

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

22-W-SE-7 SPECIAL EXCEPTION
Jason & Jennifer Esterline
8324 W. SR 14

**MAY 24, 2022
AGENDA ITEM: 5**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 3.26 acres

The petitioner, owner of the subject property at 8324 W. State Road 14 in Cleveland Township, is requesting special exception approval for “processing of agricultural products not produced on-site.” The property is improved with a dwelling and several outbuildings.

The petitioner has been operating a home brewery on the property for some time. They now desire to expand the operation to offer commercial production and sales, including an accessory taproom and outdoor seating.

The operation is to be located within the westernmost 40'x65' (2,600 sq. ft.) pole building. The brewing area would be about 13'x32' (416 sq. ft.), with the adjacent taproom/sales area being about the same area. The remainder of the building would be for raw material and finished product storage. The petitioner also proposes an outdoor patio area for seating, resulting in a total of about 1,000 sq. ft. of seating area.

Parking is described as totaling 16 parking spaces plus 3 accessible spaces, generally located along the west property line. A detailed site plan was not submitted, the setbacks and traffic flow are not determined. As a listed agricultural use, the parking area is proposed to be gravel.

Buffering is proposed along the west property line, to be in compliance with the standards of §5.6 of the zoning code. Specifically, proposed are deciduous canopy trees planted every 30' within 15' of the property line.

Details on the number of employees, signage, hours of operation, lighting, and refuse handling were not yet submitted.

DEFINITION OF USE

The proposed increase in intensity from a home operation to a commercial operation triggers the need for a zoning review. The “processing of agricultural products not produced on-site, not to include slaughterhouses” use has been interpreted previously by the Board to permit a broad number of uses, including sawmills and meat processors, and might even include operations like grain mills or corn syrup processors. The special exception process then evaluates the specific details of the proposed use to ensure proper siting and compatibility with the area.

In this case, the proposed operation would utilize local agricultural products in its production, it may be considered as falling under this broad use, with the special exception process to refine the details.

Additionally, the petitioner proposes to have a taproom and patio in conjunction with the production facility. Staff's interpretation is that this may be an accessory use to the production/processing use for the purpose of selling the product, similar in some ways as a “farm market” use. It could also be seen as similar to a winery, which is also a special exception use, that has a tasting room and sales of its products. However, this taproom such use does expand the scale and changes the nature of the proposed operation.

This property has had a previous special exception, for a secondary dwelling unit in 2017. This was located in the detached garage immediately west of the primary dwelling. It does not appear to have bearing on this proposal.

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;

Brewing operations do not typically have elements that are dangerous, injurious, or noxious for the public.

The following is the list of performance standards:

- Air pollution. This does not appear to apply to this case.
- Electrical disturbance. This does not appear to apply to this case.
- Fire protection. Grains can be flammable if not properly stored, but at the scale proposed, this is not likely a significant fire hazard.
- Noise. Noise, particularly from the accessory taproom component, may be an issue because of the proximity of the adjacent residences.
- Odor. Odors from brewing may be found to be objectionable, but at the scale proposed, it would not likely be identifiable from adjacent properties.
- Vibration. This does not appear to apply to this case.
- Heat and glare. This does not appear to apply to this case.
- Waste matter. No refuse management details were submitted. Waste is not to accumulate on the property.
- Water pollution. The proposed use will generate a large volume of wastewater. Additionally, a restroom is proposed in the building. This must be properly discharged or treated.

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 permit the use of a pole building structure as the processing/production operation. The structure itself is comparable to other agricultural buildings on the site and in the area.

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

The proposed production use, if contained within the building, would have little visible evidence to indicate the existence of the operation, and so it would be consistent with the neighborhood.

However, the taproom component, including the outdoor seating and required parking, would be evident to the surrounding area. This may be inconsistent with the immediately adjacent properties, which are primarily residential.

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

The existing driveway would be utilized for the operation. This is a typical residential/agricultural driveway. Given the petitioner's expected 2± trucks per week for the brewing operation itself, this driveway likely would be sufficient. Similarly, any employees for this small operation would also not likely have significant impact on the traffic.

However, the taproom may have several visitors coming and going throughout business hours, and the gravel driveway could be insufficient to handle that traffic. Further, traffic congestion could be created because of the number of vehicles coming and going throughout the day.

The proposed parking number of 19 spaces should be compliant with the 1 space per 1,000 sq. ft. of seating area plus 2 spaces per 3 employees. The proposed number of employees is needed to evaluate this compliance.

Because of the location on a state highway, INDOT should be contacted to verify compliance with their driveway permitting specifications.

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

Processing of agricultural crops is a listed special exception use of the AG district and appears to meet the stated purposes of the Zoning Ordinance for an agricultural area. The taproom, while an accessory use, may impact the "healthful surroundings for family life" and public comfort unless mitigation measures are implemented.

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.
3. The area of the interior taproom/consumer sales area will not exceed the proposed 416 sq. ft.
4. The number and design of parking spaces will comply with the parking code. An INDOT permit, if required, must be obtained.
5. Noise from this special exception will not exceed 50 dB as measured at adjacent residences.
6. Any requirements of the Health Department for the septic system, food operation, etc. will be met.
7. Hours of operation for the taproom will not be open later than 10 P.M.
8. Freestanding signage will be limited to one non-illuminated sign of not more than 6 sq. ft. in area per face.
9. Food service for on-site consumption constitutes a restaurant use and is not allowed under this special exception.
10. Other conditions as may be discussed during the public hearing.

Date report prepared: 5/20/22

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

—

Approve w/conditions

—

Deny

—

Vote: Denihan Lopez Wilkinson Wolf Wright

Yes

--	--	--	--	--

No

--	--	--	--	--

Abstain

--	--	--	--	--

RECEIVED

MAY 20 2022

We, Brenda and R. Steven Walpole, of 8360 St. Rd. 14 South Whitley, Indiana object to the special exception submitted by Jennifer D. and Jason L. Esterline. (Petition 22-W-SE-7) Our property of 52 years is adjacent to the property in which Jennifer D. and Jason L. Esterline want to establish a business to process agricultural products not produced on site.

The documents on record also state that a micro brewery will be developed. These plans are not disclosed or explained on the notification sent to neighboring land owners. Why? There is nothing on the notice about the plans to establish a place to make and sell alcohol.

Our area is a rural one.

Having this business will surely increase traffic of cars, trucks, etc. within a very short distance of our yard and driveway. Their proposed parking lot nearly butts up against our yard where children play on a regular basis. Several unknown adults will be entering and exiting their vehicles near our property.

We live one mile from the local schools. Young drivers go by our house every school day. With a number of adults consuming alcohol and exiting the Esterline business the likelihood of an accident will increase.

The property taxes for the people living nearby will increase while the value of their property will decrease.

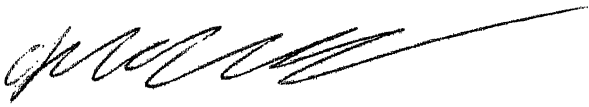
The business invites more noise, traffic, disturbances, and the opportunities for trouble. Many people move out of towns to get away from those very things.

With a business like this so close to our home, privacy becomes an issue.

Please note our objection with an open mind and know our concerns are genuine. We love our home and want it to stay a safe place for our family and others. Do not pass the special exception applied for by Jason L. and Jennifer D. Esterline. Petition 22-W-SE-7.

Submitted by,
Brenda J. Walpole
R. Steven Walpole

We the neighbors and properly owners of the Petition 22-W-SE-7 filed by Jason & Jennifer Esterline hereby wish to decline the permission to have the request of Brewing Company and other requests declined.

1. Walpole R Steven R Steven Walpole
2. McClure Joel 
3. Smith Thomas A Thomas Allen Smith
4. Preston Keim D Cadix Mischle - CM
5. Terhaar Robert A Charlotte Terhaar
Robert Terhaar
6. Miller Charles M Not Available
7. Mya & Charlies Homestead LLC Tom Smith Rents
8. Bowers Doyle E - Doyle & Patricia Bowers

RECEIVED

MAY 18 2022

Robert and Charlotte Terhaar
8325 W St Rd 14
South Whitley, IN 46787
5/16/2022

Whitley County Board of Zoning Appeals
220 W Van Buren St
Meeting Room A/B, Lower Level
Whitley County Government Center
Columbia City, IN

Dear Whitley County Board of Zoning Appeals:

On 5/14/2022 we received a public hearing notification filed by Jason L and Jennifer D Esterline requesting special exception for processing of agricultural products not produced on site. However, after further review of the proposed plans filed with the Whitley County Board of Zoning, the proposal also includes business plans to include a brewery and bar. Therefore, we would like to object to this application as it will have a negative impact not only to our household, but also to surrounding neighbors and community.

Jason L and Jennifer D Esterline's proposed business location is directly across from our family residence. In previous years there have been issues in matters of parking during family functions held at the Esterline residence but have chosen to remain neighborly for the sake of the relationship. If Jason L and Jennifer D Esterline's proposal is passed, the new licensed premises would add a great deal of noise, potential vandalism, and a disturbance. This type of disorder would have a negative impact to our otherwise quiet country neighborhood.

Additionally, Jason L and Jennifer D Esterline's proposed business location is approx. 1 mile from the Whitko High School entrance. St Rd 14 is frequently traveled by students, faculty, and buses in order to reach Whitko High School. Approving Jason L and Jennifer D Esterline's business proposal would have an adverse effect and would cause inconveniences to those traveling to and from the high school.

Lastly, we are concerned not only with the increase in noise and traffic but that the new business will cause an increase in taxes and a decrease in property values which would have a negative financial impact to the community.

While we prefer to be in attendance during the public hearing to discuss these matters, unfortunately we will be out of town. However, we feel that we have a greater interest in this application than the

Whitley County Board of Zoning Appeals

5/16/2022

Page 2

general public given the reasons noted above and ask that you please decline Jason L and Jennifer D Esterline's proposal.

Sincerely,

Robert Terhaar
Charlotte Terhaar

Robert and Charlotte Terhaar

Robert – 260-723-6899

Charlotte – 574-527-1702



**BREWING
COMPANY**



WELCOME TO E BREWING COMPANY

Welcome to E Brewing Company, a small destination craft micro-brewery in South Whitley, Indiana. Stationed on a quant hobby farm in the southern region of Whitley County, being the first on site producing brewery in the County. Brewing beer on a local family farm only made since to owner and brewer, Jason Esterline. It's where the beer comes from, it's where the family is, and you can't get any more local than this.

Starting 2 years ago with a passion for home brewing, Jason joined a home brew club in Kosciusko County that was very active in community service, they made fantastic beer and met some darn good people. A short time after he partnered up with a talented brewer, Justin Ebey and the set forth on creating great beer for the community. Quickly growing in popularity in North East Indiana, the two found themselves wanting more than weekend brew sessions in the pole barn, it was time to share this whole experience with the people that supported them the most.

They were fortunate to see that the first people taking in interest, wanting to be a part of it, showing up, was the farming community and Whitley County residents. The exact people who are so in touch with the land, the towns, and the people who want to sit and talk about beer. From the field to the pint, there was no doubt, this had to be a farm house brewery.

We pride ourselves in growing beer that celebrates and strengthens ones community, supports small agriculture and brings interest to all individuals, locals and visitors to our place we call home, Whitley County.

E BREWING CO. & ESTERLINE FARMS

Creating a destination location has been in the making for 4 years at the Esterline Farm. Having a beautiful farm to share with the public, school children as a learning environment, and a wholesome place for the entire family to enjoy has been a passion of Jennifer's for over 20 years.

Jennifer created Farm to Fork in Northern California, starting a movement that brought agri-tourism to the forefront of Sacramento's Visitors Center and restaurant scene. The Farm-To-Fork Festival is still one of the leading events in the region. Transitioning into a National Non-Profit, 501 (c) 3 in 2011, Jennifer was able to bring diversified agriculture to special education, redefining programs directly impacting adults and children with Developmental Disabilities.

Bringing both the love of agri-tourism and Farm to Fork to Indiana, Jennifer and Jason wanted to combine both passions, which so easily blend, into one destination for Whitley County.

This model of farm house breweries on working farms has been growing in popularity for well over 10 years in the western states, many being the pioneer of the movement in Jennifer's backyard, Placer County in Northern California. There is nothing more rewarding than to experience a day watching people enjoying a product that was grown and made from your own family farm.



FARM TO PINT - OUR CULTURE

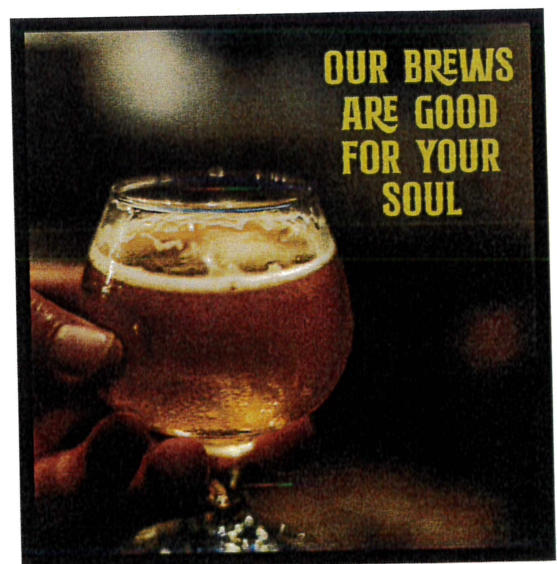
What makes E Brewing Company special? Our Brewery is directly on the farm. We pride ourselves on ingredients that are grown on this farm or propagated on local North East Indiana farmland.

With all our small craft specialty beers, we look for local ingredients such as honey, maple syrup and roasted coffees right here from Whitley County.

For all our barrel aged beers we utilize Edwin Coe, Three Rivers Distillery, and Indiana Whiskey.

Home brewing in the barn eventually led us to this new chapter of our lives. With aim to producing specialty small craft batches, we control the ingredients, the creativity, and standard of quality. Beginning from the ground up has allowed us to build a very unique brewing facility designed specifically for us, ensuring the best product available. Our families have been involved in every aspect of developing E Brewing Company. We all contribute, whether it's preparing ingredients for the beers, growing the hops, or helping with construction. Even developing recipes and names is a family affair.

We raise a glass to all the farmers and residents, family and friends, who have supported us throughout the development of our endeavor, it's been a journey.



TAPROOM & PATIO FACILITY POLICIES

As a working brewing facility, the taproom is completely separate from the brewing area. However, we still wanted everyone to feel like part of the process, so we incorporated a large viewing window on the North side of the room.

We are family friendly, so people of all ages are welcome at our taproom, so long as they adhere to the following rules:

- Children must be accompanied by a responsible adult at all times.
- All individuals under the age of 21 must stay behind the clearly marked barrier that allows access to the ordering counter.
- Be courteous to other taproom guests and maintain a responsible noise level.
- Absolutely no smoking or vaping allowed inside the taproom or within 20 feet of any entrance.



5.10 PARKING STANDARDS

PK-02 Parking lot that is located in agriculture districts and is used in connection with a use that is designated as a permitted use (under sections 3.1 and 3.2) shall have dust free and durable material.

The parking lot is 140 ft from the 10 ft front yard set back. Allowing plenty of parking well over the 16 space requirement of our 1000 sq ft seating area.

All standards are met A-G that are pertinent to our usage. Our 16 parking spaces will be 9 x 18 and we will offer an additional 3 handicapped accessible front spaces.



5.6 BUFFER YARD STANDARDS

A buffer yard provides transitional space and visual protection for differing land uses. We are choosing to put in a buffer yard barrier for the consideration of our neighbor to the West of us. It also allows us to beautify the parking area and perimeter of our property.

We have followed all standards 1-6

4. One deciduous canopy tree planted a minimum of every 30 feet

5. All trees must be planted within 5-15 feet from property line and on the subject property.

SEATING

We are offering approximately 1000 sq ft in seating. The Indoor Taproom is 416 sq ft, with an outdoor covered Patio area of 480 sq ft.



Auker Family
Farms, Llc

Bowers, C
E & Patric

Mya & Charlie S
Homestead, Llc

Esterline,
Jason L &
Jennifer D

Walpole, R
Steven &
Brenda J

McClure,
Joel Jacob

WISR 14

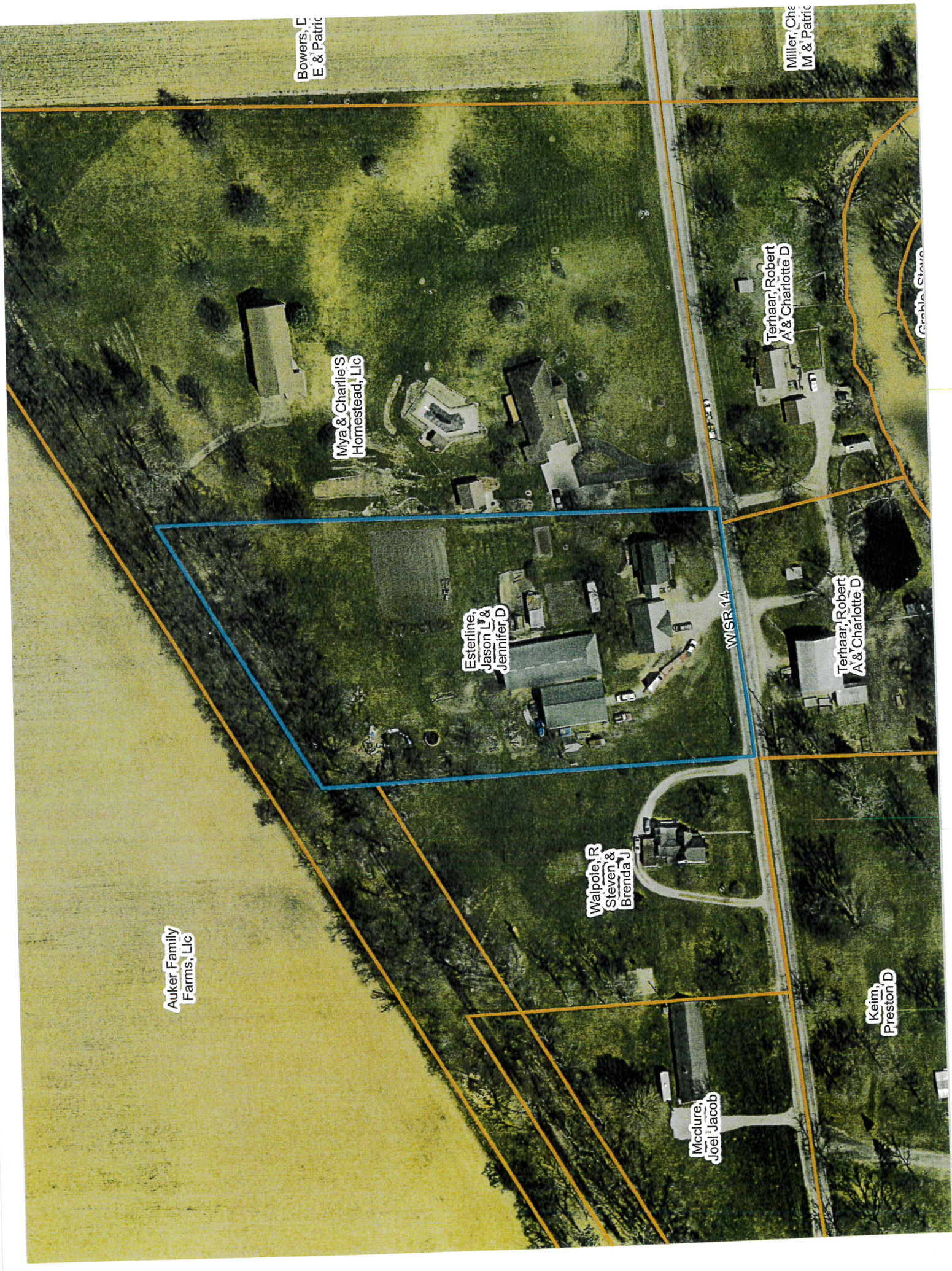
Terhaar, Robert
A & Charlotte D

Terhaar, Robert
A & Charlotte D

Keim,
Preston D

Miller, Cha
M & Patric

Garbha, Steven



DETAILED SITE REQUIREMENTS

1. Lot/Property lines

Please refer to Map attachment

2. All buildings and dimensions

Main Farm House 30 ft x 54 ft

Carriage House 24 ft x 48 ft

Pole Barn #1 40 ft x 64 ft

Barn #2 88 ft x 40 ft

Goat House 12 ft x 8 ft

Chicken Cottage 17 ft x 12 ft

3. Distance of buildings from property lines

Building sets North, 140 ft from State Rd 14 and extends 204 feet north of State Rd 14. Building sits 26 feet from the west side property line and extends 67 feet from the west side property line. Building sits 181 feet from the east side property line and extends 222 feet from the east property line. Building sits 280 feet from the north side property line and extends 344 feet from the north property line.

4. Location of proposed improvements and dimensions

The Brewery and Taproom will be in the Pole Barn # 1

Please refer to the blueprint map of both as attachments

The Brewery measures 31 ft 9 in

The Taproom that shares the southern wall of the Brewery

The Taproom measurements 31 ft 3 in

5. North Arrow

Please refer to property layout drawing attachment

6. Location of streets

Please refer to property layout drawing attachment

BREWERY INFORMATION

What is the approximate working capacity of the serving tank's:

Fermenters will be 1 barrel capacity.

Kegs will be 5 gallon and 10 gallon.

Describe the entire tract of land by using directions and distances:

92-08-05-000-206.900-001/SW Pt SE4 &

Pt Abandoned RR S5 T30 R8 3.256A

Describe each brewery premises building provide size (using distance and directions), construction, use of building and location of doors and windows:

Brewery Building sets North, 140 ft from State Rd 14 and extends 204 feet north of State Rd 14. Brewery Building sits 53 feet from the west side property line and extends 67 feet from the west side property line. Brewery Building sits 181 feet from the east side property line and extends 195 feet from the east property line. Brewery Building sits 280 feet from the north side property line and extends 344 feet from the north property line. Brewery Building is a metal roof and metal sided pole barn. Entry door is located on the east side on the south east corner. 1 window located north of the entry door on the east side. 2 windows located on the south end of the building. *These measurements are based on the Brewery wall built in the Pole Barn #1*

Identify which areas of the brewery will be used as a tavern/pub including the boundaries:

13 feet by 31 feet 3 inches of the south end of the building will be used as a tap room.

BREWERY INFORMATION 2.0

Identify which areas are accessible to the public and areas which are not:

13 feet by 31 feet 3 inches of the south end of the building will be accessible to the public. This will be the Tap Room. 13 feet by 31 feet 9 inches of the north part of the building will not be accessible to the public. This will be the brewing area.

Describe the security measures that will prevent access to non-public areas (brewing area):

A wall with a Tempered glass window and door with safety latch/lock

Describe in Detail the method to be used for measuring beer for the purpose of tax determination. Identify the tanks which will periodically contain tax-determined beer, and any other areas where tax-determined beer will be stored:

5 gallon and 10 gallon kegs will be used to measure taxable beer.

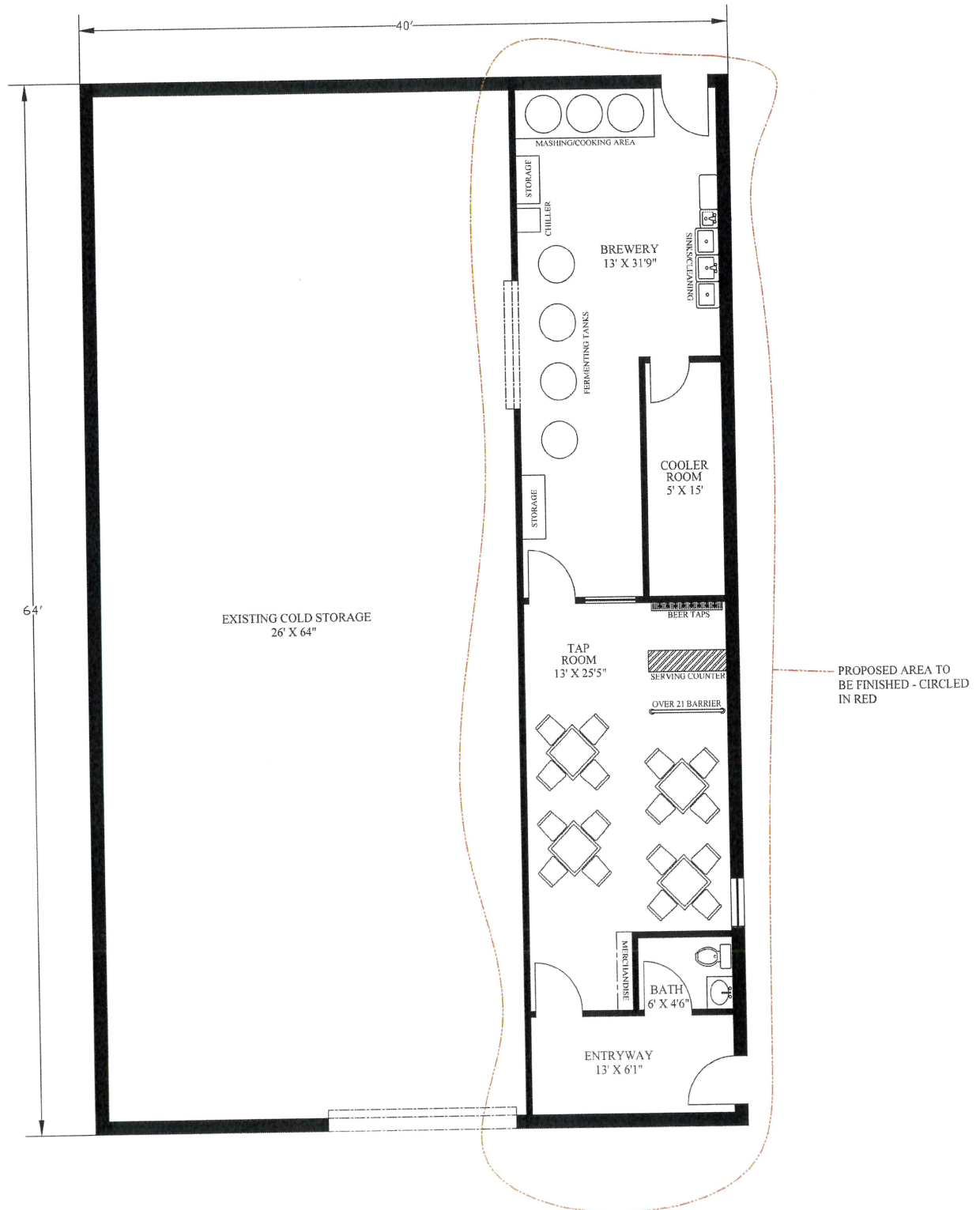
Describe brewery security to include; locks, access to the brewery and how un-tax paid goods will be protected during and after businesshours:

All doors to the brewing area will be locked during and after business hours. Kegs will be documented, logged and locked in the walk in cooler during and after business hours.

BREWERY BLUEPRINT

PROPOSED LAYOUT - E BREWING

NOTE: BUILDING IS EXISTING AND UNFINISHED INSIDE



SPECIAL EXCEPTION – VARIANCE

COMPREHENSIVE SITE PLAN

Name and Address of Applicant:

*Jason L. Esterline and Jennifer D. Esterline
8324 West State Road 14
South Whitley, Indiana 46787*

Do hereby petition for a Special Exception – Variance in Whitley County, the property description as follows:

Located in Cleveland Township

Legal description of the property:

92-08-05-00-206.900-001/SW Pt SE4 & Pt Abandoned RR S5 T30 R8 3.256A

Acreage:

3.256 acres

More Commonly Known as (Address):

Esterline Farms 8324 West State Road 14, South Whitley, Indiana 46787

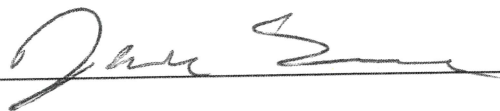
The purpose of the proposed special exception – variance is:

To permit the construction of a small craft micro-brewery and tap room in the existing barn on the farm.

Instructions to applicant:

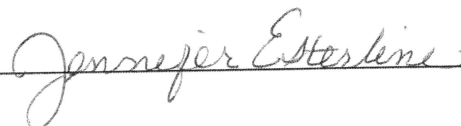
Submit the petition to the Whitley County Board of Zoning and follow all the detailed packet of required information outlined for the submission of the special exception-variance. The undersigned, being the agent or owners of the record, certifies that the above information is true and correct to be the best of his/her knowledge. He/She further agrees that he/she is aware of the provisions of the Whitley County Board of Zoning, as it affects the requirements of the land.

Signature: _____



Date 4-26-22

Signature: _____



Date 4-26-2022

COME & ENJOY A DAY AT



BREWING COMPANY

Located in South Whitley Indiana

This innovative, specialty, small craft brewery offers 6-8 beers on tap
situated between Fort Wayne and Warsaw in Whitley County
We are only 40 min/27 miles from Fort Wayne Int. Airport and Downtown Fort Wayne.

Warsaw to the West of us is 25 min/15 miles
Historic Columbia City is 18 min/10 miles

Hours

Friday 4pm-10pm
Saturday 11-10pm
Sunday 11-8pm

Get directions:

8324 West State Road 14 South Whitley, IN 46787

ebrewingco@gmail.com
260.610.0553

HOPE TO SEE YOU THERE!