

# BOARD OF ZONING APPEALS



## **FINDINGS OF FACT**

**BZDV-9-11-1086 | CVS Pharmacy  
21 W. Main Street**

## **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 # BZDV-9-11-1086 CVS Pharmacy, a petition for a Development Standard Variance from §155.297(B)(3) to exceed the maximum number of signs permitted on a lot, as presented by Jason Carter for:

1. CVS Pharmacy / Minute Clinic

Petitioner, Jason Carter on behalf of owner CVS Pharmacy, appeared and presented testimony and evidence in support of their petition.

## **FINDINGS OF FACT**

The Board, 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, and is subject to the terms and provisions of the Town of Brownsburg Municipal Code, Zoning and Subdivision Control Ordinances.
2. That Langley/Union LLC- CVS Pharmacy Inc is the current owner of the real estate subject to the petition.
3. That the petitioner, for property known as 21 W. Main Street, requested to exceed the maximum number of signs permitted on a lot.
4. After hearing a presentation by the petitioner and taking comments from the public the Board voted 3-1 to DENY this petition.

## **CONCLUSIONS OF LAW**

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

1. That the Petition on file, with all notice requirements having been met, with the Petitioner having appeared before the Board 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 is entitled to approve or disapprove said Petition.
2. That the approval would not be injurious to the public health, safety, morals, and general welfare of the community because the sign(s) will be constructed and installed in a manner that will be consistent with the requirements of the Zoning Ordinance.
3. That the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner as it will "not be obtrusive or offensive" and "will not provide for a competitive disadvantage for any business or surrounding businesses".
4. That the strict application of the terms of the zoning ordinance WILL NOT result in practical difficulties in the use of the property.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board does now **DENY** the request for a **Development Standard Variance** for BZDV-9-11-1086 CVS Pharmacy at 21 W. Main Street, Brownsburg IN 46112.

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

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