

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

24-W-VAR-13 DEVELOPMENT STANDARDS VARIANCE
Mary McOmber
2332 E. Wilcken Road

**AUGUST 27, 2024
AGENDA ITEM: 1**

This petition was continued from the July meeting due to lack of newspaper notification.

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 0.25 Acres

The petitioner, owner of the subject property, is requesting a development standards variance of the required front setback for construction of a new home on the property located at 2332 E. Wilcken Road, in Section 11 of Thorncreek Township. The property is currently improved with an existing dwelling and sheds.

Per the submitted site plan, the existing dwelling is to be removed and replaced with a new home. The new home has an 8'± front setback from the lake side property line, which is 4.2' further away from 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 27'± 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 some properties having large setbacks of up to 230'+ and property lines that extend to the lake shore. Multiple homes in the area do have setbacks less than the proposed.

For reference, based on the Best Available map information and topography, the structure will be located in the regulatory floodplain and must be elevated to the code requirements.

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: 07/02/2024, revised 7/16/24

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>					



SCALE 1"=30'

LEGEND

M = MEASURED C = CALCULATED
P = PLAT R = RECORDED
* = WALKER MONUMENT

FIELD WORK COMPLETED ON 6-6-2024

PROPERTY ADDRESS

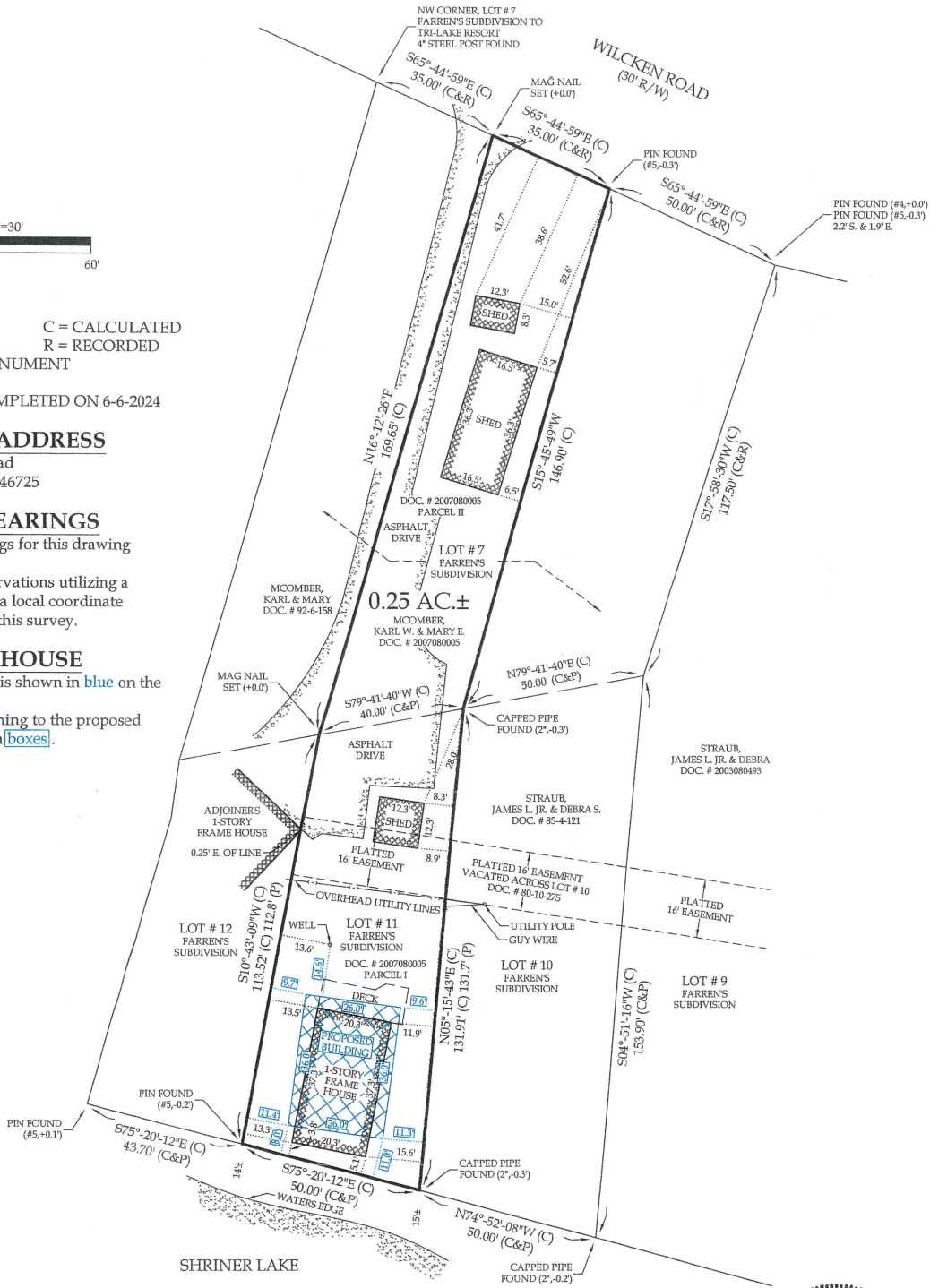
2332 E Wilcken Road
Columbia City, IN 46725

BASIS OF BEARINGS

The basis of bearings for this drawing is GPS bearings.
Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

PROPOSED HOUSE

A proposed house is shown in blue on the survey drawing.
Dimensions pertaining to the proposed house are shown in boxes.



CERTIFICATE OF SURVEY

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.



WALKER & ASSOCIATES
EST. 1984

112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640
Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

LOT NUMBER 11 AND PART OF LOT NUMBER 7 IN FARRENS SUBDIVISION TO TRI LAKE RESORT, WHITLEY COUNTY, INDIANA

FOR: MCOMBER, KARL W. & MARY E.

SCALE: 1"=30'
DATE: 6-25-2024

DRAWN BY: KRM
PAGE: 3 OF 3

DRAWING NUMBER
AB-108



Davis, James M & Laurie E

Waikel, Richard L & Flora M

Krider, Heidi; McClain, Ingrid; Goble, Brent & Goble, Andrew

Altes, Larry & Patricia

Altes, Larry J & Patricia L

Atkinson, Daniel J & Penny J

Altes, Larry J & Patricia L

Atkinson, Daniel J & Penny J

Cline, John & Connie

Culver, Chris & Debra

Berthoff, Christopher, M & Berthoff, Kendall D

Mcomber, Karl & Mary

Mcomber, Karl W & Mary E

Straub, James L Jr & Debra S

Straub, James L Jr & Straub, Debra

Blake, Gregory & Margaret

Lay, Dallas R & Pamela S

Lay, Dallas R & Pamela S

Creason, Clifford G & Sarah Jane

Creason, Clifford G & Sarah J

Seigel, Laraina J

Seigel, Charles Michael & Laraina J

Seigel, Charles Michael & Laraina J

Usher, Hal D & Barbara A, Co-Trustees U/D/T Dated April 20, 1998, F/B/O The Usher Revocable Trust

Usher, Hal D & Barbara A, Co-Trustees U/D/T Dated April 20, 1998, F/B/O The Usher Revocable Trust

Usher, Hal D & Barbara A, Co-Trustees U/D/T Dated April 20, 1998, F/B/O The Usher Revocable Trust

Densel, Deborah L, Garrison, Catherine M, Campbell, Bradley T

Densel, Deborah L, Garrison, Catherine M, Campbell, Bradley T

Schroeder, Thomas J & Laurell E

Schroeder, Dianne L Revocable Trust Agreement

Schroeder, Scott A; Schroeder, Shawn M; Schroeder, Shane P

E MILCKEN RD

E SCHRAM AVE

Ranly, Thomas P

Ranly, Thomas P

Pulver, Jerry R & Vonda L

Bireley, Britney L & Zachary S

Meyers, Susan L

Moore, Billy W & Linda J

Trilakes Baptist Church Inc

Ewing, Kevin

Trilakes Baptist Church Inc

Reed, Richard