

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

**24-W-VAR-7      DEVELOPMENT STANDARDS VARIANCE**  
Garry & Teresa Ingram  
3460 E. 500 North

**APRIL 23, 2024**  
**AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 15± Acres

The petitioner, owner of the subject property, is requesting development standards variance of the lot depth standard for a proposed subdivision of the subject property. The property is located at 3460 E. 500 North, at the southwest corner of 500 North and 350 East in Section 13 of Thorncreek Township. The proposed split property is on the south side of the parent tract, approximately 750' south of the intersection. Sanitary sewer may be available along 350 East.

As proposed, the petitioner would split the southernmost 225' (potentially narrower connection to public sewer is required) from the parent property for a new home site of 4 acres. The parent property is approximately 781' deep, which would yield a new parcel of about 4.03 acres. If using the minimum width permitted for lots on public sewer (100'), the area would be about 1.79 acres. Both of these areas exceed the minimum lot areas for parcels on septic or sewer.

Per the development standards for the AG, Agricultural district, new parcels must have a maximum lot depth of no more than 3 times the lot width. The proposed 225' width would have a lot depth to width ratio of 3.47, and a 100' wide parcel would have a ratio of 7.81.

In order to meet the maximum ratio standard, the proposed parcel would need to be 675' deep, which would leave about a 106' strip along the west side. Or it would need to be 260.3' wide, creating a 4.67 acre parcel, which is greater than the petitioner's desired 4.0± parcel size.

Thus, a variance is requested to permit a lot width-depth ratio of greater than 3, up to a maximum of 7.81.

**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 depth ratio variance will not be injurious to the public health, safety, or morals. The proposed lot areas and widths are sufficient to accommodate a septic system (if applicable) and to provide sufficient separation for fire system, which are the common items of concern for public health and safety when considering lot development.

While the purpose and applicability of this particular standard is not completely clear, the general welfare may still be impacted if there are not site-specific difficulties found, which could lead to an overall degradation of the overall effectiveness of the zoning code.

**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 proposed setback variances will not adversely affect the value and use of the area adjacent to the property as the proposed variance would not create any obvious differences when compared to any

number of properties in the area. The property adjacent to the west of the subject property has a depth-width ratio of about 3.35, for example.

Further, the variance would not intensify the character of the area by permitting a greater number of lots than otherwise may be expected based on the road frontages. It would also not be detrimental to the development of any remaining property behind the primary building site since it includes the entire depth of the parent tract. A code-compliant proposal that would create a 106' deep space could affect the use and value of the area more so by becoming an undermaintained remainder area.

**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 would result in practical difficulty for setbacks, as the proposal is to take in the entire depth of the parcel in question.

It appears that the purpose of the code standard is to prevent the creation of parcels with problematic geometries—a very long, skinny parcel, for example. In this case, the proposed parcel is rectangular and taking in the full depth of the parent tract prevents the creation of a 106' deep “dangling” remainder of similarly problematic geometry.

It also appears that the standard may be to prevent the creation of flag lots or similar mechanisms to create additional density. If so, it does not appear to have ever been applied in such a way. And in this particular case, the proposed parcel would be a regular rectangular shape.

Finally, the standard may be a method to ensure that future developable area is retained behind split lots by capping their depth. This would apply only to the deepest of parent tracts, those well over 675' deep, and would encourage the development of roadside plats. The Board may wish to explore this concept further, but in this particular case, it appears to create a difficulty as the remainder depth of 106' would not be sufficient for future development. Again, it would be more likely to create an area of problems than really solve a public purpose.

Date report prepared: 4/16/24

**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

	Vote: Green		Sheiss		Wilkinson		Wolf		Wright	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Criterion 1										
Criterion 2										
Criterion 3										

Motion:  Grant  
 Grant w/conditions  
 Deny

By: \_\_\_\_\_ Second by: \_\_\_\_\_

	Vote: Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					