

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

24-W-SE-4 **SPECIAL EXCEPTION**
Earl Herron
1746 S. 350 West

MARCH 26, 2024
AGENDA ITEM: 5

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 2.0 acres

The petitioner is requesting special exception approval for a traffic generating home occupation. The proposed use is a barber shop at the petitioner's home at 1746 S. 350 West in Section 18 of Columbia Township.

As proposed, the barber shop would be located in the front of an existing outbuilding, totaling approximately 120 sq. ft. This is about 5% of the 2,520 sq. ft. residence. Parking for clients would be located on the existing parking area on the east side of the outbuilding. The petitioner expects about 10-15 clients per week, with business hours being 8 am to 6 pm, Monday-Saturday.

This property had been the location of a yoga studio in the past, but is no longer in operation.

In the AG, Agricultural 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;**

Hair salons and barber shops may work with noxious chemicals (e.g., for perms, dyes, and cleaners), but the quantities are not expected to create dangerous conditions. So, 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.

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 the east of the building and should be sufficient for up to three clients at a time. The number of clients expected will not likely create 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 AG 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 and per the site plan.
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. The number of clients on-site will not exceed an average of 70 per month.
6. The Health Department may need to review the septic system permit in conjunction with this proposed use. Any recommendations of that Department must be implemented.

Date report prepared: 3/19/2024

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					



Farnham, Daniel R & Kristen J

Leedy, John W & Jill E

Barnett, James L & Judy C

Leedy, John W & Jill E

Hawn, David A & Sharon L

Gschwend, Paul N

Shidler, Erin L

Deck, Christopher M

Furthmiller, Matthew & Sarah

South, Kimberly K

South, Kimberly K

Minnick, Todd A

W WHITLEY RD

Woodruff, Andrew D & Candice L

Miller, Mark & Michele

W 150 S

Haselby, Michael A & Tiffany R

Lemley, Kenneth

Case, Christine D, Stieren, John A & Stieren, Joanne

Barnett, James & Judy

Barnett, James L & Judy C

Barnett, James L & Judy C

Harris, Gary A & Lisa A

Herron, Jay Frederick & Tiffany Leann

Harris, Gary A & Lisa A

Harris, Gary A & Lisa A

S 350 W

Barnett, James L & Judy C

Bockelman, Michael R & Dawn

Engdahl, Wayne E & Sandra M

Williamson, Jesse R & Erin L

W WHITLEY RD

Fahl, Michael M & Carol S

Barnett, James L & Judy C

Lortie, Christopher J & Angela C

Fahl, Michael M & Carol S

Fahl, Franklin D & Donna S

Barnett,
James
& Judy

Herron, Jay
Frederick &
Tiffany Leann

Bockelman,
Michael
R & Dawn