

May 16, 2022

The Hendricks County Board of Zoning Appeals convened in the Hendricks County Government Center, Commissioner's Meeting Room, Monday, May 16, 2022. The meeting began at 7:30 p.m. Members present included Rod Lasley, Walt O'Riley, and Ron Kneeland. Anthony Hession and Russ Hesler were both absent. 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 asked for a motion to approve the minutes from the April 18, 2022 meeting.

Mr. O'Riley made a motion to approve the April 18, 2022 minutes.

Mr. Kneeland seconded the motion.

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

VOTE: For- 3 Against- 0 Abstained- 0 APPROVED
April 18, 2022 MEETING MINUTES

Mr. Steuerwald presented the cases.

VAR 11-22: Richard Mann Variance to allow accessory structure to exceed maximum height by 4' on an 11.09-acre AGR-zoned parcel in Clay Township: Section 30, Township 15, Range 1W; Key No. 03-1-30-51W 229-001; located approx. ½ mile east of intersection at S CR 250 W and W CR 350 S; 2182 W CR 350 S, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. It is rural residential with agriculture all around it. He showed the site plan and pointed out the accessory building that the petitioner is wanting to expand. Mr. Dombrosky explained that the petitioner is wanting to put an addition on the barn for RV storage that will exceed the height limit by 4 feet. He believes that this meets all three criteria and recommends approval.

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. Richard Mann, 2182 W CR 350 S, Danville, IN 46122, addressed the board. He reiterated that he is needing the extra height on the accessory building's addition to accommodate an RV.

Mr. Lasley 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 none, he asked for a motion.

Mr. O'Riley made a motion to approve VAR 11-22.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 11-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 11-22: Richard Mann

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 11-22

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.**

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 constructable architectural design.

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

May 16, 2022

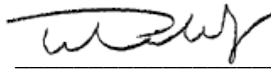
1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of May 2022.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 12-22: Electric Plus, Inc. Variance to reduce rear setback by 10' for mechanical units on a 10.48-acre GB-zoned parcel in Washington Township: Section 19, Township 15, Range 1E; Key No. 12-3-09-51E 100-065; located at intersection of S CR 525 E and E US Hwy 36; 173 S CR 525 E, Avon, IN 46123.

Mr. Dombrosky introduced the property on PowerPoint. It is in the Prestwick Crossing area. He explained that the current business is expanding and there was not shown in the architectural plans. The placement of the new mechanical units was overlooked, and the plan now places them along the south property line abutting the railroad tracks, in the setback. There will be a required landscape buffer as part of the expansion that will also add screening for the mechanical units. Since the units will not be visible from the road or neighboring properties and because he believes all 3 criteria of a variance have been met, Mr. Dombrosky recommends approval.

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

There were none.

Mr. Lasley invited the petitioner to address the board. Mr. Tim Whicker, 173 S CR 525 E, Avon, IN 46123, addressed the board. He said that Mr. Dombrosky covered everything, but he would answer any questions the board had for him.

Mr. O'Riley asked what kind of mechanical units these are.

Mr. Whicker said that they are the air conditioning units.

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.

May 16, 2022

Mr. O'Riley made a motion to approve VAR 12-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 12-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 12-22: Electric Plus, Inc.

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 12-22

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 a side setback reduction in a GB/General Business 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 area is not visible to the public and has no impact on the public health, safety, and general 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 adjacent parcel is a railroad right of way and is not buildable for a structure. The railroad is not impacted.

May 16, 2022

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

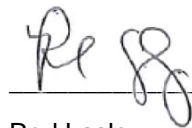
The Board finds that the proposal will meet the standard. The efficient use of the parcel is a goal of the County's plans and ordinances and is inhibited by the specific development standard.

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

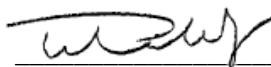
1. The variance shall apply only to the mechanical units as described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of May 2022.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 13-22: Brian Semich Variance to reduce side setback by 5' for an accessory structure on a .57-acre RB-zoned parcel in Guilford Township: Section 14, Township 14, Range 1E; Key No. 06-3-14-41E 240-003; located on lot 3 in Sycamore Estates off of S CR 750 E; 7933 Black Oak Dr, Plainfield, IN 46168.

Mr. Dombrosky introduced the property on PowerPoint. It is south of I-70 near Mooresville and zoned RB. He explained that the petitioner had poured the concrete pad in preparation for a new detached garage, not realizing that he was encroaching on the setback. The variance is needed to allow a setback of 5' instead of 10'. Mr. Dombrosky believes that the 3 criteria of a variance have been met and recommends approval with conditions.

Mr. Lasley asked if Mr. Dombrosky had any concerns about the placement of the garage.

Mr. Dombrosky responded that there could be potential drainage problems, which would be an issue for the surveyor to determine. However, should problems arise, a swale could be added to direct water to the south and away from the house and neighboring properties.

Mr. Lasley invited the petitioner to address the board. Mr. Brian Semich, 7933 Black Oak Dr. Plainfield, IN 46168, addressed the board. He said that he found out about the setback encroachment during the permitting process for his detached garage.

May 16, 2022

Mr. O'Riley asked if the next-door neighbor had any reservations about the placement of the garage.

Mr. Semich answered that he has spoken to the neighbor, explained what he is wanting to do, and she has no issues or concerns.

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

He then asked for final questions or comments from the board.

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

Mr. Lasley made a motion to approve VAR 13-22 with conditions set by staff and the added condition that an appropriate drainage swale be constructed if necessary.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 13-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 13-22: Brian Semich

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 13-22

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 a side setback reduction in an RB/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,

May 16, 2022

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 area is not visible to the public and has no impact on the public health, safety, and general 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. Conditions are applied that will mitigate adverse effects from surface water.

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

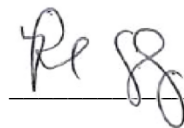
The Board finds that the proposal will meet the standard. The efficient use of the parcel is a goal of the County's plans and ordinances and is inhibited by the specific development standard.

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

1. The variance shall apply only to the structure described in the application.
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 16th day of May 2022.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 14-22: David Martin Variance to reduce side setback by 5' for an accessory structure on a .46-acre AGR-zoned parcel in Lincoln Township: Section 19, Township 16, Range 2E; Key No. 08-3-19-

May 16, 2022

62E 375-004; located in Sec. 2 Lot 44 in Verdant Acres ¼ mile north of E CR 300 N, between N CR 900 E and N CR 950 E; 9235 Leroy Rd, Brownsburg, IN 46112.

Mr. Dombrosky introduced the property on PowerPoint. He explained that this petition is very similar to the previous case. The petitioner is asking for a 5' side setback in order to construct a pole barn. Again, Mr. Dombrosky would recommend the additional condition that a swale for drainage be constructed if needed. Otherwise, he believes the 3 criteria of a variance have been met and recommends approval.

Mr. Lasley invited the petitioner to address the board. Mr. David Martin, 9235 Leroy Rd, Brownsburg, IN 46112, addressed the board. He explained that he is wanting to replace an old shed with a new pole barn. The placement would allow him to access it from his existing driveway, not interfere with the well or septic and also preserve a large tree.

Mr. O'Riley asked Mr. Dombrosky if there was a permit for the barn.

Mr. Dombrosky answered that there will be. However, one is not needed for the driveway extension.

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

He then asked for final questions or comments from the board.

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

Mr. Kneeland made a motion to approve VAR 14-22 with conditions set by staff and the added condition that an appropriate drainage swale be constructed if necessary.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 14-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 14-22: David Martin

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 14-22

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 a side setback reduction in an RB/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.

May 16, 2022

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 area is not visible to the public and has no impact on the public health, safety, and general 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. Conditions are applied that will mitigate adverse effects from surface water.

- (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 efficient use of the parcel is a goal of the County's plans and ordinances and is inhibited by the specific development standard.

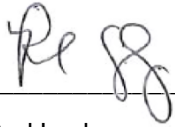
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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

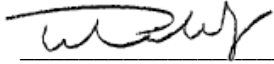
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of May 2022.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

May 16, 2022



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 07-22: Meme & Dah, LLC (Brian Wheeler) Special Exception to allow an assembly/banquet hall (expansion of Avon Wedding Barn) on a 31.53-acre AGR-zoned parcel in Washington Township: Section 35, Township 16, Range 1E; Key No. 12-1-35-61E 300-012; located between N SR 267 and N CR 800 E; 7300 E CR 100 N, Avon, IN 46123.

Mr. Dombrosky introduced the property on PowerPoint. He clarified that this is the property directly to the west of the existing Avon Wedding Barn property. Mr. Dombrosky explained that the property is currently zoned RB, but the Plan Commission has recommended approval of a re-zone to AGR (zoning which allows assembly/banquet halls with a special exception) to the Board of Commissioners. The Board of Commissioners then asked for a traffic study to be conducted before they made a decision. The traffic study has been completed, finding no traffic issues (visibility, road conditions, speed, increased usage, etc.). The Commissioners are scheduled to convene one week after this BZA meeting to vote on the rezoning; therefore, a favorable decision at tonight's BZA meeting would be contingent upon the Board of Commissioners' decision.

Mr. Lasley invited the petitioner to address the board. Mrs. Amy Comer Elliott, Comer Law Office, 71 W Marion St, Danville, IN, representing the Wheeler family and owners of the Avon Wedding Barn, addressed the board. She explained that the Wheelers are in the process of purchasing the neighboring property and would like to use it for expansion of their wedding barn business. The property has a 5000 sq. ft. house that would be used as a "prep" area for brides, grooms and families. She reminded the board that the established business hours are Friday evenings thru Sunday evenings for weddings and one night a week as an event hall for local businesses to rent. She further highlighted that the property is in a mixed-use area that includes residences, businesses, churches and schools. The Avon Wedding Barn has been part of that mixed-use for nearly 12 years. Mrs. Elliott reiterated that the Plan Commission gave a favorable recommendation to re-zone the property, and the traffic study found no safety issues pertaining to expansion of the venue. She concluded that the Wheelers are closing on the property at the end of the month, so conversion of the property is still some time away.

Mr. O'Riley asked if the Wheelers would still be operating under the same self-imposed rules.

Mrs. Elliott responded that the Wheelers established strict self-imposed regulations that they follow with the current business. The expansion will operate under those same regulations.

Mr. Lasley if the new parking lot would be grass.

Mr. Dombrosky responded that the default for parking lots is a hard surface. In this case, it will be determined during the plan review.

Mr. Lasley asked if the petitioners had installed fencing on the original property.

Mrs. Elliott answered that they put up the fence, per condition of SE 02-20, to preserve an existing easement.

May 16, 2022

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.

Mr. O'Riley asked for confirmation that the BZA's decision is subject to the Commissioners re-zone approval.

Mr. Steuerwald answered that the BZA has authority to render a decision subject to the Commissioners' decision.

Mr. O'Riley asked if there was a time limit on the conditional approval.

Mr. Dombrosky responded that the Commissioners' decision would need to be made within 90 days of the Plan Commission's. There's no issue with this case because the Commissioners' meeting is in the next week.

Mr. Lasley asked that if by making this kind of conditional approval whether it will set a precedent for future cases.

Mr. Steuerwald answered that was not a concern. This is more of a timing issue with conflicting meeting schedules.

Mr. Dombrosky added that the act of re-zoning is a legislative act. The BZA does not have the authority to make a decision that is an act of a legislative body.

Mr. Lasley brought up a letter from a neighbor with concerns about sound.

Mr. Dombrosky asked the petitioner if there would be activities outside, as there had been neighborhood concern of noise.

Mr. Wheeler answered that there would be no sound amplification outside and that the sound system is inside the building.

Mr. Lasley asked if there were any further questions.

Being none, he asked for a motion.

Mr. Lasley made a motion to approve SE 07-22 with conditions set by staff, petitioner's self-imposed regulations and the condition of the Commissioners' approval of the rezone.

Mr. O'Riley seconded the motion.

Motion for approval of SE 07-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
SE 07-22: Meme & Dah, LLC

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 07-22

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 **assembly/banquet hall** in an area zoned as AGR (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 assembly/banquet hall is not in fact a Special Exception in the current RB Residential Zoning District, and that the approval is only valid if the property is rezoned as requested to AGR Agricultural Residential by the Board of County Commissioners.

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 business meets Comprehensive Plan goals for development near urban areas, economic development, and utilization of existing infrastructure, as well goals for the conservation of environmentally sensitive areas.

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. Conditions of approval and development plan review will ensure the use is harmonious with the general vicinity.

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 service providers are already serving the area and will be included in the development plan review process so that needs can be assessed and adequately addressed.

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 area is highly developed with adequate public facilities and services.

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 be permitted to operate until a development plan has been submitted and approved by the Area Plan Commission and said development will meet ordinance requirements to mitigate such effects. The conditions of approval are included in order prevent other effects not regulated by the development plan.

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. A traffic study has been submitted that demonstrates adequate access at the existing entrance.

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 operation of the business, and in fact natural and historic features will be preserved.

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:

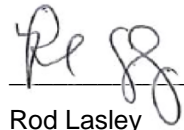
1. Rezoning petition ZA 496/22 is approved by the Board of County Commissioners
2. All applicable federal, state, and local approvals are required.
3. The maximum number of guests on the property shall be 350. This requirement excludes caterers, entertainers, Avon Wedding Barn staff, and other service personnel.
4. Occurrences of weddings, banquets, or any other gathering shall be limited to Friday, Saturday, Sunday with a closing time of 10:30 pm (wedding or meeting activities stopped, music and PA systems turned off). The applicants may hold one additional event per week on a weekday of their choice, with a closing time of 9 pm (wedding or meeting activities stopped, music and PA systems turned off).
5. Any expansion of the business shall require BZA approval. Depending on the scale and/or nature of the expansion, development plan review may be required as well.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 16th day of May 2022.

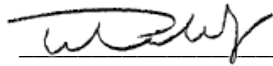
AREA BOARD OF ZONING APPEALS

May 16, 2022

HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary

VAR 15-22: James Sarkine Variance to allow accessory structure to exceed maximum height by 4.5' on a 1.57-acre RB-zoned parcel in Washington Township: Section 31, Township 16, Range 2E; Key No. 12-2-31-62E 400-012; located apprx. 1/8 mile west of N Ronald Reagan Parkway; 9990 E CR 100 N, Avon, IN 46123.

Mr. Dombrosky introduced the property on PowerPoint. The property is zoned single-family residential with very few close neighbors. He explained that the petitioner is wanting to build a pole barn with oversized doors to accommodate an RV and various equipment, resulting in an accessory building 4.5' taller than allowed by the ordinance. Mr. Dombrosky believes the 3 criteria of a variance have been met and recommends approval.

Mr. Lasley invited the petitioner to address the board. Mr. Sarkine, 7029 E CR 200 N, Avon, IN 46123, addressed the board. He reiterated that he would like the additional height for storage of personal property. He mentioned that there are many tall buildings in the area, and he believes the extra height of his building would be unnoticeable.

Mr. O'Riley asked if the pole barn would be two stories.

Mr. Sarkine said it would be one story. There are additional windows higher up on the building that gives the appearance of a second story, but they are solely to allow more natural light.

Mr. Dombrosky commented that where the building is to be placed it would not be visible from the road.

Mr. Lasley opened the public portion of the meeting.

Wally Seeman, 1070 Yates Ln, Avon, IN 46123, addressed the board. He is the neighbor to the immediate north of Mr. Sarkine's property, closest to the proposed pole barn. He has no issues or concerns with the building. He believes it is a reasonable height.

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

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

Mr. Lasley asked for a motion.

Mr. Kneeland made a motion to approve VAR 15-22 with conditions set by staff.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 15-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 15-22: James Sarkine

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 15-22

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 RB/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 height 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 increased height is not out of character for the area and will not cause harm to the adjacent properties.

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

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

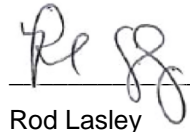
May 16, 2022

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

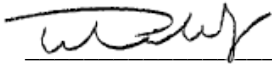
1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

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

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

SE 10-22: Doris Gipson Special Exception for an accessory dwelling unit on a 2.55-acre AGR-zoned parcel in Clay Township: Section 6, Township 14, Range 1W; Key No. 03-2-06-41W 301-001; located approx. ½ mile south of W CR 500 S, between S CR 400 W and S CR 200 W; 5455 Reeves Rd, Clayton, IN 46118.

Mr. Dombrosky introduced the property on PowerPoint. The parcel is zoned AGR and is wide with the main residence on the east side of the lot. He explained that the petitioner is wanting to put an accessory dwelling unit (ADU) on the west side of the property with its own driveway. He reminded the board that in previous ADU requests, the conditions included no separate driveway or address; this would be something for the board to discuss. Otherwise, Mr. Dombrosky believes that ADUs are an appropriate and practical use. He further believes that all nine criteria of a special exception have been met and recommends approval.

Mr. Lasley invited the petitioner to address the board. Mr. Ben Comer, Comer Law Office, 71 W Marion St, Danville, IN, representing Doris Gipson, addressed the board. He explained that the petitioner is wanting to construct a barn and include an apartment for her son. Mr. Comer also addressed the matter of a second driveway. He and his client believe that a separate entry to the ADU is the only practical solution due to the constraints of the parcel.

Mr. O'Riley commented that he can understand the issue and believes it constitutes a hardship.

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.

Mr. Dombrosky commented that there are no restrictions for having a second driveway, it has just been a condition the BZA has established with ADUs.

May 16, 2022

Mr. Lasley asked whether having a second drive would pose an issue if the property were to be sold.

Mr. Dombrosky responded that the ordinance allows ADUs, but the property should maintain the appearance of one primary residence. He added that by allowing a second driveway, it could be argued that the parcel has the appearance of 2 separate properties. He further stated that the property could be split, but the resulting parcels would not be large enough acreage-wise to be legally conforming lots in the AGR district.

Mr. Lasley asked if the board could put conditions that would prevent the splitting of the parcel.

Mr. Dombrosky answered that any owner can split their property. He suggested that the petitioner move the ADU closer to and further back from the primary residence to preserve a single property appearance.

Mr. O'Riley responded that he understands the problem with splitting the property and Mr. Dombrosky's suggestion would be a better solution.

Mr. Comer said that the proposed site plan for the ADU is based on engineering recommendations as it is the flattest and highest point of the parcel.

Mr. Lasley explained that it has been BZA policy to restrict extra driveways and separate addresses.

Mr. Comer responded that his client would be willing to move the building site if there are no issues with drainage, etc. However, there would still need to be a separate access point to the ADU for logistical reasons pertaining to the layout of the parcel.

Mr. O'Riley added that the placement of the ADU shown in the original site plan makes it look like two separate properties.

Ms. Gipson responded that it is a barn with only about 700 sq. ft. of living space.

Mr. Dombrosky said that if Ms. Gipson is willing to move it behind the front line of the house and less than 100 ft away, it would give the appearance of one property even with a separate driveway.

Mr. O'Riley wanted confirmation that ADUs are supposed to be behind the front façade of the primary dwelling.

Mr. Dombrosky answered that they are. He continued that the board can be specific with their conditions, such as no more than 50 ft. away from house and behind the back façade of the house.

Mr. O'Riley agreed that would make it look more like an accessory.

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

Being none, he asked for a motion.

Mr. O'Riley made a motion to approve SE 10-22 with conditions set by staff; plus, the added conditions of ADU will be within 50' of west end of the primary structure and even or behind the rear wall. Also, there will be no new address.

Mr. Kneeland seconded the motion.

Motion for approval of SE 10-22 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
SE 10-22: Doris Gipson

Hendricks County Area Board of Zoning Appeals
Findings of Fact/Law and Conditions of Approval

SE 10-22

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.

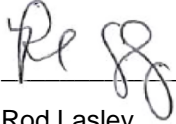
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. The unit is located no farther west than 50' from the primary dwelling, and no closer to the road than the back of the primary dwelling.
2. All applicable federal, state, and local approvals are required.
3. No separate address will be assigned to the accessory apartment.

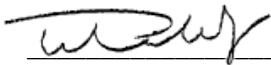
May 16, 2022

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 16th day of May 2022.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary

Mr. Lasley asked if there was any further business.

Mr. Dombrosky reminded the board that he had asked them a couple of times whether they would want him to make a recommendation to the Plan Commission to raise the height limit of accessory buildings. There were two petitions this month for height variances, making the question relevant once again.

Mr. O'Riley commented that he thinks raising the height limit from 24' to 28-30' seems reasonable given the number of people who own RVs and need higher clearance to store them.

All three present members of the board agreed that Mr. Dombrosky should make a recommendation to the Plan Commission to raise the height limit of accessory structures.

Mr. Lasley asked if there were any additional questions or comments.

Being none, the meeting was adjourned at 8:30 pm.