

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

24-W-VAR-6 DEVELOPMENT STANDARDS VARIANCE

John & Beth Manning
2042 E. Wilcken Road

APRIL 23, 2024

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 0.226 Acres

The petitioner, owner of the subject property, is requesting a development standards variance of the required front setback for construction of a new deck on the property located at 2042 E. Wilcken Road, in Section 11 of Thorncreek Township. The property is currently improved with a dwelling with attached garage.

Per the submitted site plan, the proposed deck has a 17'± front setback from the lake side property line, which is 3' closer to the property line than the existing structure. 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'. Thus, requested is a variance of 18'± from the code requirement.

Note that the averaged setback for this property per the code formula is approximately 34'. This is skewed upward due to two properties to the north having large setbacks of 70'+ and property lines to the lake shore, while the averaged setback of the properties to the south, which do not extend to the lakeshore, is 22'±.

For reference, based on the Best Available map information and topography, the structure should not be located in the regulatory floodplain.

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.

Date report prepared: 04/10/2024

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>					

Walker & Associates

Civil Engineering and Land Surveying

Jerry K. Walker, P.E. & L.S.

William D. Kyler, L.S.

112 West Van Buren St., Columbia City, IN 46725

Phone 244-3640

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CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Whitley County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

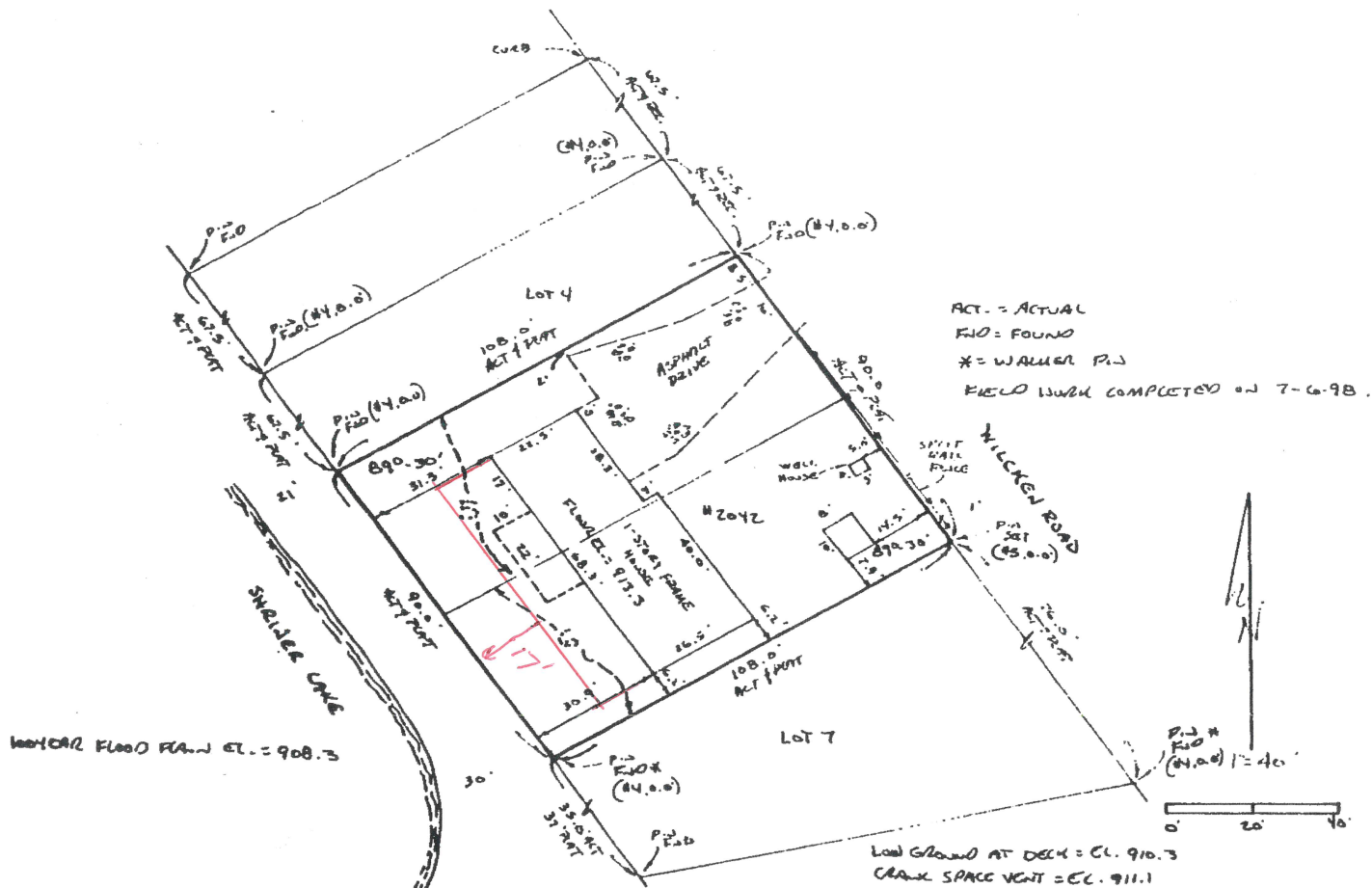
DESCRIPTION OF REAL ESTATE

Lots Numbered 5 and 6 in the Plat of Wilcken's Addition to Tri-Lake Resort, situated in Section 11, Township 32 North, Range 9 East, Whitley County, Indiana, according to the recorded Plat thereof.

Subject to all restrictions, limitations, conditions and covenants of record and to all streets, highways, right-of-way and easements of record.

The existing improvements are not in a flood plain (In Zone X) as defined by Flood Insurance Rate Map dated 04-01-88, Community No. 180298-0002B, Whitley County, Indiana.

See page 2 of 2 for Surveyor's Report.



I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE 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 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.

I hereby certify on the 07th day of July, 1998 that the above survey is correct.

Surveyed for: Wilcken, Rhonda Y.

Survey No.: DP-105

WHITLEY COUNTY RECORDER DOC #: 98-7-567 PAGE 2 OF 3



92-03-11-106
002.900-011

92-03-11-106
203.000-011

92-03-11-107
046.000-011

92-03-11-105
002.000-011

92-03-11-107
047.000-011

92-03-11-105
004.000-011

92-03-11-107
049.000-011

92-03-11-105
005.000-011

E WILCKEN RD

92-03-11-107
050.000-011

92-03-11-105
007.000-011

Shriner Lake

92-03-11-105
008.000-011

92-03-11-105
009.000-011

92-03-11
154-001
000-011

92-03-11-105
010.000-011

92-03-11-154
002.000-011





Hively, Richard D & Nora E

Schmitt, Scott W & Janelle A

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Hantz, Hera E & Hantz Christine K

Berger, Adam David

Howey, Daniel C & Lorraine K

Schnorr, Daniel K & Tracy M

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Johncox, Bruce L & Judy M

Shipman, Matthew & Lori

Rudd, Michael D

Schaper, Josefa & Brian A

Leavell, Marton & Michael

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Usher & Linda Sue

Imbody, Cyrus D III & Debra S

Roberts, Richard Lee & V. Maxine

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