

August 19, 2019

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, August 19, 2019. The meeting began at 7:30 p.m. Members present included Anthony Hession, Rod Lasley, Walt O'Riley, Sam Himself and Ron Kneeland. Also, present were Tim Dombrosky, Planning Director and Leslie Dardeen, Recording Secretary.

Everyone stood and recited the Pledge of Allegiance, led by Mr. Himself.

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

He then asked for a motion to approve the minutes from the July 15, 2019 meeting.

Mr. Lasley made a motion to approve the July 15, 2019 meeting minutes.

Mr. O'Riley seconded the motion.

Mr. Himself abstained from voting as he was not in attendance at the July meeting.

VOTE: For-4 Against- 0 Abstained- 1 APPROVED
July 15, 2019 MEETING MINUTES

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

VAR 16-19: (Robert) Todd Smith Variance to exceed 7% coverage of accessory structures on a 1.964-acre AGR-zoned parcel in Washington Township; Section 31, Township 16, Range 2E; Key No. 12-2-31-62E 100-002; located east of the round-a-bout at E CR 200 N and N CR 900 E; 9171 E CR 200 N, Avon, IN 46123.

Mr. Dombrosky introduced the property on power point. He noted that the property is zoned AGR and is surrounded by the Town of Avon and land being developed into several new subdivisions. There have been a few previous BZA cases in the area, but nothing relevant to this case. The county's comprehensive plan shows no recommendation for continuing development since it's within town limits of Avon. Mr. Dombrosky then presented a close up of the property, pointing out the existing residence and accessory buildings. The site plan shows Mr. Smith's proposal of adding a third outbuilding. Mr. Dombrosky explained that the variance is for exceeding the 7% accessory lot coverage, which will be exceeded by only 69 square feet. He informed the board that he had spoken with Mr. Smith about his concern for storm water drainage. He explained that after that conversation, Mr. Smith voluntarily added a rain collection system to the greenhouse. Mr. Dombrosky believes the 3 criteria of a variance are satisfied in this case; staff recommends approval.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. (Robert) Todd Smith, 9171 E CR 200 N, Avon, IN, addressed the board. He explained that his original plan was to build a 35'x 72' hoop house, but he is scaling back to a 30'x 48' structure.

August 19, 2019

Mr. Hession asked what the use would be for the greenhouse.

Mr. Smith answered that he would be growing hemp. He is an Indiana State licensed hemp grower and is working through a research grant from Purdue University.

Mr. Hession asked if he is currently using his existing accessory buildings to grow hemp.

Mr. Smith answered that he is not.

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

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

Mr. Himsel commented that the case presents good research through Purdue and that he doesn't see any issues with the request.

Being no further questions or comments from the board, Mr. Hession asked for a motion.

Mr. Himsel made a motion to approve VAR 16-19 with conditions set by staff.

Mr. Hession seconded the motion.

Motion for approval of VAR 16-19 carried unanimously.

VOTE: For- 5

Against- 0

Abstained-0

APPROVED

VAR 16-19: (Robert) Todd Smith

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 16-19

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 a greenhouse to exceed the 7& lot coverage limit by 63 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 *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.

August 19, 2019

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 structure will have no negative affect on health, safety, morals, or general welfare as the variance is minimal and conditions have been imposed that will prevent negative impacts.

- (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 adjacent property will be unaffected.

- (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 lot is narrow and was platted with a setback meant for a subdivision street that has not been developed.

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


1. The variance applies to the structure considered in the current application and no future structures
2. 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 19th day of August 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

August 19, 2019

VAR 17-19: Toby Phillips Variance to allow accessory building prior to principal dwelling on an 11.98-acre AGR-zoned parcel in Liberty Township; Section 29, Township 15, Range 1E; Key No. 07-1-29-51E 300-011; located between Cartersburg Road and S CR 475 E; Parcel ID 32-10-29-300-011.000-013 on Martin Road, Danville, IN 46122.

Mr. Dombrosky showed the property on power point. The parcel is on Martin Road with the surrounding area almost entirely zoned AGR. There are several previous BZA cases in the area, with one of significant relevance as it successfully petitioned for an accessory building prior to principal. The comprehensive plan shows the area being suburban residential and remaining AGR with conservation areas, which is common in low-density residential areas. Mr. Dombrosky showed a close-up of the property, heavily wooded and vacant, with a creek running through a portion of it. He explained that the petitioner has gone through the platting process with the Planning Commission in order to set the parcel up for development, which is an in-depth and expensive process. He further explained that the petitioner is wanting to build an accessory building prior to the primary in order to store building equipment and supplies. There is a divide on the property with a slope that follows the creek and creates a fairly significant ridge. Mr. Phillips is wanting to build the accessory structure in the low flat area and the house on the top side of the ridge. Mr. Dombrosky concluded that he believes the three criteria of a variance to be met, and staff recommends approval.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Toby Phillips, 11691 N Everett Rd, Monrovia, IN 46157, explained his building plans to the board. He is wanting to have the accessory building built and available to store the equipment needed to clear the property and materials needed to build his house.

Mr. Hession asked what size the accessory building will be.

Mr. Phillips answered that it will be 40' x 60'.

Mr. Himsel asked if he was planning on building the house soon.

Mr. Phillips answered that the goal is to finalize the plan and build the house in a year.

Mr. Himsel asked if he would put the barn up this fall.

Mr. Phillips answered yes.

Mr. Lasley asked Mr. Dombrosky if there would be any issues with the flood plain.

Mr. Dombrosky answered no.

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

Mr. Hession asked if there were any further questions or comments.

August 19, 2019

Mr. Himsel asked if there would be a deadline for building the primary dwelling.

Mr. Dombrosky said that imposing a deadline has been done in the past, but he doesn't recommend it. However, he added that the board can impose a deadline if they feel it is warranted.

Mr. Himsel responded that he didn't see a need to put a deadline on completion of the house.

Mr. Hession asked for a motion from the board.

Mr. Lasley made a motion to approve VAR 17-19 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 17-19 carried unanimously.

VOTE: For- 5

Against- 0

Abstained-0

APPROVED

VAR 17-19: Toby Phillips

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 17-19

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 the establishment of a principle.

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 *Darville 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:

August 19, 2019

- (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 structure will have no negative affect on health, safety, morals, or general welfare as conditions have been imposed that will prevent negative impacts.

- (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 adjacent property will be unaffected as the structure will remain associated with the residential use of the property in the time between this approval and occupancy of a residence on the property.

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

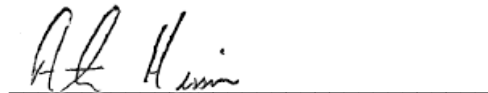
The Board finds that the proposal will meet the standard. The applicant will be able to better maintain the property and construct a home with a secure structure on the property.

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

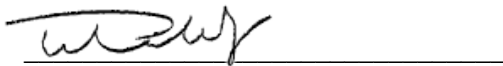
1. The variance is valid for a residential accessory structure only. Any other use is not permitted.
2. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of August 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

VAR 18-19: William Sodrel Variance to setback from 75' to 35' on a 9.35-acre AGR-zoned parcel in Liberty Township; Section 29, Township 15, Range 1E; Key No. 07-1-29-51E 300-003; located between Cartersburg Road and S CR 475 E; Parcel ID 32-10-29-300-003.000-013 on E CR 350 S, Danville, IN 46122.

August 19, 2019

Mr. Dombrosky showed the property on power point. He noted that this is the remainder of the parcel split off of Mr. Phillips parcel for his plat. Also zoned AGR, it shares the same comprehensive plan and BZA history. Mr. Dombrosky highlighted Mr. Sodrel's home that adjoins the west property line of the parcel in question. The petitioner is wanting to build an accessory building on the vacant parcel and is asking for a reduction to the setback off of Martin Road. Mr. Dombrosky further clarified that since there is frontage on Martin road, it is technically a front setback which is 75 feet as opposed to a side setback that is 10 feet. Mr. Sodrel is asking for as much of a reduction as he can have. Mr. Dombrosky further explained that he had met with the county engineer and that they would not recommend anything less than 10-foot setback from the right-of-way.

Mr. O'Riley asked what the reason is for the setback.

Mr. Dombrosky answered that there is a right-of-way off the road because it's a metes-and-bounds parcel, meaning there's a theoretical right-of-way of 40 feet from the center line of the road. The setback from the right-of-way is another 35 feet, so the structure can't go any closer than 75 feet from the center of the road without a variance. The setback is intended to maintain vision clearance and aesthetics. He concluded that his recommendation is for a 50-foot setback from the center line of Martin Road (40-foot right-of-way plus 10-foot setback) instead of the required 75-foot setback (40-foot right-of-way plus 35-foot setback). As such, it would meet the requirement for a variance. Staff recommends approval.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Sodrel said that Mr. Dombrosky had covered all the information for the variance request.

Mr. Himsel asked to look at the site plan to get clarification of the setback limits.

Mr. Lasley asked if the setback would have to be at least 40 feet regardless, due to right-of-way.

Mr. Dombrosky responded that it would have to be 40 feet no matter what.

Mr. Dombrosky displayed the building site map and pointed out the actual setback points in comparison to the setbacks Mr. Sodrel is requesting.

Mr. O'Riley asked if that particular site was to keep the barn from intruding on the farm ground.

Mr. Dombrosky said that Mr. Sodrel would have to answer that.

Mr. Sodrel, 3670 Applewood Ct, Danville, IN 46122, came to the podium to answer questions. He responded that he wants to keep the barn as close to Martin Road as possible in order to keep it from being in the middle of the field and to avoid the large ravine and "wash-out" areas.

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

Mr. Hession asked if there were any further questions or comments.

August 19, 2019

There were none.

Mr. Hession asked for a motion from the board.

Mr. Himsel made a motion to approve VAR 18-19 with conditions set by staff.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 18-19 carried unanimously.

VOTE: For- 5

Against- 0

Abstained-0

APPROVED

VAR 18-19: William Sodrel

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 18-19

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 a 35' setback on Martin Rd.

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 *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:

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

August 19, 2019

The Board finds that the proposal will meet this standard. The structure will still have a 10' setback from the Right of Way which will ensure proper safety.

(8) 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 adjacent property will be unaffected as the structure will still be an adequate distance from the road and not appear as out of place.

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

The Board finds that the proposal will meet the standard. The applicant will be able to better maintain the property and keep the accessory building out of the tillable acreage.

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

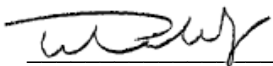
3. The variance applies to the structure described in this application only, and no future buildings.
4. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 19th day of August 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 03-19: Cody Kline Special exception to allow a home-based business on a 10.1-acre AGR-zoned parcel in Clay Township; Section 22, Township 15, Range 2W; Key No. 03-1-22-52W 100-013; located south of intersection of W CR 200 S and S CR 550 W; 2246 S CR 550 W, Coatesville, IN 46121.

Mr. Dombrosky showed the property on power point, noting that the property and surrounding area is zoned AGR. There have been a few BZA cases, including a special exception, in the area. Comprehensive plan shows that area remaining AGR. Mr. Dombrosky presented a close-up of the

August 19, 2019

property, pointing out that the rear of the parcel is largely vacant with the residence, accessory building and U-shaped drive at the front of the property. The site plan also shows that Mr. Kline owns another adjoining parcel. Both parcels are roughly 10 acres each; one coming off of County Road 200 and one off of County Road 550. He noted that there would be no improvements or additions to the site; Mr. Kline is locating the business in the existing accessory building. Mr. Dombrosky explained that the special exception is for a home-based business consisting of metal roof fabrication. The petitioner will be storing equipment and supplies used to build metal roofs on site in the building. As per the conditions of a home-based business, there will be no employees on site and no outside storage. He also added that the petitioner would be entitled to have 1 small (2x2) sign on the building, not free-standing. Mr. Dombrosky went through the 9 criteria to be met for a special exception, noting that #3 (use compatible with the "general vicinity") as questionable and worth discussion in this case. He reiterated that because of criteria set by the ordinance, there would be no outside storage or activities, no alterations or additions to any of the structures to appear like a business other than the one permitted sign. Staff makes no recommendation and leaves it to the board to discuss.

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

There were none.

Mr. Hession invited the petitioner to address the board.

Mr. Kline, 2246 S CR 550 W, Coatesville, IN 46121, explained to the board that he has an on-site steel fabrication business. They load steel coils, 2000-3000 pounds, onto the machines and fabricate on the job sites. He uses the accessory building for loading, unloading and storage of steel coils.

Mr. Himsel asked if he does the roofing.

Mr. Kline said that they only fabricate the steel for metal roofing panels, but that they do not do the actual roofing themselves. They also supply fabricated steel to contractors for agricultural buildings.

Mr. Lasley asked if all the fabrication is done on job sites.

Mr. Kline answered yes. They at one time did some fabrication in the accessory building, but they now have another facility in Plainfield where they fabricate what can't be done on the job site.

Mr. O'Riley asked what the reasoning is for moving from the Plainfield location to his residence.

Mr. Kline answered that they can use the Plainfield facility for some fabrication and as a store front where customers can buy materials. The building in Plainfield does not have adequate room for storage; therefore, the accessory building at his residence would become the place for storage.

Mr. Hession asked if there were any further questions or comments.

There were none.

Mr. Hession opened the public portion of the meeting.

Mr. Millard Richardson, 5386 W CR 300 S, Coatesville, IN 46121, voiced concern over whether there would be manufacturing done on the property.

August 19, 2019

Mr. Himsel reiterated that there would be no manufacturing at the property.

Mr. Hession clarified that the manufacturing is done on the job sites; there will be no manufacturing in the building.

Mr. Richardson asked that if there is no manufacturing in the building then why is a special exception necessary.

Mr. Dombrosky answered that the special exception is to allow Mr. Kline to operate a home-based business from his home. The approval would allow him to have his office there and to store materials for the business there.

Mr. Richardson asked how Mr. Kline would be moving the stored material, whether it be with trucks, semis. The roads are not suited for semi traffic.

Mr. Hession answered that Mr. Kline would answer that after the remonstrators had been heard.

Mrs. Pam Short, 5396 W CR 300 S, Coatesville, IN 46121, also voiced concerns over heavy traffic. She does not believe the roads to be suited for heavy truck traffic. There has been construction done to repair parts of the road already. She is concerned about trailers and equipment sitting outside of building.

Mr. O'Riley asked if there has previously been a lot stuff sitting outside.

Mrs. Short responded yes, and that she has pictures of it.

Mr. O'Riley asked if she had the pictures with her.

Mrs. Short responded that they are in video form on her phone.

Mr. Hession said that they could only look at printed pictures that would then be kept as part of the case file.

Mr. O'Riley said that he would just make a note that outside storage was one of her concerns.

Mrs. Short also mentioned that there has been a significant increase in traffic. She concluded that she has the same concerns as all the neighbors.

Mrs. Lynn Vardaman, 5331 W CR 300 S, Coatesville, IN 46121, addressed the board. She has the same concerns with traffic and outside storage. She also questions that if Mr. Kline is cutting metal in the accessory building, what happens with the scrap material and any chemical/solvents used. She is worried it will be "scrapped out" behind the building.

Mr. Hession answered that the site would just be used for storage. All fabrication is done on the job sites, so there should be no scraps or chemicals.

Mrs. Vardaman still questions whether he'll be cutting the rolls of steel. She believes that he will have to occasionally.

August 19, 2019

Mr. Himsel responded that they would find out from Mr. Kline.

Mrs. Angela Tryon, 5386 W CR 300 S, Coatesville, IN 46121, is concerned with the business fitting into the area. It is a farming community that she moved to for the quiet and peacefulness. She is concerned that an increase in traffic will be disruptive, as it has been with the SR 75 detour, bringing noise, trash and congestion. Since SR 75 has reopened, she says they have been seeing a lot more traffic going to and from Mr. Kline's. She presented a letter of petitioner's protesting the business.

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

Mr. Hession invited Mr. Kline back to the podium to address the concerns presented by the neighbors.

Mr. Kline confirmed that he has two trailers, one for work and one recreational for hauling motorcycles, etc. and a personal camper that have been parked outside of the accessory building and are almost always parked side by side in a row.

Mr. Hession asked what the size is of the longest trailer.

Mr. Kline responded that the work trailer is 18 feet long.

Mr. Hession asked if they are open trailers.

Mr. Kline confirmed that they are open trailers, except for the camper.

Mr. Kline countered that the recent increase in traffic along the road has been due to the closure of SR 75 and that S CR 550 W has been used as one of the detour routes. He also said that there have been numerous trucks and work vehicles at his residence because he is currently remodeling the exterior and interior of his home. There are several contractors working at the home, and they account for 5-6 of the vehicles parked there.

Mr. Lasley asked how the rolls are delivered.

Mr. Kline said that the 99% of the time they are picking the coils up from a company on the east side of Indianapolis rather than having them delivered. He has had 3 semi-trucks deliver coils to his residence in the past not knowing that it was a violation. Mr. Kline also stated that the roads are designed to handle semi-trucks and heavy vehicles used for farming.

Mr. Lasley asked how often he has coil deliveries.

Mr. Kline responded that he only gets deliveries about once a month. He went on to add that he would no longer get deliveries if that needs to be a condition. He can pick up all materials if need be.

Mr. Kline, referring back to neighbor concerns, assured them that there are no solvents or scraps of any kind on the property. In the past he had his shearer on the premises but did not use any solvents or chemicals; all cutting is done "cold-cutting", feeding the metal sheet into a shearer that cuts it cleanly. Any scraps left over are put in a trailer and recycled.

Mr. Lasley asked for confirmation that he was no longer cutting or fabricating at the property now.

August 19, 2019

Mr. Kline answered that all fabrication is done either in the Plainfield facility or on the job sites. They are currently in the process of moving all the equipment.

Mr. Lasley asked if ultimately all the coils get sent to the shop in Plainfield and then stay there until taken to the job site.

Mr. Kline answered no. They pick the coils up from manufacturer in Indianapolis and bring them to the accessory building for storage until they are needed for a specific job. He has a forklift and tractor to unload the coils and put inside the building. The trailer is left outside as the building is not large enough to fit the trailer. He commented that he would have no problem putting in a gravel pad behind the accessory building to keep his trailers out of sight. He reiterated that the coils are picked up from the manufacturer, off-loaded at his residence for storage, and moved to the job site for fabrication.

Mr. Himsel confirmed that he would have no problem moving his trailers and parking them out of sight behind the accessory building.

Mr. Kline said that he has no problem with moving the trailers. He, as a resident, is concerned with the overall appearance of the area and wants it to look nice also.

Mr. Himsel commented that it would be nicer for everyone to have the trailers out of sight. He recommends that the board make that a condition should they approve the special exception.

Mr. Hession asked how many people work on the job sites.

Mr. Kline said there are three, himself plus two employees.

Mr. Hession asked if the other 2 worked on his property.

Mr. Kline responded that they are only there to load and unload coils. They are not "working" at the accessory building other than loading or unloading the coils.

Mr. Hession clarified that Mr. Kline has two employees that would potentially come to the accessory building.

Mr. Kline responded that he has two employees.

Mr. Hession asked if he anticipates more than two employees.

Mr. Kline answered no, more employees is not in the plan with the cost of machinery needed for the business.

Mr. Lasley asked Mr. Dombrosky if the board is discussing an existing business.

Mr. Dombrosky answered yes, that Mr. Kline had received a violation for running the business without proper permission.

Mr. O'Riley voiced his concern that this business seems out of character for the area, number 3 on the criteria list for special exceptions. He commented that it seems a little out of the realm of agricultural.

August 19, 2019

He believes the business to be better suited for a Light Industrial-zoned property. However, its relatively small size is not necessarily intrusive.

Mr. Himsel commented that he doesn't see a big difference between what goes on at the accessory building and what goes on at a farm. In this particular case, since there is no manufacturing involved on the property, Mr. Kline is mainly there in the morning to pick up materials before going to a job site and then again in the evening to store equipment, materials, etc.

Mr. O'Riley responded that he respects Mr. Himsel's assessment. His concern is for the neighbors and their property values.

Mr. Lasley confirmed there would be no storage space at the Plainfield facility where Mr. Kline is putting the store front and customer area.

Mr. Kline answered no. There is a small accessory building in the back but it's not big enough for their needs.

Mr. O'Riley commented that there seems to be better locations for this type of business.

Mr. Hession asked if Mr. Kline would be willing to have an employee cap, limiting him to two employees plus himself.

Mr. Kline answered yes, he would be willing to cap his number of employees to two. He also noted that he also only has one company truck, so that should not add significantly to traffic.

Mr. Himsel asked if he agreed to no cutting at the accessory building.

Mr. Kline responded that he does agree to that.

Mr. Himsel said the board would put that into the conditions of the special exception.

Mr. Hession asked if he was still getting deliveries.

Mr. Kline answered they will not have any deliveries if that needs to be part of the conditions.

Mr. Hession confirmed that they would be able to pick up all the coils themselves.

Mr. Kline answered yes.

Mr. Hession asked how many 2,000 - 3,000-pound rolls/coils are picked up.

Mr. Kline said that it varies with the job, most houses require a 3,000-pound coil plus an extra 500 to 1000 pounds, so usually 2 are picked up at a time.

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

There were none.

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

August 19, 2019

Mr. Himsel made a motion to approve SE 03-19 with conditions set by staff. In addition, the petitioner will keep trailers behind accessory building, there will be a limit of 2 employees and coils will be picked up rather than delivered.

Mr. Kneeland seconded the motion.

Motion for approval of SE 03-19 carried, with objection from Mr. O'Riley.

VOTE: For- 4
SE 03-19: Cody Kline

Against- 1

Abstained-0

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
SE 03-19

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 home-based business** 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 *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.

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

August 19, 2019

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 home-based business 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 area remain agricultural and encourages efficient use of existing developed land. The proposal represents an efficient use of land and alternative to further subdivision.

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 outside appearance will not change, and the design will not differ significantly from existing rural residential and agriculture 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. There will be no onsite employment and therefore no additional services will be required. Emergency services and other public services are established in serving the area.

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. The traffic demand will not be different from typical rural agricultural traffic and will not have a significant detrimental effect on the roadway. 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 work activities will take place offsite with storage being the only onsite activity, which will be contain indoors.

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 existing entrance main entrance are adequate to handle the traffic.

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

August 19, 2019

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 expansion of the structures used for the business shall not be permitted.
3. No additional driveway will be established, and no regular semi-truck traffic shall be permitted.
4. No materials or equipment shall be stored outside, other than one trailer which will be parked behind the accessory building
5. There will be a limit of 2 outside employees
6. Material will be picked up rather than delivered
7. There will be no fabrication on site
8. The business will comply will all other provisions of the HCZO

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 19th day of August 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

Mr. Hession asked if there was any further business.

There was none.

Being no further business, the meeting was adjourned at 8:17 P.M.