

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

22-W-VAR-13 DEVELOPMENT STANDARDS VARIANCE
Larry Arend
6390 E. McGuire Road

JUNE 28, 2022
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 16,000± sq. ft.

The petitioner, owner of the subject property, is requesting development standards variances of the required front and side setbacks, for a deck structure that has already been constructed on the property located at 6390 East McGuire Road in Section 10 of Smith Township. The property is comprised of Lot 37, 38, and vacated walkway of McGuires Third Addition to Blue Lake Resort. The property has been improved with a dwelling and detached garage.

Within the past two years, the petitioner has constructed a deck on the south (lakefront) side of their home. Per the submitted plot plan, the deck structure has a 13'± front setback and 1.6' side setback from the east property lines. A platted walk is adjacent on the east side of the property.

Since this lot has lake frontage, front setback standards apply to the lake side. The required minimum front setback is 35' and minimum side setback is 5'. Thus, a variance of 22'± for the front setback and 3.4'± side setback are requested.

For reference, based on the Best Available map information and topography, the structure is located in the regulatory floodplain. Due to its size, the deck would not need to be elevated.

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 safety, health, and morals as the proposed setbacks generally match the setbacks of existing structures along the lakefront. The side setback encroachment is offset by the additional access in the platted 10' public walk. 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 at Blue Lake have similar structures with encroachments, nor would the proposed setback impair access around the property 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: 6/13/22

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

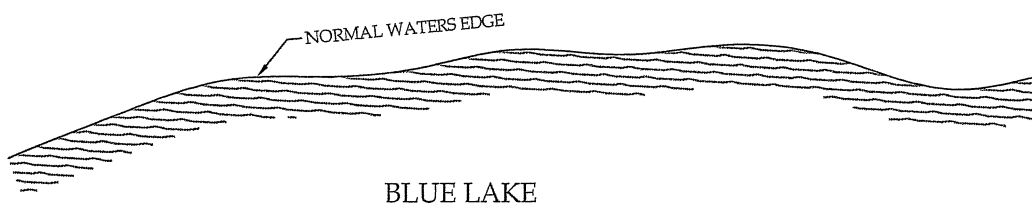
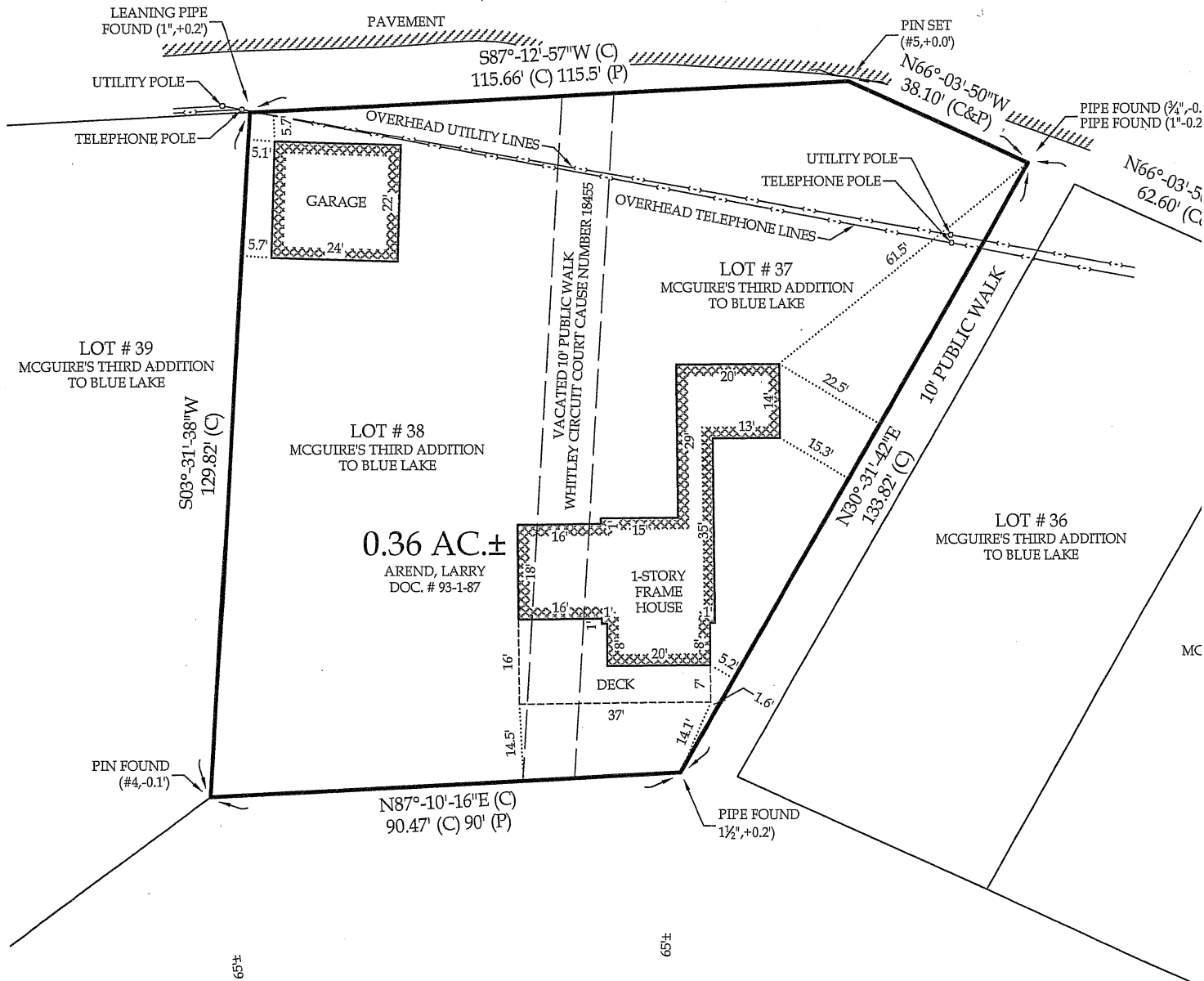
	Vote: Denihan		Lopez		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: ☐ Grant
☐ Grant w/conditions
☐ Deny

By: _____ Second by: _____

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

MCGUIRE ROAD
(30' R/W)



Salge,
Kenneth E &
Ronda J

Dillree, Christopher C
& Muehlmeier, Jordan A

Hille, John

Hille, John J

Nelson,
Deborah A

Hendrickson,
James & Kaylea

Berkley,
Frederic M

Schinbecker,
Daymon W &
Cecelia R

Winbrenner,
Thomas &
Amelia

Whitesell,
Paul E &
Maralee E

Baker,
Robert P Jr
& Christina J

Baker, Robert P
Jr & Christina J

Baker, Robert P Jr
& Christina J

Hyser,
Thomas
J Jr.

Arend, Larry

Naylor, Bruce
A & Dawn S

Muehlmeier, Todd
& Holmes, Leeann

Allman, Jack
L & Joan M

Allman,
Jack L &
Joan M

Wagoner, Cheryl L
& Bredemeier,
Melvin W

Whitesell, Paul
E & Maralee E

Shaffer,
Linda L

Sordelet,
Martin &
Rebecca A

Sordelet,
Martin &
Rebecca A

Cheney, Ernest
J & Theresa
Samaniego, Theodore
J & Annette M

Cheney,
Ernest J
& Theresa

The Johnson
Family
Living Trust

Arend,
Pamela J

EMCGUIRES RD

N 650 E