

September 21, 2020

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, September 21, 2020. The meeting began at 7:30 p.m. Members present included Anthony Hession, Walt O'Riley and Ron Kneeland. Also, present were Tim Dombrosky, Planning Director, and Greg Steuerwald, County Attorney. Rod Lasley and Sam Himself were absent.

Everyone stood and recited the Pledge of Allegiance, led by Mr. Hession.

Mr. Hession read the Rules of Procedure for the Board of Zoning Appeals meeting. He also explained that he would be leading the meeting due to Board President, Rod Lasley, being absent.

He then asked for a motion to approve the minutes from the August 17, 2020 meeting.

Mr. O'Riley made a motion to approve the August 17, 2020 meeting minutes.

Mr. Hession seconded the motion.

There was brief discussion whether Mr. Kneeland could vote on the motion as he was not present at the previous meeting. Mr. Steuerwald responded that he could vote if he was confident in the other board members' assessment of the minutes.

VOTE: For- 3 Against- 0 Abstained- 0 APPROVED
August 17, 2020 MEETING MINUTES

Mr. Hession asked Mr. Steuerwald to present the cases.

VAR 16-20: Max & Kelly Siddons Variance to allow accessory building to be built in front of principal on a 4.49-acre RB-zoned parcel in Center Township: Section 3, Township 15, Range 1W; Key No. 02-2-03-51W 195-002; located approx. ¼ mile east of intersection of E Columbia St and Sycamore Ln; 536 Sycamore Ln, Danville, IN 46122.

Mr. Dombrosky introduced the property as an RB-zoned parcel. He explained that the subject property is on a private lane shared with some other homes and surrounded by the Town of Danville. The lot is somewhat irregular with no traditional frontage, and heavily wooded. Due to the tree line and placement of the septic system, there is limited area to build a garage. Mr. Dombrosky continued that the petitioner would like to utilize and incorporate the existing driveway and concreted parking area with the new structure. He believes putting the garage in front and to the side of the existing home is a reasonable request, given the constraints of the lot. Because it will be behind a heavily wooded front yard, it will not be intrusive to the surrounding properties. He concluded that staff finds no issue with the petition and recommends approval.

Mr. Hession asked if the board had any questions at this time.

There were none.

Mr. Hession invited the petitioner to address the board.

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Mr. Max Siddons, 536 Sycamore Lane, Danville, IN 46122, addressed the board. He stated that he believes this to be the most sensible location to put a new garage as he will be able to use the existing driveway for access. The garage has a complementary design to the house, not a pole-barn style building. Mr. Siddons also pointed out that the new garage will be behind a heavily wooded front yard and not visible from the road.

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

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

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

Mr. O'Riley made a motion to approve VAR 16-20 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 16-20 carried unanimously.

VOTE: For- 3	Against- 0	Abstained-0	APPROVED
VAR 16-20: Max & Kelly Siddons			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 16-20

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 building in front of the principle.

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 lot does not have a traditional frontage. The location of the accessory building relative to the private access drive is not relevant to the land use pattern of the community at large.

- (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. Due to the arrangement of the lot and its adjoiners, the placement accessory building will not change the character of the area, and there will be no substantial adverse effect.

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

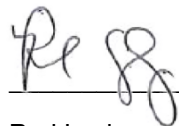
The Board finds that the proposal will meet the standard. The lot is constrained by the existing structures and would be better served with more immediate access to the garage.

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

1. The variance only applies to the construction described in the application.
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 21st day of September 2020.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 17-20: Rick & Twila Hornback Variance to exceed maximum height of an accessory garage from 24' to 31' on a 1.28-acre AGR-zoned parcel in Brown Township: Section 27, Township 17, Range 1E; Key No. 01-2-27-71E 351-003; located approx. ¼ mile east of intersection N CR 650 E and E CR 800 N; 6648 E CR 800 N, Brownsburg, IN 46112.

Mr. Dombrosky introduced the property as an AGR-zoned parcel in a rural subdivision. It is part of Beck Farms which is comprised of 10 lots that run perpendicularly on county roads N 650 E and E 800 N. He explained that the petitioner is wanting to build a detached garage for RV storage that exceeds the allowed height for an accessory structure. Mr. Dombrosky presented the site plan showing the prospective building site to the east and rear of the existing house. He added that the architectural design of the garage would match the house in both materials and roof pitch, leading to the increased height. Mr. Dombrosky also mentioned that the neighbor directly to the west was granted a variance for exceeding accessory height. He concluded that the height of the garage would be in line with neighboring properties, many of which are two-story, and he believes the request is reasonable. The staff finds no issue with the petition and recommends approval.

Mr. Hession asked if the board had any questions at this time.

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Rich Hornback, 6648 E CR 800 N, Brownsburg, IN 46112, addressed the board. He explained that he has gotten approval from the HOA to build the garage, but because the restrictions only allow a height shorter than the house, he is requesting the variance. He confirmed that the excess height of 31 feet would allow a larger overhead door needed to store his motorhome, plus it would match the pitch of the house.

Mr. Hession asked what the eave height will be.

Mr. Hornback said that it would be 16 feet.

Mr. Hession open the public portion of the meeting.

Mr. Jim Scahill, 3722 North Meridian St, Indianapolis, IN 46260, representing Mr. Robert and Amy Werling/neighbors of petitioner, addressed the board. He explained that his clients do not believe that the standards for the variance have been met and highlighted three points of contention: 1) Site plan is not adequate; it does not include dimensions of buildings or distances between buildings and property line. He referenced a septic site plan from years ago, pointing out the distance from the house to the property line as 39'8". The proposed new garage is 28' wide, making it impossible to adhere to the setbacks if these measurements are correct. 2) Standards of Review, in respect to the remonstrators' property, have not been met. He distributed pictures showing the view from his clients' yard, looking toward Mr. Hornback's property. His clients believe the new garage will have adverse effects on their property by interfering with the view. 3) Hardship/Practical difficulty not shown. He added that the Hornbacks have not cited any practical difficulties in using the property as it is zoned. He maintained that the practical difficulties have to be in respect to the property not in respect to the petitioners. He concluded that the petitioners are asking for an excessive seven-foot variance, and he reasoned that the county's maximum height is set at 24 feet for a purpose. The petitioners' reasoning that the extra height would make the building more aesthetically pleasing, is not a practical difficulty that justifies a variance.

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Mr. Gary Kingery, 6604 E CR 800 N, Brownsburg, IN 46112, addressed the board. He was granted a variance in 2011 for the same purposes. He believes that if the new garage is not built to match the dimensions/pitch of the house it would not be as aesthetically pleasing and would detract from the property value. He is in favor of Mr. Hornback's petition.

Mr. Hession closed the public portion of the meeting. He then invited Mr. Hornback to address the concerns raised by Mr. Scahill.

Mr. Hornback responded that the setback argument was not accurate based on the septic plan shown. That plan was only used as reference when they were laying out the position of the house. The original plans were for the house to be 39 feet from the property line, but because of the septic field, a future pool and a future garage, the house placement was altered. His house is 49 feet from the east property line. The new garage will adhere to all the setback requirements. He added that the trailer and motorhome shown in the pictures will be stored inside the garage and out of the neighbor's sight, which is the point of the garage. He also added that the measurements for the proposed garage are taken from the outside of the building and that the garage will be 6½ feet from his pool.

Mr. O'Riley asked what building materials would be used.

Mr. Hornback answered that they would be using 100% brick, the same that is on the house, as per the covenants. The roof will be the same as the house.

Mr. Hession asked Mr. Dombrosky if he was good with Mr. Hornback's explanation of the property line, setbacks and measurements.

Mr. Dombrosky responded that all of that information would be verified during the building permit application process. Mr. Hornback will have to submit a more detailed plan with his permit application. Mr. Dombrosky went on to explain that people do not normally want to go to the expense of a detailed plan until they know they have the variance, and a full, scaled drawing is not required for the variance petition.

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

Mr. Dombrosky reminded the board that he had provided the staff findings which support that the three criteria have been met.

Mr. Hession asked if the staff was satisfied that the findings of "practical difficulty" were met.

Mr. Dombrosky answered that he believes a conflict between the ordinance and the architectural design pattern of the subdivision constitutes a hardship.

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

Mr. O'Riley made a motion to approve VAR 17-20 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 17-20 carried unanimously.

VOTE: For-3 Against- 0
VAR 17-20: Rick & Twila Hornback

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 17-20

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 building to exceed the maximum height.

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 design of the accessory building will have no adverse effect on the community at large.

- (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 height of the accessory building will be harmonious with the character of the area by being compatible in architectural design, and there will be no substantial adverse effect.

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

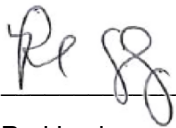
The Board finds that the proposal will meet the standard. The imposition of the Ordinance's height restriction would create an incompatible architectural design pattern. This constitutes a hardship.

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

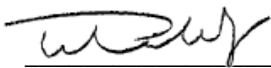
1. The variance only applies to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21st day of September 2020.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 18-20: Alex & Laura Venis Variance to reduce front setback from 85' to 80' for the construction of an attached garage on an 1.24-acre AGR-zoned parcel in Union Township: Section 16, Township 17, Range 1W; Key No. 11-1-16-71W 260-006; located approx.. ¼ mile south of W CR 1075 N on John Carter Ct; 10613 John Carter Ct, Lizton, IN 46149.

Mr. Dombrosky introduced the property. It is in an older platted subdivision, encompassing the corner of N SR 39 and W CR 1075 N, and was platted with an 85' setback from the right-of-way for all lots. The County's maximum front setback is currently 50'; therefore, Mr. Dombrosky can not speculate as to why the subdivision was platted with an 85' setback other than that was the developer's preference. There are a few BZA cases in the area, but only one within the subdivision (a side setback variance). A close up aerial picture of the area shows the houses in the subdivision in line at the 85' mark. He explained that the request is to vary 5 feet from the current setback. This would allow an extension/addition onto the current home and still maintain an 80' setback from the front property line. He reiterated that he cannot make an argument as to why the setback was set at 85 feet and as such cannot defend it either. He sees no reason

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not to grant the variance, as the county did not establish the 85' setback to begin with and it is excessive in staff's opinion. He went on to argue that having "sameness" within a subdivision is not always desirable. Some reasonable variance in the front setbacks of a subdivision is ok, especially for an attached addition that is going to improve the property. Staff believes all three criteria are satisfied and 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. Alex Venis, 10613 John Carter Ct, Lizton, IN 46149, addressed the board. He and his wife bought the house about 1½ years ago with the idea of building an addition onto the front. They have been in the planning stages for about a year and have met with a contractor and an interior designer. He is asking for a setback of 80 feet so that they can use the extra 5 feet of space to build a decent sized attached garage onto the front of the house.

Mr. Hession asked if the board had any questions for the petitioner.

There were none.

He then opened and closed the public hearing as no one had signed up to speak.

Mr. Hession asked if the staff had additional comments.

Mr. Dombrosky answered that he did not.

Mr. Hession commented that he could not imagine how a 5-foot variance would make a significant difference to the subdivision.

Mr. Dombrosky added that there is a line of pine trees creating a "wall" to the north, and other tree line one property to the south that boxes two houses in, which would easily camouflage the small variance.

Mr. Hession asked if there were any further comments.

There were none.

He then asked for a motion from the board.

Mr. Kneeland made a motion to approve VAR 18-20 with conditions set by staff.

Mr. Hession seconded the motion.

Motion for approval of VAR 18-20 carried unanimously.

VOTE: For- 3 Against- 0
VAR 18-20: Alex & Laura Venis

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 18-20

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 reducing the platted setback from 85 feet to 80 feet.

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 setback reduction of five feet will not appear out of place. It will not have an injurious effect on the community at large.

- (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 reduction in setback will no effect on safety or visibility and will have no adverse effect on nearby property values.

- (3) 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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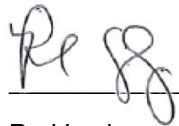
The Board finds that the proposal will meet the standard. The addition maximizes the use of the existing structure in a way that still complies with the general development standards.

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

1. The variance only applies to the construction described in the application.
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 21st day of September 2020.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 5-20 / VAR 19-20: Debra Lance Land, LLC Special Exception to allow an event barn and Variance to allow 2 principal uses on an 9.79-acre AGR-zoned parcel in Liberty Township: Section 1, Township 14, Range 1W; Key No. 07-1-01-41W 200-012; located approximately 1 mile west of Cartersburg Rd on US Hwy 40; 2588 E US Hwy 40, Clayton, IN 46118.

Mr. Dombrosky introduced the property. He explained that the two separate cases the petitioner is bringing before the board are very counter-dependent on one another. The property is on US Hwy 40 just west of Cartersburg Road. The zoning along US 40 is rather varied, consisting of LI (light industrial), PB, RB, RA and AGR. There are many past BZA cases in the area, including mobile homes, setbacks, second principals, and several for the property owned by Ray's Trash. Incidentally, the subject property was at one time owned by the owner of Ray's Trash. Mr. Dombrosky pointed out the structures on the subject property, a house situated at the edge of the woods and two accessory buildings in front of it. One of the accessory structures, a historic looking white barn with red roof, is the one pertaining to the special exception. The two requests are to allow an event barn, which requires a special exception in an AGR-zoned area, and to allow two principal uses, one being the primary residence and the other being the event barn. Mr. Dombrosky reminded the board that the special exception has 9 criteria to review. He confirmed that he has found justification on all 9, and he provided the board with those findings. He believes the variance's 3 criteria have also been met and recommends approval on both requests.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Mike Sells, 6970 Park Square Dr., Avon, IN 46123, representing Debra Lance Land, LLC, addressed the board. He explained that the event barn has been rented out for wedding receptions, graduation parties, reunions, etc. The maximum use has been 2-3 times per week and mainly on weekends. The petitioner believes it is a perfect location for this type of operation due to its location on US 40, giving it ample public access. The property is considerably buffered by woods and surrounded by agricultural land. Mr. Sells passed out photos of the facility, showing both the interior and exterior of the event barn.

Mr. Hession asked Mr. Dombrosky if these requests were brought before the board because of the property being cited for a violation.

Mr. Dombrosky answered that yes, there had been a complaint on the property. He said that Mrs. Land had been contacted due to the complaint and at that time she explained what she had been doing with the property. She started the event facility by holding family functions and then ventured into the commercial side. She subsequently asked what she would need to do in order for it to be legal.

Mr. O'Riley asked if it had been a noise complaint.

Mr. Dombrosky said there were no specifics on the type of complaint other than events were taking place. In other words, it was not a nuisance complaint.

Mr. Hession asked Mr. Sells approximately how many events are held each year.

Mr. Sells answered that they do not have exact numbers but have around 2, sometimes 3, events a week.

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

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

Mr. O'Riley asked if any limitations had been put on the other event barns brought before the board.

Mr. Dombrosky responded that it had been talked about in the past, whether to restrict hours, sound equipment, outside lighting, etc. A lot of those were discussed in response to concerns from neighbors. It is hard for the county to police the venue in terms of hours and days of operation. Unless there is a concern, he would not recommend placing those type of restrictions on the property.

Mr. O'Riley commented that from what the board has seen in the past, this is one of the better locations.

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Mr. Dombrosky agreed. He further commented that in his findings he noted that the comprehensive plan for the area recommends this type of property use, commercially productive, near existing infrastructure. Everything needed is right on US Hwy 40 and is close to a small town. In his opinion, there could not be a better spot for this type of business.

Mr. O'Riley agreed.

Mr. Hession also agreed. He commented that of all the event barn petitions that have come before the board, this is by far the best location.

Mr. Kneeland also commented on how nice the property and buildings are.

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

Mr. O'Riley made a motion to approve SE 05-20 with conditions set by staff.

Mr. Hession seconded the motion.

Motion for approval of SE 05-20 carried unanimously.

VOTE: For- 3 Against- 0
SE 05-20: Debra Lance Land, LLC

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 05-20

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 **assembly/banquet hall** in an area zoned as AGR (General Business). 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 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 assembly/banquet hall 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.

The Board finds that the proposal will meet this standard. The business meets Comprehensive Plan goals for, economic development and utilization of existing infrastructure.

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 Zoning Ordinance ensures uses are harmonious and appropriate. Additionally, the use is mostly isolated and therefore approval will not change the essential character of the area.

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. The property has access to a major transportation route with convenient access to an urbanized area. Other public facilities and infrastructure are either available or will be a provided at expense to the developer. Public services adequately serve the area and the use does not represent a significant increase in demand.

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 property has access to well-developed infrastructure and will not result in significant changes to the existing demand for services.

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;

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The Board finds that the proposal will meet this standard. The property is relatively isolated and will not be disruptive and detrimental to the surrounding area.

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 entrance will be reviewed to ensure adequate access.

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 approval of the business.

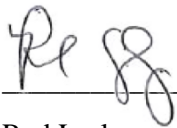
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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. Any expansion of the business shall require BZA approval. Depending on the scale and/or nature of the expansion, development plan review may be required as well.
3. To restrict accountability and responsibility for the operation and to make future operations compatible with the surrounding property, this Special Exception shall run with the applicants, and not the real estate.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 21st day of September 2020.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

September 21, 2020

Mr. Hession then asked for a motion on VAR 19-20.

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

Mr. Hession seconded the motion.

Motion for approval of VAR 19-20 carried unanimously.

VOTE: For- 3

Against- 0

Abstained-0

APPROVED

VAR 19-20: Debra Lance Land, LLC

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 19-20

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 second principle use.

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.**

September 21, 2020

The Board finds that the proposal will meet this standard. The property can sufficiently support a second principle use by nature of its size and access.

(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 approval of a permitted second principle use would not have an adverse effect. The property is large, naturally screened, and has sufficient access to a major transportation route.

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

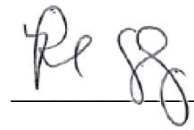
The Board finds that the proposal will meet the standard. If not approved, the lot would be subject to unnecessary and undesirable platting requirements. This constitutes a practical difficulty.

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

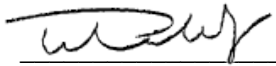
1. The variance only applies to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21st day of September 2020.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Hession asked if there was any further business.

There was none.

Being no further business, the meeting was adjourned at 8:25 P.M.