

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

24-W-VAR-19 DEVELOPMENT STANDARDS VARIANCE

Avery Casey & Trevor Mastropietro

6908 N. 200 West

OCTOBER 22, 2024

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture

Property area: 1.837± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the required front setback and building line to allow for construction of an accessory structure. The property is located at 6908 N. 200 West, in Section 30 of Richland Township. The parcel is Lot 4 of Hunter's Chase Subdivision, platted in 1998, and is improved with a residence, pool, and shed.

As proposed, a 30'x40' storage building would be constructed on the property for storage and possible small livestock in the future. The intent is to construct the structure on the level ground at the front of the property. The septic system for the property is located on the north side of the driveway. There is a legal drain easement on the southwest corner of the property. The petitioner has filed for an encroachment agreement with the Whitley County Drainage Board to allow for this construction.

The required front set back for the property is 40 feet, and the platted building line is 70'. As proposed, the structure location would have an 8.8' front setback, resulting in a 31.2'± variance from the code requirement and a 61.2' encroachment past the platted building line.

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 could be injurious to the public safety, given its proximity to the county road, although it would keep a 30' distance from the edge of pavement. So, any such injury may not be significant. Since the proposed location is intended to avoid impacting the septic system and future septic site, the public health should be protected. Public morals would not likely be affected. 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 substantially adversely affect the value of the area adjacent to the property as properties throughout the AG district have similar accessory structures, although the prominence of the proposed structure may be particularly noticeable. Further, the encroachment past the platted building line may cause a disparity among other lot owners that could create value or use concerns with their lots. Whether these effects are substantial though is a key question for the Board.

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 place the outbuilding elsewhere on their property, the septic location and an 8% slope reduces the accessibility and suitable sites for the proposed structure.

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>					

PLOT PLAN

PREPARED FOR
CASEY AVERY

SITUATED IN THE PLAT OF HUNTERS CHASE, WHITLEY COUNTY, INDIANA.
THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT. SUBJECT TO PLAN COMMISSION APPROVAL.

DESCRIPTION

(Per Document Number 2019070377)

LOT NUMBER 4 IN HUNTERS CHASE, AS RECORDED IN DOCUMENT NUMBER 98-12-118, IN THE OFFICE OF THE RECORDER OF WHITLEY COUNTY, INDIANA.

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0045C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

ZONING REQUIREMENTS

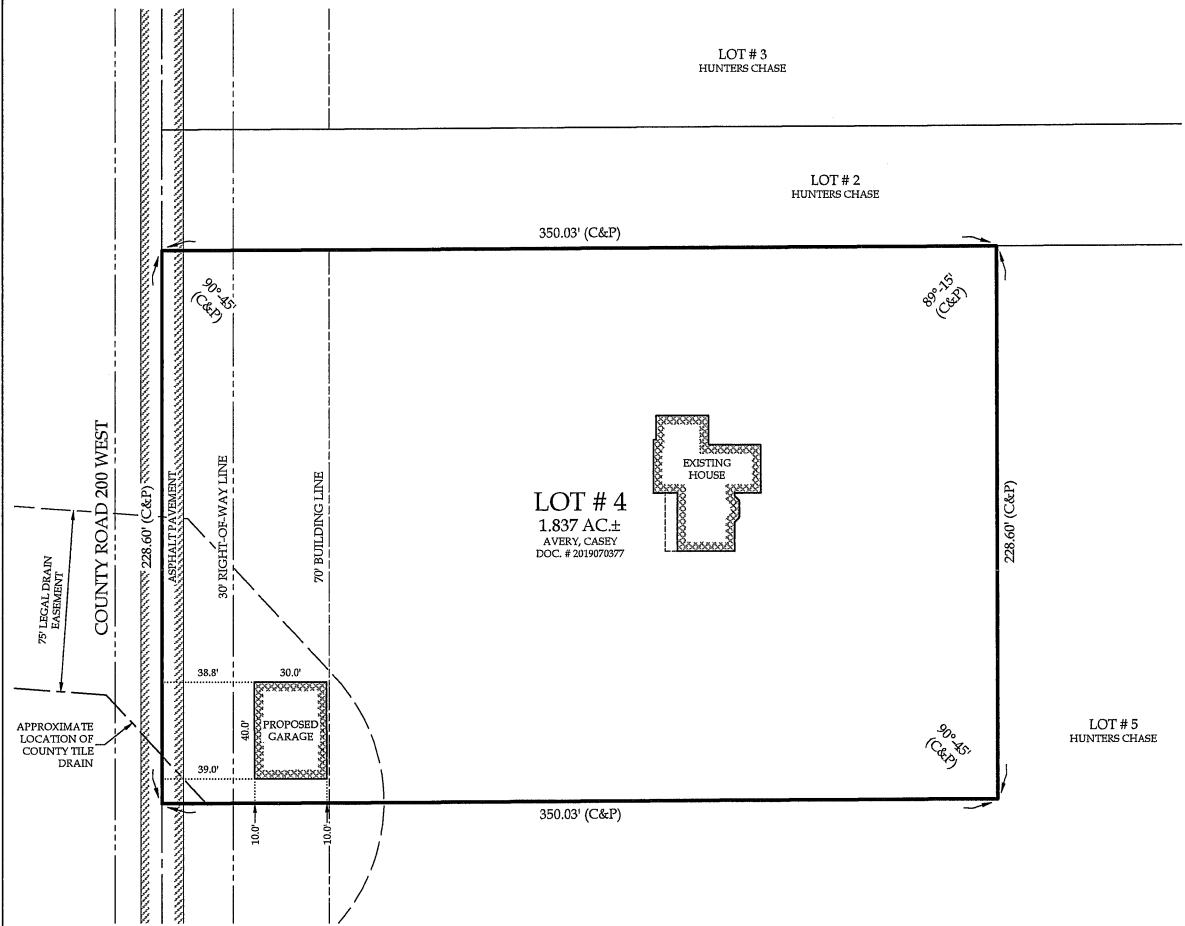
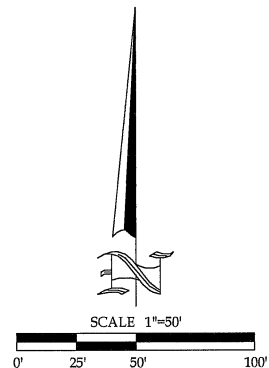
Zoned: AG Agricultural District
 Minimum Front Yard Setback: 40 feet
 Minimum Side Yard Setback: 25 feet for Primary Structure
 10 feet for Accessory Structures
 Minimum Rear Yard Setback: 30 feet for Primary Structure
 10 feet for Accessory Structures
 (Source: Whitley County GIS and Whitley County Zoning Ordinance)

LEGEND

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

PROPERTY ADDRESS

6908 N 200 W
 Columbia City, IN 46725



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

**LAND SURVEYING, CIVIL ENGINEERING,
 & LAND PLANNING**

LOT NUMBER 4 IN HUNTERS CHASE, WHITLEY COUNTY, INDIANA		
FOR: AVERY, CASEY		
SCALE: 1"=50'	DRAWN BY: RDP	DRAWING NUMBER LJ-167
DATE: 10-2-2024	PAGE: 1 OF 1	