



MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS January 10, 2017

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

The following items were scheduled for consideration:

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

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

VI. Continued Business

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

VII. New Business

Docket Number	Name	Address of Project	Item to be considered
2016-30-UV	R. Keeker	8556 E 300 South	Approved for 5 years with commitments – 4 in Favor, 0 Opposed Petition for Use Variance to allow an existing barn located on the applicant's property in the (R1), Low Density Single Family Residential Zoning District, to continue to host weddings and receptions. (#2014-04-UV was approved with a 3 year limitation on March 11, 2014 – set to expire 3-10-2017).
2016-31-DSV	Zionsville OMS Partners	12036 N Michigan Road	Approved with conditions contingent on Plan Commission approval - 4 in Favor, 0 Opposed Petition for Development Standards Variance to allow for the construction of a new commercial business to: 1) Reduce the minimum lot size 2) Reduce the rear buffer yard/setback 3) Increase the maximum office square footage in the (B-1) Neighborhood Business & Michigan Road Overlay Zoning District.

2016-33-DSV	J. Reynolds	110 N Third Street	Approved - 4 in Favor, 0 Opposed Petition for Development Standards variance in order to provide for an addition to a single family home to: 1) Exceed the required lot coverage of 35%, to 37% 2) Deviate from the required side yard setback 3) Deviate from the required aggregate side yard setback in the (R-V), Residential Village Zoning District.
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VIII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
2016-22-DSV	S. Crenshaw	4560 S. 975 East	Status of Commitment
2016-23-SE	M. Squires	1567 N. 1000 East	Status of Right to Farm (update: recorded & received)
2016-24-SE	S. Cope	7750 E. 100 South (Est.)	Status of Right to Farm (update: recorded & received)

Respectfully Submitted:

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



Petition Number: 2016-30-UV

Subject Site Address: 8556 E 300 South

Petitioner: Randall S. Keeker

Representative: Michael J. Andreoli

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

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

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

Approximate Acreage: 6.7310

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

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

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

PROPERTY HISTORY

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

ANALYSIS

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

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

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

2017

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

PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL

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

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

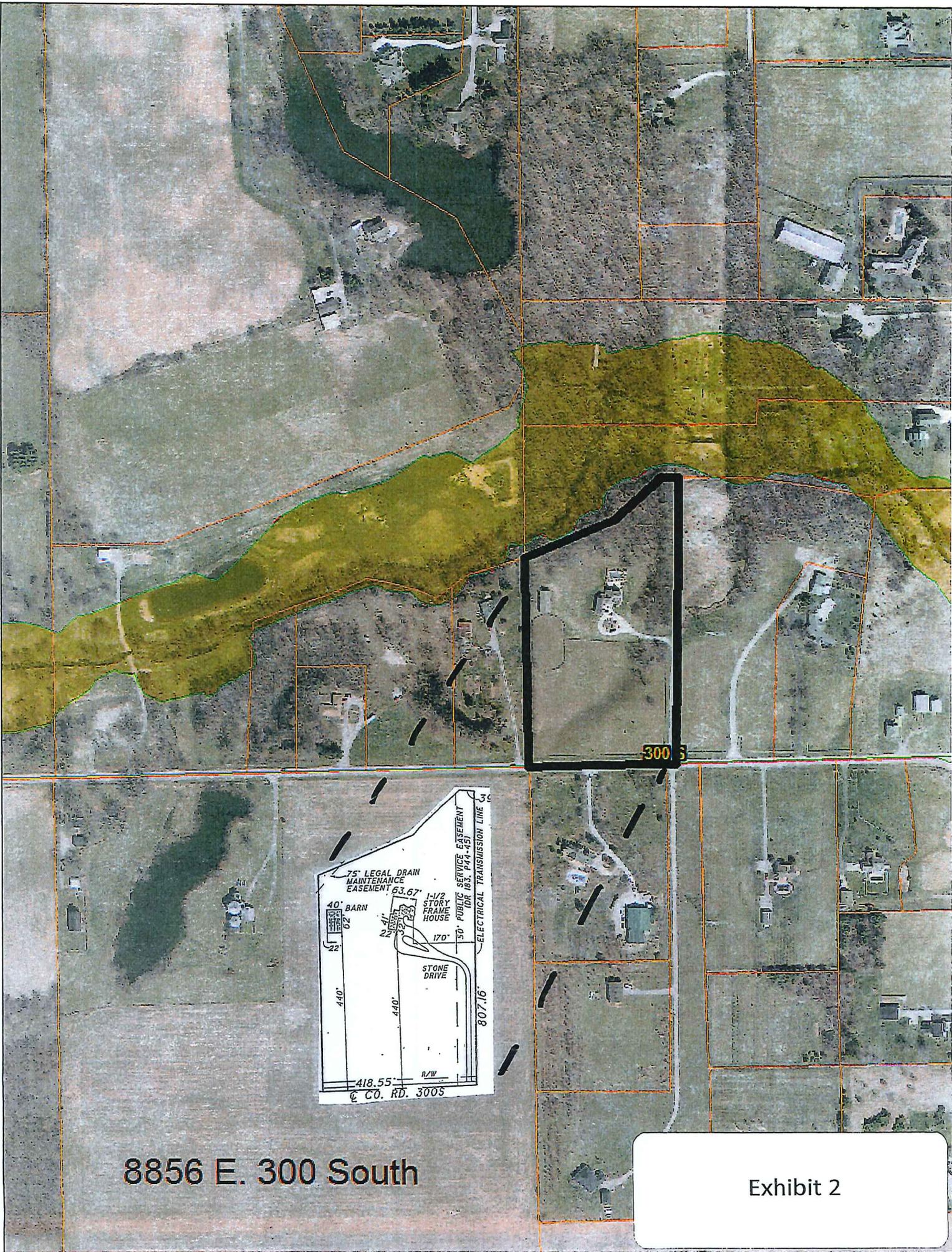
As a part of the filing, the Petitioner has proposed a set of finding of fact (Exhibit 5).

STAFF RECOMMENDATIONS

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

RECOMMENDATION MOTION

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



8856 E. 300 South

Exhibit 2

KEEKER B A R N

8135 EAST 300 SOUTH
ZIONSVILLE, INDIANA 46037

OWNER
SOCIETY OF
SOCIETY OF

ARCHITECT
DAVID RAUJSCH STUDIO
200 W. WASHINGTON ST.
ZIONSVILLE, INDIANA 46037

DATE
2/26/2014

SCALE
AS SHOWN

PRELIMINARY

DAVID RAUJSCH STUDIO

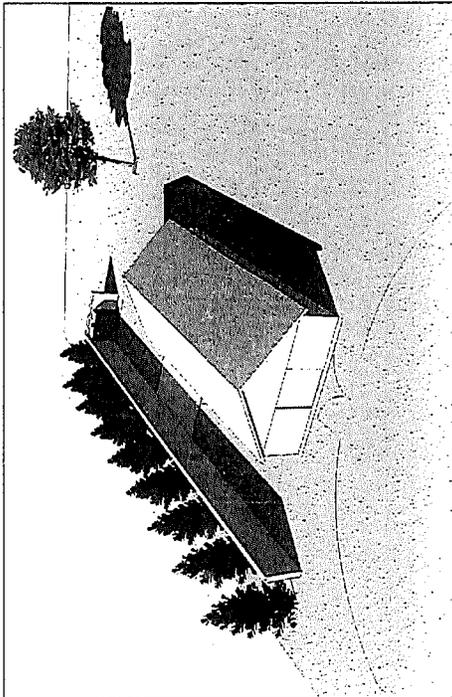
ISSUE DATE: 02-20-14

SITE PLAN
ENLARGEMENT,
VIGNETTE

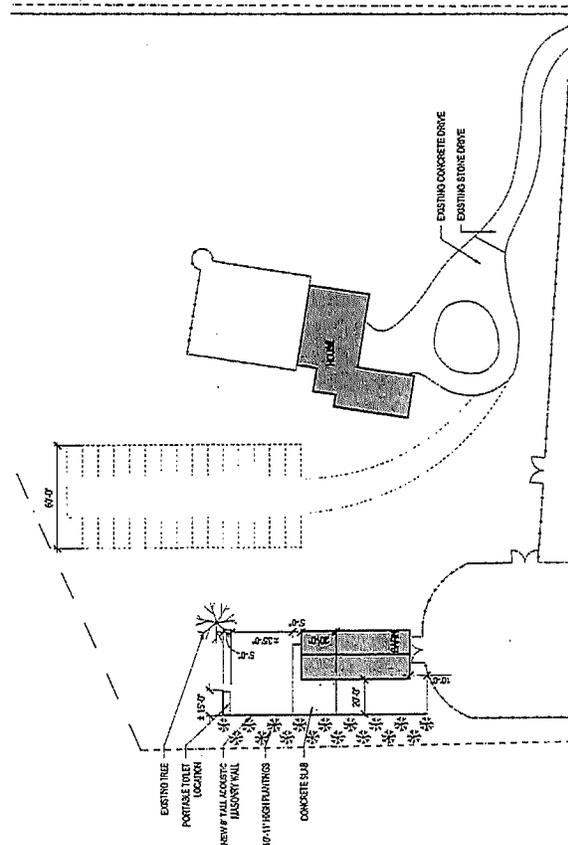
3

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

Approved 2/28/2014



1 VIGNETTE
3 NOT TO SCALE



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

EXHIBIT # B

Exhibit 3

NARRATIVE

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

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

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

Petition No.: 2016-30-04

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals, and general welfare of the community because:

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

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

See Answer to No. 1 above.

3. The need for the variance arises from some condition peculiar to the property involved and the condition **is not** due to the general conditions of the neighborhood because:

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

4. The strict application of the terms of the zoning ordinance **does** constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

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

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

The underlying Zoning Classification is not changed.

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

DECISION

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

Adopted this _____ day of _____, 2017.



Petition Number: 2016-31-DSV

Subject Site Address: 12036 N Michigan Road

Petitioner: Zionsville OMS Partners

Representative: Michael J. Andreoli

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

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

Current Land Use: Residential structures, off street parking facilities

Approximate Acreage: 1.49 Acres (+/-)

Zoning History: Annexed from Eagle 11/14/2005

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

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

PROPERTY HISTORY

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

ANALYSIS

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

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

- Lot Size

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

- Rear Setback / Buffer Yard

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

- Maximum Building Size

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

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

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

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

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

STAFF RECOMMENDATIONS

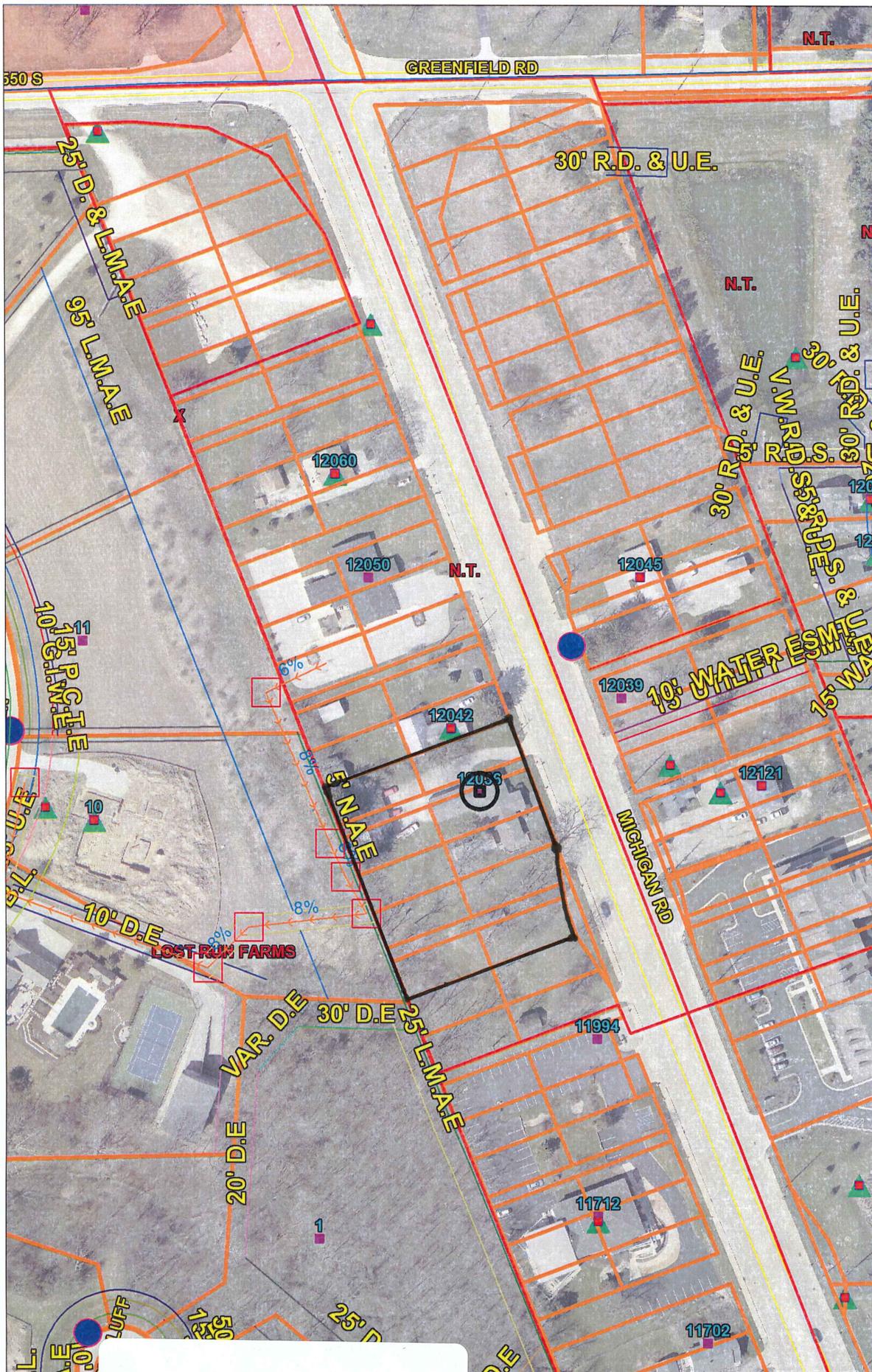
Staff recommends approval of the design standards variance included in Docket #2016-31-DSV (based on the submitted site plan and conceptual elevations), subject to the review and approval of a landscape plan which provide sufficient screening of the rear elevation of the building from the west.

RECOMMENDATION MOTION

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

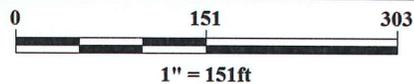
PROCEDURAL NOTE

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



Zionsville Corporate Li	
Feature Name:	
<ul style="list-style-type: none"> Zionsville Rural Serv Zionsville Town Serv 	
Flood Hazard BC 2013	
FLD_ZONE:	
<ul style="list-style-type: none"> AE X 	
BuildingPermits	
Status:	
<ul style="list-style-type: none"> active 	
Sewer Pipes	
Force Main:	
<ul style="list-style-type: none"> no 	
<ul style="list-style-type: none"> Regional Counties Townships Parcels Boone Subdivisions ZFD Structures 	
<ul style="list-style-type: none"> Sewer Manhole ZFD Fire Hydrants Boone County Address 2005 Building Permit 2007 Building Permit 2008 Building Permit 2009 Building Permit 2011 Building Permit Permit 	
<ul style="list-style-type: none"> Regional County Edge of Pavement Storm Pipes ZFD Drives Roads Highways Urban District R 	

Exhibit 2



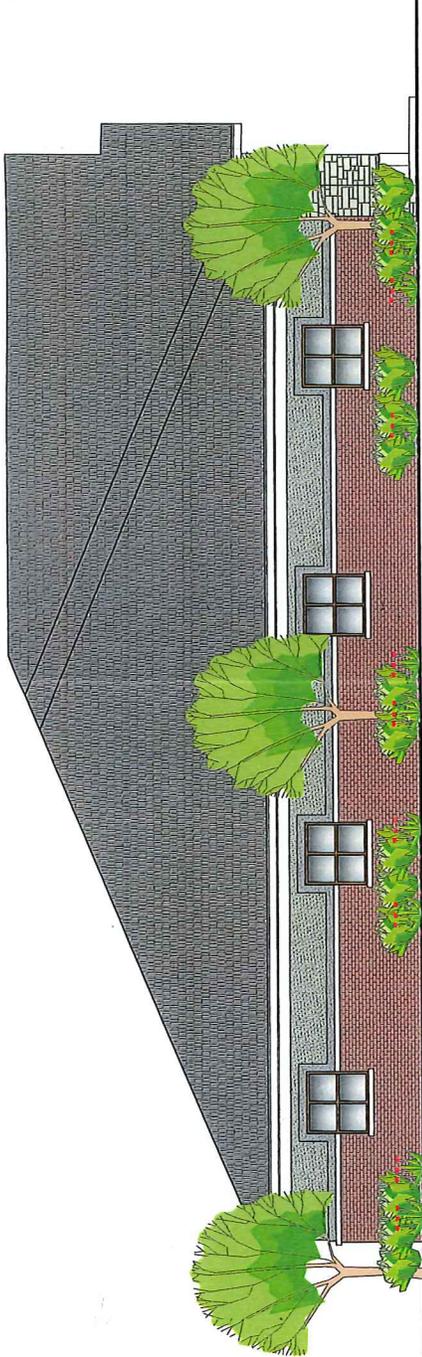
NARRATIVE

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

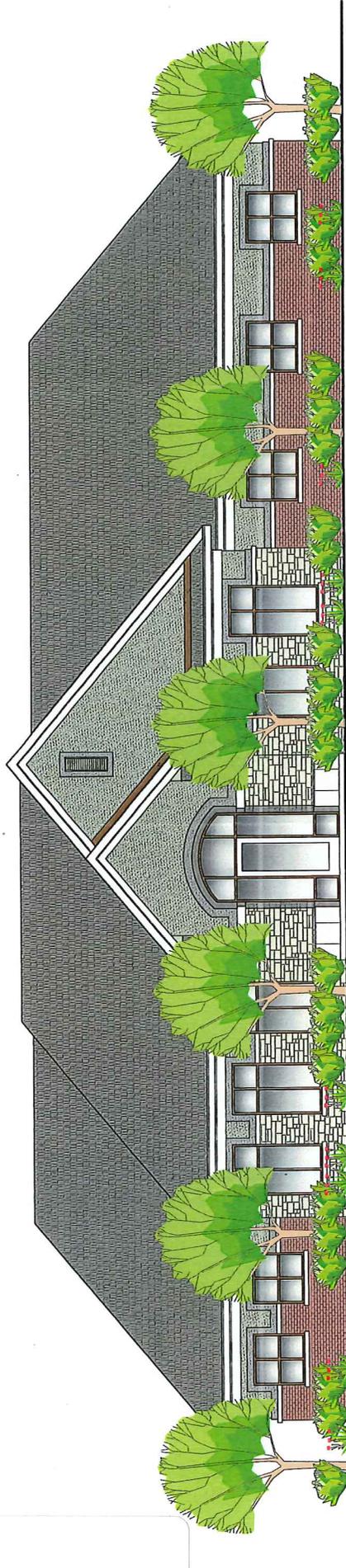
Three Variances are needed:

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

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



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



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

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

SCHEMATIC COLOR ELEVATIONS

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

Petition No. 2016-31-DSV
OMS PARTNERS

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

**PETITION FOR VARIANCE
OF DEVELOPMENT STANDARDS**

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals and general welfare of the community because:

The grant will allow the location of parking to be along Michigan Road and not adjacent to the residential development to the west.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner because:

The quality of the building, lighting and landscaping will be a benefit to the community and those who live in the immediate vicinity.
3. Strict application of the terms of the Zoning Ordinance will not result in unnecessary hardships in the use of the property because:

The proposed location of the building allows parking to be in front of and to the south of the proposed dental office. c

DECISION

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

Adopted this _____ day of _____, 2017.

John Wolff

Gregory Morical

Julia Evinger

Larry Jones

Al Wopshall



Petition Number: 2016-33-DSV

Subject Site Address: 110 N Third Street

Petitioner: Jamie & Cynthia Reynolds

Representative: Jamie & Cynthia Reynolds

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

Current Zoning: R-V Residential Village Zoning District

Current Land Use: Single-family residential

Approximate Acreage: 0.17 acres

Zoning History: None

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

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

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

PROPERTY HISTORY

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

ANALYSIS

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

LOT COVERAGE

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

SETBACKS-FRONT YARD

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

SETBACKS-SIDE YARD

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

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

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

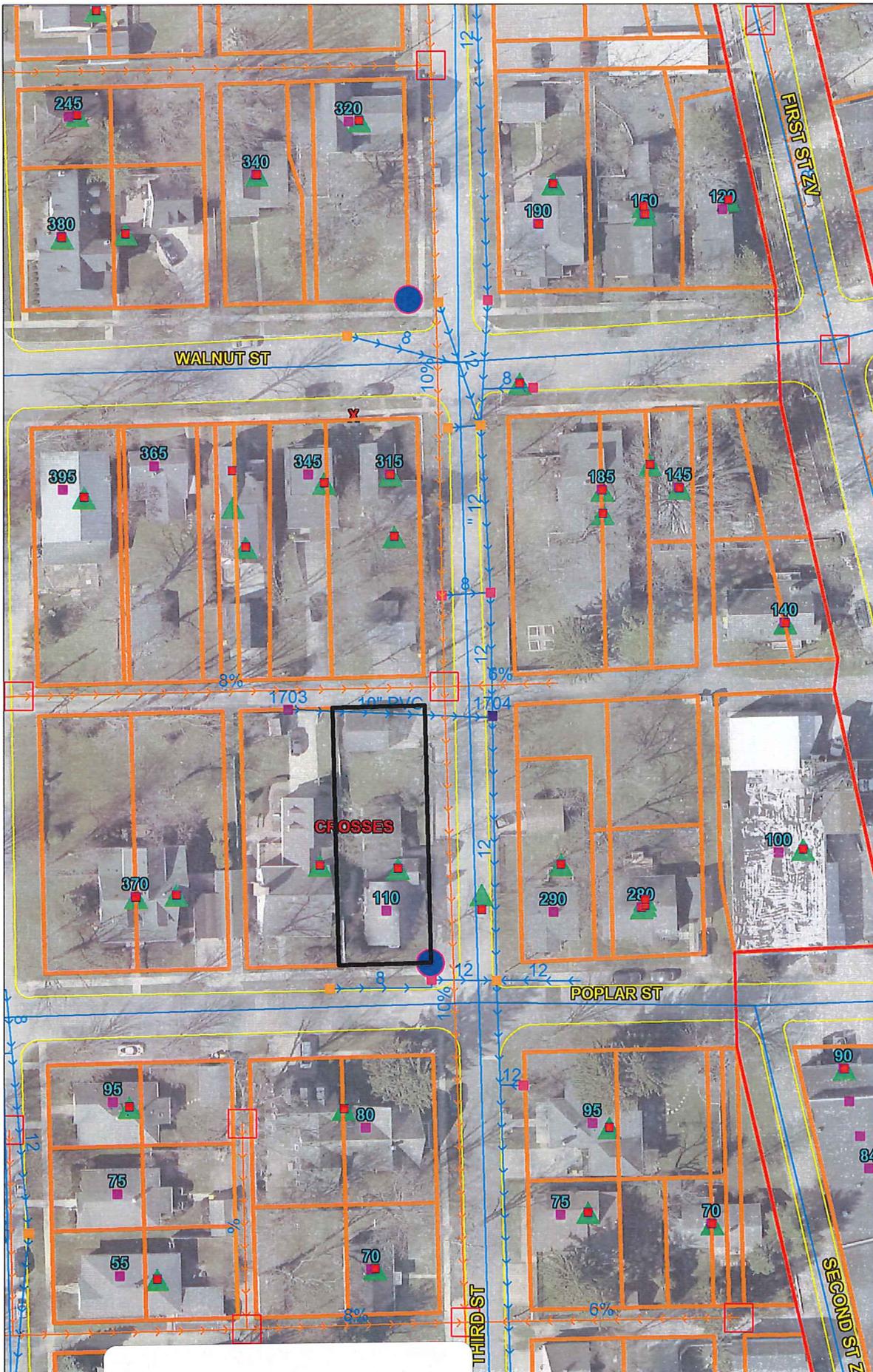
Proposed Findings of Fact are attached for the Board of Zoning Appeal’s consideration.

STAFF RECOMMENDATIONS

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

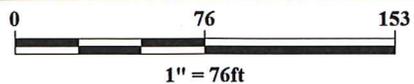
RECOMMENDATION MOTION

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



Zionsville Corporate Li	
Feature Name:	
 Zionsville Rural Serv Zionsville Town Serv	
Flood Hazard BC 2013	
FLD_ZONE:	
 AE X	
BuildingPermits	
Status:	
 active	
Sewer Pipes	
Force Main:	
 no	
 Regional Counties Townships Parcels Boone Subdivisions ZFD Structures	
 Sewer Manhole ZFD Fire Hydrants Boone County Address 1970s Building Permi 1980s Building Permi 1990s Building Permi 2001 Building Permi 2002 Building Permi 2004 Building Permi 2005 Building Permi 2006 Building Permi 2007 Building Permi 2008 Building Permi 2009 Building Permi 2010 Building Permi 2011 Building Permi Permit	
 Regional Count Edge of Paveme Storm Pipes ZFD Structures ZFD Drives Roads Highways Urban District R	

Exhibit 2





BENCHMARK SURVEYING, INC.

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

Property Description:

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

Benchmark Job No. 2-58620
 May 12, 2003

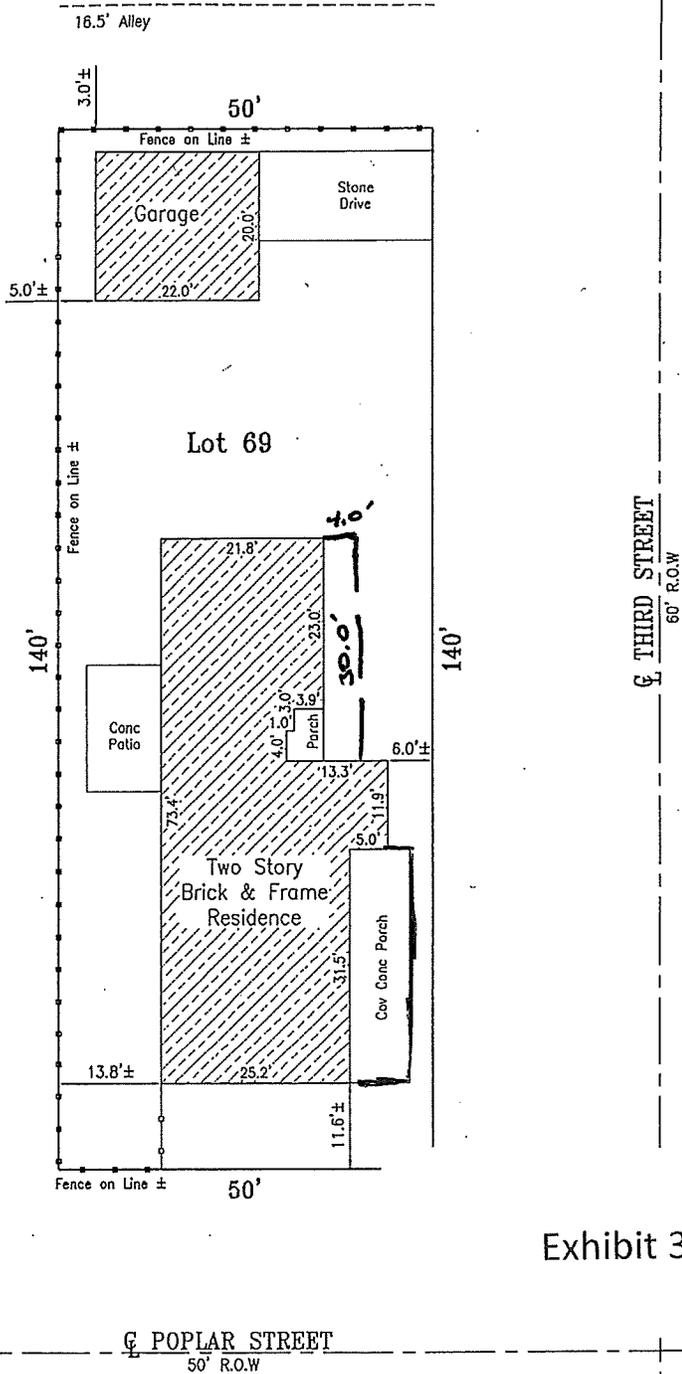


Exhibit 3

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

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

SURVEYOR LOCATION REPORT

LEGEND
 R.O.W. = Right of Way

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

Revise Date:

Drawn by:
 KK

Drawing No.
 2-58620





Exhibit 4



Exhibit 4

Respectfully request two asks for a variance of development standards.

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

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

J. REYNOLDS

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

DECISION

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

Adopted this _____ day of _____, 201__.

**Town of Zionsville
Board of Zoning Appeals
January 10, 2017**

Present: Greg Morical, John Wolff, Julia Evinger, and Larry Jones.

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

- Morical Good evening and welcome to the January 10, 2017, meeting of the Zionsville Board of Zoning Appeals. The first item on our Agenda is the Pledge of Allegiance.
- All Pledge.
- Morical Thank you. The next item on our Agenda is attendance.
- DeLong Mr. Morical?
- Morical Present.
- DeLong Mr. Jones?
- DeLong Mr. Wolff?
- Wolff Present.
- DeLong Ms. Evinger?
- Evinger Present.
- DeLong And for the record, Al Wopshall is still on your list of Board members but is to be replaced here later this month by the Town Council.
- Morical The next item on our Agenda is election of officers. Can we proceed with that?
- Drake You have a quorum.
- Morical Can I vote for myself? That's going to be the question. What do you think, counsel?
- Drake Yes.
- Morical Okay, great. So, we need to elect our officers. We've got three officer roles, Chairman, Vice Chairman, and Secretary. Why don't we start with the Chairman. Does anybody else want the role that I had last year?
- Evinger I think we're satisfied with your—
- Morical Why, thank you. Will you nominate me then?

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- Wolff I would make a motion to nominate Mr. Morical to continue his chairmanship.
- Evinger I would second that motion.
- Morical Thank you. All those in favor please say aye.
- All Aye.
- Morical Any opposed? Great. So, the next position is the Vice Chairman role that Larry is currently in. Would anybody else like that role since he is not here?
- Wolff I would make a motion to nominate Mr. Jones to continue his vice chairmanship on the BZA.
- Morical Excellent. I'll second that. All those in favor please say aye.
- All Aye.
- Morical The next is the secretary role which Wayne has historically enjoyed. Would anybody else like to serve as our secretary? Hearing none, may I have a motion?
- Wolff I would make a motion to allow Wayne to continue as secretary for the BZA.
- Evinger I would second that motion.
- Morical Terrific. All those in favor say aye.
- All Aye.
- Morical Opposed? Motion passes.
- DeLong Thank you.
- Morical No, thank you, Wayne. The next item on our Agenda is continuance requests of which there are none, and we also have no continued business. So, the first item on our Agenda is Docket # 2016-30-UV, R. Keeker. I apologize. One last item. We need to review and approve the December 13, 2016, meeting minutes that were distributed as part of the Board meeting packet. Everyone has had an opportunity to review those.
- Evinger Yes. I make the motion to approve the minutes as presented.
- Morical Great. Thank you. Is there a second?
- Wolff I will second.
- Morical All those in favor please say aye.

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All Aye.

Morical Any opposed? Motion carries. Thank you. Mr. Andreoli, please approach and state your name and address.

Andreoli Mr. President, for the record, my name is Mike Andreoli. I am here representing Randy Keeker. With us tonight is Sarah Cooper, his daughter, who runs the wedding event venue for the building that they are utilizing out on Zionsville Whitestown Road. As an aside, you know, there's nothing like, nothing like being gone from a meeting when the nomination of officers occurs so you can be placed in that position as Mr. Jones was whether he wanted to be or not. That'll teach you not to be gone from the meeting when you have election of officers so you can speak up.

We are here after a three-year period. As you will recall, a little history, we were here three years ago for a use variance for this wedding event venue out on Zionsville Whitestown Road that Mr. Keeker had, owned the building and Sarah, his daughter, ran the operation. You approved it three years ago with a list of commitments, and Mr. Keeker has abided by those commitments. Three of his neighbors, in fact, the three that are immediately adjacent, across the street and adjacent on either side of his property, wrote letters of support for the project. Not only has this been a success for the Keeker family and the Cooper family, but it's been a success for a lot of folks in Zionsville, brides and grooms and their families have utilized this facility close to town. So, it's been a great success for them, and I think it's been a success in a number of other ways. I think this is the first one that the Board approved, hadn't dealt with this previous to their request, and so we thank you for the justification that you placed in us to allow us to try this for three years, to see how it was going to do in the community, to see whether they meet your expectations. We hope that they have. We think one of the successes of this project clearly is that Mr. Keeker and his daughter have worked with the neighbors, addressed any concerns that they have had, and tried to be a really good member of the community, and a really good neighbor to those surrounding the property. Immediately after approval, the fence between his property and the property adjacent went up. That fence has been maintained. We suggest in the commitments that were agreeable to execute that they continue, maintenance of that fence be ongoing. I have gone ahead and redrafted those commitments. Depending on what you do tonight, I can work with Carol with regard to that. But, those commitments, we are not asking that they be modified or waived. Probably the wording would have to be changed a little bit as it relates specifically to the fire approval and those types of things because we've already got approval from the Fire Marshall's office. They have been out and inspected and those types of things so I suspect that to the extent that those commitments will be ongoing there will be a recognition that we will need to stay in compliance with those requirements that the Fire Department has imposed as opposed to get their approval because we've already done that. So, I think those are some little things that I could work with Carol on so that she is comfortable, assuming that the Board would grant approval of this.

One thing that appeared in the Staff Report, and we understand why Mr. DeLong had put it in there. He had suggested, since the Board was inclined to establish a three-year period of time initially, he has suggested that perhaps that might be a five-year, and we generally find a little room to disagree with Mr. DeLong about it. In this particular situation, I would ask that the Board consider perhaps not imposing that particular limitation for several reasons. One, you've already had a three-year operation that's been in existence where Mr. Keeker and Sarah Cooper have proved themselves in terms of how they have operated the business and sensitivity to which they have addressed any concerns of their neighbors. The second thing, in the actual body of the commitments themselves, there's a provision in there that if Mr. Keeker would transfer ownership of the property to anybody else other than his daughter, then the use variance expires or goes by the wayside. So, that is already in there as a protection. Plus, Carol's got her standard Draconian language in there about the other protections that if you happen to have a misstep, and you're not abiding intentionally by these commitments, there's a whole clawback provision that she insists on having in these commitments that is enforceable by the Board that also gives the Board leverage to make sure that this is going to continue to operate in the manner that we have operated under for the last three years. So, we would respectfully request that in this situation, given the fact that we already have a three-year proven track record, and we've got the other safeguards in the actual commitments which we are willing to sign again, modify the last set and sign those commitments. All of the other provisions in the commitments in terms of hours of operation, days of operation, months of operation, in terms of start and stop times, traffic issues, all of those things, we seek no modification of those commitments. They work well. It's worked well for the neighborhood. It was intelligent to put those commitments in there, and insist on those by the Board, and we look forward to continuing to have those commitments. We just think after a three-year period, and the fact that the Keekers have now proven themselves, having another five-year timeline doesn't make a whole lot of sense. There will be investments that will need to be made from time to time in this particular facility.

For instance, Mr. Keeker is opposed to using Porta Potties, bought one of those trailers that you bring in that really have real bathrooms. You know, we understand it's an old barn, and we understand it's not insulated, and so there's limitations on what it can be used for from time to time, still those that would use it would want the normal appropriate types of things, and he found that having Porta Potties out there, even if they are used and then removed, were not sufficient for the people who wanted to use the facility, so he brought in and bought a trailer that literally people can use, and it looks like a bathroom at home. It's very, very nice. It's not anything akin to a Porta Potty, and those are used for these types of events. It's just better all the way around for those that use it, and it's been better for their business. But, there is an investment that was made, not knowing whether after three years, he's got something that he may not use. So, there will be from time to time, other investments that he makes. So, we would respectfully request that the five-year limitation not necessarily be imposed. We will work with whatever you tell us we have to do, but we would respectfully request that you revisit that issue and that that issue not be imposed so we have a five-year limitation. All of the other covenants are fine. Thank you.

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(Mr. Jones joins the meeting.)

- Morical So, Mr. Andreoli, a couple questions for you. First of all, Mr. Jones, thank you for joining the meeting. I have some exciting news for you.
- Andreoli Actually, vice president Jones.
- Jones What? Did I get elected to something in my absence?
- Morical You did. Mr. Andreoli let it out of the bag, but yes, you have. Thank you for joining us. So, we got an email with a remonstrance. Did you get a copy of that?
- Andreoli No, I have not.
- Morical Okay. Can we provide a copy to Mr. Andreoli? Do we have another copy that we could provide to his client?
- Andreoli Okay, these are the same folks that sent a letter the last time. They are, they are well—and I don't have the site plan—but they are well to the east. In fact, they are not on Zionsville Whitestown Road. They exit off the road that goes north from that funky intersection. It goes north. So, they are not—yeah, about a mile away. Excuse me, about a mile away? You want to come up? You have to state your name.
- Cooper Hi, I'm Sarah Cooper, Randy's daughter. Last time, when, if it's the same family, which it is, I went to high school with their son so I'm familiar with where they live. It is more than a mile from where we live. So, they had complained, but we looked up the address, and it was greater than a mile from where we were last time so I think that's how we kind of rebutted against if they were concerned about noise or anything, that the people nearest us don't have a problem hearing us. So, someone greater than a mile away would not have an issue if the people closest to us don't have trouble hearing anything.
- Morical Other than this remonstrance, have they complained to you in the last three years?
- Cooper We've had not one complaint in three years.
- Andreoli And, we're not aware of any from the Town. Wayne could speak better to that than I, but we're not aware of any complaints. I inquired of Randy, as well as Sarah, whether they had actually gotten any neighbor complaints, and they have received none. So, this comes as another surprise. That was the letter they sent the last time, didn't appear, but sent a letter which they are entitled to do, of course, but we've never gotten the first phone call from the Olds regarding—
- Cooper We've never received a phone call from anyone.

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Wolff Have you—I guess, when did we start this, 2014? Have you had any issues with noise and/or security for any of the events?

Andreoli Pardon me?

Wolff Have you had any issues with noise variances being issued, I'm sorry, noise citations being issued or—

Andreoli I don't believe so, but I'll let Sarah speak to that.

Cooper The noise ordinance is 10 o'clock and that's really strictly enforced. That's probably the thing that we take most seriously out of respect for our neighbors, especially the ones that are closest to us. So, everything is completely shut down and over by 10 o'clock, and we've never had one go past that or any complaints about that either. We haven't had any complaints of any kind from anyone that I have received over email. Somebody did inquire once over a holiday if there was fireworks at our property, and I said, "No. No one is even at our property today." It was over July 4. So, once someone might have thought it was us, but it was not even a day we were on the premises.

Andreoli And, as you will recall, there is a commitment in there that provides for events over a certain size, we provide traffic in and out. We've done all of that, even to the extent that the adjacent neighbor has indicated that if there is a confusion as to which driveway to go in, the Keecker family and Cooper family have worked with them to make sure that the temporary signage that is out there is workable signage so that they know that they are not supposed to drive in their driveway. We've gone to that extent working with them to make sure even the most minor concern has been addressed. So, I think they have done about as good a job under the circumstances. And, again, thank you for having the faith in them to allow them to try this venture in the community.

Morical Any other questions?

Evinger Can I just ask one question, and that's regarding, I know you have the deadline or the date set of April 1 through December 1 for events. Typically, over the last three years, how many events have you held each year?

Cooper We only operate April through October. And, I think it goes through November in the variance actually but it's too cold that time of year for us to host events really. So, each year is a bit different. Last year, we had right around 30 events. The bulk of those are taking place when the weather is nice, so May, June, and September and October, but it's only limited to Fridays and Saturdays so it is a fairly small window of time in which we do host events. But, last year was right around 30.

Evinger Well, thank you. It just speaks to again, your ability to work with the community if you had 30 events, and no complaints.

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- Cooper Yeah, so for three years now, about the same number and, like I said, I display my information, you know, on our website and on Facebook so that if anybody ever did have a concern, they could reach me easily. I haven't had anyone reach out.
- Andreoli And we don't propose or suggest to put any pressure on members of the Board, but you're booked through when?
- Cooper We're booking into 2018 at this point in time already. Weddings book really far in advance.
- Andreoli Obviously subject to being able to tell them that we can continue to host those events.
- Evinger Can I just follow up with one more question as well? If you were granted again, either the extension for the variance or if we eliminated a timeline, what is your vision, what is your business plan going forward? Do you plan to increase the number of events? Or, are you planning on making more improvements in the property, not just temporary ones but like actual structural improvements? What is your business plan?
- Cooper Sure. We don't have any—the barn itself was rewired, everything was kind of redone when we first started. So, there's no immediate need for any improvements. It was made ADA compliant and a lot of other things but like, the concrete won't need replaced for a long time. So, we don't have any large improvements immediately but over time, kind of watch market trends and see what's needed and what people are looking for, so we have done some things like build those farmhouse tables that people really like and other things to offer. We purchased new chairs this winter to go inside for the barn, chairs that are more trendy and things like that that people enjoy. I don't ever really anticipate us to do a greater volume because we have raised our prices considerably to do more quality than quantity kind of events at this time, so I would never anticipate us going beyond because we can only host weddings. That was a provision made last time. So, I don't anticipate us to do more than 30-35 at the very most, weddings, but just kind of to maintain our business which is what we really kind of are in that phase now where we work a lot of referrals. A lot of people have been to the venue in the community for a wedding of someone else they know so that's how a lot of people find out about us.
- Evinger Thank you.
- Andreoli And, I think that raises kind of an interesting, interesting point. There have been other approvals that have been given by the Board for event centers that not only just have weddings but other events. This specifically was the first one that I recall that we took in front of you, and they specifically limited it to weddings and wedding events. So, there are no other events that are out there. That was another thing why I suggested perhaps an additional limitation where we have to come back might not be so needed in this situation given the fact that they have limited it to particular events, and they know what they are doing now. We have

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a three-year record. But, again, that's within your good offices, and we'll be happy to accept whatever you decide here tonight.

Morical Mr. Andreoli, the commitments as I've read through them do not provide that the variance that we provided would terminate upon the transfer of real estate.

Andreoli Oh, I thought—

Morical It talks about a requirement that you would notify a subsequent owner, but that was it.

Andreoli Oh, maybe that was it.

Morical It's page 7? It's right here.

Andreoli It's in there.

Morical Okay. There's a later provision that talks about that he's obligated, that the owner is obligated to tell about –

Drake Yes.

Morical Which doesn't make any sense if –

Drake That's boilerplate.

Morical That's boilerplate? Okay, I wanted to make sure you're—

Andreoli No, that was in there. Mr. President, that was put in there specifically because some concerns were raised, I think, by the fact that the neighbors around there knew Mr. Keeker and knew the type of person that he was and this, that and the other, and so, somewhat, they were going on this leap of faith for initial approval based upon who the folks were. And, so, that's why that was put in there, and we anticipate that you will continue to want that regardless of what decision you make here tonight, and we have no problem with that, that same provision.

Morical Okay. Thank you, Mr. Andreoli. Any further questions for the petitioner's representative? Hearing none, are there any remonstrators here tonight? Seeing none, may we have the Staff Report, please?

DeLong Thank you. Ms. Evinger is the lone board member here this evening that was not present during the 2014 initial presentation of the matter. At that time, Staff recommended denial of the petition. Certainly, Staff recognizes the good things that this project has done for the area and the good things it's doing for the community and certainly, the operation is first rate. I've been there myself attending an event. But, at the same time, Staff cannot base its recommendation to you solely upon how the operator is operating the operation. And, that said, the Staff Report is worded such that if you are considering the approval of this matter, to consider a time frame to it. Staff will always recommend a sunset date

for any use variance that you see. It's certainly something that Staff believes is good policy. The character of an area can change. The Board makeup can change. The market can change. I think a couple years ago, we were speaking about other potential event centers that were looking at Zionsville. We are still—we seem to consistently speak to folks that are interested in the same thing that Mr. Keeker and Ms. Cooper are providing to the community. Since that time, I know Emerald Acres is working on their permits. They are located on SR 32. Jackie's Event Center is working on permits, and they are on 421. So, certainly, it's definitely a different market that they will be. We are not here to speak about competition. They definitely have—this operation is definitely unique in location as well as amenities. But, all that said, Staff is not in a position to say to you this evening that we would see this matter be granted for any large length of time or certainly any life estate type of situation. Again, Staff would stand by its recommendation of a five-year sunset, and I would be happy to answer any questions.

Morical Thank you, Wayne. Any questions for Staff?

Evinger Wayne, I appreciate your time commitment, and I believe you're correct as far as our Board goes, as far as zoning appeals. Would it be in the interest of or could they go back to the Plan Commission and see a zoning change potentially for that particular property if they were to look for something that would be more long-term?

DeLong Certainly, that's an option. The change in zoning—speaking of the Board, and I know you all know these things already—changing zoning is a legislative decision which is the Plan Commission and the Town Council. Both the variance process that's in front of you this evening as well as the rezoning process, both utilize the Comprehensive Plan for recommendations. Strict interpretation or strict compliance is something that interferes substantially with the Comprehensive Plan as your test this evening related to a use variance or rezoning is paying reasonable regard to the Comprehensive Plan. It potentially could be more difficult to pursue a rezoning. Certainly, it would maybe be met with stronger opposition by the Town. Certainly, a use variance seems an easier path to pursue.

Morical So, we have in front of us this remonstrator's email which states that this use conflicts with their ability to enjoy their backyard. And, we know our standard which is, among other things, the petitioner needs to show that the use and value of an area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Unfortunately, we don't have the remonstrator here tonight to talk to this. They previously expressed a concern but apparently have not complained at all during the last three-year period, but I think we need to consider that.

Jones Quick question. Is the remonstrator, can we visually see their property on any of the information we have been provided?

Morical Larry, if you look at Exhibit 2, they are that house, right-hand corner.

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- Jones So, on the other side of the flood plain?
- Morical Yes, to the east of the flood plain.
- Evinger There is also a tree line there as well.
- Jones So they don't actually share a road with the property? I'd like just to make a comment about the previous question about rezoning the property. You know, if you would actually seek a rezoning of the property, then, at a certain point, you'd have to comply with all the building codes and everything else related to the approved zoning if the zoning was granted. The benefit of the variance and a variance with a time limit is that it, you know, it creates a situation where the petitioner needs to come back to us every certain period of time. It does not create a situation where we are setting a precedent to allow these kind of commercial uses in areas that are not approved for same. It puts a certain cap on what the existing—what the petitioner will do with the property, and it keeps us from ever being in a situation where somebody would then actually come in and rezone a property, and create a larger scale commercial use like this out in these areas. So, I kind of like the variance procedure with a time limitation in that it gives us checks and balances for what's going on, that is, kind of fair and put out there, and everybody can kind of work under that, that guideline. And, as far as having a remonstrator who is not really technically adjacent to the property and not even sharing the same kind of roads and stuff, it's unfortunate that they are not happy—
- Morical No, I think that's right, Larry. I think the remonstrator is stating an effect, an adverse effect but it's hard to say that it's a substantially adverse effect if they haven't complained over the three-year period and just put in that one email. And, I agree that having a sunset as Wayne articulated is a good idea. Any further discussion amongst the Board?
- Wolff I would echo the statements on the sunset. I think that's a good policy there. And, also, note that there's also the immediate adjacent neighbors provided letters of support for this petition as well. So, the people that are in closer proximity and who have been living with this for the last three years found it to be a reasonable use.
- Morical Good point. I would entertain a motion.
- Wolff May I ask a question about the motion? Do we need to recognize all the previous commitments in the motion or—
- Morical Just that it's going to be subject to new commitments agreed upon between the petitioner and the Town.
- Drake That the new commitments will be consistent with the commitments that were previously recorded but updated appropriately. For example, the fence has been built and the Fire Department has done its initial approval, so, as Mr. Andreoli

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pointed out, we'll include maintenance of the fence but not its construction. We'll include continued adherence with the Fire Department's requirements but not their initial inspection.

Wolff And the comment in the recommended motion of forthcoming commitments, do you feel recognizes that?

Morical That would have to be agreed between the petitioner and the Town.

Wolff Okay, and do we need to recognize, it sounds like, if I, it sounds like maybe we discussed a five-year sunset, we need to recognize that in the motion as well?

Drake Yes.

Wolff What is five years from now?

Andreoli Mr. President, so you know, the original set of commitments had nine subsections under A. The only one that I removed in the new set had to do with the fact that the fence was to be installed—it has already been installed, but again, the maintenance of that language needs to be put in. I'll be willing to work with Carol. We can take the nine that we did before and approve those subject to reality. In other words, we can't say we need to install a fence if we've already done it but we can work through that particular language with regard to that, and that language, as far as we're concerned, can appear verbatim as to the language that we had before tailor making it so that it makes sense for Carol and for somebody that would be reading the commitments.

Morical Thank you, Mr. Andreoli.

Wolff Are you looking for a motion?

Morical Yes.

Wolff I will make a motion. I move that Docket # 2016-30-UV, Use Variance, for the property located at 8556 East 300 South be approved based on the findings in the Staff Report, and approval of forthcoming commitments as presented and described, for a term of five years.

Morical Thank you. Is there a second?

Evinger Second.

Morical All those in favor please say aye.

All Aye.

Morical Any opposed? Motion carries. Thank you very much. The next item on our Agenda is Docket # 2016-31-DSV, Zionsville OMS Partners.

Andreoli

Thank you, Mr. President. For the record, my name is Mike Andreoli. I'm here representing OMS Zionsville Partners. They are a wholly-owned subsidiary of Indiana Oral and Maxillofacial Surgery Associates. They are a dental surgery center. They have offices, a main office in Indianapolis but several branch offices around the Central Indiana area. They seek to locate here in Zionsville. Three of the docs that will be serving that facility, oral surgeons, all live in Zionsville. There will be others there from the group that will come in from time to time, of course, with employees and those types of things. With me tonight is Jim Peck who is a civil engineer on the particular project. His staff made mention that approval will necessarily need to be given by the Plan Commission for development plan approval, and that's true. We have already filed our application. In fact, we've got meetings set tomorrow with the Town Engineer and others in terms of vetting some of the technical aspects with regard to sewer and drainage and those types of things. Also with us tonight is Frank Cosmos. Frank is with a development company that will be actually building the property for the surgical care center. This is a B-1 zoned property. It's in Eagle Village. It is subject to the B-1 zoning classification, and this complies. It's also subject to the Michigan Overlay District and therein is where some of the variances are necessary with regard to the particular project. I think Wayne did a very good job of trying to wade through the Michigan Road Overlay District. That was adopted many, many years ago. I was involved in participating in some of that. In terms of at least providing input, I'm still not exactly sure how we arrived at some of the requirements under the Michigan Overlay District, but Eagle Village area is a particularly problematic area to develop from a commercial standpoint in particular, on the west side of the road because the properties are not very deep, so the thought was that one is going to have to develop on a lineal footage basis. You're going to have to cobble properties together or get enough properties together to develop on a lineal basis because you don't have a lot of room in the back. That provides hardship and difficulties in terms of trying to locate properties and sit them on that site. Over a period of years, we've had a number of smaller properties that have been developed and some that have been developed there for years and years and years, but we haven't had much new construction over on that side of Eagle Village and this, to my knowledge, may be one of the first ones that we have over on that particular side. The site is 1.49 acres. Under the Michigan Overlay, they require 2-acre lot minimum; we have 1.49, so we would need a variance with regard to that. In addition, the building size in terms of the size of the building shows 3500 square feet. We have a 7000 square foot building which will be more than accessible and situated well on a 1.49 acre site. This property was originally around 2 acres, and then the state highway came in and acquired right-of-way for 421 when they did their improvements. So, it's down to 1.49 acreage. Wayne had mentioned in the Staff Report something that this left the property owner with a little bit of land left and how was that going to be dealt with. In essence, we didn't do a particularly good job of articulating that for Wayne in terms of how much was actually left after the road right-of-way. The 1.49 acres is the property description. I sent that to Wayne today to make sure he was clear about that. There is no more ground that we are acquiring from this family. We are buying all that they have which is 1.49.

The actual—this will be used for essentially professional offices which are approved uses in the Michigan Overlay District as well as the B-1 District. The advantage that we have with regard to this particular property is that the intensity of the use will not be as intense as maybe a general business location or something along that line. And, that was done, I think, in the Michigan Overlay intentionally. They didn't want a lot of extremely intense businesses, perhaps like a drive-through restaurant or anything of that nature in that Michigan Overlay District. And, I think the Plan Commission may have dealt with some of those issues with regard to the property up at 300 North with regard to the gas station and some of those things. So, there are some restrictions in that district. But, the three variances that we are requesting tonight, we don't think cause any disservice to the Michigan Overlay District or good development standards. This will be a well thought out, well laid out building. Architecturally, we've got those issues to deal with the Town, but I think initially with what the Town sees, it's a nicely done building, and will be appropriately managed by this surgical care group.

As to the rear yard setback, may I approach?

Morical Being mindful that without being at the microphone, we won't be able to pick up.

Andreoli The setback that I have got on the building. This is west. This is Lost Run Farm. I did that development with Mr. Summe and at the time, they knew that the Eagle Village area was going to develop in some commercial fashion. So, he put a huge mound and buffer yard back here that protects those homes back there in anticipation of that. I think Wayne alluded to that in the Staff Report. Here is the 50-foot area of setback that is required. The dotted black line is the 30-foot that we're asking for. And, as you'll note, the building is not sitting actually on the setback line at this particular point in time. And, we've done that because we don't know what wiggle room we're going to need in terms of whether we will need a sidewalk back there when we go through technical advisory committee and development plan approval for that, so we left a little wiggle room so we can move that back to that particular line. But, we know that we are going to be able to site this so we don't get any closer to the back property line than 30 feet. The other thing it allows us to do, and I think from a good development standpoint is we want to put the parking up front along Michigan Road and to the side. We don't want any real use in the back given the fact that we've got those substantial barriers to Lost Run Farm. So, we don't anticipate any use in the back area at all for any reason, and that's why if we move the property to the back, we can have all the other use of the property in terms of parking situated along 421. That's probably where it should be anyway, but in order for us to accommodate all of that, we have to move the building back a little farther than the 50-foot setback. So, that's essentially our hardship and why we need that given the fact that these lots are not very deep. They are fairly thin in terms of being able to be able to work with them, so you have to develop as much this way as you do this way which is kind of unusual.

I think the Staff Report alluded that you've got other buildings in the immediate area of the same size with some larger. Of course, right across the street you have

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the retirement center which is a large structure, multifamily structure. So, we think this will be a good addition for the types of transition that ought to occur in Eagle Village. We think it's a modest development in that particular area, well-suited to the area, well-suited to the kinds of homes that you have in the back and architecturally, we think it will work, but we are going to have more information on that as we go through the development process.

Morical Thank you, Mr. Andreoli. Any questions for the petitioner's representative?

Wolff In the documentation we were provided, I saw an east and—I saw two elevations or proposed elevations for the building. I guess, a south and an east elevation. Is it safe to assume that the west, the one that's going to face Lost Run Farm would be of similar materials, brick and stone?

Andreoli Yes, yes. And, I noticed that when the architectural rendering came in, it didn't have the back but we anticipate, but I've talked with Jim about that. Excuse me, we're not going to treat the back any differently than we treat the sides. We have brick veneer and we have Hardiplank and whatever we use, that will wrap entirely around the building and not have lesser materials on the back than we do on either the north side or the south side.

Evinger Just a quick question, too, regarding the plantings that you're showing on the plat that we have in front of us. Are these existing trees then that you are intending to keep?

Andreoli I'm sorry?

Evinger Are the trees shown here the existing trees that you are intending to keep?

Andreoli We have proposed a number of general trees but I think we're going to be told that we need to bulk that up and have a little bit more of a landscape plan for the site. I anticipate we're going to hear that when we meet with Staff tomorrow. We don't, we're not, we filed it but we have more to submit at the present time. It's really not ripe for a lot of staff work at this point because we have a lot of preliminary work done on it but not any final work. Of course, this is the first step but the trees that we are proposing. There will be a landscape plan that the Staff will insist that we will have to meet as it relates to the development plan approval.

Evinger Thank you.

Jones South of this property there's two lots between that and then, I'll call it the marketing company who's got the developed building. Who owns those two lots?

Andreoli I'm sorry?

Jones To the south of the property, there appear to be two lots between that and the parking lot. Are those part of the—I can't think of the name of the marketing

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company—Miller Brooks, who has that property to the south. Is that all their—is that all one contingent ownership?

Andreoli Yes, I think it's St. Clair property. That's who owns it. We haven't talked with them about any buffering requirements or that yet but—

Jones I'm just more—the plan we have shows multiple lots all up and down Michigan. So, my question is, does Miller Brooks own from the southern end of their parking lot all the way up and abutting this property?

Andreoli Yes. I don't think there's anything in between.

Jones And this is currently, it's mostly, it's currently a residence, correct?

Andreoli Yes, as such.

Jones It's the residence farther south that is the State Farm office?

Andreoli Yes. So, I think it's—although I did not mention it—I think it's fair to assume and appropriate with regard to Mr. Jones' questions that that residence will come down. And, the new structure will go up obviously.

Morical Thank you. Any further questions for the petitioner's representative? Thank you. Are there any remonstrators here tonight? Seeing none, may we have the Staff Report, please?

DeLong Thank you. This area of Zionsville, Eagle Village, has had a fair amount of protection and interest by the Town in its zoning ordinance and, certainly, the level of development that has occurred in this area has been rather reduced. In the same breath, the Town has changed, I would say dramatically, since Eagle Village was founded and other things the Town has been busy with and involved with. That said, the standards that are within this particular area, much like the conversations we had, I think maybe last month when we were talking about the IORT zoning, are somewhat outdated. So, this terminology and the concerns and ultimate drive to turn Eagle Village into a parallel area to the brick street which was the original vision may be a bit over-reaching given the amount of traffic that 421 does see. However, there are good aspects and good reasons for the overlay, but some of the standards, in the mind of Staff, can be modified somewhat. That's why we speak to reaching what we believe is the intent of the ordinance while still providing for some level of intensification of this particular parcel. The building cap of 3500 square feet and setbacks and the other standards really impact, you know, the ability to, to develop this property and have it perform and contribute to the community. The lot size is sort of an issue that was created by other parties. Certainly, at one point, the property did comply. The rear yard setback, the buffering, a good buffer would be provided by the accommodations that have been made on both sides of the property line if you will and the maximum building size with properties in this area that exceed the standard. It's very hard for Staff to bring a presentation that would argue for the

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3500 square foot cap. With all those thoughts in mind, Staff is recommending approval of the petition as filed. I would be happy to answer any questions.

Morical Thank you, Wayne. Any questions for Staff? Hearing none, any discussion amongst the Board? I would entertain a motion.

Evinger I move that Docket # 2016-31-DSV Design Standards Variance to provide for the construction of a 7000 square foot building—do I need to add an address here -- at 12036 North Michigan Road, enjoying a reduction of the minimum lot size, a reduction of the rear buffer yard setback, and an increase of the percentage of maximum office space area in the B-1 Neighborhood Business and Michigan Road Overlay Zoning District for the property—I've already given the address, I'm sorry—be approved as filed, based on the findings of fact, and as presented.

Morical Thank you. Is there a second?

Jones Second.

Morical All those in favor, please say aye.

All Aye. Any opposed? Motion carries. Thank you. The next item on our Agenda is Docket 2016-33-DSV, J. Reynolds. Please approach and state your name and address for the record.

Reynolds Hello. My name is Jamie Reynolds. I live at 110 North 3rd Street in Zionsville.

Morical Thank you. Please give us a brief overview of what it is you're asking for tonight.

Reynolds Okay. My wife, Cindy, and I are requesting a variance in the setback and the lot coverage. The home's construction was started in 1868 by a Civil War veteran and brick mason John Bragg who built the original house, one of the only houses that's brick on the outside and brick on the inside. He also built the original Lebanon Courthouse with his brother. Around the 1970s, a garage was built and attached to the house. It was later converted to living space. Just before my wife and I purchased the home in August 2015, the roof over the living space was redone by the previous owner and a ridge vent was added to that roof. The shallowness of the roof allowed for water intrusion into that garage-converted living space and caused a lot of rot into that area. Now, it is not occupiable. We've got half of our home that is not—we cannot use it. So, what we have done, we have gotten in touch with an architect and a builder, Youngs Construction and Todd Rottmann, engineering-architecture to look at what can be done. They have come out to the house, taken a look, and they have informed us, because of the age of the home and where it was originally built, literally just feet from the sidewalk and feet from the property line, approximately four feet from the property line, that any change to this would require a variance. So, before they were going to agree on doing any type of reconstruction, that we would need the variance.

What we are looking to do is take out the original—leave the original brick home completely intact and take out the additional garage, take it completely out including the slab that was put there and rebuild in keeping with the vernacular style of the original, not to put any more brick on the home because we cannot match the brick. So, the best look that we've come up with the architect was to do a Hardiplank siding and either a two-type board and batten and more Craftsman style look to give us the look of still the vernacular home but with the original brick on the one side and then a more board and batten style on the other side. This will also increase the square footage of the home. We would add a master bedroom and master bath upstairs and a second bath and bedroom upstairs which would be more modern to what's up there, what we have right now, and downstairs would be a new kitchen and family room. We would be converting the existing kitchen into another bedroom. So, it would make for a true four bedroom, four bath home.

Morical Thank you, Mr. Reynolds. Any questions for the petitioner?

Evinger Just looking at the design that was provided to us . . .

Reynolds I'm sorry for that.

Evinger That's okay. It's fine. Just a quick question for you though. If you're having a master bedroom and bathroom upstairs, is this true for the roofline or would you be adding dormers or something else to allow light?

Reynolds So, on the forward side that you're looking at, you would see the original roofline that would keep with the forward look. On the back side, there would, that portion of the new addition would step out to a dormer but the original portion of the home would still have its original roof peak. So, what you're seeing would be a true representation of the front view and then the back view would step out with what we see very reasonably with what we see in the Village.

Morical Any further questions? Any remonstrators here tonight? Seeing none, Wayne may we have the Staff Report, please?

DeLong Thank you. Staff is supportive of the petition as filed. The requests that are in front of you this evening are primarily driven by the property's existing setbacks established by its existing improvements. The lot coverage request is modest from what Staff sees, and certainly is a percentage that is enjoyed by other properties within the area. Again, Staff is recommending approval of the petition as filed. I would be happy to answer any questions.

Morical Thank you, Wayne. Any questions for Staff? Any discussion amongst the Board? Hearing none, I would entertain a motion.

Wolff I'll make a motion. I move that Docket # 2016-33-DSV Design Standards Variance to provide for an addition to a single family dwelling to 1) exceed the required lot coverage, allowing for 37% lot coverage, and 2) to deviate from the required side yard setbacks, both minimums and aggregate, all as illustrated on

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the site plan attached to the staff report within the R-V Residential Village Zoning District for the property located at 110 North 3rd Street be approved as filed, based on the findings of fact, and as present.

Morical Thank you. Is there a second?

Evinger Second

Morical All those in favor please say aye.

All Aye.

Morical Any opposed? Motion carries. Thank you, Mr. Reynolds. Have a good night. Good luck with your project. This adjourns the meeting.