

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

23-W-VAR-19 DEVELOPMENT STANDARDS VARIANCE
James & Dale Becher
2229 E. Bair Road

**SEPTEMBER 26, 2023
AGENDA ITEM: 1**

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 0.14 ± acre

The petitioners, owners of the subject property, are requesting a development standards variance for an encroachment into the required front setback at 2229 E. Bair Road in Section 12 of Thorncreek Township.

The petitioner has proposed to construct a new room addition on the north side of the existing home. This addition would replace a section of the open deck. A variance (14-W-VAR-21) was approved in 2014 for the encroachment of the deck with a 14' front setback. Due to that variance being approved "as per the site plan," any changes would require additional approval.

The proposed request is to keep the existing front setback of 14', resulting in a requested 21'± 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 safety, health, and morals as the proposed setbacks generally match the setbacks of existing structures in the area, which frequently have legal nonconformances or variances.

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 or value of the area adjacent to the property as the proposed is essentially reusing a long-established 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 may result in practical difficulties. While each variance request should be weighed on its own merits, the previous variance approval for a 14' setback likely does establish a building line here that the proposed addition continues. However, an open deck and a room addition do have differences, such as visibility, that may not make the previous approval directly renewable. The Board should consider both of these factors.

Date report prepared: 9/15/23

BOARD OF ZONING APPEALS ACTION

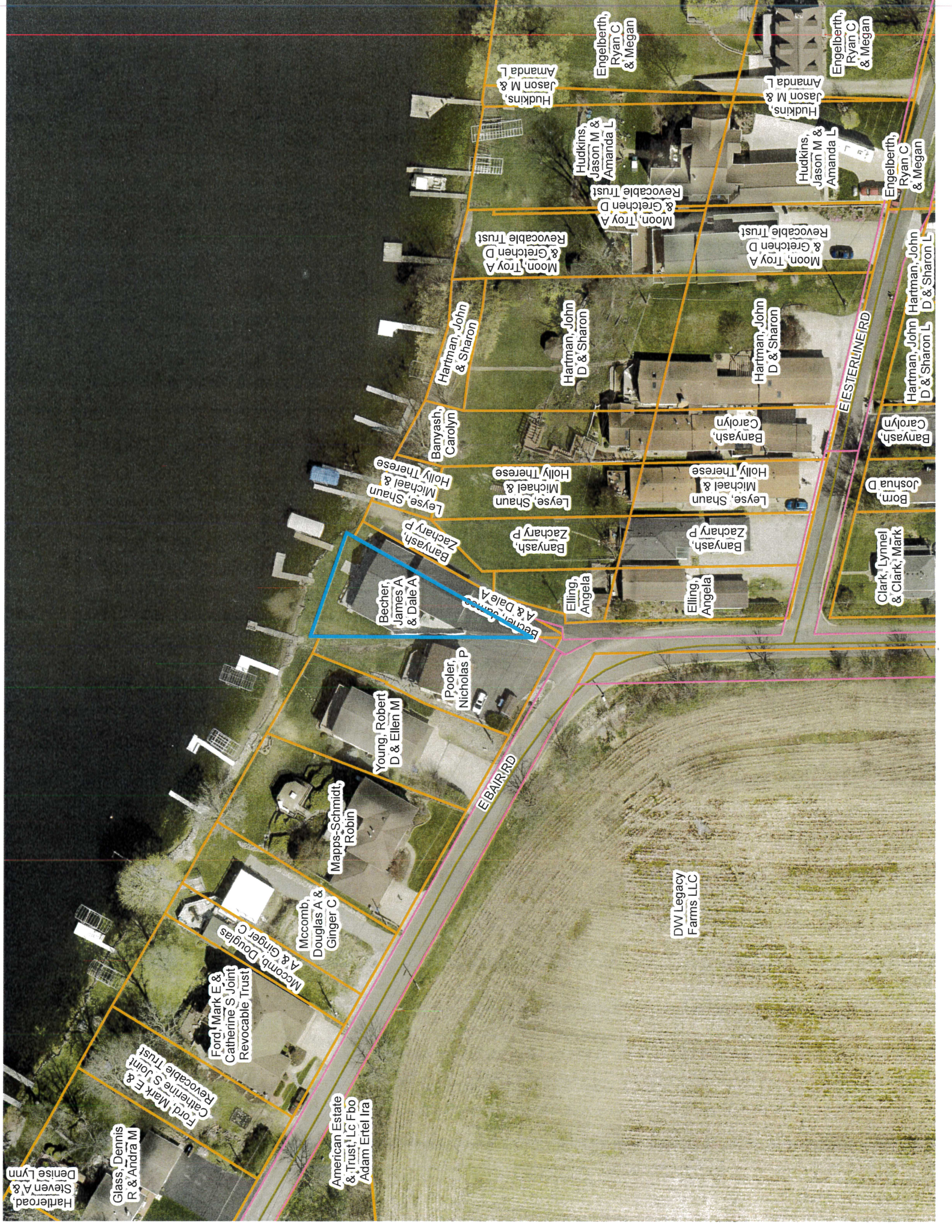
Findings of Fact Criteria

	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>					



Hartleroad, Steven A & Denise Lynn

Glass, Dennis R & Andrea M

Ford, Mark E & Catherine S Joint Revocable Trust

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Mccomb, Douglas A & Ginger C

Mccomb, Douglas A & Ginger C

Mapps-Schmidt, Robin

Young, Robert D & Ellen M

Pooler, Nicholas P

Becher, James A & Dale A

Banyash, Zachary P

Leyse, Shaun Michael & Holly Therese

Banyash, Carolyn

Hartman, John D & Sharon

Moon, Troy A & Gretchen D Revocable Trust

Moon, Troy A & Gretchen D Revocable Trust

Hudkins, Jason M & Amanda L

Hudkins, Jason M & Amanda L

Engelberth, Ryan C & Megan

Hudkins, Jason M & Amanda L

Hudkins, Jason M & Amanda L

Engelberth, Ryan C & Megan

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Engelberth, Ryan C & Megan

DW Legacy Farms LLC

American Estate & Trust, LC Fbo Adam Ertel Ira

Clark, Lynnell & Clark, Mark

Born, Joshua D

Banyash, Carolyn

Hartman, John D & Sharon L

Engelberth, Ryan C & Megan

Engelberth, Ryan C & Megan

E BAIR RD

E ESTERLINE RD

Young, Robert
D & Ellen M

Becher, James
A & Dale A

Pooler,
Nicholas P

Becher,
James A &
Dale A

Banyash,
Zachary P

Leyse, Shaun
Michael &
Holly Therese

Banyash,
Carolyn

Leyse, Shaun
Michael &
Holly Therese

Banyash,
Zachary P

Elling,
Angela

PROPOSED
ADDITION!
142x102'

EXISTING
HOUSE

152'

14'

8.152'

