

December 16, 2019

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, December 16, 2019. The meeting began at 7:30 p.m. Members present included Rod Lasley, Ron Kneeland, Sam Himself and Walt O'Riley. Also, present were Tim Dombrosky, Planning Director, Graham Youngs, County Attorney and Leslie Dardeen, Recording Secretary. Anthony Hession was absent.

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

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

He then asked for a motion to approve the minutes from the November 18, 2019 meeting.

Mr. Kneeland made a motion to approve the November 18, 2019 meeting minutes.

Mr. O'Riley seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
November 18, 2019 MEETING MINUTES

Mr. Lasley then asked for a motion to approve the minutes from the October 21, 2019 meeting as there had not been a quorum at the November meeting.

Mr. O'Riley made a motion to approve the October 21, 2019 meeting minutes.

Mr. Kneeland seconded the motion.

VOTE: For- 4 Against- 0 Abstained- 0 APPROVED
October 21, 2019 MEETING MINUTES

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

SE 07-19: Michelle Roethe Special Exception to allow an assembly hall/banquet facility on an 8.32-acre AGR-zoned parcel in Center Township: Section 15, Township 16, Range 1W; Key No. 02-1-15-61W 100-017; located approximately 1 mile east of intersection of North Washington Street and E CR 450 N; 368 E CR 450 N, Danville, IN 46122.

--and--

VAR 24-19: Michelle Roethe Variance to allow 2 principal uses on an 8.32-acre AGR-zoned parcel in Center Township: Section 15, Township 16, Range 1W; Key No. 02-1-15-61W 100-017; located approximately 1 mile east of intersection of North Washington Street and E CR 450 N; 368 E CR 450 N, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. It is zoned AGR, as is all of the surrounding area. He pointed out the past BZA cases in the area; most being typical frontage and setback variances, but also a special exception for the approval of a Bed and Breakfast on the subject property. Mr. Dombrosky noted that the Bed and Breakfast had not been operational after approval. The comprehensive plan shows the area remaining rural agriculture. He went on to show a close-up of the property, highlighting the two existing structures sharing a "loop" driveway and wooded area. The site plan shows the approximate building location for the wedding barn and the

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accompanying parking lot with a separate drive. He explained that all these details are subject to change if the project gets to the review stage. Mr. Dombrosky further explained why both a special exception and variance are needed in this case; a special exception is needed to allow a business in an AGR zoned area, and a variance is needed to allow two principals used (primary residence and wedding barn). He concluded that he has concerns with allowing this type of use and how it would fit in with the comprehensive plan, in part because the county road system is lacking in terms of handling high rates of traffic. He also believes a wedding barn is not harmonious with the surrounding area and properties. Staff does not recommend approval.

Mr. Lasley asked if there were questions or comments from the board at this time.

There were none.

Mr. Lasley invited the petitioner to address the board.

Michelle Roethe 368 E CR 450 N, Danville, IN 46122, addressed the board. She said that the plan is to keep the business small. She anticipates no more than one event per weekend. Traffic would be limited to the hours of a particular event, not all hours of the day and night.

Mr. Lasley asked if she would be permitting alcohol on site.

Ms. Roethe answered that she would work with the correct departments to obtain a liquor license that would allow outside vendors to serve alcohol. She also said that she would be on the property during events, as well as hired security.

Mr. Lasley asked what she would be doing about water and bathroom availability.

Ms. Roethe said that would be worked out during the planning stages if she receives approval tonight.

There were no more questions for the petitioner.

Mr. Lasley opened the public portion of the meeting.

Robert Conder, 397 E CR 500 N, Danville, IN, owns the property adjoining the subject property to the north. He is in support of the special request. He does not foresee any significant impact on the area. He believes that with a limited number of events there will be little issue with noise or traffic. He is in favor of the project.

Monica and Jeff Stahlhut, 688 E CR 450 N, Danville, IN, have lived at this address for 29 years. They want the area to remain quiet and rural for themselves and their family to enjoy. They're worried about traffic and noise. They are also concerned with what the wedding barn will do to an already low water table. They are opposed to the project.

Julie Webb, 363 E CR 500 N, Pittsboro, IN, opposes the project. Her main issue is the liability it brings to neighboring properties. Her property adjoins the subject property and she is concerned that event guests may come onto her property and interfere with the livestock. She's concerned with impact of a new large parking lot on the drainage around the area. Increase in noise and traffic are major concerns as well. She believes that having a business in the area would infringe upon her use of her own property (target practice, etc.). She concluded saying that she does not believe the business fits in with the area, especially when there already many other wedding barns in the county.

Robert Boller, 188 E CR 450 N, Danville, IN, has concerns with the effects a wedding barn would have on the water table and roads. He is also concerned that it would infringe on his use of his personal property (shooting, yard work, etc.) He has issues with the liability that could potentially fall on him and the neighbors, noise level, traffic, drunk driving and availability of emergency services.

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Todd Broyles, 313 E CR 300 N, Danville, IN, stated that he lives across the road from property. He and his wife regularly use their land for hunting and shooting. He has concerns about the traffic, noise, water issues, trespassing and liability. He's also concerned that the events will be held at the times when he and his family are home the most, weekends and evenings when they are off of work and school. He does not believe that the subject property is large enough for an event venue. Finally, he's worried that since the wedding barn does not fit well in the area that it will bring down property values.

Nicole Broyles, 313 E CR 300 N, Danville, IN, has concerns that having a wedding barn in the vicinity will take away privacy. She's concerned with the limited access to the property and the amount of traffic it will bring in. She also mentioned the lack of fire hydrants and other safety features to service the business. She is worried for the privacy of the elderly neighbors who live at the property surrounded by the subject property. She is also concerned that drunk driving will become an issue.

John Peterson, 4950 N Washington St, Danville, IN, also thinks that this is not the appropriate location for the venue. He's concerned about traffic, road conditions and the possible "element" it will introduce to the area.

David Burnell, 4725 N 100 E, Danville, IN, farms all around the subject location. He's concerned about the dangers of event attendees sharing the road with farm machinery.

Ben Robinson, 4245 N Washington St, Danville, IN, believes the venue will be disruptive to the area and decrease property values. He's also concerned about future expansion.

Bret Miller, 4320 N Washington St, Danville, IN, raised a concern about security at events held in the wedding barn: will there be any and who hires them, the owner of the venue or the person hosting the event? He also is concerned with traffic and the effect on the water table.

Michelle Eisenhart, 4534 N Washington St, Danville, IN, is a 27-year resident of the area. She believes the wedding barn will have a major negative impact on the neighbors due to the narrowness and size of the building site. She is also concerned with road conditions, trash, traffic and noise.

Robert Burnell, 1417 N 450 E, Danville, IN, owns land on either side of the subject property. He believes the location is inappropriate for the business. Not only does he think the business will negatively affect the neighbors, but he also thinks the normal use of the farmland (noisy machinery and field debris) would negatively affect the business.

Mr. Lasley closed the public meeting as no one else had signed up to speak.

He then invited the petitioner back to the podium to address the concerns expressed by the neighboring residents.

Ms. Roethe said she completely understands everyone's concerns. She would never expect neighbors' use of their own land to be changed due to the event venue. Her intention is to keep the business small and manageable, no plans for expansion. She has two young children, so safety is a main concern for her as well.

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

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

Mr. Himself made a motion to deny SE 07-19.

Mr. O'Riley seconded the motion to deny SE 07-19.

Motion to deny SE 07-19 carried unanimously.

VOTE: For- 4
SE 07-19: Michelle Roethe

Against- 0

Abstained-0

DENIED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 07-19

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 banquet facility / assembly hall** in an area zoned as AGR (Agriculture 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 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 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 banquet facility/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 not meet this standard. The comprehensive plan recommends this area remain agricultural, and that commercial services and development be located so as to maximize use of existing infrastructure.

- 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 not meet this standard. The use is not consistent with the general vicinity, and the character and design will 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 not meet this standard. There will be proper review of the use by the County Health department for waste disposal and water supply. Emergency services and other public services are not adequately serving the rural area for this intense of a commercial use, and will likely experience increase in demand.

- E. Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community.**

The Board finds that the proposal will not meet this standard. The traffic demand will be different from typical rural agricultural traffic and will have a significant detrimental effect on the roadway. The increase in demand for emergency services and other public services will likely increase costs for the County that will not be recovered.

- 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 not meet this standard. The use will significantly change and be disruptive and detrimental to the surrounding area.

- 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 will be required to be improved to handle the traffic.

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

The Board finds that the proposal will meet this standard. 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.

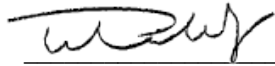
For all the foregoing reasons, the Board DENIED this request for a Special Exception on the 16th day of December 2019.

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AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

Mr. Lasley then asked for a motion on VAR 24-19.

Mr. Himsel made a motion to deny VAR 24-19.

Mr. Kneeland seconded the motion to deny VAR 24-19.

Motion to deny VAR 24-19 carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	DENIED
VAR 24-19: Michelle Roethe			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 24-19

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 second principle use.

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:

- (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 not meet this standard. The use represents an appreciable increase in demand for services that outweighs the County's current ability to provide such services in the immediate area.

- (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 not meet this standard. The use will significantly change and there will be substantial adverse effects to the existing character of the area.


- (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 existing residence would be compatible with the operation of the banquet/assembly hall and restricting the property to one use would not be beneficial or serve the intent of the ordinance.

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

For all the foregoing reasons, the Board DENIED this request for a development standards Variance on the 16th day of December 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

December 16, 2019

SE 08-19: Sadie Whetstone Special exception to operate a 1-chair beauty salon on a 3.02-acre AGR-zoned parcel in Lincoln Township: Section 4, Township 16, Range 1E; Key No. 08-1-04-61E 300-006; located approximately ½ mile west of N CR 550 E; 5228 E US Hwy 136, Pittsboro, IN 46167.

Mr. Dombrosky introduced the property on power point. It is actually two pieces of property under the same ownership. He highlighted how close the Brownsburg town limit is to the property. There have been very few BZA cases in the area, none of which are relevant to this case. The comprehensive plan shows the area remaining suburban residential, with some conservation area and town limits close by. Mr. Dombrosky then went over the site plan, pointing out the existing structure that would house the beauty salon, including the 2-car parking pad and side entrance. No new structures would be built, and the existing structure needs minimal changes. Staff believes all criteria is met and recommends approval.

Mr. Lasley asked if the board had any questions.

They did not.

Mr. Lasley then invited the petitioner to address the board.

Sadie Whetstone reiterated that the salon would be separate from the house, but would share water, septic and trash pick-up. She also confirmed that no new structures would be built, parking is already adequate, and none of the grounds (trees, etc.) would be affected.

Mr. Himsel asked if she planned to serve alcohol.

Ms. Whetstone replied that she would not be serving alcohol.

Mr. O'Riley asked how many customers she would have at a time and how many she expected per day.

Ms. Whetstone answered that she is able to have only one customer at a time. She will only have approximately 3 customers a day.

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

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

Mr. O'Riley made a motion to approve SE 08-19.

Mr. Kneeland seconded the motion to approve SE 08-19.

Motion to approve SE 08-19 carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	APPROVED
SE 08-19: Sadie Whetstone			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 08-19

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 one chair beauty shop** in

an area zoned as AGR (Agriculture 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 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 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 home-based business 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 remain suburban residential which supports neighborhood serving commercial uses.

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. The use is consistent with the general vicinity as there will be very minimal change in outside appearance.

- 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. There will be proper review of the use by the County Health department for waste disposal and water supply. Emergency services and other public services are adequately serving the area for this low intensity use.

- 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. The traffic demand will be low and will not have a significant detrimental effect on the roadway. Any increase in demand for emergency services and other public services will not likely increase costs for the County.

- 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 use will not significantly change or be disruptive and detrimental to the surrounding area.

- 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 will be adequate to handle the traffic.

- 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:

1. All applicable federal, state, and local approvals are required.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 16th day of December 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

VAR 25-19: Roy Isenhower Variance to allow accessory building in front of principal dwelling on an 7.98-acre RB-zoned parcel in Lincoln Township: Section 10, Township 16, Range 1E; Key No. 08-1-10-61E 100-018; located approximately 1/2 mile south of E US Hwy 136; 5845 N CR 600 E, Brownsburg, IN 46112.

Mr. Dombrosky introduced the property on PowerPoint. He explained that it's an AGR-type parcel, large and rural, but zoned RB. He went on to explain that the RB zoning prohibits accessory buildings in front of the principal, necessitating the variance. Mr. Dombrosky showed drawings of the proposed building and the site plan, pointing out the very limited space behind the house preventing the accessory building from going there. He concluded that the proposed building site makes the most sense. Staff believes all criteria to be met and recommends approval.

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Michelle Isenhower, 5845 N CR 600 E, Brownsburg, IN, concurred with Mr. Dombrosky's statement, that there is not enough room behind the house. She also said that the proposed accessory building would be next to the existing barn and be of similar style.

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

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

Mr. O'Riley made a motion to approve VAR 25-19.

Mr. Kneeland seconded the motion to approve VAR 25-19.

Motion to approve VAR 25-19 carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	APPROVED
VAR 25-19: Roy Isenhower			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 25-19

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 building in front of the 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 *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.

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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. The structure will not be out of character with the area and pose no risk to the public.

- (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 use will remain residential and there will be no substantial adverse effects due to the existing character of the area.

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

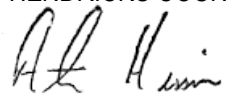
The Board finds that the proposal will meet the standard. The nearby property is developed and there is no uniformity in setbacks or design. Any perceived harm due to varying standards is negated.

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 and general location described in this application only, and no future buildings.
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 16th day of December 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

December 16, 2019

VAR 26-19: Trustee Washington Township, Hendricks County, IN Variance to allow pylon sign with electronic messaging on a 4.32-acre AGR-zoned parcel in Washington Township: Section 9, Township 15, Range 1E; Key Nos. 12-3-09-51E 200-001 and 12-3-09-51E 210-001; located near intersection of E US Hwy 36 and S CR 575 E; Parcel IDs 32-10-09-200-001.000-022 and 32-10-09-210-001.000-022, Avon, IN.

Mr. Dombrosky deferred commenting on the case, as the petitioner asked for a continuance. He asked if the board wanted any information about the case or had questions.

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

Mr. Himsel made a motion to continue VAR 26-19.

Mr. Kneeland seconded the motion to continue.

Motion for continuance of VAR 26-19 to the January 21, 2020 meeting carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	CONTINUED to Jan. 21, 2020
VAR 26-19: Trustee Washington Township, Hendricks County, IN			

VAR 27-19: Mill Creek Community School Corp Variance to approve sign-face area of 100 sq. ft. and height of 10 ft for sign and 12 ft for decorative developments on a 4.8-acre AGR-zoned parcel in Liberty Township: Section 17, Township 14, Range 1W; Key No. 07-2-17-41W 100-001; located approximately 400 ft. north of W US Hwy 40 on S CR 200 W; Parcel ID 32-14-17-100-001.000-013, Clayton, IN 46118.

Mr. Dombrosky introduced the property on PowerPoint. It is within a widely zoned AGR area and is a continuance of the school property. There have been no relevant BZA cases in the vicinity. The comprehensive plan shows the school and its property as Institutional Use, with the rest of the neighboring area as AGR. A close-up of the property shows there is nothing currently on the parcel other than a drain that goes under the road. There is actually a small area of frontage on CR 200, but mostly the frontage is on US Hwy 40. Mr. Dombrosky explained that the sign is designed to be viewed from Hwy 40. He showed a rendering of the prospective sign and explained that it would have electronic messaging. The variance is due to the face-size and height exceeding allowed limits. He explained that county regulations do limit the size and operation of electronic messaging centers, requiring the sign to be static for 8 seconds, can't show animated images, no scrolling or flashing, just static images or text. The size and height restriction are due to being in AGR-zoning. Mr. Dombrosky commented that he does sympathize with the petitioner's concern about the size restriction due to the sign being viewed from US 40. Staff is also more lenient on the electronic messaging since the information displayed will be for community and school events. Staff finds that all criteria have been met and recommends approval.

Mr. Lasley asked what the size of the restriction is.

Mr. Dombrosky suggested that they allow the petitioner to respond to that question.

Mr. Lasley invited the petitioner to address the board.

Mr. Ben Comer, Comer Law Office 71 W Marion St, Danville, IN, representing the petitioner, addressed the board. He explained that the sign is intended as a means for the school corporation to send information to the public about upcoming events, etc.

Mr. Lasley asked if the sign would be 2-sided.

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Mr. Comer answered that it would be 2-sided so cars going both east and west can see the sign.

Mr. Lasley asked if the planned location would conflict with a drainage ditch on the property.

Mr. Comer responded that the exact site has not been determined, but that it would not conflict with the drainage ditch.

Mr. O'Riley asked if there was a house next to the parcel.

Mr. Comer answered the there is a house next to it.

Mr. O'Riley asked if light from the sign would be an issue for that house.

Mr. Dombrosky responded that there are restrictions as to how bright an electronic sign can be. It will remain a light source but will be minimally intrusive. He further added that the sign will be ground mounted and far from the house so that the lighting should pose little issue.

Mr. Comer mentioned that the homeowner had called in with some concerns but didn't formally submit a letter of remonstrance.

Mr. O'Riley confirmed that the homeowner was not in attendance.

Mr. Himsel asked if it would be lit on both sides.

Mr. Comer answered yes.

Mr. Lasley asked if the parcel is currently farmed around the site of the sign.

Mr. Comer answered yes.

Mr. O'Riley asked how much of the sign face would be illuminated.

Mr. Dombrosky responded that 25% of the sign area can be lit and it can't be within 50 feet of a residential use.

Mr. Comer concurred that the ordinance says only 25% of the sign face can have lighting, but they are asking for 50%. Since the sign face will be 100 sq. ft. then 50 sq. ft. of that would be lit.

Mr. Lasley open and closed the public meeting as no one had signed up to speak.

He then asked if there were any more questions or comments.

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

Mr. Kneeland made a motion to approve VAR 27-19.

Mr. O'Riley seconded the motion to approve VAR 27-19.

Motion to approve VAR 27-19 carried unanimously.

VOTE: For- 4 Against- 0 Abstained- 0
VAR 27-19: Mill Creek Community School Corporation

APPROVED

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 27-19

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 12-foot-tall, 100 square foot sign in an Agriculture Residential District.

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.**

The Board finds that the proposal will meet this standard. The larger sign should be safer for passing motorists as it will be more visible and require less distraction.

- (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. Signs are expected on major highways, and the rural area will not be substantially negatively affected.

- (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 need for the variance is due to the rural zoning, which permits a school use, but not some of the expected accessory uses such as larger signs.

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

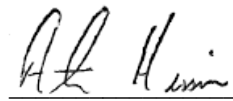
3. The variance applies to the structure described in this application only, and no future signs.

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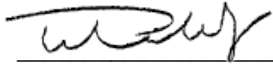
4. All other federal, state and local regulations apply.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 16th day of December 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 09-19: Jonah Holdings, LLC & Whisperer, LLC Special Exception to allow RV and boat storage on a 15.72-acre GB-zoned parcel in Center Township: Section 6, Township 15N, Range 1W; Key Nos. 02-2-06-51W 400-007; located approximately ¼ mile west of intersection of CR N 200 W and W US Hwy 36; 2238 W US Highway 36, Danville, IN 46122.

Mr. Dombrosky introduced the property on PowerPoint. He informed the board that the property had been re-zoned to NB (neighborhood business) about a month ago in order to allow for expansion of the business. He went on to point out that the area around the property is zoned AGR, with a portion zoned as RB for possible future expansion of the town of Danville. He noted that the comprehensive plan shows the area as remaining suburban residential closer to Danville town limits and rural residential further out. Past BZA cases include one for a kennel, multiple principal uses, variance to building standards. Mr. Dombrosky also informed the board that a neighbor had concerns with drainage during the re-zoning process, which would be addressed in the development plan review stage to satisfy the drainage ordinance. There will also be screening requirements to be met. Because there will be outdoor storage, a special exception is required. He concluded that he believes all criteria have been met and recommends approval.

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

There were none.

Mr. Lasley then invited the petitioner to address the board.

Mr. Ben Comer, Comer Law Office 71 W Marion St, Danville, IN, representing Hawkeye Storage and Duane Lane, addressed the board. He explained that the property is the site of the original Hawkeye Storage. The building plans will be very similar to the new Hawkeye storage facility at 7410 W US Hwy 36, Danville, IN. It will offer both indoor and outdoor storage, with room for expansion to offer more outdoor storage and indoor self-storage. The outdoor storage would be used for RVs, which are currently being stored on the original site under grandfathered non-conforming use standards.

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Mr. Lasley asked if the special exception would allow them to add buildings to the site without having to obtain additional permission.

Mr. Dombrosky answered that the GB zoning allows them to put up additional buildings. The special exception is to allow outdoor storage.

Mr. Lasley open and closed the public meeting as no one had signed up to speak.

Mr. Lasley asked if there were any more questions or comments from the board.

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

Mr. Himsel made a motion to approve SE 09-19.

Mr. O'Riley seconded the motion to approve SE 09-19.

Motion to approve SE 09-19 carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	APPROVED
SE 09-19: Jonah Holdings, LLC & Whisperer, LLC			

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 09-19

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 **RV and Boat Storage** in an area zoned as GB (General Business). 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 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 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:

Q. Is in fact a permitted Special Exception use ... [in] the zoning district involved.

The Board finds that RV and boat storage is in fact a Special Exception in the General Business Zoning District.

R. 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 suburban residential, but encourages commercial services be located so as to maximize use of existing infrastructure, including along major thoroughfares,

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

The Board finds that the proposed use will meet this standard. The use is an expansion of an existing permitted use, and the character and design will not differ significantly from existing uses.

T. 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 proper review of the development by County departments for site design including drainage. Emergency services and other public services are adequately serving the rural area for this low intensity use and will not likely experience increase in demand.

U. 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 is served by a major highway and will not have a detrimental effect on the roadway. The increase in demand for emergency services and other public services will likely not increase costs for the County that will not be recovered.

V. 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 use will significantly change and be disruptive and detrimental to the surrounding area.

W. 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 will be required to be improved to handle the traffic.

X. 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.

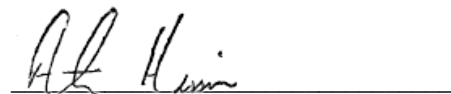
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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

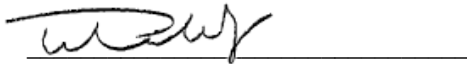
1. All applicable federal, state, and local approvals are required.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 16th day of December 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary

Mr. Youngs introduced the last item on the agenda, election of the 2020 BZA Board Chair and Vice-Chair.

Mr. Himsel asked if they could have the election since the current Chair, Mr. Hession, was absent.

Mr. Dombrosky said that it was up to the discretion of the board. He didn't believe Mr. Hession would have a problem with it, but they could postpone the vote until January if they wanted.

Mr. O'Riley asked if Mr. Hession could be elected if he is not present.

Mr. Dombrosky responded yes.

Mr. Himsel asked if he had expressed any interest in remaining Chair.

Mr. Dombrosky said that Mr. Hession had not said anything to him about it.

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Mr. O'Riley added that Mr. Hession was ready to swap positions the past year.

Mr. Himsel nominated Rod Lasley to be BZA Chairperson.

Mr. O'Riley seconded the nomination.

Motion to elect Rod Lasley as 2020 BZA Chairperson carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	APPROVED
2020 BZA CHAIR – Rod Lasley			

Mr. Lasley then nominated Anthony Hession to be BZA Vice-Chairperson.

Mr. O'Riley seconded the nomination.

Motion to elect Anthony Hession as 2020 BZA Vice-Chairperson carried unanimously.

VOTE: For- 4	Against- 0	Abstained-0	APPROVED
2020 BZA VICE-CHAIR – Anthony Hession			

Being no further business, the meeting was adjourned at 8:35 P.M.