

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

**24-W-SE-12**      **SPECIAL EXCEPTION**  
Dwane & Suellen Spurgeon  
5243 N. Blue Lake Road

**SEPTEMBER 24, 2024**  
**AGENDA ITEM: 3**

**SUMMARY OF PROPOSAL**

Current zoning: VC, Village Commercial/LR, Lake Residential

Property area: 19,200± sq. ft.

The petitioner, owner of the subject property, is requesting special exception approval for a single-family dwelling unit on the property located at 5243 N. Blue Lake Road in Section 10 of Smith Township.

Historically, a farm market and greenhouse were in operation on this property; the market building remains on the site. Because of this historic use, the property is split zoned VC, Village Commercial, on the eastern three-quarters of the property, and LR, Lake Residential, on the western quarter.

The petitioner has proposed to construct a new residence on the property. Because of the potential desirability to reestablish a business on the property in the future, it was not optimal to rezone the entire property to LR. Thus, they are seeking a special exception approval to permit the residence in the VC zoning.

The VC district was amended earlier in 2024 to add single-family dwellings as special exception uses; previously, only upper-floor dwellings were permissible in VC. This request is the first one since the amendment was adopted. 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;**  
A proposed dwelling would be sited to be comparable to the adjacent residences, and so should be in harmony with the adjacent properties.
- 3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;**  
A residence would be consistent with the environment of the neighborhood, while still retaining the potential for a compatible future business operation.

**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. There should be sufficient space on the property to accommodate parking for the dwelling and/or a future a VC business use.

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

The proposed dwelling unit is a permissible special exception of the Zoning Ordinance. It seems this proposal meets the intent and rules for special exceptions, and so does not seem contrary to the purpose of the Ordinance. The Comprehensive Plan contemplates some locally-oriented commercial uses in the lake areas, so the proposal to retain the commercial zoning for future business use could be supportable.

**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.

Date report prepared: 9/18/24

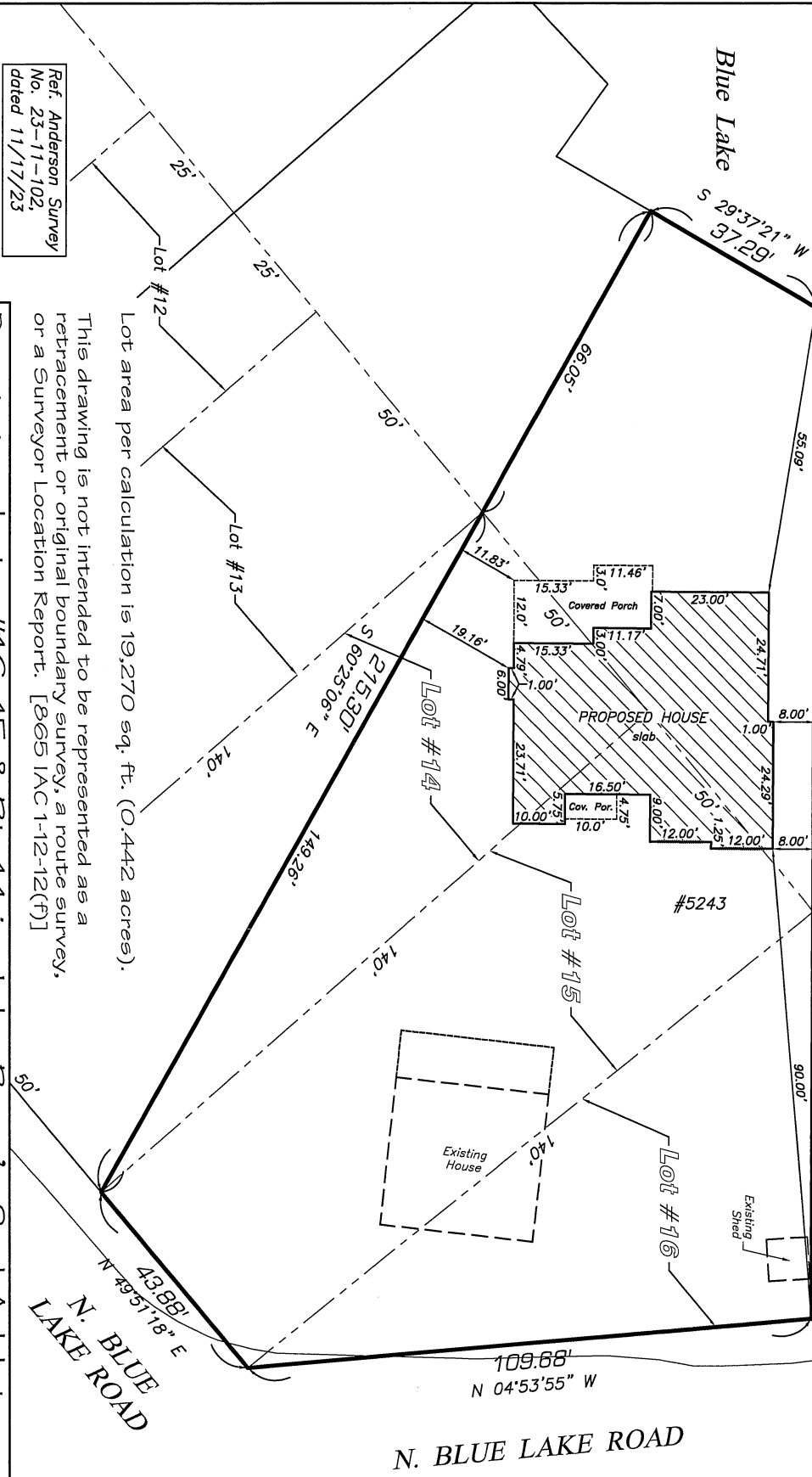
**BOARD OF ZONING APPEALS RECORD OF ACTION**

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>      |              |               |                  |             |               |

| Zoning Setback Requirements |                        |
|-----------------------------|------------------------|
| 35'                         | Front Yard ("LR")      |
| 5'                          | Side Yard ("LR")       |
| 15'                         | Rear Yard ("LR")       |
| 0'                          | Front/Side Yard ("WC") |
| 10'                         | Rear Yard ("WC")       |

### Construction Plot Plan



Ref. Anderson Survey  
No. 23-11-102,  
dated 11/17/23



SCALE IN FEET:  
0 15 30

Lot area per calculation is 19,270 sq. ft. (0.442 acres).  
This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report. [865 IAC 1-12-12(F)]

Description: Lots #10, 15 & Pt. 14 in John Rapp's 2nd Add. to Blue Lake Resort & Pt. Sec. 10-32-10 (Whitley Co.)

Address: 5243 N Blue Lake Road, Churubusco, IN 46723

Builder: Slattery Builders, LLC  
344 East Dupont Road  
Fort Wayne, IN 46825

Tel: 260/739-3248

Date: 09 JUL 2024

Revised:

**Sauer Land Surveying, Inc.**  
7203 Engle Road, Fort Wayne, IN 46804

Tel: 260/469-3300  
Fax: 260/469-3301



