

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

23-W-SE-22 **SPECIAL EXCEPTION/VARIANCE**
Travis & Emi Chalk
4424 E. State Road 205

NOVEMBER 28, 2023
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 1.84 acres

The petitioners, owners and residents of the subject property, are requesting approval to operate a specialty retail store to be known as “Lost Cottage Designs,” in an existing building on the property at 4424 E. State Road 205, in Section 31 of Smith Township. In the AG zoning district, specialty retail uses require a special exception. Because the petitioners reside on the property and the area involved is small enough, the use may also be considered a traffic-generating home occupation.

As proposed, a 16’x28’ area (448 sq. ft., or 19.9% of the dwelling floor area) in the west end of existing building on the property would be used as retail space. The store would specialize in live house plants, home décor, and clothing.

The proposed hours of operation would be Thursdays and Fridays from 10-4, and Saturdays from 10-3. The petitioner expects between 10 and 20 customers to visit the store per day. Only the petitioners would work at the location; there would be non-resident employees. It is the petitioners’ plan to be open for business in 6-12 months.

Access would be provided using the existing gravel driveway onto State Road 205. Appropriate approval and permitting from INDOT may be required. Parking would be provided using the stone parking area to the south and west of the store area. Approximately three spaces would be required.

Signage information was not provided in the proposal. Any signage would need to meet the requirements of the sign code.

SPECIAL EXCEPTION 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 unlikely that this proposal will have any elements or conditions that may be particularly dangerous, injurious, or noxious to other properties or persons. Being a small retail operation, it should generally comply with performance standards.

- 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 special exception would not make any apparent modifications to the existing structure, other than the customer parking area and potentially any signage. So, there would be no significant change to the relationship of building and grounds to adjacent buildings and properties.

3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;

The use would have vehicles parked, and customers on site while in operation, which might be inconsistent with the environment of the neighborhood if the scale and frequency makes the use out of character for the area. The Board must determine if the proposed use is sufficiently infrequent or intermittent to be consistent with the area.

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

Use of the one driveway as the access point from State Road 205 could cause possible congestion in either direction if vehicles are waiting to turn. However, such congestion is not likely to occur frequently and likely would dissipate quickly.

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

The proposal is a listed special exception use of the AG district. It appears to meet the stated purposes of the Zoning Ordinance, in particular §1.4(C)(b). The Comprehensive Plan generally supports well-located businesses that are not out of character of the neighborhood. Generally, the above criteria seem to affirm the purposes stated in the ordinance.

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.
2. The proposed driveway and its location must be approved by INDOT, and any conditions of their permit (if one is required) must be incorporated.
3. The Special Exception is granted as presented and per the site plan.
4. There will not be more than one (1) non-resident employee.
5. The parking areas must be kept in good condition and available to accommodate the required parking.
6. Hours of the retail operation would not exceed 10am to 4pm (or as determined by the Board).
7. Exterior lighting, if any, shall be directed and/or oriented to prevent light spillage and glare onto adjacent properties and rights-of-way.
8. Any dumpster will be screened from public view using an opaque enclosure.
9. Any signage will conform to the requirements of the sign code.

Date report prepared: 11/17/2023

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: lostcottagedesigns@gmail.com
Sent: Thursday, September 14, 2023 12:11 PM
To: Brent Bockelman
Subject: [External] Opening a Small Business on our Property

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 afternoon, Brent,

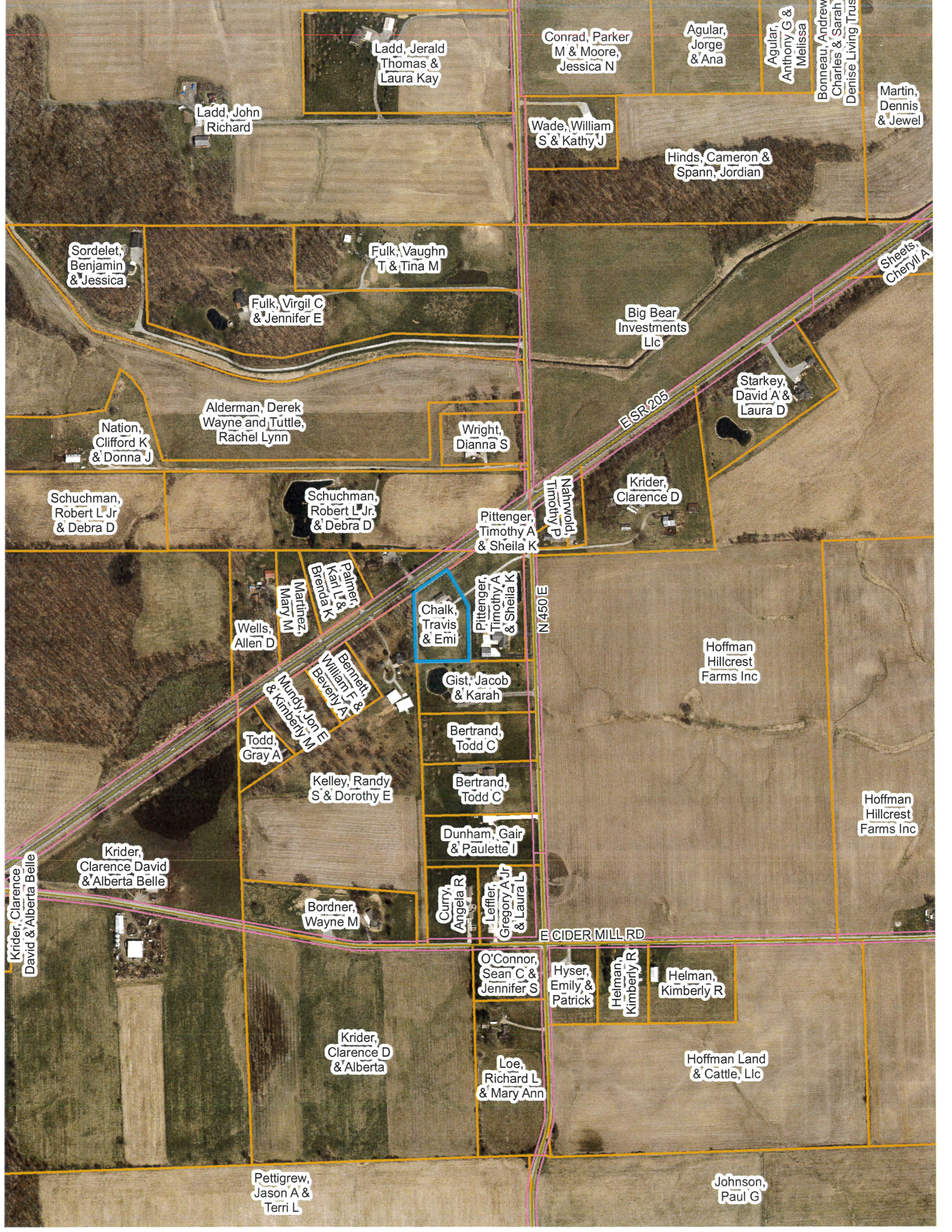
After talking with you, here is the requested information for our business that we wish to have on our property.

Our company, Lost Cottage Designs, specializes in live house plants, home decor, and clothing. We would like to open a retail space on our property, 4424 Indiana State Road 205, Columbia City, IN 46725, in an existing out building. The company would take up approximately a 16'x28' area in said building. We would like to have hours open to the public Thursdays and Fridays 10-4 and Saturdays 10-3. We would approximate 10-20 people would potentially visit the store per day, with Saturdays likely being a little busier. Myself (Emi) and My husband (Travis) would be the only people that would work in the store. If approved, we estimate it would take 6-12 months before we would open the storefront. Please let us know if you have any additional questions, and what our next steps would be.

Thank you,
Emi Chalk

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Ladd, Jerald
Thomas &
Laura Kay

Conrad, Parker
M & Moore,
Jessica N

Agular,
Jorge
& Ana

Agular,
Anthony G &
Melissa

Bonneau, Andrew
Charles & Sarah
Denise Living Trust

Martin,
Dennis
& Jewel

Ladd, John
Richard

Wade, William
S & Kathy J

Hinds, Cameron &
Spann, Jordian

Sordelet,
Benjamin
& Jessica

Fulk, Vaughn
T & Tina M

Sheets,
Cheryl A

Fulk, Virgil C
& Jennifer E

Big Bear
Investments
Llc

Nation,
Clifford K
& Donna J

Alderman, Derek
Wayne and Tuttle,
Rachel Lynn

Wright,
Dianna S

ESR 205

Starkey,
David A &
Laura D

Schuchman,
Robert L Jr
& Debra D

Schuchman,
Robert L Jr
& Debra D

Pittenger,
Timothy A
& Sheila K

Krider,
Clarence D

Wells,
Allen D

Chalk,
Travis
& Emi

Nahrwold,
Timothy P

Hoffman
Hillcrest
Farms Inc

Martinez,
Mary M

Gist, Jacob
& Karah

Palmer,
Karl L &
Brenda K

Bertrand,
Todd C

Bennett,
William F &
Beverly A

Bertrand,
Todd C

Murdy, Jon E
& Kimberly M

Dunham, Gair
& Paulette I

Todd,
Gray A

Kelley, Randy
S & Dorothy E

Curry,
Angela R

Leffler,
Gregory A Jr
& Laura L

E CIDER MILL RD

Krider, Clarence
David & Alberta Belle

Krider,
Clarence David
& Alberta Belle

Bordner,
Wayne M

O'Connor,
Sean C &
Jennifer S

Hyser,
Emily, &
Patrick

Helman,
Kimberly R

Helman,
Kimberly R

Hoffman
Hillcrest
Farms Inc

Krider,
Clarence D
& Alberta

Loe,
Richard L
& Mary Ann

Hoffman Land
& Cattle, Llc

Pettigrew,
Jason A &
Terri L

Johnson,
Paul G

