

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

21-W-VAR-12 DEVELOPMENT STANDARDS VARIANCE

Jeffrey Lemon
2045 E. Fox Drive

JULY 27, 2021

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 5,385± sq. ft.

The petitioner is requesting a development standards variance for an encroachment into the required front (street side) and rear setbacks on their property located at 2045 East Fox Drive, on the north side of Fox Drive, about 150' south of the intersection with Wilcken Road. The property is comprised of parts of Lots 34 and 33 of Wilckens Addition to Tri-Lakes Resort in Section 11 of Thorncreek Township. For reference, the petitioner owns the dwelling at 2044 E. Fox Drive, directly across the road from the subject property.

As proposed, the existing 640 sq. ft. dwelling would be removed and replaced with a 30'x54' outbuilding, sited so as to roughly align with the outbuilding on the adjacent lot to the south. An existing 8'x14.5' shed near the northeast corner of the property would remain. Per the submitted plot plan, the new building would be located 29.9' from the road right-of-way line, 5' from the south side and east rear property lines, and 22.5'± from the north side property line.

Since this lot does not have lake frontage, the front setback standard applies to the street side. The required minimum front setback is 35', rear setback is 15', and side setback is 5'. Thus, the proposed side setbacks are compliant, while a 5.1' variance would be required for the front setback and a 10' variance for the rear.

Two properties to the east of the subject property were recently granted variances. At the southeast corner of Fox Drive, 20-W-VAR-8 permitted a 13' front setback (22' variance) along Fox Drive for a detached garage. On the southwest corner of Fox Drive and Wilcken Road, 21-W-VAR-6 permitted a 22' front setback (13' variance) along Fox Drive for a detached garage.

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 with encroachments such as the proposed exist throughout the zoning district. The proposed front setback exceeds the road side setbacks of several other properties on Fox Drive and throughout the LR district, and should not injure the public safety on the road or cause further safety issues.

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. A proliferation of large detached garages might affect use and value of neighboring dwellings by blocking light and creating tunnel effects along the road. In this case the proposed one-story building is situated so that it is relatively away from the road. The reduced rear setback could have some impact on residential property to the east; whether such impact is substantial should be considered by the Board.

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 some practical difficulty. This being a historic subdivision plat, small lot sizes do often create practical difficulties for reasonable projects. In this case, the positioning of the proposed structure minimizes the front setback variance and aligns with an existing adjacent structure, but in doing so it also creates a rear setback variance. As the Board has discussed in previous cases, this shifting around of setback variances may be an indication that the proposed structure is too large for the subject property.

Date report prepared: 7/21/21

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:

By:

Second by:

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



SCALE 1"=20'
0' 10' 20' 40'

LEGEND

M = MEASURED C = CALCULATED
P = PLAT R = RECORDED
⌘ = WALKER MONUMENT

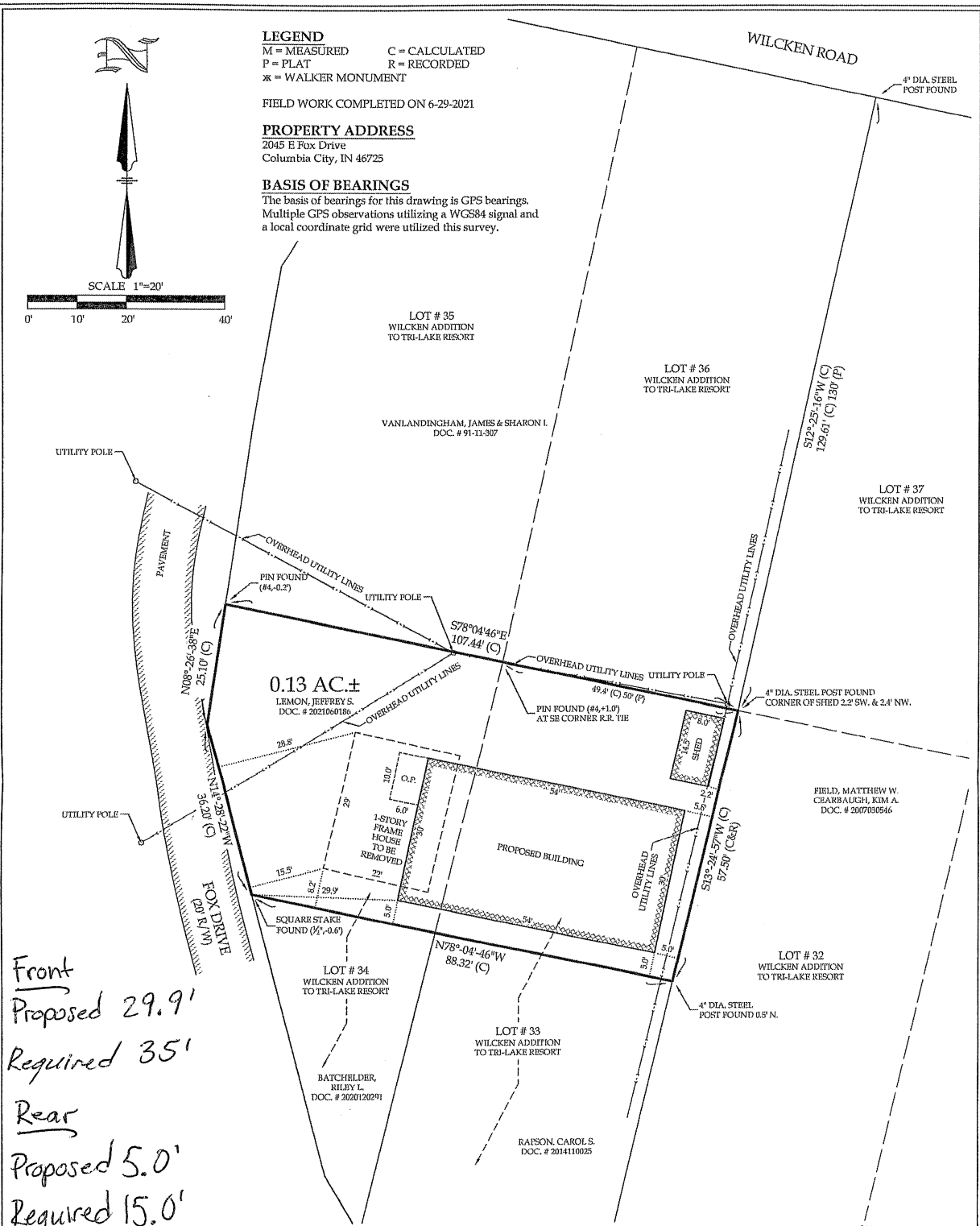
FIELD WORK COMPLETED ON 6-29-2021

PROPERTY ADDRESS

2045 E Fox Drive
Columbia City, IN 46725

BASIS OF BEARINGS

The basis of bearings for this drawing is GPS bearings.
Multiple GPS observations utilizing a WGS84 signal and
a local coordinate grid were utilized this survey.



Front
Proposed 29.9'
Required 35'
Rear
Proposed 5.0'
Required 15.0'

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.

Kril



WALKER & ASSOCIATES
112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
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Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net
EST. 1984
LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

PART OF LOTS NUMBERED 33 AND 34 IN WILCKEN ADDITION
TO TRI-LAKE RESORT, WHITLEY COUNTY, INDIANA

FOR:

LEMON, JEFFREY S.

SCALE: 1"=20'

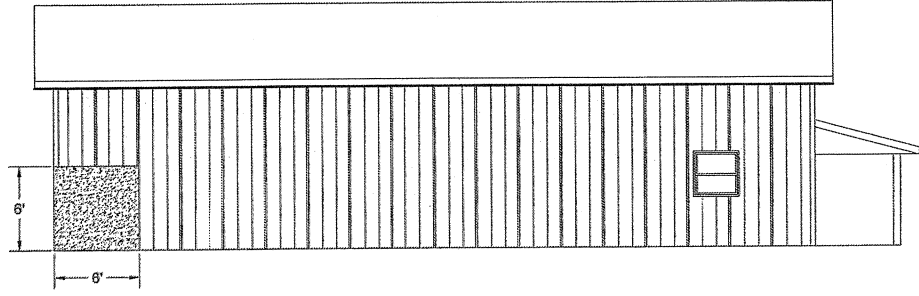
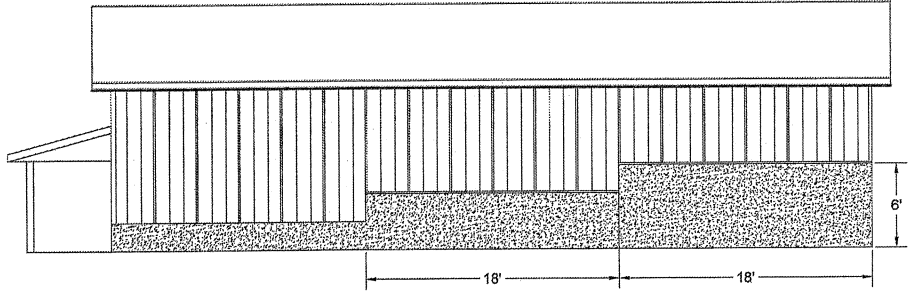
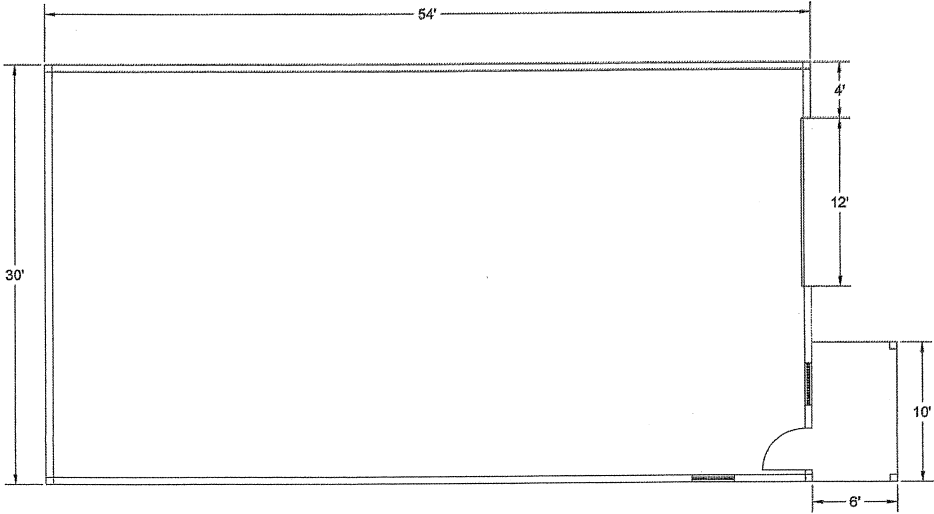
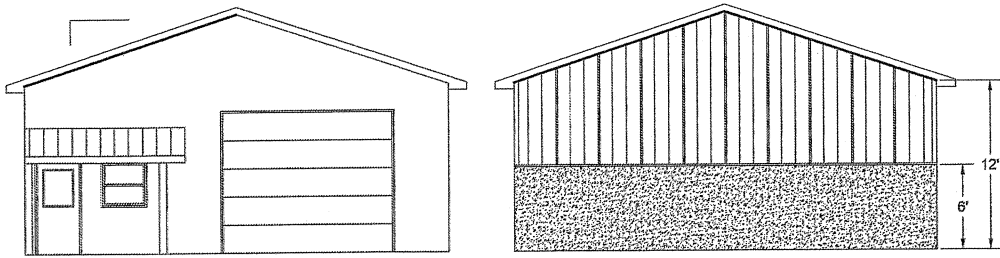
DRAWN BY: KRM

DRAWING NUMBER

DATE: 7-1-2021

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AG-143 "AA"





Hile, Daniel
Geoffrey &
Jana Marie

Thompson,
Robert J &
Eva M

Meyers,
Susan L

Shepherd,
Walter &
Sharon

Jagger, Joel
L' & Mindy J

Beach,
Duane A

Jagger, Joel
L' & Mindy J

Personett,
Melba M

Kunze, Kenneth
A & Connie M

Personett,
Melba M

Schnorr,
Thomas A
& Lisa M

Schnorr,
Thomas A
& Lisa M

Lueckenhoff,
Patrick J

Vanlandingham,
James & Sharon I

E WILCKEN RD

Schnorr,
Thomas A
& Lisa M

Vanlandingham,
James & Sharon I

Lemon,
Jeffrey S

Lemon,
Jeffrey S

Trimmer, David G &
Trimmer, Lanna J
Trustees Of The
David G & Lanna
J Trimmer Trust

Batchelder,
Riley L

Field, Matthew W &
Cearbaugh, Kim A

Trimmer, David G &
Trimmer, Lanna J
Trustees Of The
David G & Lanna
J Trimmer Trust

Schrimper,
James L

Fletcher, Albert M
Preservation Trust

Batchelder,
Larry L &
Nancy L

E FOX DR

Garver,
James R &
Colette A

Trimmer, David
G & Trimmer, Lanna J
Trustees Of The David
& Lanna J Trimmer Trust

Cline, John
M & Connie J

Schrimper,
James L

Robinson,
Glen R

Fletcher, Albert M
Preservation Trust

Cune, Donald P
Jr & Carolyn L

Matus, Tracy
& Thornton, Lori

N
rgenfrie,
is & Sue E

Moseley,
James Daniel &
Angel Dawn

Benner,
Bradford
& Loretta