

HENDRICKS COUNTY BOARD OF ZONING APPEALS

Meeting Minutes

Monday, March 18, 2024

6:30 PM

Hendricks County Government Center • Meeting Rooms 4 & 5
355 S Washington St #G80
Danville, IN 46122

Members Present: Ron Kneeland, Russ Hesler, Walt O’Riley (C), Rod Lasley (VC), Anthony Hession

Members Absent:

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

Legal Representation: Greg Steuerwald, County Attorney

A quorum was established, and the Pledge of Allegiance was recited. Mr. O’Riley read the Rules of Procedure for the Board of Zoning Appeals meeting. He then asked for a motion to approve the minutes from the February 20, 2023 meeting. Ron Kneeland made a motion to approve the February minutes. Rod Lasley seconded the motion. Anthony Hession abstained from the vote as he was not present at the February meeting. Motion of approval passed 4-0-1.

New Business:

Mr. Steuerwald told the board that there was a change to the agenda. Variance 04-24 will not be heard at tonight’s meeting due to lack of required public notification. He explained that the board would need to make a motion of continuance for the case to be moved to the April 15, 2024 meeting.

Mr. O’Riley asked for a motion.

Mr. Lasley made a motion to continue VAR 04-24 to the April 15th meeting.

Mr. Hession seconded the motion.

Motion to continue VAR 04-24 carried unanimously.

VOTE: For – 5 Against – 0 Abstained – 0 CONTINUED TO APR. 15, 2024 MEETING
VAR 04-24: Daryl Gentry

VAR 03-24 Kristopher Trammell Variance to reduce front setback from 65’ to 56’ to allow for an existing pole barn on a 1-acre AGR-zoned parcel in Marion Township: Section 18, Township 15, Range 2W; Key No. 09-2-18-52W 400-005; located apprx. ¼ mile south of intersection at W CR 150 S and S CR 800 W; 1830 S CR 800 W, Coatesville, IN 46121.

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

- Ag-residential zoned area
- Most of the area is undeveloped, except for a small strip of houses
- Comprehensive plan shows the same agricultural nature of the area to continue
- Recent aerial picture of the property shows the accessory structure that encroaches on the front setback
- The accessory structure was constructed without a permit

- Barn sits 56' from the center of the road. It should be 65' to meet the right-of-way and setback
- For the barn to remain where it is, a setback variance would need to be granted

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

Mr. Kristopher Trammell, 1830 S CR 800 W, Coatesville, IN 46121: I put the barn in this location to avoid the well and septic field, as well as a low point in the yard that has standing water after it rains.

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

Mr. Hesler: Have you had the property surveyed?

Mr. Trammell: There are survey markers on the property. There is over 10' between the barn and the property line to the north. There used to be a fence that was on the property line.

Mr. Hesler: You're 9' short of where the barn is supposed to be?

Mr. Trammell: I'm 9' short on the east side of the property, from the center of the street.

Mr. Lasley: Is there a setback on the north side of the property?

Mr. Dombrosky: There is a 10' setback.

Mr. Lasley: He's good on that one.

Mr. Dombrosky: Yes, it's been marked.

Mr. Trammell: There are posts on both sides, east and west, marking the property line.

Mr. O'Riley: Has the building permit process been taken care of?

Mr. Dombrosky: The permit is on hold. We can't grant it until the variance has been approved.

Mr. Hesler: Who built the barn?

Mr. Trammell: I did.

Mr. Hesler: Are you in the building trade?

Mr. Trammell: I'm in the electrical trade, and we do some construction and concrete work as well.

Mr. Hesler: You didn't know that a permit was needed?

Mr. Trammell: I didn't think it was. Originally, I was going to build an open-sided lean-to, but plans changed. I found out later that at a certain square footage, permits are required.

Mr. Hession: When did you build it?

Mr. Trammell: I started construction in May of 2021.

Mr. Hession: How was it brought to the attention of the Planning and Building Department?

Mr. Dombrosky: The assessor's office found a new structure with no permits on file. They have software that compares current aerial pictures to previous years and picks up any changes.

Mr. Hession: Are there any issues with the barn being in front of the house?

Mr. Dombrosky: No. The property is zoned AGR so accessory buildings can be built in front.

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

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

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

Mr. Lasley made a motion to approve VAR 03-24.

Mr. O'Riley seconded the motion.

Motion to approve VAR 03-24 carried.

VOTE: For – 4 Against – 1 Abstained – 0 APPROVE
VAR 03-24: Kristopher Trammell

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 03-24

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by allowing a front setback reduction in an AGR/Agricultural Residential zoning district.

In accordance with Indiana Code (IC) 5-3-1 and the Hendricks County Zoning Ordinance (HCZO) Section 12.6 (C), the DPB staff published a legal notice in the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with IC 36-7-4-920. The public hearing included the above variance on its agenda.

In accordance with Section 3.07 (D)(2) of the Rules of Procedure of the Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this variance.

The Board conducted the hearing as advertised and heard evidence and testimony on the above noted variance. Meeting in open session, the Board subsequently considered the above noted request and its relationship to the

requirements of IC 36-7-4 and HCZO. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Board weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-918.5 Variance from the development standards of the Zoning Ordinance. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A Variance may be approved under this section only upon a determination in writing that:

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

The Board finds that the proposal will meet this standard. The structure will be in an appropriate location on a rural lot and will not be injurious to the public.

- (2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.**

The Board finds that the proposal will meet this standard. The lots of the immediate area are not uniformly developed, and 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 structure will be similar in context to other rural residential properties.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of March 2024.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

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Walt O'Riley
Chairperson

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Tim Dombrosky
Secretary to the Board

VAR 05-24 Robert King Variance to reduce side setback from 10' to 5' for construction of a pole barn on a .46-acre AGR-zoned parcel in Lincoln Township: Section 19, Township 16, Range 2E; Key No. 08-3-19-62E 380-007; located in Verdant Acres, Lot 91/Section 3; 9321 Church Rd, Brownsburg, IN 46112.

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

- This parcel is in a subdivision setting, but still zoned AGR
- Although Ag-residential, it fits better with RB standards
- Comprehensive plan also recognizes it as an urban residential, smaller lot, fully developed, single family subdivision
- Site plan shows a proposed pole barn on the east side of the property and the location of the existing septic fingers
- The building is 22' wide, and there is 32' separation between the house and the east property line
- There needs to be a minimum of 5' between structures for fire code, leaving only 5' between the proposed barn and the property line
- The adjacent property would have to meet a minimum setback also so that there's no health or safety risk

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

Mr. Robert King, 9321 Church Rd, Brownsburg, IN 46112: The septic field dictated where I could build a barn. To keep it within a 10' setback cuts back on the size of barn. I own a plumbing company and need space to store all my equipment and keep everything inside.

Mr. Hession: What kind of barn are you planning on building?

Mr. King: It's a carport with a steel frame. It will be bolted to the ground. I would like to eventually pour a concrete floor.

Mr. Hession: What is the height of it?

Mr. King: The sides are 12' and the peak is 14'.

Mr. Lasley: Are you keeping the fence?

Mr. King: Yes.

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

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

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

Mr. Hession made a motion to approve VAR 05-24.

Mr. Hesler seconded the motion.

Motion to approve VAR 05-24 carried unanimously.

VOTE: For – 5 Against – 0 Abstained – 0 APPROVE
VAR 05-24: Robert King

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 05-24

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by reducing the 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:

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

The Board finds that the proposal will meet this standard. The structure will be in an appropriate location on a residential lot and will not be injurious to the public.

- (2) **The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.**

The Board finds that the proposal will meet this standard. The lots of the immediate area are not uniformly developed, and 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.**

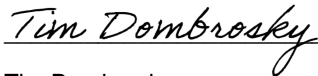
The Board finds that the proposal will meet the standard. The structure will be similar in context to other residential properties.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of March 2024.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

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Walt O'Riley
Chairperson

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Tim Dombrosky
Secretary to the Board

VAR 06-24 Doug & Abby Whicker Variance to reduce rear setback to 0' for construction of a pole barn on a 2.31-acre AGR-zoned parcel in Clay Township: Section 23, Township 15, Range 2W; Key No. 03-1-23-52W 100-013; located ½ mile south of the intersection at W CR 200 S and S CR 450 W; 2388 S CR 450 W, Coatesville, IN 46121.

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

- Rural setting with AGR zoning all around it
- Comprehensive plan shows the area remaining rural agriculture with open space
- Close-up picture shows farm property that is split; the parcel with the house is where the proposed pole barn will be built

- The petitioner owns that parcel and the property all around it (the parcel with the house has been split out from the rest of the farm)
- Site plan shows the proposed barn on the west side of the residential parcel; it would be on the shared property line between the common-ownership parcels, necessitating the 0' setback
- Can't recommend approval of 0' setbacks, but with common-ownership of a farm and the ag-residential parcel, staff doesn't see any problems with it
- There are no remonstrances against the petition, and staff has no issues

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

Mr. Doug Whicker, 2388 S CR 450 W, Coatesville, IN 46121: There is an existing barn that will be torn down and replaced. The new structure will be in the same footprint. The existing barn was built in the 1930's and is in poor condition. It will be replaced with a new garage. I found out during the permitting process that the building is right at the property line. My brother and I own the adjacent parcel.

Mr. Hession: Is the existing barn on the property line?

Mr. Whicker: Yes.

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

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

Mr. Hession: How many acres are in the other parcel around the residential property?

Mr. Whicker: Around 179 acres.

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

Mr. Kneeland made a motion to approve VAR 06-24.

Mr. Hession seconded the motion.

Motion to approve VAR 06-24 carried unanimously.

VOTE: For – 5 Against – 0 Abstained – 0 APPROVE
VAR 06-24: Doug & Abby Whicker

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 06-24

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by allowing a rear setback reduction in an AGR/Agricultural Residential zoning district.

In accordance with Indiana Code (IC) 5-3-1 and the Hendricks County Zoning Ordinance (HCZO) Section 12.6 (C), the DPB staff published a legal notice in the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with IC 36-7-4-920. The public hearing included the above variance on its agenda.

In accordance with Section 3.07 (D)(2) of the Rules of Procedure of the Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this variance.

The Board conducted the hearing as advertised and heard evidence and testimony on the above noted variance. Meeting in open session, the Board subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and HCZO. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Board weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-918.5 Variance from the development standards of the Zoning Ordinance. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A Variance may be approved under this section only upon a determination in writing that:

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

The Board finds that the proposal will meet this standard. The structure will be in an appropriate location on an agricultural lot and will not be injurious to the public.

- (2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.**

The Board finds that the proposal will meet this standard. The lots of the immediate area are not uniformly developed, and 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 structure will be similar in context to other rural properties.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of March 2024.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Walt O'Riley

Walt O'Riley
Chairperson

Tim Dombrosky

Tim Dombrosky
Secretary to the Board

VAR 07-24 Jonathan Dispennett Variance to allow construction of an accessory building without a principal dwelling on a 14.06-acre AGR-zoned parcel in Brown Township: Section 15, Township 17, Range 1E; Key No. 01-1-15-71E 375-002; located ¼ mile west of intersection at N SR 267 and E CR 1000 N; Parcel #32-02-15-375-002.000-001, Brownsburg, IN 46112.

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

- Ag-residential zoned lot
- Some RA and rural single-family subdivisions around the property
- This parcel is part of a 3-lot rural subdivision
- Comprehensive plan shows the area as suburban residential, near the Town of Brownsburg, with the development of the Ronald Reagan Parkway corridor to the east
- Parcel is split by a creek, with the proposed homesite just south of it
- Request is to put up a barn prior to the house with no guarantee that the house will be constructed
- The order of establishment clause of the zoning code requires that a principal is built before an accessory. This petition would be a variance to that clause

Mr. Lasley: What does the square on the site plan represent?

Mr. Dombrosky: That is the proposed septic field.

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

Mr. Jonathan Dispennett, 7253 N CR 550 E, Pittsboro, IN 46167: We would like to be able to build a barn for storage on the property. Right now, the cost is too high to build a house.

Mr. O'Riley: Are you planning on living in the barn?

Mr. Dispennett: No, we'll stay at our current home until we can build a house. The barn will be for storage. I have a tractor, mower, and other equipment that I use to maintain the property.

Mr. Hesler: Will there be a bathroom in the barn?

Mr. Dispennett: It will have a shop sink and toilet, but not a full bathroom.

Mr. Hesler: Will you put those in when you build the barn?

Mr. Dispennett: Not right away. I won't pour the slab for a while. Once that's in, sometime in the next year, we'll rough-in the plumbing.

Mr. Hession: What are the dimensions of the barn?

Mr. Dispennett: The structure is 40' x 56' with 10' overhangs on each side. So, the overall size will be 60' x 40'.

Mr. Lasley: When the house is built, it will need to be at least 5' from the barn.

Mr. Dombrosky: Yes, that's correct.

Mr. Dispennett: Currently, the plan is for the house to be approximately 40' from the barn.

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

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

Mr. Dombrosky: Is the property currently being farmed?

Mr. Dispennett: No. The back part of the property, including the creek, is in a conservation area. The front part has grass, and there's a driveway roughed in for access.

Mr. Kneeland: How many acres?

Mr. Dispennett: There's 14 acres.

Mr. O'Riley: Is this a platted lot?

Mr. Dombrosky: Yes.

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

Mr. Hession made a motion to approve VAR 07-24.

Mr. Lasley seconded the motion.

Motion to approve VAR 07-24 carried unanimously.

VOTE: For – 5

Against – 0

Abstained – 0

APPROVE

VAR 07-24: Jonathan Dispennett

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 07-24

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by allowing a residential accessory structure without a principle in an AGR/Agricultural Residential zoning district.

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The Board finds that the proposal will meet this standard. The structure will be in an appropriate location on an agricultural lot and will not be injurious to the public.

- (2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.**

The Board finds that the proposal will meet this standard. The lots of the immediate area are not uniformly developed, and 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.**

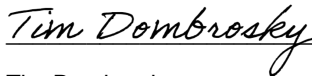
The Board finds that the proposal will meet the standard. The structure will be similar in context to other rural properties.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of March 2024.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

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Walt O'Riley
Chairperson

_____

Tim Dombrosky
Secretary to the Board

Being no further business before the board, the meeting was adjourned at 6:54 pm.