

TOWN OF DANVILLE

Danville Board of Zoning Appeals
September 20, 2023
6:00 PM

AGENDA

I. Call Meeting to Order

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

II. Old Business:

- A. Public Hearing: A special exception to allow manufacturing/assembly of ammunition (ZO Section 10.4.C.9) in an Industrial General (IG) zoning district on property located at 842 South Tennessee Street**
(Kurt Allen, Vitalis Precision Ammunition)
- B. Public Hearing: A development standards variance to permit more than one principal use on a parcel (ZO Section 4.2) in an Industrial General (IG) zoning district on property located at 842 South Tennessee Street**
(Kurt Allen, Vitalis Precision Ammunition)

III. Old Business:

- A. Public Hearing: A development standards variance to allow a parking lot without curbs or wheel stops (ZO Section 11.6.B.2) in a Planned Unit Development (PUD) zoning district on property located at 1375 West Lincoln Street**
(Ben Adams, Commonwealth Engineers, Inc.)

IV. Other Business: None

V. Report of Officers and Committees

VI. Adjourn

**Next Meeting:
October 18, 2023**

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

August 16th, 2023

6:00 PM

Members Present: Kevin Tussey, Tracie Shearer, Jill Howard, Randy Waltz
Members Absent: Roger Smith
Staff Present: Lesa Ternet, Tasha Hensley
Legal Representation: Kayla-Moody Grant & Chou-il Lee - Taft Law
Guests: Kurt Allen, Niko Romero, Ryan Satchell

A quorum was established, and the meeting was called to order by K. Tussey. The minutes from July 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 allow a six (6) foot fence within the front yard setback (ZO Section 13.1.8.D.1) in a Residential 2 (R2) zoning district on property located at 1912 Windsor Lane (Niko Romero)**

N. Romero explained his need to replace his current deteriorating fence. T. Shearer. asked if the photo provided in the packet was what he planned to replace his current fence with. N. Romero replied yes. The meeting was open to the public, with no public comment. The meeting was closed to the public. J Howard made a motion to approve with no conditions. T. Shearer seconded the motion.

Roll Call Vote:

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

- B. Public Hearing: A development standards variance to allow an accessory building to exceed the maximum height of fifteen (15) feet (ZO Section 4.3.B.1.c) in Residential 2 Central (R2C) zoning district on property located at 52 Maple Street. (Matthew & April Klimas)**

The Republican newspaper made an error and proper notification for this item was not met. R. Waltz made a motion to continue this and place it on the special meeting

agenda to be held on August 29th at 6 pm. J. Howard seconded the motion. Motion carried 4-0.

C. Public hearing: A development standards variance to allow an accessory building to exceed the maximum height of fifteen (15) feet (ZO Section 4.3.V.1.c) in an Industrial General (IG) zoning district on property located at 98 West Lincoln Street (Ryan Satchell, Co-Alliance)

L. Ternet stated that the property just went through a recent re-zone, but it was noted that the proposed building exceeded height requirements. R. Satchell stated that the building was only going to be used to shelter equipment from the weather. K. Tussey asked if the overall height was measured from the gravel base. R. Satchell replied yes. The meeting was open to the public, with no public comment. T. Shearer made a motion to approve with no conditions. J. Howard seconded the motion.

Roll Call Vote:

J. Howard – Aye

R. Waltz- Aye

K. Tussey - Aye

T. Shearer – Aye

Motion carried 4-0

D. Public Hearing: A special exception to allow manufacturing/assembly of ammunition (ZO Section 10.4.C.9) in an Industrial General (IG) zoning district on property located at 842 South Tennessee Street (Kurt Allen, Vitalis Precision Ammunition)

K. Allen gave a description of the type of business he was proposing. He stated that he does not sell firearms or weapons, this was strictly ammunition and the ammunition he assembled was not considered explosive. He stated that there would be no public coming into this location as he would sell wholesale only. L. Ternet read the letter from Co-Alliance and K. Allen answered all the questions Co-Alliance had. K. Allen stated that the powder would be stored in a blast box. He stated that he will be installing fire suppression walls where required. He stated he has not acquired any licensing, as he was awaiting approval from the BZA before he took that next step. He explained that there were ways to prevent fire risk, such as eliminating static risk. To eliminate static, the building would not have carpet. J. Howard asked if the building would have any signage. K. Allen stated there would be no signage. He stated the building is already under video surveillance, and that he plans to install a steel security door. T. Shearer asked what all approvals would be needed before he could operate. K. Allen stated he would need to go to the Department of Homeland Security for possible permits, he would need to obtain a license from Alcohol, Tobacco, and Firearms (ATF), he would need to obtain special insurance and he would install fire suppression as required. J.

Howard asked how he planned to ship material as USPS does not allow this. He stated that he can ship with FedEx or UPS. There are special labels that need to be placed on the shipping containers, but those labels do not include explosive or flammable as this product does not hold that risk. The meeting was open to the public, with no public comment. The meeting was closed to the public. J. Howard made a motion to continue to the August 29th meeting asking the petitioner to return with additional information and a statement from the town's Fire Marshall. R. Waltz seconded the motion. Motion carried 4-0.

- E. Public Hearing: A development standards variance to permit more than one principal use on a parcel (ZP Section 4.2) in an Industrial General (IG) zoning district on property located at 842 South Tennessee Street (Kurt Allen, Vitalis Precision Ammunition)**

J. Howard made a motion to continue to the August 29th meeting. T. Shearer seconded the motion. Motion carried 4-0.

Other Business: None

Report of Officers and Committees: None

There being no further business before the board, the meeting was adjourned at 7:15 P.M.

Kevin Tussey - President

Tracie Shearer – Vice President

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

August 29th, 2023

6:00 PM

Members Present: Kevin Tussey, Tracie Shearer, Jill Howard, Randy Waltz, & Roger Smith
Members Absent: None
Staff Present: Lesa Ternet
Legal Representation: Kayla-Moody Grant - Taft Law
Guests: Matthew & April Klimas

A quorum was established, and the meeting was called to order by K. Tussey.

New Business:

A. Public Hearing: A development standards variance to allow an accessory building to exceed the maximum height of fifteen (15) feet (ZO Section 4.3.B.1.c) in Residential 2 Central (R2C) zoning district on property located at 52 Maple Street. (Matthew & April Klimas)

L. Ternet stated this item was scheduled to be heard at the August 16, 2023, meeting but notice was not published by the Republican and was continued to this evening. M. Klimas approached the Board and requested a variance to allow a height of twenty-five (25) feet for a loft above an accessory garage to be used for recreational purposes. J. Howard made a motion to approve the height variance with the condition that the accessory structure would not be used as living quarters. R. Waltz seconded the motion.

Roll Call Vote:

J. Howard – Aye
R. Waltz- Aye
K. Tussey - Aye
T. Shearer – Aye
R. Smith – Aye
Motion carried 5-0

B. Public Hearing: A special exception to allow manufacturing/assembly of ammunition (ZO Section 10.4.C.9) in an Industrial General (IG) zoning district on property located at 842 South Tennessee Street (Kurt Allen, Vitalis Precision Ammunition)

C. Public Hearing: A development standards variance to permit more than one principal use on a parcel (ZP Section 4.2) in an Industrial General (IG) zoning district on property located at 842 South Tennessee Street (Kurt Allen, Vitalis Precision Ammunition)

L. Ternet stated the petitioner was not present to be heard. The Board discussed continuing until the next regular scheduled meeting on September 20, 2023. R. Waltz made a motion to continue items B & C, until September 20, 2023. Tracie Shearer seconded the motion. Motion carried 5-0.

Other Business: None

Report of Officers and Committees: There was discussion regarding reducing the amount of paper copies to the Board. It was the consensus of the Board to accept digital copies of packets.

There being no further business before the board, the meeting was adjourned at 6:21 P.M.

Kevin Tussey - President

Tracie Shearer – Vice President

Meeting Briefing

September 20, 2023

842 South Tennessee Street: A Special Exception to allow manufacturing/assembly of ammunition in an Industrial General District

This request is to permit the assembly of pre-manufactured ammunition. This is a public hearing and will require a vote. See the previous packet for information.

842 South Tennessee Street: A Development Standards Variance to allow a second principal use in an Industrial General District

This request is to permit the assembly of pre-manufactured ammunition as a second principal use in an existing building. This is a public hearing and will require a vote. See the previous packet for information.

1375 West Lincoln Street: A Development Standards Variance to allow a parking lot without curbs or wheel stops in a Planned Unit Development District

This request is to allow a parking lot without curbs and wheel stops. This is a public hearing and will require a vote.

CASE SUMMARY

DEVELOPMENT STANDARD VARIANCE

Case: 2023-2152
Danville Community School Corporation, Dr. Tracy Shafer, Petitioner
Commonwealth Engineers, Inc., Ben Adams

Request: Seeking a variance from Section 11.6.B.2 to allow a parking lot without curbs or wheel stops

Location: 1375 W. Lincoln St.

Zoning: Planned Unit Development (PUD)

Staff Summary:

This property received site plan review approval by the Plan Commission on May 10, 2023 for an expansion/addition to South Elementary, and part of that expansion included the parking lot on the south side of the building. The zoning ordinance requires curbs, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required into required landscaped open space. The petitioner is requesting a variance of this requirement because placing curbs or wheel stops could potentially create a tripping hazard as children regularly walk in this area. The applicant further states that having curbs or wheel stops would complicate snow plowing in the area used for student drop-off and pick-up traffic. This area is also used for outdoor recreation activities for the students.

The applicant has provided a drawing to show the location of the proposed parking lot. The drawing submitted also shows trees planted around the parking lot and areas designated for student recreation.

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

Staff supports this request as the parking area is used for student activities and is located at the rear of the building.

BZA options include the following:

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



Danville BZA

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

Date of Hearing: 9-20-23
Board of Zoning Appeals Action: _____

AUG 18 2023

App. No.: 2023-2152
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) Danville Community School Corporation (Superintendent - Dr. Tracey Shafer)

Address (s) 200 Warrior Way, Danville, IN 46122

Phone (s) (317) 745-2212 Email (s) tshafer@danville.k12.in.us

Owners (s) Danville Community School Corporation (Superintendent - Dr. Tracey Shafer)

Address (s) 200 Warrior Way, Danville, IN 46122

Phone (s) (317) 745-2212 Email (s) tshafer@danville.k12.in.us

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

Address (s) 9604 Coldwater Road, Suite 203, Fort Wayne, IN 46825

Phone (s) (260) 494-3223 Email (s) badams@contactcei.com (Ben Adams)

Address of Subject Property: 1375 W Lincoln Street, Danville, IN 46122

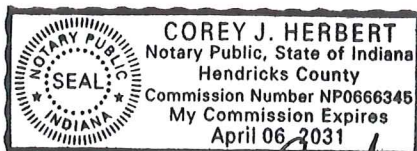
Area (in acres): 36.98 Number of Lots: 1

Parcel ID#: 32-11-09-300-001.000-003 Current Zoning District: R1

Requested Action From The Danville BZA: Development Standard Variance to waive the requirement for curb along the south and west sides of the proposed expanded parking lot on the south side of South Elementary School.

STATE OF INDIANA)

HENDRICKS COUNTY)



) SS:

8/17/23

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

Signature of Owner/Applicant (s)

Superintendent
Title of Applicant

Electric Underground Line Easement

#15778 Aug 27, 92

Bk Page
322 275-76

Jay Bradley - RHC-WB

AUG 18 2023

8585

316 698

ENTERED FOR RECORD

BOOK 316 OCT 4 1991 AT 3:10 PM PAGE 642 1491

Parcel No. _____

WARRANTY DEED

HENDRICKS COUNTY RECORDER

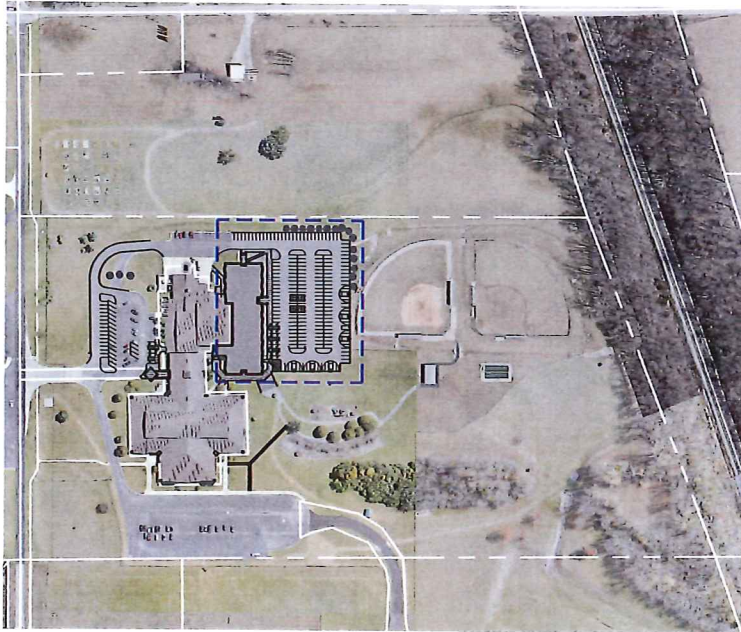
THIS INDENTURE WITNESSETH, That ROBERT ERNEST KIEFER of Marion County, State of Indiana, CONVEYS AND WARRANTS to DANVILLE COMMUNITY SCHOOL CORPORATION, an Indiana Corporation, of Hendricks County, State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, an undivided 1/3 interest in the following described real estate in Hendricks County, State of Indiana:

Part of the West Half of the Southwest Quarter of Section 9, and part of the East Half of the Southeast Quarter of Section 8, both in Township 15 North, Range 1 West of the Second Principal Meridian, situated in Center Township, Hendricks County, Indiana, more particularly described as follows:

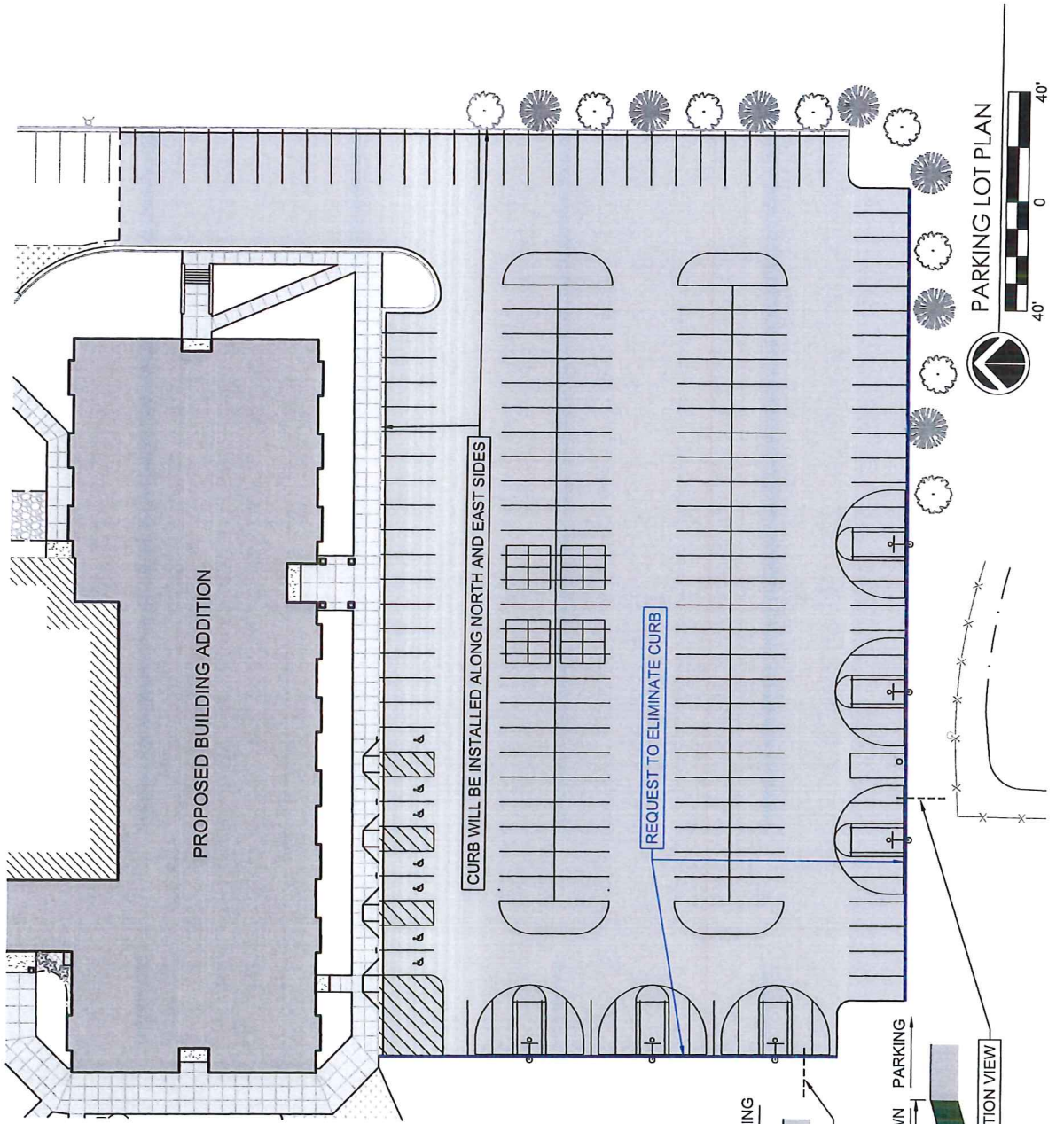
Beginning at the Northwest Corner of the Southwest Quarter, aforesaid; proceed thence North 90 degrees, 00 minutes, 00 seconds East (an assumed bearing), along the north line of said Southwest Quarter, 828.30 feet; thence South 00 degrees, 07 minutes, 37 seconds East, parallel with the west line of said Southwest Quarter, 1,383.14 feet to a point on the north right-of-way line of the Conrail Railroad, said point being 150.00 feet by perpendicular distance from the centerline between east and west bound tracks; thence South 70 degrees, 41 minutes, 04 seconds West, along said north right-of-way line, 877.02 feet to the east line of said Southeast Quarter; thence South 00 degrees, 07 minutes, 37 seconds East, along said east line, 21.18 feet to a point on the north right-of-way line of the Conrail Railroad, said point being 130.00 feet by perpendicular distance from the centerline between east and west bound tracks; thence South 70 degrees, 41 minutes, 04 seconds West, along said north right-of-way line, 370.74 feet; thence North 00 degrees, 07 minutes, 37 seconds West, parallel with the east line of said Southeast Quarter, 1,423.94 feet; thence South 89 degrees, 31 minutes 32 seconds East, parallel with the north line of said Southeast Quarter, 350.16 feet to the west line of said Southwest Quarter; thence North 00 degrees, 07 minutes, 37 seconds West, along the west line of said Southwest Quarter, 396.00 feet to the Point of Beginning, containing 40.000 acres, more or less (29.059 acres in Section 9 and 10.941 acres in Section 8). SUBJECT TO the right-of-way of County Road 50S on and along the northernmost boundary, containing 0.570 acres, more or less.

Duly E... for Taxation this 4th day of October 1991
Mary Jane Russell
Auditor Hendricks County

AUG 1 '8 2023



SITE MAP



PARKING LOT PLAN

Development Standards Variance
Danville South Elementary School



Overview



Legend

- Roads
- Addresses
- Parcels
- Danville Corporate Boundary

| | | | | | |
|-----------------------|---|--------------|---|---------------|---|
| Parcel ID | 32-11-09-300-001.000-003 | Alternate ID | 17-2-09-51W 300-001 | Owner Address | Danville Community School Corp 200 WARRIOR WAY Danville, IN 46122 |
| Sec/Twp/Rng | 0009-0015-1W | Class | EXEMPT PROPERTY OWNED BY A BOARD OF EDUCATION | | |
| Property Address | 1115 W COUNTY ROAD 50 S Danville | Acres | 36.98 | | |
| District | Town Of Danville | | | | |
| Brief Tax Description | Pt W Sw 9-15-1W & Pt E Se 8-15-1w 36.98 07/08 SPLIT PART TO 400-003 (Note: Not to be used on legal documents) | | | | |

Date created: 8/22/2023

FINDINGS OF FACT

AUG 18 2023

DEVELOPMENT STANDARD VARIANCE

Address: 1375 W Lincoln 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 landscape areas adjacent to the parking extend hundreds of feet away from the parking lot and would not be reduced by any noticeable amount due to encroachment by vehicles. The slope and depth of the drainage swale next to the parking lot is safe for vehicles and students. Trees will be planted along the parking lot where the swale becomes deeper.

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:

This parking lot is behind the building and more than 500' away from any adjacent properties.

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:

Basketball goals will be installed along the south and west side of the parking lot where this variance is requested. Curbs behind these goals would be a safety hazard for the students playing. Students regularly walk between the parking lot and adjacent lawn areas, and curbs would create a potential trip hazard. Curbs would complicate snow plowing in an area used for student drop-off and pick-up traffic.

**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 Danville Community School Corporation, Dr. Tracy Shafer, petitioner in BZA petition 2023-2152 to allow a parking lot without curbs or wheel stops in a PUD district. 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.**”