

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

**24-W-SE-8**      **SPECIAL EXCEPTION**  
Rodney & Lisa Nissley  
510 S. 900 West-92

**MAY 28, 2024**  
**AGENDA ITEM: 3**

---

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 39.49 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on the property located at 510 S. 900 West, in Section 7 of Richland Township. The property is currently improved with a dwelling and a pole building currently under construction.

The petitioner has proposed that the 42'x 60' pole building under construction will include a finished attic area with living quarters. The new construction would be for the owners' son and his wife to live in after they are married. Long-term, the petitioner proposes that the dwelling unit would be used for extended family to stay in during frequent visits.

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 west of the primary structure. Per the site plan provided, the secondary unit would be 700'± 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: 5/1/24

#### **BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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





Heinold, Nicholas A & Kimberly J

Heinold, Carol J Revocable Living Trust

Heinold, Carol J Revocable Living Trust

Heinold, Carol J Revocable Living Trust

Stephens, Arthur P & June A

Sleighter, Barry L & Jacquelin K

Blocher, Tana & Walter

Nissley, Rodney K & Lisa M

Salinas, Carmen

Shepherd, Willie D & Jeanette

Kreider, Donald R & Judy A

Heinold, Nicholas A & Kimberly J

Long, Christopher L

Long, Christopher L

Nissley, Rodney K & Lisa M

Schrader, Christopher A & Marsha

Jones, Todd C & Rhonda D

Jones, Todd C & Rhonda D

Long, Andrew S & Cali A

Ditmer, John & Janelle C

Miller, Logan P & Nicole N

Arter, Eric E & Heather

Owsley, Erick & Gast, Chandler L

Long, Christopher L

Argerbright, James A & Julie E

Linton, John K & Vicki A

Kilbourne, Gary A & Kathleen

Arter, Eric E

Miller, Logan P & Nicole N

Miller, Jeremy & Christine

Miller, Jeremy J & Christine

Sroufe, Robert A

Sroufe, Edward J

Fisher, Fred J

Jones, Todd C & Rhonda D

Linnemeier, Ralph E & Christine M

Sommers, Max K

Wilkinson, Monte K

Wilkinson, Monte K & Jo Ellen

Stewart, Mischelle J

Clann Luachanna, LLC

McCoomb, James H & Shannon J

Dillon, Gary P & Judith Ann, Co-Trustees Of The Dillon Revocable Living Trust

St Clair, Samuel & Sara



32' x 60' garage/woodshop  
w/10' x 60' front covered porch

28'

W

Septic

510

W 006 S

603

Greer E

N  
↑



To Whom it may concern,

5/1/2024

The purpose of this project and finished living space above the pole barn initially will be for my youngest son and his fiancé to have a place to live for their first year of marriage. We also have four other married children, some of whom live out of town. We want a finished space to use when they come for holidays and visits, where they can have their own separate space for their families with young children. Both my wife and I also have extended family that live out of town (Ohio, Pennsylvania, Virginia, California, and Florida). They frequently visit, and this space will allow them to have their own space without the added cost of booking a hotel room. It is for these reasons that we desire to have this living space.

It is my understanding that this type of use is allowed for family. My request would be for approval to complete this attic space for the purposes stated above. Our address is 510 S 900 W-92 Pierceton IN 46562.

Thank you for your consideration, Rodney & Lisa Nissley

W

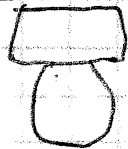
NOT TO SCALE!

LR

DORMER

KIT

S



BATH

HALLWAY

LAUNDRY

N

COAT CLOSET

DORMER

BR  
(NO CLOSET)



OUTSIDE  
ENTRANCE

E