

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

22-W-SE-2 **SPECIAL EXCEPTION**
Jason Barbknecht
2185 N. Etna Road

FEBRUARY 22, 2022
AGENDA ITEM: 6

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 3.51 acres

The petitioner is requesting special exception approval for a traffic generating home occupation. Proposed is a hunting/fishing guide business in the petitioner's home at 2185. N. Etna Road in Thorncreek Township.

As proposed, the petitioner will locate the operation within the residence and existing outbuilding (specific dimensions of the space will need to be determined). The described operation is that clients will arrive on-site, be briefed and outfitted as necessary, and depart with the petitioner on a guided fishing expedition. It is not expected that clients would normally enter the buildings. Clients could arrive early in the morning, depending on season and nature of the trip, and be out for the day or longer.

The petitioner plans to be the only employee of the business; for reference home occupations are allowed one non-resident employee. A boat trailer would be used in conducting the business and be parked on the site.

Parking would be provided along the existing driveway. At the time of writing this report, no sign information has been submitted, and any signage proposed in the future would comply with the standards of the code.

In the AG, Agricultural District, traffic-generating home occupations require a special exception through the Board of Zoning Appeals. The requirements of §10.9 Special Exception Standards and §5.14 Home Occupation Standards of the zoning code apply.

HOME OCCUPATION STANDARDS

The proposal appears to be in compliance with the standards of Section 5.14 of the Zoning Code for home occupations. The area to be used by the massage business is not yet determined, but it would be limited to approximately 306 square feet based on the floor area of the residence listed in the Assessor's records.

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;**

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.

- 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 not add any new structures. There will be no visible

evidence of the home occupation, other than the client parking area, parked boat trailer, and possible signage.

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

Other than the additional parked vehicles on the property, no changes to the existing building or site are proposed, and so would likely not change the existing aesthetics or environment of the neighborhood.

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

Parking for clients' use is proposed to use the existing driveway areas, which should be sufficient for at least four client vehicles at a time. The few visitors per day will not likely create traffic congestion in the area.

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

Home Occupation (traffic-generating) is a listed special exception of the AG district, and the proposed use appears to preserve the purpose, allowing for some business enterprise while maintaining the residential character.

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.
2. The Special Exception is granted as presented and per the site plan.
3. The area used for the business shall not exceed 20% of the habitable area of the residence.
4. Any signage will conform to the requirements of the code.

Date report prepared: 2/16/22

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

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Approve w/conditions

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Deny

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Vote: Denihan Lopez Wilkinson Wolf Wright

Yes

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No

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Abstain

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