

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

23-W-SE-18 **SPECIAL EXCEPTION**
Kelly & Joseph Yurkanin
5460 E. Old Trail Road

SEPTEMBER 26, 2023
AGENDA ITEM: 7

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 10.0± acres

The petitioner, owner of the subject property, is requesting special exception approval for a Traffic Generating Home Occupation. The property is located at 5460 East Old Trail Road in Section 10 of Union Township. The subject property is currently improved with a house and barn. The petitioner will live on-site.

The proposed use is a "Companionable Farm and Retreat". This would provide animals and space for a range of therapeutic and educational experiences. There would be an office component, and there would be clients coming on-site, but most of the actual daily operation would be raising and keeping the livestock (rabbits, goats, chickens, etc.) for use in the therapy sessions. The keeping of livestock is a permitted use in AG, and even having customers/clients coming on-site for livestock interaction can be permitted in some AG uses, such as riding stables. So, the special exception is based on the business and therapy aspects.

As proposed, there would be a 420 sq. ft. office space to be located in the existing barn. This would be approximately 13% of the dwelling area, which would be below the 20% maximum area for home occupations. The remainder of the barn would be used for an animal enclosure for the animal assisted activities.

A new pole barn could also be constructed for additional animal stalls in the future to the north of the existing barn. A restroom will also be provided, either by modifying access to the house or by adding a facility in the barn area.

There would be one non-resident employee of the business on-site. Animal services would be provided by professional therapists on a contract basis. Effectively, the use of animals and site would be "rented" by the petitioner to therapists and clients, although the petitioner would also coordinate and schedule the services.

While the setback from the road is some 400', the petitioner has indicated that most activities with clients would occur inside or to the south of the existing buildings in order to preserve client privacy. This could also reduce the visibility of the apparent business operation from the road and surrounding properties.

Hours of operation would be limited to Monday through Saturday during normal daytime business hours, and one evening until 8pm. Sessions would be up to 75 minutes each, and there would be a maximum of four sessions per day in order to meet animal welfare practices.

Sessions would be for individuals aged five and up, groups up to four people, or families up to six people. There would not be concurrent sessions. For purposes of parking then, it is assumed that there may be up to five client vehicles on-site at a time, being the therapist and four clients of a group, plus one for the non-resident employee. There appears to be sufficient space on the existing paved driveway area for at least seven vehicle parking spaces. However, additional parking spaces may be needed to account for any overlap in client arrival and departures between sessions.

In the AG district, home occupation (traffic generating) requires a special exception approval through the Board of Zoning Appeals. Again, this is a hybrid use that also includes many components already permitted as agricultural uses.

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;**

It is not likely there would be any particularly dangerous, injurious, or noxious elements associated with the proposed use. Animal waste, to the degree that it may be in excess of that normally found on a farm, will need to be disposed of properly.

Of the performance standards in §5.7, noise may be applicable to this proposal. However, it seems likely that the noise standard would be compliant, given the number of clients and proposed distance from surrounding properties for sessions. The limitation on hours of operation should further mitigate noise impacts.

- 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 use existing buildings. Generally, the relationship of the building and grounds to the adjacent area would not change significantly from what is existing. The addition of a barn in the future would be comparable to other AG-zoned farms.

- 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 existing buildings. The operation of the business would likely be consistent with the overall environment of the neighborhood as it would be largely agricultural. However, the number of vehicles outside in a visible location 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 would be utilized. Based on the number and size of sessions, an approximate maximum of 12 vehicles per day could be entering and exiting the property over an 8-hour time frame. While being an increase from the solely residential use, this would not likely cause traffic congestion except for times when a vehicle is waiting on the county road to turn into the driveway. The Highway Dept should be consulted to determine any sight distance problems.

There is sufficient space for maneuvering and parking vehicles on-site, so these should be little cause of traffic congestion. However, additional traffic generated by this use could be out of character for the neighborhood and at some point, increases in business could eventually cause congestion.

5. **The special exception shall preserve the purpose of this Ordinance, as stated in Section 1.4.** Traffic generating home occupations are special exception uses of the AG district and generally preserve the purposes of the zoning ordinance and Comprehensive Plan.

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 regular business hours of 8:00 am to 5:00 pm, with one day per week to 9:00 pm.
4. Client vehicles will be parked on paved areas.
5. Group sessions should be separated from other sessions to prevent overlapping parking requirements.
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: 9/15/2023

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>					



Schradet, Holly E

S RUCKMAN RD

Schradet, Holly E

Butts, Michael E

Noland, Bryan D

Ruckman, Bryan R

Butts, Michael E

E OLD TRAIL RD

Rawleigh, Jon H & June

Schuchman, Nick R & Daniell

Yurkanin, Kelly R & Joseph

Spade, Joni

Dee, Anthony J & Jayme R

Leinger, Darl E & Sandra L
Irrevocable Trust

Jines, Dennis D & Marcia L

Pettigrew, James A & Jenny L As Tenants
By The Entirety

Sparks, James P Jr & Heather A

Mulvaney, Jennifer M & Watson, David N

Mattes, John P & Julie A

Ladd, Michael W & Teresa K

Montgomery, John & Becky

Helgeson, Timothy D & Helgeson, Anita Howard

Nichols, Joel A & Keerstan E

Schinbeckler, Todd E & Colleen M

Boocher, Kelly E & Kimberly M

Smith, Terry W & Jean T

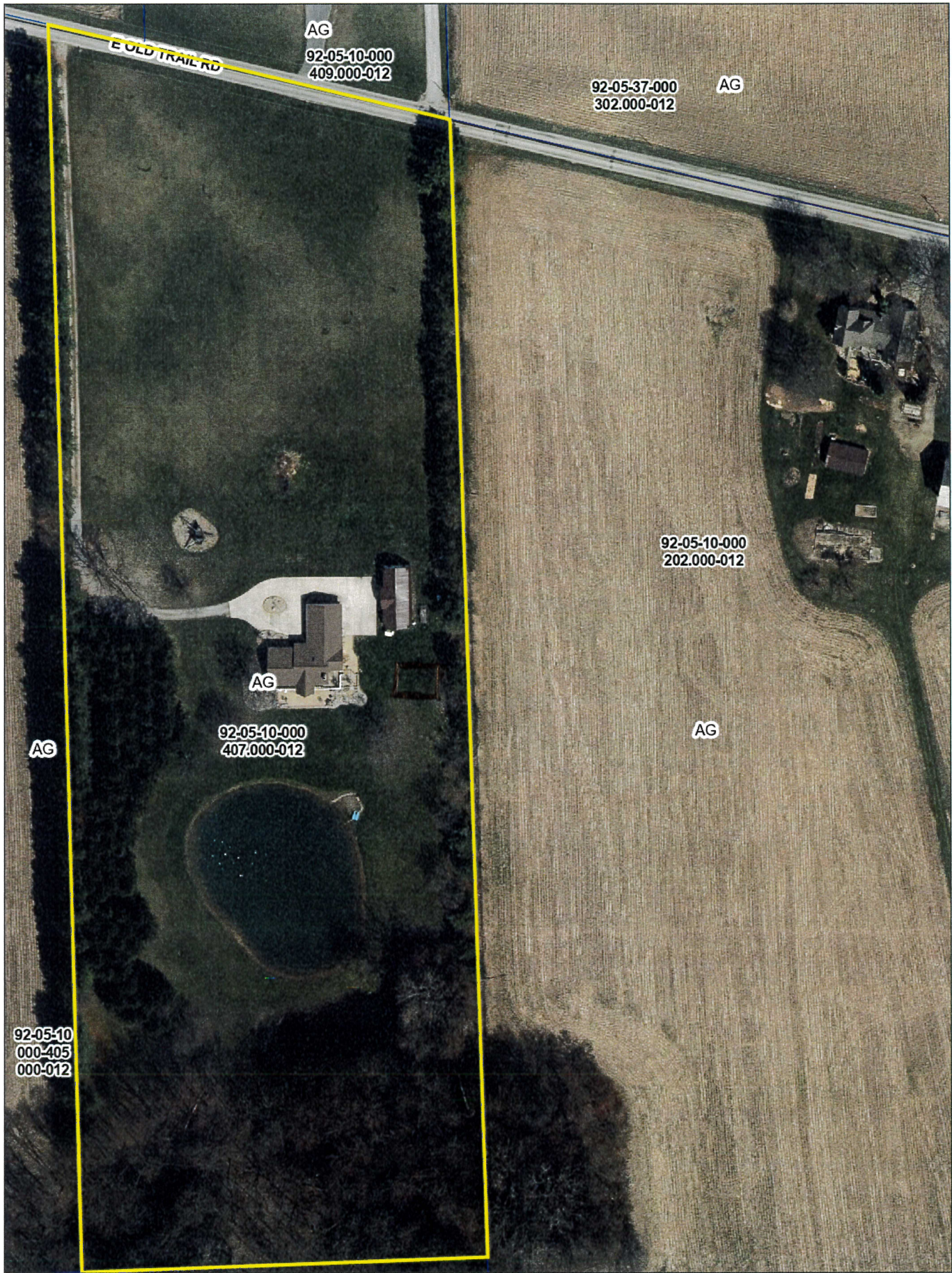
Bickle, Gerald & Karen
Irrevocable Trust

E LITTLE TURTLE TRL

Kelley, Daniel G & Cheryl J

Amstutz, Reid D & Emily J

Pattee, Gary S & Ella L



AG
92-05-10-000
409.000-012

92-05-37-000 AG
302.000-012

92-05-10-000
202.000-012

AG

92-05-10-000
407.000-012

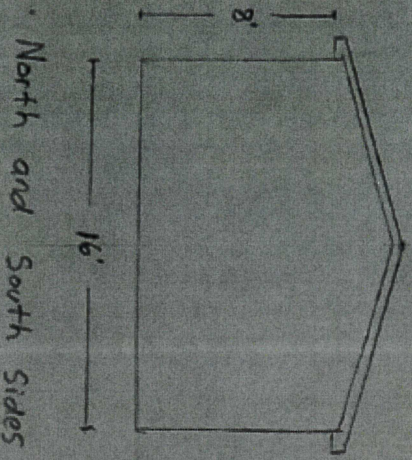
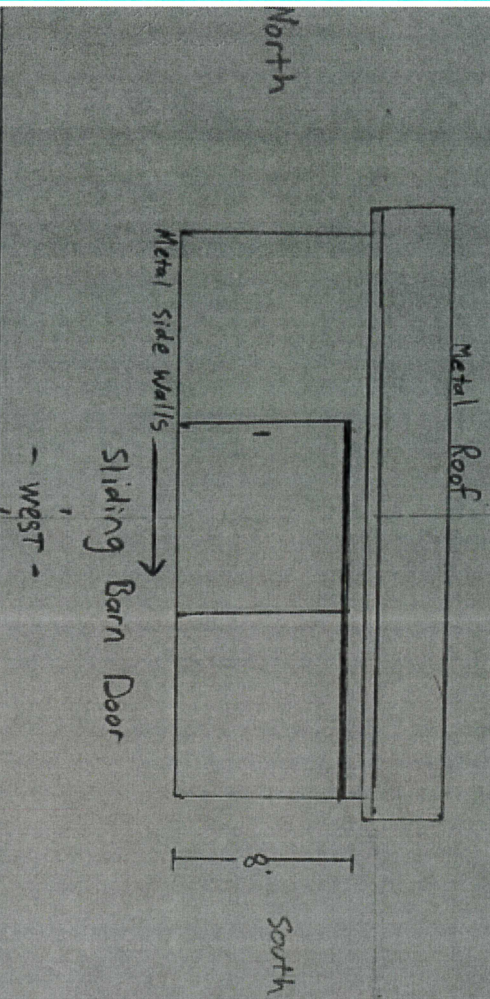
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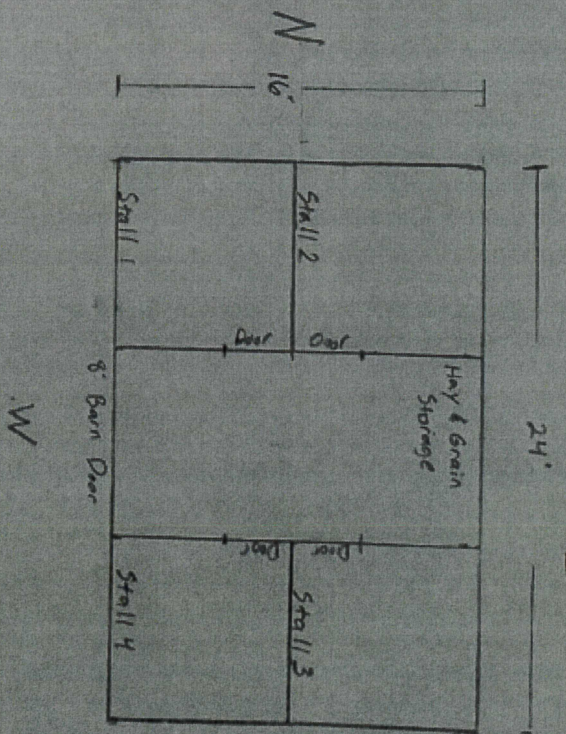
Kelly Yurkain

East



North and South Sides

Floor Plan Drawing



$\frac{1}{8}$ " Per 1' Scale

- Barn is 16' wide x 24' long with 8' walls
- Site Excavation will be needed prior to building
- Holes will be dug at 3' deep and post set in concrete
- This will be a polebarn style building with a ground floor
- 2x4 purlins will be installed on posts and trusses
- Roof trusses set at 4' on center
- 12" overhang on gables and eaves
- Metal installed on sidewalls and roof
- No windows figured
- 1 sliding barn door
- 4 stalls on inside each having 3' door

PROPOSED BUSINESS LAYOUT FOR SUNNY PATTH, LLC COMPANIONABLE FARM AND RETREAT

--Sunny P.A.T.H.H. LLC (People and Animals Together in Harmony and Healing) is a program that connects its members with companion animals and farm animals for enriching and therapeutic purposes. We serve as a haven where our members can find solace and experience the therapeutic benefits of animal assisted activities. Animal assisted activities include but are not limited to: socializing with animals, grooming, feeding, training, and general care of animals. Structured therapy sessions with a licensed therapist with the animals present are also offered, along with animal assisted tutoring sessions.

--Sunny P.A.T.H.H. will be located at 5460 East Old Trail Rd in Columbia City, IN.

*The property is situated on 10 acres, with 3416 square feet of residential living space.

*The intended office space in the barn is a 420 sq foot space.

*The intended spaces for services include the office space in the barn along with a 64 sq foot animal enclosure and surrounding pasture.

*We aim to keep the majority of activity limited to the south side of the property out of view from Old Trail Rd to ensure clients' and neighbors' privacy.

*A paved parking area is present and allows direct access to the service area entrance.

--Sunny P.A.T.H.H. will serve as a companionable farm where people and animals can come together to heal, grow, and find companionship.

*We will offer unique educational and recreational programs centered around our animals. Such programs will include hands-on curriculum consisting of animals' care, therapeutic techniques, and sustainable farming practices.

*Animal assisted tutoring will be offered for one tutor and one student per session. These are included in the maximum number of sessions per day.

*Participation in horticultural activities will also be offered. Our property will host a pollinator habitat (potentially through the sponsorship of the USDA pending application approval).

Hours of Operation: Services will be provided Monday through Saturday during normal business hours and one evening until 8pm. Sessions are 75 minutes in length. Sessions will be limited to 4 per day during said hours. Hours are required to be kept at a minimum to align with our animal welfare practices.

Employees: 1

Types of animals: Bunnies, dogs, cats, and small farm animals (goats, chickens, small donkey).

Business Forecast: Services are projected to increase in demand over the next 5 years. Our program could expand our animal population to

include more species and breeds on a slightly larger scale. Our program will strive to serve more clients in the coming years as the demand arises, with a broader scale of services being created. (small group retreats, nature walks, specialty therapy sessions). Physically, small lean-to or turn-out structures may be required in the distant future.

Clients served: Sunny P.A.T.H.H. aims to serve clients from ages 5 and up. Our sessions are offered to individuals, and to small groups up to 4 members, families up to 6 members. Sessions are limited to 75 minutes each with a maximum of 4 per business day.