

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/12/2022

Case #:	BZA 2022-07: Auto Medics Midwest; Special Exception Use			
Petitioner's Name:	Jesse Eads			
Owner's Name:	Jesse Eads			
Petitioner's Representative:	Jesse Eads			
Address of Property:	62 Third Street, Shelbyville, IN 46176			
Subject Property Zoning Classification:	IL – Light Industrial			
Comprehensive Future Land use:	Commercial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	IL – Light Industrial	R1 - Single Family Residential	IL – Light Industrial	R1 - Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	Commercial	Single Family Residential	Commercial	Singled Family Residential
History:	The petitioner currently owns the property at 62 Third Street and operates a tree service at this location. In 2015, the petitioner requested Special Exception Use to allow for automotive repair on this site in order to expand his business and increase employment. The use variance was approved.			
Vicinity Map:				
Action Requested:	Approval of one special exception use to allow for "Truck Sales and Service Center" in the IL – Light Industrial District.			

1. Auto Medics Midwest would like to operate a “Truck Sales and Service Center” in an IL – Light Industrial District. In this district, “Truck Sales and Service Center” is a special exception use, that must be approved by the Board of Zoning Appeals on a case-by-case bases.
2. Auto Medics Midwest operated a “truck sales” business on East State Road 44. The intent for Auto Medics Midwest is to transfer the “truck sales” license from the East State Road 44 location to the Third Street location.
3. Auto Medics Midwest buys and sells trucks over the internet with very little inventory is maintained on site.

Special Exception Findings of Fact for “Truck Sales and Service Center”

Finding of Fact #1 – General Welfare: Explain why granting the request for a special exception will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

Applicant provided the following response to Finding of Fact #1: “A special exception to allow for truck sales & service would not be harmful to the public health, safety, or general welfare of the City of Shelbyville.”

A special exception use to allow for a truck sales and service will not be harmful to the public health, safety and general welfare of the City of Shelbyville. The site is already zoned IL – Light Industrial. The petitioner is requesting to expand his current operation to include the added use of truck sales and service. The petitioner intends to surround the property with a fence and not operate a truck service center onsite, but merely conduct a vast majority of the ruck sales online with a very small percentage onsite. The increase in vehicular traffic will be minimal and any impact to the surrounding neighborhoods will be negligible. For these reasons, Planning Staff does not believe approval of the special exception use will be harmful to the public health, safety and general welfare of the City of Shelbyville.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – Compatibility and Impact: Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

Applicant provided the following response to Finding of Fact #2: “The special exception will not substantially have an adverse impact on the adjacent properties. A property to the South is zoned Light Industrial. Other nearby properties are zoned Business General District. There is a fence being put up along the West side property line.”

The adjacent properties are either zoned IL – Light Industrial (south) or R1 – Single Family Residential 9north, east, west), however, businesses operate on some of the single-family residential lots. The petitioner currently operates a tree service at this location, only truck sales and a service center are in congruence with the existing activities happening on site. The added truck sales and service center will not have an adverse impact on surrounding property values. The petitioner completes most of his transitions online, arranging for pickup or shipping to the customer. There will be very little onsite sale

and the petitioner does not intend to operate a truck service center onsite, but a condition to prohibit “walk-up” business is appropriate. For these reasons Planning Staff believes approval of the special exception use will not will not substantially have an adverse impact on adjacent properties or there values.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – Character: Explain why the special exception will not adversely alter the character of the zoning district.

Applicant provided the following response to Finding of Fact #3: “This special exception will not adversely alter character of the zoning district. Under the Light Industrial District there can be a special exception approved for truck sales and service.”

Truck sales and service center are only allowed by special exception use and are only allowed in the BH – Business Highway, II – Light Industrial, and IG – General Industrial zoning districts. The underlying zoning district at 62 Third Street is II – Light Industrial; one of the districts that allows for truck sales and service centers. The intent of the zoning district is to allow for these uses that are more intense than commercial uses, but less intense than industrial uses. In addition, because of the low volume of on-site sales that the petitioner transacts, there will not be a large inventory of trucks on site that could alter the character of the surrounding neighborhood. For these reasons, Planning Staff believes the special exception use will not adversely alter the character of the zoning district.

Finding #3 has been satisfied by the petitioner

Finding of Fact #4 – Comprehensive Plan: Explain why the special exception is consistent with the intent of the zoning district and the goals of the comprehensive plan. Use statements and Future Land Use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

Applicant provided the following response to Finding of Fact #4: “A special exception can be approved for truck sales and service as stated in Article 2 (2.25) in the City of Shelbyville Unified Development Ordinance.”

The planning staff has determined the special exception use is consistent with the intent of the zoning district and goals of the comprehensive plan. The intent of the zoning district is to provide areas for light industrial, warehousing, research and distribution facilities. The intended use in conjunction with the existing use fits the description of light industrial. The comprehensive plan’s Commerce and Economy Goals, CE Objective #5 states “Support local business retention and creation”. The petitioner seeks to combine his existing businesses into one location. The Built Environment Goals, BE Objective #5 states “Promote development and redevelopment of existing sites and buildings”. The petitioner is using an existing building to expand his business. Further supporting the comprehensive plan, this part of the city is currently a mix of uses including residential, retail and small cottage industries. Planning staff believes approval of the special exception use is in alignment with the Comprehensive Plan and will strengthen the existing mixed use base.

Finding #4 has been satisfied by the petitioner

Finding of Fact #5 – Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

Applicant provided the following response to Finding of Fact #5: “A special exception will not adversely affect the value of the adjacent properties.”

The planning staff has determined that the requested special exception to allow for truck sales and service center will not adversely impact the surrounding use and property values. The property in question sits along Jefferson Avenue fronting the old railroad right-of-way that paralleled Jefferson Avenue. Along this corridor there are numerous contractor’s warehouses and small businesses. The Jefferson Street corridor is zoned II – Light Industrial or BG – Business General with residential to the east and west. Planning Staff believes allowing the special exception use to operate in an existing IL – Light Industrial zoning district will not adversely affect these surrounding properties.

Finding #5 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. May not maintain more than XX vehicles “for sale” on site.
2. May not engage in “walk-up” sales or service
3. All service to remind appointment only
4. Must keep all equipment, vehicles, trucks, etc. behind the fence

**DEVELOPMENT STANDARDS VARIANCE: BZA 2022-07 Auto Medics Midwest Special Exception Use
FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested special exception use to allow for “truck sales and service center” in accordance with the conditions suggested by the planning staff pursuant to the findings of fact presented in the planning staff’s report.

- 1. The approval of the Special Exception Use **is** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff’s report.
- The approval of the Special Exception Use **is not** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff’s report.
- 2. The approval of the Special Exception Use **will not** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff’s report.
- The approval of the Special Exception Use **will** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff’s report.
- 3. The approval of the Special Exception Use **will** be in harmony with adjacent land uses, pursuant to the findings in the planning staff’s report.
- The approval of the Special Exception Use **will not** be in harmony with adjacent land uses, pursuant to the findings in the planning staff’s report.
- 4. The approval of the Special Exception Use **will not** adversely alter the character of the district, pursuant to the findings in the planning staff’s report.
- The approval of the Special Exception Use **will** adversely alter the character of the district, pursuant to the findings in the planning staff’s report.
- 5. The use and property value of the area adjacent to the subject property seeking a Special Exception **will not** be affected in a substantially adverse manner, pursuant to the findings in the planning staff’s report.
- The use and property value of the area adjacent to the subject property seeking a Special Exception **will** be affected in a substantially adverse manner, pursuant to the findings in the planning staff’s report.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson

Attest: _____
Secretary

RECEIVED / FILED

MAR 14 2022

For Office Use Only

Case #: B24 2022-07
Hearing Date: 4/12/22
Fees: \$500

Approved _____ Denied _____



SPECIAL EXCEPTION APPLICATION

Shelbyville Board of Zoning Appeals
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

1. Applicant (person or company requesting variance)

Name: AUTO MEDICS MIDWEST
Address: 62 3rd Street Unit B
Shelbyville, IN 46176
Phone Number: 317-604-0342
Fax Number: N/A
E-mail Address: jeads06@gmail.com

Owner of property (if different than Applicant)

Name: N/A
Address: N/A
N/A
Phone Number: N/A
Fax Number: N/A

2. Applicant's Attorney/Representative and Project Engineer (if any)

Attorney/Representative

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____

Project Engineer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____

3. Project Information

Address of Property: 62 3rd Street Shelbyville, IN 46176
Current Zoning: Light Industrial Existing Use of Property: Auto & Truck Repair

4. Applicable Ordinance Section Number(s)

I am requesting a special exception from Section 2-25 of the Zoning Ordinance to allow the property to be used for the following: TRUCK SALES + SERVICE

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

Signature of Applicant: Jesus Eche Date: 3-14-2022

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 14th day of March, 2022.



LISA D. LOVELESS
COUNTY OF RES.: SHELBY Notary Public
COMM. NO.: NP0723199 Printed
MY COMM. EXP.: 10-24-2027 Residing in Shelby County My Commission expires 10-24-27

Special Exception Use
Findings of Fact

Petitioner's Name: Jesse Eads

Location: 62 3Rd Street Shelbyville, IN 46176

Special Exception for: Auto Medics Midwest, LLC DBA Smart Source Motor Company

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use 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 use variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.:

A special exception to allow for truck sales & service would not be harmful to the public health, safety, or general welfare of the City of Shelbyville.

2. **Compatibility and Impact:** Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

The special exception will not substantially have an adverse impact on the adjacent properties. A property to the South is zoned Light Industrial. Other nearby properties are zoned Business General District. There is a fence being put up along the West side property line.

3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.

This special exception will not adversely alter character of the zoning district. Under the Light Industrial District there can be a special exception approved for truck sales and service.

4. **Comprehensive Plan:** Explain why the special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Use statements and future land use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

A special exception can be approved for truck sales and service as stated in Article 2 (2.25) in the City of Shelbyville Unified Development Ordinance.

5. **Impact to Adjacent Area:** The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

A special exception will not adversely affect the value of the adjacent properties.

Letter of Intent:

March 7, 2022

Board of Zoning Appeals
44 West Washington Street
Shelbyville, IN 46176

To the Board of Zoning Appeals:

At 62 3rd Street Shelbyville, IN 46176 we operate Auto Medics Midwest, LLC. Auto Medics Midwest, LLC has a dba, Smart Source Motor Company. As part of Auto Medics Midwest, LLC DBA Smart Source Motor Company, we purchase, repair, and resell trucks and equipment. In order to continue to conduct business as we have, we are requesting a special exception for truck sales and service that is allowable under a special exception in the Light Industrial District Zone. Once granted the special exception the City of Shelbyville will be able to approve the Zoning Affidavit request required by the Indiana Secretary of State Auto Dealer Services Division. Auto Medics Midwest, LLC DBA Smart Source Motor Company already meets all the other requirements for the Indiana State Auto Dealer Services.

Under this special exception we are looking to continue to be open by appointment only. We are not looking to have a car dealership open for the public to come visit any time during the day. We are in the process of constructing a fence along Jefferson Street for the length of the property line at 62 3rd Street Shelbyville, IN 46176.

If there are any questions, please feel free to reach out to me. I can be reached directly at 317-604-0342.

Respectfully,

Jesse Eads