

WHITLEY COUNTY BOARD OF ZONING APPEALS

STAFF REPORT

22-W-VAR-24 DEVELOPMENT STANDARDS VARIANCE

Joshua Born

2248 E. Esterline Road

OCTOBER 25, 2022

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: LR, Lake Residential

Property area: 4,056± sq. ft.

The petitioner is requesting a development standards variance for an encroachment into the required front and side yard setbacks on their property located at 2248 E. Esterline Road in Section 11 of Thorncreek Township. The property is Lot 3 of Esterline's second addition to Tri Lakes Resort. The property is currently improved with a residence.

The petitioner has proposed to remove the existing building to construct a 30'x70' pole building with living quarters on the property. The structure would be approximately 6.3'± from the north (front) property line, 1' from the east property line, and 3.2' from the west property line. It would be 37' from the petitioner's south property line, and 10' north of the well.

Since this lot does not have lake frontage, front setback standards apply to the road side with the required setback of 35'. The required minimum rear setback for the LR district is 15', so the proposed building is compliant.

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;

The proposed variance will not likely be injurious to the public safety, health, and morals as the proposed setback generally matches the setbacks of existing structures along Esterline Road, as measured from the edge of pavement. However, compared to the non-lakefront properties in the area, the proposed 6.3' front setback is much smaller.

The proposed side setbacks are not unusual for the lake areas, but the reduction can impact the accessibility around the property, which can impact public safety, especially for a residence.

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 structures with encroachments. The proposed side setbacks could impair access around this property, which may have an impact on the adjacent 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 may or may not result in some practical difficulty. This being a historic lake area subdivision plat (1924), small lot sizes do often create practical difficulties for reasonable projects.

Date report prepared: 10/03/2022

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>					

BAIR ROAD

ESTERLINE ROAD

PIN FOUND (#4,+0.2')
CHAIN LINK POST FOUND 6' N.

S77°-02'-17"E (C)
70.33' (C) 70' (P)

35' (P)

35' (P)

* PIN FOUND (#5,+0.0')
CHAIN LINK POST
3.5' N. & 1.4' W.

CHAIN LINK FENCE

CHAIN LINK POST 0.8' W.
BOARD FENCE 0.9' W.

LOT # 1
ESTERLINE'S
SECOND ADDITION

LOT # 2
ESTERLINE'S
SECOND ADDITION

CLARK, LYNNEL
CLARK, MARK
DOC. # 2020020076

N00°-39'-43"E (C)
96.00' (C&P)

BOARD FENCE

PROPOSED
BUILDING

LOT # 3
ESTERLINE'S
SECOND ADDITION

0.09 AC.±
BORN, JOSHUA D.
DOC. # 2020100543

PIN SET (#5,+0.1') 0.1' S. ON LN
AT SOUTH FACE OF UTILITY I

SANITARY SEWER
MANHOLE

S77°-02'-17"E (C)
35.00' (C&P)

OVERHEAD
UTILITY LINES

35' (P)

LOT # 4
ESTERLINE'S
SECOND ADDITION

S00°-39'-43"W (C)
96.00' (C&P)

ROGERS, RAY H. & JUNE J.
DOC. # 90-11-144

WELL

S77°-02'-17"E (C)
35.00' (C&P)

PIN FOUND
(#5,-0.1')

LOT # 1
ESTERLINE'S
GARDEN ADDITION

N89°-14'-54"E (C)
68.20' (C&R)

PIN FOUND (#5,-0.2')
SW CORNER OF 4" x 4" WOOD POST
FOUND 0.4' E. & 0.4' N.
BOARD FENCE 0.1' S. & 0.2' E.
VINYL FENCE 0.4' S.

PFEIFFER, BARRY M.
DOC. # 78-8-111

LOT # 2
ESTERLINE'S
GARDEN ADDITION

S89°-14'-54"W (C)
34.21' (C) 34.1' (R)

VINYL FENCE

PIN SET (#5,+0.0')
VINYL FENCE 3.9' E. & 0.3' S.

HARTMAN,
JOHN D. & SHARON L.
DOC. # 90-12-238

LOT # 3
ESTERLINE'S
GARDEN ADDITION

S00°-39'-43"W (C)
17.00' (C&R)
17.2' (R)