

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

**20-W-SE-9      SPECIAL EXCEPTION**  
Tang & Theresa Aiello Clough  
3390 N. 50 West

**DECEMBER 22, 2020**  
**AGENDA ITEM: 3**

---

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 20 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on their property located at 3390 North 50 West in Thorncreek Township. They propose to place an 828 sq. ft. Type II manufactured dwelling near the south property line for the use of their brother and his child. The proposed dwelling would be near two existing barns and would utilize an existing separated driveway. The petitioner is working to obtain a permit for a new septic system location.

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 would be in line with other outbuildings, so the secondary dwelling would be 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;**  
Type II manufactured dwellings are generally similar in external appearance to other dwelling types, and being in a wooded area, the unit would be somewhat screened from the road and adjacent property. So, the proposal should be generally consistent in visual impression and environment.

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

While it is not clearly shown where the secondary dwelling unit's parking area is to be located, there is sufficient room for parking on the property, and the anticipated traffic volume of this use is unlikely to cause traffic congestion.

**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.

**SUGGESTED CONDITIONS**

1. The Special Exception is granted as presented and is non-transferable.
2. The secondary dwelling unit shall be removed when it is no longer occupied by a family member of the petitioner.
3. If it has not already occurred, Health Department review and approval of the septic system shall be required.
4. 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: 12/15/20

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

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





**Mark Cullnane**

---

**From:** CHARLOTTE <charlie237@embarqmail.com>  
**Sent:** Wednesday, December 16, 2020 11:05 AM  
**To:** Mark Cullnane  
**Cc:** Brindley, Ernie  
**Subject:** Petition # 20-W-SE-9

Whitley County Board of Zoning Appeals,

RE: Petition # 20-W-SE-9  
Applicant: Scott & Teresa Clough

Regarding this applicant's request for a permit to build a second dwelling on their property at 3390 N. 50 West, Columbia City, IN 46725. this is to advise the Board we, as homeowners, have no objection to a second dwelling being built.

Ernie & Charlotte Brindley  
237 W. Rue Dijon  
Columbia City, IN 46725-8461  
Home: 260-691-3580  
Chardonay Subdivision



