

June 20, 2022

The Hendricks County Board of Zoning Appeals convened in the Hendricks County Government Center, Commissioner's Meeting Room, Monday, June 20, 2022. The meeting began at 7:30 p.m. Members present included Rod Lasley, Walt O'Riley, Ron Kneeland and Russ Hesler. Anthony Hession was 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 May 16, 2022 meeting.

Mr. O'Riley made a motion to approve the May 16, 2022 minutes.

Mr. Kneeland seconded the motion.

Motion to approve the May 16, 2022 minutes passed unanimously.

**VOTE: For- 4                      Against- 0                      Abstained- 0                      APPROVED**  
**May 16, 2022 MEETING MINUTES**

Mr. Steuerwald presented the cases.

**VAR 16-22: David Bayless** Variance to allow accessory structure to exceed maximum height by 9' on a 10.57-acre AGR-zoned parcel in Middle Township: Section 8, Township 16, Range 1E; Key No. 10-2-08-61E 252-001; located apprx. ½ mile west of intersection at E CR 550 N and N CR 500 E; 4562 E CR 550 N, Pittsboro, IN 46167.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR and is suburban residential. He explained that the petitioner is wanting to build a new accessory building for RV storage and for a potential future residence. The height variance is needed so that the building can accommodate a large RV. Mr. Dombrosky believes that this meets all three criteria and recommends approval.

Mr. O'Riley asked if anything had been decided on raising the height limit.

Mr. Dombrosky responded that he is putting a proposal together to bring before the Plan Commission, but generally petitioners ask for a 3-6 ft height increase.

Mr. Lasley invited the petitioner to address the board. Mrs. Angela Bayless, 4562 E CR 550 N, Pittsboro, IN 46167, addressed the board. She confirmed that they are wanting to build a barn for storage and a future residence. The additional height that requires a variance is for their RV.

Mr. Hesler asked if the height variance includes the cupola or is it just for the building.

Mrs. Bayless said that the height is at the peak of the building, not the cupola.

Mr. O'Riley asked if the petitioners are aware that they would have to come before the board again to petition for a special exception to allow for an accessory dwelling unit.

Mrs. Bayless responded that they are aware of that.

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

There were none.

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 16-22.

Mr. Hesler seconded the motion.

Motion for approval of VAR 16-22 carried unanimously.

**VOTE: For- 4                  Against- 0                  Abstained-0                  APPROVED**  
**VAR 16-22: David Bayless**

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

Findings of Fact/Law and Conditions of Approval

VAR 16-22

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 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.**

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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.**

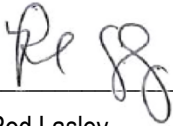
The Board finds that the proposal will meet the standard. The height restriction prevents a reasonable and sympathetic architectural design.

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

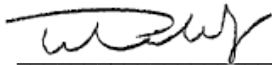
1. The variance shall apply only to the construction described in the application.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20<sup>th</sup> day of June 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
*Chairperson*



Tim Dombrosky  
*Secretary to the Board*

**SE 11-22: Michael & S. Brooke Walden** Special Exception for an accessory dwelling unit in an existing structure on a 2.37-acre AGR-zoned parcel in Middle Township: Section 2, Township 16, Range 1W; Key No. 10-2-02-61W 375-005; located 2 properties east of intersection at E CR 600 N and N CR 100 E; 1078 E CR 600 N, Pittsboro, IN 46167.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR and is rural residential. He pointed out the accessory building where the petitioners are wanting to put an ADU, noting the mature trees around it acting as a buffer between neighboring properties. Mr. Dombrosky believes all 9 criteria of a special exception have been met, he recommends approval with the conditions previously established by the board of no new address and no separate driveway.

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

There were none.

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Mr. Lasley invited the petitioner to address the board. Mrs. Brooke Walden, 1078 E CR 600 N, Pittsboro, IN 46167, addressed the board. She explained that they are wanting to convert a portion of the barn into living quarters, with the remainder left as a barn for storage.

Mr. Lasley asked if the ADU would be on well and septic.

Mrs. Walden responded that it would.

Mr. Lasley asked how soon they are intending to build the ADU.

Mrs. Walden responded that they want to start immediately.

Mr. O'Riley asked if they could connect to the existing well and septic.

Mrs. Walden answered that would be determined by the Health Department.

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. O'Riley made a motion to approve SE 11-22 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of SE 11-22 carried unanimously.

**VOTE: For- 4                  Against- 0                  Abstained-0                  APPROVED**  
**SE 11-22: Michael & Brooke Walden**

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

Findings of Fact/Law and Conditions of Approval

### **SE 11-22**

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.

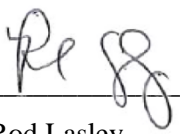
**IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.**

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.

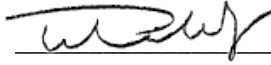
For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 20<sup>th</sup> day of June 2022.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Rod Lasley  
Chairperson

June 20, 2022



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Tim Dombrosky  
*Secretary*

Mr. Lasley asked if there was any further business.

Mr. Dombrosky commented that should the Plan Commission adopt the new height allowance there should be significantly fewer of these cases that come before the board.

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

Being none, the meeting was adjourned at 7:45 pm.