

June 17, 2019

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, June 17, 2019. The meeting began at 7:30 p.m. Members present included Anthony Hession, Walt O'Riley and Sam Himsel. Also, present were Tim Dombrosky, Planning Director, Greg Steuerwald, County Attorney and Leslie Dardeen, Recording Secretary.

Everyone stood and recited the Pledge of Allegiance.

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 May 20, 2019 meeting.

Mr. Hession made a motion to approve the May 20, 2019 meeting minutes.

Mr. Himsel seconded the motion.

VOTE: For- 3 Against- 0 Abstained- 0 APPROVED
May 20, 2019 MEETING MINUTES

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

VAR 12-19: John Berry Variance to allow accessory building in front of the principle dwelling on a 23.97-acre RB-zoned parcel in Eel River Township; Section 33, Township 17, Range 2W; Key No. 04-1-33-72W 300-005; located north of SR 236 and west of N SR 75; 6623 Ladoga Rd, North Salem, IN 46165.

Mr. Dombrosky introduced the property on power point, noting that it is northwest of North Salem and zoned RB. He added that the parcel is not a good representation of RB zoning due to its size; it is more representative of AGR zoning. He explained that the petitioner is wanting to put an accessory building in front of the principal dwelling, utilizing the former site of a mobile home. Mr. Dombrosky then presented the site plan showing the location of the existing house in relation to the previous placement of the mobile home. Because he believes it meets the three criteria of a variance and that it is a good and appropriate use of space, staff recommends approval.

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

Mr. O'Riley asked if there was a reason that the accessory building had to go in front of the house.

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

Mr. Berry explained that by utilizing the area where the mobile home had been, he would be able to preserve the natural features of the parcel. The site would require the least amount of clearing. Building elsewhere on the property would require cutting down several trees. Additionally, there are already water lines and septic at that location should he ever decide to use them.

Mr. Hession asked the board if they had any more questions for the petitioner.

There were none.

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

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

Mr. Himsel made a motion to approve VAR 12-19 with conditions set by staff.

Mr. O'Riley seconded the motion.

Motion for approval of VAR 12-19 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 12-19: John Berry

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 12-19

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 building.

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;**

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The Board finds that the proposal will meet this standard. The structure will meet setbacks required for public safety, and will have no negative affect on health morals, or general welfare.

(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 surroundings are rural residential in character and the placement of the structure will not be out of place so as to have an effect on neighboring property.

(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 property was rezoned to a suburban residential type zoning that is meant to accommodate subdivisions. The property has remained rural residential and to impose suburban standards without granting relief would be a hardship.

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

1. All other federal, state and local regulations apply.
2. The variance shall not apply to any other structure than those included in this current request.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17th day of June 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

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VAR 13-19: Sarabjit Kaur Variance to allow a second principle dwelling on an 18.71-acre AGR-zoned parcel in Washington Township; Section 28, Township 16, Range 1E; Key No. 12-1-28-61E 400-009; located at the intersection of CR N 600 E and CR E 200 N; 2356 N CR 600 E, Avon, IN 46123.

Mr. Dombrosky showed the property on power point. It is located between Brownsburg and Avon, and zoned AGR. Most of the neighboring properties are also zoned AGR. There have been several variances in the area, but nothing relevant to this case. Mr. Dombrosky showed the site plan, pointing out the existing structures and where the new proposed house will be located. He explained that the long-term plan for the property includes putting a pool in between the new home and the existing home and then converting the existing home into a pool house. He noted that even with this conversion, the pool house would still be considered as a primary dwelling for the purposes of the BZA and this variance. Mr. Dombrosky believes all criteria have been met for approval of the variance, stating that the size of the parcel allows for expansion and that the proposed expansion would be good use of the property. Staff recommends approval.

Mr. Hession asked how much space is between the existing structures.

Mr. Dombrosky answered that there is less than 100 feet.

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

Mr. O'Riley asked if the existing home is on septic and if the new home would have its own septic system.

Mr. Hession invited the petitioner to the podium to answer Mr. O'Riley's question and to address the board.

Mrs. Sarabjit Kaur answered that the existing house is on septic. She also said that the new home would have its own system. She went on to explain that the immediate plan is to build a new house. The conversion of the existing home and the addition of the pool are future plans, which may not be pursued for two or more years.

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

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

There were none.

Mr. Hession asked for a motion from the board.

Mr. O'Riley made a motion to approve VAR 13-19 with conditions set by staff.

Mr. Himsel seconded the motion.

Motion for approval of VAR 13-19 carried unanimously.

VOTE: For- 3

Against- 0

Abstained-0

APPROVED

VAR 13-19: Sarabjit Kaur

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 13-19

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 dwelling on one property.

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:

- (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 it is only being modified in form and not function.

- (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 proximity to the home, and the lack of address and separate access should ensure the property has no adverse effect on surrounding property. The property will remain similar in appearance and function to a single-family residence.

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

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The Board finds that the proposal will meet the standard. The zoning ordinance would require unnecessary demolition or remodeling of the existing structure. The conditions imposed should resolve the issues the zoning ordinance seeks to mitigate.

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

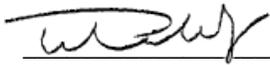
3. All other federal, state and local regulations apply.
4. The property shall only have one address assigned.
5. The property shall only have one driveway until subdivided.
6. The variance shall not apply to any other structure than those included in this current request.

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 17th day of June 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Hession asked if there was any further business.

There was none.

Being no further business, the meeting was adjourned at 7:45 P.M.