

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

**18-W-SE-3**      **SPECIAL EXCEPTION**  
Ronald and Kimberly Harrison  
7535 S. 200 West

**JUNE 26, 2018**  
**AGENDA ITEM: 4**

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**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 3.6 acres

Ronald and Kimberly Harrison are requesting special exception approval for a secondary dwelling unit on their recently purchased property located at 7535 South 200 West. The petitioners propose to add a shower and closet to an existing 24' x 36' building that already has a half-bath, kitchen and living room. The building is located northeast of the primary residence. Currently, the primary residence is unlivable due to a fire. The petitioners propose to reside in the secondary dwelling unit while repairing the primary residence. Long-term, the secondary dwelling will be used by Mrs. Harrison's mother.

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 structure is existing and its outward appearance would not be altered. The structure is harmonious with 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 structure is existing and its outward appearance would not be altered. The structure is consistent with the surrounding 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.*
5. The special exception shall preserve the purpose of this Ordinance.  
*The proposed secondary dwelling unit clearly falls into a permissible special exception of the Zoning Ordinance.*

**SUGGESTED CONDITIONS**

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: 6/15/18, JS.  
Reviewed: 6/19/18, NB.

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

<b><i>Vote:</i></b>	<b>Deckard</b>	<b>Denihan</b>	<b>Klein</b>	<b>Wilkinson</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					