

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

24-W-VAR-18 DEVELOPMENT STANDARDS VARIANCE
Tommy Guy & Lisa Porter
2480 N. Binkley Road

**OCTOBER 22, 2024
AGENDA ITEM: 1**

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture

Property area: 2± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the required side setback for an accessory structure on the property located at 2480 N. Binkley Road, in Section 30 of Richland Township. The property is improved with a residence and outbuildings.

The petitioner constructed a 12'x16' storage shed building on runners without benefit of a permit about two or three years ago. Upon requesting a permit, it was noted that the structure encroached into the required setback. Therefore, a variance approval is required before a permit can be issued. Additionally, a smaller shed was placed to the east of the larger one, with a 7.3' setback, also without a permit.

The structure location has a 6.4' side setback (from north property line). The code requires a 10' side setback, resulting in a 3.6' variance from the code requirement.

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, or morals, given the significant distance to any other improvements or roads. However, as with any variance, the general welfare may be injured by degradation of the effectiveness of the zoning code if there are not site-specific difficulties for the variance.

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 of the area adjacent to the property as properties throughout the AG district have similar accessory structures. Use should also not be affected, at least not substantially, as an existing tree line serves as a buffer between 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 could result in practical difficulties. While the petitioner could have placed the outbuildings elsewhere on their property, rolling topography, the pond, and septic system location reduces the suitability for the structures. The construction of pads to level the structures add further difficulty. However, these difficulties likely could have been avoided, or at least identified, if permits had been obtained prior to the placement of the structures.

Date report prepared: 10/15/24.

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

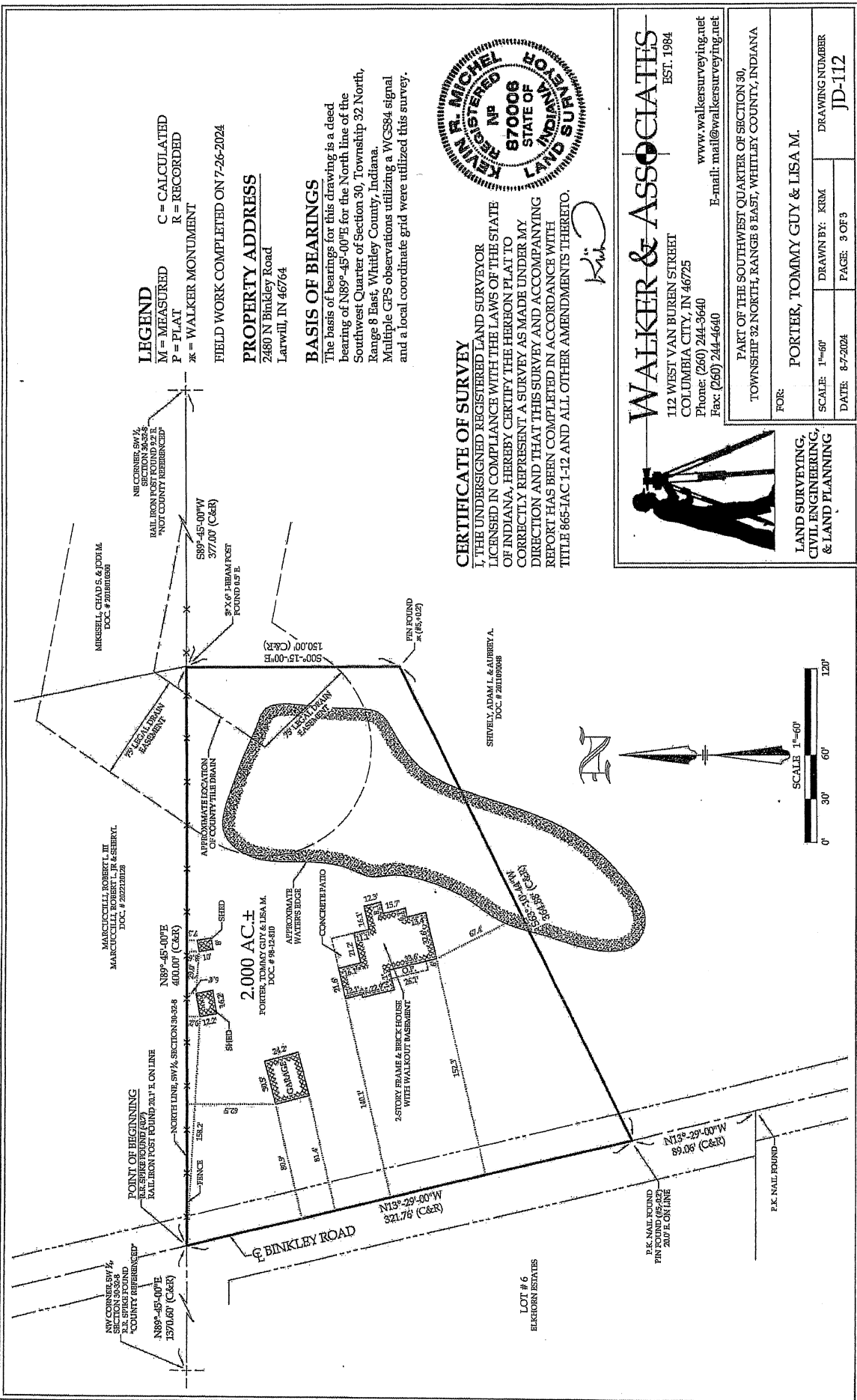
	Green		Sheiss		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: Grant
 Grant w/conditions
 Deny

By:

Second by:

Vote:	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

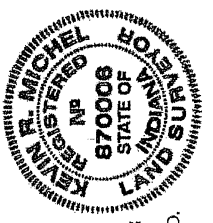


LEGEND
 M = MEASURED C = CALCULATED
 P = PLAT R = RECORDED
 ✕ = WALKER MONUMENT

FIELD WORK COMPLETED ON 7-26-2024

PROPERTY ADDRESS
 2480 N Binkley Road
 Larwill, IN 46764

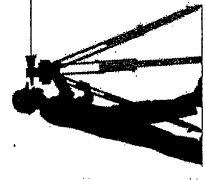
BASIS OF BEARINGS
 The basis of bearings for this drawing is a deed bearing of N89°-45'-00"E for the North line of the Southwest Quarter of Section 30, Township 32 North, Range 8 East, Whitley County, Indiana. Multiple CFS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.



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 8665-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.

KRM

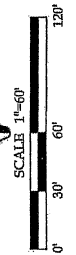
WALKER & ASSOCIATES EST. 1984
 112 WEST VAN BUREN STREET
 COLUMBIA CITY, IN 46725
 Phone: (260) 244-3640
 Fax: (260) 244-4640
 E-mail: mail@walkersurveying.net
 www.walkersurveying.net



LAND SURVEYING,
 CIVIL ENGINEERING,
 & LAND PLANNING

FOR: PORTER, TOMMY GUY & LISA M.	
SCALE: 1"=60'	DRAWN BY: KRM
DATE: 8-7-2024	PAGE: 3 OF 3
DRAWING NUMBER JD-112	

PART OF THE SOUTHWEST QUARTER OF SECTION 30,
 TOWNSHIP 32 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA



LOT # 6
 ELEGANT ESTATES

Kyler, Lynn E

Phillips,
Wayne & Judy

Boggs, Roger Alan
& Boggs, Kelly Ann
Trustees Of The
Roger & Kelly
Boggs Trust 3/5/09

Stroufe, Candy
& Larry Joe

Hoffert,
Leonard L &
Hoffert John J

Mikesell,
Chad S &
Jodi M

Lepper, Donald H
& Wood Norma J

Calhoon,
William Cory
& Loretta M

Fugett,
Darren Brent
& Kristi Kay

Marcuccilli, Robert
L III; Marcuccilli,
Robert L Jr & Sheryl

Fugett,
Darren Brent
& Kristi Kay

W/250 N

N BINKLEY RD

Porter, Tommy
Guy & Lisa M

Collier, Robert L & Sheila A,
Trustees Of Collier, Robert
L & Sheila A Revocable Living Trust

Boggs, Donald D & Boggs,
Carolyn K Trustees Of
Their Trust 9/27/06

Patrick,
Jennifer
R & Cory C

Porter,
Tommy G
& Lisa M

Shively, Adam
L & Aubrey A

Reiff,
Alberta L
Trust

Rose, Lisa M
& Sexton,
Sherra K

Heath, Todd J

Ebbinghouse,
Chad &
Jennifer

Precision Wire
Properties Llc

Stump,
William A Iii

Simpson,
William H &
Christine R

Reiff,
Alberta L
Trust

Stoffel, Scott
David & Allyson
Jennifer
Precision Wire
Properties Llc