

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

22-W-VAR-17 DEVELOPMENT STANDARDS VARIANCE
Johnson Family Living Trust
6480 E. Mcguire Road

**AUGUST 23, 2022
AGENDA ITEM: 1**

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 7,050± sq. ft.

The petitioner, owner of the subject property, is requesting development standards variances of the required side and front setbacks on the property located at 6480 E. Mcguire Road in Section 10 of Smith Township. The property is comprised of Lot 17 of Lucretia A. Mcguires Second Addition to Blue Lake Resort. The property is improved with a dwelling with a deck, patio, and a shed.

The petitioner has proposed to construct an addition with an overhang on the north end of the east side. Per the submitted plot plan, the proposed structure would have 3.2' and 0.6' side setbacks, and a 9' front setback (or 40'± from the shoreline).

Since this lot does have lake frontage, front setback standards apply to the lake side parcel line. The petitioners also own the property between the parcel line and the lakefront. The required minimum front set back is 35' and minimum side setback is 5'. Thus, a variance of 26'± for the front setback, 1.8' for the right side setback, and 4.4' for the left side setback are requested.

For reference, based on the Best Available map information and topography, the structure would be located partially within the regulatory floodplain. The grant of a setback variance would *not* vary the requirements of the flood code, and the proposed structure will need to comply with the flood standards as may be applicable.

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 variances will not likely be injurious to the public health and morals as improvements with encroachments such as the proposed exist throughout the zoning district without apparent injury.

The accessibility around the proposed structure may be impaired due to the narrower side setbacks, which could affect the public safety in emergencies. Additionally, the encroachment of the addition into the regulatory floodplain may impact public safety if the standards of the flood code are not strictly adhered to.

The 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 these variances will adversely affect the value and use of the area adjacent to the property as similar properties in the LR district have structures with similar encroachments.

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 some practical difficulty. This being a historic lake area subdivision plat, small lot sizes do often create practical difficulties for reasonable projects. In this case, the positioning of the proposed structure generally aligns with existing nearby structures in the area. The west side setback would be 5" nearer the property line than the existing house because of the desired extension of the existing house façade; that may be resolved by angling the addition to maintain the 3.7' setback, but it would create a difficulty in construction.

The east setback measurement is from an open overhang, which is subject to setbacks. This part of the structure would likely have the least impact on the surroundings due to its open nature. Without the overhang, the setback for the proposed addition would 0.7' on the east side.

Date report prepared: 8/16/22

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Vote: Denihan		Lopez		Wilkinson		Wolf		Wright	
	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: _____

Vote:	Denihan	Lopez	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					

PROPERTY ADDRESS

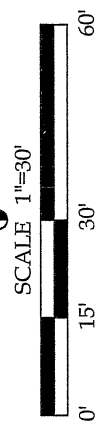
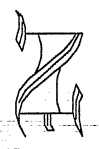
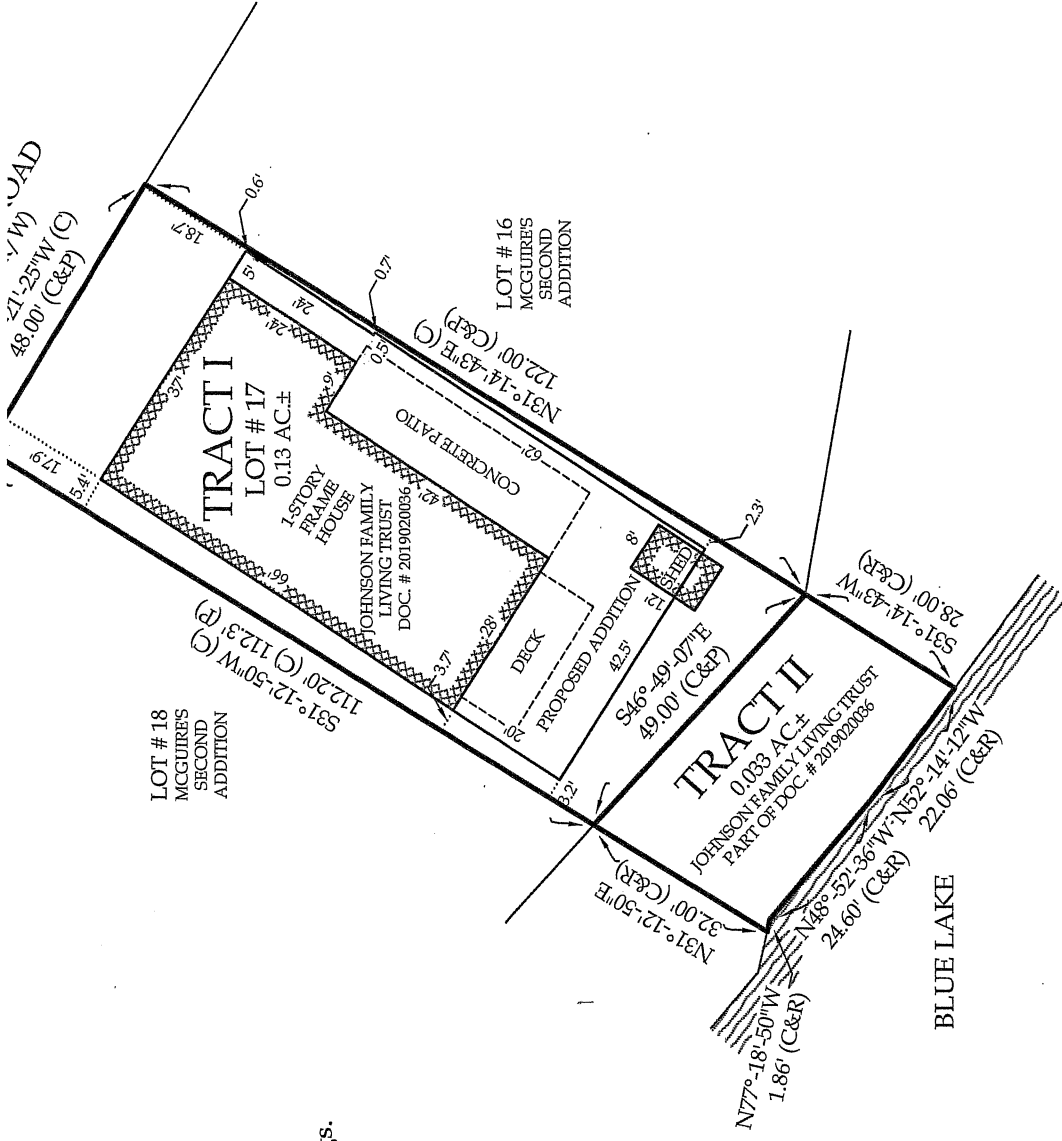
6480 E McGuire Rd
Churubusco, IN 46723

LEGEND

M = MEASURED C = CALCULATED
P = PLAT R = RECORDED

BASIS OF BEARINGS

The basis of bearings for this drawing is GPS bearings.



LOT NUMBER 17 IN LUCRETIA A. MCGUIRE'S SECOND ADDITION TO BLUE LAKE RESORT, TOGETHER WITH PART OF SECTION 9, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA	
FOR: JOHNSON FAMILY LIVING TRUST	
SCALE: 1"=30'	DRAWN BY: KRM
DATE: 7-1-2022	PAGE: 1 OF 1
DRAWING NUMBER OD-128 "A"	

WALKER & ASSOCIATES EST. 1984

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**LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING**



Bair, George M III

Winebrenner, Thomas & Amelia

Millikan, Richard J Jr & Sherryl A

Millikan, Richard J Jr & Sherryl A

Hofferberth, Dan

Millikan, Monica L

Butler-Knight, Marie F

Winebrenner, Thomas & Amelia

Schinbecker, Daymon W & Cecelia R

Berkley, Frederic M

Ross, Kent L

Hendrickson, James & Kaylea

Salge, Kenneth E & Ronda J

Nelson, Deborah A

Hile, John J

Muehlmeyer, Todd & Holmes, Leann

Naylor, Bruce A & Dawn S

Arend, Larry

Hile, John

Hyser, Thomas Jr

Noland, Timothy C & Anita M

Rumsey, Ada E

Noland, Timothy C & Anita M

Adams, James L & Nancy L

Adams, James L & Nancy L

Adams, James Lee & Nancy L

Winebrenner, Thomas E & Amelia A

Winebrenner, Thomas E & Amelia A

Johnson, William D & Johnson, Diane L Trustees Of The Johnson Family Living Trust

Winebrenner, Thomas E & Amelia A

Winebrenner, Thomas E & Amelia A

Winebrenner, Thomas E & Amelia A

Johnson Family Living Trust

Johnson Family Living Trust

Williams, Brian

Williams, Brian

Chenery, Ernest J & Theresa

Chenery, Ernest J & Theresa

Chenery, Ernest J & Theresa

Samaniego, Theodore J & Annette M

Samaniego, Theodore Joseph & Annette Marie

Sordale, Martin & Rebecca A

Sordale, Martin & Rebecca A

Sordale, Martin & Rebecca A

Sordale, Martin & Rebecca A

Chenery, Ernest J & Theresa

Chenery, Ernest J & Theresa

Arend, Pamela J

Arend, Pamela J

Shaffer, Linda L

Shaffer, Linda L

Johnson Family Living Trust

The Johnson Family Living Trust

Sordale, Mohan N

Sordale, Mohan N

Wagoner, Cheryl L & Bredemeier, Melvin W

Wagoner, Cheryl L & Bredemeier, Melvin W

Wagoner, Cheryl L & Bredemeier, Melvin W

Wagoner, Cheryl L & Bredemeier, Melvin W

Allman, Jack L & Joan M

Allman, Jack L & Joan M

Allman, Jack L & Joan M

Allman, Jack L & Joan M

Hile, John

Hile, John

Hile, John

Hile, John

Hile, John

Hile, John

N 650 E

EMGURES RD