

WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

22-W-VAR-19 DEVELOPMENT STANDARDS VARIANCE
Jacob & Elizabeth Johnson
7200 W. 350 South

SEPTEMBER 27, 2022
AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 3 acres

The petitioner, owner of the subject property, is requesting a development standards variance for an encroachment into the required front setback on the property located at 7200 W. 350 South in Section 28 of Cleveland Township.

The petitioner has proposed to remove the existing detached garage and construct a 40'x48' pole building with a 6'x16' porch on the east side of the property. The pole building would be approximately 14'± from the right-of-way, approximately the same setback as the garage that is being removed, and 48'± from the east property line.

The required minimum front setback is 40', so a variance of 26' 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 likely not be any more or less injurious to the public safety, health, and morals as the proposed setback is about the same as the existing garage; further, it continues to allow for access in and around the property. 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 properties throughout the AG district have similar accessory structures. Use should also not be affected, due to the distance of the proposed structure from adjacent properties and maintaining what should be an adequate, though perhaps not ideal, front setback.

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 does not appear to result in practical difficulties. There is no apparent difficulty that prevents the location of the proposed building from being shifted to the north and eliminating the need for a variance.

Date report prepared: 9/1/22

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	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>					

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