

ORDINANCE NO. 2019-14

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **GB/GENERAL BUSINESS DISTRICT TO RB/SINGLE FAMILY RESIDENTIAL DISTRICT**, COMMONLY KNOWN AS **ZA 463/19: MICHELLE D. HANKE, S27-T15N-R1E, GUILFORD TOWNSHIP, PARCEL TOTALING 4 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 267 JUST NORTH OF ITS INTERSECTION WITH NORTHFIELD ROAD.**

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, be amended so as to include in the RB/Single-Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 463/19: Michelle D. Hanke, S27-T15N-R1E, 4 acres, Guilford Township, located on the west side of State Road 267 just north of its intersection with Northfield Road.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 463/19: Michelle D. Hanke. and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the  
23rd day of April, 2019.

Board of Commissioners

Phyllis A. Palmer  
Phyllis A. Palmer, President

Matthew D. Whetstone  
Matthew D. Whetstone, Vice-President

Bob Gentry  
Bob Gentry, Member

Attest:

Nancy Marsh  
Nancy Marsh, Auditor

**Hendricks County Area Plan Commission**  
Findings of Fact/Law  
ZA 463/19: Michelle Hanke

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from GB/General Business to RB/Single-Family Residential. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, 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 rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. 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 Commission weighed the evidence associated with the following requirements and made the following findings.

*IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:*

**(1) The comprehensive plan;**

The proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Suburban Residential. Per the Comprehensive Plan, "Suburban Residential refers to neighborhoods of moderate densities." The surrounding area is all zoned for residential.

**(2) Current conditions and the character of current structures and uses in each district;**

The proposed zoning change will not change the current conditions or character of the property. The building was originally a residence, converted into a commercial building and will be

converted back to a residential building. The exterior of the building has always looked to be a residence.

- (3) **The most desirable use for which the land in each district is adapted;**  
The most desirable use for this property would be a residential use or a similar compatible use, which is what the applicant is purposing.
- (4) **The conservation of property values throughout the jurisdiction;**  
Property values would not be affected negatively due to the surrounding residential uses in the area. If anything, the rezone proposed would make the property more compatible with the surrounding uses.
- (5) **Responsible development and growth.**  
The proposed rezone would be responsible development and growth as it follows a recommended pattern from the Comprehensive Plan because this area is designated as "Suburban Residential." A residential use would be the best use of this property.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 9<sup>th</sup> day of April, 2019.

AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA

  
Tim Dombrosky