

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

19-W-SE-6 **SPECIAL EXCEPTION**
Stanley & Catherine Dowell
8440 E. 700 North

SEPTEMBER 24, 2019
AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 10.5 acres

The petitioners are requesting special exception approval for a secondary dwelling unit on their property located at 8440 E. 700 North in Smith Township. The petitioners are constructing a 33'x29' addition to connect the existing dwelling with the existing detached garage. As proposed, the addition would contain living space, bathroom, and kitchen area separated from the main residence for use by the petitioners' parent. Long-term, the living space would be used by other family members or incorporated into the primary living area. The proposed configuration of the addition falls under the definition of being a dwelling unit; however, the addition is currently under construction without the kitchen facilities, pending the outcome of this hearing.

Secondary dwelling units are defined by the zoning code as "either a portion of the principal building or a separate building, which is utilized as an independent living facility, or a Type II or III manufactured home, located on the same parcel and occupied exclusively by a relative of the family residing in the principal dwelling." In practice, these units are located in outbuildings or manufactured homes that may be removed or converted upon the conclusion of the secondary dwelling use. This is the significant difference between these units and a second full dwelling unit on a property.

In the AG, Agricultural District, secondary dwelling units require a special exception through the Board of Zoning Appeals. The requirements of Sections 10.9 Special Exception Standards apply.

REVIEW CRITERIA

Indiana Code §36-7-4-918.2 and Section 10.9(A) of the Zoning Code authorize the Board to review special exceptions and 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 special exception shall not involve any elements or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards;**
Residences typically do not have such elements, cause such conditions, nor contravene the performance standards.
- 2. The special exception shall be sited, or oriented and landscaped to produce a harmonious relationship of building and grounds to adjacent buildings and properties;**
The addition would connect the existing residence with the existing detached garage, but generally the appearance of the structure would be harmonious with adjacent buildings and properties.
- 3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;**
With the construction of the addition, the dwelling would still be comparable to existing residential properties in the area, so the structure would be consistent with the surrounding environment.

4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and

The traffic volume and arrangement access of this use is unlikely to cause traffic congestion. Sufficient area exists to provide parking for the secondary dwelling unit.

5. The special exception shall preserve the purpose of this Ordinance as stated in Section 1.4.

The proposed secondary dwelling unit clearly falls into a permissible special exception of the Zoning Ordinance.

SUGGESTED CONDITIONS

Staff suggests the following conditions if the Board finds to approve the requested special exception:

1. The Special Exception is granted as presented.
2. In addition to the requirements in the Zoning Code definition of "Secondary Dwelling Unit", the dwelling shall not be used as an income-producing rental unit.
3. Ensure compliance with Health Department septic system regulations.

Date report prepared: 9/17/19

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

Vote: Deckard Denihan Lopez Wilkinson Wright

<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

E.700 N

8440

8500

N ↑

Carter #57 System

220'

154'

10'
Septic

Well is 15' from proposed addition

58'

02

01

1131'

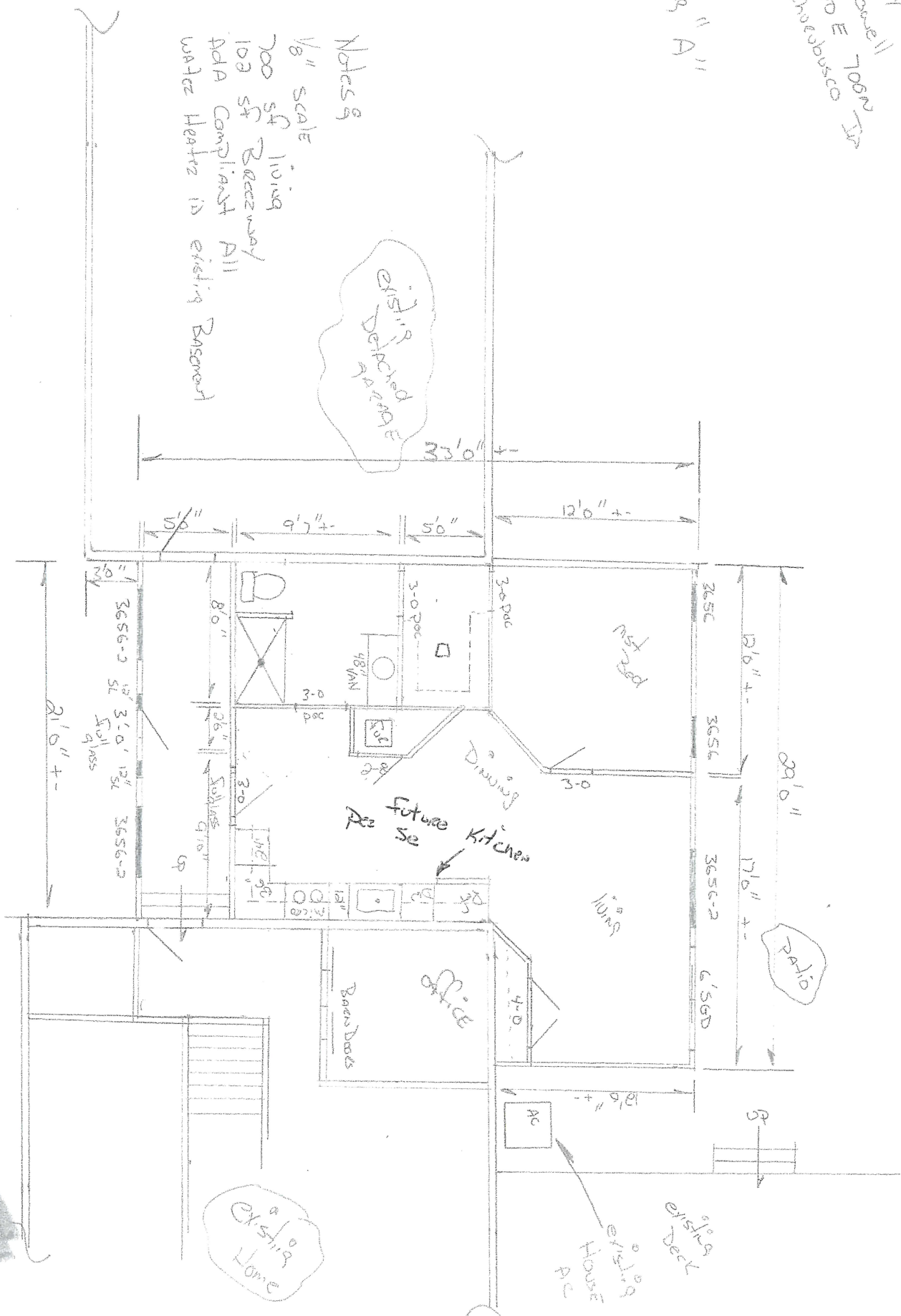


KATHY & SPAN
 11 Doreen
 7000 SW
 8440 E
 Chubbuck

Drawing "A"



Notes
 1/8" scale
 700 SF living
 100 SF Reception
 ADA Compliant All
 water Heaters in existing Basement





Tigner,
John &
Debi

Pyle,
Jeffrey T
& Amy M

Johnson,
Donald A
& Terry L

Miller,
Daniel E &
Lori Ann

8750

8590

8500

8440

8340

8260

8164

8118

E 700 N

Jones,
William E
& Lois F

Dowell,
Stanley &
Catherine D

Guiff,
Darren E &
Dawn L

Bankson,
Mark A &
Julie S

Miller,
David F &
Melinda S

Eckert,
James K &
Phyllis A

Gilliom
Farms LLC

Gilliom
Farms LLC

Gilliom
Farms LLC



Mark Cullnane

From: Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>
Sent: Thursday, September 19, 2019 10:14 AM
To: Mark Cullnane
Subject: RE: Request for comment RE: 19-W-SE-9 Dowell Secondary Dwelling Unit

Mark:

I don't have any concerns about the proposed building addition except for the disposal of excavated soil and excess building materials. The excavated soil can be spread and stabilized with vegetation somewhere on the parcel, but it should not be placed in the wooded wetland at the south end of the property. Likewise, excess building materials should not be dumped in the wetland.

Jon Gotz

From: Mark Cullnane <wcplanning2@whitleygov.com>
Sent: Tuesday, September 17, 2019 3:22 PM
To: Scott Wagner <swagner@whitleygov.com>; Brandon Forrester <wcengineer@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>
Subject: Request for comment RE: 19-W-SE-9 Dowell Secondary Dwelling Unit

Hello:

I am reaching out today to request comment RE: special exception application 19-W-SE-9 Dowell Secondary Dwelling Unit.

The property in question is located at 8440 E. 700 North, Churubusco, IN 46723.

Please let me know if you have any questions or need additional information.

Thank you,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 W Van Buren St, Suite 204
Columbia City, IN 46725
(260) 248-3112
wcplanning2@whitleygov.com

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Mark Cullnane

From: Scott Wagner
Sent: Wednesday, September 18, 2019 12:34 PM
To: Mark Cullnane
Subject: RE: Request for comment RE: 19-W-SE-6 Dowell Secondary Dwelling Unit

It looks ok, but an inspection needs to be completed to ensure compliance with the number of bedrooms.

From: Mark Cullnane
Sent: Wednesday, September 18, 2019 10:11 AM
To: Scott Wagner <swagner@whitleygov.com>
Subject: RE: Request for comment RE: 19-W-SE-6 Dowell Secondary Dwelling Unit

Scott:

Please see below for more information from petitioner RE: the proposed number of bedrooms at 8440 E. 700 North, Churubusco, IN 46723 pertinent to 19-W-SE-6 special exception petition for a secondary dwelling unit.

Also, I have located via CityForce and confirmed with petitioner the location of septic and well and have included this information on the site plan. The updated site plan is attached.

Thank you,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 W Van Buren St, Suite 204
Columbia City, IN 46725
(260) 248-3112
wcpplanning2@whitleygov.com

From: Cathy Dowell
Sent: Wednesday, September 18, 2019 9:49 AM
To: Mark Cullnane
Subject: Re: Request for additional information RE: 19-W-SE-6

We currently have 3 bedrooms in our home. if the Secondary dwelling is approved we wil be removing the window and closet of the third bedroom to install a door to connect the secondary dwelling to the first dwelling. Thus making the first dwelling have two bedrooms, and the secondary dwelling will have one bedroom. We will not be increasing the number of bedrooms between the two dwelling units we will still have a total of 3 bedrooms.

Please let me know if you need any additional information.

Thank you,

Cathy Dowell

From: Scott Wagner
Sent: Wednesday, September 18, 2019 8:14 AM

To: Mark Cullnane <wcplanning2@whitleygov.com>

Subject: RE: Request for comment RE: 19-W-SE-6 Dowell Secondary Dwelling Unit

I have not been contacted regarding this project. Any additional bedrooms will need to have a septic upgrade. The site plan does not include distances from septic and well.

From: Mark Cullnane

Sent: Tuesday, September 17, 2019 3:22 PM

To: Scott Wagner <swagner@whitleygov.com>; Brandon Forrester <wcengineer@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>

Subject: Request for comment RE: 19-W-SE-6 Dowell Secondary Dwelling Unit

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Please let me know if you have any questions or need additional information.

Thank you,

Mark Cullnane

Planner I

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Columbia City, IN 46725

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wcplanning2@whitleygov.com