

July 17, 2017

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, July 17, 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 June 19, 2017 meeting.

Mr. Lasley made a motion to approve the June 19, 2017 meeting minutes.

Mrs. Johnston seconded the motion.

VOTE:	For- 5	Against- 0	Abstained-	APPROVED
JUNE 17, 2017 MEETING MINUTES				

VAR 18-17: Matthew Hagans, for a Variance from Development Standards 4.3 (C) to allow two principal uses on a 22.6 acre parcel in Middle township; Section 05, Township 16, Range 1E; Key No. 10-2-05-61E 400-001; Located at Brookridge Dr. and E US HWY 136; 4584 Brookridge Dr, Pittsboro, IN.

Mr. Hufford showed where the property is located on power point stating the property is just east of the town of Pittsboro. He pointed out where the existing cabin is and where the new home will be placed on the 22 acre parcel. Mr. Hufford stated that the existing cabin has been there since the 1960's and does meet the zoning requirements for size to be a principal dwelling. He stated that the property would be difficult to split because of a ridge that runs through the property.

Maria Rusomaroff, 8841 Mud Creek Road, Indianapolis, IN., Ms. Rusomaroff stated that Mr. Hagan wanted to update the cabin at first but decided against it after learning of the cost to get it up to code. She stated that he does not want to sell or split the property due to it having sentimental value. Ms. Rumsomaroff stated that the lot would be big enough to build a second principal structure and would not affect surrounding properties because of the heavy woodiness and the size of the parcel. She stated that the new home will be a two bedroom structure and that the cabin will be for any overnight guests when the primary is full.

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Mr. Hession asked if the board had any questions.

Mr. O'Riley asked about the structure already on property near property line.

Matt Hagans, 4584 Brookridge Dr, Pittsboro, IN., Mr. Hagans stated that it is a 55 x 70 storage barn.

Mr. O'Riley asked if the cabin were habitable.

Mr. Hagan stated yes, but it is small at 800 square feet.

Mr. O'Riley asked if it were a log home.

Mr. Hagan stated no, it has siding on it when he bought it and then replaced it with a rough on cedar to make it have more of a cabin look. Mr. Hagan stated this house was temporary while he and his wife built a bigger house. He stated they just never got to it and then she passed away. Mr. Hagans stated that he and his new wife would like to refurbish the home and keep it as a guest cabin because it does hold sentimental value to him.

Mr. Lasley asked if there was something already there where the proposed new home is going.

Mr. Hagan stated yes, there is a two car log garage made out of telephone poles. He stated that he uses it for storing lawn equipment, etc.

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 if the board had any further comments.

Mr. Hession stated that it does meet all state, federal and local ordinances. He also stated that when the new home is built, the address will transfer over to new build.

Mr. Hession asked for a motion on VAR 18-17

Mrs. Johnston made a motion to approve VAR 18-17 with positive facts of findings.

Mr. O'Riley seconded the motion.

VOTE: For-5 Against-0 Abstained-0 APPROVED
VAR 18-17: MATTHEW HAGANS

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 18-17

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** in an RB/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 two principal uses on one lot does not change the character of the area, and does not exceed the density objectives of this 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;**

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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. The lot is almost wholly surrounded by subdivisions that benefit from having a wooded area near by.

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

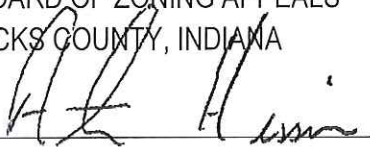
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. Following the Zoning Ordinance to keep one principal use per parcel would potentially impose greater destruction of natural assets of the property. Additionally, the existing cabin will be secondary in nature to the principal dwelling, but meets the standard of a principal dwelling.

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

1. The cabin 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 17th day of July 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession

Chairman



Tim Dombrosky

Secretary

VAR 19-17: Rachel and Jacob Coady for a Variance from development standards 4.7 (D) to allow a 20 foot front setback for a new structure on a 1 acre parcel in Marion township; Section 9, Township 15, Range 2W; Key No. 09-2-09-52W 200-001; Located approximately .50 of a mile east of N SR 75; 6473 W US HWY 36, Danville, IN.

Mr. Hufford showed where the property is located on power point. He stated that since the house was built prior to 1940, it was built closer to the road. Mr. Hufford stated that with the thoroughfare plan and right of way combined, it is 150 feet back from center of the road. He stated that with the size of the pool, it would be impossible for the pool not to be in the rear or front setback. Mr. Hufford stated that with it being 20 feet into the setback, it will pose no threat to road. He stated this will create a new front setback for any new structures and they will be allowed to be built up to that 20 foot front setback.

Rachel Coady, 6473 W US HWY 36, Mrs. Coady stated she simply just wants a pool for their family so they can teach their son how to swim. She stated that since they live far from town it would be nice to have a pool in their yard.

Mr. Hession asked what other structures might be built later.

Mrs. Coady stated they may add a 10x12 gazebo in the future.

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

There were none.

Mr. Hession opened the public hearing portion.

Mr. Kenneth Mason, 6255 W US HWY 36, Danville, IN., Mr. Mason stated that he owns the property behind the Coady's and if they needed the extra space or more land, he would be willing to work out a deal with them.

Mr. Hession closed the public hearing portion.

Mr. Hession made a motion to approve VAR 19-17 with positive facts of findings.

Mrs. Johnston seconded the motion.

VOTE: For-5 Against- 0 Abstained-0 APPROVED
VAR 19-17: Jacob and Rachel Coady

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 19-17

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 **20' 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. The house on this property is already located in the ROW as are many other homes along US 36. A 20' front setback would place all new structures 120' from the center of the road, where many structures already exist.

- (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;**

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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. Any new structures would still be located behind the house and would abide by all other development 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 all new structures virtually within the rear setback, the parcel is 200' long, and 180' is the ROW + setback. This property was developed before the County established the distances we uphold today.


For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17th day of July 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession

Chairman



Tim Dombrosky

Secretary

VAR 20-17: Clyde J Simpson for a Variance from Development Standards to exceed maximum accessory lot coverage on a .44 acre parcel in Center township; Section 07, Township 15, Range 1W; Key No. 02-2-07-230-007.000-002; Located approximately .14 of a mile south of W US HWY 36 ; 146 Suburban St., Danville, IN.

Mr. Hufford showed where the property is located on Power Point stating it is located in the subdivision of Suburban Acres. He stated all the lots in this subdivision are plotted the same, being 200 sq. ft. in length and 100 sq. ft. in width. Mr. Hufford stated the ordinance allows 1000 sq. ft. and the request is for a 1500 sq. ft. accessory building. He stated this would be a significant structure in the neighborhood exceeding normal structures by 500 sq. feet. Mr. Hufford stated it is this reason that he would recommend denial because of it setting precedence.

Mr. Hession asked about how many homes were in the subdivision.

Mr. Dombrosky stated around 35 to 40 homes.

Clyde Simpson, 146 Suburban St., Danville, IN. 46122, Mr. Simpson stated he knew that Mr. Hufford was against the size of building he wanting. He stated that instead of the 1500 sq. ft. building he would be able to size it down to 1000 sq. ft. with a loft. Mr. Simpson stated he doesn't want to infringe on his neighbors and can build it upright rather than out.

Mr. Himsel asked what size of building it would be.

Mr. Simpson stated he wanted a 30x50 but would be willing to go down to a 32x30 or 960 sq. ft. He stated he would raise the height of the building and use the loft for storage. He stated the reason he wants to go outward with the building rather than up is due to him getting older and not wanting to climb stairs.

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

Mr. O'Riley stated that it really is a matter of setting precedence. He stated that when you allow a structure of this size, the other neighbors will want same size.

Mr. Simpson stated that he understood and again stated he would be willing to build up instead of out.

Mr. Himsel asked how tall it would be if it were 30x50.

Mr. Simpson stated it would be 14'.

Mr. Himsel stated so building a 32x30 would allow you to go to 19 feet in height.

Mr. Dombrosky stated that the height limit for accessory buildings in AGR zoned district is 24 feet.

Mr. O'Riley asked if that was to the peak.

Mr. Hufford stated yes.

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Mr. Himsel stated that he thinks that if the height were 14' instead of 19' it'd be less visible.

Mr. Dombrosky stated that the accessory building across the street is a two story with a loft.

Mr. Simpson stated the reason he wanted to go out instead of up is become everything around the neighborhood is ranch style. He stated that the building will be 15 ft. off the back property line and be set mainly behind his home. Mr. Simpson stated that he owns the property next door to his north.

Mr. Lasley asked what was there on property now.

Mr. Simpson stated there were two sheds but has burned one down. He stated he also has a 24' trailer with stuff he has accumulated over the years.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

Mr. Himsel asked Mr. Simpson if he could get by building a 30x40 building.

Mr. Simpson stated yes.

Mr. Hession asked Mr. Himsel about the height.

Mr. Himsel stated 14' without a loft.

Mr. Simpson stated with the extra length he wouldn't need a loft.

Mr. Dombrosky asked the board members to remember that if every neighbor decided to build a building of this size it would produce more storm water and the question would be where that storm water would go to.

Mr. Simpson stated that most of the surrounding neighbors have put up carports.

Mr. Hession asked the staff what percentages of lots have accessory structures.

Mr. Hufford stated that almost all of them have accessory structures but this structure would be significantly bigger than most.

Mrs. Johnston asked how old the subdivision is.

Mr. Hufford stated it is number 51 in the platting subdivision's out of seven hundred and something.

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Mr. Hession asked for a motion on VAR 20-17.

Mr. Himsel made a motion to approve VAR 20-17 with a 30x40 building and peak height of 19'.

Mrs. Johnston seconded the motion.

VOTE:	For-5	Against- 0	Abstained-0	APPROVED
VAR 20-17: C Jay Simpson				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 20-17

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 1200 sq.ft. structure to exceed accessory lot coverage* 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:

(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. An accessory building that exceeds lot coverage by 200 square feet only equals a 1% coverage increase. The height, mass, and placement on the site will allow the building to fit in with the community.

(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;

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 is in the back, and will not impose a direct negative impact to neighbors, but may promote additional structures of a larger size to be requested.

(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 septic field in the back of the property does not allow the applicant to attach the garage to his home, which he would be legally allowed to do.

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

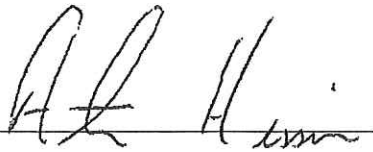
1. The Variance only applies to this building
2. The structure must be built in accordance with all other federal, state, and local codes
3. The structure cannot exceed the dimensions of 30' width, 40' length, 14' eave height, and 19' peak height.

For all the foregoing reasons, the Board approved this request for a development standards Variance on the 17th day of July 2017.

AREA BOARD OF ZONING APPEALS

HENDRICKS COUNTY, INDIANA

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Anthony Hession

Chairman



Tim Dombrosky

Secretary

SE 03-17: Hendricks Power Cooperative for a Special Exception 4.7 (C) to allow for an electrical substation on a 2.37 acre parcel in Franklin township; Section 25, Township 14N, Range 2W; Key No. 05-2-25-42W 400-006; Located directly south of the existing Wabash Valley Power Substation; Located approximately .25 of a mile north of W CR 1000 S on the east side of S CR 350 W.

Mr. Hufford showed where the proposed structure would sit. He stated that there is already a substation just to north of this parcel. Mr. Hufford stated that Wabash Valley and Hendricks Power are consolidating for this substation. Mr. Hufford stated it will have to go before Development Plan Review for drainage issues because of the impervious pad that will be used. Mr. Hufford explained that it is mostly by itself in a AGR district.

Sandra Jones, WSP USA, 115 West Washington St., Indianapolis, IN., Ms. Jones explained she is representing Hendricks Power/Wabash Valley Power. She stated this went through in August of 2015 and was approved but there were things at that time that came up which prevented them building substation. Ms. Jones stated she has been working with the engineering dept. regarding drainage issue. She stated that the area is barely a foot deep because it is already going under a current Duke Energy easement and they need to be able to have access to their line. She stated that is why it is more wide and shallow.

Mr. Hession asked if the consolidating part meant that one of the existing sites will be moved.

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Mr. Ben Hooley, Wabash Valley Power, Mr. Hooley stated yes, that is correct, directly north we will be consolidating and removing equipment at the site adjacent to it and also the one to north of it. He stated that the site adjacent is owned by Wabash Valley Power and the site north is owned by Hendricks Power. Mr. Hooley stated they will be consolidating all the equipment and demolishing those sites.

Mr. Hession asked if they would still remain owners of those two parcels.

Mr. Hooley stated yes.

Mr. Hession asked if the board had any 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 the staff if they had any comments.

Mr. Dombrosky stated that the special exceptions will stay with the two parcel even though they are not being used.

Mr. Hession asked for a motion on SE 03-17.

Mr. Lasley made a motion to approve SE 03-17 with conditions 1 through 5.

Mr. O'Riley seconded the motion.

VOTE:	For-5	Against- 0	Abstained-0	APPROVED
SE 03.-17: Hendricks/Wabash Power				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law & Conditions of Approval

SE 03-17

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 **Essential Services, Major (Electrical Substation)** 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 Essential Services, Major 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 the proposal is in fact a permitted Special Exception use in the zoning district involved.

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 with and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The Comprehensive Plan and Zoning Ordinance classify this area as Agricultural in character. The proposed electrical substation is an expected use in rural agricultural land.

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. Approval of this electrical substation use will not adversely affect the character of the general vicinity.

- 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 be adequately served by essential public facilities and services.

- 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 not 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, beyond what is to be reasonably expected by a substation. Additional development standards will be implemented to help mitigate these factors.

- 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 utilize existing 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 feature of the property under consideration.

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


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

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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. Approval shall be valid only if the proposed use is established within twelve months of the date of this approval.
3. All applicable federal, state, and local approvals are required. Applicable approvals shall include Building Permits as required.
4. A Development Plan Review shall be required prior to development of the site.
5. Any significant expansion of the use beyond that shown on the site plan dated June/2017 shall require new Special Exception approval by the BZA.


For all the foregoing reasons, the Board approved this request for a Special Exception, subject to the conditions set forth, the 17th day of July 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession

Chairman



Tim Dombrosky

Secretary

Being no further business the meeting was adjourned at 8:13 P.M.