



MEETING NOTICE AND AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS May 10, 2016

The Regular meeting of the Zionsville Board of Zoning Appeals was scheduled Tuesday, May 10, 2016 at 6:30 p.m. in the Bev Harves Room at Zionsville Town Hall, 1100 West Oak Street the following items were scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the April 12, 2016 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business
- VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2016-09-DSV	Kruger	10604 Zionsville Road	Petition for Development Standard variance to provide for improvements to a residential dwelling on a non-conforming lot located in the (B-2) Urban General Business Zoning District Approved 3 in Favor 0 Opposed
2016-10-UV	W. Totty	665 W. Laurel Ave	Petition for Use Variance to provide for the operation of a Bed and Breakfast, (without food service) within a Single Family Dwelling in the (RV) Residential Village Zoning District Continued to the June 14, 2016 Board of Zoning Appeals Meeting 3 in Favor 0 Opposed

Other Matters to be considered:

2016-03-SE, Gunter, Status of Right-to-Farm document

Respectfully Submitted:

Wayne DeLong AICP

Town of Zionsville Director of Planning and Economic Development

**Town of Zionsville
Board of Zoning Appeals
May 10, 2016**

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

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

- Morical Good evening and welcome to the May 10, 2016, meeting of the Board of Zoning Appeals for the Town of Zionsville. The first item on our agenda is the Pledge of Allegiance.
- All Pledge.
- Morical The next item on our agenda is attendance.
- DeLong Mr. Morical?
- Morical Present
- DeLong Mr. Wopshall?
- Wopshall Present.
- DeLong Mr. Jones?
- Jones Present.
- DeLong Mr. Wolff?
- DeLong Ms. Evinger?
- Morical The next item on our agenda is the review and approval of the April 12, 2016, meeting minutes, which were in the Board meeting packets. Are there any comments on the minutes? Hearing none, I would entertain a motion.
- Wopshall I move that we approve the minutes of the April 12, 2016, meeting as written.
- Morical Thank you. Is there a second?
- Jones Second.
- Morical All those in favor, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Thank you. The next item on our agenda is continuance requests, and we received a continuance request from Mr. and Mrs.

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Doyle as it respects Docket #2016-10-UV, W. Totty, relating to 665 West Laurel Avenue. That was a written request received by the Town and distributed to the Board that requested a continuance of this matter to the June 14, 2016, meeting. And this was a request that was timely received. Are there any comments by the Board? Hearing none, I would entertain a motion to continue that matter to the June 14, 2016, meeting.

Wopshall I will make that motion to continue Docket #2016-10-UV for Totty, for Laurel Avenue, to be continued to the June 14, 2016, meeting per the remonstrator's.

Morical Thank you. Is there a second?

Jones Second.

Morical All those in favor, please say aye.

All Aye.

Morical Any opposed? Motion carries. Thank you. The next item on our agenda is continued business of which we have none, and then there is new business and that's Docket #2016-09-DSV, Kruger, as it relates to 10604 Zionsville Road. Will you please come up and state your name and address for the record?

Kruger Good evening. My name is Natalie Kruger, and I reside at 10604 Zionsville Road.

Morical Thank you. If you could give us a brief overview of what you're asking for tonight.

Kruger Certainly. I'm here on behalf of my husband and I this evening seeking a Development Standard Variance to build a new garage to replace the old garage and attach it to our home. Our home is currently zoned B2-Business, but it operates as a residence.

Morical Okay. Thank you. And, as part of this, you're going to be demolishing your current garage?

Kruger Yes, and that has occurred. We obtained the demolition permit and the garage is down, which was required to fix some drainage issues in our basement.

Morical Okay. Great. Are there any other questions for the petitioner? Hearing none, are there any remonstrators here tonight? Seeing none, may we have the staff report please?

DeLong Thank you. This property is zoned B-2, however, the single family residence has been there for quite some time and has received previously, in 2011, an additional variance to allow for an expansion. Staff is certainly supportive of the continued use of the property for single family purposes, and recognizes that this

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is just a minor expansion of the home given the demolition of the existing garage. Again, staff is recommending approval and I'd be happy to answer any questions.

Morical Thank you, Wayne. Any questions for staff?

Jones I have a quick question, Wayne. How much of the land, just going down Zionsville Road there, is B-2?

DeLong Well, unfortunately, we don't have the zoning map attached here. It's just an aerial photograph. The Taylor Oil facility is B-2, as I recall, so there is quite a bit of frontage that's commercially zoned.

Jones And, then is the next parcel south of the Taylor property, do you know?

DeLong I don't know off hand. I wish we had a zoning map attached to the aerial photograph.

Jones Okay. It's just a general question that just sort of cropped up in relation to the Fabrico project we keep reviewing, and so I can go check it out on my own. So, all right, thanks. Nothing big.

Morical Thank you, Larry. Any further questions for staff? Hearing none, I would entertain a motion.

Wopshall I will make a motion. I will move that Docket #2016-09-DSV, Design Standards Variance, to provide for improvements to a residential dwelling on a nonconforming lot located in the B-2, Urban General Business Zoning District, be approved as filed based upon the Findings of Fact as presented.

Morical Thank you, Al. Is there a second?

Jones Second.

Morical All those in favor, please say aye.

All Aye.

Morical Any opposed? Motion carries. Thank you very much.

Kruger Thank you.

Morical And, Carol, is there any action we need to take with respect to the Gunter status right-to-farm document?

Drake I have not heard from Janice on the status of that. I don't know if Wayne knows anything on their Right to Farm.

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DeLong I do. They are continuing to work on it. I don't have a time frame for you. I just know that we've been in communication and they're aware of their responsibility to get this wrapped up.

Morical Okay. Thank you, Wayne. Are there any other matters to come before the Board of Zoning Appeals tonight? Hearing none, I hereby adjourn our meeting.

Jones So moved.



Petition Number: 2016-09-DSV

Subject Site Address: 10604 Zionsville Road

Petitioner: Scott and Natalie Kruger

Representative: Scott and Natalie Kruger

Request: Petition for Development Standard variance to provide for improvements to a residential dwelling on a non-conforming lot located in the (B-2) Urban General Business Zoning District

Current Zoning: (B-2) Urban General Business District

Current Land Use: Single-family residential

Approximate Acreage: 0.73 acres

Zoning History: Docket # 2011-09-DSV; Petition to allow a Development Standard Variance to allow a residential room addition on a nonconforming lot which is located in the B-2 zoning district (approved).

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Site Location
Exhibit 4 – Proposed Floor Plan
Exhibit 5 – Proposed Exterior Elevation
Exhibit 6 –Petitioners proposed Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the May 10, 2016, Board of Zoning Appeals meeting.

PROPERTY HISTORY

In 2011, the Petitioner received Board of Zoning Appeals approval to build a 720 square foot addition associated with the then existing improvements. In 2016, a demolition permit was issued on April 20, 2016 (associated with the 2011 improvements) as the Petitioner desires to replace the 2011 improvements with a garage/room addition.

ANALYSIS

The 0.73-acre B-2 parcel historically has been utilized for residential purposes and is considered a legal non-conforming residence. As proposed, the Petitioner is seeking approval to construct an improvement to the existing dwelling which in terms of square-footage is (in Staff's opinion) minor in size (when compared to what is being demolished to make room from the proposed addition).

In Summary, Staff's support of the petition request revolves around 1) that the existing dwelling is legally established and 2) that the request in Staff's opinion does not intensify the non-conforming status of the property (for example, no new bedrooms are contemplated as a part of the addition). Specific to lot coverage and other residential type development standards, while there are no specifics within the B-2 district which are applicable to the petition, Staff is supportive of the location of the contemplated improvements (and would encourage substantial compliance with the submitted site plan in the event that changes occur due to unforeseen conditions discovered in the field).

PROCEDURAL – VARIANCE OF DEVELOPMENT STANDARDS

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

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

Proposed Findings of Fact are attached as an Exhibit to the staff report.

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2016-09-DSV, as filed.

RECOMMENDATION MOTION

I move that Docket #2016-09-DSV design standards variance to provide for improvements to a residential dwelling on a non-conforming lot located in the (B-2) Urban General Business Zoning District be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.

PROCEDURAL NOTE

As a portion of the property is within the Special Flood Hazard Area (SFHA) associated with Eagle Creek, it is subject to additional development restrictions. Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, and / or the Town (in conjunctions with the Town's Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).

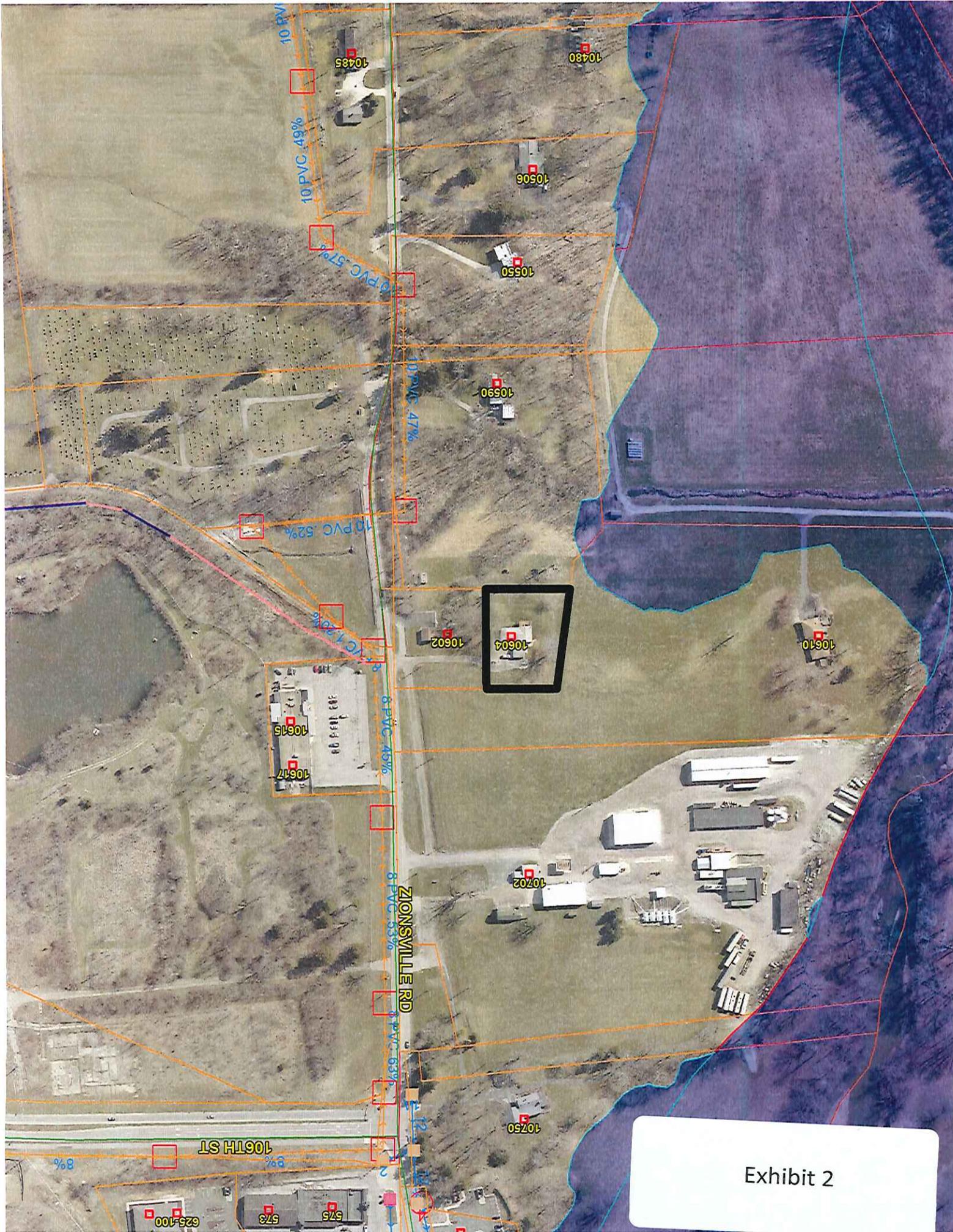


Exhibit 2



Parcels

Roads

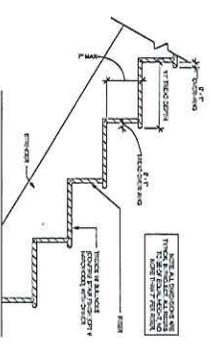
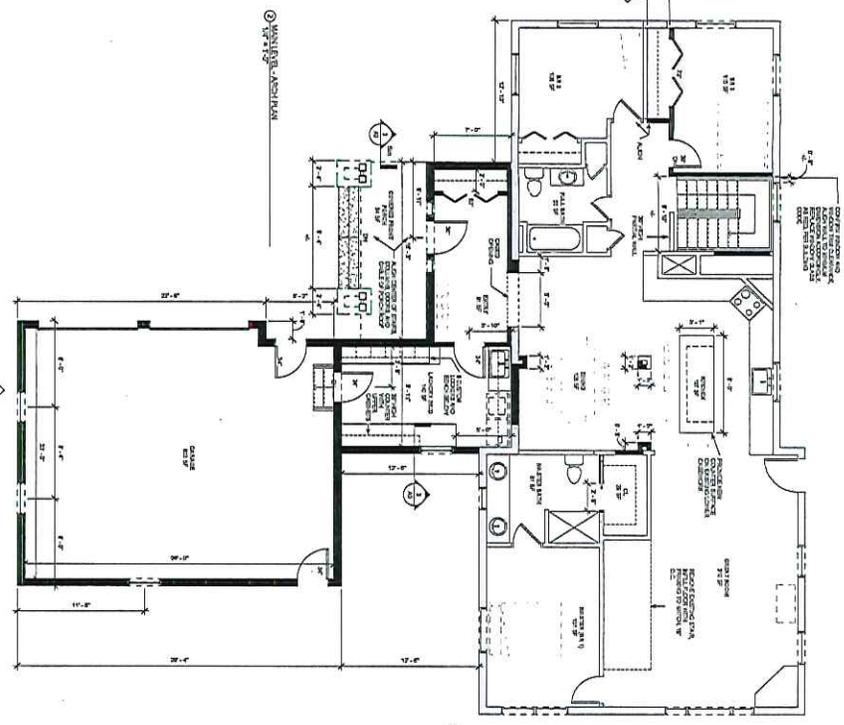
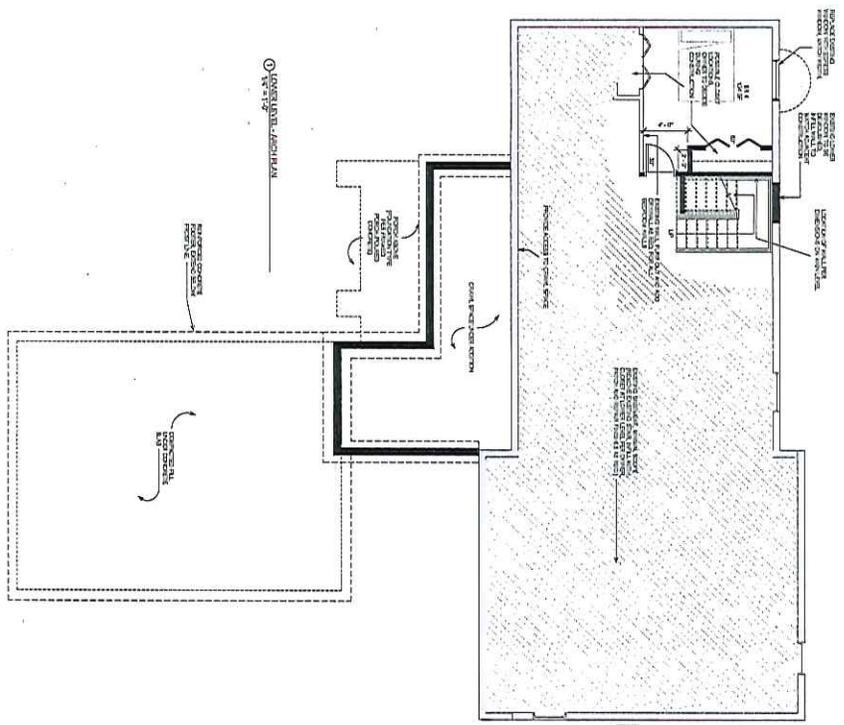
Roads

Road Labels

Rail

Hydrology

Road Center



with DEL Valley LLC
**KRUGER
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DATE: 10/15/2016
 DRAWING NO.: 15011
 SHEET NO.: 1

PLEASE READ THE ENTIRE CONTRACT DOCUMENTS AND ALL ADDENDUMS TO THE CONTRACT DOCUMENTS BEFORE SIGNING THESE PLANS. THE CONTRACT DOCUMENTS AND ALL ADDENDUMS TO THE CONTRACT DOCUMENTS SHALL BE THE BASIS FOR THE CONSTRUCTION OF THIS PROJECT. THE CONTRACT DOCUMENTS AND ALL ADDENDUMS TO THE CONTRACT DOCUMENTS SHALL BE THE BASIS FOR THE CONSTRUCTION OF THIS PROJECT. THE CONTRACT DOCUMENTS AND ALL ADDENDUMS TO THE CONTRACT DOCUMENTS SHALL BE THE BASIS FOR THE CONSTRUCTION OF THIS PROJECT.

FLOOR PLANS

Project Number	15011
Date	10/15/2016
Drawn By	ALBART
Checked By	DECKER

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**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 house has operated as a residence since it was built in 1960, and added onto in 2011. A new garage will go where the former garage existed, with a few extra feet added on to the North. It will also be attached to the home with a mud room. No change in use.
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 project will be an improvement to the property and will only enhance adjoining and adjacent properties.
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

The current zoning of B2 does not allow us to improve the property. Due to drainage issues in the basement, the original garage must be torn down in order to repair the issue. Due to our IN winters, we would like to rebuild a new functional garage for cars storage.

DECISION

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

Adopted this _____ day of _____, 201__.

