

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

23-W-VAR-16 DEVELOPMENT STANDARDS VARIANCE
James & Judy Vanderford
3480 W. 400 North

JULY 25, 2023
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture
Property area: 5.65± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the front setback for construction of an addition to an accessory structure located at 3480 W. 400 North in Section 13 of Etna Troy Township.

The petitioner proposes to construct a 15'x40' addition to the south side of an existing detached garage. This garage was constructed in 1998 with a front setback of 40', the code minimum. The addition would result in a 25' setback.

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 outbuildings with setbacks such as the proposed exist throughout the zoning district without injurious effect. A 25' setback is likely sufficient to maintain a safe distance from the road, driveway, and intersection. 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 properties throughout the AG district have similar accessory structures. Use should also not be affected, due to the distance of the proposed structure from adjacent properties and maintaining what should be an adequate front setback.

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 results in practical difficulties. The existing garage is approximately 16' from the house, so placement of the proposed 15' addition on the north side of the garage, or even an addition of a reduced width, would be impractically close to the house. It would also result in the removal of a 3' diameter tree. Construction on the east side could be possible within the required setback, but the main electric feed to the house runs along that side of the garage and would need to be relocated. Finally, the area available for constructing another detached structure on the property is precluded by the location of the septic field west of the house, the pond, and sloping topography elsewhere.

Date report prepared: 7/3/23

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: _____

Vote:	Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					



Western, John & Karen,
Western, Benjamin M
& Western, Olivia A

Lawrynowicz, Barry
W & Melody J

Burlage,
James D &
Renee L

Baatz, Leroy

Brown,
Lewis M

Davis, Kent C

Pine, Lucas C

Mitchell,
Bruce A

Vanderford,
James Eli
& Judy A

W400 N

Lewark, Greg &
Kimberly Ann

Nix, Ryan J
& Jennifer R

Maggart,
Beau &
Aimee

Ray, James
W & Aimee

N350 W

Lynam,
Robert J

Kreider,
Timothy A

Kreider,
Tim A

Cormany,
Jeffrey L
& Vonda M

Adams-Gracedel
Farms, L.L.C.

Will, Judy

Cormany, Jeffrey
L & Cormany
Stephen R

Cormany,
Jeffrey L Etal

Will, Judy K

