

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

**18-W-SE-6**      **SPECIAL EXCEPTION**  
Laura Maley  
5192 E. State Road 14

**JUNE 26, 2018**  
**AGENDA ITEM: 5**

**SUMMARY OF PROPOSAL**

Current zoning: AG, Agricultural  
Property area: 3.06 acres

Laura Maley is requesting special exception approval for a hair salon home occupation at 5192 E. State Road 14, owned by her husband Brandon Maley.

As proposed, the hair salon will be located in a 9.5' x 12' former bedroom at the rear of the residence and will operate Tuesdays, Thursdays, and Fridays from 10 am until 8 pm and Saturdays 8 am until noon. There will be no employees and an estimated two customers at a time. The petitioner has a proposed off-street parking area, shown on the submitted site plan. At the time of writing this report, no sign information has been submitted.

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 appear 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 salon is approximately 4% of the overall area of the dwelling.

**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 small additional parking area and possible approved signage.*
3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;  
*The entrance to the home occupation will be located at the rear of the residence and not particularly visible from the public roads, 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 the east of the dwelling and should be sufficient for the proposed two clients at a time. The existing driveway includes an entrance and exit location, accommodating the organization of vehicular access and will not likely create any traffic congestion.*
5. The special exception shall preserve the purpose of this Ordinance.  
*Home Occupation (traffic-generating) is a listed special exception of the AG district.*

**SUGGESTED CONDITIONS**

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 Health Department may need to review the septic system permit in conjunction with this proposed use.

Date report prepared: 6/15/18, JS.  
 Reviewed: 6/19/18, NB.

**BOARD OF ZONING APPEALS ACTION**

Motion:

By:

Second by:

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<b>Vote:</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>					