

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

23-W-VAR-7 DEVELOPMENT STANDARDS VARIANCE
Robert & Martha Wieging
2338 E. Linker Road

APRIL 25, 2023
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 0.912 ± acre

The petitioners, owners of the subject property, are requesting a development standards variance for an encroachment into the required side setback at 2338 E. Linker Road for placement of a shed. The property is located on the south side of Linker Road, 815 feet west of Old State Road 102, in Section 2 of Thorncreek Township, on Lot 2 of Cedarwood Ridge Subdivision.

The petitioner has proposed placing a new 8' x 12' shed structure on the east side of the property. The new structure will be located within a 10' wide utility easement for which the petitioner has acquired permission from the utilities to encroach upon. The proposed request is for a 2' side setback, resulting in a 3' side yard variance. The proposed and required setbacks are shown in the below table:

	Proposed	Minimum	Variance
North (rear)	NA	15'	NA
East (side)	2'	5'	3'
South (front)	NA	35'	NA
West (side)	NA	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 structure is small enough that it likely would not have major effect on these aspects even when not complying with the side setback. Such structures exist around the area with encroachments and not apparent injury. However, the 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 expected that this variance could adversely affect the value of the area adjacent to the property, as the shed could impair the lake view from a residence that may be constructed on the adjacent lot. Also, the placement of the shed within the utility and drainage easement could affect the use of the adjacent lot if it impedes drainage flow or redirects it onto the adjacent property.

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 probably does not result in practical difficulties. The lot does have platted building lines from the north and south property lines that restrict location of buildings, and there are several trees that preclude viable locations within those setbacks.

However, per the submitted site plan, the dwelling is 25.5'± from the east property line. Which means that there is 15.5' between the house and the easement. As the shed is 8' wide, there would be at least 7' between the house and shed while still not encroaching into the easement or the setback.

Or the shed could be moved to locations north of the gravel driveway or south of the house and still comply with setbacks and avoid easements, utility lines, and trees.

Date report prepared: 4/17/23

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	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>					



E LINKER RD

E WATER'S EDGE DR

Behm, David
T & Yvonne M

Bilodeau,
Matthew L
& Tracy R

Gambrell,
Timothy J, &
Susan Joan

Lee,
Ronald
D Jr

Lawson, Randy

Beard,
James &
Carolyn

Home, Eric G
& Leanne M

Nahward, Victoria D
& Mcmahon, Teresa J

Nahward,
Victoria D &
McMahon Teresa J

Felger,
James L

Stellhorn,
Roland J

Anglin, Trent
& Shaw, Amy Jo

Beard, James
& Carolyn

Home, Eric G
& Leanne M

Wall, John
H & Betty S

Romanowski,
Ronald &
Paula F

Gambrell,
Timothy J
& Susan J

Bilodeau,
Matthew L
& Tracy R

Adams,
Matthew C &
Susan A

Wieg,
Robert &
Martha

Stump,
Anthony L

Stump,
Anthony L

Hughes,
Carolyn R
Trustee

Hughes,
Carolyn
R Trustee

Marshall,
Dean A &
Deborah K

Bontempo,
Tracy A

Henney,
Thomas M
& Julie

Yeaney, Philip
& Way, Crystal

Boone, Kyle
M & Leah D

Trigg, Daniel
T & Alison C

Anson,
Aaron &
Joleen

Perleberg,
Laura J

Perleberg,
Laura J

Hughes, Carolyn
Pictor Trustee
Revocable Living Trust

Pine Family
Revocable
Trust

Hatcher,
John M. &
Lisa A.

Stanley, Tony
& Stanley,
Aliceon R

Hochstetler,
James W
& Jean A

Lazerwitz,
Mark & Julie

Anson,
Aaron &
Joleen



E LINKER RD

2270' road to transformer

AEP Transformer

100' shed to transformer

Proposed Shed

295' shed to lake

Cedar Lake

100 ft

Alternate ID 92-03-02-243-002.000-011
 Class RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
 Acreage 0.912

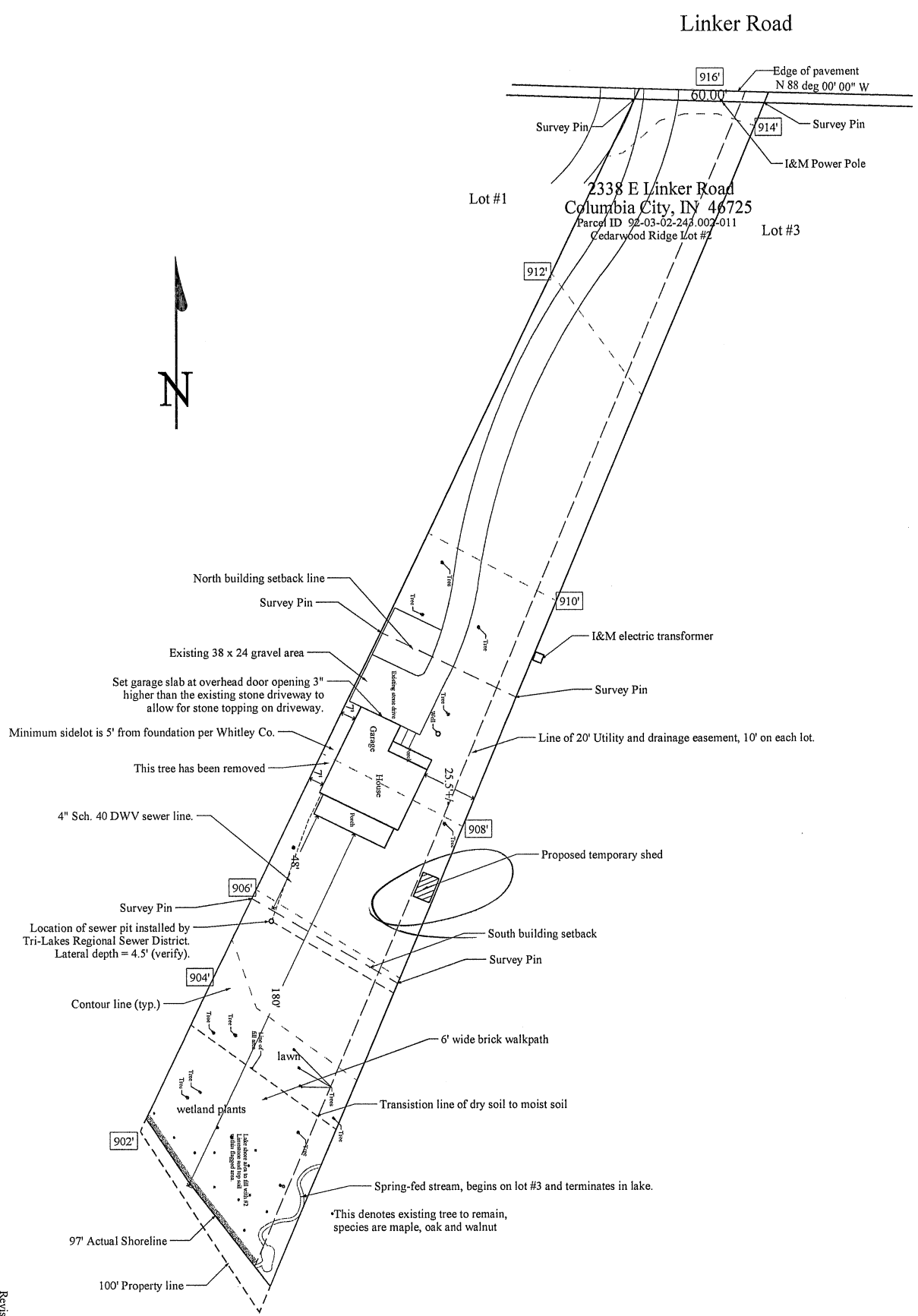
Parcel ID 92-03-02-243-002.000-011
 Sec/Twp/Rng 02-32-09
 Property Address 2338 E Linker Rd
 Columbia City

Thorncreek Township
 LOT 2 .912A CEDARWOOD RIDGE

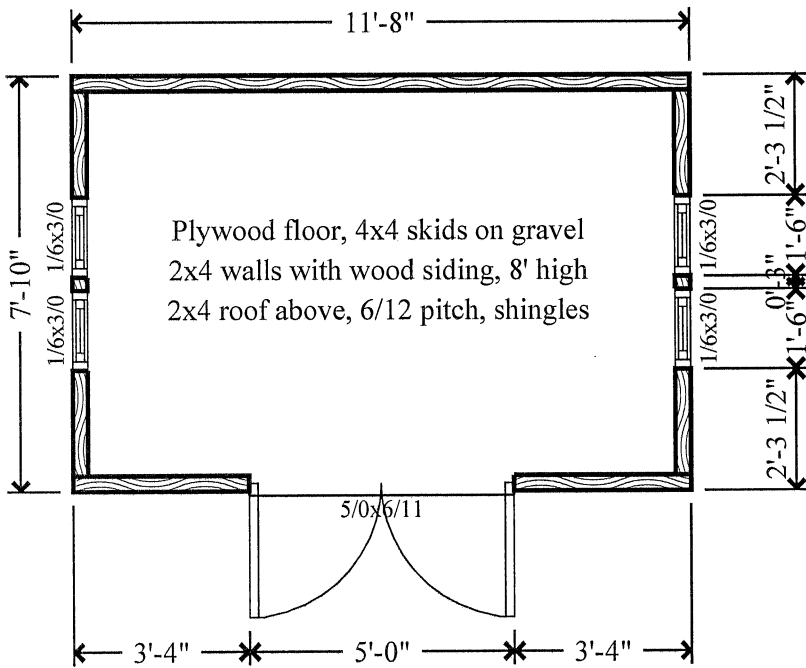
District
 Brief Tax Description

Bob and Lorraine Wieging 2338 E. Linker Road Columbia City, Indiana

Revised: 2/27/2021
 Scale: 1/4" = 1'-0"
 01cedat02072021evanston.dwg



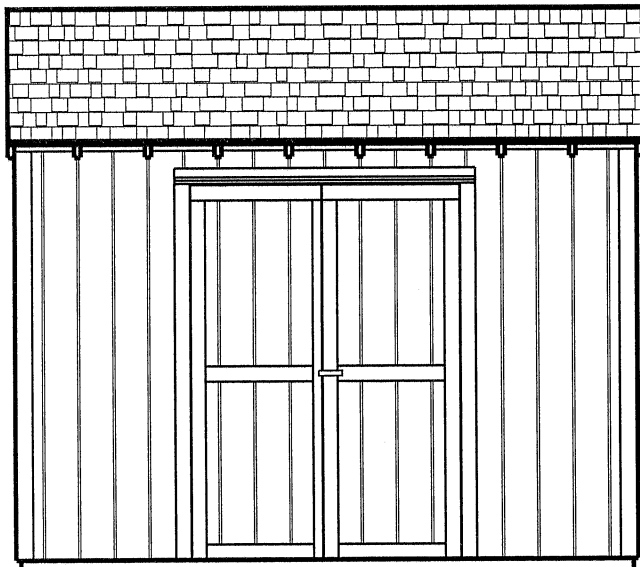
Scale: 1" = 20' (pf=0.2)



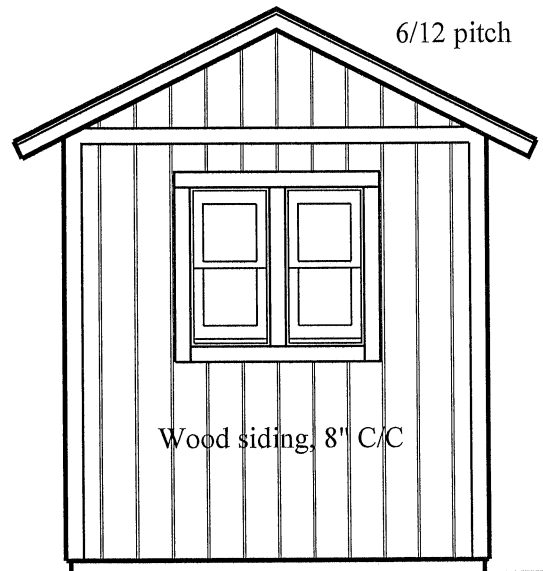
Floor Plan

92 square feet

Shingle roof



West Elevation



North & South Elevation

Bob and Lorraine Wieging
2338 E Linker Road
Columbia City, IN 46725
419-303-0296

- Karen A. Palmer NESC
- Indiana Michigan Power Company
- 3514 Landin Road
- New Haven, Indiana 46774
- 260-749-3063 cell-260-615-2902

Indiana Michigan Power Company

March 16, 2023

Mr. Bob Wiebing
2338 E. Linker Road
Columbia City, Indiana 46725

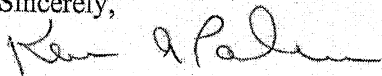
Re: Shed within platted utility easement

Dear Mr. Wiebing:

This letter is to notify you that Indiana Michigan Power Company has reviewed your plans for a shed within the platted utility easement at 2338 E. Linker Road, Columbia City, Indiana. The shed will be allowed to be installed within the platted utility easement as shown on the sketch provided.

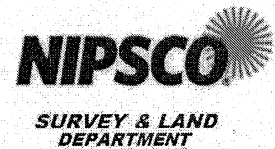
If you have any other questions, please feel free to contact me. Thank you!

Sincerely,



Karen A. Palmer
Right-of-Way Agent

C: Shannon Bailey



Date: February 28, 2023
From: Jill J. Tabor
Subject: Request to Utilize NIPSCO Easement
Dept.: Survey & Land
To: Robert & Martha Wieging
2338 E. Linker Road
Columbia City, IN 46725
Re: NIPSCO LONO # 46406
Parcel 92-03-02-243-002.000-011

This letter is to confirm that Northern Indiana Public Service Company LLC (NIPSCO) has reviewed your request for a Letter of No Objection (LONO) to utilize a portion of the 20 Foot Platted Utility and Drainage Easement of Cedarwood Ridge Subdivision located in the referenced parcel (Lot 2), for the installation of a 8' x 12' shed to be set on a movable wood skid and placed on a gravel ground-base.

DEPICTION

**DEPICTED ON THE DIAGRAM LABELED EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF**

In accordance with IC 8-1-26, REQUESTOR shall contact the Indiana "One-Call" underground utility location service by calling 811 at least 48 hours prior to performing any construction activities over, or immediately adjacent to, the Project area. Failure to call this number is a violation of state law and will impose penalties and liability upon you for such failure. NIPSCO reports non-compliance to the state.

While working within the vicinity of NIPSCO gas facilities, all PHMSA 49 CFR 192 and OSHA requirements must be maintained.

Should NIPSCO need to utilize the Utility Easement/Easement in the future, NIPSCO has the authority to remove the yard shed and/or any damages related to the yard shed, due to NIPSCO's installation, access, maintenance, operation, or emergency (etc.), and will be the cost responsibility of the customer.

Feel free to contact me if you require any additional information or assistance.

Sincerely,

A handwritten signature in black ink that reads "Jill Tabor". The signature is written in a cursive, flowing style.

Jill Tabor
NIPSCO Survey and Land
E-Mail: jtabor@nisource.com