

July 16, 2018

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, July 16, 2018. The meeting began at 7:30 p.m. Members present included Anthony Hession, Rod Lasley, Sonnie Johnston, Walt O'Riley and Sam Himsel. Also present were Tim Dombrosky, Planning Director, Gregory Steueward, County Attorney, Nathan Schall, Planner, and Leslie Dardeen, 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 to approve the minutes from the June 18, 2018 meeting.

Mr. Lasley made a motion to approve the June 18, 2018 meeting minutes.

Mrs. Johnston seconded the motion.

VOTE: For- 5 Against- 0 Abstained- APPROVED
June 18, 2018 MEETING MINUTES

Mr. Hession asked Mr. Steueward to present the cases.

VAR 08-18: Joshua Batts to allow 100% opaque fencing, four feet in height within sight triangle at the front of a .57-acre Light Industrial zoned residential lot in Middle Township; Section 35, Township 17, Range 1W; Key No. 10-2-35-71W 200-005; located midway between E US Hwy 136 and I 74 on N 150 E; 7623 N CR 150E, Pittsboro, IN 46167.

Mr. Dombrosky showed where the property is located on power point. He detailed the zoning of the property as LI due to proximity of light industrial use. He highlighted site photos, showing the petitioner's 2 private drives in relation to the neighbor's drive. Mr. Dombrosky then pointed out the specific area between the 2 private drives, measured out with a red "X", and explained that the red lines constitute the vision clearance triangle. He further explained that this area needs to be clear of obstructions to maintain clear vision of the roadway and driveway. The fence is already installed, but it falls within the vision clearance triangle and is 100% opaque. Mr. Dombrosky stated that the staff recommends a conditional approval providing the fence either be moved back or that 50% of slats be removed to reduce opacity; either option would be sufficient in providing the necessary vision clearance, and the staff believes it would create safe unobstructed views from the neighboring property.

Mr. Hession asked Mr. Dombrosky to point out where the fence is in relation to the front property line.

Mr. Dombrosky answered that the fence is 15 feet from the center line of the road and on the property line.

Mr. Lasley asked if the property line is the right-of-way line.

Mr. Dombrosky answered yes, that the property line runs to the center of the road.

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Mr. Himsel asked if the fence is positioned 15 feet back from the center of road.

Mr. Dombrosky answered that he believes that is correct.

Mr. O'Riley asked if there is a setback.

Mr. Dombrosky answered that the only setback is within the vision triangle, otherwise the fence can be right on the property line.

Mr. Hession invited the petitioner to address the board.

Joshua Batts, 7623 N CR 150 E, Pittsboro, IN 46167, explained that he built the fence without being aware that the vision triangle is determined by his property's 2 driveways and not measured from the neighbor's driveway. He believed that since the fence is only 4 feet tall it wouldn't be obstructive to the view of traffic.

Due to no one signing up to speak, Mr. Hession opened and closed the public portion of the hearing.

Mr. Hession asked for questions or comments from the board.

Mr. Lasley asked for clarification of sight-triangle boundaries, whether they are determined from the neighbor's driveway or from petitioner's driveways.

Mr. Dombrosky explained that the sight-triangle is measured from the petitioner's driveways.

Mr. Hession commented that his concern is with hindered sight lines for the road traffic more so than petitioners or others using the driveways.

Mr. Dombrosky concurred that if a small child or animal ran out from the yard, they would be approximately 3 feet from the road before oncoming traffic could see them due to placement and opacity of fence.

Mr. Himsel asked if there would be an issue had trees been planted instead of a fence.

Mr. Dombrosky answered that yes, the sight-triangle is in effect for any objects 2 to 8 feet in height planted or erected in the front yard.

Mr. Hession asked petitioner if he built the fence himself and how he felt about the fence being reduced to 50% opaque.

Mr. Batts answered that he did build the fence to provide protection from the road for his small children and pets.

Mr. Lasley asked that should 50% of slats be removed, could a chain link fence be added to fill in the gaps.

Mr. Dombrosky answered yes, adding a chain link fence would not affect the required 50% opacity.

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Amy Batts, 7623 N CR 150 E, Pittsboro, IN 46167, was asked to step to the podium. She questioned whether “shadow boxing” the slats would qualify as 50% opacity.

Mr. Dombrosky answered that alternating slats in a “shadow boxing” formation is still considered 100% opacity and therefore would not be an approved solution.

Mr. Hession asked if the board had further questions.

Mr. Himsel questioned the size of the front yard.

Mr. Dombrosky pointed out measurements on the map/site plan.

Mrs. Batts added that the fence has been invaluable to the family, allowing the use of the front yard and providing safety for their child and pet. The fence is completely between petitioner’s driveways and does not abut any of the neighbor’s property.

Mr. O’Riley asked how far the fence is to the edge of the road.

Mr. Batts answered that the fence is 5 feet from road.

Mr. Himsel commented that having angles on the corners may solve sight issue.

Mrs. Batts responded that both corners are already angled between 2 and 3 feet, which they assumed was adequate.

Mr. Himsel clarified that angling the corners back to approximately 8 feet would be preferable.

Mr. O’Riley commented that he thinks the fence is too close to road, impairs vision and is too big of a safety concern.

Mr. Himsel asked Mr. O’Riley if he believed the best solution would be to move the fence back.

Mr. O’Riley answered that in his opinion moving the fence back would be the best choice and offer the greatest safety impact.

Mr. Hession asked if there was a motion from the board.

Mr. Lasley made a motion to approve VAR 08-18 with conditions/staff recommendation that the fence be modified to 50% opacity.

Mrs. Johnston seconded the motion.

Motion carried 4-1 for approval with conditions/staff recommendation of fence being modified to 50% opacity.

VOTE: For- 4 Against- 1 Abstained-0 APPROVED
VAR 08-18: JOSHUA BATTS

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 08-18

July 16, 2018

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by installing a fence that is 4' tall and 100% opaque between the road and the front of the owner's home.

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 Board, 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 the proposal could meet this standard if a compromise is made. Currently, the fence violates the 50% opacity restriction and the sight triangle at an entrance drive. The potential for a vision impediment is substantially reduced if the fence is either 50% opaque or located further from the edge of the pavement rather than the right of way.

- (2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;**

The Board finds that the proposal will meet this standard if the mentioned compromises are met. Currently, the visibility standards are not in compliance to the Hendricks County Zoning Ordinance but potentially could be met if one of the compromises is met.

- (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 proposal will meet this standard. The Batts' safety from the road and privacy from neighbors would be compromised.

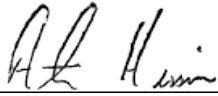
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

For all the foregoing reasons, the Board APPROVED this request WITH THE FOLLOWING CONDITIONS:

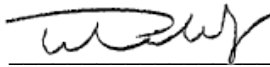
1. Remove half of the boards for 50% opacity
OR
2. The fence must be moved back x feet from the edge of the road.

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AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 10-18: Venture Church of Lizton to allow a place of worship in an agricultural residential zoned 20-acre parcel in Union Township; Section 30, Township 17, Range 1W; Key No. 11-1-30-71W 200-002; located near the intersection of W US Hwy 136 and N 200 W; 2132 W US Hwy 136, Lizton, IN 46149.

Mr. Dombrosky showed property on PowerPoint and detailed the zoning of it and the areas surrounding it. He pointed out its position next to the railroad and US Hwy 136. He noted that while the property of the proposed site is zoned as AGR, the surrounding properties are zoned as AGR, LI, RB and HB, giving potential for commercial expansion. Comprehensive plan is important to this case, as it shows AGR covering most of Lizton and rural residential surrounding Lizton. He then pointed out the drainage patterns on the property that could potentially indicate an issue. Mr. Dombrosky showed the proposed site plan and renderings of the structure (positioned north/south), drainage pond, drive, parking lot and septic field. He concluded that the staff findings are that the 8 points needed for a special exception are not met and, therefore, the request should be denied in order to maintain the comprehensive plan's recommendation for AGR zoning.

Mr. Harrold Gibson, 321 N. State St., Plainfield, IN 46168, representative for the church, addressed the board. He introduced himself and several members of the church and building committee also representing the church. He proceeded with a power point presentation, detailing the proposed building site and its proximity to the town of Lizton. Mr. Gibson spoke of the existing facility and its inadequacy to handle the current membership and all the programs and community events that the church offers. He noted that the new location (and facility) would keep the church in close proximity to the town, thus keeping it a community hub. Mr. Gibson touched on the zoning of the property and its proximity to the light industrial zone that is directly across the highway. He believes that the allowance of a church would be far less disruptive to the agriculturally zoned area than the businesses that are allowed in the light industrial zoned property across the street. He also noted that the land along US 136 is on the comprehensive map as "high intensity land use"; US 136 is a minor arterial road intended for moderate to heavy traffic. He also compared the amount of land dedicated to each of the neighboring zones to the amount of land the church will be occupying, 300 acres of light industrial and 500 acres of residential and just 20 acres for the church. He addressed the drainage patterns saying that they

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have been working on a plan that would benefit the site and surrounding properties. They worked with the county surveyor before beginning the site plan and have plans to put in new drainage tile that would send the watershed to the existing drainage ditch. The building site was chosen because there are no water issues on that part of the property. It allows for a 2-story building with a walkout basement and allows the south end of property to be used recreationally. Mr. Gibson showed a rendering of the proposed church building. It will be 20,000 square feet, divided with 18,000 sq. ft. on the bottom floor and 2,000 sq. ft. on the top floor. It will include a large 4,200 sq. ft. auditorium, plus classrooms, kitchen area, coffee bar and offices. The exterior is still in the planning phase but will have a design that is complementary to the rural setting. The church board has been working with the health department to best decide on location and size of septic field. They've worked with INDOT on driveway placement and have preliminary approval of drive coming off of US136. The 150-stall parking lot will be shielded by appropriate and required buffering.

Pastor Rob Dugan, 518 N. State St., Lizton, IN 46149, addressed the board. He gave a brief history of the church and showed pictures of the current facility. The membership is outgrowing the building causing parking issues and necessitating additional service times. The average membership is currently at 270. Pastor Dugan reiterated that the hope is for the church to become the "community church" and be a large part of Lizton and surrounding communities. Looking to the future, Pastor Dugan would like to see the undeveloped part of the site be green space/park area for the church as well as the rest of the community.

Ann Wathen, 1194 W CR 950 N, Lizton, IN 46149, addressed the board. She's been a Lizton resident since 1992 and is currently the Union Township Trustee. She highlighted how important the church is for the community, residents and its members by providing activities, classes, financial aid when needed, job resources and other positive reinforcements. The church also has a large youth program which has been instrumental in fighting the drug crisis. The youth program offers activities and a safe hang-out for teens that a small, rural community like Lizton lacks.

Eric Wathen, 1194 W CR 950 N, Lizton, IN 46149, addressed the board. He's been part of the Church's search committee as a church member and civil engineer. He feels that this is the best available spot for a new church since it meets the primary requirements: in the Lizton area, on a main road and has at least 10 acres.

Mr. Hession opened the public portion of the meeting.

Mr. Paul Berg signed up to speak but declined as he had nothing new to add.

No one else had signed up to speak.

Mr. Hession then closed the public portion of the meeting and asked the petitioner to come back up to the podium to answer questions from the board.

Mr. Hession asked about the funding for the construction of the church, site improvements, parking, etc.

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Mr. Gibson responded that the church has already started their fund-raising campaign. He then deferred to Mr. John Stafford whom is part of the 5-person advisory board that oversees the church's finances.

John Stafford, 1423 Laurel Oak Dr., Avon, IN 46123, addressed the board. Venture Church is operating in the black. Currently, the building fund, apart from the fund-raising, exceeds \$200,000. They are working with North Salem State Bank and have submitted the building, construction and site plan in order to obtain a construction loan. The land cost is \$150,000, which the church has the funds to buy outright from land owner and fellow church member Mr. Alexander. The cost of the building is \$2,900,000, including drainage improvement, parking lot, furnishings, etc. The first phase of the fund raising brought in \$397,000 over a 3-year period.

Mr. Hession asked if the parking lot and drive would be paved.

Mr. Stafford responded yes.

Mr. Hession asked if the board had any questions.

Mr. O'Riley asked what the target date to start building is.

Mr. Gibson answered next spring (2019) would be the goal. It is contingent on final approval of drainage board and completion and approval of final design.

Mr. Himsel commented that Lizton is growing and will continue to grow; a comprehensive plan review is needed to accommodate this growth. He also commented that he thinks the expansion of the church to a new and larger facility is a good thing for the community.

Mr. Hession asked if the church reached out to the surrounding property owners aside from notification letters.

Mr. Gibson answered that to his knowledge most of the property owners have been spoken with and there have been no objections.

Mr. Himsel pointed out that the probability of business expansion along US 136 would be more of a concern to the surrounding land owners than the addition of a church. He also commented on the drainage of the area and doesn't see an issue as the area with the most potential for issues is north of the railroad tracks.

Mr. Hession asked if the drainage tile would be 12 inches and if there would be a dedicated easement for it to run to the existing drain and ditch.

Mr. Gibson answered that yes, the drainage tile will be 12 inches. He also said that Mr. Alexander, the current property owner and owner of adjoining properties, has agreed to the easement. Also, the other adjoining property owner has also granted permission to an easement as long as drainage does not impede the drain. Both easements will be recorded and made official.

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Mr. O'Riley commented that he believes the location to be reasonable. It is close to the highway and light industrial zoned areas, making it an appropriate place to build the church.

Mr. Hession concluded that the church is a positive addition to the community. He concurred with Mrs. Wathen that the church offers help to combat the rising drug problem in the county.

Mr. Hession asked for a motion from the board.

Mr. Himsel made a motion to approve SE 10-18.

Mr. O'Riley seconded the motion.

Motion carried 5-0 for approval.

VOTE: For- 5 Against- 0 Abstained-0 APPROVED
SE 10-18: VENTURE CHURCH OF LIZTON

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 10-18

An application for the above noted special exception was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to permit **a place of worship** in an area zoned as AGR (Agricultural Residential). Acting in its role as staff to the County Board of Zoning Appeals (Board), 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 County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the 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 Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this 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.

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HCZO Section 12.7 authorizes the Hendricks County Board of Zoning Appeals to approve Special Exceptions.

HCZO Section 4.7 (C) authorizes the approval of Banquet/Assembly Hall 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 place of worship 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 meet this standard. The comprehensive plan recommends maintaining this area as rural residential, and a place of worship is an acceptable use in the area in accordance to the comprehensive plan. Section 1.1 strives to create the "inclusion of civic facilities... within all townships," and its proximity to Lizton would help achieve that goal.

C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The Board finds that the proposed use will meet this standard. The use will be out of character from the surrounding rural and agriculture landscape but will be in accordance with the restrictions based in the Hendricks County Zoning Ordinance.

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 meet this standard. The use will have to meet local and State regulations for water supply and sewage disposal. Emergency services are relatively close.

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 meet this standard. Increases in demand for street repair and emergency services will not exceed that of an arterial road.

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 meet this standard. Professional engineering has been conducted to plan the proposed church.

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;

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The Board finds that the proposal will meet this standard. Although the road will increase traffic, it will only substantially increase on days of worship, and minimal traffic will increase on off days for meetings and ministries. The proposed church is located on a minor arterial road and can accommodate more traffic.

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 meet this standard. Although the view from the neighboring dwellings will be compromised, most of the parcel will be preserved. Extensive engineering has already been considered and conducted to mitigate effects from extreme weather.

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

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

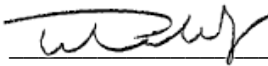
1. Approval shall be terminated and of no further effect in the event the proposed use is discontinued during the approval period. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the BZA or any successor agency.
2. All applicable federal, state, and local approvals are required.
3. Any significant expansion of the business shall require the appropriate County approval.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 16th day of July 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

VAR 09-18: Duane Lane to increase signage allowance from 140 square feet to 206 square feet on a non-street side of a commercial building on a 7.58-acre parcel in Marion Township; Section 5, Township 15, Range 2W; Key No. 09-1-05-52W 400-025; located west of the intersection of W US Hwy 36 and SR 75; 7410 W US 36, Danville, IN 46122.

--AND--

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VAR 10-18: Duane Lane to increase the aggregate square footage of signs from 300 square feet to 375 square feet on a commercial building on a 7.58-acre parcel in Marion Township; Section 5, Township 15, Range 2W; Key No. 09-1-05-52W 400-025; located west of the intersection of W US Hwy 36 and SR 75; 7410 W US 36, Danville, IN 46122.

Mr. Dombrosky explained that VAR 09-18 and VAR 10-18 would be discussed together, as they are both related to the same topic. He presented a power point showing the location of the property. He highlighted the neighboring zoning areas as neighborhood business, light industrial and agricultural. The close-up of the site shows the placement of the storage facility and the drive. Mr. Dombrosky explained that the first variance is for placement of a new sign on the building and that the second variance is for the size of said sign. The first variance is to allow sign placement on the non-road facing side of the building but placed to be visible from the road. The second variance is for the sign to be bigger than what's currently allowed. Mr. Dombrosky presented renderings of the building with the sign designs and noted that the bigger sign would be in proportion to the size of the building. Staff recommendation is for approval of both variances. He also noted that the requested sign placement and size will have a positive safety impact, being easier to see and read for passing motorists.

Duane Lane, 291 E. Main St, Danville, IN 46122, took the podium to address questions from the board.

Mr. Lasley asked if the buildings were already constructed.

Mr. Lane answered that construction on the first new building has just started. A second matching building will be started at the completion of the first.

Mr. Hession asked how many buildings are included in the variances.

Mr. Lane answered there will be the two matching buildings.

Mr. Lasley asked how many buildings in total will the storage facility have.

Mr. Lane answered there will be twelve total storage buildings

Due to no one signing up to speak, Mr. Hession opened and closed the public portion of the hearing. He asked for a motion from the board.

Mr. Himsel made a motion to approve VAR 09-18.

Mrs. Johnston seconded the motion.

Motion carried 5-0 for approval.

VOTE:	For- 5	Against- 0	Abstained-0	APPROVED
VAR 09-18: DUANE LANE				

Mr. Hession then asked for a motion on VAR 10-18.

Mr. Himsel made a motion to approve VAR 10-18.

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Mrs. Johnston seconded the motion.

VOTE: For- 5 Against- 1 Abstained-0 DENIED
VAR 10-18: DUANE LANE

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 09-18

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by installing two signs on opposing sides of the building that do not face the road.

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 Board, 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 the proposal will meet this standard. The larger signs will allow for better visibility, making the signs more conspicuous and safe for motorists on Highway 36.

- (2) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;**

The Board finds that the proposal will meet this standard. The signage is not located near other structures that would negatively affect the usage of surrounding parcels.

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

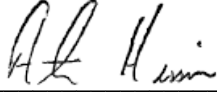
The Board finds that the proposal will meet this standard. If the signs were located on the front of the building, visibility is potentially reduced for motorists along US Highway 36.

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

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of July 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
VAR 10-18

An application for the above noted development standards variance was filed in the office of the Hendricks County Department of Planning and Building (DPB). The application sought to vary development standards by increasing the aggregate signage allowance from 300 square feet to 375 square feet.

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.

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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:

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(4) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The Board finds that the proposal will meet this standard. The aggregate signage would cover two signs on opposing sides of the building. The signs will be located on opposite sides of the building, making them impossible to see simultaneously.

(5) The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;

The Board finds that the proposal will meet this standard. Given the size of the buildings, the signs will be proportional to the faces of the structure.

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

The Board finds that the proposal will meet this standard. The signs will be located on an area with a wide setback from the road, which could potentially reduce visibility for motorists on a major arterial road. The increased size will allow for adequate visibility of the signs.


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

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

1. A sign permit must be applied for and received from the Hendricks County Planning and Building Department.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of July 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Hession asked if there was any further business.

Being no further business, the meeting was adjourned at 8:46 P.M.