

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

**18-W-VAR-14    DEVELOPMENT STANDARDS VARIANCE**  
Leann Holmes  
7010 E. Harrold Place

**SEPTEMBER 25, 2018  
AGENDA ITEM:    3**

---

**SUMMARY OF PROPOSAL**

Current zoning:   LR, Lake Residential  
Property area:    0.25± acre

The petitioner is requesting a development standards variance to allow the construction of a room addition and garage to their house at 7010 East Harrold Place. The property is Lot 4 of Crabill's Addition to Harrold's Landing. The lot has frontage on the lake, although Harrold Place lies between the structure and the shoreline.

As proposed, the existing deck and covered porch on the north side of the house would be removed. The proposed addition would extend approximately 23' north from the house, or roughly 1' north of the existing deck. It would also extend 6' westward of the house.

The zoning code requires a 35' front setback in LR. While the overall property is a lakefront property, the front setback should be measured from the right-of-way of Harrold Place. As proposed the addition would lie approximately 29' from the edge of pavement, or approximately 26' from the assumed right-of-way. So a variance of 9' would be required for the front setback.

The west side setback is proposed to be 0' when using the current GIS mapping to determine locations; however, when using a 1991 survey of the property, the proposed side setback would be a compliant 7.5'. It is recommended that an updated survey be prepared to confirm the distances. This report is written to consider variances for both front and side setbacks.

**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, safety, morals, and general welfare as porches, decks, additions, and other structural extensions are common encroachments throughout the LR zoning district with no or few injurious effects. The proposed northern encroachment would be of about one foot from the existing situation, so impacts would not be likely. The western extension, if not compliant, would be buffered from the adjacent property by a platted 5' walkway that could serve to provide accessibility around the properties and to preserve access to light, air, etc.*
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 use and value of the area adjacent to the property as similar properties in the LR district have similar encroachments of similar structures which have not resulted in any apparent adverse effect on the use and value of the adjacent area. Further, the resulting location of the resulting structure is comparable to and largely in line with other dwellings on Harrold Place.*

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 since Harrold Place is not within a platted right-of-way and curves onto the property, resulting in a somewhat arbitrarily smaller setback than similar properties along the road to the west.*

Date report prepared: September 19, 2018

#### BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

---

<b><i>Vote:</i></b>	<b>Deckard</b>	<b>Denihan</b>	<b>Klein</b>	<b>Wilkinson</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					