

January 17, 2017

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Tuesday, January 17, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Sonnie Johnston, Rod Lasley, and Walt O'Riley. Also present were Don Reitz, Planning Director, 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 December 19, 2016 meeting.

Mr. Lasley made a motion to approve the December 19, 2016 meeting minutes.

Mrs. Johnston seconded the motion.

Mr. O'Riley

VOTE: For- 3 Against- 0 Abstained-2 APPROVED
DECEMBER 19, 2017 MEETING MINUTES

Mr. Hession stated the next order of business was the Election of Officers for 2017.

Mr. Lasley made a motion to appoint Mr. Hession as Chairman for 2017.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 1 APPROVED
ELECTION OF OFFICERS 2017 CHAIRMAN

Mr. Hession asked for a motion for Vice-Chairman.

Mrs. Johnston made a motion to appoint Mr. Lasley as Vice Chairman.

Mr. Hession seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 1 APPROVED
ELECTION OF OFFICERS 2017 VICE-CHAIRMAN

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VAR 01-17: Addie DeAtley, Mr. Hession stated that VAR 01-17 has been continued for the February 21st BZA meeting.

VAR 02-17: Sign-By-Design for a variance from development standards 4.17 (D) to permit a zero foot setback for a sign in a PB/Planned Business district.

Mr. Hufford showed where the parcel is located on power point. He stated that the sign for the Hearth at Prestwick is surrounded by mostly commercial area, with residential to the south. Mr. Hufford stated that the new sign will be in the same exact location as the previous sign. He stated the sign does meet the sign ordinance and it will not interfere with the sight lines. Mr. Hufford pointed out that the right-of-way comes all the way to the island that the sign is located on. He stated that the ordinance states that building signs are to be 10 feet away from right-a-way and this sign would be have a zero setback.

Mr. O'Riley asked if the sign that was there before was put in before ordinance stated otherwise.

Mr. Hufford stated yes, it was there before it was required.

Mrs. Johnston asked if it is going to be the same size as the other sign.

Don Miller, 540 W Ash St., Zionsville, IN., Mr. Miller stated it is the same size. He said that the hardship to move the sign back would be the three full mature trees that would have to come down. He stated they are replacing the sign because they are going with a different type of structure for the sign. Mr. Miller stated they are replacing them in other cities as well.

Mr. O'Riley asked if there are any visual changes to the sign, possibly obstructing view since sign is changing.

Mr. Miller stated no.

Mr. Hession opened the public hearing.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

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

There were none.

Mr. Hession asked for a motion on VAR 02-17.

Mrs. Johnston made a motion to adopt positive findings of facts for VAR 02-17.

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Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained-1 APPROVED
SE VAR 02-17: Sign-By-Design

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 02-17

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 zero foot setback for a sign* in an PB/Planned Business district. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in Room 212 of the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the Hendricks County Zoning Ordinance (HCZO) Section 12.6 (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 surrounding community consists of residences, and businesses that are generally compatible with one another. The location of the sign does nothing to change that.

- (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. The sign is replacing an existing sign in the exact location, and there are no complaints or other evidence to indicate it affects surrounding properties in an adverse manner.

- (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 new sign is taking the exact place of an existing sign, and needs this Variance only by the fact that it needs to conform to new standards that did not exist when it was first placed in the location. Additionally, the driveway where the sign is located is designed in a way that makes all safety concerns void.

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 17th day of January 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Being no further business, the meeting was adjourned at 7:45 P.M.



Anthony Hession

Chairman



Don F. Reitz, AICP

Secretary to the Board