

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

20-W-SE-4 **SPECIAL EXCEPTION**
Bradly & Ashley Perry
550 E. 300 South

JULY 28, 2020
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 14.32± acres

The petitioner, owner of the property located at 550 East 300 South in Columbia Township, is requesting special exception approval for placement of a Type 3 manufactured home (mobile home) while construction of a new dwelling progresses. The property is Lot 1 of Lawrence Subdivision, Section 2.

Note that the property is a 14.32± acre lot for legal and zoning purposes; it is split into two parcels for tax purposes ("parcels" shown on GIS) since the lot crosses a section line. There is also a significant amount of the lot that lies within the regulated floodplain and floodway. Per the plat the only buildable area is the wooded high ground, and this proposal is compliant with that location.

The petitioner is seeking to place an approximately 16'x80' mobile home in order to live on the property while constructing a permanent dwelling. Once a permit is issued and building begins, the petitioner estimates construction could take up to seven years due to finances and time availability. After completion of the new home, the mobile home would be removed. This scenario is actually permissible under the zoning code, but is limited to a one year construction period; so this request is to be treated like a standalone use. The Health Department has approved a septic system location usable by both the mobile home and permanent dwelling.

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 proposed dwelling construction site and located among existing trees. The nearest dwellings to the site of the mobile home are about 400' to

the northwest and 650' to the northeast. So, given the woods and distance, it would likely be harmonious with adjacent properties.

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

The proposal places the mobile home far away from the public road in a fairly inconspicuous location, without much change in visual impression for the neighborhood. The nearest neighboring property may be able to see the proposed mobile home, but again the site is to be screened with the existing trees. Further, since the use is proposed to be short-term, the permanent view should be of the permanent dwelling.

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 further than what might be expected for any house construction.

5. The special exception shall preserve the purpose of this Ordinance as stated in Section 1.4.

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 reviewed each year through the planning staff as long as the mobile home remains on the property.
3. The special exception is granted for a maximum of 7 years, or until the permanent dwelling is completed, whichever comes first.
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. A building permit for the permanent dwelling must be obtained within one (1) year of the approval of the special exception.
7. The mobile home must be removed from the property within three months of the completion of the permanent dwelling.

Date report prepared: 7/10/20

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> | | | | | |

20-W-SE-4 Bradley & Ashley Perry
550 E. 300 South, Columbia City, IN 46725
Proposed location of mobile home



