

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 12/14/2021

Case Number & Name:	BZA 2021-11: Trinity Alloys, LLC, DSV			
Petitioner's Name:	Trinity Alloy's, LLC			
Owner's Name:	ConAgra Development, LLC			
Petitioner's Representative:	Kyle Blanck, Hamilton Designs, LLC			
Address of Property:	Enterprise Drive, parcel #73-07-31-100-019.000-002 and #73-07-31-100-018.000-002, Shelbyville			
Subject Property Zoning Classification:	IG – General Industrial			
Comprehensive Future Land use:	Heavy/Medium Industrial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	A2 – Agriculture (Shelby County)	IG – General Industrial	A1 – Conservation Agriculture (Shelby County)	A1 – Conservation Agriculture (Shelby County)
Surrounding Properties' Future Land Use	Heavy/Medium Industrial	Heavy/Medium Industrial	Heavy/Medium Industrial	Heavy/Medium Industrial
History:	Historically, this property has been used for agricultural purposes, but in December of 2019 was annexed into the City by Trinity Metals with the intent of building a metal recycling facility.			
Vicinity Map:				
Action Requested:	Approval of two development standard variances; one from UDO 5.15 (A) to reduce the driveway separation distance from a local street, and one from UDO 5.15 (B) to increase the width of an access drive.			

1. UDO 5.15 (A); Non-residential Driveway Standards requires driveway separation of 150 feet from a local road for 2-way traffic.
2. 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.
3. Trinity Alloys, LLC would like to build a metal recycling facility on the site. Trinity Metals, LLC is proposing a driveway separation distance from Enterprise Drive of 115 feet and an access road width of 40 feet.

BZA 2021-11.Variance A: from UDO 5.15(B), Nonresidential Driveway Standards – Separation

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: “This petition, if granted, would result in the improvement of an industrial zoned piece of property within the city limits. The proposed business will provide a beneficial facility for the local community. Approval of this petition will not be injurious to the public health, safety, and general welfare of the community.”

The planning staff has determined that the requested development standards variance from the nonresidential driveway standards should not be injurious to the public health, safety, morals, or general welfare of the community. The property is a currently undeveloped parcel on the westside of the Northridge Industrial Complex. Surrounding parcels gain access to their property from Enterprise Drive. Properties to the west of the subject property will gain access from West Boggstown Road. Reducing the driveway separation for access onto the subject property will not affect traffic patterns or ingress/egress to surrounding properties.

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: “As indicated in the previous response, it is the full intent of this project to improve the property in a substantial manner, including the overall value. The proposed project will improve the existing lot from a dormant, under-utilized property to a substantially improved lot. As a result, the value of the subject property is anticipated to substantially improve and adjacent property values similarly.”

The planning staff has determined that the requested development standards variance from the nonresidential driveway standards should not have a substantially adverse effect on the use and value of the adjacent areas. The surrounding properties are all similar in nature, they are large acreage parcels, all zoned IG – General Industrial, all with private access drive and all gain access from arterial or collector roads.

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: “The proposed project seeks to develop an industrial alloys recycling and production facility in a zoned industrial lot. We are requesting a development standards variance from The City of Shelbyville Unified Development Ordinance Article 5.12, Section D.1 and Article 5.15, Section A, which states that the distance from the edge of pavement of the proposed driveway entrance to the closest right-of-way line shall be a minimum of 150’. This requirement provides a practical difficulty for the frequent semi-truck turn movements into the proposed site. We are proposing this separation distance to be less than the required 150’ to maximize the tangent section between reverse curves in the drive horizontal alignment and to provide a smooth, curvilinear transition into the site for large trucks. If granted, the variance will allow the development of a new Trinity Alloys facility on a vacant, developable industrial piece of property while adhering to all but one other requirement of all city ordinances.”

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. Currently there is no development to the West of the subject property. The subject property is being subdivided into (2) two parcels with the petitioner using the eastern most parcel. Requiring a further separation from the intersection at Enterprise driveway does not help with meeting setback requirements or traffic flow, but just pushes the proposed facility further onto the site consuming more land.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

BZA 2021-11. Variance B. from UDO 5.15(B), Nonresidential Driveway Standards – Width

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: “This petition, if granted, would result in the improvement of an industrial zoned piece of property within the city limits. The proposed business will provide a beneficial facility for the local community. Approval of this petition will not be injurious to the public health, safety, and general welfare of the community.”

The planning staff has determined that the requested development standards variance from the nonresidential driveway standards should not be injurious to the public health, safety, morals, or general welfare of the community. The increase in driveway width is it keeping with the design of access road for surrounding properties and will facilitate the type of delivery trucks the subject property will be using.

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: “As indicated in the previous response, it is the full intent of this project to improve the property in a substantial manner, including the overall value. The proposed project will improve the existing lot from a dormant, under-utilized property to a substantially improved lot. As a result, the value of the subject property is anticipated to substantially improve and adjacent property values similarly.”

The planning staff has determined that the requested development standards variance from the nonresidential driveway standards should not have a substantially adverse effect on the use and value of the adjacent areas. The surrounding properties are zoned IG – General Industrial and have a similar design, look and feel as the subject property will have.

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: “The proposed project seeks to develop an industrial alloys recycling and production facility in a zoned industrial lot. We are requesting a development standards variance from The City of Shelbyville Unified Development Ordinance Article 5.12, Section D.3 and Article 5.15, Section B, which states that the driveway width is required to have a maximum width of 36’ at the right-of-way line. This requirement provides a practical difficulty for the frequent semi-truck turn movements into the proposed site. The truck turn template requires the driveway entrance to have large sweeping radii and hence a wider entrance at the right-of-way. If

granted, the variance will allow the development of a new Trinity Alloys facility on a vacant, developable industrial piece of property while adhering to all but one other requirement of all city ordinances.”

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. Allowing an increased access road width will help facilitate an easier and safer ingress and egress of trucks to the subject property.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE A: BZA 2021-11: Trinity Alloys, 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 reduction in the driveway separation distance 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

DEVELOPMENT STANDARDS VARIANCE B: BZA 2021-11: Trinity Alloys, 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 access road 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



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: Trinity Alloys, LLC c/o ConAgra Development, LLC

Address: 6400 English Avenue
Indianapolis, Indiana 46219

Phone Number: _____

Fax Number: _____

Email: _____

Property Owners Information (if different than Applicant)

Name: (Same as applicant)

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

Project Engineer

Name: Hamilton Designs, LLC - Michael Thompson, P.E.

Address: 11 Municipal Drive, Suite 300
Fishers, IN 46038

Phone Number: (317) 570-8800

Fax Number: _____

Email: mthompson@hamilton-designs.com

3. Project Information:

General Location of Property (and address is applicable): Parcel's: 73-07-31-100-019.000-002 and 73-07-31-100-018.000-002

The project site is located on the west side of the new Enterprise Drive Extension and approx. 800 feet south of it's intersection with Boomer Way.

Current Zoning Classification: IG, General Industrial Existing Use: Vacant (Agricultural) Lot

Number of Requested Variances: 2 Proposed Use: Trinity Alloys Warehouse Building

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____

Variance #1: Driveway Entrance required to be 36' wide at the right-of-way (Article 5.12.D.3 - Page 5-16 and Article 5.15.B - Page 5-20)

Variance #2: Driveway Entrance separation distance required to be 150' when measured from driveway edge of pavement and nearest right-of-way line (Article 5.12.D.1 - Page 5-16 and Article 5.15.A - Page 5-20)

4. Attachments

Affidavit and Consent of Property Owner (if applicable)

Vicinity Map (Site Plan)

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: _____ Date: _____

State of _____)
County of _____) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public / Printed

Residing in _____ County. My Commission Expires: _____

**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

State of Indiana)
County of Shelby) SS:

I, Trinity Alloys, LLC
c/o ConAgra Development, LLC, AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)

THE FOLLOWING:

1. That I am the owner of real estate located at Parcel: 73-07-31-100-019.000-002 and
Parcel: 73-07-31-100-018.000-002;
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: Hamilton Designs, LLC
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

Owner's Name (Please print)

Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public / _____
Printed

Residing in _____ County.

My Commission Expires: _____

HAMILTON DESIGNS

11 Municipal Drive, Suite 300
Fishers, Indiana 46038

P. 317-570-8800

www.hamilton-designs.com

November 30, 2021

City of Shelbyville Board of Zoning Appeals

44 W Washington Street

Shelbyville, IN 46176

**Re: Trinity Alloys | Shelbyville, IN
Board of Zoning Appeals Filing
Letter of Intent**

Dear Shelbyville Board of Zoning Appeals:

On behalf of the owner, Trinity Alloys LLC, we are submitting this package to go along with approvals for our Site Development Plan Application and the Final Plat Application.

It is our intent to develop approximately ± 12 acres of the existing ± 43 acre vacant lot, located along the Enterprise Drive extension. Should we obtain all necessary approvals, a new industrial building (Trinity Alloys) will be constructed on this property. The total disturbance for the site is being kept to a minimum and the proposed improvements would increase the amount of impervious area on the site, while providing a nice business addition to an existing industrial development area in the City of Shelbyville.

We are requesting two (2) Development Standards Variances that pertain to the proposed driveway entrance into the project site. The first variance being requested is for the driveway width to exceed the maximum required width at the right-of-way line of 36'. The truck turn template requires a large sweeping radii and hence a wider entrance than the required 36' at the right-of-way line. The second variance being requested is for the proposed driveway entrance proximity to the Enterprise Drive intersection to be closer than the required 150', which is measured from driveway edge of pavement to the nearest right-of-way line per the City of Shelbyville Zoning Ordinance. We are proposing this separation distance to be less than the required 150' to maximize the tangent section between reverse curves in the drive horizontal alignment and to provide a smooth, curvilinear transition into the site for large trucks.

Hamilton Designs, LLC

11 Municipal Drive, Suite 300
Fishers, Indiana 46038
317-570-8800

www.hamilton-designs.com

—
HAMILTON
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11 Municipal Drive, Suite 300
Fishers, Indiana 46038

P. 317-570-8800 www.hamilton-designs.com

Should there be any questions, please reach out to us at (317) 570-8800 or by email,
mthompson@hamilton-designs.com.

Sincerely,

Michael Thompson, P.E.

HAMILTON DESIGNS

11 Municipal Drive, Suite 300
Fishers, Indiana 46038

P. 317-570-8800

E. mthompson@hamilton-designs.com

Variance #2

Trinity Alloys | Shelbyville, Indiana

Petitioner's Name: Trinity Alloys, LLC

Location: Parcel's 73-07-31-100-019.000-002 and 73-07-31-100-018.000-002

Variance for: Entrance proximity to Enterprise Drive intersection to be closer than 150'

Findings of Fact

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.*

This petition, if granted, would result in the improvement of an industrial zoned piece of property within the city limits. The proposed business will provide a beneficial facility for the local community. Approval of this petition will not be injurious to the public health, safety, and general welfare of the community.

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

As indicated in the previous response, it is the full intent of this project to improve the property in a substantial manner, including the overall value. The proposed project will improve the existing lot from a dormant, under-utilized property to a substantially improved lot. As a result, the value of the subject property is anticipated to substantially improve and adjacent property values similarly.

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

The proposed project seeks to develop an industrial alloys recycling and production facility in a zoned industrial lot. We are requesting a development standards variance from The City of Shelbyville Unified Development Ordinance Article 5.12, Section D.1 and Article 5.15, Section A, which states that the distance from the edge of pavement of the proposed driveway entrance to the closest right-of-way line shall be a minimum of 150'. This requirement provides a practical difficulty for the frequent semi-truck turn movements into the proposed site. We are proposing this separation distance to be less than the required 150' to maximize the tangent section between reverse curves in the drive horizontal alignment and to provide a smooth, curvilinear transition into the site for large trucks. If granted, the variance will allow the development of a new Trinity Alloys facility on a vacant, developable industrial piece of property while adhering to all but one other requirement of all city ordinances.

HAMILTON DESIGNS

11 Municipal Drive, Suite 300
Fishers, Indiana 46038

P. 317-570-8800

E. mthompson@hamilton-designs.com

Variance #1

Trinity Alloys | Shelbyville, Indiana

Petitioner's Name: Trinity Alloys, LLC

Location: Parcel's 73-07-31-100-019.000-002 and 73-07-31-100-018.000-002

Variance for: Entrance width to exceed the maximum required 36' at the right-of-way

Findings of Fact

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.*

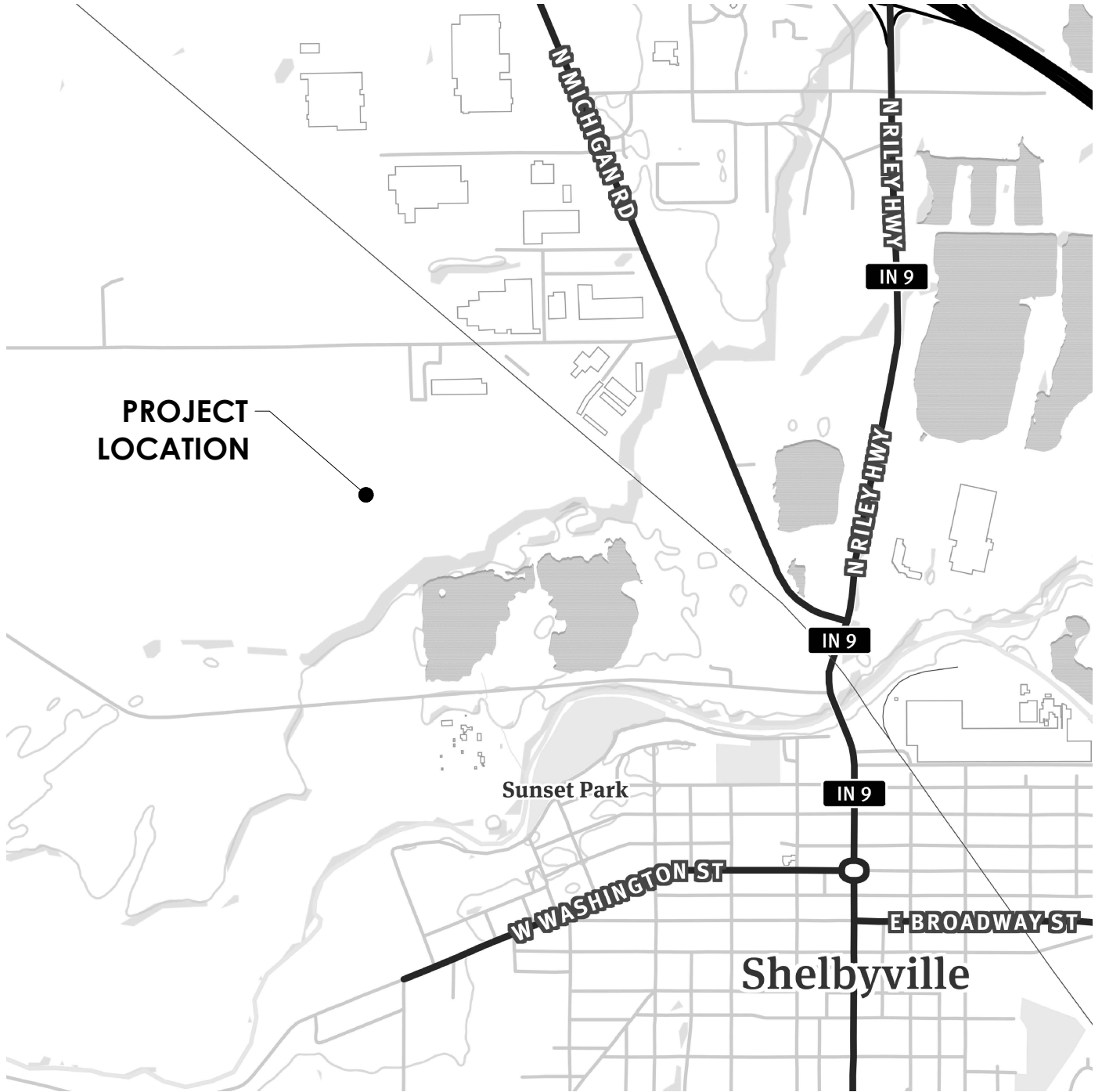
This petition, if granted, would result in the improvement of an industrial zoned piece of property within the city limits. The proposed business will provide a beneficial facility for the local community. Approval of this petition will not be injurious to the public health, safety, and general welfare of the community.

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

As indicated in the previous response, it is the full intent of this project to improve the property in a substantial manner, including the overall value. The proposed project will improve the existing lot from a dormant, under-utilized property to a substantially improved lot. As a result, the value of the subject property is anticipated to substantially improve and adjacent property values similarly.

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

The proposed project seeks to develop an industrial alloys recycling and production facility in a zoned industrial lot. We are requesting a development standards variance from The City of Shelbyville Unified Development Ordinance Article 5.12, Section D.3 and Article 5.15, Section B, which states that the driveway width is required to have a maximum width of 36' at the right-of-way line. This requirement provides a practical difficulty for the frequent semi-truck turn movements into the proposed site. The truck turn template requires the driveway entrance to have large sweeping radii and hence a wider entrance at the right-of-way. If granted, the variance will allow the development of a new Trinity Alloys facility on a vacant, developable industrial piece of property while adhering to all but one other requirement of all city ordinances.



VICINITY MAP

SHELBYVILLE, INDIANA

