

LAWRENCE BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA

PREPARING YOUR FINDINGS OF FACT

It is important to prepare your Findings of Fact properly. If your petition is granted, the Findings of Fact are adopted by the Lawrence Board of Zoning Appeals as the basis for granting the petition. If the petition granted is judicially reviewed by a court of law, these findings would be the primary evidence in the court's review. Therefore, the following suggestions are offered to assist you in your preparation:

Read each statement carefully before completing the finding. What you write after the word "because" in each of the findings must support the statement that introduces the finding.

Be sure that you understand the statements in the Findings of Fact. For example, if you do not know what the comprehensive plan recommendation is, do not try to complete the finding regarding the comprehensive plan until you learn what it is.

Do not use personal matters as reasons for findings. The findings must relate to the property, not to a person.

Check your spelling.

Use correct grammar. When in doubt, please get assistance.

Do not use pronouns (I, he, she, we or the possessives my, his, her, our) to describe yourself or the petitioner, i.e., the person or entity seeking the variance. Simply repeat the word "petitioner" or "petitioner's".

You may want to consider obtaining professional assistance if you are uncertain about how to proceed.



PETITION NO.: _____

LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

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

The requested development standards variance relief relates primarily to site design and dimensional standards within the approved Lawrence Village at the Fort Planned Unit Development and does not alter the permitted uses of the Property. The proposed development remains consistent with the overall intent of the PUD and the redevelopment objectives for the Fort Harrison area. The requested modifications have been reviewed and discussed with staff of the Fort Harrison Reuse Authority and the Director of Public Works, who indicated that the proposed design solutions would be acceptable given the unique conditions of the site and surrounding infrastructure. The project will continue to provide safe vehicular and pedestrian circulation, appropriate screening and buffering between uses, adequate parking, and compatible building orientation while allowing for efficient redevelopment of the Property.

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 requested relief will not substantially or adversely affect adjacent properties because the development will remain compatible with the surrounding Fort Harrison redevelopment area and will substantially conform to the design intent of the approved PUD. The modifications requested involve internal site planning considerations, including block length, parking placement, carpool space requirements, and screening treatments, none of which materially increase intensity of use or create adverse external impacts on neighboring properties. The proposed project will continue to include appropriate landscaping, screening, access management, and architectural standards consistent with the character of the surrounding area. In addition, the proposed development represents continued investment and redevelopment within the Fort Harrison area, which is expected to support and enhance surrounding property values rather than diminish them.

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

Strict application of the referenced PUD development standards would create practical difficulties due to the unique configuration of the site, the existing Fort Harrison roadway and infrastructure network, and the layout constraints associated with the proposed mixed-use development. Specifically, the Property lacks natural opportunities for additional street, alley, or pedestrian connections that would reduce the proposed block length without creating inefficient or impractical site circulation patterns. In addition, the required parking setback configuration, when applied to the proposed building orientation along Lee Road and Memorial Park Drive, would significantly impair the functionality and feasibility of the site plan and substantially limit efficient parking placement necessary to support the proposed uses. The requirement for dedicated carpool spaces reflects an outdated parking practice that is unnecessary for the proposed development, which already provides sufficient parking for anticipated demand. Finally, strict compliance with the requirement that residential entrances be elevated two feet above sidewalk level would impose unnecessary construction and grading burdens without providing a corresponding public benefit, particularly where adequate screening and buffering between commercial and residential uses is otherwise being provided. The requested relief therefore represents a reasonable accommodation of the site's unique conditions while preserving the overall intent of the PUD



DECISION

IT IS THEREFORE THE DECISION OF THIS BODY THAT THIS VARIANCE PETITION IS GRANTED, SUBJECT TO ANY CONDITIONS STATED IN THE MINUTES (WHICH CONDITIONS ARE INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DECISION).

Adopted this _____ day of _____, 20_____

Chairman

Vice-Chairman

Member

Member

Member