

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

25-W-VAR-11 DEVELOPMENT STANDARDS VARIANCE

Matthew Sterk  
4928 W. 350 North

APRIL 22, 2025

AGENDA ITEM: 4

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agriculture

Property area: 13.23± acres

The petitioner, owner of the subject property, is requesting a development standards variance for an encroachment into the required front setback at 4928 W. 350 North to construct a storage building. The property is located on the north side of 350 North, about ½ mile west of Lincolnway in Section 22 of Etna-Troy Township.

The petitioner has proposed constructing a new 40'x64' storage building near the southern property line of the parcel. The new structure will be located approximately 25' from the southern property line, and 120'± from the east property line. This location was chosen due to the slope on the property.

For flag lots such as this, the front setback is measured from the point at which the parcel meets the required 225' lot width, which in this case is at the property line on the south edge of the "flag" part of the parcel. Since a 40' front setback is required for structures in the AG district, the requested 25' setback results in a 15' variance.

Note that while the proposed use is for storage, this being the only structure on the property, it is treated as the primary structure. Primary and accessory structures are subject to the same front setback standard, so a variance would be required no matter the use.

**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 a 25' setback from the property line and allows access around the property. The 250'± separation to the nearest neighboring building also mitigates potential injury to public safety. The reduced front setback would not impact the locations available for a septic system, if one is proposed, generally avoiding injury to public health.

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 could adversely impact the use of the adjacent property to the south due to the proximity of the existing swimming pool to the proposed building. The adjacent property owner submitted comments with concerns about loss of privacy, which would be a concern even if compliant with the setback. A reduction of the setback could further reduce the privacy. The Board must consider whether this impact is substantial.

The value of the same property would also be adversely affected due to the construction of the building, but it seems that even a compliant location on the subject property would likely have the same effect on value. So, it seems that a value reduction is not be caused by the variance, although the effect may be intensified by the request.

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 will not result in practical difficulties. The flat part of the property is comprised mostly of wetlands or otherwise is undesirable for building, so building sites are constrained to the southern 170'± of the property, which allows sufficient depth for a compliant setback. While there is a 5.5% slope on the property, the proposed site is not more advantageous than a compliant site. It does appear that the proposed building footprint is intended to parallel immediately south of an existing path worn across the property, but relocation of that path during construction should be possible.

Date report prepared: 4/15/25

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

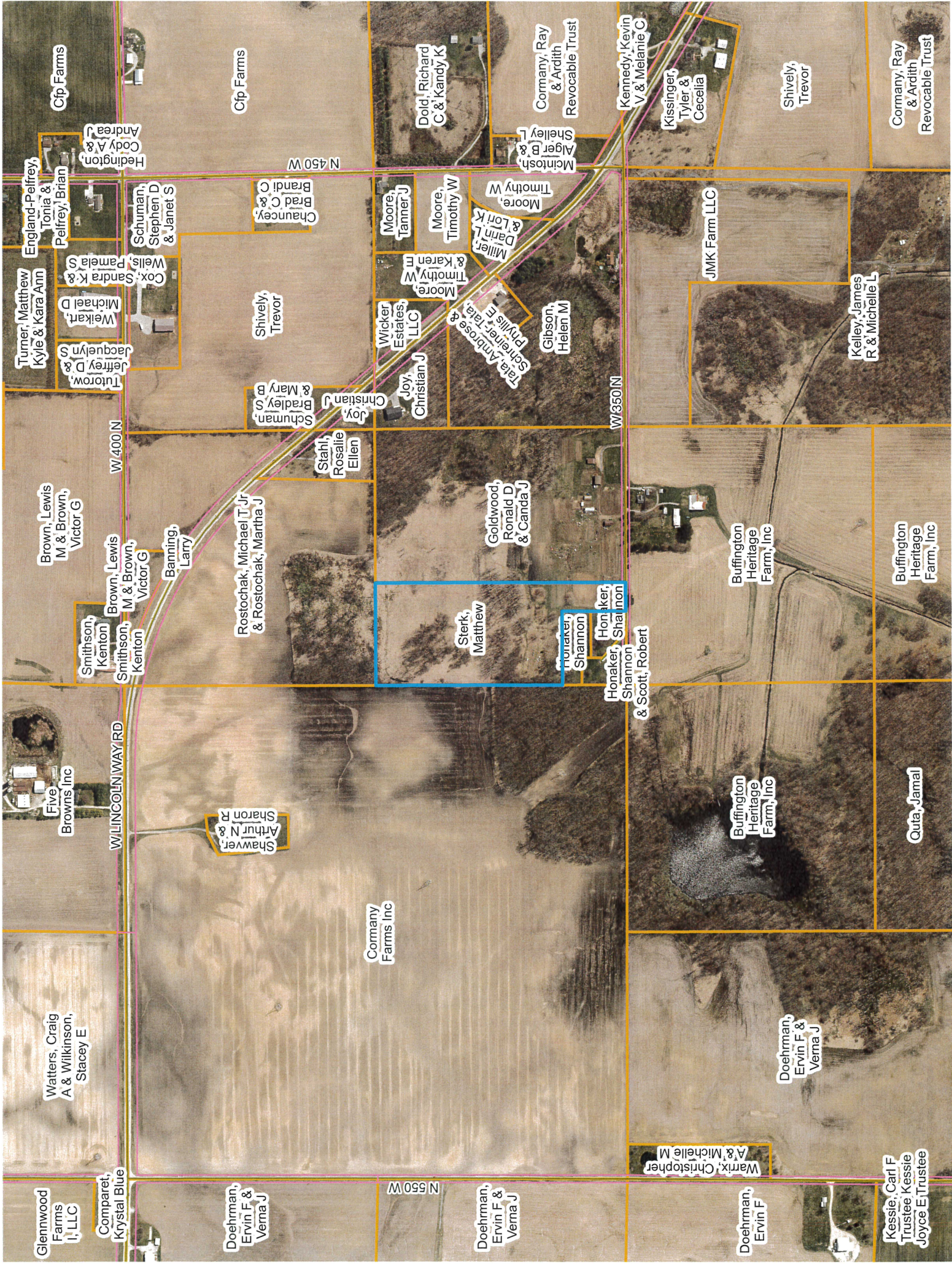
	Vote: Green		Sheiss		Wilkinson		Wolf		Wright	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Criterion 1										
Criterion 2										
Criterion 3										

Motion: ☐ Grant  
☐ Grant w/conditions  
☐ Deny

By: \_\_\_\_\_ Second by: \_\_\_\_\_

	Vote: Green		Sheiss		Wilkinson		Wolf		Wright	
Yes										
No										
Abstain										





Glennwood Farms I, LLC

Comparet, Krystal Blue

Watters, Craig A & Wilkinson, Stacey E

Five Browns Inc

W LINCOLN WAY RD

Doehman, Ervin F & Verna J

Cormany Farms Inc

Shawver, Arthur N & Sharon R

Smithson, Kenton

Smithson, M & Brown, Victor G

Brown, Lewis M & Brown, Victor G

W 400 N

Rostochak, Michael T Jr & Rostochak, Martha J

Banning, Larry

Stahl, Rosalie Ellen

Schuman, Joy, Bradley S & Mary B

Wicker Estates, LLC

Joy, Christian J

Joy, Christian J

Moore, Timothy W

Moore, Timothy W

Moore, Timothy W

Moore, Timothy W

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Moore, Timothy W

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Moore, Timothy W

Moore, Timothy W

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Moore, Timothy W

Moore, Timothy W

Sterk, Matthew

Goldwood, Ronald D & Canda J

Honaker, Shannon

Honaker, Shannon & Scott, Robert

Buffington Heritage Farm, Inc

Doehman, Ervin F & Verna J

Buffington Heritage Farm, Inc

Kessie, Carl F Trustee Kessie Joyce E Trustee

Doehman, Ervin F

Doehman, Ervin F & Verna J

Quta, Jamal

Buffington Heritage Farm, Inc

Kelley, James R & Michelle L

JMK Farm LLC

Shively, Trevor

Cormany, Ray & Ardith Revocable Trust

Warrix, Christopher A & Michelle M

Honaker, Shannon & Scott, Robert

W 350 N

N 450 W

Kennedy, Kevin V & Melanie C

Kissinger, Tyler & Cecelia

Cormany, Ray & Ardith Revocable Trust

Dold, Richard C & Kandy K

Cfp Farms

Cfp Farms

England-Pelfrey, Tonia & Pelfrey, Brian

Turner, Matthew Kyle & Kara Ann

Hedington, Cody A & Andrea J

England-Pelfrey, Tonia & Pelfrey, Brian

England-Pelfrey, Tonia & Pelfrey, Brian

England-Pelfrey, Tonia & Pelfrey, Brian

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England-Pelfrey, Tonia & Pelfrey, Brian





**LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING**

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.



DRAWING NUMBER

SR-144