

# HENDRICKS COUNTY BOARD OF ZONING APPEALS

## Meeting Minutes

Monday, May 20, 2024

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\*, Ron Kneeland

**Members Absent:** Russ Hesler

**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 April 15, 2024 meeting. Mr. Lasley made a motion to approve the April minutes. Mr. Kneeland seconded the motion. Motion of approval passed 3-0. \*Anthony Hession arrived at the meeting after the vote was taken.

### New Business:

**VAR 09-24 Kenneth Parsons** Variance to allow reduction of front setback on a corner lot from 90' to 75' on a 1.02-acre AGR-zoned parcel in Marion Township: Section 22, Township 16, Range 2W; Key No. 09-1-22-62W 480-003; located in the southwest quadrant of the intersection of W CR 350 N and N CR 525 W; 5283 W CR 350 N, North Salem, IN 46165.

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

- Zoned AGR and part of a 4-lot subdivision
- Area is not in development path
- House is in the middle of the property on the corner of CR 350 and CR 525
- Platted setbacks, ROW plus 60'
- Large septic field
- Site plan shows that the accessory structure will still be 75' from the center of the road
- If the property was not platted with unique setbacks, it wouldn't need a variance

Mr. O'Riley invited the petitioner to speak to the board.

Mr. Ken Parsons, 5283 W CR 350 N, North Salem, IN 46165, addressed the board:

- Many neighboring properties have similar setups
- Would not be out of character for the area
- Have signatures of neighbors verifying their approval

Mr. Lasley: Will there be access from the driveway?

Mr. Parsons: There will be a new drive to the road.

Mr. Lasley: Is this allowed?

Mr. Dombrosky: Yes, it's a local road. He can have as many driveways as the highway department allows. He will need approval from the county engineer.

Mr. Lasley: What is the size of the building?

Mr. Parsons: It'll be 48' x 36' and have 14' ceilings with 12' garage doors.

Mr. O'Riley: Will you be removing the existing shed?

Mr. Parsons: I'll be moving it to another location.

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

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

Being nothing further, Mr. O'Riley asked for a motion.

Mr. Lasley made a motion to approve VAR 09-24.

Mr. Kneeland seconded the motion.

Motion to approve VAR 09-24 carried unanimously.

**VOTE: For – 4                  Against – 0                  Abstained – 0                  APPROVE**  
**VAR 09-24: Kenneth Parsons**

### **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

VAR 09-24

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 front setback for an accessory structure in an AGR/Agricultural 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 be a traffic or safety hazard and will 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 character with the general area and will not be injurious to the area.

- (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 unique setback established for the non-conforming lot is unusually restrictive.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20<sup>th</sup> day of May 2024.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

*Walt O'Riley*

Walt O'Riley  
Chairperson

*Tim Dombrosky*

Tim Dombrosky  
Secretary to the Board

**VAR 10-24 Steve Young** Variance to exceed 7% accessory lot coverage by 1500 sq. ft. (total acc. lot coverage apprx. 10%) on a 1.13-acre RB-zoned parcel in Washington Township: Section 13, Township 15, Range 1E; Key No. 12-4-13-51E 345-002; located apprx. ½ mile east of Dan Jones and ½ mile north of Bradford Rd; 1593 Argyle Dr, Avon, IN 46123.

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

- Property is surrounded by subdivisions that are in town limits (Plainfield and Avon)
- Zoned RB
- Comprehensive Plan recommends industrial use; industrial park has been developed to the east of the subdivision
- Accessory lot coverage includes the pool and all structures, excluding the house
- Allowed accessory lot coverage is 7%, up from 5% a few years ago

Mr. O'Riley: Do all buildings on the property count toward the lot coverage?

Mr. Dombrosky: All the buildings not attached to the house count toward the accessory lot coverage.

Mr. O'Riley invited the petitioner to speak to the board.

Mr. Andy Kult, Comer Law Office, LLC, 71 W Marion St, Danville, IN 46122, representing Steve Young:

- Petitioner is wanting to build a 64' x 48' accessory structure
- Accessory lot coverage will exceed 7% by approximately 1500 sq. ft. (10.16% total accessory lot coverage)
- Building will be in northeast corner of the lot
- The accessory structure will not be out of character for the area
- Petitioner collects cars and would like to have them all under roof

Mr. O'Riley: Will the building be for commercial use?

Mr. Kult: No, it will be for personal use only.

Mr. Hession: Would the petitioner be willing to make a commitment to number of cars left outside of building?

Mr. Young: I have around 3 personal cars parked outside at any time and would commit to that number. All commercial work is done at my shop behind Lowe's in Avon, Dan Jones Automotive, and that's where I store some of my vehicles.

Mr. O'Riley: Does the property have well and septic?

Mr. Kult: Yes.

Mr. O'Riley: What will the height of the building be?

Mr. Kult: Under 24’.

Mr. O’Riley: Are the existing buildings staying?

Mr. Young: I’m planning on keeping them if possible.

Mr. O’Riley: I would feel more comfortable if the number of buildings was condensed.

Mr. Lasley: Have there been any complaints by neighbors?

Mr. Dombrosky: No.

Mr. O’Riley opened and closed the public portion of the meeting as no one else had signed up to speak.

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

Being nothing further, Mr. O’Riley asked for a motion.

Mr. Kneeland made a motion to approve VAR 10-24 with the added condition of a maximum number of vehicles parked outside set at 3.

Mr. Hession seconded the motion.

Motion to approve VAR 10-24 carried unanimously.

**VOTE: For – 4                      Against – 0                      Abstained – 0                      APPROVE**  
**VAR 10-24: Steve Young**

### **Hendricks County Area Board of Zoning Appeals**

#### **Findings of Fact/Law and Conditions of Approval**

##### **VAR 10-24**

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 structure to exceed the 7% lot coverage limit in an RB/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 be in an appropriate location on an urban lot and will 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 lots of the immediate area are densely developed with structures of mixed sizes. 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 surrounding properties are densely developed.

For all the foregoing reasons, the Board APPROVED/DENIED this request for a development standards Variance on the 15<sup>th</sup> day of April 2024.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

Walt O'Riley

Walt O'Riley  
Chairperson

Tim Dombrosky

Tim Dombrosky  
Secretary to the Board

Mr. Dombrosky asked the board to consider looking into repeat variances and having a conversation with the Plan Commission about possible amendments to the ordinance.

- Setbacks
- Accessory structures without principal structures
- Accessory lot coverage greater than 7%

Mr. O'Riley: I'm ok with allowing an accessory prior to a principal with the condition of building a principal within 2 years.

Mr. Dombrosky: A condition of building a principal is difficult to enforce as we have no way of forcing someone to build a house.

Mr. O'Riley: What's the main reason for having the condition of no accessory prior to principal?

Mr. Dombrosky: It's a way to help ensure that people don't put living quarters in accessory structures illegally. Also, it helps protect against the nuisance-risk of people putting unpermitted businesses in accessory structures.

Mr. Hession: Concerning accessory lot coverage, what do the surrounding counties allow?

Mr. Dombrosky: I'll research that and get specifics.

Mr. Kneeland: I think lot coverage is worth considering.

Mr. Dombrosky: Maybe other standards such as building façade materials should be considered in conjunction with lot coverage and accessories prior to principals.

Mr. Lasley: We've been lax on requiring building plans or concept plans. Maybe we should consider changing that.

Mr. Parsons: Most contractors send out packets with building plans and materials available.

Mr. O'Riley: Can we get an email reminder about these points?

Mr. Dombrosky: Yes, I'll send out an email.

Being no further business before the board, the meeting was adjourned at 7:02 pm.