

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, November 20, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Rod Lasley, Sonnie Johnston, and Sam Himsel. Also present were Graham Youngs, 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 October 16, 2017 meeting.

After notification of error made in the October 16th meeting minutes, Mrs. Johnston made a motion to approve the October 16th, 2017 meeting minutes.

Mr. Hession seconded the motion.

VOTE: For- 3 Against- 0 Abstained-2 APPROVED
OCTOBER 16, 2017 MEETING MINUTES

Appeal of Director's Determination: Beazer Homes Indiana, LLP, to appeal the Director's determination to deny building permit #2017-6980; on a .37 acre parcel in Washington Township; Section 09, Township 15, Range 1E; Key No. 12-3-09-51E 351-002; Located on the corner of E CR 100 S and S CR 525 E; 5230 E CR 100 S.

Mr. Dombrosky stated that Beazer Homes is requesting another continuance. He stated that the rules and procedures state; not to be more than three continuances and that this continuance would be the second one. Mr. Dombrosky stated ninety days, not necessarily three continuances.

Mr. Hession asked if they would have to be heard next month or withdrawal.

Mr. Dombrosky stated they could receive one more potential continuance.

Mr. Hession asked for a motion to continue Beazer Homes Indiana.

Mr. Lasley made a motion to continue the Appeal of Director's Determination, Beazer Homes.

Mrs. Johnston seconded the motion.

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

Continuance for Appeal of Director's Determination: Beazer Homes Indiana, LLP

Mr. O'Riley made a motion to continue the appeal the Director's determination from Beazer Homes Indiana, LLP.

Mr. Hession seconded the motion

VOTE: For- 4 Against- 0 Abstained-1 APPROVED
CONTINUANCE OF BEAZER HOMES, LLP, TO APPEAL DIRECTOR'S
DETERMINATION

VAR 31-17: Tracy Mitchell for a Variance from Development Standards 4.7(D) to allow a residential lot with no road frontage on a 20.1 acre parcel zoned AGR in Eel River township; Section 28, Township 17N, Range 2W, Key No. 04-1-28-72W 300-006; Located approximately .35 of a mile North of Ladoga Road; 6900 Ladoga Road, North Salem, IN. 46165.

Mr. Hufford showed where the property is located on the power point presentation. He stated the parcel is zoned AGR with surrounding area being mostly RB. Mr. Hufford stated that this parcel had an Special Exception in 1989 for a mobile home but that it's no longer located here. He stated that the lot was created to be a 20-acre parcel with road frontage.

Andy Kult, Comer Law Office, Mr. Kult stated that Ms. Mitchell accesses her property from an existing drive-way off Ladoga Rd. He stated that her father owns most of the surrounding property around Ms. Mitchell doing business as Orchard Development Corp. Mr. Kult stated that Orchard Development uses most of the land for wetland mitigation. He stated what they are proposing is to plat Tracy's property and give back about 15 acres to Orchard Development which would give the Mitchell's no road frontage, needing the Variance.

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 if Mr. Kult could explain wetland mitigation and how long they've been using this property for that.

Ron Taylor, 8303 SR 236, North Salem, Mr. Taylor stated that when one wetland is destroyed or used for another purpose, they will restore or create it in another area. He stated that the new place replaces what has been destroyed.

Mr. Kult stated there are various pockets on this property that are being used from being destroyed on another property.

Mr. Hession asked if there were any more questions

There were none.

Mr. Hession asked for a motion on VAR 31-17.

Mr. Lasley made a motion to approve VAR 31-17 subject to Findings of Facts.

Mr. Himsel seconded the motion.

Mr. Dombrosky stated that the condition for the draft of the Findings of Facts is incorrect, so the board would adopt the findings with no conditions.

VOTE: For-4 Against- 0 Abstained-1 APPROVED
VAR 31-17: Tracy Mitchell

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 31-17

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 lot with no road frontage* in an AGR/Agriculture Residential zoning 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. Re-arranging the configuration of lot lines, while not changing the physical use/function of the land is not injurious in any manner.

- (2) The use and value of the area adjacent to the property included in the Variance will 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 lot will abide by all other standards.

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

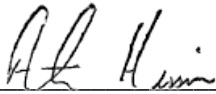
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The practical difficulty is that this is an attempt to alter administrative characteristics without changing the current function of the property.

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

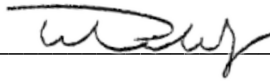
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of November 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

November 20, 2017



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 36-17: Darrell & Cathy Fairburn for a Variance from Development Standards 4.7 (D) to allow the front setback at 79' on a 1 acre parcel in a AGR zoned district in Middle Township; Section 07, Township 16, Range 1E; Key No. 10-2-07-61E 245-005; Located approximately .38 of a mile north of E CR 550 N; 5887 N CR 375 E.

Mr. Hufford showed where the property is on power point stating the area is zoned AGR. He stated that the Fairburn's would like to build a garage attached to the house that would come out an additional 16 feet towards the road. Mr. Hufford stated that the Thoroughfare Plan states that N CR 375 E is a minor arterial which makes it a 50 ft. half right of way with an additional setback of 45 feet. He stated that they would be encroaching the setback by 16 ft. Mr. Hufford stated the practical difficulty would be that the home was built prior to the Thoroughfare Plan.

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 how far the house is from the edge of the Thoroughfare.

Mr. Hufford stated that from the thoroughfare right of way, they would still be 29 feet.

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

There were none.

Mr. Hession asked for a motion on VAR 36-17.

Mrs. Johnston made a motion to approve VAR 36-17 with positive Findings of Facts subject to staff letter.

Mr. Himsel seconded the motion.

VOTE: For-4 Against- 0 Abstained-1 APPROVED
VAR 36-17: Darrell & Cathy Fairburn

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 36-17

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 **29' front setback** in an AGR/Agriculture Residential zoning 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 applicant is extending the life of using the house by adding this extension to the garage.

- (5) The use and value of the area adjacent to the property included in the Variance will 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 addition goes towards the road and does not impede sight lines or impede the use of neighboring properties.


- (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 practical difficulty is the home existed in this location prior to the adoption of the Thoroughfare Plan.

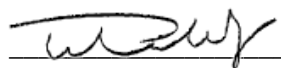
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. The addition must be built in accordance with all other federal, state, and local codes
- For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of November 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 37-17: Sean Buckler for a Variance from Development Standards 4.7 (D) reduce front setback to 20' on a 1.1 acre parcel in Washington Township; Section 25, Township 16, Range 1E; Key No. 12-1-25-61E 300-005; Located approximately .45 of a mile east of N CR 800 E; 8490 E CR 200 N.

Mr. Dombrosky stated that the mailing notices were not received in a timely manner.

Mr. Hufford stated that he spoke with the applicants and there was some miscommunication. He stated that he recommends continuing to the month of December.

Mr. Hession asked for a motion for a continuance.

Mr. Himsel made a motion for continuance for VAR 37-17.

Mr. Lasley seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
VAR 37-17: Sean Buckler for continuance				

VAR 38-17: John Koopman for a Variance from Development Standards 4.9 (D) To reduce side setback and the distance away from principal dwelling on a .19 acre parcel in Eel River Township; Section 4, Township 16, Range 2E; Key No. 19-1-04-62W 140-030; Located approximately 290' south of N SR 75, 218 N Main St, North Salem, IN.

Mr. Hufford showed where the property is located on the power point presentation. He stated that the area is zoned RB (single family residential). Mr. Hufford stated that the carport straddles drive way and is 3 feet from property line and 3 feet from the dwelling. He stated that it was placed there to help the applicant get to it easier because Mr. Koopman's mobility has been impaired. Mr. Hufford stated the carport doesn't impede on neighbors. He stated that because of the size of lot, they consider it a practical difficulty and the staff does recommend approval. Mr. Hufford stated it is two variances, but one building and one position. He stated you can't have one without the other, so it is under one variance.

Mr. Lasley asked if the structure is already there.

Mr. Hufford stated yes.

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

There were none.

Mr. Hession opened the public hearing.

Gladys Goode, 7901 N CR 775 N, North Salem, IN., Mrs. Goode stated they own the property behind Mr. Koopman. She stated Mr. Koopman originally had two buildings there and tore down the first one but not without destroying their fence. She stated her son owns the property to the north and did not receive notification in the mail. She stated they do not want this

carport sitting where it is sitting. Mrs. Goode stated that to access this carport, Mr. Koopman will have to encroach into their property.

Mr. Hession asked Mrs. Goode to clarify regarding her son not receiving notification in the mail.

Mr. Dombrosky asked Mrs. Goode what the address is.

Mrs. Goode stated her son lives in West Virginia.

Mr. Dombrosky stated that the notification list states that the letter was mailed to 7901 W CR 775 W.

Mrs. Goode stated yes, this is for us to receive tax papers.

Mr. Dombrosky stated Mr. Koopman did send proper notice to the address that the property is under.

Mrs. Goode stated yes.

Mr. Lasley asked Mrs. Goode if that was her address.

Mrs. Goode stated yes.

Mr. Hession closed the public hearing portion.

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

Mr. Lasley asked if there was another building behind carport.

John Koopman, 218 N Main St, North Salem, IN., Mr. Koopman stated there were two carports. He stated one was built in 2008 after being shown by Mr. Goode where the property line was at. Mr. Koopman stated that he went to town hall to ask about a building permit for that structure and was told he didn't need one. He stated that he built around the fence and did not tear the fence down until this past spring because of all the weeds. Mr. Koopman stated that with his heart and lung problems, he cannot be walking to back of the property. He stated that he built the other carport closer to the house and took the first one down.

Mrs. Johnston asked how long the carports have been there.

Mr. Koopman stated one was built in 2008 and the other one was put up this past Spring.

Mr. Lasley asked the staff if there was an issue with the fence.

Mr. Dombrosky stated no.

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

There were none.

Mr. Hession asked if there was a motion for VAR 38-17.

Mrs. Johnston made a motion to approve VAR 38-17 with positive findings of facts and conditions of approval.

Mr. Himsel seconded the motion.

VOTE: For-4 Against- 0 Abstained-1 APPROVED
VAR 38-17: John Koopman

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 38-17

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 **3' side setback and 3' building separation for an accessory building** in a RB/Residential zoning 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 accessory building will promote extending the usability of the property for the property owner.

- (2) The use and value of the area adjacent to the property included in the Variance will 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 carport is a small structure and there are no buildings on the other property is close to, doing nothing to impede the full use of the neighboring 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. The property owner has mobility issues and the size of the lot and placement of the home does not allow practical use of the building.

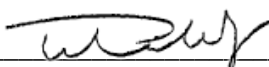
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. The building must be placed in accordance with all other federal, state, and local codes
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of November 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

SE 07-17: James Hayton for a Special Exception to allow a lawn mower repair business in a RB zoned district on a 1.4-acre parcel in Clay Township; Section 31, Township 15, Range 2W; Key No. 16-1-31-52W 400-003; Located approximately .55 of a mile east of S Putnam County Rd; 8386 W Main St, Coatesville, IN. 46121.

Mr. Hufford showed where the parcel is located on power point. He stated that this was brought to BZA because it had started as a zoning violation for the lawn mowers Mr. Hayton had sitting outside. He stated that Mr. Hayton got the property to a point that it was cleaned up and then decided he wanted to continue his lawn mower business by getting a variance. Mr. Hufford stated that there is a fence to block view from street. Mr. Hufford stated that there is a barn in the back of property and has storage to the back of property that is screened with a fence. Mr. Hufford stated that the staff is recommending approval.

Mr. Lasley asked if the mowers were cleaned up and is this included in the request.

Mr. Hufford stated it is included in the request.

James Hayton, 8386 W Main St, Coatesville, IN., Mr. Hayton stated he is cleaning up daily. He stated he put a 6ft. privacy fence to hide the mowers and mower parts that he hasn't cleaned up yet. Mr. Hayton stated he inherited this business from his father. He stated he deals with a lot of older mowers that parts can't be found for. Mr. Hayton stated his number one goal is to clean up the property.

Mr. Lasley asked if Mr. Hayton had mowers on site for parts.

Mr. Hayton stated yes, he will strip the mower, save the parts, and scrap what he doesn't need.

Mrs. Johnston asked if the fence went all the way back to back of property.

Mr. Hayton stated he has it halfway back to where the lawn mowers are sitting. He stated he has a fence in the back going across where the barn is at to hide anything in the back. Mr. Hayton stated he has been removing stuff daily.

Mrs. Johnston asked about an area on map that was showing bigger items placed there.

Mr. Hayton stated they are farm tractors.

Mr. Hession opened the public hearing.

Eva Robinson, 8375 Main St, Coatesville, Mrs. Robinson stated that the barn he is using for storage is in bad shape. She feels that Mr. Hayton takes in more than he can handle. Mrs. Robinson handed over pictures to the board that she had took of the property where the mowers are. She stated that this will bring down property values especially since she is wanting to move next year.

Dennis Robinson, 8375 Main St, Coatesville, Mr. Robinson stated that you can see stuff stacked up if you're coming in from the west. He stated that Mr. Hayden told him and his wife a year ago that the barn was supposed to be torn down for scrap wood. Mr. Robinson stated it is a residential area and not commercial area and he is worried about the area getting rezoned as commercial. He stated he knows Mr. Hayden is trying but it is an eyesore.

Steve Trump, 8372 Main St, Coatesville, IN., Mr. Trump stated that he is a next-door neighbor. He stated all he sees when he walks outside is lawnmowers. Mr. Trump stated that he is concerned what happens to the stuff if something happens to Mr. Hayden.

Greg Wieneke, 8358 Main St, Coatesville, IN. Mr., Wieneke stated that Mr. Hayden has made strides in getting it cleaned up. He too is worried about property value and wants it to be cleaned up more and to stay that way.

Susan Jones, 8421 Main St, Coatesville, IN., Mrs. Jones stated that Mr. Hayden has cleaned up a lot from her view. She stated she wants it to stay residential as well and is worried about property values.

Mr. Hession closed the public hearing.

Mr. Hession asked if the board had any questions.

Mr. Lasley asked whether Mr. Hayden's father had permit.

Mr. Hufford stated that business' run without the planning departments knowledge and that the business came in as a complaint.

Mrs. Johnston asked when was the last time one of the staff had been out to view property.

Mr. Dombrosky stated it was a couple of weeks ago and that Scott Butrum has been in regular contact with Mr. Hayden.

Mr. Himsel stated that he thinks there should be limit on how many mowers worked on with inside storage.

Mr. Hayden stated that he has the 6-ft. privacy fence but just hasn't got it up yet. He stated that he is also fixing up the barn. He stated he tried renting portable storage units, but the Fire Marshall won't let him because of containing lawn mowers.

Mr. Lasley asked about a building towards to back of property that is in the picture.

Mr. Hayden stated that it is a portable building sitting behind the barn.

Mr. Himsel asked how big it is.

Mr. Hayden stated it is 10x17.

Mr. Dombrosky stated that anything regarding business would not be allowed to sit out in the yard. He stated that the only way would be to be behind a privacy fence on four sides.

Mr. Lasley asked how much fence have you bought.

Mr. Hayden stated that he has bought 1000 sq. ft. of fence.

Mrs. Johnston asked if it has been started.

Mr. Hayden stated yes.

Mrs. Johnston asked how long do you think it will take.

Mr. Hayden stated that he is working on it daily.

Mrs. Johnston stated that isn't the answer she is looking for.

Mr. Hayden stated the board should give him 30 days.

Mr. Dombrosky told the board they could put a condition on the approval.

Mr. Himsel stated he thinks everything should be stored inside.

Mr. Lasley asked if the temporary building would suffice.

Mr. Dombrosky stated it would need to be permanent inside storage.

Mr. Himsel made a motion to approve SE 07-17 with the condition of having barn and everything cleaned up in 90 days.

Mrs. Johnston seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
SE 07-17: James Hayton				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 07-17

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 **Home Based Business in an RB/Residential** zoning 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 hall/wedding venue 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 a Home- Based Business is in fact a Special Exception in the RB Residential 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 with and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The comprehensive plan recommends this area for small town mixed use development. A small well-maintained business run out of a home is considered to be a form of mixed use development and is appropriate in the small-town setting.

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 business will be operated out of an accessory building on the property and strategically placed fences will maintain the appearance of a typical residence in Coatesville.

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. The use does not require any additional facilities beyond the scope of a typical residential use.

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. There will be no need for additional public services to the residence being used as a home-based business.

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. All operations and activities are conducted indoors. Conditions of approval have been established to protect persons, property, and the general welfare in the vicinity of those business operations.

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 are 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. No historic, scenic, or natural feature is involved in this approval.

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:

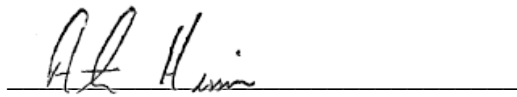
1. Approval shall be terminated and of no further effect in the event the proposed use is discontinued during the approval period. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the BZA or any successor agency.
2. All applicable federal, state, and local approvals are required.
3. Any significant expansion of the business, including the addition of more than one employee not residing in the home, shall require BZA approval.
4. The business will only operate between the hours of 8am-6pm.
5. All mowers and mower parts will be stored inside a building with 4 walls and on a permanent foundation ninety (90) days from this approval (February 20th).

For all the foregoing reasons, the Board APPROVED this request for a Special Exception, subject to the conditions set forth, the 20th day of November 2017.

AREA BOARD OF ZONING APPEALS

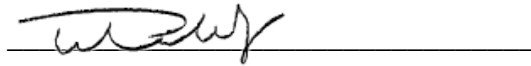
HENDRICKS COUNTY, INDIANA

November 20, 2017



Anthony Hession

Chairman



Tim Dombrosky

Secretary

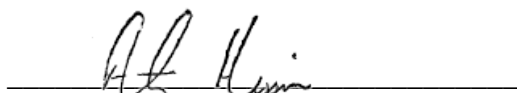
SE 08-17: Dustin Hostetler for a Special Exception to allow an assembly/ banquet hall on a 105-acre parcel in a AGR zoned district in Franklin Township; Section 30, Township 14, Range 1W; Key No. 05-2-30-41W 400-005; Located on the northwest corner of CR 200 W and W CR 1000 S.

Mr. Dombrosky stated there were several issues with the mailing notifications for SE 08-17. He recommended to the board that it be continued to the December 18th meeting.

Mr. Lasley made a motion to continue SE 08-17.

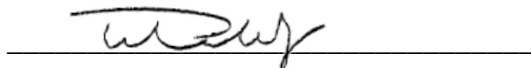
Mr. Hession seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
Continuance of SE 08-17: Dustin Hostetler				



Anthony Hession

Chairman



Tim Dombrosky

Secretary

Being no further business, the meeting was adjourned at 8:35 P.M