

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

**18-W-SE-7**      **SPECIAL EXCEPTION**  
Ena Colbart  
1975 E. Mowrey Road

**JUNE 26, 2018**  
**AGENDA ITEM: 6**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 3.122 acres

Ena Colbart is requesting special exception approval for a licensed child care home. The business, Ena's Playpen Child Care, has been in operation for some time. The petitioner, along with her husband, reportedly has been a State licensed child care home for five years, caring for up to 15 children Monday through Friday from 6am until 4pm. The petitioner was unaware of the special exception requirement until very recently, upon which she filed an application.

Child Care Homes caring for six (6) to fifteen (15) children, excluding those who reside in the residence, require State Licensure as well as special exception approval through the Board of Zoning Appeals. The requirements of §10.9 Special Exception Standards of the zoning code 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;  
*It is unlikely that this proposal will have any elements or conditions that may be particularly dangerous, injurious, or noxious to other properties, and should generally comply with 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 special exception is located within the existing residence and so would not change the relationship to 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;  
*The special exception is located within the existing residence and so would not change the visual impression and environment.*
4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and  
*There appears to be adequate parking for the dropping off and picking up of the children. In the years that this business has been operating, there has not been any significant effect on traffic congestion.*
5. The special exception shall preserve the purpose of this Ordinance.  
*The proposed use is a permissible special exception use of the AG district.*

**SUGGESTED CONDITIONS**

- 1. The Special Exception is granted for the applicant and is non-transferable.
- 2. The Special Exception is granted as presented.

Date report prepared: 6/15/18, JS.  
Reviewed: 6/19/18, NB.

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

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***Vote:* Deckard Denihan Klein Wilkinson Wright**

<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					