

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

22-W-VAR-22 DEVELOPMENT STANDARDS VARIANCE
Wesley & Sarah Wolfe
5525 N. State Road 5

**OCTOBER 25, 2022
AGENDA ITEM: 2**

Note: This petition was filed in time for the September meeting, but due to a notice issue, the hearing was set for October.

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture
Property area: 2.87± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the required front setback for construction of a pole barn on the property located at 5525 N. State Road 5, in section 8 in Etna Troy Township.

The petitioner has proposed to construct a storage building on the property. As proposed, the new structure would be a 48' X 64' storage building with a 20' x 40' lean-to. The location would have a 20' front setback. The proposed structure would result in a 20' variance from the 40' required front setback.

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 or morals, as outbuildings with encroachments such as the proposed exist throughout the zoning district without injurious effect. A 20' setback is still fairly sufficient for an outbuilding to maintain a safe distance from the road. However, as with any variance, the general welfare may be injured by degradation of the effectiveness of the zoning code if there are not site-specific difficulties for the variance.

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 of the area adjacent to the property as properties throughout the AG district have similar accessory structures. Use should also not be affected, due to the distance of the proposed structure from adjacent properties and maintaining what should be an adequate, though perhaps not ideal, front setback.

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. The potential to locate an accessory structure further north of the dwelling is constrained by the location of a steep drop off. West of the proposed location is an existing structure.

Date report prepared: 09/7/22

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>					



Puckett, Ronald L & Melinda L

Wolfe, P Dennis & Rita A

Robison, James E & Janis E

Robison, James E & Janis E

Syndram, Sid B & Toya D

Degitz, Matthew Steven & Rachel Jane

Degitz, Matthew Steven & Rachel Jane

Jeffrey, Mark P & Deborah A, Co-Trustees Of The Jeffrey Family Revocable Living Trust

Hohenstein, Mark J & Katie J

Huguenard, Barbara L & Morgan Dwayne B

Kerschner, Daniel

Puckett, Ronald L & Melinda L

Wolfe, P Dennis & Rita A

Geiger, Todd J & Stacy N

State Of Indiana

State Of Indiana

Puckett, Ronald L & Melinda L

Puckett, Ronald L & Melinda L

Pike Lumber Company Inc

Hursey, Johanna

Philbee, Derek M & Mikalah R

Wolfe, P Dennis & Rita A

NSR 5

Springer, Jasper

Wolfe, Wesley J & Sarah J

Shafer, David L & Darcy L

Dunn, Ronald G & Lori

Norton, Allen L

Wilson, Carl & Bonnie

Kile, Paul D & Janet S

Wilson, Carl A & Bonnie J

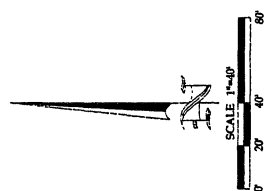
Hoffman, Michael D & Hoffman, Carolyn S

Palmer, Michael W & Yvette Y

Brown, Lewis Michael & Brown Victor G

2011040146
 KYRIE MESSINE
 WHITLEY COUNTY RECORDER
 COLUMBIA CITY, IN
 \$ 31.00 TX: 16096
 04/15/2011 08:46:53AM

M = MEASURED
 C = CALCULATED
 P = PLAT
 F = FOUND
 * = WALKER MONUMENT
 FIELD WORK COMPLETED ON 3-30-2011

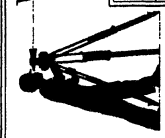
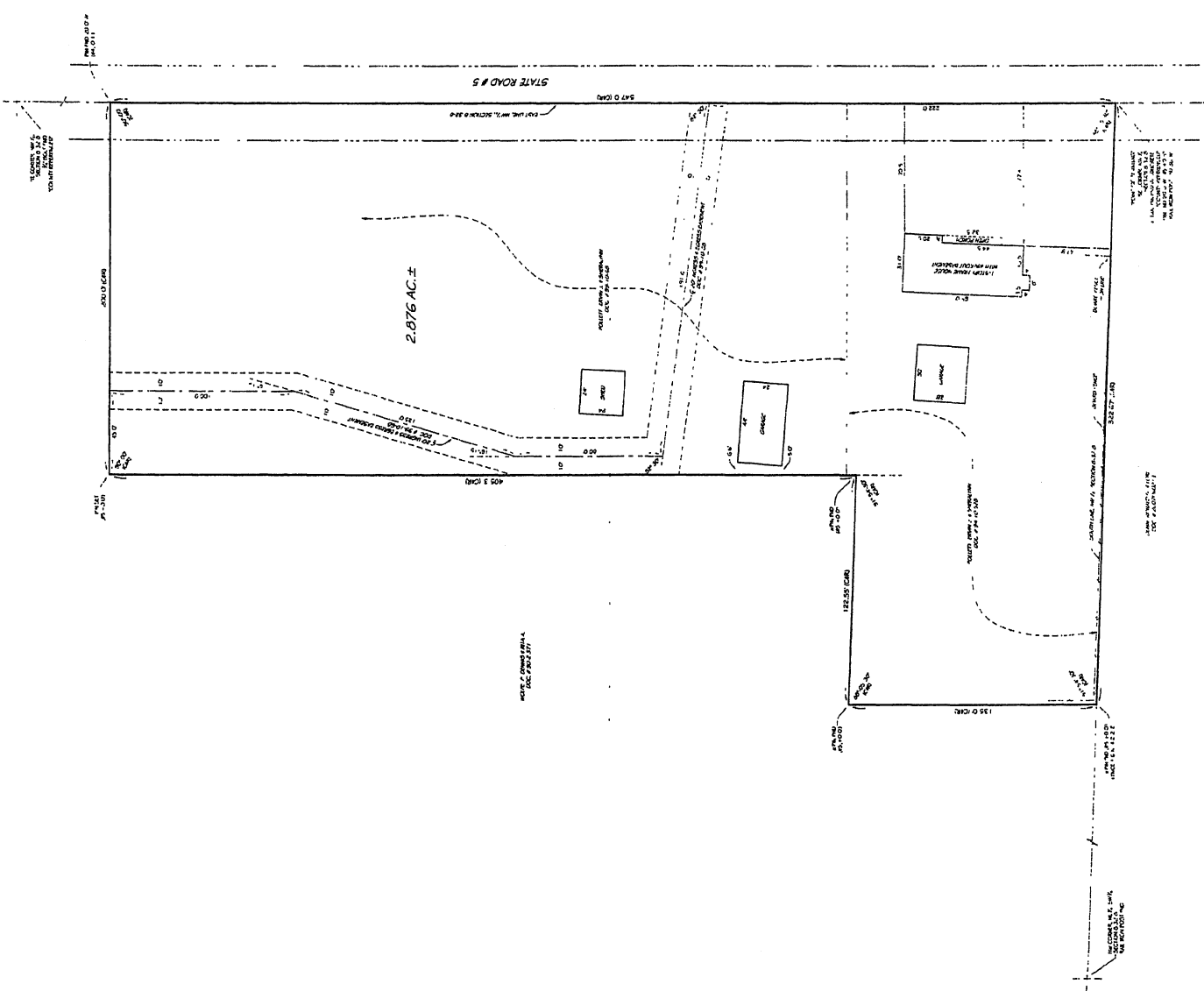


See page 1 of 4 for Legal Description.
 See pages 2 and 3 of 4 for Surveyor's Report.

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 36-1-1-1 AND ALL OTHER AMENDMENTS THERETO.



KRM



WALKER & ASSOCIATES
 112 WEST VAN BUREN STREET
 COLUMBIA CITY, IN 46725
 Phone: (360) 244-3640
 Fax: (360) 244-1640
 E-mail: mail@walkersurveying.net
 www.walkersurveying.net
 EST. 1984
 PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 32 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA

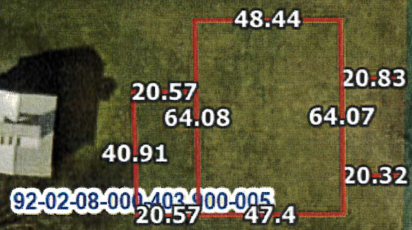
FOR	FOLLETT, ERVIN J. & SHERALYNN
SCALE	1"=40'
DRAWN BY	RUP
DATE	4-6-2011
PAGE	4 OF 4
DRAWING NUMBER	OP-169

LAND SURVEYING,
 CIVIL ENGINEERING,
 & LAND PLANNING

92-02-08-000-404.000-005

92-02-08-000-105.000-005

0.071 acres



92-02-08-000-403.000-005

92-02-08-000-105.902-005

92-02-08-000-301.000-005

92-02-08-000-201.000-005

2543

