

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

**20-W-SE-8      SPECIAL EXCEPTION**  
Thomas & Laurel Stockamp  
4877 E. McJunkin Street

**JANUARY 26, 2021  
AGENDA ITEM: 1**

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This petition was continued from the December meeting due to a publication error.

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 62.48 acres

The petitioner, owner of the subject property, is requesting special exception approval for a secondary dwelling unit on their property located at the west end of McJunkin Street near Coesse in Union Township. They propose to construct an addition to an existing "tenant house" that has been on the property since at least the 1970s, with remodeling and small additions done in 2006.

The current zoning code does not permit tenant houses, so the use is legal nonconforming. The proposed addition would exceed the 20% expansion permitted legal nonconforming uses under §9.5(D) of the zoning code. However, since the dwelling is occupied by the son of the petitioner, it could qualify as a secondary dwelling unit.

The proposal is to add 1,674± sq. ft. to the east end of the "tenant house," comprised of a 3-bay garage with living space on the second floor. The living area includes two bedrooms, kitchen, and bathroom, and so would normally constitute a dwelling in itself. In combination with the existing "tenant house," this could then be defined as a two-family dwelling, which is not explicitly permitted in the AG district. However, the new and old parts of the building would share a common connection through the utility room. Whether that is sufficient connectivity to distinguish this as a single dwelling for zoning purposes is up to the Board to determine, in addition to the requested secondary dwelling. There are no submitted plans to revert the secondary dwelling to a non-residential use, as is typically requested by the Board, so this may be a topic for further discussion.

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 addition would be complementary to the existing structure and other buildings on the property, 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;**

Given the location of the building in the middle of the estate property, and the complementary nature of the addition to the existing building, there would be few visual cues to indicate that any change has been made to the property.

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 may be a permissible special exception of the Zoning Ordinance, depending on the interpretation of the Board of the circumstances of the addition to the existing legal nonconforming use.

#### **SUGGESTED CONDITIONS**

If the Board moves to grant the special exception, the following are suggested conditions of the approval:

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: 1/20/21

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

Motion:

By:

Second by:

Approve

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Approve w/conditions

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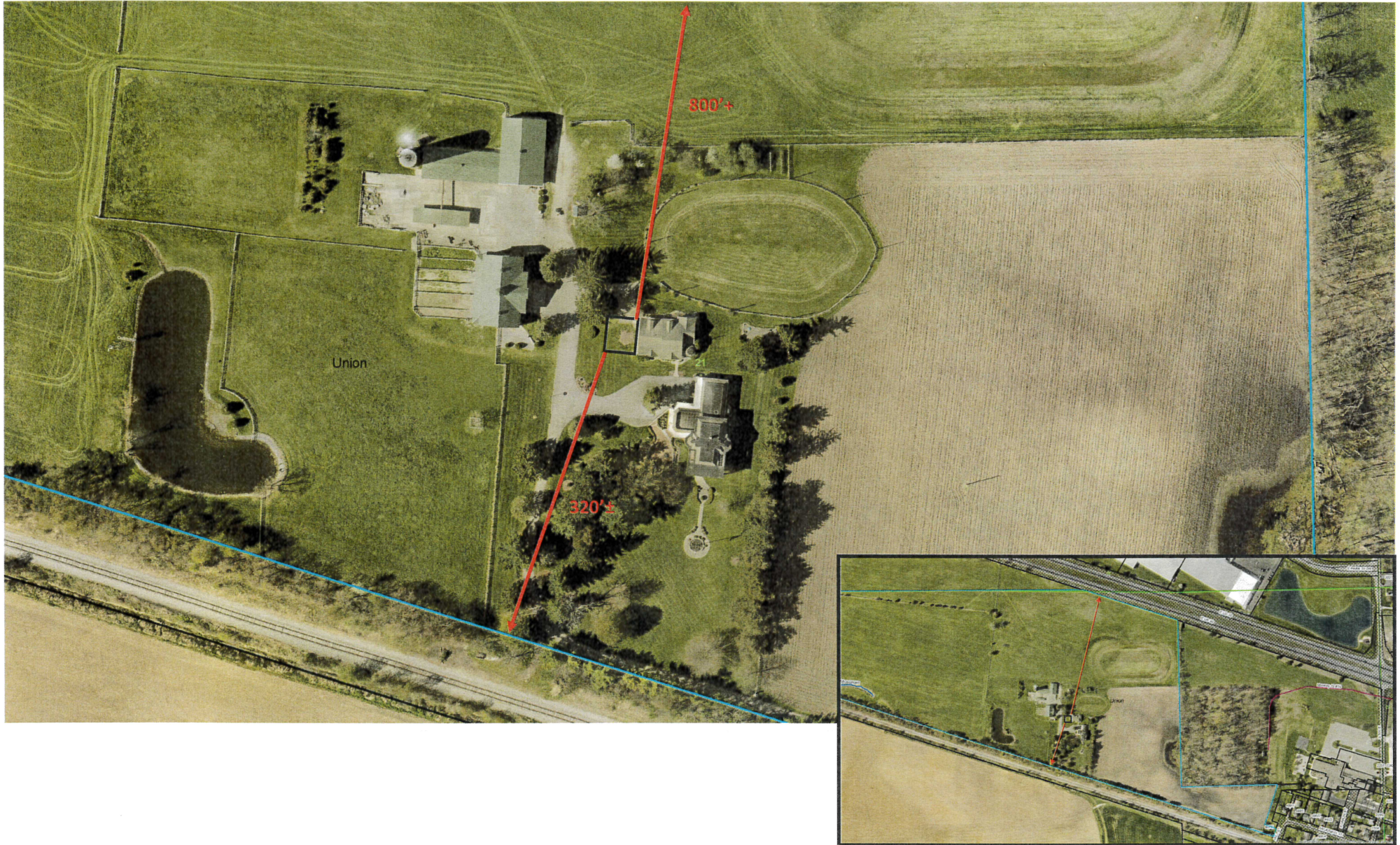
Deny

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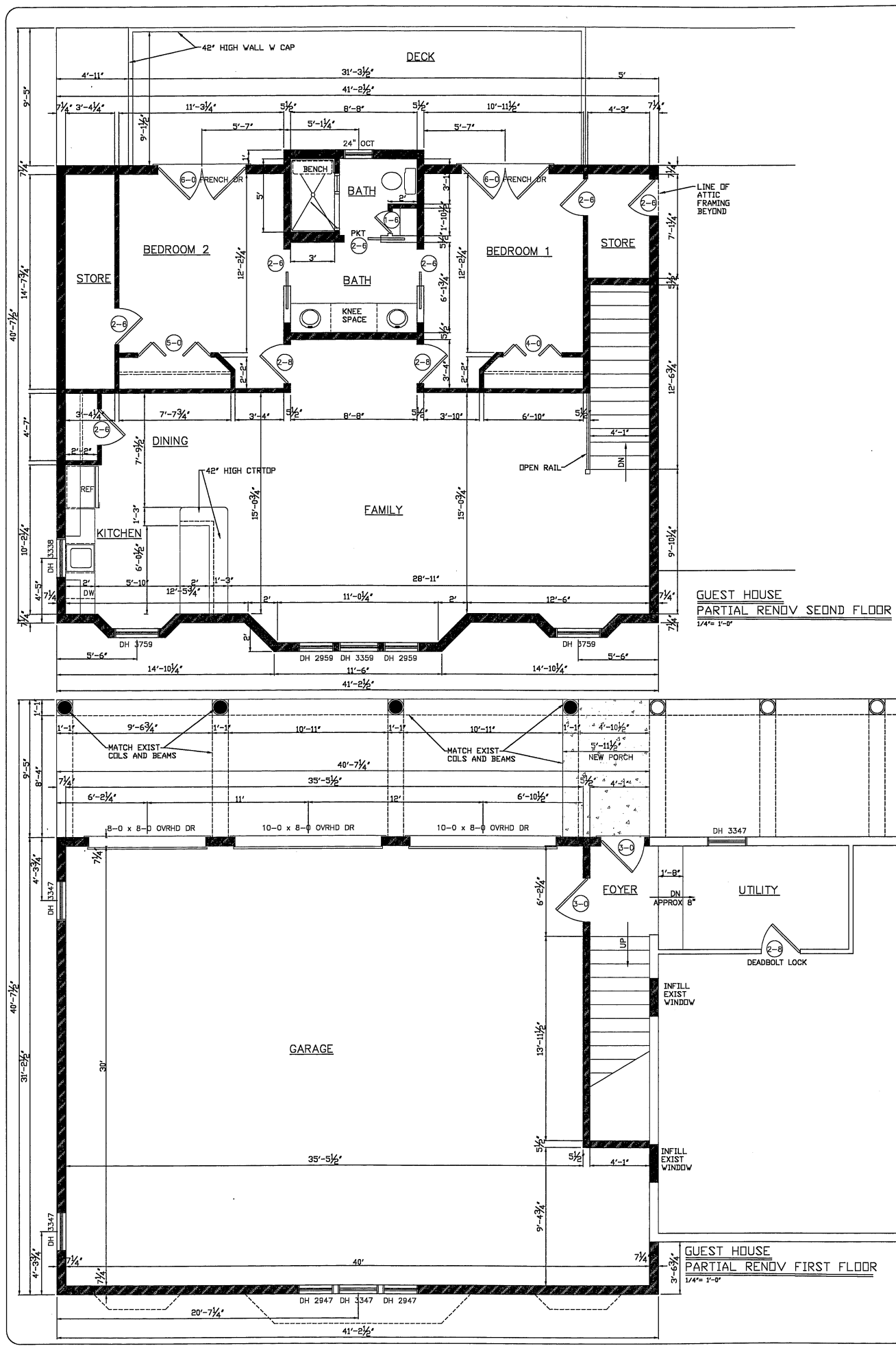
<b>Vote:</b>	<b>Denihan</b>	<b>Lopez</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



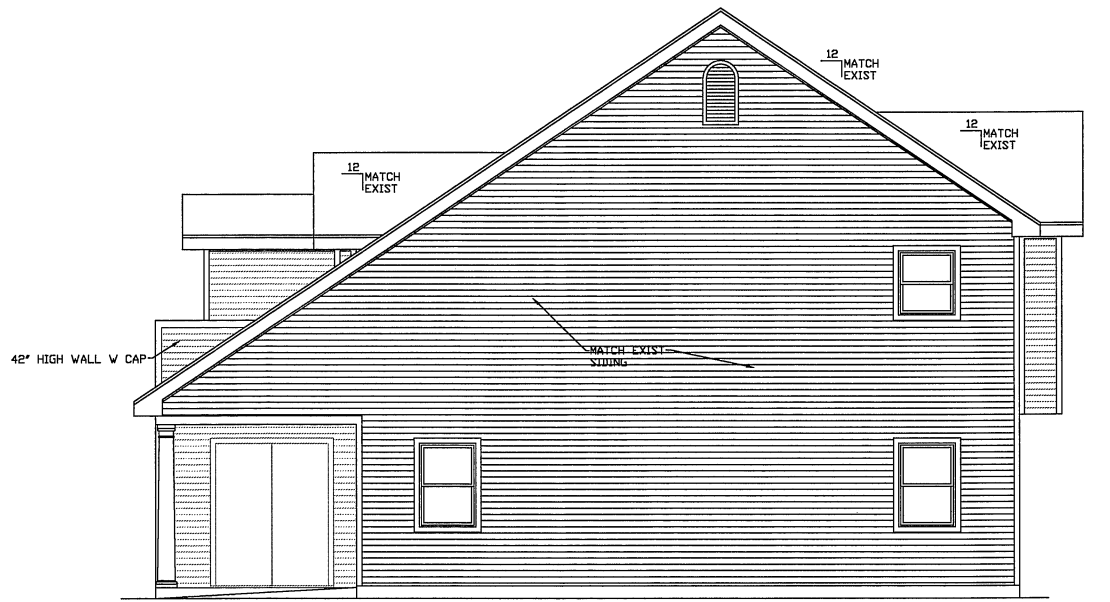
4875 E. McJunkin St., Columbia City Stockcamp  
20-W-SE-8







GUEST HOUSE  
PARTIAL RENOV FRONT ELEVATION  
1/4" = 1'-0"



GUEST HOUSE  
PARTIAL RENOV RIGHT ELEVATION  
1/4" = 1'-0"



GUEST HOUSE  
PARTIAL RENOV REAR ELEVATION  
1/4" = 1'-0"

ARCHITECT  
893 N 400 E  
COLUMBIA CITY, IN 46725  
931-261-3269  
Stockcamp Renov-Guesthouse  
4875 E McClunkin Street  
Columbia City, IN 46725

REVISIONS	
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5	
DATE 08-19-20	
SCALE AS NOTED	
CDMM NO 00-000	
BY	PHASE



