

February 21, 2023

The Hendricks County Board of Zoning Appeals convened in the Hendricks County Government Center, Meeting Rooms 4 & 5, Tuesday, February 21, 2023. The meeting began at 6:30 p.m. Members present included Rod Lasley, Walt O'Riley, Russ Hesler and Ron Kneeland. Anthony Hession was absent. Also present were 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 January 17, 2023 meeting.

Mr. O'Riley made a motion to approve the January 17, 2023 minutes.

Mr. Kneeland seconded the motion.

Motion to approve the January 17, 2023 minutes passed.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
January 17, 2023: MEETING MINUTES

Mr. Dombrosky presented the cases.

VAR 02-23: Todd vonEhrenkrook Variance to allow an accessory dwelling unit (in an existing detached garage) to be closer to property lines than to the principal dwelling on a 10.25-acre AGR-zoned parcel in Liberty Township: Section 27, Township 15, Range 1W; Key No. 07-1-27-51W 408-001; located approx. ½ mile northwest of the intersection at E CR 400 S and S CR 101 E; 3716 S CR 101 E, Clayton, IN 46118.

Mr. Dombrosky gave an overview of the property. He reminded the board that the ordinance has recently been changed to permit accessory dwellings in AGR districts with certain standards, one being that the unit is closer to the home than to the property line. In this case there is an existing accessory structure on this property to the north of the house. The petitioner wants to build an addition onto it as an accessory dwelling unit. However, by attaching the ADU, it puts the entire structure closer to the eastern property line than to the house. The petitioner would need a variance from development standards to proceed with the project. Because it is on a larger property with significant screening, and because the nature of the change is fairly minor (75' to property line and 90' to home) as well as the percentage change being minor, and no remonstrators, staff recommends approval.

Mr. Lasley asked Mr. Dombrosky to point out where the addition would be.

Mr. Dombrosky pointed out that the ADU addition would be on the west side of the existing structure.

Mr. O'Riley asked if it was already there.

Mr. Dombrosky answered that the barn is already there. The addition is where the living quarters would be. It doesn't make sense to build a completely new accessory apartment 15' from the existing barn. It is not a special exception as ADUs used to be, but a variance to development standards.

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

Being none, he then asked the petitioner to address the board.

Mr. vonEhrenkrook, 3716 S CR 101 E, Clayton, IN 46118, addressed the board. He explained that the ADU would be used for his aging parents to live in.

Mr. Lasley confirmed that Mr. vonEhrenkrook understood there would be no additional mailing address or driveway for the ADU.

February 21, 2023

Mr. vonEhrenkrook replied that he was aware of those conditions.

Mr. Lasley asked if there are any septic or well issues.

Mr. vonEhrenkrook responded that the existing building currently has no water. They will need to add a septic field to the east of the building and a water line would be ran from the house.

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

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

Being none, Mr. Lasley asked for a motion.

Mr. O'Riley made a motion to approve VAR 02-23.

Mr. Hesler seconded the motion.

Motion to approve VAR 02-23 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
VAR 02-23: Todd vonEhrenkrook

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 02-23

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 dwelling closer to the side property line than the principal dwelling in an AGR/Agricultural Residential zoning district.

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

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

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

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

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

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

The Board finds that the proposal will meet this standard. There is no negative impact on the public health, safety, morals, and general welfare of the community by deviating from the standards for this site-specific request.

- (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.**

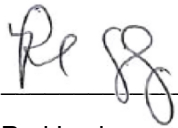
The Board finds that the proposal will meet this standard. The reduction will allow a structure in a similar location as other structures are permitted in similar contexts.

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

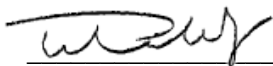
The Board finds that the proposal will meet the standard. The zoning district and regulations for the site do not match the context of the area, this constitutes a hardship.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21st day of February 2023.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 03-23: Michael Martin Variance to allow a 7' side setback instead of 15' for an addition to the principal dwelling on a 1.49-acre AGR-zoned parcel in Brown Township: Section 17, Township 17,

February 21, 2023

Range 2E; Key No. 01-1-17-71E 100-005; located approx. ¼ mile east of I-65 on Boone County CR 800 S; 10778 Lafayette Rd, Indianapolis, IN 46278.

Mr. Dombrosky gave an overview of the property. The parcel straddles Hendricks and Boone County. The part of the parcel in Hendricks County is where the house is located and where the addition will be added. He pointed out the existing residence and explained that the addition would be on the east end of the house bordering the property line. There are existing mature trees, a drive and structure on the property, so the east side is the most logical place for the addition. The 30' wide addition would encroach into the side setback by approximately 7.5'. The required side setback for the principal is 15', but for accessory buildings the side setback is 7.5'. Mr. Dombrosky explained that since accessory buildings can be 7.5' from the property line, the question is if a principal dwelling would create more of a nuisance at the same 7.5' setback. It is less a matter of how close the structure is to the property line, but what kind of structure it is. Mr. Dombrosky concluded that he recommends urban areas have smaller setbacks even when the zoning doesn't necessarily match the context, and therefore recommends approval of the setback reduction.

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

There were none.

Mr. Lasley mentioned that there is a letter from the neighbor to the east of the property that supports the petition.

He then invited the petitioner to address the board.

Mr. Michael Martin, 10778 Lafayette Rd, Indianapolis, IN 46278, addressed the board. He explained that the addition would need to be on the east side of the house to avoid the septic field on the west side. He also added that he had a survey done of the property, and with the addition he will actually be 10' from the property line instead of 7.5'.

Mr. Lasley asked if there were any questions for the petitioner.

Being none, Mr. Lasley opened and closed the public meeting as no one had signed up to speak.

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

Mr. Dombrosky asked if Mr. Martin had the proposed addition staked out when the survey was done.

Mr. Martin responded that he had the building plans for the addition.

Mr. Dombrosky recommended to the board that it would be appropriate for a motion of approval to include the condition of a 10' side setback instead of the original 7.5'.

Mr. Hesler asked the petitioner if it was possible to build a deck off the addition that would encroach on a 10' setback.

Mr. Martin responded that it wouldn't be possible.

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

Mr. O'Riley made a motion to approve VAR 03-23 with the change to a 10' side setback.

Mr. Kneeland seconded the motion.

Motion to approve VAR 03-23 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
VAR 03-23: Michael Martin

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 03-23

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

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

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

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

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

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The Board finds that the proposal will meet this standard. There is no negative impact on the public health, safety, morals, and general welfare of the community by deviating from the standards for this site-specific request.

- (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 reduction will allow a structure in a similar location as other structures are permitted in similar contexts.

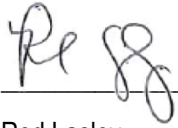
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February 21, 2023

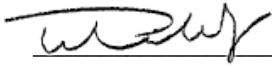
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For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21st day of February 2023.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Lasley asked if there was any further business.

Being nothing further, the meeting was adjourned at 6:40 pm.