

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

**23-W-SE-2**      **SPECIAL EXCEPTION**  
Karnail Singh  
7631 E. State Road 14

**JANUARY 24, 2023**  
**AGENDA ITEM: 2**

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**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 10 acres

The petitioner is requesting special exception approval for a “church” use on the subject property at 7631 East State Road 14, in Section 12 of Jefferson Township. The site is on the north side of SR 14, about 2000 feet west of 800 East.

The property is currently improved with a residence and outbuildings that have been on the site since 1974. The proposed use would be comprised of remodeling the existing structures for the use as a temple. The petitioner has stated that there would be the possibility of building a new structure on the site in the future. As submitted, there would be 20-30 people would be attending every Sunday. No details on lighting, signage, or other aspects of converting the property to the proposed use were submitted at this time.

As a use conversion, this special exception review also serves as a site review. Before new building or development could start, a Development Plan would be required prior to the start of any site development and building construction. Depending on the Board’s approval, re-review of the special exception may also be appropriate at that time.

Note that in the zoning code, the term church is defined as “an institution that people regularly attend to participate in or hold religious services, meetings, and other activities.” The term is not specific to any particular religion or denomination, and it does not include accessory uses like day cares, bingo halls, etc.

In the AG, Agricultural District, churches 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;**

Religious institutions typically do not have such elements, cause such conditions, nor contravene the performance standards. Any church is unlikely to be dangerous, injurious, or noxious, and is expected to comply generally with the performance standards.

No details on lighting on the site were submitted. If any exterior lighting is proposed, it must be directed so as to prevent glare and light spillage onto adjacent rights-of-way and residential properties.

No accessory uses, such as ball fields, pavilions, day cares, etc., have been proposed at this time. These types of uses can have aspects that impact performance standards, and so another special exception review could be required if these are to be proposed in the future.

**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;**

No details on the architecture of the proposed converted building or landscaping were submitted. This should be considered by the Board.

Generally, the site is bounded by rolling and wooded parcels to the north, residential and agriculture fields to the south, with sizable separations from the proposed location and surrounding structures, so a church use of the proposed size would likely be harmonious with the adjacent properties. However, additional details are needed if any new construction is proposed.

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

As mentioned above, details of the proposed conversion to a temple have not been submitted. However, as a conversion of an existing residence, it would not likely have aesthetics that would be out of place in the neighborhood.

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

The existing driveway and parking are proposed to be reused. Being located on State Road 14, a driveway permit from INDOT could be required due to change in use. Given the amount of traffic and sight distances on the highway, it may also be possible that improvements to the road (e.g., shoulder widening, turn lane, etc.) would be required.

The specifics of the parking design would be addressed during the building permit application process for the remodeling of the current structures. Additionally, it should be noted that parking lots for non-residential properties are to be paved with asphalt or concrete.

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

Churches clearly fall into a permissible special exception of the Zoning Ordinance, and institutional uses are generally supported by the Comprehensive Plan when sited appropriately. Regarding the Ordinance's purpose to promote public health, due to the location, proposed improvements, and use, the proposed use will need to be connected to the sanitary sewer available along State Road 14.

**SUGGESTED CONDITIONS**

Because of some of the uncertain details in the proposal, it may be appropriate to continue this request to allow time to submit additional information on the proposal. If the Board finds that the Special Exception may be approved, staff suggests the following conditions:

1. The Special Exception use is granted based on the site and building information submitted and presented.
2. The proposed driveway and its location must be approved by INDOT, and any conditions of their permit must be incorporated.
3. The parking lot and driveway are to be paved with asphalt or concrete.
4. Any signage will conform to the requirements of the sign code.
5. Any lighting is to be shielded and/or oriented to prevent light spillage and glare onto adjacent properties and rights-of-way.
6. The use will be connected to sanitary sewer; or, if sewer is unavailable, Health Department requirements for an appropriate septic system must be met.
7. Any new primary buildings, substantial additions/expansions, or additional accessory uses shall have further special exception review.

Date report prepared: January 18, 2023.

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

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



