



# Staff Report BZA21-001-VA

## Ram Tool Variance

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**Docket BZA21-001-VA Ram Tool Variance.** The petitioner is requesting approval of a variance for allowing outdoor storage on a property that had been previously granted a special exception for use with the commitment that outdoor storage would not be allowed. Subject site is located within Whitestown Crossing Development (Lot 7). The owner is System Builders LLC, and the petitioner is Innovative Engineering.



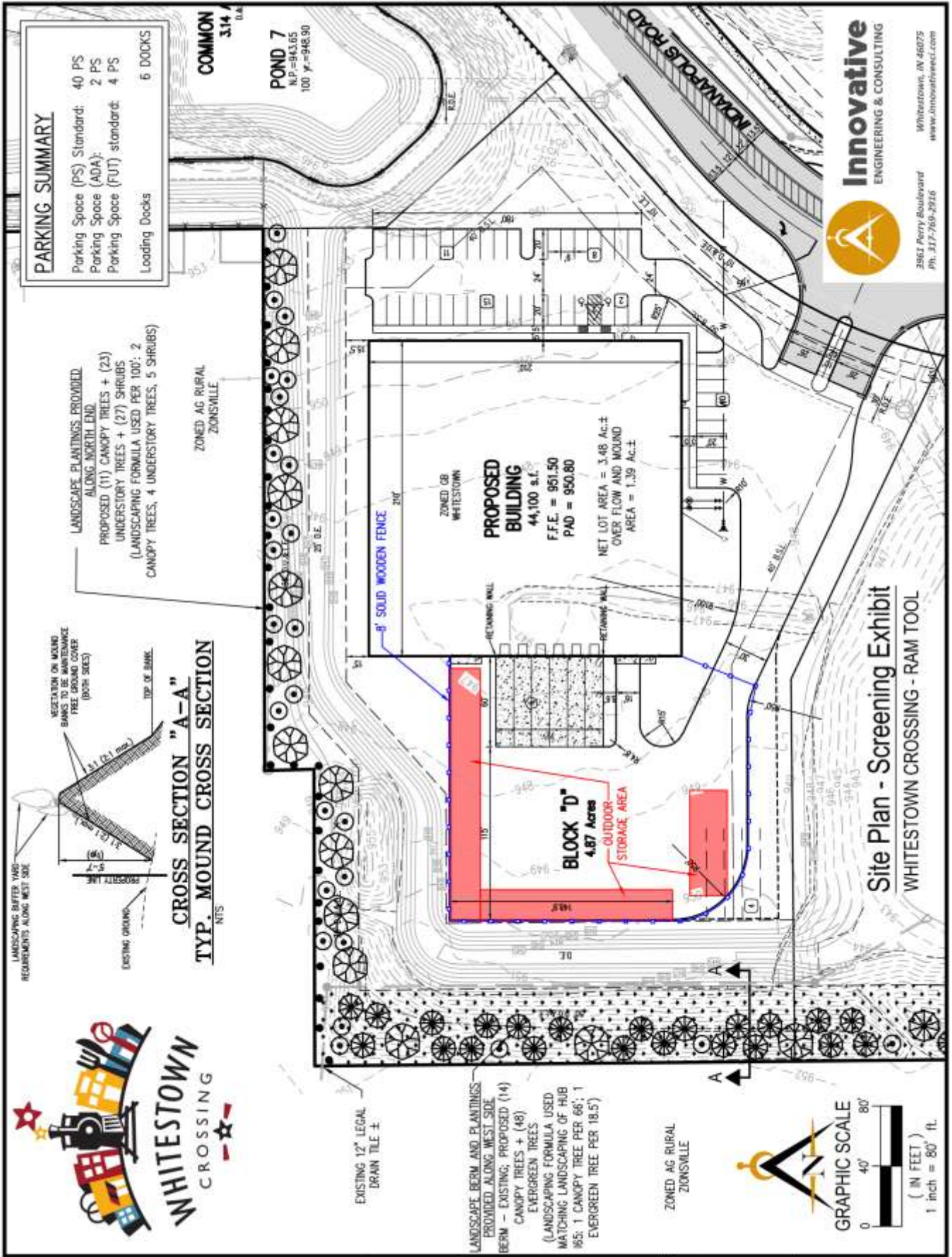
### Site History

December 5th, 2019 Whitestown Board of Zoning Appeals gave a favorable recommendation for warehouse (general) within the General Business zoning district **with the commitment no outside storage would be granted.** BZA19-004-SE

February 10<sup>th</sup>, 2020 Whitestown Plan Commission Approved Concept Plan for Whitestown Crossing Lot 7. This would be a spec building. Docket PC20-002-CP

May 11<sup>th</sup>, 2020 Whitestown Plan Commission Approved a Development Plan for Whitestown Crossing Lot 7. Docket PC20-013-DP. (Resident requested berm and privacy fence. Developer agreed to berm.)

# Site Plan



## Petitioner Request

The petitioner requests a variance from the existing commitment to allow outdoor storage on the site. The inability to lease the property without the additional storage has prompted the developers variance request.

If variance is granted Developer will be required to provide a perimeter fence at least 7 feet in height surrounding the storage in order to further provide visual and auditory screening.

## Decision Criteria

Per the Zoning Ordinance, *Section X.C.5.a(3)* the Board of Zoning Appeals shall use the following three decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.5, when taking action on all variance requests:

1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner.
3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variances are sought.

## Staff Recommendation

Staff presents the below finding of fact for variance request:

1. The approval of the use variance will not be injurious to the public health, safety, morals and general welfare of the community because: the use of the property remains unchanged, the outdoor storage would be safely screened by a perimeter fence.
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: it will not change the character of the zoned area. This will add additional screening to the neighbors for this site. The surrounding businesses in the area currently utilize outdoor storage.
3. The need for the variance does arise from some condition peculiar to the property involved: A commitment was made at time of Special Exception for this property before a user was selected for this property.
4. The strict application of the terms of the zoning ordinance will result in unusual and unnecessary hardship as applied to the property for which the variances are sought because: the owner has been unable to obtain a lease agreement for the site without the use of outdoor storage. The owner has made multiple attempts to fill the space however, the ability to store goods outside has been a constant issue in securing an agreement.