

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

**25-W-VAR-22    DEVELOPMENT STANDARDS VARIANCE**  
Stanley Egolf  
3291 W. Hill Drive

**SEPTEMBER 23, 2025  
AGENDA ITEM:    2**

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**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential  
Property area: 0.326 acre

The petitioner, life estate occupant of the subject property, is requesting a development standards variance of the required front setback for an enclosed carport. The property is located at 3291 W. Hill Drive, in Section 12 of Etna Troy Township, and is comprised of Lots 38 & 39 of Oak Park Subdivision. The property is currently improved with a dwelling, detached garage, smaller outbuildings, and the subject carport.

The 20'x24' carport is on the north side of the detached garage and was placed without a permit at least 10 years ago. As proposed, it would be enclosed for additional storage. Per the submitted site plan, the carport has a setback of approximately 2.5' from the right-of-way at its nearest point on the northeast corner.

Since this lot has two road frontages, the required minimum setback is 35' on the north and south property lines. Thus, requested is a variance of 32.5' ± 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 than most other buildings along this road, which could impede traffic safety; however, it is not an uncommon setback in the lakes area. 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 might result in a practical difficulty as the property has a steep slope across its southern third, requiring any additional structures to be north of the dwelling and detached garage. Further, the locations of the well and sewer tap constrain placement of the carport. However, had a permit been sought originally, these issues may have been able to be resolved.

Date report prepared: 9/12/25

**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>	
	<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: \_\_\_\_\_

<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>					



Waugh, Leroy  
J & Nancy L

Schillace,  
Anthony J  
W & Wanda

Steele,  
Michael P  
& Hailey R

Steele,  
Michael P  
& Hailey R

Steele,  
Michael P &  
Hailey R

Kimbrell,  
Gary J

Langeloh,  
Brooks W  
& Paula A

Kimbrell,  
Gary J

Langeloh,  
Brooks W  
& Paula A

Wells,  
Ricky L

Geerer,  
Lucy H

Speaker,  
Geoffrey E

Biggs,  
Andrew H

Lortie,  
David J

Lortie,  
David J

Leicht, Leslie  
& Edreann

Lee, Eric R  
& Colleen M

Egolf,  
Rusty E

Griggs, John  
Freeman

Byall, Richard  
A & Jeanine D

Moser,  
Randy J

Ruffi,  
Anthony J

Capital Investments  
of Northern  
Wisconsin, LLC

Copp,  
Peter  
Michel

Briggs,  
Richard E  
& Sharon

Clemens,  
Roger W &  
Nicole M

Clemens,  
Roger  
W & Nicole M

Leckrone, Mark  
S & Leckrone,  
Laurie Ann

Urhausen,  
Jack A Sr

Johnson,  
Timothy M  
& Neza M

French, Allen M  
Jr & Hendershot,  
Sarah Ann

Langeloh,  
Brooks W  
& Paula A

Harmeyer,  
Christopher L  
& Kathryn R

Walker, Gregory  
Kent & Lynn Ann

Egolf,  
Rusty E

King, Edward &  
Monette & Casiano,  
Paul & Michelle

Wilkinson,  
Kevin J

Kirtley, Terry  
D & Sandra K

Burson, Christopher  
C & Jill

Finlayson,  
Paul J & Judith

Depaula, Paul  
J Trustee (Revocable  
Living Trust 12-14-2006)

Feasby, Larry  
A & Ottinger,  
Cheryl A

Kile, Bradley  
G & Lisa Soto

Moore, Troy A  
& Melissa L

Uecker,  
Nicholas  
William

Uecker,  
Nicholas  
William

Davis,  
James R



# CERTIFICATE OF SURVEY

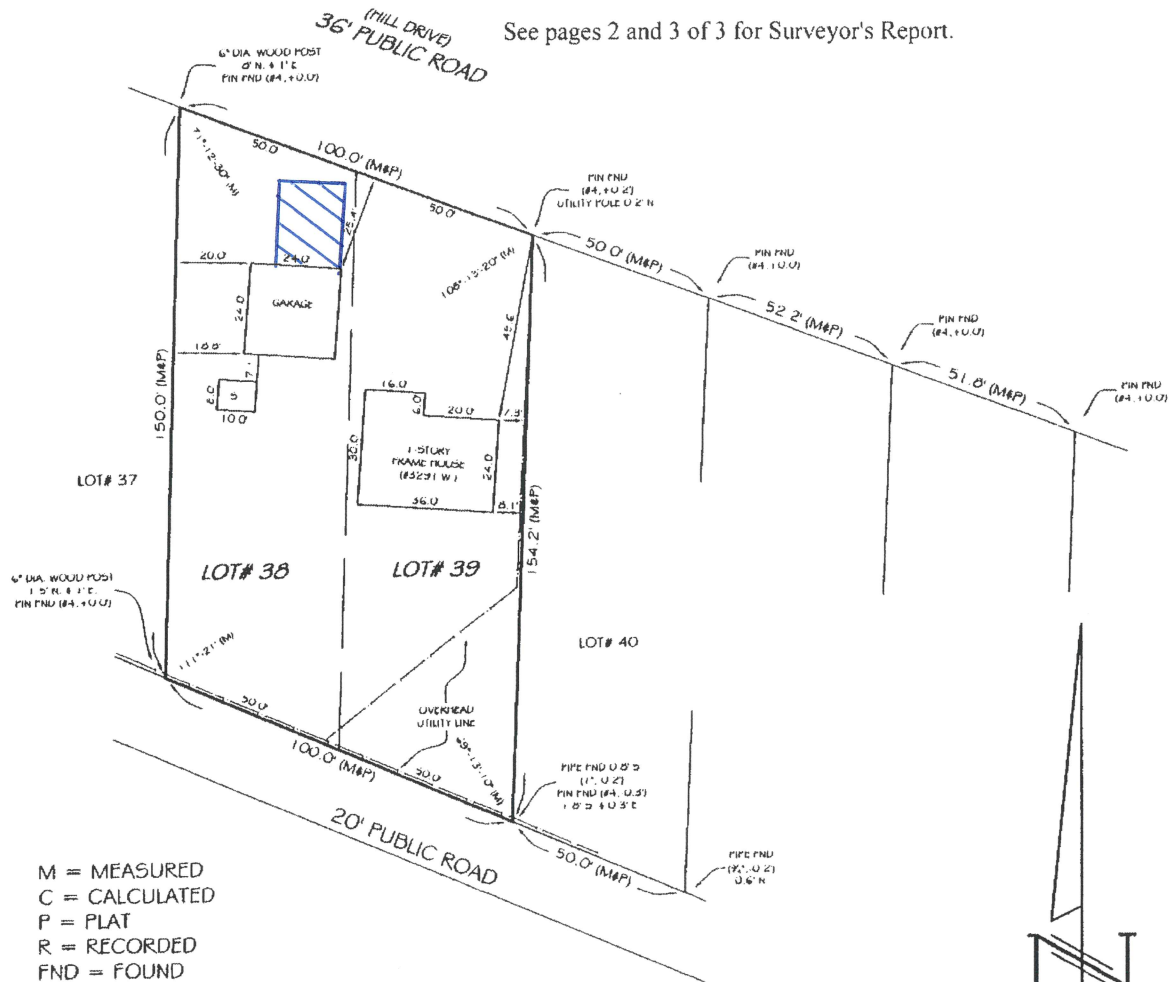
This document is a record of a resurvey of land and real estate prepared in conformity with the established rules of surveying and made in accordance with the records or plat in the Recorder's office of Whitley County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Lots Numbered Thirty-eight (38) and Thirty-nine (39) in Oak Park Subdivision, part of the West half of the West half of Section 12, Township 32 North, Range 8 East, Whitley County, Indiana.

This property is not in a flood plain (In Zone X) as defined by the Flood Insurance Rate Map dated 04-01-88, Community No.180298-0001B, Whitley County, Indiana.

See pages 2 and 3 of 3 for Surveyor's Report.



M = MEASURED  
C = CALCULATED  
P = PLAT  
R = RECORDED  
FND = FOUND  
X = WALKER MONUMENT

FIELD WORK COMPLETED  
ON 3-22-2007

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.

I hereby certify on the 26th day of March, 2007, that the above survey is correct.

Surveyed for: Rucks, Gregory A. / Shirley B.

Survey No.: EJ-156

