

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

24-W-VAR-8 DEVELOPMENT STANDARDS VARIANCE
Daniel & Mary Heckman
1660 E. Poplar Road

MAY 28, 2024
AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 0.16 Acres

The petitioners, owners of the subject property, are requesting a development standards variance of the required rear setback for construction of a new shed on the property located at 1660 E. Poplar Road, in Section 2 of Thorncreek Township. The property is currently improved with a dwelling with attached garage and two sheds.

As proposed, a new 10'x16' shed would be located where the existing 8'x10' shed is, but nearer the road right-of-way. Per the submitted site plan, the proposed shed has a 5.7'± setback from the right-of-way line, which is 0.6' closer than the existing dwelling. The other proposed setbacks meet the code minimums.

Since this lot has lake frontage, rear setback standards apply to the road side. The required minimum rear setback is 15'. Thus, requested is a variance of 9.3'± from the code requirement.

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 setback generally matches 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 15' setback standard would be out of line for most of the adjacent homes. Additionally, the petitioner proposes to maintain a reasonable setback while avoiding the grading and fill that could be required, due to the 25%± slope, if the shed is shifted southward.

Date report prepared: 04/25/2024

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>					

Brice, William
A & Debra A

Brice, William
A & Debra A

Brice, William
A & Debra A

Brice,
William A
& Debra A

Sarow, Roger
D & Nancy J

Mauck,
Beverly S

Hart, James
F & Cinda K

Hart, James
F & Cinda K

E POPLAR RD

Hart,
James F &
Cinda K

Heckman,
Daniel J
& Mary E

Crosby,
Patrick N
& Elaine M

Zilz, Paul
J & Peggy E

Rex,
David L &
Sandra J

Wherry, Terry
L & Sally D

Zilz, Paul
J & Peggy E

Emmons, Chery
L Revocable
Trust

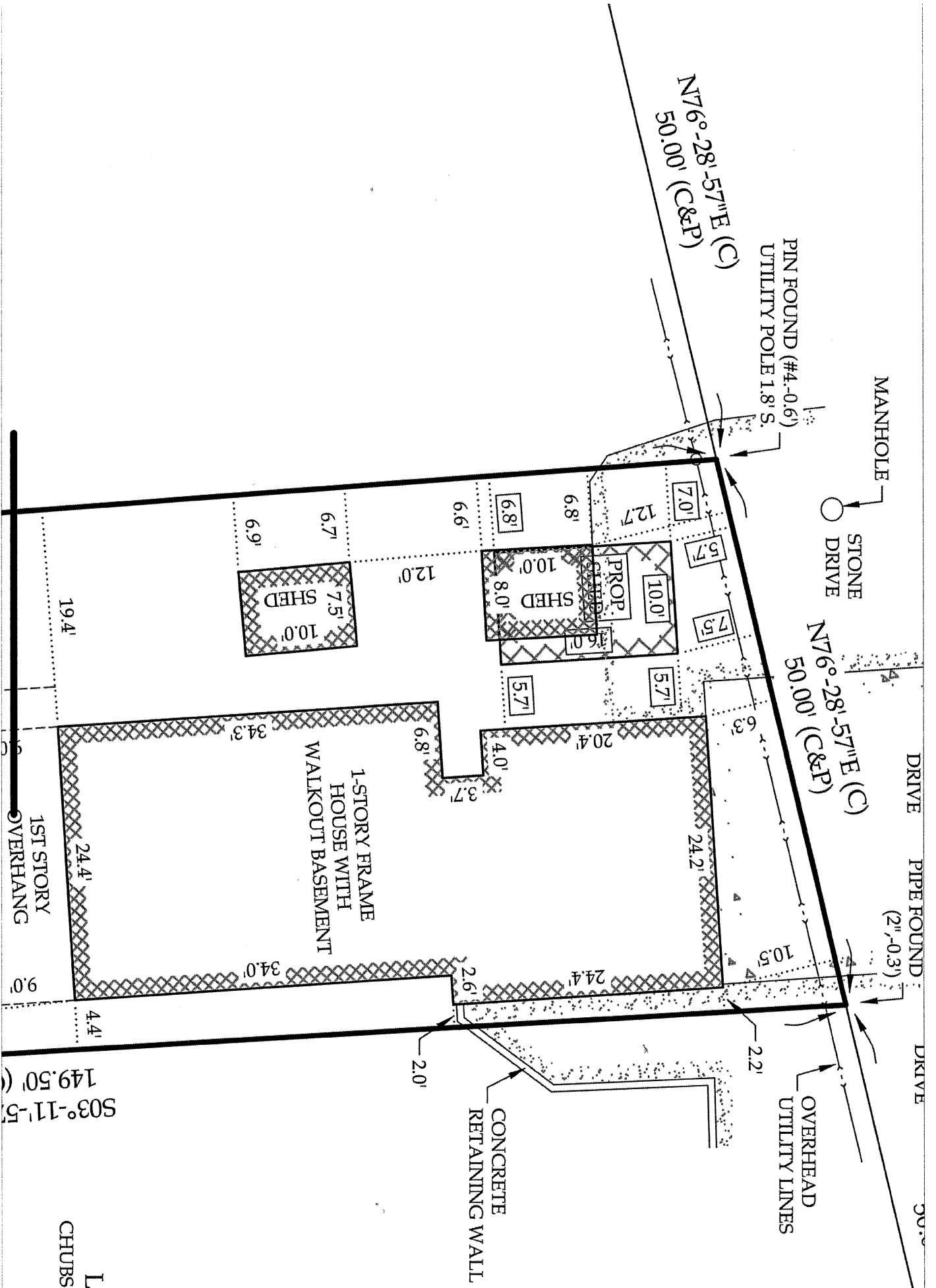
Emmons, Chery L
Revocable Trust

Singer, Earl A &
Singer, Glenna
L Co-Trustees

Singer, Earl A &
Singer, Glenna
L Co-Trustees

Prendergast,
Shawn F &
Janet S

Prendergast,
Shawn F &
Janet S



503°-11'-5"
 149.50' (C)

LOT # 3
 CHUBS SUBDV