

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
JANUARY 22, 2019 7:30 P.M.

MEMBERS PRESENT

Elizabeth Deckard
Danny Wilkinson
Doug Wright

MEMBERS ABSENT

Tim Denihan

ATTORNEY

Dawn Boyd

STAFF

Nathan Bilger
Jennifer Shinabery

VISITORS

There were 4 visitors who registered their attendance at the January 22, 2019 regular meeting of the Whitley County Board of Zoning Appeals. A signed guest list is kept on record.

CALL TO ORDER/ ROLL CALL

Mr. Wilkinson called the meeting to order at 7:31 p.m. and Ms. Shinabery read the roll call.

ELECTION OF OFFICERS

Mr. Wilkinson opened the nominations for the 2019 Board officers. Ms. Deckard made a motion to retain Danny Wilkinson as Chair; Mr. Wright seconded. The motion passed unanimously. Mr. Wright made a motion elect Ms. Deckard as Vice-Chair; Mr. Wilkinson seconded. The motion passed unanimously. Mr. Wilkinson made a motion to retain Mr. Wright as Secretary; Ms. Deckard seconded. The motion passed unanimously.

CONSIDERATION AND ADOPTION OF THE NOVEMBER 27, 2018 REGULAR MEETING MINUTES

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

OTHER BUSINESS

Mr. Bilger explained that there is a petitioner who would like to establish a “Residential Treatment Facility” on an AG-zoned property. He briefly explained the nature and scale of the use. He explained that this type of facility is not listed as a permitted or special exception use in the AG district. He explained that in the AG district, “Residential facility for the mentally ill” is a permitted use; however, the proposal does not seem to meet the criteria for that definition. He further explained that “Mental health facility” is a special exception use in the RR district, yet the code does not provide a definition for this term, leaving room for interpretation. He requested that the Board discuss and interpret whether the proposed use fits the definition of “Mental health facility”.

The Board discussed the issue. Ms. Deckard made a motion that the BZA formally adopt the interpretation of “Mental Health Facility” that incorporates the statutory definition of “Mental illness” (IC 12-7-2-130), which includes alcoholism and addiction to narcotics or dangerous drugs. The motion was seconded by Mr. Wright and passed unanimously.

Mr. Bilger explained that there is also a petitioner who is proposing a wedding reception venue in their existing barn on an AG-zoned property. He explained that this use is not well defined or explicitly listed in the zoning code for the AG district and expects the petition to be a special exception for a traffic-generating home occupation as well as a variance for size/floor area.

Mr. Bilger mentioned that Mr. Klein has resigned as a Board member. He explained that the vacancy is Council-appointed and inquiries are being considered at this time.

ADJOURNMENT

Mr. Wilkinson declared the meeting adjourned at 8:04 p.m.