



MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS February 9, 2016

The Regular meeting of the Zionsville Board of Zoning Appeals was scheduled February 9, 2016 at 6:30 p.m. in the Bev Harves Room at Zionsville Town Hall, 1100 West Oak Street the following items were scheduled for consideration:

- I. Pledge of Allegiance
- II. Swear in new member
- III. Attendance
- IV. Approval of the December 8, 2015, and January 12, 2016 Meeting Minutes
- V. Continuance Requests
- VI. Continued Business

| Docket Number | Name | Address of Project | Item to be considered |
|---------------|--------------------------------|------------------------------------|---|
| 2015-43-DSV | Neer Development Company, Inc. | 6265, 6305, 6355, 6401 S. 950 East | <p>Continued from the January 12, 2016 Board of Zoning Appeals meeting Petition for Development Standards variance for a reduced front yard setback for a Senior Residential Community in the (R4) Rural Residential Zoning District Approved with Conditions 5 in Favor 0 Opposed</p> |
| 2015-44-DSV | M. Ravard and C. Perry | 465 W Cedar Street | <p>Continued from the January 12, 2016 Board of Zoning Appeals meeting Petition for Development Standards variance in order to allow:</p> <ol style="list-style-type: none"> 1) Lot 121 of Cross' 4th Addition of the Town of Zionsville to be improved with a new single-family dwelling, independent of Lot 122 of Cross' 4th Addition (Lot 121 and Lot 122 of Cross' 4th Addition are currently under common ownership and constitute a buildable Lot, and as a single buildable Lot is not permitted to be improved with an additional single-family residence. 2) Reduce the minimum lot area from the required 8000 square foot for lots 121 and 122 3) Reduce the required minimum side yard setback and aggregate side yard setback for lot 122 <p>Approved with Conditions 5 in Favor 0 Opposed</p> |

| | | | |
|-------------|-------------|----------------------------|--|
| 2015-46-UV | T. McQuinn | 10614 DeAndrea Drive | <p>Continued from the January 12, 2016 Board of Zoning Appeals meeting Petition for a variance of use for an established automobile repair business to include automotive sales in the (I-2) Urban Industrial Zoning District, which does not permit automobile sales as a primary use of the property</p> <p>Continued from the February 9, 2016 Board of Zoning Appeals Meeting to the March 8, 2016 Meeting 5 in Favor 0 Opposed</p> |
| 2015-47-DSV | N. Warstler | 734 W Pine Street (Est) | <p>Continued from the January 12, 2016 Board of Zoning Appeals meeting Petition for Development Standards variance in order to allow a single family dwelling in the (R-V), Residential Village Zoning District, to:</p> <ol style="list-style-type: none"> 1) Establish the parcels as a Lot of Record 2) Deviate from the required road frontage/point of vehicular access 3) Deviate from the required front yard setback 4) Deviate from the required rear yard setback <p>Continued from the February 9, 2016 Board of Zoning Appeals Meeting to the March 8, 2016 Meeting 5 in Favor 0 Opposed</p> |

VII. New Business

| Docket Number | Name | Address of Project | Item to be considered |
|---------------|-------------|-----------------------------------|---|
| 2016-01-DSV | K. Smith | 6502 S County Road 850 East | <p>Petition for Development Standards Variance to allow deviation from:</p> <ol style="list-style-type: none"> 1) The requirement for a parcel to provide 45 foot of road frontage, (Lot 2) 2) The lot depth to width ratio of 3 to 1, (Lot 1 and Lot 2) 3) Accessory structure square footage to exceed that of the Primary Structure (Lot 1), in the (R1) Rural Residential Zoning District <p>Approved with Commitments 5 in Favor 0 Opposed</p> |
| 2016-02-DSV | R. De Rossi | 8810 & 8811 Whitestown Road | <p>Petition for Development Standards variance to provide for 12 estate lots without public water and sewer facilities and with a lot depth to width ratio exceeding 3 to 1</p> <p>Continued from the February 9, 2016 Board of Zoning Appeals Meeting to the March 8, 2016 Meeting 5 in Favor 0 Opposed</p> |

Other Matters to be considered:
2015-45-UV, Status of Commitments

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

February 12, 2016



Petition Number: 2015-43-DSV

Subject Site Address: 6265, 6305, 6355 & 6401 S. 950 East

Petitioner: Neer Development Company, Inc.

Representative: Matthew Price

Request: Petition for Development Standards variance for a reduced front yard setback for a Senior Residential Community in the (R4) Rural Residential Zoning District

Current Zoning: (R4) (Rural) High Density Single Family and Two Family Residential

Current Land Use: Residential/ Private Horse Stable/ Vacant land

Approximate Acreage: 24.5

Zoning History: 6401 S. 950 East-Docket numbers 2015-12-UV and 2015-12-DSV. Variances regarding the use and development standards for operating a private horse stable

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Site Plan
Exhibit 4 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will be heard at the February 9, 2016 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The overall subject site is comprised of four parcels that total approximately 24.5 acres. The properties included in the proposal are utilized for both residential and agricultural purposes.

ANALYSIS

As proposed, the site is requested to be improved with 61 single family residences, common improvements, and associated infrastructure. Division and development plans filings associated with proposed project will require Plan Commission approval at a future meeting.

FRONT YARD SETBACK

By Ordinance, property in the Rural district, when improved with single-family dwellings, 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). As proposed, the development would provide for a minimum front yard setback of 20 feet from the future right-of-way of internal streets. However, as the ordinance standard mandates the “greater” of the two standards, technically the proposed development would need relief from the standard in order to construct the proposed improvements.

Staff is supportive of the request to provide for a proposed minimum 20-foot front yard setback from the proposed rights-of-way as the proposal meets the intent of the ordinance and adequate separation from the public way will be provided in Staff’s opinion (opinion further described below). Further, it is the understanding of Staff that the Petitioner plans to improve the individual building sites with dwellings enjoying articulated, varying front facades (which increases the potential depth of the driveway and reduces the probability of vehicles protruding into the sidewalk). If this was not the case, Staff would suggest a minimum front setback of 25 feet (and would not support the requested 20-foot front yard setback).

Specific to the 70-foot setback requirement: Staff has come to the conclusion that the 70 foot standard is a useful standard for situations where platted right-of-way does not exist (in the case of a parcel’s legal description to the center line of a roadway). Further, the Town, who assumed zoning authority over this area in 2010, requires the platting of a 60 foot wide right-of-way (County standard is 50 feet). The additional right-of-way (beyond what the former zoning authority required) provides for additional separation between the traveling public, the public way, and private improvements constructed parallel to the right-of-way.

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 RECOMMENDATION

Staff recommends approval of the petition as filed.

RECOMMENDED MOTION

I move that Docket #2015-43-DSV design standards variance in the Rural R4 Zoning District to provide for a minimum 20 foot front yard setback (measured from the edge of the right-of way) in the R4 Rural Residential Zoning District all per plans on file for property located at 6265, 6305, 6355 & 6401 S. 950 East be (Approved, based on the finding and based upon staff report and presentation / Approved, based on the finding as presented / Denied / Continued).

PROCEDURAL NOTES

As previously mentioned in this report, Division and Development Plans associated with the proposed development will require a hearing with the Plan Commission.

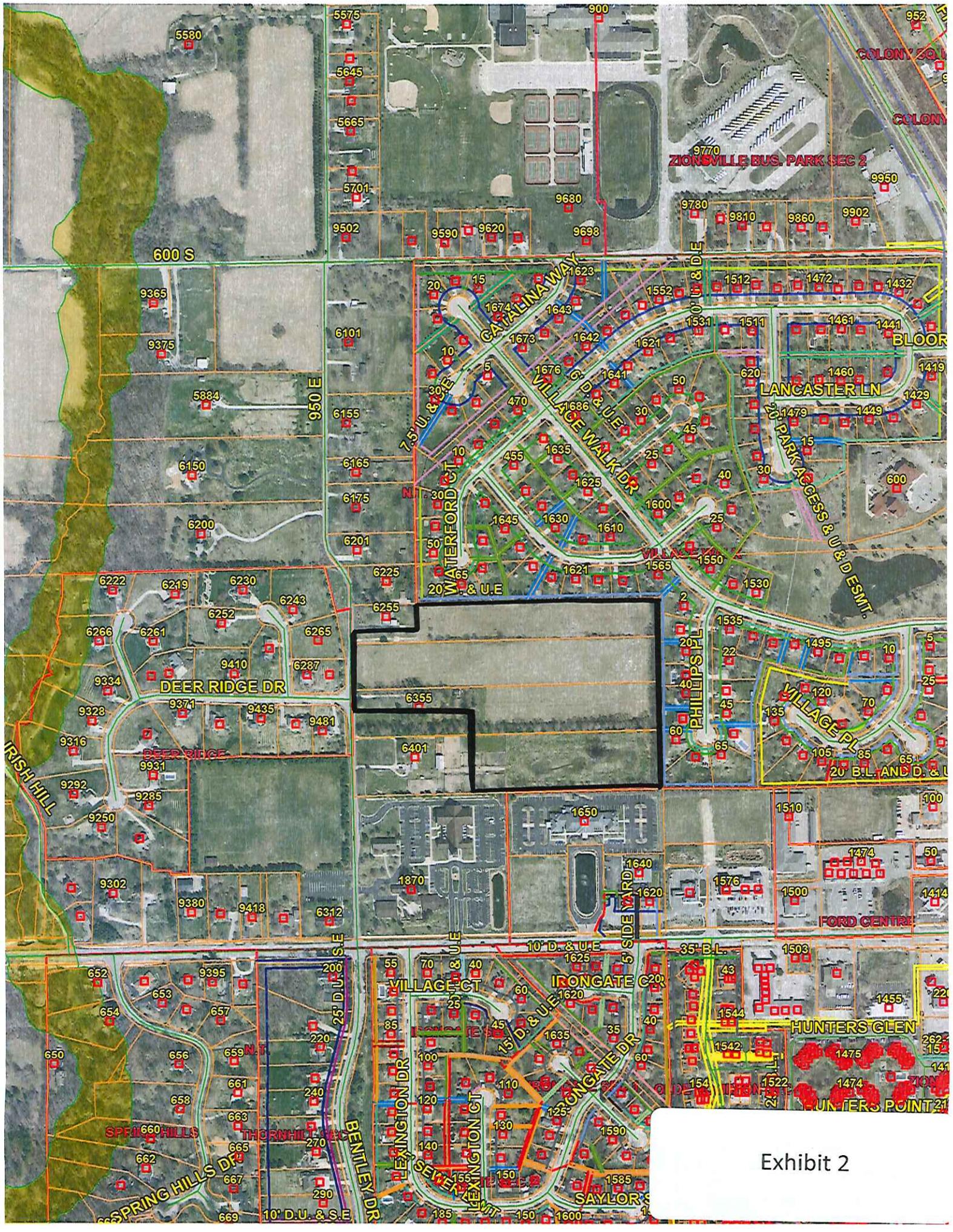


Exhibit 2

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 reduced front setback will not impact visibility for motorists or pedestrians and will permit a needed housing variety in the community in a setting which promotes resident walkability, appropriate scale, and zero maintenance homes for active adults.

- 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 reduced front setback will not impact the project density, perimeter setbacks or perimeter landscaping treatment, and will not, therefore, adversely impact the property values of either the project or the adjacent area.

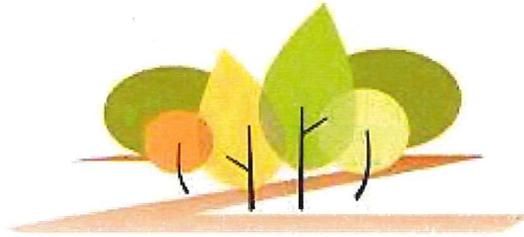
- 3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

Within the context of this site, being effectively an infill site, and within the context of the existing Rural R4 zoning, which could accommodate a much more dense multi-family residential project, the strict application of the terms of the zoning ordinance with respect to front yard building setbacks for the proposed Senior Residential Community represents an unnecessary hardship.

DECISION

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

Adopted this _____ day of _____, 201__.



ZIONSVILLE

FOR ALL THE RIGHT REASONS

Petition Number: 2015-44-DSV

Subject Site Address: 465 W Cedar Street

Petitioner: Marc Ravard and Hannah Kathryn Claire Perry

Representative: Todd Rottman

Request: Petition for Development Standards variance in order to allow:

- 1) Lot 121 of Cross' 4th Addition of the Town of Zionsville to be improved with a new single-family dwelling, independent of Lot 122 of Cross' 4th Addition (Lot 121 and Lot 122 of Cross' 4th Addition are currently under common ownership and constitute a buildable Lot, and as a single buildable Lot is not permitted to be improved with an additional single-family residence.
- 2) Reduce the minimum lot area from the required 8000 square foot for lots 121 and 122
- 3) Reduce the required minimum side yard setback and aggregate side yard setback for lot 122

Current Zoning: (R-V) Urban Residential Village Zoning District

Current Land Use: Single-family residential

Zoning History: N/A

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Plat Book Page
Exhibit 4 – Retracement Survey
Exhibit 5 – Petitioners proposed site plan-Lots 121 & 122
Exhibit 6 – Petitioners proposed Statement of Commitments
Exhibit 7 – Petitioners proposed Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition request received a public hearing at the January 12, 2016 Board of Zoning Appeals meeting, and was continued to the February 9, 2016 Board of Zoning Appeals Meeting due to an indecisive vote.

PROPERTY HISTORY

The parcel on the west side is lot 121 of Cross' 4th Addition. As a part of lot 122, (with the same owner), the parcel was improved with an accessory structure (gazebo). The sunroom attached to the single-family dwelling of lot 122, presently straddles the parcel line between lots 121 and 122. The parcel on the east side is lot 122 of Cross' 4th Addition, and is improved with a 1.5 story single-family dwelling.

ANALYSIS

Lot Establishment

The applicant desires to establish lot 121 as a separate, buildable lot. At 6987.96 square feet, the lot area does not meet minimum 8000 square foot lot area required in the (R-V) Residential Village Zoning District. Therefore the applicant requests approval to deviate from the minimum lot area requirements, and has indicated that the accessory structure (gazebo) would be relocated to lot 122 should this variance request be approved. The applicant has also indicated that a sunroom, which presently encroaches over into the property line of lot 121, would be demolished. Within the applicant's packet, the petitioner has submitted examples of a dwelling which is representative of the style of dwelling to be built on lot 121, should this petition be approved, which will comply with present day zoning and building ordinances (exception being for any relief granted by the Board of Zoning Appeals). Given that each proposed Lot substantially conforms to the size and shape of the original lots within Cross' 4th Addition, Staff is in support of the establishment of lot 121 as a separate buildable lot.

Lot Area

A review of Cross' 4th Addition to the Town of Zionsville reveals that almost all lots in Cross' 4th Addition as originally platted, are improved with single-family dwellings (with some at lot sizes of less than 8000 square feet). Given this fact, staff is supportive of Lot 121 in Cross' 4th Addition being recognized as a separate buildable lot (independent of Lot 122 in Cross' 4th Addition). Staff's predominant reasoning behind this support is that the proposed single-family dwelling is within an area of the Village which contains lot sizes, in some cases, that are less than 8000 square feet in size. Given that each proposed Lot substantially conforms to the size and shape of the original lots within Cross' 4th Addition, Staff is in support of the requested lot sizes.

Setbacks

(RV) Residential Village Zoning District requires a structure to be located at a minimum of five (5) feet from the property from the side yard property line. It also requires an aggregate of 15 feet on either side of the structure. The existing garage is located three (3) feet, seven (7) inches from the east property line of lot 122. The applicant desires to retain this setback, and requests an eight (8) foot, eight (8) inch side setback on the west side of the parcel, which is an aggregate total of 12 feet 5 inches. With the removal of the sunroom on the east side of lot 122, the encroachment of the structure into lot 121 will be eliminated, and, for reference, the proposed addition will meet the required five (5) foot side yard setback. Specific to the request at hand, the long established location of the garage on the west side of the parcel has a current side yard

setback of three (3) feet seven (7) inches, which necessitates the request of a reduced side yard setback as the setback is currently established on the property. Given the listed factors, staff is in support of the requested setbacks.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT 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 #2015-44-DSV.

RECOMMENDATION MOTION

I move that Docket #2015-44-DSV Design Standards Variance to allow:

- 1) Lot 121 of Cross' 4th Addition of the Town of Zionsville to be improved with a new single-family dwelling, independent of Lot 122 of Cross' 4th Addition
- 2) Reduce the minimum lot area from the required 8000 square feet to 6,987 square feet for lot 121 and 7,696 square feet for lot 122
- 3) Reduce the required 5 feet minimum side yard setback to 3.7 feet on the east side of the property of lot 122 and required 15 foot aggregate side yard setback 12.3 feet
- 4) That this motion be conditionally approved based upon the demolition of the sunroom on lot 122, and the removal of the gazebo from lot 121 to lot 122, and that this be accomplished prior to the submittal for building permit on either parcel

Be (Approved based upon the findings in the staff report / Approved as filed / Denied/ Continued) as presented.

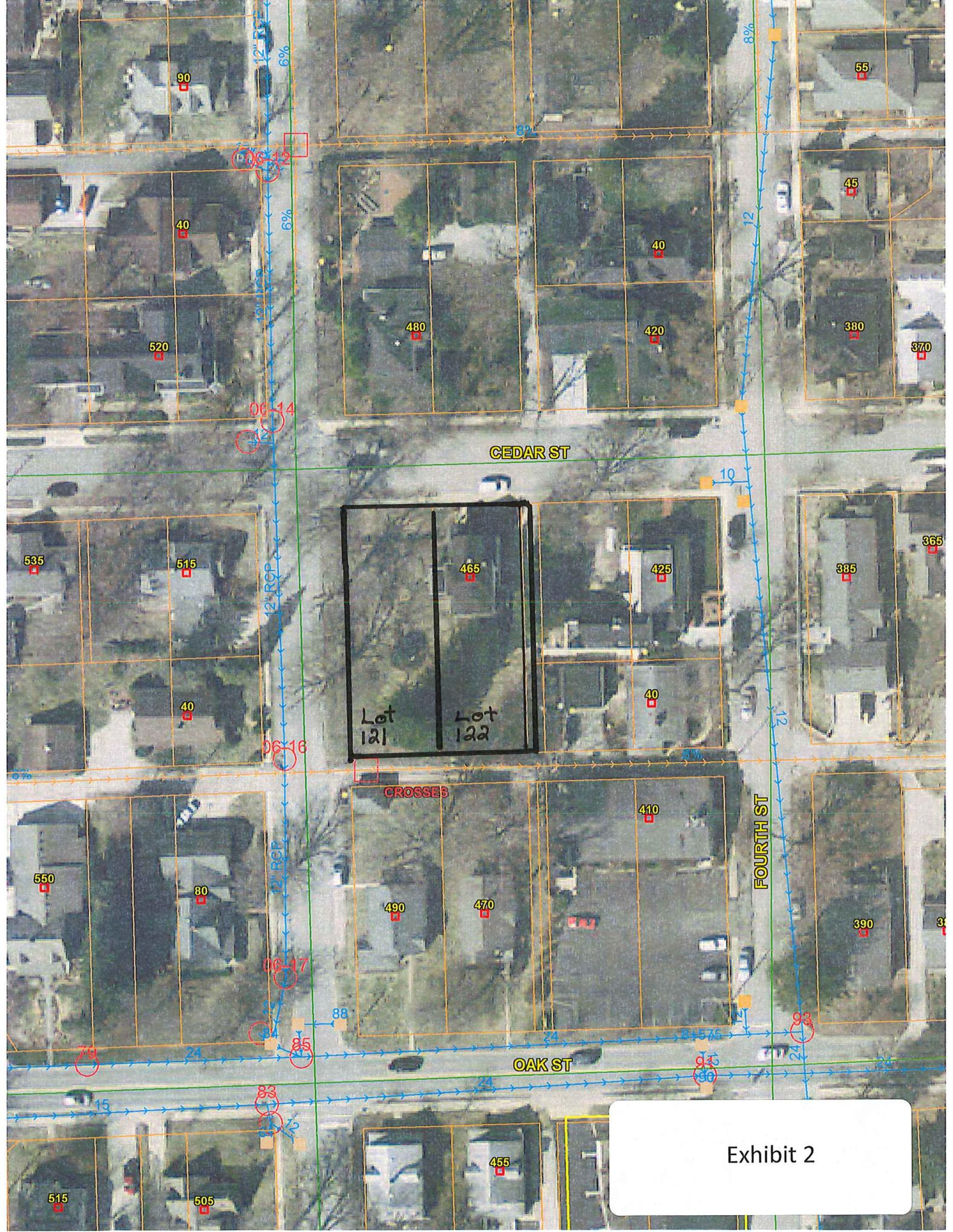


Exhibit 2

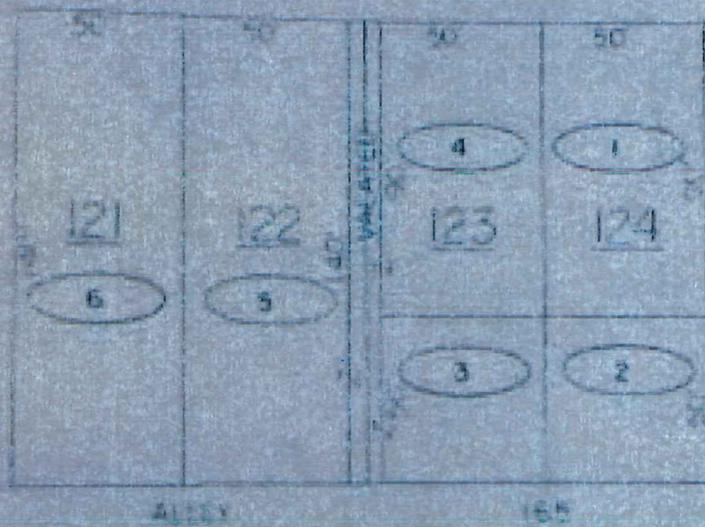
PT CROSS 4TH ADD

SCALE 1/4" = 10'

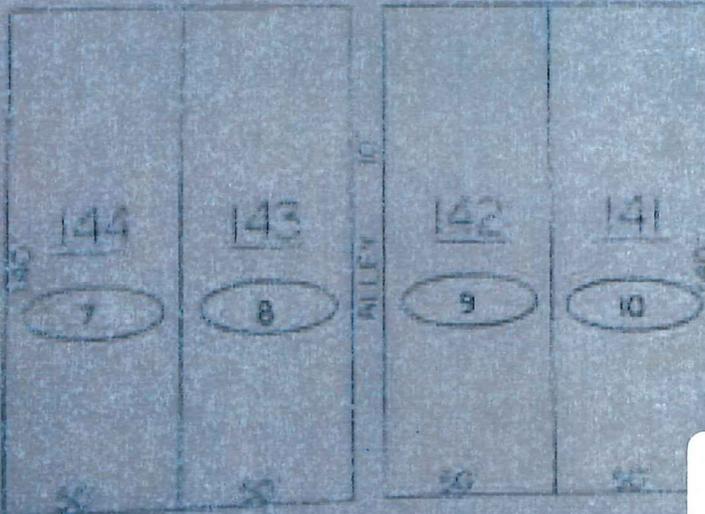


CEDAR STREET 50
(FORMERLY STATION & DEPOT ST)

FIFTH STREET 50'
(FORMERLY THIRD STREET)

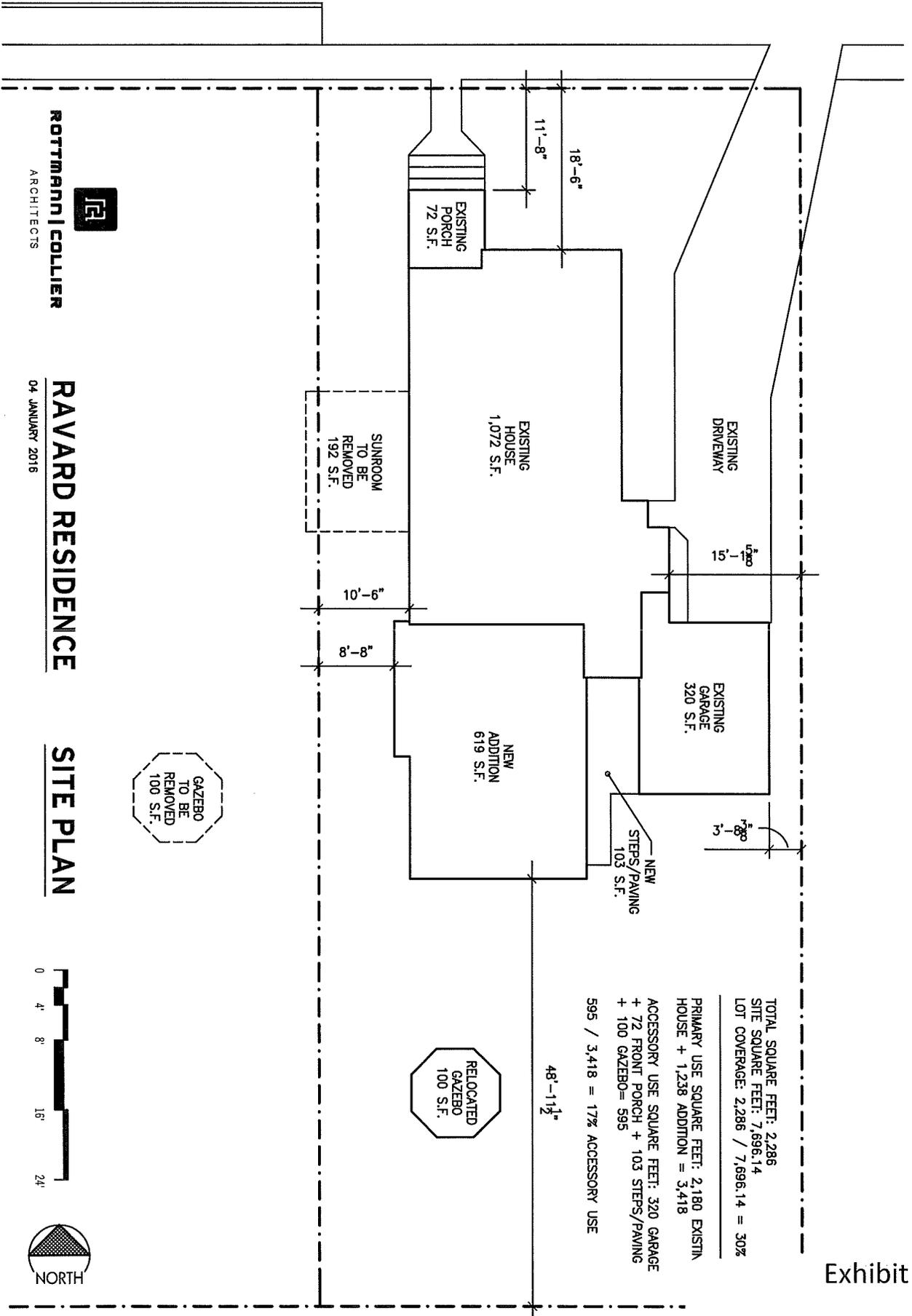


FOURTH STREET 50'
(FORMERLY SECOND STREET)



OAK STREET 50'
(FORMERLY SOUTH STREET)

Exhibit 3



TOTAL SQUARE FEET: 2,286
 SITE SQUARE FEET: 7,696.14
 LOT COVERAGE: 2,286 / 7,696.14 = 30%

PRIMARY USE SQUARE FEET: 2,180 EXISTING HOUSE + 1,238 ADDITION = 3,418

ACCESSORY USE SQUARE FEET: 320 GARAGE + 72 FRONT PORCH + 103 STEPS/PAVING + 100 GAZEBO = 595

595 / 3,418 = 17% ACCESSORY USE

RTT
ROTTMANN | COLLIER
 ARCHITECTS

RAVARD RESIDENCE

SITE PLAN

04 JANUARY 2016



Exhibit 5

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

BOONE COUNTY, INDIANA

STATEMENT OF COMMITMENTS

1. The existing 192 square foot sunroom on the west side of the residence on Lot 122 will be demolished, and not replaced, within 30 days of the granting of this Petition.
2. The existing 100 square foot gazebo will be moved from Lot 121 to Lot 122 within 30 days of the granting of this Petition. The addition of this accessory square feet will not cause any non-compliance with current zoning requirements.

DECISION

It is therefore the decision of this body that these commitments for this Variance petition are **APPROVED**.

Adopted this _____ day of _____, 20____.

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | | |

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF ACT

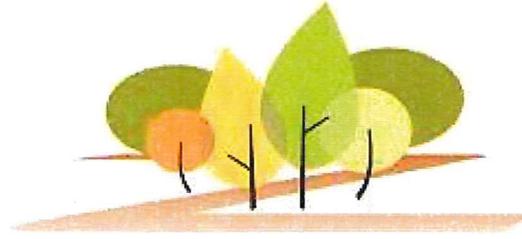
1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because this property was originally platted as two separate lots, the existing garage which is causing the sideyard issues has been there for over 100 years, this project maintains similar setbacks and lot coverage of properties in the area, will increase the value of this property, and will complete the streetscape as originally intended by town planners.
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 this project maintains similar setbacks and lot coverage of properties in the area, the existing garage which is causing the sideyard issues has been there for over 100 years, this project will increase the value of this property, and will complete the streetscape as originally intended by town planners.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because this property was originally platted as two separate lots, the lots met the required size for buildability at the time they were platted, both lots will be larger than many lots in the village that are as small as 5,000 sf and have houses on them, and the existing garage which is causing the sideyard issues has been there for over 100 years.

DECISION

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

Adopted this _____ day of _____, 20____.

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
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ZIONSVILLE

FOR ALL THE RIGHT REASONS

Petition Number: 2015-46-UV

Subject Site Address: 10614 DeAndra Drive

Petitioner: Todd McQuinn

Representative: Todd McQuinn

Request: Petition for a variance of use for an established automobile repair business to include automotive sales in the I-2 Urban Industrial Zoning District, which does not permit automobile sales as a primary use of the property

Current Zoning: I-2 Urban General Business District

Current Land Use: Commercial

Approximate Acreage: 1.10 Acres

Zoning History: A part of Andrade Industrial Park Section 2, Lot 1

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 - Petitioners Letter dated February 1, 2016
Exhibit 4 – Parking Exhibits
Exhibit 5- Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition was scheduled for a public hearing at the January 12, 2016 Board of Zoning Appeals meeting, and was continued to the February 9, 2016 Board of Zoning Appeals Meeting.

PROPERTY HISTORY

The property was annexed into the Town of Zionsville on December 17, 1998.

ANALYSIS

The site is improved with a 5600 square foot building serving as both a vehicle repair facility and vehicle sales facility (for which the Petitioner indicates that “sales” have been occurring on the property for some time). The site is surrounded by industrially zoned property, and the occupancies of the adjoining properties include both industrial and non-industrial land uses (examples of non-industrial land uses found in proximity to 10614 DeAndra Drive: vehicle service, retail sales of merchandise, service retail, and vehicles sales).

While it is apparent to staff that vehicle repair has been occurring on the property for some time, the staff has not been, as of the time of the writing of the staff report, able to independently confirm that vehicle sales have been occurring on the property for any length of time. Therefore, as sufficient evidence was not able to be produced prior to the filing to adequately demonstrate the establishment of a vehicle sales operation, the need for the variance arose as vehicle repair occurring the property is considered by staff as a grandfathered use; the conducting of vehicle sales on the property is not an action supported in the I-2 Urban General Industrial Zoning District¹.

Vehicles Service and Sales

Currently within the Town of Zionsville, vehicles sales and vehicles service is a permissible use in a variety of zoning districts (in both the Rural and Urban classifications). Specifically along 106th Street, historically, retail uses (providing for vehicle service operations) have occupied several of the parcels having frontage on 106th Street and/or are accessible from 106th Street via a local street. Providing for the continued operation of a vehicle service and vehicles sales operation (when operated in conjunction with one another, and as further described in the Petitioner’s letter dated January 6, 2016, See Exhibit 4) is a land use which the Staff is in support.

That said, what appears to be changing from the historical operation and occupancy of the property is the intensification of the retail aspects of the operation (potentially selling more vehicles per year than has occurred in the past, for example). While staff is not opposed to some increased number of vehicles sales occurring at the site, what staff is most concerned with (beyond establishing a maximum annual intensity of occurrence of vehicle sales) is the

¹ A review of the list of currently licensed “Motor Vehicle Dealers” maintained by the Indiana Secretary of State’s office does not reveal a current “Dealer” license for 10614 DeAndra Drive. Staff would note that it is possible that a) the number of vehicles occurring at 10614 DeAndra Drive on an annual basis on the property, historically, did / does not rise to require a license from the State of Indiana Auto Dealer Service Division, OR, b) when combined / operated in conjunction with a vehicle repair facility, the “Dealer” aspect of the facility does not rise to require licensure from the State of Indiana Auto Dealers Service Division.

appearance of any sales area when viewed by the pedestrian or motoring public. As 106th Street is a gateway to Zionsville's downtown area, great sensitivity should be exercised as to the fit, feel, and finish of any area associated with outdoor operations when along 106th Street.

Intensity-Outdoor Display

As the Petitioner mentions in the submittal, the site's parking lot includes up to 35 parking spaces, of which 15 to 20 of those spaces are intended to be allocated to vehicles sales (at any one given time). Per the Zoning Ordinance, for the vehicle repair component of the facility, the property must provide at least: 1 parking space for each 200 square feet of retail sales, 2 parking spaces per service bay, and 3 customer spaces. As to vehicles sales, the Zoning Ordinance requires 1 parking space per 500 square feet of gross floor area plus 1 space for each 7000 square feet of outdoor display area. While ample parking is provided for the site (based on the numbers indicated in the Petition), the Zoning Ordinance's requirements may limit the number of outdoor spaces available for vehicle display (dependent on the floor plan of the facility). Additionally, the number of spaces available for parking may be further reduced dependent on the final plan for parking lot striping and delineation of maneuvering areas.

Visual Appearance

As to visual appearance, staff is focused on 1) the utilization of visual marketing tools used to designate vehicles which are available for sale and 2) landscaping. Marketing tools: as the use of the current site apparently included the sales of vehicles, the staff commends the Petitioner for successfully operating a vehicles sales business which did not rely on the "typical car lot" marketing efforts (pennants, fliers, inflatable attention getting devices, oversized / animated signage, portable signs, doors / hoods being open / up) found at many outdoor sales lots within the Indianapolis metropolitan area (as the Town has been unaware of the vehicle sales operation occurring at the location until vehicles marked with "sales" information appeared on the property in late 2015). The prohibition of any signage or marketing methods / conveyance of commercial messages beyond what is permitted by Zoning Ordinance and / or required by the Secretary of State's Auto Dealer Service Division is encourage by staff. Landscaping: staff would encourage the installation of a hedge row parallel to the leading edge of the parking lot when adjacent to both 106th Street and DeAndra Drive (except where interrupted by drive cuts). Shrubs should be at least 18 inches in height at the time of planting and spaced no more than 24 inches on center, should be installed by April 15, 2016, and should be maintained at all times after installation.

PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Use Variance requests as provided for by the Zionsville Zoning Ordinance. A Use Variance 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 need for the variance arises from some condition peculiar to the property involved; and strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property:*
- (d) The strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property:*
- (e) The approval does not interfere substantially with the Comprehensive Plan*

As a part of the filing, the Petitioner has proposed a set of finding of fact (Exhibit 4).

STAFF RECOMMENDATIONS

Staff recommends approval of the use variance included in Docket #2015-46-UV subject to the Petitioner's operational plan described in the letter dated January 6, 2016, the prohibition of the use of the vehicles for on-site marketing purposes as described in the Staff's report, and the installation of a hedge row parallel to the rights of way of both 106th Street and DeAndra Drive.

RECOMMENDATION MOTION

I move that Docket #2015-46-UV (Use Variance) for the property located at 10614 DeAndra Drive be (Approved as presented/ Approve as recommended by Staff / Denied / Continued).

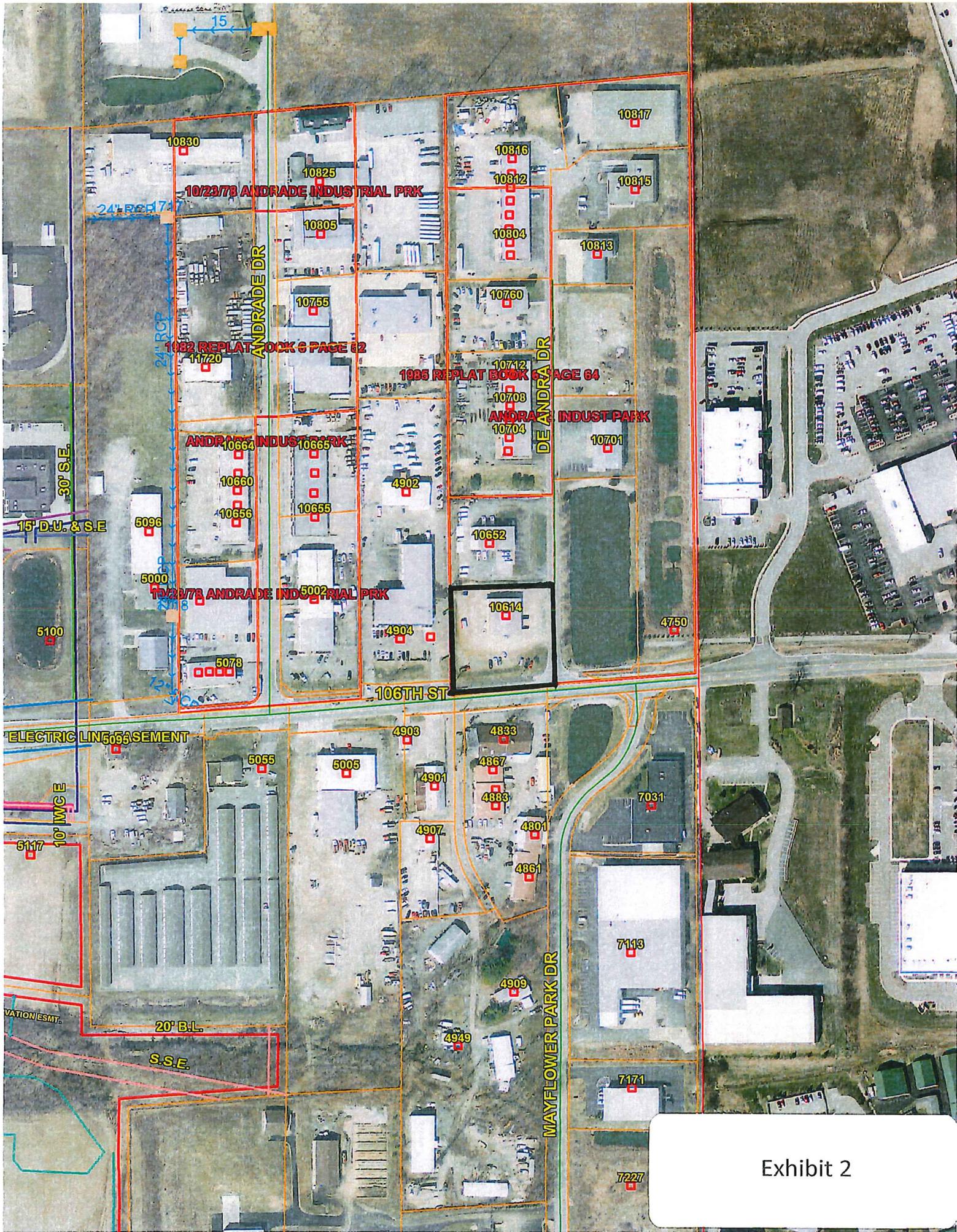


Exhibit 2

Town of Zionsville
Board of Zoning Appeals
Zionsville Town Hall
1100 West Oak St.
Zionsville, IN 46077

February 1, 2016

To Whom it May Concern:

A Quality Automotive, Inc. has been an active and integral business that has been part of the community and the town of Zionsville since approximately 1974. In 2000, I purchased and began operating A Quality Automotive at its then location on 96th St. When the business was located on 96th st. its primary purpose and business was the repair and sale of automobiles.

In September of 2010, A Quality relocated to its current location at 10614 DeAndra Dr. At the time I relocated and rented that property it was my understanding that A Quality Automotive was still in compliance and continued to operate in the same and substantially similar manner as it had when the business was located on 96th st., which included the repair and sale of automobiles. Specifically, in June of 2010, the dealer license was transferred from the 96th st. address to the Deandra drive address.

Upon receiving notice from the Town of Zionsville that my business was not in compliance I immediately addressed this issue and I am now asking for a variance so I may continue to operate my business. The failure to obtain this variance would be catastrophic for my business as this has been one of the primary income streams for my business since 2000 and the loss of this income would likely put the company out of business and unable to pay my expenses and/or honor other contracts I have entered into including a long term lease for this property.

A Quality has recently paved its entire parking lot (it used to be a gravel lot). It is likely that A Quality will have 15-20 vehicles located on the paved parking lot for sale at any given time. Attached hereto are pictures which show the layout of the current parking lot paved with striped lines. Moving forward, if the variance is granted any high quality automobiles would be parked on the south or south west areas of the parking lot which have the most visibility to the street. Because of the limited amount of cars which will be sold at one time, each car will be parked individually within the pre-marked lines as shown on photograph 1. All employee vehicles will be parked behind the building or on the north side of the parking lot or on the north west side so as not to be visible to the main traffic flow. Finally, all vehicles that are being serviced will be parked on the east side of the building within the pre-marked lines as shown on photograph 2. This will provide plenty of room for traffic flow in and out of the parking lot. Any additional signs that are needed will be affixed to the building, however, only after proper permitting, if required.

Exhibit 3

It is the intent of A Quality to only sell high-end, pre-owned vehicles at this location so as to provide the community with a local and reliable option as an alternative for purchasing vehicles. All vehicles will be thoroughly inspected and if needed repaired, whether mechanically or aesthetically, prior to being placed for sale.

A Quality has historically over the last two decades sold vehicles to its existing clientele as a convenience and it continues to do so. The only change which has occurred to A Quality Automotive's current business is the aesthetic appeal. Recently we have added a paved lot, new doors and soon will be painted to provide a more aesthetic appeal for the business and the surrounding community.

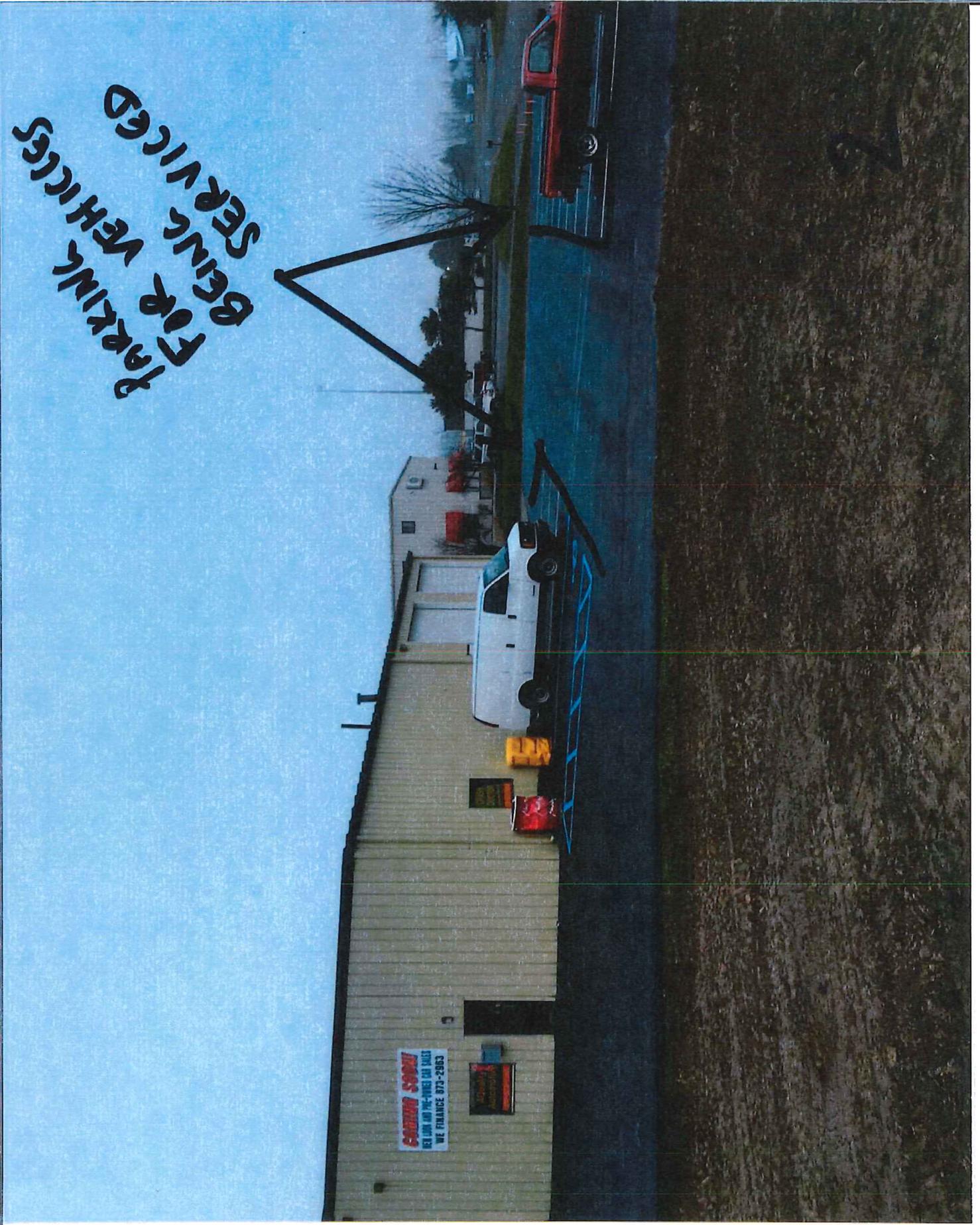
Best Regards,

A handwritten signature in black ink, appearing to read "Michael T. McQuinn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

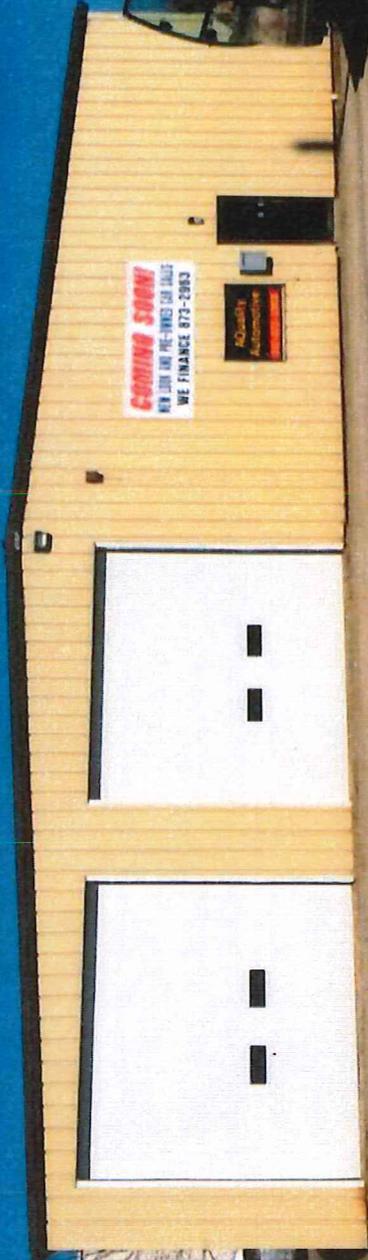
Michael T. McQuinn

A Quality Automotive, Inc.

PARKING
FOR VEHICLES
BEING SERVICED



PRE-PARKING
LOT PARKING



**PARKING
FOR HIGH-END
VEHICLES FOR
SALE**

**EMPLOYEE
PARKING**



**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals, and general welfare of the community because: the selling of high end used cars will have no adverse effect to the public health, safety, morals and general welfare. If anything, the grant will add a retail sale to the area which will only increase the general welfare by adding additional opportunity for the community to purchase nice, high end, trustworthy, used vehicles at reasonable prices and create additional business for the surrounding businesses.

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 the adjacent property is NAPA which is currently a supplier of automotive parts for my business and with increased sales and exposure it will likely increase my purchases from NAPA only benefitting that business.

3. The need for the variance arises from some condition peculiar to the property involved and the condition **is not** due to the general conditions of the neighborhood because: there are other businesses in the vicinity of this location that sell automotive vehicles, the area is zoned for other businesses which are commercial in nature and this is not a residential area.

4. The strict application of the terms of the zoning ordinance **does** constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because: selling high end used automobiles has been an ongoing part of the business since I had my dealer license transferred to this location June of 2010 and it is responsible for a substantial portion of the income for my business. The loss of the revenue from the sale of cars could ultimately cause me not to be

able to continue to do business at this location due to the expenses and the lack of income from one of the main income streams for my business.

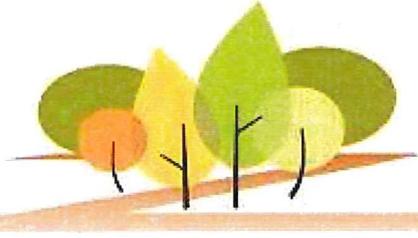
5. The grant **does not** interfere substantially with the Comprehensive Plan because: there will be no hardship caused for other businesses. The parking lot and area around the current building has been developed so as to maximize the space to house the vehicles in an organized and orderly fashion which still allows traffic to flow. The aesthetics of the area have only improved with the improvements made to the current building and its curtilage and there are trees which have been planted by the Town of Zionsville in between the road and the building which provide any necessary landscaping.

6. The grant **is** the minimum variance that will make possible the reasonable use of land, building or structure.

DECISION

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

Adopted this _____ day of _____, 201__.



ZIONSVILLE

FOR ALL THE RIGHT REASONS

Petition Number: 2016-01-DSV

Subject Site Address: 6502 S. County Road 850 East
6402 and 6400 S. County Road 850 East (unassigned)

Petitioner: Mark J. Somers

Representative: Kenneth W. Smith

Request: Petition for Development Standards Variance to allow deviation from:

1. The requirement for a parcel to provide 45 foot of road frontage, (Lot 2)
2. The lot depth to width ratio of 3 to 1, (Lot 1 and Lot 2)
3. Accessory structure square footage to exceed that of the Primary Structure (Lot 1), in the (R1) Rural Residential Zoning District

Current Zoning: (R1) (Rural) Low Density Single Family Residential

Current Land Use: Residential

Approximate Acreage: 10.47 acres

Zoning History: None

Exhibits: Exhibit 1- Staff Report
Exhibit 2-Aerial Location Map
Exhibit 3- Proposed Plat
Exhibit 4-Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This Petition will receive a public hearing at the February 9, 2016, Board of Zoning Appeals meeting.

PROPERTY HISTORY

Prior to 2015, the original parcel (containing approximately 13 acres) was split in conformance with the definition on Subdivision (Rural). The remaining portion contains 10.47 acres and is the subject of the Petition for consideration by the Board of Zoning Appeals.

ANALYSIS

As proposed, the existing 10.47 acre site would be subdivided, however, several variances from development standards would be required in order to facilitate the subdivision, including:

1. The requirement for a parcel to provide 45 foot of road frontage, (Lot 2)
2. The lot depth to width ratio of 3 to 1, (Lot 1 and Lot 2)
3. Accessory structure square footage to exceed that of the Primary Structure (Lot 1), in the (R1) Rural Residential Zoning District (Lot 1 contains accessory structures which formerly were associated with a dwelling which was split from the now 10.47 acre property in 2015).

Lot Depth to Width & Lot Road Frontage

Specific to the requested lot depth to width ratio, creating a lot with the requested dimensions and characteristics and improving the site with said dimensions, is not a typical development request. While it is not typical, it is a development characteristic found within more rural areas of the Town. Staff is not opposed to the contemplated lot configuration as the division results in lot sizes which are comparable to sizes found on the west side of County Road 850 and further division of the west side of County 850 is potentially limited by both the existing land division pattern as well as natural and man-made features.

Specific to the lack of formal road frontage, the parent tract in question has the ability to host the construction of a public street which in turn would eliminate the need for a variance from Zoning standards (as a public street could be extended into the property). However, construction of a public street and extending such an improvement into the parcel would result in the introduction of a new characteristic into the area (one that may potentially impact the mature line of trees established on the eastern parcel boundary, among other potential impacts). While the construction of a public street may potentially be impactful to adjoining property owners, the benefits of an established ingress and egress way, with a well-defined maintenance plan designed to support the needs of both the adjoinders and service providers (for example, commercial and emergency) is a critical part of such a project. With the above information in mind, Staff is supportive of the establishment of a future division without the benefit of frontage on a public street under the following conditions:

- A maintenance plan be established for the contemplated ingress egress easement (to be executed as a part of any platting of the property)
- A turn around be incorporated into the terminus of the easement (or a portion of the overall easement) to serve as a turn-around point for commercial and emergency service providers
- The overall design of the ingress egress easement meets the minimum standards of the Zionsville Fire Department

Accessory Structures

By Ordinance, properties in the R-1 (Rural) District are permitted by right to be improved with Accessory Structures (“Shop” being 1,782 square feet, a “Barn”, and a Tennis Court) being 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 neither 20 acres in size nor a Farm, a variance must be sought (in order to permit the Accessory Structures to remain on the property as proposed by the Petitioner, being a two year period).

Given that the property is currently improved with the Accessory Structures and is currently non-compliant, Staff is supportive of the Petitioner’s plan to commence with renovations in two years (to convert a portion of the Accessory Structures into a Primary Structures thereby ensuring that the Accessory Structures occupying Lot 1 do not exceed the height, area, bulk extent, and purpose of the Primary Structure.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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 #2016-01-DSV.

RECOMMENDATION MOTION

I move that Docket #2016-01-DSV design standards variance to allow deviation from the requirement for a parcel to provide 45 foot of road frontage, (Lot 2); deviate from the lot depth to width ratio of 3 to 1, for both Lot 1 and Lot 2; and allow for the accessory structure square footage to exceed that of the Primary Structure (Lot 1) for a period not to exceed three (3) years, in the (R1) Rural Residential Zoning District be (Approved as filed / Denied/ Continued) as presented

If recommended for approval, Staff suggests that the following Commitments being reduced to writing on Town forms and recorded with the Boone County Recorder within 60 days of the date of the grant of the variance:

- a) That the Petitioner shall file with the Town of Zionsville, by January 9, 2018, for an Improvement Location Permit associated with the conversion of a portion of the existing Accessory Structure to conform to Primary Structure requirements. Said conversion shall be substantially completed by February 9, 2019. Substantial completeness is demonstrated by the issuance of, at a minimum, a Temporary Certificate of Occupancy by the Town of Zionsville.
- b) A maintenance plan be established for the contemplated ingress egress easement (to be executed as a part of any platting of the property).
- c) The design of the contemplated ingress egress easement, and terminus, shall meet design requirements of the Zionsville Fire Department.

PROCEDURAL NOTES

In the event the petition is approved by the Board of Zoning Appeals, a petition to subdivide the parent tract into parcel sizes as contemplated by the variance petition would be required to be considered by the Plan Commission.

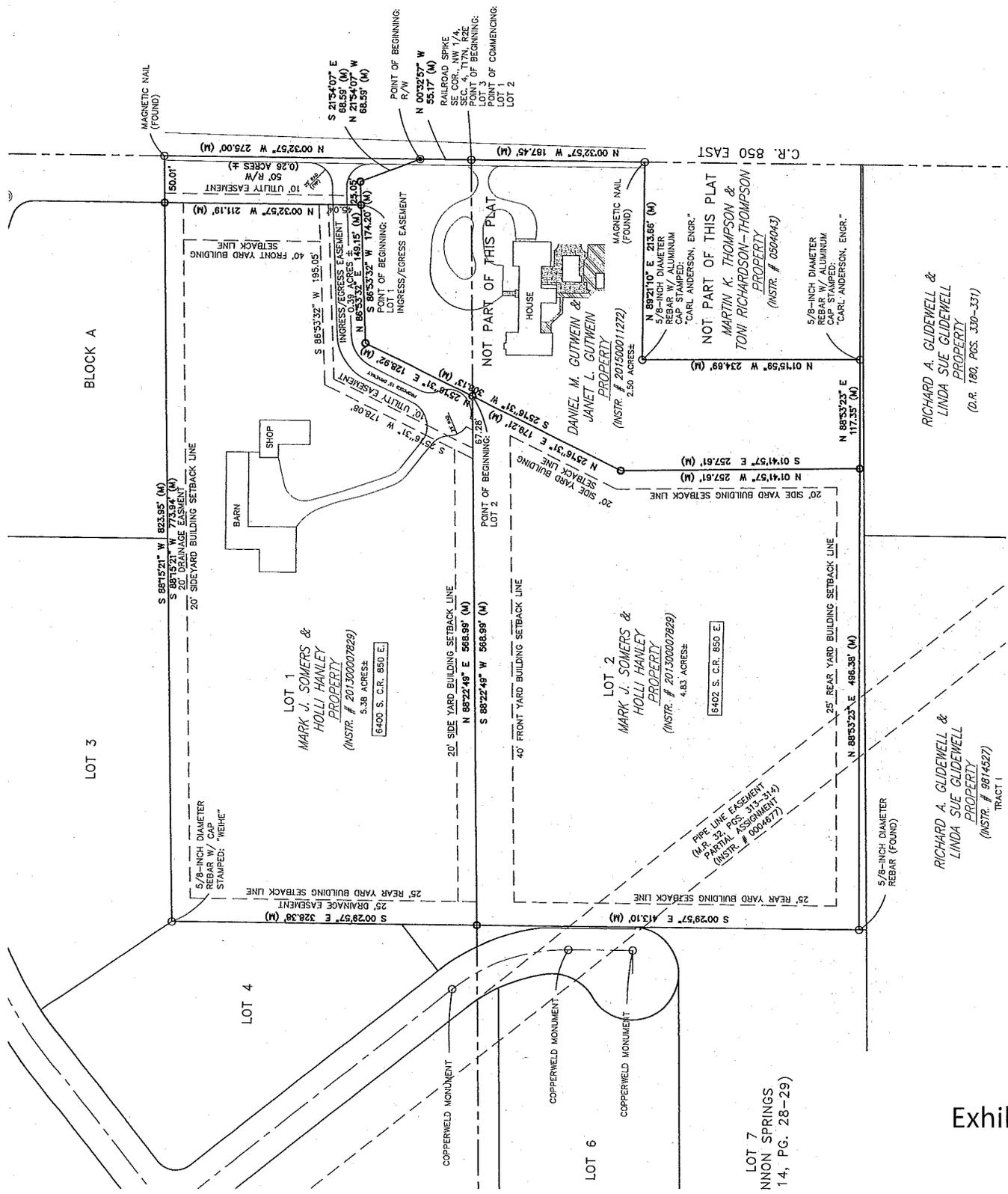
As of the writing of this Staff Report, the method of dealing with waste water has yet to be finalized by the Petitioner. The Petitioner has been in communication with both the County Health Department specific to Sanitary Sewer requirements as well as being in communication with the Town's Waste Water Department. It is the expectation of Staff that the Petitioner will be in a position at the BZA meeting to provide and update as to the status of these conversations and to outline the anticipated means and methods to dispose of waste water created by the contemplated single-family dwellings.



Exhibit 2



- LEGEND**
- AS APPLICABLE
 - 5/8-INCH REBAR W/ CAP
 - MAGNETIC NAIL
 - STAMPED "HOUSE #LS20000040"
 - STAMPED "HOUSE #LS20000040"
 - UTILITY POLE
 - TELEPHONE PEDESTAL
 - WATER METER
 - LIGHT POLE
 - AIR CONDITIONER
 - PRIVACY FENCE
 - 6 FOOT CHAIN FENCE W/ BARB WIRE
 - CLEAN OUT
 - GUY WIRE
 - ELECTRIC METER/BOX
 - GAS ENTRANCE
 - SANITARY MANHOLE
 - TREE
 - DEED BEARING AND DISTANCE
 - MEASURED BEARING AND DISTANCE
 - WATER VALVE
 - FIRE HYDRANT
 - STORM MANHOLE
 - BEEHIVE INLET
 - CURB INLET
 - BOLLARD
 - SATELLITE DISH
 - FENCE POST



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 single family residential development will provide high architectural standards and create an estate setting with generous open spaces and provide in excess of 3 acres greater than the required 2 acres within the R1 standards.
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: petitioner's improvements will add value to the current residential zoned property and will be consistent with surrounding large lot development. Our intent is to maintain the natural beauty of the wooded lots.
3. Strict application of the terms of the zoning ordinance (will / ~~will not~~) result in unnecessary hardships in the use of the property because: this large lot when split in half is in excess of the required 2 acre minimum requirement. Without the variance for the 45' foot frontage, the lot cannot be developed for any other use.

DECISION

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

Adopted this _____ day of _____, 201__.

**Town of Zionsville
Board of Zoning Appeals
February 9, 2016**

Pledge of Allegiance was said and attendance was taken by the Secretary.
Present: Greg Morical, Chairman, Larry Jones, Al Wopshall, John Wolff, Julia Evinger.

Staff attending: Wayne DeLong, Carol Sparks Drake, attorney.
A quorum is present.

Morical Good evening and welcome to the February 9, 2016 meeting of the Zionsville Board of Zoning Appeals. The first item on our agenda is the Pledge of Allegiance.

All Pledge.

Morical The next item on our agenda is the swearing in of our new member, Julia Evinger. Wayne?

DeLong Yes. Raise your right hand please. I, state your name.

Evinger I, Julie Evinger

DeLong do solemnly swear-

Evinger do solemnly swear-

DeLong that I will support the Constitution of the United States of America-

Evinger that I will support the Constitution of the United States of America-

DeLong the Constitution of the State of Indiana-

Evinger the Constitution of the State of Indiana-

DeLong and

Evinger and

DeLong the Ordinances of the Town of Zionsville.

Evinger the Ordinances of the Town of Zionsville.

DeLong I will faithfully

Evinger I will faithfully

DeLong honestly

Evinger honestly

Zionsville Board of Zoning Appeals
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DeLong and impartially discharge

Evinger and impartially discharge

DeLong all my official duties

Evinger all my official duties

DeLong as a member

Evinger as a member

DeLong of the Board of Zoning Appeals

Evinger of the Board of Zoning Appeals

DeLong for the Town of Zionsville

Evinger for the Town of Zionsville

DeLong without malice

Evinger without malice

DeLong and to the best

Evinger and to the best

DeLong -of my skills and ability-

Evinger of my skills and ability

DeLong so help me God.

Evinger so help me God.

Morical Welcome, Julia. Okay, the next item on our agenda is attendance.

DeLong Mr. Morical?

Morical Present.

DeLong Mr. Wopshall?

Wopshall Present.

DeLong Mr. Jones?

Zionsville Board of Zoning Appeals
February 9, 2016

Jones Present.

DeLong Mr. Wolff?

Wolff Present.

DeLong Ms. Evinger?

Evinger Present.

Morical The next item on our agenda is the review and approval of the December 8, 2015, meeting minutes. Are there any comments on the minutes? Hearing none, I would entertain a motion.

Wopshall I move that we approve the minutes of the December 8, 2015, meeting as written.

Morical Thank you. Is there a second?

Jones Second.

Morical All those in favor, please say aye.

All Aye.

Morical Any opposed? Motion carries. The next item on our agenda is the review, and approval of the January 12, 2016, meeting minutes, and I understand there are some changes that still need to be made in these, so we're going to circulate a revised version of these minutes and address them at our meeting in March. So, we'll defer those. The next item on our agenda is continuance requests. Is anybody here asking for a continuance tonight?

Morical Mr. Price, please state your name, and address for the record.

Price Yes, thank you, Mr. President. It's Matt Price, with an address of 10 West Market Street, Indianapolis, Indiana. I'm here tonight on behalf of two matters that are requesting a continuance. The first is Docket #2015-47-DSV, Nancy Warstler, 734 West Pine Street. I was retained for this matter within the last week. I'm still reviewing files. I have consulted with counsel for a group of remonstrators and other interested parties and notified him in advance that I'd be seeking this continuance tonight. He's here in the audience. I don't believe he has any objection to this request. I'm not prepared to proceed tonight. As a practical matter, I need to spend some time studying the file and would hope to be back at the March 8, 2016, meeting of the Board of Zoning Appeals, and our request would be to be continued to that date.

Morical Thank you, Mr. Price. Are you intending to renote for March 8?

Price We had not intended to, but we'd be happy to if that's the Board's desire.

Zionsville Board of Zoning Appeals
February 9, 2016

- Morical Okay, thank you. Can we deal with this particular continuance request first, and then tackle the next one? Is there anybody here who wants to remonstrate against this continuance request? Hearing none, any comments from the Board?
- Wolff Does counsel have a preference on whether we ask them to renotece?
- Drake Counsel, have you noticed properly to date? You've done both the certified mail as well as the publication?
- Price To my knowledge, yes. That was handled prior to my involvement with the case, but based on the public's awareness of the matter, it appears that it was properly noticed, yes.
- Morical In light of the significant interest, I think it couldn't hurt to renotece it, and I would be interested in having that as part of a condition on the continuance request.
- Wolff Agreed.
- Morical Any other questions or comments? Hearing none, I would entertain a motion.
- Wolff I will make a motion that we continue item #2015-47-DSV to the March 8, 2016, BZA meeting with the condition that the petitioner renotece all the appropriate neighbors.
- Morical Thank you. Is there a second?
- Jones Second.
- Morical All those in favor, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Okay, thank you Mr. Price.
- Price Thank you, Mr. President. The second matter is the last item on your agenda, #2016-02-DSV, Dr. Robert DeRossi. We are still working through a number of comments with staff, and would like additional time to meet with the neighbors pertaining to this request. We would respectfully request that it also be continued to the March 8, 2016, meeting of the Board of Zoning Appeals.
- Morical Okay, thank you. Are there any circumstances that would mitigate for or against asking them to renotece this as well?
- Drake Do you have complete notice again by certified mail and publication?
- Price We have done that. We have effected proper notice. Again, we don't have a problem doing it. There is some additional logistical coordination with the paper. I believe we've got plenty of time to do that, and some additional expense with

Zionsville Board of Zoning Appeals
February 9, 2016

the newspaper as well. If the Board would like to see us renotify, I would just ask that perhaps we just do that by certified mail to the adjoiners as opposed to renotifying in the paper, if that's okay. But we have no problem renotifying.

- Morical Okay. That sounds practical. Any remonstrators here tonight as it relates to this continuance request? Seeing none, any comments from the Board? Hearing none, I would entertain a motion.
- Wolff I will make a motion that item #2016-02-DSV, be continued to the March 8, 2016. BZA meeting with the condition that the petitioner notify via certified mail the neighbors of this.
- Morical Thank you. Is there a second?
- Evinger Second.
- Morical All those in favor, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Thank you, Mr. Price.
- Price Thank you, Mr. President.
- Morical So, the next item on our agenda is?
- DeLong Excuse me, Mr. Chairman. Is anyone in the audience here representing #2015-46-UV, which is Todd McQuinn? We received communications late that Mr. McQuinn may have a concern getting here this evening. Therefore, staff would request a continuance on his behalf for 30 days until your March 8, 2016, meeting.
- Morical Thank you. Any discussion amongst the Board?
- Jones Yes, I have a few pieces that I want to bring up about this. Doing a little bit of review on it, it seems that a core piece of this is that the site has been recently repaved, and that no permits were actually obtained for that, no review by the street department. Just a quick inspection of the site. He's got a certain amount of drainage problems coming up along the west edge of the property. If we're going to grant the continuance, I'd also like to see if there would be some way we can get him notice that we'd like to have a little bit of that addressed before he shows back up.
- DeLong Staff is happy to communicate that.
- Morical Thank you, Larry. Anything further? Hearing none, I would entertain a motion.
- Jones I'll go ahead and make the motion that we continue Docket #2015-46-UV to the March 8, 2016, meeting of the BZA.

Zionsville Board of Zoning Appeals
February 9, 2016

Morical Thank you. Is there a second?

Wolff Second.

Morical All those in favor, please say aye.

All Aye.

Morical Any opposed? Motion carries. So, the next item on our agenda is Docket #2015-43-DSV, Neer Development Company. Again, Mr. Price, please state your name and address for the record.

Price Yes, thank you Mr. President. For the record, my name is Matt Price with an address of 10 West Market Street, Indianapolis, Indiana 46204. I'm here tonight on behalf of Neer Development Company. My land planner, Greg Ewing, just handed you a packet, which gives you a summary of our request here this evening, but before I take you through that briefly and give our presentation, let me introduce a couple of folks that are here tonight and available to answer questions with me. Immediately behind me to my right, and your right, is Greg Dempsey, who is our civil engineer with Innovative Engineering. Immediately to Greg's right is Terry Neer, one of the principals of Neer Development, and then to his right, his brother Larry Neer, a partner with Neer Development. Terry and Larry are building partners with Epcon, which is a company headquartered out of Columbus, Ohio that specializes in empty nester housing options, and they are proposing a neighborhood in Zionsville, Indiana, just north of St. Alphonsus church. Let me just describe a little bit to you. Behind Tab 1, you'll see a site plan relating to the property. This is comprised of 4 separate parcels that have been aggregated for this project, immediately north of St. Alphonsus church, and the Zionsville Medical Center, which is south of St. Alphonsus. The entrance is a boulevard-style entrance immediately across from the Deer Ridge subdivision, which is on the west side of 950. It comprises approximately 19 acres in total, and would involve 61 detached condominiums. This is a zero maintenance-style community, again, targeted and designed for empty nesters, so that the upkeep of the lawns, the landscaping, the exterior of the condominiums is all done by an association and a management company. This is the type of home that Epcon has built across the eastern half, or so, of the United States. They've been around since, I think, the early 70s, and have had a number of successful communities. Terry and Larry, as I indicated, are partners, developer partners, with Epcon, and have built neighborhoods around the suburban Indianapolis area, have a couple of home sites in the Stonegate neighborhood, and this would be their latest and greatest offering here in Zionsville. Part of the project, it took us a while to put together this assemblage, part of this property also involves a land swap with St. Alphonsus church. If you look on the far southwest corner, you'll see kind of a cut out of the neighborhood with kind of a rectangle there. That property will actually be swapped and belong to St. Alphonsus for its future use. St. Alphonsus owns currently, and will trade with us, a 6-acre parcel that's about 2/3 of the way up the site plan, if you will. About 2/3 above the south property line of the property to the south, which is the Subah Packer property, the horse farm. You'll

see a colored version of this plan on the next picture behind Tab 1. I wanted to just show a little about how we envision the project looking. These are renderings of what the actual entrance will be for this property. Again, it shows the boulevard entrance behind Tab#2, and it lines up with the entrance to the Deer Ridge project immediately across the street. Great emphasis on landscaping. The first building that you see there is actually not a dwelling, that would be the community center. The project includes a community center and pool. The community center has an exercise room in it. To give you a little bit of detail about the type of home that you'll see there, Epcon offers 6 floor plans with 9 elevations in what they call their courtyard design, and I'll tell you a little bit more about that because it's very integral to the requested variance. Each home would come with a 2-1/2 car garage. The floor plans range from slightly over 1500 square feet to as much as 2700 square feet. They believe the price points will be in the low to mid 300s. There are a number of options and finishes that a homebuyer can select from, and so, there is some variance there depending on what is selected. Each home will have a private courtyard, again, I'll show you that. And, it's kind of an open-style living. High ceilings, emphasis on high quality interiors, kind of a modern design. Masonry and Hardiplank exteriors. Basements are optional, although seldom selected because their target audience is for empty nester living. Their average age, for example, is 63 in their communities across the United States. They do offer some optional bonus suites. Those are typically used for offices, craft rooms, a guest room for the home. And, we included just a couple of depictions of what the exteriors of the homes look like behind Tab 4. We show one such home style. As I mentioned, there are 9 different elevations to choose from. The next picture behind Tab 4 shows, kind of, a streetscape view and shows some of those elevation changes as you look down the street. Tab 5 is a floor plan. The center area is the living room area. Then, you'll see to the far right of the picture, it depicts the courtyard. Each home is equipped with an interior located courtyard area for the outdoor aspects of the dwelling. So, those can be improved with fire pits, grills, plantings, things you would typically associate with a patio, but it's done in a way that's interior to the home site itself. If you look behind Tab 6, you'll see how those orient to the adjoining property. So, there is a great deal of privacy. The home, the interior dwelling of one home, looks into the courtyard. And then, the home in this example, the center home, the interior dwelling looks into the courtyard to the right. The home on the far right, looking to the left, would not have any exposure into that courtyard or any windows that would allow, you know, impact the privacy of the homeowner as far as their outdoor use of the courtyard. And what this allows for, is for the exterior use of the property to be concentrated into the courtyards, and the backyards are essentially left as open space; green space. They are not used at all for any outdoor activities. And then, behind Tab 7, we show what is referenced in the staff report, which are the articulating frontages for the homes. Our specific request, and why we're here tonight, is to seek relief from the front yard setback requirement. This is a property that's in, what we call, the rural service area in Zionsville, so it's governed under the former Boone County ordinance, now the Zionsville ordinance that you all are familiar with. This area is zoned R4, so it permits a density range from 3 to 4 homes per acre, but it has the same front yard setback requirement as for a typical single family detached home, which is the greater of 20 feet from the right-of-way, or 70 feet

from the center of the road, as it is put in the ordinance, which Wayne has an excellent analysis, I think, in the staff report about where that 70 feet likely originates from. But, suffice to say, that probably makes more sense in a rural environment, and at a lower density than what's contemplated here. The way this property is zoned, where it's R4, contemplated at a density between 3 and 4 units an acre. We provide the articulating frontages so that you can see that the distance between the measured distances that you can see, from each garage, which is the D1, D2, and D3 picture. Those distances are from the sidewalk to the garage door. So, in our example here of these three designs, those vary from over 32 feet to slightly over 30 feet to over 22 feet. That's the closest driveway to any; the shortest driveway to any sidewalk would be over 22 feet. I would note that one of the peculiarities of the ordinance is that if we were doing an attached product, if we were seeking, or if we were just going forward with a duplex or paired ranch, the setback that would be applicable under the ordinance is 20 feet, exactly what we're seeking here. And, so, we feel like that by detaching the homes and making them standalone condominiums, that that's in essence what's triggering us to seek the setback variation. It does not increase the density beyond what's permitted under the zoning ordinance. Otherwise we would comply with all other development standards under the ordinance. And, this relief allows for the home sites to be built on this property at a density no greater than otherwise permitted by the ordinance, and it provides something that's very critical to an Epcon buyer, which is single-story living. So, all of the living spaces are on one floor. There is not a 2-story option provided, which is important to our demographic where the average age is 63, where they don't want to have to climb stairs. It also helps the project remain, what we say, is to scale or pedestrian-friendly. We don't have an interest in big front yards or long driveways. We want a community that's very walkable and suitable for the age group that we believe our buyers will represent. And, so, for all those reasons, we agree with the staff report and its conclusions. We are available to answer any questions you have and would respectfully request your approval tonight. Thank you.

- Morical Thank you, Mr. Price. So, just to be clear, I think you stated this, but, the closest a house will be in this subdivision from the edge of that garage to the sidewalk is the 22.33 feet?
- Price That's correct.
- Morical Okay, thank you. Are there any questions for the petitioner?
- Price I might add one point, because it's been something that we've worked hard at and will continue to do as we, hopefully, continue through this process is that we have met with representatives from Village Walk, and if you turn back to Tab 1, to orient you a little more, you will see that along the northern and eastern perimeter, that's the Village Walk neighborhood. And, so, we've met with their homeowner's association and affected neighbors, and have walked the property line with them and are developing, and it's not concluded yet, but are working on a mutually satisfactory and robust buffering between this project and Village Walk. They've been very excellent to work with. We've similarly met with Deer

Ridge to the west, did so, I think, last Wednesday night and they expressed a great deal of support for the project. So, as we continue to work through the process, we'll continue to work with our neighbors on all sides and believe that it's a very good fit for this R4 zoned property.

- Jones Matt, I've got a question. If I heard you correct, did you say this is basically a condominium-type ownership?
- Price It is.
- Jones So, as I'm looking at the site plan, the owners own just the home, or do they own a parcel of land that the home sits on.
- Price They own just the interior of the home, plus they would have an undivided interest in the common area. So, it'd be like, it is the same ownership regimen if you owned a condominium, say, in Florida. You own your percentage share of the condominium, but you don't own any part of the land in fee, like a single family homeowner would. You just own the interior of the house, and the association takes care of everything else.
- Jones So, is there a, I'm trying to think, because I'm familiar with, like, a zero lot line project where the building will sit hard to a certain property line, but the owner still owns the actual property. In this situation, all they own is the home?
- Price Correct.
- Jones So, then, one question is, do we end up with any kind of side yard clearance concerns or concerns from one house to the other side-by-side?
- DeLong From a staff perspective, I've not discovered any. I mean, the minimum side yard setback seems to be one that can be met by the product that's proposed. In the R4, we're looking at a 5 foot side yard setback.
- Jones And, then the second question, with the outdoor courtyards and stuff, that is really more or less on the condominium community property, basically? Anything outside of the home?
- Price Well, that's an excellent question, Larry. I don't know that I know the answer to that. Terry or Larry, you want to step up here real quick and introduce yourself?
- T. Neer I'm Terry Neer, 126 Bridgemor Lane. The homes that we build, these, of course are the courtyard series, so there is 10 foot between the homes. All area outside the homes are commonly owned and equally by all the homeowners. And, it's maintained, all the exteriors, by the association through a management company, and the courtyards, so everything outside the home is owned jointly by each and every homeowner equally.

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- Jones So, then the community actually pays for the upkeep of all the outdoor landscaping and all the courtyards and all the pavers and all the stuff you're showing?
- T. Neer They do. And, we've always liked that because there is continuity in the care of the homes. You don't have one homeowner mowing, the other one not. If someone should leave town for 2 months, they're still taken care of equally and maintained in a common area.
- Jones I guess I'm just thinking about the hardscape concerns, you're showing gazebos and other outdoor landscaping features, so that's all really paid for by the?
- T. Neer Yes, the gazebo, the only gazebos that we install would just be around the pool and the clubhouse.
- Jones No, I'm talking about on your Tab 6. The private garden courtyards.
- T. Neer Yes, those spaces, they're usually used, we do them in concrete, and then, we have options for pavers. In those areas, we do give to the homeowners, as what we call, limited common areas. So, they can make improvements in those. We have declarations and bylaws that stipulate what you can do in those areas so it's controlled. You cannot build structures without going through the HOA and seeking approval.
- Jones Yes, I guess that's what, sort of, the general question is.
- T. Neer The Declarations would control anything that could go into the yard or the change of landscaping.
- Jones And, Wayne, I am just asking the question because a month or two ago, we had the individual who had built a very nice patio on the back of his property that was getting into a drainage easement and trying to determine whether, you know, I think what the permit he had pulled versus what he had built was a little different, you know, he's back asking for a variance. So, I didn't, my general concern is, was something like this going to get opened up because there is no, how to you want to say, actual dedicated lots for each of the homes, but there seems to be a substantial amount of outdoor landscaping?
- DeLong My assumption is that when the project comes through the Plan Commission for development plan approval and platting action, if there are certain items that the petitioner needs relief from for those standards such as easement locations, and those types of items, will be contemplated and spoken about at that time. But, no, you're exactly right. I mean, our set of visual control ordinance would require placement of certain easements. How that is going to be undertaken here, I can't speak to.
- Jones Okay.

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- Price If I might, I think the other thing about this project is, is that the Declaration, and the Condominium Declaration that Epcon will require, really places tight controls on what these individuals can do, so it's not left as much as it is to a separate single-family property owner as far as what their expectations might be about what they can do. The ability to individualize your home is constrained here. In fact, the emphasis is to do the opposite. It's to have more of a uniform appearance. They don't want to add cost to maintaining things, and so they require a certain amount of uniformity. And, so, I think that will help address, I know, one of the situations you're talking about. I think that will help address your concern there.
- Jones Yes. I am just as familiar with Lake Clearwater at 79th and Dean where 30 years down the road, you've got people; there is just always a constant round of skirmish over what is acceptable redevelopment, a remodel of a house, and when did they take one down, you know, and just how to address those areas in between. So, okay.
- Morical Thank you. Any other questions for the petitioner? Hearing none, are there any remonstrators here tonight? Seeing none, may we have the staff report please?
- DeLong Thank you. Staff is supportive of the petition as filed. Certainly, Mr. Jones was speaking to items that will certainly be addressed at points in time in the future with the Plan Commission filing. The project, as proposed, is seeking a variance from a setback of the internal streets, unnamed at this time, but certainly indicated on the development plan that is in front of you. Staff's support for these types of requests, have been brought to you in previous projects. Hidden Pines is one example of such a request. Vonterra is another example of where a subdivision has come in and sought a request of relief from the standard of the 70 foot setback. As the staff report indicates, that setback is generally thought of as one that was set out in the rural portion of your zoning ordinance dealing with parcelization of road frontage lots on county roads. When you're in a subdivision, the look and feel is a bit different. The second point would be that the town's right-of-way requirement is 10 feet greater than what the county does require, and so, the rule of thumb the staff looks for is basically a 25 foot setback from the sidewalk to the product for front-load garages. In this particular case, you have articulated front yards that are being provided for. And, certainly, it goes some distance to address that, and certainly, staff is supportive of the petition as filed. And, I'd be happy to answer any questions.
- Morical Thank you, Wayne. Are there any questions for staff?
- Evinger I'd just like to ask one question. When we're talking about the articulation, it shows the D1, D2, D3, do we have a percentage, will they be equally percent equal representation of the three elevations, or will we be heavily weighted more towards the 22 versus the larger, longer driveways?
- DeLong I think Mr. Price or one of his folks can speak to that. It's my understanding that the Epcon product does provide for that percentage.

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- Price We anticipate that it will be 1/3, 1/3, 1/3. That's why we represent it that way with our diagram.
- Evinger Okay, thank you.
- Morical Are there any other questions for staff? Any discussion amongst the Board? Hearing none, I would entertain a motion.
- Jones I'll make a motion. I move that Docket #2015-43-DSV, Design Standards Variance, in the Rural R4 Zoning District to provide for a minimum 20 foot front yard setback, measured from the edge of the right-of-way, in the R4 Rural Residential Zoning District, all per plans on file for property located at 6265, 6305, 6355, and 6401 South 950 East be approved based upon the staff report and the findings as presented.
- Price Thank you.
- Morical Is there a second?
- Evinger I'll second.
- Morical Thank you, Julia. All those in favor, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Thank you very much Mr. Price. The next item on our agenda is Docket #2015-44-DSV. Mr. Andreoli, please state your name, and address for the record.
- Andreoli Thank you, Mr. President. For the record, my name is Mike Andreoli, 1393 West Oak Street here in Zionsville. I represent Claire Perry and Marc Ravard, and they are with us tonight, and Claire may address any concerns that you have. So, my wish is to actually offer a few comments. Also with us is Todd Rottmann, who is the architect, who is working with them both with regard to the property, which is Lot 122, which will be the property that will be remodeled, as well as, and you will find out subsequently, will be working in the future, on Lot 121 to the extent that we get approval here tonight with regard to that particular lot. We are here based upon a fact that the applicants were here last month and had a 2 to 1 vote in favor of their particular petition, but that was not enough to carry a quorum, so that we are here tonight. So, we apologize to those that have heard some of this presentation before, in order for the rest of you to be able to go ahead, and hear it, and make an informed decision, and have a vote. So, we do apologize for that, and my clients wish to express thanks to staff in working with them, and trying to find a vehicle by which to bring this in front of the Board. A little history with regard to these types of projects, in particular with regard to Lot 121. Both of these lots are platted lots, and have been platted, I guess, in their current configuration, 121 and 122, since the 1800s. There have not been any changes to the particular plat itself of these particular platted lots. We have provided staff with a number of different pieces of information and documentary evidence that

suggests that they're separately platted lots. Never modified or subdivided in any way. That each of these lots, 121 and 122, have separate a tax parcel. So, they are separate taxing entities, separate tax lots. There has been a lot of miscommunication with the general public about what this is all about, and I want to talk with you a little bit about the, just very briefly, with regard to the history of how we find ourselves with regard to these platted lots, that by plat, this was 7,000 square feet, but by survey, it's a little less than that, 6,987. So, both of these lots were roughly 7,000 square feet as denominated by plat. Lot 121, where all of the improvements and the house is located, is roughly 6,987. There was some additional land with regard to that that was acquired when there was an alley vacation. So, that's why those divert a little bit on each side by way of the actual plat itself that was recorded. Back a number of years ago, the houses in the Village had a minimum square foot of 6,000 square feet in terms of lots themselves. Those were the minimum lot requirements in the Village back a number of years ago. After a number of projects that I was involved in, in terms of splitting lots, the Town Council decided that they would raise that minimum from 6,000 to 8,000 square feet, and that's the current ordinance that's in front of you with regard to minimum lot size. What had occurred a number of years ago, and some of you may be familiar with it, is that there were lots in the Village that were actually platted lots that were larger. They might have been 14,000 square feet or 15,000 square foot lots. And, at that time, with the minimum lot size of 6,000, an individual could go in and actually subdivide the lot and split it into 2 separate lots, both being at least 6,000 square foot or over, and allow that subdivision to occur. The difficulty presented to the general public at the time, as well as staff, is that it may have been a big lot in terms of the way it was situated, or there may have been a house on the lot that was removed that was used up the entire lot, and everybody would look at the lot and it would be 15,000 square feet, yet somebody could come in and subdivide it and divide it into two separate lots. And, I think, that was the concern that was raised a number of years ago, and I think appropriately so. The ordinance was changed to prevent those kinds of things from occurring where you could subdivide those lots. That is not the case that we have in the current situation. The case we have here is, they are two existing platted lots that have always been platted appropriately, and they're legal, nonconforming lots of record. And, ironically, there is some commonality of ownership language in your nonconforming lots of record. A terminology under the ordinance that if you own a commonality with those two lots, and a common lot line, that arguably, you have to seek another approach. You may not be able to go ahead and utilize those, and that's where the variance approach comes in. Ironically, if my clients would have just transferred Lot 121 to a different ownership, we wouldn't necessarily have to be here tonight with any variance, at least in my opinion, as to Lot 121. But, I think staff has recognized this appropriately. If you've got a common owner, and you've got issues with regard to Lot 121 where we're seeking variances for some setbacks and some other things, with regard to the improvement of that structure, as well as Lot 122 in terms of establishing that as a lot of record. It's best to work with the common ownership so that you can solve all of these things on a global matter, and in a global way. So, staff's approach has been sensible in terms of the way that they have approached this, and we have appreciated their support and their recommendation for approval of this particular subdivision. I wanted to give you

that information because it's important that the general public understand that these are existing, separate lots. It's not a situation where my clients are coming in, trying to take a larger lot, and then subdivide it in some way and make smaller lots out of it. That's not what this is all about, and that's why I think, and why I hope, we've engendered staff report as to how this should be handled. One of the things that came up at the last meeting, I was not here, but in talking with Wayne and my clients and others, it was the members of the community and the surrounding community around the particular lots, 121 and 122, had a concern as to what was going to be built on 121. The unimproved lot, at this point. Right now, there is a fence around it, and there is a gazebo, which is going to be moved and taken off of it. What was going to be done with that. My clients, hopefully, have solved that. I sincerely believe to the benefit of the community as well as to the members of the Board, they have sold this lot to the architect, Mr. Rottmann, who has done a number of projects here in town. He is going to be the one designing the home. He is going to be the one seeking the buyer and he has a builder to build a home that he will design. He will tell you a little bit about his qualifications. That will solve, I hope, any concern, and they hope, any concern that members of the public that surround their two lots have any concerns that, somehow or another, something is going to be built there that would not be satisfactory. They are going to make sure that that, in fact, will not happen. It wouldn't happen in any event. They are going to be living next to it. My clients are moving in to the property on Lot 122, and the home that's there once it's remodeled. They will be restoring that home and they will be living in that particular home. They don't want to live next to something that's not sufficient or that will demean their property value. But, obviously saying that, may be not enough to the community, so they've gone ahead and sold the lot to the architect who will address some of the variance requests that we're making with regard to some of the setbacks and those types of things to give you a better feel for that. But, I wanted to let you know that because I think that's a positive development. I hope it's a positive development for members of the community knowing what's going to happen with that particular lot. At this time, I'll have Mr. Rottmann come up and discuss with you the variance itself, and what they're doing, in particular, with Lot 121 and 122. And, he may discuss with you his ultimate plans as what he hopes to do with regard to building on Lot 121. Thank you.

Rottmann Hello. Todd Rottmann. President of Rottmann Collier Architects with personal residence at 320 West Hawthorne Street, here in the Village. As mentioned by Mike, there has been concern from the neighbors as to what was going to happen with the empty Lot 121. In an effort to alleviate those fears and preserve the value of the Ravard's home, as well as the value of the neighbors' homes, the Ravards have entered into a purchase agreement with my business partner, Rod Collier, and I for the purchase of Lot 121. So, any work that occurs on that lot would be under our control. Also, in our desire to ensure that we stay local, and work with people who understand and love the Village, Rod and I are also partnering with Zach Chapman, who is a Zionsville resident and a builder, who has already built 2 homes in the Village. In your documents, there is a site plan, and an area map that show how a new home would fit in with its surroundings and maintain similar size and setbacks to all of the neighbors. The home, as

drawn, I think is very important to note, does not require any variances. So, why did the Ravards choose us for their house and for Lot 121, and why would their choosing us as the architect grant the neighbors any kind of relief? As I mentioned, I live here in the Village, so I understand and appreciate what it is that makes this place so special. I'm a Village Residents Association member. I'm a participating member of the Zionsville Chamber of Commerce, and I was nominated by Mayor Haak and recently appointed to the Zionsville Architectural Review committee. Our firm has won dozens of local, state and national awards for design and community development. We've been working in central Indiana's historic neighborhoods for over 2 decades, and one of our neighborhood revitalizations received the Neighborhood of the Year award from the Governor. In the Zionsville Village alone, we have designed 6 brand new homes and performed multiple renovations. We understand the importance of sensitive and appropriate residential design in a historic context. For the Ravard's beautiful home, we're helping them return the home to its original charm and character. All historic details will remain intact. We will be removing the vinyl siding that's currently on the exterior of the home, and putting on painted lap siding in its place. We will also be removing the ugly sunroom on the west side of the home that is not original to the house. The new addition to the home, which allows it to function for a 21st century family, and will help ensure this home's survival for the next century, will be occurring to the rear of the home. This will make sure that the existing character of the home will not be altered from the street. The only reason we need setbacks for the Ravard residence, or setback variances for the Ravard residence, is because of the historic garage that's on the east side of the home. That garage is over 100 years old, and predates current zoning by about 100 years. It was built only 3.7 feet from the eastern property line. Even with us removing the sunroom on the west side of the house, we cannot meet current zoning standards for individual and aggregate side yards. Tearing down the garage is not an option. That would remove some of the existing character and fabric of the neighborhood, which the zoning ordinances are actually intended to keep. So, essentially, what we're asking for is to officially approve an existing, nonconforming use. The remainder of our work conforms to all other zoning requirements. I feel these variances are important since they will appropriately address various conditions that were inherited with this property. Thank you, once again, for your time and consideration. Claire would now like to speak followed by any other support for the project.

Morical Thank you, Mr. Rottmann.

Perry Hello. Good evening. My name is Claire Perry, and my husband, Marc Ravard, we are the owners of 465 West Cedar Street. I'd like to, first of all, thank all of the Board members this evening, and also for your time last meeting on January 12, and also for staff's diligent work and help and guidance in the past months as we prepared our variance requests. So, to introduce ourselves, we are a new family to Zionsville. We moved here in the summer of 2015 from Atlanta, Georgia, where we resided in an historic neighborhood called Morningside, in an historic home, which we loved and embraced and renovated. We were very involved in our community there in terms of schools, enrichment programs, green preservation programs, and this was something that was very important to

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us. So, coming to the Indianapolis area, we were right away drawn to Zionsville, and we're very, very excited to be here and be part of this community. We were very impressed by the Village of Zionsville, its historic character, its close proximity to local amenities, and also its strong community feel and community programs that are going on in this great place. So, we're very excited to be here, and we thank all of you for your help and understanding. We are very excited to undertake this renovation and restoration of our beautiful historic home on West Cedar Street, and we look very much forward to moving in there, and being part of the Village community. Thank you very much.

Morical Thank you.

Andreoli Mr. President, there may be a member or two in the audience who wish to speak positively with regard to our application, and I would leave it up to your good offices to make that announcement if somebody would seek to come up, but that would end our formal presentation, say, for any questions that members of the Board might have. One little housekeeping note, there is a bit of the house, as designated in staff report, that is going to be removed that is encroaching on Lot 121. There is a slight area of the house that actually was built over the line probably, who knows when, but years and years ago. And, that is going to be removed as part of the renovation process. So, that will no longer be encroaching, and that part of the house will no longer be usable and will be removed as part of the renovation. Thank you.

Morical Thank you. Any questions for the petitioner? Thank you. Is there anybody interested in speaking in support of the petition tonight? Please state your name and address for the record.

Davis Hi there. My name is Michelene Davis, and my address is 7326 Fox Hollow Ridge. I've lived in Zionsville for 20 years. We've raised our children here. I work part-time for the Town of Zionsville at the Zion Nature Center where I came to know the Ravard family, and I'm not here for the ordinance part of it. I just, meeting them, and meeting their children, really, really wanted to stress to you guys this is exactly the epitome of the type of family that we want to welcome to Zionsville. These people, their children, they have 3 lovely children, they are seeking to be involved in the schools, involved in our park and recreational events, our programs we have at the nature center. Their kids are extremely well-behaved children, and they're very good parents. I see a lot of families from the communities come into the nature center, and these folks really are the kind of folks we want in Zionsville. They care deeply about, just, that beautiful vintage historic aspect of our Village and our community, and I would love to have them for neighbors. So, that's kind of why I came here. It wasn't a zoning aspect.

Morical Great. Thank you, Ms. Davis.

Davis Lovely people. Lovely family.

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- Angstadt Good evening. My name is Gary Angstadt. I live at 345 West Hawthorne Street, and I helped Marc and Claire buy the house that we're talking about tonight. Marc is French and Claire is Canadian, and they kept talking about authenticity. They didn't want a Village of West Clay house that looked old. They wanted an old house that they would embrace. They are a young couple with 3 young kids that will attend Eagle Elementary, so they were willing to take on this 1905 Dutch colonial that had fabulous aspects, 9 foot ceilings, quarter sawn red oak flooring, beautiful masonry fireplace, large windows and a great location in the Village. But, it also has challenges. Boiler-fired hot water heat with radiators, and asbestos wrapped pipes that had to be removed. No central air-conditioning, knob and tube wiring, mold in the dirt floor basement, 1 car garage, 1 1/2 bathrooms. In fact, a number of local Zionsville contractors walked through the house to give estimates for renovation work, and one suggested it would be cheaper and easier to tear it down and build new. And, it probably would be. But, they've decided not to do that. Instead, they want to sell the buildable lot to the west to help finance the expansion project of adding on and renovating. They do not want a monster house, just one with enough room and modern amenities, like air-conditioning, to house a family of 5. The main reason they even need Town action now is because the existing garage, as was mentioned, was built many years ago on an already vacated alley. The Village is littered with garages, and houses and corners and outbuildings built in the same way, back in the day when town records were not particularly nor accurately maintained. The buildable lot to the west is beautiful, or will be once they remove the chain-link fence, but the only house, and owners it really impacts will be Marc and Claire. They will be right next door, so they will want to control what is built on the lot to the west. I think it's wonderful when young couples with kids want to live in the Village. It is far cheaper and much easier to find large homes out in our many production home neighborhoods. Brand new houses, large yards, neighborhood pools and parks, tons of young kids and neighbors, so only a select few couples, like Marc and Claire, choose instead to take on a project like 465 West Cedar. I would hate to see the Village turn into a museum-like community of nicely maintained small homes with old people like me living in them. So, instead of making Marc and Claire feel unwelcome, we should be thanking them for spending hundreds of thousands of dollars on this fine, old Zionsville home, which after renovation will be around for another hundred years, standing gracefully where it's been for all this time. Thank you so much.
- Morical Thank you, Mr. Angstadt. Are there any other people who want to speak in favor of the petition tonight? Again, please state your name and address for the record.
- Segorn Good evening, I'm Emily Segorn. I live at 650 Morningside Court. I had the privilege of meeting the Ravards shortly after they moved here. I met them in August at an Eagle Elementary back to school night. We have become fast friends since, Claire and I, and also our families. My older two daughters baby sit their children. I love how welcoming this town is. I have lived in a lot of places, Zionsville now for 10 years. This is the longest I have lived anywhere. It is also; this is the most welcoming place. And, I'm here tonight to urge you to extend that welcome to the Ravards as you consider their requests for their property improvements to their property this evening. As has been already stated, the

Ravards moved here from Atlanta. They lived in an historic home there, and enjoyed upkeep of that home, and living in it, but, in fact, that was one of several historic homes that they have owned in historic neighborhoods during their marriage. They're excited about renovating the house on Cedar Street, as you know, and restoring it to its original grandeur, which will only improve their area in the Village, and the Village itself. The Ravards have been parking, though they've been living in an apartment as they get ready to renovate the Cedar Street home, they have been parking at the Cedar Street home each morning and walking to school, as an effort to become part of the neighborhood. They are eager to be part of the Village, and are acting as if they're living there. They've been out shoveling the sidewalk as soon as it snows, playing in the yard. They are very enthusiastic residents, and deserve the welcome that I just stated. Finally, Lot 121, I know I have been a neighbor of, and seen green space go next to me, that's a troubling change. But, indeed, this has always, or at least since 1878, been a separate lot intended for a home to be on it, as they are asking. So, thanks for your consideration.

Morical Thank you very much. Is there anybody else who wants to speak in favor of the petition tonight?

Carlson Hi. My name is Gretchen Carlson. I live at 140 Spring Drive in Zionsville, and I'm here to speak on the Ravard family's behalf. I've been a friend of Claire's since she moved here. Our children go to school together, Eagle Elementary. They play together, and we share a lot in common, including having lived in historic homes. We remodeled our historic home in Charlotte, North Carolina, so we're very familiar with all the tricky details of older property, and I've seen the project that they intend to do, and I'm excited about it. I love the Village and love their home, and just want to encourage you to allow them to do that. Thanks.

Morical Thanks Mrs. Carlson.

Collier My name is Rod Collier. I'm an architect with Rottmann Collier architects as well. My business partner, Todd Rottmann, was speaking earlier. I live at 1646 North New Jersey Street in downtown Indianapolis. I know some people have concerns about the house that will be designed for this lot. I wanted to talk a little bit about my history as the Design Architect. My background, the first 10 years of my career was historic preservation. I've restored several buildings across the state, including the Allen County courthouse, the Embassy Theater in Fort Wayne, and the Long Theater in Terre Haute. Some bigger historic preservation and restoration projects. I've also had 250 year plus homes that I've restored, and renovated in the past. And, then, when I moved to Indianapolis over 10 years ago, I actually built a new home in an historic neighborhood downtown, and that home has actually sparked a lot of interest. We're now designing the 9th home for my block alone. So, having infilled some of those empty lots in an historic neighborhood has been a really beautiful evolution. It has been so successful that, in 2013 when the National Trust for Historic Preservation came to Indianapolis, they used our block as an example of what to do in an historic neighborhood. So, Todd and I really want to kind of make sure everybody knows we really want the

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context, and design to fit Zionsville, so we're very conscious of that. So, I just wanted to get up and-

Morical As you're designing the renovation of the existing structure, your group has talked about removing the vinyl siding, removing the sunroom that wasn't original and isn't particularly an architectural fit. What else are you doing to bring out the, kind of, true architecture or historic nature of this structure?

Collier Of the existing house on 120? Well, I know in my past history, when you start to take certain things off of the house, like vinyl siding, you often uncover some original features that you can't see currently. So, I'm sure that they are planning on, as they remove some of that stuff that's been added to the house, they will uncover some of the original fabric of the home. And, we will want to restore, and bring that back to the features of the original house. The addition that Todd has designed for the back of the house actually has some of the elements from the front as well. Both the roof lines, and some of the window fenestration. So, we're very conscious of pattern and context, not only of the existing house, but of the surrounding neighbors.

Morical Okay. Thank you.

Collier Thank you.

Morical Is there anybody else who wants to speak in favor of the petition tonight?

Chapman Zach Chapman, 1175 Williamsburg Lane. I have been invited to be the builder on this project. As mentioned before, I have done two other homes in the Village. They are both new homes. One of them is currently under construction at 90 Bailey Court. Another project we did was on Main Street, I can't remember the actual address. I believe it was 250, but if that's not correct, I apologize. So, I have done two projects. The one on Main Street we did in 2008 has a lot of the same concerns as the surrounding neighbors are now. That lot was 5,000 square feet. We actually removed an old structure to build a new home. So, again, we are very familiar with these types of projects. I live in Zionsville, aware of what the neighbors want, and on our past projects, we've been able to deliver that without any problems. So, I just wanted to share that.

Morical Okay. Thank you. Anybody else here to speak in favor of the project?

Lukack Good evening. I'm Debra Lukack, 365 West Cedar Street, and I just wanted to let the Board know that I am impressed with their commitment to restoring the home on our street, and their commitment to ensuring the buildable lot also has a home that is compatible with the other lovely older homes on the street. Thank you.

Morical Thank you.

Webber Hi, good evening. My name is Kara Webber. My address is 30 North 6th Street. I have a trifold interest in this project as both a neighbor, it's a couple blocks from me. Our children go to school together, so we often see each other walking, as

well as, I'm an architect, so I have design interest in this as well. And, I think the Ravards have taken impressive care of both the existing historic home as well as their attention to the development of the new home. I think they've hired a great design team and their intentions, and I think, this being a legal nonconforming lot, we really couldn't hope for a better scenario as their invested nature in their direct neighbors. So, I think it will be a great success.

Morical Okay. Thank you.

Wade Hi. My name is Ann Wade. I live at 580 West Cedar Street. I very much support the Ravards, and the work that they are going to be doing. I support the staff's recommendation to allow the two existing lots to be developed individually given that the lots in question are of similar size to other lots in the Village district. I see no reason why the lots should not be developed individually. As a neighbor down the street, I very much welcome the improvement to these properties. I very much welcome the removal of the chain-link fence on Cedar Street. That will be nice to see go. There has been some discussion about the architecture that is going to be kept, the historic architecture, which I think will be wonderful. I will say that in terms of zoning, I guess I probably don't fully understand the full discussion that we have around the architecture and history of Zionsville because it's not an architectural review committee, but it is zoning. So, I very much support what they are doing and I'm glad to see all of the changes that they are going to be making and I'm sure that it will be wonderful and kept historic. I'm not sure what that has to do with this petition, but I very much support it, but even seeing the two lots being developed individually, I think will be a great improvement to the street. Thank you.

Morical Thank you. Is there anybody else who wants to speak in favor of the petition tonight? Seeing none. Are there any remonstrators? Again, please state your name and address for the record.

King My name is John King. On one level, this is a tough one for me, because my wife and I have lived in Zionsville for 25 years, the last 16 of which are in the Village directly across the street from the lot that you're considering a variance for. And, I'd like to think that, first and foremost, I'm a good neighbor. We have had the pleasure of meeting Marc and Claire and their kids, and somebody said it earlier and I agree, they're the kind of family you'd really want and do want in Zionsville. But, on the flip side, this is about the variance of a lot. I think they are a wonderful family, but it's about the variance of a lot to build a home. And, my sense is, I'm no lawyer, and I'm no architect, but it seems to me that there are rules relative to granting a variance that are not being met by this request. So, that one causes me pause, and I wonder about why we would even be here this evening to talk about a variance when it calls for an 8,000 foot footprint and it's less than that. I suppose, and I couldn't hear Mr. Andreoli's comments earlier, he may have suggested, and he's probably correct, that there are plenty of examples of variances that have been granted in the Village over the last "x" number of years. I would suggest that precedent isn't the only reason to grant something. If precedent was the only rule to follow, the world would be an interesting and different place. And, I only apologize that I've been apathetic about some of the

variances that have been granted in the Village to build homes that are not, in my view at least, so not an architect and lawyer, in keeping with the historical value and wonderful nature and prestige of the Village. And, I would ask this group to take that into account. The final point I would make is it seems to me in a few of the items that I've read, one suggests that a variance from development standards may be approved only upon written determination that the variance will not be affected in a substantially adverse manner and cause unnecessary hardship in the use of the property. That property has been, those two lots, a single family dwelling for a long time. I live in a house that was built in 1867. I have a lot next to me that I suppose I could request a variance for to build something on. I would never do that because it wouldn't be in keeping with the historical value, in my view at least, of a very valuable street, Cedar Street, in the Village. And, so on one hand, I suppose you could say you can approve this variance, and do the right thing, because precedent perhaps is on your side, I would ask you to consider to do what's right and allow them to remodel, do whatever they want to their home and we will welcome them as neighbors on Cedar Street, but that lot, with another home on it, will clutter and create, in my view at least, an unnecessary challenge for a gorgeous street that all of us in Zionsville really value.

Morical Okay. A couple things, Mr. King. First, what's your address?

King 480 West Cedar.

Morical Okay. Thank you very much. You quoted part of what we need to find tonight. You asked why are we here and why are they asking for a variance? A variance is by definition an exception. So, they are requesting an exception from the requirement that it be a 8,000 square foot lot.

King Got it.

Morical And, in order to granted that exception, we need to find 3 things, and they've got the burden to show or to prove these 3 things to our satisfaction. The first is that the approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community. The second is the use and value of the area adjacent to the property, included in the variance, will not be affected in a substantially adverse manner. Number three is, that the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property.

King Correct.

Morical So, with those three things, are you stating, as a remonstrator, that your concern that the density of this additional development, putting another house in the current vacant lot, would have a substantially adverse effect on your property?

King I believe so.

Morical Okay.

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King Thank you.

Morical Thank you. Are there any other remonstrators here tonight?

Savidge Hello, my name is Vicky Savidge. I live at 425 West Cedar Street, and I spoke last month as well, and I do believe that I said we welcome the Ravard family to our street, to our neighborhood, to the Village. And, we have welcomed them to our home. Last summer, we welcomed them to our home. And, we have nothing against the Ravard family in any way whatsoever. We would love for them to move in next door, do up the house. It would be fantastic. My issue, the same as John King's issue, who just spoke, is there are rules and regulations. We have ordinances. We just swore in a new member, and she swore to honor the ordinances. I don't believe that when the lots are split and sold, when Lot 121 is sold, neither lot will be 8,000 square feet. There is a reason we went from 6,000 to 8,000 square feet. I don't think anyone on the Board is honoring what they were sworn in to do. And, I don't understand that. And, I would not be standing here at all if it was 6,000 square feet, because I would have no problem. But, I'm a bit of a rule follower, and I don't understand why we allow all these variances to take place.

Morical Mrs. Savidge, our very existence is to hear requests for exceptions that are variances from the zoning ordinance.

Savidge I understand that.

Morical Because at times, when you paint with a broad brush, it doesn't make sense under all applicable circumstances, and as Mr. Andreoli noted, through time, our zoning ordinances have changed.

Savidge Correct.

Morical So, there are different sized parcels through time. So we need to address the individual facts and circumstances with the realities we have today and, again, we've got our zoning ordinance to guide us in how we make those decisions and those were the three elements that I read for Mr. King earlier.

Savidge I understand that.

Morical So, I assume you perceive that there would be a substantially adverse effect to your property by having another structure built on the currently empty lot.

Savidge I would have a lot of drainage, I think. We have a huge problem with drainage. We have a huge problem in the Village overall. We have a huge problem on 4th Street with drainage. I know that it's going to be addressed maybe this year because of the issues.

Morical So help me understand. Relative to Lot 122, where is your house?

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- Savidge Right next door to the east.
- Morical Is it 124?
- Savidge 123 and 124.
- Morical Okay. These two? Okay. Do you see value in renovating the current house?
- Savidge If it's done in the Village historical way, yes.
- Morical Well, how they've described it. That is, removing the vinyl siding, putting on wooden siding that would be consistent with the historic character of the house, removing the sun porch that wasn't original, putting on a structure that would be consistent with the architecture of the house. Does that help?
- Savidge Not too much. Not really. I'm sure they'll do a nice job, but it's like telling me a house is going to be built and I really don't know that much about it.
- Morical Well, you've got a house today with vinyl siding surrounded by a chain-link fence.
- Savidge Yes.
- Morical Okay. So, if you take that house and you remove the vinyl siding, and you put on historically appropriate siding, and you remove the chain-link fence, is that better than it was?
- Savidge It depends, what new fence is going up? I don't know what new fence is going up. I don't know.
- Morical If you look at the site plan, there is no fence.
- Savidge So, there will be no fence?
- Morical I mean, we can ask them, but I don't think there is a fence on the site plan. There certainly wouldn't be a chain-link fence that surrounds 122 and 121. So, there's two sides to this, right? There is this balance where, you know, there is the argument that additional density has an adverse effect, but then there is the improvement made to the property, which has a benefit. Right?
- Savidge That's very, kind of, subjective, but, yes, I see what you're saying.
- Morical And, that is the challenge. The petitioner has to prove to our satisfaction those three elements that we just talked about. So, your concerns are that the additional structure would bring additional density?
- Savidge On 121?
- Morical Right.

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Savidge Correct.

Morical And, you're concerned about drainage?

Savidge Correct.

Morical Okay. Do you have any other concerns about how it would adversely affect you or along the lines of the elements that we need to address tonight?

Savidge One personal one for our home property, I suppose is, last month at the meeting it was addressed that their driveway and fence, which is encroaching on our property, would be removed. And, I wondered what is going to be done there? What agreement can be made there?

Morical Have you had the opportunity to talk to the petitioner about that particular issue?

Savidge No.

Morical Okay. Thank you. Anything further, Mrs. Savidge?

Savidge No, but I would like to say that there are a lot of ugly rumors going around about myself and my husband, and not a single one of those is true.

Morical Well, thank you. For the record, I have no idea what you're talking about.

Savidge So you didn't receive the email that I sent at, like, 4:45, and there were a few issues that I wanted the Board to know about.

Morical Oh, that's the one you just passed out. Okay. Do we all have that email?

DeLong I'll have to rifle through the papers here.

Morical Is this it? Is this your email?

Savidge No, that one's not mine. I have a couple of copies I can share with you, or if you have them there.

DeLong At 4:57 today?

Savidge That's correct.

Andreoli Mr. Morical, I don't know--

Morical Certainly, but I'm not certain that's going to be impactful. Does the Board have any questions for the remonstrator on the email that was submitted at 4:57 today?

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Jones I'm fairly sure as part of our duties in reviewing and granting variances, we can't make or force changes in, I'm speaking about the driveway, that really falls outside of anything we can weigh in on?

DeLong It would be the Board's pleasure to suggest conditions and commitments associated with the property. Certainly, a portion of the driveway, that's illustrated on the site plan that's in front of you dated February 3, 2016, illustrates the driveway that's within the property lines. So, certainly, any adjustment to a driveway within the property would certainly, in theory, force, if you will, the consideration of changes to the curb cut. Without having the Street Department's comments on the movement of the street cut, it would be challenging, but certainly I suggest a dialogue would be, if it could be worked out with the Street Department, the driveway cut be relocated to a certain point that works with whatever setback or condition that you're thinking of.

Jones And, then, Mrs. Savidge, when you acquired the parcel at 425 West Cedar, was the driveway in its current location?

Savidge Correct.

Jones Was that noted on your site plan in any kind of civil engineering drawings received as part of the closing?

Savidge Caught on to that.

Morical How long have you been in your current house?

Savidge Since 2008 or 9.

Morical Okay. So, there is a concept called adverse possession in the State of Indiana that if somebody has open, and notoriously use of your property for an extended period of time, it's possible some part of that could be ceded over. But that's outside the scope of what it is that we need to deal with. My sense is, because she would otherwise have a potentially adequate remedy to address that, and certainly, I would encourage a discussion with these guys to figure out what makes sense. But, if that fails, you would have a remedy to the extent they're using your property, and if adverse possession were inapplicable, then you could deal with that. Because this is not really part of, you know, it doesn't talk to the key of what we're addressing here tonight, I would suggest we not talk to this driveway issue.

Jones That's fine.

Morical It would have been terrific if you guys had had the opportunity to discuss in advance. I hesitate to continue this to allow for it to go on any further.

Wopshall Last month, the petitioner said he would move the driveway.

Savidge Yes, that was in the, yes.

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Morical Oh, he did?

Savidge Yes.

Morical Oh, okay. So, they did talk about it? Okay.

Savidge Yes, it was definitely

Morical Hold on. You know our microphone, Mr. Andreoli. If you don't say it in the microphone, it didn't happen. Mrs. Savidge, do you have anything further you'd like to add at this time?

Savidge Not at this moment.

Morical Okay. Thank you. Yes, Mr. Andreoli, if you'd come back up, that would be great.

Andreoli There's really been no substantive discussions with regard to that. We've done a survey between, on Lot 122, where the house is, on our common property line with the lady that just spoke. It is true that what happened was, there was always an alley there for years. And, as with many properties in the Village, a lot of the driveways or a lot of the garages go out into alleys. And, that's what this property did in millennium. It went out into an alley. At some point, they vacated the alley. Five foot went to my client's property, five foot went to the nice lady who spoke, to her property. In essence, what happened was, that driveway was always in the alley, and it was just continued on and part of it is on her property. We'll be happy to go ahead and move the driveway if we need to, it's not an issue. If they insist on having the driveway moved, that's fine. And, then, we'll have a discussion with them about moving their fence on our property. I did not want to bring that up tonight. I think this is better dealt with between neighbors after this is resolved. Hopefully, we'll get a ruling that will allow this, them to move forward with the renovation of this and have a legitimate conversation with their neighbors. I hate to see these kinds of things denigrate into this type of thing if we're going to have neighbors living next to each other, but if they insist on having that done appropriately, then we'll just have a cut and move the driveway over. It's not an issue, it's not a problem. It's not like we don't have access. There aren't any prescriptive easement issues. There is nothing like that, so it is an easy matter to handle if we have to handle. It's an additional cost to my clients, but if that is what they insist after we have a discussion with them about that, that will happen. It's not an issue.

Morical Okay. No, that makes sense Mr. Andreoli. And, as you know, we always encourage people to communicate.

Andreoli And, I am not saying anything negative towards the Board. I know that.

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- Morical I know. And, we appreciate your willingness to work together. And, if for some reason, you cannot work it out, your clients will agree to move the driveway. Correct?
- Andreoli Absolutely. If we can work out an accommodation between the two, no problem. If not, we'll just move the driveway over. It's not a problem. We have access off the street, all that frontage. It's not going to be an issue. Hopefully, we'll be able to come to some accommodation where we can leave the fence where it is, and leave the driveway, but if not, we'll work with them to work something out.
- Morical Okay.
- Wopshall Let's clear this up right now. Who's fence is it?
- Andreoli I'm sorry?
- Wopshall Who's fence is it?
- Andreoli I assume, it's, I don't know who's fence it is. There is a fence on our property. Is that our fence?
- Savidge No it is not our fence. Because it goes, it is not our fence.
- Andreoli Okay. Then, if it is our fence, then it is on our property, there is no issue. All I'm suggesting, Mr. President, if there is an issue with regard to the driveway and they want it moved, we'll move it. That's what's going to happen.
- Morical So, if it is their fence, or if it is your client's fence and it is on the Savidge's property
- Andreoli It's not on, no. The question is, there is a fence that is on our property.
- Morical Okay. If there is, hold on. Remember, if you don't say it in the microphone, it's like it didn't happen. So, that's fine. If it is your client's fence, and I know they just bought the property, so they may not know, the fence was there, right? Who knows? If it's your client's fence, and it is on the Savidge's property, will you work with them to move it?
- Andreoli Well, yes.
- Morical Okay. Thank you.
- Andreoli I think it's going to have to go back and forth either way.
- Morical Right. And, if it's the Savidge's fence on your property, you'll work with them to move it, as part of the overall discussion?
- Andreoli Yes.

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- Morical Okay. I don't want us to get sidetracked.
- Andreoli I don't think this is the appropriate forum to discuss it. I think it'd be better left discussed between the parties. All I'm suggesting to the Board is, if that's an issue with any member of the Board, and we have a driveway that is partly on their property, we'll move it. No problem. Easy.
- Morical Okay. Thank you, Mr. Andreoli. Are there any other remonstrators that would like to speak tonight? Again, please state your name and address for the record.
- Zeller Hi. I'm Mike Zeller, 420 West Cedar. I live across the street from Vicky and John, next to John King, and I wouldn't want to be characterized, necessarily, as for or against this current petition. But, I did want to just state where we are on it and a little bit of background here. We did a major renovation of our home without any variances 5 years ago when we came in. And, we had encroachments from the neighbors that we worked through. We had an existing nonconforming setback situation on the side yard, but again, because it was existing, we were not required a variance. And, unfortunately, there is at least one neighbor that feels strongly that we negatively impacted the value of their home because of what we built. I don't feel that way. I think, in overall, I think we made a strong contribution to the street. The block is a beautiful block. It's probably the best one in the Village. So, these things can be in the eye of the beholder, whether or not it's going to have a negative impact. I guess, from our standpoint, we do not see a negative impact for two reasons. One is, we always assumed since we moved in there, they were separate parcels and would someday be built upon. Rightfully or wrongfully, not understanding all of this legal mumbo jumbo. The other issue is, what gets built there. That's very important to all of us. I believe that will have some impact either negative or positive towards that street. I, unfortunately, don't know well the Rottmann and Collier work, but based on their credentials and the fact that they've done these kind of things, I guess I'm willing to say, well, that's better than not having any control over what's going to be built there. So, as one more neighbor, I just want to say, our existing neighbors are great, new neighbors are great, and I'm sure, you as a Board, will make the right decision.
- Morical So, Mr. Zeller. To kind of summarize what you said, you don't perceive that the proposed variance that would allow for the additional structure would have a substantially adverse effect on your property or the block?
- Zeller That is correct.
- Morical Thank you. Are there any other remonstrators here tonight? Seeing none, Mr. Andreoli, would you care to come back up and make and further remarks?
- Andreoli I'll just be very brief. It's been a long evening already. I just want to emphasize, again, that we will go ahead and move that lot as part of the building, or move the driveway as part of the building permit process, assuming we're successful in getting a variance here tonight. I want to also, again, since the word split was used. This is not a split of a lot. These are two pre-existing legal nonconforming

lots of record. And, but for the fact that my client put both properties in one common ownership, they wouldn't need a variance for Lot 121 anyway. And, that could be rectified after the fact. But, I think staff has done an appropriate thing here, as trying to find a global solution with a common property owner for both lots to make it all work. And, I think it makes a lot of sense in that regard for that approach. To the extent that was the basis for it, I can't say that. Wayne will speak for himself, but, that makes sense to me in terms of how that should be done. There is a hardship to my clients. They purchased two lots and, without the variance, somebody is suggesting to them that they cannot build on one of them. And, that is why we need the variance as we have requested. So, that is a substantial hardship, when you purchase two separate lots to not be able to go ahead, and have an appropriate building on one of them. There are a number of lots throughout the Village where people have doubled up lots and built bigger homes. I see nothing wrong with that. I think that's been positive. There are a number of lots in the Village where people have put homes on 5,000 square foot lots, also appropriate. Beautiful homes. Smaller homes. But, nonetheless, fit in the character of what the Village has always been about. One that's being constructed right now is a 5,000 square foot lot on Main Street. There was no variance requested for the development of that lot other than setback variances for the house because the house has to be fairly small. That's a 5,000 square foot lot that is undergoing right now, and I know about that because I had a client who had purchased it. So, those types of lots are appropriate. Almost 7,000 square foot lot is appropriate. Lots on double lots of 14,000 square foot are appropriate. All of these are sprinkled within the Village. And, quite frankly, our Village has never been more vibrant in terms of the quality of the architecture, the quality of the homes and the kind of people that we have living in the Village in the last 5 to 7 years. The Village has transformed itself in terms of some of the architecture and those types of things. My clients simply want to be a part of that, and move forward with the variance to make sure that that happens. Thank you.

Morical So, Mr. Andreoli, a couple of questions for you. As you know, one of the items that, as the petitioner, you need to prove on behalf of your client is that the use and value of the area adjacent to the property will not be affected in a substantially adverse manner. So, we've heard tonight that the additional density does cause an adverse effect. And, then the question's been posed—

Andreoli What additional entity causes that?

Morical Density, density.

Andreoli Pardon?

Morical Density. The additional structure on this, on the currently empty lot causes the substantially adverse effect. That's the argument of the remonstrators.

Andreoli I understand that's the argument that has been made.

Morical Right.

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- Andreoli There has been no information suggested. There has been no empirical information suggested. There has been nothing suggested to you by a realtor. A suggesting, somehow or another, those kinds of things will cause a substantial or adverse impact on a neighbor. In fact, we've had neighbors come in and suggest the opposite.
- Morical I understand. Hold on Mr. Andreoli. Hold on. What I'm interested in hearing from is Mr. Rottmann, to the point that we discussed earlier, with his business partner, that, yes, there will be another structure. So, we could see how, theoretically, that could be talked about as an adverse effect, but are there elements of what you are doing that is actually a positive for the existing structure that is changing it in a way that would be seen as a benefit?
- Andreoli That makes sense, and if you give us 5 minutes, we'll try to elaborate on that and try to answer that question, Mr. President.
- Morical Thank you.
- Rottmann The area map that you guys have that we created is the product of an incredible amount of work on our part to make sure that this project, both the Ravard addition and the work on Lot 121, is consistent with what's happening in the area. You guys should have 18x24 area plans. The big one. So, we pulled all of the building permit information for the four surrounding lots. We pulled the Boone County property record cards for all of those lots. We did site investigations. We used the Boone County GIS, and aerial mapping courtesy of Google, to create that plan to be as accurate as possible. I think that it clearly indicates that the Ravard's addition, as well as the house that we are proposing on Lot 121, fit within the character and the context of the neighborhood, both on 5th Street and on Cedar Street. Another interesting point that the map points out, is that the lot coverage for the Ravards and for the proposed house on Lot 121 is actually significantly less than all four of their neighbors, several of who are actually in violation of lot coverage, however, never have received any variances for that lot coverage. Some of that may be due to, obviously, the changes in the zoning over time, but that kind of gets back to the point of how the zoning continues to evolve, and that even historic properties do not meet current zoning. Another point I think is very important, one of the Kings who had mentioned that this density would have an adverse effect on their property and he said he would never subdivide his lot to create another house. I think that's a bit of a falsehood because he has two single family dwellings on his property at this time.
- Morical Which property is that, Mr. Rottmann? Okay, so you're saying the portion of the property directly across the street, that's on the north---
- Rottmann It is on the northeast corner. Yes.
- Morical Okay.

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- Rottmann It actually has two dwellings on it at this time. Once again, I don't know if that's even allowed by current zoning, but it's historic. It has always been that way and it continues to be that way.
- Andreoli And, I might make a comment on that. Regardless of that fact, there is nothing about Mr. King's property or properties that cause any devaluation in the particular area. They're nice properties. They are well maintained. They are nicely done. There is no devaluation that is caused by that. It is just a fact of what we are seeing. So, we are not suggesting that, somehow or another, that causes some diminution of value on anybody else's property. Quite to the contrary, that's just the way the Village has been constructed over a period of years, simply put.
- Morical So, Mr. Rottmann, again, walk us through, we have an existing structure today on Lot 122, correct?
- Rottmann Correct.
- Morical That's got vinyl siding, which obviously isn't historic.
- Rottmann Correct.
- Morical A sunroom that is not compatible with the architecture of the house. With the plan that you have got, where are you taking it from today to where it will be in terms of the visibility to the outside and to the neighbors and to the rest of the community?
- Rottmann Right. So, as far as enhancing the property, so, to get away from the adverse effect, which I do not believe is correct, it actually will enhance the neighbors. The existing house is going to get remodeled to a point to where it more embraces its historic character by getting rid of the vinyl siding, getting rid of an inappropriate addition, having our addition occur on the back of the house so we aren't changing the streetscape at all on that neighborhood. Then, on the proposed house on Lot 121, we are talking about a beautiful residence that fits within the character of the neighborhood, both in style, but also in platting, street frontage, setbacks, lot coverage. It complies with all of those, and actually will increase the value of that property, thereby increasing the value of the neighbor's properties as well. So, we actually see this as having a positive effect in taking a vacant lot with a chain-link fence, putting a dwelling on that. That will increase the property values, not only for that property, but also for the surrounding properties.
- Morical Okay. Thank you. Are there any questions for the petitioner?
- Wopshall Yes. Before you leave. You have mentioned several times that you will need no further variances. You've specified that. Will you commit to a period of time, since you are now proposing to buy Lot 121, where you will not want a variance like, say 5 years?

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- Andreoli I didn't hear that. What was that?
- Wopshall Pardon?
- Morical Mr. Andreoli didn't hear the question.
- Wopshall Mr. Rottmann says that he will have no further variances on Lot 121, except for the square footage of the lot. So, I'm proposing that he stick to his commitment and say he will have no further variances for, like, 5 years.
- Andreoli Well, the beauty of that is, if we have a variance request, it is going to be heard by this Board.
- Wopshall That's correct. But we don't need to be bothered.
- Andreoli Well, then you can turn it down if it's inappropriate. You can place that mental note that we don't think we're going to have any variances, and if we come up with one and you want to turn it down, that's within your purview to go ahead and do that.
- Wopshall It's within our purview to put it right now, too.
- Andreoli That is right. So, you don't need a commitment in that regard, because the bottom line is, you ultimately make that decision. That decision is yours. So, what you're saying is, reading between the lines if I'm correct, don't come back seeking a variance.
- Wopshall That's correct.
- Andreoli Yes, we got it. I'm hearing that.
- Morical Thank you. Any other questions for the petitioner?
- Wolff Mr. Rottmann, can you discuss or quickly address how you calculated lot coverage according to your area map? What you included?
- Rottmann Yes, so we went with the property record cards from Boone County for both lot size, as well as, improvements to that property. And, then, did field measurements for any portion that, you know, was not able to be understood. And, then, included sidewalks, driveways, pavers, things like that. And, we had also pulled the other building permits for the 4 surrounding homes that were on record, and looked at those to make sure that those matched what was on the site, and so that also gave us additional information as to make sure that what Boone County had in their property record cards were accurate.
- Wolff Thank you. There is a significant discrepancy between your lot coverage and one of the remonstrator's stated lot coverage.

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- Rottmann Yes, and actually, the last building permit for that remonstrator was listed at 34.9% lot coverage, and since that time have added impervious surfaces.
- Wolff Wayne, we've discussed this in the past. Can you define how we calculate lot coverage please?
- DeLong Certainly, it's captured in the zoning ordinance. Without having it in front of me, I can not give you the exact definition. It is impervious surfaces excluding the driveway, and excluding the front walk that would lead up to the entry system to the home. Now, that would, if you have got 6 different paver sidewalks that you have installed all around your property for access to various portions of your property, those would be counted as lot coverage. But, it is trying to address that one sidewalk that might lead up to your front door.
- Wolff Certainly. Thank you.
- Rottmann Yes, and we did not generate that in an effort to cause problems with anybody. We love this street. The neighbors have done fantastic jobs with their property. As mentioned, it is one of the most beautiful streets in the Village. We just wanted to show that what we were doing did not cause any kind of adverse effect or do something that other properties, you know, were not already accomplishing in the Village.
- Morical Okay. Thank you, Mr. Rottmann. Any further questions for the petitioner? Hearing none, may be have the staff report please?
- DeLong Thank you. As staff indicated last month, and certainly again will address it this evening, staff is recommending approval of the petition. There were four conditions as outlined in the staff report. Certainly, staff does not object to a 5th condition dealing with the driveway and any other conditions the Board seeks to discuss further this evening. As outlined in the staff report, and certainly spoken to this evening by the petitioner's representatives, the lot establishment of Lots 122 and 121, those are certainly platted lots within Crosses Fourth Addition. Over time, these properties were combined, if you will, and utilized as one development site. For a party looking to, once again, utilize each parcel as an individual building site runs into some issues which requires variances as discussed this evening related to setbacks, encroachments, improvement of a lot without the benefit of a primary structure, talking to the gazebo. And, the petitioner's proposal to you this evening addresses all of those issues and would wipe the slate clean and/or establish variances for whatever encroachments or lot sizes that are being addressed in the petition. Certainly, it is articulated by the testament of some of the support of this petition regarding the architectural side of this conversation. The zoning ordinance deals with lot area, lot width, setbacks, those items that are being dealt with. Certainly, it's within the purview of the Board of Zoning Appeals to establish any conditions specific to the architecture, but certainly, the staff report is void of addressing any of those items because those are simply not items, that the staff, even though those are important to the community, by peer of zoning, are not an item for the staff to review or discuss. Again, staff is recommending approval of the petition as filed

with the suggested conditions as listed in the staff report, and again, open to the other items that has been discussed this evening. And, I would be happy to answer any questions.

Morical Thank you, Wayne. One question on Item #4 of the recommended motion that provides that it would be conditionally approved based upon the demolition of the sunroom and that be accomplished prior to the submittal for a building permit on either parcel. Wouldn't they need a building permit to remove the sunroom?

DeLong They would need a demolition permit.

Morical But they need to be able to actually seal off the house again, right?

DeLong Correct. There would be. This #4, the testimony last month was focused very clearly on the petitioner's offering of some level of timing of the removal. And, staff, what we were trying to attempt at that moment, was to say that we certainly appreciated, I think, by everybody that is a condition would be speaking to. What staff viewed as an aggressive time schedule to remove the gazebo and make these renovations in the dead of winter. That there just be a little more flexibility to that than saying that it would be accomplished in, let's say, a 30-day time period, which is, I think, what they articulated last month.

Morical Would you be amenable to #4 essentially saying that a condition on any building permit would be that it would also require the demolition of the sunroom and the movement of the gazebo?

DeLong Certainly.

Morical Okay. That's fine. Are there any questions for staff?

Jones Not so much a question, but I've got a comment. I always seem to. We have been talking a lot about density, and I don't think we are using, what we consider, our typical definition of density. Typically, when we talk about density, we talk about number of lots or homes per acre for a certain sized development, you know, 5 or 10 or 15 per acre, and there is different zoning for different kind of developments that affect that. In this situation, we seem to be mixing the term density with the mass of the house. The point I'm trying to make is, when you look at the original, sort of, platting from 1878 or even some of the additional documentations, the Lot 121 always existed. We are not increasing the density of the development per se because, by choice, people have not built a home on it, that is one thing. But, there is no increase in density being accomplished here by allowing a home to be built on a previously established lot. Does that make any sense?

Morical It does make sense except we have now established that you cannot, without an exception, without a variance, you cannot build a house on a lot that is under 8,000 square feet.

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- Jones Correct. But, then the second point is, is that that zoning, the 8,000 square feet, was created after this area was platted. So, technically, these lots ought to be grandfathered in underneath that.
- Morical They would be as lots, right? And, that is not the argument. The question is, could they build a structure on that second lot? And, that's where that 8,000 square foot requirement comes in. So, you could have a teeny little lot attached to your parcel today, but what can you do with it? Could you build a structure on it? And, right Wayne? I mean, our zoning ordinance says that it's got to be 8,000 square feet or you need a variance.
- DeLong Correct. And, as indicated this evening, there are other portions of the ordinance that speak to the grandfathering of lot area and lot width and common ownership versus separate ownership, and as spoken to, given the totality of the variances that are necessary and the existing issues, if you will, caused by the common ownership of the parcels and the desire to remedy all those in one failed swoop and in one failed process, that is what is in front of you this evening.
- Morical But, Larry, you make a good point. I mean, legally, of record, these are separate parcels. Everybody, presumably, has the opportunity to check the record, and to see that they were separate parcels, that they have always been separate parcels, and as such, there is some, you are kind of on record that there could be some construction on those parcels. So, it is not like we're creating, or the petitioner is asking to create something new. It is to use something that was already present. Good discussion. Thank you, Larry. It was a good comment. Any other questions or comments for staff? Hearing none, I would entertain a motion. And, note that the recommended motion doesn't talk about the removal of the vinyl siding either.
- Jones Do we want to include that in the motion, or is that really part of?
- Morical Well, when we talk about weighing, kind of, the benefits of this development, or this variance request, and the potential adverse effect, one of the benefits is moving the house closer to its historic state, and part of that involves the removal of the vinyl siding. So, I would say that a condition of any building permit would be, on either lot, would be the removal of the vinyl siding and the removal of the sunroom.
- Jones Okay. I move that Docket #2015-44-DSV, design standards variance, to allow: (1) Lot 121 of Cross' 4th Addition of the Town of Zionsville to be improved with a new single family dwelling independent of Lot 122 of Cross' 4th Addition; (2) Reduce the minimum lot area from the required 8,000 square feet to 6,987 square feet for Lot 121, and 7,696 square feet for Lot 122; (3) Reduce the required 5 feet minimum side yard setback to 3.7 feet on the east side of the property of Lot 122, and the required 15 foot aggregate side yard setback to 12.3 feet; and (4) that this motion be conditionally approved based on the demolition of the sunroom on Lot 122, the removal of the gazebo from Lot 121 to Lot 122, and the removal of the vinyl siding from the structure on Lot 122. And the last part would be, that this be accomplished and/or included in the building permit for either parcel. And

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number five is that no additional variance for a 5 year period be requested for Lot 121. That this be approved based upon the findings in the staff report as presented.

Morical Thank you, Larry. Is there is second?

Wolff Second.

Morical Any discussion?

Evinger Yes, discussion. Just, as far as the 5 year moratorium, do you anticipate having to come back and seek any kind of a variance before we put any kind of restriction on that?

Morical If you do not say it in the microphone, it didn't happen.

Rottmann At this time, we do not anticipate any variances, which is why we provided drawings for that house. However, you know, we will be searching out a buyer for that property, and we'll tell them that they probably would not get a variance.

Evinger Okay.

Morical Thank you, Mr. Rottmann. Any further questions?

Evinger That's all. Thank you.

Wolff Is that condition tied to the property, because if it is a new owner, then?

Morical Wayne?

DeLong We would need those as commitments. So those travel with the property.

Drake Yes. If you want them to apply to the next owner, they should be reduced to recorded commitments, as opposed to conditions.

Morical Carol, do we need to amend the motion to reflect that?

Jones Either that, or do you think we just ought to drop that piece? Wayne, what do you think?

Drake You would need to amend your Item #5, or delete it, which I understand to be no additional variance for 5 years on Lot 121.

Jones Correct.

Drake Because your Item #4 was a conditionally approved based upon, and I believe that you made Item #5 also a condition, as opposed to a commitment. So, I recommend it either be a commitment to be recorded, or that it be deleted from the motion.

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- Jones I would move that I delete it, then.
- Morical Okay. Is there a second?
- Wolff Second.
- Morical Any further discussion? All right. All those in favor of the petition, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Thank you very much. And, welcome to Zionsville. Not all of our meetings take this long. We can make decisions quickly, occasionally. The next item on our agenda is Docket #2016-01-DSV, K. Smith. If you will please approach the podium and state your name and address for the record.
- Smith Good evening. My name is Ken Smith. I reside at 7590 Hunt Country Lane, Zionsville. And, I've lived there for 10 plus years. Do you want me to go ahead?
- Morical Yes, please.
- Smith Okay. We are in the process of purchasing this 10.47 acre parcel from Mark Somers, who is in attendance with me this evening. The property was formerly a 13 plus acre parcel prior to Mark splitting off 2.5 acres in October of 2015. It is our goal to subdivide this 10.47 acres into two buildable lots. I have included our minor plat for review, which indicates Lot 1 and Lot 2. We intend to build a home on Lot 1 within the next 12 months. To facilitate the proposed subdivision, we're requesting three development standard variance. The requirement for a parcel to provide 45 foot road frontage, Lot 2. The lot depth to width ratio of 3 to 1 on Lot 1 and Lot 2, and accessory structure square footage to exceed that of the primary structure on Lot 1 in the R1 Rural Residential Zoning District. I appreciate the staff recommendation and approval of this petition. I believe we've submitted all the required documents, and I'm here to answer any questions or specifics concerning the petition.
- Morical Great. Thank you. Are there any questions for the petitioner? I guess one quick question for you, Mr. Smith. So, this new property would have accessory structures without a primary structure, correct?
- Smith Say that again, please.
- Morical The property that you're acquiring, as it's split off from its current house, will have accessory structures but no primary structure?
- Smith As it sits today.
- Morical As it sits today.

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Smith Correct.

Morical So, that's a nonconforming use to us.

Smith Correct.

Morical How quickly can you commit to build the new primary structure on the lot that has the accessory structures?

Smith That we would be either remodeling or building construction within 12 months.

Morical And, that would be the primary?

Smith Correct.

Morical Okay. Thank you.

Wolff We're talking about Lot 1, correct?

Smith Yes, sir.

Wolff And, that structure is located, as labeled on Exhibit 3, is that the barn and shop area? Is that where that's going to go?

Smith Yes, in the general vicinity.

Wolff Okay. And, then further, you have no intention, at this time, to put a structure on Lot 2?

Smith Not at the moment.

Wolff Okay.

Morical Is your plan to sell Lot 2?

Smith We may. We just wanted the option. When we went looking for land, it was larger than what we wanted, but at this point, we are not listing it for sale right now.

Wolff And, you mentioned earlier that this is, I think, approximately 10 acres, that it was originally 13 acres, does that reference the two lots to the east that are kind of surrounding this property?

Smith Yes, it would be the Guttwein's property on the east.

Wolff Okay. So those were originally, and then, you've carved out this section. Okay.

Morical Any further questions for the petitioner?

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- Evinger So, one more question, and this is going back through just how you have your easement coming in. So, correct me if I'm wrong, but I was reading that we would convert that into potentially a public road to be able to service those too, or was that just going to be a shared drive?
- Smith No, it's a shared drive with a platted maintenance agreement for both properties.
- Evinger Okay. One more time just for clarification, emergency vehicles would be able to access that driveway and would be able to turn around?
- Smith Yes, we met with the fire department and got their minimum specification and got the diameter of the cul-de-sac, and the way it is on the plat meets their requirements.
- Evinger Thank you.
- Jones Is there ever a chance to have it tie into the Montana Springs drive?
- Smith I don't know if that's available. I've heard there's history that there is not.
- DeLong Mr. Jones, I can speak to that. The blow up of the Montana Springs Drive shows a gap in between the edge of the right-of-way and the western edge of the property you're discussing this evening. So, that would, as platted, be impossible without modification to their common area, their plat and some other legal ease.
- Morical Are there any other questions for the petitioner? Hearing none, are there any remonstrators here tonight? Seeing none, may we have the staff report please?
- DeLong Thank you. As indicated in the report, staff is supportive of the petition. Certainly, there was discussion this evening regarding the timing of the improvements, and the Board has seen a few requests over the last few years about the timing of the construction of a primary structure to eliminate nonconformities as spoken to this evening. The staff report certainly speaks to a timeframe. It does not necessarily cover the 'what ifs' if that timeframe is not met. Certainly, the petitioner this evening indicated they can move forward within 12 months to work on their next project. Again, staff is recommending approval of the petition as filed. Certainly, open the dialog, if you will, to discuss if there's any reasons to have any catches if the project does not move forward in the timeframe. Certainly, you are interested in the past. With a two-year window, if the project does not follow through with, that the variance ends up being rescinded. It sounds like the petitioner is moving much faster than that. It sounds like it would not be an issue, but again, just bringing up conversations that you've had with previous petitioners who has sought this very similar relief.
- Morical Thank you, Wayne. Carol, would it be accurate to say that to the extent that petitioner failed to comply with a condition on a variance that that variance would then become void?

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- Drake I would prefer that that be spelled out in a commitment so we don't get into a question of the ramifications.
- Morical If they fail to meet the condition that was a condition of the variance, failure to meet that would mean the variance itself would no longer be effective, right? By definition?
- Drake If you included that, I think that would occur. They might argue that that's not the case if that wasn't spelled out in your approval.
- Morical But, otherwise, why would we have a condition? We'd only be advisory.
- Drake They'd be in violation of the condition, but I'm not sure that the variance itself would become void by virtue of a violation of the condition as opposed to they would need to become in compliance with the condition.
- Morical We need to change our go forward recommended motions to track that. Any other questions for staff? I am generally in favor of giving Mr. Smith a little bit more time to do his work. So, I think the more generous time period that staff's provided would be okay from my perspective, unless people feel like we need to shorten that up. Any discussion amongst the Board?
- Wolff You were suggesting a 4th commitment, is that correct? That would be, well, you were suggesting a 4th commitment, is that correct? Tied to if you don't agree to the earlier commitments petition?
- Morical No, that the failure to comply with the conditions would render the variance void.
- Wolff And, counsel suggested that was a commitment?
- Drake It would be the failure to comply with the timelines, I believe, in Item A.
- Morical They would actually be all three, right? Because we would want the Fire Department, too.
- Drake If that's—
- Morical --that's what we want, right?
- Drake I would recommend that.
- Morical Thank you, Carol. I think that's what we want. Okay. So, on a go-forward basis, we'll put some draft language in our staff reports to make it clear that our conditions are important.
- Drake And, you have done that before in the instances that Wayne was referring to. You said, if you do not meet this timeline, it would become void.

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- Morical Got it. I've got confidence that Mr. Smith can do it, but nevertheless, for the record. Any further discussion? If none, I would entertain a motion.
- Wolff I'll make a motion. I move that Docket #2016-01-DSV, Design Standards Variance, to allow deviation from the requirement for a parcel to provide 45 foot of road frontage, Lot 2; deviate from the lot depth to width ratio of 3 to 1 for both Lot 1 and Lot 2, and allow for the accessory structure square footage to exceed that of the primary structure, Lot 1, for a period not to exceed 3 years in the R1 Rural Residential Zoning District be approved with the following commitments:
- A. That petitioner shall file with the Town of Zionsville by January 9, 2018, for an improvement location permit associated with the conversion of the portion of the existing Accessory Structure to conform to Primary Structure requirements. Said conversion shall be substantially completed by February 9, 2019. Substantial completeness is demonstrated by the issuance of, at a minimum, a temporary certificate of occupancy by the Town of Zionsville.
- B: A maintenance plan be established for the contemplated ingress/egress easement to be executed as part of any platting of the property.
- C: The design of the contemplated ingress/egress easement and terminus shall meet design requirements of the Zionsville Fire Department.
- D. Failure to comply with the above stated timelines will void the variance.
- Morical Thank you. Is there a second?
- Evinger Second.
- Morical All those in favor, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Mr. Smith, good luck. Thank you audience. Let the record reflect we received very modest applause, but that's more than we normally get, so we'll take it. I note that Item #2016-02-DSV was continued, so the next item on our agenda is the status of commitments as relates to Docket #2015-45-UV.
- DeLong We are in receipt of those. I'm not sure, off hand, if those have been recorded yet or not.
- Drake We've received a draft of those commitments, and they are a work in progress.
- Morical Thank you for that update, Carol. Are there any other matters that are to come before the Board of Zoning Appeals tonight? If none, can I say we're adjourned?
- DeLong We're just sending down Findings of Fact for signature. That's the last item.

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Morical Okay, we've got a couple Findings of Fact that we need to execute, which would be Docket #2015-43-DSV, Docket #2015-44-DSV, and Docket #2016-01-DSV. Okay. We're adjourned.