

WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

19-W-VAR-14 DEVELOPMENT STANDARDS VARIANCE
Kip & Rita Goldwood
4330 W 150 South

SEPTEMBER 24, 2019
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 4.02 acres

The petitioner is requesting a development standards variance for an encroachment into the required front setback on their property at 4330 West 150 South, located on the northwest corner of the intersection of 150 South and 425 West in Richland Township.

The petitioner proposes to construct a carport on the south side of the existing detached garage. Per the submitted plot plan and information, the carport would be approximately 18'x 31'.

As proposed, the structure would be located 20' from the right-of-way line of 150 South. Being a corner parcel, front setbacks apply to both road frontages. The required minimum front setback for structures is 40', so a variance of 20' 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 and morals, as accessory structures such as the proposed 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 property. Public safety may be affected by encroachments of structures nearer to roadways; however, in this case, it seems the current low volume of traffic on unpaved 150S would not be particularly affected by the encroachment. 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 structure.

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 proposed structure is a permitted use and the encroachment would be largely unnoticeable given the large separations between properties here. The use of adjacent properties will also not be affected in a substantially adverse manner by the request, again because of the particularly long distances between the proposed structure and adjacent uses.

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 structure stems from the desire to place the carport over an existing concrete parking pad on the south end of the garage. Other potential locations are constrained by the location of the well, septic field, distance between the garage and house, and a water line.

Locating the carport to the west side of the garage is likely feasible and setback-compliant, but the location has a difficulty of being hidden from the house, which the petitioner has concerns about for security. Additionally, access to such a location may be difficult as it would require a 90-degree turn around the southwest corner of the detached garage. Placement of the carport on the eastern part of the property would also suffer from being obscured, as well as necessitating a second drive cut.

Date report prepared: 9/18/19

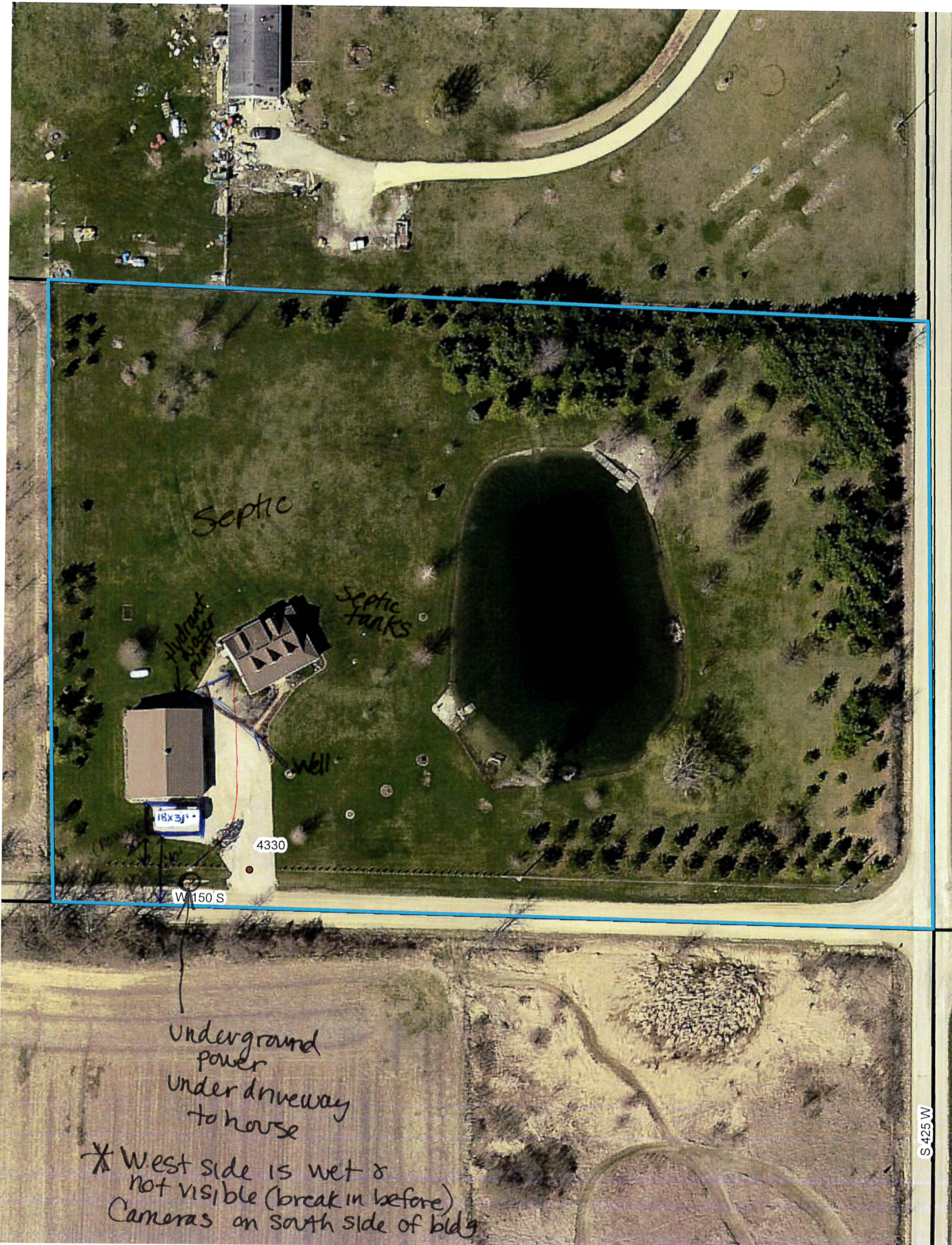
BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

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



Septic

Hydrant
water

Septic
tanks

Well

4330

W 150 S

underground
power
under driveway
to house

* West side is wet &
not visible (break in before)
Cameras on south side of bldg

S 425 W

Walker & Associates

Civil Engineering and Land Surveying
 Jerry K. Walker, P.E. & L.S.

William D. Kyler, L.S.

112 West Van Buren St., Columbia City, IN 46725
 Phone 244-3640

COPY

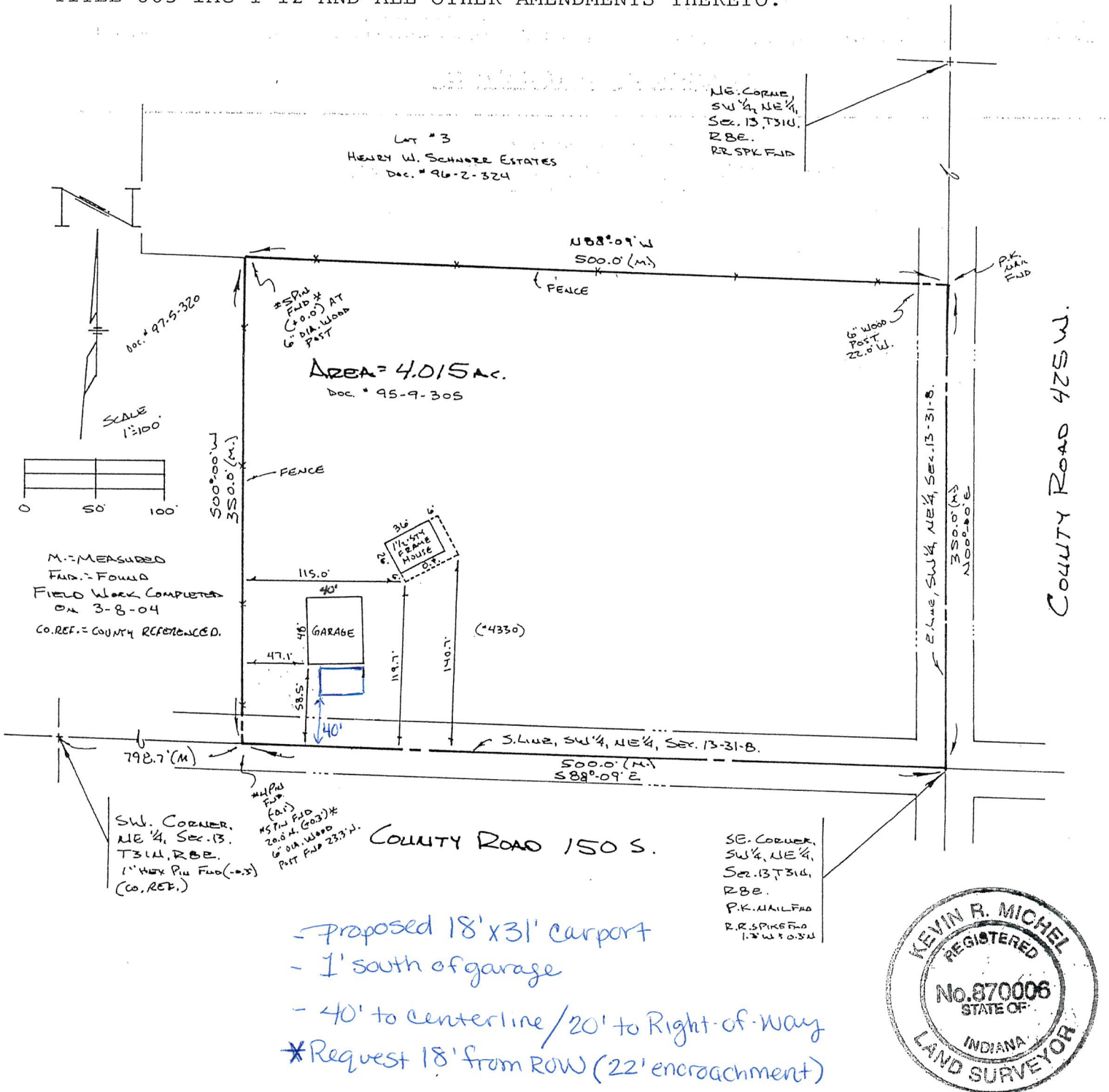
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Whitley County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

See page 2 of 3 for Legal Description.
 See page 3 of 3 for Surveyor's Report.

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.



Proposed 18' x 31' carport
 - 1' south of garage
 - 40' to centerline / 20' to Right-of-way
 * Request 18' from ROW (22' encroachment)

I hereby certify on the 09th day of March, 2004 that the above survey is correct.

Surveyed for: Goldwood, Kip / Rita

Survey No.: V-161 "A"



Martin,
Terry A
& Mary G

Martin,
Terry A
& Mary G

Fuze,
Kevin A &
Elizabeth

Osborn,
Matthew D
& Erin S

Gaff, James
L & Debra S

Goldwood,
Kip & Rita

Fromm,
Thomas D

Coulter,
Megan L

Porter,
Gregg A &
Holly M

Hoersten, Michael
A & Slinden,
Liberty J

Begue,
Barbara A

Ness, Cory
L & Susan M

Ness,
Susan M

Studebaker,
Brenda

S 425 W

W 150 S

4105

1606

1401

1361

1354

1340

1300

4330

RECEIVED

SEP 05 2019



Behind Pole Building



Edge of road facing west

RECEIVED

SEP 05 2019



West edge of property line
looking east



Center of road facing
west

RECEIVED

SEP 05 2019



Water run off to low lying area behind pole building
Approx. 3 foot slope. Not visible from house



Carport intended for protection of motorhome