

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

23-W-SE-5 SPECIAL EXCEPTION
Cidermill Propane
3901 E. Cider Mill Road

**FEBRUARY 28, 2023
AGENDA ITEM: 6**

SUMMARY OF PROPOSAL

Current zoning: IPM, Industrial Park-Manufacturing
Property area: 3.13± acres (out of a 31.13 acre parcel)

The petitioner, operator of the business located at 3879 East Cider Mill Road, is requesting special exception approval for expansion of its gas storage/distribution use. This use was originally approved in 2011 for two tanks of up to 30,000 gallons each and was amended in 2015 to include a third tank of up to 30,000 gallons and again in 2020 to add two additional 30,000-gallon tanks. Previous approvals were granted with the condition “as presented and per the site plan.” Therefore, changes in site plan require Special Exception review.

Currently, there are four propane storage tanks on the property: one 12,000-gallon, one 18,000-gallon, and two 30,000-gallon. The petitioner now seeks approval to replace the two smaller tanks with 30,000-gallon tanks, which was already approved, but reposition them on the property. In addition, they would like to construct a new storage building on the property. The proposed building would be located between the office building and the propane tanks to store the delivery vehicles. A legal drain is approximately 80’ from the northernmost tank. With the changes to the site plan, a reapproval is required.

In the IPM district, bottled gas storage/distribution uses 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;**

While the product being stored and distributed, propane, is inherently flammable and potentially explosive, storage tanks are designed to reduce the danger of explosion, even in extreme conditions. Combined with the distance to surrounding buildings, the danger posed to other property and persons should be negligible.

The performance standards appear to be met. The provision of appropriate fire protection should be anticipated, as may be required by the building code and any overseeing agencies.

- 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 reorient previously approved tanks, which are of a similar nature to those existing, and add a storage building that is comparable to existing buildings, and so likely 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;

Again, the proposed additional tanks are comparable to those already existing on the site and would be largely screened by them and the buildings nearer the road. At some point additional expansions of tanks would create a “tank farm” appearance, but it is not likely that this proposal would cross that threshold. The additional storage building proposed would also be relatively consistent in appearance with other barns and outbuildings in 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. The proposed revisions to the previously approved special exception would not be likely to generate any additional traffic, so there should be no different impact on traffic with this request.

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 IPM district and appears to meet the stated purposes of the Zoning Ordinance. The Comprehensive Plan does not address this site specifically, but generally moderate expansions of existing compliant businesses are supportable as long as the character expected for the Agricultural-Rural area is kept.

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.

Date report prepared: 02/14/2023

BOARD OF ZONING APPEALS ACTION

Motion:

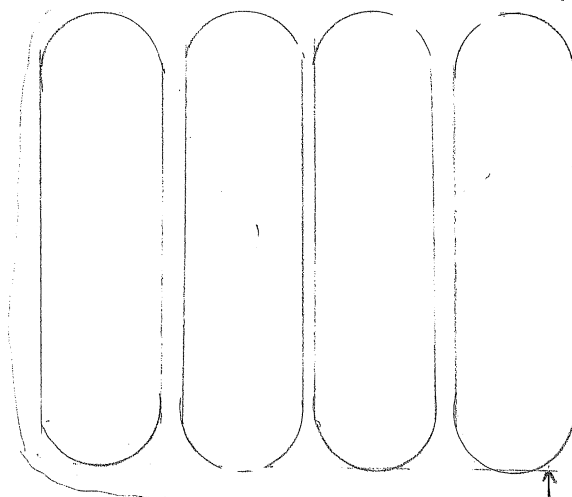
By:

Second by:

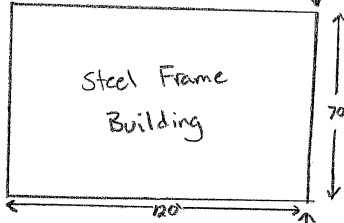
<i>Vote:</i>	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



Parcel ID	92-03-30-000-110.000-011	Alternate ID	92-03-30-000-110.000-011	Owner Address	Sheckler, Anthony E & Gail
Sec/Twp/Rng	30-32-09	Class	AGRICULTURAL - VACANT LAND		2985 N 150 W
Property Address	W Sheckler Rd	Acreage	34.098		Columbia City, IN 46725
	Columbia City				
District	Thorncreek Township				
Brief Tax Description	PT S2 NE4 S RD S30 T32 R9 34.098A				
	(Note: Not to be used on legal documents)				



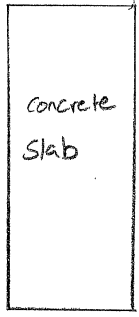
50'



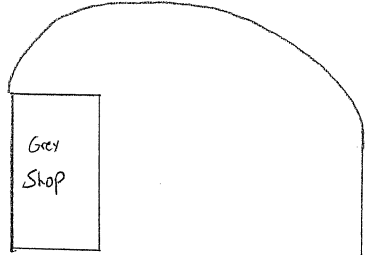
70'

New office

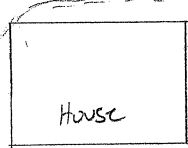
40'



Concrete Slab



Grey Shop



House

Cidermill Rd.