



PETITION NO.: _____

LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-506

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

THE INTENT OF THE ORDINANCE IS TO SCREEN/VISUALLY PROTECT ABUTTING AND CONFLICTING USES/ZONES FROM NEGATIVE VISUAL IMPACTS. THE PROPERTY THAT THE ZONING ORDINANCE REQUIRES TRANSITIONAL YARD SCREENING IS:

1. NOT TRULY ABUTTING, IT IS ACROSS 7 LANES OF PENDLETON PIKE
2. DESPITE ITS ZONING, IS NOT A CONFLICTING USE. THE SITE IS A COMMERCIAL FOOD ESTABLISHMENT (WENDY'S). IF SITE WAS ZONED ACCORDING TO ITS USE, NO YARD WOULD BE REQUIRED.
3. NO OTHER TRANSITIONAL YARDS OR SCREENING IS PROVIDED ON ANY OTHER ADJACENT OR ABUTTING PROPERTIES IN THE AREA. PETITIONER'S PROPOSED DEVELOPMENT, WITHOUT TRANSITIONAL YARD/SCREENING, IS CONSISTENT WITH ALL OTHER DEVELOPMENT IN THE AREA. AS SUCH, GRANTING RELIEF FROM THE TRANSITIONAL YARD REQUIREMENT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY.

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

THE PROPERTY THAT THE ZONING ORDINANCE REQUIRES TRANSITIONAL YARD SCREENING IS:

1. NOT TRULY ABUTTING, IT IS ACROSS 7 LANES OF PENDLETON PIKE
2. DESPITE ITS ZONING, IS NOT A CONFLICTING USE THAT WOULD REQUIRE A TRANSITIONAL YARD. THE SITE IS A COMMERCIAL FOOD ESTABLISHMENT (WENDY'S). IF THE SITE WAS ZONED ACCORDING TO ITS USE, NO YARD WOULD BE REQUIRED.
3. NO OTHER TRANSITIONAL YARDS OR SCREENING IS PROVIDED ON ANY OTHER ADJACENT OR ABUTTING PROPERTIES IN THE AREA. PETITIONER'S PROPOSED DEVELOPMENT, WITHOUT TRANSITIONAL YARD/SCREENING, IS CONSISTENT WITH ALL OTHER DEVELOPMENT IN THE AREA.

AS SUCH, THE USE AND VALUE OF AREAS ADJACENT TO THE PETITIONER'S PROPERTY WILL NOT BE ADVERSELY IMPACTED BY GRANTING THIS VARIANCE.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

DUE TO SIZE OF AREA ALLOTTED FOR VALVOLINE'S DEVELOPMENT, SPACE IS LIMITED AND A TRANSITIONAL YARD OR SCREENING FENCE/BERM WOULD TAKE THE SPACE REQUIRED FOR SUITABLE GRADE TIES, PROPOSED TREE LANDSCAPE, AND SITE UTILITY INFRASTRUCTURE (ELECTRIC/TELEPHONE/SUMP PUMP DRAINAGE). FURTHERMORE, INSTALLATION OF SUCH A TRANSITIONAL YARD WOULD BE INCONSISTENT AND VISUALLY CONFLICTING WITH THE SURROUNDING DEVELOPMENTS/BUILDINGS AND REDUCE VALVOLINE'S COMMERCIAL VISIBILITY ALONG PENDLETON PIKE.