



**STAFF REPORT  
BOARD OF ZONING APPEALS**

**TOWN OF PITTSBORO, INDIANA**

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Application No: 2023-BZA-02

Meeting Date: July 17, 2023

Subject: **Development Standards Variances**  
Variance Request 1-Section 3.5A  
Variance Request 2-Section 3.5B

Summary: Petitioner requests Development Standard Variances:  
**Variance Request 1-Section 3.5A**  
The applicant seeks the ability to place a temporary office (mobile unit) for the associated primary use of the property which is truck driving instructional school.

3.5 TEMPORARY USES  
Temporary Uses shall be permitted in applicable districts by the grant of a Temporary Use Permit issued by the Administrator in accordance with the requirements of this Section and the temporary use standards and requirements as listed in Section 8.18. Temporary Uses:

A. Shall be subject to all the regulations of the applicable District in which they are located. (Variance 1-The sought Variance request includes all standards of the Overlay and Underlying Zoning District)

**Variance Request 2-Section 3.5B.**  
Shall have adequate access and off-street parking facilities, which shall not interfere with traffic movement on adjacent streets. (Variance 2-The sought variance requests will cover all the requirements for paving and striping for site)

Petitioner: Sid Mahant on behalf of MSD, LLC

Location: Vacant Land on NW Corner of Jeff Gordon Blvd and Progress Way  
Pitt

Parcel Size: 4.71 acres

Existing Zoning: Commercial (HB Zoning)

Recommendation: 1. Approval with conditions

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## Procedure

The Board of Zoning Appeals (BZA) may authorize variances from the terms of the Unified Development Ordinance (UDO) pursuant to the criteria specified in Indiana Code. A development standards variance is designed to adjust the regulations of the UDO to the land for which the variance is granted. Development standards variances may apply to such items as height, area, parking, or landscape requirements. Once granted, a development standards variance shall run with the land.

The BZA is required to hold a public hearing as part of the consideration of a development standards variance. Prior to the public hearing, notice of such hearing must be published one time in The Republican newspaper and mailed to neighboring property owners to a depth of 660 feet or two ownerships, whichever is less. Notice of the public hearing for this petition was properly advertised in The Republican on June 1, 2023 and mailed to neighboring properties on June 2, 2023.

After the public hearing, the BZA shall either approve, approve with conditions, or deny the variance request. The BZA must make its determination in written findings of fact based on the following statutory requirements:

### Variance Request 1-Section 3.5A

**The applicant seeks the ability to place a temporary office (mobile unit) for the associated primary use of the property which is truck driving instructional school.**

### 3.5 TEMPORARY USES

Temporary Uses shall be permitted in applicable districts by the grant of a Temporary Use Permit issued by the Administrator in accordance with the requirements of this Section and the temporary use standards and requirements as listed in Section 8.18. Temporary Uses:

A. Shall be subject to all the regulations of the applicable District in which they are located. (Variance 1- The sought Variance request includes all standards of the Overlay and Underlying Zoning District)

**Variance Request 2-Section 3.5B.** Shall have adequate access and off-street parking facilities, which shall not interfere with traffic movement on adjacent streets.

(Variance 2-The sought variance requests will cover all the requirements for paving and striping for site)

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

**Town Staff Planner Comment:** The proposed temporary office utilized for the main point of business for the future truck driving instructional school will not pose any threat to the public health, safety, morals and general welfare of the community. The new mobile temporary office on a vacant gravel lot will provide adequate infrastructure and facilities for a period of no more than 24 months. The review of the temporary mobile office will be inspected to ensure all manufacturing standards and applicable International Building Codes and conditions set forth by the granting of the subject variance have been met.

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.**

**Town Staff Planner Comment:** The proposed temporary mobile office for the future truck driving instructional school represents a consistent commercial use and activity commonly found in the subject area. The allowance of a temporary mobile structure on a gravel lot is granted for a period of twenty-four months, therefore, does not impair the use nor value of the area adjacent to the property in an adverse manner.

3. **The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.**

**Town Staff Planner Comment:** Based on the temporary nature of the mobile temporary office on an existing gravel lot provides a demonstrated basis for seeking Development Standard Variances for architectural, design, and paving improvements standards of the Unified Development Ordinance (UDO) for a period not to exceed 24 months, when such time the applicant will be required to apply for a permanent structure and fulfilling the paving (asphalt) requirements of the Unified Development Ordinance (UDO).

The BZA may impose reasonable conditions or require written commitments as part of the approval of the variance request.

## Correspondence

A Technical Review Committee meeting was not held for this petition given the limited extent of the proposed construction.

As of writing this report, staff hasn't received any comments from the public.

## Summary-

In review of the submitted Development Standard Variances, Town Staff finds the applicant seeking relieve of the Unified Development Ordinance Overlay and HB zoning provision to operate a truck driving instructional school on 4.6 acres. The applicant has provide an internal traffic circulation plan and site plan of the overall placement of the temporary office structure which demonstrates a functional operational site. The allowance of the subject Variance is recommended not to exceed a period of twenty-four months.

## Attachments

1. Site Plan
2. Aerial Location Map
3. Application

## Recommendation

1. Staff recommends approval of the requested development standards variance to allow a temporary mobile office on a gravel lot for a period not extend beyond 24 months, the following conditions are recommended to be imposed upon approval:
  - a. The proposed temporary mobile office structure be inspected and reviewed by Town Staff prior to connection to electrical service;
  - b. The temporary mobile home office will be allowed on site with unimproved paving for a period not to exceed 24 months.

- c. The Property Owner understands and acknowledges that no semi-trailer parking is permitted in public rights-of-ways or semi-trailers idling on Jeff Gordon Boulevard and Progress Way in a manner which impedes efficient traffic flow.

## Findings of Fact

NOTE: These are suggested Findings of Fact to correspond with staff's recommendation. The Findings of Fact can and should be amended by the Board as necessary to ensure all statements are factual and clearly dictate that the criteria can or cannot be met, based on the public hearing and board discussion.

After the public hearing, the BZA shall either approve, approve with conditions, or deny the variance request. The BZA must make its determination in written findings of fact based on the following statutory requirements:

### **Variance Request 1-Section 3.5A**

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### **Variance Request 2-Section 3.5B.**

Shall have adequate access and off-street parking facilities, which shall not interfere with traffic movement on adjacent streets.

(Variance 2-The sought variance requests will cover all the requirements for paving and striping for site)

- 1. The approval will not 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 property included in the variance will not be affected in a substantially adverse manner.**
  
- 3. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.**