

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

22-W-SE-1 SPECIAL EXCEPTION
Amos Yoder
7579 W. 1000 South

**FEBRUARY 22, 2022
AGENDA ITEM: 5**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 6.5 acres

The petitioner, operator of the business located at 7579 W. 1000 South in Cleveland Township, is requesting special exception approval for a sawmill use. The property is improved with a dwelling and several outbuildings. A sawmill has been in operation for some years but was only brought to light recently when researching the construction of a structure without a building permit.

Currently, the operation uses three existing barns to cut, assemble, and store lumber and finished pallets. As proposed, the operation would be moved into the new 14,400 sq. ft. structure, with the existing buildings returning to agricultural/personal use. Outdoor storage of lumber is noted to be moved inside but may not be entirely enclosed.

No information on number of employees, on-site signage, or hours of operation were submitted. The Board may wish to inquire about these aspects if needed to determine suitability of the proposal. This use does have an off-site sign located along SR 105 near the intersection of 1000 South, but that may be handled as a separate matter.

In the AG district, sawmills 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;**

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

Most of the performance standards would be met or not apply. Sawdust can be flammable if not properly controlled, especially at a large scale, so adequate fire protection must be anticipated. Noise may also be an issue, although the distance to surrounding residences may be a mitigating factor.

- 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 a sawmill. 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;**

If the operation is contained within the new building, there would be little visible to indicate the sawmill 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. Effort should be made to minimize outdoor storage to limit potential industrial appearance.

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 deliveries and shipping. There is sufficient space for maneuvering of vehicles on-site, 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 may 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 and 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 establishment of businesses allowable under the zoning code are 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. Outdoor storage of lumber and product be screened from view from the county road. Limiting the storage area to south of the new structure may be an effective method.
4. Hours of operation are limited to 7 A.M. to 7 P.M., Monday-Friday, and 7 A.M to noon, Saturday.
5. Parking of business vehicles is limited to areas south of buildings.
6. The use must have ongoing compliance with building and fire codes.

Date report prepared: 2/16/22

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

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



Sickafoose, Steven L & Beth Ann

Schwartz, Aaron
Schwartz, Kanoshia
& Schwartz, Allen D

Yoder, Amos J
& Arlene Rose

Christman,
Gary, F. &
Patricia M

W41000 S

Yoder, Amos Jay
& Arlene Rose

Sickafoose, Steven
L & Sickafoose,
Beth Ann

Schwartz,
Benjamin W
& Amanda M

Reiff, Doug
& Terri

Sickafoose, Steven
L & Sickafoose,
Beth Ann

