

Board of Zoning Appeals Summary

Last Meeting Date: February 13, 2012

MEETING SYNOPSIS:

The following members were present at the meeting: Lacey, Scowden, Walker, Willman, and Wolting.

APPROVAL OF FINDINGS OF FACT:

1. BZDV-12-11-1090
JOHN CAPPER
401 N. GREEN STREET
-

The Board voted 5 in favor and 0 opposed to **APPROVE** the Findings of Fact.

OLD BUSINESS:

1. BZUV-10-11-1088
C. HART LANDSCAPING
645 NORTH GREEN STREET

This petition is a request for a Use Variance from §155.209(B)(1) of the Brownsburg Zoning Ordinance, entitled "Permitted Uses" to allow Outdoor Storage as a permitted use on the property. This property is currently zoned 'I-1'.

Petitioner did not attend meeting. After taking comments from the public the Board voted 4-1 to **DENY** this petition.

NEW BUSINESS:

1. BZDV-1-12-1091
VERIZON WIRELESS
1630 S. GREEN STREET

This petition is a request for a Development Standard Variance from §155.149 (C)(3)(b) of the Brownsburg Zoning Ordinance, to reduce the minimum setback requirement between a wireless communication tower and a primary structure as permitted in the ordinance. This property is currently zoned 'I-2'.

After hearing a presentation by the petitioner the Board voted 5-0 to **APPROVE** this petition subject to the following conditions:

1. Approval of a site development plan, currently on-file in the Planning and Building Department;
2. Annual inspection of the tower site and facilities to ensure compliance with the zoning ordinance and to verify the site is properly secured from unauthorized entrants;
3. That a written comment be executed and recorded with the Hendricks County Recorder's Office regarding sections 155.149(C)(8)(a)&(b) of the Zoning Ordinance which state:
 - a. All abandoned or unused towers and associated facilities shall be removed by the applicant within one hundred eighty (180) days of the cessation of operations at the site unless a time extension is approved by the Administrator. A copy of the

relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within one hundred eighty (180) days of the cessation of operations at a site, the tower and associated facilities may be removed by the town, and the costs of removal assessed against the property.

- b. Unused portions of towers above a manufactured connection shall be removed within one hundred eighty (180) days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new improvement location permit.
4. That a written comment be executed and recorded with the Hendricks County Recorder's Office stating that the property owner understands and accepts the inherent risk of locating a wireless communication tower at a distance less than is required by the Town's Zoning Ordinance; and
5. The approval of the Findings of Fact and Conclusions of Law.

REPORT OF OFFICERS & COMMITTEES:

1. Recording Secretary Resignation

Staff presented the resignation letter of Dawn Brown, 2012 Recording Secretary, due to relocation. Meegan Morgan with the Planning and Building Department will be fulfilling this role.

COMMUNICATION AND BILLS:

NONE

SPECIAL PROJECTS:

NONE

Enclosed:

- February 13, 2012 Meeting Agenda.

BOARD OF ZONING APPEALS AGENDA



FEBRUARY 13, 2012

7:00 PM

TOWN COUNCIL MEETING ROOM

TOWN HALL

61 NORTH GREEN STREET

BROWNSBURG, INDIANA 46112

A. CALL TO ORDER AND DETERMINATION OF QUORUM

B. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

C. CONSIDERATION OF MINUTES OF PREVIOUS MEETING(S)

1. JANUARY 9, 2012

D. APPROVAL OF FINDINGS OF FACT

1. BZDV-12-11-1090 JOHN CAPPER 401 N. GREEN STREET

E. OLD BUSINESS

1. BZUV-10-11-1088 C. HART LANDSCAPING 645 N. GREEN STREET

A REQUEST FOR A USE VARIANCE FROM §155.209(B)(1) OF THE BROWNSBURG ZONING ORDINANCE, ENTITLED "PERMITTED USES" TO ALLOW OUTDOOR STORAGE AS A PERMITTED USE ON THE PROPERTY. THIS PROPERTY IS CURRENTLY ZONED 'I-1'. **ADVERTISED PUBLIC HEARING**
(PARCEL No. 32-07-02-385-007.000-016)
REPRESENTED BY: CHRIS HART

F. NEW BUSINESS

1. BZDV-1-12-1091 VERIZON WIRELESS 1630 S. GREEN STREET

A REQUEST FOR A DEVELOPMENT STANDARD VARIANCE FROM §155.149(C)(3)(b) OF THE BROWNSBURG ZONING ORDINANCE, TO REDUCE THE MINIMUM SETBACK REQUIREMENT BETWEEN A WIRELESS COMMUNICATION TOWER AND A PRIMARY STRUCTURE. THIS PROPERTY IS CURRENTLY ZONED 'I-2'. **ADVERTISED PUBLIC HEARING**
(PARCEL No. 32-07-230-001.000-016)
REPRESENTED BY: MATTHEW R. CLARK, ATTORNEY

G. REPORTS FROM OFFICERS AND COMMITTEES

1. NONE

H. COMMUNICATIONS & BILLS

1. NONE

I. ADJOURNMENT