

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

**24-W-SE-3**      **SPECIAL EXCEPTION**  
Christopher Martin  
715 N. 300 West

**MARCH 26, 2024**  
**AGENDA ITEM: 3**

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**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 6.762 acres

The petitioner, owner of the subject property, is requesting special exception approval for an automobile detailing business. The property is located at 715 N. 300 West in Section 6 of Columbia Township, and is Lot 2 of Spring Creek Subdivision. The subject property is currently improved with a house and detached garage.

This property received special exception approval in February 2023 for an automobile detailing business as a traffic generating home occupation. Since that time, the petitioner has found that the business is growing more rapidly than had been expected. So, he now desires to construct a 30'x60' pole building for use in the business on the east side of the residence. This structure would exceed the maximum floor area allowed as a home occupation, but enclosed automobile repair/body shop is a special exception use of the AG district. Auto detailing has been previously interpreted as being comparable to auto repair and so a special exception use as well.

Other than locating the operation in the new building, the petitioner has indicated that there would be no significant changes from the previous approval. These details include:

The proposed use is automobile detailing. The detailing would take place primarily in the proposed structure. In some instances, if vehicles are too large to fit in the garage, service would be done outside, beside the garage. A rinse-less wash method would be used to reduce water usage in the process.

There are no current plans to modify existing structures or landscape. The proposed plan is to detail up to ten vehicles per week. The parking would be a drop off/pick-up style. Operating hours would be mainly during normal business hours of 7:00 AM to 5:00 PM. Occasionally, work may be done in the evening but no later than 9:00 PM. The intent would be for all neighboring property owners to observe minimal change in vehicle traffic or property appearance, other than the new building. No employees are planned.

In the AG district, automobile repair/body shop, and by extension automobile detailing, requires 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;**

Automobile detailing could involve some elements that may be dangerous to other property if misused, including equipment, cleaning agents, etc. The setbacks from adjacent dwellings (a minimum of 130'±) would mitigate those potentially dangerous elements.

Of the performance standards, noise and vibration may be applicable to this proposal, as operation of automobiles and equipment may generate some noise and occasionally associated vibration even when enclosed within the garage building. The setback and proposed normal hours of operation should also mitigate these potential nuisances.

**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 use would be enclosed within the proposed building. Generally, the relationship of the building and grounds to the adjacent area would be comparable to other residential properties.

**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 the new pole building. The operation of the business within the building would likely be consistent with the overall environment of the neighborhood. 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. There is sufficient space for maneuvering of vehicles on-site, so there 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.**

The proposed use is a listed special exception use of the AG district. The operation of small, well-located businesses throughout the county is generally supportable by the Comprehensive Plan.

Note that as this request is for a full business use, not a home occupation, so there may be restrictions in the covenants for Spring Creek subdivision. This is something that the petitioner should address with the other owners in the subdivision.

**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. Operation will not extend beyond business hours of 7:00 am to 9:00 pm.
4. Operation will not exceed an average of ten vehicles per week.
5. Customer vehicles will be parked in or to the west of the proposed building.
6. No more than five customer vehicles will be on-site at one time.
7. There will not be more than one non-resident employee.
8. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
9. Any signage will conform to the requirements of the code.

Date report prepared: 3/19/2024

**BOARD OF ZONING APPEALS RECORD OF ACTION**

Motion:

By:

Second by:

Approve

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Approve w/conditions

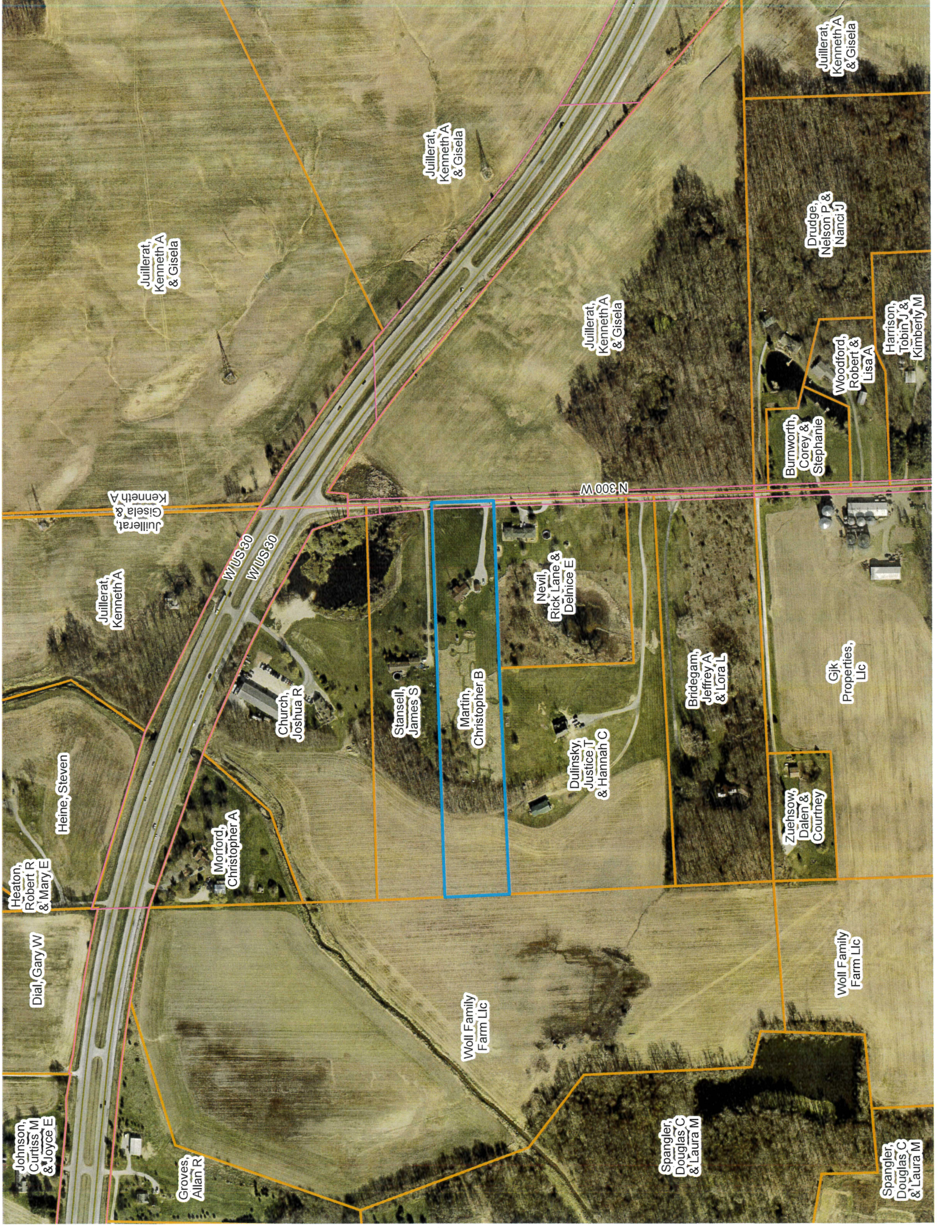
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Deny

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



Johnson, Curtis M & Joyce E

Dial, Gary W

Heaton, Robert R & Mary E

Heine, Steven

Morford, Christopher A

Church, Joshua R

Juillerat, Kenneth A

Juillerat, Kenneth A & Gisela

Juillerat, Kenneth A & Gisela

Juillerat, Kenneth A & Gisela

Juillerat, Kenneth A & Gisela

Juillerat, Kenneth A & Gisela

Drudge, Nelson P & Nanci J

Harrison, Tobin J & Kimberly M

Woodford, Robert & Lisa A

Burnworth, Corey & Stephanie

M 300 W

WUS 30

WUS 30

Stansell, James S

Martin, Christopher B

Nevil, Rick Lane & Delnice E

Dulinsky, Justice T & Hannah C

Bridegam, Jeffrey A & Lora L

Gik Properties, Llc

Zuehsow, Dalen & Courtney

Woll Family Farm Llc

Woll Family Farm Llc

Spangler, Douglas C & Laura M

Spangler, Douglas C & Laura M

Groves, Allan R

