

October 21, 2019

The Hendricks County Board of Zoning Appeals met in the Hendricks County Government Center, Meeting Rooms 4 and 5, Monday, October 21, 2019. The meeting began at 7:30 p.m. Members present included Anthony Hession, Walt O'Riley and Ron Kneeland. Also, present were Tim Dombrosky, Planning Director, Graham Youngs, County Attorney and Leslie Dardeen, Recording Secretary. Rod Lasley and Sam Himsel were absent.

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

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 September 16, 2019 meeting.

Mr. Kneeland made a motion to approve the September 16, 2019 meeting minutes.

Mr. O'Riley seconded the motion.

VOTE: For- 3 Against- 0 Abstained- APPROVED
September 16, 2019 MEETING MINUTES

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

VAR 22-19: Andy Adams Variance to allow accessory building prior to principal dwelling on an 1.55-acre AGR-zoned parcel in Middle Township; Section 17, Township 17, Range 1E; Key No. 10-1-17-71E 354-002; located at the intersection of N 471 E and E 1000 N; 10036 N CR 471 E, Pittsboro, IN 46167.

Mr. Dombrosky introduced the property on power point. He noted that the property is part of a subdivision and is currently undeveloped with lots of trees and high grass. He explained that the property has remained undeveloped partly because of a creek that runs through it and causes flooding in low lying areas. There are challenges for building a principal dwelling on site because of it. It's zoned AGR. Past BZA cases in the area include home occupation, lot standards and mobile home, are all common for this type of rural setting. He also commented that the comprehensive plan shows the area as remaining rural residential. Mr. Dombrosky highlighted the site plan and pointed out that the petitioner's home is on the lot right next door. The site plan shows the accessory building in the middle of the lot, so there are no issues with setbacks. Because of the issues with flooding and elevations which prevent a primary residence being built on the property and the petitioner's house being right next door, Mr. Dombrosky believes this to be an appropriate use and that all criteria for a variance have been met. Staff recommends approval.

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

Mr. O'Riley asked if the lots could be combined.

Mr. Dombrosky responded that the lots are part of a subdivision. This makes it a little more difficult to combine the lots. The petitioner would have to file a re-plat with the Planning and Building department.

October 21, 2019

Mr. Hession asked if the vacant lot was part of the subdivision.

Mr. Dombrosky answered that the lot is also part of the subdivision. He continued that the lots could be combined but would have to be re-platted, it's a little more complicated that writing a new property description.

Mr. Hession invited the petitioner to address the board.

Mr. Andy Adams, 10036 N CR 471 E, Pittsboro, IN 46167, addressed the board. He said that Mr. Dombrosky had covered all the main points. He reiterated that he is wanting to build a pole barn to store his tools and yard equipment.

Mr. Hession asked if there is wetland on the property.

Mr. Adams answered that his residential lot is much wetter than the vacant lot. The vacant lot gets soggy near the back of the property but not at the proposed building site. He pointed out the culvert and the direction that the water flows across both of his properties.

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. O'Riley asked Mr. Dombrosky if staff was ok with not combining the lots.

Mr. Dombrosky answered that staff was ok with not combining them; this is a reasonable alternative.

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

Mr. Kneeland made a motion to approve VAR 22-19 with conditions set by staff.

Mr. Hession seconded the motion.

Motion for approval of VAR 22-19 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
VAR 22-19: Andy Adams

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 22-19

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 without a primary structure.

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

October 21, 2019

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 meet this standard. The building will be next to the primary dwelling although not on the same lot. It will pose no safety risk or other threat.

- (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 use will remain residential and there will be no substantial adverse effects.

- (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 subject property has floodplain challenges and would be hindered if considered for use by a principle structure. This approval will allow a productive use of the property.

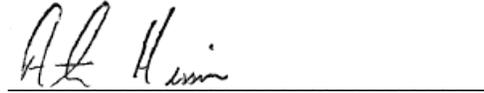
IC 36-7-4-918.2 Exceptions and uses. The Board may impose reasonable conditions as a part of its approval.

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

October 21, 2019

For all the foregoing reasons, the Board APPROVED this request for a development standards Variance on the 21st day of October 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

Mr. Hession reminded everyone that the BZA is a 5-member board, but with only three members present it will take all three votes to approve or deny a petition. A split vote will necessitate a continuance.

SE 05-19: Bryan Coleman Special exception to allow construction of a single-family principal dwelling in an AGB-zoned area on a 20-acre parcel in Union Township; Section 5, Township 16, Range 1W; Key No. 11-2-05-61W 400-003; located west of intersection N SR 39 and W 625 N; Parcel ID 32-06-05-400-003.000-020 on W CR 625 N, Lizton, IN 46149.

Mr. Dombrosky showed the property on power point. He explained that the parcel had been rezoned to AGB (Ag Business) but is surrounded by AGR-zoned areas. He then noted past BZA cases in the area, including a variance granted to the subject parcel to allow for a landscaping business. The comprehensive plan shows the area remaining rural residential. Mr. Dombrosky introduced the plot plan, showing no existing residence. He pointed out the potential building site, although the petitioners are not locked into a particular site at this stage. He also explained that special exception approval is needed to build a residential building on an AGB-zoned parcel, and should the petitioners want to formerly establish a business they will be required to obtain a separate variance to allow for a second principal use but the zoning would remain appropriate for an ag business. Mr. Dombrosky concluded that he believes all criteria for a special exception have been met and staff recommends approval.

Mr. Hession asked when the parcel was zoned Ag Business.

Mr. Dombrosky responded that he wasn't sure of the date, but it had been just a few years ago.

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

There were none.

Mr. Hession invited the petitioner to address the board.

October 21, 2019

Mr. Andy Kult, Comer Law Office, 71 W Marion St, Danville, represented the petitioner. He gave a brief history of the property, including the past re-zoning from AGR to AGB. He explained that the Coleman's live on the parcel next door and are not currently using the subject property for business purposes. They are wanting to build a primary residence on the subject parcel for their daughter. The property had originally been rezoned for a horse boarding facility, which never came to fruition. The Colemans are wanting to build a primary residence on the property but also maintain the AGB zoning should they decide to use it for business purposes in the future.

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

Mr. Hession clarified that the petitioners currently live on the parcel adjacent to the one in question.

Mr. Kult answered that this is correct. The new home would be for their daughter.

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

There were none.

Mr. Hession asked for a motion from the board.

Mr. Kneeland made a motion to approve SE 05-19 with conditions set by staff.

Mr. O'Riley seconded the motion.

Motion for approval of SE 05-19 carried unanimously.

VOTE: For- 3 Against- 0 Abstained-0 APPROVED
SE 05-19: Bryan Coleman

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval
SE 05-19

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 single-family dwelling** in an area zoned as AGB (Agricultural 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.

October 21, 2019

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

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 single-family dwelling is in fact a Special Exception in the Agricultural Business 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 residences in and around the heavy agriculture districts be made aware that uses permitted in districts are protected from the residential use nuisance claims. The property owner is aware of such conditions.

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 intended character of the area is agriculture and this use will not change that. The character and 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 proper review of the use by the County Health department for waste disposal and water supply. Emergency services and other public services are currently serving the rural area adequately.

October 21, 2019

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 residential use will not produce excessive negative effects.

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 is 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.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 21st day of October 2019.

AREA BOARD OF ZONING APPEALS

HENDRICKS COUNTY, INDIANA



Anthony Hession

Chairperson



Tim Dombrosky

Secretary

VAR 23-19: Nancy Plummer Variance to front setback to allow construction of detached garage 65' from centerline on a 1.03-acre RB-zoned parcel in Washington Township; Section 10, Township 15, Range 1E; Key No. 12-3-10-51E 400-011; located east of intersection E 100 S and S 625 E; 6572 E CR 100 S, Avon, IN 46123.

Mr. Dombrosky showed the property on power point, noting that it is in a more developed area near Avon town limits. Most of the parcels in the area are relatively the same size. He pointed out the past BZA cases in the area, including the recreational fields at the intersection of E CR 100 S and S CR 625 E, various mobile homes and non-conforming uses. The comprehensive plan shows the petitioner's area is set to remain RB. The comp plan also clearly shows the county jurisdiction versus the town jurisdiction. Mr. Dombrosky introduced the site plan, showing the existing home and an accessory building. He also noted the constraints of the property, mainly the width of the parcel leaving only one available space to build the new garage. He also highlighted on the map a significant swale coming between the existing garage and the shed. He believes the primary reason for this variance is to avoid the slope of the swale.

Mr. Hession asked what the elevation of the swale is.

Mr. Dombrosky answered that it was approximately 5 feet. He clarified that the setback is due to the classification of the road and not the swale itself. Since the road is classified as a "collector" street the setback is greater. However, the setback would be behind the house if it was imposed to standard. The setback and right-of-way together are 95 feet, the house is at 70 feet from center line. The request is to put the garage at 65 feet from center line. He concluded that he believes all the criteria for a variance have been met and that the question of public safety has also met, as the reduced setback is behind the right-of-way. The setback presents no sight-line issues and is not an aesthetic concern since there isn't more of an established front setback along the road. He believes it's more desirable to vary from development standards than to infringe upon an environmentally sensitive issue. He 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.

Ms. Nancy Plummer, 6572 E CR 100 S, Avon, IN 46112, presented a power point to the board. She explained that the garage would be approximately 7 to 10 feet in front of the house. She highlighted the water flow/drainage issues on the property and explained that there would not be enough room to build the garage on the west side of the swale in order to avoid the wet areas. She had an engineer look at the area and he determined that the swale accommodated the water run-off from approximately 15 acres of adjoining property. She presented the board with pictures taken of her yard with standing water. She then presented a picture of the proposed building site. Ms. Plummer also showed the layout of her neighbors' properties and the placement of their garages, indicating that they are closer to the road than her proposed garage will be.

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.

There were none.

October 21, 2019

Mr. Hession asked for a motion from the board.

Mr. O'Riley made a motion to approve VAR 23-19 with conditions set by staff.

Mr. Kneeland seconded the motion.

Motion for approval of VAR 23-19 carried unanimously.

VOTE: For- 3

Against- 0

Abstained-0

APPROVED

VAR 23-19: Nancy Plummer

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

VAR 23-19

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 reduction in the front setback and 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.

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;**

October 21, 2019

The Board finds that the proposal will meet this standard. The right of way will be unaffected, and the building will not be closer to the street than other existing structures.

(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 enjoys similar reductions in setback. This approval will allow a productive use of the property.

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 21st day of October 2019.

AREA BOARD OF ZONING APPEALS
HENDRICKS COUNTY, INDIANA



Anthony Hession
Chairperson



Tim Dombrosky
Secretary to the Board

SE 06-19: Melissa Bower Special exception to allow modular (double-wide) home as accessory dwelling on a 5.06-acre AGR-zoned parcel in Brown Township; Section 14, Township 17, Range 1E; Key No. 01-1-14-71E 300-003; located north of intersection E CR 1000 N and N CR 800 E; 10362 N CR 800 E, Brownsburg, IN 46112.

Mr. Dombrosky showed the property on power point, a five-acre parcel along a strip of five-acre

October 21, 2019

parcels with a subdivision across the street. The property and surrounding area are zoned AGR. He also noted the nearby BZA cases, including a denied request for a banquet facility on an adjoining parcel. The comprehensive plan shows a potential business district due to its alignment with the Ronald Reagan Parkway. The remainder of the area is shown as suburban residential with some conservation along the creek. Mr. Dombrosky highlighted the subject parcel, noting that is 5 acres but very narrow and long putting constraints on access. He showed the proposed location of the accessory dwelling, a possible 1400 sq. ft. modular. It meets all the recommended criteria from the zoning ordinance for an accessory dwelling; it's smaller than the primary residence, it will sit behind the primary, it will share a similar design, a driveway and an address. All the criteria have been set up to discourage owners from turning accessory dwellings into rentals. He believes that all nine criteria have been met for a special exception and 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. and Mrs. Alexander and Melissa Bower, 10362 N CR 800 E, Brownsburg, IN 46112, addressed the board. They explained that they are asking for the special exception so that Alex's mother can live on the property. It would be a small modular home and they would extend the driveway to it.

Mr. O'Riley asked whether it would have its own septic.

Mr. Bower answered that the accessory dwelling would have its own septic system. It will share the water line but have its own pressure tank.

Mr. Hession asked if the modular would be put on a permanent foundation.

Mr. Bower answered that it would be on a permanent foundation. However, the long-range plan would have the option of moving it should they ever sell the property, or it is no longer needed.

Mrs. Bower also added that the exterior will be a close match to the primary dwelling.

Mr. Hession opened the public portion of the meeting.

Mrs. Terry Schroth, 12384 Torberg Place, Fishers, IN, addressed the board. She has concerns about the impact of mobile homes on the area. She concluded that she is not in support of the special exception.

Mr. John Schroth, 12384 Torberg Place, Fishers, IN, declined to comment other than agreeing with his wife's previous comments.

Mr. Wayne Walters, 10468 Breezeway Circle, Brownsburg, IN 46112, also addressed the board. He is not in support of the special exception as he believes an accessory dwelling is not consistent with the area.

Mr. Hession closed the public hearing as no one else had signed up to speak.

October 21, 2019

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

Mr. Dombrosky added that he had received an email from another concerned neighbor. They expressed their opposition to the special exception and to having a modular home in the area. Mr. Dombrosky followed up with them explaining that the Bower's could subdivide their property and a modular home would be permitted without a special exception on the new parcel. He further explained that the county allows modular homes without any special restrictions; if this was an undeveloped lot, they would be able to put a modular home on it.

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

Being none, he then asked for a motion from the board.

Mr. O'Riley said that because the accessory dwelling would be behind an existing garage/barn and not have any discernible visual impact on the area he would make a motion to approve SE 06-19 with conditions set by staff and board.

Mr. Kneeland seconded the motion.

Motion for approval of SE 06-19 carried unanimously.

VOTE: For- 3

Against- 0

Abstained-0

APPROVED

SE 06-19: Alexander and Melissa Bower

Hendricks County Area Board of Zoning Appeals

Findings of Fact/Law and Conditions of Approval

SE 06-19

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** 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.

October 21, 2019

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 an accessory dwelling unit 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 agricultural and encourages efficient use of existing developed land. The proposal represents an efficient use of land and alternative to further subdivision.

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, and the character and design will not differ significantly from existing rural residential and agriculture uses.

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 rural area.

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 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.

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;

October 21, 2019

The Board finds that the proposal will meet this standard. The use will not significantly change.

O. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The Board finds that the proposal will meet this standard. The existing entrance main entrance is 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.
2. Only one driveway shall be permitted.
3. No second public address will be assigned.

For all the foregoing reasons, the Board APPROVED this request for a Special Exception on the 21st day of October 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 8:04 P.M.