

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

19-W-VAR-17 DEVELOPMENT STANDARDS VARIANCE
Jared Bennett
3545 N. 50 West

**OCTOBER 22, 2019
AGENDA ITEM: 2**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 7.5± acres

The petitioner, owner of the subject property, is requesting a development standards variance for an encroachment into the required front setbacks on the property located at 3545 North 50 West.

The petitioner has proposed a 30'x40' addition to an existing pole building located near the county road. The front of the structure would roughly in line with a concrete apron in front of the existing building. The addition would also be in roughly the same location, and with a similar setback, as a previous structure that was demolished around 2009. Per the submitted plot plan, the addition would be 50.9' from the centerline of the road, or 25.9' from the surveyed right-of-way line.

Note that the plot plan survey indicates a 25' right-of-way for the county road, rather than an assumed 20' right-of-way that is typical. Staff has found prior surveys for this and adjacent properties that indicate either 20' or 25' along 50 West, so the proper width is not clear. This report uses the 25' right-of-way to match the submitted plot plan.

The required front setback is 40' from the right-of-way line, necessitating a request for a 14.1' variance.

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, morals, and general welfare as outbuildings with encroachments such as the proposed exist throughout the zoning district. A 25-30' setback is still fairly sufficient for an outbuilding to maintain a safe distance from the road. However, as with any variance, the general welfare may be injured by degradation of the effectiveness of the zoning code if there are not site-specific difficulties for the variance.

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 properties throughout the AG district have similar structures. Use should also not be affected, due to the distance of the proposed addition from adjacent properties and maintaining what should be an adequate, though not ideal front setback.

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 may result in practical difficulties. Any potential location of the proposed structure is constrained by moderate to steep grades throughout the property, which are particularly steep (18%±) just to the west of the existing building. While the building could be shifted to the west by about 15' to be compliant with the zoning code, it could require 2-4' of fill across

its length. Decreasing the depth of the addition could also be considered as a means to reduce or remove the variance, and the Board should confer with the petitioner on the feasibility of doing so.

SUGGESTED MOTION

If the Board moves to grant a variance, Staff suggests that, in order to avoid confusion over the right-of-way width, the motion include both the distance from the right-of-way line and from the centerline of the road.

Date report prepared: 10/15/19

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Deckard		Denihan		Lopez		Wilkinson		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: _____ By: _____ Second by: _____

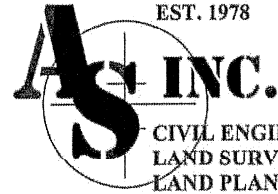
Vote:	Deckard	Denihan	Lopez	Wilkinson	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

ANDERSON SURVEYING, INC.

Registered Professional Engineers and Land Surveyors
 Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
 Fort Wayne, IN 46808
 Phone: (260) 483-1724
 Fax: (260) 482-6855
 Toll Free: (888) 483-1724

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 Columbia City, IN 46725
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(SEPTEMBER 2019 / 97-11-202)

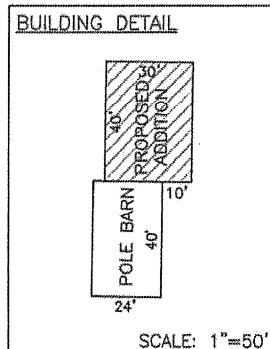
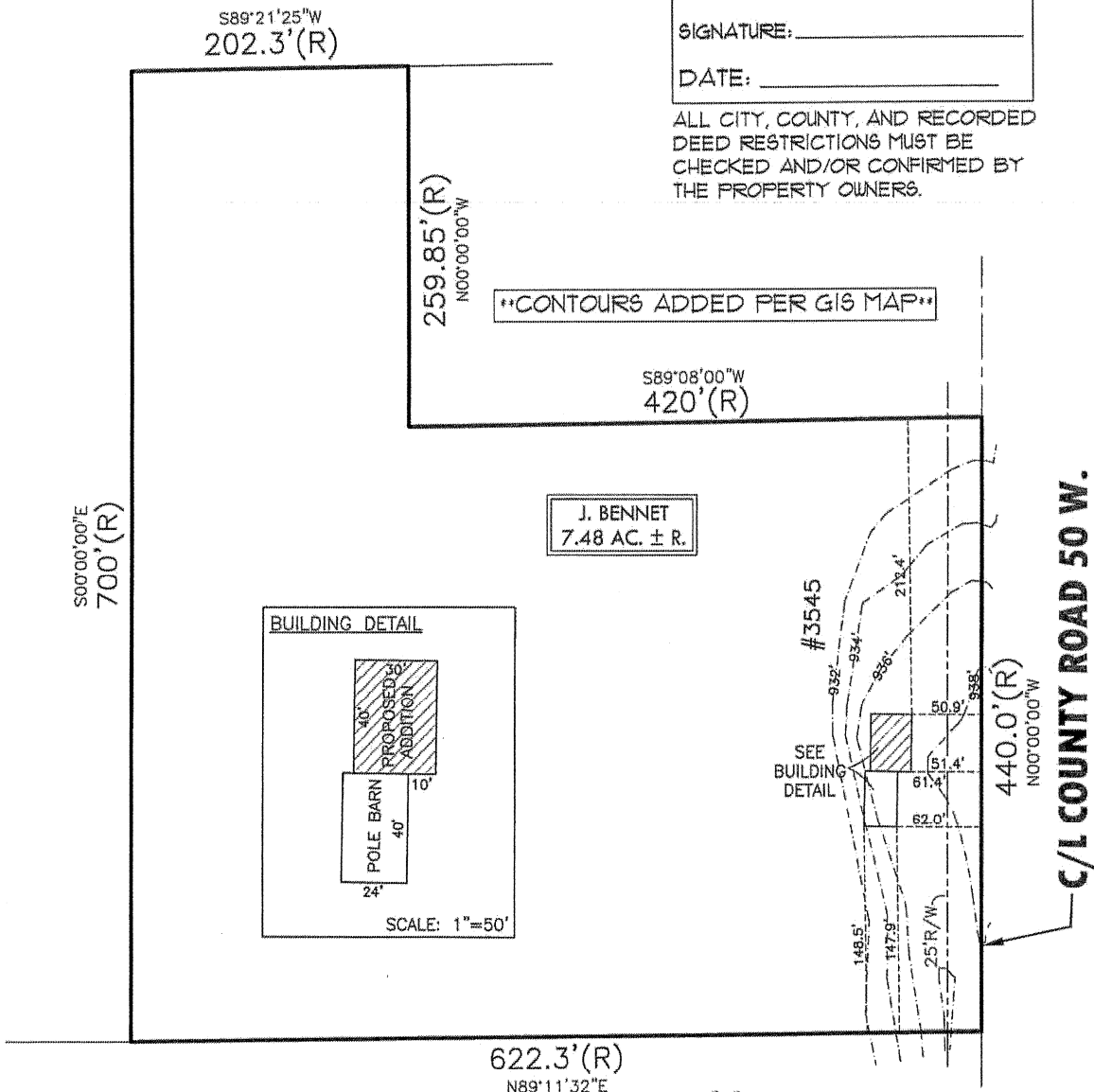
PLOT PLAN

APPROVED BY: JARED BENNETT

SIGNATURE: _____

DATE: _____

ALL CITY, COUNTY, AND RECORDED
 DEED RESTRICTIONS MUST BE
 CHECKED AND/OR CONFIRMED BY
 THE PROPERTY OWNERS.



J. BENNETT
 7.48 AC. ± R.

PROJECT ADDRESS:
 3545 N 50 W
 COLUMBIA CITY, IN 46725



PT. NE 1/4 SEC. 20-32-9
 THORNCREEK TWP., WHITLEY CO., IN



DATE: 09/17/2019
 SURVEY NUMBER: 97-11-202

SCALE IN FEET: 1" = 100'



Parcel owners and numbers visible on the map include:

- Smiley, Mark (3950)
- Chamberlain, Timothy R (3950)
- JRP, LLC (3950)
- Zorger, John C (3850)
- Wireman, Carter R & Cathy R (3850)
- Saggar, John W & Charlene A (3850)
- 3778
- 3702
- Starkey, David A & Laura D (3702)
- 3531
- 3540
- Starkey, David A & Laura D (3540)
- Green, Greg A & Monica M (3525)
- Geiger, Clay Wayne (3439)
- Niccum, Richard K (3324)
- Leiter, John C & Sharon L (3180)
- Knights, Homer & Patricia Ann (3180)
- Zorger, Jerry J & Phyllis Jean & Zorger, Rick & Zorger, Rod (3180)
- Ball, Patrick R (330)
- Trump, Thomas M & Rebecca L (321)
- Krick, John A & Kimberley Y (309)
- Turner, Christopher M & Jennifer N (309)
- Clough, Tang S & Clough, Theresa Aiello (3390)
- Dupen, Barry M & Davidson Julie F (3288)
- Miller, Chad R & Erica L (3216)
- McCombs Milton & Ann Revocable Trust (3216)
- Farnbauch, Mark R & Carrie Renea (3999)
- Bogle, John A & Irene A (3911)
- Bloch, Eric J & Melissa V (3911)
- Rhea, Jennifer S (3810)
- Turner, Christopher M & Jennifer N (3770)
- Pulver, Revocable Living Trust (3615)
- Bennett, Jared J & Sauter, Abie M & Bennett, Benjamin T (3739)
- Bennett, Jared J & Sauter, Abie M & Bennett, Benjamin T (3590)
- Farber, James K & Brook L (3545)
- Zumbrun, Mark A & Zumbrun, Tom B Tenants in Common (3390)
- Caffee, Lynn (3276)
- Eames, Kevin & Janica (3911)
- Eames, John A & Janica (3911)
- Hill, Steven L, Hill, John A, Hill, Nancy F & Booche, Judy C (3500)
- Bennett, Jared J & Sauter, Abie M & Bennett, Benjamin T (3500)
- Schwenn, Steven M & Vickie L (3500)
- Meinika, David L & Tamara S (3300)
- Gressley, Kenneth Max & Gressley, Virginia L Trustees (3300)
- Shively, Terry L & Jill A (3300)
- Shively, Terry L & Jill A (3245)
- Shively, Trevor L (3245)
- Bochard, Matthew E & Binghan, Benjamin Eli Jr. (3245)
- Thistlethwaite, Kay L (3502)
- Hill, Andrew Lee & Hill, Roger Lee (3502)
- Schmidt, Jeffrey (3496)
- Gressley, Kenneth Max & Gressley, Virginia L Trustees (3339)
- Shively, Terry L & Jill A (3339)
- Shively, Terry L & Jill A (3300)
- Shively, Trevor L (3245)
- Bochard, Matthew E & Binghan, Benjamin Eli Jr. (3245)
- Mullins, Roger C & Hahn, C (3245)