

Shelby County Board of Zoning Appeals

July 13, 2021 at 7:00 PM

Table of Contents

Agenda.....	3
BZA 21-19 Andrew L. Milby – Development Standards Variance.....	4
Staff Report	4
Petitioner’s Findings of Fact	8
Site Plan	9
BZA 21-23 Central Rent-A-Crane – Development Standards Variances.....	10
Staff Report	10
Petitioner’s Findings of Fact	18
Sign Plan	23
Site Plan	24
BZA 21-24 Charles Williams & Kayleigh Keener – Use & Development Standards Variances..	25
Staff Report	25
Petitioner’s Statement of Intent	31
Petitioner’s Findings of Fact	32
Site Plan	34

MEETING AGENDA

Shelby County Board of Zoning Appeals July 13, 2021, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the June 8, 2021 meeting.

OLD BUSINESS

BZA 21-19 – ANDREW L MILBY: DEVELOPMENT STANDARDS VARIANCES. Located at 4622 W 1120 N, New Palestine, Moral Township.

NEW BUSINESS

BZA 21-23 – CENTRAL RENT-A-CRANE, INC: DEVELOPMENT STANDARDS VARIANCES. Located at 9250 N Frontage Rd, Fairland, Moral Township.

BZA 21-24 – CHARLES WILLIAMS & KAYLEIGH KEENER: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 3615 W 1200 N, New Palestine, Moral Township.

DISCUSSION

Hearing Officer Cases:

BZA 21-21 – JEFF SCOTT: DEVELOPMENT STANDARDS VARIANCE. Located at 6625 E 425 S, Waldron, Liberty Township. *Approved June 22, 2021.*

BZA 21-22 – KEVIN & JOY SMITH: DEVELOPMENT STANDARDS VARIANCE. Located at 8835 W Range Rd, Needham, Hendricks Township. *Approved June 22, 2021.*

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **August 10, 2021 at 7:00 PM.**

Property Details

Location: 4622 W 1120 N, New Palestine, Moral Township. Lakeview Estates Sec. 3, Lot 81.

Property Size: 0.75-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

***Intent:** This district is established for single-family detached, medium to large sized homes on medium to large sized lots.*

***Development Standards:** Promote low-impact development in harmony with a natural setting.*

Future Land Use per Comp Plan Agricultural

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	R1	Single-Family Res.
South	R1	Single-Family Res.
East	R1	Single-Family Res.
West	R1	Single-Family Res.

Staff Report

Case Number: BZA 21-19
Case Name: Andrew L Milby – Development Standards Variances

Addendum – July 13th, 2021 Meeting

The petitioner has withdrawn their request to locate the barn in the front yard and plans to reduce the size of the barn to 1,200 sq. ft. However, the proposed size necessitates a variance to allow the barn to exceed 50% the square footage of the footprint of the house. Changes to the Staff Report to reflect the changes to the petition are striked-out and italicized.

Request

Variances of Development Standards to allow for construction of a ~~1,440~~ 1,200 sq. ft. pole barn:

- ~~1. In the front yard;~~
2. Greater than 50% the square footage of the footprint of the house.

Code Requirement

~~**UDO Section 5.04 C: Placement:** A permitted accessory structure shall not be placed in the front yard of any lot.~~

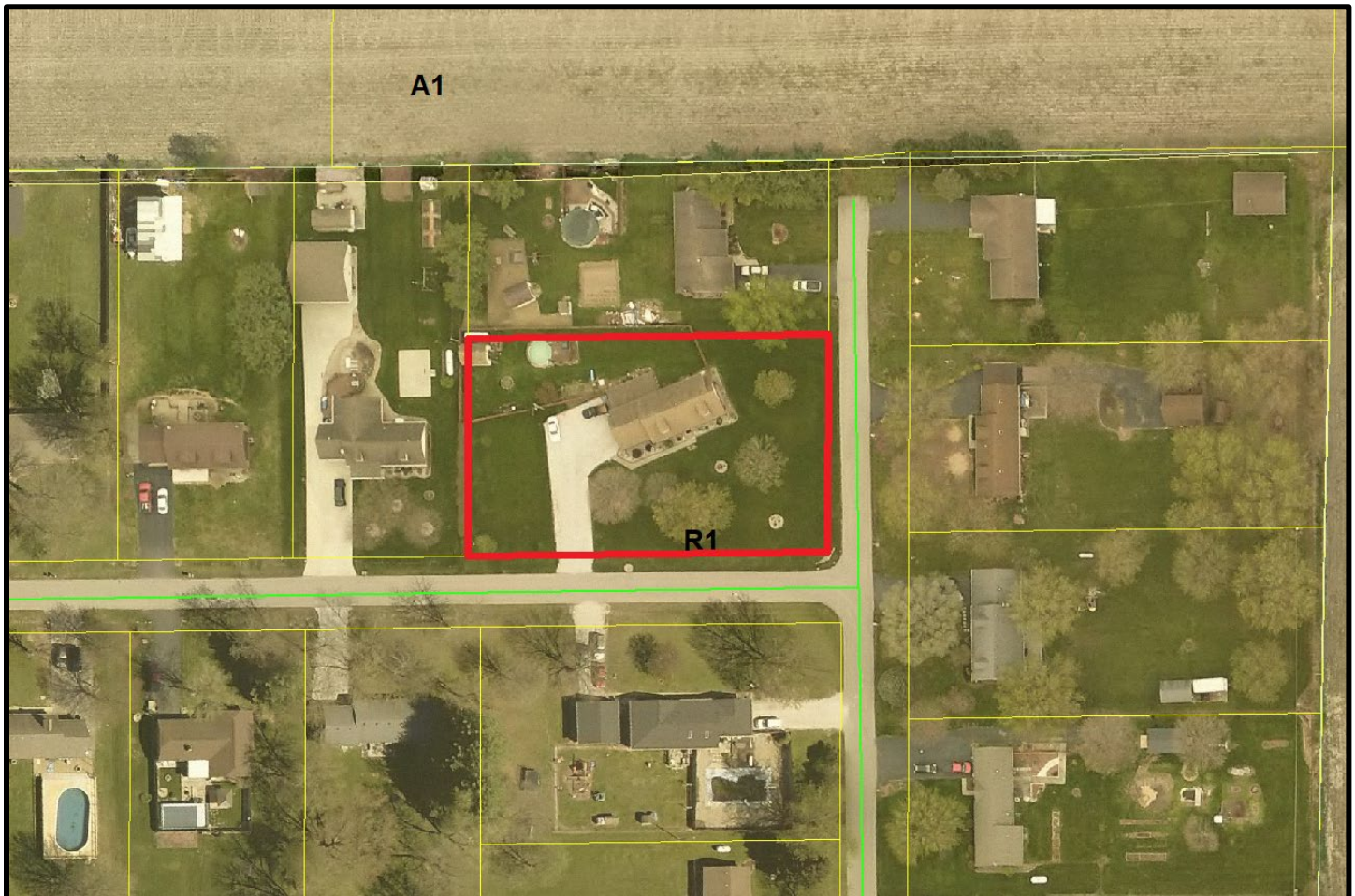
UDO Section 5.07 F 1: Maximum Size: The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.

Purpose of Requirements

~~Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property.~~

Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

Property Map



Case Description

- The petitioner plans to construct a 30' x 48' 40' pole barn.
- ~~Approximately half of the pole barn would encroach past the front of the house.~~
- ~~The area proposed for placement of the pole barn functions as a side yard due to the house fronting the corner of 1120 N & 460 W.~~
- ~~The septic system restricts placement of the pole barn in the east side yard. An existing fenced area, shed, and pool limit placement of the pole barn in the rear yard. The area proposed for the barn would allow for convenient access to the barn from the existing driveway.~~
- The total square footage of the pole barn would equal approximately 65% 54% the square footage of the footprint of the house.

- ~~The pole barn would sit 18 feet from the west property line and 56 feet from the center of 1120 N. A row of shrubs along the west property line would screen the pole barn from the adjacent property to the west.~~
- *The pole barn would sit approximately 8.6-feet from the west property line and approximately 71.6-feet from the edge of pavement of 1120 N. The petitioner plans to remove the existing fence to locate the pole barn in the rear yard.*

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the pole barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the pole barn.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

~~Staff Analysis: The pole barn would only slightly deviate from the maximum size requirement, would encroach into the front yard rather than sitting entirely in the front yard, and would sit in the part of the front yard that functions as a side yard. Therefore, the pole barn would likely not appear conspicuous if constructed using facade materials matching the residence and constructed not to exceed the height of the residence. A row of shrubs along the west property line would screen the pole barn from the adjacent property to the west.~~

Staff Analysis: The pole barn would only slightly deviate from the maximum size requirement. Therefore, the pole barn would likely not appear conspicuous from the public road or neighboring property.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

~~Staff Analysis: The septic system restricts placement of the pole barn in the east side yard. An existing fenced area, shed, and pool limit placement of the garage in the rear yard. The area proposed for the barn would allow for convenient access to the barn from the existing driveway.~~

Staff Analysis: A strict application of the ordinance would not allow for construction of a pole barn that would not appear conspicuous.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the pole barn would likely not appear conspicuous if constructed at the proposed location.

Recommended Stipulations:

1. ~~The height of the pole barn shall not exceed the height of the residence.~~

The materials used on the facade of the pole barn shall match the materials used on the residence. Matching materials would include red brick, beige vinyl, or a combination of the two materials.

The petitioner shall submit building elevations of the detached garage for approval by the Planning Director prior to obtaining a building permit.

Applicant/Owner Information

Applicant: Andrew L. Milby
4622 W 1120 N
New Palestine, IN 46163

Owner: Andrew L & Debra Kay Milby

Approximate Location of Proposed Pole Barn



Staff Photograph – May 2021

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: ANDREW L. MILBY

Case #: _____

Location: 4622 W. 1120 N. NEW PALESTINE, IN. 46163

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

WILL NOT AFFECT SAFETY

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

THERE IS AMPLE DISTANCE FROM PROPERTY LINE AND ROAD.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

NO PRACTICAL DIFFICULTY

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)



Property Details

Location: 9250 N Frontage Rd,
Fairland, Moral Township.

Property Size: 14.15-acres.

Current Land Use: Agricultural.

Zoning Classification:

I1 (Low Intensity Industrial)

***Intent:** This district is established for low intensity industrial uses, light manufacturing facilities and business parks.*

***Development Standards:** Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality. Allow small outdoor storage areas with screening. Minimize light, noise, water, and air pollution.*

***BZA:** Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety.*

Future Land Use per Comp Plan

Industrial

The purpose of this category is to provide for a full range of light and heavy industrial uses. Types of uses include manufacturing, processing, distribution, and storage. The designation should accommodate a variety of industrial establishments which:(1) Employ high environmental quality standards (2) May function as an integral part of an overall development area (3) Require large tracts of land because of their nature and function (4) Have minimal impacts on adjacent uses

Focus Area #1 – NW Corner

Provide an updated vision for the

Staff Report

Case Number: BZA 21-23

Case Name: Central Rent-A-Crane, Inc. – Development
Standards Variances

Requests

Variances of Development Standards for allow for development of a heavy equipment rental facility:

1. Section 2.34 (maximum structure height)
2. Section 5.20 B. 2 (driveway width)
3. Section 5.23 F. 2 e (security fence height)
4. Section 5.54 A (prohibited outdoor storage)
5. Section 5.75 (commercial, industrial, and high impact signs)
6. Section 5.78 A. 1 (storage tank location)

Property Map



Property Details Continued

future of this interchange area which has been identified as a key opportunity for both Shelby County and the City of Shelbyville.

- 1. Cooperate with Indy MPO for project inclusion and future funding applications.*
- 2. Build county partnerships for future development potential- focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities.*
- 3. Target residential, commercial, and industrial development near existing interchanges.*
- 4. Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities.*
- 5. Encourage the extension of public water & sewer facilities to this area.*
- 6. Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.*

Surrounding Development

	Zoning	Land Use
North	NA	I-74
South	I2/RE/A1	Contractor's Office & Yard (under construction) / Residential Estate / Cropland
East	NA	I-74
West	MA	Single-Family Residential

Case Summary

- The petitioner plans to develop the property for use as a heavy equipment rental facility. The facility would offer rental of commercial construction equipment such as cranes, boom trucks, and aerial lifts.
- The petitioner currently has three locations in Indiana, including facilities in Ft. Wayne, Hammond, and Indianapolis (see images at end of staff report). The petitioner intends to relocate its Indianapolis location to Pleasant View.
- On June 22, 2021, the Plan Commission recommended approval of a rezoning of the property from the A1 (Conservation Agricultural) District to the I1 District. The Commissioners approved the rezoning on July 6, 2021. Approval included the following stipulations:
 - Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.
 - The primary structure shall be consistent with the building elevations submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the building elevations.
 - At least one (1) canopy tree per fifty (50) lineal feet of frontage shall be installed along the length of the property that abuts Frontage Road.

- Proposed development includes a 17,600 sq. ft office and shop building, 12,000 sq. ft. covered outdoor storage area, approximately 10-acre gravel outdoor storage area, 100+ space paved parking area, fuel station, scale, and detention pond. The outdoor storage area and parking lot would have separate entrances from Frontage Rd.
- The Site Plan Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the Drainage Board would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure the project design complies with the County's Drainage & Sediment Control Ordinance.
- The property is located within the Shelby County Northwest Economic Development Area (EDA) and Tax Increment Financing District (TIF). The EDA currently does not include a sewer utility and has limited water utility and road improvements. Establishment of the TIF captures incremental real property tax within the EDA to fund water utility improvements within the EDA, to fund improvements to McGregor Rd, and to fund the extension of sewer utilities to the EDA. The TIF may also provide future funding to improve Frontage Road.
- Landscaping
 - The UDO requires Landscape Buffer Yard 'C' along the west property line and north property line. Staff recommends installation of Buffer Yard 'C' along Frontage Road west of the crane yard entrance to provide for screening of equipment. Landscape Buffer Yard 'C' includes one (1) canopy tree every forty-five (45) feet planted within twenty-five (25) feet of the property line and two (2) ornamental or evergreen trees every fifty (50) feet within fifteen (15) feet of the property line.
 - The UDO requires one (1) canopy tree and one (1) ornamental or evergreen tree per sixty (60) lineal feet of frontage along I-74.
 - The rezoning includes a commitment of installation of at least one (1) canopy tree per fifty (50) lineal feet of frontage along the length of the property that abuts Frontage Road.
 - The UDO requires additional landscaping within the paved parking area.
- Signage
 - The petitioner proposes to install signage per the Sign Plans submitted with the variance application.
 - Signage would include an 840 sq. ft. wall sign facing I-74 and a canopy sign facing the parking lot on the office/shop/wash-bay building and a 480 sq. ft. wall sign facing I-74 on the lean-to.
 - The County has relatively restrictive sign standards applicable to industrial development, such as only permitting a total wall sign area of 300 sq. ft. The County likely did not anticipate large-scale industrial development at the time of adoption of the current sign standards.
 - The Planning Director reviewed the sign standards in adjoining counties. Most older codes also have relatively restrictive industrial sign standards. However, the Marion County sign standards adopted in 2019 include standards applicable to large-scale industrial development. The wall signs comply with Marion County's sign standards. Staff has also recommended a stipulation that would apply Marion County's sign standards to the canopy sign.

- The Plan Commission will consider several amendments to the industrial standards included in the UDO at their July meeting. If approved, these amendments would eliminate the need for the variances related to height and driveway width. However, the petitioner has chosen to include these variance requests to allow the project to proceed as scheduled.

Variance Request #1

Request: A variance to allow for a 58-foot-tall primary structure.

Section 2.34: *Maximum Structure Height: 45 Feet for Primary Structure*

Purpose of Requirement: Height restrictions ensure adequate fire and life safety protection for taller structures, limit casting of shadows from taller structures on neighboring property and maintain consistency of development design within the jurisdiction.

Petitioner's Stated Practical Difficulty: A forty-five (45) foot tall structure will not allow for maintenance for the company's crane equipment.

Staff Analysis of Findings of Fact

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

Staff Analysis: The County will require a state design release for the building prior to issuance of construction permits to protect the public health and safety.

2. **State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The exterior of the building will include a variety of colors and building materials to visually break up the large facade. A 58-foot-tall building constructed at the proposed location would not cast shadows onto any adjoining private property.

3. **State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: The Ordinance permits equipment rental facilities in the I1 District. However, the equipment associated with the proposed use necessitates a building height of greater than 45-feet.

Staff Recommendation: APPROVAL

Variance Request # 2

Request: A variance to allow for an overall drive width of forty (40) feet for the crane yard entrance and for two fourteen (14) foot lanes for the office entrance.

Section 5.20 B. 3.: *Nonresidential Use onto Local Street: Ten (10) feet per lane, with a maximum overall width of thirty (30) feet.*

Purpose of Requirement: Maximum lane width at the right-of-way encourages orderly traffic circulation and prevents vehicles from turning within the access point.

Petitioner's Stated Practical Difficulty: Ten and one-half (10) feet per lane is not adequate drive width to ensure safe access to the facility.

Staff Analysis of Findings of Fact

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

Staff Analysis: The proposed driveway widths do not exceed the width permitted in many other jurisdictions and therefore should not impact traffic safety.

2. **State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: A slight increase in lane width would likely improve traffic flow on Frontage Rd.

3. **State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: The size of the equipment that will use the crane yard entrance and the number of vehicles that will use the parking lot entrance necessitates an increase in drive width to ensure safe and efficient movement of vehicles.

Staff Recommendation: APPROVAL

Variance Request #3

Request: A variance to install an eight (8) foot tall black vinyl chain link fence in front yards and to allow the fence to encroach into the front yard setback.

Section 5.23 F 2 e: *Security fences in the IS, C1, C2, I1, I2, and HI Districts shall not exceed six (6) feet in height in the front yard and eight (8) feet in height in the side and rear yards. Security fences shall not encroach into any front yard setback and shall be non-sight obscuring.*

Purpose of Requirement: Fence standards ensure neighborliness, visibility, and aesthetic quality. Limiting the height of security fences and prohibiting security fences within the front setback preserves the aesthetic quality of development and prevents fences from impacting traffic visibility.

Petitioner's Stated Practical Difficulty: A six (6) foot security fence is not adequate to properly secure the site. Given the shape of the subject lot the project has multiple road frontages and front yards.

Staff Analysis of Findings of Fact

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

Staff Analysis: The fence should not impact traffic visibility along Frontage Road.

- 2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: An 8-foot-tall security fence in the front yard setback would not detract from the aesthetic quality of the site due to the greenspace preserved along the fence within the existing 50-foot half right-of-way of Frontage Road. The pond and required street trees would also enhance the aesthetic quality of the site and offset the aesthetic impact of the fence.

- 3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: The outdoor storage of high-value equipment necessitates use of an 8-foot-tall security fence around the perimeter of the outdoor storage area.

Staff Recommendation: APPROVAL with the following stipulation:

- 1. The fence shall be black vinyl chain link and shall not incorporate barded or razor wire.**

Variance Request #4

Request: A variance to install signage consistent with structures of similar scale in other jurisdictions and to install an awning sign on the office elevation.

Section 5.75: Commercial, Industrial, and High Impact Signs

Purpose of Requirement: Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

Petitioner's Stated Practical Difficulty: The ordinance did not contemplate signage for a single use building of this size and scale. Proper signage is a necessity of building identification and directional guidance for users of the facility.

Staff Analysis of Findings of Fact

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

Staff Analysis: The development would include an appropriate amount of signage relevant to the size of the building to allow for adequate identification of the company.

- 2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The development would include an appropriate amount of signage relevant to the size of the building to allow for adequate identification of the company.

- 3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: A strict application of the ordinance would not allow for adequate signage for identification of the company. Signage is consistent with recently adopted Marion County sign standards.

Staff Recommendation: APPROVAL with stipulations:

- 1. The number of signs, the area of each sign, and the location of each sign shall conform with the Sign Plan submitted with the Variance Application.**
- 2. The canopy sign shall not exceed a width of 80% the width of the canopy and shall not exceed an area of 45% the area of the canopy.**
- 3. The canopy shall not project more than 6 ft from the façade unless it includes support walls.**

Variance Request #5

Request: A variance to allow for the storage of crane equipment and machinery on site.

Section 5.54 A: Prohibited: *The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials shall be prohibited.*

Purpose of Requirement: Outdoor storage standards protect the aesthetic quality of properties, preserve the character of neighborhoods, and mitigate environmental impacts associated with the outdoor storage of trash and hazardous materials.

Petitioner's Stated Practical Difficulty: Cranes and other rental equipment must be stored outside.

Staff Analysis of Findings of Fact

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

Staff Analysis: The company must maintain equipment stored outdoors to preserve the value of the machinery. Maintained equipment should not pose an environmental hazard.

- 2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The proposed site plan places the trailer and boom storage on the lower portion of the property behind the existing trees along the interstate. The plan also places the buildings between the interstate and the remaining outdoor storage area. Landscape buffer standards would provide additional screening of equipment stored outdoors. The company must maintain equipment stored outdoors to preserve the value of the machinery. Therefore, the outdoor storage of equipment would not impact the character of the area or pose an environmental hazard to adjacent properties.

- 3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: The UDO permits equipment rental in the I1 District and the nature of the permitted rental facility necessitates the outdoor storage of large equipment.

Staff Recommendation: APPROVAL with the following stipulation:

1. **Landscape Buffer Yard ‘C’ shall be installed along Frontage Road west of the crane yard entrance.**

Variance Request #6

Request: A variance to permit a fuel storage tank in the front yard.

Section 5.78 A 1: *Front Yard: Storage tanks shall not be permitted in front yards.*

Purpose of Requirement: Storage tank location standards prevent the storage of hazardous materials near buildings and on visible portions of the site typically used by the public.

Petitioner’s Stated Practical Difficulty: The subject lot has multiple road frontages necessitating a variance for a fuel storage tank.

Staff Analysis of Findings of Fact

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

Staff Analysis: The proposed security fence would prevent unauthorized access to the fuel storage tank.

2. **State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The fuel storage tank would sit at the center of the property a significant distance from adjacent properties.

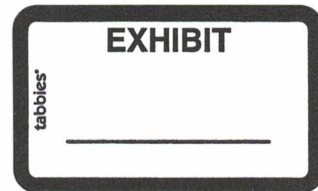
3. **State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: The lot includes three front yards which limits the area available for placement of a storage tank.

Staff Recommendation: APPROVAL

Applicant/Owner Information

Applicant:	Central Rent-A-Crane / Douglas A. Diamond 4700 Acorn Dr. Cleveland, OH 44131	Owner:	Eric E Krebs Irrevocable Trust 9242 E 12 th St. Indianapolis, IN 46229
Applicant’s Attorney:	Peter G. DePrez 24 E Polk St. Shelbyville, IN 46176	Project Engineer:	Christopher King 144 E. Rampart St. Shelbyville, IN 46176



June 21, 2021

Ms. Desiree Calderella
Planning Director
Shelby County Plan Commission
25 West Polk Street
Shelbyville, Indiana 46176

Re: Central Crane - Variance Application – Letter of Intent

Dear Ms. Calderella,

On behalf of Central Crane, we are pleased to submit the enclosed variance of development standards application for consideration by the Shelby County Board of Zoning Appeals.

The ALL Family of Companies is the largest privately-owned crane rental and sales enterprise in North America, with 33 branches operating under the ALL, Central, Dawes, Jeffers, and ALT names.

Since 1964, the ALL Family has been a leader in the heavy lift industry, offering rental, sales, parts, and unparalleled service to customers. Market strengths include commercial construction, roads & bridges, power generation, plants & processing, facility maintenance and more. With one of the largest and most modern fleets of equipment on the continent and generations of industry veterans who lend their experience every day, we are proud to say that no job is too tough for ALL.

Central Crane will be relocating an existing facility in Indianapolis to this new Shelby County Location.

The property is zoned Low Intensity Industrial (I1) and the proposed use of Equipment Rental is a permitted by the ordinance. We are requesting the following variances of development standards to allow this project to proceed:

5.20 DW-04: Multiple Family Residential and Non-residential Driveway Standards

B. Width: No driveway shall exceed the following widths.

2. Nonresidential Use onto Local Street: Ten (10) feet per lane, with a maximum overall width of thirty (30) feet.

To provide safe access to the site, we request a variance to allow for an overall drive width of forty feet (40) for the crane yard entrance and twenty-eight (28) feet for the office entrance.

B.22 FW-01 Fence & Wall Standards (Ord. 2021-21)

F. Height:

- 2. Height Exemptions: Fences used in the following circumstances shall be exempt from the height requirements indicated in Table FW-A and shall comply with the height requirements listed below:**
 - e. Security fences in the IS, C1, C2, I1, I2, and HI Districts shall not exceed six (6) feet in height in the front yard and eight (8) feet in height in the side and rear yards. Security fences shall not encroach into any front yard setback and shall be non-sight obscuring.**

To properly secure the site we are requesting a variance to install an eight (8) foot tall black vinyl chain link fence in front yards.

5.32 HT-01: General Height Standards

B. Applicability:

- 1. Maximum Primary Structure Height: The maximum accessory structure height shall be per each twopage layout in *Article 02: Zoning Districts*.**

We are requesting a variance to allow for a 58-foot primary structure height. The additional height is required to allow for the maintenance of cranes and aerial booms.

5.54 OS-01: General Outdoor Storage Standards

- A. Prohibited: The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials shall be prohibited.**

We are requesting a variance to allow for the storage of crane equipment and machinery on site.

5.75 SI-03: Commercial, Industrial, and High Impact Signs

A. Wall Signs:

2. Allotment:

- a. Stand-alone Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square foot per lineal foot of primary structure that fronts a public or private street.**

3. Location: No wall sign shall be located on a side or rear façade.

We request a variance to install signage consistent with structures of similar scale in other jurisdictions and to install an awning on wall sign on the office elevation.

5.78 ST-03: Agricultural, Industrial, and High Impact Storage Tanks Standards

A. Location

- 1. Front Yard: Storage tanks shall not be permitted in front yards.**

We request a variance to permit a fuel storage tank in the yard that faces Frontage Road.

Findings of Fact:

General Welfare:

Approval of the requested variances will not be injurious to the public health, safety or general welfare of the community. This project will result in an increase to the community's tax base which will allow for further investment in public services beyond the initial project needs. The project will create job opportunities for Shelby County residents furthering the goals for development established by the Shelby County Comprehensive Plan.

Use and value of adjacent properties:

The use and value of adjacent properties will not be affected in an adverse manner. The proposed use and requested variances are consistent with other projects within I1 and I2 zoning in the area. The county has designated this area for industrial growth and development in the Comprehensive Plan. Development of this site in the proposed manner furthers the county's efforts to promote growth, investment and job opportunities for residents.

Practical Difficulty:

The strict application of the identified development standards will result in practical difficulty for the proposed project as follows:

5.20 DW-04: Multiple Family Residential and Non-residential Driveway Standards – Width

Practical Difficulty: Ten and one-half (10) feet per lane is not adequate drive width to ensure safe access to the facility.

To maintain safe operation and access to the facility, we request a variance to allow for a maximum overall width of forty (40) feet at the crane yard entrance. The length of equipment and trailers required for transport requires additional drive turning width. Additionally, we request a maximum width of twenty-eight (28) feet for two fourteen (14) foot lanes at the employee entrance to for safe access to the site.

B.22 FW-01 Fence & Wall Standards (Ord. 2021-21) - Height:

Practical Difficulty: A six (6) foot security fence is not adequate to properly secure the site. Given the shape of the subject lot the project has multiple road frontages and front yards.

We are requesting a variance to allow for an eight (8) foot security fence in all yards. The additional height is necessary to provide adequate security for the site and is consistent with standards in other jurisdictions.

In addition we are requesting a variance to encroach into the Frontage Road and 850 West yards to match the side yard standard for fence.

5.32 HT-01: General Height Standards – Primary Structure Height:

Practical Difficulty: A forty-five (45) foot tall structure will not allow for maintenance for the company's crane equipment.

We are requesting a variance to allow for a fifty-eight (58) foot tall structure so that the building may be used to service and maintain the company's crane equipment. This proposed height is consistent with other projects in the area within I-2 zoning.

5.54 OS-01: General Outdoor Storage Standards

A. Prohibited: The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials shall be prohibited.

Practical Difficulty: Cranes and other rental equipment must be stored outside.

The proposed use is consistent with the zoning district. We are requesting a variance to allow for the outside storage of equipment and machinery. We are not seeking outdoor storage of waste or scrap materials, pallets, or inoperable vehicles. Outdoor storage for equipment and machinery is consistent with other uses in the area.

5.75 SI-03: Commercial, Industrial, and High Impact Signs

A. Wall Signs:

2. Allotment:

a. Stand-alone Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square foot per lineal foot of primary structure that fronts a public or private street.

3. Location: No wall sign shall be located on a side or rear façade.

Practical Difficulty: The ordinance did not contemplate signage for a single use building of this size and scale. Proper signage is a necessity of building identification and directional guidance for users of the facility.

The enclosed materials provide a signage plan consistent with approved signage other jurisdictions. Additionally, we request a variance to allow for an awning or wall sign to be installed on the at the proposed office entrance (side yard)

5.78 ST-03: Agricultural, Industrial, and High Impact Storage Tanks Standards

A. Location

1. Front Yard: Storage tanks shall not be permitted in front yards.

Practical Difficulty: The subject lot has multiple road frontages necessitating a variance for a fuel storage tank.

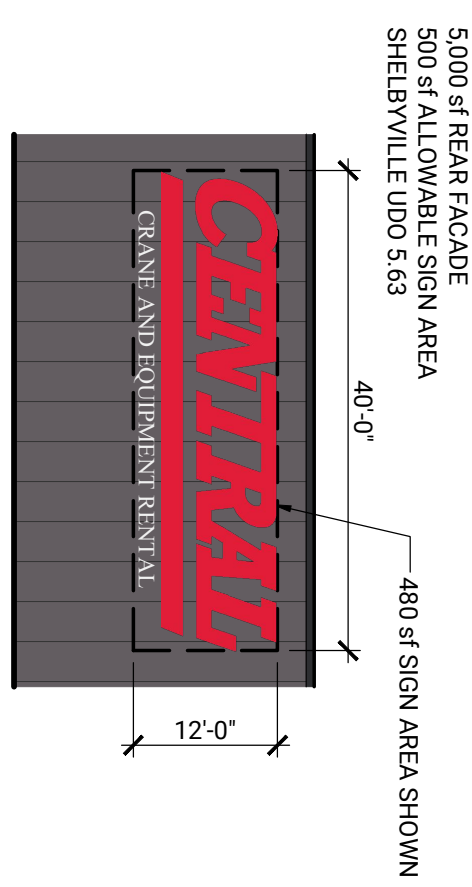
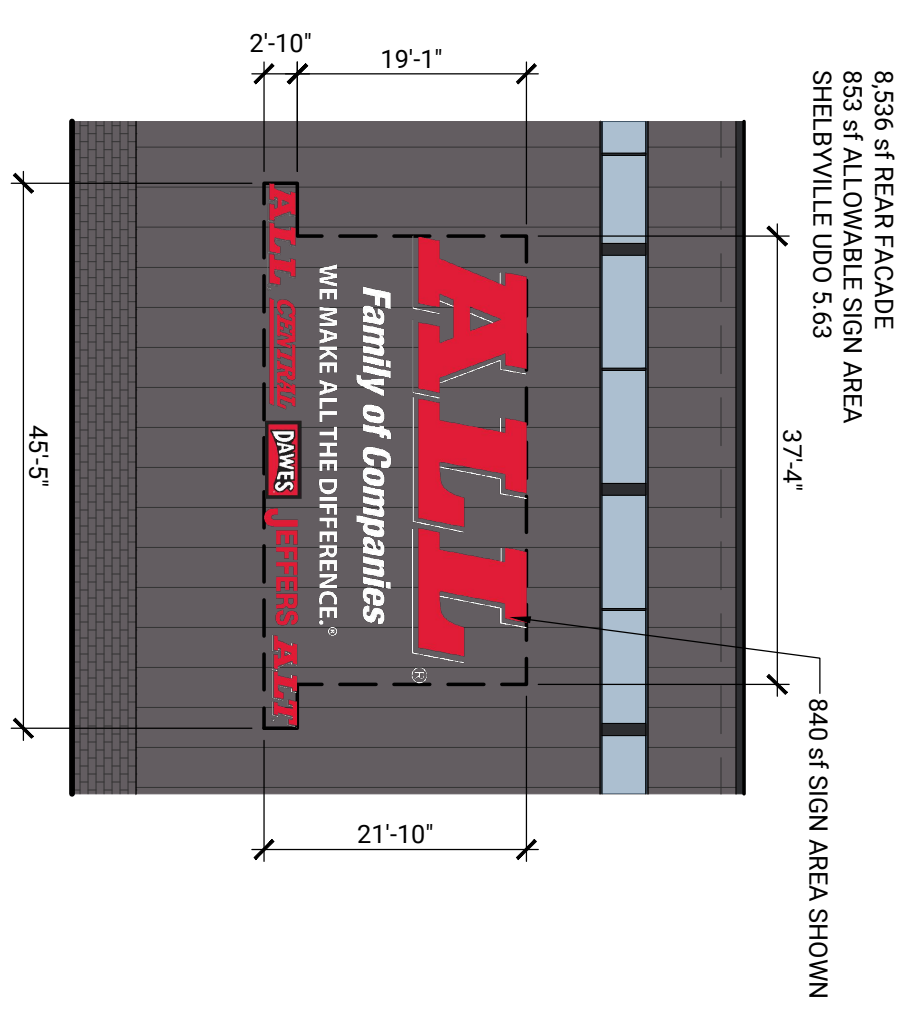
The enclosed site plan depicts the proposed location for a fuel station. The station will be shielded from view from I-74 by buildings; however, it will be located in the Frontage Road front yard.

We sincerely appreciate your consideration of these variance requests. Central Crane is extremely pleased to be considering this investment in Shelby County and looks forward to working with you to address these matters. Please feel free to contact me with any questions.

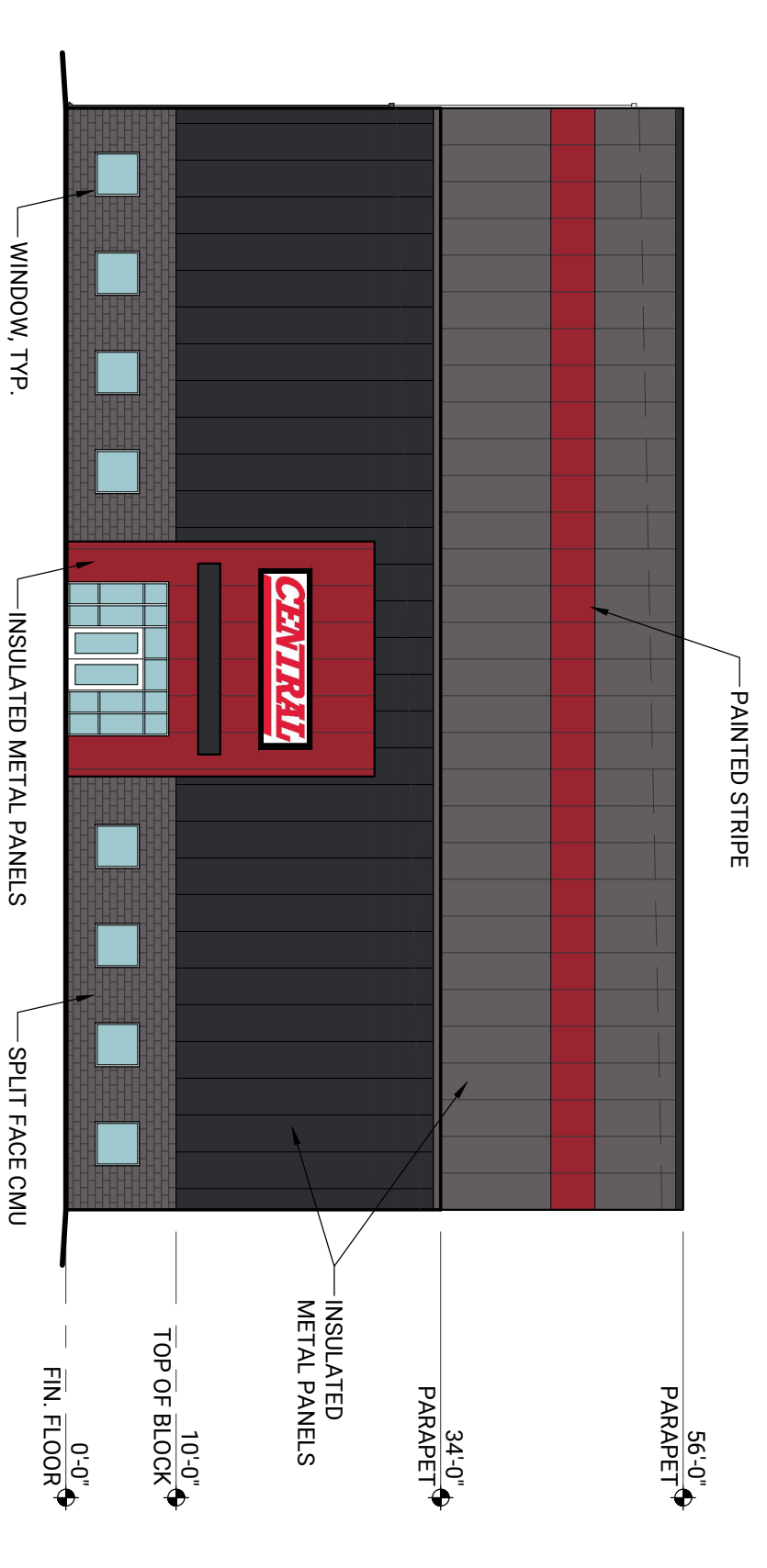
Sincerely,

Christopher M. King
Executive Vice President
Runnebohm Construction Company, Inc.
cking@runnebohm.com
317.631.1955

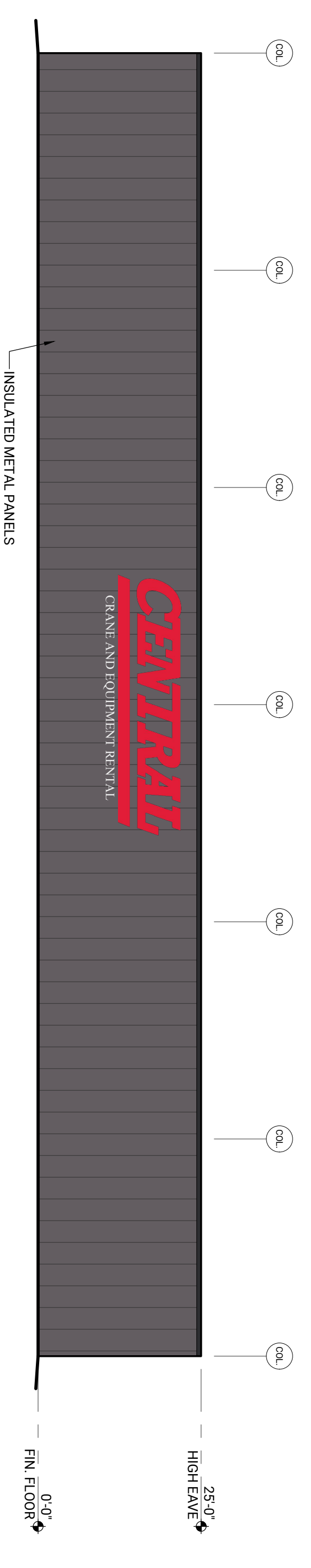
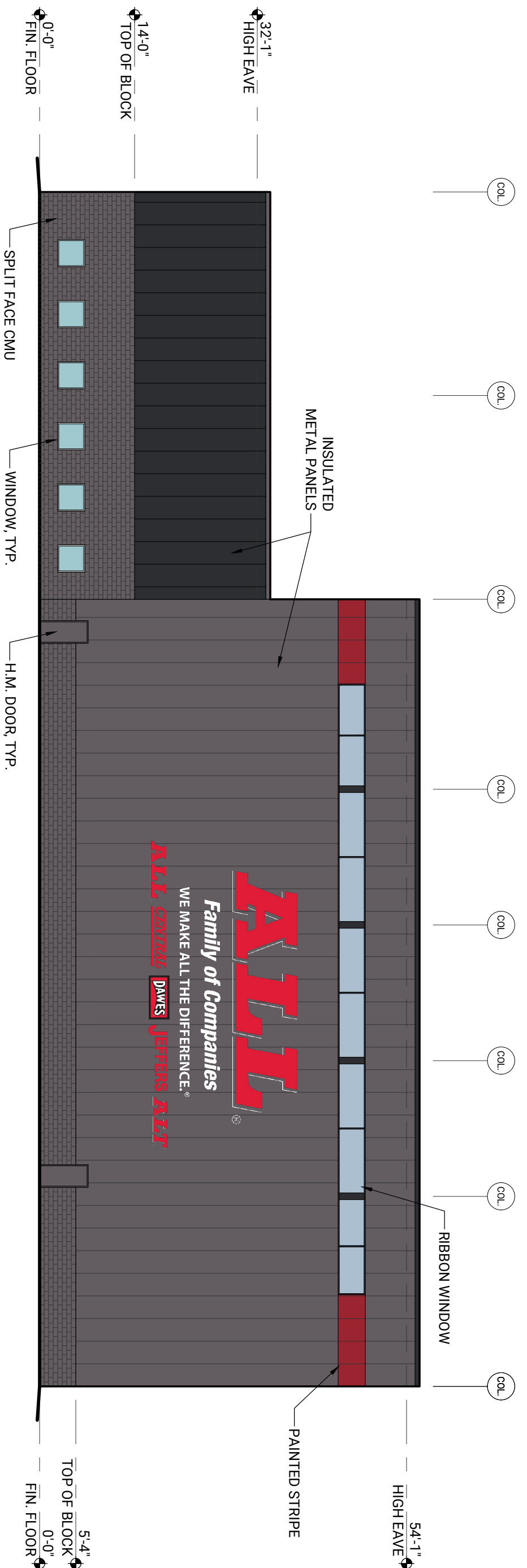
CENTIRAIL



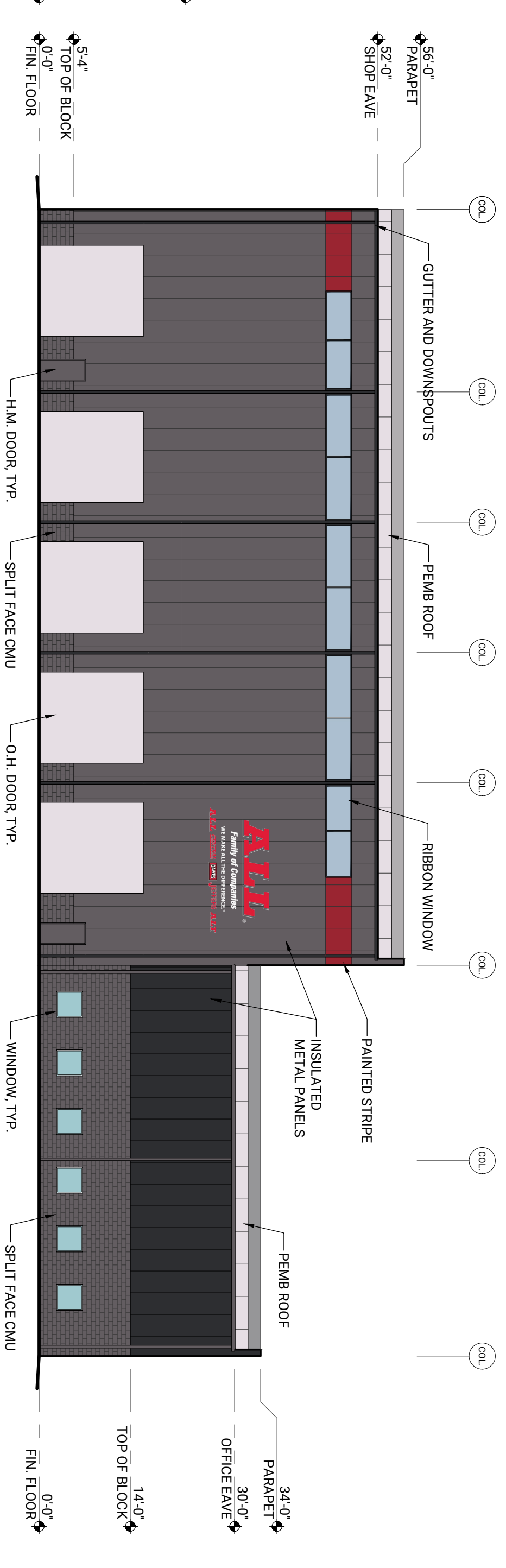
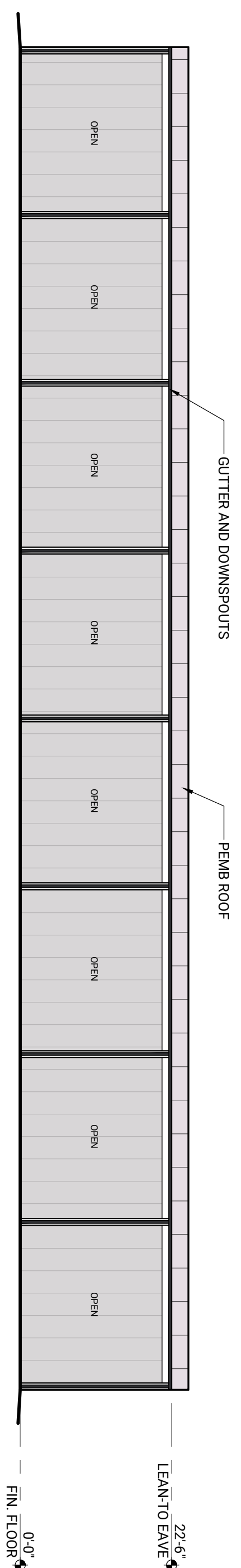
NORTH ELEVATION SIGNAGE DETAILS
SCALE: 1/16" = 1'-0"



EAST ELEVATION
SCALE: 1/16" = 1'-0"



NORTH ELEVATION
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

CENTRAL CRANE

SHELBY COUNTY, IN
PROPOSED ELEVATIONS

CENTRAL CRANE
 SHELBY COUNTY, IN
 SITE LAYOUT

DATE: 07/08/2021
 SCALE: 1" = 150'
 @ 11" x 17"



Property Details

Location: 3615 W 1200 N, New Palestine, Moral Township.

Property Size: ~10-acres.

Current Land Use: Estate Residential.

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

Development Standards: Promote low-impact development in harmony with a natural setting.

Future Land Use per Comp Plan

Agricultural

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A (Hancock County)	Single-Family Residential
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 21-24

Case Name: Charles Williams & Kayleigh Keener – Use & Development Standards Variances

Request

Variance of Use to allow for an event venue in the RE (Residential Estate) District.

Variances of Development Standards to allow:

1. Two primary structures (single-family residence & event venue in existing barn);
2. Grass parking area (paved surface & ADA compliant spaces required);
3. Small commercial sign in the RE District.

Code Requirement

UDO Section 2.11: RE District Intent, Permitted Uses, and Special Exception Uses

UDO Section 2.12: RE District Development Standards: Maximum Primary Structures – 1 per lot.

UDO Section 5.60 A: Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

UDO Section 5.73: General Sign Standards

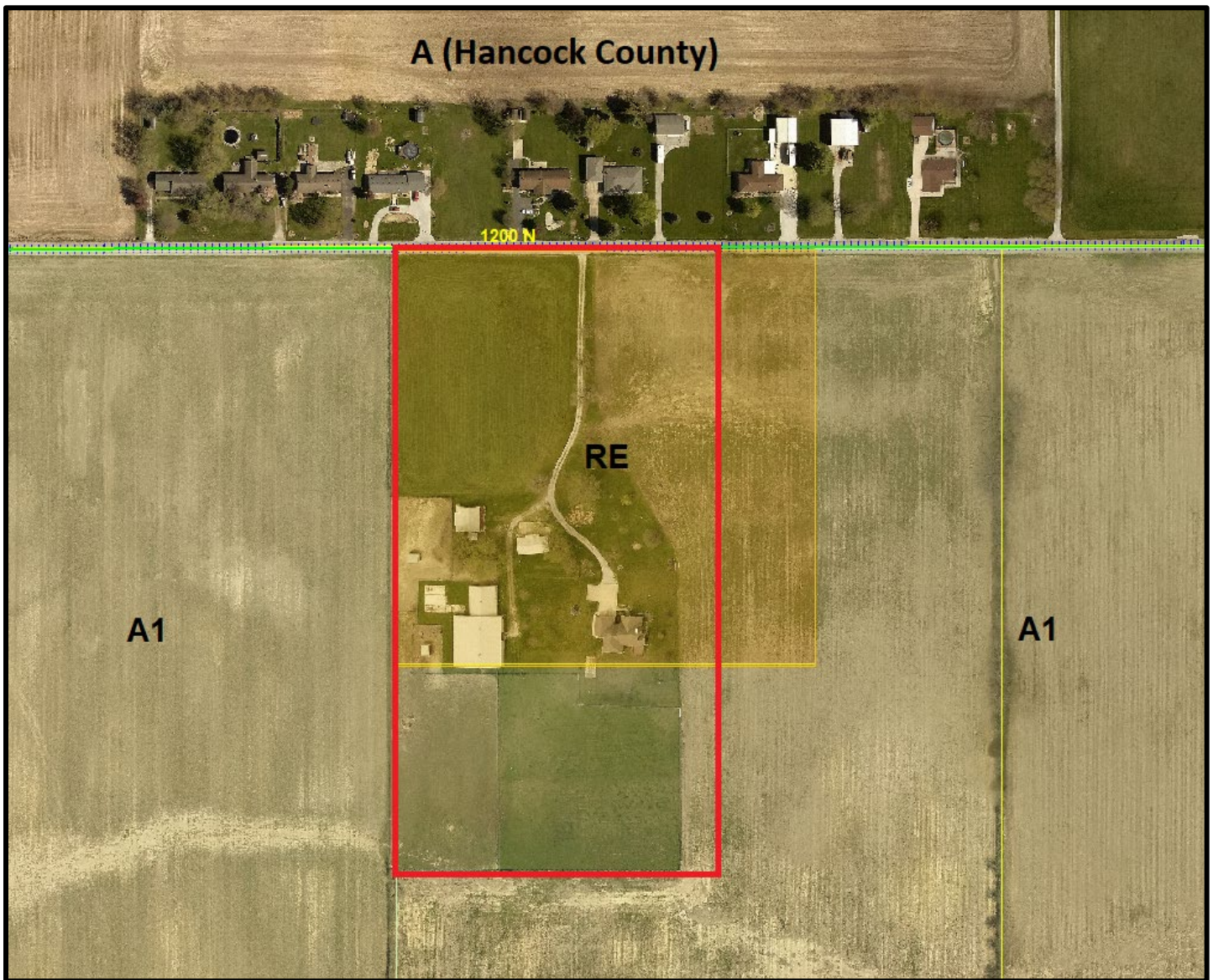
Purpose of Requirements

Permitting no more than one primary structure per lot maintains the intended development intensity of the RE District.

Paved driveways and parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles.

Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

Property Map



Case Description

- The petitioners currently have an option to purchase the property. They plan to remodel an existing barn for use as an event venue and plan to use a smaller existing barn for storage related to the venue. They plan to use the existing dwelling as their personal residence and other existing structures as residential accessory structures.

- The petitioners plan to completely insulate the barn and add covered patios, bathrooms, a kitchen area, and plumbing. They also plan to add additional landscaping around the barn.
- The petitioners plan to use the northwest portion of the property as a grass parking area and may add an additional entrance to the parking area from 1200 N. The additional entrance would comply with UDO standards and would require a permit from the Highway Department.
- The petitioners' statement of intent includes the following:
 - Hours of Operation: open to the public seven days a week, with office hours from 9AM – 5PM and events ending at 11PM on weekends.
 - Maximum number of guests compliant with fire safety regulations for the venue space.
 - Moderate wood sign near driveway.
 - Waste disposal with truck/trailer after each event.
- The petitioners must obtain approval from the State Health Department for water and waste disposal systems prior to use of the barn for public events.
- The petitioners must obtain a State Design Release prior to use of the barn for public events and a commercial remodel permit from the County.
- The surrounding area includes primarily agricultural land used for crop production, however ten properties including single-family residences located relatively close to 1200 N are located directly north of the property.

Staff Analysis of Findings of Fact

Use Variance

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

Staff Analysis: Review and approval of the proposed event barn by the State Division of Fire and Building Safety and State Department of Health would ensure that use of the event barn would not impact the public health, safety, morals, and general welfare. The proposed parking area includes enough space to allow for the safe and efficient movement of vehicles which would prevent congestion of vehicles on the public road.

2. **State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The distance between the event venue and the property lines would mitigate the impact of noise on adjacent properties and prevent landscaping materials or unintentional waste disposal from impacting the ability to use adjoining agricultural land for crop production. Proposed stipulations limiting sound devices to indoors and limiting hours of operation would also mitigate noise impacts. Proposed stipulations regarding lighting would limit the impact of light and glare on adjacent property.

3. **State Requirement: The need for the variance arises from some condition peculiar to the property involved.**

Staff Analysis: The property includes several agricultural structures, includes more acreage than typical residential properties, and adjoins agricultural land. Therefore, the property is suitable for a low intensity, agrotourism related use.

4. State Requirement: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.

Staff Analysis: A strict application of the ordinance would not allow for a low intensity agrotourism related use that the property can support, and which would not pose a nuisance to adjacent property.

5. State Requirement: The approval does not interfere substantially with the Comprehensive Plan.

Staff Analysis: The Plan encourages agritourism uses in agricultural areas. The proposed use would provide a venue for the public to enjoy the agricultural character of the property and surrounding area. The proposed use can be adequately served by State approved well and septic, and county roads.

Development Standards Variances

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

Staff Analysis: Both primary structures currently exist on the property. Paving of the entrance of to the driveway would limit the accumulation of dust on the public road. The designated parking area provides enough area for the efficient movement of vehicles. A sign not exceeding six (6) feet in height and twenty (20) square feet in area and setback at least five (5) feet from the right-of-way complies with ordinance requirements for low intensity commercial uses.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Approval of a variance to designate two existing structures as primary structures would not change the aesthetic quality of the property. Requiring a paved driveway and parking area would detract from the existing agricultural character of the property. A sign not exceeding six (6) feet in height and twenty (20) square feet in area and setback at least five (5) feet from the right-of-way complies with ordinance requirements for low intensity commercial uses.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the ordinance would detract from the rural character of the property and would not allow for a low intensity, agrotourism related use that the property can support, and which would not pose a nuisance to adjacent property

Staff Recommendation

Staff recommends **APPROVAL** primarily because the existing conditions of the property, character of the area, and the Comprehensive Plan support a low intensity, agrotourism related use. However, the Board should consider stipulations to mitigate potential impacts to adjacent properties, particularly the residential properties on the north side of 1200 N.

Recommended Stipulations:

1. A State Design Release and County Remodel Permit shall be obtained and any improvements to the barn required by the State shall be completed prior to use of the building for a public event venue.
2. Written approval from the State Health Department shall be obtained and any improvements to the property required by the State shall be completed prior to use of the property for public events.
3. All uses and structures associated with the event venue, including the parking area and landscaping, shall be located at least 200-feet from the edge of pavement of W 1200 N and at least 30-feet from the property lines. Any entrance driveway is exempt from this requirement.
4. Any driveway used for the event venue shall be paved a minimum of 25-feet from the center of W 1200 N.
5. At least one ADA compliant parking space shall be installed near the entrance to the event barn.
6. Devices used to project sound outdoors shall be operated for no longer than one (1) hour per day and operated no later than 6 PM.
7. Contracted service providers utilizing vehicles Class 4 vehicles or larger and all patrons shall vacate the premises by 11:30 PM each night.
8. Any lighting fixtures shall be full-cutoff fixtures and no light shall reach a property line with greater than five (5) lux.
9. One sign associated with the business shall be permitted. The sign shall not exceed six (6) feet in height and twenty (20) square feet in area and shall be setback at least five (5) feet from the right-of-way. The sign shall comply with all other requirements identified in the UDO.

*Notes on conditions

- Conditions 1 and 2 are required for all commercial developments in the County.
- Condition 3 is intended to limit impacts to adjacent residential properties.
- Condition 4 is intended to limit the accumulation of dust on the public road.
- The petitioner has requested condition 6 allow for operation of sound outdoors from two hours per day no later than 8 PM. Staff initially recommended no outdoor projection of sound, however compromised at 1 hour per day no later that 6 PM.
- Conditions 8 and 9 are ordinance requirements for properties in commercial districts.

Applicant/Owner Information

Applicant: Charles Williams & Kayleigh Keener
3615 W 1200 N
New Palestine, IN 46163

Owner: Michael & Denise Gatewood
3615 W 1200 N
New Palestine, IN 46163

View of property from 1200 N



Google Street View – September 2013

View of properties on north side of 1200 N from proposed parking area



Realtor.com – 2021

STATEMENT OF INTENT (ONLY REQUIRED FOR VARAINCE OF USE & SPECIAL EXCEPTION)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: Turn barn into Wedding
Event Venues

2. Days & Hours of Operation: 7 days a week office 9-5pm Events cut off 11pm
on weekends.

3. Maximum Number of Customers per Day/Week/Month: Max Capacity will be compliant
with Fire safety and regulations.

4. Type and Frequency of Deliveries: N/A

5. Description of any Outdoor Storage: N/A All storage is inside.

6. Description, Size, and Placement of any Signage: Moderate wood sign, near road and
driveway. Size - Moderate.

7. Description of Waste Disposal: Will handle with Truck/Trailer after each
event.

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Concrete, insulate whole building,
plumbing, Extend roof for patio, parking - maintain grass. Add a
good deal of landscaping and some to create privacy. Heating air

**USE VARIANCE
FINDINGS OF FACT**

Applicant: Charles Williams & Kayliegh Keener

Case #: _____

Location: 3615 W 1200 N New Palestine, IN 46163

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

Venue and Customers will hold Insurance. Follow all protocols for safety equip;
Fire codes, Max capacity. All parking will be on property, not the road.
Follow all state building codes. Expense trash properly.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Entire venue will be insulated & temp controlled. Events will have cut off times. Parking
will be as close to venue as possible, away from the road. All food will be catered.
Venue is in rear of property. Landscaping will be well maintained and used for privacy.

3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.

Great location with growth heading in New Palestine direction. Septic location TBD
We are mostly surrounded by farm land, Venue being located at rear of property
will not bother neighbors. Excited to be part of New Palestine community.

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Septic type and location TBD

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.

To operate Venue Commercial and residential land

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Charles Williams & Kayleigh Keener

Case #: _____

Location: 3615 W 1200 N New Palestine, IN 46163

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

Venue and Customers will have Insurance. Follow all protocols for safety equip, fire codes, max capacity. All parking will be on property, not the road, follow all state building codes. Dispose trash properly.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Entire Venue will be insulated, heated, cooled. Events will have cut off times. Parking will be as close to venue as possible, away from the road. All food will be catered. Venue is in rear of property. Well maintained, landscaping & use for privacy.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

Barn is in back of lot, plenty of parking space. Home development is heading in New Palestine direction.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

