

WHITLEY COUNTY BOARD OF ZONING APPEALS

REVISED STAFF REPORT

18-W-VAR-13 DEVELOPMENT STANDARDS VARIANCE

Mike Reiff

Approx. 465 E. Morsches Road

OCTOBER 23, 2018

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 0.656± acres

The petitioner, building contractor, is requesting a development standards variance for the encroachment into the required setback to allow for the construction of a detached garage for RV storage. The property is located on the south side of Morsches Road, across from 445 E. Morsches Road, on the south side of Crooked Lake. The property owner also owns the house at 465 E. Morsches Road, adjacent to this parcel.

As proposed, the garage would be ~~approximately~~ 56'x56', and would be constructed in line with the front of the existing garage that was constructed in 1999. Because this is a lakefront property, the front yard setback of 35' may or may not apply to the road. However, a variance is still necessary for the proposed location no matter the code applied. The proposed setbacks would be:

	<u>Proposed</u>	<u>Code requirement</u>	<u>Variance requested</u>
North (front)	20'± <u>24.6'</u> from edge of pavement 28'± <u>31'</u> from road centerline 18'± <u>21'±</u> from assumed ROW	35' (or 15')	17'± <u>14'±</u>
West (side)	1'± <u>1.9'</u>	5'	4'± <u>3.1'</u>
South (rear)	1'± <u>4.9'</u>	15' (or 35')	14'± <u>10.1</u>
East (side)	NA	5'	NA

The privacy fence on the neighbor's property near the west and south property lines was surveyed at 0.4' away at the closest point.

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 other accessory structures have encroachments throughout the LR zoning district without significant effects. The low volume of traffic on Morsches Road also alleviates much concern about injury to the public safety.
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 proximity of a large structure 1.9' from the property line may adversely affect the use and value of the adjacent property to the south by imposing a large structure near the primary entrance to the property; however, whether such impact is substantial is ~~a question~~to be considered. Otherwise, it is not expected that this variance will adversely affect the use and value of the remaining areas adjacent

to the property as similar properties in the LR district have similar encroachments of structures which have not resulted in any apparent adverse effect on the use and value of the adjacent area.

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 result in practical difficulties due to 10% slope to the east side of the existing garage precluding the ability to construct to the east and reduce or avoid variances. Other sites on the property are also constrained by slopes or vegetation. The area of the property immediately to the west of the garage is nearly level and so would pose the least difficulty in construction.

However, the size of the garage of 56'x56', in addition to the existing 30'x40' detached garage and the owner's attached one-car garage in the dwelling, appears to be out of character for the neighborhood, where detached garages are generally smaller or nonexistent. This may be an indication of the request being a self-imposed desire rather than a result of a reasonable need that the Board has seen in other requests for detached garages.

Date report prepared: ~~9/18/18~~10/18/18

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

Vote: Deckard Denihan Klein Wilkinson Wright

Yes

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No

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Abstain

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