

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

**25-W-SE-3      SPECIAL EXCEPTION**  
Doug & Terri Reiff Revocable Trust  
8126 W. 800 South, South Whitley

**JANUARY 28, 2025  
AGENDA ITEM: 5**

**SUMMARY OF PROPOSAL**

Current zoning: AGP, Agricultural Production  
Property area: 80.0 acres

The petitioner is requesting a special exception approval to establish a new Class 3 Confined Feeding Operation (“CFO”), totaling 3,840 Animal Units, on their property located on the north side of 800 South, approximately 2,000’ east of 850 West in Section 17 of Cleveland Township. The property is currently unimproved and is comprised of tillable acreage and wooded areas. Historically, a farm was located along the county road but was removed prior to 1998. An open legal drain, Hurricane Creek, runs through the northeast quadrant of the property.

As shown on the submitted site plan, the proposal is to construct two 101’x397’ wean-to-finish hog barns, a mortality incinerator, and access drive. The below table shows the minimum separations and setbacks from the new buildings:

	<b>Minimum</b>	<b>Proposed</b>		<b>Minimum</b>	<b>Proposed</b>
<b>Natural lake (&gt;40 ac.)</b>	2,640’	10+ mi.	<b>Open waterway</b>	300’	555’±
<b>Recorded major residential subdivision</b>	1,320’	6,500’± (Lavergne Addition)	<b>Property line</b> North East South West	30’ 25’ 40’ 25’	1,250’± 740’± 935’± 306’±
<b>Off-site residence</b>	660’	1,100’ (south) 1,500’ (southeast) 1,500’ (west) 1,650’ (north northwest)	<b>RR, MR, or LR zoning</b>	2,640’	24,000’± 11,000’± (R-1)

From the proposed IDEM permitting information, each barn would contain up to 4,800 head of wean-to-finish hogs (9,600 total head), with 388 days of self-contained manure storage. As CFO size calculations are based on the total cumulative animal units (AU) on the property, 9,600 head is used to calculate animal units.

Using the animal unit calculation of §5.17 of the zoning code, nursery pigs (15-50 lbs) are 0.2 AU per head and finishing pigs (100 lbs-market weight) are 0.4 AU. Blending of these figures over the occupancy of the barn may be done in calculating the total animal units of the CFO, but by administrative policy, the total maximum for the proposed barns on the property is determined to be 3,840 AU.

Class 3 CFOs are defined to be 3,001 to 12,000 animal units in size. In the AGP, Agricultural Production District, Class 3 CFOs require a special exception through the Board of Zoning Appeals. The requirements of Sections 10.9 Special Exception Standards apply.

## **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 updated 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;**

Confined feeding operations can create odors that may be a noxious condition, especially for properties in close proximity to the CFO. There is one dwelling within ¼ mile of the proposed CFO barns, and about 11 dwellings within ½ mile, that may be affected by any such odors.

Being a new CFO, these residents may be unaccustomed to the potential odors stemming from a CFO. While there are some existing animal barns in the area that could have odors, the Board must ensure that any noxious condition arising from this proposal is mitigated.

Performance standards:

- a. Fire protection: Other than potentially flammable dust (e.g. feed) or manure, no flammable or explosive materials are proposed. The requirements of the fire code would be applied as part of the construction process.
- b. Electrical disturbance: No electrical equipment that typically generates disturbance or interference is expected.
- c. Noise: The equipment of the barn, such as fans, may generate noise, but the level should not be greater than any equipment used in other permitted agricultural operations. The noise of the animals may also be present, but the proposed structures should contain most noise within.
- d. Vibrations: No vibrations are expected to be generated by this proposal.
- e. Odors: Modern barns are typically sealed and so contain animal odors better than older barns. Even so, the ventilation systems can emit odors. Prevailing winds would be expected to drift any odors to the north and northeast. This is the least developed adjacent area, primarily consisting of woods and open fields. The nearest off-site dwelling in that direction is approximately 4,000' away.
- f. Air pollution: No air pollution, such as fly ash, dust, smoke, etc., are expected to be generated by this proposal.
- g. Erosion: A Rule 5 Erosion Control plan will need to be created, which the Soil and Water Conservation District will need to review and approve. Wind erosion is not typically a factor in cases of building construction.
- h. Water pollution: The state permit for CFOs has stringent controls, which if properly implemented, would largely prevent the possibility of water pollution. The office of the state chemist regulates placement of fertilizer (manure), which is a common question when considering CFOs. As such, the County should defer to the state in enforcement and implementation of these measures.

**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 barns are to be located to the north of existing woods, near the center of the subject property. A second wooded area and perimeter tree lines would further screen the proposed barns from view from most, though possibly not all, adjacent properties.

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

The proposed barns are larger in scale than most agricultural buildings in the area, although there are some existing CFO barns on nearby properties are close to the same size. Farms have historically had large buildings, be they barns, livestock pens, or grain silos, so some number of large agricultural buildings may be expected throughout any primarily agricultural neighborhood. That said, a proliferation of large buildings, even those agricultural in nature, may be out of character for the neighborhood and so should be avoided.

The proposed setback of the barns, in combination with the existing woods, should minimize the visual impacts of such large buildings. Even so, the elevation of the site, being 10-20' higher than properties to the west, may make the buildings more prominent. The western tree line of 40-60' tall trees, would aid in screening the elevation difference.

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

No specific number of vehicles were submitted related to the proposed building. The proposed site plan includes additional parking and access and offers ample room for maneuvering on-site, so there should be little traffic congestion on the public road created by this proposal.

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

The proposed use is a contemplated special exception use provided for in the AGP district. The site appears to lie entirely within the "rural-agricultural" character type of the Comprehensive Plan, and CFOs are listed as expected uses in character for the area. That said, large CFOs, such as this proposal, are *secondary uses* that must be viewed with more scrutiny to ensure they do not fall out of character with the area.

In that consideration, the Board should evaluate whether a single Class 3 CFO at this location would be more in character for the area than having another one or more Class 2 CFOs on additional properties. As has been discussed at various times before, it can be seen as a matter of fewer, but larger, CFOs versus more, but smaller, ones.

This special exception review serves to promote and protect the public health, safety, comfort, convenience, and general welfare. Finally, the proposed use seems to fall within the plans for the future development of the County, particularly the needs of agriculture.

**SUGGESTED CONDITIONS**

Staff suggests the following conditions if the Board finds to approve the requested special exception:

1. Special exception is granted as presented and per the submitted site plan.
2. Special exception is limited to 3,840 animal units, as described in the submittal.

3. The existing woods to the south and northeast of the proposed site shall be maintained to constitute an effective visual buffer/screen. Some clearing, logging, or other removal may be done if the effectiveness of the screen is maintained.
4. Existing tree lines along the west and north property lines shall be maintained to constitute a visual buffer/screen.
5. As an alternative to maintaining the existing trees and woods as stated above, a landscape screen consisting of at least 6' conifer trees spaced no greater than 20' apart will be required no farther than 300' from the footprint of the CFO barns.
6. The Board should discuss if any other mitigation requirements are necessary.

Date report prepared: 1/22/2025

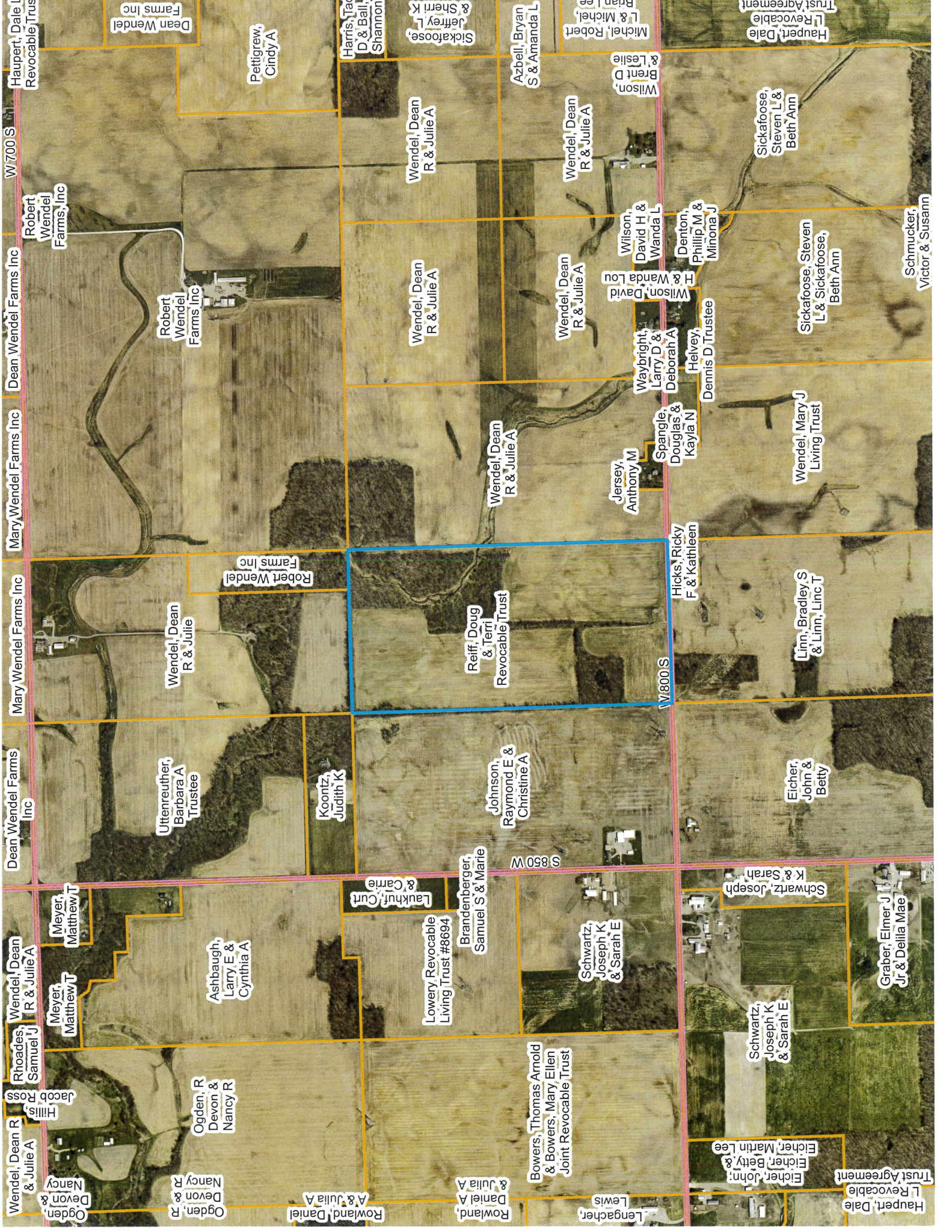
**BOARD OF ZONING APPEALS RECORD OF ACTION**

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

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<i><b>Vote:</b></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>					





W 700 S

Hauptert, Dale L  
Revocable Trust

Robert Wendel Farms, Inc

Dean Wendel Farms, Inc

Mary Wendel Farms, Inc

Mary Wendel Farms, Inc

Dean Wendel Farms, Inc

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

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Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

Wendel, Dean R & Julie A

W 800 S

Hauptert, Dale L  
Revocable Trust Agreement

Eicher, John  
L Revocable Trust Agreement

Eicher, Betty & Eicher, Martin Lee

Grabber, Elmer J Jr & Delila Mae

Schwartz, Joseph K & Sarah E

Schwartz, Joseph K & Sarah E

K & Sarah

Eicher, John & Betty

Linn, Bradley S & Linn, Linc T

Wendel, Mary J Living Trust

Sickafoose, Steven L & Sickafoose, Beth Ann

Sickafoose, Steven L & Sickafoose, Beth Ann

Schmucker, Victor & Susann

Sickafoose, Steven L & Sickafoose, Beth Ann

Sickafoose, Steven L & Sickafoose, Beth Ann

Sickafoose, Steven L & Sickafoose, Beth Ann

Sickafoose, Steven L & Sickafoose, Beth Ann

S 850 W

Rowland, Daniel A & Julia A

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

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Ogden, R Devon & Nancy R

Rowland, Daniel A & Julia A

Ogden, R Devon & Nancy R

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Rowland, Daniel A & Julia A

Ogden, R Devon & Nancy R

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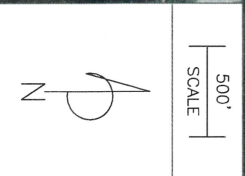
Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R

Ogden, R Devon & Nancy R





REIFF BROTHERS AND DAD LLC  
 5650 W 800 S  
 SOUTH WHITLEY, IN 46787  
 2025 SPECIAL EXCEPTION

VICINITY MAP/SITE LOCATION  
 8126 W 800 S  
 SOUTH WHITLEY, IN 46787  
 SECTION 17, T30N, R8E

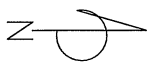
DATE: 01/03/25  
 MICHAEL A. VEENHUIZEN  
 2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143

DRAWN BY: MV  
 LIVESTOCK ENGINEERING SOLUTIONS, INC.

SHEET: 2V of 4V  
 DRAWING NO: RBD0125-02V  
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- PROPERTY INFORMATION
1. APPROXIMATE PROPERTY DIMENSIONS  
1,320 FEET X 2640 FEET
  2. GROSS ACREAGE: 80 ACRES
  3. EXISTING LAND USE: ROW CROP PRODUCTION
  4. ZONING PERMITTED SITE: R6P\* (AGRICULTURAL PRODUCTION DISTRICT)
  5. ZONING ADJACENT PROPERTIES: AG\* (AGRICULTURE DISTRICT) (EACH BUILDING)
  6. TWO (2) PIG CONFINEMENT BUILDINGS - APPROXIMATE HEIGHT - 23 FEET
  7. APPROXIMATE IMPERVIOUS AREA: 3 ACRES (BUILDINGS AND DRIVES)  
TOTAL BUILDING AREA - 40,428 SQUARE FEET (EACH BUILDING)  
BUILDING AREA - 80,856 SQUARE FEET (BOTH BUILDINGS)  
APPROXIMATE HEIGHT - 23 FEET
  8. PERCENTAGE OF IMPERVIOUS AREA: APPROXIMATELY 3.75%
  9. PERCENTAGE OF OPEN OR WOODED AREA: APPROXIMATELY 96.25%
  10. CURRENT PROPERTY OWNERS: DOUG & TERRI REIFF REVOCABLE TRUST



200'  
SCALE

REIFF BROTHERS AND DAD LLC  
5650 W 800 S  
SOUTH WHITLEY, IN 46787  
2025 SPECIAL EXCEPTION

SITE PLAN  
BUILDING SITE DETAILS  
SECTION 17, T30N, R8E

DATE: 01/03/25 | DRAWN BY: MV  
LIVESTOCK ENGINEERING SOLUTIONS, INC.  
MICHAEL A. VEENHUIZEN  
2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143

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REF: REIFF BROTHERS AND DAD LLC	VICINITY MAP/SITE LOCATION	DATE: 01/03/25	DRAWN BY: MV	SHEET: 1V of 4V	DRAWING NO: RBD0125-01V
5650 W 800 S SOUTH WHITLEY, IN 46787 2025 SPECIAL EXCEPTION	8126 W 800 S SOUTH WHITLEY, IN 46787 SECTION 17, T30N, R8E	LIVESTOCK ENGINEERING SOLUTIONS, INC. MICHAEL A. VEENHUIZEN 2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143	IS PROHIBITED. PROPERTY OF LIVESTOCK ENGINEERING SOLUTIONS, INC. REPRODUCTION OR USE, IN WHOLE OR PART, FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF LIVESTOCK ENGINEERING SOLUTIONS, INC.		

