

WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

19-W-VAR-13 DEVELOPMENT STANDARDS VARIANCE
Larry Goble
6523 S. 400 East

SEPTEMBER 24, 2019
AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 1.28 acres

The petitioner is requesting a development standards variance for an encroachment into the required side setback on their property at 6523 South 400 East, located on the east side of 400 East, about ½ mile south of State Road 14 in Jefferson Township.

The petitioner proposes to construct an addition on the north side of the existing residence. Per the submitted plot plan and information, the addition would be approximately 18'x 44', and would include area for a garage expansion, bathroom, storage area, and home office.

As proposed, the addition would be located 20' from the north property line. The required minimum side setback for a primary structure is 25', so a variance of 5' is being requested.

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 variance will not likely be injurious to the public health, safety, and morals, as houses with attached garages do not typically have such injurious effects, and the petitioner's property in this case continues to allow sufficient light, air, and access to and around the dwelling. The general welfare may be injured by degrading the effectiveness of the zoning code if there are not site-specific circumstances that necessitate the requested placement of the addition.

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 of the area adjacent to the property as the side setback distance has little bearing on the overall property value of the subject property and surrounding area. The use of adjacent properties will also not be affected in a substantially adverse manner by the request since the property to the north that would be most affected is a 50' wide strip to a greater body of the parcel to the east. As such, the adjacent parcel would likely only be used for access, and the proposed 5' encroachment would be unlikely to affect that usage.

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 proposed location of the addition originates from the desire to add garage space to the existing attached garage, which is located on the north side of the house. There is sufficient room elsewhere on the property to construct the proposed space, so this is not a hardship, but the placement of the house and attached garage does present a practical difficulty. Additionally, if the petitioner were construct an 18'x 44' detached accessory structure, the code would permit the structure a 10' side setback. Thus, a similarly-sized structure of the same configuration of usable space could be built at the same location

on the property and still have a 10' separation to the existing house. This arises from the strict application of the terms of the Ordinance in how primary and accessory structures are treated.

Date report prepared: 9/18/19

BOARD OF ZONING APPEALS ACTION

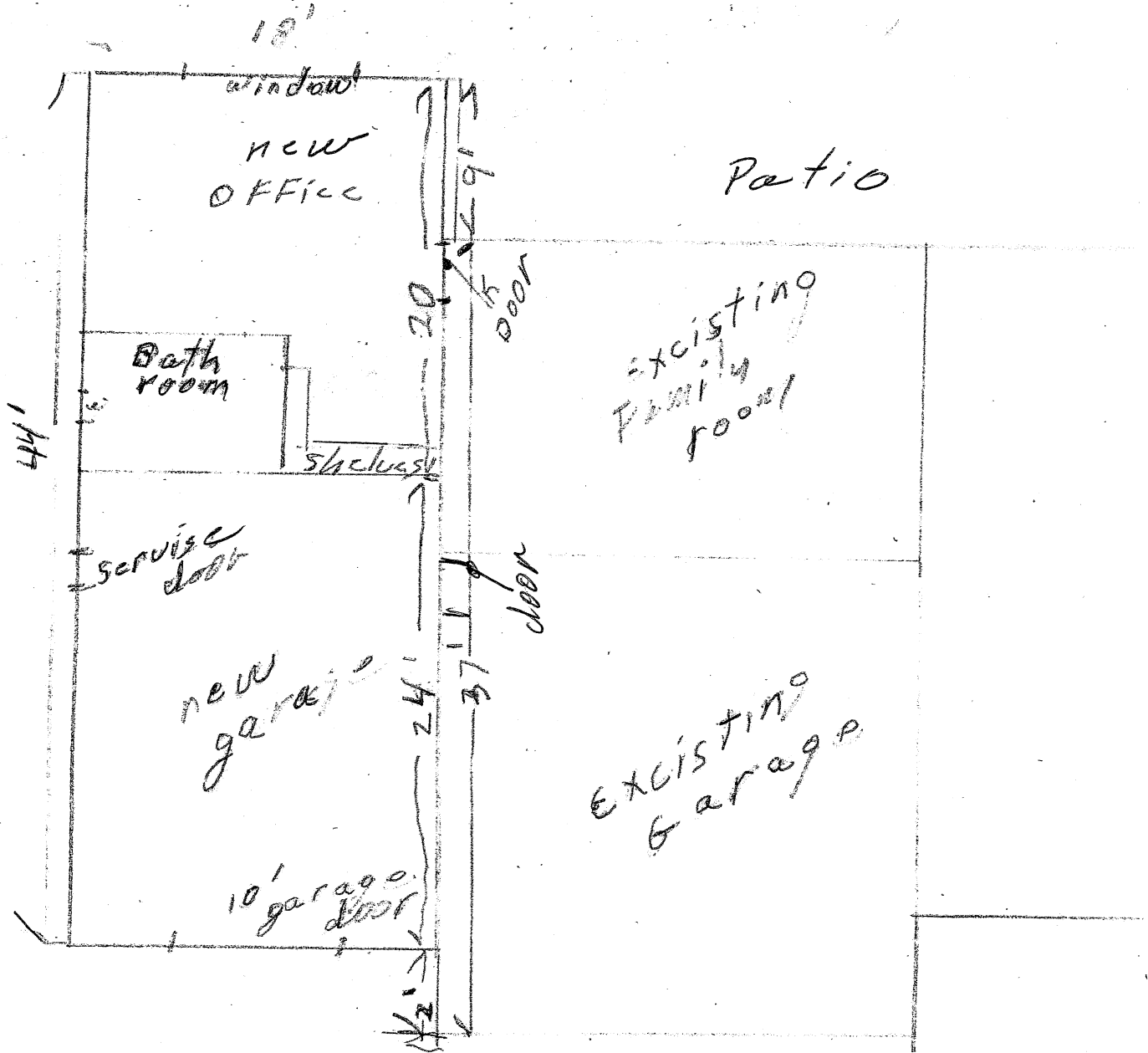
Motion: _____ By: _____ Second by: _____

<i>Vote:</i>	Deckard	Denihan	Lopez	Wilkinson	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

Jerry Goble

6523 S. 400 E.

roof to match pitch of house -



Covington Home Improvements

260-4140183
Bruce Detbolt
President

Front of house

Hennessy,
Michael C
& Tricia A

Vervelin,
Susan K

Stickler,
KenLynn J

Hatfield,
William J
& Sharon R

Norris,
Jane A

Frauhiger,
Norma L

Goble,
Larry D

Ness,
Angela M

Kessler,
Trent K

Hasty,
Michael D
& Anne E

Williams,
Eric T &
Laura J

S 400 E

669

658

660

