

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

25-W-SE-10 SPECIAL EXCEPTION
Sheldon Rheinheimer
Northwest corner of Lincolnway and 350 East

AUGUST 26, 2025
AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current zoning: VC, Village Commercial
Property area: 5± acres

The petitioner, contract purchase of the property, is requesting Special Exception re-approval for an RV Sales, Service, and Storage use on the property located at the northwest corner of Lincolnway and 350 East in Section 17 of Union Township. The property is currently used for RV storage.

In 2006, the current use obtained a special exception (06-W-SE-11) approval with five conditions (listed below), one of which was that the approval was not transferable without further Board approval. The petitioner seeks to purchase this property and continue the use, necessitating this special exception request. They do plan to install gravel access drives and additional fencing, as shown on the submitted site plan.

In the future, they may expand the nature of the operation to include one or more new buildings, which will require another approval, but those plans are not yet definite. Note that the 2006 approval included a retail building near the corner that has not been constructed. The petitioner may opt to construct a similar structure in the same location; the Board may discuss this in more detail.

This property was zoned B-1, the predecessor to VC, in 2002 for a potential multi-family development. In early 2006, B-1 zoning districts in the county were converted to VC districts, despite the intended application of VC to be used primarily in urban locations.

As approved, the conditions of approval from 06-W-SE-11 were:

1. The proposed building shall not exceed 80'x250', as reflected on the site plan.
2. A 6' high chain link fence must surround all areas of the property that are being used for the business.
3. Screening is to be provided between the subject property and Lots 76, 77, and 78 of Lincoln Pointe.
4. All exterior lighting is to be directed to the interior of the property.
5. The Special Exception is approved for The RV Center, Inc. only, and is non-transferable without further Board approval.

In the VC, Village Commercial District, Boar & Recreational Vehicle Sales/Service (and associated storage as previously interpreted) require a special exception through the Board of Zoning Appeals. The requirements of §10.9 Special Exception Standards of the zoning code 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 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;**

Based on the past history of this use, 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.

However, noise and lighting can still be problematic for nearby residences. Continuing the previous conditions would address lighting. Noise could be mitigated by applying reasonable hours of operation.

- 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 proposal would continue the established use and extend it to the full area of the subject property. The buffering requirements along the adjacent residential lots will need to be continued and completed as may be necessary to provide an adequate screen.

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

The proposed fence and RV storage would present a new and different visual impact along 350 East and Lincolnway from what has been seen in the past 19 years. However, this is not much different from the RV dealerships and car sales immediately to the south.

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

Based on the current plan, the volume of traffic generated and the organization of the driveways should not cause traffic congestion. If the building approved in 2006 were constructed, traffic patterns would be reviewed as part of a development plan process.

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

The proposed use falls into a permissible special exception of the Zoning Ordinance, as previously interpreted by the Board. The appropriateness of this location for business use is established and is generally in conformance with the Comprehensive Plan's suggestions that local-scale commercial be permissible in this area. Still, some mitigation measures should be 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 as presented and per the submitted site plan. The 2006 site plan and building size limitation is incorporated as an acceptable alternative if the petitioner wishes to move forward with that design. Refinements to either site plan made as part of Development Plan review are acceptable.

2. The Special Exception is limited to the petitioner and is not transferable without additional Board approval.
3. A 6' high chain link fence must surround all area of the property being used for the business.
Slatting
4. Screening is to provided and maintained between the subject property and Lots 76, 77, and 78 of Lincoln Pointe.
5. All exterior lighting is to be directed to the interior of the property. Any lighting on the property shall be oriented and/or shielded to prevent light spillage in excess of 0.5 foot-candle and glare on adjacent residential areas and public rights-of-way.
6. The proposed gravel access drives are permissible. Any parking lots shall be paved per the requirements of the parking code.
7. No outdoor storage is permitted beyond that proposed. Any dumpster will be enclosed with an opaque screen.
8. Any signage will conform to the requirements of the code.
9. The Board may wish to adopt a condition regarding hours of operation to limit vehicle noise during certain times.

Date report prepared: 8/21/25

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

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<i>Vote:</i>	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



Described real estate, to-wit:
E2 S2 NW4 EX15.837A EX 11.588A S17 T31 R10 S.016A
Located on the Northwest corner of the intersection of East
Lincolnway and 350 East in Section 17 of Union Township.

