

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

**23-W-SE-14**      **SPECIAL EXCEPTION**  
James Jacobson  
114 North Center Street, Larwill

**AUGUST 22, 2023**  
**AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current zoning: GC, General Commercial

Property area: 7,500± sq. ft.

The petitioner, president of the corporate owner of the subject property, is requesting special exception approval for a single-family dwelling located on the property at 114 North Center Street in Larwill. The dwelling would be converted from the property's long-time use as a church. The property is comprised of parts of Lots 3 and 4 of the Original Plat of Huntsville (now Larwill).

The petitioner proposes to remodel the former church building for use as a dwelling to be occupied by the president of the corporate owner of the property (which may change in the future). Additionally, approximately 500 sq. ft. of the dwelling will be used as an office for the corporation, which is permissible as a non-traffic generating home occupation.

Note that the adjacent storage building to the north of the subject property will be used by the owner in their operations as a vendor to various religious institutions.

In the GC, General Commercial district, single-family dwellings 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;**  
Single-family dwellings 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 proposed dwelling is to remodel an existing building with minimal exterior modifications, so it would be in harmonious relationship with the existing buildings and the surrounding area.
- 3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;**  
The dwelling is expected to have minimal exterior changes, and so the visual impression of the dwelling would remain as consistent with the neighborhood as it historically has been.
- 4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and**  
The proposed dwelling would reuse the existing parking, so no changes in vehicular access or effect on traffic congestion are likely.

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

The proposal is a special exception use already listed in the Zoning Ordinance. The Comprehensive Plan appears to indicate that this site would be Commercial Center or Diversified Neighborhood, which can include some secondary residential, so this use does not seem to conflict with these recommended characters. Further, the conversion of a religious institution to a dwelling would not create new congestion or intensify the area. While the site is located on the main street in Larwill, which should be generally for used for businesses if possible, it is likely that this occupancy and investment in an otherwise vacant property could have a positive effect on the area.

**SUGGESTED CONDITIONS**

If the Board moves to grant the special exception, the following are suggested conditions of the approval:

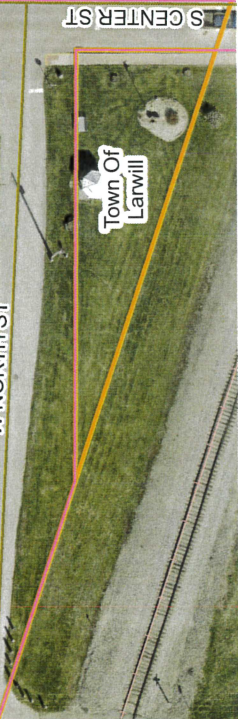
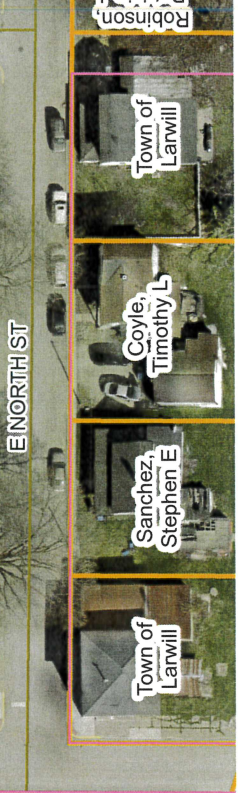
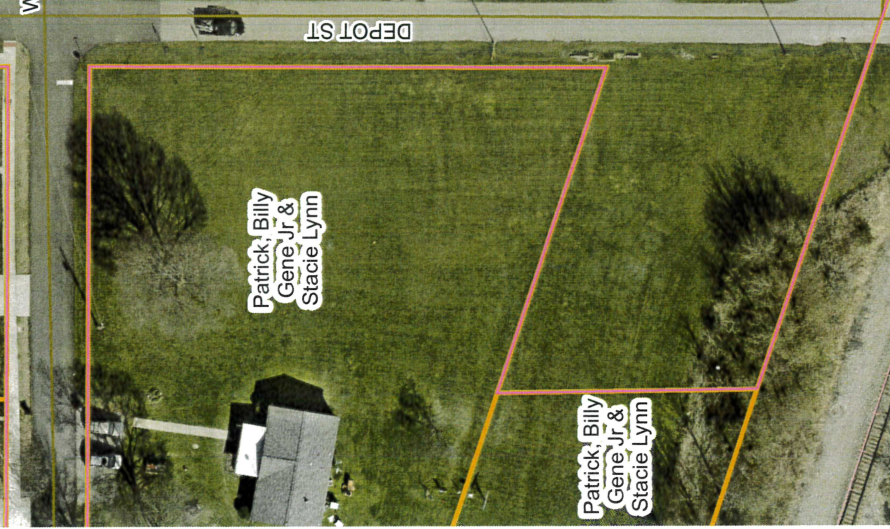
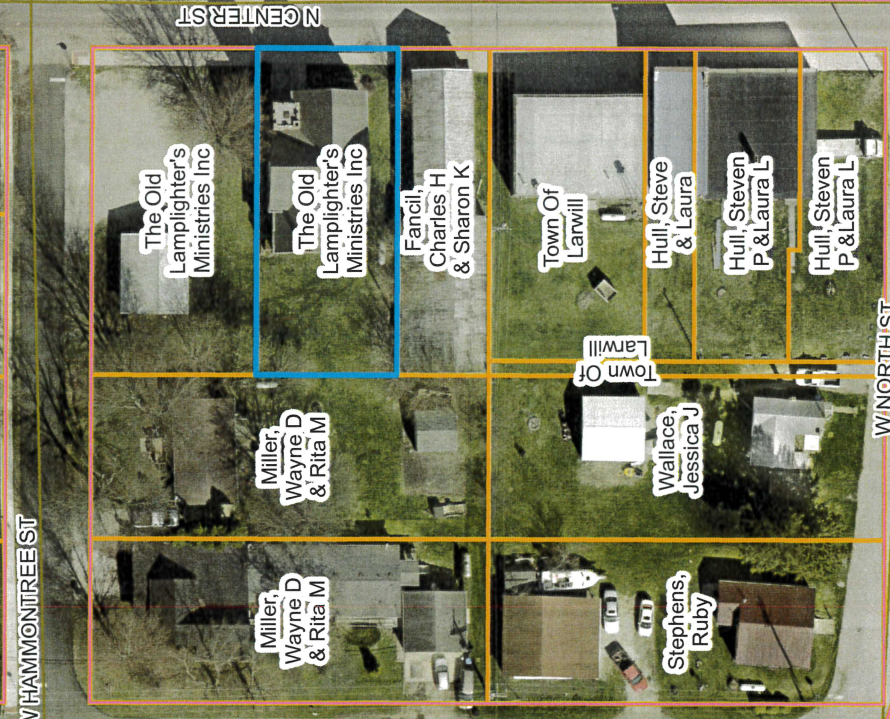
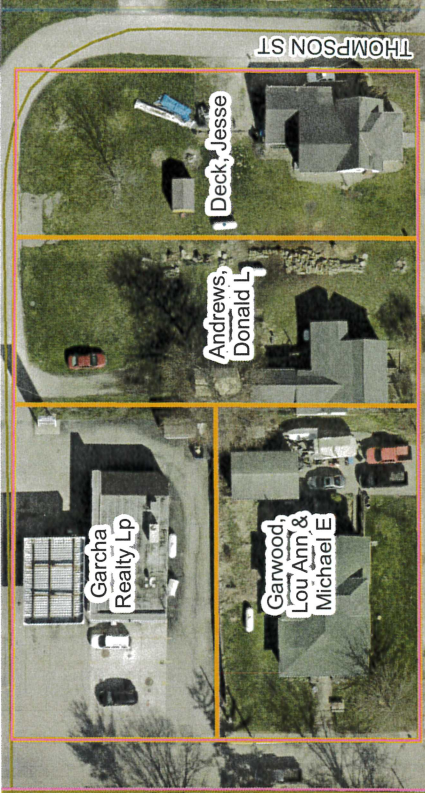
1. The Special Exception is granted as presented.
2. The Special Exception is granted only for the conversion of the current former church building and will expire if/when the building is removed.

Date report prepared: 7/5/2023

**BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion: By: \_\_\_\_\_ Second by: \_\_\_\_\_  
 Approve \_\_\_\_\_  
 Approve w/conditions \_\_\_\_\_  
 Deny \_\_\_\_\_

<i><b>Vote:</b></i>	<b>Green</b>	<b>Sheiss</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



THOMPSON ST

E HAMMONTREE ST

N CENTER ST

W HAMMONTREE ST

DEPOT ST

W NORTH ST

S CENTER ST

E NORTH ST

201 East North Street Land Trust

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Town of Larwill

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Town of Larwill

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