

TOWN OF DANVILLE

Danville Board of Zoning Appeals
July 19, 2023
6:00 PM

AGENDA

I. Call Meeting to Order

- Pledge of Allegiance
- Establish Quorum
- Approve Minutes
- Swear In Participants

II. New Business:

- A. Public Hearing: A development standards variance to permit an accessory structure to be located closer to the front lot line than the front building line of the principal building (ZO Section 4.3.B.1.b.) in a Residential 1 (R1) zoning district on property located at 1567 Tottenham Dr.
*(Joseph H. & Barbara L. Wilson)***
- B. Public Hearing: A development standards variance to allow a fence to exceed the maximum height of four (4) feet in the side and rear yard (ZO Section 13.8.D.2.) in a Residential Estate 1 (RE1) zoning district on property located at 1100 Judith Lane
*(Jonathan J. & Brooke F. Schmitz)***
- C. Public Hearing: A development standards variance to permit more than one (1) principal use on a parcel (ZO Section 4.2) in a General Business (GB) zoning district on property located at 1475 East Main Street
*(Carl & Suzanne Shafer c/o Shafer Collision)***

III. Other Business: None

IV. Report of Officers and Committees

V. Adjourn

Next Meeting:

July 19, 2023

DANVILLE BOARD OF ZONING APPEALS
Meeting Minutes
June 21st, 2023
6:00 PM

Members Present: Tracie Shearer, Jill Howard, Randy Waltz, Roger Smith
Members Absent: Kevin Tussey
Staff Present: Lesa Ternet, Tasha Hensley
Legal Representation: Chou-il Lee - Taft Law
Guests: Nathan Rector & Brock Childs

A quorum was established, the meeting was called to order by T. Shearer, and minutes from April 19th, 2023, were approved. J. Howard (motion) and R. Waltz (seconded). Motion passed 4-0.

New Business:

- A. Public Hearing: A development standards variance to increase the maximum allowable area for a wall sign (zoning Ordinance Section 12.7.A.1c.) on property located at 623 North State Road 39. (Nathan Rector, Northview Christian Church)**

L. Ternet stated that Northview Christian Church was granted a use variance for the coffee shop, but the signage was not part of that petition. T. Shearer asked if the sign was printed or painted onto the building. Brock stated it is metal material that is printed and then mounted to the building. J. Howard asked about the brand. N. Rector stated that the coffee is their brand, and the coffee shop is run as a non-profit to help fund the ministry. The meeting was open to the public. No public comment. The meeting was closed to the public. J. Howard made a motion to approve with no conditions. R. Waltz seconded the motion.

Roll Call Vote:

J. Howard – Aye
R. Waltz- Aye
T. Shearer – Aye
R. Smith – Aye
Motion carried 4-0

Report of Officers and Committees:

L. Ternet had an engagement letter from Taft Law for legal service that required a signature.

There being no further business before the board, R. Waltz made a motion to adjourn J. Howard seconded.

The meeting was adjourned at 6:15 P.M.

Kevin Tussey - President

Tracie Shearer – Vice President

CASE SUMMARY

Development Standards Variance

- Case:** 2023-2142
Joseph H. & Barbara L. Wilson, Petitioner
- Request:** Seeking a development standards variance from Section 4.3.B.1.b. to permit an accessory structure to be located closer to the front lot line than the front building line of the principal building
- Location:** 1567 Tottenham Drive
- Zoning:** Residential 1 District (R1)

Staff Summary:

The petitioner wishes to construct a detached four (4) car garage in front of the principal structure in an R1 zoning district. This property consists of 5.859 acres and the existing residence is located approximately five hundred (500) feet from the road right of way. In addition to the residence being setback quite a distance, there is a tree line along the western boundary of the property where the garage will be constructed that will provide a significant amount of screening from adjacent properties. The petitioner states the location proposed for the garage is best because of the elevation and drainage of the property.

To date, staff has not received any inquiries after the public notice was completed.

Staff is not opposed to the petitioner's request to construct an accessory structure to be located closer to the front lot line than the front building line of the principal building as it seems to be the most logical location on the site and is well-screened from surrounding properties.

BZA options include the following:

- Approve the variance requests
- Deny the variance requests
- Approve the variance requests with conditions

Joe and Barbie Wilson
1567 Tottenham Drive
Danville, IN 46122
317.432.3626 317.403.0191

13 June, 2023

JUN 13 2023

Town of Danville, Board of Zoning Appeals

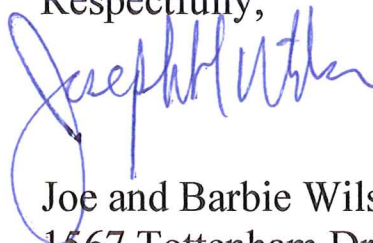
We are petitioning for a Development Standard Variance to allow us to build a 4 car detached garage matching the architecture of our house located at the Preserve at Wexford, Lot 2, 1567 Tottenham Drive, Danville, Indiana

Our property is unique in that this garage will not be easily visible to other property owners surrounding our 5.9 acre lot. The legal description of the lot is:

LOT2 THE PRESERVE AT WEXFORD 5.859 AC 17/18 CAME FROM 017-103612-200014

The garage has been approved by Brazos Development who is responsible for the architectural approval in the Preserve. It is allowed in the Preserve Covenants to build a detached garage as long as it matches our house. Our covenants have been amended by Brazos prior to our purchase of the property, to prevent removal of any viable trees that surround our property by any of the adjacent property owners or by us; thus preserving the privacy that will hide this garage substantially.

Respectfully,

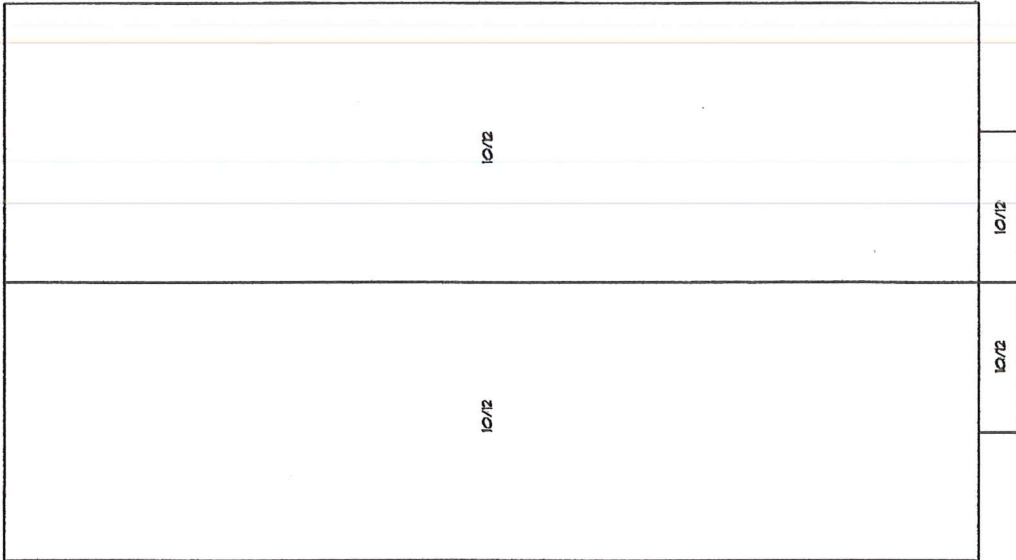
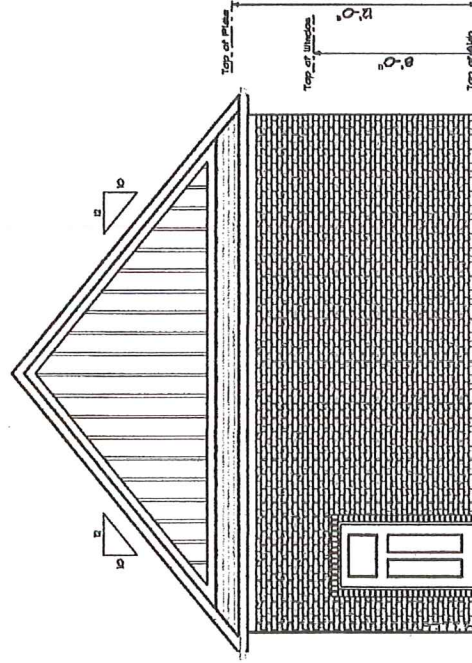
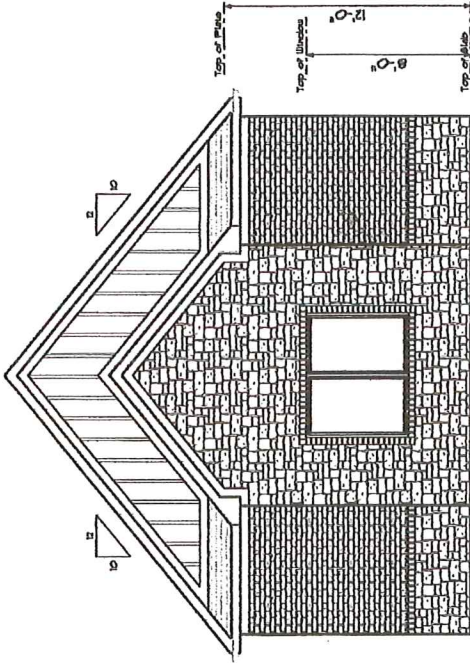


Joe and Barbie Wilson
1567 Tottenham Drive
317.432.3626 (Joe) or 317.403.0191 (Barbie)

JUN 13 2023

The Architect shall not be responsible for the construction of the building or for the safety of the building. It is the responsibility of the contractor to obtain all necessary permits and to comply with all applicable codes and regulations. The Architect shall not be held liable for any errors or omissions on the part of the contractor.

JOB NO. 101 BARBARA WILSON GARAGE	LOCATIONS	LOT 2 PRESERVE AT WEBFORD 1561 TOTTENHAM DR. DANVILLE, IN 46122
PROJECT NO. N/A	SHEET NO. 1 OF 3	DATE: 03-23-2023 002.000-003

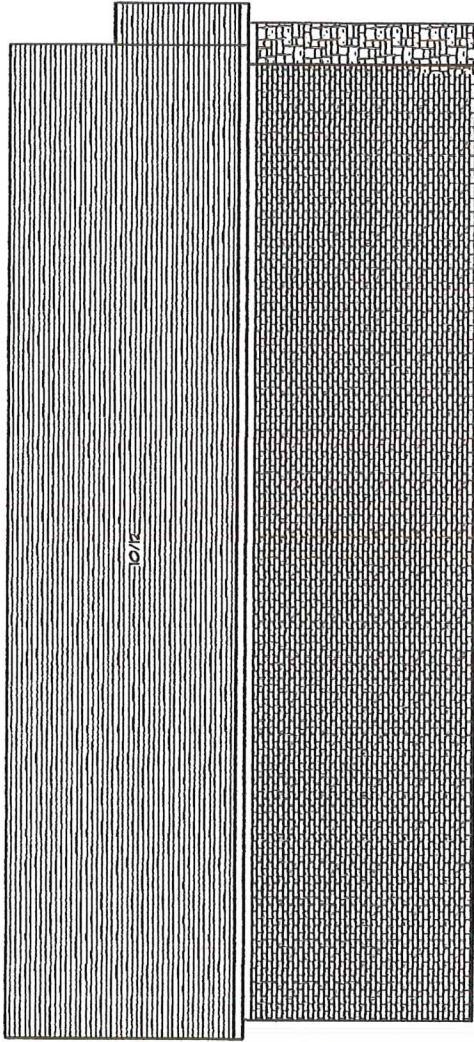


JUN 13 2023

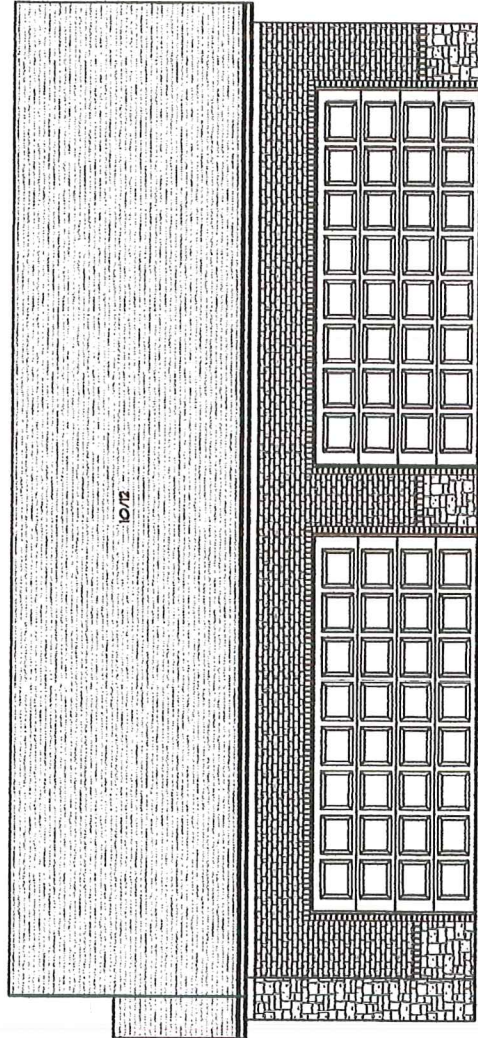
The architect has retained these plans to be an engineer or architect seal of construction. The seal shall be placed on the construction documents in the appropriate location. It is the responsibility of the holder to see the University of Connecticut seal of construction.

UNIVERSITY OF CONNECTICUT
SCHOOL OF ARCHITECTURE
370 UNIVERSITY AVENUE
STORRS, CT 06269-3043
TEL: 860/405-3300
WWW.UCONN.EDU

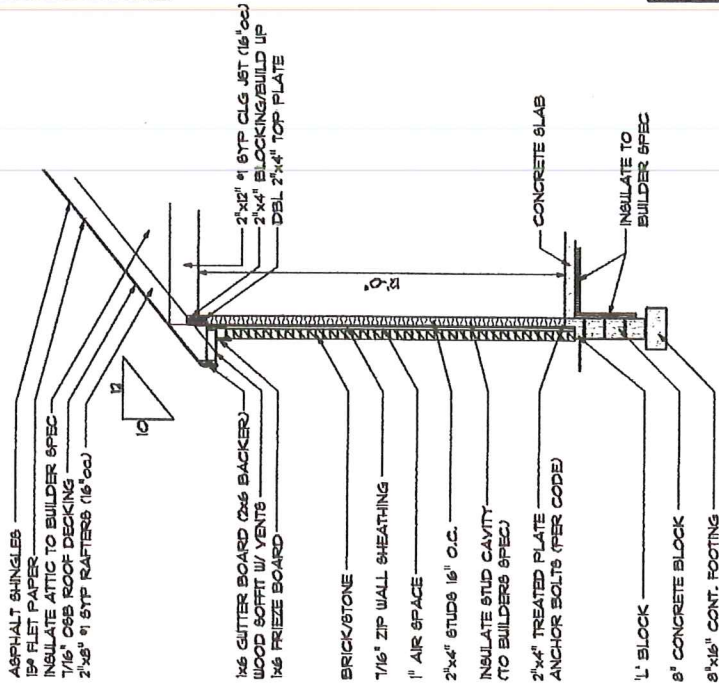
309 NAME: JOE & BARBARA WILSON GARAGE
 LOCATION: LOT 2
 1961 TOTENHAM DR.
 DANVILLE IN 4612
 32-11-03-253-002.000-003
 SHEET NO. 2 OF 3
 DATE: 5/17/2023
 PROJECT NO. N/A



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



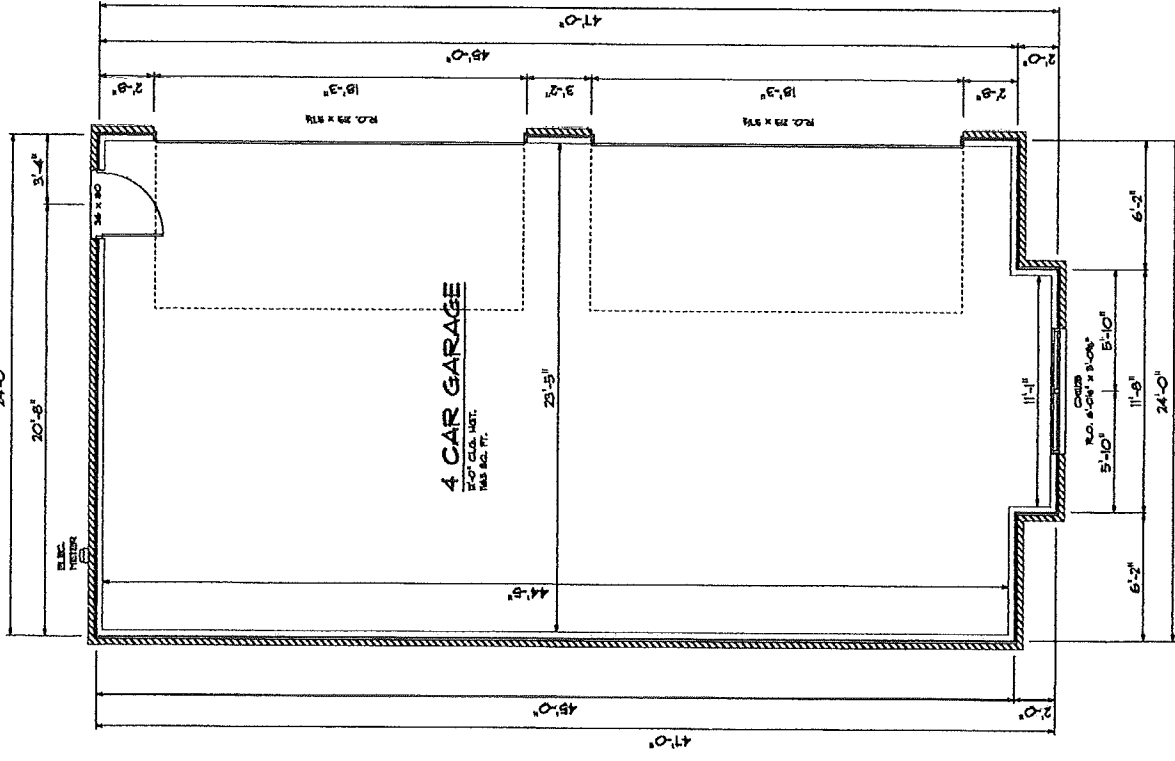
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



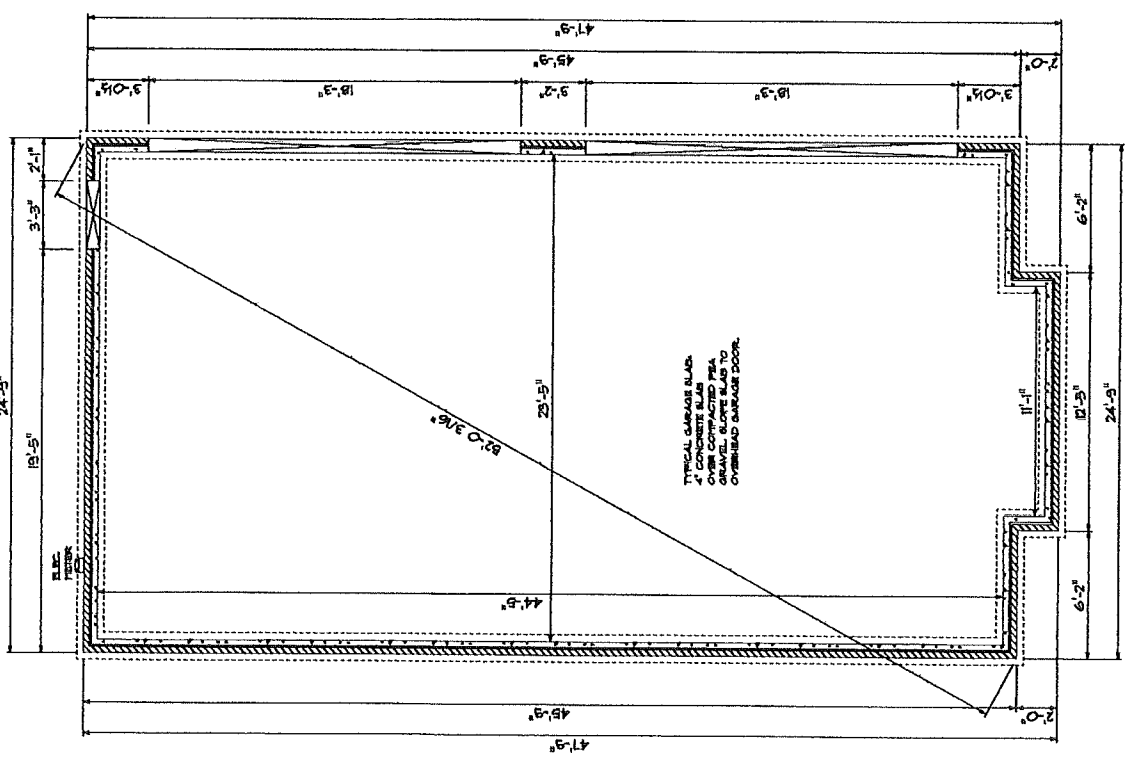
TYP. WALL SECTION
N.T.S.

JUN 13 2023

JOE & BARBARA WILSON GARAGE
JOB NO. 23-003-002-000-003
DANVILLE IN 46122
PREPARE AT WEXFORD
1561 TOTTENHAM DR.
LOT 2
LOCATION
PRINT NO. N/A
5/17/2023
SHEET NO. 3 OF 3



MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



FOUNDATION PLAN
SCALE: 1/8" = 1'-0"

JOE & BARBARA WILSON GARAGE
JOB NO. 23-003-002-000-003
DANVILLE IN 46122
PREPARE AT WEXFORD
1561 TOTTENHAM DR.
LOT 2
LOCATION
PRINT NO. N/A
5/17/2023
SHEET NO. 3 OF 3

JUN 13 2023

4 Car Garage Addition for 1567 Tottenham Drive



JUN 13 2023

Project

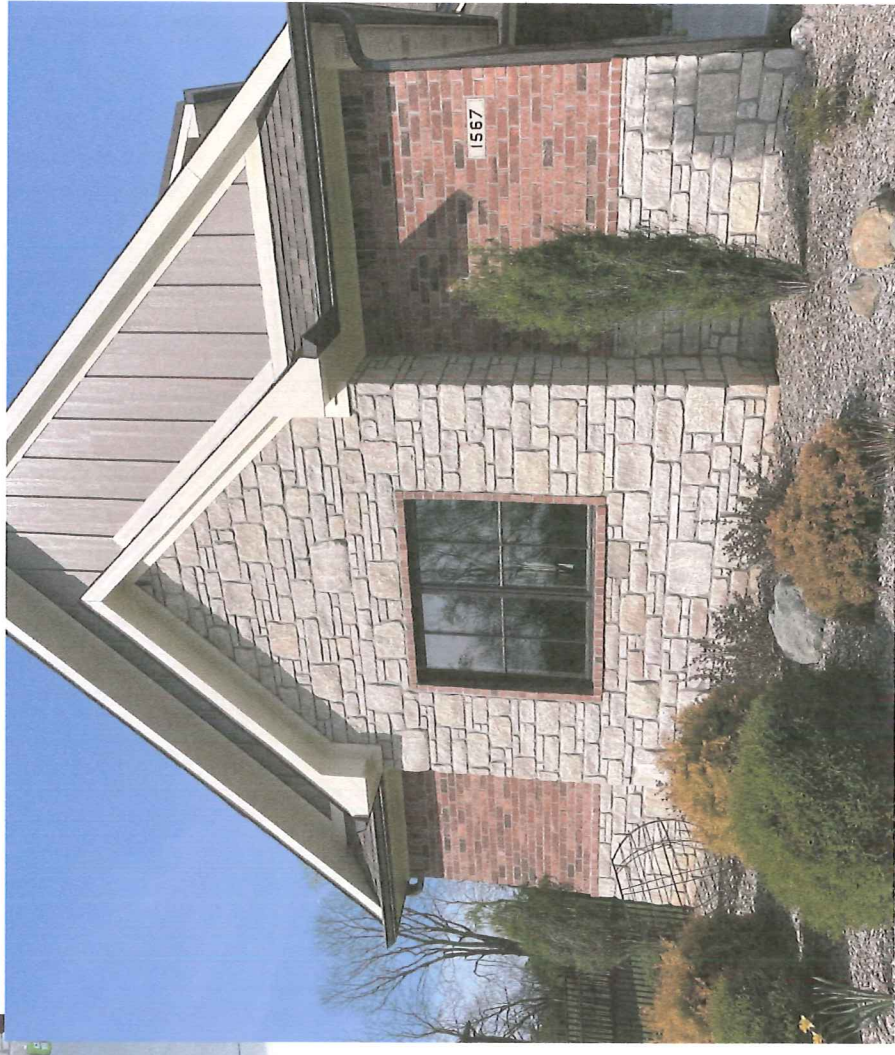
- To hire our builder Jeff Roberts to do a 4 car garage along our driveway that matches our current house
- The garage will be used to store my truck, jeep, and possibly a boat as well as my Kubota tractor.
- It will have lights and electricity available in it
- It will have two double wide x 8' tall garage doors

JUN 13 2023

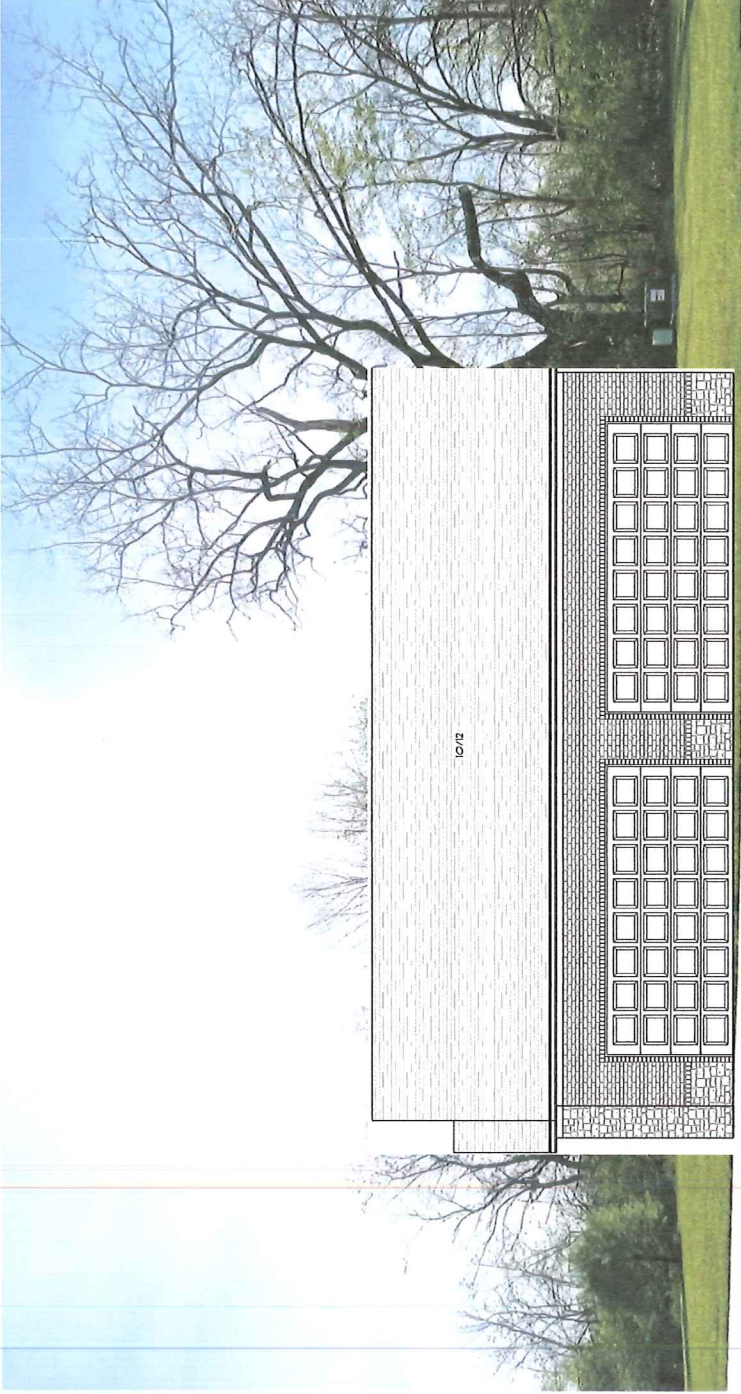


Above, same doors but double wide, same brick and stone job on the front. Same brick on the North end with a man door and on the back of the garage

Below, the South end of the garage gets the brick and stone with the window to match the theme of the décor of the end of our current garage. There will be no loft in the garage nor any dormer window.



JUN 13 2023



The garage will look similar to that shown at the right, in the correct location



New garage location

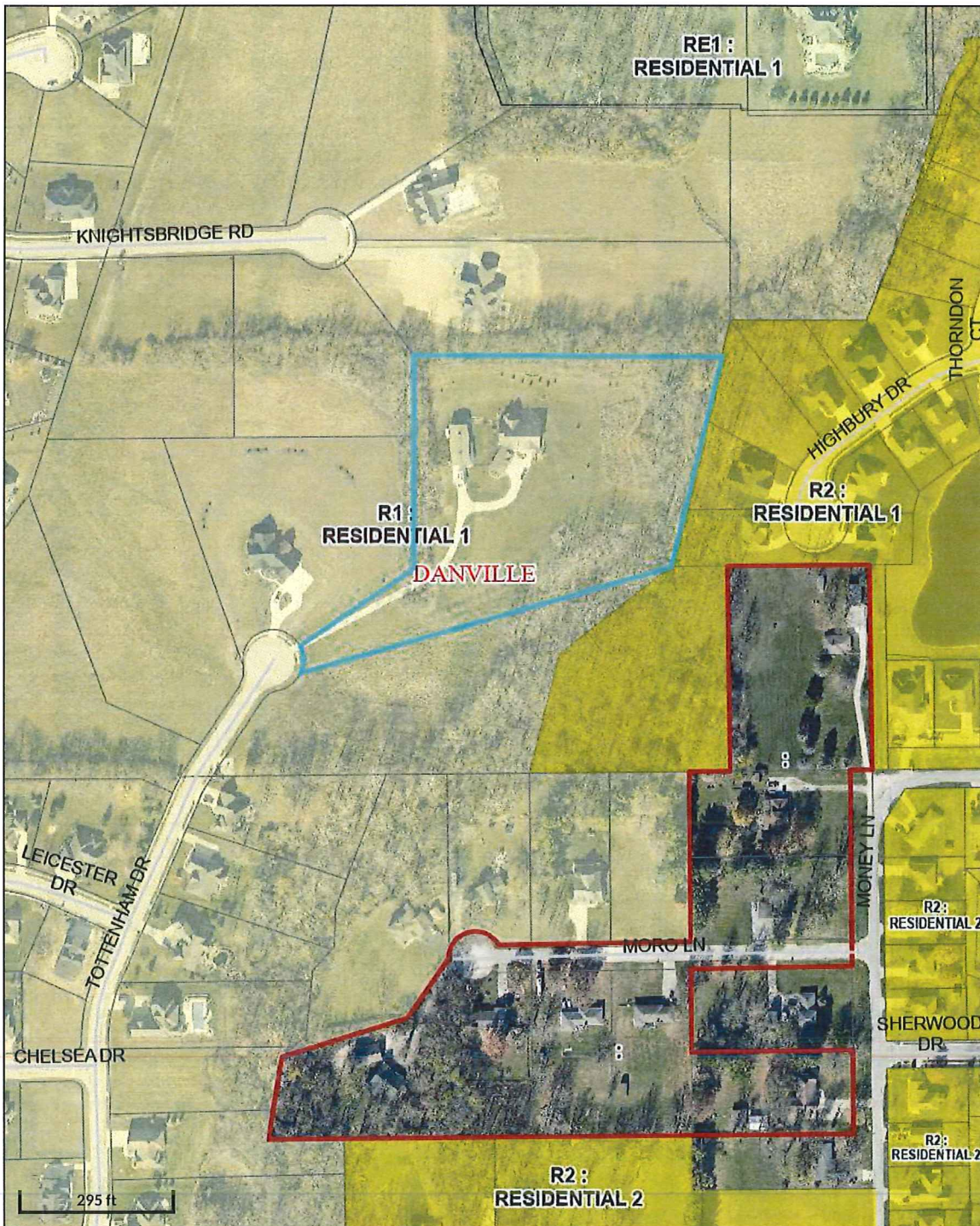
I want to put the garage right here. 24' deep x 4 cars wide. 2 x double doors x 8' tall openings.

JUN 13 2023



JUN 13 2023





Legend

- Roads
- Parcels
- Danville Corporate Boundary
- Zoning Districts**
- AD AIRPORT DISTRICT
- CB-P PRIMARY CENTRAL BUSINESS
- CB-S SECONDARY CENTRAL BUSINESS
- GB GENERAL BUSINESS
- I INDUSTRIAL
- IG INDUSTRIAL GENERAL
- IL INDUSTRIAL LIGHT
- IP INDUSTRIAL PARK
- LB LOCAL BUSINESS
- OD OFFICE DEVELOPMENT
- PD PARK DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL 1
- R2 RESIDENTIAL 2
- R2C RESIDENTIAL 2 CENTRAL
- R3 RESIDENTIAL 3
- R4 RESIDENTIAL 4
- RE1 RESIDENTIAL ESTATE 1

Parcel ID	32-11-03-253-002.000-003	Alternate ID	17-1-03-51W 253-002	Owner Address	WILSON JOSEPH H & BARBARA L H/W 1567 TOTTENHAM DR Danville, IN 46122
Sec/Twp/Rng	0003-0015-1w	Class	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT		
Property Address	1567 TOTTENHAM DR Danville	Acreage	5.859		
District	Town Of Danville				
Brief Tax Description	LOT 2 THE PRESERVE AT WEXFORD 5.859 AC 17/18 CAME FROM 017-103612-200014 (Note: Not to be used on legal documents)				

JUN 13 2023

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE

Address: 1567 Tottenham Drive, Danville, IN 46122

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

The garage is to be located on high ground (no drainage issue, as would be if located elsewhere), behind a thick treeline - which is protected by Wexford Covenant to never be cut, cleared or changed. Covenant attached.

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

It will only be affected in a positive manner, as it will raise the value of our property substantially.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:

This ^{location} property is in a very secluded location on our 5.9 acre property, fully lined with mature trees and understory.
The only other location, which we will not consider, has significant grade, drainage and view blockage issue. It would require more concrete for additional driveway and tremendous amount of fill dirt.

Note—if denying a request, you only have to use ONE of the findings below to deny.
But you need to explain why the request fails to meet the finding you have chosen.

BOARD OF ZONING APPEALS
DANVILLE, INDIANA

ACTION ON PETITION FOR A VARIANCE
FROM DEVELOPMENT STANDARDS

MOTION

I move that we **approve / deny** the variance sought by Petitioner Joseph H. & Barbara L. Wilson in BZA petition 2023-2142 to permit an accessory structure to be located closer to the front lot line than the front building line of the principal building for property located at 1567 Tottenham Drive. This petition has **satisfied / not satisfied** the requirements for variances under state law for the following reasons:

1. The approval **will / will not** be injurious to the public health, safety, morals, and general welfare of the community
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

2. The use and value of the area adjacent to the property included in the variance **will / will not** be affected in a substantially adverse manner
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

3. The strict application of the terms of the Zoning Ordinance **will / will not** result in practical difficulties in the use of the property
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

[note #1: An adverse finding on any one of the above requires Board denial of the variance.]

[note #2: None of the words in bold italics should be used if the motion is to approve a variance.]

And, I move that this approval be made subject to the following conditions:

[note #3: If the majority votes against a motion to approve a variance, a subsequent motion should be made for findings of fact to reflect that the Petitioner did not establish the three requirements of state law to have been met. This motion should indicate which requirement(s) were not met or cite reasons stated in the staff report, if the staff recommendation was against approval.]

DECISION

(After a second is made to the motion and a vote is taken, the presiding officer makes the following announcement): “It is therefore the decision of this body that this variance petition is **approved / denied** (and if conditions have been imposed)...**subject to the conditions made a part the adopted motion.**”

CASE SUMMARY

DEVELOPMENT STANDARD VARIANCE

Case: #2023-2143
Jonathan J. and Brooke F. Schmitz, Petitioner

Request: Seeking a variance from Section 13.8.D.2 to allow a fence to exceed the maximum height of four (4) feet in the side and rear yard.

Location: 1100 Judith Lane

Zoning: Residential Estate 1 District (RE1)

Staff Summary:

The ordinance limits fences in the side and rear yards of residential districts to a maximum height of four (4) feet unless it is a solid fence and less than 50% opaque. The petitioner is requesting a six (6) foot fence around the side and rear of their property to keep their large dog contained and to keep other animals out. The fence proposed is a black aluminum classic-style ornamental fence and meets the opacity requirement of 80%.

As of this writing, staff has not received any inquiries about this request.

Staff is not opposed to this request because the parcel is nine (9) acres in size and the location is primarily secluded.

BZA options include the following:

- Approve the variance request
- Deny the variance request
- Approve the variance request with conditions or modifications



Danville BZA

49 North Wayne Street | Danville, IN 46122
317-745-4180 | www.danvilleindiana.org

Date of Hearing: 7-19-23
Board of Zoning Appeals Action: _____

JUN 16 2023

App. No.: 2023-2143
Fee: 350.00
Received By: LT

APPLICATION FOR APPROVAL (Check all that apply)

- Appeal Special Exception Use Variance Development Standard Variance

* Please fill out the form in its entirety

Applicant (s) Jonathan J. Schmitz and Brooke F. Schmitz
Address (s) 1100 Judith Lane, Danville, IN 46122
Phone (s) 317-847-4587 Email (s) JonathanJSchmitz@gmail.com

Owners (s) JJSBFS Family Trust
Address (s) 1100 Judiith Lane, Danville, IN 46122
Phone (s) 317-847-4587 Email (s) JonathanJSchmitz@gmail.com

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: N/A

Address (s) _____
Phone (s) _____ Email (s) _____

Address of Subject Property: 1100 Judith Lane, Danville, IN 46122
Area (in acres): 9.08 Number of Lots: 1
Parcel ID#: 32-06-35-330-006.000-003 Current Zoning District: _____

Requested Action From The Danville BZA: We are requesting approval to exceed maxmium fence size construction for side/rear lot of 4'. We are seeking approval for 6' height.

Section 13.8 D.2.a.

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

The undersigned certifies that the above information is true and correct to the best of his (her) knowledge.

Jonathan J. Schmitz and Brooke F. Schmitz
Signature of Owner/Applicant (s)

Jonathan J. Schmitz and Brooke F. Schmitz, Co-Trustees of the JJSBFS Family Trust
Title of Applicant

Open 2/2/23



Legal description of property

Parcel Number

32-06-35-330-006.000-003

JUN 16 2023

Lot 5 Rhoton Estates 9.08 AC 16/17 Came From 017-135612-300008

Lot Numbered Five (5) in Rhoton Estates, a subdivision in Center Township, Hendricks County, Indiana, as per plat thereof recorded June 19, 2015 in Plat Cabinet 8, Slide 42, page 1 in the office of the Recorder of Hendricks County, Indiana.

JUN 16 2023

5/23/23

Attached is Plot Plan from original construction in 2017.

Please note the final well location was placed in the back yard, not front yard as indicated.
Please see satellite picture for correct location.

Jon Schmitz

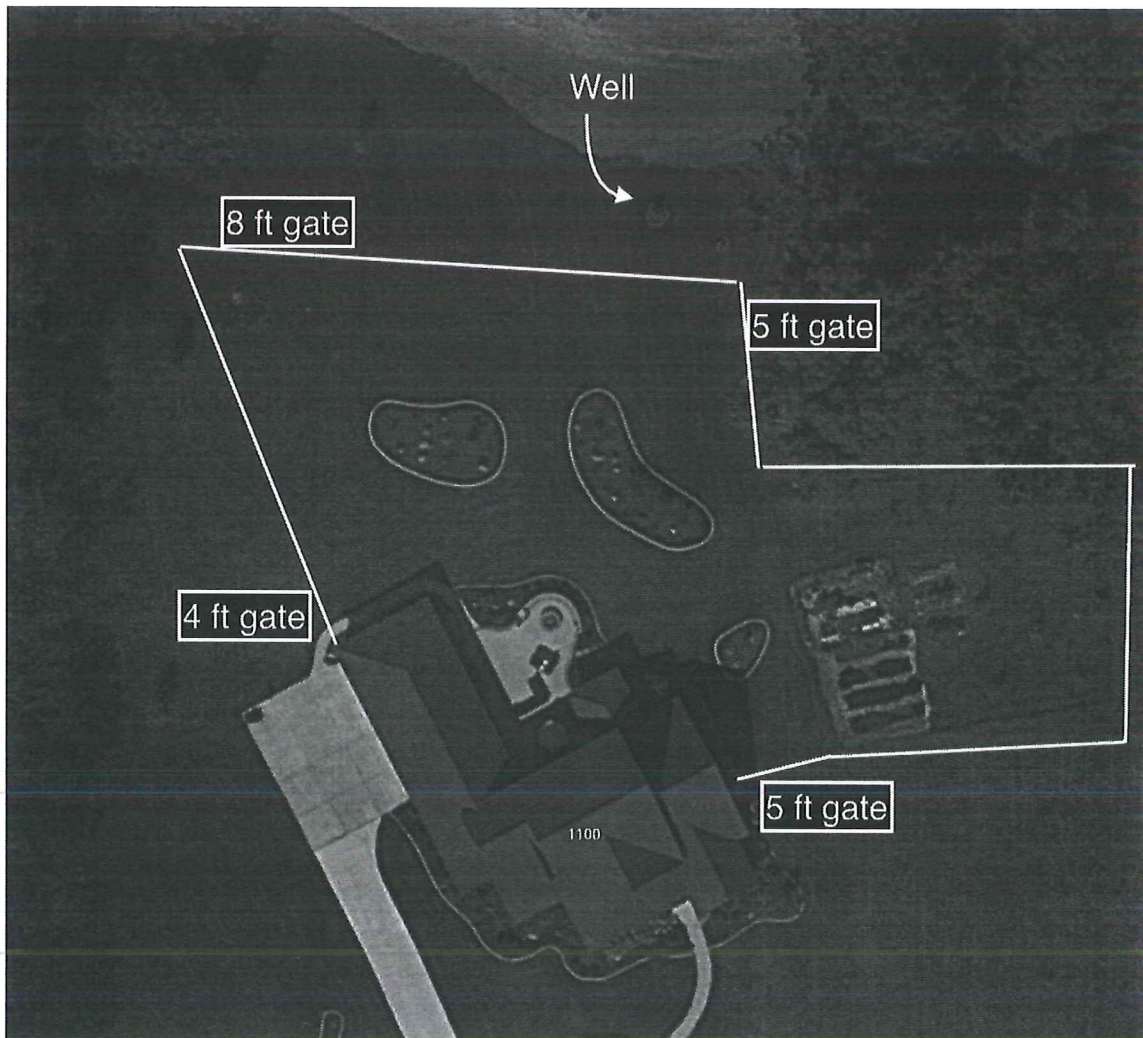
Fence Description and Sketch

JUN 16 2023

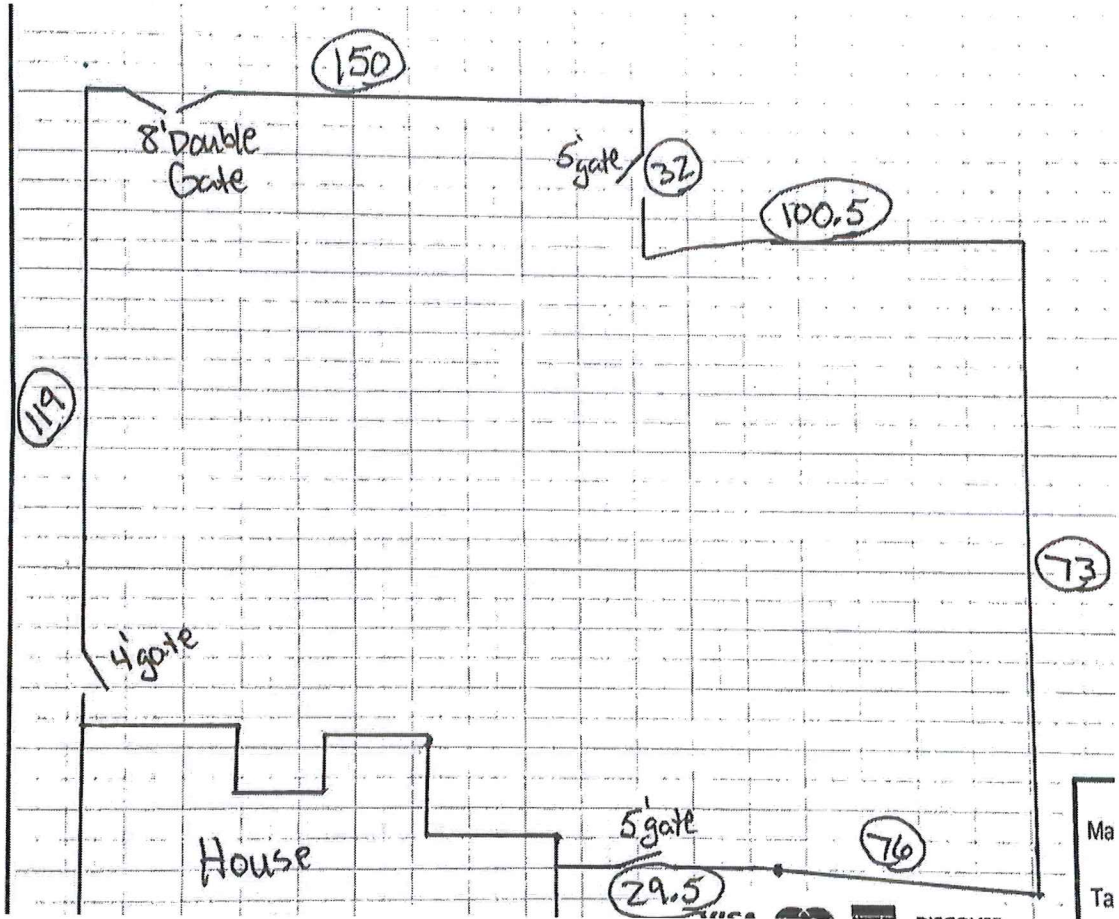
6 foot height

Aluminum Fence

Gates: 1- (4' single gate), 1- (8' double gate), 2- (5' single gates)



JUN 16 2023



(317) 315-2999

1450 E 96th St, Suite 500
Indianapolis, IN 46240

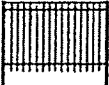
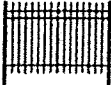
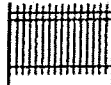


TimberRidgeFenceCompany.Com



Proposal Date: 6/14/23	Permit:
Target Install Date:	HOA Approval
	Survey Provided
	811:

Name Jon Schmitz	Phone 317-847-4587	Phone
Address 1100 Judith Ln		City State Zip Danville, IN 46122
Email	Subdivision	County / Township

Type of Fence		Height	
<input type="checkbox"/> Chain Link	<input type="checkbox"/> Vinyl	<input checked="" type="checkbox"/> Aluminum	<input type="checkbox"/> Wood
Color: _____	Color: BLK	<input type="checkbox"/> 42"	<input type="checkbox"/> 4ft
		<input type="checkbox"/> 5ft	<input checked="" type="checkbox"/> 6ft
		<input type="checkbox"/> 8ft	Custom Height: _____

Fence Description		
<u>Wood Fence</u>	<u>Aluminum Fence</u>	<u>Vinyl Fence</u>
Fence Style: Solid Privacy Spaced Picket Shadow Box Rail Fence AMT _____	Fence Style:  Classic  Chicago  Blue Ridge	Fence Style: Solid Privacy Semi-Privacy Spaced Picket Rail Fence AMT _____
Fence Pattern: Traditional Straight Top Rolling Arch Cut Arch Cut Scallop Decorative Scallop Horizontal Lattice Top	 Wilmington  Puppy Pickets	Fence Pattern: Traditional Straight Top Arch Scallop Open Top (Criss Cross 2x2 1x3)
Board: 1x4 1x6	Pickets: <u>5/8"x5/8"</u> 1"x5/8" 3/4"x3/4" 1"x1"	Slat: 2x2 1x3 1x6 T&G
Board Cut: Dog Ear Diamond Point No Cut	Picket Top: <u>Flat Top</u> Pressed Spear Triad Finial Quad Finial	Slat Top: Dog Ear Spade Pyramid No Cut
Frame Amt: 2 3 4	Options: Rings (Welded /Screw On) Ball Caps Butterfly Scroll Estate Scroll	Frame: Top: 2x4 2x6 2x7 Mid: 2x4 2x6 Bottom: 2x4 2x6 2x7
Construction: Face Nail Fitted	Rails: 2 <u>3</u> 4 Other _____	Post Top: New England Gothic External Cap Coachman
Post Top: 6" Cap 8" Cap Gothic Pyramid Flat Cut	Construction: <u>Fitted</u> Bracket	Alum Stiffner in Bottom Rail: <input type="checkbox"/> Yes <input type="checkbox"/> No
Post Size: 4x4 5x5 4x6 6x6		

Customer Responsibilities <ul style="list-style-type: none"> Obtain Permit / Variance Seek HOA Approval Provide a Legal Survey Clear Fence Lines as Needed Contain Animals Dirt Removal Not Included Locate Private Utilities 	<p>Customer Acknowledges that the fence will follow the natural contours of the property unless otherwise specified.</p> <p>Timber Ridge calls Holey Moley (811) for Public Utility locates. Customer to locate private utilities (including sprinkler lines, drain tiles, electric fence, sump pump, and other private utility lines).</p> <p>Customer acknowledges that Timber Ridge is not responsible for removal of the dirt; however, we offer the service of dirt removal for an additional fee (see below)</p> <p>Customer Initial <u>JS</u> Co Rep Initial _____</p>
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JUN 16 2023





- Legend**
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 - Parcels
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 - IL INDUSTRIAL LIGHT
 - IP INDUSTRIAL PARK
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 - OD OFFICE DEVELOPMENT
 - PD PARK DISTRICT
 - PUD PLANNED UNIT DEVELOPMENT
 - R1 RESIDENTIAL 1
 - R2 RESIDENTIAL 2
 - R2C RESIDENTIAL 2 CENTRAL
 - R3 RESIDENTIAL 3
 - R4 RESIDENTIAL 4
 - RE1 RESIDENTIAL ESTATE 1

Parcel ID	32-06-35-330-006.000-003	Alternate ID	17-1-35-61W 330-006	Owner Address	JJSBFS FAMILY TRUST W/ SCHMITZ JONATHAN J & BROOKE F LIFE ESTATE INT 1100 JUDITH LN Danville, IN 46122
Sec/Twp/Rng	0035-0016-1W	Class	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT		
Property Address	1100 JUDITH LN Danville	Acreage	9.08		
District	Town Of Danville				
Brief Tax Description	LOT 5 RHOTON ESTATES 9.08 AC 16/17 CAME FROM 017-135612-300008				

(Note: Not to be used on legal documents)

FINDINGS OF FACT

JUN 16 2023

DEVELOPMENT STANDARD VARIANCE

Address: 1100 Judith Lane, Danville, IN 46122

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

This additional 2' fence height will not influence the public health, safety, morals, or general welfare of the community.

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

We are only proposing to place this on side/rear lot. We have current approval from our neighborhood HOA as well.

This will beautify and add value to the property and neighborhood.

3. **The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:**

we have a German Shepherd who can easily jump a 4' fence and would like to contain the dog.

we have a significant investment in our home garden/orchard and would like to improve protection from deer and other critters.

Note—if denying a request, you only have to use ONE of the findings below to deny.
But you need to explain why the request fails to meet the finding you have chosen.

**BOARD OF ZONING APPEALS
DANVILLE, INDIANA**

**ACTION ON PETITION FOR A VARIANCE
FROM DEVELOPMENT STANDARDS**

MOTION

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1. The approval **will / will not** be injurious to the public health, safety, morals, and general welfare of the community
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

2. The use and value of the area adjacent to the property included in the variance **will / will not** be affected in a substantially adverse manner
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

3. The strict application of the terms of the Zoning Ordinance **will / will not** result in practical difficulties in the use of the property
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

[note #1: An adverse finding on any one of the above requires Board denial of the variance.]

[note #2: None of the words in bold italics should be used if the motion is to approve a variance.]

And, I move that this approval be made subject to the following conditions:

[note #3: If the majority votes against a motion to approve a variance, a subsequent motion should be made for findings of fact to reflect that the Petitioner did not establish the three requirements of state law to have been met. This motion should indicate which requirement(s) were not met or cite reasons stated in the staff report, if the staff recommendation was against approval.]

DECISION

(After a second is made to the motion and a vote is taken, the presiding officer makes the following announcement): “It is therefore the decision of this body that this variance petition is **approved / denied** (and if conditions have been imposed)...**subject to the conditions made a part the adopted motion.**”

CASE SUMMARY

DEVELOPMENT STANDARDS VARIANCE

Case: 2023-2144
Carl & Suzanne Shafer c/o Shafer's Collision Center, Petitioner

Request: Seeking a development standards variance from Section 4.2 to permit a second principal use on a single lot

Location: 1475 East Main Street

Acreage: 1.67 acres

Zoning: General Business District (GB)

Staff Summary:

The petitioner is requesting a development standards variance to allow a second principal use on a single lot. The current use of the property is the Shafer Collision Center, and a portion of the building was being leased out to a church. The church is no longer leasing space and the petitioner proposes to lease 5,000 square feet of office space to the Hendricks County Coroner's Office.

The subject parking requirement for offices is one (1) space per 300 square feet of office space which is approximately sixteen (16) spaces. There is an existing parking lot, but the petitioner must demonstrate the required parking spaces can be met for the additional use. In addition, stripped parking spaces will need to be provided along with one (1) handicapped van-accessible space.

As of this writing, staff has not received any inquiries from adjacent neighbors.

Staff is not opposed to this request as long as parking requirements for the additional use are met.

BZA options include the following:

- Approve the use variance request
- Deny the use variance request
- Approve the use variance request with conditions

JUN 16 2023

Date of Hearing: 7-19-23
Board of Zoning Appeals Action: _____

App. No.: 2023-2144
Fee: \$ 350.00
Received By: LT

APPLICATION FOR APPROVAL (Check all that apply)

- Appeal Special Exception Use Variance Development Standard Variance

* Please fill out the form in its entirety

Applicant (s) Carl Shafer & Suzanne Shafer % Shafer's Collision Center
Address (s) 1475 E Main St Danville In 46122

Phone (s) 317-271-1400 Email (s) Carl@shafer'scollision.com
312-850-6310 - Carl

Owners (s) 317-850-6309 - Suzanne
Buhl Land Company LLC c/o Buhl Brothers Investments

Address (s) Po Box 183 432 Shelby Township, M

Phone (s) 586-212-8083 Email (s) rpfengan@icloud.com

Owners' Representative (Subdivider, if any) and/or Registered Engineer or Land Surveyor: _____

Rachelle Fengan

Address (s) 17 Preston Place, Grosse Pointe Farms, MI 48236

Phone (s) 586-212-8083 Email (s) rpfengan@icloud.com

Address of Subject Property: 1475 E Main St Danville In 46122

Area (in acres): 1.647 Number of Lots: 1

Parcel ID#: 32.11.11.100.006.000.003 Current Zoning District: Town of Danville

Requested Action From The Danville BZA: Approve Variance to Allow Lease of 5000 sq feet
Space to Hendricks County Commissioners for Coroner office - Section 4.2

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

The undersigned certifies that the above information is true and correct to the best of his (her) knowledge.

Suzanne M Shafer % Shafer's Collision Center
Signature of Owner/Applicant (s) Pro

Title of Applicant

Buhl Land Company, LLC

PO Box 183432
Shelby Township, MI 48318-3432
586-212-8083

June 16, 2023

To Whom It May Concern::

This letter is to inform you that Buhl Land Company, LLC,, the owner of 1475 East Main Street in Danville, Indiana, allows our tenant (the Petitioner), Carl and Suzanne Shafer d/b/a Shafer's Collision Repair Center, to petition the Board of Zoning Appeals and apply for a variance at 1475 East Main Street. If you should require anything else, please feel free to contact me at rpfergan@icloud.com or 586-212-8083.

Sincerely,



Rachelle Fergan
Controller
On behalf of Robert Buhl
Co-Manager

**EXHIBIT A
TO WARRANTY DEED**

PARCEL 1

Part of the east half of the Southwest quarter of Section 2, Township 15 North, of Range 1 West and a part of the East half of the Northwest Quarter of Section 11, Township 15 North, Range 1 West, bounded and described as follows, to-wit: Beginning at a point on the north line of the east half of the northwest quarter of Section 11, Township 15 North, Range 1 West, said point being 29.83 rods west of the northeast corner of said quarter Section and run thence South on and along the east line of a tract described in a deed to Harold P. Humphrey as recorded in Deed Record 156 page 261 in the office of the Recorder of Hendricks County, Indiana, a distance of 166.0 feet; thence west parallel to the north line of said quarter Section 213 feet; Thence north 165 feet; thence continue north to Section 2, Township 15 North of Range 1 West to the center of the Indianapolis and Rockville Road; thence east 9 degrees north on and along the center of said Indianapolis and Rockville Road to a point 29.83 rods west and 14.56 rods north of the southeast corner of the southwest quarter of Section 2, Township 15 North, Range 1 West thence South 14.56 rods to the point of beginning. Subject to all easements, restrictions and rights of way.

Said real estate is more commonly known as 1475 East Main Street, Danville, Indiana at the above stated time and place you may appear and be heard.

Parcel #17-2-11-51W 100-006

THE DANVILLE PLAN COMMISSION

A

PARCEL 2:

Tract A:

A part of the Northeast Quarter of Section 11, Township 15 North, West located in Hendricks County, Indiana, being more particularly described as follows:

200-002

Commencing at a County Surveyor's Disk Marking the Northeast corner of said Northeast Quarter; thence South 89 degrees 41 minutes 18 seconds West (assumed bearing) 98.50 feet; Thence South 00 degrees 14 minutes 56 seconds East, along the center line of County Road 200 East, 1189.34 feet to a Pk. Nail and the North right-of-way of new U.S. 36; thence North 90 degrees 00 minutes 00 seconds West, along said right-of-way, 30.32 feet; thence South 25 degrees 47 minutes 53 seconds West, along said right-of-way, 101.82 feet; thence South 89 degrees 00 minutes 00 seconds West, along said right-of-way, 1535.29 feet; thence North 81 degrees 04 minutes 09 seconds West, along said right-of-way 93.14 feet to a 5/8" rebar and the POINT OF BEGINNING of this description; thence North 81 degrees 04 minutes 10 seconds West, along said right-of-way, 109.08 feet to a right-of-way marker; thence South 73 degrees 19 minutes 06 seconds West, along said right-of-way, 161.63 feet to a right-of-way marker and a curve to the left having a radius of 17,308.73 feet a central angle of 2 degrees 06 minutes 06 seconds and a chord bearing South 85 degrees 50 minutes 40 seconds West 634.90 feet; thence along the arc of said curve and along said right-of-way, 634.94 feet to a right-o-way marker and the point of curvature of said curve; thence South 84 degrees 47 minutes 37 seconds West, along said right-of-way 170.05 feet to a 5/8" rebar; thence North 00 degrees 12 minutes 19 seconds East 620.49 feet to a 5/8" rebar; Thence North 58 degrees 48 minutes 22 seconds East 419.00 feet to a 5/8" rebar; thence North 08 degrees 05 minutes 22 seconds East 18.07 feet to the Southwest corner of Park Manor Section One as recorded in Plat Book 10, page 43 in the records of the aforesaid County; thence North 70 degrees 33 minutes 16 seconds East, along the South line of said Park Manor, 277.35 feet to the Southeast Corner thereof; Thence North 02 degrees 47 minutes 18 seconds West, along the East line of said Park Manor, 193.76 feet; Thence North 08 degrees 21 minutes 44 seconds West, along said East line, 58.95 feet; Thence South 85 degrees 26 minutes 44 seconds East, 472.84 feet; Thence South 00 degrees 41 minutes 25 seconds West 1071.20 feet to the POINT OF BEGINNING. Containing 22 45 acres, more or less, being subject to all legal highways rights of way and easements of record.

Tract B:

Tract A Park Manor, Section One (1), a subdivision in Center Township. Hendricks County, Indiana, as per plat thereof recorded April 9, 1979 in Plat Book 10, page 43, in the office of the Recorder of Hendricks County, Indiana.

Parcel # 17-2-11-51W ¹⁰⁰⁻¹² ₂₀₁₋₀₀₄

PARCEL 3:

Part of the East half of the Northwest quarter of 15 North, Range 1 West, bound and described as follows, to-wit:

From a point on the North line of said half quarter section said to be 29.83 rods West of the Northeast corner thereof run thence South on and along the East line of a tract as described in a Deed to Harold R. Humphrey as recorded in Deed Record 156, page 261, in the office of the Hendricks County Recorder, a distance of 165.0 feet and to the beginning point of this description; FROM SAID BEGINNING POINT continue South on and along said East line 1395.24 feet and to the North line of the New York Central Railroad right-of-way; thence South 81½ degrees West on and along said North right-of-way line 6 chains; thence South 73½ degrees West on and along said right-of-way line 32.7 feet and to a point 423 feet West of above-described East line; thence North parallel to said East line 1511.8 feet and to a point 117 feet South of the North line of said half quarter section; thence East parallel to said North line 210 feet; thence South 48 feet; thence East 213 feet and to the place of beginning. Containing 14.07 acres, more or less.

100-017

ALSO for roadway easement purposes only, beginning at a point on the North line of said half quarter section which is 193 feet West of a point said to be 29.83 rods West of the Northeast corner of said half quarter section run thence South 165 feet; thence run West 20 feet; thence run North 165 feet to said North line; thence continue North into Section 2 of aforementioned township and Range 149 feet and to the South right-of-way line of U.S. Highway #36; thence run Northeast on and along said right-of-way line 20.2 feet; thence run South to be place of beginning.

EXCEPT, the following described real estate, to-wit:

A part of the East half of the Northwest quarter of Section 11, Township 15 North, Range 1 West, Hendricks County, Indiana, described as follows:

Commencing at the Northeast corner of said quarter section; thence South 89 degrees 17 minutes 59 seconds West 29.83 rods (distance quoted from Deed Record 223, page 44) to the prolonged East line of the owners' land; thence South 0 degrees 38 minutes, 30 seconds East 1560.24 feet (distance deduced from Deed Record 223, page 44) along said prolonged East line and along the East line of the owners' land to the North line of the right-of-way of Consolidated Rail Corporation (formerly New York Central Railroad) and the point of beginning of this description; thence North 89 degrees 47 minutes 25 seconds West 80.36 feet along said North line; thence South 85 degrees 12 minutes 15 seconds West 100.02 feet along said North line; thence South 78 degrees 20 minutes 52 seconds West 201.00 feet along said North line; thence South 74 degrees 50 minutes 55 seconds West

47.10 feet along said North line to the West line of the owners' land; thence North 0 degrees 38 minutes 30 seconds West 266.05 feet along said West line; thence South 83 degrees 40 minutes 37 seconds East 175.93 feet; thence North 84 degrees 03 minutes 30 seconds East 249.43 feet to the East line of the owners' land; thence South 0 degrees 38 minutes 30 seconds East 211.52 feet along said East line to the point of beginning and containing 2.110 acres, more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as Relocated U.S.R. 36 and as Project F-076-2(1)), to and from the owners' remaining lands where they abut the above-described real estate. This restriction shall be a covenant running with the land and shall be binding to all successors in title to the said abutting lands.

1465 East Main Street.

~~Parcel #17-2-11-51W-200-002~~ ✓

North

Main Entrance

JUN 16 2023

West



East

Bath room Shower

Secure Property Storage

Multi purpose Room

Family Consult Room

General Waiting Area

File Room

Autopsy Suite

Clean Room / Low Environmental Viewing Area

Garage

Exit

JUN 16 2023

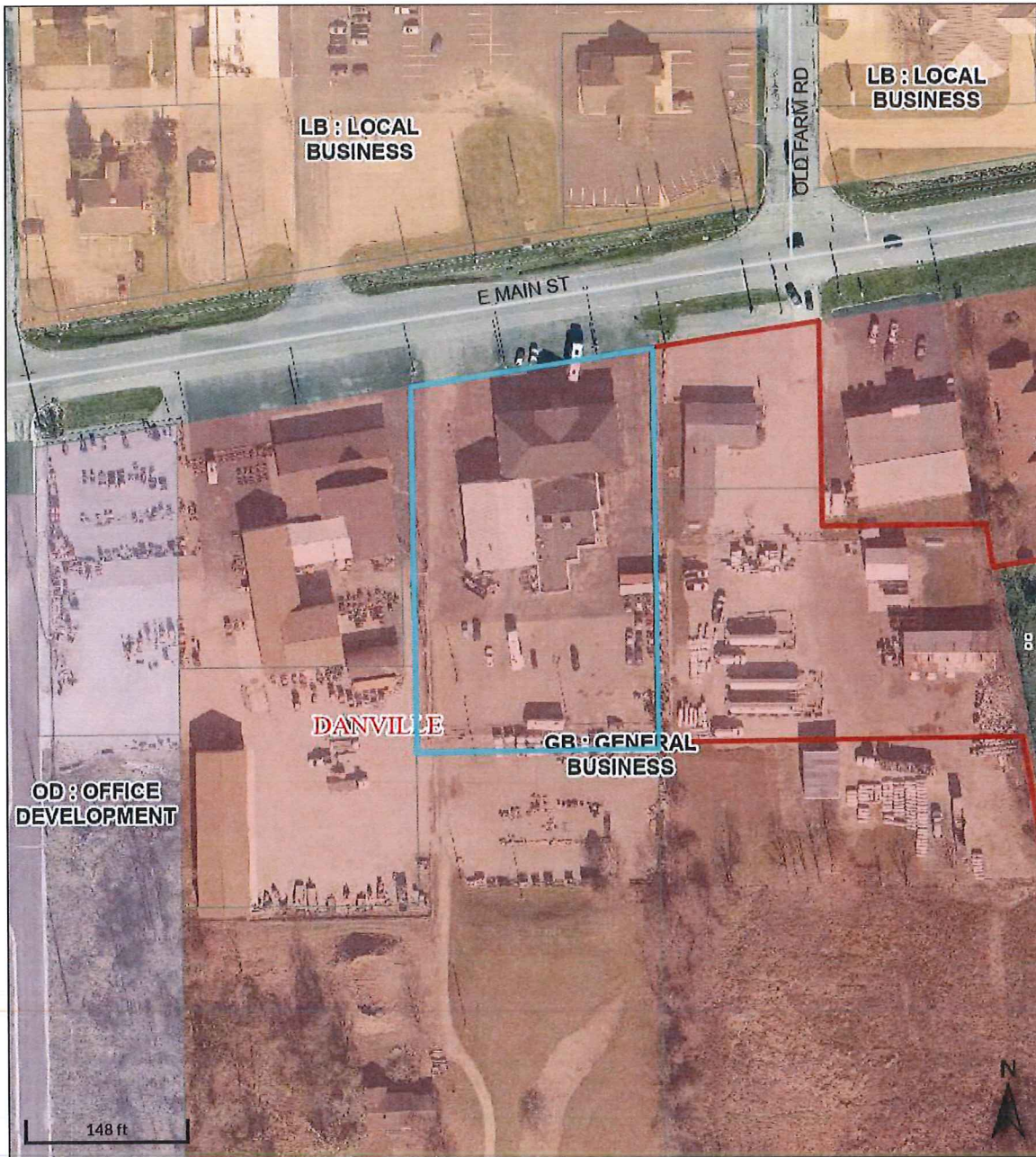


JUN 16 2023



JUN 16 2023





Overview



Legend

- Roads
- Parcels
- Danville Corporate Boundary
- Zoning Districts**
- AD AIRPORT DISTRICT
- CB-P PRIMARY CENTRAL BUSINESS
- CB-S SECONDARY CENTRAL BUSINESS
- GB GENERAL BUSINESS
- I INDUSTRIAL
- IG INDUSTRIAL GENERAL
- IL INDUSTRIAL LIGHT
- IP INDUSTRIAL PARK
- LB LOCAL BUSINESS
- OD OFFICE DEVELOPMENT
- PD PARK DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL 1
- R2 RESIDENTIAL 2
- R2C RESIDENTIAL 2 CENTRAL
- R3 RESIDENTIAL 3
- R4 RESIDENTIAL 4
- RE1 RESIDENTIAL ESTATE 1

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE

Address: 1475 East Main Street, Danville, IN 46122

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

The building has ample space to accommodate additional use; the building sits on ample land and is sufficiently distanced from neighboring businesses (non residential area), Minimum increase to traffic.

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

The building has ample space to accommodate additional use; the building sits on ample land and is sufficiently distanced from neighboring businesses (non residential area); will create minimum increase to traffic.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:

The building has ample space to accommodate additional use; the building sits on ample land and is sufficiently distanced from neighboring businesses (non residential area); will create minimum increase to traffic; the County needs additional adequate and affordable space with proximity to county offices facilities for use by Coroner's office; this would create a financial hardship and significantly alter our business.

Note—if denying a request, you only have to use ONE of the findings below to deny. But you need to explain why the request fails to meet the finding you have chosen.

**BOARD OF ZONING APPEALS
DANVILLE, INDIANA**

**ACTION ON PETITION FOR A VARIANCE
FROM DEVELOPMENT STANDARDS**

MOTION

I move that we **approve / deny** the variance sought by Petitioner Carl & Suzanne Shafer, c/o Shafer's Collision Center in BZA petition 2023-2144 to permit a second principal use on a single lot for property located at 1475 East Main Street. This petition has **satisfied / not satisfied** the requirements for variances under state law for the following reasons:

1. The approval **will / will not** be injurious to the public health, safety, morals, and general welfare of the community
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
 - c) **because:** _____

2. The use and value of the area adjacent to the property included in the variance **will / will not** be affected in a substantially adverse manner
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
 - c) **because:** _____

3. The strict application of the terms of the Zoning Ordinance **will / will not** result in practical difficulties in the use of the property
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
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[note #1: An adverse finding on any one of the above requires Board denial of the variance.]

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And, I move that this approval be made subject to the following conditions:

[note #3: If the majority votes against a motion to approve a variance, a subsequent motion should be made for findings of fact to reflect that the Petitioner did not establish the three requirements of state law to have been met. This motion should indicate which requirement(s) were not met or cite reasons stated in the staff report, if the staff recommendation was against approval.]

DECISION

(After a second is made to the motion and a vote is taken, the presiding officer makes the following announcement): “It is therefore the decision of this body that this variance petition is **approved / denied** (and if conditions have been imposed)...**subject to the conditions made a part the adopted motion.**”