

HENDRICKS COUNTY BOARD OF ZONING APPEALS

Meeting Minutes

Monday, March 17, 2025

6:30 PM

Hendricks County Government Center • Meeting Rooms 4 & 5
355 S Washington St #G80
Danville, IN 46122

Members Present: Walt O’Riley (C), Rod Lasley (VC), Anthony Hession

Members Absent: Brett Smedley, Ron Kneeland

Staff Present: Tim Dombrosky, Planning Director; Leslie Dardeen, Recording Secretary

Legal Representation: Greg Steuerwald, County Attorney

A quorum was established, and the Pledge of Allegiance was recited. Mr. O’Riley read the Rules of Procedure for the Board of Zoning Appeals meeting. He then asked for a motion to approve the minutes from the December 16, 2024 meeting. Mr. Lasley made a motion to approve the December minutes. Mr. Hession seconded the motion. Motion of approval passed 3-0.

New Business:

VAR 01-25 Myra Graves Variance to allow an ADU in an existing structure to be closer to property line than principal structure and a variance to design standards on a 2.5-acre AGR-zoned parcel in Marion Township: Section 9, Township 15, Range 2W; Key No. 09-2-09-52W 280-002; located apprx. ½ mile south of the intersection at W US Hwy 36 and S CR 600 W; 469 S CR 600 W, Danville, IN 46122.

Mr. Dombrosky gave an overview of the petition and property:

- Zoned AGR
- Property consists of 2 separate lots, one with the house and one with the accessory building
- Replat of property to combine the 2 lots is pending
- Accessory building will be converted into an ADU
- Variance is needed because ADU will be closer to property line than principal structure
- Will not meet all architectural requirements

Mr. O’Riley: What keeps it from meeting the architectural standards?

Mr. Dombrosky: It’s only short by one point, with the main issue being the façade facing the road. To meet the standards, it would need a door or window, some architectural feature. However, I recommend approval of the variance.

Mr. O’Riley invited the petitioner to address the board.

Mrs. Myra Graves, 469 S CR 600 W, Danville, IN 46122, addressed the board:

- Owns both parcels

Mr. Lasley: Does the accessory structure already have utilities?

Mrs. Graves: There is electricity. There isn’t any water or septic, but have been working with the

Health Department to get permits for both.

Christy Chalfant, 415 S CR 600 W, Danville, IN 46122, addressed the board:

- There will be a stand-alone septic for the ADU
- Will be tying into the existing well for water

Mr. Hession: How big will the ADU be?

Mrs. Chalfant: Approximately 1000 sq. ft.

Mr. O'Riley opened and closed the public portion of the meeting as no one was in attendance to address the board.

Mr. O'Riley: Are there any more comments or questions from the board?

Being none, he asked for a motion from the board.

Mr. Lasley made a motion to approve VAR 01-25 with conditions set by staff.

Mr. Hession seconded the motion.

Motion to approve VAR 01-25 carried unanimously.

VOTE: For – 3 Against – 0 Abstained – 0 APPROVE w/conditions
VAR 01-25: Myra Graves

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 01-25

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by allowing an accessory dwelling that does not meet the standards in an AGR/Agriculture Residential zoning district.

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 *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 Board, 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 the proposal will meet this standard. The structure will not have a negative effect on the community and not be injurious to the public.

- (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 proposal will meet this standard. The structure will not be out of place or character with the surroundings. The variance will not negatively impact the surrounding properties.

- (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 proposal will meet the standard. The existing structure can be converted with little external change or effect and would meet the intent of the ordinance.

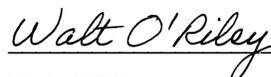
HCZO 12.6 (E) Development Standards Variance; Conditions. The Board may impose such reasonable conditions upon its approval as it deems necessary.

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

1. The accessory dwelling shall not be permitted a second address.
2. The accessory dwelling shall not be permitted a separate driveway.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17th day of March 2024.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Walt O'Riley
Chairperson

Tim Dombrosky

Tim Dombrosky
Secretary to the Board

Other Business:

AMI Properties: unsafe building Hendricks County Zoning Ordinance 13.4

Mr. Steuerwald updated the board of the status of the AMI Properties: unsafe building case:

- Written agreement between the parties allowed the mortgage company to complete a viability assessment by January 24, 2025 on the properties and determine whether the properties are to be demolished or restored. They had until February 28, 2025 to file for a Property Location Improvement Permit to either fix and repair the two homes or to demolish them.
- Mortgage company has not filed for permits on either of the properties as of March 17, 2025
- Have been unsuccessful at connecting with the mortgage company. Will reach out again to determine where they are in the permitting process.

Mr. O'Riley asked if there was any further business to discuss.

Mr. Dombrosky: I would like for the board to give some consideration to accessory/ADU setbacks (the requirement of being closer to the principal than to the property line) and whether it would be worth it to present a possible development standard adjustment to the Plan Commission.

Mr. O'Riley: Most of the cases we've seen, the properties have had a fair amount of acreage and plenty of separation with neighboring properties.

Mr. Dombrosky: Yes, so is this something that would warrant a change to the ordinance or should it be kept on a case-by-case basis? Something to think about.

Being no further business before the board, the meeting was adjourned at 6:45 pm.