

TOWN OF BROWNSBURG BOARD OF ZONING APPEALS



FINDINGS OF FACT

BZUV-6-11-1071
32 Seumin Street
Jennifer (Wilkerson) Garabrant
Use Variance

CONCLUSIONS OF LAW AND RECOMMENDATIONS

In compliance with the appropriate provisions of the Brownsburg Zoning and Subdivision Control Ordinances, the Board of Zoning Appeals held a public hearing pursuant to notice at 7:00 p.m. on July 11, 2011, to hear Docket # BZUV-6-11-1071 a petition for a Use Variance from §155.208(B)(1) Permitted Uses within the "C-3" Commercial District of the Zoning Ordinance as presented by Jennifer (Wilkerson) Garabrant for:

1. Jennifer (Wilkerson) Garabrant

Petitioner, Jennifer (Wilkerson) Garabrant, appeared and presented testimony and evidence in support of their petition.

FINDINGS OF FACT

The Brownsburg Board of Zoning Appeals, having this matter presented at a public hearing July 11, 2011, having considered the arguments of the Petitioner, and being duly advised in the premises, now finds and makes the following Findings of Fact:

1. That the real estate to which the Petition is addressed is within the Town of Brownsburg, Hendricks County, Indiana.
2. That the Petitioner, for property known as 32 Seumin Street, requested to permit Single-Family Residential in the C-3 Commercial District.
3. The approval would not be injurious to the public health, safety, morals, and general welfare of the community as the property and surrounding properties are currently used as residential homes.
4. The use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner. Again, the property and surrounding properties are already residential homes. Several neighbors have already expressed support of the approval of this use variance.
5. The need for the variance arises as the petitioner understands that the commercial zoning of the property was done decades ago; however, the use of the property has always been residential as far as the petitioner knows. The zoning was not an

issue when the petitioner purchased the home in 2000. It is believed that due to the economical state of our nation which has adversely affected the housing market that mortgage companies now have stricter policies making it more difficult for buyers and sellers alike.

6. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property as this will likely result in another vacant home in Brownsburg. As stated above this has a negative impact for the surrounding homeowners and the community in general. Vacant homes are at risk for burglary and vandalism. Also, it will be extremely difficult for the petitioner to continue to physically and financially maintain two homes which could possibly lead to foreclosure, adversely affecting the property values of surrounding homes.
7. The approval would not interfere with The Comprehensive Plan as it is merely adding residential use to a property that has been used as residential for decades and will presumably be used as residential for years to come.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Brownsburg Board of Zoning Appeals does now conclude:

1. That the Petition on file, with all notice requirements having been met, with the Petitioner having appeared before the Board of Zoning Appeals and having presented their Petition, and with members of the public having been given the opportunity to be heard in opposition or in support of such Petition, that the Board of Zoning Appeals is entitled to approve or disapprove said Petition.
2. That the property which is the subject of the Petition is within the Town of Brownsburg and is subject to the terms and provisions of the Town of Brownsburg Municipal Code, Zoning and Subdivision Control Ordinances.
3. The approval would not be injurious to the public health, safety, morals, and general welfare of the community as the property and surrounding properties are currently used as residential homes.
4. The use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner. Again, the property and surrounding properties are already residential homes. Several neighbors have already expressed support of the approval of this use variance.
5. The need for the variance arises as the petitioner understands that the commercial zoning of the property was done decades ago; however, the use of the property has always been residential as far as the petitioner knows. The zoning was not an issue when the petitioner purchased the home in 2000. It is believed that due to the economical state of our nation which has adversely affected the housing market

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6. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property as this will likely result in another vacant home in Brownsburg. As stated above this has a negative impact for the surrounding homeowners and the community in general. Vacant homes are at risk for burglary and vandalism. Also, it will be extremely difficult for the petitioner to continue to physically and financially maintain two homes which could possibly lead to foreclosure, adversely affecting the property values of surrounding homes.
7. The approval would not interfere with The Comprehensive Plan as it is merely adding residential use to a property that has been used as residential for decades and will presumably be used as residential for years to come.
8. That the variance is subject to and conditioned upon the following:
 - a. The approval shall run with the property; and
 - b. The approval of the Findings of Fact and Conclusions of Law.

ORDER OF APPROVAL

Based upon the preceding Findings of Fact and Conclusions of Law, the Brownsburg Board of Zoning Appeals does now **APPROVE** the request for a **Use Variance** for Jennifer (Wilkerson) Garabrant at 32 Seumin Street, Brownsburg IN 46112.

Date: _____ By: _____
President, Board of Zoning Appeals

Date: _____ Attest: _____
Secretary, Board of Zoning Appeals