

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

23-W-VAR-25 DEVELOPMENT STANDARDS VARIANCE

3W Holdings, LLC  
2520 W. Lincolnway

OCTOBER 24, 2022

AGENDA ITEM: 3

---

**SUMMARY OF PROPOSAL**

Current zoning: GC, General Commercial

Property area: 1.817 acres

The petitioner, owner of the subject property, is requesting development standards variances to allow for the construction of a new light manufacturing and warehouse/office. The property is located at 2520 W. Lincolnway in Section 25 of Richland Township. The subject property was improved with a business and residence dating from at least the 1940s, both of which have been recently demolished. So, any legal nonconforming status associated with those structures has been removed.

This property was the subject of a special exception request at the September meeting to permit light manufacturing in the GC district. That request was approved, with several conditions. With that approval in place, the petitioner has continued with the site design and has determined that variances will be needed. If granted, these variances will then be incorporated into the Development Plan. At this stage, other development standards appear to be met; they will be confirmed during Development Plan review.

**Setbacks**

Because this parcel has two road frontages, it has two front yard setbacks, with the remaining setback being considered a side. As proposed, the setbacks from all property lines would be a minimum of 25'. This exceeds the code minimum 10' for the side setback but is short of the 40' required for front setbacks. So, two variances of 15' are requested for the two road frontages.

The proposed site plan has a parking setback of approximately 5' along the road frontages. The code requires 10' parking setbacks in front yards and 5' for side and rear yards. So, a variance of 5' for the parking setback is requested.

**Parking number**

Approximately ten parking spaces are currently designated on the site plan. A condition of the special exception is that a maximum there will be a maximum of ten employees on-site.

For manufacturing, the code requires parking spaces at the rate of 1 space per employee on the largest shift, plus 1 space per 400 square feet of office space. For warehousing, parking is required at the rate of 1 space per 1,000 square feet of warehouse, plus 4 spaces per 1,000 square feet of office area. The proposed net office area is approximately 3,400 sq. ft., the manufacturing area about 3,000 sq. ft., and the remaining 13,000± sq. ft. being warehouse/distribution.

Based on the mix of uses, and depending on the office calculation, a total of 32 to 37 parking spaces would be required. If this was a warehouse/office use only, which would be permissible by right in the GC district, a total of 27 spaces would be required. So, based on the 27-space calculation, a variance of 17 parking spaces is requested.

## **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 variances would not injure public morals as they are clearly related to a permissible use and development.

The proposed building setback variances will not likely be injurious to the public health, safety, or morals. The reduced setbacks would still permit adequate access around the property and maintain space for parking, drainage, and septic systems; these would be verified during Development Plan review.

The proposed parking setback variance will not likely be injurious to the public health, safety, or morals. The majority of the parking area is proposed to parallel the Lincolnway frontage. Since Lincolnway has a 100' wide right-of-way, significantly wider than most county roads at 40'-60' wide, the 5' reduction in parking setback would have negligible effect on that road. The area adjacent to the 250 West frontage would be primarily used for a loading area, and so would have a lesser effect on safety than general parking.

The proposed parking number variance could be injurious to the public safety, if the reduction in provided parking causes vehicles to be parked along the public roads or in unsafe locations on-site.

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**

The setback variances will not affect the use of adjacent properties as the reduced setbacks are along road frontages. The impact of the reduced setbacks on the roads would also not be substantial, as discussed above.

The setbacks variances would also have no substantial effect on the value of the area. The reduced setbacks are still larger than the setbacks of the previous structures, so the impact of only the setback variance is minimal and so not substantial. However, the construction of any building on this commercial property could substantially affect the value of the surrounding agricultural area, even when compliant with setbacks.

The parking number variance could have a substantially adverse impact on use if the reduction causes vehicles to be parked along the public roads. This could restrict access to adjacent properties, reduce sight visibility along the road, and possibly create congestion. To the degree that this variance affects the use of the surrounding properties, it would follow that the value could be similarly affected.

### **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 configuration of the parcel as a triangular point between two public roads is a practical difficulty that predates the petitioner's ownership by many years. The irregular shape and double frontages virtually necessitate some sort of relief for most commercial development options of the property.

For the parking number variance, the petitioner has stated that no more than 10 employees would be on-site, and the number of spaces would be adequate for that need. So, the code could present a

practical difficulty because of the discrepancy between the code’s assumption of needed parking and the actual use. However, as the code is also intended to provide for future uses, the reduction in parking could be problematic for future property owners.

That said, the Board should consider whether these variance requests are the minimum relief necessary for a reasonable proposal.

**SUGGESTED CONDITIONS**

If the Board moves to grant the variances, the following are suggested condition(s) of the approval:

1. As part of the Development Plan, the petitioner shall work to designate as many compliant parking spaces on the site as possible in order to minimize the parking number variance.
2. The following be recorded as written commitments, running with the land and binding on successors in title:
  - a. The parking number variance is granted only for the petitioner and its corporate successors.
  - b. The parking number variance is not transferable to a new property owner without additional Board approval.
  - c. No parking of any vehicles associated with this property shall be permitted within the Lincolnway and/or 250 West rights-of-way unless permission is granted in writing by the County Commissioners.

Date report prepared: 10/18/23

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



Myer, Logan S & Amber N

Myer, Ronald & Nancy C

Burton, John D & Joyce E

Trimmer, Basle Lynn

Trimmer, Basle Lynn

Cormany, Ray & Ardith Revocable Trust

Trimmer, Basle Lynn

N 250 W

Mckown, Robert C & Lillian L

Cormany, Ray & Ardith Revocable Trust

Rupert, Janet L

3W Holdings LLC

WILCOLMWAY RD

Trimmer, Basle Lynn

Hall, Steven Brent & Ritschard, Teri Lynn

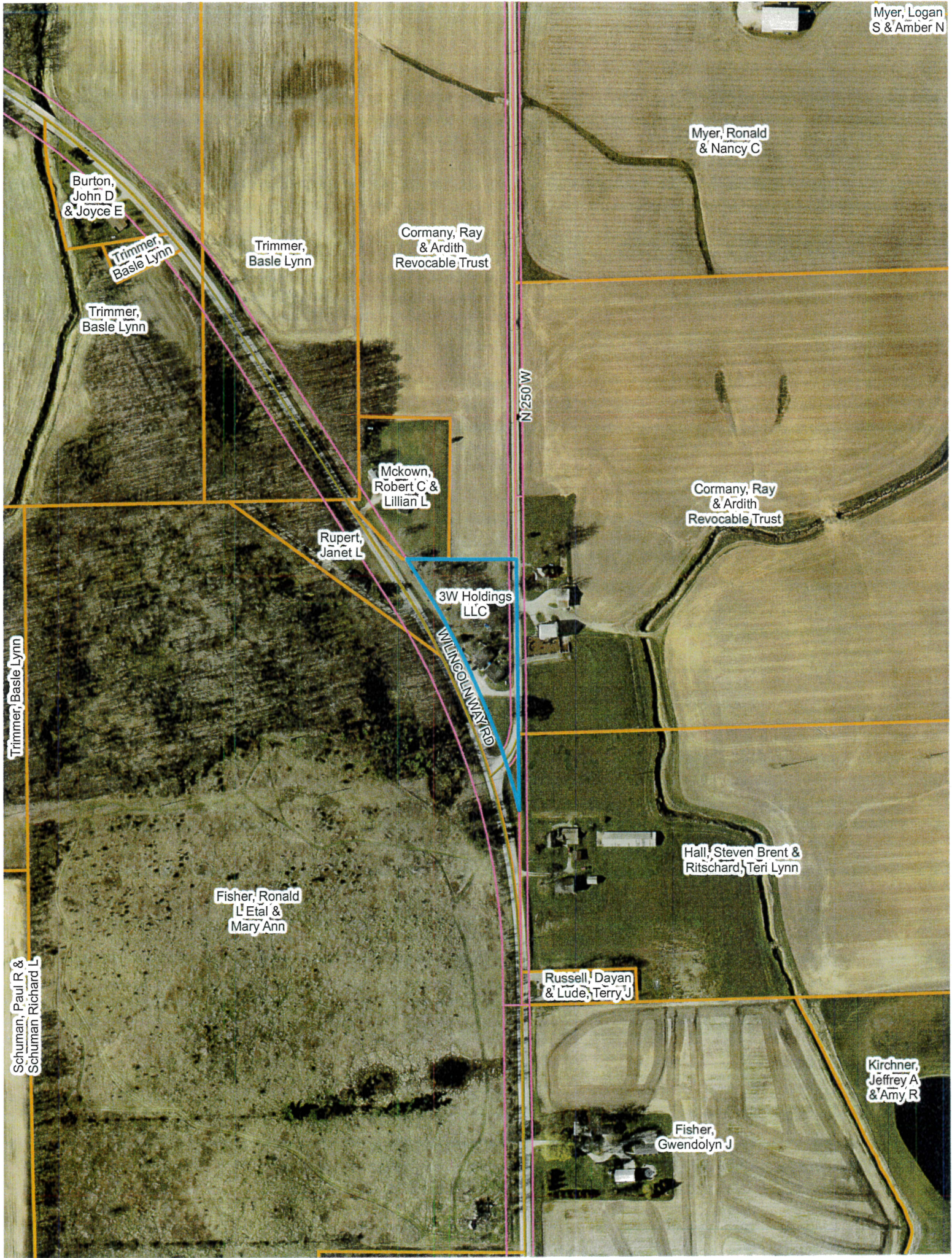
Fisher, Ronald L Etal & Mary Ann

Russell, Dayan & Lude, Terry J

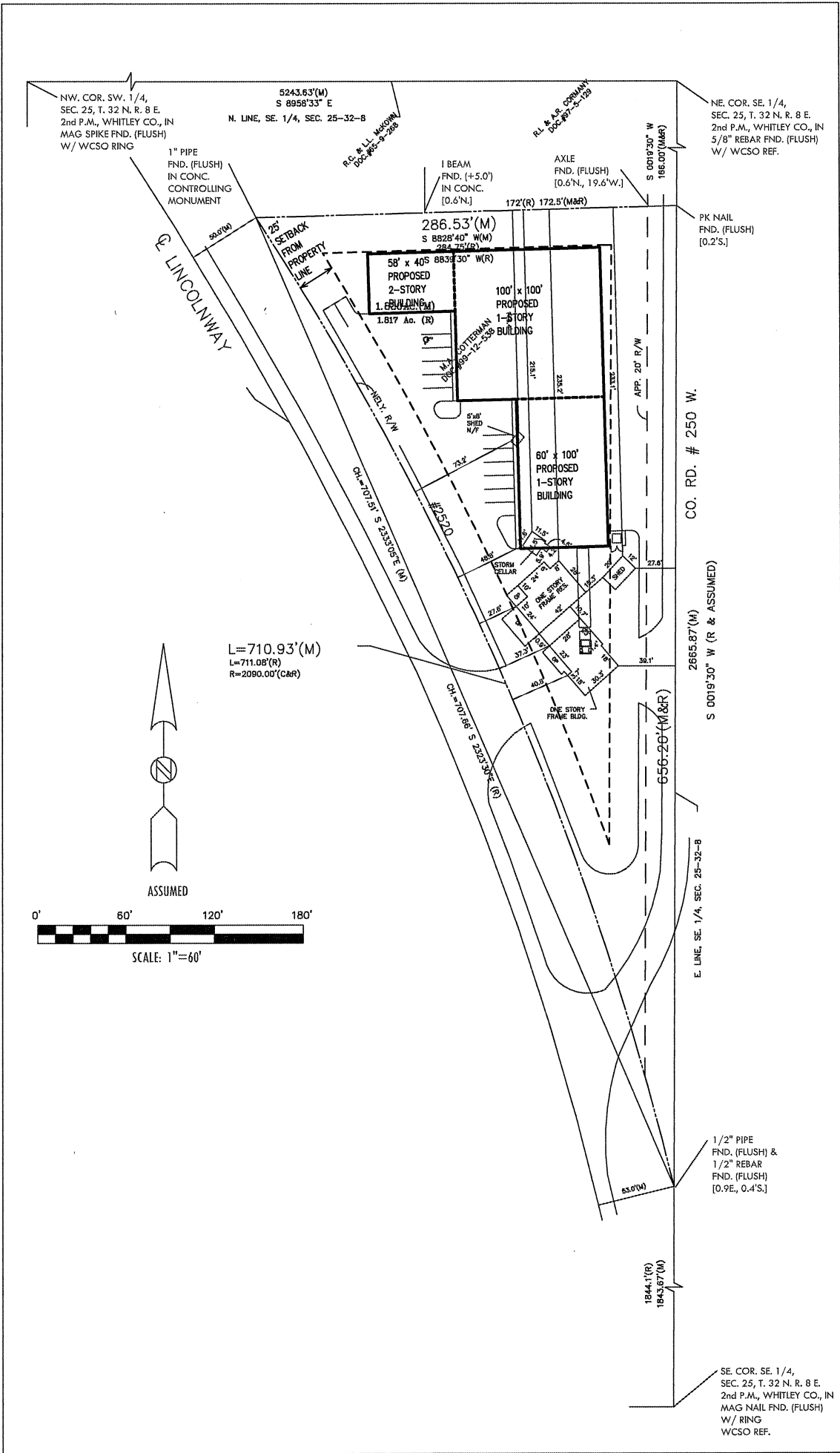
Schuman, Paul R & Schuman Richard L

Kirchner, Jeffrey A & Amy R

Fisher, Gwendolyn J







$L = 710.93'(M)$   
 $L = 711.08'(R)$   
 $R = 2090.00'(C&R)$

