

April 17, 2023

The Hendricks County Board of Zoning Appeals convened in the Hendricks County Government Center, Meeting Rooms 4 & 5, Monday, April 17, 2023. The meeting began at 6:30 p.m. Members present included Rod Lasley, Walt O'Riley, Anthony Hession and Russ Hesler. Ron Kneeland 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 then asked for a motion to approve the minutes from the March 20, 2023 meeting.

Mr. O'Riley made a motion to approve the March 20, 2023 minutes.

Mr. Hession seconded the motion.

Mr. Lasley abstained from the vote as he was absent from the March meeting.

Motion to approve the March 20, 2023 minutes passed.

VOTE: For- 3 Against- 0 Abstained- 1 APPROVED
MARCH 20, 2023: MEETING MINUTES

Mr. Steuerwald presented the cases.

VAR 04-23: April Kilmon Variance to allow reduction of front building setback from 45' to 25' for the placement of an above-ground pool on a 1-acre AGR-zoned parcel in Center Township: Section 10, Township 15, Range 1W; Key No. 02-2-10-51W 300-007; located ½ mile south of railroad tracks on Cartersburg Rd; 670 Cartersburg Rd, Danville, IN 46122.

Mr. Dombrosky gave an overview of the property. The property is zoned AGR and is directly across Cartersburg Road from the Twin Bridges Golf Course and Town of Danville. The site plan shows a 50' ROW from the center of the road and the potential site of the pool in the middle of the property. The back of the pool would be approximately 9' beyond the ROW. (Actual ROW is 45' from Centerline, and requested setback is 25') This is a development standards variance for the pool as an accessory structure encroaching on the setback. The principal already encroaches on the setback as an existing non-conforming, and the pool will be further from the road than the principal. Staff believes that due to the non-conforming nature of the parcel all 3 criteria of a variance have been met and recommend approval.

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

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

Ms. April Kilmon, 670 Cartersburg Rd, Danville, IN 46122, addressed the board. She pointed out where the septic field is directly behind the house to explain the chosen location of the pool.

Mr. Lasley asked what the concrete pads are that are shown on the Beacon map.

Ms. Kilmon explained that they are the concrete floors of old sheds that were previously on the property.

Mr. Hession asked for clarification on the location of the septic field and if the pool is as close to it as allowed.

Ms. Kilmon responded that the pool is as close to the septic field as it can be.

Mr. Lasley asked what the size of the pool is.

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Ms. Kilmon responded that it is 24'.

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 04-23.

Mr. Hesler seconded the motion.

Motion to approve VAR 04-23 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
VAR 04-23: April Kilmon

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 04-23

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 front 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.

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.**

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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.

(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 17th day of April 2023.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 05-23: David Ferguson Variance to allow an accessory structure in front of the principal dwelling on a 6.81-acre RB-zoned parcel in Lincoln Township: Section 15, Township 16, Range 1E; Key No. 08-2-15-61E 400-006; located at the intersection of E CR 425 N and Locust Lane; 4172 Locust Lane, Brownsburg, IN 46112.

Mr. Dombrosky gave an overview of the property. It is zoned RB but is more characteristic of a large estate rural parcel. The comprehensive plan shows the area remaining in the suburban residential district, and right on the edge of the Town of Brownsburg. The parcel does have some environmental restrictions that dictate the placement of an accessory building. The house is on the back 1/3 of the property with a heavily wooded area behind. There is a pond and driveway in front of the house limiting the buildable space. Mr. Dombrosky explained that if this were an AGR zoned property it would be permitted to have an accessory building in front of the principal. However, since it is zoned RB that is not permitted by rights, thus necessitating the petition for a variance. Mr. Dombrosky went on to show the

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site plan, highlighting the potential barn being on the front 1/3 of the property. Staff believes the 3 criteria of a variance have been met and recommends approval.

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

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

Mr. David Ferguson, 4172 Locust Lane, Brownsburg, IN 46112, addressed the board. He added that the barn will sit back significantly further than the 95' building line. On the property to the north, there is already a pole barn that is closer to the road than his proposed structure. Mr. Ferguson also added that he is adding several Norway Spruces and other landscaping between the front of the pole barn and the road. He noted that around the driveway and behind the house there is a significant drop-off of 30-40' limiting potential building sites. He concluded that the barn would blend in with neighboring properties as most of them also have similar barns.

Mr. Lasley asked if the barn will be used for additional storage.

Mr. Ferguson responded that it will be more of a wood-working shop and hobby barn.

Mr. O'Riley commented that he drives by the property regularly and sees no issue with allowing the barn to be in front of the house.

Mr. Hession asked how tall the barn will be.

Mr. Ferguson answered that the peak will be 17.8' and the interior walls will be 10'.

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

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

Having no further questions, Mr. Lasley asked for a motion on VAR 05-23.

Mr. Hession made a motion to approve VAR 05-23.

Mr. O'Riley seconded the motion.

Motion to approve VAR 05-23 carried unanimously.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
VAR 05-23: David Ferguson

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 05-23

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 structure in front of the principle in an RB/Single Family 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.

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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 17th day of April 2023.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Rod Lasley
Chairperson

April 17, 2023

Tim Dombrosky

Tim Dombrosky
Secretary to the Board

Mr. Lasley asked if there was any further business.

Mr. Dombrosky told the Board that the Commissioners and Planning Commission will be updating the comprehensive plan, of which Ron Kneeland and Walt O'Riley are a part of. He invited the remaining three BZA board members to reach out if they are interested in serving on the steering committee. The steering committee will meet 6-8 times over the course of a year. If not, they will still be contacted as stakeholders and interviewed individually.

Mr. Hession asked when the last time the comprehensive plan was updated.

Mr. Dombrosky answered that it was last updated in 2006.

Being nothing further, the meeting was adjourned at 6:45 pm.