



DEVELOPMENT STANDARDS VARIANCE APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: BZA _____ - _____

Hearing Date: _____

Fees Paid: \$ _____

Final Decision:

Approved _____ Denied _____

1.

Applicant

Name: Speedway LLC
Address: 500 Speedway Drive
Enon, OH 45323
Phone Number: (937) 405-7043
Fax Number: _____
Email: jenniferhigh@speedway.com

Property Owners Information (if different than Applicant)

Name: Exit 109, LLC c/o Kulkami Properties
Address: 400 Smith Rd. Suite 190, Cincinnati, OH 45209
Phone Number: 513-863-1400
Fax Number: _____
Email: shtree.kulkarni@kulkamiproperties.com

2.

Applicant's Attorney/Representative

Name: Eric Carter, RLA, Weihe Engineers, Inc.
Address: 10505 N. College Avenue, Indianapolis, IN
Phone Number: 317-846-6611
Fax Number: _____
Email: cartere@weihe.net

Project Engineer

Name: Scott Rucker PE, Weihe Engineers, Inc.
Address: 10505 N. College Avenue, Indianapolis, IN
Phone Number: 317-846-6611
Fax Number: _____
Email: ruckers@weihe.net

3. Project Information:

General Location of Property (and address is applicable): 3877-3977 N. Michigan Rd. (Southwest Corner of Michigan Rd. & 400 S. - Exit 109)

Current Zoning Classification: BH, Race Track Overlay, Airport Compatibility Overlay Existing Use: Vacant

Number of Requested Variances: _____ Proposed Use: Convenience Store w/ Auto and Commercial fueling

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
Article 5, 5.15, ED-04, B (Driveway Width) Article 5.62 SI-09 (Canopy sign SF max 25%) 5.62 SI-09 (Incidental free signs max 6 SF and 3' height)
Article 5, 5.58, Q.3.c (Pole Sign Size within Interstate Corridor max 200 SF) Article 5.62 SI-09 (Max of 2 faces per canopy)

4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- Vicinity Map
- Proof of Ownership (copy of deed, recent property card)
- Findings of Fact
- Letter of Intent
- Application Fee
- Supporting Documents and Exhibits (Optional)

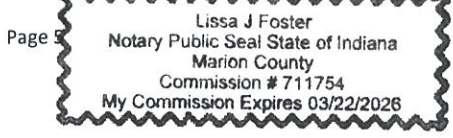
The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: [Signature] Date: 12-18-2020

State of Indiana
County of Marion SS:

Subscribed and sworn to before me this 18th day of December, 2020
[Signature], Lissa Foster
Notary Public Printed

Residing in Marion County. My Commission Expires: 03/22/2026





LETTER OF INTENT
BOARD OF ZONING APPEALS

Please write a brief summary the case you are presenting to the Board of Zoning Appeals. You may submit on this form or on your own letterhead.

Petitioner, Speedway LLC, is seeking a variance of development standards to allow for driveway width of approximately 73' at the right-of-way for ingress/ egress of commercial fueling trucks. 36' maximum is allowed. The additional width at the right-of-way will allow trucks to access the site safely to and from the property. Once the trucks are in the site the driveway is 55' .

Petitioner, Speedway LLC, is seeking a variance of development standards to allow for Canopy sign above the the maximum of 25% on the short side of the canopy. Asking for 43%.

Petitioner, Speedway LLC, is seeking a variance of development standards to allow for increase in incidental free signs max 6 SF and 3' height. Requesting 8 SF and 4' high

Petitioner, Speedway LLC, is seeking a variance of development standards to allow for 1 more than 2 allowed canopy signage. Total of 3 requested.

Petitioner, Speedway LLC, is seeking a variance of development standards to allow for increase of pole sign size from 200 SF to 498 SF.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Speedway LLC
Location: 3877-3977 N. Michigan Road
Variance for: Pole sign with excess of 200 square feet in area

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

The sign height and size is appropriate for interstate travel and will not be harmful to the public health, safety and general welfare. It is located near the interstate and out of the way of the general public traveling the local roads.

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

The sign is located as to not interfere with neighboring properties. The use and value will not be affected negatively as it will bring patrons from the interstate to this area.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

The fuel pricing is geared towards interstate travel and is sized appropriately so does not allow for appropriate sized fueling and trade brand display.

that patrons can make an informed decision to exit the interstate. 200 square feet

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Speedway LLC
Location: 3877-3977 N. Michigan Road
Variance for: Increase of incidental signage from 6 to 8 SF and from 3' to 4' height.

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.
The increase in size and height of the incidental signs will allow for trucks to have better visibility in order to make a safe decision to enter the site in the appropriate driveway.
The signs will be placed in a way as to not be harmful to the public health, safety and general welfare.

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.
The signs will be in similar size to the adjacent property and will not affect the use or value as it is similar use.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.
The sign height and size is appropriate for trucks. Speedway standard is actually 32 SF and with this development the smallest size available is 8 SF which is what is proposed.
It would be unsafe to have a sign size sized for auto vehicles used for trucks.

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.



DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

Petitioner's Name: Speedway LLC
Location: 3877-3977 N. Michigan Road
Variance for: Excess Driveway Width at Right of Way line

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

The proposed driveway width will promote safety by providing an adequate width for commercial fueling trucks to enter and exit safely at the proposed location

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

The proposed driveway width will improve the use and value of the adjacent properties by allowing safe ingress and egress to and from the property.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

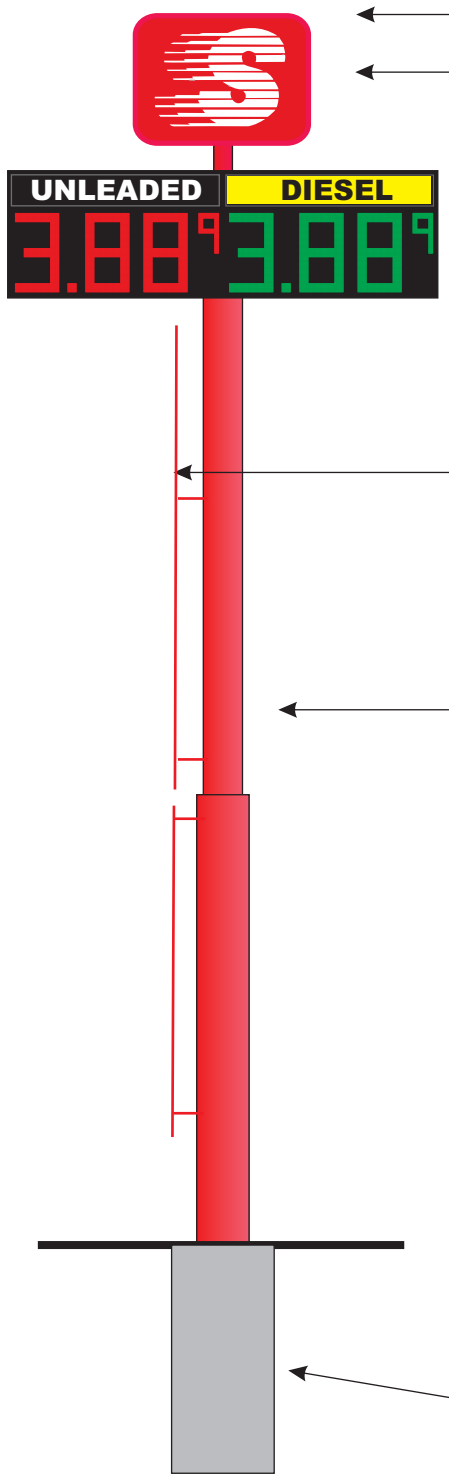
35' maximum width at the Right-of-way does not allow for safe ingress and egress of the commercial fueling trucks. A circulation plan was developed to determine the width to avoid conflicts with trucks exiting and entering the site as well as trucks entering the adjacent property.

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.



316 S. 6th Street,
St. Joseph, MO 64501 800.821.9013

Client		Install Location		Date: 11/18/20	Job #:
Speedway Jennifer High		Speedway 100958 Fairland, IN		Revisions:	Date:
Client Approval:		Date:			



- ← ___' Overall Height (not to scale)
- ← 10'3" x 13'10" "Speedway" - LED Illumination Service doors in bottom, both ends & top (details on page 3).
2' sign separation
- ← 10'3 x 34'8" Price Sign w. 89" LED's (see page 2).
- Install Diesel to highway (both sides of sign).
- ← Supply ladder and cable safety system starting 15' above grade up to the bottom of the price sign (install away from highway - break ladder at pipe joints, paint ladder and stand-offs Sher-Cryl SW 4081 Safety Red).
- Paint pole Sher-Cryl SW 4081 Safety Red color
- ← Staged steel structure per engineering drawings by Bennett and Pless Job _____
- 498 SF Total Sign Area**
142 - Logo Sign
356 - Price Sign
- POWER REQUIREMENTS (all circuits are 120 volt)**
5 Circuits total for Logo and Price Sign
Logo Sign: 1 circuit, 15 amp draw w. 10 gage wire drop (switched with lighting system)
Price Sign LED's: 4 circuits total (on 24/7)
Diesel: 2 circuits - 15 amp draw each w. 10 gage wire drop
Unleaded: 2 circuits - 11 amp draw each w. 10 gage wire drop
- Price sign circuits must have dedicated neutrals and ground lines (do not share with each other or lighting circuits).
- Recommend a dedicated grounding rod at the sign installed per local code.
- See note below for electrical hook-up.
- ← Install foundation per engineering drawings noted above.

Power Required to Pole (by others):
5, 20 Amp 120 v. circuits and distribution equipment to be provided to the base of pole by others - site electrician will need to make final connection to the wires dropped down the pole.
4 ckts. on 24/4 - do not share grounds or neutrals
1 ckts. on lighting controller

Other:
*Warranty: 2 year onsite parts/labor if Sunshine direct install or tech install by Sunshine personnel.
*Price Sign Control: Wireless Keypad (1000 foot range)

This original drawing is provided as part of a planned project and is not to be exhibited, copied, or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installation or electrical circuits. These are the responsibility of the Buyer/user.

ETL LISTED
CONFORMS TO
UL STD 48
UL STD 1433
102482
CERTIFIED TO
CAN/CSA STD C22.2 NO. 207

* Actual LED size and configuration may vary

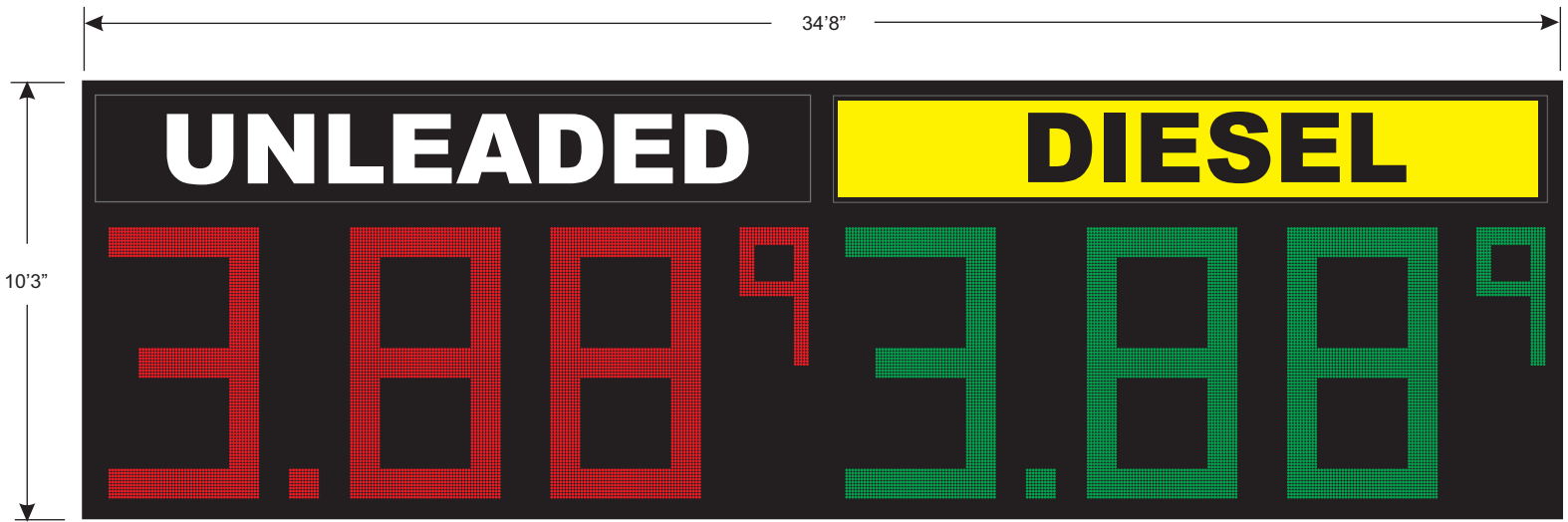


Client	Install Location	Sales
Speedway Jennifer High	Speedway 100958 Fairland, IN	John Boyd 970.390.6800 JohnB@Sunshine.US.com
Client Approval:		Date:

Date: 11/18/20	Job #:
Revisions:	Date:

76" OPTIMUM CABINET



Separate power required to each of the 4 modules. Green draws 15 amps, (each side), Red draws 11 amps (each side). By Others - MUST BE CLEAN CIRCUITS - DO NOT SHARE GROUNDS OR NEUTRALS



Service Doors each end
Cabinet width = pole dia. ???"

- Green pricer same build as red
- Same layout both sides
- Digits back to back

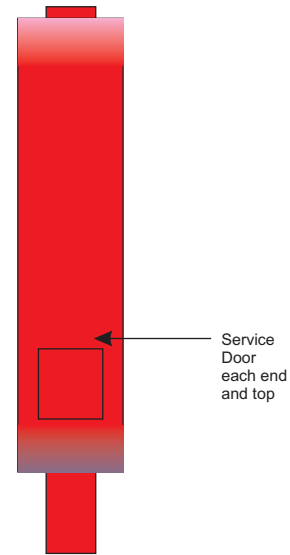
For install help call: 816-387-4216

Cabinet Specs	Label Specs	Notes
Digit Size & Style: 76" LED	LED Backlit Label Panel: 2'3" x 16'6"	<ul style="list-style-type: none"> ■ Optimum digit spacing Minimum digit spacing ■ Weld collars provided/pole specs by others Control box placement to be determined ■ Label colors for representation only ■ 356 sq ft:
"UNL" Digit Color: Red	Label Cap Height & Style: Swiss 721 Bold	
"DSL" Digit Color: Green	"UNL" Label Panel Color: Black	<p>This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installations or electrical circuits. These are the sole responsibility of the Buyer/user. Actual LED size and conguration may vary</p> <div style="text-align: right;">   </div>
Overall Cab, Size: 10'3" x 34'8"	"UNL" Label Type Color: White	
Cabinet Color: Black	"DSL" Label Panel Color: Yellow	
S/F or D/F: D/F	"DSL" Label Type Color: Black	
Build Type: Over-Pole Mount Cabinet		



316 S. 6th Street,
St. Joseph, MO 64501 800. 821. 9013

Client	Install Location	Sales	Date: 11/18/20	Job #:
Speedway Jennifer High	Speedway 100958 Fairland, IN	John Boyd 970.390.6800 JohnB@Sunshine.US.com	Revisions:	Date:
Client Approval:		Date:		



Price Sign Below

10'3" x 13'10"x ??? Double-face Cabinet with 14" radius on 4 corners

??? Pipe - 1" thru top for welding and cap.

Flex-Face - internally illuminated with LED's - 4" retainer

Paint cabinet and retainer Sher-Cryl SW 4081 Safety Red

Decorate face background with 3036-33 red vinyl

"S" logo is white native substrate - 8'6" tall.

Service doors on each end and on the top (top door useable from inside sign).

Provide angle iron pole guides from the bottom mounting plate to the top saddle.
Ladder to access the top center of the sign at the service door.

POWER Lead Drops (120 volt)

1 circuit total (logo sign only - does not include price sign below)
1, 14 amp draw with 10 gage wire drop (see installation drawing for length required including a drip loop at bottom)

Recommend a dedicated grounding rod at the sign installed per local code (by others)

See installation drawing for the combined price sign and logo power requirements.

Speedway

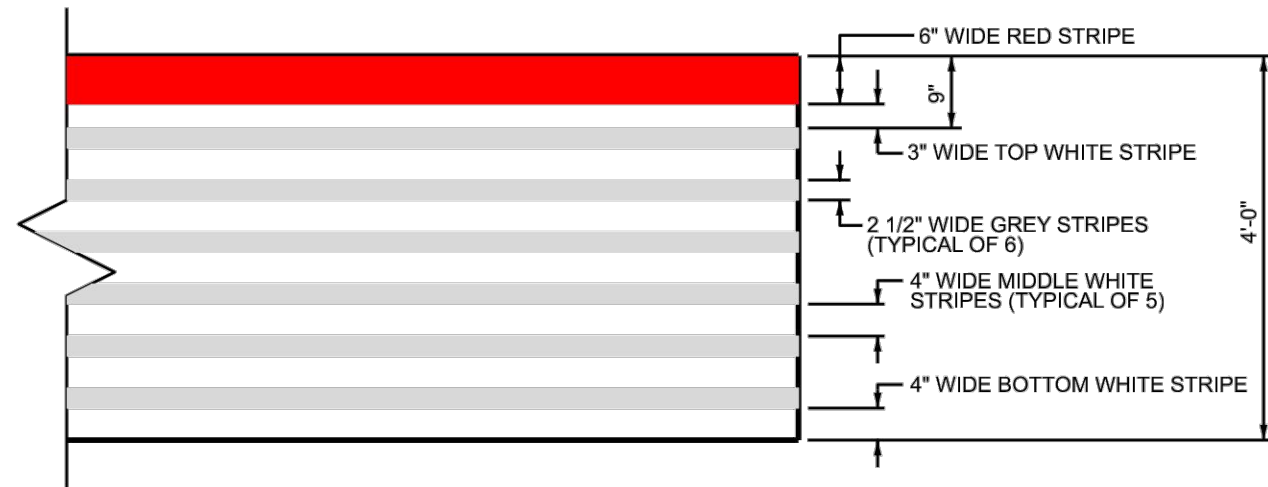
DEF AT ALL LANES
CLEARANCE 16' 6"

SIGN DETAIL "B"
(NO SCALE)

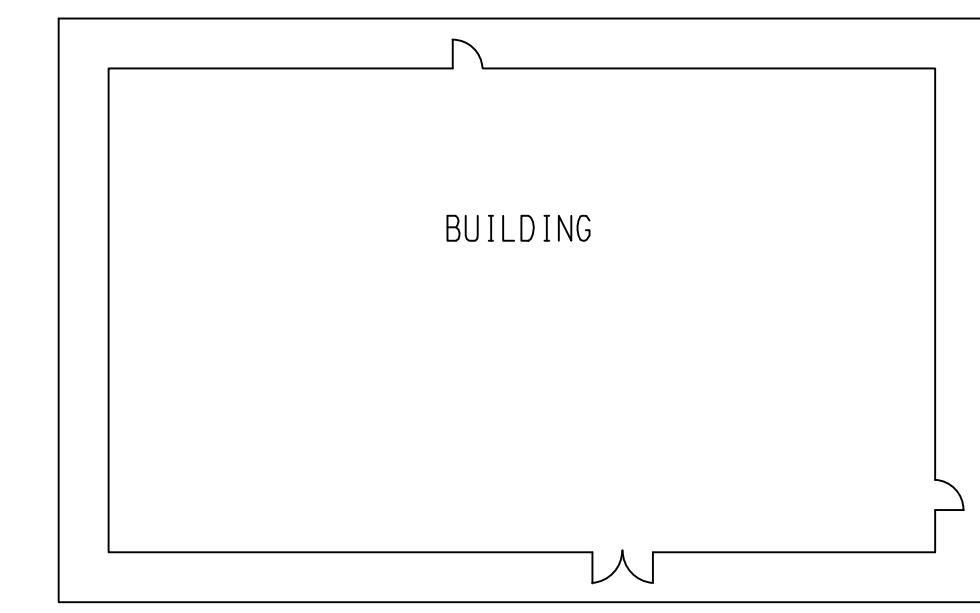
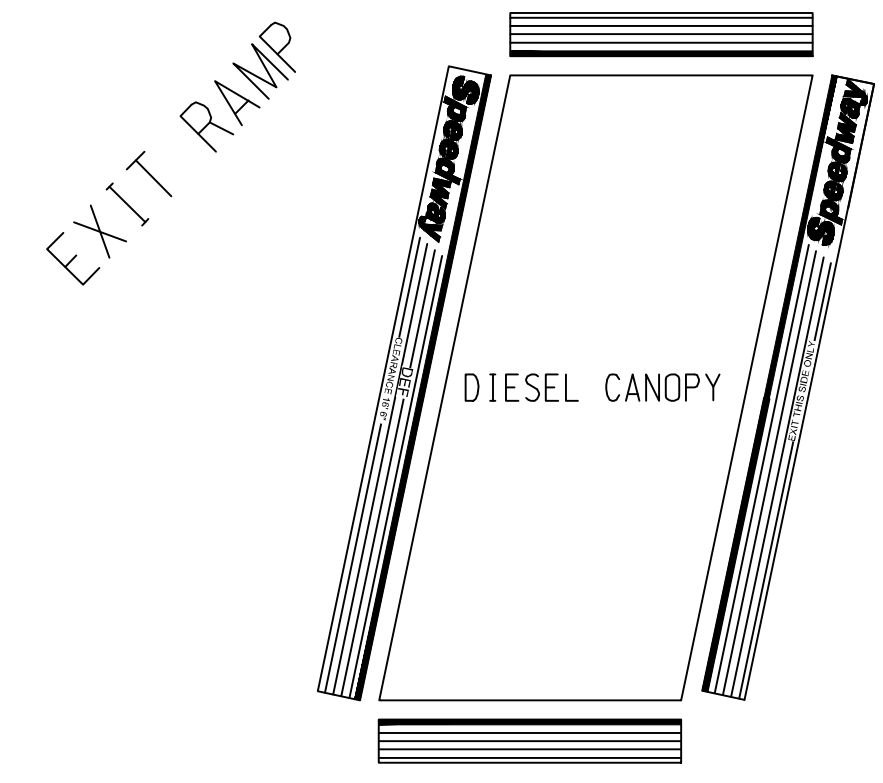
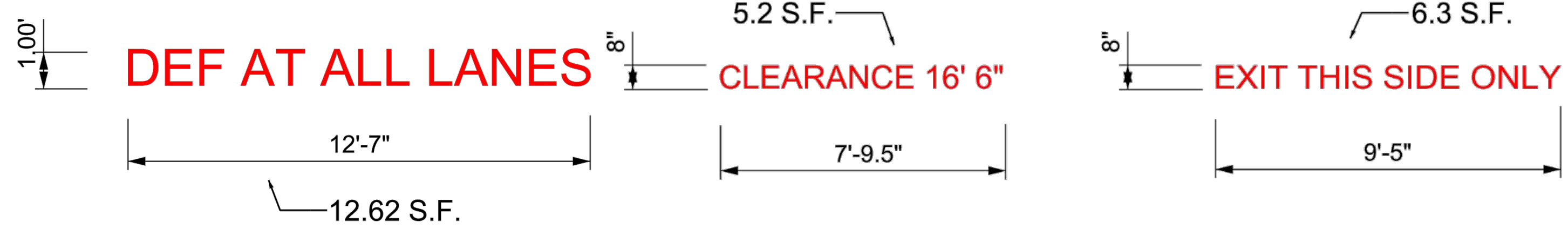
EXIT THIS SIDE ONLY

Speedway

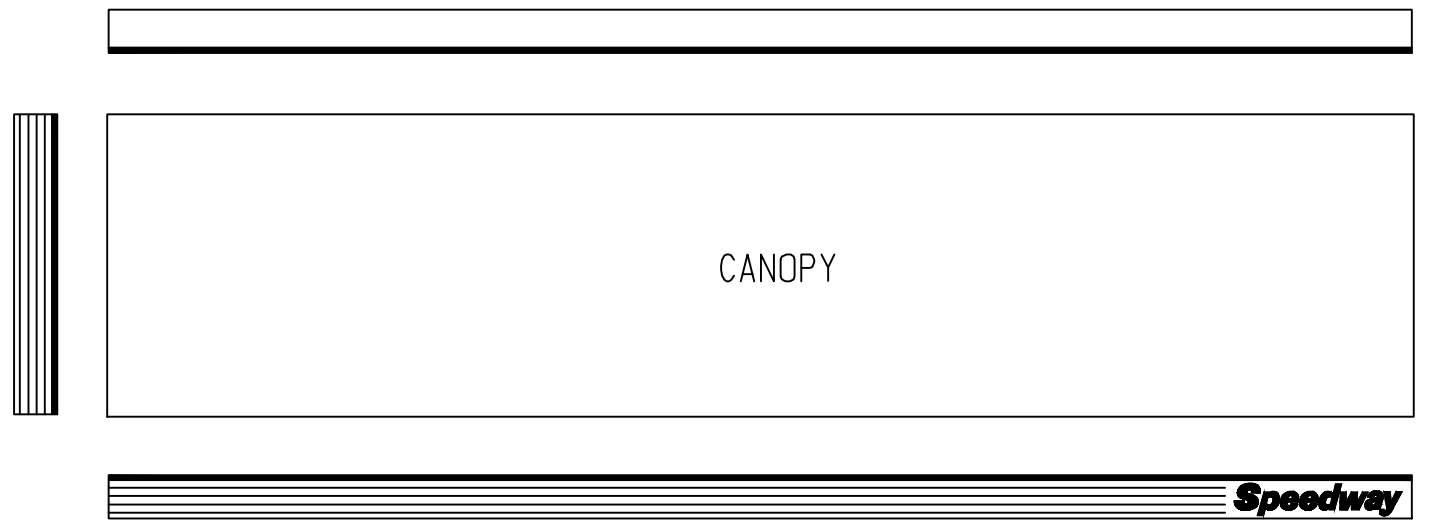
SIGN DETAIL "C"
(NO SCALE)



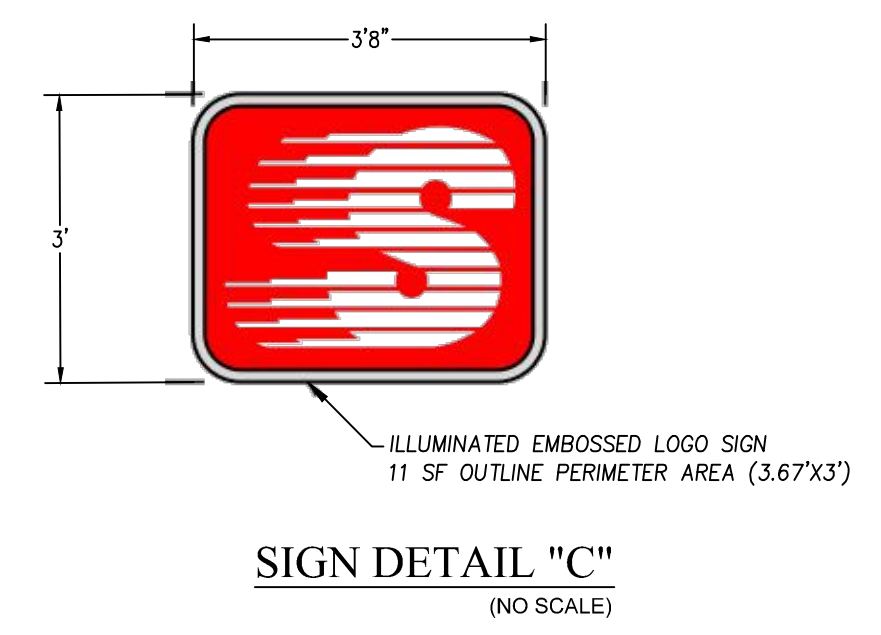
TYPICAL CANOPY STRIPING SPACING DETAIL



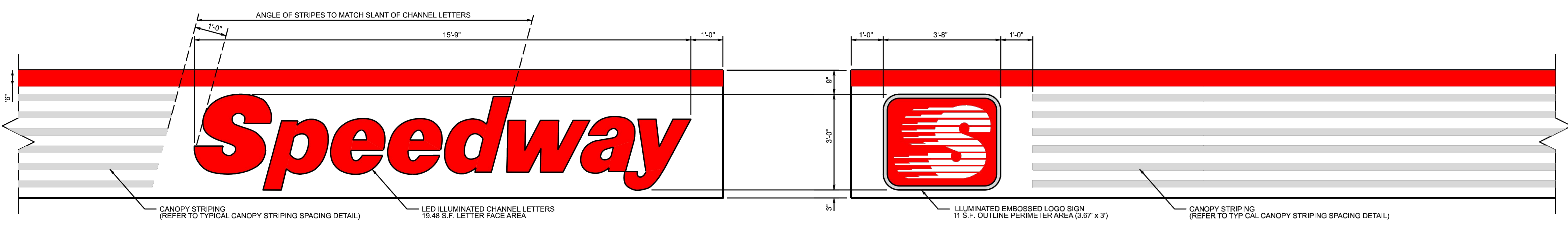
FAIRLAND RD



MICHIGAN RD



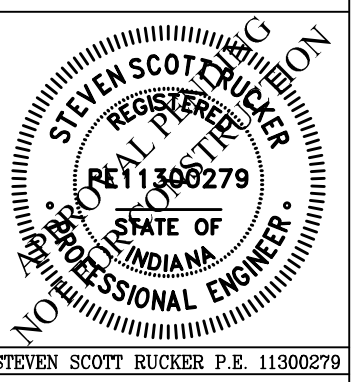
NOTE:
SIGNAGE IS FOR REFERENCE ONLY.
COORDINATE WITH SIGN VENDORS FOR
DETAILS.



SIGN DETAIL "G" & "H"
(NO SCALE)

SIGN DETAIL "F"
(NO SCALE)

WEIHE ENGINEERS
Landscape Architecture
10505 N. College Avenue
Indianapolis, Indiana 46230
317 | 846 - 6611
800 | 832 - 6408
317 | 843 - 0546 fax
weihenet
ALLAN N. WEIHE, P.E., L.S. - FOUNDER



Speedway
Presented by
Speedway
Engineering and Construction Dept.
Enon, OH 45323

NO.	REVISIONS
1	DESIGN PACKAGE SUBMITTAL 12/4/2020 12/4/2020 12/4/2020
2	CE PHASE PLANS

SIGNAGE PLAN & DETAILS
NEW BUILD - STORE 100958
3877-3977 North Michigan Road
Shelbyville, IN
Shelby County

STORE OR BLDG NO.	100958
PROJECT ID NO.	103200
SCALE	
DESIGN TEAM	DATE
DGNR. Weihe	11/20/2020
P.MGR. Jennifer High	11/20/2020
RVWR. Ryon Roosen	11/20/2020
DRWG. NO.	SS1

LOCATION: I:\2020\100958\Engineering\Design\Stores\02 FE SET (data)\09 - 100958 - FE - SS - SIGNAGE PLAN & DETAILS.dwg
DATE/TIME: January 05, 2021 - 9:58pm
PLOTTER: B2, Microsoft

CITY OF SHELBYVILLE

Adam M. Rude
Director



Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 1/12/2021

Case #:	BZA 2020-19: Speedway LLC, DSV			
Petitioner's Name:	Speedway LLC			
Owner's Name:	Exit 109, LLC			
Petitioner's Representative:	Weihe Engineers, Inc./ Eric Carter			
Address of Property:	3877-3977 North Michigan Road			
Subject Property Zoning Classification:	BH – Business Highway within the Race Track Overlay District (RT-OL)			
Comprehensive Future Land use:	Gateway Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BH - Business Highway	BH - Business Highway	BH - Business Highway	BH - Business Highway
Surrounding Properties' Comprehensive Future Land Use	Gateway/ Mixed Use	Gateway/Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use
History:	In 2006, 2009, and 2016 development attempts were made on this property, neither were successful and ended before all required approvals from the Planning Commission were granted. In 2006 the driving development was a hotel, which initiated a preliminary plat of the land. Again in 2009 the driving development was a hotel, this again initiated a preliminary plat that was approved. Due to external concerns, the final plat was never submitted to the Planning Commission. In 2016 the driving development was a fast food restaurant, with additional possible out lots, the final plat was never filed with the Plan Commission.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.58(Q)(3)(c), the Sign Standards for Pole Signs in the Interstate Corridor			

1. Within the BH – Business Highway zoning district, property owners are able to petition for Special Exception Use approval for a Pole Sign.
2. If approved a Special Exception Use, Pole Sign within 1,000 from the I-74 corridor are permitted to be up to 100 feet in height and 200 square feet in area.
3. The petitioner is requesting a variance to allow a total sign area of 498 square feet, rather than the 200 square feet prescribed by the UDO.

Development Standard Variance UDO 5.58(Q)(3)(c) – Sign Standards for Pole and Pylon Signs

The City of Shelbyville’s Unified development Ordinance indicates that the Board of Zoning Appeals shall make findings of fact when deciding on a request for a Development Standard Variance. The decision criteria are as follows:

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

The petitioner provided the following response to Findings of Fact #1: “The sign height and size is appropriate for interstate travel and will not be harmful to the public health, safety and general welfare. It is located near the interstate and out of the way of the general public traveling the local roads.”

The planning staff has determined that the requested development standards variances should not be injurious to the public health, safety, morals, and general welfare of the community. The Board of Zoning Appeals has reviewed and approved similar square footage increases – BZA 2019-02 for the Pilot Travel Center.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

The petitioner provided the following response to Findings of Fact #2: “The sign is located as to not interfere with neighboring properties. The use and value will not be affected negatively as it will bring patrons from the interstate to this area.”

The planning staff has determined that the requested variance should not have a substantially adverse impact on the use or value of the adjacent areas. This business highway zoning district is designed to service interstate travelers. Given the scale and travel speeds along the interstate, larger square footage signs are needed to advertise businesses at the interchanges.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

The petitioner provided the following response to Findings of Fact #3: “The fuel pricing is geared towards interstate travel and is sized appropriately so that patrons can make an informed decision to exit the interstate. 200 square feet does not allow for appropriate sized fueling and trade brand display.”

The planning staff has determined that the strict application of the terms of the ordinance could result in a practical difficulty in the use of the property. The Indiana Department of Transportation provides the Specific Services Sign program (Logo Signs) which permits eligible businesses to place their logos on interstate panels that identify key services at designated interstate exits. This would allow Speedway another opportunity to advertise their business to interstate travelers. The Logo Sign combined with a smaller pylon sign should be adequate to advertise the business.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-19: Speedway LLC, DSV

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.58(Q)(3)(c) to allow a pole sign with an area of up to 500 square feet, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** 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 subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____

Chairperson / Presiding Officer

Attest: _____

Adam M. Rude, Secretary

MEETING DATE: 1/12/2021

Case #:	BZA 2020-19: Speedway LLC, DSV			
Petitioner's Name:	Speedway LLC			
Owner's Name:	Exit 109, LLC			
Petitioner's Representative:	Weihe Engineers, Inc./ Eric Carter			
Address of Property:	3877-3977 North Michigan Road			
Subject Property Zoning Classification:	BH – Business Highway within the Race Track Overlay District (RT-OL)			
Comprehensive Future Land use:	Gateway Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BH - Business Highway	BH - Business Highway	BH - Business Highway	BH - Business Highway
Surrounding Properties' Comprehensive Future Land Use	Gateway/ Mixed Use	Gateway/Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use
History:	<p>In 2006, 2009, and 2016 development attempts were made on this property, neither were successful and ended before all required approvals from the Planning Commission were granted. In 2006 the driving development was a hotel, which initiated a preliminary plat of the land. Again in 2009 the driving development was a hotel, this again initiated a preliminary plat that was approved. Due to external concerns, the final plat was never submitted to the Planning Commission. In 2016 the driving development was a fast food restaurant, with additional possible out lots, the final plat was never filed with the Plan Commission.</p>			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.62 Commercial Business, Institutional, and Parks & Recreation Sign Standards			

1. The petitioner is requesting a variance to allow a total Incidental Freestanding sign area of 8 square feet, rather than the 6 square feet prescribed by the UDO. This is for the CFL entrance.

Development Standard Variance UDO 5.62 Commercial Business, Institutional and Parks & Recreation Sign Standards

The City of Shelbyville’s Unified development Ordinance indicates that the Board of Zoning Appeals shall make findings of fact when deciding on a request for a Development Standard Variance. The decision criteria are as follows:

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

The petitioner provided the following response to Findings of Fact #1: “The increase in size and height of the incidental sign will allow for the trucks to have better visibility in order to make a safe decision to enter the site in the appropriate driveway. The sign will be placed in a way as to not be harmful to the public health, safety and general welfare.”

The planning staff has determined that the requested development standards variances should not be injurious to the public health, safety, morals, and general welfare of the community. The increase size does allow for better visibility for CFL truck drivers. The Board of Zoning Appeals has reviewed and approved similar square footage increases – BZA 2019-14 for the Casey’s General Store .

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

The petitioner provided the following response to Findings of Fact #2: “The signs will be in similar size to the adjacent property and will not affect the use or value as it is similar use.”

The planning staff has determined that the requested variance should not have a substantially adverse impact on the use or value of the adjacent areas. This business highway zoning district is designed to service interstate travelers. Given the scale and travel speeds along the interstate, larger square footage signs are needed to direct CFL traffic safely. .

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

The petitioner provided the following response to Findings of Fact #3: “The sign height and size is appropriate for trucks. Speedway standard is actually 32 SF and with this development the smallest size available is 8 SF which is what is proposed. It would be unsafe to have a sign sized for auto vehicles used for trucks.”

The planning staff has determined that the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. Given the size of CFL vehicles, a small increase in the size of incidental signs will improve visibility of drivers entering/exiting the site.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-19: Speedway LLC, DSV

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.62 to allow for an increase in incidental freestanding signs with an area of up to _____ square feet, pursuant to the findings of fact presented in the planning staff’s report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** 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 subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

By: _____
Chairperson / Presiding Officer

Attest: _____
Adam M. Rude, Secretary

MEETING DATE: 1/12/2021

Case #:	BZA 2020-19: Speedway LLC, DSV			
Petitioner's Name:	Speedway LLC			
Owner's Name:	Exit 109, LLC			
Petitioner's Representative:	Weihe Engineers, Inc./Eric Carter			
Address of Property:	3877-3977 North Michigan Road			
Subject Property Zoning Classification:	BH – Business Highway within the Race Track Overlay District (RT-OL)			
Comprehensive Future Land use:	Gateway Mixed Use			
	North	North	North	North
Surrounding Properties' Zoning Classifications:	BH – Business Highway	BH – Business Highway	BH – Business Highway	BH – Business Highway
Surrounding Properties' Future Land Use	Entertainment	Entertainment	Entertainment	Entertainment
History:	<p>In 2006, 2009, and 2016 development attempts were made on this property, neither were successful and ended before all required approvals from the Planning Commission were granted. In 2006 the driving development was a hotel, which initiated a preliminary plat of the land. Again in 2009 the driving development was a hotel, this again initiated a preliminary plat that was approved. Due to external concerns, the final plat was never submitted to the Planning Commission. In 2016 the driving development was a fast food restaurant, with additional possible out lots, the final plat was never filed with the Plan Commission.</p>			
Vicinity Map:				
Action Requested:	Approval of one development standard variance from UDO 5.15 (B) to increase the width of one access drive.			

1. UDO 5.15 (B); Non-residential Driveway Standards sets the maximum width of access road to thirty-six (36) feet; three (3) lanes, each twelve (12) foot in width.
2. Speedway LLC. would like to build on the lot located at 3877- 3977 North Michigan Road. Speedway is a chain of convenience stores that include fuel sales; fuel sales for cars and larger vehicles. Speedway would like to increase the width of their truck (CFL) entrance along Michigan Road from the standard thirty-six (36) feet to seventy-six (76) feet.

BZA 2020-19.A Variance from UDO 5.15(B), Nonresidential Driveway Standards

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1: “The proposed driveway width will promote safety by providing an adequate width for commercial fueling trucks to enter and exit safely at the proposed intersection.”

The planning staff has determined that the requested increase in drive-way width should not be injurious to the public health, safety, morals, or general welfare of the community. The planning staff believes the increase in driveway width and the separations of ingress and egress for truck traffic will help alleviate traffic congestion and stacking of trucks along North Michigan Road.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

Applicant provided the following response to Finding of Fact #2: “The proposed driveway will improve the use and value of the adjacent properties by allowing safe ingress and egress to and from the property.”

The planning staff has determined that the requested increase in driveway width should not have a substantially adverse affect on the use and value of the adjacent areas. The surrounding properties are zoned Business Highway – BH and the improvements to the lot will improve the safety of this entire intersection.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

Applicant provided the following response to Finding of Fact #3: “Thirty-five feet (35’) maximum width at right-of-way does not allow for safe ingress and egress of commercial fueling trucks. A circulation plan was developed to determine the width to avoid conflicts with the trucks entering the site as well as trucks entering the adjacent property. .”

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. Limiting the driveway widths to thirty-six (36) foot may adversely impact the site through increased maintenance costs and landscape replacement if truck drivers are continuously hitting the curb, making a curb that is at a greater angle than 90 degrees.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-19: Speedway LLC, DSV
FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion: (I) would like to make a motion to approve the requested development standard variance to allow for a wider width driveway in accordance with the plans presented to this body, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** 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 subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____

Chairperson / Presiding Officer

Attest: _____

Adam M. Rude, Secretary