

**Shelby County
Board of Zoning Appeals**

August 9, 2022 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals August 9, 2022, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 12, 2022 meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 22-32 – ROBERT L WOLFE & LAURA DODSON: DEVELOPMENT STANDARDS VARIANCES. Located at 6982 N Buck Creek Shades, Fairland.

BZA 22-29 – STACY JENKINS: DEVELOPMENT STANDARDS VARIANCES. Located at 7944 & 8188 S PR 435 W, Edinburgh, Jackson Township.

BZA 22-31 – PANJAB GROUP, INC.: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 6925 S Carroll Rd, Indianapolis, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **September 13, 2022 at 7:00 PM.**

Property Details

Location: 6982 N Buck Creek Shades, Fairland, Moral Township.

Property Size: 0.6-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

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

	Zoning	Land Use
North	A1	Cropland
South	R1	Single-Family Residential
East	A1	Cropland
West	R1	Single-Family Residential

Staff Report

Case Number: BZA 22-32

Case Name: Robert L Wolfe & Laura Dodson –
Development Standards Variances

Request

Variances of Development Standards to allow for a 576 sq. ft. detached garage:

1. In the front yard;
2. Eleven (11) feet from the right-of-way of Buck Creek Shades.

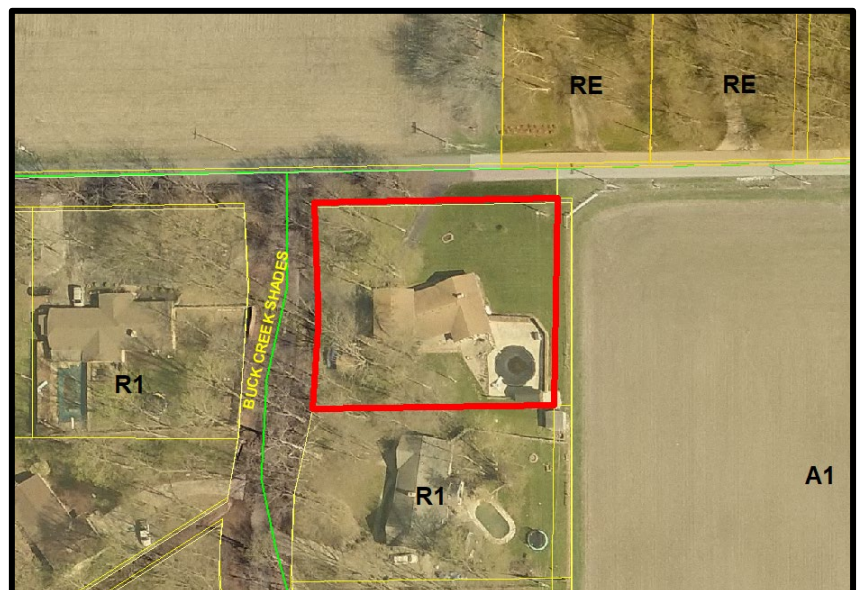
Code Requirement

UDO Section 2.14 – Minimum Front Yard Setback: 35-feet.

UDO Section 5.04 C – Placement: A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.

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. Front setback requirements allow for open space, ensure visibility along roadways, and reduce traffic hazards along roadways.

Property Map



Case Description

- The petitioner plans to construct a 24'x24' (576 sq. ft.) detached garage at the southwest corner of the property.
- The proposed building site previously included a mini barn.
- The house on the subject property faces CR 700 N. Therefore, the garage would sit in the yard that functions as the property's rear yard.
- The petitioner explained that construction of the garage directly behind the house would require removal of several trees and that the proposed building location would allow for convenient access to the garage from the existing driveway.

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 garage 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 structure. Buck Creek Shades has a relatively low volume of traffic, therefore construction of the garage close to the road should not pose a significant hazard to motorists.

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 garage would sit adjacent to the front yard of the home to the south, thereby altering the viewshed from the front yard of that 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: A strict application of the ordinance would necessitate extension of the driveway and require removal of several trees in order to place the garage directly behind the house.

Staff Recommendation

DENIAL because the garage would sit adjacent to the front yard of the home to the south, thereby altering the viewshed from the front yard of that property.

If the Board chooses to approve the variance, Staff recommends the following **stipulation**:

1. The petitioner shall provide written support of the variance request from the owner of 6942 N Buck Creek Shades, Fairland.

Applicant/Owner Information

Applicant: Robert L Wolfe & Laura Dodson Owner: Same
6982 N Buck Creek Shades
Fairland, IN 46126

Proposed Building Site



Staff Photograph – July, 2022

**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBY COUNTY BOARD OF ZONING APPEALS**

STATE OF INDIANA
COUNTY OF SHELBY

)
) SS:

i. Kenny Slaughter, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:
(Name of property owner)

1. That I am the owner of real estate located at 6942 N. Buck Creek Shades Fairland, IN 46126.
(Address of affected property)
2. That I have read and examined the Application made to the Shelby County Board of Zoning Appeals by:
Robert Wolfe
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelby County Board of Zoning Appeals.

Kenny Slaughter
Owner's Name (Please Print)

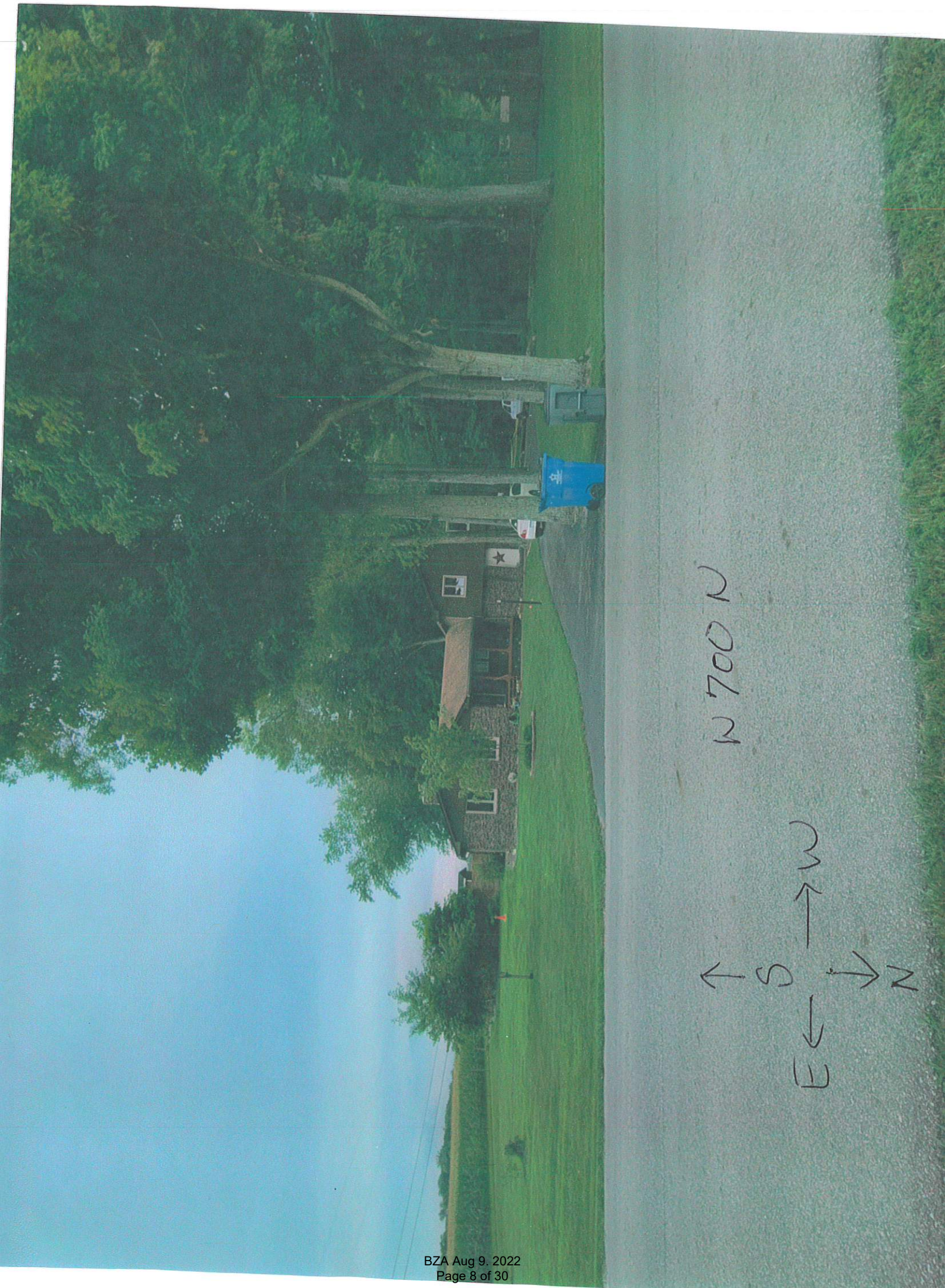
Kenny Slaughter
Owner's Signature

State of Indiana
County of Shelby

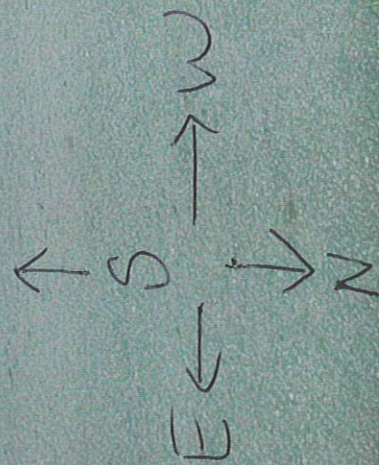
)
) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public Printed
Residing in _____ County My Commission expires _____



W 700 N





S →

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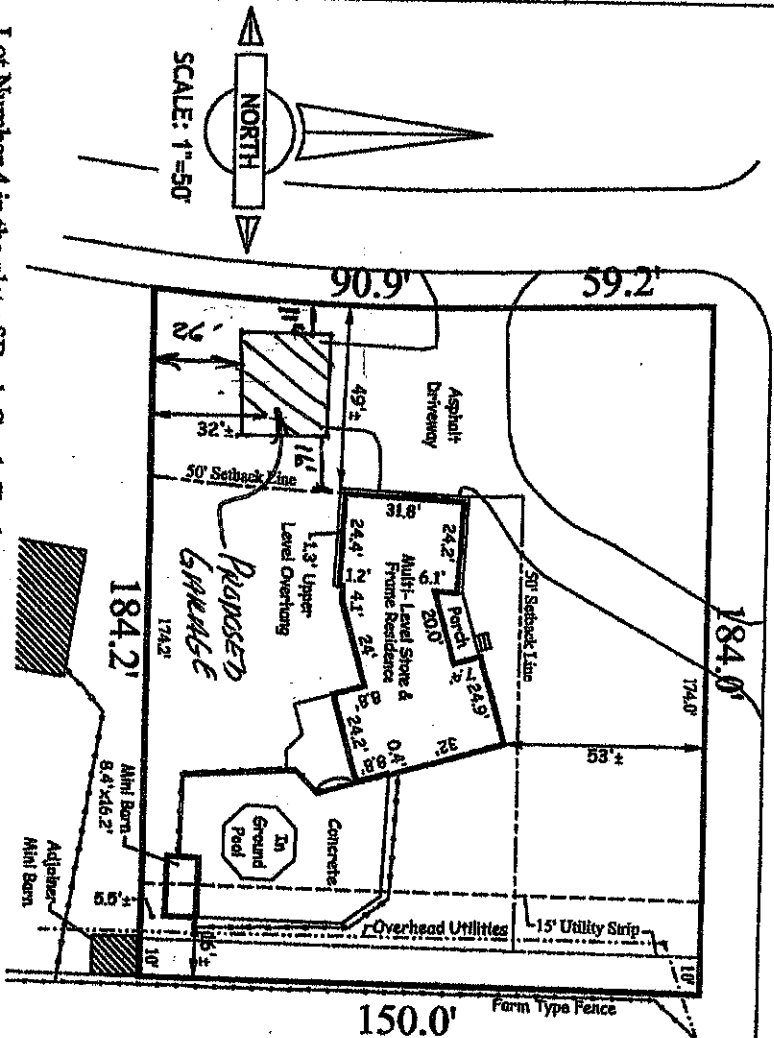
E

← N

N. Bock Creek Shades

W

SURVEYOR LOCATION REPORT



Lot Number 4 in the plat of Buck Creek Shades, a subdivision in Moral Township, Shelby County, Indiana, and recorded in Plat Book 6 page 42 in the Office of the Recorder of Shelby County, Indiana.

ALSO:

A part of the Northeast Quarter of Section 35, Township 14 North, Range 5 East, Shelby County, Indiana, described as follows:

Beginning at the Southeast corner of Lot 4 in Buck Creek Shades Subdivision as recorded at Plat Book 6, page 42 in the Shelby County Recorder's Office: thence with the East line of said Lot North 00 degrees 49 minutes 00 seconds East 150.00 feet to the Northeast corner of said lot; thence North 90 degrees 00 minutes 00 seconds East 10.00 feet; thence parallel with said East lot line South 00 degrees 49 minutes 00 seconds West 150.00 feet; thence North 90 degrees 00 minutes 00 seconds West 10.00 feet to the point of beginning, containing 0.034 acres more or less.

Accura Contact:
P.O. Box 786
Greenfield, IN 46140
(317) 462-3734 Office
(317) 462-4510 Fax
(888) 585-9642 Fax
accura@prodiqy.net

Title Insurance Company:
Security Title Services

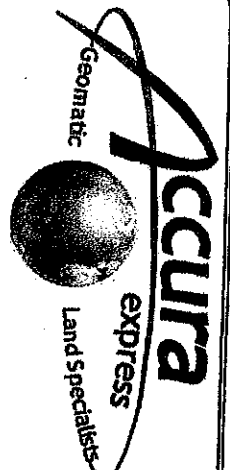
Lender:
Flagstar Bank, FSB

Buyer:
Robert Wolfe
Laura A. Dodson

Seller:
Mark A. Case Sr.
Jeanette L. Case

Accura Reference Number:
01-21-7198

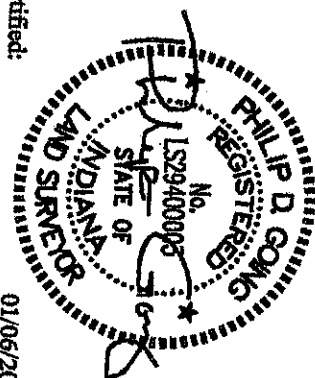
Client Reference Number:
2112199



I, the undersigned Registered Land Surveyor, hereby certify to the parties named herein, that the real estate described in this report was inspected under my direct supervision on the date indicated and that, to the best of my knowledge, information and belief this report conforms with the requirements contained in Sections 27 through 29 IAC 1-12 for a Surveyor Location Report.

This report is based on limited accuracy measurements and is designed for use by a Title Insurance Company with residential loan policies. No corner markers were set and NO liability will be assumed for any use of this report for construction of new improvements or fences.

Certified:



01/06/2022



6982 N. Buck Creek Shades, Fairland, IN 46126

Property Details

Location: 8188 & 7944 S PR 435 W, Edinburgh, Jackson Township.

Property Size: 5.15-acres & 6.65-acres (11.8-acres total).

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
 Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

	Zoning	Land Use
North	RE	Estate Residential
South	RE	Estate Residential
East	RE	Woodland
West	RE	Estate Residential

Staff Report

Case Number: BZA 22-29
Case Name: Stacy Jenkins – Development Standards Variances

Request

Variances of Development Standards to allow:

- Hobby farming exceeding 40% of the land area of each lot;
- Keeping of Farm Animals on a lot under 6-acres;
- Keeping of four (4) animal units per two (2) fenced acres on each lot.

Code Requirement

UDO Section 2.11 & Section 11.02 Defined Words - RE District Intent, Permitted Uses, and Special Exception Uses – Permitted Agricultural Uses - Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the primary income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

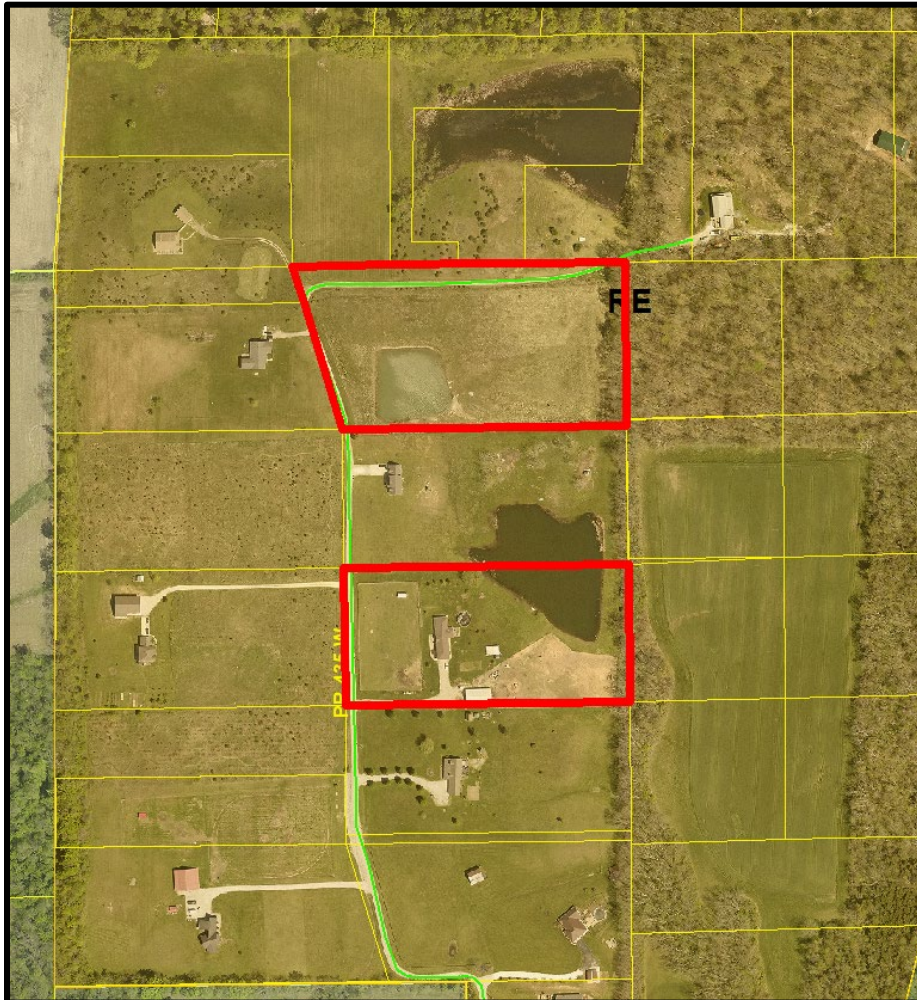
UDO Section 5.42 A 1 – Pastured Farm Animals: Farm Animals are permitted (in the RE District) as follows: Minimum Lot Area: Six (6) acres.

UDO Section 5.42 A 3 & 4 – Pastured Farm Animals: Farm Animals are permitted (in the RE District) as follows: Maximum Animal Units: One (1) animal unit per two (2) acres that are fenced.

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	2
Horse, Mule, Donkey, Camel, and similar	1
Horse (34 inches or less at withers)	5
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	25
Mink and other similar fur-bearing animals	25

Purpose of Requirements: The UDO regulates hobby farming and includes keeping of animals standards to maintain the character of rural areas and to mitigate nuisances to neighboring properties related to animals, such as noise and odor. Restricting the number of animals in fenced areas also limits degradation of vegetative cover.

Property Map



Case Description

- The petitioner currently operates an animal sanctuary (Jenkins Forever Farm) on the 5.15-acre 'south' lot. This lot also includes the petitioner's residence. The petitioner recently purchased the 6.65-acre 'north' lot and intends to expand the animal sanctuary onto this lot.
- The Jenkins Forever Farm website provides the following description of current operations: *Jenkins Forever Farm is an animal sanctuary that provides rescue, care, love and a forever home to farmed and exotic animals. We have over 80 residents including cows, alpacas, goats, sheep, pigs, chickens, ducks, geese, turkeys, rabbits, ferrets, iguanas and barn cats. We have adopted some of our residents from other rescues but most have come through police seizures, various local animal control facilities, or hoarding cases.*

- Existing development on the south lot includes a single-family residence, 1,800 sq. ft. pole barn, pond, several animal shelters, and fenced animal containment areas. The petitioner has not proposed any additional improvements to this property.
- Proposed development on the north lot includes a 2.5-acre fenced area, four 240 sq. ft. animal shelters, and a 240 sq. ft. shed.
- The UDO allows Hobby Farming as a primary use in the RE District without construction of a home on the property, however hobby farming cannot exceed 40% of the land area of the lot. The petitioner currently utilizes about half of the south lot for hobby farming and plans to utilize the entire north lot for hobby farming.
- The request for additional animal units per fenced acre would only apply to cattle, buffalo, horses, donkeys, mules, camels, and similar animals.
 - The UDO would permit up to four (4) cattle/buffalo or up to two (2) horses/mules/donkeys/camels in the fenced area on the south lot. The petitioner's request would allow up to eight (8) of either set of animals.
 - The UDO would permit up to five (5) cattle/buffalo or up to two (2) horses/mules/donkeys/camels in the fenced area on the north lot. The petitioner's request would allow up to ten (10) of either set of animals.
 - The petitioner intends to comply with the maximum number standards for the keeping of all other types of animals on the property.
 - Animal units per fenced acres allow for keeping of a type of animal within the fenced acreage. For example, two fenced acres would allow for four cattle or fifty chickens, not four cattle plus fifty chickens.

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: Approval would allow for expansion of an animal sanctuary which provides an animal rescue service to the community. Temporary storage of animal waste should not pose a significant 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 current animal sanctuary is well-kept and animal containment areas include vegetative pastures rather than bare ground. Appropriate setbacks from property lines and timely disposal of animal waste should not pose odor or environmental impacts. The neighborhood includes several properties with hobby farming uses and the keeping of farm animals. Therefore, approval of the variances would not conflict with the rural character of the neighborhood or degrade the aesthetic quality of the area.

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 expansion of a well-kept animal sanctuary consistent with the rural area.

Staff Recommendation

APPROVAL primarily because the current animal sanctuary is well-kept and animal containment areas include vegetative pastures rather than bare ground. Therefore, approval of the variances would not conflict with the rural character of the neighborhood or degrade the aesthetic quality of the area.

Staff recommends the following **stipulations**:

1. All outdoor animal containment areas shall be maintained with 90% vegetative cover.
2. Animal waste storage areas shall be setback at least 100-feet from all property lines.
3. Animal waste shall not be allowed to accumulate on each property for more than two weeks, and at no time shall the total quantity on each property exceed thirty (30) cubic yards.

Applicant/Owner Information

Applicant:	Stacy Jenkins 8188 S PR 435 W Edinburgh, IN 46124	Owner:	Stacy & David Jenkins
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View of North Lot – Looking East



Staff Photograph – August, 2022

Animal Containment Areas on South Lot



Staff Photographs – August, 2022

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Stacy Jenkins

Case #: _____

Location: 8036 & 8188 S PR 435 W

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.
We have run Jenkins Forever Farm since July 2019 and have done everything possible to keep the animals in our
care safe and healthy. This in turn creates a safe and healthy environment for all surrounding areas.

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.
We purchase quality made structures and install professional fencing so the property will be visually appealing and not affect
the value of surrounding properties.

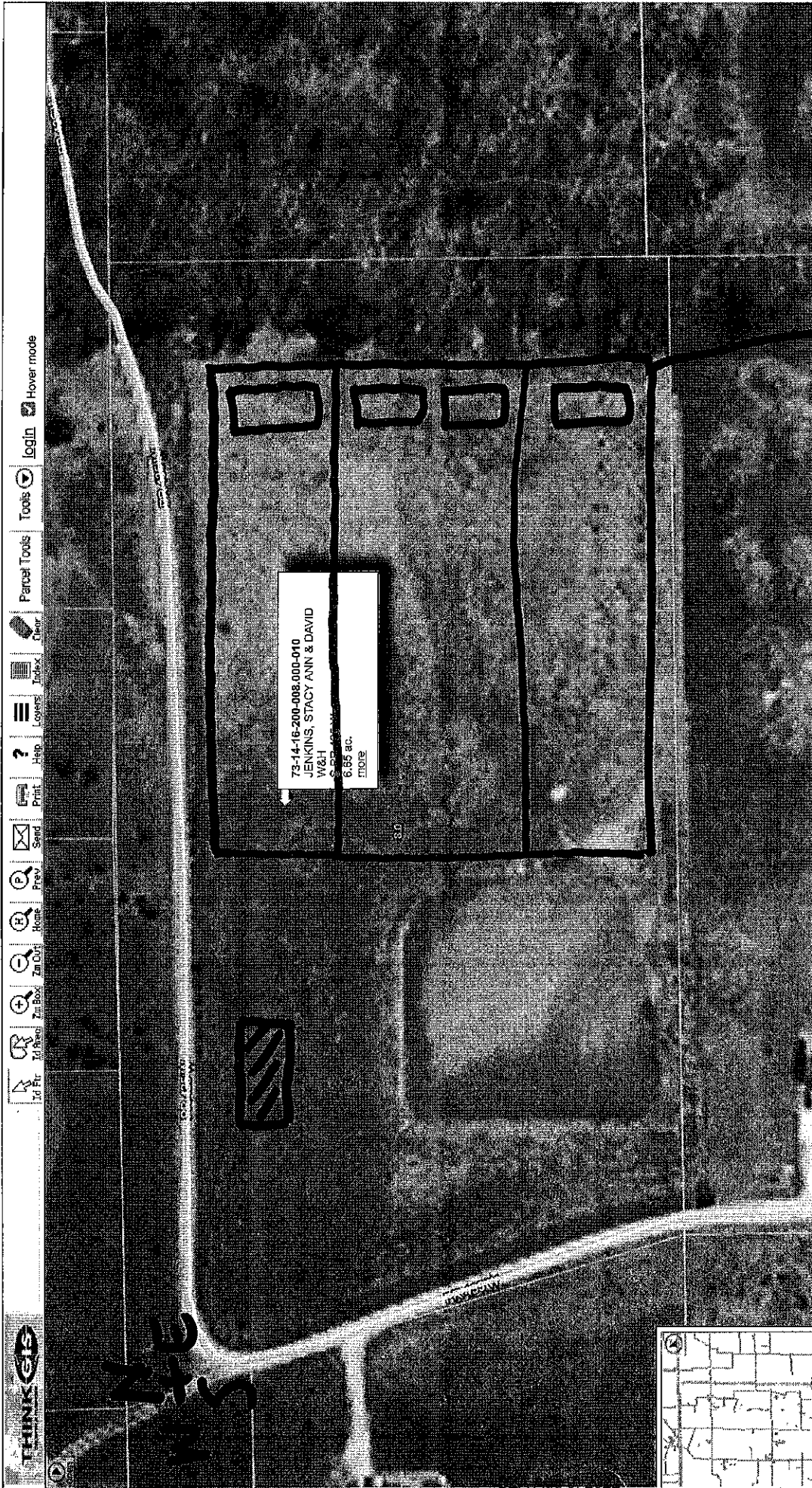
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.
There will be no difficulty easily transitioning this property. All of the items we plan to put on the property can be easily removed.

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.)



Fencing

□ -
12' x 20'
Animal
Shelter

▨ -
12' x 20'
Shed

Property Details

Location: 6925 S Carroll Rd,
Indianapolis, Moral Township.

Property Size: 6.36-acres.

Current Land Use: Residential
Estate.

Zoning Classification

I1 (Low Intensity Industrial)

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

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:

- *Employ high environmental quality standards*
- *May function as an integral part of an overall development area*
- *Require large tracts of land because of their nature and function*
- *Have minimal impacts on adjacent uses*

Focus Area #1- Northwest Corner

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.*

Continued next page...

Staff Report

Case Number: BZA 22-31

Case Name: Panjab Group, Inc. – Use & Development
Standards Variances

Request

Variance of Use to allow for outdoor storage of trucks and trailers in the I1 (Low Intensity Industrial) District.

Variances of Development Standards to allow:

1. Use of an existing barn encroaching over the 30-foot front setback line;
2. Use of an existing gravel driveway and installation of a new partially graveled driveway;
3. Less than 45-foot separation between driveways;
4. Use of existing gravel parking area for employee parking.

Code Requirement

UDO Section 2.33 I1 District Intent, Permitted Uses, and Special Exception Uses

UDO Section 2.34 – Minimum Front Yard Setback: 30-feet

UDO Section 5.20 C – Materials: *All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.*

UDO Section 5.20 A 2 b – Multiple Entrance: *Two or more driveways shall not be permitted to be installed: Within forty-five (45) feet of one another if access is along a local street.*

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.*

Property Details

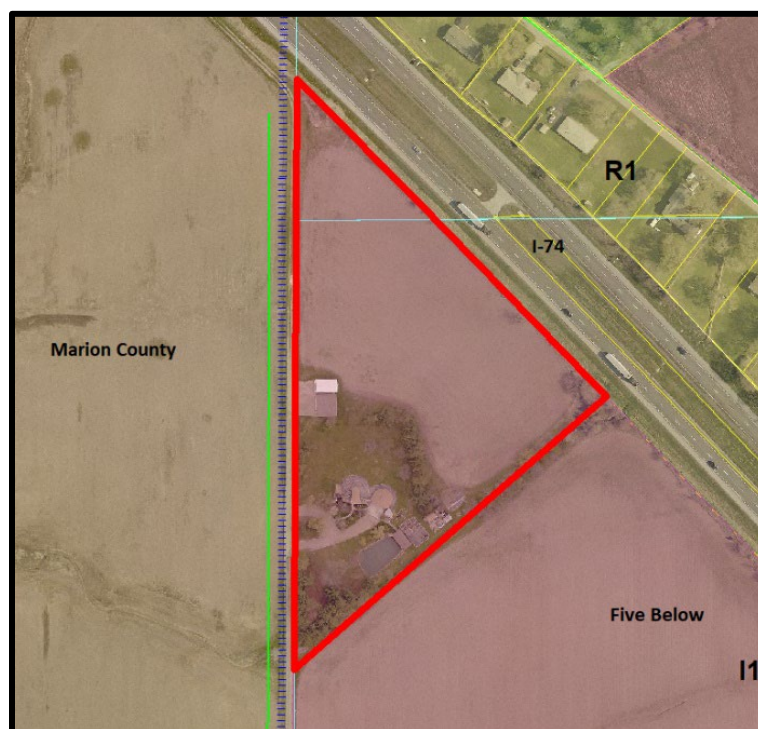
2. *Target residential, commercial, and industrial development near existing interchanges.*
3. *Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities.*
4. *Encourage the extension of public water & sewer facilities to this area.*
5. *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	I1	Warehouse
East	NA	I-74
West	DA (Dwelling Ag.)	Cropland

Purpose of Requirements: Front setback requirements allow for open space, ensure visibility along roadways, and reduce traffic hazards along roadways. Paving of driveways and parking areas limits potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt surfaces, limits seepage of oils and other automobile fluids directly into the ground, and maintains the character of industrial areas. Paved parking areas can also have defined parking spaces and drive aisles, thereby allowing for safe and efficient movement of vehicles. The driveway separation requirement limits conflicts between vehicles simultaneously accessing driveways in close proximity.

Property Map



Case Description

- The petitioner intends to use the property for office space and outdoor storage of trucks and trailers related to the petitioner's trucking company. The petitioner's Statement of Intent includes the following information:
 - Days & Hours of Operation: Monday through Friday, 8AM – 4PM
 - Fifteen trucks arriving and departing from the site per day
 - Business sign along I-74 in compliance with ordinance requirements
- The UDO only permits outdoor storage as a primary use in the A4 (Agricultural Commercial) District and I2 (High Intensity Industrial) District. The UDO defines Outdoor Storage as *the outdoor accumulation of goods, junk, motor vehicles, equipment, products or materials for permanent or temporary holding*. The I1 District does permit the office space component of the use as Flex Space.
- Existing on-site development includes a 2,500 sq. ft. single-family residence, 864 sq. ft. pole barn, 700 sq. ft. pole barn, detention pond, septic system, gravel driveway and parking area, and several sheds and open-sided structures.
 - The petitioner intends to use the single-family residence as office space and the existing driveway and parking area for employee parking.
 - The petitioner intends to use the pole barns for storage of business materials and to maintain the gravel access area to these barns from Carroll Rd.
 - The petitioner intends to expand the detention pond.
 - The petitioner intends to utilize the existing septic system.
- Proposed development includes a fifteen (15) space gravel truck storage area behind the existing residential structure and gravel driveway providing access to the truck storage area. The petitioner indicated that they intend to pave the entrance of the driveway.
- Property Access
 - Shelby County widened Carroll Rd. between McGregor Rd. and the east entrance of the Five Below warehouse in the Spring of 2022.
 - Carroll Rd. remains a one-lane paved road along the remainder of the Five Below site and transitions to gravel where it adjoins the subject property.
 - Proposed development of the adjacent property on the west side of Carroll Rd. for industrial purposes would require upgrades to the remaining portion of Carroll Rd. to accommodate commercial truck traffic. The developer of this property currently has a pending rezoning petition in Marion County.

- The UDO requires completion of a traffic study to determine if existing public streets can effectively and safely convey traffic generated by a development if the proposed use will generate more than ten (10) semi-tractor trailer trips to and from the site per day.
- On April 26, 2022 the Plan Commission granted a favorable recommendation to rezone the property from RE (Residential Estate) to I1 (Low Intensity Industrial) to allow for sale of the property for low-intensity industrial use. The County Commissioners approved this rezoning on May 16, 2022. The rezoning included two stipulations:
 - Development Plan Approval as required by section 9.08 Development Plan of the Unified Development Ordinance shall be required prior to issuance of an Improvement Location Permit for any non-residential permanent construction, installation, addition, alteration, or relocation of a new structure, and/or permanent alteration to the land.
 - The property shall not be used for a paintball facility or governmental operations.
- Per Section 5.01 of the UDO, all land use changes established after the effective date of the ordinance are subject to all development standards of the applicable zoning district. Therefore, the petitioner must upgrade the site to comply with the standards of the I1 District prior to transition of the property from the current residential use to industrial use, or obtain applicable variances.
- The Plan Commission and Technical Review Committee would not review a development plan for the proposed use unless the State requires alteration of the structure for use as commercial office space.
- Development of the property for a larger-scale industrial use, such as light manufacturing or a research facility, would generate higher tax revenue and have a greater potential for job creation than the proposed use. However, use of the property for truck and trailer parking would not restrict future development of the site for permanent structural development when economically feasible.

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: Outdoor storage of a relatively low number of trucks and trailers over 300-feet from the interstate and screened by a fence and landscaping would not impact the aesthetics of the gateway into Shelby County along I-74. The County has upgraded McGregor Rd. to accommodate commercial truck traffic and surrounding roads will be upgraded as development progresses in the area. The property does not lie in a floodplain or include unique environmental features.

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: Outdoor storage of trucks and trailers would not conflict with the character of existing and proposed surrounding industrial development.

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

Staff Analysis: The property does not include enough area to accommodate typical uses permitted in the I1 District.

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 trucking use currently demanded in the region.

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

Staff Analysis: Truck and trailer parking supports industrial development related to shipment of goods and would not conflict with industrial development in the area. Outdoor storage of a relatively low number of trucks and trailers over 300-feet from the interstate and screened by a fence and landscaping would not impact the aesthetics of the gateway into Shelby County along I-74.

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: The reduction in driveway separation and reduced front setback would only impact traffic accessing the property due to the location of the property at the end of a dead-end road. Installation of driveway aprons would limit the migration of dust onto the public road. Unpaved parking and maneuvering areas would sit over 300-feet from the interstate and at the end of a dead-end road, therefore would not impact the aesthetic quality of the area. The employee parking area would accommodate a relatively low number of vehicles, therefore lack of defined aisles and parking spaces would not significantly 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: The reduction in driveway separation and reduced front setback would only impact traffic accessing the property due to the location of the property at the end of a dead-end road. Unpaved parking and maneuvering areas would sit at the end of a dead-end road, therefore would not impact the aesthetic quality of the area.

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 use of existing facilities for a relatively low-intensity industrial use.

Staff Recommendation

Staff recommends **APPROVAL** primarily because approval would allow for a trucking use needed in the region subsequent to upgrades to Carroll Rd, would not impact the character of the area with installation of landscape buffers, and would not restrict future development of the site for permanent structural development when economically feasible.

Staff recommends the following **stipulations**:

1. Trucks and trailers shall not be parked or stored on-site until full completion of upgrades to Carroll Rd. to accommodate commercial truck traffic in accordance with Marion County's construction standards.
2. Outdoor storage of goods, junk, motor vehicles, equipment, products or materials for permanent or temporary holding shall be limited to the proposed trailer parking and maneuvering area indicated on the Site Plan as amended by Staff.
3. No more than a total of ten (10) trucks and trailers shall be parked or stored on-site at any one time.
4. A concrete or asphalt driveway apron shall be installed at the end of both driveways upon completion of upgrades to Carroll Rd.
5. The proposed trailer parking and maneuvering area indicated on the Site Plan as amended by Staff shall be screened on all sides with a minimum eight (8) foot privacy fence, at least ten (10) feet from the property line. The ten (10) foot area immediately outside the fence shall be landscaped with trees (one per fifty (50) lineal feet of fence) and shrubs (one per thirty (30) lineal feet of fence). The fence and landscaping shall be installed prior to use of the trailer parking and maneuvering area for outdoor storage.
6. A State Design Release, or written verification from the State that a State Design Release is not required, for the existing building and any applicable remodel permits shall be obtained prior to use of the existing building as office space.
7. State and County Septic System Permits, or written verification from the State that septic system upgrades are not required, shall be obtained prior to use of the existing building as office space.
8. Change in use of the property and/or addition of a structure over 2,500 sq. ft. shall render the use & development standards variances void.

Applicant/Owner Information

Applicant:	Panjab Group, Inc. 2173 Sungold Court Greenwood, IN 46143	Owner:	Same
Attorney:	Eric M. Glasco 2150 Intelliplex Dr., Ste. 200 Shelbyville, IN 46176		

Entrance to Property from Carroll Rd.



Google Street View – June, 2019



STEPHENSON
— **RIFE** —
LLP

Eric M. Glasco
Direct Dial: 317-680-2052
EricGlasco@SRTrial.com

July 19, 2022

Shelby County Plan Commission
c/o Desiree Calderella, Director
25 W Polk St. Rm 201
Shelbyville, IN 46176

RE: LETTER OF INTENT FOR VARIANCE APPLICATION
APPLICANT: Panjab Group Inc.
2173 Sungold Court
Greenwood, IN 46143

Dear Mrs. Calderella:

As part of its proposed development of the real estate located at 6925 Carroll Rd. Panjab Group Inc. is seeking variances to the Shelby County Zoning Ordinance. The subject property is zoned low intensity industrial (I-1). The general purpose of the variance requests is to facilitate the development of the real estate to house trucking companies that are owned by the owners of the Applicant. More particularly, Panjab seeks the following variances:

1. Article 2.3 (Use Variance). The variance is requested to allow for the outdoor storage of trucks and trailers related to the operation of Applicant's owners' trucking companies.
2. Article 2.34 (front yard setback). The property presently contains a barn just north of the primary structure existing on the property. Applicant desires to leave the barn in its present location and use it for indoor storage. The barn is approximately 20-25 feet off of the front property line, below the 30 foot minimum front yard setback required for I-1. The variance is requested to reduce the front yard setback as to the existing barn.
3. Article 5.20(A) (Driveway Materials). Variance is requested to allow for Applicant to pave a portion of the entrance and then have stone or crushed gravel for the remaining driveway and truck parking area. The paved entry way will help to reduce the carrying of crushed gravel and stone from the parking and drive areas onto the public roadway.
4. Article 5.60(A) (Employee Parking Materials). Applicant intends to use the presently existing driveway to the primary structure as the driveway and parking area for its employees.

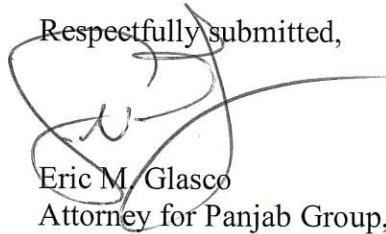


Variance is requested to allow Applicant to use the driveway for such purposes in its present condition.

5. Article 5.23 (Fence Standards). Variance is requested to allow for construction of a chain-link fence in the front yard between the primary structure that is located on the subject property and the public road. The purpose of the fence is for site security.

The requested variances will aid development of a trucking operation on the subject property. The industrial development of the area coupled with efforts by Applicant will negate any effect the variances will have on the neighboring properties and the community. Additionally, as part of the new industrial park the subject property the use and developments variances are consistent with the zoning district and the surrounding uses, as well as the spirit of the county unified development ordinance.

Respectfully submitted,



Eric M. Glasco
Attorney for Panjab Group, Inc.

STATEMENT OF INTENT (ONLY REQUIRED FOR VARIANCE 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: Applicant intends to use the subject property to house trucking companies that are owned by Applicant's owners. The use variance will allow for the outdoor storage of trucks and trailers related to the trucking companies owned by Applicant's owners that will operate on the subject property.

2. Days & Hours of Operation: The trucking company will operate Monday through Friday 8am - 4 pm.

3. Maximum Number of Customers per Day/Week/Month: The applicant anticipates 15 trucks coming and going from the subject property throughout the day.

4. Type and Frequency of Deliveries: The trucking company will have very few, if any, deliveries, but there will be truck traffic associated with the business

5. Description of any Outdoor Storage: Applicant will store trucks and trailers related to the trucking business that will operate on the subject property.

6. Description, Size, and Placement of any Signage: Applicant anticipates erecting a sign along the edge of the property facing Interstate 74. The sign will include the name of the business and will be sized in accordance with development standards.

7. Description of Waste Disposal: The property is presently served by a septic, which will be sufficient to satisfy the temporary needs of the business. Improvements may be made to the septic field if necessary.

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Applicant intends to create an additional drive way and entrance off of Carroll Road. Applicant also intends to create a parking lot for the trucks associated with the business. Applicant also anticipates making improvements to the detention pond and possibly the septic field.

**USE VARIANCE
FINDINGS OF FACT**

Applicant: Panjab Group Inc.

Case #: _____

Location: 6925 Carroll Road, Indianapolis IN 46259

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. The requested variances will not be injurious to public health, safety, and general welfare of the community. The requested variances deal with accommodating a trucking company to be housed on the subject property. The property is presently zoned light industrial and applicants will take necessary steps to reduce the any effect the variances will have on the adjacent property owners and community, which will be minimal.
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. The requested variances will have minimal, if any, effect on the use and value of adjacent properties. The property is presently zoned industrial, as are the adjacent properties. Additionally, the proposed use is a low intensity use and should have limited impact on the adjoining property owners.
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. The strict application of the terms of the Shelby County Ordinance will result in practical difficulties in the use of the property in question. The area is ideal for supporting a trucking operation due to the other industrial uses and companies in the surrounding area. The limited size and location of this parcel creates special and unique challenges to its development for industrial purposes. The proposed use overcomes those challenges.
4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought. The strict application of the terms of the Shelby County Ordinance will result in unnecessary hardship in the use of the property in question. The limited size and location of this parcel creates special and unique challenges to its development for industrial purposes. The proposed use addresses these hardships.
5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan. The comprehensive plan and the zoning of this property and the surrounding area supports Shelby County's Comprehensive Plan. The area is ideal for supporting a trucking operation due to the other industrial uses and companies in the surrounding area and Shelby County's desire for its industrial park.

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Panjab Group Inc.

Case #: _____

Location: 6925 S. Carroll Road, Indianapolis IN 46259

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.
The requested variances will not be injurious to public health, safety, and general welfare of the community. The requested variances deal with accommodating a trucking company that will be housed on the subject property. The property is presently zoned industrial and applicants will take necessary steps to reduce the effect on adjacent property owners. Any effect the variances will have on the community will be minimal.

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.
The requested variances will have minimal, if any, effect on the use and value of adjacent properties. The property is presently zoned industrial, as are the adjacent properties. Additionally, the proposed use is a low intensity use and should have limited impact on the adjoining property owners.

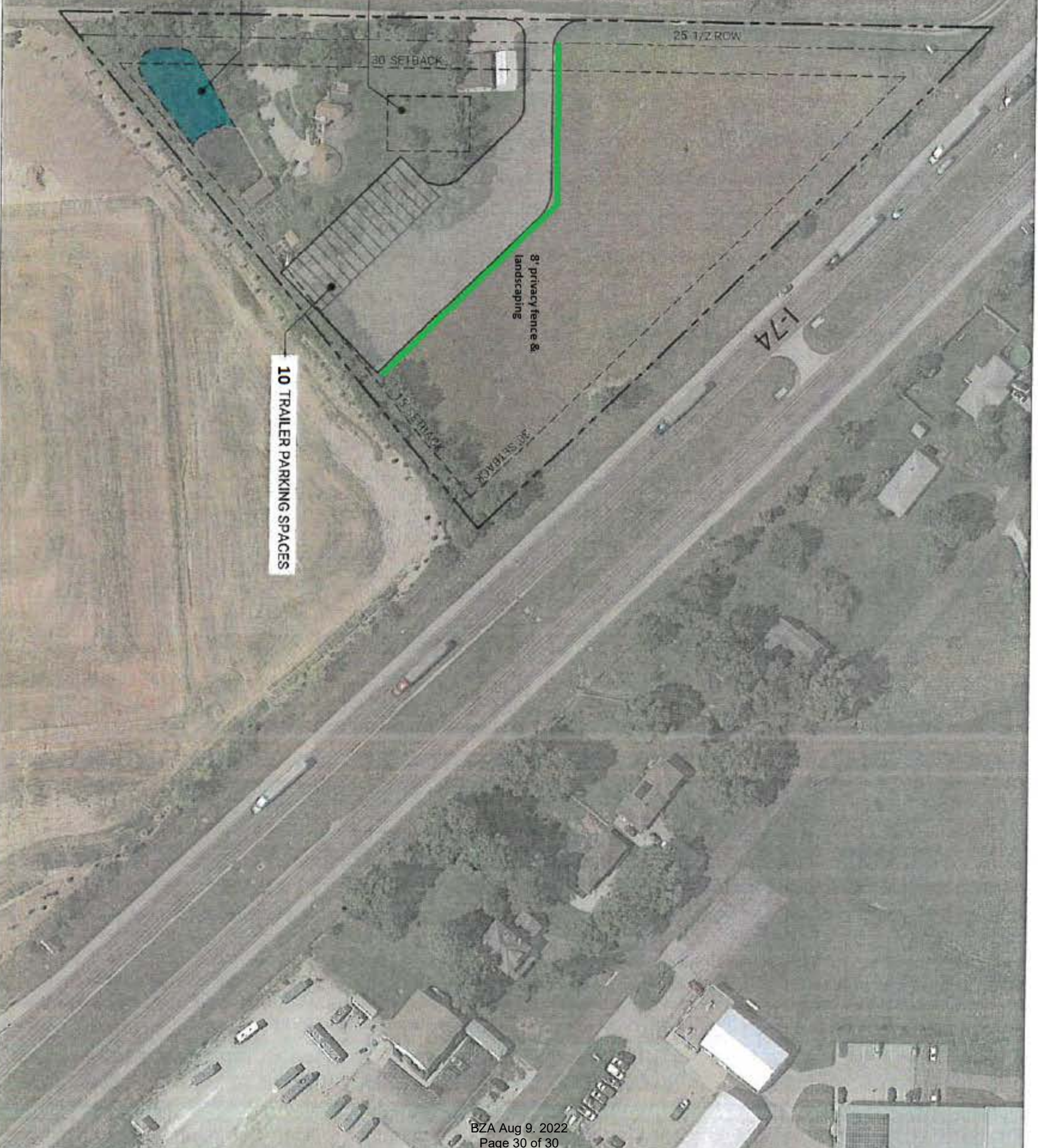
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.
The strict application of the terms of the Shelby County Ordinance will result in practical difficulties in the use of the property in question. This statement is particularly true for the variance requests addressing properties, such as the subject property, that have been previously used for residential purposes but are now zoned industrial and being converted for industrial uses. Applicant's intention is to leave in place the majority of the character and nature of the property and its improvements as they presently exist to reduce aesthetic impacts on the area.

SCALE: 1" = 120'
@ 11" x 17"
06/29/2022



EXPAND EXIST. DETENTION

APPROX. SEPTIC FIELD LOCATION



10 TRAILER PARKING SPACES

8' privacy fence & landscaping

25 1/2 ROW

30 SETBACK

20 SETBACK

I-74