

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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 October 10, 2011, November 14, 2011, January 9, 2012, and February 13, 2012 to hear Docket # BZDV-10-11-1088, a petition for a Development Standard Variance from §155.209(B)(1) to allow Outdoor Storage as a Permitted Use in the I-1 Industrial District on the subject property.

The petitioner, Chris Hart, appeared, and presented testimony and evidence in support of his application.

FINDINGS OF FACT

The Board, having heard this matter presented at a public hearing on October 10, 2011, November 14, 2011, January 9, 2012, and February 13, 2012, 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 legal address of the real estate subject to the petition is 645 N. Green Street, Brownsburg, Indiana, and is further identified as Indiana Parcel Number 32-07-02-385-007.000-016
2. 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.
3. That Duane C. & Carla J. Carter are the current owner of the real estate subject to the petition.
4. That the real estate to which the petition is addressed is currently zoned 'I-1' Industrial.
5. That the petitioner is requesting a Use Variance to allow Outdoor Storage as a Permitted Use on the property.

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. The approval will be injurious to the public health, safety, morals, and general welfare of the community;
3. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner;
4. The need for the variance does not arise from some condition peculiar to the property involved;
5. The strict application of the terms of this Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought;
6. The approval does not interfere substantially with the Comprehensive Plan.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board does now **DENY** the Use Variance requested by C. Hart Landscaping, known as Docket No. BZUV-10-11-1088 located at 645 N. Green Street, Brownsburg IN 46112; subject to and conditioned upon the following:

1. The approval of the Findings of Fact and Conclusions of Law.

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

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