

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

25-W-VAR-12 DEVELOPMENT STANDARDS VARIANCE
Magno, LLC
Approx. 8480 S. 800 East

APRIL 22, 2025
AGENDA ITEM: 5

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 92.3± acres (proposed lot)

The petitioner, owner of the subject property, is requesting a development standards variance for a reduced minimum lot frontage for a proposed parcel split of the subject property located on the west side of 800 East in Section 24 of Jefferson Township with an approximate address of 8480 South 800 East. The property is currently unimproved and used for agriculture.

Historically, as acquired in 1950, the subject parcel had a road frontage of about 1,400 feet. Four road-front residential lots were split off starting in the 1970s, reducing the frontage for the subject acreage to 140'±. That was reduced to the current 90' with the split of the 10-acre parcel to the south in 2024.

The petitioner proposes to create two parcels from the 92 acres to create two residential building sites for family members. Each being over 20 acres in area, the parcels are exempt from subdivision platting requirements, and they meet the minimum lot area and width of the zoning code. However, the AG district requires a minimum of 50' of frontage on a public road for any new buildable lots. The proposal is to split the 90' of frontage evenly between the parcels, so a variance of 5' of frontage would be required for each proposed parcel.

The petitioner has discussed further dividing the currently proposed two parcels for up to a total of four building sites. Doing so will require additional road frontage to be acquired or the construction of a public road.

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, or morals, as the requested lot frontage reduction would still permit adequate access to the properties. While the frontage is reduced, the substantial size of the two properties supports the purpose of frontage requirement to limit the over-intensification of an area and a high density of road cuts.

However, the proposed 45'-45' split may pose a problem in the future if a public road is needed to be constructed to serve the interior of the subject property since the minimum right-of-way width for subdivision roads is 50'. If that occurs, a subdivision waiver would be necessary, which would injure the general welfare. Possible solutions could be to modify the proposed frontage to be 50'-40', or to implement some easement upon both frontages to allow the construction of a public road despite the ownership of the individual properties.

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 of the area adjacent to the property as properties as the lot frontage reduction would be imperceptible and would not permit an excessive number of lots to be created.

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 results in practical difficulties. The subject property's 90' frontage is a remainder of several splits that have occurred over the past 50 years, well before the petitioner's involvement.

The 50' lot frontage standard is apparently intended to ensure adequate access to each lot, to prevent overburdening of road frontages, and prevent the densification of an area without sufficient infrastructure such as internal streets. In this case, the two lots proposed are significantly larger than minimums and would not be contrary to these purposes.

However, it may be important to protect future development potential by allowing width for construction of a subdivision street, so modification of the request or application of an easement could be appropriate.

Date report prepared: 4/22/25

BOARD OF ZONING APPEALS ACTION

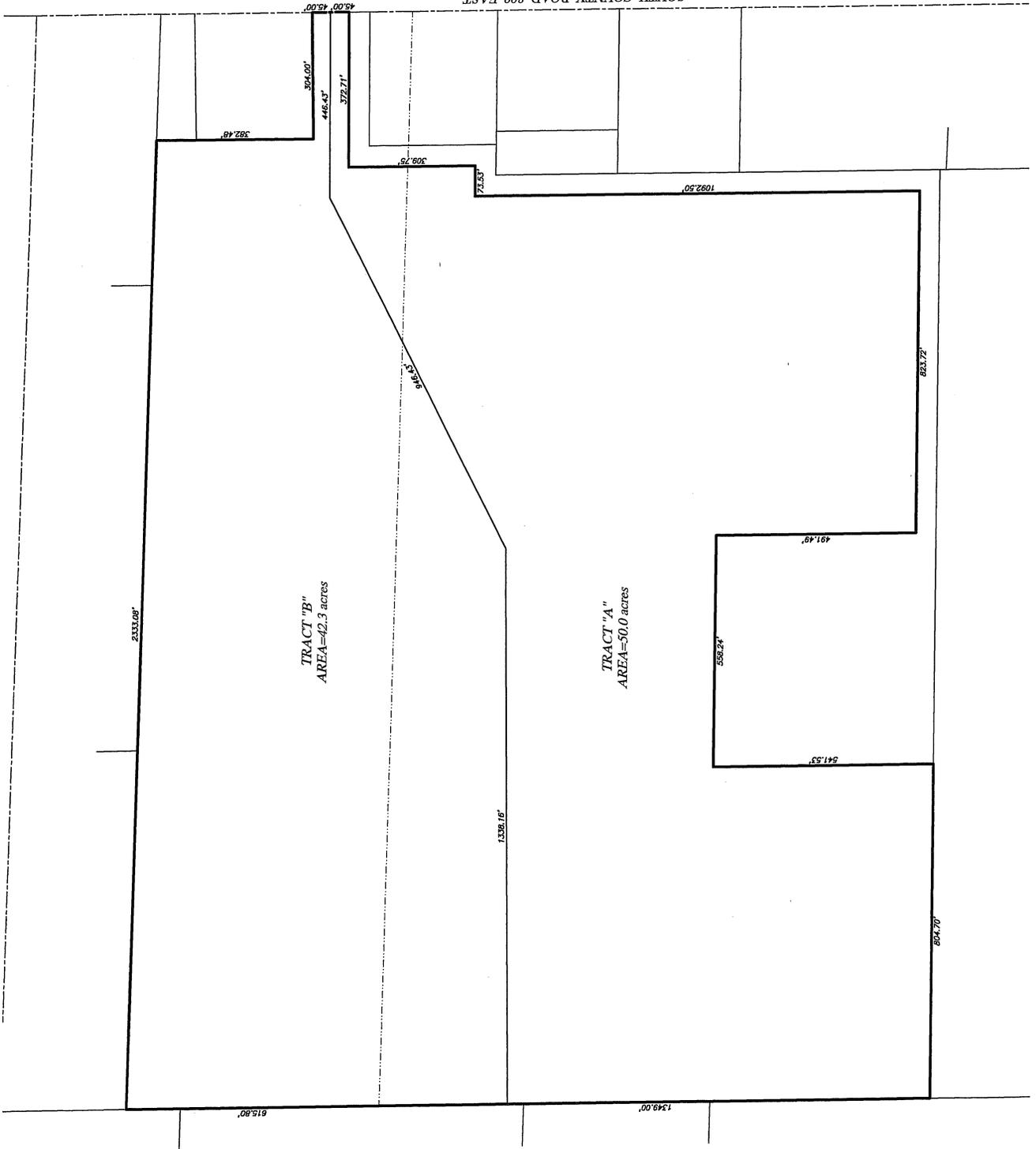
Findings of Fact Criteria

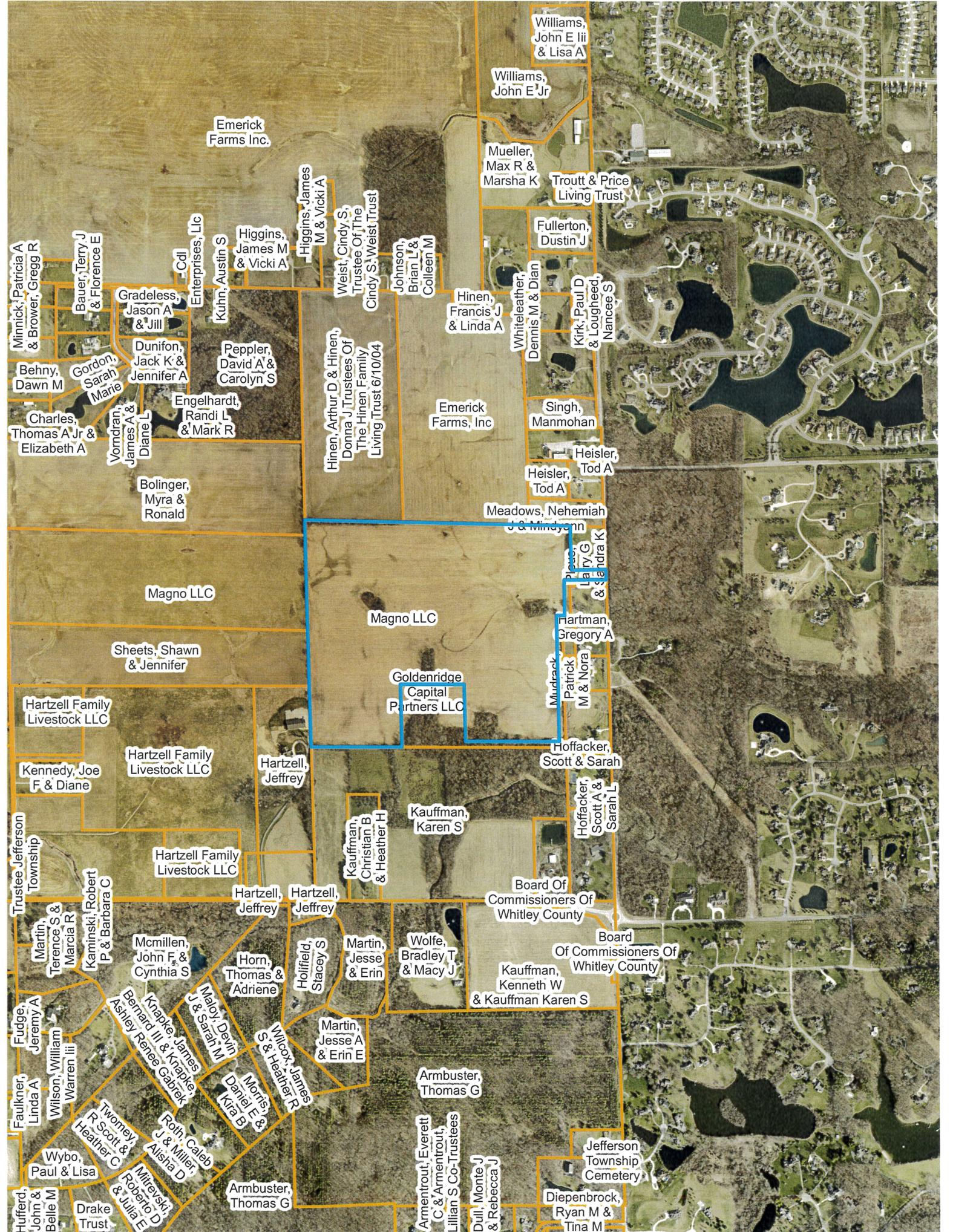
	Green		Sheiss		Wilkinson		Wolf		Wright	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Criterion 1										
Criterion 2										
Criterion 3										

Motion: _____ By: _____ Second by: _____

	Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					

SOUTH COUNTY ROAD 800 EAST





Williams, John E Iii & Lisa A

Williams, John E Jr

Emerick Farms Inc.

Mueller, Max R & Marsha K

Troutt & Price Living Trust

Fullerton, Dustin J

Minnick, Patricia A & Brower, Gregg R

Bauer, Terry J & Florence E

Gradeless, Jason A & Jill

Enterprises, Llc

Higgins, James M & Vicki A

Higgins, James M & Vicki A

Weist, Cindy S, Trustee Of The Cindy S. Weist Trust

Johnson, Brian L & Colleen M

Hinen, Francis J & Linda A

Whiteleather, Dennis M & Dian

Kirk, Paul D & Lougheed, Nancee S

Behny, Dawn M

Gordon, Sarah Marie

Dunifon, Jack K & Jennifer A

Peppler, David A & Carolyn S

Engelhardt, Randi L & Mark R

Charles, Thomas A Jr & Elizabeth A

Vomdran, James A & Diane L

Hinen, Arthur D & Hinen, Donna J Trustees Of The Hinen Family Living Trust 6/10/04

Emerick Farms, Inc

Singh, Manmohan

Heisler, Tod A

Bolinger, Myra & Ronald

Meadows, Nehemiah J & Mindyann

Magno LLC

Magno LLC

Sheets, Shawn & Jennifer

Goldenridge Capital Partners LLC

Hartman, Gregory A

Hartzell Family Livestock LLC

Hartzell Family Livestock LLC

Hartzell, Jeffrey

Hoffacker, Scott & Sarah

Kennedy, Joe F & Diane

Hartzell Family Livestock LLC

Hartzell, Jeffrey

Hartzell, Jeffrey

Kauffman, Christian B & Heather H

Kauffman, Karen S

Hoffacker, Scott A & Sarah L

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Kaminski, Robert P & Barbara C

McMillen, John F & Cynthia S

Horn, Thomas & Adriene

Hollifield, Stacey S

Martin, Jesse & Erin

Wolfe, Bradley T & Macy J

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Board Of Commissioners Of Whitley County

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Wilson, William Warren Iii

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Maloy, Devin J & Sarah M

Maloy, Devin J & Sarah M

Wilcox, James S & Heather R

Martin, Jesse A & Erin E

Armbuster, Thomas G

Faulkner, Linda A

Twomey, R Scott & Heather C

Knappke, James J & Sarah M

Wybo, Paul & Lisa

Twomey, R Scott & Heather C

Knappke, James J & Sarah M

Hufferd, John & Belle M

Wybo, Paul & Lisa

Knappke, James J & Sarah M

Drake Trust

Wybo, Paul & Lisa

Knappke, James J & Sarah M

Armentrout, Everett C & Armentrout, Lillian S Co-Trustees

Dull, Monte J & Rebecca J

Jefferson Township Cemetery

Diepenbrock, Ryan M & Tina M