

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-13 DEVELOPMENT STANDARDS VARIANCE

Calvin & Cheryl Ritschard
1354 E. State Road 14

JUNE 20, 2023

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture

Property area: 15.05± acres

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the front setback for construction of an attached garage at 1354 East State Road 14 in Section 12 of Jefferson Township.

The petitioner proposes to construct a 32'x28' garage that will be attached to the existing house by a breezeway. As proposed, it would be approximately 23' from the north property line. For flag lots such as the subject property, the front setback is applied to the property line nearest the road at the point where the minimum lot width is met. In this case, the front setback of 40' is applied across the northern property line. So, the proposed garage requires a 17' variance.

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 the placement of the proposed garage would not impact the well or septic system of this property or the adjacent one and access to light and air is not affected. Public safety should not be injured as a 23' setback should be sufficient to provide access around the structure for emergency access. 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 the proposed addition would be an investment in the property that should positively affect adjacent properties. The use of the property to the north might be affected, as the proximity of the proposed garage could limit the acceptable use of that property; however, such limitation may not be particularly adverse or substantial.

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 could result in practical difficulties. The existing dwelling is legal nonconforming, having been built in the 1970s when the application of front setbacks was apparently different, which resulted in its current setback of 35'. The siting of additional outbuildings (also legal nonconforming), pond, and livestock pens further constrain the potential location of the garage.

Date report prepared: 6/15/23

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

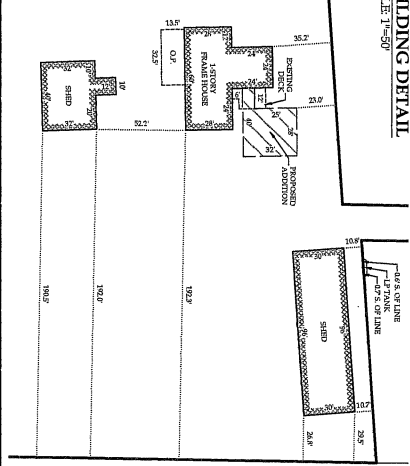
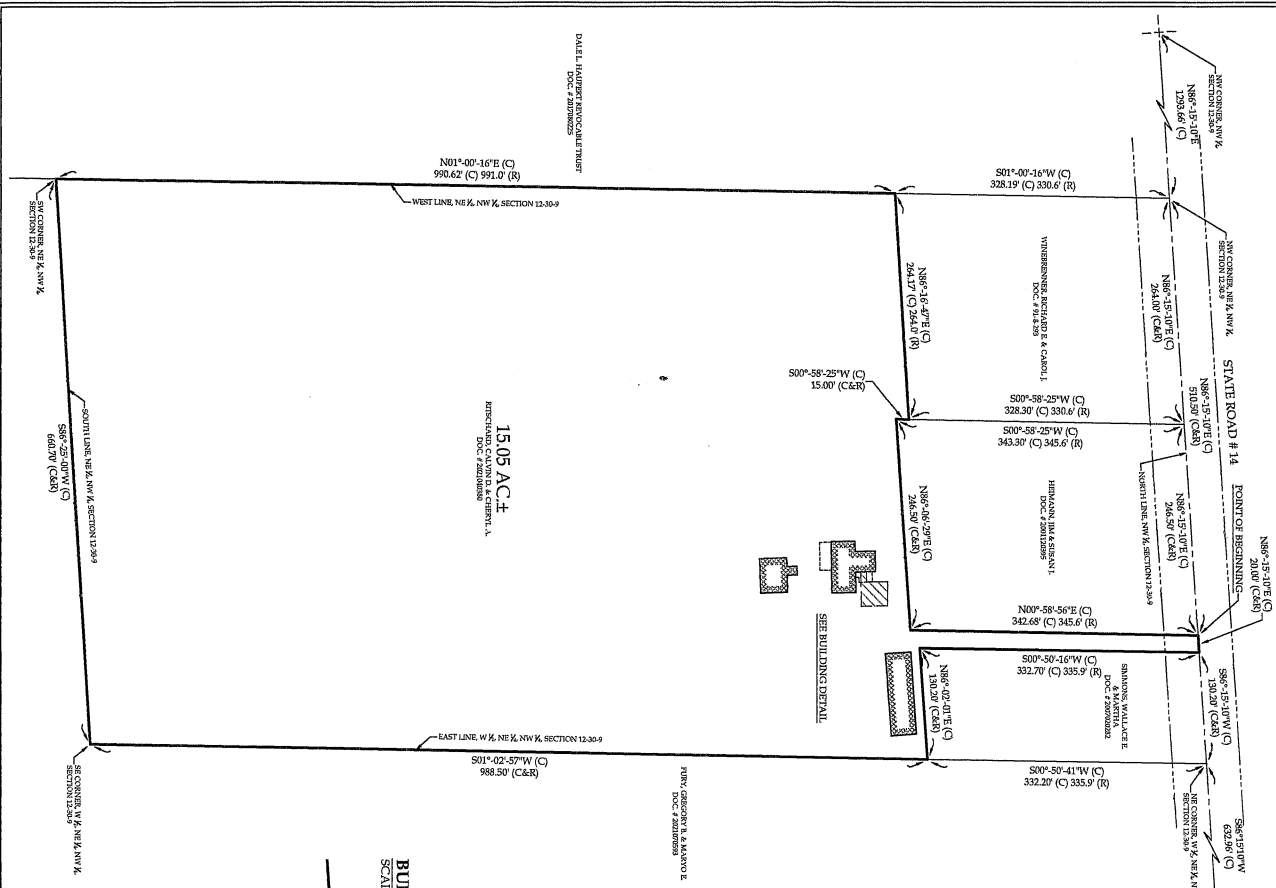
By: _____ Second by: _____

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

PLOT PLAN

PREPARED FOR

CALVIN D. RITSCHARD & CHERYL A. RITSCHARD
 SITUATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 30 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA.
 THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A REARRANGEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SUBVEYOR LOCATION REPORT.
 SUBJECT TO PLAN COMMISSION APPROVAL.



LEGEND

- M = MEASURED
- P = PLAT
- K = WALKER MONUMENT
- C = CALCULATED
- R = RECORDED

FIELD WORK COMPLETED ON 5-15-2023

PROPERTY ADDRESS
 1515 State Road 14
 Columbus City, IN 46025

BASES OF BEARINGS
 This bearing is measured for the field.
 Multiple GPS observations utilizing a WGS84 signal
 and a local coordinate grid were utilized this survey.

ZONING REQUIREMENTS
 Zoned: AG, Agricultural District
 Minimum Front Yard Setback: 40 feet for Primary Structure
 Minimum Side Yard Setback: 10 feet for Primary Structure
 Minimum Rear Yard Setback: 30 feet for Primary Structure
 Minimum Side Yard Setback: 10 feet for Accessory Structures
 (Source: Whitley County GIS and Whitley County Zoning Ordinance)

FLOOD HAZARD STATEMENT
 The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0275C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

DESCRIPTION
 Part of the West Half of the Northeast Quarter of the Northwest Quarter of Section 12, Township 30 North, Range 9 East, Whitley County, Indiana, more particularly described as follows: to-wit:
 Beginning on the North line of said Northwest Quarter, at a point situated 510.5 feet East of the Northwest Corner of said Northeast Quarter; thence East, on and along said North line, being within the right of way of Indiana State Road Number 14, a distance of 201.0 feet to a point situated 130.2 feet West of the Northeast Corner of the West Half of said Northeast Quarter; thence South, by a distance of 335.9 feet, hence East and parallel to said North line a distance of 130.2 feet to a point on the East line of said West Half; thence Southwesterly, by an interior angle of 85 degrees - 05 minutes, on and along said East line, a distance of 988.5 feet to the Southwest Corner of said West Half; thence Westerly, by an interior angle of 94 degrees - 30 minutes - 30 seconds, on and along the South line of said Northeast Quarter, a distance of 667.7 feet to the Southwest Corner of said Northeast Quarter; thence Northerly, by an interior angle of 85 degrees - 19 minutes - 30 seconds, on and along the West line of said Northeast Quarter, a distance of 991.0 feet to a point situated 330.6 feet South of the Northwest Corner of said Northeast Quarter; thence Easterly, by a deflection angle of 83 degrees - 05 minutes and parallel to the North line of said Northwest Quarter, a distance of 150.0 feet, hence Northwesterly and parallel to the West line of said Northeast Quarter, a distance of 150.0 feet, hence Easterly and parallel to said North line, a distance of 254.5 feet; thence Northerly and parallel to said West line, a distance of 345.6 feet to the point of beginning.

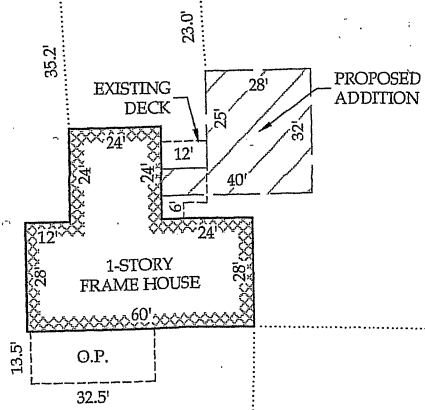
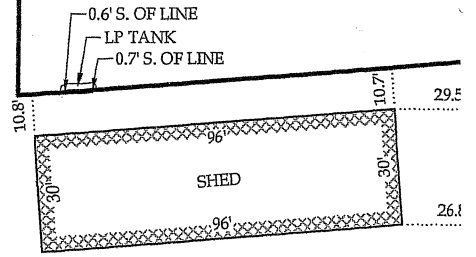
WALKER & ASSOCIATES
 EST. 1984
 112 WEST VAN BUREN STREET
 COLUMBIA CITY, IN 46725
 Phone: (260) 244-3640
 Fax: (260) 244-4640
 www.walkersurveying.net
 E-mail: mail@walkersurveying.net

FOR: RITSCHARD CALVIN D. & CHERYL A.
 SCALE: 1"=100'
 DRAWN BY: BKM
 DRAWING NUMBER: NJ-150
 DATE: 5-23-2023
 PAGE: 1 OF 1

BUILDING DETAIL

SCALE: 1"=50'

EAS

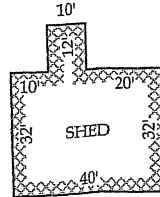


SE CORNER, W 1/2, NE 1/4, NW 1/4,
SECTION 12-30-9

192.3'

192.0'

190.5'





Cox, Dean A & Connie

Feider, Constance K Revocable Trust

County Board Of Commissioners

Whitley Crossroad Inn Inc

Plant, John W & Valorie A And Plant, Jerry P

Rosen, James A Jr

Leslie, Benjamin W

Wigent, David A & Jerry A

Simmons, Wally E & Martha L
Simmons, Wallace E & Martha L

Simmons, Wally & Martha

Simmons, Wally & Martha

Feider, Constance K Revocable Trust

Tucker, Brock S & Jessica A

Simmons & Brady Excavating, Inc

Simmons, Wallace & Martha

Feider, Constance K Revocable Trust

Putman, Carol K Self-Declaration Of Trust

Doctor, David M

Whitley Crossroad Inn Inc

Plant, John W & Valorie A And Plant, Jerry P

Rosen, James A Jr

Leslie, Benjamin W

Wigent, David A & Jerry A

Winebrenner, Richard E & Carol J

Heimann, Jim & Susan J

Simmons, Wallace E & Martha L

Northern Indiana Public Ser Co Attn: Property Taxes

Ritschard, Calvin D & Cheryl A

Fury, Gregory B & Mary O E

ESR-14

S 150 E

Mccoy Dennis J Trustee Of The Guy G Wood Trust

Wood, Sharon A & Mccoy Dennis J Trustee Guy G Wood Trust

Harris, Richard W & Patricia L

Downing, Carl W & Lois A

Wood, Sharon A & Mccoy Dennis J Trustee Guy G Wood Trust

Ramel, Jeanne M & Ramel, Clara L

Geist, Kaydean & Sheets, Nancy

Hindbaugh, Lic

Hauptert, Dale L Revocable Trust Agreement & Tom Family Farms

Dickerhoff, David E & Kathryn S Trust

SSR9