

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

**23-W-SE-1**      **SPECIAL EXCEPTION**  
Aaron, Allen, Kanoshia Schwartz  
7780 W. 1000 South

**JANUARY 24, 2023**  
**AGENDA ITEM: 1**

**SUMMARY OF PROPOSAL**

Current zoning: IN, Intensive Use (AG, Agricultural, remainder of parcel)  
Property area: 2.5± acres (33.1 acres, overall parcel)

The petitioner, owners of the property at 7780 West 1000 South in Section 28 of Cleveland Township, is requesting special exception approval to operate a slaughterhouse on 2.5± acres of the property. A rezoning from “AG” Agricultural District to the “IN” Intensive Use District was approved by the County Commissioners on January 17, 2023, contingent upon the recordation of several zoning commitments that limit the uses permissible on the property. The slaughterhouse would operate in conjunction with the retail butcher shop that is currently in operation and approved by the BZA in September of 2020.

The proposed slaughtering operation would be in a new building to be constructed on the site, situated south of the existing butcher shop. This location will require removal of two existing buildings on the property. The proposed plan also includes the petitioner widening and expanding the driveway to accommodate vehicles delivering and unloading the animals.

Proposed hours of operation will be 7 a.m. to 5 p.m., which are the same hours as the butcher shop and retail business. The number of animals processed per week would be proposed to be up to 9 hogs and 9 head of cattle, with deer processed when in season. There will be a possibility of adding two additional employees to the staff.

In the IN district, slaughterhouse use requires a special exception approval through the Board of Zoning Appeals. The on-site sales would be permissible as part of the processing of agricultural products use, as it was with the 2020 approval.

**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;**

Stored slaughterhouse and butchering by-products can be noxious to surrounding properties if not stored inside or properly contained. Otherwise, it is not likely this use would be dangerous or injurious to surrounding persons or properties.

The performance standards appear to be met. Conditions addressing Department of Health regulations and the proper storage and disposal of by-products would address the waste matter provision.

**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 use would be located within a new building constructed in place of two current farm structures, so the proposed external changes would be relatively minimal. The proposed new driveway design should address on-site traffic flow issues. So likely the proposal would be harmonious with the existing buildings, both on-site and adjacent.

**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 utilize a new building of agricultural-appearance constructed to the south of the existing butcher shop in replacement of two existing buildings. The proposed appearance and setback behind the dwelling should have minimal effect on the visual impression of the site, and so it should be consistent with the neighborhood.

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

Access to the property would use the existing driveway. On-site parking would be well away from the public road so as not to create traffic congestion. If the popularity of this operation comes to a point that there is conflicting traffic entering and exiting from the driveway, there may be congestion on the public road. At that point, the access would need to be addressed.

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

The proposal is a listed special exception use of the IN district and appears to meet the stated purposes of the Zoning Ordinance and the zoning commitments. The Comprehensive Plan does not address this site specifically, but generally well-located small agri-business operations are supportable within the Rural-Agricultural character type.

**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. The approval will expire at such time as the use is discontinued for a period of more than 180 consecutive days, or unless the operation is found in non-compliance and approval revoked by the Board after a public hearing.
4. The applicant shall be in compliance with all Department of Health regulations for the property prior to beginning operations.
5. A maximum of 9 hogs and 9 head of beef will be harvested and processed on-site per week, not to exceed the available cooler capacity.
6. The processing of any number of deer may be done on a seasonal basis.
7. Hours of operation will be limited to 7 am to 5 pm, six days a week.
8. Any waste material generated by the facility shall be stored inside or shall be screened with at least an opaque 6' fence (or equivalent). Waste shall be disposed of off-site by a licensed contractor. On-site burning of waste will not be permitted.
9. Traffic volume will be monitored and the petitioner will widen the driveway, expand parking, and/or take other appropriate measures to accommodate increased traffic and avoid traffic congestion on the public road.

10. Applicant shall maintain compliance with all State Board of Animal Health and Health Department requirements.

Date report prepared: 01/17/2023

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

---

<b>Vote:</b>	<b>Sheiss</b>	<b>Wilkinson</b>	<b>Wolf</b>	<b>Wright</b>	<b>TBD</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

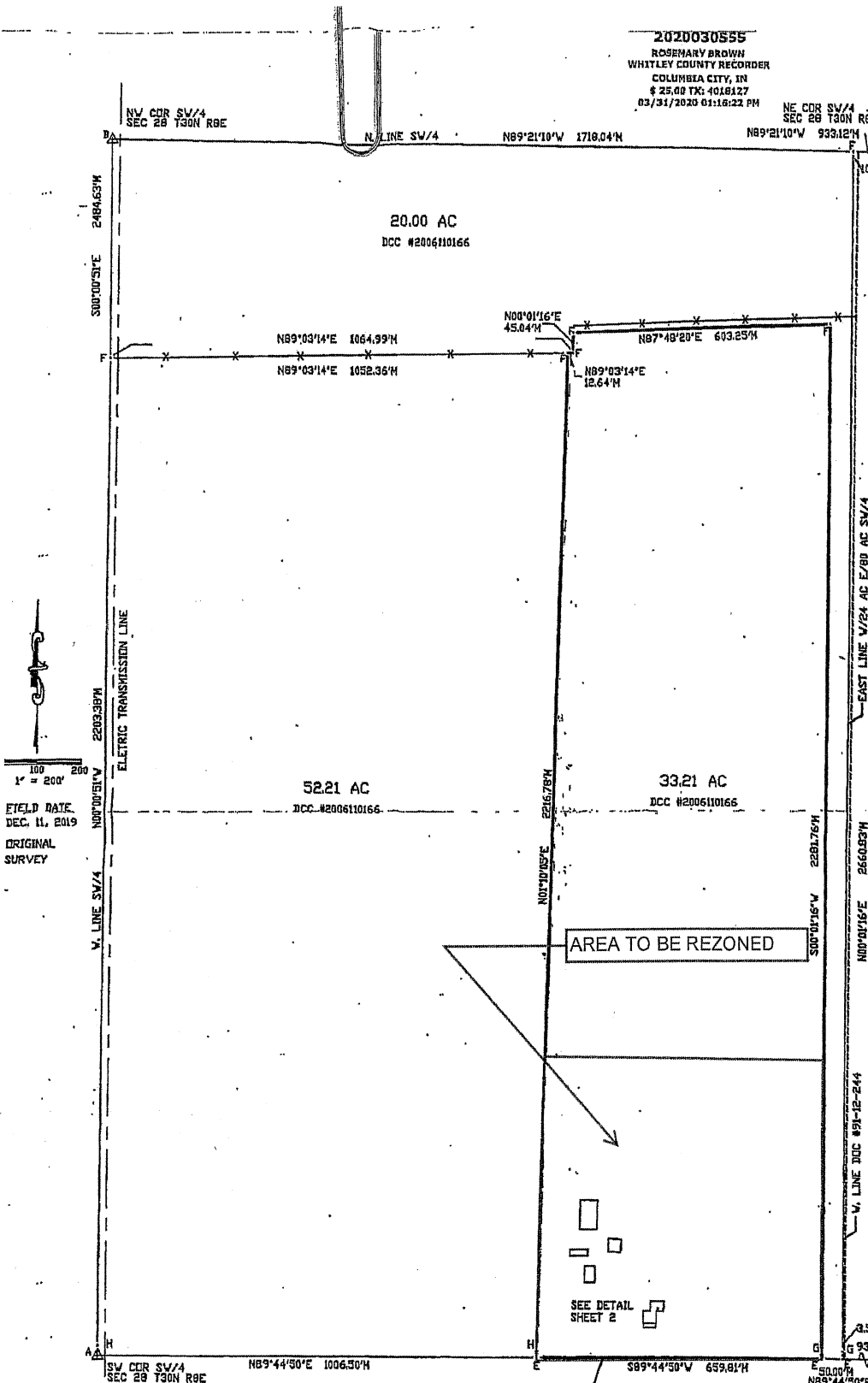
2020030555  
 ROSEMARY BROWN  
 WHITLEY COUNTY RECORDER  
 COLUMBIA CITY, IN  
 \$ 25.00 TX: 4016127  
 03/31/2020 01:16:22 PM

**INFORMAL LEGAL DESCRIPTION**

THE SOUTH 10 ACRES OF THE FOLLOWING DESCRIBED TRACT:

PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 30 NORTH, RANGE 8 EAST, CLEVELAND TOWNSHIP, WHITLEY COUNTY, INDIANA, BEING AN ORIGINAL SURVEY OUT OF DOCUMENT NUMBER 2006110166 AS SURVEYED BY JOEL A. HOEHN, INDIANA PROFESSIONAL SURVEYOR #87-0002 AND SHOWN ON PLAT OF SURVEY CERTIFIED ON JANUARY 17, 2020, AS THE STOODY ASSOCIATES JOB NUMBER AL-11686 (ALL MONUMENTS REFERENCED HEREIN ARE SET OR FOUND ON THE AFORESAID HOEHN SURVEY), DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 44 MINUTES 50 SECOND EAST (ASSUMED AND THE BASIS FOR THESE BEARINGS), 1006.50 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO A MAG NAIL W/"HOEHN" I.D. WASHER WHICH SHALL BE THE PLACE OF BEGINNING; THENCE NORTH 01 DEGREES 10 MINUTES 05 SECONDS EAST, 2216.78 FEET TO A STANDARD CORNER MARKER (5/8"X24" REBAR STAKE W/"HOEHN" I.D. CAP); THENCE NORTH 89 DEGREES 03 MINUTES 14 SECONDS EAST, 12.64 FEET TO A STANDARD CORNER MARKER; THENCE NORTH 00 DEGREES 01 MINUTES 16 SECONDS EAST, 45.04 FEET TO A STANDARD CORNER MARKER; THENCE NORTH 87 DEGREES 48 MINUTES 20 SECONDS EAST, 603.25 FEET TO A STANDARD CORNER MARKER; THENCE SOUTH 00 DEGREES 01 MINUTES 16 SECONDS WEST, 2281.76 FEET TO A MAG NAIL W/"HOEHN" I.D. WASHER ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 44 MINUTES 50 SECONDS WEST, 659.81 FFET ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING. CONTAINING 33.21 ACRES MORE OR LESS.



- LEGEND**
- A = 1/2" REBAR STAKE FND -0.10'
  - B = 6" WOOD POST FND
  - C = RAILROAD RAIL POST FND
  - D = 5/8" REBAR STAKE FND -0.20'
  - E = MAG NAIL W/"HOEHN" I.D. WASHER SET FLUSH
  - F = 5/8"X24" REBAR STAKE W/"HOEHN" I.D. CAP SET +0.50'
  - G = 5/8"X24" REBAR STAKE W/"HOEHN" I.D. CAP SET @ 16'
  - H = 5/8"X24" REBAR STAKE W/"HOEHN" I.D. CAP SET @ 22'

ULA BELLE REIFF TRUST NUMBER ONE - ARON SCHWARTZ

SHEET 4 OF 4



*Joel A. Hoehn*

PLAT OF SURVEY NO. AL-11686

Cottrell, Douglas  
Kent & Wolf,  
Catherine Kay

Schwartz,  
Daniel &  
Mary E

Beiswanger,  
Braydan B  
& Bailly L

Browning,  
Leroy E

Sickafoose, Steven  
L & Sickafoose,  
Beth Ann

Schwartz,  
Christy, S &  
Rose Marie

Sickafoose,  
Steven L &  
Beth Ann

Hilty,  
William E

Reiff, Doug  
J & Terri

Sickafoose, Steven  
L & Sickafoose,  
Beth Ann

Yoder, Amos J  
& Arlene Rose

Sickafoose,  
Steven L &  
Beth Ann

Hilty, William  
E & Susanna

Hersha, Cory, Joseph  
& Reiff, Hersha,  
Claire Ann Marie

Reiff, Doug  
& Terri

Schmucker,  
Victor &  
Susann

Christman,  
Gary, F &  
Patricia M

Schwartz, Aaron  
& Schwartz, Kanoshia  
Allen D

Yoder, Amos Jay  
& Arlene Rose

Sickafoose, Steven  
L & Sickafoose,  
Beth Ann

Schmucker, Victor &  
Schmucker, Susann

Sickafoose, Steven  
L & Sickafoose,  
Beth Ann

Schwartz,  
Timothy

Schwartz,  
Steven W  
& Margaret

Hauptert, Dale L  
Revocable Trust

Sickafoose, Steven  
L & Sickafoose,  
Beth Ann

Schwartz,  
Aaron &  
Kanoshia

Schwartz,  
Samuel &  
Amelia

Frantz,  
Michael  
J & Susan D

Reiff, Rick  
Trust

S SR 105

State of  
Indiana

State of  
Indiana

Comerstone, Grace  
Church Of South  
Whitley, In Inc

Reiff, Doug & Terri  
Revocable Trust

Reiff, Doug &  
Terri Revocable  
Trust

W 1000 S

