

Town of Brownsburg Board of Zoning Appeals Project Synopsis

TO: Board of Zoning Appeals; Tricia Leminger
FROM: Todd A. Barker, AICP
DATE: August 6, 2012
RE: CASE # BZDV 7-12-1106 / 2012 -04BZA John Force Racing, Inc.

GENERAL INFORMATION:

APPLICANT: John Force Racing, Inc. / Mark Quaternik

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

REQUESTED ACTION: Approval of a Development Standard Variance

DATE OF APPLICATION: July 11, 2012

PURPOSE: To eliminate the required ten foot (10') minimum Side Yard Setback in the M-1 zoning district to allow a building to be constructed across the property line.

ORDINANCE: §155.213(B)(8)(b)
The minimum side yard setback is ten (10) feet when adjoining a commercial or industrial use or zoning district.

PROPERTY ADDRESS: 498 Southpoint Circle, 492 Southpoint Circle, and 486 Southpoint Circle

PARCEL ID: 32-07-12-102-001.000-016; 32-07-12-102-001.000-016; and 32-07-12-102-001.000-016

EXISTING ZONING: M-1

UTILITIES:

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

EXISTING SURROUNDING ZONING:

NORTH:	I-4
SOUTH:	I-4
EAST:	I-4
WEST:	R-3

EXISTING USES:

NORTH:	Vacant Land
SOUTH:	Motorsports
EAST:	Motorsports
WEST:	Single Family Residential

NEIGHBORHOOD CHARACTERISTICS: The area adjacent to and surrounding this property includes a wide array of recreation, motorsports, and light industrial uses including The Crag Indoor Rock Climbing, Ganassi

Racing, Morgan Lucas Racing, etc. In addition to the non-residential uses, there are many single family dwellings along the western edge of this location.

TOTAL PARCEL SIZE: 10.27 AC

COMPREHENSIVE PLAN DESIGNATION: The Town Council recently adopted the Town of Brownsburg 2012 Comprehensive Plan, which became effective on August 1, 2012. This project was filed prior to the adoption of the Town of Brownsburg 2012 Comprehensive Plan. As a result we will provide analysis for this petition based on both The Town of Brownsburg 2020 Comprehensive Plan and the Town of Brownsburg 2012 Comprehensive Plan.

Town of Brownsburg 2020 Comprehensive Plan:

The Future Land Use map within the Brownsburg 2020 Comprehensive Plan identifies this area as a Office.

Town of Brownsburg 2012 Comprehensive Plan:

The Business Areas Plan within the Town of Brownsburg 2012 Comprehensive Plan identifies this area as a combination of Research & Development and Motorsports Uses.

THOROUGHFARE PLAN: The Brownsburg 2020 Thoroughfare Plan identifies East Northfield Drive as a "Primary Arterial" and Southpoint Circle as a "Local Commercial/Industrial Street".

GREENWAYS MASTER PLAN: The Greenways Master Plan of 2008 recommends a twelve foot (12') multi-use path along the East Northfield Drive corridor. The Town is in the process of an East Northfield Drive widening project that will include a multi-use path along the south / west side of East Northfield Drive.

PUBLIC NOTICE: Notice was published in the Hendricks County Flyer on August 1, 2012

PUBLIC HEARING DATES: August 13, 2012

PUBLIC COMMENTS: As of Monday, August 6, 2012 no public comments have been received.

STATUTORY REQUIREMENTS/ FACTORS TO BE CONSIDERED:

The requirements for issuing a Developments Standards Variance are outlined in the zoning ordinance and by Indiana Code §36-7-4-918.5. It is the responsibility of the petitioner to provide evidence that proves their request complies with the three points listed below.

DEVELOPMENTS STANDARDS 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 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.

PREVIOUS ACTIONS ON-SITE:

2003-09P | Eaglepoint Business Park - Lot 15 Secondary Plat
2007-12P | Force Pointe East, LLC. - Zoning Map Amendment M-1
2008-17P | Eaglepoint Business Park - Lots 16 & 17 Replat
2008-20P | John Force Racing Building 3 - Site Development Plan Review

PREVIOUS ACTION- SURROUNDING AREA:

SUPPLEMENTARY DOCUMENTATION INSERT:

- | | |
|--|-------------|
| ▪ APPLICATION | EXHIBIT - A |
| ▪ AFFIDAVIT AND CONSENT OF PROPERTY OWNER | EXHIBIT - B |
| ▪ DETAILED STATEMENT OF REASON | EXHIBIT - C |
| ▪ SITE PLAN | EXHIBIT - D |
| ▪ ZONING MAP | EXHIBIT - E |
| ▪ AERIAL INSERTS | EXHIBIT - F |
| ▪ SITE PHOTOS (PROPERTY AS WELL AS SURROUNDING PROPERTIES) | EXHIBIT - G |

EXHIBIT – A
APPLICATION

ADVISORY BOARD OF ZONING APPEALS
DEVELOPMENT STANDARDS/DIMENSIONAL
VARIANCE APPLICATION PACKET



APPLICATION

DOCKET #: 2012-04BZA / BZDV-7-12-1100 DATE RECEIVED: 7/10/12
APPLICATION FEE: \$600.00 RECEIPT #: 3451

COMPLETE THE FOLLOWING

1.	APPLICANT INFORMATION	APPLICANT NAME: JOHN FORCE RACING <u>INC</u>	PHONE: 714.921.8123
	MAILING ADDRESS:	22722 OLD CANAL ROAD YORBA LINDA, CA 92887	
	EMAIL ADDRESS:	DAVID@JOHNFORCERACING.COM	
	APPLICANT IS (CHECK ONE)	<input type="checkbox"/> SOLE OWNER	<input type="checkbox"/> JOINT OWNER
		<input checked="" type="checkbox"/> TENANT	<input type="checkbox"/> AGENT
		<input type="checkbox"/> OTHER (SPECIFY)	
2.	PROJECT CONTACT	CONTACT NAME: <u>MARK QUATERNIK</u>	
	PHONE: <u>(714) 813 9980</u>	FAX: <u>(714) 921 8272</u>	EMAIL ADDRESS: <u>MARK@JOHNFORCERACING.COM</u>
3.	OWNER INFORMATION	OWNER'S NAME: MAXX TRUST DTD <u>12/16/1996</u>	PHONE: <u>(714) 921 8123</u>
	MAILING ADDRESS:	<u>22722 OLD CANAL ROAD, YORBA LINDA CA 92887</u>	
	EMAIL ADDRESS:	<u>DAVID@JOHNFORCERACING.COM</u>	
4.	AGENT INFORMATION	COMPANY NAME:	CONTACT NAME:
	AGENT ADDRESS:	CITY:	STATE:
		ZIP:	
	PHONE:	FAX:	EMAIL ADDRESS:
5.	PROPERTY LOCATION	CHECK ONE: <input type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> NON-RESIDENTIAL
		<input type="checkbox"/> OTHER (SPECIFY)	
6.	LEGAL DESCRIPTION: (SEE ATTACHED DESCRIPTION & MAP)	LOTS 15, 16, & 17 OF EAGLEPOINT BUSINESS PARK	

EXHIBIT – A
APPLICATION *continued*

7.	PARCEL NUMBER(S): <small>(THE COMPLETE PARCEL NUMBER FOR EACH PARCEL IS REQUIRED)</small>	14-2-12-61E 102-001; 14-2-12-61E 102-002; 14-2-12-61E 102-003			
8.	APPLICABLE SECTION OF THE ZONING ORDINANCE <small>ONE SECTION PER APPLICATION</small>	§155.213(B)(2)(b)	155,213 (B)(8)(b)		
9.	DETAILED STATEMENT OF REASONS: <small>REFER TO §155.036 OF THE ZONING ORDINANCE</small>	SEE ATTACHED			
10.	PRESENT ZONING:	MS- MOTORSPORTS		PRESENT USE:	MS- JOHN FORCE RACING
11.	ACREAGE:	CIVIL TOWNSHIP: LINCOLN		SECTION #:	TOWNSHIP #: 16
12.	SURROUNDING PROPERTIES:	NORTH	SOUTH	EAST	WEST
ZONING:	I-4	M-1	I-4	R-3	
USE:	INDUSTRIAL	MOTORSPORTS	INDUSTRIAL	RESIDENTIAL	

EXHIBIT – B
AFFIDAVIT AND CONSENT OF PROPERTY OWNER *continued*

**AFFIDAVIT & CONSENT
OF PROPERTY OWNER**

THAT I (WE) The Maxx Trust dated 12/16/1996

AFTER BEING FIRST DULY SWORN, DEPOSE AND SAY:
THE I/WE AM/ARE THE OWNER(S) OF THE REAL ESTATE LOCATED AT _____ (LEGAL AND/OR COMMON ADDRESS)

492 Southpoint Circle
Brownsburg, IN 46112

PARCEL NUMBER(S): 14-2-12-61E 102-002

PROJECT NAME: John Force Racing Expansion

THAT I/WE HAVE READ AND EXAMINED THE APPLICATION FOR AN DEVELOPMENT STANDARD/DIMENSIONAL VARIANCE, AND AM/ARE FAMILIAR WITH ITS CONTENTS.

THAT I/WE HAVE NO OBJECTION TO, AND CONSENT TO SUCH REQUEST AS SET FORTH IN THE APPLICATION.

THAT SUCH REQUEST BEING MADE BY THE APPLICANT IS/IS NOT A CONDITION TO THE SALE OR LEASE OF THE ABOVE-REFERENCED PROPERTY.

[Signature] 7/10/12
SIGNATURE OF AFFIANT DATE
John H. Force 7/10/12
PRINT NAME DATE
Co-Trustee

STATE OF Indiana)
COUNTY OF Hendricks)

SS:



BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED John H. Force, WHO ACKNOWLEDGED THE EXECUTION OF THE ABOVE AND FOREGOING INSTRUMENT TO ITS VOLUNTARY ACT AND DEED ON THE 10th DAY OF July, 20 12.

Jan 30, 2019
COMMISSION EXPIRATION DATE

[Signature]
NOTARY

Hendricks
COUNTY OF RESIDENCE

Kelly G. Antonelli
PRINTED NAME

EXHIBIT – C
DETAILED STATEMENT OF REASONS

ADVISORY BOARD OF ZONING APPEALS
DEVELOPMENT STANDARDS/DIMENSIONAL
VARIANCE APPLICATION PACKET

SUBMITTED

**DETAILED STATEMENT
OF REASONS**

THIS DOCUMENT IS A PART OF THE APPLICATION FOR VARIANCE TO APPLY TO THE PROPERTY LOCATED AT 498, 492, 486
BROWNSBURG, INDIANA. Southpoint Cir

I/WE UNDERSTAND THAT THE BOARD'S FINDINGS SHALL BE BASED UPON THE FOLLOWING STATUTORY REQUIREMENTS:

DEVELOPMENT STANDARD/ DIMENSIONAL VARIANCE- VARIANCES FROM THE DEVELOPMENT STANDARDS OF 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;
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; AND
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY.

I HEREBY ASSERT THAT THIS PETITION ADDRESSES THE ABOVE CRITERIA, TO WIT:

SEE ATTACHED STATEMENT DATED: 7/10/12
YOUR STATEMENT MUST DO TWO THINGS:
1). EXPLAIN IN DETAIL THE VARIANCE YOU ARE REQUESTING;
2). EXPLAIN HOW YOUR REQUEST MEETS THE CRITERIA LISTED FOR YOUR TYPE OF VARIANCE

John Force Racing, Inc.
APPLICANT SIGNATURE
David Arritt, V.P.
PRINT NAME
7/10/12
DATE

EXHIBIT – C
DETAILED STATEMENT OF REASONS continued

REVISED DETAILED STATEMENT OF REASONS

Petitioners, more commonly known as John Force Racing, own three (3) lots located at 498 Southpoint Circle, Brownsburg, IN. There are three (3) separate buildings at this time, with one building on each lot. John Force Racing desires to expand their business and requires additional square footage to do so. It is, therefore, Petitioner's intent and desire to connect the buildings. The connection of the buildings will require building over the lot lines. Therefore, Petitioners seek a variance for no side yard setbacks between the lots.

In support thereof, Petitioners assert that:

- 1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the area in which the lots and buildings are located is an industrial park with other buildings of similar size to the proposed building, the buildings will be built to meet all building codes and will be of the same materials and architectural style as the existing buildings, and the uses will remain in compliance with the current zoning restrictions;
- 2) the use and value of the property included in the variance will not be affected in a substantially adverse manner but will rather increase the value of the property and afford more efficient utilization of the property and uses John Force Racing currently engages in on these lots; and
- 3) the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because the Zoning Ordinance and Subdivision Control Ordinance permit the size of the proposed building and the uses which will be operated within the building but do not allow for a building to be constructed over the boundary lines of abutting lots/properties because the ordinances require a minimum side yard setback.

Respectfully submitted,

MAXX Trust dated December 16, 1996

Force Pointe East, LLC

EXHIBIT – D
SITE PLAN continued

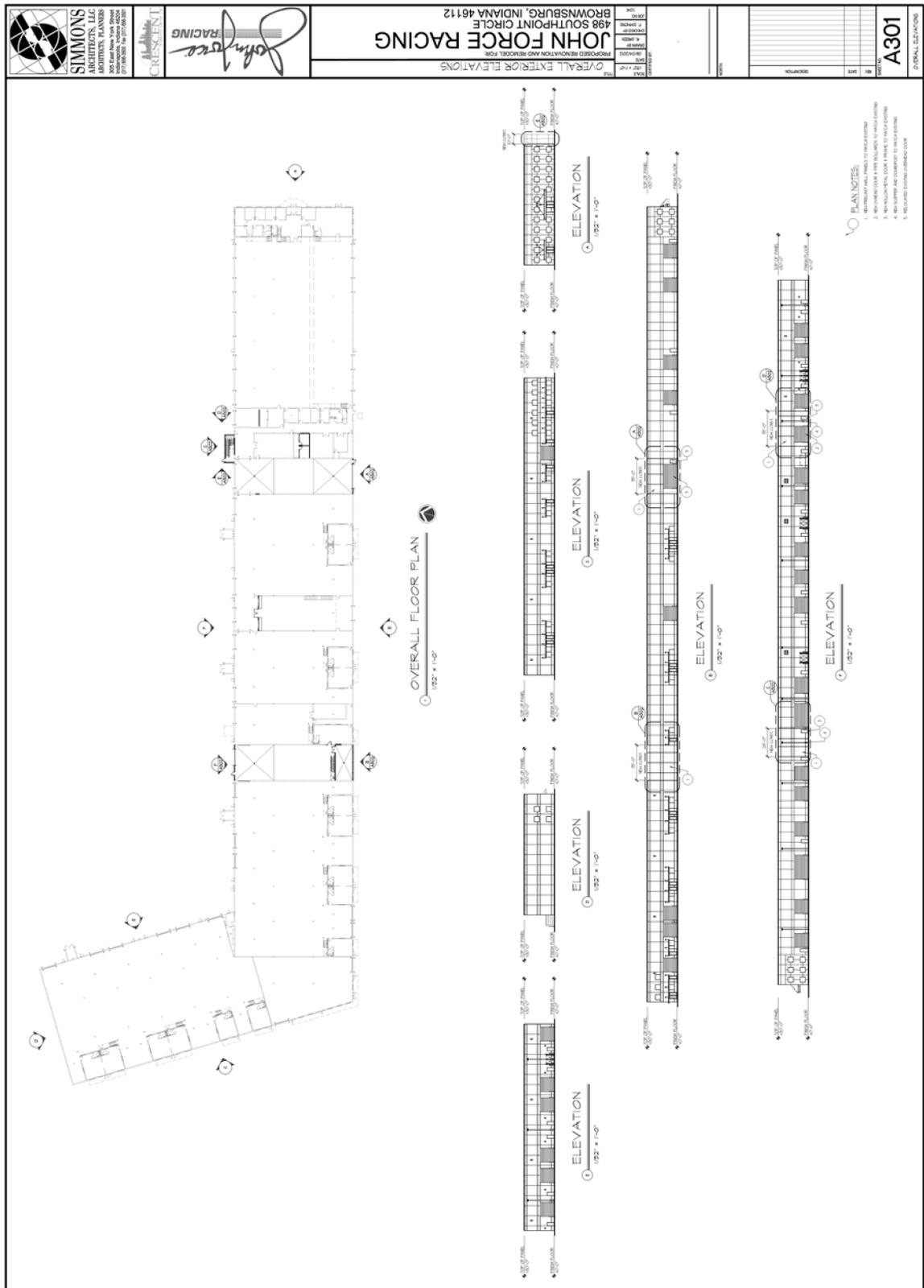


EXHIBIT – D
SITE PLAN continued

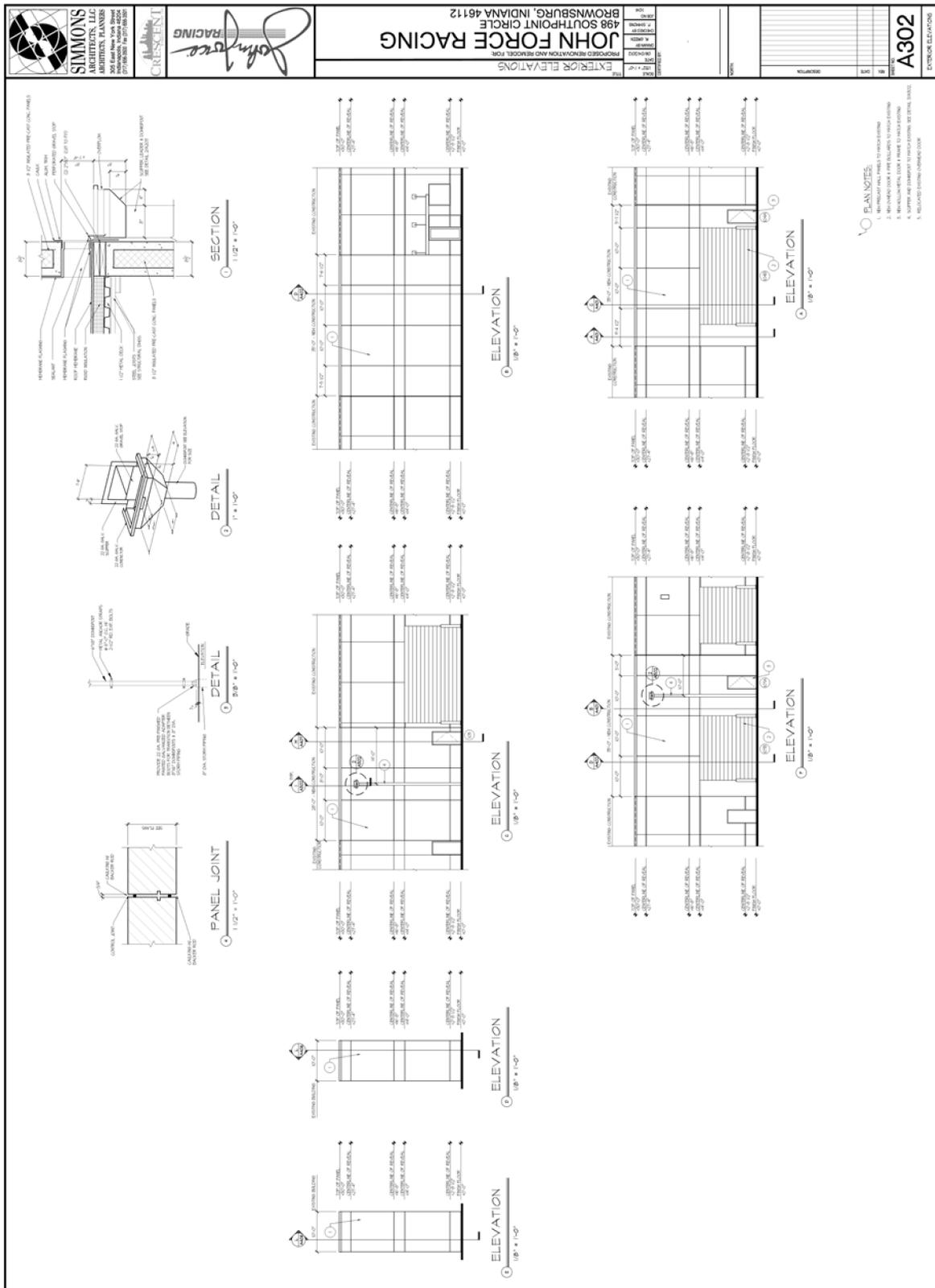


EXHIBIT – E
ZONING MAP

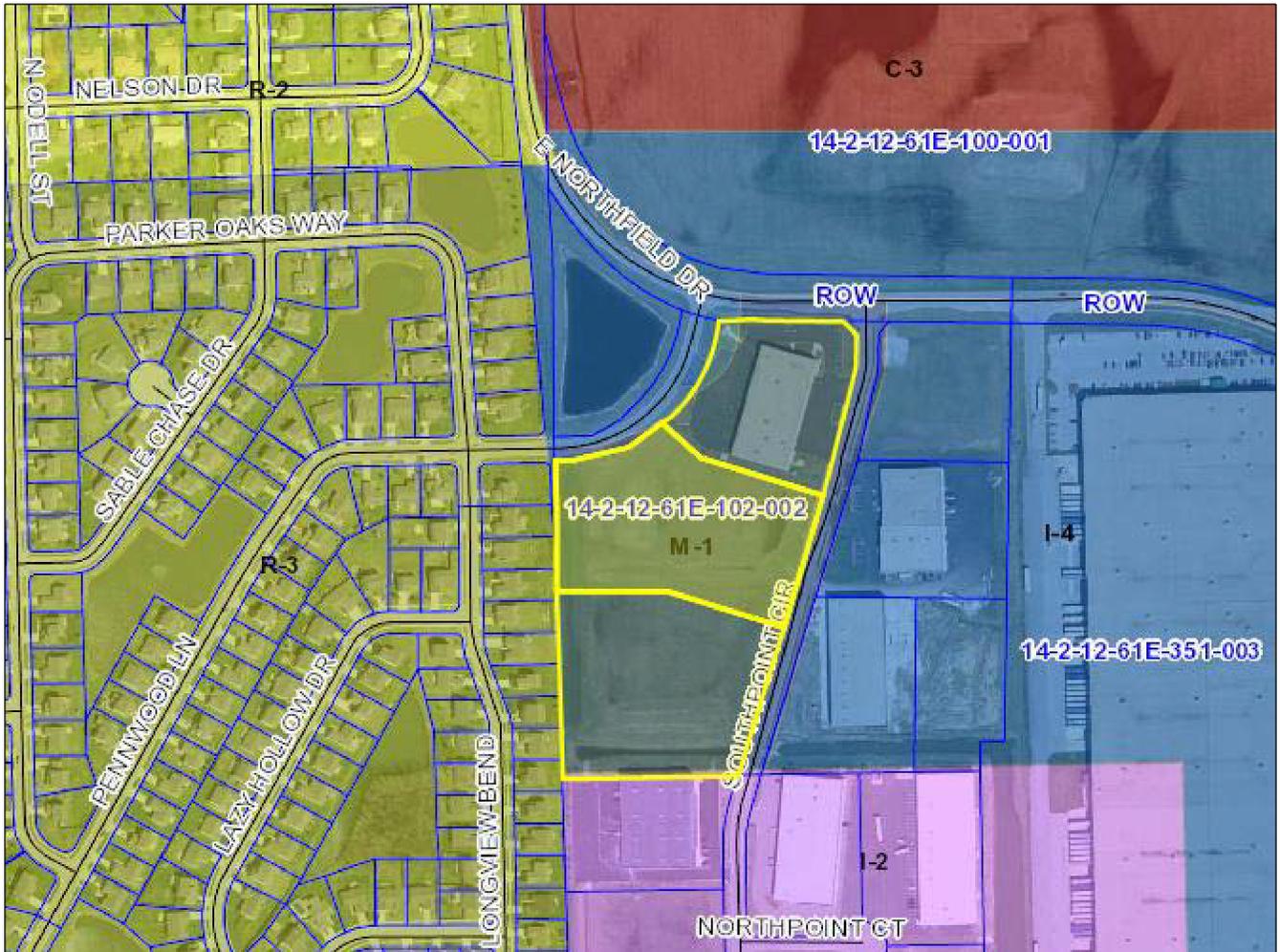


EXHIBIT – F
AERIAL INSERTS



EXHIBIT – G
SITE PHOTOS



EXHIBIT – G
SITE PHOTOS *continued*



EXHIBIT – G
SITE PHOTOS *continued*



STAFF ANALYSIS:

Through discussion with John Force Racing representatives we understand that attaching the three existing buildings making them one large building will allow John Force Racing to operate more efficiently.

John Force Racing has entered into an Economic Development Agreement with the Town; part of that agreement includes adding additional motorsports related jobs to the Brownsburg community. It is anticipated that this construction project as well as future development opportunities will create substantial investments in both physical construction and employment opportunities. Pursuant to the Economic Development Agreement John Force Racing has "estimated that an additional one hundred eight (108) employment positions will be available at the Property, primarily focused in the motorsports and motorsports related industries, with an anticipated annual payroll for those employed at the Property to be in an estimated value of Four Million Three Hundred and Twenty Thousand Dollars (\$4,320,000.00) per year based on an estimated average salary of \$40,000.00 per year".

Staff believes there are two options to achieve the outcome desired by John Force Racing.

1. Re-plat the existing three lots into one larger lot, thereby eliminating any property line or building setback issues; or
2. Request a Development Standard Variance to eliminate the building setback issue.

Staff recommended the property be Re-platted into one lot, because of the simplicity of the process. A Re-plat is an administrative function, no public hearing required, which ensures general conformance with the Primary Plat, requires no infrastructure changes, and has a relatively quick review time. It is, however, the desire of John Force Racing to go through the variance process to attempt to combine the three buildings into one building on three lots.

The revised Detailed Statement of Reasons includes a statement for Criterion #2 regarding the use and value of the subject property, however Ind. Code 36-7-4-918.5(a)(2) requires that the petitioner must prove "the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner".

In order to make a recommendation to the Board on this request Staff needs additional clarification on Criterion #3. Staff recommends that John Force Racing provide evidence that demonstrates the hardship imposed on John Force Racing by proceeding through the replatting process. Since the replat process affords them a remedy to this situation, this additional information is needed in order to justify the Practical Difficulty imposed by the Zoning Ordinance.

RECOMMENDATIONS:

Based upon the analysis of the submitted information by the petitioner, the Dimensional Variance (Development Standards) sections of the zoning ordinance and my comments above, it is my opinion that this request has NOT SATISFIED the requirements for approval of a Development Standards Variance pursuant to §155.036 of the Brownsburg Municipal Code and statutory regulations of Ind. Code 36-7-4-918.5.

Staff is willing to revisit our recommendation upon review of revised information addressing Criterion #2 and #3 above.

If the Board should decide to approve this request I recommend the approval be subject to and conditioned upon the following:

1. Approval of Findings of Fact and Conclusions of Law.

STAFF CONTACT:

NAME: Todd A. Barker, AICP

Jonathan K. Blake

TITLE: Director of Planning

Planning Technician

PHONE: 317-852-1128

317-852-1128

EMAIL: tbarker@brownsburg.org

jblake@brownsburg.org