



**MEETING NOTICE AND AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS January 10, 2017**

The Regular meeting of the Zionsville Board of Zoning Appeals is scheduled Tuesday, January 10, 2017 at 6:30 p.m. in the Bev Harves Room at Zionsville Town Hall, 1100 West Oak Street.

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Election of Officers
- IV. Approval of the December 13, 2016 Meeting Minutes
- V. Continuance Requests

Docket Number	Name	Address of Project	Item to be considered
			None at this time

VI. Continued Business

Docket Number	Name	Address of Project	Item to be considered
			None at this time

VII. New Business

Docket Number	Name	Address of Project	Item to be considered
2016-30-UV	R. Keeker	8556 E 300 South	Petition for Use Variance to allow an existing barn located on the applicant's property in the (R1), Low Density Single Family Residential Zoning District, to continue to host weddings and receptions. (#2014-04-UV was approved with a 3 year limitation on March 11, 2014 – set to expire 3-10-2017).
2016-31-DSV	Zionsville OMS Partners	12036 N Michigan Road	Petition for Development Standards Variance to allow for the construction of a new commercial business to: 1) Reduce the minimum lot size 2) Reduce the rear buffer yard/setback 3) Increase the maximum office square footage in the (B-1) Neighborhood Business & Michigan Road Overlay Zoning District.

2016-33-DSV	J. Reynolds	110 N Third Street	Petition for Development Standards variance in order to provide for an addition to a single family home to: 1) Exceed the required lot coverage of 35%, to 37% 2) Deviate from the required side yard setback 3) Deviate from the required aggregate side yard setback in the (R-V), Residential Village Zoning District.
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VIII. Other Matters to be considered:

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be considered</b>
2016-22-DSV	S. Crenshaw	4560 S. 975 East	Status of Commitment

Respectfully Submitted:

Wayne DeLong AICP  
Town of Zionsville  
Director of Planning and Economic Development



**Petition Number:** 2016-30-UV

**Subject Site Address:** 8556 E 300 South

**Petitioner:** Randall S. Keeker

**Representative:** Michael J. Andreoli

**Request:** Petition for Use Variance to allow an existing barn located on the applicant's property, to continue to host weddings and receptions.

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

**Current Land Use:** Single-family residential / agricultural / event barn

**Approximate Acreage:** 6.7310

**Zoning History:** Use previously approved March 11, 2014 with three (3) year limitation (docket #2014-04-UV)

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Site Plan  
Exhibit 4 – Petitioner's Narrative  
Exhibit 5 – Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

## **PETITION HISTORY**

This petition will receive a public hearing at the January 10, 2017, Board of Zoning Appeals meeting.

## **PROPERTY HISTORY**

The property is comprised of 6.73 acres, which includes a 1.5 Story Primary Structure, Pool, and Barn. The property was previously approved for this use on March 11, 2014 with a three (3) year limitation – set to expire on March 10, 2017 (docket #2014-04-UV).

## **ANALYSIS**

As proposed, the Petitioner requests to continue to utilize a portion of the existing improvements on the property in association with hosting weddings and receptions. The 28 foot by 60 foot uninsulated barn has served and would continue to serve as the host structure for events with patrons of the facility parking to the west of the existing dwelling within an existing open field.

The need for the variance arises as the previous variance (approved, with Commitments) is set to expire on March 3, 2017. As indicated in the 2014 staff report, the property is requested to be utilized for a purpose which is not supported in the R1 Zoning District. During the 2014 hearing process, the Petitioner had voluntarily elected to limit it's hosting of events to only periodically during a calendar year. As indicated in the proposed commitments associated with the filing, the duration of an event and the period for which events could be hosted at the property are defined within the petition filing. However, while Staff recognized that the file includes proposed commitments, and the written support of several neighboring property owners, the essence of Staff's review revolved around land use and the recommendations of the Comprehensive Plan.

As the Comprehensive Plan does not speak to commercial uses in this area, Staff found no support for the proposed use in that document. While the property is adjacent to a power line easement (to the east) and a County legal drain (to the north), these two characteristics do not appear to create a peculiar condition or reduce the desirability of maintaining the property for residential purposes. Further, while the proposed use would have access to County Road 300 South (a roadway designated as a primary arterial) the current roadway is designed as a two lane county road. While the continued use of the site for the events may not drive the creation of or desire to benefit from acceleration and deceleration lanes or additional roadway capacity, the potential to conflict with existing traffic was another concern of Staff (given the current roadway configuration). With these factors in mind, Staff was not in a position to support the initial request.

## **2017**

Staff is appreciative of the Petitioner's ability to operate what could be an incompatible land use within a residentially zoned area. Staff would encourage the continued recognition of the previously approved Commitments, and would suggest the establishment of a five (5) year limitation on any renewal of the Use Variance associated with the Property.

**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*

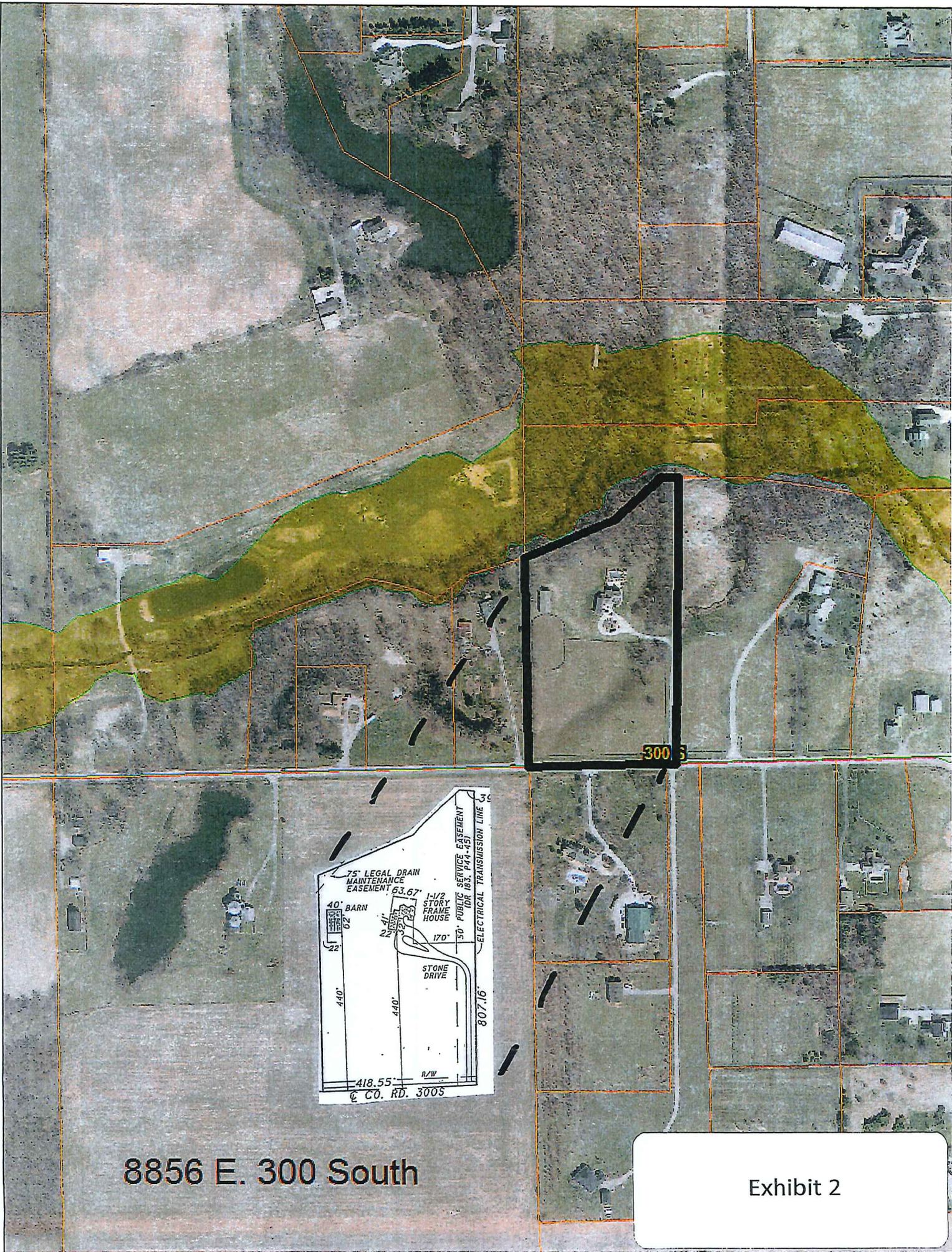
As a part of the filing, the Petitioner has proposed a set of finding of fact (Exhibit 5).

**STAFF RECOMMENDATIONS**

Staff recommends that Use Variance petition included in Docket #2016-30-UV receive an approval not to exceed five (5) years (from the date of the expiration of Use Variance #2014-04-UV) and be subject to the limitations of the Commitments executed in association with 2014-04-UV, with the exception of adjusting the time allotment as determined by the Board of Zoning Appeals.

**RECOMMENDATION MOTION**

I move that Docket #2016-30-UV, (Use Variance), for the property located at 8556 E. 300 South be (Approved based upon the findings in the staff report and approval of forthcoming Commitments, be/ Denied/ Continued) as presented, and described.



8856 E. 300 South

Exhibit 2

# KEEKER B A R N

8135 EAST 300 SOUTH  
ZIONSVILLE, INDIANA 46037

OWNER  
SOCIETY OF  
SOCIETY OF

ARCHITECT  
DAVID RAUJSCH STUDIO  
10000 W. 100th Ave.  
Suite 1000  
Overland Park, KS 66214

DATE  
2/26/2014

SCALE  
AS SHOWN

PRELIMINARY

DAVID RAUJSCH STUDIO

ISSUE DATE: 02-20-14

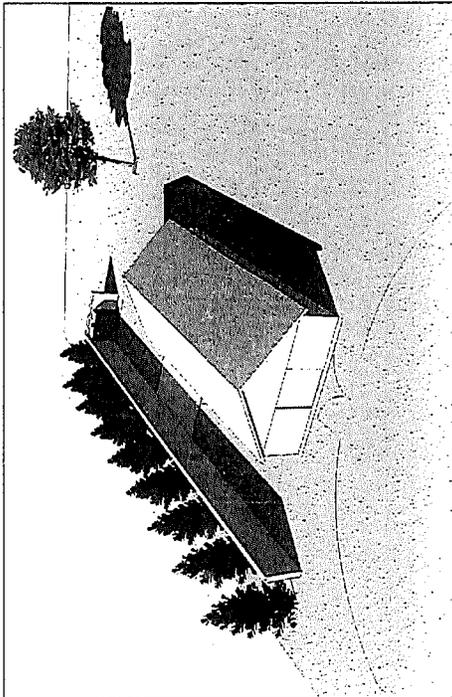
SITE PLAN  
ENLARGEMENT,  
VIGNETTE

3

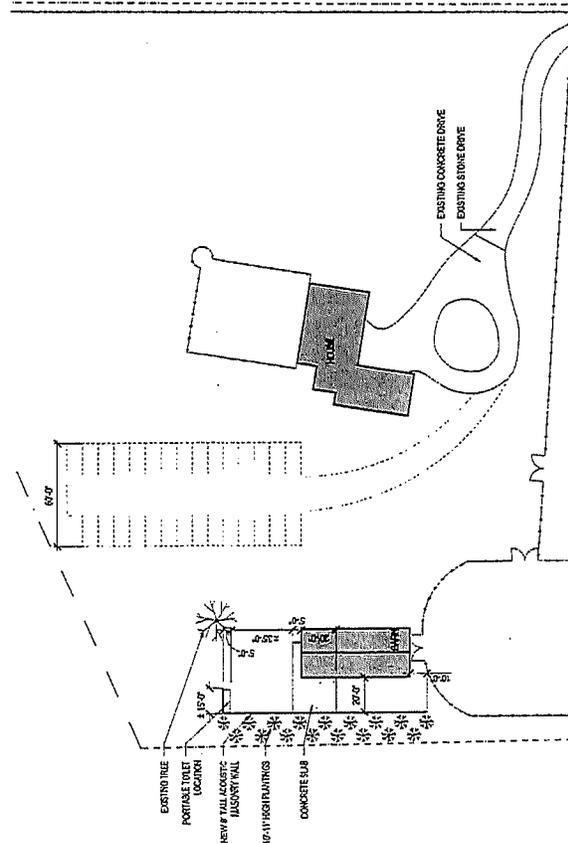
CONTRACT NO. 2014-02-002  
THIS DRAWING IS THE PROPERTY OF DAVID RAUJSCH STUDIO  
AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM  
OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING  
PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE  
AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF  
DAVID RAUJSCH STUDIO.

*Approved 2/28/2014*

*James J.*



3 VIGNETTE  
3 NOT TO SCALE



2 SITE PLAN DETAIL  
3 ORIGINAL SCALE PRINTED @ 20x30 IN. 1/4" = 1'-0"

1 SITE PLAN  
3 ORIGINAL SCALE PRINTED @ 20x30 IN. 1/4" = 1'-0"

EXHIBIT # B

Exhibit 3

## NARRATIVE

Mr. Keeker filed his previous Petition on February 6, 2014 seeking a Use Variance for a Wedding Venue to be located on his property. The Board approved the Use Variance in File No. 2014-04-UV with Commitments which were executed by Mr. Keeker and recorded on April 9, 2014. As part of the Commitments, the Board put a time limit on the Use Variance which granted approval for a three (3) year period commencing March 11, 2014 with an expiration date of March 10, 2017. As noted, this Petition is to be considered at a De Novo Hearing, hence the filing of a new Petition.

Mr. Keeker, together with his daughter, have been meticulously following the Statement of Commitments. As noted previously, Mr. Keeker was to construct a fence with the size, materials and design of which were to be approved by the adjacent owners. This was constructed in short order after the approval of the Use Variance.

Many from the Zionsville Community have utilized this facility over the last three (3) years and Mr. Keeker is not aware of any complaints made to him regarding how and under what circumstances this facility is being operated. Further, he has not been made aware of any complaints sent to the Town of Zionsville regarding the operation of this facility, including any suggestion that he has not strictly complied with the original Commitments for approval. Further, when first approved, we met on site with representatives of the Zionsville Fire Department and followed their suggestions regarding the placement and location of Fire Extinguishers and Exit Signage and have passed all On Site Inspections.

Petition No.: 2016-30-04

**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 Event Venue will be used episodically and the restrictions agreed to by the Applicant will limit adverse impact. Applicant has passed all Inspections by the Zionsville Fire Department.**

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:

**See Answer to No. 1 above.**

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:

**Sufficient acreage exists to allow this use on a limited basis so to remain compatible with the neighborhood.**

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:

**The barn may be utilized in the same manner without fee or charge as an accessory use.**

5. The grant **does not** interfere substantially with the Comprehensive Plan because:

**The underlying Zoning Classification is not changed.**

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 **USE VARIANCE PETITION** is **APPROVED/DENIED**.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

\_\_\_\_\_



**Petition Number:** 2016-31-DSV

**Subject Site Address:** 12036 N Michigan Road

**Petitioner:** Zionsville OMS Partners

**Representative:** Michael J. Andreoli

**Request:** Petition for Development Standards Variance to allow for the construction of a new commercial business to:  
1) Reduce the minimum lot size  
2) Reduce the rear buffer yard/setback  
3) Increase the maximum office square footage

**Current Zoning:** B-1 Neighborhood Business & Michigan Road Overlay Zoning District

**Current Land Use:** Residential structures, off street parking facilities

**Approximate Acreage:** 1.49 Acres (+/-)

**Zoning History:** Annexed from Eagle 11/14/2005

**Exhibits:** Exhibit 1- Staff Report  
Exhibit 2- Aerial Location Map  
Exhibit 3 - Petitioner's Narrative  
Exhibit 4 - Site Plan  
Exhibit 5 - Schematic Elevations  
Exhibit 6 - Petitioner's proposed Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

**PETITION HISTORY**

This petition will receive a public hearing at the January 10, 2017 Board of Zoning Appeals meeting.

**PROPERTY HISTORY**

This property is located at 12036 N Michigan Road, south of the intersection of 550 South (Greenfield Road/121<sup>st</sup> Street) and N Michigan Road (SR 421). The site is comprised of 1.49 (+/-) acres and is presently improved with residential structures as well as off street parking facilities.

**ANALYSIS**

A maxillofacial and oral surgery group intends to operate a facility in a proposed 7,000 square foot building (masonry veneer, pitched roof). As requested, the contemplated site improvements would not adhere to specific standards found within the Michigan Road Overlay, including:

- the requirement that the minimum lot size be no less than 2 acres (proposed lot size: 1.49 acres)
- not adhering to the minimum required 50 foot rear setback /buffer yard (proposed setback: 30 feet)
- exceeding the maximum primary building size of 3,500 sq. ft. (proposed building size: 7,000 sq. ft.)

**- Lot Size**

The Michigan Road Overlay intention is to regulate the mass and scale of any building/ improvements within the area known as Eagle Village. There is no known methodology as to the selection of a (two) 2 acre minimum requirement other than to establish a metric as to the regulation of improvements. While Staff does not have a concern with the Petitioner allocating 1.49 acres of property to this project (given the scale of the contemplated improvements), the remaining real estate holding of the land owner will be .41 acres in size. This selection may result in future variance requests related to an unknown future project. Specific to the 1.49 acre site, Staff is of the opinion that the intention of the Ordinance is met.

**- Rear Setback / Buffer Yard**

The Michigan Road Overlay's intention is to regulate the mass and scale of any building/ improvements within the area known as Eagle Village. There is no known methodology as to the selection of minimum width identified in the Ordinance (other than to establish a metric as to the regulation of improvements). While Staff recognizes the benefits of a 50 foot wide setback, it's important to note that the residential development to the west has installed a 100 foot wide buffer along the common rear lot line. These two characteristics, in combination with an office building with no outdoor operations (with the exception of a trash enclosure), in the opinion of Staff, is a strong effort towards meeting the intention of the Ordinance related to separation of uses. With that in mind, and subject to the Plan Commission's review of the landscape plan for the overall site, Staff is of the opinion that the intention of the Ordinance will be met.

**- Maximum Building Size**

The Michigan Road Overlay's intention is to regulate the mass and scale of any building/ improvements within the area known as Eagle Village. There is no known methodology as to the selection of a 3,500 square foot maximum building size requirement other than to establish a metric as to the regulation of improvements. Further, it is important to note that the commercial building to the south of the subject site is more than 7,000 square feet in size and the commercial building to the north of the subject site is more than 5,000 square feet in size. Given the establishment of existing buildings which exceed the zoning standards that are in proximity to the site, and the contemplated building characteristics

(masonry veneer, pitched roof), Staff does not have a concern with the Petitioner constructing a 7,000 square foot primary building size and is of the opinion that the intention of the Ordinance is met.

**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**

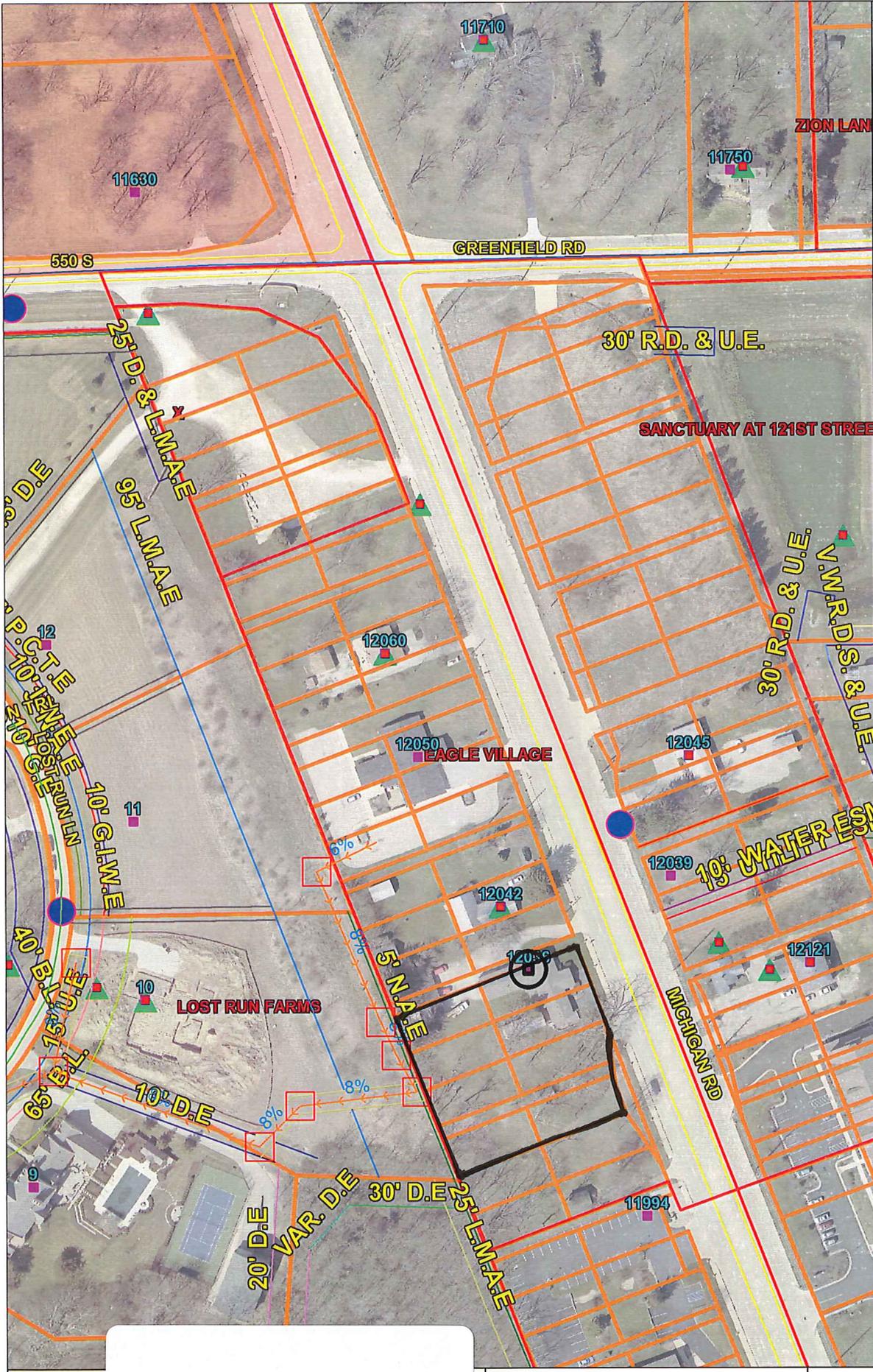
Staff recommends approval of the design standards variance included in Docket #2016-31-DSV (based on the submitted site plan and conceptual elevations), subject to the review and approval of a landscape plan which provide sufficient screening of the rear elevation of the building from the west.

**RECOMMENDATION MOTION**

I move that Docket #2016-31-DSV design standards variance to provide for the construction of a 7,000 square foot building, enjoying 1) a reduction of the minimum lot size, 2) a reduction of the rear buffer yard/setback and, 3) an increase of the percentage of maximum office space area, in the (B-1) Neighborhood Business & Michigan Road Overlay Zoning District for the property located at 12036 N Michigan Road be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.

**PROCEDURAL NOTE**

Prior to commencing with construction, a Development Plan associated with this request will be required to be filed with and heard by the Plan Commission.



Zionsville Corporate Li  
 Feature Name:  
 Zionsville Rural Serv  
 Zionsville Town Serv

Flood Hazard BC 2013  
 FLD\_ZONE:  
 AE  
 X

BuildingPermits  
 Status:  
 active

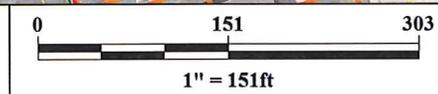
Sewer Pipes  
 Force Main:  
 no

- Regional Counties
- Townships
- Parcels
- Boone Subdivisions
- ZFD Structures

- Sewer Manhole
- ZFD Fire Hydrants
- Boone County Address
- 2004 Building Permi
- 2005 Building Permi
- 2007 Building Permi
- 2008 Building Permi
- 2011 Building Permi
- Permit

- Regional Count
- Edge of Paveme
- Storm Pipes
- ZFD Drives
- Roads
- Highways
- Urban District R

Exhibit 2



## NARRATIVE

The Applicant is Zionsville OMS Partners as they will take title to the ground and new building. Zionsville OMS Partners is composed of the Partners of the Indiana Oral & Maxillofacial Surgery Associates and they will occupy this Zionsville Office. This will be one of several offices they have in the Indianapolis area. The proposed new building will be 7,000 square feet and the site will allow sufficient Staff and Patient Parking.

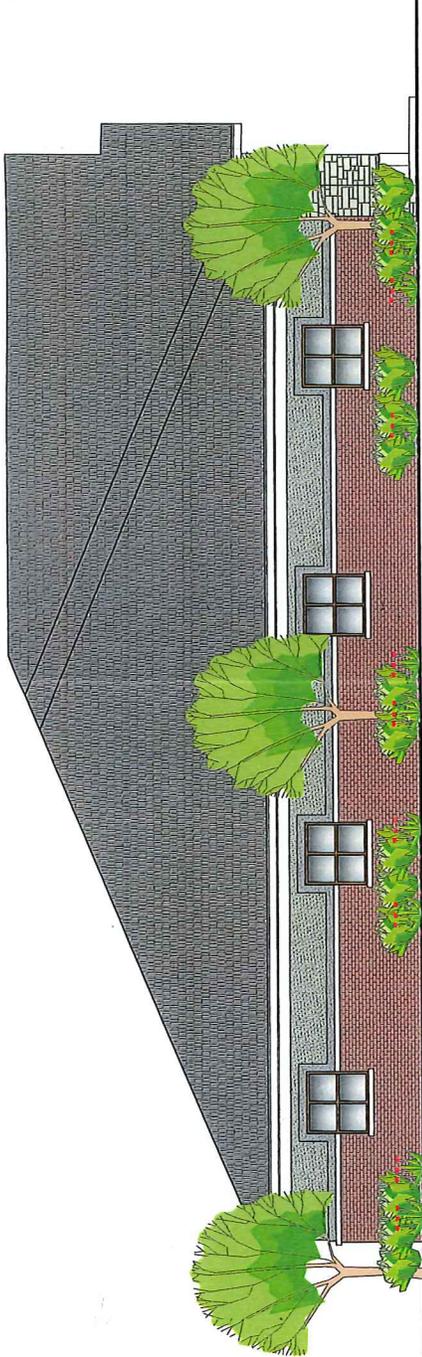
Three Variances are needed:

1. A Minimum Commercial Lot Size in the Michigan Road Corridor Overlay District is two (2) acres. The site is 1.4 acres. This Variance may not be required when in conjunction with Section 2.39, Minimum Lot Area, as the Lot predates the adoption of Section 2.39 and may be considered an “Undersized Lot” by definition and complies with the Minimum Lot Size in the B-1 Business District.
2. The Rear Buffer Yard/Setback is 50 feet and the Applicant proposes a reduction of 20 feet to a 30 foot Rear Bufferyard/Setback.
3. The maximum permitted building square footage in the Michigan Road Overlay is 3,500 square feet. Applicant’s building will be 7,000 square feet on 1.49 acres.

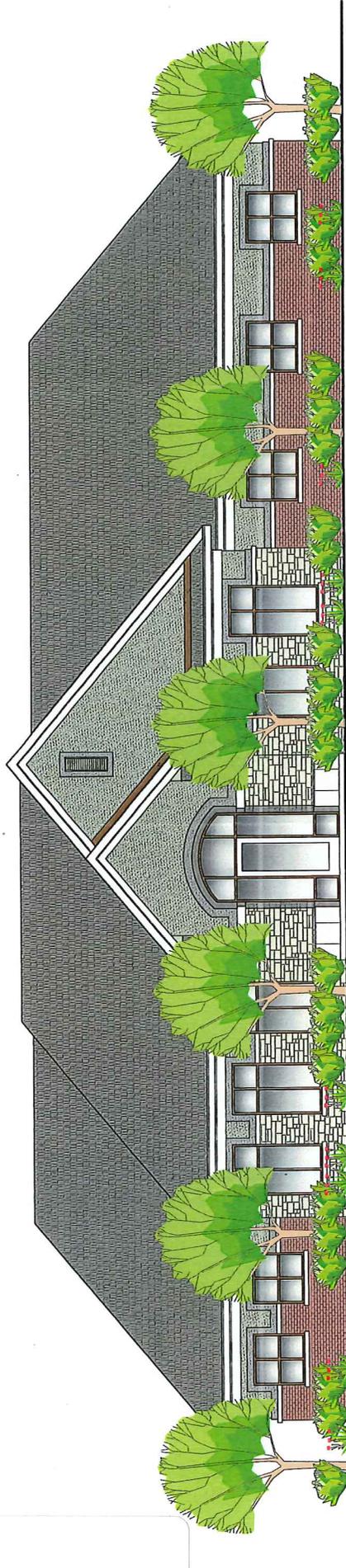
Building layout and design have been submitted and given patient needs and ADA required access, parking is in the front of the building along Michigan Road and south of the building. This is preferable to using the rear for parking as it is adjacent to Lost Run Farms Subdivision.



Exhibit 5



**SOUTH ELEVATION**  
SCALE : 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE : 1/8" = 1'-0"

PROPOSED NEW OFFICE FOR  
**INDIANA ORAL & MAXILLOFACIAL**  
N. MICHIGAN RD, ZIONSVILLE, INDIANA  
fcc development corp | 13590-b n. meridian st, suite 100 | carmel, indiana 46032 | 317.846.5800 | foosmas@gmail.com

**SCHEMATIC COLOR ELEVATIONS**

srs architects, inc | 13245 allisonville rd | fishers, indiana 46038 | 317.989.6248 | sshade@mitchdesign.com

Petition No. 2016-31-DSV  
OMS PARTNERS

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

**PETITION FOR VARIANCE  
OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals and general welfare of the community because:  
  
**The grant will allow the location of parking to be along Michigan Road and not adjacent to the residential development to the west.**
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 quality of the building, lighting and landscaping will be a benefit to the community and those who live in the immediate vicinity.**
3. Strict application of the terms of the Zoning Ordinance will not result in unnecessary hardships in the use of the property because:  
  
**The proposed location of the building allows parking to be in front of and to the south of the proposed dental office. c**

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**John Wolff**

\_\_\_\_\_  
**Gregory Morical**

\_\_\_\_\_  
**Julia Evinger**

\_\_\_\_\_  
**Larry Jones**

\_\_\_\_\_  
**Al Wopshall**



**Petition Number:** 2016-33-DSV

**Subject Site Address:** 110 N Third Street

**Petitioner:** Jamie & Cynthia Reynolds

**Representative:** Jamie & Cynthia Reynolds

**Request:** Petition for Development Standards variance in order to provide for the expansion of the existing residential improvements, which:  
1) Exceed the required lot coverage of 35%, to 37%  
2) Deviate from the minimum required front yard setback  
3) Deviate from the minimum required side yard setback  
in the R-V Residential Village Zoning District

**Current Zoning:** R-V Residential Village Zoning District

**Current Land Use:** Single-family residential

**Approximate Acreage:** 0.17 acres

**Zoning History:** None

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Site Plan  
Exhibit 4 – Petitioners Exhibits  
Exhibit 5 – Petitioners Cover Letter  
Exhibit 6 – Petitioners proposed Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

### **PETITION HISTORY**

This petition will receive a public hearing at the January 10, 2017, Board of Zoning Appeals meeting.

### **PROPERTY HISTORY**

The property is comprised of approximately 0.17 acres of Lot 69 in Cross' Fourth Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

### **ANALYSIS**

The 0.17-acre parcel is currently improved with a circa 1867 single-family dwelling and an accessory structure and is considered a legal non-conforming residence. As proposed, the Petitioner is proposing to replace existing covered front porch with 1) a new covered front porch (not resulting in any expansion to the existing foot print) and 2) a two story addition (results in an expansion of the existing foot print).

### **LOT COVERAGE**

Per the RV Residential Village District regulations, lot coverage standards states the maximum lot coverage is 35 percent. The overall area developed prior to the adoption of the current Ordinance standards, and review of parcels and improvements in the area did reveal that other parcels in the area enjoy deviations from current coverage standards. Further, many properties in the area have added additions and enjoy the use of porches and detached garages (characteristics which currently exist on the subject site). Given these factors, Staff is supportive of the minor increase in lot coverage proposed by the Petition.

### **SETBACKS-FRONT YARD**

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum front yard setback of 20 feet. The site is located on a corner lot (encompassing two front and two side yards) and currently enjoys a 3-foot front yard setback for a portion of the existing improvements. Staff is in support of the continued utilization of the three (3) foot front yard setback for the covered front porch and the proposed addition, which would be set back approximately 10 feet from the property line. The proposed addition would have relief from the Ordinance by utilizing the exception of front yard setback averaging for front yard setback requirements (and therefore no variance relief is necessary – the above information is provided here for reference only).

### **SETBACKS-SIDE YARD**

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum side yard setback of five (5) feet (aggregate of 15 feet). As proposed, the established side yard setback of three (3) feet and an aggregate of six (6) feet are not requested to be intensified by the proposed improvements. Staff is in support of the continued utilization of the three (3) foot side yard setback for the uncovered concrete patio, three (3) foot side yard

setback associated with the detached garage, and minimum aggregate side yard setback of six (6) feet as these conditions and deviations are existing.

**PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

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

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*
- (c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:*

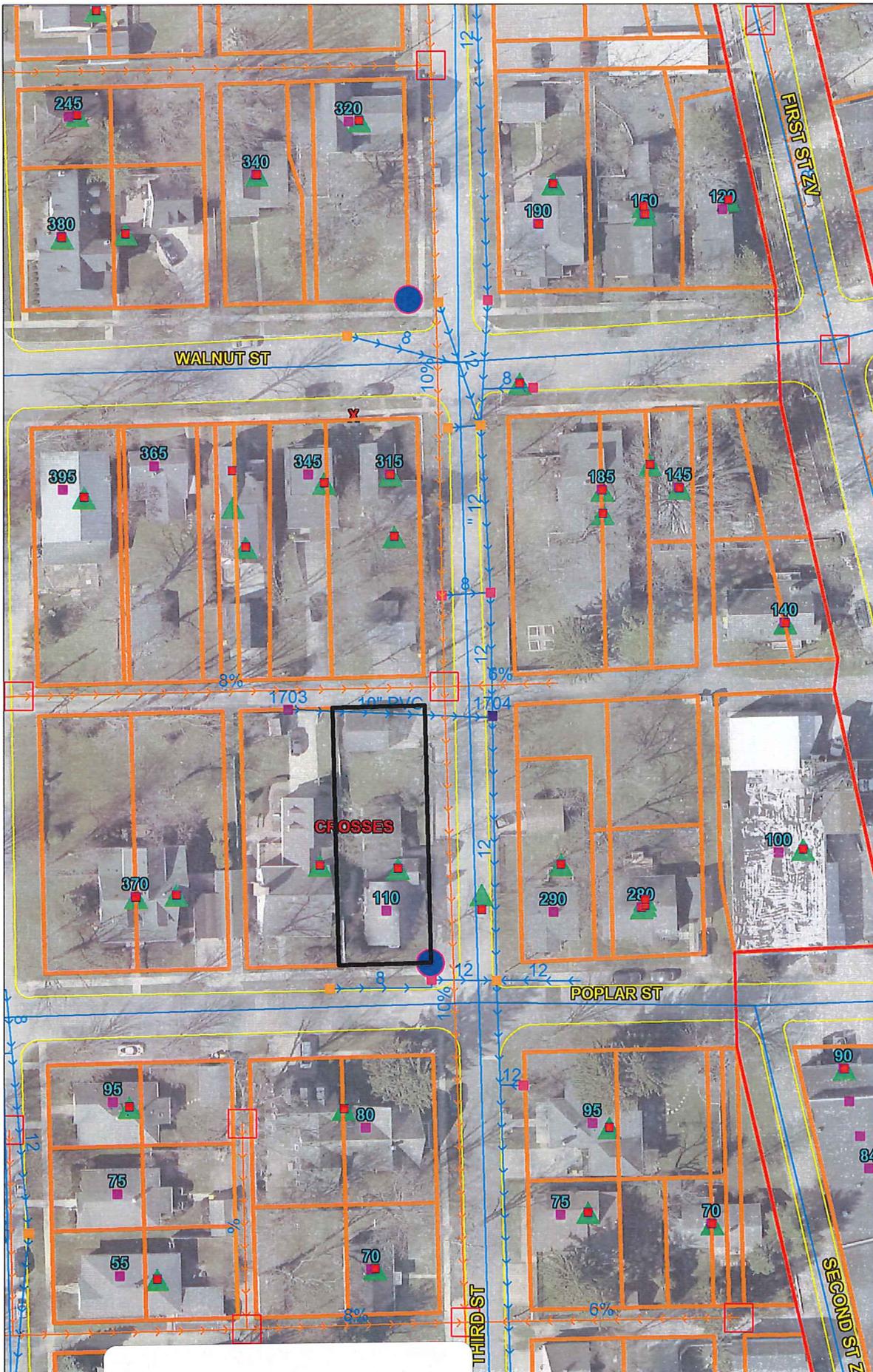
Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the design standards variance included in Docket #2016-33-DSV, as filed.

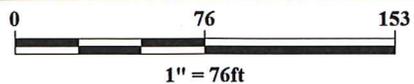
**RECOMMENDATION MOTION**

I move that Docket #2016-33-DSV design standards variance to provide for an addition to a single family dwelling to 1) exceed the required lot coverage (allowing for 37% lot coverage) and 2) to deviate from the required side yard setbacks (both minimums and aggregate) all as illustrated on the site plan attached to this report and within the R-V Residential Village Zoning District for the property located at 110 N Third Street be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.



<b>Zionsville Corporate Li</b>	
Feature Name:	
<span style="display: inline-block; width: 10px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> Zionsville Rural Serv <span style="display: inline-block; width: 10px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> Zionsville Town Serv	
<b>Flood Hazard BC 2013</b>	
FLD_ZONE:	
<span style="display: inline-block; width: 10px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> AE <span style="display: inline-block; width: 10px; height: 10px; background-color: #ffffff; border: 1px solid black;"></span> X	
<b>BuildingPermits</b>	
Status:	
<span style="display: inline-block; width: 10px; height: 10px; background-color: #008000; border: 1px solid black;"></span> active	
<b>Sewer Pipes</b>	
Force Main:	
<span style="display: inline-block; width: 10px; height: 10px; background-color: #ff8c00; border: 1px solid black;"></span> no	
<span style="display: inline-block; width: 10px; height: 10px; border-bottom: 1px dashed gray;"></span> Regional Counties <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid yellow;"></span> Townships <span style="display: inline-block; width: 10px; height: 10px; border: 2px solid orange;"></span> Parcels <span style="display: inline-block; width: 10px; height: 10px; border: 2px solid red;"></span> Boone Subdivisions <span style="display: inline-block; width: 10px; height: 10px; border: 2px solid purple;"></span> ZFD Structures	
<span style="display: inline-block; width: 10px; height: 10px; border: 1px solid red;"></span> Sewer Manhole <span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border-radius: 50%;"></span> ZFD Fire Hydrants <span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black;"></span> Boone County Address <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 1970s Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 1980s Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 1990s Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2001 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2002 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2004 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2005 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2006 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2007 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2008 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2009 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2010 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> 2011 Building Permi <span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> Permit	
<span style="display: inline-block; width: 10px; height: 10px; border-bottom: 1px dashed gray;"></span> Regional Count <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid yellow;"></span> Edge of Paveme <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid blue;"></span> Storm Pipes <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid purple;"></span> ZFD Structures <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid green;"></span> ZFD Drives <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid green;"></span> Roads <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid red;"></span> Highways <span style="display: inline-block; width: 10px; height: 10px; border-bottom: 2px solid blue;"></span> Urban District R	

Exhibit 2





# BENCHMARK SURVEYING, INC.

Land Surveying • Civil Engineering • Geotechnical Engineering • Environmental Engineering  
 9855 Crosspoint Blvd., Suite 110, Indianapolis, IN 46256  
 Phone (317) 841-1506 Fax (317) 841-1507

**Property Description:**

Lot Numbered 69 in Crosses Fourth Addition, Boone County, Indiana, as per plat thereof, recorded in Plat Book 1, Pages 1-2, in the Office of the Recorder of Boone County, Indiana.

Benchmark Job No. 2-58620  
 May 12, 2003

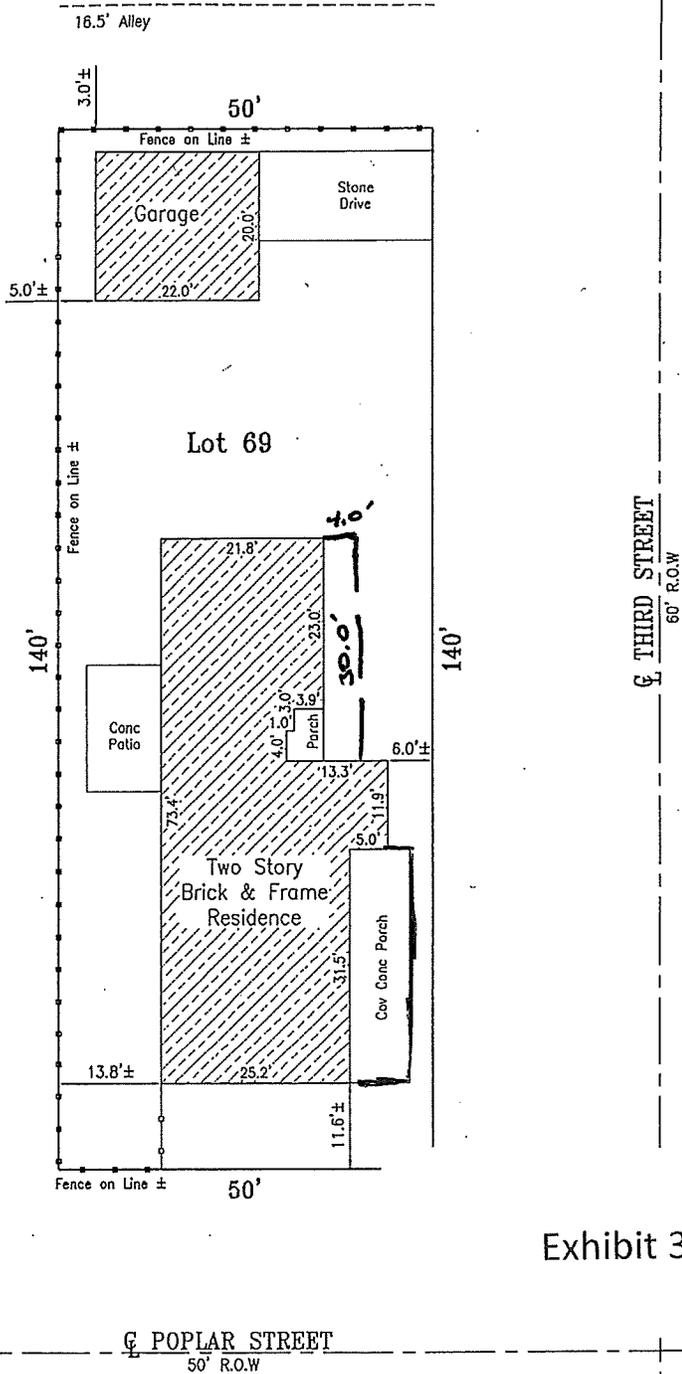


Exhibit 3

This Report Is Designed For Use By A Title Insurance Company With Residential Loan Policies. No Corner Markers Were Set And The Location Data Herein Is Based On Limited Accuracy Measurements.

\*Note: Unless Otherwise Noted, No Substantial Physical Evidence Was Observed Along Perimeter Lines Of The Subject Tract.

**SURVEYOR LOCATION REPORT**

**LEGEND**  
 R.O.W. = Right of Way

Scale: 1"=20'  
 Date: 05/12/03

Revise Date:

Drawn by:  
 KK

Drawing No.  
 2-58620





Exhibit 4



Exhibit 4

Respectfully request two asks for a variance of development standards.

First ask is for a total lot coverage addition from ~~35~~ to ~~37~~. This addition would allow for an increase in the square footage of the new proposed addition. The proposed addition would increase the value of the home by adding a new kitchen, family room, nook, bedroom, full bathroom, master bedroom and master bathroom.

Second ask is for a variance to the setback requirement. The current home was built in 1867 before the current setback restrictions were in place. By allowing the variance the proposed addition would keep with the visual aesthetics of the home. The current home is set back just 6 feet from the property line. The proposed addition would be set back approx. 10 feet from the property line.

J. REYNOLDS

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: *no tripping hazards nor imposition on easements, alleys, roads, sidewalks and sewer, power, etc will remain in current improved state.*
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: *it will not interfere with public safety, impose on private property, create noxious structures, interfere with drainage nor land grading. Structure will be aesthetically more appealing than current structure.*
3. Strict application of the terms of the zoning ordinance (will / will not) result in unnecessary hardships in the use of the property because: *Current structure minimizes the need for expansion but for 4'x30' to allow aesthetic appeal for neighborhood. To disallow would create hardship and loss of use of current area and/or make it extremely difficult to construct reasonable family dwelling.*

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_

\_\_\_\_\_