

March 19, 2018

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, March 19, 2018. The meeting began at 7:30 p.m. Members present included Rod Lasley, Sonnie Johnston, Walt O’Riley and Sam Himsel. Rod Lasley presided over the meeting due to Anthony Hession’s absence. Also present were Tim Dombrosky, Planning Director, Nicholas Hufford, Planner, and Leslie Dardeen, Recording Secretary.

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

Everyone stood and recited the Pledge of Allegiance.

Mr. Lasley asked for a motion for approval of the minutes from the February 20, 2018 meeting.

Mrs. Johnston made a motion to approve the February 20, 2018 meeting minutes.

Mr. O’Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained- APPROVED
February 20, 2018 MEETING MINUTES

SE 02-18: Gerri Rambis for a Special Exception to allow construction on an existing barn for an accessory dwelling unit on a 2.96-acre residential lot in Union Township; Section 30, Township 17, Range 1W; Key No. 11-1-30-71W 200-004; located west of the intersection of W 850N and N 200W; 2064 W CR 850 N, Lizton, IN 46149.

Mr. Hufford showed where the property is located on power point, stating that the applicant is requesting permission to add an additional dwelling to the property by adding onto an existing accessory structure. The zoning ordinance gives people the option to request an accessory dwelling unit that must be subordinate to the principle structure and will meet other standards that clarify that it is subordinate. The proposed accessory dwelling meets the standards of Chapter 7. He then turned the floor over to Ms. Rambis.

Gerri Rambis, 2064 W CR 850 N, Lizton, IN 46167, explained to the board the intended purpose of the proposed building addition. She is wanting to convert it into an apartment dwelling for her elderly parents.

Mr. O’Riley asked if the addition of a bathroom/kitchen would be tied into the existing septic system of the primary residence.

Mr. Hufford explained that the Health Department would have to be the agency to determine whether the existing septic system can handle the increased usage.

Mr. Dombrosky also explained that the additional lines that would run into the existing septic would not be “over-sized” since the addition of the accessory apartment is small.

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Ms. Johnston asked about the well.

Mr. Hufford answered that any determination of the existing well would also be handled by the Health Department.

Mr. Himsel asked what the determining factors would be in accessing the adequacy of the well.

Mr. Dombrosky said that the Health Department has determined that if a well is “functioning” and supplying adequate water for all the connected buildings, then it can be used. It is up to the Health Department to determine if a new well is necessary. However, there are no foreseeable issues with the existing well handling the additional use.

Mr. Lasley asked if there were any more questions from the board.

Ms. Johnston asked about the driveway and whether it remains dry since other properties nearby have some minor flooding issues.

Ms. Rambis said the driveway runs across the highest part of the property and that they’ve not had water/flooding issues.

Mr. Himsel asked that should the petitioner move, or something happens that changes the original intent of the accessory apartment, could it be rented out.

Mr. Dombrosky answered that the special exception does not allow the accessory dwelling to have its own address. While this does not prohibit it from being “rentable”, it does, however, pose significant restrictions aimed to deter future renting. This is at the combined recommendation of the Planning Commission and Zoning Department. Also, the Special Exception is only attached to the building. Should the building be demolished or destroyed, the SE would not perpetuate with the land.

Due to no one signing up to speak, Mr. Lasley opened and closed the public portion of the hearing. He asked for a motion from the board.

Ms. Johnston made a motion to approve SE 02-18.

Mr. O’Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
SE 02-18: GERRI RAMBIS

Hendricks County Area Board of Zoning Appeals

Positive Findings of Fact/Law and Conditions of Approval
SE 02-18

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 **an Accessory Dwelling**

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Unit (ADU) in an AGR/Agricultural Residential 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 Accessory Dwelling Unit (ADU) is in fact a Special Exception in the Agriculture Residential zoning district. The AGR zoning district is characterized by permitting the establishment of individual single-family dwellings and other compatible uses while maintaining a primarily rural character.

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.

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The comprehensive plan recommends this area for Agriculture. The property is almost a full mile from the edge of Lizton, where the Comprehensive Plan does not plan for development to occur. Steps should be taken to maintain the agricultural use. By allowing an addition to an already developed site, this proposal will fit into that plan while maintaining the rural character.

- 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 property in this proposal is a 3-acre lot with a house on it. The standards in Chapter 7 ensure that this test is met and passed.

- 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. The Health Department will have to approve adequate sanitary facilities before occupancy can occur.

- 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.

- 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. There will be no uses that go beyond that of a typical residence.

- 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 negligible effect on local traffic. In fact, by having her parents next to her dwelling, the applicant may in fact drive less.

- 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.

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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:

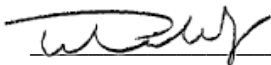
1. Approval shall be terminated and of no further effect in the event the proposed use is discontinued during the approval period. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the BZA or any successor agency.
2. The Accessory Dwelling Unit (ADU) will not be eligible for a mailing address.
3. The ADU will require Health Department approval before Occupancy is granted.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception, subject to the conditions set forth, the 19th day of March 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 08-18: Tim Lavelle to allow a second principle dwelling on a 3.1-acre agricultural residential lot in Union Township; Section 19, Township 17, Range 1W; Key No. 11-1-19-71W 200-012; located near intersection of W CR 1000N and N CR 200W; 9788 N CR 200 W, Lizton, IN 46149.

Mr. Hufford presented a power point of the location of the property. He further explained that the applicant is requesting permission to retrofit an existing barn into a 2nd dwelling. The applicant would like to utilize the property for a multi-generational living

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arrangement including his son and his family. If the lot were split into two individual lots, it would technically just be under the 1.5 acre per dwelling mark. The layout of the parcel makes splitting impractical. The parcel already contains a 2nd drive for the barn and the dwelling and the barn on the property are made of similar material and are styled in a similar way to make a cohesive looking property. The additional dwelling will not adversely affect neighboring properties. He then turned the floor over to Mr. Lavelle.

Mr. Lavelle explained that he would like to create a “generational” property that would include a second dwelling for his son. His proposed plan is to convert an existing building into a house.

Mr. Himsel asked for clarification on which house (shown on Power Point) was the one that would be converted.

Mr. Lavelle answer that the building/barn labeled #2 was the building he wanted to convert to a house for his son. Currently it has a loft style apartment, has its own heating/air conditioning and water.

Ms. Johnston asked if it has its own septic.

Mr. Lavelle answered that currently it runs into the septic system for the primary house as previously permitted. There is, however, 2 septic tanks from renovations started by previous owners. Mr. Lavelle would like to use the 2nd tank and put the new house on its own system. He is working with the Health Department to see if this can be done.

Mr. Lasley asked if there were any further questions from the board.

Mr. O’Riley wanted confirmed that the issues surrounding the septic would be handled by the Health Department.

Mr. Dombrosky confirmed that the Health Department would be responsible for actions concerning the septic system.

Mr. Himsel asked if building has started on the loft in the barn.

Mr. Lavelle clarified that the loft is already complete. It doesn’t have a designated bedroom making it compliant as presently permitted.

Mr. Lasley opened and closed the public hearing as no one was signed up to speak.

Mr. Lasley asked for any last questions from the board. There were none, so he asked for a motion.

Mr. Himsel made a motion to approve Variance 01-18 with all the staff recommendations.

Ms. Johnston seconded the motion.

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VOTE: For- 4
VAR 01-18: TIM LAVELLE

Against- 0

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Positive Findings of Fact/Law and Conditions of Approval

VAR 01-18

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to vary development standards to permit a **2nd Principle Dwelling** in an AGR/Agricultural Residential 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 12.6 (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 variance 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 variance.

The Board conducted the hearing as advertised and heard evidence and testimony on the above noted variance. 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 36-7-4-918.5 Variance from the development standards of the Zoning Ordinance. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A Variance may be approved under this section only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;**

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The Board finds that an approval will not be injurious to the public health, safety, morals and general welfare of the community. The 2nd dwelling will be a conversion of an existing barn into a dwelling and will by all appearances remain an agricultural structure.

(2) The use and value of the area adjacent to the property included in the Variance will be affected in a substantially adverse manner;

The Board finds that the use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. When the conversion takes place, an additional septic system and set aside will be required to support the dwelling, but that will not result in a negative impact on the neighboring properties. The dwelling is not close to any neighboring structures.

(3) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

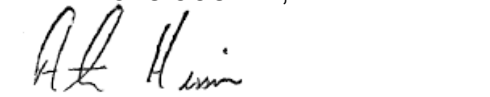
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The layout of the buildings and the property lines makes the Variance request reasonable. The land does meet the technical standards of requiring 1.5 acres per dwelling but splitting the property would result in undue procedures for the same result.

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

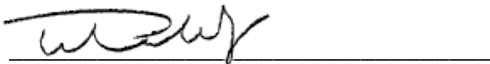
1. The building must be placed in accordance with all other federal, state, and local codes.
2. The dwelling will require Health Department approval before occupancy is granted.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of March 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.