



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	<u>2023-14</u>
Hearing Date:	<u>9.12.23</u>
Fees Paid: \$	<u>\$600</u>
Final Decision:	
Approved	Denied

1. Applicant
Name: Indy Tru, LLC
Address: 85 Kinnick Dr., Greenwood, IN 46143
Phone Number: _____
Fax Number: _____
Email: _____

Property Owners Information (if different than Applicant)
Name: Conagra Development, LLC
Address: 6400 ENGLISH AVE INDIANAPOLIS, IN 46219
Phone Number: _____
Fax Number: _____
Email: _____

2. Applicant's Attorney/Representative
Name: Eric M. Glasco
Address: 2150 Intelliplex Dr., Ste 200
Shelbyville, IN 46176
Phone Number: 317-680-2052
Fax Number: _____
Email: ericglasco@srtrial.com

Project Engineer
Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information:
General Location of Property (and address is applicable): N ENTERPRISE DR SHELBYVILLE, IN 46176
Southwest of intersection of Enterprise Drive and Boomer Way.
Current Zoning Classification: Industrial General IG Existing Use: Vacant Land
Number of Requested Variances: _____ Proposed Use: Truck and Freight Terminal

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number:
5.46 OS-03 Industrial Outdoor Storage, Screening, 5-57; Entrance and Drive Standards 5.15 ED-04 (C) Materials 5-21.

4. Attachments

<input type="checkbox"/> Affidavit and Consent of Property Owner (if applicable)	<input type="checkbox"/> Vicinity Map
<input type="checkbox"/> Proof of Ownership (copy of deed, recent property card)	<input type="checkbox"/> Findings of Fact
<input type="checkbox"/> Letter of Intent	<input type="checkbox"/> Application Fee
<input type="checkbox"/> 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: Aug 21, 2023

State of Indiana
County of Marion SS:

Subscribed and sworn to before me this 21st day of August, 2023
[Signature] Paul Pittman
Notary Public Printed
Residing in Marion County. My Commission Expires: 3/7/24



ENTER FOR TAXATION

Apr 05, 2021


SHELBY COUNTY AUDITOR

2021002587 DEED \$25.00
4/5/2021 3:44:27 PM 4 PGS
Tawnya J Williams
SHELBY County Recorder IN
Recorded as Presented



Parcel No. 73-07-31-100-016,000-001

LIMITED WARRANTY DEED

Grantor, **Blueriver Livestock Farm Company**, an Indiana partnership, whose address is 224 East Broadway Street, Shelbyville, Indiana 46176 ("Grantor"), for and in consideration of the sum of One Hundred Dollars (\$100.00), and other good and valuable consideration, does hereby grant, sell, bargain and convey to **ConAgra Development, LLC**, an Indiana limited liability company, whose address is 6400 English Avenue, Indianapolis, Indiana 46219 ("Grantee"), its successors and assigns, all of the following tracts of land and appurtenances thereto, subject to all easements, rights-of-way, and existing leases, commonly known as 1002 West Boggstown Road, Shelbyville, Shelby County, Indiana, and more particularly described in the attached **Exhibit A** (the "Premises"), subject only to those Permitted Exceptions enumerated in the attached **Exhibit B** ("Permitted Exceptions"), and warrants fee simple title to the Premises to Grantee against the lawful claims of all persons owning, holding, or claiming by, through, or under only Grantor and none other, which claims are solely based upon matters occurring subsequent to vesting of fee simple title to the Premises in Grantor.

That Blueriver Livestock Farm Company, Blue River Livestock Farm Company and BlueRiver Livestock Farm Company are one and the same entity.

The undersigned persons executing this instrument on behalf of Grantor represent and affirm that he/she/they have been fully empowered by proper resolution to execute and deliver this instrument; that Grantor has full authority to convey the Premises and that all necessary action by the Grantor has been taken and authorized.

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed this 18TH day of March, 2021.

GRANTOR:

Blueriver Livestock Farm Company

By: 
Robin K. Gahimer, General Partner

[Acknowledgement on following page]

SALES DISCLOSURE
APPROVED
SHELBY CO. ASSESSOR



STATE OF INDIANA)
) SS:
COUNTY OF **Shelby**)

Before me, a Notary Public in and for said county and state, personally appeared Robin K. Gahimer, General Partner of Blueriver Livestock Farm Company, who acknowledged the execution of the foregoing Limited Warranty Deed and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of March, 2021.

My commission expires: 8-19-23
My county of residence: Shelby

Signature: Linda C. Hodson
Printed: Linda C. Hodson

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael J. Hebenstreit.

*This instrument prepared by
and Return Deed to*

Michael J. Hebenstreit (7623-49)
Lewis Kappes, One American Square Suite 2500, Indianapolis IN 46282

Send Tax bills to * ConAgra Development, LLC, 6400 English Avenue, Indianapolis, Indiana 46219

*and Grantees address is:

EXHIBIT A

Legal Description

TRACT 1 (Area of Clear Title per Sumerford Survey)

Part of the west half of the northwest quarter and part of the west half of the southwest quarter of Section Thirty-one (31), Township Thirteen (13) North, Range Seven (7) East, Addison Township, Shelby County, Indiana, being part of survey Job #13N7E31-19-048 by Scott T. Sumerford, RLS#29800017, certified November 15, 2019 and being more particularly described as follows:

Commencing at the southwest corner of said section 31-13-7, said point being marked by a Shelby County Surveyor Monument; thence along the west line of said section, North 00°30'43" West (basis of bearings being Indiana State Plane East Zone) 2257.20 feet to a capped rebar stamped "S. Sumerford 29800017", said monument being hereinafter referred to as a capped rebar and being the point of beginning of the herein described tract;

Thence continuing along the west line of said section, North 00°30'43" West 1746.74 feet to a capped rebar in an existing fence line; thence along said fence line, South 89°43'29" East 662.86 feet to a capped rebar at an existing fence corner; thence along an existing fence line, South 01°45'10" East 239.22 feet to a capped rebar; thence along an existing fence line, South 89°55'31" East 591.70 feet to the east line of the west half of the northwest quarter of said section; thence along said half quarter line, South 00°46'56" East 850.18 feet to an approximate ridge line; thence along said approximate ridge, the following Four (4) courses:

- (1) South 50°40'45" West 208.29 feet to a capped rebar;
- (2) South 42°18'25" West 195.91 feet to a capped rebar;
- (3) South 35°46'09" West 293.84 feet to a capped rebar;
- (4) South 63°49'14" West 554.16 feet to a capped rebar; thence North 60°16'54" West 216.32 feet to a capped rebar; thence South 89°29'10" West 107.93 feet to the point of beginning, containing 42.727 acres.

Subject to all easements, restrictions and right-of-ways of record.

Exhibit B

Permitted Exceptions

1. Real Estate Taxes for the year(s) 2020, (payable 2021) are a lien but not yet due and payable.

ENTER FOR TAXATION

Apr 05, 2021


SHELBY COUNTY AUDITOR



Parcel No. 73-07-31-100-010.000-001

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **Blueriver Livestock Farm Company**, an Indiana partnership, whose address is 224 East Broadway Street, Shelbyville, Indiana 46176 ("Grantor"), **QUITCLAIM(S)** to **ConAgra Development, LLC**, an Indiana limited liability company, whose address is 6400 English Avenue, Indianapolis, Indiana 46219 ("Grantee"), for no consideration, the real estate described on the attached **Exhibit A** located in Shelby County, State of Indiana ("Premises").

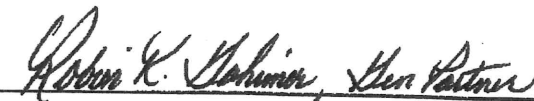
That **Blueriver Livestock Farm Company**, **Blue River Livestock Farm Company** and **BlueRiver Livestock Farm Company** are one and the same entity.

The undersigned person executing this instrument on behalf of Grantor represents and affirms that he has been fully empowered by proper resolution to execute and deliver this instrument; that Grantor has full authority to convey the Premises and that all necessary action by the Grantor has been taken and authorized.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 18TH day of MARCH, 2021.

GRANTOR:

Blueriver Livestock Farm Company

By: 
Robin K. Gahimer, General Partner

[Acknowledgement on following page]

**SALES DISCLOSURE
NOT REQUIRED
SHELBY COUNTY ASSESSOR**

STATE OF INDIANA)
) SS:
COUNTY OF Shelby)



Before me, a Notary Public in and for said county and state, personally appeared Robin-K. Gahimer, General Partner of Blueriver Livestock Farm Company, who acknowledged the execution of the foregoing Quitclaim Deed and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of March, 2021.

My commission expires: 8-19-23

My county of residence: Shelby

Signature: Linda C. Hodson

Printed: Linda C. Hodson

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael J. Hebenstreit.

*This instrument prepared by
and Return Deed to*

Michael J. Hebenstreit (7623-49)
Lewis Kappes, One American Square Suite 2500, Indianapolis IN 46282

Send Tax bills to * ConAgra Development, LLC, 6400 English Avenue, Indianapolis, Indiana 46219

*and Grantees address is:

EXHIBIT A
Legal Description

TRACT 2 Additional Occupation Legal Description (Per Sumerford Survey)

PART OF THE NORTHWEST QUARTER OF SECTION THIRTY-ONE (31), TOWNSHIP THIRTEEN (13) NORTH, RANGE SEVEN (7) EAST, ADDISON TOWNSHIP, SHELBY COUNTY, INDIANA, BEING PART OF SURVEY JOB #13N7E31-19-048 BY SCOTT T. SUMERFORD, RLS#29800017, CERTIFIED NOVEMBER 15, 2019 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31-13-7, SAID POINT BEING MARKED BY A SHELBY COUNTY SURVEYOR MONUMENT; THENCE ALONG THE WEST LINE OF SAID SECTION, NORTH 00° 30' 43" WEST (BASIS OF BEARINGS BEING INDIANA STATE PLANE EAST ZONE) 2678.80 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89° 26' 25" EAST 1264.69 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE ALONG THE EAST LINE OF SAID WEST HALF, NORTH 00° 46' 56" WEST 219.59 FEET TO THE APPROXIMATE RIDGE LINE AND BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG THE EAST LINE OF SAID WEST HALF, NORTH 00° 46' 56" WEST 850.18 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE, SOUTH 89° 55' 31" EAST 28.19 FEET TO THE WEST LINE OF THE FORMER SHELBY INDUSTRIAL DEVELOPMENT, INC. PROPERTY AS DESCRIBED IN DEED BOOK 307, PAGES 812-814 AS RECORDED IN THE OFFICE OF THE SHELBY COUNTY RECORDER, SAID POINT BEING MARKED BY A CAPPED REBAR STAMPED "S. SUMERFORD 29800017"; THENCE ALONG THE WEST LINE OF SAID FORMER PROPERTY, SOUTH 01° 45' 09" EAST 816.41 FEET TO A CAPPED REBAR STAMPED "S. SUMERFORD 29800017" ON THE APPROXIMATE RIDGE LINE; THENCE ALONG SAID APPROXIMATE LINE, SOUTH 50° 40' 45" WEST 53.71 FEET TO THE POINT OF BEGINNING, CONTAINING 0.674 ACRES.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAYS OF RECORD.

ENTER FOR TAXATION

Apr 05, 2021


SHELBY COUNTY AUDITOR

2021002589 QCD \$25.00
4/5/2021 3:44:27 PM 5 PGS
Tawnya J Williams
SHELBY County Recorder IN
Recorded as Presented



EXCEPTION

Quitclaim Deed

Cross Reference:

THIS INDENTURE WITNESSETH THAT:

ConAgra Development, LLC, an Indiana limited liability company whose tax mailing address is 6400 English Ave., Indianapolis, Indiana 46219, (the "Grantor") Quitclaims, unto The City of Shelbyville, an Indiana corporation, whose tax mailing address is 44 West Washington Street, (the "Grantee") as the sole tenant, for no monetary or other consideration, the following described real estate in Shelby County, State of Indiana:

"See attached legal included as Exhibit A"

The undersigned persons executing this Quitclaim Deed on behalf of Grantor represents and certifies that they are fully empowered, by proper resolution of Grantor to execute and deliver this Quitclaim Deed; that Grantor has full capacity to convey the Real Estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

SALES DISCLOSURE
NOT REQUIRED
SHELBY COUNTY ASSESSOR

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. /s/Jennifer E. Lemmon Meltzer, City Attorney

This instrument was prepared by Jennifer E. Lemmon Meltzer, City Attorney for Shelbyville, Indiana.

Send tax bills to: **and Grantees address is:** The City of Shelbyville

44 West Washington Street
Shelbyville, IN 46176

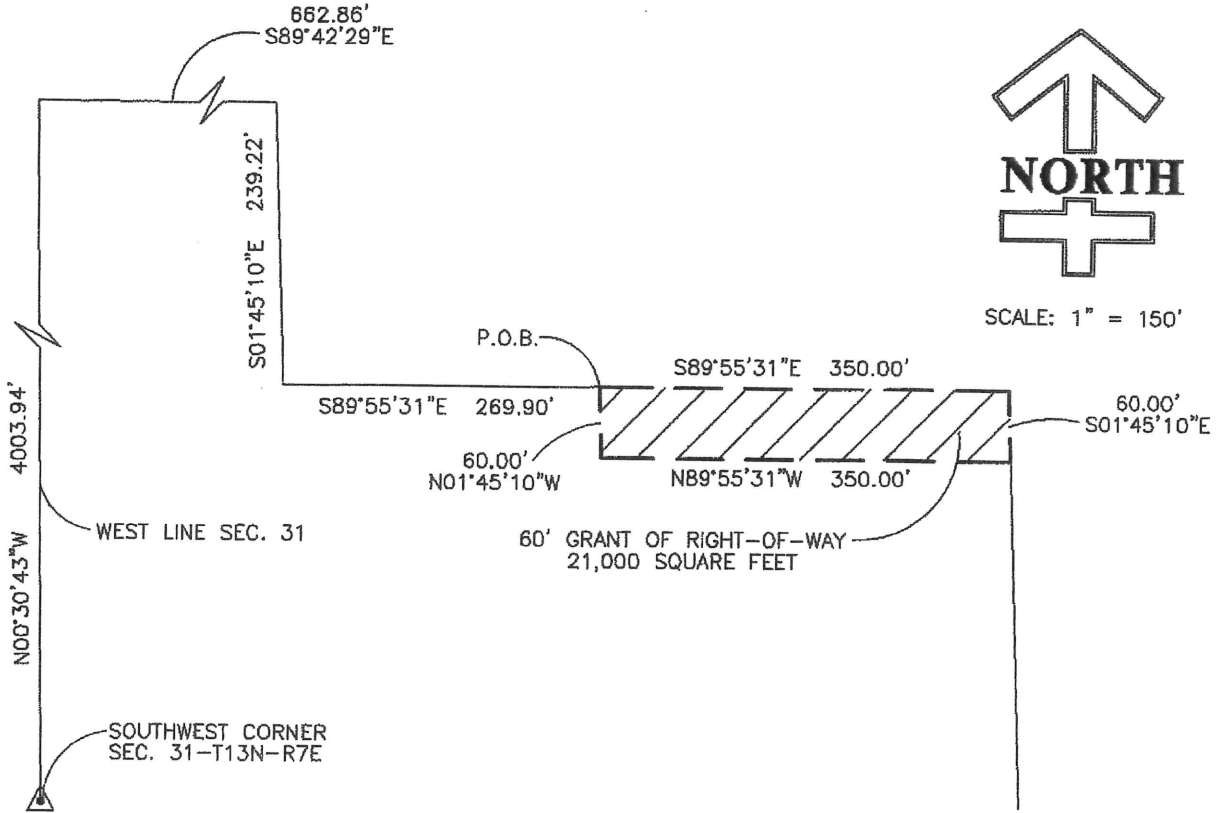
After recording, return to:

The City of Shelbyville

44 West Washington Street
Shelbyville, IN 46176

EXHIBIT A – Legal Description

**60' GRANT OF RIGHT-OF-WAY
BLUE RIVER LIVESTOCK FARM COMPANY
SHELBYVILLE, INDIANA**



SCALE: 1" = 150'

Part of the West Half of Section 31, Township 13 north, Range 7 East of the Second Principal Meridian, Shelby County, Indiana described as follows:

Commencing at the Southwest Corner of said Section 31; thence along the West line of said Section North 00 degrees 30 minutes 43 seconds West (assumed bearing) 4003.94 feet; thence South 89 degrees 42 minutes 29 seconds East 662.86 feet; thence South 01 degree 45 minutes 10 seconds East 239.22 feet; thence South 89 degrees 55 minutes 31 seconds East 269.90 feet to the Point of Beginning of this described grant of right-of-way; thence continuing South 89 degrees 55 minutes 31 seconds East 350.00 feet; thence South 01 degree 45 minutes 10 seconds East 60.00 feet; thence North 89 degrees 55 minutes 31 seconds West 350.00 feet; thence North 01 degree 45 minutes 10 seconds West 60.00 feet to the Point of Beginning containing 21,000 square feet, more or less, subject to all rights-of-way, easements and restrictions.

Document prepared by Jeffrey D. Knarr, P.S. #20100069 J.M.&B. Land Surveying 201 East Franklin Street, Waldron, IN. 46182 (317) 445-9218.

Special Exception Use

Findings of Fact

Petitioner's Name: Indy Tru, LLC
Location: 885 Col. W. T. Connor Way – Parcel No. 73-07-31-100-019.000-002
Special Exception for: Use as transportation and distribution hub – freight truck terminal

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.

Indy Tru, LLC's requested special exception will not be harmful to the public health, safety and general welfare of the City of Shelbyville. The requested use of the property, which is located on the North side of the City of Shelbyville and is surrounded mostly by industrial businesses, will allow for outdoor storage of tractor/trailers. The property is currently zoned IG, Industrial General, and the land is vacant. Indy Tru, LLC will work with the Shelbyville Planning and Building Department for appropriate buffering.

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.

Indy Tru, LLC's requested special exception is in harmony with the uses of adjacent properties and will not substantially adversely impact the adjacent properties and property values. The property is located in an industrial area and is zoned IG, Industrial General. Adjacent properties in the City of Shelbyville are also zoned IG, and adjacent property outside the City, in Shelby County, is zoned A1 and A2. The use as a transportation hub will mesh nicely with the industrial use of adjacent land and is anticipated to have no adverse impact on property values.

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

Indy Tru, LLC's requested special exception will not adversely alter the character of the zoning district. Indy Tru LLC's use as a transportation hub is consistent with the City of Shelbyville's Comprehensive Plan.

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.

Indy Tru LLC's requested special exception is consistent with the intent of the zoning district and goals of the City's Comprehensive Plan. The purpose of General Industrial districts is to provide areas for general industrial use under conditions that minimize conflicts with other land uses. Indy Tru LLC's intended use of the property as a transportation hub fits well with the neighboring businesses and other business which may in the future be located in the area.

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.

Indy Tru, LLC's requested special exception is consistent with the terms, intent and goals of the zoning district and the Comprehensive Plan. The area adjacent to the subject property in the City of Shelbyville is zoned IG (and the area in the county is zoned A1 and A2) and the surrounding businesses are for the most part industrial. The intended use by Indy Tru LLC will complement the surrounding and overall areas.

Development Standards Variance

Findings of Fact

Petitioner's Name: Indy Tru, LLC
Location: 885 Col. W. T. Conner Way, Parcel No. 73-07-31-100-019.000-002
Variance for: Nonresidential driveway standards

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 granting of Indy Tru LLC's request for a variance of the nonresidential driveway standards will not be harmful to the public health, safety and general welfare of the City of Shelbyville. To the extent the development standards are meant to address aesthetic concerns, the property will be enclosed on all sides by opaque fencing that will prevent the ground inside of the fencing from being visible. To the extent the standard is intended to minimize dust and keep loose gravel and stone from public roadways, petitioner intends to use a crushed stone or gravel with a top layer of asphalt millings and a 40-foot paved apron. The asphalt millings will minimize dust and stone or gravel getting stuck to tires while the apron will further reduce the likelihood any stone or gravel being carried out of the subject parcel onto public roadways.

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

As addressed above, the area subject of the variance will not be visible from adjacent properties and will not negatively impact adjacent properties in any way. Additionally, the area adjacent to the subject property in the City of Shelbyville is zoned IG (and the area in the county is zoned A1 and A2) and the surrounding businesses are for the most part industrial and will not be negatively impacted by the granting of the requested variances.

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

Indy Tru LLC will face difficulties if its request for a variance of the nonresidential driveway standards is not approved. The site includes a considerable amount of acreage and requiring paving as opposed to a permeable surface such as is proposed by applicant could have the potential to cause drainage issues on the subject property.

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

Development Standards Variance

Findings of Fact

Petitioner's Name: Indy Tru, LLC
Location: 885 Col. W. T. Conner Way, Parcel No. 73-07-31-100-019.000-002
Variance for: Screening

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 granting of Indy Tru LLC's request for a variance as to screening of the subject property will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

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

The screening variance, with the stipulation of the Planning Department, will have minimal impact on adjacent properties as it will only apply to the western edge of the subject parcel to allow for removal of the screened fencing for future development. The other three edges of the property will have fencing in compliance with the development standards. Additionally, the area adjacent to the subject property in the City of Shelbyville is zoned IG (and the area in the county is zoned A1 and A2) and the surrounding businesses are for the most part industrial.

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

Denial of the variance, which only applies to the western edge of the subject property, will cause additional difficulty with the western expansion of the project for phase 2, which is likely to occur.

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



STEPHENSON
— RIFE —
LLP

Eric M. Glasco
Direct Dial: 317-680-2052
EricGlasco@SRTrial.com

December 8, 2023

Re: Letter of Intent for Development Standards Variance Application
and Special Exception Use Application

Applicant: Indy Tru, LLC

Owner: Conagra Development, LLC

Dear Shelbyville Board of Zoning Appeals:

Our firm represents Indy Tru, LLC, the applicant, on behalf of Conagra Development, LLC, the owner of the property that is the subject of applications for (a) variances from Shelbyville's development standards; and (b) for a special use exception. The subject property consists of approximately 42.92 acres of land situated between Mausoleum Road to the north and Boggstown Road to the south, with access from Enterprise Drive on the east side of the property and adjacent to Col. W.T. Conner Way. The area is located adjacent to the existing industrial park and is identified as appropriate for industrial uses, for the most part by industrial businesses. The subject real estate is presently zoned IG. The adjacent property located in the City of Shelbyville is zoned IG, and the Shelby County property adjacent to the subject property is zoned A1 and A2.

The applicant requests the subject real estate be granted certain development standards variances and special exceptions for use as set forth below to accommodate the operations of Indy Tru, LLC. It is anticipated that Indy Tru, LLC will purchase the land and develop the property for use as a transportation and distribution hub. The anticipated plan will provide for the outdoor storage of trucks and trailers. The project is expected to be completed in four phases. The first phase, which will be situated on 12.11 acres of the total acreage, will accommodate parking for 296 trucks and trailers, but is only expected to utilize 60-80 spaces initially. There is also space for a potential trailer repair building, but variances and approvals for any such building are not being requested at this time and would need to be addressed in the future if plans to construct a repair building move forward.

With respect to this project applicant seeks the following development standards variances:

- A. as to the type of screening to be used around the perimeter of the subject property;
- B. as to the required materials for the entrance and drive standards on the subject property



Applicant further seeks special use exceptions to allow industrial outdoor storage.

The proposed development fits the vision of Shelby County's Comprehensive Plan. The purpose of General Industrial districts as outlined in the Comprehensive Plan is to provide areas for general industrial use under conditions that minimize conflicts with other land uses. Indy Tru LLC's intended use of the property as a transportation hub fits well with the neighboring businesses and other business which may in the future be located in the adjacent industrial park. The area adjacent to the subject property in the City of Shelbyville is zoned IG (and the area in the county is zoned A1 and A2) and the surrounding businesses are for the most part industrial.

The screening variance, with the stipulation of the Planning Department, will have minimal impact on adjacent properties as it will only apply to the western edge of the subject parcel to allow for removal of the screened fencing for future development. The other three edges of the property will have fencing in compliance with the development standards. The request for a variance as to the paving standard will likewise have minimal impact. From an aesthetic perspective, the property will be screened with opaque fencing, making the aesthetics of the ground on the inside of the fencing moot. To the extent the standard is intended to minimize dust and keep loose gravel and stone from public roadways, petitioner intends to use a crushed stone or gravel with a top layer of asphalt millings and a 40-foot paved apron. The asphalt millings will minimize dust and stone or gravel getting stuck to tires while the apron will further reduce the likelihood any stone or gravel being carried out of the subject parcel onto public roadways.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric M. Glasco', with a long horizontal flourish extending to the right.

Eric M. Glasco
Attorney for Applicant.