



BOARD OF ZONING APPEALS AGENDA

Brownsburg Board of Zoning Appeals Meetings are live-streamed and archived.

JANUARY 12, 2026

6:00 PM

TOWN COUNCIL MEETING ROOM 61 N. GREEN ST., BROWNSBURG, INDIANA 46112

- A. CALL TO ORDER & DETERMINATION OF QUORUM
- B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE
- C. CONSIDERATION OF PREVIOUS MEETING(S) MINUTES
 - 1. DECEMBER 8, 2025 MINUTES - REGULAR MEETING

Documents:

[BZA_MINUTES_12-08-25.PDF](#)

- D. APPROVAL OF FINDINGS OF FACT
 - 1. BZDV-25-5 MARDALE DR SETBACK REDUCTION DEVELOPMENT STANDARDS VARIANCE

Documents:

[FOF_BZDV-25-5.PDF](#)

- 2. BZUV-25-2 509 N GREEN ST RESIDENTIAL USE IN C1 USE VARIANCE

Documents:

[FOF_BZUV-25-2.PDF](#)

- E. HEARING OF REQUESTS FOR CONTINUANCES
 - 1. NONE
- F. CONTINUED PUBLIC HEARINGS
 - 1. NONE
- G. OLD BUSINESS
 - 1. NONE
- H. NEW BUSINESS
 - 1. BZSE-25-2 645 N GREEN ST GOLFCART/TRAILER SALES SPECIAL EXCEPTION

A request for a special exception to allow a golf cart and trailer sales and rental business to be operated in the C3 zoning district.

Parcel No(s): 32-07-02-385-007.000-016

Represented by: Ryan Tanselle, Hostetter Legal

Advertised Public Hearing

Documents:

[H.1.A AFFIDAVIT AND CONSENT OF PROPERTY OWNER NOTARIZED.PDF](#)
[H.1.B APPLICANT STATEMENT.PDF](#)
[H.1.C LEGAL DESCRIPTION.PDF](#)
[H.1.D STAFF REPORT_BZSE-25-2_REVISIED.PDF](#)

I. COMMUNICATIONS & REPORTS

1. NONE

J. MISCELLANEOUS BUSINESS

1. NONE

K. CITIZENS COMMENTS RELATING TO AGENDA

L. ELECTION OF OFFICERS

M. ADJOURNMENT

Board of Zoning Appeals

- Marlon Webb
Term: 2023-2026
Appointed by: Town Council President
- Kyle Bonick
Term: 2025-2028
Appointed by: Town Council President
- Nancy Stinson
Term: 2025-2028
Appointed by: Town Council
- Jeff Humphreys
Term: 2024-2027
Appointed by: Town Council President
- Brett Scowden
Term: 2021-2025
Appointed by: Advisory Plan Commission

The Town of Brownsburg acknowledges its responsibility to comply with the Americans With Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretive services, alternative audio/visual devices, and amanuenses) for participation in or access to town sponsored public programs, services, and/or meetings, the town requests that individuals makes requests for these services two business days ahead of the scheduled program, service, and/or meeting. To make arrangements, contact the Development Services Department at (317) 852-1128.



BOARD OF ZONING APPEALS

Minutes

**Brownsburg Town Hall
61 North Green Street
Brownsburg, Indiana 46112**

December 08, 2025

The Brownsburg Board of Zoning Appeals convened at 6:00 PM, having enough members for quorum, and began the meeting with a moment of silence and the Pledge of Allegiance.

Members Present: Kyle Bonick, Jeff Humphreys-President, Brett Scowden, Nancy Stinson and Marlon Webb.

Members Absent: None

Also Present: Steve Fletcher-Development Services Director, Kevin Tolloty-Senior Planner, Lauren Bouslog, Planner I and Paola Ranney, Administrative Assistant.

A. CALL TO ORDER AND DETERMINATION OF QUORUM

B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

C. CONSIDERATION OF PREVIOUS MEETING(S) MINUTES

1. September 08, 2025 - Regular Meeting

Motion: Kyle Bonick made a motion to **APPROVE** the December 08, 2025 regular meeting minutes, seconded by Marlon Webb, motion carried 5 In Favor/ 0 Opposed/ 0 Abstained.

D. APPROVAL OF FINDINGS OF FACT

1. BZDV-25-3 1005 S ODELL ST HIGH SCHOOL EAST ATHLETICS DEVELOPMENT STANDARDS VARIANCE

Motion: Marlon Webb made a motion to **APPROVE** the BZDV-25-3 Findings of Fact, subject to changes requested by Mr. Scowden. Seconded by Kyle Bonick, motion carried 4 (Bonick, Humphreys, Stinson and Webb) In Favor/ 1 (Scowden) Opposed/ 0 Abstained.

2. BZDV-25-4 1005 S ODELL ST HIGH SCHOOL EAST ATHLETICS DEVELOPMENT STANDARDS VARIANCE

Motion: Kyle Bonick made a motion to **APPROVE** the BZDV-25-4 Findings of Fact, subject to changes requested by Mr. Scowden. Seconded by Marlon Webb, motion carried 5 In Favor/ 0 Opposed/ 0 Abstained.

3. BZSE-25-1 1550 W NORTHFIELD DR DITCH WITCH SPECIAL EXCEPTION USE

Motion: Brett Scowden made a motion to **APPROVE** the BZSE-25-1 Findings of Fact, subject to changes requested by Mr. Scowden. Seconded by Marlon Webb, motion carried 5 In Favor/ 0 Opposed/ 0 Abstained.

E. HEARING OF REQUESTS FOR CONTINUANCES

- 1. None

F. CONTINUED PUBLIC HEARINGS

- 1. None

G. OLD BUSINESS

- 1. None

H. NEW BUSINESS

- 1. BZDV-25-5 MARDALE FLEX BUILDING DEVELOPMENT STANDARDS VARIANCE

A request for a Development Standards Variance from Chapter 2, § 2.06 Industrial District Standards to allow a 30' rear building setback instead of a 50' for a site that abuts residential zoned land.
Parcel No(s): 32-07-10-262-001.000-016

ADVERTISED PUBLIC HEARING OPENED 6:07pm

Lauren B. presented. She discussed the reasoning and logistics for the request.
Board and staff discussed items not meeting criteria, screening of the existing buildings for tree buffer.
Applicant Kevin Studley. Stepped up to the stand. Discuss reasoning for the request.
Applicant and the Board discussed criteria in detail, building rear access, alteration of the layout orientation.

Motion: Nancy Stinson made a motion to **DENY** BZDV-25-5. Seconded by Brett Scowden, motion carried 4 (Bonick, Humphreys, Scowden and Stinson) In Favor/ 1 (Webb) Opposed/ 0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED 6:36pm

- 2. BZUV-25-2 509 N GREEN ST USE VARIANCE

A request for a Use Variance to allow a former dog grooming business (C1) to be used as single family residential.

Parcel No(s): 32-07-11-135-012.000-016

Lauren B. presented. She discussed the reasoning and logistics for the request.

ADVERTISED PUBLIC HEARING OPENED 6:43pm

The Board and staff discussed Sales Tax, mixed walk corridor and location of the apartments.
Applicant, Charles Hostetter stepped up to the stand. The applicant and the Board discussed the origin of the Zoning of the building, definition of hardship.

Keith Asbury, property owner stepped up to the stand. He explained the reasons for the zoning needs through the years.

Ryan Tanselle applicant, stepped up to the stand. He discussed and focused on the time line of the property in regards to the zoning.

The Board and Mr. Hostetter discussed the option of asking for a continuance. Mr. Hostetter decided against it.

Motion: Brett Scowden made a motion to **DENY** BZUV-25-2. Seconded by Kyle Bonick, motion carried 4 (Bonick, Humphreys, Scowden and Webb) In Favor/ 1 (Stinson) Opposed/ 0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED 7:41pm

I. COMMUNICATIONS & REPORTS

- 1. PROPOSED 2026 BZA MEETING DATES

Motion: Brett Scowden made a motion to **APPROVE** 2026 BZA Meeting Dates Calendar. Seconded by Marlon Webb, motion carried 5 In Favor/ 0 Opposed/ 0 Abstained.

J. MISCELLANEOUS BUSINESS

1. None

K. CITIZENS COMMENTS RELATING TO AGENDA

1. None

L. ADJOURNMENT

Motion: Nancy Stinson made a motion to ADJOURN, Meeting **ADJOURNED** at **7:51pm**.

Jeff Humphreys, President

ATTEST: _____
Paola Ranney, Administrative Assistant

Board of Zoning Appeals
July 14, 2025 at 6:00 p.m.
August 11, 2025 at 6:00 p.m.
September 8, 2025 at 6:00 p.m.
October 6, 2025 at 6:00 p.m.
November 10, 2025 at 6:00 p.m.
December 8, 2025 at 6:00 p.m.
Marlon Webb Term: 2023-2026 Appointed by: Town Council President
Jeff Humphreys Term: 2024-2027 Appointed by: Town Council President
Kyle Bonick Term: 2025-2028 Appointed by: Town Council President
Brett Scowden Term: 2025-2028 Appointed by: Advisory Plan Commission
Nancy Stinson Term: 2025-2028 Appointed by: Town Council

**BZDV-25-5 | MARDALE FLEX BLDG.
DEVELOPMENT STANDARDS VARIANCE**

To allow a 30' rear building setback instead of a 50' for a site that abuts residential zoned land.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In compliance with the appropriate provisions of the Brownsburg Unified Development Ordinance, the Board of Zoning Appeals (the "Board") held a public hearing pursuant to notice at 6:00 p.m. on December 8, 2025, to hear Docket No. BZDV-25-5, an application for a Development Standard Variance from ARTICLE 2, § 2.6 to allow a 30' rear building setback instead of a 50' for a site that abuts residential zoned land.

The Applicant representative Kevin Studley, Torrey Pine Consulting, presented testimony and evidence in support of the application.

FINDINGS OF FACT

The Board, having this matter presented at a public hearing on December 8, 2025, having considered the arguments of the Applicant, and being duly advised in the premises, now finds and makes the following Findings of Fact:

- (1) That the location of the real estate subject to the application is in Brownsburg, Indiana, and is further identified as part of Indiana Parcel Number(s) 32-07-10-262-001.000-016 (the "Property").
- (2) That the Property to which the application is addressed is within the Town of Brownsburg, Hendricks County, Indiana, and is subject to the terms and provisions of the Town of Brownsburg Unified Development Ordinance.
- (3) That Mardale Realty LLC is the current owner of the Property subject to the application.
- (4) The Property to which the application is addressed is classified as I1 pursuant to the Official Zoning Map of the Town of Brownsburg and the Brownsburg Unified Development Ordinance.
- (5) The applicant requests a Development Standards Variance from ARTICLE 2, § 2.6 to allow a 30' rear building setback instead of a 50' for a site that abuts residential zoned land.
- (6) These Findings of Fact are based, in whole or in part, on the Applicant's Development Standards Variance Application and Detailed Statement of Reasons submitted October 31, 2025 and the same is hereby incorporated herein, by reference.

To allow a 30' rear building setback instead of a 50' for a site that abuts residential zoned land.

- (7) Staff prepared a Project Synopsis on November 24, 2025, and the same is hereby incorporated herein, by reference.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact and pursuant to Indiana Code the Board does now conclude:

- (1) The approval of the Development Standards variance will not be injurious to the public health, safety, morals and general welfare of the community. The applicant noted that the existing light industrial buildings to the south, located on the western portions of tracts three (3), four (4), and five (5), all utilize a setback of approximately thirty(30) feet, which coincides with a thirty(30) foot platted drainage easement. The proposed variance request would allow for a setback to mirror the existing buildings without causing any distress to sight distances, traffic, or overall welfare of the Mardale neighborhood.
- (2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner. The applicant noted that there will be no adverse effect to the adjoining parcel by allowing a setback of similar distance of comparable lots. The west adjoining parcel is owned by the Town of Brownsburg and informal communications with staff indicate it is flagged for future annexation & a subsequent development for the use of the Street & Water Departments. If this process was to be completed at this moment in time, the setback per the ordinance would be twenty (20) feet. In the instance that the rezoning process not follow through and the parcel be sold for residential development, however, the allowance of this variance would not exceed the existing setback conditions on the Mardale tracts to the south and therefore will have little to no adverse effect on the use or value of the west adjoiner.
- (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The applicant noted that the strict adherence to the newly adopted (2025) ordinance would greatly diminish the usable area within this platted lot that was established in 1997 and sized for useful and orderly development per the ordinance at that time. All aspects of the subject tract as they relate to the ordinance today are reasonable and not requiring variances with exception to the interpretation and subsequent required rear setback and buffer of the west adjoiner, an adjoining parcel that has not changed use (farmstead) nor zoning (AGR) since the final plat approval in 1997. The additional twenty (20) feet of setback from the platted easement greatly reduces the ability to utilize the lot in the manner in which it was originally approved by reducing the buildable lot width by a large percentage. A negative impact is the result on the financial leasing returns and ultimately the feasibility in the pursuit of this project result from a strict interpretation of the potential

To allow a 30' rear building setback instead of a 50' for a site that abuts residential zoned land. residential use and the subsequent additional setback that follows. We kindly and respectfully request that this tract be allowed to develop to the standard of those around it.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board does now **DENY** the Development Standards Variance, requested by Kevin Studley, Torrey Pine Consulting known as Docket No. BZDV-25-5 located on parcel(s) 32-07-10-262-001.000-016 within Brownsburg, Indiana, due to the Board's determination that the request does not meet Criteria 2 or 3.

By: _____
Jeff Humphreys, President

Attest: _____
Steve Fletcher, Development Services Director

**BZUV-25-2 | 509 N GREEN ST
USE VARIANCE**

**To allow a former dog grooming business (C1) to be used as
single family residential.**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In compliance with the appropriate provisions of the Brownsburg Unified Development Ordinance, the Board of Zoning Appeals (the “Board”) held a public hearing pursuant to notice at 6:00 p.m. on December 08, 2025, to hear Docket No. BZUV-25-2, an application for a Use Variance from ARTICLE 3, § 3.2 to allow a former dog grooming business to be used as single family residential in the C1 zoning.

The Applicant representative Charles Hostetter, Hostetter Legal, presented testimony and evidence in support of the application.

FINDINGS OF FACT

The Board, having this matter presented at a public hearing on December 08, 2025, having considered the arguments of the Applicant, and being duly advised in the premises, now finds and makes the following Findings of Fact:

- (1) That the location of the real estate subject to the application is in Brownsburg, Indiana, and is further identified as part of Indiana Parcel Number(s) 32-07-11-135-012.000-016 (the “Property”).
- (2) That the Property to which the application is addressed is within the Town of Brownsburg, Hendricks County, Indiana, and is subject to the terms and provisions of the Town of Brownsburg Unified Development Ordinance.
- (3) That Keith Asbury is the current owner of the Property subject to the application.
- (4) The Property to which the application is addressed is classified as C1 ZONING DISTRICT pursuant to the Official Zoning Map of the Town of Brownsburg and the Brownsburg Unified Development Ordinance.
- (5) The applicant requests a Use Variance from ARTICLE 3, § 3.2 to allow a former dog grooming business to be used as single family residential in the C1 zoning.
- (6) These Findings of Fact are based, in whole or in part, on the Applicant’s Use Variance Application and Detailed Statement of Reasons submitted November 7th, 2025 and the same is hereby incorporated herein, by reference.

(7) Staff prepared a Project Synopsis on November 25, 2025, and the same is hereby incorporated herein, by reference.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact and pursuant to Indiana Code the Board does now conclude:

- (1) The approval of the Use Variance will not be injurious to the public health, safety, morals and general welfare of the community. The applicant noted that this use variance will not be injurious to the public health, safety, morals and general welfare of the community as it is requesting to change zoning from C1 to residential for a single-family residence. This has historically been a single-family residence, and multiple single-family residences are near this property. This will have a negligible impact on traffic and parking, and in fact, allowing a single-family residence will likely decrease the impact on traffic and parking on North Green Street between Main Street and CR 600 North/56th Street. There are no specific security measures for the property now, and no specific security measures will be needed going forward.
- (2) The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner. The applicant noted that this use variance will not cause a substantially adverse impact on the use and value of adjacent properties, as there are other residential properties nearby. The nature of allowing a single-family residence is identical to the overall character of the surrounding businesses and homes. Furthermore, this property is intended for use by the Owner's family, and the property will be well-maintained, as it was during the life of the business and continues to be after business closure. This contrasts with other buildings on North Green Street that are currently damaged and do not positively contribute to the overall property value in the community.
- (3) The need for the Use Variance arises from some condition peculiar to the property involved. The applicant noted that a use variance is needed as the current zoning does not allow residential use. The Owner desires to keep the property in their family and allow it to be used as a single-family residence.
- (4) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the use variance is sought. The applicant noted that the strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the Use Variance is sought.
- (5) The approval does not interfere substantially with the Brownsburg Comprehensive Plan. The applicant noted that the approval of this request to allow a single family to reside in the residence does not substantially interfere with the Brownsburg Comprehensive Plan. There

are multiple other single-family residences nearby, and the Owner desires this property to be used a single-family residence by one of Owner's family members. Otherwise, Owner will be forced to sell the property. This does not interfere, let alone interfere substantially, with the Brownsburg Comprehensive Plan. Instead, it allows Owner to continue paying taxes to the Town of Brownsburg not only on this property, but also on Owner's personal residence, which is also within the limits of the Town of Brownsburg. Keith Asbury (the 100% owner of Wenkei Properties LLC), along with his spouse, Wendy Asbury, have resided in the Town of Brownsburg for over twenty-five years, are upstanding members of the community, and desire to allow their family to also establish roots in the Town of Brownsburg in an area of Brownsburg that is already a mix of commercial and residential properties.

The goal of Brownsburg's master plan is seemingly commercial uses all along Green Street and Main Street. Brownsburg is a small town in its central area. Commercial development along Main Street will require significant street revisions. Commercial development will occur on the fringes of the town limits. The center of Brownsburg should be, and will be, a mix of residential and commercial. The development of business in areas other than the center of Brownsburg is why the town has approved commercial development on areas such as Northfield Drive and Ronald Reagan Parkway.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board does now **DENY** the Use Variance, requested by Charles Hostetter, Hostetter Legal, known as Docket No. BZUV-25-2 located on parcel 32-07-11-135-012.000-016 within Brownsburg, Indiana, subject to and conditioned upon the following:

- (1) The need for the variance does not arise from some condition peculiar to the property involved.
- (2) The strict application of the terms of the zoning ordinance will not constitute an unnecessary hardship.
- (3) The approval does not interfere substantially with the Comprehensive Plan.

By: _____
Jeff Humphreys, President

Attest: _____
Steve Fletcher, Development Services Director

AFFIDAVIT & CONSENT OF PROPERTY OWNER

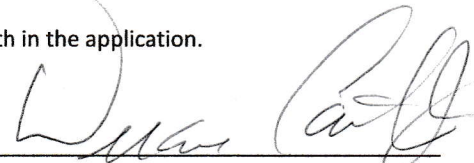
That I/We Duane C Carter Jr & Carla J after first being
duly sworn, depose and say:

That I am/we are the owner(s) of Real Estate located at: (Legal and/or common address)
645 N Green St Brownsburg IN 46112

Parcel Number(s): 32-07-02-385-007.000-016

That we have examined the application for a/an Special Exception on this
property, and I/we are familiar with its contents. (application type)

That I/we have no objections to, and consent to such request as set forth in the application.



Signature of Affiant

DUANE CARTER JR

Printed Name

State of Indiana)

) SS:

County of Hendricks)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared

Duane C. Carter, who acknowledged the execution of the above and foregoing instrument to
its voluntary act and deed on the 21 day of Nov, 2025.

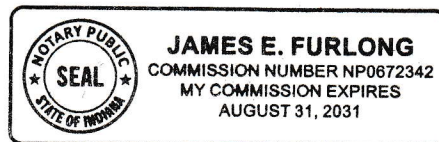
Aug 31, 2031
Commission Expiration Date

Hendricks
County of Residence



Notary

James E. Furlong
Printed Name



Updated Criterion Responses for Special Exception Use Request BZSE-25-2.

Project Narrative:

Elliotts Custom Trailers & Carts (<https://www.elliottscustomtrailers.com/>) is an existing business located in Warsaw, Indiana that wishes to expand its regional footprint by opening a second location in Brownsburg, Indiana at 645 N. Green Street (1.46 acres) for the main purposes of selling and servicing golf carts. Cindy Elliott, the applicant, is the Owner and CEO of Elliotts Custom Trailers & Carts. Elliotts Custom Trailers & Carts has a proven and viable business model in Warsaw, Indiana, and is ready to expand to Brownsburg, Indiana in order to better serve its existing customers in central Indiana, as well as to provide golf cart sales and service (including pickup and delivery of golf carts for sales or repair) to new central Indiana customers, as very few golf cart sales and services exist to serve the central Indiana market, including Brownsburg, Speedway, Indianapolis, Avon, Pittsboro, and others.

Elliotts Custom Trailers & Carts already services multiple motorsports teams located in the Brownsburg area with trailers and golf carts. Additionally, Elliotts Custom Trailers & Carts also serves racetracks located near Brownsburg, Indiana and Lucas Oil Stadium with carts.

Of note: Elliotts Custom Trailers & Carts offers golf cart leasing at its Warsaw location. Due to the small amount of space at 645 N. Green St., Brownsburg, Indiana, Elliotts Custom Trailers & Carts does not anticipate offering golf cart leasing from its Brownsburg location, if the Special Exception Use is approved.

Hours of operation will be Monday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday from 9:00 a.m. to 12:00 p.m.

645 N. Green Street is zoned C3, Heavy Commercial.

Criterion 1: The proposed Special Exception Use is consistent with the purpose of the zoning district and the Brownsburg Comprehensive Plan.

Response:

The proposed Special Exception Use, to allow golf cart sales and service, fits in alignment with the C3 district. The C3 Heavy Commercial District is “established to accommodate retail and commercial uses that are auto-dependent or medium- to high-intensity commercial uses.”

In the C3 district, the following are some of the analogous similar permitted special exception uses to this current request to allow golf cart sales and services: “Boat Sales, Rentals, and Repair”, “Vehicle/Equipment Sales and Rentals – Heavy”, “Vehicle/Equipment Services – Heavy”, and “Vehicle/Motorcycle Sales and Rentals – Light”. We believe the “Vehicle/Motorcycle Sales and Rentals – Light” is closest to our

request to permit golf care sales. If rentals were to occur from this location, we also believe that “Boat Sales, Rentals, and Repair” would also be analogous to our request for a possible leasing of golf carts.

Permitted uses include “Vehicle/Motorcycle Services – Light”. We believe this would directly allow golf cart service to occur without the request for the Special Exception Use. Other permitted uses, without the Special Exception Use request, are “Retail, Low Intensity” and “Retail – Medium Intensity.”

Furthermore, the proposed Special Exception Use aligns with the Brownsburg Comprehensive Plan. Allowing Elliotts Custom Trailers & Carts adds a new business to the Town of Brownsburg, and adds a business that addresses an underserved need of not only Brownsburg, but the surrounding community. This increases and diversifies Brownsburg’s tax base, while supporting the motorsports industry, which is one of the largest employment sectors in the community.

Criterion 2: The proposed Special Exception Use will not be injurious to the public health, safety, morals, and general welfare of the community.

Response:

Permitting golf cart sales, repairs, and possible leasing will not be injurious to the public health, safety, morals, and general welfare of the community. The community would benefit from having such a business nearby, as Brownsburg is an underserved market for this purpose. Furthermore, this helps strengthen Brownsburg’s ties to the motorsports industry. Parking is adequate on the 1.46 acre property. Hours of operation are typical business hours and do not cause concern for off-hour operations or noises.

Criterion 3: The proposed Special Exception Use is in harmony with all adjacent land uses.

Response:

All adjacent properties are C2, C3, and M2. There is a natural boundary on the eastern edge of the property that adjoins the M2 property. One neighboring property is an auto repair shop. Golf cart sales and service should be a similar, albeit less intensive use of the property than the auto repair shop. Other adjoining properties have separate ingress/egress points for their property, and the backs of their properties face 645 N. Green St.

Criterion 4: The proposed Special Use Exception will not alter the character of the district.

Response:

Permitting golf cart sales and services will not alter the character of the district. An adjoining property is an automobile sales shop. Other businesses are well-established. The preexisting building on the property will not be changed at this time, and there are no plans to change the preexisting building. Of the permitted uses and special exception uses, this proposed use aligns with the Brownsburg UDO. The lot size, location, and adjoining automobile business make putting golf cart sales and service logical for the current location.

Criterion 5: The proposed Special Exception Use will not substantially impact property value in an adverse manner.

Response:

As previously stated in this application, Elliotts Custom Trailers & Carts is as proven and viable business looking to expand with customers already in Brownsburg and surrounding areas. We believe Brownsburg and the surrounding areas are underserved for golf cart sales and repairs, providing a long-term economic impact to the Town of Brownsburg. Given the cyclical nature of tenants and businesses that have previously been located at 645 N. Green Street, we are optimistic that we can provide long-term stability and make Brownsburg a destination for golf cart sales and services for both existing customers within the motorsports industry, and attract new customers for both commercial and personal use needs for golf carts.

Part of the Southwest Quarter of Section 2, Township 16 North, Range 1 East of the Second Principal Meridian in Lincoln Township, Hendricks County, Indiana, more particularly described as follows, to-wit: Commencing at the Southeast corner of said quarter section; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) on and along the East line of said quarter section 734.57 feet to the beginning point of this description; Thence continue North 00 degrees 00 minutes 00 seconds East on and along the last described course 120.22 feet; Thence North 89 degrees 21 minutes 30 seconds West 288.27 feet; thence North 74 degrees 28 minutes 00 seconds West 35.65 feet; thence South 03 degrees 00 minutes 53 seconds West 40.00 feet; thence South 72 degrees 19 minutes 28 seconds West 63.93 feet; thence North 74 degrees 28 minutes 00 seconds West 167.00 feet to the centerline of State Road 267; thence South 24 degrees 36 minutes 00 seconds West on and along said centerline 130.00 feet; thence East parallel to the South line of said quarter section 600.47 feet to the beginning point of this description. Containing 1.46 acres, more or less and subject to all legal highways, rights-of-way and easements of record.

BOARD OF ZONING APPEALS

Town of Brownsburg

Assigned Staff: Kevin Tolloty, Senior Planner

Report Date: 1/2/2026

Request Type: Special Exception

General Information:

CASE NUMBER	BZSE-25-2
APPLICANT	Cynthia Elliott, Elliott's Custom Trailers and Carts
SPECIAL EXCEPTION REQUEST	The UDO permits golf cart and trailers sales or rentals in a C3 District with the grant of a Special Exception.
LOCATION	645 N. Green Street, Brownsburg, IN, 46112
PARCEL SIZE	1.46 acres

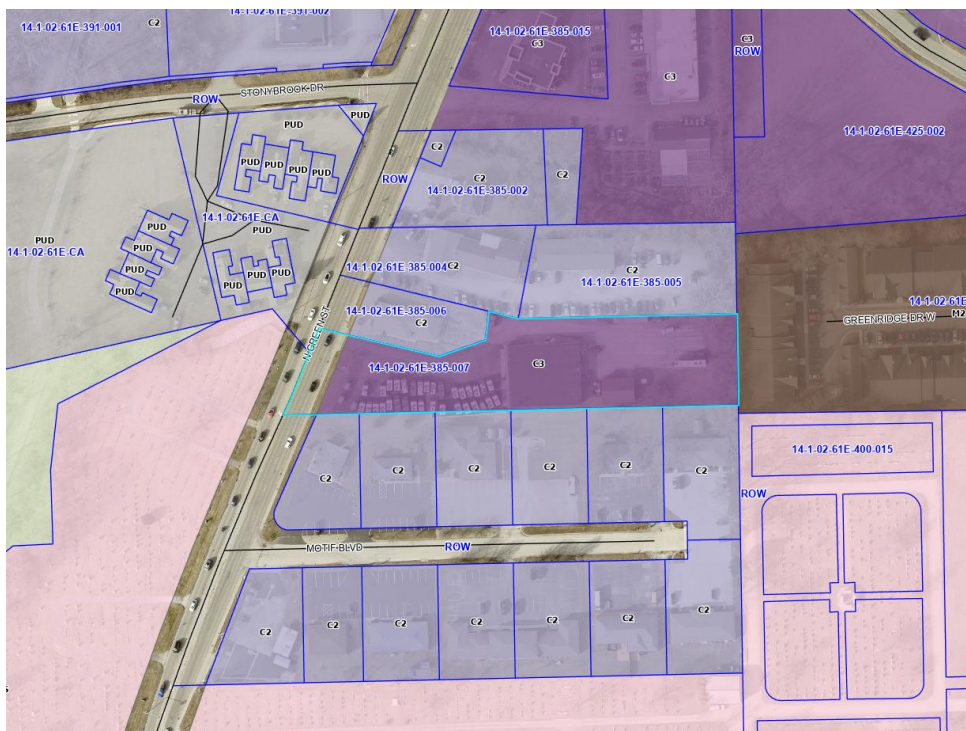
Cross References:

UDO Section Link(s)	Chapter 3.1 Permitted Uses, Chapter 3.5 Commercial Sales, Service, and Repair Uses – Additional Standards https://www.brownsburg.org/DocumentCenter/View/3743/Brownsburg-UDO-PDF
Previous BZA Cases	BZUV-10-16-1458, BZUV-12-14-1257, BZUV-12-14-1258, BZUV-08-14-1242, BZUV-10-11-1088
Relevant APC Cases	N/A
Other	N/A

Attachments:

<input checked="" type="checkbox"/>	Site and Location Map
<input checked="" type="checkbox"/>	Surrounding Zoning Map
<input checked="" type="checkbox"/>	Applicant's Responses to Criteria
<input type="checkbox"/>	Site Plan/Concept Plan
<input checked="" type="checkbox"/>	Other: Future Land Use Map (2021)

Site and Zoning Map:



Project and Site Background:

The site is currently unoccupied, but has served a number of types of businesses in the past. There have also been five use variances requests at this site since 2010, four of which were denied. The use variance that was approved, BZUV-08-04-1242, was for a church. The requests that were denied involved high intensity retail with outdoor storage and lawn equipment repair. Most recently this site was used for RV sales (a non-permitted use).

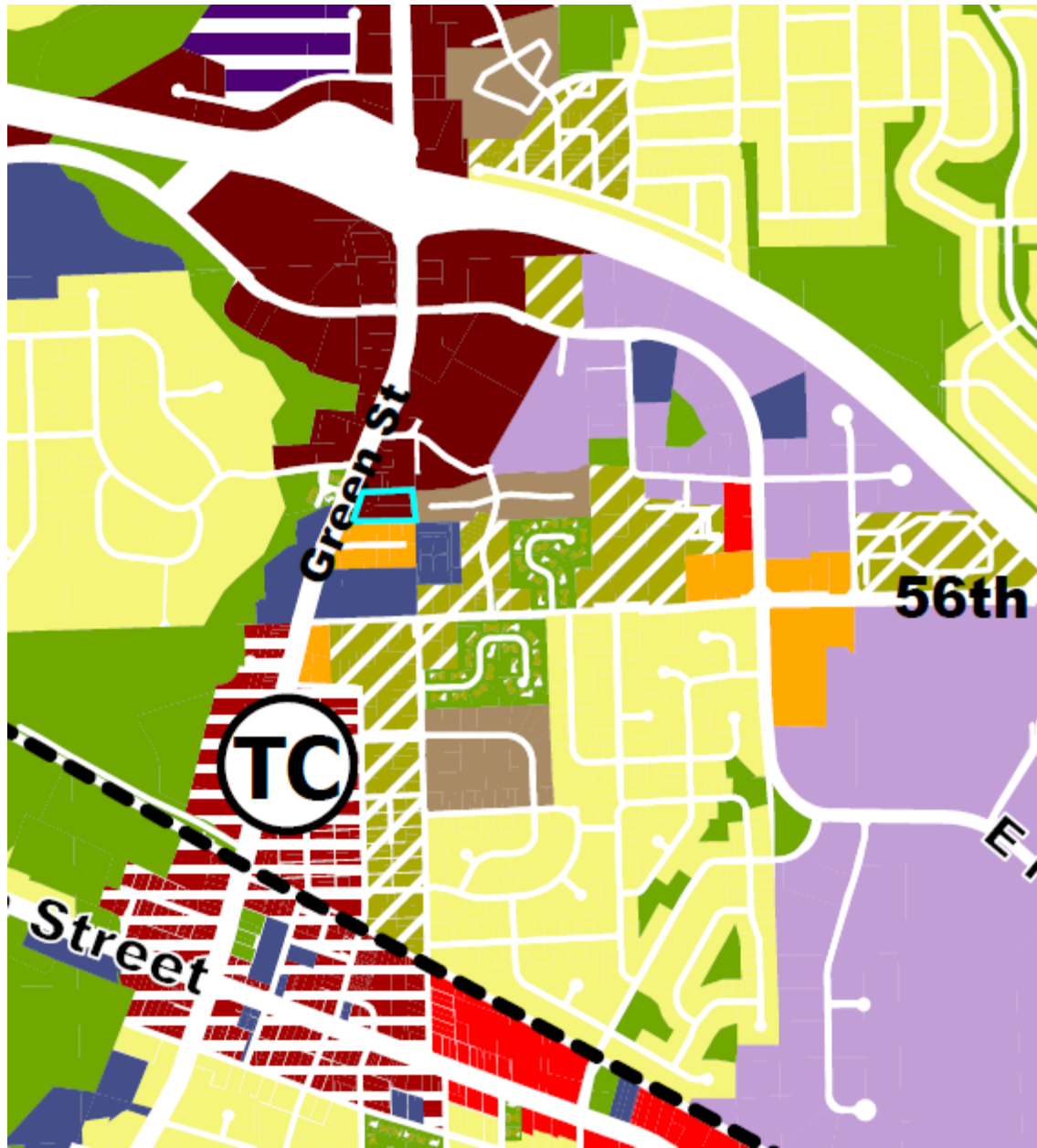
It should be noted that there is a distinction between a use variance and a special exception. A use variance requires an unnecessary hardship, meaning that no other permitted uses would be viable in this location, and is a much higher bar to clear. There have not been any special exceptions either approved or denied on this location. The bar for a special exception relies more on whether a semi-approved use (pending the five criteria in this report) is a good fit for a particular location.

This parcel is also located within the Groundwater Protection Overlay District. The purpose of this overlay district is to prevent the contamination of any groundwater that may be used for potable water supply. Among the prohibited activities are several vehicle-related uses including body shops, vehicle washing, and oil change facilities. The applicant shall explain how their proposed use will stay within the criteria. This is also subject to review by the Town's water utility.

No site plan has been submitted for the proposed use. Without a site plan, Staff must consider the "worse-case-scenario" for the site plan and operation. While the applicant has explained that there are no new improvements for the site, a site plan would identify the location of customer parking, as well as golf cart and trailer storage and display. Staff would note there is currently no landscaping on site. Landscaping along the public right of way should be considered.

2021 Future Land Use zone – Regional Commercial

Areas designated as regional commercial are intended to accommodate larger shopping centers and developments that serve a more regional function, drawing on a customer base that extends beyond the Town limits. These areas often have a mix of "big box" stores, national retailers, hotels, and a "critical mass" of multiple stores sharing large parking areas. Areas designated for regional commercial are typically located in larger consolidated areas along major traffic corridors and intersections. Commercial service uses can also have an appropriate place in regional commercial areas if the use is to be compatible with adjacent and nearby retail and commercial shopping areas and do not occupy prime retail locations.



LAND USE CATEGORIES

Single-Family Detached	Local Commercial	Flex/Light Industrial	Public/Semi Public
Single-Family Attached	Corridor Commercial	Industrial/Manufacturing	Town Center Area (TC)
Multi-Family	Regional Commercial	Corporate Campus	Trail Gateway Area (TR)
Unincorporated Growth Area	Mixed-Use	Parks & Open Space	Town Gateway Area (G)

Criteria:

Pursuant to Chapter 8 of the Brownsburg Unified Development Ordinance and statutory regulations of IC 36-7-4-918.2, the Board of Zoning Appeals shall make findings of fact on the following criteria. Approval of findings may be in the form of a general statement. Disapproval of the findings shall specify which criteria is unmet.

- 1) The proposed Special Exception Use is Consistent with the purpose of the zoning district and the Brownsburg Comprehensive Plan.
 - a) Applicant response: The proposed Special Exception Use, to allow golf cart sales and service, fits in alignment with the C3 district. The C3 Heavy Commercial District is "established to accommodate retail and commercial uses that are auto-dependent or medium- to high intensity commercial uses."

In the C3 district, the following are some of the analogous similar permitted special exception uses to this current request to allow golf cart sales and services: "Boat Sales, Rentals, and Repair", "Vehicle/Equipment Sales and Rentals – Heavy", "Vehicle/Equipment Services – Heavy", and "Vehicle/Motorcycle Sales and Rentals – Light". We believe the "Vehicle/Motorcycle Sales and Rentals – Light" is closest to our request to permit golf care sales. If rentals were to occur from this location, we also believe that "Boat Sales, Rentals, and Repair" would also be analogous to our request for a possible leasing of golf carts.

Permitted uses include "Vehicle/Motorcycle Services – Light". We believe this would directly allow golf cart service to occur without the request for the Special Exception Use. Other permitted uses, without the Special Exception Use request, are "Retail, Low Intensity" and "Retail – Medium Intensity."

Furthermore, the proposed Special Exception Use aligns with the Brownsburg Comprehensive Plan. Allowing Elliott's Custom Trailers & Carts adds a new business to the Town of Brownsburg, and adds a business that addresses an underserved need of not only Brownsburg, but the surrounding community. This increases and diversifies Brownsburg's tax base, while supporting the motorsports industry, which is one of the largest employment sectors in the community.
 - b) Staff Comments: Staff does not disagree with the Applicant's response, however, the Future Land Use Map from the 2019 Comprehensive Plan (map updated in 2021) calls for this to be a Regional Commercial destination. While the proposed business has the potential to pull customers from a regional extent, it would likely not meet the number of customers associated with a regional destination.

In addition, the C3 zoning would be the correct zoning for the Future Land Use Map in order to allow the planned uses in this area. However, as it is very difficult for all potential uses in zoning to fit into a neat little box, there are some uses (and special exceptions) that may or may not be appropriate for every C3 district. Zoning does its best to ensure uses are located in the proper areas, but to do so entirely would cause for an obscene number of different zoning districts.

Based on the above information, staff believes this criterion has not been met.
- 2) The proposed Special Exception Use will not be injurious to the public health, safety, morals, and general welfare of the community.
 - a) Applicant response: Permitting golf cart sales, repairs, and possible leasing will not be injurious to the public health, safety, morals, and general welfare of the community. The community would

benefit from having such a business nearby, as Brownsburg is an underserved market for this purpose. Furthermore, this helps strengthen Brownsburg's ties to the motorsports industry. Parking is adequate on the 1.46 acre property. Hours of operation are typical business hours and do not cause concern for off-hour operations or noises.

- b) Staff Comments: There is some concern with this being located within the Groundwater Protection Overlay, with the potential for contamination from repairs or cleaning of the on-site vehicles and storage of batteries. It does not appear that this use will rise to the intensity of any of the prohibited uses in this overlay district. Extra care should be taken to ensure any incidental uses do not cause any groundwater contamination.

Based on the above information, staff believes this criterion has been met.

- 3) The proposed Special Exception Use is in harmony with all adjacent land uses.

- a) Applicant response: All adjacent properties are C2, C3, and M2. There is a natural boundary on the eastern edge of the property that adjoins the M2 property. One neighboring property is an auto repair shop. Golf cart sales and service should be a similar, albeit less intensive use of the property than the auto repair shop. Other adjoining properties have separate ingress/egress points for their property, and the backs of their properties face 645 N. Green St.

- b) Staff Comments: There is not a lot of harmony currently among the adjacent land uses. Surrounding uses include professional offices, apartments, a cemetery, a legal non-conforming auto repair shop, and a vacant non-conforming auto sales lot. As such, the use would be in harmony (or at least no less harmonious) with the existing uses.

Based on the above information, staff believes this criterion has been met.

- 4) The proposed Special Exception Use will not alter the character of the district.

- a) Applicant response: Permitting golf cart sales and services will not alter the character of the district. An adjoining property is an automobile sales shop. Other businesses are well-established. The preexisting building on the property will not be changed at this time, and there are no plans to change the preexisting building. Of the permitted uses and special exception uses, this proposed use aligns with the Brownsburg UDO. The lot size, location, and adjoining automobile business make putting golf cart sales and service logical for the current location.

- b) Staff Comments: Because this site is not being proposed to be significantly altered, the character of the district should not be altered.

Based on the above information, staff believes this criterion has been met.

- 5) The proposed Special Exception Use will not substantially impact property value in an adverse manner.

- a) Applicant response: As previously stated in this application, Elliott's Custom Trailers & Carts is a proven and viable business looking to expand with customers already in Brownsburg and surrounding areas. We believe Brownsburg and the surrounding areas are underserved for golf cart sales and repairs, providing a long-term economic impact to the Town of Brownsburg. Given the cyclical nature of tenants and businesses that have previously been located at 645 N. Green Street, we are optimistic that we can provide long-term stability and make Brownsburg a

destination for golf cart sales and services for both existing customers within the motorsports industry, and attract new customers for both commercial and personal use needs for golf carts.

- b) Staff Comments: The site has been utilized for various types of commercial uses over the years, and the proposed use would not constitute a major change from some of the previous uses. Staff does not believe this proposed use will create any noticeable effect on neighboring property values.

Based on the above information, staff believes this criterion has been met.

Summary and Recommendations:

A special exception use is defined as “A use which may be lawfully established in a particular district only after obtaining approval through the Board of Zoning Appeals. Special Exception Uses are those that are considered to likely fit within a district but, due to some nature of the use or district, must undergo additional review prior to proceeding.”

Since it is not practical to create different zoning districts to accommodate every possible use, special exceptions are quite useful to help fill in the gray areas. The proposed use of this property is one of those uses that fits into the zoning district in one part of the Town, but not necessarily all areas zoned C-3. The driving factor for this is the Future Land Use Map of the Comprehensive Plan, which envisions large scale retail along this section of N. Green Street. The proposed use, which is appropriate for some C3 zoned locations, is not necessarily the type of use projected for this area going forward.

The Board of Zoning Appeals may request conditions and commitments related to the project and criteria. Conditions or commitments must be made as part of the motion.

Based on the information provided and the criteria responses, staff recommends a motion to

<input type="checkbox"/>	Approve BZSE-25-2 as presented.
<input type="checkbox"/>	Approve BZSE-25-2 with the following staff conditions: 1.
<input checked="" type="checkbox"/>	Deny BZSE-25-2 based on the following criteria: 1. Criterion #1 – The proposed use is not consistent with the Comprehensive Plan, specifically the Future Land Use Map Should the Board find that the proposed use does conform with the comprehensive plan, staff would recommend the following conditions: 1. All parts and equipment, aside from trailers and golf carts, shall be stored inside. 2. All activities that could affect the Groundwater Protection Overlay are prohibited. 3. A site plan shall be submitted indicating customer parking areas, trailer and golf cart parking and storage and add landscaping along Green Street.