

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

23-W-SE-7 **SPECIAL EXCEPTION**
Gary Kaufman
1676 S. 700 East

APRIL 25, 2023
AGENDA ITEM: 5

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 41.08 acres

The petitioner is requesting special exception approval for a traffic generating home occupation. The proposed is a firearm investment and transfer business at the petitioner's home at 1676 S. 700 East in Section 14 of Union Township.

As proposed, the petitioner would be relocating the operations of his Federal Firearms Licensee activities within the existing dwelling. The activities would be conducted solely in the 200 sq. ft. study and closet area. The petitioner stated the primary activity is the collection of notable firearms as one might collect fine art or automobiles.

Because the federal license allows on-site commercial sales, and since it requires evidence of zoning compliance, an approval for allowing commercial on-site sales is necessary even though most transactions would occur off-site. The petitioner has suggested that there might be occasional in-person visits to the premises, possibly 1-3 times per year, during customary business hours. There would not be a retail showroom or other activity that would generate traffic besides by appointment.

In the AG, Agricultural District, traffic-generating home occupations require a special exception through the Board of Zoning Appeals. The requirements of §10.9 Special Exception Standards and §5.14 Home Occupation Standards of the zoning code apply.

HOME OCCUPATION STANDARDS

The proposal appears to be in compliance with the standards of Section 5.14 of the Zoning Code for home occupations.

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;**

Working with firearms can involve the usage of gunpowder, which is explosive, but there is not expected to be any quantity greater than what might be found in any other residential property. So, it is unlikely that this proposal will have any elements or conditions that may be particularly dangerous, injurious, or noxious to other properties, and should generally comply with performance standards.

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 not add any new structures. There will be no visible evidence of the home occupation, other than the client parking area and possible signage.

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

Other than the occasional parked vehicles on the property, no changes to the existing building or site are proposed, and so would likely not change the existing aesthetics or environment of the neighborhood.

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

Parking for clients' use is proposed to use the existing driveway areas, which should be sufficient. The few visitors will not likely create traffic congestion in the area.

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

Home Occupation (traffic-generating) is a listed special exception of the AG district, and the proposed use appears to preserve the purpose, allowing for some business enterprise while maintaining the residential character.

SUGGESTED CONDITIONS

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

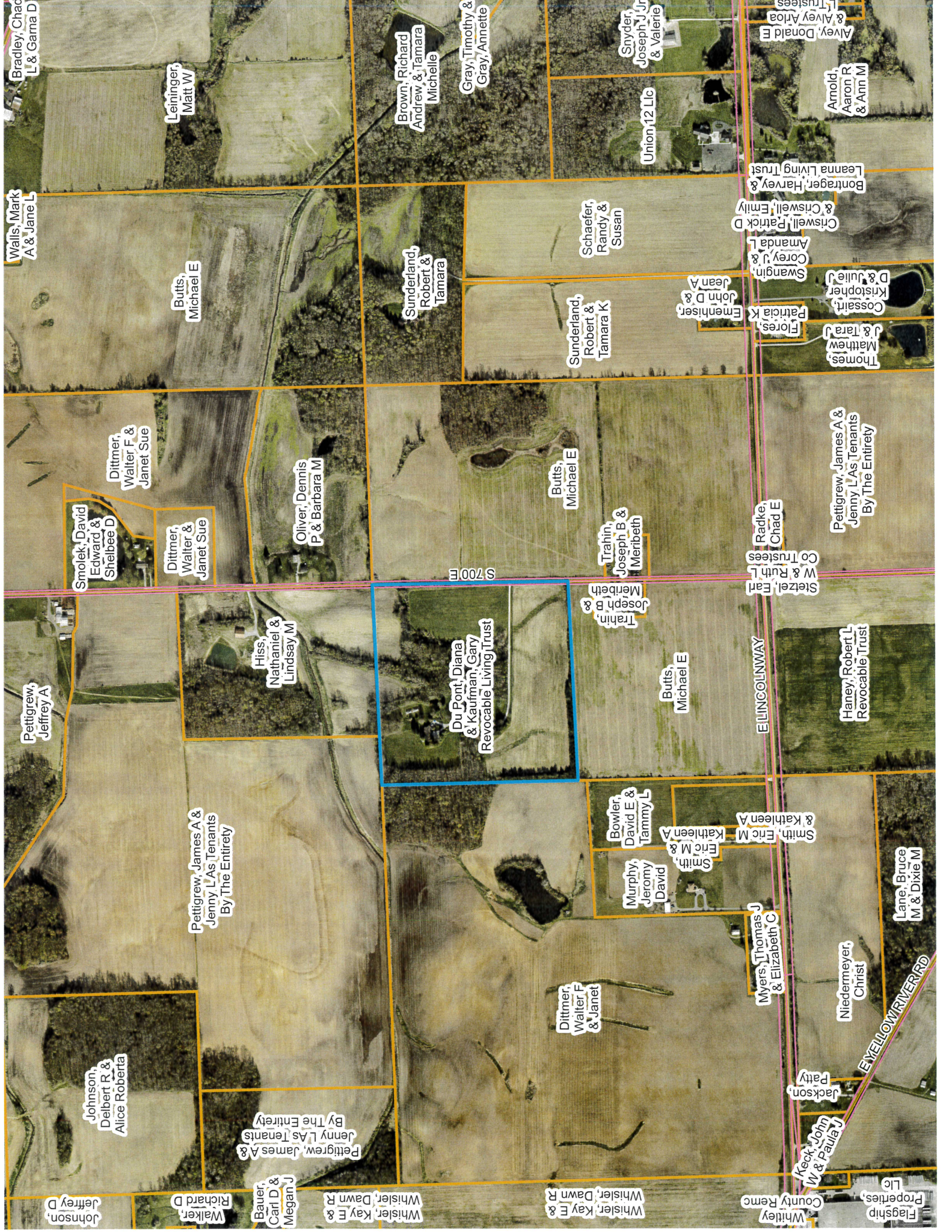
1. The Special Exception is granted for the applicant and is non-transferable.
2. The Special Exception is granted as presented and per the site plan.
3. The area used for the business shall not exceed 20% of the habitable area of the residence.
4. Any signage will conform to the requirements of the code.
5. The number of customers on-site will not exceed an average of one per month.

Date report prepared: 4/19/2023

BOARD OF ZONING APPEALS RECORD OF ACTION

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

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



Flagship Properties, LLC

Whitley County Remo

Whisler, Kay E & Dawn R

Whisler, Kay E & Dawn R

Walker, Richard D

Johnson, Jeffrey D

Keck, John W & Paula J

Jackson, Patty

Niedermeyer, Christ

Myers, Thomas J & Elizabeth C

Murphy, Jeromy David

Smith, Eric M & Kathleen A

Bowler, David E & Tammy L

Lane, Bruce M & Dixie M

Haney, Robert L Revocable Trust

Stetzel, Pat W & Ruth L Co Trustees

Radke, Chad E

Trahin, Joseph B & Meribeth

Butts, Michael E

Trahin, Joseph B & Meribeth

Oliver, Dennis P & Barbara M

Butts, Michael E

Sunderland, Robert & Tamara

Sunderland, Robert & Tamara K

Emehiser, John D & Jean A

Swangin, Corey J & Amanda L

Criswell, Patrick D & Criswell, Emily

Schaefer, Randy & Susan

Union 12 Llc

Snyder, Joseph J Jr & Valerie

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Leininger, Matt W

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Bradley, Chad L & Gama D

Pettigrew, James A & Jenny LAs Tenants By The Entirety

Johnson, Delbert R & Alice Roberta

Pettigrew, James A & Jenny LAs Tenants By The Entirety

Bauer, Carl D & Megan J

S 700E

E LINCOLNWAY

E YELLOW RIVER RD

Du Pont, Diana & Kaufman, Gary Revocable Living Trust

Acorn Technica LLC
1676 S 700 E
Columbia City, IN 46725
805-453-9303

March 10, 2023

Nathan Bilger
Executive Director
Columbia City/Whitely Co. Joint Planning & Building Dept.
220 W. Van Buren St., Suite 204 Columbia
City, IN 46725

Re: 1676 S 700 E, Columbia City, IN 46725 – “Home Occupation” Exception

Dear Nathan,

I am hoping to relocate my Federal Firearms Licensee (“FFL”) activities from Allen County to my residence in Whitley County. The particulars are as follows:

- As discussed, my primary activity as an FFL is the collection of notable firearms as one would collect fine art or automobiles.
- Occasionally, I acquire and transfer collectable firearms to other high net worth collectors, which requires an in-person visit by the customer to the premises for the 4473/NICS transfer process in compliance with federal law.
- Such third-party transfers number from between 1 – 3 annually and will be scheduled during customary business hours.
- I only provide such transfer services for third parties with whom I have social and/or business relationships; I never conduct FFL services on behalf of parties I do not know.

If you should require any further information or have any questions or comments, please do not hesitate to contact me.

Thanks and best regards,

Gary Kaufman