

Date:	Reference No.:	Agenda Item No.:
6/26/2012	Ordinance #2012-08	

Subject: Brandon D. and Jennifer L. Soots

Summary of Request:

Brandon D. and Jennifer L. Soots are requesting voluntary annexation of their property located at 7540 E. CR 300 N., Brownsburg, Indiana. The Brownsburg Board of Zoning Appeals as granted a conditional use variance to allow a Photography Studio as a permitted use on the property. This property is not annexed into Brownsburg at this time, it is zoned "AGR" Agriculture Residential under the jurisdiction of Hendricks County upon annexation it would be Zoned "R-1" Single-Family Residential. Anticipated time table for this annexation: June 14th Introduction and 1st reading of annexation; July 12th Public Hearing and 2nd reading of annexation; and July 26th 3rd reading and final approval of annexation. The Fiscal Plan will be presented for approval under Resolution #2012-21.

This property is located within the Brownsburg Water service area and Hendricks County for the sanitary sewer. The developer of Bersot Crossing paid for the 3/4" water service and availability fee as a condition of Bersot Crossing Subdivision.

Financial Summary:

Budget Funds Available	If Yes, Amount
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

	Line Item Name	Line Item Number
Budget Fund Information:		

Recommend Bid/Contract Amount: _____

Estimated Project Costs: (whole numbers)	Architecture/Engineering	
	Construction/Procurement	
	Contingency	
	Miscellaneous Costs	
	TOTAL ESTIMATE	
	Future Expenses (if any)	
	Revenue Generated (if any)	

Department Head Approval: _____

Date: _____

Assistant Town Manager Approval:

Date:

ATM Comments:

Supporting Documentation:

Ordinance #2012-08, annexation petition; property owners consent, and area maps.

Action Requested:

June 14th, Introduce and approval 1st reading; July 12th, hold public hearing and approval of 2nd reading; July 26th - 3rd reading and final approval of voluntary annexation.

Town Manager Approval:

Grant A. Clemburg

Date:

6/27/2012

TM Comments:

STATE OF INDIANA
COUNTY OF HENDRICKS
BROWNSBURG, INDIANA

ORDINANCE NO. 2012-08

**AN ORDINANCE ANNEXING REAL ESTATE TO THE
TOWN OF BROWNSBURG, HENDRICKS COUNTY, INDIANA**

BE IT ORDAINED by the Civil Town of Brownsburg, Hendricks County, Indiana,
that:

WHEREAS, Brandon D. Soots and Jennifer L. Soots are the legal owners of a certain tract of real estate located in Lincoln Township, Hendricks County, Indiana, and are requesting that the real estate be annexed to the Town of Brownsburg, Indiana, which real estate is more particularly described as follows, to-wit:

See Attached Legal Description

WHEREAS, the Town Council of the Town of Brownsburg, Indiana, has heretofore considered and adopted a Fiscal Plan, Resolution # 2012-21, for such real estate as required by law; and,

WHEREAS, the property sought to be annexed is currently situated outside the corporate boundaries of the municipal Town of Brownsburg, Hendricks County, Indiana; and

WHEREAS, the Town of Brownsburg and the State of Indiana are the owners of more than fifty-one per cent (51%) of the land sought to be annexed; and

WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the real estate sought for annexation coincides with the present boundaries of the Town of Brownsburg, Indiana; and

NOW THEREFORE, by the powers vested in the Town Council of the Town of Brownsburg, Hendricks County, Indiana, it is hereby ORDERED AND ORDAINED that the real estate hereinabove referenced, be, and the same is hereby annexed to the municipal Town of Brownsburg, Hendricks County, Indiana, subject to the following terms and conditions:

1. Petitioner of said described real estate shall pay all tap-on fees to the Town of Brownsburg, Indiana, for any requested utilities to the property.
2. The Property will become part of Council Ward 5.

3. The Clerk-Treasurer of Brownsburg, Indiana, shall cause a copy of this Ordinance to be recorded in the Office of the Recorder of Hendricks County, Indiana, and further shall cause a copy of this ordinance to be published in the Weekend Flyer for one (1) week with proof of publication being returned to the Clerk-Treasurer; all costs incurred in the publishing of said ordinance and recording same shall be paid by petitioner.

SAID ORDINANCE OF ANNEXATION is hereby passed and adopted this
_____ day of _____, 2012.

TOWN COUNCIL
BROWNSBURG, INDIANA:

By: _____
Dwayne Sawyer, President

ATTESTED BY:

JEANETTE M. BRICKLER,
CLERK-TREASURER, TOWN OF
BROWNSBURG, INDIANA

Legal Description

A part of the South Half of Section 23, Township 16 North, Range 1 East, Hendricks County, Indiana, bounded and described as follows:

Beginning at the Southwest corner of the Southeast quarter of said Section; thence West on and along the South line 9.60 feet; thence North 00 degrees 00 minutes 00 seconds West 375.00 feet; thence North 90 degrees 00 minutes 00 seconds East 291.21 feet; thence South 00 degrees 00 minutes 00 seconds East 375.00 feet to the South line of the Southeast quarter of said section; thence South 90 degrees 00 minutes 00 seconds West on and along the South line 281.61 feet to the place of beginning. Containing 2.51 acres, more or less. Subject to all highways, rights of way and easements.

More commonly known as 6540 E. County Road 300 North, Brownsburg, IN 46112

Annexation Petition

Brandon and Jennifer Soots seek approval to have their property located at 7540 E CR 300N, Brownsburg, IN. be annexed into the Town of Brownsburg. Most recently (May, 15, 2012), this property was given approval for use variance of having one of the outstanding buildings act as a photography studio. The subject 2 acres were the homeplace and hub for a farming operation that has now been developed into a residential subdivision. This subdivision is currently annexed into the Town of Brownsburg.

7540n E CR 300N, parcel # 32-07-23-400-007.000-015 is currently zoned agriculture and is to be changed to 'R-1' upon annexation into the Town of Brownsburg. The type of annexation is to be 100% voluntary and the entire 2.15 acre tract is to be annexed.

The following information was given in support of the stationary requirements for approval of variance request:

1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the photography studio is a one person/low-key venture; and
2. the use and value of the property included in the variance will not be affected in a substantially adverse manner since the use of a photography studio will have little impact on the adjacent area, considering that the entire tract is approximately 2 acres in size and that the parking 'area' will be near the center of the parcel, which is near the proposed studio building. As part of the requirements upon the subdivision that surrounds three sides of the subject tract, the developer was required to place screening through the use of vegetation. The existing buildings also provide screening, but with only an average of 3 appointments per week throughout the year, there appears to be sufficient screening in place; and
3. the need for variance arises from some condition peculiar to the property involved since the 2 acres as the former hub of a large farming operation is now an anomaly. The outbuildings lend an opportunity for background pictures and albums of graduates, families; and
4. the strict application of the terms of Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because the property has structures that are not used in residential settings, but can be utilized for the studio operation. The zoning districts for both Hendricks County and the Town of Brownsburg would open up many issues for the property, which may not be in the best interest of the general area. While the Town of Brownsburg has the availability of "Use Variances", the county does not. Therefore any petitions through the County would be in the nature of Zoning petitions,

rather than a Use Variance through which limitations of the use are more available; and

5. the approval does not interfere substantially with The Comprehensive Plan since the use does not interfere with the residential classifications in the area. The residential appearance of the site will not change. The traffic will be similar to that of a strictly residential use and in fact will be less until the home is again made habitable. A Use Variance appears to be more of a viable means to allow the petitioner his use of a studio, rather than pursuing a commercial classification, which could allow more intense uses in the area.

Respectfully Submitted,



Brandon Soots

4/4/12



Jennifer Soots

4/4/12

7540 E CR 300N
Brownsburg, IN. 46112

Bsoots0292@yahoo.com
765-730-2619

AFFIDAVIT & CONSENT OF PROPERTY OWNER

I (we) BRANDON SOOTS
After being first duly sworn, depose and say:

1. The I/we am/are the owner(s) of the real estate located at 7540 E CR 300N
BROWNSBURG IN 46112
Parcel Number(s): 320 72340000 7000015

Project Name: _____

2. That I/we have read and examined the Petition for Annexation and Zoning Map Amendment and am/are familiar with its contents.
3. That I/we have no objection to, and consent to such request as set forth in the petition.
4. That such request being made by the Applicant is/is not a condition to the sale or lease of the above-referenced property.

[Signature] _____ 6/4/12
Signature of Affiant Date
BRANDON SOOTS _____ 6/4/12
Print Name Date

STATE OF INDIANA }
COUNTY OF Hendricks } ss:
Subscribed and sworn to before me this 4th day of June, 2012

My Commission Expires:
May 19, 2016

Angela S. Petre
Signature of Notary Public

County of Residence:
Hendricks

Angela S Petre
Printed Name of Notary Public



ANGELA S PETRE
NOTARY PUBLIC, STATE OF INDIANA
COUNTY OF RESIDENCE, HENDRICKS
COMMISSION EXP MAY 19, 2016

AFFIDAVIT & CONSENT OF PROPERTY OWNER

I (we) Jennifer L. SOOTS
After being first duly sworn, depose and say:

1. The I/we am/are the owner(s) of the real estate located at (legal and/or common address)
7540 E. County Road 300 N.
Brownsburg, IN 46112

Parcel Number(s): 320723400007000015

Project Name: _____

2. That I/we have read and examined the Petition for Annexation and Zoning Map Amendment and am/are familiar with its contents.
3. That I/we have no objection to, and consent to such request as set forth in the petition.
4. That such request being made by the Applicant is/is not a condition to the sale or lease of the above-referenced property.

Jennifer L. SOOTS 6/4/12
Signature of Affiant Date

Jennifer L. SOOTS 6/4/12
Print Name Date

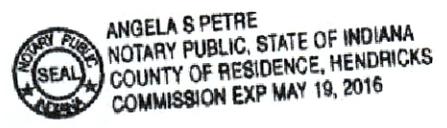
STATE OF INDIANA }
COUNTY OF Hendricks } SS: 4th day of June, 2012
Subscribed and sworn to before me this

My Commission Expires:
May 19, 2016

Angela S. Petre
Signature of Notary Public

County of Residence:
Hendricks

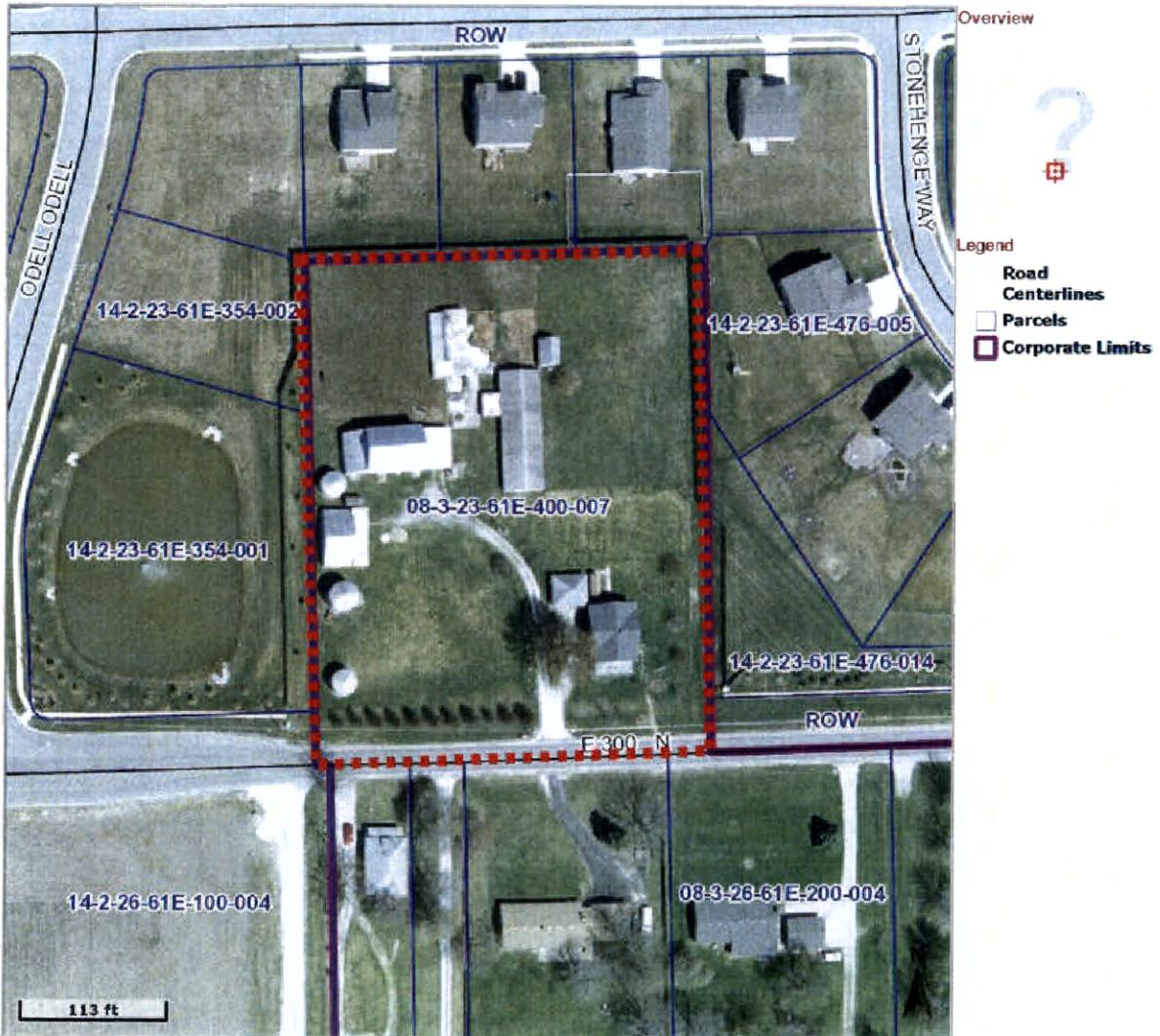
Angela S. Petre
Printed Name of Notary Public



BZUV-4-12-1103 Soots

Date Created: 5/11/2012

Conditional Use Variance - 7540 E. C.R. 300 North



Last Data Upload: 9/15/2010 8:50:20 AM

BZUV-4-12-1103 Soots

Date Created: 5/11/2012

Conditional Use Variance - 7540 E C R 300 North

