

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

23-W-SE-17 **SPECIAL EXCEPTION**
Rhys & Emilee Perry
100 East 600 North

SEPTEMBER 26, 2023
AGENDA ITEM: 6

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 1.837 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 100 East 600 North in Section 9 of Thorncreek Township. The subject property is currently improved with a house and outbuildings.

The proposed specific use is a custom welding and repair shop located in the eastern outbuilding. The petitioner describes the intentions to generate a second income by working 15 to 20 hours per week at his home. Most work is done inside the building, but the petitioner acknowledges that some trailers would be too large to fit entirely inside the structure and would be worked on in the driveway in front of the shop. He stated that the hours of operation may vary due to his full-time job but would be kept between 7AM and 9PM.

No employees other than the petitioner are expected at this time. The petitioner would like the option to have one employee in the future. 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 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 Mixed Rural and Agricultural-Rural character types. It does not seem that the proposal would be out of the anticipated character for the area.

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 more than one non-resident employee.
5. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
6. Any signage will conform to the requirements of the code.

Date report prepared: 09/12/2023

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>					

Banning, Eugene M
And/Or, Banning,
Afton J, Trustees Of
The Banning Family
Revocable Living Trust

Stump, Ronald
D & Karen H

Canfield,
Amanda M

Boone,
Grant L

Dirig, Paul
A & Mollie R

W600N

Banning,
Daniel L

N SR 109

Alvarenga,
David Omar

Lomont,
Michelle C

Green, Greg
& Monica M

Green, Greg
& Monica M

Goss, Beverly

Goss, Adam L
& Stephanie N

Goss, Beverly

Conrad,
Keith A
& Mary E

Basham, Shawn
R & Karen Koch

Morris,
John R

Lomont,
Michelle C

Perry, Rhys
O & Emilee A

Perry, Rhys
O & Emilee A

Torres, Rene
M, & Torres
Vickie L

Mertz, Kevin
& Cheryl A

Schlotterback,
Tim L & Marcia R

Book, Terry
L & Cindy

Pettigrew, Jerrold E &
Amy J And Pettigrew,
Jonathan C & Tara R

Cfp Farms
Partnership

Brent Bockelman

From: Rhys Perry <rperry@columbiacity.net>
Sent: Friday, August 18, 2023 11:10 AM
To: Brent Bockelman
Subject: Re: [External] Special Exception/ Machine Shop

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.

I am looking to start a trailer repair and custom welding shop. As far as the trailer repair, it could be a simple light bulb change to a full deck replacement and rewire job. Rewelding broken or fabricating new components may also be required. Most jobs will be completed inside the shop. Occasionally, I may need to work on a large trailer in the driveway in front of the shop. I intend on this being a second income working 15 to 20 hours a week as I do work a full time job also. Because of this, my working hours in the shop will vary with my full time work and family's schedules, but will ordinarily be kept between 7AM and 9PM. I would like the option to have an employee in time, but I don't have plans to hire currently. If I would outgrow my current shop, I will relocate at that time. Please let me know if there are any other points or concerns I should address at this point.

Rhys Perry
Firefighter / EMT
Columbia City Fire Department

Cell (260)609-2368
Station (260)248-5161

From: Rhys Perry <rperry@columbiacity.net>
Sent: Friday, August 18, 2023 11:07:37 AM
To: Brent Bockelman <wcplanning2@whitleygov.com>
Subject: Re: Special Exception/ Machine Shop

I am looking to start a trailer repair and custom welding shop. As far as the trailer repair, it could be a simple light bulb change to a full deck replacement and rewire job. Rewelding broken or fabricating new components may also be required. Most jobs will be completed inside the shop. Occasionally, I may need to work on a large trailer in the driveway in front of the shop. I intend on this being a second income working 15 to 20 hours a week as I do work a full time job also. Because of this, my working hours in the shop will vary with my full time work and family's schedules, but will ordinarily be kept between 7AM and 9PM. I would like the option to have an employee in time, but I don't have plans to hire currently. If I would outgrow my current shop, I will relocate at that time. Please let me know if there are any other points or concerns I should address at this point.

From: Brent Bockelman <wcplanning2@whitleygov.com>
Sent: Friday, August 18, 2023 9:44:39 AM
To: Rhys Perry <rperry@columbiacity.net>
Subject: [External] Special Exception/ Machine Shop

Send me an email describing your proposed business.