

January 19, 2010

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in Meeting Rooms 4 & 5, Tuesday, January 19, 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 November 16, 2009 meeting minutes as submitted.

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

Mr. Whicker seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 1 APPROVED
NOVEMBER 16, 2009 MEETING MINUTES

Mr. Himsel abstained from the vote because he was not in attendance for the November 16, 2009 meeting.

Ms. Groves asked for an approval for the 2010 Board of Zoning Appeals meeting schedule as submitted.

Mr. Ward made a motion to approve the 2010 meeting schedule.

Mr. Himsel seconded the motion.

VOTE: For- 5 Against- 0 Abstained- 0 APPROVED
BOARD OF ZONING APPEALS 2010 MEETING SCHEDULE

Ms. Groves stated the Election of Officers for 2010 was the next order of business.

Mr. Whicker made a motion to approve the Election of Officers for 2010, with those being Jo Ann Groves as Chairman, Rodger Ward as Vice-Chairman, Greg Steuerwald as County Attorney and Don F. Reitz appointed as Secretary.

Mr. Himsel seconded the motion.

VOTE: For- 5 Against- 0 Abstained- 0 APPROVED
ELECTION OF OFFICERS 2010

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

January 19, 2010

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.

The Staff made a Power Point presentation of the facts of the case. Mr. Reitz stated this would be the first sign reviewed under the new zoning ordinance as well as the U.S. 36 Corridor Overlay District that may be approved with a special exception. Mr. Reitz stated the proposed sign the applicant had asked for would be fifteen (15) feet tall and have 150 square feet of copy area. Mr. Reitz stated the building was on the north side of U.S. 36 and the entrance to get to this building was at the intersection of 525 East and U.S. 36. Mr. Reitz stated the staff recommended approval of a sign with 120 square feet instead of the requested 150 square feet. Mr. Reitz stated the area had some signs that were larger and had been placed under the old ordinance. Mr. Reitz stated the applicant needed visibility from the intersection of U.S. 36 and 525 East and there were directional signs in the Prestwick Pointe development to help customers and clients find the Co-Alliance building.

Mr. Hession and Mr. Himsel both abstained from the case because of membership with Co-Alliance, LLP.

Ms. Groves stated there would only be three members voting on the case and would take a unanimous vote for an approval.

Mr. Kevin Still, CEO of Co-Alliance, LLP, appeared before the Board and stated the company had combined four other corporate offices and moved into the Prestwick location a few months ago from the Danville office. Mr. Still stated the company was locally owned and owned by the farmers. Mr. Still stated the company had 500 employees, with 50 working at the office in Prestwick and had 900 million dollars in sales. Mr. Still stated the employees visiting the office needed to be able to locate the office which was the reason a 150 square foot sign was being requested. Mr. Still stated in the Table 9.1 Permitted Signs a 150 square foot sign at 20 foot tall may be permitted with a special exception approval. Mr. Still stated the sign would be designed and constructed by Plainfield Sign, and the owner Lee Faulkner was present.

Ms. Groves asked if there were any questions or comments.

Mr. Whicker stated the sign being requested met the standards and asked why 120 square feet was recommended.

Mr. Reitz stated the size was determined by the type of road, speeds traveled, uses and height and in Street Graphics and the Law a table was used to guide the Staff with a recommendation. Mr. Reitz stated the special exception approval was needed for a pylon sign and the sign could be up to 150 square feet.

January 19, 2010

Ms. Groves stated it would be difficult to read the sign from 200 feet away, and not at all from the intersection of 525 East and U.S. 36.

Mr. Still asked why the ordinance stated up to 150 square feet for the type of sign he wanted and the Staff recommended 120 square feet. Mr. Still mentioned the signs across the street from Co-Alliance and stated they were large and unsightly.

Ms. Groves stated the new ordinance would help to keep the signage along U.S. Highway 36 within certain limits.

Mr. Reitz stated that was a maximum of 150 square feet and pointed out that Co-Alliance did have signage on the building.

Mr. Lee Faulkner, Plainfield Sign, Inc., 10556 East County Road 250 S., Indianapolis Indiana, appeared before the Board and stated he was hired to design and construct the sign. Mr. Faulkner stated many signs were not readable although the logo was identifiable and gave some examples. Mr. Faulkner stated if the sign were only 120 square feet the sign would be 25% less than what Co-Alliance already had.

Mr. Ward asked if the sign at 150 square feet would make that much difference than the 120 square foot sign.

Mr. Faulkner stated the difference would be noticeable and the company needed good signage for those looking for their offices.

There was a discussion regarding the message area of the proposed sign.

Ms. Groves asked about the blank areas on the example.

Mr. Faulkner stated the building was multi tenant and another company may use some of the space. Mr. Faulkner stated the sign would be flexible and submitted Exhibit A that gave a comparison of the sign from the intersection.

Mr. Still stated Hendricks County Economic Development leased space from Co-Alliance.

Mr. Reitz stated the Board would set precedence and the sign would be the first approved under the new Corridor Overlay District.

January 19, 2010

Mr. Still stated he should be able to go to the limits and asked the Board why they recommended the size at 120 square feet.

Mr. Reitz stated the Board needed to have an objective recommendation based on standard practices.

Ms. Groves stated a lot of time had been spent on the overlay with the surrounding towns and a guideline was needed to follow to stay within the requirements of the overlay.

Ms. Groves opened the public hearing and no one appeared. Ms. Groves closed the public hearing.

Mr. Whicker stated three members would participate in the vote and three affirmative votes were needed. Mr. Whicker stated the case may need to be continued for one month so the sign company could demonstrate the difference between 150 and 120 square feet.

Mr. Whicker made a motion to continue **SE 01/10: Co-Alliance, LLP (Plainfield Sign, Inc.)** to the February 2010 meeting.

Ms. Groves seconded the motion.

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

SE 02/10: Christian Brethren of Indianapolis, Inc. (Banning Engineering) for a special exception in accordance with HCZO Section 4.7 C to permit a place of worship in a AGR/Agricultural Residential district, Brown Township, S13-T17N-R1E, located on the west side of County Road 950 East, approximately ½ mile north of 1000 North, 10474 N. County Road 950 E., Brownsburg, Indiana, 46112, approximately 9.4 acres.

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

Mr. Bob Staton, Banning Engineering, 853 Columbia Road, Plainfield Indiana, appeared before the Board and stated the petitioner wished to purchase a home in the Brownsburg area for church services. Mr. Staton stated the secretary of the church was present, Mr. Bob Samuels. Mr. Staton stated the property consisted of ten acres total and was 900 feet off the street. Mr. Staton stated there were about 35-40 members, within 8 families. Mr. Staton stated 8-10 cars would use the drive and parking area on Sundays, with less attending prayer meetings during the week. Mr. Staton stated a parking lot with 20 spaces, one being a paved handicapped space, would be

January 19, 2010

needed based on the size of the meeting room. Mr. Staton stated the structure would not be changed or expanded in size, if any changes were needed they would go to the plan commission. Mr. Staton submitted Exhibit A to the Staff which showed aerials of the property.

Ms. Groves asked if there would be any signage.

Mr. Staton stated, no there would not.

Mr. Whicker asked if there were an approval would they then go to IDEM.

Mr. Staton stated yes, they would . Mr. Staton stated they had been in contact with the County Health Dept., Julie Haan, but not with IDEM at this time.

Mr. Staton stated the commercial system required the septic tank and field be at least 100 feet from the well and they were about 90 feet apart. Mr. Staton stated the tank may need to be moved. Mr. Staton explained the usage for a church and it was much less than if it were a residence.

Ms. Groves asked the square footage of the home.

Mr. Bob Samuels, with Christian Brethren of Indianapolis, appeared before the Board and stated the size was approximately 1,700 square feet, and the room to be used was 570 square feet. Mr. Samuels stated the other rooms in the house would not be used, and the kitchen may be used as a coat room.

Ms. Groves asked about the parking lot being paved.

Mr. Reitz stated under development plan requirements the lot would be required to be paved although the petitioner had requested to pave only the ADA parking spot.

Mr. Hession asked for the times services would take place.

Mr. Samuels stated Sunday morning, Monday evening, and possibly one more meeting during the week. Mr. Samuels stated the meetings would be about one hour in length.

Ms. Groves asked about the membership moving from an Indianapolis location.

Mr. Samuels stated the members were from surrounding counties and at this time they were meeting in the church member's homes. Mr. Samuels stated if the church stayed the same size in membership the home would not be increased in size.

January 19, 2010

Ms. Groves stated a petition against the church had been submitted by neighbors of the site. Ms. Groves stated there were eleven (11) signatures on Exhibit A.

Ms. Groves opened the public hearing and the following individuals appeared:

- | | | | | |
|----|--------------------|----------------------------|--------------------|-------|
| 1. | Jim Hopf | 3116 Hamilton St. | West Lafayette, IN | 47906 |
| 2. | Kevin Blankenheim | 10632 N. County Rd. 950 E. | Brownsburg, IN | 46112 |
| 3. | Jack Daron | 10462 N. County Rd 950 E. | Brownsburg, IN | 46112 |
| 4. | William Rhodehamal | 10212 N. County Rd 950 E. | Brownsburg, IN | 46112 |

Mr. Jim Hopf appeared before the Board and stated he was speaking for his son, Andy Hopf, who was not able to attend the meeting. Mr. Hopf stated his son had submitted a letter dated Jan 18, 2010 in opposition to the church for the Board members and staff to review. Mr. Hopf read a letter to the Board in which his son explained his concerns. Mr. Hopf lived two houses south of the church site, 10356 N. County Road 950 East, on a five acre parcel. Mr. Hopf stated he had many concerns on a church being located in the house and felt it would not be harmonious to the area. Mr. Hopf stated the closest church was 1.75 miles away, there were busy intersections in the area and asked the Board not to approve the request for a church at the site.

Mr. Blankenheim appeared before the Board and stated he lived north of the proposed church and the road in this area was very narrow. Mr. Blankenheim stated the area was agricultural and should remain that way. Mr. Blankenheim stated he did not want a church at the site.

Mr. Daron appeared before the Board and stated he lived to the south of the site. Mr. Daron stated he was concerned about the increased traffic to the roads in the area. Mr. Daron stated churches were usually tax exempt and with the church possibly using the home this could reduce taxes collected for the local schools, etc. Mr. Daron stated he submitted a petition, Exhibit A, with eleven signatures from the neighbors and asked the Board to deny the request for the church to be located there.

Mr. Rhodehamal appeared before the Board and stated he lived on a 40 acre parcel at the corner of 950 East and 1000 North. Mr. Rhodehamal stated he had similar concerns as those that had already spoke. Mr. Rhodehamal stated the parking lot that may be added was a concern, and some of the uses at the home. Mr. Rhodehmal stated most churches would try to grow and this could become a problem in the future. Mr. Rhodehmal stated security was an issue and asked the Board to vote against the case.

Ms. Groves closed the public hearing.

January 19, 2010

Mr. Staton responded to the some of the concerns. Mr. Staton stated the septic system was designed for a single family dwelling and the use as a church would be far less. Mr. Staton stated the increased traffic would be very little. Mr. Staton stated the parking lot would be stone and run off would be minimal.

Mr. Samuels stated the activities planned were only church services, there would be no food served. Mr. Samuels stated the vehicles would come and go only three times a week.

Ms. Groves asked about a gate and security for the house.

Mr. Samuels stated an alarm system would be added and a gate if needed.

Mr. Ward stated the building would need to be enlarged if the membership grew and he did feel this would be a problem.

Mr. Samuels stated the membership had been 25-40 for the past 12 years and did not expect any growth. Mr. Samuels stated they were not actively looking for new members.

Mr. Himsel made a motion to adopt the negative findings of fact and deny **SE 02/10: Christian Brethren of Indianapolis, Inc. (Banning Engineering)**.

Mr. Hession seconded the motion.

VOTE: For-4 Against- 1 Abstained- DENIED
SE 02/10: Christian Brethren of Indianapolis, Inc. (Banning Engineering)

The vote was as follows:

<u>Member</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
Jo Ann Groves	0	X	0
C. Richard Whicker	X	0	0
Sam Himsel	X	0	0
Rodger Ward	X	0	0
Anthony Hession	X	0	0
Total	4	1	0

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

SE 02/10

January 19, 2010

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 place of worship in an AGR/Agriculture Residential 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 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 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 will not be harmonious and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The current land use pattern is agricultural and rural residential in character. The insertion of a place of worship, with the possibility of expansion over time, is too intense a non-residential use to be compatible with surrounding uses. Further, the Comprehensive Plan reserves the area for long term planned business uses due to its proximity to the Ronald Reagan Parkway. The proposed place of worship is not a permitted use in any business or industrial zoning district consistent with the Comprehensive Plan's recommendation.

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 not 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 proposed place of worship is a non-residential use that would be inserted in an established agricultural and rural residential neighborhood. The non-residential nature of the activity would represent a use incompatible with the very rural area. Moreover, the potential for increasing the proposed use's incompatibility with surrounding uses exists if the place of worship were to expand over time.

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

The Board finds that the proposal will be hazardous or disturbing to existing or future neighboring uses. The proposed non-residential use would be incompatible with surrounding agricultural and rural residential uses. Furthermore, the proposed use would be incompatible with the Comprehensive Plan's recommendation to reserve the area in proximity to the Ronald Reagan Parkway for planned business and light industrial uses.

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 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 not 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 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 nonresidential nature of the proposed use results in a land use with a scope and intensity incompatible with surrounding agricultural and rural residential uses. This is particularly true for non-residential levels of traffic generation. Potential growth of the place of worship would only exacerbate this problem.

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 thoroughfares. The proposed use will have a negligible effect on 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 12.7 (D) (2) A through K are found to apply to this special exception:

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

January 19, 2010

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 bases.

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

For all the foregoing reasons, the Board denied this request for a special exception, the 19th day of January 2010.

SE 03/10: krM Architecture (Coatesville Community Center) for a special exception in accordance with HCZO Section 4.14 C to permit a community center in a NB/Neighborhood Business district, Clay Township, S31-T15N-R2W, located on the north side of Main Street, between Hadley and Milton Streets, lots 6, 7 and 8, Block 4, Original Town of Coatesville, approximately 0.6 acre.

The Staff made a Power Pointe presentation of the facts of the case. Mr. Fazzini stated there were three town lots that would need to be platted and an alley that would need to be vacated.

Mr. Dave Montgomery, 1020 Jackson Street, Anderson Indiana, appeared before the Board and stated the Town of Coatesville planned to build a community center on three town lots. Mr. Montgomery stated five to six years ago a community center and library shared one building and that structure had been torn down. Mr. Montgomery stated a new library had been rebuilt to the north. Mr. Montgomery stated a federal grant had been secured that would cover most of the costs of the new community center. Mr. Montgomery stated there would be 97 parking spaces with only 72 required. Mr. Montgomery gave a presentation showing the proposed site with new buildings.

Ms. Groves opened the public hearing and no one appeared. Ms. Groves closed the public hearing.

Mr. Reitz stated the fees for the development plan and zoning had been waived.

Ms. Groves stated the requirement that the alley be vacated must still be taken care of.

Mr. Montgomery stated the Town of Coatesville had hired Banning Engineering to take care of the alley and also he had been informed that there would be no permits issued until these items were completed.

Mr. Himsel made a motion to adopt the positive findings of fact with conditions and approve **SE 03/10: krM Architecture (Coatesville Community Center)**.

January 19, 2010

Mr. Ward seconded the motion.

VOTE: For-5 Against- 0 Abstained- 0 APPROVED
SE 03/10: krM Architecture (Coatesville Community Center)

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
SE 03/10

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 community center in a NB/Neighborhood 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 4.14 (C) authorizes the approval of a community center in the NB/Neighborhood Business 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 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 residential, institutional and commercial land uses. Moreover, Lighthouse Fellowship church, Coatesville Community Church and the Coatesville Library surround the site in question.

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 residential, institutional and commercial character of the area will be preserved. In addition, conditions are attached to this approval that ensures the use will be compatible with the existing 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 neighborhood is residential, institutional and commercial in character. This approval will not alter the existing character nor will it 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 provided to the location under consideration and infrastructure needed will be made available.

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, and all costs have been approved through the Town.

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. 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 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:

January 19, 2010

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. Approval shall be valid only if the petitioner demonstrates clear and convincing progress on establishing the proposed use within 12 months of the date of this approval.
3. All applicable federal, state, and local approvals are required.
4. The applicant shall receive plat and development plan approval from the Plan Commission.
5. Any further expansion of the use shall require BZA approval for a special exception.
6. In the event of future expansions, Plan Commission approval of a development plan for those expansions may be required.

For all the foregoing reasons, the Board approved this request for a special exception, subject to the conditions set forth, the 19th day of January 2010.

There was a short discussion regarding signage.

Being no further business the meeting was adjourned at 8:55 p.m.

Jo Ann Groves, Chairman

January 19, 2010

Don F. Reitz, Secretary