

June 18, 2018

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in Meeting Rooms 4 and 5; Monday, June 18, 2018. The meeting began at 7:30 p.m. Members present included Anthony Hession, Rod Lasley, Sonnie Johnston and Walt O’Riley. Sam Himsel arrived after the Pledge of Allegiance and approval of May minutes. Also present were Tim Dombrosky, Planning Director, Gregory Steuewald, County Attorney 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 to approve the minutes from the May 21, 2018 meeting.

Mrs. Johnston made a motion to approve the May 21, 2018 meeting minutes.

Mr. O’Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained- APPROVED
May 21, 2018 MEETING MINUTES

Mr. Hession asked Mr. Steuewald to present the cases, starting with “Old Business”.

VAR 05-18: Robert Schuster --continued from May meeting to allow a second principle use on an AGR zoned 6.73-acre parcel in Washington Township; Section 32, Township 16, Range 1E; Key No. 12-1-32- 61E 300-008; located ½ mile north of E 100 N, on the west side of N 425 E; 1208 N CR 425 E, Avon, IN 46123.

Mr. Hession asked that the staff present the case. He stated that under normal procedures for “old business”, the staff would not present the case again and the public portion of the hearing would not be reopened. However, as two of the board members were not present at last month’s meeting, it had been decided that the public portion would be reopened. He asked that any questions from the public be specific to the case. He also reminded anyone who wrote and submitted letters that the letters were part of the file and that the board had read and considered them.

Mr. Dombrosky showed where the property is located on power point. He showed areas around the property where BZA had cases in the past. He noted two specific cases, a soccer field and a paintball facility, both of which were denied. Mr. Dombrosky went on to present the comprehensive map showing the nearby zoning districts, most is residential and agricultural. He showed an overhead view of the property and placement of the house, an existing accessory building and an old foundation, and where the proposed new building would be. Mr. Dombrosky stated that the staff recommends denial due to it not meeting the nine criteria needed for a special exception. Both cases, VAR 05-18 and SE 08-18, are contingent upon each other. He then turned the floor over to Mr. Schuster.

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Robert Schuster, 1208 N CR 425 E, Avon, IN 46123, addressed the board. He explained that the structure he is proposing to build would be similar in architecture to existing barns in the area. It would be big enough to house a full basketball court, with room for training teams and individuals.

Mr. Hession asked if there were any questions from the board.

Mr. O'Riley asked how many tournaments Mr. Schuster was anticipating.

Mr. Schuster responded that there would be no tournaments. It is designed to be a practice and training facility.

Mr. O'Riley asked how many people would be there at a time.

Mr. Schuster responded that there would probably be no more than 12.

Mr. Lasley asked if he would be working with more than one team at a time.

Mr. Schuster said that it's possible, but that he wants to keep the numbers small so that the young athletes could have more individual training time.

Mr. Lasley asked if the facility would be used 4-5 times a week or more.

Mr. Schuster expects weekends to be the busiest time, but that overall the facility would be in use at least 4-5 times per week.

Mr. Lasley asked if the facility would be used for other sports, football or soccer.

Mr. Schuster said that the facility would be primarily for basketball. There is the off-chance that he would occasionally use it for the baseball team he coaches. But he is more interested in using it for basketball to provide a space for young athletes to come in winter months when there are very few options available.

Ms. Johnston asked how many kids would be present at a time.

Mr. Schuster answered no more than 12.

Ms. Johnston asked if that means there would be 12 vehicles there as well.

Mr. Schuster said that there could potentially be 12 vehicles there.

Mr. Hession asked the petitioner where he was planning on placing the facility.

Mr. Schuster pointed out the area on the power point map. He also said that the placement would be contingent on setbacks and planner approval. He mentioned that there had been a mobile home in that area, which he removed upon completion of the home he was building.

Mr. Lasley asked if he would have to upgrade the septic.

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Mr. Schuster said he would find that out in the next planning/building phase, if he gets approval.

Mr. Hession asked if there was a setback requirement.

Mr. Dombrosky answered that there is, and it is detailed in the staff letter.

Mr. O'Riley asked if Mr. Schuster would be tearing down the old barn.

Mr. Schuster answered that he didn't plan on tearing it down.

Mr. Himsel offered his opinion that he thinks the facility is a good thing to offer kids as an alternative facility to continue their sports training in inclement weather. He does not see a problem with the proposed facility.

Mr. Hession asked Mr. Dombrosky for clarification on an area highlighted on the map.

Mr. Dombrosky answered that the area had been a lot for a mobile home.

Mr. O'Riley asked if there would be any required buffering.

Mr. Dombrosky would require a buffering plan from the Planning Commission. It would be a type 2 buffer to provide screening.

Mr. Schuster added that he would have buffering consisting of trees, vegetation and landscaping.

Mr. Hession opened the public portion of the hearing.

Steve Harlan, 1551 N CR 425 E, Avon, IN 46123, addressed the board. He pointed out his property on the map. He explained that he returned to Indiana and bought his property 25 years ago with the intent to have a place out in the country away from traffic and commercialism. He is afraid that the proposed facility would bring expansion to the area. He would like for area to stay residential and agricultural as it is presently.

Mark Hughes, 1188 N CR 425 E, Avon, IN 46123, was next to address the board. His home is approximately 60 feet south from proposed facility. He moved to area 31 years ago for the quiet setting and to get away from town/city congestion. He has many concerns about a recreational facility being allowed in the area, including loss of privacy, loss of country setting, increased noise/lighting/parking/trash and decline of property value. He also questioned the adequacy of existing roads and septic system. He is worried that Avon would eventually annex the area, bringing in city utilities and increased taxes. He also mentioned the loss of safety because of increased traffic and people. He concluded that he does not believe this to be the right place or type of area for a recreational facility.

Rebecca Cook, 1262 N CR 425 E, Avon, IN 46123, addressed the board. She lives directly to the north of proposed site. She agrees with all that was previously stated. She is also concerned with the excavation of the site and its effects on the surrounding area, including her

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property, specifically her driveway. There have already been water flow changes due to the construction of Mr. Schuster's house. She is concerned that a recreational facility would further change the drainage patterns and make the issues worse. She is also against the increased noise and traffic that the facility would bring. She is concerned that due to the size and cost of the building, Mr. Schuster might eventually rent it out to bigger groups to help defray the cost.

Mr. Hession asked for Ms. Cook to show on the map where her driveway is and where the drainage overflow crosses.

Ms. Cook pointed out where the water used to drain to and where the water flows now.

No one else had signed up to speak.

Mr. Hession closed the public portion of the meeting.

Mr. Hession asked if there were further comments or questions from the board.

There were none.

Mr. Hession then asked if the petitioner would like to address the concerns or make any final comments.

Mr. Schuster addressed the concern over possible decrease in property value. He maintained that the improvements he's already made, removing mobile home, and the quality of the new facility would improve surrounding property value. Concerning the loss of privacy, he emphasized that he would be putting up screening. This would include trees and anything else the Planning Commission would require. He said that he bought the property with the intent of having an indoor basketball facility. The planned facility would have the appearance of a barn, and he emphasized that under the agricultural zoned guidelines, he could build a barn; that "plan b" could be building a barn and having a petting zoo. He said that the barn itself was not the issue, it's the use that is the concern. Regarding the waterflow issue, he stated that it is an inherited problem from the previous owners. The previous owner had a lot of fill dirt brought in to level out the plot and make it buildable. In addition to that, there is a natural flow of water from two adjoining fields. When he bought the property and was building the house he had a lot of the ground leveled and graded. He's reseeded the area as well.

Mr. Hession asked for further questions or comments from the board.

There were none.

Mr. Hession then offered his opinion that he doesn't believe this to be the right location for the facility. He said that Mr. Schuster has the right to build the barn, but that this isn't the right setting for a recreational center.

Ms. Johnston made a motion to deny VAR 05-18.

Mr. O'Riley seconded the motion.

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Motion carried 4-1 for denial.

VOTE: For- 1 Against- 4 Abstained-0 DENIED
VAR 05-18: ROBERT SCHUSTER

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 05-18

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 **two principal uses on one parcel** in an AGR/Agriculture, Residential district. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals (Board), 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 Board, 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;**

The Board finds that the proposal will not meet this standard. The rural residential nature of the neighborhood is not conducive to commercial activity.

- (2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;**

The Board finds that the proposal will not meet this standard. The narrow lot is not suited for a second use.

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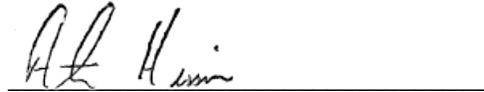
(3) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

The Board finds that the proposal will not meet this standard. There are not unique conditions of this property that create practical difficulties for its permitted use.

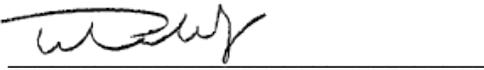
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

For all the foregoing reasons, the Board DENIED this request for a development standards Variance on the 18st day of June 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 08-18: Robert Schuster—continued from May meeting to allow a second principle use as a recreational facility on an AGR zoned 6.73-acre parcel in Washington Township; Section 32, Township 16, Range 1E; Key No. 12-1-32- 61E 300-008; located ½ mile north of E 100 N, on the west side of N 425 E; 1208 N CR 425 E, Avon, IN 46123.

Mr. Hession asked for motion of SE 08-18.

Ms. Johnston made a motion to deny SE 08-18.

Mr. Lasley seconded the motion.

Motion carried 4-1 for denial.

VOTE: For- 1 Against- 4 Abstained-0 DENIED
SE 08-18: ROBERT SCHUSTER

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
SE 08-18

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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 **Active Recreation in an AGR/Agriculture Residential** zoning district. Acting in its role as staff to the County Board of Zoning Appeals (Board), 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 County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the 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 Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this 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 situations specified in the Zoning Ordinance.

HCZO Section 12.7 authorizes the Hendricks County Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.7 (C) authorizes the approval of Recreation (Active) 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 Recreation (Active) is in fact a Special Exception in the Agriculture Residential Zoning District.

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 meet this standard. The comprehensive plan recommends this area for medium growth intensity, suburban residential. This can include neighborhood serving mixed use, but only near town centers.

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- 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 not meet this standard. The use will be out of character in the neighborhood, on a relatively small lot surrounded by homes.

- 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 meet this standard. The use will have to meet local and State regulations for water supply and sewage disposal. Emergency services are nearby.

- 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 meet this standard. Increases in demand for street and emergency services will exceed that of a residential area.

- 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 meet this standard. The use will generate traffic in excess of a typical residence, and the proximity of nearby homes will make it impossible to mitigate detrimental effects.

- 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 will not meet this standard. The proposed use will have an impact on surrounding thoroughfares due to the high volume expected.

- 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 meet this standard. No historic, scenic, or natural feature is involved in this approval.

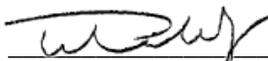
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

For all the foregoing reasons, the Board DENIED this request for a Special Exception on the 18th day of June 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



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Tim Dombrosky
Secretary

VAR 06-18: KEN TROUT/WINGS, ETC. to allow signage on the north side of building on a 1.26-acre General Business zoned lot in Guilford Township; Section 20, Township 15, Range 2E; Key No. 06-3-20-42E 237-003; located in the Heartland Crossing Business Park Sec. 3; 8188 Upland Way, Camby, IN 46113.

Mr. Dombrosky presented a power point of the location of the property. All the surrounding area is zoned GB. There are many development variances within the area, many are "site-specific". There is a stark divide due to SR 67; rural, agricultural land to the north and fairly developed commercial area to the south. Site plan for property has been approved, building will be oriented north/south. Position of building is why Mr. Trout is asking to put signage up on the north side, even though there is no road or parking lot. Mr. Dombrosky also showed the plans for the sign package. Staff recommends approval.

Mr. Ken Trout/Wings, Etc., 1055 E Main St, Brownsburg, IN 46112, confirmed site of building. He highlighted the other businesses around his building site.

Mr. Lasley asked for confirmation of building position.

Mr. Dombrosky pointed out the property, which sets on Windfall Lane in front of Walmart.

Mr. Hession asked for further questions from the board.

There were none.

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

Mr. Lasley made a motion to approve VAR 06-18.

Mr. O'Riley seconded the motion.

Motion carried 4-1 for approval.

VOTE: For- 4 Against- 1 Abstained-0 APPROVED
VAR 06-18: KEN TROUT/WINGS, ETC.

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 06-18

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 sign on a side elevation** in a GB/General Business district. Acting in its role as staff to the Hendricks County Area Board

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of Zoning Appeals (Board), 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 Board, 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;

The Board finds that the proposal will meet this standard. The sign will be visible from surrounding streets and is surrounded by other commercial property. It will comply with the spirit of the ordinance.

(2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;

The Board finds that the proposal will meet this standard. The development and surrounding property will be better served by better identification of the uses.

(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 proposal will meet this standard. The through lot is meant to be viewed from sides other than the front and will be more attractive with signage.

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

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of June 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

June 18, 2018



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 09-18: Max and Angela Williams to allow an assembly hall/event barn on a 5.87-acre parcel in an AGR zoned district in Brown Township; Section 19, Township 17, Range 2E; Key No. 01-1-19-72E-100-005; located west of intersection of N 1000 E and E 1000 N; 9811 E CR 1000 N, Brownsburg, IN 46112.

Mr. Dombrosky showed location of property on the map. Zoning area is completely AGR. Comprehensive plan does show the area has potential business growth due to planned expansion of the Ronald Reagan Parkway. Intent is for a banquet/assembly hall with room to hold events and classes. Staff does not find that all the conditions for a special exception are met; therefore, staff does not recommend approval. He then introduced the petitioner.

Angela Williams, 6095 Mountain Hawk Dr., Zionsville, IN 46077, addressed the board. She clarified that the intent of the special exception was not to have a party barn, as many of the neighbors assume. Mrs. Williams said that they are targeting the corporate sector to hold meetings, training sessions, events. She further stated that they would also be using the space to hold dance classes and lessons. She has been holding the dance classes at her family church, but that the space is no longer able to accommodate the growing class sizes.

Mrs. Williams explained to the board that she and her husband had spoken with many of the neighbors and asked for suggestions/comments to make the proposed venue more acceptable. She presented a PowerPoint of the policies they would enforce for corporate events to be as unobtrusive as possible to the neighbors. These included: hosting a maximum of four events per month, neighbor notification list for event rentals, imposing a 175-guest limit, end time to all events no later than 10:00 pm, beer and wine permitted by a licensed provider only, employment of security when alcohol is served, no smoking and having an open-vendor policy (providing a list of local vendors as a way of promoting other local businesses). Mrs. Williams then highlighted the policies for the dance classes. Classes would run from August to April (through the school year only). Classes would be held no more than 2 ½ days per week. Each class would be between 10-12 students. There would be very occasional times of extra practice to prepare for special performances at local nursing homes, etc.

Mrs. Williams then showed the property's location on the map. She highlighted its proximity to other more commercial areas. Her assertion is that the location is ideal given its

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central location to Boone, Hendricks and Marion counties and the projected route of Ronald Reagan Parkway. She also showed the planned placement of the building on the property, as well as a rendering of the building. There are already natural buffers in place, both trees and farmland, that should be sufficient buffering given that there will be no P.A. or sound system outside of the building. She also showed the location of other similar facilities and how few are in Hendricks county.

Mr. Hession asked if the board had any questions.

Mr. Himsel asked if this facility would be considered commercial for tax purposes.

Mr. Dombrosky answered yes, it would be considered commercial.

Mr. Himsel followed up with asking how much that would bring into the county.

Mr. Dombrosky responded that it could bring the tax cap up to 2% from 1%, given that the facility could potentially bring in a lot of revenue to the area.

Mr. Himsel asked how much the petitioner estimates the building will cost.

Mrs. Williams answered that a rough estimate would be between \$300,000 and \$350,000.

Mr. Lasley mentioned that there is a golf course nearby and asked if they offered an event/meeting space.

Mrs. Williams answered that there was not an event space that they were aware of and it wasn't listed on the Hendricks County website.

Mr. Lasley inquired if they had looked for building sites in Boone county or other areas.

Mrs. Williams answered that they have looked at other areas. She mentioned that they did have an unsuccessful bid to build in Boone County.

Mr. Lasley asked how many similar meeting spaces were available in Zionsville.

Mrs. Williams answered that she did not look at the numbers in Zionsville.

Mr. Hession asked the board if they had additional questions or comments.

They had none.

Mr. Hession then opened the public portion of the meeting.

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Donna Thomas, 9885 E CR 1000 N, Brownsburg, IN 46112, addressed the board. She showed her property on the map. She was opposed to the event center/assembly hall when it was first proposed. After looking into the project, speaking with Mr. Dombrosky and meeting the Williams, Mrs. Thomas is no longer opposed to the venue. She feels that with the expansion of Ronald Reagan Parkway and the commercial growth that will bring, the event center will tie into that expansion.

Cory Darling, 9935 E CR 1000 N, Brownsburg, IN 46112, addressed the board. He pointed out his property on the map. He is opposed to the event center. He stated that since the Ronald Reagan Parkway expansion is not confirmed at this point, it is not certain that the area will become more commercialized. He is also concerned with the impact of increased traffic on an already heavily used road. He is concerned that available septic and drainage systems are inadequate to support the amount of activity the event center will bring.

Ed Lampe, 9811 E CR 1000 N, Brownsburg, IN 46112, addressed the board. He is the current owner of the property in question. He explained that he and his wife are selling their property in two phases; first phase is the vacant acreage the Williams are contracted to buy with the intention of building the event center, and the second phase (to occur in approximately 3 years) is the sale of the front parcel with the house that the Lampe's are currently living in. He contends that the Williams never mentioned their intent to build an event center and that he was only made aware of it when he received the notification letter. He is concerned with interrupting the rural setting of the area and the increase of traffic. He believes the petitioners misrepresented their intentions and is asking the board to deny the Special Exception.

Mr. O'Riley asked for Mr. Lampe to clarify which house is his on the map.

Mr. Lampe pointed out his house and the proximity of it to the parcel in question.

Paul Ritenour, 9775 E CR 1000 N, Brownsburg, IN 46112, addressed the board. He owns the vacant lot on the other side of the Lampe's. He purchased the property to get away from the city/commercial area with the intent to build a house. He stated the proposed event center would become the focal point of his backyard and would decrease his property value. He is also concerned that it will change the atmosphere of the area.

No one else had signed up to speak.

Mr. Hession closed the public portion of the hearing.

Mr. Hession then asked the petitioner if she had any last remarks or comments.

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Mrs. Williams addressed the well and septic concerns first. She assured the board that they would be putting in a commercial grade septic that would adequately support the event center. They would work with professionals to address any drainage issues. She also addressed what Mr. Lampe said was mis-representation of their intentions for the land. She contends that at no time did the Williams indicate that they would be building a home on the property, further stating that the Lampes were notified of their intentions from the beginning of the sales process. Mrs. Williams then concluded with summarizing their proposal for the event center.

Mr. Hession asked for comments or questions from the board.

There were none.

Mr. Hession offered his opinion on the venue. He mentioned a past case that was denied due to disturbing the rural setting of the neighboring area. He said that although this proposed venue is a little different, he still doesn't believe this to be appropriate for the area in question.

Mr. Hession then asked for a motion from the board.

Mr. Himsel made a motion to deny SE 09-18.

Ms. Johnston seconded the motion.

Motion carried 5-0 for denial.

VOTE: For- 0 Against- 5 Abstained-0 DENIED
SE 09-18: MAX & ANGELA WILLIAMS

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 09-18

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 **Banquet/Assembly Hall in an AGR/Agriculture Residential** zoning district. Acting in its role as staff to the County Board of Zoning Appeals (Board), 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 County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the 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 Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this notice and a list of those receiving them were made a part of the file for this Special Exception.

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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 situations specified in the Zoning Ordinance.

HCZO Section 12.7 authorizes the Hendricks County Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.7 (C) authorizes the approval of Banquet/Assembly Hall 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 Banquet/Assembly Hall is in fact a Special Exception in the Agriculture Residential Zoning District.

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 meet this standard. The comprehensive plan recommends this area for low growth intensity, planned business. The planned business growth will come after the completion of the Ronald Regan Parkway, and this is a good use in the interim.

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 not meet this standard. The use will be out of character in the neighborhood, on a relatively inaccessible lot surrounded by homes.

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 meet this standard. The use will have to meet local and State regulations for water supply and sewage disposal. Emergency services are relatively close.

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;

June 18, 2018

The Board finds that the proposal will not meet this standard. Increases in demand for street repair and emergency services will exceed that of a rural area.

- 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 meet this standard. The use will generate traffic in excess of a typical residence, and the proximity of nearby homes will make it impossible to mitigate detrimental effects through site design and operation.

- 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 will meet this standard. The proposed use will not have an impact on surrounding thoroughfares due to the low volume of through traffic.

- 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 meet this standard. No historic, scenic, or natural feature is involved in this approval.

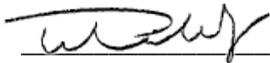
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

For all the foregoing reasons, the Board DENIED this request for a Special Exception on the 18th day of June 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

VAR 07-18: Steve & Janet Tronc to allow variance from Development Standards 4.9 (D) to increase maximum lot coverage for an above ground pool on a .35-acre lot in Town of Stilesville; Section 21, Township 14, Range 2W; Key No. 22-1-21-42W 435-006; located north of W US Hwy 40 near the intersection of Putnam St. and South St.; 6061 South St., Stilesville, IN 46180.

June 18, 2018

Mr. Dombrosky presented a PowerPoint of the location of the property. He pointed out that the surrounding area is zoned GB. He also mentioned that the zoning restrictions for small town communities are flexible to help growth. He then showed a close-up of the property to highlight why a variance is necessary. There is a maximum 35% total lot coverage allowance with a 5% lot coverage allowance for accessory buildings. A pool is considered an accessory building. However, the property in question has a detached garage that comprises the entire 5% lot coverage allowance for accessory buildings. The staff recommends approval for the variance because even with the pool they would still be under the maximum 35% total lot coverage and that if the garage were attached it would not be considered an accessory building, thus not taking up the 5% allotment for accessory buildings.

Janet Tronc, 6061 South St, Stilesville, IN 46180, addressed the board. She is wanting to put in a pool for family enjoyment and physical therapy. She confirmed that it would be for personal use only.

Mr. Lasley asked if the pool would be above ground or in ground.

Mrs. Tronc answered that it would be an above ground pool. It will have a small deck with a locked gate.

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

There were none.

Mr. Hession then opened and closed the public portion of the meeting as no one had signed up to speak.

Mr. Hession then asked for a motion from the board.

Mr. Lasley made a motion to approve VAR 07-18.

Mr. Himsel seconded the motion.

Motion carried 5-0 for approval.

VOTE: For- 5 Against- 0 Abstained-0 APPROVED
VAR 07-18: STEVE & JANET TRONC

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 07-18

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 **accessory structures in excess of 5% total lot coverage** in an RB/ Residential district. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals (Board), 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.

June 18, 2018

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 Board, 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;

The Board finds that the proposal will meet this standard. The small town residential nature of the neighborhood and proximity of legally non-conforming standards makes the request compatible.

(2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;

The Board finds that the proposal will meet this standard. The neighboring uses are mixed in use and development standards, and the property owners are supportive

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

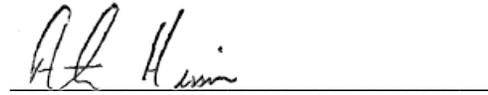
The Board finds that the proposal will meet this standard. There are alternative ways of constructing the same structure and complying with the zoning ordinance that are more burdensome and less desirable.

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

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of June 2018.

June 18, 2018

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Handwritten signature of Anthony Hession in black ink, written over a horizontal line.

Anthony Hession
Chairperson

Handwritten signature of Tim Dombrosky in black ink, written over a horizontal line.

Tim Dombrosky
Secretary to the Board

Mr. Hession asked if there was any further business.

Mr. Dombrosky introduced Nathan Schall as the new BZA staff planner.

Mr. Schall gave a brief introduction of himself and his background.

The board welcomed him.

Being no further business, the meeting was adjourned at 9:03 P.M.