

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

21-W-VAR-22 DEVELOPMENT STANDARDS VARIANCE
Brooks Langeloh
3258 W. Circle Drive

**DECEMBER 28, 2021
AGENDA ITEM: 2**

NOTE: Upon review of the completed survey, which was submitted after the petition was filed and notifications were made, it was found that the proposed setbacks and lot area would be compliant with the existing VC zoning district standards. So, no variance request is necessary. Because the dwelling on the subject parcel is a legal nonconforming use under VC, there may be a desire to rezone it LR in the future; this staff report provides background in case that is done.

SUMMARY OF PROPOSAL

Current zoning: VC, Village Commercial
Property area: 6,098± sq. ft. (Tract I on the survey)

The petitioner, owner of the subject property, is requesting development standards variances to permit the splitting of the property between two existing buildings. The property is located on the west side of Circle Drive on Goose Lake in Etna-Troy Township and is comprised of Lots 10, 11, and 12 of Walker's Landing (platted May 1946).

The property is currently improved with a dwelling and a historically commercial structure (formerly the Goose Lake Resort). By the Assessor's records, these structures were constructed in 1930 and 1949, respectively. Originally owned separately, the two structures have been in common ownership since 1967.

The petitioner proposes to split the parcel to place each structure on its own property, similar to the pre-1967 configuration. Due to the small separation between buildings, the side setbacks from the proposed lot line are 3.5' from the south side of the dwelling and 3.4' from the north side of the commercial building. The minimum side setback in VC is 0' (or 10' where adjacent to a residential zoning district), which permits historically commercial buildings in the unincorporated towns. In this case, it means that the setbacks would be compliant. However, since the dwelling is a legal nonconforming use of the VC district, a variance is being sought to establish the setback in the event of a future zoning change to LR, Lake Residential. That zoning district requires a 5' minimum side setback.

The north setback, which is adjacent to existing LR, would be approximately 11.5', which exceeds the minimum 10' setback buffer of the VC district.

The proposed 6,098 sq. ft. lot area for Tract I would exceed the minimum 5,000 sq. ft. for the existing VC zoning, but it would not meet the 10,000 sq. ft. requirement of LR.

Based on the Best Available map information and topography, the structure would be located outside 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;**

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
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.

Date report prepared: 12/21/21

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Vote: Denihan		Lopez		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: _____

Vote:	Denihan	Lopez	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



Cormany Farms, Inc

Steele, Michael P. & Hailey R.

Geerer, Lucy H.

Steele, Michael P. & Hailey R.

Steele, Michael P. & Hailey R.

Steele, Michael P. & Hailey R.

NETNA RD

Johnson, Timothy M. & Neza M.

Southall, Keah Elizabeth

Haas, Nicole M.

Grothaus, Jeff A. & Lola L.

Langeloh, Brooks W. & Paula A.

Speaker, Geoffrey E.

Haas, Nicole M.

White, Mary Ann

Wells, Ricky L.

Wells, Natalie

Wells, Ricky L.

Deal, Ronald S.

Vanpel, Larry G. & Sharon K.

Byall, Richard & Jeanine

Deal, Ronald S.

Wells, Natalie

Consultants LLC

Deal, Ronald S.

Moser, Randy J.

W & Paula A.

Langeloh, Brooks W. & Paula A.

Langeloh, Brooks W. & Paula A.

Kimbrell, Gary J.

Deal, Ronald S.

W & Paula A.

Harmeyer, Christopher L. & Kathryn R.

Schillace, Anthony J. W. & Wanda

Kimbrell, Gary J.

HILL DR

Biggs, Andrew H.

Griggs, John

King, Edward & Monette & Castano

Lortie, David J.

Lortie, David J.

Studebaker, Nancy Living Trust

Downing, Chase

Lortie, David J. & Tammy S.

Studebaker, Nancy Living Trust

Downing, Chase

Moore, Troy A. & Melissa L.

Finlayson, Paul J. & Judith

Liply, Trudy J.

Downing, Chase

Finlayson, Paul J. & Judith

Liply, Trudy J.

Downing, Chase

Finlayson, Paul J. & Judith

Heckman, David & Denise

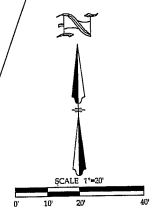
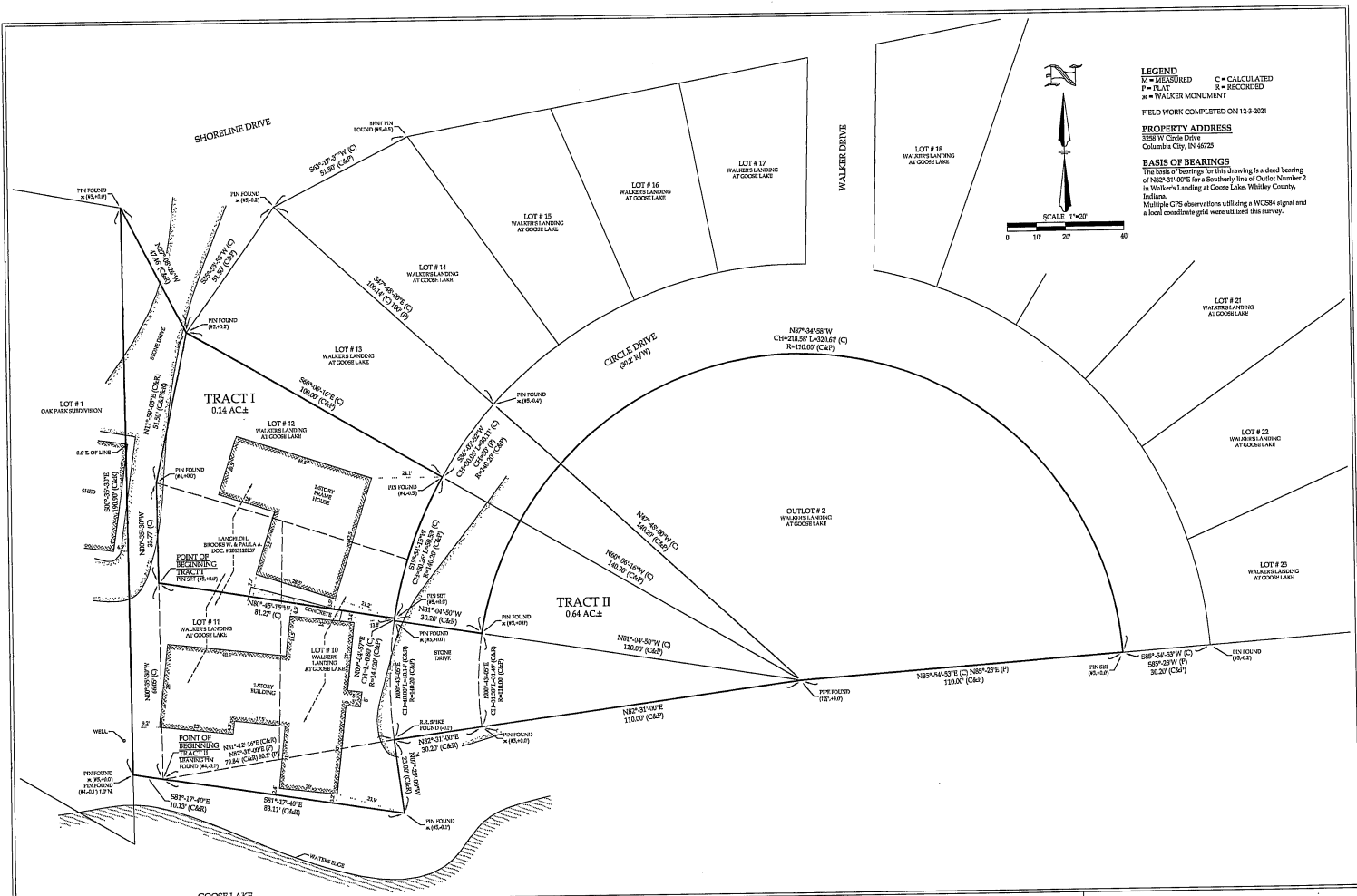
Yarger, Richard E. & Lois L.

Rittner, Phillip R. & Katherine E.

Pequignot, Travis Lee

Carpenter, Jerry W. & Debra K.

Waugh, Leroy J. & Nancy L.



LEGEND
 M = MEASURED
 R = RECORDED
 W = WALKER MONUMENT
 C = CALCULATED
 L = LOT
 FLD WORK COMPLETED ON 12-3-2021

PROPERTY ADDRESS
 3350 W Circle Drive
 Columbus City, IN 46725

BASIS OF BEARINGS
 The basis of bearings for this drawing is a deed bearing of $N89^{\circ}31'40''E$ for a boundary line of Outlot Number 2 in Walker's Landing at Goose Lake, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized in this survey.

WALKER & ASSOCIATES
 112 WEST VAN BUREN STREET
 COLUMBIA CITY, IN 46725
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 E-mail: mail@walkersurveying.net
 LAND SURVEYING, CIVIL ENGINEERING,
 & LAND PLANNING

CERTIFICATE OF SURVEY
 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 THEREOF.

KWO



LOTS 10, 11, 12 AND OUTLOT NUMBER 2, TOGETHER WITH ADJACENT LAND, ALL BEING IN WALKER'S LANDING AT GOOSE LAKE, WHITLEY COUNTY, INDIANA

FOR: **LANGLOH, BROOKS W. & PAULA A.**

SCALE: 1"=20'	DRAWN BY: KRM	DRAWING NUMBER
DATE: 12-10-2021	PAGE: 4 OF 4	OJ-149 "A"