

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Tuesday, February 20, 2018. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Rod Lasley, Sonnie Johnston, Walt O'Riley and Sam Himsel. Also present were Tim Dombrosky, Planning Director, Nicholas Hufford, Planner, and Leslie Dardeen, Recording Secretary.

Mr. Hession read the Rules of Procedure for the Board of Zoning Appeals meeting.

Everyone stood and recited the Pledge of Allegiance.

Mr. Hession asked for a motion for approval of the minutes from the December 18, 2017 meeting.

Mr. Lasley made a motion to approve the December 18, 2017 meeting minutes.

Mr. O'Riley seconded the motion.

Mrs. Johnston abstained as she was not in attendance for the December 18, 2017 meeting.

VOTE: For- 4 Against- 0 Abstained-1 APPROVED
December 18, 2017 MEETING MINUTES

SE 01-18: David Monroe/Mr. Care Auto for a Special Exception to allow a small vehicle sales business to operate on 0.63-acre parcel in Guilford Township; Section 20, Township 14, Range 2E; Key No. 06-3-20-42E 230-008; located approximately at the intersection of S SR 67 and E CR 800S; 8028 S SR 67, Camby, IN.

Mr. Hufford showed where the property is located on power point, stating that the parcel is near Heartland Crossing. He stated the property is between a mixed-use area with apartments and commercial development, and the property to the north is owned by the airport for their conservation efforts. Mr. Hufford showed the property as found on Beacon, which differs from the site visit due to buildings having been removed since the last Beacon update. He then turned the floor over to the petitioner.

David Monroe, 13999 SR 67 N, Camby, IN 46113, accompanied by Shane Pennington, 12734 N Watersedge, Camby, IN 46113, spoke on behalf of Mr. Care Auto. Currently, half of lot has trucks and the other half has trailers. He is asking for the Special Exception to put in an additional trailer-only lot, cargo and utility trailers. Mr. Monroe submitted a site plan showing the existing building and 2 sheds that are on the property. He gave a brief description of Mr. Care Auto. The business has been operational for over 30 years. He wants to expand to alleviate trailer sales moving to Indianapolis and hopes to increase sales from approx. 40 trailers a month between March and October and 10-15 trailers a month between November and February. Currently there is no advertising other than word-of-mouth. Moving the trailers to the property in question, between two existing used car lots, would help sales by making the business more

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visible from SR 67. They would be selling brand new trailers. Although they are not planning on any major changes to existing lot and traffic flow, with entrances from CR 800 and SR 67, they are open to any changes that the Board feels would best serve the area and community. Would be willing to have approval of Special Exception attached to the business, as opposed to attaching it to the property which could then be used by possible future businesses/owners.

Mr. Himsel asked if the property had already been purchased.

Mr. Monroe answered that it would be a leased property.

Mr. O'Riley asked if any kind of mechanical/maintenance work would be part of the business.

Mr. Monroe answered that they do not do any kind of mechanical or installation work.

Mr. Hession asked if they use multiple manufacturers.

Mr. Monroe stated yes. Currently they are using two companies and are looking to add an additional three or four more.

Mr. Himsel asked if they every got used trailers for trade-ins.

Mr. Monroe stated yes they do. However, it is extremely rare and infrequent, approx. 10 a year. The nature of the business is that the owners tend to sell their old trailers privately and not use them for trade-in purposes.

Mr. Hession asked if the Board had any further questions.

There were no further questions from the Board.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing.

Mr. Dombrosky interjected that there were a few points from the County Engineer that needed to be considered, specifically traffic flow on site.

Mr. Hession asked if Mr. Dombrosky could explain those concerns.

Mr. Dombrosky stated that there had never been an original site plan done for the property, and that the entrance onto CR 800 could potentially impede the traffic flow. It's very close to the intersection and could cause traffic back-up at that intersection. The County Engineer had suggested that a possible entrance onto SR 67 may be an improvement. Mr. Dombrosky also stated that it would be appropriate to do an official site plan, but without all the typical improvements. There wouldn't be buffer, landscaping or setback requirements since the area is already established. It would include a discussion with the County Engineer about how to improve the traffic situation. There is the possibility of making the primary entrance into the lot off SR 67. Traffic would then move through the lot and exit onto CR 800.

Mr. Dombrosky further stated that INDOT had been contacted and that they had no issue with the existing entrance or traffic pattern.

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Mr. Himsel asked if there was an existing turn lane on SR 67.

Mr. Dombrosky stated that there is a west bound turn lane on SR 67.

Mr. Lasley asked how many deliveries are made to the lot, how many trailers are delivered at a time and if the deliveries are made by semi-trucks.

Mr. Monroe answered that there were not frequent deliveries. Furthermore, there is not a set time for those deliveries, nor are trailer "stacks" delivered by semis.

Mr. Dombrosky mentioned that there is not an accident history in the area, there's just the potential to impede traffic.

Mr. O'Riley questioned the conditions of CR 800, if it is suitable to handle a higher level of traffic.

Mr. Dombrosky stated that CR 800 has adequate room and is in adequate condition to handle the slight raise in traffic that the business would bring in.

Mr. Dombrosky stated that he and the County Engineer suggest attaching conditions to the approval of the Special Exception, including a site plan review. He is not in favor of attaching the approval to the applicant instead of the property, believing that if the Board is comfortable with the use of the property, they should be comfortable with whoever is running it. However, he is not opposed to the Board attaching the approval to the applicant as a condition.

Mr. Hession said that since the applicant is offering to make that a condition, then he thinks the Board should include it as a condition of the approval.

Mr. Hession asked if the Board had any further questions.

There were none.

Mr. Hession asked for a motion on SE 01-18.

Mr. Himsel made a motion to approve SE 01-18 with positive findings.

Mr. Hession seconded the motion subject to the conditions found by the site plan review and the applicant's willingness to attach the acceptance onto him/Mr. Care Auto; if he would terminate his business there, then the use (Special Exception) would be terminated as well.

VOTE: For- 5 Against- 0 Abstained-0 APPROVED
SE 01-18: DAVID MONROE

Hendricks County Area Board of Zoning Appeals

Positive Findings of Fact/Law and Conditions of Approval
SE 01-18

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 **Small Motor Vehicle**

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Sales in a HB/Highway Business zoning 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, 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 authorizes the Hendricks County Area Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.7 (C) authorizes the approval of a banquet hall/wedding venue in the AGR 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 an Small Motor Vehicle Sales is in fact a Special Exception in the Highway Business Zoning District characterized by requiring access to high volumes of traffic and major arterials and interstates.

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 with and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The comprehensive plan recommends this area to be a mixed development, and the Zoning

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designation indicates the need for access to traffic and significant road infrastructure. The use fits both categories by being a commercial development bordering a more residential area, and since it is directly off of SR 67 (an urban principal arterial), it will have access to large volumes of traffic.

- C. Will be designed, constructed, operated, and maintained 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 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 land in question is a long narrow lot between a significant roadway and an active railroad. The site will be operated and maintained to serve as a useful buffer between the railroad and the highway and will not significantly impact the operation of either piece of infrastructure.

- D. 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 proposal will be adequately served by essential public facilities and services. There is sewer and water in the vicinity that should satisfy the needs of a small office that is an accessory to the primary purpose of sales.

- E. 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 because of this approval as it is already in a significantly developed area and the site has already been built out.

- F. 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. Any traffic, fumes, or odor generated by this use will be minimal compared to the highway and the railroad.

- G. 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 intends to utilize existing vehicular approaches to the property, currently create an interference with traffic on surrounding public thoroughfares. The proposed use will have a moderate effect on local traffic volume and a negligible effect on patterns. A site plan review by the County Engineer should be conducted to ensure proper vehicular approaches.

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H. 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. No historic, scenic, or natural feature is involved in this approval. As stated before the site has been built out, and no significant changes to the site are proposed.

IC 36-7-4-918.2 Exceptions and uses. The 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:

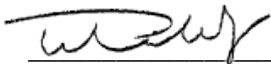
1. Approval shall be terminated and of no further effect in the event the proposed use is discontinued during the approval period. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the BZA or any successor agency.
2. Approval shall only be for Mr. Monroe/Mr. Care Auto. If at such time Mr. Care Auto is no longer the owner of the property the Approval shall expire.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception, subject to the conditions set forth, the 20th day of February 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

Being no further business, the meeting was adjourned at 7:50 P.M.