

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

22-W-VAR-11 DEVELOPMENT STANDARDS VARIANCE

Jerry W. & Debra K. Carpenter
3395 W. Shoreline Drive

MAY 19, 2022

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 6042± sq. ft.

The petitioner is requesting a development standards variance for an encroachment into the required front yard setback on their property located at 3395 W. Shoreline Drive in Section 12 of Etna Troy Township. The property is Lot 15 of Oak Park Subdivision (platted in 1950). The property is currently improved with a residence and utility shed. A 10' platted walkway exists on the east side of the lot.

The petitioner has proposed to construct a deck onto the south side (lakefront side) of the home. The addition would be approximately 18'± from the south property line

Since this lot does have lake frontage, the rear setback standards apply to the road side. The required minimum front setback for the LR district is 35', so the proposed is not compliant. The east side of the proposed deck would be a continuation of the existing legal nonconforming encroachment of the residence and so would be permissible under the rules for legal nonconforming structures. Thus, a variance of 17'± for the front setback is requested.

Based on the Best Available map information and topography, the addition 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 the proposed setback generally matches the setbacks of existing structures along Shoreline Drive. 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 and use of the area adjacent to the property as similar properties in the LR district and Shoreline Drive have similar structures with encroachments, nor would the proposed setback impair access along the street or to the surrounding properties.

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 a practical difficulty as the 35' setback standard would not permit any additional structure on the lake side of the dwelling. The existing dwelling was constructed prior to the adoption of current zoning ordinances and most likely did not contemplate any additions or expansions, such as the proposed.

Date report prepared: 04/19/2022

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

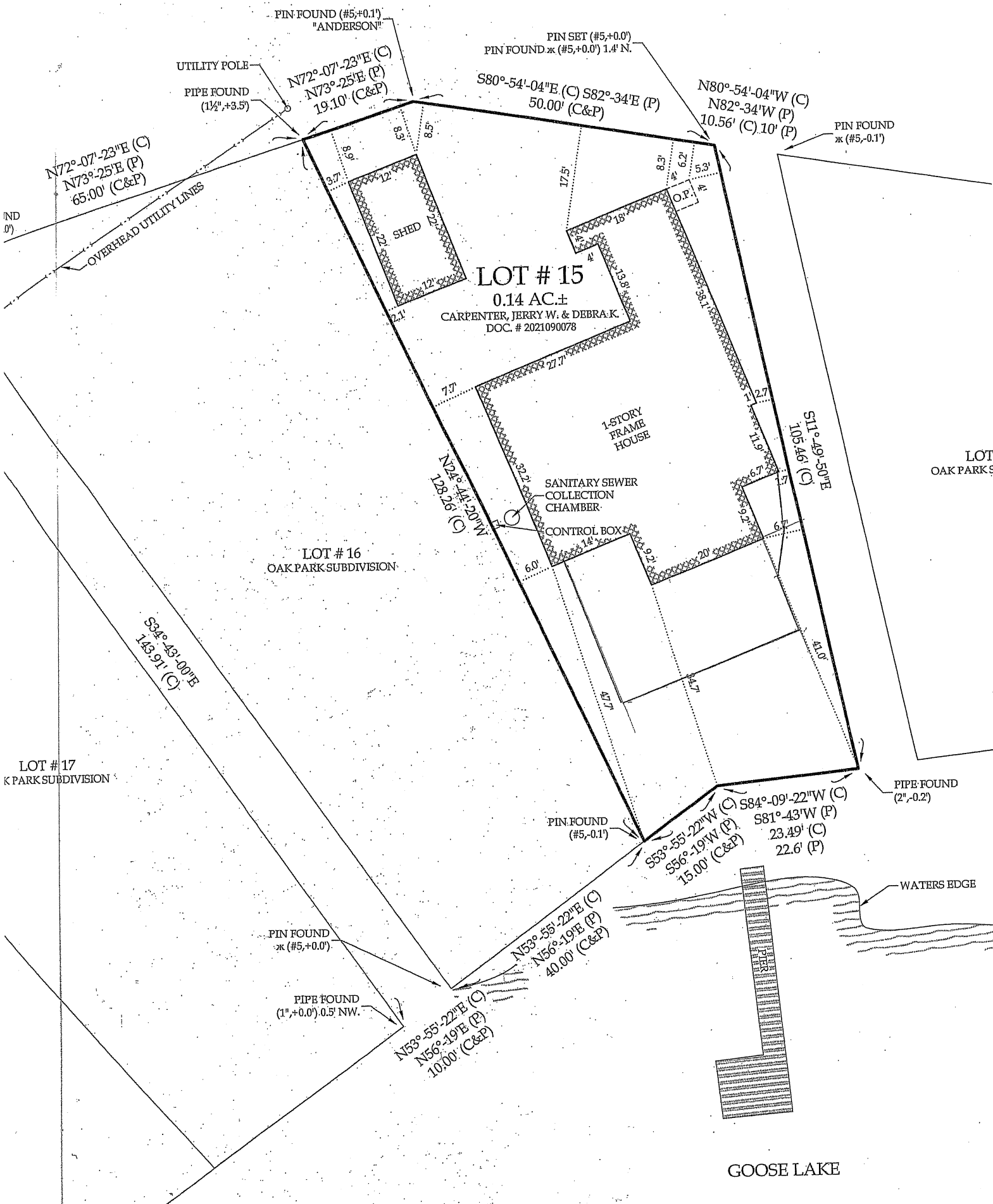
	Vote: Denihan		Lopez		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: ☐ Grant
☐ Grant w/conditions
☐ Deny

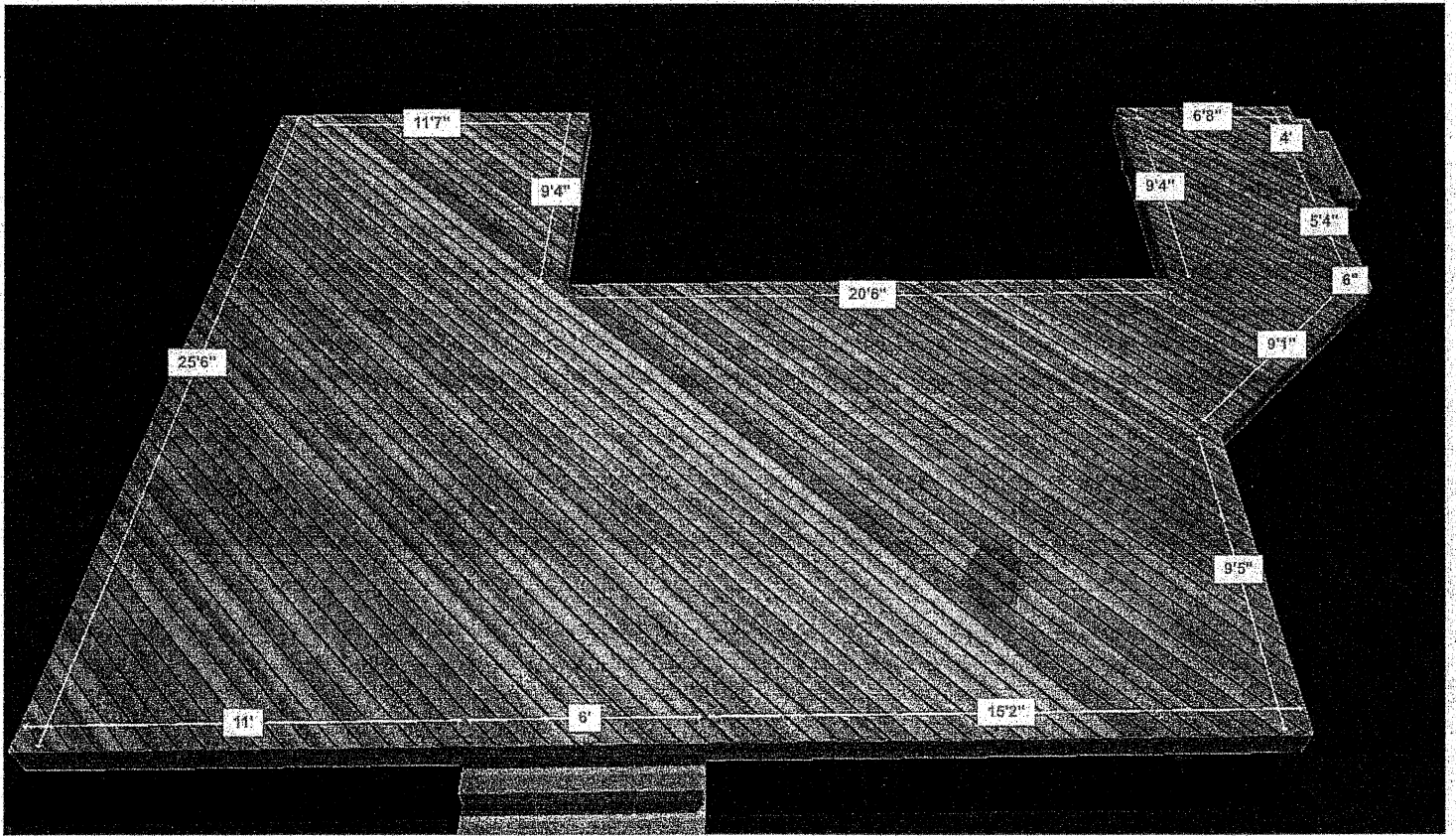
By: _____ Second by: _____

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

SHORELINE DRIVE



GOOSE LAKE





Davis, James R

Downing, Chase

Lippy, Trudy J

HILL DR

Depaula, Paul J, Trustee
(Revocable Living Trust 12-14-2006)

Moore, Troy A
& Melissa L

Feasby, Larry
A & Ottinger,
Cheryl A

Kile, Bradley
G & Lisa Soto

Walker, David
L & Linda S

Carpenter,
Jerry W &
Debra K

Pequignot,
Travis Lee

Rittner, Philip
R & Katherine E

Yarger,
Richard
E & Lois L

Yarger,
Richard
E & Lois L

Lane, Robert
E & Lane,
Richard A

Carpenter,
Neil

Wells, Eryn E

Neil, Blake E

Depaula, Paul J, Trustee
(Revocable Living Trust 12-14-2006)

Finlayson,
Paul J & Judith

Downing,
Chase

Lippy,
Trudy J

WHILL DR

W SHORELINE DR