

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

**25-W-VAR-2      DEVELOPMENT STANDARDS VARIANCE**  
Kyle & Alisha Matthewson  
5715 E. Johnson Road

**JANUARY 28, 2025  
AGENDA ITEM: 1**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural

Property area: 1.837± acres (proposed lot), 9.97± (overall)

The petitioner, owner of the subject property, is requesting a development standards variance for a reduced minimum lot width for a proposed subdivision plat on the property located at 5715 E. Johnson Road in Section 28 of Smith Township. The property is improved with a residence and outbuildings. The house setback is currently about 20' from the existing state road right-of-way, making it legal nonconforming.

The petitioner is proposing a 2-lot primary plat in which the residence is split from the tillable acreage. Lot 1 would include the existing residence, while Lot 2 would be remaining area configured as a flag lot. Currently, the overall parcel frontage is 242'±.

As proposed, Lot 2 would comply with the required minimum 50' frontage, resulting in a lot width of 192' for Lot 1, as measured at the 40' building setback line.

The required lot width is 225'. The petitioner is seeking a variance to reduce the required width to 192', thus the requested variance is approximately 33'.

**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 or morals, as the requested lot width reduction would still permit minimum side setbacks from the existing structures and would allow for compliance with the minimum lot frontage for Lot 2. Alternatively, if the frontage of Lot 2 were reduced in exchange for creating compliance with Lot 1 lot width, it would likely result in injury to public safety by reducing the access width to only 17', potentially impairing emergency access.

The public health would also not be expected to be affected if there is still adequate room for two septic system locations on the property. It is expected this may be accomplished with the unimproved area available to the north of the existing buildings on Lot 1.

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 as the lot width reduction would be imperceptible and would maintain current and minimum setbacks. The alternative of reducing the lot frontage of Lot 2 would increase the chance of access drive impacting the property the east.

**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 results in practical difficulties. The 225' minimum lot width standard is apparently intended to ensure adequate room for improvements, driveways, septic system, etc. for a code-minimum 80,000 sq. ft. lot. Here, that minimum lot area is achieved, with the area north of the residence available for septic and/or future outbuildings.

Also, the proposed lot configuration could be compliant with the both the minimum lot width and lot frontage, if the building line for Lot 1 were shifted northward to the point where the lot widens to 296'. This arrangement has been applied effectively in the past for other plats. However, in this case, doing so would place the building line about 270' away from the right-of-way line, making all of the existing buildings legal nonconforming. The resulting buildable depth would be only about 45', severely limiting construction in the future, increasing the likelihood of variances.

Finally, the property was split to the current width years before the petitioner's acquisition of it.

Date report prepared: 1/22/25

**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

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

Motion: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_

	<b>Green</b>	<b>Sheiss</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>
Yes					
No					
Abstain					

# PROPOSED LAYOUT

PREPARED FOR  
**KYLE W. MATHEWSON &  
 ALISHA R. MATHEWSON**  
 SITUATED IN THE SOUTHWEST QUARTER OF THE  
 NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 32  
 NORTH, RANGE 10 EAST, 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.

THIS DRAWING IS INTENDED TO SHOW THE  
 PROPOSED LAYOUT OF A SUBDIVISION OF LAND.  
 SUBJECT TO PLAN COMMISSION AND BOARD OF  
 ZONING APPEALS APPROVAL.

CORMANY, JAMES T. & CYNTHIA  
 DOC. # 2018010262

S87°-56'-47"E  
 347.00' (C&R)

GEBERT, PHILIP E. JR. & DEBRA J.  
 20.607 AC± TRACT  
 DOC. # 2023100272 - TRACT A

GEBERT, PHILIP E. JR. & DEBRA J.  
 15.801 AC± TRACT  
 DOC. # 2023100272 - TRACT B

GEIGER, BRUCE D. & PATRICIA L.  
 DOC. # 92-6-320

**LOT # 2**  
 7.87 AC±  
 342,928 SQ. FT.

GEIGER, BRUCE D. & PATRICIA L.  
 7.79 AC± TRACT  
 DOC. # 80-10-141

GEIGER, BRUCE D. & PATRICIA L.  
 DOC. # 92-6-319

MATHEWSON, KYLE W. & ALISHA R.  
 9.97 AC± TRACT  
 DOC. # 2022120265

S88°-00'-00"E  
 296.90'

**LOT # 1**  
 1.84 AC±  
 80,000 SQ. FT.

N88°-00'-00"W  
 104.22' (C&R)

GEIGER, BRUCE D. & PATRICIA L.  
 1.00 AC± TRACT  
 DEED RECORD 119, PAGE 594

N01°-16'-59"W  
 274.32' (C&R)

GEIGER,  
 BRUCE D. & PATRICIA L.  
 DOC. # 80-10-168

SHED WITH  
 OVERHANG  
 GARAGE  
 1 1/2-STORY  
 FRAME HOUSE  
 WITH PORCH  
 CH=75.48'  
 L=75.49'  
 R=1226.00'

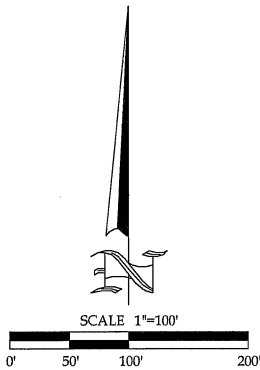
N88°-00'-00"W  
 118.00'

DEDICATED  
 RIGHT-OF-WAY  
 0.26 AC±  
 11,506 SQ. FT.

JOHNSON ROAD

N88°-00'-00"W  
 242.40' (C&R)

STATE ROAD 205



## LEGEND

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

## PROPERTY ADDRESS

5715 E Johnson Rd  
 Columbia City IN 46725

## SURVEY INFORMATION

The survey information shown on this drawing is  
 based on an original boundary survey done by J.K.  
 Walker and Associates, P.C., dated October 20, 2022.



**WALKER & ASSOCIATES**

112 WEST VAN BUREN STREET  
 COLUMBIA CITY, IN 46725  
 Phone: (260) 244-3640  
 Fax: (260) 244-4640

EST. 1984  
 www.walkersurveying.net  
 E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING,  
 & LAND PLANNING

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF  
 SECTION 28, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

FOR:

MATHEWSON, KYLE W. & ALISHA R.

SCALE: 1"=100'

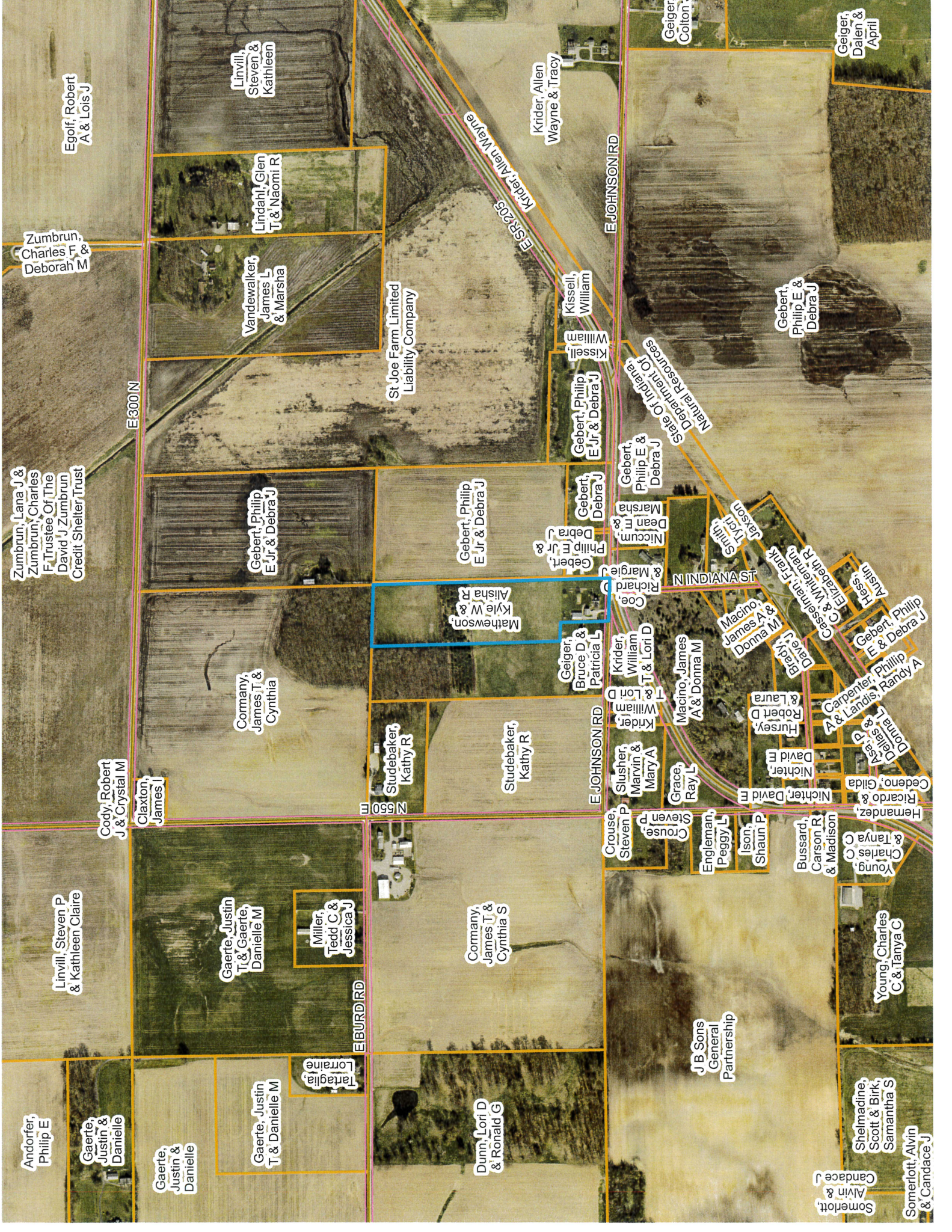
DRAWN BY: RDP

DRAWING NUMBER

DATE: 1-2-2025

PAGE: 1 OF 1

SZ-101 "A"



Andorfer, Philip E

Gaerte, Justin & Danielle

Gaerte, Justin & Danielle

Gaerte, Justin T & Danielle M

Tataglia, Lorraine

Linville, Steven P. & Kathleen Claire

Gaerte, Justin T. & Gaerte, Danielle M

Miller, Teed C. & Jessica J

Dunn, Lori D & Ronald G

Cormany, James T. & Cynthia S

Cody, Robert J. & Crystal M

Claxton, James J

Cormany, James T. & Cynthia

Stuebaker, Kathy R

Stuebaker, Kathy R

Mathewson, Kyle W. & Alisha R

Geiger, Bruce D. & Patricia L

Krider, William T. & Lori D

Macino, James A. & Donna M

Robert D. & Laura

Hursey, Robert D. & Laura

Carpenter, Phillip A. & L'Andis, Randy A

Richard J. & Margie J

Macino, James A. & Donna M

Casseman, Frank C. & Willetta R

Geiger, Philip E. & Debra J

Geiger, Philip E. & Debra J

Zumbrun, Lana J. & Zumbrun, Charles F. Trustee Of The David J. Zumbrun Credit Shelter Trust

Gebert, Philip E. Jr. & Debra J

Vandewalker, James L. & Marsha

St Joe Farm Limited Liability Company

Gebert, Philip E. Jr. & Debra J

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Gebert, Philip E. Jr. & Debra J

Zumbrun, Charles F. & Deborah M

Lindahl, Glen T. & Naomi R

Linville, Steven & Kathleen

Krider, Allen Wayne & Tracy

Geiger, Colton J

Geiger, Dalen & April

Somertott, Alvin & Candace J

Shelmadine, Scott & Birk, Samantha S

Somertott, Alvin & Candace J

Young, Charles C. & Tanya C

Young, Charles C. & Tanya C

Hernandez, Ricardo & Gilda

Hernandez, Ricardo & Gilda

Nichter, David E

Nichter, David E

Nichter, David E

Crouse, Steven P

Crouse, Steven P

Crouse, Steven P

Crouse, Steven P

Crouse, Steven P

Slusher, Marvin & Mary A

Slusher, Marvin & Mary A

Slusher, Marvin & Mary A

Slusher, Marvin & Mary A

Slusher, Marvin & Mary A

Krider, William T. & Lori D

Krider, William T. & Lori D

Krider, William T. & Lori D

Krider, William T. & Lori D

Krider, William T. & Lori D

Geiger, Bruce D. & Patricia L

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