

October 16, 2017

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, October 16, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Sonnie Johnston, Walt O'Riley, and Sam Himsel. 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 September 18, 2017 meeting.

After notification of error made in the September meeting minutes, Mrs. Johnston made a motion to approve the September 18, 2017 meeting minutes.

Mr. Hession seconded the motion.

VOTE: For- 3 Against- 0 Abstained-2 APPROVED
SEPTEMBER 18, 2017 MEETING MINUTES

It's noted that Mr. Himsel arrived shortly after meeting minutes were approved.

Appeal of Director's Determination: Beazer Homes Indiana, LLP; to appeal the Director's determination to deny building permit #2017-6980; on a .37 acre parcel in Washington Township; Section 09, Township 15, Range 1E; Key No. 12-3-09-51E 351-002; Located on the corner of E CR 100 S and S CR 525 E; 5230 E CR 100 S.

Mr. Dombrosky stated that they had learned earlier in the day that Beazer Homes is requesting a continuance to the November 20, 2017 meeting. Mr. Dombrosky stated that he recommends to the board that the continuance be granted.

Mr. O'Riley made a motion to continue the appeal the Director's determination from Beazer Homes Indiana, LLP.

Mr. Hession seconded the motion

VOTE: For- 4 Against- 0 Abstained-1 APPROVED
CONTINUANCE OF BEAZER HOMES, LLP, TO APPEAL DIRECTOR'S
DETERMINATION

VAR 27-17: Michael & Barbara Schlagel for a Variance from Development Standards 7.12(A)(3) to allow an accessory structure in front of the principal on a 1 acre parcel zoned RB in Eel River township; Section 32, Township 17 Range 2W; Key No. 04-1-32-72W 100-003; Located approximately .14 miles west of Ladoga Rd; 7645 W CR 800 N.

Mr. Hufford showed where the property is located on the power point presentation. He stated that most of the surrounding area is zoned AGR and RB. Mr. Hufford stated that if Mr. & Mrs. Schlagel lived across the street they wouldn't need a variance because of the AGR zoning that allows an accessory in front of the principal. He stated that the proposed garage would be well behind the front setback requirement. Mr. Hufford stated that the rules do impose a practical difficulty for this property.

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 27-17.

Mrs. Johnston made a motion to approve VAR 27-17 subject to staff letter with positive findings of facts.

Mr. O'Riley seconded the motion.

VOTE: For-4 Against- 0 Abstained-1 APPROVED
VAR 27-17: Michael & Barbara Schlagel

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 27-17

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 be built in front of a principal dwelling*** 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:

- (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 building will be located in front of the house, but will resemble the surrounding area.

- (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. The building will abide by all other development standards satisfying all conditions to limit the impact of this building on the surrounding area.

- (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 house sits towards the back of the 1-acre parcel


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with a septic system to the side of the house. The placement in front of the house is the only location with access to the drive and not located on the septic system.

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
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 28-17: Jeffrey and Lucinda Dunaway for a Variance from Development Standards 4.7 (D) to allow side setback of four (4) feet on a 1.81 acre parcel zoned AGR in Guilford township; Section 14, Township 14, Range 1E; Key No. 06-3-14-41E 415-001; Located on the north side of E CR 800 approximately 660 feet west of S SR 267; 8484 E CR 800 S, Plainfield, IN. 46168.

Mr. Hufford stated that this piece of property is located between two lakes. He stated that there are two different parcels on this strip of land. He stated that the Dunaways had a new survey done to the property and discovered that the newly constructed detached garage is only 4 feet from the property line and the zoning requirements are 10 feet. Mr. Hufford stated this was most likely due to a surveyor error. He stated this issue does not affect any surrounding neighbors and that it is just to correct an error made.

Lucinda Dunaway, 1423 S CR 775 E, Coateville, IN. 46121, Mrs. Dunaway stated the barn was constructed without a permit too close to the property line. She stated the Variance is needed to obtain a building permit.

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 from the board.

There were none.

Mr. Hession asked for a motion on VAR 28-17.

Mr. O'Riley made a motion to approve VAR 28-17 with positive Findings of Facts.

Mrs. Johnston seconded the motion.

VOTE: For-4 Against- 0 Abstained-1 APPROVED
VAR 28-17: Jeffrey and Lucinda Dunaway

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 28-17

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 come into compliance with a 4' side setback*** 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 12.6 (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 barn sits on property that is located between two bodies of water. Property setback requirements are usually established for separation between properties which is not the case in this situation.

- (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. There are no direct neighbors for this barn to adversely affect.

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

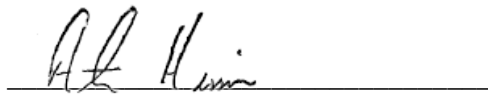
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The practical difficulty is that the barn was built inside the 10' setback erroneously as the owner assumed the shoreline was the property line, and not where the lines are platted.

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

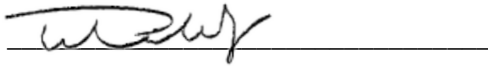
1. The building must be built in accordance with all other federal, state, and local codes
- For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

October 16, 2017



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 29-17: AutoZone Inc. for a Variance from Development Standards 4.15(D) to have a side setback of six (6) feet on a .88 of an acre parcel zoned GB in Guilford township; Section 20, Township 15, Range 2E; Key No. 06-3-20-42E 400-005; Located on the east side S SR 67 off of E CR 800 S and Upland Bend.

Mr. Hufford stated that this parcel is in the northeastern corner of Heartland Crossing in Camby. He stated the parcel is about 2 acres and if all goes accordingly the parcel will be split to be one acre a piece. Mr. Hufford stated that AutoZone, Inc., would like a 4 foot setback instead of 10 feet to allow landscaping standards for a business as well as having the size of aisle that the fire department is more comfortable with. Mr. Hufford stated it does meet all other standards.

Michael Schoech, Prism Engineering & Design Group.

Mr. Hession asked if the parcel is a total of two acres.

Mr. Dombrosky stated yes, currently it is. He stated that it was within the primary plat for Heartland Crossing but they haven't done a secondary plat yet. Mr. Dombrosky stated the parcel doesn't technically exist yet.

Mr. Hession asked if AutoZone would be purchasing the entire parcel.

Mr. Schoech stated it would just be half of the two-acre parcel that would be purchase.

Mr. Hession asked if the board had any questions.

There were none.

Mr. Hession asked if the board had any questions.

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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 from the board.

There were none.

Mr. Hession asked for a motion on VAR 29-17.

Mrs. Johnston made a motion to approve VAR 29-17 with subject to staff's letter and positive Findings of Fact.

Mr. O'Riley seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
VAR 29-17: AutoZone Inc.				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 29-17

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 ***the principal building to have a 6' side setback*** in a GB/General Business 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 6' from the side setback towards an already developed lot. The reduced setback will allow the site to meet other development standards including drive width.

- (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 not substantially impact the amount of landscaping, nor will the building impede on the practical use and function of the neighboring property.

- (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 size of the lot and the other development standards do not allow the best development of the property, and a reduced setback will allow the applicant to make a more desirable site.


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. The applicant will construct the building in such a manner that excess water will remain on site, or directed to the storm sewer in the vicinity of the site.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

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AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 31-17: Tracy Mitchell for a Variance from Development Standards 4.7(D) to allow a residential lot with no road frontage on a 20.1 acre parcel zoned AGR in Eel River township; Section 28, Township 17N, Range 2W, Key No. 04-1-28-72W 300-006; Located approximately .35 of a mile North of Ladoga Road; 6900 Ladoga Road, North Salem, IN. 46165.

Automatically Continued for November 20, 2017 meeting.

VAR 32-17: James Hess for a Variance from Development Standards 4.7 (D) to reduce front setback by 7 feet on a .79 acre parcel on an AGR zoned district in Center township; Section 36, Township 16, Range 1E; Key No. 02-1-36-61W 485-004; Located approximately 370 feet north of E CR 100 N on N CR 300 E; 1088 N CR 300 E, Danville, IN. 46122.

Mr. Hufford showed where the property is on power point. He stated that the home already had a porch and Mr. & Mrs. Hess now wants to put a roof over it. Mr. Hufford stated it was noticed that current porch encroaches front setback by 7 feet. Mr. Hufford stated the required setback is 50 feet and that the current porch is at 43 feet.

Mr. Hession asked what the county setback is on N CR 300 E.

Mr. Dombrosky stated 35 feet.

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.

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Mr. Hession closed the public hearing portion.

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

There were none.

Mr. Hession made a motion to approve VAR 32-17 with conditions of approval.

Mrs. Johnston seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
VAR 32-17: James Hess				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 32-17

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 reduction of the front setback to 43'** in a 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 12.6 (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. Adding a feature that enhances the entrance to the home does not impact sound planning principals.

- (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. The addition will abide by all other development standards.

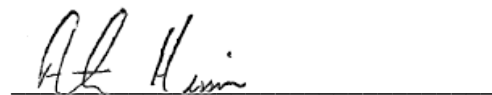
- (3) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.**

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 the home was built up to the build to line with no alternative to improving the front entrance of the home.

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

1. The addition must be built in accordance with all other federal, state, and local codes
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky

Secretary

VAR 33-17: John & Marjorie Wood for a Variance from Development Standards 7.12 (A)(1) to permit an accessory structure prior to a principal use on a 2.75 acre parcel zoned RB in Guilford Township; Section 33, Township 15 Range 1E; Key No. 06-1-33-51E 300-014; Located approximately .52 of a mile east of S CR 500 E on E US HWY 40; 1548 W Main St, Plainfield, IN. 46168.

Mr. Hufford showed where the property is located on Power Point. Mr. Hufford stated that the Fraternal Order of Police originally owned the parcel and that Mr. & Mrs. Wood had bought it. Mr. Hufford stated that there is already an accessory structure on the property that was built several years ago. Mr. Hufford stated that this parcel was not annexed into Plainfield but mostly everything around it is in the town of Plainfield. He stated that the plan is to use the structure while home is being built. Mr. Hufford stated there will a two-year approval which means that the applicants have two years in which to get a building permit for the home. He stated that if the permit hasn't been issued, it will have to go before the board again.

Mr. Hession stated at that time the barn would've already have been built.

Mr. Hufford stated yes, but they would be in violation and would be facing fines.

Mrs. Johnston asked if the current structure would stay or be torn down.

Mr. Hufford stated it would be staying.

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 if there were any other comments or questions from the staff and board.

Mr. Hession asked for a motion on VAR 33-17.

Mrs. Johnston made a motion to approve VAR 33-17 subject to staff's letter and comments with positive Finding of Facts.

Mr. O'Riley seconded the motion.

Mr. Hession asked Mr. Wood if he understood that he has two years to apply for a building permit.

Mr. Wood agreed that he heard and understood.

VOTE: For-4 Against- 0 Abstained-1 APPROVED
VAR 33-17: John and Marjorie Wood

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 33-17

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 built prior to a principal*** 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:

(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. There is already a building on this parcel so there will be no significant change.

(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. The building will be built a manner that facilitates the building of a home on the property, which is the zoning designation for the property.

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

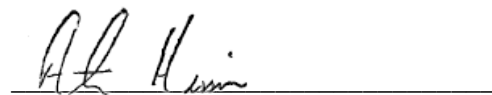
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The practical difficulty is that the applicant is transitioning to this property and there is an unclear time frame, but a need has been established to move items for property maintenance to the new property.

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. The applicant will obtain a building permit for the home in two (2) years from this approval.
3. The applicant will be the sole user/occupant of both accessory buildings.
4. The Surveyor will review the accessory building permit for Drainage

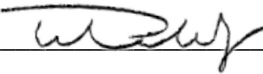
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman

October 16, 2017



Tim Dombrosky
Secretary

VAR 34-17: Mark Hardwick for a Variance from Development Standards 4.7 (D) to allow a zero-foot front setback on a 1.54 acre parcel zoned AGR in Brown township; Section 14, Township 17, Range 1E; Key No. 01-1-14-71E 300-014; Located approximately 550 feet west of N CR 800 E on E CR 1000 N; 7890 E CR 1000 N, Brownsburg, IN. 46112.

Mr. Hufford showed where the property is located on Power Point stating that the area is zoned Agricultural Residential. Mr. Hufford stated that the house sits directly on the right of way line. He stated the hardship is that when the house was built in the 60's, there wasn't a Thoroughfare Plan in place. Mr. Hufford stated that his recommendation would be to approve this application to add a front porch on to the home.

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 from the staff and board.

There were none.

Mr. Himsel made a motion to approve VAR 34-17 subject to staff's condition.

Mrs. Johnston seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
VAR 34-17: Mark Hardwick				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 34-17

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 **0' front setback** 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 12.6 (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 applicant is improving the aesthetics and the safety of the home and not significantly impacting sound planning principals.

(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.

(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 the home existed in this location prior to the adoption of the Thoroughfare Plan.

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

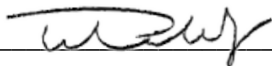
1. The addition must be built in accordance with all other federal, state, and local codes

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 35-17: Antron & Billie Brown for a Variance from Development Standards to allow an accessory building height of 27.5 ft. in a AGR zoned district on a 3-acre parcel in Middle Township; Section 20, Township 17, Range 1E; Key No. 10-1-20-71E 226-002; Located approximately .30 miles south from E CR 1000 N; 9610 N CR 550 E.

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Mr. Hufford stated that most of the area is zoned AGR. He stated that the applicant is currently building a home on the parcel. Mr. Hufford stated the applicant has hobbies and would utilize a taller structure. Mr. Hufford stated that the building does fall within development standards for size. He stated that the size does impose an issue with the roof line. Mr. Hufford stated that 24 feet is the maximum in AGR for accessory structure but with the size of the building, the roof line needs to be raised 3 ½ feet to accommodate the building.

Bill Staley, 76 Elizabeth Ct, Danville, IN., 46122.

Mr. Hession asked if a 5/12 pitch for roof would be used. He asked what would the height of a 4/12 pitch would be.

Mr. Staley stated a foot and ½.

Mr. Hession asked the board if they 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 from the staff and board.

There were none.

Mrs. Johnston made a motion to approve VAR 35-17 subject to staff's letter with positive finding of facts.

Mr. O'Riley seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
VAR 35-17: Antron Brown				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 35-17

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 to exceed height standards by 4'** 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 12.6 (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 building will be located behind the house and the roof pitch will allow it to conform more closely with the new home and the surrounding 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. The building will abide by all other development standards satisfying all conditions to limit the impact of this building on the surrounding area.

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

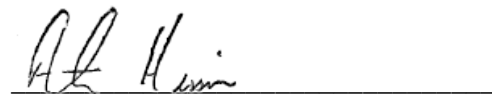
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The practical difficulty is that the building will have an expanse that requires a more significant roof height to allow the applicant to use the building and function properly.

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. The applicant will construct the building in such a manner that excess water will remain on site, or adequately directed.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of October 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession

Chairman



Tim Dombrosky

Secretary

SE 06-17: Jeff Swenke for a Special Exception in accordance with HCZO 4.7(C) to permit a banquet or assembly hall on a 20-acre parcel in Brown township; Section 14, Township 17N Range 1E Key No. 01-1-14-71E 300-002; Located approximately .40 miles N of E CR 1000 N on N County Road 800 E; 10392 N CR 800 E, Brownsburg IN, 46112.

Mr. Hufford pointed out the property on power point. He stated that the area is zoned AGR as well as the Subdivision (Austin Winds) across N CR 800 E. Mr. Hufford stated it is a 20-acre parcel with two existing barns. He stated there was a house at one time on the property but is no longer there. He pointed out the power lines that run across the back of the property. Mr. Hufford showed where the new event barn would be placed. He also showed where the drive way and parking lot would be. Mr. Hufford stated that the current two barns on the property would be renovated. He stated that there would be a 250 guest limit to any event. Mr. Hufford stated that alcohol would be permitted along with on-site security when events are taken place. He stated that events would end at 9:00 P.M. Sunday through Thursday and end at 11 P.M. Fridays and Saturdays. Mr. Hufford stated that based on all these factors the staff does recommend approval.

Mrs. Sheila Swenke, 7681 Barberry Ct, Brownsburg, IN. 46112, Mrs. Swenke stated that they have been a part of the Brownsburg Community for 16 years and that they are business owners who currently live in Highland Springs subdivision. She stated that they will soon have no children at home and are wanting to relocate to a more rural area. Mrs. Swenke stated they would build a new home on the parcel and live there. She stated they would have a few farm animals along with 12 acres of the parcel being planted crops.

Mr. Jeff Swenke, 7681 Barberry Ct, Brownsburg, IN. 46112, Mr. Swenke presented his presentation showing the future layout for all they are talking about doing to the property. Mr. Swenke stated they would use the back 12 acres for crops and pasture. He showed a conceptual design for the proposed pole barn.

Mr. Hession asked what the outside material would be.

Mr. Swenke stated it would be a pole barn type of building having a metal outside with some wood. He stated that way it could be turned back to a barn for farming if need be. Mr. Swenke stated the barn would be set back about 420 feet from front of property. He stated that the barn would be 80 X 80 in size. Mr. Swenke went to talk about the noise regarding the reception after the weddings and the impact on the properties closest. He stated that they will not be blasting volumes simply because it would be too loud for those people attending the venue. Mr. Swenke stated as far as traffic goes, he expects to have less than 200 people for most events. He stated the events would happen eight months out of the year, omitting events in the winter.

Mr. Hession opened the public hearing.

Wayne Walters, 10468 Breezeway Circle, Brownsburg, Mr. Walters stated he lives in the Austin Winds Subdivision across the street. He stated there was a petition that surrounding neighbors signed. He asked that the board reject the proposal because it does not fit the usage for the what the surrounding area is. He stated that the traffic would have heavy traffic flows and

that the surrounding roads cannot support this. Mr. Walters stated that there is no way for the music and noise to be enforced. He stated that the only way to do this would be call the police. Mr. Walters stated that the event barn would need commercial septic and well as well as storm drainage needs. He stated the comprehensive plan for this area are suburban and residential and that he and his neighbors want to see that it's followed by.

Ana Adams, 10082 Nicole Dr, Brownsburg, Mrs. Adams stated that they picked this area to live because it is quiet. She stated that they do not have sidewalks and is afraid of what could happen with the heavy traffic.

Bruce Venable, 10276 Breezeway Circle, Brownsburg, Mr. Venable stated their property is close and does not want the noise or traffic this would bring.

Mickey Scott, 10302 N CR 800 E, Brownsburg, Ms. Scott stated she has lived out there for 40 years. She stated she is concerned with the partying and fast driving.

Mike Nichols, 10282 N CR 800 E, Brownsburg, Mr. Nichols stated he doesn't want drinking and driving along this road.

Marty Maupin, 10347 Breezeway Circle, Brownsburg, Mr. Maupin stated the road is not equipped for the traffic.

Joh Groth, 10270 Breezeway Circle, Brownsburg, Mr. Groth stated they bought the property to have the peace and quiet. He stated he is concerned with the trash and the noise.

Marilyn Cotterman, 10262 Breezeway Circle, Brownsburg, Ms. Cotterman stated that there are other wedding barns around the area without adding another one. She also mentioned the potential noise and traffic issue.

Tara Lawrence, 10593 N CR 800 E, Brownsburg, Mrs. Lawrence stated she too is against it due to the noise.

Dave Lawrence, 10593 N CR 800 E, Brownsburg, Mr. Lawrence stated that neighborhood pets do run around some and the traffic could be an issue.

Scott Vorholzer, 10563 N CR 800 E, Mr. Vorholzer stated that the road cannot possibly handle the traffic, not to mention having people walking and having traffic like the barn would bring.

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Catherine Vorholzer, 10563 N CR 800 E, Mrs. Vorholzer stated that they can hear a single radio playing in the addition and can only imagine the sounds and noises carried over from the venue.

Melissa Bower, 10362 N CR 800 E, Brownsburg, Mrs. Bower stated she lives in the property next door with her husband and children. She is concerned about future property values and noise. She stated that it takes a while for police to get to the area. Mrs. Bower stated that the farming and landscaping are great things, but the business may bring other businesses out to the area. She stated this area needs to stay the way it is.

Lu Storms, 10515 N CR 800 E, Brownsburg, Mrs. Storms stated she lives across the road. She stated she is confused with the party barn concept and using it for farming as well. She stated that she would expect more people to attend the wedding than Mr. Swenke stated. Mrs. Storms stated that many of her neighbors walk in the evenings and nights.

Anton Arnoldy, 8040 Ridewind Circle, Brownsburg, Mr. Arnoldy stated his concern is with the traffic. He stated that there are more walkers than there is traffic on most days. Mr. Arnoldy talked about the Ronald Regan Corridor Plan and how that area is more suited for businesses.

Janet Billman, 8039 Ridgewind Circle, Brownsburg, Mrs. Billman stated they would like to keep their peaceful country setting. She stated that because it is quiet that music does travel when there is a neighbor having a party or just having the radio on.

Robert Storms, 10515 N 800 E, Brownsburg, Mr. Storms stated he has 80 acres to the north of Austin Winds subdivision that is a wildlife habitat. Mr. Storms stated he doesn't want the business because he fears that it will lead to rezoning.

Jeff Bruns, 10352 Breezeway Circle, Brownsburg, IN, Mr. Bruns stated that if there is a liquor license that means a bar or dance hall can go in. He stated that he does not want this in his area.

Mr. Hession asked if anyone else wanted to speak.

John Groth, 10270 Breezway Circle, Brownsburg, Mr. Groth stated he is concerned with the fact that if there is a problem and police are called, it's the amount of time it takes because it's the Hendrick's County police from Danville and not Brownsburg. He stated it's a 15 or 20 mile drive for them.

Mr. Hession closed the public hearing portion.

Mr. Swenke stated he understood where the neighborhood was coming from. He stated that he would keep 12 acres for farmland and doesn't want to be a commercial venue. Mr. Swenke stated he wants to keep it a rural setting that hosts weddings. He stated that the lighting would go on for parking and then turn them off. Mr. Swenke stated that he would hope that people aren't walking on the road at 11 P.M. He stated that he would pick up any trash around property and road. Mr. Swenke stated that from their proposed exit, it is only ½ of a mile to E CR 1000 N. He stated that the traffic issue should not be a concern because of having only approximately 60 events in a year. Mr. Swenke said that the noise level won't be loud because of having people sitting in the barn. He stated they would not be changing the contour of the land and that it would have a septic system and well. Mr. Swenke stated he is raising property value for the area. He stated he can't speak for commercial expansion for other properties, but his 20 acres will be farm area. Mr. Swenke stated the alcohol will be controlled by licensed Indiana alcohol carriers and that he and his wife will not have the license.

Mrs. Swenke stated they just want to be good neighbors as they first told Nick Hufford coming in to get heard by the Board of Zoning Appeals.

Mr. Hession asked if the board had any questions.

There were none.

Mr. Hession asked the staff if they had any more comments.

Mr. Dombrosky stated not unless the board has questions for us.

Mr. Hession stated that he agrees that this idea is inconsistent with the area. He stated it is a real stretch to put this kind of venue in this area. Mr. Hession stated that he believes there are better areas in the county for something like this.

Mr. Hession made a motion to deny SE 06-17.

Mr. O'Riley seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	DENIED
SE 06-17: Jeff Swenke				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 06-17

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 **an Assembly/Banquet Hall 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 an Assembly/Banquet Hall 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 not 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 suburban/ residential development, and a commercial use would not be considered compatible in this setting.

- C. Will be designed, constructed, operated, and maintained 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 not be designed, constructed, operated, and maintained 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 itself and the necessary infrastructure to operate the use would change the essential character of the area from a rural/suburban residential mix to one that contains commercial uses as well.

- 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 will require a commercial grade water source, parking, and waste management, which will be ensured through the next phases, and through conditions of this approval.

- 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 because 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. The activities will be conducted indoors or directed away from neighboring properties. The use will produce traffic that would be considered to be a considerable increase from what is existing.

- 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 moderate effect on local traffic volume and a negligible effect on patterns.

- H. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

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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:

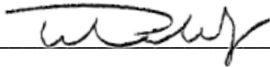
For all the foregoing reasons, the Board DENIED this request for a Special Exception, subject to the conditions set forth, the 16th day of October, 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA

Being no further business, the meeting was adjourned at 9:05 P.M.



Anthony Hession
Chairman



Tim Dombrosky
Secretary