

November 19, 2018

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, November 19, 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, Graham Youngs, County Attorney and Leslie Dardeen, Recording Secretary.

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

Everyone stood, and Mrs. Johnston lead the Pledge of Allegiance.

Mr. Hession asked for a motion to approve the minutes from the October 15, 2018 meeting.

Mr. Lasley made a motion to approve the October 15, 2018 meeting minutes.

Mrs. Johnston seconded the motion.

Mr. O'Riley abstained due to his absence last month.

VOTE: For- 4 Against- 0 Abstained- 1 APPROVED
October 15, 2018 MEETING MINUTES

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

VAR 14-18: Paul Ramsey Variance to allow secondary building (pole barn) prior to issuance of a permit for a principle use/structure on a 10-acre parcel in Middle Township; Section 14, Township 16, Range 1W; Key No. 10-3-14-61W 400-008 located north of intersection of N 200 E and E 375 N; 4140 N CR 200 E, Danville, IN 46122.

Mr. Dombrosky showed where the property is located on power point. Zoning all around the area is AGR. He pointed out past BZA cases in the area, noting how few and minor they have been. He went on to show the comprehensive plan of the area, showing the future zoning projection as remaining Agricultural. Mr. Dombrosky also explained that a house on the property had burned down several years ago and the remaining footprint of the garage is the intended site of the new accessory building. He went on to clarify that the new building would be used for tool and building material storage; therefore, it is classed as an accessory building and not an AG building. Finally, he explained that the petitioner has also asked that the approval be extended from the standard two-year period to four years, at which time the petitioner will have either applied for a permit to construct a single-family home or appeared before the Board to explain why they have not. The staff recommendation is to approve VAR 14-18 with the time extension as it adheres to the 3 standards needed for a variance.

Mr. Hession asked if the board had any questions for Mr. Dombrosky.

There were none.

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Mr. Hession then invited Mr. Ramsey to the podium.

Mr. Paul Ramsey, 5259 Hill Valley Dr., Pittsboro, IN 46167 addressed the board. He told the board that the land had been in his family for 46 years and was now his. He and his wife are wanting to build a home in the next four years to retire to. He'll be doing most of the work himself, clearing out the property and building the home, and will need more than the standard two-year allowance.

Mr. Hession asked if Mr. Ramsey had determined where the new house would be located on the lot.

Mr. Ramsey answered that he was intending to use the existing driveway and put the house toward the rear of the property.

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

They did not.

Mr. Hession opened and closed the public portion of the hearing as no one had signed up to speak.

Mr. Hession then asked for a motion from the board.

Mr. Himsel made a motion to approve VAR 14-18 subject to recommendations and conditions set by the staff with an extension to a four-year approval.

Mr. O'Riley seconded the motion.

Motion carried unanimously for approval.

VOTE: For- 5 Against- 0 Abstained-0 APPROVED
VAR 14-18: PAUL RAMSEY

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 14-18

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 allowing an accessory structure prior to a principle on a parcel.

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 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 use will be a permitted use in the Agricultural Residential zoning district and the standalone residential accessory structure will not be considered as pretext for any future requests for zone district changes.

- (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 approval will be in character with the surrounding rural residential neighborhood. It will also be time restricted and will conform with the ordinance before the surrounding undeveloped land is developed.

- (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 the standard. The previous use was as single-family, and the structure was destroyed by fire. Enforcing the zoning ordinance will unnecessarily restrict the property owner's ability to construct his own single-family home at a later date.

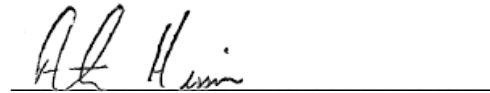
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

1. The structure shall be limited to storage of personal property.
2. The approval shall be valid for 4 years, at which time the applicant shall have applied for a permit to construct a single-family home or appear before the Board to explain why they have not.
3. All federal, state, and local regulations apply

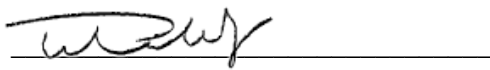
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For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of November 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 15-18: Whicker Plus, LLC Variance to allow sale of premanufactured small barns and sheds in sales/display area of former automobile dealership lot on a 10.48-acre parcel in Washington Township; Section 9, Township 15, Range 1E; Key No. 12-3-09-51E 100-065; located at the intersection of S CR 525 E and E US Hwy 36; 173 S CR 525 E, Avon, IN 46123.

Mr. Dombrosky showed the property on power point. He highlighted the property layout and the site plan. He noted that area to be used for the prefabricated barns and sheds is distant from the primary business (Electric Plus) but still highly visible from the highway. Mr. Dombrosky also noted that the zoning around the area includes HB (highway business), PB (planned business) and GB (general business). For these reasons, the staff concludes that the proposed business is a good and appropriate use of space. He also clarified that it's the placement of the business within the parking lot of an existing business, not the secondary business itself, that requires a variance; the parcel is zoned GB and the prefabricated barn/shed business is already a permitted use. Staff recommendation is for approval of VAR 15-18.

Mr. Hession invited Mr. Whicker to the podium to address the board.

Mr. Tim Whicker, 3953 W CR 200 S, Danville, IN 46122, said that Mr. Dombrosky had covered all the key points of the variance. Instead of repeating what had already been said, he asked the board if they had any questions for him.

Mr. Hession asked what the rate of customer traffic was on a daily basis for Electric Plus.

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Mr. Whicker answered that there was very little “customer” traffic as they deal mostly with contractors on site. The traffic that they normally have is comprised mainly of employees and box trucks.

Mr. Himsel asked if the barns/sheds would be built on site.

Mr. Whicker answered no.

Mr. O’Riley asked what the size range was for the buildings.

Mr. Whicker deferred to Eric Boreup, representative for the manufacturer.

Mr. Eric Boreup, 4105 SR 146, Anna, IL 62906, addressed the board. He explained that the buildings would be prebuilt at the manufacturer’s facility. The sizes range from 8’x12’ to 12’x32’.

Mr. Hession open the public portion of the meeting.

Mr. Luke Prichett, address unknown/Plainfield, addressed the board. He said he just wanted to add that the proposed business will be kept neat and look nice. He said that the buildings are very attractive and well-built.

Mr. Hession closed the public portion of the meeting as no one else had signed up to speak.

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

Mr. Dombrosky brought up the possible need for the board to discuss putting a limit on size, either number of buildings permitted or amount of spaced used.

Mr. Hession questioned whether there should be a maximum percentage of lot coverage allowed.

Mr. O’Riley asked if the staff had any recommendations on how to handle this.

Mr. Whicker interjected that he would be ok with establishing the tree line in the middle of the parking lot as the boundary.

Mr. Dombrosky concurred that would make sense since it’s a pre-existing division.

Mr. Hession asked for a motion from the board.

Mr. Lasley motioned to approve VAR 15-18 subject to recommendations and conditions set by the staff, including making the tree line the dividing line limiting all signage and buildings for the new business to the west of the boundary.

Mr. O’Riley seconded the motion.

Motion for approval of VAR 15-18 carried unanimously.

VOTE: For- 5 Against- 0 Abstained-0 APPROVED
VAR 15-18: WHICKER PLUS, LLC

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 15-18

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 allowing outdoor sales and display in excess of the 10% lot coverage limit, in the front yard, and not in close proximity to the structure.

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:

- (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. An additional dwelling on this 17-acre parcel will not have any injurious effect on the community. It will comply with the density maximum of the zoning district and will share one driveway.

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- (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. The outdoor display of retail goods is not out of character in the district. Former and existing uses in the immediate area were automobile sales lots which have a similar character. In addition, the lot was developed with appropriate development standards including landscaping, which protect adjacent property.

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

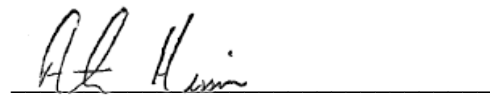
The Board finds that the proposal will meet the standard. The lot was developed for a specific use the necessitates a large paved lot, and there are limited options for reuse of the lot. The flexibility in development standards will allow a productive reuse while still protecting the community.

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

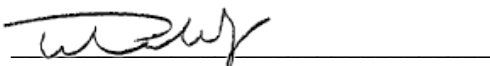
4. Any expansion beyond what is shown on the submitted site plan shall further review by the Board.
5. All signage and expansion is limited to the west side of tree row/median in center of parking lot.
6. All federal, state, and local regulations apply

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of November 2018.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
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Mr. Hession asked if there was any further business.

Being no further business, the meeting was adjourned at 7:55 P.M.