

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, June 19, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Rod Lasley, Sonnie Johnston, Sam Himsel, and Walt O'Riley. Also present were Greg Steuerwald, County Attorney, 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 May 15, 2017 meeting.

Mrs. Johnston made a motion to approve the May 15, 2017 meeting minutes.

Mr. Himsel seconded the motion.

**VOTE:            For- 4                    Against- 0                    Abstained-1                    APPROVED**  
**May 15, 2017 MEETING MINUTES**

**VAR 16-17: Little Bit Farms, Inc.,** for a Variance from Development Standards to allow a 7 foot front yard setback on a 27 acre parcel in Franklin township; Section 19, Township 14, Range 1W; Key No. 05-1-19-41W 300-002; Located approximately .25 of a mile north of W CR 900 S; 8643 S CR 300 W, Clayton, IN. 46118.

Mr. Hufford showed where the property is located on power point stating it is 27 acres and that there is also an additional property to the back. He stated the home was built in 1930 and nothing with the structure has changed since that time. Mr. Hufford stated that the thoroughfare plan through the area requires a 40 foot half right of way which makes the home about 7 feet away from the right of way. Mr. Hufford stated that in order to split the property and have an exempt subdivision, the lot needs to conform to all development standards. He stated this is why the applicant is asking for the Variance to allow the setback to be 7 feet. Mr. Hufford stated the 7 feet would apply only to the home and not any other structure.

David Little, 7191 S CR 100 W, Clayton, IN., Mr. Little stated they have approximately 150 acres throughout that area. He stated they would like to take off the farmland area and sell the house separately. He stated since the house has been there since the 1930's they need to acquire the Variance for the setback of 7 feet.

Mr. Hession asked if the board had any questions.

Mr. Himsel asked how much land Mr. Little would be selling with the house.

Mr. Little stated they would be selling 5 acres with the house. He stated they want to keep the farmland together.

Mr. O'Riley asked where the septic system is located.

Mr. Little stated it is between the house and the drive-way.

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

There were none.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

Mr. Hession asked for a motion on VAR 16-17.

Mrs. Johnson made a motion to approve VAR 16-17 with the condition that all other structures abide by the setback determined by the Thoroughfare Plan.

Mr. O'Riley seconded the motion.

<b>VOTE:</b>	<b>For-5</b>	<b>Against-0</b>	<b>Abstained-0</b>	<b>APPROVED</b>
<b>VAR 16-17: Little Bit Farms, Inc.</b>				

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

Findings of Fact/Law and Conditions of Approval

VAR 16-17

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 residence 7' from the front setback** 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 12.6 (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. Allowing an existing residence at this distance from the road continues to uphold planning principles.

- (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 building has not had an adverse effect its' 80 years of existence, and this Variance will not change that.

- (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. Following the Ordinance the home would have to be torn down and moved back to abide by the Thoroughfare Plan and setback designated by the Zoning Ordinance. This Variance is limited to the existing residence to not allow any new buildings to go beyond the regulated setback.


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

June 19, 2017

1. The Variance will only apply to the residence. All other structures must abide by the setback determined by the Thoroughfare Plan and Zoning Ordinance.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of June 2017.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

  
\_\_\_\_\_  
Anthony Hession  
Chairman  
\_\_\_\_\_  
Tim Dombrosky  
Secretary to the Board

**VAR 17-17: Thomas Owens** for a Variance from Development Standards to allow a zero foot front setback on a 1.64 acre parcel in Clay township; Section 01, Township 14, Range 2W; Key No. 03-2-01-42W 100-003; Located approximately .65 of a mile west of S CR 250 W. ; 3565 W CR 500 S, Coatesville, IN. 46121.

Mr. Hufford showed where the property is located on power point. He stated that the road sits on a ridge which gives the front yard a slope. Mr. Hufford stated that Mr. Owen is requesting to put a pole barn on the lot. He stated there is a power line in the backyard along with the septic system and there is yard sloping back there as well. Mr. Hufford stated the best place for the structure would be in the front yard just past where the yard slopes. He stated that it would be outside of the 50 foot half right of way but that Mr. Owens is asking for a zero foot setback. Mr. Hufford stated the accessory building will meet all other standards besides placement.

Mr. Hession asked how much residential is in that area.

Mr. Hufford showed on power point where the surrounding few neighbors are stating that it is mostly farm land.

Thomas Owens, 3565 W CR 500 S, Coatesville, IN. 46121, Mr. Owens stated that the slope in front yard from the road is about 8 inches to a one foot. Mr. Owens pointed out how the back yard slopes too much and how difficult it would be to place pole barn in back.

Mr. Himsel asked what the smaller structure on the east property line is.

June 19, 2017

Mr. Owens stated that it is a small shed.

Mrs. Johnston asked what size of building it is going to be.

Mr. Thomas stated 30x45 or 30x50.

Mrs. Johnston asked if it would be just a regular pole barn.

Mr. Thomas stated yes, that he would like to have more of a residential scheme.

Mr. Lasley asked if it would be on concrete.

Mr. Thomas stated yes.

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

There were none.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

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

Mr. Himsel made a motion to approve VAR 17-17 with positive findings of facts.

Mrs. Johnston seconded the motion.

<b>VOTE:</b>	<b>For-5</b>	<b>Against-0</b>	<b>Abstained-0</b>	<b>APPROVED</b>
<b>VAR 17-17: Thomas Owens</b>				

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

Findings of Fact/Law and Conditions of Approval

VAR 17-17

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 **an accessory structure 0' from the front setback** 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 12.6 (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. An accessory building with 0' front setback represents typical 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. The accessory building will abide by all other development and safety standards.

- (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. Following the Zoning Ordinance and Thoroughfare Plan would place the barn on a steeper slope and impact existing power lines resulting in the desired placement further from the home.

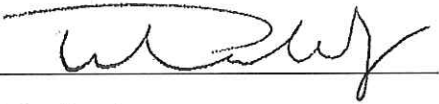
June 19, 2017

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of June 2017.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

A handwritten signature in black ink, appearing to read 'Hession', written over a horizontal line.

Anthony Hession  
*Chairman*

A handwritten signature in black ink, appearing to read 'Dombrosky', written over a horizontal line.

Tim Dombrosky  
*Secretary to the Board*

Being no further business, the meeting was adjourned at 8:46 P.M.