

December 17, 2018

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, December 17, 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, Suzanne Baker, Senior County Planner, Greg Steuerwald, County Attorney and Joanne Garcia, Recording Secretary.

Everyone stood, and Mr. Hession lead the Pledge of Allegiance.

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

Mr. Hession asked for a motion to approve the minutes from the November 19, 2018 meeting.

Mrs. Johnston made a motion to approve the November 19, 2018 meeting minutes.

Mr. Himsel seconded the motion.

**VOTE: For- 5                  Against- 0                  Abstained- 0                  APPROVED**  
**November 19, 2018 MEETING MINUTES**

Mr. Hession stated the next order of business was the Election of Officers for 2019.

Mrs. Johnston made a motion to re-appoint Mr. Hession as Chairman for 2019.

Mr. O'Riley seconded the motion.

**VOTE:                  For- 5                  Against- 0                  Abstained- 0                  APPROVED**  
**ELECTION OF OFFICERS 2019, ANTHONY HESSION--CHAIRMAN**

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

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

Mr. Hession seconded the motion.

**VOTE:                  For- 5                  Against- 0                  Abstained- 0                  APPROVED**  
**ELECTION OF OFFICERS 2019, ROD LASLEY--VICE-CHAIRMAN**

Mr. Hession asked for a motion on the 2019 Board of Zoning Appeals meeting schedule.

Mr. Lasley made a motion to approve the 2019 Board of Zoning Appeals meeting schedule.

Mrs. Johnston seconded the motion.

**VOTE: For- 5 Against- 0 Abstained- 0 APPROVED**  
**2019 BOARD OF ZONING MEETING SCHEDULE**

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

**SE 13-18: Todd & Tami Hitch** Special Exception to allow a wedding barn on a 20-acre parcel in Union Township; Section 31, Township 17, Range 1W; Key No. 11-1-31-71W 400-006 located near intersection of W 725 N and N 200 W; 7034 N CR 200 W, Lizton, IN 46149.

Mr. Dombrosky showed the property location on power point. Zoning all around the area is AGR. He pointed out past BZA cases in the area, including a couple of mobile homes. He also showed the comprehensive plan of the area with the future zoning projection remaining Agricultural, open-space conservation and rural residential. Mr. Dombrosky highlighted a closeup of the property and the location of the existing home and accessory buildings. He also noted the tree line and waterway that bisects the property. He clarified that the petitioner is wanting to build a "wedding barn" and showed the site plan, where the proposed facility would be placed, as well as the parking lot and outdoor seating. Mr. Dombrosky explained that there are 9 criteria that must be met in order to approve a special exception, and he is recommending approval of SE 13-18. He further explained that the petitioner will still have to go through a site plan review and approval process before the structure can be built.

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

Mr. Todd Hitch, 7034 N CR 200 W, Lizton, IN 46149, addressed the board. He presented a 2-minute slide show and introduced his son-in-law and sister who will be actively involved in the wedding barn venue. The structure will be located approximately 850 ft from County Road 725 North. Mr. Hitch highlighted where the barn would be built and the access point from CR 725 N. He pointed out where the proposed parking lot will be and showed the open area where most outside activity would be confined. He mentioned there's a plan to incorporate hiking trails through the treed portions of the property. The facility will be used for both indoor and outdoor weddings, as well as other meetings and events. The planned operational hours will be Friday through Sunday, 52 weeks a year. There will be outside lighting, security lights on building and in parking lot and string lighting in trees for decoration. At current time there are no plans to have permanent outdoor speakers; however, temporary/portable outdoor speakers will be used for outdoor ceremonies and at clients' requests. The building size will be between 4500 and 5000 square feet and will be a wooden structure with either a metal or shingled roof. The size should accommodate between 250-300 people. Mr. Hitch clarified that the access to the venue would be by an existing lane that runs through his sister's property.

Mr. Hession asked if there were any questions from the board.

Mr. O'Riley asked about a smaller parcel in the center of the site plan and if it belongs to Mr. Hitch.

Mr. Hitch responded that yes, he owns the questioned parcel. He explained that it is the portion that contains the house and yard and is part of the 20-acre parcel that he owns.

Mr. O'Riley commented that it didn't look like there are any close neighbors.

Mr. Hitch responded that the closest (non-relative) neighbor is 550 feet to the northwest of his property. Said neighbor is aware of the proposal and has spoken with Mr. Hitch about noise level and hours of operations.

Mr. Himsel asked if the property is located off of CR 200 W.

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Mr. Hitch answered that it is off of CR 725 N and CR 200 W. The property is on CR 200 W, but is accessed from CR 725 N.

Mrs. Johnston asked how it will be accessed.

Mr. Hitch responded that there is an existing 700 ft. lane that is used now. However, it will need to be graded and graveled and a new parking lot constructed for the proposed venue.

Mr. Hession asked if Mr. Hitch would re-address the structure, what it will be made of.

Mr. Hitch deferred to his son-in-law to answer.

Mr. Chris Sides, 6936 N CR 200 W, Lizton, IN., addressed the board. There are no official architectural plans at this stage. The preliminary plans are for a wooden structure, much like a "typical" barn/standard pole-barn with wood siding.

Mr. Hession asked if Mr. Sides knew the probable height of the barn.

Mr. Sides did not know and asked if there is a maximum height.

Mr. Dombrosky answered that there is a maximum height of 24 feet.

Mr. Hession asked if there were any more questions from the board.

There were none.

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

Mr. Hession then asked Mr. Hitch to come back to the podium for last questions/comments from board.

Mr. O'Riley asked Mr. Dombrosky if there would be any reason why the board may need to see a rendition of the planned building.

Mr. Dombrosky answered that it was not necessary. He added that there would be screening required for buffering around portions of the venue, and most of the building would remain unseen from the road.

Mrs. Johnston asked what material will be used for the lane leading back to the venue.

Mr. Hitch answered that the lane will be gravel.

Mr. Hession asked whether events held at the venue would be catered and by whom.

Mr. Hitch responded that the events would be catered. He plans on creating a recommendation list of caterers for clients to use.

Mr. Hession asked about the installation of restroom facilities.

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Mr. Hitch answered that they will be installing a septic system that will adequately handle the venue's capacity.

Mr. O'Riley asked if alcohol would be permitted.

Mr. Hitch answered that they intend to allow alcohol and understand that they'll need to be licensed appropriately.

Mr. Hession asked if there were any more questions from the board or additional comments from the staff.

There were none.

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

Mrs. Johnston made a motion to approve SE 13-18 with conditions set by staff.

Mr. Himsel seconded the motion.

Motion carried unanimously for approval.

**VOTE: For- 5                  Against- 0                  Abstained-0                  APPROVED**  
**SE 13-18: TODD & TAMI HITCH**

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

Findings of Fact/Law and Conditions of Approval

#### **SE 13-18**

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 banquet or assembly hall** 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.

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**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 Board of Zoning Appeals to approve Special Exceptions.**

**HCZO Section 4.7 (C) authorizes the approval of a banquet or 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 a banquet or assembly 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 meet this standard. The comprehensive plan recommends this remain as agriculture. The proposed use takes advantage of its rural location and is best suited for an undeveloped area.

**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 site plan will be reviewed by the Plan Commission and be required to meet screening requirements, protecting adjacent land uses.

**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 be commensurate with the change in assessment to a commercial use. There will be no negative economic impact on the County.

**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. The Agricultural Residential zoning district is intended to permit certain commercial and residential agricultural uses that have small

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amounts of noise. The banquet facility, once properly designed and screened, will not generate excessive nuisance.

**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 meet this standard. The increase in traffic on W CR 725 N will be at non-peak hour times, and although it will be a proportionally large increase, will still not be a significant volume of traffic as to interfere with surrounding thoroughfares.

**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. There will be no substantial loss in natural, scenic, or historic features with the operation of the business.

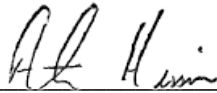
**IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.**

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

1. All applicable federal, state, and local approvals are required.
2. Any significant expansion of the structures shall require the appropriate County approval.

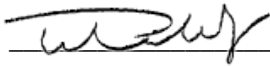
For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 17th day of December 2018.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



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Anthony Hession  
*Chairperson*



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Tim Dombrosky  
*Secretary to the Board*

**VAR 16-18: Bill & Gina Fisher** Variance to reduce rear setback from 20' to 5' to allow for a pool house/garage on a 1.12-acre lot in Washington Township; Section 33, Township 16, Range 1E; Key No. 12-1-33-61E 470-003 located west of N 600 E on E 100 N; 5818 E CR 100 N, Avon, IN 46123.

Mr. Dombrosky showed the location of the property on power point. He highlighted the property

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layout and the site plan. He also noted that the property is on a shared private drive and there are no notable BZA cases in the area aside from variances from development standards. The comprehensive plan concedes most of the area to the Town of Avon; there's conservation areas along waterway. Mr. Dombrosky noted that there is a variable easement that covers the private drive and the building (setback) line is 20 feet from the access easement. He also stated that it is unusual that the rear setback is even platted, only front setbacks are usually platted. Mr. Dombrosky concluded that as long as the easement (even though it is unused) is protected, he recommends approval of the petition.

Mr. Hession invited Mr. Bill Fisher to the podium to address the board.

Mr. Bill Fisher, 5818 E CR 100 N, Avon, IN 46123, addressed the board. He gave a brief history of the area, explaining that it had been minor platted because the original owners were going to buy the land to the west and build a home addition then connect the two pieces of property. However, the land to the west was ultimately purchased by a church, thus rendering the need for the access easement null and void.

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

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

There were none.

Mr. Hession asked for a motion from the board.

Mr. Himsel motioned to approve VAR 16-18 subject to conditions set by the staff.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 16-18 carried unanimously.

**VOTE: For- 5                      Against- 0                      Abstained-0                      APPROVED**  
**VAR 16-18: BILL & GINA FISHER**

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

Findings of Fact/Law and Conditions of Approval

#### **VAR 16-18**

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 reducing the platted rear building line from 20' to 5'.

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. This easement and its setback have no effect on the public and community at large. The granting of this request sets no precedent.

- (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 setback is protecting an irregular drive easement that is already wide enough to accommodate a driveway. Not only does a drive easement not warrant additional setback, but this section of the drive easement is apparently only for the enjoyment of this lot owner as the other lot owners access their lots from earlier portions.

- (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 setback is excessively conservative in its original implementation in that it is based off a drive easement that is 20' wide at its narrowest point. Structure setbacks should not be based off of drive easements, and it was imposed unnecessarily.

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

1. All other federal, state, and local regulations apply

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17<sup>th</sup> day of December 2018.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA

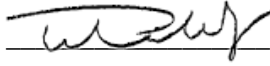


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Anthony Hession  
*Chairperson*



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Tim Dombrosky  
*Secretary to the Board*

**VAR 17-18: Arvist & Brenda Ford** Variance to allow a second principle dwelling on a combined 5-acre parcel in Marion Township; Section 21, Township 15, Range 2W; Key No. 09-2-21-52W 300-007 located east of S State Road 75 on W 250 S; 6717 W CR 250 S, Danville, IN 46122.

Mr. Dombrosky showed the location of the property on power point. He highlighted the property layout and the site plan. He also noted that there are no notable BZA cases in the area aside from variances to allow mobile homes. The comprehensive plan recommends the area remain agricultural (AGR). The close-up of the property shows the existing home, an attached garage and a detached accessory structure. There are actually two parcels, with the structure/attached garage splitting the parcel lines. This is considered an "unofficial" joiner, meaning the two properties are considered one parcel for zoning purposes since a primary structure is splitting the line. Mr. Dombrosky showed a couple of plans, provided by the petitioner, of the accessory structure to be converted; thus, creating two primary dwellings on a combined 5-acre parcel. He concluded that since the proposed second dwelling is close in proximity to the principal, similar in appearance and materials and will share one drive and one address the staff recommends approval of the petition.

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

Mrs. Shannon Fiest (daughter of Arvist and Brenda Ford) 347 David Dr., Clayton, IN 46118, addressed the board. She explained that the second dwelling would be for her brother to live in as caretaker to their parents and the property.

Mr. Hession asked what the structure is currently used for.

Mrs. Fiest answered that it is a storage garage, which recently has been cleared out.

Mr. Lasley asked if the structure has electricity.

Mrs. Fiest answered that it does already have electricity. It is also already hooked up to the existing well and septic, with permits on file.

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Mr. Hession opened the public portion of the meeting.

Mr. and Mrs. William and Laura Butler signed up to speak but declined to comment.

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

Mr. Hession asked if there were further comments or questions from the board or staff.

There were none.

Mr. Hession asked for a motion from the board.

Mr. Lasley motioned to approve VAR 17-18 subject to conditions set by the staff.

Mr. Himsel seconded the motion.

Motion for approval of VAR 17-18 carried unanimously.

**VOTE: For- 5                      Against- 0                      Abstained-0                      APPROVED**  
**VAR 17-18: ARVIST & BRENDA FORD**

**Hendricks County Area Board of Zoning Appeals**

Findings of Fact/Law and Conditions of Approval

**VAR 17-18**

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 two principle dwellings.

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.

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**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. The approval will not have a significant effect on density and will not affect the public safety. The granting of this request sets no precedent.

- (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 conversion of an existing structure to a dwelling will not have an adverse effect on property values. The second dwelling will not change significantly in outward appearance. The property will be restricted to one address and will share one driveway.

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

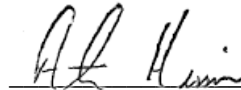
The Board finds that the proposal will meet the standard. The alternative to a second principle dwelling is to plat two lots. This would give the two new lots separate driveways when a single drive is preferable to the County. It would allow for a second address for a dwelling that is very close to another, which would necessitate a development standards modification and would not be desirable.

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

2. The new dwelling shall not be assigned a separate address.
3. The property shall not be permitted a second driveway onto CR W 250 S.
4. All other federal, state, and local regulations apply

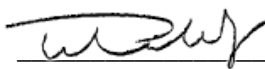
For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17<sup>th</sup> day of December 2018.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



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Anthony Hession  
*Chairperson*



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Tim Dombrosky  
*Secretary to the Board*

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**SE 14-18: Jeffrey J. Laskowski** Special Exception to allow a banquet hall and retreat center in an existing structure on a 31.28-acre parcel in Union Township; Section 32, Township 17, Range 1W; Key No. 11-1-32-71W 400-004; located on N SR 39, southwest of Tri-West High School; 7258 N State Road 39, Lizton, IN 46149.

Mr. Dombrosky showed the location of the property on power point. He noted the proximity to one of the evening's previous cases, SE 13-18. Much of the area around Lizton was zoned RB in anticipation of residential development. The petitioner had his property successfully re-zoned back to AGR as a first step in the process to get this special exception approval. There have been a few BZA cases in the area, including allowances for mobile homes, seven addresses to share a private drive and variances to development standards to allow no-frontage lots. Comprehensive plan calls for the area to remain rural residential. Mr. Dombrosky also highlighted the subject property's two main buildings, the access points to the property coming from SR 39 and the five separate residences that share the private drive. He introduced the site plan, showing access points, parking lot and substantial landscaping, all of which appear to be adequate with potential for expansion. Mr. Dombrosky further explained that the petitioner is wanting to use the facility as a retreat center that would include over-night guests, indoor and outdoor activities. Screening requirements will come into effect since there will be commercial access onto the property from the north. Mr. Dombrosky concluded that staff believes the petition meets all the criteria to be approved for the special exception. He does however suggest that the board consider the shared drive to the south of the property and possible conditions to help alleviate any traffic nuisance or conflict with the neighbors.

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

There were none.

Mr. Hession called on the petitioner to address the board.

Mr. Ben Comer, 71 W. Marion St., Danville, IN 46122, attorney representing the petitioner, addressed the board. He described the property as nearly 105 total acres, with just the southern-most 31 acres and 22,000 sq. ft. structure being included in the proposal. Mr. Comer referenced the letter of intent which highlights the many amenities included in the property. He went on to explain that the second (smaller) structure/home would be the residence of a full-time employee/caretaker. The house is equipped with many rooms and restroom facilities and has been used over the years for church group retreats and board meetings. The letter of intent outlines hours of operation to lend structure to the operation. The primary access to the facility will be off of Wyatt Way, the same road that Hendricks Regional Health Clinic uses. Signage and addressing for the property would be based on Wyatt Way to ensure GPS accuracy. The southern shared drive would not be used as an access to the property. The petitioner will be working with staff to ensure signage, addressing and parking are appropriate and adequate.

Mr. Hession asked if the board had any questions.

Mrs. Johnston asked how they would prevent guests from using the secondary access road/private shared drive.

Mr. Comer reiterated that there would be significant signage and GPS services. He also explained that they would erect a gate to restrict traffic from the private drive.

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Mr. Himsel asked if there would be a way for guest to turn around should they wrongly enter the private drive.

Mr. Comer responded that there would be a turn-around.

Mr. Lasley asked for clarification on where outdoor music equipment would be.

Mr. Comer answered that the outdoor speakers would be to the west side of the property, behind the home.

Mr. Hession asked for clarification on overnight guests and hours of operation.

Mr. Comer explained that the letter of intent didn't distinguish between small group/business retreat/overnight events contained indoors and larger outdoor events such as weddings. The hours of operation would pertain to the large events and would be clarified in detail before the center is operational.

Mr. Lasley asked if a caretaker would stay on the premises.

Mr. Comer confirmed that a caretaker would reside in the second/smaller home and be onsite for all events.

Mr. Hession opened the public portion of the hearing.

Bonnie Ziats, 7242 N SR 39, Lizton, IN 46149, addressed the board. She is one of the property owners that shares access of the private drive. She has concerns for the safety of the neighbors and children who use the lane for riding bikes, walking, etc. Also, the property owners have a maintenance agreement for the drive and land around it. She is concerned that an increase in traffic on the drive would increase the financial responsibility for the upkeep. Mrs. Ziats is also concerned about what would happen should the proposed business not work out and the property not be maintained. She also fears that allowing a business would be detrimental to the integrity of the residential area, with increased traffic, noise/music, etc.

John Ziats, 7242 N SR 39, Lizton, IN 46149, addressed the board. He shares the same concerns as his wife. He is also concerned that the private drive is too narrow (11' wide) to allow for cars to turn around.

Mr. O'Riley asked Mr. Ziats to show where his property is located.

Mr. Ziats pointed out his residence on the map.

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

Mr. Comer was asked back to the podium to answer questions from the board.

Mr. Hession commented that he views the lane/private drive as a real potential problem. He stated that a solution needs to be reached between the petitioner and the other property owners.

Mr. Comer concurred that the lane could pose a problem if it were going to be used as the primary access. However, it is not the plan to use the lane at all.

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Mr. Hession's concern is that the private shared lane will be mistaken for the entrance to the property and that steps taken to ensure the only access be from Wyatt Way will be sufficient.

Mr. Hession commented that he also thought the financial burden would be unfavorable to the other property owners, as there will be more upkeep for the lane due to the increase in traffic due to the retreat center.

Mr. Comer respectfully disagreed with this assessment. He explained that the lane will not be used for the retreat center and there will be no additional traffic because of it.

Mr. Comer also responded that there is a maintenance agreement in place for the upkeep of the lane. This agreement is in place for all current and future property owners, regardless of whether the petitioner's proposal is approved.

Mr. O'Riley asked if the plan was to block the drive with a gate.

Mr. Comer responded that the plan is to use a gate, signage and GPS to direct guest to the correct entrance.

Mr. O'Riley asked if there would be signs at the end of the drive near SR 39.

Mr. Comer answered that there will be signs, if allowed.

Mr. Dombrosky responded that a sign at the south entrance is essential to alert guests *before* they would turn onto the private lane. Also, essential, would be to change the address of the facility to Wyatt Way so that GPS would route people to the correct entrance. He further stated that with all the technological safe guards in place the odds of people turning into the private drive would be no greater than people turning into any other driveway along the way.

Mrs. Johnston asked about signage at the Wyatt Way entrance.

Mr. Comer said that there would be signage to the extent allowed.

Mr. Himsel asked if Wyatt Way was actually a county road.

Mr. Comer answered that it is a county road.

Mr. Lasley asked if the main residence is occupied currently.

Mr. David Laskowski responded that his son lives there now.

Mr. Dombrosky asked if the thought was to use the south gated entrance for emergency purposes.

Mr. Comer answered, yes, the south gated entrance would be used by emergency vehicles only if needed.

Mr. Hession asked if there were any further questions from the board.

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Mr. O'Riley asked if there was a plan to help insulate the neighboring properties from noise and lighting.

Mr. Comer responded that there would be landscaping and screening around the parking lot.

Mr. Hession asked if there was anything mentioned about the gate or sign within the letter of intent.

Mr. Dombrosky answered that nothing was mentioned.

Mr. Himsel suggested that a drawing of the gate and signage be submitted before the board can reach a decision

Mr. Hession asked if there was a rendering or drawing currently available.

Mr. Comer suggested that what was needed was a written commitment about the gate and signage, not necessarily an actual picture of what it would look like.

Mr. Hession agreed and asked if that would be acceptable as a condition of approval.

Mr. Comer said that they fully anticipated that to be a condition and are willing to make it a condition that would run with the land for the current and all future owners to adhere to.

Mr. Hession asked Mr. Dombrosky to clarify his earlier suggestion of placing a sign at the south end of the lane.

Mr. Dombrosky suggested the sign say "no entry" or have directions to the proper entrance.

Mr. Lasley asked what type of gate would be used, one that matches the primary entrance (on Wyatt Way) or more of a farm gate.

Mr. Comer said it would be somewhere in between the two styles, not as elaborate as the front gate but more substantial than a farm gate.

Mr. Laskowski responded that he would be putting in a wrought iron gate.

Mr. Dombrosky added that the planning commission would need to approve the gate design. He also reiterated that by changing the address, GPS will route guests to the correct entrance.

Mr. Himsel commented on the speed of traffic on SR 39. He suggested that a rendering of what the signage may look like and its visibility from SR39 would help the board decide.

Mr. Comer mentioned that Wyatt Way is a public drive designed for commercial use. Because of such, it has adequate passing and turn lanes.

Mr. O'Riley asked if the motion to approve could include conditions on signage and a gate.

Mr. Dombrosky said that those conditions could be part of the approval.

Mr. Hession asked if there were any more questions from the board.

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There were none.

Mr. Hession asked for a motion.

Mr. Lasley made a motion to approve SE 14-18 with the following conditions:

1. Staff recommendations
2. Gate at intersection
3. Signage allowed by INDOT to deter access down private drive
4. Change venue address to Wyatt Way

Mrs. Johnston seconded the motion.

Motion for approval of SE 14-18 carried.

**VOTE: For- 4                      Against- 1                      Abstained-0                      APPROVED**  
**SE 14-18: JEFFREY LASKOWSKI**

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

Findings of Fact/Law and Conditions of Approval

#### **SE 14-18**

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 banquet facility/retreat center** 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.



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**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 Board of Zoning Appeals to approve Special Exceptions.**

**HCZO Section 4.7 (C) authorizes the approval of a banquet or assembly hall and a retreat center 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:**

**I. Is in fact a permitted Special Exception use ... [in] the zoning district involved;**

The Board finds that a banquet or assembly hall and a retreat center is in fact a Special Exception in the Agriculture Residential Zoning District.

**J. 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 this area develop with moderate growth intensity as rural residential which is a buffer between agriculture and other more intense land uses. The proposed use takes advantage of its location by recognizing the scenic rural setting and access to major transportation routes.

**K. 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.

**L. 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.

**M. 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. Access is from State Road 39 and the traffic demand will not have a significant detrimental effect on that roadway. There will be no negative economic impact on the County as the use will be assessed and taxed proportionately.

**N. 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. The Agricultural Residential zoning district is intended to permit certain commercial and residential agricultural uses that have small

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amounts of higher intensity activities. Separate and control access points, and proper screening and design should mitigate the effect of these activities.

- O. 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 meet this standard. The existing entrance main entrance and State Road 39 are adequate to handle the increase in traffic, and the secondary access will provide emergency access.

- P. 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. There will be no substantial loss in natural, scenic, or historic features with the operation of the business.

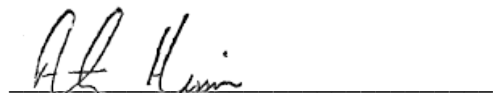
**IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.**

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

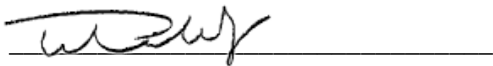
3. All applicable federal, state, and local approvals are required.
4. Any significant expansion of the structures shall require the appropriate County approval.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 17th day of December 2018.

AREA BOARD OF ZONING APPEALS  
HENDRICKS COUNTY, INDIANA



Anthony Hession  
*Chairperson*



Tim Dombrosky  
*Secretary*

Mr. Hession asked if there was any further business.

Being no further business, the meeting was adjourned at 8:31 P.M.