

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

**24-W-SE-7**      **SPECIAL EXCEPTION**  
Tamera Groce  
4214 W. 50 North

**APRIL 23, 2024**  
**AGENDA ITEM: 5**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 2.64 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on the property located at 4214 W. 50 North, in Section 1 of Richland Township. The property is currently improved with a dwelling and outbuildings.

The petitioner proposes to construct 48'x30' building that will include a garage area and living quarters as the secondary dwelling unit. The new construction would be for the property owners to live in with their child's family moving into the main house. Long-term, the petitioner proposes that the dwelling unit would be removed, and the building converted to storage and recreational space.

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 proposed building would be located so as to place the secondary structure to the east of the primary structure. Per the site plan provided, the secondary unit would be 80'± from the right-of-way and would be comparable and harmonious to the 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 no detailed building plan elevations were submitted at the time of writing, the description of a building indicates the building would be similar to other barns and pole building accessory structures in the area. So, the visual impression and environment to the neighborhood should be consistent.

**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 any more than any other single-family dwelling. 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. It seems this proposal meets the intent and rules for secondary dwelling units and so does not seem contrary to the purpose of the 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. Compliance with recommendations of the Health Department.
3. 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: 4/16/24

**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>					

Jackson, Robert G

Indiana North District  
Of The Wesleyan Church

Fox, Teresa K

Indiana North  
District Of The  
Wesleyan Church, Inc.

Whisler, Kay E &  
Whisler, Dawn R

The James R Zolman &  
Willodean Iona Zolman  
Revocable Living Trust

Lemon, John  
& Tina L

Noragon, Mark  
A & Amara L

Stanley,  
Michelle M

Geisler, Wesley  
T. & Byer,  
Chelsie A

Fahl  
Gregory A

Childs,  
Phillip

Childs,  
Jeffrey O &  
Virginia

Bales,  
Anita L

Groce,  
Tamera S

Coffelt,  
Rebecca S

Fahl  
Gregory A

W 50 N

N 400 W

N 450 W

Miller, Levi  
A & Naomi;  
Miller, Levi R

Kellogg,  
Roger W &  
Stephanie D

Kellogg,  
Roger W &  
Stephanie D

Snyder,  
Michael K

Brown,  
Lee A

Huston,  
Nicole M

Laramie,  
Ralph J &  
Carol L

Laramie,  
Ralph J &  
Carol L

Woll Family  
Farms

New York  
Central  
Lines Llc

Woll, Aaron D  
& Melinda J

New York  
Central  
Lines LLC

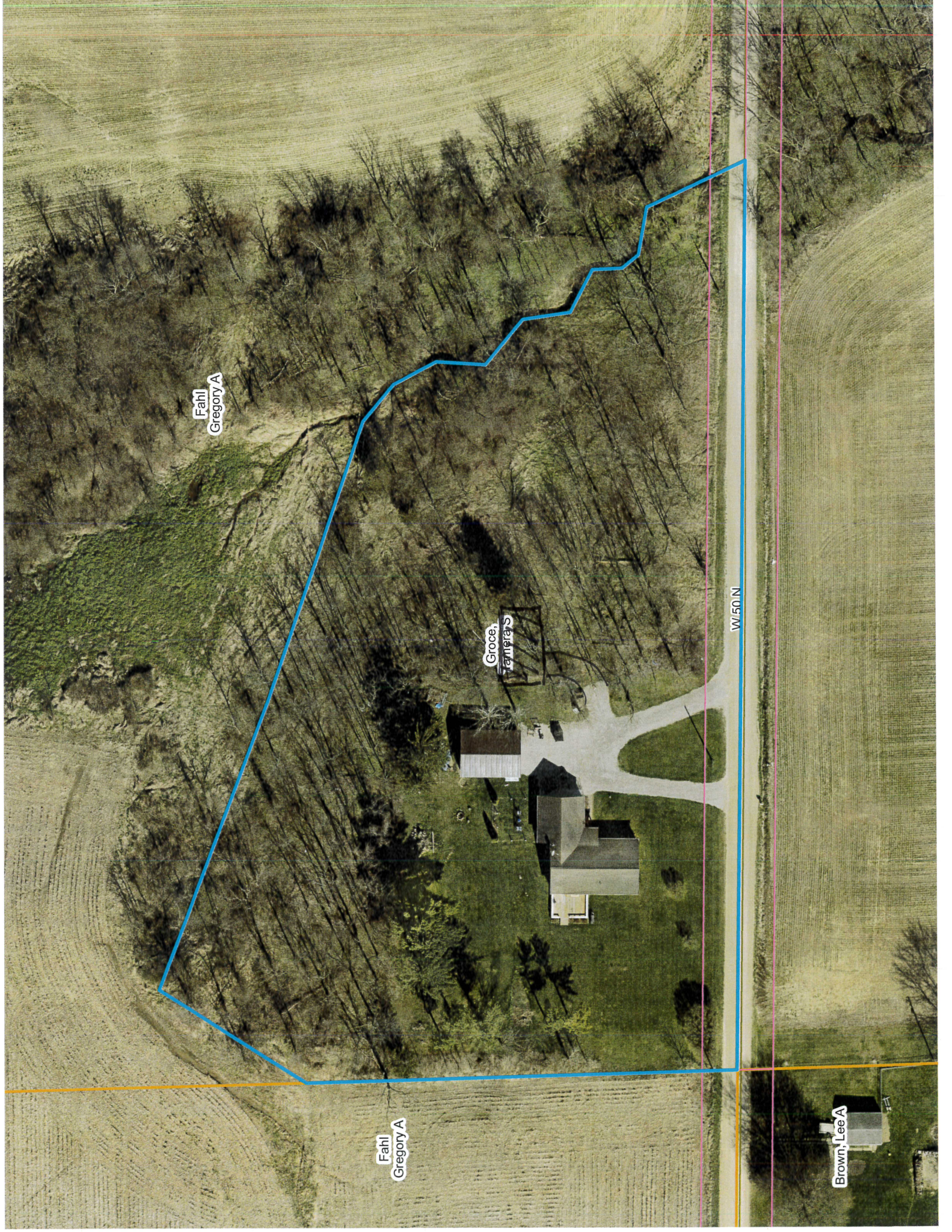
Barnett,  
James L  
& Judy C

Chosen Acres  
Farm LLC

Cearbaugh, Linda  
R & King, Angela  
S & Woll, Aaron D

Goldwood,  
Tracey L  
& Keri A

King, Kevin  
& Angela



Fahl  
Gregory A

Groce,  
Antitaps

W 50 N

Fahl  
Gregory A

Brown,  
Lee A