

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In compliance with the appropriate provisions of the Brownsburg Zoning and Subdivision Control Ordinances (the "Ordinance"), the Board of Zoning Appeals (the "Board") held a public hearing pursuant to notice at 7:00 p.m. on September 10, 2012, to hear Docket # BZDV-8-12-1112, a petition for a Variance of Development Standards from §155.297(B)(3) of the Brownsburg Zoning Ordinance, to permit more than three signs per lot.

The Petitioner, C & S, Inc., appeared by agent Ben Comer, and presented testimony and evidence in support of their application.

FINDINGS OF FACT

The Board, having this matter presented at a public hearing on September 10, 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 1355 N Green Street, Brownsburg, Indiana, and is further identified as Indiana Parcel Numbers 32-07-02-200-012.000-026
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 Ordinance.
3. That C & S, Inc. is the current owner of the real estate subject to the petition.
4. The real estate to which the petition is addressed is classified as 'C-3' Commercial pursuant to the Ordinance and the Official Zoning Map of the Town of Brownsburg.
5. That §155.297(B)(3) limits the cumulative number of signs on any lot within the Town as follows:
There shall be no more than three (3) signs located on any lot.
6. That the Petitioner previously had seven (7) wall signs on this property, which were established prior to the adoption of the 2004 zoning ordinance, and therefore were considered *Nonconforming Signs*.
7. That Petitioner removed and replaced six (6) of the wall signs. Pursuant to §155.295(E)(7)(c) the removal of the previous signs voided the *Nonconforming* status of the signs.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, and pursuant to Indiana Code the Board does now conclude:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

This request is for one (1) more sign than the Ordinance allows; which sign will not be a distraction to traffic traveling along North Green Street; and

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

The sign subject to this request is located on the front building elevation on the subject property and is virtually undetectable from neighboring properties; and

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The Petitioner did not provide evidence of a *significant economic injury*, to the satisfaction of the Board, if the terms of the zoning ordinance are strictly enforced, and therefore the Board found that no *practical difficulty* exists.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board does now **DENY** the Variance of Development Standards requested by C & S, Inc., known as Docket No. BZDV-8-12-1112 located at 1355 N Green Street, Brownsburg, IN 46112.

By: _____
President Date

Attest: _____
Secretary