

July 18, 2016

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, July 18, 2016. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Sonnie Johnston, Rod Lasley, and Walt O'Riley. Also present were Don Reitz, Planning Director, Greg Steuerwald, County Attorney, Nicholas Hufford, Planner, and Kim Cearnal, Recording Secretary.

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

Everyone stood and recited the Pledge of Allegiance.

Mr. Hession asked for a motion for approval of the minutes from the June 20, 2016 meeting.

Mr. O'Riley made a motion to approve the June 20, 2016 meeting minutes.

Mrs. Johnston seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 1 APPROVED
JUNE 20, 2016 MEETING MINUTES

VAR 08-16: Kirk Inman for a Variance from Development Standards to allow an attached garage 5 ft. from side property line in an AGR zoned district on a .51 acre parcel in Franklin Township.

The Staff presented a power point of the facts of case. Mr. Hufford pointed out where the parcel is located on power point and stated that most of the surrounding area is zoned AGR/ Agricultural Residential. He stated it is a proposed attached garage sitting will be in the area the current detached garage is sitting. Mr. Hufford stated it will extend out even with the front porch and will not be going any further into the right of way than the house already is.

Mr. Kirk Inman, 6967 S SR 75, Coatesville, IN., stated they hope to demo the current garage and build the attached garage. The footprint of new garage takes up drive way only.

Mr. O'Riley asked if the new garage is size of old garage.

Mr. Inman stated no, the new garage is bigger. Mr. Inman stated he would like it to be around 1,400 sq. and sized height wise for an RV.

Mr. O'Riley asked if the setback on the house is within zoning ordinance.

Mr. Inman stated no, that the north side of the house sits five feet from property line and he would like to set new garage on same line.

July 18, 2016

Mr. Hession asked if the board had any further questions.

There were none.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

Mr. Hession asked for a motion on VAR 08-16.

Mrs. Johnston made a motion to adopt positive findings of facts and approve VAR 08-16.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- Abstained- 1 APPROVED
VAR 08-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 08/16

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to vary development standards to permit a side setback of 5ft. for an attached garage. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in Room 212 of the Hendricks County Government Center.

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 *Hendricks County Flyer* and 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 Hendricks County Area Board of Zoning Appeals, 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

July 18, 2016

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 an approval will not be injurious to the public health, safety, morals and general welfare of the community. The proposed attached garage will sit on the same foundation and the same place as the existing detached garage. This approval will have no detrimental influence on 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 use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. The new structure will not significantly alter the current circumstances of the property in relation to neighboring properties. The approval will not subject adjacent property to crowding or any other untoward effect.

- (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 strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The layout of the property makes any other location of the structure impractical, especially given that the existing (and prior legally nonconforming) foundation at the approved location is useable.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of July 2016.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Anthony Hession,
Chairman

Don F. Reitz, AICP
Secretary

SE 08-16: Hal and Patricia Coonfield for a Special Exception in accordance with HCZO 4.9 (C) to permit a dwelling, accessory apartment on a 1.82 acre parcel in Guilford Township.

The Staff presented a power point of the facts of case. Mr. Hufford pointed out where the parcel is located on power point and stated that most of the surrounding area is zoned RB/Single Family Residential and AGR. Mr. Hufford stated that this Special Exception is needed to allow Mr. and Mrs. Coonfield to live close to their daughter and son-in-law for reasons of getting older. He stated that there is an existing garage that has a suite on the back of it and would be for the living quarters of the Coonfields. Mr. Hubbard stated that 600 square feet is required to be considered an accessory apartment and the proposed suite is close to 1000 square feet. He stated that the living quarters would not be visible from the road because of where it is located behind the main house.

Hal Coonfield, 6758 Weil Drive, Brownsburg. Mr. Coonfield stated this is his daughter and son-in-law's property. He stated the structure that will be converted is an existing building and they want to turn it into an in-law suite. Mr. Coonfield stated that it will require a perimeter drain. He stated the drain will run out along the back of neighboring properties out to 825 E. He stated they have talked to neighbors and they all give their approval of the proposed plan.

Mr. Hession asked if the board had any questions.

Mrs. Johnston asked if the garage was attached to the house.

Mr. Coonfield stated no, but the part they would be living is attached to the garage.

Mr. Hession opened the public hearing portion.

July 18, 2016

There were none.

Mr. Hession closed the public hearing portion.

Mr. Hession asked Mr. Coonfield if he was aware of the conditions in the Findings of Facts.

Mr. Coonfield stated yes.

Mr. Hession asked if the board had any further questions.

There were none.

Mr. Hession asked for a motion on SE 08-16.

Mr. Lasley made a motion to adopt positive Findings of Facts and approve SE 08-16.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- Abstained- 1 APPROVED
SE 08-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
SE 08-16

An application for the above noted special exception was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to permit **a dwelling, accessory apartment in an RB/ Single Family Residential**. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in Room 212 of the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the Hendricks County Zoning Ordinance (HCZO) Section 12.7, the DPB staff published a legal notice in the *Hendricks County Flyer* and 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 Hendricks County Area Board of Zoning Appeals, 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 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 Area Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.9 (C) authorizes the approval of a banquet hall/wedding venue in the AGR zoning district.

HCZO Section 12.7 (D)(1). In addition to the special requirements for permitted Special Exception uses as specified in Section 12.7 (D)(2) ... the Board of Zoning Appeals ... shall find adequate evidence showing that the use at the proposed location:

A. Is in fact a permitted Special Exception use ... [in] the zoning district involved;

The Board finds that a dwelling, accessory apartment is in fact a permitted Special Exception use in the zoning district involved.

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 be harmonious with and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The comprehensive plan recommends primarily residential and conservation/open space. An accessory dwelling on a developed lot coincides with the goals outlined in the plan

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 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 accessory apartment will retrofit an existing accessory structure at the back of the garage to live in. It will appear and function like a single family dwelling, keeping in character with the surrounding 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 be adequately served by essential public facilities and services. The necessary agencies have been included in the project and the site will be able to provide for all necessary services.

E. Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community;

The Board finds that the proposal will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community. No additional public service is required as a result of this approval.

F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

The Board finds that the proposal will not 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. This proposal is residential in nature and will maintain the residential character of the area. Additionally, conditions of approval have been established to protect persons, property, and the general welfare.

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 utilize existing or newly state approved vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. The proposed use will have a negligible effect on local traffic volume or patterns.

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 not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. No historic, scenic, or natural feature is involved in this approval.

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. Approval shall be terminated and of no further effect in the event the proposed use is discontinued during the approval period. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the BZA or any successor agency.
2. This special exception shall run with the applicants and not the property. At such time as Hal and Patricia Coonfield are no longer residing in the accessory apartment, this special exception approval shall become null and void.

July 18, 2016

3. The accessory apartment shall not be used for rental purposes.
4. All applicable federal, state, and local approvals are required.

For all the foregoing reasons, the Board approved this request for a Special Exception, subject to the conditions set forth, the 18th day of July, 2016.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Anthony Hession,
Chairman

Don F. Reitz, AICP
Secretary

SE 09-16: Charles & Marie Damler for Special Exception in accordance with HCZO 4.3 to permit animal boarding/stables in an AGR zoned district.

The staff presented a power point presentation of the facts of the case. Hubbard showed where the stable is located. He stated the boarding stables have been in operation since 2006, and is the main function of Natural Valley Ranch, LLC.

Jeremy Eglen, 8103 E. US Hwy 36, Avon., Mr. Eglen stated this application would be next to the last in series of requests from the Damlers to come before the BZA and Plan Commission. He stated the Damlers own Natural Valley Ranch which owns and operates a series of businesses related to agri-tourism on this property and surrounding properties. Mr. Eglen stated that over time customer interest has led to additional facilities including overnight rental facilities. Mr. Eglen stated that the stables have been

July 18, 2016

located on this site for almost a decade, and have been in agreement with the area and have enhanced the agricultural character of the area.

Mr. O'Riley asked where exactly the horses are rode.

Mr. Eglen stated they ride along the B & O trail.

Charles Damler, 6240 E CR 350 N, Brownsburg, Mr. Damler stated they have 80 acres all together. Mr. Damler showed on map where and what area of property that is used for riding.

Mrs. Johnston asked what the intentions were for two other buildings currently sitting on property.

Mr. Damler stated the will probably be used for storage for cabin or stables.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

Mr. Hession asked if the board had any further questions.

There were none.

Mr. Hession asked for a motion on SE 09-16.

Mrs. Johnston made a motion to adopt positive findings of facts and approve SE 09-16.

Mr. Lasley seconded the motion.

VOTE: For- 4 Against- Abstained- 1 APPROVED
SE 09-16

SE 10-16: Charles and Marie Damler for a Special Exception in accordance with HCZO 4.7 (C) to permit a bed & breakfast in an AGR zoned district.

Mr. Eglen stated the bed and breakfast is served by a private well and septic and requires no public water or sewer. He stated adequate parking exists on site for any guests. He stated use will enhance economic welfare of Hendricks County by bringing money into the community

July 18, 2016

from outside Hendricks County. Mr. Eglen stated that since this cabin has already been in use, they know it will not cause any issues with traffic.

Mr. Hession opened the public hearing portion.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

Mr. Hession asked if the board had any further questions.

There were none.

Mr. Hession asked for a motion on SE 10-16.

Mrs. Johnston made a motion to adopt positive findings of facts and approve SE 10-16.

Mr. Lasley seconded the motion.

VOTE: For- 4 Against- Abstained- 1 APPROVED
SE 10-16

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law & Conditions of Approval
SE 10-16

An application for the above noted special exception was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to permit a **commercial rental vacation rental/bed and breakfast establishment** in an AGR/Agricultural Residential district. Acting in its role as staff to the Hendricks County Area Board of Zoning Appeals, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in Room 212 of the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the Hendricks County Zoning Ordinance (HCZO) Section 12.7, the DPB staff published a legal notice in the *Hendricks County Flyer* and 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 Hendricks County Area Board of Zoning Appeals, 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 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 Area Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.7 (C) authorizes the approval of a rental vacation cottage/bed and breakfast establishment in the AGR zoning district.

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:

- I. Is in fact a permitted Special Exception use ... [in] the zoning district involved;**

The Board finds that the proposal is in fact a permitted Special Exception use in the zoning district involved.

- J. 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 be harmonious and in accordance with the general objectives and specific objectives of the County's Comprehensive Plan and Zoning Ordinance. The area is a mix of lower density residential, agricultural, and open space uses. The proposed use, and the other uses associated with the Natural Valley Ranch operation are based on the rural character of the area and will be compatible with it.

- K. 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 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 proposed use and the associated uses under the Natural Valley Ranch operation are rural in

character and require that the area maintain its rural flavor. Approving this petition will not change existing or future land use patterns.

- L. **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 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. All necessary public services and infrastructure are available to the proposed use.

- M. **Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community;**

The Board finds that the proposal will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community. No additional public service is required as a result of this approval. Also, the proposed use 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.

- N. **Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;**

The Board finds that the proposal will not 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. Approval of this request will not be detrimental to any person or the general welfare.

- O. **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 have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. The proposed use will have a negligible effect on local traffic volume or patterns.

- P. **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 not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. This approval does not adversely affect any feature of the property under consideration.

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

July 18, 2016

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

5. Approval shall be terminated and of no further effect in the event the proposed use is discontinued during the approval period. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the Board or any successor agency.
6. To restrict accountability and responsibility for the operation, and to make future operations compatible with the surrounding property, this special exception shall run with the applicant and not the real estate.
7. Approval shall be valid only if the proposed use is established within twelve months of the date of this approval.
8. All applicable federal, state, and local approvals are required. Applicable approvals shall include Building Permits and commercial waste treatment permits as necessary.
9. Any expansion of the use beyond that shown on the plan submitted with the application for SE 10-16 shall require new Special Exception approval by the BZA.

For all the foregoing reasons, the Board approved this request for a Special Exception, subject to the conditions set forth, the 18th day of July, 2016.

Being no further business, the meeting was adjourned at 8:00 P.M.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Anthony Hession,
Chairman

Don F. Reitz, AICP
Secretary