

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

22-W-VAR-15 DEVELOPMENT STANDARDS VARIANCE
Richard & Karen Pape
6680 E. Harrold Road

**JULY 26, 2022
AGENDA ITEM:**

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 0.109 ± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachments into the required front and rear setbacks on the property located at 6680 East Harrold Road in Smith Township. The property is comprised of Lot 18 of Frank Harrold's Second Addition to Blue Lake Resort. The property is currently unimproved.

The petitioner has proposed to construct a storage building on the vacant lot. As proposed, the new structure would be a 32' X 68' storage building. The location would have 6' side setbacks, 10' rear setback, and 22± front setback. The proposed structure would result in a 5' variance from the 10' required rear setback, and 13' variance from the 35' required front setback.

Several properties along Harrold Road have had variances granted for similar or lesser setbacks for garages.

Based on the Best Available map information and topography, the structure would be located outside the regulatory floodplain.

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 safety, health, and morals as the proposed setback generally matches the setbacks of existing structures along Harrold Road. 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 use or value of the area adjacent to the property as the surrounding properties enjoy similar setbacks as the proposed. 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. 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.

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 or may not result in practical difficulties.

Date report prepared: 7/19/22

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Denihan		Lopez		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:

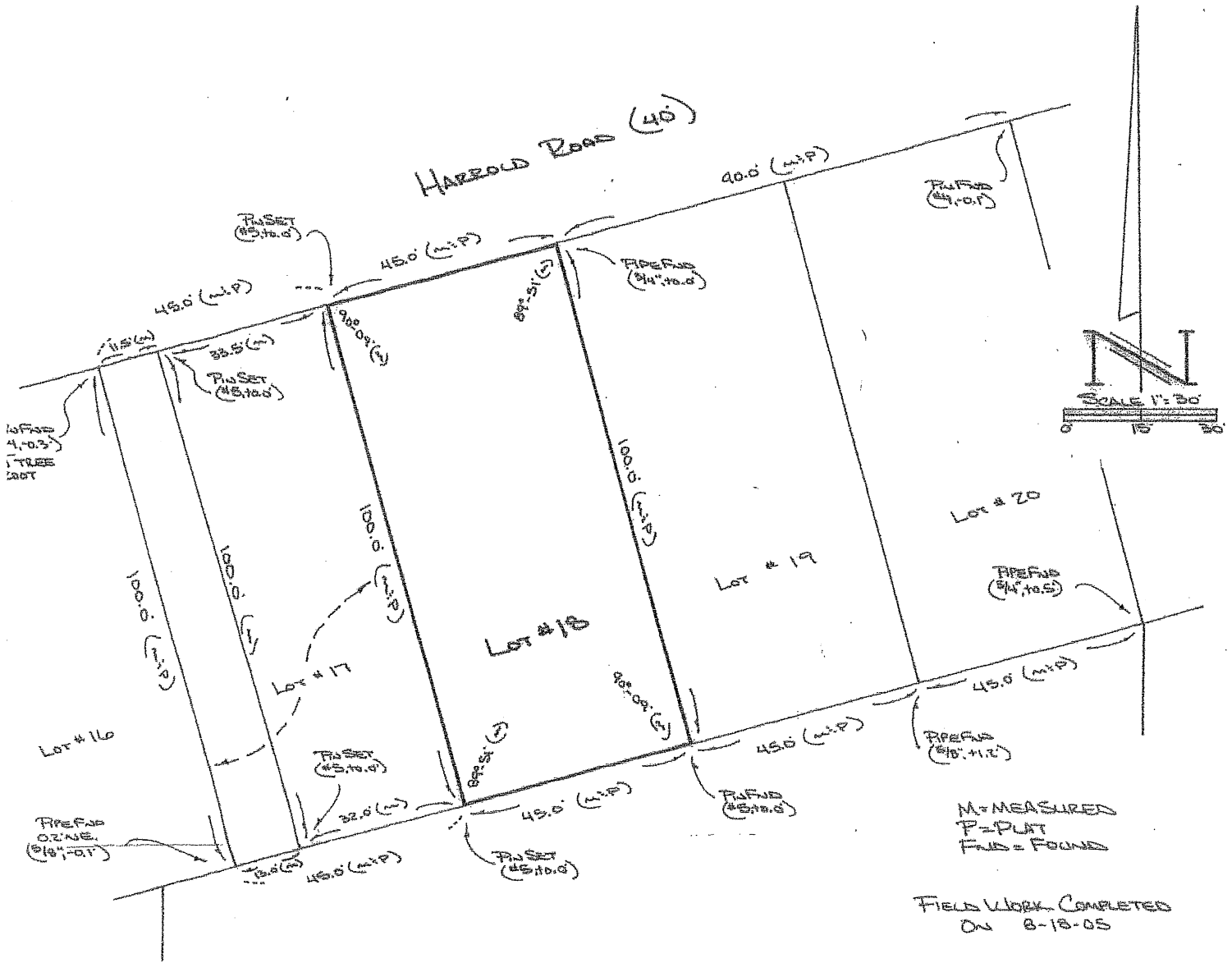
Second by:

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

LOT NUMBER 18 IN HARBOLD'S SECOND TRACTION TO BLUE LAKE RESORT IN SECTION 15, TOWNSHIP 22 NORTH, RANGE 10 East, Whitley County, Indiana.

This property is not in a flood plain (In Zone X) as defined by the Flood Insurance Rate Map dated 04-01-88, Community No.180298-0002B, Whitley County, Indiana.

See page 2 of 2 for Surveyor's Report.

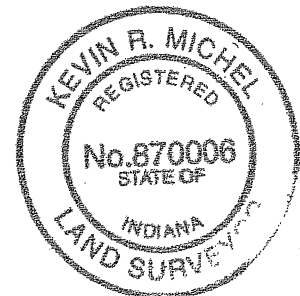


I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND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

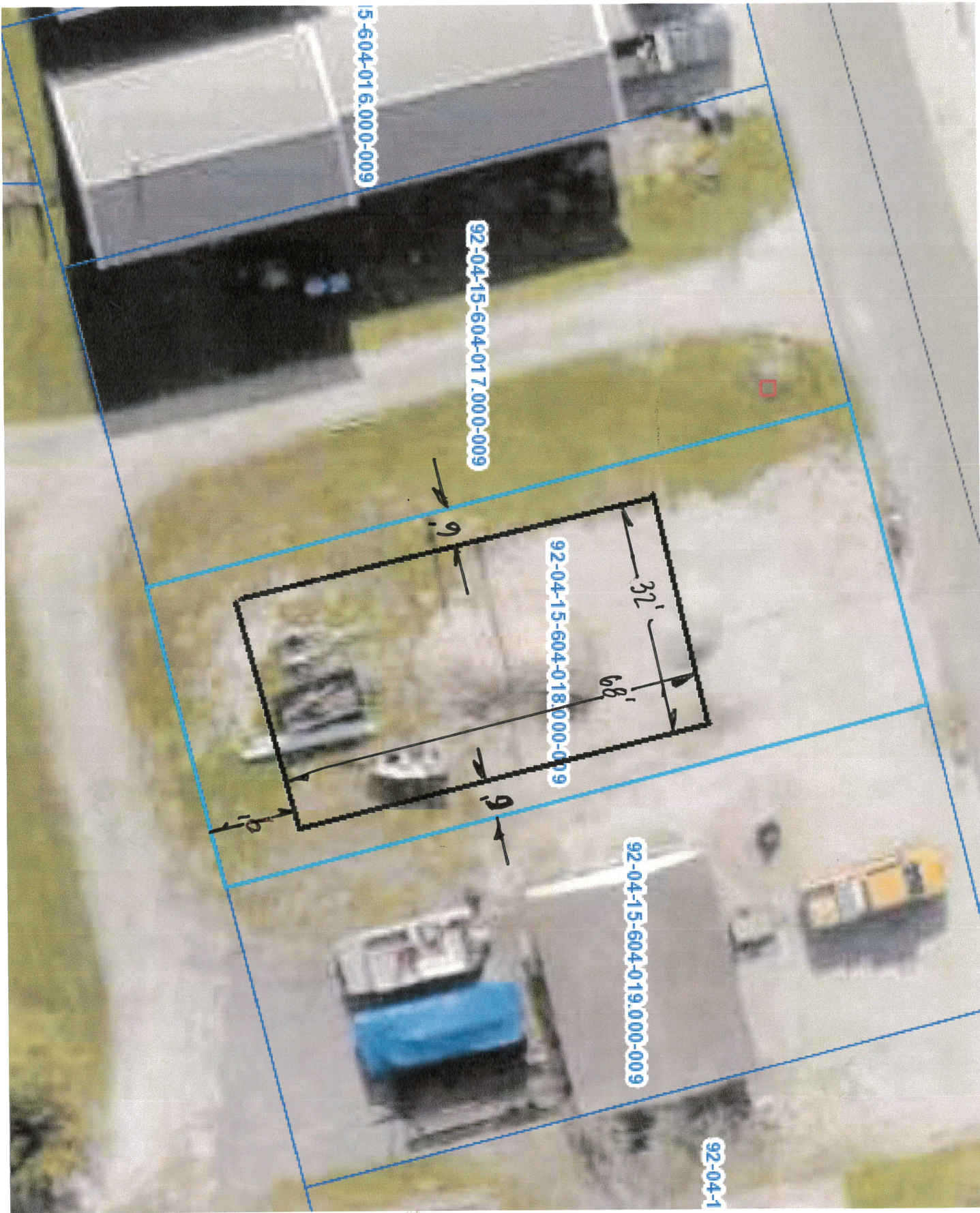
I hereby certify on the 22nd day of August, 2005, that the above survey is correct.

Surveyed for: Palmer, Lynn E.
Daniels, Delores F.

Survey No.: NC-127



Kevin R. Michel



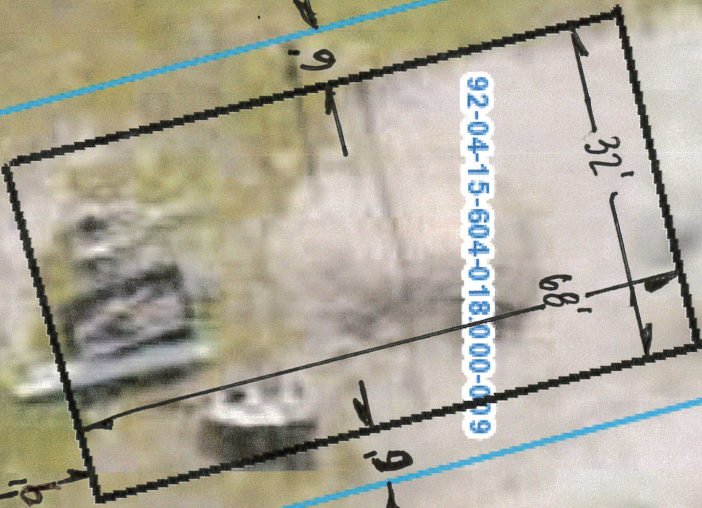
15-604-016.000-009

92-04-15-604-017.000-009

92-04-15-604-018.000-009

92-04-15-604-019.000-009

92-04-1





Barton, Mathew David & Kelly Michelle
Holland, Donna Dea & Roberts, Gregory D
Davis, Dennis A
Gatton, Steven E & Linda L
Bianski, Eric J & Birk, Michelle L
Brandt, Nicholas L & Krista L
Larkin, Thomas M & Karen M
Berndt, Douglas S & Susan M
Roberts, Carolyn J
Roberts, Carolyn J & Frederick E
Burris, James R & Karen D
Gleason, Raymond D
Sonam, Rachel R
Lime, Jennifer D
Miller, Michael S & Teresa A
Rennaker, Ronald N & Patricia A
Rennaker, Ronald N & Patricia A
Pape, Richard W Jr & Karen M
Rietdorf, Jeremy
Gibson, Michael V & Beauchot, Annetta M
Wehrle, Danielle
Strabbing, Robert L & Linda K
Blue Fox Properties Lic
Hills, Brian J & Janelle A & Hills, Richard J
Tipsord, Terry L & Sharon K
Baughman, Michael Lee
Allman, Robert L & Linda L

Striker, Daniel L & Lisa M
Lake Rentals, Lic
Ramus, Charles J & Darlene M
Berndt, Douglas S & Susan M
Wirges, Pamela M
Parks, Richard L & Debra A
Sonam, Rachel R
Lime, Jennifer D
Pape, Richard W Jr & Karen M
Palmer, Lynn E & Palmer, Delores F Co-Trustees (The Palmer Family, Rev Living Trust 11/23)
Rennaker, Ronald N & Patricia A
Simmers, Vincent S & Vicki L
Simmers, Vincent S
Arend, Timothy G & Melynda M
Guenin, Lawrence E & Sandra K
Davis, Patrick C
Whitley County
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Whitley County

Anderson, Scott D & Anderson, Barry D
Palmer, Lynn E & Palmer, Delores F Co-Trustees (The Palmer Family, Rev Living Trust 11/23)
Greve, Christopher W & Dawn M
Greve, Christopher W & Dawn M

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