

# BOARD OF ZONING APPEALS



## FINDINGS OF FACT

**BZSE-10-11-1089 | Sawmill Creek, LLC.  
1650 E. Northfield Drive, Suites 100, 200, and 300**

## CONCLUSIONS OF LAW AND RECOMMENDATIONS

In compliance with the appropriate provisions of the Brownsburg Zoning and Subdivision Control Ordinances, the Board of Zoning Appeals (hereinafter "Board") held a public hearing pursuant to notice at 7:00 p.m. on December 12, 2011, to hear Docket # BZSE-10-11-1089, Sawmill Creek, LLC. a petition for a Special Exception Use from §155.212(B)(2) Special Exception Uses (I-4 Industrial) of the Zoning Ordinance as presented by Kim Seals for:

1. Sawmill Creek, LLC.

Petitioner, Kim Seals on behalf of owner Sawmill Creek, LLC., 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 December 12, 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 1650 E. Northfield Drive, Suites 100, 200, and 300 (hereinafter "Property"), requested a **Special Exception Use** to allow a "Day care; centers and nursery schools" Use to be operated in the "I-4" Industrial District.
3. That the Property lies within the "I-4", Industrial Zoning District.
4. 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 will not change the essential character of the same area; There will be no additional add-ons to the exterior of the building for any childcare/ day care centers. They will use signage as approved by me as the owner of the building and approved by the Town of Brownsburg.
5. Will not be hazardous or disturbing to existing neighboring uses; Employees and parents would only be using the parking spaces intended for the amount of space

rented; therefore not overlapping into other businesses parking places. Noise level is very low; existing neighboring businesses would be unable to hear them.

6. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; The facility would provide before and after school care and because the bus already picks up/drops off children at HIP studios and Kidz Depot it would not create another route change for school transportation. The facility could potentially have all day camps, and day care center with the correct provisions as required by the State of Indiana. They will abide by their license on the worker to child ratio.
7. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community; There are trash containers located at the north and south end of our parking lot for disposal and paid for at the property owners expense.
8. 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; Childcare/day care centers do not use or produce anything that is harmful to the environment. They take care of children are overprotective when it comes to cleanliness and safety.
9. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and There will be no traffic interferences as this is in a complex and there is ample moving around space. The parents would be doing a drop off and pick up at various times.; and
10. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. If it is needed there will be proper permits to construct the inside of the unit to the tenants needs. Most amenities are within the building and should only require cosmetic changes if any. There would be no additions to the exterior of the building.

## **CONCLUSION 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. 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 will not change the essential character of the same area; There will be no additional add-ons to the exterior of the building for any childcare/ day care centers. They will use signage as approved by me as the owner of the building and approved by the Town of Brownsburg.
4. Will not be hazardous or disturbing to existing neighboring uses; Employees and parents would only be using the parking spaces intended for the amount of space rented; therefore not overlapping into other businesses parking places. Noise level is very low; existing neighboring businesses would be unable to hear them.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; The facility would provide before and after school care and because the bus already picks up/drops off children at HIP studios and Kidz Depot it would not create another route change for school transportation. The facility could potentially have all day camps, and day care center with the correct provisions as required by the State of Indiana. They will abide by their license on the worker to child ratio.
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will be no traffic interferences as this is in a complex and there is ample moving around space. The parents would be doing a drop off and pick up at various times.; and

9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. If it is needed there will be proper permits to construct the inside of the unit to the tenants needs. Most amenities are within the building and should only require cosmetic changes if any. There would be no add-ons to the exterior of the building.
10. That the variance is subject to and conditioned upon the following:
  - a. That the Special Exception Use be approved for HIP Studio;
  - b. That the Special Exception Use be limited to 1650 E. Northfield Drive, Suites 100, 200, and 300;
  - c. Those recommendations included in the staff report dated December 5, 2011; and
  - d. 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 **Special Exception Use** for Sawmill Creek, LLC. at 1650 E. Northfield Drive, Suites 100, 200, and 300, Brownsburg IN 46112.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
President, Board of Zoning Appeals

Date: \_\_\_\_\_ Attest: \_\_\_\_\_  
Secretary, Board of Zoning Appeals