

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

25-W-SE-17 SPECIAL EXCEPTION
Joe & Sarah Lopez
5300 N. 250 West

**DECEMBER 23, 2025
AGENDA ITEM: 4**

SUMMARY OF PROPOSAL

Current zoning: AGP, Agricultural Production

Property area: 8.11 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on the property located at 5300 N. 250 West, in Section 7 of Thorncreek Township. The property is currently improved with a house and outbuildings.

The petitioner proposes to place a pole barn with living quarters, as an additional dwelling on the property, for themselves and the existing home would be for one of their children. Long-term, the petitioner proposes to remove the living quarters from the pole barn or split the property to have one dwelling per parcel. Note that the latter option would need to meet the additional regulations on residences associated with the AGP zoning district.

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 AGP, Agricultural Production 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 southwest of the primary dwelling, more than 1,000 feet from the county road. Per the site plan provided, the new dwelling would be relatively in line with surrounding residences and outbuildings, 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 and agriculture buildings. 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: 12/5/25

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

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Approve w/conditions

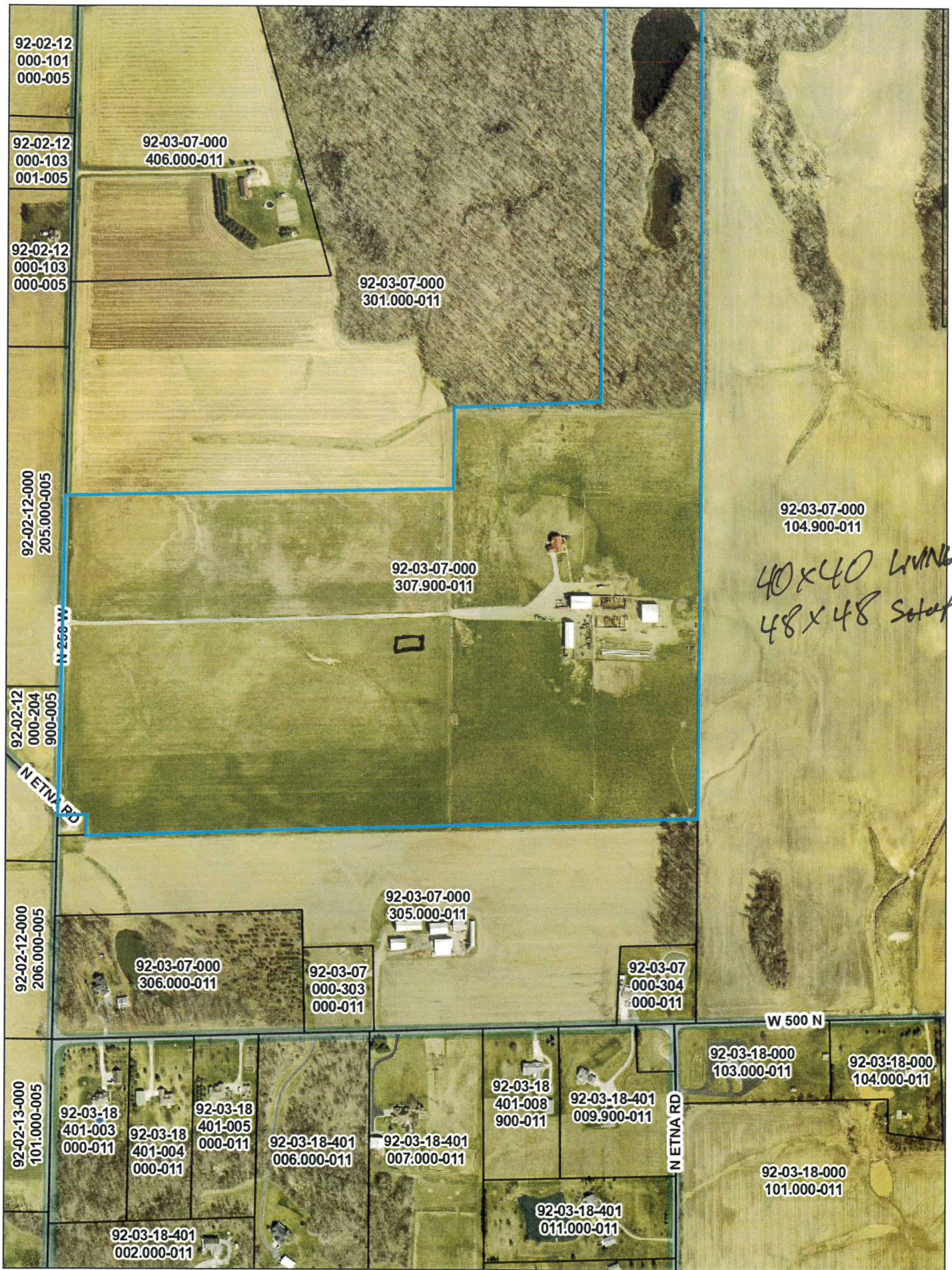
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Deny

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





92-02-12
000-101
000-005

92-02-12
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92-03-07-000
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92-03-07-000
301.000-011

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205.000-005

N 250 W

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92-03-07-000
307.900-011

92-03-07-000
104.900-011

40x40 LIVING
48x48 Solar

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305.000-011

92-03-07-000
306.000-011

92-03-07
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W 500 N

92-02-13-000
101.000-005

92-03-18
401-003
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