

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

18-W-VAR-16 DEVELOPMENT STANDARDS VARIANCE

Tsakeith Thorton

South side of Crampton Road, across from 2161 E. Crampton

OCTOBER 23, 2018

AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 18,300± square feet

The petitioner is requesting a development standards variance to allow the split of a parcel into its underlying constituent platted lots. The parcel is comprised of Lots 27 and 28 of Wilcken's Second Addition to Tri-Lake Resort. A detached garage, constructed in the 1970s, is located on Lot 28, 4' from the platted lot line. As a combined parcel, this setback is not applicable, but with the proposed split, the code requires a minimum 5' side setback from the lot line. Thus a 1' variance is requested.

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 there are similar encroachments throughout the LR zoning district that exist without notable injurious effects.
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. Also, the property most affected by the reduced setback is owned by the petitioner.
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 the proposed split is permissible except for the creation of the noncompliant setback. Avoiding the deficient setback would necessitate changing the location of the lot line, which would require replatting and variances for lot standards. Alternatively, the existing garage could be demolished or altered to gain 1' of setback, which would also be a practical difficulty.

Date report prepared: 10/18/18

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

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