

Town of Brownsburg Board of Zoning Appeals Project Synopsis

TO: Board of Zoning Appeals; Tricia Leminger
FROM: Todd A. Barker, AICP
DATE: April 3, 2012
RE: CASE # BZUV-3-12-1097/ 2012-02BZA

GENERAL INFORMATION:

APPLICANT: BKH, LLC

STATUS OF APPLICATION: Pending a vote before the Board of Zoning Appeals

REQUESTED ACTION: Use Variance

DATE OF APPLICATION: March 15, 2011

PURPOSE: BKH, LLC. is seeking a Use Variance to allow a "Trade or Business School" as a Permitted Use within the I-2 Industrial Zoning Classification on lots 6 & 7 of Lincoln Business Park.

ORDINANCE: §155.210(B)(1) Permitted Uses:

PROPERTY ADDRESS: 550 & 558 Pit Road, Brownsburg, IN 46112

PARCEL ID: 32-07-12-226-006.000-016 & 32-07-12-226-007.000-016

EXISTING ZONING: I-2

UTILITIES:

| | |
|-------------|--------------------|
| WATER: | Town of Brownsburg |
| SANITARY: | Town of Brownsburg |
| STORMWATER: | Town of Brownsburg |

EXISTING SURROUNDING ZONING:

| | |
|--------|-----|
| NORTH: | I-2 |
| SOUTH: | I-2 |
| EAST: | I-2 |
| WEST: | I-2 |

EXISTING USES:

| | |
|--------|---|
| NORTH: | Vacant |
| SOUTH: | Industrial |
| EAST: | Vacant |
| WEST: | Industrial / Indoor Recreation Facility |

NEIGHBORHOOD CHARACTERISTICS: Lincoln Business Park was zoned to permit light industrial uses on lots between 2 and 5 acres. The Business Park currently has one occupant (Fusion Gymnastics) on lot 3. The remaining lots have yet to be

developed. Lincoln Business Park fronts on both Interstate 74 and 56th Street.

TOTAL PARCEL SIZE: 4.99 Acres

COMPREHENSIVE PLAN DESIGNATION: The Future Land Use map in the Brownsburg 2020 Comprehensive Plan recommends this area as Single-Family Residential. However in 2005 the Town rezoned this property for light industrial development.

THOROUGHFARE PLAN: Pit Road is classified as a local street, 56th Street is listed as Primary Arterial, and Interstate 74 is listed as an Interstate in the Town of Brownsburg 2020 Thoroughfare Plan.

GREENWAYS MASTER PLAN: The segment of 56th Street at the entrance to Lincoln Business Park is recommended to include a Multi-Use Trail.

PUBLIC NOTICE: Notice was published in the Hendricks County Flyer on March 28, 2012

PUBLIC HEARING DATES: 4/9/2012

PUBLIC COMMENTS: No written comments received as of April 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:

2005-18P Zoning Map Amendment - Zoning Lincoln Business Park 1-2 and the front to lots C-2 & C-1.
2006-04P Lincoln Business Park - Primary Plat

PREVIOUS ACTION- SURROUNDING AREA:

2007 Administrative Site Plan for Simpson Racing (Now the Fusion Gymnastics building)
2009-21P Dan Chuck - Site Development Plan (project not built)
2010-11BZA Use Variance to permit an Indoor Recreation Facility (Fusion Gymnastics)

SUPPLEMENTARY DOCUMENTATION INSERT:

- | | |
|--------------------------------|-------------|
| ▪ APPLICATION | EXHIBIT - A |
| ▪ DETAILED STATEMENT OF REASON | EXHIBIT - B |
| ▪ ZONING MAP | EXHIBIT - C |
| ▪ AERIAL INSERTS | EXHIBIT - D |
| ▪ SITE PHOTOS | EXHIBIT - E |

**EXHIBIT – A
APPLICATION**

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

USE VARIANCE

Docket #: BZUV-3-12-1097 / 2012-02BZA Date Received: 3/15/2012 & Revised 4/2/2012
 Application Fee: \$600.00 Receipt #: _____

COMPLETE THE FOLLOWING

1. Applicant's Name: BKH, LLC 2. Phone: 217-737-0563
3. Mailing Address: 2731 Farmers Market Rd, Springfield, IL 62707
4. Email Address: MCasper@midwesttech.edu
5. Owner's Name: Lincoln Park of Brownsburg, LLC 6. Phone: 317-892-4050
7. Mailing Address: 1300 E US Hwy 136, Ste N, Pittsboro, IN 46167
8. Email Address: _____
9. Applicant is (Check One) sole owner joint owner tenant
 agent other (specify) Purchaser

10. Premises Affected:
 A. Address: 558 & 550 Pit Road, Brownsburg, IN 46112
 B. Parcel Number(s): 32-07-12-226-006.000-016 & 32-07-12-226-007.000-016
11. Existing Zoning: I-2 12. Existing Use: vacant

| Surrounding Properties: | North | South | East | West |
|-------------------------|------------|------------|------------|------------|
| Zoning: | I-2 | I-3, I-4 | I-2 | I-2 |
| Use: | Vacant Ind | Vacant Ind | Vacant Ind | Vacant Ind |

14. Applicable section of the Zoning Ordinance: 155.210(B)(1) Permitted Uses
(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.

Mike Casper Date: 3/15/12
 Signature of Applicant
Mike Casper
 Print

State of INDIANA)
 County of HENDRICKS) SS:
 Subscribed and sworn to before me this _____

15th day of March, 2012

County of Residence: _____
Sangamon
 My Commission Expires: _____
April 20th, 2015

Barbara M. McDaniel
 Signature of Notary
Barbara M. McDaniel
 Print



EXHIBIT – B
DETAILED STATEMENT OF REASONS

Revised 4/2/2012

Detailed Statement of Reasons

BKH, LLC, Petitioner, owns and operates technical training institutes in Illinois and Mississippi and has a new facility under construction in Missouri. Petitioner wishes to construct its seventh location on Lots 6 and 7 of Lincoln Park Business Park. Petitioner operates the training institutions under the names of Midwest Technical Institute (“MTI”) and Delta Technical College.

Petitioner focus on training in various technical fields, including, electrical, HVAC, major appliance repair, welding (primarily pipe welding), cosmetology, medical assisting, dental assisting, massage therapy, medical coding and Certified Nurses Assistant (CNA) training, although not all of these options are available at every location.

Combined enrollment for all of the programs typically consists of 350 – 430 students annually. The electrical and cosmetology programs are one year programs. All other programs are typically 36 week programs, with 27 weeks in education and the final weeks spent in externship with local businesses. The institute creates relationships with local business to provide for externships and job placement of their students. In order to retain certain accreditations, the institutes must meet, and do meet, seventy percent (70%) job placement each year.

Each institute employs 25 – 35 employees.

Petitioner has been in business for seventeen (17) years and has been under single ownership during that time.

Petitioner has been advised that Brownsburg is considering a new Zoning Ordinance which will permit technical training institutes or Trade or Business Schools within districts which are currently zoned I-2 such as the subject property.

Based on the foregoing, Petitioner believes that:

1) The approval will not be injurious to the public health ,safety ,morals, and general welfare of the community because the institute will be located within a light industrial park in which many contracting services, for which MTI trains, are permitted uses. Additionally, Brownsburg is currently considering making Trade or Business Schools a permitted use for properties currently zoned I-2.

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 many contracting services are

EXHIBIT – B
DETAILED STATEMENT OF REASONS *continued*

allowed uses within the district, and MTI trains students for these contracting services. A portion of the building will contain labs for teaching these services, and will contain equipment necessary to the contracting services allowed within the district. Additionally, the character of the building will be compatible with the nature of the development because it will be built according to the standards of the Brownsburg Ordinance for the construction of industrial buildings. The commuting patterns of the students and faculty for this proposed use will be similar to the patterns for contracting services permitted in the district. They are also similar in nature to the gymnastics facility in the development, including day and evening hours of operation.

3) The need for the variance arises from some condition peculiar to the property involved. The property is zoned I-2 which allows for construction, special trade use and light industrial. A portion of MTI satisfies these allowed uses. The building is separated into two parts. The first part is classrooms and office space for the health training programs which does not fall within the standard I-2 uses. The remaining portion of the building, however, contains areas for welding and HVAC which uses are allowed within an I-2 district. Additionally, Brownsburg is considering a new zoning ordinance which will permit the classroom portion of this use within this development.

4) Although the Comprehensive Plan designates this area for residential use, the Town Council rezoned this property to I-2 in 2005 due to a change in area trends and the expansion of County Road 600 North. The proposed use of Trade or Business School is consistent with the zoning change in 2005.

5) The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because Petitioner is ready, able and willing to invest in the Town of Brownsburg now, and a strict application of the terms of the zoning ordinance would require Petitioner to wait until the new zoning ordinance has been adopted.

Additionally, the use, building and traffic patterns will be consistent with other uses in the area and permitted within the I-2 district because contracting services, for which MTI trains students, are permitted uses and because the building will contain the same equipment as contracting services; the building will be built according to the standards of industrial buildings pursuant to the ordinances of the Town of Brownsburg; vehicular traffic will consist of the same vehicles as required for contracting services and other businesses permitted within an I-2 district; and hours of operation will be consistent with contracting services and other businesses, including the existing gymnastics facility, which are permitted within an I-2 district by offering day and evening classes; and therefore, the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the subject property.

EXHIBIT – C
ZONING MAP

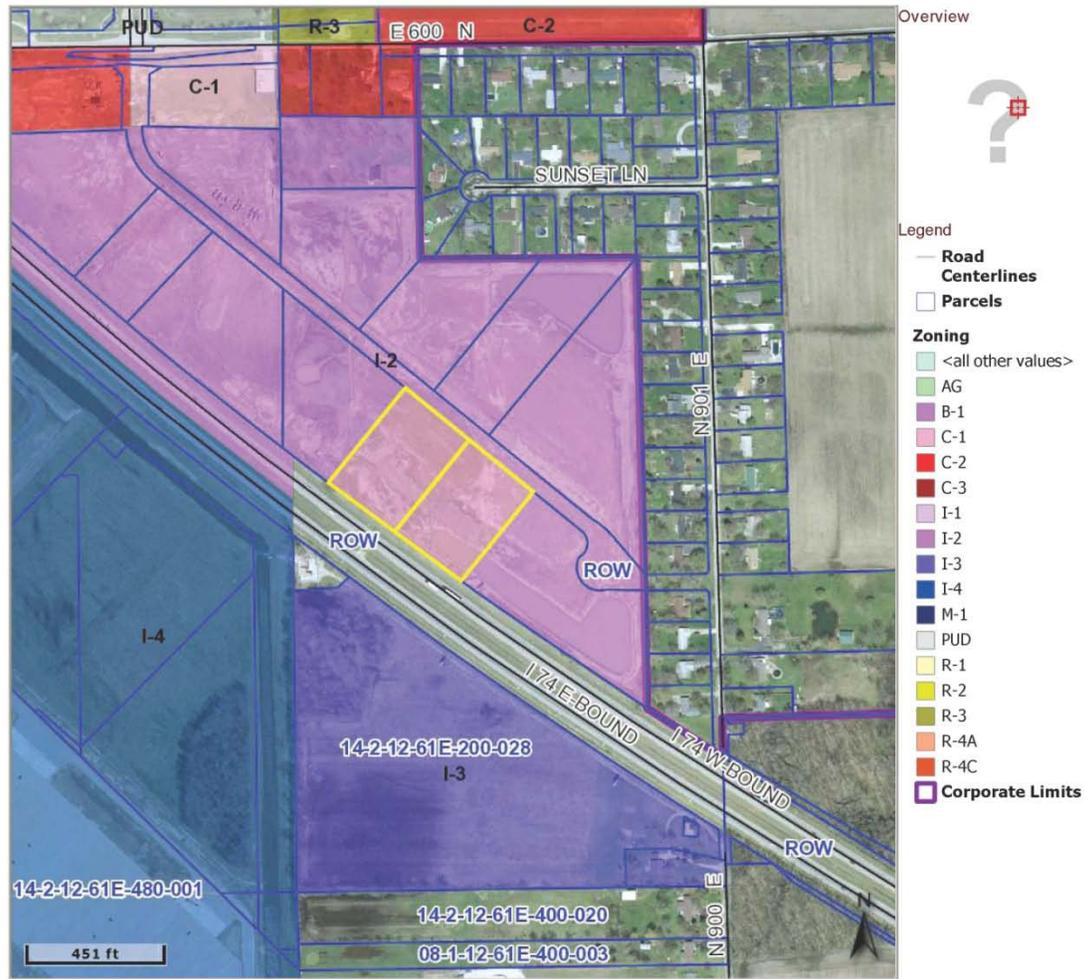
Town of Brownsburg, IN



BZUV-3-12-1097 BKH, LLC.

Date Created: 3/29/2012

Use Variance 155.210(B)(1) Lots 6 & 7 Lincoln Business Park



developed by
The Schneider Corporation
www.schneidercorp.com

EXHIBIT – D
AERIAL INSERTS

Town of Brownsburg, IN



BZUV-3-12-1097 BKH, LLC.

Date Created: 3/29/2012

Use Variance 155.210(B)(1) Lots 6 & 7 Lincoln Business Park



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

 developed by
The Schneider Corporation
www.schneidercorp.com

EXHIBIT – E
SITE PHOTOS



EXHIBIT – E
SITE PHOTOS *continued*



STAFF ANALYSIS:

This petitioner is requesting the ability to operate a "Trade or Business School" within the I-2 Industrial zoning district on lots 6 & 7 of Lincoln Business Park.

The petitioner's Detail Statement of Reasons lists the follow as Trades that they offer at some of their other facilities:

- Electrical;
- HVAC;
- Major appliance repair;
- Welding (primarily pipe welding);
- Cosmetology;
- Medical assisting;
- Dental assisting;
- Massage therapy;
- Medical coding; and
- Certified Nurses Assistant (CNA)

The I-2 Industrial district includes the following as Permitted Uses within the zoning district:

- Construction, building general contractors
- Construction, special trade operators
- Elementary and secondary schools (up to grade 12)
- Health services
- Industry, light
- Medical and dental labs

As indicated by the petitioner most, if not all, of the Trades that BKH, LLC. will offer, relate to businesses that would be permitted within this zoning district.

"Trade or Business Schools" are currently permitted in the following districts:

- C-1;
- C-2;
- C-3; and
- M-1.

"Trade or Business Schools" are currently Special Exception Uses in the following districts:

- R-1;
- R-2; and
- R-3.

The proposed Zoning Ordinance does list "Trade or Business Schools" as a Permitted Use within the (I1) Low Intensity Industrial District the comparable district in the proposed Zoning Ordinance to the current I-2 Industrial District.

RECOMMENDATIONS:

Based on the analysis of the submitted information by the petitioner, the Use Variance sections of the Zoning Ordinance, and my comments above, it is my opinion that 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 BKH, LLC. only; and
2. That if this property is zoned to a district that permits "Trade or Business Schools" in the future that this Use Variance shall become null & void.

STAFF CONTACT:

NAME: Todd A. Barker, AICP
TITLE: Director of Planning
PHONE: 317-852-1128
EMAIL: tbarker@brownsburg.org

Jonathan K. Blake
Planning Technician
317-852-1128
jblake@brownsburg.org