

TOWN OF DANVILLE

Danville Board of Zoning Appeals
July 17, 2024
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 use variance to allow a self-storage facility (UDO, Table 2.1) in the Local Business (LB) zoning district on property located at 27 North County Road 300 East**
(Ben Comer, Comer Law)

 - B. **Public Hearing: A special exception to allow the expansion of an existing self-storage facility (UDO, Table 2.1) in the Industrial Light (IL) zoning district on property located at 27 North County Road 300 East**
(Ben Comer, Comer Law)

 - C. **Public Hearing: A development standards variance to allow a rear yard setback of thirty-four (34) feet (UDO, Section 2.10 C.) in the Industrial Light (IL) and Local Business (LB) zoning districts on property located at 27 North County Road 300 East**
(Ben Comer, Comer Law)

 - D. **Public Hearing: A development standards variance to allow a side yard setback of fifteen (15) feet (UDO, Section 2.10 C.) in the Industrial Light (IL) zoning district on property located at 27 North County Road 300 East**
(Ben Comer, Comer Law)

- III. **Other Business: None**

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

- V. **Adjourn**

Next Meeting:
August 21, 2024

DANVILLE BOARD OF ZONING APPEALS
Meeting Minutes
June 26th, 2024
6:00 PM

Members Present: Kevin Tussey, Tracie Shearer, Jill Howard, Randy Waltz
Members Absent: Roger Smith
Staff Present: Lesa Ternet, Brittany Mays
Legal: None
Guests: None

A quorum was established, and the meeting was called to order by K. Tussey. The minutes from May 15th, 2024, were approved. R. Waltz made a motion to approve. J. Howard seconded the motion. Motion carried 4-0.

Swear in Participants: None

New Business:

- A. Public Hearing: A special exception to allow the expansion of an existing self-storage facility (UDO, Table 2.1) in the Industrial Light (IL) zoning district on property located at 27 North County Road 300 East**
(Ben Comer, Comer Law)

K. Tussey stated this item would be continued until the July 17th meeting. J. Howard made a motion to approve. T. Shearer seconded the motion. Motion carried 4-0.

Roll Call Vote:

R. Waltz – Aye
T. Shearer – Aye
K. Tussey – Aye
J. Howard – Aye

- B. Public Hearing: A development standards variance to allow a rear yard setback of thirty-four (34) feet (UDO, Section 2.10 c.) in the Industrial Light (IL) zoning district on property located at 27 North County Road 300 East**
(Ben Comer, Comer Law)

K. Tussey stated this item would be continued until the July 17th meeting. R. Waltz made a motion to approve. J. Howard seconded the motion. Motion carried 4-0.

Roll Call Vote:

R. Waltz – Aye
T. Shearer – Aye
K. Tussey – Aye
J. Howard – Aye

**C. Public Hearing: A development standards variance to allow a side yard setback of fifteen (15) feet (UDO, Section 2.10 C.) in the Industrial Light (IL) zoning district on property located at 27 North County Road 300 East
(Ben Comer, Comer Law)**

K. Tussey stated this item would be continued until the July 17th meeting. J. Howard made a motion to approve. R. Waltz seconded the motion. Motion carried 4-0.

Roll Call Vote:

R. Waltz – Aye
T. Shearer – Aye
K. Tussey – Aye
J. Howard – Aye

**D. Public hearing: A development standards variance to allow more than one primary structure on a parcel (UDO, Section 2.07 6.) in the Central Business Secondary (CBS) zoning district on property located at 802 Phi Delta Kappa Drive
(Jeff Martin, Representative)**

K. Tussey stated this item had been withdrawn. No motion needed.

Other Business: None

Report of Officers and Committees: None

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

The meeting was adjourned at 6:05 P.M.

Kevin Tussey - President

Randy Waltz – Vice President

Meeting Briefing

July 17, 2024

Ben Comer, Comer Law, on behalf of Jeremiah Holdings, LLC : A use variance to allow a self-storage facility

This request is to allow the expansion of an existing self-storage facility. Included in your packet are the plans, letter of intent, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Ben Comer, Comer Law, on behalf of Jeremiah Holdings, LLC : A special exception to allow the expansion a self-storage facility

This request is to allow the expansion of an existing self-storage facility. Included in your packet are the plans, letter of intent, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Ben Comer, Comer Law, on behalf of Jeremiah Holdings, LLC : A development standards variance to allow a rear yard of 34-feet

This request is to allow a rear yard setback of less than the required 40-feet. Included in your packet are the plans, letter of intent, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Ben Comer, Comer Law, on behalf of Jeremiah Holdings, LLC : A development standards variance to allow a side yard of 15-feet

This request is to allow a side yard setback of less than the required 40-feet. Included in your packet are the plans, letter of intent, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

CASE SUMMARY

USE VARIANCE

- Case:** 2024-2196
Jeremiah Holdings, LLC
Ben Comer, Legal Representative
- Request:** Seeking a use variance from Table 2.1, Permitted and Special Exception Land Uses, to permit a self-storage facility in a commercial district
- Location:** Northeast corner of County Road 300 East and East Main Street
- Acreage:** 1.9 acres
- Zoning:** Local Business (LB)

Staff Summary:

The petitioner seeks a use variance to construct a self-storage building on a property with two separate zoning classifications: LB (Local Business) and IL (Industrial Light). The portion zoned LB has an existing structure, historically used as an office and more recently for professional services, which will be removed. The IL-zoned portion already contains three self-storage units, and the petitioner plans to expand this area.

The property is situated in a mixed residential and commercial area, and the proposed use is expected to have a low impact on neighboring residential properties. There are currently three other self-storage facilities nearby.

Staff did not receive any inquiries from adjacent property owners after the certificate of mailing was sent.

Staff does not oppose the request to permit this use at this location, provided the petitioner meets the requirements of the Unified Development Ordinance regarding paving, landscaping, lighting, and signage, and ensures no outdoor storage on-site at any time. If a fence is used for security, it must be a decorative type. Additionally, Site Plan Review approval by the Plan Commission will be required if this use variance is approved. Any future change of use may require a public hearing with the BZA.

BZA options include the following:

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



Danville BZA

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

Date of Hearing: 7-17-24
Board of Zoning Appeals Action: _____

App. No.: 2024-2196
Fee: _____
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) Jeremiah Holdings LLC
Address (s) 291 E Main St, Danville, IN 46122
Phone (s) 317-745-2700 Email (s) lpmproperties@aol.com

Owners (s) Jeremiah Holdings LLC
Address (s) 291 E Main St, Danville, IN 46122
Phone (s) 317-745-2700 Email (s) lpmproperties@aol.com

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: _____
Ben Comer, Comer Law Office, LLC
Address (s) PO Box 207, Danville, IN 46122
Phone (s) 317-745-4300 Email (s) bcomer@comerlaw.com

Address of Subject Property: 27 N CR 300 E, Danville, IN 46122
Area (in acres): 1.9ac Number of Lots: 1
Parcel ID#: 32-10-06-400-006.000-003 Current Zoning District: IL (Industrial Light) + LBL (Local Business)

Requested Action From The Danville BZA: Approve use variance for commercial self-storage, in an LB Zoning District - UDO Table 2.1: Permitted and Special Exception land 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.

Duane Lane
Signature of Owner/Applicant (s)
Duane Lane, Managing Member
Title of Applicant

LETTER OF INTENT
Cameron Storage, 27 N. 300 E., Danville
Revised June 19, 2024

Jeremiah Holdings LLC (Petitioner) owns the 1.9 acres located in the northeast corner of East Main Street and County Road 300 East. The long-time use of the property has been a self-storage facility commonly known as Cameron Storage. The subject parcel has split zoning, with Industrial Light (IL) on the east half, and Local Business (LB) on the west half.

Petitioner wishes to make the following upgrades to the storage facility: (1) remove the residential structure; (2) extend the three existing storage buildings; and (3) add one new storage building along County Road 300 East; all according to the concept plan filed with the Danville Board of Zoning Appeals.

To build-out of the facility according to the submitted plans, Petitioner is requesting the following approvals:

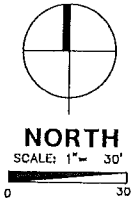
1. Use Variance. Although there is existing self-storage at this site, Self-Storage is a not listed as a permitted use in the IL or LB District. In order to allow expansion of the facility on the entire site, i.e. within both zoning districts, Petitioner seeks a Use Variance approval on the property.
2. Variance approval for rear setback along the north property line. The submitted concept plan shows an extension of three existing buildings, and one proposed storage building, running north and south on the site. The existing and proposed building will meet the rear 40' setback, as-is. However, at some point in the near future, Petitioner will be deeding an approximate 15' strip of land off the north end of the tract, in order to alleviate ownership of encroachments by the neighbor onto Petitioner's land. The action of cleaning up the north property line will create the need for a setback Variance, since the existing and proposed buildings will result in a net 34' setback from the north property line. The new storage buildings will be no closer to the north line than the existing storage buildings. Also, a six-foot fence will be installed along the north property line.
3. Variance approval for side setback along the east property line. This Variance request relates only to the far east building. Petitioner wishes to expand the existing building approximately 70 feet south, towards East Main Street. The existing building is situated 14' from the east property line, as will the proposed building extension. While the existing building is grandfathered, a Variance is needed from the 40' Ordinance setback in order to extend the building. The building extension will be no closer to the east line than the existing storage building. The east building will have no garage doors facing east, i.e. all access to the east building units will be from internal to the facility. Also, a six-foot fence will be installed along the east property line.

Respectfully submitted,

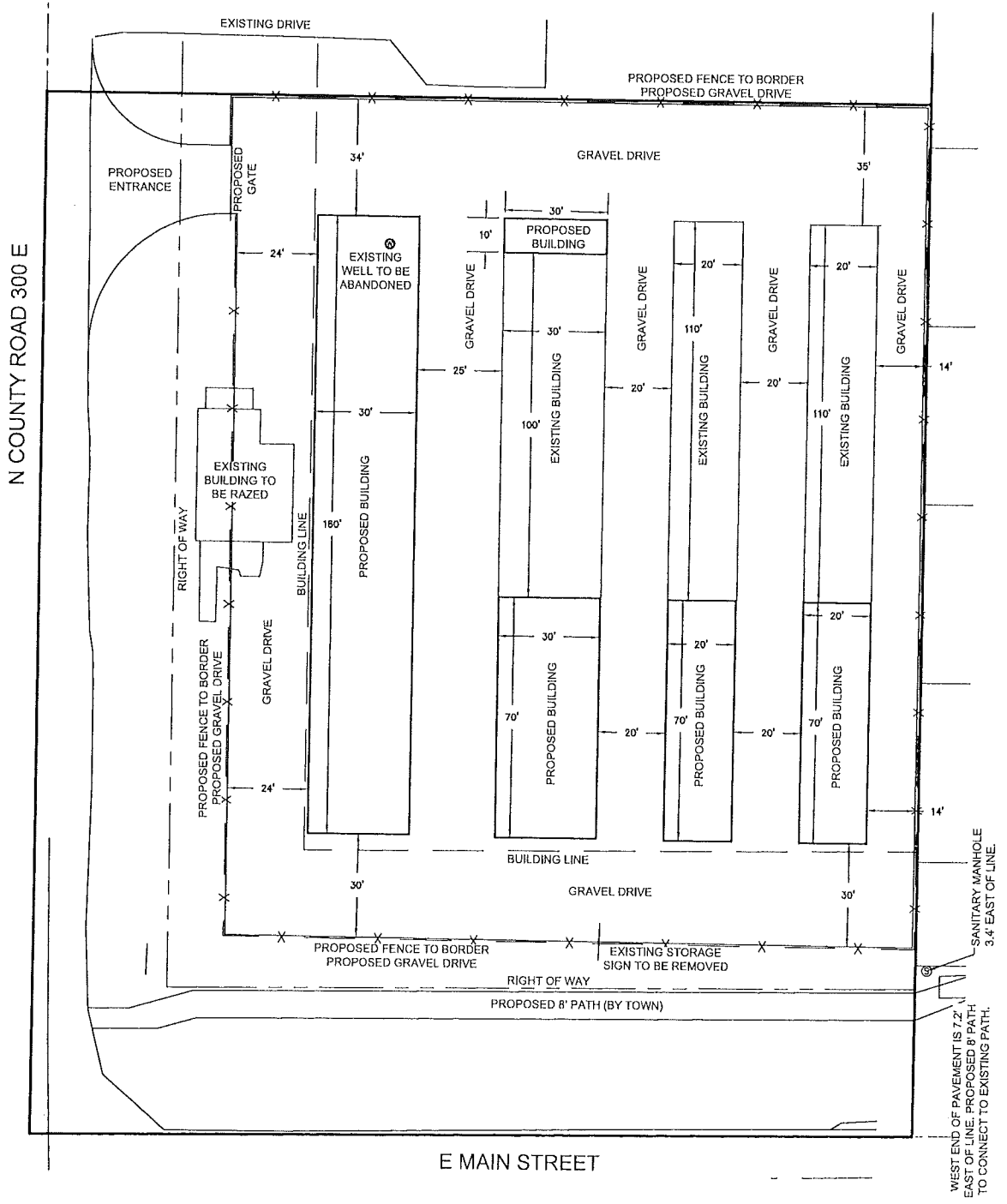


Ben Comer,
Attorney for Petitioner

**ZONING EXHIBIT
PART OF SE 1/4, SECTION 6-T15N-R1E**



- LEGEND**
- ☆ = AREA LIGHT
 - ⊙ = UTILITY POLE
 - ↓ = GUY ANCHOR

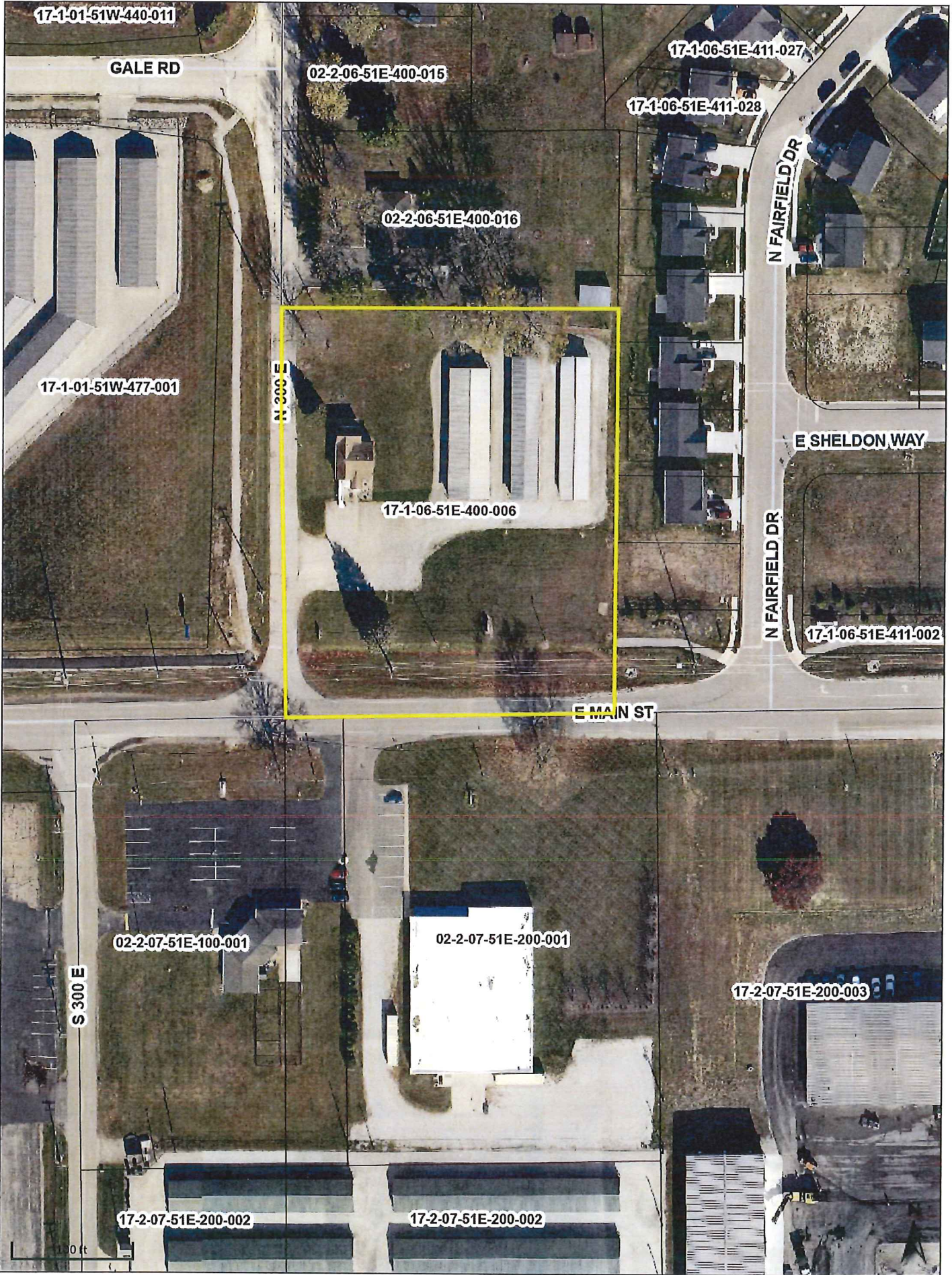


KRUSE CONSULTING
Civil Engineers & Land Surveyors
7384 Business Center Drive
Avon, Indiana 46123-9531
(317) 272-5508 • Fax: (317) 272-2410

DEVELOPER:
HAWKEYE STORAGE
291 E MAIN STREET
DANVILLE, INDIANA 46122

OWNER/PROPERTY ADDRESS:
DUANE LANE
27 N COUNTY ROAD 300 E
DANVILLE, INDIANA 46122

DATE:	05-15-2024
DRAWN:	JJZ
FILE:	2404
LOCATION:	27 N CR 300 E
TWP:	CENTER
SEC:	6-15N-E
CO.:	HENDRICKS
SHEET:	1 OF 2



17-1-01-51W-440-011

GALE RD

02-2-06-51E-400-015

17-1-06-51E-411-027

17-1-06-51E-411-028

02-2-06-51E-400-016

N FAIRFIELD DR

17-1-01-51W-477-001

S 300 E

E SHELDON WAY

17-1-06-51E-400-006

N FAIRFIELD DR

17-1-06-51E-411-002

E MAIN ST

02-2-07-51E-100-001

02-2-07-51E-200-001

S 300 E

17-2-07-51E-200-003

17-2-07-51E-200-002

17-2-07-51E-200-002

10 ft

FINDINGS OF FACT

USE VARIANCE

Parcel Number: 32-10-06-400-006.000-003
27 N. County Road 300 E., Danville, IN 46122

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences.
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 property is zoned for commercial use in a commercial corridor; the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences. Also, a six-foot fence will be installed around the facility; and no doors will face outward toward the property lines.
3. The need for the variance arises from some condition peculiar to the property involved because the property has two different zoning classifications thereby creating the need for a Use Variance, as a formality.
4. 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 property is already being used for self-storage.
5. The approval does not interfere substantially with the Town's comprehensive plan because the property is zoned for commercial use, in a commercial corridor.

ADOPTED:

DANVILLE BOARD OF ZONING APPEALS
(Constituting a majority of the Board)

**BOARD OF ZONING APPEALS
DANVILLE, INDIANA**

ACTION ON PETITION FOR A USE VARIANCE

MOTION

I move that we **approve / deny** the use variance sought by Petitioner Jeremiah Holdings, LLC in BZA petition 2024-2196 to allow a self-storage facility to be established in a Local Business (LB) zoning district. The subject property is located at the northeast corner of County Road 300 East and East Main Street. The 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 need for the variance **does / does not arise** from some condition peculiar to the property involved
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in the Petitioner’s proposed findings of fact; and/or**
 - c) **because:** _____

4. The strict application of the terms of the Zoning Ordinance **will / will not** constitute an unnecessary hardship if applied to the property for which the variance is sought
 - 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:** _____

5. The approval does / **does not** interfere substantially with the Town's comprehensive plan

a) **for the reason(s) stated in the staff report;**

b) **for the reason(s) stated in the 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

SPECIAL EXCEPTION

- Case:** 2024-2191
Jeremiah Holdings, LLC, Petitioner
Ben Comer, Legal Representative
- Request:** Seeking a Special Exception to allow the expansion of an existing self-storage facility in an Industrial Light (IL) zoning district as required by Table 2.1 of the Unified Development Ordinance
- Location:** 27 North County Road 300 East
- Acreage:** 1.9 acres
- Zoning:** Industrial Light (IL)

Staff Summary:

This petition was continued from last month after it was discovered that the Town's Beacon zoning layer was incorrectly mapped when the shape files were transferred for an update. The portion of the parcel in question is zoned IL (Industrial Light) and requires special exception approval. The property currently has three self-storage buildings, and the petitioner is seeking approval to expand these existing facilities.

The subject property is adjacent to an existing self-storage to the west that received approval for a use variance in 2020. To the south of this location is another self-storage facility that received Special Exception approval in 2007. Self-storage facilities, particularly those that do not permit outdoor storage, can be good neighbors due to their typically low impact on adjacent properties.

Staff did not receive any inquiries from adjacent property owners following the certificate of mailing.

Staff does not oppose the expansion of the existing self-storage facility, provided the petitioner meets the requirements of the Unified Development Ordinance regarding paving, landscaping, lighting, and signage, and ensures no outdoor storage on-site at any time. If a fence is used for security, it must be a decorative type. Additionally, Site Plan Review approval by the Plan Commission will be required if this request is approved.

BZA options include the following:

- Approve the Special Exception
- Approve the Special Exception with conditions or commitments
- Deny the Special Exception



Danville BZA

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

Date of Hearing: 6-26-24
Board of Zoning Appeals Action:

App. No. 2024-2191
Fee: 350.00
Received By: LT

APPLICATION FOR APPROVAL (Check all that apply)

- Special Exception
Appeal
Use Variance
Development Standard Variance

* Please fill out the form in its entirety

Applicant (s) Jeremiah Holdings LLC
Address (s) 291 E Main St, Danville, IN 46122
Phone (s) 317-745-2700 Email (s) lpmproperties@aol.com

Owners (s) Jeremiah Holdings LLC
Address (s) 291 E Main St, Danville, IN 46122
Phone (s) 317-745-2700 Email (s) lpmproperties@aol.com

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: Ben Comer, Comer Law Office, LLC
Address (s) PO Box 207, Danville, IN 46122
Phone (s) 317-745-4300 Email (s) bcomer@comerlaw.com

Address of Subject Property: 27 N CR 300 E, Danville, IN 46122
Area (in acres): 1.9ac Number of Lots: 1
Parcel ID#: 32-10-06-400-006.000-003 Current Zoning District: IL (Industrial Light)

Requested Action From The Danville BZA: Approval of Special Exception to expand storage, self-storage or mini storage. Table 2.1

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]
Signature of Owner/Applicant (s)

Duane Lane, Managing Member
Title of Applicant

LETTER OF INTENT
Cameron Storage, 27 N. 300 E., Danville

Jeremiah Holdings LLC (Petitioner) owns the 1.9 acres located in the northeast corner of East Main Street and County Road 300 East. The long-time use of the property has been a self-storage facility commonly known as Cameron Storage. The site is zoned Industrial Light (IL).

Petitioner wishes to make the following upgrades to the storage facility: (1) remove the residential structure; (2) extend the three existing storage buildings; and (3) add one new storage building along County Road 300 East; all according to the concept plan filed with the Danville Board of Zoning Appeals.

To accomplish the build-out of the facility, Petitioner is requesting the following approvals:

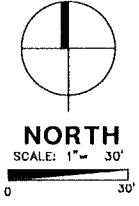
1. Special Exception approval for Self-Storage use. Self-Storage is listed as a Special Exception Use in the IL zoning district. Although there is existing self-storage at this site, Petitioner seeks Special Exception approval for the entire site, as a formality.
2. Variance approval for rear setback along the north property line. The submitted concept plan shows an extension of three existing buildings, and one proposed storage building, running north and south on the site. The existing and proposed building will meet the rear 40' setback, as-is. However, at some point in the near future, Petitioner will be deeding an approximate 15' strip of land off the north end of the tract, in order to alleviate ownership of encroachments by the neighbor onto Petitioner's land. The action of cleaning up the north property line will create the need for a setback Variance, since the existing and proposed buildings will result in a net 34' setback from the north property line. The new storage buildings will be no closer to the north line than the existing storage buildings.
3. Variance approval for side setback along the east property line. This Variance request relates only to the far east building. Petitioner wishes to expand the existing building approximately 70 feet south, towards East Main Street. The existing building is situated 15' from the east property line, as will the proposed building extension. While the existing building is grandfathered, a Variance is needed from the 40' Ordinance setback in order to extend the building. The building extension will be no closer to the east line than the existing storage building. The east building will have no garage doors facing east, i.e. all access to the east building units will be from internal to the facility. Also, a six-foot fence will be installed along the east property line.

Respectfully submitted,

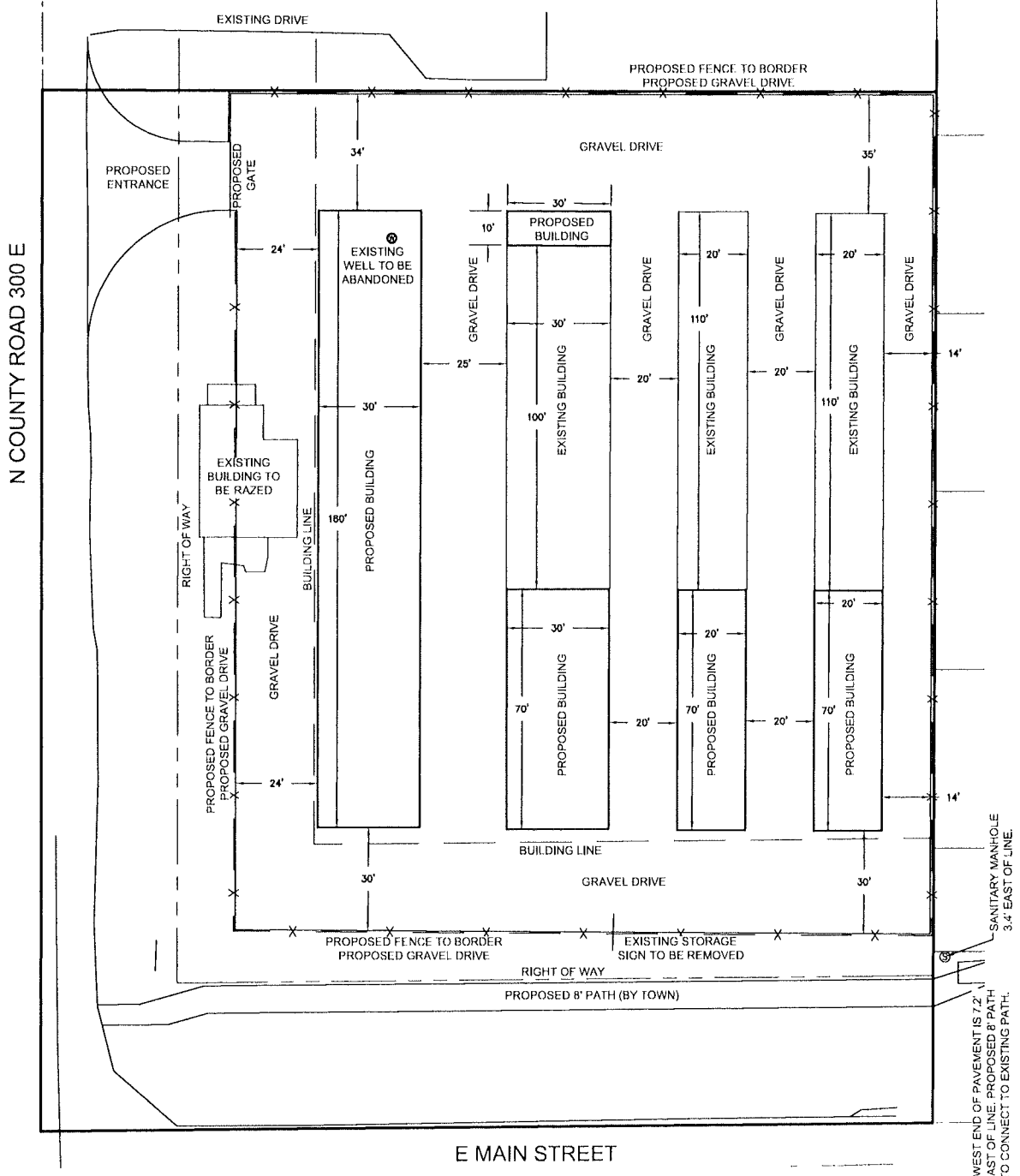


Ben Comer,
Attorney for Petitioner

ZONING EXHIBIT PART OF SE 1/4, SECTION 6-T15N-R1E



- LEGEND**
- ☆ = AREA LIGHT
 - ⊙ = UTILITY POLE
 - ↓ = GUY ANCHOR

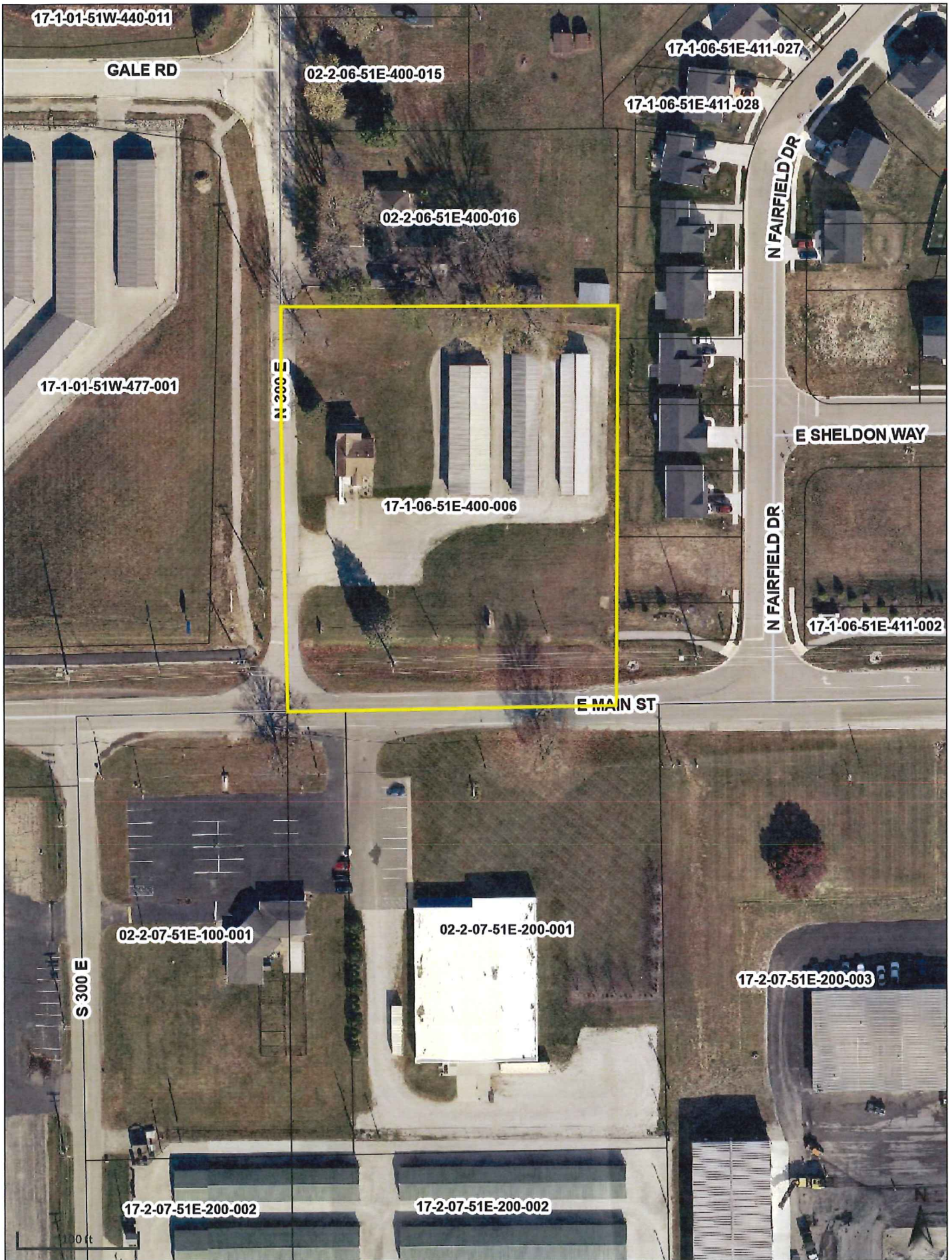


KRUSE CONSULTING
Civil Engineers & Land Surveyors
7384 Business Center Drive
Avon, Indiana 46123-9531
(317) 272-5508 • Fax: (317) 272-2410

DEVELOPER:
HAWKEYE STORAGE
291 E MAIN STREET
DANVILLE, INDIANA 46122

OWNER/PROPERTY ADDRESS:
DUANE LANE
27 N COUNTY ROAD 300 E
DANVILLE, INDIANA 46122

DATE: 05-15-2014
DRAWN: JJZ
FILE: 2484
LOCATION: 27 N CR 300 E
TWP: CENTER
SEC: 6-15N-R1E
CO: HENRICKS
SHEET: 1 OF 2



17-1-01-51W-440-011

GALE RD

02-2-06-51E-400-015

17-1-06-51E-411-027

17-1-06-51E-411-028

02-2-06-51E-400-016

N FAIRFIELD DR

17-1-01-51W-477-001

N 300 E

E SHELDON WAY

17-1-06-51E-400-006

N FAIRFIELD DR

17-1-06-51E-411-002

E MAIN ST

02-2-07-51E-100-001

02-2-07-51E-200-001

S 300 E

17-2-07-51E-200-003

17-2-07-51E-200-002

17-2-07-51E-200-002

100 ft

FINDINGS OF FACT
SPECIAL EXCEPTION FOR SELF-STORAGE
27 N CR 300 E, Danville, IN 46122

1. The Special Exception listed in the specific zoning district involved is allowed, as listed in Table 2.1 for IL zoning.
2. The approval will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare because the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences.
3. The approval will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the neighborhood because the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences. Also, six-foot fencing will be installed around the facility, and no doors will face outward toward the property lines.
4. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The use requires very limited public services, and will be adequately served, same as the other storage facilities in the Town.
5. The approval will not create excessive additional requirements at public expense for public facilities and services, nor be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance because the use requires very few public services yet adds to the commercial tax base for the Town; furthermore, the project is merely an expansion of an existing storage facility that is not of scenic or major historical importance.
6. At least one year has elapsed since any denial by the Board of any prior application for a Special Exception that would have authorized substantially the same for all or part of the site, unless the Board determines that conditions in the area have substantially changed.

ADOPTED: DANVILLE BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS
DANVILLE, INDIANA**

ACTION ON PETITION FOR A SPECIAL EXCEPTION

MOTION

I move that we **approve / deny** Special Exception petition 2024-2191 sought by Jeremiah Holdings, LLC to allow the expansion of an existing self-storage facility in a Industrial Light (LI) zoning district as required by Table 2.1 of the Unified Development Ordinance on property located at 27 North County Road 300 East as having **satisfied / not satisfied** the requirements for special exceptions under Section 5 of the Danville Zoning Ordinance for the following reasons:

1. The Special Exception requested **is** listed in the specific zoning district involved;

2. The Special Exception requested **will / will not** be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare;
 - 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 Special Exception requested **will / will not** be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - 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:** _____

4. The Special Exception **will / will not** be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
 - 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:** _____

5. The Special Exception *will* / **will not** create excessive additional requirements at public expense for public facilities and services, nor be detrimental to the economic welfare of the community or result in the destruction , loss, or damage of a natural, scenic, or historic feature of major importance;

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:** _____

6. At least one year **has** elapsed since any denial by the Board of any prior application for a Special Exception that would have authorized substantially the same for all or part of the site, unless the Board determines that conditions in the area have substantially changed.

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

DECISION

(After a second is made to the motion and a roll call vote is taken, the presiding officer makes the following announcement): “It is therefore the decision of this body that the Special Exception 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: 2024-2192
Jeremiah Holdings, LLC, Petitioner
Ben Comer, Legal Representative

Request: Seeking a variance of the Unified Development Ordinance Section 2.10 C., to allow a rear yard setback of thirty-four (34) feet

Location: 27 North County Road 300 East

Acreage: 1.9 acres

Zoning: Industrial Light (IL) & Local Business (LB)

Staff Summary:

The Unified Development Ordinance requires a 40-foot rear setback for commercial uses adjacent to residential districts in the IL and LB zoning districts. The petitioner is requesting a variance to reduce the rear setback to 34 feet to expand the existing facility by adding to the current structures and constructing a new building. There is also an encroachment by the property owner to the north, and the petitioner proposes to deed a 15-foot strip to resolve this encroachment, necessitating the variance.

To date, staff has not received inquiries from adjacent property owners opposing the rear yard setback variance.

Staff is not opposed to the petitioner's request for a reduced rear yard setback. The practical impact of the reduced rear yard is minimal on the actual use of the adjacent property.

BZA options include the following:

- Approve the Development Standards Variance
- Approve the Development Standard Variance with conditions or commitments
- Deny the Development Standard Variance



Danville BZA

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

PAID / CHECK

Date of Hearing: 6-26-24

Board of Zoning Appeals Action: _____

MAY 17 2024

App. No.: 2024-2192

Fee: \$ 400.00

Received By: LT

350 + 50 = 400

AMENDED

TOWN OF DANVILLE

APPLICATION FOR APPROVAL (Check all that apply)

- Appeal
- Special Exception
- Use Variance
- Development Standard Variance

MAY 17 2024

* Please fill out the form in its entirety

Applicant (s) Jeremiah Holdings LLC

Address (s) 291 E Main St, Danville, IN 46122

Phone (s) 317-745-2700

Email (s) lpmproperties@aol.com

Owners (s) Jeremiah Holdings LLC

Address (s) 291 E Main St, Danville, IN 46122

Phone (s) 317-745-2700

Email (s) lpmproperties@aol.com

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

Ben Comer, Comer Law Office, LLC

Address (s) PO Box 207, Danville, IN 46122

Phone (s) 317-745-4300

Email (s) bcomer@comerlaw.com

Address of Subject Property: 27 N CR 300 E, Danville, IN 46122

Area (in acres): 1.9ac

Number of Lots: 1

Parcel ID#: 32-10-06-400-006.000-003

Current Zoning District: IL (Industrial Light)

Requested Action From The Danville BZA: Approval of variance from development standards regarding rear setbacks on the north Section 2.1 0C

STATE OF INDIANA)

) SS:

HENDRICKS COUNTY)

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

Duane Lane
Signature of Owner/Applicant (s)

Duane Lane, Managing Member

Title of Applicant

LETTER OF INTENT
Cameron Storage, 27 N. 300 E., Danville

MAY 17 2024

Jeremiah Holdings LLC (Petitioner) owns the 1.9 acres located in the northeast corner of East Main Street and County Road 300 East. The long-time use of the property has been a self-storage facility commonly known as Cameron Storage. The site is zoned Industrial Light (IL).

Petitioner wishes to make the following upgrades to the storage facility: (1) remove the residential structure; (2) extend the three existing storage buildings; and (3) add one new storage building along County Road 300 East; all according to the concept plan filed with the Danville Board of Zoning Appeals.

To accomplish the build-out of the facility, Petitioner is requesting the following approvals:

1. Special Exception approval for Self-Storage use. Self-Storage is listed as a Special Exception Use in the IL zoning district. Although there is existing self-storage at this site, Petitioner seeks Special Exception approval for the entire site, as a formality.
2. Variance approval for rear setback along the north property line. The submitted concept plan shows an extension of three existing buildings, and one proposed storage building, running north and south on the site. The existing and proposed building will meet the rear 40' setback, as-is. However, at some point in the near future, Petitioner will be deeding an approximate 15' strip of land off the north end of the tract, in order to alleviate ownership of encroachments by the neighbor onto Petitioner's land. The action of cleaning up the north property line will create the need for a setback Variance, since the existing and proposed buildings will result in a net 34' setback from the north property line. The new storage buildings will be no closer to the north line than the existing storage buildings.
3. Variance approval for side setback along the east property line. This Variance request relates only to the far east building. Petitioner wishes to expand the existing building approximately 70 feet south, towards East Main Street. The existing building is situated 15' from the east property line, as will the proposed building extension. While the existing building is grandfathered, a Variance is needed from the 40' Ordinance setback in order to extend the building. The building extension will be no closer to the east line than the existing storage building. The east building will have no garage doors facing east, i.e. all access to the east building units will be from internal to the facility. Also, a six-foot fence will be installed along the east property line.

Respectfully submitted,



Ben Comer,
Attorney for Petitioner

**ZONING EXHIBIT
PART OF SE 1/4, SECTION 6-T15N-R1E**



NORTH

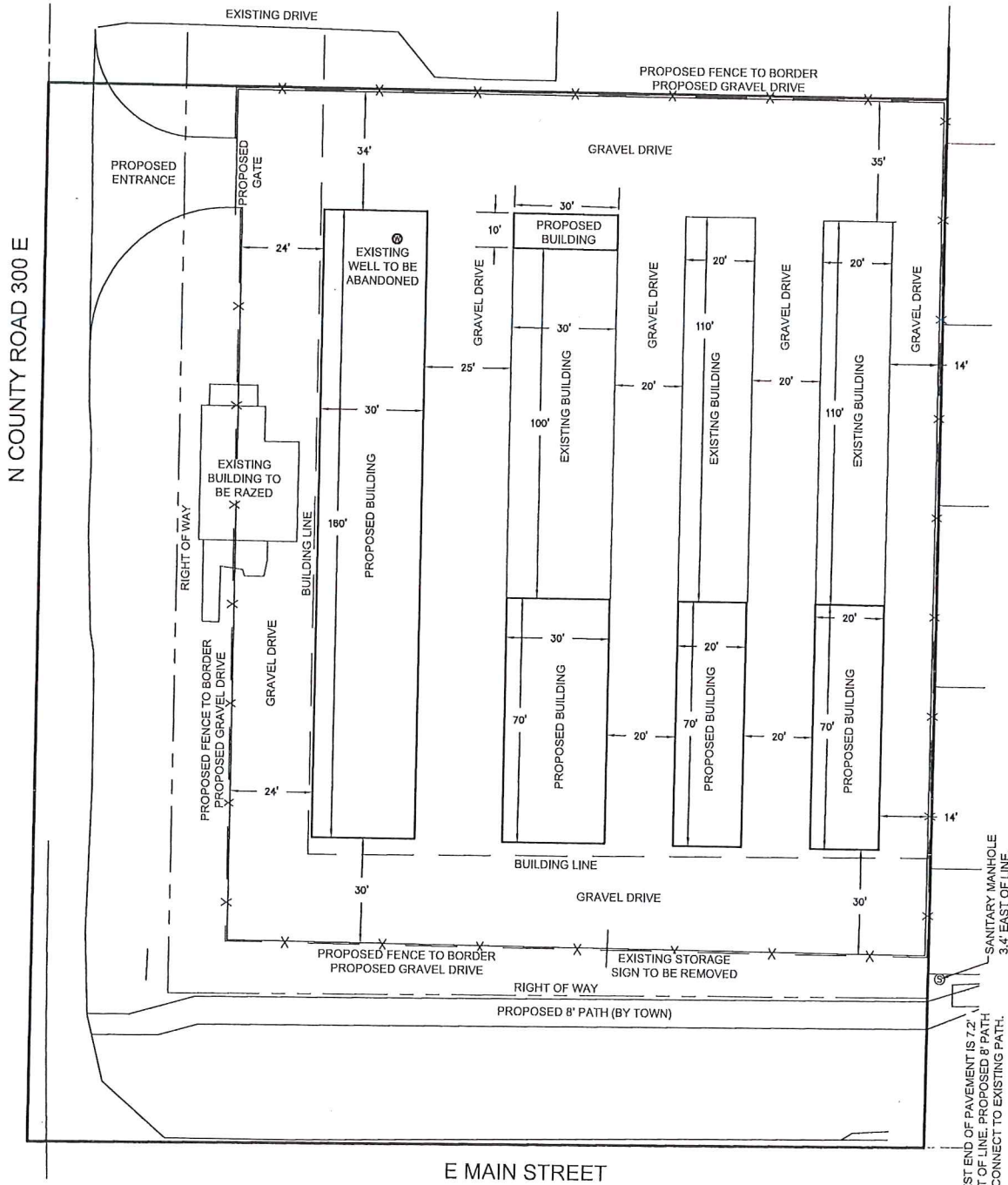
SCALE: 1" = 30'



LEGEND

- ☆ = AREA LIGHT
- ∅ = UTILITY POLE
- ↓ = GUY ANCHOR

MAY 17 2024

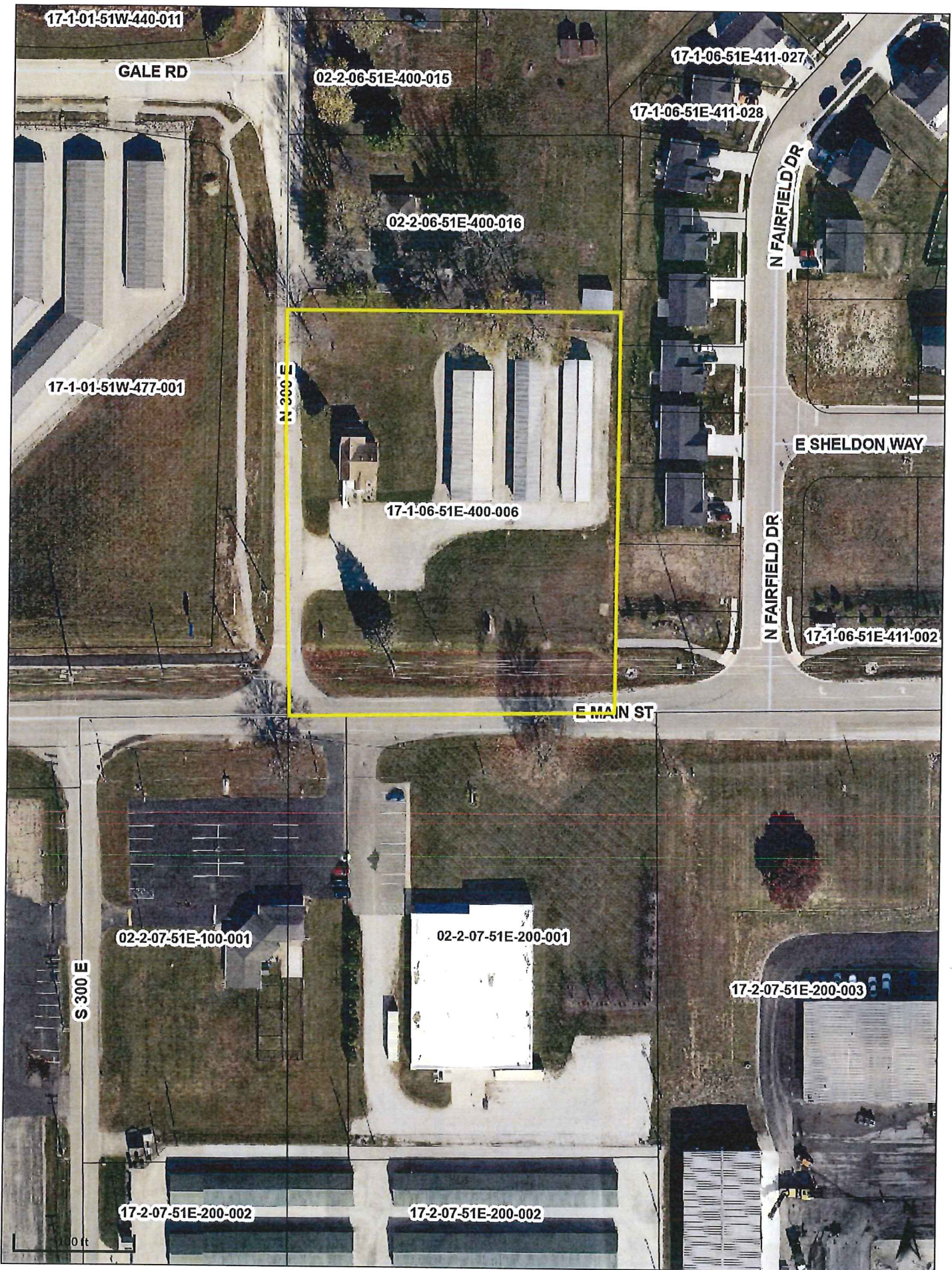


KRUSE CONSULTING
Civil Engineers & Land Surveyors
7384 Business Center Drive
Avon, Indiana 46123-9531
(317) 272-5508 • Fax: (317) 272-2410

DEVELOPER: **HAWKEYE STORAGE**
291 E MAIN STREET
DANVILLE, INDIANA 46122

OWNER/PROPERTY ADDRESS:
DUANE LANE
27 N COUNTY ROAD 300 E
DANVILLE, INDIANA 46122

DATE: 05-15-2024
DRAWN: JJ
FILE: 2404
LOCATION: 27 N CR 300 E
TWP: CENTER
SEC: 6-15N-1E
CO: HENRICKS
SHEET: 1 OF 2



17-1-01-51W-440-011

GALE RD

02-2-06-51E-400-015

17-1-06-51E-411-027

17-1-06-51E-411-028

N FAIRFIELD DR

02-2-06-51E-400-016

17-1-01-51W-477-001

S 300 W

E SHELTON WAY

17-1-06-51E-400-006

N FAIRFIELD DR

17-1-06-51E-411-002

E MAIN ST

02-2-07-51E-100-001

02-2-07-51E-200-001

S 300 E

17-2-07-51E-200-003

17-2-07-51E-200-002

17-2-07-51E-200-002

0 ft

MAY 1 7 2024

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE – Setback Reductions
27 N CR 300 E, Danville, IN 46122

MAY 17 2024

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because: the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences.

2. The use or value of the area adjacent to the property, included in the variance, will not be affected in a substantially adverse manner because: the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences. Also, a six-foot fence will be installed around the facility; and no doors will face outward toward the property lines.

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 current use is an aging and under-developed storage facility that needs upgrades, and the expansion buildings will be no closer to the property lines than the existing buildings.

**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 Jeremiah Holdings, LLC in BZA petition 2024-2192 to allow a 34-foot rear yard setback for property located at 27 North County Road 300 East. 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: 2024-2193
Jeremiah Holdings, LLC, Petitioner
Ben Comer, Legal Representative

Request: Seeking a variance of the Unified Development Ordinance Section 2.10 C., to allow a side yard setback of fifteen (15) feet

Location: 27 North County Road 300 East

Acreage: 1.9 acres

Zoning: Industrial Light (IL)

Staff Summary:

The Unified Development Ordinance requires a 15-foot side setback for commercial uses adjacent to residential districts in the IL zoning districts. The petitioner is requesting a variance to reduce the side yard setback along the east property line to expand the existing building. The existing building is situated 15' from the east property line, as will be the proposed building extension. There will not be any doors facing the east as all access will be internal to the facility. The petitioner also proposes to install a 6-foot fence along the east property line.

To date, staff has not received inquiries from adjacent property owners opposing the rear yard setback variance.

Staff is not opposed to the petitioner's request for a reduced side yard setback. The existing structure is currently 15-feet from the property line and the expansion will have minimal impact on the adjacent property.

BZA options include the following:

- Approve the Development Standards Variance
- Approve the Development Standard Variance with conditions or commitments
- Deny the Development Standard Variance



Danville BZA

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

PAID / CHECK

Date of Hearing: 6-26-24
Board of Zoning Appeals Action: _____

MAY 17 2024

App. No.: 2024-2193
Fee: \$ 400.00
Received By: LT

2 variance

350 + 50 = 400

AMENDED

TOWN OF DANVILLE

APPLICATION FOR APPROVAL (Check all that apply)

- Appeal
- Special Exception
- Use Variance
- Development Standard Variance

MAY 17 2024

* Please fill out the form in its entirety

Applicant (s) Jeremiah Holdings LLC

Address (s) 291 E Main St, Danville, IN 46122

Phone (s) 317-745-2700 Email (s) lpmproperties@aol.com

Owners (s) Jeremiah Holdings LLC

Address (s) 291 E Main St, Danville, IN 46122

Phone (s) 317-745-2700 Email (s) lpmproperties@aol.com

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: Ben Comer, Comer Law Office, LLC

Address (s) PO Box 207, Danville, IN 46122

Phone (s) 317-745-4300 Email (s) bcomer@comerlaw.com

Address of Subject Property: 27 N CR 300 E, Danville, IN 46122

Area (in acres): 1.9ac Number of Lots: 1

Parcel ID#: 32-10-06-400-006.000-003 Current Zoning District: IL (Industrial Light)

Requested Action From The Danville BZA: Approval of variance from development standards regarding side setbacks on the east Section 2.1 0C

STATE OF INDIANA)

) SS:

HENDRICKS COUNTY)

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

Duane Lane
Signature of Owner/Applicant (s)

Duane Lane, Managing Member
Title of Applicant

MAY 17 2024

LETTER OF INTENT
Cameron Storage, 27 N. 300 E., Danville

Jeremiah Holdings LLC (Petitioner) owns the 1.9 acres located in the northeast corner of East Main Street and County Road 300 East. The long-time use of the property has been a self-storage facility commonly known as Cameron Storage. The site is zoned Industrial Light (IL).

Petitioner wishes to make the following upgrades to the storage facility: (1) remove the residential structure; (2) extend the three existing storage buildings; and (3) add one new storage building along County Road 300 East; all according to the concept plan filed with the Danville Board of Zoning Appeals.

To accomplish the build-out of the facility, Petitioner is requesting the following approvals:

1. Special Exception approval for Self-Storage use. Self-Storage is listed as a Special Exception Use in the IL zoning district. Although there is existing self-storage at this site, Petitioner seeks Special Exception approval for the entire site, as a formality.
2. Variance approval for rear setback along the north property line. The submitted concept plan shows an extension of three existing buildings, and one proposed storage building, running north and south on the site. The existing and proposed building will meet the rear 40' setback, as-is. However, at some point in the near future, Petitioner will be deeding an approximate 15' strip of land off the north end of the tract, in order to alleviate ownership of encroachments by the neighbor onto Petitioner's land. The action of cleaning up the north property line will create the need for a setback Variance, since the existing and proposed buildings will result in a net 34' setback from the north property line. The new storage buildings will be no closer to the north line than the existing storage buildings.
3. Variance approval for side setback along the east property line. This Variance request relates only to the far east building. Petitioner wishes to expand the existing building approximately 70 feet south, towards East Main Street. The existing building is situated 15' from the east property line, as will the proposed building extension. While the existing building is grandfathered, a Variance is needed from the 40' Ordinance setback in order to extend the building. The building extension will be no closer to the east line than the existing storage building. The east building will have no garage doors facing east, i.e. all access to the east building units will be from internal to the facility. Also, a six-foot fence will be installed along the east property line.

Respectfully submitted,



Ben Comer,
Attorney for Petitioner

**ZONING EXHIBIT
PART OF SE 1/4, SECTION 6-T15N-R1E**

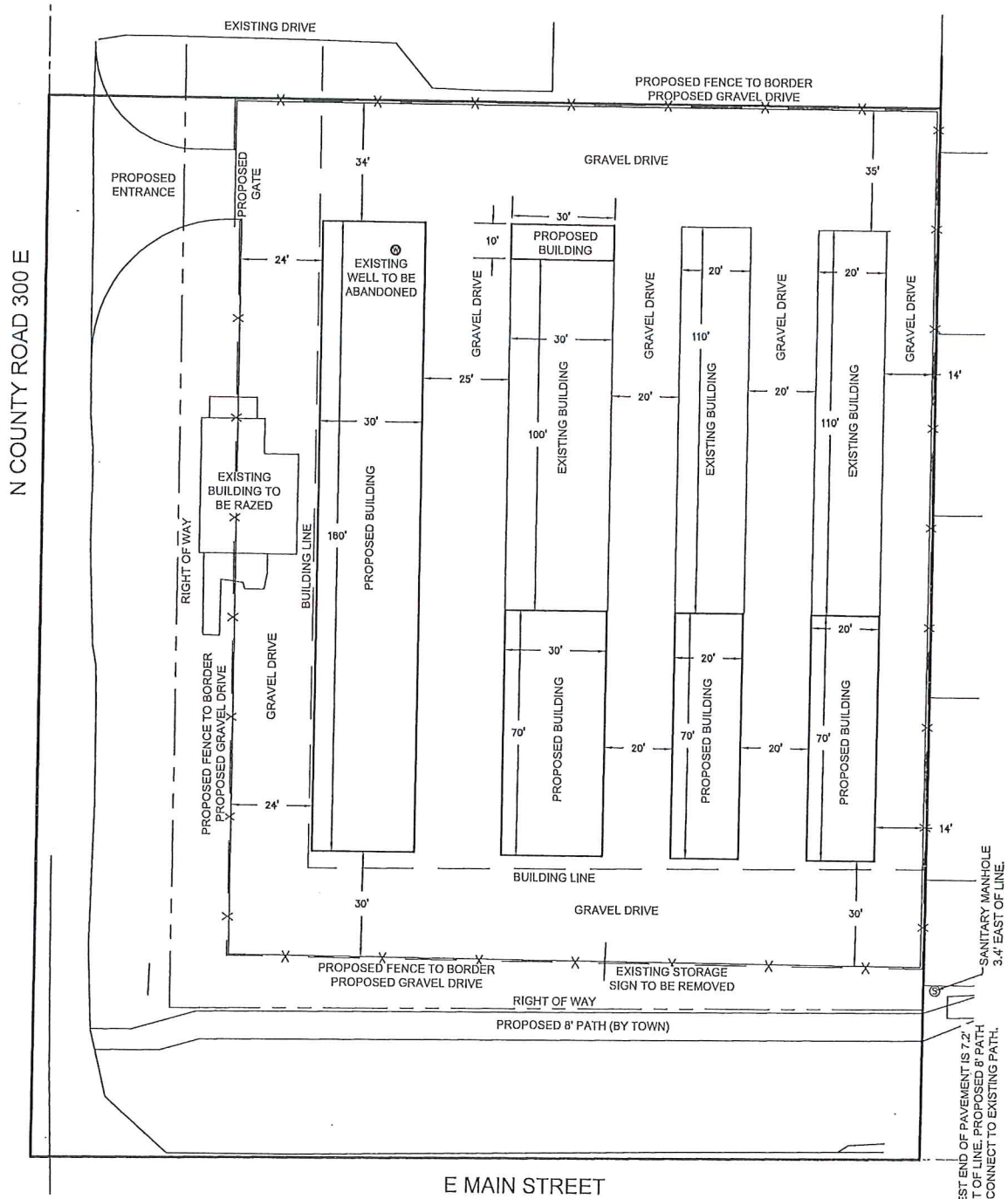


NORTH
SCALE: 1" = 30'

LEGEND

- ☆ = AREA LIGHT
- ∅ = UTILITY POLE
- ↓ = GUY ANCHOR

MAY 17 2024



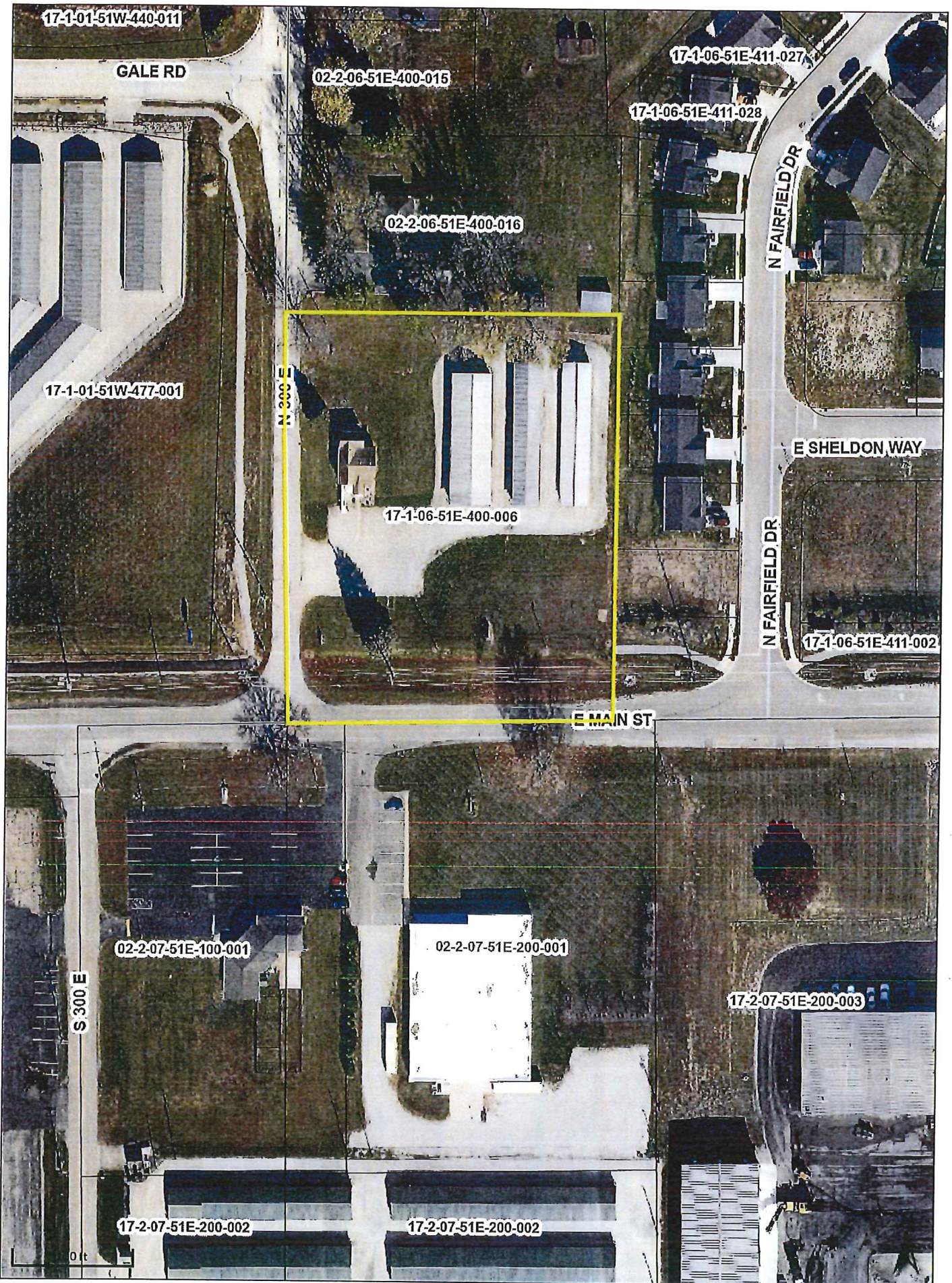
WEST END OF PAVEMENT IS 7.2' EAST OF LINE. PROPOSED 8' PATH TO CONNECT TO EXISTING PATH.
SANITARY MANHOLE 3.4' EAST OF LINE.

KRUSE CONSULTING
Civil Engineers & Land Surveyors
7384 Business Center Drive
Avon, Indiana 46123-9531
(317) 272-5608 • Fax: (317) 272-2410

DEVELOPER: **HAWKEYE STORAGE**
281 E MAIN STREET
DANVILLE, INDIANA 46122

OWNER/PROPERTY ADDRESS:
DUANE LANE
27 N COUNTY ROAD 300 E
DANVILLE, INDIANA 46122

DATE:	05-15-2024
DRAWN:	JJZ
FILE:	2404
LOCATION:	27 N CR 300 E
TWP:	6-15N-1E
SEC:	6-15N-1E
CD:	HENDRICKS
SHEET:	1 OF 2



MAY 17 2024

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE – Setback Reductions
27 N CR 300 E, Danville, IN 46122

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because: the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences.

2. The use or value of the area adjacent to the property, included in the variance, will not be affected in a substantially adverse manner because: the use is passive; the use is already existing on a part of this site; and the use is commonly found throughout the Town, including to the immediate west, where self-storage serves as a buffer between East Main Street and residences. Also, a six-foot fence will be installed around the facility; and no doors will face outward toward the property lines.

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 current use is an aging and under-developed storage facility that needs upgrades, and the expansion buildings will be no closer to the property lines than the existing buildings.

**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 Jeremiah Holdings, LLC in BZA petition 2024-2193 to allow a 15-foot side yard setback for property located at 27 North County Road 300 East. 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.**”