

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-9 DEVELOPMENT STANDARDS VARIANCE

Scott Hull

Across from 7743 N. Arnold Road

MAY 23, 2023

AGENDA ITEM: 1

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential

Property area: 10,200± sq. ft.

The petitioner, owner of the subject property, is requesting a development standards variance for an encroachment into the required front setback on the property located across from 7743 North Arnold Road in Etna-Troy Township. The property is comprised of Lot 31 of Charles Arnold’s Addition to Loon Lake. The property is currently improved with a shed.

The petitioner has proposed to construct a storage building on the lot. As proposed, the new structure would be a 30’ X 24’ building with a 6’ west side setback and 17’ south front setback. The side setback would be compliant with the 5’ minimum. Because this is a through lot with two road frontages, and does not have lake frontage, the lot’s road frontages have 35’ setbacks. So, an 18’ variance is requested.

Several outbuildings already exist along the same side of Arnold Road with varying setbacks, as shown in this table:

Year constructed	Approx. dimensions	Setback	Status
1965	30x62’	23.5’±	Legal nonconforming
1982	42x63’	12.5’±	Semi-conforming (permitted as 20’ from road, not ROW)
<i>Proposed</i>	<i>30’x24’</i>	<i>17’</i>	<i>Requested</i>
2012/14	10x20’	33’±	Nonconforming (no permit found)
2002	32x40’	40’±	Conforming
2015	50x72’	29’	Variance granted (14-W-VAR-1)
1950	43’x24’	24.5’±	Legal nonconforming

Based on the Best Available map information, 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 along both sides of Arnold Road without apparent injury. 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 and value of the area adjacent to the property as the surrounding properties enjoy 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.**

A 16-18' bluff exists across the middle of this lot and adjacent lots. Thus, the buildable area of the lot is bisected and shifted closer to either road, and the proposed building is located on a previously-established building pad area. While the 24' deep building could be moved farther north, it does not appear possible that it could be shifted sufficiently to avoid a variance. Moving the building north could also affect drainage from the bluff, which could impact the adjacent lots.

Date report prepared: 5/12/23

**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

	Green		Sheiss		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: \_\_\_\_\_

	Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					



Betts, Michael G & Sue E  
Milestone, Clark W & Denise

Hill, Donald C & Nona Audrey

Allen, Cheryl L & Peter J

Gibson, James P & Barbara J Joint Revocable Trust

Smith, Donald J

Brown, Gary W & Rebecca S

Deitche, Thomas & Tamara S

Prephan, Kathleen S

Louden, Jeffrey L & Theresa L

Sterk, Matthew T & Michelle A

Shoda, Harmon E & Carol L

Shoda, Harmon E & Carol L

Jahn, Robert L

Norton, Phillip & Rebecca

Mills, Tiffani & Mills, Andrew

Degood, John N II & Juliana J

Clark, Brian C & Kelly W

Hill, Scott M & Walkup, Conni L

Smith, Donald J

Revocable Living Trust

Bartuska, Richard A & Susan E

Barkley, Robert G & Janice M

Nij Family Limited Partnership

Milestone, Clark & Denise & Newman, Mark E & Treat, Karen

McClure, Aaron J & Ronda R

Becker, Lindsey

Cole, Kent D & Wendy S

Degood, John N II & Juliana J

McClure, Aaron J & Rhonda R

Fields, Russell A III & Christine M

Pence, Scott A & Etta F

Hull, Scott M & Walkup, Conni L

Revocable Living Trust

Bartuska, Richard A & Susan E

Barkley, Robert G & Janice M

Alliance Property Managements Ltd

Bartuska, Richard A & Susan E

Thomas, Jody & Patricia

Friendwey, Philip Craig & Lori A

Dehart, Randy M

Kellogg, Wesley & Melanie C

Wood, Jerry J & Susan C

Lipink, Steven Lawrence & Erin Laree Trust, Revocable Agreement

Gibson, James P & Barbara J Joint Revocable Trust

N 250 W

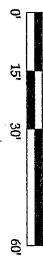
NARNOLD RD

NARNOLD RD

S 600 W



SCALE 1"=30'



**LEGEND**  
 M = MEASURED  
 P = PLAT  
 S = PER REFERENCE SURVEY  
 X = WALKER MONUMENT

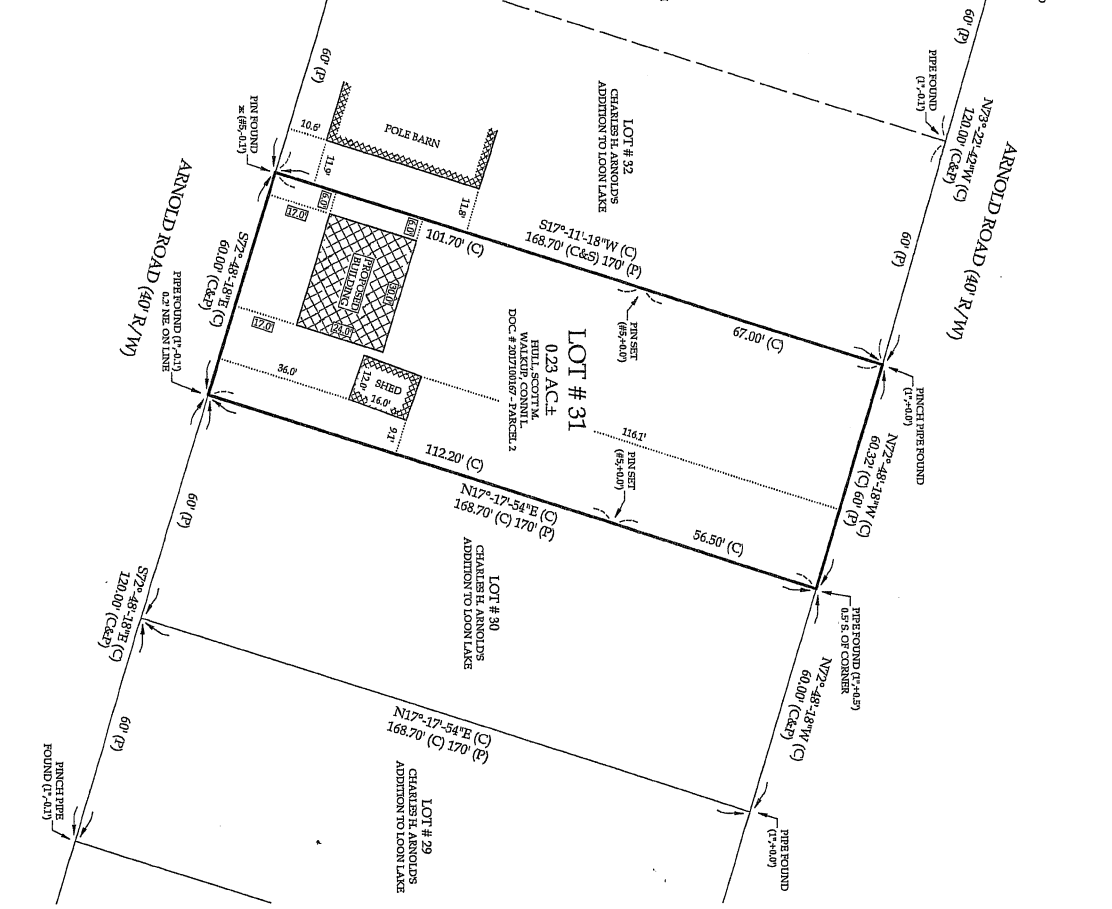
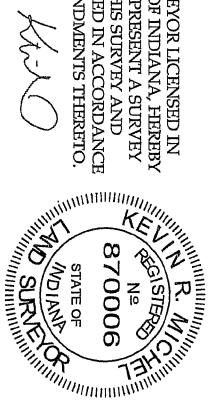
C = CALCULATED  
 R = RECORDED  
 FIELD WORK COMPLETED ON 4-13-2023

**BASIS OF BEARINGS**

The basis of bearings for this drawing is GPS bearings. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

**PROPOSED BUILDING**  
 Proposed building added on April 24, 2023.

**CERTIFICATE OF SURVEY**  
 I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HERON 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.



DRAWING NO: WCC SCALE: 1"=30' DATE: 4-17-2023 PAGE: 3 OF 3 DRAWING NUMBER <b>DE-106 'A'</b>	LOT NUMBER 31 IN CHARLES H. ARNOLD'S ADDITION TO LOON LAKE, WHITLEY COUNTY, INDIANA	<b>WALKER &amp; ASSOCIATES</b> EST. 1984 112 WEST VAN BUREN STREET COLUMBIA CITY, IN 46725 Phone: (502) 244-3540 Fax: (260) 244-4640 E-mail: mail@walkersurveying.net LAND SURVEYING, CIVIL ENGINEERING, & LAND PLANNING
	FOR: <b>HULL, SCOTT M.</b> <b>WALKUP, CONNI L.</b>	