

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-2 DEVELOPMENT STANDARDS VARIANCE
Larry R. Bull
5800 S. 600 East

FEBRUARY 28, 2023
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture

Property area: 1.87± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the required front building line for construction of a garage on the property located at 5800 S. 600 East, in Section 3 in Jefferson Township. The property is Lot 1 of Rolling Meadows.

The petitioner has proposed to construct a detached garage on the property. As proposed, the new structure would be a 30' x 30' building with a 20' x 30' concrete driveway. As platted, the lot has a building line at 180' from the right-of-way line (or 200' from the property line). The proposed structure location would result in a 125' front setback (from the ROW), or a 55' variance from the platted building line.

Because the zoning code defines platted building lines as equivalent to setback lines, this is an instance where the zoning development standard (40') is met, but a variance is still needed for the building line encroachment.

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 setbacks such as the proposed exist throughout the zoning district without injurious effect. A 125' setback is still very sufficient for an outbuilding to maintain a safe distance from the road, as the code minimum is 40'. 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 front setback. However, based on the minutes from the Plan Commission approval, the building line was specifically created to align the structures along 600E, so a varied setback may have some implication on the adjacent properties.

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 other two properties in this subdivision already have encroachments of the platted building line, so enforcing it upon this property could impose a difficulty.

Date report prepared: 02/14/23.

BOARD OF ZONING APPEALS ACTION

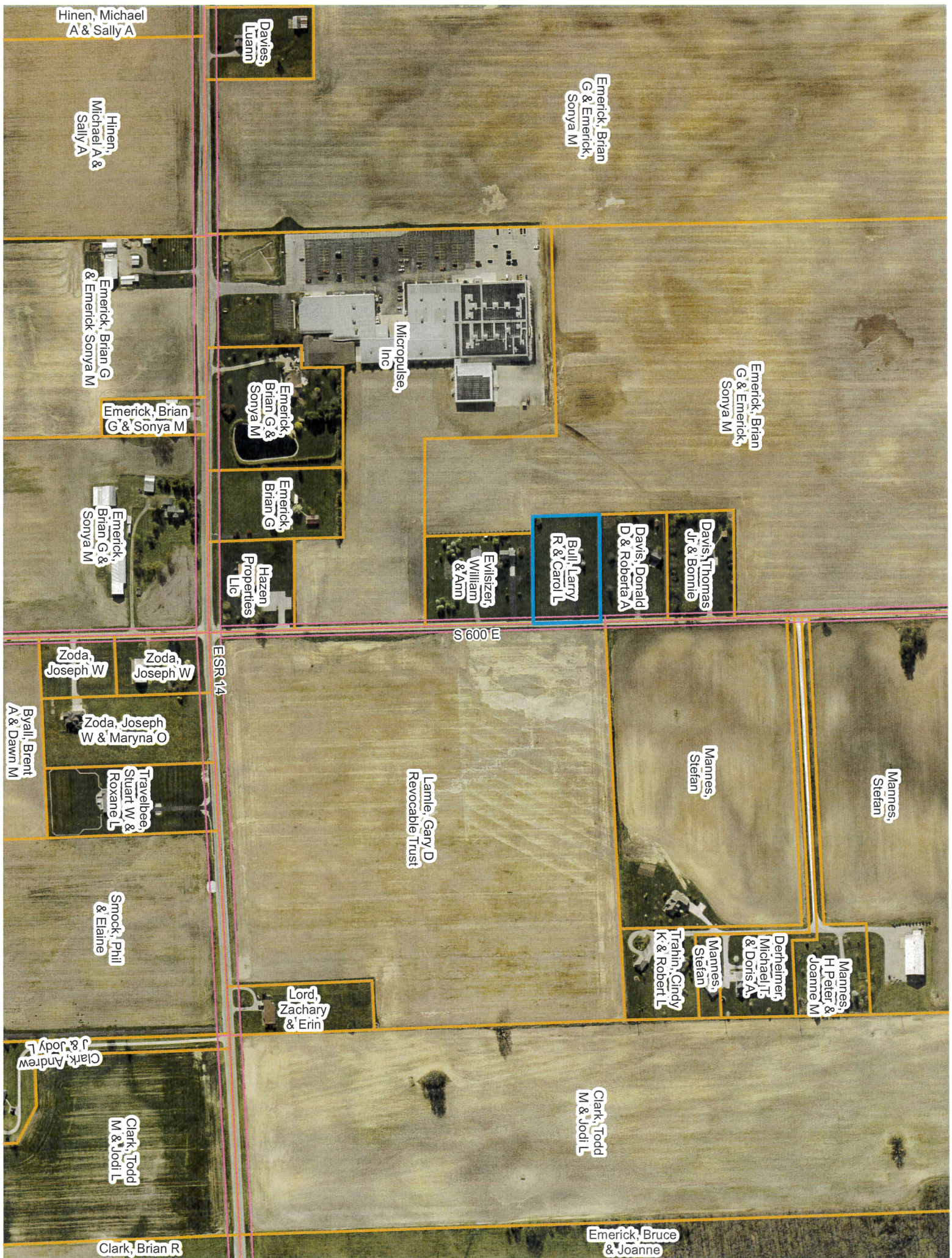
Findings of Fact Criteria

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



Hinen, Michael A & Sally A

Davies, Luann

Emerick, Brian G & Emerick, Sonya M

Hinen, Michael A & Sally A

Emerick, Brian G & Emerick, Sonya M

Emerick, Brian G & Emerick Sonya M

Emerick, Brian G & Sonya M

Emerick, Brian G & Sonya M

Emerick, Brian G

Emerick, Brian G & Sonya M

Hazen Properties LLC

Ewisizer, William & Ann

Bull, Larry R & Carol L

Davis, Donald D & Roberta A

Davis, Thomas Jr & Bonnie

S 600 E

ESR 14

Zoda, Joseph W

Zoda, Joseph W

Byall, Brent A & Dawn M

Zoda, Joseph W & Maryna O

Travelbee, Stuart W & Roxane L

Smock, Phil & Elaine

Lamle, Gary D Revocable Trust

Mannes, Stefan

Mannes, Stefan

Lord, Zachary & Erin

Trahin, Cindy K & Robert L

Mannes, Stefan

Derheimer, Michael T & Doris A

Mannes, H Peter & Joanne M

Clark, Andrew J & Jody L

Clark, Todd M & Jodi L

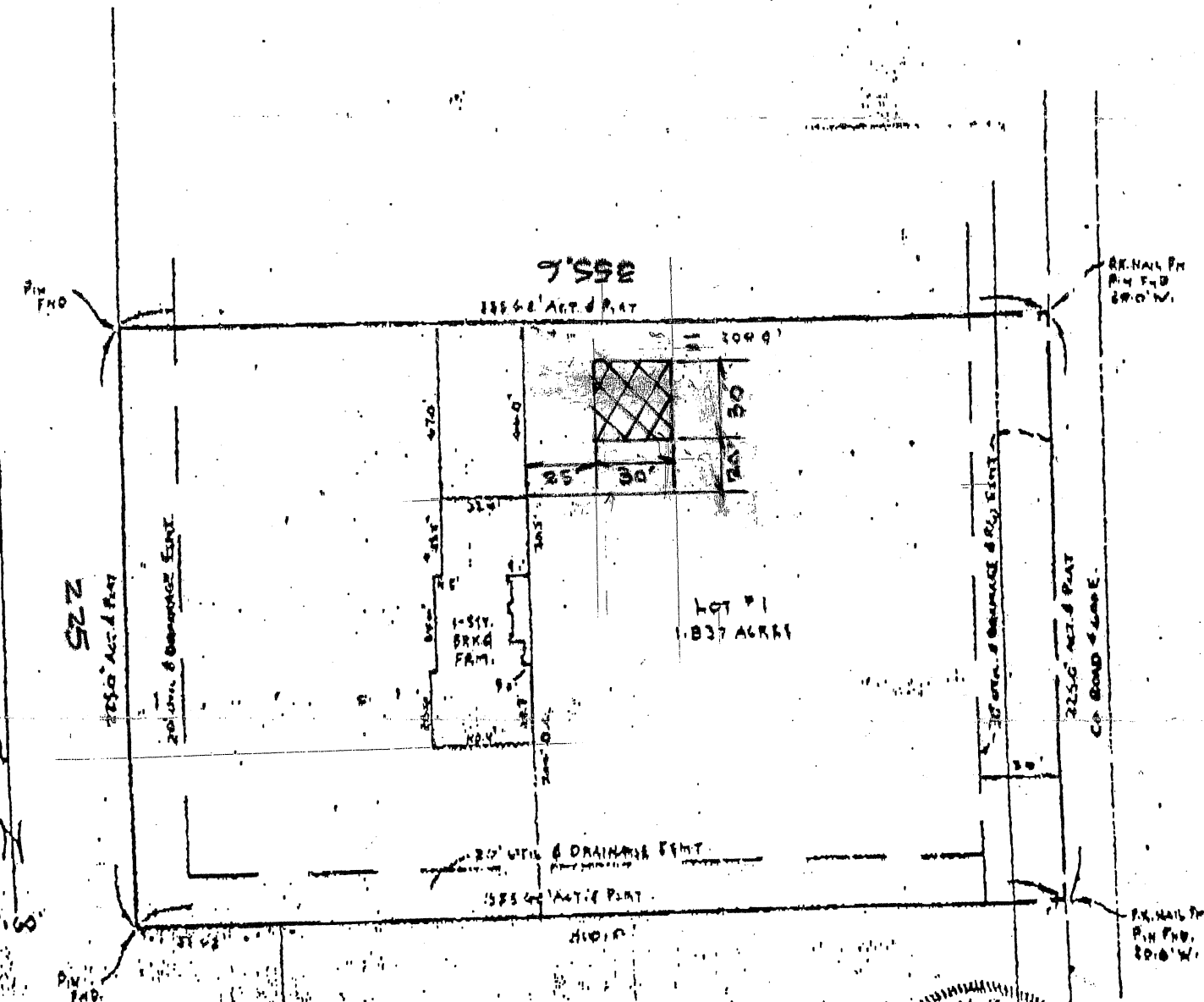
Clark, Todd M & Jodi L

Clark, Brian R

Emerick, Bruce & Joanne

Lot number One (1) in Rolling Meadows Subdivision, being a subdivision of part of the East half of the Southeast Quarter of Section 3, Township 30 North, Range 10 West, as described in Document #88-5-45 in the records of Whitley County, Indiana.

This property is not in a flood plain as defined by the FIA Flood Hazard Map dated Sept. 9, 1977, Community No, 180298-0004A, Whitley County, Indiana.



I hereby certify on the 10th day of October, 1988, that the above survey is correct.

Surveyed for: Bull

[Handwritten signature]

