

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

25-W-VAR-21 DEVELOPMENT STANDARDS VARIANCE

Aaron, Allen, and Kanoshia Schwartz  
7780 W. 1000 South

SEPTEMBER 23, 2025

AGENDA ITEM: 1

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**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 solar array. 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 solar panel array on the west side of an existing agricultural barn on the property. 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. 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.

In April of this year, the Board granted another variance for this property, for a 10' setback of a generator building. Per policy, another variance is necessary because of the difference in type of 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 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.

Date report prepared: 09/11/25

### BOARD OF ZONING APPEALS ACTION

#### Findings of Fact Criteria

	<b><i>Vote:</i></b>		<b>Green</b>		<b>Sheiss</b>		<b>Wilkinson</b>		<b>Wolf</b>		<b>Wright</b>	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<i>Criterion 1</i>												
<i>Criterion 2</i>												
<i>Criterion 3</i>												

Motion: ☐ Grant  
☐ Grant w/conditions  
☐ Deny

By:

Second by:

<b><i>Vote:</i></b>	<b>Green</b>		<b>Sheiss</b>		<b>Wilkinson</b>		<b>Wolf</b>		<b>Wright</b>	
<i>Yes</i>										
<i>No</i>										
<i>Abstain</i>										





Augsburger, William

Cottrell, Douglas Kent & Wolf, Catherine Kay

Bade, Rick E

Schwartz, Daniel & Mary E

Barnes, James E & Lea J

Schwartz, Daniel & Mary E

Country Meadow Amish School

Beiswanger, Braydan B & Bailey L

Browning, Leroy E

Sickafoose, Steven L & Sickafoose, Beth Ann

Schwartz, Marcus S & Annamary

Schwartz, Marcus S & Anna Mary

Schwartz, Steven W & Margaret

Thomas, Bryan C & Karst/Anita

Brohlin, George Melbye

Thomas, Bryan C & Karst Anita

Schwartz, Christy S & Rose Marie

Sickafoose, Steven L & Sickafoose, Beth Ann

Schmucker, Victor & Susann

Schmucker, Victor & Schmucker, Susann

Hauptert, Dale L Revocable Trust

Yoder, Amos J & Arlene Rose

Christman, Gary F & Patricia M

Schwartz, Aaron & Schwartz, Kanoshia Allen D

Sickafoose, Steven L & Sickafoose, Beth Ann

Sickafoose, Steven L & Sickafoose, Beth Ann

State of Indiana

State of Indiana

Schwartz, Marcus S & Annamary

Schwartz, Marcus S & Anna Mary

Hilly, William E

Hilly, William E & Susanna

Hilly, William E & Susanna

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

Yoder, Amos Jay & Arlene Rose

Schwartz, Steven W & Margaret

Schwartz, Aaron & Kanoshia

Cornerstone Grace Church Of South Whitley, Inc

Stouder, David W

Reiff, Doug & Terri Revocable Trust

Schwartz, Steven W & Margaret

Schwartz, Steven W & Margaret

Sickafoose, Steven L & Sickafoose, Beth Ann

Reiff, Doug & Terri

Reiff, Doug J & Terri

Reiff, Doug & Terri Revocable Trust





**Site Diagram – Allen Schwartz**  
**7780 W 1000 S South Whitley, IN 46787**  
**Phone: 260-213-0327**

