the septic issue and decided to omit the third suggested staff condition as the Health Department is aware of the situation and may review as needed.

Mr. Wilkinson asked if there was anyone else present who wanted to speak regarding this petition, which there was no one. There being no further discussion amongst the Board, Mr. Wright made a motion to approve the petition with the following conditions:

1. The Special Exception is granted as presented and per the site plan.
2. The Special Exception is granted for the applicant and is non-transferable.

Mr. Denihan seconded the motion and the motion passed unanimously.

**18-W-SE-7** Ena Colbart, 1975 E. Mowrey Road, Columbia City, requested a special exception to allow for a licensed child care home. The property is located on the north side of E. Mowrey Road, about ¼ mile southeast of S. Raber Road, Section 13 of Columbia Township, and is zoned AG, Agricultural District.

Ms. Shinabery reviewed the staff report, providing details of the petition. She explained that Mrs. Colbart had initially contacted the office inquiring whether or not a business permit was required. She explained that Mrs. Colbart was informed that licensed child care homes require special exceptions per the zoning ordinance and Mrs. Colbart filed the request right away. She stated that the petition appears to meet all of the review criteria and appears compliant with home occupation standards of the zoning code.

Mrs. Colbart presented her request, explaining that she has been a State licensed child care home for five years, caring up to 15 children Monday through Friday from 6am until 4pm. She explained that their property is a part of Schraders Subdivision and they were told by their realtor when they purchased the property that there weren't any covenants restricting a child care home.

Mr. Wilkinson asked if there was anyone else present who wanted to speak regarding this petition, which there was no one. There being no discussion amongst the Board, Mr. Wright made a motion to approve the petition with the following conditions:

1. The Special Exception is granted as presented.
2. The Special Exception is granted for the applicant and is non-transferable.

Mr. Denihan seconded the motion and the motion passed unanimously.

### **OTHER BUSINESS**

There was no other business to discuss.

### **ADJOURNMENT**

There being no further business to discuss, Mr. Wilkinson declared the meeting adjourned at 8:12 p.m.