

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

18-W-VAR-4 DEVELOPMENT STANDARDS VARIANCE
Jeffry Gibson
South side of 700 North, across from 2400 West 700N

MAY 22, 2018
AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 8,800± square feet

The petitioner is requesting a development standards variance to allow the construction of a new accessory structure on the property he owns on the south side of West 700 North, across the road from his residence at 2400 West 700N. The property is comprised of Lots 9, 10, 15, and 16 in the Oak Hill Addition to Loon Lake Resort. CR 700N lies on the north side of the property, "Fire Road C" lies to the east, and an undeveloped alley is to the west.

The site is currently improved with a 20'x22' detached garage. As proposed, a new 30'x40' accessory structure would be built to the northwest of the existing garage, approximately 35' from the centerline of 700N, which results in the setbacks and requested variances shown below.

Setbacks	Proposed	Code	Variance
North, front	20±'	35'	15±'
South, rear	90'	15'	NA
East, side	25'	5'	NA
West, side	5'	5'	NA

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, morals, and general welfare there are similar encroachments throughout the LR zoning district, and along 700 North, that exist without notable injurious effects. Several of the properties in the vicinity have setbacks of less than 20', with the average being approximately 25'.
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 encroachments of similar structures which have not resulted in any apparent adverse effect on the use and value of the adjacent area.

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 could result in practical difficulties since the proposed building is prevented from being compliant by the location of the existing garage. Shifting the proposed building southward to comply with the front setback would overlap with the existing building, and to the south and west would result in a variance of the required side yard. The Board should consider if those difficulties are self-imposed, as the petitioner could reduce the depth of the proposed structure by 15±' or demolish the existing garage and comply with the code requirement.

Date report prepared: May 15, 2018.

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

Vote: Deckard Denihan Klein Wilkinson Wright

Yes

No

Abstain