



BOARD OF ZONING APPEALS

Minutes

**Brownsburg Town Hall
61 North Green Street
Brownsburg, Indiana 46112**

Monday, April 11, 2022

The Brownsburg Board of Zoning Appeals convened at 6:00 PM with a moment of silence and the Pledge of Allegiance. Richard Miller opened the meeting, and a roll call was taken.

Members Present: Maria Andrews, Jeff Humphreys, Stacey Risk, and Marlon Webb

Members Absent: Brett Scowden

Also Present: Jodi Dickey, AICP- Director of Development Services, Jenna Wertman, AICP- Senior Planner II, and Heather Wetzel- Administrative Assistant

A. CALL TO ORDER AND DETERMINATION OF QUORUM

1. *Jeff Humphreys came into the meeting after the vote on the Findings of Fact, thus the difference in the vote counts seen below.*

B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

C. CONSIDERATION OF PREVIOUS MEETING(S) MINUTES

1. March 14, 2022- Regular Meeting

Motion: Stacey Risk made a motion to **APPROVE** the March 14, 2022 regular meeting minutes, seconded by Maria Andrews, motion carried 3 In Favor/0 Opposed/0 Abstained.

D. APPROVAL OF FINDINGS OF FACT

1. BZDV-11-21-1973 Northfield Greens Maximum Primary Structure Height
2. BZDV-12-21-1977 Northfield Greens Buffer Yards
3. BZDV-01-22-1995 Talon Woods Architectural Standards
4. BZDV-01-22-1996 Talon Woods Front Yard Setback
5. BZDV-01-22-1997 Talon Woods Maximum Lot Coverage

Motion: Maria Andrews made a motion to **APPROVE** the Findings of Fact for BZDV-11-21-1973, BZDV-12-21-1977, BZDV-01-22-1995, BZDV-01-22-1996 AND BZDV-01-22-1997, seconded by Stacey Risk, motion carried 3 In Favor/0 Opposed/0 Abstained.

E. HEARING OF REQUESTS FOR CONTINUANCES

1. None

F. CONTINUED PUBLIC HEARINGS

1. None

F. **OLD BUSINESS**

- 1. None

G. **NEW BUSINESS**

- 1. BZSE-22-1 Main Street Self-Storage Expansion "Self-Storage Warehouse"

A request for a Special Exception Use approval from Art. 5 § 5.81 SE-01 Special Exception Standards as it applies to Art. 2 § 2.29 to permit a "Self-Storage Warehouse" use within the Moderate Intensity General Commercial (C1) District.

Parcel No(s): 32-07-11-415-014.000-016

Represented by: Russell Brown, Clark, Quinn, Moses, Scott & Grahn

ADVERTISED PUBLIC HEARING

Jodi Dickey explained this was a special exception use for self-storage in a C1 zoning district. The property was located near the northeast corner of Grant and Main Street. There was an existing self-storage warehouse there and the applicant was seeking approval to expand to the adjacent parcel. It would add 21,400 square feet to the existing facility. She said the surrounding area was a mix of commercial enterprises with most fronting Main Street. There were residential homes that had been converted but still maintained a residential character. The property lies within the Pedestrian Oriented Mixed Use Overlay district and Groundwater Protection Overlay district.

Staff reviewed the request and was recommending denial as they felt Criteria 1, 3, and 4 had not been met has which was discussed in detail in the staff report. She showed the site and the existing storage area. The wooded area by the railroad tracks would be a dry detention area. There would be four long buildings running north/south. There was parking and access to the warehouse area between the buildings. The property would be combined with a different lot and access would be through the existing business as there was no access to a perimeter street. Staff reviewed the five criteria for approval and said Staff felt the proposed special exception use would not be injurious to the public health, safety, morals and general welfare of the community but felt the other criteria was not met.

Maria Andrews asked staff to expand on that recommendation. Ms. Dickey said Criterion 1 was if the use was consistent with the purpose of the zoning district and the Comprehensive Plan. While the zoning district specified that storage uses were a special exception, the PMO district encourages walkable areas and requires 2-story buildings. The Groundwater Protection overlay district may not come into play but it was protection against hazardous chemicals and other waste that could get into the groundwater. Staff was concerned that hazardous materials could be stored on site. The Town also had a new Main Street Vision Plan with beautification, walking paths, and street trees. With that, Staff did not feel the use was consistent with the Town's vision. Criterion 3 asked if the use was in harmony with the adjacent land uses. Staff said that the adjacent land uses were mostly residential in nature and a self-storage warehouse would not fit in, which also impacted Criteria 4 and the character of the district.

Ms. Andrews confirmed it was an expansion of an existing storage facility. Ms. Dickey said it would be new and managed separately. Ms. Andrews said with the new homes, storage may be needed.

Stacey Risk received confirmation that the existing storage facility predated the current Comprehensive Plan.

Applicant Representative Russell Brown, Clark, Quinn, Moses, Scott & Grahn LLC, appeared on behalf of the Leslie family who operates the existing Main Street storage facility. Mr. Russell noted the properties were held by different entities but would be managed and owned by the existing operator. He said the site was on approximately 2.19 acres. The nearest point was approximately 210' off the existing right-of-way of Main St. It was bordered on the east by the existing Main

Street Self-Storage, on the north by the railroad tracks, and the west by parcels with access by an alleyway. There were existing single-story buildings repurposed for commercial uses. He showed the preliminary layout. Mr. Brown said Main Street Self-Storage had approximately 120 units with less than 5% available for leasing. The proposed expansion would meet local and national market demand that continued to increase as additional residential units were built.

Mr. Russel focused on the three areas where they disagreed with staff. The first was whether the use was consistent with the zoning district and the Comp Plan. This concern came up with Staff during pre-filing. This was the first parcel subject to the Pedestrian Mixed Use Overlay District overlay. He felt the Overlay desire was offset by the reality of what was there. The parcels between Main Street and this parcel were single-story and were either existing residential or were constructed prior to the overlay. Mr. Russel said he counted only six or seven 1 ½ - 2-story structures in the overlay district for this area. A multistory use did not match with current reality. The proposed access to the site would be through the existing facility so it met the goal of the Main Street Vision Plan by decreasing new curb cuts or driveways. The use would promote commercial activity on a parcel that was otherwise landlocked and had limited-to-no visibility. Mr. Russel said they also disagreed with Staff that the use was in not in harmony with adjacent land use. The Staff report pointed out that the uses adjacent were largely single-story repurpose structures but also said future development called for taller structures so they the applicant was being penalized on both conflicting counts. The adjacent Main Street Storage facility was single-story and the new development would likely also be single-story. The proposed use was bordered on the south by commercial uses, on the east by single storage and a retail use with a large surface parking lot, on the west with a commercial use which previously was used by an oil and gas company and a lot with 1,000 sq. ft. outbuildings. The site was served by a 20' alleyway 200' from the Main St. right-of-way. The southwest corner was 300' from the Grant St. right-of-way. He felt granting the special exception would not alter the characteristic of the district. Staff also acknowledges that the parcel is landlocked and that any development would likely require platting which would also require access to the public street.

Mr. Russel said that the project would have multiple hearings. They felt that any other project that came along for this parcel would face significant challenges as the properties to the west do not have frontage along Grant Street and cannot provide access to the property. They felt the established self-storage facility would continue to be used and there was a demand for expansion. Staff mentioned concerns regarding storage of certain materials on site. The existing rental agreement specifically prohibits those types of materials on site including petroleum or gas uses. There also is no current boat or RV storage on site and the Petitioner would be willing to commit to the same for the expansion site. There would be future discussions regarding development and being in compliance with the UDO but first they were seeking this variance. They felt this could be done in a harmonious way for the betterment of the community.

Jeff Humphreys asked how many buildings they would have and Mr. Russel said once buffering and landscaping was in added they would likely still have four but they might be shorter.

Mr. Humphreys asked if it would be all hard surface. Mr. Russell said yes, and there was no gravel.

Maria Andrews asked where the entrance for the existing facility was. Mr. Russell showed where it was off of E. Main Street and said that would be the only entrance with little traffic.

Ms. Andrews asked what the existing buildings were on site and Mr. Russell reviewed those.

Ms. Andrews what kind of walking trails were proposed for area if the storage unit was not built. Ms. Dickey said the Main Street plan called for sidewalks along Main Street, it was not pedestrian trails through the area. Ms. Andrews said she did not see a walkable businesses such as an ice

cream parlor or coffee shop at that location and asked Staff what they thought was a more appropriate use for the location. Ms. Dickey said office were appropriate and permitted by right.

Ms. Andrews said she felt there was a need for storage unit in the area with the number of homes.

Mr. Humphreys asked if someone else wanted to go in on the site how they would gain access.

Ms. Dickey said they would need an access easement or purchase right-of-way. Mr. Humphreys said it was likely that the only person that could provide that access would be the applicant.

ADVERTISED PUBLIC HEARING OPENED

Cindy Hohman, 15 Tyler Ct. spoke in support and said it met the criteria and seemed like the best use for the property. It also would result in 3% development.

Dick Gardner, 21 N. Grant St., said while the property was landlocked, if they allowed storage units, it would restrict some of the future development and vision of Main Street and of the corner of Main and Grant. He spoke to some other issues not pertaining to the Use variance request.

ADVERTISED PUBLIC HEARING CLOSED

Mr. Russel said the applicant was a viable known operator who wanted to make an improvement in the community. The project would undergo a lot of scrutiny over the next several months.

Ms. Dickey instructed the Board that if there was a motion for approval it should include Mr. Brown's offer to prohibit the storage of hazardous materials as well as boat and RV storage. Ms. Andrews asked how that would be monitored and Ms. Dickey said the manager of the storage facility should be monitoring that through the rental agreement.

Motion: Jeff Humphreys made a motion to **APPROVE** BZSE-22-1, subject to and conditioned upon the prohibition of storage of hazardous materials and prohibition of storage of boats and RVs, seconded by Maria Andrews, motion carried 3 In Favor/1 Opposed (Risk)/0 Abstained.

2. BZDV-22-1 Brownsburg Fire Territory Training Center Side Yard Setback

A request for a Development Standards Variance from Art. 5 § 5.63 SB-01 Setback Standards as it applies to Art. 2 § 2.24 to encroach upon the south side yard setback as set forth by BZDV-07-13-1177 within the Institutional (IS) District.

Parcel No(s): 32-07-01-305-007.000-016

Represented by: Chief Larry Alcorn, Brownsburg Fire

ADVERTISED PUBLIC HEARING

Jenna Wertman said this was a request to reduce the setback on the south property line of the Brownsburg Fire Territory training area. The setback for the south property line was established as a condition of approval for a 2013 variance for façade finishes of accessory structures. The BFT used pods for training areas. One of the conditions of the 2013 variance was that all of the containers would be 310' away from the south property line. They were requesting that be reduced to 50' for training containers in the eastern and southeastern portion of the site that were placed and did not meet that requirement.

She reviewed the 2013 variance which was to allow the use of metal containers painted similar colors to the primary structure. The variance conditions of approval included that the height of the containers would not exceed 36', the containers would be at least 310' from the south property line and landscaping was required. She showed the history of the configuration and use of the site. It appeared there were not any previous development plans submitted for the site. The BFT was looking to expand the north area and as part of that review staff noticed the conditions of the original variance had not been adhered to. The training area was not in compliance with the previous variance 310' setback and the BFT was looking for a variance from that requirement to

allow the structures to stay where they are. The Plan Commission reviewed the DPR in March and continued the case so the applicant could appear before the BZA with this variance. Commissioners were concerned about screening and the lack of the original plantings. Additional discussions included increasing the mound height or adding a fence but a fence could not be installed on top of the mound without an additional variance.

Ms. Wertman reviewed the Findings of Fact. The Applicant noted the variance would not be injurious to the public health, safety, morals and general welfare. The cans would not pose a danger as there would not be any live fire or harmful smoke. The cans would be painted to match the main building. Staff was not sure of the intent of the large setback of the original variance, if it was meant to limit the containers or as a trigger for additional reviews with expansion. If the BZA finds this criteria has been met, Staff recommend landscaping or screening along the south property line. The applicant stated the use and value of the area adjacent to the subject property would not be affected in a substantially adverse manner as the property to the south was vacant and there would be no effect. Staffed noted many of the other parcels were built out but the parcel to the south was not and recommended some type of landscaping or fencing on the south side. The south tower was 36' and some type of buffering would soften the façade and use. The applicant felt the strict application of the terms of the ordinance would result in the practical difficulty of the use of the property as they would be required to move the cans. The only other way to do a training area on the site was to meet the façade material requirements and stay under the accessory structure height maximum of 20'. Should the BZA determine there were practical difficulties, Staff recommended additional landscaping on both the east and south property lines as the intensity of the use exceeds the original variance. The Plan Commission noted the existing buffering was not providing a reasonable screening for the site and use.

If the Board determines that all three findings could be met in the applicant's favor, Staff had the following conditions:

- (1) A revised landscape plan, created by a landscape professional, will be provided to meet a Level 3 Buffer Yard containing or exceeding a unit value of 4 per 100 linear feet. This unit value must be met for the distance of the mound on the north, east, and south sides of the property. Additional plantings should be a mix of trees and shrubs selected to help fill in the gaps of visual screening and planted staggered from the existing landscaping where possible.
- (2) Training areas and any expansions must remain at least 50' from the south property line of the subject parcel.
- (3) Training areas and any expansion must remain at least 100' from the east property line of the subject parcel.
- (4) The revised Landscape Plan will be recorded in the same manner as the previously approved plan.
- (5) The approval of the Findings of Fact and Conclusions of Law.

Jeff Humphreys asked if staff had heard of any complaints from adjacent owners, they had not.

Mr. Humphreys asked if the 50' was enough room for them. Ms. Wertman said that was what they requested and the closest can was 60' from the property line.

Chief Larry Alcorn, Fire Chief of the Brownsburg Fire Territory came forward and said they were requesting a variance to allow them to use more of the southeast part of their property. He said he was unaware of the previous variance. The training grounds were a key component for firefighter safety. The structure would be used as a search building with each floor providing different types of searches. Chief Alcorn was not sure where the 310' setback came from. The

building would be safe and only used theatrical smoke. He knew there were concerns of the view from 74 and said there were several properties and structures visible from 74. He said they repainted the existing cans every few years. He asked for the Board's approval and said it was vital to have an area for firefighters to train.

Mr. Humphreys said he appreciated the Fire Department and their dedication. He confirmed that the setback was adequate for their needs and Chief Alcorn said it was. Mr. Humphreys asked if they had thought about acquiring the parcel to the southeast and Chief Alcorn said it had not been pursued and was owned by IU Hospital and had been vacant for a number of years

Maria Andrews said she noticed the storage containers height increase recently. She also thanked them for everything they do. Her grandfather was a firefighter and she understood the importance of training. She also felt they could make it look better. Chief Alcorn said he just learned that the Brownsburg school art program was interested in doing a yearly mural facing the interstate.

Ms. Andrews asked about the height of the cans and learned they were welded together.

Ms. Andrews asked if they could make their sign bigger. Ms. Wertman could not immediately answer as that sign was part of another variance. It was also put on a parcel that did not have a primary structure. She needed to check if there were conditions of that approval.

Ms. Andrews asked if they could only approve or deny the request. Ms. Wertman said they could approve, deny or approve with conditions.

Chief Alcorn said he knew they needed to restore the landscaping but asked for more time as that was not currently part of their 2022 budget. He also would not have the budget for very large trees. The Board and Staff discussed the timeframe and felt the Advisory Plan Commission would be the one to approve the landscape plan and could address the time limit.

ADVERTISED PUBLIC HEARING OPENED

Cindy Holman, 15 Tyler Ct., supported the variance but agreed the landscape screening from 74 needed to be replaced.

ADVERTISED PUBLIC HEARING CLOSED

Mr. Humphreys first thought it was an eyesore but now felt this was important for public safety. Mr. Webb agreed and said it was not preventing any other development from taking place and it was for public safety.

Motion: Maria Andrews made a motion to **APPROVE** BZDV-22-1, subject to and conditioned upon staff recommendations and as well as the addition of plants or some kind of masonry façade to soften the view, motion **FAILED** for lack of a second.

The Board and Staff discussed possible motions and commitments.

Motion: Stacey Risk made a motion to **APPROVE** BZDV-22-1, subject to and conditioned upon staff recommendations, seconded by Jeff Humphreys, motion carried 4 In Favor/0 Opposed/0 Abstained.

F. COMMUNICATIONS & REPORTS

1. Report From Director Of Development Services
Jodi Dickey did not have a report for the Board.

G. MISCELLANEOUS BUSINESS

1. None

H. **CITIZENS COMMENTS RELATING TO AGENDA**

1. None

I. **ADJOURNMENT**

Motion: Jeff Humphreys made a motion to **ADJOURN**, seconded by Marlon Webb, motion passed 5 In Favor/0 Opposed/0 Abstained. 7:20 P.M.

Marlon Webb, President

ATTEST:

Heather Wetzel, Administrative Assistant