

HENDRICKS COUNTY BOARD OF ZONING APPEALS

Meeting Minutes

Monday, August 18, 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), Brett Smedley, Ron Kneeland, Anthony Hession

Members Absent:

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

Legal Representation:

A quorum was established, and the Pledge of Allegiance was recited. Mr. O'Riley read the Rules of Procedure for the meeting. He then asked for a motion to approve the minutes from the May 19, 2025 meeting. Mr. Kneeland made a motion to approve the May minutes. Mr. Smedley seconded the motion. Motion of approval passed 5-0.

New Business:

VAR 07-25 Linda Gowan Variance from development standards to allow metal siding as the exterior on a principal dwelling on a 2.7-acre AGR-zoned parcel in Middle Township: Section 11, Township 16, Range 1W; Key No. 10-2-11-61W 351-001; located on E CR 500 N approx. ¼ mile east of N CR 100 E; 1374 E CR 500 N, Danville, IN 46122.

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

- Zoned AGR
- Property recently platted into 2 lot subdivision: existing house on one lot and proposed barndominium on the other
- Residential design standards apply to all platted subdivisions
- Metal is not an approved/permitted exterior siding material
 - Have recommended that the BZA consider asking the Plan Commission to change the design standards to include metal siding

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

Ms. Linda Gowan, 1374 E CR 500 N, Danville, IN 46122, addressed the board:

- Metal is a more cost effective material

Mr. O'Riley: Is the picture shown on PowerPoint what the structure will look like?

Ms. Gowan: Yes, with some modifications to the porch.

Mr. Lasley: Which direction will the porch be facing?

Ms. Gowan: The porch will face the road.

Mr. O'Riley: I'd be more comfortable if the structure has more architectural features that makes it look more residential than like a pole barn.

Ms. Gowan: Cost is the issue. There will be walkways and landscaping typical of a home.

Mr. Smedley: Will the porch have railings?

Ms. Gowan: That's not decided, but it will if that's what's required.

Mr. O'Riley: Will the building be set with concrete posts?

Ms. Gowan: Yes. The structure will be on a slab with the posts in concrete footers.

Mr. Hession: What is the area on the south side of the property?

Ms. Gowan: The B&O trail.

Mr. O'Riley: Is there an easement onto the property?

Mr. Dombrosky: Yes, there's a recorded easement.

Mr. O'Riley opened and closed the public hearing as no remonstrators were present.

Mr. Smedley: Will there be other architectural standards to be met?

Mr. Dombrosky: Yes, they'll be addressed when the final building plans are submitted.

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

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

Mr. Smedley made a motion to approve VAR 07-25 with conditions set by staff. Mr. Kneeland seconded the motion. Motion to approve VAR 07-25 carried unanimously.

VOTE: For – 5 Against – 0 Abstained – 0 APPROVE
VAR 07-25: Linda Gowan

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 07-25

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 metal as a primary building material on a principal structure 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. Excluding standard construction practices and materials creates an unreasonable standard.

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 petitioner shall be responsible for obtaining the required permits

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of August 2025

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Walt O'Riley

Walt O'Riley
Chairperson

Tim Dombrosky

Tim Dombrosky
Secretary to the Board

VAR 08-25 Kellee & Sam Weis Variance from development standards to allow a garage to be constructed in front of the building setback line a 1-acre AGR-zoned parcel in Eel River Township: Section 15, Township 17, Range 2W; Key No. 04-1-15-72W 351-001; located at the intersection of N SR 75 and W CR 1025 N; 5758 W CR 1025 N, North Salem, IN 46165.

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

- Zoned AGR
- House is in the very middle of a corner lot, limiting buildable areas
- Proposed garage would be in front of the building setback line
- Would be well outside of the vision clearance area
 - No traffic hazards
 - No safety issues
- Since this house is not in a platted subdivision, residential design standards don't apply

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

Mr. & Mrs. Sam and Kellee Weis, 5758 W CR 1025 N, North Salem, IN 46165, addressed the board:

- Garage will be 30'x40', and be used primarily for work vehicle and storage
- Any alternative building site would require a second driveway accessed from SR 75

Mr. Lasley: I don't believe access to/from SR 75 would be a viable option due to safety reasons.

Mr. Dombrosky: Also, to note, building materials used will be similar in appearance to the house.

Mr. O'Riley opened and closed the public hearing as no remonstrators were present.

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 08-25 with conditions set by staff. Mr. Kneeland seconded the motion. Motion to approve VAR 08-25 carried unanimously.

VOTE: For – 5

Against – 0

Abstained – 0

APPROVE

VAR 08-25: Kellee & Sam Weis

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 08-25

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 building to encroach on the front setback 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 corner lot is hindered by the additional setbacks.

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 petitioner shall be responsible for obtaining the required permits

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of August 2025.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Walt O'Riley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 09-25 Lisa & Robert Webber Variance from development standards to allow a carport to be constructed in front of the building setback line on a 1-acre AGR-zoned parcel in Eel River Township: Section 27, Township 17, Range 2W; Key No. 04-1-27-72W 100-001; located at the intersection of N SR 75 and W CR 900 N; 9025 N SR 75, North Salem, IN 46165.

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

- Zoned AGR
- Corner lot with a 45' front setback
 - Because it is on a state road, the ROW and setbacks are larger

- Petitioner is asking for a 35' setback reduction in order to place the carport near an existing foundation
- Lot is significantly wooded, which decreases available building sites
- The structure is open sided
 - Less concern with safety issues
 - Does not impede vision clearance

Mr. Lasley: Will there be an issue with the building site being too close to the well?

Mr. Dombrosky: No.

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

Mr. & Mrs. Robert and Lisa Webber, 9025 N SR 75, North Salem, IN 46165, addressed the board:

- Carport will be used primarily for RV and cars of visitors
- Needed to protect vehicles from the trees

Mr. O'Riley: Will the existing foundation stay?

Mr. Webber: Yes. It's the foundation from an old, demolished schoolhouse, and is mostly buried underground.

Mr. Smedley: Will the carport be a post frame or prefab type?

Mrs. Webber: It will be a post frame with a gravel pad.

Mr. O'Riley opened and closed the public hearing as no remonstrators were present.

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

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

Mr. Kneeland made a motion to approve VAR 09-25 with conditions set by staff. Mr. Lasley seconded the motion. Motion to approve VAR 09-25 carried unanimously.

VOTE: For – 5 Against – 0 Abstained – 0 APPROVE w/conditions
VAR 09-25 Lisa & Robert Webber

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
 VAR 09-25

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 building to encroach on the front setback 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 corner lot is hindered by the additional setbacks and placement of the primary structure.

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 petitioner shall be responsible for obtaining the required permits

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of August 2025.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Walt O'Riley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 10-25 Dorothy & Rob Shuck Variance from development standards to allow a side setback of 7' instead of 10' on a .74-acre RB-zoned parcel in Brown Township: Section 34, Township 17, Range 1E; Key No. 01-2-34-71E 465-003; located in Creekwood Estates Subdivision Lot 11; 7159 Creekwood Est, Brownsburg, IN 46112.

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

- Zoned RB, older-style subdivision just outside of Brownsburg town limits
- Petitioner would like to build a pole barn that lines up with the existing driveway, leaving only 7' between the structure and the property line instead of the required 10'

Mr. Smedley: Is there a flood plain on the property?

Mr. Dombrosky: Yes, but it doesn't impact the proposed building site.

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

Mr. and Mrs. Rob & Dorothy Shuck, 7159 Creekwood Est, Brownsburg, IN 46112, addressed the board:

- There was a shed near the proposed building site, which is 22' above the flood plain
- The barn will be more easily accessible and more aesthetically pleasing if it is lined up with the driveway

Mr. O’Riley: What are the dimensions of the barn?

Mr. Shuck: 30’x40’.

Mr. Hession: What building materials are you using?

Mr. Shuck: Corrugated metal.

Mr. Smedley: Is there an easement to be concerned with?

Mr. Dombrosky: No.

Mr. O’Riley: If there’s an HOA, this board has no jurisdiction over their covenants.

Mr. Shuck: There is no active HOA.

Mr. O’Riley opened and closed the public hearing as no remonstrators were present.

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

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

Mr. Hession made a motion to approve VAR 10-25 with conditions set by staff. Mr. Kneeland seconded the motion. Motion to approve VAR 10-25 carried unanimously.

VOTE: For – 5 Against – 0 Abstained – 0 APPROVE
VAR 10-25 Dorothy & Rob Shuck

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 10-25

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 building to encroach on the side setback in an RB/Single Family 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 most reasonable spot for the structure is within the setback.

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:

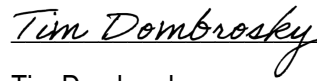
1. The petitioner shall be responsible for obtaining the required permits

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of August 2025.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

_____

Walt O'Riley
Chairperson

_____

Tim Dombrosky
Secretary to the Board

VAR 11-25 RMCP Investments, LLC Variance from development standards to allow metal siding as the exterior on a principal dwelling on a 4.06-acre AGR-zoned parcel in Eel River Township: Section 24, Township 17, Range 2W; Key No. 04-1-24-72W 102-001; located one property west of intersection W CR 950 N and N CR 350 W; 3648 W CR 950 N, Lizton, IN 46149.

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

- Zoned AGR and part of a 2-lot minor plat subdivision
- Petitioner wants to use metal siding as the exterior of the barn
 - Barn will be attached to the house by a breezeway, effectively making it part of the house and subject to design standards that don't allow metal siding as an exterior material

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

Mr. Ben Comer, Comer Law Office 71 W Marion St, Danville, IN 46122, representing the petitioner, addressed the board:

- Rich McPhillips owns the 4-acre lot and the adjoining lot to the north
- This will be his personal residence
- The entire structure will meet all other architectural standards

Mr. O'Riley: The metal siding will be on the barn only?

Mr. Comer: Yes.

Mr. Dombrosky: What material are they planning on using for the house?

Mr. Comer: Possibly vinyl or HardiePlank siding.

Mr. Kneeland: Is the barn strictly for personal use?

Mr. Comer: Yes, he'll use it for storage of cars, a boat, an rv, etc.

Mr. Hession: Will the barn be finished out?

Mr. Comer: Yes, in typical pole barn fashion.

Mr. Smedley: Will it have living space?

Mr. Dombrosky: Because it's attached to the house, it's considered a livable dwelling.

Mr. O'Riley opened and closed the public portion of the meeting as no remonstrators were present.

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

Being no more questions, Mr. O'Riley asked for a motion from the board.

Mr. Kneeland made a motion to approve VAR 11-25 with conditions set by staff. Mr. Lasley seconded the motion. Motion to approve VAR 11-25 carried.

VOTE: For – 5 Against – 0 Abstained – 0 APPROVE
VAR 11-25 RMCP Investments, LLC

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 11-25

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 metal as a primary building material on a principal structure 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.

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- (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. Excluding standard construction practices and materials creates an unreasonable standard.

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 petitioner shall be responsible for obtaining the required permits

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of August 2025.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Walt O'Riley
Walt O'Riley
Chairperson

Tim Dombrosky
Tim Dombrosky
Secretary to the Board

Other Business:

Mr. Dombrosky: We have had several cases involving metal siding as an exterior material. We've discussed asking the Plan Commission to consider allowing the use of metal siding for primary dwellings. There are other development and design standards that primary dwellings must meet. Without certain design features, a house can look like a barn. But I believe good design outweighs the metal material.

Mr. Smedley: Should we also consider suggesting architectural/design standard changes?

Mr. Dombrosky: I do think they need updating. We've had several cases demonstrating that with a good solid design, cheaper material (metal siding) can be used effectively.

Mr. O'Riley: The type and gauge of the metal needs to be discussed as well.

Mr. Dombrosky: That would be part of the Plan Commission's consideration.

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

Being no further business before the board, the meeting was adjourned at 7:25 pm.