

**DANVILLE BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**June 16, 2020, 7:00 PM**

Members Present: Kevin Tussey, Tom Swords, Cody Sheets, Loris Thompson, and Gary Eakin  
Members Absent: None  
Staff Present: Lesa Ternet and Malynn Hearon  
Staff Absent: None  
Guests: Kevin Cavanaugh, Brett Clark, Todd and Kelly Davis, Ric Battershell, Caleb Romenberger, Gary Everling

A quorum was established, the meeting was called to order by Kevin Tussey, and the minutes from April 21, 2020, were approved with corrections.

**Old Business:** None

**New Business:** None

**A. Public Hearing: A development standard variance request for an accessory building to exceed the maximum area on property located at 1040 Judith Lane.**

T. Swords motioned to **approve** the variance sought by Petitioner Todd Davis in BZA petition #20-31 located on 1040 Judith Lane, to allow an accessory structure to have an increased area of 1,440 square feet. This petition has **satisfied** the requirements for variances under state law for the following reasons:

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact.**  
The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**  
The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner's proposed findings of fact;**

L. Thompson seconded.

Roll call vote:

G. Eakin – aye  
K. Tussey - aye  
T. Swords– aye  
C. Sheets – aye  
L. Thompson – aye

Motion passed – 5-0

**B. Public Hearing: Three (3) variance requests for property located at 925 East Main Street: Hendricks County Jail**

L. Thompson motioned to **approve** the variance sought by Kevin Cavanaugh on behalf of Hendricks County Commissioners, petitioner in BZA petition #20-33 to eliminate parking lot perimeter screening for the rear staff parking lot (Section 9.2D.15) in the OB district & (CPOD) district. This petition has satisfied the requirements for variances under state law for the following reasons:

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact.**

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**

The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner's proposed findings of fact;**

T. Swords Seconded.

Roll call vote:

G. Eakin – aye

K. Tussey - aye

T. Swords– aye

C. Sheets – aye

L. Thompson – aye

Motion passed – 5-0

C. Sheets made a motion to **approve** the variance sought by Kevin Cavanagh on behalf of Hendricks County Commissioner, Petitioner in BZA petition #20-34 to allow for distribution of the interior parking lot tree requirement (Section13.3-A.2.) in the OB district & (CPOD) district. This petition has satisfied the requirements for variances under state law for the following reasons.

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact.**

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**

The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner's proposed findings of fact;**

G. Eakin seconded.

Roll call vote:

G. Eakin – aye

K. Tussey - aye

T. Swords– aye

C. Sheets – aye

L. Thompson – aye

Motion passed – 5-0

T. Swords motioned to **approve** the variance sought by Kevin Cavanagh on behalf of Hendricks County Commissioners, petitioner in BZA #20-35 to allow for no foundation planting requirement on the east and north portion has satisfied the requirements for variances under state law for the following reasons:

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact.**

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**

The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner's proposed findings of fact;**

C. Sheets seconded.

Roll call vote:  
G. Eakin – aye  
K. Tussey - aye  
T. Swords– aye  
C. Sheets – aye  
L. Thompson – aye

Motion passed – 5-0

**C. Public Hearing: Four (4) variance requests for property located at 120 West Main Street: Horner Real Estate Group**

L. Thompson motioned to approve the variance sought by Brian and Amie Horner, petitioner in BZA #20-36 to eliminate parking lot perimeter screening on the north side of the parking lot (Section 9.2D.15) in the CBP district and 9CPOD) district. This petition has satisfied the requirements for variances under state law for the following reasons:

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner’s proposed findings of fact.**  
The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner’s proposed findings of fact;**  
The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

G. Eakin seconded.

Roll call vote:  
G. Eakin – aye  
K. Tussey - aye  
T. Swords– aye  
C. Sheets – aye  
L. Thompson – aye

Motion passed – 5-0

C. Sheets motioned to approve the variance sought by Brian and Amie Horner, petitioner in BZA #20-38 for a reduction in the required off-street parking ratio requirement (Section 11.3 H) in the CBP district & (CPOD) district. This petition has **satisfied** the requirements for variances under state law for the following reasons;

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner’s proposed findings of fact.**  
The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner’s proposed findings of fact;**  
The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

And, I move that this approval be made subject to the following condition:

If the area of the building to be leased requires additional spaces over the twenty (20) spaces provided by more than 50%, approval by the Board will be required.

T. Swords seconded.

Roll call vote:

- G. Eakin – aye
- K. Tussey - aye
- T. Swords– aye
- C. Sheets – aye
- L. Thompson – aye

Motion passed – 5-0

T. Swords moved to approve the variance sought by Brian and Amie Horner, petitioner in BZA #20-39 to allow less than 60% glazing on the street-facing facades. (Section 9.2D.10.) in the CBP district & (CPOD) district. This petition has **satisfied** the requirements for variances under state law for the following reasons:

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner’s proposed findings of fact.**

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

G. Eakin seconded.

Roll call vote:

- G. Eakin – aye
- K. Tussey - aye
- T. Swords– aye
- C. Sheets – aye
- L. Thompson – aye

Motion passed – 5-0

G. Eakin motioned to approve the variance sought by Brian and Amie Horner, petitioner in BZA #20-40 to allow relief from large building elevations to be divided into smaller planes for front elevations (Section 9.2D.3.) in the CBP district & (CPOD) district. This petition has **satisfied** the requirements for variances under state law for the following reasons:

The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner’s proposed findings of fact.**

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

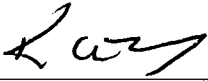
L. Thompson seconded.

Roll call vote:

- G. Eakin – aye
- K. Tussey - aye
- T. Swords– aye
- C. Sheets – aye
- L. Thompson – aye

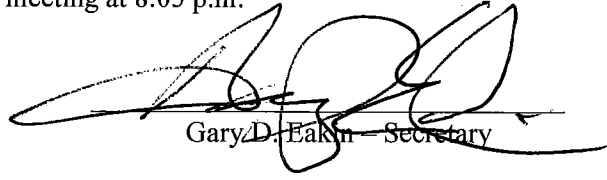
Motion passed – 5-0

There being no further business, K. Tussey adjourned the meeting at 8:05 p.m.



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Kevin A. Tussey – President



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Gary D. Eakin – Secretary