

March 21, 2022

The Hendricks County Board of Zoning Appeals convened in the Hendricks County Government Center, Commissioner's Meeting Room, Monday, March 21, 2022. The meeting began at 7:30 p.m. Members present included Rod Lasley, Walt O'Riley, Anthony Hession, Ron Kneeland and Russ Hesler. Also, present were Greg Steuerwald, County Attorney, Tim Dombrosky, Planning Director and Leslie Dardeen, Recording Secretary.

Everyone stood and recited the Pledge of Allegiance.

Mr. Lasley read the Rules of Procedure for the Board of Zoning Appeals meeting.

He then reminded the board that they would be voting to approve the meeting minutes from both January and February's meetings.

He asked for a motion to approve the minutes from the January 18, 2022 meeting.

Mr. Hession made a motion to approve the January 18, 2022 minutes.

Mr. O'Riley seconded the motion.

Motion to approve the January 18, 2022 minutes passed unanimously.

**VOTE: For- 5                  Against- 0                  Abstained- 0                  APPROVED**  
**JANUARY 18, 2022 MEETING MINUTES**

Mr. Lasley then asked for a motion to approve the minutes from the February 22, 2022 meeting.

Mr. Kneeland made a motion to approve the February 22, 2022 minutes.

Mr. O'Riley seconded the motion.

Mr. Hession and Mr. Lasley abstained from voting as they were not at the February meeting.

Motion to approve the February 22, 2022 minutes passed.

**VOTE: For- 3                  Against- 0                  Abstained- 2                  APPROVED**  
**FEBRUARY 22, 2022 MEETING MINUTES**

Mr. Steuerwald presented the cases.

**VAR 04-22: Mark George** Variance to exceed maximum height for an accessory building from 24' to 25' on a 5.55-acre AGR-zoned parcel in Clay Township: Section 32, Township 15, Range 2W; Key No. 03-1-32-52W 101-001; located approx. 1/8 mile west of intersection at S SR 75 and W CR 450 S; 7708 W CR 450 S, Coatesville, IN 46121.

Mr. Dombrosky introduced the property on PowerPoint. It is in a rural residential area on a fairly large parcel. The site plan shows the approximate area where the petitioner is wanting to build a pole barn. Mr. Dombrosky explained that due to the dimensions of the barn, the maximum height would be exceeded by about a foot, necessitating the variance. He believes the extra height to be negligible and recommends approval.

March 21, 2022

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. Mark George, 7708 W CR 450 S, Coatesville, IN 46121, addressed the board. He offered to answer any questions the board may have, but he didn't have any other information to add to what Mr. Dombrosky had already shared.

There were no further questions from the board.

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

He then asked for a motion.

Mr. Hession made a motion to approve VAR 04-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 04-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  APPROVED**  
**VAR 04-22: Mark George**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

VAR 04-22

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 increasing the height maximum 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. A one-foot height increase in this context and surrounding 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 increase in height is not significant enough to effect adjacent 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 one-foot variation will allow more standard construction without custom modifications in building technique.

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

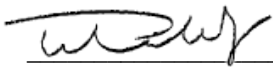
1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21<sup>st</sup> day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
*Chairperson*



Tim Dombrosky  
*Secretary to the Board*

March 21, 2022

**VAR 05-22: Andrew Thomas** Variance to allow metal as a primary building façade material on a 6.08-acre AGR-zoned parcel in Center Township: Section 21, Township 16, Range 1W; Key No. 02-1-21-61W 175-001; located directly north of intersection at N SR 39 and W CR 350 N; 3719 N SR 39, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. The site plan shows that the proposed principal dwelling will sit in the middle of the parcel. Mr. Dombrosky explained that the parcel is part of a minor plat and is considered part of a subdivision. As such, the county ordinance does not allow metal siding for the exterior of principal dwellings. The petitioner was not aware of this restriction, and already has plans and materials for the house. Mr. Dombrosky believes that the proposed metal exterior is appropriate for the rural area and all criteria for a variance have been met; staff recommends approval.

Mr. Lasley invited the petitioner to address the board. Mr. Andrew Thomas, 4060 Cheltenham Ct, Plainfield, IN 46168, addressed the board. He reiterated that he was unaware of the restriction on metal siding and already purchased the materials. He only found out about the restriction when he began the permitting process.

Mr. Hession asked if he had any renderings of his proposed house.

Mr. Thomas provided a copy to the board. He also mentioned that the house would be built on a slab.

Mr. Hesler asked for confirmation that Mr. Thomas was unaware of the ordinance's restrictions on metal exteriors.

Mr. Thomas said he was unaware. Neither the seller of the parcel nor the builder mentioned that a metal exterior was not allowed per the ordinance.

Mr. Hession asked if the house would have both metal siding and a metal roof.

Mr. Thomas responded that was correct.

Mr. Hession asked how far from the road would the house sit.

Mr. Dombrosky answered that it would be approximately 1000 feet from the road.

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

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

Being none, Mr. Lasley asked for a motion.

Mr. Hession made a motion to approve VAR 05-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 05-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  APPROVED**  
**VAR 05-22: Andrew Thomas**

## Hendricks County Area Board of Zoning Appeals

### Findings of Fact/Law and Conditions of Approval

VAR 05-22

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by allowing metal as a primary building façade material 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 aesthetic design has no impact on the public health, safety, morals, and general welfare of the community.

- (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 proposed design goes above and beyond the architectural design standards, and utilizes metal in a pleasing way, increasing value.

- (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. Restricting the use of a different material in a beneficial way constitutes a hardship.

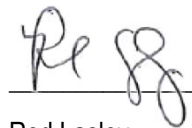
March 21, 2022

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

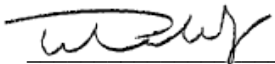
1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21<sup>st</sup> day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
*Chairperson*



Tim Dombrosky  
*Secretary to the Board*

**VAR 06-22: Thomas & Stephenie Luken** Variance for an increase to maximum height of accessory building to 32' on a 6.21-acre AGR-zoned parcel in Center Township: Section 31, Township 16, Range 1W; Key No. 02-1-31-61W 225-005; located ¼ mile south of intersection of W CR 200 N and N CR 200 W; 1736 N CR 200 W, Danville, IN 46122.

Mr. Lasley recused himself from this petition as he is a business acquaintance of the petitioner. He asked Mr. Hession to lead the meeting.

Mr. Dombrosky introduced the property on PowerPoint. He reminded the board that the Lukens had already been granted a variance to raise the height of the barn by 3 feet. They are now needing to raise it an additional 5 feet, for a total height of 32 feet. The rural location and varying elevations of the property are both contributing factors for increasing the height. Mr. Dombrosky, however, cannot make a solid argument for or against the variance and maintains a neutral position on this petition.

Mr. Hession invited the petitioner to address the board. Mrs. Stephenie Luken, 1991 Knightsbridge Rd, Danville, IN 46122, addressed the board. She explained that they decided to build a bigger barn than they originally had planned. Since the barn will be on the lowest part of the property and the house will be on the highest point, raising the height of the barn will make it more balanced and aesthetically pleasing.

Mr. Hesler asked if they are widening the barn as well.

Mrs. Luken responded that they are.

March 21, 2022

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

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

Being none, Mr. Hession asked for a motion.

Mr. Hesler made a motion to approve VAR 06-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 06-22 carried.

**VOTE: For- 4          Against- 0          Abstained-1          APPROVED**  
**VAR 06-22: Thomas and Stephenie Luken**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

VAR 06-22

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 to exceed the height limit 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.**

March 21, 2022

The Board finds that the proposal will meet this standard. The aesthetic design has no impact on the public health, safety, morals, and general welfare of the community.

**(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 proposed design goes above and beyond the architectural design standards, increasing value.

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

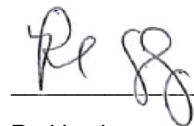
The Board finds that the proposal will meet the standard. The height restriction prevents a sympathetic architectural design.

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

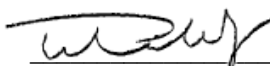
1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21<sup>st</sup> day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
*Chairperson*



Tim Dombrosky  
*Secretary to the Board*

**SE 03-22: Kyle Zieles (T Pop's Mobile RV Repair, LLC)** Special Exception to allow outdoor storage for recreational vehicles on a 3.93-acre GB-zoned parcel in Brown Township: Section 36, Township 17, Range 1E; Key No. 01-2-36-71E 451-001; located in the northeast quadrant at the intersection of E CR 700 N and N CR 900 E; 7085 N CR 900 E, Brownsburg, IN 46112.



March 21, 2022

Mr. Dombrosky introduced the property on PowerPoint. It is east of the Ronald Reagan Parkway and zoned GB. It has two separate drives onto the property, one from CR 700 and the other from CR 900. The General Business classification allows the petitioner to have an RV repair service that he operates from his barn. It does not allow for outdoor storage of RVs. The Special Exception would allow him to expand his business, providing a second use of outdoor storage. Mr. Dombrosky explained that if the SE is approved, Mr. Zieles would still have to submit his plans for review by the Plan Commission. He believes all 9 criteria of a special exception have been met and recommends approval.

Mr. Lasley invited the petitioner to address the board. Mr. Kyle Zieles, 7085 N CR 900 E, Brownsburg, IN 46112, addressed the board. Mr. Zieles explained that he is wanting to expand his business and make it an "all-in-one" RV facility, providing service, repairs and storage.

Mr. Hesler asked if there would be property improvements to accommodate the outdoor storage.

Mr. Zieles responded that he will be adding a gravel lot where the RVs will be parked.

Mr. Lasley asked if there would be fencing around the property.

Mr. Zieles answered that there would be.

Mr. Dombrosky added that there would be all new landscaping criteria determined by the Plan Commission.

Mr. Hession asked how many sides of the property would be required to have buffer landscaping.

Mr. Dombrosky responded that it would be at least three sides, since the fourth side abuts a parcel owned by the petitioner. But the Plan Commission may require all four sides be covered under the landscaping criteria.

Mr. Hesler asked if there were any environmental controls in place to offset any leaks or spillage from the RVs.

Mr. Zieles said that they would work with the Plan Commission and health department if this SE is approved.

Mr. Lasley asked how many trailers/RVs would be stored.

Mr. Zieles responded that they would have room to store between 50-100 RVs.

Mr. Hession asked for confirmation that the RV repair is an allowed use under the current zoning.

Mr. Dombrosky answered that it is an allowed use as long as it's done inside. Currently, the business is in violation of that since some work is being done outside and RVs waiting for service are parked outside. He went on to explain that opaque fencing is required for the small permitted outdoor storage area.

Mr. Lasley opened the public portion of the meeting.

Mr. Mike Starkey, 9225 E CR 700 N, addressed the board. He is a neighboring property owner and thought the business was already storing RVs since there are so many on the lot. He questioned if

March 21, 2022

the storage would be behind the fencing and would the landscaping be approved first before allowing storage.

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

Mr. Lasley commented that technically the petitioner's business can't have anything outside until the Plan Commission reviews the site plan.

Mr. Hession commented that he is not in favor of the outside storage. The area will see expansion of the Ronald Reagan Parkway in the near future, with opportunity for new developments. Also, much of the land around the petitioner's is owned by the Brownsburg School Corporation. They are in the planning phase of using the land for expansion of ball fields for little league. Mr. Hession further commented that he believes outdoor storage detracts from the area and the future use could be compromised.

Mr. Lasley asked for a motion.

Mr. Hession made a motion to deny SE 03-22.

Mr. O'Riley seconded the motion.

Motion for denial of SE 03-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  DENIED**  
**SE 03-22: Kyle Zieles (T Pop's Mobile RV Repair, LLC)**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

### **SE 03-22**

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 **RV/Boat Storage** 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 that RV/Boat Storage 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 not meet this standard. The Comprehensive Plan and Zoning ordinance identify the future Ronald Reagan Parkway as a high priority corridor that will become a major contributor to Hendrick's County's image and encourages an enhanced image with high-quality design standards.

**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 not meet this standard. The intended character of the area is to be an enhanced corridor that contributes to the high-quality image of Hendricks County.

**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.

March 21, 2022

- 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.

- 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 entrances provide adequate access or will be reviewed during development plan review by the Plan Commission.

- H. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

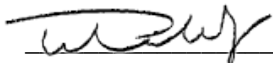
The Board finds that the proposal will meet this standard. There will be no substantial loss in natural, scenic, or historic features with the approval of the business.

For all the foregoing reasons, the Board DENIED this request for a Special Exception on the 21st day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
*Chairperson*



Tim Dombrosky  
*Secretary*

**SE 04-22: Dan Smith** Special Exception to allow an accessory dwelling unit on a 28.48-acre AGR-zoned parcel in Middle Township: Section 20, Township 17, Range 1E; Key No. 10-1-20-71E 400-008; located ¼ mile north of the intersection at E CR 900 N and N CR 500 E; 9341 N CR 500 E, Pittsboro, IN 46167.

Mr. Dombrosky introduced the property on PowerPoint. He explained that the petitioner is wanting to have an accessory dwelling unit (ADU). He reminded the board of the recent past petitions for ADUs and that there would be no separate drive or address. Mr. Dombrosky said that, as with the past cases, this is an economical way of providing additional living space for family members. He believes all 9 criteria for a special exception have been met and recommends approval.

March 21, 2022

Mr. Lasley invited the petitioner to address the board. Mr. Dan Smith, 9341 N CR 500 E, Pittsboro, IN 46167, addressed the board. He said that ADU would be built in the existing barn and used for family members.

Mr. Lasley asked what the barn was used for presently.

Mr. Smith said that it is an Ag building.

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

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

Being none, Mr. Lasley asked for a motion.

Mr. Lasley made a motion to approve SE 04-22 with conditions set by staff.

Mr. Hession seconded the motion.

Motion for approval of SE 04-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  APPROVED**  
**SE 04-22: Dan Smith**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

### **SE 04-22**

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.

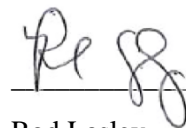
**IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.**

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

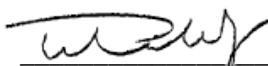
1. All applicable federal, state, and local approvals are required.
2. No separate address will be assigned to the accessory apartment.
3. No additional driveway shall be permitted.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 21st day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
Chairperson



Tim Dombrosky  
Secretary

March 21, 2022

**SE 05-22: John & Brittany Crumpacker** Special Exception to allow an accessory dwelling unit on a 20-acre AGR-zoned parcel in Eel River Township: Section 2, Township 16, Range 2W; Key No. 04-2-02-62W 200-006; located apprx. ¼ mile north of the intersection at W CR 650 N and N CR 400 W; 6678 N CR 400 W, North Salem, IN 46165.

Mr. Dombrosky introduced the property on PowerPoint. He explained that this petition is also for an ADU, although this one will be a new building. He showed the site plan and the proposed building site for the ADU. Again, he recommends no new address or driveway. He believes all nine criteria have been met and recommends approval.

Mr. Hession, referring to the site plan, asked how the new ADU would be accessed.

Mr. Dombrosky said that the petitioner would have to branch off from his existing driveway at the side of the house. There is a ditch that will require a bridge.

Mr. Hesler asked about requirements for a new septic.

Mr. Dombrosky responded that septic/well requirements would be addressed during the permitting process.

Mr. Lasley invited the petitioner to address the board. Mr. John Crumpacker, 6678 N CR 400 W, North Salem, IN 46165, addressed the board. He explained that the ADU would be used for an aging grandparent.

Mr. Lasley asked if it made sense to add a condition for one time use, not allowing the ADU to be used for a rental, etc.

Mr. Dombrosky responded that he does not recommend making such conditions as they are very difficult to police.

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

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

Being none, Mr. Lasley asked for a motion.

Mr. Hession made a motion to approve SE 05-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of SE 05-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  APPROVED**  
**SE 05-22: John & Brittany Crumpacker**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

**SE 05-22**



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.**

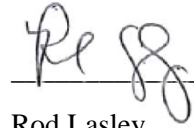
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

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.

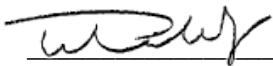
March 21, 2022

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 21st day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
*Chairperson*



Tim Dombrosky  
*Secretary*

**SE 06-22: Way Maker, Inc (B. Elliot & Hannah Hughes)** Special Exception to allow a Group Home/Residential Facility on a 1.1-acre RB-zoned parcel in Washington Township: Section 13, Township 15, Range 1E; Key No. 12-4-13-51E-330-008; located approx. ½ mile east of S Dan Jones Rd and ½ mile north of Bradford Rd; 8490 Northern Dr, Avon, IN 46123.

Mr. Dombrosky introduced the property on PowerPoint. He explained that the property is in an older subdivision that has remained under county jurisdiction, although it is surrounded by subdivisions within the Town of Avon. The comprehensive plan shows the property to remain residential, but very near an industrial area. Mr. Dombrosky told the board that the petitioner is wanting to use the property for a Recovery Residence/Group Home. He believes all nine criteria of the special exception have been sufficiently met and recommends approval.

Mr. Lasley invited the petitioner to address the board. Mr. Elliot Hughes, 8490 Northern Dr, Avon, IN 46123, addressed the board. He explained that the Recovery Residence would be for women who have already been through rehab but still need support in their recovery process.

Mr. Lasley asked how many people would be in the house.

Mr. Hughes answered that there would be 8 women.

Mr. Lasley asked how big the house is and whether all the residents would have cars.

Mr. Hughes responded that the house is around 1700 square feet. He is not sure how many residents will have a car.

Mr. Hession asked what the age range of the residents would be.

Mr. Hughes answered that 18 would be the youngest.

Mr. Lasley asked what the purpose of the Group Home is.

Mr. Hughes explained that the home is for people would have successfully completed rehab and are still needing support in recovery.

March 21, 2022

Mr. Lasley asked if this facility would be for men and women.

Mr. Hughes answered that this home would be only for women.

Mr. Hession asked how long a resident stays.

Mr. Hughes said that the residents are there for 9 months.

Mr. Hesler asked if there would be any security.

Mr. Hughes answered that the house would be equipped with security cameras, motion detectors, etc.

Mr. Lasley asked if the facility is for people who are mentally ill.

Mr. Hughes responded that the residents are not mentally ill. They have struggled with drug and/or alcohol addiction, successfully been through rehab and are needing additional support before returning to their personal homes.

Mr. Hesler asked what the success rate is.

Mr. Hughes asked past and present residents of Way Maker's men's Recovery program to stand.

Between 15-20 men from the audience stood up.

Mr. Hession asked how transportation is handled.

Mr. Hughes said that some residents have their own vehicles. The others rely on transportation provided by Way Maker or public transportation.

Mr. Lasley asked how "slip ups" are handled.

Mr. Hughes said the residents and the premises are highly monitored to make sure they are clean from drugs and alcohol.

Mr. Hession asked how the residents are monitored.

Mr. Hughes responded that the residents are subject to random drug testing.

Mr. Hesler asked who is responsible for the cost of the testing.

Mr. Hughes responded that the residents are the responsible party.

Mr. Lasley asked if the home is on town utilities.

Mr. Hughes answered that they are on well and septic.

Mr. Lasley asked Mr. Dombrosky if the petitioner would need to go through the health department to determine whether the existing well and septic are adequate for the number of residents.

Mr. Dombrosky responded that the petitioner would have to get approval from the health department.

Mr. Lasley opened the public portion of the meeting.

There were several remonstrators in attendance:

March 21, 2022

Mr. Lee Gildner, 8474 Northern Dr, Avon, IN 46123, next door neighbor.

Mr. Michael Zajdel, 8421 Northern Dr, Avon, IN 46123, neighbor.

Mr. Jerad Adams, 8375 Charleston Way, Avon, IN 46123, neighbor.

Mrs. Lisa McGlone, 1168 Turfway Dr, Avon, IN 46123, mental health counselor.

Mr. & Mrs. Mike and Renee Huber, 8406 Northern Dr, Avon, IN 46123, neighbor.

Mr. & Mrs. Matthew and Monica Leonard, 8542 Hollyhock Grove, Avon, IN 46123, neighbor.

Ms. Madison Boysum, 1769 Argyle Dr, Avon, IN 46123, neighbor. She submitted a petition to the board with 31 signatures of neighbors protesting the Group Home.

Mr. Donald McCann, 8554 Hollyhock Grove, Avon, IN 46123, neighbor.

Their shared concerns included:

- Increase in traffic

- Safety of children in neighborhood

- Impact on drainage and septic system

- Increased chance of impaired driving

- Decreased property values

- Newness and effectiveness of program

- Inadequacy of neighborhood's infrastructure; no streetlights, sidewalks

- Resident relapse contributing to possible violence and crime

- Increase of non-resident traffic and visitors to the Group Home

There were also several supporters of the facility in attendance:

Mr. Paul Johnson, 8109 Kingston St, Avon, IN 46123, a local pastor, attested to the ethics, accountability and success of the program.

Mr. Aaron Pierce, 5688 E US Hwy 40, Plainfield, IN 46168, a current resident in the men's program, shared with the board how the program helped him regain custody of his child.

Mr. Peter Fleck, 31 N Green St, Brownsburg, IN 46112, a sergeant with the Brownsburg Police Department, has worked with Way Maker since the inception of the program. He told the board he has witnessed great success and accountability.

Mr. Richard Parkison, 2254 Providence Dr, Greenwood, IN 46143, a former resident, shared his personal story of success with the board.

Ms. Cynthia Whyde, 506 S Center St, Plainfield, IN 46168, CEO of Way Maker, Inc, addressed the board. She understands the concerns the neighbors have but assured the board that they vet the residents and do not allow anyone with violent felonies or a violent sexual history. She explained that the program bridges the time between treatment/rehab and "what comes next". Ms. Whyde went on to add that Way Maker is not a treatment center, but rather

March 21, 2022

a place for people who have successfully been through treatment and still need a supportive and safe environment. They have a psychologist who works with the residents on a regular basis. Her hope is that after six months of operation the facility will be state certified.

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

He then asked Mr. Hughes if he would like to address any concerns or questions that were brought up.

Mr. Hughes confirmed that there would be 8 total residents, including the house manager. The residents and home are strictly monitored. He also confirmed that he had spoken with Lee Gildner, next door neighbor, and agrees to put in a privacy fence. Mr. Hughes contends that traffic will not be adversely affected by the Group Home any more than by the other residents and other drivers.

Mr. Lasley asked if any children are involved in the Way Maker program.

Mr. Hughes responded that children can visit their parents but are not allowed to live in the house.

Mr. Lasley asked if Way Maker, Inc. is a national organization.

Mr. Hughes explained that Way Maker, Inc. is a privately owned and ran program based on principles and structures of successful, national organizations.

Mr. Hession asked how people find out about the program and services offered. He also asked who does the screening of prospective residents.

Mr. Hughes responded that Way Maker, Inc. relies on word-of-mouth and other treatment centers for advertisement. He also confirmed that he does all the screening of the residents.

Mr. Lasley asked where the men's group home is located.

Mr. Hughes answered that the men's facility is on the west side of Plainfield.

Mr. Lasley asked if the women's recovery program is currently being operated.

Mr. Hughes responded that it is not.

Mr. Kneeland asked if the septic is adequate for that many residents.

Mr. Dombrosky responded that he does not have that answer.

March 21, 2022

Mr. Zajdel asked if he could present the septic records and gave them to Mr. Lasley.

Mr. Lasley asked if BZA can make any decisions about the septic.

Mr. Steuerwald said that the BZA can make recommendations.

Mr. Lasley asked if there is an active HOA for the neighborhood.

One of the remonstrators answered that there is not an HOA.

Mr. Hesler asked if the house has access to city/public water and sewer.

Mr. Dombrosky answered that there is sewer nearby in Devonshire.

Mr. Hughes offered that they had the septic system inspect before purchasing the property.

Mr. Kneeland commented that Way Maker offers a much-needed program and service to the community, but he believes this to be the wrong location.

Mr. Hession agreed. He commented that he is very torn on the issue, it's hard to make a decision between the women who need the program and the current residents of the surrounding subdivisions.

Mr. Lasley agreed with Mr. Hession. He added that the board should consider the infrastructure currently in the area and whether it can support this type of facility.

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

Being none, he asked for a motion.

Mr. Kneeland made a motion to deny SE 06-22.

Mr. O'Riley seconded the motion.

Motion for denial of SE 06-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  DENIED**  
**SE 06-22: Way Maker, Inc (Bryan & Hannah Hughes)**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

**SE 06-22**

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 a **Residential Facility** in an area zoned as RB (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 a Residential Facility is in fact a Special Exception in the RB 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 Comprehensive Plan seeks to; encourage housing diversity through the promotion of neighborhoods with a variety of styles, densities and ranges of affordability; ensure that Hendricks County has the potential to be a "lifetime community" that provides housing options and employment, social, and educational opportunities for residents at all life stages; promote Hendricks County's quality of life benefits, such as dedication to health, education, recreation, growth to support employment, diverse



housing options, and the presence and maintenance of historically significant places and structures.

- 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 through development standards. 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 not meet this standard. Public facilities and services are not available or adequate, and the petitioner is not able to provide such services.

- 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 not meet this standard. The use represents a significant increase in demand on infrastructure that is not able to be provided without excessive addition cost to the public.

- 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 not meet this standard. The additional traffic generation would have a detrimental effect on the subdivision streets.

- 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.

For all the foregoing reasons, the Board DENIED this request for a Special Exception on the 21st day of March 2022.

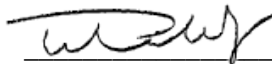
March 21, 2022

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



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Rod Lasley  
*Chairperson*



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Tim Dombrosky  
*Secretary*

**SE 08-22: Family Promise of Hendricks County, Inc** Special Exception to allow a Group Home/Residential Facility on a 5-acre LI-zoned parcel in Guilford Township: Section 26, Township 15, Range 1E; Key No. 06-1-26-51E 100-001; located appr. 0.2 mile east of SR 267 on the south side of E CR 300 S; 7233 E CR 300 S, Plainfield, IN 46168.

Mr. Dombrosky introduced the property on PowerPoint. He explained that the property is currently going through rezoning (from light industrial to residential); should the BZA approve the petition, it will be contingent upon the approval of the rezone. He further explained that this petition is also for a residential facility, albeit different than the last petition. The comprehensive plan shows the area remaining a mix of residential and light industrial. He believes all points of the special exception have been met and recommends approval.

Mr. Lasley invited the petitioner to address the board. Mrs. Amy Comer Elliot, Comer Law Office, 71 W Marion St, Danville, IN, representing the petitioner, addressed the board. She explained that Family Promise is very different than the previous group home petition. It is a local chapter of a national organization and provides emergency shelter for people and families who have found themselves homeless. The program had used churches as emergency overnight shelters until Covid protocol restricted this use. The program then used hotels until the expense became prohibitive. Mrs. Elliot explained that to combat all these hurdles, the petitioner is wanting to move the facility into a permanent house. The property is approximately 5,000 square feet with 7 bedrooms on a 5-acre parcel and fields all around it. The residents, most without cars, would arrive at the house at 5 pm and leave the next morning by 8 am. She further explained that during the day the residents would be at work, school or at the resource center in Plainfield. The program is intended to allow the residents to stay between 30-90 days, long enough for them to establish permanent housing. Mrs. Elliot concluded that the petitioner is aware that upgrades to the property will be required, such as with the well and septic. She then introduced Julie Randall, Director of Family Promise of Hendricks County, Inc.

Mrs. Randall addressed the board. She told them that 585 families have been saved from homelessness due to the program and that 105 families were serviced last year. She understands the safety concerns that neighbors may have but reiterated that the house is used for people/families who

March 21, 2022

have been displaced either by circumstances or finances. It is not a “half-way” house or any other kind of treatment center. The residents are working to establish permanent housing and Family Promise gives them a place to stay during this process. Mrs. Randall also told the board that the Town of Plainfield has agreed to extend all city utilities to the property.

Mr. Lasley opened the public portion of the meeting.

Mrs. Deanna Myers-Ward, 3226 S SR 267, Plainfield, IN 46168, addressed the board. She is opposed to a “group home” facility as all the other houses in the area are single family residences. She has safety concerns, including an increase in traffic and the adequacy of emergency services. She is also concerned whether conditions of the property are safe for housing multiple residents with children: yard is not fenced, close to actively farmed fields, no sidewalks.

Mr. Elliot Bryan Hughes, 311 Raines St, Plainfield, IN 46168, addressed the board. He stated that Way Maker has worked with Family Promise in the past. He fully supports the facility and added that this program is much needed in the area.

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

He then invited Julie Randall to make any final comments.

Mrs. Randall explained to the board that local churches sponsor the families. There were 3-4 families involved in the program while under the Covid protocol. She reiterated that the new house would only be occupied by the families during the overnight hours.

Mr. Hession asked if the facility in Plainfield pre-Covid was still open and used.

Mrs. Randall responded that it is still open and is Family Promise’s resource center where the families go during the day.

Mr. Hesler asked if the children would be enrolled in Plainfield schools.

Mrs. Randall explained that the children would continue to go to the schools they were previously attending. She added that it is a struggle for many families to find affordable housing in our county, and Family Promise tries to help keep people in Hendricks County with as little disruption to their life as possible.

Mr. Hesler asked what was shown behind the house on the map.

Mrs. Randall answered that there is a swimming pool. Should the petition pass, the plan is to fill it in and reincorporate the area as part of the yard.

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 SE 08-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of SE 08-22 carried unanimously.

**VOTE: For- 5                  Against- 0                  Abstained-0                  APPROVED**  
**SE 08-22: Family Promise of Hendricks County, Inc.**

## **Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

### **SE 08-22**

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 **a Group Home/Residential Facility** in an area zoned as RB (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 the requested use is most similar to Group Home/Residential Facility as described in the County's Zoning Ordinance which is in fact a Special Exception in the RB 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 Comprehensive Plan seeks to; encourage housing diversity through the promotion of neighborhoods with a variety of styles, densities and ranges of affordability; ensure that Hendricks County has the potential to be a "lifetime community" that provides housing options and employment, social, and educational opportunities for residents at all life stages; promote Hendricks County's quality of life benefits, such as dedication to health, education, recreation, growth to support employment, diverse housing options, and the presence and maintenance of historically significant places and structures.

**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. The petitioner has demonstrated an ability to provide public facilities and infrastructure by working the Town of Plainfield. Other necessary 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 approval will not result in significant changes to the existing demand for services that cannot be provided by existing infrastructure.

**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 location is such that any possible increase in offensive effects is mitigated.

**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.**

March 21, 2022

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.

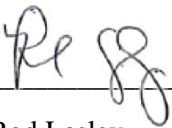
**IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.**

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.

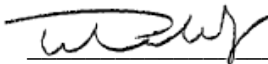
For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 21st day of March 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



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Rod Lasley  
*Chairperson*



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Tim Dombrosky  
*Secretary*

Mr. Lasley asked if there were any further business.

Being none, the meeting was adjourned at 9:33 pm.