TOWN OF Brownsburg
61 North Green Street
Brownsburg IN 46112
317.852.1128

Town of Brownsburg Board of Zoning Appeals

Project Synopsis

TO: Board of Zoning Appeals; Tricia Leminger

FROM: Todd A. Barker, AICP

DATE: September 28, 2011 / REVISED December 6, 2011 / REVISED January 3, 2012

RE: CASE # BZUV-10-11-1088/ 2011-10BZA

GENERAL INFORMATION:

APPLICANT: Chris Hart_C. Hart Landscaping

STATUS OF APPLICATION: Pending action before the Board of Zoning Appeals

REQUESTED ACTION: Use Variance

DATE OF APPLICATION: October 4, 2011

PURPOSE: To allow outdoor storage as a permitted use on the subject property

ORDINANCE: §155.209(B)(1) of the Brownsburg Zoning Ordinance, entitled "I-1 Industrial District"

PROPERTY ADDRESS: 645 N. Green Street

PARCEL ID: 32-07-02-385-007.000-016 / 14-1-02-61E 385-007

EXISTING ZONING: I-1

UTILITIES:

WATER:	Town of Brownsburg
SANITARY:	Town of Brownsburg
STORMWATER:	Town of Brownsburg

EXISTING SURROUNDING ZONING:

NORTH:	C-3 / C-2
SOUTH:	C-3
EAST:	R-4A
WEST:	R-1 / PUD

EXISTING USES:

NORTH:	Commerical
SOUTH:	Commercial
EAST:	Multi-Family Residential
WEST:	Cemetery / Multi-Family Residential

NEIGHBORHOOD CHARACTERISTICS: This section of North Green Street includes a mix of uses from Multi-Family Residential, Professional Offices, Cemeteries, to more auto dependent uses including fast-food restaurants, retail, and automotive repair facilities.

TOTAL PARCEL SIZE:	1.46 Acres
COMPREHENSIVE PLAN DESIGNATION:	The Future Land Use map in the Brownsburg 2020 Comprehensive Plan identifies this property as Commercial.
THOROUGHFARE PLAN:	This stretch of North Green Street / S.R. 267 is catagorized as a Primary Arterial in Town of Brownsburg 2020 Thoroughfare Plan.
GREENWAYS MASTER PLAN:	This stretch of North Green Street / S.R. 267 is recommended to include a Multi-Use Trail.
PUBLIC NOTICE:	Hendricks County Flyer: November 2, 2011
PUBLIC HEARING DATES:	November 14, 2011 / December 12, 2011 / January 9, 2012
PUBLIC COMMENTS:	No writen comments received as of 1/3/2012.

STATUTORY REQUIREMENTS/ FACTORS TO BE CONSIDERED:

The requirements for issuing a Use Variance are outlined in the zoning ordinance and by Indiana Code §36-7-4-918.4. It is the responsibility of the petitioner to provide evidence that proves their request complies with the five points listed below.

USE VARIANCE

Variances of use from the terms of this Ordinance may be approved only upon a determination in writing that the following apply:

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

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

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

4. The strict application of the terms of this Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought.

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

PREVIOUS ACTIONS ON-SITE:

No recent action by the Advisory Plan Commission (APC) or Board of Zoning Appeals (BZA) on this site.

PREVIOUS ACTION- SURROUNDING AREA:

1. 2009-24P Key Bank @ Green Street Shoppes - Site Development Plan Approval

2. 2007-14P 725 North Green Street/Ed Schrier - Zoning Map Amendment

SUPPLEMENTARY DOCUMENTATION INSERT:

▪ APPLICATION	EXHIBIT – A
▪ DETAILED STATEMENT OF REASON	EXHIBIT – B
▪ SITE PLAN	EXHIBIT – C
▪ ZONING MAP	EXHIBIT – D
▪ AERIAL INSERTS	EXHIBIT – E
▪ SITE PHOTOS	EXHIBIT – F

EXHIBIT – A
APPLICATION

APPLICATION TO
THE TOWN OF BROWNSBURG **USE VARIANCE**
BOARD OF ZONING APPEALS

Docket #: BZUV-10-11-1088 / 2011-10 Date Received: 10/14/2011 & Revised 11/9/2011
Application Fee: $600.00 Receipt #: 2905

COMPLETE THE FOLLOWING

1. Applicant's Name: Chris Hart 2. Phone: 317-658-8376
3. Mailing Address: 645 N Green St, Brownsburg, IN 46112
4. Email Address:
5. Owner's Name: Duane C Carter & Carla J Carter 6. Phone: 317-852-3500
7. Mailing Address: 4177 Forest Dr, Brownsburg, IN 46112
8. Email Address:
9. Applicant is (Check One) ☐ sole owner ☐ joint owner ☐ tenant ☐ agent ☒ other (specify) Owner of business
10. Premises Affected:
    A. Address: 645 N Green St, Brownsburg, IN 46112
    B: Parcel Number(s): 014-102611-385007
11. Existing Zoning: I-1 12. Existing Use: Landscaping business
13. Surrounding Properties:

	North	South	East	West
Zoning:	C-2	C-3	R-4A	R-1
Use:	Commercial	Commercial	Apartments	Cemetery

14. Applicable section of the Zoning Ordinance: 155.209 (B)(1)
(one section per application)
15. Detailed Statement of Reasons for this request: (refer to § 155.036 of the zoning ordinance).
See attached.
16. Notarization:
The above information and attached exhibits, to my knowledge and belief, are true and correct.
Signature of Applicant Date: NOV 8-11
Chris Hart
Print

State of INDIANA)
County of HENDRICKS) SS:
Subscribed and sworn to before me this 8th day of November, 2011

County of Residence: Signature of Notary

My Commission Expires: Print

CATHERINE COLLINS
Hendricks County
My Commission Expires
October 18, 2014

Form: BZA-201 Revised: 2/2008 Page 1 of 1

Revised 11/8/2011

DETAILED STATEMENT OF REASONS

This document is a part of the Application for Variance to apply to the property located at 645 N Green Street, Brownsburg, IN.

I/we understand that the Board's findings shall be based upon the following statutory requirements:

Use Variance – Use Variances for the zoning ordinance may be approved only upon a determination in writing that:

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

a. the outdoor storage will be for natural raw material such as mulch, rock, plants that do not pose a threat to public health, as they have not posed a threat to public health at the other business locations where they are stored;
b. the bulk outdoor storage will be placed behind the commercial building, with limited access by the public, accompanied by an business employee, for safety purposes;
c. a selection of plants and the example display areas in the front lot by nature will not pose a safety threat, as they will be located outside of right of way, sight lines, drive and walk lanes;
d. this site has historically had commercial outdoor storage (i.e. car sales lot), but in this case the bulk outdoor storage will be behind the existing commercial structure and will not be visible from the road, with only a selection of inventory in the front lot; furthermore, tasteful display areas are commonly associated with thriving communities, with many existing in the Town of Brownsburg.

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

a. the adjoining properties are commercial;
b. this site has historically been used for commercial outdoor storage (i.e. car sales lot);
c. the bulk outdoor storage will be behind the commercial structure, as shown on the plot plan submitted to the Town of Brownsburg with this application;
d. the display areas and selection of plant stock in the front lot will be done according to the plot plan and blueprints submitted to the Town of Brownsburg with this application;
e. the display areas and plants in the front lot will act as a nice buffer between commercial office uses to the south and more intense commercial uses to the north.

Revised 11/8/2011

3) The need for the variance arises from the some peculiar condition of the property involved because:

a. while a landscaping business is allowed on the property, outdoor storage of material and product commonly associated with such a business is not allowed; therefore, without approval of a Variance for outdoor storage, a landscape business cannot practically operate on this property;
b. there is not enough indoor storage space for such a business on this property, yet there is plenty of available space for outdoor storage both in front and behind the existing commercial structure.

4) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

a. while a landscaping business is allowed on the property, outdoor storage of material and product commonly associated with such a business is not allowed; therefore, without approval of a Variance for outdoor storage, a landscape business cannot practically operate on this property.

5) The approval does not interfere substantially with The Comprehensive Plan because:

a. the underlying commercial Zoning District as recommended by the Comprehensive Plan will not change;
b. the use "buffers land uses to increase compatibility between uses and increase aesthetic appeal".
c. the display areas as shown on the design material provided with the application will make the area more attractive than it is today and will add to the streetscape on North Green Street;
d. the business will provide needed services and products to the citizens of the Town of Brownsburg;
e. there will be no negative impact on transportation, as storage will be outside the right-of-way and line of sight.

I hereby assert that this petition addresses the above criteria, to wit:

See Letter of Intent.

_____
Ben Comer, Attorney for Applicant

_____
Date

LETTER OF INTENT
Revised November 4, 2011
645 N. Green Street, Brownsburg, Indiana
C. Hart Landscaping

Petitioner, C. Hart Landscaping, wishes to operate a landscaping and nursery business at 645 N. Green Street, Brownsburg, Indiana. The site is zoned for such a business use; however, outdoor storage of material commonly associated with such a business requires a Variance. As such, Petitioner has filed to obtain a Variance for outdoor storage of material and product.

Bulk material will be stored behind the commercial structure, including but not limited to mulch, rock, and other raw material. A selection of nursery stock (i.e. trees, shrubs) will be displayed in the front lot, with the balance stored behind the commercial structure. The front lot will also contain product display areas, being example representations of landscaping packages available for purchase. All equipment associated with the business will be stored inside the commercial building

The subject property is in Brownsburg's commercial district. It will serve as a transition between commercial offices to the south and more intense commercial uses to the north. The visible outdoor storage will be live plants and landscaping design displays, which will enhance appearance of the commercial district along north Green Street. For these reasons, Petitioner believes the Variance criteria have been met.

Respectfully submitted,

Ben Comer,
Attorney for Petitioner

EXHIBIT - C
SITE PLAN – RECEIVED 1/3/2012

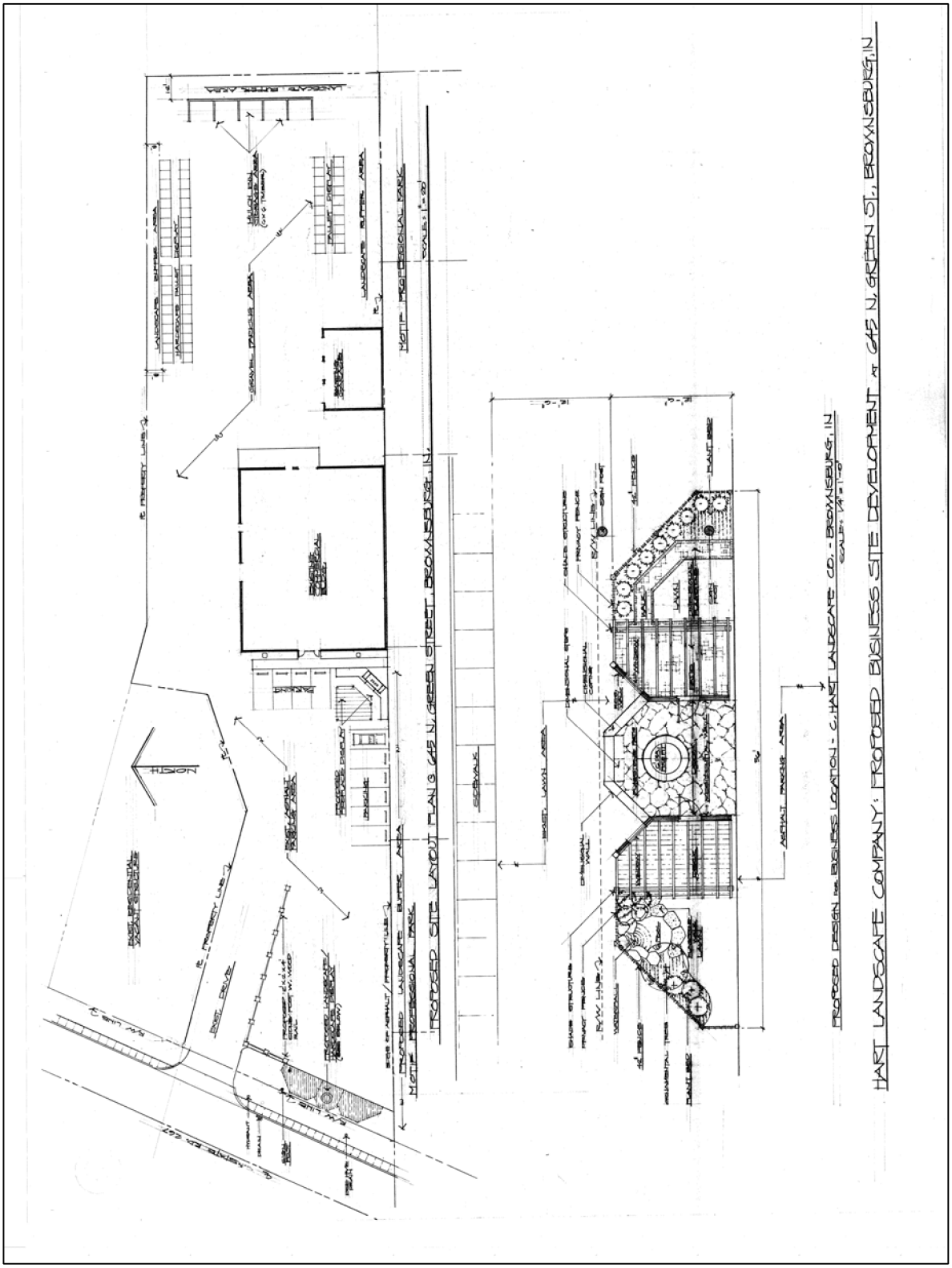


EXHIBIT – D
ZONING MAP

Town of Brownsburg, IN

beacon™

BZUV-10-11-1088 C. Hart Landscaping

Date Created: 11/7/2011

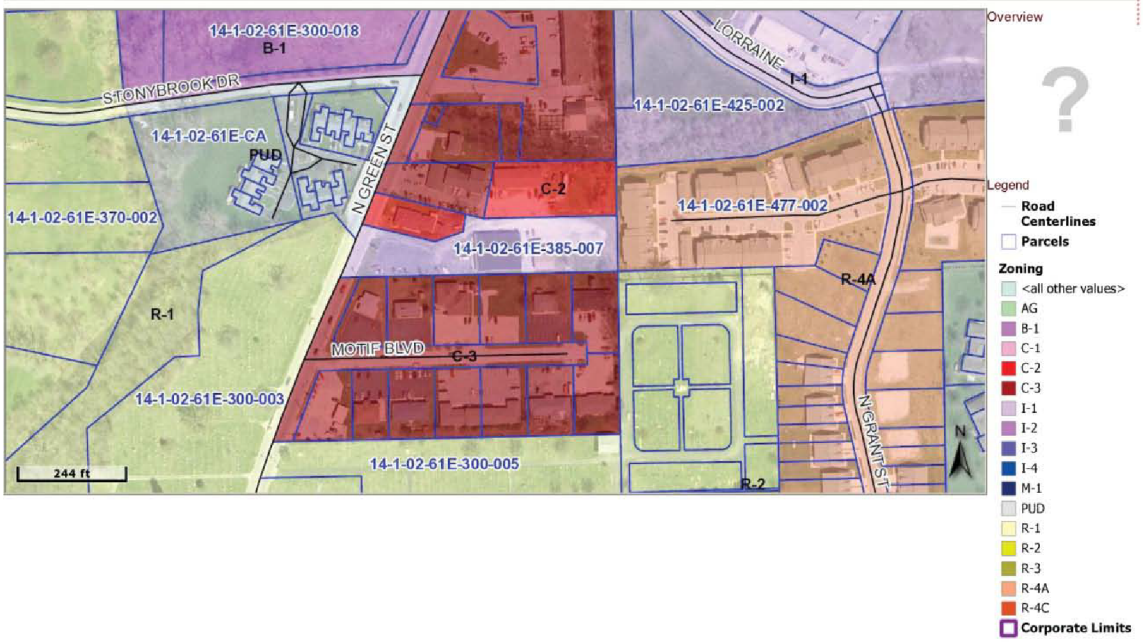


EXHIBIT – E
AERIAL

Town of Brownsburg, IN

beacon™

BZUV-10-11-1088 C. Hart Landscaping

Date Created: 11/7/2011

Last Data Upload: 9/15/2010 8:50:20 AM

Schneider developed by The Schneider Corporation www.schneidercorp.com

EXHIBIT – F
SITE PHOTOS

EXHIBIT – F
SITE PHOTOS *continued*

EXHIBIT – F
SITE PHOTOS *continued*

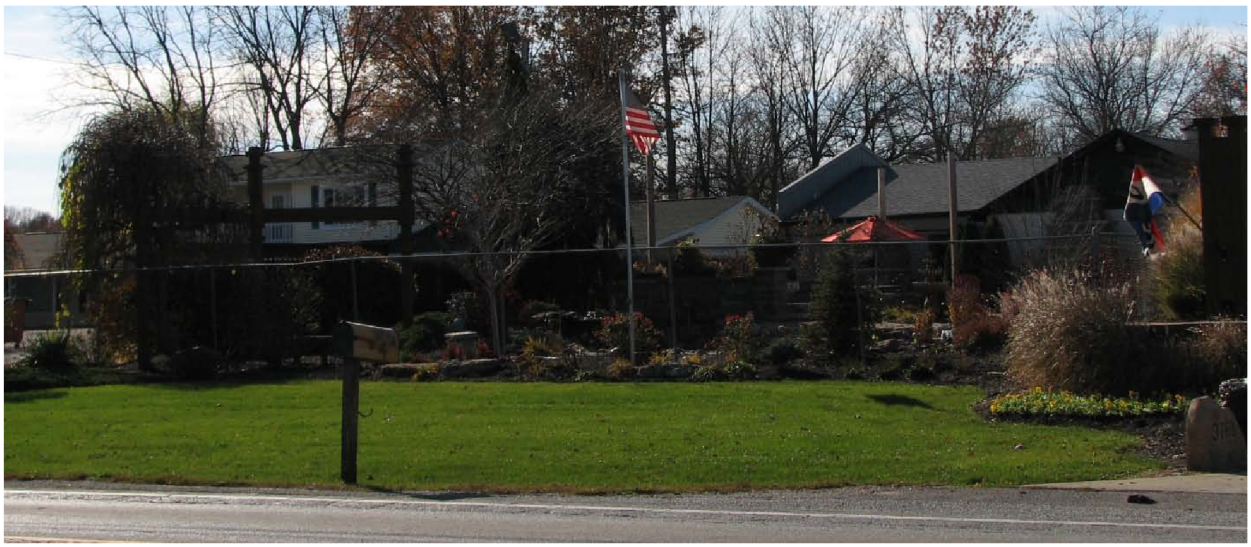
Photos from 12/5/2011

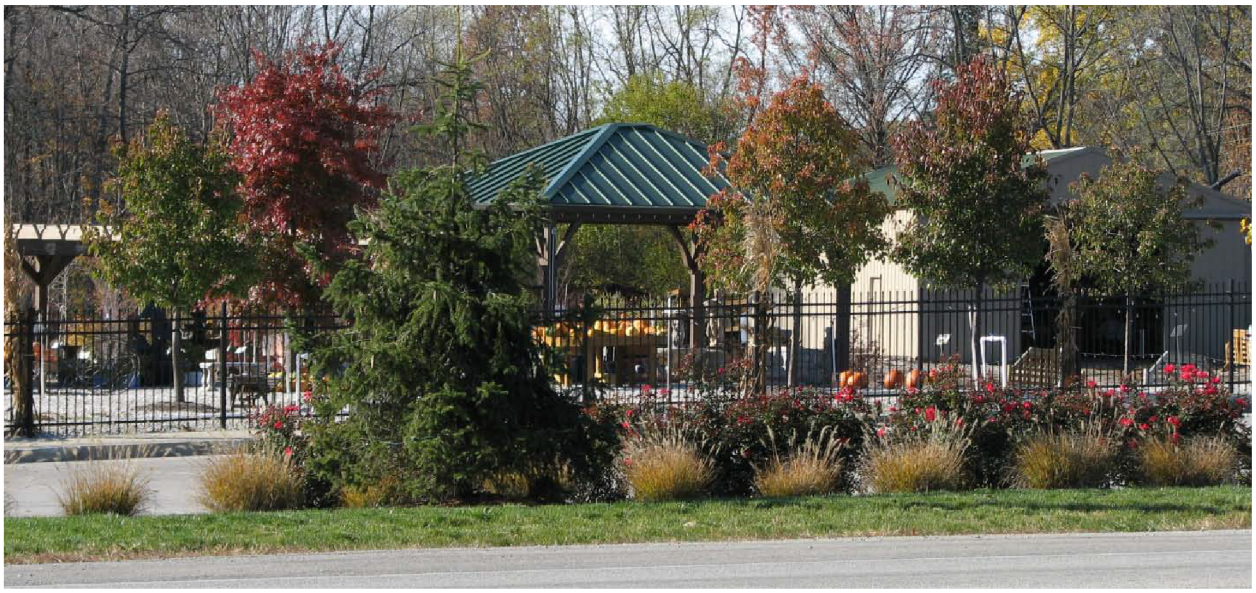
STAFF ANALYSIS:

Chris Hart of C. Hart Landscaping contacted the Town a couple of days prior to having material delivered to 645 North Green Street, regarding operating a landscape contractor & material supply business from the site. In a meeting with Mr. Hart staff explained that Outdoor Storage is not a permitted use at this location and that a Use Variance would be required to operate this business from 645 North Green Street. Staff explained that the Town would not require him to cease operation prior to receiving the appropriate approvals from the Board of Zoning Appeals if he was in the process of obtaining the needed approvals.

The Detail Statement of Reasons & Letter of Intent submitted state that this request is for the Outdoor Storage of bulk materials, nursery stock, and product displays. The location of the Outdoor Storage items are also identified in the petitioner's submitted information: bulk materials will be located behind the commercial building on-site, nursery stock and product displays will be between North Green Street and the commercial building.

The petitioner has indicated that the current appearance of the property is not how he intends to maintain the property. Staff has visited the site and is concerned with the current appearance. As can be seen on pages 10 and 11 there is no buffering between the R/W and the displays/bulk storage areas which, in my opinion, results in a less than pleasing appearance from North Green Street. In the images that follow are examples of existing Brownsburg landscape businesses that have done, in my opinion, a nice job of creating a pleasing aesthetic from the public R/W. These images represent the expectation of the Town for new landscape businesses coming to Town. In both cases the bulk materials are stored at the rear of the properties.





Based on the submitted and revised information I believe the petitioner has provided sufficient justification for the Use Variance statutory requirements.

Staff did take additional photographs of this site (see Exhibit - F) as Mr. Comer indicated that the petitioner was attempting to address the issues raised at the November meeting about the appearance of the site. The photos reveal that most if not all of the bulk materials have been removed from the front of the lot, only a few displays of the landscape material remain at the front of the building.

A revised site plan was submitted on January 3, 2012 and is included as "Exhibit - C" of this report. Staff did not have sufficient time to review the revised site plan prior to the release of this report.

RECOMMENDATIONS:

Therefore it is my opinion that, based on the analysis of the submitted information by the petitioner, the Use Variance sections of the Zoning Ordinance, and my comments above, this request has SATISFIED the requirements for the approval of a Use Variance in accordance with the Zoning Ordinance and State Statute. If the Board elects to approve this request I recommend the following conditions of approval:

1. That this Use Variance be for C. Hart Landscaping only;

2. That no bulk storage be permitted on the west side of the existing commercial building;

3. That the height of the bulk storage bins be limited to a maximum height of eight (8) feet;

4. That the bulk storage bins be constructed of a durable material; and

5. That C. Hart Landscaping must maintain the exterior of the bulk storage bins so that they do not appear to be in disrepair from adjoining properties.

STAFF CONTACT:

NAME:	Todd A. Barker, AICP	Jonathan K. Blake
TITLE:	Director of Planning	Planning Technician
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