

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

21-W-VAR-2 DEVELOPMENT STANDARDS VARIANCE

Peter Allen
7977 N. Arnold Road

FEBRUARY 23, 2021

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 0.689± acre

The petitioner is requesting a development standards variance for an encroachment into the required rear setback on their property located at 7977 North Arnold Road in Etna-Troy Township. The property is comprised of Lots 7 and 8 of the Arnolds Third Addition, plus an unplatted parcel that was created in 2019 to give the house practical access to Arnold Road when the house was split from the overall acreage to the east.

The petitioner has proposed to construct a 32'x48' outbuilding on the unplatted parcel, in line with the property's driveway. The structure would be approximately 5' from the east property line (rear) and 5' from the south property (side), and approximately 41' from the house.

Since this lot has lake frontage, front setback standards apply to the lake side, with rear setbacks on the opposite, typically road, side. The required minimum rear setback is 15', resulting in a 10' variance being requested.

Based on the Best Available map information and topography, the structure would be located outside the regulatory floodplain.

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 safety, health, and morals as improvements with encroachments such as the proposed exist throughout the zoning district without apparent injury. General welfare may be injured if practical difficulties specific to the property are not found.

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 value of the area adjacent to the property as similar properties in the LR district have similar structures with encroachments. The use of the adjacent property to the east, the one affected most by the encroachment, may be affected. Likely, that effect would be minimal since the area immediately adjacent is used relatively infrequently for access to a storage structure.

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 might result in practical difficulties. The configuration of the driveway, lot, and garage make practical placement of the proposed building a bit limited. However,

if building could be shifted to the west, reducing the separation from the house somewhat, the variance request could be minimized or avoided.

Date report prepared: 2/16/21

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Vote: Denihan		Lopez		Wilkinson		Wolf		Wright	
	<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: ☐ Grant

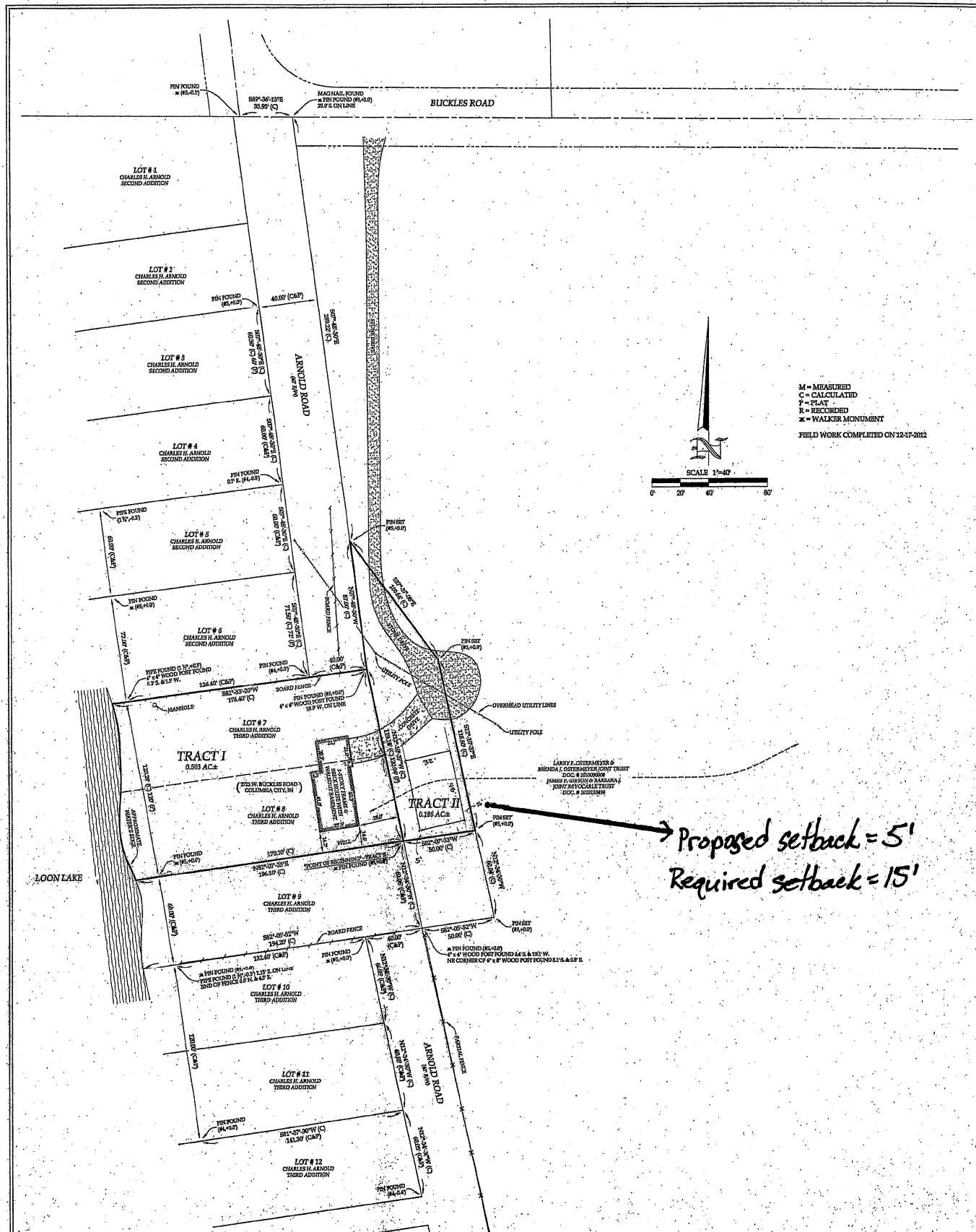
☐ Grant w/conditions

☐ Deny

By:

Second by:

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



WALKER & ASSOCIATES
EST. 1984
212 WEST VAN HUSEN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-5640
Fax: (260) 244-5640
Email: info@walkerandassociates.com
www.walkerandassociates.com
**LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING**

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 36-5-1-12 AND ALL OTHER AMENDMENTS THERETO.

LOTS NUMBERED 7 AND 8 IN CHARLES H. ARNOLD'S THIRD ADDITION TO LOON LAKE, TOGETHER WITH PART OF THE FRACTIONAL NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 33 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA.

FOR:
OSTERMAYER, LARRY F. & BRENDA J. (JOINT TRUST)
GIBSON, JAMES P. & BARBARA J. (JOINT REVOCABLE TRUST)

SCALE: 1"=40'	DRAWN BY: REP	DRAWING NUMBER: PF-144 "A"
DATE: 1-28-2013	PAGE: 3 OF 3	



Map showing property lines, owner names, and parcel numbers. The map includes a river, several roads, and a north arrow.

Parcel Numbers: 8124, 8136, 8324, 8100, 8060, 8055, 8050, 8010, 8005, 7974, 7966, 7960, 7950, 7945, 7940, 7930, 7900, 7860, 7851, 7840, 7834, 7830, 7800, 7799, 7754, 7732, 7722, 7712, 7709, 7739, 7743, 7745, 7748, 7755, 7765, 7775, 7805, 7801, 7787, 7815, 7825, 7835, 7855, 7861, 7885, 7895, 7991, 7993, 7995, 7997, 7999, 2721, 2725, 2727, 2729, 2730, 2731, 2751, 2757, 2760.

Owner Names: Mosier, Rebecca; Hollenbaugh, John G; Schantz, Bradley L & Jean M; Gick, Kenneth A & Jane C; Warsinske, Cheryl L & James J; Warsinske, James J & Cheryl L; Milestone, Clark W & Denise; Hill, Donald C & Nona Audrey; Allen, Peter J; Gibson, James P & Barbara J Joint Revocable Trust; Brown, Gary W & Rebecca S; Deitche, Thomas & Tamara S; Prephan, Kathleen S; Loudon, Jeffrey L & Theresa L; Shoda, Harmon E & Carol L; Jahn, Robert L & Lisa A; Miller, Donald A & Margery M; Batts, Leo S; Cole, Kent S & Wendy S; D & Wendy S; Pence, Scott A & Etta F; Walkup, Cornil L; Hull, Scott M & Kelly W; Clark, Brian C & Juliana J; DeGood, John N II & Julia J; Baruska, Richard A & Susan E; NLI Family Partnership; McClure, Aaron J & Ronda R; Brase, Rebecca J.

Other Labels: N 250 W, N 600 S, N Arnold Rd, W Buckles Rd, N Brown Rd, Schaefer, Moake, Ronald L, Zickafosse, Boyd A & Marsha L, Zuber, Bonnie L, Gmsby, Jeffrey D & Richel R, Horney, William P & Sheila M, Geist, Kerry C & Kaydean, Moake, Ronald L, Zickafosse, Boyd A & Marsha L, Toles, Jerry D & Erin E, Geddis, James & Belle V, Holman, Claude A, J & Karen R, Sawyer, Thomas M & Cheri L, Hicks, Gary D & Claire L, Plett, Joseph E & Marjory Beth, Nelson, Richard D & Karen F, Nelson, Richard D & Karen F, Farthing, Kent R & Diana S, Notter, Louis C Jr & Christine, Plew, Steven W & Kathy L, Notter, Louis C Jr & Christine, Spitz, Mary S 2017 Revocable Trust, Spitz, Mary S 2017 Revocable Trust, Pence, Jason L & Pence, Leah J.