

March 18, 2019

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, March 18, 2019. The meeting began at 7:30 p.m. Members present included Anthony Hession, Sonnie Johnston and Walt O'Riley. Rod Lasley and Sam Himsel were absent from the meeting. Also, present were Tim Dombrosky, Planning Director, Graham Youngs, County Attorney and Leslie Dardeen, Recording Secretary.

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

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

Mr. Hession asked for a motion to approve the minutes from the February 19, 2019 meeting.

Mrs. Johnston made a motion to approve the February 19, 2019 meeting minutes.

Mr. O'Riley seconded the motion.

**VOTE: For- 3                  Against- 0                  Abstained- 0                  APPROVED**  
**February 19, 2019 MEETING MINUTES**

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

**SE 02-19: Robert and Bonnie Van** Special Exception to allow an accessory dwelling unit (ADU) on a 12.44-acre AGR-zoned lot in Lincoln Township; Section 22, Township 16, Range 1E; Key No. 08-3-22-61E 300-020; located near the intersection of E 350 N and N 575 E; 6085 Walnut Court, Brownsburg, IN 46112.

Mr. Dombrosky showed the property on power point, noting the zoning around the area as mostly residential and agricultural with some nearby agri-business. He also highlighted the many previous and varied BZA cases, including stables, mobile homes, home businesses. Mr. Dombrosky also pointed out the comprehensive plan consisting of conservation area and residential space and the proximity to the town of Brownsburg. He concluded by showing the plot plan of the petitioner's property and the proposed building site for the accessory dwelling unit. Staff recommends approval of the special exception.

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

There were none.

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

Mr. Robert Van and Mrs. Bonnie Van, 6085 Walnut Court, Brownsburg, IN, addressed the board. Mrs. Van presented slides showing the property with the current house and accessory buildings. She pointed out where the ADU would be located and its proximity to the existing home. She went on to highlight key exterior features of the existing home that would be used on the ADU to make it aesthetically pleasing and cohesive to the existing structures.

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

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Mr. O'Riley asked if the ADU would share the existing septic system or have its own.

Mrs. Van answered that it would be on its own septic.

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

Mr. Hession asked if the petitioners had any renderings of the proposed ADU.

Mrs. Van responded that they do not have renderings as of yet. She went on to say that the ADU would be built with modular units (not a mobile home). It will have 2 bedrooms, 1 ½ bathrooms and a garage.

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

Mr. O'Riley made a motion to approve SE 02-19 with conditions set by staff.

Mrs. Johnston seconded the motion.

Motion for approval of SE 02-19 carried unanimously for approval.

**VOTE: For- 3                  Against- 0                  Abstained-0                  APPROVED**  
**SE 02-19: ROBERT AND BONNIE VAN**

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

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

Findings of Fact/Law and Conditions of Approval

#### **SE 02-19**

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 **an accessory dwelling unit** in an area zoned as AGR (Agricultural Residential). Acting in its role as staff to the County Board of Zoning Appeals (Board), the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in Room 212 of the County Government Center.

In accordance with Indiana Code (IC) 5-3-1 and the County Zoning Ordinance (HCZO) Section 12.7, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with IC 36-7-4-920. The public hearing included the above special exception on its agenda.

In accordance with Section 3.07 (D)(2) of the Rules of Procedure of the Board, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this notice and a list of those receiving them were made a part of the file for this Special Exception.

The Board conducted the hearing as advertised and heard evidence and testimony on the above noted Special Exception. Meeting in open session, the Board subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and HCZO. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

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In its deliberations, the Board weighed the evidence associated with the following requirements and made the following findings.

**IC 36-7-4-918.2 Exceptions and uses. A Board of Zoning Appeals shall approve or deny all: (1) Special Exceptions; ... from the terms of the Zoning Ordinance, but only in the classes of cases or in the particular situations specified in the Zoning Ordinance.**

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

**HCZO Section 4.7 (C) authorizes the approval of a banquet or assembly hall and a retreat center in the AGR zoning district**

**HCZO Section 12.7 (D)(1). In addition to the special requirements for permitted Special Exception uses as specified in Section 12.7 (D)(2) ... the Board of Zoning Appeals ... shall find adequate evidence showing that the use at the proposed location:**

- A. Is in fact a permitted Special Exception use ... [in] the zoning district involved;**  
The Board finds that an accessory dwelling unit 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 develop with moderate growth intensity as suburban residential, 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 use will not change, and the design will not differ significantly from existing conditions.
- D. Will be served adequately by essential public facilities and services ... or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;**  
The Board finds that the proposal will meet this standard. The use will have to meet local and State regulations for water supply and sewage disposal. Emergency services 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 change 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 use is not changing and there will be no creation of excessive detrimental effects.

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**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.**

The Board finds that the proposal will meet this standard. There will be no substantial loss in natural, scenic, or historic features with the operation of the business.

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

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

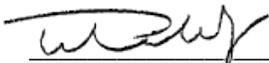
1. All applicable federal, state, and local approvals are required.
2. Any significant expansion of the structures shall require the appropriate County approval.
3. No additional driveway will be established.
4. No additional address will be assigned to the property.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 18th day of March 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 7:41 P.M.