

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

**18-W-SE-9**      **SPECIAL EXCEPTION**  
Noah Lovell  
6755 E. SR 114-92

**AUGUST 28, 2018**  
**AGENDA ITEM: 4**

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**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 2 acres

The petitioner is requesting special exception approval for construction of a church use on the subject property at 6755 East State Road 114. The site is on the north side of SR 114, about ¼ mile west of CR 700E.

The property is currently improved with a shed, but a residence and outbuildings existed on the site until around 2013. The proposed use would be comprised of a 60'x120' principal structure and an accessory parking lot. The total congregation would be about 75-100 people. No details on lighting, signage, or other aspects of development were submitted at this time. If this request is approved, a Development Plan would still be required prior to the start of site development and building construction.

In the AG, Agricultural District, churches require a special exception through the Board of Zoning Appeals. The requirements of Sections 10.9 Special Exception Standards 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;

*Religious institutions typically do not have such elements, cause such conditions, nor contravene the performance standards. Any church is unlikely to be dangerous, injurious, or noxious, and is expected to comply generally with the performance standards.*

*No details on lighting on the site were submitted. If any lighting is proposed, it must be directed so as to prevent glare and light spillage onto adjacent properties.*

*No accessory uses, such as ballfields, pavilions, day cares, etc., have been proposed at this time. These types of uses can have aspects that impact performance standards, and so another special exception review could be required if these are to be proposed.*

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;

*No details on the architecture of the proposed building or landscaping were submitted. This should be considered by the Board.*

*Generally, the site is bounded by rolling and wooded parcels, with sizeable separations from the proposed building location and surrounding structures, so a church use would likely be harmonious with the adjacent properties. However, additional details are needed.*

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

*As mentioned above, details of the proposed church building have not yet been submitted. However, church structures typically do not have aesthetics that would be out of place in an agricultural or residential neighborhood.*

*The placement of the parking lot in the front yard could be visually inconsistent with the agricultural and residential areas along SR 114. However, such a parking lot is required by the Zoning Code and so must be expected to be on the property. The addition of landscaping could provide some visual consistency.*

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

*Being located on State Road 114, a driveway permit from INDOT would be required. It is staff's experience that INDOT will not permit the proposed dual driveways. Given the amount of traffic and sight distances on the highway, it may also be possible that improvements to the road (e.g. shoulder widening, turn lane, etc.) would be required.*

*The specifics of the parking lot design would be addressed during Development Plan review. The proposed 50-75 spaces would be sufficient to meet the code minimum (~25 spaces) for a 100-person congregation. However, the 50 parking spaces arranged in the orientation shown on the site plan would not fit on the property; so the lot would need to be reconfigured or reduced in size. Additionally, it should be noted that parking lots for new non-residential properties are to be paved with asphalt or concrete.*

5. The special exception shall preserve the purpose of this Ordinance.

*Churches clearly fall into a permissible special exception of the Zoning Ordinance. Regarding the Ordinance's purpose to promote public health, an approved septic system is required for this site. Due to the parcel size, topography, and proposed improvements, the system must be reviewed in more detail.*

### **SUGGESTED CONDITIONS**

Unless more details are submitted by the time of the hearing, it is the recommendation of Staff that this request be continued to permit the petitioner time to compile additional information on the proposal.

If the Board finds that the Special Exception may be approved, Staff suggests at a minimum the following conditions:

1. The Special Exception use is granted based on the site and building information submitted and presented.
2. The proposed driveway and its location must be approved by INDOT, and any conditions of their permit must be incorporated into the Development Plan.
3. Landscaping consisting of one (1) deciduous shade tree per 30 lineal feet is to be installed between the parking lot and the road, following the specifications of §5.6(A)(6).
4. The parking lot and driveway are to be paved with asphalt or concrete.
5. The Health Department must approve an adequate septic system (or equivalent) prior to Development Plan review.
6. Any expansions, additions, or additional accessory uses shall have further Special Exception review.

Date report prepared: August 22, 2018.

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

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<b><i>Vote:</i></b>	<b>Deckard</b>	<b>Denihan</b>	<b>Klein</b>	<b>Wilkinson</b>	<b>Wright</b>
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					