

May 15, 2017

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, May 15, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Sonnie Johnston, Sam Himself, and Walt O'Riley. Also present were Tim Dombrosky, 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 April 17, 2017 meeting.

Mrs. Johnston made a motion to approve the April 17, 2017 meeting minutes.

Mr. Himself seconded the motion.

**VOTE: For- 4 Against- 0 Abstained-1 APPROVED**  
**April 17, 2017 MEETING MINUTES**

**VAR 15-17: Denny Smith** for a Variance from Development Standards 4.3 (C) to allow two principle uses on an 8,83 acre parcel in Center Township; Section 18, Township 15, Range 1E; Key Number 02-3-18-51E 477-001.

Mr. Hufford showed where the property is located on power point, stating that the parcel is platted. He stated the first structure that would be built would be for multi-use. Mr. Hufford stated that it would have a multi-purpose gym, workout area, and the living quarters would be 1900 square feet. Mr. Hufford stated that he would build a second home in the future that would be more of a traditional homestead. He stated that the Smith's would like to keep the first structure and kitchen for family functions and a possible place for his children to stay. Mr. Hufford stated they looked into splitting the parcel, but with the way it's platted; it is infeasible.

Mr. Hession asked what it is that stops it from being platted.

Mr. Hufford stated the three to one ratio, meaning the length cannot exceed 3x the width. He stated that based on where the frontage is that it wouldn't give them any options. Mr. Hufford stated that the condition of approval would be that once the house is built, the address for pole barn would then go to the house.

Mr. O'Riley stated no commercial use or rental.

Mr. Hufford stated correct.

Denny Smith, 5283 Ironwood Lane, Plainfield, IN., 46168, Mr. Smith stated they are a recreational family. He stated their intent is to build a gym for basketball, volleyball, tennis, with a weight lifting facility next to it. Mr. Smith stated they would put a 3 bedroom, 3 baths, with open area above the recreational area. He stated they would like to utilize it around holidays. Mr. Smith stated that once the building is built, they would sell their current home in Plainfield and live above rec center until 2<sup>nd</sup> building is built. He stated they would need to keep the kitchen in the first structure for when they do have family functions. Mr. Smith stated that this building would be like what some of the other surrounding properties have, which is a typical looking pole barn.

Mr. Hession asked what the height would be for the first building.

Mr. Smith stated that he would like the gym to have at least a 20' ceiling height making the building at around 25' in height.

Mr. Hession asked if it would be standard metal siding as most pole barns have.

Mr. Smith stated yes.

Mrs. Johnston asked if the pole barn would blend in with the rest of the neighborhood.

Mr. Smith stated yes and used the power point to point out the other homes which had pole barns.

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

Mr. O'Riley asked why they couldn't build the house bigger and then pole barn for the gym.

Mr. Smith stated that he trains 18 kids for basketball and needs the space.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing.

Mr. Hession asked if Mr. Smith was good with the condition of approval regarding address going to 2<sup>nd</sup> principal after it is built.

Mr. Smith stated yes, he is fine with that.

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

There were none.

Mr. Hession asked for a motion on VAR 15-17.

May 15, 2017

Mr. Himself made a motion to approve VAR 15-17 with positive findings subject to the conditions.

Mrs. Johnston seconded the motion.

**VOTE:            For- 4                            Against- 0                            Abstained-1                            APPROVED**  
**VAR 15-17: DENNY SMITH**

### **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

VAR 15-17

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 *two principal uses on one parcel* in an AD/Airport Development 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. Both buildings will comply with the architectural and landscaping standards of the ordinance and will comply with the maximization of land in the zoning district,

**(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 multi-purpose building will be built to look like pole barns in the surrounding area and will be used in a manner similar to that of a residence.

**(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 applicant attempted to pursue a property split to conform to the rule allowing one principal use per property. In addition, if the kitchen facilities are removed, the building will become an accessory building, and will not conform to several development standards.

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

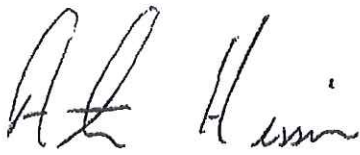
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. The dwelling with the multi-purpose gym will not have its own address following the transfer of the address when the primary building is built
2. All federal, state, and local regulations apply

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 15th day of May 2017.

AREA BOARD OF ZONING APPEALS

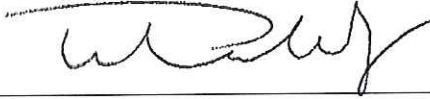
HENDRICKS COUNTY, INDIANA



May 15, 2017

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Anthony Hession  
*Chairman*



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Tim Dombrosky  
*Secretary to the Board*

Mr. Dombrosky brought up the ordinance change regarding accessory dwelling units. He stated that it was brought up to the Plan Commission and that they were favorable in continuing to review that section of the ordinance to allow these structures. Mr. Dombrosky stated to the board that the goal is to have fewer variances for these types of structures.

Mr. O'Riley asked if the specifications for the structures would be discussed with the board.

Mr. Hufford stated yes, that these would go in under Special Exceptions and would be brought before the board.

Mr. Dombrosky stated they will be a different class of Special Exceptions.

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