

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

22-W-VAR-21 DEVELOPMENT STANDARDS VARIANCE

Michael & Aprel Cornyn

N. Valley Ave

SEPTEMBER 27, 2022

AGENDA ITEM:

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 0.5 ± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachments into the required front setbacks on the property located on the southwest corner of the intersection of North Woods Trail Drive and North Valley Avenue. The property is comprised of the north 50 ft of Lots 28, 29, 30, & 31 of Forrest Park Addition in Section 4 of Thorncreek Township. 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 25' X 100' storage building. The location would have 6'± and 73'± side setbacks, 35' East Front setback, and 18'± North front setback. The proposed structure would result in a 17' variance from the 35' required front setback.

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 in the area. 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. 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 result in practical difficulties. With this property having two front setbacks, strict application would result in the building width to be only ±8ft.

Date report prepared: 09/07/2022

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					



Vincent, Debby A

Vincent, Debby A

Vincent, Debby A

Chalet Ree LLC

Banta, George A & Colleen M

Cornyn, Michael R & April L

Cornyn, Michael R & April L

Fisher, Paula J & Miller, Billie Jo

Reid, David W; Reid, Hannah M.G. & Reid, Heather L

Frye, Kathy

Boyles, James L & Nancy J Revocable Trust

Dinkel, Roger J & Sharon L Revocable Living Trust

N VALLEY AVE

N VALLEY AVE

Acres, Inc

Banta, George

Cornyn, Michael R & April L

Fisher, Paula J & Miller, Billie Jo

Reid, David W; Reid, Hannah M.G. & Reid, Heather L

Reid, David W; Reid, Hannah M.G. & Reid, Heather L

Reid, David W; Reid, Hannah M.G. & Reid, Heather L

State Of Indiana Dept Of Natural Resources

NWOODSTRAL DR

Cornyn, Michael R & April L

Reid, David W; Reid, Hannah M.G. & Reid, Heather L

EMORSCHES RD

Hoyt, Gregory A

Bishop, James Benjamin & Meredith Elaine

Crooked Lake Golf Course Llc

