

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

**22-W-SE-6**      **SPECIAL EXCEPTION**  
Timothy & Carol Graham  
3519 W. Lincolnway

**MAY 24 2022**  
**AGENDA ITEM: 4**

---

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 1.81 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on their property located at 3519 West Lincolnway in Sections 23 and 26 of Richland Township in Lorane. The property is currently improved with a dwelling and outbuildings.

The petitioner proposes construction of 34'x40' pole building with living quarters for their son to use. As shown on the submitted site plan, the secondary dwelling unit would be located east and south of the principal dwelling, with access off of 350 West. Long-term, the petitioner proposes that the dwelling unit would be used by another family member or converted into garage or workshop area.

Note that this property is shown on tax maps (including Beacon GIS) as two parcels. This is due to the property crossing a section line; tax parcels cannot cross section lines because of rules of tax assessment. Historically they may have been separately owned parcels as well, but for current zoning purposes, the property can be treated as one.

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 near the second road frontage and somewhat separated from the existing dwelling. The proposed structure appears that it 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 pole building indicates the building would be similar to other barns and pole building accessory structures in the area. From historic research, it appears that the proposed site of this secondary dwelling would be approximately the same as a pre-1979 structure as well as a later mobile home that was on the site in the 1990s. So, the visual impression and environment to the neighborhood should be consistent, both in aesthetics and in historic form.

**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. 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: 5/18/22

**BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

—

—

—

***Vote:* Denihan Lopez Wilkinson Wolf Wright**

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

NE CORNER, SE 1/4,  
SECTION 23-32-8  
RR SPIKE FND  
'COUNTY REFERENCED'

BURIED P.K. NAIL FND  
Q PAVEMENT 5' N.  
x PIN FND 53.4' S. (#5, +0.0')

Q LINCOLNWAY  
570°E, 568°-32'-38"E, 315.72' (C)  
4 CHAINS + 74 LINKS = 312.84' (R)

PRITCHARD, JACK E. & ROBERTA M.  
DEED RECORD 116, PAGE 548

### TRACT "B"

1.041 AC. ±  
PRITCHARD, ALAN L. & CATHY S.  
PART OF DOC. # 81-5-112

BURIED P.K. NAIL FND  
P.K. NAIL FND 3.6' S. AT Q PAVEMENT

500°-54'-50"W (C) "SOUTHERLY" (R)  
1 CHAIN + 45 LINKS = 95.70' (C&R)

RAIL IRON  
POST FND

NW CORNER, NE 1/4,  
SECTION 26-32-8  
SW CORNER, SE 1/4,  
SECTION 23-32-8  
NOT MARKED  
'NOT COUNTY REFERENCED'

500°-00'-00"W (C)  
"SOUTHERLY" (R)  
67.00' (C&R)

x PIN FND  
(#5, +0.0')

589°-05'-00"E  
101.00' (C&R)

BARN

RR SPIKE FND

CORMANY, RAY L. & ARDITH R.  
DOC. # 97-5-129 - TRACT V

SOUTH LINE, SE 1/4, SECTION 23-32-8

590°-00'-00"W (C) "WEST" (R)  
4 CHAINS + 48 LINKS = 295.68' (C&R)

590°-00'-00"W (C) "WEST" (R)  
298.00' (C&R)

NORTH LINE, NE 1/4, SECTION 26-32-8

x PIN FND  
(#5, +0.0')

House  
TRACT "A"

0.767 AC. ±  
PRITCHARD, ALAN L. & CATHY S.  
PART OF DOC. # 81-5-112

ELECTRIC SERVICE LINE

STONE AREA

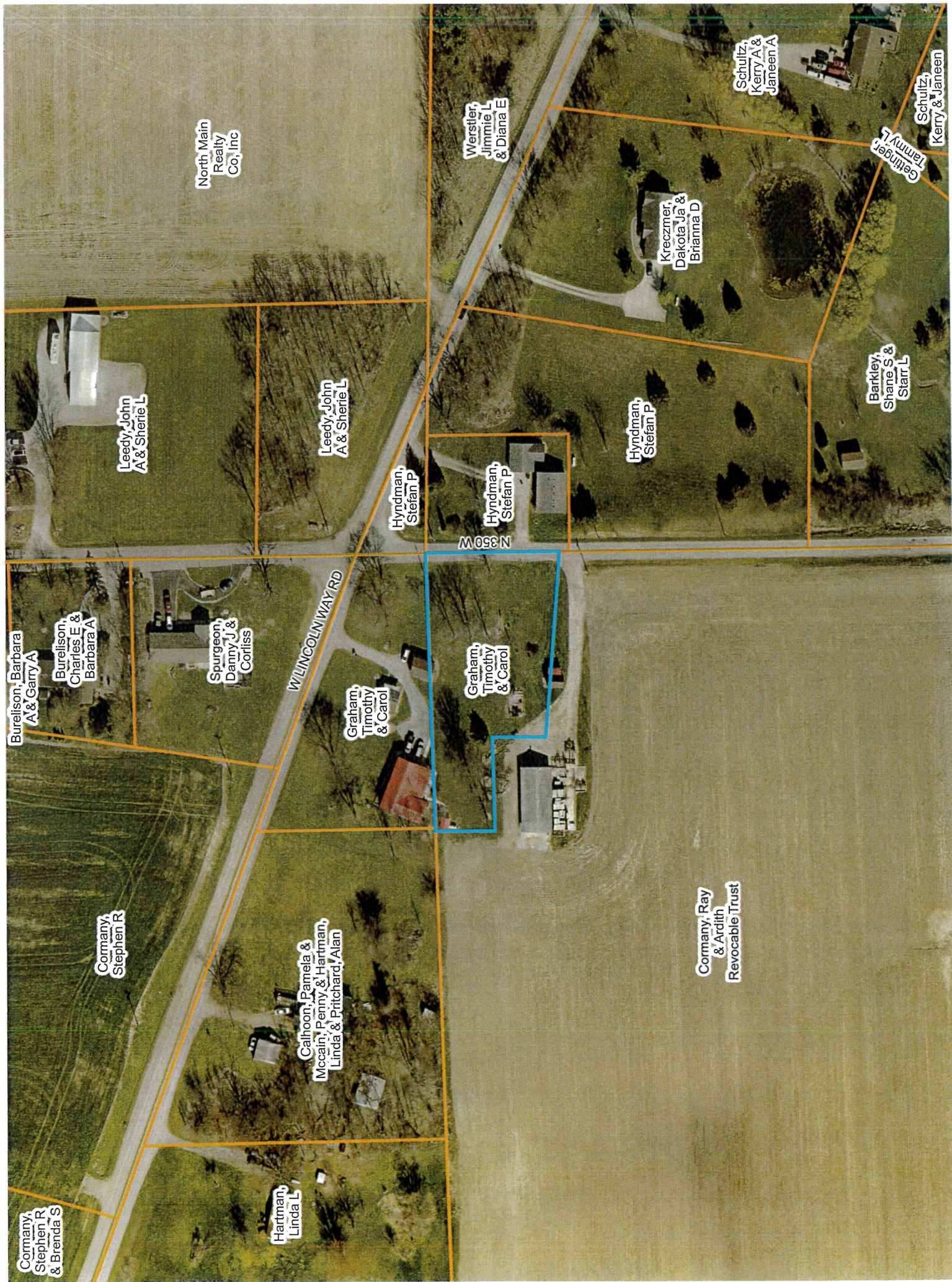
SHED

586°-02'-00"E, 196.30' (C)  
586°-05'E, 200.0' (R)

P.K. NAIL FND  
x PIN FND 35.0' W. (#5, +0.0')

EAST LINE, NE 1/4, SECTION 26-32-8





North Main  
Realty  
Co, Inc

Leedy, John  
A & Sherie L

Leedy, John  
A & Sherie L

Werstler,  
Jimmie L  
& Diana E

Krechner,  
Dakota Ja &  
Brianna D

Barkley,  
Shane S &  
Starr L

Geringer,  
Tammy L

Schultz,  
Kerry & Janeen

Schultz,  
Kerry A &  
Janeen A

Hyndman,  
Stefan P

Hyndman,  
Stefan P

Hyndman,  
Stefan P

N 350 W

Burelison, Barbara  
A & Garry A

Burelison,  
Charles E &  
Barbara A

Spurgeon,  
Danny J &  
Corliss

Graham,  
Timothy  
& Carol

Graham,  
Timothy  
& Carol

Cormany,  
Stephen R

Calhoon, Pamela &  
McCain, Penny & Hartman,  
Linda & Pritchard, Alan

Hartman,  
Linda L

Cormany,  
Stephen R  
& Brenda S

Cormany, Ray  
& Ardith  
Revocable Trust