

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

**24-W-SE-1**      **SPECIAL EXCEPTION**  
Hannah & Brody Everts  
7106 E. Harrold Road

**JANUARY 23, 2024**  
**AGENDA ITEM: 1**

**SUMMARY OF PROPOSAL**

Current zoning: LR, Lake Residential  
Property area: 8,768± sq. ft.

The petitioner is requesting special exception approval for a traffic generating home occupation on their property at 7106 E. Harrold Road in Section 15 of Smith Township. The proposed use is a dog grooming business at the petitioner's home.

As proposed, the petitioner would be operating the grooming business in a 170 sq. ft. area of the 1,560 sq. ft. living space of the dwelling. The maximum area for home occupations is 20% of the total living space, which would be approximately 312 sq. ft. The petitioner stated that they would like to operate three or four days per week, with those days varying, and groom up to three dogs per day. The hours of operation would be 8 A.M to 4 P.M. The traffic generated would be the dropping off and picking up of a maximum of three dogs per day, which would normally be throughout the day and not at the same time. There are currently no plans to have any non-resident employees.

In the LR, Lake Residential District, traffic-generating home occupations require a special exception through the Board of Zoning Appeals. The requirements of §10.9 Special Exception Standards and §5.14 Home Occupation Standards of the zoning code apply.

**HOME OCCUPATION STANDARDS**

The proposal appears to be in compliance with the standards of Section 5.14 of the Zoning Code for home occupations.

**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, and should generally comply with performance standards.

Noise from barking dogs when outside may be a performance standard consideration. In this case, the business being operated inside should mitigate much of the noise. Additionally, the relatively few number of dogs to be groomed per day would further reduce the potential noise level.

Waste from the operation would be conveyed in the sanitary sewer and the standard residential refuse collection.

**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 add any new structures. There will be no visible evidence of the home occupation, other than the client parking area and possible signage.

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

Other than the occasional parked vehicles on the property, no changes to the existing building or site are proposed, and so would likely not change the existing aesthetics or environment of the neighborhood.

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

Parking for clients' use is proposed to use the existing driveway areas, which should be sufficient. While Harrold Road is narrow, the low number of clients per day and dispersed pickup and drop-off times should not generate traffic congestion in the area.

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

Home Occupation (traffic-generating) is a listed special exception of the LR district, and the proposed use appears to preserve the purpose, allowing for some business enterprise while maintaining the residential 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.
2. The Special Exception is granted as presented.
3. The area used for the business shall not exceed 20% of the habitable area of the residence.
4. Any signage will conform to the requirements of the code.
5. Operation will not extend beyond the business hours of 8:00 am to 4:00 pm., not more than four days per week.
6. There will be not more than one non-resident employee.
7. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.

Date report prepared: 12/29/2023

**BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_  
 Approve \_\_\_\_\_  
 Approve w/conditions \_\_\_\_\_  
 Deny \_\_\_\_\_

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





RAPPS CAMP GROUND

RAPPS CAMP GROUND

Davis Lakeside  
Campground, Inc.

RAPPS CAMP GROUND

E HARROLD RD

E ZOLMAN DR

E ZOLMAN DR

Anderson, Scott  
D & Anderson,  
Barry D

Smith, Nicholas  
D & Herron,  
Kelsie E

Hamilton,  
Richard C Jr  
& Sandra L

Hamilton,  
Richard C Jr  
& Sandra L

Everts,  
Brody J  
& Hannah N

Everts,  
Brody J &  
Hannah N

Turtle Town Plaza  
Rentals, Llc

Turtle Town Plaza  
Rentals, Llc

Turtle  
Town Plaza  
Rentals, Llc

Welch,  
Jeffrey D

Elfrid,  
Lori A

Listenberger,  
Ira G Jr &  
Melisa M

Johns,  
Jennifer L  
& Timmy L

Elfrid,  
Lori A

Matteson,  
Jacob

Matteson,  
Jacob

Hart, Tim  
J & Jill C

Hart, Tim J  
& Jill C

Johns,  
Jennifer L  
& Timmy L

Johns,  
Jennifer L  
& Timmy L

Jones,  
Garry &  
Sherri

Jones,  
Garry &  
Sherri

Jones,  
Garry &  
Sherri

Zolman,  
Gary W

Carlson, Thomas  
G & Joann

Carlson, Thomas  
G & Joann

White Oaks  
Rentals LLC

Jones,  
Garry W &  
Sherri L

Thompson, Jason  
L & Aimee M

Thompson, Jason  
L & Aimee M

Johnson,  
Ronald J

Zolman,  
Gary W

Anderson,  
Kelly

Keplinger, Bryn D &  
Isaac L

Maloney, Monica  
A & Edward M