

**BZDV-22-1 | Fire Territory Training Center
Development Standard Variance
South Side Yard Setback**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In compliance with the appropriate provisions of the Brownsburg Unified Development Ordinance, the Board of Zoning Appeals (the “Board”) held a public hearing pursuant to notice at 6:00 p.m. on April 11, 2022, to hear Docket No. BZDV-22-1, an application for a Development Standard Variance from Art. 5, Art. 5 § 5.63 SB-01: Setback Standards as it applies to Art. 2 § 2.24 within the Institutional (IS) District Development Standards of the Unified Development Ordinance (UDO), to encroach upon the south side yard setback as set forth by BZDV-07-13-1177 in the Institutional (IS) District.

The Applicant representative Chief Larry Alcorn, Brownsburg Fire Territory, presented testimony and evidence in support of the application.

FINDINGS OF FACT

The Board, having this matter presented at a public hearing on April 11, 2022, having considered the arguments of the Applicant, and being duly advised in the premises, now finds and makes the following Findings of Fact:

- (1) That the location of the real estate subject to the application is 470 E Northfield Drive, Brownsburg, Indiana, and is further identified as part of Indiana Parcel Number(s) 32-07-01-305-007.000-016 (the “Property”).
- (2) That the Property to which the application is addressed is within the Town of Brownsburg, Hendricks County, Indiana, and is subject to the terms and provisions of the Town of Brownsburg Unified Development Ordinance.
- (3) That Brownsburg Fire Station Building Corporation is/are the current owner(s) of the Property subject to the application.
- (4) The Property to which the application is addressed is classified as Institutional (IS) pursuant to the Official Zoning Map of the Town of Brownsburg and the Brownsburg Unified Development Ordinance.
- (5) BZDV-07-13-1177 Fire Territory and Façade Materials was applied for and granted in 2013 to allow the Fire Territory to utilize metal shipping containers as-is instead of finishing them

in similar materials as the primary structure (masonry). At that time, staff recommended conditions of approval that included landscaping along I-74, the containers maintaining a setback of at least 310' from the south property line, and other conditions related to the use of the property and maintenance of the containers. Since that time, the training area has expanded and the containers in the southeast corner of the property are closer than what the variance allows.

- (6) The applicant is seeking to expand the container area on the north side and has submitted a Development Plan for the site. As part of the review, it was noted that the site was out of compliance with the previous approval. Staff included recommendations in the Development Plan staff report that the Fire Territory move the containers or seek a revised variance to address the 310' requirement.
- (7) The Development Plan Review was originally scheduled for the March Plan Commission meeting to accommodate planned training at the facility, and at the meeting the Plan Commission determined that the best route forward was to continue the case until the applicant could return to the BZA. There was discussion about the landscaping provided and how it was not providing much of a buffer along the interstate.
- (8) Based on historic aerials, it appears that the landscaping was added in late 2015, approximately 6.5 years ago. The landscape plan does not include unit value calculations, but appears to be based on the Level 1 Street Frontage requirement for Institutional Districts. This requires a landscaping unit value of 2 points, of which one half of a point comes from the mound and the rest is met through trees and/or shrubs. Staff estimates that trees are planted roughly 20-30 feet apart along the mound, which is large enough spacing that additional trees and shrubs could be staggered and planted to fill in the mound. If the Board determines that additional plantings should be established to buffer the larger training site, Staff recommends that the landscape plan be professionally revised to determine the best plants for the remaining space and the plants installed accordingly (e.g. staggered instead of planted in a straight line, clustered together where recommended, etc.).
- (9) The mound is noted as approximately 4' tall in the previous variance, and it is located in a front yard. This limits the buffering to landscaping, as placing a fence on the mound would be locating it in a front yard. Fences in front yards are not allowed in the Institutional District, and to place one on the mound would require an additional variance.
- (10) The Board of Zoning Appeals believed that, according to the Applicant's Detailed Statement of Reasons and other submittals, that the request for Development Standards Variance satisfied the criteria required for approval.

- (11) These Findings of Fact are based, in whole or in part, on the Applicant's Development Standards Variance Application and Detailed Statement of Reasons submitted March 18, 2022 and the same is hereby incorporated herein, by reference.
- (12) Staff prepared a Project Synopsis on April 4, 2022, and the same is hereby incorporated herein, by reference.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact and pursuant to Indiana Code the Board does now conclude:

- (1) The approval of the Development Standards variance will not be injurious to the public health, safety, morals and general welfare of the community. The applicant notes that the conex cans will not pose a danger and there will be no live fire or harmful smoke. They will be painted a color that matches the Fire Territory HQ Buildings. The intent of the "310' from the south property line" condition of approval is not directly stated in the original staff report. It may have been meant to limit the area the shipping containers were in to a certain part of the parcel, or provide some buffer between the training containers and undeveloped sites to the south. If the Board of Zoning Appeals believes that this criteria can be met in the applicant's favor, such that allowing the cans to remain where they are on the site would not be injurious to the above categories, staff would recommend that some type of landscape buffer be part of the approval along the south property line where there is a mound. This area is not a front yard and could also have a fence if the Board determines that it would provide a better buffer.
- (2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner. The applicant notes that the property to the south is vacant and this will not impact the value of adjacent areas. Many of the sites around this are built out already, except the property to the south. Staff's recommendation is that additional landscaping or fencing be installed on the south side of the property to create some visual buffering. The property to the south is zoned EC and a variety of office uses could go on the site. The containers are utilizing the full 36' in height allowed by the variance in this area and buffering would soften the visual appearance.
- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The applicant notes that the property to the south is vacant and this will not impact the value of adjacent areas. Many of the sites around this are built out already, except the property to the south. Staff's recommendation is that additional landscaping or fencing be installed on the south side of the property to create some visual buffering. The property to the south is zoned EC and a variety of office uses could go on the

site. The containers are utilizing the full 36' in height allowed by the variance in this area and buffering would soften the visual appearance.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board does now **APPROVE** the Development Standards Variance, requested by Brownsburg Fire Territory known as Docket No. BZDV-22-1 located on parcel(s) 32-07-01-305-007.000-016 within Brownsburg, Indiana, subject to and conditioned upon the following:

- (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.

By: _____
Marlon Web, President

Attest: _____
Jodi Dickey- AICP, Administrator