

CASE SUMMARY

Development Standards Variance

Case: 2025-2266
Daniel Hendry, Petitioner

Request: Seeking a development standards variance from UDO Section 4.04.D.c.:
Driveway Standards for Residential Uses

Location: 179 Velvet Hat Road

Acreage: 0.22 acres

Zoning: Planned Unit Development District (PUD)

Staff Summary:

The petitioner applied for a permit to expand their driveway; however, the plot plan submitted does not comply with the ordinance requirement limiting driveway width to a maximum of 20 feet at the right-of-way. The petitioner is requesting a width of 28 feet, not including the apron. The request is being made to provide additional space to safely accommodate loading and unloading for a wheelchair-bound family member. Under the former Subdivision Control Ordinance, the allowable driveway width at the right-of-way was 24 feet.

The Town's Code of Ordinances currently restricts driveway widths to 24 feet at the right-of-way, and it is anticipated that the UDO will be amended to align with this requirement.

To date, staff has not received any inquiries following the public notice.

If approved, staff recommends the following conditions:

1. Any portion of the driveway within the right-of-way must be constructed with a minimum of six (6) inches of concrete.
2. All "cold joints" must be pinned to prevent movement.
3. The existing sidewalk must be cut at the nearest control joint to connect the proposed sidewalk.
4. The sidewalk and driveway subgrade must consist of compacted #53 stone or self-compacting granular fill, compacted to 95%.

BZA options include the following:

- Approve the variance requests
- Deny the variance requests
- Approve the variance requests with conditions

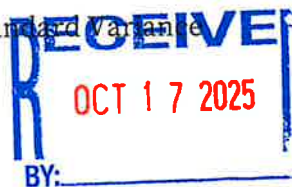


Date of Hearing: 11-19-25 App No. 2025-2266 Fee: \$35.00
BZA Action: _____ Received by: LT

Permit No 2025-2266

APPLICATION FOR APPROVAL (Check all that apply)

☐ Appeal ☐ Special Exception ☐ Use Variance ☒ Development Standard Variance



** Please fill out the form in its entirety*

Applicant (s) Daniel Hendry
Address (s) 179 Velvet Hat Rd Danville IN 46122
Phone (s) 3179453132 Email (s) Daniel Hendry12@gmail.com

Owners (s) SAME AS ABOVE
Address (s) _____
Phone (s) _____ Email (s) _____

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: _____

Address (s) _____
Phone (s) _____ Email (s) _____

Address of Subject Property: 179 Velvet Hat Rd.
Area (in acres): .22 Number of Lots: 1
Parcel ID#: 17-2-05-51W-476-023 Current Zoning District: PUD

Requested Action From The Danville BZA: Variance for driveway to be at the width of 28 feet at right of way (not including aprons) vs the allowed 20 feet. Sec 4.04 D. I.C.

The undersigned certifies that the above information is true and correct to the best of his (her) knowledge.

Signature of Owner/Applicant (s)

Title of Applicant (s)

Letter of Intent



Address: 179 Velvet Hat Road Danville IN 46122

To Whom It May Concern,

We are writing to formally express our intent to request a variance from the Town of Danville's current code, which states that a driveway may not exceed 20 feet in width at the right of way (not including aprons).

The requested variance would allow us to extend the driveway width at the right of way to align with our existing third garage lane and driveway. This improvement would significantly ease accessibility for our wheelchair-bound resident, who currently must be loaded into the vehicle at an angle that occupies both driveway spaces and limits parking availability, often forcing vehicles onto the street.

We believe this addition would not only enhance accessibility and safety for our household but also contribute positively to the overall function and appearance of the property and neighborhood.

Thank you for your time and consideration of this request.

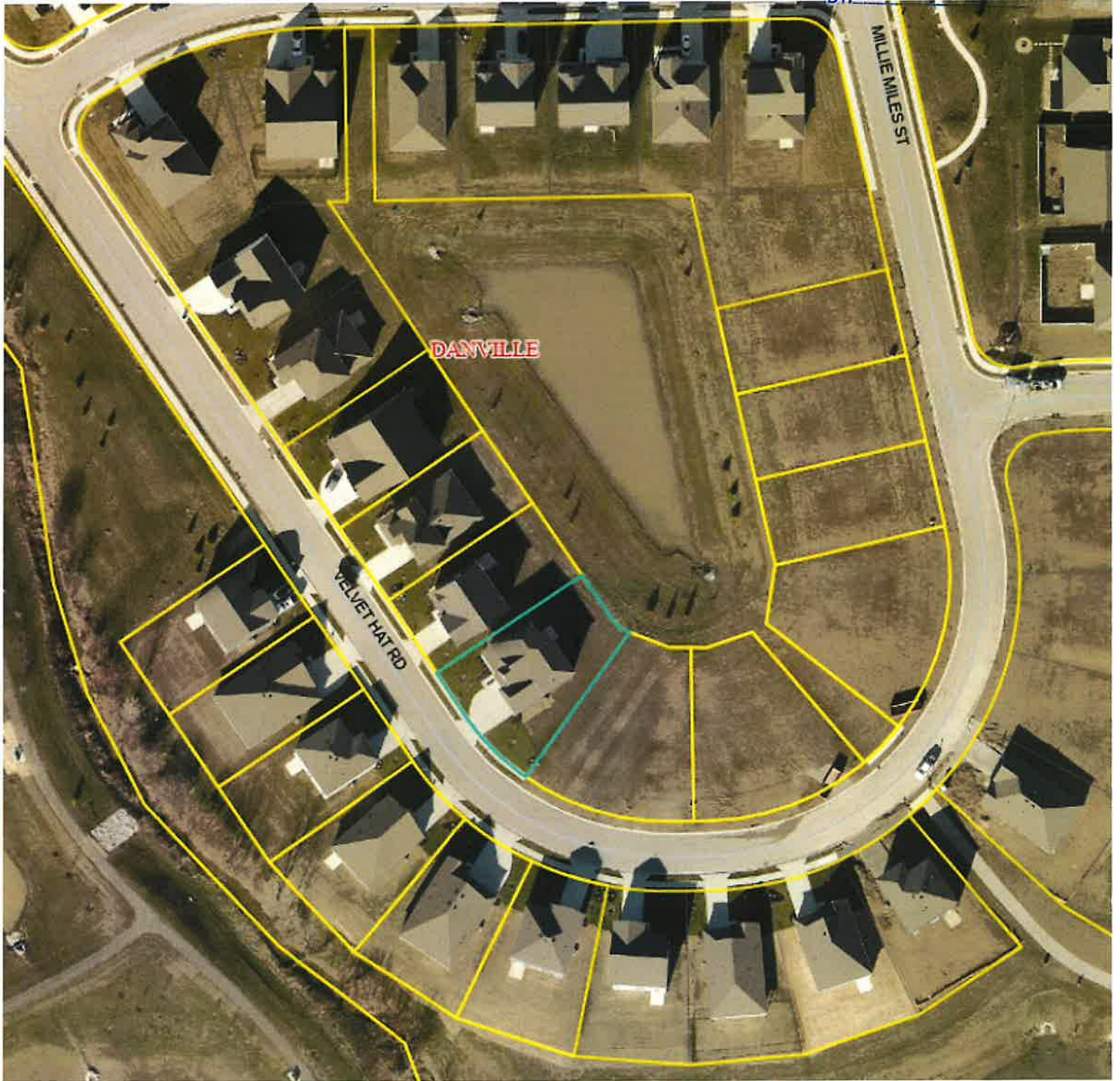
Sincerely,

Daniel Hendry

179 Velvet Hat Road Danville IN 46122

DRIVEWAY. 808 ± Sq. Ft.

RECEIVED
OCT 17 2025
BY:



FINDINGS OF FACT
DEVELOPMENT STANDARD VARIANCE



Address: 179 Velvet Hat Road Danville IN 46122

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

Granting this variance will have no adverse impact on the public or neighboring properties. By allowing additional off-street parking, the need for vehicles to park along the roadway will be reduced, thereby improving sight visibility for drivers and minimizing any potential obstruction to the normal flow of traffic. The overall effect will be a safer and more aesthetically consistent streetscape for both residents and visitors.

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 because:

The proposed driveway addition will enhance accessibility and safety for all passerby, including emergency and delivery vehicles, by allowing for more efficient vehicle movement by the property. This improvement will help ensure that sidewalks remain unobstructed and accessible to pedestrians, as vehicles will no longer need to be stacked or extend into the public right-of-way. Overall, the change is expected to contribute positively to neighborhood appearance, property value, and traffic flow within the area.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:

The portion of the driveway that cannot currently be extended serves as the primary access route from the sidewalk to the front entrance of the home. At present, this configuration requires our wheelchair-bound resident to be loaded and unloaded at an angle, which occupies a significant portion of the existing driveway. As a result, other vehicles are often unable to utilize the remaining space, necessitating on-street parking. Expanding the driveway would provide safer, more direct accessibility for the resident while also alleviating the need for street parking and improving overall traffic flow and safety.

**BOARD OF ZONING APPEALS
DANVILLE, INDIANA**

**ACTION ON PETITION FOR A VARIANCE
FROM DEVELOPMENT STANDARDS**

MOTION

I move that we **approve / deny** the variance sought by Daniel Hendry, petitioner in BZA petition 2025-2266 to allow a driveway width of 28 feet at the right of way (not including the apron as required by Section 4.04.D.1.c: Driveway Standards for Residential Uses of the Unified Development Ordinance (UDO) on property located at 179 Velvet Hat Road. This petition has **satisfied / not satisfied** the requirements for variances under state law for the following reasons:

1. The approval **will / will not** be injurious to the public health, safety, morals, and general welfare of the community
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
 - c) **because:** _____

2. The use and value of the area adjacent to the property included in the variance **will / will not** be affected in a substantially adverse manner
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
 - c) **because:** _____

3. The strict application of the terms of the Zoning Ordinance **will / will not** result in practical difficulties in the use of the property
 - a) **for the reason(s) stated in the staff report;**
 - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
 - c) **because:** _____

[note #1: An adverse finding on any one of the above requires Board denial of the variance.]

[note #2: None of the words in bold italics should be used if the motion is to approve a variance.]

And, I move that this approval be made subject to the following conditions:

[note #3: If the majority votes against a motion to approve a variance, a subsequent motion should be made for findings of fact to reflect that the Petitioner did not establish the three requirements of state law to have been met. This motion should indicate which requirement(s) were not met or cite reasons stated in the staff report, if the staff recommendation was against approval.]

DECISION

(After a second is made to the motion and a vote is taken, the presiding officer makes the following announcement): “It is therefore the decision of this body that this variance petition is **approved / *denied*** (and if conditions have been imposed)...**subject to the conditions made a part the adopted motion.**”