

Adam M. Rude Director

Allan Henderson Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/11/2	023			
Case #:	BZA 2023-09: Marketplace Development, Retail (Block B); DSV			
Petitioner's Name:	GSSR Investments			
Owner's Name:	GSSR Investments			
Petitioner's	Himan Garg, GSSR In	vestments		
Representative:	Eric Carter, Weihe Eng			
Address of Property:	Approx. 375' south of	Approx. 375' south of the intersection of Marketplace Blvd and Progress Road		
Subject Property Zoning Classification:	BH – Business Highway			
Future Land use:	Gateway/Mixed Use			
	North	East	South	West
Surrounding Properties'	BH – Business	RM – Multiple-	BH – Business	BH – Business
Zoning Classifications:	Highway	family Residential	Highway	Highway
Surrounding Properties'	Gateway/ Mixed	Gateway/ Mixed	Gateway/ Mixed	Gateway/ Mixed
Future Land Use	Use	Use	Use	Use
History:	This property was originally the "Wellman's Site" or "GM Site", and in the mid 2000's was acquired by local developers who began the demolition, remediation, and redevelopment process. Around the time of the '08 recession, Lowe's Home Improvement Store received approval for a store at this location, but due to the economic downturn, canceled that project. The property has since sold to another local developer who is proposing the development of a hotel and retail center.			
Vicinity Map:				
Action Requested:		lopment Standards Varia Standards, Long Facades.	ances from UDO 5.08 (A	A)(4) Institutional and

- 1. The petitioner is proposing to develop a multi-tenant retail center, approximately 19,478 ft² in size.
- 2. The property is subject to the Institutional and Business Architectural Standards due to the fact that it is located in the BH Business Highway District.
- 3. The "Long Façade" provisions of these architectural standards require that for facades longer than 320 feet in length, there be a "projections or recession" in the façade of the building at least every 100 feet and that the depth of the façade be at least 3% of the overall length of the façade.
- 4. The front façade (facing Progress Road) this requirement is being satisfied with no concerns. The requested variance is solely for the rear façade of the building.
- 5. For the rear façade of the building, the required minimum depth would be approximately 9'7".
- 6. The petitioner is proposing that they substitute the required projections/recesses with masonry areas that will incorporate a slight projection (a few inches) to meet the intent of the ordinance. They are showing these "faux projections" in four areas along the rear of the building.

Variance From UDO 5.08(A)(4) Business Architectural Standards, Long Facades

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 applicant has provided the following response to Finding of Fact #1: "Waiving the requirement of a building projection will not cause any danger or impact the public health and general welfare".

The planning staff has determined that the requested development standards variance would not be injurious to the public morals, and general welfare of the community. The requested variance, if accompanied with the commitment to provide façade features as shown in the provided plans, is satisfying the intent of the ordinance. The general welfare of the community is more greatly impacted by the other facades of the building, which are all more visible and all satisfying the requirements of the ordinance.

Finding #1 has been satisfied by the applicant.

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 applicant has provided the following response to Finding of Fact #2: "Allowing a variance on the building projection will not impact the values of the neighboring properties. The proposed building will still be aesthetically pleasing and compliment the area of the city".

The planning staff has determined that the requested variance should not have a substantially adverse impact in the use and value of neighboring properties. The rear façade of this building will eventually face the rear façade of a future development the west, both of these façade will therefore have very limited visibility to the public, and both of these façade will serve some of the more operational duties for the building such as deliveries and pick-ups.

Finding #2 has been satisfied by the applicant.

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 applicant has provided the following response to Finding of Fact #3: "If the project is not granted a variance on the building projections, the building will not be able to fit on this parcel without blocking circulation and access around the site".

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed nor financial in nature. Due to the narrow nature of the lot, it becomes practically difficult to accommodate all of the parking areas, drive areas, landscaping, a reasonably sized building, and these 9 feet deep projections from the building. The planning staff feels that the proposed solution satisfies the intent of the ordinance and will provide a practical solution to the hardship imposed on the petitioner.

Finding #3 has been satisfied by the applicant.

STAFF RECOMMENDATION: APPROVAL W/ THE FOLLOWING CONDITIONS:

- The petitioner shall provide visual breaks in the façade where the projections and recessions would have been required by the ordinance. These visual breaks shall incorporate changes in the façade material and shall utilize materials being used elsewhere on the building.
- 2. If any further revisions are needed, those plans shall be submitted to the planning staff for review and approval prior to the issuance of any permits.

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-09: Marketplace Development, Retail (Block B); DSV

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to <u>approve</u> the requested development standard variance from UDO 5.08(A)(4) to eliminate the requirement for the projections on the rear façade of the retail center, including the proposed conditions, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance <u>will not</u> 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 <u>will</u> 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

Ву: _____

Attest: _____

Chairperson

Secretary, Adam M. Rude

DEVELOPMENT STANDARDS Shelbyville Planning & Building Department 44 West Washington Street Shelbyville, IN 46176 P: 317 392.5102			
1. Applicant Name: Himan Garg, GSSR Investments	Property Owners Information (if different than Applica Name:		
Address: 580 E. Carmel Drive Suite 100 Carmel, IN 46032	Address:		
Phone Number.	Phone Number:		
Fault			
Email:			
	Email.		
2. Applicant's Attorney/Representative	Project Engineer		
Name: Himan Garg, GSSR Investments	Name: Weihe Engineers		
Address: 580 E. Carmel Drive Suite 100	Address: 10505 N. College Ave		
Carmel, IN 46032	Indianapolis, IN 46280		
Phone Number	Phone Number:		
Fax Number:	Fax Number:		
Email:	Email:		
Current Zoning Classification: <u>business highway</u> Number of Requested Variances: <u>2</u>			
Section(s) of the Ordinance Requesting Variance(s) from; includi 5.32-A-1a - Non Residential Landscaping Standar 5.08-A-4 - Long Facades, page 5-10	ing Article, Section, Subsection, and Page Number: rds, page 5-39		
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			
☐ ☐ Supporting Documents and Exhibits (Optional)			
=-+++			
	and correct as s/he is informed and believes.		
The undersigned states the above information is true			
The undersigned states the above information is true	Date: 3/30/23 Public, State of Indiana Boone County		
Applicant:	Date: 3/30/23 Date: 3/30/23 Date: 2/30/23 Date:		
The undersigned states the above information is true Applicant:	IKSHA GULAII Public, State of Indiana Boone County ssion Number NP0735590 Commission Expires August 17, 2029		
tate of <u>INDIANA</u> sounty of <u>BOONE</u> SS: Subscribed and sworn to before m	Date: 3/30/23 Date:		

Sec. 4.1

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AFFIDAVIT &	CONSENT OF	PROPERTY	OWNER
APPLICATION TO THE	SHELBYVILLE	BOARD OF Z	ONING APPEALS

State of Indiana) County of Shelby) SS:

1. Himmen Gorg , AFTER BEING DULY SWORN, DEPOSE AND SAY (Name of property owner)

THE FOLLOWING:

- 1. That I am the owner of real estate located at 2235 Marketplace Blvd, Shelbyville, IN, 46176 (Address of affected property)
- 2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: <u>GSSR Truestments UC</u> (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.

		Himanshu Gurg/ Owner's Name (Please print)		
State of Indiana County of Shelby)) SS:	DIKSIOWGEL STSIgnature Notary Public, State of Indiana Boone County Commission Number NP0735590 My Commission Expires August 17, 2029		
Subscribed and sworn to before me this <u>30th</u> day of <u>MARCH</u> , <u>2023</u>				
Q	Notary Pul	DIKSHA GUIATI		
Residing in <u>Boon</u>	<u>)6</u> C	ounty. My Commission Expires: <u>Aug. 17-2.029</u>		

Revised 05/2019

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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.

The minimum number of foundation plantings is not currently being met. We request a variance to allow excess

parking lot perimeter plantings count towards this requirement. The perimeter parking lot requirements only apply to the

eastern side of the parking lot, so the other 3 sides could be utilized to offset the foundation plantings.

The rear facade of the building does not meet the long facade requirement of having projections break up the facade with

depths of at least 3% of the building length. A projection of that size on this building would block access around the

building. We propose to break up the long facade with material and color changes and request a variance on the projections.



DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

Petitioner's Name: <u>GSSR Investments</u> Location: <u>2235 Marketplace Blvd, Block B of Shelbyville Marketplace</u> Variance for: <u>5.08-A-4 Long Facades Standards</u>

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.

Waiving the requirement of a building projection will not cause any danger or impact the public health and general welfare.

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

<u>Allowing a variance on the building projection will not impact the values of the neighboring properties. The proposed building will still be aesthetically pleasing and compliment the area of the city.</u>

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

If the project is not granted a variance on the building projections, the building will not be able to fit on this parcel without blocking circulation and access around the site.

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



Shelbyville Marketplace

