

TOWN OF DANVILLE

Danville Board of Zoning Appeals
December 18, 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 development standard variance to not provide a sidewalk within the public right of way (UDO Section 4.03.C.4.a) in the Industrial Light (IL) zoning district on property located at 200 Colin Court**
(Scott Perkins, Blackline Studio)
- B. Public Hearing: A development standard variance to not provide a sidewalk within the public right of way and the primary structure (UDO Section 4.03.C.4.b) in the Industrial Light (IL) zoning district on property located at 200 Colin Court**
(Scott Perkins, Blackline Studio)
- C. Public Hearing: A development standard variance of the requirements for façade variations, exterior building materials and roof design (UDO Section 4.03.D) in the Industrial Light (IL) zoning district on property located at 200 Colin Court**
(Scott Perkins, Blackline Studio)
- D. Public Hearing: A development standard variance of the requirement for building façade transparency (UDO Section 4.03.D.3) in the Industrial Light (IL) zoning district on property located at 200 Colin Court**
(Scott Perkins, Blackline Studio)
- E. Public Hearing: A development standard variance of the requirement for the loading dock, loading berth, and overhead door for vehicle access UDO Section 4.07.C.4.d) in the Industrial Light (IL) zoning district on property located at 200 Colin Court**
(Scott Perkins, Blackline Studio)
- F. Public Hearing: A development standard variance of the requirement for the dumpster location (UDO Section 4.11.C.3) in the Industrial Light (IL) zoning district on property located at 200 Colin Court**
(Scott Perkins, Blackline Studio)
- G. Public Hearing: A development standard variance of the requirement for sign area of a permanent sign (UDO Table 4.9) in the General Business (GB) zoning district on property located at 1627 East Main Street**
(Ben Comer, Comer Law)

**H. Public Hearing: A development standard variance of the requirement for permitted sign types (UDO Table 4.10) in the General Business (GB) zoning district on property located at 1627 East Main Street
(Ben Comer, Comer Law)**

III. Other Business: None

IV. Report of Officers and Committees

V. Adjourn

**Next Meeting:
January 22, 2025**

Meeting Briefing

December 18, 2024

Scott Perkins, Blackline Studio, on behalf of Joe Wilson, Bio Response Properties, LLC: A development standard variance to not require a sidewalk in the public right of way

This request is to not require a sidewalk in the public right of way along Colin Court. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Scott Perkins, Blackline Studio, on behalf of Joe Wilson, Bio Response Properties, LLC: A development standard variance to not require a sidewalk within the public right of way

This request is to not require a sidewalk between the public right of way and the primary structure. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Scott Perkins, Blackline Studio, on behalf of Joe Wilson, Bio Response Properties, LLC: A development standard variance of the requirements for façade variations, exterior building materials, and roof design

This request is of Architectural requirements for façade variations, exterior building materials and roof design. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Scott Perkins, Blackline Studio, on behalf of Joe Wilson, Bio Response Properties, LLC: A development standard variance of the requirements for façade transparency

This request is for façade transparency of windows and doors requirements. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote

Scott Perkins, Blackline Studio, on behalf of Joe Wilson, Bio Response Properties, LLC: A development standard variance of the requirement for the loading area

This request is for the loading area to be located in front of the proposed building. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Scott Perkins, Blackline Studio, on behalf of Joe Wilson, Bio Response Properties, LLC: A development standard variance of the requirement for dumpster location

This request is for façade transparency for windows and doors. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

***NOTE: I have attached one set of plans since each variance request is for the same property.**

Ben Comer on behalf of Cryogenic Design, Inc.: A development standard variance to allow a wall sign that exceeds the maximum sign area of 50 square feet

This request is to allow a wall sign that exceeds the maximum allowable area of 50 square feet. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

Ben Comer on behalf of Cryogenic Design, Inc.: A development standard variance to allow a wall sign that exceeds the maximum sign area of 50 square feet

This request is to allow a wall sign not fronting a public road. Included in your packet are the plans, findings of fact and case summary with staff's recommendation. This is a public hearing and will require a vote.

DANVILLE BOARD OF ZONING APPEALS
Meeting Minutes
July 17th, 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: Kayla-Moody Grant
Guests: Duane Lane, Ben Comer

A quorum was established, and the meeting was called to order by K. Tussey. The minutes from June 26th, 2024, were approved. J. Howard made a motion to approve. R. Waltz seconded the motion. Motion carried 4-0.

Swear in Participants: K. Tussey swore in D. Lane and B. Comer.

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. Comer presented the project, and asked if he could talk about all items on the agenda at once since all of them had to do with the same project. K. Tussey agreed. B. Comer stated there was an existing storage facility, known as Cameron Storage, already located on the property. He stated this property was unique because the existing structure on the West side of the property was zoned as one category and the rest of the storage facility was zoned as another category. He continued to state this unique zoning required them to file two applications. B. Comer stated the existing structure would be demolished, a new building would be put in its place that would be 34 feet off the North property line, and there would be additional length added to the existing storage facilities to match the length of the new building. He stated they were going to give the neighbors some of the land on the North side of the property line because it was already unintentionally being used by them, and it would resolve an encroachment. B. Comer stated this was the reason they must ask for a setback variance. K. Tussey stated he would like the signage on the property to be limited to a monument sign. D. Lane stated he had already been contacted by Blaine, the Town's code enforcement officer, about the signage on his existing storage facilities, and they determined he would be able to do a pole sign on the new property. D. Lane stated he would be willing to limit the signage to one pole sign, instead of multiple. L.

Ternet stated the two zoning districts will have different requirements on the use and types of signage. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. J. Howard made a motion to approve with the condition the signage would be limited to a pole sign only. 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 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)

B. Comer stated he did not have any further comments as he presented the project in whole during Item A. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. T. Shearer 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

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)

B. Comer stated he did not have any further comments as he presented the project in whole during Item A. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. 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

**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)**

B. Comer stated he did not have any further comments as he presented the project in whole during Item A. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. T. Shearer made a motion to approve. R. Waltz seconded the motion. Motion carried 4-0.

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 6:19 P.M.

Kevin Tussey - President

Randy Waltz – Vice President

CASE SUMMARY

DEVELOPMENT STANDARD VARIANCE

Case: 2024-2210
Scott Perkins on behalf of Joe Wilson, Bio-Response Properties, LLC

Request: Seeking a variance of the requirement to provide a sidewalk in the right of way along Colin Court (UDO, Section 4.03.C.4.a)

Location: 200 Colin Court, Pt Lot 4, Sec 2 & Pt Lot 5, Sec 1, Danville East Commerce Park

Acreage: 4.66 acres

Zoning: Industrial Light (IL)

Staff Summary:

The petitioner is requesting a variance from the requirement to install a sidewalk along Colin Court, as no other sidewalks exist within the industrial park. The Unified Development Ordinance (UDO) requires the installation of sidewalks for new development. The petitioner is expanding their current business, which designs and manufactures custom biowaste treatment systems, by constructing an additional building.

Following the certificate of mailing, staff did not receive any inquiries regarding this request.

Considering that there are no existing sidewalks in the industrial park, minimal foot traffic, and with this being an expansion of an existing business, staff has no objections to the proposal to eliminate the sidewalk along Colin Court.

BZA options include the following actions for each request:

- 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: 12-18-24
Board of Zoning Appeals Action: _____

NOV 15 2024

App. No.: 2024-2210
Fee: \$600.00
Received By: LT
\$350 + \$250 = \$600
to variance requests

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) SCOTT M. PERKINS
 Address (s) BLACKLINE, 1043 VIRGINIA AVE, STUDIO 208, INDIANAPOLIS IN 46203
 Phone (s) (317) 803-7900 Email (s) perkins@blacklinestudio.net

Owners (s) BIO-RESPONSE PROPERTIES LLC
 Address (s) 200 COLIN COURT, DANVILLE IN 46122
 Phone (s) (317) 386-3500 Email (s) jh.wilson96@aol.com
luke@bioresponse solutions.com

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

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

Address of Subject Property: 200 COLIN COURT, DANVILLE IN 46122
 Area (in acres): 4.66 Number of Lots: 1
 Parcel ID#: 32-11-12-230-007.000-003 Current Zoning District: IL Industrial Light

Requested Action From The Danville BZA: Approval of Development Standard Variance(s). (4.03.C.4.a; 4.03.C.4.b; 4.03.D; 4.03.D.3; 4.07.C.4.d; 4.11.C.3)

STATE OF INDIANA)
) SS:
 HENDRICKS COUNTY)

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

Scott M. Perkins
 Signature of Owner/Applicant (s)
ARCHITECT.
 Title of Applicant

NOV 15 2024

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE:

Variance to provide no sidewalk within public right of way (4.03.C.4.a).

Address: 200 Colin Court, Danville, IN 46122

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

There are no public sidewalks within this development. Approval would not be injurious because by not providing a sidewalk we are being consistent with existing conditions within the development.

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:

There are no public sidewalks within this development. Approval would not affect the use and value because by not providing a sidewalk we are consistent with existing conditions within the development.

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 provision of public sidewalks on this parcel would be a hardship because there are currently no public sidewalks in this development. Requiring sidewalks on this parcel would be an undue expense that other property owners have not been subjected to.

**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 Scott Perkins, Blackline Studio on behalf of Joe Wilson (Bio Response Properties, LLC), petitioner in BZA petition 2024-2210 to eliminate the sidewalk located in the right of way along Colin Court (UDO Section 4.03.C.4.a) in the IL 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:

[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: 2024-2211
Scott Perkins on behalf of Joe Wilson, Bio-Response Properties, LLC

Request: Seeking a variance of the requirement to provide a sidewalk between the public right of way and the primary structure (UDO, Section 4.03.C.4.b)

Location: 200 Colin Court, Pt Lot 4, Sec 2 & Pt Lot 5, Sec 1, Danville East Commerce Park

Acreage: 4.66 acres

Zoning: Industrial Light (IL)

Staff Summary:

The petitioner is requesting a variance from the requirement to install a sidewalk between the right of way and the primary structure. The Unified Development Ordinance (UDO) requires sidewalks between the primary structure, public right of way, parking areas, and adjacent parcels. There are currently no sidewalks to the existing buildings on this site. This is an expansion of the current business, which designs and manufactures custom biowaste treatment systems, by constructing an additional building.

Following the certificate of mailing, staff did not receive any inquiries regarding this request.

Considering that there are no existing sidewalks to the current buildings on this site and minimal foot traffic, staff has no objections to the proposal to eliminate the sidewalk between the right of way and the primary structure.

BZA options include the following actions for each request:

- 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: 12-18-24
Board of Zoning Appeals Action: _____

NOV 15 2024

App. No.: 2024-2211
Fee: \$600.80
Received By: LT
\$350 + \$250 = \$600
variance requests

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) SCOTT B. PERKINS
 Address (s) BLACKLINE, 1043 VIRGINIA AVE, STUDIO 208, INDIANAPOLIS IN 46203
 Phone (s) (317) 803-7900 Email (s) perkins@blacklinestudio.net

Owners (s) BIO-RESPONSE PROPERTIES LLC
 Address (s) 200 COLIN COURT, DANVILLE IN 46122
 Phone (s) (317) 386-3500 Email (s) jh.wilson96@aol.com
luke@bioresponse.com

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

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

Address of Subject Property: 200 COLIN COURT, DANVILLE IN 46122
 Area (in acres): 4.66 Number of Lots: 1
 Parcel ID#: 32-11-12-230-007.000-003 Current Zoning District: LL Industrial Light

Requested Action From The Danville BZA: Approval of Development Standard
Variations. (4.03.C.4.a; 4.03.C.4.b; 4.03.D; 4.03.D.3;
4.07.C.4.d; 4.11.C.3).

STATE OF INDIANA)
) SS:
 HENDRICKS COUNTY)

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

Scott B. Perkins
 Signature of Owner/Applicant (s)
ARCHITECT.
 Title of Applicant

NOV 15 2024

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE:

Variance to provide no sidewalk between the public ROW and the primary structure
(4.03.C.4.b)

Address: 200 Colin Court, Danville, IN 46122

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

Other properties within this development do not have a sidewalk from the ROW to the primary structure. Approval would not be injurious because by not providing a sidewalk we are being consistent with existing conditions within the development.

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:

Other properties within this development do not have a sidewalk from the ROW to the primary structure. Approval would not affect the use and value because by not providing a sidewalk we are consistent with existing conditions within the development.

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 provision of a sidewalk from the ROW to the primary structure on this parcel would be a hardship because there are currently no sidewalks in this development. Requiring sidewalks on this parcel would be an undue expense that other property owners have not been subjected to.

**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 Scott Perkins, Blackline Studio on behalf of Joe Wilson (Bio Response Properties, LLC), petitioner in BZA petition 2024-2211 to eliminate the sidewalk between the right of way and the primary structure (UDO Section 4.03.C.4.b) in the IL 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:

[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: 2024-2212
Scott Perkins on behalf of Joe Wilson, Bio-Response Properties, LLC

Request: Seeking a variance of the requirement for Façade Variations, Exterior Building Materials, & Roof Design (UDO, Section 4.03.D)

Location: 200 Colin Court, Pt Lot 4, Sec 2 & Pt Lot 5, Sec 1, Danville East Commerce Park

Acreage: 4.66 acres

Zoning: Industrial Light (IL)

Staff Summary:

The petitioner is requesting a variance from the architectural design standards of the Unified Development Ordinance (UDO) regarding façade variations, exterior building materials, and roof design to maintain consistency with the existing structures on the site. The UDO requires certain façade variations adjacent to public roads as well as exterior building materials and roof design. The petitioner proposes a variation in the exterior by incorporating a wainscot in a different color. All other design elements are to remain consistent with existing structures on this site. This request is part of the expansion of the current business, which designs and manufactures custom biowaste treatment systems, with the construction of an additional building.

Following the certificate of mailing, staff did not receive any inquiries regarding this request.

Considering the location of the expansion and the fact that the new building will closely match the existing structures as well as others within the industrial park, staff has no objections to this request.

BZA options include the following actions for each request:

- 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: 12-18-24
Board of Zoning Appeals Action: _____

NOV 15 2024

App. No.: 2024-2212
Fee: \$ 600.00
Received By: LT
\$350 + \$250 = \$600
variance requests

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) SCOTT B. PERKINS
Address (s) BLACKLINE, 1043 VIRGINIA AVE. STUDIO 208, INDIANAPOLIS IN 46203
Phone (s) (317) 803-7900 Email (s) perkins@blacklinestudio.net

Owners (s) BIO-RESPONSE PROPERTIES LLC
Address (s) 200 COLIN COURT, DANVILLE IN 46122
Phone (s) (317) 386-3500 Email (s) jh.wilson96@aol.com
luke@bioresponse solutions.com

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

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

Address of Subject Property: 200 COLIN COURT, DANVILLE IN 46122
Area (in acres): 4.66 Number of Lots: 1
Parcel ID#: 32-11-12-230-007.000-003 Current Zoning District: IL Industrial Light

Requested Action From The Danville BZA: Approval of Development Standard
Variations (4.03.C.4.a; 4.03.C.4.b; **4.03.D**; 4.03.D.3;
4.07.C.4.d; 4.11.C.3).

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

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

Scott B. Perkins
Signature of Owner/Applicant (s)
ARCHITECT.
Title of Applicant

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE:

Variance to match existing structures on site in lieu of strict compliance with requirements for Façade Variations, Exterior Building Materials, and Roof Design (4.03.D)

Address: 200 Colin Court, Danville, IN 46122

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

This is an existing business operating in an existing building in an industrial park setting. The proposed project will be an extension/expansion of the business' current operations and matching the design will be consistent and not injurious.

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 is an existing business operating in an existing building in an industrial park setting. The proposed project will be an extension/expansion of the business' current operations and matching the design will not adversely affect use or value.

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:

Strict application of the zoning ordinance would be a hardship because it would make the proposed building a mismatch from the existing buildings on the same site. Façade variations, exterior materials and roof design per the ordinance would add significant cost, add significant construction time, and reduce the efficiency of the pre-engineered metal building structure.

**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 Scott Perkins, Blackline Studio on behalf of Joe Wilson (Bio Response Properties, LLC), petitioner in BZA petition 2024-2212 of architectural design standards for façade variations, exterior building materials and roof design (UDO Section 4.03.D) in the IL 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:

[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: 2024-2213
Scott Perkins on behalf of Joe Wilson, Bio-Response Properties, LLC

Request: Seeking a variance of the requirement for Façade Transparency (UDO, Section 4.03.D.3)

Location: 200 Colin Court, Pt Lot 4, Sec 2 & Pt Lot 5, Sec 1, Danville East Commerce Park

Acreage: 4.66 acres

Zoning: Industrial Light (IL)

Staff Summary:

The petitioner is requesting a variance from the architectural design standards of the Unified Development Ordinance (UDO) regarding façade transparency requirement of 10% (windows and doors) on the ground floor and at least 30% on the upper floors. The petitioner is providing 7% transparency to maintain consistency with the existing structures on the site. This request is part of the expansion of the current business, which designs and manufactures custom biowaste treatment systems, with the construction of an additional building.

Following the certificate of mailing, staff did not receive any inquiries regarding this request.

Considering the location of the expansion and the fact that the new building will closely match the existing structures as well as others within the industrial park, staff has no objections to this request.

BZA options include the following actions for each request:

- 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: 12-18-24
Board of Zoning Appeals Action: _____

NOV 15 2024

App. No.: 2024-2213
Fee: \$600.00
Received By: LT
\$350 + \$250 = \$600
variance requests

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) SCOTT B. PERKINS
 Address (s) BLACKLINE, 1043 VIRGINIA AVE, STUDIO 208, INDIANAPOLIS IN 46203
 Phone (s) (317) 803-7900 Email (s) perkins@blacklinestudio.net

Owners (s) BIO-RESPONSE PROPERTIES LLC
 Address (s) 200 COLIN COURT, DANVILLE IN 46122
 Phone (s) (317) 386-3500 Email (s) jh.wilson96@aol.com
luke@bioresponse.com

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

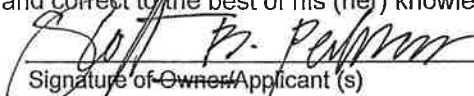
Address (s) _____
 Phone (s) _____ Email (s) _____

Address of Subject Property: 200 COLIN COURT, DANVILLE IN 46122
 Area (in acres): 4.66 Number of Lots: 1
 Parcel ID#: 32-11-12-230-007.000-003 Current Zoning District: LL Industrial Light

Requested Action From The Danville BZA: Approval of Development Standard
Variations (4.03.C.4.a; 4.03.C.4.b; 4.03.D; 4.03.D.3;
4.07.C.4.d; 4.11.C.3).

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)
ARCHITECT.
 Title of Applicant

FINDINGS OF FACT

NOV 15 2024

DEVELOPMENT STANDARD VARIANCE:

Variance to provide 7% transparency in building façade (4.03.D.3)

Address: 200 Colin Court, Danville, IN 46122

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

The proposed project will be an extension/expansion of the business' current operations and providing less transparency in the building façade will not be injurious and it will match the existing building more suitably.

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 proposed project will be an extension/expansion of the business' current operations and providing less transparency in the building façade will not have an adverse effect on the adjacent areas.

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:

Strict application of the zoning ordinance would be a hardship because it would make the proposed building have more windows where they are not functionally required or beneficial for the interior building use.

**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 Scott Perkins, Blackline Studio on behalf of Joe Wilson (Bio Response Properties, LLC), petitioner in BZA petition 2024-2213 of the architectural design standards for façade transparency (UDO Section 4.03.D.3) in the IL 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:

[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: 2024-2214
Scott Perkins on behalf of Joe Wilson, Bio-Response Properties, LLC

Request: Seeking a variance of the parking and loading requirement for loading dock, loading berth and overhead door (UDO, Section 4.07.C.4.d.)

Location: 200 Colin Court, Pt Lot 4, Sec 2 & Pt Lot 5, Sec 1, Danville East Commerce Park

Acreage: 4.66 acres

Zoning: Industrial Light (IL)

Staff Summary:

The petitioner is requesting a variance from the parking and loading standards of the Unified Development Ordinance (UDO) regarding the loading dock, loading berth, and overhead door requirements, which prohibit these features from being located in front of the proposed building. The proposed loading area is situated in front of the building, within an employee area, and behind the existing structure on the site. This request is part of the expansion of the current business, which designs and manufactures custom biowaste treatment systems, through the construction of an additional building.

Following the certificate of mailing, staff did not receive any inquiries regarding this request.

Given that the loading area is positioned behind the existing structure, staff has no objections to this request.

BZA options include the following actions for each request:

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

FINDINGS OF FACT

NOV 15 2024

DEVELOPMENT STANDARD VARIANCE:

Variance to provide loading dock, loading berth, and overhead door for vehicular access on front of proposed building (4.07.C.4.d)

Address: 200 Colin Court, Danville, IN 46122

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

Loading docks are common on buildings in industrially zoned areas. Other buildings in the development have loading docks and/or loading areas in front of the building. Access to and use of the proposed loading dock will not be injurious because it is set back from the public right of way and will be in an employee area.

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:

Loading docks are common on buildings in industrially zoned areas. Other buildings in the development have loading docks and/or loading areas in front of the building. The use and value of the area will not be adversely affected because the function and visibility of the proposed loading dock will only be from other industrially zoned 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:

This is an existing business operating on an existing, developed site in an industrial park setting. The proposed project will be an extension/expansion of the business' current operations. Strict application of the zoning ordinance would be a hardship because without a loading dock their operations will be less efficient and require more material/product handling in weather conditions.

**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 Scott Perkins, Blackline Studio on behalf of Joe Wilson (Bio Response Properties, LLC), petitioner in BZA petition 2024-2214 of the parking and loading standards for the loading dock, loading berth and overhead door requirements (UDO Section 4.07.C.4.d) in the IL 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:

[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: 2024-2215
Scott Perkins on behalf of Joe Wilson, Bio-Response Properties, LLC

Request: Seeking a variance of the trash receptacle and dumpster requirement for location (UDO, Section 4.11.C.3)

Location: 200 Colin Court, Pt Lot 4, Sec 2 & Pt Lot 5, Sec 1, Danville East Commerce Park

Acreage: 4.66 acres

Zoning: Industrial Light (IL)

Staff Summary:

The petitioner is requesting a variance from the trash receptacle and dumpster standards of the Unified Development Ordinance (UDO), which prohibits their placement in front of the proposed building. The proposed dumpster area is located at the east end of the parking lot, in front of the proposed building, but behind the existing structure on the site. This request is part of the expansion of the current business, which designs and manufactures custom biowaste treatment systems, through the construction of an additional building.

Following the certificate of mailing, staff did not receive any inquiries regarding this request.

Given that the dumpster area is located behind the existing structure, staff has no objections to this request.

BZA options include the following actions for each request:

- 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: 12-18-24
Board of Zoning Appeals Action: _____

NOV 15 2024

App. No.: 2024-2215
Fee: \$600.00

Received By: LT
\$350 + \$250 = \$600
variance requests

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) SCOTT B. PERKINS
 Address (s) BLACKLINE, 1043 VIRGINIA AVE, STUDIO 208, INDIANAPOLIS IN 46203
 Phone (s) (317) 803-7900 Email (s) perkins@blacklinestudio.net

Owners (s) BIO-RESPONSE PROPERTIES LLC
 Address (s) 200 COLIN COURT, DANVILLE IN 46122
 Phone (s) (317) 386-3500 Email (s) jh.wilson96@aol.com
luke@bioresponseolutions.com

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

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

Address of Subject Property: 200 COLIN COURT, DANVILLE IN 46122
 Area (in acres): 4.66 Number of Lots: 1
 Parcel ID#: 32-11-12-230-007.000-003 Current Zoning District: LL Industrial Light

Requested Action From The Danville BZA: Approval of Development Standard
VARIANCES. (4.03.C.4.a; 4.03.C.4.b; 4.03.D; 4.03.D.3;
4.07.C.4.d; 4.11.C.3).

STATE OF INDIANA)
) SS:
 HENDRICKS COUNTY)

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

Scott B. Perkins
 Signature of Owner/Applicant (s)
ARCHITECT.
 Title of Applicant

FINDINGS OF FACT

NOV 15 2024

DEVELOPMENT STANDARD VARIANCE:

Variance to provide dumpster location in front of proposed building but behind the front façade of the existing primary structure on site (4.11.C.3)

Address: 200 Colin Court, Danville, IN 46122

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

This is an existing business operating on an existing, developed site in an industrial park setting. The proposed project will be an extension/expansion of the business' current operations. The provision of a dumpster enclosure where indicated will not be inconsistent with other sites in the industrial park and therefore not injurious.

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 is an existing business operating on an existing, developed site in an industrial park setting. The proposed project will be an extension/expansion of the business' current operations. The provision of a dumpster enclosure where indicated will not adversely affect use or value because it will not be inconsistent with other sites in the industrial park.

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:

With the proposed building location on the site, the proposed location is preferred. Strict application would force the dumpster into a location that is less efficient for the operations of the business or would require significant additional paved surface.

**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 Scott Perkins, Blackline Studio on behalf of Joe Wilson (Bio Response Properties, LLC), petitioner in BZA petition 2024-2215 of the trash receptacle and dumpster standards for the dumpster location requirements (UDO Section 4.11.C.3) in the IL 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:

[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.]

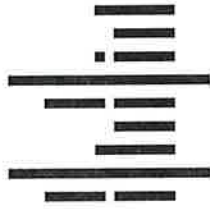
DECISION

(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.**”

BIO-RESPONSE SOLUTIONS, INC.

BZA - APPLICATION FOR APPROVAL
ADVISORY PLAN COMMISSION - SITE PLAN REVIEW

200 COLIN COURT, DANVILLE, INDIANA 46122
11/15/2024



RIGDON
CONSTRUCTION

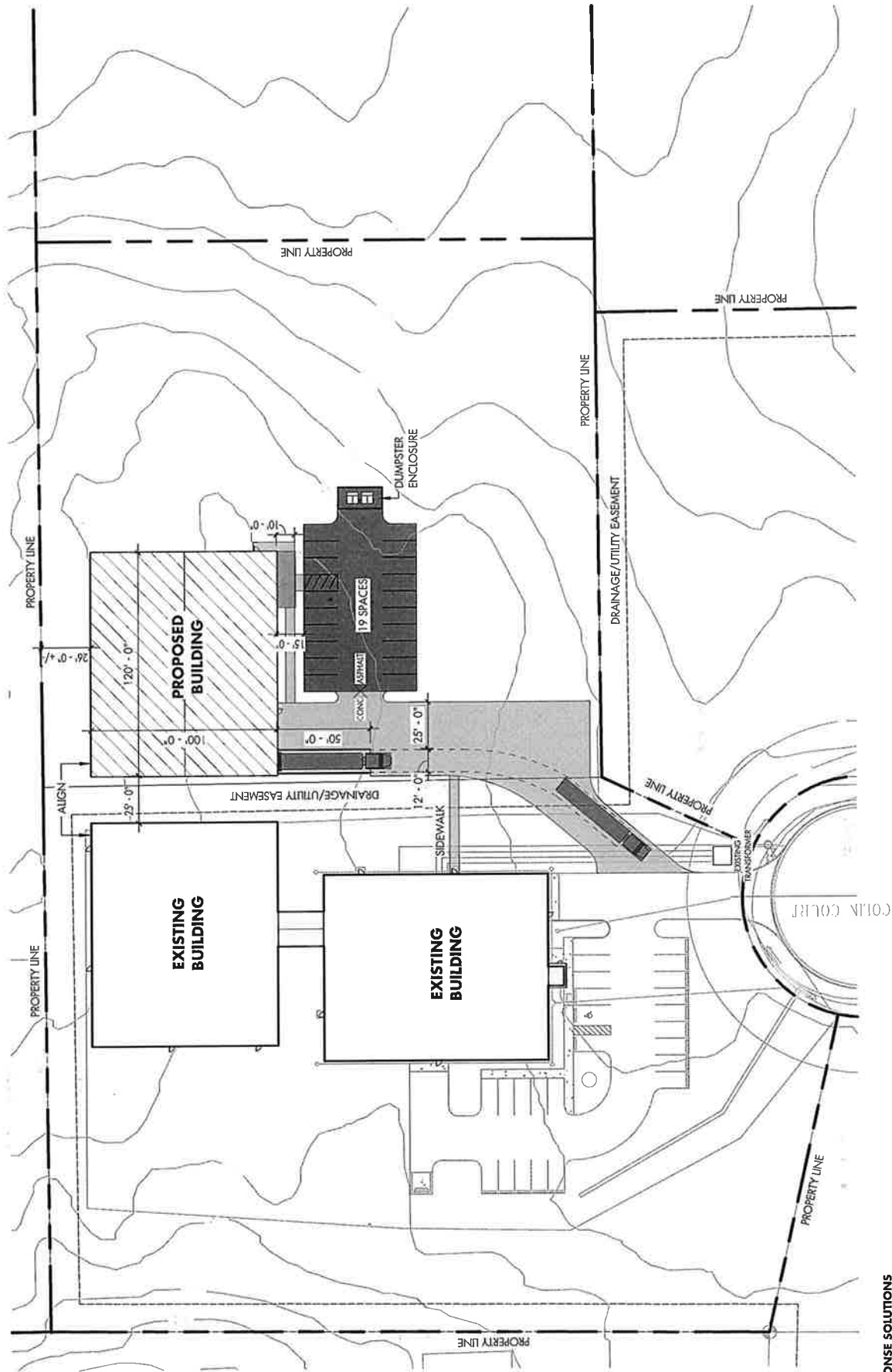


BIO-RESPONSE SOLUTIONS

EXISTING SITE PHOTOS - PRELIMINARY

11/15/24


BLACKLINE



BIO-RESPONSE SOLUTIONS

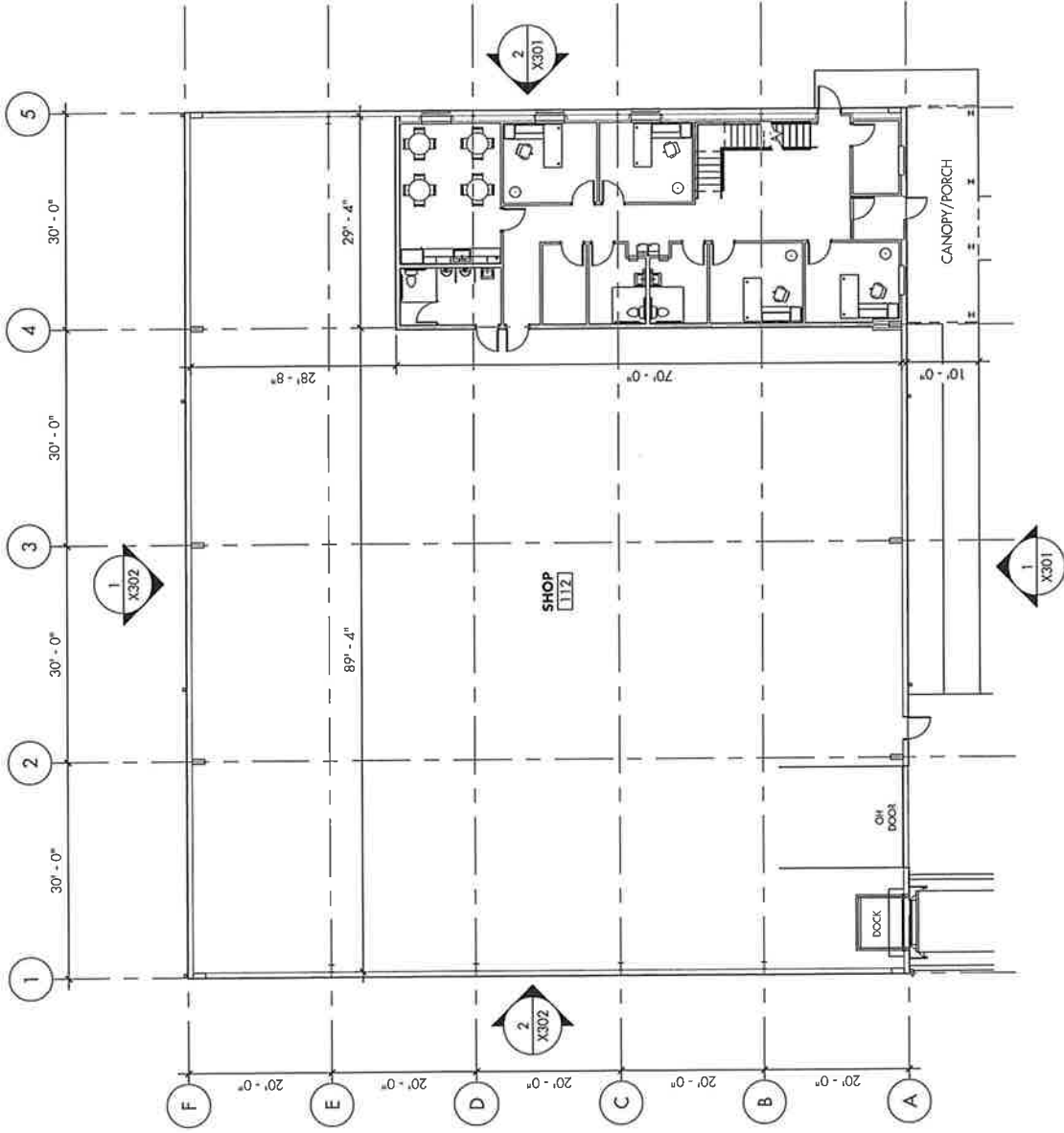
PROPOSED SITE PLAN - PRELIMINARY

11/15/24



1 PROPOSED SITE PLAN
1" = 50'-0"

BLACKLINE



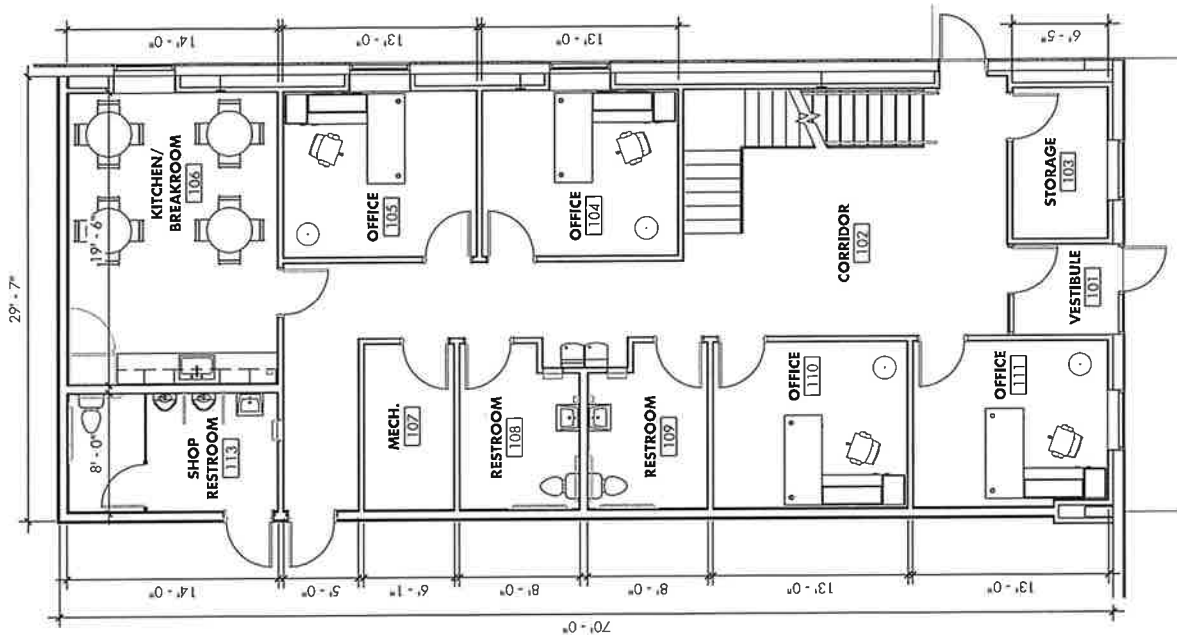
BIO-RESPONSE SOLUTIONS

PROPOSED FLOOR PLAN - PRELIMINARY
11/15/24

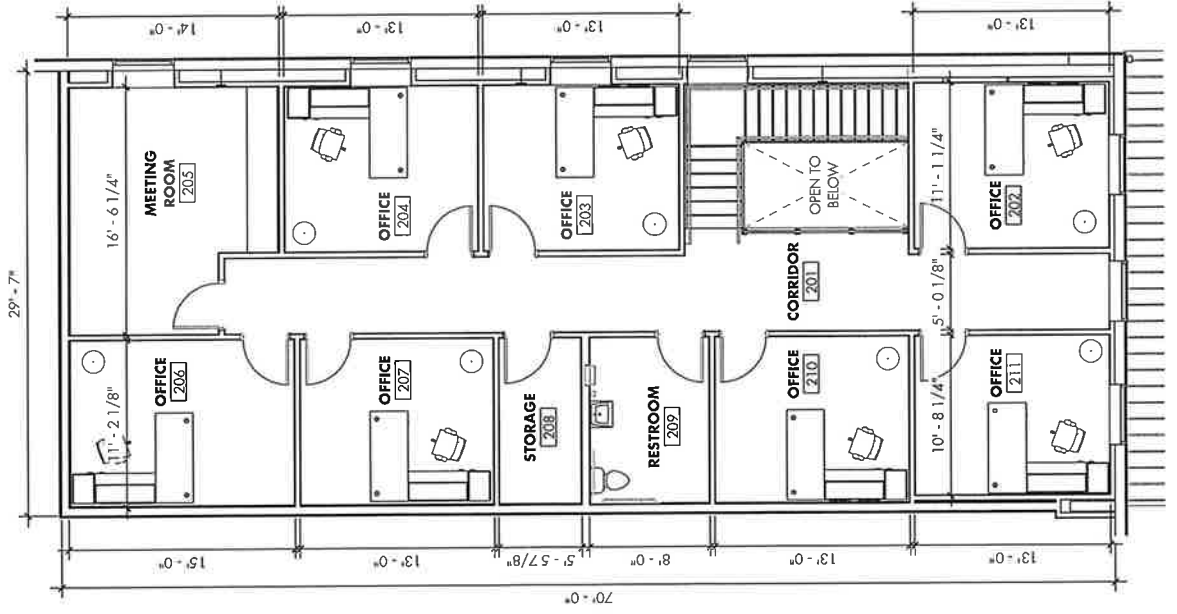
1 FIRST FLOOR PLAN
1/16" = 1'-0"



BLACKLINE



ENLARGED 1ST FLOOR PLAN



ENLARGED 2ND FLOOR PLAN

BIO-RESPONSE SOLUTIONS

FLOOR PLANS - PRELIMINARY

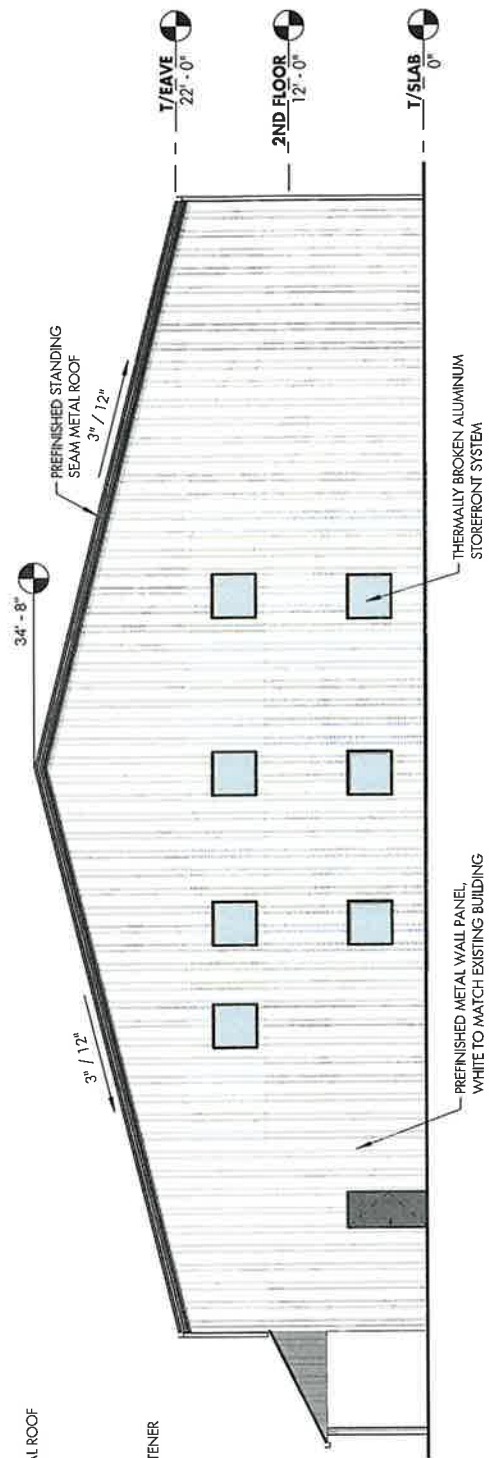
11/15/24



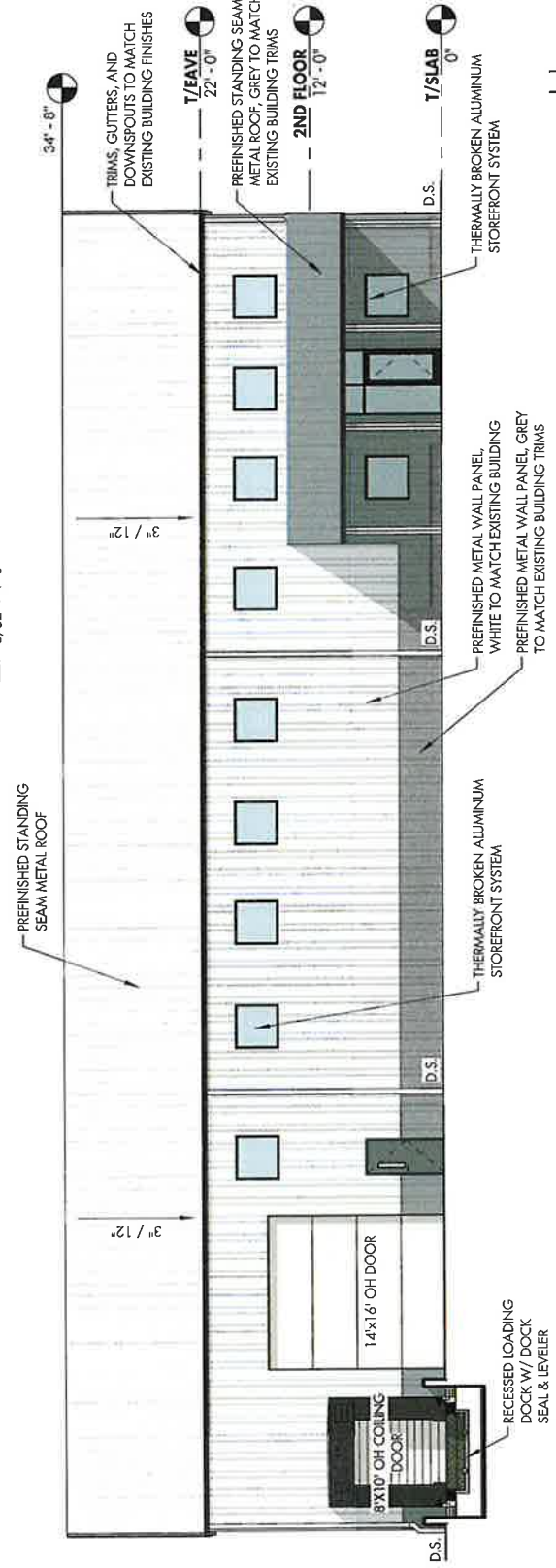
PREFINISHED STANDING SEAM METAL ROOF

PREFINISHED SEAM-CONCEALED FASTENER METAL WALL PANEL

THERMALLY BROKEN ALUMINUM STOREFRONT SYSTEM



2 PROPOSED EAST ELEVATION
3/32" = 1'-0"



1 PROPOSED SOUTH ELEVATION
3/32" = 1'-0"

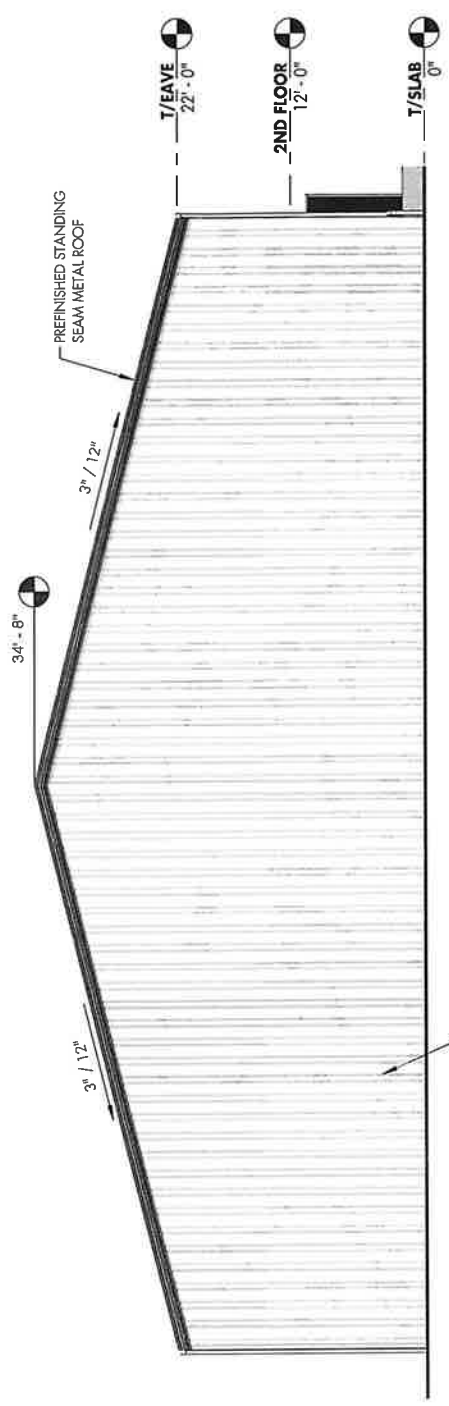
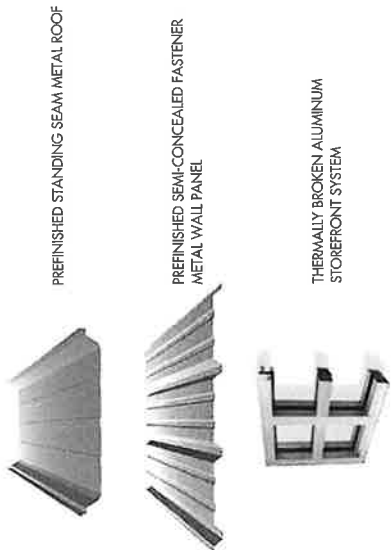
BIO-RESPONSE SOLUTIONS

PROPOSED ELEVATIONS - PRELIMINARY

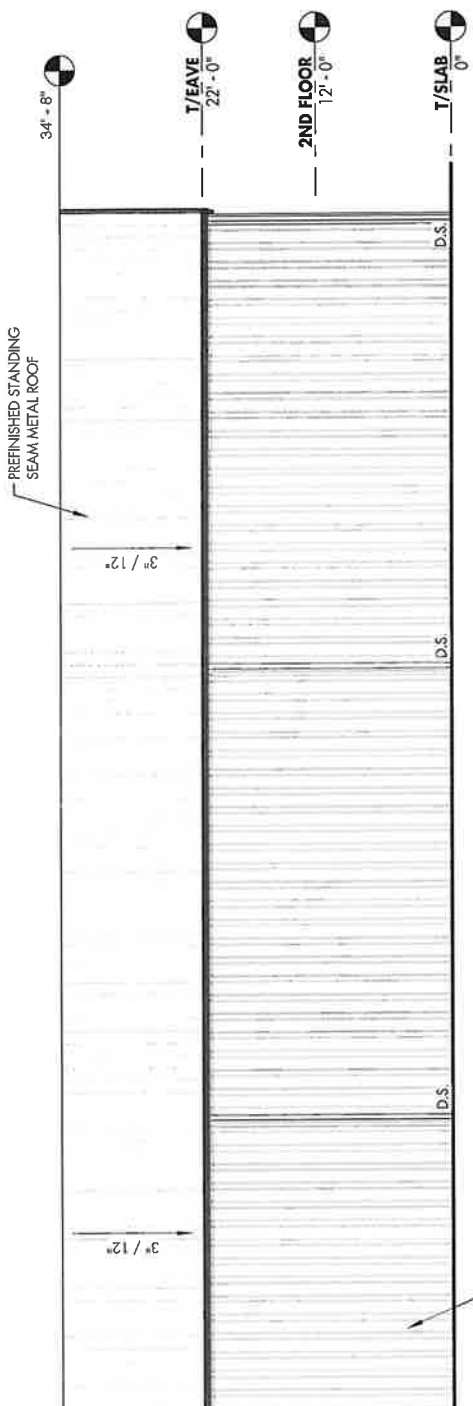
11/15/24



BLACKLINE



2 PROPOSED WEST ELEVATION
3/32" = 1'-0"



1 PROPOSED NORTH ELEVATION
3/32" = 1'-0"

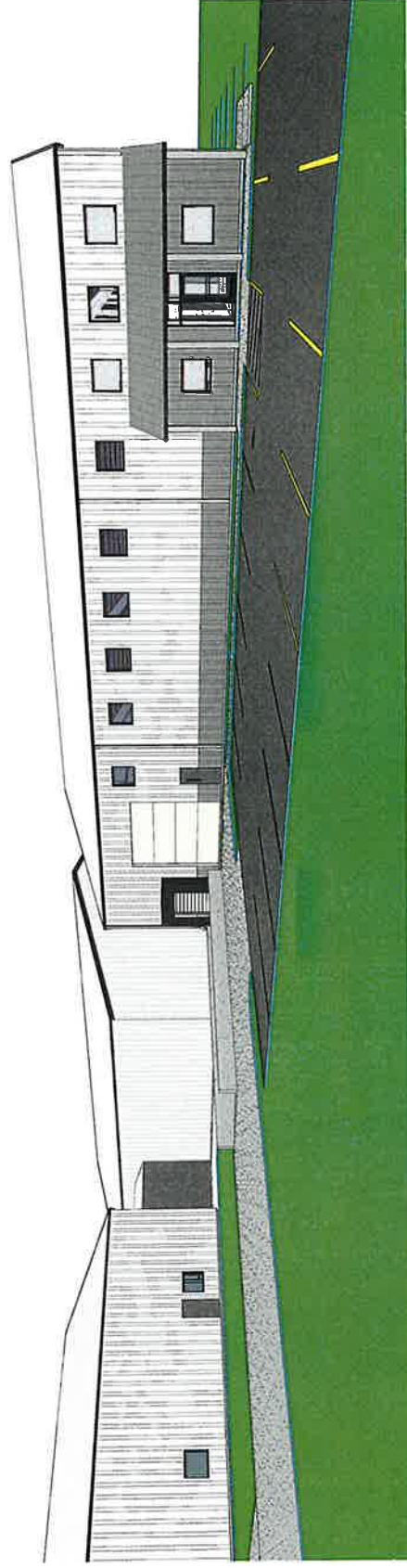
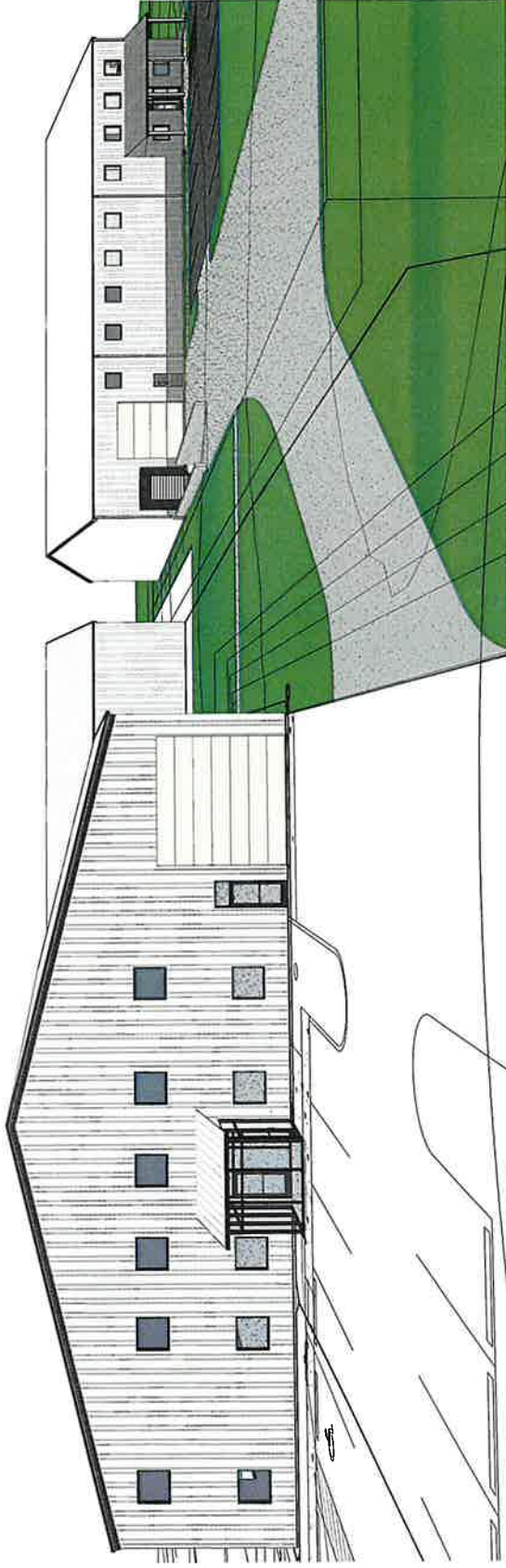
BIO-RESPONSE SOLUTIONS

PROPOSED ELEVATIONS - PRELIMINARY

11/15/24



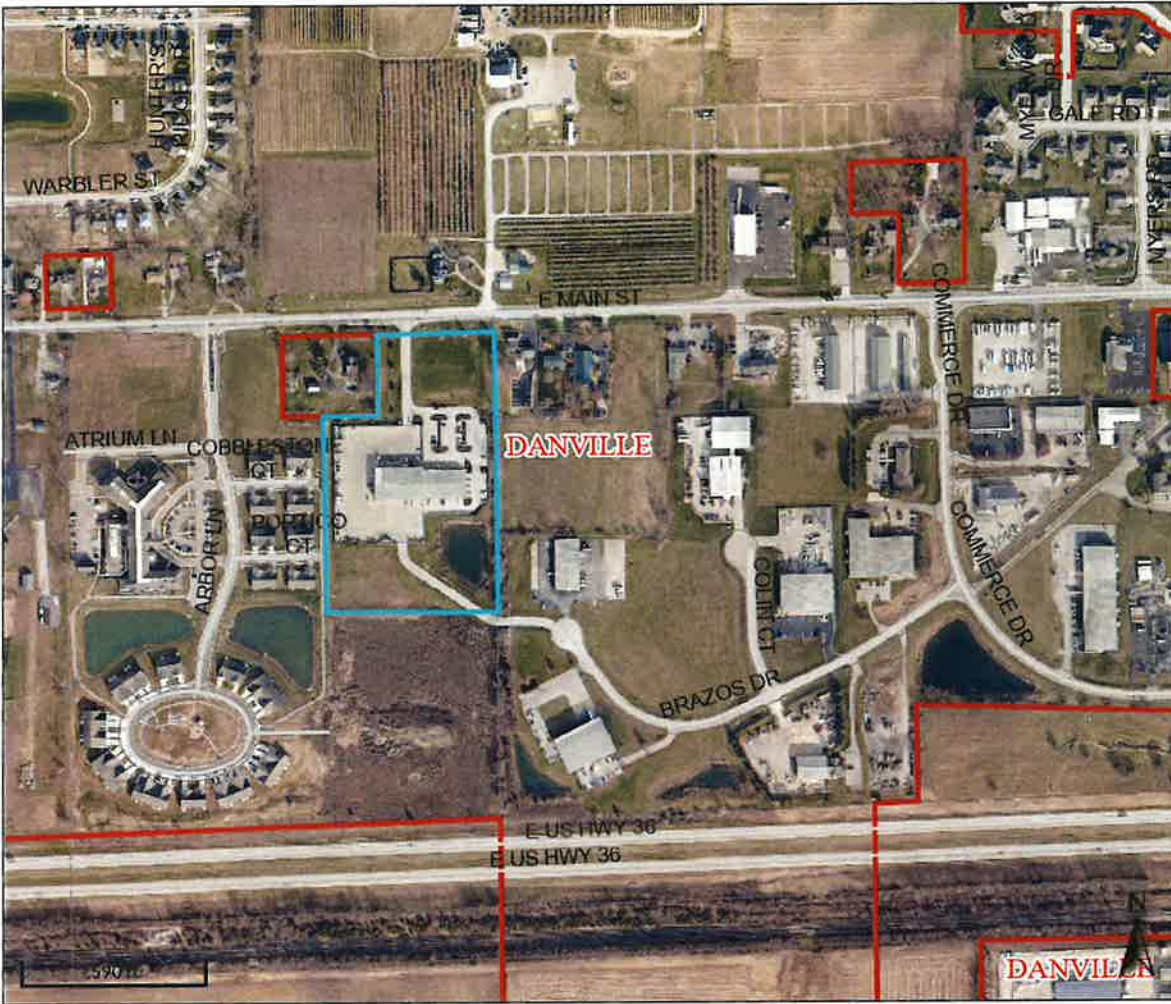
BLACKLINE



BIO-RESPONSE SOLUTIONS

CONTEXT VIEWS - PRELIMINARY
11/15/24


BLACKLINE



Overview



Legend

-  Roads
-  Parcels
-  Danville Corporate Boundary

Parcel ID	32-11-12-126-001.000-003	Alternate ID	17-2-12-51W 126-001	Owner Address	VECTREN UTILITY HOLDING INC 1 N MAIN ST Evansville, IN 47711
Sec/Twp/Rng	0012-0015-1W	Class	INDUSTRIAL OTHER STRUCTURES		
Property Address	2345 EAST MAIN ST Danville	Acreage	9.59		
District	Town Of Danville				
Brief Tax Description	LOT 1 EAST MAIN BUSINESS PARK SEC 1 9.59 AC 10/11 CAME FROM 02-2-12-51W 100-006 ANNEXED 2008-16 FROM 002-212512-126001 (Note: Not to be used on legal documents)				

Date created: 12/11/2024
 Last Data Uploaded: 12/11/2024 4:21:01 AM

CASE SUMMARY

DEVELOPMENT STANDARD VARIANCE

- Case:** 2023-2216 & 2023-2217
Ben Comer on behalf of Cryogenic Design Inc., Petitioner
- Request:** Seeking a variance from UDO Table 4.9 to allow a wall sign that exceeds the maximum allowable sign area of 50 square feet and a variance from UDO Table 4.10 permitted permanent sign types.
- Location:** 1627 East Main Street
- Zoning:** General Business (GB)

Staff Summary:

The petitioner is requesting a variance to allow a wall sign that exceeds the maximum allowable area of 50 square feet. Additionally, the petitioner seeks a variance for a wall sign that does not face a public road. The proposed sign will be approximately 112 square feet in size to advertise a new restaurant.

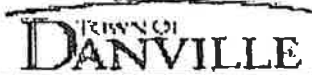
The property is permitted 200 square feet of total signage, and if the variance is granted, the signage on the property will still remain below the maximum allowed for the site. The total signage for the entire building will amount to 174 square feet. Other tenants in the building have either minimal signage or none at all. While the proposed wall sign exceeds the area limit for individual signs, it does not surpass the overall allowable signage for the site. The ordinance, however, does not permit a wall sign that does not face a public road. By placing the sign on the west wall of the building, it will ensure visibility to the business. There are currently no monument or pole signs on the property.

As of this writing, staff has not received any inquiries following the certificate of mailing.

Staff is not opposed to the request for an increased wall sign area or for a wall sign not facing a public road, as the petitioner will still be within the overall signage limits for the site.

BZA options include the following:

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



Danville BZA

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

Date of Hearing: 12-18-24
Board of Zoning Appeals Action: _____

NOV 15 2024

2024-2217
App. No.: 2024-2216
Fee: \$400.00
Received By: ET
4350 + \$50 = \$4400.00

APPLICATION FOR APPROVAL (Check all that apply)

2 variances

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

* Please fill out the form in its entirety

Applicant (s) Cryogenic Design Inc

Address (s) 1627 E Main St, Danville, IN 46122

Phone (s) _____ Email (s) _____

Owners (s) same

Address (s) _____

Phone (s) _____ Email (s) _____

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

Ben Comer, Comer Law Office, LLC

Address (s) 71 W Mation St, PO Box 207, Danville, IN 46122

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

Address of Subject Property: 1621-1627 E Main St, Danville, IN 46122

Area (in acres): 14.34 Number of Lots: 1

Parcel ID#: 32-11-11-200-001-000-003 Current Zoning District: GB

Requested Action From The Danville BZA:

1. Approval of a variance to allow a wall sign exceeding the 50 square feet allowed by the Ordinance
2. Approval of locating the sign on a non-road frontage façade.

Table 4.10 Permitted

Sign area; Table 4.10 - Permitted Sign Types

STATE OF INDIANA
HENDRICKS COUNTY } SS:

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

Cryogenic Design Inc.
By: David Alexander
Signature of Owner/Applicant (s)

David Alexander, Agent
Title of Applicant

LETTER OF INTENT
1621 East Main Street, Danville
Sign Variances for a Restaurant

NOV 15 2024

Cryogenic Design Inc. owns the multi-tenant building located at 1621-1627 East Main Street. The owner is establishing a restaurant in the west 4,000 square feet of the building, which is now vacant space. Applicant is requesting a sign permit for a 112 square foot sign to be located on the west building wall. The proposed sign requires two (2) Variances:

1. The sign exceeds a 50 square feet maximum allowed by Ordinance; and
2. The sign will be located on a wall that is not fronting a public road.

The justification for these Variances is based on the fact that even with the Variances, the building, and the property, will have less signage than allowed by Ordinance. The property is allowed 200 square feet of signage, and with the Variances, there will only be 174 square feet of signage.

The other two tenants in the building have a total of 50 square feet: Kadel Engineering on the far east end, has no signage; and Constant Quest CrossFit, has a 50 square foot sign. The proposed restaurant will have a 112 square foot sign on the west building wall, and a 12 square foot hanging sign on the front/north wall. There are no monument or pole signs on the property.

The 112 s.f. sign on the west wall will be a tasteful, painted mural sign, located in the outdoor patio area. It will add to the ambiance of the outdoor seating area; and it will sufficiently identify the restaurant location from the west, where most patrons will be coming from. The building itself is not overtly identifiable as a restaurant, making the 112 s.f. sign helpful for patrons to identify the restaurant location.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ben Comer', with a stylized flourish at the end.

Ben Comer,
Attorney for Petitioner

NOV 15 2024

FINDINGS OF FACT

DEVELOPMENT STANDARD VARIANCE

Address: 1621 East Main Street, Danville

Cryogenic Design Inc.: Sign Variances for a Restaurant

1. The approvals will not be injurious to the public health, safety, morals and general welfare of the community because the building, and the property as a whole, will still contain less signage than allowed by Ordinance.
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 subject sign will be facing commercial businesses in a commercial corridor; the building as a whole will have less wall signage than allowed by Ordinance; and the property will have less signage than allowed by Ordinance with no monument signage.
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 most traffic will come from the west, thereby putting a greater need for signage on the west façade; and, there will be outdoor patio seating on the west end of the building, where the wall sign will add to ambiance on the patio. Also, the mural sign and location will help identify the restaurant in a building that is not overtly a restaurant.

ADOPTED:

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

**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 Ben Comer on behalf of Cryogenic Design, Inc in BZA petition 2024-2216 to allow a wall sign to exceed fifty (50) square feet (UDO Table 4.9) in a commercial zoning district, for property located at 1627 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**
 - 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.**”

**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 Ben Comer on behalf of Cryogenic Design, Inc in BZA petition 2024-2217 to allow a wall sign not fronting a public road (UDO Table 4.10) in a commercial zoning district, for property located at 1627 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**
 - 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.**”

NOV 15 2024

PROPOSED RENOVATIONS BARLEY THYME KITCHEN + BREW LLC 1621 E. MAIN STREET DANVILLE, INDIANA 46122

PROJECT INFORMATION

PROJECT OWNER

BARLEY THYME KITCHEN + BREW LLC
1521 EAST MAIN STREET
DANVILLE, IN 46122
707.955.2353
1-317-955-2353
DANKY17@GMAIL.COM

PROJECT DESCRIPTION

RENOVATION OF A 4,655 SQUARE FOOT AREA AT THE WEST END OF A 9,400 SQUARE FOOT SHED STRUCTURE NEAR THE SHED. THE RENOVATION WILL BE FOR THE FORMER 'HOUSE' SHED. WHICH PROVIDED PEEK AND SHELTER GRAPHICS FOR COMMERCE. VENTILATION, (FLOORING, (FL. COORDINATE)
A ONE HOUR FIRE BARBER WILL BE PROVIDED TO SEPARATE BARBER FROM KITCHEN/BREW FROM THE REST OF THE BUILDING.
THE RENOVATED 'FOOTPRINT' WILL PROVIDE FULLY FINISHED RESTAURANT SERVICES FOR THE COMMUNITY (A-2 OCCUPANCY). A NEW SERVING AUGMENTED PLATFORM WILL BE PROVIDED. KRAFT BEER WILL BE BREWED ON SITE. ALL BEVERAGES BREWED ON SITE WILL BE CONSUMED ON SITE.

AN IN-PLACE 240 VOLT WELLS SUBSTITUTED ON THE WEST SIDE OF THE EXISTING PLATFORM TO ALLOW PATRONS TO ENJOY FOOD AND DRINK OUTDOORS WHEN THE WEATHER PERMITS.

PROJECT AREAS

SHELF THYME KITCHEN + BREW LLC 1,807 SF
WOODSOP PARK 960 SF

CONSTRUCTION TYPE

TWO 1-3

OCCUPANCY

A-2

TABLE 503 ALLOWABLE BUILDING AREA PER FLOOR-A2 OCCUPANCIES
9009 9' ALLOWABLE 4,685 S.F. (ACTUAL)

SECTION 506 BUILDING AREA MODIFICATIONS-FRONTAGE INCREASE
%2 FEET INCREASE FOR BUILDINGS EXHIBITING PLACES FEATURES ON A PUBLIC WAY OR OPEN SPACE YIELDS A 10% FT. HGT. LESS THAN 20 FEET.

SECTION 903.2.1.2 GROUP A-2 FIRE SPRINKLER REQUIRED
FIRE SPRINKLER SYSTEM REQUIRED FOR A-2 OCCUPANCIES IF
1. THE AREA EXCEEDS 5,000 S.F. OR
2. OCCUPANCY LEAVES UNATTENDED.

TABLE 101.6.2 EXIT ACCESS TRAVEL DISTANCE

A OCCUPANCY UNLESS OTHERWISE SPECIFIED - 200 FEET (1-3) 75 FEET (A) MAXIMUM TRAVEL DISTANCE OCCUPANCY UNLESS OTHERWISE SPECIFIED - 200 FEET (1-3) 75 FEET (A) MAXIMUM TRAVEL DISTANCE

STATE OF INDIANA CONSTRUCTION DESIGN RELEASE

STATE PROJECT NO. 18-172 (ISSUED) DESIGN R. 18. 1030
STATE PROJECT NO. 13585 (ISSUED) JULY 29, 2023

JURISDICTION

TOWN OF DANVILLE
45 E. MAIN STREET
DANVILLE, IN 46122
707.955.2353
BARLEY THYME KITCHEN + BREW LLC

ZONING

APPLICABLE BUILDING CODES

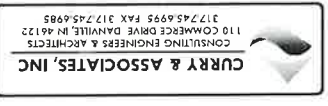
2014 INDIANA BUILDING CODE
2014 INDIANA FIRE CODE
INDIAN MECHANICAL CODE
INDIAN ELECTRICAL CODE
INDIAN PLUMBING CODE
INDIAN FIREMARC CODE
INDIAN ELECTRICAL CODE
INTERNATIONAL FIREMARC CODE (2001)
INTERNATIONAL MECHANICAL CODE

DRAWING INDEX

- 00 COVER & INDEX dated 7-20-2022
- 01 100' PLAN dated 7-20-2022
- 02 200 VISUAL ELEVATION PLAN dated 7-20-2022
- 03 200 GENERAL FLOOR PLAN dated 7-20-2022
- 04 200 FLOOR & DETAILS dated 7-20-2022
- 05 200 WALL SECTIONS dated 7-20-2022
- 06 [sheet eliminated from set]
- 07 WALL SECTION dated 7-20-2022
- 08 300 FOUNDATION PLAN dated 7-20-2022
- 09 300 FOUNDATION PLAN dated 7-20-2022
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- 99 400 MECHANICAL PLAN dated 7-20-2022
- 100 400 MECHANICAL PLAN dated 7-20-2022

DATE
2-1-2021
7-20-2022

PROPOSED NEW FACILITY
BARLEY THYME KITCHEN + BREW LLC
1621 EAST MAIN STREET DANVILLE, INDIANA



TITLE SHEET

SHEET
A0



John A. [Signature]

NOV 15 2024

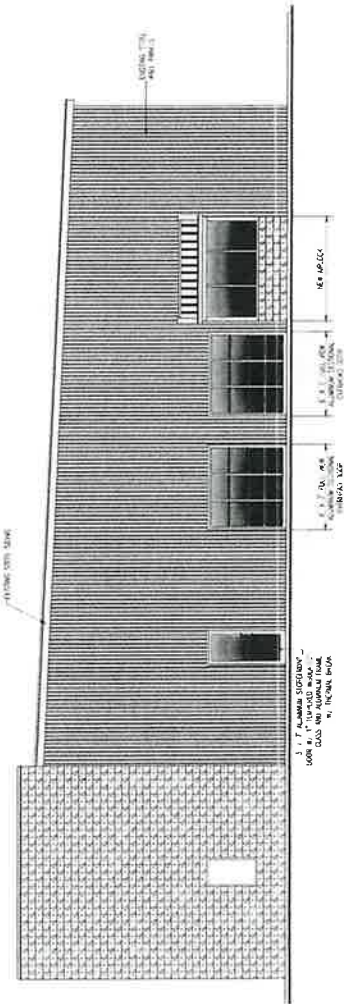
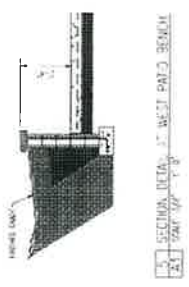
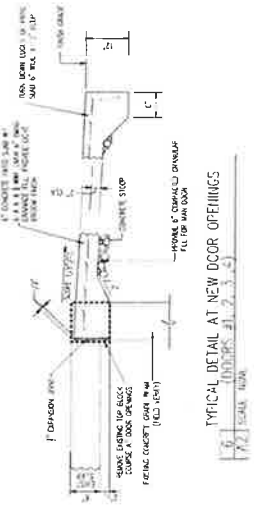
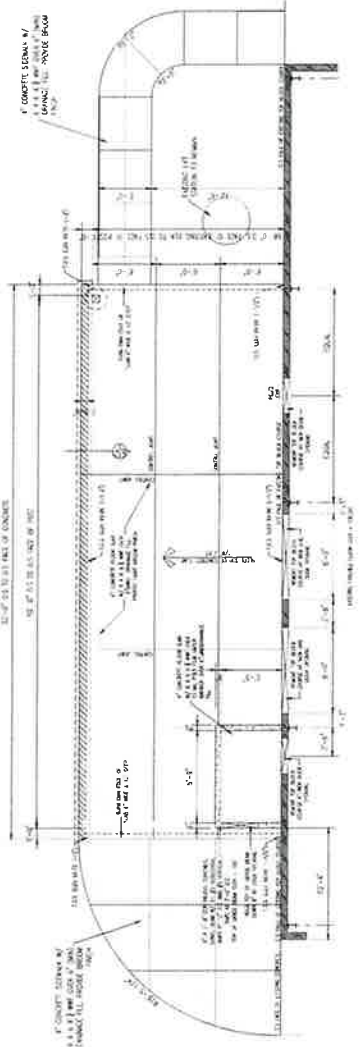
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17-20-2022

PROPOSED RENOVATIONS
BARLEY THYME KITCHEN + BREW LLC
1621 E. MAIN STREET DANVILLE, INDIANA

CURRY & ASSOCIATES, INC
CONSULTING ENGINEERS & ARCHITECTS
110 COMMERCE DRIVE DANVILLE, IN 46122
317.245.6995 FAX 317.245.6985

PATIO PLAN AND DETAILS

SHEET
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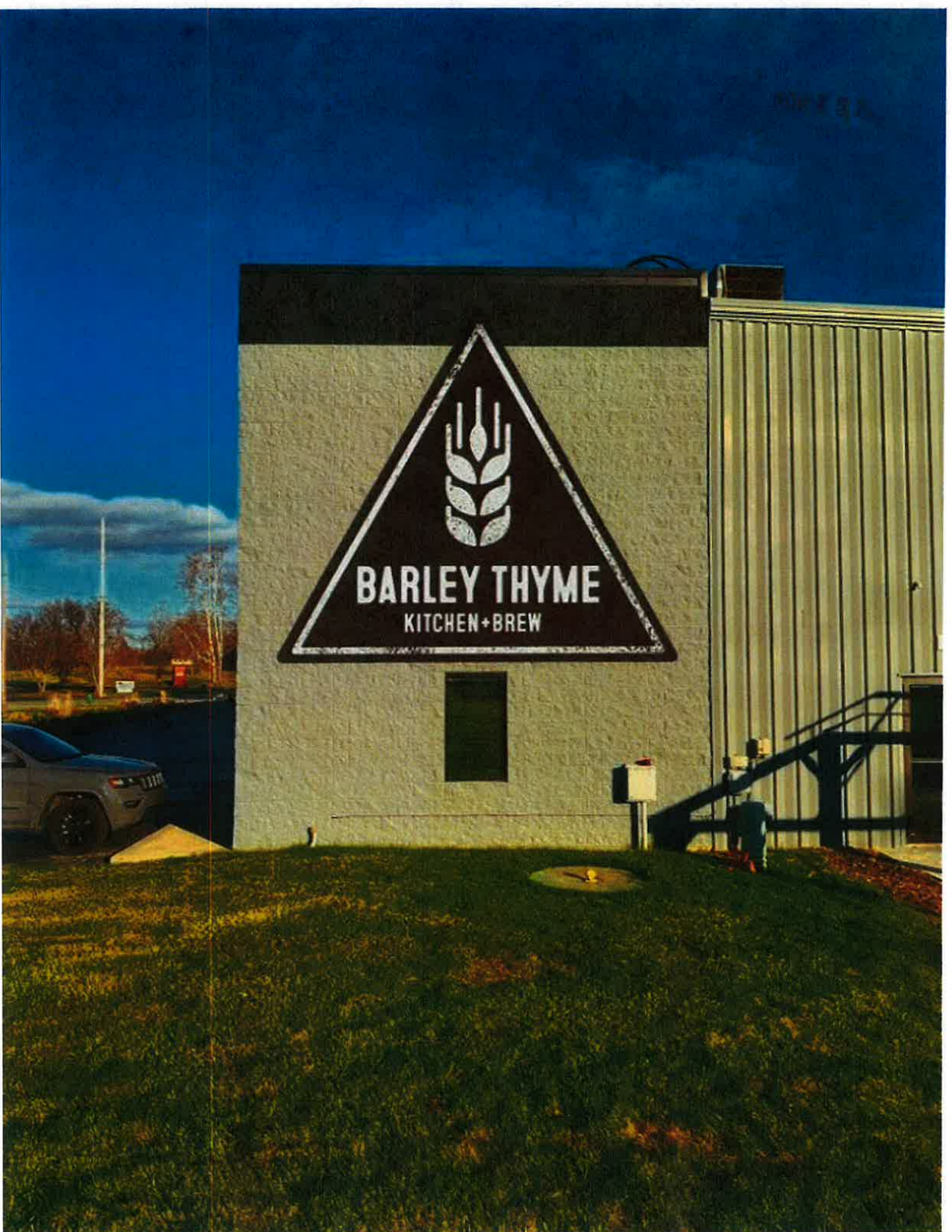
REVISED 1-7-2020
DATE: 1-7-2020
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BARLEY THYME
KITCHEN+BREW

NOV 15 201



NOV 15 2024



TOWN OF DANVILLE

BOARD OF ZONING APPEALS MEETING SCHEDULE

Application Deadline	Review & Revisions/ Preliminary Consultation	Public and Written Notice Deadline	Board of Zoning Appeals Meeting
December 20, 2024	January 02, 2025	January 03, 2025	January 22, 2025
January 17, 2025	January 30, 2025	January 31, 2025	February 19, 2025
February 14, 2025	February 27, 2025	February 28, 2025	March 19, 2025
March 14, 2025	March 27, 2025	March 28, 2025	April 16, 2025
April 17, 2025 (Thurs)	May 01, 2025	May 02, 2025	May 21, 2025
May 16, 2025	May 29, 2025	May 30, 2025	June 18, 2025
June 13, 2025	June 26, 2025	June 27, 2025	July 16, 2025
July 18, 2025	July 31, 2025	August 01, 2025	August 20, 2025
August 15, 2025	August 28, 2025	August 29, 2025	September 17, 2025
September 12, 2025	September 25, 2025	September 26, 2025	October 15, 2025
October 17, 2025	October 30, 2025	October 31, 2025	November 19, 2025
November 14, 2025	November 25, 2025 (Tues)	November 26, 2025 (Wed)	December 17, 2025
December 19, 2025	December 31, 2025 (Wed)	January 02, 2025	January 15, 2025

Application Deadline: Date by which a Board of Zoning Appeals application must be filed to be heard the next month.

Public & Written Notice: Date by which the legally required public notice must be submitted. This is done by the applicant.

Review & Revision: The date Staff reviews the application with the applicant and provides comments. Unless other arrangements are made, the applicant is required to attend.

Preliminary Consultation: An informal meeting between staff and a prospective applicant to discuss the feasibility of a project, if applicable.

Board of Zoning Appeals Meeting: Date of the Board of Zoning Appeals Hearing.

MEETING LOCATIONS AND TIMES		
Board of Zoning Appeals Hearing	Council Meeting Room	6:00 P.M.
Review & Revisions/Preliminary Consultation	Town Manager Conference Room	9:00 AM