

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

25-W-VAR-9 DEVELOPMENT STANDARDS VARIANCE

Aaron, Allen, Kanoshia Schwartz

7780 W. 1000 South

APRIL 22, 2025

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: IN, Intensive Use (AG, Agricultural, remainder of parcel)

Property area: 2.5± acres (33.1 acres, overall parcel)

The petitioners, owners of the subject property, are requesting a development standards variance for an encroachment into the required side setback at 7780 W. 1000 South for placement of a storage building. The property is located on the north side of 1000 South, about 4,000' west of SR 105 in Section 28 of Cleveland Township.

The petitioner has proposed constructing a new 24' x 24' storage building on the west side of an existing agricultural barn on the. The new structure will be located approximately 10' from the west property line.

This portion of the petitioner's property is zoned IN to permit the slaughterhouse use located in the building to the south since 2023. Despite the zoning district, the proposed building will be related to the ongoing agricultural operations on the property.

The IN district requires a 50' side setback plus a 10' buffer yard for any buildings, resulting in a 50' variance request. The AG district requires a 10' side setback for accessory structures.

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 structure does maintain an accessory structure setback from the side property line that is associated with the proposed agricultural use of the building.

However, 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

This variance likely would not adversely affect the value and use of the area adjacent to the property, as the proposed structure is similar to agricultural buildings permitted in AG districts throughout the county, including the adjoining property to the west.

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. Ongoing agricultural operations are protected under state law even when zoning changes. While the petitioner is the one who sought the zoning change, it has been their intent to continue farming, although the industrial

zoning district was not defined with regard to the farming use. Further, there is a 2-3' drop in topography on the west side of the barn that makes the placement of the proposed building difficult in a location farther from the property line.

Date report prepared: 4/16/25

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	<i>Vote:</i>		Green		Sheiss		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: _____

	<i>Vote:</i>		Green		Sheiss		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>Yes</i>												
<i>No</i>												
<i>Abstain</i>												

Sickatoose,
Steven L &
Beth Ann

Hersha, Cory Joseph
& Reiff-Hersha,
Claire Ann Marie

Schwartz, Aaron
& Schwartz, Kanoshia
& Schwartz, Allen D

Reiff, Doug
& Terri

Sickatoose, Steven
L & Sickatoose,
Beth Ann

Yoder, Amos J
& Arlene Rose

Christman,
Gary F &
Patricia M

Yoder,
Amos Jay &
Arlene Rose

W 1000 S

