

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

23-W-SE-6 **SPECIAL EXCEPTION**
Chris Santor, Rail City Enterprises LLC
4490 W. 200 South

FEBRUARY 28, 2023
AGENDA ITEM: 7

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 3.375±acres

The petitioner, owner of the subject property area, is requesting a special exception approval for specialty retail, variety store, and farmer's market use in the AG, Agricultural district. The property is located on the north side of 200 South, about 1,200' west of 425 West in Section 13 of Richland Township, with an address of 4490 West 200 South. The property is currently improved with a former church building, which was recently vacated by the Oak Grove United Methodist Church.

It is the petitioner's intent to use the existing structure for office for their company, an area for staging and pickup for online auctions, a retail boutique that will specialize in quality antiques, collectibles, furniture, and other merchandise (all of these uses may be defined as specialty/variety retail uses), and a seasonal outdoor farmer's market for artisans and farmers. Also, they plan to keep the architecture of the facility unchanged and to enhance its exterior by adding to and upgrading the landscaping.

In the AG district, specialty retail, variety store, and farmer's market businesses require a special exception approval through the Board of Zoning Appeals.

Note that this property was the subject of a recent rezoning request that was denied. That request was needed on the long-term desire to operate an auction hall or similar assembly use, which are not permissible under the AG zoning district. This request does not include such uses.

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;**

Specialty retail, variety store, and farmer's market businesses do not typically have elements that are dangerous, injurious, or noxious for the public.

Most of the performance standards would be met. Noise from vehicles could be generated while customers come and go, but such noise should not be distinguishable from any other truck or automobiles that may be on the public roads.

- 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 permit the use of the existing structure and property for specialty retail, variety store, and farmer's market. The structure itself has been used by a church since 1935. The petitioner has no plans to change the appearance of the building.

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

If the operation is contained within the existing structure, which is the intent, there would be little visible to indicate the operation, and so it would be consistent with the neighborhood. If there is outdoor storage of materials and product, that may be inconsistent with the area; although, agricultural operations do frequently have outside storage. The farmer’s market could be outside and would not be inconsistent with the neighborhood in appearance, other than occasional increase in on-site vehicles.

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

The existing driveway and parking lot would be utilized. The parking lot has a rough capacity of 55 vehicles, which should be sufficient for the uses proposed. There is sufficient space for maneuvering of vehicles on-site, so there should be little cause of traffic congestion due to accessing the property. However, additional traffic generated by this use could be out of character for the neighborhood and at some point, increases in business could cause unnecessary and unexpected congestion.

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

The proposal is a listed special exception uses of the AG district. It appears to meet the stated purposes of the Zoning Ordinance, in particular §1.4(C)(b). The Comprehensive Plan generally supports well-located businesses that are not out of character of the neighborhood. As proposed, the reuse of a former church building will likely maintain a compatible character, even though operations may be expected to be daily instead of weekly as a church.

SUGGESTED CONDITIONS

If the Board moves to grant the special exception, the following are suggested conditions of the approval:

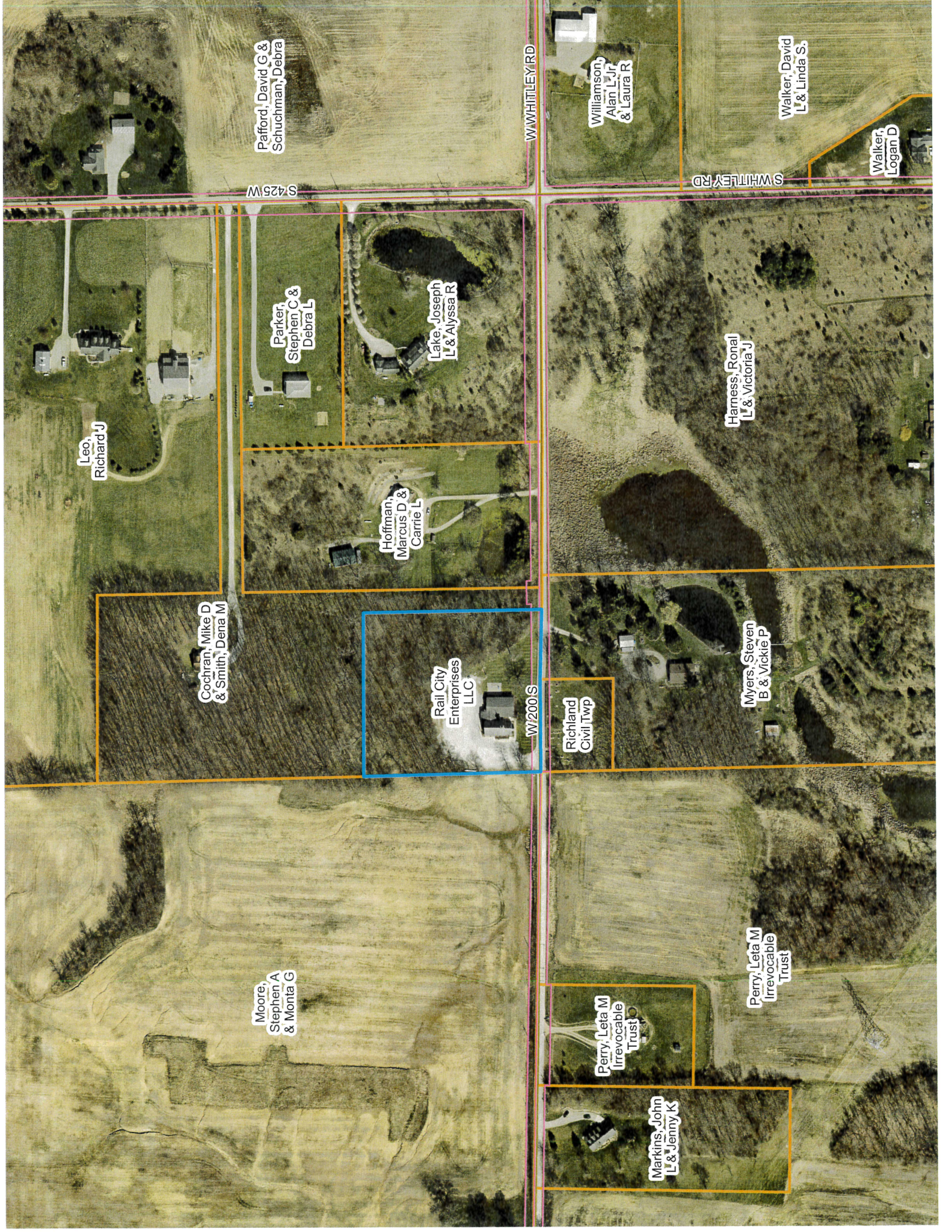
1. The Special Exception is granted for the applicant and is non-transferable without Board approval.
2. The Special Exception is granted as presented and per the site plan.
3. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
4. Hours of operation for the year-round businesses will not exceed ___ to ___.
5. Freestanding sign area will not exceed 50 sq. ft. per sign face.
6. Any refuse container/dumpster stored outside will be screened from public view with an opaque enclosure.

Date report prepared: 02/22/2023

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>					



Pafford, David G & Schuchman, Debra

W WHITLEY RD

Williamson, Alan L Jr & Laura R

Walker, David L & Linda S.

Walker, Logan D

S WHITLEY RD

S 425 W

Leo, Richard J

Parker, Stephen C & Debra L

Lake, Joseph L & Alyssa R

Hoffmann, Marcus D & Carrie L

Harness, Ronald L & Victoria J

Cochran, Mike D & Smith, Dena M

Rail City Enterprises LLC

W 200 S

Richland Civil Twp

Myers, Steven B & Vickie P

Moore, Stephen A & Monta G

Perry, Leta M Irrevocable Trust

Perry, Leta M Irrevocable Trust

Markins, John L & Jenny K

1977 S. W. ATTORNEY WING

