

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
September 24, 2019 7:30 P.M.

MEMBERS PRESENT

Tim Denihan
Sarah Lopez
Danny Wilkinson
Doug Wright

ATTORNEY

Dawn Boyd

STAFF

Nathan Bilger
Mark Cullnane

MEMBERS ABSENT

Elizabeth Deckard

VISITORS

Twenty-one visitors signed the guest list at the September 24, 2019 regular meeting of the Whitley County Board of Zoning Appeals. The original guest list is kept on record in the Columbia City/Whitley County Planning & Building Department.

CALL TO ORDER/ ROLL CALL

Mr. Wilkinson called the meeting to order at 7:30 p.m. Mr. Cullnane read the roll call with all members present and absent listed above.

**CONSIDERATION AND ADOPTION OF THE MAY 28, 2019 AND JUNE 25, 2019
REGULAR MEETING MINUTES**

The minutes for the May 28, 2019 and June 25, 2019 regular meetings were presented for approval. Mr. Wilkinson asked the Board if it had corrections or additions to either of the minutes. Mr. Wright made a motion to approve the May 28, 2019 and June 25, 2019 minutes as presented. Ms. Lopez seconded, and the minutes were approved by a vote of 4-0.

OATH TO WITNESSES

Approximately 13 guests were sworn in by Ms. Boyd.

OLD BUSINESS

There was no old business.

NEW BUSINESS

19-W-VAR-13

Larry Goble requested a variance of the required side yard setback for an addition to an existing residence at 6523 S. 400 East, Columbia City. The property is located on the east side of 400 East, approximately ½ mile south of State Road 14 in Section 9 of Jefferson Township and is zoned AG, Agricultural.

Mr. Bilger summarized the staff report. He stated that the petitioner is requesting a development standards variance to place an addition onto the existing primary structure that would encroach

into the required side yard setback of 25'. The proposed 18'x44' addition would include area for a garage expansion, bathroom, storage area, and home office. As proposed, the addition would be approximately 20' from the north property line, requiring a variance of 5'.

Mr. Bilger reviewed the findings of fact review criteria found in the staff report. He stated that this petition appears to meet the review criteria given the potential alternative designs.

Mr. Wilkinson asked the petitioner to approach the podium. Larry Goble, 6523 S. 400 East, Columbia City, approached the podium. He stated that he would like to place an addition onto his existing home for an additional bathroom and increased storage area.

Mr. Wilkinson asked the Board if it had any questions for the petitioner.

Mr. Bilger asked Mr. Goble if he intends to operate a business out of the proposed addition to his house. Mr. Goble stated that he is not going to be running a business out of the proposed addition.

Mr. Wilkinson asked if any audience members had questions or comments concerning this petition. Hearing none, Mr. Wilkinson asked the Board if it had any additional questions for the petitioner. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson called for a vote on the petition. The variance petition passed by a vote of 4-0.

19-W-VAR-14

Kip and Rita Goldwood requested a variance of the required front yard setback in order to construct a carport at 4330 W. 150 South, Columbia City, IN 46725. The property is located on the northwest corner of W. 150 South and S. 425 West in Section 13 of Richland Township and is zoned AG, Agricultural.

Mr. Bilger summarized the staff report. He stated that the petitioner is requesting a development standards variance to construct an approximately 18'x31' carport on the south side of an existing detached garage. As proposed, the carport would be located 20' from the right-of-way line of W. 150 South. The required front yard setback for this property is 40', thus petitioner is requesting a variance of 20'.

Mr. Bilger reviewed the findings of fact review criteria found in the staff report. He stated that this petition appears to meet the review criteria, as other potential sites on the property are not especially suitable.

Mr. Wilkinson asked the petitioner to approach the podium. Kip Goldwood, 4330 W. 150 South, Columbia City, approached the podium. Mr. Goldwood stated that the carport will be used as a space to park his recreational vehicle. He stated that he wanted to place the carport to the south of the detached garage because, in the past, a travel trailer he formerly owned was broken into when it was parked to the west of the detached garage. Mr. Goldwood stated that the proposed placement of the carport to the south of the detached garage has greater visibility from his home than to the west of the detached garage.

Mr. Wilkinson asked the Board if it had any questions for the petitioner.

Mr. Bilger stated that the Board could add a condition that restricts the variance to the construction only of a carport, if desired. Mr. Wilkinson asked Mr. Goldwood to provide more information about the proposed carport. Mr. Goldwood described his proposed carport in more detail.

Mr. Wilkinson asked the Board if it had any additional questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning the petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson called for a vote on the petition. The variance petition passed by a vote of 4-0.

19-W-VAR-16

Ronald and Patricia Rennaker requested a variance of the required front yard setback to allow for an addition to an existing detached garage on a property directly across from 6661 E. Harrold Road, Churubusco, IN 46723. The property is located on the south side of E. Harrold Road, $\frac{3}{4}$ mile west of Blue Lake Road in Section 15 of Smith Township and is zoned LR, Lake Residential.

Mr. Bilger summarized the staff report. The existing detached garage was constructed in 1970, predating the adoption of the County's first zoning code. Currently, the garage is legal nonconforming as the rear yard setback is approximately 4.9' from the rear property line and the front yard setback is approximately 34.7'. Mr. Bilger stated that the petitioner is requesting a development standards variance to construct a 20'x24' addition to the garage. The required front yard setback for the property in question is 35'. The proposed addition would result in a front yard setback of approximately 14.7'. Petitioner is thus requesting a front yard setback variance of approximately 20.3'. Mr. Bilger stated that, of properties on the south side of E. Harrold Drive with structures, some have setbacks that are less than that proposed in this petition.

Mr. Bilger reviewed the findings of fact review criteria found in the staff report. He stated that this petition may meet the review criteria.

Mr. Wilkinson asked the petitioner to approach the podium. Ron Rennaker, 6661 E. Harrold Road, Churubusco, approached the podium. He stated that he would like to expand his garage so that he can store his pontoon boat.

Mr. Wilkinson asked Mr. Rennaker to describe what he intends to do with his garage. Mr. Rennaker stated that he wants to replace part of a wall that has experienced water damage and extend his garage toward E. Harrold Road.

Mr. Wilkinson asked if the proposed addition would be attached to the existing garage. Mr. Rennaker confirmed that the proposed addition would be attached to the existing garage.

Mr. Wilkinson asked the Board if it had any questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments concerning the petition.

Vincent Simmers, 6654 E. Harrold Road, Churubusco, approached the podium. Mr. Simmers stated that he owns the property to the east of petitioner's garage, and that the addition as

proposed will block his view of traffic traveling westbound on E. Harrold Road. Mr. Simmers stated that too many people are receiving variances, and that he does not think that the petitioner should be allowed to expand his garage as proposed.

Mr. Wilkinson asked the Board if it had any questions for Mr. Simmers. Hearing none, Mr. Wilkinson asked Mr. Simmers to return to his seat.

Mr. Wilkinson asked Mr. Rennaker if he wanted to offer a rebuttal to Mr. Simmers.

Mr. Rennaker stated that there are several garages along E. Harrold road near his and Mr. Simmers' that have similar setbacks to that proposed in this petition.

Rhonda Salge, 5465 N. 650 East, Churubusco, approached the podium. Ms. Boyd administered the oath to Ms. Salge. Ms. Salge stated that she used to live at an adjacent property and that visibility is not as bad as was described by Mr. Simmers.

Vicki Simmers, 6654 E. Harrold Road, Churubusco, approached the podium. She described potential problems that could result from allowing petitioner to expand the garage closer to E. Harrold Road, specifically the negative impact that the addition would have on her ability to see traffic traveling westbound. She stated that children traveling E. Harrold Road on bicycle would be endangered if the Board were to approve this petition. She described drainage problems on her property and attributed them to petitioner's garage.

Mr. Wilkinson asked if any additional audience members had questions or comments regarding the petition.

Larry Guenin, 6610 E. Harrold Road, Churubusco, approached the podium. He asked Mr. Rennaker for more information about the proposed garage addition.

Mr. Rennaker described in detail his intentions for the proposed addition.

Mr. Guenin stated that he thought it would be a very large structure for storing a pontoon and questioned whether it needed to be so big.

Mr. Wilkinson asked if any additional audience members had questions or comments regarding the petition.

Mr. Simmers stated that Mr. Rennaker's assertion that he originally built the garage in 1970 was not correct.

Mr. Wilkinson asked the Board if it had any questions for the petitioner or any other individuals who spoke concerning this petition. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments regarding the petition. Hearing none, Mr. Wilkinson closed the public hearing.

Mr. Wilkinson asked the Board if it wanted to add any conditions to the petition. Hearing none, Mr. Wilkinson called for a vote on the petition. The variance petition passed by a vote of 4-0.

19-W-SE-6

Stanley and Catherine Dowell requested a special exception approval to permit a secondary dwelling unit at 8440 E. 700 North, Churubusco, IN 46723. The property is located on the south side of 700 North, approximately ½ mile west of 900 East in Section 02 of Smith Township, and is zoned AG, Agricultural District.

Mr. Bilger summarized the staff report. He stated that petitioner intends to add a secondary dwelling unit onto the existing primary structure to provide housing for a parent. The proposed addition would be 33'x29' and would contain living space, a bathroom, and a kitchen area. Long-term, the intent of petitioner is to allow use of the secondary dwelling unit by other family members or to incorporate it into the primary living area. Mr. Bilger presented aerial views of the property, a site plan, and a floor plan of the proposed addition.

Mr. Bilger stated that the Health Department provided a comment requiring that petitioner comply with their requirements for the septic system. He noted that, although petitioner is adding a bedroom, it is also removing one from the existing primary dwelling to address the Health Department's limits on the number of bedrooms approved for petitioner's septic system as it currently exists. Although he believed that petitioner had already addressed this requirement, compliance with Health Department septic requirements was recommended as a condition of approval.

Mr. Bilger reviewed the findings of fact review criteria found in the staff report.

Mr. Wilkinson asked the petitioner to approach the podium.

Cathy Dowell, 8440 E. 700 North, Churubusco, approached the podium. She stated that the secondary dwelling unit would be used to house her elderly parents. She confirmed that they have removed one bedroom from the primary dwelling to comply with Health Department septic system requirements. She stated that they are not charging her parents any rent, and that their intent is to be close to her parents so as to be able to help them with activities of daily living.

Mr. Wilkinson asked the Board if it had any questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments regarding the petition. Hearing none, Mr. Wilkinson closed the public hearing.

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.
3. Ensure compliance with Health Department septic system regulations.

Mr. Denihan seconded, and the motion passed by a vote of 4-0.

19-W-SE-8

Sonrise Pork, LLC requested a special exception approval to permit a Class 2 Confined Feeding Operation at 7933 S. State Road 105, South Whitley, IN 46787. The property is located on the

northeast corner of State Road 105 and 800 South in Section 15 of Cleveland Township, and is zoned AG, Agricultural District.

Mr. Bilger summarized the staff report. The current proposal is to construct a new 82'x300' nursery/grow-to-finish hog building to the east of existing barns. No changes are proposed to the existing buildings other than grading and drainage work to incorporate the new structure. Mr. Bilger stated that the nearest off-site residence is below the minimum required setback for off-site residences of 660'. It is, however, owned by petitioner and the petitioner has indicated an intent to record a deed restriction waiving the required separation. Petitioner is currently in the process of adding 6.48 acres to the existing 8.01-acre parcel to create a 14.5 acre parcel.

The barn would contain up to 600 nursery pigs and 2,400 finishing pigs, with 362 days of self-contained manure storage. Using the animal unit calculation of \$5.17 of the zoning code, nursery pigs (15-50 lbs) are 0.2 animal units (AU), and finishing pigs (100 lbs-market weight) are 0.4 AU. Thus in the new building only, there would be up to a total of 1,080 AU. Mr. Bilger stated that the total new animal unit calculation for the property would be approximately 2,824 AU.

Mr. Bilger presented aerial views of the property along with the zoning map, floodplain map, and site plan. He reviewed the findings of fact criteria.

Mr. Wilkinson asked the petitioner to approach the podium.

Jeff Sickafoose, 5570 W. State Road 205, South Whitley, approached the podium. He stated that his family purchased the 7933 S. State Road 105 property in 2008, and that the purpose of this petition is to grow their farming operation.

Mr. Wilkinson asked the Board if it had any questions for the petitioner. Hearing none, Mr. Wilkinson asked if any audience members had questions or comments regarding the petition.

Mike Veenhuizen, 2967 S. Honey Creek Road, Greenwood, IN 46143, stated that the petitioners wish to expand their operation, support their family, and contribute to the Whitley County economy. Mr. Veenhuizen stated that Mr. Sickafoose expects an additional 12-16 trucks twice per year to use the driveway accessing the property as a result of the proposed addition, and added that INDOT had no comment regarding potential implications of increased traffic along State Road 105.

Mr. Wilkinson asked the Board if it had any questions for the petitioner or Mr. Veenhuizen.

Mr. Wilkinson asked if the expansion to a 14.5 acre parcel is a requirement of IDEM or the Zoning Ordinance. Mr. Bilger stated that the expansion is being done to get the proposed building on one parcel. Mr. Veenhuizen reviewed IDEM requirements regarding the transfer of property as it relates to this petition.

Mr. Wilkinson asked if any audience members had questions or comments for the petitioner.

John Meister, 5995 S. Woodstrail Drive-57, Columbia City, approached the podium. He expressed his support of this petition. He stated that IDEM requires manure storage capacity of a minimum of 180 days, but that petitioner intends to build a barn that goes well beyond this

requirement. Mr. Meister asked petitioner what is the manure storage capacity of the addition proposed in this petition.

Mr. Veenhuizen stated that the proposed building would have the capacity to store manure for 362 days, and that the combined storage capacity for the entire site is 323 days.

Mr. Wilkinson asked the Board if it had any additional questions regarding this petition. Hearing none, Mr. Wilkinson asked if any audience members had additional questions. Hearing none, Mr. Wilkinson closed the public hearing.

Ms. Lopez made a motion to approve the petition with the following conditions:

1. Special exception is granted as presented and per the submitted site plan.
2. Special exception is limited to 2,824 animal units, as described in the submittal.
3. The pending parcel split/combine shall be completed to create the subject 14.5-acre property.
4. A deed restriction waiving the required separation, as described in §5.21(CF-03)(B), shall be recorded for the off-site residence located within 660' of the proposed barn.

Mr. Wright seconded, and the motion passed by a vote of 4-0.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 8:35 P.M.