

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

25-W-VAR-23    **DEVELOPMENT STANDARDS VARIANCE**  
Ricardo Hernandez & Gilda Cedeno  
5510 E. Collins Street

DECEMBER 23, 2025  
AGENDA ITEM: 1

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**SUMMARY OF PROPOSAL**

Current zoning: RR, Rural Residential

Property area: 0.326 acre

**Continued from previous meeting by the Board of Zoning Appeals due to absence of petitioners.**

The petitioners, owners of the subject property, are requesting a development standards variance of the required front setback, side setbacks, and minimum square footage for a new dwelling. The property is located at 5510 E. Collins Street in Section 28 of Smith Township and is comprised of Lots 32 & 33 of Ruch's Addition to the Town of Collins. The property is currently improved with a dwelling and smaller outbuilding.

As proposed, the two platted lots would be separated (they are combined only for tax purposes), and a 20.8' x 44' dwelling would be placed on the triangular Lot 33 to the south. Per the submitted site plan, the dwelling has a front (west) setback of 23.8' and side setbacks of 5.0' to the north and south. The square footage of the proposed structure is 915.2.

Since this parcel is separated by a platted alley, the frontage for Lot 33 is on 550 East and the lot has two side yards. So, the required minimum front setback is 40' on the west, and 10' required side setbacks to the south and north property lines. The minimum square footage requirement for a one-story dwelling in the RR district is 950 square feet.

Thus, requested are a variance of 16.2' ± from the front setback code requirement, 5' variances for each side setback, and a 34.8 square foot variance from main floor area requirement.

**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 be injurious to public morals.

Public health may be injured if there is not sufficient space for an adequate septic system. It is staff's understanding that a septic site has been identified, so the public health should be protected. Further, the reduction in area would have insignificant impact on living space for a typical living arrangement.

Public safety is not likely to be injured as the proposed setback from the road is similar to other buildings in Collins, including along 550 East/SR 205.

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 this RR district have similar encroachments, nor would the proposed

setbacks significantly impair access around the property or to the surrounding properties. Further, the property is bounded by a platted alley and a vacant railroad right-of-way, which would make the effective side setbacks larger, reducing any impacts on use of the adjacent developed properties. Since the proposed dwelling would have similar appearance to other nearby dwellings, the small reduction in floor area would not be apparent and so would not have substantial impact on the value of the area.

**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 difficulty. The lot, a legal nonconforming Lot of Record, was platted in 1872, well prior to the adoption of zoning and subdivision standards. Its triangular shape, caused by the now abandoned railroad, creates some difficulty in the use of the property; the Board should evaluate this request to ensure that it is the minimum variance necessary.

Considering alternatives, being new construction, it may be possible to adjust the home design to comply with most, but not all, of the required setbacks by turning the proposed structure 90°. Doing so would require that the dwelling face south or north, reducing the aesthetics of the house and potentially having more visual impact on the neighborhood. Further, the house footprint could also be reduced to meet the setbacks, but doing so would reduce the floor area even more, increasing that variance.

That said, the Board should evaluate whether this is a self-imposed difficulty, given that other floor plans could be designed that would accommodate the setbacks.

Date report prepared: 10/08/25

**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	Yes	No	Yes	No	Yes	No	Yes	No
Yes										
No										
Abstain										





Engleman,  
Peggy L

Reiniche,  
John C &  
Debra K

Macino, James  
A & Donna M

Ison, Shaun P

Nichter,  
David E

Hursey,  
Robert D  
& Laura

J B Sons  
General  
Partnership

Brady, Dave J

Macino,  
James A  
& Donna M

Hyser,  
Rodney Lee

Brady,  
Dave J

Ramsey,  
Mark &  
Denise

Nichter,  
David E

Nichter,  
David E

Nichter,  
David E

McClure,  
Billy D

Bussard,  
Carson R  
& Madison

Norris, Andrew  
M & Laralee E

Collins New Life  
Church Corporation

Collins New Life  
Church Corporation

Collins New Life  
Church Corporation

Collins New Life  
Church Corporation

Collins New Life  
Church Corporation

Simpkins,  
Patrick  
& Maria

Simpkins,  
Patrick  
& Maria

Simpkins,  
Patrick  
& Maria

Hess, Kenneth  
B Jr &  
Rebecca A

Gebert,  
Philip E &  
Debra J

Young, Charles C  
& Tanya C

McConnehey,  
Luann

Byer,  
John B

Whitaker,  
Jason

Collins New Life  
Church Corporation

Collins New Life  
Church Corporation

Carpenter,  
Philip A &  
Randy A

Carpenter,  
Philip A &  
Randy A

Carpenter,  
Philip A &  
Randy A

COLLINS ST

Hernandez,  
Ricardo &  
Gilda Cedeno

Honn,  
Hannah W

Asa, P  
Dellas &  
Donna L

Asa, P  
Dellas &  
Donna L

Asa, P  
Dellas &  
Donna L

Young, Charles  
C & Tanya C

State Of Indiana,  
Department Of  
Natural Resources

Geiger, Terry  
W & Nikki R

Gebert,  
Philip E &  
Debra J

Jenkins, Brad  
& Kimberly  
Irrevocable Trust

Trahan, Elizabeth  
L & Krider,  
Gerald L

E 200 N

Brown, Douglas  
R & Larisa K

Krider,  
John H



