

MINUTES
WHITLEY COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
August 25, 2020
7:30 P.M.

Whitley County Government Center
Meeting Room A/B

MEMBERS PRESENT

Sarah Lopez
Danny Wilkinson
Doug Wright
Joe Wolf

MEMBERS ABSENT

Tim Denihan

STAFF

Nathan Bilger
Mark Cullnane

ATTORNEY

Sam Ladowski

AUDIENCE MEMBERS

Six visitors signed the guest list at the August 25, 2020 regular meeting of the Whitley County Board of Zoning Appeals. The guest list is kept on record in the office of the Columbia City/Whitley County Joint Planning & Building Department.

CALL TO ORDER/ROLL CALL

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

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the May 26, 2020 regular meeting were presented for review. Mr. Wright made a motion to approve the May 26, 2020 minutes as presented. Ms. Lopez seconded the motion. The motion passed unanimously, with all attending members voting in favor of the motion.

ADMINISTRATION OF OATH

Approximately five guests were sworn in by Mr. Ladowski. Mr. Wilkinson reviewed the rules of procedure for the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

20-W-VAR-7, Setback Variance, Roger & Michelle Conrad, 5673 N. 350 East

Roger and Michelle Conrad requested a variance of the required front yard setback at 5673 N. 350 East, Columbia City. The property was located on the west side of N. 350 East, approximately 390' north of Magley Lane in Section 7 of Smith Township, and was zoned LR, Lake Residential.

Mr. Bilger presented the staff report. He reviewed the location of the subject property and surrounding area. He stated that the subject property is located on the east end of Round Lake, between N. 350 East and the lake. He said that the location of the property makes it subject to front-yard setback averaging per § 5.03(D) of the Zoning Ordinance and that averaging resulted in a required front-yard setback of 18.4'. He said that the variance is for a deck and that the deck, as proposed, would not encroach into the floodplain. He presented aerial images showing the subject property and surrounding area, along with a plot plan showing the proposed deck, and discussed the review criteria.

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

Roger Conrad, 5673 N. 350 East, Columbia City, stated that he would like to place an elevated deck on the lakeward side of the house. He stated that he had spoken with the Tri-Lakes Regional Sewer District and that it had told him that the proposed location would not present a problem with the Sewer District's infrastructure on the property.

Mr. Wilkinson asked if the public had questions or comments for petitioner. Hearing none, he asked if the Board had questions or comments. Hearing none, he closed the public hearing.

Mr. Wilkinson called for a vote on 20-W-VAR-7. The petition passed by a vote of 4-0, with all attending members voting in favor.

20-W-SE-5, Secondary Dwelling Unit Special Exception, Darrel & Brenda Angier, 4861 W. 300 South

Darrel & Brenda Angier request a special exception approval to permit a secondary dwelling unit at 4861 W. 300 South, Columbia City. The property is located on the southeast corner of W. 300 South and S. 500 West in Section 25 of Cleveland Township and is zoned AG, Agriculture.

Mr. Bilger presented the staff report. He reviewed the location of the subject property and surrounding area. He said that petitioner recently purchased the subject property at auction. He stated that the previous owner acquired neither a building permit for the structure nor a special exception for a secondary dwelling unit, and that the intent of the petition was to bring the structure up to current zoning requirements. He said that petitioner is working with the Health Department to fulfill its requirements. Petitioner represented to staff that his son and daughter-in-law will be living in the secondary dwelling unit. He presented aerials of the subject property and surrounding area and stated that the structure is existing so there is no site plan. He reviewed staff's suggested conditions and said that this petition lines up with previous special exceptions for secondary dwelling units.

Hearing no questions for Mr. Bilger, Mr. Wright asked for petitioner to address the Board.

Darrell Angier, 4861 W. 300 South, Columbia City, stated that he bought the 9-acre subject property and that his son purchased the 20-acre agricultural field to the south of the subject property. He said that his son and daughter-in-law will live in the secondary dwelling unit.

Mr. Wilkinson opened the public hearing. Hearing no questions or comments from the public, he closed the public hearing.

Mr. Wright made a motion to approve 20-W-SE-5 with the following conditions:

1. The Special Exception is granted as presented and is non-transferrable.

2. The secondary dwelling unit shall be converted to a non-residential use when it is no longer occupied by a family member of the petitioner.
3. Health Department review and approval of the septic system shall be required.
4. In addition to the requirements in the Zoning Code definition of “Secondary Dwelling Unit”, the proposed dwelling and the existing dwelling shall not be used as an income-producing rental unit.

Mr. Wolf seconded the motion. The motion passed unanimously by a vote of 4-0.

OTHER BUSINESS

Mr. Bilger stated that the ongoing update to the County’s Comprehensive Plan was moving forward in earnest. He said that the Steering Committee recently met with the County’s consultant, planning NEXT. Public input events will likely occur in October and November and that the project is expected to be completed in Spring 2021.

ADJOURNMENT

Mr. Wilkinson adjourned the meeting at 7:48 p.m.

GUEST LIST

1. Darrel & Brenda Angier.....4861 W. 300 South, Columbia City
2. Roger & Michelle Conrad.....5673 W. 350 East, Columbia City
3. Rhonda Salge5465 N. 650 East, Churubusco
4. Sonya Emerick5865 E. SR 14, Columbia City