

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-10 DEVELOPMENT STANDARDS VARIANCE

Leonard & Anne Wall

5901 N. Center Street

MAY 23, 2023

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 3,840± sq. ft.

The petitioner, owner of the subject property, is requesting a development standards variance for an encroachment into the required rear setback on the property located at 5901 North Center Street in Thorncreek Township. The property is comprised of Lot 7 and part of Lot 6 of Stalf's Subdivision of Lot 1 of Cedar Beach Addition to Tri-Lake Resort. The property is currently improved with a house and carport.

The petitioner has proposed to remove the existing carport and construct an attached garage. The footprint of the proposed addition would be 27.5' deep by 20.5' wide, with a 0' setback from the right-of-way line on its northeast corner and a 0.7' setback from the right-of-way on its southeast corner. It would be about 11.5' from the edge of pavement of the road.

This property enjoys previously granted variances of the front (lake) and side setbacks for the house granted in 2000, and a variance for the rear (road) setback for the carport granted in 2001. The carport variance permitted a 2'10" setback from the right-of-way.

As this is a lakefront lot, the 15' rear setback is toward the road. Being that the proposed setback is 0', the requested variance is 15'.

Based on the Best Available map information, the subject lot is in the regulatory floodplain, but the existing house and proposed attached garage would be located outside of it.

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 could be injurious to the public safety since it would permit the building to abut the right-of-way of what is already a congested road. Vehicles backing out of the proposed garage may have less visibility to vehicles along the road, and the garage would impair the view from within the garage of the road. This is as opposed to the current open carport that has much more visibility.

It is not likely that the public health and morals would 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

The use of the area adjacent could be adversely affected, particularly if this proposal limits the visibility on the surrounding properties.

In itself, this variance is not expected to substantially affect the value of the area adjacent to the property as the proposed attached garage is similar to others in the area. However, if the use of the surrounding area is adversely affected, it is likely the value would be adversely affected as well.

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 property is a lot of record of only 3,600 sq. ft. and does have a 4'± elevation difference between the road level and first floor of the house. Both of these factors preclude the placement of a garage farther from the right-of-way or reoriented to avoid backing onto the road.

That said, the Board should evaluate whether the proposed garage is of a reasonable size for the area or whether this is a self-imposed difficulty.

Date report prepared: 5/18/23

BOARD OF ZONING APPEALS ACTION

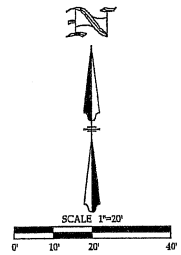
Findings of Fact Criteria

	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					



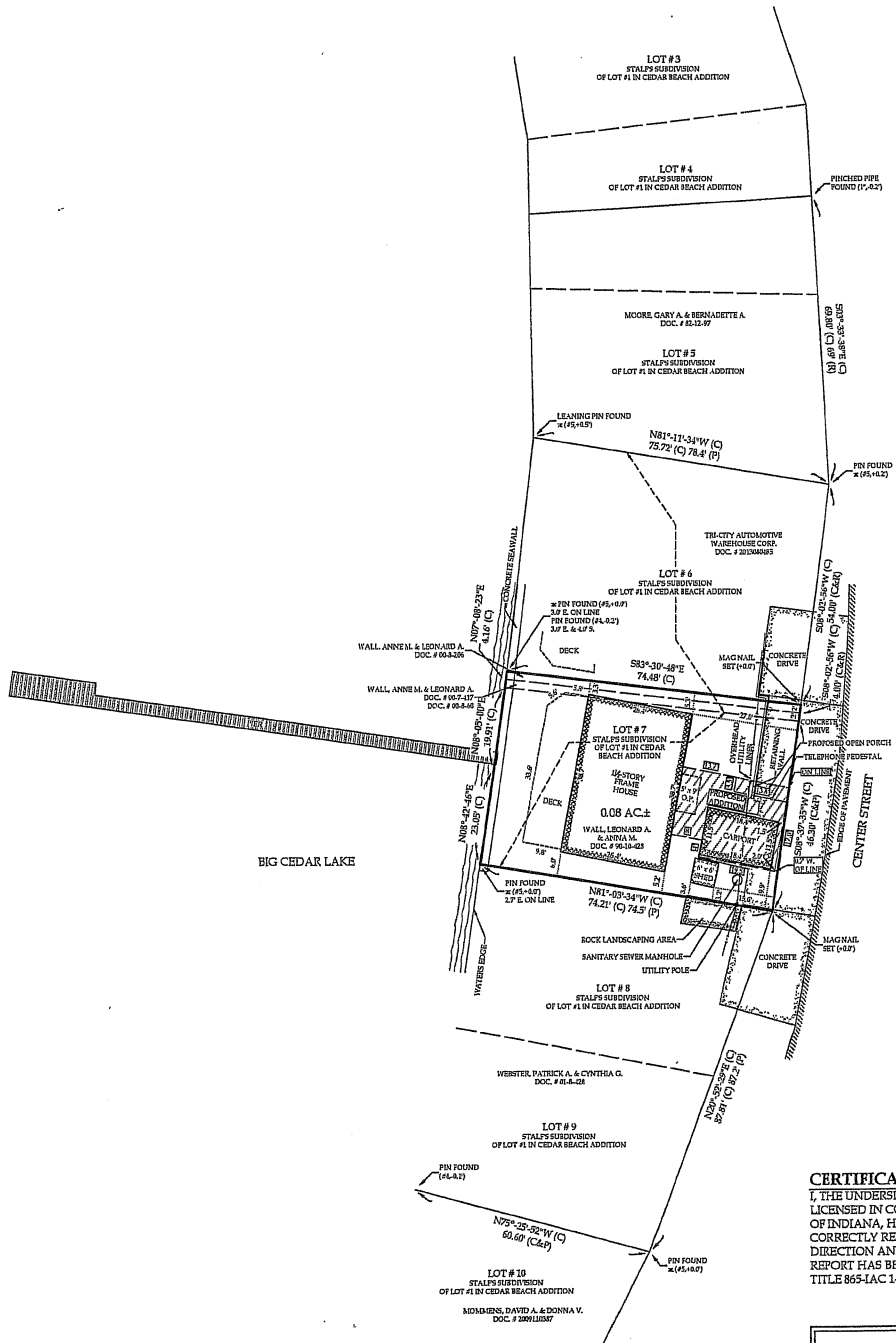
LEGEND
 M = MEASURED C = CALCULATED
 P = PLAT R = RECORDED
 * = WALKER MONUMENT

FIELD WORK COMPLETED ON 4-18-2023

PROPERTY ADDRESS
 5701 N Center Street
 Columbia City, IN 46725

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.

NOTES ABOUT PROPOSED ADDITION
 Proposed addition shown as hatched area:



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.

KWO



WALKER & ASSOCIATES
 112 WEST VAN BUREN STREET EST. 1984
 COLUMBIA CITY, IN 46725
 Phone: (260) 244-3640 www.walkersurveying.net
 Fax: (260) 244-6640 E-mail: mail@walkersurveying.net

LOT NUMBER 7 AND PART OF LOT NUMBER 6 IN STALPS SUBDIVISION OF LOT NUMBER 1 OF CEDAR BEACH ADDITION TO TRI LAKE RESORT, WHITLEY COUNTY, INDIANA

FOR: WALL, ANNE M. & LEONARD A.		
SCALE: 1"=20'	DRAWN BY: KRM	DRAWING NUMBER: LZ-140
DATE: 4-27-2023	PAGE: 3 OF 3	

LAND SURVEYING,
 CIVIL ENGINEERING,
 & LAND PLANNING



Hochstetler, James W & Jean A

Toole, John W & Donna D

Connell, Martha A & Simerman Keith B

Lemon, Jack E & Marilyn

Distelrath, Chad M

Somerlott, Candace J, Trustee Of The Candace J Somerlott Revocable Trust

Cooper, Spencer L & Madison C

Shoemaker, Thomas M & Sandra K

Nagel, Wayne P

Crance, Clifford T & Jeanette M

Armstrong, Timothy D & Juillera K

Evans, Kattie A

Keeling, Kevin W & Tammy J

Evans, Patricia Ann

Kirpoff, Gregory G & Steininger, Julie A

Drayer, Michelle

Anderson, Steve A

Henry, William

Timothy M

Stanley, Tyler R & Yoder, Mallory

Mavis, Sandra K-Schneider, G & Schneider, Michael L

Verlin G & Verlin G & Michael L

Schneider, Michael L

Mast, Michael J

Mast, Michael J

Ehinger, Philip L

Sabatino, Sherry Lou & Thalman, Timothy L.D.

Turner, Herbert L & Nicole M Living Trust

Moore, Gary A & Bernadette A

Tri-City Automotive Warehouse Corp

Vall, Leonar A & Anne M

Webster, Cynthia G

Mommens, David A & Donna V

Mommens, David A & Donna V

McNally, James J II & Barbara G

Farrell, Deborah J

Farrell, Deborah J

Sherrick, Nancy K & Kevin D

Weigel, James D

Hood, Edward & Teresa

Barry, Lynne

McNally, James J II & Barbara G

Farrell, Deborah J

Farrell, Deborah J

Winshaw, Kimberly A & Christopher

Winshaw, Kimberly A & Christopher

McMasters, Stephen S & Colleen M

Moore, Billy W & Linda C

Brooke, Larry O & Rita L

Brooke, Larry O & Rita L

Barrett, Lon A

Brauchia, Lance & Robin

Stevens, Micky N

Eastalfrd

Homan, Stephen J & Karen L



N CENTER ST

Wall, Leonard A & Anne M

Warehousing Corp Automotive

Tr-City

Moore, Gary A & Bernadette A

Stanley, Tyler R & Yoder, Mallory

Lemon, Jack E & Marilyn

Lemon, Jack E & Marilyn

Baar, Traci

Derkatsch, Edwina Ann

Mavis, Sandra
Verlin G &
K=Schneider,
Michael L

Mavis, Sandra
Verlin G &
K=Schneider,
Michael L

Mavis, Sandra
Verlin G &
K=Schneider,
Michael L

David C Baker

Michael J Mast

Michael J Mast

Ehinger, Phillip L

Sabatino, Sherry Lou & Thaiman, Timothy L.D.

Turner, Herbert L & Nicole M Living Trust

Williams, John E Jr & Peggy A

Barry, Lynne

Hood, Edward & Teresa

Wegiel, James D

Mommens, David A & Donna V

Mommens, David A & Donna V

Webster, Patrick A & Cynthia G

Mommens, David A & Donna V

Mcally, James J II & Barbara G