

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

**19-W-SE-3      SPECIAL EXCEPTION**  
Clara North Shearer  
3741 W. 800 North

**JULY 23, 2019**  
**AGENDA ITEM:    1**

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**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 28.09 acres

The petitioner, owner of the property located at 3741 West 800 North in Etna-Troy Township, is requesting special exception approval for placement of a new mobile home that would replace a previously permitted mobile home.

The petitioner received a special exception in 2003 for the mobile home currently on the property. The petitioner is seeking to replace the existing mobile home with a new 16'x72', 3 bedroom/2 bath mobile home on a slightly different location. While replacement mobile homes on a previously approved site are permissible through administrative approval, the petitioner proposes to continue to live in the current home until the new home is placed, which necessitates a new home location. Temporarily then there would be two mobile homes on the property at one time. These two factors trigger the need for a new special exception review.

In the AG, Agricultural District, Type III manufactured homes ("mobile homes") require a special exception approval through the Board of Zoning Appeals. The requirements of §10.6 Mobile Home Special Exceptions, §10.9 Special Exception Standards, and §5.18 Manufactured Home 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;**

As a dwelling, 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 proposed mobile home would be adjacent to the existing mobile home, and so would likely be harmonious with the on-site and surrounding area.

- 3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;**

Given the existing mobile home, the new mobile home would create little difference in the visual impression through the neighborhood.

4. **The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and**

As a dwelling, there would be no impact on traffic congestion.

5. **The special exception shall preserve the purpose of this Ordinance.**

Mobile homes are listed special exception use of the AG district, and are subject to several conditions listed in the zoning code, which maintain the purpose of the Ordinance.

#### **SUGGESTED CONDITIONS**

§10.6 of the zoning code provides specific conditions of approval, which are summarized below, along with Staff's suggested conditions if the Board moves to grant the special exception:

1. The Special Exception is granted for the applicant and is non-transferable. The mobile home must be removed from the property within six (6) months of being vacated by Clara North Shearer.
2. The special exception must be renewed each year through the Board of Zoning Appeals Staff as long as the mobile home remains on the property.
3. The special exception is granted for a period of 5 years. If the applicants wish to continue the use of the mobile home approval must be obtained through the Board of Zoning Appeals Staff.
4. Verification of the age of the mobile home must be submitted to the Staff, which verifies the mobile home as a 1981 or newer.
5. No attached additions or structures shall be constructed to the mobile home.
6. The existing mobile home shall be removed within six (6) months of the placement of the new mobile home.

Date report prepared: July 17, 2019.

#### **BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

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



NLI Family  
Limited  
Partnership

Boggs,  
Anthony S

Boggs,  
Otto L

Smith,  
Susan E

Smith,  
Susan E

W 600 N

United Telephone  
Co Of Indiana Attn:  
Property Tax Dept

WBUCKLES RD

Pressler,  
Layne D &  
Janine K

Myers,  
Robert I

Sherman,  
Richard K  
& Alicia M

Sheets,  
John G &  
Karen S

Meyer,  
Stanley R

Pressler,  
Layne D &  
Janine K

Myers,  
Robert I

North,  
Clara L

Meyer,  
Stanley R

N 350 W

Geiger, Ryan W  
& Darcy H &  
Geiger, Adam C

Meier,  
Amanda J

SRG  
Properties LLC

Pence, Jason  
L & Pence,  
Leah J

Hawn, David  
Arthur &  
Sharon L

Sheets, Joe  
David & Dahms,  
Angela Lynn

Harris,  
Steven B &  
Angela J

Myers, Daniel  
A & Myers,  
Heath D

Myers,  
Cynthia L

Sheets,  
Angela L

Shidler,  
Johnnie F  
& Kellie J

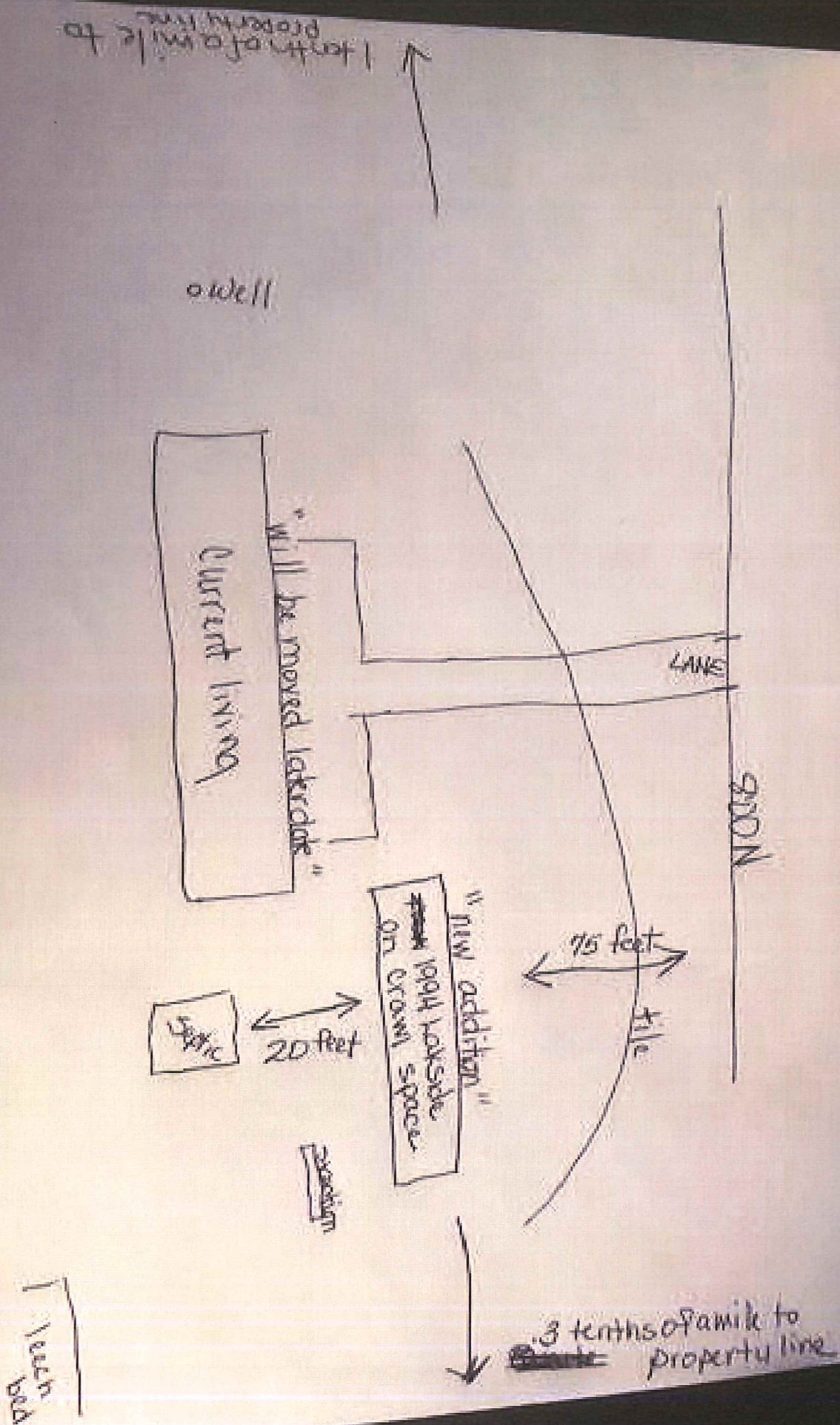
Wineand,  
Matthew S







Clara North-Shearer  
3741 W-800N  
Columbia City







Clara North  
248-1036

92-01-26-000-204.900-005  
NLI Family Limited Partnership  
173.39

92-01-26-000-207.000-005  
Boggs, Anthony S  
10.05

92-01-26-000-202.000-005  
Boggs, Otto L  
28.95

654-005B  
Smith W, #5

654-006B  
Smith W #6

suck holes

Rep. app needed  
Put in Jimmy  
Waugh's name for  
contractor.

W 800 N

654-003B  
Smith W #3

MK made site visit on 7/8/19.  
No CFPS needed. Non-taxed  
tile was recently re-routed by  
Jimmy Waugh + new mobile  
home will not require CFPS.  
OK to sign building permit.

Smith W 654-000B

92-01-35-000-108.000-005  
North, Clara L  
28.092

654-002B  
Smith W #2

654-007B  
Smith W #7

92-01-35-109-001.000-005  
Meyer, Stanley R  
4.46

92-01-35-000-107.000-005  
Meier, Amanda J  
2.171