

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

19-W-VAR-2 DEVELOPMENT STANDARDS VARIANCE
Donald & Kathryn Felger
2453 E. Crampton Road

APRIL 23, 2019
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 9,650± sq. ft.

The petitioner is requesting a development standards variance for an encroachment into the required front (street side) setback on their property located at 2453 East Crampton Road. The property is comprised of Lots 6, 7, and 8 of the Neuhaus Addition to Tri-Lakes Resort.

The petitioner has proposed a 40'x30' detached garage to be constructed on Lots 7 and 8. Per the submitted plot plan, the garage would be located 10' from the right-of-way line of Crampton Road and approximately 60' from the right-of-way of Center Street. Since these lots have two road frontages, and no lake frontage, front setback standards apply to both the Crampton Road and Center Street sides. The required minimum front setback is 35', necessitating a request for a 25' variance.

For reference, the petitioners received a variance approval in 2016 for an accessory structure located on their property on the northeast side of Center Street. That property is separate from the subject property in this petition.

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, morals, and general welfare as detached garages such as the proposed are permitted throughout the zoning district. The proposed setback is comparable to the road side setbacks of several other properties along Crampton Road and throughout the LR district, and should not injure the public safety on the road. However, a reduced setback can create difficulty for vehicular movement into and out of the proposed garage, which may affect travel on the road generally.

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 structures with encroachments.

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 would likely result in practical difficulties as the required 35' setback would place the proposed garage onto the steep slope (32%) of the lake bluff. However, as shown on the petitioner's plot plan, there may be sufficient room to shift the structure approximately 5' northward. Doing so would match the 15' roadside setback required of the lakefront properties on Crampton Road.

Date report prepared: April 11, 2019.

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

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