

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

22-W-SE-13 **SPECIAL EXCEPTION**
Jason Barbknecht
2185 N. Etna Road

AUGUST 23, 2022
AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 3.51 acres

The petitioner is requesting special exception approval for a traffic generating home occupation. Proposed is a gunsmithing business at the petitioner's home at 2185 N. Etna Road in Thorncreek Township.

As proposed, the petitioner will locate the operation within the existing outbuilding on the east side of the home (specific dimensions of the space will need to be determined). This location will be used due to accessibility for the son with a disability. The described operation is that clients will drop off items to be worked on or repaired. This petitioner had previously acquired a special exception approval to operate a hunting and fishing guide service as a home occupation (22-W-SE-2); this proposal is separate from that operation.

The petitioner plans for his son that resides in the home to be the only employee of the business; for reference home occupations are allowed one non-resident employee.

Parking would be provided along the existing driveway. At the time of writing this report, no sign information has been submitted, and any signage proposed in the future would comply with the standards of the code.

In the AG, Agricultural District, traffic-generating home occupations require a special exception through the Board of Zoning Appeals. The requirements of §10.9 Special Exception Standards and §5.14 Home Occupation Standards of the zoning code apply.

HOME OCCUPATION STANDARDS

The proposal appears to be in compliance with the standards of Section 5.14 of the Zoning Code for home occupations. The area to be used by the business is not yet determined, but it would be limited to approximately 688 square feet based on the floor area of the residence listed in the Assessor's records.

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;**

Working with firearms can involve the usage of gunpowder, which is explosive, but there is not expected to be any quantity greater than what might be found in any other residential property. So, 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 special exception would not add any new structures. There will be no visible evidence of the home occupation, other than the client parking area and possible signage.
3. **The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;**
Other than the occasional parked vehicles on the property, no changes to the existing building or site are proposed, and so would likely not change the existing aesthetics or environment of the neighborhood.
4. **The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and**
Parking for clients' use is proposed to use the existing driveway areas, which should be sufficient for at least four client vehicles at a time. The few visitors per day will not likely create traffic congestion in the area.
5. **The special exception shall preserve the purpose of this Ordinance, as stated in §1.4.**
Home Occupation (traffic-generating) is a listed special exception of the AG district, and the proposed use appears to preserve the purpose, allowing for some business enterprise while maintaining the residential character.

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.
2. The Special Exception is granted as presented and per the site plan.
3. The area used for the business shall not exceed 20% of the habitable area of the residence.
4. Any signage will conform to the requirements of the code.

Date report prepared: 8/16/22

BOARD OF ZONING APPEALS RECORD OF ACTION

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

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

Zumbrun, Mark A. & Zumbrun, Thomas B.

Thorncreek Township

Zumbrun, Mark A & Zumbrun, Tom B

Kyler, Gary D; Morford, Gail J & Opliger, Kent A

Zoltek, Richard P. & Krystal D Walker Zoltek

State Of Indiana

State Of Indiana

Hinen, Jeffrey L & Cynthia A

Wimmer, William R & Patsy J

Zumbrun, Danny D

Wigent, Ashli E

Calhoun, Denver

Kyler, Gary D; Morford, Gail J & Opliger, Kent A

Clear, Travis D & April M

NIETNARD

Barbknecht, Jason & Sandra

Parry, Linda S

Bireley, Scott & Denise

NSR 109

Wolfe, Jim B & Ann L

McDevitt, Nicholas Ross

Nickolson, Aarinn D

Meyer, Jeremy E & Carrie L

Taylor, Darrel

Wiegman, James J & Wiegman, Ramona A

Zumbrun, Mickey A & Zumbrun, Dianne F

Kreider, Glenn Dea & Diane S

Lagemann, Robert

Nickolson, Harold D & Christine

Kramer, Gerald L & Diana J

Smith, Jay & Nora

Fillman, Kyle & Stacie

W 200 N

Beasley, Matthew

West, Jeremy Lee

Powell, Gavin Jacob & Marsh, Whitney

Fillman, Kyle & Stacie

Foreman, Christopher J

Eloph, Todd A & Jamie R

Miller, Zachary & Jennifer

Bollinger, Mark A & Katherine L

Nierman, Duane A & Laurie L

Flora, David E & Nicole P

Neel, Robert Coleman Jr & Tammara Lynne

Plew Inc

Ford, Thomas E & Lisa K

Chapman, Jeffrey A & Christina M

Fudge, Bradley A & Melissa J

Nierman, Duane A & Laurie L

Clear, Travis
D & April M

METNA DR

McDevitt,
Nicholas Ross

Barbknecht,
Jason &
Sandra

Zumbrun, Mark A
& Zumbrun Tom B

