

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

25-W-SE-5

SPECIAL EXCEPTION

Raymond & Angela Emerson
1321 N. Johnson Road

FEBRUARY 25, 2025

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 10 acres

The petitioner, owner of the subject property, is requesting special exception approval for a telecommunications contractor business, "Clawson Communications". The property is located at 1321 N. Johnson Road in Section 34 of Smith Township and is currently improved with a dwelling and outbuildings.

The proposed business does telecommunications cabling installations, and this site would be a satellite base of operations. Proposed is to remodel the existing 60'x88' pole building to include two offices, storeroom, and open warehouse storage, totaling 3,300 sq. ft. The warehouse space would store telecommunications cable (copper, fiber optic, etc.), equipment, and accessories, conduit, support systems, and related materials. There would be no storage of chemicals, combustibles, or flammable materials. The remaining 1,980 sq. ft. would be retained by the petitioner for personal storage.

Currently, this operation employs three full time employees working from leased space in Fort Wayne; these would be relocated to be based on this site. There are no plans to increase staff who would be based here.

Daily operations are generally described as the superintendent working in the office before going out to customer locations. The two technicians also visit the site for paperwork and to pickup/drop off materials and equipment. No deliveries of materials would be made to this site using heavy trucks; materials would be transported by employees from the distributors. Standard UPS/FedEx deliveries may occur.

A company van would be utilized for business operations and parked within the warehouse area when not in use. Gravel parking spaces for at least three personal vehicles would be provided.

A 20-yard dumpster would be on the site. No signage is proposed. Exterior dusk-to-dawn lighting of the parking area would be provided by three wall pack units on the building.

Generally, work would be done between 7am and 5pm weekdays, with occasional extended hours depending on customer needs, schedules, etc.

Note that the zoning code does not explicitly call out telecommunications contractors as a use. However, "electrical supply shop," "plumbing supply store," and "heating/cooling sales/service" are listed as special exception uses of the AG district. These uses as may be located in AG have previously been held by the Board to include service businesses (e.g., 22-W-SE-9), despite the term connoting retail. Since the proposed use is similar in operational nature and performance effects to these uses as interpreted, it is the interpretation of staff that the proposed use is similarly a special exception.

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;**

Electrical and telecommunications 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 service-based. 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 an existing pole building structure for the proposed 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. The additional parking area would not be distinguishable from other agricultural gravel parking areas. The proposed dumpster is also not out of character for agricultural uses, although it would be inconsistent with the general residential use of the subject and immediately adjacent properties. Further, the property is wooded, which provides a fairly substantial screen of any business activity.

- 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 on-site, and traffic generation is relatively low, so there should be little cause of traffic congestion.

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

As interpreted, the use is a special exception use of the AG district, although not containing a 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 small businesses in the Rural-Agricultural character type 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.

3. The existing woods between the business operation and road be maintained for the tenancy of the use.
4. There will be no outside storage of materials, equipment, or business vehicles.
5. Any exterior refuse container (i.e., dumpster) be located within an enclosure.
6. Any outdoor lighting be oriented and shielded to prevent light spillage and/or glare onto surrounding properties.
7. Regular hours of operation are limited to 7:00 am to 5:00 pm weekdays. Occasional off-hours business may be acceptable, generally not to exceed five instances per month.
8. There will be no more than three non-resident employees.
9. Any signage will conform to the requirements of the code.

Date report prepared: 2/19/25

BOARD OF ZONING APPEALS RECORD OF ACTION

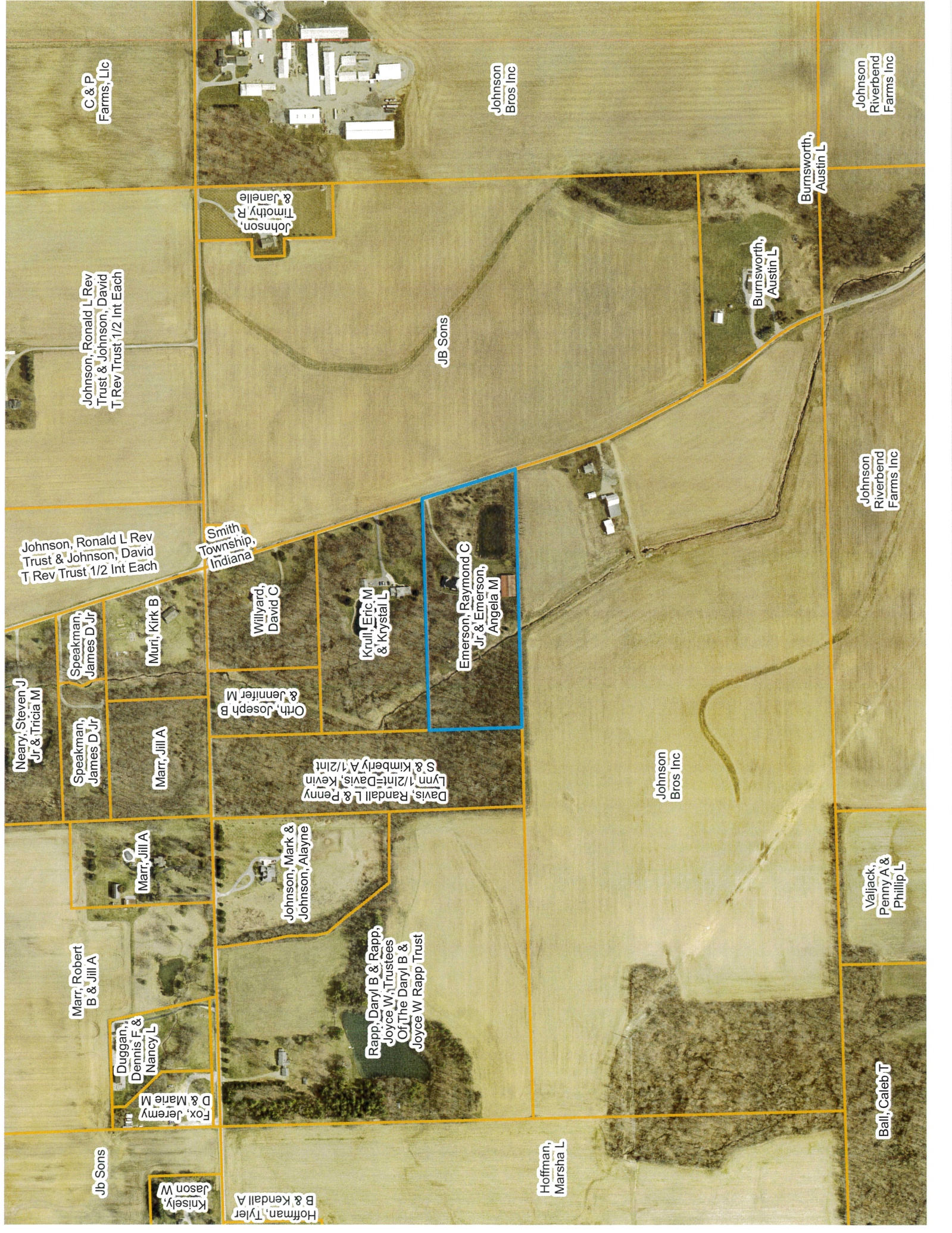
Motion:

By:

Second by:

Approve _____
 Approve w/conditions _____
 Deny _____

<i>Vote:</i>	Deñihan	Lopez	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



C & P
Farms, Llc

Johnson
Bros Inc

Johnson
Riverbend
Farms Inc

Burnsworth,
Austin L

Burnsworth,
Austin L

Johnson
Riverbend
Farms Inc

Vaijack,
Penny A &
Phillip L

Ball, Caleb T

Hoffman,
Marsha L

Hoffman, Tyler
B & Kendall A

Knisely,
Jason W

Jb Sons

Fox, Jeremy
D & Marie M

Duggan,
Dennis F &
Nancy L

Marr, Robert
B & Jill A

Marr, Jill A

Johnson, Mark &
Johnson, Alayne

Rapp, Daryl B & Rapp,
Joyce W, Trustees
Or The Daryl B &
Joyce W Rapp Trust

Davis, Randall L & Penny
Lynn, 1/2 Int= Davis, Kevin
S & Kimberly A, 1/2 Int

Orth, Joseph B
& Jennifer M

Willyard,
David C

Krull, Eric M
& Krystal L

Emerson, Raymond C
Jr & Emerson,
Angela M

Smith
Township,
Indiana

Muri, Kirk B

Marr, Jill A

Speakman,
James D Jr

Neary, Steven J
Jr & Tricia M

Johnson, Ronald L Rev
Trust & Johnson, David
T Rev Trust 1/2 Int Each

Johnson, Ronald L Rev
Trust & Johnson, David
T Rev Trust 1/2 Int Each

JB Sons