

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

**23-W-VAR-5      DEVELOPMENT STANDARDS VARIANCE**  
Jeremy Brice  
1551 E Poplar Road

**APRIL 25, 2023**  
**AGENDA ITEM:    1**

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential

Property area: 0.75 ± acre

The petitioners, owners of the subject property, are requesting a development standards variance for an encroachment into the required rear setback at 1551 E. Poplar Road. The property is located on the north side of Poplar Road, 415 feet east of State Road 9, in Section 2 of Thorncreek Township.

The petitioner has proposed to construct a 30' x 25' room addition on the north side of their home. The addition would include a kitchen, office, and guest bathroom. Due to the property having no lake frontage, the property is defined to have frontage at Poplar Road. The proposed request is for a 5' rear setback, resulting in a 10' variance. This would allow for approximately 11' between the addition and the neighbors' barn to the north. The proposed and required setbacks are shown in the below table:

|               | Proposed | Minimum | Variance |
|---------------|----------|---------|----------|
| North (rear)  | 5'±      | 15'     | 10'±     |
| East (side)   | NA       | 5'      | NA       |
| South (front) | NA       | 35'     | NA       |
| West (side)   | 45'±     | 5'      | NA       |

**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, as well as matching the minimum side setbacks. So it seems a minimum level of public safety and health may not 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 value of the area adjacent to the property as the proposed addition would not be visible from or otherwise have aesthetic impact on the surrounding area. The use of the property to the north could be affected by the proximity of the addition, but since it already enjoys a legal nonconforming outbuilding immediately north of the proposed addition, it seems that any effect would not be substantial nor particularly adverse.

**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 topography of the site slopes steeply to the east and south and creates difficulty in any practical construction on those sides. An addition may be placed off of the west side where the topography is more favorable, but the nature of the proposed addition being an office, bathroom, and kitchen, limits its placement in relation to the existing floor plan.

Date report prepared: 4/17/23

**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>Vote:</b>   | <b>Green</b> | <b>Sheiss</b> | <b>Wilkinson</b> | <b>Wolf</b> | <b>Wright</b> |
|----------------|--------------|---------------|------------------|-------------|---------------|
| <i>Yes</i>     |              |               |                  |             |               |
| <i>No</i>      |              |               |                  |             |               |
| <i>Abstain</i> |              |               |                  |             |               |

Variance Request for 1551 E Poplar Rd, Columbia City, IN - Jeremy Brice (260-234-1121)

Supplemental information

The addition to be added to the north side of the residence (behind the pre-existing home) will extend from the current residence into the rear of the property and approximately 6' from the property line which is also approximately 11' from the neighbors constructed barn. A variance to change the setback requirement to 5' is being requested.

The addition will allow for us to have a larger kitchen than we currently have as well as to add an office area, and a guest bathroom. The total footprint of this addition will be approximately 30'x25' or 750 sq/ft. This will also be set on a unfinished basement of the same size.

The need for the variance is due to the construction location and the current ordinance requiring a 15' set back on the rear of the property. There is no other feasible location for this addition to go on the preexisting home due to various factors. Specifically, the current kitchen is against the exterior wall that will be demolished once the addition is added on to extend this portion of the house. The layout of the addition would not be able to extend to the west due to trees, driveway location, and grade of the property. Further it is not possible to add on to the east of the residence due to the grade of the property as there is approximately a 6' difference between the floor level of the house and the ground.

The approval of this addition would not be injurious to the public health, safety, morals, or general welfare of the community, and due to the location on the rear of the property, would not be visible at all from the roadway.

The use and value of the areas and neighboring properties will not be affected in a substantially adverse manner, and by allowing the addition to be build should increase overall property values of the property itself and thus of the neighborhood.

The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property, as previously outlined that there is no feasible other location for this addition to be build due to the layout of the current structure as well as overall property design. This situation was also not self-imposed, nor was based on a perceived reduction or restriction of economic gain.



- Jeremy Brice



Engle, Jay, C & Rebecca M

Engle, Jay, C & Rebecca M

Schilling, Mark D & Christina M

Hively, Richard D & Nora E

Zliz, Paul J & Peggy E

Trumbull, Larry A Jr

Marsh, Kevin B

NSR 9

Brice, Jeremy

Brice, William A & Debra A

Brice, William A & Debra A

Brice, William A & Debra A

State Of Indiana

State Of Indiana

Heckaman, Marshall & Sharon

Heckaman, Marshall Revocable Trust & Sharon Revocable Trust

Gross, Clay Allan

Zliz, Paul J & Peggy E

Hart, James F & Cinda K

Mauck, Beverly S

Sarow, Roger D & Nancy J

E POPLAR RD

Crosby, Patrick N & Elaine M

Heckman, Daniel J & Mary E

Rex, David L & Sandra J

Wherry, Terry L & Sally D

Zliz, Paul J & Peggy E

Emmons, Cheryl L & Revocable Trust

25.05

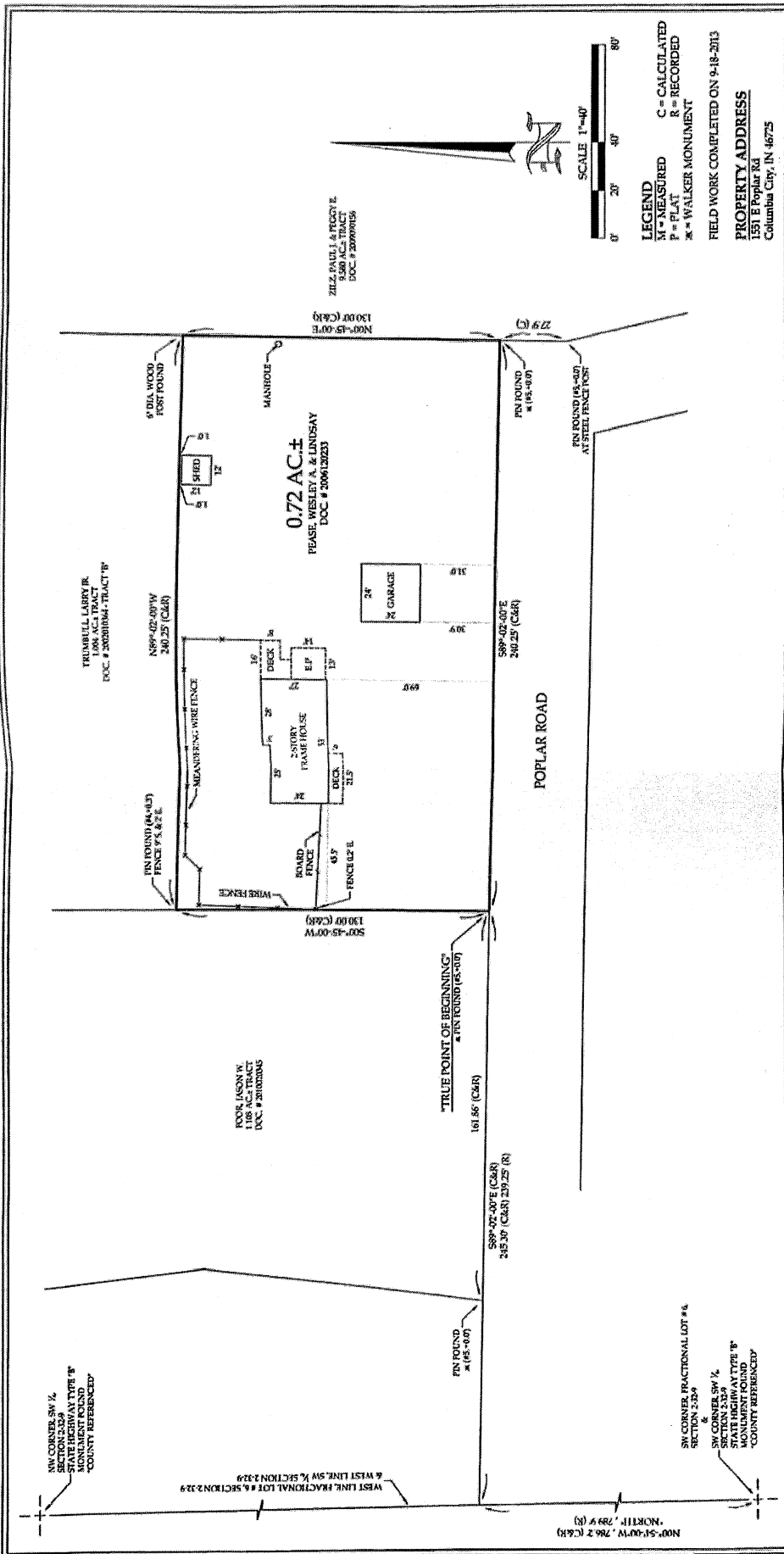
29.97

29.19

92-03-02-000  
326,000-011

E POPLAR RD



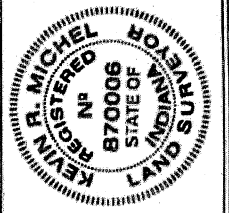


PART OF FRACTIONAL LOT NUMBER 6 IN SECTION 2, TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

FOR: PEASE, WESLEY A. & LINDSAY

SCALE: 1"=40' DRAWN BY: RDP  
DATE: 9-18-2013 PAGE: 3 OF 3

DRAWING NUMBER: CK-138



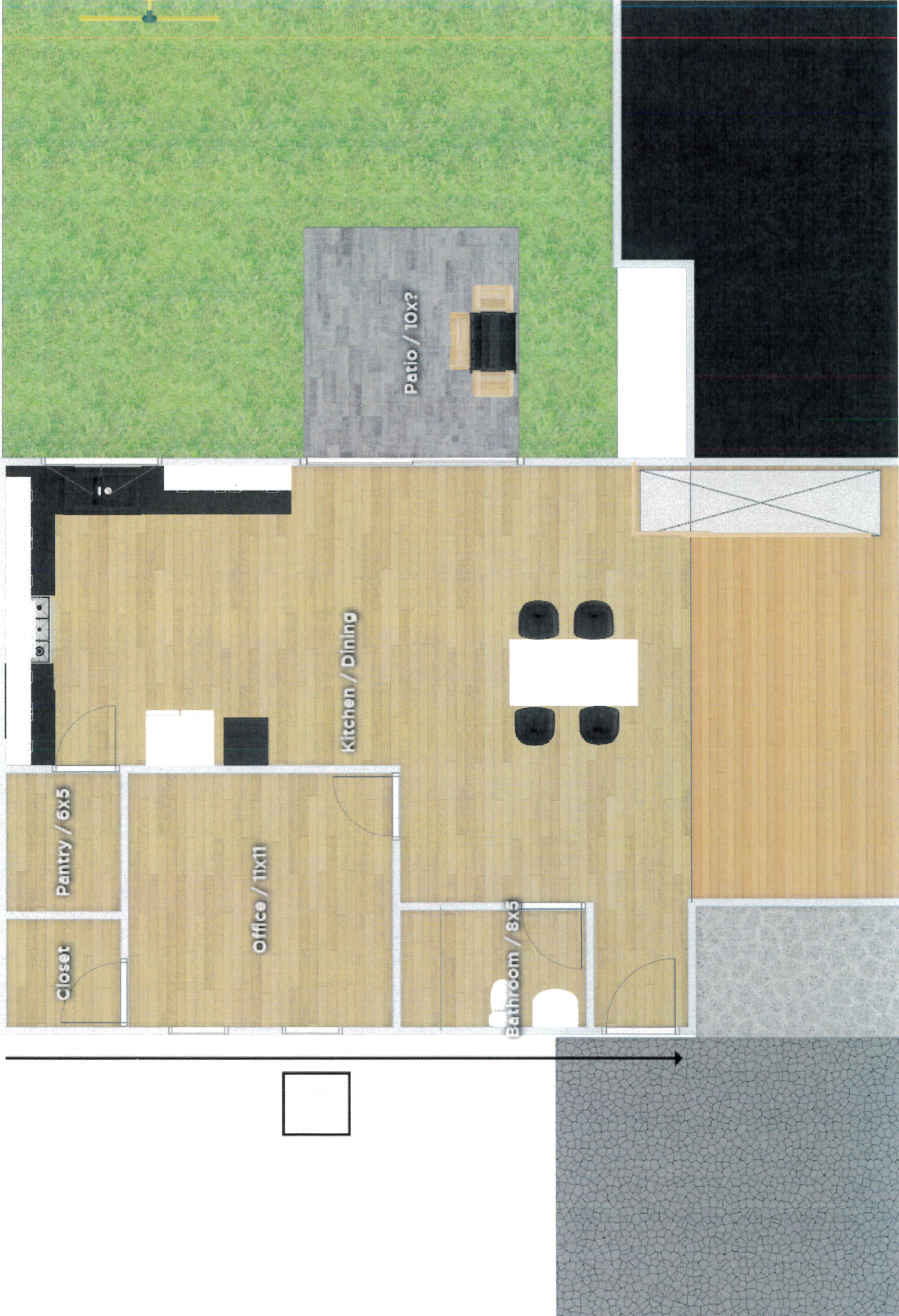
**CERTIFICATE OF SURVEY**

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.

**WALKER & ASSOCIATES**  
EST. 1984

112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
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Fax: (260) 244-4640  
E-mail: mail@walkerandassociates.com

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



Patio / 10x3

Kitchen / Dining

Office / 11x11

Pantry / 6x5

Closet

Bathroom / 8x5