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 (the "Board") held a public hearing pursuant to notice at 7:00 p.m. on October 10, 2012, to hear Docket # BZAA-8-12-1111, an Administrative Appeal of a decision of the Zoning Administrator that the structure (a pergola), constructed at 19 Carnaby Court, is an *Accessory Structure*, which requires a permit pursuant to §155.033(G)(12) "Structures other than buildings (including satellite dish, towers and antenna)".

The petitioner, Dave Hathaway, appeared in person, and presented testimony and evidence in support of his application.

FINDINGS OF FACT

The Board, having this matter presented at a public hearing on October 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 19 Carnaby Court, Brownsburg, Indiana, and is further identified as Indiana Parcel Numbers 32-07-10-205-003.000-016.
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 (the "Ordinance").
3. That Dave S. Hathaway & Ann R. Hathaway are the current owner(s) of the real estate subject to the petition.
4. The real estate to which the petition is addressed is classified as 'R-1' Single Family Residential pursuant to the Brownsburg Zoning Ordinance.
5. The Petitioner has filed an Administrative Appeal, appealing the decision of the Zoning Administrator that a pergola is an *Accessory Structure*, which requires a permit, pursuant to §155.033(G)(12) of the Ordinance.
6. The Board determined that, due to its size and aesthetic enhancement of the property, the pergola was not an *Accessory Structure*, pursuant to §155.033(G)(12), as defined in the Ordinance, and therefore did not require a permit to be constructed.

ORDER

Based upon the foregoing Findings of Fact, the Board does now **REVERSE** the decision of the Zoning Administrator, as requested by Dave Hathaway, known as Docket No. BZAA-8-12-1111 located at 19 Carnaby Court, Brownsburg, IN 46112.

By:_____
President Date

Attest:_____
Secretary