

# **TOWN OF DANVILLE**

**Danville Board of Zoning Appeals  
March 20, 2024  
6:00 PM**

## **AGENDA**

### **I. Call Meeting to Order**

- **Pledge of Allegiance**
- **Establish Quorum**
- **Approve Minutes**
- **Elect Officers**
  - **President**
  - **Vice President**
  - **Secretary**
- **Swear In Participants**

### **II. New Business:**

- A. Public Hearing: A development standards variance to allow the temporary placement of a modular home (ZO Section 4.5C.1.) in the Residential 2 Central (R2C) zoning district on property located at 76 North Kentucky Street**  
*(Richard Duncan, Fire Chief, Danville Fire Department)*

### **III. Other Business: None**

### **IV. Report of Officers and Committees**

### **V. Adjourn**

**Next Meeting:**

**April 17, 2024**

**DANVILLE BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**December 20<sup>th</sup>, 2023**  
**6:00 PM**

Members Present: Kevin Tussey, Tracie Shearer, Jill Howard, Randy Waltz  
Members Absent: Roger Smith  
Staff Present: Lesa Ternet  
Legal Representation: Kayla-Moody Grant & Chou-il Lee - Taft Law  
Guests: Mark Wessen, Mike Flossi, Trey Watts, Andy Kult, Shelly Handlon, Jerry Vornholt

A quorum was established, and the meeting was called to order by K. Tussey. The minutes from September 20<sup>th</sup>, 2023, were approved. R. Waltz (motion) and J. Howard (seconded). Motion passed 4-0.

**Old Business:** None

**New Business:**

- A. **Public Hearing: A use variance to allow an Electronic Message Center (EMC) sign (ZO Section 12.2 T.) in the General Business (GB) zoning district on property located at 200 South County Road 200 East (Lora Martinson, Springfield Sign)**

Trey Watts, Springfield Sign, gave a brief explanation of the request for an electronic message center sign to be located at the proposed Culver's Restaurant. He also introduced Mike Flossi, owner of the proposed Culver's restaurant and current owner of the Avon Culver's restaurant. He further explained that this was a monument sign that would advertise the flavor of the day and other food items provided by the restaurant. T. Watts stated the EMC sign is important to allow images and graphics by eliminating language barriers for those who cannot read or write or those who don't speak English. The message can be changed remotely which provides safety by not having to physically change the message near the adjacent roadway. T. Watts stated there was the ability to adjust the brightness and color of the sign as well. The meeting was opened to the public. There was no public comment. The meeting was closed to the public. There was discussion regarding only allowing white text and not allowing a white background to reduce the brightness of the sign. L. Ternet stated she would like to be able to contact the owner if there are complaints about the brightness so it can be adjusted. T. Shearer made a motion to approve subject to the condition if there are complaints regarding the brightness of the sign, the applicant would reduce the brightness accordingly. R. Waltz seconded the motion.

**Roll Call Vote:**

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

- B. Public Hearing: A use variance to allow a Veterinarian Office (ZO Section 8.2 B.) in the Local Business (LB) zoning district on property located at 1300 East Main Street (Ben Comer, Comer Law Office)**

Andy Kult, Comer Law Office approached the Board to request a use variance to allow a veterinarian office to be in a multi-tenant building. A. Kult introduced Shelly Handlon, owner, and Jerry Vornholt, Leasing Entity. A. Kult stated that currently, the building houses Spinal Logic and New Media Marketing, and the veterinary clinic would be on the lower level. A. Kult stated there would not be any boarding or overnight stays and no outdoor kennels as part of this petition but stated that there may be an additional door installed to connect to an area for future euthanasia services. T. Shearer asked if there would be surgeries performed at this location. S. Handlon stated there would be surgeries but there would not be overnight stays. The meeting was opened to the public. There was no public comment. The meeting was closed to the public. J. Howard made a motion to approve subject to outpatient care only, no outdoor runs/kennels, and no boarding. R. Waltz seconded the motion.

**Roll Call Vote:**

R. Waltz- Aye  
J. Howard – Aye  
K. Tussey - Aye  
T. Shearer – Aye  
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 6:35 P.M.

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Kevin Tussey - President

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Tracie Shearer – Vice President

# Meeting Briefing

March 20, 2024

**Danville Fire Department: A development standards variance to allow the temporary placement of a modular home**

This request is to permit the placement of a temporary modular home that exceeds the limited one-year maximum for temporary uses. A sketch of the proposed modular home is included in your packet. This is a public hearing and will require a vote.

# CASE SUMMARY

**Case:** 2024-2175  
Richard Duncan, petitioner on behalf of the Danville Fire Department

**Request:** Seeking a Variance of Section 4.5.C.1 of the Danville Zoning Ordinance to allow the temporary placement of a modular home

**Location:** 76 & 90 North Kentucky Street

**Zoning:** R2C

## Staff Summary:

The petitioner proposes to place a modular home on the above-referenced parcels. Fire station 191 is located at 76 North Kentucky while 90 North Kentucky Street is currently being used as a parking lot for the fire department. The intent is to place the modular home on the vacant lot for temporary housing for firefighters. Station 191 was built in 1980 as a voluntary fire department with no living quarters. With the increased growth of the Town, there is a need for Station 191 to be staffed and operating on a full-time basis with housing for firefighters.

The developer of the Miles Farm subdivision donated acreage for a new fire station during their PUD rezoning approval. The Danville Fire Department is currently working with architects and looking at funding sources to construct a new Station 191 that will have living quarters for full-time firefighters. Once a new fire station is constructed the modular home will be removed. Without knowing how long that will take, it is necessary to obtain a variance because temporary uses of this nature are only permitted for one year.

Staff did not receive any inquiries following the certified mailing to adjoining property owners.

Staff supports this request for the temporary placement of a modular home to house full-time firefighters and further recommends this variance be for no more than five (5) years without petitioning the Board if additional time is necessary.

## **BZA options include the following:**

Approve the Variance  
Approve the Variance with Conditions  
Deny the Variance



# Danville BZA

49 North Wayne Street | Danville, IN 46122  
317-745-4180 | [www.danvilleindiana.org](http://www.danvilleindiana.org)

Date of Hearing: March 20, 2024  
Board of Zoning Appeals Action: \_\_\_\_\_

App. No. 2024-2175  
Fee: waived  
Received By: HT

## APPLICATION FOR APPROVAL (Check all that apply)

☐ Appeal ☐ Special Exception ☐ Use Variance ☒ Development Standard Variance

**FEB 16 2024**

\* Please fill out the form in its entirety

Applicant (s) Danville Fire Department  
Address (s) 716 N. Kentucky St.  
Phone (s) 317-745-4180 ext 9001 Email (s) rduncan@danvillein.gov

Owners (s) Town of Danville  
Address (s) 49 N. Wayne St.  
Phone (s) 317-745-4180 Email (s) \_\_\_\_\_

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

Fire Chief Rick Duncan  
Address (s) 5045 Zinnia Dr. Plainfield, IN 46168  
Phone (s) 317-281-4345 Email (s) rduncan@danvillein.gov

Address of Subject Property: 716 N. Kentucky St. & 90 N. Kentucky St.  
Area (in acres): 0.97 Number of Lots: 2  
Parcel ID#: 32-11-04-484-008, 000-003 Current Zoning District: R2C  
32-11-04-484-009, 003-003

Requested Action From The Danville BZA: Place temporary housing on lot  
South of Fire Station 191. Section 4.5.c.1.  
Temporary Uses

STATE OF INDIANA )  
 ) SS:  
HENDRICKS COUNTY )

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

  
Signature of Owner/Applicant (s)

Fire Chief  
Title of Applicant



# DANVILLE FIRE DEPARTMENT



*Chief of Department*

FEB 22 2024

Date: 2/12/2024

From: Chief of Department Richard T. Duncan

To: Board of Zoning Appeals

Subj: 90 N. Kentucky Street, Danville, Indiana

The Town of Danville (the "Town") owns the property located at 76 N. Kentucky Street, Danville, Indiana (17-1-04-51W-484-009) (the "76 N. Kentucky Property") and the property located to the immediate North of the 76 N. Kentucky Property commonly known as 90 N. Kentucky Street, Danville, Indiana (17-1-04-51W-484-008) (the "90 N. Kentucky Property"). Danville Fire Department Station 191 ("Station 191") is located on the 76 N. Kentucky Property and the parking lot for Station 191 is located at 90 N. Kentucky Property. Station 191 was built in 1980 as a volunteer firehouse with no living quarters for full-time firefighters. However, Danville Fire Department Station 192 ("Station 192") is located on the far East side of Danville and was built with living quarters for full-time firefighters. As the Town grows, we have identified a need for a second fire station to be staffed and operated on a full-time basis on the West end of Danville.

D.R. Horton is donating the Southeast corner of the Miles Farm community (the corner of Main Street and Mackey Road) to the Town. The Danville Fire Department is currently working with architects, contractors, and funding sources to build a new Station 191 at the Miles Farm location, the new Station 191 will have living quarters allowing for firefighters to be staffed at that location on a permanent basis. Nearly half of our calls for service are in this area and that number continues to rise.

I am seeking your approval to place a modular home on the 90 N. Kentucky Property to serve as temporary living quarters for firefighters until the construction of the new Station 191 is complete. The modular home will allow the Danville Fire Department to assign firefighters to Station 191 immediately rather than waiting for completion of the new Station 191, thereby, providing faster service to the West side of the Town and reducing critical response time in that area.

A handwritten signature in black ink, appearing to be "Richard T. Duncan", written over a horizontal line.

Richard T. Duncan  
Chief of Department  
Danville Fire Department

# **FINDINGS OF FACT**

## **DEVELOPMENT STANDARD VARIANCE**

**Address:** 76 & 90 North Kentucky Street

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

The modular home will be used as temporary living quarters for full-time firefighters until such time a new station can be constructed to address the need for fire services in the western portion of the Town.

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:

Residential uses are permitted in this area and the temporary placement of a modular home will not negatively impact existing residential uses or structures. The modular home will be temporary until a new fire station can be constructed, which could be as long as five (5) years.

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 strict application of the zoning ordinance will result in the lack of ability to adequately provide fire services to the western part of the Town.



**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 Richard Duncan, Danville Fire Department Romero, petitioner in BZA petition 2024-2175 to allow the placement of a temporary modular home (ZO Section 4.5.C.1) in the R2C zoning 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:

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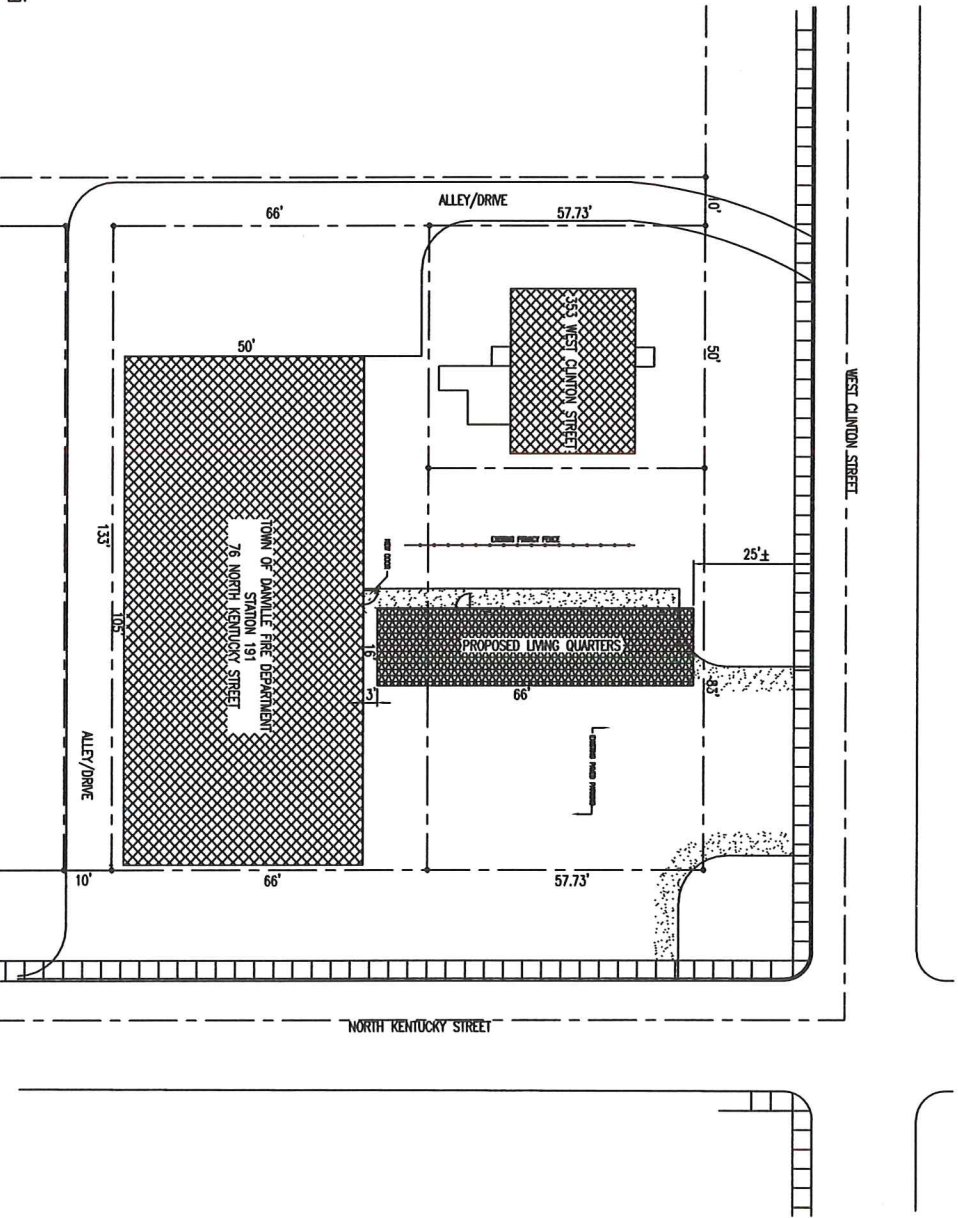
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[note #3: If the majority votes against a motion to approve a variance, a subsequent motion should be made for findings of fact to reflect that the Petitioner did not establish the three requirements of state law to have been met. This motion should 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.**”

FEB 16 2024



|            |  |           |  |  |  |           |  |                             |  |           |  |
|------------|--|-----------|--|--|--|-----------|--|-----------------------------|--|-----------|--|
| DRAWN BY   |  | RJB       |  | TOWN OF DANVILLE<br>STATION 191<br>PROPOSED LIVING QUARTERS ADDITION |  | PLOT PLAN |  | ZONING                      |  | SHEET NO. |  |
| DATE       |  | 2-16-2024 |  |  |  |           |  | SCALE: $\frac{3}{8}"=1'-0"$ |  | A1        |  |
| CHECKED BY |  |           |  |  |  |           |  |                             |  |           |  |
| DATE       |  |           |  |  |  |           |  |                             |  |           |  |

FEB 16 2024



[www.AdventureHomes.net](http://www.AdventureHomes.net)









Danville Fire Department  
Development Standards Variance

