

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

24-W-VAR-10 DEVELOPMENT STANDARDS VARIANCE
Michael Acton
2611 East Stalf Road

**JUNE 25, 2024
AGENDA ITEM: 1**

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 8,010± sq. ft.

The petitioner, owner of the subject property, is requesting a development standards variance of the required front setback for construction of a new roof system on the property located at 2611 East Stalf Road, in Section 1 of Thorncreek Township. The property is currently improved with a dwelling.

As proposed, a new 10' lean to style roof system would be located on the south side of the dwelling to cover a portion of the existing patio. Being flat work, the patio by itself is exempt from zoning setbacks, but adding a roof would be subject to the setback standard.

Per the submitted site plan, the proposed roof system has a 27'± setback from the right-of-way line, and inside of an existing fence. The other proposed setbacks meet the code minimums.

Since this lot has no lake frontage, front setback standards apply to the road side. The required minimum rear setback is 35'. Thus, requested is a variance of 8'± 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 in the lake area, 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 roof would cover an existing patio that has been in existence for many years and would be generally similar in setback to many of the other homes along Stalf Road.

Date report prepared: 06/17/2024

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>					

ANDERSON SURVEYING, INC.

Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855



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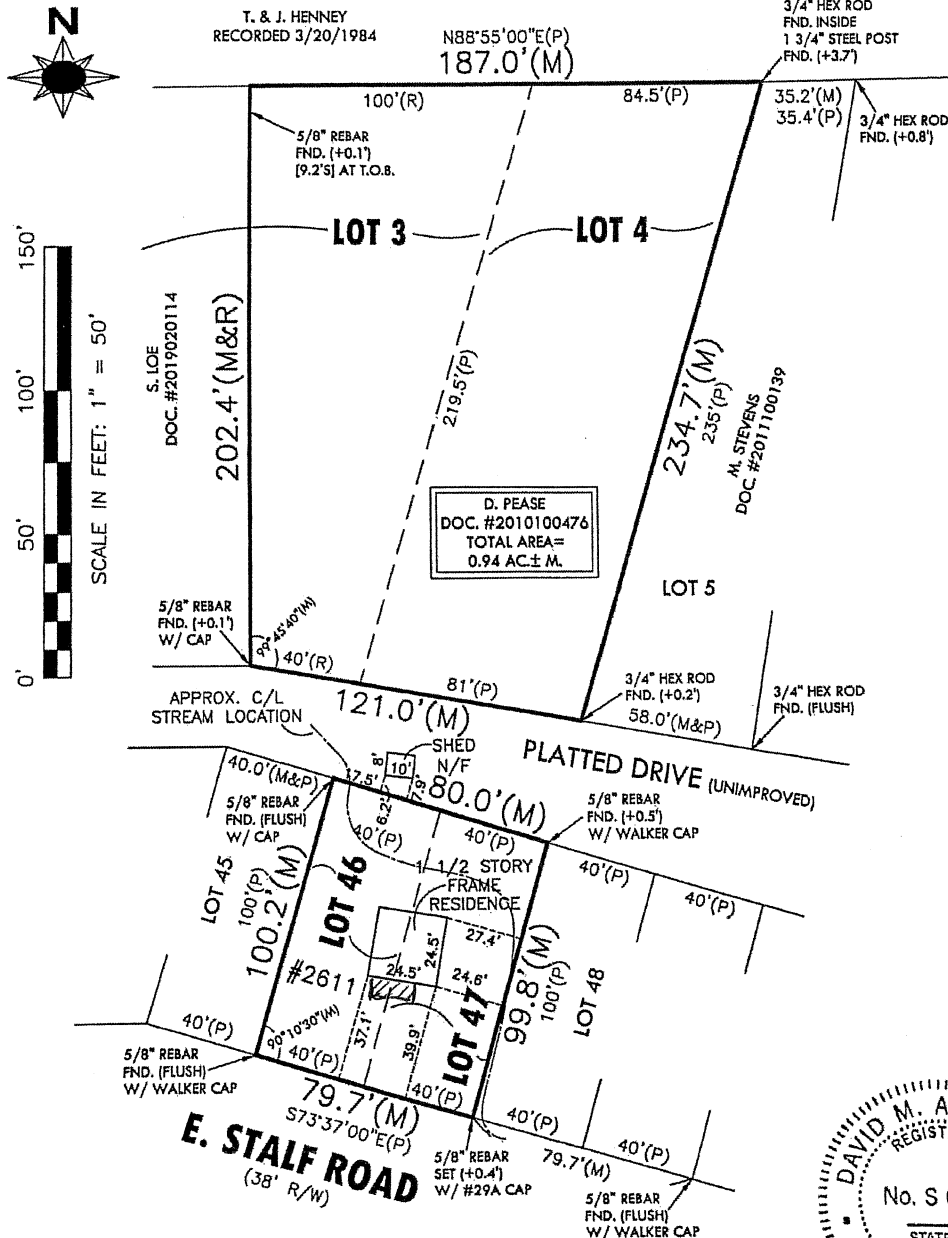
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PLAT OF SURVEY (Page 1 of 2)

(JUNE 2019 / 19-05-134)

This document is a retracement survey of a parcel of land located in Whitley County, Indiana.
SEE PAGE 2 OF 2 FOR THE SURVEYOR'S REPORT AND LEGAL DESCRIPTION.



I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Fieldwork completed on the 28th day of MAY, 2019.
Certified this 5th day of JUNE, 2019.
Prepared exclusively for: PEASE / COOK
Survey Number: 19 - 05 - 134

David M. Anderson, P.E., L.S.