



# Town of Edinburgh

Administrative Offices: 107 South. Holland Street, Edinburgh, IN 46124

Wade D. Watson, Planning Director

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## BZA STAFF REPORT

**To:** BOARD OF ZONING APPEALS MEMBERS  
**From:** Wade D. Watson, Building Commissioner  
**Date:** September 6, 2023  
**Re:** Case ZB2023-07 UV (USE VARIANCE)

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### GENERAL INFORMATION:

**Applicant:** GSR Carriers Holdings, Inc.  
4315 Valencia Circle  
Colorado Springs, CO 80917

**Agent:** Junha Shatara  
8555 N River Rd, Suite 200  
Indianapolis, IN 46240

**Property Address:** Lot 4 – Al-Anna Farms North Administrative Subdivision (R/382C),  
S Walnut Street, Edinburgh, IN 46124

**Property Owner:** Al-Anna Farms, Inc.  
13811 N US 31  
Edinburgh, In 46124-9569

**Property Number:** 03-05-03-340-000.100-023  
**Lot Size:** 19.77 Acres (approximately)  
**Zoning:** EI – Enclosed Industrial  
**Land Use:** Agricultural

**FEMA Flood Plain:** Portions of this parcel exists within a designated flood area

### SURROUNDING ZONING:

North: EI:  
South: EI:  
East: EI:  
West: EI:

### SURROUNDING LAND USE:

Agricultural  
Agricultural & Edinburgh Fire Station  
Industrial  
Agricultural & Commercial

**REQUEST:**

**CASE ZB2020-01 UV** GSR Carriers Holdings, Inc. requests a Use Variance to allow the operation of a Motor Carrier Terminal in a district zoned as Enclosed Industrial (EI). This request is for variances from Zoning Ordinance Division 2, Section 156.036; Permitted Uses and Special Exceptions.

**DOCUMENTATION AND PUBLIC NOTIFICATIONS:**

Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Zoning Board of Appeals Application Packet for Variance/Special Exception. Staff has received no oral or written remonstrance in response to this petition prior to completion of this report.

**PURPOSE OF STANDARDS:**

The establishment of districts designated for industry is to provide suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this Article in order to ensure safe industrial development that is compatible with adjacent uses. The Enclosed Industrial ("EI") district provides space for industries which do not cause conditions that would be objectionable to adjoining uses. The "EI" district permits manufacturing, fabricating, processing, repairing, dismantling, or storage of equipment, raw materials, or manufactured products, provided that the activity is conducted entirely within enclosed buildings. The Open Industrial ("OI") district, permits manufacturing, fabricating, processing, extraction, repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products, or wastes in a combination of enclosed buildings and open areas. Greater separation is required between the industries in the "OI" district and residential or business uses than is necessary in the "EI" district.

## **CASE CONSIDERATIONS:**

1. This property exists within the corporate limits of the town of Edinburgh and within a district zoned for Enclosed Industrial uses. Motor Freight Terminals & Warehouses are not permitted in Enclosed Industrial Districts. (reference §156.036, table 1: Permitted Uses and Special Exceptions)
2. Motor Freight Terminals & Warehouses are permitted in districts zoned as either Roadside Business or Open Industrial. (reference §156.036, table 1: Permitted Uses and Special Exceptions)
3. The proposed development of this site is for a Motor Carrier Terminal including a one (1) or two (2) story building (approximately 8,000 Sq. Ft.), concrete parking areas, and a 25,000 Sq. Ft. five-bay maintenance building. Plans anticipate the possibility of future in-ground fuel tanks. The project anticipates the creation of 25-30 new jobs.
4. The proposed project either meets or exceeds the setback standards established in Division 2, Table 2 of §156.037 of the Edinburgh Zoning Ordinances for development on property designated as Enclosed Industrial. (See EXHIBIT A attached) These standards are as follows:
  - Minimum Front Depth of 60' (sixty feet)
  - Minimum side set back of 20' (twenty feet)
  - Minimum rear set back of 20' (twenty feet)
  - Maximum height of 35' (thirty-five feet)
5. The area south of CR 900N exists within the Edinburgh/Bartholomew/Columbus Joint District. The existing zoning established within the Joint District permits the use as Motor Freight Terminals. This type of use currently exists and are operational in the general area of the proposed project (i.e. Old Dominion and R & L Carriers)
6. The western portion of this parcel exists within an identified floodplain. It appears the proposed project does not include any development within a designated floodplain area other than parking area and a retention pond.
7. This site is currently served by municipal electric, water, and sanitary sewers and has direct access to both S Walnut Street and S Main Street.
8. Comprehensive Plan Consideration: One of the goals of the Town of Edinburgh Comprehensive Plan adopted May 9th, 2011, is to "continue to support a diversified industrial base that provides employment opportunities within the community". The Plan encourages the promotion of the existing Industrial Park as its number one objective in support of this goal. The Comprehensive Plan encourages the attraction of additional "light industrial, distribution, high-tech offices, and office park uses" in the industrial areas and properties adjacent to the railroad (Town of Edinburgh Comprehensive Plan, page 16).

## **CRITERIA FOR DECISIONS:**

**(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)** In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

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

### **STAFF FINDINGS:**

The approval of this variance will not be injurious to the public health, safety, or general welfare.

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

### **STAFF FINDINGS:**

Adjacent properties to the subject property will not be affected in a substantially adverse manner.

- 3. Practical Difficulty: The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. (This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.)**

### **STAFF FINDINGS:**

The strict application of the ordinance will not result in a practical difficulty in the use of this property.

- 4. Unnecessary Hardship: The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.**

### **STAFF FINDINGS:**

The strict application of the terms of the ordinance will not result in an unnecessary hardship if applied to this property.

- 5. Comprehensive Plan: The approval does not interfere substantially with the Edinburgh Comprehensive Plan.**

### **STAFF FINDINGS:**

The approval of this variance will not interfere with or be inconsistent with the goals and objectives of the Comprehensive Plan.

## **STAFF RECOMMENDATION**

Based on these investigation findings, staff recommends **APPROVAL** of the petition for a Use Variance to operate the Motor Freight Terminal on property zoned as Enclosed Industrial, with the following conditions:

1. That this decision is only granted to the Petitioner, and that the Use Variance is not transferable to any other developer (s) or property owner(s) not directly associated with the Petitioner;
2. That this decision is null and void should the Petitioner fail to develop the subject parcel within one (1) year of the date of the BZA Findings of Fact;
3. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana, and all developmental requirements of the Edinburgh Zoning Ordinances for which a variance is not granted;
4. That prior to any construction, all appropriate Local and State Permits are issued for the project, including a Construction Design Release from the Indiana Department of Homeland Security;
5. That all work shall be inspected for code compliance as specified by the Edinburgh Building and Zoning Official, and
6. That prior to any occupancy of any site development, a Certificate of Occupancy be issued by the Town of Edinburgh Planning Department.

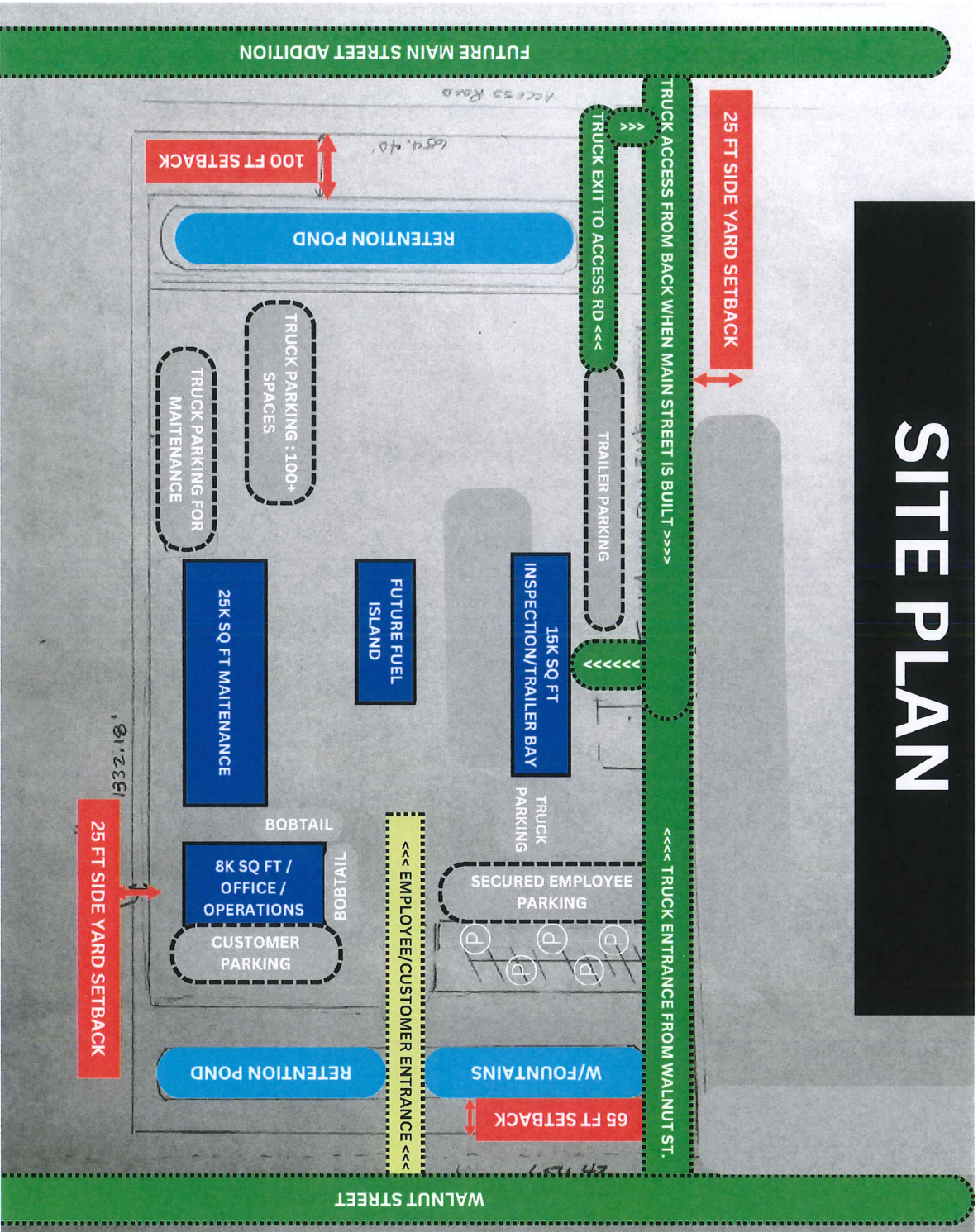
Respectively Submitted,



Wade D. Watson  
Building Commissioner  
Town of Edinburgh

EXHIBIT A

# SITE PLAN



**Building Height:**  
No Higher than  
30 FT