

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

22-W-SE-11 **SPECIAL EXCEPTION**
Moreland, Inc.
10541 S 600 East

JULY 26, 2022
AGENDA ITEM:

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 55 acres

The petitioner, owner of the subject properties located on the east side of S. 600 East in Section 35 of Jefferson Township, is requesting special exception approval for an automobile repair use. The subject property is currently improved with pole buildings. The business would be automotive repair and restoration. The petitioner already performs automobile restorations elsewhere and is seeking to relocate the business at this location near their residence. Sales of finished autos could occur, but only as accessory to the restoration use.

There are no current plans to modify the existing structures or landscape. Normal business hours would be observed. The intent would be for all neighboring property owners to observe no change in vehicle traffic or property appearance.

In the AG district, automobile repair(enclosed) and body shop(enclosed) businesses require a special exception approval through the Board of Zoning Appeals.

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;**

Automobile repair does involve some elements that may be dangerous to other property if misused, including welding equipment, gasoline, paint, etc. The setbacks from adjacent properties (a minimum of 140'±) would mitigate those potentially dangerous elements.

Of the performance standards, noise and vibration may be applicable to this proposal, as operation of automobiles and equipment may generate some noise and occasionally associated vibration even when enclosed within the shop building. The setback distances would likely mitigate these effects to adjacent properties. The proposed normal hours of operation would also aid in avoiding being a nuisance.

- 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 use would be enclosed within the existing buildings. Generally, the relationship of the building and grounds to the adjacent area would not change significantly from what is existing.

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

The proposed use would be enclosed within an existing shop buildings. The operation of the

business within the shop would likely be consistent with the overall environment of the neighborhood. However, the number of vehicles stored outside in a visible location may not have a visual impression consistent with the neighborhood. Minimizing the visibility of vehicles through regulation of placement and number would mitigate this.

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

The existing driveway would be utilized. There is sufficient space for maneuvering of vehicles on-site, so there should be little cause of traffic congestion. However, additional traffic generated by this use could be out of character for the neighborhood and at some point, increases in business could cause unnecessary and unexpected congestion.

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

The proposed use is a listed special exception use of the AG district.

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 for the applicant and is non-transferable without Board approval.
2. The Special Exception is granted as presented and per the site plan.
3. All automobile repair and maintenance operations shall take place within the existing buildings.
4. Operation shall not extend beyond normal business hours of ___ am to ___ pm.
5. There shall be no employees of the use other than the petitioners.
6. Dismantled or disassembled vehicles shall not be parked outside overnight.
7. No parts, junk, scrap, etc. shall be stored outside.
8. Automobile sales, if any, shall be limited to those vehicles restored by the petitioner and shall not be the primary use.
9. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.

Date report prepared: 07/19/22

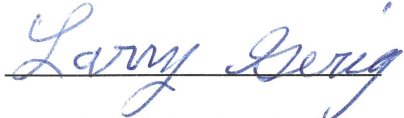
BOARD OF ZONING APPEALS RECORD OF ACTION

Motion: _____ By: _____ Second by: _____
 Approve _____
 Approve w/conditions _____
 Deny _____

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

Dear Sir/Madam,

Please consider this letter as a formal request by the property owner, Moreland Inc., to allow an automotive service center/light automotive restoration business to operate on the property. There are no current plans to modify the existing structures or landscape. Normal business hours will be observed. The intent is for all neighboring property owners to observe no change in vehicle traffic or property appearance. The property owner is quite determined to continue to be a good steward of the environment and a good neighbor.

A handwritten signature in blue ink that reads "Larry Gerig". The signature is written in a cursive style and is positioned above a horizontal line.

Larry Gerig (Moreland Inc.), Property Owner



Hartley, James A & Betty E

Popp, John F

McGillivray, Floyd W Jr, & Harrison Christine L

Hartley, James A & Betty E

Schichner, Kevin & Andrea

Baker, Robert J & Baker, Betty I Trustees

Habegger, Bradley & Christine

Habegger, Bradley N & Christine A

Foss, Edward F

Foss, Edward T & Foss, Teresa Koch

Stetzel, Noah D

Stetzel, Duane E & Marilyn J

Tennant, Gary

Stetzel Family Limited Partnership

Stetzel, Duane E & Marilyn J

Stetzel Family Limited Partnership

Stetzel Family Limited Partnership

Habegger, Bradley N & Habegger, Brendan N

Stetzel, Ryan D & Krista Jo

Savio, John A & Patricia A

Brewer, Thomas J Jr.

Risch, Andrew W & Molly N

Yazel, Marc E & Angela A

Stetzel, Gary L & Debra S

Harvey, Lee J & Deana G

Quilhot Farms, Inc

Harman, Joel M & Leslie A

Richter, James A & Janet S

Schneider, Robert W & Kathleen A

Bishop, Daniel L

Moreland, Inc

Moreland, Inc

Gerig, Larry

Gerig, Larry

Harman, John H III

Mace, Richard M. & Janice K.

Skinner, Peter J & Karisa L

Quilhot Farms, Inc

Quilhot Properties, LLC

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Quilhot Farms, Inc

Sparks, Rick & Cinda

Frantz, John & Valerie A

Miller, Elizabeth M & Miller, Evan A

Fahl, Robert S & Roseann

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Fahl, Robert S & Roseann

Fahl, Robert S & Roseann

Fahl, Robert S & Roseann

Fahl, Robert S & Roseann

Stine, Ken & Marilyn 2016 Revocable Trust

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

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Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stine, Ronald R & Ketter, Molly L

Stovall, Andre B & Maxine C

Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

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Turner, Larry M & Daleen K

Turner, Larry M & Daleen K

Moore, Steven M & Virginia M

Alter, Michael W & Harmon, Alysia M

Salida Del Sol Lic

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Hine, Cheryl S Et Al

Moehle, Carl Phillip & Sandra

Moehle, Carl Phillip & Sandra

Moehle, Carl Phillip & Sandra

Moehle, Carl Phillip & Sandra

Moehle, Carl Phillip & Sandra

Moehle, Carl Phillip & Sandra

Moehle, Carl Phillip & Sandra

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Moehle, Carl Phillip & Sandra

Thompson, Mary Kay & Jeffrey N

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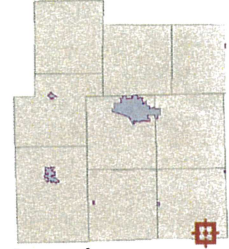
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Thompson, Mary Kay & Jeffrey N



Overview



Legend

-  Corporate Limits
-  Parcels
-  State Highways
-  Road Centerlines
-  Lakes

Date created: 6/20/2022
 Last Data Uploaded: 6/20/2022 1:49:17 AM

Developed by  Schneider
 GEOSPATIAL