

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

**23-W-VAR-24 DEVELOPMENT STANDARDS VARIANCE**  
Peggy Kunkle  
5911 N. 350 East

**OCTOBER 24, 2022  
AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential

Property area: 4,500± sq. ft.

The petitioner, owner of the subject property, is requesting a development standards variance of the required front setback for construction of a new 1½-story home on the property located at 5911 N. 350 East, in Section 12 of Thorncreek Township. The property is currently improved with a dwelling that is going to be removed.

Per the submitted plot plan, the proposed structure has a 19'± front setback from the lake side property line to its screen porch. The other proposed setbacks meet the code minimums.

Since this lot has lake frontage, front setback standards apply to the lake side. The required minimum front setback is 35', while the averaged setback is approximately 26'. Thus, requested is a variance of 16'± from the code requirement, or 7'± from the average setback.

For reference, based on the Best Available map information and topography, the structure should not be located in the regulatory floodplain. Detailed elevation data will be needed for final determination.

**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 variances will not likely be injurious to the public safety, health, and morals as the proposed setbacks generally match the setbacks of existing structures along the lakefront, and generally adequate room is to be maintained around the structure. The 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 value and use of the area adjacent to the property as similar properties in the LR district have similar encroachments, nor would the proposed setback impair access around the property or to the surrounding properties.

**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 might result in a practical difficulty as the 35' setback standard would be out of line for most of the adjacent homes. The averaging rule is intended to provide allowance for this situation, but in this case, one outlier property increases the average significantly. Excluding that property, the average setback would be approximately 17', and the proposal would be compliant.

Date report prepared: 10/17/23

**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

---

	<b>Green</b>		<b>Sheiss</b>		<b>Wilkinson</b>		<b>Wolf</b>		<b>Wright</b>	
	<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:

---

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



McKee, Donald C

McKee, Donald C

McKee, Donald C

McCoy, Michael T M & Rebecca

Mathews, Eddie E & Theresa J

Homer, Thomas H & Peggy J Revocable Trust

Smith, Esther R & Dennis J

Homer, Todd

Cullen, James M Sr. & Debra J

Hockerman, David E & Kathy S

Wright, Kevin W & Christi

Tipton, Claude G & Diana Land Davison

Brunner, Jeffrey D

Ritumalta-White, Julie A

Kauffman, Richard D

Mauger, Robbin A

Mathews, Eddie E & Theresa J

Homer, Thomas H & Peggy J Revocable Trust

Smith, Esther R & Dennis J

Nelson, Rob, Tedeschi, Monica, Bosmans, Paulette & Goldwood, Michelle L

Cullen, James M Sr. & Debra J

Hockerman, David E & Kathy S

Wright, Kevin W & Christi

Tipton, Claude G & Diana Land Davison

Brunner, Jeffrey D

Miller, Adrian M & Casey M

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Pearce, Ronald A & Catherine L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Kunkle, Peggy L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Miller, Terry M & Susan L

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Greene, Dianne

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Butler, Mary Jo & Butler, Rodney F

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

Franklin, Keith L

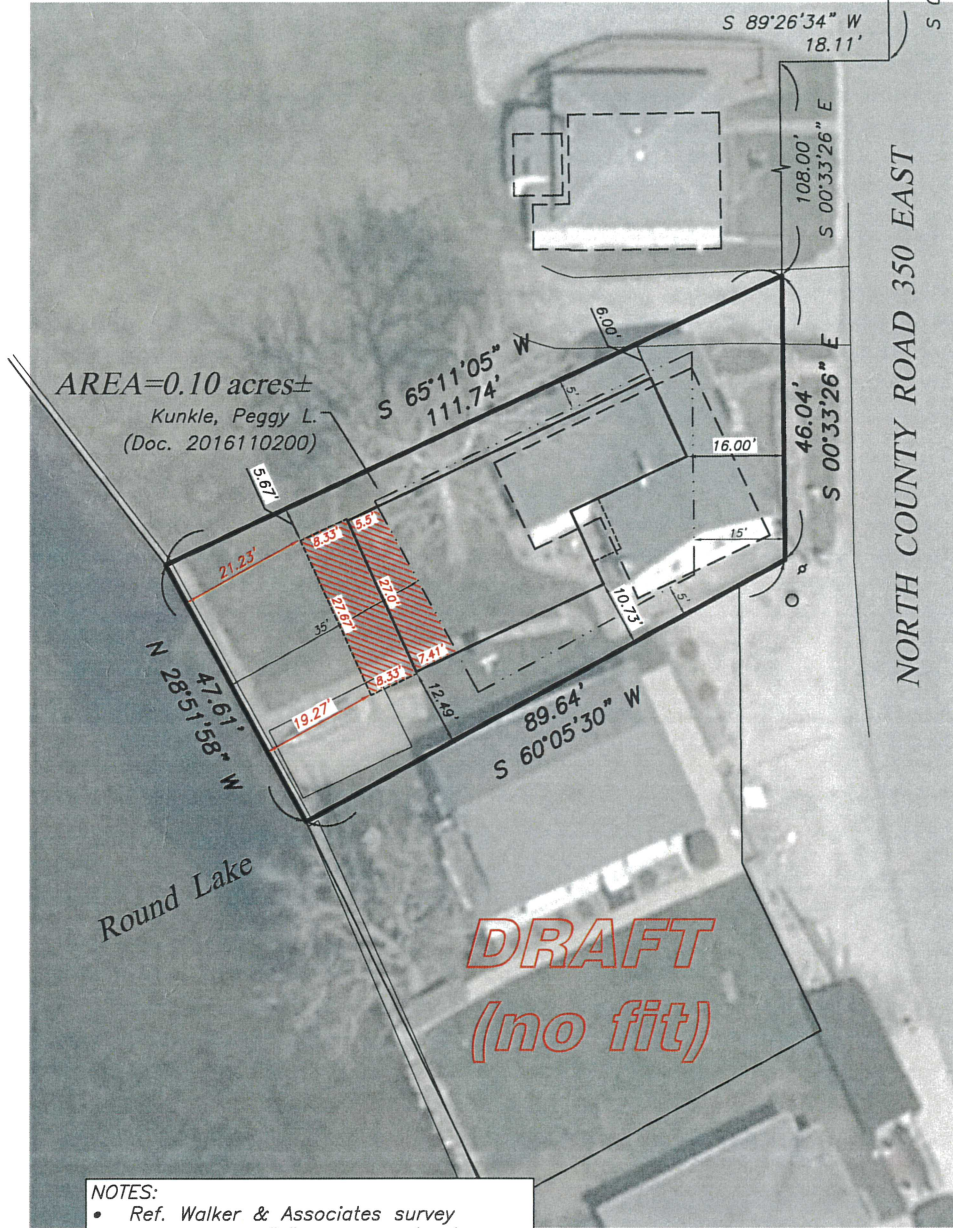
Franklin, Keith L

Franklin, Keith L

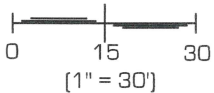
Franklin, Keith L

Zoning Setback Requirements	
35'	Front Yard (Lake side)
5'	Minimum Side Yard
15'	Rear Yard (Road side)

## Construction Plot Plan



SCALE IN FEET:



- NOTES:**
- Ref. Walker & Associates survey No. QU-113 "A", dated 10/21/2016
  - B.F.E.=903.1 [NAVD'88] per DNR report
  - F.P.G.=905.1 [NAVD'88]

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report. [865 IAC 1-12-12(f)]

NW Cor., NW 1/4,  
Section 7,  
T 32 N, R 10 E

S 89°26'34" W  
18.11'

259.12'  
S 00°33'26" E

108.00'  
S 00°33'26" E

NORTH COUNTY ROAD 350 EAST

46.04'  
S 00°33'26" E

S 65°11'05" W  
111.74'

N 28°51'58" W  
47.61'

S 60°05'30" W  
89.64'

Round Lake

**Sauer Land Surveying, Inc.**  
 14033 Illinois Road, Suite C, Fort Wayne, IN 46814  
 Tel: 260/469-3300 Fax: 260/469-3301  
 Toll Free: 877/625-1037

Description: Pt. NE 1/4, Sec. 12, T 32 N, R 9 E (Whitley Co.)	
Address: 5911 N County Road 350 E, Columbia City, IN 46725	
Builder: MBN Properties LLC 7563 E. Lincolnway Road Columbia City, IN 46725	Tel.: 260/908-3460 or 260/437-2294
Date: 15 SEP 2023	Revised: