

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

23-W-SE-25 SPECIAL EXCEPTION
Lehman Real Estate Holdings, LLC
65 E. Morsches Road

**NOVEMBER 28, 2023
AGENDA ITEM: 4**

SUMMARY OF PROPOSAL

Current zoning: VC, Village Commercial (restricted uses)
Property area: 0.932± acres

The petitioner, owner of the subject property area, is requesting a special exception approval for a storage warehouse facility in a VC, Village Commercial district. The property is located on the north side of Morsches Road, about 200' east of State Road 109 in Section 4 of Thorncreek Township, with an address of 65 E. Morsches Road. The property is improved with a former golf clubhouse building and a recently constructed storage building.

This property was the subject of a rezoning action earlier this year to amend the zoning to VC, Village Commercial, to permit the usage of the former clubhouse and a proposed building for a building supply operation (permitted in VC) or storage warehouse (special exception in VC). That zoning was approved with commitments restricting certain uses, among other items, and with the understanding that the petitioner seek special exception approval through the Board for a storage warehouse use.

The petitioner operates a garage door parts company and plans to use the structures for storage of their stock. The new storage building was constructed for personal storage (accessory storage buildings are allowable in all districts), so some part of the building areas may also be used for personal items. In the future, the building may be opened to the public for vehicle or other rental storage, but that is not currently planned. The former clubhouse building is currently used for storage, but it may be demolished.

In the VC district, storage warehouses and mini-storage warehouses require 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;**

Storage facilities do not typically have elements that are dangerous, injurious, or noxious for the public. The items currently proposed to be stored, primarily garage door parts, also are not likely to have such elements or conditions.

Most of the performance standards would be met. Noise from vehicles could be generated while delivery vehicles come and go, but such noise should not be distinguishable from any other truck or automobiles that may be on the public roads.

- 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 permit the use of the existing structure and new structure

for commercial storage use. The surrounding properties are largely vacant, with a future residential home site to the south of Morsches Road. The siting and appearance of the new structure is generally comparable to other non-commercial pole building structures in the surrounding LR- and AG-zoned areas. However, its location on the road that serves some two dozen lake residential properties may suggest that some additional landscaping or other elements be implemented to enhance the visual relationship with that nearby residential area. This is reinforced by the petitioner's zoning commitment to landscape the parcel.

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

As mentioned above, the new building is comparable in appearance to others in the surrounding area, so if the operation is to be contained within the structures, there would be little visually about the buildings to indicate the commercial nature of the operation. The petitioner's commitments to have no outdoor storage of materials or trash and to have landscaping would enhance the visual compatibility. Minimizing signage would further the visual consistency.

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

The new building has an approximately 40' long by 80' wide driveway, which should be sufficient area for parking of delivery trucks to access either building. The parking code for storage warehouses requires one space per 1,000 sq. ft. of floor area, which would result in a total of six required spaces for the total area of the old and new buildings. There is sufficient room on the site for six parking spaces, although none are proposed to be marked. As the petitioner proposes no regular on-site employees, the arrangement of the parking spaces may be flexible based on need.

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 VC district, as restricted by the petitioner's zoning commitments. 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. With the existing zoning commitments and some additional commitments, this proposal should be of compatible character.

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. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
4. Hours of operation will not exceed 8 AM to 5 PM.
5. Freestanding signage, if any, shall not exceed 32 sq. ft. per sign face.
6. Landscaping on the site shall be required, as stated in the zoning commitments.
 - a. Foundation plantings on the south façade of the new building are required.
 - b. A minimum of two (2) deciduous shade trees of minimum 1 ½" caliper shall be planted approximately 30' on center within 15' of the west property line between the Morsches Road right-of-way and the existing tree line to the north.

- c. A minimum of four (4) deciduous shade trees of minimum 1 ½" caliper shall be planted approximately 30' on center (excluding existing trees) and 25' from the centerline of Morsches Road east of the former clubhouse building.
- 7. There shall be no outdoor storage.
- 8. Aside from parking of vehicles related to the business on established parking areas, if any outdoor vehicle storage is proposed in the future, it will require Board approval.
- 9. Any refuse container/dumpster stored outside will be screened from public view with an opaque enclosure.

Date report prepared: 11/17/2023

BOARD OF ZONING APPEALS RECORD OF ACTION

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

<i>Vote:</i>	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

