



**TOWN OF  
DANVILLE**

**Danville Board of Zoning Appeals  
February 19, 2025  
6:00 PM**

**AGENDA**

**I. Call Meeting to Order**

- **Pledge of Allegiance**
- **Establish Quorum**
- **Approve Minutes**
- **Swear In Participants**

**II. New Business:**

- A. Public Hearing: A development standards variance to allow a fence to be located within a drainage and utility easement (UDO Section 4.02.G.2.a. Fence and Wall Locations) in the Residential 1 (R1) zoning district on property located at 767 Tateam Drive  
(Bradley & Jamie Harrell)**

**III. Other Business: None**

**IV. Report of Officers and Committees**

**V. Adjourn**

**Next Meeting:  
March 19, 2025**

**DANVILLE BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**January 22<sup>nd</sup>, 2024**  
**6:00 PM**

Members Present: Kevin Tussey, Tracie Shearer, Jill Howard, Randy Waltz, Tiffany Dalton  
Members Absent: None  
Staff Present: Lesa Ternet, Brittany Mays  
Legal: Kayla-Moody Grant, Chou-il Lee - Taft Law  
Guests: Stephen Kromkowski, John Ayers, Cassandra Quissell-Wright

A quorum was established, and the meeting was called to order by K. Tussey. The minutes from December 18<sup>th</sup>, 2024, were approved. R. Waltz made a motion to approve. T. Dalton seconded the motion. Motion carried 4-0.

J. Howard made a motion to nominate K. Tussey for President. R. Waltz seconded the motion. Motion carried 4-0.

J. Howard made a motion to nominate R. Waltz for Vice President. T. Dalton seconded the motion. Motion carried 4-0.

R. Waltz made a motion to nominate J. Howard for Secretary. T. Dalton seconded the motion. Motion carried 4-0.

T. Shearer arrived at the meeting at 6:03 P.M.

**Swear in Participants:** R. Waltz swore in S. Kromkowski and J. Ayers.

**New Business:**

- A. Public Hearing: A development standard variance to allow an on-site commercial septic system (UDO Section 2.10 C., IL Utility Standards) in the Industrial Light (IL) zoning district on property located at 1100 South County Road 300 East**

(Stephen Kromkowski, DLZ & John Ayers, on behalf of Hendricks County Board of Commissioners)

T. Dalton recused herself from all Items on the agenda, due to her employment with Hendricks County. L. Ternet asked if S. Kromkowski could present all variances related to the property at once. K. Tussey agreed. S. Kromkowski, DLZ stated they were currently planning for an on-site septic system. L. Ternet stated the variance may not be necessary, as there was a possibility public wastewater may be available prior to installing a septic system. She continued to state they were going to proceed with the septic system, but if

public wastewater becomes available, they would connect at that time. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. J. Howard made a motion to approve. R. Waltz seconded the motion. Motion carried 4-1 Dalton abstained.

**Roll Call Vote:**

R. Waltz – Aye  
T. Shearer – Aye  
K. Tussey – Aye  
J. Howard – Aye

**B. Public Hearing: A development standard variance to allow alternative varying building materials (UDO Section 4.03.D.4.a.iv., Permitted Building Materials for Street Façade) in the Industrial Light (IL) zoning district on property located at 1100 South County Road 300 East**  
(Stephen Kromkowski, DLZ & John Ayers, on behalf of Hendricks County Board of Commissioners)

S. Kromkowski stated they would have a variety of materials in different color schemes, but it will primarily be metal paneling. He stated they would also have brick on the building, especially at the main entrance. S. Kromkowski stated there would be a fence in the back area of the building where the maintenance bays are located. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. T. Shearer made a motion to approve. R. Waltz seconded the motion. Motion carried 4-1 Dalton Abstained.

**Roll Call Vote:**

R. Waltz – Aye  
T. Shearer – Aye  
K. Tussey – Aye  
J. Howard – Aye

**C. Public Hearing: A development standards variance to eliminate specific trim requirements (UDO Section 4.03.D.4.a.iv., Permitted Building Materials for Street Façade) in the Industrial Light (IL) zoning district on property located at 1100 South County Road 300 East**  
(Stephen Kromkowski, DLZ & John Ayers, on behalf of Hendricks County Board of Commissioners)

S. Kromkowski officially withdrew the application for Item C, as it was not needed.

**D. Public hearing: A development standard variance to allow a roof eave with no overhang (UDO Section 4.03.D.5.d., Roof Eaves) in the Industrial Light (IL) zoning district on property located at 1100 South County Road 300 East (Stephen Kromkowski, DLZ & John Ayers, on behalf of Hendricks County Board of Commissioners)**

S. Kromkowski stated they would be sloping the building roof and using parapet walls and gutters, so there wouldn't be straight lines in the front of the building. K. Tussey opened the meeting to the public. No public comment. The meeting was closed to the public. T. Shearer made a motion to approve. J. Howard seconded the motion. Motion carried 4-1 Dalton Abstained.

**Roll Call Vote:**

R. Waltz – Aye  
T. Shearer – Aye  
K. Tussey – Aye  
J. Howard – Aye

**Other Business:** None

**Report of Officers and Committees:** L. Ternet stated there would be a meeting next month.

With there being no further business before the board, J. Howard made a motion to adjourn T. Dalton seconded.

The meeting was adjourned at 6:19 P.M.

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Kevin Tussey - President

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Jill Howard – Secretary

# Meeting Briefing

February 19, 2025

**767 Tateam Drive: A Development Standards Variance to allow a fence to be located within a drainage and utility easement in a Residential 1 District**

This request is to permit the placement of a fence within a drainage and utility easement. This is a public hearing and will require a vote.

# CASE SUMMARY

## DEVELOPMENT STANDARD VARIANCE

**Case:** 2025-2224  
Bradley and Jamie Harrell, Petitioner

**Request:** Seeking a variance from Section 4.02.G.2.a (UDO) to allow a fence to be located within a drainage and utility easement

**Location:** 767 Tateam Drive (Lot 166, Whisperwood Lakes, Section 4)

**Zoning:** Residential 1 (R1)

### Staff Summary:

The Unified Development Ordinance (UDO) prohibits fences from being placed within drainage and utility easements. This restriction was implemented when the UDO was adopted a year ago to prevent obstructions that could impede water flow within these easements. Under the previous zoning ordinance, fences were permitted in easements with the condition that if work was required in the area, the fence would be removed and replaced at the owner's expense. However, allowing fences in these easements has led to instances where water flow was obstructed.

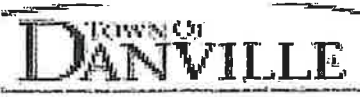
The petitioner is seeking approval to install a 6-foot white vinyl fence within a 20-foot drainage easement at the rear (west) of the property and within a 10-foot drainage easement along the south property line. The proposed fence location would obstruct water flow within these easements, potentially causing drainage issues for neighboring properties.

As of this writing, staff has not received any inquiries regarding this request.

Staff opposes the petitioner's request to encroach into the drainage and utility easement for the reasons stated above. Additionally, the restriction on placing fences in easements was established to protect future homeowners from potential drainage problems. Granting this request could set a precedent for similar variance petitions in the future.

### **BZA options include the following:**

- Approve the variance request
- Deny the variance request
- Approve the variance request with conditions or modifications



Date of Hearing: 2-19-25  
Board of Zoning Appeals Action: \_\_\_\_\_

App. No.: 2025-2224  
Fee: \$ 350.00  
Received By: LT

JAN 17 2024

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) Bradley and Jamie Harrell

Address (s) 767 Tateam Drive

Phone (s) 317-809-2848 Email (s) bharrell01@gmail.com

Owners (s) Brad and Jamie Harrell

Address (s) 767 Tateam Drive

Phone (s) 317-809-2848 Email (s) bharrell01@gmail.com

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

Address (s) \_\_\_\_\_

Phone (s) \_\_\_\_\_ Email (s) \_\_\_\_\_

Address of Subject Property: 767 Tateam Drive Lot 166 Whisperwood Section 4

Area (in acres): .27 Number of Lots: 1

Parcel ID#: 32-11-02-239-007.000-003 Current Zoning District: R1

Requested Action From The Danville BZA: Approval for fence being installed over western drainage easement and southern drainage easement.

Sec. 4.02.6.2.a. Fence & Wall Locations (UDO)

STATE OF INDIANA )

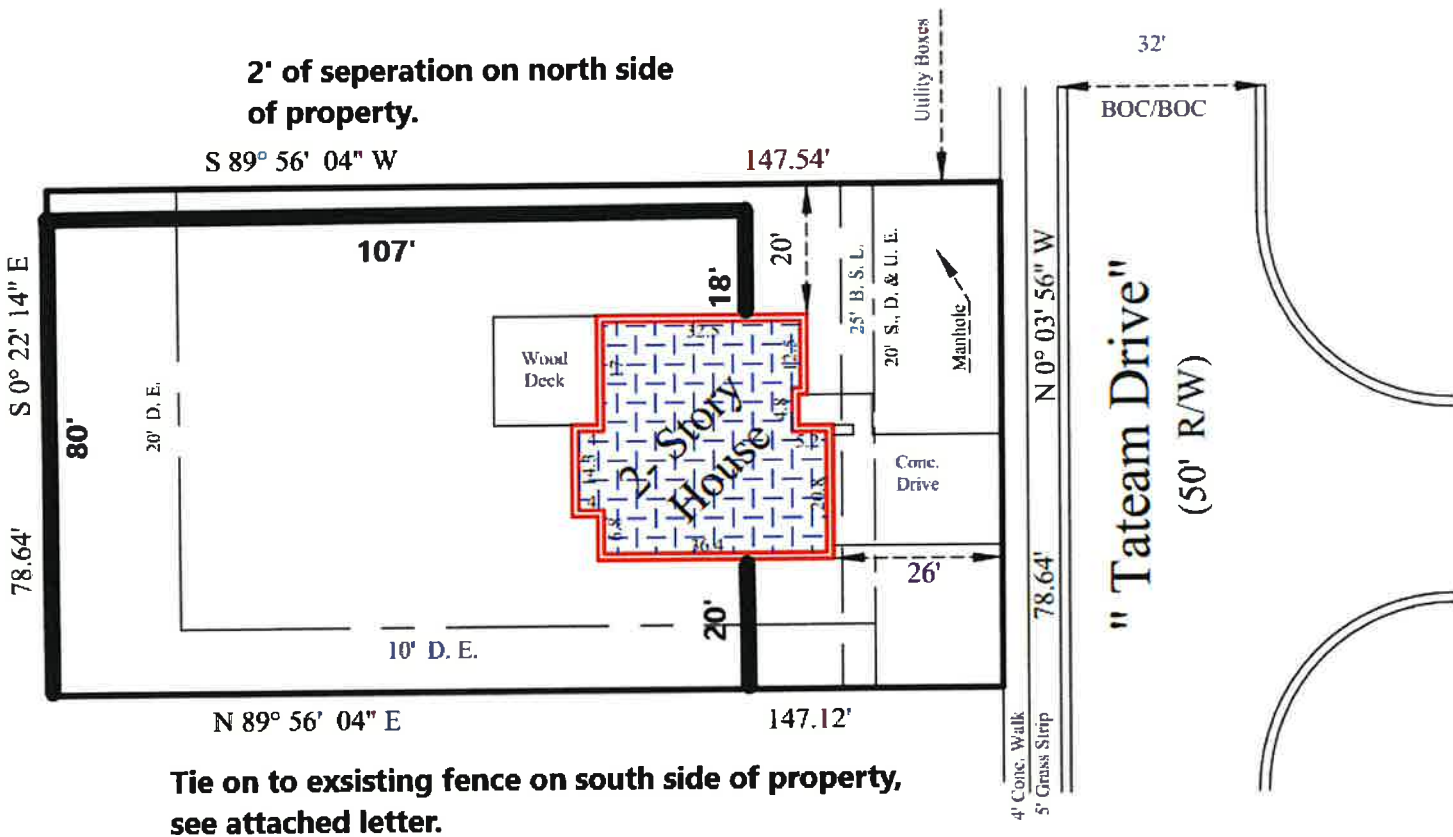
) SS:

HENDRICKS COUNTY )

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

[Signature]  
Signature of Owner/Applicant (s)

Owner  
Title of Applicant



**Tie on to existing fence on south side of property, see attached letter.**



Harrell Development Standards Variance



# FINDINGS OF FACT

JAN 17 2024

## DEVELOPMENT STANDARD VARIANCE

Address: 767 Tatham Drive

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

The fence will be stepped to allow for drainage of water and small debris on the western easement. The southern easement has a pre-existing fence already placed within it.

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 western easement begins sloping down into the drainage easement and water will not pool or be blocked from flowing.

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:

By sticking to the current easement restriction it would place the fence level with the drain and also reduce the amount of usable space by 30%.

**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 Bradley & Jamie Harrell, petitioner in BZA petition 2025-2224 to allow a fence to be located within a drainage and utility easement (UDO Section 4.02.G.2.a.) in the R1 zoning district. 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:

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[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.**”