

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

21-W-SE-4 SPECIAL EXCEPTION
Robert & Stacey Schaper
6372 N. 550 West

**JULY 27, 2021
AGENDA ITEM: 3**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 12.43 acres

The petitioner, owner of the subject property owner, is requesting special exception approval for a secondary dwelling unit on the property located at 6372 North 550 West in Etna Troy Township.

The petitioner has obtained a building permit for remodeling the storage loft area above the attached garage into living area with kitchen, bathroom, and a separate stairway leading to the garage. Since the unit would have a separate entrance and no internal connection to the existing living area, it meets the definition of a second dwelling unit. The unit is proposed to be used by their mother; long-term, the petitioner proposes that the dwelling unit would be used by their children.

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 often 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 unit would be within the existing structure so there would be no change in 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;**
Again, being within the existing building, the unit would produce no change in the existing visual impression and environment.

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 is sufficient space for any additional parking.

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.
3. The secondary dwelling unit will share the same driveway as the primary dwelling.

Date report prepared: 7/21/21

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>	Denihan	Lopez	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

ORDER 7140055 SCHNAPPE
372 N 550 W
7/1 CITY



