

March 20, 2017

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, March 20, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Rod Lasley, Sonnie Johnston, Sam Himself, 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 February 21, 2017 meeting.

Mrs. Johnston made a motion to approve the February 21, 2017 meeting minutes.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained-1 APPROVED
FEBRUARY 21, 2017 MEETING MINUTES

VAR 04-17: Dennis Anderson for Variance from development standards 4.9 (D) to request a setback reduction from 80 ft. to 10 ft. in a RB zoned district in Union Township; Section 32, Township 17, Range 1W; Key No. 11-1-32-71W 200-010; Located approximately .27 of a mile south from W CR 800 N; 7720 N SR 39, Lizton, IN. 46149.

Mr. Hufford showed where the property is located on power point, stating that it is located next to Lizton town limits. He pointed out where the building is currently at, where Mr. Anderson would move it to, and where the building would sit following development standards. Mr. Hufford stated that the pole barn will be put back from its current sitting about 10 feet from the right of way which would not pass where the house sits and would be out of the right of way. Mr. Hufford stated that the pole barn currently is sitting within the right of way, but if it were put where standards indicate where it should go; it would render the pole barn less usable and interfere with the septic field located in the back of the house.

Mr. Hession asked if the board had any questions.

There were none.

Dennis Anderson, 7720 N SR 39, Lizton, IN. 46149, Mr. Anderson stated the current building is a two piece accessory building, brought on site and bolted together. He stated that it is

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a work shop for him and his son. Mr. Anderson stated that moving it back will result in changing the drive-way configuration slightly, but if moved back to where development standards states it should go; it would not be convenient and it would be in the septic field area.

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 staff or board had any comments or questions.

There were none.

Mrs. Johnston made a motion to adopt positive findings of facts and approve VAR 04-17.

Mr. O'Riley seconded the motion.

VOTE: For- 5 Against- 0 Abstained-0 APPROVED
VAR 04-17: Dennis Anderson

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 04-17

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 structure 10' from the front setback* in an RB/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 12.6 (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.

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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 an approval will not be injurious to the public health, safety, morals and general welfare of the community. The surrounding community consists of residences and approval of this variance will allow that use to continue.

(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 barn is built to match the existing dwelling, and will have no impact on surrounding land uses or values.

(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. Following the Ordinance would place the barn on the septic field, and would render it less usable than the proposed location.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of March 2017.

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HENDRICKS COUNTY, INDIANA

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Anthony Hession

Chairman



Don F. Reitz, AICP

Secretary to the Board

VAR 05-17: Richard Pierandozzi for a Variance from Development Standards 4.7 (D) to exceed maximum lot coverage by 300 square feet in an AGR zoned district in Center Township; Section 1, Township 15, Range 1W; Key No.02-2-01-51W 105-012; 2241 E CR 100 N.; Located approximately .24 of a mile east of N CR 200 E.; 2241 E CR 100 N, Danville, IN. 46122.

Mr. Hufford showed where the property is on power point. He stated that the accessory structure would be built in the back of the property where most of the neighboring homes would not be able to see it. Mr. Hufford stated that the building would be approximately 300 square feet over for what the property size allows. He stated it would be used for lawn maintenance items and for doing car restoration work. Mr. Hufford stated that the staff did not see a hardship with the application and had failed on the final test, but stated that he passed the two other tests for not being injurious to the public or affecting the adjacent properties.

Rich Pierandozzi, 2241 E CR 100 N, Danville, IN. 46122, Mr. Pierandozzi stated his intent was to build a 45x54 structure if passed, but after talking to the builder he has decided to go to a 40x60 structure. He stated the building would be just over 284 square feet instead of 300. He stated he is using it for storage and would also be using it to restore classic cars.

Mr. Hession asked if the board had any questions.

There were none.

Mr. Hession opened up the public hearing portion.

No one had signed up to speak.

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Mr. Hession closed the public hearing portion.

Mr. Hession asked if the staff or the board had any comments or questions.

Mrs. Johnston asked why the staff is recommending denial.

Mr. Hufford stated that the structure seemed to be more of a want than a specific need.

Mr. Reitz stated the question is; has Mr. Pierandozzi demonstrated a practical difficulty; and that this is for the board to decide.

Mr. Lasley stated that based on what the staff is saying, Mr. Pierandozzi could shrink building size and fall within standards.

Mr. Pierandozzi stated his cars and lawn mower will take up approximately 600 to 700 square feet and the rest will be the restoration space. He stated he does a lot of various restoration projects. He stated he needs the extra space to be able to pull vehicles in and out without any problems.

Mr. Himsel asked if this was just for personal use.

Mr. Pierandozzi stated yes.

Mr. Lasley asked how many cars are done at a time.

Mr. Pierandozzi stated two to three.

Mr. Reitz stated that Mr. Pierandozzi gets 21x16 or 336 more feet of space by right, and any additional is decided by the board.

Mr. Hession asked if any vehicles sit outside.

Mr. Pierandozzi stated no, they are in garage.

Mr. Lasley asked how it would be accessed from the road.

Mr. Pierandozzi stated yes, the drive will run alongside the west side of the home to the back.

Mr. Hession asked how big the property is.

Mr. Pierandozzi stated it is almost an acre.

Mr. Lasley asked if he had an issue with putting a drive way there to run back to building.

Mr. Hession stated there isn't enough setback to put in a drive way.

Mr. Pierandozzi stated it will be a gravel drive.

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Mrs. Johnston asked about the land behind Mr. Pierandozzi's property.

Mr. Pierandozzi stated that it is all dead space back there.

Mr. O'Riley stated he could see both sides of it. He stated that with it being farther back it is probably not going to affect neighbors, but there are rules that must be followed.

Mr. Reitz stated it is the board's decision on practical difficulty.

Mr. Lasley asked if they are setting any precedent one way or another.

Mr. Reitz stated there is a positive and negative finding.

Mr. Hession asked if there were any further questions.

There were none.

Mr. Hession asked for a motion on VAR 05-17.

Mr. Himsel made a motion to adopt positive findings of facts and approve VAR 05-17.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 1 Abstained- APPROVED
VAR 05-17: Richard Pierandozzi

Hendricks County Area Board of Zoning Appeals (Positive)

Findings of Fact/Law and Conditions of Approval

VAR 05-17

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 *an accessory structure exceeding lot coverage by 284 square feet* in an RB/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 12.6 (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 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 surrounding community consists of residences, and approval of this variance will allow that use to continue.

(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 building will be located behind the house and will not substantially impact the parcel or any surrounding parcels.

(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 size of the lot limits the size of the building, and the requested additional square footage is not egregious nor represents a detriment to any other property.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of March 2017.

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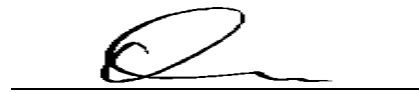
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HENDRICKS COUNTY, INDIANA



Anthony Hession

Chairman



Don F. Reitz, AICP

Secretary to the Board

VAR 06-17: James and Laura Gregory for a Variance from Development Standards 7.12 (a) (1) to permit accessory building prior to principal in an AD zoned district on a 15.48 acre parcel in Center Township; Section 18, Township 15, Range 1E; Key No.02-3-18-51E 200-003.

Mr. Hufford showed where the property is located on power point and pointed out that is zoned AD (airport district). He stated the applicant wants to build a pole barn before the home so he can store miscellaneous items from current home there, especially if his home at Heritage Lake sells before the new home is finished being built. Mr. Hufford stated their intention is to start building on the house as soon as they can agree with a design. He stated that the staff recommendation is for a positive recommendation.

Mr. James Gregory, Sr., 30 Patriots Landing, Fillmore, IN. 46128, Mr. Gregory stated he wants to build the barn to store his boat and a few other things while his home is being built.

Mr. Hession asked how soon Mr. Gregory anticipates on starting to build the home.

Mr. Gregory explained that they have signed a contract with Lazaro and the ground is expected to be broke in May after getting proper permits.

Mrs. Johnston asked where the pole barn is going to be built.

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Mr. Gregory stated the barn would be 300 feet back from S CR 300 E. and 100 feet south from proposed home.

Mr. Hession asked if the board had any other 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 if there were any further comments or questions from the staff or from the board.

There were none.

Mr. Hession asked for a motion on VAR 06-17.

Mrs. Johnston made a motion to adopt positive findings of facts and approve VAR 06-17.

Mr. Himsel seconded the motion.

VOTE: For-5 Against-0 Abstained-0 APPROVED
VAR 06-17: James, Sr. & Laura Gregory

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 06-17

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 *an accessory building prior to a principal* in an AD/ Airport Development 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 12.6 (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

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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 an approval will not be injurious to the public health, safety, morals and general welfare of the community. The surrounding community consists of residences and farmed fields. Approval of this variance will allow those uses to continue.

- (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.

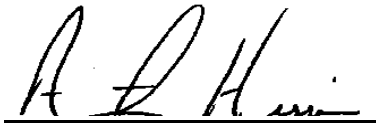
- (3) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.**

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 applicant is in the process of having the designs finalized for the house, but the cumbersome nature of the items being transported and at the new property requires more expediency than the house.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of March 2017.

AREA BOARD OF ZONING APPEALS
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Anthony Hession

Chairman



Don F. Reitz, AICP

Secretary to the Board

VAR 07-17: Mitch & Jennifer Gibboney for a Variance from Development Standards 7.12 (a) (1) to allow an accessory structure prior to a principal in a AGR zoned district; Section 16, Township 14, Range 1E; Key No. 06-3-16-41E 300-004; 7911 S CR 525 E, Mooresville, IN. 46158.

Mr. Hufford stated that Mitch and Jennifer Gibboney was unable to make the meeting and that the case would be continued for the April 2017 BZA agenda.

Mr. Hession asked for a motion to continue VAR 07-17.

Mrs. Johnston made a motion to continue VAR 07-17.

Mr. O'Riley seconded the motion.

VOTE: For-5 Against-0 Abstained-0 APPROVED
VAR 07-17: Mitch and Jennifer Gibboney

VAR 08-17: Jeremy Fuesler for a Variance from Development Standards 4.7 (D) to exceed maximum lot coverage by 709 square ft. in an AGR zoning district in Center Township; Section

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16, Township 14, Range 1E; Key No. 02-3-20-51W 205-001; 2047 S CR 125 W, Danville, IN. 46122.

Mr. Hufford stated that Mr. Fuesler had gotten a Variance in 2012 to build an accessory prior to a principal. He stated the barn was to be 48x80 in square footage and only half of it was built at that time. Mr. Hufford stated that the current barn is at 48x40 and that Mr. Fuesler is requesting the barn to be at 48x86. He stated that it will store the trailer's that are for his business so they can be kept in doors and ready to use. Mr. Hufford stated that the staff is recommending approval.

Jeremy Fuesler, 2047 S CR 125 W, Danville, IN. 46122, Mr. Fuesler stated that they also are storing their pontoon boat. He stated that the truck and trailer combined for the boat is 47 feet and he needs to extend garage 6 more feet. Mr. Fuesler stated that he is also trying to get all the vehicles out of sight because W CR 200 S. is a busy road in the morning and evenings and the vehicles make the property an eye sore.

Mr. Hession asked the board if there were any questions.

There were none.

Mr. Hession opened the public hearing.

No one had signed up to speak.

Mr. Hession closed the public hearing portion.

Mr. Himsel asked exactly how much bigger the proposed barn would be.

Mr. Fuesler stated that he would be adding 46 feet. He also stated there were some questions with regards to the easement. Mr. Fuesler stated that he is about 20 feet from the easement. He stated he also plans to put in a drain there to help with water flow.

Mr. Hession asked if the staff or board had any further questions or comments.

There were none.

Mr. Hession asked for a motion on VAR 08-17.

Mr. Himsel made a motion to adopt positive findings of facts and approve VAR 08-17.

Mrs. Johnston seconded the motion.

VOTE: For-5 Against-0 Abstained-0 APPROVED
VAR 08-17: Jeremy Fuesler

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 08-17

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 *an accessory building exceeding 5% lot coverage* 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 12.6 (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 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 an approval will not be injurious to the public health, safety, morals and general welfare of the community. The surrounding community consists of residences, and approval of this variance will allow that use to continue.

(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. Completion of the barn will store items in-doors that are permitted to be stored outside, but is less desirable to look at than the building.

(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 applicant will be storing items indoors that can otherwise be legally stored outside and the restriction of 5% lot coverage keeps the applicant from doing that.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 20th day of March 2017.

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HENDRICKS COUNTY, INDIANA

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

A handwritten signature in cursive script, appearing to read "A. Hession", is written over a horizontal line.

Anthony Hession

Chairman

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A handwritten signature in black ink, appearing to read 'Don F. Reitz', positioned above a horizontal line.

Don F. Reitz, AICP

Secretary to the Board