

December 20, 2021

The Hendricks County Board of Zoning Appeals convened in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, December 20, 2021. The meeting began at 7:30 p.m. Members present included Rod Lasley, Anthony Hession, Walt O'Riley and Ron Kneeland. Also, present were Greg Steuerwald, County Attorney, and Tim Dombrosky, Planning Director. 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 also noted that because there are only three board members present, all petitions must receive a unanimous decision or be continued to next month's meeting.

He then asked for a motion to approve the minutes from the November 15, 2021 meeting.

Mr. Hession made a motion to approve the November 15th meeting minutes.

Mr. O'Riley seconded the motion.

Motion to approve the November 15, 2021 minutes passed unanimously.

VOTE: For- 3 Against- 0 Abstained- 0 APPROVED
November 15, 2021 MEETING MINUTES

Mr. Steuerwald presented the case.

SE 10-21: Greg & Anna Howe Special Exception to allow an accessory dwelling unit on a 7-acre AGR-zoned parcel in Brown Township: Section 24, Township 17, Range 1E; Key No. 01-1-24-71E 200-014; located approx 1/8 mile north of intersection at N CR 950 E and E CR 950 N; 9640 N CR 950 E, Brownsburg, IN 46112.

Mr. Dombrosky explained that the petition, originally heard at the November meeting, had to be reopened to the public due to insufficient public notification by the petitioner. He then re-introduced the property on PowerPoint. It is zoned AGR, but in an area recommended for planned business because of its proximity to the proposed Ronald Regan Parkway expansion. He showed the site plan and reminded the board that the petitioners want to build a new house behind the existing home and convert the existing home into an accessory dwelling for guests. Mr. Dombrosky further explained that the existing house meets the size requirement for an accessory dwelling unit but it is in front of principal structure. Because it is an existing location, Mr. Dombrosky believes it to be appropriate to approve the special exception request with the standard conditions based on the nine review criteria.

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

Being none at this time, he invited the petitioner to address the board.

Mr. William Bentley II, Francium LLC, 4242 N College Av, Indianapolis, IN 46205, representing the petitioners, addressed the board. He apologized that the notification letters for the November meeting were not mailed out on time. He then reminded the board that the petitioners are wanting to keep the existing house to be used for their guests, grown children and aging parents when visiting. The plan is to build a new home behind the existing house, and "aesthetically" blend the exteriors of the

two. He pointed out another accessory structure that is currently on the property and used as a garage. The plan is to remove that structure completely. Currently, access to property is from the driveway to the south. The petitioners are proposing to move that driveway to the north side of the new primary dwelling.

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

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

Being no further comments, he asked for a motion.

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

Mr. O'Riley seconded the motion.

Motion for approval of SE 10-21 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
SE 10-21: Greg & Anna Howe

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 10-21

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.

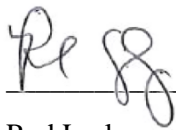
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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

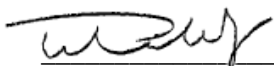
1. All applicable federal, state, and local approvals are required.
2. No separate address will be assigned to the accessory apartment.
3. No additional driveway shall be permitted.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 20th day of December 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary

VAR 30-21: Tyler & Margo Carlson Variance to exceed maximum fence height and opacity in front side yard on a 9.25-acre AGR-zoned parcel in Center Township: Section 20, Township 15, Range 1W; Key No. 02-3-20-51W 200-011; located ½ mile south of intersection at W CR 200 S and S CR 125 W; 2333 S CR 125 W, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR. The comprehensive plan shows the area remaining rural residential. He pointed out the existing home and accessory structures on the property, including the driveway that follows the north boundary. The property has fields and is also used for various farm animals. He explained that the petitioner wants to put in a 6-foot, 100% opaque fence on the north side of his property to replace an existing farm fence. The variance is needed because the petitioner wants to extend the fence past the front of his house and into his front yard. Mr. Dombrosky reminded the board that the ordinance allows fencing in the front yard up to 4-feet tall and 50% opaque.

Mr. O'Riley asked if there were any sight distance issues with the fence in the front yard.

Mr. Dombrosky answered that the sight distance should be fine as long as the fence does not encroach into the right-of-way.

Mr. O'Riley asked if the fence would cause sight issues from the driveway.

Mr. Dombrosky responded that it's a straight stretch of flat road, and he has no concern with that. There are quite a few mature trees to the north of the property that are close to the road that he believes would be an issue before the fence would.

Mr. Lasley asked if the criteria for fencing was the same in rural areas as in residential areas.

Mr. Dombrosky responded that fence regulations are the same.

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

Being none at this time, he invited the petitioner to address the board.

Mr. Tyler Carlson, 2333 S CR 125 W, Danville, IN 46122, addressed the board. There's an existing fence that runs about 600 feet along the north property line. Both he and his neighbor have horses that run along the fence and a 4-foot fence would not be tall enough to keep horses in. He also noted that from his driveway to the neighbor's property there is a 2-foot drop. If he put in a 4-foot privacy fence along that property line, it would look like a 2-foot fence because of the drop off. He pointed out on the map where he is wanting to put the new fence.

Mr. O'Riley asked how tall the existing fence is.

Mr. Carlson said that it is a standard 52-inch farm fence.

Mr. Hession asked if Mr. Carlson would be completely removing the existing fence and replacing it with the new privacy fence.

Mr. Carlson answered that is what he is proposing.

Mr. O'Riley asked how many feet back from the road will the fence be.

Mr. Carlson said that he measured 25-feet from the middle of the road.

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Mr. O’Riley commented that his only concern is with visibility from the road when someone is pulling out of the driveway.

Mr. Dombrosky said he would get clarification from the county engineer about the right-of-way width. The fence will be somewhere between 25 and 40 feet from the center line.

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

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

Being no further comments, he asked for a motion.

Mr. O’Riley made a motion to approve VAR 30-21 with conditions set by staff and with confirmation of right-of-way width by county engineer.

Mr. Hession seconded the motion.

Motion for approval of VAR 30-21 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 30-21: Tyler and Margo Carlson

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 30-21

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 eight-foot tall 100% opaque fence in the front yard 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 increased height of equipment will not be of any detriment to public health, safety, morals, or welfare.

- (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 surrounding property is either related in use or rural agricultural. The increased height will not be out of character or substantially impactful on any surrounding property.

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

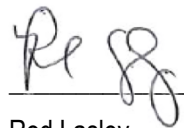
The Board finds that the proposal will meet the standard. The compliant coverage results in no added benefits but represents a disproportional disruption and inconvenience. This constitutes a hardship.

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

1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.
3. The fence shall not encroach into the 25-foot Thoroughfare Plan Right of Way, measured from the centerline of the county road

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of December 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 11-21: Marjorie & Michael Sims Special Exception to allow an accessory dwelling unit on a 20.46-acre AGR-zoned parcel in Center Township: Section 19, Township 15, Range 1E; Key No. 02-3-19-51E 200-012; located ½ mile east of S CR 300 E; 3907 E CR 200 S, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR, and just west of Gibbs Road. It is southeast of the Danville airport. Comprehensive plans show it on the border of residential and airport districts. He pointed out the primary residence and accessory structures on the site plan. The petitioners are wanting to add another accessory structure, but one with an accessory dwelling unit. Mr. Dombrosky explained that this request requires a special exception to allow the ADU. Since the property is over 20-acres with plenty of privacy, he believes that the request falls in line with the county ordinance's recommendation of encouraging this type of use within the right context. He believes the 9 criteria of a special exception have been met and recommends approval.

Mrs. Marjorie Sims, 3907 E CR 200 S, Danville, IN 46122, addressed the board. She explained that they want to put another dwelling at the back of the property; a barn with living quarters.

Mr. O'Riley confirmed that it would not be used for rental property.

Mrs. Sims responded that they have no intention of renting it.

Mr. Dombrosky added that the conditions include no additional address and no separate driveway.

Mr. Lasley asked if it meets all requirements for well and septic.

Mr. Dombrosky answered that would be determined by the health department. It will be reviewed during the permitting phase. Right now, he does not believe they have building plans.

Mrs. Sims confirmed that they do not have plans yet.

Mr. Hession asked where the approximate build site would be.

Mr. Dombrosky answered that it would be back by the pond.

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

Mr. Dombrosky pointed out the access "stem" coming off of CR 200.

Mr. O'Riley asked if this was an easement.

Mr. Dombrosky responded that it is not an easement, the petitioners own that property.

Mrs. Sims added that the driveway is about ½ mile long.

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

He then asked if the board had any questions or comments.

Hearing none, he asked for a motion.

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

Mr. Hession seconded the motion.

Motion for approval of SE 11-21 carried unanimously.

VOTE: For- 3

Against- 0

Abstained-0

APPROVED

SE 11-21: Marjorie and Michael Sims

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 11-21

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.**

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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.

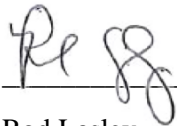
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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

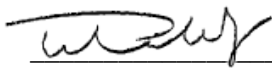
1. All applicable federal, state, and local approvals are required.
2. No separate address will be assigned to the accessory apartment.
3. No additional driveway shall be permitted.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 20th day of December 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary

VAR 31-21: Jeremy & Allie Johnson Variance to allow construction of an accessory structure prior to the principal dwelling on a 10.51-acre AGR-zoned parcel in Center Township: Section 16, Township 15, Range 1W; Key No. 02-3-16-51W 250-002; located on west side of SR 39, apprx ½ mile north of CR 200 S; 51 Joseph Place, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR and close to Westbridge Church in Danville. The property is part of a 3-lot minor plat and has not been developed yet, but petitioners are planning to build a primary residence in the near future. The comprehensive plan shows the area remaining rural and suburban residential. He went on to explain that the petitioners are wanting to build the accessory structure for storage of lawn maintenance equipment. As there is no way to guarantee that a house will be built, staff remains neutral on these matters. Mr. Dombrosky concluded that while he reserves making a recommendation, there have been many of this type of variance approved by the board.

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. Andy Kult, Comer Law Office 71 W Marion St, Danville, IN, representing the petitioner, addressed the board. He confirmed that the property is part of a 3-lot minor plat that was recorded in 2019. He highlighted the petitioner's lot and the approximate building site for the proposed 60x40 accessory structure. Mr. Kult confirmed that the barn would be used for storing the maintenance equipment used on the property. He also informed the board that the petitioners live in Plainfield currently but have enrolled their children in Danville schools as their house plans are nearly complete.

Mr. Hession asked what the height of the structure will be.

Mr. Jeremy Johnson said that he is not exactly sure of the building height, but that it would have 16' ceilings.

Mr. O'Riley asked what the maximum height is.

Mr. Dombrosky responded that there's a height limit of 24' in the AGR district.

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

He then asked if the board had any further questions or comments.

Being none, Mr. Lasley asked for a motion.

Mr. O'Riley made a motion to approve VAR 31-21 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 31-21 carried unanimously.

VOTE: For- 3	Against- 0	Abstained-0	APPROVED
VAR 31-21: Jeremy & Allie Johnson			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 31-21

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:

- (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. 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 other development standards. As such, it will not constitute any harm to the public good.

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

The Board finds that the proposal will meet this standard. The structure type is common to this rural residential setting. The barn will be used to maintain the property and provide storage and security. 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. This constitutes a hardship.

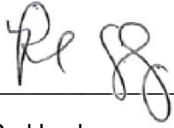
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

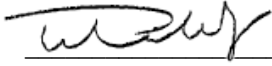
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of December 2021.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

December 20, 2021



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 12-21: Hendricks County State Route 67, LLC Special Exception to allow a motor vehicle repair and service business on a 2.29-acre GB-zoned parcel in Guilford Township: Section 20, Township 14, Range 2E; Key No. 06-3-20-42E 300-007; located on southwest corner of S CR 1025 E and S SR 67; Parcel #32-16-20-300-007.000-011 and 32-16-20-300-008.000-011, Camby, IN 46113.

Mr. Dombrosky introduced the property on PowerPoint. It is part of the Heartland Crossing development. He explained that it's zoned GB (General Business), with an area of LI (Light Industrial) across the street. Comprehensive Plan labels this area as mixed development. The zoning of the subject property was changed to GB but major auto repair and service is only allowed under this zoning with a special exception. The site plan has already gone before the Plan Commission, and the petitioner is now seeking the special exception to operate an auto repair and service business. Mr. Dombrosky believes all nine criteria of a special exception have been met and recommends approval.

Mr. Lasley asked if there would be access from SR 67.

Mr. Dombrosky responded that there would be no entrance coming off of SR 67.

Mr. O'Riley asked if the business would be a body shop.

Mr. Dombrosky said that it is Caliber Collision.

Mr. Lasley invited the petitioner to address the board.

Mr. Kaleb Sondgerath, Kimbley-Horn Associates, 250 E 96th St, STE 580, Indianapolis, IN 46240, representing the petitioner, addressed the board. He mentioned to the board for consideration that minor auto repair is permitted in GB.

Mr. Dombrosky concurred that minor auto work would be permitted. Since the proposed use is considered major auto work, a special exception is required.

Mr. Lasley asked if all the buildings that Caliber Collision puts up look similar.

Mr. Sondgerath answered yes.

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

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

Being no further questions, Mr. Lasley asked for a motion.

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Mr. Hession made a motion to approve SE 12-21 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 SE 12-21 carried unanimously.

VOTE: For- 3	Against- 0	Abstained-0	APPROVED
SE 12-21: Hendricks County State Route 67, LLC			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 12-21

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 **Motor vehicle repair and service, major** in an area zoned as GB (General Business). 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 Motor vehicle repair and service, major is in fact a Special Exception in the General Business 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.

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 a 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 businesses in the area.

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.

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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.

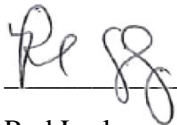
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 20th day of December 2021.

**AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA**



Rod Lasley
Chairperson



Tim Dombrosky
Secretary

Election of Chair and Vice-Chair for 2022 BZA Board

Mr. Steuerwald introduced the last item on the agenda, election of the 2022 BZA Board Chair and Vice-Chair.

Mr. Hession nominated Rod Lasley to be BZA 2022 Chairperson.

Mr. O'Riley seconded the nomination.

Motion to elect Rod Lasley as 2022 BZA Chairperson carried unanimously.

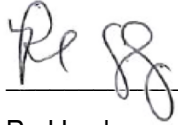
VOTE: For- 3 Against- 0
2022 BZA CHAIR – Rod Lasley

Abstained-0

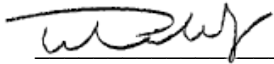
APPROVED

December 20, 2021

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Lasley then nominated Walt O'Riley to be BZA Vice-Chairperson.

Mr. Hession seconded the nomination.

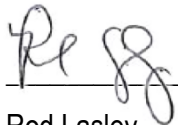
Motion to elect Walt O'Riley as 2022 BZA Vice-Chairperson carried unanimously.

VOTE: For- 3 Against- 0
2022 BZA VICE-CHAIR – Walt O'Riley

Abstained-0

APPROVED

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Lasley asked if there was any further business.

Being none, the meeting was adjourned at 8:04 pm.