

**Shelby County
Board of Zoning Appeals**

August 10, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals August 10, 2021, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 13, 2021 meeting.

NEW BUSINESS

BZA 21-28 – BROWNING INVESTMENTS: DEVELOPMENT STANDARDS VARIANCE. Located at 9175 N Frontage Rd, Fairland, Moral Township.

BZA 21-25 – FAITH BAPTIST CHURCH: DEVELOPMENT STANDARDS VARIANCE. Located at 2795 E US 52, Morristown, Hanover Township.

OLD BUSINESS

BZA 21-24 – CHARLES WILLIAMS & KAYLEIGH KEENER: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 3615 W 1200 N, New Palestine, Moral Township.

DISCUSSION

Hearing Officer Cases:

BZA 21-26 – HENRY A & PENELOPE K BRINEGAR: DEVELOPMENT STANDARDS VARIANCES. Located at 5800 N PR 725 E, Manilla, Union Township. *Approved August 9, 2021.*

BZA 21-27 – BLUE RIVER ESTATES MHP LLC: DEVELOPMENT STANDARDS VARIANCE. Located at 8901 W Del Char South Dr, Edinburgh, Jackson Township. *Approved August 9, 2021.*

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **September 14, 2021 at 7:00 PM.**

Property Details

Location: 9175 N Frontage Rd,
Fairland, Moral Township.

Property Size: 56.27-acres.

Current Land Use: Cropland.

Zoning Classification:

I1 (Low Intensity Industrial)

Intent: This district is established for low intensity industrial uses, light manufacturing facilities and business parks.

Development Standards: Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality. Allow small outdoor storage areas with screening. Minimize light, noise, water, and air pollution.

BZA: Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety.

Future Land Use per Comp Plan Industrial

The purpose of this category is to provide for a full range of light and heavy industrial uses. Types of uses include manufacturing, processing, distribution, and storage. The designation should accommodate a variety of industrial establishments which:(1) Employ high environmental quality standards (2) May function as an integral part of an overall development area (3) Require large tracts of land because of their nature and function (4) Have minimal impacts on adjacent uses

Focus Area #1 – NW Corner

Provide an updated vision for the future of this interchange area which has been continued next page....

Staff Report

Case Number: BZA 21-28

Case Name: Browning Investments – Development
Standards Variance

Request

Variance of Development Standards to allow the following size parameters for building signage:

- Front Elevation: No more than 20% of the area of the building façade.
- Side Elevation: No more than 15% of the area of the building façade with each side calculated separately.
- Rear Elevation: No more than 10% of the area of the building façade.
- No limit on the number of signs on a given façade as long as the aggregate signage area does not exceed the limits established above on a given facade.

Code Requirement

UDO Section 5.75 A 2:

Allotment:

- a. Stand-alone Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square foot per lineal foot of primary structure that fronts a public or private street.
- b. Uses in Multi-tenant Centers: The cumulative square footage of all wall signs for any use within a multi-tenant center shall not exceed one and one-half (1.5) square foot per lineal foot of the use's façade width.
- c. Thresholds:
 - i. No stand-alone use or use within a multi-tenant center shall be limited to less than thirty (30) square feet of wall sign.
 - ii. No stand-alone use or use within a multi-tenant center shall exceed 300 square feet of wall sign.

Purpose of Requirement - Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

Property Details Continued

identified as a key opportunity for both Shelby County and the City of Shelbyville.

1. Cooperate with Indy MPO for project inclusion and future funding applications.
2. Build county partnerships for future development potential- focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities.
3. Target residential, commercial, and industrial development near existing interchanges.
4. Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities.
5. Encourage the extension of public water & sewer facilities to this area.
6. Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.

Surrounding Development

	Zoning	Land Use
North	I1	Cropland
South	IS	Fire Department Training Facility
East	I2/A1	Ready-Mix Plant / Cropland
West	A1/RE	Natural Resources / Residential Estate

Property Map



Case Description

- The petitioner plans to develop the property for use as a warehouse facility. The petitioner plans to develop the site on a speculative basis and therefore has not identified an end-user for the site.
- On July 27, 2021, the Plan Commission recommended approval of a rezoning of the property from the A1 (Conservation Agricultural) District to the I1 District. The Commissioners approved the rezoning on August 9, 2021.
- The petitioner intends to develop the site in compliance with all development standards listed in the UDO, other than the signage standards.
- Due to the speculative nature of the project, the petitioner has not provided sign plans showing specific type, size, and location of signage. However, the petitioner has agreed to size thresholds for building signage.
- The County has relatively restrictive sign standards applicable to industrial development. The County likely did not anticipate large-scale industrial development at the time of adoption of the current sign standards.
- The Planning Director reviewed the sign standards in adjoining counties. Most older codes also have relatively restrictive industrial sign standards. However, the Marion County sign standards adopted in 2019 include standards applicable to large-scale industrial development. The variance request is consistent with Marion County's sign standards.

Staff Analysis of Findings of Fact

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: The development would include an appropriate amount of signage relevant to the size of the building to allow for adequate identification of the building user(s).

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: The development would include an appropriate amount of signage relevant to the size of the building to allow for adequate identification of the building user(s).

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the ordinance would not allow for adequate signage for identification of the company. Signage is consistent with recently adopted Marion County sign standards.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the development would include an appropriate amount of signage relevant to the size of the building to allow for adequate identification of the building user(s).

Applicant/Owner Information

Applicant:	Browning Investments / Matt Brauer 6100 W 96 th St, Suite 150 Indianapolis, IN 46278	Owner:	Eric E Krebs Irrevocable Trust 9242 E 12 th St. Indianapolis, IN 46229
Applicant's Representative:	Christopher King E. Rampart St. Shelbyville, IN 46176	Project Engineer:	Ross L. Nixon 9025 River Rd, Suite 200 Indianapolis, IN 46240

July 20, 2021

Ms. Desiree Calderella
Planning Director
Shelby County Plan Commission
25 West Polk Street
Shelbyville, Indiana 46176

Re: Variance Application – Letter of Intent/Findings of Fact

Dear Ms. Calderella,

On behalf of Browning Investments, I am pleased to submit the enclosed variance of development standards application for the 56-Acre Krebs Property near Pleasant View in northwest Shelby County.

Browning Investments is considering the speculative construction of a modern industrial warehouse/distribution building consistent with the site plan and representative building elevations provided. As Browning considers this investment in Shelby County, the identified variances of development standards are critical to determining the feasibility of this project.

The proposed site plan illustrates a potential building concept based on our current understanding of the site. Please note, Browning is currently evaluating potential easements and other constraints that may impact the developability of this property. As part of this application, we request the ability to reduce the size of the proposed building or site multiple buildings on the property consistent with the proposed zoning district and use.

The property is zoned Low Intensity Industrial (I1) and the proposed use of distribution is permitted by the ordinance. We are requesting the following variances of development standards to allow this project to proceed:

Section 5.75: Commercial, Industrial, and High Impact Signs

We request a variance to install signage consistent with structures of similar scale in other jurisdictions.

Findings of Fact:

General Welfare:

Approval of the requested variances will not be injurious to the public health, safety or general welfare of the community. This project will result in a significant increase to the community's tax base which will allow for further investment in public services beyond the initial project needs. The project will further the goals for economic development established by the Shelby County Comprehensive Plan.

Use and value of adjacent properties:

The use and value of adjacent properties will not be affected in an adverse manner. Approval of the proposed variances will allow for the improvement of this property, which will provide for greater potential use and value for adjacent properties. The county has designated this area for industrial growth and development in the Comprehensive Plan. Development of this site in the proposed manner furthers the county's efforts to promote growth, investment and job opportunities for our residents.

Practical Difficulty:

The strict application of the identified development standards will result in practical difficulty for the proposed project as follows:

Section 5.75: Commercial, Industrial, and High Impact Signs

Practical Difficulty: The ordinance did not contemplate signage for a single use building of this size and scale. Proper signage is a necessity of building identification and directional guidance for users of the facility.

As this building is being planned as speculative construction, signage has not yet been established. We request a variance to allow the following size parameters for building signage, consistent with standards in other jurisdictions:

- Front Elevation: No more than 20% of the area of the building façade.

- Side Elevation: No more than 15% of the area of the building façade with each side calculated separately.
- Rear Elevation: No more than 10% of the area of the building façade.
- We request no limit on the number of signs on a given façade as long as the aggregate signage area does not exceed the limits established above on a given facade. This is to allow for the possibility of a multi-tenant building.

We sincerely appreciate your consideration of these variance requests. Browning Investments is extremely pleased to be considering this investment in Shelby County and looks forward to working with you to address these matters. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. King', written over a light blue horizontal line.

Christopher M. King
Executive Vice President
Runnebohm Construction Company, Inc.
cking@runnebohm.com
317.631.1955





8666

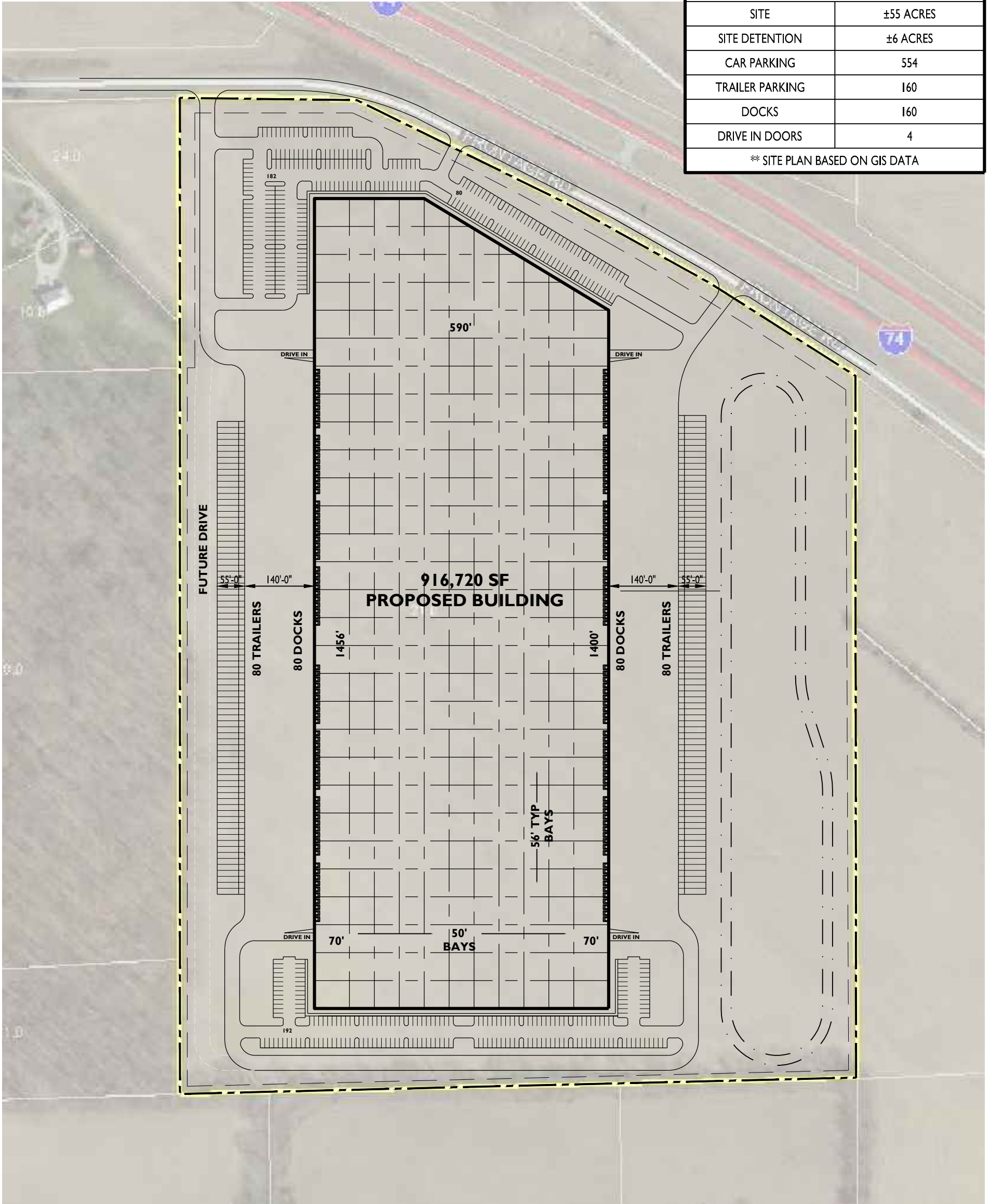




445
AirTech Pkwy

PROJECT DATA

PRESUMED ZONING: LIGHT INDUSTRIAL	
SITE	±55 ACRES
SITE DETENTION	±6 ACRES
CAR PARKING	554
TRAILER PARKING	160
DOCKS	160
DRIVE IN DOORS	4
** SITE PLAN BASED ON GIS DATA	



916,720 SF BUILDING :: FAIRLAND, IN

04.30.2021

1" = 200'

PROJECT # 210165

BROWNING

Property Details

Location: 2795 E US 52,
Morristown, Hanover Township.

Property Size: 10.31-acres.

Current Land Use: Vacant.

Zoning Classification:

IS (Institutional)

Intent: This district is established for institutional and municipal owned lands for public purpose and use.

Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community.

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Surrounding Development

	Zoning	Land Use
North	I	Industrial (Morristown)
South	R1	Single-Family Residential
East	R1	Single-Family Residential
West	A1	Cropland

Staff Report

Case Number: BZA 21-25

Case Name: Faith Baptist Church – Development
Standards Variance

Request

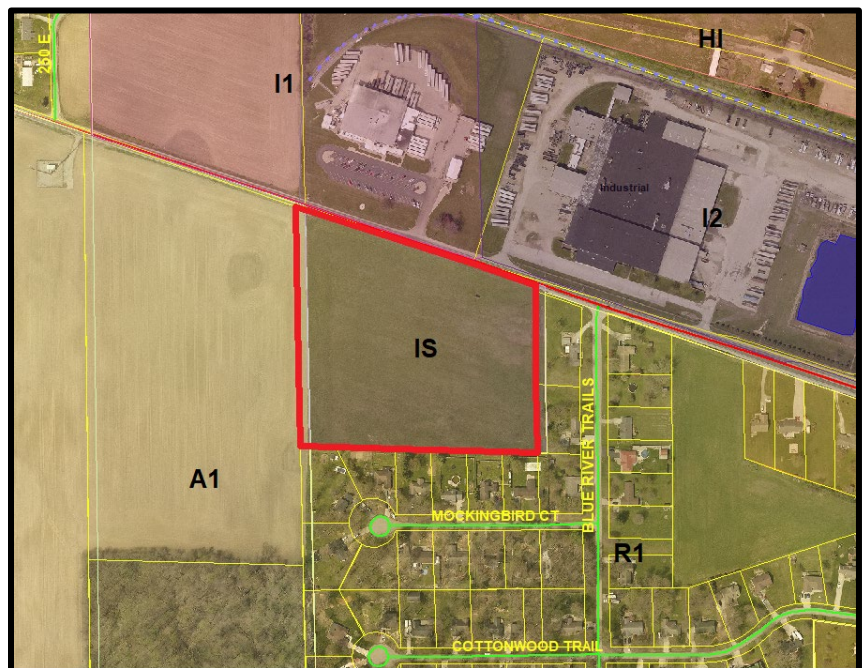
Variance of Development Standards to delay paving of a church parking lot for two years after completion of the project.

Code Requirement

UDO Section 5.60 A: Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

Purpose of Requirement - Paved parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles.

Property Map



Case Description

- The petitioner has obtained Site Plan Approval, and Improvement Location Permit, building permits, and a variance from landscaping standards for development of a church.
- The Technical Review Committee has approved a Site Plan including seventy-two asphalt parking spaces and asphalt access drives.
- The County requires completion of all site work, including required paving of parking and maneuvering areas, prior to issuing a certificate of occupancy for the primary structure for all non-agricultural projects.
- The petitioner's application indicates that they request to delay paving by two years to have time to raise the money for paving the parking lot, rather than acquiring a loan.

Staff Analysis of Findings of Fact

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: Lack of a paved entrance lane would result in the accumulation of dust on the public road. Lack of defined parking spaces and drive aisles would impede safe and efficient movement of vehicles within the parking lot. Therefore, approval of the variance could be injurious to the public health, safety, morals, and general welfare of the community.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: A non-paved parking lot of the proposed size would pose nuisances such as dust and noise caused by the movement of vehicles on gravel.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The UDO definition of a practical difficulty states: "A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Unified Development Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner." Approval of the variance would relieve a monetary hardship but would not improve the site in a practical manner.

Staff Recommendation

Staff recommends **DENIAL** due to the petitioner's inability to meet the legal findings of fact.

Applicant/Owner Information

Applicant:	Wayne Scott 11393 N Division Rd Fountaintown, IN 46130	Owner:	Faith Baptist Church P.O. Box 243 Morristown, IN 46161
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Staff Photograph of Site – July 29, 2021



**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Faith Baptist Church, Pastor Wayne Scott

Case #: _____

Location: _____

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

Will not harm anyone using the parking lot. Our
current parking lot is gravel and has been for 29 yrs
with no problems

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

will not affect property values as most of this
property is a hay field and will remain so.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

FBC is on schedule to complete the building
DEBT FREE!! We will raise the money over the
next 2 years to pave the parking lot and remain
debt free. Being debt free helps FBC to help others
in our community. Over the past 29 yrs, we have
contributed app. \$50,000 to the Morristown community.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

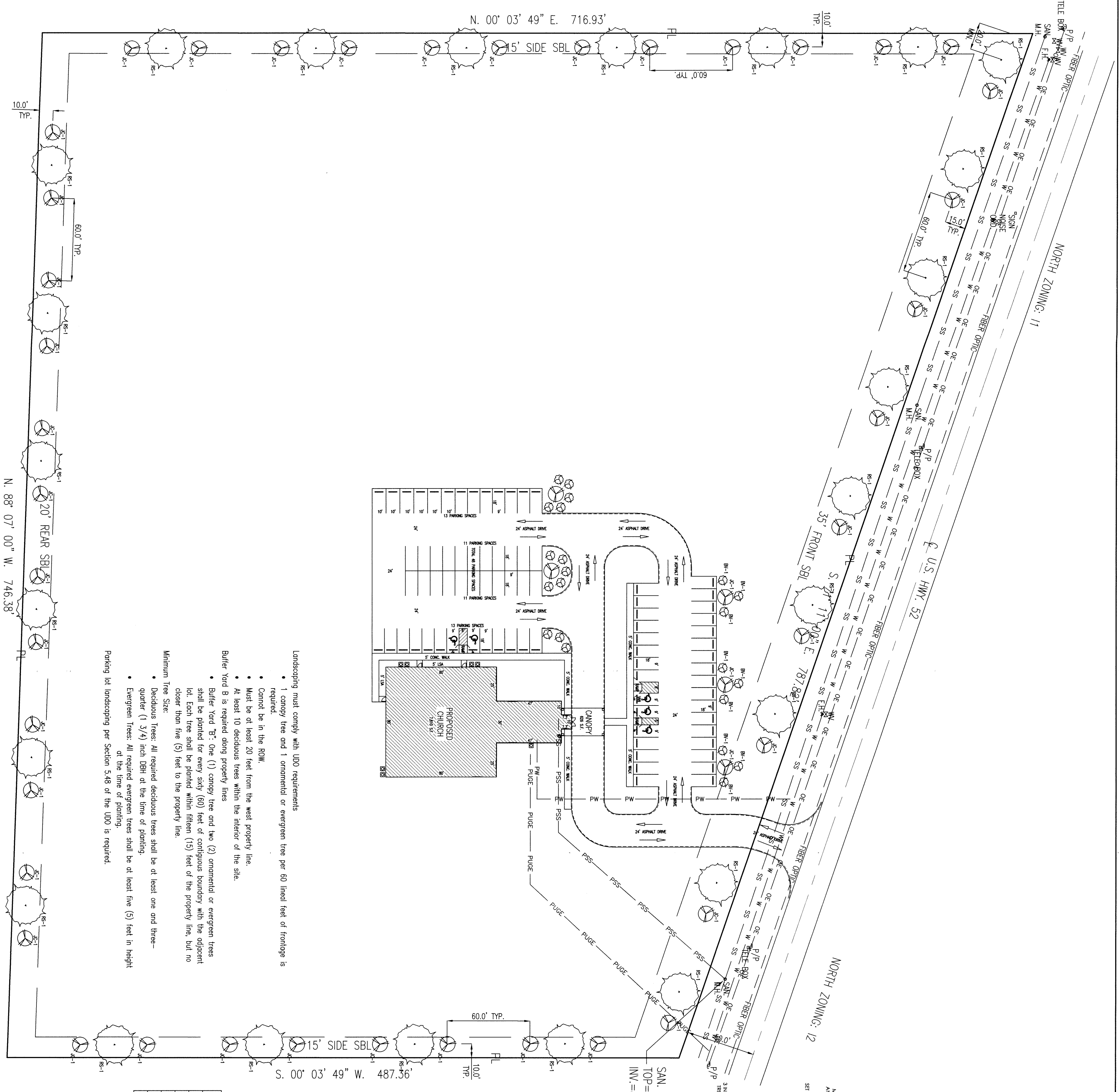
General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)



WEST ZONING: A1



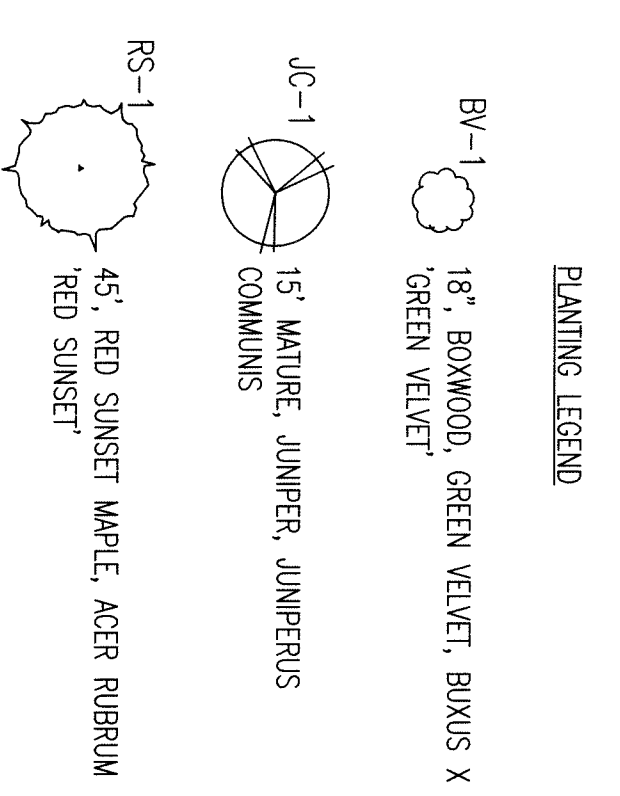
SOUTH ZONING: R1

PROPOSED LANDSCAPING PLAN

10.31 AC., ZONED: IS

- Landscaping must comply with UDO requirements
- 1 canopy tree and 1 ornamental or evergreen tree per 60' linear feet of frontage is required.
 - Cannot be in the ROW.
 - Must be at least 20 feet from the west property line.
 - At least 10 deciduous trees within the interior of the site.
- Buffer Yard B is required along property lines
- Buffer Yard B: One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line but no closer than five (5) feet to the property line.
- Minimum Tree Size:
- Deciduous Trees: All required deciduous trees shall be at least one and three-quarter (1 3/4) inch DBH at the time of planting.
 - Evergreen Trees: All required evergreen trees shall be at least five (5) feet in height at the time of planting.
- Parking lot landscaping per Section 5.48 of the UDO is required.

EAST ZONING: R1

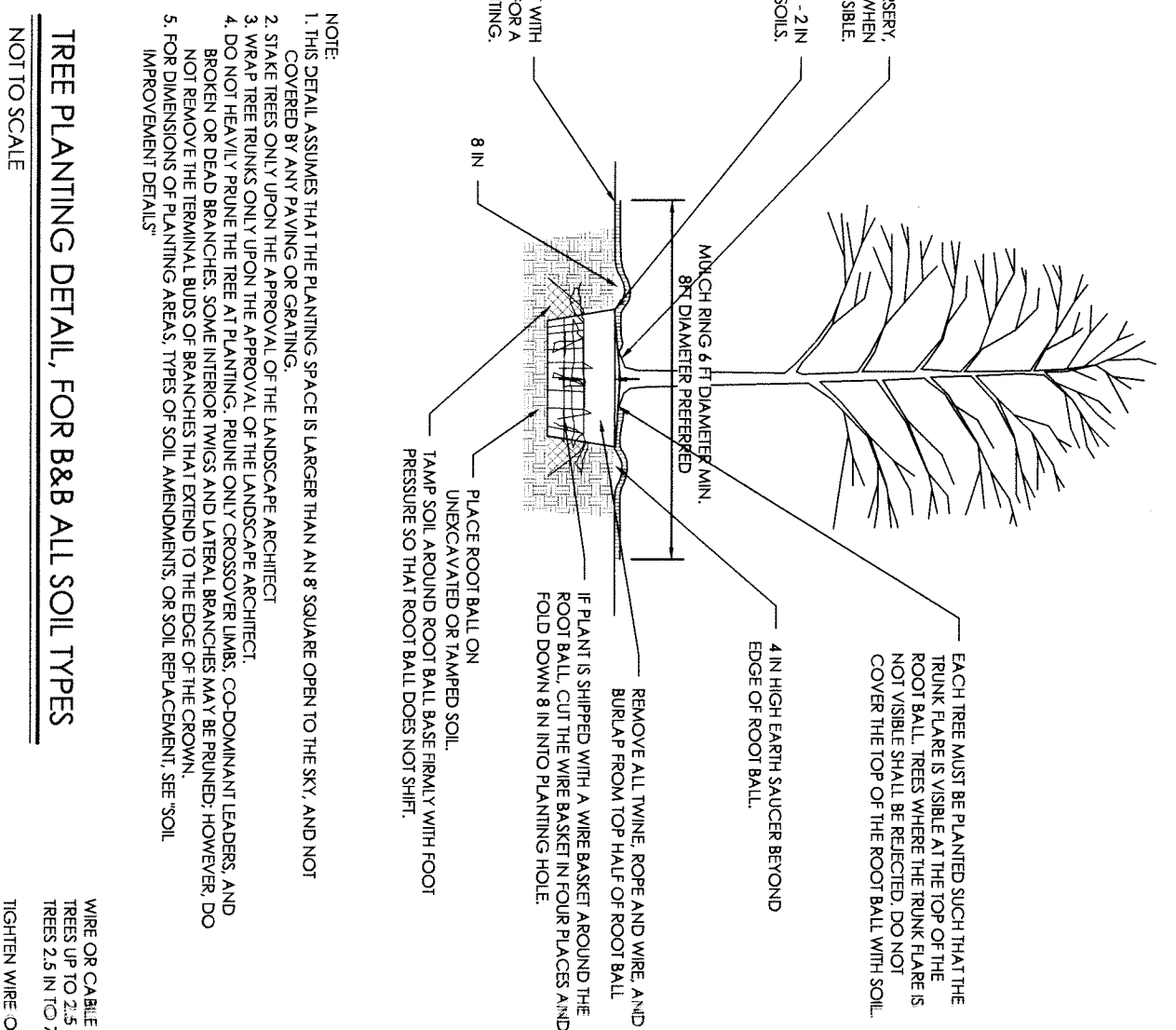


TREES AND SHRUBS MUST MEET SIZE REQUIREMENT EXPRESSED IN THE UNITED DEVELOPMENT ORDINANCE.

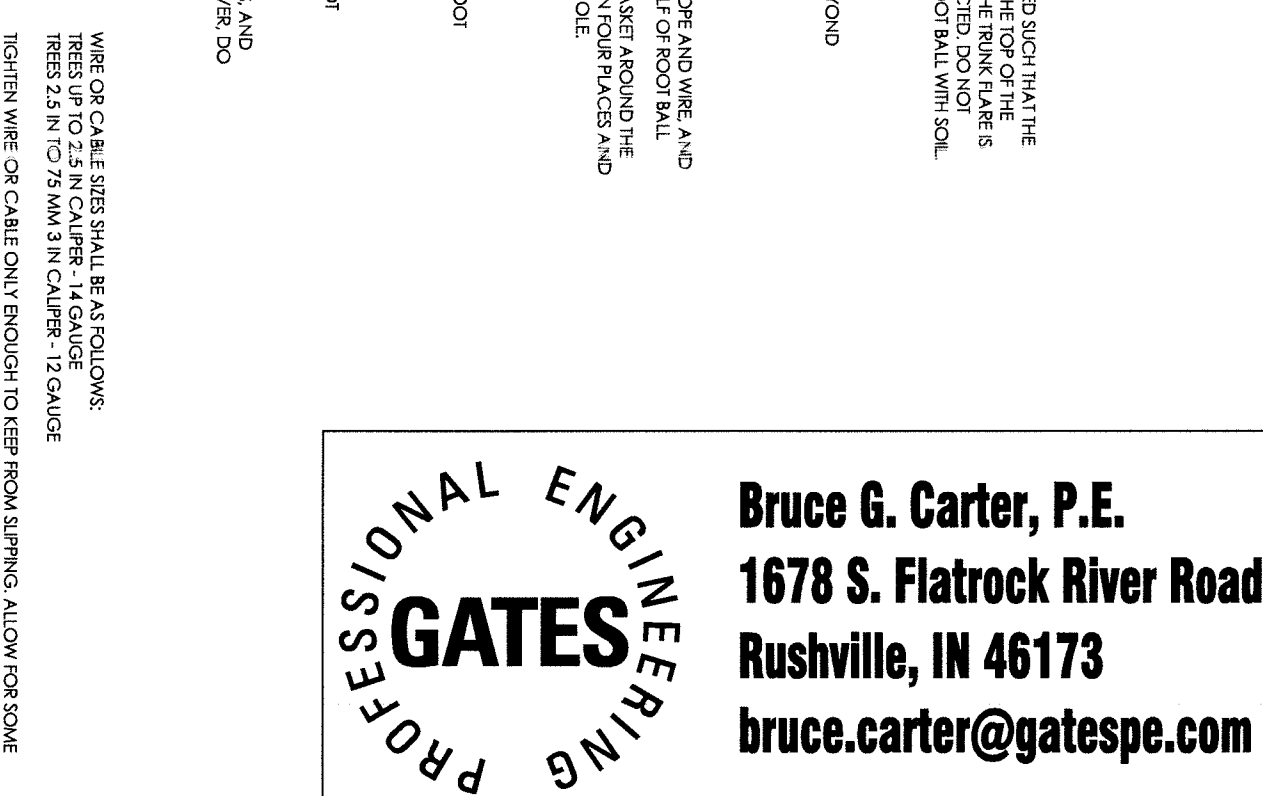
PLANT SCHEDULE - TREES/SHRUBS					
Key	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	UNITARY SIZE	QTY.
BR	BOXUS X 'GREEN VELVET'	BOXWOOD, GREEN VELVET	15'-18"	48" HT./36" SPREAD	24
JC	JUNIPERUS COMMUNIS	JUNIPER	1 1/2" CAL.	15' HT./8" SPREAD	6
RS	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2.5"	45' HT./35" SPREAD	2

- NOTES:
1. FOR COMPLETE LAYOUT INFORMATION SEE CIVIL DRAWINGS.
 2. VERIFY UNDERGROUND UTILITY LOCATIONS PRIOR TO PLANT INSTALLATION.
 3. CONTRACTOR TO VERIFY QUANTITIES. NOTIFY LANDSCAPING ARCHITECT OF ANY DISCREPANCIES.
 4. CONTRACTOR TO VERIFY FIELD CONDITIONS. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS.
 5. STAKE ALL TREES AND LARGE SHRUBS AS INDICATED BY INDUSTRY STANDARDS.
 6. ALL PLANT PLANT BEDS ARE TO BE SPADE EGED UNLESS NOTED OTHERWISE. PROVIDE STEEL EDGE BID ALTERNATE.
 7. ALL PLANT MASSES TO BE CONTAINED WITHIN MULCH BED.
 8. ALL GROUNDCOVER BEDS ARE TO BE MULCHED WITH 1" MIN. SHRUBS WITH 3" MIN. DEPTH WITH SHREDED HARDWOOD MULCH.
 9. CONTRACTOR TO REGRADE, REPAIR AND REPLANT ALL AREAS DISTURBED BY CONSTRUCTION, INCLUDING ANY OFF-PROPERTY AND OR OTHERWISE NOT INDICATED ON PLANS.
 10. ALL TURF AREAS ARE TO BE SODED, UNLESS NOTED.
 11. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN LAWN AND PLANTING BED AREAS.
 12. CONTRACTOR SHALL USE TREE & SHRUB DETAILS AS PLANTING GUIDELINES.
 13. PROVIDE LAWN IRRIGATION IN ALL LAWN AND PLANTING AREAS.
 14. LANDSCAPE PLAN AND COUNT TO BE ADJUSTED AND COORDINATED WITH TREE SAVE PLAN.

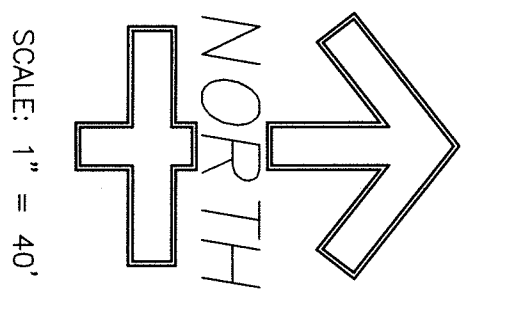
TREE PLANTING DETAIL FOR B&B ALL SOIL TYPES



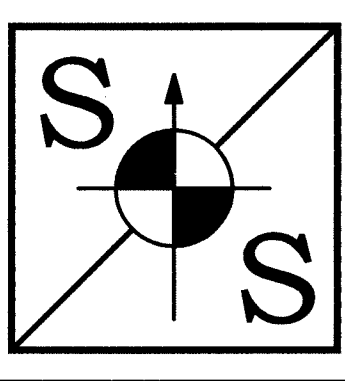
TREE STAKING DETAIL, 3" CALIPER OR LESS



FLOOD INFO:
THE PROPOSED PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE "X" AS PER FIRM MAP #18145C0065C EFFECTIVE DATE NOVEMBER 5, 2014. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT SHOWN ON THIS PLOT PLAN IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

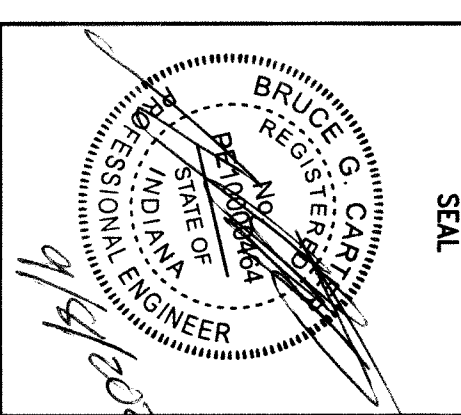


PROFESSIONAL ENGINEERING
GATES
Bruce G. Carter, P.E.
1678 S. Flatrock River Road
Rushville, IN 46173
bruce.carter@gatespe.com



SPACE and SITES, LLC
BUILDING DESIGN, PLANNING
6 East Taylor St. Shelbyville, IN 46176
PH 317.392.4444 FAX 317.392.0709
www.spaceandsites.com
e-mail: spaceandsites@sbcglobal.net

CHECKED	SYMBOL	REVISION	DATE
TN		PER COUNTY REVIEW - 9/17/20	9/24/20
CERT.			
SCALE			
DRAWN			



SHEET NAME		PROJECT NAME	
PROPOSED LANDSCAPING PLAN		FAITH BAPTIST CHURCH	
		2795 E. US 52	
		MORRISTOWN, IN 46163	
DATE:	AUG. 26, 2020		
PROJECT NO.:	18030		
SHEET NO.:	C106		

Property Details

Location: 3615 W 1200 N, New Palestine, Moral Township.

Property Size: ~10-acres.

Current Land Use: Estate Residential.

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

Development Standards: Promote low-impact development in harmony with a natural setting.

Future Land Use per Comp Plan

Agricultural

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A (Hancock County)	Single-Family Residential
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 21-24

Case Name: Charles Williams & Kayleigh Keener – Use & Development Standards Variances

Request

Variance of Use to allow for an event venue in the RE (Residential Estate) District.

Variances of Development Standards to allow:

1. Two primary structures (single-family residence & event venue in existing barn);
2. Grass parking area (paved surface & ADA compliant spaces required);
3. Small commercial sign in the RE District.

Code Requirement

UDO Section 2.11: RE District Intent, Permitted Uses, and Special Exception Uses

UDO Section 2.12: RE District Development Standards: Maximum Primary Structures – 1 per lot.

UDO Section 5.60 A: Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

UDO Section 5.73: General Sign Standards

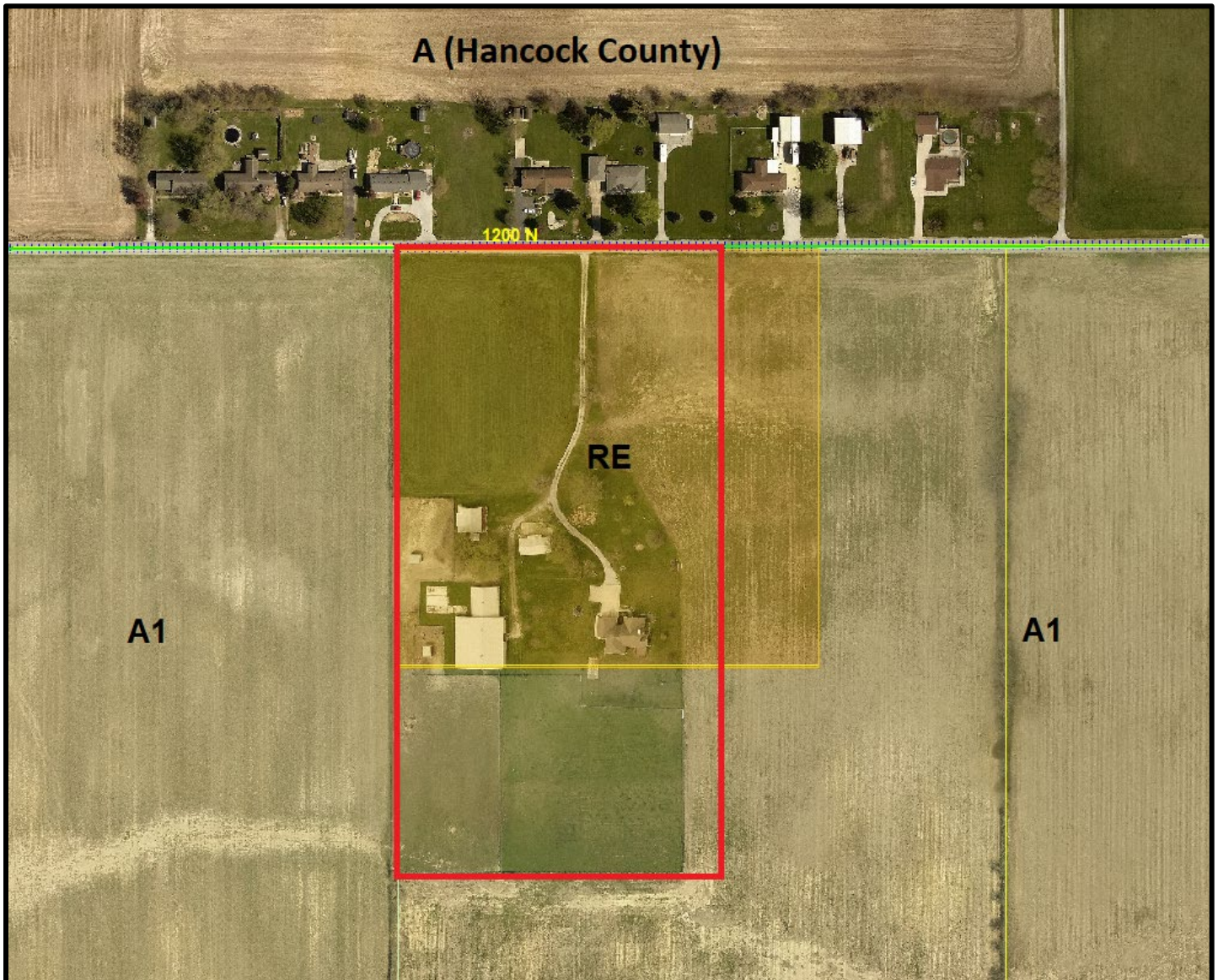
Purpose of Requirements

Permitting no more than one primary structure per lot maintains the intended development intensity of the RE District.

Paved driveways and parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles.

Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

Property Map



Case Description

- The petitioners currently have an option to purchase the property. They plan to remodel an existing barn for use as an event venue and plan to use a smaller existing barn for storage related to the venue. They plan to use the existing dwelling as their personal residence and other existing structures as residential accessory structures.

- The petitioners plan to completely insulate the barn and add covered patios, bathrooms, a kitchen area, and plumbing. They also plan to add additional landscaping around the barn.
- The petitioners plan to use the northwest portion of the property as a grass parking area and may add an additional entrance to the parking area from 1200 N. The additional entrance would comply with UDO standards and would require a permit from the Highway Department.
- The petitioners' statement of intent includes the following:
 - Hours of Operation: open to the public seven days a week, with office hours from 9AM – 5PM and events ending at 11PM on weekends.
 - Maximum number of guests compliant with fire safety regulations for the venue space.
 - Moderate wood sign near driveway.
 - Waste disposal with truck/trailer after each event.
- The petitioners must obtain approval from the State Health Department for water and waste disposal systems prior to use of the barn for public events.
- The petitioners must obtain a State Design Release prior to use of the barn for public events and a commercial remodel permit from the County.
- The surrounding area includes primarily agricultural land used for crop production, however ten properties including single-family residences located relatively close to 1200 N are located directly north of the property.

Staff Analysis of Findings of Fact

Use Variance

1. **State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff Analysis: Review and approval of the proposed event barn by the State Division of Fire and Building Safety and State Department of Health would ensure that use of the event barn would not impact the public health, safety, morals, and general welfare. The proposed parking area includes enough space to allow for the safe and efficient movement of vehicles which would prevent congestion of vehicles on the public road.

2. **State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The distance between the event venue and the property lines would mitigate the impact of noise on adjacent properties and prevent landscaping materials or unintentional waste disposal from impacting the ability to use adjoining agricultural land for crop production. Proposed stipulations limiting sound devices to indoors and limiting hours of operation would also mitigate noise impacts. Proposed stipulations regarding lighting would limit the impact of light and glare on adjacent property.

3. **State Requirement: The need for the variance arises from some condition peculiar to the property involved.**

Staff Analysis: The property includes several agricultural structures, includes more acreage than typical residential properties, and adjoins agricultural land. Therefore, the property is suitable for a low intensity, agrotourism related use.

4. State Requirement: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.

Staff Analysis: A strict application of the ordinance would not allow for a low intensity agrotourism related use that the property can support, and which would not pose a nuisance to adjacent property.

5. State Requirement: The approval does not interfere substantially with the Comprehensive Plan.

Staff Analysis: The Plan encourages agritourism uses in agricultural areas. The proposed use would provide a venue for the public to enjoy the agricultural character of the property and surrounding area. The proposed use can be adequately served by State approved well and septic, and county roads.

Development Standards Variances

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: Both primary structures currently exist on the property. Paving of the entrance of to the driveway would limit the accumulation of dust on the public road. The designated parking area provides enough area for the efficient movement of vehicles. A sign not exceeding six (6) feet in height and twenty (20) square feet in area and setback at least five (5) feet from the right-of-way complies with ordinance requirements for low intensity commercial uses.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Approval of a variance to designate two existing structures as primary structures would not change the aesthetic quality of the property. Requiring a paved driveway and parking area would detract from the existing agricultural character of the property. A sign not exceeding six (6) feet in height and twenty (20) square feet in area and setback at least five (5) feet from the right-of-way complies with ordinance requirements for low intensity commercial uses.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the ordinance would detract from the rural character of the property and would not allow for a low intensity, agrotourism related use that the property can support, and which would not pose a nuisance to adjacent property

Staff Recommendation

Staff recommends **APPROVAL** primarily because the existing conditions of the property, character of the area, and the Comprehensive Plan support a low intensity, agrotourism related use. However, the Board should consider stipulations to mitigate potential impacts to adjacent properties, particularly the residential properties on the north side of 1200 N.

Recommended Stipulations:

1. A State Design Release and County Remodel Permit shall be obtained and any improvements to the barn required by the State shall be completed prior to use of the building for a public event venue.
2. Written approval from the State Health Department shall be obtained and any improvements to the property required by the State shall be completed prior to use of the property for public events.
3. All uses and structures associated with the event venue, including the parking area and landscaping, shall be located at least 200-feet from the edge of pavement of W 1200 N and at least 30-feet from the property lines. Any entrance driveway is exempt from this requirement.
4. Any driveway used for the event venue shall be paved a minimum of 25-feet from the center of W 1200 N.
5. At least one ADA compliant parking space shall be installed near the entrance to the event barn.
6. Devices used to project sound outdoors shall be operated for no longer than one (1) hour per day and operated no later than 6 PM.
7. Contracted service providers utilizing vehicles Class 4 vehicles or larger and all patrons shall vacate the premises by 11:30 PM each night.
8. Any lighting fixtures shall be full-cutoff fixtures and no light shall reach a property line with greater than five (5) lux.
9. One sign associated with the business shall be permitted. The sign shall not exceed six (6) feet in height and twenty (20) square feet in area and shall be setback at least five (5) feet from the right-of-way. The sign shall comply with all other requirements identified in the UDO.

*Notes on conditions

- Conditions 1 and 2 are required for all commercial developments in the County.
- Condition 3 is intended to limit impacts to adjacent residential properties.
- Condition 4 is intended to limit the accumulation of dust on the public road.
- The petitioner has requested condition 6 allow for operation of sound outdoors from two hours per day no later than 8 PM. Staff initially recommended no outdoor projection of sound, however compromised at 1 hour per day no later that 6 PM.
- Conditions 8 and 9 are ordinance requirements for properties in commercial districts.

Applicant/Owner Information

Applicant:	Charles Williams & Kayleigh Keener 3615 W 1200 N New Palestine, IN 46163	Owner:	Michael & Denise Gatewood 3615 W 1200 N New Palestine, IN 46163
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View of property from 1200 N



Google Street View – September 2013

View of properties on north side of 1200 N from proposed parking area



Realtor.com – 2021

STATEMENT OF INTENT (ONLY REQUIRED FOR VARIANCE OF USE & SPECIAL EXCEPTION)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: Turn barn into Wedding
Event Venues

2. Days & Hours of Operation: 7 days a week office 9-5pm Events cut off 11pm
on weekends.

3. Maximum Number of Customers per Day/Week/Month: Max Capacity will be compliant
with Fire safety and regulations.

4. Type and Frequency of Deliveries: N/A

5. Description of any Outdoor Storage: N/A All storage is inside.

6. Description, Size, and Placement of any Signage: Moderate wood sign, near road and
driveway. Size - Moderate.

7. Description of Waste Disposal: Will handle with Truck/Trailer after each
event.

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Concrete, insulate whole building,
plumbing, Extend roof for patio, parking - maintain grass. Add a
good deal of landscaping and some to create privacy. Heating air

**USE VARIANCE
FINDINGS OF FACT**

Applicant: Charles Williams & Kayliegh Keener

Case #: _____

Location: 3615 W 1200 N New Palestine, IN 46163

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

Venue and Customers will hold Insurance. Follow all protocols for safety equip
Fire codes, Max capacity. All parking will be on property, not the road.
Follow all state building codes. Expense trash properly.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Entire venue will be insulated & temp controlled. Events will have cut off times. Parking
will be as close to venue as possible, away from the road. All food will be catered.
Venue is in rear of property. Landscaping will be well maintained and used for privacy.

3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.

Great location with growth heading in New Palestine direction. Septic location TBD
We are mostly surrounded by farm land, Venue being located at rear of property
will not bother neighbors. Excited to be part of New Palestine community.

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Septic type and location TBD

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.

To operate Venue Commercial and residential land

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Charles Williams & Kayleigh Keener

Case #: _____

Location: 3615 W 1200 N New Palestine, IN 46163

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

Venue and Customers will have Insurance. Follow all protocols for safety equip, fire codes, max capacity. All parking will be on property, not the road, follow all state building codes. Dispose trash properly.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Entire Venue will be insulated, heated, cooled. Events will have cut off times. Parking will be as close to venue as possible, away from the road. All food will be catered. Venue is in rear of property. Well maintained, landscaping & use for privacy.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

Barn is in back of lot, plenty of parking space. Home development is heading in New Palestine direction.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

