



**COLUMBIA CITY/WHITLEY COUNTY
JOINT PLANNING & BUILDING DEPARTMENT**

**Whitley County Government Center
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To: County Board of Zoning Appeals
From: Nathan Bilger, Executive Director

Re: Enforcement action request from Plan Commission

July 22, 2024

BZA, at their meeting last week, the Plan Commission made a formal request regarding enforcement action on the shooting range located on the north side of 400 North, between 350 East and 450 East.

As you may recall, the Board has previously discussed this site in terms of approval process since shooting ranges are not a use explicitly stated in the zoning code. The determined process was to rezone to PR, Parks and Recreation, and then seek a special exception. This was based on shooting ranges being most comparable to the permissible uses in PR.

The property owner filed for a rezoning to the PR district for the shooting range portion of the property, which was heard at the June 19 Plan Commission meeting. The request received an unfavorable recommendation, with the majority of the Commission stating that rezoning to PR seemed to be excessive and that shooting ranges should be addressed by the code, likely within the existing AG, Agricultural district.

The Commissioners followed the recommendation of the Plan Commission and denied the rezoning, with similar rationale. However, they also gave immediate directive to the Plan Commission to commence a code text amendment to address shooting ranges.

Since the rezoning was denied, the use that would have been permitted by the rezoning is now not permitted and is subject to enforcement action (i.e., violation notice, injunction, etc.).

Staff, as the enforcement body, has not vigorously pursued stopping the use since the directive was given to address the use in the code. Based on past cases, when a code change is pending, enforcement is held off until the new code is in place and the unpermitted use has either a clear path to zoning compliance or affirmation of its impermissibility.

However, the Plan Commission requested that the BZA, as the overseeing authority of zoning enforcement, pursue this particular case as a standard rezoning denial. Meaning that enforcement action be taken immediately, with the effect of ceasing the land use. Then the use could resume when (and if) a text change is adopted and any approvals are obtained.

So, the Board will need to decide what is the appropriate enforcement action, given the status of the process and the particulars of the situation.

Thanks.