

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

**20-W-VAR-12    DEVELOPMENT STANDARDS VARIANCE**  
Bradley & Jean Schantz/Jeff Ormsby  
2731 W. Buckles Road

**DECEMBER 22, 2020  
AGENDA ITEM: 1**

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential  
Property area: 0.56± acre

The petitioners, owner of the subject property and their contractor, is requesting a development standards variance for an encroachment into the required rear (street side) setback on the property located at 2731 West Buckles Road in Section 25 of Etna-Troy Township. The property is comprised of Lots 5, 6, 7, and 8 of George Rickett's First Addition to Loon Lake Resort.

The petitioner has proposed a 16'x 40' two-story addition on the northeast side of the existing dwelling. The addition would add three bedrooms and a bathroom, and extend two existing bedrooms. Per the submitted plot plan, the addition would be located 8' from the right-of-way line of Buckles Road.

Since this lot has lake frontage, rear setback standards apply to the street side. The required minimum rear setback is 15', necessitating a request for a 7' rear variance.

Note that the northernmost 30'± of the property is in the floodway of the Schaefer legal drain, while roughly 40' along the lakeside is in the floodplain. By map, the proposed addition should be outside of these areas.

**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 variances will not likely be injurious to the public health, morals, and general welfare as dwellings with encroachments such as the proposed exist throughout the zoning district. The proposed rear setback is greater than the garage setbacks of the two properties immediately to the south that were granted variances for 1' setbacks in 2004. Given this is a living space addition, it should not injure the public safety on the road or cause further safety issues. Also, reasonable encroachments within the road setback so as to avoid encroachment into the floodplain are usually favorable for protecting public health and 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**

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. For example, the two properties to the south enjoy larger setback encroachments as the proposed.

**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 practical difficulties. The proposed addition constitutes a 50% increase in the area of the existing 3-bedroom dwelling, which may be an indication of a self-imposed desire to overbuild the property rather than a difficulty

impeding a reasonable use. However, the floodplain areas do constrain the buildable area outside required setbacks that is otherwise available, which may present a practical difficulty.

Date report prepared: 12/15/20

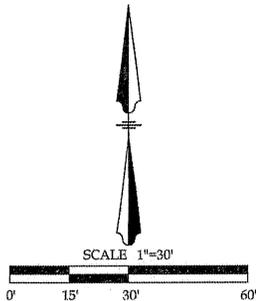
**BOARD OF ZONING APPEALS ACTION**

Findings of Fact Criteria

	<b>Vote: Denihan</b>		<b>Lopez</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: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_

	<b>Vote: Denihan</b>	<b>Lopez</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

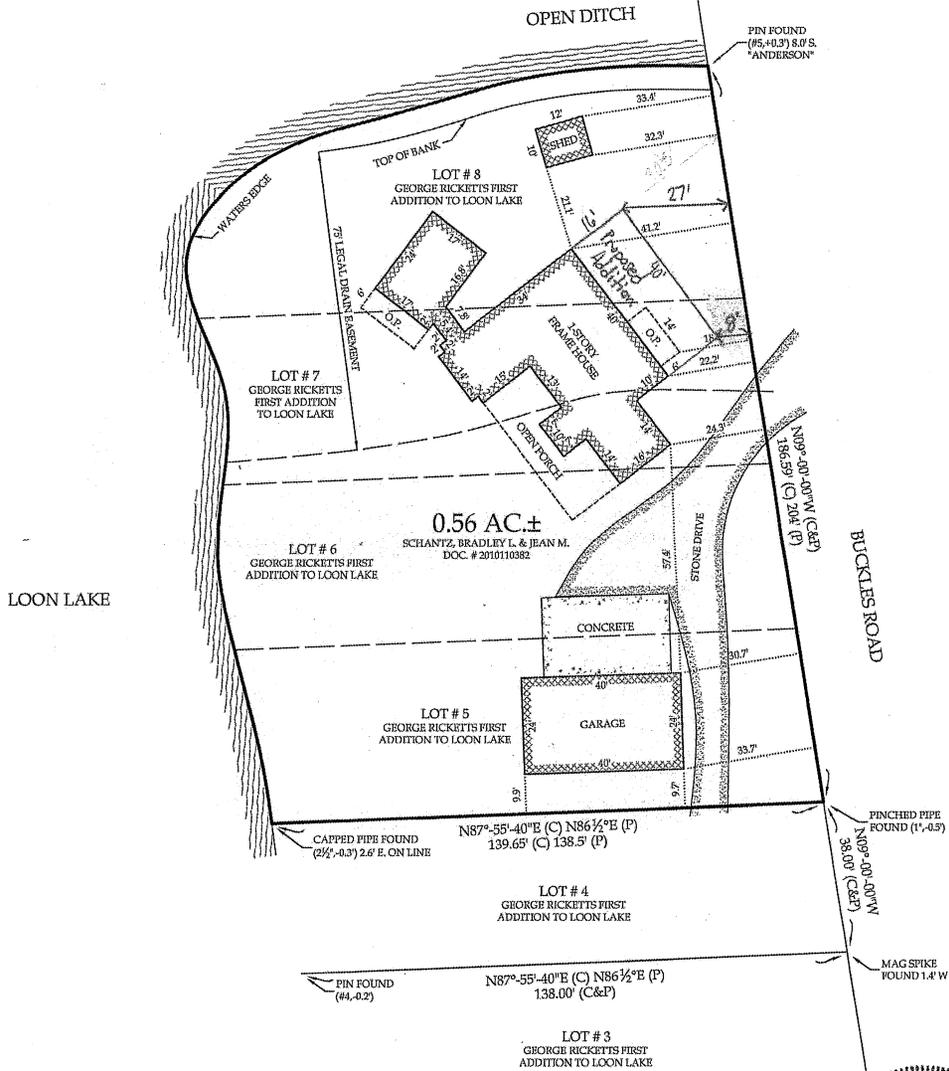
FIELD WORK COMPLETED ON 12-1-2020

**PROPERTY ADDRESS**

2731 W Buckles Road  
Columbia City, IN 46725

**BASIS OF BEARINGS**

The basis of bearings for this drawing is a platted bearing of N09°-00'-00"W for the East line of Lots Numbered 5, 6, 7 & 8 in George Ricketts First Addition to Loon Lake, Whitley County, Indiana.  
Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.



**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.



**WALKER & ASSOCIATES** EST. 1984  
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COLUMBIA CITY, IN 46725  
Phone: (260) 244-3640  
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E-mail: mail@walkersurveying.net  
**LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING**

LOTS NUMBERED 5, 6, 7 AND 8 IN GEORGE RICKETTS FIRST ADDITION TO LOON LAKE, WHITLEY COUNTY, INDIANA

FOR: **SCHANTZ, BRADLEY L. & JEAN M.**

SCALE: 1"=30'	DRAWN BY: KRM	DRAWING NUMBER
DATE: 12-7-2020	PAGE: 3 OF 3	EI-122



Gibson, Keith C

Gibson, James P & Barbara J Joint Revocable Trust

Mosier, Rebecca

Hollenbaugh, John G

Hollenbaugh, John G

Allen, Peter J

Hofrichter, Thomas G & Karthol, Nancy J

Schantz, Bradley L & Jean M

Sarrazin, Don & Janeese

Warsinske, Cheryl L & James J

Warsinske, James J & Cheryl L

Dirig, Dantel E & Barbara E

Milestone, Clark W & Denise

Hill, Donald C & Nona Audrey

Allen, Peter J

Gibson, James P & Barbara J Joint Revocable Trust

Smith, Donald J

Gallivan, Robert B

Veipel, Geoff & Sara

Hindle, Lawrence P & Cynthia D

Moake, Ronald L

Zuber, Bonnie L

Omsby, Jeffrey D & Richel R

Horney, William P & Sheila M

Geist, Kerry C & Kaydean

Moake, Ronald L

Zickafoose, Boyd A & Marsha L

Zent, Laura A

Gibson, Michael D

Toussaint, Lee & Audrey

Geddis, James & Bette Jean

Holeman, Claude A Jr & Karen R

Letourneau, Rich & Cheri L

Sawyer, Thomas M & Cheri L

Hicks, Gary D & Claire L

Perkins, Mark Wesley

Zickafoose, Boyd A & Marsha L

Graham, Dean

Tommas M & Cheri L

