

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

**24-W-SE-6**      **SPECIAL EXCEPTION**  
Carter & Cathy Wireman  
3850 N. State Road 109

**APRIL 23, 2024**  
**AGENDA ITEM: 4**

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**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 26.92 acres

The petitioner is requesting special exception approval for a traffic generating home occupation. The proposed is a gunsmithing and firearm sale transfer business at the petitioner's home at 3850 N. State Road 109 in Section 21 of Thorncreek Township.

As proposed, the petitioner would be locating the operations of his Federal Firearms Licensee activities within the existing dwelling. The activities would be conducted in a 225 sq. ft. room area. The petitioner stated the primary activity is gunsmithing.

Because the federal license allows on-site commercial sales, and since it requires evidence of zoning compliance, an approval for allowing commercial on-site sales is necessary. The petitioner has suggested that there could be in-person visits to the premises by appointment only, during proposed business hours of 8am-8pm. There would not be a retail showroom or other activity that would generate traffic besides the appointments.

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;**

Working with firearms can involve the usage of gunpowder, which is explosive, but there is not expected to be any quantity greater than what might be found in any other residential property. 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 use the existing driveway areas, which should be sufficient. The few visitors 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.

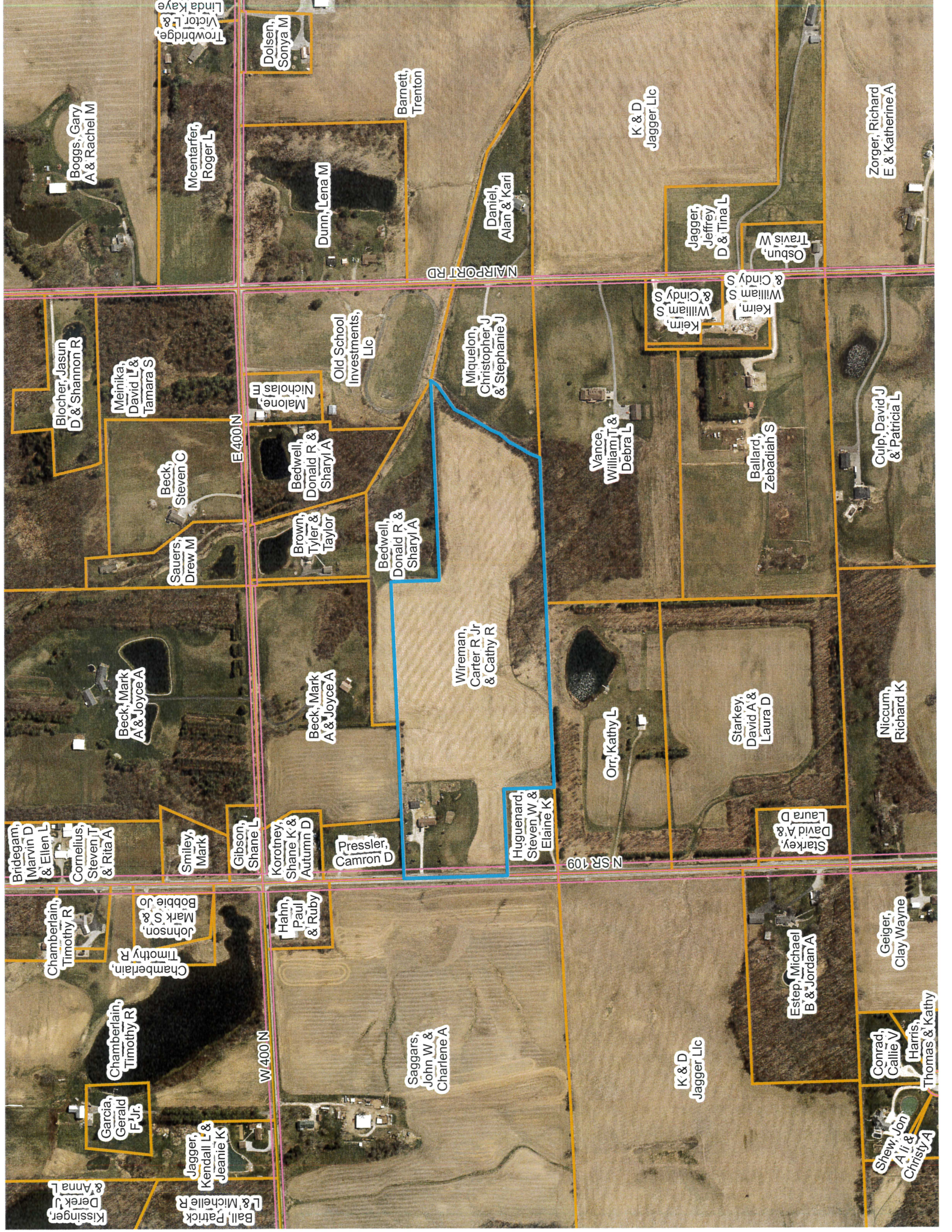
Date report prepared: 4/17/2024

**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>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					





Boggs, Gary A & Rachel M  
McEntarfer, Roger L  
Dolsen, Sonya M  
Trowbridge, Victor L & Linda Kaye

Barnett, Trenton  
Dunn, Lena M  
Daniel, Alan & Kari  
K & D Jagger Lic

Jagger, Jeffrey D & Tina L  
Osburn, Travis W  
Zorger, Richard E & Katherine A

Blocher, Jason D & Shannon R  
Meinika, David L & Tamara S  
Beck, Steven C  
Sauers, Drew M

Old School Investments, Llc  
Miquelon, Christopher J & Stephanie J  
Bedwell, Donald R & Sharyl A  
Brown, Tyler & Taylor  
Bedwell, Donald R & Sharyl A

Keim, William S & Cindy S  
Keim, William S & Cindy S  
Vance, William Jr & Debra L  
Ballard, Zebadiah S  
Culp, David J & Patricia L

Beck, Mark A & Joyce A  
Smeiley, Mark  
Gibson, Shane L  
Korotney, Shane K & Autumn D

Beck, Mark A & Joyce A  
Wireman, Carter R Jr & Cathy R  
Pressler, Camron D  
Huguenard, Steven W & Elaine K

Orr, Kathy L  
Starkey, David A & Laura D  
Niccum, Richard K  
Starkey, David A & Laura D

Bridgman, Marvin D & Ellen L  
Cornelius, Steven J & Rita A  
Chamberlain, Timothy R  
Chamberlain, Timothy R  
Chamberlain, Timothy R  
Garcia, Gerald F Jr  
Jagger, Kendall L & Jeanie K  
Ball, Patrick R & Michelle R  
Kissinger, Derek J & Anna L

Hahn, Paul & Ruby  
Saggars, John W & Charlene A  
W 400 N

Estep, Michael B & Jordan A  
Geiger, Clay Wayne  
Conrad, Callie V  
Harris, Thomas & Kathy  
Shew, Jon A  
Ali & Christy A  
K & D Jagger Lic



Barn, Pole (T3) (30x40x10)

