

September 16, 2019

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, September 16, 2019. The meeting began at 7:30 p.m. Members present included Anthony Hession, Walt O'Riley, Sam Himsel and Ron Kneeland. Also, present were Suzanne Baker, Senior Planner and Leslie Dardeen, Recording Secretary. Rod Lasley and Tim Dombrosky, Planning Director, were absent.

Everyone stood and recited the Pledge of Allegiance.

Mr. Hession read the Rules of Procedure for the Board of Zoning Appeals meeting.

He then asked for a motion to approve the minutes from the August 19, 2019 meeting.

Mr. O'Riley made a motion to approve the August 19, 2019 meeting minutes.

Mr. Kneeland seconded the motion.

VOTE: For- 4 Against- 0 Abstained- APPROVED
August 19, 2019 MEETING MINUTES

Mr. Hession asked Ms. Baker to present the cases.

Mrs. Suzanne Baker, senior planner, introduced herself to the board and petitioners. She explained that she was filling in for Director, Tim Dombrosky, during his absence.

VAR 19-19: Timothy & Tracy Pohlman Variance to reduce side setback from 15' to 10' on a .69-acre AGR-zoned parcel in Middle Township; Section 02, Township 16, Range 1W; Key No. 10-2-02-61W 375-002; located 3 houses north of intersection E 600 N and N 100 E; 6095 N CR 100 E, Pittsboro, IN 46167.

Ms. Baker introduced the property on power point. She noted that the property is zoned AGR and pointed out the past BZA cases in the area, a non-conforming use and a mobile home, neither of which are relevant to this case. She also commented that the comprehensive plan shows the area as remaining rural residential. She showed the site plan and explained the variance would be for a decrease in the side setback of the north property line to allow for an attached garage. Ms. Baker reminded the board that the side setback for the primary dwelling in AGR-zoned areas is 15 feet and the Pohlman's are wanting to reduce that to 10 feet, asking for a 5-foot variance. She added that if the petitioners were building a detached garage, they would not need a variance, as the setback for accessory structures is 10 feet. However, an attached garage becomes part of the primary structure and primary structures have a setback of 15 feet. She went on to point out the existing garage and driveway, noting that the driveway would be moved to accommodate the new garage. Ms. Baker also added that the Pohlman's are on a platted lot with no easements to contend with. Staff recommends approval.

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

There were none.

Mr. Hession invited the petitioner to address the board.

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Mr. and Mrs. Timothy and Tracy Pohlman, 6095 N CR 100 E, Pittsboro, IN 46122, addressed the board. They both concurred that Ms. Baker covered all the relevant information. Mr. Pohlman did add that the garage would have windows and tie in with the house's exterior.

Mr. O'Riley asked if there were neighbors on the "garage side" of the house.

Mr. Pohlman answered that there are neighbors on that side.

Mr. Hession asked what material the garage's exterior will be.

Mrs. Pohlman answered that it will be vinyl siding, similar to what's on the house.

Mr. Hession opened and closed the public portion of the meeting as no one signed up to speak.

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

Being no further questions or comments from the board, Mr. Hession asked for a motion.

Mr. Himsel made a motion to approve VAR 19-19 with conditions set by staff.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 19-19 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
VAR 19-19: Timothy and Tracy Pohlman

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 19-19

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 a **five-foot variance to the side setback**.

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

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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 still have a 10' setback from the side property line which will ensure proper fire separation.

(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 adjacent property will be unaffected as the structure will still be an adequate distance from the property line.

(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 property is restricted in width, and the variance will allow flexibility and encourage reuse and extended maintenance.

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

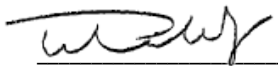
1. The variance applies to the structure described in this application only, and no future buildings.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of September 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



September 16, 2019

Tim Dombrosky
Secretary to the Board

VAR 20-19: Nathan Krahn Variance to reduce front setback from 40' to 35' on a .45-acre AGR-zoned parcel in Washington Township; Section 28, Township 16, Range 1E; Key No. 12-1-28-61E 445-001; located north of intersection N CR 600 E and E CR 200 N; 2388 N CR 600 E, Avon, IN 46123.

Ms. Baker showed the property on power point. She pointed out a couple of other BZA cases in the area, one for frontage and one for second principal dwelling. She noted that the comprehensive plan for the area is to remain suburban residential. Ms. Baker introduced the site plan and explained that the petitioner is adding on a covered front porch. There is a 30-foot right-of-way from the middle of the road, established when the lots were platted, plus a 40-foot setback from that, for a total of 70 feet from centerline. Ms. Baker explained that the variance would be to reduce the 40-foot setback, making it 35 feet to allow for the construction of an attached covered porch. Staff recommends approval.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Nathan Krahn, 2388 N CR 600 E, Avon, IN 46123, addressed the board. He explained that he is planning to build a covered front porch. It will tie in with the rest of the house, look good and improve the house's value.

Mr. Hession opened and closed the public portion of the meeting as no one signed up to speak.

Mr. Hession clarified that one of the conditions was that the porch would not be enclosed.

Ms. Baker confirmed that one of the conditions is that it would not be enclosed.

Mr. Hession asked Mr. Krahn if he was aware of the condition and agreeable to it.

Mr. Krahn responded that he was aware of the condition and that he had agreed to it.

Mr. Hession asked if there were any further questions or comments.

There were none.

Mr. Hession asked for a motion from the board.

Mr. O'Riley made a motion to approve VAR 20-19 with conditions set by staff.

Mr. Himsel seconded the motion.

Motion for approval of VAR 20-19 carried unanimously.

VOTE: For- 4

Against- 0

Abstained-0

APPROVED

VAR 20-19: Nathan Krahn

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 20-19

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 a five-foot variance to the front setback.

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:

(4) 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 porch will have an adequate setback from the Right of Way which will ensure proper safety. In addition, the porch shall be open framed to ensure there is no hinderance to sight lines along the roadway.

(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 proposal will meet this standard. The adjacent property will be unaffected as the porch will be in character with the area.

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

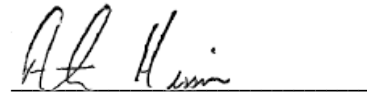
The Board finds that the proposal will meet the standard. The addition will not be hazardous or detrimental, and the restriction is not beneficial.

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

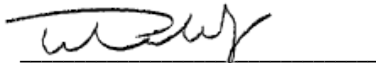
3. The porch shall remain open framed, with no solid full height walls
4. The variance applies to the structure described in this application only, and no future buildings.
5. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of September 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 21-19: Shawn Dionne Variance to reduce side setback from 10' to 6' on Lot 59 Pleasant Vue Estates Section 4, on a .56-acre AGR-zoned in Lincoln Township; Section 16, Township 16, Range 1E; Key No. 08-2-16-61E 280-014; located northeast of intersection E 450 N and N 575 E; 4572 Dogwood Lane, Brownsburg, IN 46112.

Ms. Baker showed the property on power point, noting that it is also a setback variance. She pointed out the past BZA case involving the petitioner's subdivision for a variance to lot standards allowing smaller lot widths. The comprehensive plan shows the area staying suburban residential. She introduced the site plan, which currently shows a shed that will be removed. The plan is for the pool to go in that location; further explaining that the location for the pool is based on the location of the septic system.

Mr. Himsel asked for clarification of the site plan, specifically the pool as drawn with 2 rectangles.

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Ms. Baker explained that the inner rectangle was the pool. The outer rectangle is the "apron" surrounding the pool. She went on to note that the setback is from the property line to the actual pool, and not the apron.

Mr. Hession asked then if the variance to the setback is going from 10 feet to 6 feet or actually 10 feet to 8 feet.

Ms. Baker concurred that there is a question as to whether the setback will be at 6 feet or 8 feet, and deferred answering to the petitioner.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. and Mrs. Shawn and Melissa Dionne, 4572 Dogwood Lane, Brownsburg, IN 46112 addressed the board. They explained that there had been an initial question as to whether the apron was included in the setback. Since it was determined that the apron is not included, they are requesting an 8-foot setback, a variance of 2 feet.

Mr. O'Riley asked if the apron is made of concrete.

Mr. Dionne answered that the apron is made of vinyl, same as the pool itself.

Mr. Hession clarified that the variance to the setback is for a reduction of 2 feet, going from 10 feet to 8 feet and not 10 feet to 6 feet.

Mr. Dionne responded that was correct, they are asking for an 8-foot setback.

Ms. Baker added that the apron can actually go to the property line without requiring a variance; the setback is for the pool itself.

Mr. Hession opened and closed the public portion of the meeting as no one signed up to speak.

Mr. Hession asked if there were any further questions or comments.

There were none.

Mr. Hession asked for a motion from the board.

Mr. O'Riley made a motion to approve VAR 21-19 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 21-19 carried with clarification that the setback is changed from 10 feet to 8 feet.

VOTE: For- 4 Against- 0
VAR 21-19: Shawn Dionne

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 21-19

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 a two-foot variance to the side setback.

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:

(7) 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 pool will be in an enclosed back yard with proper safety precautions.

(8) 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 adjacent property will be unaffected as the structure will not create any addition restrictions on the neighboring property.

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

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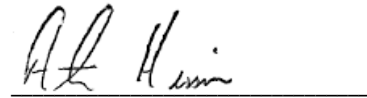
The Board finds that the proposal will meet the standard. The lot is restricted in size and shape, and there is little room to make improvements. The standard size of the addition is more practical to construct.

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

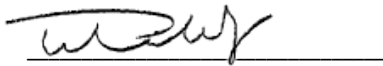
6. The variance applies to the structure described in this application only, and no future buildings.
7. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of September 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 04-19: Pamela Wilds Special Exception to allow modular home as accessory dwelling on a 1.3-acre AGR-zoned parcel in Marion Township; Section 8, Township 15, Range 2W; Key No. 09-2-08-52W 100-006; located approximately 1 mile west of SR 75; 7519 W US Hwy 36, Coatesville, IN 46121.

Ms. Baker showed the property on power point, noting that the property and surrounding area is zoned AGR. She also noted the nearby BZA cases, mainly consisting of variances pertaining to Hawkeye Storage. Ms. Baker introduced the site plan and proposed building plan, explaining that the petitioner is wanting to put a prefab accessory dwelling, in-law quarters, in the location of a previously removed shed. She also pointed out on the site plan that there is a U-shaped drive with two entry points from US Hwy 36. She mentioned to the board that there is a condition set by staff to remove a portion of the driveway, thus leaving only one access point from US Hwy 36. She went on to note that there had been a neighbor complaint concerning the removal of the driveway; however, staff does not believe it to be a valid concern.

Mr. O'Riley asked what the neighbor's objection was.

Ms. Baker explained that the neighbor says he uses the drive as a turn-around for accessing

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his mailbox.

Mr. Hession questioned that the neighbor was upset because he uses the petitioner's driveway to get his mail.

Ms. Baker confirmed that and again stated that she didn't feel it was a valid objection. She went on to note that the neighbor had been advised to contact the post office about having his mailbox relocated.

Mr. Hession asked for clarification whether the neighbor's mailbox was on his own property or that of Mrs. Wilds.

Mr. Frank Brown, representing the petitioner, said there is a question as to where the property line is, and which property the neighbor's mailbox is actually on.

Ms. Baker added that she wanted to bring this up because it is a condition of approval to remove the driveway. She also noted that staff and the county engineer prefer as few drives as possible entering onto a state highway.

Mr. O'Riley asked for clarification if staff wanted the drive removed.

Ms. Baker responded that staff does want the drive removed. She then reminded the board that they are just approving the "use" of the property, not the location or design of the accessory dwelling. Staff recommends approval.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Frank Brown, 7519 W US Hwy 36, Coatesville, IN 46121, introduced himself to the board as Mrs. Pamela Wilds' son-in-law. He explained that he and his wife reside at the property. He pointed out on the map that the large shed had been removed before Mrs. Wilds had bought the property and they would like to remove the remaining one-car garage and put in an accessory dwelling on the existing slab. It will have its own septic tank but share the finger system of the primary dwelling. He explained that the dwelling will be a small 640-square foot modular home for Mrs. Wilds to live in (and potentially his parents sometime in the future). Once it is no longer needed, they would remove it and let the area go back to grass.

Mr. O'Riley asked whether it would have a permanent foundation.

Mr. Brown responded that there will not be a permanent foundation. It will look like it, as it will be skirted. They are not putting it on a permanent foundation because they don't intend to keep it when it is no longer needed.

Mr. Himsel asked for Mr. Brown to point out his house on the map.

Mr. Brown pointed out his house and its proximity to the proposed accessory unit.

Mr. Hession asked whether there should be the condition that the accessory unit will be used only for elderly parents until it is no longer needed, at which point it would be removed.

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Mr. Brown said that he would be fine with that condition, he has no intention of using it as a rental after it's no longer being used by his in-law or parents.

Ms. Baker asked if Mr. Hession meant for the condition to be intended for when/if the property ever changed ownership.

Mr. Hession answered that the condition is not necessarily if ownership changes, but also if the structure is no longer needed by Mr. Brown.

Ms. Baker responded that the board could make that a condition, but it would be extremely difficult to monitor. She added that although use has been approved for the duration of ownership in past cases, staff generally prefer to allow "use" to continue with the property, despite sale of property. However, the board can make it a condition that the "use" would be discontinued with the sale of the property.

Mr. O'Riley responded that he understood the difficulty in monitoring the situation. The intent of the condition would be to keep the accessory dwelling from being used as a rental.

Mr. Himsel also responded that he could see the case for both sides of the argument.

Ms. Baker added that one of the conditions for obtaining a special exception for an accessory dwelling is that it be for a family member and the owner has to live somewhere on the property.

Mr. O'Riley asked if the accessory dwelling would have its own address or remain under the address of the primary dwelling.

Ms. Baker said that it would have to remain under one address.

Mr. Hession opened and closed the public portion of the meeting as no one had signed up to speak.

Mr. Hession asked if there were any further questions or comments from the board or staff.

Ms. Baker asked if the board was satisfied with the three conditions set by staff.

Mr. Hession answered that there is a possible fourth condition.

Mr. O'Riley asked if the fourth condition would be that at the time of sale the special exception would be discontinued.

Ms. Baker answered that she thought it would be fine to add something about change of property owner.

Mr. Brown responded that the only change of ownership would be when it transfers out of Pamela's name to his. The family would continue ownership, Mrs. Wilds would continue to live on the property, but she would no longer be the owner.

Mr. O'Riley asked what if it was sold to someone other than current family members.

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Mr. Hession responded that the condition could be that the unit be removed before the property can be sold. The unit is allowed if the property is transferred from Pamela Wilds to Mr. or Mrs. Brown.

Mr. O'Riley asked if the accessory unit would have a mortgage.

Mr. Brown answered that it would have a mortgage.

Ms. Baker asked if the board would be satisfied to make the condition good as long as the property is under Pamela Wilds name or Mr. and Mrs. Frank Brown's name.

Mr. O'Riley said he thought that made sense.

Ms. Baker concurred that she felt this was probably the easiest solution.

Mr. Hession responded that he believes there just needs to be some kind of condition set.

Mr. Brown said that he didn't have a problem with the condition; he just knows that the day will come sooner rather than later when the property will transfer over to him and his wife and he wants to ensure that they'll be able to keep the accessory dwelling for his mother-in-law.

Ms. Baker asked who the potential owners would be other than Pamela Wilds.

Mr. Brown answered that it would be himself, Gary F. and/or his wife, Karen A. Brown.

Ms. Baker responded saying that it's up to the board to set the condition.

Mr. O'Riley said that the property should be under one of the three names.

Mr. Himsel agreed with that.

Mr. Hession then asked for a motion from the board.

Mr. Kneeland made a motion to approve SE 04-19 with conditions set by staff and board.

Mr. Hession seconded the motion, with clarification that there be an addition of a fourth condition concerning ownership of property. If the petitioner sells to someone other than three people stated, the accessory dwelling will need to be removed and the special exception for use will no longer be valid.

Motion for approval of SE 04-19 carried unanimously.

Mr. Hession asked the petitioner if the driveway will be removed.

Mr. Brown answered that the driveway will be removed at Tim Dombrosky's suggestion.

VOTE: For- 4 Against- 0
SE 04-19: Pamela Wilds

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 04-19

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 **an accessory dwelling** in an area zoned as AGR (Agricultural Residential). Acting in its role as staff to the County Board of Zoning Appeals (Board), the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the County Zoning Ordinance (HCZO) Section 12.7, 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 special exception 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 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 Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.7 (C) authorizes the approval of a banquet or assembly hall and a retreat center 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 an accessory dwelling unit is in fact a Special Exception in the Agriculture 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;

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The Board finds that the proposal will meet this standard. The comprehensive plan recommends this area remain agricultural and encourages efficient use of existing developed land. The proposal represents an efficient use of land and alternative to further subdivision.

- 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 meet this standard. The use is consistent with the general vicinity, and the character and design will not differ significantly from existing rural residential and agriculture uses.

- 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 meet this standard. There will be proper review of the use by the County Health department for waste disposal and water supply. Emergency services and other public services are established in serving the area.

- 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 meet this standard. The traffic demand will not be different from typical rural agricultural traffic and will not have a significant detrimental effect on the roadway. There will be no negative economic impact on the County.

- 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 meet this standard. The use will not significantly change.

- 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 meet this standard. The existing entrance main entrance is adequate to handle the traffic and will be modified to improve existing conditions.

- 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 meet this standard. There will be no substantial loss in natural, scenic, or historic features with the operation of the business.

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:

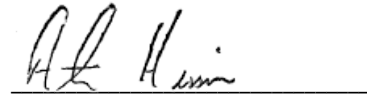
1. All applicable federal, state, and local approvals are required.
2. Only one driveway shall be permitted.
3. No second public address will be assigned.

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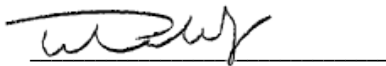
4. If the petitioner sells to someone other than three people stated, the accessory dwelling will need to be removed and the special exception for use will no longer be valid.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 16th day of September 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

Mr. Hession asked if there was any further business.

There was none.

Being no further business, the meeting was adjourned at 8:05 P.M.