

WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

24-W-VAR-9 DEVELOPMENT STANDARDS VARIANCE
Timothy & Susan Gambrell
2290 E. Linker Road

MAY 28, 2024
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 1.27 Acres

The petitioners, owners of the subject property, are requesting a development standards variance of the required rear setback for construction of a new 28' X 30' detached garage on the property located at 2290 E. Linker Road, in Section 2 of Thorncreek Township. The property is currently improved with a dwelling and a detached garage.

As proposed, a 28'x 30' garage would be constructed for storing the petitioner's boat or other vehicles. Per the submitted site plan, the proposed garage would be placed in the same location as a previous 24'x26' structure that had been demolished some time before 2003, the foundation of which still remains. The new structure would have a 3.1'± setback from the right-of-way line, similar to the previous structure. The other proposed setbacks meet the code minimums.

Since this lot has lake frontage, rear setback standards apply to the roadside. The required minimum rear setback is 15'. Thus, requested is a variance of 11.9'± 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 variance will not likely be injurious to the public safety, health, and morals as the proposed setback generally matches that of the existing building foundation, which has been in place for decades. Additionally, the proposed setback is similar to some existing structures to the west along Linker Road, 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 would result in a practical difficulty as there is a 25%+ slope from Linker Road downward to the residence and existing garage. Compliance with the 15' setback would result in an excessively tall foundation being needed. Further, if the garage were constructed nearer the dwelling, the slope would again be a difficulty in construction or in access.

Date report prepared: 5/2/2024

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>					



Parker, Scott & Linda

Rogers, Robert Bradford & June C

Stockamp Ventures Ltd

Krouse, Andre & Emily

Baumer, Douglas K & Joan M

Nahrwold, Victoria D & Mcmahon, Teresa J

Beard, James & Carolyn

Lee, Ronald D Jr & Jamie L

Gambrell, Timothy J. & Susan Joan

Bilodeau, Matthew L & Tracy R

Behm, David T & Yvonne M

Marshall, Dean A & Deborah K

Loeffler, Timothy M & Beasley, Loeffler, Jennifer Lee

Sicklefoose, Barbara A

Javes, Nathan & Jennings Donald

Blake, Justin

Lawson, Randall E

Coville, Robinson

Nahrwold, Victoria D & Jennifer Renee

McMahon, Teresa J

Griffith, William S & Kim A

Felger, James L

Stellhorn, Roland J

Beard, James & Shaw, Amy Jo

Home, Eric G & Leanne M

Wall, John H & Betty S

Wiedenhoet, Douglas C & Kelly J

Gambrell, Timothy J & Susan J

Bilodeau, Matthew L & Tracy R

Adams, Matthew C & Susan A

Wieging, Robert & Martha

Stump, Anthony L

Hughes, Carolyn R Trustee

Hughes, Carolyn Pictor Trustee

Revocable Living Trust

Perleberg, Laura J

Trigg, Daniel T & Alison C

Boone, Kyle M & Leah D

Yeaney, Phillip & Way, Crystal

Hughes, Carolyn R Trustee

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