

May 17, 2021

The Hendricks County Board of Zoning Appeals in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, May 17, 2021. The meeting began at 7:30 p.m. Members present included Rod Lasley, Walt O'Riley, Ron Kneeland and Anthony Hession. Also, present were Greg Steuerwald, County Attorney, Tim Dombrosky, Planning Director and Leslie Dardeen, Recording Secretary. Sam Himsel was absent.

Everyone stood and recited the Pledge of Allegiance.

Mr. Lasley 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 19, 2021 meeting.

Mr. Kneeland made a motion to approve the April 19th meeting minutes.

Mr. O'Riley seconded the motion.

Mr. Hession abstained as he was not present at the April meeting.

Motion to approve April 19, 2021 minutes passed.

VOTE: For- 3 Against- 0 Abstained- 1 APPROVED
April 19, 2021 MEETING MINUTES

Mr. Steuerwald presented the case.

VAR 08-21: Matt & Kami Hamilton Variance to allow construction of an accessory structure prior to principal dwelling on a 12.45-acre AGR-zoned parcel in Center Township: Section 31, Township 16, Range 1W; Key No. 02-1-31-61W 225-011; located on Lot 11 of Gentry Woods Subdivision; 1830 Gentry Woods Ct, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. It is in a new subdivision northwest of Danville, on a cul-de-sac with five lots. The petitioner wants to put an accessory structure on the lot prior to building their home. The construction timeline for the house will be close to the construction timeline of the accessory building, but the accessory will most likely be done first. It is zoned AGR, as is the area all around it. There are a few past BZA cases in the area, mainly variances to lot sizes and road frontage. Comprehensive plan calls for the area to remain rural residential, large lot subdivisions. The site plan shows the approximate location of the home and barn. The barn will be on the northwest side of the property. It is a variance from development standards and must meet all 3 criteria of a variance. Staff believes an argument could be made either way and provided a neutral recommendation. Mr. Dombrosky added that this is the first of four cases for accessories prior to principal, each with different concerns. He does not believe there is any harm in allowing accessories prior to principals, although it is possible to make arguments to either approve or deny. However, with no remonstrators, there is no issue in approving them.

Mr. Lasley asked if there were any question from the board.

Being none, he invited the petitioner to address the board.

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Mr. Matt Hamilton, 88 Balsam Dr, Danville, IN 46122, addressed the board. He confirmed that Mr. Dombrosky had covered all the information. He is wanting to use the barn for storage before and during construction of their home.

Mr. O'Riley asked if there are any covenants that would restrict accessory buildings.

Mr. Hamilton responded that there are none.

Mr. Hession asked if Mr. Hamilton had any renderings of the barn showing the exterior or the materials to be used.

Mr. Hamilton answered that he does not have any drawings yet, although the barn will match the house.

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

Mr. Lasley asked if there were any final questions or comments from the board.

Being none, he asked for a motion.

Mr. O'Riley made a motion to approve VAR 08-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 08-21 carried unanimously.

VOTE: For- 4

Against- 0

Abstained-0

APPROVED

VAR 08-21: MATT & KAMI HAMILTON

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 08-21

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 an accessory structure prior to a principle dwelling in an AGR(E) (Agriculture Residential Estate) 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 property has individual access from a subdivision street onto a public County collector road. It will be setback from the road, will be held to zoning ordinance maintenance and development standards, and will not be a public nuisance.

- (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 barn will be used to maintain the property and provide security during construction of the principal dwelling. This will result in protection of property values.

- (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 accessory structure will allow for more expedient maintenance of the property in compliance with development standards until the home is built.

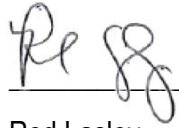
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

1. The variance shall apply only to the structure described in the application and shall be void once the principal dwelling is constructed.
2. All other federal, state and local regulations apply.

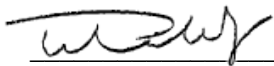
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For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17th day of May 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 09-21: Kirk Inman Variance to allow construction of an accessory structure prior to principal dwelling on a 2.14-acre AGR-zoned parcel in Franklin Township: Section 8, Township 14, Range 2W; Key No. 05-1-08-42W 352-001; located on east side of S SR 75 and just north of W CR 700 S; 6885 S SR 75, Coatesville, IN 46121.

Mr. Dombrosky introduced the property on PowerPoint. It is on State Road 75, outside of Coatesville. The property is zoned AGR and is undeveloped but has a gravel driveway for access. The petitioner's home is located 2 properties to the south of the parcel. The comprehensive plan shows the area remaining AGR with some areas of rural residential. Mr. Dombrosky showed a site plan that a previous owner of the parcel had with plans to build a home. However, the house was never built and the parcel was sold to Mr. Inman. Mr. Inman has no plans at this time to build a home on the parcel. He is currently only wanting to build an accessory structure to store equipment used for maintenance of the property. This case is also a variance from development standards, requesting an accessory structure prior to a principal; however, it is different in that the petitioner has no immediate plans to build a home.

Mr. O'Riley asked if the parcel was unbuildable.

Mr. Dombrosky answered that it is buildable. He referred back to the site plan which showed all the required setbacks for the house and barn. It is a narrow parcel, but it is buildable.

Mr. O'Riley asked if the board, in past cases, had taken into consideration the condition of a lot being unbuildable to allow an accessory without a principal.

Mr. Dombrosky responded that yes, there are special considerations for unbuildable parcels. There are provisions for those circumstances, but in this case the lot is buildable.

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Mr. O'Riley commented that there was a case (accessory without a principal on a buildable lot) a few years ago that was denied.

Mr. Dombrosky responded that he did not remember all of the conditions, but that there were remonstrators to that case.

Mr. O'Riley added that he believes there was also the need to combine two lots because of a size issue.

Mr. Dombrosky agreed, concluding that the extenuating circumstances were different from this case.

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

Being none, he then invited the petitioner to address the board.

Mr. Kirk Inman, 6967 S SR 75, Coatesville, IN 46121, addressed the board. He pointed out three parcels that he maintains, his home parcel, the subject parcel and his neighbor's parcel between the two. He is wanting to build a pole barn to keep all of the equipment he uses for the upkeep. Mr. Inman also elaborated on the previous owner's plans for the parcel. He explained that the previous owner had house plans, as well as plans for the well and septic, but ultimately decided to halt construction and sell the property.

Mr. Lasley asked if Mr. Inman is planning on building a home on the parcel.

Mr. Inman answered that he has no immediate plans to build a house, but that is the ultimate goal.

Mr. O'Riley commented that he believes that makes a big difference to allowing the pole barn.

Mr. Lasley opened the public hearing.

Mr. Gene Davis, 6935 S SR 75, Coatesville, IN 46121, addressed the board. He owns the home between Mr. Inman's two properties. He fully supports Mr. Inman's petition to build an accessory building.

Mr. Lasley closed the public meeting as no one else had signed up to speak.

He then asked for a motion.

Mr. Hession made a motion to approve VAR 09-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 09-21 carried unanimously.

VOTE: For- 4

Against- 0

Abstained-0

APPROVED

VAR 09-21: KIRK INMAN

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 09-21

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 an accessory structure prior to a principle dwelling 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:

- (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 property has individual access from onto a public state arterial road. It will be held to zoning ordinance maintenance and development standards and will not be a public nuisance.

- (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.**

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The Board finds that the proposal will meet this standard. The barn will be used to maintain the property and provide storage and security. This will result in protection of property values.

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

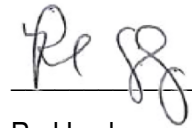
The Board finds that the proposal will meet the standard. The accessory structure will allow for more expedient maintenance of the property in compliance with development standards.

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

3. The variance shall apply only to the structure described in the application.
4. 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 17th day of May 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 10-21: Justin & Parmpreet Warner Variance to reduce side setback on south side of property for the construction of an in-ground pool on a .60-acre PUD-zoned parcel in Washington Township: Section 32, Township 16, Range 2E; Key No. 12-2-32-62E 233-012; located south of intersection at E CR 200 N and N Raceway Rd in Estates of Wynnbrook; 1760 Pine Meadow Dr, Indianapolis, IN 46234.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned PUD, between the Town of Avon and Marion County. There has not been lot of BZA activity in the area. The comprehensive plan shows a recommended use of Planned Business; however, the area did not develop that way and instead became residential. There is some planned conservation area as well. The site plan shows the petitioner's home taking up a good portion of the lot and the conservation area encompassing the low-lying area at the back of the property that is in the floodway. The petitioner's plan is to put a pool on the southeast side of

their house. The pool wall will be 6 feet from the property line, with a concrete apron around it. The pool requires a variance to the setback, but the concrete apron does not and can extend to the property line where the fence is.

Mr. Hession asked what the setback variance is.

Mr. Dombrosky responded that the petitioner is asking for a 4-foot variance, going from a required 10-foot setback to 6 feet. He added that there are the same 3 criteria that must be met for a development standard variance. He believes all 3 have been met as there is a floodway through the property that could constitute a hardship and recommends approval.

Mr. Lasley asked if the flood area was an issue for putting in a pool.

Mr. Dombrosky explained that it is not a severe flood area. With the right protection, it could potentially be built in. However, the pool will be well outside of the floodway.

Mr. Lasley asked if the remainder of the lot could be used.

Mr. Dombrosky responded that it could.

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Mr. Justin Warner, 1760 Pine Meadow Dr, Indianapolis, IN 46234, addressed the board. He pointed out the low area/flood zone at the back of his property that extends out to a large undeveloped area of the subdivision. He then highlighted the proposed site of the pool. He informed the board that they would be replacing the iron fence with a 6-foot privacy fence.

Mr. Hession asked what the dimensions of the pool are.

Mr. Warner answered that they have not finalized their selection yet, but 16'x33' would be the largest that they could put in.

Mr. Hession asked if the pool could be moved back 4 feet.

Mr. Warner responded that if they moved the pool back 4 feet, there would only be about 2 feet between the side door with an existing deck and the pool. The drawing presented is not to scale. He also added that they have been given HOA approval.

Mr. Lasley asked if fencing all around the yard is required.

Mr. Dombrosky answered that the county requires either a fence around the pool or a locking cover. He also stated that the HOA may have additional conditions.

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

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Mr. Lasley then asked for a motion.

Mr. Hession made a motion to approve VAR 10-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 10-21 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0
VAR 10-21: JUSTIN & PARMPREET WARNER

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 10-21

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 side setback in a PUD (Planned Unit Development) 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:

(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 contained on the property and surrounded by a privacy fence.

(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 structure and screening are common to this type of subdivision and setting and will not have a substantial negative impact on surrounding property.

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

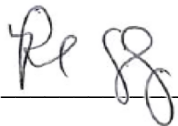
The Board finds that the proposal will meet the standard. The lot was approved with significant restricted flood plain area in the back which limits the usable area. This constitutes a hardship.

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

5. The variance shall apply only to the construction described in the application.
6. 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 17th day of May 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 11-21: Jennifer Prifogle Variance to reduce side setback on south side of property for the construction of a pole barn on a .96-acre AGR-zoned parcel in Brown Township: Section 33, Township 17, Range 1E; Key No. 1-2-33-71E 130-010; located south of E CR 800 N in Preston Estates; 7788 Eaker Ct, Brownsburg, IN 46112.

Mr. Dombrosky introduced the property on PowerPoint. The property is zoned AGR and is in a rural subdivision with undeveloped areas all around it. There have been few BZA cases in the area, and none that are relevant to this setback variance request. The comprehensive plan shows the area remaining suburban residential. Mr. Dombrosky showed a close-up of the property and the prospective building site utilizing the existing driveway. He explained that there is an overhead powerline easement that runs through the property and restricts the amount of buildable area. The petitioner is asking for a 5-foot reduction of the side setback. Mr. Dombrosky did not provide a positive or negative recommendation but did provide a draft of positive findings. He also added that the neighbor's barn is approximately the same size as what the petitioner is building and required no variances for setbacks or otherwise.

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

Mr. O'Riley asked if the next-door neighbor's barn encroached on the side setback.

Mr. Dombrosky answered that it did not. It is within the bounds of the required setback standards.

Mr. Hession asked where the septic system is located.

Mr. Dombrosky answered that it is between the existing pool and the house.

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

Being none, he then invited the petitioner to address the board.

Mr. Shane Blanken, 7788 Eaker Ct, Brownsburg, IN 46112, representing the petitioner, addressed the board. He pointed out the areas where the well and septic are located.

Mr. O'Riley asked what size barn they are wanting to build.

Mr. Blanken answered 36' x 64'.

Mr. Lasley asked if this would be used for personal or commercial space.

Mr. Blanken responded that it would be used for personal storage.

Mr. O'Riley asked if that size barn adhered to the 7% accessory lot coverage rule.

Mr. Dombrosky answered that it did.

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

Mr. Lasley then asked for a motion.

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Mr. Kneeland made a motion to approve VAR 11-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 11-21 carried unanimously.

VOTE: For- 4

Against- 0

Abstained-0

APPROVED

VAR 11-21: JENNIFER PRIFOGL

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 11-21

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 side setback 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:

- (10) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

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The Board finds that the proposal will meet this standard. The structure will be similar in character to structure in the surrounding area and not change the character of the same.

(11)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 is common to this type of subdivision and setting and will not have a substantial negative impact on surrounding property.

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

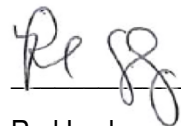
The Board finds that the proposal will meet the standard. The reduction in setback allows for expanded use and value of the property that is in concert with the rest of the neighborhood, while still protecting neighboring property value and use.

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

7. The variance shall apply only to the construction described in the application.
8. 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 17th day of May 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 12-21: Kyle & Stephanie Gordon Variance to allow construction of an accessory structure prior to principal dwelling on a 2.89-acre AGR(E)-zoned parcel in Center Township: Section 30, Township 16, Range 1E; Key No. 02-1-30-61E 401-004; located on southeast corner of intersection at E CR 250 N and N CR 300 E; 2387 N CR 300 E, Danville, IN 46122.

May 17, 2021

Mr. Dombrosky introduced the property on PowerPoint as part of a 4-lot subdivision. He added that the lot to the east obtained a setback variance recently. The comprehensive plan shows that the property is on the border of suburban residential and rural residential. The parcel is undeveloped as of now but is ready to be built on. There are already plantings on both frontages of the subdivision. Mr. Dombrosky then showed the site plan, pointing out where the house will go and where the barn will be in conjunction to it. He reiterated that although he does not believe the ordinance is wrong in requiring the establishment of a principal structure first, he sympathizes with the landowners' needs to have an accessory building prior to construction of the principal. He and maintained a neutral recommendation but provided draft positive findings.

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Mr. Kyle Gordon, 1747 Beacon Pointe Blvd., Brownsburg, IN 46112, addressed the board. He explained that the accessory building will be used for storage of equipment and building materials.

Mr. Lasley asked when they would be building their house.

Mr. Gordon responded they would be building within the year.

Mr. Hession asked what size barn he was planning on.

Mr. Gordon answered that the barn would be 36' x 48'.

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

Mr. Lasley then asked for a motion.

Mr. O'Riley made a motion to approve VAR 12-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. Hession seconded the motion.

Motion for approval of VAR 12-21 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0
VAR 12-21: KYLE & STEPHANIE GORDON

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 12-21

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 prior to a principle dwelling in an AGR E/Agricultural Residential Estate 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.

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(13)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. Occupancy of the structure will be in compliance with the Zoning Ordinance and other applicable standards. It will be held to zoning ordinance maintenance and development standards. As such, it will not constitute any harm to the public good.

(14)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 type is common to this setting. The barn will be used to maintain the property and provide storage and security. This will result in protection of property values.

(15)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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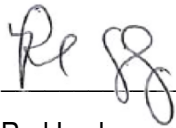
The Board finds that the proposal will meet the standard. The accessory structure will allow for more expedient maintenance of the property in compliance with development standards. This constitutes a hardship.

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

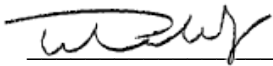
9. The variance shall apply only to the construction described in the application and shall be void upon occupancy of the principal dwelling.
10. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17th day of May 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 03-21: R. Michael & Stacey Preyss Special Exception to allow an accessory dwelling unit on a 3.82-acre AGR-zoned parcel in Lincoln Township: Section 13, Township 15, Range 1E; Key No. 08-2-13-61E 485-002; located east of intersection at S Northfield Dr and E CR 400 N; 8820 E CR 400 N, Brownsburg, IN 46112.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR and near several other subdivisions in Brownsburg. There has been very little BZA activity in the area. The comprehensive plan shows the area remaining urban residential as it is very near the Town of Brownsburg. Urban residential zoning encourages varied land use and additional residential use. The subject parcel is a large rural lot surrounded by development. The site plan shows the house is far back on the lot and screened with mature trees. There is a small accessory building in the back that is joined to the house with a deck. The pole barn will be mostly storage, with a portion sectioned off as an accessory apartment. It will be 30' x 104' with a porch wrapped around it. Mr. Dombrosky explained that special exceptions such as these are somewhat expected in these urban residential areas. He believes the 9 criteria of a special exception have been met and recommends approval.

May 17, 2021

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Mr. Michael Preyss, 8820 E CR 400 N, Brownsburg, IN 46112, addressed the board. He explained that they are wanting to put in the accessory apartment for their aging parents. The over-all size of the barn is being worked out and not yet finalized.

Mr. Lasley asked if the barn would be accessible by the existing driveway.

Mr. Preyss answered that it would be built on the east side of the property and would be accessible by the existing driveway.

Mr. O'Riley asked if the accessory apartment would tie into the existing septic and well.

Mr. Preyss answered that they have been approved by the health department to tap into the existing well and septic. However, once plans have been decided on, they may choose to install a new and separate septic system.

Mr. Lasley asked if the barn would be within the setbacks.

Mr. Dombrosky answered that it would. It is a very large property, so there is no issue with setbacks.

Mr. Preyss also added that the entire property is surrounded by mature trees and the barn will not be visible to surrounding properties.

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

Mr. Lasley then asked for a motion.

Mr. O'Riley made a motion to approve SE 03-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. Kneeland seconded the motion.

Motion for approval of SE 03-21 carried unanimously.

VOTE: For- 4

Against- 0

Abstained-0

APPROVED

SE 03-21: R. MICHAEL & STACEY PREYSS

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 03-21

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 unit** in an area zoned as AGR (Agriculture 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 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.

The Board finds that the proposal will meet this standard. The unit represents a reuse of property, efficient use of existing services, and a desirable outcome of increased development and demand for housing. The use is encouraged by the County's ordinances.

- 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 development type is common to the setting, and the use will not substantially change the appearance of the property and 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. Public facilities and infrastructure are either private or will be provided at expense to the owner. Other 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 changes will not result in significant changes to the existing demand for services. In fact, it represents an efficient use of existing facilities and should be promoted.

- 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 generate conditions substantially different from other residences.

- 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 provides 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.

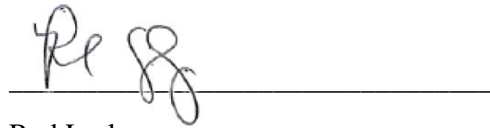
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. All applicable federal, state, and local approvals are required.
2. No new address will be assigned to the accessory apartment.
3. No new driveway shall be permitted unless approved by the County Engineer.

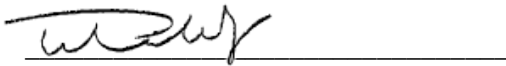
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For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 17th day of May 2020.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary

VAR 13-21: Jerome & Melisa Branscum Variance to allow construction of an accessory structure prior to principal dwelling on 3.11-acre AGR-zoned parcel in Clay Township: Section 6, Township 14, Range 1W; Key No. 03-2-06-41W 430-002; located on the west side of S CR 200 W, approximately ½ miles south of W CR 500 S; 5618 S CR 200 W, Clayton, IN 46118.

Mr. Steuerwald informed the board that his law firm is representing the Branscum family on other matters and disqualified himself. He excused himself from the room to avoid any conflict of interest.

Mr. Dombrosky introduced the property on PowerPoint. It is part of a 2-lot minor plat, with one house off of the shared circle drive. It is zoned AGR, far from any development. There has been limited BZA activity in the area, including an accessory prior to principal approved nearby in 2002 and a special exception being granted to the petitioner a few years ago for a drywall business in his home across the street from the subject parcel. The site plan shows the prospective barn at the back and on the west side of the property. The comprehensive plan shows that the area will remain agriculture and rural residential. Mr. Dombrosky believes that the rural nature of the property lends itself to the petitioner's request. Staff gives a neutral recommendation for the petition as there is not a clear hardship.

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Mr. Andy Kult, Comer Law Office 71 W Marion St, Danville, IN, representing the petitioner addressed the board. He showed a map of the subject parcel and explained that it is part of a 2-lot minor plat. It was platted in 2018 into 2 lots, both approximately 3 acres. The petitioner's son lives in the house on the north parcel. The parcels are divided by a shared driveway. The petitioner is planning to build a house on the south parcel, using the accessory structure for storage. Mr. Kult also pointed out the

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petitioner's current primary home parcel where they were approved to operate the drywall business. That property is now for sale, and the new pole barn will be for storage of personal belongings from that property. Mr. Kult reiterated that the petitioner's intention is to build a new home on the property after the sale of his current home. He also noted that the shared driveway gives the impression that the new pole barn on the south parcel is part of the same property as the house on the north parcel. Plus, there will be no new access point as the existing drive will still be the only access for both properties.

Mr. O'Riley asked if this new barn would be used for the drywall business.

Mr. Kult answered that it would not be. It will be for personal storage.

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

Mr. Lasley then asked for a motion.

Mr. Hession made a motion to approve VAR 13-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 13-21 carried unanimously.

VOTE: For- 4

Against- 0

Abstained-0

APPROVED

VAR 13-21: JEROME & MELISA BRANSCUM

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 13-21

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 prior to a principle dwelling 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:

(16)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. Occupancy of the structure will be in compliance with the Zoning Ordinance and other applicable standards. It will be held to zoning ordinance maintenance and development standards. As such, it will not constitute any harm to the public good.

(17)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 type is common to this setting. The barn will be used to maintain the property and provide storage and security. This will result in protection of property values.

(18)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 accessory structure will allow for more expedient maintenance of the property in compliance with development standards.

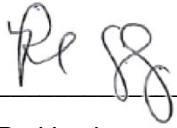
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

11. The variance shall apply only to the construction described in the application and shall be void upon occupancy of the principal dwelling.
12. 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 17th day of May 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

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Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 04-21 Karlie & Justin Shaw Special Exception to allow animal boarding and stables (excluding kennels) on 10-acre AGR-zoned parcel in Eel River Township: Section 18, Township 17, Range 2W; Key No. 04-1-18-72W 235-001; located south side and east side of SR 234 at the east end of Boone County Road; 8015 W SR 234, Jamestown, IN 46147.

Mr. Dombrosky introduced the property on PowerPoint. It is in the far northwest corner of Hendricks County on the Boone County line. The entire area is zoned AGR, and comprehensive plans shows it remaining rural. There is limited BZA history on and around the property, nothing pertinent to current case. Close-up of the property, including the parcel to the south, shows the existing home, barn and stable areas. The site plan shows a proposed new driveway on the petitioner's undeveloped parcel to the south. It would allow access onto the subject property without using the driveway shared with the neighbors. Mr. Dombrosky explained that the petitioner is wanting to operate a horse boarding and riding business, which is an anticipated special exception for this type of area. Because this is a special exception, there are nine criteria that must be met. Staff believes these have been met and recommends approval with conditions.

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Mr. Andy Kult, Comer Law Office 71 W Marion St, Danville, IN, representing the Karlie Shaw addressed the board. He explained that the petitioner is buying the northern 10-acre parcel with the house and barn on contract from her parents, Bradley and Katrina Voyles. The petitioner owns the southern 25-acre parcel. Both parcels are zoned AGR with low density residential area. The petitioner would like to operate riding stables and boarding for horses. There will be no kennels on the property. Since there is a shared driveway between the petitioner and her neighbor's property to the west, Mrs. Shaw is committing with a signed contract to put a new separate driveway in by the end of August. It will be accessed from the undeveloped property to the south and will be the sole access point for boarders and riders. Mr. Kult also mentioned that Mrs. Shaw would have daily hours for riding lessons from 9:00 am to 8:30 pm. He further mentioned that Mrs. Shaw has a tractor and spreader on site plus a contract with Ag Recycle for waste management. Mr. Kult concluded that the AGR zoning includes Agricultural Entertainment and Passive

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Recreation as permitted uses. He offered that the special exception use for active recreation (specifically riding stables) is in line with permitted uses.

Mr. Lasley asked if there were horses being boarded currently.

Mr. Kult answered that Mrs. Shaw was boarding a couple horses for friends.

Mr. Lasley asked if there were future plans to include an arena or add lights.

Mr. Kult responded that there are no lights currently and none intended. He also added that there was already an exercise ring on the premises.

Mr. O'Riley asked how many horses would be boarded.

Mr. Kult said that the petitioner would commit to no more than 35 horses.

Mr. O'Riley asked how big the property is.

Mr. Kult answered that there are 35 acres between the two parcels. He reminded the board that acreage requirements came up in a past case involving D-N-K Horse Stables. At that time, it was established that 1 to 1 ½ acres are required per horse when they get all their food from grazing in pastures. The Shaws will be feeding the horses with hay that they are growing and harvesting themselves. The horses in this case will not rely on grazing.

Mr. Hession asked if legal notices were sent out and did it include neighboring properties in Boone County.

Mr. Dombrosky responded that notices are sent to landowners within a 660-foot radius from all property owned by the petitioner. The petitioner was required to contact the Boone County Auditor's Office for addresses of the Boone County residents.

Mr. Kult presented the notification map and address list of all the property owners who received notice.

Mr. Lasley asked if there were any further questions for the petitioner at this time.

Being none, Mr. Lasley opened the public hearing.

Wayne (Ryan) Beck, 8033 W SR 234, Jamestown, IN 46147, addressed the board. He lives next door and shares a drive with the petitioner. He told the board that for the last year Mrs. Shaw has been boarding horses and giving riding lessons which were advertised on Facebook and Instagram. It has been disruptive to their privacy, safety and security. During this time there have been numerous trucks and trailers using the shared drive. Mr. Beck said that his home is 31' from the shared drive, so excess traffic is a safety concern for his young grandchildren. He also added that he maintains the shared drive at his own expense (replenishing stone, grating and snow removal), and the amount of traffic Mrs. Shaw brings in is adding to that expense. He is also concerned with over-taxing the wells in the area as they are already low-producing and are fed from the same aquifer. He has further concerns that the business will adversely affect the value of his property. Mr. Beck added that should the board pass the special exception he would

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like them to impose the conditions of the business having a separate address and separate driveway with adequate signage for all the traffic related to the business. His final concern is that the petitioner will eventually hold events at the facility with loud-speakers, etc.

Mr. Lasley asked Mr. Beck to point out his house, barn and outdoor arena on the map.

Mr. Beck pointed them out, showing how close the structures are to the petitioner's property.

Mr. Hession asked if Mr. Beck owns horses.

Mr. Beck responded that he has 3 horses.

Bradley Voyles, 8835 Foxland Dr, Zionsville, IN, addressed the board. He is the current owner of the subject parcel, selling it on contract to the petitioner. He is also the father of the petitioner. He completely understands all the concerns raised by Mr. Beck, but believes a new separate driveway will alleviate the issues. His daughter's dream has always been to have a horse farm and hopes the board will allow her to pursue that dream.

David Baxter, Landtree Realtors, addressed the board. He is a realtor who has worked in the area for many years and has concerns that this business will depreciate the value of neighboring properties. He handed out copies of a map showing the closeness of the properties. He fears the shared drive will continue to be used as it is the shortest access point to the horse barn. He is not certain that there is a way to guarantee that customers of the horse boarding facility will not continue to use the shared drive. The original owners of both properties had an easement agreement for the use of the shared drive, which has been passed down to subsequent owners.

Mr. Lasley closed the public portion of the meeting as no one else had signed up to speak.

He then asked Mr. Kult if he would like to remark on the comments made.

Mr. Kult explained that the petitioner has been boarding horses not realizing that a special exception was needed. It was brought to her attention through a zoning complaint filed against her. Mr. Kult fully appreciates the valid concerns that have been raised about the driveway, as does the petitioner. That is why they are committing to put in a new driveway that routes the traffic through the south parcel. He suggested that the petitioner could put "No Access" signage at the entrance of the existing driveway and also put it in their advertisements. They would also commit to a new address for the south parcel/business if that is allowable. In response to the issues about the wells, the intention is that the petitioner will put in a new well on the south parcel that will be used for the stables and boarding facility. They will not use the existing wells for the business. Mr. Kult also informed the board that the petitioner has no intentions of hosting sanctioned events at the facility. He emphasized that the petitioner is committing to establishing a second driveway, proper and adequate signage and no sanctioned events. As for the devaluation of neighboring properties, Mr. Kult does not believe a horse farm will be damaging. He suggests that the horses can add value and rural-character to the area.

Mr. Lasley asked if there are restroom facilities on the premises.

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Mrs. Karlie Shaw, 8015 S SR 234, Jamestown, IN 46147, petitioner, answered that currently they have a port-a-let behind the barn for the customers to use. If they are to ever expand, it would be to the very back of the property and on the southern parcel. They would put in additional facilities there.

Mr. Kneeland asked if the property lines on the map are correct and if the driveway is actually on Mr. Beck's property.

Mr. Kult responded that the lines are correct, and that the driveway is, in fact, on the Shaw's property. He explained that there is an established easement allowing the neighbor, Mr. Beck, use of the driveway.

Mr. Hession asked if another address could be assigned to the stables without a residence of the property.

Mr. Dombrosky answered that the county would not typically do that, but in this case, it makes sense. An address could be assigned as it is the decision of the Director. The address would be based on the location of the driveway and its access point.

Mr. Kult asked about what kind of signs would be allowed.

Mr. Dombrosky answered that home businesses are allowed to have a 16 square foot sign. Farms allow signage, so they could do a farm-type of sign.

Mr. Kult said that the petitioner would commit to putting in a new drive with a separate address and farm-type signage.

Mr. O'Riley asked whether the new driveway would have to connect with the existing driveway.

Mr. Dombrosky answered that it would not. His recommendation would be that they do not connect.

Mr. Kult added that the petitioner has no intention of connecting the drives.

Mr. Lasley asked if something could be added to the boarding contracts that states which driveway to use.

Mr. Kult concurred that was a good idea. He reiterated that the petitioner would commit to separate drive, new address and appropriate signage. He also suggested that the petitioner would communicate with all her customers on which drive to use.

Mrs. Shaw added that she does not currently advertise her business and has no intention of doing so in the future.

Mr. O'Riley asked about on-site parking.

Mrs. Shaw pointed out the existing parking area on the map.

Mr. O'Riley asked if there was a fence separating her property from Mr. Beck's.

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Mrs. Shaw said that there is a typical farm fence between the two properties.

Mr. Lasley pointed out the easement between the two properties.

Mr. O'Riley commented that he believes it to be fair and reasonable to require some kind of buffer between the properties to help maintain privacy. He also mentioned that a separate well for the horse barn would be beneficial.

Mr. Hession commented that he believes a maximum of 35 horses seems very high.

Mr. Kult asked if he had a reasonable number that the petitioner could commit to.

Mr. Hession responded that a smaller number, maybe closer to 25, would be more appropriate.

Mr. Beck said that he was told the Shaws would only have 2-3 horses and they have had more than promised.

Mr. Kult proposed capping the maximum number of horses at 30 and installing a privacy fence between the properties.

Mr. Lasley asked how many horses were on the property currently.

Mrs. Shaw responded that there are 7 horses.

Mr. O'Riley commented that the board wants to be fair with the neighbor. Doing this the right way now would help alleviate any future issues.

Mr. Kult added that a new parking area will be constructed south of the stables/stalls.

Mrs. Shaw said that there are 9 stables right now. The current parking area is for those stables only and would remain for extra over-flow parking once the new parking lot to the south is put in.

Mr. Beck asked if there were plans to expand the existing stables.

Mrs. Shaw responded that the existing stable would remain as they are. Any expansion would be completely on the south property.

Mr. Dombrosky further added that any expansion to the business would need approval.

Mr. Kneeland believes the petition should be continued, giving the petitioner more time to make adjustments. He believes they are on the right track but still have issues to work through.

Mr. O'Riley agreed with Mr. Kneeland's assessment.

Mr. Kneeland made a motion for continuance.

Mr. O'Riley seconded the motion.

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Mr. Lasley asked if there was anything else the board wanted to discuss pertaining to a continuance.

Mr. Dombrosky asked what the concerns are for the board: signage, address, number of horses, fence/buffering, additional well.

Mr. Hession responded that he wanted to know if a new address could be assigned to the business. What kind of restrictions could be put on the shared driveway?

Mr. Dombrosky answered that the address and signage are at his discretion. He is concerned with the other issues the board wants addressed: number of horses, fence/buffering, additional well.

Mr. Steuerwald said that the board can submit their conditions and can move forward with the case.

Mr. Lasley added that the board could give their approval to the petitioner as long as she submits to the board's conditions, as opposed to continuing the case and requiring the petitioner to appear at a future meeting.

Mr. Dombrosky added that if the board decides to continue the case, they need to be clear on what they want the petitioner to address.

Mr. Steuerwald also said that the board could ask for more information on number of horses recommended for 35 acres.

Mr. Kneeland responded that he moved for a continuance because he believes there needs to be more conversation and clarification.

Mr. Lasley asked if everyone was clear on the motion.

There were no more questions or comments.

Mr. Lasley then asked for a re-statement of the motion.

Mr. Kneeland made a motion to continue SE 04-21 with the conditions set by staff.

Mr. Lasley asked for a second to the motion.

Mr. O'Riley seconded the motion.

Motion for continuance of SE 04-21 carried.

VOTE: For- 3 Against- 1
SE 04-21: KARLIE & JUSTIN SHAW

Abstained-0

CONTINUED

May 17, 2021

Mr. Lasley verified that Mr. Kult understood what additional information the board is asking for.

Mr. Kult answered in the affirmative.

Mr. Lasley asked if there was any further business.

Being no further business, the meeting was adjourned at 9:12 P.M.