

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-1 DEVELOPMENT STANDARDS VARIANCE  
Steven & Jennifer Grable  
3160 E. Basin St.

FEBRUARY 28, 2023  
AGENDA ITEM: 1

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential

Property area: 0.537 ± acre

The petitioners, owners of the subject property, are requesting a development standards variance for an encroachment into the required front setback at 3160 E. Basin Street. The property is located on the southeast corner of the intersection of Basin Street and Lakewood Drive, in Section 12 of Thorncreek Township, and includes Lots 148 & 149 of Karen Cove.

The petitioner has proposed to construct a 24'x26' room addition on the west side of their home. Due the property having frontage on two streets, the property is defined to have two front setbacks and two side setbacks. The proposed and required setbacks are shown in the below table:

	Proposed	Minimum	Variance
North (front)	30'±	25' (platted BL) 35' (zoning)	NA Legal nonconforming
East (side)	NA	10'	NA
South (side)	NA	10'	NA
West (front)	3'±	35'	32'±

Note that the plat of Karen Kove indicates a 25' building line along Basin Street, but no building line is indicated along Lakewood Drive.

Also, as the north wall of the addition would be behind the platted 25' building line and behind an existing legal nonconforming setback of 14'±, no variance is required for that setback.

**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 setbacks generally match the setbacks of existing structures in the area, which frequently have legal nonconformances or variances. Visibility at the intersection may be reduced, but it does not appear that it would be so limited as to be injured. 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 at least one of the surrounding properties enjoys similar setbacks as the proposed.

**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 does result in practical difficulties. The nature of the proposed addition, a bedroom and living space for a relative's semi-independent living, limits its placement in relation to the existing floor plan. Further, based on available evidence, this property was created prior to the adoption of zoning in the County and the dwelling is currently legal non-conforming. With this property having two front setbacks, the strict application of the code results in the existing house encroaching into both setbacks currently even without an addition.

Date report prepared: 2/15/23

**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

	<b>Green</b>		<b>Sheiss</b>		<b>Wilkinson</b>		<b>Wolf</b>		<b>Wright</b>	
	<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: \_\_\_\_\_

	<b>Green</b>	<b>Sheiss</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



Morris, James R & Gail T

Mcgregor, Keyes L, Trustee Of The Keyes L Mcgregor Revocable Trust

Ferrin, Brice D., Turner, Heather M

Mottram, Scott E

Schortgen, Phillip W

Residence Trust

Aumsbaugh, Herschel Lee & Louise Annette

Coleman, Robert L & Carla R

Shearer, Kimberly

Allison, Mary

Kathleen

Sendelbach, Shelley L

Burnett, Jill M & Frain, Donna J

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Burnett, Jill M & Frain, Donna J

Tri Lakes Regional Sewer Dist

Ewing, Robert L & Rowena S

Faucett, Brandon D & Laura A

Hendrickson, Anthony William

Weaver, Mark J

Moore, Kenneth

Schroeder, Nicholas J

E BASIN ST

Karen Kove Property Owners Asc

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Killian, Eric & Rosalee

Williams, John & Penny

Snow, F Loren Jr & Matlean A

Snow, F Loren Jr & Matlean A

Snow, F Loren Jr & Matlean A

Schnorr, Phillip M & Karen K

Cramer, Kristopher Allan

Begue, Stephen M

Lantz, Brice A

Rosen, Adam C & Kimberly A

Worden, Tarrin A

Trump, Claire S

Tenney, Ann M Earnhart

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Schnorr, Phillip M & Karen K

Schnorr, Phillip M & Karen K

Williams, Richard A & Patricia A

Ballard, Dale B & Beverly E

Henry, Joshua D & Christina A

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Tenney, Ann M Earnhart

Gossman, Caitlin & Skidd, Jacob

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Gradeless, Michael D & Marsha J

Ruckman, David D II & Shamon N

Sauers, Adam M

Loper, John T Jr & Marcia A

Stafford, Damien

Martinez, Carlos

Frank, Samuel J & Ann M

Archer, Gary R & Deborah S

Notter, Nathan E & Lemmon, Minda L

Pfeiffer, Shirley A

Pfeiffer, Shirley A

Kovacs, Judith F

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Timms, Randy A & Timms, Myla J

Leffers, Luke & Abigail

Owen, Robin A

Snow, F Loren Jr & Matlean A

McGinnis, Thomas J

Williams, John & Penny

Moore, Kenneth

Weaver, Mark J

Hendrickson, Anthony William

Faucett, Brandon D & Laura A

Ewing, Robert L & Rowena S

Schroeder, Nicholas J

Morris, James R & Gail T

Hile, J. Matthew & Melissa

Graham, Geoffrey D

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Wallace, Ted P & Patricia D

Culbertson, Gerald L

Whisler, Daniel S & Carol S

Boger, David A & Phyllis A Trustees

Whisler, Daniel S & Carol S

Whisler, Daniel S & Carol S

Whisler, Daniel S & Carol S

# Sauer Land Surveying, Inc.

Joseph R. Herendeen, PS, Co-Principal Indiana Firm Number 048  
 Wade N. Hacker, Co-Principal  
 Brian W. Jacquay, PS  
 John C. Sauer, PS - retired

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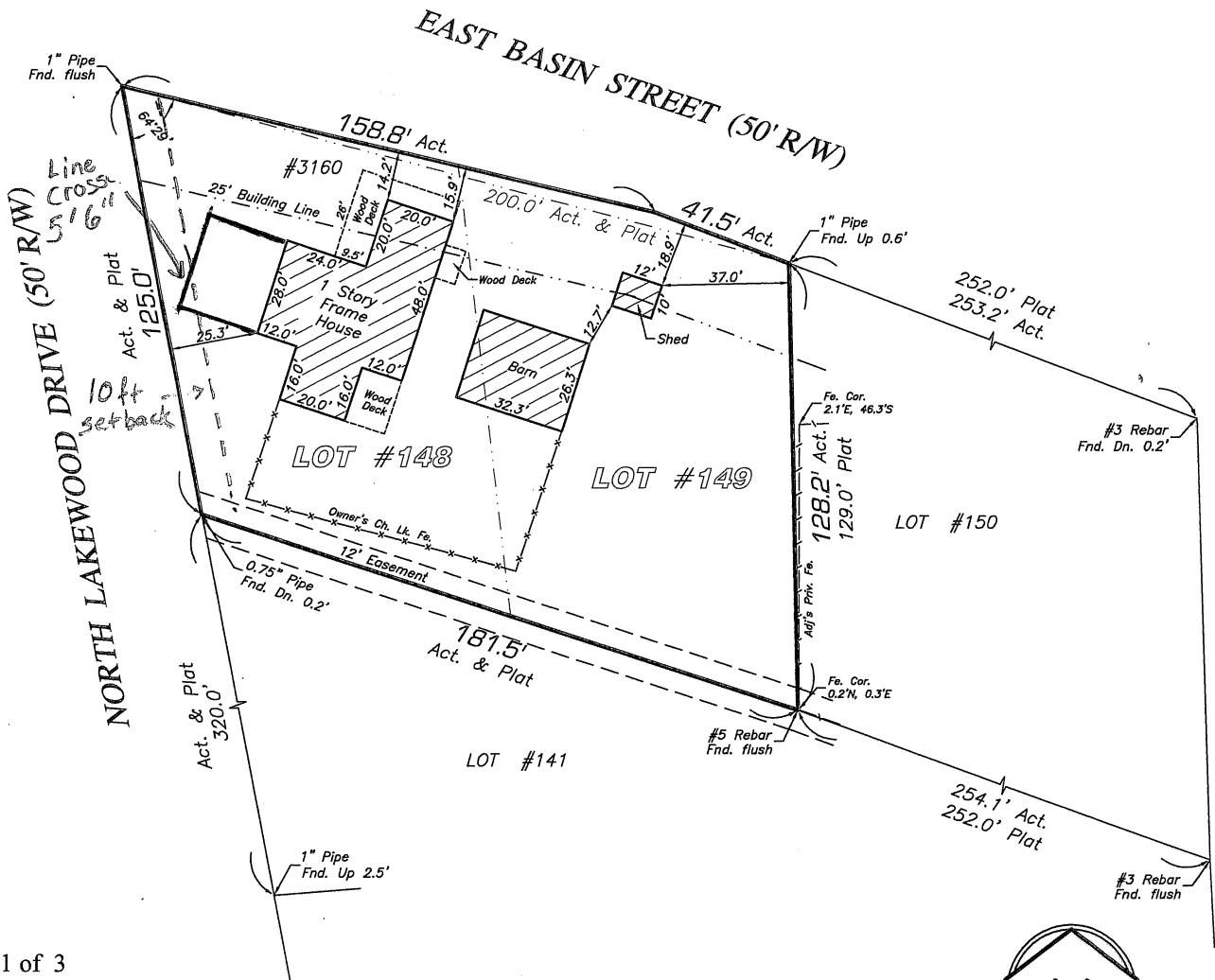
## CERTIFICATE OF SURVEY

This document is a record retracement survey of real estate prepared under IAC 865 Rule 12 in conformity with established practices of surveying and made in accordance with the records on file in the Office of the Recorder of Whitley County, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from visible encroachments either way across boundary lines unless specifically stated below. Corners were perpetuated as indicated.

### RECORD DESCRIPTION: (as described in Document Number 2021030226)

Lots Numbered 148 and 149, in Karen Kove Subdivision of the Southeast Quarter of Section 12, Township 32 North, Range 9 East, according to the recorded plat thereof in Plat Book D, page 14, of the Plat Books of Whitley County, Indiana.

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map No. 18183C 0160C, effective May 4, 2015.



Page 1 of 3  
 January 26, 2023  
 Survey No. 143-174  
 Grable, Steven S. & Jennifer L.  
 Deed of Record: Doc. 2021030226  
 Last date of Fieldwork: January 4, 2023  
 Pages 2 and 3 contain the Surveyor's Report.



SCALE IN FEET:  
 0 25 50

