



**Danville Board of Zoning Appeals
June 15, 2022
5:00 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 permit the construction of an addition to an existing single-family dwelling to encroach into the rear building setback in a 2 Central (R2C) zoning district on property located at 143 East Broadway Street.
*(Michael and Courtney Wilkerson)***
- IV. Report of Officers and Committees**
- V. Adjourn**

Next Meeting:

July 20, 2022

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

May 18th, 2022

5:00 PM

Members Present: Tom Swords, Kevin Tussey, Jill Howard, Gary Eakin, Loris Thompson
Members Absent: None
Staff Present: Lesa Ternet & Tasha Hensley
Guests:

A quorum was established, the meeting was called to order by Kevin Tussey and minutes from April 20th, 2022, were approved G. Eakin (motion) and T. Swords (seconded). Motion passed 5-0.

Old Business: None

New Business:

A. Public Hearing: A special exception to allow an office in the Local Business (LB) district located at 170 Old Farm Road (Old Farm Shopping Centre).

Andy Hein was present on behalf of Kevin Cavanagh for any questions the board had. G. Eakin asked about signage. Andy stated he was not sure about signage; they have not gotten that far into discussion. He said if there were to be signage it would more than likely be on the storefront, not out by 36. Cassie McDaniel with Hendricks County probation stated the business hours. K. Tussey asked if there would be any parking issues. L. Ternet stated there would not be any parking concerns. Meeting was opened to the public. No public questions or comments. Public meeting was closed. L. Thompsons made a motion to approve. J. Howard seconded the motion.

Roll Call Vote:

T. Swords -Aye
K. Tussey – Aye
L. Thompson - Aye
Jill Howard – Aye
G. Eakin – Aye
Motion fails to pass 5-0

B. Public Hearing: A development standards variance to permit the addition of a porch to encroach into the front building setback in a 2 Central (R2C) zoning district on property located at 254 North Tennessee Street. (Rusty Borders)

Rusty Borders explained the front of the home he was remodeling and why he was asking for the variance. He explained many other homes in the area also encroached on the front setback. He showed the board a drawing of what he planned to build and said it would add curb appeal. L. Ternet let R. Borders know that he will need permits for any work done on the home. Meeting was opened to the public. No public questions or comments. Public meeting was closed. J. Howard made a motion to approve with the condition of R. Borders getting required permits. L. Thompson seconded the motion.

Roll Call Vote:

T. Swords -Aye
K. Tussey – Aye
L. Thompson - Aye
Jill Howard – Aye
G. Eakin – Aye
Motion passes 5-0

There being no further business before the board, T. Swords made a motion to adjourn T. Thompson seconded.

The meeting was adjourned at 5:19 P.M.

Kevin Tussey - President

Tom Swords – Vice President

CASE SUMMARY

DEVELOPMENT STANDARD VARIANCE

Case: #2022-2107
Michael and Courtney Wilkerson, Petitioner

Request: Seeking a variance from Section 7.5.F (4) to allow the construction of an addition to an existing single-family dwelling with a 15.9-foot rear yard setback

Location: 143 E. Broadway Street

Zoning: Residential 2 Central (R2C)

Staff Summary:

The zoning ordinance requires a 25-foot rear yard setback. The petitioner is requesting a variance to reduce the rear yard setback to 15.9 feet which will allow construction of an addition to the existing single-family residential structure on this property. The addition will also include steps from the addition to the rear of the property that is adjacent to an existing alley. There is an existing 3' x 3' deck on the east side of the residence with steps that will be removed.

To date, staff has not received inquiries from adjacent property owners opposing the rear yard setback variance.

In summary, staff is not opposed to the petitioner's request for a reduced rear yard setback. There is an existing alley that will allow additional space between the proposed structure and the adjacent residence to the south. The practical impact of the reduced rear yard is minimal on the actual use of the adjacent property.

BZA options include the following:

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



Danville BZA

49 North Wayne Street | Danville, IN 46122
317-745-4180 | www.danvilleindiana.org



Date of Hearing: 6-15-22
Plan Commission Action: _____

App. No.: 2022-2107
Fee: \$ 350.00
Received By: LT

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) Michael & Courtney Wilkerson
Address (s) 143 E. Broadway St.
Phone (s) 317-739-7731, 317-430-7924 Email (s) Courtney.michael.wilkerson@gmail.com

Owners (s) Michael & Courtney Wilkerson
Address (s) 143 E. Broadway St.
Phone (s) 317-739-7731, 430-7924 Email (s) Courtneymichaelwilkerson@gmail.com

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

Stoepelwerth
Address (s) 7965 E. 106th St. Fishers, IN 46038
Phone (s) 317-849-5935 Email (s) bstrack@stoepelwerth.com

Address of Subject Property: 143 E. Broadway St. Danville, IN 46122
Area (in acres): _____ Number of Lots: 1
Parcel ID#: 32-11-10-119-002,000-003 Current Zoning District: R2C

Requested Action From The Danville BZA: Approve a variance from the required 25 foot rear set back off the alley behind our property

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

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

Courtney Wilkerson
Signature of Owner/Applicant (s)
homeowner
Title of Applicant

317-739-7731



STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505
 phone: 317.849.5935 fax: 317.849.5942

RECEIVED

MAY 04 2022 JOB ID 101797

BY: CONTROL# 101797 WILK

143 EAST BROADWAY STREET
 DANVILLE, IN 46122

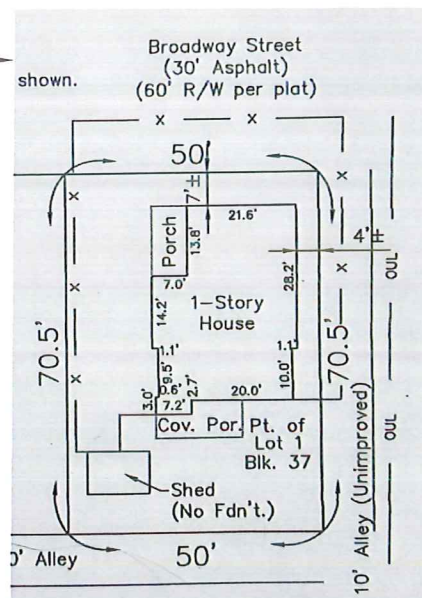
1" = 20'

LOT AREA: 3,524 Sq. Ft.

LEGEND:

- XX.X PROPOSED GRADE PER PLAN
 XX.XAB AS BUILT GRADE
 --- 000 --- EXISTING MINOR CONTOUR
 --- 000 --- EXISTING MAJOR CONTOUR
 --- S.S.D. --- SUB-SURFACE DRAIN
 --- ASL --- SANITARY SEWER
 --- PSL --- 6" AS BUILT SANITARY LATERAL
 --- 6" --- 6" PROPOSED SANITARY LATERAL
 --- W --- STORM SEWER
 --- W --- 3/4" WATER CONNECTION
 --- W --- WATER MAIN
 --- S.W. --- SWALE
 ● SANITARY MANHOLE
 ○ STORM MANHOLE
 ■ CURB INLET
 ⚡ FIRE HYDRANT
 ■ EXISTING HOUSE TO BE REMOVED
 M.E. MATCH EXISTING

EXISTING HOUSE DETAIL AS MEASURED AND SHOWN ON SURVEYOR LOCATION REPORT PERFORMED BY HAHN SURVEYING ON JUNE 2, 2006 (NTS). PLEASE NOTE THAT STOEPPELWERTH & ASSOCIATES LOCATED THE EXISTING HOUSE CORNERS AS A PART OF THEIR BOUNDARY RETRACEMENT SURVEY BUT DID NOT MEASURE THE EXISTING HOUSE WALLS INDIVIDUALLY.



DAVID J. STOEPPELWERTH
 REGISTERED
 No. 80040474

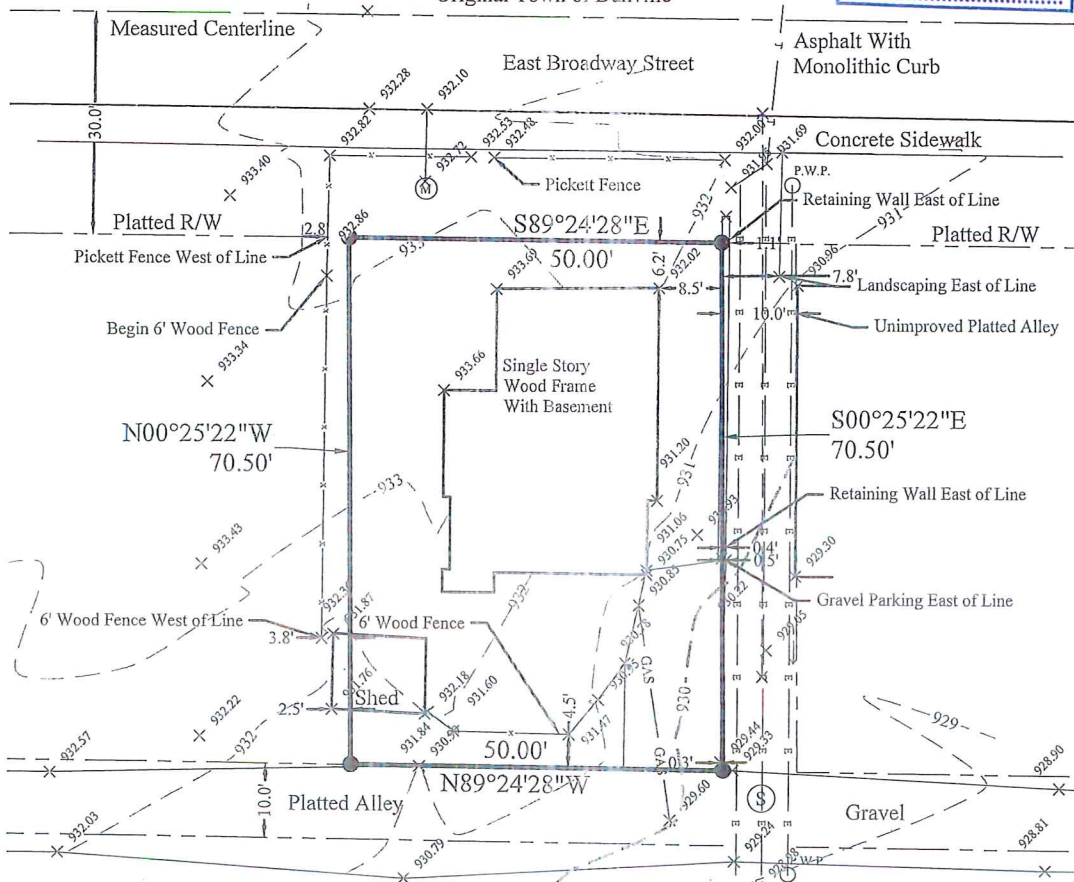
PLAT OF RETRACEMENT SURVEY

Prepared for: Michael Wilkerson
143 East Broadway Street
Danville, IN 46122
Original Town of Danville

RECEIVED

MAY 04 2022

BY:



UTILITY LOCATE STATEMENT:

This map reflects above ground indications of utilities including observed evidence and information available from utility companies and marks made upon the ground by others. A public utility locate was ordered for this survey, I.U.P.S. Ticket #2201101844. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from the information available, including from any existing plans or maps provided to the surveyor. The surveyor has not physically located any of the underground utilities.

BENCHMARK NOTE:

ORIGINATING BENCHMARK:

Hendricks County Benchmark K 86, set vertically in the west face of the northwest corner of the foundation of the Hendricks County Court House, 1.2 feet from the corner of the foundation stone and 2 feet above the ground.

ELEV=953.33 (NAVD 88)

SITE TBM's:

A Mag Nail set in the asphalt on the southeast corner at the intersection of Indiana Street and Broadway Street.

ELEV=934.47 (NAVD 88)

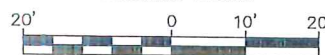
A Mag Nail set in the asphalt on the southwest corner at the intersection of Tennessee Street and Broadway Street.

ELEV=928.39 (NAVD 88)

LEGEND

| | |
|--|---|
| | Set 5/8" Rebar w/Cap Stamped "S&A FIRM #0008" |
| | Guy Wire |
| | Power Pole |
| | Overhead Electric Line |
| | Fence Line |
| | Gas Line |
| | Water Meter |
| | Water Line |
| | Sanitary Manhole |
| | Sanitary Sewer Line |
| | Telephone Line |

GRAPHIC SCALE



(IN FEET)

1" = 20 FT

Original Town of Danville

Deed Record 3, Page: 44

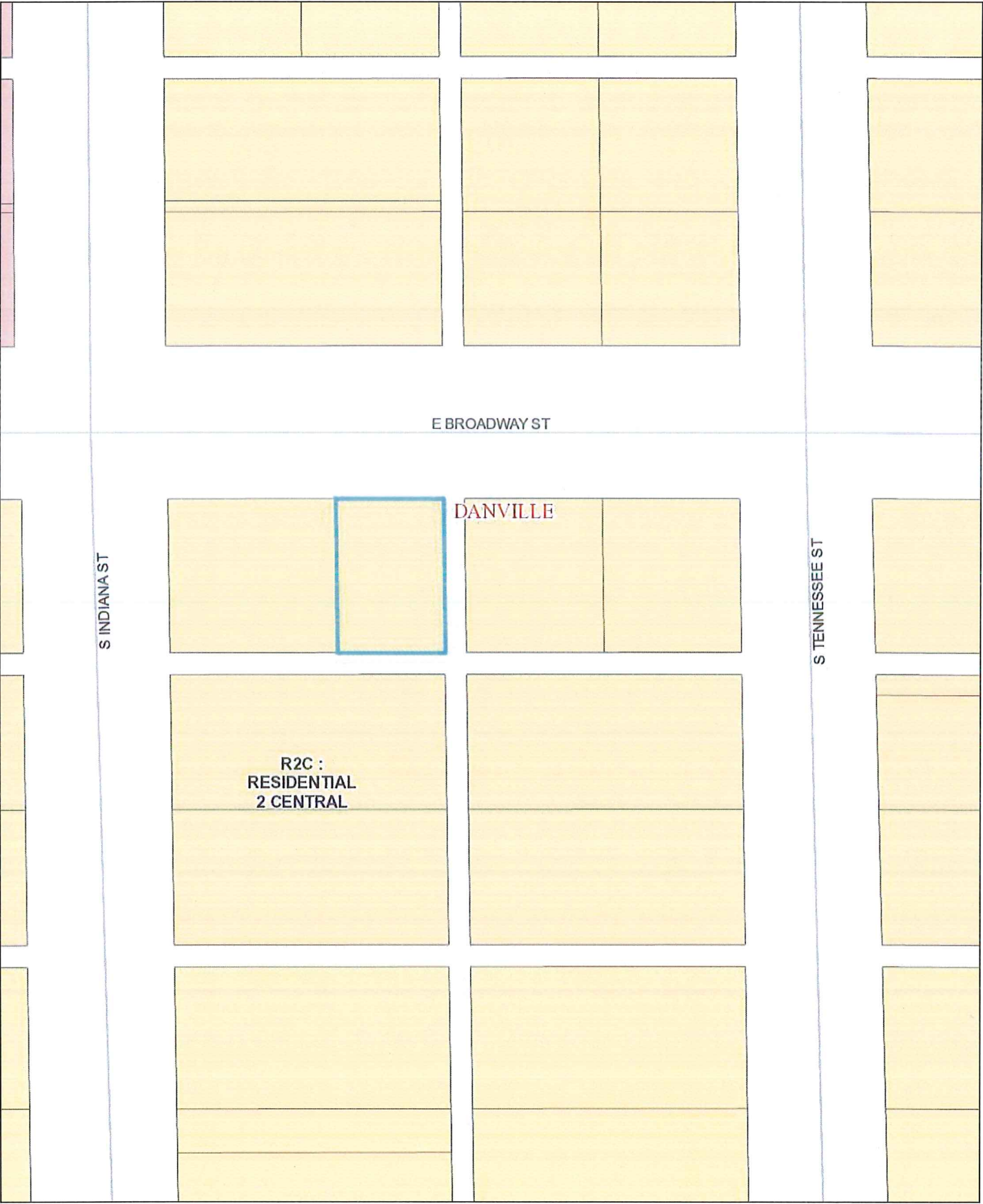
| | | |
|--|----------------------------|--|
| <p>STOEPPELWERTH ALWAYS ON 7965 East 106th Street, Fishers, IN 46038-2505 Phone: 317.849.5935 Fax: 317.849.5942</p> | DRAWN BY: MDJ | <p>SHEET NO. 1 OF 2 SHEETS S & A JOB NO. 101797</p> |
| | CHECKED BY: BES | |
| | DATE DRAWN: 02/24/2022 | |
| | FIELDWORK DATE: 01/25/2022 | |

143 East Broadway Street



143 East Broadway Street

Zoning Map



FINDINGS OF FACT



DEVELOPMENT STANDARD VARIANCE

Address: 143 E. Broadway St. Danville, IN 46122

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

The renovation/addition will be completed by October 2022. The renovation/addition will improve the look and function of the home. The renovation will not impact neighboring homes at all.

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 renovation will be completed by David, October 2022. It will be well situated on our property and will not impede any neighbors. The renovation will improve the overall appearance of the home and will be completed in the historical style of the neighboring homes.

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 rear setback, if applied strictly, will not allow for the renovation of existing Kitchen or access to the existing basement. The renovation/addition will not extend more than 18 inches beyond existing back porch. Back porch will be removed. Completion October 2022

**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 Petitioners Michael and Courtney Wilkerson in BZA petition #2022-2107 to allow a 15.9 foot rear yard setback for property located at 143 East Broadway Street. 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.**”