

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, in the Meeting Room 4 and 5; Monday, December 18, 2017. The meeting began at 7:30 p.m. Members present included, Anthony Hession, Rod Lasley, Walt O'Riley and Sam Himself. Also present were Graham Youngs, county attorney, Tim Dombrosky, Planning Director, Nicholas Hufford, Planner, David Gaston, County Surveyor, Kim Cearnal, Recording Secretary and Leslie Dardeen, Recording Secretary.

Everyone stood and recited the Pledge of Allegiance.

Mr. Hession asked for a motion for approval of the minutes from the November 20, 2017 meeting.

Mr. Lasley made a motion to approve the November 20th, 2017 meeting minutes.

Mr. Himself seconded the motion.

VOTE: For- 4 Against- 0 Abstained-0 APPROVED
NOVEMBER 20, 2017 MEETING MINUTES

Mr. Dombrosky read the changes to the Findings of Fact procedure. Staff will now present the board with two FoF drafts, one positive and one negative for the board to either adopt one or amend one if necessary.

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. Hession stated that Beazer Homes withdrew their request.

SE 08-17: Dustin Hostetler for a Special Exception to allow an assembly/banquet hall on a 105-acre parcel in a AGR zoned district in Franklin Township; Section 30, Township 14, Range 1W; Key No. 05-2-30-41W 400-005; Located on the northwest corner of CR 200 W and W CR 1000 S.

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

Mr. Hufford showed where the property is located on the power point presentation. He stated the parcel is zoned AGR. He stated that it is a 105-acre parcel located roughly half way between CR 200 W and CR 1000 S. The proposed building would be on northern part of property, closer to Mud Creek than the road. Mr. Hufford stated that it would be a round barn structure able to hold approx. 500 people with silos for office and prep space. Renderings of the proposed project were shown. He pointed out that there is a dwelling within the area. Mr. Hession asked if it was owned by the petitioner. Mr. Hufford stated Beacon indicated that it has a different owner. Food and drinks would be provided by off-site vendors. Proposed hours would be daily between 10am and 12am (midnight). There would be no exterior music systems. Staff is recommending additional conditions be met for approval to be granted. The special exception would only apply to the proposed building and building site and would not apply to the remainder of the 105-acre parcel. Petitioner would agree to stand by the round barn design. He would also provide a type 3 buffer, a denser vegetation buffer than the type 2 that is required. Mr. Hufford stated that based on all these factors the staff does recommend approval.

Mr. Hession asked for elaboration on “type 3 buffer”.

Mr. Dombrosky responded that the type 3 buffer requires a denser/wider vegetation buffer between the venue/building and surrounding properties.

Mr. Hession opened the floor to the petitioner.

Mr. Dustin Hostetler, 2357 E CR 400 S, Clayton, IN 46118, presented his case showing the future layout and building renderings. He provided a site map that showed the proposed building to scale and in the exact location. Map included plans for the drive and parking area. Mr. Hostetler highlighted the area where he has a small apple tree nursery that will be part of the buffer. He has chosen the round barn design for its uniqueness and historical value and gave a brief description of the building materials he would be using. Mr. Hostetler spoke of the maximum capacity allowed (between 350-500) and how he estimates that would affect the traffic pattern. He understands his neighbors’ concerns with traffic as well as flooding and drainage issues. He will use engineers to address these issues and try to improve the drainage; he’ll adhere to their recommendations. If the special exception is granted, Mr. Hostetler will apply for a commercial septic permit. Approval could take 4-5 months; therefore, the project would not be starting for several months. He wrapped up his presentation and asked for questions from the board.

Mr. Hession asked for clarification on maximum occupancy, who determines the number.

Mr. Hostetler said that the maximum occupancy was determined by the architect, based on square footage per person requirements. And it will have a sprinkler system adherent to fire codes.

Mr. Hession then asked about the distance between the proposed structure and CR 200. Mr. Hostetler said that the structure would be approximately 800 feet from the road, approximately 600-700 ft. from the creek. He showed where the parking lot would be located and indicated that he would like to use white rock/gravel for both lot and drive. He also reiterated that there would be a 70-75 ft. buffer between the barn and road, with future plans of developing it into a small apple orchard. He has no intention of being an “agri-tourism business”, he plans to continue farming undeveloped land. His proposed plans will only use approximately 10 acres of the 105-acre plot.

Mr. O’Riley and Mr. Hession both asked about the flood zone and how much land it included.

Mr. Hostetler referred to the Beacon map which shows that the designated flood zone extends 200 feet on either side of the creek. He mentioned that water is known to cross over the road, but there have been attempts at fixing the issue by diverting water to a ditch.

Mr. Hession asked for further questions from the board.

There were none.

Mr. Hostetler presented artist/architect renderings of the completed barn.

Mr. Hession opened floor for the public hearing. He reiterated the rules and procedures.

Chuck and Heidi Moss: 9984 S CR 100 W, Clayton, IN 46118

Heidi: Traffic concern and proximity to house. Moved from Indy to get away from traffic. Opposed to proposed building. Mentioned traffic at Anderson Apple Orchard and farm traffic during harvest time.

Chuck: Said that they did not receive notification of prospective venue. Traffic a main concern. Potential for increase in impaired drivers also a main concern. Also mentioned that there are already several similar venues around the county, not sure that there is a need for another one.

Jamie Howard: 7251 S CR 200 W, Clayton, IN 46118

Opposes proposed venue. States that she is from the Danville area and works at Sycamore Services. Has three children who spend a considerable amount of time outside. She is concerned with the increase in traffic as a safety issue. Very concerned with the possible increase of impaired drivers. Afraid that there will not be adequate enforcement to gage a person’s level of sobriety and ability to drive.

Shirley A. Hubbard: 10114 S CR 100 W, Clayton, IN 46118

Opposes proposed venue. Has lived in area for the last 60 years. Concerned with the increase of traffic.

Rita and John Shearer: 527 W CR 1000 S, Clayton, IN 46118

Rita: Opposes proposed venue. Concerned with increase and speed of traffic. Feels road is inadequate to accommodate a heavier traffic load.

John: Opposes proposed venue. Concerned with increased traffic sharing road with farm equipment and pedestrian traffic. Road is very narrow, sometimes it is necessary to pull into the grass/gravel to allow large farming equipment to pass.

Bruce Hubbard: 10114 S CR 100 W, Clayton, IN 46118

Opposes proposed venue. Life-long resident of area. Concerned with flooding issue of area and how proposed venue may affect it. Worried about trash and sewage removal.

Mike Hubbard: 1925 W CR 900 S, Clayton, IN 46118

Opposes proposed venue. Contests the 200-ft. flood zone. Spoke of massive flooding that overtook road. Concerned with how sewage would be affected by flooding. Brought up the road condition, narrow and unable to sustain more traffic.

David Mink: 7379 S CR 200 W, Clayton, IN 46118

Concerned with the safety of kids in area; many people ride bikes and walk along the roads in the area. Spoke of narrow roads, narrow bridges, flooding. Presented pictures that showed the severity of flooding.

Mr. Hession asked for clarification on flood area, Mr. Mink had pictures to show the flooding in the area he spoke of.

Mr. Dombrosky asked for copies of the pictures to be emailed to him.

Robert Buesch: 7275 S CR 200 W, Clayton, IN 46118

Farms neighboring property; stated entire area is in a 100-yr. flood plane. Concerned with the additional issues proposed venue will cause with flooding in the area; flooding can happen within a matter of minutes. Also concerned with the effect on property taxes and the tile right-of-way on property in question that runs to Mud Creek.

Kent Sullivan: 424 W CR 900 S, Clayton, IN 46118

Has witnessed flood water a foot deep. Is worried that the construction will make the flooding worse. Also has concerns with traffic, speeding and impaired drivers.

Jason Stucky: 682 W CR 900 S, Clayton, IN 46118

Has 2 young boys that he takes to the Hazelwood playground, which is along the route to the proposed barn. Concerned with safety of the children in the area with increased potential of speeding and impaired drivers. Road signs are sometimes knocked down by farm equipment, making speed limits, etc. unknown to drivers not familiar with area.

Joyce Hammond: 2258 W CR 1000 S, Clayton, IN 46118

Mr. Hession confirmed that the letter she sent is in the record. Spoke of flooding that happens year-round. Been a life-long resident, and the flooding has not improved. She had 4 feet of water in basement in the winter of 2013 due to flooding of the area. Roads are not constructed for municipal traffic, no street lights, no ditches. Several houses have been broken into recently, afraid that this venue would bring more theft.

Sherry Parks: 2133 W CR 1000 S, Clayton, IN 46118

Two major concerns: worsening flood conditions and safety of residents. Flooding comes from all four sides of her property. Left several pictures showing the flooding around her house, car, neighboring field.

Gary Alex: 2260 W CR 900 S, Clayton, IN 46118

Flooding is a huge issue. Has had representatives from Ag office come to his property and see if anything could be done to cut down on the flooding and subsequent crop loss. Recommendation after review was to make that area a wetland. Also concerned with safety issue, people driving the roads who are unfamiliar with the "protocol" with the farmers and their equipment.

Dawn West: 2677 W CR 900 S, Clayton, IN 46118

Member of Hendricks County Fair Board. Concerned about sustainability of business due to weather and flooding conditions. Farm equipment, children's safety and alcohol consumption at the venue are big issues to consider. House sits very close to road and is concerned with the increase of traffic.

Mark Cooper: 501 W CR 1000 S, Clayton, IN 46118

Submitted pictures of the flooding in area. Farms property across the road. Flood waters have crossed the road and he has had to dig out ditches to try and contain the water. Area is dangerous to drivers even when there is no water; there was a wreck in the area recently, so flooding only makes the issue worse. Many of the roads get closed due to flooding. Roads and bridges are not adequate for traffic that this venue would bring in.

Sharon Collins: 8133 S CR 100 W, Clayton, IN 46118

Main concern is traffic. She is worried that this will bring the potential for an increase in traffic violations and crime.

David Shaw: 7999 S CR 200 W, Clayton, IN 46118

Highlighted what he considers the three main issues: Increase in waste water and trash, inadequacy of roads to handle heavy traffic and a potential rise in alcohol related incidences.

Mr. Hession closed the public hearing and asked if Mr. Hostetler had any closing remarks.

Mr. Hostetler first addressed the flooding concerns. He is working with an engineering group to try and come up with a viable solution to the draining/flooding issues. He has been working with architects, engineers, consultants on every aspect of this project. If the “professionals” tell him that nothing can be done to help with the drainage and flooding, then he will not be building in the area. He is also not a fan of increased traffic; however, the flow of traffic will not be as constant nor as heavy as feared. He is only asking for a special exception; property will not be re-zoned or re-classified, but will remain zoned agriculture. He will be present and involved with all functions at the venue, as will a full staff to supervise events and for clean-up. He is relying on state septic design and engineers for waste removal. Wants to get special exception approval first so that lumber and materials can be purchased at the guaranteed priced (there will be a 20% price increase within 90 days). However, he does not expect to build for approximately another year. He has completed market analysis that verifies the sustainability of the business. It will be a 365 day a year business. Very accomplished construction company will be building the barn. His hope is that the flooding can be controlled and that it will improve conditions for the rest of the area’s residents.

Mr. Hession asked the board for questions.

Mr. Himsel asked if the area was actually “officially” in a flood plane.

David Gaston (surveyor): Beacon determines area to be a 100-yr flood plane area. Water shed area is massive. The entire water shed area drains into one ditch. He and his department have worked with Morgan County surveyor to try to come up with a solution to the flooding. Since there’s been very little development in the area, FEMA has not been asked to do cross section evaluations/water shed study or update maps. It’s against set regulations to build in a flood plane; if the proposed building site is found by the engineer to be a flood plane, it cannot be used for building.

Mr. Hession asked what, if anything, can be built in a flood plane.

Mr. Gaston said that nothing can be built; not a barn, house, garage, etc.

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Mr. Himself made a comment that some correction needs to be made if, in fact, this area is a flood plane. But the board is in a tough situation to approve or deny without knowing whether the area is even buildable.

Mr. Gaston responded that if the special exception is approved then a study would have to be done to determine flood plane status.

Mr. Hession asked if this would be done for just the parcel in question or for the whole area.

Mr. Gaston explained that it would be done for the parcel, but would take the whole water shed area into account.

Mr. Dombrosky reminded everyone that the job of the BZA is only to decide whether the proposed use of the property is appropriate. And that a Special Exception is only the first step in a very lengthy and costly process.

Mr. Himself questioned whether it's appropriate to vote in favor of a project that has such large issues with drainage.

Mr. Hession asked for any last comments. He made a comment pertaining to an earlier proposed venue of the same nature that was denied. He mentioned that for a lot of the same reasons, traffic being a very large concern, he is not in favor of allowing this venue to be built. He made a motion to deny the special exception 8-17.

Mr. O'Riley seconded the motion.

Motion carries 3-1 for denial.

VOTE:	For-1	Against- 3	Abstained-0	DENIED
SE 08-17: Dustin Hostetler				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Denial

SE 08-17

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 to remain agricultural for the foreseeable future. Agritourism is a recommended use in Agricultural areas, but this facility does not represent that kind of use. This facility is only meant to take advantage of the rural/agricultural aesthetic and not any inherent value of the parcel being farmland.

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 change the essential character of the same area. The location of this proposal is entirely agricultural, and this commercial, large facility will not fit in the location due to mass and the parking required for the facility.

- 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 other reviews and approvals, as well as, 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 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 traffic and parking generated by this use will be detrimental to the neighboring properties.

- 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. Later reviews and proposals will ensure proper vehicular approaches.

- 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:

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

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 37-17: Sean Buckler for a Variance from Development Standards 4.7(D) to reduce front setback to twenty (20) feet on a 1.1-acre parcel in Washington Township; 8490 E CR 200 N; Section 25, Township 16, Range 1E; Key No. 12-1-25-61E 300-005; located on the north side of E CR 200 N approximately .45 of a mile east of N CR 800 E.

Mr. Hufford showed where the property is located on the power point presentation. He showed where the driveway exits onto 200 S. Explained that Mr. Buckler is proposing to build a new detached garage to store lawn equipment which would reduce the front setback to 20 feet. The property is zoned AGR.

Mr. O'Riley asked what the typical setback is.

Mr. Dombrosky stated that in this case the setback is 50 feet.

Mr. Hufford continued that the proposed garage would allow Mr. Buckler to use his property more efficiently and safely.

Staff recommends approval.

Mr. Buckler explained to the board that the Town of Avon is widening the road, which cuts into his property. Because of this, he can no longer use a portion of his property to store equipment. He would like to build a garage and an additional driveway to accommodate this.

Mr. Hession asked the depth of the lot.

Mr. O'Riley asked if Mr. Buckler's property was on well and septic or city.

Mr. Buckler pointed out the boundaries of his property on power point and said that he was on well and septic.

Mr. Lasley asked for clarification of request, that the proposed building could be in front of the house and that the request is that the setback be changed to allow the garage to be closer to the right-of-way.

Mr. Hession asked if there were any renderings of the garage.

Mr. Buckler explained that it would be pole barn construction, same as his neighbors.

Mr. Himsel asked that if the City of Avon was expanding the road, why does the County BZA decide on the variance.

Mr. Dombrosky explained the property was already developed before the town took over. The town did not take that property over due to tax break issues.

Mr. Hession asked for further questions from the Board.

There were none.

Mr. Hession opened the public hearing.

No one came forward.

Mr. Hession closed public hearing.

Mr. Hession asked for a motion on VAR 37-17.

Mr. Himsel motioned to approve Variance 37-17 subject to Findings of Facts.

Mr. Lasley seconded the motion.

Mr. Hession noted that the motion does carry unanimously in favor.

VOTE: For-4 Against- 0 Abstained-0 APPROVED
VAR 37-17: Sean Buckler

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 37-17

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 **20' 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 detached accessory building will promote the continued use of this property.

- (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. By being able to place personal items indoors, the building will improve the aesthetics for the neighboring properties.

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

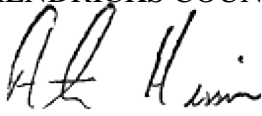
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The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The practical difficulty is the home existed in this location prior to the adoption of the Thoroughfare Plan.

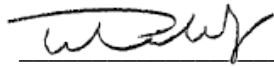
The Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

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 18th day of December 2017.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

VAR 39-17: Ryan Homes for a Variance from development standards to allow a side setback of eight (8) feet on a .21-acre PUD zoned parcel in Brown township; 10314 Legacy Dr., Brownsburg, IN. 46112; Section 5, Township 16 Range 2E; Key No. 01-3-05-62E 128-014; Located approximately on the northeast corner of Legacy Drive and Long Branch Drive.

Mr. Hufford pointed out location of property on power point. He explained that this request is for a variance from standards set by the developer and only enforced by the county. This variance would allow the prospective home owner to have a 3-car garage, as is a building option offered by the developer.

Staff recommends approval.

Mr. Hession opened the floor to the developer representative.

Cindy Thrasher: 3637 Shelby St. Indianapolis, IN 46227

Representative of Ryan Homes, handles all permits in all the counties. Asking for approval to change development standards.

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 for a motion on VAR 39-17.

Mr. Lasley made a motion to approve VAR 39-17 with positive Findings of Facts.

Mr. O'Riley seconded the motion.

VOTE:	For-4	Against- 0	Abstained-1	APPROVED
VAR 39-17: Ryan Homes				

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 39-17

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 **8' principle side setback** in a PUD/Planned Unit Development 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 reduced side setback still conforms to planning principals.

- (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 reduced side setback will not impede on the use of the neighboring property as it still allows ample space between principle structures.

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

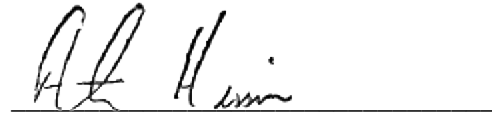
The Board finds that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. The additional 2 feet will allow the interested owner the space required to build their desired home. The lot is a corner lot and the additional setback restrictions based on two frontages restricts this lot more than others in the subdivision.

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

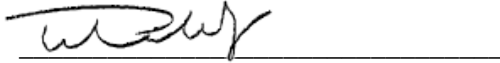
2. The building must be placed in accordance with all other federal, state, and local codes
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 18th day of December 2017.

AREA BOARD OF ZONING APPEALS

HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairman



Tim Dombrosky
Secretary

Mr. Hession stated the next order of business was the Election of Officers for 2018.

Mr. O'Riley made a motion to appoint Mr. Hession as Chairman for 2018.

Mr. Himsel seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
ELECTION OF OFFICERS 2018 CHAIRMAN

Mr. Hession asked for a motion for Vice-Chairman.

Mr. O'Riley made a motion to appoint Mr. Lasley as Vice Chairman.

Mr. Himsel seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
ELECTION OF OFFICERS 2018 VICE-CHAIRMAN

Mr. Hession asked for a motion on the 2018 Board of Zoning Appeals meeting schedule.

Mr. Lasley made a motion to approve the 2018 Board of Zoning Appeals meeting schedule.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
2018 BOARD OF ZONING MEETING SCHEDULE

December 18, 2017

Mr. Hufford showed a graph of all the Special Exemptions by type from 2013 thru 2017. Most (over ½) concern side-setbacks.

Mr. Dombrosky stated that moving forward he'll be researching set-back requirements to see if any policy changes are warranted.

Being no further business, meeting was adjourned at 9:42 PM.

December 18, 2017