

September 18, 2017

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, September 18, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Rod Lasley, Sonnie Johnston, and Walt O'Riley. Also present were Gregory Steuerwald, county attorney, Tim Dombrosky, Planning Director, 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 August 21, 2017 meeting.

Ms. Johnston made a motion to approve the August 21, 2017 meeting minutes.

Mr. Lasley seconded the motion.

**VOTE:        For- 3            Against- 0            Abstained-2            APPROVED**  
**AUGUST 21, 2017 MEETING MINUTES**

**VAR 24-17:** Douglas Lang for a Variance from Development Standards 4.7 to allow a side setback of ten feet on a 1.2 acre parcel in Brown Township; Section 06, Township 16, Range 2E; Key No. 01-3-06-62E 190-011; Located in Shoal Creek Estates off of N CR 1000 E; 9724 Shoal Creek Ln., Brownsburg, IN. 46112.

Mr. Hufford showed where the property is located on power point stating that Mr. Lang wants to extend garage out so it becomes a front facing garage. He stated that the current garage will be turned into living space. Mr. Hufford stated the septic is in the backyard along with the pool. He stated that if the new garage were moved to back yard the setback would be the same because of this. Mr. Hufford stated that there are a few front loading garages in the surrounding neighborhood. He stated that since the garage will be attached to the house it needs to be 15 ft. away from the property line and it would be a 9 feet.

Mr. Lasley asked exactly where the new garage would be coming out of.

Mr. Hufford stated it would be coming out from the front.

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

There were none.

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Douglas Lane, 9724 Shoal Creek Ln, Brownsburg, IN. 46112, Mr. Lane stated that Mr. Hufford covered all the points.

Mr. Lasley asked if the garage was in fact going to be coming off the side and facing front.

Mr. Lane stated yes.

Mr. Lasley asked if it would be even with the house.

Mr. Lang stated yes.

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

There were none.

Mr. Hession asked for a motion on VAR 24-17.

Mrs. Johnston made a motion to approve VAR 24-17 with positive facts of findings.

Mr. O'Riley seconded the motion.

<b>VOTE:</b>	<b>For-4</b>	<b>Against- 0</b>	<b>Abstained-1</b>	<b>APPROVED</b>
<b>VAR 24-17: Douglas Lane</b>				

## Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 24-17

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 principle building to be 9' from the side setback* in an AGR/Agriculture 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 new building will be built in such a way that it fits into the current fabric of the community.

- (2) The use and value of the area adjacent to the property included in the Variance will 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. A nine (9) foot setback still provides adequate separation from the property line is still substantial to the point that no adverse effect should occur.

- (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 practical difficulty is that the building cannot go

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in the back, it can be built towards the street but, it would be more out of character than it would be with this Variance request.

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

1. The building must be built in accordance with all other federal, state, and local codes
2. Any drainage issues resulting from this approval will be resolved by the owner of the property subject to this variance request.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of September 2017.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

**VAR 25-17:** William Burke for a Variance from Development Standards 4.7 (D) to allow a five foot setback on a .44 acre parcel in Lincoln Township; Section 16, Township 16, Range 1E; Key No. 08-2-16-61E 290-004; Located in Pleasant Vue Estates east of N CR 575 E; 5901 Tulip Dr., Brownsburg, IN. 46122.

Mr. Hufford showed where the property is on power point. He stated that the request is for an accessory building to be only 5 ft. from the side property line. Mr. Hufford stated there are a few restraints as to why the building needs to go here, one being the septic field and the other being any accessory structure needs to be 5 feet from other structures. Mr. Hufford stated the building does meet all development standards referring to size and height. He stated that the neighborhood has very few detached garages.

Mr. O'Riley asked if the building met the 5% rule regarding size of accessory structure.

Mr. Hufford stated yes.

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

There were none.

Jeremy Bennett, contractor, Mr. Bennett stated that the Burke's inherited the property after Mr. Burke's father passed. He said they are extensively renovating the home and plan on retiring here. Mr. Bennett stated that Mr. Burke likes cars and wants to use this proposed two car detached garage to store cars mainly. He stated that the proposed garage is 12 feet off the septic.

Mr. Hession opened the public hearing portion.

Karen Jefferies, 5885 Tulip Dr, Brownsburg, IN. 46112, Mrs. Jefferies stated they live to the north of the Burke's residence. She read a letter from Mr. Robert Wynberg who lives down the street from the Burke's. It stated they were vehemently opposed to any variance for this type of structure. He stated in his letter that the majority of the homes are appropriately spaced in the subdivision which adds appeal to potential buyers. Mrs. Jefferies went on to add that more and more people may want to build these accessory buildings and she feels it will make everything too crowded. She stated that with it being close to her backyard that it will feel as though it is a part of her yard and she is concerned about privacy issues. Mrs. Jefferies stated she is afraid that they will have a hard time selling their home if they ever decide to.

Bill Jefferies, 5885 Tulip Dr., Brownsburg, IN. 46112, Mr. Jefferies stated they chose this location to live because of the spacing between homes. He stated that with it only being about 20 feet away from his bedroom that he afraid of the noise it will cause. Mr. Jefferies stated he is also concerned with any glare that will reflect off of the building since it will be a steel building.

Mr. Hession closed the public hearing portion.

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

There were none.

Mr. Bennett stated that he brought in color samples for the detached garage stating it will be a medium gray in color. He stated it would make the building have a low reflection of light. He stated that the shingles would match the shingles on the roof. Mr. Bennett explained that if this size of structure doesn't pass through the BZA that the Burke's still plan on building a similar smaller structure. He explained that the Burke's have done extensive renovating not just on the house but property since taking it over.

Mr. Hession asked what the distance would be between the detached garage and the house.

Mr. Bennett stated it would be 5 feet which is what is allowed in an AGR zoned district.

Mr. Hession asked if the distance between the new building and septic is 12 feet.

Mr. Bennett stated yes, approximately 12 feet. He stated there is a grandfathered in mini barn in the back that is less than the required 10 feet from property line. He stated that the detached garage will overlap the house and does not sit directly behind the house.

Mr. Hession asked if there is 46 feet from back of proposed building to property line.

Mr. Bennett stated yes.

Mr. Hession asked about moving the detached garage back some.

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Mr. Bennett explained that they would have to tear the mini barn down, and anywhere else would be encroaching the septic area.

Mr. Lasley asked about some of the other surrounding properties that appeared to have detached garages close to properties lines according to the Beacon Map.

Mr. Hufford explained that the lines are overlays and probably aren't as close as they appear. He also stated that the buildings in question could have been built without permits.

Mr. Lasley asked about using a buffer as in shrubbery, etc. to help with reflection and privacy.

Mr. Hession stated that it can be added as a condition of approval.

Mr. Dombrosky stated the board could also ask for a privacy fence.

Mr. Bennett stated Hendricks Power will be burying the power underground and he feels as though fencing may be a problem.

Mrs. Johnston stated that shrubbery could be added to fence line.

William Burke, 5917 Tulip Dr., Brownsburg, IN. 46112, he stated that the Jefferies already have a chain link fence that runs the back half of the property line. He stated that it would be difficult to plant shrubs there with having such a small space.

Mr. Hession stated yes, 5 feet may be hard to maintain for planting shrubbery.

Mr. Lasley asked if Mr. Burke would be restoring old cars in the detached garage.

Mr. Burke stated he has a collector's truck and a 1982 Corvette that he is restoring. He stated there will not be a lot of noise and no grinding.

Mrs. Johnston asked if the garage will be insulated.

Mr. Bennett stated it will be insulated and dry walled.

Mr. Hession asked for a motion on VAR 25-17.

Mr. Lasley made a motion to approve VAR 25-17 with subject to Findings of Facts and staff recommendations.

Mrs. Johnston seconded the motion.

<b>VOTE:</b>	<b>For-4</b>	<b>Against- 0</b>	<b>Abstained-1</b>	<b>APPROVED</b>
<b>VAR 25-17:</b>	<b>William Burke</b>			

## Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 25-17

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 5' from the side setback*** in an AGR/ Agriculture 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:**

- (4) 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 building will be similar in placement and appearance with the rest of the community.

- (5) **The use and value of the area adjacent to the property included in the Variance will 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 placement of the building negates many adverse effects of the proposed structure.

- (6) **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 cannot place it behind the house without placing it on the septic system. Additionally the detached garage must be 5' from the dwelling.

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

3. The building must be built in accordance with all other federal, state, and local codes
4. Any drainage issues resulting from this approval will be resolved by the owner of the property subject to this variance request.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of September 2017.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

**SE 05-17:** Wesley Freeland for a Special Exception to permit a dwelling, mfg. home on a one acre parcel in Eel River Township; Section 30, Township 17, Range 2W; Key No. 04-1-30-72W 100-007; Located approximately .25 of a mile south from Ladoga Rd. on 850 W.; 8676 N CR 850 W, Ladoga, IN. 47954.

Mr. Hufford showed where the property is located on power point stating it is north of North Salem with very few neighbors. He stated that the home that was on this parcel is no longer there. Mr. Hufford stated that Mr. Freeland proposes to put a manufactured home there and it would overlay some of where past home was to take advantage of septic and well hook-ups. He stated that Mr. Freeland would live here with his family until he saves enough to build a house.

Wesley Freeland, 8676 N CR 850 W, North Salem, IN. 46165.

Mr. Hession asked if Mr. Freeland had anything comments to add.



Mr. Freeland stated no.

Mr. Hession asked if the board had any questions.

Mr. Lasley asked if the chimney to the past house would be taken down.

Mr. Freeland stated he would like to leave it up unless told otherwise.

Mrs. Johnston asked if there was a certain length of time the mobile home could stay there.

Mr. Dombrosky stated not a standard amount of time.

Mr. Hession asked if one could be set.

Mr. Dombrosky stated that the approval would expire when the occupancy for new home was issued.

Mrs. Johnston asked Mr. Freeland how long it would take him financially to be able to build the house.

Mr. Freeland stated he wasn't sure. He stated that he still owes thirteen years on the property and his goal is ten years.

Mr. Lasley asked if he would build it all at once or in segments.

Mr. Freeland stated that his goal is all at once.

Mr. Lasley asked if he would have a builder or do it all himself.

Mr. Freeland stated he wasn't sure yet.

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 other comments or questions.

Mr. O'Riley stated the only objection he would have is if the manufactured home stayed there for an indefinite period of time.

Mr. Hession agreed. He stated it needs a time frame.

Mr. O'Riley stated that Mr. Freeland could come back once that time frame is up and reapply if he hasn't or is not ready to build the house.

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Mr. Hession asked if five years seemed reasonable.

Mr. O'Riley and Mrs. Johnston agreed.

Mr. Hession stated this would have to be added to the conditions of approval.

Mr. Freeland stated this would be fine.

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

Mr. O'Riley made a motion to approve SE 05-17 with positive findings of fact with staff's conditions of approval plus the added condition of approval for the time limit of 5 years.

Mrs. Johnston seconded the motion.

<b>VOTE:</b>	<b>For-4</b>	<b>Against- 0</b>	<b>Abstained-1</b>	<b>APPROVED</b>
<b>SE 05-17: Wesley Freeland</b>				

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

Findings of Fact/Law and Conditions of Approval

#### **SE 05-17**

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 Mobile Home in an AGR/Agriculture Residential** zoning 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 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 Mobile Home 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 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 this area for agriculture. The parcel is in the far western part of the county that will remain rural for the foreseeable future.

**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 use would not be out of place in the rural parts of the county, surrounded by agricultural fields on all sides with smaller homes.

**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 use does not require any additional facilities beyond the scope of a typical residential use.

**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. It will be used as a residence and will not be permitted any activities beyond any other residence.

**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 vehicular approaches to the property, which are 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. 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 applicants and not the real estate.
3. This approval will expire when the Certificate of Occupancy for the newly constructed single family structure is issued.
4. All applicable federal, state, and local approvals are required. \
5. This approval will expire 5 years from the date of this meeting, September 18, 2022. At which time the applicant may file a new Special Exception to extend the approval.

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For all the foregoing reasons, the Board APPROVED this request for a Special Exception, subject to the conditions set forth, the 18th day of September, 2017.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

**VAR 26-17:** Nelson Stewart for a Variance from Development Standards 4.9 (D) to exceed maximum lot coverage by 2.2 percent on a .45 of an acre parcel in Washington Township; Section 01, Township 15, Range 1E; Key No. 12-2-01-51E 390-007; Located in Corottoman Court subdivision on E US HWY 36; 116 Corottoman Dr., Avon, 46123.

Mr. Hufford showed where the property is located on power point stating that the parcel is located in the middle of Avon. He stated that Mr. Stewart would like to build an accessory structure to store race cars, and misc. Mr. Hufford showed a few plans of what may go there. He stated that you might see a roof line from street but the building would sit behind the house.

Nelson Stewart, 116 Corottoman Ct, Avon, IN. 46123, Mr. Stewart stated that he is planning on using this for storage for his cars and misc. stuff that sits around his yard.

Mr. Hession asked about the vehicle in the back.

Mr. Stewart stated it is a parts car.

Mr. Lasley asked if that was a mini barn in the back.

Mr. Stewart stated yes.

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

Mr. Lasley asked where exactly the building would be placed.

Mr. Dombrosky stated it would be farther towards the back of the property.

Mr. Hession opened the public hearing portion.

Charlie Patterson, 1710 N CR 800 E, Avon, IN. 46123, Mr. Patterson stated this building is going to be put in the best area for the property without encroaching setbacks.

Mr. Hession closed the public hearing portion.

Mr. Hession asked if the staff had any further comments.

There were none.

Mr. Hession asked for a motion on VAR 26-17.

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Mrs. Johnston made a motion to approve VAR 26-17 with positive facts of findings subject to staff letter.

Mr. O'Riley seconded the motion.

<b>VOTE:</b>	<b>For-4</b>	<b>Against- 0</b>	<b>Abstained-1</b>	<b>APPROVED</b>
<b>VAR 26-17: Nelson Stewart</b>				

## Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 26-17

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 to exceed lot coverage by 440 square feet* in a RB/Single-Family Residential zoning 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:**

- (7) 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 building will be located behind the house and will give the applicant the ability to store vehicles there, rather than on the driveway. Potential drainage issues are covered in the Conditions of this approval.

- (8) The use and value of the area adjacent to the property included in the Variance will 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 abide by all other development standards satisfying all conditions to limit the impact of this building on the surrounding area.

- (9) 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 practical difficulty is that the maintenance required for the hobbyist cars requires additional space, and the 5% rule is burdensome on small lots and on structures located in the rear.

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

5. The building must be built in accordance with all other federal, state, and local codes
6. The applicant will construct the building in such a manner that excess water will remain on site, or will directed to the easement in the back (west) part of the property to the retention pond.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of September 2017.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

Being no further business, the meeting was adjourned at 8:18 p.m.

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