



# Staff Report BZA21-006-VA

## 65 Commerce Park Building 6 Variances

**Docket BZA21-006-VA 65 Commerce Park Building 6 Variance.** The petitioner is requesting two variances to construct a primary structure on a parcel with parking to be within the 10 foot buffer area between two structures as well as not to install landscaping within that 10 foot buffer area where it is required. The applicant is Strategic Capital Partners, LLC and property owner is Whitestown 65 Commerce Park III, LLC.

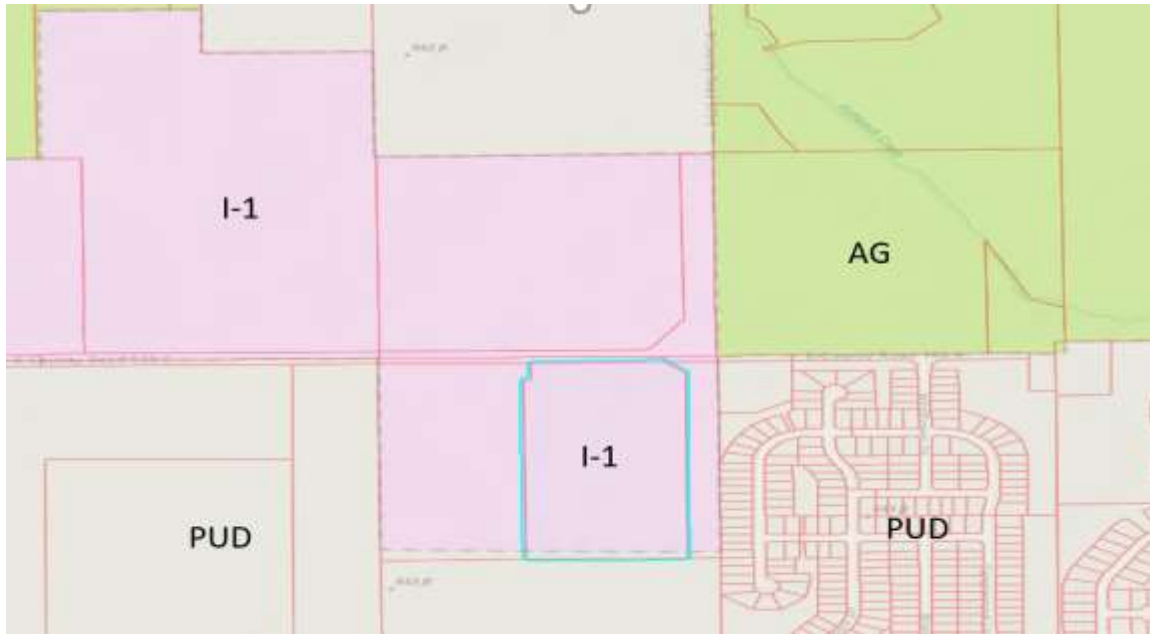


### Site Location

The scope of this project is to request two variances from the landscape regulations listed in Section 5.6 of the Unified Development Ordinance. The site is located south of CR 500 S and west of CR 575 E. The surrounding area is characterized by residential and industrial use.

### Zoning

The site is zoned I-1 . The I-1 District is “Established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.” Permitted uses within this district include manufacturing, fabricating, and assembly, wholesale trade, office.



## Background and History

- In September 2020, the Whitestown Plan Commission approved the Zone Amendment for the site in question from PUD-Anson to I-1 (PC20-034-ZA). Commitments were made as part of the approval.
- In August 2021, the Whitestown Plan Commission approved the concept and development plan for site in questions under PC21-034-CP and PC21-035-DP.

## Unified Development Ordinance

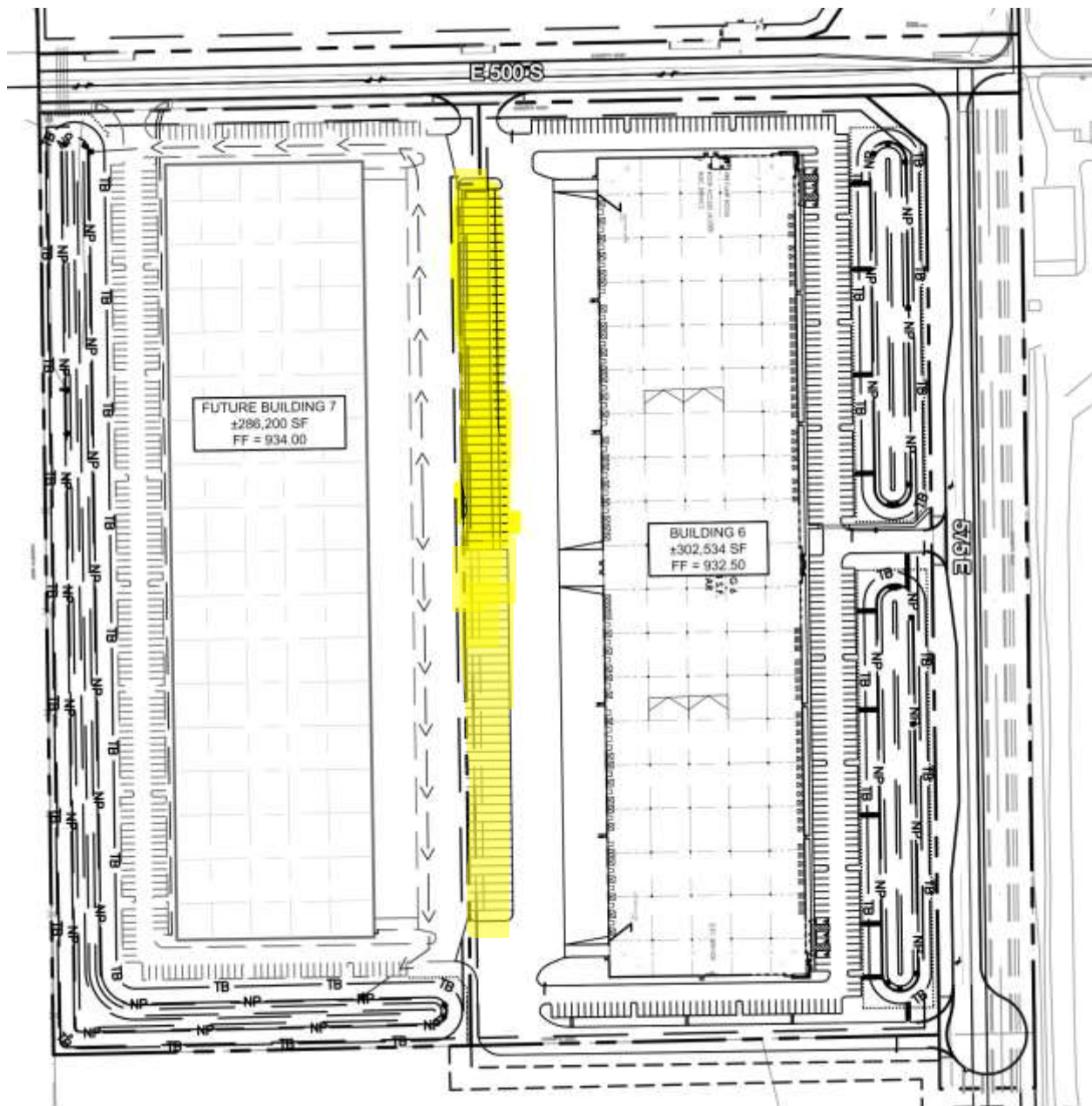
### Section 5.6 D:

D. **Industrial Abutting Commercial or Institutional.** Where an industrial district, building or project abuts a commercial or industrial use, a landscape buffer must be provided by using either Option 1 or Option 2 below ([see Figure 5-9](#)).

1. **Option 1.** A landscape buffer area at least 10 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs and trees. Parking or impervious surface areas are prohibited in the buffer area. One shade or evergreen tree and 4 large shrubs must be provided for every 30 linear feet of lot line. Plant spacing should be designed to minimize sound, light and noise impacts.

## Proposed Development

- 1) The petitioner requests a variance to allow parking within 10ft required buffer area along rear of building between building 6 & 7 where parking is restricted. The petitioner is also requesting a variance to not install landscaping within 10ft required buffer area along rear of building between building 6 & 7.



## 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 use 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 the Ordinance will constitute an unnecessary hardship if applied to the property seeking the variance.

Only upon written findings satisfying each element shall the variance be approved.

## Petitioner's Proposed Findings

1. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community because:  
**This variance request is for the western side yard which will be internal to the eventual full buildout of the development. Future building 6 will be west of building 6 and given they are the same industrial use and there will be trailer parking spaces between the buildings, the lack of a "side-yard" is not anticipated to be injurious to the public health, safety, morals, or 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 because:  
**For a similar reason as described above, allowing parking within the buffer area and removing landscaping between the proposed building 6 and future building 7 will not adversely impact neighboring property owners because it is internal to the development in a truck maneuvering area.**
3. 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:  
**By strict application off the requirements the depth (width) of building 6 and future building 7 would need to e reduced in order to provide space for necessary drainage pathways, parking, and truck areas. The reducing in building square footage would challenge the economics of the project given the amount of public infrastructure required for this project (reconstruction of CR E 500 S and an extension of CR 575E.**

## Staff Recommendation

Staff recommends the two variances be approved with the following finding of facts for the variance request:

1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community because:  
**Approval of the two variances will not be injurious to the public health, safety, morals, and general welfare because allowing parking within the setback and allowing no landscaping within the setback will allow for trailer parking to be aligned in between the buildings.**
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 because:  
**The use or value of the surrounding area will not be negatively affected if the two variances are approved. The variance request are located in between building 6 and future building 7. Building 6 will screen trailer parking from the residential are on the east side of site.**
3. The strict application of the terms of the Ordinance will constitute an unusual and unnecessary hardship as applied to the property for which the variances are sought because:  
**Adhering to the requirements of the ordinance would constitute as an unnecessary hardship because it would prevent necessary trailer parking to be located on the west side of the building screening trailer parking from CR 575 E.**