



BOARD OF ZONING APPEALS

Minutes

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

Monday, July 8, 2019

The Brownsburg Board of Zoning Appeals convened at 7:00 PM with a moment of silence and the Pledge of Allegiance. Claire Rutledge-Sakha opened the meeting, and a roll call was taken.

Members Present: Ben Lacey, Mike Neal, Claire Rutledge-Sakha and Brett Scowden

Members Absent: David Emery

Also Present: Todd Barker, AICP - Director of Development Services, Joe James, AICP- Senior Planner, Scott Krapf- Legal Counsel and Heather Wetzel- Administrative Assistant

A. CALL TO ORDER AND DETERMINATION OF QUORUM

B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

C. CONSIDERATION OF PREVIOUS MEETING(S) MINUTES

1. June 10, 2019- Regular Meeting

Motion: Mike Neal made a motion to **APPROVE** the June 10, 2019 regular meeting minutes, seconded by Brett Scowden, motion carried 4 In Favor/0 Opposed/0 Abstained.

D. APPROVAL OF FINDINGS OF FACT

1. *BZDV-04-19-1725 90 E. Garner Road Maximum Sign Area

2. *BZDV-05-19-1731 850 E. Northfield Dr. Maximum Lot Coverage

3. *BZDV-05-19-1732 4698 E CR 900 Architecture Front Façades

***Motion:** Ben Lacey made a motion to **APPROVE** the Finding of Fact for BZDV-04-19-1725, BZDV-05-19-1731 and BZDV-05-19-1732, seconded by Mike Neal, motion carried 4 In Favor/0 Opposed/0 Abstained.

E. HEARING OF REQUESTS FOR CONTINUANCES

1. None

F. CONTINUED PUBLIC HEARINGS

1. None

G. OLD BUSINESS

1. None

H. NEW BUSINESS

1. **BZSE-06-19-1742 Sunbelt Rentals "Tool/Equipment Rental (Outdoor)"

A request for a Special Exception Use approval from Art. 2 § 2.31 to permit a "Tool/Equipment Rental (Outdoor)" use within the High Intensity General Commercial (C2) District.

Parcel No(s): 32-07-03-300-021.000-016 and 32-07-03-300-023.000-016

Represented by: Andy Taylor, Kimley-Horn and Associates, Inc.

ADVERTISED PUBLIC HEARING

2. **BZDV-06-19-1737 Sunbelt Rentals General Outdoor Storage Max. Area

A request for a Development Standards Variance from Art. 5, Sec. 5.53(A)(1) "Merchandising Outdoor Storage Standards," to exceed the maximum area of permitted outdoor storage in the High Intensity General Commercial (C2) District.

Parcel No(s): 32-07-03-300-021.000-016 and 32-07-03-300-023.000-016

Represented by: Andy Taylor, Kimley-Horn and Associates, Inc.

ADVERTISED PUBLIC HEARING

**Testimony for BZSE-06-19-1742 and BZDV-06-19-1737 was heard together with separate motions regarded for each case.

Bryan Sheward from Kimley-Horn and Associates appeared before the Board as the civil engineer on the project. He was there representing their client, TM Crowley. Mr. Sheward gave a brief summary of a few of the pertinent items and recapped what they were for the Board. He referenced an exhibit showing the property, its shape and location on the southwest corner of CR 625 East and West Northfield Drive. It would be a Sunbelt Rentals facility. The use was noted as a Special Exception use within the High Intensity General Commercial ("C2") zoning category. The use would qualify as a "tool/equipment rental, outdoor" use. He then explained the second variance was for outdoor storage and indicated where that would be upon the property. Mr. Sheward explained that the outdoor storage component exceeded 30% of the square footage of the building, thus the need for the variance. He pointed out that across the street from the property were three uses that they felt were very compatible to the type of use they were seeking: Contract Lumber, a self-storage facility, both zoned I1 and then Ditch Witch Midwest which had outdoor storage and was zoned C2. He understood that those predated the zoning ordinances currently in effect. He referenced the proposed site plan and noted how they made an effort to try to screen the outdoor storage that would reside in the back of the building. The building itself was oriented north-south so it acted as a screen from a portion of Northfield Drive and then all along the front edge from the immediate corner of CR 625 and Northfield, wrapped all the way around past the detention pond and all the way past the entrance to the western edge of the site was a 4 to 5-ft. berm with landscaping that exceeded what the ordinance required. Mr. Sheward noted that was done voluntarily to aid in screening and to work with the Town to find the best solution. He also noted that the back area was fenced, mainly for security reasons. He mentioned that the main entrance off Northfield Dr. was positioned to match the curb cut on the opposite side of the road. There was also a secondary entrance over on N CR 625 East which would alleviate traffic and split vehicles between two entrances.

Joe James reviewed the case for the Board. The first request was to get Special Exception to allow the tool/equipment rental outdoor use in the C2 district. The site was 5.53 acres. Mr. James said the Comprehensive Plan recommended Neighborhood Commercial use for the area. The existing uses were as Mr. Sheward had described: the lumberyard, the self-storage and the Ditch Witch. All three did have outdoor storage and they were permitted so based on a previous ordinance. They were also requesting a variance to increase the outdoor storage over

30% gross floor area ("GFA") of the building. The Applicant had filed a Development Plan that had the required street frontage landscaping with berms for screening (PSDP-06-19-1739). The building would have to comply with the C2 architectural standards.

Staff felt the Applicant had satisfied the requirements for approval of a Special Exception variance subject to the following conditions:

BZSE-06-19-1742:

- (1) The Applicant must complete a Development Plan Review (DPR) by the Plan Commission.
- (2) That no equipment be allowed to have any part or mechanism displayed in an up-right position higher than the roof/parapet of the primary building.
- (3) The approval of the Special Exception Use shall expire on July 10, 2021, two years from the date of approval, if a building permit is not obtained from the Department of Development Services for the proposed project.
- (4) That the Tool/Equipment Rental (Outdoor) Use, be permitted pursuant to the Applicant's Application, dated 6/06/2019; the Applicant's Detailed Statement of Reasons dated 06/28/2019; TECH Review Minutes, dated 6/21/2019; the Applicant's Response to the TECH Review Minutes, dated 6/27/2019; the Applicant's site plan, dated 6/27/2019.
- (5) The approval of the Findings of Fact and Conclusions of Law by the Board of Zoning Appeals.

Ben Lacey wanted to know the number of pieces of equipment that would be stored outside and the type as well, such as cherry pickers and lifts. Paul Guay with TM Crowley replied that there were cherry pickers and most was small equipment, small lifts, equipment that moved all kinds of stuff. He guessed on any given site there were probably around 80 pieces of equipment but it would fluctuate on a daily basis.

Brett Scowden said his question was similar. He also asked if there would be dirt movers and what size tractors they would have. He noted he had visited the company's website and saw the options to rent. Mr. Guay said that there would not be heavy pieces of bulldozer equipment. It would be more of a feeder site and have mostly small equipment. You might see a small backhoe that you could rent at a Home Depot but there would not be really large stuff. Mr. Scowden asked if there would be any cranes and Mr. Guay said no, the largest thing would be the man lifts.

Michael Neal mentioned that when he passed similar facilities they left their cherry picker baskets up in the air so that nobody could get to them. He noted that one of the staff recommendations, which he thought was a good recommendation, was that the cherry pickers were not sitting any higher than the building. He asked if that was lower than the Applicant would normally leave them. Mr. Guay said they would like to have them raised up more than that so they could stack them together better upon the site but it was a condition that they were willing to live by.

Ms. Rutledge-Sakha said that her question had to do with the amount of traffic that could be expected on any given day. Mr. Guay said a lot of the equipment was picked up by small contractors early in the morning with their own trucks or trailer hitches they would use to hook it up to the lifts or to small Bobcats. Sunbelt also did deliveries to construction sites. So they would have tractor trailers coming in and out but there was not a steady stream of those. When they were delivering that kind of equipment it was more being taken out in the morning and then being brought back a week later in the afternoon. There was not a huge amount of traffic.

Mr. Scowden asked Staff if there was any district that would allow outside storage of that percentage. It seemed to be a hindrance if you were renting large equipment like that. He knew the Special Exception use allowed for the type of rental but it did not allow that amount of coverage. Mr. Scowden could see why the Applicant would want a small footprint because you obviously could not store equipment inside the building. Mr. Barker said that the way that use was in the district it was limited to that 30%. There was not a district that allowed that at a higher percentage.

Mr. Neal asked about the outdoor storage at the other businesses across the street having a higher percentage. Mr. Sheward said the Ditch Witch Midwest business had 37,000 sq. ft. of outdoor storage. He did note their building footprint was a little larger. The proposed building would be less than 9,000 sq. ft. The request was for 5,000 more sq. ft. than across the street.

Mr. Lacey had a general question from a safety perspective and wanted to know that the storage of the equipment would be within a fenced in area and Mr. Sheward confirmed that.

Before the Vice President opened up the Public Hearing portion of the meeting, Legal Counsel Scott Krapf noted that Staff still needed to present the second case. Mr. James confirmed he had additional comments for the second request. The second request was to increase the maximum outdoor storage area with 30% of the gross floor area of the primary building. The primary building was proposed as 8,850 sq. ft. on 5.53 acres. If they were within the required 30% they would only have 2,655 sq. ft. for outdoor storage which did not fit their business model. They were requesting 32,000 sq. ft. which was 320% of the GFA. By comparison Ditch Witch across the street was at 260%; but again they did have a larger building. Mr. James noted that Sunbelt Rentals was within the maximum lot coverage allowed in the C2 district (75%); they were at about 40% which included the proposed outdoor storage area that would be gravel. The Development Plan had been filed which showed that the landscaping, berms and the building itself would help screen the outdoor storage. As Mr. Sheward showed on the site plan, the outdoor storage area would be behind a building and it would be fenced in with a black vinyl chain link fence.

Staff did find that they had satisfied the requirements for approval subject to and conditioned upon the following:

BZDV-06-19-1737:

- (1) The Development Standards Variance be valid for the subject property to allow Sunbelt Rentals to increase the Maximum Outdoor Storage Area to over 30% of the Gross Floor Area of the primary structure.
- (2) That the "Outdoor Storage Area" be limited to the 32,000 sq. ft. area as depicted on the site plan submitted file date 06/27/2019.
- (3) Prior to development on the subject property a development plan is approved by the Plan Commission.
- (4) The variance approval shall expire on July 8, 2021, two years from the date of approval if a building permit has not been issued for the construction of the project.
- (5) The TECH Review Minutes, dated 06/21/2019; the Applicant's TECH response dated 06/27/2019; the Applicant's Detailed Statement of Reasons dated 06/28/2019 and Applicant's site plan as provided in Exhibit C dated 06/27/2019.
- (6) The approval of the Findings of Fact and Conclusions of Law.

Mr. Neal asked if there were any other companies currently in Brownsburg that rented

equipment like that. Mr. Barker said that Dean's Rent-All just north of Town Hall had rental equipment similar to what the Applicant was proposing and they had a lot of smaller items as well. Mr. Neal asked if they had any cherry pickers, he was back on the height thing and how they were keeping their baskets. Mr. Barker said that location predated many of the Town's standards so they were not restricted by any approvals that limited their height. Mr. Neal said that was one thing the Board should consider because one of the recommendations they were asking the Applicant to abide by would be to not have those baskets any higher than the building but other folks were already doing that in Town. He was not necessarily opposed as he understood Staff's recommendation but in his head it was holding Sunbelt Rentals to a different standard than others while he did know that the rules had changed since they went in. Mr. Sheward said it was a bit ironic since if you stepped outside you could see several cherry pickers on the way in. Ms. Rutledge-Sakha that she felt that the standards had changed and if Dean's Rent-All were to come in today they would have to conform to the standards of today.

ADVERTISED PUBLIC HEARING OPENED FOR BZSE-06-19-1742 AND BZDV-06-19-1737

ADVERTISED PUBLIC HEARING CLOSED FOR BZSE-06-19-1742 AND BZDV-06-19-1737

Motion: Brett Scowden made a motion to **APPROVE** BZSE-06-19-1742 subject to and conditioned upon Staff recommendations, seconded by Ben Lacey, motion carried 4 In Favor/0 Opposed/0 Abstained.

Motion: Mike Neal made a motion to **APPROVE** BZDV-06-19-1737 subject to and conditioned upon Staff recommendations, seconded by Brett Scowden, motion carried 4 In Favor/0 Opposed /0 Abstained.

3. BZDV-06-19-1743 597 Pit Rd. Exterior Sign Permitted Location

A request for a Development Standards Variance from Art. 5, Sec. 5.71 "Institutional Sign Standards," of the Unified Development Ordinance; to permit a sign to be placed on, set upon, attached to, or be perceived to be attached to the roof of a structure within the Institutional (IS) District.

Parcel No(s): 32-07-12-232-002.000-016

Represented by: Brent Bennett, ASAP Permits

ADVERTISED PUBLIC HEARING

Brent Bennett, ASAP Permits came before the Board. He said there was a sign variance already approved for the property. Since that time the corporate entity was changing the name to Ascension St. Vincent from St. Vincent's Neighborhood Hospital. They were going through the process of basically doing an art change and allowing the signage to say Ascension St. Vincent instead of one line. It was actually using less square footage and signage.

Todd Barker reviewed the case for the Board. The need for the variance was a result of one of the previous variance conditions. Staff would be taking note of in terms of how they structured their recommendations for conditions and approval. Essentially the previous condition effectively limited them to the artwork or illustration that was approved and Mr. Barker did not think that was necessarily the intent. Tying the approval to the actual artwork and illustration handcuffed Staff when the Applicant came in for new sign permits. As a quick overview Mr. Barker reviewed the location on Pit Road and 56th Street at the small hospital location that had been constructed. The next exhibit highlighted the areas on the building where the sign location was intended, both on the north and south façade. He showed the new illustration and the new sign message that they were looking at doing. The "Ascension St. Vincent" piece was what

they were replacing the existing sign with and as indicated it was less square footage than the previously approved signage.

Staff found they had satisfied the requirements for approval and had the following recommendations:

- (1) The Development Standards Variance be valid for the proposed "roof signs" with the number of "roof signs" limited to two (2) and that each sign shall be no larger than 60 sq. ft.
- (2) The variance approval shall expire on July 8, 2021, two years from the date of approval if the proposed sign has not been installed.
- (3) The TECH Review Minutes, dated 06/21/2019; the Applicant's Detailed Statement of Reasons, dated 06/24/2019; and the sign type, area, and location as illustrated in Applicant's Sign Elevations (Exhibit C) dated 06/14/2018.
- (4) The approval of the Findings of Fact and Conclusions of Law.

Mr. Scowden said it was not very often someone came in asking to have a smaller sign and asked the reason why. Mr. Bennett said the change in logo was the biggest reason. The letters were also 18 inches and the other one was almost three feet. Mr. Barker added that the other part to that was St. Vincent's "Neighborhood Hospital" was previously long; they had essentially shortened the message as well.

Mr. Barker wanted to make one clarification to the recommendations, #3 had an incorrect date of 2018 and should read 2019; "the Applicant's Sign Elevations (Exhibit C) dated 06/14/2019."

ADVERTISED PUBLIC HEARING OPENED

ADVERTISED PUBLIC HEARING CLOSED

Motion: Ben Lacey made a motion to **APPROVE** BZDV-06-19-1743 subject to and conditioned upon Staff recommendations with date correction, seconded by Mike Neal, motion carried 4 In Favor/0 Opposed /0 Abstained.

I. REPORTS FROM OFFICERS, COMMITTEES, AND STAFF

1. None

J. COMMUNICATIONS & BILLS

1. None

K. ADJOURNMENT

Motion: Claire Rutledge-Sakha made a motion to **ADJOURN**, motion carried 4 In Favor/0 Opposed/0 Abstained. 7:32 P.M.



David Emery, President

ATTEST: 

Heather Wetzel, Administrative Assistant