WHITLEY COUNTY BOARD OF ZONING APPEALS STAFF REPORT

22-W-SE-9

SPECIAL EXCEPTION

Nicholas & Shenae Miller 4650 W. 750 North

JUNE 28, 2022 AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 8 acres

The petitioner, owner of the subject property located at 4650 W. 750 North in Section 34 of Etna Troy Township, is requesting special exception approval for a plumbing supply use for their business, Miller Sewer & Drain Inc. The property is currently improved with a dwelling and pole building. The business has been in operation for five years and provides drain cleaning, sewer and drain line repair, video inspections, as well as sewage and sump pump repair.

Currently, the operation employs seven full time employees. As proposed, the operation would be moved into a new 6,000 sq. ft. pole building structure, with the existing building removed. The request for permit for the new structure brought to light the need for land use approval.

In the AG district, plumbing supply businesses require 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;

Plumbing supply businesses do not typically have elements that are dangerous, injurious, or noxious for the public.

Most of the performance standards would be met or would not apply since the business is servicebased. Noise from company vehicles could be generated while employees come and go, but such noise should not be distinguishable from any other truck or automobiles.

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 for Plumbing Supply use. The structure itself is comparable to other agricultural buildings in the area.

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

If the operation is contained within the new building, which is the intent, there would be little visible to indicate the plumbing supply operation, and so it would be consistent with the neighborhood. If there is outdoor storage of materials and product, that may be inconsistent with the area; although, agricultural operations do frequently have outside storage. There is existing evergreen tree screening along the south and east sides of the property.

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 onsite, 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 cause unnecessary and unexpected congestion.

5. The special exception shall preserve the purpose of this Ordinance, as stated in Section 1.4. The proposal is a listed special exception use of the AG district, although the proposed use would not contain any retail component. It appears to meet the stated purposes of the Zoning Ordinance, in particular §1.4(C)(b). The Comprehensive Plan does not address this site specifically, but generally the establishment of businesses allowable under the zoning code is supportable if any effects are mitigated.

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. The existing evergreen tree screen be maintained for the tenancy of the use.
- 4. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.

BOARD OF ZONING APPEALS RECORD OF ACTION

Date report prepared: 6/13/22

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

Vote:	Denihan	Lopez	Wilkinson	Wolf	Wright	
Yes						
No						
Abstain						



4650 W 750 N Larwill, IN 46764 574-371-7029 www.millersewerdrain.com

May 18, 2022

Miller Sewer & Drain Inc. performs drain cleaning, sewer and septic locating, video inspection, sewer and drain line repair, as well as sewage and sump pump repair. We have performed business out of this location for the past 5 years. We serve Whitley County, Kosciusko County and the surrounding areas. Our business has 7 full-time employees.

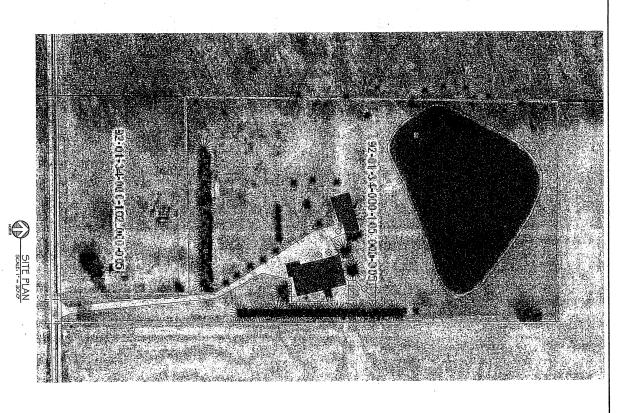
If you have any questions or concerns, please contact me at the phone number below.

Thank you,

Nick Miller (574)453-7859









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DIAVETER	ELEVATION	HVERT	BOTTOM	ARRIAN WARRAN	EXISTING STRUCTURE	PROPOSED STRUCTURE	EXISTING ELEVATION LINE	PROPOSED ELEVATION UNE	ELECTROC	THICHTEE.	GB	WATER	SAMITARY SCHOOL	PROPERTY BOUNDARY	DESCRIPTION "	SITE SYMBOLS LEGEND

SITE PLAN

MILLER SEWER \$ DRAIN 4650 WEST 750 NORTH LARWILL, INDIANA 46764



(B) EXISTING BUILDING TO BE REMOVED 7). EXISTING SEPTIC FIELD





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