



MEETIN RESULTS ZIONSVILLE BOARD OF ZONING APPEALS March 8, 2016

The Regular meeting of the Zionsville Board of Zoning Appeals is scheduled March 8, 2016 at 6:30 p.m. in the Bev Harves Room at Zionsville Town Hall, 1100 West Oak Street the following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the January 12, 2016 Meeting Minutes and the February 9, 2016 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2015-46-UV	T. McQuinn	10614 DeAndrea Drive	<p>Approved with Conditions 5 in Favor 0 Opposed Petition for a variance of use for an established automobile repair business to include automotive sales in the (I-2) Urban Industrial Zoning District, which does not permit automobile sales as a primary use of the property</p>
2015-47-DSV	N. Warstler	734 W. Pine Street (Est)	<p>Withdrawn by Petitioner Petition for Development Standards variance in order to allow a single family dwelling in the (R-V), Residential Village Zoning District, to: 1) Establish the parcels as a Lot of Record 2) Deviate from the required road frontage/point of vehicular access 3) Deviate from the required front yard setback 4) Deviate from the required rear yard setback</p>
2016-02-DSV	R. DeRossi	8810 & 8811 Whitestown Road	<p>Approved 4 in Favor 1 Opposed Petition for Development Standards variance to provide for 12 estate lots without public water and sewer facilities and with a lot depth to width ratio exceeding 3 to 1</p>

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2016-03-SE	G. Gunter and K. Gunter	1340 N. 1200 East Sheridan IN	Continued to the April 12, 2016 Board of Zoning Appelas Meeting at the Petitioners Request Petition to allow a Special Exception to allow for a new residential build in an (AG) Agricultural District
2016-04-DSV	A. Nicholson	160 N. Maple Street	Approved 5 in Favor 0 Opposed Petition for Development Standards Variance to exceed the (RV) Residential Village Zoning District lot coverage requirement of 35%, to 37%, in order to allow for a detached garage
2016-05-DSV	K. Dienhart	260 N. 3 rd Street	Approved 5 in Favor 0 Opposed Petition for Development Standards Variance to exceed the (RV) Residential Village Zoning District lot coverage requirement of 35%, to 42%, in order to allow for the construction of a primary structure
2016-06-DSV	Boone County Tennis Center	4560 S. 875 East	Approved 5 in Favor 0 Opposed Petition for Development Standards Variance to deviate from building materials requirement in the (SU-7) Special Use Zoning District
2016-07-DSV	CK Price Properties, LLC	91 S. Main Street	Approved 4 in Favor 0 Opposed Petition for Development Standards Variance to allow for a reduce number of parking spaces for a commercial building in the (VBD) Village residential Zoning District

Other Matters to be considered:

2015-45-UV, H. Barbara and W. Craft, Status of Commitments

2016-01-DSV, K. Smith, Status of Commitments

Respectfully Submitted:

Wayne DeLong AICP

Town of Zionsville Director of Planning and Economic Development



Petition Number: 2015-46-UV

Subject Site Address: 10614 DeAndra Drive

Petitioner: Todd McQuinn

Representative: Todd McQuinn

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

Current Zoning: I-2 Urban General Business District

Current Land Use: Commercial

Approximate Acreage: 1.10 Acres

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

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition was scheduled for a public hearing at the January 12, 2016 Board of Zoning Appeals meeting, and continued to the February 9, 2016 Board of Zoning Appeals Meeting. Staff requested a continuance to the March 8, 2016 Board of Zoning Appeals meeting.

PROPERTY HISTORY

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

ANALYSIS

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

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

Vehicles Service and Sales

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

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

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

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

Intensity-Outdoor Display

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

Visual Appearance

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

PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Use Variance requests as provided for by the Zionsville Zoning Ordinance. A Use Variance may be approved only upon written determination that:

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

- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;*
- (c) The need for the variance arises from some condition peculiar to the property involved; and strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property;*
- (d) The strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property;*
- (e) The approval does not interfere substantially with the Comprehensive Plan*

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

STAFF RECOMMENDATIONS

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

RECOMMENDATION MOTION

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

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

February 1, 2016

To Whom it May Concern:

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

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

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

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

Exhibit 3

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

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

Best Regards,

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

Michael T. McQuinn

A Quality Automotive, Inc.

PARKING
FOR VEHICLES
BEING SERVICED

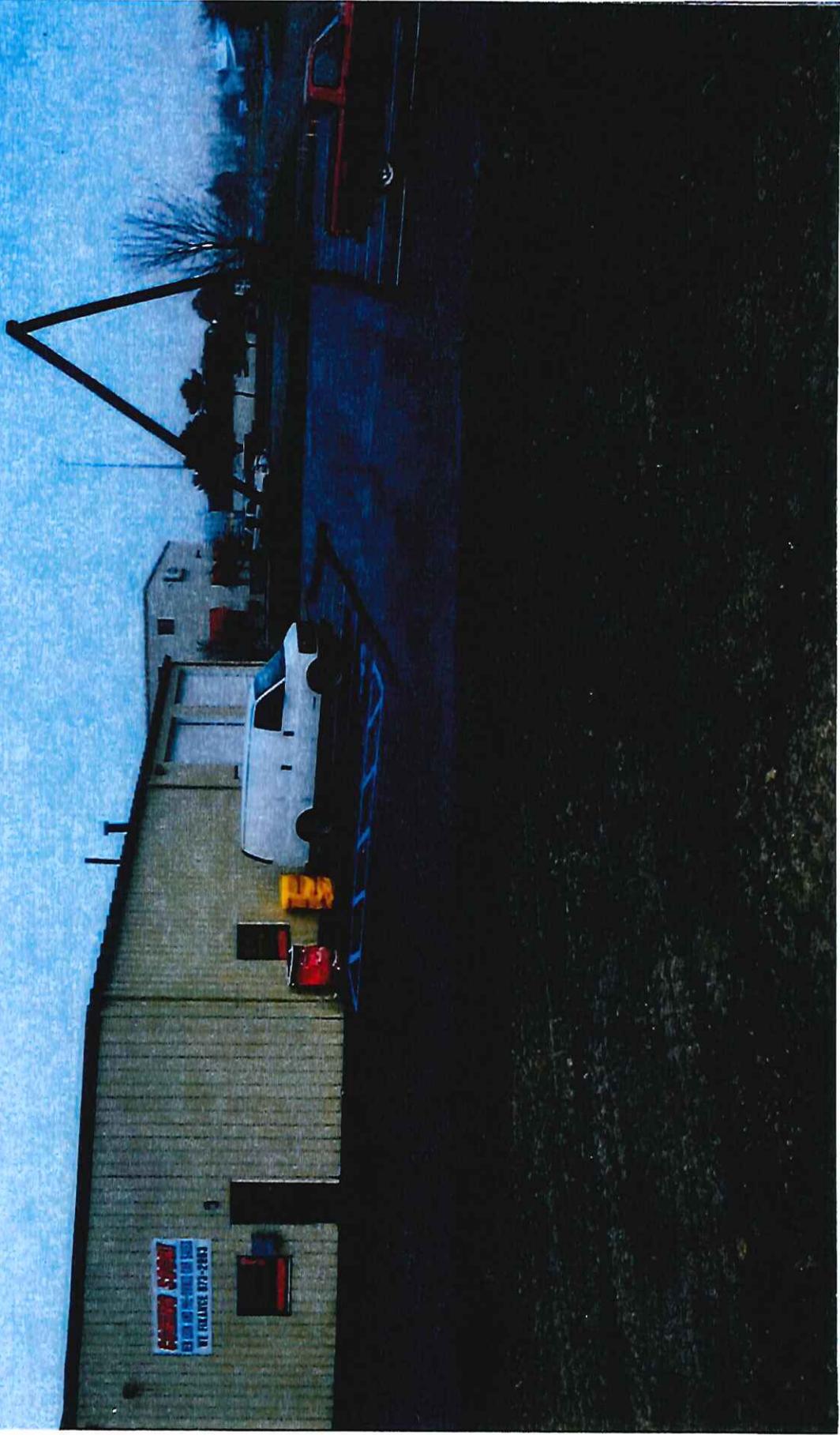
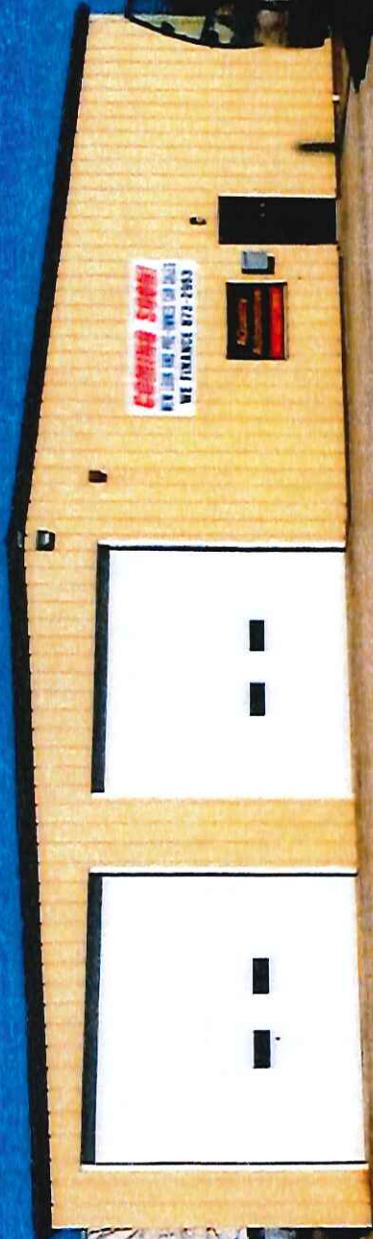


Exhibit 4

PRE-PARKING
LOT PARKING



PARKING
FOR HIGH-END
VEHICLES FOR
SALE

EMPLOYEE
PARKING



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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because the adjacent property is NAPA which is currently a supplier of automotive parts for my business and with increased sales and exposure it will likely increase my purchases from NAPA only benefitting that business.

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 201__.



Petition Number: 2016-02-DSV

Subject Site Address: 8810 and 8811 Whitestown Road

Petitioner: Robert and Sarah DeRossi

Representative: Matthew Price

Request: Petition for Development Standards variance to provide for 12 estate lots without public water and sewer facilities and with a lot depth to width ratio exceeding 3 to 1

Current Zoning: (R2) Rural Low Density Single Family and Two-Family Residential, and (R-SF-2), Urban Single Family Residential Zoning District

Current Land Use: Undeveloped

Approximate Acreage: 77.015 Acres

Zoning History: 2013-25-PP and 2015-26-DP (withdrawn by the Petitioner), 2013-30A-DSV (denied)

Exhibits: Exhibit 1- Staff Report
Exhibit 2- Aerial Location Map
Exhibit 3 - Petitioners Site Exhibit
Exhibit 4- Petitioner's proposed Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the March 8, 2016 Board of Zoning Appeals meeting. In 2013 this same site was the subject of a variance petition associated with a 194 lot single-family residential subdivision (2013-30A-DSV).

PROPERTY HISTORY

The overall site is comprised of two (2) parcels totaling 77 acres in size and has been utilized both dwelling and agricultural purposes. In recent years the existing dwelling and its accessory uses have been removed from the site.

ANALYSIS

The necessity for the variance arises as the Petitioner has intentions to subdivide the two (2) parcels into 12 lots and desires to seek review of A) contemplated depth to width ratios associated with five (5) of the proposed 12 lots and B) seeks consideration of a variance from requirement to provide both sanitary sewer and public water facilities to five (5) of the proposed lots.

The intention of this petition is to assist in the facilitation of splitting the two (2) parcels into 12 lots, as follows:

Lot 01	Width: 300 ft	Max. Depth: 675 ft	Septic: Variance	Well: Variance
Lot 02	Width: 310 ft	Max. Depth: 410 ft	Septic: Variance	Well: Variance
Lot 03	Width: 290 ft	Max. Depth: 550 ft	Septic: Variance	Well: Variance
Lot 04	Width: 290 ft	Max. Depth: 1085 ft	Septic: Variance	Well: Variance
Lot 05	Width: 290 ft	Max. Depth: 1205 ft	Septic: Variance	Well: Variance
Lot 06	Width: 600 ft	Max. Depth: 595 ft	Septic: Permit	Well: Permit
Lot 07	Width: 300 ft	Max. Depth: 595 ft	Septic: Permit	Well: Permit
Lot 08	Width: 355 ft	Max. Depth: 685 ft	Septic: Permit	Well: Permit
Lot 09	Width: 340 ft	Max. Depth: 845 ft	Septic: Permit	Well: Permit
Lot 10	Width: 305 ft	Max. Depth: 925 ft	Septic: Permit	Well: Permit
Lot 11	Width: 305 ft	Max. Depth: 1230 ft	Septic: Permit	Well: Permit
Lot 12	Width: 305 ft	Max. Depth: 1230 ft	Septic: Permit	Well: Permit

++ Yellow intended to emphasize the proposed lots which are seeking variances from sewer and water requirements; Green intended to emphasize the proposed lots which are seeking a variance the maximum lot width to depth ratio ++

In summary, specific to the requested lot depth to width ratios, creating the lots with the requested dimensions and characteristics and improving the site with said dimensions, is not a typical development request. While it is not typical, it is a development characteristic found within this rural areas of the Town. As the Petitioner has documented in the filing, much research, planning, and consideration has gone into selecting the proposed home sites (given the history of interest in development of the two parcels). While Staff is not generally supportive of a development pattern which deviate from Ordinance maximum lot depth to

width ratios, Staff recognizes the challenges which have previously been encountered by prior parties who sought to develop the parcels in a more intense fashion. As the proposed land use pattern is not atypical of one found in the Rural portion of Zionsville, Staff finds the depth to width requests an acceptable deviation from Ordinance standards. Staff, however, while reserving comment on any potential future subdividing of the proposed 12 lots to a time when the merits of such a request would present themselves to be reviewed, would not encourage further intensification of the contemplated division of the two (2) parcels (nor is any currently contemplated by the Petitioner).

Additionally, Staff recognizes the challenges which have been encountered related to both the extension of the sanitary sewer utility and a municipal water source to the area. Sewer is challenging because of the limited sizes of certain easements as well as the topography. And while municipal water is within 600 feet of the site, future extensions are forthcoming (based on pending projects and projected projects). However, the timing of those extensions is not exactly in line with the timing of the proposed division. Further, the Safety Board has the final say on any request to deviate from water pressure standards adopted by the Town of Zionsville. As the request currently in front of the Board of Zoning Appeals is one associated with the Zoning Ordinance, Staff review and recommendation is based on the requirement found in the Zoning Ordinance. Given the factors outlined in this report, and the prior attempts to develop these two (2) parcels in a more intense fashion, and that the resulting development pattern is one that is more Rural in character than Urban, staff is supportive of the request to deviate from the requirement to provide for sanitary sewer or public water supplies.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

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

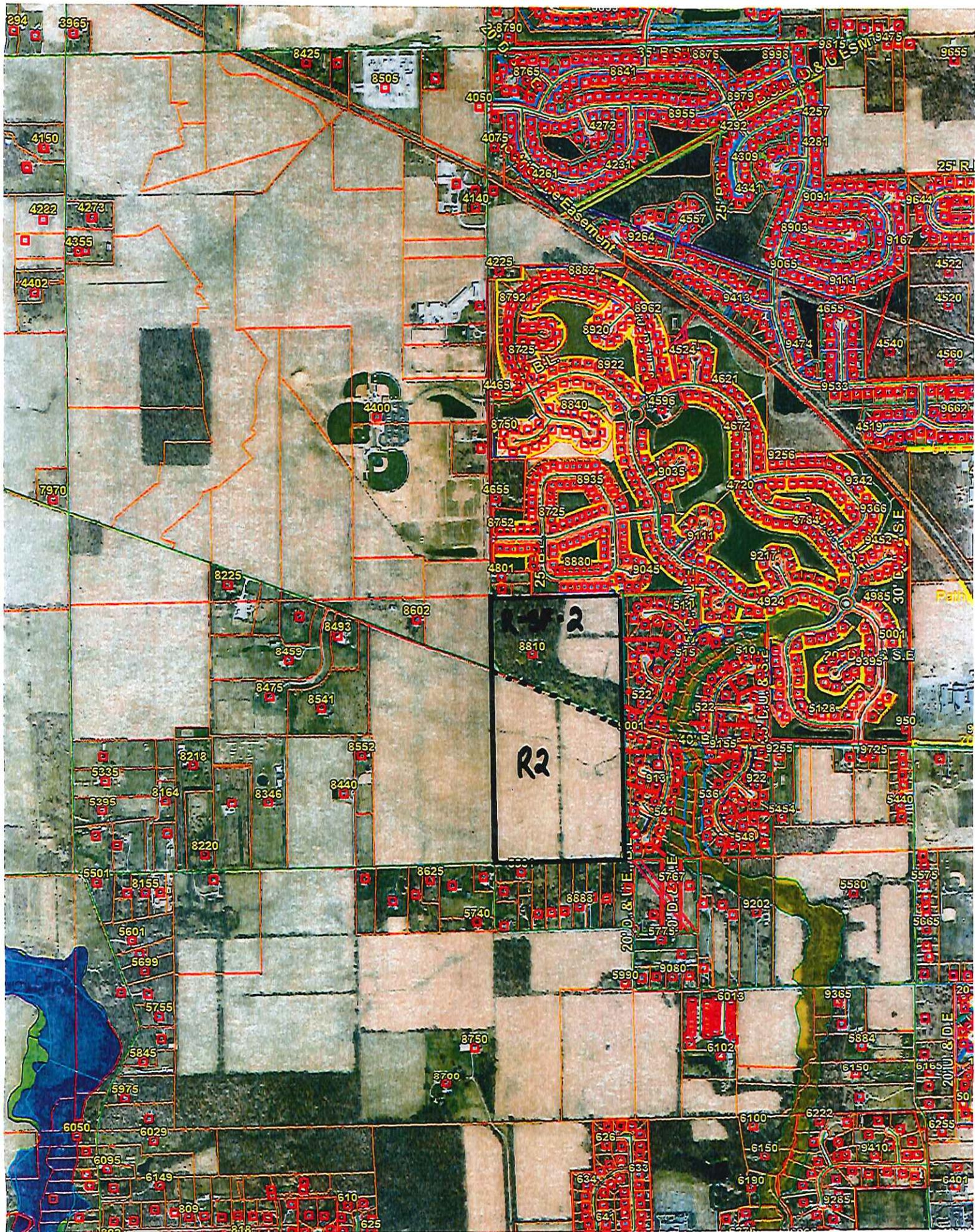
Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

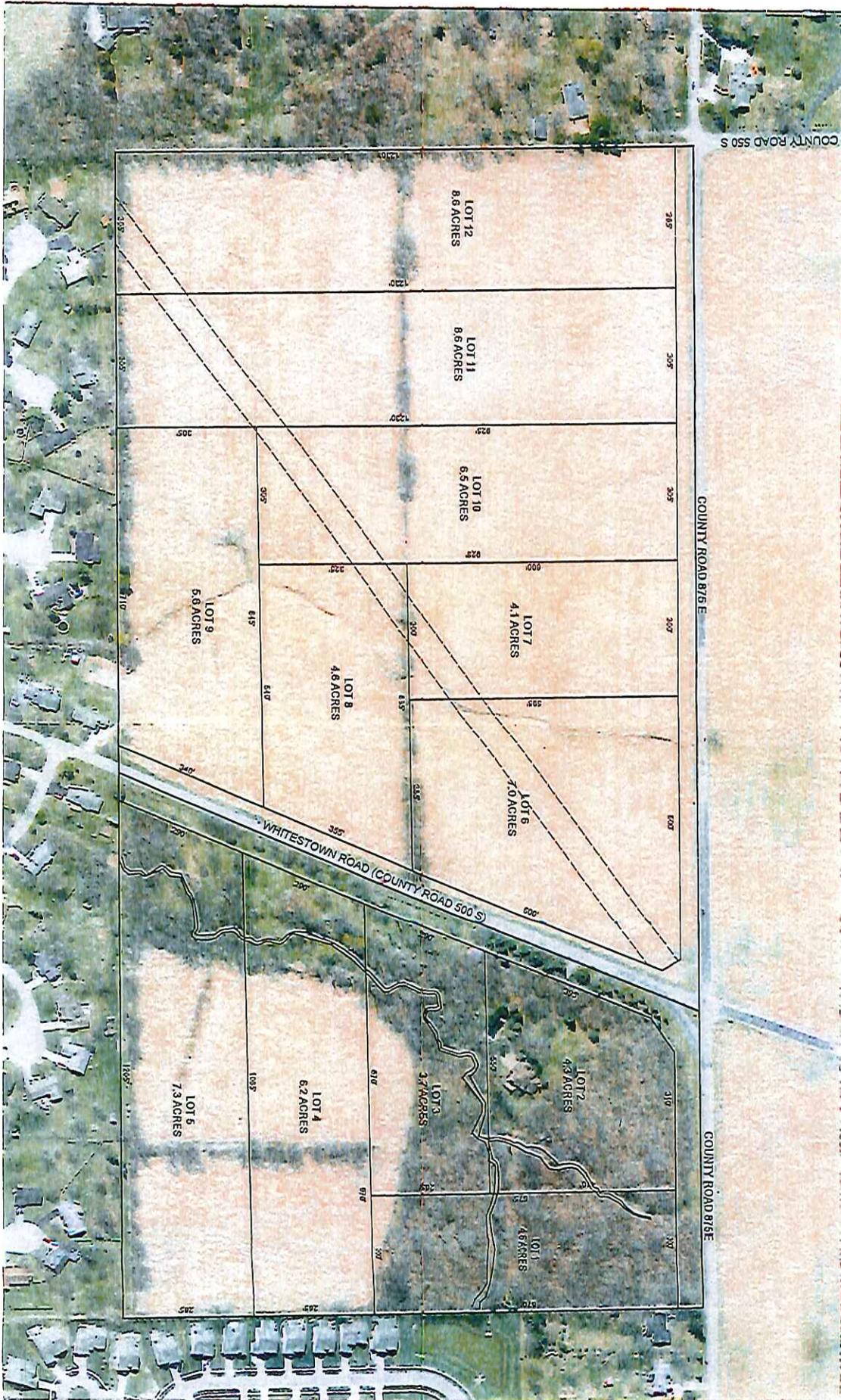
STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2016-02-DSV.

RECOMMENDATION MOTION

I move that Docket #2016-02-DSV design standards variance to Petition for Development Standards variance to provide for Lots 1-5 to be established without public water and sewer facilities and for Lots 4-5 and 10-12 to be established with a lot depth to width ratio exceeding 3 to 1 be (Approved as filed / Denied/ Continued) as presented.





DEROSI PROPERTY - BZA FILING EXHIBIT

SCALE: 1" = 200'

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 estate lots will be sufficiently large and will be developed in accordance with the requirements of the Boone County Health Department. Additionally, the estate lots will each consist of significant road frontage which will adequately minimize the number of driveways and promote the separation of driveways intersecting the perimeter streets.

- 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 estate lots will be sufficiently large and will be developed in accordance with the requirements of the Boone County Health Department. Additionally, the variances will not impact the project density, and will permit low density, high value estate residences. The approval of these variances will permit the development of which will enhance property values.

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

The 77+ acres land area is subject to two zoning classifications - one requiring sewer and water utilities (RSF-2) and the other not requiring such utilities to be present (R-2). As a result, the strict application of the development standards relative to public utilities would effectively prohibit the development of approximately one-third of the land area in question, while also negatively impacting the ability to develop the entire land area in a cohesive and consistent manner for estate homes. With regard to the depth to width ratio variance, the development standard requires this ratio without regard to the total land area of the lots to which it applies. Here, this ratio is met for 8 of the 12 proposed lots. The only 4 lots which do not meet the strict application of the ratio standard are each over 6 acres. The strict application of the ratio requirement would simply result in the creation of additional rear lots with a shared access off of a perimeter street. This would result in higher density, more development on properties closer to existing adjacent residences and the location of improvements further away from street frontages. The more responsible approach to applying the depth ratio is to permit reasonable departures from the standard where the lot acreage remains substantial (over 6 acres) and the resulting development will permit greater buffering for existing home sites.

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

Adopted this _____ day of _____, 201__.



Petition Number: 2016-03-SE

Subject Site Address: 1340 North 1200 East (Est)

Petitioner: Kathleen A. and Gilbert Gunter

Representative: Chris Badger

Request: Petition to allow a Special Exception to allow for a new residential build in an (AG) Agricultural) District

Current Zoning: Agricultural District (Rural)

Current Land Use: Undeveloped

Approximate Acreage: 2.97 Acres

Zoning History: none

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This Petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of a total of 2.97 acres and presently zoned for Agricultural purposes (derived from a 13 acre parent tract). There is no evidence of a prior approval for a Special Exception for the dwelling located on the parent tract or the proposed new single-family dwelling).

ANALYSIS

The applicant is required to request a Special Exception in order to provide for a residential structure to exist in an Agricultural District. The purpose of the AG agricultural district is to encourage agricultural operations while allowing for limited residential development. The Petition represents a limited presence of residential development in the AG district as the area proposed to be improved with the new dwelling historically has not been utilized for agricultural purposes. Per Property Tax Records, the 2.97 acres is not recognized as Agricultural (and is assessed as "Residential Excess").

RIGHT TO FARM

As stated in the Zoning Ordinance, the Applicant for a Special Exception acknowledges and/or agrees that agricultural uses are permitted in the surrounding area, no agricultural or agri-business operation in the area shall be or become a nuisance, and to not object to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance. This acknowledgement will be required to be reduced to writing as a part of the Petition process.

PROCEDURAL – CONSIDERATION OF A SPECIAL EXCEPTION PETITION SEEKING APPROVAL FOR THE LOCATION OF A DWELLING IN THE AGRICULTURAL DISTRICT

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Special Exception requests as provided for by the Zionsville Zoning Ordinance. A Special Exception may be approved only upon written determination that:

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;*
- (b) The proposed use will not injure or adversely affect the adjacent area or property values therein; and*
- (c) the proposed use will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.*

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

STAFF RECOMMENDATIONS

Staff recommends approval of the special exception Petition included in Docket #2016-03-SE.

RECOMMENDATION MOTION

I move that Docket #2016-03-SE Special Exception Petition in the Agricultural District for the property located at 1340 N. 1200 East (Est), be (Approved based upon the staff report and the proposed findings / Denied / Continued) as presented. (If approved, it shall be required that the Petitioner execute the Right-to-Farm acknowledgement documentation).

PROCEDURAL NOTE

As indicated in the Petitioner's filing, the division to create the 2.97 acre parcel has already occurred. While the division of the parent tract to create the 2.97 acre parcel did not require the Plan Commission's approval, the resulting dimensions of the remaining 9 acre parcel do not conform to the standards of the Zoning Ordinance (specific to maximum depth to width ratio). The lack of conformity to this standard may present complications in the future if an Improvement Location Permit is sought to replace the existing dwelling located on the 9 acre parcel.

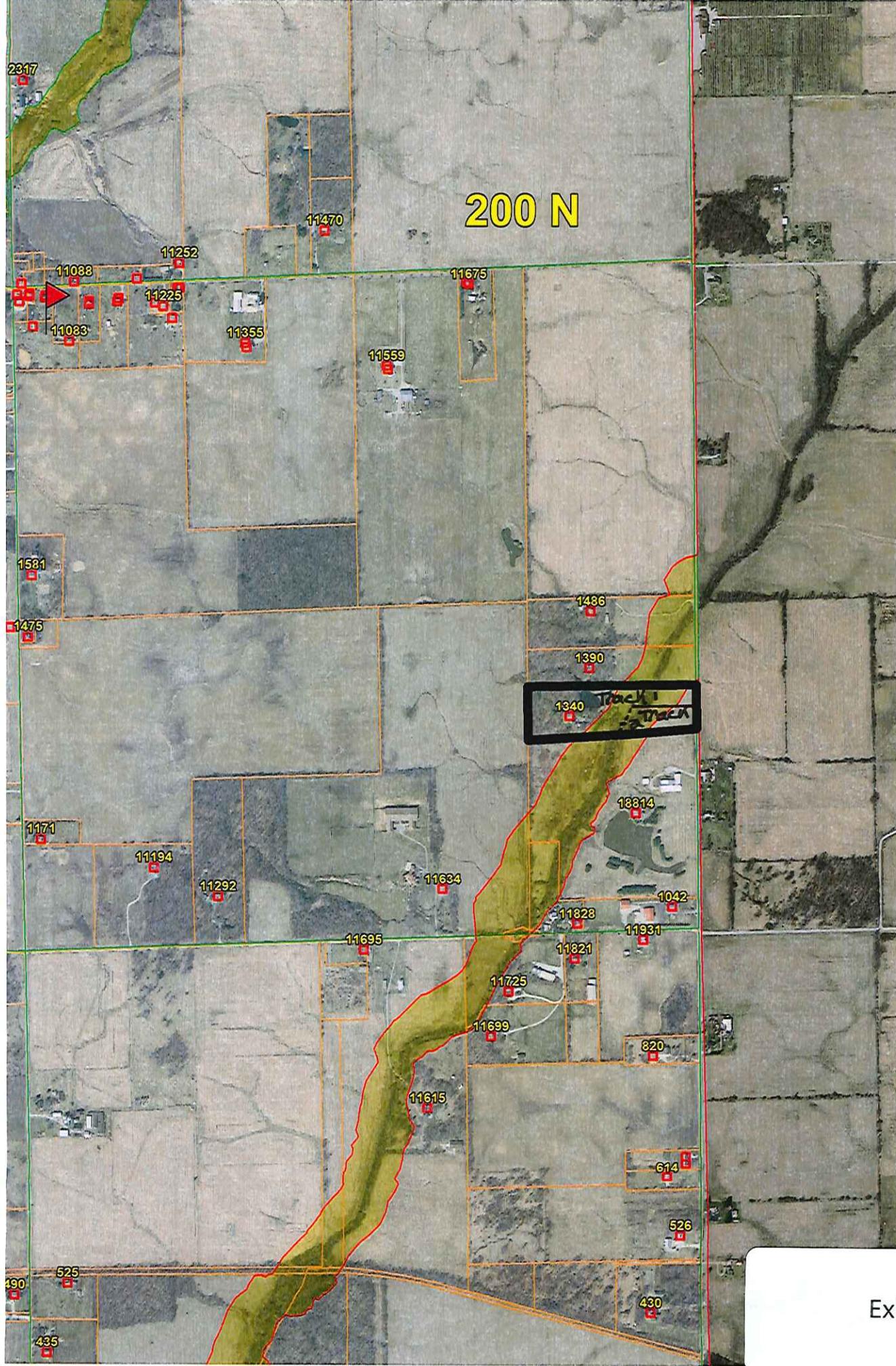


Exhibit 2



February 3, 2016

Zionsville Board of Zoning Appeals
1100 West Oaks Street
Zionsville, IN 46077

Ref: Petition for a Special Exception to permit a new single family dwelling in an (AG) Agricultural Zoning District, for 1340 North 1200 East, Sheridan, IN 46069

Dear Members of the Board,

Kathleen A. & Gilbert (Bud) Gunter's are petitioning for a Special Exception to permit a new single family dwelling in an (AG) Agricultural Zoning District. Kathy and Bud would like to allow their Daughter and her husband to build a new house on a portion of their 12.5 acres property. The property has been divided into two parcels, a 9.34 ac and a 2.67 ac. The exception would be for the 2.67ac. Gunter wish to have their daughter build a home on their property which is located northeast of the Town of Zionsville at the county line. They have hired Badger Engineering to prepare the documentation necessary for the project.

Early in the process Bud had the County Survey and County Health Department out to the property to review the proposed project. They requested that the Flood Way Boundary be reviewed by Indiana Department of Natural Resources (IDNR) and then the property be surveyed to show these limits of the 100-Year Flood Plain. This has been completed and the information provided by IDNR is contained within the Petition.

The Petitioner is aware that they have other approvals to get prior to starting the construction of the house, such as Site Plan Approval, County Driveway Permit, Well and Septic Permit and well as Erosion Control. All Local and County agencies have been notified of the proposed home construction and their input has been adopted into the preliminary Site Layout.

The Petitioner is also aware that they are building within an Agricultural Zoning District and in doing so they accept that the surrounding farms have the right to farm and will sign the Right-To-Farm wavior.

Sincerely,

Christian C. Badger, P.E.
Badger Engineering

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

PETITION FOR SPECIAL EXCEPTION

FINDINGS OF FACT

1. The proposed use (**will / will not**) be harmonious and compatible with other uses adjacent to and in the vicinity of the proposed site because:
The proposed use is a rural single family home among other single family homes. The proposed house is approximately 1,600 sft with a walk out basement.

2. The proposed use (**is / is not**) necessary or desirable to provide a service or facility in the interest of public convenience, and (**will / will not**) contribute to the general welfare of the neighborhood or community because:
The proposed house is necessary to maintain family unity and will contribute to the general welfare of the community. This proposed house will add to the land values of the adjacent property's.

3. The proposed use (**will / will not**) cause undue congestion in public streets because:
The proposed house will obtain access to the public right-of-way on a lightly used county road which follows the County Line between Boone and Hamilton Counties. The average daily traffic will be 8 trips a day.

4. The proposed use (**will / will not**) be detrimental to the public health, safety, morals, or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity because:
The proposed home will not be detrimental to the public health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to the property values or improvements in the vicinity because it will allow for a family to maintain their proximity.

5. The proposed use (**will / will not**) comply with the regulations and the conditions specified in the Zionsville Zoning Ordinance for such use because:
The proposed home will comply with the regulations and conditions specified in the Zionsville Ordinance, because they have enough land to meet the requirements.

DECISION

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

Adopted this _____ day of _____, 201__.

Exhibit 5



Petition Number: 2016-04-DSV

Subject Site Address: 160 N Maple Street

Petitioner: 500 Sycamore LLC

Representative: Andrea Nicholson

Request: Petition for Development Standards Variance to exceed the (RV) Residential Village Zoning District lot coverage requirement of 35%, to 37%, in order to allow for a detached garage

Current Zoning: (RV) Urban Residential Village Zoning District

Current Land Use: Single-family residential

Approximate Acreage: 0.13 acres

Zoning History: None

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of Lot 66 Oliver's Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.13-acre parcel is currently improved with a 1,664 square foot single-family dwelling and was previously improved with a 170 square foot detached garage. The existing 170 square foot garage was demolished in January 2016. As proposed, the Petitioner is seeking approval to improve the parcel with a 280 square foot detached garage. The addition of the garage to the site will exceed the 35% lot coverage requirement by 2%.

LOT COVERAGE

Per the RV Residential Village District regulations, lot coverage standards states the maximum lot coverage is 35 percent. As the overall area developed prior to the adoption of the current Ordinance standards, a review of parcels and improvements in the area did revealed a number of deviations from the coverage standards existing in the area. Further, many properties in the area enjoy the use of a detached garage.

In Summary, Staff's support of these types of requests which provide for a minor deviation from the lot coverage requirements typically 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: a detached garage, 2) the parcel was, until recently, improved with a detached garage, and 3) other properties within proximity to the parcel enjoy deviations from the maximum lot coverage requirements. With the existing deviations and above factors in mind, Staff is supportive of the requested deviation from lot coverage requirements.

PROCEDURAL – VARIANCE TO EXCEED THE MAXIMUM LOT COVERAGE REQUIREMENTS

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 as an Exhibit to the staff report.

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2015-04-DSV, as filed.

RECOMMENDATION MOTION

I move that Docket #2014-08-DSV design standards variance to increase the lot coverage allowance to 37% in the Residential Village District for the property located at 160 N. Maple Street be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Notes:

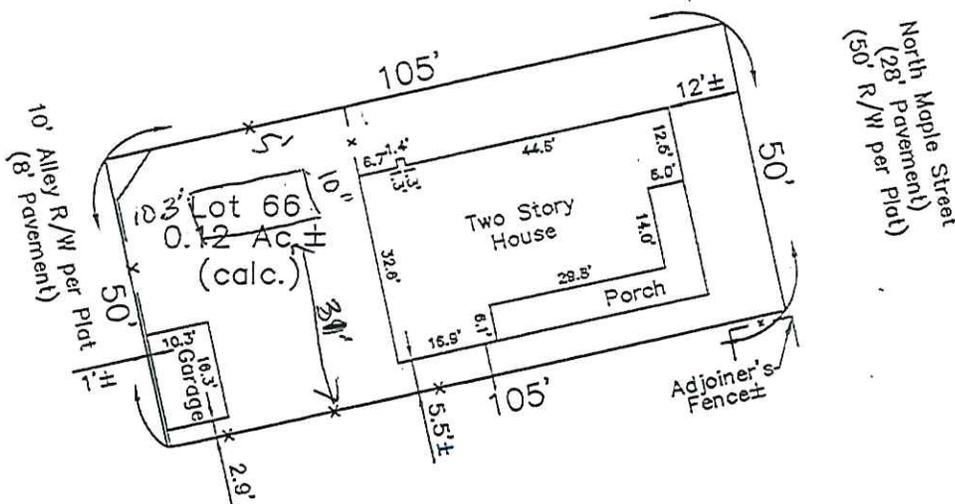
- 1.) Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.
- 2.) Due to the lack of qualified monumentation found, the accuracy of this report is limited to 3'±.



Scale: 1"=30'

Legend

R/W	Right-of-Way
— x —	Fence±



HAHN SURVEYING GROUP, INC.
 Surveyors & Engineers
 2850 E. 96th Street, Indianapolis, IN 46240
 PHONE: (317) 846-0840 / (317) 846-4119
 FAX: (317) 846-4298 / (317) 582-0662
 EMAIL: orders@hahnsurveying.com
 www.hahnsurveying.com



CERTIFIED: 01/08/2016

Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Job No.: 2016011056
 Sheet 2 of 2



160 N. MAPLE ST – ZIONSVILLE – GARAGE PLAN

OWNERS: 500 SYCAMORE LLC – ANDREA & BRADEN NICHOLSON

PHONE: 317-670-7119 EMAIL: AJNICHOLSON3@GMAIL.COM

SCOPE OF WORK: 500 Sycamore LLC wishes to add a one car detached garage to the back of the property. The existing garage that was sold with the property was deemed a safety hazard and required removal. The intent is to replace the one car garage that was removed with a new structure that will match the house and provide the off street parking. The one car garage will sit on a concrete pad that will be accessed by a short driveway off of the alley. The garage will be placed 5' off of the north property line and 9' back (west) from the back of the house. The garage will have a pedestrian door to easily access the back door entrance to the property. By adding this to the property, we feel this will free up street parking on an overly busy street (Maple) and increase overall appeal/value of the property.

The survey attached shows that 160 N. Maple property to have a total square foot value of 5,250 square feet. The house has a footprint (including porch) of 1,664 sq. ft. That puts the structure to lot ratio at 31.70%. The garage that was removed was approximately 14x20. The intent is to replace what was there with a similar square footage garage totaling 280 sq. ft (14x20). When added, the total structure will be 1,944 sq. ft which would put the structure to lot ratio at 37% - therefore 2% over the maximum amount approved with a regular accessory building permit.

The new garage proposed is 14 feet wide x 20 feet long x 8 feet high. It will be finished in a matching siding to the house and matching roof shingle. This will include a 9' x 7' garage door.



Exhibit 4

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because: This is a simple on car garage in the property yard with enough room to turn off of alley. This request would free up street parking on Maple St.
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: This request is completely confined to 160 N. Maple and will have no impact on neighbors.
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because: This request is to add covered parking for the resident. The previous garage was absolutely hazardous and needed to be removed. That has been done and this addition will provide room for a car, yard tools and storage which is aesthetically pleasing for the neighborhood.

DECISION

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

Adopted this _____ day of _____, 201__.



Petition Number: 2016-05-DSV

Subject Site Address: 260 N. 3rd Street

Petitioner: Kerry and Carol Dienhart

Representative: Todd Rottmann

Request: Petition for Development Standards Variance to exceed the (RV) Residential Village Zoning District lot coverage requirement of 35%, to 42%, in order to allow for the construction of a new primary structure.

Current Zoning: (RV) Urban Residential Village Zoning District

Current Land Use: Single-family residential

Approximate Acreage: 0.14 acres

Zoning History: None

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of Lots 41 and 42 of Cross's 4th Addition to the Town of Zionsville. On January 24th, 2011, the existing Single Family dwelling was demolished (an approximately 120 square foot accessory building had been previously demolished). Presently only the foundation remains on the property. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.14-acre parcel is currently unimproved (except as noted above). As proposed, the Petitioner is seeking approval to utilize a lot coverage which exceeds the Zoning Ordinance maximum of 35 percent (until 2011, the property enjoyed approximately 2,400 square feet of impervious surfaces, including: the 2,063 square foot footprint associated with the existing dwelling, two brick patios totaling 227 square feet, and one 120 square foot accessory building).

LOT COVERAGE

Per the RV Residential Village District regulations, lot coverage standards states the maximum lot coverage is 35 percent. The petitioner is requesting a design standards variance to this requirement to provide for 2,643 square feet of improvements. As the overall area developed prior to the adoption of the current Ordinance standards, a review of parcels and improvements in the area did revealed a number of deviations from the coverage standards existing in the area. Based on Staff's review a number of homes located within the immediate area enjoy lot coverage in excess of 35 percent (with some enjoying as much as nearly 42 percent).

In Summary, Staff's support of these types of requests which provide for a deviation from the lot coverage requirements typically follows this general reasoning: 1) the request is seeking to improve the parcel utilizing a lot coverage ratio enjoyed by other parcels in the area, 2) the parcel was, until recently, utilized a lot coverage ratio above 37 percent, 3) the proposed improvements would eliminate the adverse impact the current conditions and improvements could be having on values of adjacent properties, and 4) the requested lot coverage, in staff's view represents a minor deviation from the Ordinance standards when compared to the lot coverage enjoyed through 2011. With the existing deviations and above factors in mind, Staff is supportive of the requested deviation from lot coverage requirements.

With the existing deviations and above factors in mind, Staff is supportive of the requested deviation from lot coverage requirements.

PROCEDURAL – VARIANCE TO EXCEED THE MAXIMUM LOT COVERAGE REQUIREMENTS

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 as an Exhibit to the staff report.

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2016-05-DSV, as filed.

RECOMMENDATION MOTION

I move that Docket #2016-05-DSV design standards variance to increase the lot coverage allowance to 42% in the Residential Village District for the property located at 260 N. 3rd Street be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.

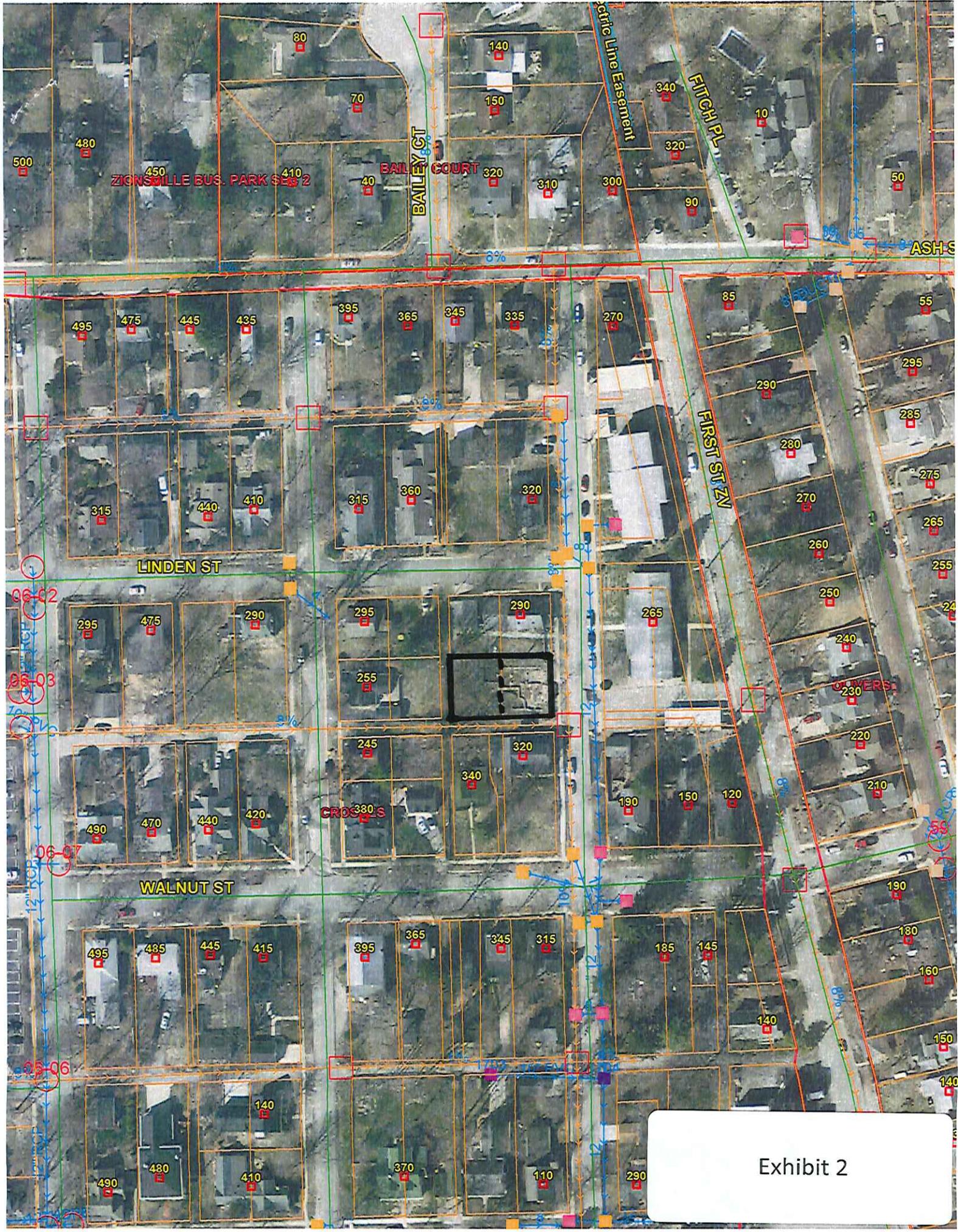


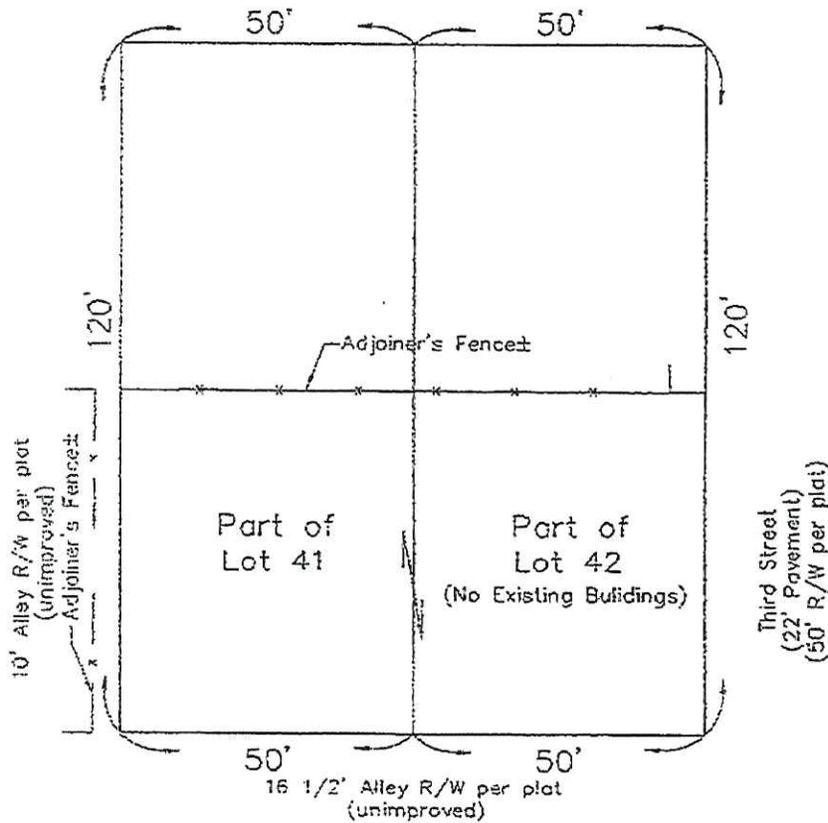
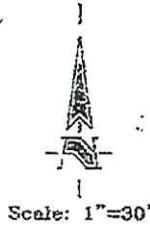
Exhibit 2

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Legend	
R/W	Right-of-Way
— x —	Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.



H S G
HAHN SURVEYING GROUP, INC.
 Surveyors & Engineers
 2850 E. 96th St., Indianapolis, IN 46240
 PHONE: (317) 846-0840 or (317) 846-4119
 FAX: (317) 846-4298 or (317) 582-0662



CERTIFIED: June 12, 2013

Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 License #21100002

February 16, 2016

RE: Kerry and Carol Dienhart, 260 North Third Street
Petition for Variance of Development Standards #2016-05-DSV

We are submitting for a zoning variance and wanted to share some more information about the petition so you would have a better understanding of what is being proposed.

The variance we need is to increase the lot coverage from 35% to 42%. Current zoning is set up for a minimum 8,000 square foot lot which would allow 2,800 square feet of coverage. Our lot is an historic small lot of only 6,398 square feet and doesn't fit into that mold. While our lot will only have 2,643 square feet of coverage which is less than current zoning allows for on new lots, it puts us at 42% coverage on our lot. Since this is our forever home, we need all critical spaces on one level for safety and potential wheelchair use as we age. We currently live several houses away on the same street, but our house does not have everything we need on one level, so that is a primary reason why we are moving.

We do not feel that this amount of lot coverage will have any negative impact on the neighborhood since it maintains similar setbacks and lot coverage of properties in the area, will be compatible in design style with surrounding properties, will increase the value of this property, will eliminate the current eyesore of debris from a previously abandoned project, does not add a curb cut, and provides enclosed off-street parking for us.

Thank you for your consideration.

Kerry and Carol Dienhart, petitioner/owner

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 this project maintains similar setbacks and lot coverage of properties in the area, will be compatible in design style with surrounding properties, will increase the value of this property, and will eliminate the current eyesore of debris from a previously abandoned project.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because this project maintains similar setbacks and lot coverage of properties in the area, will be compatible in design style with surrounding properties, will increase the value of this property, will eliminate the current eyesore of debris from a previously abandoned project, does not add a curb cut, and provides enclosed off-street parking for the homeowners.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because this lot is an historic small lot (only 6,398 square feet) so the allowable amount of coverage is 2,239 square feet instead of the 2,800 square feet allowed on the required 8,000 square foot lot in current zoning and the homeowners need all required spaces on the first floor as this will be their forever home (they are moving from their current multi-story home several houses away on the same street because it does not have everything they need on one floor).

DECISION

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

Adopted this _____ day of _____, 20____.

_____	_____	_____
_____	_____	_____



Petition Number: 2016-06-DSV

Subject Site Address: 4560 S. 875 East

Petitioner: Boone County Tennis Center

Representative: David Hunt

Request: Petition for Development Standards Variance to deviate from building materials requirement in the pending (SU-7) Special Use Zoning District

Current Zoning: R2 (Pending SU-7 Special Use Zoning District Approval by the Town Council, appears on March 7, 2016 Docket, and Affirmation of Resolution by Mayor Haak)

Current Land Use: Undeveloped

Approximate Acreage: 4.13 Acres

Zoning History: Petition number 2015-04-Z Zone Map Change to rezone 4.13 acres from the (R2) Rural Low Density Single and Two Family Residential Zoning District to the (SU-7) Special Use Zoning District (Pending)

Exhibits: Exhibit 1- Staff Report
Exhibit 2- Aerial Location Map
Exhibit 3 – Petitioners Cover Letter
Exhibit 4 - Petitioners Site Exhibit
Exhibit 5 – Petitioner’s Concept Rendering
Exhibit 6 - Petitioner’s proposed Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the March 8, 2016 Board of Zoning Appeals meeting. The Plan Commission did hear, and gave a favorable recommendation to the Town Council, to rezone the parcel from the (R2) Rural Residential Zoning District to (SU-7) Special Use Zoning District. The Town Council will consider this request at its March 7, 2016 Meeting.

PROPERTY HISTORY

This property is located at 4560 S. 875 East and is bounded by the Zionsville Community School System's baseball and softball complex (on the west, north, and south sides). The site is comprised of 4.13(+/-) acres and is presently improved with residential and agricultural buildings.

ANALYSIS

As contemplated, the property would be improved with a 58,648 square foot building proposed to be utilized as an indoor tennis facility. While the use is supported by the contemplated zoning district (as the land is owned by a not for profit), the development standards associated with the zoning do not wholly support the intended improvements (as related to the architectural features).

In summary, constructing a free span athletic facility utilizing the materials listed in the Zoning Ordinance is identified by the Petitioner as challenging. Staff would agree, there are challenges; the Zoning Ordinance does not differentiate between occupants of building/ uses and the identified architectural requirements. As expressed by the Petitioner, the desire is to construct the building predominately utilizing the following combination of exterior finishes: split faced block and metal panels.

Building Materials

Historically, rurally zoned parcels which have been improved with large buildings designed to provide for non-profit service uses have utilized a combination of masonry and steel panels (Examples: Boys & Girls Club, Zionsville Youth Soccer, & Interactive Academy). Staff, given the use, does not object to the material selection. However, what should be contemplated to be included in the development is a landscaping package which is complementary to the height and size of the proposed building, and the parking lot. Staff would suggest that, in addition to the landscaping illustrated on the concept rendering, 1) a combination of evergreen and deciduous plantings be installed parallel to the east facing and north facing facades which serve to block the view of the building to the north and east, 2) that foundation plantings be provided along the entire perimeter of the building (except where interrupted by points of egress, utilities, and mechanical equipment) as well as along both the eastern edge of the parking lot and along both sides of the driveway, and 3) that the Petitioner provide information as to the material (and color) being selected for the roof (assume metal panels) as well as method to be utilized to reduce the potential of glare. Lacking additional landscaping to reduce the visual impact of the proposed building on the adjoining residential land uses as well as the public utilizing County

Road 875, Staff would look to re-evaluate its review of the Petition's requested building materials.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

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

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

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2016-06-DSV, with the requirement of providing a detailed Landscape Plan for review and approval of the Plan Commission, which contemplates enhanced landscaping and screening along the leading edges of the parking lot, the driveways, and along the perimeter and foundation of the building.

RECOMMENDATION MOTION

I move that Docket #2016-06-DSV design standards variance to deviate from the building materials requirement in the SU-7 Special Use Zoning be (Approved as filed / Denied/ Continued) as presented.

PROCEDURAL NOTE

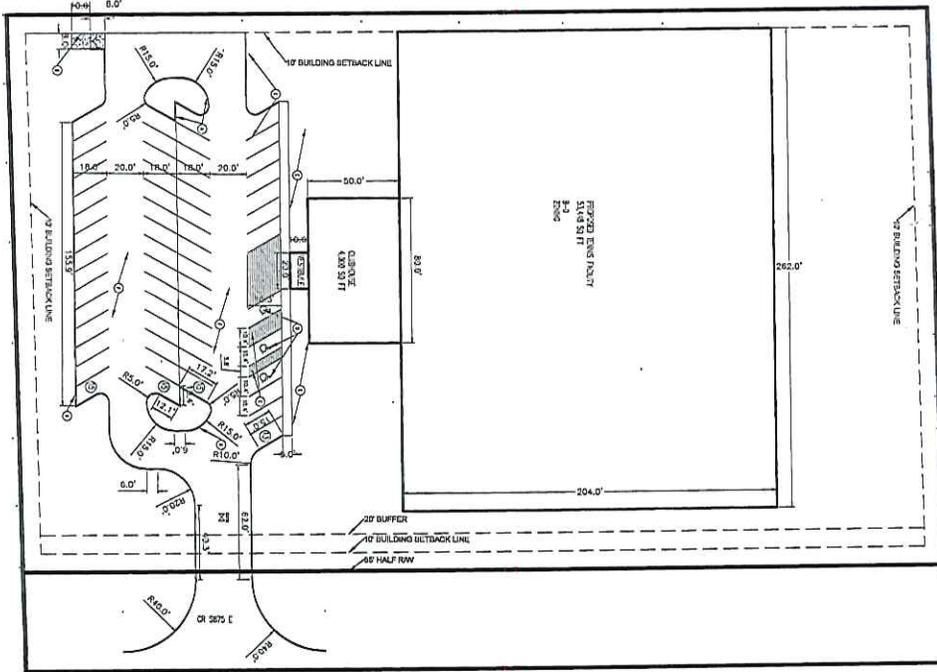
As previously stated, the SU-7 Zoning Classification is pending currently with the Town Council. If the Zoning is not approved by the Town Council and / or is not Affirmed by the Mayor prior to the Board of Zoning Appeals meeting, this matter will be required to be continued to the April meeting of the Board of Zoning Appeals.



Exhibit 2

The Boone County Tennis Center ("BCTC") a 501 (c) (7) not-for-profit corporation is requesting a variance of development standards with regards to using metal siding along with split face block on the exterior of our proposed indoor tennis facility. We believe the metal siding adds contrast to the masonry providing a more aesthetically pleasing look. The combination of metal siding along with a masonry are customary for this type of facility where there is a balance between functionality, design and economics.

SITE LAYOUT



VICINITY MAP



SITE PLAN GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. EXISTING UTILITIES ARE SHOWN AS DASHED LINES.
3. EXISTING UTILITIES ARE TO BE MAINTAINED AND NOT MOVED TO THE "AS SHOWN" LOCATION.
4. EXISTING UTILITIES ARE TO BE MAINTAINED AND NOT MOVED TO THE "AS SHOWN" LOCATION.
5. EXISTING UTILITIES ARE TO BE MAINTAINED AND NOT MOVED TO THE "AS SHOWN" LOCATION.

SITE PLAN KEY NOTES:

- Call
- Not Indicated
- 1' Best Finished Floor Fin.

LEGAL DESCRIPTION:

EDDIE COUNTY TENNIS CENTER
 A part of the west half of the southwest quarter of Section 28, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows:
 Beginning at a point on the east line of said half quarter section 493.75 feet south on the northeast corner of said section 28 to the north line of a certain half quarter section 501.33 feet, thence easterly parallel to the north line of a certain half quarter section 389.20 feet to the point of beginning, containing 4.133 acres, more or less, but subject to legal highway rights of way and easements.



"IT'S THE LAW"
 Know what's Below
 Call before you dig.
 811
 1-800-4-A-DIG

ZIONSVILLE TENNIS FACILITY
 XX
 ZIONSVILLE, INDIANA
SITE LAYOUT PLAN

DESIGNED BY
**PRELIMINARY
 NOT FOR
 CONSTRUCTION**



Exhibit 4

DATE	1/13/2016
DESIGNED BY	ANH
CHECKED BY	ANH
PERMISSIONS	

SHEET NO.
C201
 2 OF 10



Exhibit 5

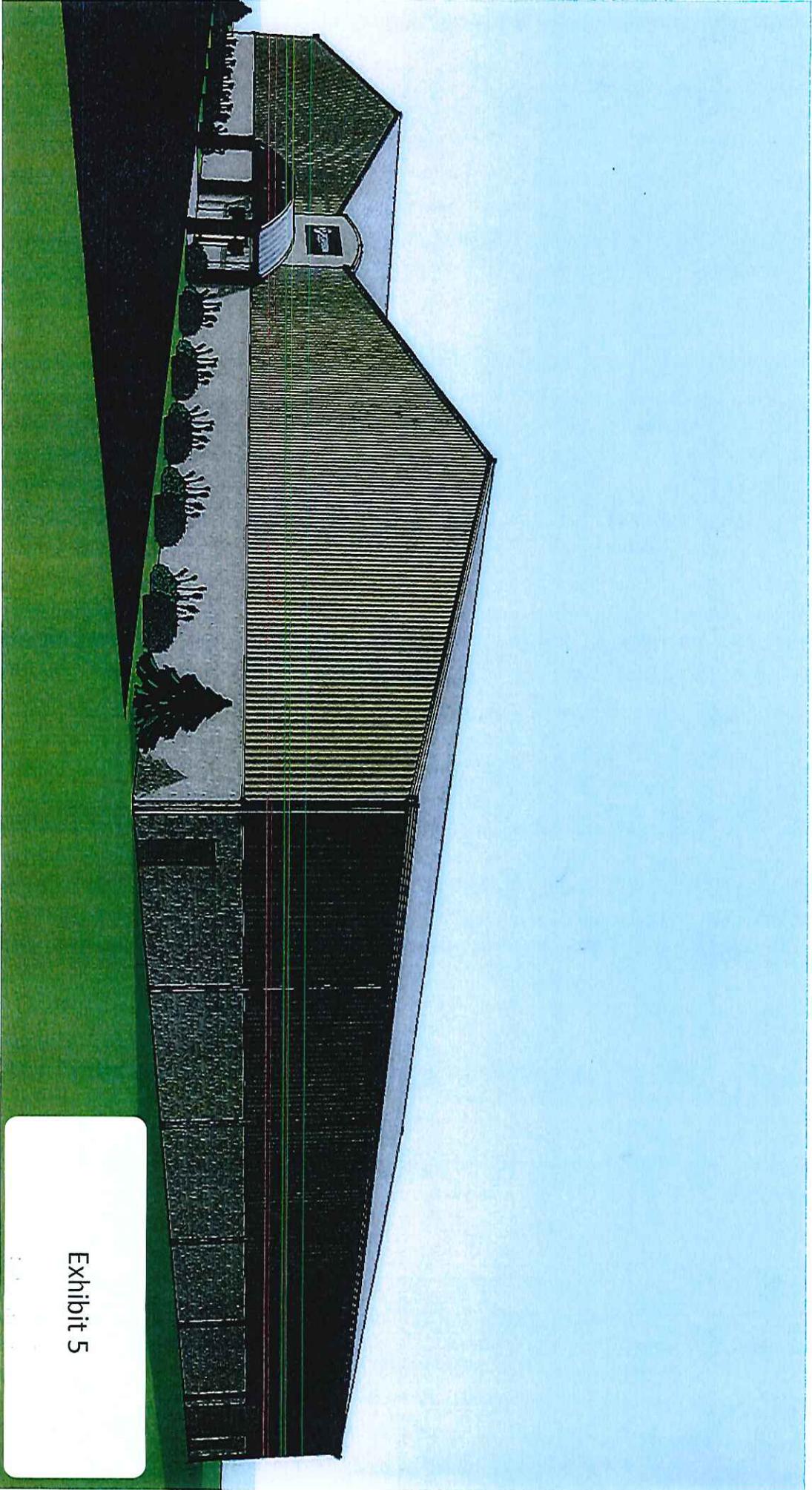


Exhibit 5

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 variance being sought is for the use of a particular building material which has no impact on public health, safety, morals or welfare.

- 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 of split block facing along with metal siding is consistent with the types of materials used for other sports related structures in the adjacent school sports complex and, used together, are customarily seen as more aesthetically pleasing than the use of metal siding alone. Metal siding is customarily used for construction of an indoor tennis facility – which use was the impetus for the recent change of zoning of the underlying property to SU-7.

- 3. Strict application of the terms of the zoning ordinance (will / will not) result in unnecessary hardships in the use of the property because: Metal siding presents as a customary material for use in constructing an indoor tennis facility. Other alternative materials are either functionally and economically unfeasible or aesthetically less pleasing (i.e. inflatable nylon bubble canopy).

DECISION

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

Adopted this _____ day of _____, 201__.



Petition Number: 2016-07-DSV

Subject Site Address: 91 S. Main Street

Petitioner: Carter Properties, Inc.

Representative: Matthew Price

Request: Petition for Development Standards Variance to allow for a reduce number of parking spaces for a commercial building in the (VBD) Village residential Zoning District

Current Zoning: (VBD) Village Business Zoning District

Current Land Use: Commercial/Vacant

Approximate Acreage: Approximately 0.17 acre

Zoning History: 2005-05-V

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Site Location map
Exhibit 4 – Petitioner’s proposed Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the March 8, 2016 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.17 acres which is utilized for commercial purposes. Docket # 2005-05-V, requested, and was approved with the conditions for, non-contiguous parking of 18 parking spaces.

ANALYSIS

As proposed, an existing, vacant, 14,000 square foot building would be utilized to serve a mix of tenants (including restaurant, retail, office, and residential). Per a prior variance, the building is associated with (and has available to it) 18 parking spaces (with the prior variance being tied to the prior land use).

The need for the variance arises from the fact that the property is improved with a building which cannot meet the required parking standard (a situation faced by many property owners in the Downtown area of Zionsville). The utilization of parking in the downtown was the subject of a 2014 study conducted by the Town. In summary, while there are specific peak times and peak locations at which parking is limited or at a premium, generally speaking, it was found that public / on-street parking options are available in the Downtown at any given time. Further, the Town itself is desirous of providing additional parking options in the Downtown (including increased connectivity for non-motorized traffic). With the existing condition, the prior variance, the results of the 2014 study, and the Town's interest in increasing the available parking options in the Downtown, Staff is supportive of the variance request.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2016-07-DSV,

RECOMMENDATION MOTION

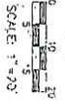
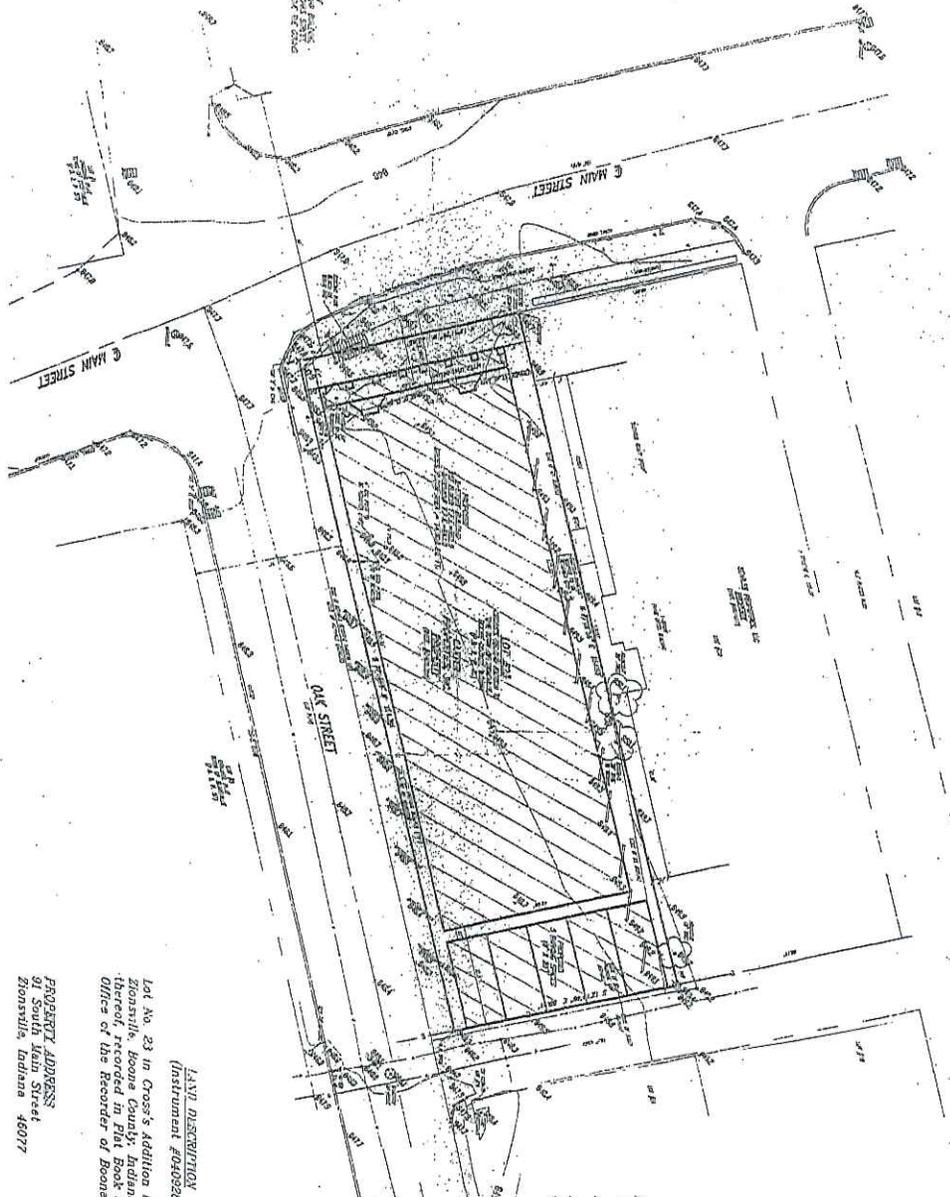
I move that Docket #2016-07-DSV design standards variance to allow for a reduce number of parking spaces for a commercial building in the (VBD) Village residential Zoning District be (Approved based upon the findings in the staff report / Approved as Requested / Denied/ Continued) as presented.



Exhibit 2

CARTER TOYS AND ANTIQUES SITE PLAN

ANDERSON & ASSOCIATES

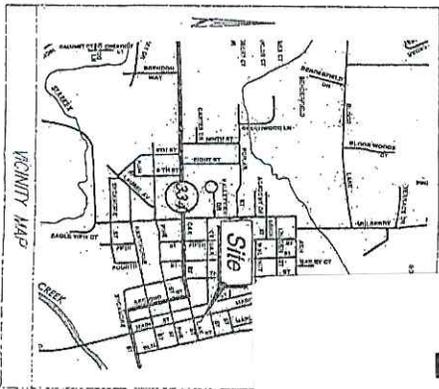
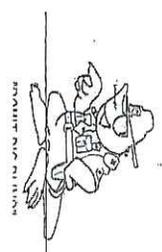


FLOOD HAZARD ZONE 1⁺
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DATE: FEBRUARY 12, 1981
LAND USE ZONE
UNCLASSIFIED ZONE

By 3/27/2004, 14:54
This drawing is the property of Anderson & Associates, Inc. It is to be used only for the project and site shown hereon. It is not to be used for any other project or site. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.

NOTE:
UTILITY CONDUITS & TRENCHES
TO BE SET FROM 24" TO 36" DEPTH

CAUTION
LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON ABOVE PROVIDED EVIDENCE (including, but not limited to, utility maps, utility records, and other information). ANDERSON & ASSOCIATES, INC. MAKES NO WARRANTY AS TO THE ACCURACY OF THIS INFORMATION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.



- LEGEND**
- 1. ALL LOT AND BLOCK DIMENSIONS TO BE USED FOR ALL UTILITIES
 - 2. ALL LOT AND BLOCK DIMENSIONS TO BE USED FOR ALL UTILITIES
 - 3. ALL LOT AND BLOCK DIMENSIONS TO BE USED FOR ALL UTILITIES
 - 4. ALL LOT AND BLOCK DIMENSIONS TO BE USED FOR ALL UTILITIES
 - 5. ALL LOT AND BLOCK DIMENSIONS TO BE USED FOR ALL UTILITIES

LAND DESCRIPTION
(Instrument #4949200)
Lot No. 23 in Cross's Addition to the Town of
Boone, Boone County, Indiana, as per plat
thereof recorded in Plat Book No. 10, Page 10,
Office of the Recorder of Boone County, Indiana.

PROFESSIONAL ADDRESS:
71 South Main Street
Boone, Indiana 46007

SYMBOL	DESCRIPTION
—	PROPERTY LINE
—	EXISTING CONCRETE
—	EXISTING BRICK
—	EXISTING MASONRY
—	EXISTING WOOD
—	EXISTING METAL
—	EXISTING GLASS
—	EXISTING ROOF
—	EXISTING FLOOR
—	EXISTING CEILING
—	EXISTING WALL
—	EXISTING DOOR
—	EXISTING WINDOW
—	EXISTING STAIR
—	EXISTING ELEVATOR
—	EXISTING MECHANICAL
—	EXISTING ELECTRICAL
—	EXISTING PLUMBING
—	EXISTING HEATING
—	EXISTING COOLING
—	EXISTING VENTILATION
—	EXISTING INSULATION
—	EXISTING PAINT
—	EXISTING FINISH
—	EXISTING MATERIAL



ANDERSON & ASSOCIATES
LAND SURVEYORS
117 WEST MAIN STREET
BOONE, INDIANA 46007
765-482-5141 - 317-873-2515

CLIENT: BOB CARTER - CARTER TOYS AND ANTIQUES
PROJECT: SITE PLAN - LOT #23 IN CROSS'S 2ND ADDITION

**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 retail and/or office use will be provided with a total of 12 off-street parking spaces, either on-site (6) or dedicated adjacent (6). These off-street parking spaces, with the available on-street parking in the vicinity, results in a parking scenario which will not be injurious to the public health, safety, morals and general welfare of the community. The reuse of this vacant building will benefit the general welfare of the community.

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 retail and/or office use will be provided with a total of 12 off-street parking spaces, either on-site (6) or dedicated adjacent (6). These off-street parking spaces, with the available on-street parking in the vicinity, causes the scale of the parking deviation to be minimal. Therefore, the use and value of the area adjacent will not be affected in a substantially adverse manner. The reuse of this building will benefit the use and value of the adjacent area.

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

The retail and/or office use will be provided with a total of 12 off-street parking spaces, either on-site (6) or dedicated adjacent (6). These off-street parking spaces, with the available on-street parking in the vicinity, causes the scale of the parking deviation to be minimal. Within the context of the scale of the deviation, the existing building, the historic use of the property, and the nature of the development pattern in this portion of the Village, the strict application of the terms of the zoning ordinance will result in an unnecessary hardship.

DECISION

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

Adopted this _____ day of _____, 201__.

