

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

**23-W-VAR-27 DEVELOPMENT STANDARDS VARIANCE**  
Phyllis Vehnekamp  
3600 W. 800 South

**DECEMBER 27, 2023  
AGENDA ITEM: 1**

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**SUMMARY OF PROPOSAL**

Current zoning: RR, Rural Residential  
Property area: 1.837± acre

The petitioner, mother of the owner of the subject property, is requesting a development standards variance for encroachment into the front setback for construction of a room addition to a residence located at 3600 West 800 South in Section 18 of Washington Township, on the edge of Tunker.

The petitioner is proposing a 22'x22' addition to the east end of the existing dwelling. This manufactured home replaced an earlier residence in 2022; the legal nonconforming 30'± front setback of the earlier home was permitted under the provisions of IC 36-7-4-1019. The addition will be an extension of the existing façade, but the angle of the building makes the addition encroach closer to the right-of-way. The result is a proposed front setback of 29.4'±, which triggers the need for variance approval from the Board.

The minimum front setback standard for the RR District is 40', so a 10.6'± variance is requested.

Note that this addition is proposed to be used as an in-law suite; however, its design does not constitute a secondary dwelling unit.

**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 structures with setbacks such as the proposed exist throughout the area without injurious effect. The proposed is minimally different from the existing setback and so is likely sufficient for the addition to maintain a safe distance from the road. 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 area's RR district have similar or smaller setbacks. 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 may or may not result in practical difficulties. The replacement of a burned house permitted in 2022 was contingent on reusing the same footprint, which angled toward the road. This addition extends that angle, causing further encroachment. While the floor

plan might be revised to shift the addition rearward to avoid additional encroachment, there are difficulties because of the roof line differences and constraints of the existing manufactured home.

Date report prepared: 12/15/2023

**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>					



Hauptert, Dale L  
Revocable Trust Agreement

Hauptert, Dale L  
Revocable Trust &  
Sicktafoose, Steven L

Renbarger,  
Thomas

Renbarger,  
Michael  
Renbarger,  
Benjamin M  
& Megan R  
James=Renbarger, Thomas

Renbarger,  
Michael=Renbarger,  
Thomas

Reed, Matthew  
S & Walda,  
Norman M

Rish, Lee  
Ellen

Calhoun,  
David Andrew

Stahl,  
Travis  
& Kristal

G Shaffer  
Enterprises,  
Llc

Garwood,  
John & Judy

Leeuw,  
Matthew A

Potter, John

Potter, John

Scher,  
Martin W

Travers,  
Steven L &  
Bobbie J

Jones,  
Gary D

Ring, Angela  
R & Strasser,  
William E

W1800 S

Sugar Creek  
Fellowship Church Of  
The Nazarene, Inc.

Hull, Bradley  
W & Hull,  
Stephen J

Hull, Bradley  
W & Hull,  
Stephen J

Thomas,  
Robert  
David

Washington  
Township  
Trustee

Ott, M  
Jeffrey  
Washington  
Township  
Trustee

Ott, M  
Jeffrey &  
Donna J

Ott, M  
Jeffrey &  
Donna J

Rhoads, Judy A

Riddle, Jennifer L

Bar, Dennis L Sr

Gordon, David  
M & Tina M

Meyers,  
Nicholas

Hauptert, Dale L  
Revocable Trust

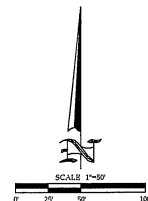
Dickerhoff, David E &  
Kathlyn S Revocable  
Trust (Trustees)

Dickerhoff,  
David E &  
Kathlyn S Trust

Pathfinder  
Farms, Llc

S350 W



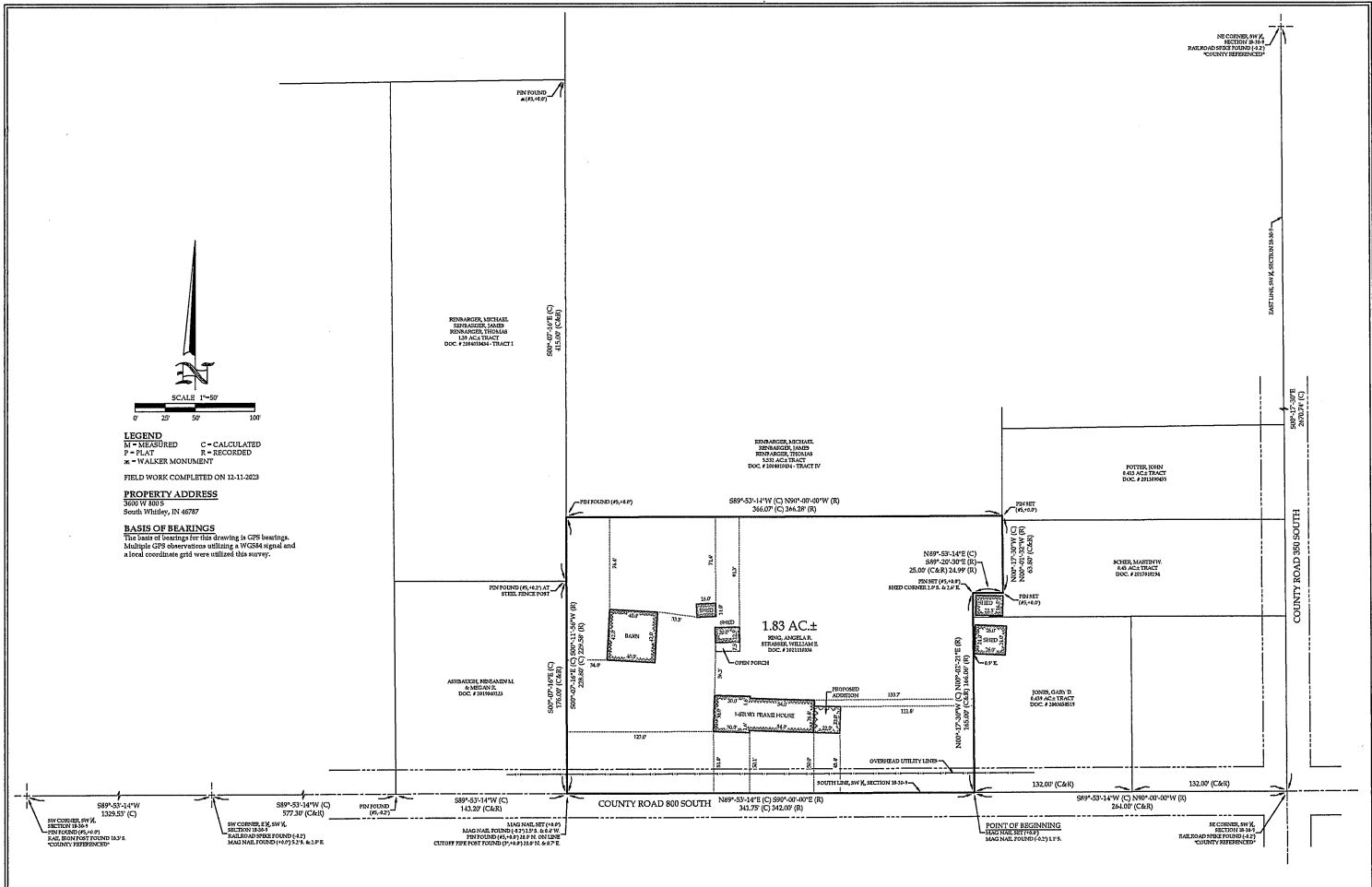


**LEGEND**  
 N = MEASURED      C = CALCULATED  
 P = PLAT            R = RECORDED  
 M = WALKER MONUMENT

FIELD WORK COMPLETED ON 12-11-2023

**PROPERTY ADDRESS**  
 3600 W 800 S  
 South Whitley, IN 46073

**BASIS OF BEARINGS**  
 The bearings shown on this drawing is GPS bearings.  
 Multiple GPS observations utilizing a WGS84 signal and  
 a local coordinate grid were utilized this survey.



**WALKER & ASSOCIATES**  
 112 WEST VAN BUREN STREET  
 COLUMBIA CITY, IN 46725  
 Phone: (240) 244-3648  
 Fax: (317) 244-4640  
 www.walkersurveying.net  
 E-mail: mail@walkersurveying.net  
 LAND SURVEYING, CIVIL ENGINEERING,  
 & LAND PLANNING

**CERTIFICATE OF SURVEY**  
 I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THIS HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 866-SAC-1-12 AND ALL OTHER AMENDMENTS THEREOF.

*William E. Strasser*



PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 30 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA		
FOR: RING, ANGELA R. STRASSER, WILLIAM E.		
SCALE: 1"=50'	DRAWN BY: WCG	DRAWING NUMBER: RP-164
DATE: 12-18-2023	PAGE: 4 OF 4	