

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

25-W-SE-6

SPECIAL EXCEPTION

Brian & Amber Waybright-Fawcett
5818 N. 650 West

APRIL 22, 2025

AGENDA ITEM: 6

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 3.431 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on the property located at 5818 N. 650 West in Section 9 of Etna-Troy Township. The property is currently improved with a dwelling and outbuildings.

The petitioner proposes to place a modular home to the east of the existing manufactured home. The new dwelling would be for the petitioner, while the existing dwelling would be for their parents. Long-term, the petitioner proposes to remove the existing residence once it is no longer occupied by a relative.

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 new dwelling would be relatively in line with surrounding residences, and so 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, it is expected that the proposed home would be consistent in appearance with other residences. 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: 4/16/25

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

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



Degitz, Matthew Steven & Rachel Jane

Chasse, Sandra J

Waybright-Fawcett, Amber M & Fawcett, Brian

Tinkel, Kenneth A & Troyer, Sheila

Wheeler, Kim H & Phyllis & Wheeler, Kim

M 059 N

Degitz, Matthew Steven & Rachel Jane



Western, Justin
L & Elaine M

Wolfe, P
Dennis
& Rita

Mills, Brendan &
Mills, Kristen A

Geiger, Todd
J & Stacy N

Syndram, Sid
B & Toya D

Syndram, Sid
B & Toya D

Degitz, Matthew
Steven &
Rachel Jane

Degitz,
Matthew Steven
& Rachel Jane

Jeffrey, Mark P &
Deborah A, Co-Trustees
Of The Jeffrey Family
Revocable Living Trust

Hohenstein,
Mark J &
Katie J

Huguenard,
Barbara L &
Morgan Dwayne B

Kerschner,
Daniel

Kile, Paul
D & Janet S

Maggard,
Benjamin A
& Jennica

Klingaman Family
Irrevocable Trust

Klingaman,
Rosalind J
Revocable Trust

Mills, Rick
J & Tammy S

Wise, John D Jr

Chasse,
Sandra J

Waybright, Fawcett,
Amber M &
Fawcett, Brian

Wheeler, Kim
H & Phyllis &
Wheeler, Kim

Dunn, Ronald
Gene & Lori Dee

Tinkel, Kenneth A
& Troyer, Sheila

Hobbs, Connor D
& Ramp, Leah M

Galloway,
Vickie S &
Wise, Tomi Jo

Grabner,
Gregory W
& Jody L

Shaffer, David
L & Darcy L

Hursey,
Johanna

Philbee,
Derek M &
Mikalah R

MGM
Holdings
LLC

Dunn, Ronald
G & Lori D

Julilerat,
Michael A