

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

25-W-VAR-20 DEVELOPMENT STANDARDS VARIANCE
Jason & Heather Matteson
1946 E. Leo Smith Lane

**AUGUST 26, 2025
AGENDA ITEM: 2**

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential
Property area: 9,900± sq. ft.

The petitioners, owners of the subject property, are requesting a development standards variance of the required rear and side setbacks for construction of an attached garage addition and a covered deck. The property is located at 1946 E. Leo Smith Lane in Section 11 of Thorncreek Township and is comprised of Lot 8 of Wyss Addition to Shriner Lake. The property is currently improved with a dwelling.

As proposed, an 18'x24' garage would be constructed on the north side of the existing dwelling, and a 6'x11.75' covered deck would be added to the east side of the dwelling. Per the submitted site plan, the garage addition would have a setback of approximately 4.5' from the right-of-way on the east corner and 10' on the west corner. The covered deck on would have a 3'± setback at its nearest point.

Note that there is already an uncovered deck/stairway on the east side of the house, and there is not an existing garage. A variance was granted in 1975 (V-44) to permit a 15'± roadside setback for the home, based on lining up the new home with existing homes along the road.

Since this lot has lake frontage, rear setback standards apply to the roadside. The required minimum rear setback is 15', and minimum side setback is 5'. Thus, requested are variances of 10.5'± and 2'± from the code requirement.

For reference, based on the Best Available map information and topography, the structure should not be located in the regulatory floodplain.

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 health and morals. Public safety could be injured as the proposed roadside setback is nearer the most other buildings along this road, which could impede traffic safety; however, it is not an uncommon setback in the lakes area. The side setback reduction may be injurious to public safety as it would be within 5' of the property line, but the building code requires additional fire protection within 5'. The adjacent house to the east has a setback of about 30', so injury to safety related to that side is likely minimized. 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 this variance will adversely affect the value and use of the area adjacent to the property as similar properties in the LR district have similar encroachments, nor would the proposed setbacks significantly 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 would result in a practical difficulty as there is a 15%+ slope from the road downward, which, along with the original placement of the house, prevents the construction or remodeling of a compliant garage. The side setback encroachment is a practical difficulty since the setback is triggered by the construction of the covering, whereas the deck/stairway by itself would be exempt from setbacks.

Date report prepared: 8/21/25

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>												



Trumbull, Larry A Jr.

Hively, Richard D & Nora E

Hively, Richard D & Nora E

Schmitt, Scott W & Janelle A

Schmitt, Scott W & Janelle A

Haintz, Hera E & Haintz Christine K

Matteson, Jason P & Heather E

Berger, Adam David

Howey, Daniel C & Lorraine K

Schnorr, Daniel K & Tracy M

Camahan, Bradley E & Jill R

Andreas, Thomas R & Le Anna M

Andreas, Thomas R & Le Anna M

Wlicker, Jacob D

Friedmeyer, Mark H & Janice F

Andreas, Thomas R & Le Anna M

Ryan, Michelle N

Straub, Jay A & Kristine M

Grabie, Michael D & Linda Ann

Johncox, Bruce L & Judy M

McDaniel, Kelly A

Stronczek, Douglas E & Michelle M

Straub, Jay A & Kristine M

Hussong, Brian J & Karen L

Richards, Ernest J & Judy C

PLOT PLAN

PREPARED FOR

JASON P. & HEATHER E. MATTESON

SITUATED IN THE PLAT OF WYSS ADDITION TO SHRINER LAKE, WHITLEY COUNTY, INDIANA.

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT. SUBJECT TO PLAN COMMISSION APPROVAL.

DESCRIPTION

(Per Document Number 2023050194)

Lot Number 8 in Wyss Addition to Shriner Lake, Whitley County, Indiana, a part of the Southwest Quarter of Section 2 and part of Northwest Quarter of Section 11, Township 32 North, Range 9 East.

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. Low-lying areas adjacent to Shriner Lake appear to be situated in Zone "A", which is in a flood plain. The remainder of the surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0065C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

PROPERTY ADDRESS

1946 E Leo Smith Ln
Columbia City IN 46725

ZONING REQUIREMENTS

Zoned: "LR" Lake Residential District

Minimum Front Yard Setback: 35 feet

Minimum Side Yard Setback: 5 feet

Minimum Lake Yard Setback: 35 feet

Minimum Rear Yard Setback: 15 feet

(Source: Whitley County GIS and Whitley County Zoning Ordinance)

LEGEND

M = MEASURED

C = CALCULATED

P = PLAT

R = RECORDED

✱ = WALKER MONUMENT

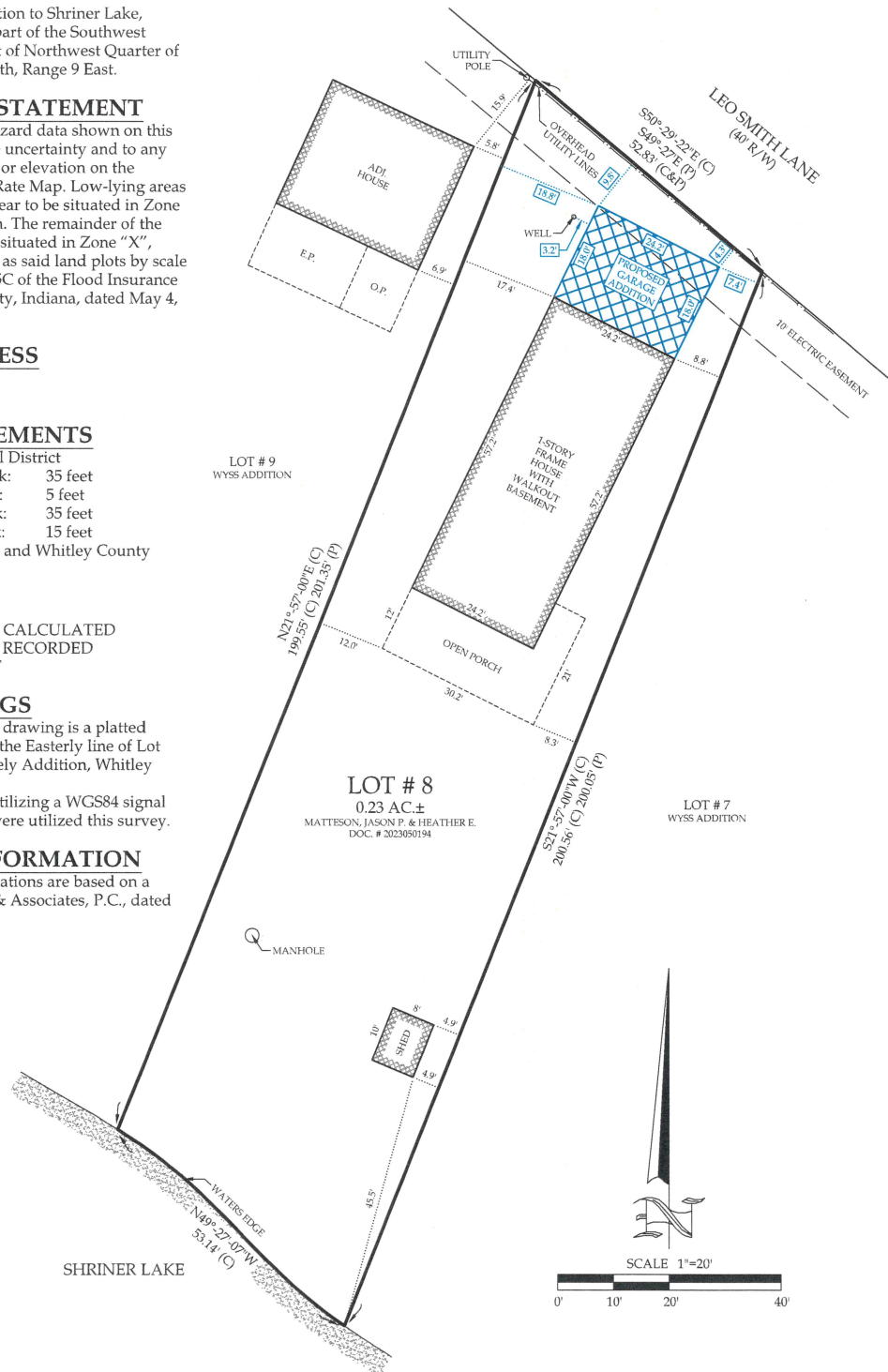
BASIS OF BEARINGS

The basis of bearings for this drawing is a platted bearing of S21°-57'-00"W for the Easterly line of Lot Number 1 in George W. Hively Addition, Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

BASE SURVEY INFORMATION

Dimensions and building locations are based on a survey done by J.K. Walker & Associates, P.C., dated February 23, 2022.



WALKER & ASSOCIATES

112 WEST VAN BUREN STREET

COLUMBIA CITY, IN 46725

Phone: (260) 244-3640

Fax: (260) 244-4640

EST. 1984

www.walkersurveying.net

E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

LOT NUMBER 8 IN WYSS ADDITION TO SHRINER LAKE,
WHITLEY COUNTY, INDIANA

FOR:

MATTESON, JASON P. & HEATHER E.

SCALE: 1"=20'

DRAWN BY: RDP

DRAWING NUMBER

DATE: 07-18-2025

PAGE: 1 OF 1

RL-162

11°51'00" E 199.850'
PROPERTY LINE

COVERED PATIO
EXISTING

HOUSE
EXISTING

GARAGE
ADDITION

COVERED
DECK
EXTEND &
COVER

8°50'32" E 80.830'
PROPERTY LINE

19'-1 1/2"

0'-0"

24'-0"

1'-5"

4'-0"

0'-0"

0'-0"

6'-0"

0'-0"

4'-0 1/2"

3'-1 1/2"