

**WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

24-W-VAR-13 DEVELOPMENT STANDARDS VARIANCE
Mary McOmer
2332 E. Wilcken Road

**AUGUST 27, 2024
AGENDA ITEM: 1**

This petition was continued from the July meeting due to lack of newspaper notification.

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 0.25 Acres

The petitioner, owner of the subject property, is requesting a development standards variance of the required front setback for construction of a new home on the property located at 2332 E. Wilcken Road, in Section 11 of Thorncreek Township. The property is currently improved with an existing dwelling and sheds.

Per the submitted site plan, the existing dwelling is to be removed and replaced with a new home. The new home has an 8'± front setback from the lake side property line, which is 4.2' further away from the property line than the existing structure. The other proposed setbacks meet the code minimums.

Since this lot has lake frontage, front setback standards apply to the lake side. The required minimum front setback is 35'. Thus, requested is a variance of 27'± from the code requirement.

Note that the averaged setback for this property per the code formula is approximately 34'. This is skewed upward due to some properties having large setbacks of up to 230'+ and property lines that extend to the lake shore. Multiple homes in the area do have setbacks less than the proposed.

For reference, based on the Best Available map information and topography, the structure will be located in the regulatory floodplain and must be elevated to the code requirements.

REVIEW CRITERIA

Indiana Code §36-7-4-918.5 and Section 10.10 of the Zoning Code state the criteria listed below upon which the Board must base its review. Staff's comments/proposed findings of fact under each criterion.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The proposed variances will not likely be injurious to the public safety, health, and morals as the proposed setbacks generally match the setbacks of existing structures along the lakefront, and generally adequate room is to be maintained around the structure. The general welfare may be injured if practical difficulties specific to the property are not found.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

It is not expected that this variance will adversely affect the value and use of the area adjacent to the property as similar properties in the LR district have similar encroachments, nor would the proposed setback impair access around the property or to the surrounding properties.

3. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction or restriction of economic gain.

The strict application of the Ordinance terms might result in a practical difficulty as the 35' setback standard would be out of line for most of the adjacent homes.

Date report prepared: 07/02/2024, revised 7/16/24

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Green		Sheiss		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: Grant
 Grant w/conditions
 Deny

By:

Second by:

Vote:	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					