

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

22-W-VAR-12 DEVELOPMENT STANDARDS VARIANCE
Mark and Dian Constant
2728 East Island Ct.

JUNE 28, 2022
AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 4,500± sq. ft.

The petitioner, owner of the subject property, is requesting development standards variances of the required side and rear setbacks on the property located at 2728 East Island Court in Section 12 of Thorncreek Township. The property is comprised of Lot 14 of Cedar Island Addition to Tri-Lake Resort. The property is improved with a dwelling with a deck and a detached garage. The garage is proposed to be removed.

The petitioner has proposed to construct a 36'x24' addition with a 12'x23' overhang on the east side. Per the submitted plot plan, the proposed structure would have 2.1' and 1.4' side setbacks, and a 11.5' rear setback.

Since this lot does have lake frontage, rear setback standards apply to the road side. The required minimum rear setback is 15' and minimum side setback is 5'. Thus, a variance of 3.5'± for the rear setback and 3.6'± side setback are requested.

For reference, based on the Best Available map information and topography, the structure would be located partially within the regulatory floodplain. The survey notes that the structure would be constructed at the flood protection grade and calculations were provided showing the required balance of cut and fill.

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 variances will not likely be injurious to the public health and morals as improvements with encroachments such as the proposed exist throughout the zoning district without apparent injury.

The accessibility around the proposed structure may be impaired due to the narrower side setbacks, which could affect the public safety in emergencies.

The 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 these variances will adversely affect the value and use of the area adjacent to the property as similar properties in the LR district have similar structures with encroachments.

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 lake area subdivision plat, small lot sizes do often create practical difficulties for

reasonable projects. In this case, the positioning of the proposed structure matches the existing detached garage, and generally aligns with existing nearby structures in the area. The west side setback would be 6" nearer the property line than the existing house because of the desired extension of the existing house façade; that may be resolved by angling the addition to maintain the 2.6' setback, but it would create a difficulty in construction.

The east setback reduction is caused by an open overhang, which is subject to setbacks. This structure may have the least difficulty in meeting the required setback, but it would also likely have the least impact on the surroundings due to its open nature.

Date report prepared: 6/15/22

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

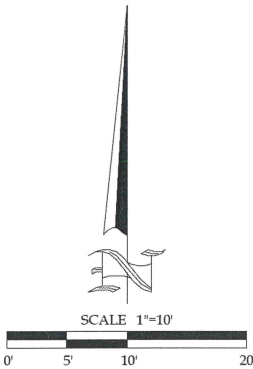
☐ Grant w/conditions

☐ Deny

By: _____

Second by: _____

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



LEGEND

M = MEASURED
 C = CALCULATED
 P = PLAT
 R = RECORDED
 ✕ = WALKER MONUMENT
 — 800 — = EXISTING ELEVATIONS
 — 800 — = PROPOSED ELEVATIONS

FIELD WORK COMPLETED
 ON 3-15-2022

PROPERTY ADDRESS

2728 E Island Ct
 Columbia City, IN 46725

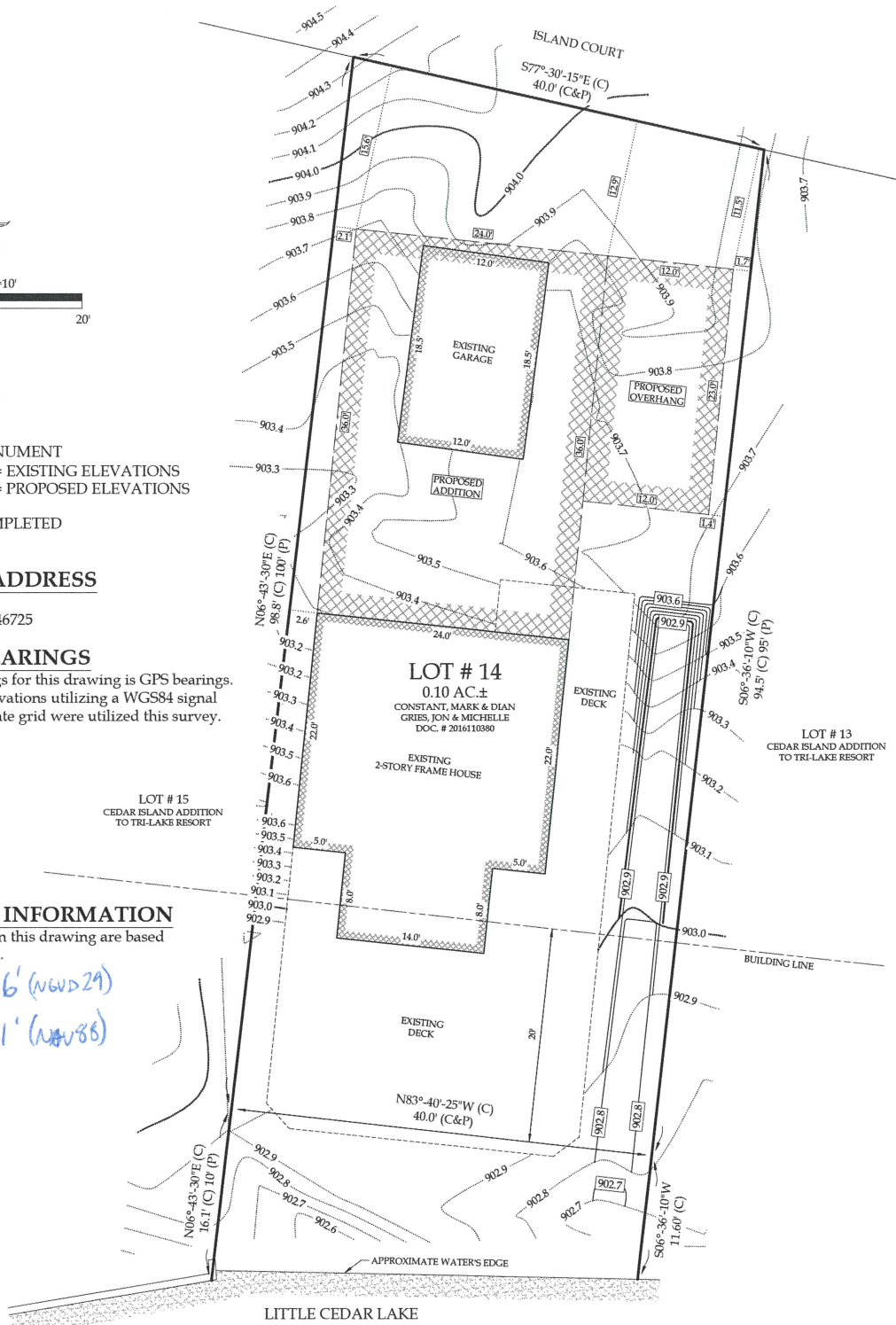
BASIS OF BEARINGS

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.

ELEVATION INFORMATION

Elevations shown on this drawing are based
 on NGVD29 Datum.

BFE = 903.6' (NW29)
 903.1' (NW38)



CERTIFICATION

I, KEVIN R. MICHEL, HEREBY CERTIFY THAT I AM A
 PROFESSIONAL SURVEYOR, LICENSED UNDER THE LAWS OF THE
 STATE OF INDIANA, AND THAT THE INFORMATION SHOWN
 HEREON IS TRUE AND ACCURATE TO THE BEST OF MY
 INFORMATION, KNOWLEDGE AND BELIEF.

Kevin R. Michel

Kevin R. Michel, Professional Surveyor



WALKER & ASSOCIATES

112 WEST VAN BUREN STREET
 COLUMBIA CITY, IN 46725
 Phone: (260) 244-3640
 Fax: (260) 244-4640
 www.walkersurveying.net
 E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING,
 & LAND PLANNING

LOT NUMBER 14 IN CEDAR ISLAND ADDITION TO TRI-LAKE RESORT,
 WHITLEY COUNTY, INDIANA

FOR: CONSTANT, MARK & DIAN
 GRIES, JON & MICHELLE

SCALE: 1"=10'

DATE: 5-3-2022

DRAWN BY: RDP

PAGE: 1 OF 1

DRAWING NUMBER

JZ-112

STORAGE CALCULATIONS

JZ-112 - CONSTANT

4/29/2022

FILL

ELEVATION AREA

AVERAGE

CUT

ELEVATION AREA

AVERAGE

903.3	5.69 sq ft
903.4	132.75 sq ft
903.5	264.70 sq ft
903.6	388.27 sq ft

902.7	4.53 sq ft
902.8	75.15 sq ft
902.9	128.07 sq ft
903.0	108.13 sq ft
903.1	84.85 sq ft
903.2	65.45 sq ft
903.3	57.18 sq ft
903.4	51.03 sq ft
903.5	40.54 sq ft
903.6	29.73 sq ft

3.98
10.16
11.81
9.65
7.52
6.13
5.41
4.58
3.51

59.44 sq ft
2.20 cu ft

62.75 sq ft
2.32 cu ft



Acton, Michael Wayne
Davis, Dennis K
Stevens, Micky N
Hammen, George Leroy, Trustee Of The George Leroy Hammen Revocable Trust Dated 4/2/2015
Hammen, George Leroy, Trustee Of The George Leroy Hammen Revocable Trust Dated 4/2/2015
Davis, Sharmayn
Davis, Sharmayn
Hendrickson, David A
Firth, Lee A & Mandy M
Watson, Timothy A
Green, Myron
Plaehn, David L & Kara A
Bleke, Carl & Martyna
Carter, Christopher E & Roxsann E
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Adkinson, Stacy & Edwards, Shelly
Chapman, Robert M
Knaifel, Coryne
Scher, Gregory A
Markle, Matthew K
Plaehn, David L & Kara A
Jackemeyer, Mark
Meyer, Carol D
Meyer, William C & Carol D
Heath, Richard M
Lafontaine, David H & Peggy A
Anthony, Brian J Jr
McQuain, Thomas F
Daley, Eugene L
Daley, Jr & Laura G
Daley Living Trust
Lafontaine, David H & Peggy A
Dauscher, Edward
L & Joyce Robin
Heath, Richard
E & Florence
Yurkov, Rose Marie
Homan, Stephen J & Karen L
Henney, William
Matthew Jr
Anderson, Steve A
Roh, Timothy M
Drayer, Michelle
Wyatt, John P & Vickie S
Lafontaine, David H & Peggy Ann
Kirproff, Gregory G & Ann
Evans, Patricia
Evans, Katie A
V & Beth A
Manning, John
Grance, Clifford T & Jeanette M

Chapman, Robert M
Crawford, Devin & Alison & Good, Andrew & Leah
McGary, Kevin Edward
Adkinson, Stacy & Edwards, Shelly
Markle, Matthew K
Plaehn, David L & Kara A
Bleke, Carl & Martyna
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