

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

**25-W-VAR-5      DEVELOPMENT STANDARDS VARIANCE**  
William & Diane Johnson  
6480 E. McGuire Road

**MARCH 25, 2025  
AGENDA ITEM: 1**

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential  
Property area: 0.13± acres

The petitioner, members of the trust owner of the subject property, is requesting a development standards variance of the required side and front setbacks for construction of a new home on the property located at 6480 East McGuire Road in Section 10 of Smith Township and comprised of Lot 17 in Lucretia McGuire's Second Addition to Blue Lake (recorded 1938). The property is currently improved with a residence that would be removed.

Per the submitted site plan, a 70'x40' new home is proposed to be located on approximately the same footprint as the existing dwelling and deck. The new residence would have setbacks as shown in this table:

	Existing	Code	Proposed	Variance
Front (lake)	19.0'	35'	20.1'	14.9
Rear (road)	18.0'	15'	22.0'	-
Side (west)	3.9'	5'	<b>3.0'</b>	<b>2'</b>
Side (east)	5.5'	5'	5.0'	-

As the proposed dwelling is slightly larger than the existing dwelling, most of the setbacks would be reduced slightly from the existing. The west side setback and front setback would trigger a variance.

For reference, based on the Best Available map information and topography, the structure should not be located in the regulatory floodplain, but an Elevation Certificate will be necessary as part of construction as confirmation of this.

**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 health and morals as the proposed setback generally allows adequate room around the building for access to light and air and avoids impacting the well and sewer systems.

Public safety may be injured by the reduction of the side setback by increasing potential fire hazard. This must be countered by increased fire rating of the wall along the reduced setback.

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**

The variance may not affect value of the area, as existing residences along McGuire Road have setbacks at or near the code minimum, so the proposal would not be out of character. The setback reduction

might affect the property to the west if it results in the need to access the property for maintenance or other purposes. Such impact may or may not be substantial.

**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 may or may not result in a practical difficulty. Being new construction, it may be possible to adjust the home design to comply with the side setbacks, especially as it would only need to be a 2' reduction in width. Essentially, replacing a smaller older home with a larger new home may be seen as a self-imposition. Further, the property enjoys a rather significant depth, relative to many lake lots, that might offer relief.

Date report prepared: 3/18/25

**BOARD OF ZONING APPEALS ACTION**

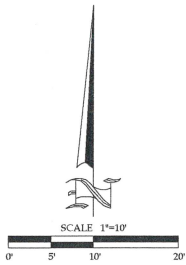
Findings of Fact Criteria

	<b>Green</b>		<b>Sheiss</b>		<b>Wilkinson</b>		<b>Wolf</b>		<b>Wright</b>	
	<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: \_\_\_\_\_

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



**LEGEND**

- M = MEASURED      C = CALCULATED
- P = PLAT            R = RECORDED
- ⊗ = WALKER MONUMENT
- = OVERHEAD UTILITY LINES
- × 800.0 = EXISTING SPOT ELEVATION

FIELD WORK COMPLETED ON 3-7-2025

**PROPERTY ADDRESS**

6480 E McGuire Rd  
Churubusco IN 46723

**ORIGINATING BENCHMARK**

All vertical data shown hereon refer to North American Vertical Datum of 1988 (NAVD 88). USGS RM NO. 4 Gaging Station was used as reference for said vertical datum.

**TEMPORARY BENCHMARK**

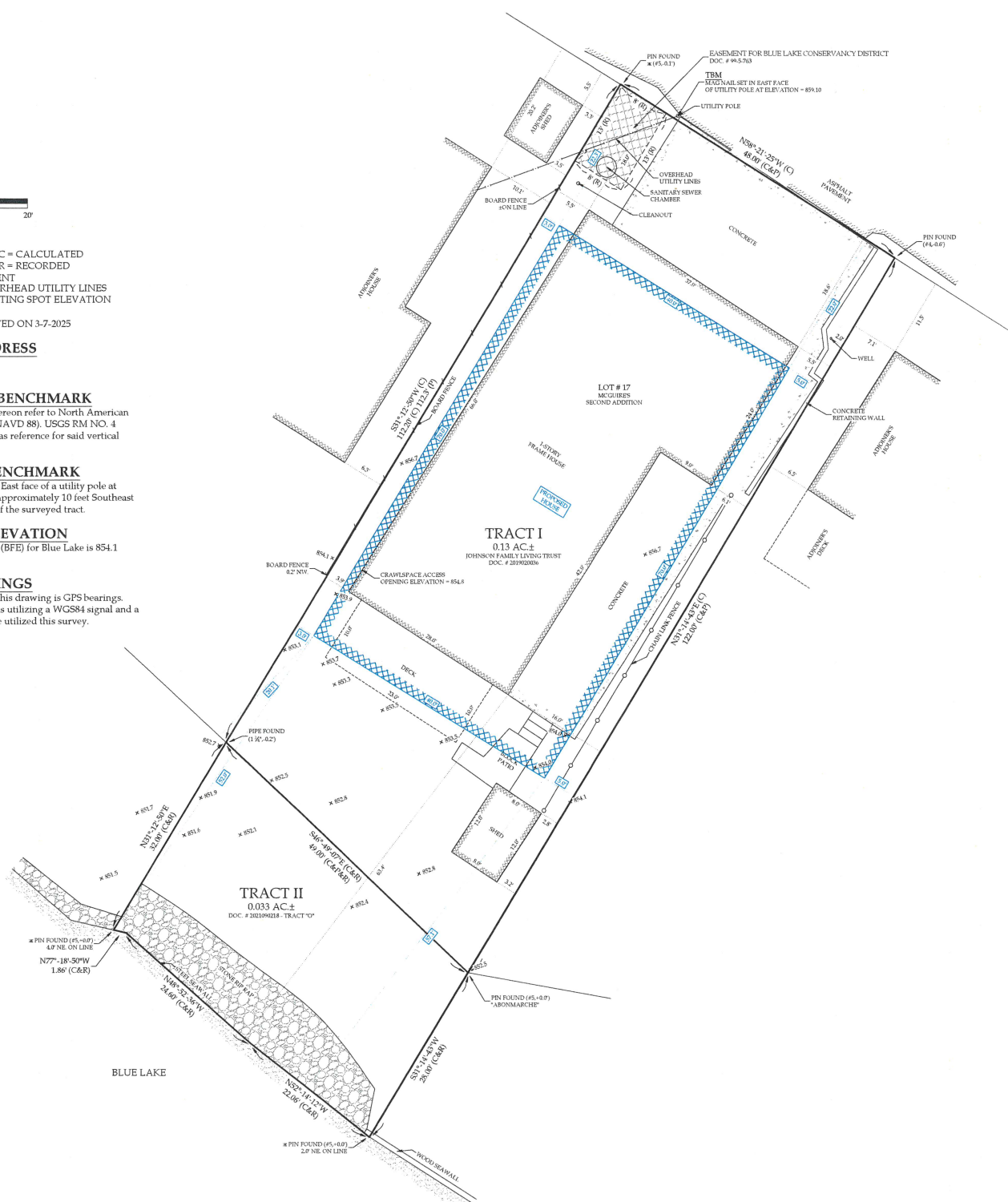
A Mag nail was set in the East face of a utility pole at elevation 859.10, located approximately 10 feet Southeast of the Northwest corner of the surveyed tract.

**BASE FLOOD ELEVATION**

The Base Flood Elevation (BFE) for Blue Lake is 854.1 (NAVD88).

**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.



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

**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.

*Ryan D. Peppier*



LOT NUMBER 17 IN LUCRETIA A. MCGUIRES SECOND ADDITION TO BLUE LAKE RESORT, TOGETHER WITH PART OF SECTION 9, TOWNSHIP 33 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

FOR: **JOHNSON FAMILY LIVING TRUST**

SCALE: 1"=10'	DRAWN BY: RDP	DRAWING NUMBER
DATE: 03-11-2025	PAGE: 4 OF 4	OD-128 "A"

