WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

18-W-VAR-6 **DEVELOPMENT STANDARDS VARIANCE** **JUNE 26, 2018**
Julie and Michael Pierce **AGENDA ITEM:** 2
4361 E. Lincolnway

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 1.92 acres

The petitioners are requesting a development standards variance for the encroachment into the required side setback to allow for the construction of a pole building on their property located on the north side of E. Lincolnway, approximately ¼ mile east of 400 East.

As proposed, the 30' x 40' pole building is to be sited to the east of the residence, 1' from the eastern property line. The location of the building is intended to allow the petitioners to access the building from the existing drive.

The zoning code requires a 10' side setback for accessory structures. Therefore, the petitioner is proposing a 9' variance.

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, safety, and morals, as other properties have encroachments of similar accessory structures throughout the AG zoning district. The general welfare may be injured by degradation of the effectiveness of the zoning regulations if this requested variance does not have strict practical difficulties.

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 given that similar structures are found throughout the AG district. The use of the adjacent property to the east is likely affected due to the proximity of the proposed large outbuilding; whether that effect is "substantially adverse" should be decided.

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 result in practical difficulties due to the location of the existing dwelling and driveway and the practical need to access the outbuilding. However, given the large acreage available just to the north (rear) of the dwelling, it appears that alternate locations may be feasible that would not require, or would require lesser, variance. The Board should make the determination then as to whether this situation is self-imposed.

Date report prepared: 6/15/18, JS. Checked: 6/19/18, NB.

BOARD OF ZONING APPEALS ACTION

Motion: By: Second by:

Vote:	**Deckard**	**Denihan**	**Klein**	**Wilkinson**	**Wright**
Yes					
No					
Abstain					