

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

19-W-SE-9 **SPECIAL EXCEPTION**
Amie Oliver
6661 E. 400 South

OCTOBER 22, 2019
AGENDA ITEM: 5

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 2.37 acres

The petitioner is requesting special exception approval for a secondary dwelling unit on their property located at 6661 East 400 South in Union Township. They propose to locate a 15.3'x60' manufactured home on the rear of the property to be used by the petitioner's mother.

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 structure is to be placed to the rear of the property and oriented to be in line with an existing barn, so the structure should 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;**
While being a Type II or III manufactured home, which is somewhat unusual in the immediate neighborhood, the placement of the secondary dwelling to the rear of the property should create a visual impression consistent with the area.
- 4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and**
While it is not clearly shown where the secondary dwelling unit's parking area is to be located, if

any separate parking is proposed, the anticipated traffic volume of this use is unlikely to cause traffic congestion.

- 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

1. The Special Exception is granted as presented.
2. The secondary dwelling unit shall be a Type II or III manufactured home, and shall be removed from the property when it is no longer occupied by a family member of the petitioner.
3. Health Department review and approval of the septic system shall be required.
4. If a new driveway is to be installed to access the dwelling unit, a Consent for Permanent Structure may be required to cross the legal drain in the front of the property.
5. 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.

Date report prepared: 10/16/19

BOARD OF ZONING APPEALS ACTION

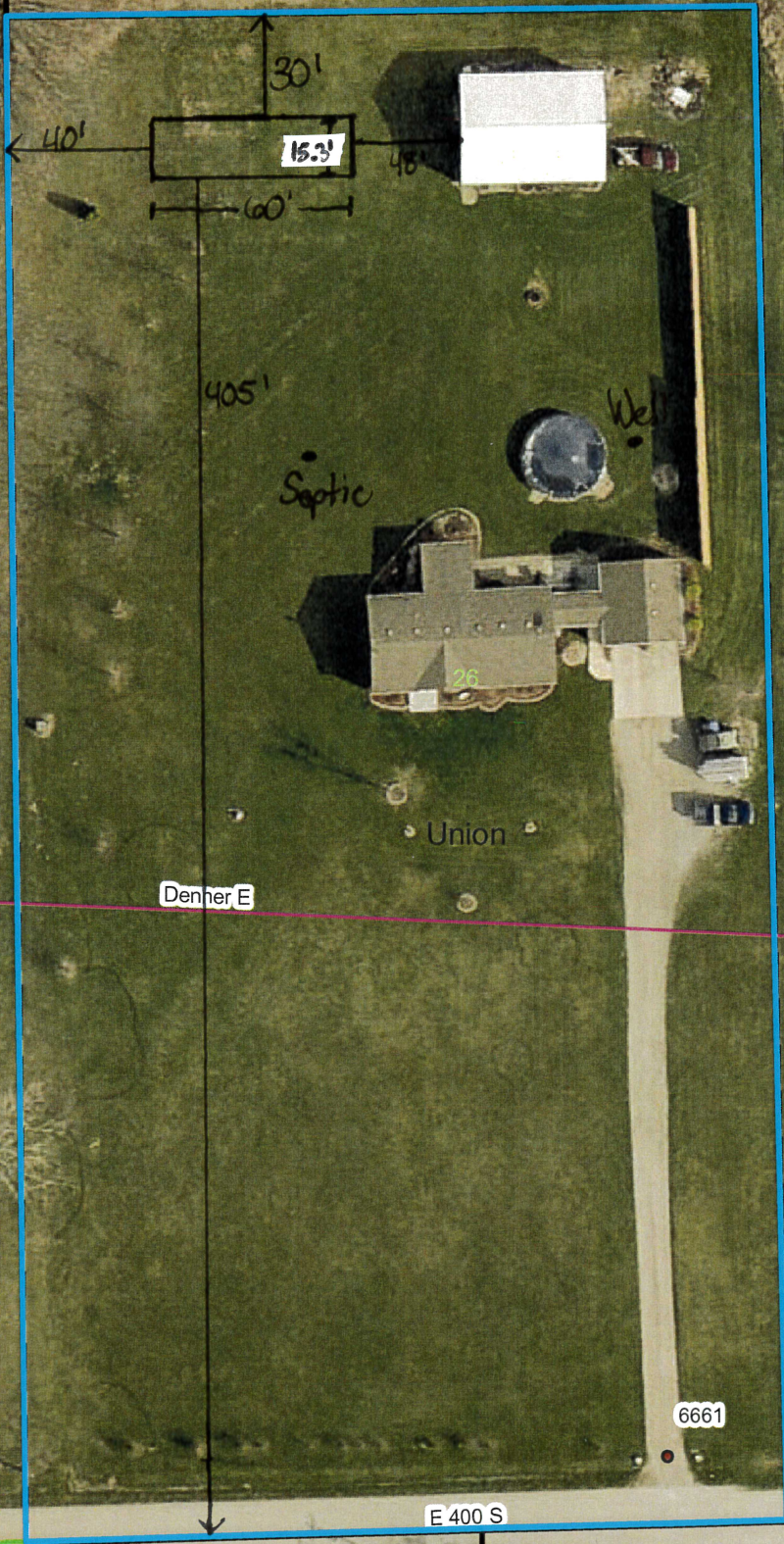
Motion:

By:

Second by:

***Vote:* Deckard Denihan Lopez Wilkinson Wright**

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



Septic

Well

Union

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6661

E 400 S

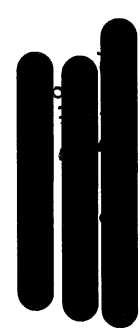
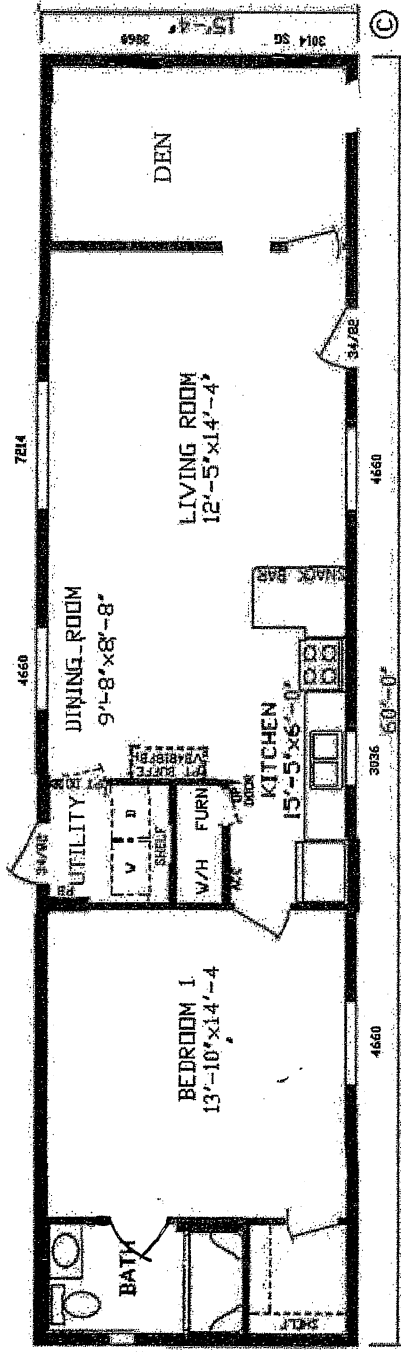
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NOTE: FOR MODEL DIMENSIONS, OUR STANDARDS AND STANDARDS OF THE INDUSTRY GENERALLY INCLUDE A NOMINAL 4-FOOT ALLOWANCE FOR HITCH LENGTH PLUS ALLOWANCE FOR OTHER APPURTENANCES FOR WIDTH AND FOR LENGTH NORMALLY INCLUDED IN MEASUREMENTS FOR HIGHWAY MOVEMENT. REAR BEDROOM DIMENSIONS INCLUDE BAY, UNLESS BAY IS OPTIONAL ON A PARTICULAR UNIT OR IS OMITTED BY SPECIAL ORDER. ROOM SIZES ARE NOMINAL AND SOMETIMES THE DIMENSION INCLUDES WALL THICKNESS. DESIGNS, SPECIFICATIONS AND PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE. SOME OPTIONAL ITEMS ARE SHOWN. SOME TIRES, WHEELS, BRAKES AND AXLES ARE REUSED AFTER CAREFUL INSPECTION.

DATE OF LAST ISSUE	MODEL 6416 2B 2BA CK	SCALE	NTS	DATE: 02/25/16	DRAWN BY: P. CHERILLI
12/23/16					

WIND ZONE 1 ONLY

DRAWING NUMBER
100000000

