

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

22-W-SE-8 **SPECIAL EXCEPTION**
Jeff Shelton
7195 E State Road 14

MAY 24, 2022
AGENDA ITEM: 8

SUMMARY OF PROPOSAL

Current zoning: VC, Village Commercial, and RR, Rural Residential (pending rezoning to VC)
Property area: 15 acres

The petitioner is requesting Special Exception approval for a Banquet Hall. Proposed is an event center that would utilize the existing building and include the home that is located on the property at 7195 East State Road 14. The current use of the property is for a residence, private event/meeting room, and tree business.

As proposed, the existing building currently being used as a personal event center would be converted for use as a commercial event center (aka banquet hall). There would be an outdoor event space located northeast of the event center in a gravel area. The existing home on the property is proposed to be remodeled for office space, bridal party preparation and changing rooms, and related event space.

Additional parking is planned for the event center to include pavement and gravel. Additional landscape buffers on the south side of the event center location are also proposed.

This Special Exception is dependent on the rezoning approval for the parcel that includes the dwelling, currently zoned RR, Rural Residential, to the VC, Village Commercial district so that it may be used for the proposed commercial use. Specific details on frequency and number of events being held has not been submitted. No signage details have been submitted.

In the VC, Village Commercial District, Banquet Halls 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;**

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 from outdoor event centers can be problematic for surrounding residences. Being that the closest residence is only 120'± from the property line, mitigation of noise should occur.

- 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 largely use existing buildings and so there would be minimal change in impact on the relationship between the property and the surrounding area. The additional parking along the southside of the event building would be buffered with landscaping to enhance the appearance to adjacent properties.

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

Again, as the proposal reuses existing buildings, and proposes landscaped buffering for parking lots, there should not be substantial difference on the visual impression of the area.

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

As shown on the submitted site plan, a total of 55 paved parking spaces would be provided in existing and new areas. The minimum parking for public assembly uses is 1 space per 4 seats, or 1 space per 50 sq. ft. of gross floor area when there is no fixed seating. The gross area of the event center is approximately 8,900 sq. ft., and assuming that the entire building is to be used for the event hall, a minimum of 178 spaces should be provided.

While an additional 36 spaces are proposed in gravel areas, the parking code requires asphalt or concrete parking in commercial districts. Even so, the additional areas would still not make up the difference between provided and required parking. However, if the area is overestimated, the parking number requirement would be changed.

Being on a state highway, INDOT may require a driveway permit for the change in use.

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

The proposed banquet hall clearly falls into a permissible special exception of the Zoning Ordinance. Other than the apparent parking deficiency, it seems this proposal meets the intent and rules for a banquet hall and so does not seem contrary to the purpose of the Ordinance.

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 site plan.
2. This Special Exception will not be in effect until and unless the pending rezoning to VC is approved.
3. Noise from events shall not exceed 50 dB at adjacent residences.
4. Parking will comply with the requirements of the parking code.
5. The access onto State Road 14 should be reviewed by INDOT and a permit be obtained from them if necessary.
6. Any signage will conform to the requirements of the code.

Date report prepared: 5/20/22

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve _____
 Approve w/conditions _____
 Deny _____

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

Triple R Development
Lic

Robinson,
Keith D &
Linda K

Straley,
Cary & Wendy

Straley,
Cary &
Wendy

Marks,
Jimmie
T & Luz M

Frye, Robert J
& Marietta W

Knoblauch,
John &
Tamara

Crawford,
Mark E &
Rebecca A

Burke, Jeffrey
A & Burke,
Susan I

Weiss, Joseph
F & Martha A

S LEGACY COURT

Joerges, Regis
Edward &
Christine Louise

Hall, Douglas
E & Bastress,
Cynthia K

Marks, Stephen J &
Claire J Revocable
Living Trust

Sauers, Douglas
& Sauers,
Katherine S

Shaver, Mark A
& Shaver, Hope
M Living Trust

E HERITAGE TRAIL

Bubb,
Eugene &
Linda

Weemes,
Joe L &
Lynn R

Jennings,
Maxella &
Ballard, Cinda

Nicodemus, Sarah
K & Hunter E

Hitzeman,
Pamela P
Living Trust

Valentic,
Scott

Lamle, Gary D
Revocable Trust

Morgan,
Pamela Ann

Derheimer,
Thomas & Martha
Irrevocable Trust

Northern
Indiana Public
Service Co

S 700 E

Tfnc Lic

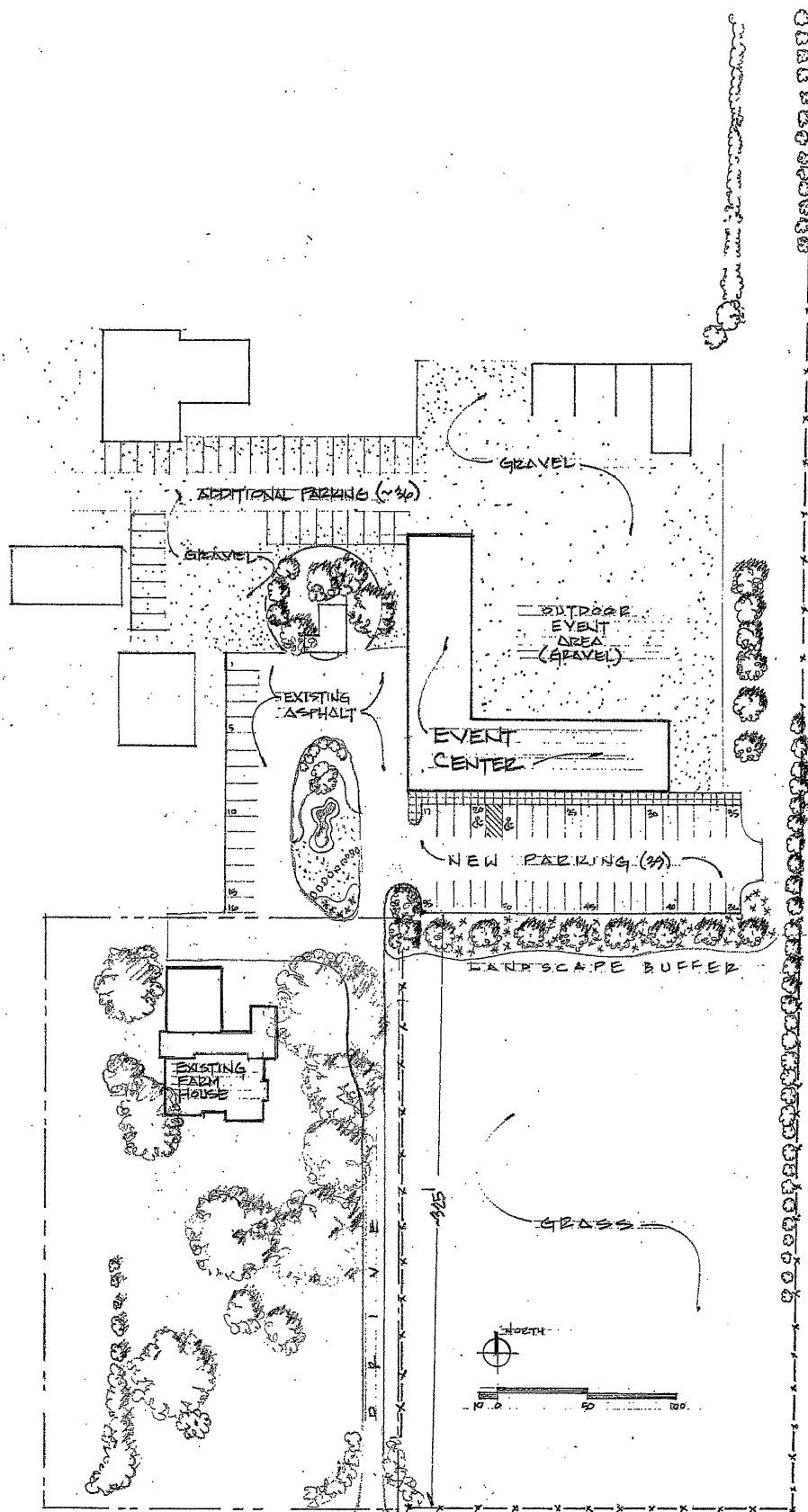
Stanford,
Michael H

Stanford,
Michael H

Stanford,
Michael H

Stanford, Michael H
Marilyn R, Tenant
by The Entireties

ESR 14



IT 95 EAST STATE ROAD 14