

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

**23-W-SE-12**     **SPECIAL EXCEPTION**  
Benjamin & Katie Wagner  
3750 N. Blue Lake Road

**JULY 25, 2023**  
**AGENDA ITEM: 4**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 1.5 acres

The petitioner, owner of the subject property, is requesting special exception approval for a Machine Shop use in conjunction with their residence. The property is located 3750 North Blue Lake Road in Section 22 of Smith Township. The subject property is currently improved with a house and outbuildings.

The proposed specific use is a welding repair shop located in the eastern, larger outbuilding. It is currently operating as a small residential accessory use, but it is desired to grow it into a larger business. The petitioner describes the nature as “work on horse trailers, build railing, building shelving, fix damaged mower decks.” Most work is done inside the building, but the petitioner acknowledges that some trailers would be too large to fit entirely inside the structure.

Hours of operation are currently in the evening, but as the business grows, it would become a daytime operation (7am-9pm) for up to six days per week. An estimated 5-7 customers drop off/pickup items throughout the week, and the petitioner does pickup and delivery. An identification sign is requested.

No employees other than the petitioner are expected at this time. If the business outgrows this building, the petitioner plans to relocate the business.

Note that this case was originally thought to be best described as a traffic-generating home occupation (TGHO). However, as the area of the business use will exceed the 20% of the area of the house that is required for a TGHO, it is now considered to fall into the category of a “machine shop” use although in conjunction with a residence. Both uses are special exceptions in the AG district, but the specific requirements differ.

**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;**

Welding could involve some elements (e.g., flammable gas) that may be dangerous if substantially misused, but typically such uses would not be dangerous, injurious, or noxious.

Of the performance standards, noise and fire protection may be applicable to this proposal. Welding and repair could involve pounding, grinding, and other noise-generating activities. Being primarily within the structure should mitigate much of the noise; timing of outdoor work could further reduce objectionable noise. Compliance with fire codes and adequate safety practices will be necessary.

**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 outbuilding. 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 outbuilding. The operation of the business within the building would likely be consistent with the overall environment of the neighborhood, where various agricultural activities have similar characteristics. Outside work or storage could be visually inconsistent, so these should be minimized to mitigate adverse effects.

**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, at some point, increases in business could eventually cause congestion if it is not already relocated.

**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. Small-scale businesses are anticipated secondary uses of the Agricultural-Rural character type.

**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.
3. Operation will not extend beyond business hours of 7:00 am to 9:00 pm. Noise-generating work performed outside will be limited to 9:00 am to 7:00 pm.
4. There will be no outdoor storage of parts or products on the north side of the building.
5. There will be no more than one non-resident employee.
6. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
7. Any signage will conform to the requirements of the code.

Date report prepared: 7/11/2023

**BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_  
 Approve \_\_\_\_\_  
 Approve w/conditions \_\_\_\_\_  
 Deny \_\_\_\_\_

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



Fry,  
Stephen P

Bbbj Green  
Farms, Llc

Johnson  
Bros Inc

Fry,  
Stephen P

Bbbj Green  
Farms, Llc

Johnson  
Bros Inc

Boggs, Kerry  
& Barbara

Landis,  
Thomas A &  
Kelly J

Wagner,  
Benjamin  
& Katie

McCombs,  
Nicholas J  
Burrelison, Kim  
Allen & Alma L

Hoover,  
Justin S &  
Dessa L

Perlich, Jeffrey L  
Perlich, James L &  
Perlich, Jonathan J

Perlich, Jeffrey L  
Perlich, James L &  
Perlich, Jonathan J

Mcbride,  
Joshua H  
& Katee D

NE RUE LAKE RD



## Brent Bockelman

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**From:** Ben Wagner <ben.wagner@bmrgroup.net>  
**Sent:** Wednesday, June 21, 2023 8:47 PM  
**To:** Brent Bockelman  
**Subject:** Re: [External] newspaper notification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brent, here is a summary of what I do. I have a welding repair shop. I work on horse trailers, build railing, build shelving, fix damaged mower decks. Most of the work is done inside of I can. Some trailers are to big to fit all the way in my shop. Right now I work in the shop from 4:30p.m to no later than 9:00 pm. As things progress that would change to 7:00am to 9:00pm 5-6 days a week. I may put a small sign in the yard. As of now I pick up and deliver the jobs but may have 5 to 7 people through the week picking up and dropping off depending on work load. I don't ever plan on adding on to this building. The way things are layed out it would be very difficult. If it comes to the point that I need more space I would just relocate. Hope this is enough for what you need. Let me know if there's anything else.

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**From:** Brent Bockelman <wcplanning2@whitleygov.com>  
**Sent:** Monday, June 19, 2023 4:03:06 PM  
**To:** Ben Wagner <ben.wagner@bmrgroup.net>  
**Subject:** newspaper notification

This notice needs to be published in 2 newspapers, 1 time each by July 15<sup>th</sup>, 2023

Brent Bockelman  
Planner I  
Columbia City/Whitley County Joint Planning & Building Department  
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Columbia City, IN 46725  
260-248-3112  
wcplanning2@whitleygov.com

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