



BOARD OF ZONING APPEALS DIVISION I

September 3, 2024

Case Number: 2024-UV1-016
Property Address: 11263 Maze Road (approximate address)
Location: Franklin Township, Council District #25
Petitioner: Westys LLC, by Elizabeth Bentz Williams
Current Zoning: D-A
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a silt fence assembly operation (not permitted).
Current Land Use: Propane Distribution
Staff Recommendations: Recommendation of Approval, subject to a commitment
Staff Reviewer: Eddie Honea, Principal Planner II

PETITION HISTORY

The September 3, 2024, hearing of Division I is the initial hearing of the request.

STAFF RECOMMENDATION

Staff recommends approval of the request, subject to the filed Plan of Operation, file-dated August 22, 2024

PETITION OVERVIEW

- The subject site, zoned D-A, is currently improved with one large metal building used for the storage of vehicles, a small metal building used for an office, a Quonset hut used for general storage and a large propane tank used in association with a propane distribution business. These non-permitted uses are permitted by the grant of 2016-UV2-016.
- Single-family dwellings, within the D-P District, are located directly north of the subject site. Agricultural land is located to the west, within the D-A District. Agricultural uses and a wireless communications facility are located to the south, within Johnson County. Accessory structures with an unknown use are located east of the subject site, within the D-A District.
- The request, as proposed, would allow for the assembly of silt fencing for sale to the general public. The use would be contained within a portion of the large metal structure on the northern portion of the site. No noise would be detectable outside of the structure.



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- While the Ordinance would classify the proposed use as Light Manufacturing, Staff would note that the property is zoned D-A and that it is not uncommon for agricultural properties to either manufacture or install silt fencing to delineate separate operations or areas of a property. In addition, the request does not propose to allow for the dispatch of contactors to install or provide labor off-site.
- In Staff’s opinion, the request represents a substantial reduction of intensity of the operation permitted by the 2016 grant. While the propane distribution use will continue, the application outlines removal of several tanks, leaving only the large tank located within the eastern portion of the property.
- Staff would note that the subject site has an extensive history of being improved with non-residential structures, going back as far as 1956 according to aerial imagery. Given this and the general isolation of the site as evidenced by the substantial separation from Maze Road, Staff believes residential development to be impractical and therefore the request to be a reasonable deviation from the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Commercial – Propane Distribution	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-P	North: Estate Single-Family Dwellings
South:	Johnson County	South: Agriculture
East:	D-A	East: Residential
West:	D-A	West: Agriculture
Thoroughfare Plan		
Maze Road	Secondary Arterial	80-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 2, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 2, 2024	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use Pattern Book |

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space. |

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site |

Neighborhood / Area Specific Plan

- Rural or Estate Neighborhood |

Infill Housing Guidelines

- Not Applicable to the Site |

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site |

ZONING HISTORY

Subject Site:

2016-UV2-016; 11263 Maze Road; requests Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a propane distribution business, with a propane storage tank (not permitted) and outdoor storage (not permitted), to provide for an existing building to be used as an indoor storage facility for vehicles, trailers, boats, RV's and similar vehicles (not permitted), to provide for an existing building to serve as offices for both businesses (not permitted), to



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legally establish the lot without the required width, frontage and direct access from a public street (not permitted) and to legally establish the existing Quonset hut with a one-foot west side setback and the propane tank, with a six-foot east side setback (30-foot side and 75-foot aggregate side setbacks required); **granted**.

Vicinity:

2014-UV3-003; 11498 Maze Road; Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a machine shop in an existing pole barn, with a 57-foot rear setback on a 150-foot side lot without direct access to a public street, and to legally establish a second lot with 80 feet of a street frontage and lot width; **dismissed**.

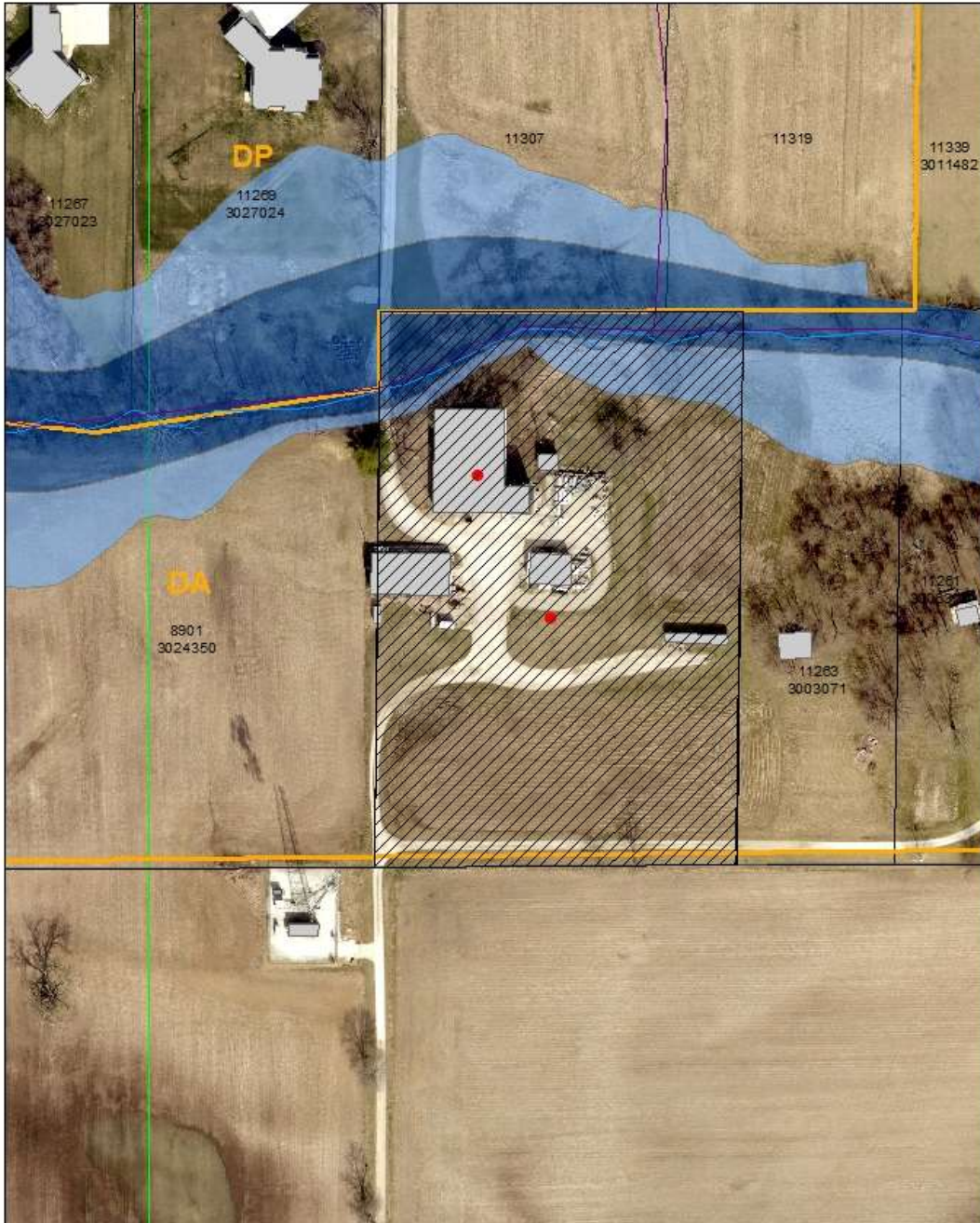
2014-DV1-010; 11270 Maze Road; Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 1,920-square foot, 24-foot tall pole barn, with a 240-square foot porch, creating accessory building area of 2,280 square feet or 112.4% of the main floor area of the primary dwelling and accessory use of 3,036 square feet or 150% of the total floor area of the primary building; **granted**.

2009-HOV-013; 11266 Maze Road; Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a lot with 172.33 feet of lot width at the required front setback line; **granted**.

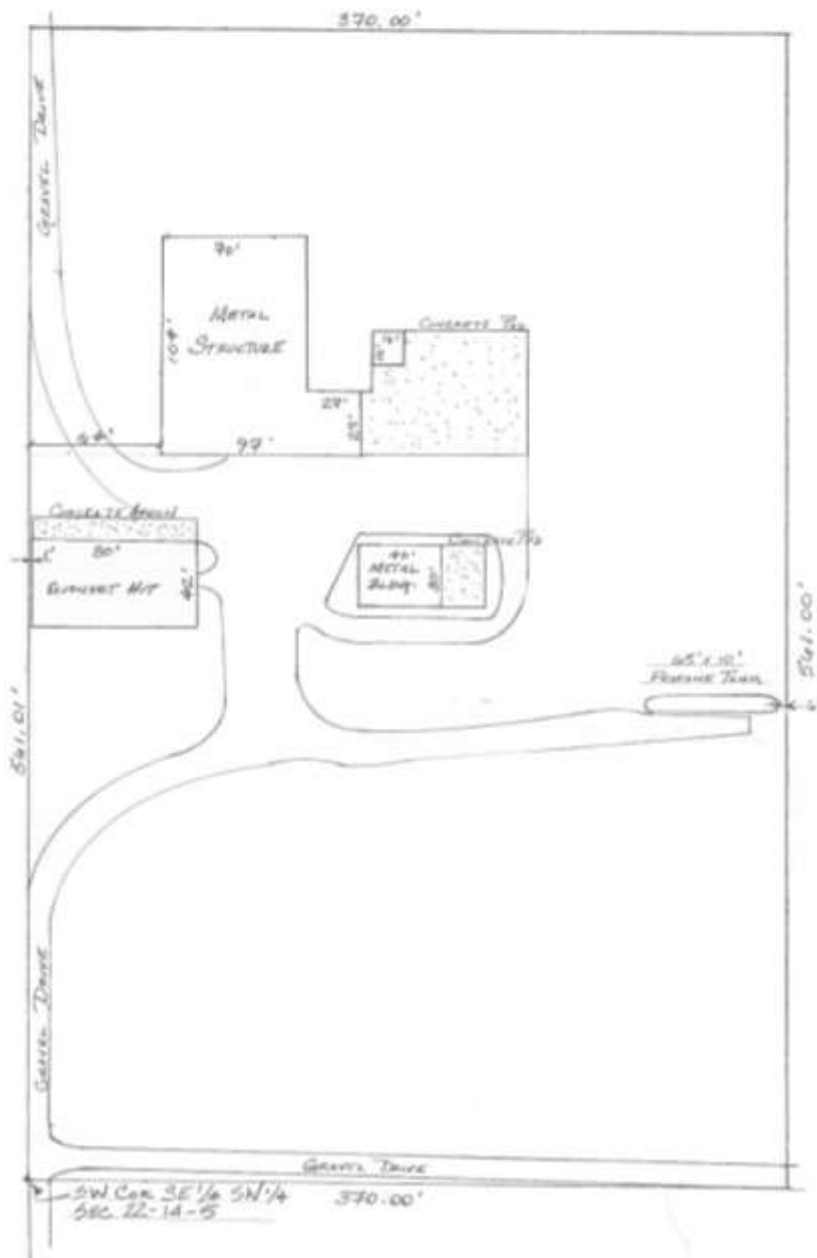
2009-DV1-021; 11338 Maze Road; Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: a) Tract A to be divided into no more than three residential lots, with each lot having a minimum of 25 feet of street frontage on Maze Road and 25 feet of lot width at the required front setback line, b) Tract B to be divided into two lots, with each lot having a minimum of 150 feet of lot width at the required front setback line; **granted**.

89-V3-1; 11263 Maze Road; Variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for the construction of a single-family residence with thirty feet of street frontage; **granted**.

EXHIBITS



SITE PLAN
 11243 MARE ROAD



Plan of Operation, File-Dated August 22, 2024

2024-UV1-016

PLAN OF OPERATION

11261 Maze Road

Intent:

Existing Use: The property currently operates under a variance (2016-UV1-016) granted to permit a propane distribution business, outdoor storage of the tanks, indoor storage of boats, vehicles, trailers, etc. and the existing buildings serving as offices for both businesses and legally establishing the lot access, width of lot, and setbacks of a Quonset Hut and large propane tank.

The commitments limit the propane business and indoor storage to not grow beyond the existing buildings and storage pads. They also specify no outdoor storage of the recreational vehicles, boats, etc.

Proposed Use:

- 1- Petitioner plans to scale down the propane business. The smaller outdoor storage tanks have been or will be removed. The propane distribution business from the large tank will continue. The indoor storage of boats, trailers and other vehicles will remain as operating.
- 2- Petitioner proposes to use a part of the existing structure for indoor assembly of silt fence. This involves attaching rolled fabric to wood posts, with a staple gun. This operation will be indoors. There is no noise beyond the structure and there are no odors produced.
- 3- The operation will not include any contractor operations including running crews from the site to install fencing.
4. The property will also continue to be used for permitted agricultural uses and at some point, the petitioner plans to build a dwelling.

Hours of Operation: The silt fence assembly would be a small number of employees working inside the structure. Typical work hours do not extend beyond the hours of 8 AM until 9 PM. Deliveries and pick ups are limited to normal business hours 8 – 6.

Outdoor Lighting:

Limited to security lighting. All lighting would be shielded and down lit and measuring zero-foot candle at all property lines.

Future:

Any changes to the Plan of Operation or Site Plan shall be subject to Administrative Review and Approval.



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The the proposed use will reduce the scale of outdoor operations on site and provide for indoor operation of a new venture to assemble silt fence. This operation will not increase noise nor will it produce any odors. This is in keeping with typical agricultural operations in the area. The proposed change in the operation will not be injurious to the public health, safety, morals or general welfare of the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The existing operations of the propane business, with outdoor storage and the inside storage of recreational vehicles, boats and trailers have operated in harmony with adjoining uses for many years. The proposed change in the variance will reduce the outdoor operations. The proposed indoor assembly of silt fencing will not cause any negative aspects that will substantially adversely affect property in the area.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

Historically the property has been uses for business; the structures have existing for decades. No new structures are proposed. The petitioner plans to also build his home on the property. The property is relatively isolated and the uses businesses are low impact and are supportive uses to agricultural uses.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The property property is removed from existing development. The petitioner is utilizing structures that have supported non-residential use for many decades. The property is relatively isolated and the businesses have been operating without issue or producing any negative affects for many years.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The comprehensive plan recommends rural or estate neighborhood. The property is almost 5 acres in size and the use is limited to the existing improvements. In the future, a residential home will be added respecting the recommendations of the plan.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Photo One: Looking North Along Maze Road



Photo Two: Looking East Along Maze Road



Photo Three: Looking South Along Private Drive From Maze Road



Photo Four: Looking East, Towards Subject Site From Private Drive



Photo Five: Primary Building For Assembly, Looking North



Photo Six: Storage Building, Facing West



Photo Seven: Office Building On Eastern Portion of Site, Facing South



Photo Eight: Large Propane Storage Tank, Abutting Properties, Facing South



Photo Nine: Abutting Properties, Facing West



Photo Ten: Abutting Properties, Facing East |