

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

20-W-SE-3 SPECIAL EXCEPTION
Norman E. Burns
5530 W. 750 North

**FEBRUARY 25, 2020
AGENDA ITEM: 2**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 2.683 acres

The petitioner, owner of the property located at 5530 West 750 North in Etna-Troy Township, is requesting special exception approval for placement of a new mobile home to replace an existing dwelling.

The petitioner stated that the existing 1350± sq. ft. dwelling is not in a livable condition due to extensive structural deficiencies and needs to be demolished. The petitioner is seeking to replace the residence with a new 15'x52', 2 bedroom/1 bath mobile home to the south of the existing residence site. The Health Department has approval a new septic system location for the new mobile home.

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 residence and among existing trees, and the entire property is a quarter mile from the nearest buildings. So it would likely be harmonious with the on-site buildings and have no impact on immediately adjacent buildings since there are no buildings adjacent.

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

The proposed location of a newly-placed mobile home at the minimum front setback, and broadly visible from the road, may not be visually consistent with the surrounding area. While there are no immediately adjacent residences, the prominence of the proposed location of the mobile home does not seem to be consistent with the residences in the area. Given the size of the property, staff suggests that there may be alternate sites or orientations of the proposed home that may minimize its conspicuousness. The Board should discuss potential alternatives with the petitioner.

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 only and is non-transferable.
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 applicant wishes 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. Staff suggests that a condition be discussed regarding the orientation and visibility of the mobile on the property.

Date report prepared: 2/19/20

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

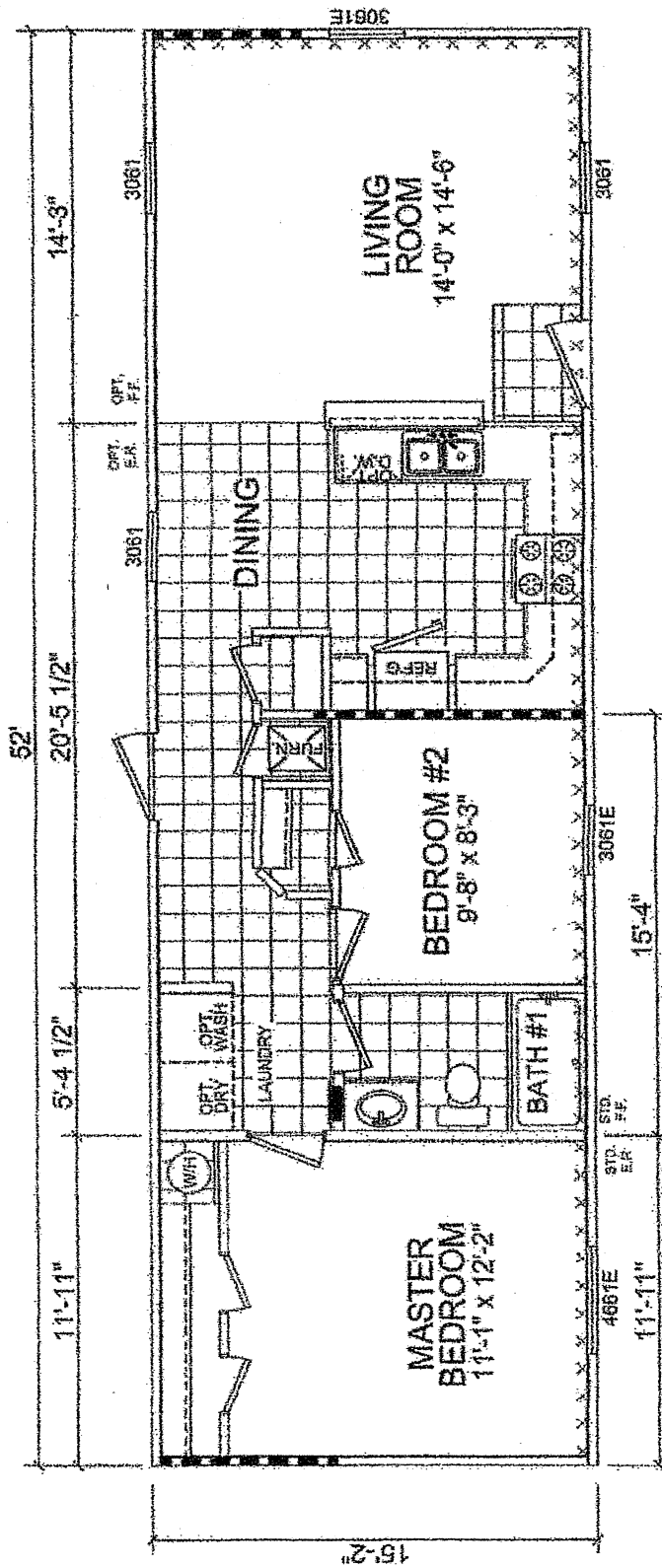
<i>Vote:</i>	Denihan	Lopez	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

N ↑



N 550 W

2788 SF





Klingaman, Eugene
D Trustee Rev
Trust 2/17/04

Klingaman, Eugene
D Trustee Rev
Trust 2/17/04

Burns,
Roger &
Nancy Trust

Burns,
Roger &
Nancy Trust

N 550 W

Klingaman, Rosalind
J Trustee Rev
Trust 2/17/04

Klingaman, Rosalind
J Trustee Rev
Trust 2/17/04

Burns,
Roger &
Nancy Trust

Rosalind J
Klingaman
Revocable Trust,
Rosalind J
Klingaman, Trustee

5350

Burns,
Norman E

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W 750 N

5773

Baxter,
W David

7575

N 6009 W

Longville
Farms Inc

Burns,
Norman E

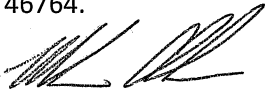
Sauers,
Steven S

N 525 W

TO: Whitley County Boards of Zoning Appeals
FROM: Mark Cullnane
SUBJECT: Comment RE: 20-W-SE-3

To whom it may concern,

I received a telephone call from Patricia Sauers, 5350 W. 750 North, Larwill, IN 46764, at 10:36 A.M. on Wednesday, February 12, 2020 regarding potential special exception 20-W-SE-3. Ms. Sauers expressed multiple concerns on her behalf and that of her husband, Steven Sauers, pertaining to a special exception to permit placement of a Type II or Type III manufactured home at 5530 W. 750 North, Larwill, IN 46764.

A handwritten signature in black ink, appearing to read 'Mark Cullnane', with a stylized, cursive script.

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department