

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

22-W-VAR-20 DEVELOPMENT STANDARDS VARIANCE
Joel M. & Leslie Harman
6140 E. 1000 South

**SEPTEMBER 27, 2022
AGENDA ITEM: 2**

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture
Property area: 18.463 ± acre

The petitioner, owner of the subject property, is requesting a development standards variance for an encroachment into the required front setback for construction of a pole barn on the property located at 6140 E. 1000 South in section 35 in Jefferson Township. The property is improved with a dwelling and a pond.

The petitioner has proposed to construct a 54' X 80' storage building on the property, northeast of the house and north of a wetland. As proposed, the structure would have 25' front setback.

The required minimum front setback is 40', resulting in a 15' variance being requested.

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 or morals, as outbuildings with encroachments such as the proposed do exist throughout the zoning district without injurious effect.

A 25' 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 accessory structures. Use should also not be affected, due to the distance of the proposed structure from adjacent properties and maintaining what should be an adequate, though perhaps 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. The potential to locate an accessory structure to the west of the dwelling is constrained by the location of a large wetland area and steeper slopes. South of the dwelling would be constrained by the septic field and lines. Locating the structure to the southeast side of the dwelling is constrained by the location of a pond and wetland area. Other possible locations on the property, such as off of 600 East, might be feasible, but would not be accessible from the residence.

That said, moving the proposed location south could reduce the variance slightly, but doing so would have difficulty due to the topography of the land and impact on the wetland area.

Date report prepared: 9/9/22

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

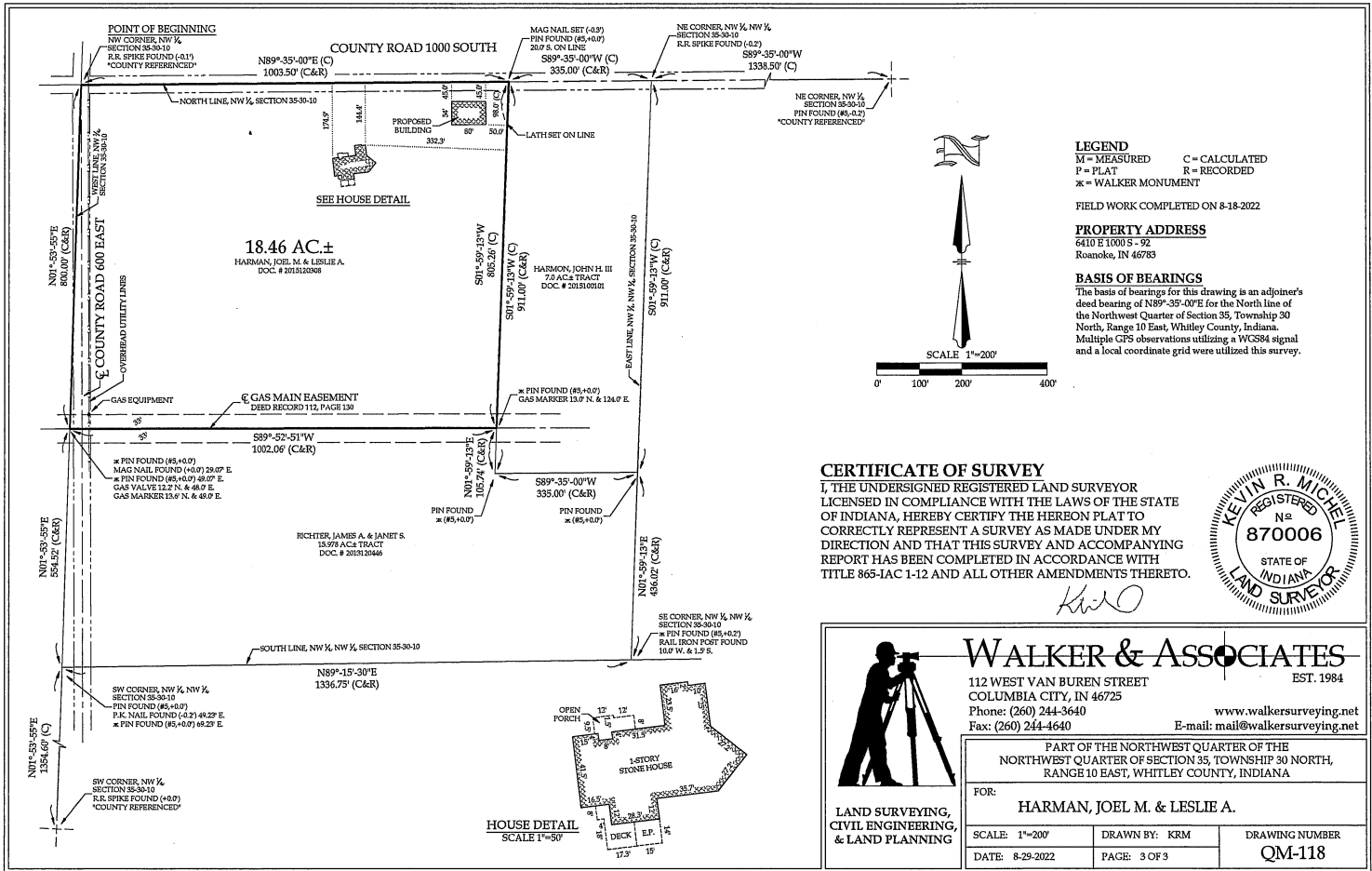
	Denihan		Lopez		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: Grant
 Grant w/conditions
 Deny

By:

Second by:

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





Building Specs

Width: 54'
Length: 80'
Height: 16'
Roof Type: Gabled
Roof Pitch: 4":12"

Colors

Roof Color: Galvalume
Wall Color: Hunter
Trim Color: Galvalume
Wainscot Color: Galvalume

Wainscot:

Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1'
Right Overhang: 1'
4'x4' Cupola Qty: 2

Windows & Doors

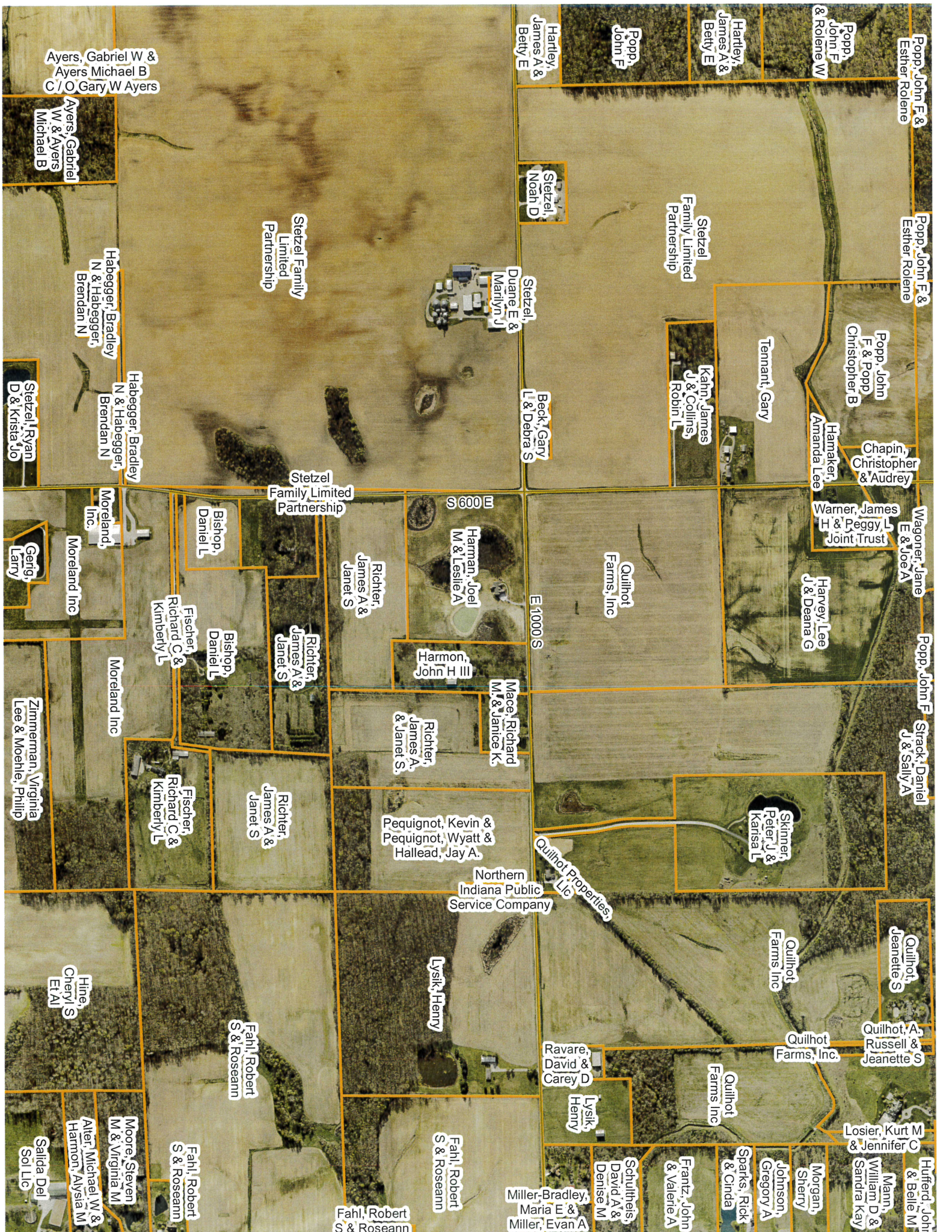
Window (4x3) w/ Shutters Qty: 12
Walk Door Solid Qty: 2
Overhead Panel Door Qty: 2
Overhead Window Door Qty: 4

Item Sizes:

Overhead Window Door: w12' x h14'
Overhead Window Door: w12' x h14'
Overhead Panel Door: w9' x h10'
Window (4x3) w/ Shutters: w4' x h3'
Window (4x3) w/ Shutters: w4' x h3'
Window (4x3) w/ Shutters: w4' x h3'
Window (4x3) w/ Shutters: w4' x h3'
Window (4x3) w/ Shutters: w4' x h3'
Window (4x3) w/ Shutters: w4' x h3'
Window (4x3) w/ Shutters: w4' x h3'
Walk Door Solid: w3.5' x h6.7'

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Popp, John F & Esther Rolene

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Popp, John F & Rolene W

Hartley, James A & Betty E

Popp, John F

Hartley, James A & Betty E

Ayers, Gabriel W & Ayers Michael B
C/O Gary W Ayers

Ayers, Gabriel W & Ayers Michael B

Stetzel Family Limited Partnership

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Stetzel, Duane E & Marilyn J

Beck, Gary L & Debra S

Kahn, James J & Collins, Robin L

Tennant, Gary

Popp, John F & Popp, Christopher B

Chapin, Christopher & Audrey

Warner, James H & Peggy L Joint Trust

Wagoner, Jane E & Joe A

Harvey, Lee J & Deana G

Popp, John F

Strack, Daniel J & Sally A

S 600 E

Harman, Joel M & Leslie A

Richter, James A & Janet S

Quilhot Farms, Inc

E 1000 S

Harmon, John H III

Mace, Richard M & Janice K

Richter, James A & Janet S

Bishop, Daniel L

Richter, James A & Janet S

Bishop, Daniel L

Fischer, Richard C & Kimberly L

Richter, James A & Janet S

Fischer, Richard C & Kimberly L

Moreland Inc

Moreland, Inc

Garig, Larry

Zimmerman, Virginia Lee & Moehle, Philip

Skinner, Peter J & Karisa L

Quilhot Properties, LLC

Pequignot, Kevin & Wyatt & Hallead, Jay A.

Northern Indiana Public Service Company

Quilhot, Jeanette S

Quilhot Farms Inc

Quilhot, A, Russell & Jeanette S

Quilhot Farms, Inc.

Ravare, David & Carey D

Quilhot Farms Inc

Lysik, Henry

Losier, Kurt M & Jennifer C

Hufford, John & Belle M

Mann, William D & Sandra Kay

Morgan, Sherry

Johnson, Gregory A

Sparks, Rick & Cinda

Frantz, John & Valerie A

Schultheis, David A & Denise M

Miller-Bradley, Maria E & Miller, Evan A

Fahl, Robert S & Roseann

Fahl, Robert S & Roseann

Fahl, Robert S & Roseann

Fahl, Robert S & Roseann

Moore, Steven M & Virginia M

Alter, Michael W & Harmon, Alysia W

Salica Del Sol LLC

