ZIONSVILLE
FOR ALL THE RIGHT REASONS

MEETING AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS MARCH 4, 2020

The meeting of the Zionsville Board of Zoning Appeals has been scheduled for Wednesday, March 4, 2020 at 6:30 p.m. in the Zionsville Town Hall Council Chamber, 1100 West Oak Street, Zionsville, Indiana.

The following items are scheduled for consideration:

I. Pledge of Allegiance
II. Attendance
III. Approval of the December 10, 2019 and February 5, 2020 Meeting Minutes
IV. Continuance Requests
V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2019-37-DSV	M. North	8657 E 125 South	**Request to Withdraw by Petitioner 2-13-2020** **Continued by Board from December 10, 2019 to March 4, 2020 Meeting** Petition for Development Standards variance in order to allow the temporary use of a travel trailer for residential purposes while constructing a primary dwelling in the Rural Single and Two-Family Residential Zoning District (R2).
2020-01-DSV	R. Myers	11690 Sycamore Street	**Continued by Petitioner's Representative from February 5, 2020 to March 4, 2020 Meeting** Petition for Development Standards variance in order to provide for the construction of a detached garage which: 1) Exceeds the allowable accessory square footage in the Urban Single-Family Residential Zoning District (R-SF-2).
2020-03-DSV	Appaloosa Crossing	3201 S US 421	**Continued by Board from February 5, 2020 to March 4, 2020 Meeting** Petition for Development Standards variance in order to provide for the development of a commercial center which: 1) Deviates from the required width of foundation plantings; and 2) Deviates from the required additional six (6) foot wide strip for landscaping around a parking area in the Rural Professional Business Zoning District, Rural General Business Zoning District and the Rural Michigan Road Overlay (PB, GB & MRO).

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-02-DSV	J. Moosey	4554 Summersong Road	Petition for Development Standards variance in order to provide for the construction of a deck and patio with: 1) Reduced rear yard and building line setbacks in the Urban Single-Family Residential Zoning District (R-SF-2).
2020-04-DSV	T. Donnar	145 N Main Street	**Continuance Request by Interested Party from March 4, 2020 to the April 1, 2020 Meeting** Petition for Development Standards variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% in the Urban Residential Village Zoning District (R-V).
2020-05-UV	Montessori & Childcare Center by M. Adams	9475 Whitestown Road	Petition for a Use Variance to permit a childcare center as a Primary Use in the Low Density Single-family and Two-family Residential District (R2).
2020-06-DSV	M. Marlowe	140 N 4th Street	**Continuance Request by Petitioner's Representative from March 4, 2020 to the April 1, 2020 Meeting** Petition for Development Standards variance in order to provide for the construction of an addition to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 40% in the Urban Residential Village Zoning District (R-V).

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
2019-38-SE	T. Ball	325 S 1100 East	Status of Commitments/Right to Farm
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments
2017-11-DSV	Fischer Homes	Ansley Park	Status of Amended Plat

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

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

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

February 25, 2020

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-01-DSV
Subject Site Address:	11690 Sycamore Street
Petitioner:	Roy & Lisa Myers
Representative:	Michael J. Andreoli
Request:	Petition for Development Standards variance in order to provide for the construction of a detached garage which: 1) Exceeds the allowable accessory square footage in the Urban Single-Family Residential Zoning District (R-SF-2).
Current Zoning:	Urban Single-Family Residential Zoning District (R-SF-2)
Current Land Use:	Residential
Approximate Acreage:	1.44 Acres
Zoning History:	Annexed into the Town of Zionsville's jurisdiction in 1997. No prior petitions are known.
Exhibits:	Exhibit 1- Staff Report Exhibit 2- Aerial Location Map Exhibit 3- Petitioner's Narrative Exhibit 4- Petitioner's Site Plan Exhibit 5- Petitioner's Exhibits Exhibit 6- Petitioner's proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition received an initial public hearing at the February 5, 2020 Board of Zoning Appeals meeting. At the meeting, the petitioner's representative requested a continuance to the March 4, 2020 meeting of the Board of Zoning Appeals to allow the Petitioner additional time to clarify dimensions of the proposed project requiring the variance.

PROPERTY HISTORY

This property is comprised of 1.44 acres and is presently improved with a single-family dwelling and accessory structures/uses.

ANALYSIS

The site is currently improved with a 3,441 square footage two-story single-family dwelling (the primary structure). Per the narrative included, the petitioner has intentions of constructing an approximate 1,711/2714 square foot 4-bay detached garage to house antique cars and a recreational vehicle. The parcel is currently utilized for residential purposes and accessory buildings and uses all as further described below (data source: Boone County Assessor and/ or Petitioner):

1. Existing dwelling living space: 3,441 square feet (allows for 1,720.5 sq. ft. of accessory)
2. Existing and proposed roofed accessory uses total **4,564** square feet. This total includes:
   a) An existing 832 square foot attached garage
   b) An existing 286 square foot utility shed
   c) An existing 140 square foot utility shed
   d) A 218 square foot front porch
   e) A 374 square foot screen porch
   f) A proposed **2,714** square foot detached garage

As per the itemized list above, the addition of the accessory detached garage causes the property's allowable roofed accessory uses to exceed the number of accessory buildings as well as the percentage allowed by the zoning ordinance by **2,844** square feet. By Ordinance, properties in the R-SF-2 District are permitted by right to be improved with roofed accessory uses whose total square foot area do not exceed 50% of the finished floor area of the primary use, and, is not encapsulated in more than two (2) accessory buildings. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds nearby home sites and improvements to the home sites which enjoy the use of detached accessory structures (and in excess of the Zoning Ordinance square footage limitation). Further, the contemplated architectural design of the proposed detached garage is complimentary to the streetscape.

In summary, Staff supports requests which provide for deviations from the maximum roofed accessory square footage (and the number of accessory buildings) requirements when the request, generally speaking, follows this general reasoning: 1) the request is seeking to improve the site with an accessory use commonly enjoyed by other properties in the area (in this case, a detached structure and the number of detached structures), and 2) other properties within proximity to the parcel enjoy deviations from the maximum roofed accessory requirements (to the south). In this specific case, Staff is supportive of the request as detached garages are enjoyed by other lots in the vicinity (some with deviations from Ordinance standards). Uniquely, Staff would, due to the size of the parcel, encourage

the placement of a detached garage that has massing that is complimentary to the area (as in the case with this petition). Due to the residential character of the area, inclusive of the presence of accessory buildings with larger footprints that are reflective of development standards established prior to incorporation into Zionsville, Staff would encourage incorporating architectural characteristics that are reflective of the residential use of the accessory structure on all four sides of the structure. As such, staff would encourage the placement of additional windows on the south side of the proposed building as to enhance the street side view of the proposed structure.

Barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request for an additional 2,714 square feet of improvements in association with the 3,441 square foot primary dwelling.

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 RECOMMENDATION

Staff recommends approval of the design standards variance included in Docket #2020-01-DSV, as filed, supporting a **2,714** square foot accessory building including an upper story **for storage**, subject to incorporating two (2) minimum five square foot windows as a part of the southern façade of the proposed building.

RECOMMENDATION MOTION

I move that Docket #2020-01-DSV Development Standards variance in order to provide for the construction of an **2,714** square foot detached garage (totality of the **2,714** square foot is permissible to be contained on more than one level within the detached garage) which exceeds the allowable accessory square footage (providing for **2,844** square feet of additional roofed accessory structures in association with a 3,441 square foot dwelling, all as illustrated on the site plan attached to this report and within the Urban Single-Family Residential Zoning District (R-SF-2) for the property located at 11690 Sycamore Street, be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.

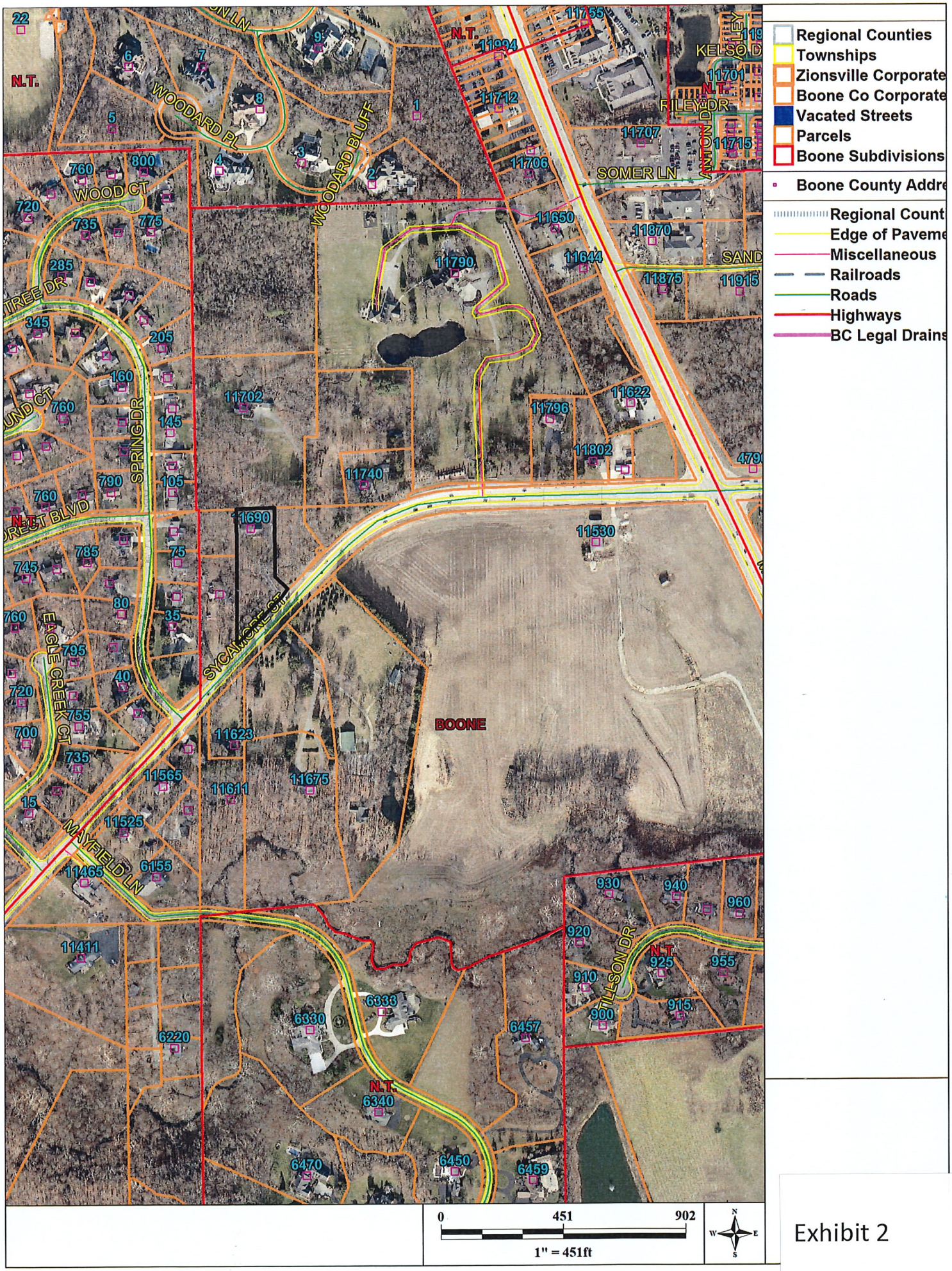
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Vacated Streets
Parcels
Boone Subdivisions
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
WOODARD PL
WOODARD BLUFF
WOOD CT
SOMER LN
SPRING DR
EAGLE CREEK CT
MAYFIELD LN
SYCAMORE CT
BOONE
N.T.
0
451
902
1" = 451ft
N
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Exhibit 2

NARRATIVE

The applicants, Roy L. Myers and Lisa A. Myers, own the property at 11690 Sycamore Street, Zionsville, Indiana, and have lived at the premises for many years. Their lot consists of 1.44 acres and their house sits well back from Sycamore Street with a wooded front yard in and along the driveway immediately adjacent to Sycamore. They propose to locate and build a four (4) bay garage, including one taller bay for an RV storage. Mr. Myers has a number of antique cars that he would like to store at his property. His preference is to not keep his RV outside but to store that in his detached garage as shown on the site plan. The new proposed garage is 1711 sq. ft., first floor, plus second floor storage area of 863 sq. ft. and covered porch in front of the three (3) bays for additional 154.5 sq. ft., all totaling 2714 sq. ft. The Myers' primary home, after deducting all existing porches and accessory structures, totals 3441 sq. ft. In order to be in compliance with the accessory structure limitations, the Myers' accessory structures cannot total more than 1720 sq. ft. Currently, the Myers' accessory structures total 1850 sq. ft. If the proposed garage is added, the total accessory structure square footage would be 4564 sq. ft. and this exceeds the required limitation by 2844 sq. ft. Given the size of the lot owned by Mr. and Mrs. Myers and its location well back from Sycamore Street, they respectfully request that this additional accessory structure by permitted. Also, the trees surrounding this proposed garage are mature and high and the second story storage area and height for their motorhome will look integrated on the property. A drawing of the structure itself is attached and hopefully the Board feels that this will be nicely done.

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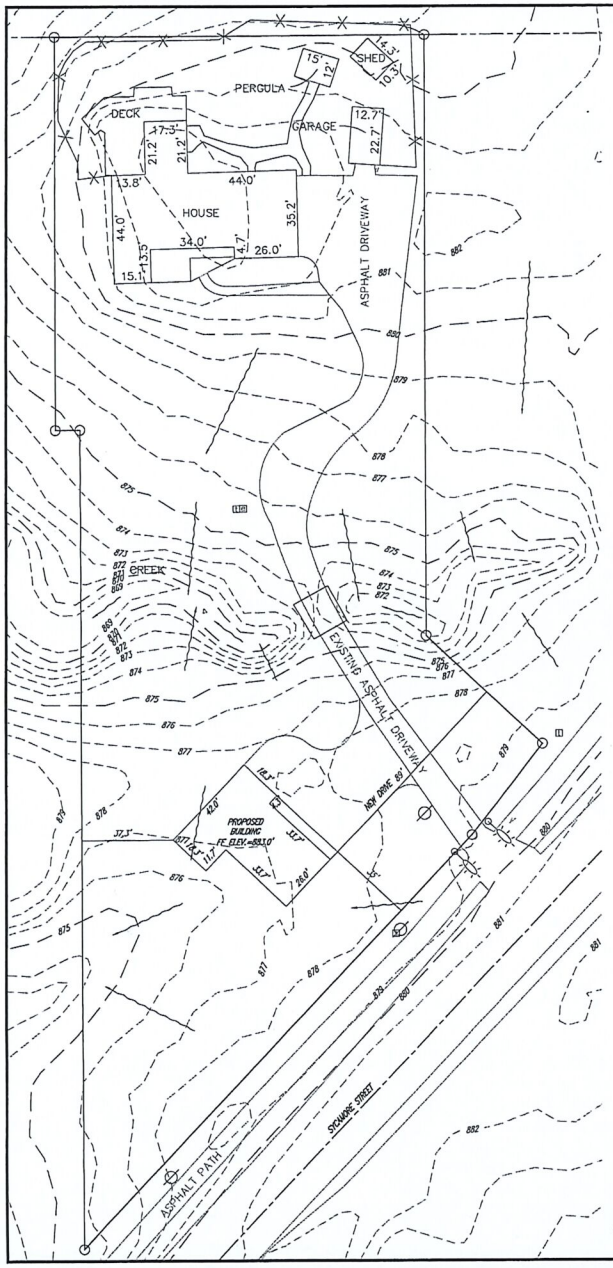
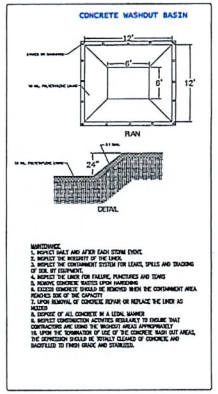
Exhibit 3



GENERAL LOCATION



DEED DESCRIPTION

A part of the Northeast Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, more particularly described as follows:

From the Northwest corner of the aforesaid Quarter Section measure Eastwardly on a line which is at right angles to the West line of said Quarter Section 130.00 feet to the Place of Beginning of the within described tract; continue thence Eastwardly on the aforesaid line 150.00 feet; thence Southwardly at right angles to the last described line and parallel to the West line of the aforesaid Quarter Section 244.75 feet; thence Southeastwardly deflecting left 46 degrees 46 minutes, a distance of 108.40 feet to a point in the center line of Indiana State Road 334 as the same is now located and improved; thence Southwestwardly along said center line and at right angles to the last described course a distance of 323.74 feet to a point which is 140.00 feet distance Eastwardly from the West line of said Quarter Section measured at right angles thereto; thence Northwardly parallel to the aforesaid West line 392.09 feet; thence Westwardly at right angles to the last described course 10.00 feet; thence Northwardly parallel to the West line of aforesaid Quarter Section 160.00 feet to the Place of Beginning, containing 1.715 acres, more or less. Located in Eagle Township, Boone County, Indiana.

EXCEPT: (INSTR. # 201100006353)

A part of the Northeast Quarter of Section 1, Township 17 North, Range 2 East, Boone County, Indiana, and being that part of the grantor's land lying within the Right-of-way lines depicted on the Right-of-way Parcel Plat as shown in Warranty Deed recorded August 2, 2011 as Instrument Number 2011-00006353, described as follows:

Commencing at the Northwest corner of said Quarter Section; thence North 89 degrees 04 minutes 00 seconds East 280.12 feet (280.00 feet deduced from Instrument Number 0509207) along the North line of said Quarter Section to the Northeast corner of the grantor's land; thence South 00 degrees 15 minutes 32 seconds East 252.94 feet (244.75 feet by Instrument Number 0509207) along the East line of the grantor's land to a East corner of the grantor's land; thence South 47 degrees 01 minute 32 seconds East 65.26 feet along the Northeastern line of the grantor's land to the Point of Beginning of this description; thence South 47 degrees 01 minute 32 seconds East 44.39 feet along said Northeastern line to the centerline of S.R. 334, said centerline is Line "PR-S-2-A" as described in the location control Route Survey Plat (LCRSP) recorded in Instrument Number 2010-00002897, in the Office of the Recorder of Boone County, Indiana; thence South 43 degrees 47 minutes 02 seconds West 47.46 feet along said centerline to point "603" designated on said plat; thence South 46 degrees 49 minutes 49 seconds East 3.82 feet to point "604" designated on said plat, which point is on the centerline of said S.R. 334, said centerline is Line "A 1934" as described in said LCRSP; thence South 43 degrees 10 minutes 11 seconds West 275.91 feet along said centerline to the Southwest corner of the grantor's land; thence North 00 degrees 15 minutes 32 seconds West 62.55 feet along the West line of the grantor's land; thence North 43 degrees 10 minutes 11 seconds East 230.48 feet to a point "805" designated on said plat; thence North 37 degrees 29 minutes 38 seconds East 47.54 feet to the Point of Beginning and containing 0.295 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.117 acres, more or less.

Containing, after said exception, 1.44 acres, more or less and being Subject to all Legal Highways, Rights-of-way and Easements of Record.

LEGEND
AS APPLICABLE
- 5/8-inch REBAR w/ CAP STAMPED "HAUSE PLS20600040"
- MAGNETIC NAIL w/ WASHER STAMPED "HAUSE PLS20600040"
- UTILITY POLE
- TELEPHONE PEDESTAL
- WELL
- LIGHT POLE
- AIR CONDITIONER
- PRIVACY FENCE
- ALUMINUM FENCE
- CLEAN OUT
- GUY WIRE
- ELECTRIC METER/BOX
- GAS ENTRANCE
- SANITARY MANHOLE
- TREE
- (D) DEED BEARING AND DISTANCE
- (M) MEASURED BEARING AND DISTANCE
- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- BEEHIVE INLET
- CURB INLET
- BOLLARD
- SATELLITE DISH
- FENCE POST

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DANNY R. HAUSE REGISTERED No. 20701359 STATE OF INDIANA PROFESSIONAL ENGINEER

DRAWN BY: JEH	CHECKED BY: DRH	DATE: 11/7/2019	SCALE: 1" = 30'

No.	Date	Revisions

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TOWN OF ZIONSVILLE

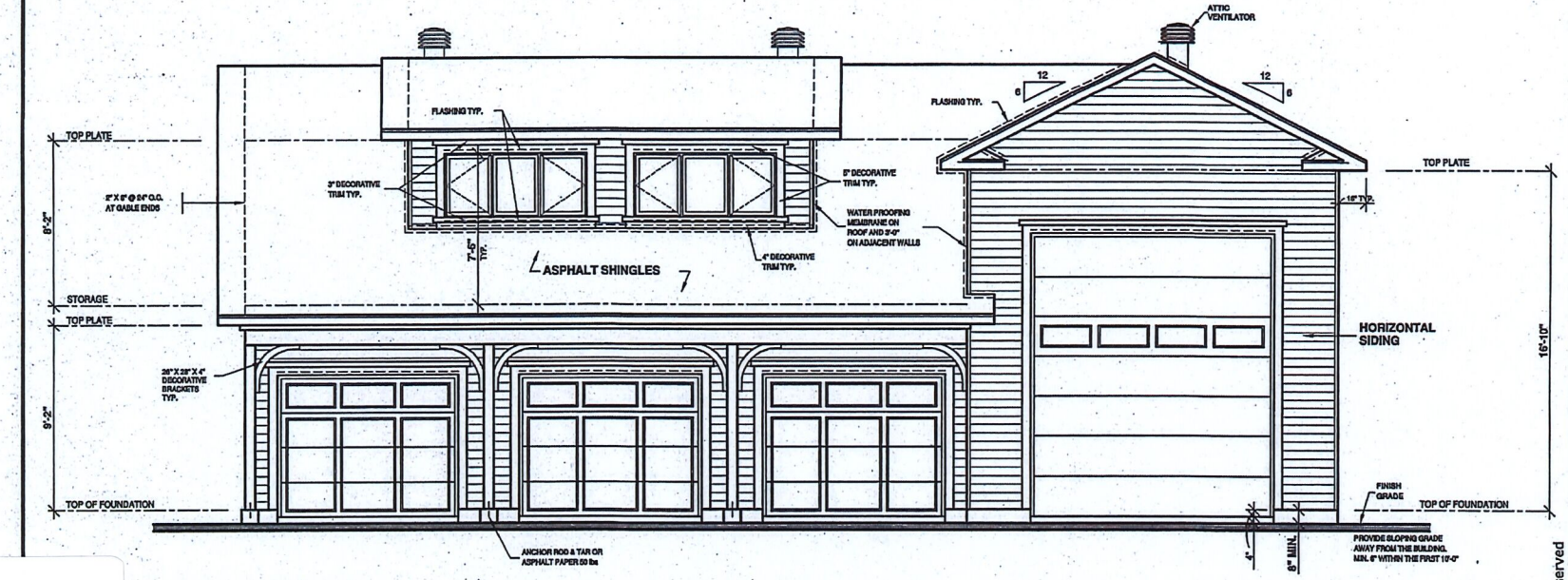
PLOT PLAN

ROY & LISA MYERS
PT. NE 1/4, SEC. 1, T17N, R2E,
TOWN OF ZIONSVILLE, BOONE CO., IN

SHEET NO. 1 OF 2 SHEETS

PROJECT NO. 19H748

Exhibit 4



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2" MIN. SPACE BETWEEN THE ROOF AREA AND ANY MOISTURE SENSITIVE EXTERIOR FACING.

AREA SCHEDULE	SQ.FT.
OTHER	–
BONUS ROOM	769
GARAGE	1 697

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REVISION	NO	DATE	BY

STAMP BY:

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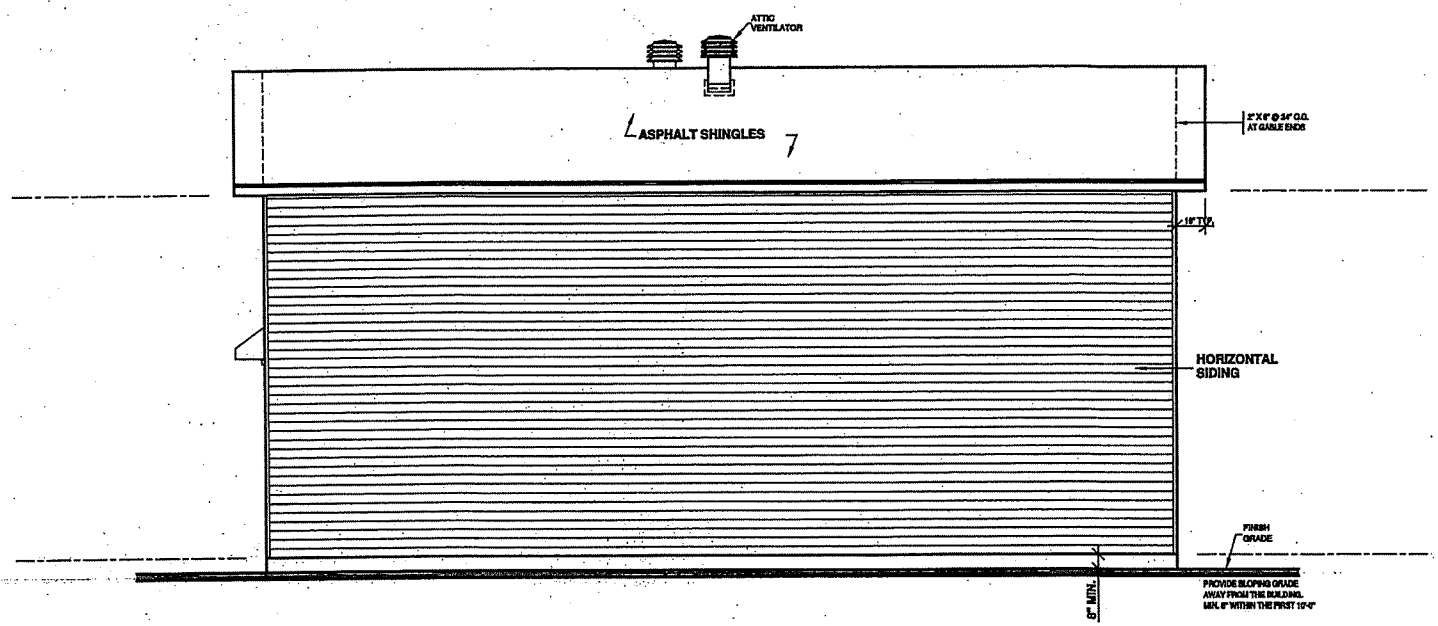
TOWN OF ZIONSVILLE

PROJECT INFO
NEW CONSTRUCTION

DRAWING
ELEVATIONS

DESIGNED BY	DRAWN BY	CHECKED BY
D.C.	M.R./P.B.	M.P.
DATE 23/02/2017	SCALE 1/4"=1'-0"	
PLAN NO. 3986	SHEET NO. 1-11	

Exhibit 5



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DATE 23/02/2017		SCALE 1/4"=1'-0"
PLAN NO. 3986		SHEET NO. 2-11

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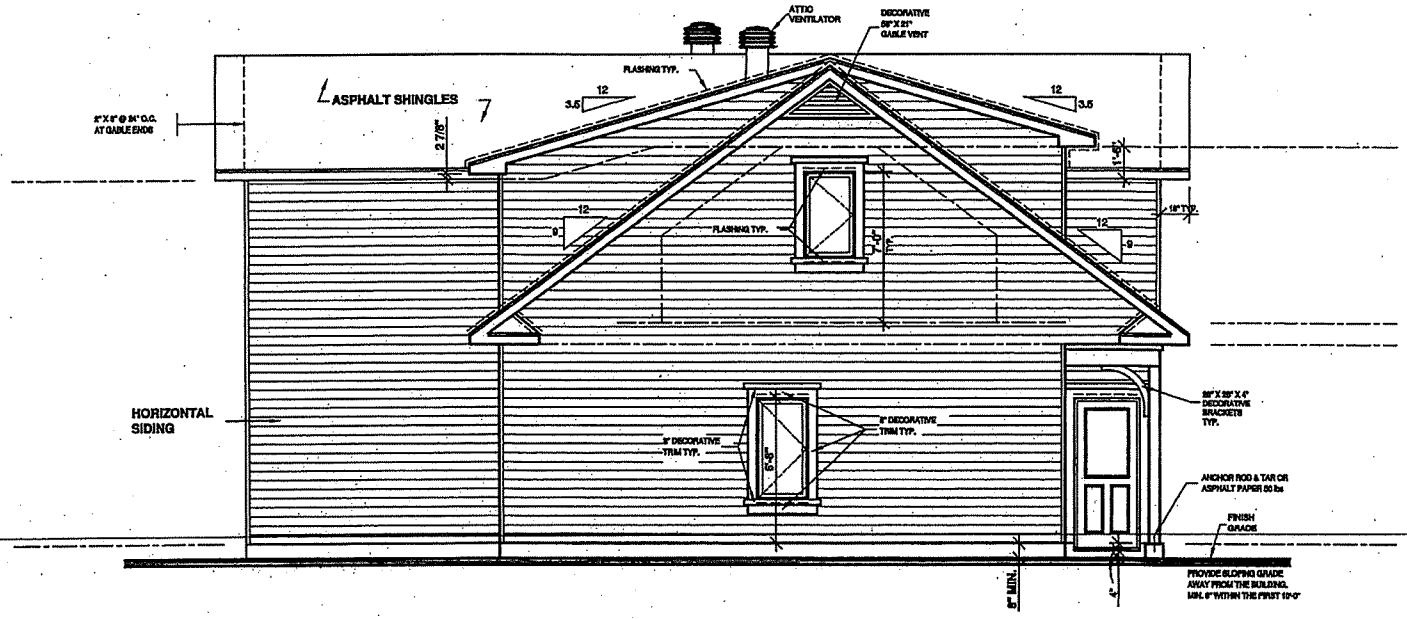

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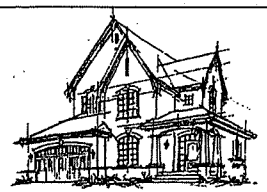

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STAMP BY:

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DRAWING

LEFT ELEVATION

DESIGNED BY	DRAWN BY	CHECKED BY
D.C.	M.R./P.B.	M.P.

DATE	SCALE
23/02/2017	1/4"=1'-0"

PLAN NO.	SHEET NO.
3985	3-11

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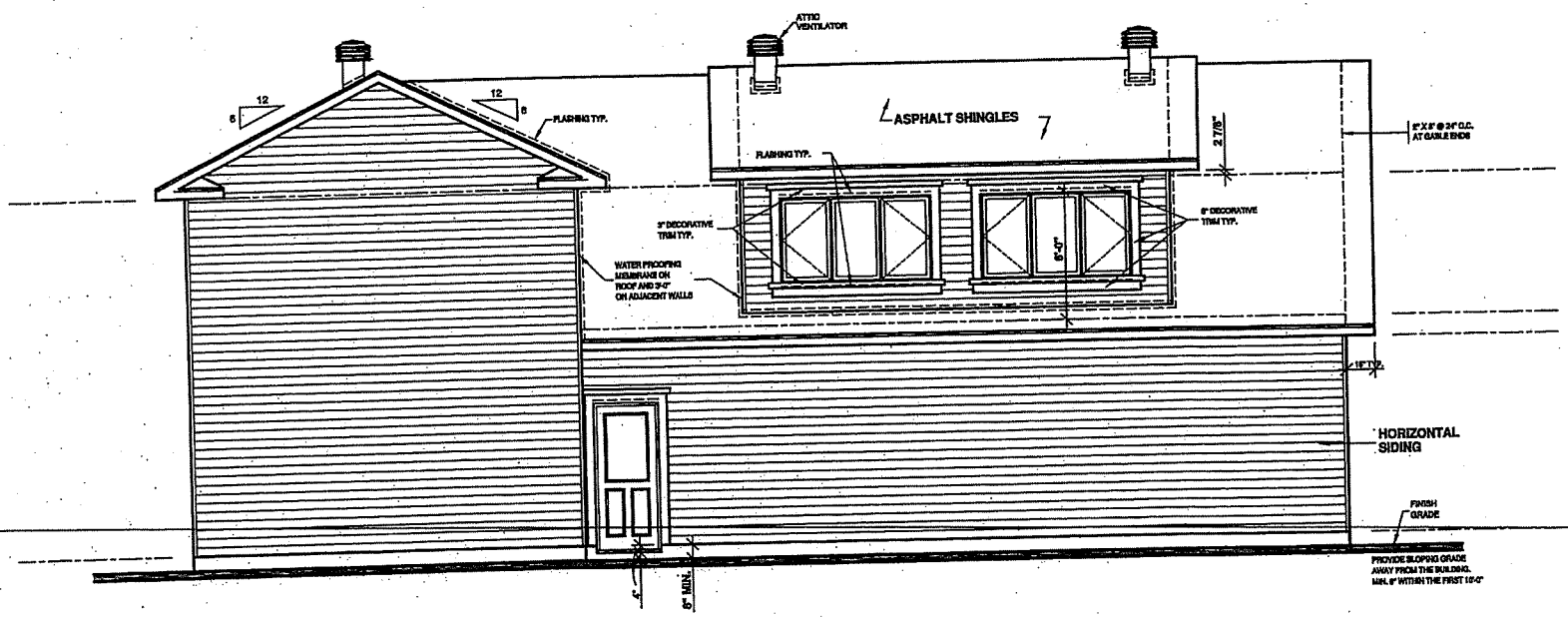

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NEW CONSTRUCTION

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REAR ELEVATION

DESIGNED BY	DRAWN BY	CHECKED BY
D.C.	M.R./P.B.	M.P.
DATE 23/02/2017		SCALE 1/4"=1'-0"
PLAN NO. 3986		SHEET NO. 4-11

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Exhibit 5

GENERAL NOTES:

- BUILDING CONTRACTOR MUST:
1) VERIFY ALL DIMENSIONS BEFORE PROCEEDING.

2) RESPECT REQUIREMENTS OF DOCUMENTATION ATTACHED TO PLANS (EX: SPECIFICATIONS, VENTILATION PLAN, ETC) AND INFORM THE CLIENT OF ANY CONSEQUENCES RESULTING FROM CHANGES TO PLAN IF APPLICABLE.

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- WRITTEN DIMENSIONS ALWAYS TAKE PRECEDENCE OVER SCALE MEASUREMENTS.

- INFORM IMMEDIATELY DRUMMOND DESIGNS INC. IMMEDIATELY OF ANY OMISSIONS OR ERRORS ON THESE PLANS.

IMPORTANT NOTES:

- APPLICATION OF WOOD PRESERVATIVE REQUIRED AT EXTREMITIES OF BEAMS OR ELEMENTS SUPPORTED ON MASONRY WALLS.

- AS PRECAUTION, A FIREPROOF LINER SHOULD BE INSTALLED BETWEEN FIREBOX OR PREFABRICATED FIREPLACE AND COMBUSTIBLE FRAMING.

- MINIMUM FOUNDATION DEPTH BELOW FINISHED GRADE IS 4'-0". THIS DEPTH MAY VARY ACCORDING TO LOCAL CODES REQUIREMENTS.

- ENDS OF STEEL BEAMS SUPPORTED ON EXTERIOR WALL SHALL BE INSULATED ON A MINIMUM LENGTH OF 24".

- TO PROTECT AGAINST FROST HEAVE ON ALL CONCRETE FOUNDATIONS WALLS, PILASTER AND CONCRETE ANGLER, MUST BE COVERED WITH EITHER A PROTECTIVE MEMBRANE, 15 LBS ASPHALT PAPER, POLYETHYLENE, RIGID INSULATION OR 1/2" TAR FEDRIGUARD.

- 2" MINIMUM SPACE REQUIRED BETWEEN THE ROOF AREA AND MOISTURE SENSITIVE EXTERIOR FACING.

- THE WINDOW DIMENSIONS DESCRIBED IN THIS PLAN MAY VARY DEPENDING ON THE CHOSEN MANUFACTURER

- BASEMENT WINDOWS BELOW GRADE WILL BE PROTECTED BY GALVANIZED STEEL WINDOW WELLS, AND GRAVEL-FILLED 4" DRAIN, CONNECTED TO PERIMETER DRAIN AND INSTALLED ACCORDING TO THIS PLAN.

- ALL VAPOR BARRIERS INDICATED IN THIS PLAN SHOULD BE SEALED WHEN THEY ARE OVER LAPPED AND AROUND OF ENAKS.

- IT IS IMPORTANT THAT A PIECE OF VAPOR BARRIER IS INSTALLED BEHIND THE ELECTRICAL PANEL ON AN EXTERIOR WALL, AND SHOULD BE SEALED WITH THE MAIN VAPOR BARRIER.

STRUCTURAL NOTES:

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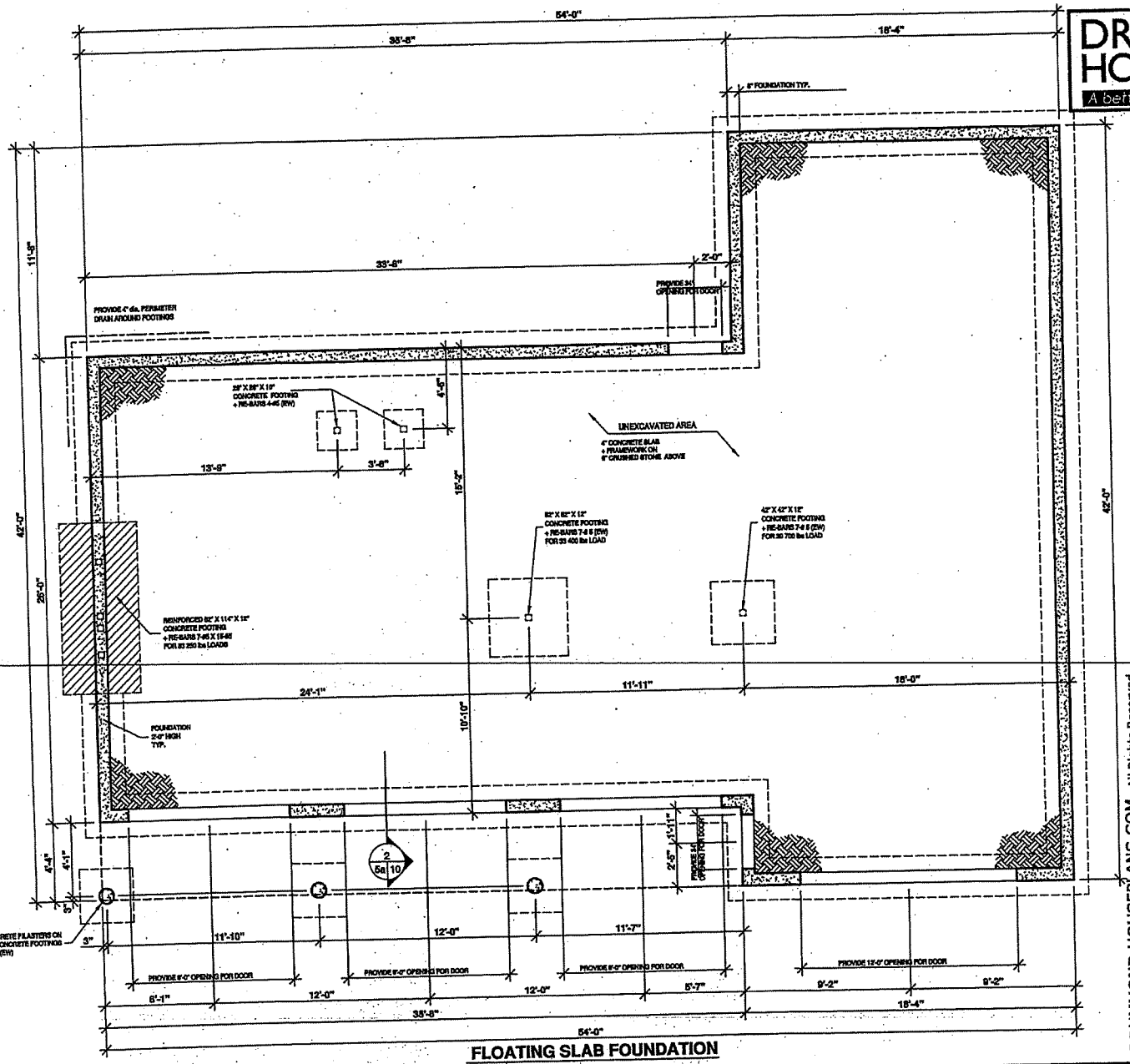
- IT IS RECOMMENDED THAT A 5/8" GYPSUM BOARD ON A 1"X3" FURRING @ 16" C/C BE INSTALLED ON THE BASEMENT CEILING TO INCREASE THE FIREPROOFING.



FLOATING SLAB FOUNDATION

STRUCTURAL LEGEND

- IN-WALL STUD POST
- REINFORCED BEAMS SUPPORTING STRUCTURE
- BEARING WALL

ABBREVIATION

- H.R. HANDRAIL
- M.W. MICROWAVE OVEN
- (E) MARK REFERRING TO DOOR SIZE SCHEDULE

CROSS SECTION

- ARROW INDICATING THE DIRECTION OF CUT
- SECTION NUMBER
- PAGE ON WHICH SECTION IS FOUND
- PAGE ON WHICH SECTION WAS TAKEN

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CUSTOMER INFO

REVISION	NO	DATE	BY

STAMP BY:

PROJECT INFO: NEW CONSTRUCTION

DRAWING: FOUNDATIONS PLAN (FLOATING SLAB)

DESIGNED BY	DRAWN BY	CHECKED BY
D.C.	M.R./P.B.	M.P.
DATE 23/02/2017		SCALE 1/4"=1'-0"
PLAN NO. 3988		SHEET NO. 5a-11

Exhibit 5

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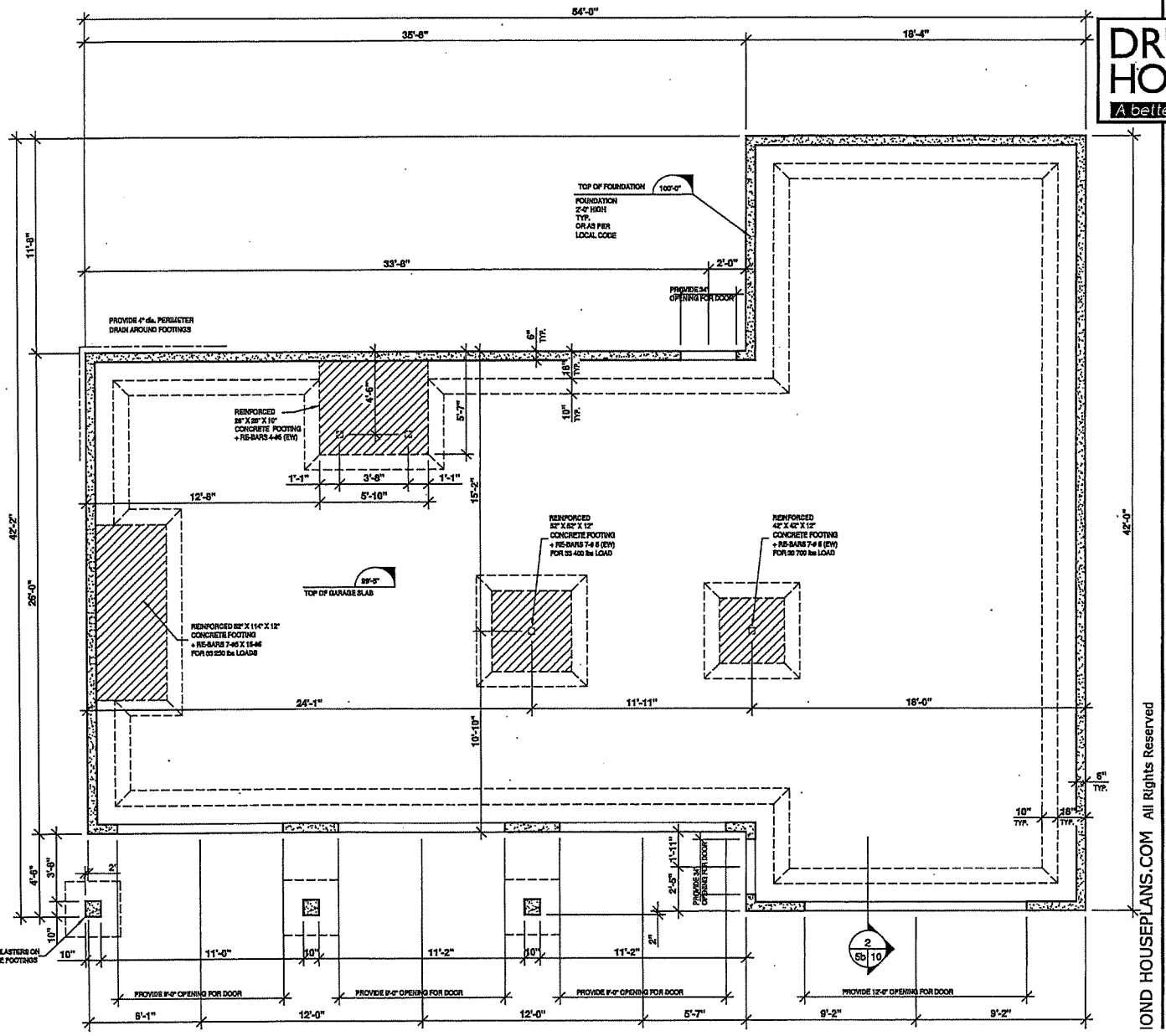

STRUCTURAL LEGEND

- IN-WALL STUD POST
- REINFORCED BEAMS SUPPORTING STRUCTURE
- BEARING WALL

ABBREVIATION

- H.R. HANDRAIL
- M.W. MICROWAVE OVEN
- (E) MARK REFERRING TO DOOR SIZE SCHEDULE

CROSS SECTION

- ARROW INDICATING THE DIRECTION OF CUT

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CUSTOMER INFO

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PROJECT INFO
NEW CONSTRUCTION

DRAWING
FOUNDATIONS PLAN (MONOLITHIC SLAB)

DESIGNED BY	DRAWN BY	CHECKED BY

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Exhibit 5

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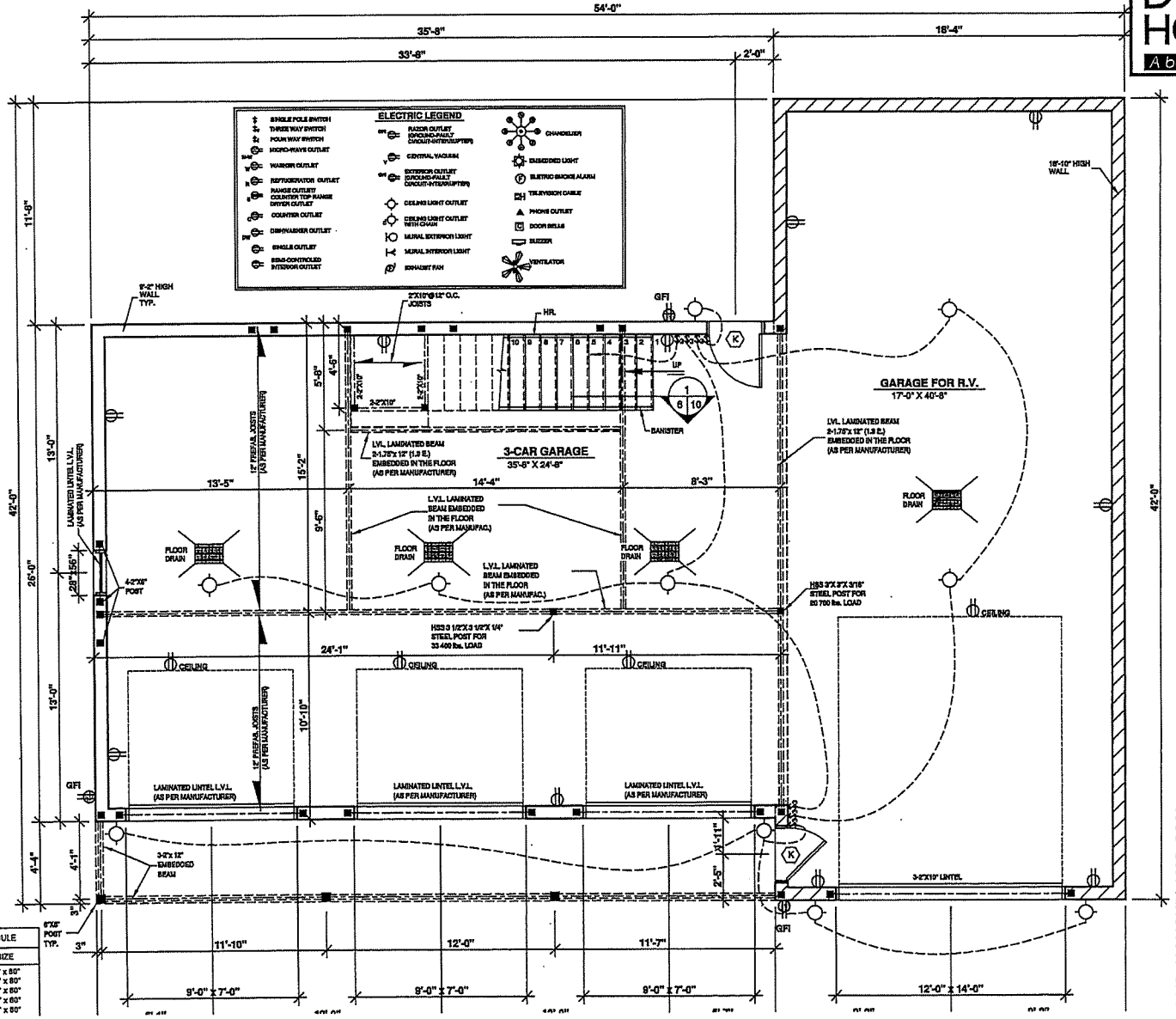

STRUCTURAL LEGEND

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ABBREVIATION

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(6) MARK REFERRING TO DOOR SIZE SCHEDULE

CROSS SECTION

ARROW INDICATING THE DIRECTION OF CUT

DOOR SCHEDULE	
MARK	SIZE
A	16" x 80"
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E	30" x 80"

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DRAWING
GROUND FLOOR PLAN

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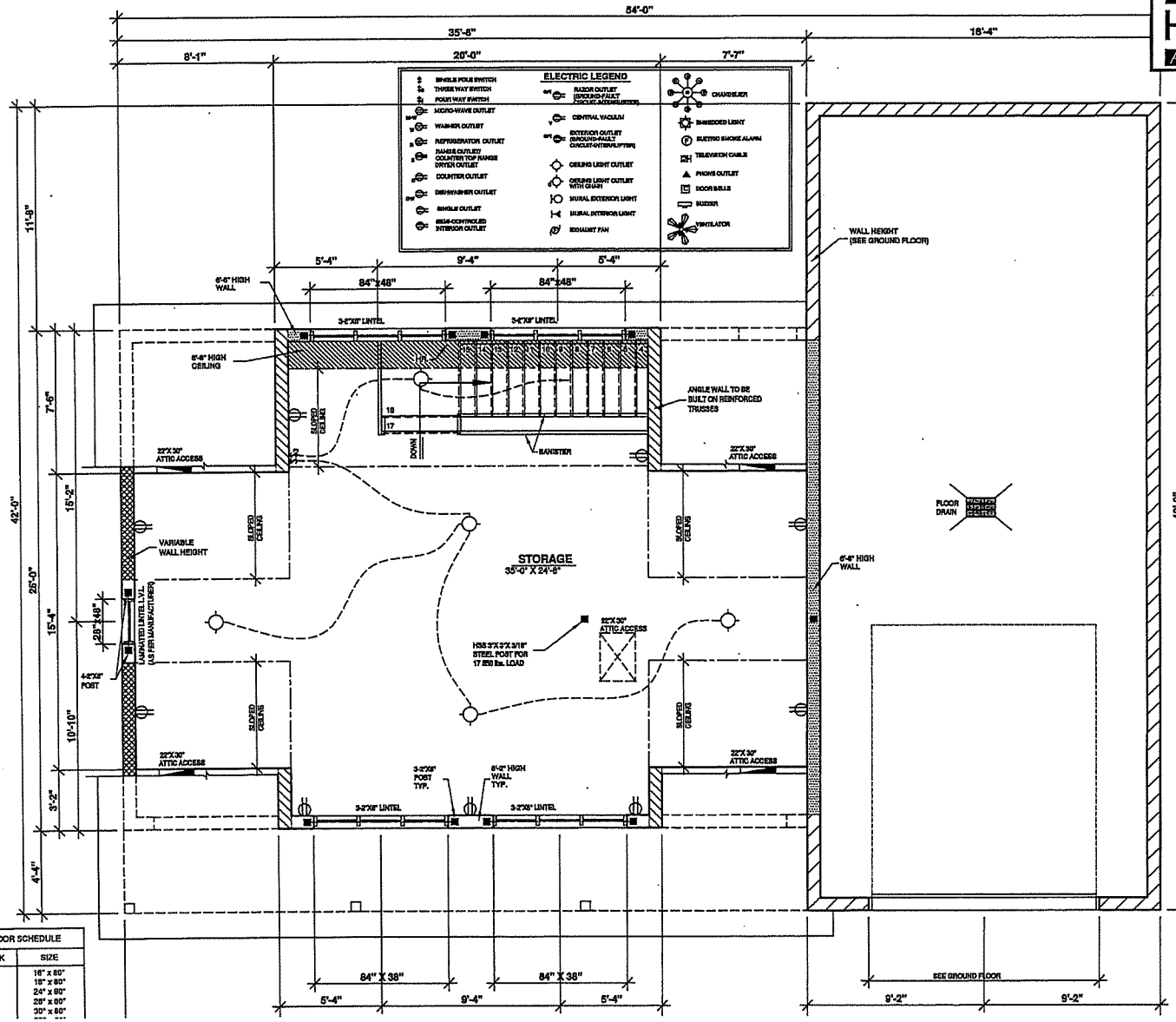

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PROJECT INFO

NEW CONSTRUCTION

DRAWING

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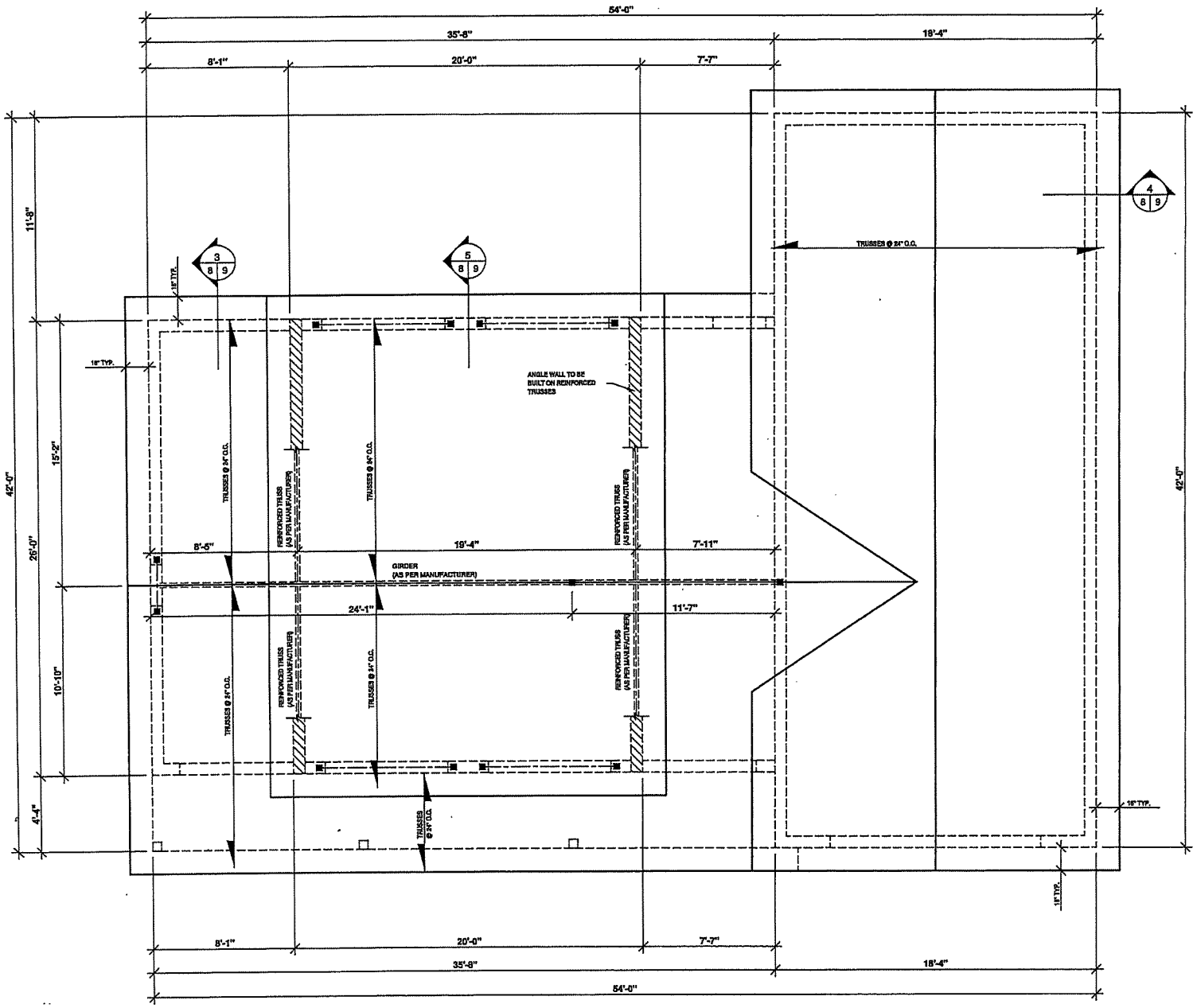

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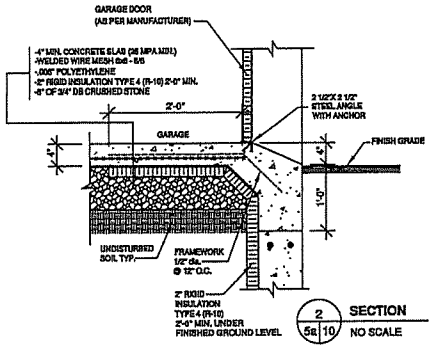

2 / 5a 10 SECTION
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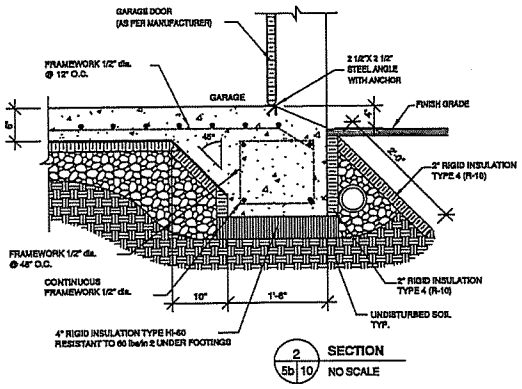

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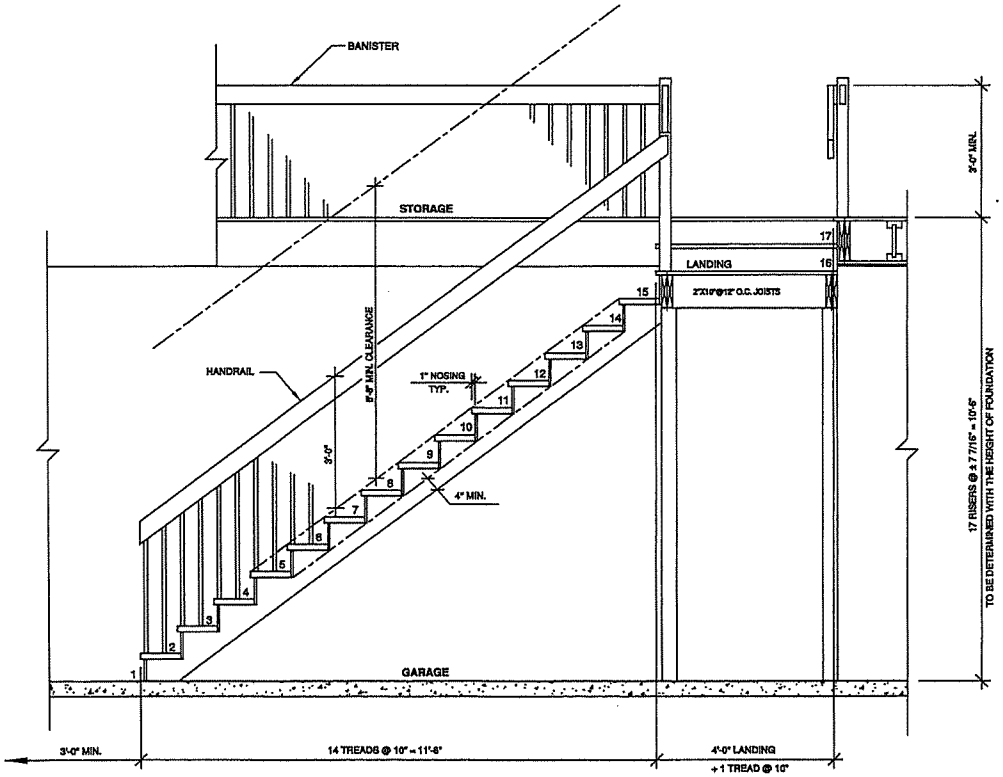

1 / 6 10 SECTION
SCALE: 1/2" = 1'-0"

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Exhibit 5

Petition No. 2020- 01 -DSV
R. MYERS

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: **we have sufficient acreage that this will not appear crowded or cluttered.**

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: **we have checked with our surrounding neighbors and they have no objection to an additional accessory structure.**

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **as we have 1.44 acres, an additional accessory structure will allow for continued appropriate use of our property for storage of personal property.**

DECISION

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

Adopted this _____ day of _____, 2020.

_____

_____

_____

_____

_____

Exhibit 6

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-03-DSV
Project Address:	Approximately 10901 E. CR 300 South (146th Street) and U.S. Highway 421
Project Name:	Appaloosa Crossing - Shops
Petitioner:	Harris FLP
Representative:	Matthew Price, Attorney for Petitioner Dentons Bingham Greenebaum LLP
Request:	Petition for Development Standards Variance in order to provide for the development of a commercial center which: 1) Deviates from the required width of foundation plantings; and 2) Deviates from the required additional six (6) foot wide strip for landscaping around a parking area in the Rural General Business Zoning District and the Rural Michigan Road Overlay (GB & MRO).
Current Land Use:	Unimproved - farmed field
Approximate Acreage:	3.40± Acres (identified as "Shops" Lot on pending Plat) within the 57.53± Acres of the to-be-platted integrated center, Appaloosa Crossing. The requested Variances are only applicable to the 3.40± acre subject site, not the entire integrated center.
Zoning History:	07-EA-16-839 (2008 Rezoning): While under the jurisdiction of Boone County, the property was rezoned from the R-1 Residential Zoning Classification to the GB General Business (44.25± Acres) and PB Professional Business (13.28± Acres) Zoning Classifications with Commitments *(Approved).* 2016-45-CA: Commitment Amendment to permit an automobile fuel station/service station with a convenience store *(Approved)*. 2019-44-CA: Commitment Amendment to permit a liquor store, single-family dwellings, major residential subdivision, more than two (2) fast food restaurants, fast food restaurants to be adjacent to each other, a reduction in the side building setbacks to 30 feet (applicable only to the south property line of the southernmost outlot), a reduced number of water features along U.S. 421 to one (1), modifications to the main access drive off U.S. 421, increased number of outlots along U.S. 421 and 146th Street to eight (8), and five (5) respectively, placement of a monument sign on either the north or south side of the primary U.S. 421 Entrance, a right-in only access from CR 300 South (146th Street) west of the main entrance off CR 300 South *(Approved)*. 2019-45-Z: Zoning Change to rezone approximately 1.5 acres from the Rural (PB) Professional Business Zoning District to the Rural (GB) General Business Zoning District to allow for additional retail/commercial opportunities *(Approved)*.

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioner's Narrative
Exhibit 4 – Proposed Building Rendering
Exhibit 5 – Proposed Landscape Plan
Exhibit 6 – Petitioner's Proposed Findings of Fact (One for each Variance request)

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition received its initial public hearing at the February 5, 2020, Board of Zoning Appeals meeting, and was continued to the March 4, 2020, meeting. No new or updated information has been submitted by the Petitioner since the February 5th meeting. Four other Petitions regarding Appaloosa Crossing have been filed with the Planning Department; three of the Petitions were heard by the Plan Commission at its February 18, 2020, hearing and continued to the March 16, 2020, meeting:

- 2020-01-PP Primary Plat of Appaloosa Crossing (Pending Plan Commission Hearing)
- 2020-02-SP Secondary Plat of Appaloosa Crossing (Administrative Approval - Hearing not required)
- 2020-03-DP Development Plan Approval of Shops (Pending Plan Commission Hearing)
- 2020-04-CA Commitment Amendment to relocate a pond/water feature along U.S. Highway 421 frontage (Pending Plan Commission Hearing)

PROPERTY LOCATION, ZONING CLASSIFICATION & PROJECT DESCRIPTION

The subject site is generally located 250 feet south of CR 300 South (aka 146th Street) on the east side of U.S. Highway 421. The subject site is 3.40± acres and is a portion of the 57.53± acres to be developed as the Appaloosa Crossing integrated center. The subject site is bordered on the north by another undeveloped outlot of Appaloosa Crossing; on the east by an internal road of Appaloosa Crossing; on the south by a primary entry into Appaloosa Crossing; and on the west by U.S. Highway 421. The site is zoned Rural General Business (GB) Zoning District and is within the Rural Michigan Road Overlay (MRO).

The Petitioner proposes to construct a multi-tenant, retail building of approximately 23,000 square feet with related parking areas. This will be the first building within the Appaloosa Crossing integrated center. Vehicular access to the subject site will be from U.S. Highway 421 and CR 300 South via internal private streets; no curb cut directly onto the subject site from U.S. Highway 421 is proposed. Pedestrian maneuverability on site will include sidewalks along the front façade of the proposed building. A 12-foot-wide recreation path along U.S. Highway 421 will parallel the building, but no connectivity from the building to the recreation path is shown on the submitted Landscape Plan.

ANALYSIS - VARIANCE REQUESTS

The subject site is within the Rural Michigan Road Overlay (§194.079(C) and is, therefore, required to meet the development standards of the Overlay. The Petitioner requests the following two variances of development standards from the Overlay, both related to landscaping:

1. **Variance of Foundation Plantings (§194.079(C)(15)(b)2.):** This development standard requires "Foundation plantings shall be included along all sides of any building. The minimum width of the planting area shall be five feet; except that, when adjoining a parking area located in the front yard adjoining U.S. Highway 421, the minimum width shall be ten feet." The Petitioner requests that no foundation plantings be required along the front building façade (the façade facing U.S. Highway 421).

From the Petitioner's Variance Narrative (Exhibit 3), "A commercial building of this sort is often designed with an awning-type front building façade (providing cover from the elements for patrons, while also limiting the viability of foundation plantings because they would have limited exposure to light and rain), with a sidewalk and individual points of pedestrian customer access into each of the tenant spaces under that 'awning.' The design for the Retail Shops, incorporating the awning feature, does not include sufficient space to also accommodate foundation plantings adjacent to the building front."

If the Petitioner's Variance Request is granted, the result would be no foundation plantings along the front building façade (facing U. S. Highway 421). The Petitioner's building design does include an awning feature along the front facade which is unique and would shield the area from sunlight and rain (Exhibit 3). The long-term survival of foundation plantings in this area, under the awning, would be problematic. Additionally, the proposed design of tenant spaces in the building include glass walls on the front façade extending down to grade level. To place foundation plantings where required would result in the backs and root areas of the plants to be visible from the interior of the tenant spaces. The Petitioner is proposing to relocate the landscaping which would have been used as foundation plantings to the eastern portion of the subject site along the interior access drive of the integrated center.

With these items in mind and presuming the retail shops are constructed substantially in the manor of the building rendering presented (Exhibit 4), Staff is supportive of the requested Development Standards Variance for the removal of the required foundation plantings along the front of the building with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DSV (Exhibit 5). Absent the presence of the awning features, Staff would re-evaluate its support of the request.

2. **Variance of Parking Lot Perimeter Plantings (§194.079(C)(15)(c)5.b.):** This development standard requires "Where parking areas are located in the front yard, with frontage directly on U.S. Highway 421, a six-foot wide perimeter planting area shall be provided along the front and sides of those areas." The Petitioner requests that the six-foot wide perimeter planting area not be required.

   In addition to the six-foot wide Parking Lot Perimeter Planting area, another landscaping requirement of the Rural Michigan Road Overlay applicable to this subject site is "there shall be a 30-foot wide landscaping buffer within the front yard of all lots with frontage on U.S. Highway 421." The Zoning Ordinance states the six-foot wide Parking Lot Perimeter Planting area be "in addition to the landscape buffer." The result of these two abutting landscaping requirements is a 36-foot wide landscaping area be established between the parking area and the subject site's property line.

   If the Petitioner's Variance Request is granted, the result would be a 30-foot wide landscaping buffer within the front yard of the subject site. The Petitioner is proposing to relocate the landscaping which would have been placed within the six-foot wide perimeter planting area to the eastern portion of the subject site along the interior access drive of the integrated center.

With this in mind, Staff is supportive of the requested Development Standards Variance for the removal of the requirement of a six-foot wide Parking Lot Perimeter Planting area with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DSV (Exhibit 5).

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION SEEKING APPROVAL

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

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

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

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

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

STAFF RECOMMENDATIONS

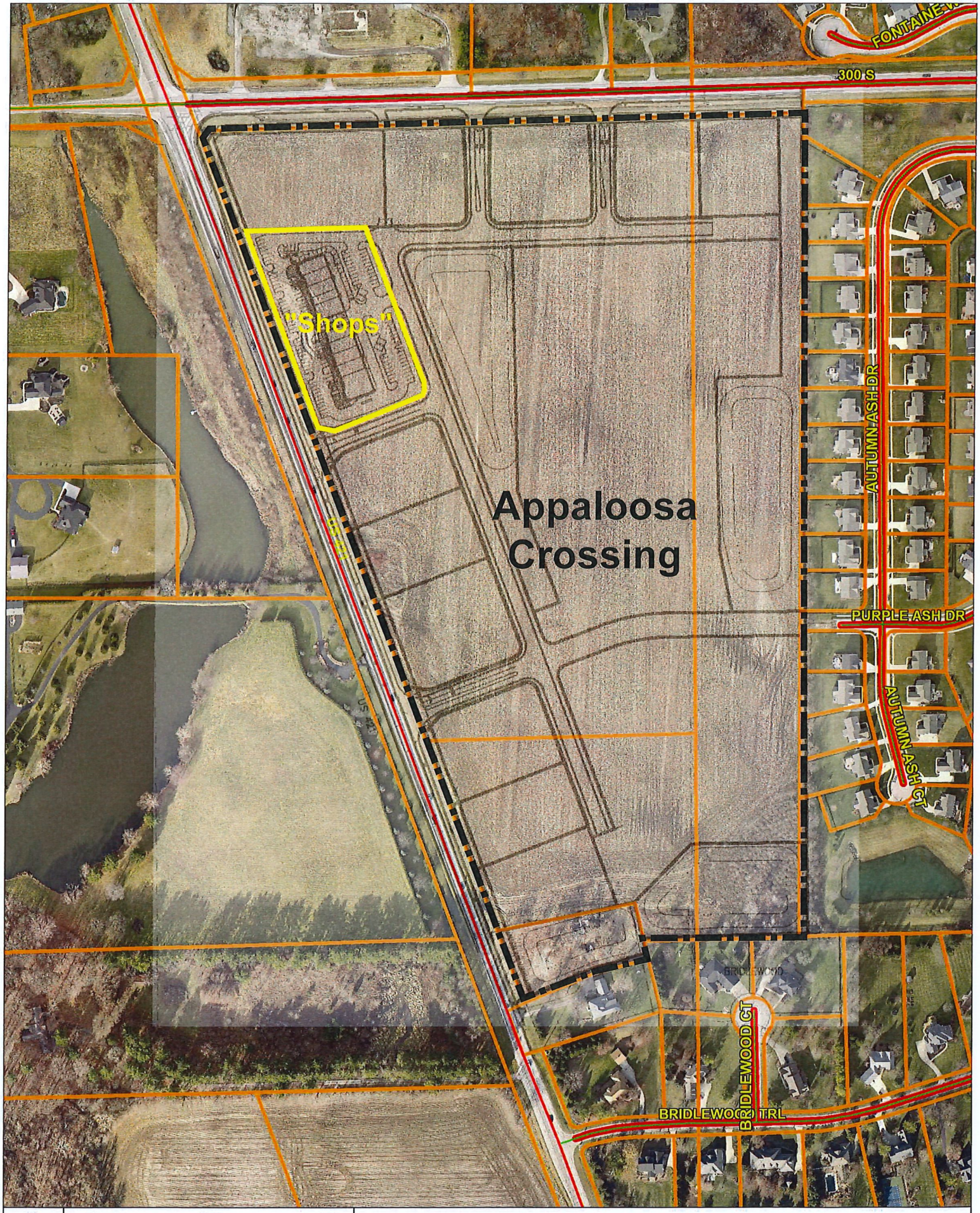
Variance Request #1: **Variance of Foundation Plantings -** Staff recommends approval of the requested Development Standards Variance for the removal of the required foundation plantings along the front of the building, with the building to be constructed substantially in the manor of the building renderings presented, with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DSV (Exhibit 5).

Variance Request #2: **Variance of Parking Lot Perimeter Plantings -** Staff recommends approval of the requested Development Standards Variance for the removal of the requirement of a six-foot wide Parking Lot Perimeter Planting area with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DSV (Exhibit 5).

RECOMMENDATION MOTIONS

I move that Docket #2020-03-DSV, Variance Request #1 being a Development Standards Variance for the removal of the required foundation plantings along the front of the building, with the building to be constructed substantially in the manor of the building renderings presented and with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DSV (Exhibit 5), be (Approved as filed, based upon the findings of fact and subject to the proposed Commitments / Denied / Continued) as presented.

I move that Docket #2020-03-DSV, Variance Request #2 being a Development Standards Variance for the removal of the requirement of a six-foot wide Parking Lot Perimeter Planting area with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2019-35-DSV (Exhibit 5), be (Approved as filed, based upon the findings of fact and subject to the proposed Commitments / Denied / Continued) as presented.



N
W E
S

0 300 600

1" = 300ft

Appaloosa Crossing - "Shops" Location - Exhibit 2

APPALOOSA CROSSING
ZIONSVILLE

VARIANCE NARRATIVE
2020-03-DSV

Harris FLP is requesting a variance of development standards to provide for development of a Retail Shops building within the Appaloosa Crossing development site, specifically located immediately south of the corner outlot near the southeast corner of U.S. 421 (Michigan Road) and 300 South (146th Street).

Because the Retail Shops outlot will consist of a multi-tenant building, with an awning and multiple tenant entry points in front, with drive-thru windows on the sides, and loading in the rear, it is impractical or impossible to provide the otherwise-required 10-foot wide foundation plantings around the front perimeter of the building. A commercial building of this sort is often designed with an awning-type front building façade (providing cover from the elements for patrons, while also limiting the viability of foundation plantings because they would have limited exposure to light and rain), with a sidewalk and individual points of pedestrian customer access into each of the tenant spaces under that "awning." The design for the Retail Shops, incorporating the awning feature, does not include sufficient space to also accommodate foundation plantings adjacent to the building front. The overall landscaping plan further mitigates the degree of the variance requested by including plantings along the sidewalk fronting the building, allowing for these plantings to provide greenery while not being located in the shade below an attractive awning feature.

An extensive landscaping area, however, will be provided in the rear portion of this outlot, along an interior access drive. Plus, the U.S. 421 (Michigan Road) overlay requires an extensive landscaping width (30-feet) along the road frontage.

Additionally, given the extensive 30-foot wide landscaping buffer to be provided along the Michigan Road frontage as required by the U.S. 421 (Michigan Road) corridor overlay district, the otherwise-required 6-foot wide parking lot perimeter planting strip would be superfluous. Within the context of this already-required 30-foot wide landscaping space along the road frontage, such an additional and modest (6-foot) planting strip would not be noticeable or beneficial, and would only result in a hardship on the outlot, resulting in a smaller and less desirable building.

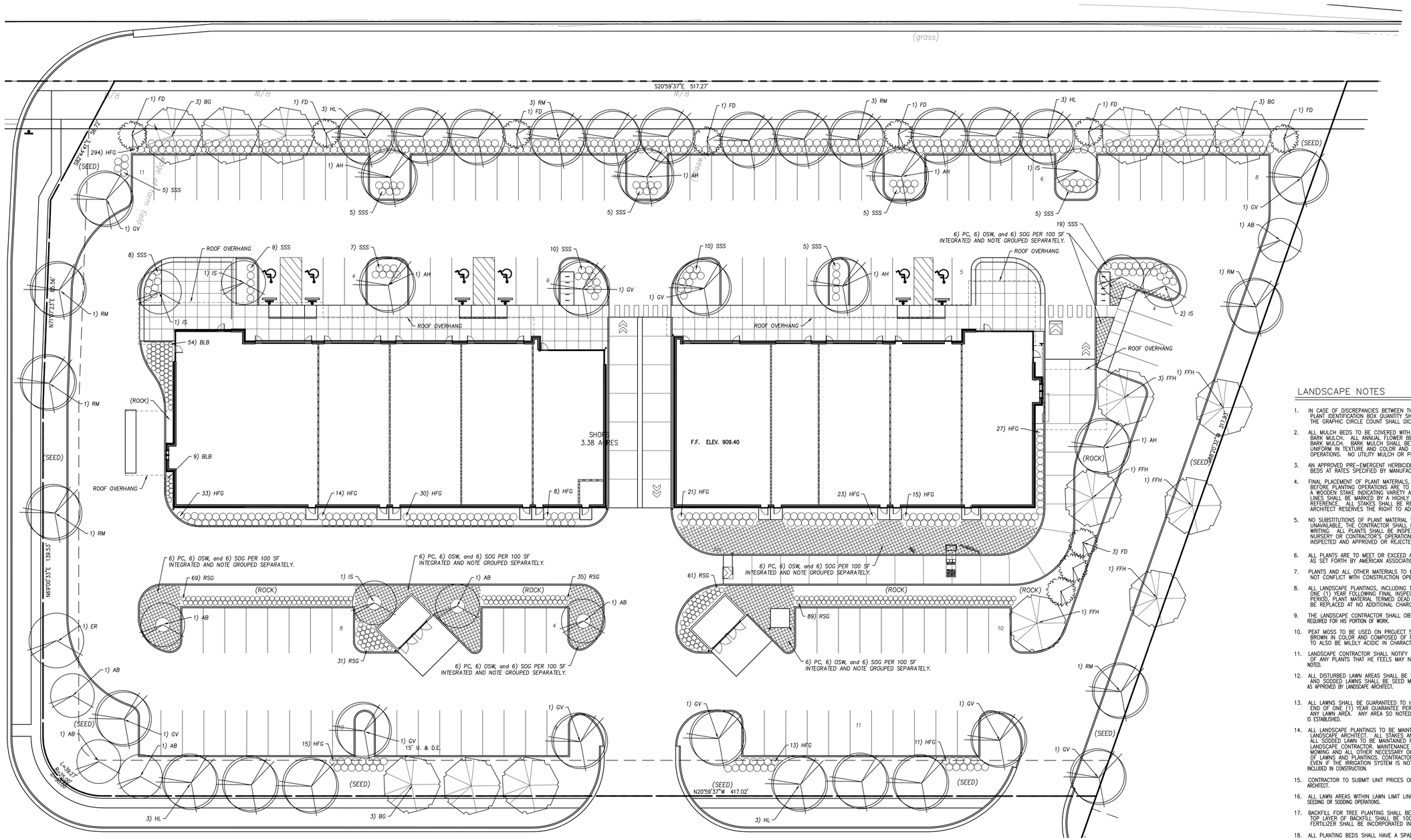
146TH & MICHIGAN SHOPS

CONCEPTUAL DESIGN

ZIONSVILLE 12/11/2019

AXIS

Exhibit 4



LANDSCAPE NOTES

1. IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND PLANT LIST, THE PLAN SHALL DICTATE. IF PLANT IDENTIFICATION BOX QUANTITY SHOWN ON PLAN DIFFERS FROM GRAPHIC PLANT CIRCLE COUNT, THE GRAPHIC CIRCLE COUNT SHALL DICTATE. IF IN QUESTION, CONTACT THE LANDSCAPE ARCHITECT.
2. ALL MULCH BEDS TO BE COVERED WITH 3" THICK LAYER OF SHREDDED HARDWOOD BARK MULCH. ALL ANNUAL FLOWER BEDS SHALL BE COVERED WITH 2" SHREDDED HARDWOOD BARK MULCH. BARK MULCH SHALL BE APPROVED BY LANDSCAPE ARCHITECT AND SHALL BE UNIFORM IN TEXTURE AND COLOR AND SHALL BE OBTAINED FROM SAWMILL OR LUMBERING OPERATIONS. NO UTILITY MULCH OR PROCESSED TREE TRIMMINGS WILL BE ALLOWED.
3. AN APPROVED PRE-EMERGENT HERBICIDE SHALL BE APPLIED IN ALL PLANTING AND FLOWER BEDS AT RATES SPECIFIED BY MANUFACTURER FOR EACH VARIETY OF PLANT.
4. FINAL PLACEMENT OF PLANT MATERIALS, ETC. SHALL BE APPROVED BY LANDSCAPE ARCHITECT BEFORE PLANTING OPERATIONS ARE TO PROCEED. ALL TREE LOCATIONS SHALL BE MARKED WITH A WOODEN STAKE INDICATING VARIETY AND SIZE OF TREE. ALL GROUND COVER AND MULCH BED LINES SHALL BE MARKED BY A HIGHLY VISIBLE PAINT LINE WITH OCCASIONAL WOOD STAKES FOR REFERENCE. ALL STAKES SHALL BE REMOVED FOLLOWING PLANTINGS OPERATIONS. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST PLANT LOCATIONS ON SITE.
5. NO SUBSTITUTIONS OF PLANT MATERIAL WILL BE ALLOWED. IF PLANTS ARE SHOWN TO BE UNAVAILABLE, THE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT PRIOR TO BID DATE IN WRITING. ALL PLANTS SHALL BE INSPECTED AND TAGGED WITH PROJECT IDENTIFICATION AT NURSERY OR CONTRACTOR'S OPERATION PRIOR TO MOVING TO JOB SITE. PLANTS MAY ALSO BE INSPECTED AND APPROVED OR REJECTED ON THE JOB SITE.
6. ALL PLANTS ARE TO MEET OR EXCEED AMERICAN STANDARDS FOR NURSERY STOCK, 1996 EDITION, AS SET FORTH BY AMERICAN ASSOCIATION OF NURSERYMEN.
7. PLANTS AND ALL OTHER MATERIALS TO BE STORED ON SITE WILL BE PLACED WHERE THEY WILL NOT CONFLICT WITH CONSTRUCTION OPERATIONS AND AS DIRECTED BY OWNER.
8. ALL LANDSCAPE PLANTINGS, INCLUDING TRANSPLANTS, SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR FOLLOWING FINAL INSPECTION BY LANDSCAPE ARCHITECT. AT THE END OF THIS PERIOD, PLANT MATERIAL TERMED DEAD OR UNSATISFACTORY BY LANDSCAPE ARCHITECT SHALL BE REPLACED AT NO ADDITIONAL CHARGE BY THE LANDSCAPE CONTRACTOR.
9. THE LANDSCAPE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND FEES THAT MAY BE REQUIRED FOR HIS PORTION OF WORK.
10. PEAT MOSS TO BE USED ON PROJECT SHALL BE A DOMESTIC OR IMPORTED MATERIAL, CHOCOLATE BROWN IN COLOR AND COMPOSED OF PARTIALLY DECOMPOSED VEGETABLE MATERIAL. PEAT MOSS TO ALSO BE MILDLY ACIDIC IN CHARACTER AND SHALL MEET APPROVAL OF LANDSCAPE ARCHITECT.
11. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IN WRITING PRIOR TO BID DATE OF ANY PLANTS THAT HE FEELS MAY NOT SURVIVE TRANSPLANTING OPERATIONS OR IN LOCATIONS NOTED.
12. ALL DISTURBED LAWN AREAS SHALL BE SEEDED OR SODDED AS DIRECTED BY OWNER. SEEDED AND SODDED LAWNS SHALL BE SEED MIX "U" FROM INDIANA STATE HIGHWAY SPECIFICATION OR AS APPROVED BY LANDSCAPE ARCHITECT.
13. ALL LAWNS SHALL BE GUARANTEED TO HAVE A FULL UNIFORM STAND OF ACCEPTABLE GRASS AT END OF ONE (1) YEAR GUARANTEE PERIOD WITH NO BARE SPOTS COMPRISING MORE THAN 2% OF ANY LAWN AREA. ANY AREA SO NOTED WILL BE SEEDED UNTIL AN ACCEPTABLE STAND OF GRASS IS ESTABLISHED.
14. ALL LANDSCAPE PLANTINGS TO BE MAINTAINED FOR A PERIOD UNTIL FINAL INSPECTION BY THE LANDSCAPE ARCHITECT. ALL STAKES AND GUY WIRES MUST BE REMOVED WITHIN ONE YEAR. ALL SODDED LAWN TO BE MAINTAINED FOR A PERIOD UNTIL FINAL INSPECTION BY THE LANDSCAPE CONTRACTOR. MAINTENANCE TO INCLUDE WATERING, WEEDING, CULTIVATING, MULCHING, MOWING AND ALL OTHER NECESSARY OPERATIONS REQUIRED FOR PROPER ESTABLISHMENT OF LAWNS AND PLANTINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WATERING. EVEN IF THE IRRIGATION SYSTEM IS NOT OPERATIONAL AT THE TIME OF PLANTING OR IS NOTED INCLUDED IN CONSTRUCTION.
15. CONTRACTOR TO SUBMIT UNIT PRICES ON EVERY TYPE OF WORK AS REQUESTED BY LANDSCAPE ARCHITECT.
16. ALL LAWN AREAS WITHIN LAWN LIMIT LINES TO RECEIVE 6" MINIMUM APPROVED TOPSOIL PRIOR TO SEEDING OR SODDING OPERATIONS.
17. BACKFILL FOR TREE PLANTING SHALL BE 75% APPROVED TOPSOIL AND 25% APPROVED PLANTERS MIX. TOP LAYER OF BACKFILL SHALL BE 100% EXISTING TOPSOIL A 5-10-5 ANALYSIS SLOW RELEASE FERTILIZER SHALL BE INCORPORATED INTO BACKFILL AT APPROVED RATES.
18. ALL PLANTING BEDS SHALL HAVE A SPADED EDGE TO A DEPTH EQUAL TO SPECIFIED MULCH THICKNESS.

Ornamental Trees & Shade Trees

Key	Type	Name	Size	Height	Width	Exposure	Notes
BG	Shade Tree	Nyssa sylvatica / Black Gum	2.5"	30-50 ft	20-30 ft	Full sun to part shade	Salt tolerant / Attracts birds
HL	Shade Tree	Gleditsia triacanthos f. inermis / Skyline / Honey Locust	3.5"	35-45 ft	23-35 ft	Full sun	Salt tolerant
GV	Shade Tree	Zelkova serrata / Green Vase	2.5"	60-80 ft	40-50 ft	Full sun	Should be used on island / Salt tolerant
FFH	Shade Tree	Carpinus betulus / Frans Fontaine Hornbeam	2.5"	30-40 ft	20-30 ft	Full sun to part shade	Should be used on island / Poor salt tolerance
RM	Shade Tree	Acer rubrum / Red Maple	3.5"	40-70 ft	30-50 ft	Full sun / part sun	Can be damaged by road salt
FD	Ornamental Tree	Cornus florida / Flowering Dogwood	1.5-2"	15-30 ft	15-30 ft	Full sun to part shade	Not salt tolerant / Attracts birds & butterflies
AH	Ornamental Tree	Carpinus caroliniana / American Hornbeam	1.5-2"	20-35 ft	20-35 ft	Part sun to full shade	Salt tolerant / Attracts birds
AB	Ornamental Tree	Amelanchier x grandiflora / Autumn Brilliance / Apple Serviceberry	1.5-2"	15-25 ft	15-25 ft	Full sun to part shade	Salt tolerant / Attracts birds
ER	Ornamental Tree	Cercis canadensis / Eastern Redbud	1.5-2"	20-30 ft	25-35 ft	Full sun to part shade	Poor salt tolerance / Attracts butterflies
IS	Ornamental Tree	Syringa reticulata / Ivory Silk	1.5-2"	20-25 ft	15-20 ft	Full sun to part shade	Tolerates road salt / Attracts butterflies & hummingbirds

Ornamental Shrubs & Grasses

Key	Type	Name	Size	Height	Width	Spacing	Exposure	Notes
HFG	Grass	Pennisetum alopecuroides / Hameln / Fountain Grass	2 G	1.5-2.5 ft	1.5-2.5 ft	3'	Full sun to part shade	Cattail / Attracts birds / Salt tolerant / Drought tolerant
BLB	Grass	Schizachyrium scoparium / Little Bluestem / Blue Paradise	2 G	2-3 ft	1-2 ft	2'	Full sun	Deep roots / Tolerates drought, salt, & dry soil
RSG	Grass	Panicum virgatum / Red Switch Grass / Cheyenne Sky	2 G	3 ft	1.5-2 ft	2'	Full sun	Deep fibrous roots / Attracts birds / Salt tolerant / Drought tolerant / Tolerates dry & wet soil
SSS	Ornamental Shrub	Spiraea Darsnorm / Snow Storm	2 G	3 ft	3-5 ft	5'	Full sun	Salt tolerant / Attracts butterflies

Gravel Area Plugs

Key	Type	Name	Size	Height	Width	Spacing	Exposure	Notes
PC	Flowering Perennial	Coreopsis palmata / Plains Coreopsis	2.5-3in sq plug	1.5-2.5 ft	1-1.5 ft	3 ft	Full sun	Low salt tolerance / Needs extra care at establishment / Attracts butterflies
OSW	Flowering Perennial	Tradescantia ohiensis / Ohio Spiderwort	2.5-3in sq plug	2-3 ft	1.5-2.5 ft	3 ft	Full sun to part shade	Not salt tolerant
SOG	Grass	Bouteloua curtipendula / Side-Oats Grama	2.5-3in sq plug	1.5-2.5 ft	1.5-2 ft	3 ft	Full sun	Salt tolerant / Attracts birds

NOTE: LANDSCAPE ROCK WHERE NOTED SHALL BE DECORATIVE IN A STYLE AND COLOR SELECTED BY ARCHITECT.

Exhibit 5

REVISIONS

DATE		DESCRIPTION
01/27/20	1	TOWN OF ZIONSVILLE COMMENTS

"IT'S THE LAW" 811 Know what's below. Call before you dig. 2 WORKING DAYS BEFORE YOU DIG.

STRONGBOX COMMERCIAL
7661 N PERIMETER ROAD
INDIANAPOLIS, IN 46241
PHONE: (317) 550-0090

SNELLING ENGINEERING, LLC
13295 Illinois Street
Suite 142
Carmel, IN 46032
Ph: (317) 697-0180
www.snellingeng.com

GREGORY S. SNELLING REGISTERED No. 19800417 STATE OF INDIANA PROFESSIONAL ENGINEER

APPALOOSA CROSSING SHOPS
U.S. 421 AND C.R. 300 SOUTH
ZIONSVILLE, INDIANA

LANDSCAPE PLAN

DRAWN: GSS
SCALE: SEE PLAN
CHECKED: GSS
DATE: 01/27/20
SHEET: C501

Petition No.: 2020-03-DSV (Variance #1 - Foundation Plantings)

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 reduction in foundation plantings will not impact the public health and safety, and will promote a site development scenario with significant landscaping otherwise provided, which will benefit the general welfare of the community and the aesthetic character of the subject site.

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

   The reduction in foundation plantings will be unnoticeable and immaterial to the properties adjacent to this commercial development. The subject outlot(s) are oriented toward the U.S. 421 (Michigan Road) frontage, which is a heavily-traveled transportation corridor. Additionally, the deviation will not be visually noticeable due to the significant landscaping otherwise required within the Michigan Road corridor overlay, further benefiting the use and value of the area adjacent.

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 development proposal, located within the Michigan Road corridor overlay, the requirement for foundation plantings underneath awnings along a multi-tenant commercial building, necessitates such a deviation because such plantings would detract from the architectural theme for the structure and result in such plantings being obscured by the awnings, compromising the health of the plantings and the aesthetic value of such plantings. Therefore, the strict application of the terms of the ordinance, within the context of this specific development scenario, represents an unnecessary hardship in the use of the property.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this_____ day of _____, 2020.

_____ _____

_____ _____

_____

Petition No.: 2020-03-DSV (Variance #2 - Perimeter Planting Strip)

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 reduction in parking lot perimeter landscaping will not impact the public health and safety, and will promote a site development scenario with significant landscaping otherwise provided, which will benefit the general welfare of the community and the aesthetic character of the subject site.

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

   The reduction in parking lot perimeter landscaping will be unnoticeable and immaterial to the properties adjacent to this commercial development. The subject outlot is oriented toward the U.S. 421 (Michigan Road) frontage, which is a heavily-traveled transportation corridor. Additionally, the deviation will not be visually noticeable due to the significant landscaping otherwise required within the Michigan Road corridor overlay, further benefiting the use and value of the area adjacent.

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 development proposal, located within the Michigan Road corridor overlay, parking lot perimeter landscaping necessitates a deviation. The Michigan Road corridor overlay requires significant landscaping above and beyond the typical commercial development scenario. Therefore, the strict application of the terms of the ordinance, within the context of this specific development scenario, represents an unnecessary hardship in the use of the property.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this_____ day of _____, 2020.

_____ _____

_____ _____

_____

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number: 2020-02-DSV

Subject Site Address: 4554 Summersong Road

Petitioner: Jeanne Moosey

Representative: Bob Donaldson - G.R. Donaldson, LLC

Request: Petition for Development Standards variance in order to provide for the construction of a deck and patio with:
1) Reduced rear yard and building line setbacks
in the Urban Single-Family Residential Zoning District (R-SF-2).

Current Zoning: Urban Single-Family Residential Zoning District (R-SF-2)

Current Land Use: Residential

Approximate Acreage: 0.35 Acres

Zoning History: Annexed into the Town of Zionsville's jurisdiction in 1998.

- Rezone (Multifamily to R-SF-2) Town Council Certification 5/27/1998
- Board of Zoning Appeals Approval 8/19/1998
  - Variance of lot width at building setback requirements.
  - Variance of street frontage requirements for Lots 9, 10, 21, 22 & 44.
  - Variance of minimum rear yard requirements Lot 27.
  - Variance of front yard setback requirements from 35 feet to 15 feet.
- Primary Plat approval with waivers 10/19/1998
- Board of Zoning Appeals Approval 3-28-2000
  - #2000-V-04 Variance of all lots (except Lots 1, 2, 3 & 21) to permit open decks to encroach up to 20 feet into the rear setback.

Exhibits:
Exhibit 1- Staff Report
Exhibit 2- Aerial Location Map
Exhibit 3- Petitioner's Narrative
Exhibit 4- Petitioner's Existing Site Plan
Exhibit 5- Petitioner's Proposed Site Plan & Exhibit(s)
Exhibit 6- Petitioner's Proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the March 4, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.35 acres known as Lot 10 of the Ravinia Subdivision of the Town of Zionsville. Per the Boone County Property Record Card, the parcel is presently improved with a single-family dwelling and accessory structures/uses. Staff is not aware of any prior petitions for this property.

ANALYSIS

The site is currently improved with a 4,290 square foot single-family dwelling (the primary structure). Per the narrative included, the petitioner has enlisted the services of a contractor to remodel the dwelling and add a sunporch to the property, all of which has been approved and permitted. Additionally, the petitioner would like to add an elevated deck in the rear of the dwelling coming off of the sunroom with stairs leading to a ground level patio. The proposed deck does not require a variance (per BZA approved petition #2000-V-04 allowing open decks to encroach up to 20-feet into the rear setback). The proposed location of the patio, however, encroaches into the required 25-foot rear yard setback and therefore requires approval of a Development Standards Variance.

REAR YARD SETBACK

As proposed, the Petitioner seeks to deviate from the standards of the ordinance in order to allow flexibility of the placement of a new pervious patio that would enjoy a minimum rear yard setback of five (5) feet. By Ordinance, property in the R-SF-2 Residential District is required to provide for a minimum rear yard setback of 25 feet for improvements other than an open deck (previous approved per BZA to encroach up to 20-feet into the rear setback).

In the case of the subject site, the lot is uniquely configured and adjacent to nine acres of the subdivision's passive common space, which the proposed deck and patio will overlook. Additionally, due to the subdivision layout and positioning of the existing single-family dwelling, the improvements will sit significantly further west than the adjacent homes and will not be close to other outdoor living space established by adjoining land owners.

Given that this request is for an at-grade pervious improvement to the site (which would be allowed by right if it were a deck) and 1) does not contain a request for vertical construction, and 2) results in the active area associated adjoining a vast passive common space, and 3) whose location is a distance from neighbors outdoor living space , in the opinion of Staff, the proposal meets the intent of the ordinance and adequate separation from the neighboring parcel will be provided with the adjustment to the minimum setback.

However, as this home site is within a platted subdivision, staff is conscious of the home site's presence within a platted subdivision and the interest the Ravinia Home Owners Association (or collective representation of the property owners) may have in the Petitioner's request. It is our understanding that the petitioner and petitioner's representative have met with and discussed the proposed improvements with the HOA President. Barring any concerns of the Ravinia Home Owners Association (or any other party entitled to receive personal notice) being made of record during the disposition of

the Petitioner's request, Staff would not oppose the request for a five (5) foot minimum rear yard setback for the proposed at grade pervious improvements.

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 RECOMMENDATION

Staff Recommends Approval of Petition # 2020-02-DSV, subject to substantial compliance with the submitted site plan attached to this Report.

RECOMMENDATION MOTION

I move that Docket #2020-02-DSV Development Standards Variance in order to provide for the construction of a deck and patio to the existing dwelling which has a reduced rear yard and building line setback (patio only) in the Urban Single-Family Residential (R-SF-2) Zoning District for the property located at 4554 Summersong Road be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan / Denied as Presented/ Continued).

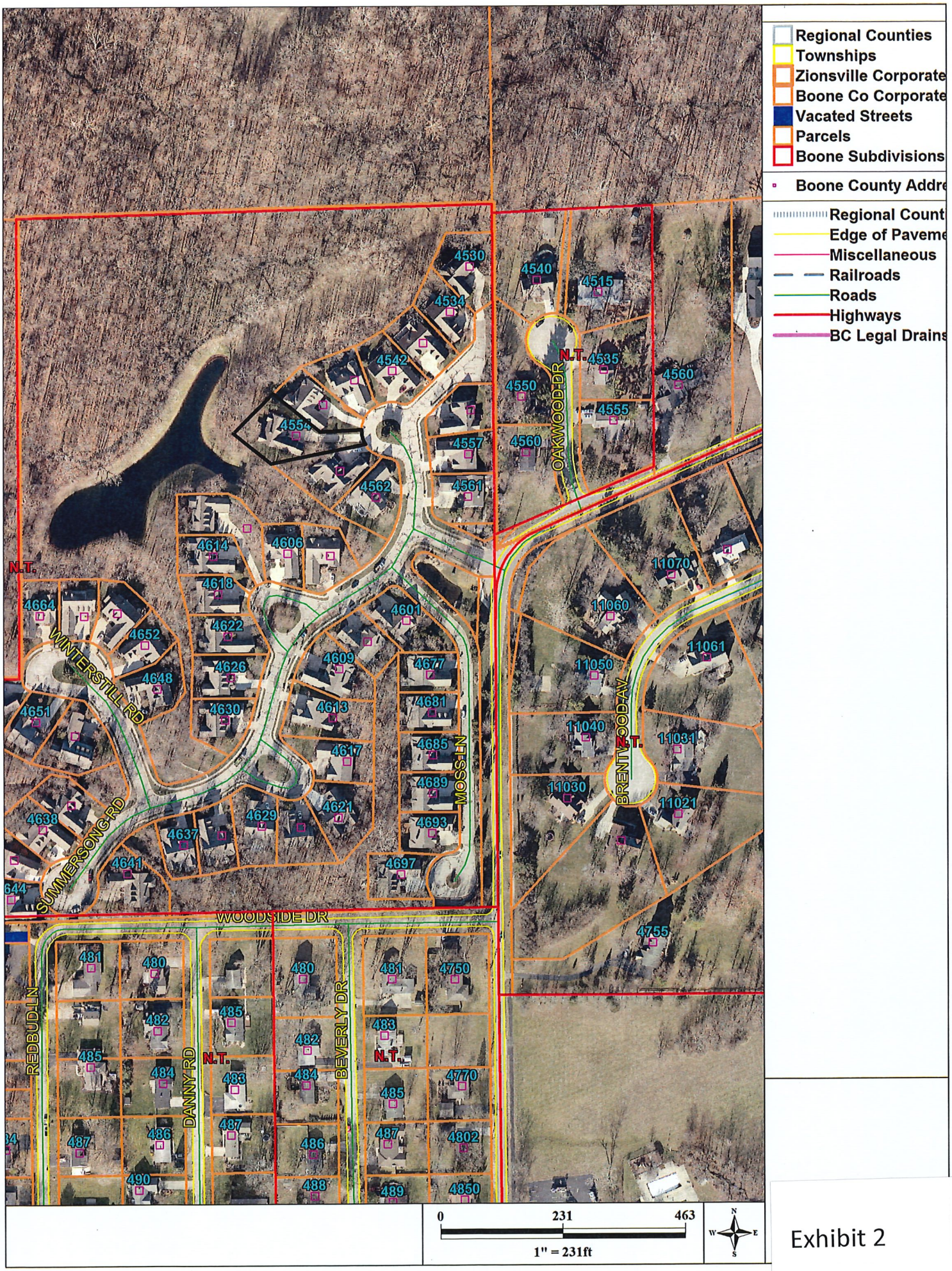

Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Vacated Streets
Parcels
Boone Subdivisions
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
WINTERSTILL RD
SUMMERSONG RD
MOSS LN
OAKWOOD DR
BRENTWOOD AV
WOODSIDE DR
REDBUD LN
DANNY RD
BEVERLY DR
N.T.
0
231
463
1" = 231ft
N
W
E
S

Exhibit 2

January 23, 2020

Dear Ravinia Property Owner,

I am writing to inform you of an upcoming variance petition for my client, Jeanne Moosey, who owns the residential property at 4554 Summersong Road in your subdivision.

Attached you will find a Notice of Public Hearing from the Town of Zionsville Board of Zoning Appeals. Mrs. Moosey has hired my firm to do a remodel of this home which includes a new rear Sunporch addition with a proposed deck and patio attached. There is a required 25-foot rear building setback line for all properties in R-SF-2 Districts of which your subdivision is currently zoned. The new sunporch will not encroach into the 25-foot setback line however, to logically provide access to an outside deck and patio area an encroachment will be required.

There is in place a variance from the Development Standards of the R-SF-2 District for your subdivision. It was approved on March 28, 2000 permitting open decks to encroach up to 20 feet into the rear setback for all lots in Ravinia, with the exception of Lots 1,2,3, and 21. Mrs. Moosey's residence is located on Lot 10. The proposed deck design for this property will encroach 14 feet into the building set back therefore well within the permitted 20 requirement.

The proposed ground level patio accessed from a stair off the deck will also be in the 25-foot building setback and therefore will need variance approval.

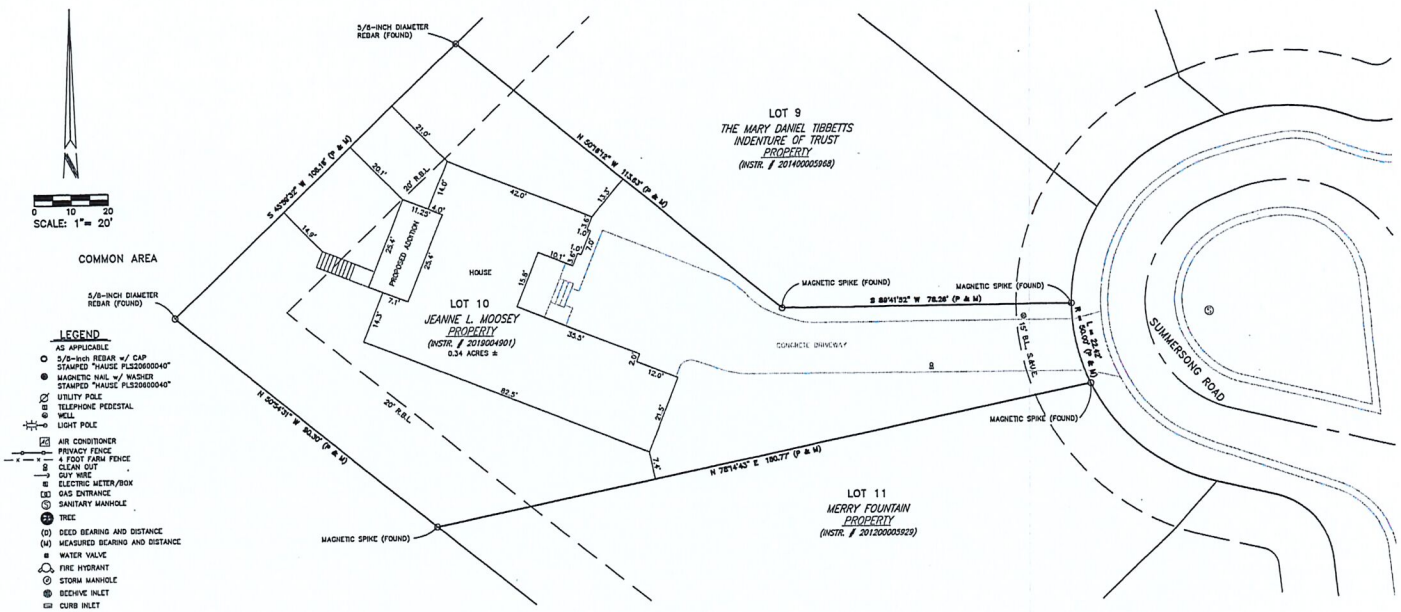
I have attached a Site Plan with highlighted areas noted for this proposed addition. The red highlight shows the proposed new sunroom addition that does not encroach on the rear 25 foot set back line. The blue highlight represents the proposed new deck with stairs to the patio on the north end of the deck. The orange highlight represents the proposed new ground level patio. Additional drawings and details have been submitted to the Board of Zoning Appeals and are on file at their office if you would like to learn more about the project. You are also welcome to contact me per the contact information noted below.

Sincerely,

Bob Donaldson

925 Bloor Lane, Zionsville, IN 46077 317.339.3362 bob@grdindy.com www.grdindy.com

Exhibit 3



CERTIFICATE OF SURVEY

I, the undersigned, hereby certify that this survey and the associated surveyor's report were executed under my supervision and to the best of my knowledge, information, and belief were performed in accordance with the current Indiana Minimum Survey Standards, 865 IAC 1-12, for the type of survey as indicated herein, on the following described real estate:

RECORD LAND DESCRIPTION: (INSTRUMENT NUMBER 201001639, TRACT 1)

Lot 10 in Ravinia Subdivision, a subdivision in the Town of Zionsville in Boone County, Indiana as per plat thereof recorded in Plat Book 10, Pages 44-47 as Instrument Number 9902641 and re-recorded in Plat Book 11, Page 56 as Instrument Number 0012202 in the Office of the Recorder of Boone County, Indiana. Together with an easement for ingress and egress over and across the private street shown on the recorded plat of Ravinia Subdivision and as provided for in the Declaration of Covenants, Conditions and Restrictions of Ravinia Subdivision recorded as Instrument Number 99026640 in the Office of the Recorder of Boone County, Indiana.

Containing 0.34 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

I further certify that points were found or set at the locations on the subject real estate, as shown, and that this survey correctly shows the location of all visible easements of which the undersigned has been advised, and all visible encroachments, if any, across the established survey lines.

CERTIFIED December 3, 2019

Jonathan E. Hause, P.L.S.
Professional Land Surveyor
Indiana No. LS20600040

JONATHAN E. HAUSE REGISTERED No. 20600040 STATE OF INDIANA LAND SURVEYOR

NOTES:

1.) All physical improvements hereon are shown as they were located in the field on October 7, 2019.

Copyright © Hause Surveying and Engineering, LLC. All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted in or by any computer or other systems without the prior written permission of the surveyor. Copies of this plan without a dated and blue signature are not valid.

SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Rule 12, of the Indiana Administrative Code (formerly Title 864, Article 1.1, Chapter 13), establishing minimum standards for the practice of land surveying in Indiana, currently in effect, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of:

a) Variances in the reference monuments;
b) Discrepancies in record descriptions and plats;
c) Inconsistencies in lines of occupation;
d) Random Errors in Measurement (Relative Positional Accuracy):

The purpose of this survey was to retrace and monument the Moosey Parcel as described in Instrument Number 2019004901 recorded in the Office of the Recorder of Boone County, Indiana per instructions from the client.

The survey was controlled by the following monuments:
1.) The monuments shown hereon as found. These monuments apppear to have been set by Survey and agree with the recorded plat of Ravinia Subdivision, however they do not apear to be the Origianl Monuments of said subdivision. Uncertainty in these monuments - 0.50 feet.

The basis of bearings for this survey is based upon said Plat of Ravinia Subdivision, with the Northwestern line of the Subject Parcel bearing South 45 degrees 59 minutes 32 seconds West

There are no discrepancies in record descriptions and plats.

There are no inconsistencies in lines of occupation.

As a result of the above observations, it is my opinion that the uncertainties in locations of the lines and corners established on this survey are as follows:

a) Variance in reference monuments: As Noted Above
b) Discrepancies in record descriptions and plats: Negligible
c) Inconsistencies in lines of occupation: As Noted Above
d) Relative Positional Accuracy (RPA) of the corners of the subject tract established by this survey is within the specifications of a suburban survey (+/- 0.13 feet plus 100 parts per million) as defined in I.A.C. 865.

HAUSE SURVEYING & ENGINEERING
105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM
A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

No.	Date	Revisions

DRAWN BY: JEH
CHECKED BY: WEJ
DATE: 12/05/2019
SCALE: 1" = 20'

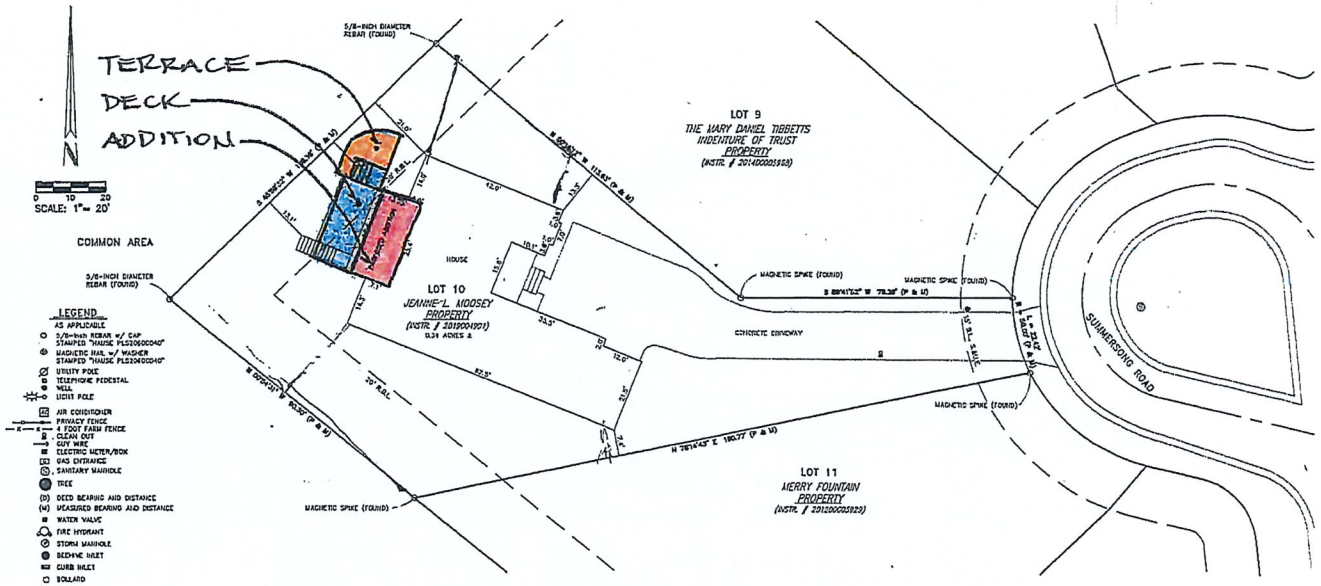
SITE PLAN

JEANNE L. MOOSEY
LOT 10, RAVINIA SUBDIVISION,
TOWN OF ZIONSVILLE, BOONE CO., IN

SHEET NO. 1 OF 1 SHEETS

PROJECT NO. 19H656

Exhibit 4



CERTIFICATE OF SURVEY

I, the undersigned, hereby certify that this survey and the associated surveyor's report were executed under my supervision and to the best of my knowledge, information, and belief were performed in accordance with the current Indiana Minimum Survey Standards, 865 IAC 1-12, for the type of survey as indicated herein, on the following described real estate:

RECORD LAND DESCRIPTION: (INSTRUMENT NUMBER 201001639, TRACT I)

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Containing 0.34 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

I further certify that points were found or set at the locations on the subject real estate, as shown, and that this survey correctly shows the location of all visible easements of which the undersigned has been advised, and all visible encroachments, if any, across the established survey lines.

CERTIFIED December 3, 2019

Jonathan E. Hause, P.L.S.
Professional Land Surveyor
Indiana No. LS20600040

JONATHAN E. HAUSE REGISTERED No. 20600040 STATE OF INDIANA LAND SURVEYOR

NOTES:

1.) All physical improvements hereon are shown as they were located in the field on October 7, 2019.

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SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Rule 12, of the Indiana Administrative Code (formerly Title 864, Article 1.1, Chapter 13), establishing minimum standards for the practice of land surveying in Indiana, currently in effect, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of:

a) Variances in the reference monuments;
b) Discrepancies in record descriptions and plats;
c) Inconsistencies in lines of occupation;
d) Random Errors in Measurement (Relative Positional Accuracy):

The purpose of this survey was to retrace and monument the Moosey Parcel as described in Instrument Number 2019004901 recorded in the Office of the Recorder of Boone County, Indiana per instructions from the client.

The survey was controlled by the following monuments:
1.) The monuments shown hereon as found. These monuments apppear to have been set by Survey and agree with the recorded plat of Ravinia Subdivision, however they do not apear to be the Original Monuments of said subdivision. Uncertainty in these monuments - 0.50 feet.

The basis of bearings for this survey is based upon said Plat of Ravinia Subdivision, with the Northwestern line of the Subject Parcel bearing South 45 degrees 59 minutes 32 seconds West

There are no discrepancies in record descriptions and plats.

There are no inconsistencies in lines of occupation.

As a result of the above observations, it is my opinion that the uncertainties in locations of the lines and corners established on this survey are as follows:

a) Variance in reference monuments: As Noted Above
b) Discrepancies in record descriptions and plats: Negligible
c) Inconsistencies in lines of occupation: As Noted Above
d) Relative Positional Accuracy (RPA) of the corners of the subject tract established by this survey is within the specifications of a suburban survey (+/- 0.13 feet plus 100 parts per million) as defined in I.A.C. 865.

HAUSE SURVEYING & ENGINEERING
105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM
A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

No.	Date	Revisions

DRAWN BY: JEH
CHECKED BY: WEJ
DATE: 12/05/2019
SCALE: 1" = 20'

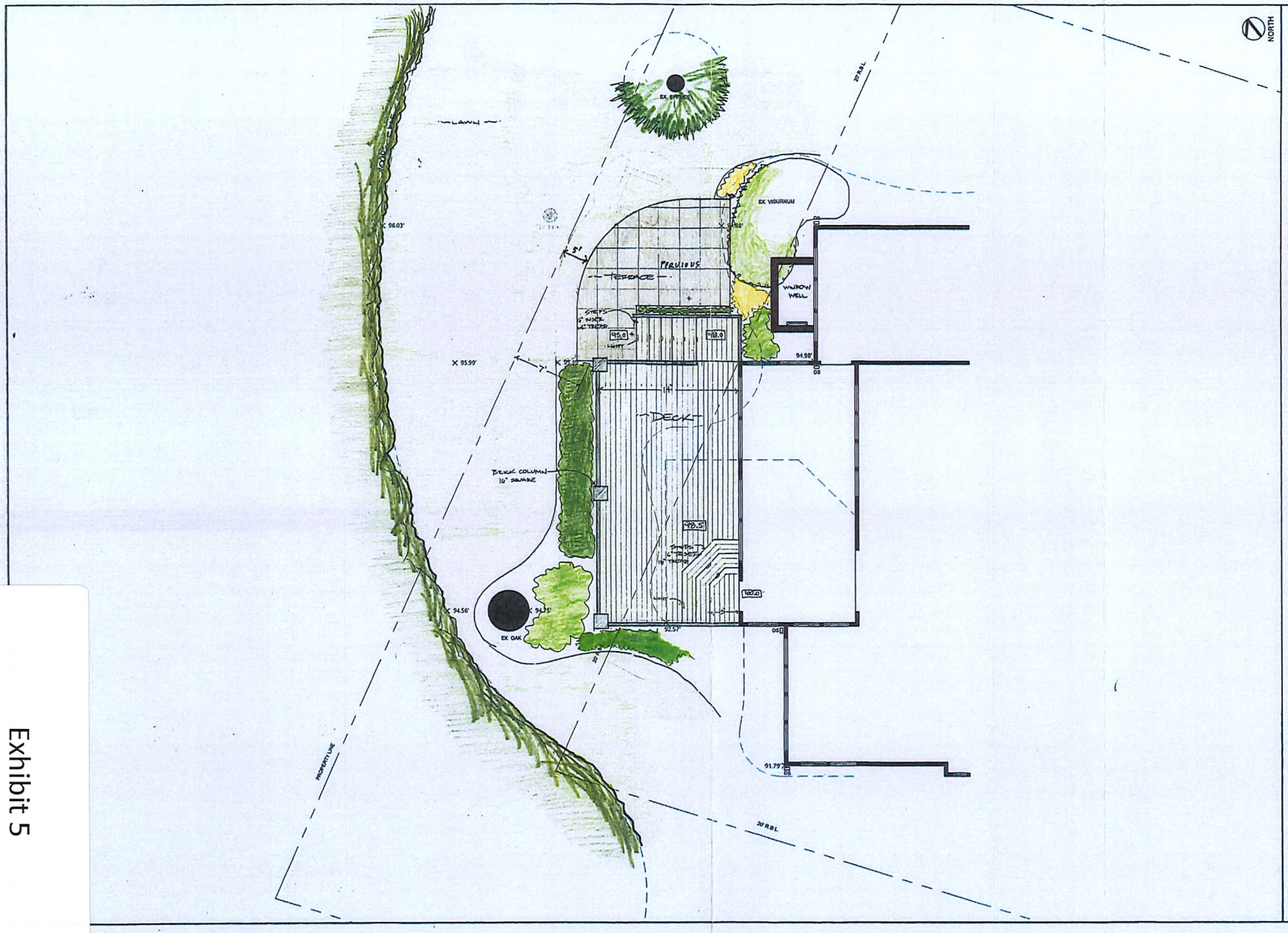
SITE PLAN

JEANNE L. MOOSEY
LOT 10, RAVINIA SUBDIVISION,
TOWN OF ZIONSVILLE, BOONE CO., IN

SHEET NO. 1 OF 1 SHEETS

PROJECT NO. 19H656

Exhibit 5



Moosey Residence

4554 Summersong Road
Zionsville, IN 46077

HOLEMAN

Mark M. Holeman, Inc.
Landscape Architects & Contractors
7871 Hague Road
Indianapolis, Indiana 46256
Phone. 317.849.3120
Fax. 317.578.0439
www.holemanlandscape.com

NOTES

NO.	REVISION	DATE
1.	—	12-20-19

MOOSEY RESIDENCE	
SCALE 1/4"=1'-0"	ARCHITECT GORDEN
DATE 12.17.19	SHEET NO. L.1
PROJECT NO. 2288	

Exhibit 5

Petition No.: 2020-02-DSV
J. Moosey

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 deck and patio will be entirely located in the private rear yard of the subject property. The design and materials will meet all local building codes necessary for the homeowners and their guests safety. The building rear set back area of 25' is not recorded as a utility easement therefore it will not interfere with current or future utility services. A storm drainage plan will include pervious patio stone or brick pavers.

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:

   Residential properties in this subdivision typically have and utilize outdoor space by installing decks and patios. This addition was designed by the owner of Holeman Landscaping and Design, one of the oldest and most respected companies in the Greater Indianapolis area. Materials will be of the highest quality and aesthetically complimentary to the home and neighborhood.

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because:

   Access to and from the new sunroom without a terraced deck and steps exiting to a patio on the north end of the sunroom (per proposed plans), would require an approximately 11 step stairway from the south end of the sunroom exit door terminating at ground level in order to stay within the current rear 25' building set back line. This would be an over 7' 6" distance from the floor of the sunroom down to ground level.

   A variance from Development Standards of the R-SF-2 District zoning was approved on March 28, 2000 permitting open decks to encroach up to 20 feet into the rear setback (a rear setback of 25 feet is required per the R-SF-2 District) for all lots in Ravinia with the exception of Lots 1, 2, 3, and 21. The subject property is on Lot 10 and the proposed deck will encroach 14 feet into the building set back.

DECISION

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

Adopted this _____ day of _____, 20___.

_____ _____ _____

_____ _____

Exhibit 6

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-05-UV
Subject Site Address:	9475 Whitestown Road
Project Name:	Zionsville Montessori & Childcare Center
Petitioner:	Mark and Nadia Adams
Request:	Petition for a Variance of Use to permit a childcare center as a Primary Use in the Low Density Single-family and Two-family Residential District (R2).
Current Land Use:	Vacant Parcel
Approximate Acreage:	4.74± acres
Zoning History:	No previous filings for Board of Zoning Appeals or Plan Commission actions.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Proposed Site Plan Exhibit 4 – Petitioner's Letter/Narrative of Proposed Improvements Exhibit 5 – Petitioner's Proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the March 4, 2020, Meeting of the Board of Zoning Appeals. No other petitions for this project have been filed at this time, but it is anticipated that should the Use Variance be granted, Variances of Development Standards may be requested. Regardless of additional Variances, approval of a Development Plan would be required from the Plan Commission.

SITE LOCATION, ZONING AND PROJECT DESCRIPTION

The 4.74± acre subject site is classified as Rural and is zoned Low Density Single-family and Two-family Residential District (R2). It is comprised of two unimproved lots on the south side of Whitestown Road. The smaller of the two lots has frontage on Whitestown Road and would provide vehicular access to the larger lot which does not have frontage on any public right-of-way. The subject site is bordered:

- on the north by two single-family residences (zoned R2) and, on the north side of Whitestown Road, by the Cobblestone Lakes residential subdivision (zoned R-SF-2);
- to the east, the subject site is bordered by six single-family residences (zoned R2) each having frontage on CR 950 East;
- to the south is undeveloped acreage (zoned R2);
- and to the west is additional undeveloped acreage (zoned R2).

The Petitioner proposes to construct a single-story, commercial building of approximately 9,000 square feet with related parking areas to be used as a childcare center. The proposed building is designed to serve up to 85 children, ranging in age from 3 months to 6 years old, and 12 staff. A commercial kitchen would be included within the building to provide meals for the children and staff. Vehicular access to the development will be from Whitestown Road. In addition to the building, Petitioner proposes two outdoor playscape areas, a garden area, and a bioretention/rain garden (Exhibit 4).

ANALYSIS

The Zionsville Zoning Ordinance provides the following definition which would apply to the proposed use:

> ***DAY CARE CENTER.*** A commercial facility or single-family home licensed and/or regulated by the state's Department of Public Welfare for the care and/or education of human beings. A ***DAY CARE CENTER*** shall not be considered a home occupation.

Day Care Center (childcare center) is not a permitted use at the proposed R2 zoned location. The use of Day Care Center is permitted by right in the following Rural zoning districts: LB, GB, UB, PB, I1, and I2 (all of which are business or industrial districts). The use of Day Care Center is permitted by a Special Exception in the following Rural zoning districts: AP, AG, R4, and MF. It should be noted that Elementary and Secondary Schools are permitted uses in the R2 zoning district, however these uses typically involve significantly larger tracts of land which allow for required bufferyards to protect adjoining residential uses. Discussion regarding bufferyards is provided later in this Staff Report.

In evaluating the appropriateness of the proposed use at the subject location, the existing surrounding uses and the Town's Comprehensive Plan must be considered. The 2010 Comprehensive Plan's Land Use Map identifies this area for Single-family Residential - Low

Density. This is described as "…a mixture of housing opportunities similar in scale with a density ranging from less than 1.0 to 2.0 Dwelling Units per gross acre." The existing surrounding single-family residential uses are consistent with the Comprehensive Plan. A commercial use, such as the childcare center being proposed, is not considered at the subject site or within the immediate area.

In reviewing the location map (Exhibit 2) and the proposed site plan (Exhibit 3), the proposed building would be located "in the back yard" of eight existing residences. The undeveloped properties to the south and west of the subject site are also identified on the Comprehensive Plan's Land Use Map as being for Single-family Residential - Low Density. If these properties were to be developed in accordance with the Comprehensive Plan, the proposed Day Care Center would be encircled by single-family residential uses.

Bufferyards

The Zoning Ordinance does address bufferyard requirements in the Rural districts. Specifically, "Bufferyards shall be required to separate land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions." Bufferyards are required from new commercial uses when abutting existing residential uses. No bufferyards are identified on the Petitioner's site plan at this time. It is anticipated that the Plan Commission would require bufferyards in their review for approval of the Development Plan.

If the subject site's zoning classification were such that the proposed use would be permitted by right, such as the PB district for the following discussion, a Level "D" bufferyard between the proposed use and all adjacent, existing residential uses would be required. From the Zoning Ordinance, "Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the alternatives illustrated *(within the Ordinance)*. The quantity and type of plant materials required by each bufferyard are specific and identified in the Appendix *(reference division (L)(3)(g) in the Ordinance)*. The specifications of each bufferyard and its alternatives are illustrated in this section. Each alternative depicts the total bufferyard located between two parcels."

A Level "D" bufferyard could be accomplished with a width as small as 15 feet or ranging up to 30 feet in width. Four (4) width options are available for the Level "D" bufferyard. The number of required and types of plantings is determined by the width of the bufferyard. Essentially, the wider the bufferyard - the fewer required plantings; the narrower the bufferyard - the more required plantings. This Level "D" bufferyard would be required on all property lines. Staff, additionally, would be supportive of the use of a minimum 6-foot tall, opaque fence as a buffer, substituting it for a landscape buffer.

Time Line

Typically, the Board of Zoning Appeals weighs heavily the concept of establishing a "sunset date" (or "check in date" / "renewal date") for any Use Variance it approves within the Town. As such, if the Board of Zoning Appeals is inclined to favorably consider the petition, the Board of Zoning Appeals should discuss this topic with the Petitioner during the course of the public hearing while noting the Petitioner's timeline for investment and improvement to the site.

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 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

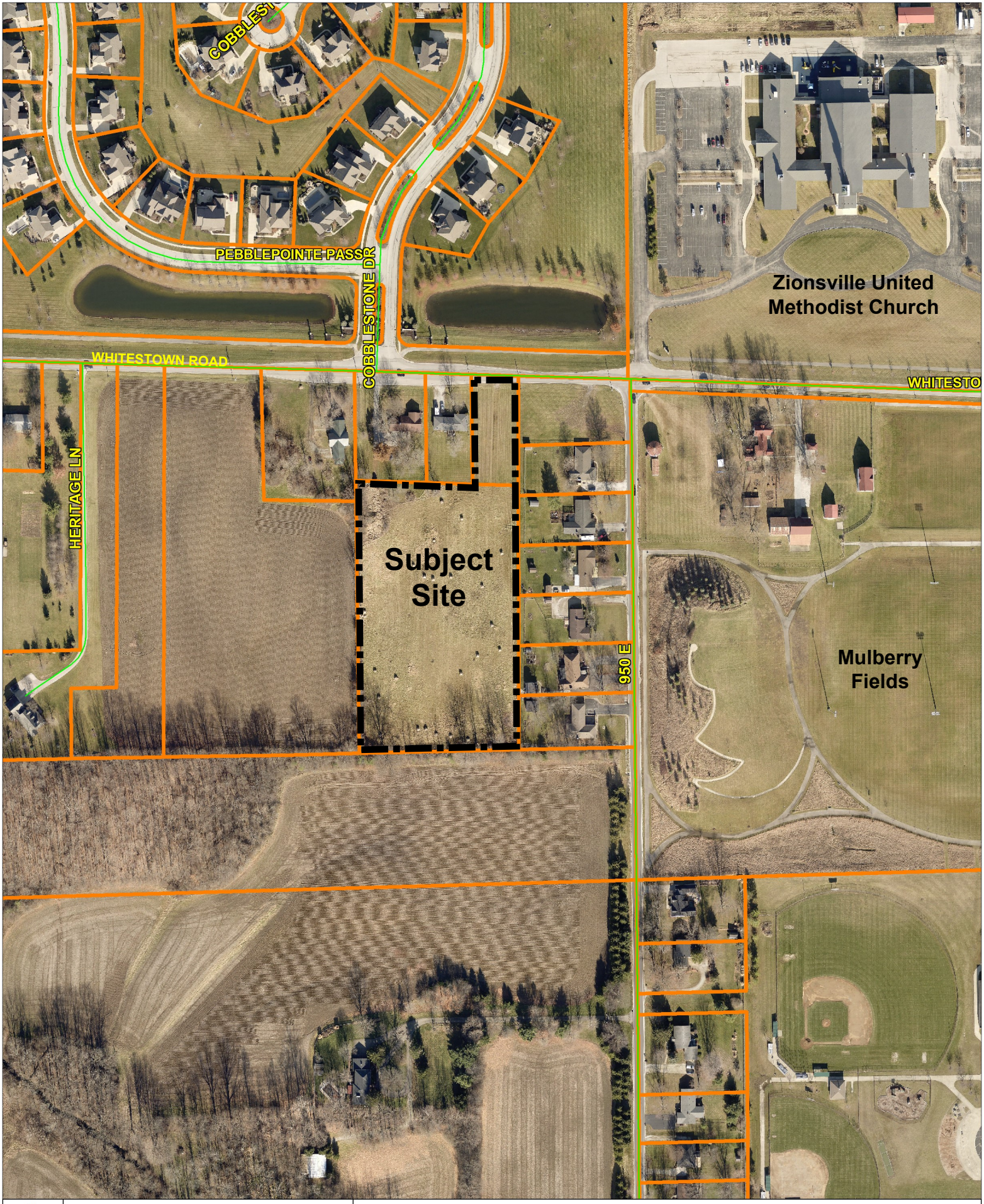
Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal's consideration (Exhibit 5).

STAFF RECOMMENDATIONS

Staff recommends approval of the Use Variance for a Day Care Center (childcare center) as a Primary Use at 9475 Whitestown Road as described and depicted in Docket #2020-05-UV, with the addition along all property lines of the subject site of: 1) a Level "D" bufferyard; 2) the installation of a minimum 6-foot tall, opaque fence; or 3) a combination of 1) and 2).

RECOMMENDATION MOTION

I move that Docket #2020-05-UV Use Variance to permit a Day Care Center (childcare center) as a Primary Use at 9475 Whitestown Road, be (Approved as filed, based upon the findings of fact / Denied / Continued) as presented, with the addition along all property lines of the subject site of: 1) a Level "D" bufferyard; 2) the installation of a minimum 6-foot tall, opaque fence; or 3) a combination of 1) and 2).



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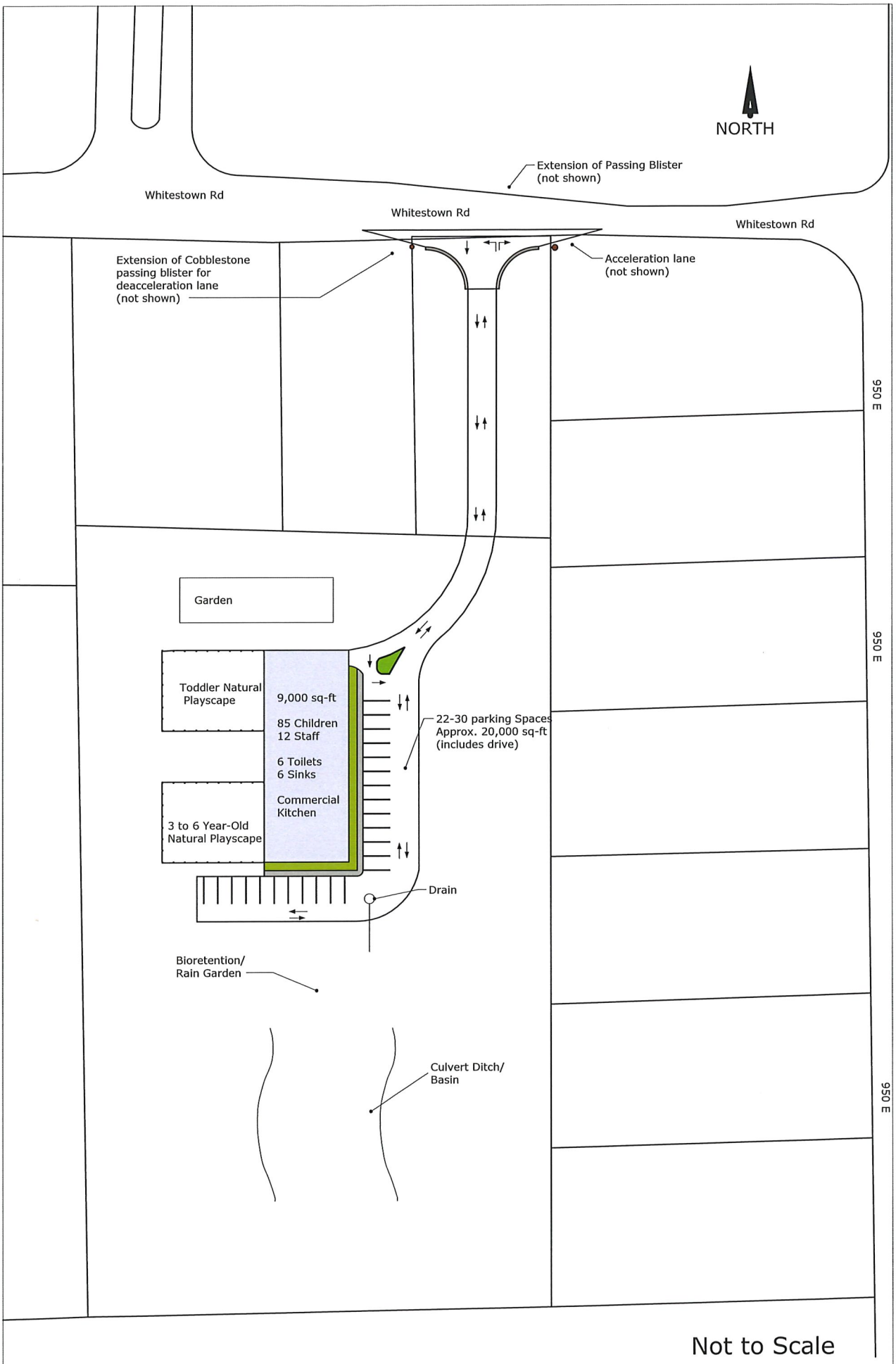
1" = 250ft

Montessori and Childcare Center - Exhibit 2



February 18, 2020 | 9475 Whitestown Road, Zionsville, IN | Montessori and Childcare Center | A | 01

Exhibit 3

Mark and Nadia Adams
6670 Regents Park Dr.
Zionsville, IN 46077

Re: Development of 9475 Zionsville Road which is adjoining to your property

February 19, 2020

Dear Adjoining Neighbors to 9475 Zionsville Road:

We hope this letter finds you well! We are writing to you because we would like to create a Montessori childcare center and private school on the property located at 9475 Zionsville Road. This property is currently zoned R2 Low Density Single-family and Two-family Residential District, which a permittable use includes an elementary and secondary school. Since our school would serve children ages 3 months to 6 years of age, we are seeking a variance of use.

As parents with young children we believe in early childhood education. We have a passion for nurturing children into becoming lifelong learners. We would like to create a unique offering that does not currently exist in our community – we would like to open a Montessori childcare center and private school that would serve children ages 3 months to 6 years of age. The Montessori philosophy was developed by a physician scientist, Dr. Maria Montessori, who observed and studied how children best learn and take in information. Her observations led to an educational philosophy that focuses on preparing the child's environment in a way that will foster a lifelong, deep love for learning. Montessori incorporates things like gardening, a natural setting, and a prepared classroom environment; therefore, we think the property we currently have under contract, 9475 Whitestown Road, would be a great location for this style of learning.

We envision a building that is aesthetically pleasing, designed with modern techniques and constructed with high-end materials to provide a comfortable and more environmentally friendly design. We envision gardens and outdoor playground(s) focused on natural elements instead of the traditional commercial playground equipment. The remaining acreage of the site will include more biodiversity of our native Indiana plants, grass and some newly planted trees. We also plan to incorporate a nature path for the children so they may explore and learn about our local environment.

We are scheduled to present our vision to the Board of Zoning Appeals (BZA) on March 4th. Please see the enclosure for the official start time and location of this public hearing. Also, please find the enclosed sketches regarding a preliminary site map, preliminary entrance design, and addition information. Please note that engineered/final prints are to follow, contingent on a successful BZA verdict.

Respectfully,

Mark and Nadia Adams

Enclosures: DRAFT site plan, DRAFT entrance design, Additional Operational Information, Notice of Public Hearing

Additional Operational Information

Zionsville Montessori & Childcare Center
9475 Whitestown Road
Zionsville, IN 46077

Normal Hours of Operation:
Monday – Friday 7:00am – 6:00pm

Ages of Children:
3 months through six years of age

Outside Lighting:
Aesthetically placed around building and sign
Entrance way and main drive, as required
Parking lot as required

Signage:
Per sign ordinance of the town, likely masonry post(s) with our logo.

Parking:
Per town requirements number of spaces per child and staff member. Estimated 22 to 30 spaces.

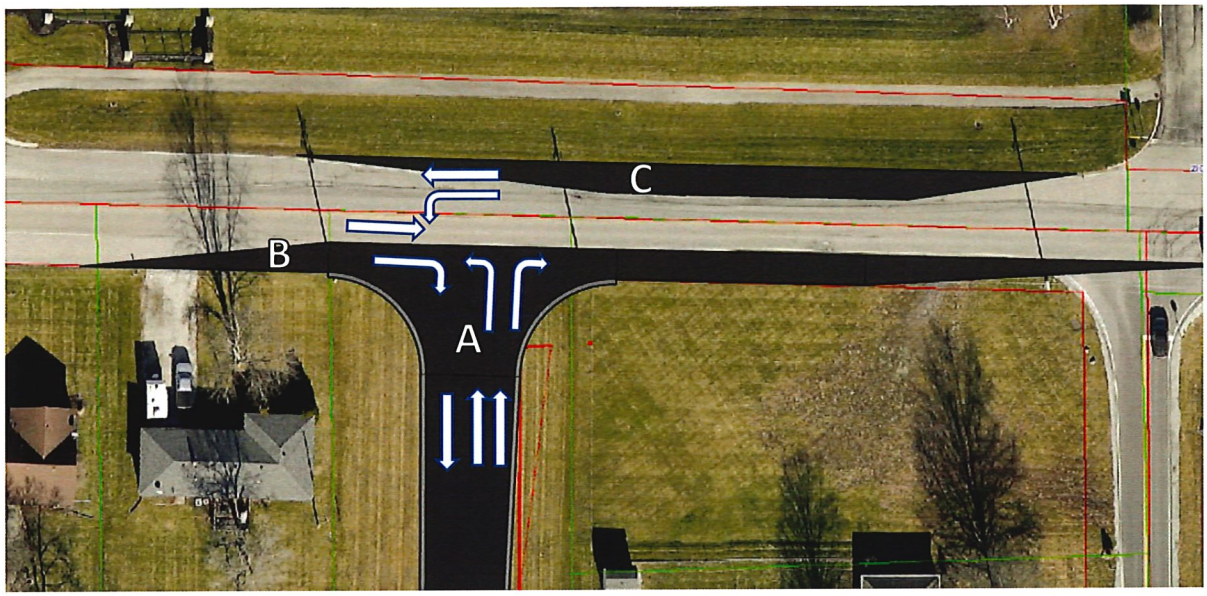
Entrance:
Per town requirements for arterial roadway entrance contingent on feasibility and traffic study as required

Admittance:
Guest must be escorted
Enrolled children and their guardians only

Exhibit 4

Entrance Design Concept (Preliminary)

Zionsville Montessori & Childcare Center
9475 Whitestown Road
Zionsville, IN 46077



Design Concept:

The access point, contingent of feasibility, could be designed with one inbound lane and two outbound lanes (A). The access point should include a right turn lane (B) and a left turn passing blister (C). This should be an extension from Cobblestone Drive

Exhibit 4

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

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 grant will not be injurious to the public health, safety, moral, and general welfare of the community because the intended use, Private School/Childcare Center, will be beneficial to children and the community and licensed by the appropriate regulatory bodies.

2. The use or value of the area adjacent to the property included in the variance **(will / will not)** be affected in a substantially adverse manner because:
   The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse way because the intended use will be an amenity for the neighborhood and community.

3. The need for the variance arises from some condition peculiar to the property involved and the condition **(is /is not)** due to the general conditions of the neighborhood because:
   The need for the variance arises from some condition peculiar to the property - The current zoning ordnance (R2) authorized uses includes an Elementary School, but not a daycare center. It is in close proximity to schools and parks. It's natural setting will aid in the learning and development of children.

4. The strict application of the terms of the zoning ordinance **(does / does not)** constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:
   The strict application of the terms of the zoning ordinance does constitute an unusual and unnecessary hardship if applied to the property because infant children through five-year-olds (Pre-K) are unable to have education and/or childcare, but elementary age (Kindergarten and above) is a permitted use.

5. The grant **(does / does not)** interfere substantially with the Comprehensive Plan because:
   The grant does not interfere substantially with the Comprehensive Plan because the property is located across the street from a park and middle-school. The development of the land will take into account nature, a garden and a natural play-scape. The property entrance will be on an arterial road, Whitestown Rd., and designed as such. The zoning of the property as R2 is not changing.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____