

WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

23-W-SE-16 SPECIAL EXCEPTION
Faron Hughes
3053 E. Pickett Lane

SEPTEMBER 26, 2023
AGENDA ITEM: 5

Note that this request is related to, but independent of, variance 23-W-VAR-20.

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 10,210 sq. ft.

The petitioner, owner of the subject property, is requesting special exception approval for a Traffic Generating Home Occupation. The property is located at 3053 East Pickett Lane, on Lot 193 Lincoln Pointe Section 4, in Section 17 of Union Township. The subject property is currently improved with a house/attached garage, swimming pool, and outbuildings.

The proposed use is automobile detailing. The business has been in operation for some time, but the need for a special exception was only identified while discussing the petitioner's variance request. The detailing takes place primarily in the attached garage. In some instances, the service is done outside on the driveway in front of the garage.

There is a current plan and variance request(23-W-VAR-20) to modify the existing garage with an addition toward the front of the property. The proposed plan is to detail up to three vehicles per week. The parking would be a drop off/pick-up style. Operating hours would be during normal business hours of 8:00 AM to 5:30 PM. Occasionally, vehicles may remain on the property overnight, but not any longer. No employees are planned.

The estimated area of the garage being used for the business would be approximately 330 sq. ft. (one-half of the three-car garage), while the living area of the home is approximately 1,848 sq. ft. So the business area is just below the maximum 20% of the dwelling area permitted by code.

In the AG district, home occupation (traffic generating) requires 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;**

Automobile detailing could involve some elements that may be dangerous to other property if misused, including equipment, cleaning agents, etc. The proximity to adjacent dwellings (about 30' at the nearest point) and minimum-sized lots suggest that strict adherence to proper chemical handling procedures will be important to mitigate any effects of those potentially dangerous elements on the adjacent properties.

Of the performance standards, noise and water pollution may be applicable to this proposal. Operation of automobiles and equipment like vacuums, sprayers, etc., may generate noise, sometimes even when enclosed within the garage.

Additionally, the run-off generated by car washing can be considered as water pollution if the wash water is permitted to drain to the stormwater drainage system and then to the waterways. While car washing is a typical suburban subdivision activity, a higher frequency of car washes associated with the business use could have a more significant impact on the level of pollution than a single residence.

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 garage. Generally, the relationship of the building and grounds to the adjacent area would not change significantly from what exists now.

However, the petitioner's proposed garage addition, which seems to be prompted by the need for personal storage space displaced by this business in the existing garage, could be considered to be unharmonious given its inconsistency with the surrounding area.

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 garage. The operation of the business within the garage would likely be consistent with the overall environment of the neighborhood. However, the number of vehicles parked outside on the driveway or on the street may not have a visual impression consistent with the neighborhood. Minimizing the visibility of vehicles through regulation of placement and number would mitigate this.

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

The existing driveway is utilized. Being a three-car wide driveway, there would be sufficient room for one customer vehicle and two spaces for the residence as required by the parking code. This may be adequate, but any additional vehicles whatsoever, customer or personal, would necessitate parking on the street. While some on-street parking is not problematic, continual on-street parking could be a source of traffic congestion. Further, if customer vehicles are delivered, rather than driven, to the property, the delivery vehicle could be another cause of congestion.

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

Traffic generating home occupation is a listed special exception use of the AG district. The consistency with the purpose should be evaluated by the Board in relation to the scale of the proposed business, frequency of business activity, the proximity of adjacent residences, and any potential environmental effects.

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. Operation will not extend beyond business hours of 8:00 am to 6:00 pm.
4. Operation will not exceed an average of three vehicles per week.
5. No more than one customer vehicle will be on-site at one time.

6. Customer vehicles will be parked only in the garage or on the driveway.
7. The Soil & Water Conservation District shall be consulted to determine best practices to prevent water pollution from wash runoff, and the recommendations shall be implemented.
8. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
9. Any signage will not exceed six square feet in area per side.

Date report prepared: 9/22/2023

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>					

PLAT OF SURVEY

DONOVAN ENGINEERING, INC.

3521 LAKE AVENUE, SUITE 2
FORT WAYNE, INDIANA 46805
260.424.7418
www.donovan-eng.com

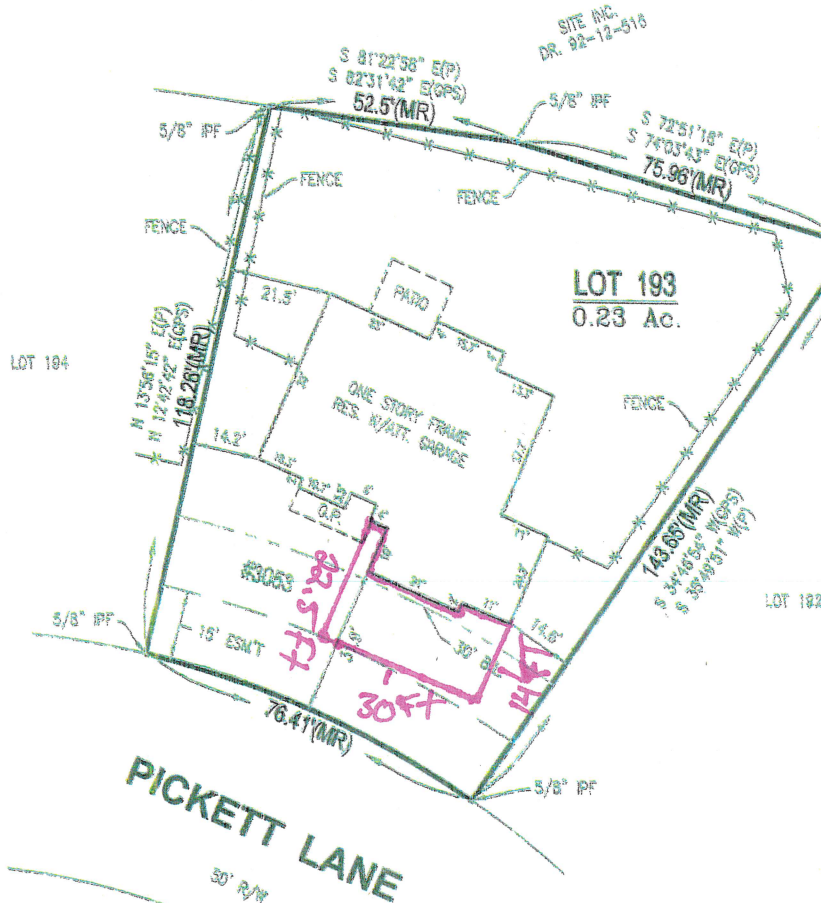
GREGORY L. ROBERTS PLS S0548 IN

KENNETH W. HARRIS PLS 29500021 IN

MICHAEL W. HARRIS PLS 21100018 IN

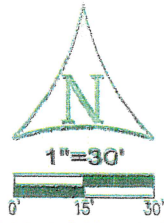
The undersigned has made a survey of the real estate located in Whitley County, Indiana, as shown and described below. The description of the real estate is as follows:

LOT NUMBER 193 IN LINCOLN POINTE, SECTION 4, THE PLAT OF WHICH IS RECORDED JUNE 4, 2014 AS INSTRUMENT 2014060073 OF THE WHITLEY COUNTY RECORDS, INDIANA.



+ Addition = Pink Line

Requesting Additional space in the garage for added storage + freezer space. Toys, Bikes, cars, ETC.



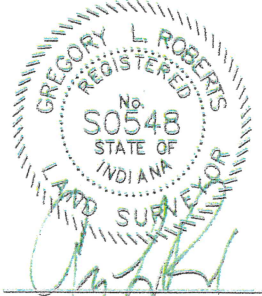
Job No.: 19-3288 Date: 5-9-19
Job for: SNYDER - HUGHES

LEGEND

- IPF Iron Pin (Rebar) Found
- PF Pipe Found
- RRF Railroad Spike Found or (S) Set
- PKF P.K. Nail Found or (S) Set
- MNF Mag Nail Found or (S) Set
- IPS 5/8" rebar set w/ cap stamped "DI FIRM #0027"
- B.L Building Line
- (M) Measured (P) Plotted
- (R) Recorded (C) Calculated

All monuments are at grade except as noted.
All Property line distances are recorded dimensions, except as noted. Monuments found have no documented history except as noted.

Date of latest field work: 5-7-19



I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according the requirements set forth in 865 IAC 1-12.

L:\AutoCAD\Lot Survey\193 Lincoln Pointe, Section 4, 3033 Pickett Lane.dwg



Landis, Eric J & Barlow, Kristina M

Biggs Inc

Biggs Inc

Ridenour, Thomas L & Sheila A

Kincaid, Rosemary

Shambarger, Linda

Geiger, David E & Curtis, Sherry

Daniel, Jeffrey & Katie

Treesh, Debby & Rebman, Peggy J

Smith, Pamela Anne Hayes, Debra Jean & Kurfer, Brenda Sue

Williard, David & Patricia

Biggs Inc

Biggs Inc

Biggs Inc

SHERMAN ST

Pletcher, Douglas J & Rowena A

Fleming, Robert & Kacie

Pagley, Bobby J & Nancy E

Biggs Inc

Mast, Michael J

Sturtevant, Alissa A

Sturtevant, Mark & Michelle

Ayala, Campos, Jesly A

Bittner, Adam P

Wood, Christa N & Kyle B

Biggs Inc

Biggs Inc

Faulkner, Virginia

Cleveland, James H & Florence M

Metzger, Nicholas A & Smith, Aubrey P

Zolman, Madison E & Reeve A

Biggs Inc

Maine, Darrell S & Mary L

Slowey, Caleb K

Smith, Jacob D & Amy K

Biggs Inc

Biggs Inc

Biggs Inc

Hughes, Faron M

Lantz, Steven A & Laura K

Straub, Arik

Dawson, Thomas E & Sheryl E

Biggs Inc

Biggs Inc

Biggs Inc

Stoffel, Jonathon & Carly

Weick, Lucas & Weick, Haley

Kirby, Randy Lee & Kristine Jane

Azar, Paul A & Diane K

Gilbert, Jordan D

Biggs Inc

Biggs Inc

Biggs Inc

Loehr, Ernest W & Vicki L

Whaley, Justin L

Lincoln Investments LLC

Lincoln Investments LLC

Biggs Inc

Biggs Inc

Biggs Inc

Sonner, Bradley & Sonner, Amanda

Shifflett, Troy L

Prater, Matthew C & Prater, Casey L

Wetters, Gregory R

Biggs Inc

Biggs Inc

Biggs Inc

Wetters, Gregory R

Lincoln Investments LLC

Lincoln Investments LLC

Lamle, Hollie J

Ameritrust Lending LLC

Lincoln Investments LLC

S 300 E

E PICKETT LANE

Lincoln Investments LLC