

WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT (REVISED 9/20/19)

19-W-VAR-16 DEVELOPMENT STANDARDS VARIANCE
Ronald & Patricia Rennaker
6661 E. Harrold Road

SEPTEMBER 24, 2019
AGENDA ITEM: 3

This staff report has been revised to reflect the plot plan survey received on September 20.

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 3,816± sq. ft.

The petitioner is requesting a development standards variance to allow the construction of an addition to an existing accessory structure on their property, the eastern part of Lot 16 of Harrold's 2nd Addition to Blue Lake Resort in Smith Township. The petitioners own the dwelling across the street at 6661 E. Harrold Road, and the subject property is on the south side of Harrold Road, approximately ¼ mile west of the west intersection with Harrold Place.

The petitioner is seeking to construct a 20'x24' addition to the front of the existing detached garage, creating a 14.7' front setback.

The garage was constructed in 1970, predating the adoption of the County's first zoning code, so its current rear setback is legal nonconforming. The current front setback of 34.7' is nearly compliant with current standards, but also legal nonconforming. The proposed addition would not extend beyond the existing side setbacks.

For properties in LR not located on lakefronts, the front setback is that with road frontage, so the required setback would be 35', resulting in a requested variance of 20.3'.

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 buildings such as the proposed are permitted and common throughout the zoning district. The potential 14.7' setback from the Harrold Road right-of-way is smaller than that of some other structures on the south side of Harrold Road, but is more than most of the structures on the north side of Harrold Road (many of which have virtually no setback from the ROW). So public safety may be affected by encroaching into the front setback, but only to a similar degree as many other properties in the area. That said, the continuation of noncompliant setbacks can degrade the purpose of the zoning code standards, which degrades the general welfare.

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 similar properties in the LR district have similar, or greater, encroachments of similar accessory structures. However, the proposed encroachment could have adverse impact on the use of the adjacent property to the west since the proposed addition would reduce the visibility of and

from the adjacent property owner’s driveway. The proposed addition does appear to comply with the 20’x20’ visibility triangle mandated by §5.12 of the zoning code. Further, other structures and driveways in the vicinity have similar visibility issues owing to similar conditions, so it is possible that while the impact on visibility is adverse, it may not be substantial. That said, the Board should closely examine the level impact the proposal would have.

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 practical difficulties due to the nonconformity of the Lot of Record and the age of the existing structure. That said, simply because there exist nonconforming properties elsewhere in the vicinity does not necessarily constitute a practical difficulty for this property, as it is desirous to strive to be more compliant with the code than to permit additional nonconformities.

Date report prepared: 9/18/19
 Date report amended: 9/20/2019

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>					

RECEIVED

SEP 20 2019

8:44 AM

J.K. Walker & Associates, P.C.

Land Surveying, Civil Engineering & Land Planning

William D. Kyler, P.S.

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HISTORICAL DESCRIPTION OF SURVEYED TRACT

(Per Tract 1 in Document Number 97-12-98)

Lot Number Sixteen (16), except the Westerly 35.0 feet, in Frank Harrold's Second Addition to Blue Lake Resort, in Section 15, Township 32 North, Range 10 East, Whitley County, Indiana.

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0180C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is a retracement boundary survey of part of Lot Number 16 in Frank Harrold's Second Addition to Blue Lake Resort, Whitley County, Indiana, located on Harrold Road, Churubusco, Indiana, recorded as Tract 1 in Document Number 97-12-98 in the records of Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. A 5/8-inch iron pin capped "Walker" was found at the Northwest corner of the surveyed tract and was held this survey.

The South line of Harrold Road was established using existing monuments found.

The Northeast corner of said Lot Number 16 was established on the South line of Harrold Road, a recorded distance of 40.00 feet East of the Northwest corner of the surveyed tract. A 5/8-inch iron pin capped "Walker" was set at this corner.

The Southeast corner of said Lot Number 16 and the Southwest corner of the surveyed tract were established using platted and recorded distances. A 5/8-inch iron pin capped "Walker" was set at each of these corners. See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

SURVEYOR'S REPORT

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.

See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.

None

(C) Clarity or ambiguity of the record description used and of adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines.

None

(D) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

Date: September 19, 2019
Name: Rennaker, Ronald N. / Patricia A.
Address: E Harrold Road
Survey #: RB-151



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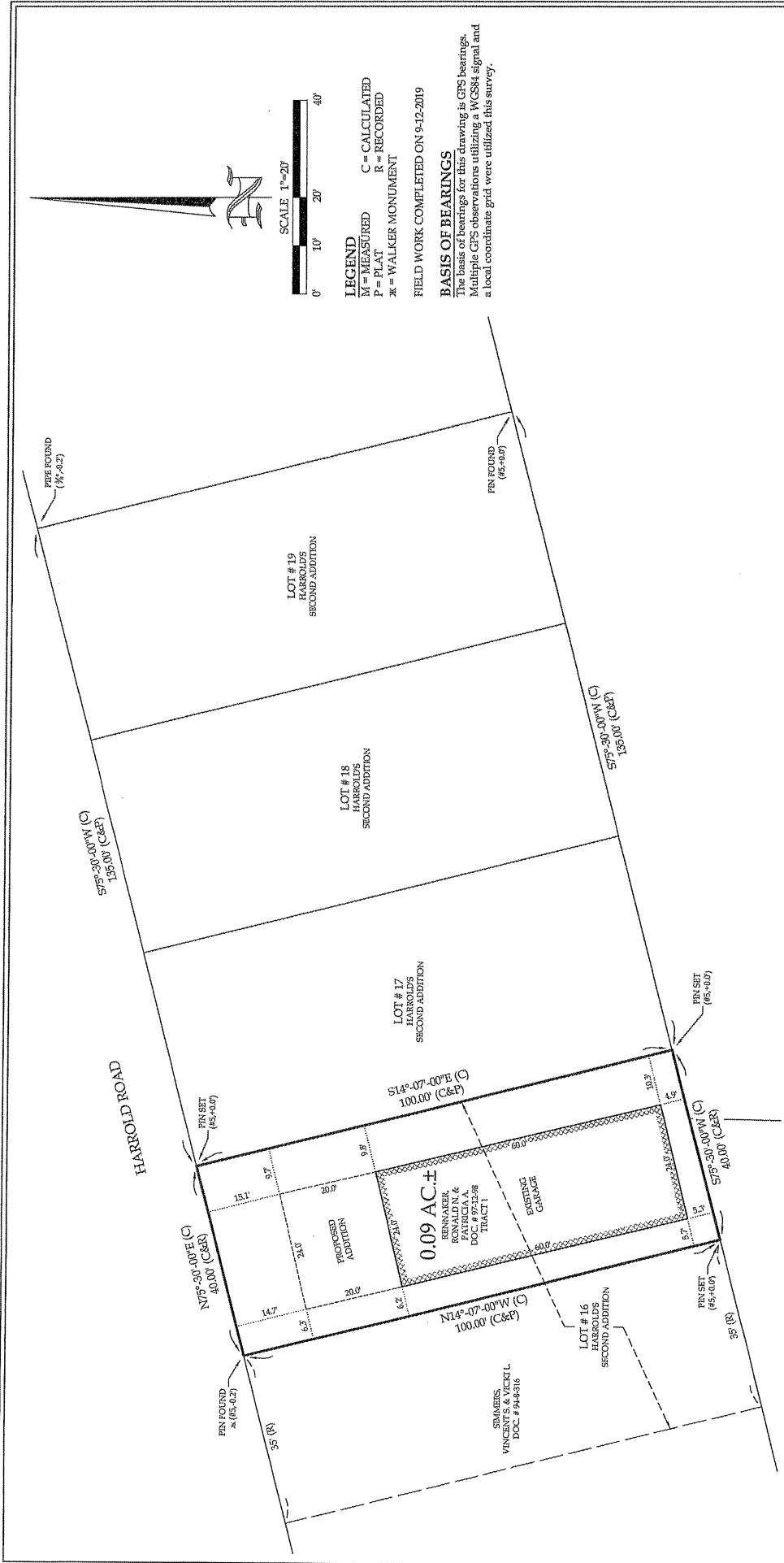
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NOTES

1. This survey is subject to any facts and /or easement that may be disclosed by a full and accurate title search. The undersigned should be notified of any additions or revision that are required. The undersigned was not provided with a current title commitment for use on this survey.
2. For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
3. Origin of monuments unknown unless noted on survey.
4. Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
5. Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
6. See survey for proposed addition.
7. Reference survey(s) by J.K. Walker & Associates, P.C., dated 06-19-87, 08-28-89, 06-22-90, 12-12-90, 08-22-05 (2).
8. I, Kevin Michel, affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Date: September 19, 2019
Name: Rennaker, Ronald N. / Patricia A.
Address: E Harrold Road
Survey #: RB-151



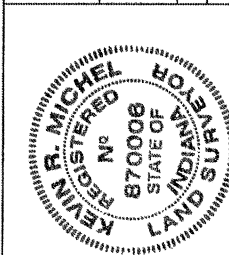


CERTIFICATE OF SURVEY

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HERON 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.

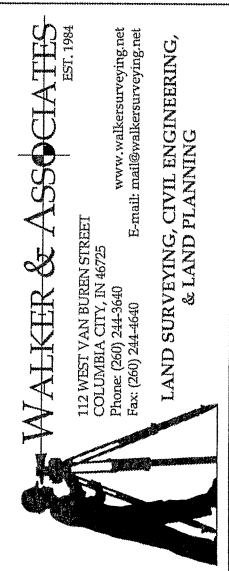
FOR: RENNAKER, RONALD N. & PATRICIA A.

SCALE: 1"=20'
DATE: 9-19-2019
DRAWN BY: RDP
PAGE: 3 OF 3
DRAWING NUMBER: RB-151



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Rachelle L

Ray

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6760

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6740

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6720

6710

6700

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6400

6390

6380

Rosswurm, Shelly A & Brady

Wass, Philip D & Marty M

Peters, Andrew M & Mary Jo

Wynn, Kim & Rita

Jacquay, Helen L & Thomas A Revocable Trust

Christman, Wyatt J

Davis, Dennis A
Gatton, Steven E & Linda L

Gatton, Steven E & Linda L
Bianski, Eric J

Brandt, Nicholas L & Krista L
Larkin, Thomas M & Karen M

Roberts, Carolyn J

Burris, James R & Karen D
Gleason, Raymond D

McClure, Jerry K
Miller, Michael S & Teresa A

Rennaker, Ronald N & Patricia A
Rennaker, Ronald N & Patricia A

Pape, Richard W Jr & Karen M
Rietdorf, Jeremy

Rietdorf, Jeremy
Wehrle, James A

Wehrle, James A
Elliott, Lowell Jr

Hills, Brian J & Janelle A & Hills, Richard J

Tipsord, Terry L & Sharon K
Davis, Patrick C

Fulkerson, Kimberly S
Anderson, Scott D

Baughman, Michael Lee
Allman, Robert L & Linda L

Greve, Donald W Jr & Rose M
Greve, Donald W Jr & Rose M

Greve, Donald W Jr & Rose M
Donald W Jr & Rose M

Davis, Patrick C

Fulkerson, Kimberly S

Anderson, Scott D

Allman, Robert L & Linda L

Greve, Donald W Jr & Rose M

Greve, Donald W Jr & Rose M

Tipsord, Terry L & Sharon K

Davis, Patrick C

Fulkerson, Kimberly S

Anderson, Scott D

Allman, Robert L & Linda L

Greve, Donald W Jr & Rose M

Greve, Donald W Jr & Rose M

Elliott, Lowell Jr

Wehrle, James A

Guenin, Lawrence E & Sandra K

Davis, Patrick C

Wehrle, James A

Wendler, James A

Guenin, Lawrence E & Sandra K

Davis, Patrick C

Pape, Richard W Jr & Karen M

Rietdorf, Jeremy

Arend, Timothy G & Melynda M

Rennaker, Ronald N & Patricia A

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McClure, Jerry K

Miller, Michael S & Teresa A

Boyd, Matthew & Piper

Burris, James R & Karen D

Gleason, Raymond D

McClure, Jerry K

Roberts, Carolyn J

Roberts, Carolyn J

Parks, Richard L & Debra A

Brandt, Nicholas L & Krista L

Larkin, Thomas M & Karen M

Wirges, Pamela M

Brandt, Nicholas L & Krista L

Bianski, Eric J

Berndt, Douglas & Susan M

Davis, Dennis A

Gatton, Steven E & Linda L

Lake Rentals, LLC

Christman, Wyatt J

Hyndman, Jake

Ramus, Charles & Ramus, Darlene

Wynn, Kim & Rita

Jacquay, Helen L & Thomas A Revocable Trust

Walker, Von A & Gross, Kelly L

Wass, Philip D & Marty M

Peters, Andrew M & Mary Jo

Rosswurm, Shelly A & Brady

Wynn, Kim & Rita

Jacquay, Helen L & Thomas A Revocable Trust

Walker, Von A & Gross, Kelly L

Wass, Philip D & Marty M

Peters, Andrew M & Mary Jo

Rosswurm, Shelly A & Brady

Anderson, Phyllis A & Anderson, Scott D & Anderson, Barry D

Palmer, Lynn E & Palmer, Dolores F Co-Trustees (The Palmer Family Rev Living Rev Living Trust 11/23/05)

Greve, Donald Jr & Rose

Greve, Christopher W & Dawn M

Weatherholt, Larry W & Linda C

Greve, Donald W Jr & Rose M

Greve, Donald W Jr & Rose M

