

February 16, 2010

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in Meeting Rooms 4 & 5, Tuesday, February 16, 2010. The meeting began at 7:30 p.m. Members present included Jo Ann Groves, C. Richard Whicker, Anthony Hession, Sam Himsel and Rodger Ward. Also present were Don Reitz, Secretary, Eric Fazzini, Planning Technician, Tyler Starkey, for the County Attorney and Gloria Watts, Recording Secretary.

Everyone stood and recited the Pledge of Allegiance.

Ms. Groves stated there was a quorum with five (5) members present. Ms. Groves asked for an approval of the January 19, 2010 meeting minutes as submitted.

Mr. Himsel made a motion to approve the minutes as submitted.

Mr. Ward seconded the motion.

VOTE: For- 5 Against- 0 Abstained- 0 APPROVED
JANUARY 19, 2010 MEETING MINUTES

SE 01/10: Co-Alliance, LLP (Plainfield Sign, Inc.) for a special exception in accordance with HCZO Section 9.1 Table (permitted signs) to permit a pylon sign in a GB/General Business District, Washington Township, S9-T15N-R1E, located approximately 910 feet west of County Road 525 E., on the north side of U.S. Highway 36, Prestwick Pointe, 5250 East U.S. Highway 36, Building 1000, Avon Indiana, 46123, approximately 1.4 acres.

Ms. Groves stated Mr. Himsel and Mr. Hession would abstain from a vote on SE 01/10: Co-Alliance and there would need to be three (3) affirmative votes to approve the sign.

The Staff made a Power Pointe presentation of the facts of the case.

Mr. Lee Faulkner, Plainfield Sign, 10556 E. County Rd 251 S., Indianapolis Indiana, appeared before the Board and stated he had revised the sign so that the square footage of the face and the tenant panel was less than previously requested, at 119.9 square feet. Mr. Faulkner stated the height had been increased to 19 feet 11 inches tall. Mr. Faulkner made a presentation of the sample sign.

Ms. Groves asked if Mr. Faulkner had read the findings and if he agreed with those.

Mr. Faulkner stated yes, he agreed with the conditions of approval.

Mr. Reitz stated the sign would meet the Staff recommendations with a message area of 120 square feet.

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Ms. Groves stated the public hearing had already taken place at the Jan. 19, 2010 meeting.

Mr. Whicker made a motion to adopt the positive findings of fact with conditions of approval and approve **SE 01/10: Co-Alliance, LLP (Plainfield Sign, Inc.)**.

Mr. Ward seconded the motion.

VOTE: For- 3 Against- 0 Abstained- 2 APPROVED
SE 01/10: Co-Alliance, LLP (Plainfield Sign, Inc.)

Hendricks County Area Board of Zoning Appeals
Findings of Fact/Law and Conditions of Approval

SE 01/10

An application for the above noted special exception was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to permit a pylon sign in a GB/General Business district. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in Room 212 of the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the Hendricks County Zoning Ordinance (HCZO) Section 12.7(C), the DPB staff published a legal notice in the Hendricks County Flyer and the Danville Republican. This notice advertised the public hearing scheduled in conformity with IC 36-7-4-920. The public hearing included the above special exception on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Board of Zoning Appeals, the applicant also sent courtesy notices by Certified United States Mail to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this special exception.

The Board conducted the hearing as advertised and heard evidence and testimony on the above noted special exception. Meeting in open session, the Board subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the HCZO. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Board weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-918.2 Exceptions and uses. A board of zoning appeals shall approve or deny all: (1) Special exceptions; ... from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance.

HCZO Section 12.7 (A) authorizes the Hendricks County Area Board of Zoning Appeals to approve special exceptions.

HCZO Section 4.7 (C) authorizes the approval of a place of worship in the AGR/Agriculture Residential zoning district.

HCZO Section 12.7 (D) (1). In addition to the special requirements for permitted Special Exception uses as specified in Section 12.7 (D)(2) ... the Board of Zoning Appeals ... shall find adequate evidence showing that the use at the proposed location:

- A. Is in fact a permitted Special Exception use ... [in] the zoning district involved;

The Board finds that the proposal is in fact a permitted Special Exception use in the zoning district involved.

- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the County's Comprehensive Plan and the Zoning Ordinance;

The Board finds that the proposal, as perfected at 120 square feet of signage area, will be harmonious, and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. Approval of this proposal would not have an adverse influence on established or proposed development in the immediate area. This property is surrounded by commercial land use. Moreover, signage of this type can be considered a reasonable and expected use of a multi-tenant commercial building.

- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The Board finds that the proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. The commercial character of the area will be preserved. Further, the character will be enhanced as the sign is subject to the U.S. 36 Gateway Corridor Overlay District design standards for signs. In addition, conditions are attached to this approval that ensures the use will be compatible with the existing neighborhood

commercial and residential character in the area.

- D. Will not be hazardous or disturbing to existing or future neighboring uses;

The Board finds that the proposal will not be hazardous or disturbing to existing or future neighboring uses. The sign is in character with surrounding commercial signage. This approval will not alter the character of the neighboring uses nor will it negatively affect future development trends in the area

- E. Will be served adequately by essential public facilities and services ... or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

The Board finds that the proposed use will be served adequately by essential public facilities and services, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. All essential services are currently provided to the location under consideration.

- F. Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community;

The Board finds that the proposal will not create excessive additional requirements at public cost of public facilities and services and will be detrimental to the economic welfare of the community. No additional public service is required as a result of this approval.

- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

The Board finds that the proposal will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. There will be no illumination of the sign. Conditions have been attached to this approval that ensures that the proposed use will not be detrimental to persons or property.

- H. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The Board finds that the proposal will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public

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thoroughfares. The proposed use will have a negligible effect on the already established local traffic volume or patterns.

- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The Board finds that the proposal will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. This approval does not adversely affect any feature of the property under consideration.

HCZO Section 12.7(D) (2) Other Considerations For Special Exceptions. In addition to the above noted findings, the following specific requirements found in HCZO Section 12.9(D) (2) (A) through (K) are found to apply to this special exception:

None

HCZO Section 7.9 Home-Based Businesses. In addition to the above noted findings, the following regulations found in HCZO Chapter 7 are found to apply to this Special Exception:

None

HCZO Section 12.7(D) (3) Additional Development Standards. In granting any Special Exception Use, the Board of Zoning Appeals may prescribe additional development standards on a case by case basis.

None

IC 36-7-4-918.2 Exceptions and uses. [T]he Board may impose reasonable conditions as a part of its approval.

The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. Approval shall be terminated and of no further effect in the event the proposed use is discontinued for a period of twelve months. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the Board or any successor agency.
2. All applicable federal, state, and local approvals shall be required.
3. Compliance with the U.S. 36 Gateway Corridor Overlay District standards shall be required.
4. The sign design shall match the 19' 11" foot tall, 120 sq. ft. plan stamped "Received" on 8 February 2010.
5. Landscaping for the sign shall match the plan stamped "Received" on 17 December 2009. The applicant has proposed to landscape a 360 sq. ft. area with shrubs and perennials.

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6. The sign design shall also contain an address plate with characters at least 6 inches in height and be visible from the public right-of-way, day and night.

For all the foregoing reasons, the Board approved this request for a special exception, subject to the conditions set forth, the 16th day of February 2010.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

VOTE: For- 3 Against- 0 Abstained- 2 APPROVED
SE 01/10: Co-Alliance, LLP (Plainfield Sign, Inc.)

The Staff and Board Members had a discussion regarding the Sign Chapter and future approvals. Mr. Reitz explained some of the confusion from Table 9.1 and stated there would be additional text added to help clarify future sign approvals.

Ms. Groves asked if there was a consensus from the Board to present an amendment of the text in the ordinance to the Plan Commission. Ms. Groves stated yes, there was a consensus from the Board.

Being no further business the meeting was adjourned at 7:45 p.m.

Jo Ann Groves, Chairman

Don F. Reitz, Secretary