

May 16, 2016

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, May 16, 2016. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Sam Himsel, Sonnie Johnston, Rod Lasley, and Walt O'Riley. Also present were Don Reitz, Planning Director, Greg Steuerwald, County Attorney, Nicholas Hufford, Planner, and Kim Cearnal, 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 May 16, 2016 meeting.

Mrs. Johnston made a motion to approve the May 16, 2016 meeting minutes.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 1 APPROVED
APRIL 18, 2016 MEETING MINUTES

SE 04-16: Barbara Leath for a Special Exception in accordance with HCZO 4.7 (C) to permit a banquet hall; wedding venue on a portion of a 30 acre parcel in Marion Township.

The Staff made a power point of the facts of case. Mr. Hufford pointed out where the parcel is located on power point and stated that most of the surrounding area is zoned AGR/ Agricultural Residential. He stated the applicant will attend every event. He stated caterers will provide food and drink for all events. Mr. Hufford showed the proposed sketch of the venue and explained a little more about the property.

Amy Elliott, 71 W Marion St, Danville, IN., Mrs. Elliott stated that there is an agreement that states that Mrs. Leath will get at least 4 acres from a family trust that consists of 540 acres. She stated that the exact size of parcel will be determined at the development plan level. She stated that one of the existing silos will be used as an office for Mrs. Leath. Mrs. Elliott stated catering will be done by catering trailers. She stated there will not be any bathroom or sink facilities on site, and that they would use portable toilets on a monthly basis. Mrs. Elliott stated the landscaping will follow guidelines to act as a buffer for surrounding neighbors. She stated they are requesting 250 guest maximum but the staff has recommended a 200 guest maximum. She feels the other wedding barn venues that have gone before the board and approved for a 200 guest maximum can be distinguished from this one in that they were much closer to surrounding

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neighbors and near platted subdivisions. Mrs. Elliott stated it is sparsely populated around the Mendenhall parcel.

Mr. Hession asked if the board had any questions.

Mr. O'Riley asked if the current barn on property is going to be used.

Mrs. Elliott replied yes, it will be built onto and remodeled.

Mr. O'Riley asked how big the barn is currently.

Barbara Leath, 249 Harrison Ct, Danville, IN., Mrs. Leath stated it is approximately 40x30. She stated that they will be remodeling the barn and adding on.

Mr. O'Riley asked if they can fit 200 people in that size of barn.

Mrs. Leath stated the weddings will be outdoors and they will also be utilizing the gazebo.

Mr. Himsel asked how big gazebo is going to be.

Tom Cox, 608 Station Dr., Carmel, IN., We have not decided on final size of gazebo, we are still discussing the size of addition to barn.

Mrs. Johnston asked if the lean to add-on to barn will be open.

Mr. Cox stated no, it will be enclosed.

Mrs. Johnston asked how the silos will be used considering how hot they get.

Mr. Cox stated that three of the silos will be open gazebo type structures.

Mrs. Leath stated there will be windows and doors to the silos that are enclosed.

Mrs. Johnston asked how big silos are.

Mr. Himsel stated they are around 24 to 34 ft.

Mrs. Elliott stated for the silos to be used they will have to meet all code standards.

Mr. Himsel asked if the bottom only will be used.

Mrs. Leath stated they plan on taking out the floors down to the concrete because they are currently slanted.

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

There were none.

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Mr. Hession opened the public hearing portion

Glenn Klaum, 7699 W CR 100 N., Danville, IN., Mr. Klaum stated he is concerned about having the venue open later through the week and on Sunday. He asked how the noise level would be controlled.

Mr. Reitz stated the department would field the complaints and then follow up.

Mr. Klaum stated with the office for Mrs. Leath also going in, he assumes there is going to be a septic put in.

Mr. Hession stated that kind of stuff would be handled at the development plan review.

Mr. Klaum asked if alcohol would be allowed on the premises.

Mr. Reitz stated we are dealing with land use issues as of right now.

Mr. Klaum stated he is just concerned with the littering, traffic, and smoking around the fields, amongst other issues.

Andrew Doub, 8614 W CR 100 N, Danville, IN., stated there is a 4 acre parcel proposed on a 30 acre tract and asked what the intent of the other 25 to 26 acres is going to be. He asked if the wedding venue will get bigger and take up more land, and if zoning would change.

Mr. Hession stated the case is only for the 4 acre parcel and the board cannot dictate what may happen in the future.

Mr. Doub asked if alcohol will be allowed, and if so, he asked if there will be an off duty police officer working.

Joe Doub, 8614 W 100 N., Danville, IN., Mr. Doub expressed his concerns with the traffic, trash, and the speeding that already exists on CR 100 N.

Mr. Hession closed the public hearing portion.

Mrs. Elliott stated the remaining 26 acres will be going to a sibling of Mrs. Leath's. She stated that the 26 acres will be farmed. She stated there will be very detailed information done if the case goes on to the plan commission for review. Mrs. Elliott stated there will be another notification letter for this meeting. She stated alcohol will be distributed by the caterer's. She stated smoking will be prohibited and no smoking signs will be posted.

Mr. Hession asked if the no smoking will be enforced.

Mrs. Elliott stated yes, that Barbara will be running and enforcing everything from choosing caterer's, down to the smallest details. She stated that the events will be over at 9 p.m. on Thursdays and Sundays. She stated that Mrs. Leath will be the last one to leave after making

sure everything has been cleaned up. Mrs. Elliott stated that Barbara would like to use grasscrete for the parking lot because she wants to maintain the agriculture feel to this property and doesn't want asphalt to take over natural feel of property. Mrs. Elliott stated Mrs. Leath will be hiring security for any event that is going to have alcohol.

Mr. Himsel asked if there were plans to put in a septic system or well.

Mrs. Leath stated she is considering it. She stated for the first and maybe 2nd year she plans to use mobile restroom trailers seeing how commercial septic systems are very expensive.

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

There were none.

Mr. Hession asked for a motion on SE 04-16.

Mr. Himsel made a motion to adopt positive findings of facts and approve **SE 04-16**.

Mrs. Johnston seconded the motion.

VOTE: For- 4 Against- 1 Abstained- 0 APPROVED

SE 04-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 04/16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 04/16

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 banquet hall/wedding venue* in an AGR/Agricultural 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, 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 or assembly hall in the AGR/Agricultural 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 AGR 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 be harmonious and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The comprehensive plan recommends a mix of suburban residential and rural residential land use in the area under consideration. The proposed use is compatible with this type of land use pattern. Moreover, conditions of approval have been established to maximize compatibility with existing uses.

- 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 agricultural and rural residential 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 agricultural and rural residential character in the area.

- 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 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, or will be catered, to the location under consideration.

- 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 be detrimental to the economic welfare of the community. No additional public service is required as a result 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. Conditions have been attached to this approval that ensures that the proposed use will not be detrimental to persons or property.

- 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 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.

- 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. This approval does not adversely affect any historic feature of major importance.

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 Chapter 12 A through K are found to apply to this Special Exception:

- A. Topography and other natural site features;
- B. Zoning of the site and surrounding properties;
- C. Driveway locations, street access, and vehicular and pedestrian traffic circulation;
- D. Parking (including amount, location, and design);
- E. Landscaping, screening, and buffering of adjacent properties;
- F. Open space and other site amenities;
- G. Noise, loading area, odor, and other characteristics of a business or industrial operation;
- H. Design and placement of any structures;

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 case-by-case bases.

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 Board or any successor agency.
2. To restrict accountability and responsibility for the operation and to make future operations compatible with the surrounding property, this special exception shall run with the applicant and not the real estate.
3. The applicants shall submit this proposal for development plan review to the Hendricks County Plan Commission. In addition to the standard items of development plan review, the applicants shall submit a) an outdoor lighting plan, and b) the location of any outdoor public address and/or music systems.
4. The maximum number of guests on the property shall be 200. This requirement excludes caterers, entertainers, event staff, and other service personnel.

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5. Hours of operation. Occurrences of weddings, banquets, or any other gatherings shall be limited to Thursday through Sunday. Hours are Thursday and Sunday opening at 5PM and closing at 9PM, Friday and Saturday opening at 5PM and closing at 12AM. "Closing" means wedding or meeting activities stopped and music and PA systems turned off.
6. All applicable federal, state, and local approvals are required.
7. Any expansion of the operation would require this Boards approval.
8. Applicant shall hire security for events where alcohol is served.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception, subject to the conditions set forth, the 16th day of May 2016.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

VAR 05-16: Keith & Taylor Cooper for a variance from development standards 4.7 (D) to allow a buildable parcel with no road frontage on a 40 acre parcel in Clay township.

The Staff made a power point of the facts of case. Mr. Hufford pointed out where the parcel is located on power point and stated that the parcel is most of surrounding area is zoned AGR/ Agricultural Residential. Mr. Hufford stated there are two different strips of parcels that lie between the property and CR 500 S, and that the property has no frontage on a public thoroughfare. He stated the Cooper's need to obtain a variance to allow a buildable parcel with no road frontage.

Andy Kult, Comer law office, Danville, IN., Mr. Kult stated there are two strips of ground that run in front of the Cooper parcel. He stated one is an abandoned railroad strip and the other is an old inner urban trail. He stated this is why the properties along this stretch of road have no road frontage. Mr. Kult said there is a 50ft. wide easement that was granted to the property in 2015. He stated they would like to plat off 2 acres and qualify for the exempt subdivision process. Mr. Kult stated in order to plat off a portion of the property, the Cooper's must obtain a variance to allow the establishment of a buildable parcel with no road frontage.

Mr. Hession asked if the board had any questions.

Mr. O'Riley asked about the inner urban strip and railroad tracks.

Mr. Kult stated there aren't any tracks remaining.

Mr. Lasley asked if the home would be staying.

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Mr. Kult stated yes, they have a buyer for the home, but the Coopers want to maintain the remaining 38 acres to farm.

Mr. Hession opened the public hearing.

There were none.

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

There were none.

Mr. Hession asked for a motion on VAR 05-16.

Mrs. Johnston made a motion to adopt positive findings of facts and approve VAR 05-16.

Mr. Himsel seconded the motion.

VOTE: For- 5 Against- Abstained- 0 APPROVED

VAR 05-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 05/16

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 lot with no road frontage* 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 12.6 (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;**

The Board finds that an approval will not be injurious to the public health, safety, morals and general welfare of the community. The surrounding area consists of large tracts of tillable land with residences. This approval will have no influence on the established and long-standing rural pattern of land use, nor will it adversely affect the area's agricultural designation on the comprehensive plan's future land use map.

- (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 use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. This property is surrounded by rural residential and agricultural land uses with no physical change occurring to the subject property.

- (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. Without this variance, the property is noncompliant, unbuildable, and represents a zoning violation.

The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance: None.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of May 2015.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

VAR 06-16: I-70 West, LLC for a Variance from development standards 9.11 (Monument, Commercial) to increase maximum sign height from 6 ft. to 24 ft. in a GB zoned district.

The Staff made a power point of the facts of case. Mr. Hufford pointed out where the parcel is located on power point and stated that the parcel is most of surrounding area is zoned GB/General Business District with PB/Planned Business and HB/Highway Business around it. He stated it will be on the corner of SR 39 and Innovation Blvd. He explained that increasing the sign height and sign face would allow semi's to see it.

Max Mouser, Studio A of Indianapolis, Inc., Mr. Mouser stated they are experiencing problems with semi's coming off I-70 and having to turn around because they have passed the turn into Innovation Blvd. because of the sign not being big enough. He stated they want to place a bigger sign at the corner of Innovation and SR 39 so it can be seen and because it's an industrial area. He stated they are wanting to make it a commercial monument sign and not a pylon sign because of the amount of tenants that will soon be taking up the 70 West Business Park.

Mr. Lasley asked if the sign would say Innovation Blvd.

Mr. Mouser stated no, as traffic picks up, most likely there will be a traffic light added to this area.

Mr. Himsel stated that he agreed that the sign should be bigger because of the wrecks that often occur in this area.

Mr. Hession opened the public hearing portion.

There were none.

Mr. Hession asked if the staff had any additional comments or questions.

There were none.

Mr. Hession asked for a motion on VAR 06-16.

Mr. Lasley made a motion to adopt positive findings of facts and approve VAR 06-16.

Mr. O'Riley seconded the motion.

VOTE: For- 5 Against- Abstained- 0 APPROVED

VAR 06-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 06/16

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 **24 foot height on a Monument Sign in a General Business/GB 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:

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

The Board finds that an approval will not be injurious to the public health, safety, morals and general welfare of the community. The area surrounding I-70 Exit 59 is characterized by larger commercial and industrial park-sized signage due to the necessary visibility for semi-trailer drivers, as well as multiple tenants using a shared drive as suggested in the ordinance. Approval of this proposal will not have an adverse influence on established and future development in this part of the county.

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

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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. This property is surrounded by distribution and warehouse activities where the height of the sign will look in scale with the activity and not negatively influence adjacent properties or property values.

(6) 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 additional height is needed to provide visibility and distinguishability for semi-truck drivers. Holding the proposed sign to zoning ordinance maximum dimensional standards would result in a sign that would not provide adequate business identification nor would it encourage safe traffic flow.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of May 2016.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

VAR 07-16: I-70 West, LLC for a Variance from development standards 9.11 (Monument, Commercial) to increase maximum sign face area from 50 sq. ft. to 80 sq. ft. on the primary and secondary sign in a GB zoned district.

Mr. Hession asked for a motion on VAR 07-16.

Mr. Lasley made a motion to adopt positive findings of facts and approve VAR 07-16.

Mr. O'Riley seconded the motion.

VOTE: For- 5 Against- Abstained- 0 APPROVED

VAR 07-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 07/16

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 **80 sq. ft. primary and secondary sign face on a Monument Sign in a General**

Business/GB 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;**

The Board finds that an approval will not be injurious to the public health, safety, morals and general welfare of the community. The area surrounding I-70 Exit 59 is characterized by larger commercial and industrial park-sized signs due to the necessary visibility for semi-trailer drivers, as well as multiple tenants using a shared drive as suggested in the ordinance. Approval of this proposal would not have an adverse influence on established and future development in this part of the county.

- (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 use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. This property is surrounded by

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distribution and warehouse activities where the area of the sign face will look in scale with the activity and not negatively influence adjacent properties or property values.

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 additional square footage is needed to provide visibility and distinguishability for semi-truck drivers. Holding the proposed sign to zoning ordinance maximum dimensional standards would result in a sign that would not provide adequate business identification nor would it encourage safe traffic flow.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of May 2016.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA