

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

23-W-VAR-22 DEVELOPMENT STANDARDS VARIANCE
Tamara Goda
East side of SR 5, about ¾ mile south of 600 North

**SEPTEMBER 26, 2023
AGENDA ITEM: 4**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 92.2± acres

The petitioner, future owner of part of the subject property, is requesting development standards variances for the minimum floor area for a dwelling and for use of a recreational vehicle as a dwelling on the property located on the east side of State Road 5, approximately 3,800' south of 600 North in Section 8 of Etna-Troy Township.

The petitioner has proposed to place a 338 sq. ft. "park model" recreational vehicle on an approximately 2.2-acre site along SR 5 on the subject property for use as a year-round dwelling. The vehicle includes a kitchen area, two bedrooms, and bathroom. The petitioner has stated that because it would be occupied by just herself, there is no need for additional space.

The vehicle had already been purchased out-of-state, and they would like use it rather than constructing a new building. They have worked with the building department to attempt to meet Indiana building standards, or to consider it a manufactured home. Due to the requirements of the building code, and the definitions in the zoning code, these options could not be met.

Instead, the proposal is effectively to consider the park model recreational vehicle in a way similar to a Type I manufactured home. Anchoring to a permanent foundation is proposed, along with a well and septic system.

Section 5.18, MHS-08 states that "no recreational vehicle...may be used as a dwelling unit in any district...includ[ing], but are not limited to, Park Models, or any other manufactured unit that is titled through the Indiana Bureau of Motor Vehicles." This necessitates a variance.

The code requires a minimum floor area of 950 sq. ft. for dwellings in the AG district, so a variance is requested to permit construction of the proposed 338± sq. ft. living area.

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 would not be expected to be injurious to the public morals, as the proposal is to create a dwelling unit permanently attached to the property. So, this is in contrast to historic cases where long-term parked recreational vehicles have been used for nefarious or illegal activities due to the low cost and relative mobility.

Public safety could be affected as even park model RVs are not constructed to the standards of the Indiana building code. Fire safety could be the largest concern. However, the small size of the structure and readily available points of egress could mitigate the fire safety issues for the occupants. The proposed site far from surrounding buildings would further mitigate potential fire hazards to adjacent buildings. The Board should consider whether this is sufficient not to be injurious to public safety.

Public health is not likely to be injured if the structure is used as proposed for a minimal number of occupants. A minimum living area standard is, at least in part, intended to prevent overcrowding (and associated health effects) by the size of an assumed "family". However, as in the case of one-bedroom or studio apartments, living areas can be reduced because the assumed number of occupants is lower. In this case, if there is a limitation on occupants, a reduced living space could be appropriate.

The general welfare may be injured by degradation of the effectiveness of the zoning code if there are no practical difficulties specific to this property or proposal.

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

The variances, as proposed, will not likely affect the use and value of the surrounding area. Typically, RV's are not designed for long-term permanent occupancy, and the use of them for such can result in a deteriorated and worn out unit, which would have a negative aesthetic effect and adverse effects on value. The proposal, though, is to treat the RV as similar as possible to a manufactured home, in which maintenance would be an inherent part of the occupancy.

As for the floor area variance, if the requested floor area would increase the density of the property, then the value might be affected, but this proposal is for a single unit. If the reduced floor area creates a situation that items typically stored inside are kept outside, that would also affect the value, but as a "tiny house" concept, the purpose is to minimize keeping material goods, be they inside or outside.

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 practical difficulties. The code establishes a minimum floor area largely to protect public health. In this case, there is a stated intention that the smaller floor area would only affect the petitioner, not the public, since it would only be used by a small number of occupants. So, the large purpose for which the standard is created does not fully apply.

Whether this is self-imposed is indefinite. The petitioner's prior purchase of the unit is a factor in the difficulty of the RV variance, but even if they had built new, they would have constructed a "tiny house," which still would have necessitated the floor area variance.

SUGGESTED CONDITIONS

If the Board finds to grant the variance, staff recommends the following condition(s):

1. The variance is granted only for the petitioner and is not transferable without additional Board approval.
2. The unit shall be anchored to a permanent foundation by a method deemed suitable by a structural engineer.
3. The unit shall be kept in good repair and condition.
4. The maximum number of residents of the unit shall not exceed two adults and one child under age five.
5. A deed restriction is to be recorded to the effect that the unit living area is not compliant with the zoning code minimum, and any future owner must comply with the zoning code standards or seek an additional variance.

Date report prepared: 9/21/23

BOARD OF ZONING APPEALS ACTION

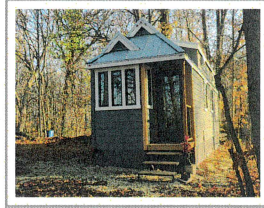
Findings of Fact Criteria

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



Tamara Goda

September 20, 2023

Dear Plan Commission Members,

I am pleased to take this opportunity to introduce myself and my tiny house/land project. I grew up with my sisters on a dairy farm in Whitley County and have returned after decades away, to do life with them and their families in this community. Our family registered our land patent in the township on May 10, 1848, making this our true home-place.

My plans to make this structure permanent include anchoring it to a partial, temperature-controlled basement with water softener/filter system (and tornado shelter), connecting it to a well and septic system, powering it by self-sustaining solar energy, and installing the usual yard and garden embellishments.

My reasons for having a tiny house built were mainly economic, however, I have followed my builder, Tumbleweed Tiny House Company (founded in 1999) since 2009 with a dream of designing a home of my own. I am passionate about leading the way in allowing others to have the choice of building and living in smaller spaces than the current stick-built code allows. The year and a half that I have dwelt in my tiny house has been rewarding and attainable on much less income than renting or purchasing standard housing.

I am grateful for your consideration and your wise management of our county's development.

Sincerely yours,

Tamara Goda

North Shore Engineering, LLC

2755 West Sycamore Beach Road
Angola, IN 46703
(260) 908-4167

August 23, 2023

Tamara Goda
1740 E675N
Huntington, IN 46750
Creativegalforgod@gmail.com

**RE: Tamara Goda Residence
1740 E675N
Huntington, IN 46750**

On August 22, 2023, I visited the Goda residence at 1740 E675N Huntington, Indiana to inspect the residential building at that address and to evaluate the structural integrity of the building.

This building is a single story wood frame structure with a loft and is overall 8 feet wide by 31 feet long. The Framing, siding, and roofing elements are all intact and in excellent condition.

An evaluation was made of the status of the construction elements that are in place and an analysis was performed to compare the found construction elements to meet the following engineering and code standard design parameters.

LL = 40 psf.
Snow = 30 psf.
Wind vertical = 20 psf.
Wind horizontal = 115 mph.

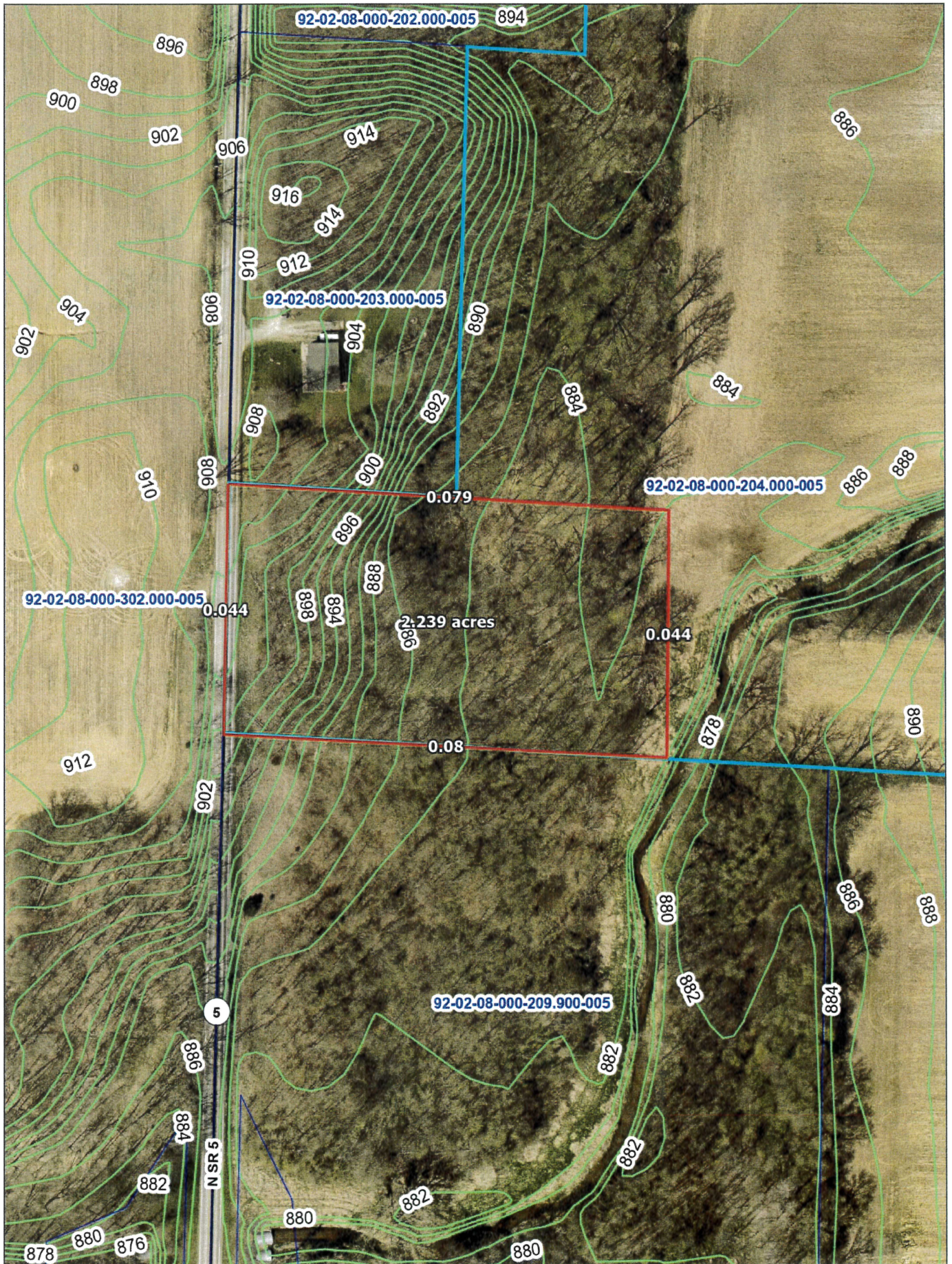
In summary, the residential structure is acceptable to be placed on a permanent foundation and considered a permanent structure with proper foundation design and anchoring to the foundation elements.

If there are any questions, please contact me at the above number.



Richard W. Kent PE
Indiana Registration PE60890010

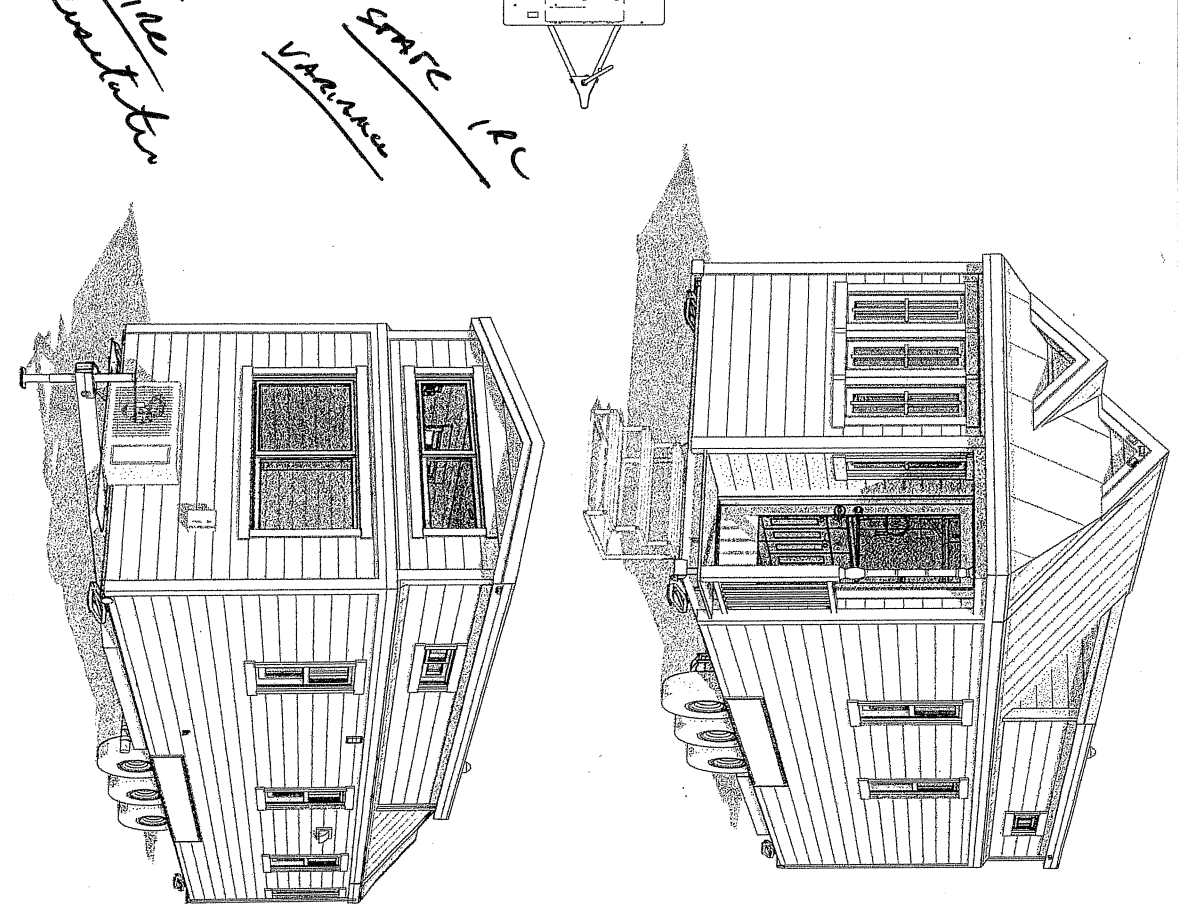
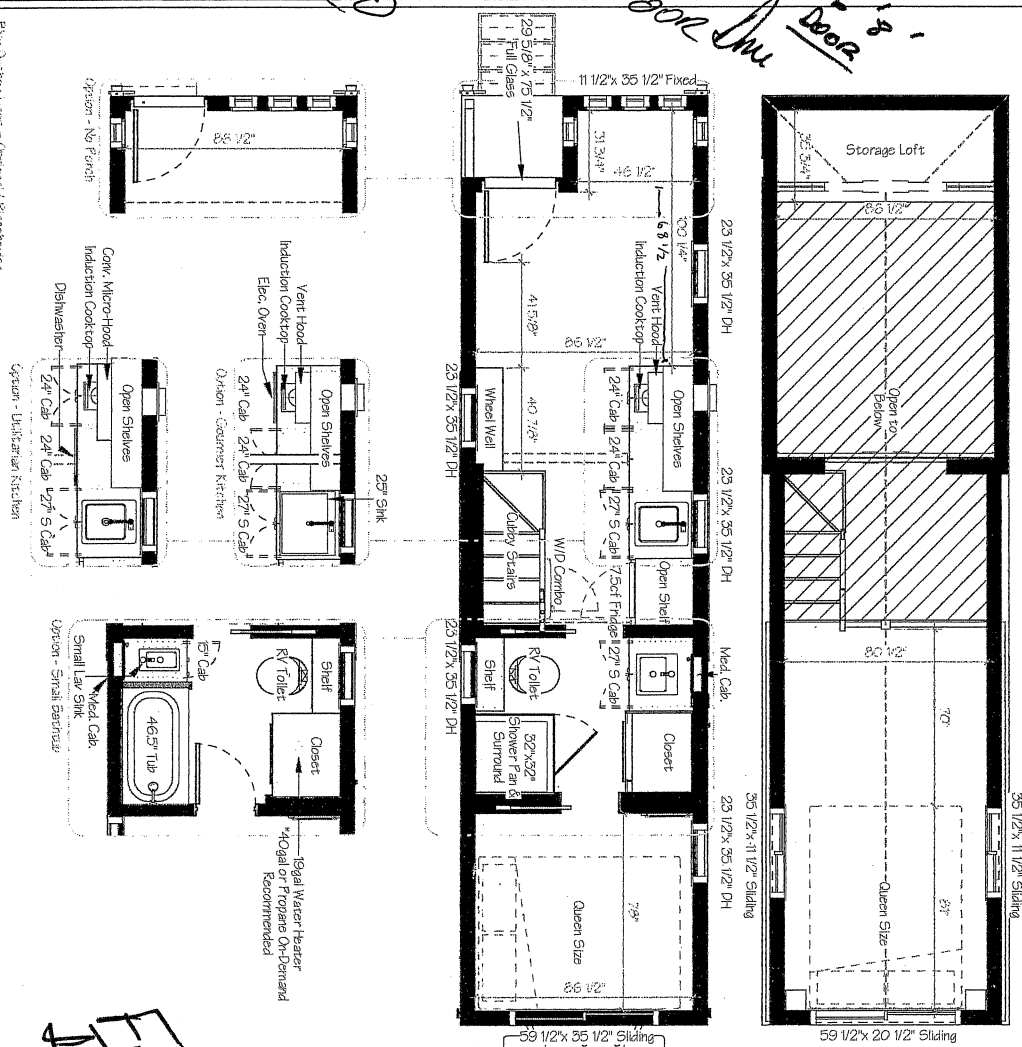




Approved

Tiny House

SF Cypress 30 Alta L1	
Name	Area
Cypress 30 Alta L1 Main	231 sq ft
Cypress 30 Alta L1 Sleeping Loft	86 sq ft
Cypress 30 Alta L1 Storage Loft	21 sq ft
	338 sq ft



Title: Sales Models
S-30-C-A-L1 - Cypress 30 Alta L1

Project: 2021 Model Year
Designed By: E. Card

SCALE 1/4" = 1'-0"

Dept: Sales
Revision: 12/30/20

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Launched in 2007, the Cypress is the best selling tiny house model of all time.

Starting At: \$94,959

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