



Staff Report BZA22-010-VA

White Lick Loading Berths Variance

Meeting Date: September 1, 2022

Docket BZA21-002-VA Westpark Loading Berths Variance. The applicant is requesting a Variance to permit loading berths on a façade of a building that is facing a public right of way. The site in question is located on the west side of CR 475 E. The applicant is Strategic Capital Partners, and the owner is Richard & Patricia Daupert.

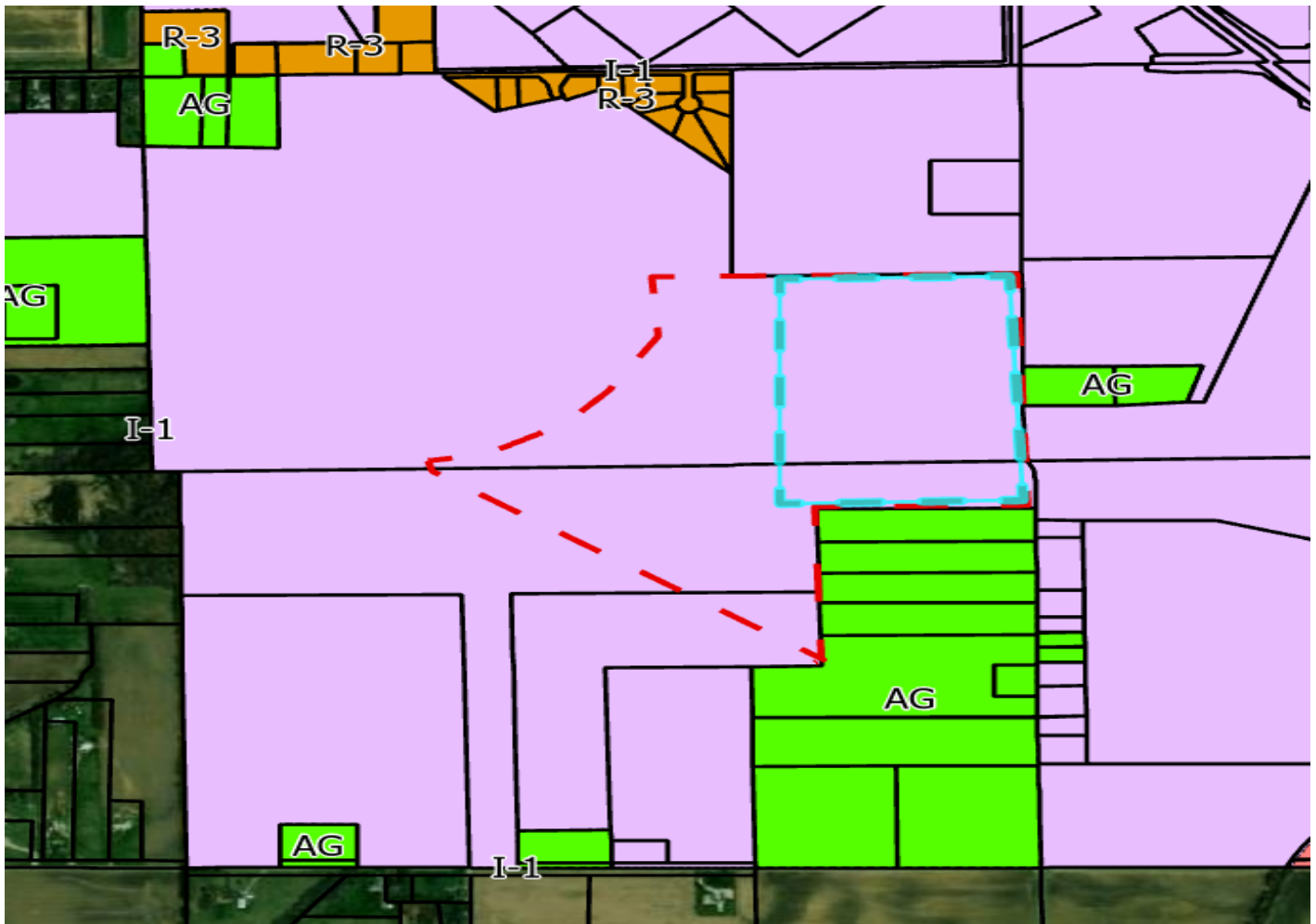
Site Location

The site is located off County Road 475. The site is currently being subdivided. The site in question is located on the west side of CR 475 E and 3,110 feet north of the intersection of Whitestown Parkway and CR 475 E. The surrounding area is characterized by industrial and agricultural uses.



Zoning

The site in question is zoned I-1, a light industry zone. 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 include nursing homes, parking lots, manufacturing fabricating and assembly, and wholesale trade and storage amongst others.



Unified Development Ordinance

Section 7.3 Loading Berths outlines the requirements for loading berths and semi-trailer requirements. The UDO states, "Loading berths are prohibited on building facades facing public streets. They should be located on the rear of the building when possible."

By definition, loading berths are "The off-street area required for vehicles receiving or distributing material or merchandise."

Proposed Development

The applicant is requesting a variance to permit loading berths on a façade of a building that is facing a public right of way.

The submitted materials and staff review indicate the following:

- The proposed structure is approximately 645,380 square feet of building footprint;
- Loading berths for semi-trucks are proposed on the east and west sides of the building;
 - The east side of the building faces CR 475 E
 - The south side of the building faces the future Road A
- The north and west side of the site contains floodplain; and,
- Residential uses are located on the south side of the proposed structure, south of the proposed Road A.

Staff Recommendation

Staff is providing a favorable recommendation for the Whitelick Creek Building 1 loading berths Variance docket BZA22-

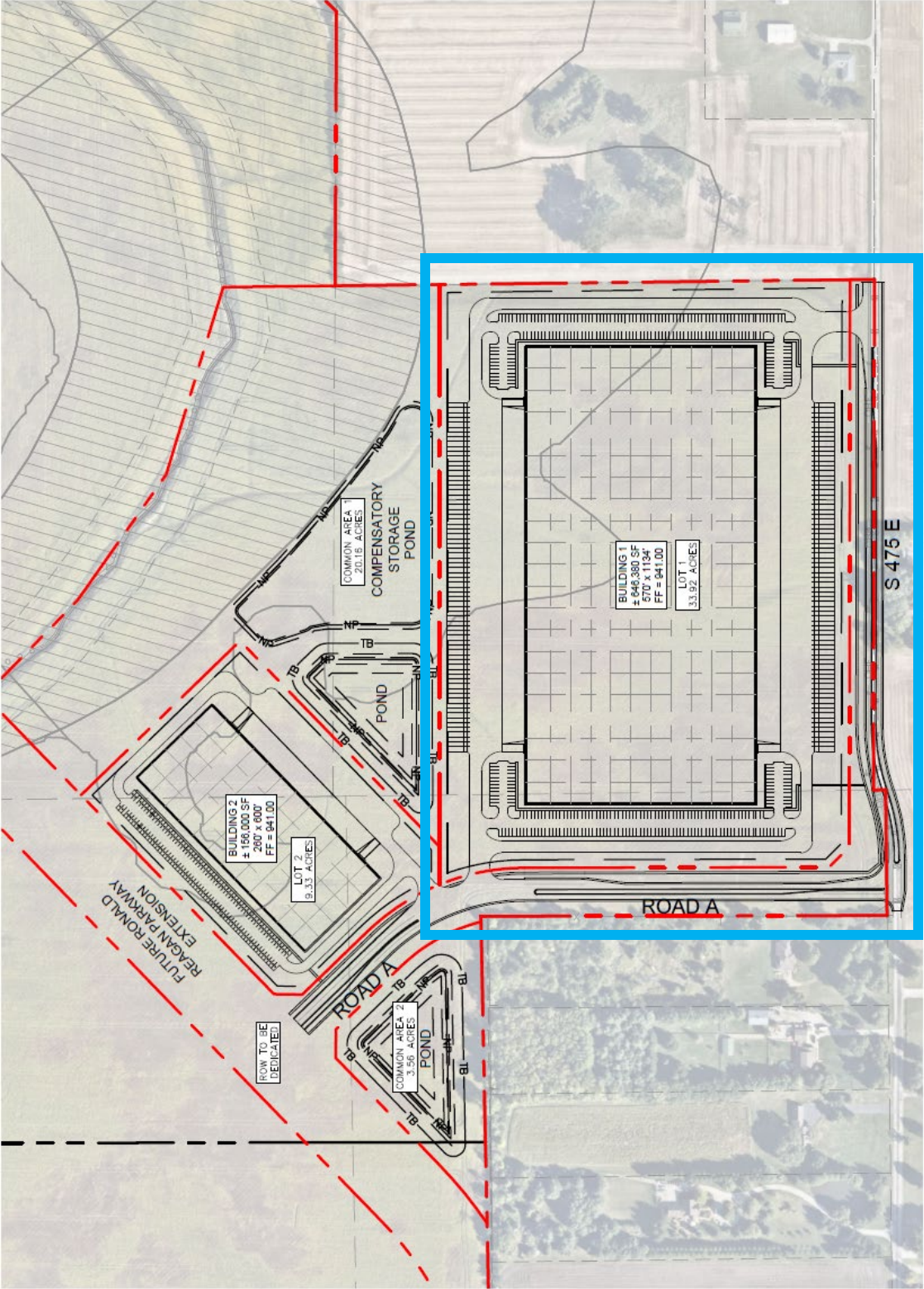
Staff's recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. And is consistent with Indiana Code IC36-7-4-918.5 and approval be granted upon:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:
Approval of the variance will not be injurious to the public health, safety, morals, and the general welfare because loading berths are commonly found throughout existing and future industrial developments. The future use of CR 475 E will be predominantly industrial nature given the proposed developments.

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 to the property will not be negatively affected if the variance is approved because the surrounding area has industrial uses that have loading berths facing CR 475. Granting the variance would allow for uniformity among the industrial uses on CR 475. Loading berths facing CR 475 E is preferable to facing to the south where residential uses are presently located.

3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because:
The strict application of the ordinance does not take into account the topographical features such as floodplains, wetlands, and other site-specific conditions located on the subject property. The site is limited because there is a floodplain located on the east side. The property also has two public roads in CR 475 on the east side and Road A to the south. This limits the orientation the building may face to meet the terms of the Ordinance.

Materials Submitted by the Applicant



BASIC SITE PLAN
WHITELICK CREEK INDUSTRIAL
June 2, 2023

WHITELICK CREEK INDUSTRIAL



Attachment D: Standards for Evaluating a Variance

Use the following form or attach a separate sheet(s) to explain the Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

The proposed industrial development is a speculative +/- 646,380 sf building with proposed use of office/warehouse/distribution. The proposed use is permitted under the site's I-1 Industrial Zoning Classification. The hours of operation are TBD because the user of the building is not known at this time. Access shall be from approximately two (2) access points from improved CR 475. The number of employees is not known at this time because the building has not been built or occupied.

Standards for Evaluation

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

The proposed industrial building and industrial use of the site are permitted under the site's I-1 Zoning Classification. The variance will allow the proposed building to include dock doors and truck dock areas on the facades of the building facing CR 475. The existing and proposed buildings across CR 475 from the site and to the north of the site are industrial buildings that include dock areas and dock doors. The site's frontage along CR 475 will be landscaped and the building will set back approximately ____' from CR 475. With the landscaping and setback of the building, and with the existing and proposed industrial buildings in the surrounding area, approval of the proposed variance 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 variance will not be affected in a substantially adverse manner because...

The proposed industrial development and use of the property is consistent with the existing and proposed use of the adjacent properties to the north, northeast and southeast. Sites to the north & northeast of the property are already developed and improved with light industrial buildings that include buildings (or will include) with truck dock doors and dock areas facing roadways. Such buildings have not adversely affected the use or value of adjacent properties.

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 variance is sought because...

The property has very limited "developable area" because of the adjacent floodway and floodway fringe zones related to nearby White Lick Creek. Additionally, the site will be located on a corner parcel with road frontage on both the east and south borders of the site. Because there is road frontage on two (2) sides of the site, and because of the site's limited area available for improvements due to the floodway and floodway fringe zones, strict application of the zoning ordinance will present an unusual and unnecessary hardship in development and use of the property. Approval of the variance will allow development and use of the site in a reasonable and practical manner.