WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT

20-W-SE-6	**SPECIAL EXCEPTION** Cidermill Propane 3879 E. Cider Mill Road	**SEPTEMBER 22, 2020** **AGENDA ITEM:** 4

SUMMARY OF PROPOSAL

Current zoning: IPM, Industrial Park-Manufacturing
Property area: 3.13± acres (out of a 31.13 acre parcel)

The petitioner, operator of the business located at 3879 East Cider Mill Road, is requesting special exception approval for expansion of its gas storage/distribution use. This use was originally approved in 2011 for two tanks of up to 30,000 gallons each and was amended in 2015 to include a third tank of up to 30,000 gallons.

Currently, there are three propane storage tanks on the property: one 12,000-gallon (Tank A), one 18,000-gallon (B), and one 30,000-gallon (C). The petitioner now seeks approval to install two additional tanks of 30,000 gallons each (labeled D and E on the site plan), in line with and immediately north of the existing three tanks. A legal drain is approximately 80' from the northernmost tank.

In the IPM district, bottled gas storage/distribution uses 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;**
   While the product being stored and distributed, propane, is inherently flammable and potentially explosive, storage tanks are designed to reduce the danger of explosion, even in extreme conditions. Combined with the distance to surrounding buildings, the danger posed to other property and persons should be negligible.

   The performance standards appear to be met. The provision of appropriate fire protection should be anticipated, as may be required by the building code and any overseeing agencies.

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 add two tanks of a similar nature to those immediately adjacent, and so likely would be harmonious with the existing buildings, both on-site and adjacent.

3. **The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;**
   Again, the proposed additional tanks are comparable to those already existing on the site, and would be largely screened by them. At some point additional expansions of tanks would create a "tank farm" appearance, but it is not likely that this proposal would cross that threshold.

4. **The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and**
   Access to the property would use the existing driveway. While no specific parking plan has been submitted, given the size of the property and volume of traffic, it is not likely this use will create traffic congestion. Again, at some point further expansions would create a volume of traffic that would create congestion, but this proposal likely would not create such traffic.

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 IPM district, and appears to meet the stated purposes of the Zoning Ordinance. The Comprehensive Plan does not address this site specifically, but generally moderate expansions of existing compliant businesses are supportable.

SUGGESTED CONDITIONS

If the Board moves to grant the special exception, the following are suggested conditions of the approval:

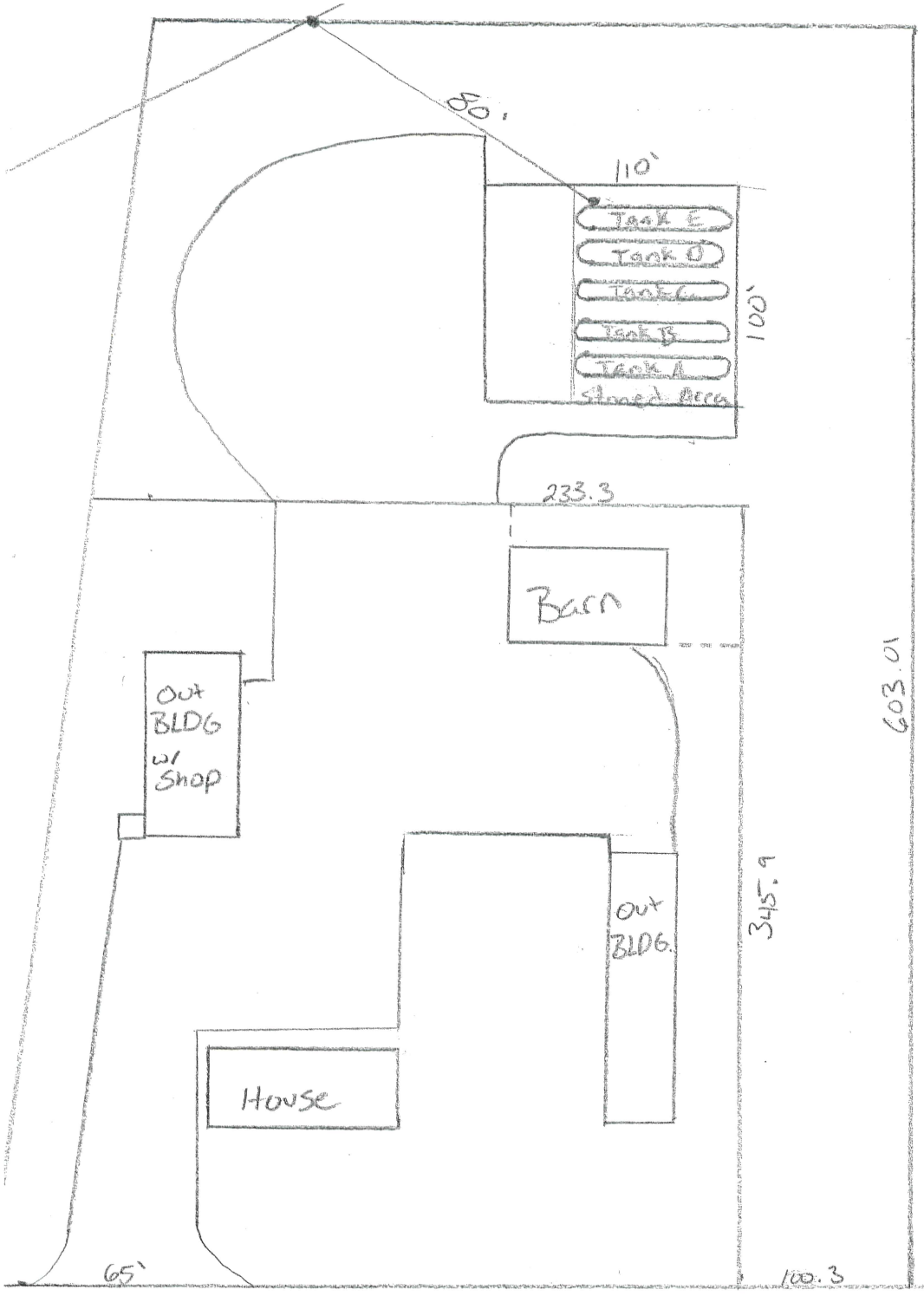
1. The Special Exception is granted for the applicant and is non-transferable without Board approval.
2. The Special Exception is granted as presented and per the site plan.

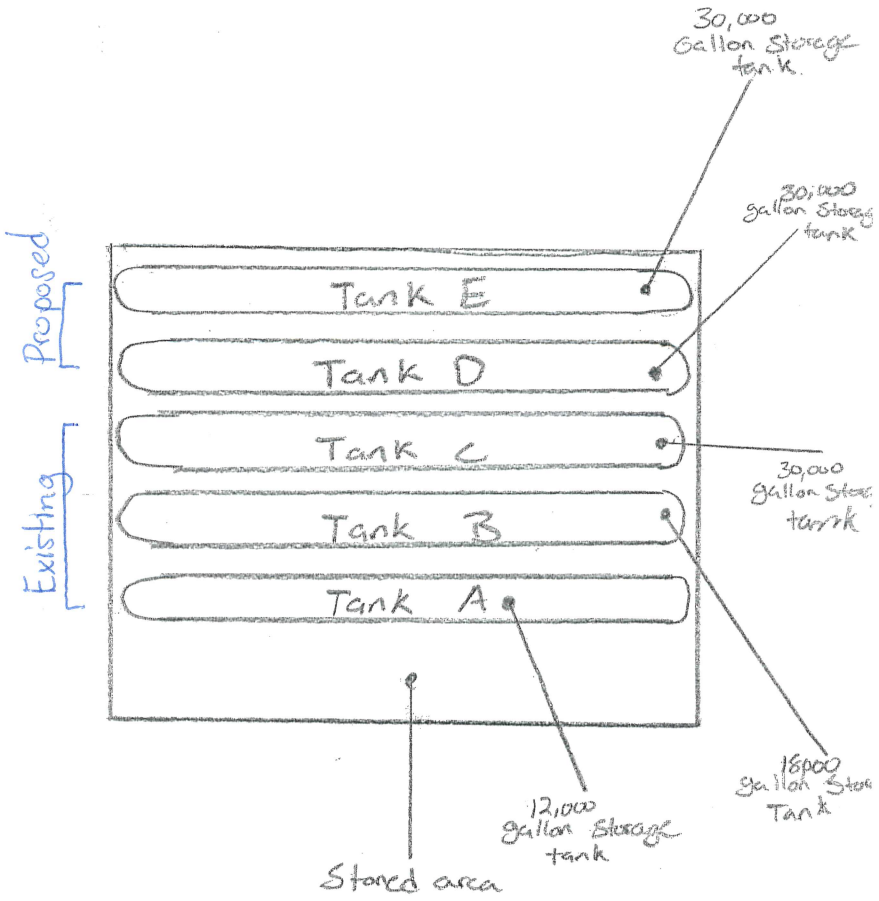
Date report prepared: 9/16/20

BOARD OF ZONING APPEALS ACTION

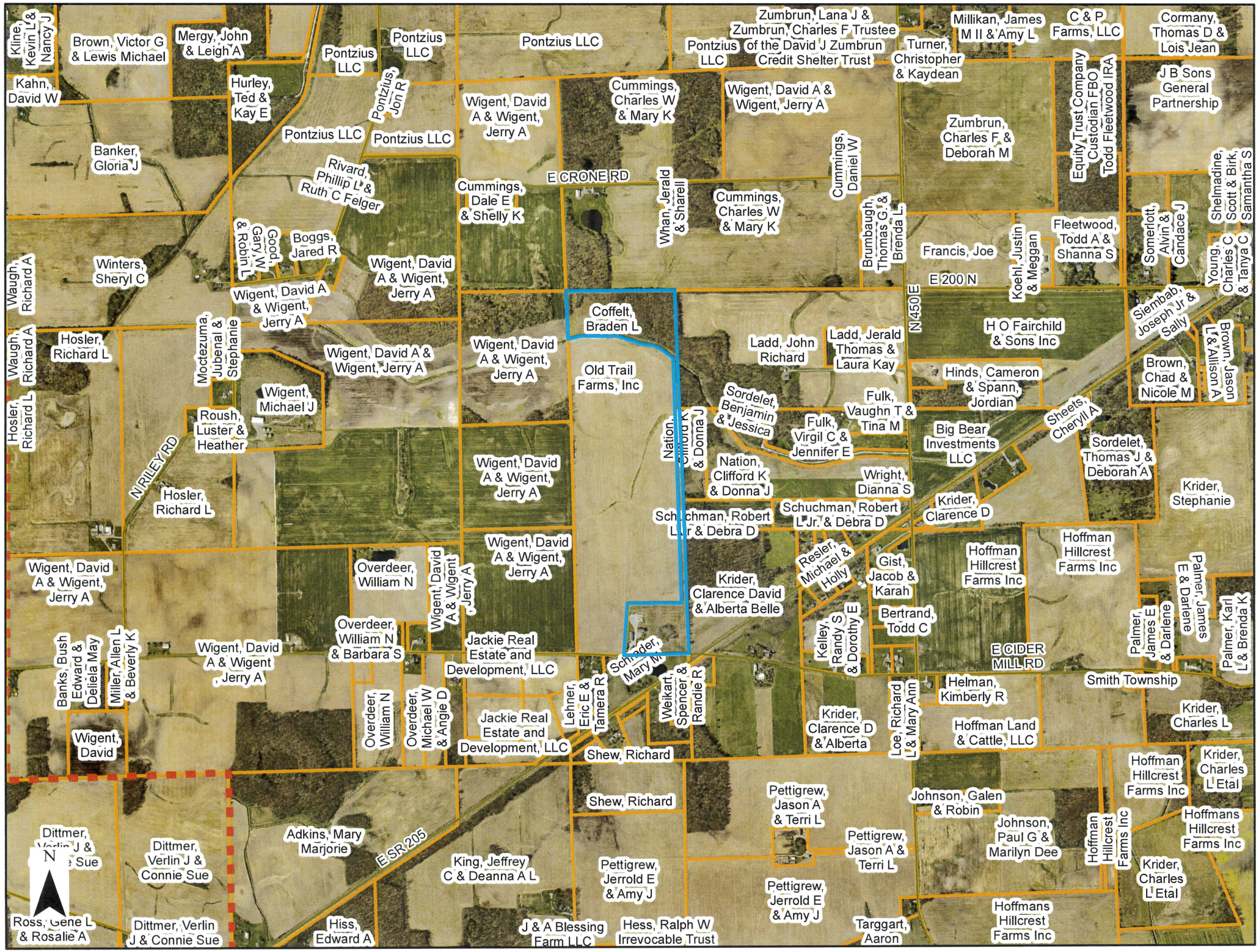
Motion: By: Second by:

Vote:	**Denihan**	**Lopez**	**Wilkinson**	**Wolf**	**Wright**
Yes					
No					
Abstain					





Cidermill Road


Kline, Kevin L & Nancy J
Brown, Victor G & Lewis Michael
Mergy, John & Leigh A
Pontzius LLC
Pontzius LLC
Pontzius LLC
Zumbrun, Lana J & Zumbrun, Charles F Trustee of the David J Zumbrun Credit Shelter Trust
Pontzius LLC
Turner, Christopher & Kaydean
Millikan, James M II & Amy L
C & P Farms, LLC
Cormany, Thomas D & Lois Jean
Kahn, David W
Hurley, Ted & Kay E
Pontzius, Jon R
Wigent, David A & Wigent, Jerry A
Cummings, Charles W & Mary K
Wigent, David A & Wigent, Jerry A
Equity Trust Company Custodian FBO Todd Fleetwood IRA
J B Sons General Partnership
Pontzius LLC
Pontzius LLC
Zumbrun, Charles F & Deborah M
Banker, Gloria J
Rivard, Phillip L & Ruth C Felger
E CRONE RD
Cummings, Dale E & Shelly K
Whan, Jerald & Sharell
Cummings, Charles W & Mary K
Cummings, Daniel W
Brumbaugh, Thomas G & Brenda L
Shelmadine, Scott & Birk, Samantha S
Good, Gary W & Robin L
Boggs, Jared R
Fleetwood, Todd A & Shanna S
Somerlott, Alvin & Candace J
Waugh, Richard A
Winters, Sheryl C
Wigent, David A & Wigent, Jerry A
Francis, Joe
Koehl, Justin & Meggan
Young, Charles C & Tanya C
Wigent, David A & Wigent, Jerry A
E 200 N
N 450 E
Coffelt, Braden L
Siembab, Joseph Jr & Sally
Waugh, Richard A
Hosler, Richard L
Moctezuma, Jubenal & Stephanie
Wigent, David A & Wigent, Jerry A
Wigent, David A & Wigent, Jerry A
Old Trail Farms, Inc
Ladd, John Richard
Ladd, Jerald Thomas & Laura Kay
H O Fairchild & Sons Inc
Brown, Jason L & Allison A
Hinds, Cameron & Spann, Jordian
Brown, Chad & Nicole M
Hosler, Richard L
Wigent, Michael J
Sordelet, Benjamin & Jessica
Fulk, Vaughn T & Tina M
Sheets, Cheryll A
Roush, Luster & Heather
Nation, Clifford K & Donna J
Fulk, Virgil C & Jennifer E
Big Bear Investments LLC
Sordelet, Thomas J & Deborah A
N RILEY RD
Wigent, David A & Wigent, Jerry A
Nation, Clifford K & Donna J
Wright, Dianna S
Krider, Stephanie
Hosler, Richard L
Schuchman, Robert L Jr. & Debra D
Schuchman, Robert L Jr. & Debra D
Krider, Clarence D
Wigent, David A & Wigent, Jerry A
Hoffman Hillcrest Farms Inc
Hoffman Hillcrest Farms Inc
Wigent, David A & Wigent, Jerry A
Overdeer, William N
Wigent, David A & Wigent, Jerry A
Resler, Michael & Holly
Gist, Jacob & Karah
Palmer, James E & Darlene
Krider, Clarence David & Alberta Belle
Bertrand, Todd C
Palmer, Karl L & Brenda K
Banks, Bush Edward & Deliela May
Miller, Allen L & Beverly K
Wigent, David A & Wigent, Jerry A
Overdeer, William N & Barbara S
Jackie Real Estate and Development, LLC
Schrader, Mary M
Kelley, Randy S & Dorothy E
E CIDER MILL RD
Palmer, James E & Darlene
Smith Township
Overdeer, William N
Overdeer, Michael W & Angie D
Lehner, Eric E & Tamera R
Weikart, Spencer & Randie R
Helman, Kimberly R
Krider, Charles L
Wigent, David
Jackie Real Estate and Development, LLC
Shew, Richard
Krider, Clarence D & Alberta
Loe, Richard L & Mary Ann
Hoffman Land & Cattle, LLC
Hoffman Hillcrest Farms Inc
Krider, Charles L Etal
Shew, Richard
Pettigrew, Jason A & Terri L
Johnson, Galen & Robin
Dittmer, Verlin J & Connie Sue
Adkins, Mary Marjorie
E SR 205
Pettigrew, Jason A & Terri L
Johnson, Paul G & Marilyn Dee
Hoffman Hillcrest Farms Inc
Hoffmans Hillcrest Farms Inc
Dittmer, Verlin J & Connie Sue
King, Jeffrey C & Deanna A L
Pettigrew, Jerrold E & Amy J
Pettigrew, Jerrold E & Amy J
Krider, Charles L Etal
N
Ross, Gene L & Rosalie A
Dittmer, Verlin J & Connie Sue
Hiss, Edward A
J & A Blessing Farm LLC
Hess, Ralph W Irrevocable Trust
Targgart, Aaron
Hoffmans Hillcrest Farms Inc