

AGENDA
BOARD OF ZONING APPEALS
Zoom Meeting
Wednesday, September 9, 2020 - Meeting Starts at 6:00 P.M.

Pledge of Allegiance

Roll Call

Approval of Minutes

June 10, 2020 and August 12, 2020

Monthly Conflict of Interest Statement

Old Business

New Business

Request for a Use Variance to allow a luxury private alcohol and other substances treatment, 5255 N. Union Valley Road, Bloomington; Petitioner: Evan Amarni, Multi Concept Recovery; Case No. BZA 2020-05

Board of Zoning Appeals Comments

Next Meeting: October 14, 2020

Adjournment

Topic: Ellettsville Board of Zoning Appeals

Time: September 9, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81277301482?pwd=VTFYdzVIbmk2NFhIbTJCaHdoa0JQQT09>

Meeting ID: 812 7730 1482

Passcode: 800519

One tap mobile

+1 312 626 6799,,81277301482#,,,,,0#,,800519# US (Chicago)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 812 7730 1482

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Planning Commission meetings are wheelchair accessible. The accessible entrance is located on the east side of the building. Accessible visitor parking spaces are located on the north side of the building. The Town further assures every effort will be made to ensure nondiscrimination in all of its programs activities, whether those programs and activities are federally funded or not. Close captioning of the public meetings are broadcast on Community Access Television Series 14 and Smithville Cable Channels 301 and 601.

MEETING NOTICE

Wednesday, September 9, 2020, at 6:00 p.m.

The Town of Ellettsville Board of Zoning Appeals will conduct its regularly scheduled meeting on Wednesday, September 9, 2020, at 6:00 p.m., local time.

The meeting will be conducted remotely. No Board of Zoning Appeals members will attend the meeting in person, but will instead attend remotely. The public is invited to attend by remote access. The meeting will be hosted by Zoom.

Topic: Ellettsville Board of Zoning Appeals Meeting

Time: September 9, 2020 6:00 PM Eastern Time (US and Canada)

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Meeting ID: 812 7730 1482

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+19292056099,,81277301482#,,,,,0#,,800519# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 812 7730 1482

Passcode: 800519

While the public will not be able to attend the meeting in person, public input is still encouraged. Agendas and meeting packets can be obtained by submitting an email request to: planning@ellettsville.in.us.



Town of Ellettsville

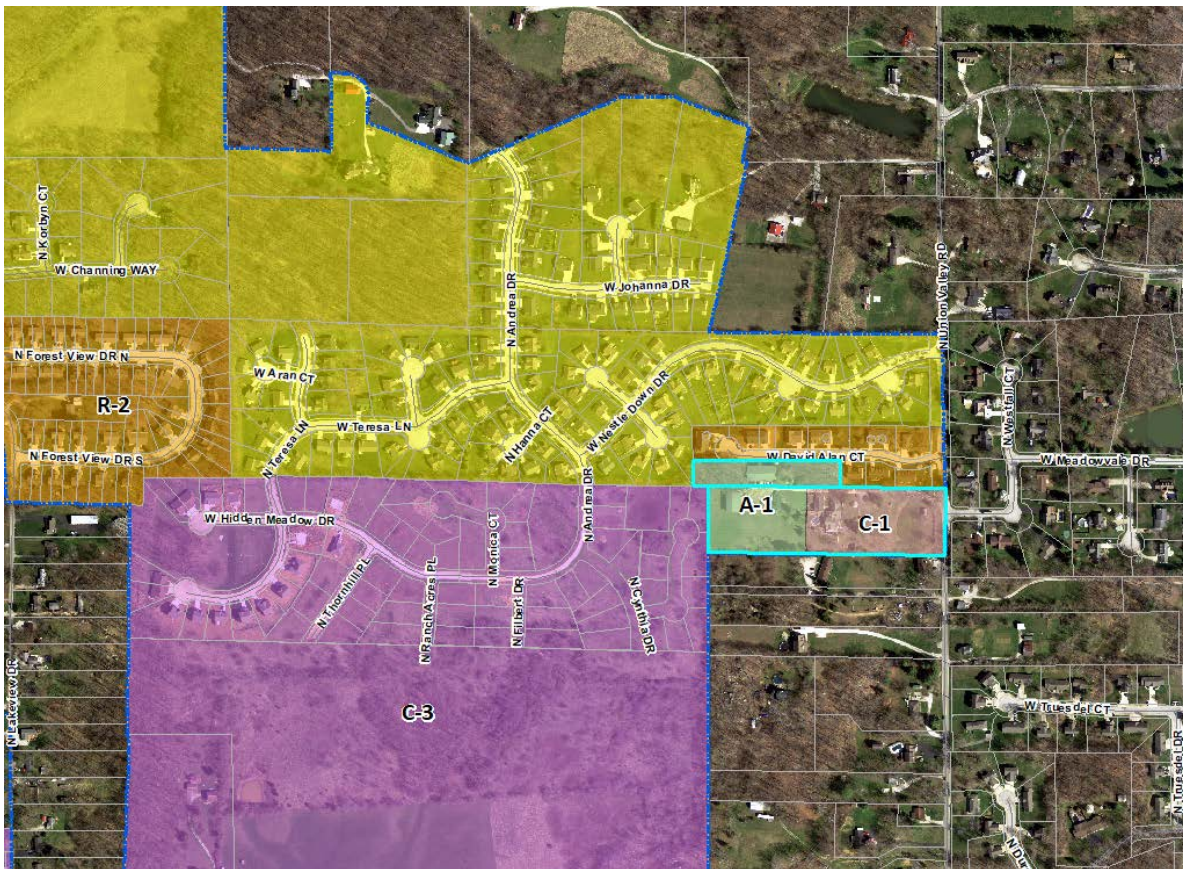
Department of Planning & Development

BZA 2020-05 –Variance of Use Staff Report

Petition

Case - BZA 2020-05. A request by Evan Amarni for a variance of use to allow a luxury private alcohol and other substances treatment center in a C-1; General Commercial/A-1; Agricultural Zone. The subject property is located at 5255 N. Union Valley Road.

Surrounding Zoning Districts & Uses



	Zoning District	Property Use
North:	R-2; Two-Family Residential	Two-Family Residential
South:	ER; Estate Residential (County)	Apartments
East:	ER; Estate Residential (County)	Single Family Residential
West:	C-3; General Commercial	Hidden Meadow Subdivision

Considerations

1. The petitioner is requesting a use variance to convert the existing primary and accessory dwellings into a luxury private alcohol and other substances treatment center.
2. Indiana Code (IC 36-7-4-918.4) requires the following criteria to be met in order to approve a variance of use request:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c. The need for the variance arises from some condition peculiar to the property involved;
 - d. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; and
 - e. The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.
3. The property is split zoned C-1; Neighborhood Commercial and A-1; Agricultural.
4. Residential treatment centers are classified as health maintenance facilities and are permitted in the C-3; General Commercial district.
5. The proposed treatment center will utilize both the residential and commercial structures on the property. The commercial buildings will be used for offices and indoor recreational activities.
6. There will be eight (8) staff members on the largest shift and the only daily traffic generated would be during shift changes.
7. The center will hold up to fifteen (15) residents at one time.
8. A variance, once granted, runs with the property no matter who owns the property.
9. All persons who own or have controlling interest in the property included in the petition have joined in the petition.

Criteria For Decisions – Variance of Use

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of Indiana Code. The Board may grant a variance of use from this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

DECISION CRITERIA – USE VARIANCE

1. **General Welfare:** The approval (will or **will not**) be injurious to the public health, safety, morals, and general welfare of the community.

Staff Finding:

The use will remain essentially residential. The property is zoned neighborhood commercial, which would allow uses such as bed and breakfasts and hotels, which are similar in nature to how the property will be used. The traffic generated by this use will be very minimal, and far less than most commercial uses which would be permitted by right.

- 2. Adjacent Property:** The use or value of the area adjacent to the property included in the variance (will or **will not**) be affected in a substantially adverse manner.

Staff Finding:

The proposed owners are planning to install a privacy fence around the property to further buffer from the surrounding properties. While there will be some outside activities, the majority of activity will take place inside. Noise should be less than previous commercial uses of the property. If properly operated, there should be no noticeable effect on surrounding properties.

- 3. Practical Difficulty:** The strict application of the terms of the zoning ordinance (**will** or will not) result in practical difficulties in the use of the property.

Staff Finding:

The mix and mass of the structures on this property makes it quite difficult to use this property to its highest potential. The current split zoning of C-1/A-1 was a compromise to accommodate existing uses at the time of annexation, but greatly limits what could be located there. The proposed use would be able to use the entire property in a way that would have minimal impact on surrounding properties.

- 4. Unnecessary Hardship:** The need for the variance (**does** or does not) arise from some condition peculiar to the property involved.

Staff Finding:

The existing structures on this property create a hardship in that there are very few uses that can readily utilize the property in an efficient manner. This also creates a situation in which the property could eventually fall into disrepair if a suitable use for the property cannot be found. The proposed use would allow the property to be fully utilized without opening up the zoning to a number of unwanted and inappropriate uses.

- 5. Compliance with Comprehensive Plan:** The variance request (**is or is not**) substantially in compliance with the existing comprehensive plan.

Staff Finding:

This request is in compliance with the comprehensive plan to the extent possible, although this area is not specifically mentioned.

Board of Zoning Appeals Action

The Board of Zoning Appeals action shall be in the form of *approval, approval with conditions, denial, or a continuance*. The Board of Zoning Appeals takes final action on all variance petitions.

Staff Recommendation

As of the writing of this report, Staff has not received any concerns and one inquiry on the proposed use of the property. The proposed use is quite different than anything currently in Ellettsville, and is a bit of a challenge to determine where would be an appropriate location and zoning (currently only permitted in the C-3 district). In addition, the property in question is a large, mixed use property which does not neatly fit into any zoning district.

The biggest question will be the impact on the surrounding neighborhoods. There are single family subdivisions to the north and west and low-income apartments to the south. On paper, the proposed use appears to meet all of the criteria, but any concerns from neighbors should be considered. The petitioner should give a detailed explanation as to the operations of the treatment center. They have indicated there will be a privacy fence and security cameras and are planning on this being a luxury treatment center.

Based on the above analysis, the variance would meet the five (5) criteria as set forth by Indiana Code. The use of this property for a luxury private alcohol and other substances treatment center is a little outside the box, but is a good fit for the existing structures. Staff recommends approval of the variance request, as long as there are no lingering concerns on the impact on neighboring subdivisions. The Board may approve the variance if, after testimony and discussion, it finds that the request does meet all five (5) of the stated requirements. If the Board denies the request, it shall state which requirement(s) of which variances have not been met.

Submitted by Kevin Tolloty, AICP
Director of Planning, Town of Ellettsville
September 2, 2020







W.David Alan CT

Ellettsville

N:Union Valley RD

N:Union Valley RD

W.Meadow

Petition Description (provided by applicant)

We will be a luxury, high-end, environment for people to receive high quality medical and therapeutic services for alcohol and other substances Licensed by the State of Indiana and Nationally Accredited by the Joint Commission (the Gold Standard of accreditations) with 24/7 nursing, Licensed therapists, and other support staff present to ensure people can experience some peace and comfortability while receiving the care they seek. We aim to be a resource to the community and begin providing some relief to people in the local state of Indiana from substances. The people we plan to serve are those with private insurance or those who have the resources to afford our services financially. Our plans for the property do not in any way cause injury to the local community nor will it have an adverse effect on the surrounding properties and their values as we will not be serving homeless, criminal justice population, or indigent people.