

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

**22-W-VAR-16 DEVELOPMENT STANDARDS VARIANCE**  
Timothy J. & Trisha Sarrazin  
1906 W. Sheckler Road

**JULY 26, 2022  
AGENDA ITEM:**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 20± acres

The petitioner, owner of the subject property, is requesting a development standards variance for the minimum floor area on the property located at 1906 W. Sheckler Road, in Section 30 of Thorncreek Township.

The petitioner has constructed a garage with approximately 988± square feet of living space. The original permit issued was for a detached garage alone, with the intention to build an attached residence later. During the course of construction, the petitioner added living area to the structure, without updating the permit or obtaining necessary inspections to approve the living space.

The petitioner now desires to sell the property as-is, without the construction of the full residence. So, they are seeking to amend the permit to allow for living space that had been added to allow for the clear transfer of the property. The permit has not been closed yet, so such an amendment is permissible, but the living area must meet the zoning requirements.

The code requires a minimum main floor area of 950 sq. ft. for a one-story structure, or 850 sq. ft. for multiple story structures (1,200 sq. ft. total). Due to this being a two-story structure, a variance is requested to permit the proposed 988± sq. ft. living area since the living area on the first floor is less than 850 sq. ft.

**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 would not be expected to be injurious to the public safety and morals, as it is to be a temporary situation for future construction. As it is to be sold to a new buyer, the smaller area could be injurious to the public health since minimum floor areas are established to protect public health by ensuring adequate living area for the population at large.
- 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**  
This variance will not likely affect the use and value of the surrounding area. As a temporary situation, any effects would not likely 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. The code establishes a minimum floor area to protect public health. In this case, there is a stated intention that the smaller floor area would only affect the petitioner and potential purchaser, since it would only be used temporarily. So, the purpose for which the standard is created does not fully apply.

However, the code does not contemplate temporary uses because there is an assumption that a temporary use could easily become a permanent use and create the injurious effects. Where conditions restricting length of usage can be made, such as a variance or special exception, these may be used to address this difficulty.

Whether this is self-imposed is indefinite. The original permit was clearly written for a detached garage alone, without living space; the petitioner added the living space without amending the permit and obtaining inspections for living area. That is a self-imposed condition; however, the petitioner is seeking to rectify that by amending the permit and pursuing this variance.

It is possible that the petitioner could finish the detached garage space and meet the minimum first floor area. Doing so might not necessarily increase the actual living area used, but just the living area calculated for the purposes of the code, which could result in greater health impact.

Essentially, this proposal reflects a temporary situation that is not well addressed in the code that could be addressed by use of a conditioned variance.

**SUGGESTED CONDITIONS**

If the Board finds to grant the variance, staff recommends the following condition(s):

1. The variance is granted for a maximum of 3 years, or until the permanent dwelling is completed, whichever comes first.
2. A building permit for a permanent dwelling must be obtained within one (1) year of the approval of the variance.
3. The structure is to be compliant with building and health code requirements.
4. These conditions are to run with the property and are binding on any subsequent owners.

Date report prepared: 7/19/22

**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

	<b>Vote: Denihan</b>		<b>Lopez</b>		<b>Wilkinson</b>		<b>Wolf</b>		<b>Wright</b>	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Criterion 1										
Criterion 2										
Criterion 3										

Motion:  Grant  
 Grant w/conditions  
 Deny

By: \_\_\_\_\_

Second by: \_\_\_\_\_

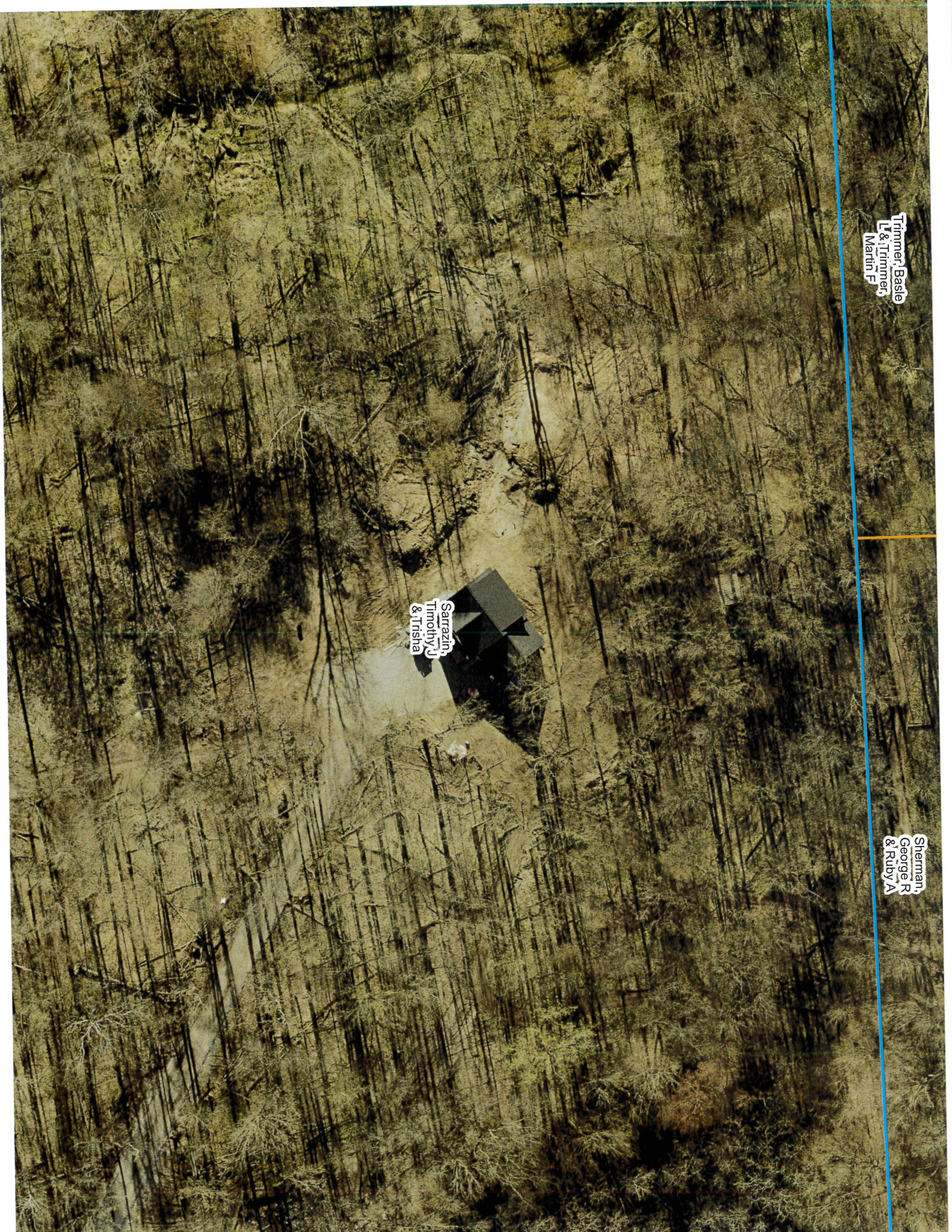
	<b>Vote: Denihan</b>	<b>Lopez</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>
Yes					
No					
Abstain					



Trimmer, Basle  
& Trimmer,  
Martin F

Sarrazin,  
Timothy J  
& Trisha

Sherman,  
George R  
& Ruby A







Boner, Rick

Boner, Rick

Ott, Rick A & Debra Sue  
Sheckler, Caleb

McDonald, Kenneth E & Donna Jean  
Snyder, Jason R

Wuis, Dustin R & Kristin E

Schauber, Harold L & Geraldine

N 250 W

Sheckler, Caleb

Myer, Ronald & Nancy C

Myer, Scott R & Leah D

Trimmer, Basle Lynn

Cormany, Ray & Ardith Revocable Trust

Mckown, Robert C & Lillian L

Fisher, Ronald L Etal & Mary Ann

Ripert, Janet L

Trimmer, Basle L & Trimmer, Martin F

Myer, Logan S & Amber N

Myer, Ronald & Nancy C

Cormany, Ray & Ardith Revocable Trust

Shively, Benjamin J

Dunn, Steven Eugene

W5 SHECKLER RD

Sarrazin, Timothy J & Trisha

Sheckler, Corey D

Myer, Ronald C & Nancy C

Sheckler, Anthony E & Gail

Zumbrun, Mark A & Zumbrun Thomas B

Sherman, George R & Ruby A

Kimble, Edward A & Margaret G

Kimble, Edward A & Margaret G

Klingaman, Rosalind J Trustee Of Rosalind J Klingaman Revocable Trust

Myer, Scott R & Leah D

Flowers, Jerry G & Carol A

Crickmore, Thomas A & Cheryl

Galloway, Gary W & Sandra S

Sheckler, Chris D & Julie M

Sheckler, Anthony & Gail

Schuman, Errol Devon & Millicent K

Myer, Scott R

Snyder, Patricia Goodin Revocable Trust

Kyer, Brian J & Renee J

Kyer, Brian J & Renee J

Mullins, Roger & Helen C

Handlin, George R & Jo Ann

Good, Brad M & Jaime R

Myer, Scott R

Myer, Ronald C & Nancy

Wutrich, David A

Wutrich, David A & Sharon K

Zumbrun, Mark & Zumbrun, Thomas B



988

www.988.org

40 ft

stairs  
&  
Medic  
below

Bathroom

Furnace

38

52

17

1 ft

5 ft

5 ft 7 in

10 ft 5 in

3 1/2 ft

30 ft

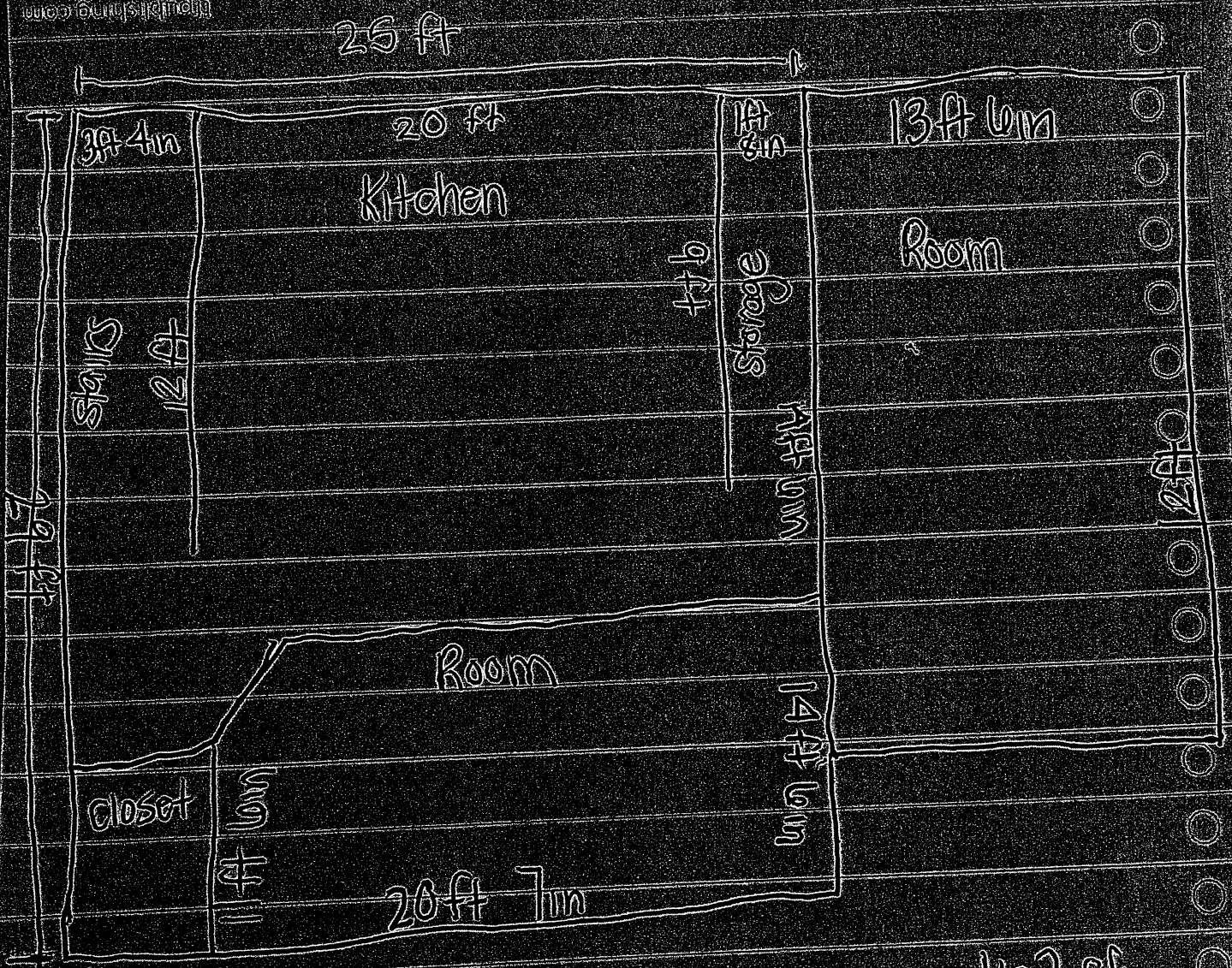
14 ft

4

1144 total sf garage

NOTES





4ft

725 sf

162 sf

upstairs 887 total

NOTES