

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

23-W-SE-15 **SPECIAL EXCEPTION**
Gabe VanEvery
5027 E. Anderson Road

AUGUST 22, 2023
AGENDA ITEM: 5

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 2.178 acres

The petitioner, owner of the subject property, is requesting special exception approval for Machine Shop use in conjunction with their residence. The property is located at 5027 E. Anderson Road in Section 17 of Smith Township. The subject property is currently improved with a house and outbuildings.

The proposed specific use is a machine shop to be located in a building addition that is yet to be constructed on the north side of the existing detached garage. The petitioner describes the nature as a small machine shop. All work will be done inside of the building, other than unloading of materials and loading of product. The doors of the building will be on the east side toward the driveway and open field to mitigate noise concerns.

The initial hours of operation would be evenings from 3:00 pm to 9:00 pm and Saturday until 2:00 pm. As the business grows, the plan is to become a full-time operation with a 40-hour work week schedule. An estimated increase in traffic of one to two vehicles per day is expected, with the petitioner planning to pick up and deliver parts and materials himself. The petitioner stated that in addition to regular FedEx and UPS service, as the business grows, additional pickup and deliveries may occur by straight truck or freight truck one to two times per month.

No employees other than the petitioner and his son are expected at this time. As the business grows, a total of 2 or 3 employees could be possible. If at some point the business grew beyond that scope, the business would be relocated to a building zoned for manufacturing.

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;**

Machining could involve some elements (e.g., chemicals, coolant) 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. Machining could involve cutting, 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 outbuilding addition. Generally, the relationship of the new building addition and grounds to the adjacent area would not change significantly from what exists.

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 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.
4. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
5. Any signage will conform to the requirements of the code.
6. Outdoor storage of products or materials, if any, is permitted on the north side of the addition.

Date report prepared: 8/15/2023

BOARD OF ZONING APPEALS RECORD OF ACTION

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

Vote:	Green	Sheiss	Wilkinson	Wolf	Wright
Yes					
No					
Abstain					

Brent Bockelman

From: Gabe VanEvery <gabevanevery@gmail.com>
Sent: Wednesday, August 2, 2023 8:21 AM
To: Brent Bockelman
Subject: [External]

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.

Good morning Brent,

With the intent to operate a small machine shop business at my current location of 5027 East Anderson Rd these are the following day to day duties of what it will consist of.

I am starting out this business completely 100% from new. I've been in the machine business 28 years. My initial plan is to start part time in the evenings from 3:00 pm to 9:00 maybe Saturday mornings till 12:00/2:00 in the afternoon. Then hopefully going to a full time schedule in the future. I'm guessing full time 40hr weeks to be within 6 to 12 months. Items of possible concern to neighboring homes:

Noise:

All of the work will be performed indoors, keeping noise from machining contained within the structure. The only exception to not working indoors would be the intake of materials and loading a pallet onto the truck for delivery. Doors to structure where manufacturing will be taking place are only on east side, so weather permitting if doors are open noise would only admit to the east. there are no homes on east side for 1/4 of a mile until the blue river then there are homes starting on the eastward of river. With exception of one home on the south side of road and just east of my residence. That home has been vacant since mid 2018 I believe. homes west of my residence should not have any noise bother, and are at least 100 yards away.

Traffic:

There will be little traffic entering and exiting the driveway I'm suggesting one to two vehicles per day extra (my truck) than what we have now with our current living schedule. I plan on picking up and delivering parts and materials for manufacturing at my residence. Going forward should I be able to attain a full-time position. There may be an occasional straight truck that would deliver materials. Or even possibly a freight truck one to two times per month that would most likely be a single axle semi tractor with a 28 foot box trailer. And of course you would have FedEx or UPS truck occasionally as well.

Lighting:

Typical Lighting that would be omitted through the west windows of the shop are just regular fluorescent LED type shop lights. Some of the equipment have small flashing lights when the machine cycle has been completed it is not noticeable or will catch someone's eyes from a distance. Outside lighting will just be the typical night lights on a pole that is consistent with

neighboring homes.

Employees:

Starting out just myself and possibly my son will help when needed. Full time work in the future will possibly be 2-3 employees at very most. I plan to stay small and viable. Should that take a different direction moving forward then I will relocate business to a commercial building zoned for manufacturing.

Day to day operations:

Operations will consist of cutting, turning, milling various materials. Steel, Aluminum, plastics. No hazardous materials or anything with environmental concerns. Chemicals used would consist of cutting oils applied with a small brush when using a manual machine for machining. (example drilling a hole through a piece of steel using a drill press) when manufacturing with CNC equipment I use a water soluble coolant this is contained within the machine. When that coolant needs changed it gets pumped out into a barrel and then a company like Safety-Kleen will recycle that. Other typical Chemicals would consist of cleaning chemicals for mopping the floor, WD-40, brake clean, to clean a part to repair.

My plan is to make a small footprint and not be of any bother or attraction to any of my neighbors like I have currently been for the last 22 years of my residents here.

Thank you for your consideration

Gabe VanEvery

5027 E Anderson Rd

Churubusco, IN 46723

(260) 515-4662

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Crance, Scotty W & Tamara Sue

Linville, Steven P & Kathleen C

Crance, Wayne & Joan Irrevocable Trust

Crance, Wayne & Joan Irrevocable Trust

Van Houten, Brian & Stephanie

Wiersema, Ryan J & Cynthia A

Zeigler, Danny L & Marcia A

Gaerte, Jody E & George C

Cormany, James T & Cynthia S

Cormany, James T & Cynthia S

Jacobs, Scott E & Dana M

Reser, Stephen

Kensill, Douglas R & Kyla

Kensill, Douglas R & Kyla K

Forman, Mark S & Pamela S

Pence, Don Allen

Jones, Eddie Ray & Judy Diane

Carter, Rex S & Earnhart, Mitzi L

Van Every, Gabe

E ANDERSO I RD

Pence, Scott Arland & Etta Fern & Pence, Larry, Edward & Pence, Paul Mitchell & Pence, Don Allen & Hi

Pence, Scott Arland & Etta Fern & Pence, Larry, Edward & Pence, Paul Mitchell & Pence, Don Allen & Hi

Helmkamp, Melissa M

Linville, Steven P & Kathleen C

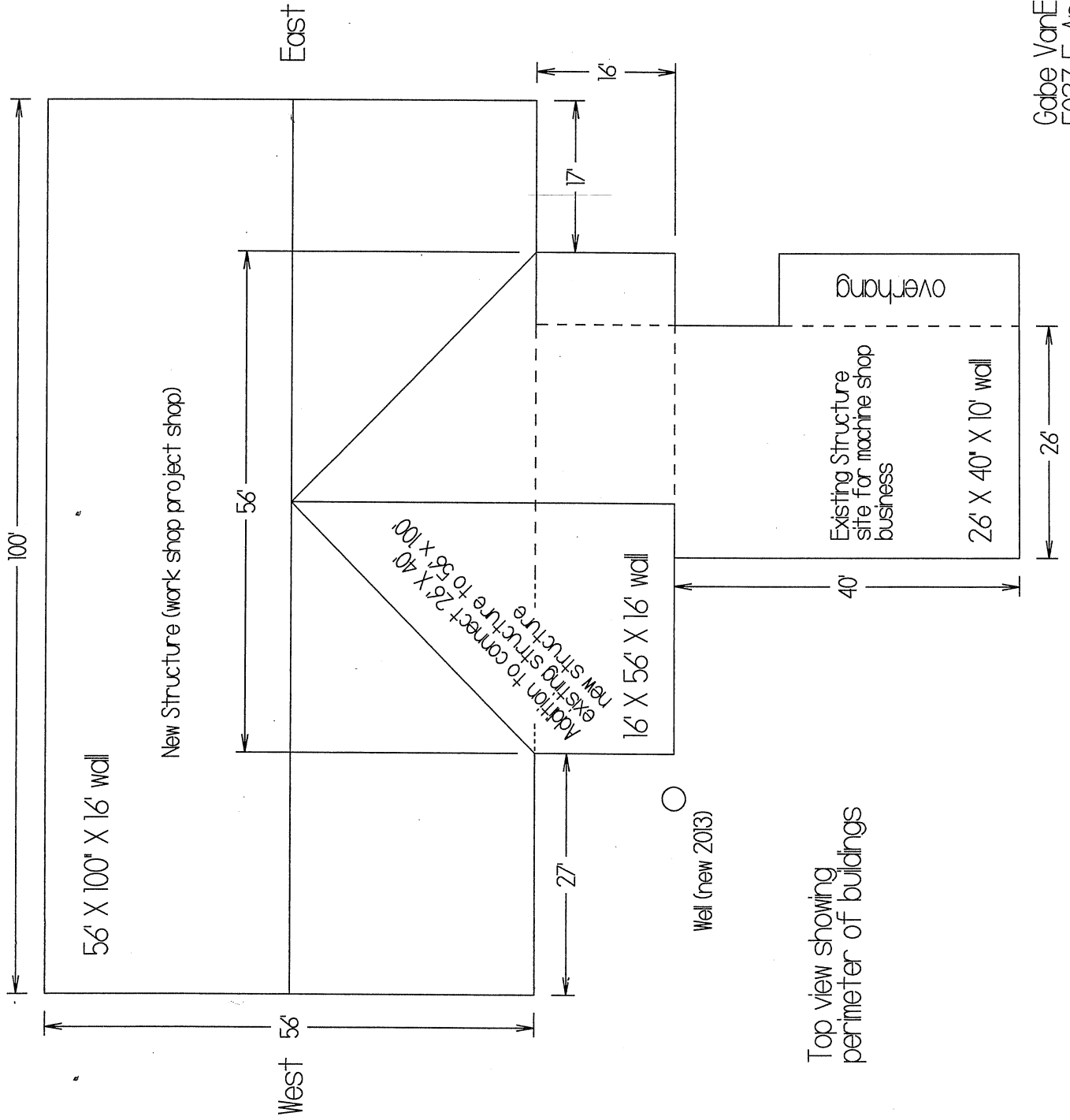
Labenz, Lyle A

Zolman, Kern S, Zolman, Daron K, Zolman, Byron D, & Zolman, Tad D

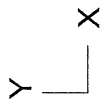
Braman, Christopher A

Norton, Jody A & Buckmaster, Lesley L

North



Top view showing perimeter of buildings



inch

Gabe VanEvery
 5027 E. Anderson Rd
 Churubusco IN 46723

South