

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

23-W-SE-4 **SPECIAL EXCEPTION**
Christopher Martin
715 N. 300 West

FEBRUARY 28, 2023
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 6.762 acres

The petitioner, owner of the subject property, is requesting special exception approval for a Traffic Generating Home Occupation. The property is located at 715 N. 300 West in Section 6 of Columbia Township, and is Lot 2 of Spring Creek Subdivision. The subject property is currently improved with a house and detached garage.

The proposed use is automobile detailing. The detailing would take place primarily in the detached garage. In some instances, if vehicles are too large to fit in the garage, service would be done outside, beside the garage. A rinse-less wash method would be used to reduce water usage in the process.

There are no current plans to modify the existing structures or landscape. The proposed plan is to detail one to three vehicles per week. The parking would be a drop off/pick-up style. Operating hours would be mainly during normal business hours of 7:00 AM to 5:00 PM. Occasionally, work may be done in the evening but no later than 9:00 PM. The intent would be for all neighboring property owners to observe minimal change in vehicle traffic or property appearance. No employees are planned.

The garage area of 320± square feet is 20% of the dwelling area, which matches the maximum area for home occupations.

In the AG district, home occupation (traffic generating) requires 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 detailing could involve some elements that may be dangerous to other property if misused, including equipment, cleaning agents, etc. The setbacks from adjacent dwellings (a minimum of 178'±) 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 garage building. The setback and proposed normal hours of operation should also mitigate these potential nuisances.

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 garage. 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 garage. The operation of the business within the garage would likely be consistent with the overall environment of the neighborhood. However, the number of vehicles 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 eventually cause 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:

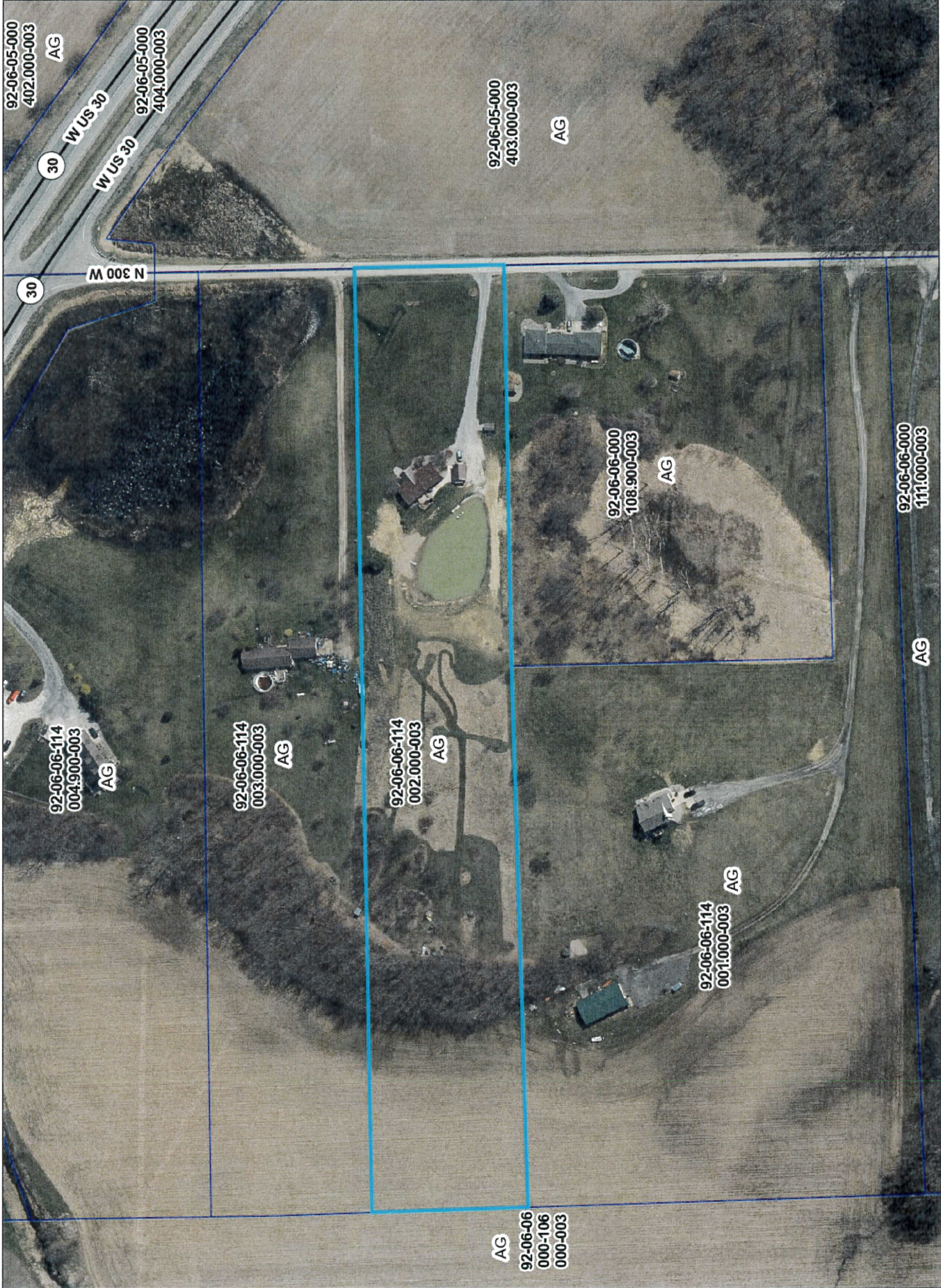
1. The Special Exception is granted for the applicant and is non-transferable without Board approval.
2. The Special Exception is granted as presented and per the site plan.
3. Operation will not extend beyond business hours of 7:00 am to 9:00 pm.
4. Operation will not exceed an average of three vehicles per week.
5. Customer vehicles will be parked in or beside the garage.
6. No more than three customer vehicles will be on-site at one time.
7. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
8. Any signage will conform to the requirements of the code.

Date report prepared: 2/15/2023

BOARD OF ZONING APPEALS RECORD OF ACTION

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

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



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AG

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W US 30
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