ZIONSVILLE
FOR ALL THE RIGHT REASONS

Town of Zionsville
1100 West Oak Street, Zionsville, IN 46077

TRANSMITTAL

TO: **Town of Zionsville Board of Zoning Appeals**
FROM: **Wayne DeLong Director of Planning and Economic Development**
RE: **Materials for consideration: April 1, 2020**

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. Petition #2020-04-DSV T. Donnar – Letter of Continuance Request from Petitioner's Representative
3. Petition #2020-04-DSV T. Donnar - Letter of Remonstrance
4. Petition #2020-06-DSV M. Marlowe – Letter of Remonstrance
5. Petition #2020-06-DSV M. Marlowe – Letters of Support
6. Petition #2020-08-DSV K. Meiring – Letters of Support
7. Staff Reports and Packets for your consideration
8. Petition #2020-05-UV Montessori – Negative Findings of Fact

NOTE:

March 4, 2020 Draft Meeting Minutes have not been included in packet.

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MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS APRIL 1, 2020

THIS PUBLIC MEETING WILL BE CONDUCTED PURSUANT TO GOVERNOR ERIC J. HOLCOMB'S EXECUTIVE ORDERS 20-02, 20-04 AND 20-08 AND GOVERNOR HOLCOMB'S EXERCISE OF HIS POWERS UNDER INDIANA'S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, *et seq.* ADDITIONAL INFORMATION REGARDING THE MEETING IS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.

The following items are scheduled for consideration:

I. Pledge of Allegiance

II. Attendance

III. Approval of the December 10, 2019 and March 4, 2020 Meeting Minutes

IV. Continuance Requests

V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-04-DSV	T. Donnar	145 N Main Street	**Continuance request by Petitioner's Representative from April to May Meeting.** **Continuance request by Interested Party from March to April** Petition for Development Standards variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% in the Urban Residential Village Zoning District (R-V).
2020-06-DSV	M. Marlowe	140 N 4th Street	**Continued by Petitioner's Representative from March to April** Petition for Development Standards variance in order to provide for the construction of an addition to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 40% in the Urban Residential Village Zoning District (R-V).

VI. New Business

Docket Number	Name	Address of Project	Item to be considered

2020-07-DSV	Hotel Tango	10615 Zionsville Road	Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces in the Urban General Business District (B-2).
2020-08-DSV	K. Meiring	823 Eaglewood Drive	Petition for Development Standards Variance in order to provide for the construction of a detached garage which: 1) Deviates from the required minimum front yard setback; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
2020-09-DSV	A. Chavez	324 S 9th Street	Petition for Development Standards Variance to allow for an existing outdoor fireplace to continue to: 1) encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District (RV).

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
2020-05-UV	Montessori & Childcare Center by M. Adams	9475 Whitestown Road	Negative Findings of Fact
2019-38-SE	T. Ball	325 S 1100 East	Status of Commitments/Right to Farm
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments

Please note that a quorum of the Zionsville Town Council may be in attendance at the meeting.

Respectfully Submitted:
Wayne DeLong AICP, CPM
Town of Zionsville
Director of Planning and Economic Development

ANNEX TO PUBLIC NOTICE FOR THE APRIL 1, 2020, REGULAR MEETING OF THE ZIONSVILLE BOARD OF ZONING APPEALS

In his Executive Orders 20-02, 20-04 AND 20-08 (collectively, the "**Executive Orders**"), Governor Eric J. Holcomb has ordered all political subdivisions of the State of Indiana to limit public gatherings and to implement the Centers for Disease Control and Prevention's and the Indiana State Department of Heath's recommended virus mitigation strategies. The Executive Orders suspend certain requirements for Essential Governmental Functions that facilitate Essential Infrastructure with respect to public meetings and open door laws, including suspending physical participation requirements by members of public agency governing bodies and permitting public attendance through electronic means of communications. As a political subdivision of the State of Indiana, the Zionsville Board of Zoning Appeals (the "**BZA**") must comply with the Executive Orders throughout the duration of the COVID-19 Public Health Emergency. According, all public meetings of the BZA shall be conducted in the following manner until the end of the COVID-19 Public Health Emergency:

1. Members of the public shall have the right to attend BZA Public Meetings via the following forms of electronic communication:

   Please click the link below to join the Zoom webinar:
   https://zoom.us/j/180034124

   Or iPhone one-tap:
   US: +13126266799, 180034124# or +16465588656, 180034124#

   Or Telephone:
   Dial (for higher quality, dial a number based on your current location):
   US: +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128

   Webinar ID: 180 034 124

   International numbers available: https://zoom.us/u/azw6U7lZf

2. Members of the public shall have the option of recording their attendance at BZA Public Meetings via electronic roll call at the start of the meeting or via e-mail at wdelong@zionsville-in.gov.
3. If a member of the public would like to attend a BZA Public Meeting, but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or wdelong@zionsville-in.gov to arraign in-person attendance.
4. The BZA will continually revisit and refine the procedures in this Annex to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

MICHAEL J. ANDREOLI
ATTORNEY AT LAW
1393 West Oak Street
Zionsville, Indiana 46077-1839
(317) 873-6266
Fax (317) 873-6384
mandreoli@datlaw.com

March 18, 2020
Via E-Mail

Wayne A. DeLong
Chrissy Koenig
Planning and Economic Development
Town of Zionsville
1100 West Oak Street
Zionsville, Indiana 46077

RE: Tim and Kathy Donnar
2020-04-DSV

Dear Wayne and Chrissy:

As you are aware, the Donnar petition is currently scheduled to be heard before the Board of Zoning Appeals on April 1, 2020. Given my discussions with Wayne and general requirement that only essential matters be dealt with during this current virus shut down time period, I've talked with Mr. Donnar and, while we all would like to be heard and move forward, we cannot honestly say that this is an essential item that cannot be postponed to the May 6 regularly scheduled meeting.

As such, we would respectfully request to be tabled to the May 6 meeting and we wanted to get this to you as quickly as possible to help with truly dealing with matters that may be essential and time sensitive.

Thank you for your cooperation.

Very truly yours,

Michael J. Andreoli

MJA/ba

March 16, 2020

To: Members of the Zionsville Board of Zoning Appeals
1100 W Oak Street, Zionsville, Indiana 46077

Subject: Docket Number 2020-04-DSV

I am writing this to provide my input into the consideration of the subject docket item for a variance at 145 N Main St, Zionsville. I understand this variance will be considered at your April 1, 2020 meeting and I am not in favor of approval.

In the way of context, there has been a significant amount of discussion about the replacement and modification of homes in the village, usually accomplished via the variance process. This discussion has led to consideration of alternatives such as the establishment of a Historical District with special approvals necessary for demolition, modification, or construction of homes in the village. I do not represent a group looking to implement this, nor do I support this effort. But from my perspective we should work better through the existing processes to maintain the historic core of our village neighborhood. This would include rigorous interpretation and enforcement of our existing zoning ordinance.

I have reviewed the property at 145 N. Main St, as well as the petitioner's submittal, and can find no unique conditions nor unusual hardships that would qualify this property for relief from the lot coverage limitations in the zoning ordinance. I strongly recommend the denial of this request for a variance, and trust that you will be listening to village residents' concerns about the future protection of our village neighborhood through consistent and rigorous application of our current laws.

Thank you for your community service on this Board

Mike Zeller
420 W. Cedar St,
Zionsville, IN 46077

RECEIVED
MAR 16 2020
TOWN OF ZIONSVILLE

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-06-DSV
Subject Site Address:	140 N 4th Street
Petitioner:	140 N 4TH ST LLC / Michael & Kristin Marlowe
Representative:	Todd Rottman
Request:	Petition for Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 40% in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Residential Village Zoning District (RV)
Current Land Use:	Single-family Residential
Approximate Acreage:	.17 acres
Zoning History:	No prior petitions are known.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Narrative Exhibit 4 – Petitioners Existing Site Plan Exhibit 5 – Petitioners Proposed Site Plan Exhibit 6 – Petitioners Exhibits Exhibit 7 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition was originally scheduled for an initial public hearing at the March 4, 2020 Board of Zoning Appeals meeting. The Petitioner's representative was not able to timely notice, therefore at the meeting, the board granted a continuance to the April 1, 2020 meeting of the Board of Zoning Appeals to allow the Petitioner additional time to publish proper notice.

PROPERTY HISTORY

The property is comprised of approximately 0.17 acres of the North halves of Lots 73 and 74 in Cross' Fourth Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.17-acre parcel is currently improved with a 2,768 +/- square foot circa 1975 single-family dwelling (Rating: Non-Contributing per Indiana Department of Natural Resources Interim Study) and accessory uses. Per the narrative included, the Petitioner desires to convert the existing garage to livable space and add a new attached garage with upper office space to the property. The proposed addition, contemplated to not exceed the height of the current home, would require approval of a Development Standards Variance(s) as it would 1) encroach into the required 5-foot side yard setback, 2) would not meet the required 15-foot aggregate side yard setback and 3) would exceed the maximum lot coverage.

LOT COVERAGE

The request seeks to exceed the 35 percent lot coverage maximum by 5 percent (of which 2 percent is permissible by right when using pervious material). Per the Residential Village District (RV) regulations, lot coverage standards state the maximum lot coverage is 37 percent (inclusive of the 2 percent bonus for pervious material use). In this specific case, the petitioner is not anticipating any of the lot coverage being pervious material.

While the current Zoning Ordinance requires such restrictions, the overall area developed prior to the adoption of the current Ordinance standards, and review of parcels and improvements in the area did reveal that some parcels in the area (to the north, south, east, and west) enjoy deviations from current coverage standards. The Petitioner is requesting a design standards variance to this requirement for the construction of an approximate 598 square foot addition to a single-family dwelling with a total footprint of approximately 2,984 (inclusive of the home, attached garage with upper living space, patio and porch), which would result in lot coverage of 40%. It should be noted that the Petitioner plans to locate the addition in an area already occupied by an impervious driveway and intends to remove a 96 square foot playhouse in the backyard, producing a net difference of impervious footprint of 0.02% (existing impervious footprint was 41.38% and proposed impervious footprint after removing playhouse and constructing the addition is proposed to be 41.40%). Absent these two specific characteristics, the additional lot coverage request would be a challenge to support without considering additional information.

The request to occupy the site with improvements associated with an addition to a Single-Family Dwelling (including both primary and accessory square footage) in excess of lot coverage requirements in the Residential Village District (RV) is not uncommon. While staff is generally supportive of requests

which provide for deviations from the lot coverage requirements when the request 1) is seeking to improve the site with a use commonly enjoyed by other properties in the area and / or 2) other properties within proximity to the parcel enjoy deviations from the maximum lot coverage requirements (to the north, south, east, and west), this is not the lone criteria. The fact that the petition proposes to remove both a 96 square foot accessory structure and occupy an area in which the majority is already in hardsurfacing, are the deciding factors. Given these outlined characteristics as well as Staff recognizing that the proposed addition will be in the area already occupied by an impervious driveway, Staff is in support of the Petitioner's request to exceed the lot coverage permitted by Ordinance by 5% to a total of 40%.

SETBACKS (SIDE YARDS)

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards (side yard minimum: 5 feet with 15-foot aggregate, rear yard minimum).

The site currently enjoys a conforming 5-foot side yard setback from the south parcel line for the existing patio and a conforming 15-foot 7-3/4-inch side yard setback from the north parcel line which adjoins a public alley with an approximate 10-foot width. The existing aggregate side yard setbacks are 20-foot 7-3/4-inch, conforming to the ordinance. The proposed north setback from the alley for the addition is 2-foot 4-1/8-inch, making the proposed aggregate side yard setback 7-foot 4-1/8-inch.

A review of setbacks in the vicinity shows additional parcels (to the north, south, and west) that enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. Further, it appears the distance from the proposed north side yard setback to the nearest neighboring structure (the detached garage across the alley) will exceed 20-feet from the proposed addition. While this is true, Staff is concerned with the limited maneuvering area created by the proposed excessively short driveway, in tandem with the narrowness of the alley, associated with vehicles entering and exiting the contemplated garage. Additionally, while garages along the alley are both one and two stories in height, and with most oriented to load from the alley, the requested setback is not a characteristic that exists along the alley. With all this in mind, Staff is not supportive of the proposed 2-foot 4-1/8-inch side yard setback and the utilization of a 7-foot 4-1/8-inch aggregate side yard setback as illustrated on the Petitioner's site plan attached to this staff report. Staff is not in favor of supporting any reduction in setbacks along the north property line due to the potential of conflicting vehicle maneuvering movements and the narrowness of the alley.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration. Staff is concerned with the Petitioner's proposed Findings, as written, as it appears that the main justification for the variance request is that properties in proximity to the subject filed for and were granted variances. As each filing is unique and reviewed on its own merits, the findings as proposed, in the opinion of Staff, do not adequately justify the petition as proposed.

STAFF RECOMMENDATIONS

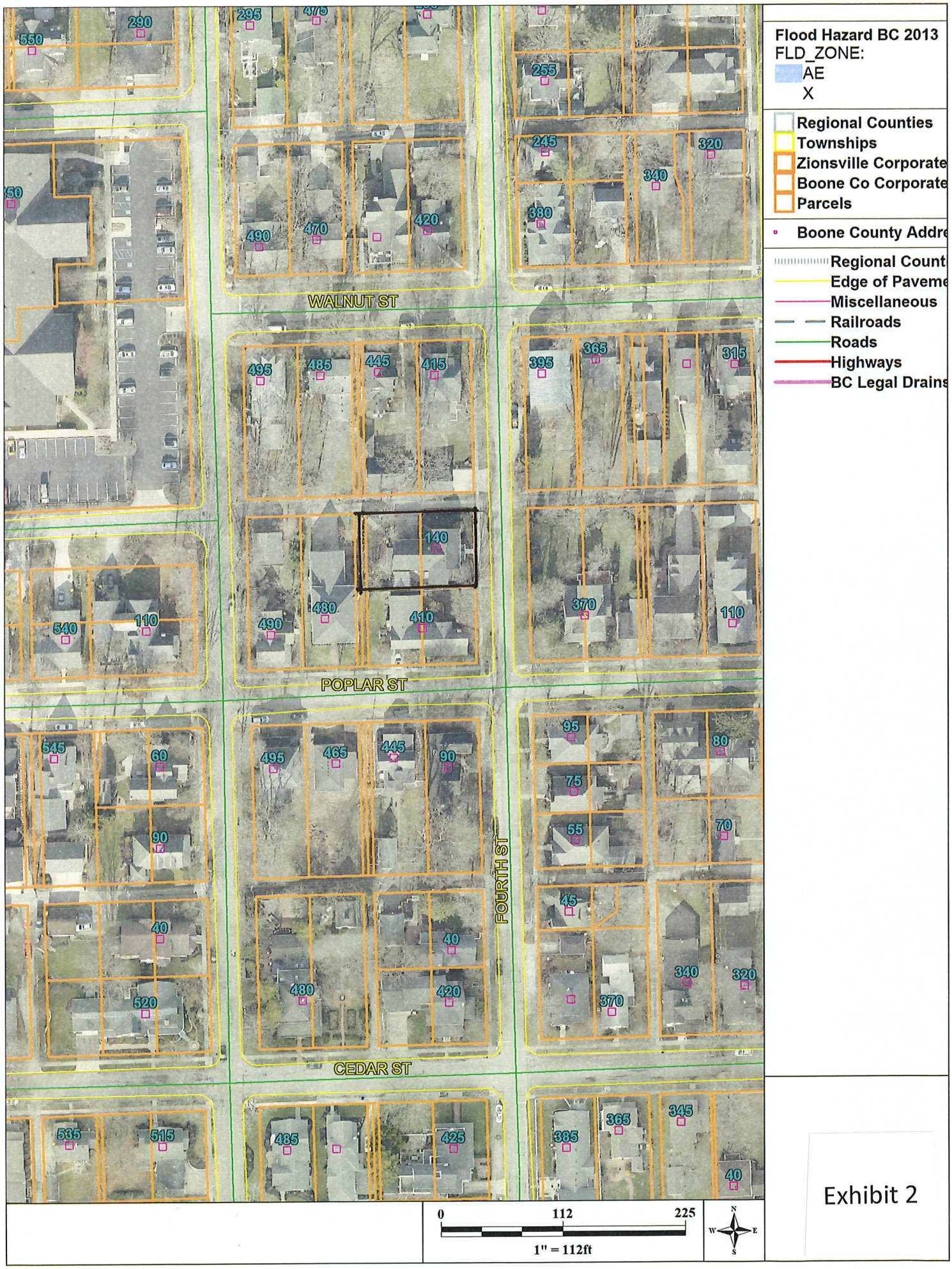
Upon submittal of Findings of Fact that adequately support the requested variance, Staff would be supportive of the Development Standards Variance for an increase of lot coverage up to 40% for the construction of an addition, not exceeding the established height of the home (with the exception of necessary venting or the installation of appurtenances), to a Single-Family Dwelling & accessory uses due to the primary facts that the area contemplated to be improved primarily is already hard surfaced, and, as recommend by Staff, would result in a net decrease in overall lot coverage.

Staff would recommend denial of the request to reduce the side yard and aggregate side yard setbacks.

RECOMMENDATION MOTION

I move that Docket #2020-06-DSV Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which exceeds the required lot coverage of 35%, to 40% as illustrated on the site plan attached to this report), in the Residential Village Zoning District (RV) for the property located at 140 N 4th Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).

I move that Docket #2020-06-DSV Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which deviates from the required side & aggregate yard setbacks (all as illustrated on the site plan attached to this report), in the Residential Village Zoning District (RV) for the property located at 140 N 4th Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).


Flood Hazard BC 2013
FLD_ZONE:
AE
X
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
WALNUT ST
POPLAR ST
CEDAR ST
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1" = 112ft
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Exhibit 2

January 30, 2020

RE: Michael and Kristin Marlowe, 140 North 4th Street
Petition for Variance of Development Standards

We have lived in our house almost 4 years now and love living in the Village. Our family has continued to grow and we need our house to grow too. All bedrooms in the house are being utilized and we do not have a basement, so we are wanting to build a new garage with home office space above and re-purpose the existing garage as a family room. To do so, we need several variances and are writing this letter to explain them.

The first variance we are asking for is to reduce the side yard setback along the northern alley. Our new garage will be 2'-4" from the property line and the minimum distance is supposed to be 5'-0". We have minimized the interior depth of the garage as much as possible to get the greatest setback we can. Unfortunately, our new garage floor will be over 2' higher than the current garage (due to the alley being over 2' higher than our current garage) and we can't utilize part of the existing garage for the new garage. However, this raised garage floor will be very helpful to us as the current garage and house is susceptible to flooding by water running down the driveway towards the garage because it is so much lower than the alley. The problem is enhanced by the alley which also has a significant slope to it for several blocks, and all that water heads down the hill past our driveway which only has a 1 1/2" tall lip.

In regards to water drainage and flooding, this new garage will not contribute more water to the alley than the current condition since there's already an impermeable driveway located where we are putting the new garage. And downspouts will be tied into underground pipes that will exit in a yard drain.

As for precedents for a reduced setback, there are 3 existing garages/accessory buildings in our two block stretch of alley that range from 1'-9" to 4'-10" from the property line. While we are at 2'-4" from the property line, the paved alley is another 3'-1" off the property line, so we will actually be 5'-5" off the alley. Most significantly, the 1939 fire map shows a detached garage located tight to the property line in almost the exact same location where our garage will be located.

The second variance we need is to reduce the aggregate side yards (our two side yards added together). Once again, this relates to the distance from the new garage to the north property line. The combined widths of our north and south side yards is supposed to equal 15'-0" minimum. The south side yard is measured from our back patio, not the house, so that distance is only 5'-0". Combined we have 7'-4" of aggregate side yards.

The final variance we are requesting is for lot coverage. We are requesting 40% which is more than the allowed 35%. We feel this coverage is acceptable for the following reasons: We are not increasing the impermeable area on the site. Only 33% is for the house and garage, the remaining 7% of coverage is for existing outdoor spaces - our front porch and rear patio. There are 23 properties with similar lot coverage in the surrounding blocks, including both of our adjacent neighbors. Our lot size is only 7,421 square feet, but if it were on the 8,000 square foot lot that current zoning requires we would only be at 37% lot coverage. Our proposed home is similar in size to most of our neighbors. Our expansion is towards the alley and not towards any of our immediate neighbors. The new addition will match the style of our existing home. The new addition is 48' from the front property line and 62' from the street, thus not adversely affecting the character on the street.

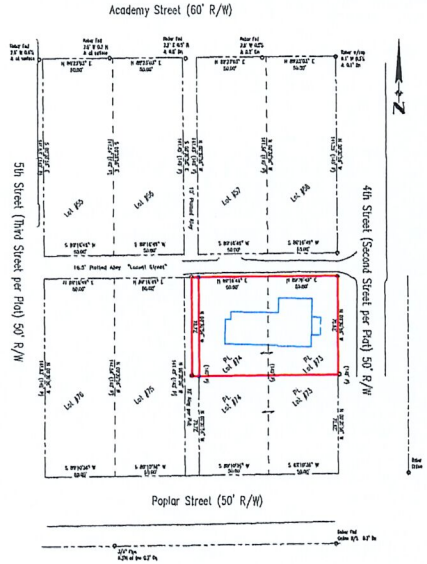
With all of this in mind, we believe that this new garage not only a necessity for our growing family, but it is also an appropriate addition to our beautiful home. Thank you for your consideration.

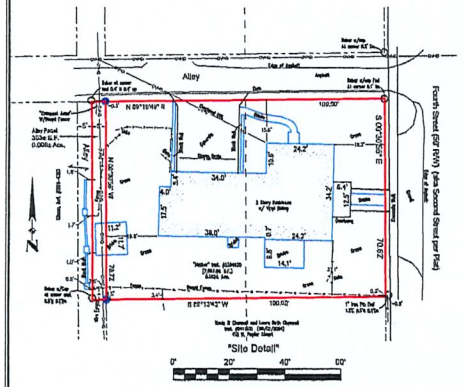
Michael and Kristin Marlowe, petitioner/owner
michael.d.marlowe@gmail.com

Exhibit 3

Exhibit 4

RETRACEMENT SURVEY
140 North 4th Street, Zionsville, Indiana 46077





Land Surveyor's Report
In direct accordance with the laws governing the State of Indiana, of the United States of America, and following Title 865 State Board of Registration for Land Surveyors, Article 1, General Provisions, Rule 12. Land Surveying: Competent Practice, of the Indiana Administrative Code (IAC), the following beliefs, opinions, observations, conclusions, and information are hereby submitted for record. The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate. The surveyed premises shown hereon are classified as an Urban Survey, having an acceptable relative positional accuracy of 0.07 feet plus 50 parts per million.

The purpose of this project was to perform and prepare a Retracement Survey on the real estate that has been described hereon, under direction and instructions from the client.

Relative positional accuracy (RPA) means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level. There may be uncertain rights associated with these uncertainties. The amount of uncertainty created by any discrepancies in the lines of occupation is equal to that discrepancy itself and in situations where that uncertainty is less than that of the appropriate RPA, it may have been considered negligible and gone unnoted. Unless otherwise noted or shown on the within survey plat, there is no evidence of occupation along the perimeter lines of the subject real estate.

This plat of survey accurately shows the location of all visible improvements, unless noted otherwise, on the premises as of the date of last field work for this project. Also shown are all lines of occupation and their relationship to the established lines of the subject real estate. A more accurate explanation of these relationships and how they were determined is described within this report. Unless otherwise illustrated hereon, there is no evidence of occupation along the exterior perimeter of the subject real estate.

This plat of survey accurately shows the position of easements, highways, rights of way, restrictions, covenants or other encumbrances of which the Surveyor was informed of. Land Surveyor's within the State of Indiana are not qualified to perform the extensive searches needed to acquire all of those documents or agreements, and they rely upon a Title Company, the client, the client's attorney, or the land owner to provide such information. Observable evidence of these burdens are shown hereon as utility lines or associated improvements, drains, swales, roadways, driveways, paths, etcetera.

Land Survey Markers, or monuments, were either set or found at all corners of the subject real estate, as shown and noted hereon. In situations where the corner is inaccessible or it would not be reasonable to set a monument at a corner, due to terrain or other hindrances, offset monuments may have been set instead, and those have been annotated hereon as well.

There may be differences of deed (D) dimensions versus measured (M) dimensions along the established lines of the subject real estate and likewise, there may be found survey markers near, but not precisely at, some established corners. In cases where the extent of these differences are less than the stated RPA, and less than the uncertainty recognized with regard to any reference monuments used for this project, those differences may be considered insignificant and have been shown only for the purposes of mathematical closure. Conversely, any differences that may exceed the stated RPA and other uncertainties are considered significant and have been discussed further below.

The Theory of Location applied for this project is as follows.
The basis of bearings for this project is the north line of the subject real estate, also being the same as above described Lots 73 and 74, having an assumed bearing of North 89 degrees 16 minutes 49 seconds East.

It is this Land Surveyor's professional opinion that the cause and the amount of uncertainty in these lines and corners is due to the following:

(A) Availability and condition of reference monuments

Various survey monuments were found throughout the block of Poplar, 4th, Academy and Fifth Streets. Their relation to the boundary corners are shown hereon.

Said monuments were found of various shapes (iron pins, rods, pipes & rebar) with various survey firm identification. It was noticed that some of the points measured well east to west compared to plat dimensions. Some points measured closer to a suggested proration of distances. With only current available evidence, streets, curb, asphalt, walks it is challenging to determine the exact location of the original location of lots within the said block; together with survey monuments of varying dimensions between. There were two unknown identification survey markers set in the apparent centerline of the western alley of the subject tract. Most all survey markers worked well with plat dimension east to west over the subject real estate when using these points. It was noticed that where survey measured were over ten foot east/west from a corner, a proration of distance may have been considered.

It was generally agreed amongst all survey markers and street, asphalt, curb and walk locations that a proration was held north to south. The overall block north to south measured approximately 3.2 feet longer than plat dimensions.

The amount of uncertainty created by the controlling monuments and any other monuments shown hereon is equal to 0.1 to 2.8' east to west, 0.1' to 0.5' north south

(B) Occupation or possession lines
- A fence was found along the westerly lot line and was found to vary from 0.8' west to 2.8' west. A placement of bricks were found to be 3.5' to 3.8' feet west of the west line.
- Fences of unknown ownership were found to vary from 4.5' to 0.3' north of the south line.
- The amount of uncertainty created by these discrepancies is equal to 0.9' to 3.8' feet east to west and 0.3' to 4.5' north to south.

(C) Clarity or ambiguity of the record description used and of adjoiner's descriptions and the relationship of the lines of the subject tract with adjoiner's lines
- The amount of uncertainty created by the record descriptions for the premises is none.
- No gaps or overlaps in title or deed lines were discovered during this survey.

(D) The relative positional accuracy of the measurements
- This survey meets or exceeds the requirements set forth by the State of Indiana.

Land Surveyor's Notes
Any underground utilities depicted on the attached plat of survey have been located per visual observations or utility markings on the ground. No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to its fitness for any particular purpose or use. In no event will SEA Group, its employees, agents, and/or assigns, be held liable for any damages arising out of the furnishing and/or use of such information. The path of the utility lines shown on said plat of survey should be considered approximate until they are either relocated, by calling the Indiana Underground Plant Protection Agency at 1-800-382-5544 or until they are excavated to verify the location and path of the utility lines.

No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information provided by governmental authorities and/or third parties, or as to its fitness for any particular purpose or use, including but not limited to information presented on zoning, setback requirements, flood hazard zones and wetlands area(s). In no event will SEA Group, its employees, agents, and/or assigns, be liable for any damages arising out of the furnishing and/or use of such information.

Any depiction of possible intrusion, trespass, invasion, and/or possible encroachment into the possessions or rights of another is not a matter of survey. An attorney and/or title company should be consulted in all matters with respect to any rights of possession(s) and matters of title.

Along any line where a dead gap or overlap or inconsistency in line of occupation occurs, unwritten rights may be available to the subject and/or the adjoining real estates.

Flood Information Note
Flood status information was obtained using Flood Insurance Rate Maps (FIRM) provided by the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), on their website, located at http://msc.fema.gov/.

The Subject Real Estate described hereon was mathematically calculated and scaled on the FIRM Map of Boone County, Indiana, Map Number 18011C0334E, dated January 18, 2012, and was found to be located in Flood Zone "X", being within Community Panel Number 180016.

The accuracy of any flood hazard data shown on this Land Survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. This certification is restricted to a review of the FIRM noted above and shall not be construed as a confirmation or denial of flooding potential.

Title Insurance Company Commitment Note
Evidence of source of title for the subject tract was provided by Enterprise Title Company, having a Title Commitment Number of 201834040 and is dated effective May 03, 2016 at 8:00 AM. Survey-related exceptions that were disclosed within Schedule B of said title commitment have been depicted on the survey, each being identified by their recording data.

Notes on those survey related exceptions with regard to the Subject Real Estate:
None

Current ownership for the Subject and Adjoining real estates are shown per County Assessor records, and any documents listed hereon can be obtained from the County Recorder's Office.

State Of Indiana Required Statements For Recordation
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Brian C. Riemiller.

This document was prepared by Brian C. Riemiller.

Certificate of Land Survey
This Land Survey, prepared by SEA Group Land Surveyors, is hereby certified to the following.

To: Joshua G Harber, and Rebecca L Harber; Kristen Markowe: Enterprise Title (201834040); Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were executed, performed and prepared under my direct supervision and that to the best of my knowledge, information and belief was gathered in accordance with the current minimum standards for competent practice of land surveying, as established by Rule 12 of Article 1 within Title 865 of the Indiana Administrative Code for the type of survey that has been indicated herein. This certification is made with respect to the real estate described hereon as of the date of last fieldwork and in effect on the date of this certification. The undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Indiana, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.
Field work was completed on May 24, 2016.
Date of Plat or Map: June 8, 2016

Brian C. Riemiller
Registered Land Surveyor of the State of Indiana
Registration Number LS20200083

INDIANA REGISTERED LAND SURVEYOR BRIAN C. RIEMILLER No. LS20200083 STATE OF INDIANA

Land Description
The north halves of Lots numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.

ALLEY LAND DESCRIPTION:
The north halves of 10 foot alley adjacent to the north half of Lot numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.

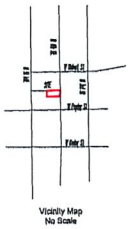
SEA Group Land Surveyors
494 Grade Drive
Carmel, IN 46032
Phone: 317.844.3333
Fax: 317.844.3383
www.SEAGroupLLC.com

140 North 4th Street
Zionsville, Indiana 46077

PROJECT LOCATED IN:
SECTION 10 - TOWNSHIP 18 NORTH - RANGE 2 EAST
UNION TOWNSHIP, BOONE COUNTY

PREPARED FOR:
Michael D Marlow & Kristin R Marlowe
181 Amazon Place
Columbus, Ohio 43214

1 Rev. - Add west adjoiner

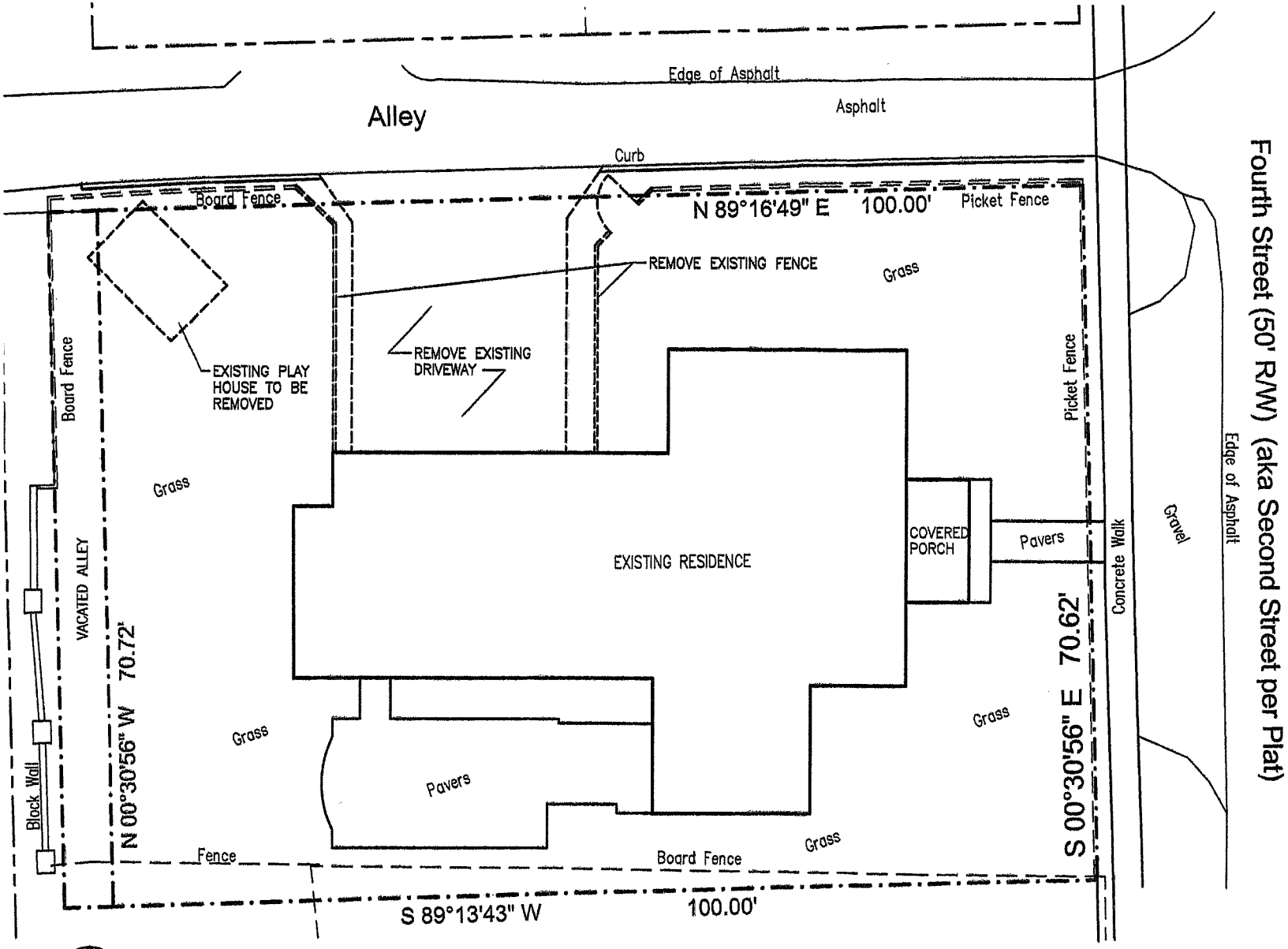


DRAWING LEGEND

	SEA Group Rebar Set
	Survey Rebar Found
	Existing Field Fence
	Existing Deed Fence
	Section Line
	R.O.W. = Right of Way
	Centerline
	B.L. = Building Setback Line
	Easement Line
	Real Estate Line
	Survey Boundary Line

Survey Reviewed By:	BCR
Survey Drawn By:	Br
Field Work Performed:	5/23/2016
Survey Printed:	6/28/2016
Referenced:	.
Project Number:	R16-1651
Survey Page:	1 of 1

Exhibit 4



NORTH

MARLOWE RESIDENCE

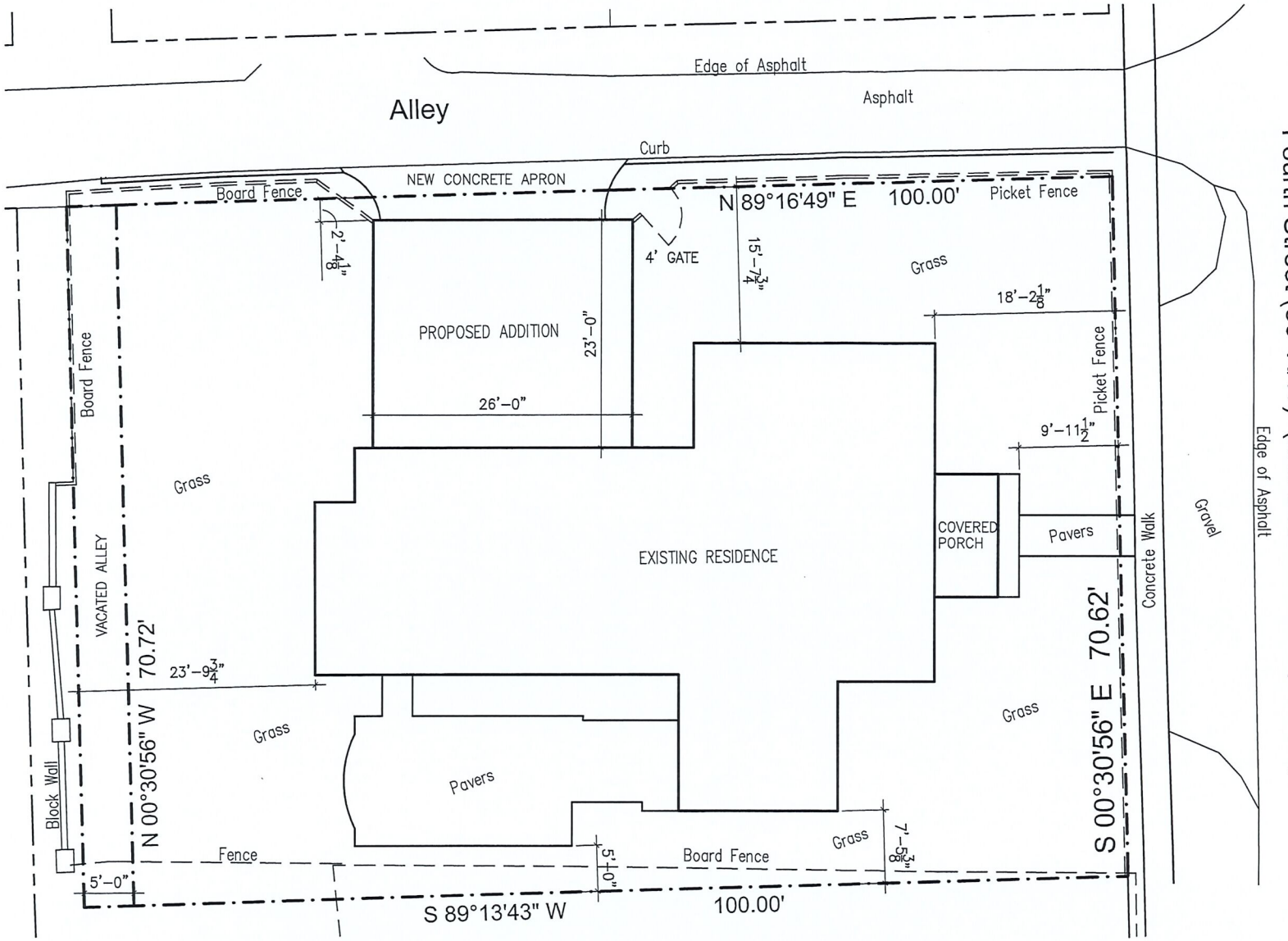
25 JANUARY 2020

0 5' 10' 20' 30'

EXISTING SITE PLAN

ROTTMANN | COLLIER
ARCHITECTS

Exhibit 5



LOT COVERAGE

LOT SIZE: 7,421 SF

EXISTING LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE = 2,467 SF

2,467 SF / 7,421 SF = 33.2% LOT COVERAGE

PROPOSED LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION = 2,969 SF

2,969 SF / 7,421 SF = 40.0% LOT COVERAGE

IMPERMEABLE AREA

EXISTING: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE + 562 DRIVEWAY + 42 FRONT WALK = 3,071 SF

PROPOSED: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION + 62 DRIVEWAY + 42 FRONT WALK = 3,073 SF

ACCESSORY USE AREA

DWELLING: 2,768 EXISTING + 618 GARAGE CONVERSION = 3,386 SF

ACCESSORY: 598 NEW GARAGE + 413 OFFICE OVER GARAGE + 80 COVERED FRONT PORCH = 1,091 SF

1,091 / 3,386 = 32.2% ACCESSORY USE

RECEIVED
MAR 20 2020
TOWN OF ZIONSVILLE

NORTH

MARLOWE RESIDENCE

19 MARCH 2020

0 5' 10' 20' 30'

PROPOSED SITE PLAN

ROTTMANN | COLLIER
ARCHITECTS

Front of house

Back patio

North side of house

Existing garage

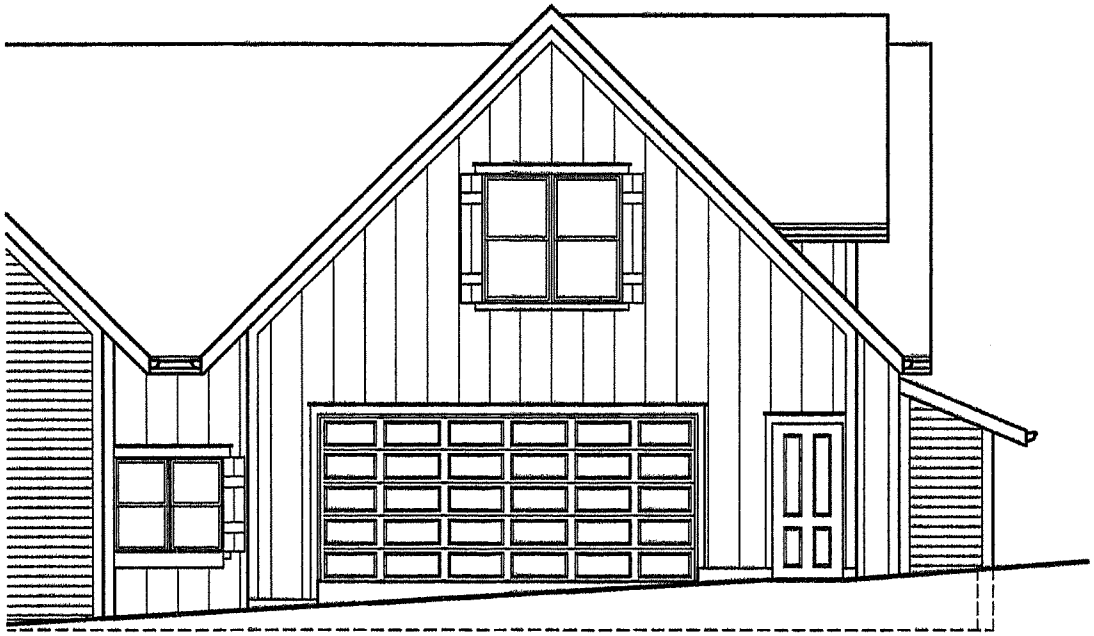
View from Fourth Street

Looking west up alley

Neighbor to West

Neighbor two doors West

Exhibit 6



NORTH

MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

NORTH ELEVATION

ROTTMANN | COLLIER
ARCHITECTS

Exhibit 6

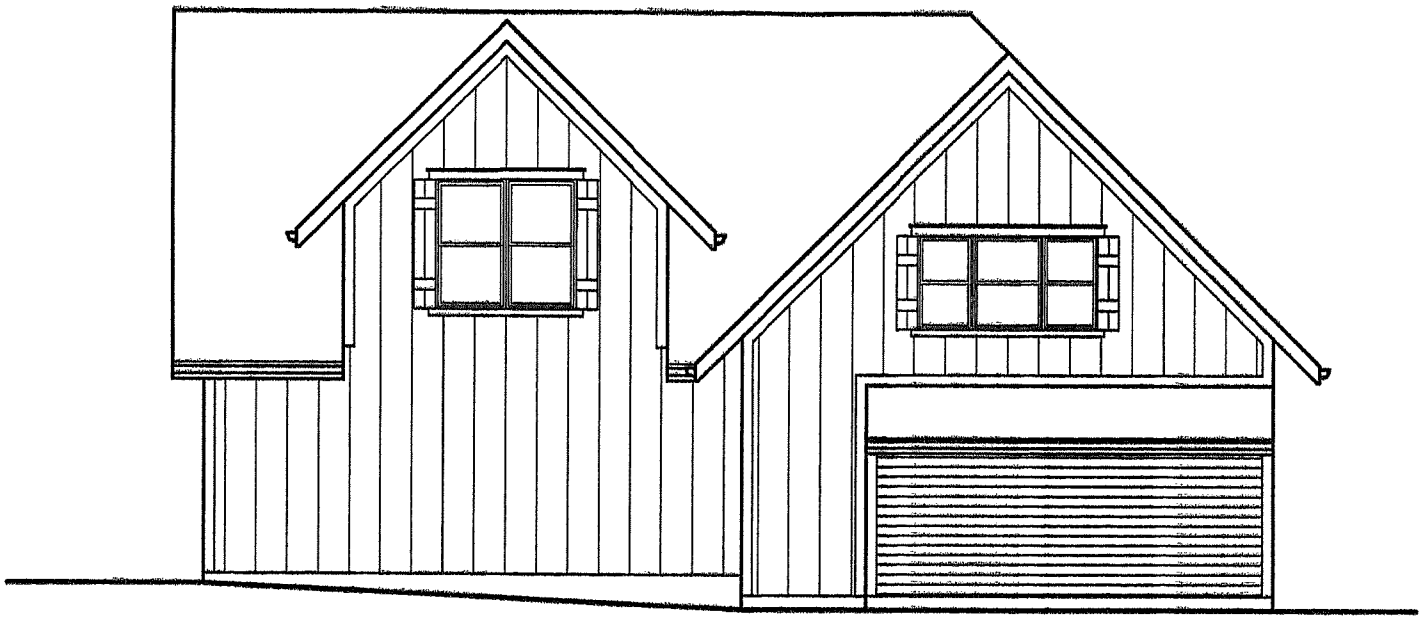


Exhibit 6

NORTH

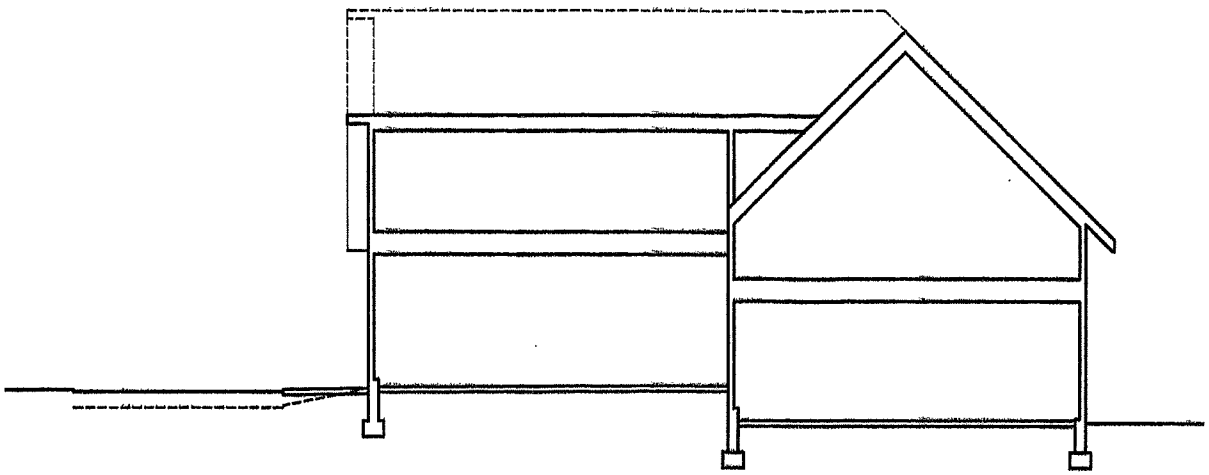
MARLOWE RESIDENCE

25 JANUARY 2020

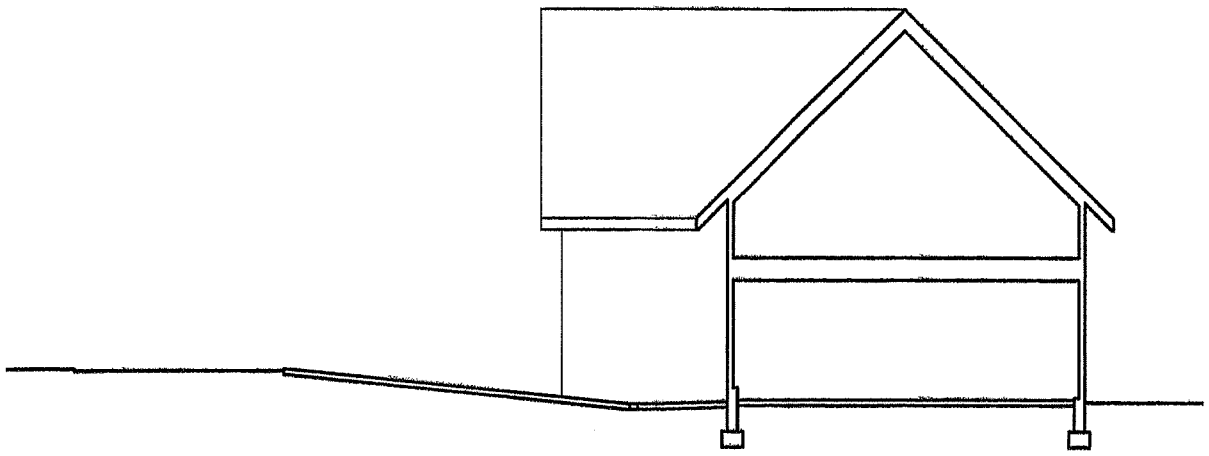
0 4' 8' 12' 16'

WEST ELEVATION

ROTTMANN | COLLIER
ARCHITECTS



PROPOSED



EXISTING

NORTH

MARLOWE RESIDENCE

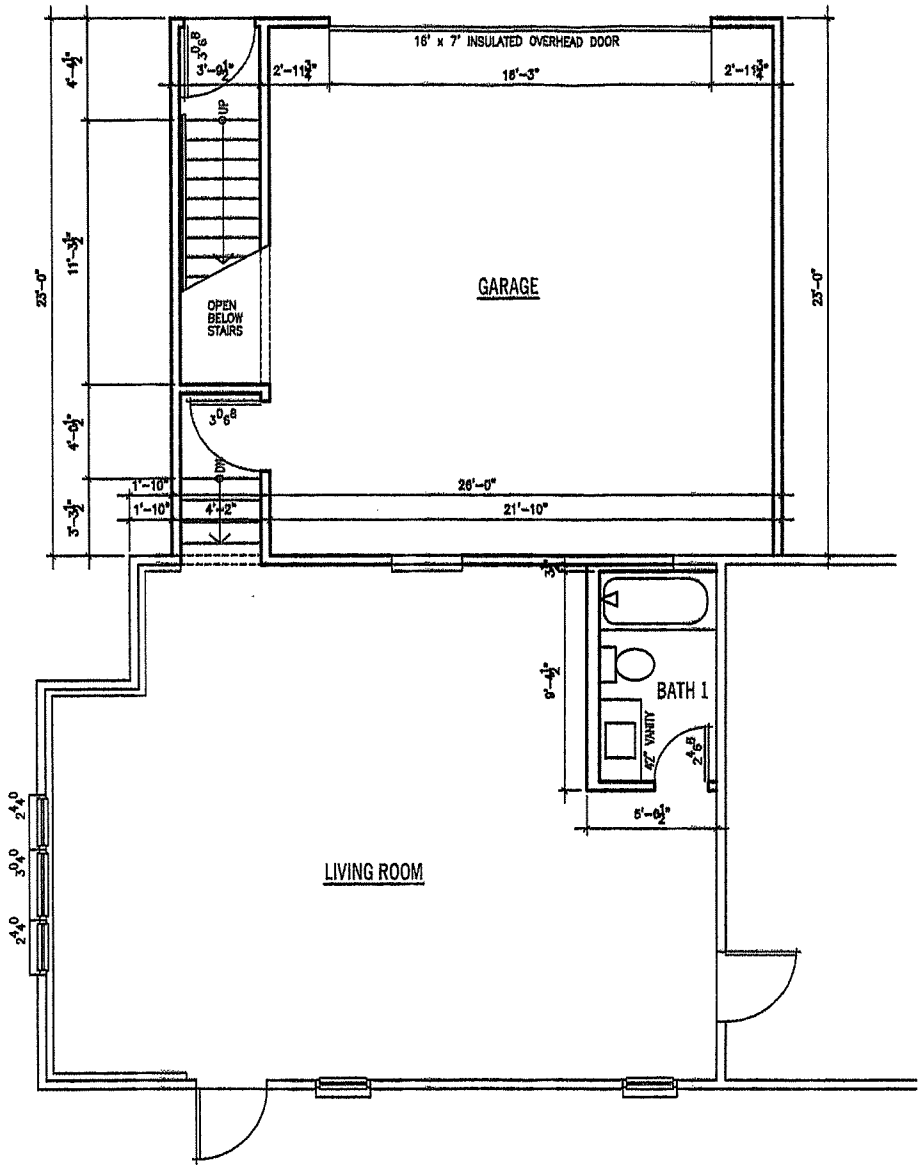
25 JANUARY 2020

0 4' 8' 12' 16'

CROSS SECTIONS

ROTTMANN | COLLIER
ARCHITECTS

Exhibit 6



NORTH

MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

FIRST FLOOR PLAN

ROTTMANN | COLLIER
ARCHITECTS

Exhibit 6

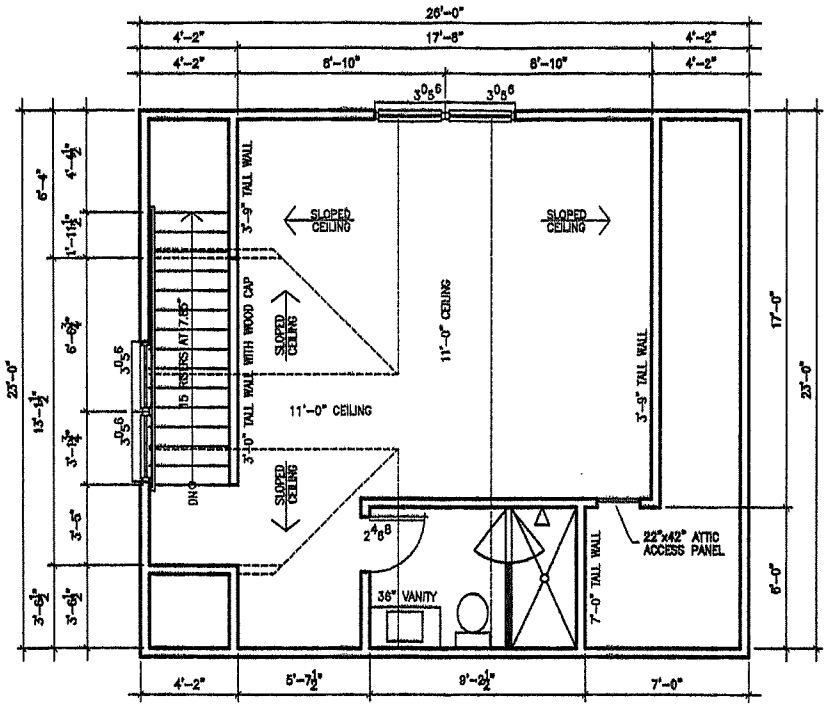


Exhibit 6

NORTH

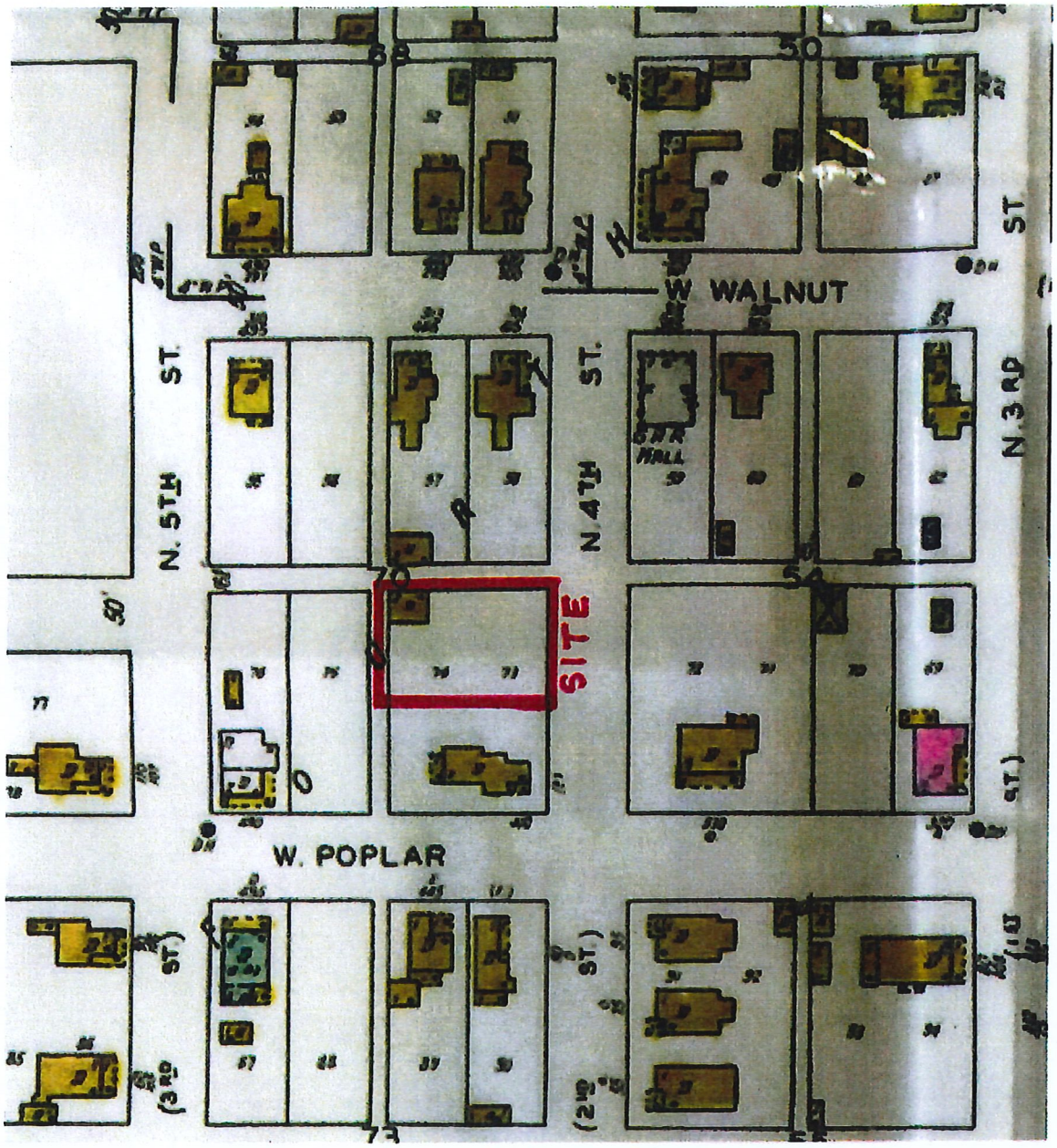
MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

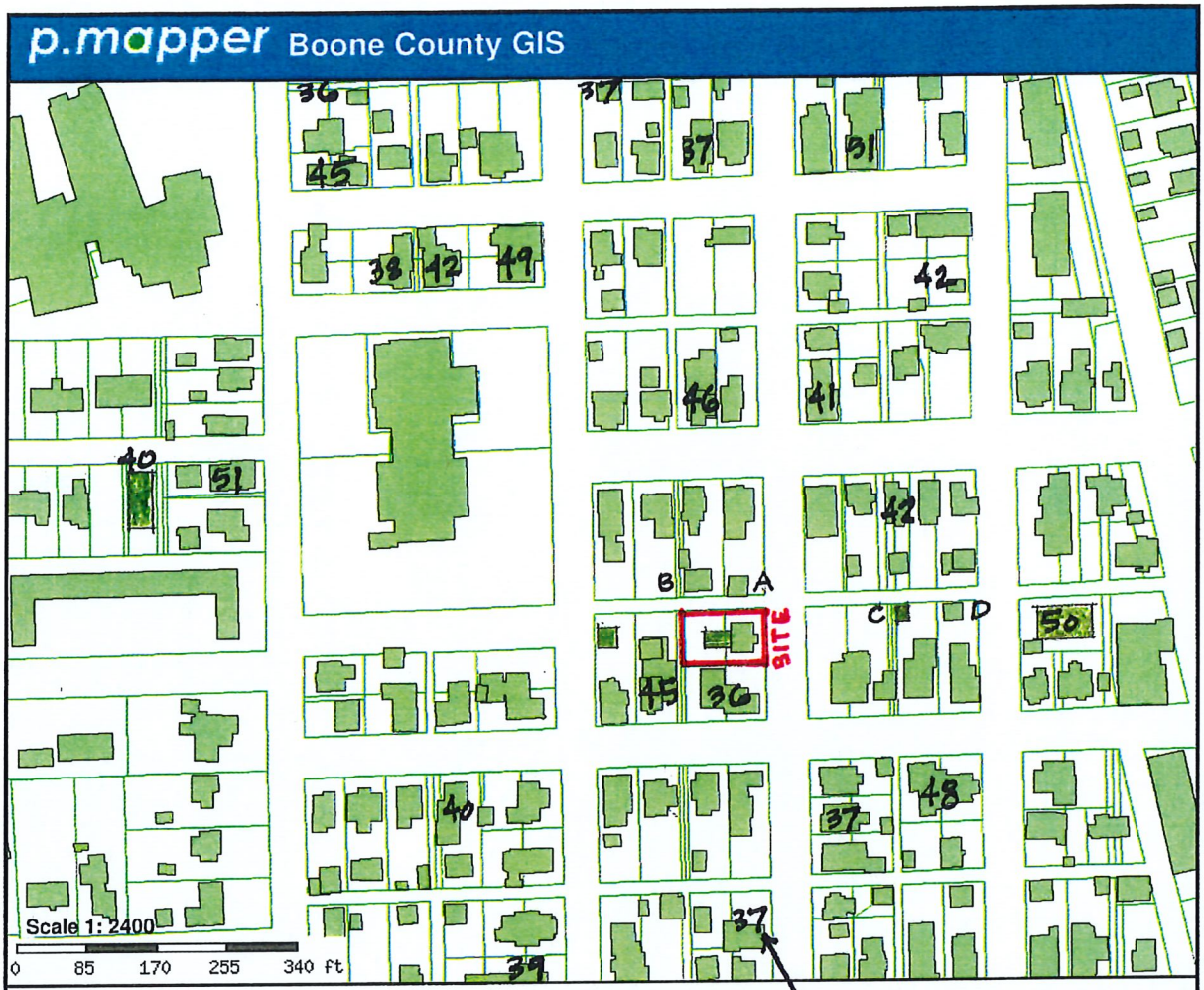
SECOND FLOOR PLAN

ROTTMANN | COLLIER
ARCHITECTS



1939 MAP

Exhibit 6



Buildings

Parcels

LOT COVERAGE %

DISTANCE TO PROPERTY LINE

A 1'-9"

B 8'-10"

C 4'-10"

D 3'-0"

Exhibit 6

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the impermeable area is not being increased, only 33% of the lot coverage is for buildings as the rest is all outdoor space, several garages/accessory buildings along the alley have similar setbacks, the expansion is towards the alley and not the street, the new addition is 48' from the front property line and 62' from the street, and the project will increase the value of this property.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because 67% of the property is open space, the expansion is towards the alley and not towards any neighbor's property, the proposed home is similar in size to the neighbors, the new addition matches the existing home in style, the impermeable area will not increase and water from gutters is handled internally with yard drains, and the project will increase the value of this property.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because the current garage and house are susceptible to flooding, the growing family needs more living space, historically there was a garage tight to the property line at this location, other neighbors enjoy similar setbacks and home sizes, and the grade change does not allow part of existing garage to be used for new garage (therefore the distance to the property line is determined by the depth of a usable garage).

DECISION

It is therefore the decision of this body that this Variance petition is **APPROVED.**

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____ _____

_____

#2020-06-DSV
M. MARLOWE

March 16, 2020

To: Members of the Zionsville Board of Zoning Appeals
1100 W Oak Street, Zionsville, Indiana 46077

Subject: Docket Number 2020-06-DSV

I am writing this to provide my input into the consideration of the subject docket item for a variance at 140 N 4th Street, Zionsville. I understand this variance will be considered at your April 1, 2020 meeting and I am not in favor of approval.

In the way of context, there has been a significant amount of discussion about the replacement and modification of homes in the village, usually accomplished via the variance process. This discussion has led to consideration of alternatives such as the establishment of a Historical District with special approvals necessary for demolition, modification, or construction of homes on the village. I do not represent a group looking to consider this, nor do I support this effort. But from my perspective we should work better through the existing processes to maintain the historic core of our village neighborhood. This would include rigorous interpretation and enforcement of our existing zoning ordinance.

I have reviewed the property at 140 N. 4th St, as well as the petitioner's submittal, and can find no unique conditions nor special hardships that would qualify this property for relief from the required setbacks and the lot coverage limitations in the current Town rules. I strongly recommend the denial of this request for a variance, and trust that you will be listening to village residents' concerns about the future protection of our village neighborhood through consistent and rigorous application of our current laws.

Thank you for your community service on this Board.

Mike Zeller
420 W. Cedar St,
Zionsville, IN 46077

RECEIVED
MAR 16 2020
TOWN OF ZIONSVILLE

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Signature

2-10-2020
Date

Jane Forbes
Printed Name

410 West poplar ST
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Signature

02/09/2020
Date

EDWARD J. MITRO
Printed Name

490 W. POPLAR ST.
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Signature

Date 2/9/2020

Pat Pect

Printed Name

110 N 3rd

Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Signature

2-9-2020
Date

Susan Montgomery
Printed Name

495 West Walnut St
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Signature

2/9/2020
Date

Gary and Debbie Fortbeck
Printed Name

370 West Poplar ST
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Robin Browning 2/9/20

Signature

2/9/20

Date

Tim and Robin Browning

Printed Name

415 West Walnut St

Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Signature

Date 2/9/20

Printed Name JON AND LYNDSAY GILMAN

Signer's Address 480 West poplar ST

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-06-DSV

1. SITE INFORMATION:

Address of Property: 140 N. 4th street

Existing Use of Property: Residence

Proposed Use of Property: Residence

Current Zoning: R-V Area in acres: .17

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Michael and Kristin Marlowe

Owner Name (if different from Petitioner): 140 N. 4th St., LLC

Petitioner Address: 140 N. 4th Street Owner Address: Same

Petitioner Phone Number: 440.278.0183 Owner Phone Number: Same

Petitioner E-Mail Address: michael.d.marlowe@gmail.com Owner E-Mail Address: Same

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: Todd Rottmann

Address: 320 W. Hawthorne Street

Phone Number: 317.840.3944

E-Mail Address: todd@rottmanncollier.com

Project Engineer:

Name:

Address:

Phone Number:

E-Mail Address:

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

☐ **Appeal** ☒ **Variance of Development Standards** ☐ **Variance of Use** ☐ **Special Exception** ☐ **Modification**

Reduce side yard to 2'-4" when 5'-0" is required.
Reduce aggregate side yard to 7'-4" when 15'-0" is required.
Increase lot coverage to 40% when 35% is allowed.

5. ATTACHMENTS:

☐ Legal description of property
☐ Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
☐ Application Fee
☐ Proof of Ownership (copy of Warranty Deed)
☐ Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
☐ Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: Todd W. Pottman **Date:** 30 Jan. 2020

Signature of Owner or Attorney for Owner: _____ **Date:** _____

State of INDIANA)
SS:
County of BOONE)

Subscribed and sworn to before me this 30 day of JANUARY, 2020.

Christine I. Koenig
Notary Public Signature

CHRISTINE I. KOENIG
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County

OFFICIAL SEAL
CHRISTINE I. KOENIG
NOTARY PUBLIC - INDIANA
BOONE COUNTY
My Comm. Expires June 14, 2022

OWNER'S AUTHORIZATION

The undersigned, 140 N. 4th St., LLC, being the owners of the property commonly known as 140 North Fourth Street, Zionsville, Indiana 46077, hereby authorizes Todd Rottmann to file a Petition for variance of development standards for the aforementioned property.

By: _____, member OC3 LLC

Kristin Marlowe, member

RENEE M GODBY
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER NP0622415
MY COMMISSION EXPIRES NOV. 16, 2026

State of IN)
County of Boone)
Subscribed and sworn to before me this day of January 30, 2020.

_____ Renee M. Godby
Notary Public Signature

Renee M. Godby
Notary Public Printed

My commission expires 11/16/26.
My county of residence is Hamilton County.

16.00 Tilson Enterprise Title

Instrument 201600006662 PG 1 OF 1

201600006662
Filed for Record in
BOONE COUNTY, INDIANA
NICOLE K.(NIKKI) BALDWIN
BOONE COUNTY RECORDER
07-18-2016 At 02:08 pm.
DEED 17.00

File No.: 201634046
Parcel Number: 019-11840-00
State ID: 06-04-02-000-003.264-006

WARRANTY DEED

THIS INDENTURE WITNESSETH, That ***Joshua G. Harber and Rebecca L. Harber, husband and wife*** (Grantor) of Boone County, in the State of Indiana, CONVEYS AND WARRANTS to ***140 N. 4th St., LLC*** (Grantee) of Boone County, in the State of Indiana, for the sum of Ten & 00/100 Dollars ($10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Boone County, in the State of Indiana:

The North halves of Lots Numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof, recorded in Plat Record 2, pages 1 and 2, in the Office of the Recorder of Boone County, Indiana.

ALSO:

The East Half of the 10 foot vacated alley by Vacation Proceedings recorded May 8, 2003 as Instrument No. 0308115 West of and adjacent to the North Half of Lot Numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof Recorded in Plat Record 2, pages 1 and 2, in the Recorder's Office, Boone County, Indiana.

Subject to real estate taxes due and payable subsequent to closing and all taxes payable thereafter.

Subject to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 140 N 4th St., Zionsville, IN 46077.

IN WITNESS WHEREOF, Grantor has executed this deed this 5th day of July, 2016.

Joshua G. Harber

Rebecca L. Harber

State of Indiana)
)ss. ACKNOWLEDGEMENT
County of Marion)

Before me, a Notary Public in and for the said County and State, personally appeared Joshua G. Harber and Rebecca L. Harber, husband and wife, who acknowledged the execution of the foregoing Instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 5th day of July, 2016.

My commission expires: October 02, 2017

NOTARY PUBLIC SEAL INDIANA

Kerry L. Cooley
Notary Public
Residing in Hamilton County

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael J. Curry, Attorney

This instrument prepared by: Michael J. Curry, Attorney at Law, #3888-49

Grantee's address and send tax bills to: Property Address, 140 N 4th St Zionsville IN 46077

DULY ENTERED FOR TAXATION
07-18-2016
Carla Newcomer
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

provided in the Act, the Articles of Organization and this Agreement, as amended from time to time. The Member hereby ratifies, confirms and approves in all respects, the acts of the organizer in forming the Company. The Company shall pay all expenses incurred in the organization of the Company.

Section 1.03. Name. The name of the Company shall be 140 N. 4th St., LLC.

Section 1.04. Registered Office and Registered Agent. The name and address of the registered agent of the Company shall be 2700 Market, LLC, located at 2700 Market Tower, 10 West Market Street, Indianapolis, Indiana 46204. The Company may, from time to time, change its registered agent(s) or office(s) through filings with the Indiana Secretary of State (and other states' Secretaries of State, as applicable). In the event the registered agent ceases to act as such for any reason or the registered office changes, the Company shall promptly designate a replacement registered agent or address, as the case may be, and file a statement of change with the Indiana Secretary of State (and other states' Secretaries of State, as applicable). If the Company shall fail to designate a replacement registered agent or office address, the Member may designate a replacement registered agent or office address and file a statement of change with the Indiana Secretary of State (and other states' Secretaries of State, as applicable).

Section 1.05. Term. The term of the Company commenced upon the proper filing of the Articles of Organization with the Indiana Secretary of State, and shall continue until dissolved as herein provided.

ARTICLE II
PURPOSE AND BUSINESS OF THE COMPANY

Section 2.01. General Purposes. The purpose of the Company is to conduct all activities which are permitted under the Act.

Section 2.02. Authority of the Company. The Company shall have all the powers permitted by law necessary or desirable in carrying out the business of the Company.

ARTICLE III
INTEREST; CAPITAL CONTRIBUTIONS; ACCOUNTING MATTERS

Section 3.01. Member's Interest. The Member, and such Member's Notice Address, and Interest are as set forth below:

Name and Notice Address	Interest
OC3, LLC 140 North 4th Street Zionsville, IN 46077	100%

Section 3.02. Income Tax Treatment. The Company shall be disregarded as an entity separate from its Member solely for federal and state income tax purposes.

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ARTICLE III
INTEREST; CAPITAL CONTRIBUTIONS; ACCOUNTING MATTERS

Section 3.01. Member's Interest. The Member, and such Member's Notice Address, and Interest are as set forth below:

Name and Notice Address	Interest
Kristin Marlowe 140 North 4th Street Zionsville, IN 46077	100%

Section 3.02. Income Tax Treatment. The Company shall be disregarded as an entity separate from its Member solely for federal and state income tax purposes.

#2020-06-DSV
M. MARLOWE

Chrissy Koenig

From: Todd Rottmann <todd@rottmanncollier.com>
Sent: Monday, February 24, 2020 11:53 AM
To: Chrissy Koenig
Subject: Continuance request

Please continue our 140 N 4th Street variance until the April 01 meeting date. Thank you.

Todd W. Rottmann, AIA
Registered Architect, Registered Interior Designer, LEED AP
M 317.840.3944

Rottmann Collier Architects, Inc.
155 East Market Street, Suite 200
Indianapolis, Indiana 46204
T 317.721.2724

RECEIVED
FEB 24 2020
TOWN OF ZIONSVILLE

January 30, 2020

RE: Michael and Kristin Marlowe, 140 North 4th Street
Petition for Variance of Development Standards

We have lived in our house almost 4 years now and love living in the Village. Our family has continued to grow and we need our house to grow too. All bedrooms in the house are being utilized and we do not have a basement, so we are wanting to build a new garage with home office space above and re-purpose the existing garage as a family room. To do so, we need several variances and are writing this letter to explain them.

The first variance we are asking for is to reduce the side yard setback along the northern alley. Our new garage will be 2'-4" from the property line and the minimum distance is supposed to be 5'-0". We have minimized the interior depth of the garage as much as possible to get the greatest setback we can. Unfortunately, our new garage floor will be over 2' higher than the current garage (due to the alley being over 2' higher than our current garage) and we can't utilize part of the existing garage for the new garage. However, this raised garage floor will be very helpful to us as the current garage and house is susceptible to flooding by water running down the driveway towards the garage because it is so much lower than the alley. The problem is enhanced by the alley which also has a significant slope to it for several blocks, and all that water heads down the hill past our driveway which only has a 1 1/2" tall lip.

In regards to water drainage and flooding, this new garage will not contribute more water to the alley than the current condition since there's already an impermeable driveway located where we are putting the new garage. And downspouts will be tied into underground pipes that will exit in a yard drain.

As for precedents for a reduced setback, there are 3 existing garages/accessory buildings in our two block stretch of alley that range from 1'-9" to 4'-10" from the property line. While we are at 2'-4" from the property line, the paved alley is another 3'-1" off the property line, so we will actually be 5'-5" off the alley. Most significantly, the 1939 fire map shows a detached garage located tight to the property line in almost the exact same location where our garage will be located.

The second variance we need is to reduce the aggregate side yards (our two side yards added together). Once again, this relates to the distance from the new garage to the north property line. The combined widths of our north and south side yards is supposed to equal 15'-0" minimum. The south side yard is measured from our back patio, not the house, so that distance is only 5'-0". Combined we have 7'-4" of aggregate side yards.

The final variance we are requesting is for lot coverage. We are requesting 40% which is more than the allowed 35%. We feel this coverage is acceptable for the following reasons: We are not increasing the impermeable area on the site. Only 33% is for the house and garage, the remaining 7% of coverage is for existing outdoor spaces - our front porch and rear patio. There are 23 properties with similar lot coverage in the surrounding blocks, including both of our adjacent neighbors. Our lot size is only 7,421 square feet, but if it were on the 8,000 square foot lot that current zoning requires we would only be at 37% lot coverage. Our proposed home is similar in size to most of our neighbors. Our expansion is towards the alley and not towards any of our immediate neighbors. The new addition will match the style of our existing home. The new addition is 48' from the front property line and 62' from the street, thus not adversely affecting the character on the street.

With all of this in mind, we believe that this new garage not only a necessity for our growing family, but it is also an appropriate addition to our beautiful home. Thank you for your consideration.

Michael and Kristin Marlowe, petitioner/owner
michael.d.marlowe@gmail.com

AFFIDAVIT OF NOTICE OF PUBLIC HEARING

BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

I, TODD ROTTMANN, DO HEREBY CERTIFY THAT LEGAL NOTICE TO THE INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS, to consider the application of Michael and Kristin Marlowe (140 N. 4th St., LLC) requesting variances was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to each of the following property owners at the following addresses:

OWNER:	ADDRESS:
Wayne Allen	PO Box 8, Zionsville, IN 46077
Tim and Robin Browning	415 West Walnut Street, Zionsville, IN 46077
Walnut Street Church, LLC	395 West Walnut Street, Zionsville, IN 46077
Gary and Debbie Forbeck	370 West Poplar Street, Zionsville, IN 46077
Jane Forbes	410 West Poplar Street, Zionsville, IN 46077
Jonathan and Lyndsay Gilman	480 West Poplar Street, Zionsville, IN 46077
Janetta Matesan	485 West Walnut Street, Zionsville, IN 46077

and that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 22nd day of March, 2020, being at least ten (10) days prior to the date of the Public Hearing (copies of the "Receipt for Certified Mail" (white slips) attached)

and that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

Todd W. Rottmann Todd W. Rottmann

OFFICIAL SEAL
CHRISTINE I. KOENIG
NOTARY PUBLIC - INDIANA
BOONE COUNTY
My Comm. Expires June 14, 2022

State of INDIANA)

County of BOONE)

Subscribed and sworn to before me this day of 28 FEBRUARY, 2020.

Christine I. Koenig

Notary Public Signature

CHRISTINE I. KOENIG

Notary Public Printed

My Commission # 654176.

My commission expires 6-14-2022.

My county of residence is BOONE County.

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

OFFICIAL USE

Certified Mail Fee $3.55
Extra Services & Fees (check box, add fee as appropriate) $2.85
- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0077 07

Postmark Here
USPS ZIONSVILLE, IN 46077 FEB 2020 02/26/2020

Sent To Wayne Allen
Street and Apt. No., or PO Box No. PO Box 8
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 1130 0000 3199 8302

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0077 07

Postmark Here
USPS ZIONSVILLE, IN 46077 FEB 2020 02/26/2020

Sent To Janetta Matesan
Street and Apt. No., or PO Box No. 485 West Walnut St.
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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0077 07

Postmark Here
USPS ZIONSVILLE, IN 46077 FEB 2020 02/26/2020

Sent To Jonathan and Lyndsay Gilman
Street and Apt. No., or PO Box No. 480 West Poplar St.
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 1130 0000 3199 8326

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0077 07

Postmark Here
USPS ZIONSVILLE, IN 46077 FEB 2020 02/26/2020

Sent To Jane Forbes
Street and Apt. No., or PO Box No. 410 West Poplar St.
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0077 07

Postmark Here
USPS ZIONSVILLE, IN 46077 FEB 2020 02/26/2020

Sent To Gary and Debbie Forbeck
Street and Apt. No., or PO Box No. 370 West Poplar St.
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 1130 0000 3199 8340

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0077 07

Postmark Here
USPS ZIONSVILLE, IN 46077 FEB 2020 02/26/2020

Sent To Walnut Street Church, LLC
Street and Apt. No., or PO Box No. 395 West Walnut St.
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 1130 0000 3199 8364

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ZIONSVILLE, IN 46077

OFFICIAL USE

Certified Mail Fee $3.55

$ $2.85

Extra Services & Fees *(check box, add fee as appropriate)* $0.00

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- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $ $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $0.55

$

Total Postage and Fees $6.95

$

0077 07

USPS

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FEB 2020

ZIONSVILLE, IN 46077

Sent To Tim and Robin Browning

Street and Apt. No., or PO Box No. 415 West Walnut St.

City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CONFIRMATION

STARMEDIA
A GANNETT COMPANY

Star Media
130 S. Meridian Street
Indianapolis, In 46225

ROTTMANN COLLIER ARCHITECTS, INC.
155 EAST MARKET STREET, SUITE 200
INDIANAPOLIS IN 46204-

Account	AD#	Net Amount	Tax Amount	Total Amount	Payment Method	Payment Amount	Amount Due
3177212724	0004079620	$74.43	$0.00	$74.43	Credit Card	$0.00	$74.43

Sales Rep: bgrady **Order Taker:** bgrady **Order Created** 02/25/2020

Product	Placement	Classification	# Ins	Start Date	End Date
INI-Indianapolis Star	INI-Public Notices	Legal Notices	1	02/27/2020	02/27/2020
INI-indystar.com	INIW-Public Notices	Legal Notices	1	02/27/2020	02/27/2020

*** ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION**

Text of Ad: 02/25/2020

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, April 1, 2020 at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following:
Petition No. 2020-06-DSV, Michael and Kristin Marlowe (140 N. 4th St., LLC) to request a Petition for Development Standards variance in order to provide for the construction of an addition to a Single--Family Home which:
1) Deviates from the required side and aggregate yard setbacks and
2) Exceeds the required lot coverage of 35%, to 40%
in the Urban Residential Village Zoning District (R-V).
The property involved is more commonly known as: 140 North 4th Street, Zionsville, Indiana 46077, and is legally described as:
The north halves of Lots numbered 73 and 74 and the east half of the 10 foot alley adjacent to the north half of Lot numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded in Plat Record 2, Page 1 and 2 in the Office of the Recorder of Boone County, Indiana.
A copy of the Petition for Variance of Development Standards and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for holidays, in the Planning & Economic Development in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition Variance of Development Standards will be heard at the Public Hearing.
The Public Hearing may be continued from time to time as may be found necessary.
If you have a disability which requires special assistance for your participation in the Public Hearing, please provide advance notification to the Technology Department at assistance@zionsville-in.gov or (317) 873-1577 to ensure the proper accommodations are made prior to the hearing.
John Wolf, Chairman
Wayne DeLong, Secretary

(S - 2/27/20 - 0004079620) hspaxlp

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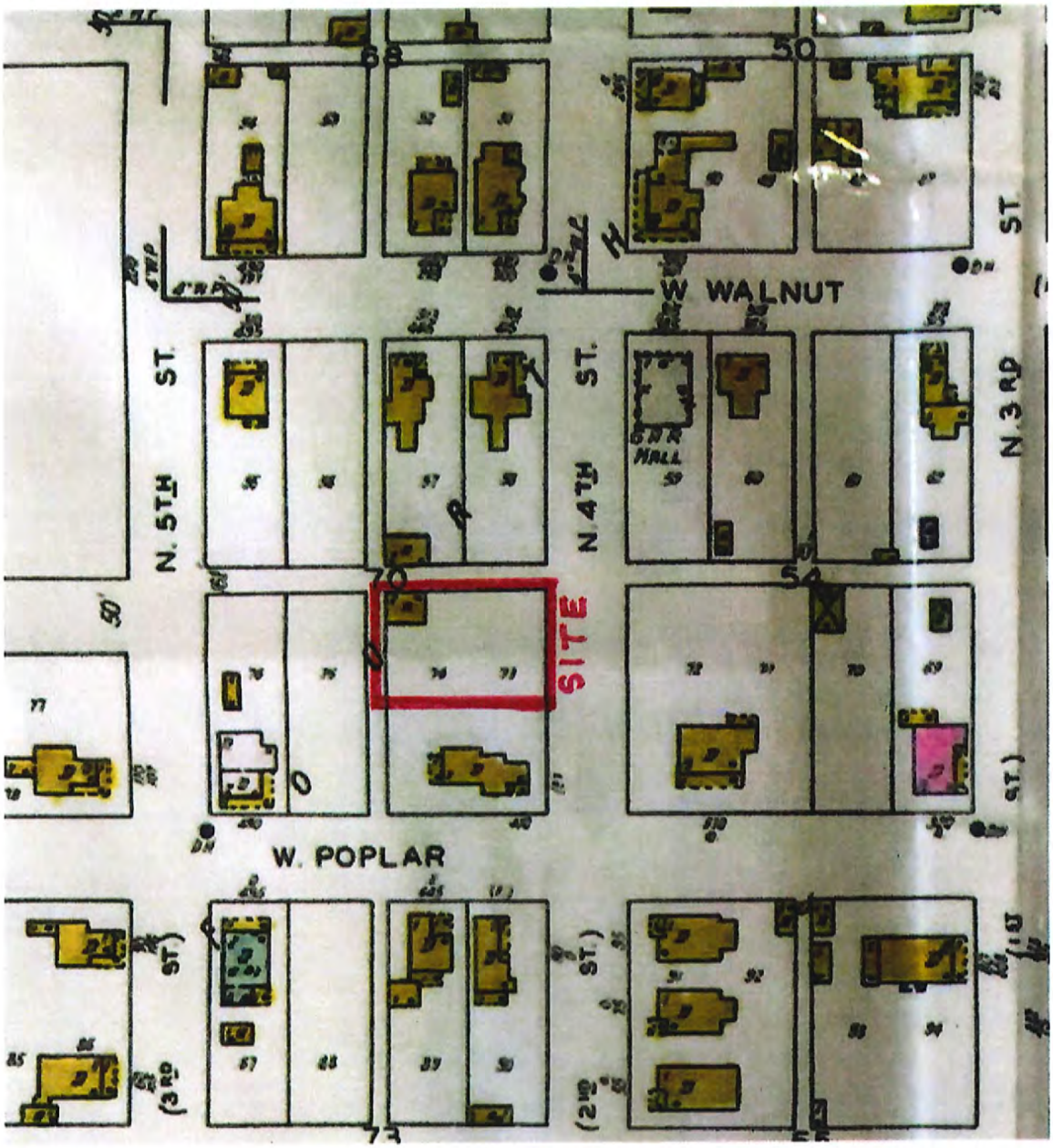
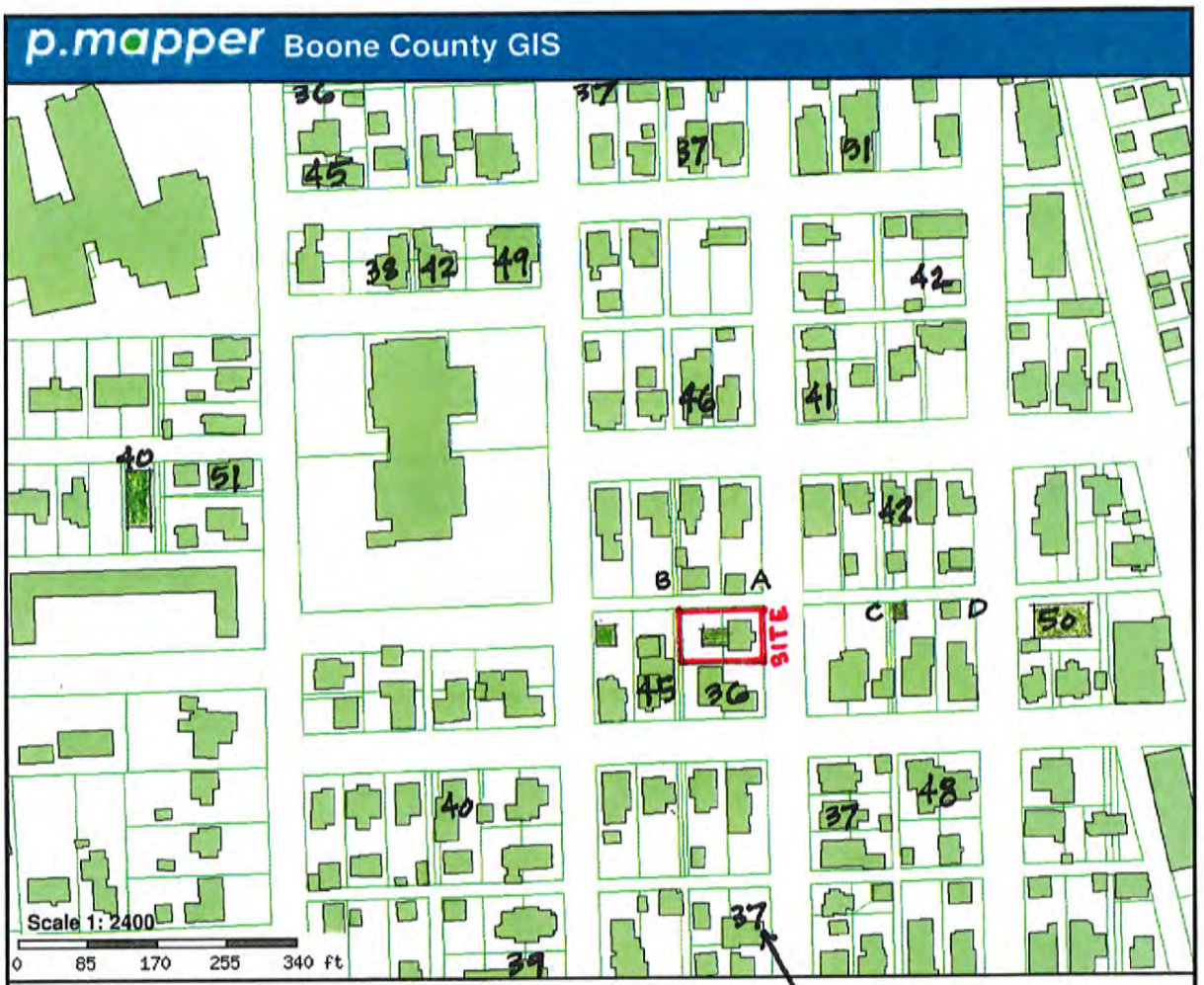
John Wolf, Chairman

Wayne DeLong, Secretary



1939 MAP



Buildings

Parcels

LOT COVERAGE %

DISTANCE TO PROPERTY LINE

A 1'-9"

B 8'-10"

C 4'-10"

D 3'-0"

Front of house

Back patio

North side of house

Existing garage

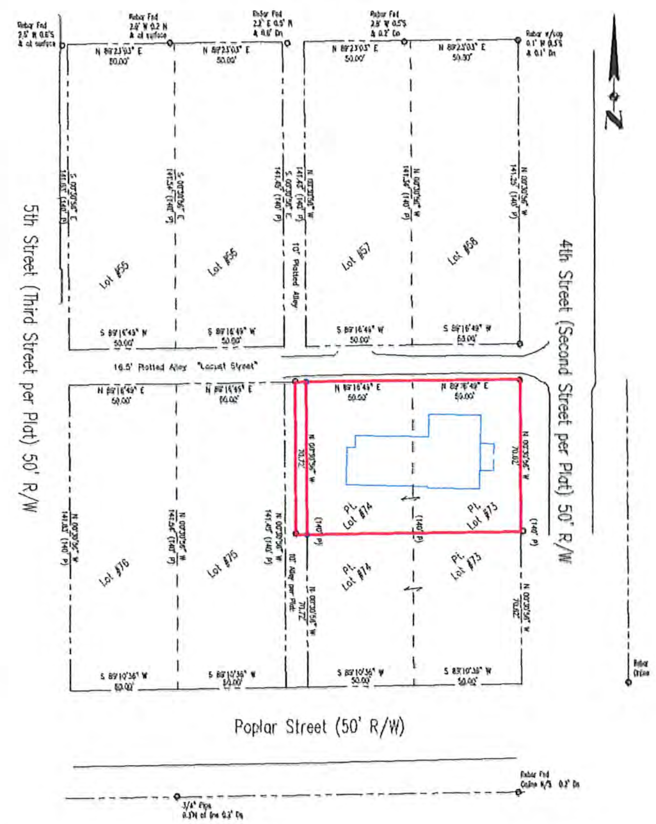
View from Fourth Street

Looking west up alley

Neighbor to West

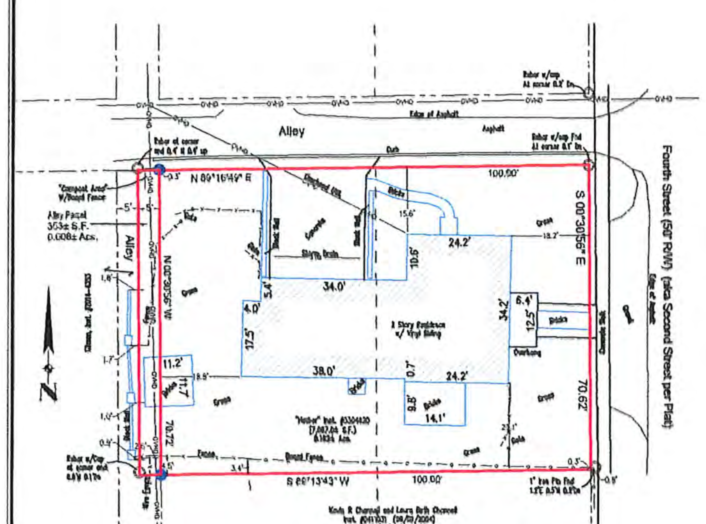
Neighbor two doors West

RETRACEMENT SURVEY
140 North 4th Street, Zionsville, Indiana 46077



"Block Detail"

0' 30' 60' 90'



"Site Detail"

0' 20' 40' 60'

Land Surveyor's Report
In direct accordance with the laws governing the State of Indiana, of the United States of America, and following Title 865 State Board of Registration for Land Surveyors, Article 1, General Provisions, Rule 12, Land Surveying: Competent Practice, of the Indiana Administrative Code (IAC), the following beliefs, opinions, observations, conclusions, and information are hereby submitted for record. The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate. The surveyed premises shown hereon are classified as an Urban Survey, having an acceptable relative positional accuracy of 0.07 feet plus 50 parts per million.

The purpose of this project was to perform and prepare a Retracement Survey on the real estate that has been described hereon, under direction and instructions from the client.

Relative positional accuracy (RPA) means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level. There may be unwritten rights associated with these uncertainties. The amount of uncertainty created by any discrepancies in the lines of occupation is equal to that discrepancy itself and in situations where that uncertainty is less than that of the appropriate RPA, it may have been considered negligible and gone unnoted. Unless otherwise noted or shown on the within survey plat, there is no evidence of occupation along the perimeter lines of the subject real estate.

This plat of survey accurately shows the location of all visible improvements, unless noted otherwise, on the premises as of the date of last field work for this project. Also shown are all lines of occupation and their relationship to the established lines of the subject real estate. A more accurate explanation of these relationships and how they were determined is described within this report. Unless otherwise illustrated hereon, there is no evidence of occupation along the exterior perimeter of the subject real estate.

This plat of survey accurately shows the position of easements, highways, rights of way, restrictions, covenants or other encumbrances of which the Surveyor was informed of. Land Surveyor's within the State of Indiana are not qualified to perform the extensive searches needed to acquire all of those documents or agreements, and they rely upon a Title Company, the client, the client's attorney, or the land owner to provide such information. Observable evidence of these burdens are shown hereon as utility lines or associated improvements, drains, swales, roadways, driveways, paths, etcetera.

Land Survey Markers, or monuments, were either set or found at all corners of the subject real estate, as shown and noted hereon. In situations where the corner is inaccessible or it would not be reasonable to set a monument at a corner, due to terrain or other hindrances, offset monuments may have been set instead, and those have been annotated hereon as well.

There may be differences of deed (D) dimensions versus measured (M) dimensions along the established lines of the subject real estate and likewise, there may be found survey markers near, but not precisely at, some established corners. In cases where the extent of these differences are less than the stated RPA, and less than the uncertainty recognized with regard to any reference monuments used for this project, those differences may be considered insignificant and have been shown only for the purposes of mathematical closure. Conversely, any differences that may exceed the stated RPA and other uncertainties are considered significant and have been discussed further below.

The Theory of Location applied for this project is as follows.
The basis of bearings for this project is the north line of the subject real estate, also being the same as above described Lots 73 and 74, having an assumed bearing of North 89 degrees 16 minutes 49 seconds East.

It is this Land Surveyor's professional opinion that the cause and the amount of uncertainty in these lines and corners is due to the following:

(A) Availability and condition of reference monuments

Various survey monuments were found throughout the block of Poplar, 4th, Academy and Fifth Streets. Their relation to the boundary corners are shown hereon.

Said monuments were found of various shapes (iron pins, rods, pipes & rebar) with various survey firm identification. It was noticed that some of the points measured well east to west compared to plat dimensions. Some points measured closer to a suggested proration of distances. With only current available evidence, streets, curb, asphalt, walks it is challenging to determine the exact location of the original location of lots within the said block; together with survey monuments of varying dimensions between. There were two unknown identification survey markers set in the apparent centerline of the western alley of the subject tract. Most all survey markers worked well with plat dimension east to west near the subject real estate when using these points. It was noticed that where survey measured were over two foot east/west from a corner, a proration of distance may have been considered.

It was generally agreed amongst all survey markers and street, asphalt, curb and walk locations that a proration was held north to south. The overall block north to south measured approximately 3.2 feet longer than plat dimensions.

The amount of uncertainty created by the controlling monuments and any other monuments shown hereon is equal to 0.1 to 2.8' east to west. 0.1' to 0.6' north south

(B) Occupation or possession lines
- A fence was found along the westerly lot line and was found to vary from 0.9' west to 2.8' west. A placement of bricks were found to be 3.5' to 3.8' feet west of the west line.
- Fences of unknown ownership were found to vary from 4.5' to 0.3' north of the south line.
- The amount of uncertainty created by these discrepancies is equal to 0.9' to 3.8' feet east to west and 0.3' to 4.5' north to south.

(C) Clarity or ambiguity of the record description used and of adjoiner's descriptions and the relationship of the lines of the subject tract with adjoiner's lines
- The amount of uncertainty created by the record descriptions for the premises is none.
- No gaps or overlaps in title or deed lines were discovered during this survey.

(D) The relative positional accuracy of the measurements
- This survey meets or exceeds the requirements set forth by the State of Indiana.

Land Surveyor's Notes
Any underground utilities depicted on the attached plat of survey have been located per visual observations or utility markings on the ground. No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to its fitness for any particular purpose or use. In no event will SEA Group, its employees, agents, and/or assigns, be held liable for any damages arising out of the furnishing and/or use of such information. The path of the utility lines shown on said plat of survey should be considered approximate until they are either relocated, by calling the Indiana Underground Plant Protection Agency at 1-800-382-5544 or until they are excavated to verify the location and path of the utility lines.

No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information provided by governmental authorities and/or third parties, or as to its fitness for any particular purpose or use, including but not limited to information presented on zoning, setback requirements, flood hazard zones and wetlands area(s). In no event will SEA Group, its employees, agents, and/or assigns, be liable for any damages arising out of the furnishing and/or use of such information.

Any depiction of possible intrusion, trespass, invasion, and/or possible encroachment into the possessions or rights of another is not a matter of survey. An attorney and/or title company should be consulted in all matters with respect to any rights of possession(s) and matters of title.

Along any line where a deed gap or overlap or inconsistency in line of occupation occurs, unwritten rights may be available to the subject and/or the adjoining real estates.

Flood Information Note
Flood status information was obtained using Flood Insurance Rate Maps (FIRM) provided by the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), on their website, located at http://msc.fema.gov/.

The Subject Real Estate described hereon was mathematically calculated and scaled on the FIRM Maps of Boone County, Indiana, Map Number 18011C0334E, dated January 18, 2012, and was found to be located in Flood Zone "X", being within Community Panel Number 180016.

The accuracy of any flood hazard data shown on this Land Survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. This certification is restricted to a review of the FIRM noted above and shall not be construed as a confirmation or denial of flooding potential.

Title Insurance Company Commitment Note
Evidence of source of title for the subject tract was provided by Enterprise Title Company, having a Title Commitment Number of 201634046 and is dated effective May 03, 2016 at 8:00 AM. Survey-related exceptions that were disclosed within Schedule B of said title commitment have been depicted on the survey, each being identified by their recording data.

Notes on those survey related exceptions with regard to the Subject Real Estate:
None

Current ownership for the Subject and Adjoining real estates are shown per County Assessor records, and any documents listed hereon can be obtained from the County Recorder's Office.

State Of Indiana Required Statements For Recordation
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law, Brian C. Rismiller.

This document was prepared by Brian C. Rismiller.

Certificate of Land Survey
This Land Survey, prepared by SEA Group Land Surveyors, is hereby certified to the following.

To: Joshua G Harber, and Rebecca L Harber; Kristen Marlowe: Enterprise Title (201634046): Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were executed, performed and prepared under my direct supervision and that to the best of my knowledge, information and belief was gathered in accordance with the current minimum standards for competent practice of land surveying, as established by Rule 12 of Article 1 within Title 865 of the Indiana Administrative Code for the type of survey that has been indicated herein. This certification is made with respect to the real estate described hereon as of the date of last fieldwork and in effect on the date of this certification. The undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Indiana, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.
Field work was completed on May 24, 2016.
Date of Plat or Map: June 8, 2016

Brian C. Rismiller
Registered Land Surveyor of the State of Indiana
Registration Number LS20200083

BRIAN CRAIG RISMILLER REGISTERED No. LS20200083 STATE OF INDIANA LAND SURVEYOR

Land Description
The north halves of Lots numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.

ALLEY LAND DESCRIPTION:
The east half of the 10 foot alley adjacent to the north half of Lot numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.

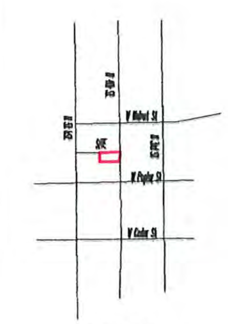
SEA Group
Land Surveyors
494 Gradle Drive
Carmel, IN 46032
Phone: 317.844.3333
Fax: 317.844.3383
www.SEAGroupLLC.com

140 North 4th Street
Zionsville, Indiana 40677

PROJECT LOCATED IN:
SECTION 10 - TOWNSHIP 18 NORTH - RANGE 2 EAST
UNION TOWNSHIP, BOONE COUNTY

PREPARED FOR:
Michael D Marlow & Kristin R Marlowe
181 Amazon Place
Columbus, Ohio 40214

1 Rev. - Add west adjoiner

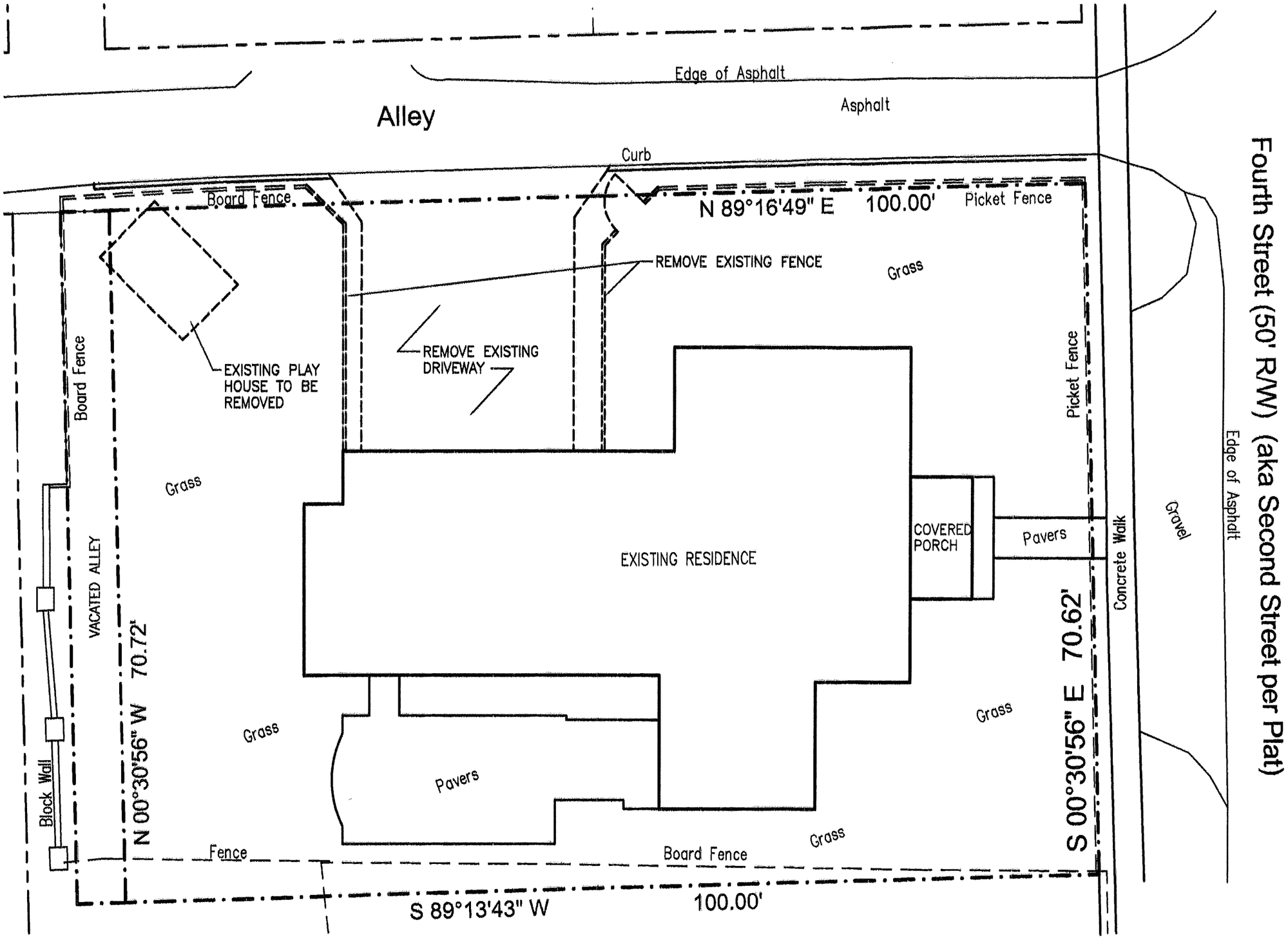


Vicinity Map
No Scale

DRAWING LEGEND

●	SEA Group Marker Set
○	Survey Marker Found
———	Existing Metal Fence
———	Existing Wood Fence
— — —	Section Line
———	R.O.W. = Right of Way
———	Centerline
———	B.S.L. = Building Setback Line
———	Easement Line
— — —	Deed Estate Lines
——— (red)	Survey Boundary Line

Survey Reviewed By:	BCR
Survey Drawn By:	Br
Field Work Performed:	5/23/2016
Survey Printed:	6/28/2016
Referenced:	.
Project Number:	R16-1651
Survey Page:	1 of 1



NORTH

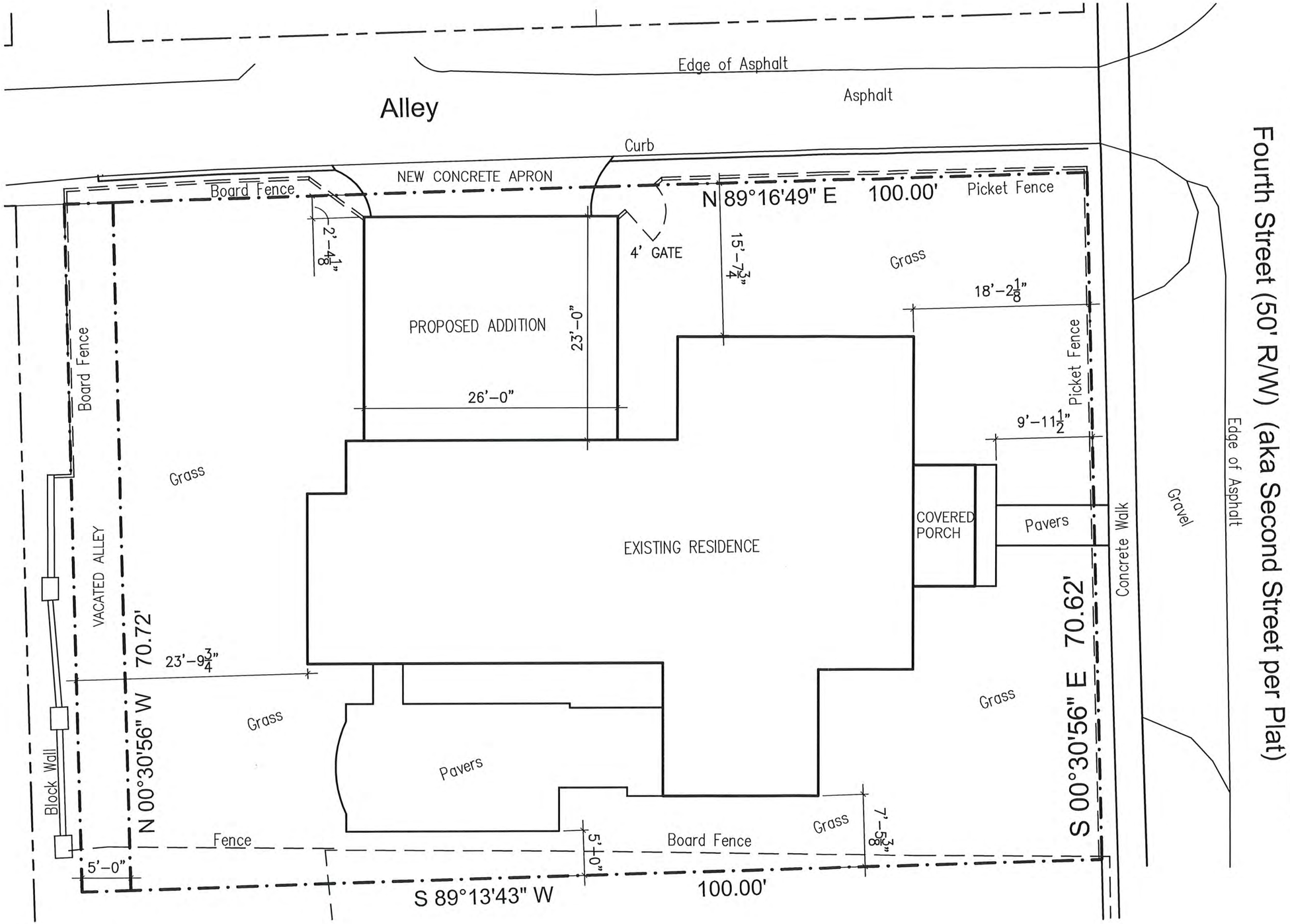
MARLOWE RESIDENCE

25 JANUARY 2020

0 5' 10' 20' 30'

EXISTING SITE PLAN

ROTTMANN | COLLIER
ARCHITECTS



LOT COVERAGE

LOT SIZE: 7,421 SF

EXISTING LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE = 2,467 SF

2,467 SF / 7,421 SF = 33.2% LOT COVERAGE

PROPOSED LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION = 2,969 SF

2,969 SF / 7,421 SF = 40.0% LOT COVERAGE

IMPERMEABLE AREA

EXISTING: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE + 562 DRIVEWAY + 42 FRONT WALK = 3,071 SF

PROPOSED: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION + 62 DRIVEWAY + 42 FRONT WALK = 3,073 SF

ACCESSORY USE AREA

DWELLING: 2,768 EXISTING + 618 GARAGE CONVERSION = 3,386 SF

ACCESSORY: 598 NEW GARAGE + 413 OFFICE OVER GARAGE + 80 COVERED FRONT PORCH = 1,091 SF

1,091 / 3,386 = 32.2% ACCESSORY USE

RECEIVED
MAR 20 2020
TOWN OF ZIONSVILLE

NORTH

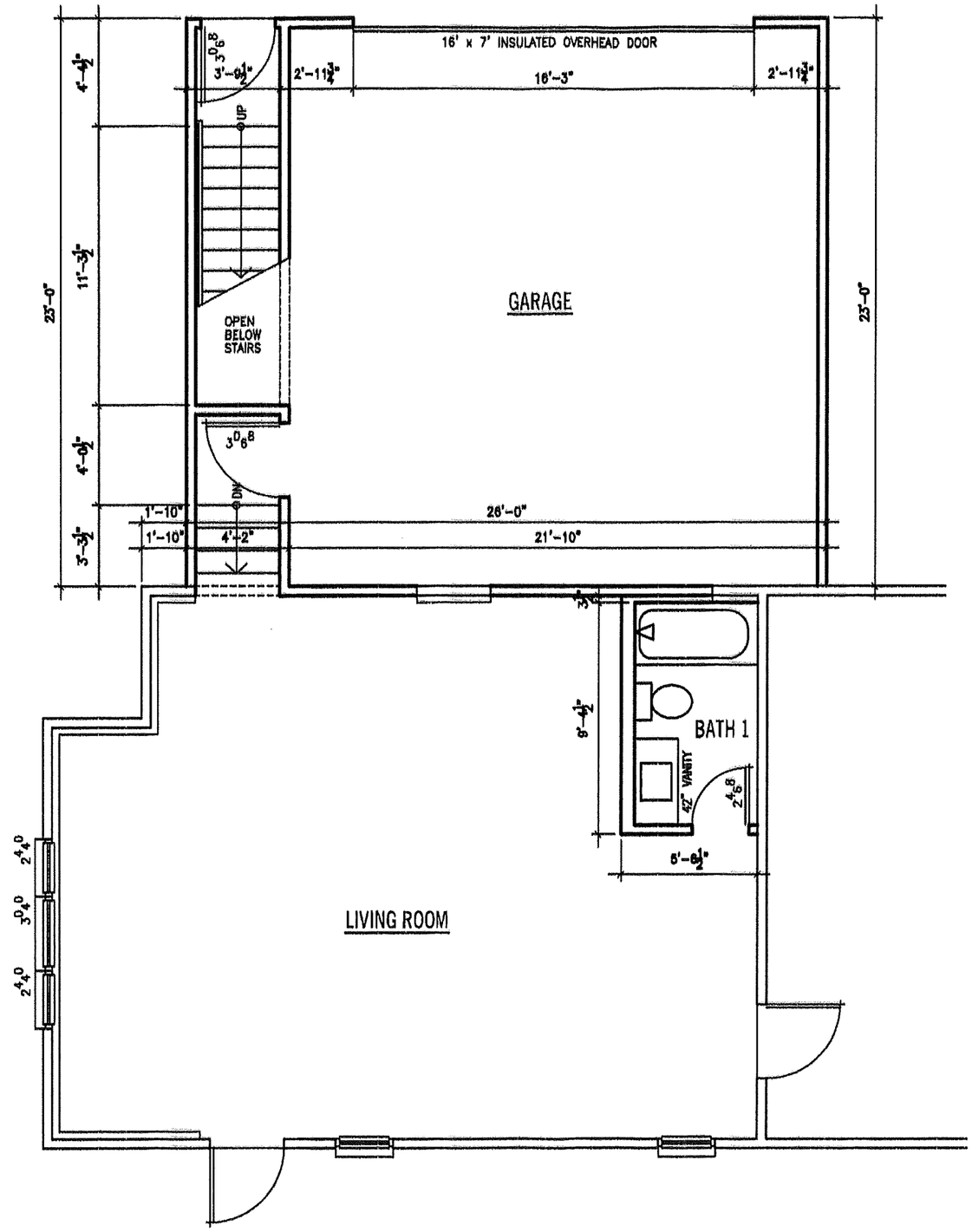
MARLOWE RESIDENCE

19 MARCH 2020

0 5' 10' 20' 30'

PROPOSED SITE PLAN

ROTTMANN | COLLIER
ARCHITECTS



NORTH

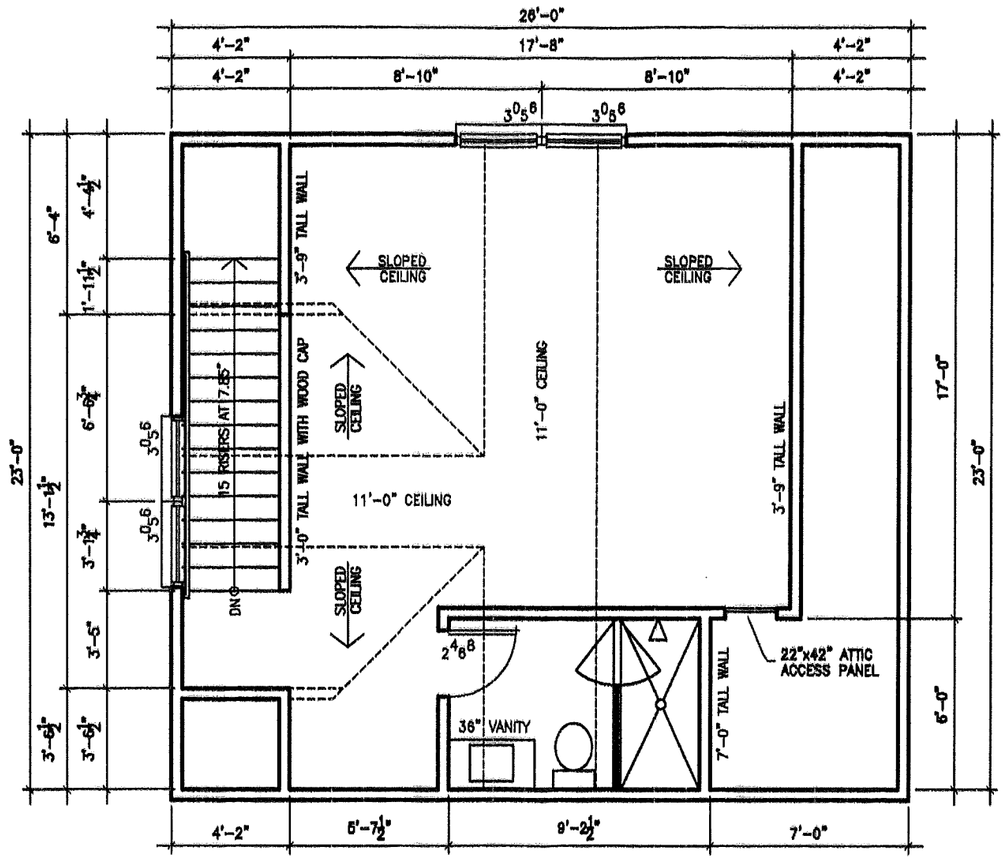
MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

FIRST FLOOR PLAN

ROTTMANN | COLLIER
ARCHITECTS



NORTH

MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

SECOND FLOOR PLAN

ROTTMANN | COLLIER
ARCHITECTS

NORTH

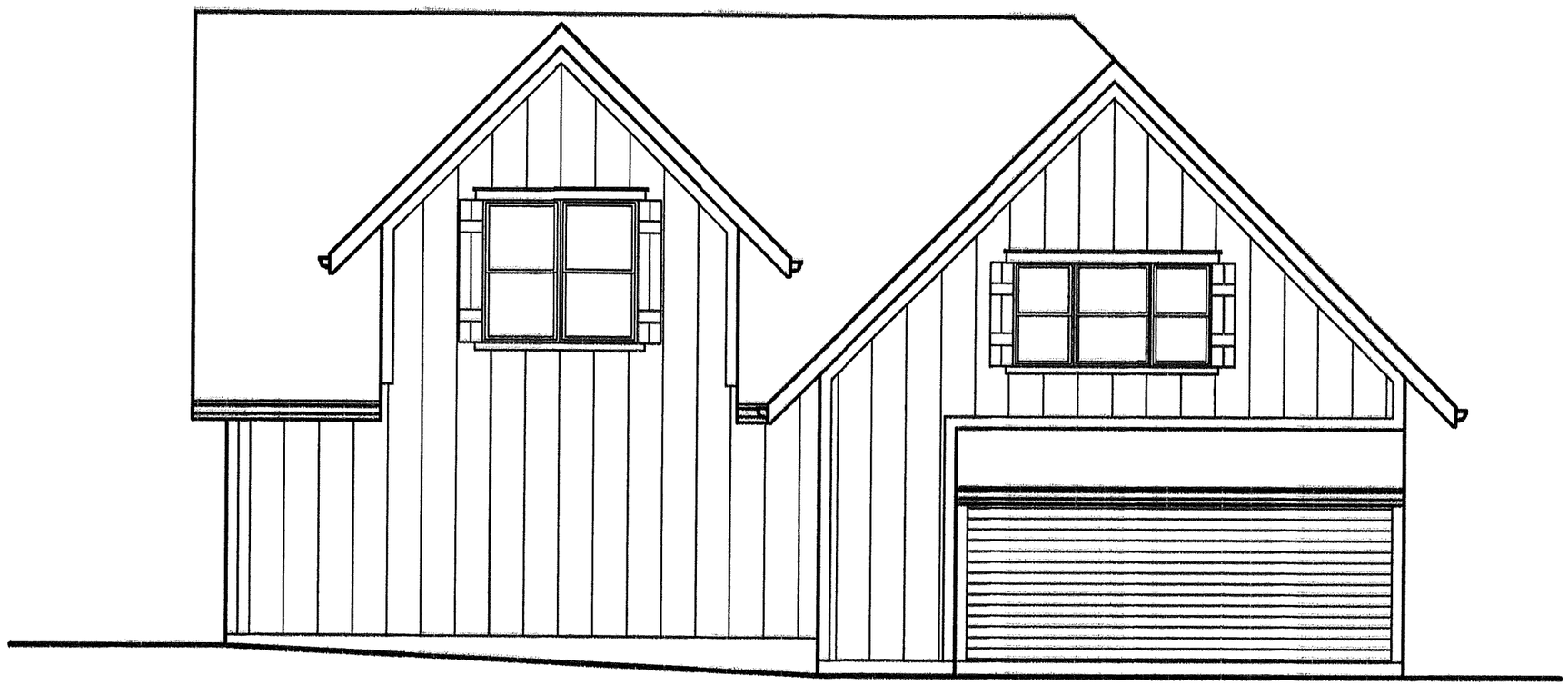
MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

NORTH ELEVATION

ROTTMANN | COLLIER
ARCHITECTS



NORTH

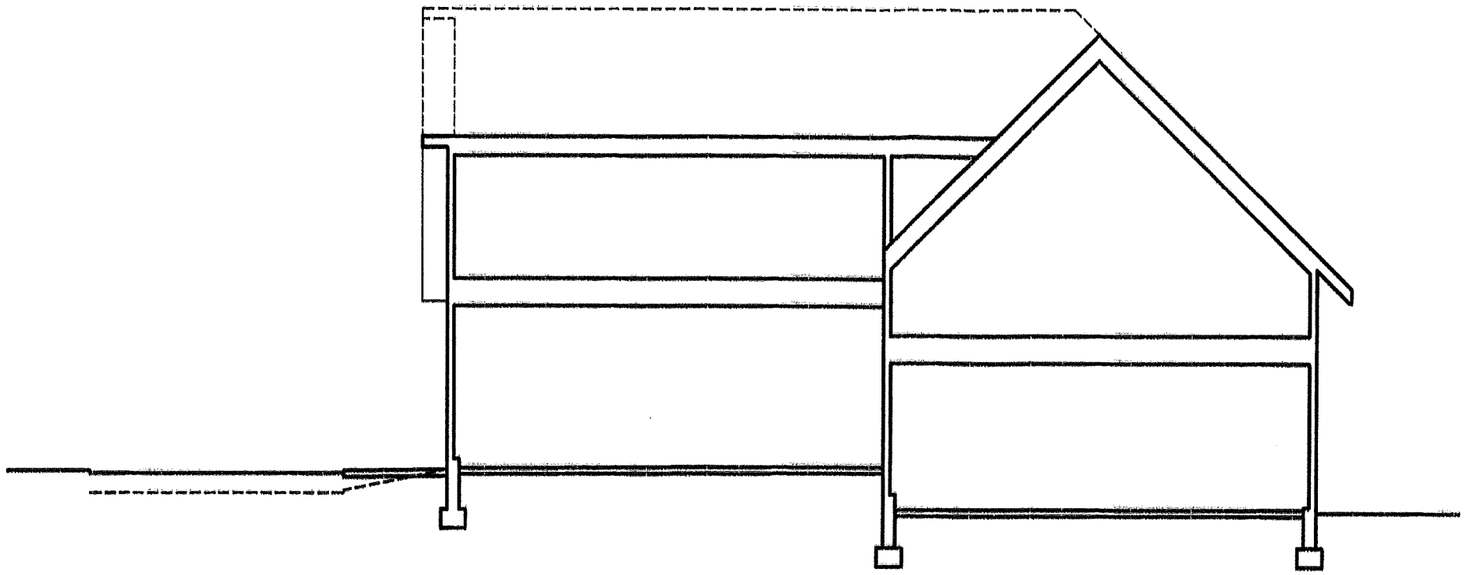
MARLOWE RESIDENCE

25 JANUARY 2020

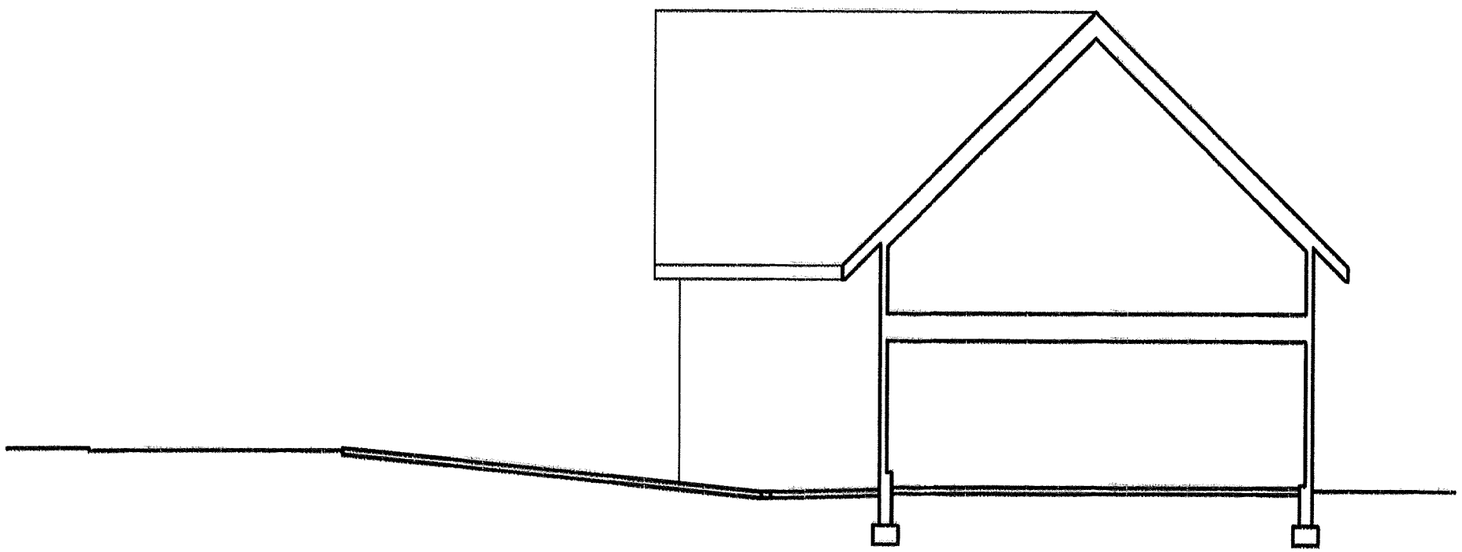
0 4' 8' 12' 16'

WEST ELEVATION

ROTTMANN | COLLIER
ARCHITECTS



PROPOSED



EXISTING

NORTH

MARLOWE RESIDENCE

25 JANUARY 2020

0 4' 8' 12' 16'

CROSS SECTIONS

ROTTMANN | COLLIER
ARCHITECTS

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the impermeable area is not being increased, only 33% of the lot coverage is for buildings as the rest is all outdoor space, several garages/accessory buildings along the alley have similar setbacks, the expansion is towards the alley and not the street, the new addition is 48' from the front property line and 62' from the street, and the project will increase the value of this property.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because 67% of the property is open space, the expansion is towards the alley and not towards any neighbor's property, the proposed home is similar in size to the neighbors, the new addition matches the existing home in style, the impermeable area will not increase and water from gutters is handled internally with yard drains, and the project will increase the value of this property.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because the current garage and house are susceptible to flooding, the growing family needs more living space, historically there was a garage tight to the property line at this location, other neighbors enjoy similar setbacks and home sizes, and the grade change does not allow part of existing garage to be used for new garage (therefore the distance to the property line is determined by the depth of a usable garage).

DECISION

It is therefore the decision of this body that this Variance petition is **APPROVED.**

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____ _____

_____

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-07-DSV
Project Address:	10615 Zionsville Road
Project Name:	Hotel Tango
Petitioner:	Joseph Lese, Progress Studio
Request:	Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces in the Urban General Business District (B-2) and utilizing the existing landscaping.
Current Land Use:	Commercial Center
Approximate Acreage:	1.351± Acres
Zoning History:	None; No previous Plan Commission or Board of Zoning Appeals actions for this site.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioner's Narrative and Parking Calculations Exhibit 4 – Proposed Building Renderings and Elevations Exhibit 5 – Proposed Site Plan Exhibit 6 – Petitioner's Proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the April 1, 2020, Board of Zoning Appeals meeting. A Petition for Development Plan Approval has been filed with the Planning Department and is scheduled to be heard by the Plan Commission at their April 20, 2020, hearing.

PROPERTY LOCATION, ZONING CLASSIFICATION & PROJECT DESCRIPTION

The subject site is located on the east side of Zionsville Road approximately 850 feet south of 106th Street (location of the former Pizza King Restaurant and Village Station Pub). The subject site is 1.351± acres and has been improved with the existing integrated commercial center. Adjacent to the subject site:

- north, east, and south: undeveloped properties (all zoned PUD as a part of the DOW PUD);
- west: by the Taylor Oil facility (zoned B-2); residential and undeveloped property (zoned R2).

The Petitioner proposes to renovate the existing integrated commercial center with a new building façade, the addition of a "Smart Pergola" for 4-season use, outdoor seating area with a fireplace, new trash enclosure, new wall signage, replacement signage on the existing pole sign, and a restriped parking lot. The existing "Positively Canine" facility will remain, and the space previously occupied by the former restaurant and tavern will be combined into one operation providing both restaurant and tavern service lines.

ANALYSIS - VARIANCE REQUEST

While reviewing the submitted Development Plan Approval Petition, it was determined that the subject site and proposed re-development would not be able to provide the required amount of off-street parking spaces for the two proposed uses (the existing pet care facility and the contemplated restaurant & tavern. As such, the Petitioner requests the following Development Standards Variance from the Urban Off-Street Parking Regulations (§194.105):

1. **Variance of Minimum Number of Off-street Parking Spaces (§194.105(E):** This development standard establishes the minimum number of required off-street parking spaces based upon the use. The existing use of the subject site is an integrated commercial center, with the proposed uses being the existing "Doggy Daycare" (7,665 sq. ft.) and the restaurant & tavern use (4,120 sq. ft. - includes the proposed "Smart Pergola"). The development standard of required off-street parking for this integrated commercial center is "four (4) parking spaces for each 1,000 square feet of gross leasable floor area shall be required." However, an additional requirement for the restaurant & tavern that this use "shall provide parking spaces as required for the individual use by this Section and such of the gross leasable area calculation of the integrated center."

   Utilizing these development standards, the proposed development would be required to provide a total of 86 off-street parking spaces. The breakdown is:

   Existing Doggy Daycare of 7,665 sq. ft. @ 4 spaces per 1,000 sq. ft. = 31 required parking spaces.
   Proposed restaurant & tavern of 4,120 sq. ft. @ 1 space per 75 sq. ft. = 55 required parking spaces.
   Total Parking Spaces Required: 31 + 55 = 86 required parking spaces.

   If the Petitioner's variance request is granted, the Petitioner would be providing a total of 66 parking spaces for the integrated center. Petitioner notes that the normal business hours for the existing Doggy Daycare facility is 7:00 am to 7:00 pm., with the peak demand for evening parking needed by the Doggy Daycare overlapping with the operating hours of the proposed tavern for brief periods of time. This late afternoon/early evening overlap is the only time of day when the parking for the individual uses would need to be shared. Anticipating that the parking time needed for the individual patrons of the Doggy Daycare use would be brief, the conflict created by the overlapping times should be minimal.

With this in mind, Staff is supportive of the requested Development Standards Variance for the reduced number of off-street parking spaces for the integrated center as depicted on the Site Plan filed in Docket #2020-07-DSV (Exhibit 5). Note, a change in occupancy of the tenant space's within this commercial center, or hours of operation, could require additional consideration of variance relief due to specific parking needs of future tenants.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION SEEKING APPROVAL

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

(c) The strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property*:*

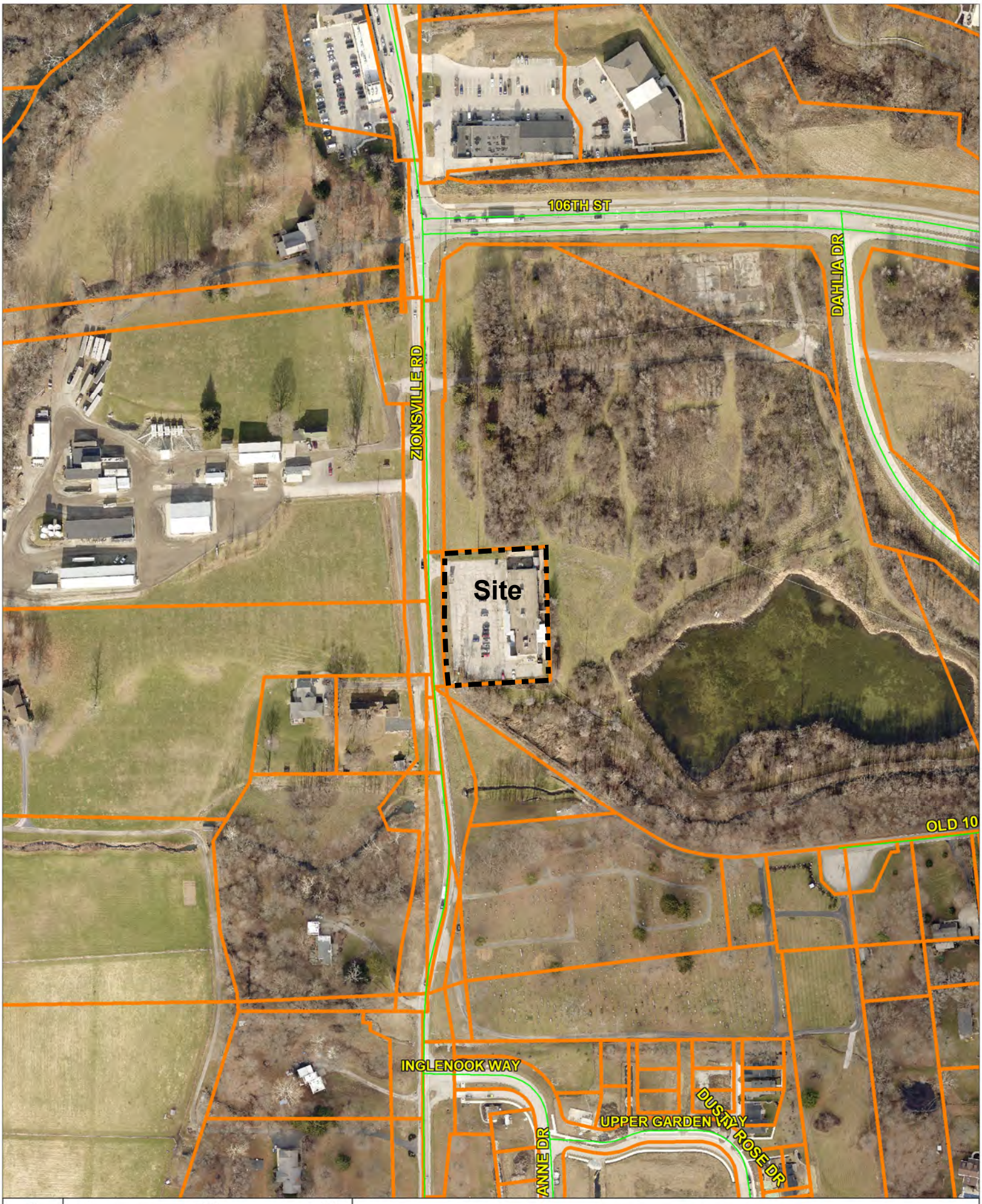
Proposed Findings of Fact from the Petitioner for the requested Variance are attached for the Board of Zoning Appeal's consideration (Exhibit 6).

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Development Standards Variance for Development Standards Variance for the reduced number of off-street parking spaces for the integrated center as depicted on the Site Plan filed in Docket #2020-07-DSV (Exhibit 5), subject to the condition that the adjoining tenant space not intensity in occupancy nor have hours of operation which conflict with the peak demand for parking in the commercial center as established by the restaurant & tavern occupancy.

RECOMMENDATION MOTION

I move that Docket #2020-07-DSV, being a Development Standards Variance for the reduced number of off-street parking spaces for the integrated center as depicted on the Site Plan filed in Docket #2020-07-DSV (Exhibit 5), be (Approved as filed, based upon the findings of fact and subject to the proposed Commitments / Denied / Continued) as presented.



N W E S

0 250 500

1" = 250ft

Hotel Tango - Location Map - Exhibit 2

Existing Parking Space Analysis of 10615 Zionsville Road
February 8, 2020

Parking Requirements listed from 192.105 Table 9:

Existing Building Square Footage: 11,103 square feet

Existing North Tenant (Doggy Daycare):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern/Pizza King):	3,438 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	46
Total Existing Parking Space Requirement:	**77 spaces**

While the existing parking lot is unstriped, we determine that in order to maintain proper circulation aisles, fire truck access and loading areas, that the existing site could only support 71-73 spaces

Proposed Development Plan
Existing Building Square Footage: 11,103 square feet
Exterior Pergola Addition: 682 square feet
Total proposed building area under roof: 11,785 square feet

Existing North Tenant (Doggy Daycare – no change):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern):	3,438 square feet
South Tenant Addition (Tavern)	682 square feet
Total New South Tenant area:	4,120 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	55
Total New Parking Space Requirement:	**86 spaces**
Proposed Parking Space:	**66 spaces**

The existing observations of parking space volume experienced at the project location for the doggy daycare use (Positively Canine) has been approximately 10 spaces at normal business hours. It is expected pick-up hours would increase the number of parked cars for a short duration while people pick up their pets. It is observed that Positively Canine operates from 7am to 7pm.

The former tavern and restaurant are similar uses to what is being proposed as part of this site development plan for Hotel Tango to consolidate the existing uses into a similar space, while expanding to the south with a 4-season pergola structure. The expansion does increase the parking space requirement by ten (10) spaces.

However as mentioned above, it is recognized that peak parking needs for Positively Canine will be in short bursts, but are generally taking up approximately ten (10) spaces for staff and guests in an average hour. Hotel Tango's business hours do overlap operational hours in the evening, however, will be experiencing peak number of visitors after Positively Canine closes for the day. This in turn provides a surplus of parking in which Hotel Tango guests may use the available parking spaces. As the needs flex throughout the day and evening, the recognized required spaces of 55 for Hotel Tango's use would be well provided by the 66 spaces allocated to the center, while at the same time providing sufficient parking spaces for Positively Canine during the day as well as peak times for drop-off and pick-up time slots prior to the end of their business hours at 7pm.

We also believe that 66 parking spaces provides sufficient circulation space for deliveries and emergency vehicle access on the north and south sides of the site so in the event of an emergency, parked vehicles will not be blocking access to emergency personnel.

Respectfully,

Joseph Lese, AIA, NCARB, LEED AP
Progress Studio

EXAMPLE IMAGE - REMOVABLE VINYL PANELS WITH METAL FRAME

DETAIL - PERGOLA ADDITION

DETAIL - MAIN ENTRANCE

DETAIL VIEW OF PERGOLA AND SEATING

PERSPECTIVE VIEW OF SOUTHWEST CORNER

PROGRESS | STUDIO

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5915 N. College Ave., Suite 213
Indianapolis, IN 46220
317-978-1100
www.theprogressstudio.com

IN ASSOCIATION WITH

(CONSULTANT LOGOS OR ADDRESSESS)

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(CLIENT LOGO)

PREPARED FOR

Jackson Investment Group / Forza

500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

CERTIFICATION

NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

DRAWN BY: Author
REVIEWED BY: Checker

PROJECT NUMBER 19053

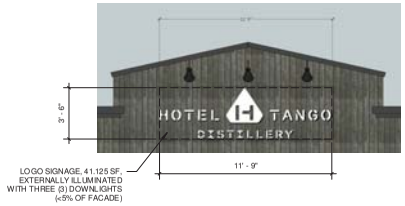
SHEET TITLE

EXTERIOR RENDERING EXHIBITS

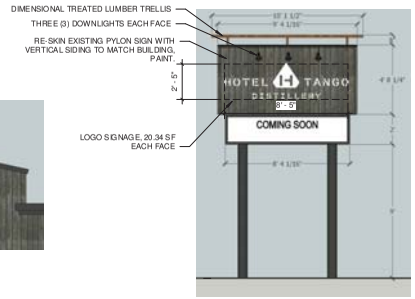
SHEET NUMBER

A401

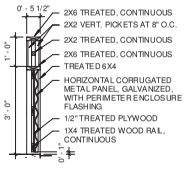
Exhibit 4



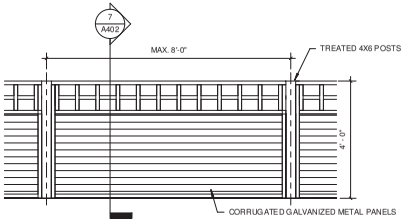
9 BUILDING SIGN
1/4" = 1'-0"



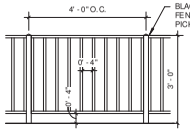
8 PYLON SIGN
1/4" = 1'-0"



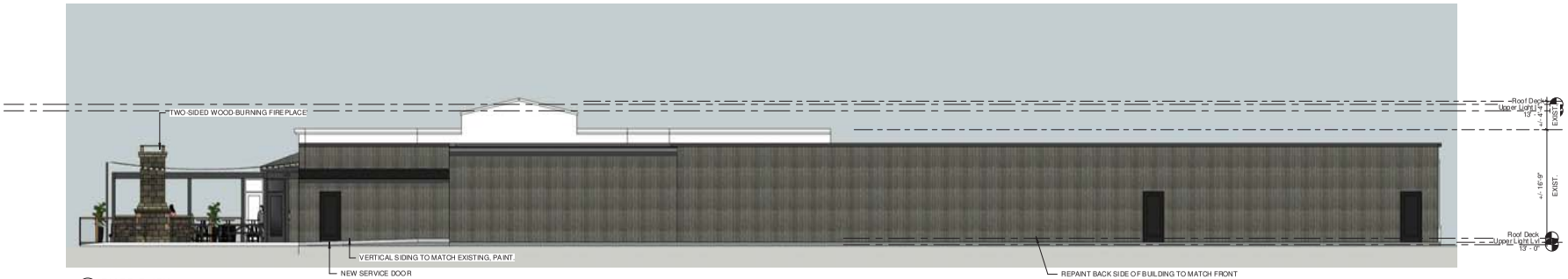
7 CLOSED RAILING SECTION
1/2" = 1'-0"



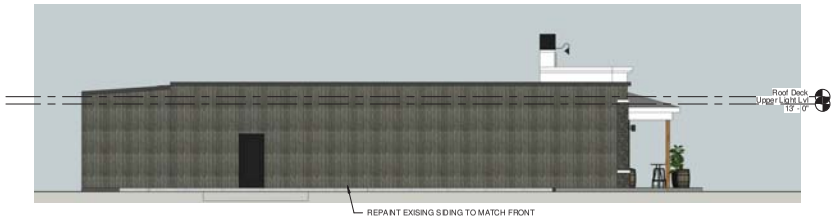
6 CLOSED RAILING ELEVATION
1/2" = 1'-0"



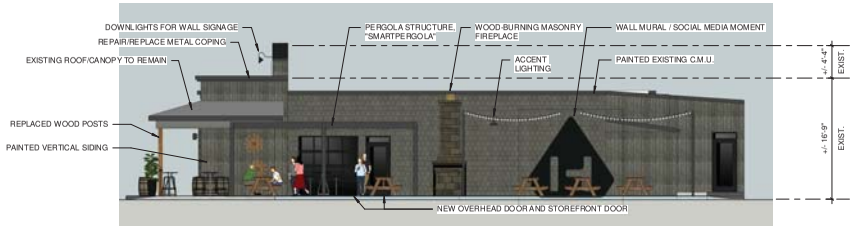
5 OPEN RAILING ELEVATION
1/2" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"

1 WEST ELEVATION
1/8" = 1'-0"

Exhibit 4

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(CLIENT LOGO)

PREPARED FOR

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500 East 96th Street, Suite 150
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PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
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CERTIFICATION

NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

DRAWN BY: Author
REVIEWED BY: Checker

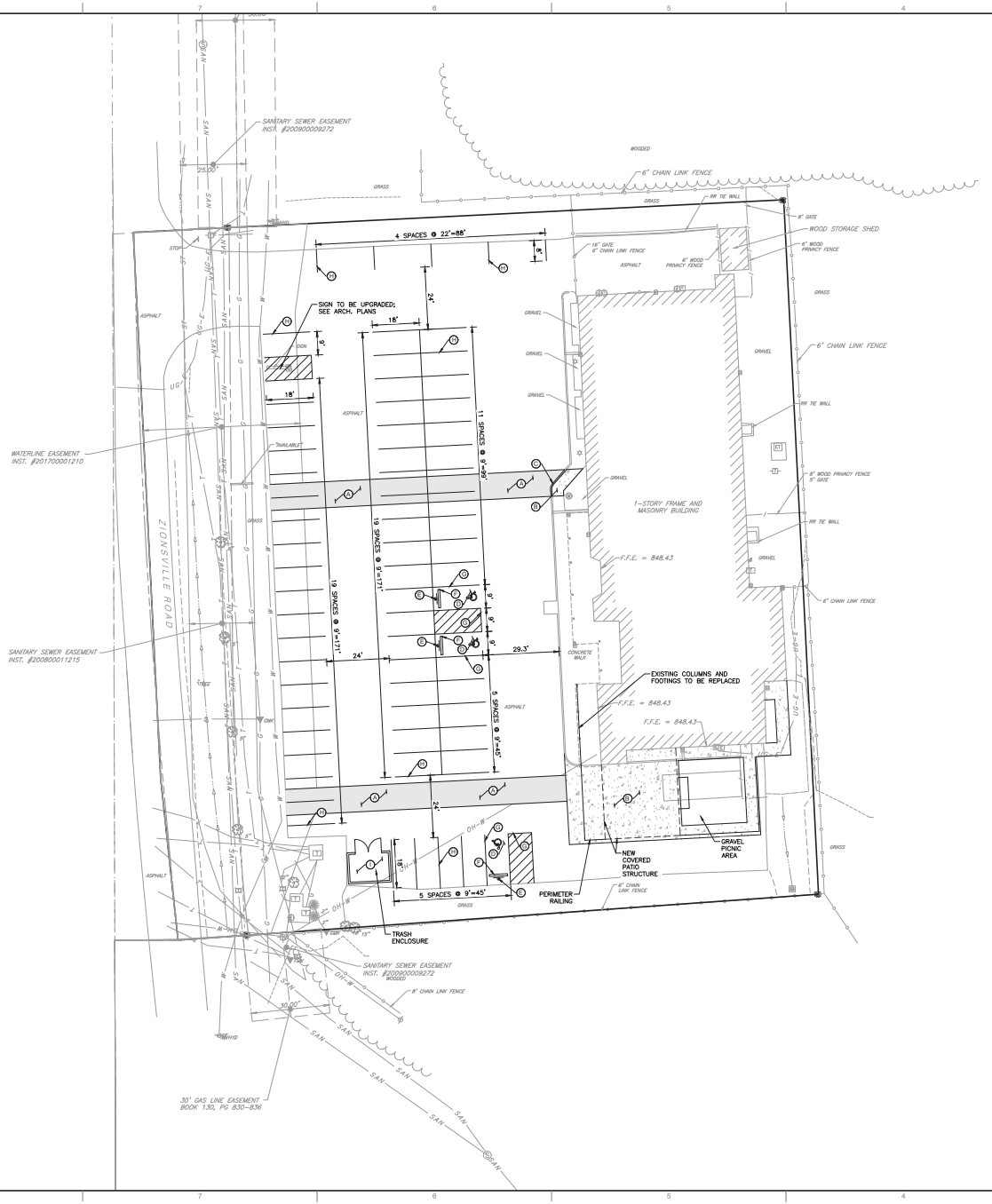
PROJECT NUMBER 19053

SHEET TITLE

EXTERIOR ELEVATIONS AND SIGNAGE

SHEET NUMBER

A402



PROPOSED LEGEND:

PROPOSED LIGHT DUTY PAVEMENT

PROPOSED CONCRETE PAVEMENT

SITE KEY NOTES:

- (A) LIGHT DUTY ASPHALT; SEE DETAIL ON SHEET C800.
- (B) CONCRETE PAVEMENT; SEE DETAIL ON SHEET C800.
- (C) 6" STRAIGHT CONCRETE CURB; SEE DETAIL ON SHEET C800.
- (D) ADA ACCESSIBLE PARKING SPACE; SEE DETAIL ON SHEET C800.
- (E) ADA PARKING SIGNAGE; SEE DETAILS 203/204 ON SHEET C800.
- (F) CONCRETE WHEELSTOP; SEE DETAIL 201 ON SHEET C800.
- (G) 4" WIDE PAINTED STRIPE; ADA COLOR-BLUE.
- (H) 4" WIDE PAINTED STRIPE; COLOR-WHITE.
- (I) TRASH ENCLOSURE; SEE DETAIL ON SHEET C800.

GENERAL LAYOUT NOTES:

1. THE CONTRACTOR SHALL CHECK EXISTING GRADES, DIMENSIONS, AND INVERTS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES, INCLUDING IRRIGATION LINES. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. RELOCATE EXISTING UTILITIES AS INDICATED, OR AS NECESSARY FOR CONSTRUCTION.
3. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. INSTALL ALL UTILITIES, INCLUDING IRRIGATION SLEEVING, PRIOR TO INSTALLATION OF PAVED SURFACES.
4. SITE WORK CONCRETE WALKS AND PADS SHALL HAVE A BROOM FINISH TO ALL SURFACES. SITE WORK CONCRETE SHALL BE CLASS A (4,000 PSI @ 28 DAYS) UNLESS OTHERWISE NOTED.
5. ALL DAMAGE TO EXISTING PAVEMENT TO REMAIN WHICH RESULTS FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED WITH LIKE MATERIALS AT THE CONTRACTOR'S EXPENSE.
6. SITE DIMENSIONS SHOWN ARE TO THE FACE OF CURB, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
7. CONTRACTOR SHALL MAINTAIN ONE SET OF AS-BUILT / RECORD DRAWINGS ON THE JOB SITE DURING CONSTRUCTION FOR DISTRIBUTION TO THE OWNER AND/OR OWNER'S REPRESENTATIVE UPON COMPLETION.
8. REFER TO THE ARCHITECTURAL DRAWINGS FOR EXACT DIMENSIONS AND LOCATIONS OF UTILITY SERVICE ENTRY LOCATIONS AND PRECISE BUILDING DIMENSIONS.
9. THIS SITE LAYOUT IS SPECIFIC TO THE APPROVALS NECESSARY FOR THE CONSTRUCTION IN ACCORDANCE WITH THE TOWN OF ZIONSVILLE. NO CHANGES TO THE SITE LAYOUT ARE ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. CHANGES MADE TO THE SITE LAYOUT WITHOUT APPROVAL IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR. CHANGES INCLUDE BUT ARE NOT LIMITED TO, INCREASED IMPERVIOUS PAVEMENT, ADDITION / DELETION OF PARKING SPACES, MOVEMENT OF CURB LINES, CHANGES TO DRAINAGE STRUCTURES AND PATTERNS, LANDSCAPING, ETC.
10. ALL SIGN MODEL NUMBERS SHALL BE USED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). SEE REFERENCES BELOW IN THE SITE KEY NOTES: SIGNAGE SCALE IS DIAGRAMATIC FOR GRAPHICAL REPRESENTATION.

SITE DATA:

PROPOSED PARKING DATA:

STANDARD PARKING:	63 SPACES
ADA PARKING:	3 SPACES
TOTAL PARKING:	66 SPACES

FLOOD NOTE:

THE PARCEL DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED) AS SAID PARCEL PLOTS ON MAP NUMBER 18011C0334E (DATED JANUARY 18, 2012) OF THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. INDIANA 811 ONE-CALL PUBLIC UTILITY LOCATE SERVICE TICKET NUMBERS 1909274141 AND 1909274172 WERE ISSUED FOR THIS SITE.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, THE CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, AND SANITARY SEWER. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

BENCHMARKS:

UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREON ARE BASED UPON AN OPUS SOLUTION AND ARE ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). IT IS MY OPINION THAT THE UNCERTAINTY IN THE ELEVATION OF THE PROJECT BENCHMARK DOES NOT EXCEED 0.10 FOOT.

TBM#1: SOUTH-MOST BONNET BOLT ON A FIRE HYDRANT LOCATED ±10 FEET NORTH OF THE NORTH EDGE OF THE PARKING LOT ON SITE AND ±50 FEET EAST OF THE EAST EDGE OF PAVEMENT OF ZIONSVILLE ROAD.

ELEV. = 850.05

TBM#2: CUT BOX AT THE NORTHEAST CORNER OF CONCRETE UTILITY PAD LOCATED AT THE SOUTHWEST CORNER OF THE SITE.

ELEV. = 846.77

SCALE IN FEET
0 20' 40'

PRELIMINARY
NOT FOR CONSTRUCTION

Indiana811 Know what's below. Call before you dig.

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
530 E. Ohio Street · Suite G · Indianapolis, IN 46204
317-655-7777 · 877-745-0749
www.cecinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

SITE PLAN

DATE:	FEBRUARY 10, 2020
DRAWN BY:	JAR
DWG SCALE:	1" = 20'
CHECKED BY:	ACH
PROJECT NO:	194-079
APPROVED BY:	DRAFT

DRAWING NO.: C200

SHEET 4 OF --

Exhibit 5

Petition No.: 2020-07-DSV
HOTEL TANGO

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **(will / will not)** be injurious to the public health, safety, morals, and general welfare of the community because:

   the existing parking space needs of the canine daycare and tavern operate generally at opposite times of the day, and the existing uses of the canine daycare and tavern/restaurant will be nearly identical to the proposed plans. While the existing parking lot is not striped, we calculate an existing condition less than what is already required. The grant will actually improve wayfinding, provide clear paths for emergency vehicles and personnel to serve the facility in an emergency, and not overpark the site unnecessarily.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because:

   the grant would not change the existing paved area from what exists today, and the grant would make possible an overall improvement in the exterior appearance by dressing the parking lot with pavement repairs and striping, which provides a basis for the overall building improvements. Providing this grant would stabilize the property and improve the values of surrounding properties.

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because:

   the consolidation of the tavern and restaurant into one tavern that serves food is effectively the same use that exists today, and a variance would still be required even if the addition was not part of the equation in order to bring the site into compliance. Also, the canine daycare use operates mostly outside the operating hours of the tavern, where customers would not be competing for the same parking spaces as they are generally parking for a short duration to pick up or drop off their pets.
   The existing size of the existing parking lot does not allow for the required number of parking spaces without comprimising loading, service, and emergency vehicle access. The need for the variance maintains the extent and size of the parking lot without eliminating perimeter landscaping and maintains the amount of impervious area that exists today, while providing ordinance-compliant parking space size and drive aisle widths.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 6

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-07-DSV

1. SITE INFORMATION:

Address of Property: 10615 Zionsville Road

Existing Use of Property: Canine Daycare, Tavern, and Restaurant

Proposed Use of Property: Canine Daycare and Tavern

Current Zoning: B-2 Area in acres: 1.351

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Joseph Lese, Progress Studio

Owner Name (if different from Petitioner): Bart Jackson, South Village Station, LLC

Petitioner Address: 5915 N. College Ave. #213, Indpls., IN 46220 Owner Address:

Petitioner Phone Number: 317-978-1100 Owner Phone Number:

Petitioner E-Mail Address: joseph.lese@theprogressstudio.com Owner E-Mail Address: bjackson@jacksonig.com

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name:

Address:

Phone Number:

E-Mail Address

Project Engineer:

Name: Aaron Hurt, Civil and Environmental Consultants, Inc.

Address: 530 E. Ohio St. Suite G, Indpls., IN 46204

Phone Number: 317-655-7777

E-Mail Address: ahurt@cecinc.com

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

☐ **Appeal** ■ **Variance of Development Standards** ☐ **Variance of Use** ☐ **Special Exception** ☐ **Modification**

195.105 Table 9: Seeking to provide 66 parking spaces, less than the 86 spaces calculated by Zionsville staff based upon the existing canine daycare use (4 per 1,000sf, or 31 spaces) and tavern (1 per 75sf or 55 spaces). While the expansion adds approx. ten (10) spaces, we determine the parking lot is already in non-compliance and would be difficult to provide 77 spaces. Please see attached description for existing versus new analysis.

5. ATTACHMENTS:

■ Legal description of property
■ Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
■ Application Fee
■ Proof of Ownership (copy of Warranty Deed)
■ Site Plan & Exhibits
■ Draft of Proposed Legal Notice
■ Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner:_____ **Date:** 2/10/2020

Signature of Owner or Attorney for Owner:_____ **Date:**_____

State of Indiana)
SS:
County of Hancock)

SAVANDREA N. HOUSTON
NOTARY PUBLIC
SEAL
HANCOCK COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES JANUARY 3, 2026

Subscribed and sworn to before me this 10th day of February, 2020.

Savandrea Houston
Notary Public Signature

Savandrea Houston
Notary Public Printed

My Commission No:_____

My Commission Expires: January 3, 2026

My County of Residence is Hancock County

OWNER'S AUTHORIZATION

The undersigned, SOUTH VILLAGE STATION LLC / MATTHEW L. JACKSON, being the owner of the property commonly known as 10615 ZIONSVILLE RD., hereby authorizes JOSEPH LESE / PROGRESS STUDIO to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: _____

Printed: MATTHEW L. JACKSON

Title: PRESIDENT

State of Indiana)
County of Hancock) **SS:**

SAVANDREA N. HOUSTON
NOTARY PUBLIC
SEAL
HANCOCK COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES JANUARY 3, 2026

Subscribed and sworn to before me this 10th day of February, 2020.

Savandrea Houston
Notary Public Signature

Savandrea Houston
Notary Public Printed

My Commission No: _____

My Commission Expires: January 3, 2026

My County of Residence is Hancock County

Existing Parking Space Analysis of 10615 Zionsville Road
February 8, 2020

Parking Requirements listed from 192.105 Table 9:

Existing Building Square Footage: 11,103 square feet

Existing North Tenant (Doggy Daycare):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern/Pizza King):	3,438 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	46
Total Existing Parking Space Requirement:	**77 spaces**

While the existing parking lot is unstriped, we determine that in order to maintain proper circulation aisles, fire truck access and loading areas, that the existing site could only support 71-73 spaces

<u>Proposed Development Plan</u>
Existing Building Square Footage: 11,103 square feet
Exterior Pergola Addition: 682 square feet
Total proposed building area under roof: 11,785 square feet

Existing North Tenant (Doggy Daycare – no change):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern):	3,438 square feet
South Tenant Addition (Tavern)	682 square feet
Total New South Tenant area:	4,120 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	55
Total New Parking Space Requirement:	**86 spaces**
Proposed Parking Space:	**66 spaces**

The existing observations of parking space volume experienced at the project location for the doggy daycare use (Positively Canine) has been approximately 10 spaces at normal business hours. It is expected pick-up hours would increase the number of parked cars for a short duration while people pick up their pets. It is observed that Positively Canine operates from 7am to 7pm.

The former tavern and restaurant are similar uses to what is being proposed as part of this site development plan for Hotel Tango to consolidate the existing uses into a similar space, while expanding to the south with a 4-season pergola structure. The expansion does increase the parking space requirement by ten (10) spaces.

However as mentioned above, it is recognized that peak parking needs for Positively Canine will be in short bursts, but are generally taking up approximately ten (10) spaces for staff and guests in an average hour. Hotel Tango's business hours do overlap operational hours in the evening, however, will be experiencing peak number of visitors after Positively Canine closes for the day. This in turn provides a surplus of parking in which Hotel Tango guests may use the available parking spaces. As the needs flex throughout the day and evening, the recognized required spaces of 55 for Hotel Tango's use would be well provided by the 66 spaces allocated to the center, while at the same time providing sufficient parking spaces for Positively Canine during the day as well as peak times for drop-off and pick-up time slots prior to the end of their business hours at 7pm.

We also believe that 66 parking spaces provides sufficient circulation space for deliveries and emergency vehicle access on the north and south sides of the site so in the event of an emergency, parked vehicles will not be blocking access to emergency personnel.

Respectfully,

Joseph Lese, AIA, NCARB, LEED AP
Progress Studio

PETITION TO BOARD OF ZONING APPEALS PROCEDURES AND REQUIREMENTS:

SUBMISSION OF PETITION TO BOARD OF ZONING APPEALS:

1. A complete Petition to the Board of Zoning Appeals must be submitted by **3:00 p.m.** a minimum of 30 days prior to the initial hearing before the Board of Zoning Appeals.

2. Only complete Petitions will be docketed for the next Board of Zoning Appeals meeting. If a Petition is incomplete 30 days prior to the initial hearing before the Board of Zoning Appeals, the Petition will not be docketed until the Petitioner submits a complete Petition.

3. The following information must be submitted with the notarized Petition:
   - ■ Legal description of property (Metes and bounds description must include perimeter survey, drawn to scale / Recorded subdivision legal description must include lot number, section number, subdivision name, either the plat book number with page number or the recorded instrument number and a copy of the plat map.)
   - ■ Proof of Ownership (copy of Deed)
   - ■ Owner's Authorization (if Petitioner is not the Owner)
   - ■ Site Plan & Exhibits
   - ■ Draft of proposed Legal Notice
   - □ Statement of Commitments (if proposed)
   - ■ Proposed Findings of Fact
   - ■ Application Fee: $ 675.00 (Make checks payable to the Town of Zionsville)

PUBLIC HEARING NOTIFICATION:

Notice of Public Hearing before the Board of Zoning Appeals is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Board of Zoning Appeals. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

1. Approval of Notice: The Petitioner shall submit a proposed Notice of Public Hearing with its Petition for review and approval by the Secretary of the Board of Zoning Appeals.

2. Notice by Publication: Petitioner shall submit the approved Notice of Public Hearing in a newspaper of general circulation to be published at least 10 days prior to the Public Hearing. **The Petitioner shall bear the cost of publishing the Legal Notice.** The Secretary of the Board of Zoning Appeals will provide the Petitioner with the filing and publication deadlines for the Legal Notice.

3. Notice by Mailing: The Petitioner is to send the approved Notice of Public Hearing to each Interested Party via certified mail-return receipt requested at least ten (10) days prior to the Board's Public Hearing. Generally, all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area included in the Petition are to be notified. Please review the Zoning Ordinance and Rules of Procedure of the Board of Zoning Appeals to ensure that proper notification is given. The names and addresses of Interested Parties should be obtained from the Boone County Auditor's Office.

4. Affidavit of Notice: At least three (3) days prior to the Public Hearing, the Affidavit of Notice of Public Hearing is to be completed and submitted to the Secretary of the Board. Copies of all

"Receipt for Certified Mail" (white slips) shall be filed with the Affidavit of Notice of Public Hearing. The originals of the "Domestic Return Receipts" (green cards) shall be filed with the Secretary upon the later of (I) the public hearing or (II) receipt by the Petitioner.

PETITION REVIEW PROCEDURES:

1. Prior to acceptance, the Petition will be reviewed for completeness.

2. Once complete, the Petition will be docketed for the next Board of Zoning Appeals meeting. The Petitioner shall be responsible for delivering the Legal Notice (after it has been approved) to a newspaper of circulation for publication and sending the Legal Notice to all Interested Parties by certified mail, return receipt requested, at least ten (10) days prior to the date of the public hearing.

3. The Petition and all supporting documentation will be forwarded to the Board of Zoning Appeals members.

4. The Secretary, members of the Board of Zoning Appeals, staff or advisors to the Board of Zoning Appeals may submit a written report, stating any facts concerning the physical characteristics of the area involved in the Petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.

5. The Board of Zoning Appeals meets the first Wednesday of every month at 6:30 p.m. in the Zionsville Town Hall located at 1100 West Oak Street, Zionsville, Indiana. If the first Wednesday is a holiday, or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Thursday following the first Wednesday of the month.

6. The Petitioner or remonstrators may request continuation of the Public Hearing at or one week prior to the Board of Zoning Appeals meeting.

7. The Petitioner, Petitioner's attorney, or someone authorized by the Petitioner must be present at the Public Hearing to make a presentation of the Petition to the Board of Zoning Appeals.

8. The Board of Zoning Appeals at the Public Hearing may approve, deny or continue the Public Hearing on the Petition.

5
25.00
INDIANA
SEARCH
TECHNOLOGIES

3

2019007905 DEED $25.00
08/14/2019 02:19:50P 5 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

CT IN 1903273 KAS

LIMITED WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are forever acknowledged, LYNN EASTON and P.K. OF ZIONSVILLE, INC., an Indiana corporation, as tenants-in-common (together, "Grantor"), conveys and specially warrants to SOUTH VILLAGE STATION, LLC ("Grantee"), the following described real property situated in Boone County, Indiana, together with all rights and privileges appurtenant thereto:

See the legal description set forth in Exhibit "A" attached and incorporated by this reference (the "Real Estate").

SUBJECT TO: All easements, restrictions, covenants, licenses, agreements, conditions, liens and encumbrances listed on Exhibit "B" attached hereto and by reference made a part hereof.

Grantor, for itself, and its successors and assigns, does covenant and agree that the Real Estate is free from all encumbrances made or suffered by it except as stated below, and that it shall and will WARRANT AND FOREVER DEFEND the Real Estate in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor, but not otherwise.

[Signature on the following page]

DULY ENTERED FOR TAXATION

Heather Myers 8/14/2019
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

The undersigned person executing this deed on behalf of P.K. of Zionsville, Inc. represents and warrants that she has been duly authorized and fully empowered to execute this deed by all necessary action of the corporation, and has full power and authority to execute and deliver this Limited Warranty Deed.

DATED this 26th day of July, 2019.

GRANTOR:

Lynn Easton, individually

P. K. OF ZIONSVILLE, INC.

By: _____
Lynn Easton, President

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared LYNN EASTON, individually, and LYNN EASTON, the President of P.K. OF ZIONSVILLE, INC., an Indiana corporation, who, after having been duly sworn, acknowledged the execution of the foregoing Limited Warranty Deed as her voluntary act and deed on behalf of herself and such corporation.

WITNESS my hand and Notarial Seal this 26th day of July, 2019.

ALEXA L. WOODS
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires Sep 15, 2019

Alexa L. Woods
Notary Public - Signature

Notary Public - Printed

My Commission Expires:

My County of Residence:

This instrument prepared by Alexa L. Woods, Densborn Blachly LLP, 500 East 96th Street, Suite 100, Indianapolis, Indiana 46240. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Alexa L. Woods

Send Tax Statements to Grantee's Mailing Address: 500 East 96th Street, Suite 150, Indianapolis, IN 46240

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, in Boone County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence along the West line thereof North 00 degrees 32 minutes 36 seconds East (basis of bearings-assumed) 642.44 feet; thence South 89 degrees 27 minutes 24 seconds East 24.26 feet to a brass plug in the centerline of Zionsville Road being the point of beginning; thence along the centerline of Zionsville Road, North 05 degrees 24 minutes 51 seconds West 62.55 feet to a brass plug; thence continuing along said centerline North 02 degrees 09 minutes 18 seconds West 209.81 feet to a brass plug; thence North 87 degrees 50 minutes 42 seconds East 250.00 feet; thence South 02 degrees 09 minutes 18 seconds East 266.955 feet; thence South 86 degrees 36 minutes 45 seconds West 246.50 feet to the point of beginning, containing 1.545 acres, more or less.

EXCEPTING THEREFROM: A part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East, Boone County, Indiana, described as follows:

Commencing at the Southwest corner of said Section; thence North 0 degrees 10 minutes 21 seconds West 642.44 feet along the West line of said Section; thence North 89 degrees 49 minutes 39 seconds East 23.62 feet (24.26 feet by Instrument #9709653) to the Southwest corner of the grantor's land and the point of beginning of this description; thence North 5 degrees 25 minutes 12 seconds West 41.22 feet along the centerline of Zionsville Road; thence along said centerline Northwesterly 224.60 feet along an arc to the right and having a radius of 3,000.00 feet and subtended by a long chord having a bearing of North 3 degrees 16 minutes 31 seconds West and a length of 224.55 feet; thence North 1 degree 07 minutes 49 seconds West 6.54 feet along said centerline to the Northwest corner of the grantor's land; thence North 87 degrees 07 minutes 45 seconds East 36.46 feet along the North line of the grantor's land; thence South 0 degrees 29 minutes 14 seconds East 172.61 feet to a point; thence Southeasterly 97.10 feet along an arc to the left and having a radius of 955.00 feet and subtended by a long chord having a bearing of South 3 degrees 24 minutes 00 seconds East and a length of 97.06 feet to a point; thence South 7 degrees 24 minutes 41 seconds East 2.17 feet to the Southern line of the grantor's land; thence South 85 degrees 53 minutes 48 seconds West 27.13 feet along said Southern line to the point of beginning and containing 0.198 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.063 acres, more or less.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes and assessments not yet due and payable.

2. Gas Line Easement granted to Indiana Gas Company, its successors and assigns, dated October 19, 1979 and recorded November 7, 1979 in Deed Record 212 Pages 379-380.

3. Utility Easement granted to Indiana Bell Telephone Company, Incorporated, its successors and assigns, dated December 15, 1983 and recorded January 12, 1984 in Deed Record 220 Pages 393-394.

4. Gas Line Easement granted to Indiana Gas Company, Inc., its successors and assigns, dated August 6, 1992 and recorded August 19, 1992 in Deed Record 243 Pages 502-504.

5. AT&T Indiana Non-Exclusive Easement granted to Indiana Bell Telephone Company, Incorporated d/b/a AT&T Indiana, its affiliates and licensees, successors and assigns, dated February 8, 2008 and recorded February 8, 2008 as Instrument No. 200800001512.

6. Grant of Access and Sanitary Sewer Easement to the Town of Zionsville, Indiana, its successors and assigns, dated October 10, 2008 and recorded December 9, 2008 as Instrument No. 200800011215.

7. Grant of Easement to The Department of Public Utilities for the City of Indianapolis, acting by and through the Board of Directors for Utilities, as Trustee, in furtherance of the Public Charitable Trust for the Water System d/b/a Citizens Water, its grantees, successors and assigns, dated September 29, 2016 and recorded February 3, 2017 as Instrument No. 201700001210.

8. Covenant as set forth in Warranty Deed to the Town of Zionsville, Indiana, date November 2, 2017 and recorded August 16, 2018 as Instrument No. 2018007399.

9. Commercial Lease Agreement, dated October [__], 2017 between Grantor (successor-in-interest to L & L Real Estate, LLC) and L & L Canine Enterprises, LLC.

10. The survey prepared by Projects plus dated June 12, 2019 and known as Project No. 19-0662 discloses fences running along the north and eastern boundary lines situated outside of said boundary lines.

Petition No.: 2020-07-DSV
HOTEL TANGO

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **(will / will not)** be injurious to the public health, safety, morals, and general welfare of the community because:

   the existing parking space needs of the canine daycare and tavern operate generally at opposite times of the day, and the existing uses of the canine daycare and tavern/restaurant will be nearly identical to the proposed plans. While the existing parking lot is not striped, we calculate an existing condition less than what is already required. The grant will actually improve wayfinding, provide clear paths for emergency vehicles and personnel to serve the facility in an emergency, and not overpark the site unnecessarily.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because:

   the grant would not change the existing paved area from what exists today, and the grant would make possible an overall improvement in the exterior appearance by dressing the parking lot with pavement repairs and striping, which provides a basis for the overall building improvements. Providing this grant would stabilize the property and improve the values of surrounding properties.

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because:

   the consolidation of the tavern and restaurant into one tavern that serves food is effectively the same use that exists today, and a variance would still be required even if the addition was not part of the equation in order to bring the site into compliance. Also, the canine daycare use operates mostly outside the operating hours of the tavern, where customers would not be competing for the same parking spaces as they are generally parking for a short duration to pick up or drop off their pets.
   The existing size of the existing parking lot does not allow for the required number of parking spaces without comprimising loading, service, and emergency vehicle access. The need for the variance maintains the extent and size of the parking lot without eliminating perimeter landscaping and maintains the amount of impervious area that exists today, while providing ordinance-compliant parking space size and drive aisle widths.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

STATE OF INDIANA)
COUNTY OF MARION) SS:

I, Joseph Lese, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS, to consider the Petition of: Joseph Lese, Docket # 2020-07-DSV
(NAME OF PERSON ON PETITION)

Requesting: Variance of Development Standards
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 10615 Zionsville road

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to the last known address of each of the following entities at the following addresses:

OWNERS	ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 20th day of March, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

Joseph Lese
Name of person mailing letters

Signature

State of Indiana)
County of Marion) **SS:**

Subscribed and sworn to before me this 26 day of March, 2020.

Notary Public Signature

Brianna Whitley
Notary Public Printed

My Commission No: 09/19/2020

My Commission Expires: 0638526

My County of Residence is Marion County

Notary Public
State of Indiana
Brianna Whitley
Commission Number NP0638526
My Commission Expires
09/19/2020

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Attribute report for active ID 1

ID	name	add1	add3
37713	ZIONSVILLE CEMETERY ASSOC	10455 ZIONSVILLE RD	ZIONSVILLE, IN 46077
29383	DOW CHEMICAL COMPANY	WASHINGTON STREET-1790 BLDG	MIDLAND, MI 48674-0001
30570	TAYLOR PHILIP DOUGLAS &	PO BOX 41	ZIONSVILLE, IN 46077
30574	TAYLOR SHARYN LYNN	PO BOX 41	ZIONSVILLE, IN 46077
30579	TOWN OF ZIONSVILLE INDIANA &	1100 W OAK ST	ZIONSVILLE, IN 46077
30587	SOUTH VILLAGE STATION LLC	500 E 96TH ST, STE 150	INDIANAPOLIS, IN 46240
30588	TOWN OF ZIONSVILLE INDIANA	1100 W OAK ST	ZIONSVILLE, IN 46077
30594	TOC INC	10702 ZIONSVILLE RD	ZIONSVILLE, IN 46077
30601	TOWN OF ZIONSVILLE INDIANA	1100 W OAK STREET	ZIONSVILLE, IN 46077

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The Indianapolis Star
130 South Meridian Street
Indianapolis, IN 46225
Marion County, Indiana

Federal Id: 06-1032273

PROGRESS STUDIO

Account #:3179781100
Order #:0004115347
# of Affidavits: 1

Total Amount of Claim:$177.89
This is not an invoice

PROGRESS STUDIO
ATTN Joseph Lese
5915 COLLEGE AVENUE, SUITE 213
INDIANAPOLIS, IN 46220

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN,
County Of Brown } **SS**

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation printed and published in the English language in the city of INDIANAPOLIS in state and county of Marion, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being as follows:

The insertion being on the 03/19/2020

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Kathleen Allen

Date: 3/26 20 20 Title: **Clerk**

Subscribed and sworn to before me this 19 day of March, 2020

Shelly Hora
Notary Public

Notary Expires: 8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

Form Prescribed by State Board of Accounts
2002)

General Form No. 99P (Rev.

To: **INDIANAPOLIS**

Indianapolis, IN

STAR
(Governmental Unit)

_____ County, Indiana_____

94 lines, 3 columns wide equals 282 equivalent lines at $0.63 per line @ 1 days,	$177.89
Website Publication	$0
Charge for proof(s) of publication	$0.00
TOTAL AMOUNT OF CLAIM	$177.89

Acct #:3179781100
Ad #: 0004115347

DATA FOR COMPUTING COST
Width of single column 9.5 ems
Number of insertions 1
Size of type 7 point

Claim No. _____ Warrant No. _____
IN FAVOR OF
The Indianapolis Star
Indianapolis, IN
Marion County
130 S. Meridian St. Indianapolis, IN 46225

$ _____
On Account of Appropriation For

_____

FED. ID
#06-1032273

Allowed _____, 20_____

In the sum of $_____

_____

I certify that the within claim is true and correct; that the services there-in itemized and for which charge is made were ordered by me and were necessary to the public business.

_____

_____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

_____

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on April 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-07-DSV, Joseph Lese of Progress Studio, requests a Development Standards Variance to provide for or permit:

Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces and in the Urban General Business District (B-2) and utilizing the existing landscaping.

The property involved more commonly known as: 10615 Zionsville Road, Zionsville, Indiana and is legally described as:

Part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, in Boone County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence along the West line thereof North 00 degrees 32 minutes 36 seconds East (basis of bearings-assumed) 642.44 feet; thence South 89 degrees 27 minutes 24 seconds East 24.26 feet to a brass plug in the centerline of Zionsville Road being the point of beginning; thence along the centerline of Zionsville Road, North 05 degrees 24 minutes 51 seconds West 62.55 feet to a brass plug; thence continuing along said centerline North 02 degrees 09 minutes 18 seconds West 209.81 feet to a brass plug; thence North 87 degrees 50 minutes 42 seconds East 250.00 feet; thence South 02 degrees 09 minutes 18 seconds East 266.955 feet; thence South 86 degrees 36 minutes 45 seconds West 246.50 feet to the point of beginning, containing 1.545 acres, more or less.

EXCEPTING THEREFROM: A part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East, Boone County, Indiana, described as follows:

Commencing at the Southwest corner of said Section; thence North 0 degrees 10 minutes 21 seconds West 642.44 feet along the West line of said Section; thence North 89 degrees 49 minutes 39 seconds East 23.62 feet (24.26 feet by Instrument #9709653) to the Southwest corner of the grantor's land and the point of beginning of this description; thence North 5 degrees 25 minutes 12 seconds West 41.22 feet along the centerline of Zionsvillle Road; thence along said centerline Northwesterly 224.60 feet along an arc to the right and having a radius of 3,000.00 feet and subtended by a long chord having a bearing of North 3 degrees 16 minutes 31 seconds West and a length of 224.55 feet; thence North 1 degree 07 minutes 49 seconds West 6.54 feet along said centerline to the Northwest corner of the grantor's land; thence North 87 degrees 07 minutes 45 seconds East 36.46 feet along the North line of the grantor's land; thence South 0 degrees 29 minutes 14 seconds East 172.61 feet to a point; thence Southeasterly 97.10 feet along an arc to the left and having a radius of 955.00 feet and subtended by a long chord having a bearing of South 3 degrees 24 minutes 00 seconds East and a length of 97.06 feet to a point; thence South 7 degrees 24 minutes 41 seconds East 2.17 feet to the Southern line of the grantor's land; thence South 85 degrees 53 minutes 48 seconds West 27.13 feet along said Southern line to the point of beginning and containing 0.198 acres, more or less, inclusive of the presently existing right-of--way, which contains 0.063 acres, more or less.

A copy of the Petition for Development Standards Variance and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing.

The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

(S - 3/19/20 - 0004115347) hspaxlp

PROGRESS | STUDIO

March 3, 2020

RE: **BZA Hearing for Hotel Tango**
10615 Zionsville Road

Dear Neighbor,

We are presenting our case to the BZA on April 1, 2020, to be heard to allow for a reduction for required parking spaces for the property located at 10615 Zionsville Road. The existing site does not have enough space to allocate the required number of parking spaces dictated by the zoning ordinance, so our variance request is to partially bring the property into compliance.

Along with this, our specific project is to remodel the former Pizza King and Tavern into a new restaurant and tasting room for Hotel Tango. Because of the project's desire to add a 4-season pergola structure to the south side of the building, the increase in seating also is reason we are requesting the parking space variance.

We would like to mention that the hours of operation between Hotel Tango and the canine daycare are mostly different and are generally not competing for the same number of parking spaces. This also does not change the function from what it was prior to Pizza King and the tavern closing, so we want to ensure the public is aware of the background and reasoning for our request.

We would be happy to email to those interested a copy of the drawings we have submitted to Zionsville. My contact information is below should you wish to reach out.

Respectfully submitted,

Joseph Lese, AIA, NCARB, LEED® AP
Architect/Owner
Progress Studio, LLC
317-978-1100
Joseph.lese@theprogressstudio.com

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1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

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Chairman: John Wolff

Secretary: Wayne DeLong

PROGRESS | STUDIO

5915 N. College Ave. Suite 213
Indianapolis, IN 46220

CERTIFIED MAIL®

7019 0140 0000 1329 9464

1000

46077

U.S. POSTAGE
FCM LETTER
INDIANAPOLIS,
46220
MAR 13, 20
AMOUNT
$6.95
R2303S101626-4

RETURN RECEIPT
REQUESTED

TOWN OF ZIONSVILLE
1100 W. OAK ST.
ZIONSVILLE, IN 46077

3-16

46077-125900

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOC, INC.
10702 ZIONSVILLE RD.
ZIONSVILLE, IN 46077

9590 9402 5762 0003 9206 15

2. Article Number *(Transfer from service label)*

7019 0140 0000 1329 9501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Steve Martin

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

Steve MARTIN

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
Insured Mail
Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Scanned with CamScanner

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Tracking Number: 70190140000013299457

Remove ×

Your item was delivered to the front desk, reception area, or mail room at 1:33 pm on March 16, 2020 in INDIANAPOLIS, IN 46240.

Delivered

March 16, 2020 at 1:33 pm
Delivered, Front Desk/Reception/Mail Room
INDIANAPOLIS, IN 46240

Get Updates

Text & Email Updates

Tracking History

March 16, 2020, 1:33 pm
Delivered, Front Desk/Reception/Mail Room
INDIANAPOLIS, IN 46240
Your item was delivered to the front desk, reception area, or mail room at 1:33 pm on March 16, 2020 in INDIANAPOLIS, IN 46240.

March 16, 2020
In Transit to Next Facility

March 14, 2020, 12:24 am
Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am
USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product: First-Class Mail®

Features: Certified Mail™

See tracking for related item: 9590940257620003920622 (/go/TrackConfirmAction?tLabels=9590940257620003920622)

See Less

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Tracking Number: 70190140000013299464

Remove ×

Your item was delivered at 9:07 am on March 24, 2020 in ZIONSVILLE, IN 46077.

Delivered

March 24, 2020 at 9:07 am
Delivered
ZIONSVILLE, IN 46077

Text & Email Updates

Tracking History

March 24, 2020, 9:07 am
Delivered
ZIONSVILLE, IN 46077
Your item was delivered at 9:07 am on March 24, 2020 in ZIONSVILLE, IN 46077.

March 16, 2020, 10:47 am
Notice Left (No Authorized Recipient Available)
ZIONSVILLE, IN 46077

March 16, 2020, 10:45 am
Delivery Attempted - No Access to Delivery Location
ZIONSVILLE, IN 46077

March 15, 2020
In Transit to Next Facility

March 14, 2020, 8:42 pm
Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am
USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product:	Features:	See tracking for related item: 9590940257620003920639 (/go/TrackConfirmAction?tLabels=9590940257620003920639)
First-Class Mail®	Certified Mail™	

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Tracking Number: 70190140000013299471

Remove ×

Your item was delivered at 9:57 am on March 16, 2020 in ZIONSVILLE, IN 46077.

Delivered

March 16, 2020 at 9:57 am
Delivered
ZIONSVILLE, IN 46077

Get Updates

Text & Email Updates

Tracking History

March 16, 2020, 9:57 am
Delivered
ZIONSVILLE, IN 46077
Your item was delivered at 9:57 am on March 16, 2020 in ZIONSVILLE, IN 46077.

March 15, 2020, 5:30 pm
Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 15, 2020
In Transit to Next Facility

March 13, 2020, 9:46 pm
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am
USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product: First-Class Mail®

Features: Certified Mail™

See tracking for related item: 9590940257620003927522 (/go/TrackConfirmAction?tLabels=9590940257620003927522)

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Tracking Number: 70190140000013299488

Remove ×

Your item has been delivered to an agent at 9:20 am on March 16, 2020 in MIDLAND, MI 48674.

Delivered

March 16, 2020 at 9:20 am
Delivered, To Agent
MIDLAND, MI 48674

Get Updates

Text & Email Updates

Tracking History

March 16, 2020, 9:20 am
Delivered, To Agent
MIDLAND, MI 48674
Your item has been delivered to an agent at 9:20 am on March 16, 2020 in MIDLAND, MI 48674.

March 15, 2020, 2:40 pm
Departed USPS Regional Destination Facility
PONTIAC MI DISTRIBUTION CENTER

March 15, 2020, 9:15 am
Arrived at USPS Regional Destination Facility
PONTIAC MI DISTRIBUTION CENTER

March 14, 2020, 12:24 am
Departed USPS Regional Origin Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:42 pm
Arrived at USPS Regional Origin Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am
USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product: First-Class Mail®	**Features:** Certified Mail™	**See tracking for related item: 9590940257620003927539 (/go/TrackConfirmAction?tLabels=9590940257620003927539)**

See Less

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Remove X

Tracking Number: 70190140000013299495

We attempted to deliver your item at 1:23 pm on March 16, 2020 in ZIONSVILLE, IN 46077 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning March 17, 2020. If this item is unclaimed by March 31, 2020 then it will be returned to sender.

Delivery Attempt: Action Needed

March 16, 2020 at 1:23 pm
Notice Left (No Authorized Recipient Available)
ZIONSVILLE, IN 46077

Schedule Redelivery ∨

Text & Email Updates ∨

Schedule Redelivery ∨

Tracking History ∧

March 16, 2020, 1:23 pm
Notice Left (No Authorized Recipient Available)
ZIONSVILLE, IN 46077
We attempted to deliver your item at 1:23 pm on March 16, 2020 in ZIONSVILLE, IN 46077 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning March 17, 2020. If this item is unclaimed by March 31, 2020 then it will be returned to sender.

March 16, 2020
In Transit to Next Facility

March 14, 2020, 8:42 pm
Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am
USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information ∧

Postal Product: First-Class Mail®

Features: Certified Mail™

See tracking for related item: 9590940257620003927546 (/go/TrackConfirmAction?tLabels=9590940257620003927546)

See Less ∧

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Tracking Number: 70190140000013299501

Remove ×

Your item was delivered to an individual at the address at 1:13 pm on March 16, 2020 in ZIONSVILLE, IN 46077.

Delivered

March 16, 2020 at 1:13 pm
Delivered, Left with Individual
ZIONSVILLE, IN 46077

Get Updates

Text & Email Updates

Tracking History

March 16, 2020, 1:13 pm
Delivered, Left with Individual
ZIONSVILLE, IN 46077
Your item was delivered to an individual at the address at 1:13 pm on March 16, 2020 in ZIONSVILLE, IN 46077.

March 16, 2020
In Transit to Next Facility

March 14, 2020, 8:42 pm
Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am
USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product: First-Class Mail®

Features: Certified Mail™

See tracking for related item: 9590940257620003920615 (/go/TrackConfirmAction?tLabels=9590940257620003920615)

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FAQs

Feedback

Hotel Tango Tasting Room

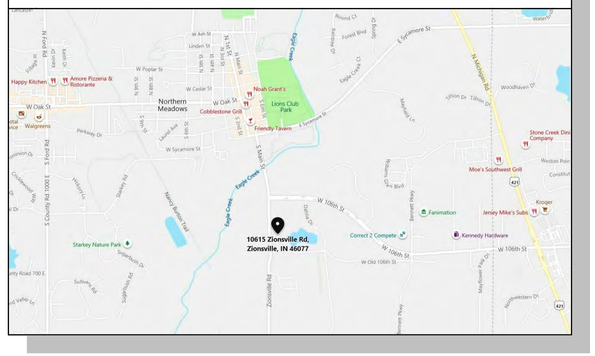
10615 Zionsville Rd.
Zionsville, IN 46077

03/20/2020 - BZA & ZPC Updates

Jackson Investment Group / Forza

500 East 96th Street, Suite 150
Indianapolis, IN 46240

AERIAL MAP



SHEET INDEX

Sheet No.	Sheet Name
G000	COVER SHEET
G101	ACCESSIBILITY DETAILS
SV-1	SURVEY
C101	DEMOLITION PLAN
C200	SITE PLAN
C500	UTILITY PLAN
C800	SITE DETAILS
C801	SITE DETAILS
D101	DEMOLITION PLAN
A101	CONSTRUCTION PLAN
A102	CONSTRUCTION PLAN - PATIO
A401	EXTERIOR RENDERING EXHIBITS
A402	EXTERIOR ELEVATIONS AND SIGNAGE
A601	ENLARGED PLANS AND FINISH SCHEDULES
A602	INTERIOR ELEVATIONS

PROJECT TEAM

OWNER

BART JACKSON
SOUTH VILLAGE STATION, LLC
500 EAST 96TH STREET, SUITE 150
INDIANAPOLIS, IN 46240
(317) 370-0983
bjackson@jacksonig.com

CONTRACTOR

NAME
COMPANY
STREET ADDRESS
CITY, STATE, ZIP
PHONE
EMAIL

ARCHITECT

JOSEPH LESE
PROGRESS STUDIO
5915 N. COLLEGE AVE., SUITE 213
INDIANAPOLIS, IN 46220
(317) 978-1100
joseph.lese@theprogressstudio.com

PROGRESS | STUDIO

PROGRESS STUDIO, LLC
5915 N. College Ave., Suite 213
Indianapolis, IN 46220
317-978-1100
www.theprogressstudio.com

IN ASSOCIATION WITH

(CONSULTANT LOGOS OR ADDRESSESS)

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(CLIENT LOGO)

PREPARED FOR

Jackson Investment Group / Forza

500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

CERTIFICATION

NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

DRAWN BY: JEL
REVIEWED BY: JEL

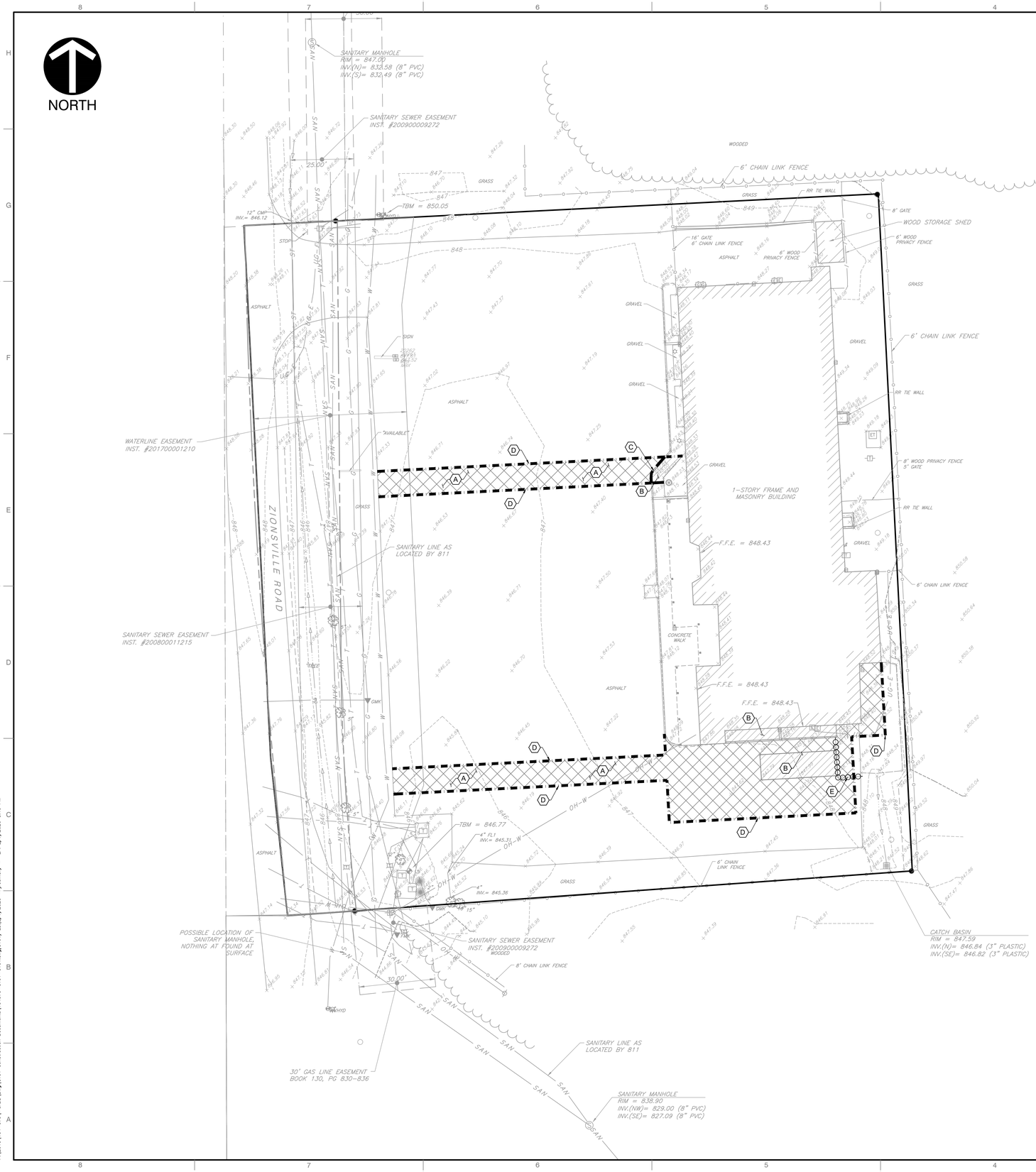
PROJECT NUMBER 19053

SHEET TITLE

COVER SHEET

SHEET NUMBER

G000



DEMOLITION LEGEND:

- ASPHALT TO BE REMOVED
- CONCRETE TO BE REMOVED
- CONCRETE CURB TO BE REMOVED
- SAWCUT EXISTING PAVEMENT
- MISC. ITEM TO BE REMOVED

DEMOLITION ITEMS:

- (A) REMOVE ASPHALT PAVEMENT COMPLETE; DISPOSE OF OFF SITE.
- (B) REMOVE CONCRETE PAVEMENT COMPLETE; DISPOSE OF OFF SITE.
- (C) REMOVE CONCRETE CURB COMPLETE; DISPOSE OF OFF SITE.
- (D) SAWCUT
- (E) REMOVE FENCE COMPLETE; DISPOSE OF OFF SITE.

UTILITIES:

SANITARY SEWER
CLAY TOWNSHIP
REGIONAL WASTE
10701 N. COLLEGE AVE.
INDIANAPOLIS, IN 46280
(317) 844-9200
ATTN: RYAN HARTMAN

STREET & STORM SEWER
CITY OF ZIONSVILLE
1075 PARKWAY DRIVE
ZIONSVILLE, IN 47077
(317) 873-4544 (T)
(317) 773-2275 (F)
ATTN: LANCE LANTZ

ELECTRIC
DUKE ENERGY
16475 SOUTHPARK DRIVE
WESTFIELD, IN 46074
(317) 896-6704
ATTN: MATTHEW DAYHUFF

TELECOM
TDS TELECOM
(262) 754-3052
ATTN: MICHAEL JOHNSON

GAS
VECTREN ENERGY
DELIVERY
8399 ZIONSVILLE ROAD
INDIANAPOLIS, IN 46268
(317) 718-3601
ATTN: CHAD CAMPBELL

FIRE DEPARTMENT
CITY OF ZIONSVILLE
1100 WEST OAK STREET
ZIONSVILLE, IN 46077
(765) 491-6772 (T)
(317) 773-3022 (F)
ATTN: JAMES VANGORDER

WATER
CITIZENS ENERGY GROUP
2020 NORTH MERIDIAN STREET
INDIANAPOLIS, IN 46204
(317) 927-4351
ATTN: BRAD HOSTETLER

CABLE
BRIGHTHOUSE
3030 ROOSEVELT AVE
INDIANAPOLIS IN 46218
(317) 736-2925

TELEPHONE
AT&T
5858 N COLLEGE AVE
INDIANAPOLIS, IN 46220
(317) 252-5004
ATTN: CYNTHIA HUFFMAN

GENERAL DEMOLITION NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DISPOSAL OFF-SITE OF ALL ITEMS SHOWN ON THE DEMOLITION PLAN INCLUDING ITEMS ENCOUNTERED DURING EXCAVATION OF BUILDING FOUNDATIONS AND UTILITY PLACEMENT.
2. PRIOR TO STARTING DEMOLITION, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL PERMITS REQUIRED BY LOCAL GOVERNMENTAL AGENCIES.
3. THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL UTILITY COMPANIES FOR THE DISCONNECTION AND REMOVAL OF SERVICES TO EXISTING STRUCTURES.
4. ITEMS SHOWN ON THE DEMOLITION PLAN TO BE SALVAGED SHALL BE TRANSPORTED TO LOCATION SPECIFIED BY THE OWNER OR HIS/HER REPRESENTATIVE.
5. ITEMS OF SALVAGEABLE VALUE TO THE CONTRACTOR MAY BE REMOVED WITH THE OWNER OR HIS/HER REPRESENTATIVE'S PERMISSION. THE CONTRACTOR SHALL NOT STORE THESE ITEMS ON SITE.
6. THE CONTRACTOR MAY NOT USE EXPLOSIVES OR BURN DEBRIS.
7. CONDUCT DEMOLITION OPERATIONS TO ENSURE MINIMAL INTERFERENCE WITH ROADS, SIDEWALKS AND ANY OTHER ADJACENT OCCUPIED FACILITIES.
8. DO NOT CLOSE OR OBSTRUCT ROADS, SIDEWALKS OR ANY OTHER OCCUPIED FACILITIES WITHOUT PERMISSION FROM THE LOCAL AUTHORITY HAVING JURISDICTION AND/ OR PROPERTY OWNERS.
9. THE CONTRACTOR SHALL ENSURE SAFE PASSAGE OF PERSON TRAVERSING THROUGH OR AROUND THE CONSTRUCTION SITE.
10. THE CONTRACTOR SHALL PROTECT FROM DAMAGE, SURROUNDING STRUCTURES, UTILITIES AND OTHER FACILITIES DURING DEMOLITION AND REMOVAL OPERATIONS.
11. BUILDING STRUCTURES INCLUDING FOUNDATIONS OR BASEMENTS SHALL BE REMOVED AND BACKFILLED WITH APPROVED BACKFILL MATERIAL. BACKFILL MATERIAL SHALL BE PLACED IN MAXIMUM EIGHT INCH LIFTS AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT OR A MINIMUM OF 95% OF A STANDARD PROCTOR.
12. UTILITIES SHALL BE REMOVED AND BACKFILLED WITH APPROVED BACKFILL MATERIAL. BACKFILL MATERIAL SHALL BE PLACED IN MAXIMUM EIGHT INCH LIFTS AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT OR A MINIMUM OF 95% OF A STANDARD PROCTOR.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THE CONSTRUCTION SITE AND SURROUNDING AREAS ARE FREE OF ACCUMULATED DEBRIS.

FLOOD NOTE:

THE PARCEL DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED) AS SAID PARCEL PLOTS ON MAP NUMBER 18011C0334E (DATED JANUARY 18, 2012) OF THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. INDIANA 811 ONE-CALL PUBLIC UTILITY LOCATE SERVICE TICKET NUMBERS 1909274141 AND 1909274172 WERE ISSUED FOR THIS SITE.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, THE CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, AND SANITARY SEWER. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

BENCHMARKS:

UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREON ARE BASED UPON AN OPUS SOLUTION AND ARE ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). IT IS MY OPINION THAT THE UNCERTAINTY IN THE ELEVATION OF THE PROJECT BENCHMARK DOES NOT EXCEED 0.10 FOOT.

TBM#1: SOUTH-MOST BONNET BOLT ON A FIRE HYDRANT LOCATED ±10 FEET NORTH OF THE NORTH EDGE OF THE PARKING LOT ON SITE AND ±50 FEET EAST OF THE EAST EDGE OF PAVEMENT OF ZIONSVILLE ROAD.

ELEV. = 850.05

TBM#2: CUT BOX AT THE NORTHEAST CORNER OF CONCRETE UTILITY PAD LOCATED AT THE SOUTHWEST CORNER OF THE SITE.

ELEV. = 846.77

PRELIMINARY
NOT FOR CONSTRUCTION

Indiana 811
Know what's below. Call before you dig.

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
530 E. Ohio Street · Suite G · Indianapolis, IN 46204
317-655-7777 · 877-746-0749
www.cecinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

DEMOLITION PLAN

DATE:	FEBRUARY 10, 2020
DRAWN BY:	JAR
DWG SCALE:	1" = 20'
CHECKED BY:	ACH
PROJECT NO:	194-979
APPROVED BY:	DRAFT

DRAWING NO.: C101

SHEET 3 OF --

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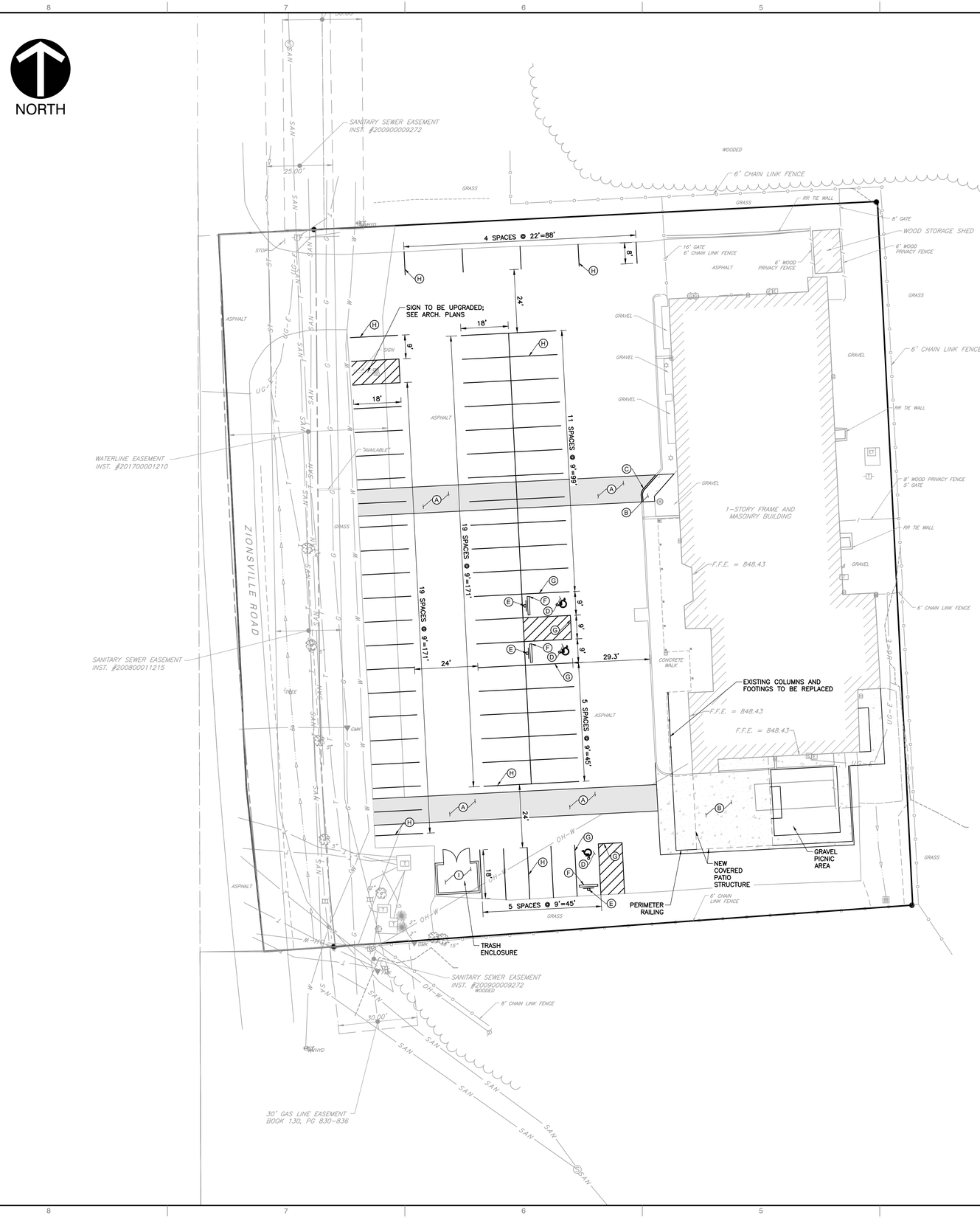

PROPOSED LEGEND:

PROPOSED LIGHT DUTY PAVEMENT

PROPOSED CONCRETE PAVEMENT

SITE KEY NOTES:

- (A) LIGHT DUTY ASPHALT; SEE DETAIL ON SHEET C800.
- (B) CONCRETE PAVEMENT; SEE DETAIL ON SHEET C800.
- (C) 6" STRAIGHT CONCRETE CURB; SEE DETAIL ON SHEET C800.
- (D) ADA ACCESSIBLE PARKING SPACE; SEE DETAIL ON SHEET C800.
- (E) ADA PARKING SIGNAGE; SEE DETAILS 203/204 ON SHEET C800.
- (F) CONCRETE WHEELSTOP; SEE DETAIL 201 ON SHEET C800.
- (G) 4" WIDE PAINTED STRIPE; ADA COLOR-BLUE.
- (H) 4" WIDE PAINTED STRIPE; COLOR-WHITE.
- (I) TRASH ENCLOSURE; SEE DETAIL ON SHEET C800.

GENERAL LAYOUT NOTES:

1. THE CONTRACTOR SHALL CHECK EXISTING GRADES, DIMENSIONS, AND INVERTS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES, INCLUDING IRRIGATION LINES. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. RELOCATE EXISTING UTILITIES AS INDICATED, OR AS NECESSARY FOR CONSTRUCTION.
3. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. INSTALL ALL UTILITIES, INCLUDING IRRIGATION SLEEVING, PRIOR TO INSTALLATION OF PAVED SURFACES.
4. SITE WORK CONCRETE WALKS AND PADS SHALL HAVE A BROOM FINISH TO ALL SURFACES. SITE WORK CONCRETE SHALL BE CLASS A (4,000 PSI @ 28 DAYS) UNLESS OTHERWISE NOTED.
5. ALL DAMAGE TO EXISTING PAVEMENT TO REMAIN WHICH RESULTS FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED WITH LIKE MATERIALS AT THE CONTRACTOR'S EXPENSE.
6. SITE DIMENSIONS SHOWN ARE TO THE FACE OF CURB, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
7. CONTRACTOR SHALL MAINTAIN ONE SET OF AS-BUILT / RECORD DRAWINGS ON THE JOB SITE DURING CONSTRUCTION FOR DISTRIBUTION TO THE OWNER AND/OR OWNER'S REPRESENTATIVE UPON COMPLETION.
8. REFER TO THE ARCHITECTURAL DRAWINGS FOR EXACT DIMENSIONS AND LOCATIONS OF UTILITY SERVICE ENTRY LOCATIONS AND PRECISE BUILDING DIMENSIONS.
9. THIS SITE LAYOUT IS SPECIFIC TO THE APPROVALS NECESSARY FOR THE CONSTRUCTION IN ACCORDANCE WITH THE TOWN OF ZIONSVILLE. NO CHANGES TO THE SITE LAYOUT ARE ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. CHANGES MADE TO THE SITE LAYOUT WITHOUT APPROVAL IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR. CHANGES INCLUDE BUT ARE NOT LIMITED TO, INCREASED IMPERVIOUS PAVEMENT, ADDITION / DELETION OF PARKING SPACES, MOVEMENT OF CURB LINES, CHANGES TO DRAINAGE STRUCTURES AND PATTERNS, LANDSCAPING, ETC.
10. ALL SIGN MODEL NUMBERS SHALL BE USED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). SEE REFERENCES BELOW IN THE SITE KEY NOTES. SIGNAGE SCALE IS DIAGRAMATIC FOR GRAPHICAL REPRESENTATION.

SITE DATA:

PROPOSED PARKING DATA:

STANDARD PARKING:	63 SPACES
ADA PARKING:	3 SPACES
TOTAL PARKING:	66 SPACES

FLOOD NOTE:

THE PARCEL DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED) AS SAID PARCEL PLOTS ON MAP NUMBER 18011C0334E (DATED JANUARY 18, 2012) OF THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. INDIANA 811 ONE-CALL PUBLIC UTILITY LOCATE SERVICE TICKET NUMBERS 19092741 41 AND 19092741 72 WERE ISSUED FOR THIS SITE.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, THE CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, AND SANITARY SEWER. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

BENCHMARKS:

UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREON ARE BASED UPON AN OPUS SOLUTION AND ARE ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). IT IS MY OPINION THAT THE UNCERTAINTY IN THE ELEVATION OF THE PROJECT BENCHMARK DOES NOT EXCEED 0.10 FOOT.

TBM#1: SOUTH-MOST BONNET BOLT ON A FIRE HYDRANT LOCATED ±10 FEET NORTH OF THE NORTH EDGE OF THE PARKING LOT ON SITE AND ±50 FEET EAST OF THE EAST EDGE OF PAVEMENT OF ZIONSVILLE ROAD.

ELEV. = 850.05

TBM#2: CUT BOX AT THE NORTHEAST CORNER OF CONCRETE UTILITY PAD LOCATED AT THE SOUTHWEST CORNER OF THE SITE.

ELEV. = 846.77

SCALE IN FEET
0 20' 40'

Indiana 811
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PRELIMINARY
NOT FOR CONSTRUCTION

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
530 E. Ohio Street · Suite G · Indianapolis, IN 46204
317-655-7777 · 877-746-0749
www.cecinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

SITE PLAN

DATE:	FEBRUARY 10, 2020
DRAWN BY:	JAR
DWG SCALE:	1" = 20'
CHECKED BY:	ACH
PROJECT NO:	194-979
APPROVED BY:	DRAFT

DRAWING NO.: C200

SHEET 4 OF --

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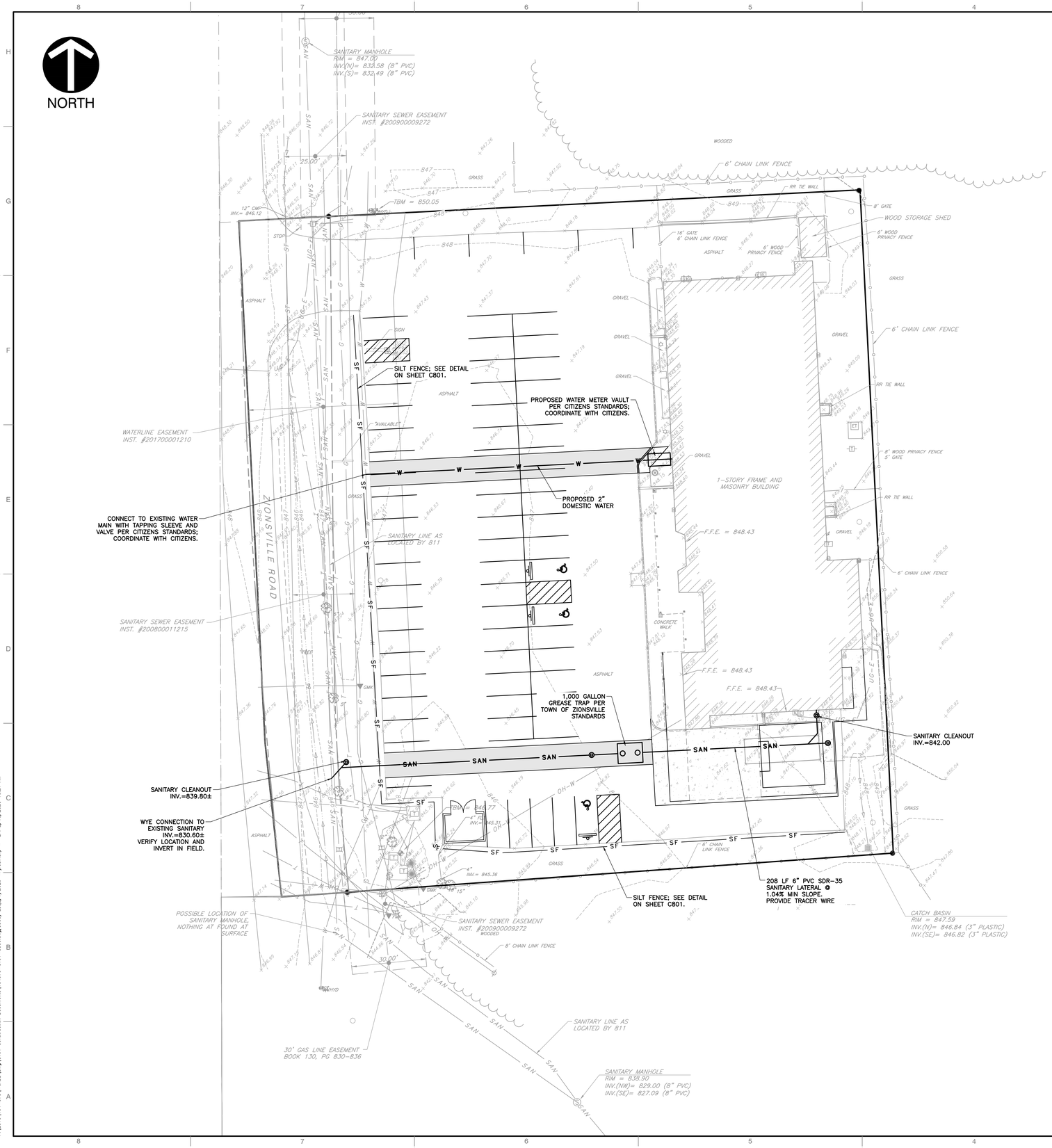

UTILITIES:

SANITARY SEWER
CLAY TOWNSHIP
REGIONAL WASTE
10701 N. COLLEGE AVE.
INDIANAPOLIS, IN 46280
(317) 844-9200
ATTN: RYAN HARTMAN

STREET & STORM SEWER
CITY OF ZIONSVILLE
1075 PARKWAY DRIVE
ZIONSVILLE, IN 47077
(317) 873-4544 (T)
(317) 773-2275 (F)
ATTN: LANCE LANTZ

ELECTRIC
DUKE ENERGY
16475 SOUTHPARK DRIVE
WESTFIELD, IN 46074
(317) 896-6704
ATTN: MATTHEW DAYHUFF

TELECOM
TDS TELECOM
(262) 754-3052
ATTN: MICHAEL JOHNSON

GAS
VECTREN ENERGY DELIVERY
8399 ZIONSVILLE ROAD
INDIANAPOLIS, IN 46268
(317) 718-3601
ATTN: CHAD CAMPBELL

FIRE DEPARTMENT
CITY OF ZIONSVILLE
1100 WEST OAK STREET
ZIONSVILLE, IN 46077
(765) 491-6772 (T)
(317) 773-3022 (F)
ATTN: JAMES VANGORDER

WATER
CITIZENS ENERGY GROUP
2020 NORTH MERIDIAN STREET
INDIANAPOLIS, IN 46204
(317) 927-4351
ATTN: BRAD HOSTETLER

CABLE
BRIGHTHOUSE
3030 ROOSEVELT AVE
INDIANAPOLIS IN 46218
(317) 736-2925

TELEPHONE
AT&T
5858 N COLLEGE AVE
INDIANAPOLIS, IN 46220
(317) 252-5004
ATTN: CYNTHIA HUFFMAN

GENERAL UTILITY NOTES:

1. THE UTILITIES INDICATED ON THESE PLANS AND ON THE SURVEY MAY NOT BE A COMPLETE INVENTORY OF ALL THE EXISTING UTILITIES PRESENT ON AND AROUND THE SITE. THE LOCATION AND SIZE OF THESE UTILITIES MAY BE APPROXIMATE. THE ENGINEER SHALL NOT BE HELD LIABLE FOR ANY INACCURATE UTILITY INFORMATION INDICATED, IMPLIED, OR NOT INDICATED ON THESE PLANS.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND MAINTAIN IN SERVICE ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION UNLESS OTHERWISE INDICATED IN THE DRAWINGS. ANY PIPING, WHICH CAN BE REMOVED DURING CONSTRUCTION WITHOUT UNDUE INTERRUPTION OF SERVICE MAY BE REMOVED AND REPLACED BY THE CONTRACTOR, AT HIS EXPENSE WITH THE PERMISSION OF THE OWNER.
3. BEFORE WORKING WITH OR AROUND EXISTING UTILITIES, THE APPLICABLE UTILITY COMPANY SHALL BE CONTACTED BY THE CONTRACTOR.
4. WHEN CONNECTIONS ARE TO BE MADE TO EXISTING PIPING AND STRUCTURES OR WHERE CONSTRUCTION IS IN THE VICINITY OF EXISTING PIPING THE LOCATION AND ELEVATION OF THE EXISTING PIPING SHALL BE FIELD VERIFIED AND NOTIFICATION GIVEN TO THE OWNER IF THE EXISTING PIPING IS FOUND TO BE DIFFERENT THAN THAT SHOWN ON THE DRAWINGS.
5. FOR CLARITY OF THESE DRAWINGS, PIPES MAY NOT BE DRAWN TO SCALE OR EXACTLY LOCATED.
6. ALL NEW WATER LINES SHALL HAVE A MINIMUM OF 54 INCHES OF COVER.
7. MINIMUM OF 18 INCHES OF VERTICAL CLEARANCE SHALL BE PROVIDED BETWEEN NEW WATER AND SANITARY SEWER LINES. IF 18 INCHES OF CLEARANCE IS NOT PROVIDED THEN THE SEWER MUST BE CONSTRUCTED OF WATER WORKS GRADE DUCTILE IRON PIPE WITH MECHANICAL JOINTS WITHIN TEN FEET OF THE WATER LINE.
8. NEW 6" AND 8" SANITARY LATERALS SHALL BE SDR-35, SCHEDULE 80 OR SCHEDULE 40 PVC PIPE CONFORMING TO ASTM D2241, AND SHALL MEET THE DEFLECTION STANDARDS OF ASTM D-3303.
9. IT IS THE RESPONSIBILITY OF THE CONTRACTOR OR CONTRACTORS TO OBTAIN ALL FEDERAL, STATE, COUNTY, CITY OR LOCAL PERMITS FOR ANY AND ALL WORK REQUIRED UNLESS OTHERWISE NOTED. THE CONTRACTOR OR CONTRACTORS ARE RESPONSIBLE TO PAY FOR ALL REQUIRED PERMITS BY ANY OR ALL AGENCIES MENTIONED ABOVE UNLESS OTHERWISE NOTED IN THE CONTRACT OR SPECIFICATIONS. ALL ASSOCIATED BONDING REQUIREMENTS AND COSTS ARE INCIDENTAL TO THE CONTRACT.
10. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND ELEVATIONS DURING THE ENTIRE CONSTRUCTION SCHEDULE. IF ANY DISCREPANCIES ARE FOUND IN THESE ENGINEERING PLANS FROM ACTUAL FIELD DIMENSIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
11. ALL CONSTRUCTION METHODS AND MATERIALS MUST CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE FEDERAL, STATE, COUNTY, CITY OR LOCAL REQUIREMENTS, WHICHEVER HAS JURISDICTION.
12. CONTRACTOR IS RESPONSIBLE FOR ELECTRIC, TELEPHONE, AND CABLE CONDUITS AND TRENCHING. COORDINATE WITH THE LOCAL UTILITY PROVIDERS AND MECHANICAL, ELECTRICAL AND PLUMBING PLANS FOR SIZES AND QUANTITIES.
13. WATER AND FIRE SERVICE SIZES AND CONNECTION LOCATIONS SHALL BE COORDINATED WITH THE MECHANICAL, ELECTRICAL AND PLUMBING PLANS.

FLOOD NOTE:

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BENCHMARKS:

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ELEV. = 850.05

TBM#2: CUT BOX AT THE NORTHEAST CORNER OF CONCRETE UTILITY PAD LOCATED AT THE SOUTHWEST CORNER OF THE SITE.

ELEV. = 846.77

PROPOSED LEGEND:

SAN	PROPOSED SANITARY LINE
W	PROPOSED WATER LINE
S	PROPOSED SANITARY MANHOLE, CLEAN OUT
SF	PROPOSED SILT FENCE

SCALE IN FEET
0 20' 40'

PRELIMINARY
NOT FOR CONSTRUCTION

Indiana 811
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REVISION RECORD

NO	DATE	DESCRIPTION

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530 E. Ohio Street · Suite G · Indianapolis, IN 46204
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www.cecinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

UTILITY PLAN

DATE:	FEBRUARY 10, 2020	DRAWN BY:	JAR
DWG SCALE:	1" = 20'	CHECKED BY:	ACH
PROJECT NO:			194-979
APPROVED BY:			DRAFT

DRAWING NO.: C500
SHEET 5 OF --

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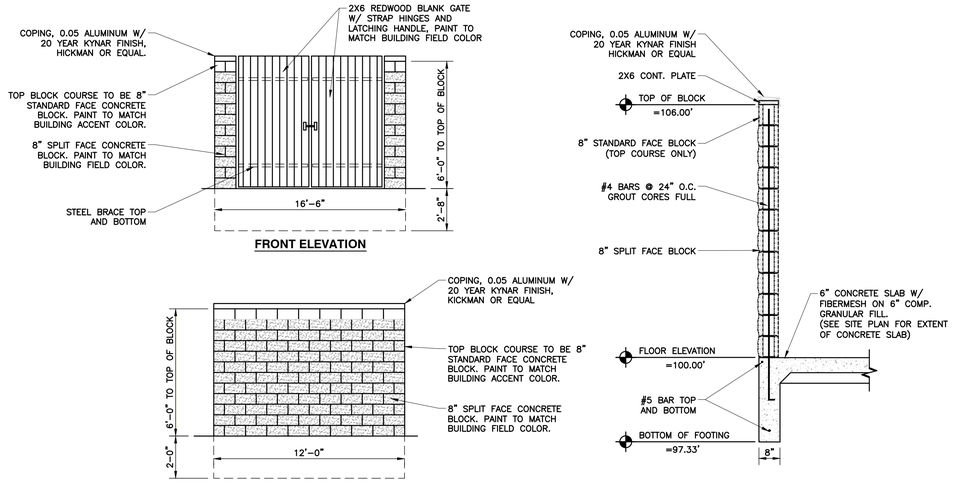
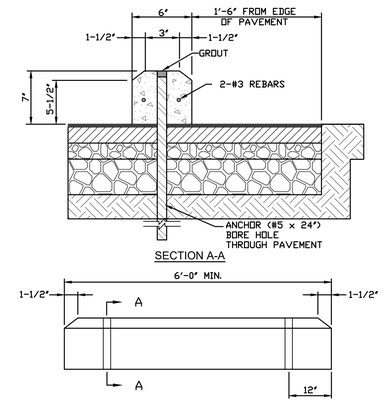


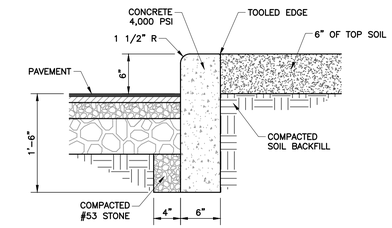
DETAIL 209 - TRASH ENCLOSURE DETAIL

NOT TO SCALE



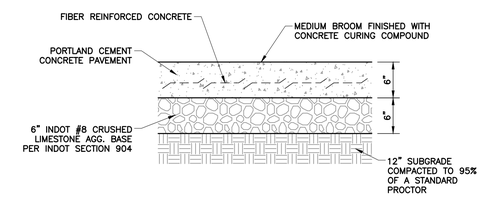
DETAIL 206 - PRECAST CONCRETE WHEEL STOP

NOT TO SCALE



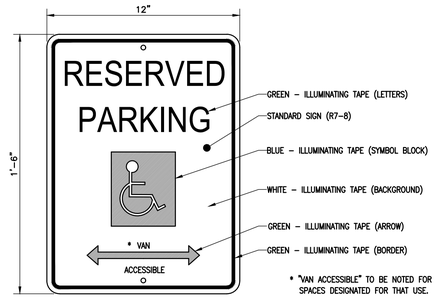
DETAIL 203 - STRAIGHT CONCRETE CURB DETAIL

NOT TO SCALE



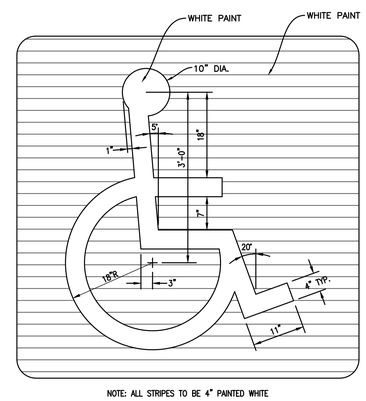
DETAIL 202 - CONCRETE PAVEMENT SECTION

NOT TO SCALE



DETAIL 208 - ADA ACCESSIBLE PARKING SIGN DETAIL

NOT TO SCALE

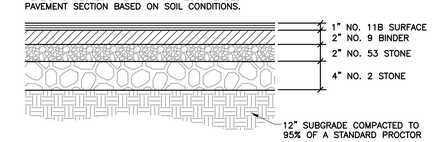


DETAIL 205 - PAINTED ADA ACCESSIBLE SYMBOL DETAIL

NOT TO SCALE

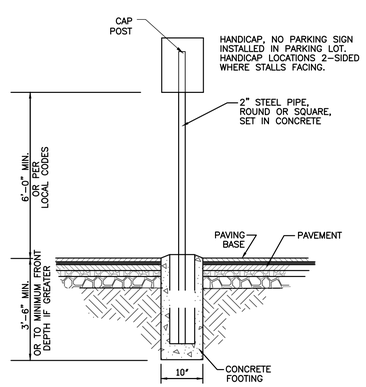
NOTE:

PAVEMENT SECTION PROVIDED AS A GUIDE.
REFER TO GEOTECH REPORT FOR RECOMMENDED PAVEMENT SECTION BASED ON SOIL CONDITIONS.



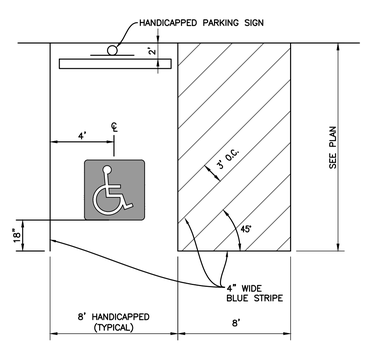
DETAIL 201 - LIGHT DUTY ASPHALT PAVEMENT SECTION

NOT TO SCALE



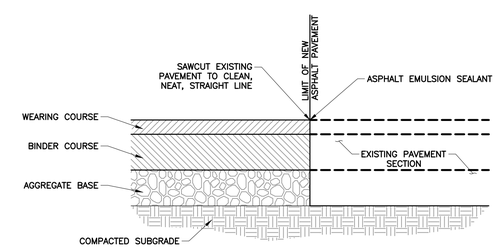
DETAIL 207 - ACCESSIBLE PARKING SIGNAGE

NOT TO SCALE



DETAIL 204 - ADA ACCESSIBLE PARKING STALL

NOT TO SCALE



NOTES:

1. PROVIDE TACK COAT ALONG SAWCUT TO BIND EXISTING PAVEMENT TO NEW PAVEMENT,FOR AREAS WITH PATCHING AND OVERLAY,PROVIDE TACK COAT TO BIND EXISTING PAVEMENT WITH NEW ASPHALT.

DETAIL 101 - PAVEMENT SAWCUT

NOT TO SCALE

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
530 E. Ohio Street · Suite G · Indianapolis, IN 46204
317-655-7777 · 877-746-0749
www.cecinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

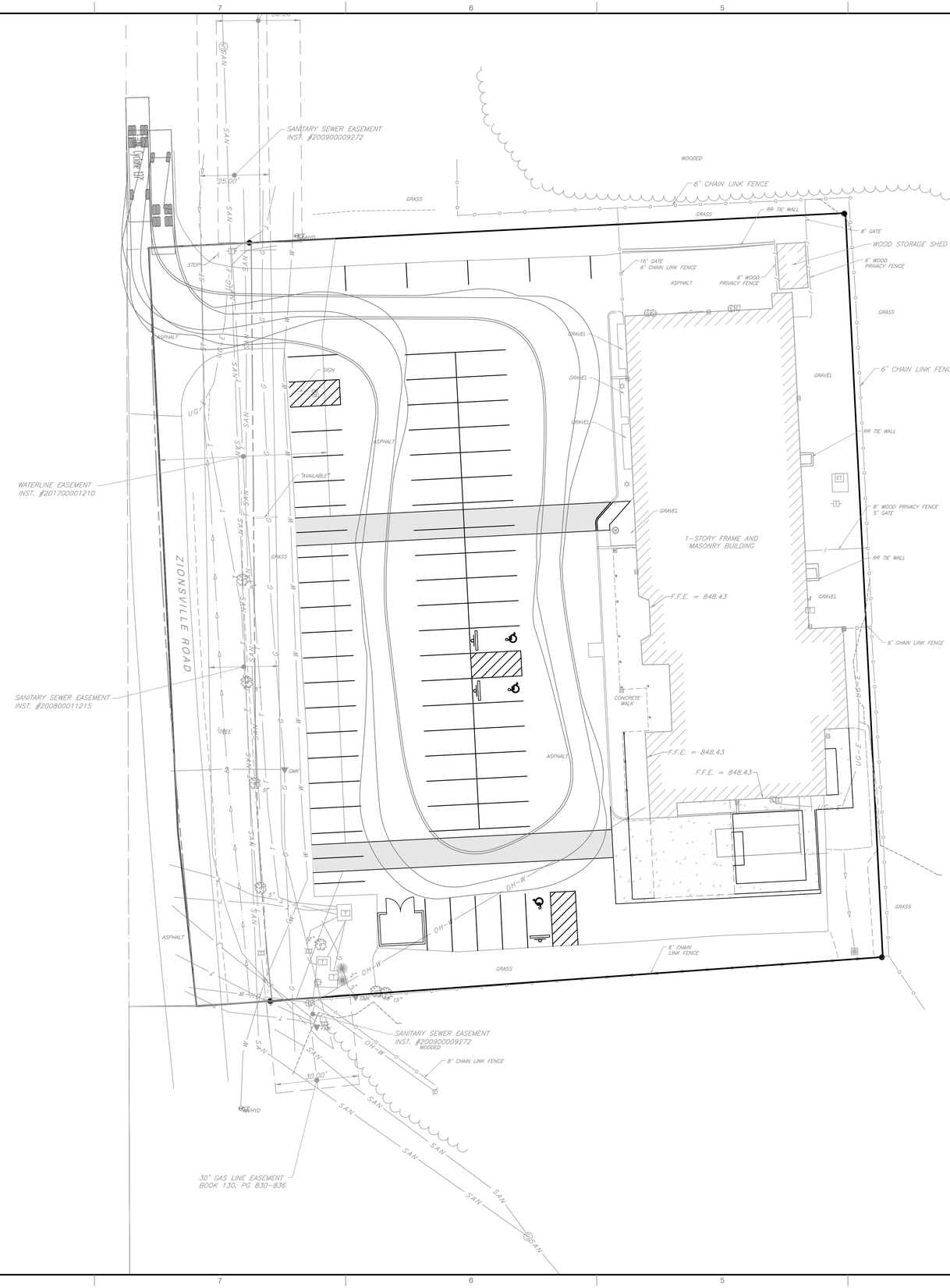
SITE DETAILS

DATE:	FEBRUARY 10, 2020
DRAWN BY:	JAR
DWG SCALE:	AS NOTED
CHECKED BY:	ACH
PROJECT NO:	194-979
APPROVED BY:	DRAFT

DRAWING NO.: C800

SHEET 6 OF --

P:\2019\194-979\-CADD\Dwg\C101 Construction Documents\194979-C101-C800.dwg(C800) LS:(1)(7/2020 - jmelmon) - LP: 2/7/2020 3:40 PM



SCALE IN FEET
0 20' 40'

PRELIMINARY
NOT FOR CONSTRUCTION

Indiana 811
Know what's below. Call before you dig.

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
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317-655-7777 · 877-746-0749
www.cecinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

VEHICLE TRACKING

DATE:	FEBRUARY 24, 2020
DRAWN BY:	JAR
DWG SCALE:	1" = 20'
CHECKED BY:	ACH
PROJECT NO:	194-979
APPROVED BY:	DRAFT

DRAWING NO.: VT

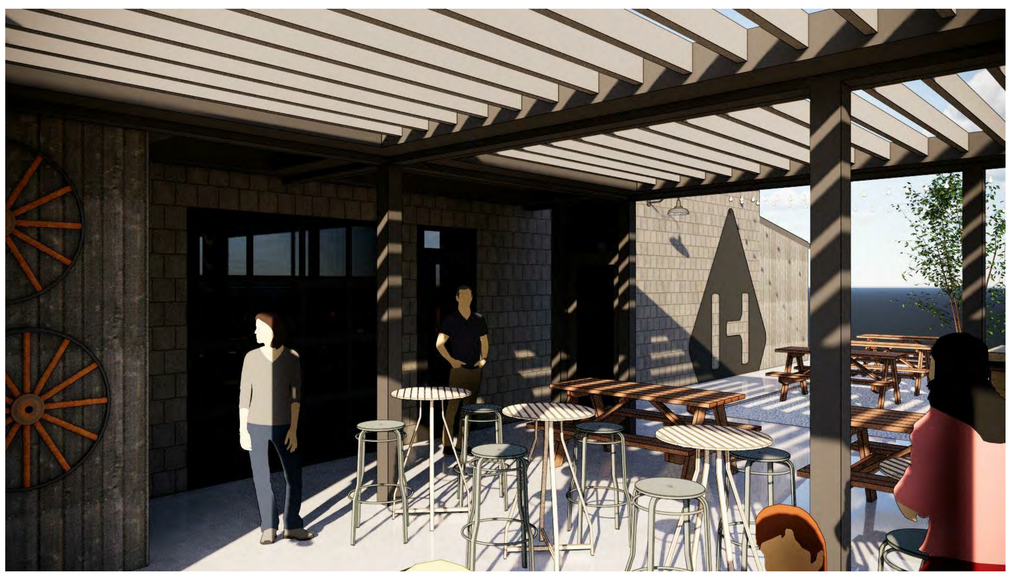
SHEET -- OF --

P:\2019\194-979\-CADD\Dwg\VTA\194979VR-CV01-Vehicle-Tracking.dwg[VT] LS:(24x20) - jhedman - LP: 2/24/2020 11:13 AM

EXAMPLE IMAGE - REMOVABLE VINYL PANELS WITH METAL FRAME

DETAIL - PERGOLA ADDITION

DETAIL - MAIN ENTRANCE



DETAIL VIEW OF PERGOLA AND SEATING

PERSPECTIVE VIEW OF SOUTHWEST CORNER

PROGRESS | STUDIO

PROGRESS STUDIO, LLC
5915 N. College Ave., Suite 213
Indianapolis, IN 46220
317-978-1100
www.theprogressstudio.com

IN ASSOCIATION WITH

(CONSULTANT LOGOS OR ADDRESSESS)

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(CLIENT LOGO)

PREPARED FOR

Jackson Investment Group / Forza

500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

CERTIFICATION

NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

DRAWN BY: Author
REVIEWED BY: Checker

PROJECT NUMBER 19053

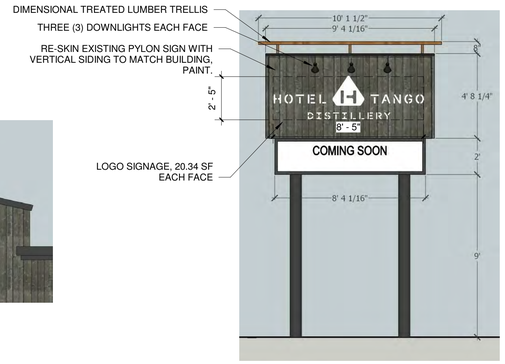
SHEET TITLE

EXTERIOR RENDERING EXHIBITS

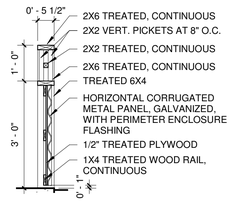
SHEET NUMBER

A401

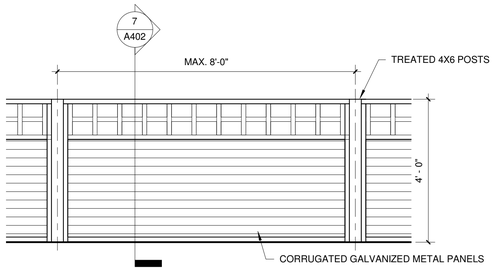
9 BUILDING SIGN
1/4" = 1'-0"



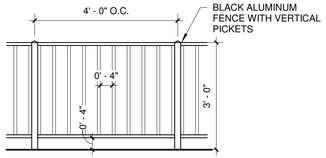
8 PYLON SIGN
1/4" = 1'-0"



7 CLOSED RAILING SECTION
1/2" = 1'-0"

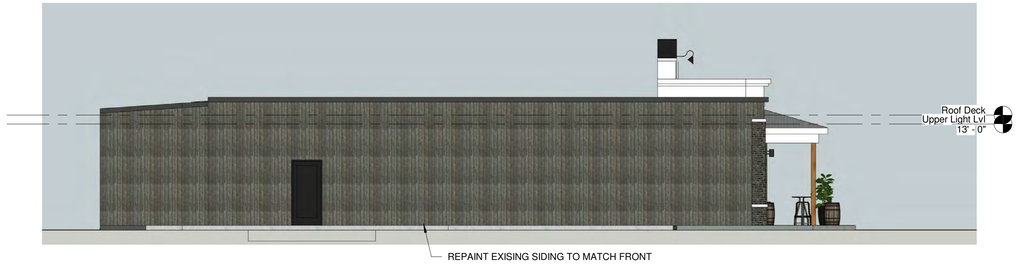


6 CLOSED RAILING ELEVATION
1/2" = 1'-0"



5 OPEN RAILING ELEVATION
1/2" = 1'-0"

4 EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"

2 SOUTH ELEVATION
1/8" = 1'-0"

1 WEST ELEVATION
1/8" = 1'-0"

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(CLIENT LOGO)

PREPARED FOR

Jackson Investment Group / Forza

500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

CERTIFICATION

NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

DRAWN BY: Author
REVIEWED BY: Checker

PROJECT NUMBER 19053

SHEET TITLE

EXTERIOR ELEVATIONS AND SIGNAGE

SHEET NUMBER

A402

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-08-DSV
Subject Site Address:	823 Eaglewood Drive
Petitioner:	Kenneth & Patricia Meiring
Representative:	Jason Burk, Architect
Request:	Petition for Development Standards Variance in order to provide for the construction of a detached garage which: 1) Deviates from the required minimum front yard setback; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
Current Zoning:	Rural Low-Density Single Family & Two-Family Residential Zoning District (R2)
Current Land Use:	Single-family Residential
Approximate Acreage:	0.57 acres
Zoning History:	The parcel was consolidated into the Town of Zionsville's jurisdiction in 2010. No prior petitions are known.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Narrative Exhibit 4 – Petitioners Existing Site Plan Exhibit 5 – Petitioners Proposed Site Plan Exhibit 6 – Petitioners Exhibits Exhibit 7 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the April 1, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.57 acres and is presently improved with one (1) single-family dwelling and associated accessory uses. The acreage associated with this petition has been utilized for residential purposes under the Boone County Area Planning jurisdiction. In 2010 the area was consolidated into Zionsville's jurisdiction. As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

ANALYSIS

The 0.57-acre parcel is currently improved with a 1,884 +/- square foot circa 1968 single-family dwelling and accessory uses. Per the narrative included, the Petitioner desires to convert the existing garage to livable space and add a new detached three-car garage to the property. The proposed detached garage addition would require approval of a Development Standards Variance(s) as it would 1) encroach into the required front yard setback, and 2) would exceed the height of the primary structure by up to 3'-0".

VARIANCE REQUEST – ACCESSORY HEIGHT EXCEEDING PRIMARY

The Petitioners have intensions of adding an approximate 1,050 square foot 3-car detached garage enabling them to convert the existing attached 2-car garage to livable space. The petitioners have requested that the peak of their detached garage be approved to exceed the peak of the primary structure by up to 3'-0". By Ordinance, properties in the R-2 (Rural) District are permitted by right to be improved with accessory structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the primary structure IF the property is at least 20 acres in size AND is classified as a Farm. As the subject site is not 20 acres in size, and the dwelling is a single-story structure, a variance must be sought for the height of the accessory to exceed the primary.

The Petitioners are aware of the Ordinance standards and acknowledge that a variance for accessory square footage to exceed the primary is not anticipated to be required in order to facilitate the construction of the contemplated 3-car detached garage. By converting their existing attached garage space into livable space, they will increase their primary living space to approximately 2,367 square feet versus approximately 1,402 square feet of roofed accessory square footage. The petitioners have taken measures to create a structure which is aesthetically pleasing and similar to that of the primary dwelling, opting to use a matching roof sloop, causing the garage pitch to slightly exceed that of the primary, matching shingles, windows and wall cladding. Additionally, the use of a hip roof will lessen the expanse of the roofline that exceeds the primary.

While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds several development configurations which are not supported by the current Zoning Ordinance (example: flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). While the development pattern is atypical, Staff is supportive of the request based on 1) the aesthetic architectural features complimenting the existing home (some of which reduce the ability to discern the difference between the variation of

heights of the two structures) and 2) the topography complimenting the placement of the detached structure with a vast amount of mature trees lining the front of the parcel which will reduce visibility of the structure from the road.

Barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to approve a variance to allow an accessory structure(s) which exceed the height of the primary structure, as proposed.

FRONT YARD SETBACK

As contemplated, the location of the proposed detached garage would be approximately 12 feet into the required right of way of Eaglewood Drive. By Ordinance, property in the Rural district is required to provide for a minimum front yard setback of either 70 feet from the center line of the road OR 20 feet from the right-of-way (whichever is greater). The Town's 2010 Thoroughfare Plan assigns the Local classification to Eaglewood Drive (minimum half right of way of 60 feet). As proposed, the resulting setback from the Eaglewood Drive is 33.7 feet. If additional right of way is required to be dedicated, the contemplated structure would be more than 25 feet from the edge of the new right of way.

The placement of the homes along Eaglewood Drive, creates a challenge as they were built further towards the rear of the property, creating larger front yards with condensed rear yards. The Petitioner's seek to locate the detached accessory structure in an area currently utilized as a parking pad, between existing mature trees, rather than having to remove trees to locate the structure in a different location. Said another way, the location of the proposed garage does not interfere with an established, mature, over story trees (which, if the detached were constructed in a manner that attaches to the existing dwelling, would cause the removal of at least one of the mature tree).

With the above in mind, Staff is supportive of the request to provide for a 12-foot encroachment into the required 70-foot front yard setback (when measured from the centerline of Eaglewood Drive) and provide more than 33-feet of clear space between the point closest to the right-of-way and the contemplated improvement (allowing for some level of separation as well as an area for maintenance of the structure in a manner that does not encroach into the right of way of Eaglewood Drive).

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2020-08-DSV related to the front yard setback and height of an accessory use exceeding the primary, as filed.

RECOMMENDATION MOTION

I move that Docket # 2019-41-D2020-08-DSV Development Standards Variance in order to provide for the construction of a detached garage which 1) Deviates from the required minimum front yard setback; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family Residential Zoning District (R1), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).

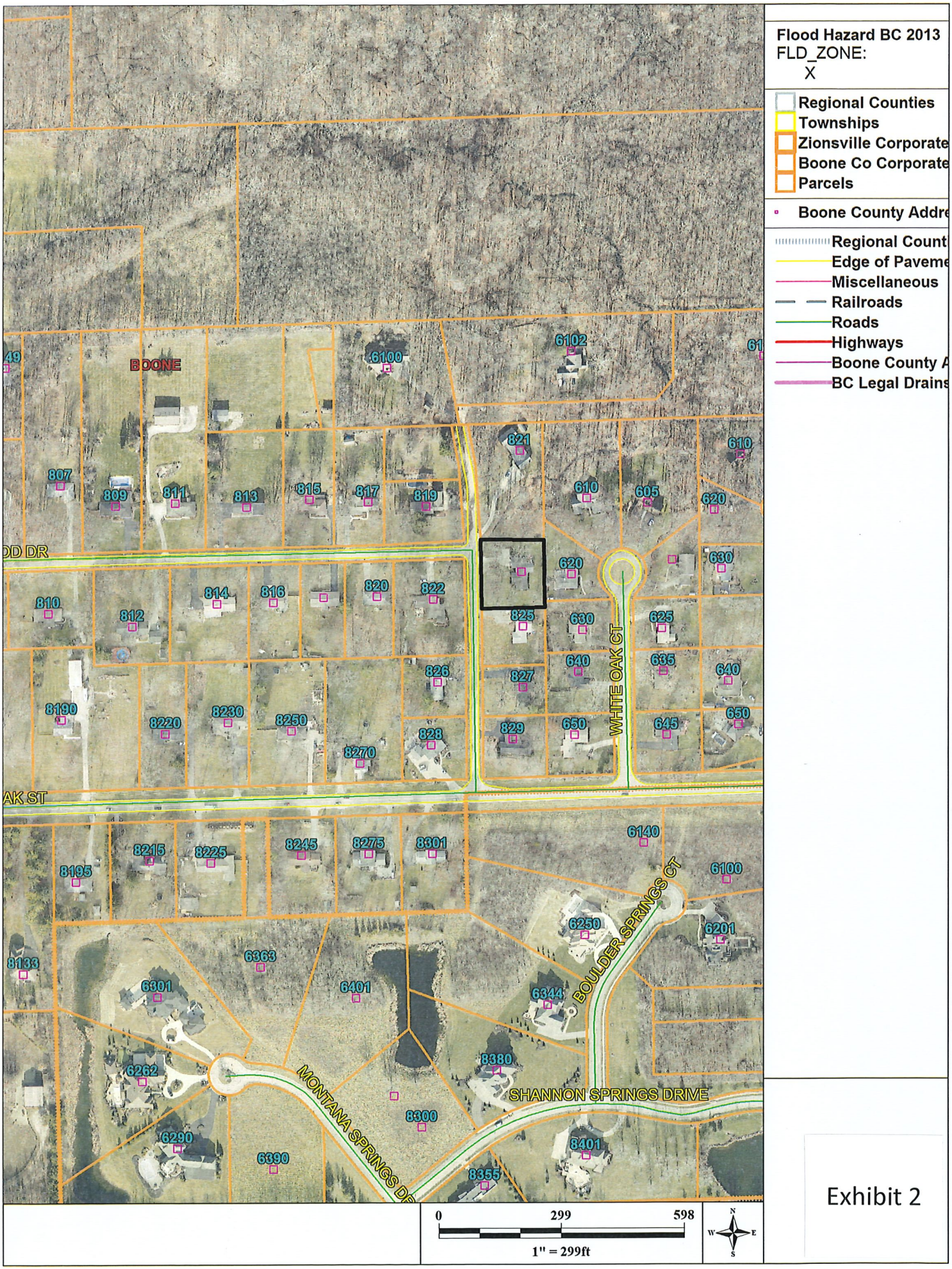

Flood Hazard BC 2013
FLD_ZONE:
X
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
Boone County A
BC Legal Drains
BOONE
WHITE OAK CT
BOULDER SPRINGS CT
SHANNON SPRINGS DRIVE
MONTANA SPRINGS DR
0
299
598
1" = 299ft
N
W
E
S

Exhibit 2

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

Board of Zoning Appeals
Town of Zionsville IN
1100 West Oak Street
Zionsville, IN 46077

March 16, 2020

Dear Board Members,

Trish Meiring and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, please note that we are in compliance with the front yard setback from the right of way. The development standards require 20' from the right of way. Our proposed garage is 33' which is 13' further back than required.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be up to 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height. Additionally, we are proposing a hip roof which will reduce the lineal footage of ridge that exceeds the standard height requirement

We have met with seven of our neighbors on our street, including 5 of the 7 adjoining property owners. We have been unable to make contact or meet with two of the adjoining property owners on White Oak Street which adjoin the rear corners of our property. All seven of the neighbors with whom we were able to make contact support our variance request.

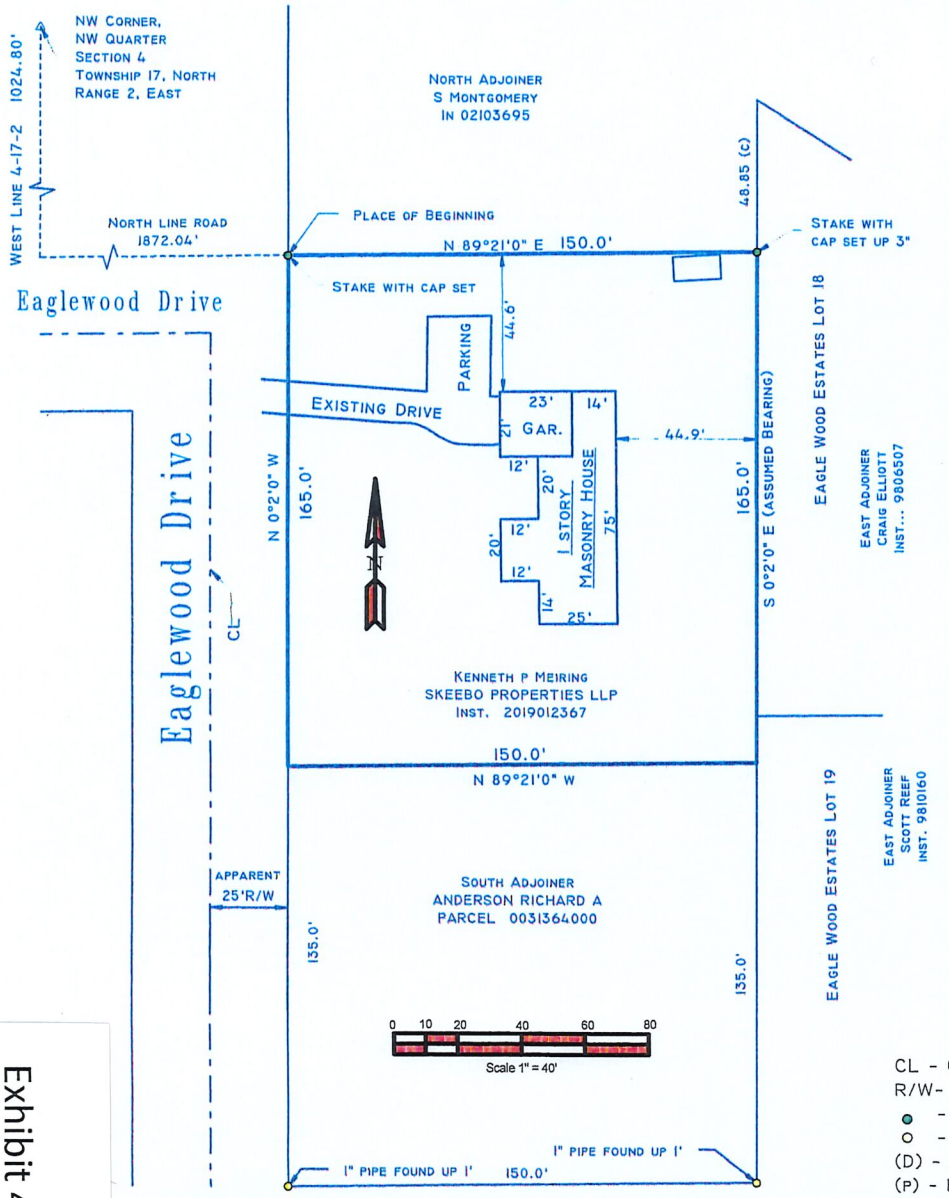
We submitted with the application seven letters from neighbors supporting our variance request. We respectfully request that the Board approve our request

Trish Meiring

Ken and Trish Meiring

RECEIVED
MAR 19 2020
TOWN OF ZIONSVILLE

Exhibit 3



Legal Description:

Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follow:

From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the last course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the place of beginning, containing 0.568 acres, more or less.

Surveyors Report:

The purpose of this survey was to conduct a retracement Survey of the lines and corners of this parcel for use the building of a new garage.

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of uncertainties in the reference monuments, discrepancies in record descriptions and plats, inconsistencies in lines of occupations and the relative position accuracy of the measurements. There may be unwritten rights associated with these uncertainties. This Relative Position accuracy of the corners of the parcel established by this survey is within the specifications for a Suburban Survey as defined by IAC 865

Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded deeds used in this survey. There are rounding differences associated with the deed angles and the deed dimensions. Uncertainty due to these discrepancies is equal in magnitude of these discrepancies, and is as much as 2 feet.

Existing Documentation: The Northwest corner of the Northwest Quarter of Section 4 Township 17 North, Range 2 East was found as per Boone County Tie sheets. There were a few existing stakes found at property corners of nearby parcels.

Lines of occupation: There are Utility lines and poles generally running along the East property line of this parcel. An assumed bearing was established using the West line of adjoining Eagle Woods Estates and exiting monumention found. Deed and Plat distances, as well as found monuments were used in establishing the boundary lines and corners of subject parcel.

All survey monuments set on this survey are set flush with the existing grade unless otherwise noted. The measurements shown on the herein drawing are field measurements (M), unless noted otherwise. (D) Deed, (P) plat (C) calculated.

This Instrument prepared without the use of Title Commitment.
I, the undersigned, HEREBY CERTIFY, that to the best of my professional knowledge and belief that the within described Plat represents a true and accurate survey completed by myself on January 3, 2020 and correctly represents the boundary line of the above described real estate.

CL - CENTER LINE
R/W- RIGHT OF WAY
● - STAKE WITH CAP SET
○ - MONUMENT FOUND
(D) - DEED DIMENSION
(P) - PLAT DIMENSION
(M) - MEASURED DIMENSION
(C) - CALCULATED DIMENSION

Douglas S. Alig, L.S. 20300024

DOUGLAS S. ALIG
REGISTERED
No.
20300024
STATE OF
INDIANA
LAND SURVEYOR

No.	Revision	Date

ALIG ENGINEERING, INC.
8271 N WASHINGTON BLVD.
INDIANAPOLIS, IN. 46240-2253
317-254-5670
ENGINEERING

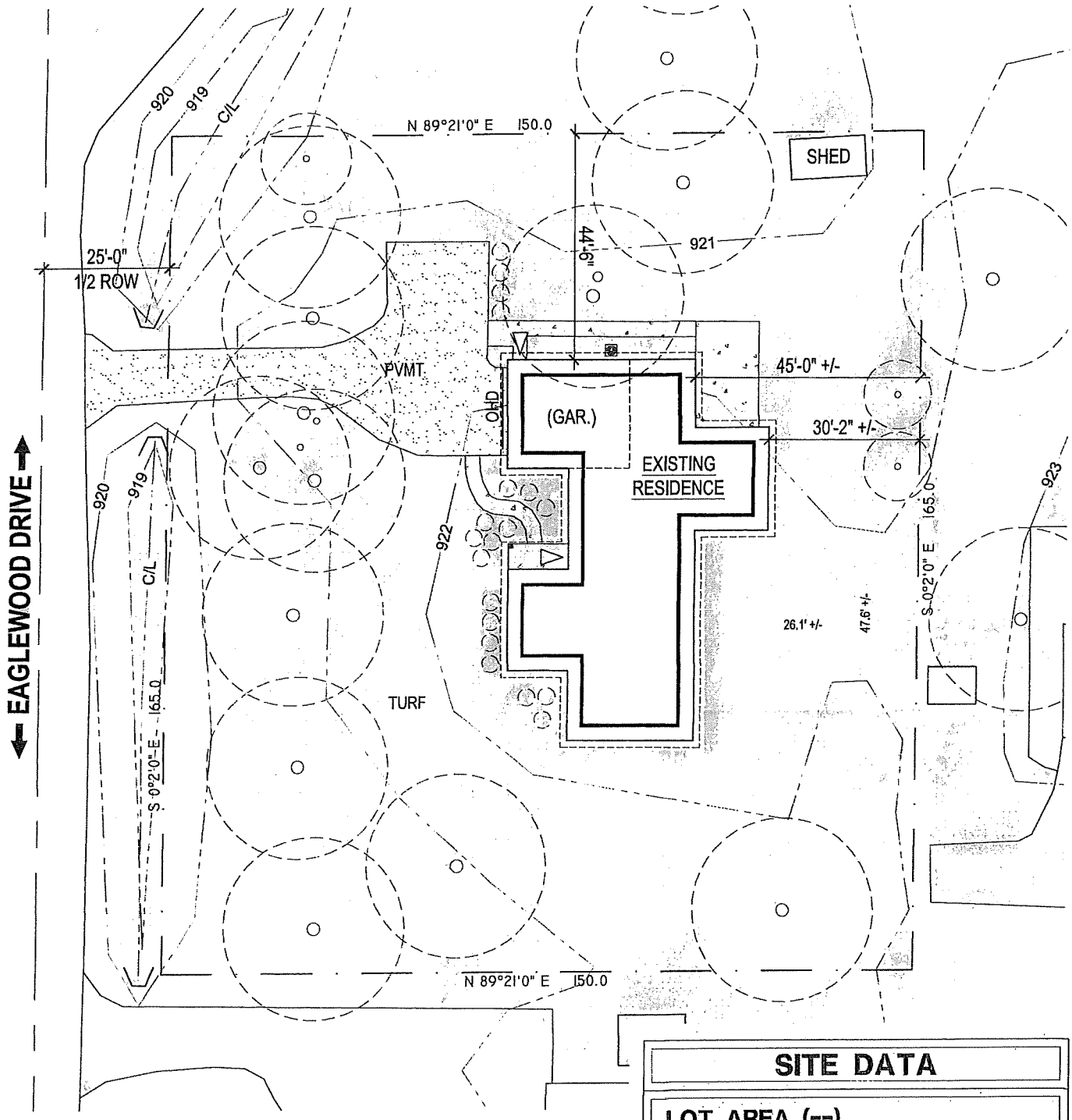
Meiring Residence
823 Eaglewood Drive
Zionsville. IN 46077

Sheet Title: Boundary Survey

Date: Jan 21, 2020
Scale: 1" = 40'
Sheet No.: 1

Exhibit 4

FILE 20-978



SITE DATA

LOT AREA (--)

PARCEL SIZE	24,748 S.F. (0.57 ACRES)

TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
TOTAL COVERED AREA	3,295 SQ. FT. +/-
EXIST. OPEN SPACE	87 %

NOTE:

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

jason elliot burk, R.A.

NORTH

1

EXISTING
SITE PLAN

SCALE: 1" = 30'-0"

0 7.5' 15'

7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com

Exhibit 4

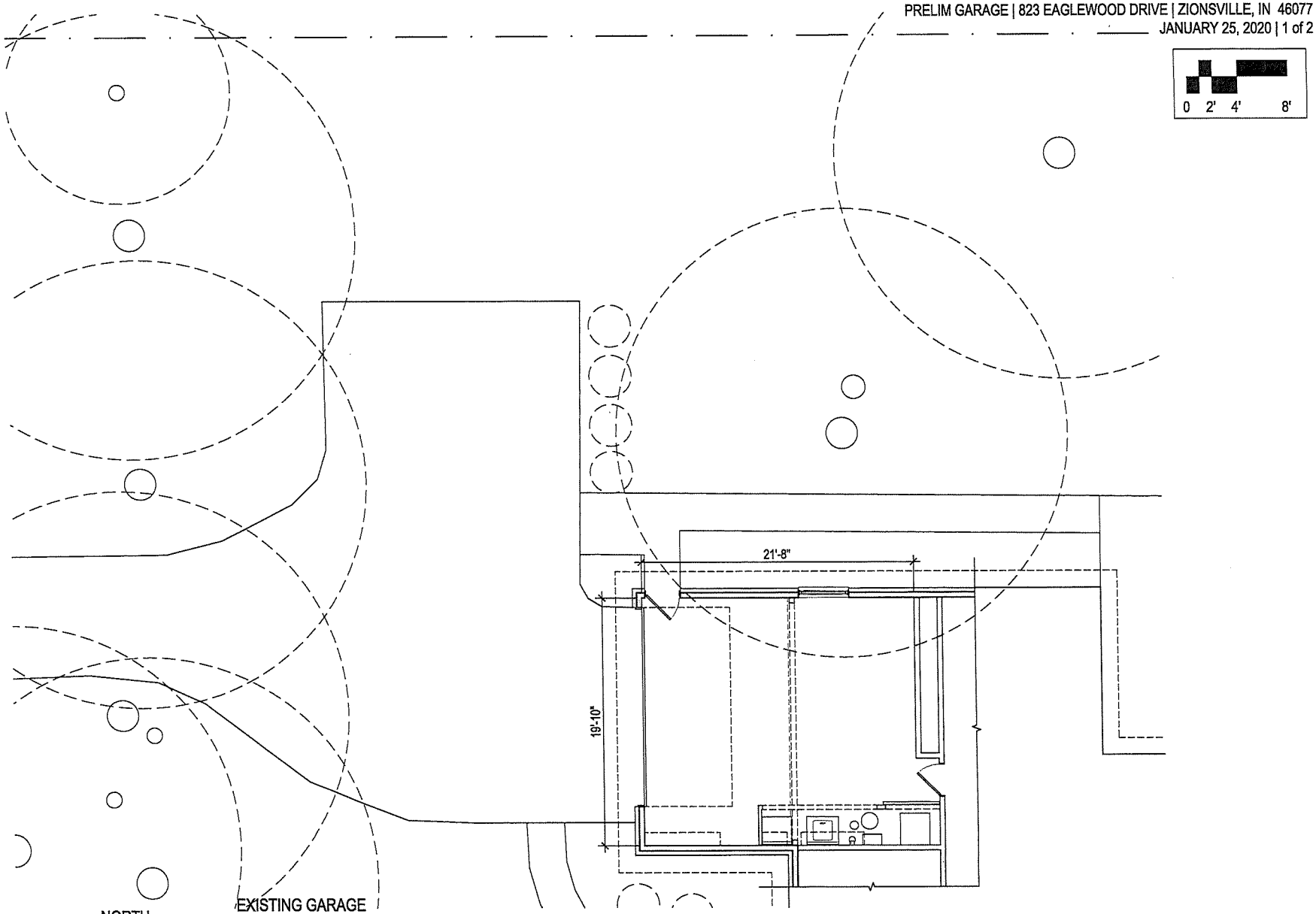
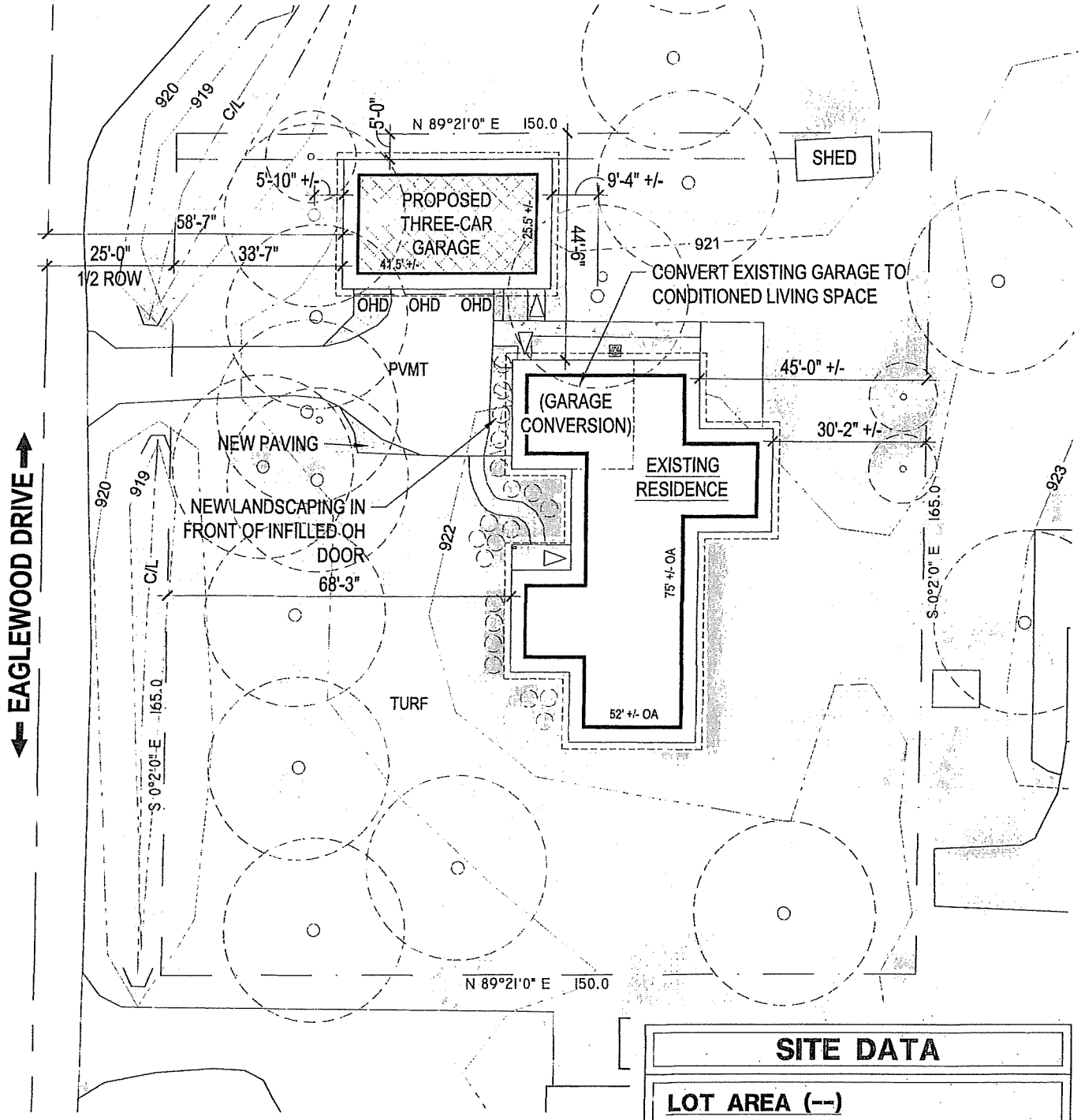


Exhibit 4



SITE DATA

LOT AREA (--)

PARCEL SIZE	24,748 S.F. (0.57 ACRES)

TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
PROP. GAR. FOOTPRINT AREA	1,242 S.F. +/-
TOTAL COVERED AREA	4,737 SQ. FT. +/-
PROPOSED OPEN SPACE	81 %

NOTE:

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

jason elliot burk, R.A.

NORTH

2

PROPOSED
SITE PLAN
SCALE: 1" = 30'-0"

0 7.5' 15'

7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com

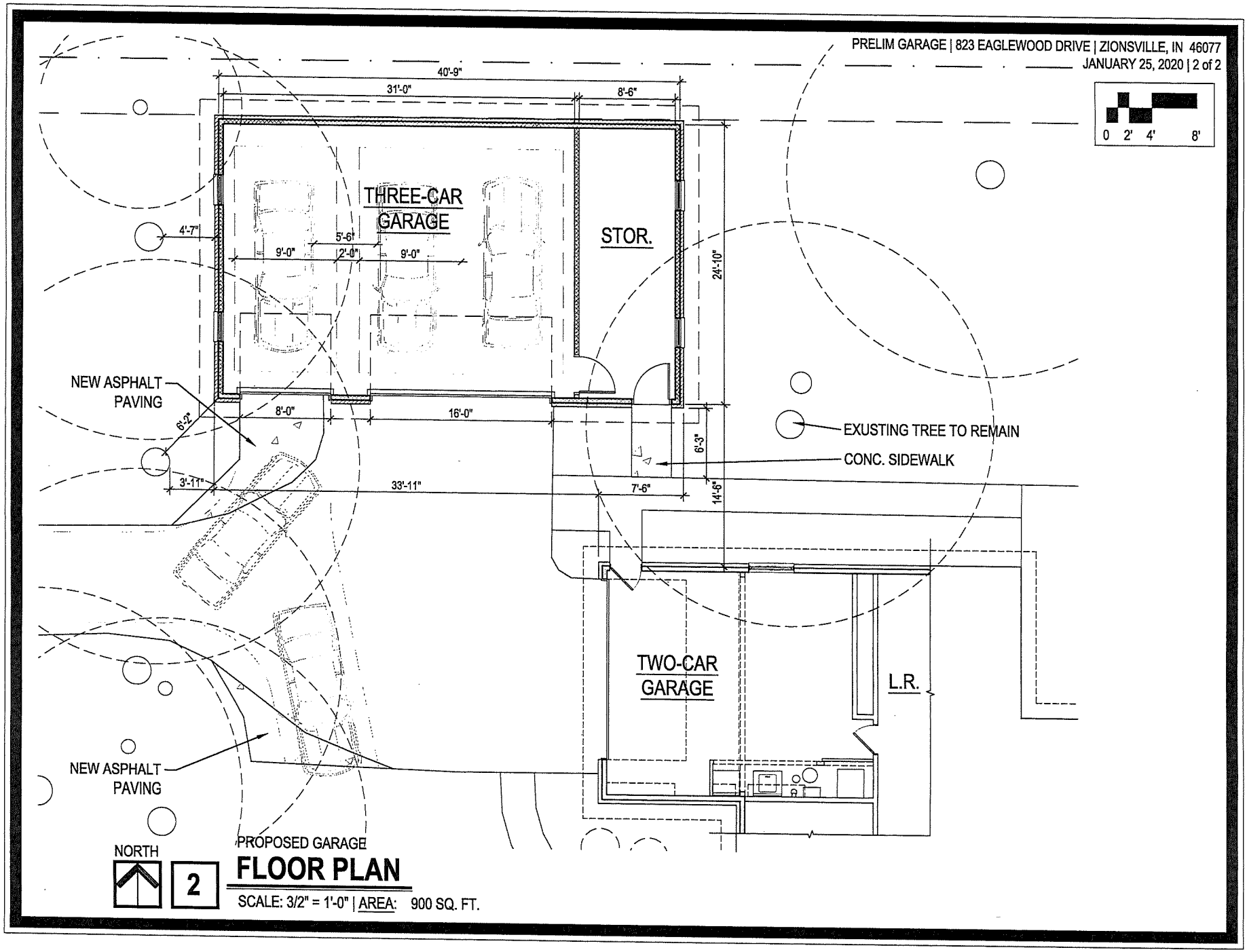
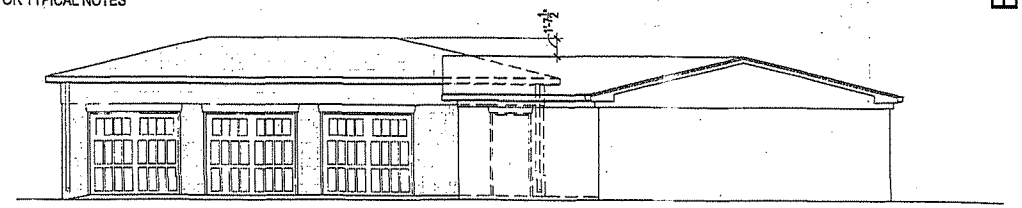

PRELIM GARAGE | 823 EAGLEWOOD DRIVE | ZIONSVILLE, IN 46077
JANUARY 25, 2020 | 2 of 2
0 2' 4' 8'
40'-9"
31'-0"
8'-6"
THREE-CAR GARAGE
STOR.
4'-7"
5'-6"
9'-0"
2'-0"
9'-0"
24'-10"
NEW ASPHALT PAVING
6'-2"
8'-0"
16'-0"
6'-3"
EXUSTING TREE TO REMAIN
CONC. SIDEWALK
3'-11"
33'-11"
7'-6"
14'-6"
TWO-CAR GARAGE
L.R.
NEW ASPHALT PAVING
NORTH
2
PROPOSED GARAGE
FLOOR PLAN
SCALE: 3/2" = 1'-0" | AREA: 900 SQ. FT.

Exhibit 5

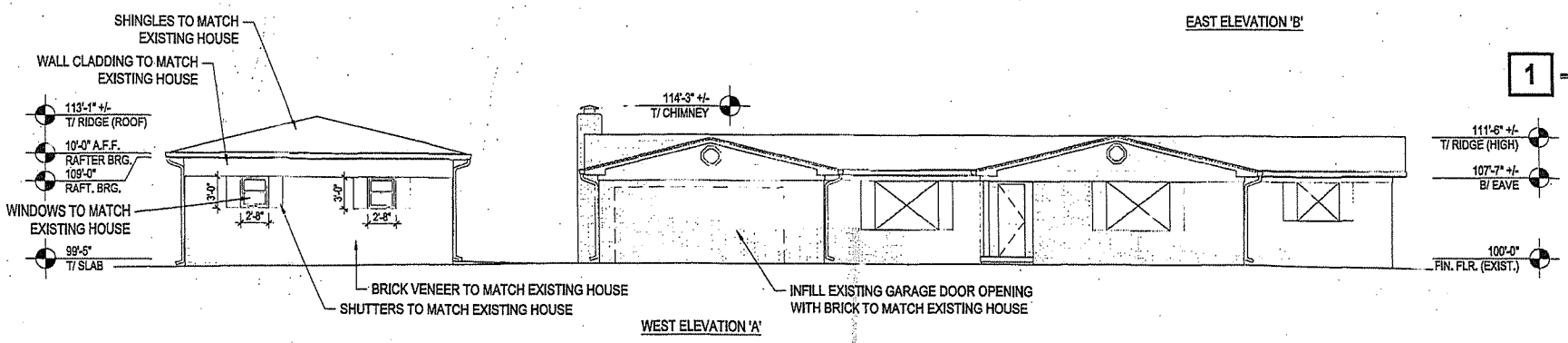
PROP. GARAGE ELEVATIONS | 823 EAGLEWOOD DRIVE | ZIONSVILLE, IN 46077
MARCH 10, 2020 | 2 of 2

0 2' 4' 8'

NOTE: SEE ELEVATION 1A
FOR TYPICAL NOTES



EAST ELEVATION 'B'



WEST ELEVATION 'A'

PROPOSED
1 ELEVATIONS
SCALE: 3/32" = 1'-0"

jason elliot burk, R.A.

7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com

Exhibit 6

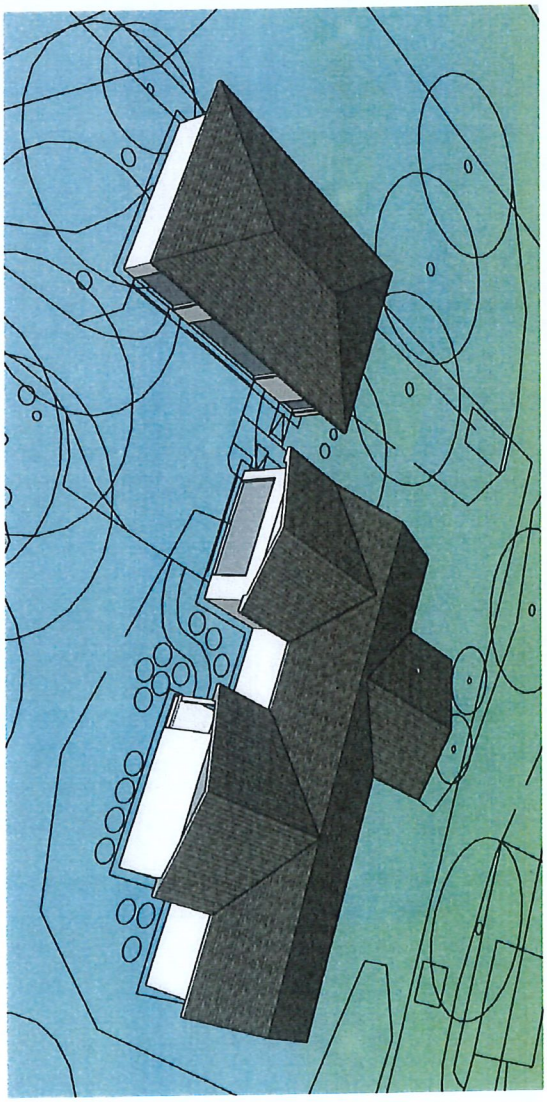


Exhibit 6

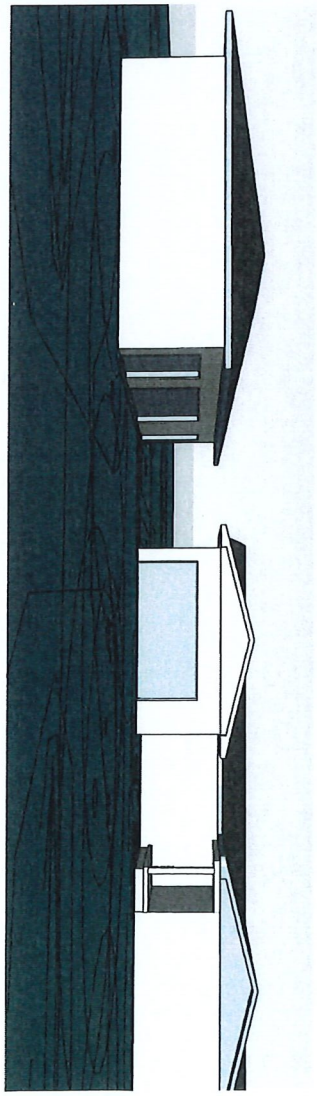


Exhibit 6

Petition No.: 2020 -08- DSV

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **(will / will not)** be injurious to the public health, safety, morals, and general welfare of the community because: the required front yard set back from the right of way is actually +/- 13' **greater** than the required development standard minimum. Our variance request is for the 70' setback from the centerline of Eaglewood Drive. Since the centerline of Eaglewood Drive is only 25' from the right of way, we are +/- 13' short of this requirement. The request for a variance from the height of the ridge is solely to keep the roof slopes of the proposed garage and the existing residence the same slope. With a hip roof the lineal footage of the ridge that exceeds the height requirement is minimized.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because: the proposed garage should actually increase the property values of existing and adjacent residence by eliminating the off street exposed parking of vehicles and the enclosing of trash cans and other storage. The proposed garage is brick, siding and dimensional shingles to match the architecture of the existing residence. The garage doors will be wood "caraige house" type garage doors which will upgrade the exterior elevations of the doors which will not be facing the street but rather facing the side yard.

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because: the existing garage is too small to practically house two cars and a laundry room. The only way we can get two cars into the existing garage is to back one in so both doors swing into the center leaving only about 28" to open the doors. Furthermore, a third vehicle and the trash cans must be left outside. The proposed garage will provide adequate space to enclose all vehicles and trash cans. The existing garage which also includes the laundry area can then be used for a large laundry rooms and expanded family room space. The old garage door will be replaced with windows/brick/siding to match the existing residence

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 7

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

RECEIVED
MAR 19 2020
TOWN OF ZIONSVILLE

February 18, 2020

Mr. Richard Anderson
5755 South 800 East
Zionsville, IN 46077

Dear Mr. Anderson,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,

Ken and Patricia Meiring

I (we) support the Meiring's Development Standard Variance

RICHARD ANDERSON	2.25.20	Richard Anderson
Printed Name	Date	Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Craig Stocking
620 White Oak Court
Zionsville, IN 46077

Dear Craig,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,
TRISH
Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

CRAIG STOCKING	2/24/20	Craig Stocking
Printed Name	Date	Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Don Veatch
822 Eaglewood Drive
Zionsville, IN 46077

Dear Don,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely, Trish

Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

DON VEATCH	02-22-2020	Don Veatch
Printed Name	Date	Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Scott Montgomery
821 Eaglewood Drive
Zionsville, IN 46077

Dear Scott,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,
Trish
Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

Susie Montgomery Feb. 21 2020
Printed Name Date Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Ms. Jennie Howell
6100 Eaglewood Drive
Zionsville, IN 46077

Dear Jennie,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,

TRISH

Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

Jenny Howell 2/24/20 Jenny Howell

Printed Name Date Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Ezequiel Hernandez
828 Eaglewood Dr
Zionsville, IN 46077

Mr. Hernandez

Trish and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,

Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance.

Ezequiel Hernandez 02-23-20

Printed Name Date Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mrs. Mary Moreland
827 Eaglewood Dr
Zionsville, IN 46077

Dear Mary,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

~~Sincerely,~~ TRISH
Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

MARY L MORELAND 2-22-2020 Mary L Moreland
Printed Name Date Signature

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-08-DSV

1. SITE INFORMATION:

Address of Property: 823 Eaglewood Drive South

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: Rural R-2 Area in acres: 0.568 +/-

2. PETITIONER/PROPERTY OWNER: Petitioner Name: Kenneth P Meiring and Patricia M Meiring Husband and Wife

Owner Name (if different from Petitioner): Petitioner Address:

Owner Address:

Petitioner Phone Number: 317 710 6666 Owner Phone Number: 317 710 6666

Petitioner E-Mail Address: kenmeiring@kpmeiring.com Owner E-Mail Address: kenmeiring@kpmeiring.com

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: Kenneth Meiring

Address: 823 Eaglewood Drive, Zionsville 46077

Phone Number: 317 710 6666

E-Mail Address kenmeiring@kpmeiring.com

Project Engineer:

Name: Jason Burk, Architect

Address: 7321 Pipestone Drive, Indianapolis, IN 46217

Phone Number: 317 691 3692

E-Mail Address: jason@burklegacy.com

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

☐ **Appeal** ☒ **Variance of Development Standards** ☐ **Variance of Use** ☐ **Special Exception** ☐ **Modification**

Front Yard Set Back and Building Height

5. ATTACHMENTS:

☒ Legal description of property
☐ Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
☐ Application Fee
☒ Proof of Ownership (copy of Warranty Deed)
☒ Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
☐ Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: _____ **Date:** 3/17/20
Kenneth P Meiring

Signature of Owner or Attorney for Owner: _____ **Date:** 3/17/20
Patricia M Meiring

State of FLORIDA)
SS:
County of ST JOHNS)

Subscribed and sworn to before me this 17th day of March, 2020.

_____ Chris Morin
Notary Public Signature Notary Public Printed

My Commission No: _____

My Commission Expires: _____

My County of Residence is _____ County

Notary Public State of Florida
Christopher Morin
My Commission GG 927955
Expires 10/30/2023

OWNER'S AUTHORIZATION

The undersigned, Kenneth P Meiring and Patricia Meiring, being the owner of the property commonly known as 823 Eaglewood Drive Zionsville, IN 46077, hereby authorizes Jason Burk, Architect to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature:		
Printed:	Kenneth Meiring	Patricia Meiring
Title:		

State of Florida)
SS:
County of St Johns)

Subscribed and sworn to before me this 17th day of March, 20 20.

Notary Public Signature

Chris Morin
Notary Public Printed

My Commission No:

My Commission Expires:

My County of Residence is County

Notary Public State of Florida
Christopher Morin
My Commission GG 927955
Expires 10/30/2023

(2)
25.00
Kenneth Meiring

2019012367 DEED $25.00
12/02/2019 03:38:18P 2 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Skeebo Properties, LLP(Grantor), a Florida Partnership, CONVEYS AND WARRANTS to Kenneth P. Meiring and Patricia M. Meiring, husband and wife (Grantees) of St. John's County, State of Florida, the following described real estate in Boone County, State of Indiana:

Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:

From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the last course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the place of beginning, containing 0.568 acres, more or less.

No money changed hands as a result of this transaction.

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 823 Eaglewood Drive, Zionsville, IN 46077.

IN WITNESS WHEREOF, Grantor has executed this deed this 18th day of November, 2019.

Grantor: Skeebo Properties, LLP

By: _____
Kenneth P. Meiring, Partner

~~Grantor:~~ Skeebo Properties, LLP

by: _____
Patricia M. Meiring, Partner

STATE OF Indiana)
)SS: ACKNOWLEDGEMENT
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared Kenneth P. Meiring and Patricia M. Meiring, partners of Skeebo Properties, LLP who acknowledged the execution of the foregoing Warranty Deed on behalf of said

DULY ENTERED FOR TAXATION
_____
12/2/19
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

partnership, and who, having been duly sworn, stated that any representations therein contained are true.
Witness my hand and Notarial Seal this 18 day of November, 2019.

My commission expires

Signature

Printed _____,
Notary Public

Resident of _____
County, Indiana

James G. Holland
NOTARY PUBLIC
STATE OF INDIANA
County of Residence: Marion
Commission No. NP0690654
My Commission Expires Sep 12 2024

This instrument was prepared by James G. Holland, Attorney at Law #7746-49, 6358 N. College Ave., Indianapolis, IN 46220.

Return deed to: Kenneth P. Meiring, 823 Eaglewood Drive., Zionsville, IN 46077

Send tax bills to AND GRANTEE ADDRESS: 823 EAGLEWOOD DR ZIONSVILLE IN 46077

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. James G. Holland

AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Patricia M Meiring, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS, to consider the Petition of: Kenneth P and Patricia M Meiring
(NAME OF PERSON ON PETITION)

Requesting: Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 823 Eaglewood Drive, Zionsville, IN 46077

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to the last known address of each of the following entities at the following addresses:

OWNERS	ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 17th day of MARCH, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

Patricia M Meiring
Name of person mailing letters

Patricia M. Meiring
Signature

State of Florida)

County of St Johns) **SS:**

Subscribed and sworn to before me this 17th day of March, 2020.

Notary Public Signature

Chris Morin
Notary Public Printed

My Commission No:

My Commission Expires:

My County of Residence is _____ County

Notary Public State of Florida
Christopher Morin
My Commission GG 927955
Expires 10/30/2023

Attribute report for active ID 1

ID	name	add1	add3
42919	REEF SCOTT A	630 WHITE OAK CT	ZIONSVILLE, IN 46077
42920	ANDERSON RICHARD A & KATHLEEN	5755 S 800 E	ZIONSVILLE, IN 46077
42921	VEATCH DON & JUDITH L	822 EAGLEWOOD DR	ZIONSVILLE, IN 46077
42926	MEIRING KENNETH P & PATRICIA M	823 EAGLEWOOD DR	ZIONSVILLE, IN 46077
42931	STOCKING CRAIG ELLIOTT & SELIT	620 WHITE OAK CT	ZIONSVILLE, IN 46077
42936	RUCH WILLIAM B & JANE G	610 WHITE OAK CT	ZIONSVILLE, IN 46077
42947	RAJSKI JULIA J & LAURA E EISNE	819 S EAGLEWOOD DR	ZIONSVILLE, IN 46077
42948	MONTGOMERY SCOTT & SUSAN	821 EAGLEWOOD DR	ZIONSVILLE, IN 46077

The Indianapolis Star
130 South Meridian Street
Indianapolis, IN 46225
Marion County, Indiana

Federal Id: 06-1032273

TOWN OF ZIONSVILLE

Account #:INI-2529
Order #:0004117775
# of Affidavits: 2

Total Amount of Claim:$107.24
This is not an invoice

TOWN OF ZIONSVILLE
ATTN ken
1100 W OAK ST
ZIONSVILLE, IN 46077

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN,
County Of Brown } **SS**:

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation printed and published in the English language in the city of INDIANAPOLIS in state and county of Marion, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being as follows:

The insertion being on the 03/19/2020

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Kathleen Allen

Date: 3/19, 2020 Title: **Clerk**

Subscribed and sworn to before me this 19 day of March, 2020

Shelly Hora
Notary Public

Notary Expires: 8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

Form Prescribed by State Board of Accounts General Form No. 99P (Rev. 2002)

To: **INDIANAPOLIS**

Indianapolis, IN

STAR
(Governmental Unit)

_____ County, Indiana_____

85 lines, 2 columns wide equals 170 equivalent lines at $0.63 per line @ 1 days,	$107.24
Website Publication	$0
Charge for proof(s) of publication	$0.00
TOTAL AMOUNT OF CLAIM	$107.24

Acct #:INI-2529
Ad #: 0004117775

DATA FOR COMPUTING COST
Width of single column 9.5 ems
Number of insertions 1
Size of type 7 point

Claim No. _____ Warrant No. _____
IN FAVOR OF
The Indianapolis Star
Indianapolis, IN
Marion County
130 S. Meridian St. Indianapolis, IN 46225

$ _____
On Account of Appropriation For

_____

FED. ID
#06-1032273

Allowed _____ , 20_____

In the sum of $_____

_____

I certify that the within claim is true and correct; that the services there-in itemized and for which charge is made were ordered by me and were necessary to the public business.

_____

_____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

_____

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, 4/1/20, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:
2020-08-DSV, Kenneth and Patricia Meiring requests a Development Standards Variance to provide for or permit:
Construction of a Detached Garage

2020-08-DSV K. Meiring 823 Eaglewood Drive Petition for Development Standards Variance in order to provide for the construction of a detached garage which:
1) Deviates from the required minimum front yard setback; and
2) Deviates from the required maximum permissible height associated with an accessory structure
in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as:
823 Eaglewood Drive, Zionsville, IN 46077,
and is legally described as:
Part of the Northwest Quarter of Section 4, Township 17 North. Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:
From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the fast course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line p of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the lace of beginning, containing 0.568 acres, more or less.

A copy of the Petition for Development Standards Variance.
, and all plans
pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance
will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

INI - 3/19/2020 - 0004117775 hspaxlp

7019 1120 0001 6543 2798

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077 OFFICIAL USE

Certified Mail Fee $3.55
Extra Services & Fees (check box, add fee as appropriate) $2.85
- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0482 13
Postmark Here
03/17/2020

Sent To SCOTT MONTGOMERY
Street and Apt. No., or PO Box No. 821 EAGLEWOOD DRIVE
City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 3030

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ZIONSVILLE, IN 46077 OFFICIAL USE

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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0482 13
Postmark Here
03/17/2020

Sent To CRAIG STOCKING
Street and Apt. No., or PO Box No. 620 WHITE OAK COURT
City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2804

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- Adult Signature Restricted Delivery $

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Total Postage and Fees $6.95

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03/17/2020

Sent To SCOTT A REEF
Street and Apt. No., or PO Box No. 630 WHITE OAK COURT
City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

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- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0482 13
Postmark Here
03/17/2020

Sent To RICHARD A ANDERSON
Street and Apt. No., or PO Box No. 5755 60TH 800 EAST
City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2781

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0482 13
Postmark Here
03/17/2020

Sent To DON VEATCH
Street and Apt. No., or PO Box No. 827 EAGLEWOOD DRIVE
City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 3047

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Extra Services & Fees (check box, add fee as appropriate) $2.85
- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
Total Postage and Fees $6.95

0482 13
Postmark Here
03/17/2020

Sent To WILLIAM RUCH
Street and Apt. No., or PO Box No. 610 WHITE OAK COURT
City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2767

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ZIONSVILLE, IN 46077

OFFICIAL USE

Certified Mail Fee $3.55
$ $2.85

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $ $0.00
- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $ $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $0.55
$

Total Postage and Fees $6.95
$

0482
13

Postmark Here

03/17/2020

Sent To SULIA RASSKI

Street and Apt. No., or PO Box No. 819 EAGLEWOOD DRIVE

City, State, ZIP+4® ZIONSVILLE, INDIANA 46077-9045

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2750

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ZIONSVILLE, IN 46077

OFFICIAL USE

Certified Mail Fee $3.55
$ $2.85

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $ $0.00
- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

0482
13

Postmark Here

Sent To SULIA RASSKI

Street and Apt. No., or PO Box No. 819 EAGLEWOOD DRIVE

City, State, ZIP+4® ZIONSVILLE, INDIANA 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

UNITED STATES POSTAL SERVICE®

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823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: SCOTT MONTGOMERY
821 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form **3817**, April 2007 PSN 7530-02-000-9065

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From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: JULIA RAJSKI
819 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form **3817**, April 2007 PSN 7530-02-000-9065

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ZIONSVILLE, INDIANA
46077-9045

To: WILLIAM RUCH
610 WHITE OAK COURT
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

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819 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

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From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: RICHARD A ANDERSON
5755 SOUTH 800 EAST
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form **3817**, April 2007 PSN 7530-02-000-9065

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823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: CRAIG STOCKING
620 WHITE OAK COURT
ZIONSVILLE, INDIANA
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823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: SCOTT A. REEF
630 WHITE OAK COURT
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

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From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: DON VEATCH
822 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form **3817**, April 2007 PSN 7530-02-000-9065

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,

4/1/20, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-08-DSV, Kenneth P and Patricia M Meiring requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Development Stardards Varianc to provide for or permit:
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

Petition for Development Standards Variance in order to provide for the construction of a detached garage which:

1) Deviates from the required minimum front yard setback; and

2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as: 823 Eaglewood Drive, Zionsville, IN 46077,
(COMMON ADDRESS)
and is legally described as:

Part of the Northwest Quarter of Section 4, Township 17 North. Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:
From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the fast course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line p of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the lace of beginning, containing 0.568 acres, more or less.

A copy of the Petition for Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.
Oral comments to the Petition for Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

Publish: _____

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

Board of Zoning Appeals
Town of Zionsville IN
1100 West Oak Street
Zionsville, IN 46077

March 16, 2020

Dear Board Members,

Trish Meiring and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, please note that we are in compliance with the front yard setback from the right of way. The development standards require 20' from the right of way. Our proposed garage is 33' which is 13' further back than required.

2) The second development standard is the height of the ridge of the garage. The garage ridge will be up to 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height. Additionally, we are proposing a hip roof which will reduce the lineal footage of ridge that exceeds the standard height requirement

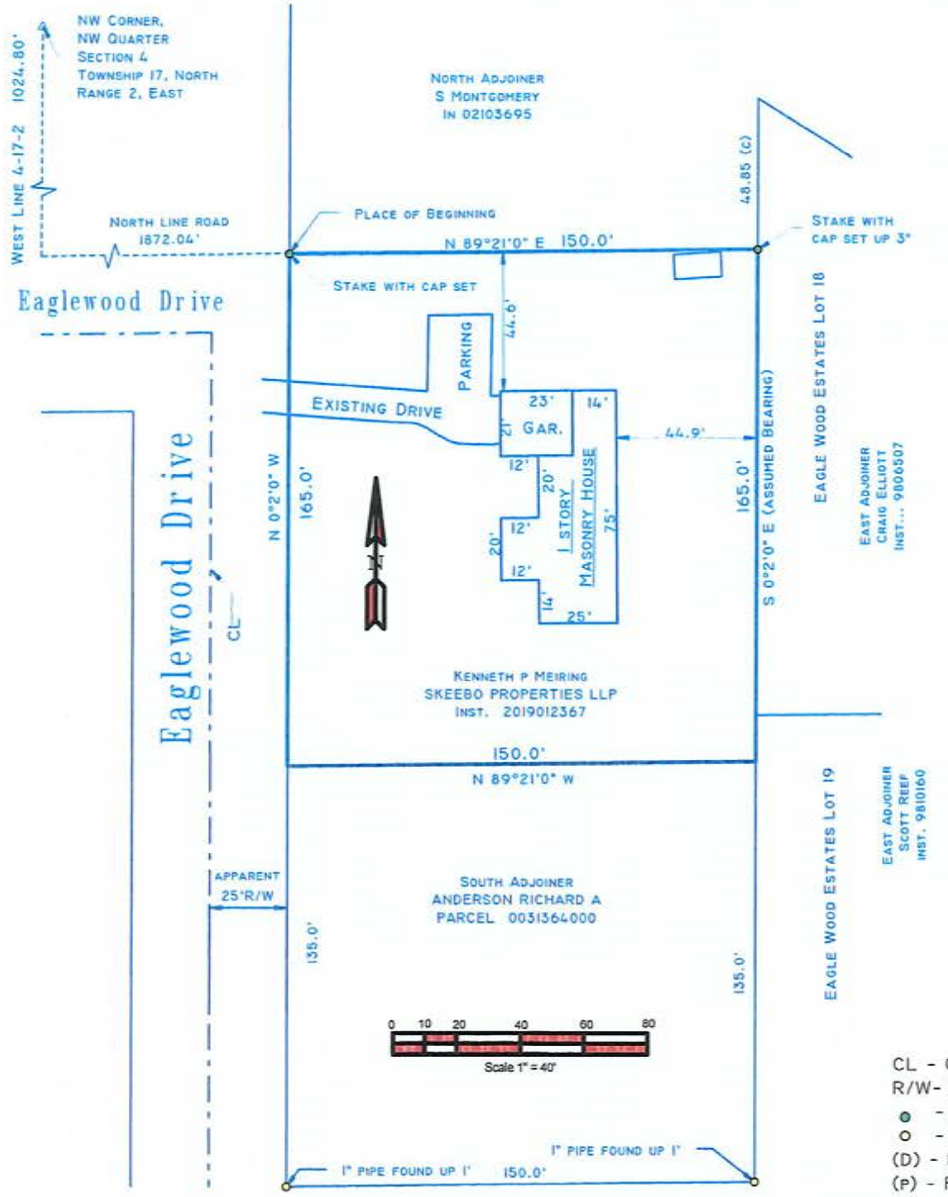
We have met with seven of our neighbors on our street, including 5 of the 7 adjoining property owners. We have been unable to make contact or meet with two of the adjoining property owners on White Oak Street which adjoin the rear corners of our property. All seven of the neighbors with whom we were able to make contact support our variance request.

We submitted with the application seven letters from neighbors supporting our variance request. We respectfully request that the Board approve our request

Trish Meiring

Ken and Trish Meiring

RECEIVED
MAR 19 2020
TOWN OF ZIONSVILLE



CL - CENTER LINE
R/W- RIGHT OF WAY
● - STAKE WITH CAP SET
○ - MONUMENT FOUND
(D) - DEED DIMENSION
(P) - PLAT DIMENSION
(M) - MEASURED DIMENSION
(C) - CALCULATED DIMENSION

Legal Description:

Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follow:

From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the last course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the place of beginning, containing 0.568 acres, more or less.

Surveyors Report:

The purpose of this survey was to conduct a retracement Survey of the lines and corners of this parcel for use the building of a new garage.

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of uncertainties in the reference monuments, discrepancies in record descriptions and plats, inconsistencies in lines of occupations and the relative position accuracy of the measurements. There may be unwritten rights associated with these uncertainties. This Relative Position accuracy of the corners of the parcel established by this survey is within the specifications for a Suburban Survey as defined by IAC 865

Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded deeds used in this survey. There are rounding differences associated with the deed angles and the deed dimensions. Uncertainty due to these discrepancies is equal in magnitude of these discrepancies, and is as much as 2 feet.

Existing Documentation: The Northwest corner of the Northwest Quarter of Section 4 Township 17 North, Range 2 East was found as per Boone County Tie sheets. There were a few existing stakes found at property corners of nearby parcels.

Lines of occupation: There are Utility lines and poles generally running along the East property line of this parcel. An assumed bearing was established using the West line of adjoining Eagle Woods Estates and exiting monumention found. Deed and Plat distances, as well as found monuments were used in establishing the boundary lines and corners of subject parcel.

All survey monuments set on this survey are set flush with the existing grade unless otherwise noted. The measurements shown on the herein drawing are field measurements (M), unless noted otherwise. (D) Deed, (P) plat (C) calculated.

This Instrument prepared without the use of Title Commitment.
I, the undersigned, HEREBY CERTIFY, that to the best of my professional knowledge and belief that the within described Plat represents a true and accurate survey completed by myself on January 3, 2020 and correctly represents the boundary line of the above described real estate.

Douglas S. Alig, L.S. 20300024

DOUGLAS S. ALIG REGISTERED No. 20300024 STATE OF INDIANA LAND SURVEYOR

No.	Revision	Date

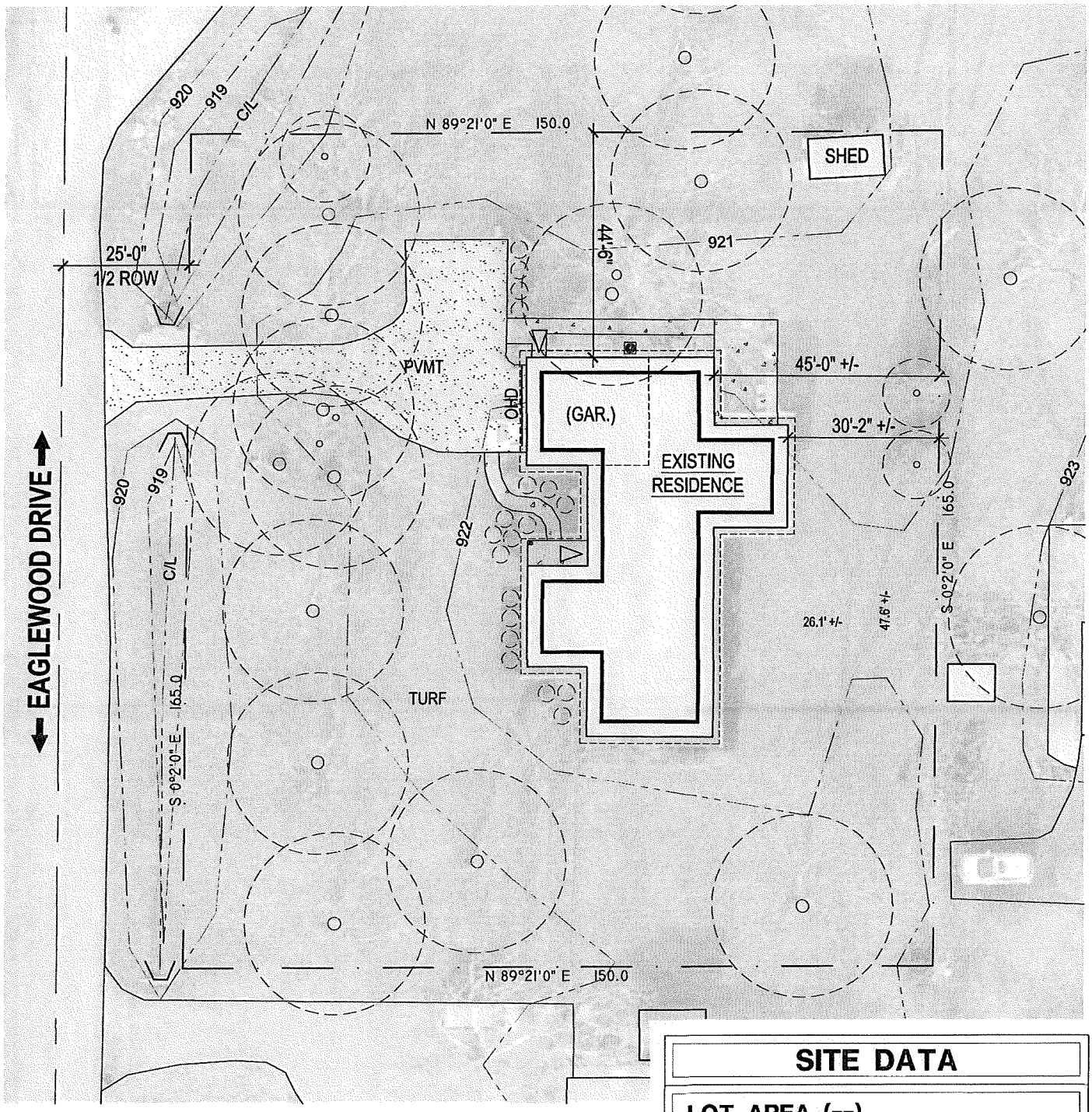
ALIG ENGINEERING, INC.
8271 N WASHINGTON BLVD.
INDIANAPOLIS, IN. 46240-2253
317-254-5670
ENGINEERING

Meiring Residence
823 Eaglewood Drive
Zionsville. IN 46077

Sheet Title: Boundary Survey

Date: Jan 21, 2020
Scale: 1" = 40'
Sheet No.: 1

FILE 20-978



SITE DATA

LOT AREA (--)

PARCEL SIZE	24,748 S.F. (0.57 ACRES)

TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
TOTAL COVERED AREA	3,295 SQ. FT. +/-
EXIST. OPEN SPACE	87 %

NOTE:

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

jason elliot burk, R.A.

JASON ELLIOT BURK R.A.

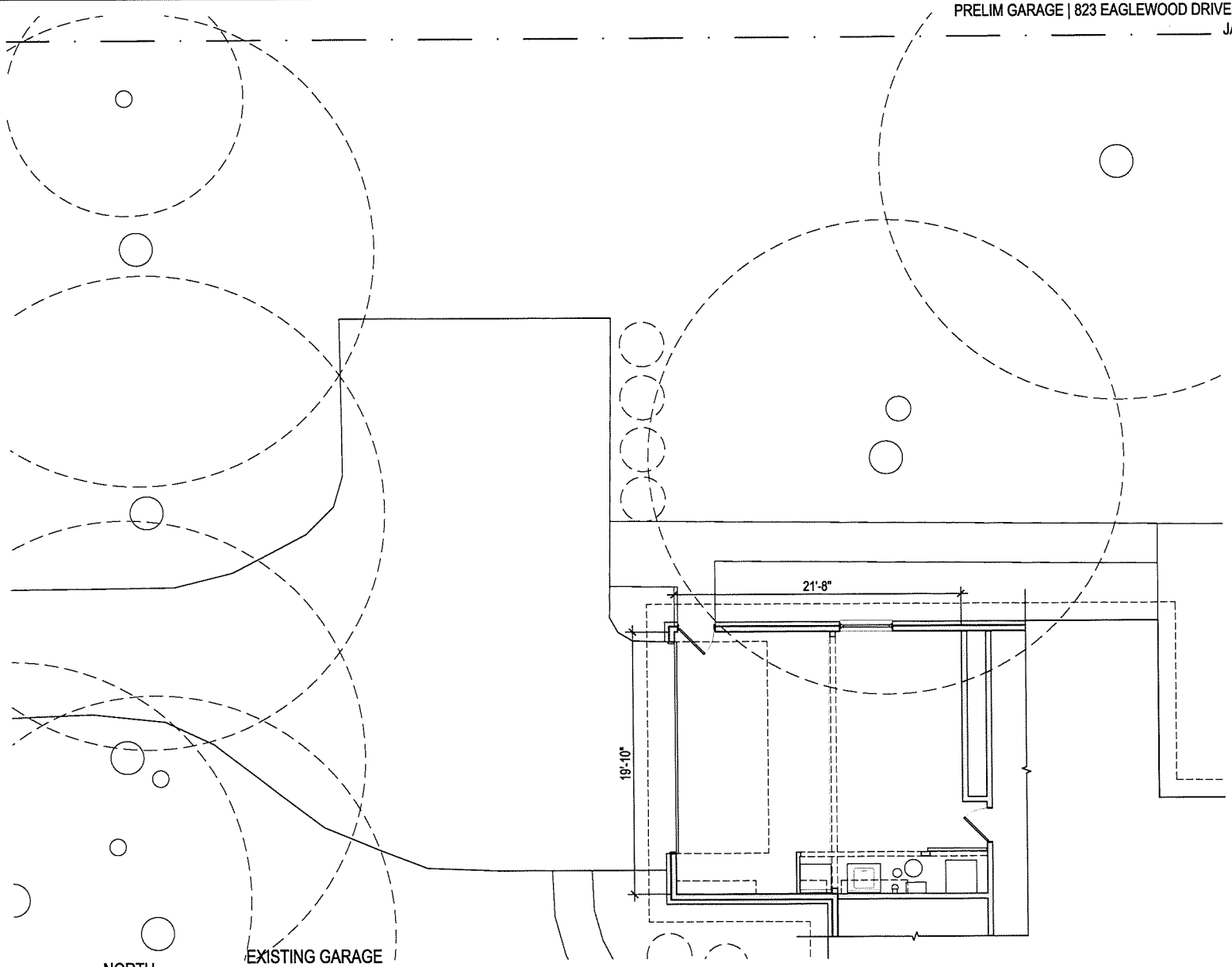
7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com

NORTH

1

EXISTING
SITE PLAN
SCALE: 1" = 30'-0"

0 7.5' 15'

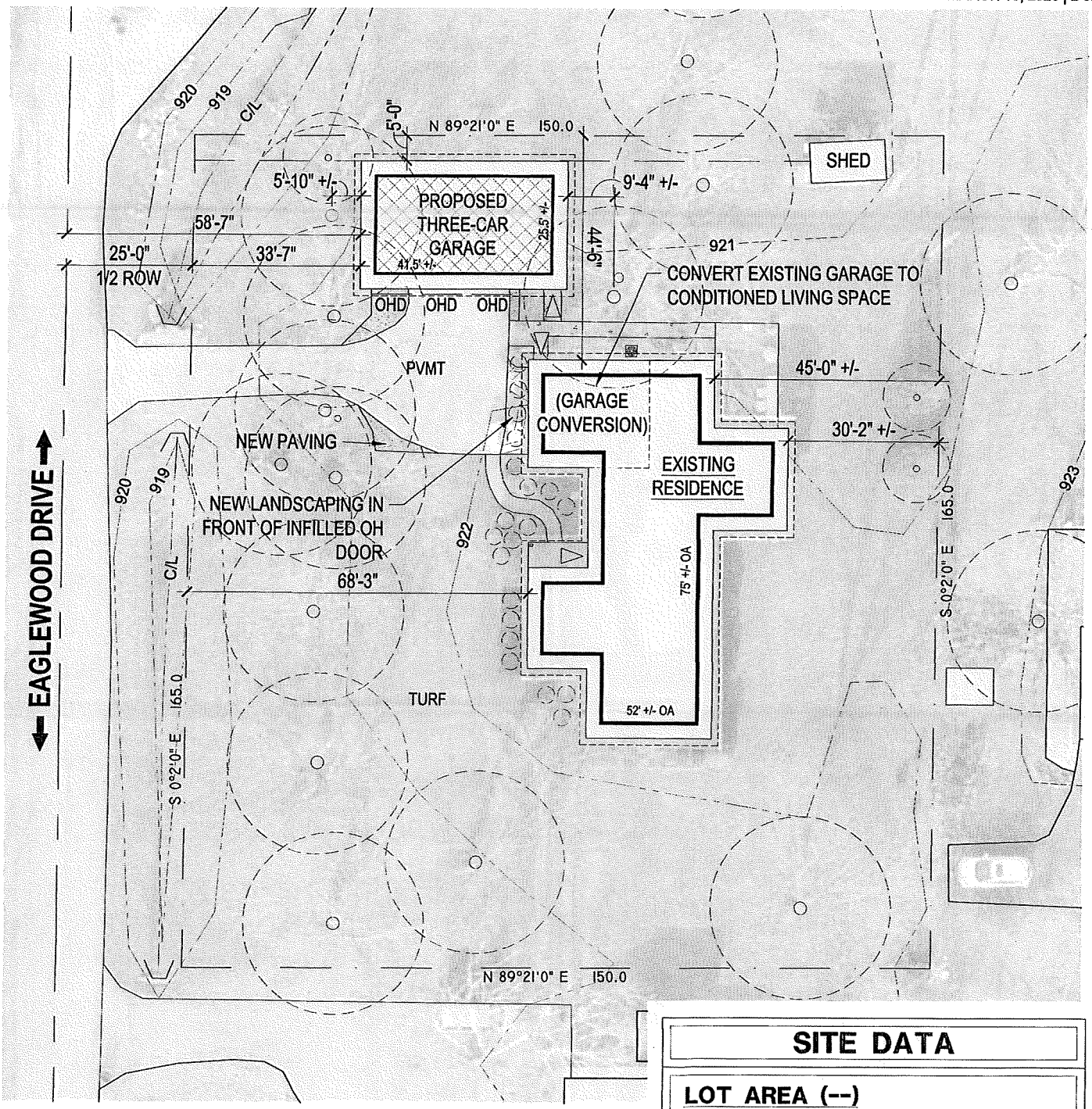


EXISTING GARAGE

1

FLOOR PLAN

SCALE: 3/2" = 1'-0"



SITE DATA

LOT AREA (--)

PARCEL SIZE	24,748 S.F. (0.57 ACRES)

TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
PROP. GAR. FOOTPRINT AREA	1,242 S.F. +/-
TOTAL COVERED AREA	4,737 SQ. FT. +/-
PROPOSED OPEN SPACE	81 %

NOTE:

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

jason elliot burk, R.A.

JASON ELLIOT BURK R.A.

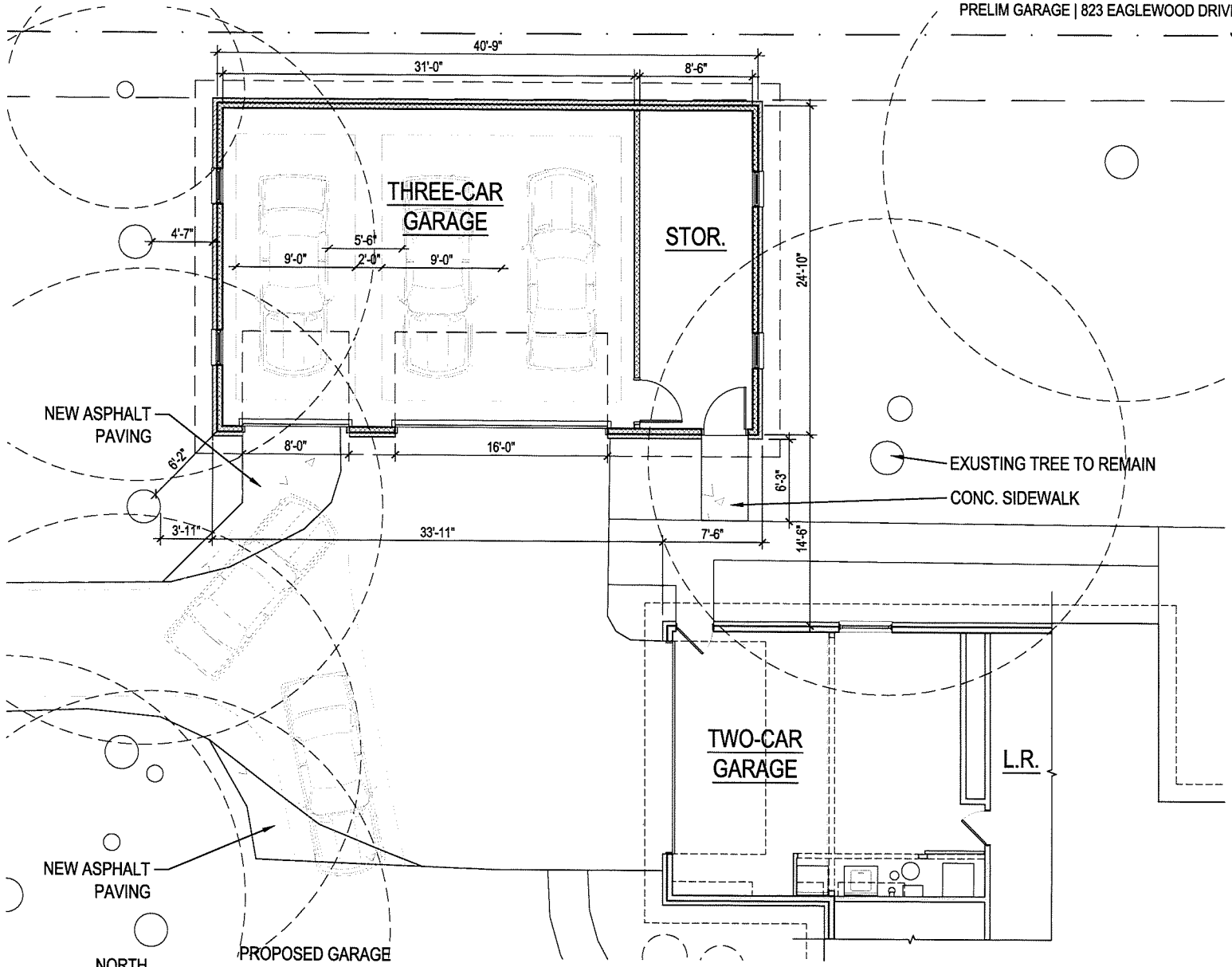
7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com

NORTH

2

PROPOSED
SITE PLAN
SCALE: 1" = 30'-0"

0 7.5' 15'



NORTH

2

PROPOSED GARAGE

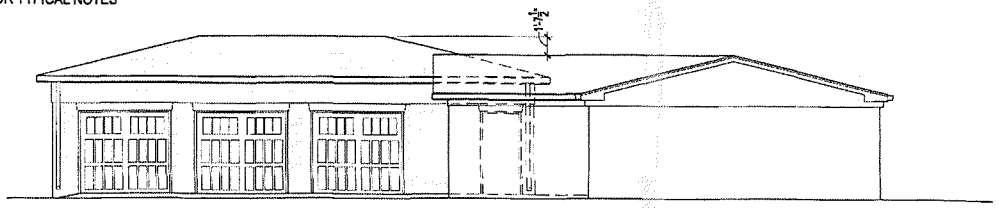
FLOOR PLAN

SCALE: 3/2" = 1'-0" | AREA: 900 SQ. FT.

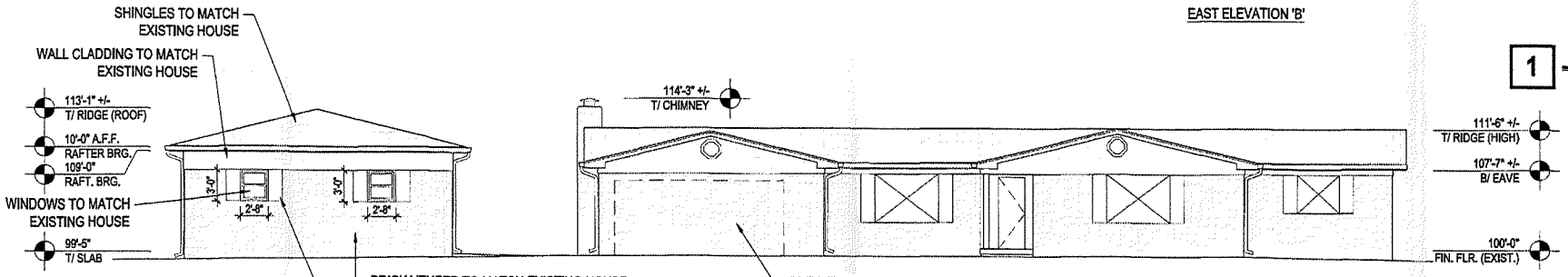
PROP. GARAGE ELEVATIONS | 823 EAGLEWOOD DRIVE | ZIONSVILLE, IN 46077
MARCH 10, 2020 | 2 of 2

0 2' 4' 8'

NOTE: SEE ELEVATION 1A
FOR TYPICAL NOTES



EAST ELEVATION 'B'



WEST ELEVATION 'A'

PROPOSED

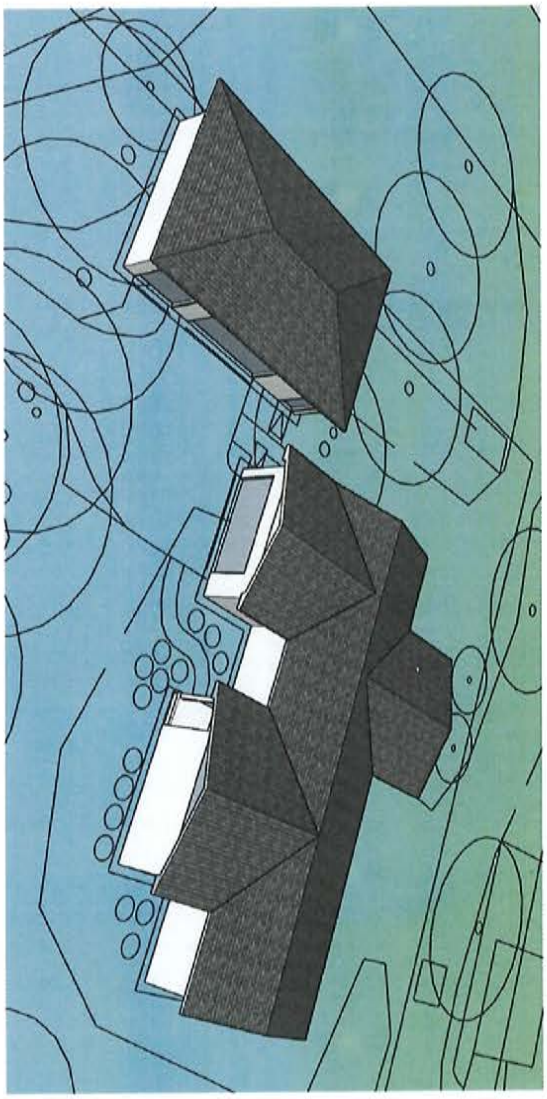
1 **ELEVATIONS**

SCALE: 3/32" = 1'-0"

jason elliot burk, R.A.

JASON ELIOT BURK R.A.

7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com



Petition No.: 2020 -08- DSV

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **(will / will not)** be injurious to the public health, safety, morals, and general welfare of the community because: the required front yard set back from the right of way is actually +/- 13' **greater** than the required development standard minimum. Our variance request is for the 70' setback from the centerline of Eaglewood Drive. Since the centerline of Eaglewood Drive is only 25' from the right of way, we are +/- 13' short of this requirement. The request for a variance from the height of the ridge is solely to keep the roof slopes of the proposed garage and the existing residence the same slope. With a hip roof the lineal footage of the ridge that exceeds the height requirement is minimized.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because: the proposed garage should actually increase the property values of existing and adjacent residence by eliminating the off street exposed parking of vehicles and the enclosing of trash cans and other storage. The proposed garage is brick, siding and dimensional shingles to match the architecture of the existing residence. The garage doors will be wood "caraige house" type garage doors which will upgrade the exterior elevations of the doors which will not be facing the street but rather facing the side yard.

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because: the existing garage is too small to practically house two cars and a laundry room. The only way we can get two cars into the existing garage is to back one in so both doors swing into the center leaving only about 28" to open the doors. Furthermore, a third vehicle and the trash cans must be left outside. The proposed garage will provide adequate space to enclose all vehicles and trash cans. The existing garage which also includes the laundry area can then be used for a large laundry rooms and expanded family room space. The old garage door will be replaced with windows/brick/siding to match the existing residence

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-09-DSV
Subject Site Address:	324 S 9th Street
Petitioner:	Ramiro De La Cruz & Alejandra Chavez
Representative:	Ramiro De La Cruz & Alejandra Chavez
Request:	Petition for Development Standards Variance to allow for an existing outdoor fireplace to continue to: 1) encroach into the required minimum 5-foot side yard setback in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Residential Village Zoning District (RV)
Current Land Use:	Single-family Residential
Approximate Acreage:	.31 acres
Zoning History:	No prior petitions are known.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Narrative Exhibit 4 – Petitioners Site Plan Exhibit 5– Petitioners Exhibits Exhibit 6 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the April 1, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.31 acres of Lots 1 and 2 in Schick's Addition to the Town of Zionsville as well as the North Half of vacated Laurel Avenue lying South of and adjacent to Lot 1 in Schick's Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.31-acre parcel is currently improved with a 5,097 +/- square foot single-family dwelling and accessory uses built in 2011. Per the narrative included, the petitioner hired two separate contractors to install a deck and outdoor fireplace of which a permit was obtained for the deck only (#2019-526). After the fireplace was constructed it was discovered through a town inspection, it was encroaching into the minimum 5-foot side yard setback requirements and therefore would need to seek approval of a Development Standards Variance. A temporary certificate of occupancy was issued on September 27, 2019 pending the outcome of from the Board of Zoning Appeals for the allowance of a fireplace to be located within a side yard setback.

SETBACKS (SIDE YARDS)

Per the RV Residential Village District regulations, improvements to the site are required to conform to minimum setback standards (side yard minimum: 5 feet with 15-foot aggregate, rear yard minimum). The site enjoys a conforming 15-foot side yard setback from the south parcel line for the existing single-family dwelling which adjoins a public asphalt path and access point to Zionsville's trail system. The installation of the outdoor fireplace as part of the outdoor living space created a non-conforming 3-foot 9-inch side yard setback from the north parcel line and an aggregate side yard setback of 18-foot 9-inch.

Staff recognizes the desire to locate the outdoor living space along the north side of their parcel to gain as much privacy as possible given the adjoining non-residential, public space along the south parcel line. Additionally, it is understood the Petitioners were not aware the fireplace had not been submitted as part of the Improvement Location Permit application. As such, the town's building inspectors did not have the opportunity to review the placement of the fireplace as part of their review prior to the issuance of the permit.

In summary, the Petitioner is requesting to utilize as much as three feet nine inches of encroachment into the required side yard setback as to address the issue created by the encroachment. Encroachments into required setbacks within the Residential Village Zoning District are not uncommon. A review of setbacks in the vicinity, shows additional parcels (to the north) which enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. While this may be the case, and while important, this is not a deciding factor in the consideration of this petition in the opinion of Staff.

Uniquely, the Zoning Ordinance supports the presence of lateral encroachments into setbacks. This provision includes eaves and overhangs, fireboxes, bay windows, and other appurtenances. Said another way, if the fireplace was laterally supported by a dwelling built in compliance with setback standards, it

could encroach two (2) feet into the side yard setback. The fact that the fireplace is freestanding and not laterally supported is the essence of why a variance is needed in this case.

With the above in mind, Staff is supportive of the non-conforming 3-foot 9-inch side yard setback from the north parcel line and an aggregate side yard setback of 18-foot 9-inch as illustrated on the Petitioner's site plan attached to this staff report.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

STAFF RECOMMENDATIONS

Staff would be supportive of the Development Standards Variance for an existing outdoor fireplace to continue to encroach into the required minimum 5-foot side yard setback in Docket #2020-09-DSV.

RECOMMENDATION MOTION

I move that Docket #2020-09-DSV Development Standards to allow for an existing outdoor fireplace to continue to: 1) encroach into the required minimum 5-foot side yard setback (as further described in the exhibits to this report), in the Residential Village Zoning District (RV) for the property located at 324 S 9th Street be (Approved as filed, based upon the findings of fact / Denied/ Continued).

Flood Hazard BC 2013
FLD_ZONE:
AE
X
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
PINE ST
PLUM ST
EIGHTH ST
LAUREL AV
HAWTHORNE ST
SYCAMOR
STARKEY RD
0
136
273
1" = 136ft
N
W
E
S

Exhibit 2

The De La Cruz Family

324 S. 9th Street

Zionsville, IN 46077

March 21, 2020

Hello Neighbors,

We hope you are all staying safe and healthy in these difficult moments for our community and country. We apologize for the timing of this letter in the middle of the current situation, but we are following Town of Zionsville procedures for a variance of development standards.

As background information, we purchased our home in the village in May of 2019. We hired two separate contractors to build our deck and designer outdoor fireplace. The deck contractor applied for an improvement location permit (#2019-526) for the residential deck, only. During the inspection of this permit, it was discovered that the fireplace was apparently not in compliance with yard fence setback therefore we needed to investigate further. Turns out the northern most corner of our new fireplace was encroaching the set back limits to our north fence line. As the homeowners, we were surprised, extremely disappointed and embarrassed that both contractors, who were aware, failed to review and meet the zoning ordinance. We are respectfully seeking a variance with the Town of Zionsville, to avoid tearing down this beautiful addition and investment in our property.

Enclosed is the notice of public hearing and photos of our backyard improvement. If you have any questions, feel free to give us a call.

Best regards,

Alejandra + Ramiro

Alejandra and Ramiro

Tel: 317-361-8872

Exhibit 3

SURVEYOR LOCATION REPORT

This report was prepared only for:

MERIDIAN TITLE CORPORATION (#19-12006).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).

PROPERTY ADDRESS: 324 South 9th Street, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0334E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Ramiro De La Cruz

HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

Job No: 2019041418

Exhibit 4

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend

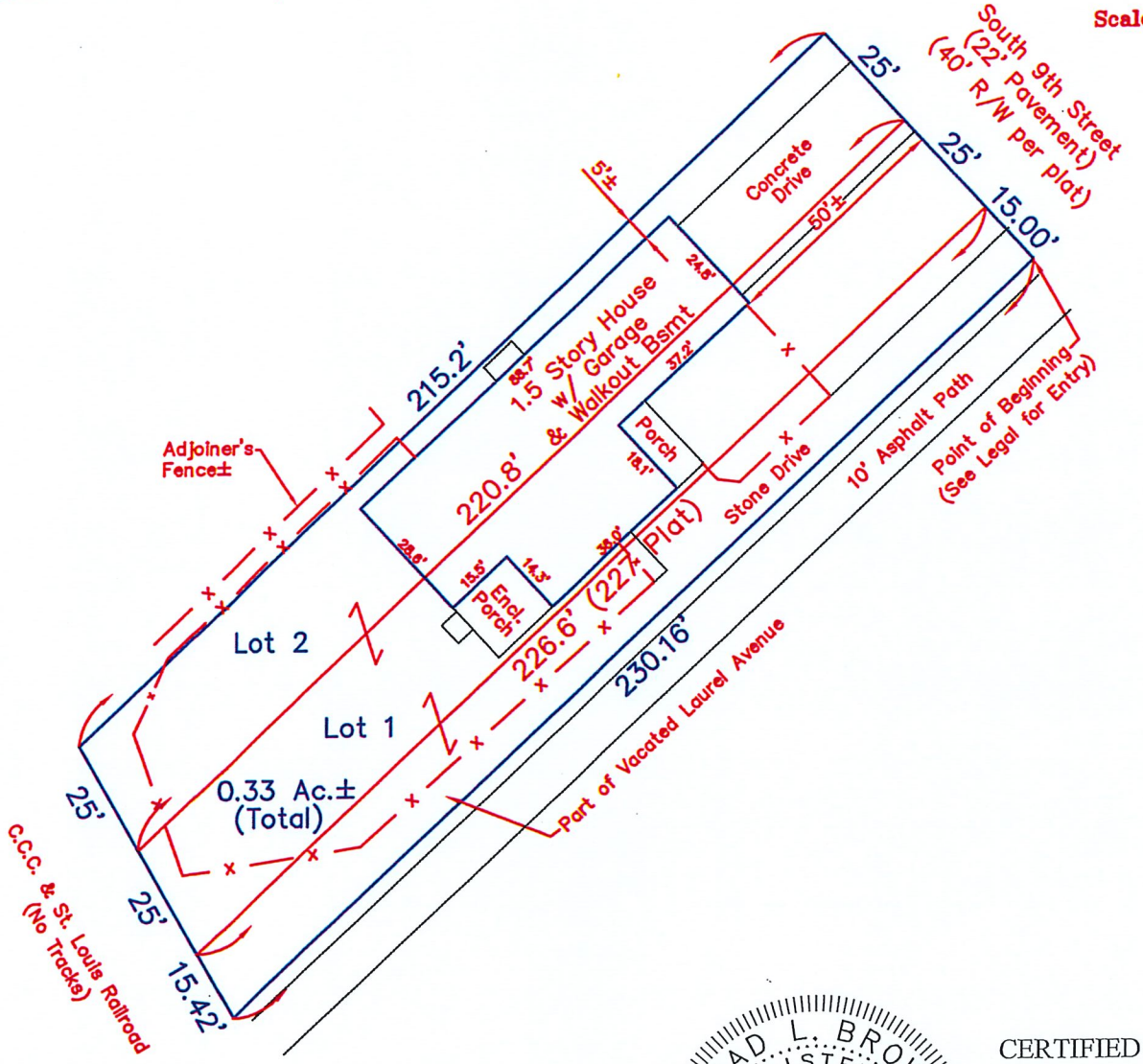
R/W — Right-of-Way

—— x —— Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Note: Stone drive 3'± past South line.

Scale: 1"=40'



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www.hahnsurveying.com

CHAD L. BROWN REGISTERED No. 21100002 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 04/17/2019

Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: 2019041418
Sheet 2 of 3

Exhibit 4

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

ALSO:

The North Half of vacated Laurel Avenue lying South of and adjacent to Lot Number 1 in Schick's Addition to the Town of Zionsville as per plat thereof recorded in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

A part of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Boone County, Indiana; thence North 00 degrees 29 minutes 22 seconds West (assumed bearing) on the East line of said Quarter Section 421.55 feet to the Southeasterly right-of-way line of Laurel Avenue; thence South 47 degrees 05 minutes 37 seconds West on said right-of-way line 56.05 feet to the Southeasterly extension of the Southwest right-of-way line of Ninth Street; thence North 42 degrees 54 minutes 23 seconds West on said Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the centerline of vacated Laurel Avenue and the POINT OF BEGINNING of the within described real estate; thence South 47 degrees 05 minutes 37 seconds West along said centerline of vacated Laurel Avenue 230.16 feet to the East right-of-way line of the Cleveland, Cincinnati, Chicago and St Louis Railway Company, Chicago Division; thence North 29 degrees 33 minutes 14 seconds West on said East line 15.42 feet to the Southwest corner of Lot 1 in said Schick's Addition; thence North 47 degrees 05 minutes 37 seconds East on the Southeasterly line of said Lot 1 a distance of 226.60 feet (227 feet per plat) to the Southeast corner of said Lot 1; thence South 42 degrees 54 minutes 23 seconds East on the Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the point of beginning, containing 0.079 acres, more or less.

HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

Job No.: 2019041418

Exhibit 4

SURVEYOR LOCATION REPORT

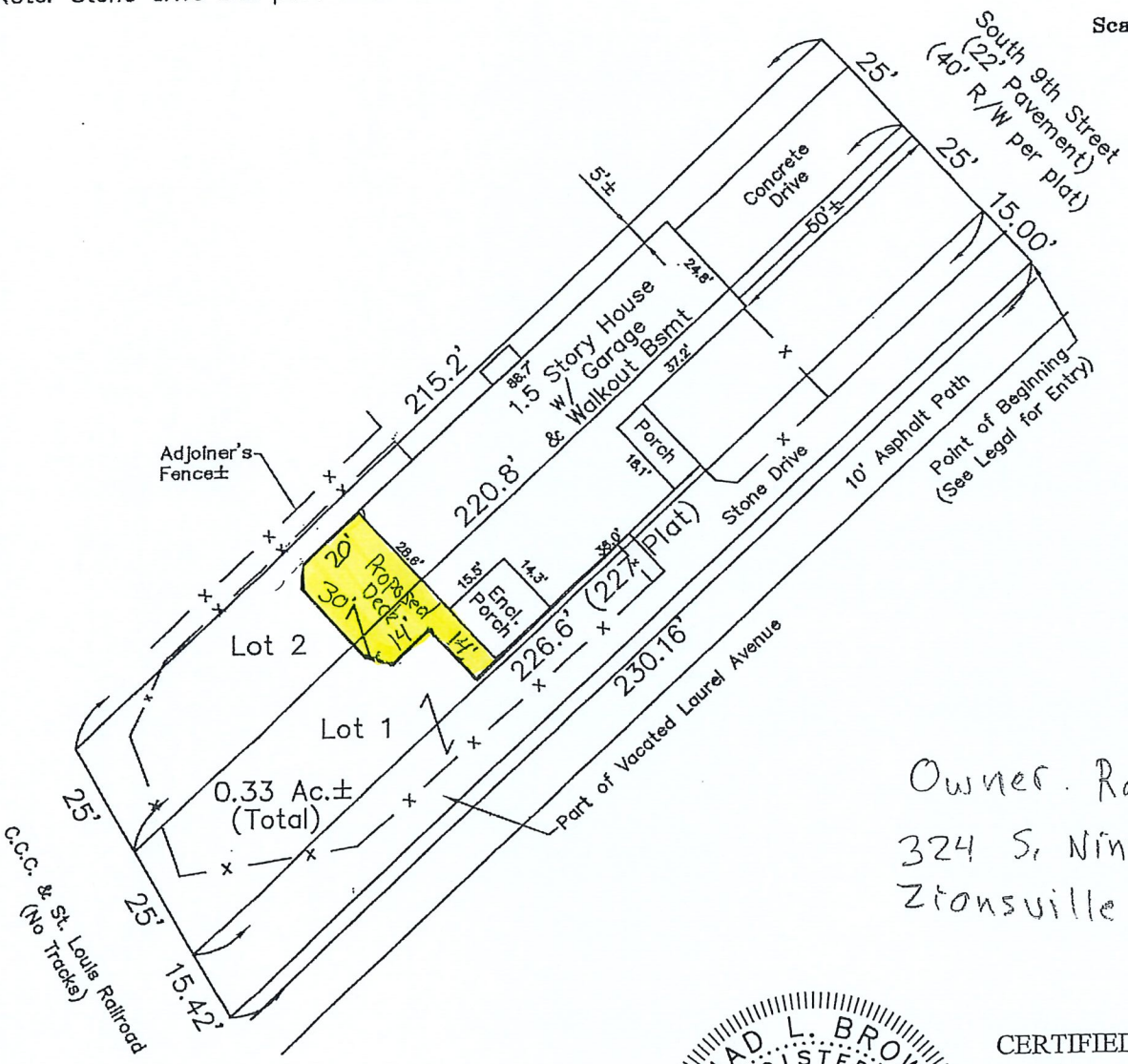
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend

R/W	Right-of-Way
—— x ——	Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.
Note: Stone drive 3'± past South line.

Scale: 1"=40'



Owner. Ramiro De La Cruz
324 S. Ninth St
Zionsville, IN 46077

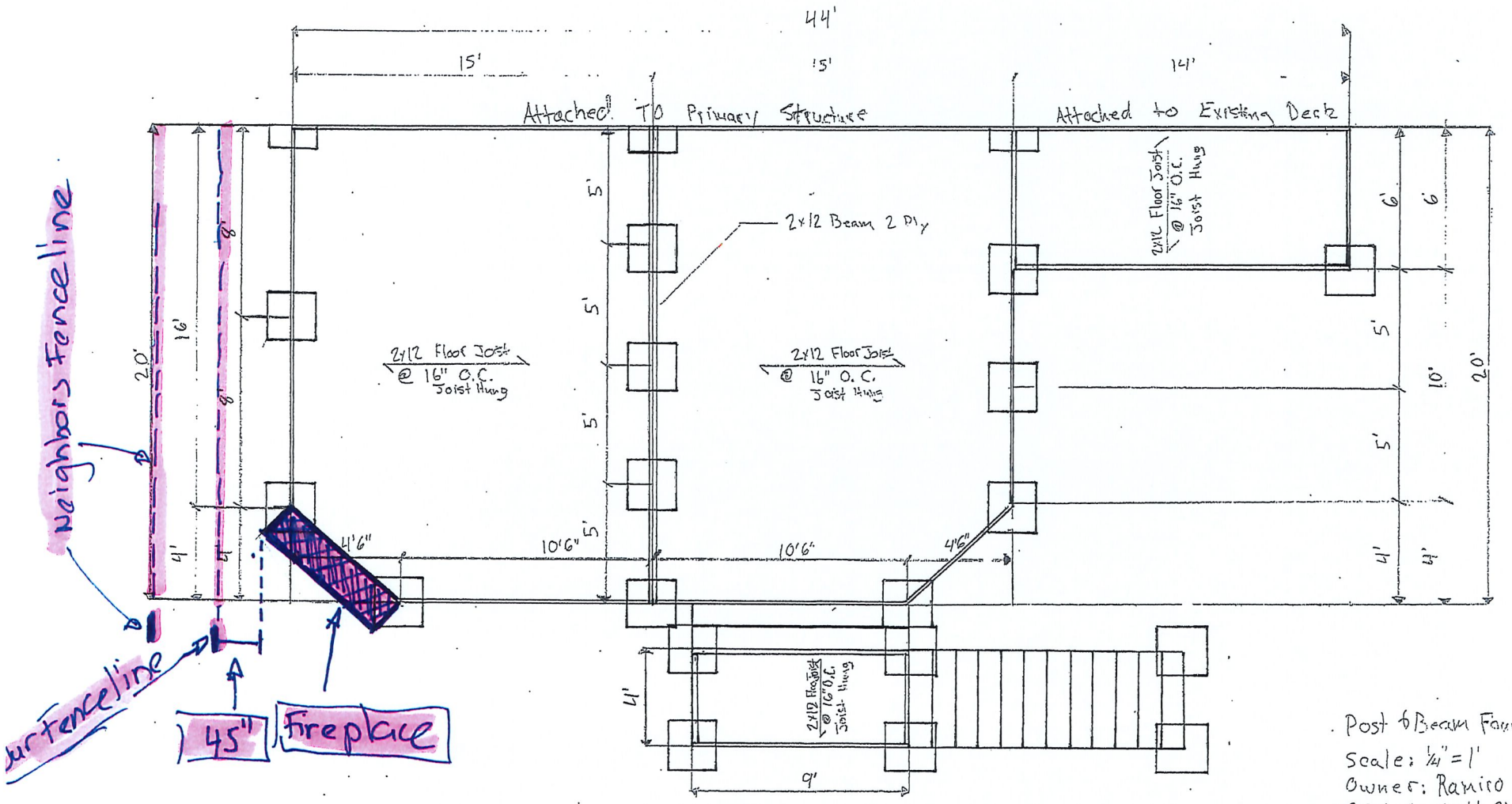
HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

CHAD L. BROWN REGISTERED No. 21100002 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 04/17/2019

Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: 2019041418
Sheet 2 of 3

Exhibit 5



Post & Beam Foundation Plan
Scale: 1/4" = 1'
Owner: Ramiro De la Cruz
324 S. Ninth St.
Zionsville, IN 46077

Exhibit 5

Petition No.: 2020-09-DSV
A. CHAVEZ

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **(will / will not)** be injurious to the public health, safety, morals, and general welfare of the community because: This grant for a variance of a side yard setback **will not** be injurious to the public health, safety, morals, and general welfare of the community. This is because, within this setback, an outdoor fireplace has been constructed, which creates a warm ambience and a welcoming center for our family and neighbors within our property. It's beauty and warmth are not incumbering other yards nor other homes in our village community, especially as is only clearly visible from one neighbor's backyard property.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because: The use and value of the area adjacent to the property included in the variance **will not** be affected in an adverse manner. In fact, our outdoor fireplace is expected to increase the value of our property, as its stone and design was carefully selected to integrate with the natural stonework existing on the house, the new cedar deck, and the serenity of the park's nature. And, in general, when one property value increases, then the adjacent area and neighboring property value rises as well.

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because:

   Strict application of the zoning ordinance **will** result in unnecessary hardships because in order to meet the strict terms, the outdoor fireplace will have to be torn down, which will result in the loss of the welcoming outdoor environment and an investment of $10,000 for its construction. As background information, we purchased our home in the village in May of 2019. In June of 2019, we hired Loy Construction to install an outdoor deck and Mike Gentry Masonry to install an outdoor fireplace. Loy Construction applied for an improvement location permit (#2019-526) for the construction of the residential deck, only. During the inspection of this permit, it was discovered that the constructed outdoor fireplace (August 2019) was not in compliance with the side yard setback. As the homeowners, we were surprised and extremely disappointed that both contractors, who were aware, failed to review and to meet the zoning ordinance. Therefore, we seek this grant for variance, to avoid losing this beautiful addition and investment in our property.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 6

Petition No.: 2020-09-DSV
A. CHAVEZ

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

ADENDUM TO FINDINGS OF FACT

Below please find photos of the outdoor fireplace within the side yard setback as described in Findings of Fact.

Exhibit 6

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-09-DSV

1. SITE INFORMATION:

Address of Property: 324 S. 9th Street, Zionsville, IN 46077

Existing Use of Property: Residence

Proposed Use of Property: Residence

Current Zoning: Residential Village (RV) Area in acres: 0.31 acres

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Ramiro De La Cruz and Alejandra Chavez

Owner Name (if different from Petitioner): N/A

Petitioner Address: 324 S. 9th Street, Zionsville, IN 46077 Owner Address: 324 S. 9th Street, Zionsville, IN 46077

Petitioner Phone Number: 317-753-3426 Owner Phone Number: 317-753-3426

Petitioner E-Mail Address: alechaveznm@gmail.com Owner E-Mail Address: alechaveznm@gmail.com

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name:_____

Address:_____

Phone Number:_____

E-Mail Address_____

Project Engineer:

Name:_____

Address:_____

Phone Number:_____

E-Mail Address:_____

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

☐ **Appeal** X **Variance of Development Standards** ☐ **Variance of Use** ☐ **Special Exception** ☐ **Modification**

This is a request for a **variance to the side yard setback to maintain an outdoor fireplace** that was constructed to create a welcoming outdoor environment to gather family and neighbors, while increasing property value. The existence of this fireplace does not adversely affect the general community nor the adjacent properties. Without a variance, hardship will occur due to the loss of: the existing fireplace, the construction investment, and the impact on property value.

5. ATTACHMENTS:

☐ Legal description of property
☐ Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
☐ Application Fee
☐ Proof of Ownership (copy of Warranty Deed)
☐ Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
☐ Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: Ramiro De La Cruz **Date:** 02/27/2020

Signature of Owner or Attorney for Owner: Alejandra Chavez **Date:** 2/27/2020

State of INDIANA)
SS:
County of BOONE)

OFFICIAL SEAL
CHRISTINE I. KOENIG
NOTARY PUBLIC - INDIANA
BOONE COUNTY
My Comm. Expires June 14, 2022

Subscribed and sworn to before me this 27 day of FEBRUARY, 2020.

Notary Public Signature

CHRISTINE I. KOENIG
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County

Tax ID Number(s):
019-03380-00 06-04-02-000-008.001-006

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Patricia B. See

CONVEY(S) AND WARRANT(S) TO

Ramiro De La Cruz and Alejandra Chavez, Joint Tenants with Full Rights of Survivorship, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

The grantor warrants under oath that Martin R. See, died 9/16/17 in Marion County, IN and that said grantor and the deceased lived together continuously as husband and wife until the time of his/her death.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 31 day of May, 2019

Patricia B See

Patricia B. See

State of IN, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Patricia B. See** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 31 day of May, 2019

My Commission Expires: _____

Signature of Notary Public

Printed Name of Notary Public

Notary Public County and State of Residence

REBECCA L. PATTON
MY COMMISSION EXPIRES April 25, 2026
SEAL
BOONE COUNTY, INDIANA
NOTARY PUBLIC - STATE OF

This instrument was prepared by:
Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:
324 South 9th Street
Zionsville, IN 46077

Grantee's Address and Mail Tax Statements To:

_____

_____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

EXHIBIT A

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

ALSO:

The North Half of vacated Laurel Avenue lying South of and adjacent to Lot Number 1 in Schick's Addition to the Town of Zionsville as per plat thereof recorded in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

A part of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Boone County, Indiana; thence North 00 degrees 29 minutes 22 seconds West (assumed bearing) on the East line of said Quarter Section 421.55 feet to the Southeasterly right-of-way line of Laurel Avenue; thence South 47 degrees 05 minutes 37 seconds West on said right-of-way line 56.05 feet to the Southeasterly extension of the Southwest right-of-way line of Ninth Street; thence North 42 degrees 54 minutes 23 seconds West on said Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the centerline of vacated Laurel Avenue and the POINT OF BEGINNING of the within described real estate; thence South 47 degrees 05 minutes 37 seconds West along said centerline of vacated Laurel Avenue 230.16 feet to the East right-of-way line of the Cleveland, Cincinnati, Chicago and St Louis Railway Company, Chicago Division; thence North 29 degrees 33 minutes 14 seconds West on said East line 15.42 feet to the Southwest corner of Lot 1 in said Schick's Addition; thence North 47 degrees 05 minutes 37 seconds East on the Southeasterly line of said Lot 1 a distance of 226.60 feet (227 feet per plat) to the Southeast corner of said Lot 1; thence South 42 degrees 54 minutes 23 seconds East on the Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the point of beginning, containing 0.079 acres, more or less

AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Ramiro De La Cruz, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS, to consider the Petition of: Alejandra Chavez and Ramiro De La Cruz
(NAME OF PERSON ON PETITION)

Requesting: Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 324 S. 9th Street

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to the last known address of each of the following entities at the following addresses:

OWNERS	ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 21 day of March, 2020 being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

Ramiro De La Cruz
Name of person mailing letters

Signature

State of INDIANA)

County of BOONE) **SS:**

Subscribed and sworn to before me this 25 day of MARCH, 2020.

Notary Public Signature

CHRISTINE I. KOENIG
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County

OFFICIAL SEAL
CHRISTINE I. KOENIG
NOTARY PUBLIC - INDIANA
BOONE COUNTY
My Comm. Expires June 14, 2022

List of Adjoiners for

AFFIDAVIT OF NOTICE OF PUBLIC HEARING

OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Petition Number: 2020-09-DSV; Petitioners: Alejandra Chavez and Ramiro De La Cruz

---

Board of Parks of Recreation of Zionsville

1100 West Oak Street

Zionsville, IN 46077

Danette Bianchi

775 W. Hawthorne St.

Zionsville, IN 46077

Christa Moncrief

325 S. 8th St.

Zionsville, IN 46077

Steve and Tricia Scott

780 W. Laurel Ave.

Zionsville, IN 46077

Mike and Mary Lou Gavin

322 S. 9th St.

Zionsville, IN 46077

Attribute report for active ID 1

ID	name	add1	add3
~~28443~~	~~BOWLDS PAUL J & BRANDI~~	~~326 S 9TH ST~~	~~ZIONSVILLE, IN 46077~~
28445	TOWN OF ZIONSVILLE	1100 W OAK ST	ZIONSVILLE, IN 46077
28452	TOWN OF ZIONSVILLE	1100 W OAK ST	ZIONSVILLE, IN 46077
28454	MONCRIEF CHRISTA	325 S EIGHTH ST	ZIONSVILLE, IN 46077
~~28455~~	~~HERBST PATRICIA DIANE~~	~~762 W SYCAMORE ST~~	~~ZIONSVILLE, IN 46077~~
28459	BOARD OF PARK & RECREATION OF	1100 W OAK ST	ZIONSVILLE, IN 46077
28460	DE LA CRUZ RAMIRO & ALEJANDRA	324 S 9TH ST	ZIONSVILLE, IN 46077
28463	BIANCHI DANETTE	775 W HAWTHORNE ST	ZIONSVILLE, IN 46077
29392	ZIONSVILLE BOARD OF PARKS & RE	410 W OAK ST	ZIONSVILLE, IN 46077
31120	DE LA CRUZ RAMIRO & ALEJANDRA	324 S 9TH ST	ZIONSVILLE, IN 46077
31122	GAVIN MICHAEL & MARY LOU	322 S 9TH STREET	ZIONSVILLE, IN 46077
31123	GAVIN MICHAEL & MARY LOU	322 S 9TH STREET	ZIONSVILLE, IN 46077
31140	SCOTT STEVEN E & PATRICIA A	780 W LAUREL AVE	ZIONSVILLE, IN 46077

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Boone

City of Lebanon

ISSUED:

The subscriber, being duly sworn, deposes and says that

he (she) is the said Rita Northern of THE LEBANON REPORTER

and that the foregoing notice for

NOTICE OF PUBLIC HEARING

was published in said newspaper in one editions

of said newspaper issued between 03/21/2020 and 03/21/2020

Cost: 62.15

Rita Northern

SUBSCRIBED AND SWORN BEFORE ME THIS 24th day of March, A.D. 2020

Jaime Hensley

Jaime Hensley

Notary Public Seal, State of Indiana

NOTARY PUBLIC SEAL INDIANA
JAIME HENSLEY
Notary Public, State of Indiana
Commission Number NP0725337
My Commission Expires
February 20, 2028

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, April 1, 2020 , at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: 2020-09-DSV, Alejandra Chavez and Ramiro De La Cruz request a Development Standards Variance to provide for or permit: an existing outdoor fireplace to continue to encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District.

The property involved is more commonly known as: 324 S 9TH Street, and is legally described as:

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for Development Standards Variance,

continued next column

and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-162 3/21 hspaxlp 1631743

7020 0090 0001 7931 0487

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City, State, ZIP+4®: Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Sent To: Christa Moncrief
Street and Apt. No., or PO Box No.: 325 S. 8th St.
City, State, ZIP+4®: Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Street and Apt. No., or PO Box No.: 775 W. Hawthorne St.
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Total Postage and Fees $6.95

0077 07

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Sent To: Mike & Mary Lou Gavin
Street and Apt. No., or PO Box No.: 322 S. 9th St.
City, State, ZIP+4®: Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7931 0463

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.55

Total Postage and Fees $6.95

0077 07

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Sent To: Steve + Tricia Scott
Street and Apt. No., or PO Box No.: 780 W. Laurel Ave.
City, State, ZIP+4®: Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,

April 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-09-DSV, **Alejandra Chavez and Ramiro De La Cruz** request a
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for or permit:

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

an existing outdoor fireplace

(INSERT DESCRIPTION OF PROJECT)

to continue to encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District.

The property involved is more commonly known as: 324 S 9TH Street,
and is legally described as: (COMMON ADDRESS)

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
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Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: _____

The De La Cruz Family

324 S. 9th Street

Zionsville, IN 46077

March 21, 2020

Hello Neighbors,

We hope you are all staying safe and healthy in these difficult moments for our community and country. We apologize for the timing of this letter in the middle of the current situation, but we are following Town of Zionsville procedures for a variance of development standards.

As background information, we purchased our home in the village in May of 2019. We hired two separate contractors to build our deck and designer outdoor fireplace. The deck contractor applied for an improvement location permit (#2019-526) for the residential deck, only. During the inspection of this permit, it was discovered that the fireplace was apparently not in compliance with yard fence setback therefore we needed to investigate further. Turns out the northern most corner of our new fireplace was encroaching the set back limits to our north fence line. As the homeowners, we were surprised, extremely disappointed and embarrassed that both contractors, who were aware, failed to review and meet the zoning ordinance. We are respectfully seeking a variance with the Town of Zionsville, to avoid tearing down this beautiful addition and investment in our property.

Enclosed is the notice of public hearing and photos of our backyard improvement. If you have any questions, feel free to give us a call.

Best regards,

Alejandra + Ramiro

Alejandra and Ramiro

Tel: 317-361-8872

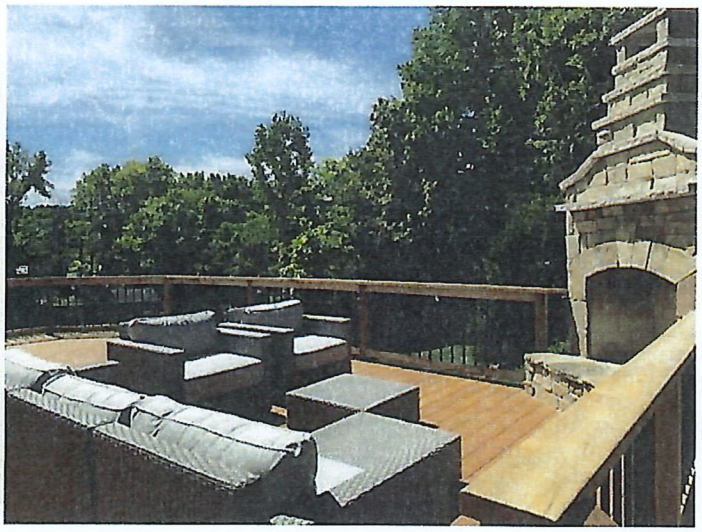
Petition No.:_____

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

ADENDUM TO FINDINGS OF FACT

Below please find photos of the outdoor fireplace within the side yard setback as described in Findings of Fact.



SURVEYOR LOCATION REPORT

This report was prepared only for:

MERIDIAN TITLE CORPORATION (#19-12006).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).

PROPERTY ADDRESS: 324 South 9th Street, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0334E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Ramiro De La Cruz

HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

Job No: 2019041418

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend

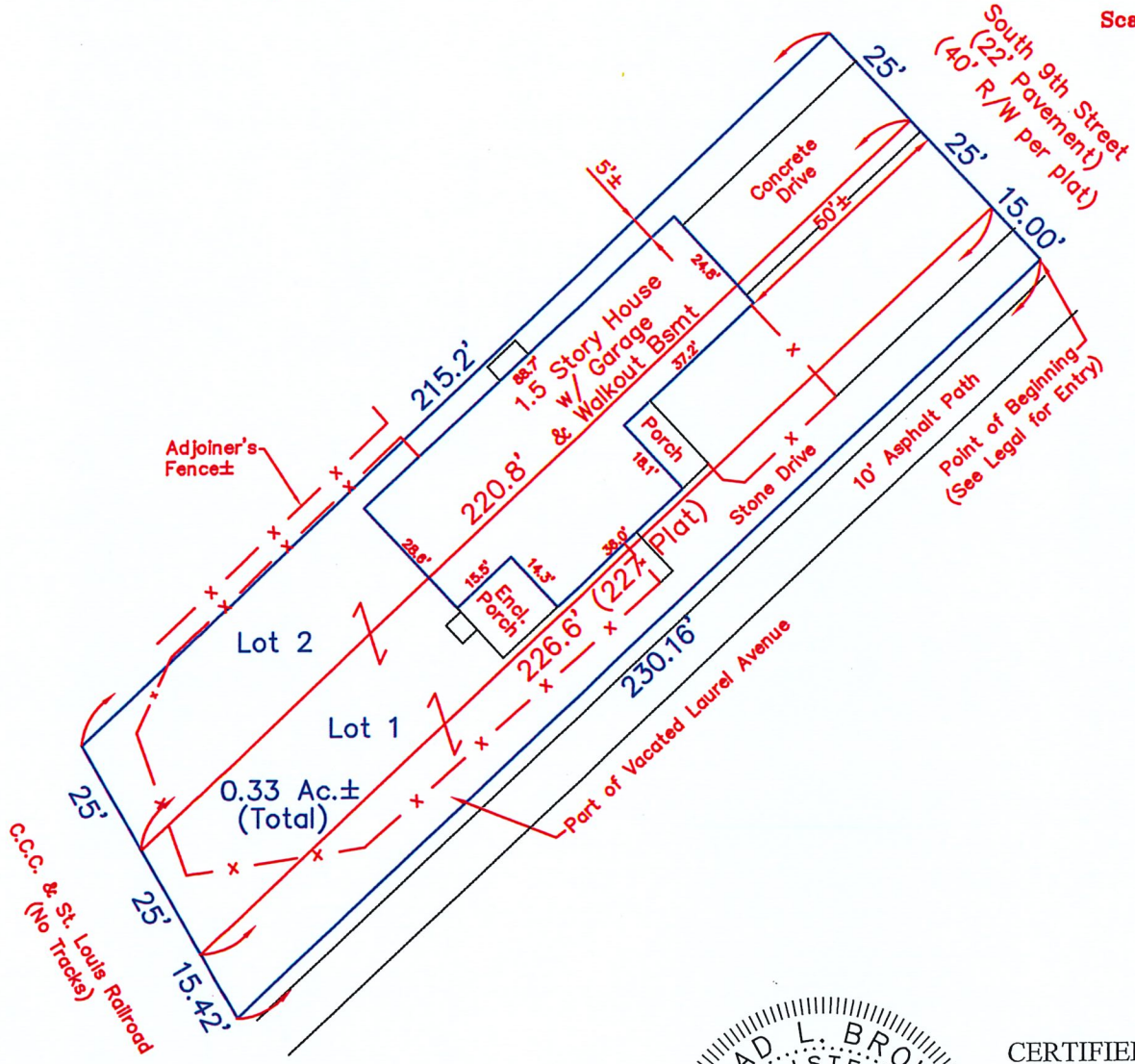
R/W — Right-of-Way

—— x —— Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Note: Stone drive 3'± past South line.

Scale: 1"=40'



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CHAD L. BROWN REGISTERED No. 21100002 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 04/17/2019

Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: 2019041418
Sheet 2 of 3

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

ALSO:

The North Half of vacated Laurel Avenue lying South of and adjacent to Lot Number 1 in Schick's Addition to the Town of Zionsville as per plat thereof recorded in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

A part of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Boone County, Indiana; thence North 00 degrees 29 minutes 22 seconds West (assumed bearing) on the East line of said Quarter Section 421.55 feet to the Southeasterly right-of-way line of Laurel Avenue; thence South 47 degrees 05 minutes 37 seconds West on said right-of-way line 56.05 feet to the Southeasterly extension of the Southwest right-of-way line of Ninth Street; thence North 42 degrees 54 minutes 23 seconds West on said Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the centerline of vacated Laurel Avenue and the POINT OF BEGINNING of the within described real estate; thence South 47 degrees 05 minutes 37 seconds West along said centerline of vacated Laurel Avenue 230.16 feet to the East right-of-way line of the Cleveland, Cincinnati, Chicago and St Louis Railway Company, Chicago Division; thence North 29 degrees 33 minutes 14 seconds West on said East line 15.42 feet to the Southwest corner of Lot 1 in said Schick's Addition; thence North 47 degrees 05 minutes 37 seconds East on the Southeasterly line of said Lot 1 a distance of 226.60 feet (227 feet per plat) to the Southeast corner of said Lot 1; thence South 42 degrees 54 minutes 23 seconds East on the Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the point of beginning, containing 0.079 acres, more or less.

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SURVEYOR LOCATION REPORT

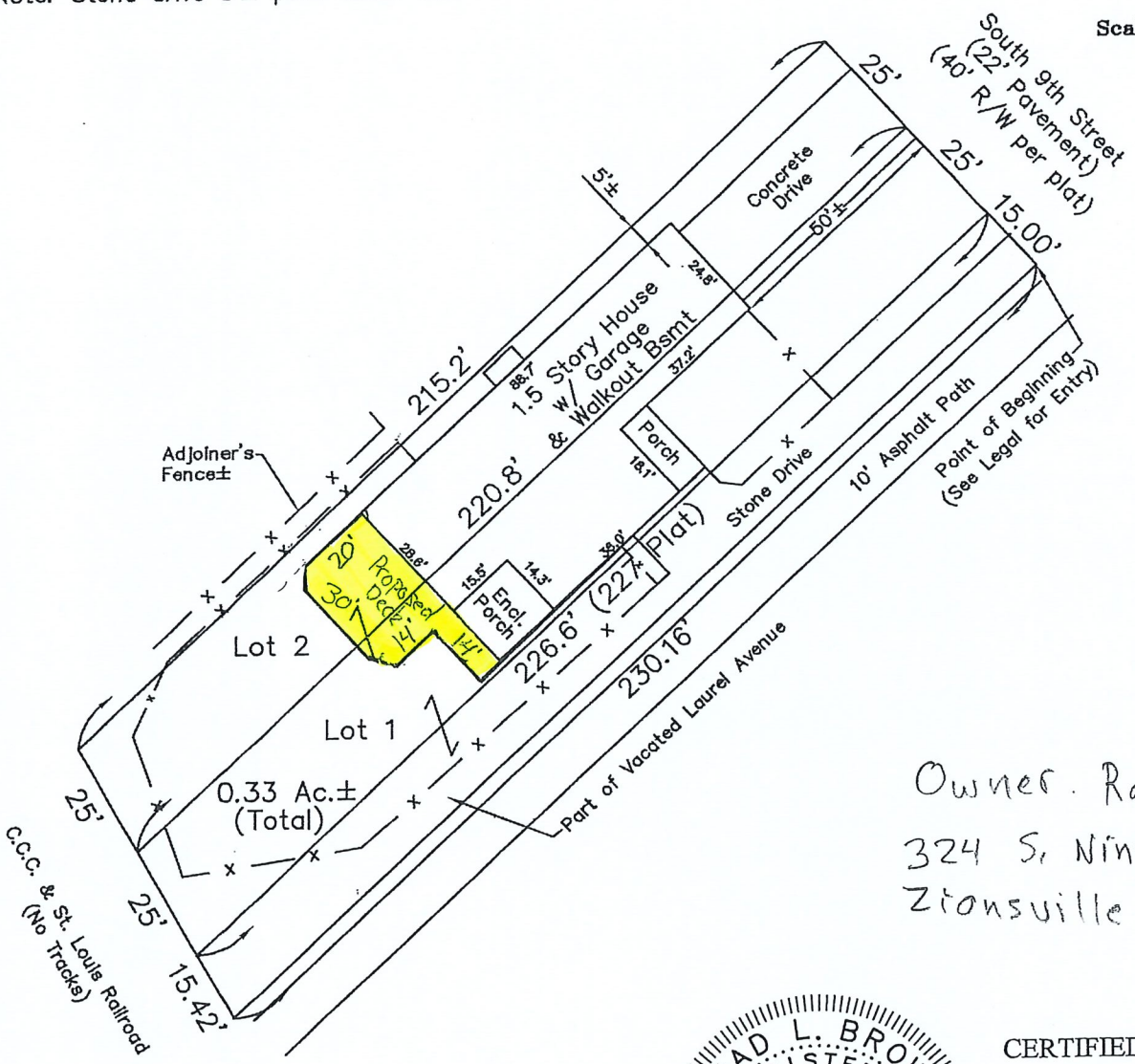
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend

R/W	Right-of-Way
—— x ——	Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.
Note: Stone drive 3'± past South line.

Scale: 1"=40'



Owner. Ramiro De La Cruz
324 S. Ninth St
Zionsville, IN 46077

HAHN SURVEYING GROUP, INC.
Land Surveyors
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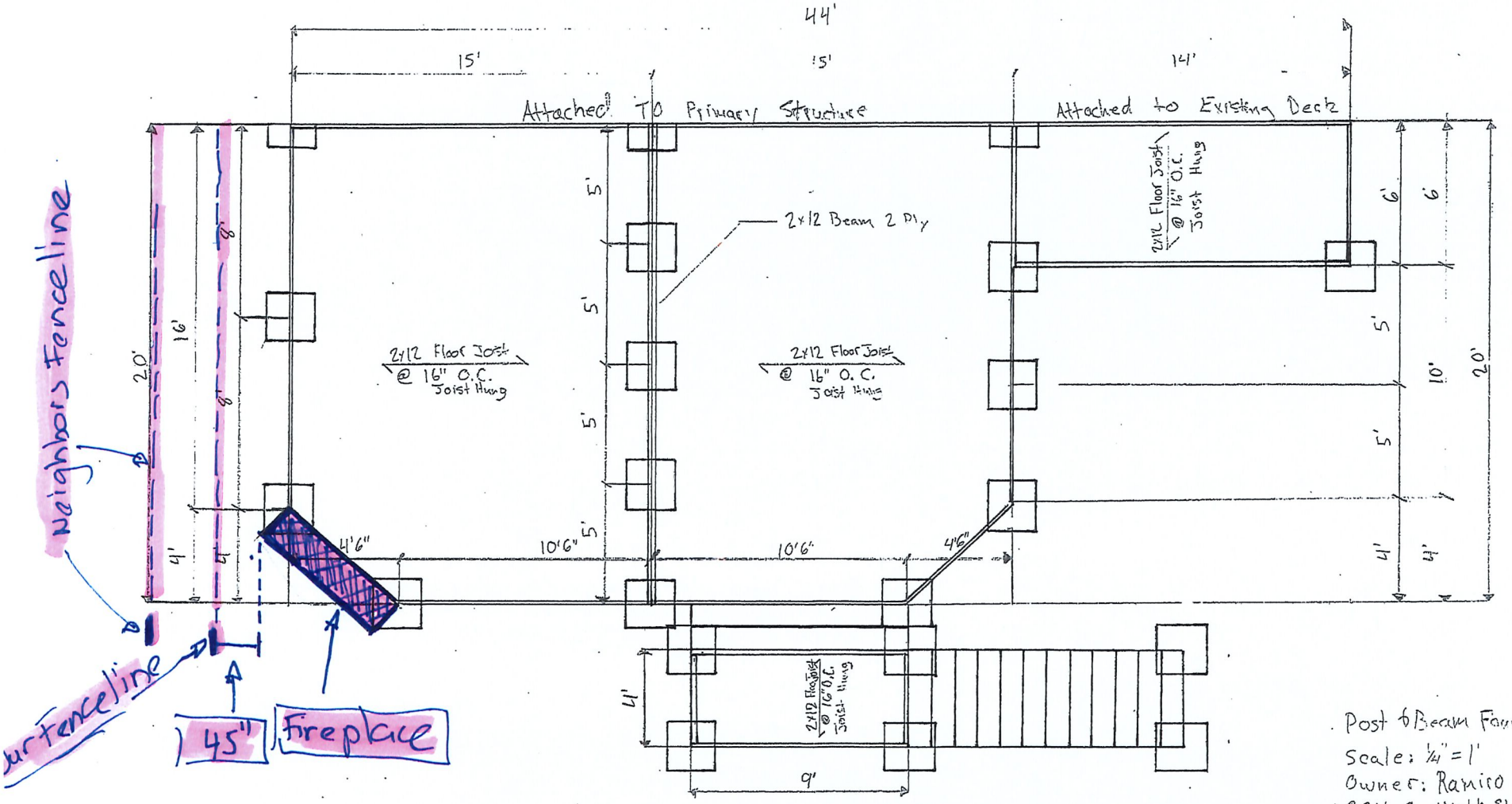
www.hahnsurveying.com

CHAD L. BROWN REGISTERED No. 21100002 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 04/17/2019

Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: 2019041418
Sheet 2 of 3



Post & Beam Foundation Plan
Scale: ¼" = 1'
Owner: Ramiro De la Cruz
324 S. Ninth St.
Zionsville, IN 46077

Petition No.: 2020-09-DSV
A. CHAVEZ

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **(will / will not)** be injurious to the public health, safety, morals, and general welfare of the community because: This grant for a variance of a side yard setback **will not** be injurious to the public health, safety, morals, and general welfare of the community. This is because, within this setback, an outdoor fireplace has been constructed, which creates a warm ambience and a welcoming center for our family and neighbors within our property. It's beauty and warmth are not incumbering other yards nor other homes in our village community, especially as is only clearly visible from one neighbor's backyard property.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because: The use and value of the area adjacent to the property included in the variance **will not** be affected in an adverse manner. In fact, our outdoor fireplace is expected to increase the value of our property, as its stone and design was carefully selected to integrate with the natural stonework existing on the house, the new cedar deck, and the serenity of the park's nature. And, in general, when one property value increases, then the adjacent area and neighboring property value rises as well.

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because:

   Strict application of the zoning ordinance **will** result in unnecessary hardships because in order to meet the strict terms, the outdoor fireplace will have to be torn down, which will result in the loss of the welcoming outdoor environment and an investment of $10,000 for its construction. As background information, we purchased our home in the village in May of 2019. In June of 2019, we hired Loy Construction to install an outdoor deck and Mike Gentry Masonry to install an outdoor fireplace. Loy Construction applied for an improvement location permit (#2019-526) for the construction of the residential deck, only. During the inspection of this permit, it was discovered that the constructed outdoor fireplace (August 2019) was not in compliance with the side yard setback. As the homeowners, we were surprised and extremely disappointed that both contractors, who were aware, failed to review and to meet the zoning ordinance. Therefore, we seek this grant for variance, to avoid losing this beautiful addition and investment in our property.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

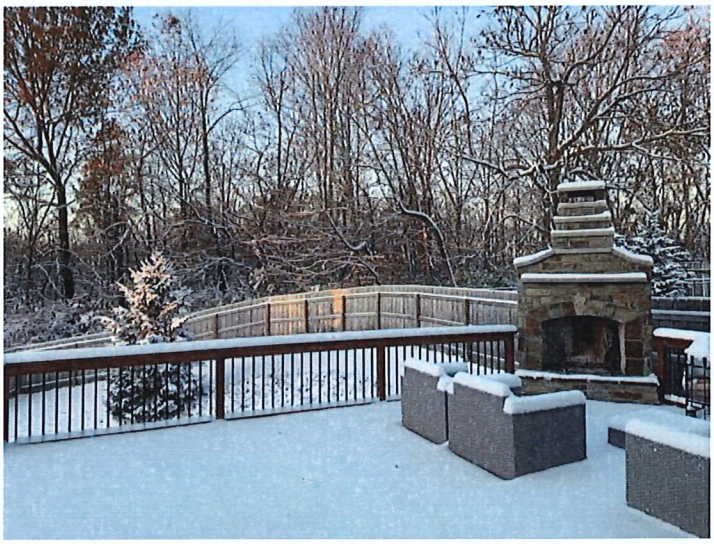
Petition No.: 2020 - 09 - DSV
A. CHAVEZ

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

ADENDUM TO FINDINGS OF FACT

Below please find photos of the outdoor fireplace within the side yard setback as described in Findings of Fact.



Petition No. 2020-05-UV
Petitioner: Mark Adams and Nadia Adams
Variance of Use

Town of Zionsville, Indiana
Board of Zoning Appeals

Findings of Fact and Order Denying Variance Request

Mark Adams and Nadia Adams petitioned for a variance of use to permit a childcare center as a primary use in the Low Density Single-family and Two-family Residential (R2) zoning district.

The Petitioners provided proper notice of their Petition and the Town of Zionsville Board of Zoning Appeals conducted a public hearing on the requested variance on March 4, 2020.

The subject property consists of approximately 4.74 acres located at 9475 Whitestown Road, Zionsville, Indiana. It is in the Low Density Single-family and Two-family Residential (R2) zoning district. The parcel is currently undeveloped. The Petitioners' stated plans are to develop the property with a Montessori school and a childcare facility. A childcare facility is not a permitted use in the zoning district; the Petitioners seek a use variance in order to permit the childcare facility.

Section 194.202(C)(1)(f) of the Zionsville Zoning Ordinance and I.C. §36-7-4-918.4 provide that the Board may approve a use variance only if it determines that the Petitioners have proven compliance with each of the following criteria:

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

(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; and

(3) the need for the variance arises from some condition peculiar to the property involved;

(4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

(5) The approval does not interfere substantially with the Comprehensive Plan.

Based upon the record, including the Petitioners' application materials, the evidence presented, responses to questions at the hearing, the public's written submissions and testimony, staff's report and comments, and the Board members' discussion, the Board finds as follows:

1. Petitioners met their burden of proving the proposed use variance will not be injurious to public health, safety, morals, and the general welfare of the community. The Board accepts the Petitioners' position that the proposed use would not negatively impact these elements. The Board believes any concerns about the proposal's inconsistency with the neighborhood is best considered in connection with whether the variances would negatively impact the value of nearby properties.

2. Petitioners did not meet their burden of proving that the use and value of the area adjacent to the subject property would not be affected in a substantially adverse manner. The remonstrators, the Board members, and staff raised concerns that the proposed use is inconsistent with the predominately residential development in the area. The Board also discussed concerns about the property's poor drainage and related impacts on neighboring properties. Petitioners did not present any evidence about the potential impact on property values and did not otherwise convince the Board that the use and value of property in the area would not be affected in a substantially adverse manner.

3. Petitioners did not meet their burden of proving that the need for the variance arises from some condition peculiar to the property at issue. There was no evidence of any peculiar condition that would cause a need to vary from the uses permitted in the current zoning district.

4. Petitioners did not meet their burden of proving that the strict application of the Zoning Ordinance would result in an unnecessary hardship if applied to this property. Based on the evidence, the Board cannot find that there are any unique characteristics of the property that create a need for the variance or that Petitioners cannot use and develop the property in compliance with the Zoning Ordinance. The property could be developed for a use permitted in the zoning district. The Board appreciates the Petitioners' desire to develop the property in the manner requested, but the need for the variance results from their development preferences and not from a hardship in complying with the Ordinance.

5. Petitioners did not meet their burden of proving that the proposed use would not interfere substantially with the Comprehensive Plan. The Comprehensive Plan shows this area consisting of low density single-family residential development; it does not identify a commercial use such as the proposed childcare center at the site or in the immediate area.

Order

The Town of Zionsville Board of Zoning Appeals therefore orders that the petition for variance of use filed by Mark Adams and Nadia Adams, Docket No. 2020-05-UV, is hereby **denied**.

Adopted and ordered this _____ day of _____, 2020.

_____
John Wolff, President

_____
Julia Evinger

_____
Larry Jones

_____
Steve Mundy

_____
Jeff Papa