



MEETING RESULTS - ZIONSVILLE BOARD OF ZONING APPEALS
SEPTEMBER 2, 2020, 6:30 p.m. (Local Time)

MEETING WAS FACILITATED BY REMOTE ATTENDANCE
NO IN-PERSON PARTICIPATION BY THE BOARD OF ZONING APPEALS OR THE PUBLIC OCCURED

The following items were scheduled for consideration:

I. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-19-UV	F. Knez	3850 E Whitestown Parkway	Approved with Conditions as presented & filed w/exhibits & per staff report – 4 in Favor, 0 Opposed Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1). The pediatric therapy services would be provided within the existing structure.

II. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-14-DSV	LRC II, LLC	7655 E 550 South	Continued by the Board to the October 7, 2020 Meeting – 4 in Favor, 0 Opposed Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single Family Residential Zoning District.

2020-23-DSV	R. Evans	965 W Pine Street	<p>Approved as presented & filed w/exhibits & per staff report – 4 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which:</p> <p>1) Deviates from the required side yard setback; in the Urban Residential Village Zoning District (R-V).</p>
2020-24-DSV	J. Marshall	6475 S 275 East	<p>Approved as presented & filed w/exhibits & per staff report – 4 in Favor, 0 Opposed</p> <p>Petition for Development Standards variance in order to provide for the construction of a detached barn which:</p> <p>1) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).</p>
2020-25-UV	Innovative Partners LLC	6300 Technology Center Drive	<p>Approved as amended w/exhibits & per staff report – 4 in Favor, 0 Opposed</p> <p>Petition for a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.</p>

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



**Town of Zionsville
1100 West Oak Street, Zionsville, IN 46077**

TRANSMITTAL

TO: Town of Zionsville Board of Zoning Appeals
FROM: Wayne DeLong Director of Planning and Economic Development
RE: Materials for consideration: September 2, 2020

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. Petition #2020-19-UF K. Knez – Letters of Interest
3. Petition #2020-23-DSV R. Evans – Letters of Interest
4. Petition #2020-24-DSV J. Marshall – Letters of Interest
5. Petition #2020-25-UV Innovative Partners, LLC – Letters of Interest
6. Staff Reports and Packets for your consideration

NOTE:

- **August 5, 2020 Draft Meeting Minutes have not been included in packet.**
- **Staff received additional information for the #2020-14-DSV LRC II, LLC petition on the afternoon of August 28, 2020. Therefore, the staff report was written prior to the receiving this information.**



MEETING NOTICE & AGENDA

ZIONSVILLE BOARD OF ZONING APPEALS SEPTEMBER 2, 2020, 6:30 p.m. (Local Time)

MEETING WILL FACILITATE REMOTE ATTENDANCE

Members of the public shall have the right to attend BZA Public Meetings via the following forms of electronic communication:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87918847883>

Or iPhone one-tap :

US: +13126266799,,87918847883# or +16465588656,,87918847883#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

Webinar ID: 879 1884 7883

International numbers available: <https://us02web.zoom.us/j/87918847883>

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

69.174.57.160 (Canada)

207.226.132.110 (Japan)

Meeting ID: 879 1884 7883

SIP: 87918847883@zoomcrc.com

Members of the public shall have the option of recording their attendance at BZA Public Meetings via electronic roll call at the start of the meeting or via e-mail at wdelong@zionsville-in.gov.

August 26, 2020

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the August 5, 2020 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-19-UV	F. Knez	3850 E Whitestown Parkway	Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1). The pediatric therapy services would be provided within the existing structure.

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
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2020-23-DSV	R. Evans	965 W Pine Street	Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which: 1) Deviates from the required side yard setback; in the Urban Residential Village Zoning District (R-V).
2020-24-DSV	J. Marshall	6475 S 275 East	Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).
2020-25-UV	Innovative Partners LLC	6300 Technology Center Drive	Petition for a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned Findings of Fact

If you need technical assistance in logging into Zoom for this meeting, please contact Chrissy Koenig, ckoenig@zionsville-in.gov, or 317-995-4471.

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

If a member of the public would like to attend a Board of Zoning Appeals Public Meeting but cannot utilize any of the access methods described above, please contact Chrissy Koenig at 317-995-4471 or ckoenig@zionsville-in.gov.

Respectfully Submitted:

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

Name: Larry and Margaret Martin
Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow K1ds Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Larry and Margaret Martin



9-18-2020

Date

Name: Dana Sparks

Address: 3870 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,


Dana Sparks

8/19/2020
Date

317-443-9686

barretracingfool@hotmail.com

Name: Anthony and Lynn Connan
Address: 6556 S SR 267, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Anthony & Lynn Connan

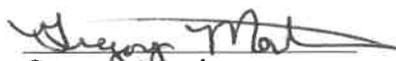
8-19-20
Date

Name: Gregory Martin

Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,


Gregory Martin

Aug 19, 2020
Date

#2020-23-DSV
 R. EVANS

Petition to the Board of Zoning Appeals

SITE INFORMATION:

Address of Property:	965 W. Pine Street, Zionsville, IN 46077
Existing Use of Property:	Primary Residence
Proposed Use of Property:	Enhanced usage of our side/back yard
Current Zoning:	Residential

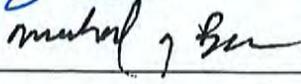
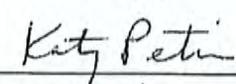
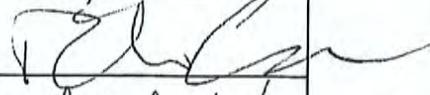
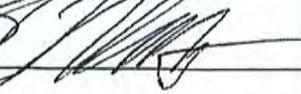
PETITIONER/PROPERTY OWNER:

Petitioner Name:	Ryan Evans
Petitioner Phone Number:	(602) 460-4865
Petitioner E-Mail Address:	ryan.evans@iea.net

DETAILED DESCRIPTION OF REQUEST

We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and also add a little more privacy to our yard.

If you are in favor of this request, please sign the petition below:

Name	Address	Signature
TIM NOVAK	20 S 2nd St	
Brian Hummer	3151 Huddersfield Ln.	
Ryan Scott	8825 Sugar Cane Ct.	
Mike Beckner	6120 Stonegate Run	
Katy Petrin	980 W. Pine St.	
Rick Collins	930 W. PINE ST	
Janet Musick-Johnson	960 W. Pine St.	
STEPHEN WAPSTON	945 W. PINE ST	

#2020-23-DSV
R. EVANS

Chrissy Koenig

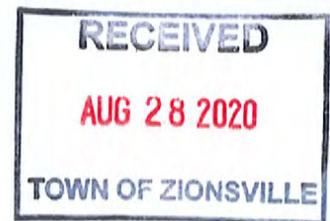
From: Thomas W Sullivan <twullivan53@gmail.com>
Sent: Friday, August 21, 2020 4:08 PM
To: Evans, Ryan
Subject: New brick wall

Ryan & Molly,

Just got your letter. Your wall will look great and welcome to the neighborhood!

Tom and Marcy Sullivan
317-502-5365

Sent from my iPhone



#2020-23-DSY
R. EVANS

Chrissy Koenig

From: Tammy Hahn <donhahn@earthlink.net>
Sent: Friday, August 28, 2020 11:57 AM
To: Chrissy Koenig
Subject: Fwd: Mail delivery failed: returning message to sender

From: Tammy Hahn <donhahn@earthlink.net>
Subject: Zoning variance 965 West Pine Street
Date: August 28, 2020 at 11:51:27 AM EDT
To: ckoenig@zionsville-in.org

To whom it concerns:

Donald R Hahn 575 West Pine Street and
Tammy D Hahn 575 West Pine Street

Believe that the town of Zionsville should approve a variance for the requested improvement to the side yard at 965 West Pine Street, Docket # 2020-23

This is the type of small improvement that seems to really be appropriate and will add privacy and function to the current homeowners and those who invest in the home in the future.

Thank you for your consideration.

Thank you Christy for letting us know how to comment! Have a great weekend!



#2020-24-DSV
J. MARSHALL

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

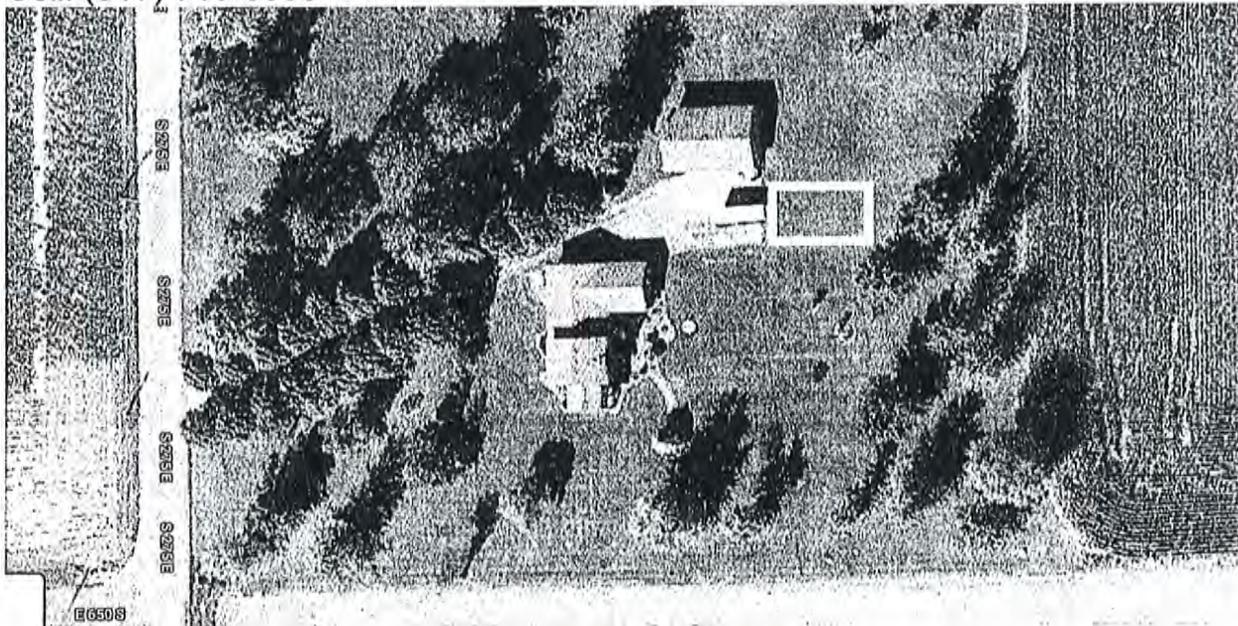
We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

The attached photo helps identify where the barn will sit and should have no impact on neighboring properties.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: Andrew Apers
Address: 9775 E 700 W / Brownsburg IN 46112
Phone: 317-714-6865
Approval: Andrew Apers

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

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Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: Shawn & Jordan Duckerson

Address: 6325 S. 275 E. Lebanon IN 46052

Phone: (317) 379-6601

Approval: Yes! Shawn Duckerson

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

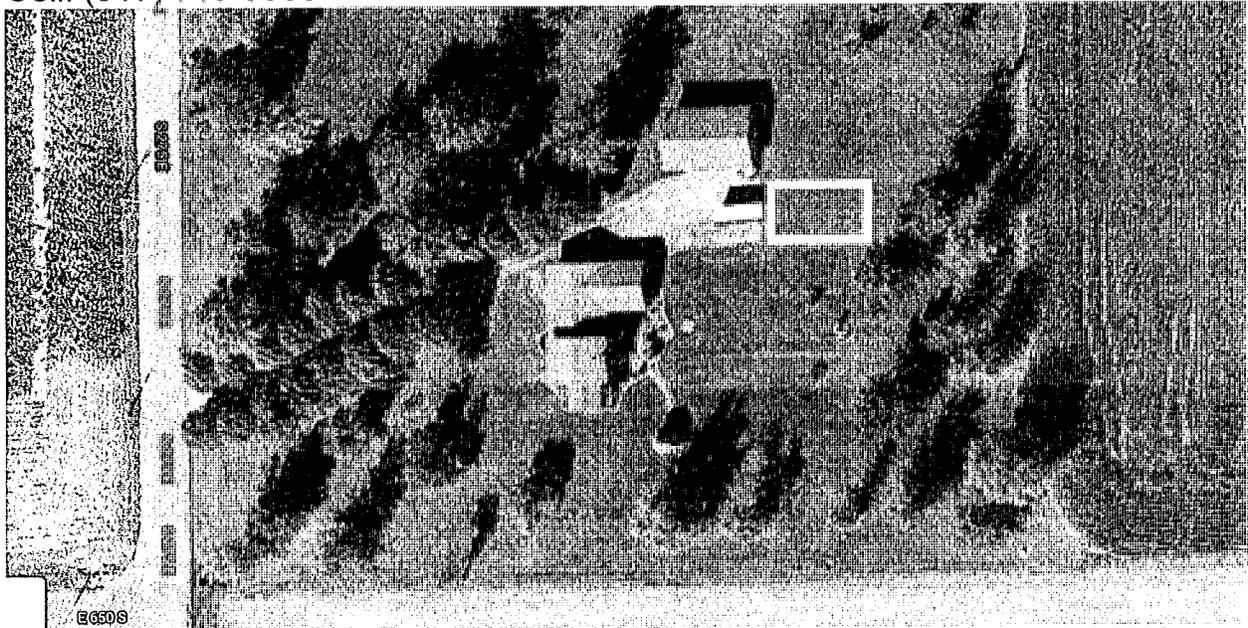
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Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: Daniel R Taylor

Address: 6775 S 300 E Lebanon

Phone: 317-374-7589

Approval: _____

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

The attached photo helps identify where the barn will sit and should have no impact on neighboring properties.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888

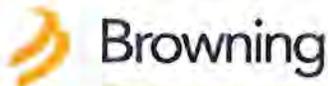


Names: David Hen

Address: 2525E 5505 Lebanon, TN 46052

Phone: 317-714-3038

Approval: _____



Mark D. Amos
Property Manager
6100 West 96th Street, Suite 150
Indianapolis, IN 46278
Office (317) 344-7332
Cell (317) 590-3916
browninginvestments.com

August 20, 2020

Zionsville Board of Zoning Appeals
c/o Zionsville Town Hall
1100 West Oak Street
Zionsville, IN 46077

VIA U.S. MAIL

Re: Proposed Petition for Use Variance - Docket #2020-25-UV

Dear Board of Zoning Appeals Members:

On behalf of Browning Investments, the developer and declarant of Northwest Technology Center, I am providing to you this letter of support for Innovative Partners, LLC's Petition for a Use Variance to allow for an ambulatory surgery center in our Center which is zoned Industrial One Rural Zoning District (I-1). This Petition is before you under Docket # 2020-25-UV.

The property involved in this Petition is commonly known as 6300 Technology Center Drive, Indianapolis, IN 46278, and is located within Browning's Northwest Technology Center.

I ask for your favorable vote on this Petition at your Wednesday, September 2, 2020 Board of Zoning Appeals Public Hearing.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Amos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark D. Amos
Property Manager



Petition Number: 2020-19-UV

Subject Site Address: 3850 E. Whitestown Parkway

Project Name: K1ds Count Therapy

Petitioner: Frank Knez, Knez Properties, LLC

Request: Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1). The pediatric therapy services would be provided within the existing structure.

Current Land Use: Religious institution

Approximate Acreage: 12.65± acres

Zoning History: No previous filings for Board of Zoning Appeals or Plan Commission.

Exhibits:
Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Comprehensive Plan Amendment Land Use Map
Exhibit 4 – Zoning Map
Exhibit 5 – Petitioner’s Letter/Narrative of Proposed Improvements
Exhibit 6 – Petitioner’s Proposed Findings of Fact
Exhibit 7 – Petitioner’s response letter to issues expressed at the August 5, 2020, BZA Hearing (*New Materials*)
Exhibit 8 – Projected Traffic Counts (*New Materials*)
Exhibit 9 – Letters of Support from abutting property owners (*New Materials*)

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition received a public hearing at the August 5, 2020, Meeting of the Board of Zoning Appeals, but the Board continued the Petition to the September 2, 2020, Meeting and asked the Petitioner to provide additional information regarding anticipated traffic counts, light mitigation measures, and to speak with neighbors to understand their concerns. No other petitions for this project have been filed at this time, but should the Use Variance be granted and exterior building renovations be proposed by the Petitioner (not contemplated at this time), approval of a Development Plan would be required from the Plan Commission.

SITE LOCATION, ZONING AND PROJECT DESCRIPTION

The 12.654± acre subject site is classified as Rural and is zoned Residential One Rural Zoning District (R-1). The site is comprised of four lots on the north side of Whitestown Parkway and on the east side of State Road 267 (see Exhibit 2). The subject site has been improved with a primary building of approximately 6,150 square feet and related parking areas. There are also two small outbuildings on the site. The primary building has been used as a church and was constructed prior to the subject site and surrounding portions of Perry and Worth Townships being brought into Zionsville's Zoning jurisdiction. Vehicular access onto the site is from a single access point on Whitestown Parkway. The subject site is owned by the South Boone Church of Christ, Inc. The subject site is bordered (see Exhibit 4):

- on the north by a farmed field with a residence and related barns (zoned R1) having frontage on SR 267;
- to the east, the subject site is bordered by a residential use (zoned R1) having frontage on Whitestown Parkway;
- to the south is farmed field (zoned R1);
- and to the west is a residence and a farmed field (both zoned AG).

The Petitioner proposes to purchase the subject site from the existing owner and convert the use of the building and site into a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy. The hours of operation would be from 8:00 am to 6:00 pm. The Petitioner anticipates serving 25 children with autism and approximately 100-150 children for 1 hour per week for sessions related to speech, occupational or physical therapy. The Petitioner anticipates the creation of 30-35 new jobs (see Exhibit 5).

ANALYSIS

Based upon the description of proposed uses from the Petitioner, Staff determined that the use is best described as a Medical Office use which is identified within the Zionsville Zoning Ordinance Table of Authorized Uses (Table 2). While this use is identified, a specific definition of the term Medical Office Use is not provided.

Medical Office use is not a permitted use at the proposed R1-zoned location. The use of Medical Office is permitted by right in the following Rural zoning districts: LB, GB, UB, PB.

In evaluating the appropriateness of the proposed use at the subject location, the existing surrounding uses and the Town's Comprehensive Plan must be considered. The 2014 Comprehensive Plan Amendment's Land Use Map identifies the future land use for this area to be Residential - Medium Density (Exhibit 3). With increased development activity along SR 267, it should be anticipated that the existing single-family residential and agricultural uses in the SR 267 corridor will, at some point in the future, face pressure to be developed in a manner consistent with the Comprehensive Plan. A

commercial use, such as the proposed Medical Office use, is not considered at the subject site or within the immediate area. In reviewing the location map (Exhibit 2), the conversion of the existing building from a religious use to a Medical Office use would have minimal impact on the surrounding uses.

Updated information from 2020-08-05 BZA Hearing:

Petitioner has filed new materials in response to questions raised at the August 5, 2020, BZA Hearing. These materials include:

- A response letter (Exhibit 7) which addresses light pollution, traffic concerns, and the commercialization of the area.
- Projected traffic counts (Exhibit 8) are provided for each day of the week and are broken down by time slots.
- Letters of support (Exhibit 9) from neighboring property owners to the east and southwest of the site.

Time Line

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

PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL

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

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

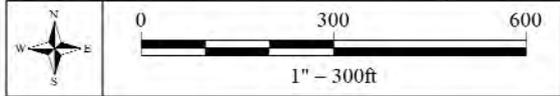
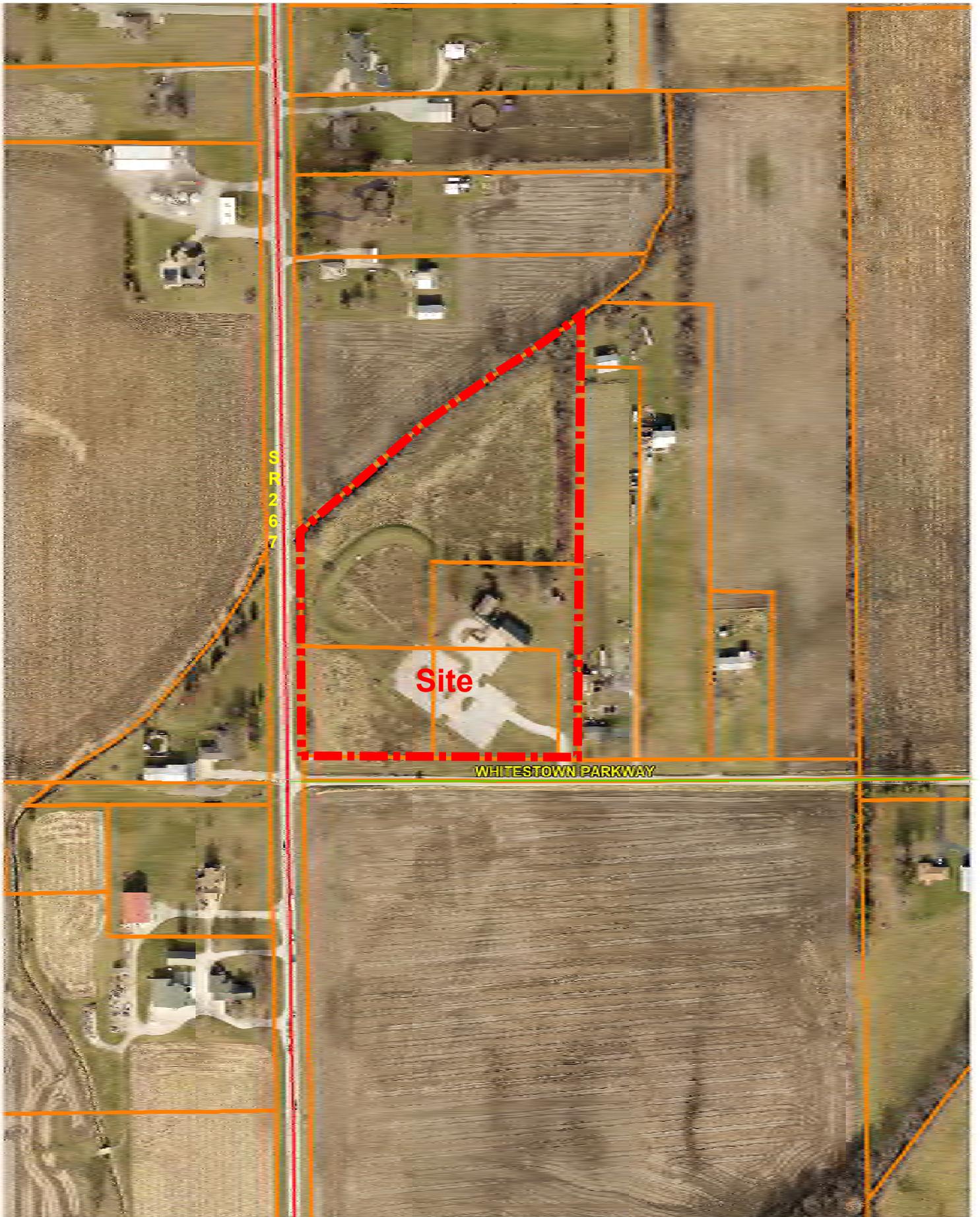
Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal’s consideration (Exhibit 6).

STAFF RECOMMENDATIONS

Staff recommends approval of the Use Variance for a Medical Office use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy, as a Primary Use at 3850 Whitestown Parkway as described and depicted in Docket #2020-19-UV with the condition that the existing parking lot light fixtures be replaced and modified as described by the Petitioner in Exhibit 7.

RECOMMENDATION MOTION

I move that Docket #2020-19-UV, a Use Variance to permit a Medical Office use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy, as a Primary Use at 3850 Whitestown Parkway be (Approved as filed, based upon the findings of fact / Denied / Continued) as presented, with the condition that the existing parking lot light fixtures be replaced and modified as described by the Petitioner in Exhibit 7.



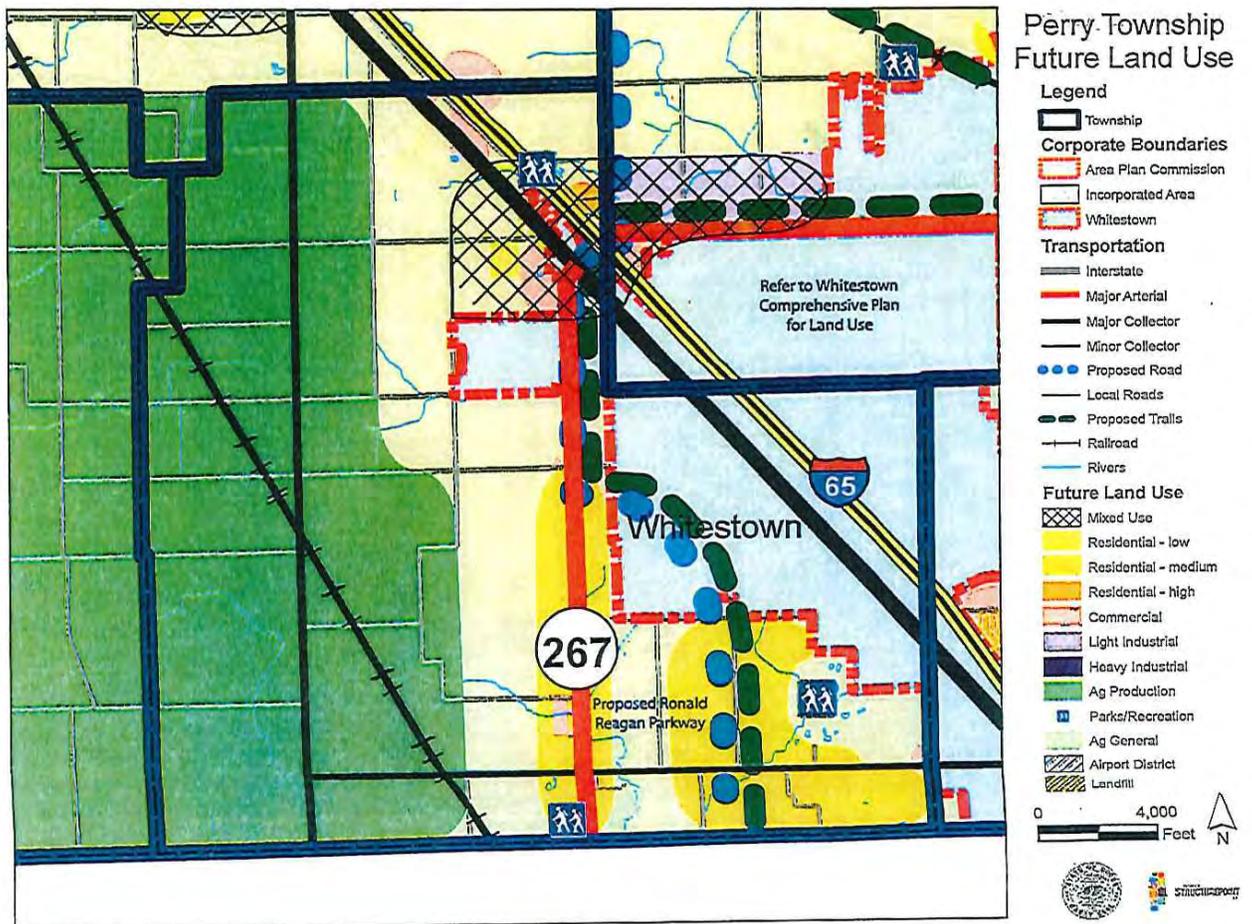
2020-19-UV: Location Map - Exhibit 2

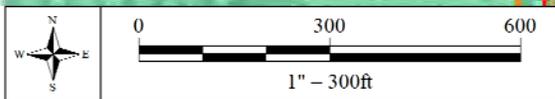
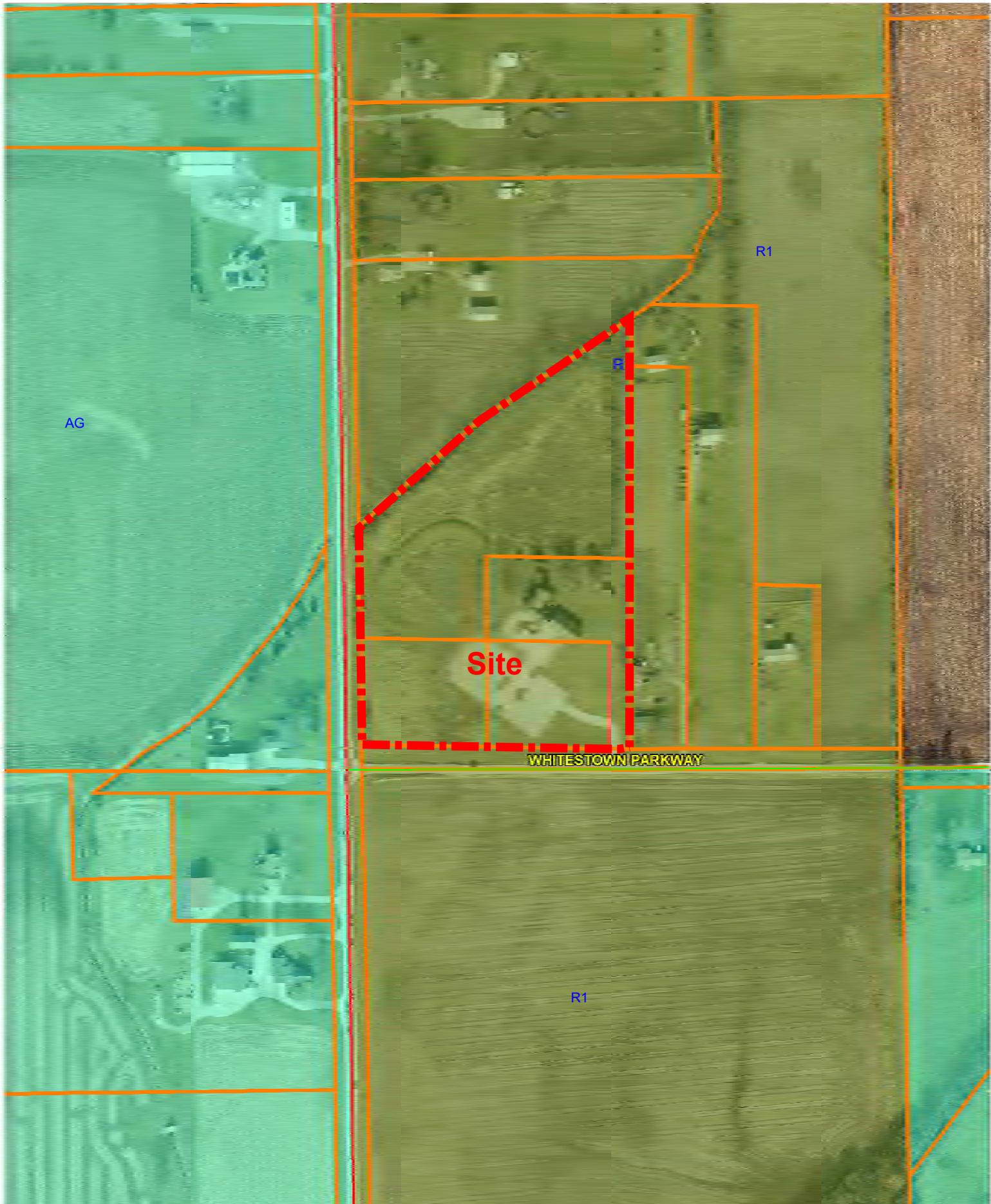
Land Use Plan
Perry and Worth Townships

The intersection of Highways 421 and 334 serves as an entry corridor into Zionsville. New commercial and mixed-use development should be restricted to the east side of US 421. New development should follow the US 421 overlay standards.

The Indianapolis Executive Airport (formerly Terry Airport), provides an excellent resource to industrial and commercial uses in and around Boone County. The airport has experienced substantial growth due to the overflow of general aviation uses from Indianapolis International Airport. The capacity of the airport, its proximity to surface transportation to Indianapolis along SR 421 and US 31, and existing area commercial and industrial land uses provide the perfect opportunity for mixed-use development to occur around the airport with focus on additional commercial and industrial opportunities. Specific development standards and land-use requirements that help protect existing property values, promotes the health and safety of the surrounding areas while accommodating future airport expansion should be incorporated into any type of growth and new development in or around the airport

Perry and Worth Townships







Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC seeking your gracious consideration concerning our Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. The intent of this letter is to provide insight into the character of K1ds Count Therapy and the intent of use of the property.

My wife Lindsay Knez and I own and operate K1ds Count Therapy together with a wonderful team of servant leadership focused individuals. Together we are focused on providing the best possible client/ family experience, the best possible employment experience, and positively impacting our local communities. We do this through providing the highest quality therapy, offering comprehensive services that serve the entire family, employing people of high character and skills, building and maintaining beautiful and welcoming clinics, and through partnering with and engaging the local community in service. We are excited to serve the Zionsville community through our direct services at this location as well as through collaborating with the Town and local businesses to meet more specific needs of the community.

Our mission is: We serve TOGETHER! At K1ds Count Therapy, you will find a team that is like family. We could not accomplish our goals without one another. At K1ds Count Therapy, a team of registered behavior technicians (RBTs), board certified behavior analysts (BCBAs), speech therapists, occupational therapists, physical therapists, school counselors, and psychologists collaborate, serve, and positively impact children, families, schools and the Indianapolis, Brownsburg, Crawfordsville, and Zionsville communities together!

All families count! Each, and every, family truly does count at K1ds Count Therapy, especially those children affected by autism and other challenging diagnoses. Autism is a neurological disorder that affects 1 out of 68 children. The disorder presents unique barriers and challenges that each child and family must overcome. We take the time to get to know each child's personality, abilities, and challenges here at K1ds Count Therapy. After building a strong relationship with both the child and family, K1ds Count Therapy develops a unique and comprehensive therapy experience that positively impacts the lives of both the child and family.

The intended use of this property is for outpatient therapy services. More specifically, the therapy services would include speech, occupational, physical, and aba therapy. Parent training fairs as well as community events will also be provided. The hours of operation for the ABA program are 8am to 4:30pm with the hours for speech, occupational, and physical therapy being extended to 6pm. Based upon our Brownsburg and Crawfordsville programs and buildings, we anticipate being able to serve 25 children with autism and serve roughly 100-150 children for 1 hour a week visits for speech, occupational, or physical therapy (these services are for children with any sort of diagnosis, not only autism). In consideration of this projected capacity, we are anticipating the creation of 30-35 new jobs.

Thank you for learning more about K1ds Count Therapy and our intended use of the property located at 3850 E Whitestown Parkway. We are excited and humbled to have the opportunity to more directly serve the Zionsville community! We are confident that the granting of the Variance of Use to allow us to operate as an outpatient therapy clinic in a R-1 zoning will produce positive outcomes for families of children with special needs, neighbors, professionals in the therapy/ education fields, and breathe new life into the intersection of 267 and Whitestown Parkway.

Thank you,


Frank Knez

Founder

K1ds Count Therapy, LLC

317-294-5242

K1ds Count Therapy, LLC

1353 E Main Street, Brownsburg, IN 46112 | 317-520-4748

Fax: 888.498.5529

Email: admin@kidscounttherapy.com

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The new use of this property will bring speech, occupational, physical, and ABA therapy (one on one therapy for children with autism) services to the community in a family friendly, welcoming, and non-sterile environment. In addition, the property will be beautified, well maintained, and an additional 25-40 jobs will be created over the next 3 years. Lastly, the number of families moving into Town continues to increase leading to even more of a need for the therapy services provided at this location.

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:

There will be an increase in the ongoing maintenance and overall aesthetic appearance of the property so there will be no negative impact on adjacent property owners. Furthermore, there are opportunities for collaboration given the adjacent property owner has horses and K1 ds Count Therapy does integrate horses into therapy when appropriate.

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

There will be no additional structures or changes to the exterior of the property. The property aligns with the neighboring conditions that include large lots and 1 to 2 structures. The use will continue to uphold the small town atmosphere and hopefully encourage similar investment into the area.

4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The zoning ordinance did not anticipate this uncommon request which would allow us to utilize the existing building, but the zoning doesn't allow this particular type of use.

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

The beauty and open nature of the property will be undisturbed and continue to serve as a buffer or transitional area between commercial areas and existing or future residential areas.

DECISION

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

Adopted this _____ day of _____, 20____.



Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC. Thank you for continuing to consider our case for the Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. We took the BZA meeting recommendations to heart and took immediate action to follow up with future neighbors and provide more detail surrounding traffic and lighting.

Lindsay and I met with four neighbors the following day and have had continued dialogue with others. We enjoyed hearing their excitement about our services and character as well as listening to their thoughts and suggestions on how to improve the site and their living conditions.

The items to be addressed from the August hearing are as follows:

- Light pollution
- Traffic concerns
- Commercialization of area

Light pollution:

- K1ds Count Therapy agrees to modify the existing parking lot lights to limit light pollution. This will be accomplished by replacing the head lamp and have the lights parallel the ground with limited to no angle.

Traffic concerns:

- Please see attached traffic projections. These are based on future therapists' caseloads and our overall therapy model.
- Lindsay and I visited the address between the times of 8am, 8:30am, and 9am over several days and did not see much, if any, traffic congestion. We have videos available upon request.
- Through speaking with neighbors, observing the site, and analyzing future traffic patterns, we strongly believe there will be no negative impact to neighbors, clients, or employees traveling near this location.

Commercialization of area concerns:

- We understand and respect the concerns of two of the neighbors to not want to commercialize the area. Our meeting is set for August 26th to connect in person. It is our view that the commercial building already exists, and we will not be bringing any further commercialization to the area. This will be a property that will be difficult to sell to a residential buyer.
- Per the letters of support (included for your review), four of the neighbors do not feel like our operations will "commercialize" the area or otherwise negatively impact their living experiences or values of their homes. These four neighbors are also the closest in proximity to our proposed location. The other two neighbors are north of the property and have limited views of lot.

Thank you for your continued careful consideration of our Variance of Use request. We are excited, optimistic, and fully prepared to amicably integrate into the Zionsville community and serve families and children!

Thank you,  8/24/20

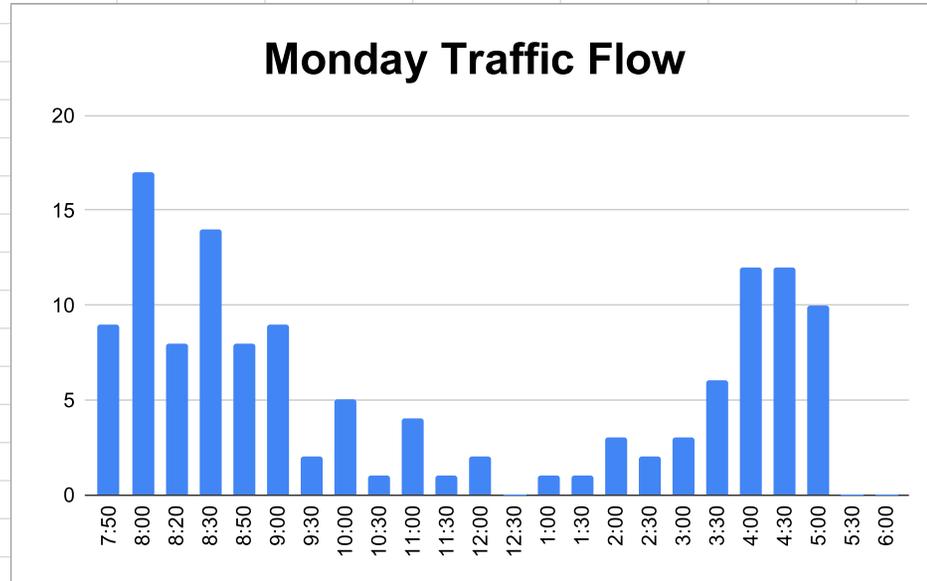
Frank Knez
Founder
K1ds Count Therapy, LLC
317-294-5242
frank@kidscounttherapy.com

K1ds Count Therapy, LLC
1353 E Main Street, Brownsburg, IN 46112 | 317-520-4748
Fax: 888.498.5529 Email: admin@kidscounttherapy.com

Projected Monday Traffic Flow

K1ds Count Therapy, LLC

Monday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	2	17
8:20	8	0	0	8
8:30	1	8	5	14
8:50	8	0	0	8
9:00	0	8	1	9
9:30	0	0	2	2
10:00	0	0	5	5
10:30	0	0	1	1
11:00	0	0	4	4
11:30	0	0	1	1
12:00	0	0	2	2
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	3	3
3:30	0	0	6	6
4:00	0	9	3	12
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	0	0
6:00	0	0	0	0

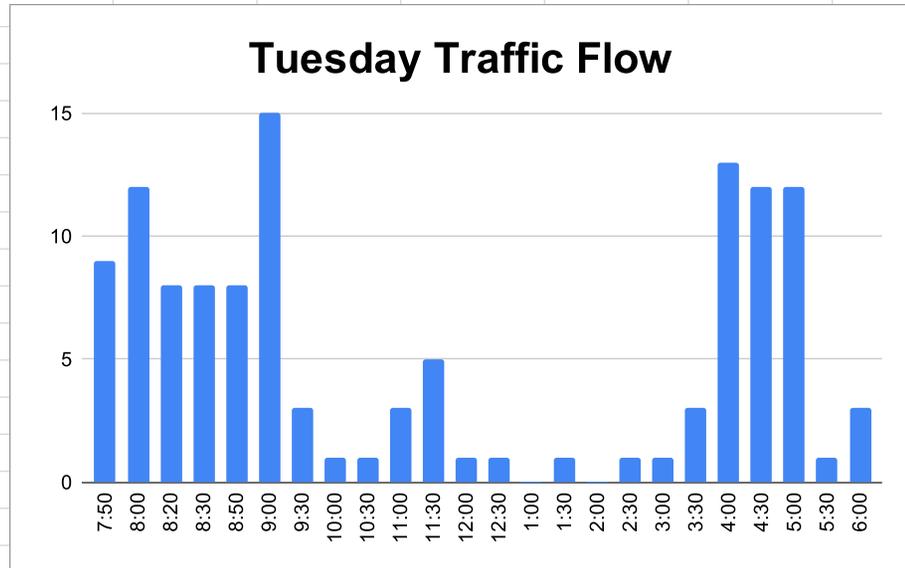


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Tuesday Traffic Flow

K1ds Count Therapy, LLC

Tuesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	0	8	0	8
8:50	8	0	0	8
9:00	4	8	3	15
9:30	0	0	3	3
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	3	3
11:30	0	0	5	5
12:00	0	0	1	1
12:30	0	0	1	1
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	0	0
2:30	0	0	1	1
3:00	0	0	1	1
3:30	0	0	3	3
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	4	12
5:30	0	0	1	1
6:00	0	0	3	3

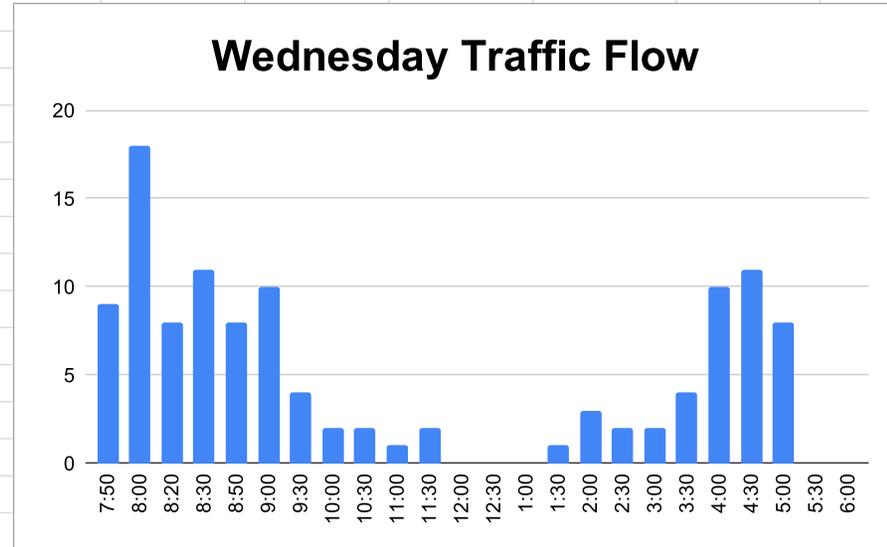


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Wednesday Traffic Flow

K1ds Count Therapy, LLC

Wednesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	3	18
8:20	8	0	0	8
8:30	1	8	2	11
8:50	8	0	0	8
9:00	0	8	2	10
9:30	0	0	4	4
10:00	0	0	2	2
10:30	0	0	2	2
11:00	0	0	1	1
11:30	0	0	2	2
12:00	0	0	0	0
12:30	0	0	0	0
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	2	2
3:30	0	0	4	4
4:00	0	9	1	10
4:30	0	8	3	11
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5:30	0	0	0	0
6:00	0	0	0	0

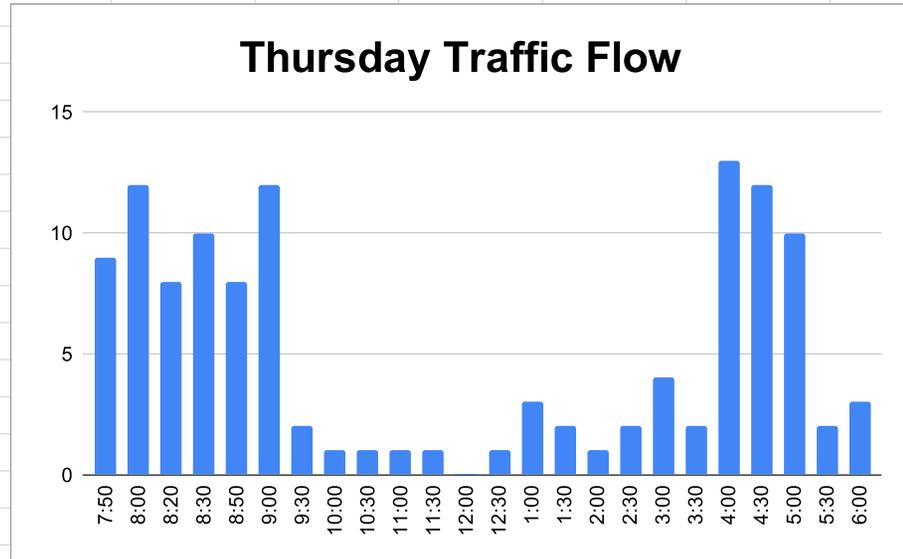


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Thursday Traffic Flow

K1ds Count Therapy, LLC

Thursday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	1	8	1	10
8:50	8	0	0	8
9:00	2	8	2	12
9:30	1	0	1	2
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	1	1
11:30	0	0	1	1
12:00	0	0	0	0
12:30	0	0	1	1
1:00	0	0	3	3
1:30	0	0	2	2
2:00	0	0	1	1
2:30	0	0	2	2
3:00	0	0	4	4
3:30	0	0	2	2
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	2	2
6:00	0	0	3	3

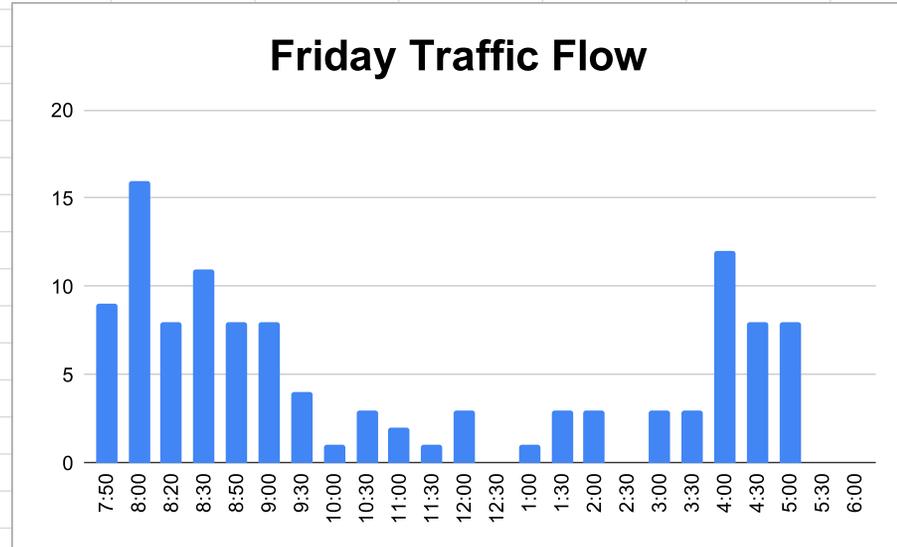


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Friday Traffic Flow

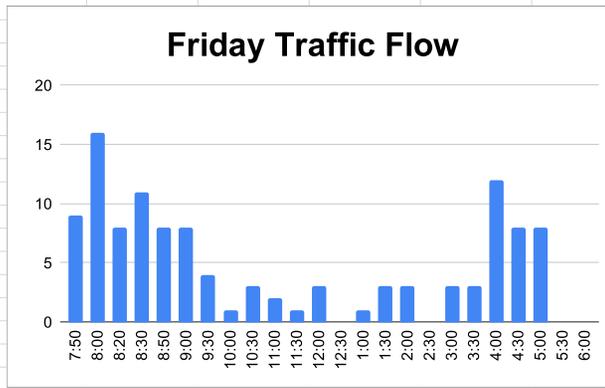
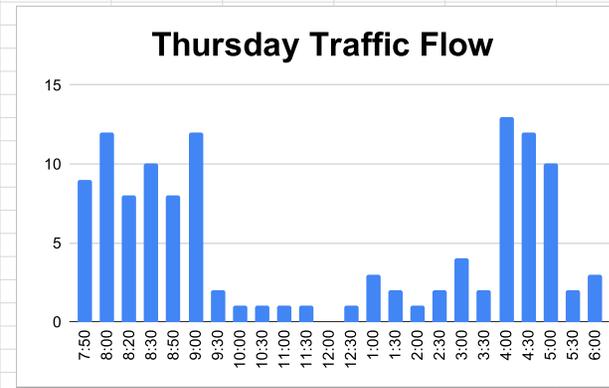
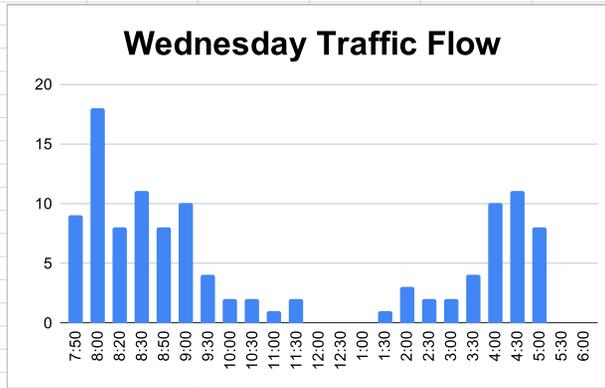
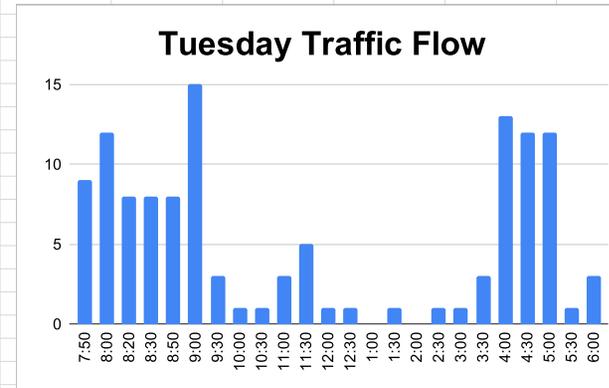
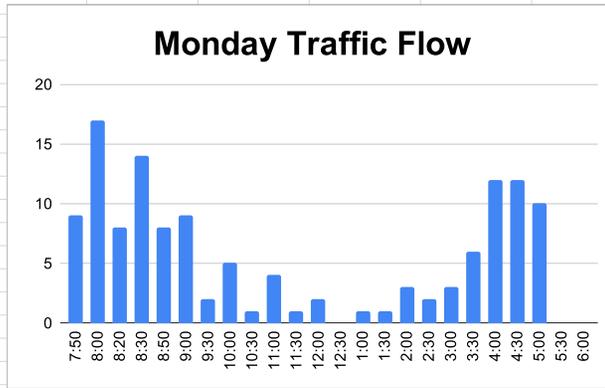
K1ds Count Therapy, LLC

Friday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	1	16
8:20	8	0	0	8
8:30	0	8	3	11
8:50	8	0	0	8
9:00	0	8	0	8
9:30	0	0	4	4
10:00	0	0	1	1
10:30	0	0	3	3
11:00	0	0	2	2
11:30	0	0	1	1
12:00	0	0	3	3
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	3	3
2:00	0	0	3	3
2:30	0	0	0	0
3:00	0	0	3	3
3:30	0	0	3	3
4:00	0	9	3	12
4:30	0	8	0	8
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0



Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

K1ds Count Therapy, LLC Weekly Traffic Flow



Name: Larry and Margaret Martin
Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow K1ds Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Larry and Margaret Martin



9-18-2020

Date

Name: Dana Sparks

Address: 3870 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,


Dana Sparks

8/19/2020
Date

317-443-9686

barretracingfool@hotmail.com

Name: Anthony and Lynn Connan
Address: 6556 S SR 267, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Anthony & Lynn Connan

8-19-20

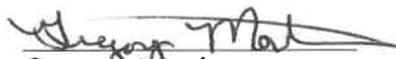
Date

Name: Gregory Martin

Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,


Gregory Martin

Aug 19, 2020
Date

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-19-UV

1. SITE INFORMATION:

Address of Property: 3850 E Whitestown Parkway, Lebanon, IN 46052
Existing Use of Property: Church
Proposed Use of Property: Office/ Medical (outpatient pediatric therapy)
Current Zoning: R1 Area in acres: 12.65+/-

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Frank Knez, Knez Properties, LLC
Owner Name (if different from Petitioner): South Boone Church of Christ INC
Petitioner Address: 8641 Fawn Lake Circle, Indianapolis, IN 46278 Owner Address: 3850 E Whitestown Parkway, Lebanon, IN 46052
Petitioner Phone Number: 317-294-5242 Owner Phone Number: 317-431-5382
Petitioner E-Mail Address: frank@kidscounttherapy.com
Owner E-Mail Address: - alan.brenda.2006@hotmail.com

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:	Project Engineer:
Name: <u>Frank Knez</u>	Name: _____
Address: <u>8641 Fawn Lake Circle, Indianapolis, IN 46278</u>	Address: _____
Phone Number: <u>317-294-5242</u>	Phone Number: _____
E-Mail Address: <u>frank@kidscounttherapy.com</u>	E-Mail Address: _____

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification

Knez Properties, LLC is purchasing this property to lease to K1ds Count Therapy, LLC. K1ds Count Therapy, LLC provides pediatric outpatient therapy services to children with special needs. The property is currently being used as a church and zoned R-1 and we are respectfully requesting a Variance of Use to keep the R-1 zoning and use as an outpatient therapy clinic.

5. ATTACHMENTS:

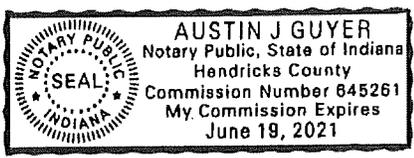
- | | |
|--|---|
| <input checked="" type="checkbox"/> Legal description of property
<input checked="" type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner)
<input checked="" type="checkbox"/> Statement of Commitments (if proposed)
<input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> Proof of Ownership (copy of Warranty Deed)
<input checked="" type="checkbox"/> Site Plan & Exhibits
<input type="checkbox"/> Draft of Proposed Legal Notice
<input checked="" type="checkbox"/> Draft of Proposed Findings of Fact |
|--|---|

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: [Handwritten Signature] Date: 6.24.20

Signature of Owner or Attorney for Owner: _____ Date: _____

State of INDIANA)
County of HENDRICKS)



Subscribed and sworn to before me this 24th day of JUNE, 2020.

[Handwritten Signature]
Notary Public Signature

AUSTIN J GUYER
Notary Public Printed

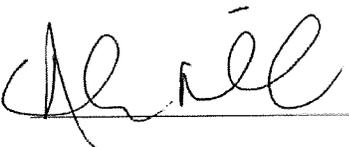
My Commission No: 645261

My Commission Expires: JUNE 19, 2021

My County of Residence is HENDRICKS County

OWNER'S AUTHORIZATION

The undersigned, Alan Miller, obo South Boone Church of Christ Inc being the owner of the property commonly known as 3850 E Whitestown Parkway, Lebanon, IN 46052, hereby authorizes FRANK KNEZ, KNEZ PROPERTIES, LLC to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: 
Printed: Alan Miller
Title: SOUTH BOONE Church of Christ INC, TRUSTEE

State of INDIANA)
County of HENDRICKS)



Subscribed and sworn to before me this 24th day of JUNE, 2020.

 Notary Public Signature
AUSTIN J GUYER Notary Public Printed

My Commission No: 645261

My Commission Expires: JUNE 19, 2021

My County of Residence is HENDRICKS County

Mail Tax Statements to:
3850 E. CR 650 S.
Lebanon, IN 46052

Property Address:
3850 E. CR 650 S.
Lebanon, IN 46052

Tax ID No. 008-02590-00
008-02600-00

WARRANTY DEED

THIS INDENTURE WITNESSETH

Jess G. Revercomb and Shirley K. Revercomb

CONVEY(S) AND WARRANT(S) TO

South Boone Church of Christ, Inc., for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

SEE ATTACHED LEGAL DESCRIPTION

Subject to taxes for the year 2004, due and payable in 2005, and taxes for all subsequent years.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 20 day of January, 2005

Jess G. Revercomb
Jess G. Revercomb

Shirley K. Revercomb
Shirley K. Revercomb

State of Indiana, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jess G. Revercomb and Shirley K. Revercomb who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

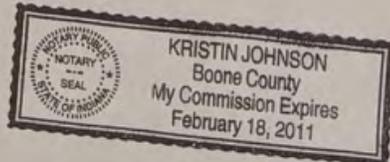
WITNESS, my hand and Seal this 20 day of January, 2005

My Commission Expires: _____

Kristin Johnson
Signature of Notary Public

Printed Name of Notary Public _____

Notary Public County and State of Residence _____



This instrument was prepared by: Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032-4559
1012bn05 net



COMMITMENT FOR TITLE INSURANCE

Issued By

FIDELITY NATIONAL TITLE INSURANCE

SCHEDULE C

The Land is described as follows:

TRACT A:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of the County of Boone, State of Indiana Property recorded as Instrument Number 0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence along the North described line of the County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet; thence North 00 degrees 15 minutes 00 seconds East 260.00 feet; thence North 89 degrees 05 minutes 00 seconds West 301.00 feet; thence North 00 degrees 15 minutes 00 seconds East 205.00 feet; thence South 89 degrees 05 minutes 00 seconds East 351.00 feet; thence along part of the West described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, South 00 degrees 15 minutes 00 seconds West 465.00 feet to the Point of Beginning, containing 1.9502 acres, more or less. Subject to all highways, rights of way and easements.

TRACT B:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana, Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 0 minutes' 00 seconds West 344.47 feet to the Point of Beginning; thence continuing along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 334.47 feet: thence along the approximate center line of State Road 267 and the Quarter Quarter Section line, North 00 degrees 00 minutes 00 seconds West 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 335.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.9979 acres, more or less, subject to the right of way for State Road 267 on and along the entire West boundary and leaving 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

TRACT C:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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SCHEDULE C

(Continued)

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Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet to the Point of Beginning; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 294.47 feet; thence North 00 degrees 07 minutes 30 seconds East 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 295.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

TRACT D:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section Line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument Number 0102877, and part of the East described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 465.00 feet to the Point of Beginning; thence North 89 degrees 05 minutes 00 seconds West 351.00 feet; thence South 00 degrees 15 minutes 00 seconds West 205.00 feet; thence North 89 degrees 05 minutes 00 seconds West 329.08 feet; thence along the approximate center line of State Road 267 and the quarter-quarter Section line, North 00 degrees 00 minutes 00 seconds West 303.55 feet; thence along part of the South described line of the Clifford W. Belcher and Ann M. Belcher Property recorded in Deed Record 216, Page 151, North 53 degrees 12 minutes 30 seconds East 853.62 feet; thence along the West described line of the Larry K. Martin and Margaret A. Martin Property recorded in Deed Record 241, Page 209 and part of the West described line of said Sparks Property, South 00 degrees 15 minutes 00 seconds West 620.68 feet to the Point of Beginning, containing 7.1751 Acres, more or less. Subject to all highways, rights of way and easements.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC seeking your gracious consideration concerning our Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. The intent of this letter is to provide insight into the character of K1ds Count Therapy and the intent of use of the property.

My wife Lindsay Knez and I own and operate K1ds Count Therapy together with a wonderful team of servant leadership focused individuals. Together we are focused on providing the best possible client/ family experience, the best possible employment experience, and positively impacting our local communities. We do this through providing the highest quality therapy, offering comprehensive services that serve the entire family, employing people of high character and skills, building and maintaining beautiful and welcoming clinics, and through partnering with and engaging the local community in service. We are excited to serve the Zionsville community through our direct services at this location as well as through collaborating with the Town and local businesses to meet more specific needs of the community.

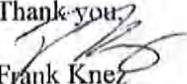
Our mission is: We serve TOGETHER! At K1ds Count Therapy, you will find a team that is like family. We could not accomplish our goals without one another. At K1ds Count Therapy, a team of registered behavior technicians (RBTs), board certified behavior analysts (BCBAs), speech therapists, occupational therapists, physical therapists, school counselors, and psychologists collaborate, serve, and positively impact children, families, schools and the Indianapolis, Brownsburg, Crawfordsville, and Zionsville communities together!

All families count! Each, and every, family truly does count at K1ds Count Therapy, especially those children affected by autism and other challenging diagnoses. Autism is a neurological disorder that affects 1 out of 68 children. The disorder presents unique barriers and challenges that each child and family must overcome. We take the time to get to know each child's personality, abilities, and challenges here at K1ds Count Therapy. After building a strong relationship with both the child and family, K1ds Count Therapy develops a unique and comprehensive therapy experience that positively impacts the lives of both the child and family.

The intended use of this property is for outpatient therapy services. More specifically, the therapy services would include speech, occupational, physical, and aba therapy. Parent training fairs as well as community events will also be provided. The hours of operation for the ABA program are 8am to 4:30pm with the hours for speech, occupational, and physical therapy being extended to 6pm. Based upon our Brownsburg and Crawfordsville programs and buildings, we anticipate being able to serve 25 children with autism and serve roughly 100-150 children for 1 hour a week visits for speech, occupational, or physical therapy (these services are for children with any sort of diagnosis, not only autism). In consideration of this projected capacity, we are anticipating the creation of 30-35 new jobs.

Thank you for learning more about K1ds Count Therapy and our intended use of the property located at 3850 E Whitestown Parkway. We are excited and humbled to have the opportunity to more directly serve the Zionsville community! We are confident that the granting of the Variance of Use to allow us to operate as an outpatient therapy clinic in a R-1 zoning will produce positive outcomes for families of children with special needs, neighbors, professionals in the therapy/ education fields, and breathe new life into the intersection of 267 and Whitestown Parkway.

Thank you,


Frank Knez

Founder

K1ds Count Therapy, LLC

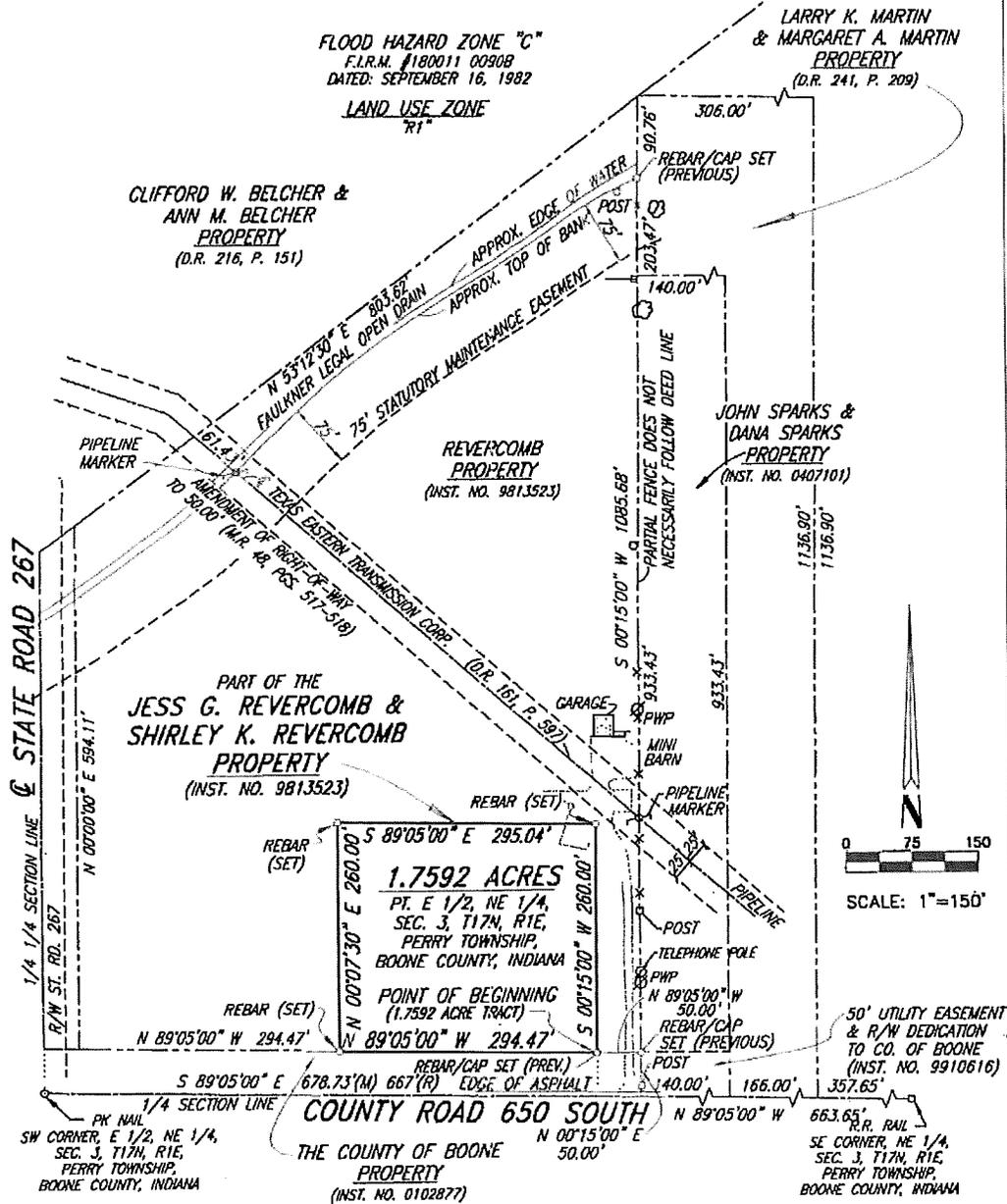
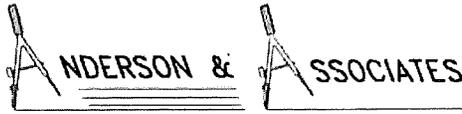
317-294-5242

K1ds Count Therapy, LLC

1353 E Main Street, Brownsburg, IN 46112 | 317-520-4748

Fax: 888.498.5529

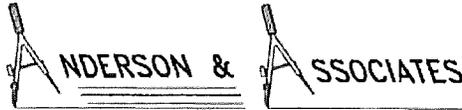
Email: admin@kidscounttherapy.com



Purpose: The purpose of this assignment was to provide an Original Survey of part of the Jess G. Revercomb and Shirley K. Revercomb Property recorded Instrument #9813523, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record Surveys in the area which appear to be based upon assumed datum.

Class of Survey: Class "D" Indiana Survey Standards (Title 865, Article 1, Chapter 12).
 The Theoretical Uncertainties due to random errors in measurement of the boundary corners with respect to the referenced controlling corners, as stipulated by Indiana Statutes is ±1.00 foot.



LAND DESCRIPTION (1.7592 ACRES)
(Part of Instrument #9813523)

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89°05'00" West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00°15'00" East 50.00 feet; thence along the North described line of said County of Boone Property, North 89°05'00" West 50.00 feet to the Point of Beginning; thence along the North described line of said County of Boone Property, North 89°05'00" West 294.47 feet; thence North 00°07'30" East 260.00 feet; thence South 89°05'00" East 295.04 feet; thence South 00°15'00" West 260.00 feet to the Point of Beginning, containing 1.7592 Acres, more or less.

I further certify that the subject property does not lie within a Special Flood Hazard Area Zone "A" as said tract plots by graphic scale (subject to the accuracy of the map scale uncertainty) on Community Panel Number 180011 0090B of the Flood Insurance Rate Maps, dated September 16, 1982.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report, and is therefore subject to any statement of fact that such documents may disclose.

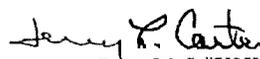
All dimensions computed from electronic measurements.

This tract is subject to all easements and restrictions of record.

Existing maps in the Office of the Surveyor of Boone County indicate that no Legal Drains exist within 75 feet of the hereon described tract, except as approximately shown.

I do hereby certify that all corners were determined in such a manner as to meet or exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 7th day of January, 2005.

865 IAC 1-12-2, Sec. 2. (d) "Original survey" means a survey that is executed for the purpose of locating and describing real property which has not been previously described in documents conveying an interest in said real property.


Jerry L. Carter, R.L.S. #S0350
Reg. Pro. Land Surveyor
State of Indiana





SURVEYOR'S REPORT

Client: Jess Revercomb

Job #: 041215

Field Work Completed: May 20, 2002.

Type of Survey: Retracement Survey, Original Tracts Created.

Purpose: The purpose of this assignment was to provide Original Surveys of part of the Jess Revercomb and Shirley K. Revercomb Property recorded as Instrument #9813523, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record Surveys in the area which appear to be based upon assumed datum.

Class of Survey: Class "D" Indiana Survey Standards (Title 865, Article 1, Chapter 12).

The Theoretical Uncertainties due to random errors in measurement of the boundary corners with respect to the referenced controlling corners, as stipulated by Indiana Statutes is ± 1.00 foot.

Location: Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana.

Research & Information: A search of the records within this office, along with those of the Boone County Court House, revealed the following information regarding Section Corners, Quarter Section Corners and the type of monumentation referenced for said Section 3.

- 1.) Southwest Corner, East Half, Northeast Quarter,.....P.K. Nail (found).
- 2.) Southeast Corner, Northeast Quarter,.....Railroad Rail (found).

Field Investigation & Survey Procedure:

The above monuments were found, tested and accepted as correct. The described Tract is dependent upon the location of the South line of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township. The East and North lines are along the deed lines of the parent tract and/or the adjoiners while the West lines are along the Quarter Quarter Section line and the approximate center line of State Road 267. The interior lines were set at the direction of the client.

Encroachments: Fence along the East line does not necessarily follow the deed line.

Improvements: Not located this survey.

Easements: 1.) Right of way for the Texas Eastern Transmission Corporation Pipeline recorded in Deed Record 161, Page 597 and amended in Miscellaneous Record 48, Pages 517-518, Boone County Recorder's Office.
2.) Right of way for State Road 267 on and along the West boundary of the 11.1845 Acres tract.

It is this Surveyor's professional opinion that the uncertainties in the lines of the surveyed tracts are as follows:

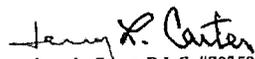
- 1.) Due to variances in the reference monuments: ± 1.00 foot.
- 2.) Due to discrepancies in the record descriptions: Negligible.
- 3.) Due to inconsistencies in the lines of occupation: A fence lies up to 17.5 feet West and up to 5.3 feet East of the East line as shown on the plat of survey.

General Notes -

- 1.) The Zoning Classification for the surveyed real estate, as established by governmental record is "R-1" Residential 1.
- 2.) This is to certify that the subject property does not lie within a Special Flood Hazard Area Zone "A" as said tract plots by graphic scale (subject to the accuracy of the map scale uncertainty) on Community Panel Number 180011 0090B of the Flood Insurance Rate Maps, dated September 16, 1982.
- 3.) This survey was prepared without the benefit of an up-to-date Abstract or an up-to-date Title Report, and is therefore subject to any statement of fact that such documents may disclose.
- 4.) Unless noted on the attached plat or in this report, there is no evidence of occupation along the boundary lines of the subject tract. When fences or other lines of occupation are shown on the plat, they have been located only at the ends or specific locations noted; therefore, for the purpose of this survey, such lines are assumed to run straight between said locations, but in actuality may vary slightly from such straight line.
- 5.) The described land is part of the Jess G. Revercomb and Shirley K. Revercomb Property recorded as Instrument #9813523, Boone County Recorder's Office.

This instrument prepared by: Anderson & Associates Land Surveyors, Inc.

865 IAC 1-12-2, Sec. 2. (d) "Original survey" means a survey that is executed for the purpose of locating and describing real property which has not been previously described in documents conveying an interest in said real property.


Jerry L. Carter, R.L.S. #S0350
Reg. Prof. Land Surveyor
State of Indiana



File No. 041215

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The new use of this property will bring speech, occupational, physical, and ABA therapy (one on one therapy for children with autism) services to the community in a family friendly, welcoming, and non-sterile environment. In addition, the property will be beautified, well maintained, and an additional 25-40 jobs will be created over the next 3 years. Lastly, the number of families moving into Town continues to increase leading to even more of a need for the therapy services provided at this location.

- 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:

There will be an increase in the ongoing maintenance and overall aesthetic appearance of the property so there will be no negative impact on adjacent property owners. Furthermore, there are opportunities for collaboration given the adjacent property owner has horses and K1ds Count Therapy does integrate horses into therapy when appropriate.

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

There will be no additional structures or changes to the exterior of the property. The property aligns with the neighboring conditions that include large lots and 1 to 2 structures. The use will continue to uphold the small town atmosphere and hopefully encourage similar investment into the area.

- 4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The zoning ordinance did not anticipate this uncommon request which would allow us to utilize the existing building, but the zoning doesn't allow this particular type of use.

- 5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:

The beauty and open nature of the property will be undisturbed and continue to serve as a buffer or transitional area between commercial areas and existing or future residential areas.

DECISION

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

Adopted this _____ day of _____, 20____.

Attribute report for active ID 1

ID	name	NO VALUE	add1	add3
6577	NO VALUE	999		
6632	SOUTH BOONE CHURCH OF CHRIST I	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	
6633	SOUTH BOONE CHURCH OF CHRIST I	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	
6637	SOUTH BOONE CHURCH OF CHRIST I	3850 WHITESTOWN PKWY	LEBANON, IN 46052	
6638	SOUTH BOONE CHURCH OF CHRIST I	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	
* 6641	BELCHER CLIFFORD W & ANN M	6255 S SR 267	LEBANON, IN 46052	
* 7069	SPARKS DANA L	3870 WHITESTOWN PARKWAY	LEBANON, IN 46052	
^ 7070	MARTIN LARRY K & MARGARET A	3900 E WHITESTOWN PARKWAY	LEBANON, IN 46052	

Attribute report for active ID 1

ID name	NO VALUE 999	add1	add3
6577 BOONE COUNTY COMMISSIONERS	1955 INDIANAPOLIS AVE	NO VALUE 999	LEBANON, IN 46052
6629 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052
6632 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052
6633 SOUTH BOONE CHURCH OF CHRIST	3850 WHITESTOWN PKWY	LEBANON, IN 46052	LEBANON, IN 46052
6637 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052
6638 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052

1st class

pic. each
on page

(7)

✓ Dennis + Katherine Gily 6250 S SR 267, Lebanon 46052

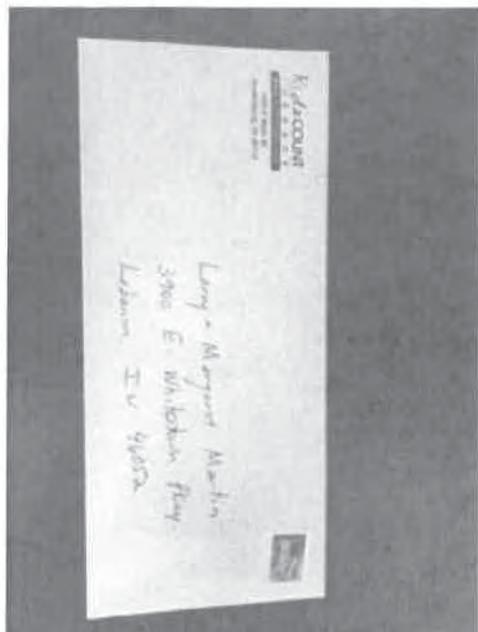
~~3255 E 550 S, Lebanon 46052~~

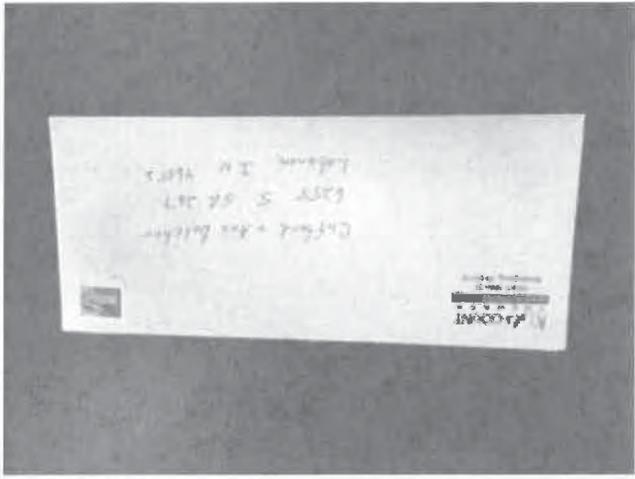
✓ Daniel Gily

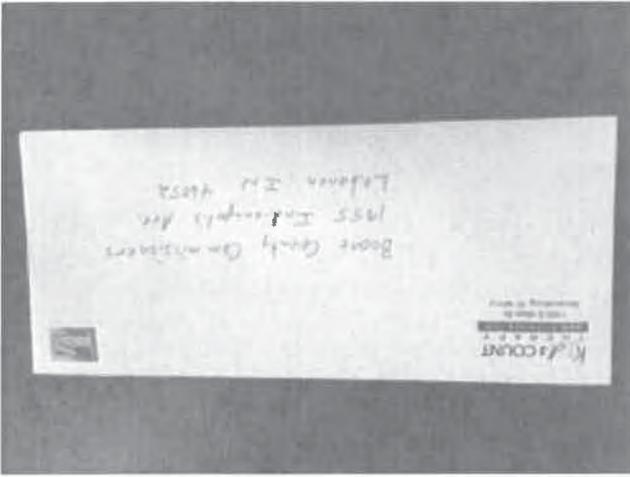
6490 S SR 267, Lebanon, 46052

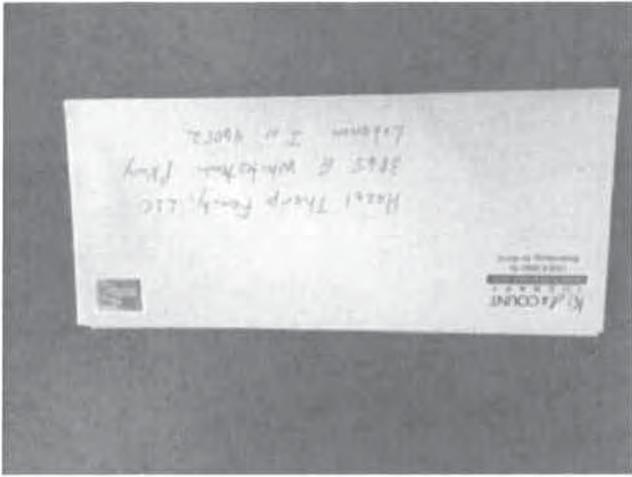
✓ Hazel Sharp Family LLC

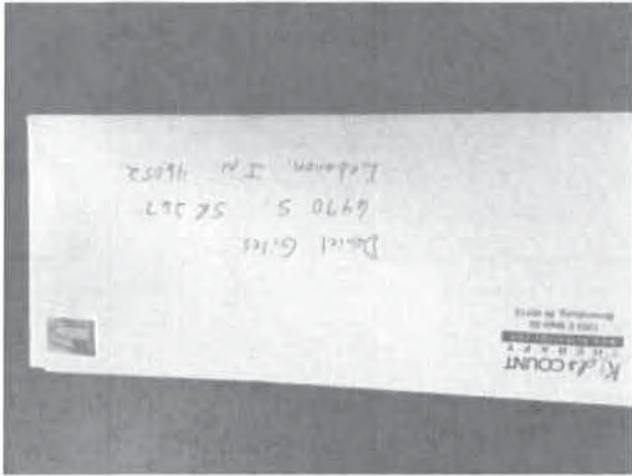
3865 E Whites town Pkwy Lebanon 46052

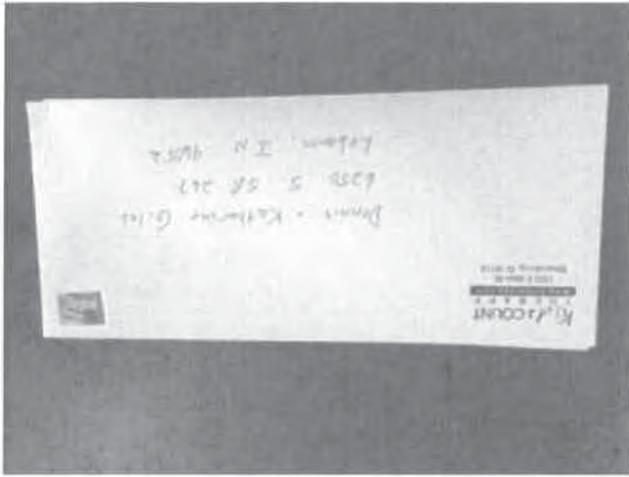












Public Notices

Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-416 7/25 hspaxip 1654851

continued this column

Pillay
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE CIRCUIT
COURT
CAUSE NO.
06CO1-2007-MI-0811
IN RE THE NAME CHANGE OF:
Nanamesevayam Sokalingum Pillay
Petitioner

NOTICE OF PETITION FOR CHANGE OF NAME

Nanamesevayam Sokalingum Pillay, whose mailing address is: 1319 Huntington Woods Rd, Zionsville, IN 46077, in the Boone County, Indiana, hereby gives notice that Nanamesevayam Sokalingum Pillay has filed a petition in the Boone County Court requesting that his name be changed to Nanamesevayam Pillay.

Notice is further given that the hearing will be held on said Petition on September 14, 2020 at 8:15 A.M. /s/ Nanamesevayam Pillay
Petitioner
July 13, 2020
/s/ Lori Schein
Judicial Officer
TLR-398 7/18 7/25 8/1 hspaxip

Schrimsher
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR
COURT #1
ESTATE #
06D01-2007-EU-000077
IN THE MATTER OF THE
UNSUPERVISED
ADMINISTRATION OF THE
ESTATE OF DAVID L.
SCHRIMSHER, DECEASED,
NOTICE OF ADMINISTRATION

Notice is hereby given that on July 7, 2020, Danielle Sabatini was appointed personal representative of the estate of David L. Schrimsher, deceased, who died on June 15, 2020.

All persons having claims against this estate, whether or not now due, must file the claim in the office of the Clerk of this Court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated: July 7, 2020.
/s/ Jessica Fouts
Clerk, Boone Superior Court #1
DEBORAH K. SMITH, #1985-06
ATTORNEY AT LAW
112 S. MARKET MAIN STREET
THORNTOWN, IN 46071
765-436-2441
Attorney for Estate
TLR-400 7/18, 25 hspaxip 1654004

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Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online here IndianaPublicNotices.com.

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:
2020-19-UV, Frank Knez of Knez Properties, LLC, requests a Use Variance to provide for or permit: Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1). The pediatric therapy services would be provided within the existing structure.

The property involved is more commonly known as: 3850 E. Whitestown Parkway, Lebanon, IN 46052 and is legally described as:
TRACT A:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of the County of Boone, State of Indiana Property recorded as Instrument Number 0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence along the North described line of the County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet; thence North 00 degrees 15 minutes 00 seconds East 260.00 feet; thence North 89 degrees 05 minutes 00 seconds West 301.00 feet; thence North 00 degrees 15 minutes 00 seconds East 205.00 feet; thence South 89 degrees 05 minutes 00 seconds East 351.00 feet; thence along part of the West described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, South 00 degrees 15 minutes 00 seconds West 485.00 feet to the Point of Beginning, containing 1.9502 acres, more or less. Subject to all highways, rights of way and easements.

TRACT B:
Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65

Public Notices

When governments want to change **environmental ordinances**, the law often requires them to inform you by placing notice advertisements also called **legals** - in your newspaper.

Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online here IndianaPublicNotices.com.

For full public notice listings go to IndianaPublicNotices.com.

feet; thence along the East described line of The County of Boone, State of Indiana, Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 344.47 feet to the Point of Beginning; thence continuing along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 334.47 feet; thence along the approximate center line of State Road 267 and the Quarter Quarter Section line, North 00 degrees 00 minutes 00 seconds West 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 335.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.9979 acres, more or less, subject to the right of way for State Road 267 on and along the entire West boundary and leaving 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

TRACT C:
Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet to the Point of Beginning; thence along the North described line of said County of Boone Property, North 89 degrees 07 minutes 30 seconds East 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 295.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

TRACT D:
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Commencing at the Southeast Corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section Line, North 89 degrees 05

Public Notices

Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.

Public notice advertisements - also called legals - provide information about taxes, zoning, new business and other areas your government is involved in.

The good news is that this information is easily accessible to you in print and online.

If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument Number 0102877, and part of the East described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 465.00 feet to the Point of Beginning; thence North 89 degrees 05 minutes 00 seconds West 351.00 feet; thence South 00 degrees 15 minutes 00 seconds West 205.00 feet; thence North 89 degrees 05 minutes 00 seconds West 329.08 feet; thence along the approximate center line of State Road 267 and the quarter-quarter Section line, North 00 degrees 00 minutes 00 seconds West 303.55 feet; thence along part of the South described line of the Clifford W. Belcher and Ann M. Belcher Property recorded in Deed Record 216, Page 151, North 53 degrees 12 minutes 30 seconds East 853.62 feet; thence along the West described line of the Larry K. Martin and Margaret A. Martin Property recorded in Deed Record 241, Page 209 and part of the West described line of said Sparks Property, South 00 degrees 15 minutes 00 seconds West 620.68 feet to the Point of Beginning, containing 7.1751 Acres, more or less. Subject to all highways, rights of way and easements.

A copy of the Petition for this Use Variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for the Use Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-427 7/25 hspaxip 1655228

Public Notices

When governments want to change environmental ordinances, the law often requires them to inform you by placing public notice advertisements also called **legals** - in your newspaper.

Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-18-DSV, Richard E and Carol M Lamb requests a Development Standards Variance in order to provide for the division of a parcel and the continued existence of primary structures which:
1) Deviate from the required minimum front yard setback;
2) Exceed the number of allowed primary uses on one parcel; and in which the lot split will cause one lot to
3) Exceed the Lot Width to Depth Ratio of 3:1

in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as 11301 East 300 South Zionsville IN 46077 and is legally described as: The North 10 acres fronting on 146th Street from the following described real estate: The West Half of the East Half of the Northwest Quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian. EXCEPT: Beginning at a point on the North line of the Northwest Quarter of Section 24, Township 18 North, Range 2 East, said point being South 89 degrees, 09 minutes 33 seconds West 663.91 feet from the Northeast corner of said Northwest Quarter, and running thence South 00 degrees, 00 minutes and 55 seconds West 657.32 feet, thence South 89 degrees 11 minutes and 22 seconds West 132.6 feet, thence North 00 degrees 00 minutes and 35 seconds East 657.25 feet to said North line of the Northwest Quarter, thence North 89 degrees, 09 minutes 33 seconds East 132.6 feet to the point of beginning. Being part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 18 North, Range 2 East.

ALSO EXCEPT: Part of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian, situated in Eagle Township, Boone County, Indiana, more particularly described as follows: Commencing at the Northeast corner of the Northeast Quarter of the Northwest Quarter aforesaid; thence South 89 degrees 03 minutes 33 seconds West (an assumed bearing) along the North line of said Quarter Quarter Section, 1,195.41 feet to the point of beginning; from said point of beginning thence South 00 degrees 08 minutes 55 seconds West 657.04 feet; thence South 89 degrees 11 minutes 22 seconds West 132.83 feet, thence North 00 degrees 11 minutes 05 seconds East 656.98 feet to the North line of said Quarter Quarter Section; thence North 89 degrees 09 minutes 33 seconds East along said North line 132.42

Public Notices

When governments want to change **zoning rules**, the law often requires them to inform you by placing notice advertisements - also called legals - in your newspaper.

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feet to the point of beginning.

ALSO EXCEPT: A part of the West Half of the East Half of the Northwest Quarter of Section 24, Township 18 North, Range 2 East, Boone County, Indiana, described as follows: Beginning on the North line of the said Section South 88 degrees 17 minutes 31 seconds West 796.51 feet from the Northeast corner of said Quarter section, designated as point "906" on the Location Control Route Survey Plat recorded in Instrument Number 20060000513 in the Office of the Recorder of said County, which point of beginning is the Northeast corner of the grantors' land; thence South 00 degrees 43 minutes 07 seconds East 59.93 feet along the East line of the grantors' land; thence North 87 degrees 47 minutes 15 seconds West 13.53 feet to point "5239" designated on said Parcel Plat; thence South 88 degrees 17 minutes 34 seconds West 384.13 feet to the West line of the grantors' land; thence North 00 degrees 43 minutes 07 seconds West 58.46 feet along said West line to the North line of said section; thence North 88 degrees 17 minutes 31 seconds East 397.65 feet along said North line to the point of beginning and containing 0.534 acres, more or less, inclusive of the presently existing right-of-way which contains 0.082 acres, more or less, for a net additional taking of 0.452 acres, more or less.

A copy of the Petition for Development Standards Variance and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-426 7/25 hspaxip 1655144

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community

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ADDITIONAL REAL ESTATE Auctions can also be found in the Real Estate for Sale section under Real Estate Auctions.

Community Notes
COMPUTER ISSUES? GEEKS ON SITE provides FREE diagnosis REMOTELY 24/7 SERVICE DURING COVID19. No home visit necessary. \$40 OFF with coupon 864071. Restrictions apply. 888-715-8176
DENIED SOCIAL SECURITY Disability? Appeal! If you're 50+, filed for SSD and denied, our attorneys can help get you approved! No money out of pockets! Call 1-855-995-4758
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DONATE YOUR CAR TO CHARITY! FAST FREE PICKUP-24 HR RESPONSE! Help Children in Need, Support Breast Cancer Education/Prevention or Veterans. Tax Deduction 844-820-9099
MOVING OUT OF state in the next 30-60 days? Don't get taken for a ride! Moving APT offers a PRICE MATCH GUARANTEE and RICK FREE RESERVATIONS. Carriers are all licensed and bonded. Free quote! Call 1-844-8751997.
NEED HELP WITH Family Law? Can't Afford a \$5,000 Retainer? www.familycourtdirect.com/Family/Law-Low-Cost-Legal-Services-Play-As-You-Go - As low as \$750-\$1,500 - Get Legal Help Now! Call 1-888-417-4602 Mon-Fri 7am to 4 pm PCT

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If interested call David @ 765-891-2525 between 8am - 7pm for an interview or more info or send resume to: david_wiltshire@genpet.com or apply at:
General Petroleum
435 Ransdell Rd., Lebanon, IN 46052

BURGER KING
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Now Hiring for all shifts at 1523 W South St, Lebanon.

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Feel free to stop in or call the store at 765-481-2160 to speak with Jamie, our General Manager. She will gladly answer any questions or concerns before you apply.
✓ Crew positions, all shifts; ranging from \$9 to \$12 per hour based on experience and availability.
✓ Shift Managers, hourly, all shifts; starting at \$12 per hour.
✓ Assistant General Managers, salary, starting at \$40K annual.
Please apply at: www.pleaseapplyonline.com/haas/ Or text to apply at 317-830-5996
We Are Excited and Looking Forward to You Joining Our Family!!

Help Wanted
SAP BUSINESS ANALYSTS, Lebanon, IN: Scoping and Planning, Process Design, Configuration, Testing, Deployment, and Post Go-Live Support. Recommends alterations and enhancements to improve application optimization and availability. Validates recommended approach with Business SMEs. Some travel required. Send res to TTS Tooltechnic Systems North America LP at 400 N. Enterprise Blvd. Lebanon, IN 46052

Antiques and Collectibles
1937 FIREMAN'S CONVENTION Medal in golf leaf issue box. \$15. Call 765-482-1683.

Furniture
BRAND NEW QUEEN Pillowtop Mattress W/ Box. Still in Plastic. Never Used. \$195 Or \$40 Down Fin. Can Deliver 317-480-6463

Garage Sale
GARAGE SALE - Saturday, 7/25, (10-2) 511 W Noble St., Lebanon
Coke collection, microwave, Colts attire, new make up, Clothes, toys, shoes, tools, furniture. Something for everyone. All money goes to help support House of Grace women in recovery
LEBANON - MULTI-FAMILY Sale Thu. 7/23 - Sat. 7/25, (8am-7) 3710 N. SR 39, 250+ DVDs, 150 CDs, semi-formal dresses, kitchen, walk art, area rugs, Vera Bradley, Ralikes bear, lamps, southwest décor, linens, Colt's gear, cactus plants, bralettes, brand-name clothing, much more!

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Misc Merchandise
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DISH NETWORK. \$59.99 for 190 Channels! Blazing Fast Internet, \$19.99/mo. (where available.) Switch & Get a FREE \$100 Visa Gift Card. FREE Voice Remote. FREE HD DVR. FREE Streaming on ALL Devices. Call today! 1-855-551-9764.

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GE 4 BURNER Gas Stove - White with black trim. \$50. 765-436-2600.

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DARK BROWN VINYL love seat w/glass holders on each end. \$25 765-485-0922

GUN & KNIFE SHOW - GREENFIELD, INDIANA - July 25th and July 26th
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Saturday 9-5, Sunday 9-3
Collectors & Buyers ready w/cash. All State & Federal Laws Apply. Admission \$5.
FREE PARKING 765-993-8942
BUY -> SELL -> TRADE

GUN & KNIFE SHOW - KOKOMO, INDIANA - August 1st and August 2nd
Kokomo Event Center 1500 North Reed Rd, Kokomo, Indiana
Saturday 9-5, Sunday 9-3
Collectors & Buyers ready w/cash. All State & Federal Laws Apply. Admission \$5.
FREE PARKING 765-993-8942
BUY -> SELL -> TRADE

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HOME FOR SALE - 3 BR, 2 BA with dining room, eat in kitchen. 765-891-1042
WANT TO BUILD a new home in Lebanon? Financing available for qualified buyers. Call Dave Johnson at 317-371-1960

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Homes for Sale
WANT TO BUY A HOME? Don't know where to start? Call Dave Johnson Realty at 317-371-1960

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Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC. Thank you for continuing to consider our case for the Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. We took the BZA meeting recommendations to heart and took immediate action to follow up with future neighbors and provide more detail surrounding traffic and lighting.

Lindsay and I met with four neighbors the following day and have had continued dialogue with others. We enjoyed hearing their excitement about our services and character as well as listening to their thoughts and suggestions on how to improve the site and their living conditions.

The items to be addressed from the August hearing are as follows:

- Light pollution
- Traffic concerns
- Commercialization of area

Light pollution:

- K1ds Count Therapy agrees to modify the existing parking lot lights to limit light pollution. This will be accomplished by replacing the head lamp and have the lights parallel the ground with limited to no angle.

Traffic concerns:

- Please see attached traffic projections. These are based on future therapists' caseloads and our overall therapy model.
- Lindsay and I visited the address between the times of 8am, 8:30am, and 9am over several days and did not see much, if any, traffic congestion. We have videos available upon request.
- Through speaking with neighbors, observing the site, and analyzing future traffic patterns, we strongly believe there will be no negative impact to neighbors, clients, or employees traveling near this location.

Commercialization of area concerns:

- We understand and respect the concerns of two of the neighbors to not want to commercialize the area. Our meeting is set for August 26th to connect in person. It is our view that the commercial building already exists, and we will not be bringing any further commercialization to the area. This will be a property that will be difficult to sell to a residential buyer.
- Per the letters of support (included for your review), four of the neighbors do not feel like our operations will "commercialize" the area or otherwise negatively impact their living experiences or values of their homes. These four neighbors are also the closest in proximity to our proposed location. The other two neighbors are north of the property and have limited views of lot.

Thank you for your continued careful consideration of our Variance of Use request. We are excited, optimistic, and fully prepared to amicably integrate into the Zionsville community and serve families and children!

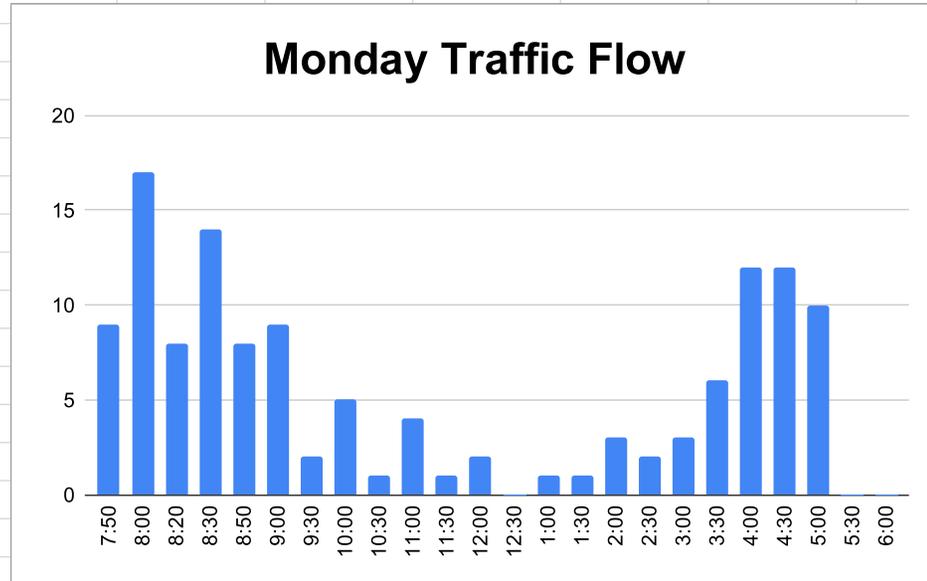
Thank you,  8/24/20

Frank Knez
Founder
K1ds Count Therapy, LLC
317-294-5242
frank@kidscounttherapy.com

Projected Monday Traffic Flow

K1ds Count Therapy, LLC

Monday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	2	17
8:20	8	0	0	8
8:30	1	8	5	14
8:50	8	0	0	8
9:00	0	8	1	9
9:30	0	0	2	2
10:00	0	0	5	5
10:30	0	0	1	1
11:00	0	0	4	4
11:30	0	0	1	1
12:00	0	0	2	2
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	3	3
3:30	0	0	6	6
4:00	0	9	3	12
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	0	0
6:00	0	0	0	0

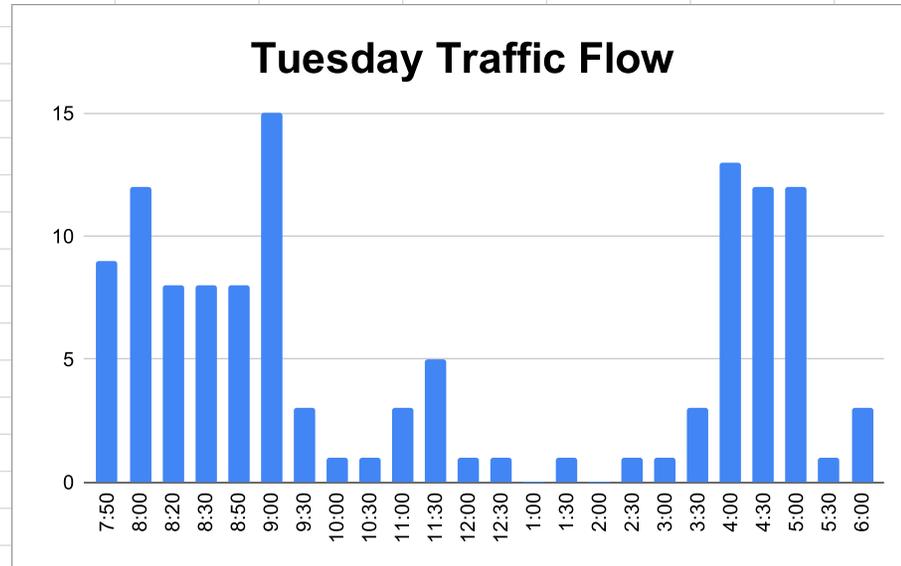


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Tuesday Traffic Flow

K1ds Count Therapy, LLC

Tuesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	0	8	0	8
8:50	8	0	0	8
9:00	4	8	3	15
9:30	0	0	3	3
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	3	3
11:30	0	0	5	5
12:00	0	0	1	1
12:30	0	0	1	1
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	0	0
2:30	0	0	1	1
3:00	0	0	1	1
3:30	0	0	3	3
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	4	12
5:30	0	0	1	1
6:00	0	0	3	3

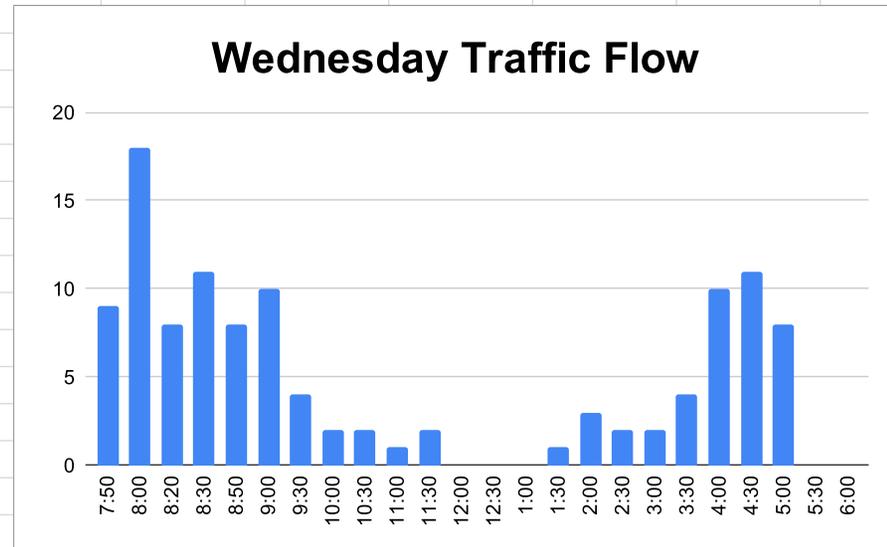


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Wednesday Traffic Flow

K1ds Count Therapy, LLC

Wednesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	3	18
8:20	8	0	0	8
8:30	1	8	2	11
8:50	8	0	0	8
9:00	0	8	2	10
9:30	0	0	4	4
10:00	0	0	2	2
10:30	0	0	2	2
11:00	0	0	1	1
11:30	0	0	2	2
12:00	0	0	0	0
12:30	0	0	0	0
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	2	2
3:30	0	0	4	4
4:00	0	9	1	10
4:30	0	8	3	11
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0

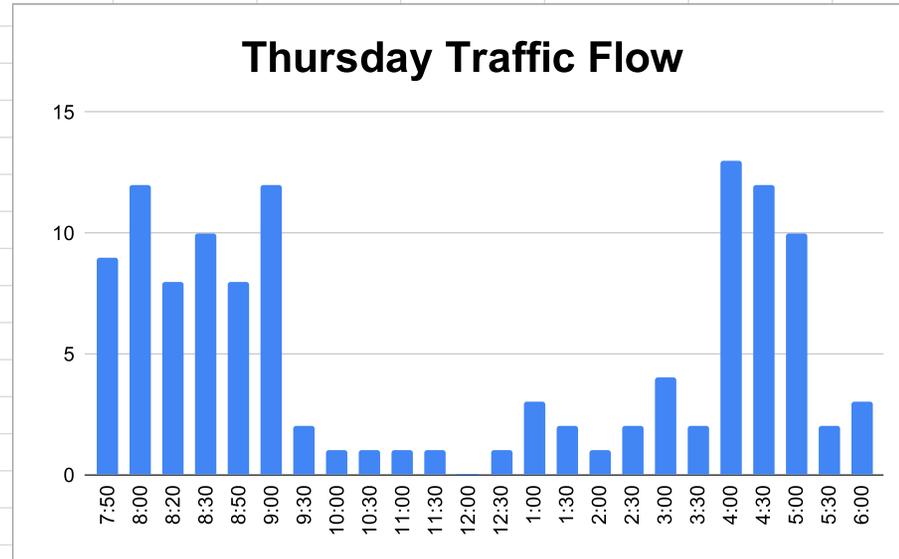


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Thursday Traffic Flow

K1ds Count Therapy, LLC

Thursday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	1	8	1	10
8:50	8	0	0	8
9:00	2	8	2	12
9:30	1	0	1	2
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	1	1
11:30	0	0	1	1
12:00	0	0	0	0
12:30	0	0	1	1
1:00	0	0	3	3
1:30	0	0	2	2
2:00	0	0	1	1
2:30	0	0	2	2
3:00	0	0	4	4
3:30	0	0	2	2
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	2	2
6:00	0	0	3	3

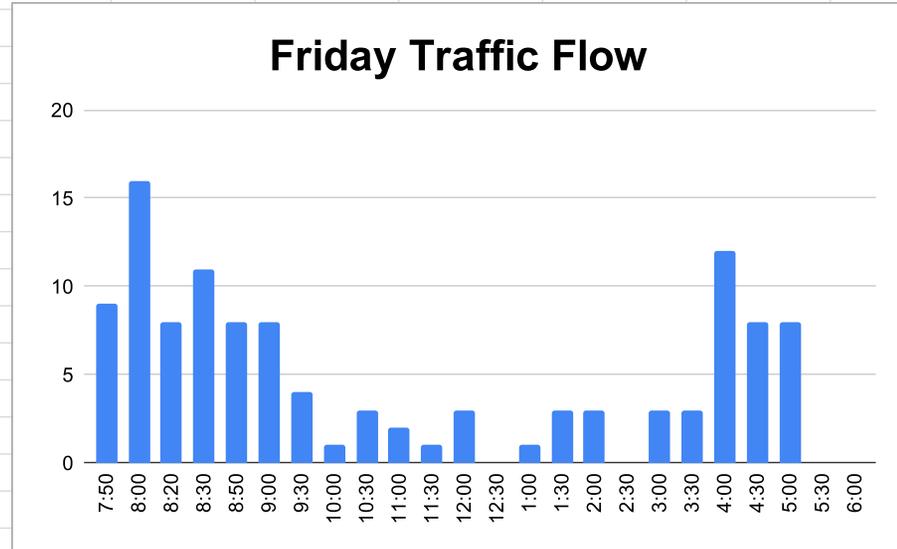


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

Projected Friday Traffic Flow

K1ds Count Therapy, LLC

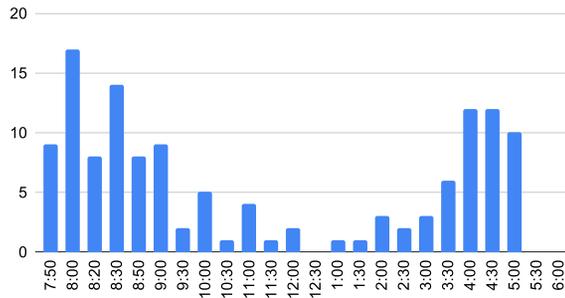
Friday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	1	16
8:20	8	0	0	8
8:30	0	8	3	11
8:50	8	0	0	8
9:00	0	8	0	8
9:30	0	0	4	4
10:00	0	0	1	1
10:30	0	0	3	3
11:00	0	0	2	2
11:30	0	0	1	1
12:00	0	0	3	3
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	3	3
2:00	0	0	3	3
2:30	0	0	0	0
3:00	0	0	3	3
3:30	0	0	3	3
4:00	0	9	3	12
4:30	0	8	0	8
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0



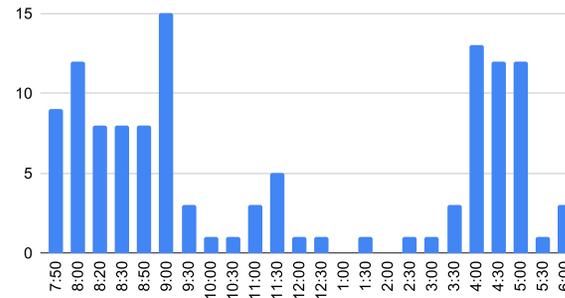
Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

K1ds Count Therapy, LLC Weekly Traffic Flow

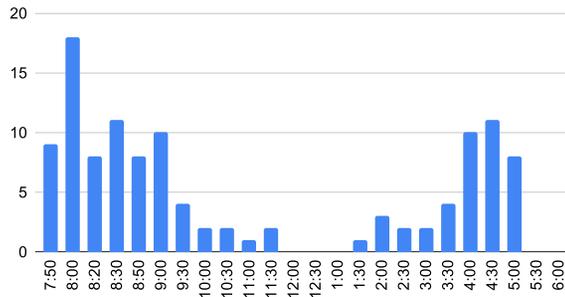
Monday Traffic Flow



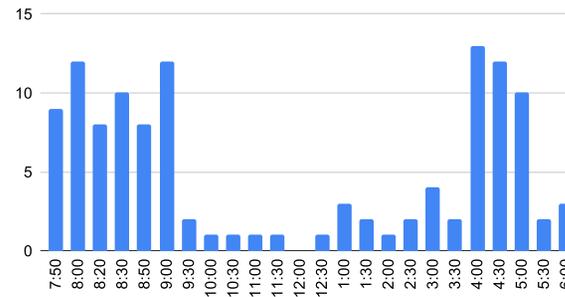
Tuesday Traffic Flow



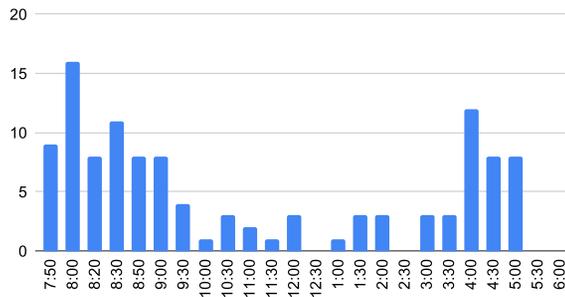
Wednesday Traffic Flow



Thursday Traffic Flow



Friday Traffic Flow



Name: Larry and Margaret Martin
Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow K1ds Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Larry and Margaret Martin

9-18-2020

Date



Name: Dana Sparks

Address: 3870 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,


Dana Sparks

8/19/2020
Date

317-443-9686

barretracingfool@hotmail.com

Name: Anthony and Lynn Connan
Address: 6556 S SR 267, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Anthony & Lynn Connan

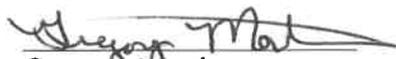
8-19-20
Date

Name: Gregory Martin

Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,


Gregory Martin

Aug 19, 2020
Date



Petition Number: 2020-14-DSV

Subject Site Address: 7655 E 550 South

Petitioner: LRC II, LLC

Representative: Larry Reitz

Request: Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single-Family Residential Zoning District.

Current Zoning: Low-Density Single Family Residential (Rural)

Current Land Use: Agricultural

Approximate Acreage: 7.11 acres

Zoning History: Consolidated within Town of Zionsville’s jurisdiction in 2010. No prior petitions are known.

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioners Proposed Location
Exhibit 4 – Property Record Card
Exhibit 5 – Petitioners proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the September 2, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 7.11 acres and is presently undeveloped vacant land utilized for agricultural purposes. Though the timeline is not clear, Staff is aware that at one time the parcel was improved with one (1) single-family dwelling and associated accessory uses likely under the Boone County Area Planning jurisdiction. In 2010 the area was consolidated into Zionsville's jurisdiction. As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

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.

ANALYSIS - VARIANCE REQUEST – PERMANENT ACCESSORY WITHOUT A PRIMARY

The 7.11 -acre parcel is currently undeveloped vacant land. The Petitioner has intentions of constructing a 50 x 60 (3,000 sq. ft.) accessory structure (pole barn) primarily to store hay from the surrounding land and to house haying equipment to maintain the land, without the benefit of the property being improved with a primary structure. The proposed pole barn requires approval of a Development Standards Variance as accessory structures may not exist on a parcel without the benefit of a Primary.

By Ordinance the applicable Town development standards (See Section 194.097 Rural Property Development Standards) states:

Accessory structures shall not be erected prior to the primary structure, except for structures classified as Farm Buildings, as stated in the definition's sections of this Ordinance (See Section 194.097, C, 1).

Accessory structures shall be clearly subordinate in height, area, bulk, extent, and purpose to the primary structure (See Section 194.097, C, 2).

For reference: Farm (by Ordinance definition):

An area comprising 20 acres or more which is primarily adapted, by reason or nature, for the use of agricultural purposes.

For reference: Farm Building (by Ordinance definition):

A structure on a farm which hosts agricultural storage of livestock, poultry, grain, feed, hay, farm machinery, or other similar nonresidential uses.

The Ordinance does not support the proposed construction of this permanent accessory structure as the primary improvement on property which is located in a residentially zoned district.

The Ordinance attempts to manage the intensity of accessory structures associated with the primary structure, which in this case is to be a single-family residence. While the Board of Zoning Appeals has approved variances for accessory structures which deviated from the Ordinance standard, that support has typically been limited by setting a time within which a dwelling will also be constructed on the property (which, in turn, established the accessory structure as the subordinate building on the property) unless something unique about the property itself precluded a residence. Staff has not identified such uniqueness to this property which necessitates the variance from the applicable development standards nor are stand-alone accessory buildings an established development pattern for the area (unless such area is defined as a farm).

In further reflecting on the Board's prior approvals for accessory structures which deviated from the Ordinance standards, in these recent cases the subject properties were anticipated to be visited by the owners/occupant on an ongoing repetitive basis during the temporary approval period for the accessory structure. These visits, among other things, would elevate awareness about the status of the accessory building (and alert someone to conditions such as storm damage, acts of vandalism, trespass, etc.) With the permanent absence of a residence, a stand-alone accessory building potentially could attract nuisance issues (a concern raised in prior Board of Zoning Appeal's hearing when considering similar requests).

Specific to the current plan for the area, the Comprehensive Plan recommends low density residential development for the site (along the 550 South corridor). While the square footage of the contemplated barn is not beyond what is at times seen as associated with a residential homestead (if one were to be built on the 7.11 acres), the height, currently unknown, may result in a characteristic that is not typical.

Staff would encourage the identification of a height of the contemplated barn, and that it not exceed a height of 24 feet (measured to the peak of the roof, from grade).

By Ordinance, properties in the Low-Density Single Family Residential (Rural) District are permitted by right to be improved with Accessory Structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm.

As the subject site is not 20 acres in size, and therefore is absent compliance with the definition of a Farm, the Ordinance limits accessory uses in a manner which maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property).

SUMMARY

Staff, due to the unique nature of the relationship with LRC II, LLC with the immediate area (be it Stonegate Subdivision, maintenance of properties in and adjacent to Stonegate Subdivision, and the larger parcel that is the subject of this filing), and that the parcel could be improved with a single-family dwelling in the future that results in a property being in compliance with the accessory standard, is supportive of the presence of an accessory building without the benefit of a primary. Additionally, the property in question, per the Property Record Card, indicates that the property provides for 5.7 acres as the “measured acreage” (See Exhibit 4). While 3,000 square feet likely would be ample size to adequately store baled hay (string baled or rolled), without a floor plan, Staff finds it impossible to support the request as filed.

Further, Staff, as a part of its review, unfortunately, did not have the benefit of several details regarding the proposed pole barn; such as the location of the proposed barn from the centerline of the county road and/or parcel lines, the proposed height (as previously mentioned), the proposed building material or floor plans of the interior floor(s) (as previously mentioned).

Additionally, as a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site in an attempt to identify similarly situated properties enjoying similar deviations. A review of the development pattern in the immediate area did not find nearby sites absent the benefit of a primary other than parcels defined as a farm.

STAFF RECOMMENDATIONS

Staff is supportive of an accessory building being constructed on the property (absent a primary structure). At this time, Staff is not supportive of a 3,000 square foot barn described in Docket #2020-14-DSV, seeking to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure, as filed. Staff is suggesting that if the Board is inclined to support the Petition, that limitations be potentially established related to (but not limited to) the occupancy of the property and the duration of the occupancy (and identify both the proposed height and contemplated floor plan).

RECOMMENDATION MOTION

I move that Docket # 2020-14-DSV Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single Family Residential Zoning District, be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).

PROCEDURAL NOTE

As a portion of the property is within proximity to the Special Flood Hazard Area (SFHA) associated with the Fishback Creek (and its dual identification as a Legal Open Drain), it could be subject to additional development restrictions (limitations of size, placement, and floor elevation of buildings). Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, the Boone County Surveyor, and / or the Town (in conjunctions with the Town’s Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).

NORTH LINE, SW 1/4,
SEC. 32-T18N-R2E

SITE:
A PORTION OF THE
PROPERTY OF LRC II, LLC
INST. #201100006845

POINT BEGINNING
309,576.4 SQ. FT. ±
7.1069 ACRES ±

N88°19'29"E - 761.42' (M)



N43°05'28"W - 8.71' (M)
N69°39'13"W - 43.77' (M)
N83°30'16"W - 63.77' (M)

S79°39'20"W - 102.93' (M)

S87°40'59"W - 21.44' (M)

N64°35'21"W - 75.06' (M)

N44°56'19"W - 26.50' (M)

N34°19'06"W - 41.09' (M)

N44°56'19"W - 20.19' (M)

N60°03'04"W - 89.56' (M)

N55°22'32"W - 48.77' (M)

N39°34'58"W - 40.56' (M)

N45°20'06"W - 79.34' (M)

N34°01'59"W - 70.05' (M)

N22°57'44"W - 38.79' (M)

N06°42'52"W - 90.76' (M)

N01°38'17"E - 65.17' (M)

N04°44'30"W - 53.23' (M)

S00°27'36"E - 942.00' (M)

RED LINE
FLOOD LINE
LIMITS OF BALDABLE
AREA
(w/o AN UPDATED LETTER
OF CORRECTION)

PIPELINE
EASEMENT

FISHBACK CREEK

ADJOINER:
STONEGATE SECTION XII-C
SECONDARY PLAT
INST. #201600006812
PLAT BOOK 24, PAGE 46-48



(IN FEET)
1 inch = 100 ft.



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

Donald R. Mosson

This instrument and description was prepared for LRC II, LLC by Donald R. Mosson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.

Parcel Number 003-13570-00	Ownership Name BOONE, IN EAGLE	Transfer of Ownership Date Aug 16, 2011	Grantor REITZ LAWRENCE A & CAROL - Aug 11, 2011	Year 2020	Card 1
County BOONE, IN	Township EAGLE	Date	Valid N	Amount	Type 0.00 Straight
Corporation	District				
Plat	Address 6250 STONEGATE LN ZIONSVILLE, IN 46077				
Map					
Alt Parcel 06-08-32-000-015-000-005					
Property Class 100					
Tax District 003 Eagle/Zionsville Rural					
Neighborhood 3500-eagle res acreage-3500					
Property Address 7655 E 550 S ZIONSVILLE, IN 46077					

VALUATION RECORD		2020	2019	2018
Account	68916			
Book				
Legal	PT W1/2 SE 32-18-2E 7.11A			
Reason for Change	Homestead-C1	0	0	0
	Residential-C2	6,600	8,000	8,200
	Non-Residential-C3	0	0	0
	Total Land	6,600	8,000	8,200
	Homestead-C1	0	0	0
	Residential-C2	0	0	0
	Non-Residential-C3	0	0	0
	Total Imp	0	0	0
	Total Assessed Value:	6,600	8,000	8,200

VACANT AGRICULTURAL-100 PRINTED FROM BOONE COUNTY, INDIANA

LAND DATA AND COMPUTATIONS										
Land Type	Soil I.D.	Measured Acreage	Factor	Base Rate	Adjusted Rate	Estimated Value	Influence Factor	Land Value	Parcel Acreage	
4	CudA	0.910	0.89	1280.00	1139.00	1040		1040	7.360	
4	EdeAW	3.080	0.95	1280.00	1216.00	3750		3750	1.140	
4	MnpD2	1.800	0.77	1280.00	986.00	1770		1770	0.430	
81		1.140	1.00	1280.00	1280.00	1460	0 : 100	0	0.000	
82		0.430	1.00	1280.00	1280.00	550	0 : 100	0	0.000	
TOTAL ACRES FARMLAND									5.790	
True Tax Value									6560	
Measured Acreage									5.790	
Average Farmland Value / Acre									1133.00	
VALUE OF FARMLAND									6560	
Classified Land Total									0	
TOTAL FARMLAND/CLASS LAND VALUE									6600	
Homestead(s) Value									[+] 0	
92 Ag Excess Value									[+] 0	
TOTAL TRUE TAX LAND VALUE									6600	
LAND TYPE CODES										
F	Front Lot								5	Non-tilable Land
R	Rear Lot								6	Woodland
1	Comm. Ind. Land								7	Other Farmland
11	Primary								71	Farm Buildings
12	Secondary								72	Water
13	Undeveloped Usable								73	Wetlands
14	Undeveloped								8	Ag Support Land
2	Classified Land								81	Legal Ditch
3	Undeveloped Land								82	Public Road
4	Tileable Land								83	Utility Trans.
9	Flooded Occasionally								9	Ag Support Land
41	Flooded Severely								91	Res Excess Acres
42	Flooded Occasionally								92	Ag Excess Acres
43	Flooded Wetlands									
Measured Acreage									7.36	
Total Land Value									6600	

Memorandum

Updated per field review -- Remove grain bin, corn crib, adj util shed for 12p13
 2014 pay 2015 Update per Field Review - Updated Sketch NC
 Corr SqFt Bsmt vs Crawl per DH, Eff YB to 1960, Rem Barn
 2019 pay 2020 checked per pictometry-no change

Property Sub Class:

Topography	Pub. Utilities	Street or Rd.	Neighborhood
<input type="checkbox"/> Level	<input type="checkbox"/> Water	<input type="checkbox"/> Paved	<input checked="" type="checkbox"/> Improving
<input type="checkbox"/> High	<input type="checkbox"/> Sewer	<input type="checkbox"/> Unpaved	<input type="checkbox"/> Stable
<input type="checkbox"/> Low	<input type="checkbox"/> Gas	<input type="checkbox"/> Proposed	<input type="checkbox"/> Declining
<input type="checkbox"/> Rolling	<input type="checkbox"/> Electricity	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Other
<input type="checkbox"/> Swampy	<input type="checkbox"/> Alley	<input type="checkbox"/> Blighted	

Sketch		Value Adjustment / Exterior Features	
Parcel Number	003-13570-00	Agriculture	Card 1
Value Adjustments Exterior Features			

Occupancy	Story Height	Attic	Bsm't	Crawl
1 <input type="checkbox"/> Single Family	1 <input type="checkbox"/> Other	0 <input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> 0
2 <input type="checkbox"/> Duplex	2 <input type="checkbox"/> Bi-Level	1 <input type="checkbox"/> Unfin	<input type="checkbox"/> 1/4	<input type="checkbox"/> 1
3 <input type="checkbox"/> Triplex	3 <input type="checkbox"/> Tri-Level	2 <input type="checkbox"/> 1/2 Fin	<input type="checkbox"/> 1/2	<input type="checkbox"/> 2
4 <input type="checkbox"/> 4-6 Family	4 <input type="checkbox"/> M home	3 <input type="checkbox"/> 3/4 Fin	<input type="checkbox"/> 3/4	<input type="checkbox"/> 3
5 <input type="checkbox"/> M home		4 <input type="checkbox"/> Fin	<input type="checkbox"/> Full	<input type="checkbox"/> 4
6 <input type="checkbox"/> Row Type				
Construction	Base Area	Floor	Fin. Liv. Area	Value
1 Frame or Alum.				
2 Stucco				
3 Tile				
4 Concrete Block				
5 Metal				
6 Concrete				
7 Brick		Attic		
8 Stone		Basement		
9 Frame w/Masonry		Crawl		

Roofing		Total Base	
Asphalt Shingles	<input type="checkbox"/>		
Slate or Tile	<input type="checkbox"/>		
Metal	<input type="checkbox"/>		
Floors	1 2		
Earth	<input type="checkbox"/>		
Slab	<input type="checkbox"/>		
Sub & Joists	<input type="checkbox"/>		
Wood	<input type="checkbox"/>		
Parquet	<input type="checkbox"/>		
Tile	<input type="checkbox"/>		
Carpet	<input type="checkbox"/>		
Linoleum	<input type="checkbox"/>		
Unfinished	<input type="checkbox"/>		
Interior Finish	1 2		
Plaster/Dry Wall	<input type="checkbox"/>		
Paneling	<input type="checkbox"/>		
Fiberboard	<input type="checkbox"/>		
Unfinished	<input type="checkbox"/>		

SUMMARY OF IMPROVEMENTS																		
Use	Ht.	Const Type	Grd	Year Const	Effv Year	End	Base Rate	Feat	Adj Rate	Size or Area	LCM	No. Un.	Rplc Cost	Dep Obs	REM Val % Cmp	Nbhd Fctr	Trend Fctr	Improvement Value
Sub-Total One Unit																		
Sub-Total 1 Unit(s)																		
Garages																		
Integral (-)																		
Attached Garage (+)																		
Attached Carport (+)																		
Basement (-)																		
Exterior Features																		
Special Features																		
Sub-Total																		
Grade and Design																		
Location Multiplier																		
Replacement Cost																		
REMODELING & MODERNIZATION																		
Amount																		
Date																		
Exterior																		
Interior																		
Kitchen																		
Bath Facilities																		
Plumbing System																		
Heating System																		
Electrical System																		
Extensions																		
Total																		
No Plumb/Wtr Only																		
Card Improvement Total																		
Total Improvement Value																		

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will not be injurious to the public health, safety, morals and general welfare as the requested improvement would not provide an opportunity to create a health, safety or moral injury to the public

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

The adjacent properties will not be adversely affected as the improvement will increase the value of the parcel where the improvement will be located.

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

Construction of an accessory building in conjunction with a house would likely be allowed.

DECISION

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

Adopted this _____ day of _____, 20__.

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-14-DSU

1. SITE INFORMATION:

Address of Property: 7655 E. 550 SOUTH
Existing Use of Property: AGRICULTURAL
Proposed Use of Property: AGRICULTURAL - RESIDENTIAL
Current Zoning: R-2 Area in acres: ~~7.10~~ 7.10

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: LRC II, LLC.
Owner Name (if different from Petitioner): LAWRENCE A. REITZ
Petitioner Address: 6250 STONEGATE LANE Owner Address: 6250 STONEGATE LANE
Petitioner Phone Number: 317.709.6533 Owner Phone Number: 317.709.6533
Petitioner E-Mail Address: stonegate/larry@aol.com Owner E-Mail Address: stonegate/larry@aol.com

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: LARRY REITZ
Address: 5202 S. US. HWY 421
Phone Number: 317.709.6533
E-Mail Address: stonegate/larry@aol.com or reitz-larry@yahoo.com

Project Engineer:

Name: N.A.
Address: _____
Phone Number: _____
E-Mail Address: _____

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

- Appeal Variance of Development Standards Variance of Use Special Exception Modification

ACCESSORY BUILDING WITHOUT PRIMARY STRUCTURE IN PLACE.

5. ATTACHMENTS:

- Legal description of property
 Owner's Authorization (if Petitioner is not the Owner)
 Statement of Commitments (if proposed)
 Application Fee
 Proof of Ownership (copy of Warranty Deed)
 Site Plan & Exhibits
 Draft of Proposed Legal Notice
 Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: _____



Date: _____

4/29/20

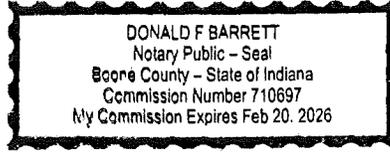
Signature of Owner or Attorney for Owner: _____

Date: _____

State of INDIANA)

County of BOONE)

SS:)



Subscribed and sworn to before me this 29 day of APRIL, 2020.

[Signature]
Notary Public Signature

DONALD BARRETT
Notary Public Printed

My Commission No: 710697

My Commission Expires: FEB 20, 2024

My County of Residence is BOONE County

④
22.00
+ 1.00 Not
Meridian

201100006845
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN, RECORDER
08-16-2011 At 11:49 am.
DEED 23.00

Meridian
10-653405
②

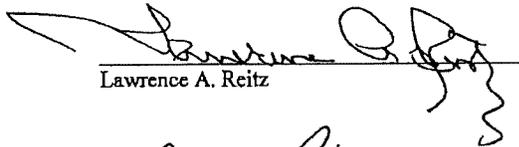
LIMITED WARRANTY DEED

THIS INDENTURE WITNESSETH, that LAWRENCE A. REITZ and CAROL REITZ, husband and wife (collectively, "Grantors"), BARGAIN, SELL AND CONVEY to LRC II, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Grantors' fee simple interest in the real estate located in Boone County, in the State of Indiana and more particularly described in Exhibit A attached hereto and by reference made a part hereof (the "Real Estate").

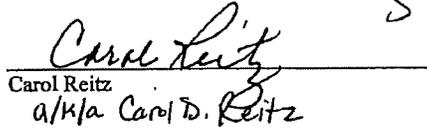
The conveyance herein described is subject to: (i) current, non-delinquent real estate taxes and assessments; and (ii) all easements, agreements, restrictions, encumbrances and rights-of-way of record; and (iii) the state of facts which would be revealed by an accurate survey of the Real Estate.

Grantors covenant with Grantee, and its successors and assigns, that the Real Estate is free from all encumbrances made or suffered by Grantors except as aforesaid, and that Grantors will warrant and defend the same to Grantee and its successors and assigns against the lawful claims and demands of all persons claiming by, through or under Grantors, but against none other.

IN WITNESS WHEREOF, Grantors has executed this Limited Warranty Deed effective as of the 11th day of August, 2011.



Lawrence A. Reitz



Carol Reitz
a/k/a Carol D. Reitz

DULY ENTERED FOR TAXATION
8-16-2011
Melody Reese
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

STATE OF INDIANA)
) SS:
COUNTY OF Madison)

Before me, a Notary Public in and for said County and State, personally appeared Lawrence A. Reitz and Carol Reitz, who, after having been duly sworn, acknowledged the execution of the foregoing Limited Warranty Deed.

WITNESS, my hand and Notarial Seal this 11th day of August, 2011.

Rhonda J. Britt
(Rhonda J. Britt) Notary Public

My Commission Expires:
12-11-16

My County of Residence:
Johnson



Rhonda J. Britt
Notary Public - State of Indiana
Madison County
My Commission Expires Dec. 11, 2016

MTC file # 10-653405

This instrument prepared by E. Joseph Kremp, Attorney at Law, Wooden & McLaughlin, LLP, One Indiana Square, Suite 1800, Indianapolis, Indiana 46204-4208. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. [E. Joseph Kremp]

Send Tax Statements to Grantee's Mailing Address: 6250 Stonegate Lane, Zionsville, IN 46077

Exhibit A

Lots Numbered Sixty-one (61), Sixty-two (62), Sixty-four (64), Sixty-five (65), Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy-one (71) and Seventy-two (72) in Stonegate, Section III as per plat thereof recorded in Plat Book 14, page 53, amended by Surveyor's Certificate of Correction recorded October 22, 2004 as Instrument Number 0413225 and further amended by Surveyor's Certificate of Correction recorded July 11, 2007 as Instrument Number 200700007245 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Six (106), One Hundred Seven (107), One Hundred Eight (108), One Hundred Ten (110), One Hundred Eleven (111) and One Hundred Twelve (112) in Stonegate, Section V as per plat thereof recorded in Plat Book 14, page 57, amended by Certificate of Correction recorded May 30, 2007 as Instrument Number 200700005582 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Twenty-seven (127) and One Hundred Thirty (130) in Stonegate, Section VI as per plat thereof recorded in Plat Book 14, page 51 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Thirty-two (132), One Hundred Forty-six (146), One Hundred Forty-seven (147), One Hundred Forty-eight (148), One Hundred Fifty-four (154) One Hundred Fifty-seven (157), One Hundred Sixty-two (162), One Hundred Sixty-three (163), One Hundred Seventy-three (173), One Hundred eighty-eight (188), One Hundred Eighty-nine (189), One Hundred Ninety-four (194), One Hundred Ninety-five (195) Two Hundred Two (202), Two Hundred Three (203) and Two Hundred Five (205) in Stonegate, Section VII as per plat thereof recorded in Plat Book 15, page 41, amended by Surveyor's Affidavit recorded June 29, 2005 as Instrument Number 0507187 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Forty-six (246), Two Hundred Forty-seven (247), Two Hundred Forty-eight (248), Two Hundred Forty-nine (249), Two Hundred Fifty (250), Two Hundred Fifty-one (251) and Two Hundred Fifty-two (252), Two Hundred Fifty-three (253) Two Hundred Fifty-four (254), Two Hundred Fifty-five (255) Two Hundred Fifty-six (256) and Two Hundred Fifty-seven (257) in Stonegate, Section VIII as per plat thereof recorded in Plat Record 17, pages 44 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Twelve (212), Two Hundred Thirteen (213), Two Hundred Eighteen (218), Two Hundred Nineteen (219), Two Hundred Twenty-one (221), Two Hundred Twenty-two (222), Two Hundred Twenty-six (226), Two Hundred Twenty-seven (227) in Stonegate, Section IX as per plat thereof recorded in Plat Record 17, pages 25-27 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Sixty-nine Townhome B (269B) and Two Hundred Sixty-nine Townhome C (269C) in Replat of Lot 63 of Stonegate Section III/ Lots 267A-267D, 268A-268D, & 269A-269C of Replat Lots 265-269 and Common Area G of Stonegate, Section VIII as per replat thereof recorded in Plat Book 19, page 46 in the Office of the Recorder of Boone County, Indiana.

ALSO: A part of the Southwest Quarter and the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian in Eagle Township, Boone County, Indiana more particularly described as follows:

BEGINNING at the northwest corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East; thence South 00 degrees 26 minutes 48 seconds East 639.46 feet along the West Line of said quarter section to the northwestern corner of Tract I as described in Deed Record 208, Page 615 (as recorded in the Office of the Recorder of Boone County, Indiana) with the next six (6) courses being along the boundary of said Tract I; (one) thence South 82 degrees 37 minutes 05 seconds East 499.20 feet; (two) thence North 00 degrees 27 minutes 04 seconds West 384.50 feet; (three) thence North 35 degrees 33 minutes 02 seconds East 141.70 feet; (four) thence North 00 degrees 27 minutes 04 seconds West 220.71 feet; (five) thence North 88 degrees 19 minutes 29 seconds East 761.42 feet; (six) thence South 00 degrees 27 minutes 36 seconds East 1,705.35 feet to the northeastern corner of Stonegate Section VI (as recorded in Plat Book 14, Page 52 in said Recorder's Office) with the next five (5) courses being along the boundary of said Stonegate Section VI; (one) thence North 83 degrees 38 minutes 15 seconds West 165.76 feet to a point on a non-tangent curve concave to the west, said point lying South 83 degrees 40 minutes 07 seconds East 625.00 feet from the radius point thereof; (two) thence southerly 19.64 feet to a point lying South 81 degrees 52 minutes 06 seconds East 625.00 feet from the radius point thereof; (three) thence North 81 degrees 52 minutes 06 seconds West 50.00 feet to a point on a non-tangent curve concave to the west, said point lying South 81 degrees 52 minutes 06 seconds East 575.00 feet from the radius point thereof; (four) thence

southerly 140.31 feet to a point lying South 87 degrees 53 minutes 14 seconds West 575.00 feet from the radius point thereof; (five) thence North 67 degrees 53 minutes 14 seconds West 130.00 feet to the northeastern corner of Stonegate Section III (as recorded in Plat Book 14, Page 56 in said Recorder's Office) with the next nine (9) courses being along the boundary of said Stonegate Section III; (one) thence North 67 degrees 50 minutes 17 seconds West 87.35 feet; (two) thence North 24 degrees 40 minutes 35 seconds East 130.03 feet to a point on a non-tangent curve concave to the northeast, said point lying South 24 degrees 35 minutes 38 seconds West 525.00 feet from the radius point thereof; (three) thence northwesterly 130.32 feet along said curve to a point lying South 38 degrees 48 minutes 59 seconds West 525.00 feet from the radius point thereof; (four) thence South 33 degrees 33 minutes 28 seconds West 130.62 feet; (five) thence North 50 degrees 53 minutes 18 seconds West 170.05 feet; (six) thence North 58 degrees 19 minutes 55 seconds West 73.12 feet; (seven) thence North 64 degrees 51 minutes 15 seconds West 161.33 feet; (eight) thence South 19 degrees 50 minutes 29 seconds West 132.13 feet; (nine) thence North 73 degrees 54 minutes 53 seconds West 130.00 feet to an eastern corner of Stonegate Section VII (as recorded in Plat Book 15, Page 41 in said Recorder's Office) with the next seventeen (17) courses being along the boundary of said Stonegate Section VI; (one) thence North 73 degrees 53 minutes 35 seconds West 50.00 feet; (two) thence South 16 degrees 00 minutes 26 seconds West 7.05 feet; (three) thence North 74 degrees 05 minutes 33 seconds West 132.86 feet; (four) thence North 70 degrees 55 minutes 36 seconds West 88.12 feet; (five) thence North 02 degrees 48 minutes 24 seconds East 359.98 feet; (six) thence North 12 degrees 27 minutes 06 seconds West 143.65 feet; (seven) thence North 22 degrees 40 minutes 32 seconds West 117.18 feet; (eight) thence North 33 degrees 03 minutes 26 seconds West 120.44 feet; (nine) thence North 42 degrees 03 minutes 34 seconds West 32.72 feet; (ten) thence South 48 degrees 31 minutes 57 seconds West 121.84 feet; (eleven) thence North 42 degrees 02 minutes 04 seconds West 64.18 feet; (twelve) thence South 47 degrees 56 minutes 26 seconds West 50.00 feet; (thirteen) thence North 42 degrees 03 minutes 34 seconds West 113.21 feet; (fourteen) thence South 44 degrees 20 minutes 22 seconds West 246.44 feet; (fifteen) thence South 20 degrees 15 minutes 48 seconds West 233.90 feet; (sixteen) thence South 00 degrees 23 minutes 16 seconds East 263.22 feet; (seventeen) thence South 88 degrees 18 minutes 21 seconds West 1.62 feet to the southwestern corner of Tract II as described in said Deed Record 206, Page 615; thence North 00 degrees 29 minutes 08 seconds West 1,322.48 feet along the western line of said Tract II to the North Line of the Southwest Quarter of said Section 32; thence North 88 degrees 19 minutes 29 seconds East 668.83 feet along said North Line to the POINT OF BEGINNING and containing 53.063 acres more or less.

E. Am. Fed. Natl. Tr. & S. Co.
Attor. J.O. Kelly Form No. 3

Note: Use of this form constitutes practice of law and is limited to practicing lawyers.

WARRANTY DEED

2 fl
3 2 fl
4 1 mty

THIS INDENTURE WITNESSETH, That Robert E. Hanley

_____ ("Grantor")
of Kauai County, in the State of Hawaii, CONVEYS
AND WARRANTS to Lawrence A. Reitz and Carol Reitz, husband
and wife,
of Marion County, in the State of Indiana, for the sum
of One Dollars (\$ 1.00) and other
valuable consideration, the receipt of which is hereby acknowledged, the following described real
estate in Boone County, in the State of Indiana:

The real estate described as Tract I and Tract II on
Exhibit A attached hereto and made a part hereof.

Subject to taxes and assessments due and payable in
May, 1978, and thereafter.

Subject to legal highways and to easements, rights of
way and restrictions of record and subject also to an
easement to Public Service Company of Indiana, Inc.
acquired by virtue of Cause No. S75-37 in Boone Superior
Court, the damages to be awarded thereby are the property
of Joseph J. Spalding and Dorothy R. Spalding.

This deed is executed by H. Earl Capehart, Jr., attorney-
in-fact for the Grantor pursuant to that certain Power
of Attorney dated October 18, 1977, and recorded with
the Recorder of Boone County, Indiana, on October 24,
1977, in Misc. Record 72 pages 195-196.

6222
RECEIVED FOR RECORD
At 9:45 o'clock A.M. and Recorded in
Misc. Record 206 Page 615
NOV 4 1977
Pauline Heckmann
Recorder, Boone County, Ind.

11-4-77
Barbara Gray

IN WITNESS WHEREOF, Grantor has executed this deed this 2nd day of
November, 1977
Signature _____ (SEAL) ROBERT E. HANLEY
Signature BY: H. Earl Capehart, Jr. (SEAL)
Printed H. Earl Capehart, Jr.,
Attorney-in-Fact

STATE OF INDIANA }
COUNTY OF MARION } SS:

I, Oberine N. Tinay, a Notary Public in and for said County and State, personally appeared H. Earl
Capehart, Jr., Attorney-in-Fact for Robert E. Hanley,
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 2nd day of November, 1977
My commission expires December 5, 1980
Signature Oberine N. Tinay
Printed Oberine N. Tinay, Notary Public

This instrument was prepared by H. Earl Capehart, Jr., attorney at law.

Return to: _____

© Copyright, 1977, by Indianapolis Bar Association.

Send tax statements to: R R 2
Genevieve Gadiano Ho 77

Tract I

A part of the west half of the southeast quarter of Section 32, Township 18 North, Range 2 East, and being more particularly described as follows, to-wit:

Beginning at the northeast corner of the west half of the southeast quarter of Section 32, Township and Range aforesaid, proceed thence south 1 degree 34 minutes 29 seconds west for a distance of 2640.70 feet; thence north 89 degrees 33 minutes 08 seconds west for a distance of 1347.70 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 2003.50 feet; thence south 80 degrees 54 minutes 28 seconds east for a distance of 498.90 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 384.50 feet; thence north 37 degrees 48 minutes 38 seconds east for a distance of 141.70 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 215.95 feet; thence south 89 degrees 34 minutes 06 seconds east for a distance of 762.75 feet to the point of beginning, containing 73.31 acres, more or less.

Located in Eagle Township, Boone County, Indiana.

Tract II

A part of the northeast quarter of the southwest quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, and being more particularly described as follows, to-wit:

Beginning at the northeast corner of the southwest quarter of Section 32, Township and Range aforesaid, thence south 1 degree 42 minutes 38 seconds west along the east line of the southwest quarter for a distance of 1319.54 feet; thence north 89 degrees 33 minutes 38 seconds west for a distance of 668.29 feet; thence north 1 degree 40 minutes 34 seconds east for a distance of 1319.43 feet to the north line of the southwest quarter; thence south 89 degrees 34 minutes 06 seconds east for a distance of 669.09 feet to the point of beginning, containing 20.25 acres, more or less.

Located in Eagle Township, Boone County, Indiana.

RECEIVED FOR EXAMINATION
11-4-77
Barbara Gray
Recorder Boone County

RECEIVED FOR RECORD

At _____ O'Clock _____ M, and Recorded in
Record 206 Page 616

NOV 4 1977

Pauline Heckmann
Recorder, Boone County, Ind.

EXHIBIT A

212

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

STATE OF _____)
COUNTY OF _____) SS:

I, Lawrence A. Reitz, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE

BOARD OF ZONING APPEALS, to consider the Petition of: LRC II, LLC
(NAME OF PERSON ON PETITION)

Requesting: Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 7655 East 550 South, Zionsville, Indiana 46077

Was sent by FIRST CLASS MAIL, to the last known address of each of the following entities at the following addresses:

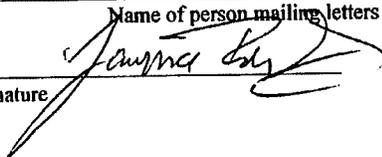
OWNERS

ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by First Class Mailed on or before the 22 day of August, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

Lawrence Reitz
Name of person mailing letters

Signature

State of Indiana)

County of Boone) SS:

Subscribed and sworn to before me this 26th day of August, 2020.

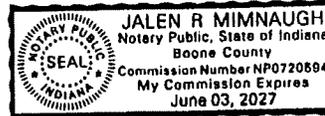

Notary Public Signature

Jalen R. Mimnaugh
Notary Public Printed

My Commission No: NP0720594

My Commission Expires: 06/03/2027

My County of Residence is Boone County



Attribute report for active ID 1

ID name	add1	add3
✓ 39856 HARMON DEBORAH J ETAL	5690 S 800 E	ZIONSVILLE, IN 46077
✓ 40109 STONEGATE COMMUNITY PROPERTY O	212 W 10TH STE B 300	INDIANAPOLIS, IN 46202
40290 SAMRA SR GURPREET SINGH & SIMR	7702 DEERFIELD WAY	ZIONSVILLE, IN 46077
40308 LRC II LLC	6250 STONEGATE LN	ZIONSVILLE, IN 46077
40313 MORELL JAVIER R	7696 DEERFIELD WAY	ZIONSVILLE, IN 46077
40328 RAYMOND-GUILLEN LUKE AND JACK	7684 DEERFIELD WAY	ZIONSVILLE, IN 46077
40329 DOYLE JAMES SHAWN & DANIELLE S	7690 DEERFIELD WAY	ZIONSVILLE, IN 46077
40344 WALTON JOHN & MEREDITH LAINE	7676 DEERFIELD WAY	ZIONSVILLE, IN 46077
40387 SEILER RUSSELL B & NICOLE A	160 RAINTREE DR	ZIONSVILLE, IN 46077
✓ 40758 BALLARD BRIAN J	550 AMOS DR	ZIONSVILLE, IN 46077
✓ 40759 LANE DERRICK J	7520 E 550 S	ZIONSVILLE, IN 46077
✓ 40760 BUNCH CLAUDE R & EDNA E	549 AMOS DR	ZIONSVILLE, IN 46077
✓ 40761 HARMON ERNEST J ETAL	5690 S 800 E	ZIONSVILLE, IN 46077

✓ JENNIFER L. MILLS 7525 E. 550. S ZIONSVILLE 46077



ZIONSVILLE
 1475 W OAK ST
 ZIONSVILLE, IN 46077-9998
 (800) 275-8777

08/22/2020 12:53 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157678566			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157678573			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157678559			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157679044			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157679068			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157679051			
Total			\$4.10

First-Class Mail® Letter	1	\$0.55
Indianapolis, IN 46202 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020		
Certified		\$3.55
USPS Certified Mail # 70192970000157679075		
Total		\$4.10
Grand total:		\$28.70

Credit Card Remitd	\$28.70
Card Name: VISA Account #: XXXXXXXXXXXX7439 Approval #: 634732 Transaction #: 090 AID: A0000000031010 Chip AL: VISA CREDIT PIN: Not Required	

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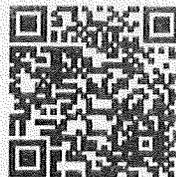
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YOUR OPINION COUNTS



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We want to help you sell the items you no longer use.

Elvitz NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County...

Parcel No. 06-10-20-000-001-012

Together with rents, issues, income and profits thereon, said sale will be made without relief from valuation or appraisal laws.

Parcel No. 06-10-20-000-001-012

Together with rents, issues, income and profits thereon, said sale will be made without relief from valuation or appraisal laws.

Parcel No. 06-10-20-000-001-012

Together with rents, issues, income and profits thereon, said sale will be made without relief from valuation or appraisal laws.

Parcel No. 06-10-20-000-001-012

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Parcel No. 06-10-20-000-001-012

Together with rents, issues, income and profits thereon, said sale will be made without relief from valuation or appraisal laws.

Public Notices

WaKins 19-026960 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES

NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County...

Parcel No. 06-10-20-000-001-012

Together with rents, issues, income and profits thereon, said sale will be made without relief from valuation or appraisal laws.

Parcel No. 06-10-20-000-001-012

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Parcel No. 06-10-20-000-001-012

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Parcel No. 06-10-20-000-001-012

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Parcel No. 06-10-20-000-001-012

Public Notices

lloves Beginning at a point 299.30 feet west of the northeast corner of the northeast quarter of the southwest quarter of Section 24, Township 19 North, Range 1 East, and run thence south 134.20 feet, thence south 87 degrees 4 minutes east 80 feet, thence north 2.90 feet, thence north 80 degrees 12 minutes east 151.00 feet to the half section line, thence east 134.20 feet, following the half section line to an iron pipe, thence west 353.30 feet to an iron pipe, thence north 250 feet to the half section line and center of public road 250-T to the place beginning, containing 344 acre, more or less.

TRACT II: A portion of the southwest quarter of Section 24, Township 19 North, Range 1 East, in Center Township, Boone County, Indiana, containing more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence west along the north line thereof, 292.2 feet, thence south along an existing fence line 134.2 feet, thence south 87 degrees 08 minutes east along an existing fence 80.0 feet, thence north 12.8 feet, thence north 80 degrees 12 minutes east along an existing fence 151.0 feet to the east line of the southeast quarter of said Section 24; thence north along said east line, 123.3 feet to the place of beginning, containing 678 more or less.

More commonly known as 5445 East 250 North, Lebanon, IN 46052 Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Public Notices

Schneider STATE OF INDIANA BOONE COUNTY PROBATE IN THE BOONE CIRCUIT COURT

CAUSE NO 06C01-2008-MI-036 IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BUY TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

William Schneider, Petitioner PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

The above-named Petitioner William Schneider, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title.

The Petitioner acquired legal title to the automobile on or about November 2019.

The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists.

I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

DATE: 08/20/20 BY: William Schneider 6045 Oak St, Zionsville IN 46077

Additional Real Estate Auctions can also be found in the Real Estate for Sale section under Real Estate Auctions.

Hand 19-045719 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES

NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County...

Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Public Notices

Schneider STATE OF INDIANA BOONE COUNTY PROBATE IN THE BOONE CIRCUIT COURT

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Hand 19-045719 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES

NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County...

Parcel No. 06-11-24-000-000-000-001

Together with rents, issues, income and profits thereon, said sale will be without relief from valuation or appraisal laws.

Help Wanted

WEIGHTS & MEASURES INSPECTOR

Boone County is currently accepting applications for a part time Weights & Measures Inspector. This position will be responsible for conducting inspections of weighing and measuring devices in grain elevators, ferries, gravel pits, and stockyards to ensure compliance with established laws and regulations.

In addition, the incumbent will inspect and test, using calibrated least weights and measures, commercial and law enforcement weighing devices, packaged commodities, petroleum liquid measuring devices, and commercial liquid petroleum gas measuring devices, to ensure accuracy and compliance with state laws and regulations.

Applicants should possess a High School diploma or GED and must pass the Indiana State Board of Health, Division of Weights and Measures, examination.

He or she should have knowledge of various types of weighing and measuring devices in common use and skill in the operation of mechanical testing equipment used in the work.

Please forward your resume and salary history to: Boone County Board of Commissioners, 116 W. Washington Street, Room 103, Lebanon, IN 46052. Interviews will begin in September.

CLASSIFIED PACKAGES CALL 1-888-663-1063.

NOTICE OF PUBLIC HEARING BY THE TOWN OF JAMESTOWN BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following:

1) 2019-15-05V, LLC II, LLC requests a Development Standards Variance in order to allow construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District.

The property involved is more commonly known as: 7605 E 850 South, and is legally described as: Parcel No. 19-045719.

Interested parties may file comments in support of or in opposition of the proposed variance with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing.

Interested parties may file comments in support of or in opposition of the proposed variance with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing.

Help Wanted

TOWN OF JAMESTOWN Board Vacancies, Park Board-2 vacancies, Board of Zoning Appeals-2 vacancies

These vacancies please submit a letter of intent to the Jamestown Municipal Building at 421 East Main St., Jamestown IN 46147.

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FROM BIRTHDAY WISHES... To Automobile We can help you with your Classified Ads. Call at 1-888-663-1063.

Public Notices

Parcel 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana, Range 18 East, Township 19 North, 27 seconds East (North 80 degrees 12 minutes West) 272.92 feet along the North Line of said Southeast Quarter 13 of said northwestern corner of the S3003-acre tract of land granted to LHC II, LLC (LHC Trust) recorded instrument Number 20110000645 in the Office of the Recorder of Boone County, Indiana, and the POINT OF BEGINNING of this description (the following two (2) courses are across the boundary of said LHC Trust): (one) North 89 degrees 48 minutes 29 seconds (two) North 30 degrees 22 minutes 30 seconds East 142.60 feet to a north-south corner of Sta 9696 Section XII-C Secondary Plat recorded as Plat Book 24, Page 46-49, Instrument Number 20160008912 in said Recorder's Office. (1) Commencing at the corner of the said twenty-four (24) courses are along the boundary of 1 (Sixty-one Subdivided) (one) North 55 degrees 29 minutes 57 minutes West 58.88 feet; (two) North 19 degrees 22 minutes 41 seconds West 23.06 feet; (three) North 40 degrees 53 minutes 38 seconds East 123.63 feet; (four) North 49 degrees 26 minutes 31 seconds West 38.58 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 05 minutes 12 seconds West 30.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 23.17 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 34 minutes 06 seconds East 79.34 feet; (thirteen) North 39 degrees 34 minutes 56 seconds West 60.55 feet; (fourteen) North 55 degrees 22 minutes 32 seconds East 48.77 feet; (fifteen) North 44 degrees 56 minutes 19 seconds West 20.10 feet; (sixteen) North 34 degrees 19 minutes 58 seconds East 112.21 feet; (seventeen) North 23 degrees 16 minutes 06 seconds West 20.50 feet; (eighteen) North 64 degrees 16 minutes 27 seconds West 75.06 feet; (nineteen) South 97 degrees 40 minutes 42 seconds East 23.17 feet; (twenty) North 79 degrees 30 minutes 20 seconds West 102.93 feet; (twenty-one) North 83 degrees 12 minutes 36 seconds West 63.77 feet; (twenty-two) South 69 degrees 39 minutes 39 minutes East 43.37 feet; (twenty-three) North 43 degrees 05 minutes 28 seconds East 6.71 feet; (twenty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (twenty-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (twenty-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (twenty-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (twenty-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (twenty-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (thirty-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (forty) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (forty-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (forty-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (forty-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (forty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; 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(ninety) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (ninety-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; 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(one hundred and seventeen) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and eighteen) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and nineteen) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and twenty-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; 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(one hundred and forty-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and forty-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and fifty-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and sixty-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-one) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-two) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-three) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-four) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-five) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-six) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-seven) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-eight) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and seventy-nine) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and eighty) North 00 degrees 00 minutes 00 seconds East 123.63 feet; (one hundred and eighty-one) North 00 degrees 00 minutes 00 seconds

**NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,
September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-14-DSV LRC II, LLC requests a
(PETITION NUMBER) **(NAME OF PETITIONER)**
Development Standards Variance to provide for or permit: _____ **(USE**
VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District.

The property involved is more commonly known as: 7655 E 550 South and is legally described as:
(COMMON ADDRESS)

(INSERT LEGAL DESCRIPTION OF PROPERTY – See Attached Legal Description)

A copy of the Petition for Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street,
Zionsville, Indiana, 46077 or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments
in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning
Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.
Oral comments to the Petition for

Development Standards Variance will be heard at the
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: Lebanon Reporter

LAND DESCRIPTION
LRC II, LLC NORTHEAST REMAINDER

A portion of the property of LRC II, LLC
A part of Instrument Number 201100006845
November 14, 2019

A part of the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana; thence North 88 degrees 19 minutes 27 seconds East (Basis of Bearing: Indiana State Plane, West Zone, NAD 83) 577.92 feet along the North Line of said Southeast Quarter to a northwestern corner of the 53.063-acre tract of land granted to LRC II, LLC ("LRC Tract") (recorded as Instrument Number 201100006845 in the Office of the Recorder of Boone County, Indiana) and the POINT OF BEGINNING of this description (the following two (2) courses are along the boundary of said LRC Tract); (one) North 88 degrees 19 minutes 29 seconds East 761.42 feet along said North Line; (two) South 00 degrees 27 minutes 36 seconds East 942.00 feet to a northeastern corner of Stonegate Section XII-C Secondary Plat (recorded as Plat Book 24, Pages 46-48, Instrument Number 201600006812 in said Recorder's Office) ("Stonegate Subdivision") (the following twenty-four (24) courses are along the boundary of said Stonegate Subdivision); (one) North 55 degrees 29 minutes 57 minutes West 35.88 feet; (two) North 47 degrees 25 minutes 41 seconds West 29.06 feet; (three) North 40 degrees 53 minutes 39 seconds West 62.63 feet; (four) North 48 degrees 26 minutes 31 seconds West 30.98 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 42 minutes 32 seconds West 90.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 38.79 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 20 minutes 06 seconds West 79.34 feet; (thirteen) North 39 degrees 34 minutes 58 seconds West 40.56 feet; (fourteen) North 55 degrees 22 minutes 32 seconds West 48.77 feet; (fifteen) North 60 degrees 03 minutes 04 seconds West 89.56 feet; (sixteen) North 44 degrees 56 minutes 19 seconds West 20.19 feet; (seventeen) North 34 degrees 19 minutes 06 seconds West 41.09 feet; (eighteen) North 44 degrees 56 seconds 19 seconds West 26.50 feet; (nineteen) North 64 degrees 35 minutes 27 seconds West 75.06 feet; (twenty) South 87 degrees 40 minutes 59 seconds West 21.44 feet; (twenty-one) South 79 degrees 39 minutes 20 seconds West 102.93; (twenty-two) North 83 degrees 30 minutes 16 seconds West 63.77 feet; (twenty-three) North 69 degrees 39 minutes 13 seconds West 43.77 feet; (twenty-four) North 43 degrees 05 minutes 28 seconds West 8.71 feet to a western line of said LRC Tract; thence North 00 degrees 27 minutes 04 seconds 182.72 feet along said western line to the POINT OF BEGINNING, containing 309,576.4 square feet (7.1069 acres), more or less.

NORTH LINE, SW 1/4,
SEC. 32-T18N-R2E

POINT BEGINNING
309,576.4 SQ. FT.±
7.1069 ACRES±

SITE:
A PORTION OF THE
PROPERTY OF LRC II, LLC
INST. #201100006845

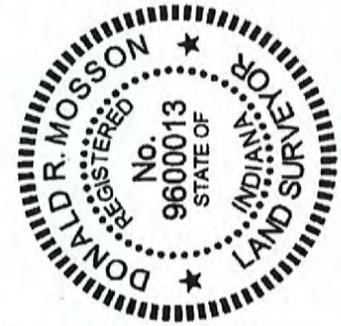


(IN FEET)
1 inch = 100 ft.

Note: This drawing is not intended
to be represented as a retracement
or original boundary survey, a route
survey, or a Surveyor Location
Report.

Donald R. Mosson

This instrument and description was
prepared for LRC II, LLC by Donald
R. Mosson, Indiana Land Surveyor
No. 9600013 on the 15th day of
November, 2019.



ADJOINER:
STONEGATE SECTION XII-C
SECONDARY PLAT
INST. #201600006812
PLAT BOOK 24, PAGE 46-48

N88°19'29"E - 761.42' (M)

N43°05'28"W - 8.71' (M)

N69°39'13"W - 43.77' (M)

N83°30'16"W - 65.77' (M)

S79°39'20"W - 102.93' (M)

S87°40'59"W - 21.44' (M)

N64°35'21"W - 75.06' (M)

N44°56'19"W - 26.50' (M)

N34°19'06"W - 41.09' (M)

N44°56'19"W - 20.19' (M)

N60°03'04"W - 89.56' (M)

N55°22'32"W - 48.77' (M)

N39°34'58"W - 40.56' (M)

N45°20'06"W - 79.34' (M)

N34°01'59"W - 70.05' (M)

N22°57'44"W - 38.79' (M)

N06°42'52"W - 90.76' (M)

N01°38'17"E - 65.17' (M)

N04°44'30"W - 53.23' (M)

S00°27'36"E - 942.00' (M)

RED LINE
FLOOD LINE
LIMITS OF BUILDABLE
AREA
(w/ ~~AN~~ UPDATED LETTER
OF CORRECTION)

ESBEMENT
PIPELINE
FISHBACK CREEK

SURVEYOR
LEGAL
DRAIN
LINE

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will not be injurious to the public health, safety, morals and general welfare as the requested improvement would not provide an opportunity to create a health, safety or moral injury to the public

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

The adjacent properties will not be adversely affected as the improvement will increase the value of the parcel where the improvement will be located.

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

Construction of an accessory building in conjunction with a house would likely be allowed.

DECISION

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

Adopted this _____ day of _____, 20__.

2020-14-DSV LRC II, LLC - Barn – Additional Information Received

Additional information received from the petitioner 8-28-20. Therefore, Staff did not have the opportunity to review this information prior to the completion of the staff report.

Chrissy Koenig



From: Stonegatelarry <stonegatelarry@aol.com>
Sent: Friday, August 28, 2020 12:30 PM
To: Chrissy Koenig
Subject: Re: Front Yard Setback?????????: ITEMS NEEDED: 2020-14-DSV LRC II, LLC
Attachments: Scan_20200828 (3).pdf

Mrs Koenig,

Good Afternoon,

We are not asking for any waivers of setbacks. What ever the building requirements are at the time that a permit is submitted, assuming a variance has been granted, will be followed.

The final location could easily be adjusted to meet the setback. The drawing is only for a general representation and is not final.

The end doors would be a typical 10' and we expect the overall building height to be 20' tall or less.

I have attached a letter that was mailed yesterday via first class mail to the adjoiners for your records.

Larry
317.709.6533

-----Original Message-----

From: Chrissy Koenig <CKoenig@zionsville-in.gov>
To: Stonegatelarry <stonegatelarry@aol.com>
Sent: Wed, Aug 26, 2020 12:52 pm
Subject: Front Yard Setback?????????: ITEMS NEEDED: 2020-14-DSV LRC II, LLC

Please confirm the proposed front yard setback of the structure +/- . The ordinance requires that it be at least "20 feet from the right-of-way or 70 feet from the center line of the road, whichever is greater"

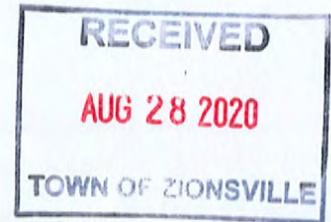
Chrissy Koenig
Planner I – Petitions
Town of Zionsville

O: (317) 873-1575
C: (317) 995-4471
ckoenig@zionsville-in.gov
www.zionsville-in.gov



From: Stonegatelarry <stonegatelarry@aol.com>
Sent: Wednesday, August 26, 2020 12:01 PM
To: Chrissy Koenig <CKoenig@zionsville-in.gov>
Subject: Re: ITEMS NEEDED: 2020-14-DSV LRC II, LLC

LRC II, LLC
6250 Stonegate Lane
Zionsville, IN. 46077



Neighbors:

You are likely in receipt of a certified letter from LRC, LLC regarding a Legal Notice of a public hearing by the Town of Zionsville regarding a Petition for Development Standards Variance to be heard by the Town of Zionsville Board of Zoning Appeals on September 2, 2020.

LRC II, LLC is an entity that is composed of the Reitz Family. Our family, namely, Dr. Larry and Carol Reitz, have owned the property, known as 7655 East County Road 550 South since 1978.

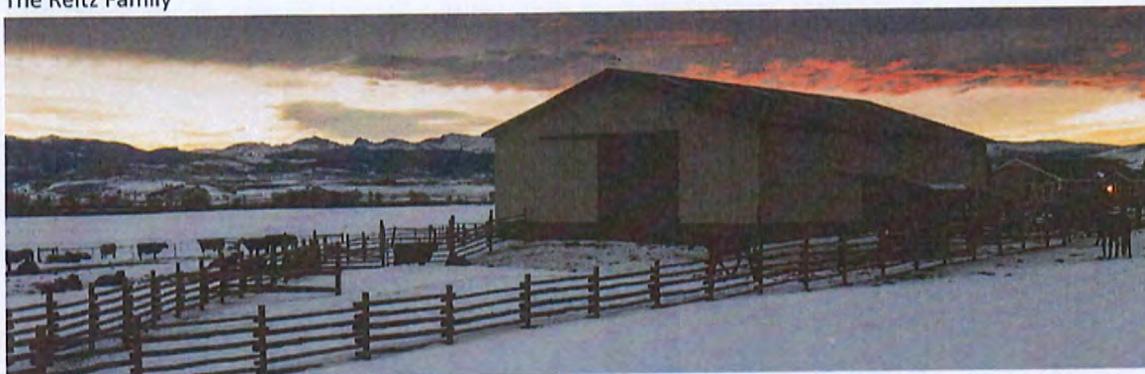
Our request before the Town of Zionsville is for a Variance to allow for the construction of an Accessory Structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District (Rural R1 / Rural R2 Zoning). If a house were already located on this property a Variance would not be needed. It is possible that one single house could be constructed on this location in the future with an approved building permit.

We would like to build a maximum 50'x60' ft. pole barn on this property. Its primary use will be for the Storage of equipment associated with farm type uses (2 wood deck hay wagons, hay mower/conditioner, hay inverter, 2 agricultural use tractors, etc) and Square Bale Hay collected from the property (and possibly other properties from time to time in the Zionsville area). If we are allowed a variance for the pole barn, we would like to place it in the area identified on the attached site plan. It would be a minimum of 30' from the road (550 South). We would also supply the building with Electrical service.

The building would be similar in style and form to the Morton Building pictured here, as they are one of the vendors we are considering for this project. We would like it to have two sliding doors on each end and a service door on the side. The maximum footprint would be 50' x 60' ft. The maximum height would be 20' from grade.

If you have any questions prior to the meeting you can contact us at 317.709.6533

Respectfully,
The Reitz Family



LANE PROPERTY | BALLARD PROPERTY | AMBS REVE | BUNCH PROPERTY | HARMON PROPERTY

550 SOUTH

NORTH LINE, SW 1/4, SEC. 32-T18N-R2E

HARMON PROPERTY

POINT BEGINNING
309,576.4 SQ. FT. ±
7.1069 ACRES ±

MILLS PROPERTY

SITE:
A PORTION OF THE
PROPERTY OF LRC II, LLC
INST. #201100006845



N88°19'29"E - 761.42' (M)

N43°05'28"W - 8.71' (M)

N69°39'13"W - 43.77' (M)

N83°30'16"W - 63.77' (M)

S79°39'20"W - 102.93' (M)

S87°40'59"W - 21.44' (M)

N64°35'27"W - 75.06' (M)

N44°56'19"W - 26.50' (M)

N34°19'06"W - 41.09' (M)

N44°56'19"W - 89.56' (M)

N60°03'04"W - 20.19' (M)

N55°22'32"W - 48.77' (M)

N39°34'58"W - 40.56' (M)

N45°20'06"W - 79.34' (M)

N34°01'59"W - 70.05' (M)

N22°57'44"W - 38.79' (M)

N06°42'32"W - 90.76' (M)

N01°38'17"E - 65.17' (M)

N04°44'30"W - 53.23' (M)

RED LINE
FLOOD LINE
LIMITS OF BUILDABLE
AREA *
(W/O AN UPDATED LETTER
OF CORRECTION)

SEWER ENSEMENT PIPELINE

FISHBACK CREEK

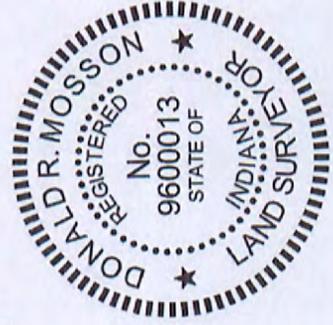
RECEIVED
AUG 28 2020
TOWN OF ZIONSVILLE

SURVEYOR
LEGAL
DRAIN
LINE

ADJOINER:
STONEGATE SECTION XII-C
SECONDARY PLAT
INST. #201600006812
PLAT BOOK 24, PAGE 46-48



(IN FEET)
1 inch = 100 ft.



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

Donald R. Mosson

This instrument and description was prepared for LRC II, LLC by Donald R. Mosson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.



Petition Number: 2020-23-DSV

Subject Site Address: 965 W Pine Street

Petitioner: Ryan & Molly Evans

Representative: Ryan & Molly Evans

Request: Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which:
1) Deviates from the required side yard setback;
in the Urban Residential Village Zoning District (R-V).

Current Zoning: Residential Village Zoning District (RV)

Current Land Use: Single-family Residential

Approximate Acreage: 0.19 acre

Zoning History: 2015-21-DSV- Petition for Development Standards variance in order to allow Lots 21, 22, and 23 of Schick's Addition of the Town of Zionsville to be improved with a new single-family dwelling, independent of Lot 24, and 25 of Schick's Addition (Lots 21, 22, 23, 24, and 25 of Schick's Addition were under common ownership and constituted a buildable Lot, and as a single buildable Lot was not permitted to be improved with an additional single-family residence). Approved at the August 11, 2015 Board of Zoning Appeals Meeting.

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioners Narrative
Exhibit 4 – Petitioners Existing Photo & Site Plan
Exhibit 5 – Petitioners Proposed Site Plan
Exhibit 6 – Petitioners Exhibits
Exhibit 7 – Petitioners proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the September 2, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.19 acres of Lots 21, 22 and part of Lot 23 in the Schicks Addition of the Town of Zionsville. This buildable lot was created by a developer/builder after receiving approval from the Board of Zoning Appeals in August of 2015 to allow Lots 21, 22, and 23 to be improved with a new single-family dwelling, independent of Lot 24, and 25 (Lots 21, 22, 23, 24, and 25 were under common ownership and constituted a buildable Lot, and as a single buildable Lot was not permitted to be improved with an additional single-family residence).

ANALYSIS

The 0.19-acre parcel is currently improved with a 4,300 +/- square foot single-family dwelling built in 2017 with accessory uses. The Petitioners purchased the custom home in 2019 and installed an outdoor deck structure. Per the narrative included, the Petitioner desires to upgrade the existing outdoor living space by installing a brick paver patio from the deck to the existing boulder retaining wall which will be replaced with a masonry retaining wall inclusive of a flush mounted firepit. The proposed upgrade, contemplated to not exceed the lot coverage requirements, would require approval of a Development Standards Variance(s) as it would 1) encroach into the required 5-foot side yard setback.

PROCEDURE – 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:*

SETBACKS (SIDE YARD)

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards (side yard minimum: 5 feet with 15-foot aggregate, rear yard minimum). As the triangular shaped parcel is located at the western end of Pine Street, culminating into a trail head and connection to the town's Rail Trail with elevated topography, it has the unique circumstance of having its side yard adjoin the town's public trail system.

The site currently enjoys a conforming 17-foot+ side yard setback from the east parcel line and a non-conforming, approximate 1-foot, side yard setback from the west parcel line for the existing boulder

retaining wall structure. The existing aggregate side yard setbacks are likely 18-foot, conforming to the ordinance. As the Petitioners are requesting to place the proposed retaining wall in the same location of the existing boulder retaining wall, the west setback for the upgraded outdoor living space would not change from the existing 1-foot setback, keeping the proposed aggregate side yard setback the same at approximately 18-foot 0-inch.

Staff recognizes the desire to locate a more substantial/robust retaining wall for their outdoor living space to gain as much privacy as possible given the adjoining non-residential, public space along the west parcel line. Additionally, it is understood the Petitioners were not aware the boulders were placed too close to their property line. As retaining walls are exempt from permit requirements and lot coverage calculations, the town's building inspectors did not have the opportunity to review the placement of the boulders prior to their installation.

In summary, the Petitioner is requesting to utilize as much as four feet of encroachment into the required side yard setback. Encroachments into required setbacks within the Residential Village Zoning District are not uncommon. A review of setbacks in the vicinity, shows additional parcels (to the south) which enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. While this may be the case, and while important, this is not a deciding factor in the consideration of this petition in the opinion of Staff.

Uniquely, the Zoning Ordinance supports the presence of lateral encroachments into setbacks. This provision includes eaves and overhangs, fireboxes, bay windows, and other appurtenances. Said another way, if the retaining wall was laterally supported by a dwelling built in compliance with setback standards, it could encroach two (2) feet into the side yard setback. The fact that the retaining wall is freestanding and not laterally supported is the essence of why a variance is needed in this case.

With the above in mind and given the adjoining non-residential public space, Staff is supportive of the non-conforming 1-foot side yard setback from the west parcel line and an aggregate side yard setback of 18-foot 0-inch as illustrated on the Petitioner's site plan and exhibits attached to this staff report.

STAFF RECOMMENDATIONS

Staff is supportive of the variance request seeking to reduce the applicable minimum side yard setback requirements of the RV Residential Village District.

RECOMMENDATION MOTION

I move that Docket #2020-23-DSV Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which deviates from the required side yard setback in the Residential Village Zoning District (RV) for the property located at 965 W Pine Street (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).



- Regional Counties
- Townships
- Zionsville Corporate
- Boone Co Corporate
- Parcels
- Boone County Address
- Regional County
- Edge of Pavement
- Miscellaneous
- Railroads
- Roads
- Highways
- BC Legal Drains

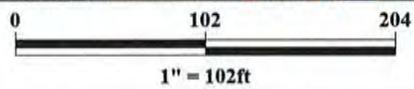


Exhibit 2

Ryan & Molly Evans
965 W. Pine Street
Zionsville, IN 46077

August 18, 2020

To our wonderful neighbors,

We have filed with the Town of Zionsville a Petition for Development Standards Variance complete our side/backyard. As part of the petition process we are required to inform you. The Public Hearing will be held on September 2, 2020. We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings attached) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and add a little more privacy to our yard.

If you have any questions or concerns, please feel free to contact us.

Best regards,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right.

Ryan & Molly Evans
Ryan.evans@iea.net
(602) 460-4865



494 Gradle Drive Carmel, IN 46032
 Phone: 317.844.3333 Fax: 317.844.3383
 www.SEAGroupLLC.com

	PROPOSED GRADE PER PLAN
	GROUND WATER FLOW
	SANITARY SEWER LINE
	STORM SEWER LINE
	WATER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	EXISTING GRADE

Prepared For:
 Nazareth Building Services, Inc.
 Date: Dec. 12, 2016
 JOB # B20162298
 Residence
 965 W Pine Street

LAND DESCRIPTION
 Lots numbered 21, 22 and 23, except 4.40' by parallel lines off the entire east side of lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per the Record Plat thereof, being recorded on August 18, 1923 within Plat Book 4, page 26 in the Boone County Recorder's Office, State of Indiana, containing 0.181 acres, more or less

- EROSION CONTROL NOTES:**
1. Builder shall maintain in good repair all existing erosion control measures and provide and install any additional measures necessary to control soil erosion for said site during the construction period.
 Refer to the erosion control for the home builder publication by IDNR Division of Soil Conservation for additional information.
 2. Finished grades to be in conformance with subdivision grading plan and plot plan; Excess soil to be disposed of in approved fill area.
 3. All sediment tracked onto the public roadway to be removed by scraping at the end of each work day.
 4. All disturbed areas to be permanently seeded after finished grading has occurred.
 5. All sediment control practices to be maintained during construction process to ensure proper functioning.

THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION TAKEN FROM RECORD PLATS, SUBDIVISION PLANS, RECORD DRAWINGS AND PLANS PROVIDED BY CLIENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE S E A GROUP LLC OF ANY DISCREPANCIES.

LOCATION OF UTILITY LATERALS ON PLOT PLAN ARE GENERAL LOCATIONS PER PLAN AND SHOULD BE VERIFIED IN THE FIELD.
 NOTE: BUILDER TO ENSURE POSITIVE FLOW AWAY FROM STRUCTURE.

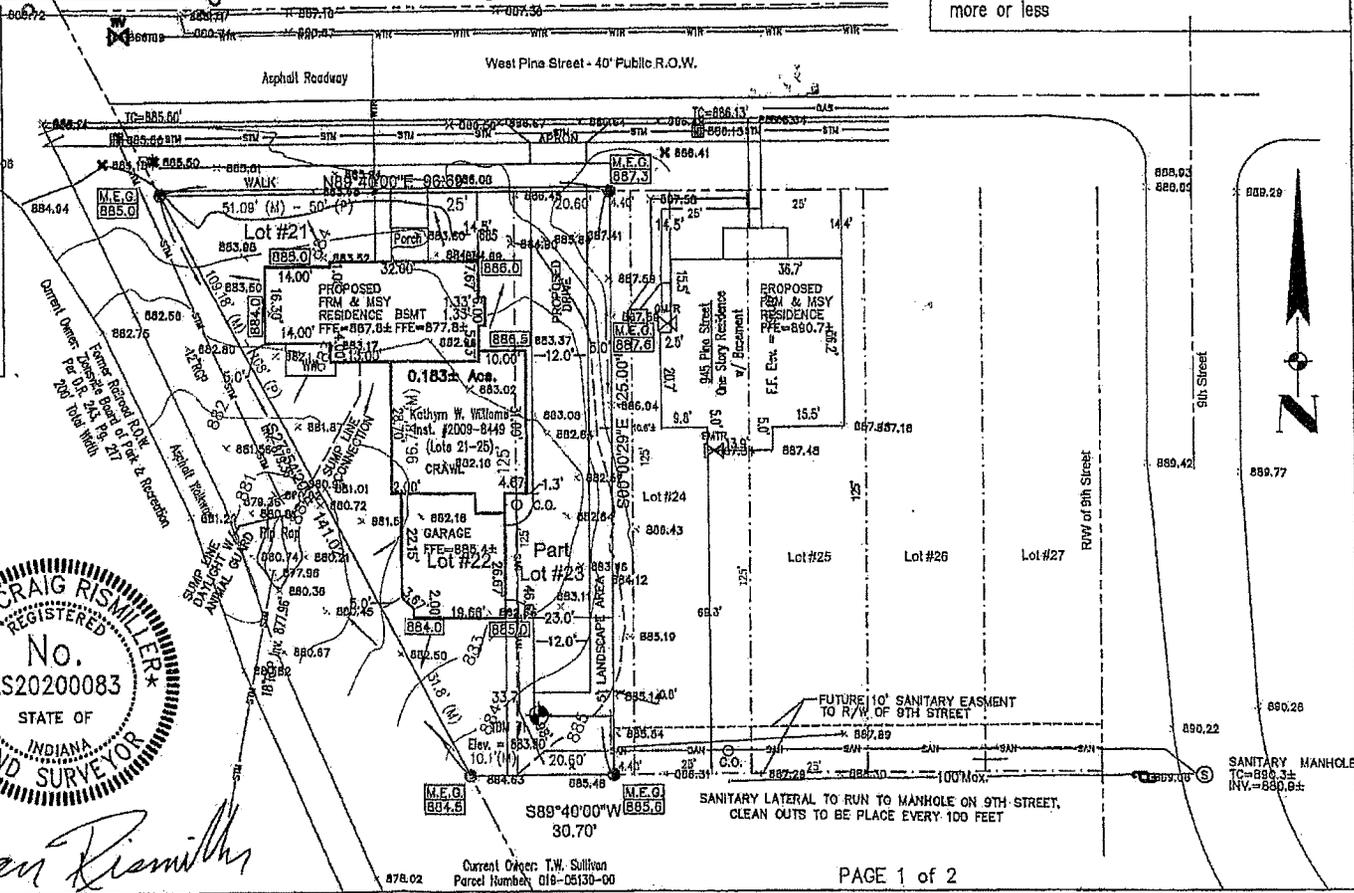
NOTE: SANITARY CLEANOUTS TO BE PLACED NO MORE THAN 100 FEET APART.

NOTE: TOP OF WINDOW WELL SHOWN ON PLANS TO MATCH PROPOSED GRADES AROUND HOUSE AT 884.0%±.

NOTE: SUMP TO BE PLACED BY BUILDER AS NEEDED.



Brian Rismiller



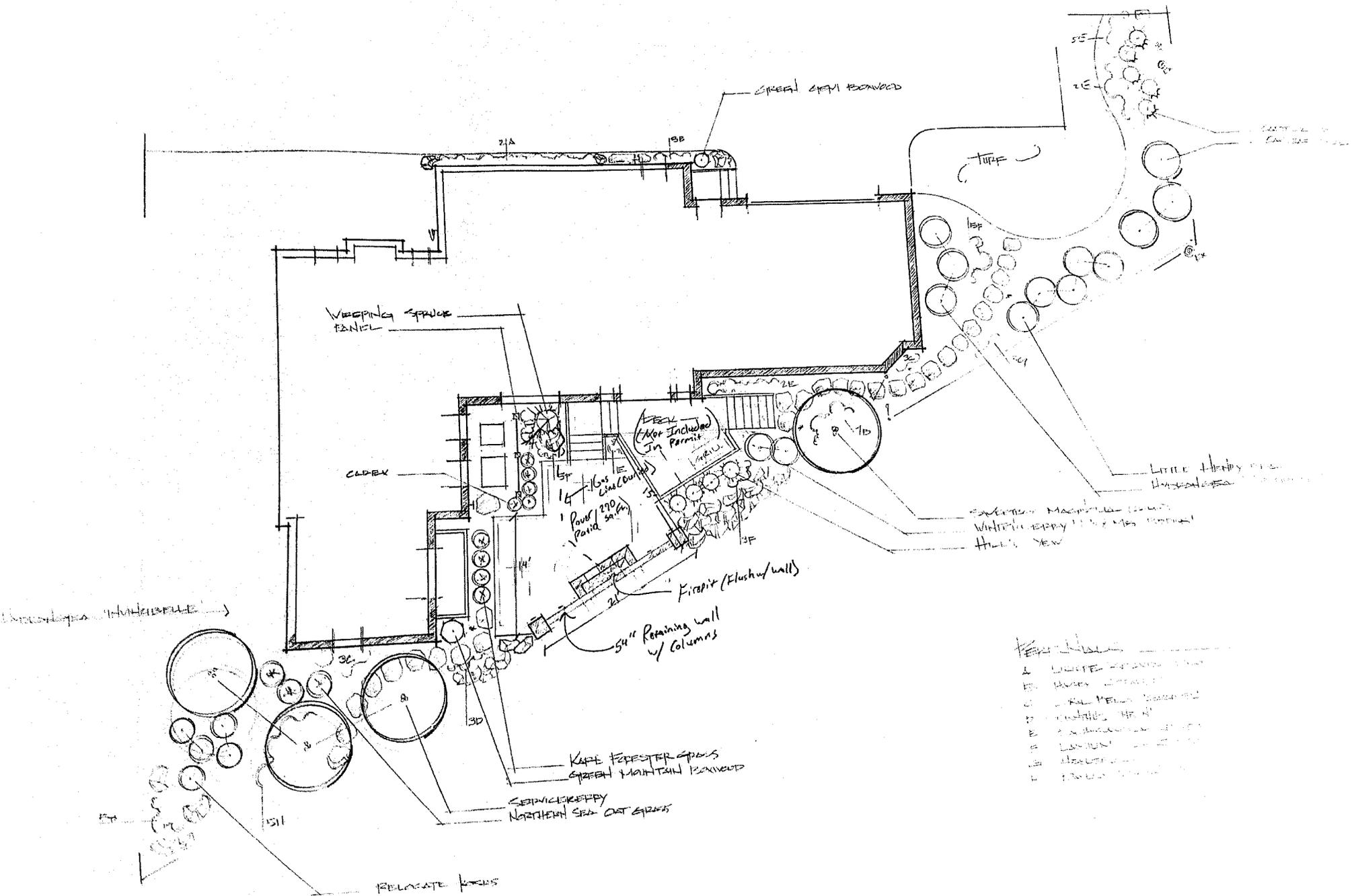


Replace these boulders with masonry wall.

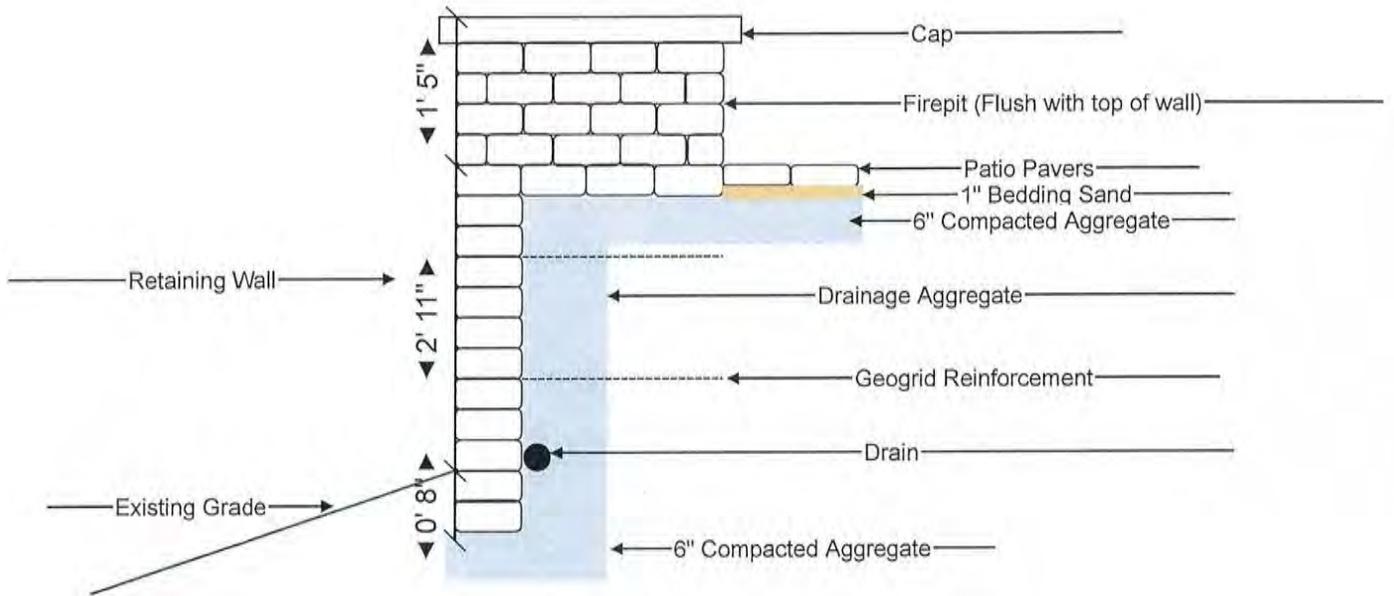
Move boulders here to add more privacy to yard.



Exhibit 5



- Key:
- A. WHITE STAIN BOUND
 - B. WOOD STAIN BOUND
 - C. KILN BURN STAIN BOUND
 - D. MORTAR GR. H.
 - E. EXTERIOR MASONRY
 - F. LUMBER
 - G. METAL
 - H. STAIN BOUND



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:
The proposed outdoor living space will be built to industry standards. It will also enhance the Pine Street Rail Trail entrance and give our residence more privacy.

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:
We will be removing the current boulder wall and replacing it with a visually appealing masonry wall. We will also move the existing boulders further down our property line to add more privacy from the adjacent property (Rail Trail). Our property is at a higher elevation than the adjacent property which is all "green" space.

3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:
Without the ability to add a usable outdoor living space the property cannot reach its true potential. Setting the brick patio back 5' from the property line would render the space unusable as it is already a very small space.

DECISION

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

Adopted this _____ day of _____, 20____.

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-23-DSV

1. SITE INFORMATION:

Address of Property: 965 W. Pine Street, Zionsville, IN 46077
Existing Use of Property: Primary Residence
Proposed Use of Property: Enhanced usage of our side/back yard
Current Zoning: Residential Area in acres: 0.181

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Ryan Evans
Owner Name (if different from Petitioner): Same as above
Petitioner Address: Same as above Owner Address: Same as above
Petitioner Phone Number: (602) 460-4865 Owner Phone Number: Same
Petitioner E-Mail Address: ryan.evans@iea.net Owner E-Mail Address: Same

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: _____
Address: _____
Phone Number: _____
E-Mail Address _____

Project Engineer:

Name: Josh Mosier (Mosier Landscape)
Address: 8206 Rockville Rd 187, Indianapolis, IN 46214
Phone Number: (317) 271-8957
E-Mail Address: josh@mosierlandscape.com

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification

We are requesting to upgrade our side yard with a masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders (see picture). We would like to replace the boulders with a masonry retaining wall (as shown on drawings) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and also add a little more privacy to our yard. There would be no impact to the storm water line running close to our property.

Tax ID Number(s):
019-04230-01 06-04-02-000-008.073-006

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Everett C. McGriff and Marianne Z. McGriff, Husband and Wife

CONVEY(S) AND WARRANT(S) TO

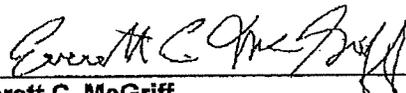
Ryan R. Evans and Molly L. Evans, Husband and Wife, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

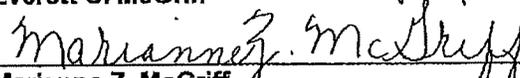
Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 26 day of June, 2019.



Everett C. McGriff



Marianne Z. McGriff

State of IN, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Everett C. McGriff and Marianne Z. McGriff** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

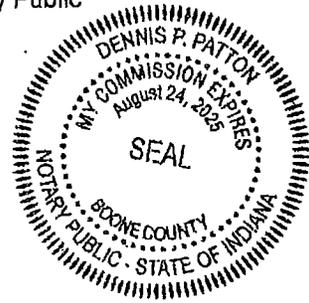
WITNESS, my hand and Seal this 26 day of June, 2019.

My Commission Expires: _____

Dennis P. Patton
Signature of Notary Public

Printed Name of Notary Public

Notary Public County and State of Residence



This instrument was prepared by:
Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:
965 West Pine Street
Zionsville, IN 46077

Grantee's Address and Mail Tax Statements To:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

EXHIBIT A

Lots Numbered 21, 22 and 23, except 4.40' by parallel lines off the entire East side of Lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per plat thereof recorded August 18, 1923, in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

File No./Escrow No.: 19-15199
Officer/Escrow Officer: Becky Patton

Meridian Title Corporation
1490 W. Oak St.
Zionsville, IN 46077
(317)733-9705

Property Address: 985 WEST PINE STREET
ZIONSVILLE, IN 46077 (BOONE)
(06-04-02-000-008.073-006)

Borrower: RYAN R. EVANS AND MOLLY L. EVANS
3929 N Vickery Cir
Bucokeye, AZ 85396

Seller: EVERETT C. MCGRUFF AND MARIANNE Z. MCGRUFF
985 West Pine Street
Zionsville, IN 46077

Settlement Date: 6/26/2019
Disbursement Date: 6/26/2019

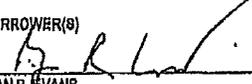
Seller		Description	Borrower	
P.O.C.	Debit / Credit		P.O.C.	Debit / Credit
		Deposits, Credits, Debits		
		Sale Price of Property		\$726,000.00
		Deposit		\$7,000.00
		Lender Credit		\$1,641.40
		Prorations		
	\$6,354.19	County Taxes 1/1/2018 to 6/28/2019 @ \$13,177.72/Year		\$6,354.19
	\$6,558.86	2018/2019 Fall Property Taxes		\$6,558.86
		Payoffs		
	\$538,852.52	Payoff of First Mortgage Loan to Horizon Bank, N.A. Payoff Department Principal: \$538,852.52		
		Commissions		
	\$20,875.00	Real Estate Commission to F.G. Tucker Company		
	\$20,875.00	Real Estate Commission to Century 21 Soheatz		
		New Loans		
		Loan Amount		\$580,000.00
		Our origination charge \$630.00		\$630.00
		Appraisal Fee to Corelogio Valuation Solutions (POC \$505.00 by Ryan R. Evans and Molly L. Evans)	\$505.00	
		Credit Report to Corelogio Credco (POC \$27.31 by Ryan R. Evans and Molly L. Evans)	\$27.31	
		Tax service fee to Corelogio Tax Services		\$84.00
		Flood certification to Corelogio Flood Services LLC		\$5.00
		Life of Loan Flood Monitoring to Corelogio Flood Services, LLC		\$8.00
		Prepaid Interest (\$3,5800 per day from 6/26/2019 to 7/1/2019)		\$317.80
		Homeowner's Insurance Premium (12 mo.) to State Farm		\$1,176.00
		Homeowner's Insurance \$98.00 per month for 3 mo.		\$294.00
		Property Taxes \$1,008.14 per month for 3 mo.		\$5,400.70
		Aggregate Adjustment		-\$391.98
		Title Charges		
		Title - Lender's Title Insurance to Meridian Title Corporation		\$100.00
	\$1,812.50	Title - Owner's Title Insurance to Meridian Title Corporation		
		Title - ALTA ENDORSEMENT 08-1-08 (Environmental Protection Lien) (LOAN) Paragraph b refo Endorsement(s) to Meridian Title Corporation		\$50.00
		Title - ALTA ENDORSEMENT 09-06 (Restrictions, Encroachments, Minerals) (LOAN) Endorsement(s) to Meridian Title Corporation		\$50.00
	\$5.00	Title - TIEFF to Chicago Title Insurance Company		\$5.00
	\$25.00	Title - CPL - Seller to Chicago Title Insurance Company		
		Title - CPL - Lender to Chicago Title Insurance Company		\$35.00
		Title - Buyer/Borrower CPL to Chicago Title Insurance Company		\$25.00
		Title - E-Recording Fee to Simplotle		\$0.00
	\$175.00	Title - Closing Fee to Meridian Title Corporation		\$175.00
	\$75.00	Title - Settlement Services Fee to Meridian Title Corporation		\$100.00
		Title - Title Production - Loan to Meridian Title Corporation		\$75.00
	\$300.00	Title - Title Production - Owners to Meridian Title Corporation		
	\$75.00	Title - Deed Preparation - Andrew R. Drake to Meridian Title Corporation		
	\$25.00	Title - Delivery/Handling Fee - Mortgage Payoff to Meridian Title Corporation		

			Government Recording and Transfer Charges		
			Recording fees: Deed \$25.00		\$25.00
			Mortgage \$55.00		\$55.00
			Additional Settlement Charges		
\$8,688.88			2018/2019 Spring Property Taxes to Boone County Treasurer (POC \$8,688.88 by Everett C. McGriff and Marianne Z. McGin)		
Seller			Borrower		
P.O.C.	Debit	Credit	P.O.C.	Debit	Credit
\$8,688.88	\$695,808.07	\$726,000.00	\$532.31	\$733,316.62	\$801,664.48
			Subtotals		
					\$131,762.07
			Due From Borrower		
	\$129,101.93		Due To Seller		
\$8,688.88	\$725,000.00	\$726,000.00	\$632.31	\$733,316.62	\$733,316.62
			Totals		

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Meridian Title Corporation to cause the funds to be disbursed in accordance with this statement.

BORROWER(S)

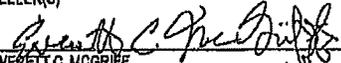


RYAN R. EVANS



MOLLY L. EVANS

SELLER(S)



EVERETT C. MCGRIFF



MARIANNE Z. MCGRIFF

SETTLEMENT COORDINATOR



Becky Patton

Petition to the Board of Zoning Appeals

SITE INFORMATION:

Address of Property:	965 W. Pine Street, Zionsville, IN 46077
Existing Use of Property:	Primary Residence
Proposed Use of Property:	Enhanced usage of our side/back yard
Current Zoning:	Residential

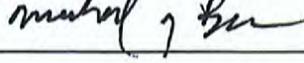
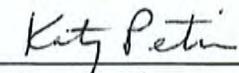
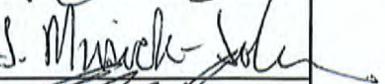
PETITIONER/PROPERTY OWNER:

Petitioner Name:	Ryan Evans
Petitioner Phone Number:	(602) 460-4865
Petitioner E-Mail Address:	ryan.evans@lea.net

DETAILED DESCRIPTION OF REQUEST

We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and also add a little more privacy to our yard.

If you are in favor of this request, please sign the petition below:

Name	Address	Signature
TIM NOVAK	20 S 2ND ST	
Brian Hummer	3151 Huddersfield Ln.	
Ryan Scott	8825 Sugar Cay Ct.	
Mike Beckner	6120 Stonegate Run	
Katy Petrin	980 W. Pine St.	
Rick Collier	930 W. PINE ST	
Janet Musick-Johnson	960 W. Pine St.	
STEPHEN WARSTO	945 W. PINE ST	

Attribute report for active ID 1

ID	name	add1	add3
28553	CIRCLE W LLC	945 W PINE ST	ZIONSVILLE, IN 46077
① 29008	ZIONSVILLE BOARD OF PARKS & RE	410 W OAK ST	ZIONSVILLE, IN 46077
② 29835	SULLIVAN TOM W	250 S 9TH ST	ZIONSVILLE, IN 46077
29836	BERGMANN LOUISE C	280 S 9TH ST	ZIONSVILLE, IN 46077
29837	SULLIVAN TOM W	250 S 9TH ST	ZIONSVILLE, IN 46077
③ 29846	WARSTLER STEPHEN C	PO BOX 241	ZIONSVILLE, IN 46077
29847	EVANS RYAN R & MOLLY L	965 W PINE ST	ZIONSVILLE, IN 46077
29848	CIRCLE W LLC	PO BOX 241	ZIONSVILLE, IN 46077
29849	CIRCLE W LLC	PO BOX 241	ZIONSVILLE, IN 46077
29850	WARSTLER STEPHEN C & FARBER WE	612 W PINE ST	ZIONSVILLE, IN 46077
29851	WARSTLER STEPHEN C & FARBER WE	612 W PINE ST	ZIONSVILLE, IN 46077
29852	EVANS RYAN R & MOLLY L	965 W PINE ST	ZIONSVILLE, IN 46077
29862	EVANS RYAN R & MOLLY L	965 W PINE ST	ZIONSVILLE, IN 46077
⑤ 29875	TUCKER BRIAN M & DANIELLE B	950 W PINE ST	ZIONSVILLE, IN 46077
⑥ 29876	JOHNSON BRADLEY E & JANET E MU	6828 WINDEMERE DR	ZIONSVILLE, IN 46077
④ 29877	COLLIER PATRICIA L TRUST	930 W PINE ST	ZIONSVILLE, IN 46077
29878	COLLIER PATRICIA L TRUST	930 W PINE ST	ZIONSVILLE, IN 46077
⑦ 29879	PETRIN SCOTT & KATY	980 W PINE ST	ZIONSVILLE, IN 46077
29880	JOHNSON BRADLEY E & JANET E MU	6828 WINDEMERE DR	ZIONSVILLE, IN 46077
29881	PETRIN SCOTT & KATY	980 W PINE ST	ZIONSVILLE, IN 46077
⑧ 29882	PARR CHRISTOPHER P &	8791 SPRINGVIOLET PLACE	ZIONSVILLE, IN 46077
29884	PARR CHRISTOPHER P &	8791 SPRINGVIOLET PLACE	ZIONSVILLE, IN 46077
30515	LENNAR HOMES OF INDIANA INC	9025 N RIVER RD SUITE 100	INDIANAPOLIS, IN 46240
30554	BERGMANN LOUISE C	280 S 9TH ST	ZIONSVILLE, IN 46077
30555	BERGMANN LOUISE C	280 S 9TH ST	ZIONSVILLE, IN 46077
30557	BERGMANN LOUISE C	280 S 9TH ST	ZIONSVILLE, IN 46077

LOTS 1 LOT DEEP REQUIRE PUBLIC NOTICE



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Brad + Janet Johnson
6828 Windermere Dr.
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Christopher P Parr
8791 Springviolet Pl
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Zionsville Board of Parks + Rec
410 W Oak St.
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Scott and Katy Petrin
980 W Pine St.
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Tom Sullivan
250 S. 9th St.
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Steve Warstler
PO Box 241
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Brian + Danielle Tucker
950 W Pine St.
Zionsville, IN 46077



Mr Ryan Evans
965 W Pine St
Zionsville, IN 46077



Patricia L Trust Collier
930 W Pine St
Zionsville, IN 46077

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Boone

City of Lebanon

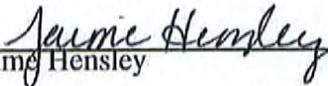
ISSUED:

The subscriber, being duly sworn, deposes and says that
he (she) is the said Annette Burcharts of THE LEBANON REPORTER
and that the foregoing notice for
NOTICE OF PUBLIC HEARING
was published in said newspaper in one editions
of said newspaper issued between 08/20/2020 and 08/20/2020

Cost: 62.15



SUBSCRIBED AND SWORN BEFORE ME THIS 20th day of August, A.D. 2020



Notary Public Seal, State of Indiana



Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020 at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street Zionsville, Indiana 46077 to consider the following Petition:

2020-23-DSV Ryan & Molly Evans requests a Development Standards Variance to provide for or permit:

Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which:

- 1) Deviates from the required side yard setback; in the Urban Residential Village Zoning District (R-V).

The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077, and is legally described as:

Lots Numbered 21, 22 and 23 except 4.40' by parallel lines of the entire East side of Lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per plat thereof recorded August 18, 1923, in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for Development Standards Variance and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall 1100 West Oak Street, Zionsville Indiana, 46077, or at <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication. If indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, a wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-490 8/20 hspaxlp 1660014

Ryan & Molly Evans
965 W. Pine Street
Zionsville, IN 46077

August 18, 2020

To our wonderful neighbors,

We have filed with the Town of Zionsville a Petition for Development Standards Variance complete our side/backyard. As part of the petition process we are required to inform you. The Public Hearing will be held on September 2, 2020. We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings attached) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and add a little more privacy to our yard.

If you have any questions or concerns, please feel free to contact us.

Best regards,

Two handwritten signatures in black ink. The first signature is 'R E' and the second is 'M E'.

Ryan & Molly Evans
Ryan.evans@iea.net
(602) 460-4865

**NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,

September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-23-DSV Ryan & Molly Evans requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for or permit:

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

(INSERT DESCRIPTION OF PROJECT)

Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which:

- 1) Deviates from the required side yard setback;
in the Urban Residential Village Zoning District (R-V).**

The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077,
and is legally described as: _____
(COMMON ADDRESS)

Lots Numbered 21, 22 and 23, except 4.40' by parallel lines off the entire East side of Lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per plat thereof recorded August 18, 1923, in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077, or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for

Development Standards Variance will be heard at the
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

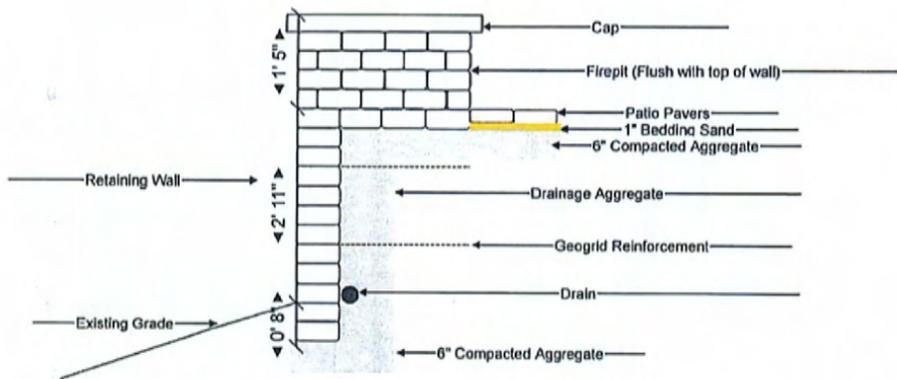
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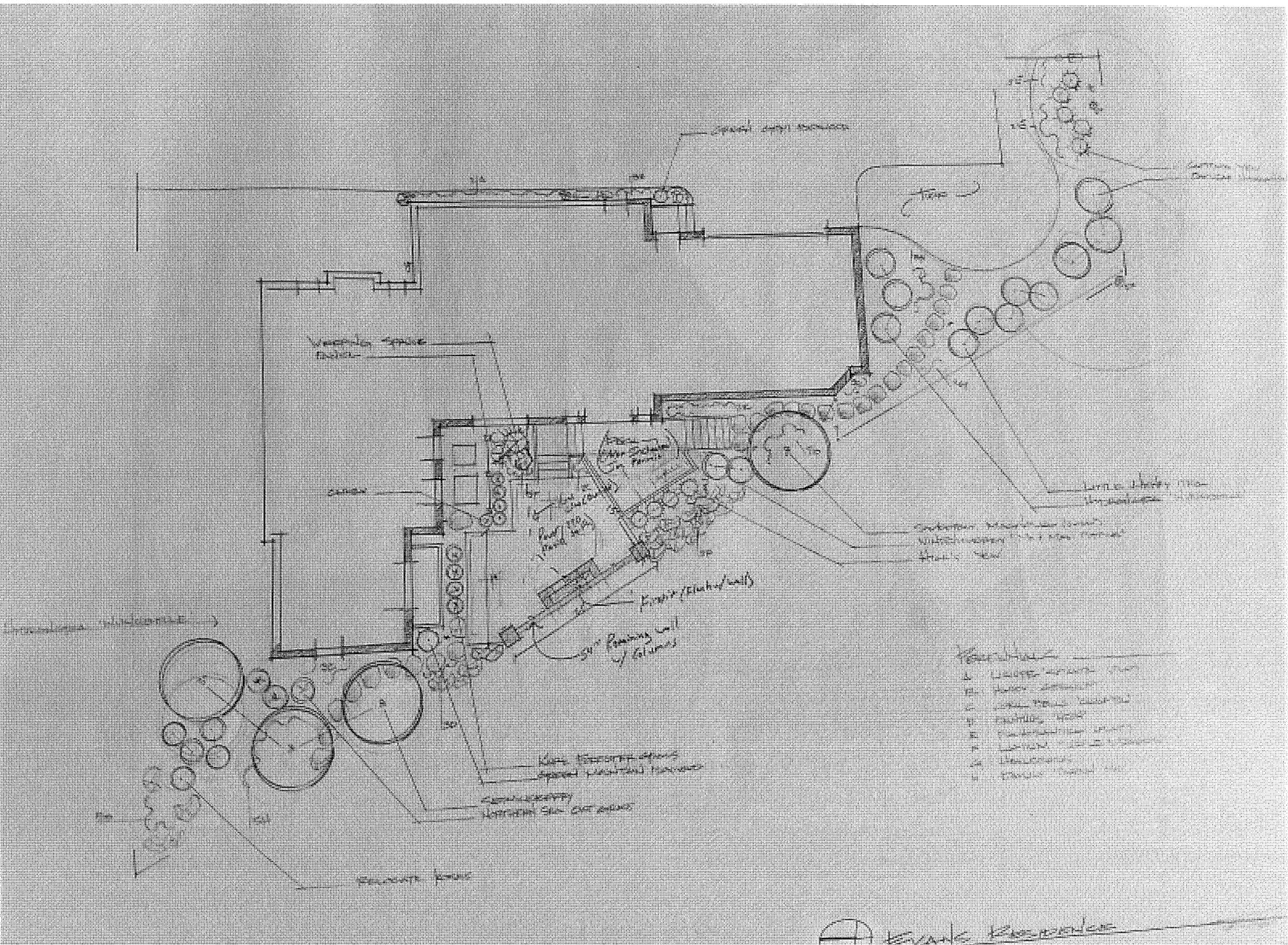
Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: _____







- Planting**
- A. Large trees
 - B. Medium trees
 - C. Small trees
 - D. Shrubs
 - E. Perennials
 - F. Lawn
 - G. Groundcover
 - H. Flower beds

Scale 1/4" = 1'-0"



Replace these boulders with masonry wall.

Move boulders here to add more privacy to yard.



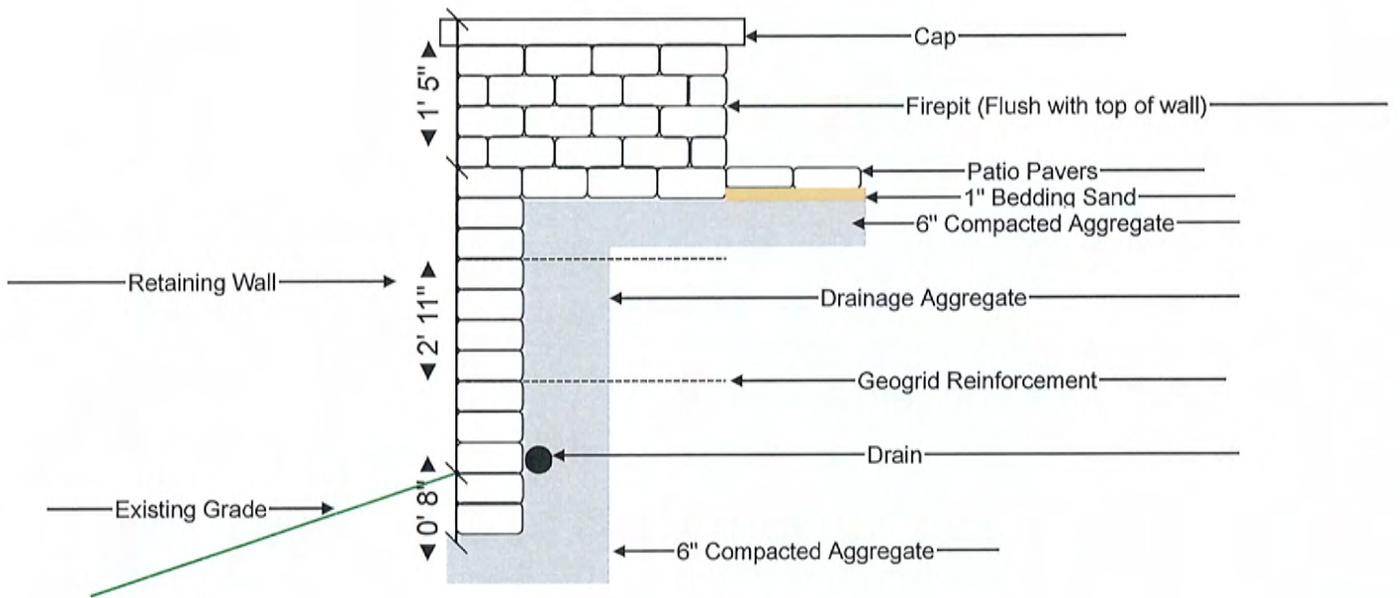
12

12

18

Paver
Patio





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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:
The proposed outdoor living space will be built to industry standards. It will also enhance the Pine Street Rail Trail entrance and give our residence more privacy.

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:
We will be removing the current boulder wall and replacing it with a visually appealing masonry wall. We will also move the existing boulders further down our property line to add more privacy from the adjacent property (Rail Trail). Our property is at a higher elevation than the adjacent property which is all "green" space.

3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:
Without the ability to add a usable outdoor living space the property cannot reach its true potential. Setting the brick patio back 5' from the property line would render the space unusable as it is already a very small space.

DECISION

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

Adopted this _____ day of _____, 20____.



Petition Number: 2020-24-DSV

Subject Site Address: 6475 S 275 East

Petitioner: James & Patsy Marshall

Representative: Michael Andreoli

Request: Petition for Development Standards variance in order to provide for the construction of a detached barn which:
1) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).

Current Zoning: Agricultural District (Rural)

Current Land Use: Single-family Residential

Approximate Acreage: 2.96 acres

Zoning History: Consolidated within Town of Zionsville's jurisdiction in 2015.

2018-42-SE & 2018-43-DSV Petition for Special Exception and Development Standards Variance to allow for a division of land to create a (3) lot residential Minor Plat for the construction of New residential homes and in order to allow existing accessory structures to remain without the benefit of a primary which exceed the allowable accessory square footage & height. Approved December 11, 2018.

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioners Narrative
Exhibit 4 – Petitioners Proposed Location
Exhibit 5 – Petitioners Exhibits
Exhibit 6 – Petitioners proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the September 2, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 2.96 acres and is presently improved with one (1) single-family dwelling and associated accessory uses. The acreage associated with this petition has been utilized for residential purposes under the Boone County Area Planning jurisdiction. In 2015 the area was consolidated into Zionsville’s jurisdiction. This land was part of an approximate 15 acre parent parcel associated with the approval of Special Exception to allow for a division of land to create a (3) lot residential Minor Plat for the construction of New residential homes; and a Variance of Development Standards in order to allow existing accessory structures to remain without the benefit of a primary which exceed the allowable accessory square footage & height, all of which was approved in 2018.

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.

ANALYSIS

The 2.96 -acre parcel is currently improved with a 2,732 +/- square foot circa 1977 two-story single-family dwelling and accessory uses. Per the narrative included, the Petitioner has intentions of constructing a 1,792 square foot pole barn primarily to store their motorhome, keeping it out of the elements, as well as additional equipment to maintain the land. The proposed pole barn requires approval of a Development Standards Variance as it would 1) exceed the allowable accessory square footage of the primary structure.

VARIANCE REQUEST – ACCESSORY ROOFED SQUARE FOOTAGE EXCEEDING PRIMARY

The parcel is currently utilized for residential purposes and accessory structures/uses all as further described below (data source: Boone County Assessor and/ or Petitioner):

- 1. Existing dwelling living space: 2,732 square feet
- 2. Existing and proposed roofed accessory uses total 4,209 sq. ft. This total includes:

- a) A 240 square foot screened in porch
- b) A 504 square foot attached garage
- c) A 1,350 square foot detached garage
- d) A 186 square foot covered front porch
- e) A 137 square foot covered gazebo
- f) A proposed 1,792 square foot detached pole barn

As per the itemized list above, the addition of the accessory detached pole barn causes the property's allowable roofed accessory uses to exceed the roofed square footage percentage allowed by the Zoning Ordinance by **1,426** square feet.

By Ordinance, properties in the Agricultural AG (Rural) District are permitted by right to be improved with Accessory Structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm.

As the subject site is not 20 acres in size, and therefore is absent compliance with the definition of a Farm, the Ordinance limits accessory uses in a manner which maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property). Hence, a variance must be sought for the amount of the roofed accessory square footage to exceed that of the primary. Specific to the current improvements, securing a variance to allow the roofed accessory square footage to exceed the primary square footage by 1,426 square feet. A variance of development standards will not be needed for height as the primary dwelling exceeds that of the proposed accessory building.

As a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site, in an attempt to identify similarly situated properties enjoying similar deviations. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds nearby home sites and improvements to the home sites which enjoy the use of detached accessory structures (with some in excess of the Zoning Ordinance square footage limitation) as well as several development configurations which are not supported by the current Zoning Ordinance (example: accessory uses with no primary, flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). While the identified development pattern is atypical for the community, a request seeking a reasonable deviation from Ordinance standards in predominate areas of agriculture in the community which contain established non-conformities is not. Additionally, the location of the proposed barn is behind the primary dwelling and in the proximity of an existing barn on the property, minimizing the visual change to the landscape, and will be over 300 + feet from the centerline of the county road, placed amongst front and rear yard tree groves and 80+ feet from the rear adjoining agricultural field. The parcel is currently surrounded by tilled agricultural fields on three sides and a vacant parcel (one planned approved for the construction of a single-family dwelling) on the north side. Currently the closest single-family dwelling to this parcel is over 500-feet to the west.

The request, in the opinion of Staff, constitutes a reasonable deviation from the Zoning Ordinance and, given the location and size of the Lot of Record, the contemplated placement of the improvements, and the presence of non-conformities in the immediate area (North: legal non-conforming accessories without primary; and accessory over primary; West: accessory over primary; South accessory over primary), on its face, appears supportable.

With the above in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance to exceed the primary square footage with 1,426 additional square feet of roofed accessory structure, not being subordinate to the Primary Structure.

STAFF RECOMMENDATIONS

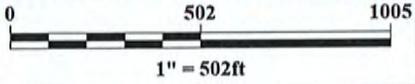
Staff recommends approval of the design standards variance included in Docket #2020-24-DSV seeking to exceed the permissible roofed accessory square footage standard of the primary, as filed.

RECOMMENDATION MOTION

I move that Docket # 2020-24-DSV Development Standards Variance in order to provide for the construction of a detached barn which 1) Exceeds the allowable accessory square footage; associated with an accessory structure in the in an Agricultural Zoning District (AG), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).



- Regional Counties
 - Townships
 - Zionsville Corporate
 - Boone Co Corporate
 - Parcels
-
- Boone County Address
-
- Regional County
 - Edge of Pavement
 - Miscellaneous
 - Railroads
 - Roads
 - Highways
 - BC Legal Drains



NARRATIVE

The Applicants, James R. and Patsy J. Marshall, live on 2.96 +/- acres at 6475 S. 275 E., Lebanon, Boone County, Indiana, in Perry Township and are wanting to construct a new Pole Barn to primarily store their motorhome. The proposed new structure will be 1,792 square feet. They currently have existing accessory structures that consists of a detached garage (1,350 square feet); attached garage (50 square feet) and a gazebo (137 square feet). The total of all proposed and existing accessory structures would be 4,209 square feet. The Marshalls' existing primary residential home is 2,732 square feet so they exceed the requirement of Sec. 194.097c(2) by a total of 1,477 square feet. Applicants seeks a Variance from Development Standards per Sec. 194.095c(1) to construct this new accessory structure. Please see for reference Staff Review Notes attached hereto. Applicants have talked with their surrounding neighbors and have obtained their written support as submitted with the Petition.

By way of dimension, the building being proposed is 32' x 56' and will be 16' at its tallest. The Marshall's motor home is 42' long and 13' at its tallest. In contrast to the primary structure, the Marshall's 2 ½ story residence is approximately 21' at the eaves with the roof obviously being much taller.



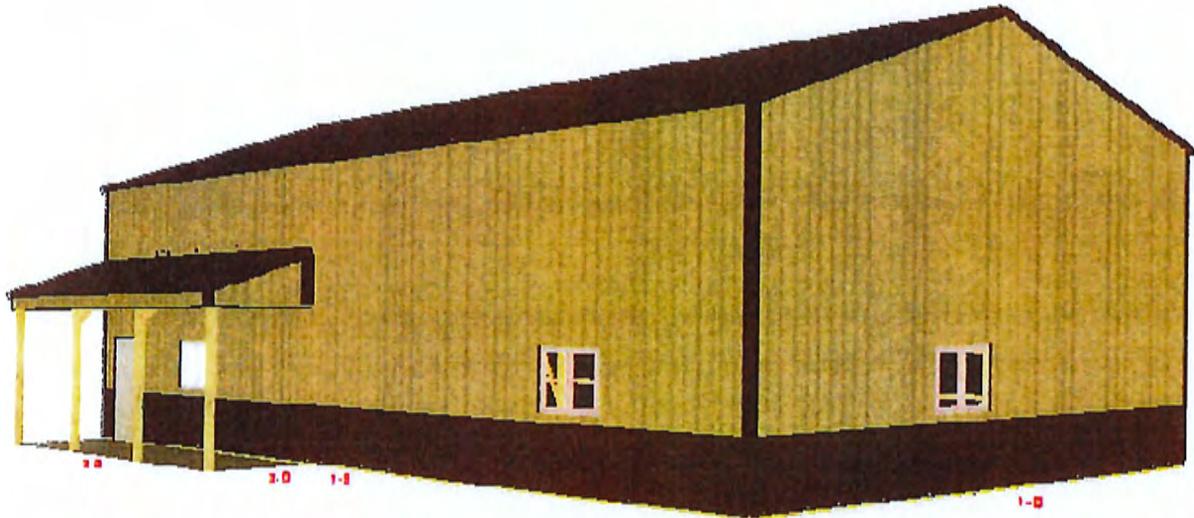
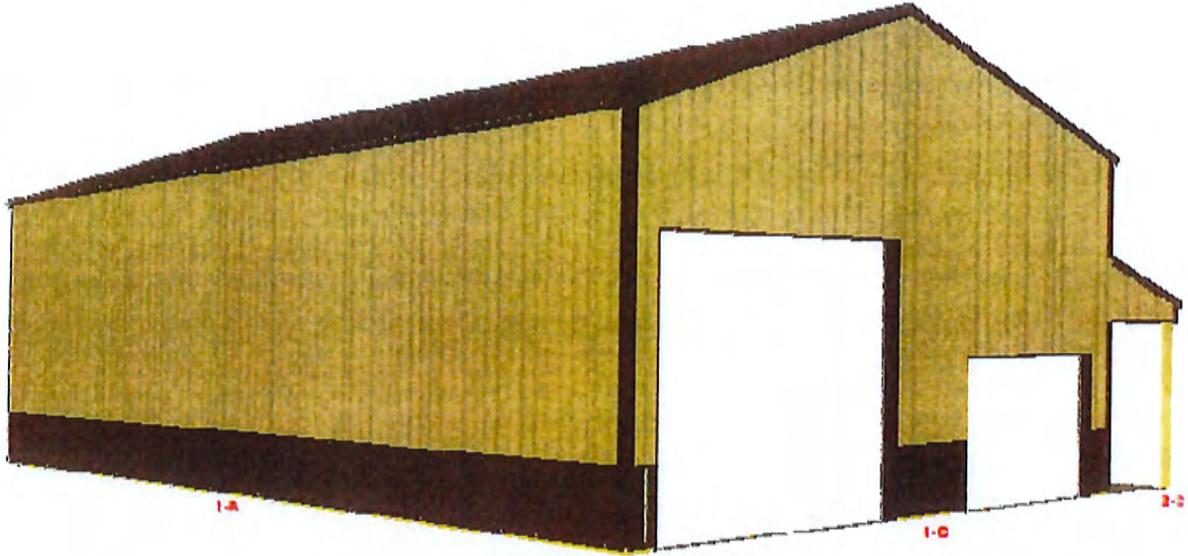
Exhibit 4

Design #: 328353376112
Estimate #: 57346
Store: LEBANON



Post Frame Building Estimate
Date: Apr 21, 2020 1:57:08 PM

Elevation Views





Design #: 328353376112

Estimate #: 57346

Estimated price: \$15,104.76 *

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

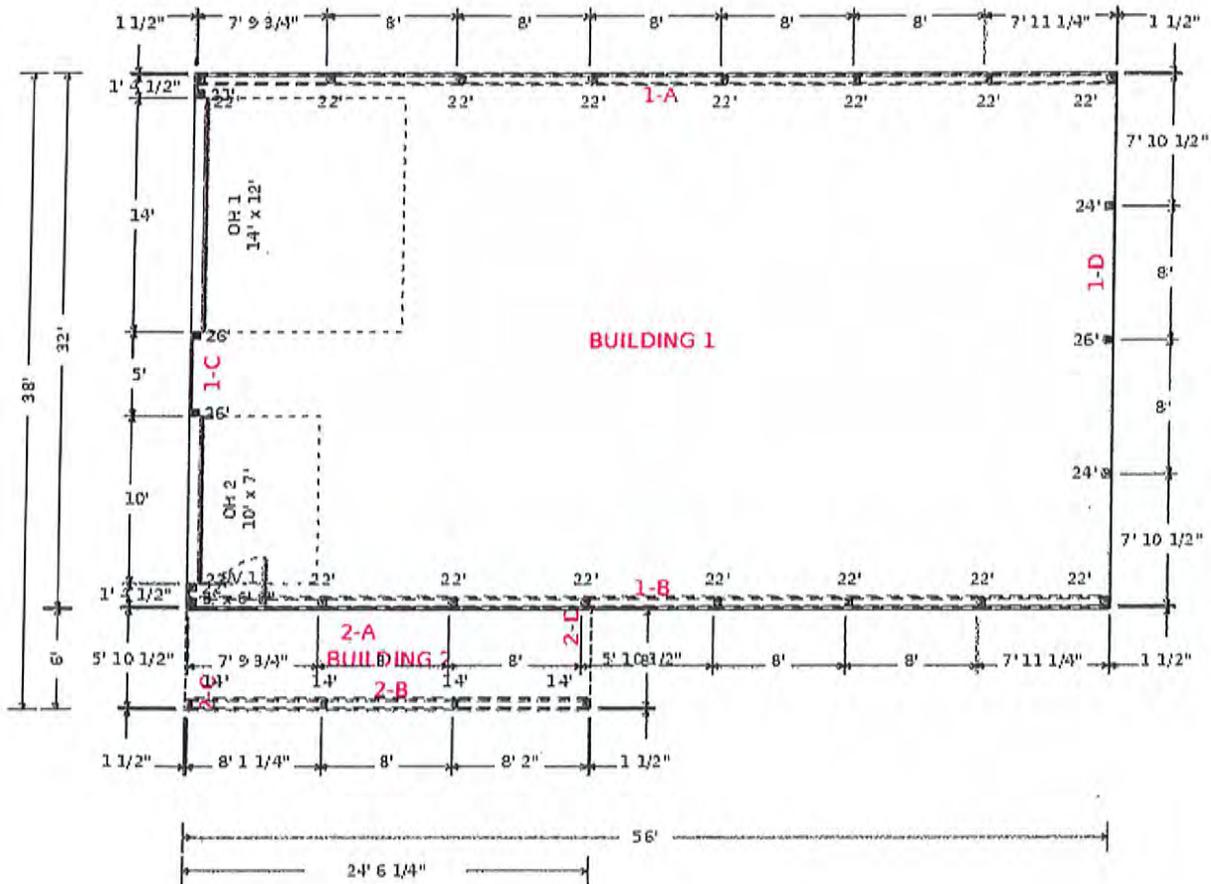
How to purchase at the store

1. Have a building materials team member enter the estimate number into System V to print SOC's.
2. Take the SOC to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

FLOOR PLAN





Congratulations, you have taken the first step towards making your new post frame building a reality!

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products select one of the links below or visit us on the web at www.midwestmanufacturing.com.

Premium Steel Panels - Pro-Rib and Premium Pro-Rib steel panels are your best options for steel panels in the market.

- Steel Panels are Grade 80 (full hard steel).
- Prepaint zinc phosphate coating for superior paint paint adhesion - available in multiple colors.
- Pro-Rib features a limited 40 year paint warranty.
- Premium Pro-Rib has a limited lifetime paint warranty.
- All painted panels are ENERGY STAR rated, using a Cool Chemistry paint system.
- Pro-Rib and Premium Pro-Rib panels are UL Certified for Wind Uplift UL 580, Fire Resistance UL 790, Impact Resistance of Roof UL 2218.
- Pro-Rib and Premium Pro-Rib panels are IRC and IBC compliant.

Engineered Trusses - Post frame trusses are specifically engineered to meet your application and geographic location.

- All Midwest Manufacturing trusses can be supplied with engineered sealed prints.
- TPI approved and third party inspected.

Laminated Columns - Designed to replace standard treated posts as vertical supports in Post Frame Construction.

- Columns 20' or less are treated full length.
- Lifetime Warranty against rot and decay.
- Columns over 20' in length are reinforced with 20 gauge stainless steel plates at each splice location.
- Lower portion of columns treated for in ground use.
- Rivet Clinch Nails provide superior holding power.
- Columns provide superior truss to pole connection.

Pressure Treated Lumber - All treated post and grade board used in your building will safely and effectively resist decay.

- Treated to AWPA compliance.
- Post and grade board offer a lifetime warranty against rotting and decay.

*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.



Building Information

1. Building Use:	Code Exempt
2. Width:	32 ft
3. Length:	56 ft
4. Inside Clear Height:	16 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	4 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Brown
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	0 ft
8. Sidewall Overhangs:	0 ft
9. Skylight Size:	None
10. Ridge Vent Quantity:	None
11. Ceiling Liner Type:	None
12. Purlin Placement:	Flat
13. Ceiling Insulation Type:	None

Wall Information

1. Post Type:	Posts
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Beige
6. Wainscot Size:	36 in
7. Wainscot Color:	Brown
8. Sidewall B Wainscot:	Yes
9. Sidewall A Wainscot:	Yes
10. Trim Color:	Brown
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	None
14. Sidewall B eave light:	None
15. Wall Fastener Location:	In the Flat
16. Eave Trim:	Yes
17. Gradeboard Type:	2x6 Treated Gradeboard

Accessories

1. Outside Closure Strip:	Standard
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Snow Guard:	Yes
8. Mini Print:	Email Only

Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Insulation:	No



Leans

Building 2	
Attaching wall:	B
Endwall overhang length:	0 ft
Sidewall overhang length:	0 ft
Add snow guards:	Yes
Remove every other post:	No
Length:	24 ft
Depth:	6 ft
Drop Distance From Roof:	5 ft
Position From Left:	0 ft
Approximate Clear Height:	8 ft
Open interior wall:	No
Open exterior walls:	Side And End Walls

Doors & Windows

Name	Size	Wall
Service Door	36"x80"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Overhead Door	14' x 12'	1-C
Overhead Door	10' x 7'	1-C
Window	48"x36"	1-D

Lean Open Walls

Wall	Every Other Post Removed
2-B	No
2-C	No
2-D	No

J. MARSHALL

TOWN OF ZIONSVILLE
BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals and general welfare of the community because: **we have sufficient acreage that this will not appear crowded or cluttered.**

2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: **we have checked with our surrounding neighbors and they have no objection to an additional accessory structure.**

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **as we have 2.96 acres, an additional accessory structure will allow for continued appropriate use of our property for storage of personal property.**

DECISION

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

Adopted this _____ day of _____, 2020.

Town of Zionsville
Petition to the Board of Zoning Appeals
Docket # 2020-24-DSV

1. SITE INFORMATION:

Address of Property: 6475 S. 275 E., Lebanon, IN 46052
Existing Use of Property: Residential
Proposed Use of Property: Residential
Current Zoning: AG - Agricultural Area in acres: 2.96 acres, more or less

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: James R. and Patsy J. Marshall, Husband and Wife
Owner Name (if different from Petitioner): Same
Petitioner Address: 6475 S. 275 E. Owner Address: Same
Lebanon, IN 46052
Petitioner Phone Number: 317-710-5888 Owner Phone Number: _____
Petitioner E-Mail Address: N/A Owner E-Mail Address: _____

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: Michael J. Andreoli, Attorney at Law
Address: 1393 W. Oak St.
Zionsville, IN 46077
Phone Number: 317-873-6266
E-Mail Address: mandreoli@datlaw.com

Project Engineer:

Name: N/A
Address: _____
Phone Number: _____
E-Mail Address: _____

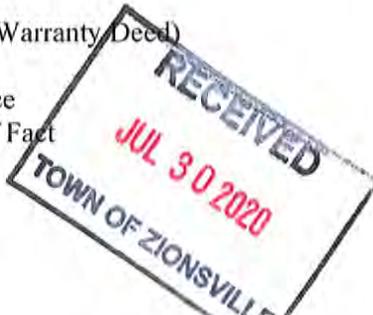
4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification
From Accessory use exceeding primary use – See Narrative

5. ATTACHMENTS:

- x Legal description of property
- x Owner's Authorization (if Petitioner is not the Owner)
- Statement of Commitments (if proposed)
- x Application Fee

- x Proof of Ownership (copy of Warranty Deed)
- x Site Plan & Exhibits
- x Draft of Proposed Legal Notice
- x Draft of Proposed Findings of Fact



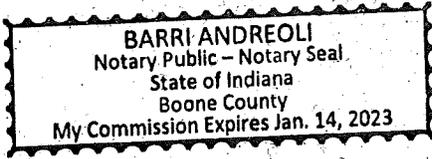
The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: *[Signature]* Date: 7/20/20
Michael J. Andreoli, Attorney

Signature of Owner or Attorney for Owner: _____ Date: _____

State of Indiana)
) SS:
County of Boone)

Subscribed and sworn to before me this _____ day of July, 2020.



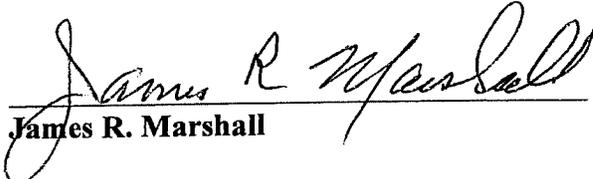
Barri Andreoli
Barri Andreoli, Notary Public

My Commission expires: January 14, 2023

My County of Residence is Boone County

OWNER'S AUTHORIZATION

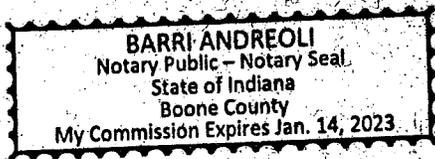
Comes now **James R. and Patsy J. Marshall**, owners of the property located at 6475 S. 275 E. Lebanon, Indiana 46052 consisting of 2.96 acres, and hereby authorizes their attorney, **Michael J. Andreoli**, to file any and all Applications for Variance of Development Standards with the Zionsville Board of Zoning Appeals so to build an accessory structure and building which will exceed the square footage of our main single family residential home.

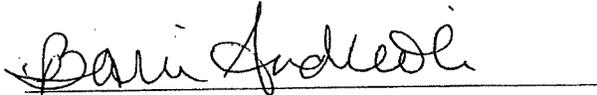

James R. Marshall


Patsy J. Marshall

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Subscribed and sworn to before me, this 24th day of July, 2020.




Barri Andreoli, Notary Public

My Commission Expires: January 14, 2023

My County of Residence: Boone County

WARRANTY DEED

71 - 01: 21-1-66
04412 Sub-

This Indenture Witnesseth, That

Oren Wing and Evelyn Wing, husband and wife,

of Boone County, in the State of Indiana

CONVEY AND WARRANT to

James Richard Marshall and Patsy J. Marshall, husband and wife,

of Boone County, in the State of Indiana

for the sum of One Dollar and other valuable consideration DOLLARS

the following REAL ESTATE, in Boone County, in the State of Indiana, to wit:

A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:

Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less; subject however to all public highways, legal rights-of way, and easements of record.

Located in Perry Township, Boone County, Indiana.

Grantors assume and agree to pay taxes for the year, 1965, due and payable in the year, 1966, and taxes for the year, 1966 due and payable in the year, 1967.

Grantees assume and agree to pay taxes for the year, 1967, due and payable in the year, 1968 and all subsequent taxes.

2183



1.12

RECEIVED FOR RECORD

At 11:00 O'Clock A.M. and Recorded in Book Record 112 Page 242

JUL 1 1 1966

Emerald Reynolds
Recorder, Boone County, Ind.

And further states that said grantors do hereby represent and state that they are each citizens of the United States of America, and that said citizenship has existed continuously since prior to April 8, 1940; that they have been domiciled and residing continuously within the United States since prior to April 8, 1940; that they are not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantor(s) who has (have) had any proprietary right, title or interest in the above described real estate, either directly or indirectly, during grantors ownership, that these representations and statements are made under oath to induce the acceptance of this deed of conveyance.

IN WITNESS WHEREOF, The said

Oren Wing and Evelyn Wing, husband and wife,

do hereby set their hands and seals this 25th day of June, 1966.

x Oren Wing (SEAL)
Oren Wing

(SEAL)

This deed prepared by

x Evelyn Wing (SEAL)
Evelyn Wing

Oren Wing (SEAL)

940

M James Marshall PR
Form No. 3
R. H. Gibson

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Oren Wing and Evelyn Wing,
Husband and Wife, ("Grantor")
of Boone County, in the State of Indiana, CONVEYS
AND WARRANTS to James R. Marshall and Patsy Marshall, Husband
and Wife,
of Boone County, in the State of Indiana, for the sum
of One and no/100 Dollars (\$ 1.00) and other
valuable consideration, the receipt of which is hereby acknowledged, the following described real
estate in Boone County, in the State of Indiana:

A part of the northeast quarter of Section 4, Township 17 North,
Range 1 East, situated in Perry Township, Indiana; and being more
particularly described as follows:

From the southwest corner of the east half of the aforesaid north-
east quarter, proceed thence North 0°48'0" West (the bearing
assumed from a compass observation) along the quarter-quarter
section line, 210.00 feet to the point of beginning. From said
point of beginning, continue thence North 0°48'0" West, along the
quarter-quarter section line, 60.00 feet; thence North 88°42'35"
East, 477.75 feet; thence South 0°48'0" East, 60.00 feet; thence
South 88°42'35" West, 477.75 feet to the point of beginning.

3207

RECEIVED FOR RECORD

At 10:00 O'Clock P.M. and Recorded in
Deed Record 302 Page 736

JUL 3 1976

Pauline Heckman
Recorder, Boone County, Ind.

DAVE BREWER FOR CLERK
July 6 1976
C. Taylor
AUDITOR BOONE COUNTY

IN WITNESS WHEREOF, Grantor has executed this deed this sixth day of
July, 19 76.
Signature Oren Wing (SEAL) Signature Evelyn Wing (SEAL)
Printed Oren Wing Printed Evelyn Wing

STATE OF INDIANA }
COUNTY OF BOONE } SS:

Before me, a Notary Public in and for said County and State, personally appeared _____
Oren Wing and Evelyn Wing, Husband and Wife,
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this sixth day of July, 19 76.
My commission expires 5/17/77
Signature Lowell E. Wing
Printed LOWELL E. WING, Notary Public

This instrument was prepared by Chris L. Shelby, attorney at law.

LEGAL DESCRIPTION

Exhibit "A"

A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:

Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less; subject however to all public highways, legal rights-of way, and easements of record.

Located in Perry Township, Boone County, Indiana.

ALSO,

A part of the northeast quarter of Section 4, Township 17 North, Range 1 East, situated in Perry Township, Indiana; and being more particularly described as follows:

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NARRATIVE

The Applicants, James R. and Patsy J. Marshall, live on 2.96 +/- acres at 6475 S. 275 E., Lebanon, Boone County, Indiana, in Perry Township and are wanting to construct a new Pole Barn to primarily store their motorhome. The proposed new structure will be 1,792 square feet. They currently have existing accessory structures that consists of a detached garage (1,350 square feet); attached garage (50 square feet) and a gazebo (137 square feet). The total of all proposed and existing accessory structures would be 4,209 square feet. The Marshalls' existing primary residential home is 2,732 square feet so they exceed the requirement of Sec. 194.097c(2) by a total of 1,477 square feet. Applicants seeks a Variance from Development Standards per Sec. 194.095c(1) to construct this new accessory structure. Please see for reference Staff Review Notes attached hereto. Applicants have talked with their surrounding neighbors and have obtained their written support as submitted with the Petition.

By way of dimension, the building being proposed is 32' x 56' and will be 16' at its tallest. The Marshall's motor home is 42' long and 13' at its tallest. In contrast to the primary structure, the Marshall's 2 ½ story residence is approximately 21' at the eaves with the roof obviously being much taller.



July 9, 2020

Review Notes

6475 S. 275 East

James Marshall

1) *Town of Zionsville Zoning Ordinance:
Section 194.097 Rural Property Development Standards

Specifically, section C (2) which states: Accessory Structures.
Accessory structures shall be clearly subordinate in height, area, bulk, extent and purpose to the primary structure.

<u>Proposed Pole Barn:</u>	1,792 Sq. Ft.	
<u>Existing Accessory Structures:</u>	<i>SCREEN PORCH</i> 240 SQ. FT.	} EXISTING 2,417
Detached Garage:	1,350 Sq. Ft. ✓	
Attached Garage:	504 Sq. Ft. ✓	
Gazebo:	137 Sq. Ft. ✓	
<i>FRONT PORCH</i>	<i>186 SQ. FT.</i>	
<hr/>		
Total Accessory Sq. Ft. (Proposed and Existing) =	3,783 Sq. Ft. <i>4,209</i>	

Primary Structure = 2,732 Sq. Ft – Information from Boone County Property Record Card.

4,209
~~3,783~~ – 2,783 = ~~1,000~~ *1,426* Sq. Ft. exceeds allowable accessory square footage.

Based on the above information, it is the determination of the Town of Zionsville Planning Department that the proposed project would place the parcel into non-conformity with section 194.097 C (2).

As an alternative to complying with section 194.095 C (1), you may seek a variance from the Board of Zoning Appeals per section 194.202 of the Town of Zionsville Zoning Ordinance. Should you want additional information concerning filing a Board of Zoning Appeals variance, please contact:

Chrissy Koenig Planner I – Petitions
O: (317) 873-1575
C: (317) 995-4471
ckoenig@zionsville-in.gov

Plan Review completed by:
Mike Lathrop-Building Inspector
Town of Zionsville
mlathrop@zionsville-in.gov
(317) 873-8248

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

The attached photo helps identify where the barn will sit and should have no impact on neighboring properties.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: Andrew Apers

Address: 9775 E 700N / Brownsburg, IN 46112

Phone: 317-714-6865

Approval: [Signature]

South 275 East, Lebanon Residents

Dear Neighbor,

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Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: Shawn & Jordan Dulkerson

Address: 6325 S. 275 E. Lebanon IN 46052

Phone: (317) 379-1601

Approval: Yes! Shawn Dulkerson

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

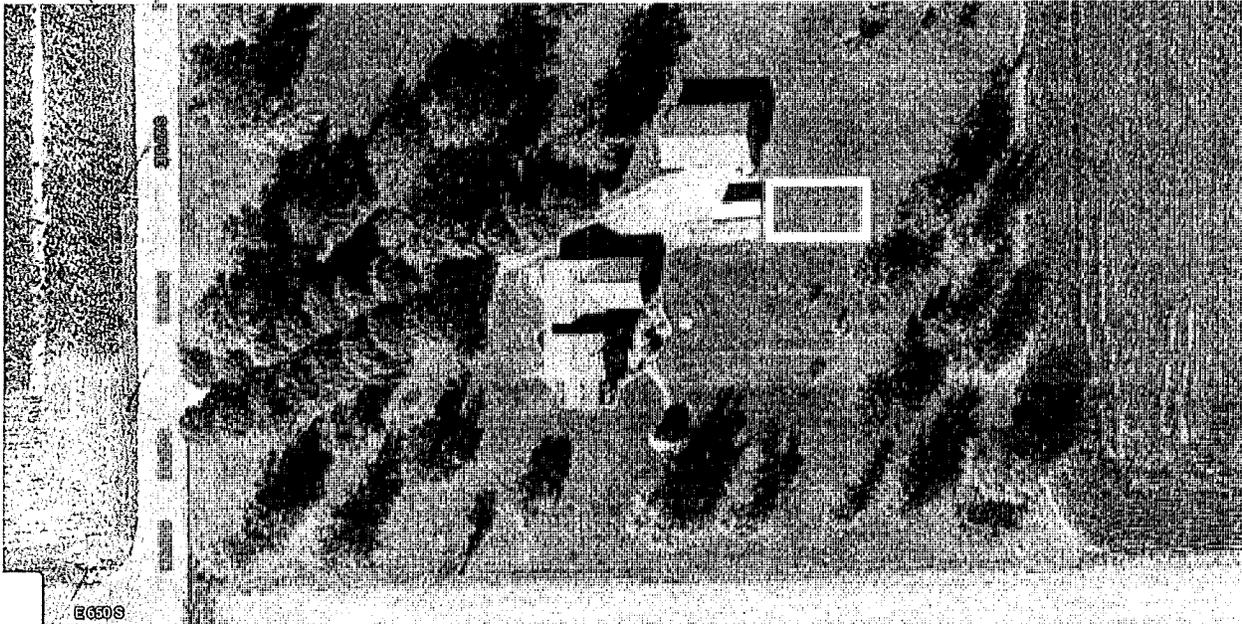
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Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: Daniel R. Taylor

Address: 6725 S 300 E Lebanon

Phone: 317-374-7587

Approval: _____

South 275 East, Lebanon Residents

Dear Neighbor,

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Thank you.

Sincerely,
Jim and Patsy Marshall
Cell: (317) 710-5888



Names: David Hen

Address: 2525E 5505 Lebanon, TN 46052

Phone: 317-714-3038

Approval: _____

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

BEFORE THE ZIONSVILLE
BOARD OF ZONING APPEALS
FILE NO. 2020-24-DSV

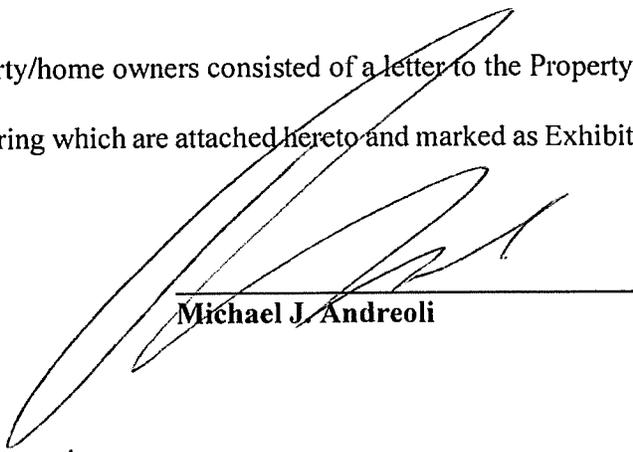
IN RE: THE MATTER OF THE VARIANCE)
OF DEVELOPMENT STANDARDS)
)
JAMES R. AND PATSY J. MARSHALL,)
HUSBAND AND WIFE,)
Petitioner.)

AFFIDAVIT OF MAILING

Comes now Michael J. Andreoli, and after first being duly sworn upon his oath, does allege and say as follows:

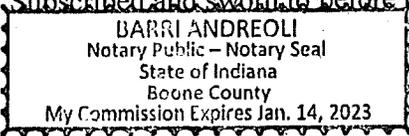
1. That this Affiant did, on or before August 17, 2020, at least ten (10) days prior to September 2, 2020, send a Notice of Public Hearing to the property/home owners adjacent and appurtenant to the boundaries of the property for which Petitioner is seeking approval of a Petition for Special Exception to locate a barn/storage building located at 6475 S. 275 E., Lebanon, Indiana. The list of property/home owners was sent by First Class mail and is attached hereto and marked as Exhibit "A".

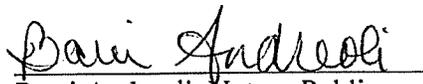
2. That said mailing to the property/home owners consisted of a letter to the Property Owner and a copy of the Notice of Public Hearing which are attached hereto and marked as Exhibit "B".



Michael J. Andreoli

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Subscribed and sworn to before me this 19th day of August, 2020.



Barri Andreoli, Notary Public
County of Residence:
Boone

My Commission Expires:
January 14, 2023

Jordin M & Shuan D Dickerson
7791 Bluejay Way
Zionsville, IN 46077

Agri-Resources Capital Corporation
10910 N. CR 650
Brownsburg, IN 46112

Michael S. Herr
2525 E. 550 S.
Lebanon, IN 46052

Dan Tyler, Trustee
5725 South 300 East
Lebanon, IN 46052

Ann Herr Mitchell
8664 N. 650 E.
Brownsburg, IN 46112

Boone County Commissioners
116 W. Washington St., Ste 103
Lebanon, IN 46052

EXHIBIT
"A"

Attribute report for active ID 1

ID name	add1	add3
6615 TYLER DAN TRUSTEE OF	5725 SOUTH 300 EAST	LEBANON, IN 46052
6622 HERR MICHAEL S	2525 E 550 S	LEBANON, IN 46052
6636 MITCHELL ANN HERR	8664N 650 E	BROWNSBURG, IN 46112
6637 MARSHALL JAMES RICHARD & PATSY	6475 S 275 E	LEBANON, IN 46052
6639 AGRI-RESOURCES CAPITAL CORPORA	10910 N CR 650 E	BROWNSBURG, IN 46112
6646 MARSHALL JAMES R & PATSY J	6475 S 275 E	LEBANON, IN 46052
6647 NO VALUE 999- <i>R-01W</i>	NO VALUE 999	NO VALUE 999
6648 MARSHALL JAMES R & PATSY J	6475 S 275 E	LEBANON, IN 46052
6651 DICKERSON JORDIN M & SHAUN D	7791 BLUEJAY WAY	ZIONSVILLE, IN 46077

*ft
600
Punfer*

Michael J. Andreoli
Attorney at Law
1393 W. Oak St.
Zionsville, IN 46077



Jordin M & Shuan D Dickerson
7791 Bluejay Way
Zionsville, IN 46077

Michael J. Andreoli
Attorney at Law
1393 W. Oak St.
Zionsville, IN 46077



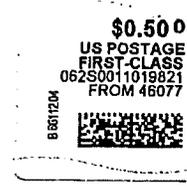
Agri-Resources Capital Corporation
10910 N. CR 650
Brownsburg, IN 46112

Michael J. Andreoli
Attorney at Law
1393 W. Oak St.
Zionsville, IN 46077



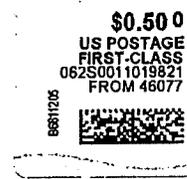
Michael S. Herr
2525 E. 550 S.
Lebanon, IN 46052

Michael J. Andreoli
Attorney at Law
393 W. Oak St.
Lebanon, IN 46077



Dan Tyler, Trustee
5725 South 300 East
Lebanon, IN 46052

Michael J. Andreoli
Attorney at Law
1393 W. Oak St.
Lebanon, IN 46077



Ann Herr Mitchell
8664 N. 650 E.
Brownsburg, IN 46112

Michael J. Andreoli
Attorney at Law
393 W. Oak St.
Lebanon, IN 46077



Boone County Commissioners
116 W. Washington St., Ste 103
Lebanon, IN 46052



MICHAEL J. ANDREOLI

ATTORNEY AT LAW
1393 West Oak Street
Zionsville, Indiana 46077-1839
(317) 873-6266
Fax (317) 873-6384
mandreoli@datlaw.com

August 17, 2020

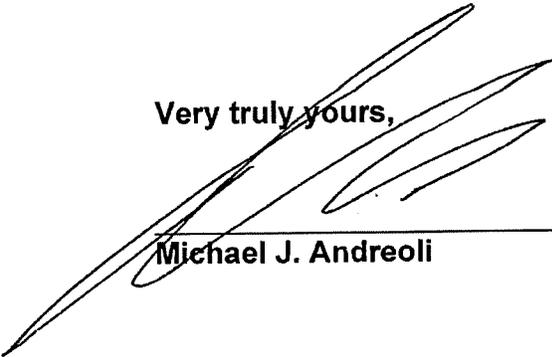
**RE: James R. and Patsy J. Marshall, Petitioners
Zionsville Board of Zoning Appeals
File Number 2020-24-DSV
Date of Meeting: Wednesday, September 2, 2020, at 6:30 p.m.**

Dear Property Owner:

Please find enclosed our Notice of Public Hearing as Jim and Patsy Marshall are seeking a Variance of Development Standards so they can build an accessory structure/pole barn to store their RV which will exceed the square footage of their home. I have enclosed our Narrative that more fully explains our proposed use but feel free to send me an E-mail or give me a call if you have any questions or concerns.

Thank you.

Very truly yours,



Michael J. Andreoli

MJA/ba

Enclosures

EXHIBIT
"B"

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Variance of Development Standards, Petition No. 2020-24-DSV, filed by counsel, Michael J. Andreoli, on behalf of the Petitioners, James R. and Patsy J. Marshall. Petitioners are seeking a Variance of Development Standards in order to provide for the construction of a detached barn which exceeds the allowable accessory square footage in an Agricultural Zoning District (AG) in order to store their RV. The property is located at 6475 S. 275 E., Lebanon, Indiana and consists of 2.96 acres, more or less, and is more commonly described as follows:

A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:

Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less; subject however to all public highways, legal rights-of way, and easements of record.

Located in Perry Township, Boone County, Indiana.

ALSO,

A part of the northeast quarter of Section 4, Township 17 North, Range 1 East, situated in Perry Township, Indiana; and being more particularly described as follows:

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A copy of the Petition for Special Exception, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public and oral comments to the Petition will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Further, and if supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting.

Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: _____

NARRATIVE

The Applicants, James R. and Patsy J. Marshall, live on 2.96 +/- acres at 6475 S. 275 E., Lebanon, Boone County, Indiana, in Perry Township and are wanting to construct a new Pole Barn to primarily store their motorhome. The proposed new structure will be 1,792 square feet. They currently have existing accessory structures that consists of a detached garage (1,350 square feet); attached garage (50 square feet) and a gazebo (137 square feet). The total of all proposed and existing accessory structures would be 4,209 square feet. The Marshalls' existing primary residential home is 2,732 square feet so they exceed the requirement of Sec. 194.097c(2) by a total of 1,477 square feet. Applicants seeks a Variance from Development Standards per Sec. 194.095c(1) to construct this new accessory structure. Please see for reference Staff Review Notes attached hereto. Applicants have talked with their surrounding neighbors and have obtained their written support as submitted with the Petition.

By way of dimension, the building being proposed is 32' x 56' and will be 16' at its tallest. The Marshall's motor home is 42' long and 13' at its tallest. In contrast to the primary structure, the Marshall's 2 ½ story residence is approximately 21' at the eaves with the roof obviously being much taller.

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Boone

City of Lebanon

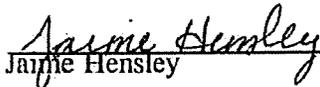
ISSUED:

The subscriber, being duly sworn, deposes and says that
he (she) is the said Annette Burcharts of THE LEBANON REPORTER
and that the foregoing notice for
NOTICE OF PUBLIC HEARING
was published in said newspaper in one editions
of said newspaper issued between 08/18/2020 and 08/18/2020

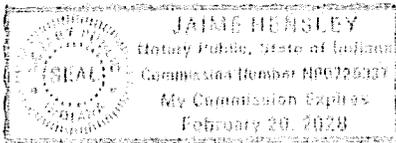
Cost: 62.15



SUBSCRIBED AND SWORN BEFORE ME THIS 18th day of August, A.D. 2020



Notary Public Seal, State of Indiana



NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Variance of Development Standards, Petition No. 2020-24-DSV, filed by counsel, Michael J. Andreoli, on behalf of the Petitioners, James R. and Patsy J. Marshall. Petitioners are seeking a Variance of Development Standards in order to provide for the construction of a detached barn which exceeds the allowable accessory square footage in an Agricultural Zoning District (AG) in order to store their RV. The property is located at 6475 S. 275 E., Lebanon, Indiana and consists of 2.96 acres, more or less, and is more commonly described as follows:

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Chairman: John Wolff
 Secretary: Wayne DeLong
 TLR-486 8/18 hspaxlp 1659867

Public Notices

Clark Excavation & Utility (2055 S 125 W, New Castle, IN 47362) is submitting a Notice of Intent (NOI) to the Indiana Department of Environmental Management (IDEM) of our intent to begin construction of a new outfall structure along the East bank of Eagle Creek, as well as a new 24-inch sanitary sewer installed parallel to the existing sewer running along Cemetery Creek from WWTP(Mayflower Dr.) to Eagle Creek.
TLR-479 8/18 hspaxlp 1659727

Haxton
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE CIRCUIT
COURT
CAUSE NO
06C01-2007-MI-000880
IN THE MATTER OF THE NAME
CHANGE OF DAVID C. HAXTON
NOTICE OF PETITION FOR
CHANGE OF NAME

David C. Haxton has filed a petition before the within Court to change his name.

1. The former name of David C. Haxton is reflected on the Petitioner's birth certificate will be changed to Daiith Macrae Haxton.
2. A hearing will be held in the Boone Circuit Court with respect to said name change on September 30, 2020 at 8:15 A.M.

3. Any person may appear at the hearing and file objections to said name change.

4. The attorney representing the Petitioner is Chris L. Shelby, SHELBY LAW P.C., 116 N. West Street, PO Box 743, Lebanon, Indiana 46052
Dated 7/27/2020.

/s/ Lori Schein
Judge Boone Circuit Court
Chris L. Shelby - #123-06
SHELBY LAW P.C.
116 N. West Street
PO Box 743
Lebanon, IN 46052
Phone: 765-482-1370
Fax: 765-482-9065
TLR-445 8/4, 11, 18 hspaxlp

Kennedy
STATE OF INDIANA
IN THE BOONE SUPERIOR
COURT I
SS: COUNTY OF BOONE
CAUSE NO:
06D01-2008-MI-000944
IN RE: PETITION TO AMEND
BIRTH CERTIFICATE OF
BARBARA FRANCIS KENNEDY
Petitioner.

NOTICE OF PETITION TO AMEND BIRTH CERTIFICATE

Barbara Francis Kennedy, whose mailing address is 320 S. Vine Street, Thornton, Boone County, IN 46071, hereby gives notice that she has filed a petition in the Boone County Superior Court I requesting that her birth certificate be amended to change her birth name to Barbara Jean Francis.

Notice is further given that a hearing will be held on said Petition on the 21st day of September, 2020 at 8:30 a.m.

/s/ Barbara Francis Kennedy
Barbara Francis Kennedy
August 12, 2020
Date

/s/ Jessica Fouly
Clerk, Boone County Superior
Court I
TLR-484 8/18, 8/25, 9/1 hspaxlp

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**MOUNT
NOTICE OF ADOPTION TO
BIRTH FATHER
STATE OF INDIANA SS:
COUNTY OF HAMILTON
IN HAMILTON COUNTY
SUPERIOR COURT
CAUSE NO:
29D01-1912-AD-001913
IN THE MATTER OF THE
ADOPTION OF KELSEY LYNN
CLAYTON, Minor Child.**

TO: Nathan Scott Mount
Via Lebanon Reporter

Nathan Scott Mount is notified that a Petition for Adoption of the minor Child, named Kelsey Lynn Clayton, who was born on the August 12, 2008 and is the Child of Nathan Scott Mount and Briana Clayton, was filed in the Office of the Clerk of the Hamilton County Superior Court, One Hamilton County Square, Noblesville, IN 46060, under the title: In the Matter of the Adoption of Kelsey Lynn Clayton. The Petition for Adoption alleges that Nathan Scott Mount is the Biological Father of the minor Child; however, Nathan Scott Mount's consent is not required as *continued next column*

**Alcohol & Tobacco Commission
LEGAL NOTICE OF PUBLIC
HEARING**

The Alcohol Beverage Board of Boone County, Indiana will hold a public hearing at 9:30 am on September 02, 2020 virtually through Microsoft Teams, to investigate the propriety of holding an alcoholic beverage permit by the applicants listed below.

Information on accessing the virtual meeting can be found at <https://www.in.gov/atc/2855.htm>.

RR0693227 Beer & Wine Retailer
Restaurant RENEWAL TOWN OF
ZIONSVILLE, INDIANA 10799 E
CO RD 550 S Zionsville IN D/B/A
ZIONSVILLE GOLF COURSE
DL0623897 Beer & Wine Dealer
Grocery Store RENEWAL J.L FOOD
MART INC 105 EAST MAIN
STREET Jamestown IN D/B/A J.L
FOOD MART #2 JASWINDER
BHATT 114 N MAIN ST APT 4
Advance, President LAKHWINDER
SINGH 932 W GASTON DR APT E
Greensburg, Secretary

RR0629770 Beer & Wine Retailer
Restaurant RENEWAL MATT &
RACHEL LLC 620 S MAIN ST
Zionsville IN D/B/A BUB'S
BURGERS & ICE CREAM
RR0630489 Beer Wine & Liquor
Restaurant (210 1) RENEWAL THE
SCOOP LLC 305 S Main St Zionsville
IN D/B/A

RR0635320 Beer Wine & Liquor
Restaurant IN REN HUI
ALAN YANG 482 ELHORA LANE
Westfield, President

RR0636652 Beer Wine & Liquor
Restaurant (210) NEW JAWBONE
BBO LLC 104 NORTH MAIN
STREET Advance IN D/B/A
JAWBONE BBO MELODY S.
THOMAS 7287 WEST 300 SOUTH
Jamestown, Secretary Jenna Rose
Thomas 7287 West 300 South
Jamestown, President

RR0634095 Beer Wine & Liquor
Restaurant (210) TRANSFER KLC
REALTY, LLC 7151 7153
WHITESTOWN PARKWAY
Zionsville IN D/B/A MONTERREY
BAR & GRILL
TLR-483 8/18 hspaxlp 1659774

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Public Notices

he has failed, without justifiable cause, to have significant contact with the Child; he has knowingly failed, without justifiable cause, to provide for the care and support of the Child when able to do so as required by law or judicial decree for at least one (1) year; and, he is too unfit to parent.
If Nathan Scott Mount seeks to *continued next column*

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Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.
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**NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE** that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, September 2, 2020, at 8:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Variance of Development Standards, Petition No. 2020-24-DSV, filed by counsel, Michael J. Andreoli, on behalf of the Petitioners, James R. and Patsy J. Marshall. Petitioners are seeking a Variance of Development Standards in order to provide for the construction of a detached barn which exceeds the allowable accessory square footage in an Agricultural Zoning District (AG) in order to store their RV. The property is located at 6475 S. 275 E., Lebanon, Indiana and consists of 2.96 acres, more or less, and is more commonly described as follows:
A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:
Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less, subject however to all public highways, legal rights-of-way, and easements of record.
Located in Perry Township, Boone County, Indiana.
ALSO,
A part of the northeast quarter of Section 4, Township 17 North, Range 1 East, situated in Perry Township, Indiana, and being more particularly described as follows:
From the southwest corner of the east half of the aforesaid northeast quarter, proceed thence North

Public Notices

contest the adoption of the Child, Nathan Scott Mount must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court not later than thirty (30) days after the date of service of this Notice.

If Nathan Scott Mount does not file a motion to contest the adoption within thirty (30) days after service of this notice, the above named court will hear and determine the Petition for Adoption. The consent to the adoption of Kelsey Lynn Clayton will be irrevocably implied and Nathan Scott Mount will lose the right to contest either the adoption or the validity of Nathan Scott Mount's implied consent to the adoption.

No oral statement made by the Petitioner relieves Nathan Scott Mount of his obligations under this notice.

This notice complies with IC 31-19-4.5-3, but does not exhaustively set forth a person's legal obligations under the Indiana adoption statutes. A person being serviced with this notice should consult the Indiana adoption statutes.

Dated: 7/28/2020
Kathy Kregg Williams
Clerk of Hamilton County
Attorney Information:
Shelley Haymaker
Attorney at Law
124 N. 10th St., Suite A
Noblesville, IN 46060
(317) 770.0480
TLR-441 8/4, 11, 18 hspaxlp

0748'0" West (the bearing assumed from a compass observation) along the quarter-quarter section line, 210.00 feet to the point of beginning. From said point of beginning, continue thence North 0748'0" West, along the quarter-quarter section line, 60.00 feet, thence North 88°48'0" East, 60 feet; thence South 88°42'35" West, 477.75 feet to the point of beginning.

A copy of the Petition for Special Exception, and all plans pertaining hereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 or at: <http://www.zionsville.in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public and oral comments to the Petition will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Further, and if supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication if indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting.

Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdejong@zionsville.in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.
Chairman: John Wolff
Secretary: Wayne DeLong
TLR-486 8/18 hspaxlp 1659867

Public Notices

**PUBLIC NOTICE TO PROPERTY OWNERS
WITHIN AND AROUND THE TOWN OF WHITESTOWN**
At its August 12, 2020 meeting, the Whitestown Town Council adopted Ordinance No. 2020-11, which voluntarily annexes into Whitestown approximately 4.4 acres of land generally located northeast of the intersection of County Road 400 South and County Road 450 East. For more information regarding the Ordinance, please contact Town Manager Jason Lawson, at (317) 769-6557. A copy of the Ordinance with its attachments is available for review at the Whitestown Municipal Complex, 6210 Veterans Drive, Whitestown, Indiana 46075 once the Complex reopens, and is also available online at www.whitestown.in.gov. The Ordinance (without attachments) is as follows:
ORDINANCE 2020-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, ANNEXING TERRITORY TO THE TOWN OF WHITESTOWN, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF WHITESTOWN FISHBACK 3 SUPER-VOLUNTARY ANNEXATION

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Town" or "Whitestown") received petitions ("Petitions") requesting that certain territory generally located northeast of the intersection of County Road 400 South and County Road 450 East, as hereinafter described ("Annexation Territory"), be annexed by Whitestown; and

WHEREAS, the Petitions have been signed by all of the owners (i.e., 100%) of the property within the Annexation Territory; and

WHEREAS, the Council deems it desirable and in the best interest of the Town to annex the Annexation Territory; and

WHEREAS, a legal description and drawing of the Annexation Territory are attached hereto as Exhibit A and Exhibit B; and

WHEREAS, where the legal description attached as Exhibit A describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing Town limits, the Annexation Territory boundary shall conform to and match the boundary of the existing Town limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit B; and

WHEREAS, the Annexation Territory consists of approximately 4.4 acres, and is contiguous to the existing Town limits; and

WHEREAS, prior to adoption of this Ordinance, the Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, the Town has further determined that the Annexation Territory is needed and can be used by Whitestown for its development in the reasonably near future; and

WHEREAS, prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, Indiana, as follows:

- The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.
- In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
- The Annexation Territory is assigned to Council District No. 1.
- The Annexation Territory shall maintain its current zoning classification (s) and designation(s) until such time the Town updates its respective comprehensive plan, zoning ordinance, or zoning map.
- Some or all of the property within the Annexation Territory is currently classified as agricultural for tax purposes. As may be contemplated by I.C. § 36-4-3-4.1, Whitestown anticipates that the real property will be treated as exempt from property tax liability under I.C. § 6-1-1 for "municipal purposes" unless until the land is reclassified under assessment rules and guidelines of the DLGF. As fire protection services are not uniquely a municipal service, and Whitestown already provides fire protection service to unincorporated Worth Township, including the Annexation Territory, and as agreed by the property owner, the fire tax levy for the Annexation Territory is not to be considered "property tax liability under I.C. § 6-1-1 for municipal purposes." The Annexation Territory will therefore not be exempt from property tax liability for fire protection purposes (e.g., the fire tax levy) even while the Annexation Territory remains classified as agricultural.
- All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are severable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
- The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Dated this 18th day of August, 2020.
By Matt Sumner, Clerk-Treasurer of the Town of Whitestown, Indiana.
TLR-482 8/18 hspaxlp 1659777

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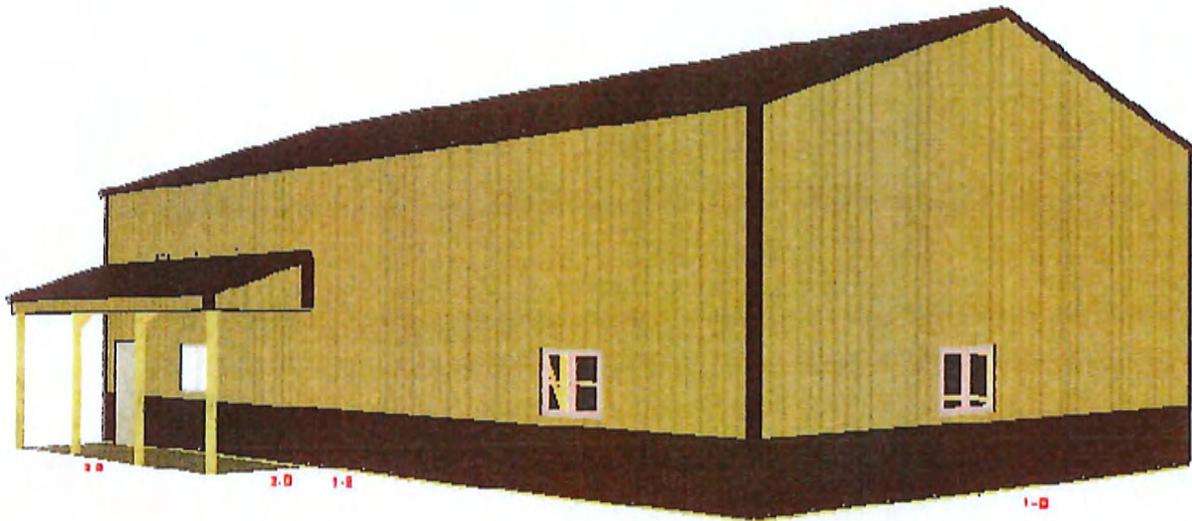
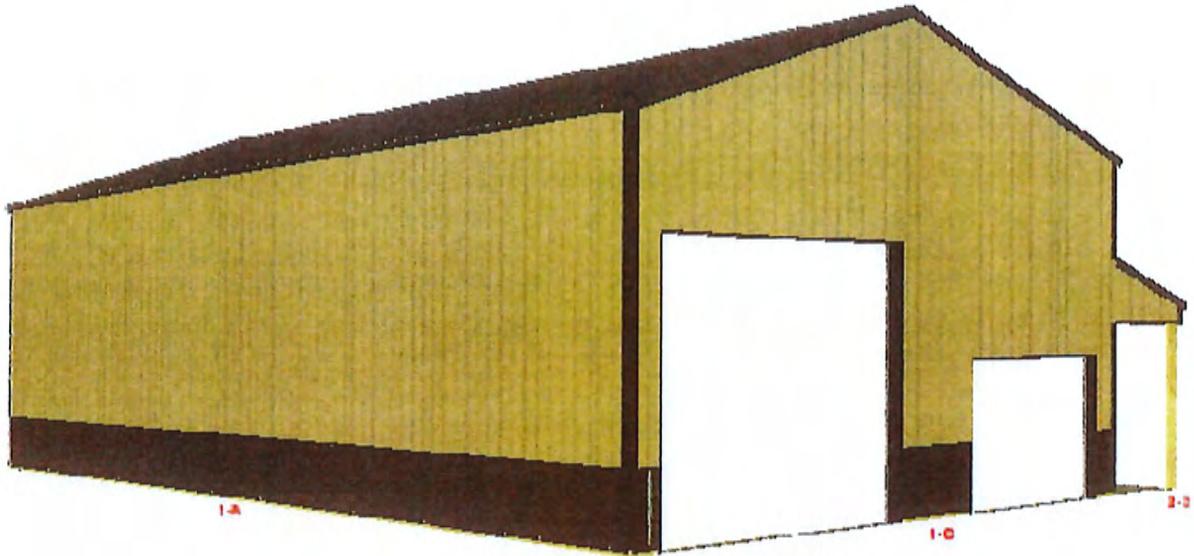


Design #: 328353376112
Estimate #: 57346
Store: LEBANON



Post Frame Building Estimate
Date: Apr 21, 2020 1:57:08 PM

Elevation Views





Congratulations, you have taken the first step towards making your new post frame building a reality!

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products select one of the links below or visit us on the web at www.midwestmanufacturing.com.

Premium Steel Panels - Pro-Rib and Premium Pro-Rib steel panels are your best options for steel panels in the market.

- Steel Panels are Grade 80 (full hard steel).
- Prepaint zinc phosphate coating for superior paint paint adhesion - available in multiple colors.
- Pro-Rib features a limited 40 year paint warranty.
- Premium Pro-Rib has a limited lifetime paint warranty.
- All painted panels are ENERGY STAR rated, using a Cool Chemistry paint system.
- Pro-Rib and Premium Pro-Rib panels are UL Certified for Wind Uplift UL 580, Fire Resistance UL 790, Impact Resistance of Roof UL 2218.
- Pro-Rib and Premium Pro-Rib panels are IRC and IBC compliant.

Engineered Trusses - Post frame trusses are specifically engineered to meet your application and geographic location.

- All Midwest Manufacturing trusses can be supplied with engineered sealed prints.
- TPI approved and third party inspected.

Laminated Columns - Designed to replace standard treated posts as vertical supports in Post Frame Construction.

- Columns 20' or less are treated full length.
- Lifetime Warranty against rot and decay.
- Columns over 20' in length are reinforced with 20 gauge stainless steel plates at each splice location.
- Lower portion of columns treated for in ground use.
- Rivet Clinch Nails provide superior holding power.
- Columns provide superior truss to pole connection.

Pressure Treated Lumber - All treated post and grade board used in your building will safely and effectively resist decay.

- Treated to AWPA compliance.
- Post and grade board offer a lifetime warranty against rotting and decay.

Design #: 328353376112
Estimate #: 57346
Store: LEBANON



Post Frame Building Estimate
Date: Apr 21, 2020 1:57:08 PM

Building Information

1. Building Use:	Code Exempt
2. Width:	32 ft
3. Length:	56 ft
4. Inside Clear Height:	16 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

Wall Information

1. Post Type:	Posts
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Beige
6. Wainscot Size:	36 in
7. Wainscot Color:	Brown
8. Sidewall B Wainscot:	Yes
9. Sidewall A Wainscot:	Yes
10. Trim Color:	Brown
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	None
14. Sidewall B eave light:	None
15. Wall Fastener Location:	In the Flat
16. Eave Trim:	Yes
17. Gradeboard Type:	2x6 Treated Gradeboard

Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Insulation:	No

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	4 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Brown
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	0 ft
8. Sidewall Overhangs:	0 ft
9. Skylight Size:	None
10. Ridge Vent Quantity:	None
11. Ceiling Liner Type:	None
12. Purlin Placement:	Flat
13. Ceiling Insulation Type:	None

Accessories

1. Outside Closure Strip:	Standard
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Snow Guard:	Yes
8. Mini Print:	Email Only

Design #: 328353376112
 Estimate #: 57346
 Store: LEBANON



Post Frame Building Estimate
 Date: Apr 21, 2020 1:57:08 PM

Leans

Building 2	
Attaching wall:	B
Endwall overhang length:	0 ft
Sidewall overhang length:	0 ft
Add snow guards:	Yes
Remove every other post:	No
Length:	24 ft
Depth:	6 ft
Drop Distance From Roof:	5 ft
Position From Left:	0 ft
Approximate Clear Height:	8 ft
Open interior wall:	No
Open exterior walls:	Side And End Walls

Doors & Windows

Name	Size	Wall
Service Door	36"x80"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Overhead Door	14' x 12'	1-C
Overhead Door	10' x 7'	1-C
Window	48"x36"	1-D

Lean Open Walls

Wall	Every Other Post Removed
2-B	No
2-C	No
2-D	No

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

- 1. The grant **will not** be injurious to the public health, safety, morals and general welfare of the community because: **we have sufficient acreage that this will not appear crowded or cluttered.**

- 2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: **we have checked with our surrounding neighbors and they have no objection to an additional accessory structure.**

- 3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **as we have 2.96 acres, an additional accessory structure will allow for continued appropriate use of our property for storage of personal property.**

DECISION

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

Adopted this _____ day of _____, 2020.



Petition Number: 2020-25-UV

Subject Site Address: 6300 Technology Drive

Project Name: Ambulatory Surgery Center

Petitioner: Innovative Partners, LLC

Represented by: Andrew Buroker and Mark Leach, Faegre Drinker Biddle & Reath LLP

Request: Petition for a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

Current Land Use: Vacant Office Building; previously Harrison College

Approximate Acreage: 2.4± acres

Zoning History: No previous filings for Board of Zoning Appeals or Plan Commission.

Exhibits:
Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Comprehensive Plan Land Use Map
Exhibit 4 – Zoning Map
Exhibit 5 – Petitioner’s Narrative
Exhibit 6 – Petitioner’s Proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the September 2, 2020, Meeting of the Board of Zoning Appeals. No other petitions for this project have been filed at this time, but should the Use Variance be granted and exterior building renovations be proposed by the Petitioner (not contemplated at this time), approval of a Development Plan would be required from the Plan Commission.

SITE LOCATION, ZONING AND PROJECT DESCRIPTION

The 2.4± acre subject site is classified as Rural and is zoned Industrial One Rural Zoning District (I-1 Rural). The site is located on the north side of Technology Center Drive in the Northwest Technology Park (see Exhibit 2). The subject site has been improved with a primary building of approximately 18,500 square feet and related parking areas. The primary building has been used as the Harrison College, but is now vacant. Vehicular access onto the site is from the existing internal streets of Northwest Technology Park. The subject site is owned by S & H Development, LLC, who has granted authority to the Petitioner for this Use Variance Petition. The subject site is bordered on all sides by parcels also zoned I-1 Rural (see Exhibit 4) and developed as follows:

- on the north by single-story office buildings;
- to the east, parking area supporting the office uses in the business park;
- to the south is an undeveloped lot;
- and to the west is a detention pond serving the business park.

The Petitioner proposes to renovate and re-use the existing building as an ambulatory surgery center for all medical practices. The exterior and footprint of the existing building will not be altered except for signage. The proposed signage has not been submitted for review. The hours of operation would be from 7:00 am to 4:00 pm, Monday through Friday. Details of the Plan of Operation and Facility Employment (Year 3) are provided within the Petitioner's Narrative (see Exhibit 5).

ANALYSIS

Based upon the description of proposed uses from the Petitioner, Staff determined that the use is best described as a "Clinic" use which is identified within the Zionsville Zoning Ordinance Table of Authorized Uses (Table 2). The use of "Clinic" is not a permitted use at the I-1 zoned location. The use of "Clinic" is permitted by right in the following Rural zoning districts: LB, GB, UB, PB.

In evaluating the appropriateness of the proposed use at the subject location, the existing surrounding uses and the Town's Comprehensive Plan must be considered. The 2010 Comprehensive Plan Land Use Map identifies the future land use for entirety of the Northwest Technology Park to be Research - Technology (Exhibit 3). Existing uses within the business park uses include corporate offices for a variety of business types, with some being medically-related.

The proposed renovation and re-use of the existing structure for an Ambulatory Surgery Center, or "Clinic" Use, is consistent with the Comprehensive Plan and should not have any significant adverse impact on existing surrounding land uses.

Time Line

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

PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL

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

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

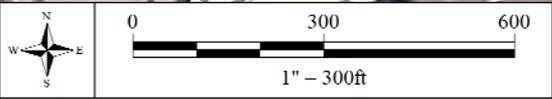
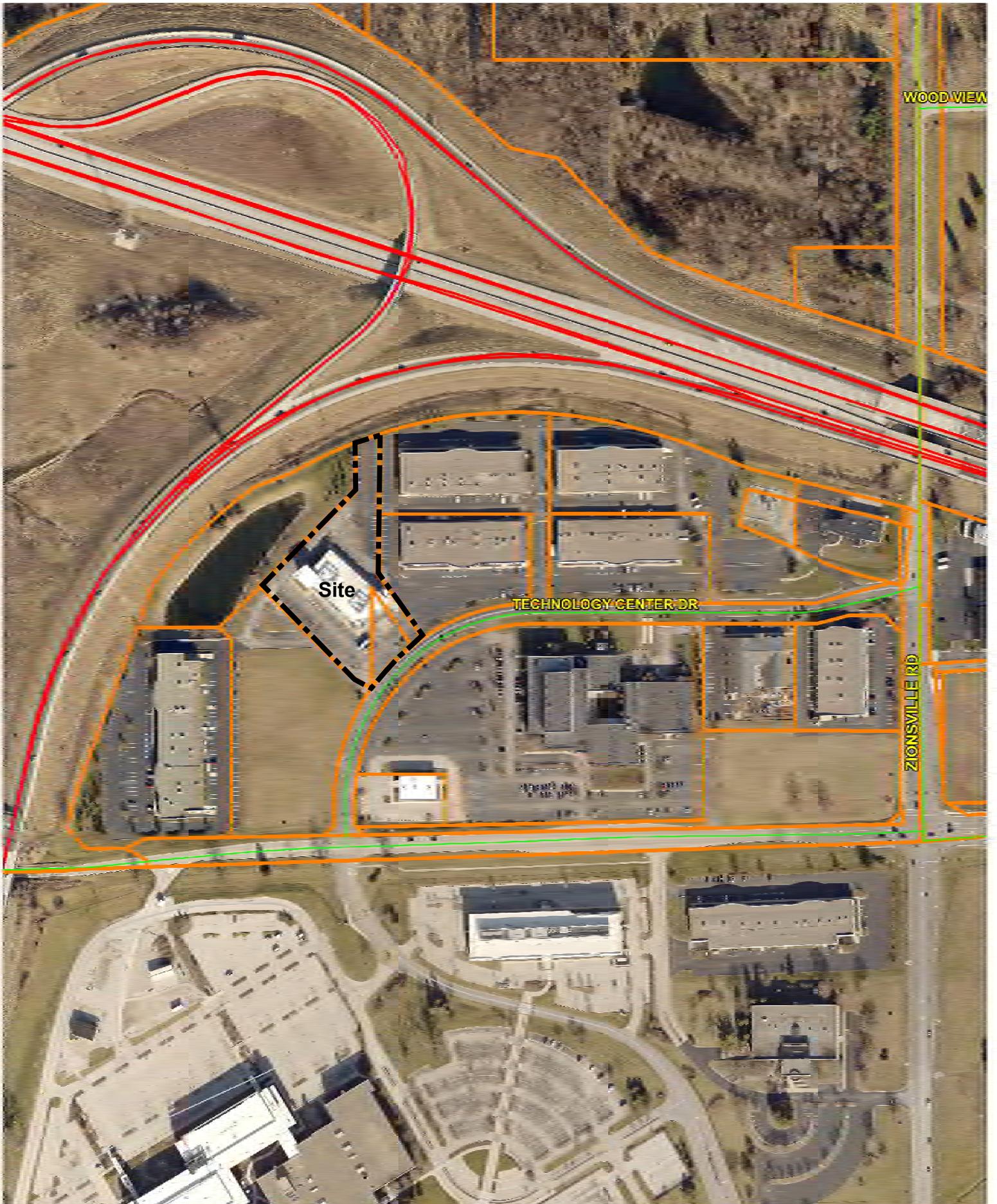
Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal’s consideration (Exhibit 6).

STAFF RECOMMENDATIONS

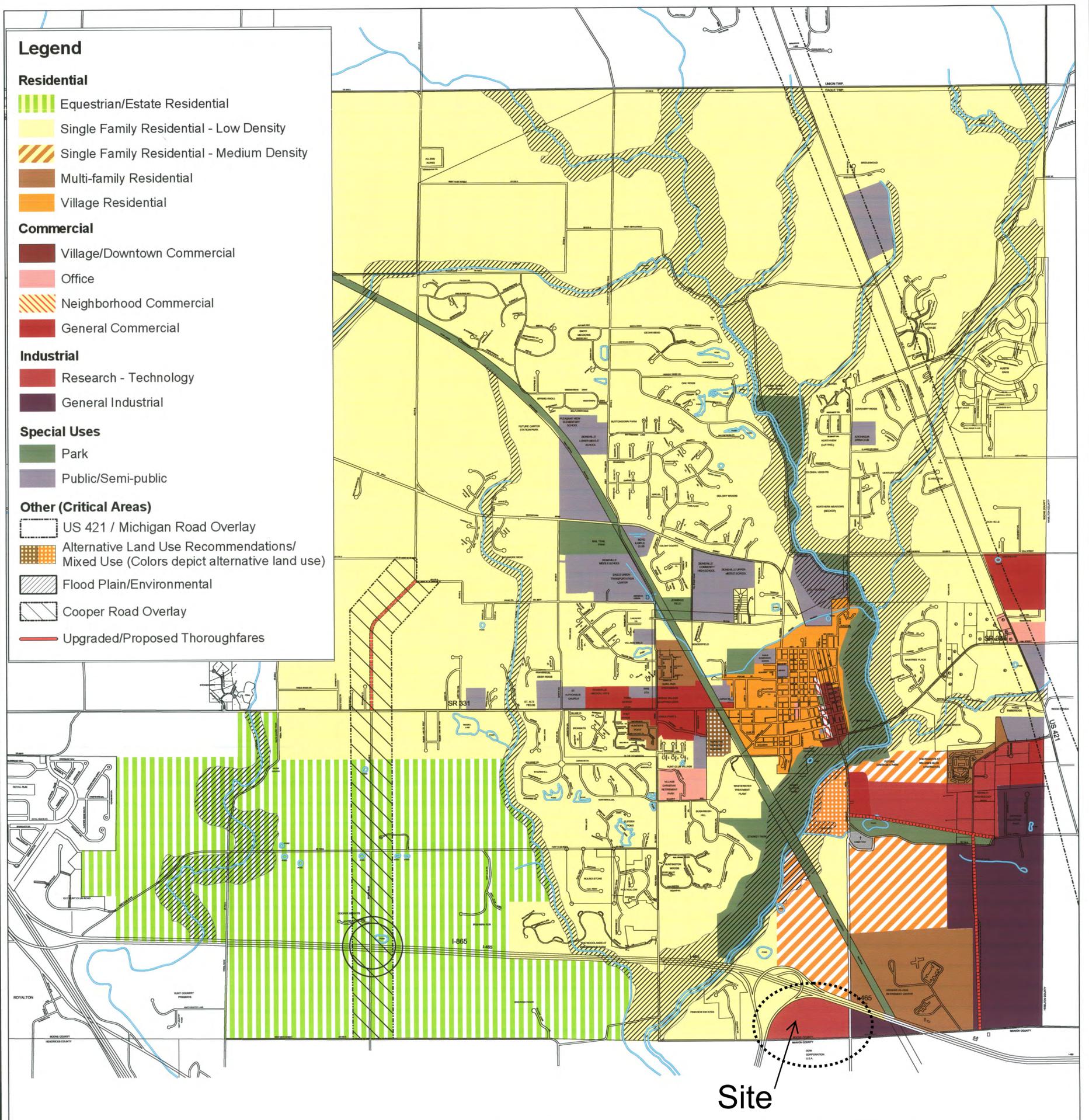
Staff recommends approval of the Use Variance for an Ambulatory Surgery Center Use, providing for most all medical practices, within the existing structure, as a Primary Use at 6300 Technology Drive as described and depicted in Docket #2020-25-UV.

RECOMMENDATION MOTION

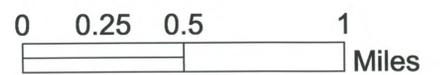
I move that Docket #2020-25-UV, a Use Variance to permit an Ambulatory Surgery Center Use, providing for most all medical practices, within the existing structure, as a Primary Use at 6300 Technology Drive be (Approved as filed, based upon the findings of fact / Denied / Continued) as presented.



2020-25-UV: Location Map - Exhibit 2



Note: See Text for Detailed Description of Land Use Classification

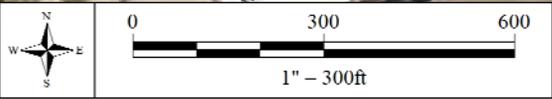
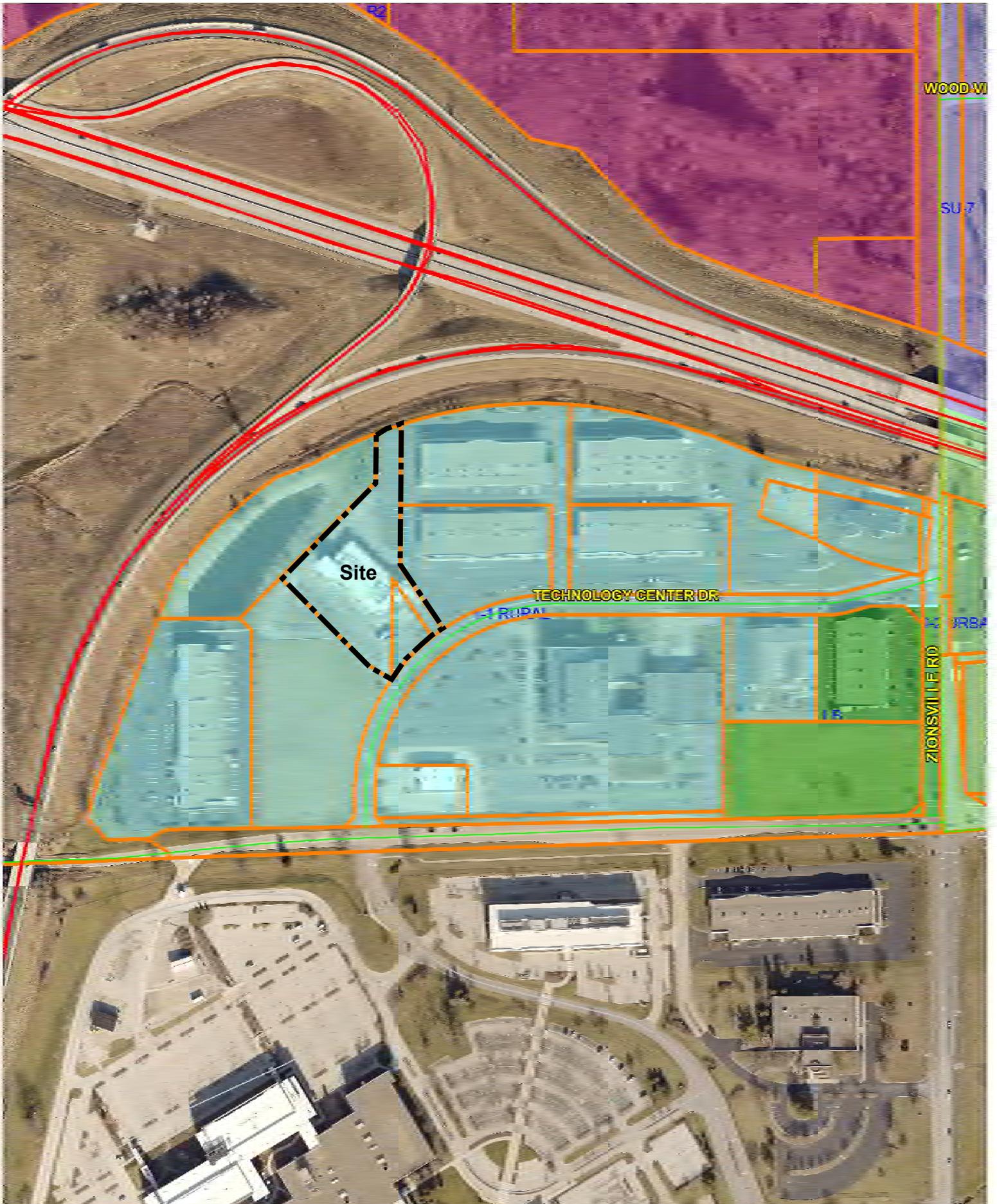


Zionsville Comprehensive Plan



Figure 6.2 Proposed Land Use

July 2003



2020-25-UV: Zoning Map - Exhibit 4

Detailed Description of Petition Request
Plan of Operation

6300 Technology Center Drive

Innovative Partners, LLC (the “Petitioner”) respectfully requests a Variance of Use to permit an ambulatory surgery center in the Rural I-1 Zoning District. Ambulatory surgery centers are not a permitted use in an I-1 Zoning District per 194.082 - Table 2: Authorized Uses.

This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage. The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use. Other regular office uses that are not Industrial and several medical office uses are located in the Center, and this is an ideal location with good road network connectivity to serve the community.

Plan of Operation:

Monday – Friday

Business hours: 7:00 a.m. – 4:00 p.m.

Services include outpatient surgical care across most medical specialties

Normal patient visit time: 1.5 – 3 hours

Estimated patient traffic: 8–10 patients/day in Year 1, increasing to 15-20 patients/day by Year 3

Facility Employment – Year 3:

15 Registered Nurse (RN) Positions

7 Certified Surgical Tech (CST) Positions

1 – 2 Patient Care Tech (PST) Positions

4 – 5 Front Office Staff, Billing, Medical Records and Reception Positions

Daily staffing totaling 12 – 15 employees on site

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:
This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage.
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:
The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use, and the exterior and footprint of the existing building will not be altered except for signage. This reuse of a current vacant building will add value back to the business park.
3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:
The property is part of the larger Northwest Technology Center which is zoned I-1 (Rural), but this site used to be a veterinary school and is ideally located to provide medical ambulatory surgery services to the area, and there are already current medical office uses in the Center under use variances, and the variance grant would allow for the reuse of a vacant building that was also not an industrial use.
4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:
The zoning ordinance would not permit this proposed medical office use in this part of the Town due to it being zoning I-1 (Rural), even though there are other medical office uses in the Center, and this is an ideal location with good road network connectivity to serve the community.
5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:
The Comprehensive Plan proposes an Industrial Research-Technology land use for this property, which is a compatible land use category for the proposed ambulatory surgery center as a medical office use.

DECISION

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

Adopted this _____ day of _____, 2020.

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-25-UV

1. SITE INFORMATION:

Address of Property: 6300 Technology Center Drive
Existing Use of Property: Vacant Harrison College
Proposed Use of Property: Ambulatory Surgery Center
Current Zoning: Rural I-1 Area in acres: 2.4

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Innovative Partners, LLC
Owner Name (if different from Petitioner): S & H Development, LLC
Petitioner Address: 16333 N. Grey Rd., Noblesville, IN 16062 Owner Address: PO Box 194, Carmel, IN 46082
Petitioner Phone Number: 317.506.7885 Owner Phone Number: 317.638.2400
Petitioner E-Mail Address: N/A Owner E-Mail Address: N/A

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: Andrew B. Buroker, Faegre Drinker Biddle & Reath LLP
Address: 600 E. 96th St., Ste 600, Indianapolis, IN 46240
Phone Number: 317-569-4616
E-Mail Address: andy.buroker@faegredrinker.com

Project Engineer:

Name: Architect - Chris W. Lake, Delv Design
Address: 212 W. 10th St., Ste. F125, Indianapolis, IN 46202
Phone Number: 317-296-7400
E-Mail Address: chris@delvdesign.com

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification
Variance of Use to permit an ambulatory surgery center in the Rural I-1 Zoning District.

Ambulatory surgery centers are not a permitted use in an I-1 Zoning District per 194.082 - Table 2: Authorized Uses.

5. ATTACHMENTS:

Legal description of property
 Owner's Authorization (if Petitioner is not the Owner)
N/A Statement of Commitments (if proposed)
 Application Fee

Proof of Ownership (copy of Warranty Deed)
 Site Plan & Exhibits
 Draft of Proposed Legal Notice
 Draft of Proposed Findings of Fact



OWNER'S AUTHORIZATION

The undersigned, S & H Development, LLC, being the owner of the property commonly known as 6300 Technology Center Drive, hereby authorizes Andrew B. Buroker, Mark R. Leach and Faegre Drinker Biddle & Reath LLP to file a Petition for (zone map change variance) special exception / subdivision plat approval / other) for the aforementioned property.

Signature: Susan H Backer, Co Trustee
Printed: SUSAN H. BACKER, Co-Trustee
Title: Stephen A. Backer Marital Trust

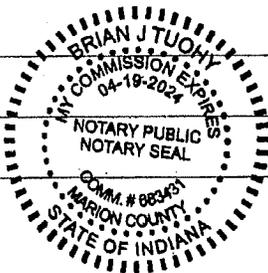
State of Indiana)
County of Marion)
SS:

Subscribed and sworn to before me this 29th day of July, 2020.

[Signature]
Notary Public Signature

Brian J. Tuohy
Notary Public Printed

My Commission No:
My Commission Expires:
My County of Residence is _____ County



OWNER'S AUTHORIZATION

The undersigned, S & H Development, LLC, being the owner of the property commonly known as 6300 Technology Center Drive, hereby authorizes Andrew B. Buroker, Mark R. Leach and Faegre Drinker Biddle & Reath LLP to file a Petition for (zone map change variance) special exception / subdivision plat approval / other) for the aforementioned property.

Signature: _____
Printed: _____
Title: _____

Jeffrey A. Saunders
Jeffrey A. Saunders
Co-Trustee of Stephen A. Baker Marital Trust, Member

State of Indiana)
County of Hamilton) SS:

Subscribed and sworn to before me this 29th day of July, 2020.

Jamie L. Shears.
Notary Public Signature

Notary Public Printed

My Commission No: 706115



My Commission Expires: _____

My County of Residence is _____ County

PETITIONER'S AUTHORIZATION

The undersigned, Innovative Partners, LLC, being the contract purchaser of the property commonly known as 6300 Technology Center Drive, hereby authorizes Andrew B. Buroker, Mark R. Leach and Faegre Drinker Biddle & Reath LLP to file a Petition for (zone map change variance) special exception / subdivision plat approval / other) for the aforementioned property.

Signature: 
Printed: Dr. Ronald Piniecki
Title: Member

State of Indiana)
County of Hamilton)
SS:

Subscribed and sworn to before me this 28th day of July, 2020.

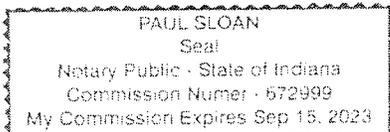

Notary Public Signature

Paul Sloan
Notary Public Printed

My Commission No: 672999

My Commission Expires: 09/15/2023

My County of Residence is Boone County



LEGAL DESCRIPTION

Lot Numbered Nine (9) in Replat of Lot 9 and Lot B of Lot 2 Northwest Technology Center, an addition in Boone County, Indiana, as per plat thereof recorded February 2, 2005 in Book 15 page 46 as Instrument Number 0501312, in the Office of the Recorder of Boone County, Indiana.

TOGETHER with those non-exclusive easements for ingress, egress, utilities, drainage and signage as created and granted in a Declaration of Covenants and Easements dated May 6, 1999 and recorded May 6, 1999 as Instrument No. 99-5722 in the Office of the Recorder of Boone County, Indiana.

ALSO TOGETHER with a non-exclusive easement for parking spaces as created and granted in a Parking Easement Agreement dated March 11, 2005 and recorded August 1, 2005 as Instrument No. 0508908 in the Office of the Recorder of Boone County, Indiana.



SITE MAP KEY

- Build to Suit
- Completed Buildings
- Space Available Now

Detailed Description of Petition Request Plan of Operation

6300 Technology Center Drive

Innovative Partners, LLC (the "Petitioner") respectfully requests a Variance of Use to permit an ambulatory surgery center in the Rural I-1 Zoning District. Ambulatory surgery centers are not a permitted use in an I-1 Zoning District per 194.082 - Table 2: Authorized Uses.

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Monday – Friday

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7 Certified Surgical Tech (CST) Positions

1 – 2 Patient Care Tech (PST) Positions

4 – 5 Front Office Staff, Billing, Medical Records and Reception Positions

Daily staffing totaling 12 – 15 employees on site

Businesses Located in the Northwest Technology Center

American Cancer Society, offices.

American Heart Association, offices.

Browning is a commercial real estate firm that handles development, construction, property management across a diversified portfolio.

Capstone Administrators eases that administrative burden by reviewing group benefit plans, developing and implementing strategies to help increase productivity, and monitoring compliance.

Compliance Dashboard is dedicated to providing valuable tools to benefit advisers and employee plan sponsors to simplify health and 401(k) benefit regulations and comply with federal mandates.

Corteva Agrisciences (formerly DOW) is a wholly owned subsidiary of the Dow Chemical Company specializing in not only agricultural chemicals such as pesticides, but also seeds and biotechnology solutions.

Hcl.com is the leading cloud-based high-value care platform for healthcare organizations looking to personalize care and reduce waste.

LeadingAge Indiana is an association representing not-for-profit services and providers for the elderly.

Lewellyn Technology offers electrical maintenance training that helps companies comply with new safety regulations.

OneBridge is a business intelligence and data consulting firm serving some of the largest government, manufacturing, healthcare, and financial services entities in the U.S.

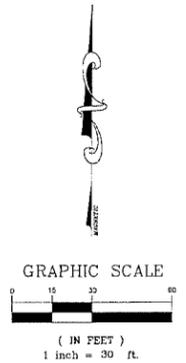
Prosolia Inc. is a scientific instrument company engaged in the development, manufacturing and marketing of life sciences tools that enhance and expand the use of mass spectrometers for translational and preclinical research and chemical analysis.

Renaissance LLC offers administrative support services to charitable trusts, donor-advised funds, private foundations, pooled income funds, supporting organizations, and irrevocable life insurance trusts, as well as consulting and legal services.

Siemens Electrification provides automation and digitalization innovative solutions.

Special Olympics of Indiana, offices.

Tangoe is the leading technology solution provider of order, invoice, inventory, and expense management for telecom, mobile, cloud, Internet of Things (IoT).



R=1096.23'
L= 243.94'
CH= 243.44'
CH BRG= N66°06'58"E

LEGEND

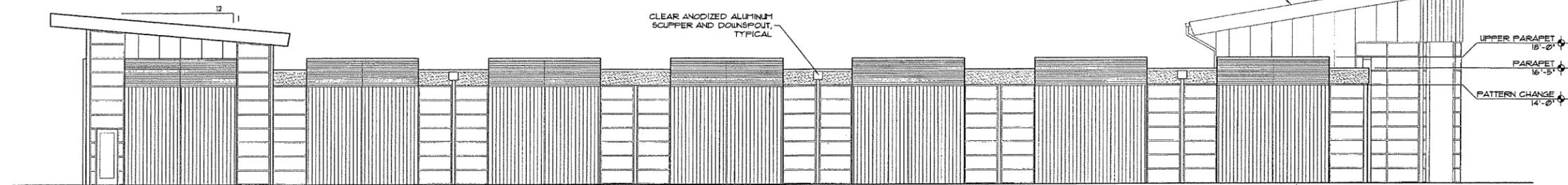
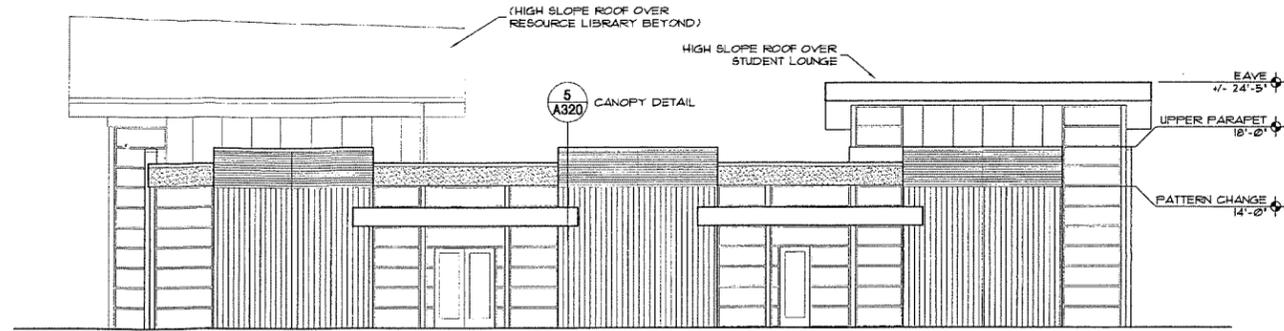
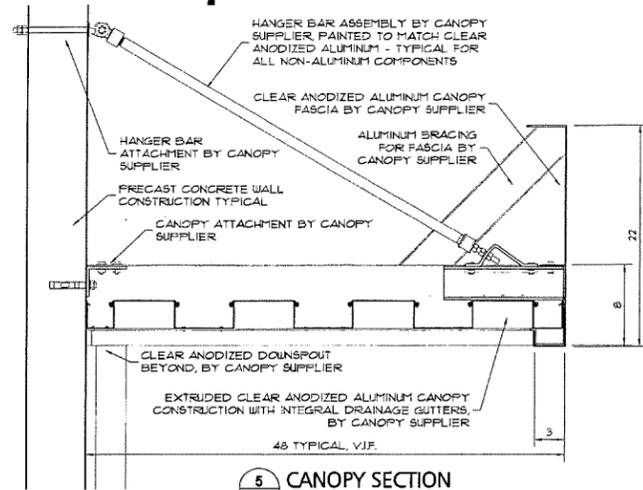
- Curb Inlet
- Square Catch Basin
- Light Pole
- Existing Fence
- Electric Pedestal (1x2)
- Electric Transformer
- Electric Panel
- Power Pole
- Property Corner
- Number of Parking Spaces

SITE DATA

SITE ACREAGE:	2.40 AC
ZONING:	I-1
PROPOSED BUILDING SIZE:	18,634 SF
PROVIDED PARKING:	159 REGULAR SPACES 7 DISABLED 150 OFFSITE REGULAR SPACES



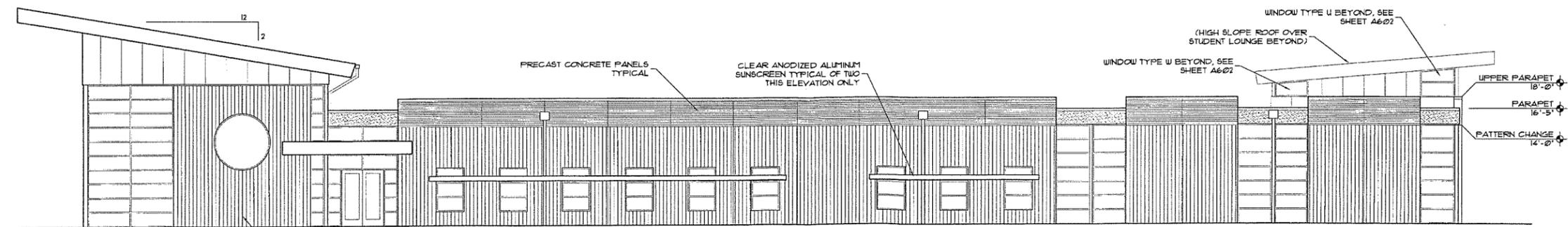
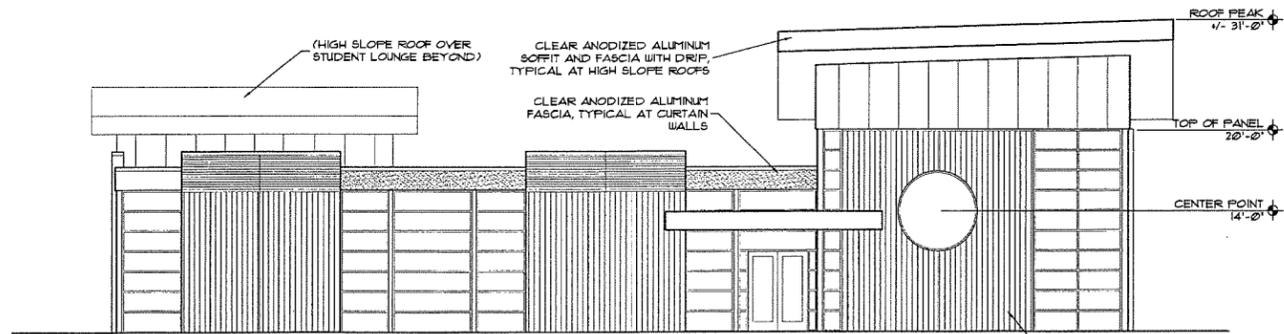
DESIGNED BY	CRP	CRP	CRP	MLO	
REVISIONS AND DATES					
<p>SITE PLAN</p> <p>INDIANA BUSINESS COLLEGE</p> <p>6300 TECHNOLOGY CENTER DRIVE</p> <p>INDIANAPOLIS, IN 46278</p>					
PREPARED BY: Doboy Land Development Services, Inc. 501 South 9th St., Ste. 100 Indianapolis, Indiana 46202 (317) 770-1221 fax	OWNED BY: College Building, L.L.C. 701 East New York Street Indianapolis, Indiana 46202 (317) 252-2222				DATE: FEB 4, 2005 SCALE: 1" = 30' PROJECT NO. 2004-0066 SHEET NO.
					2
					10



EXTERIOR ELEVATION TYPICAL MATERIAL NOTES:

(TYPICAL UNLESS NOTED OTHERWISE)

1. EXTERIOR WALLS: INTEGRALLY COLORED ARCHITECTURAL PRECAST CONCRETE PANELS WITH TWO DIFFERENT FORMLINER PATTERNS, ONE UP TO THE 14'-0" ELEVATION AND THE OTHER ABOVE THE 14'-0" ELEVATION, UNLESS INDICATED OTHERWISE. PATTERNS AND COLOR TO BE SELECTED BY ARCHITECT.
2. CURTAIN WALLS: THERMALLY IMPROVED CLEAR ANODIZED ALUMINUM FRAMES WITH BLUE TINTED LOW-E INSULATED GLAZING.
3. DOORS: CLEAR ANODIZED ALUMINUM FRAMES WITH BLUE TINTED LOW-E INSULATED GLAZING. SEE DOOR SCHEDULE FOR HARDWARE TYPES, LOCATIONS AND FINISHES.
4. WINDOWS: THERMALLY IMPROVED CLEAR ANODIZED ALUMINUM FRAMES WITH BLUE TINTED LOW-E INSULATED GLAZING.
5. LOW-SLOPE ROOFING: FULLY-ADHERED SINGLE-PLY EPDM MEMBRANE ROOFING AND FLASHING OVER EXTRUDED POLYSTYRENE INSULATION ON CORRUGATED METAL ROOF DECK.
6. HIGH-SLOPE ROOFING: FULLY-ADHERED SINGLE-PLY PVC MEMBRANE ROOFING AND FLASHING ON 1/4 INCH SEPARATION BOARD OVER EXTRUDED POLYSTYRENE INSULATION ON CORRUGATED METAL ROOF DECK. ROOFING COLOR: LIGHT GRAY.
7. COPINGS, DRIP EDGES, FLASHINGS, FASCIAS AND SOFFITS: CLEAR ANODIZED ALUMINUM.
8. SCUPPERS AND DOWNSPOUTS: 12" W x 12" H x 8" D CLEAR ANODIZED ALUMINUM SCUPPER BOXES WITH OVERFLOW OPENINGS AND 4" W x 3" D CLEAR ANODIZED ALUMINUM DOWNSPOUTS. PROVIDE PRECAST CONCRETE SPLASHBLOCKS AT ALL DOWNSPOUT OUTLETS AT LANDSCAPED OR UNPAVED AREAS. PROVIDE BELOW GRADE SCHEDULE 40 PVC DRAINAGE PIPING, RUN TO LIGHT THRU CURBING, AT PAVED AREAS.



ROWLAND
DESIGN
INC.

Architecture
Graphic Design
Interior Design

701 East New York Street
Indianapolis, Indiana 46202
Phone: (317) 636-3980
Fax: (317) 263-2073
www.rowlanddesign.com

INDIANAPOLIS LOUISVILLE

NEW NORTHWEST CAMPUS FOR INDIANA BUSINESS COLLEGE

Technology Center Drive
Indianapolis, Indiana

EXTERIOR ELEVATIONS AND DETAILS

Date:	Issue:
12-15-04	PRELIMINARY REVIEW
12-22-04	OWNER REVIEW

Drawn By: RDI
Scale: As Noted
Project Number: 4289-02

A320

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

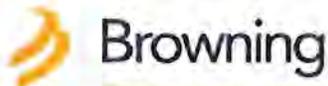
FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:
This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage.
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:
The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use, and the exterior and footprint of the existing building will not be altered except for signage. This reuse of a current vacant building will add value back to the business park.
3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:
The property is part of the larger Northwest Technology Center which is zoned I-1 (Rural), but this site used to be a veterinary school and is ideally located to provide medical ambulatory surgery services to the area, and there are already current medical office uses in the Center under use variances, and the variance grant would allow for the reuse of a vacant building that was also not an industrial use.
4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:
The zoning ordinance would not permit this proposed medical office use in this part of the Town due to it being zoning I-1 (Rural), even though there are other medical office uses in the Center, and this is an ideal location with good road network connectivity to serve the community.
5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:
The Comprehensive Plan proposes an Industrial Research-Technology land use for this property, which is a compatible land use category for the proposed ambulatory surgery center as a medical office use.

DECISION

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

Adopted this _____ day of _____, 2020.



Mark D. Amos
Property Manager
6100 West 96th Street, Suite 150
Indianapolis, IN 46278
Office (317) 344-7332
Cell (317) 590-3916
browninginvestments.com

August 20, 2020

Zionsville Board of Zoning Appeals
c/o Zionsville Town Hall
1100 West Oak Street
Zionsville, IN 46077

VIA U.S. MAIL

Re: Proposed Petition for Use Variance - Docket #2020-25-UV

Dear Board of Zoning Appeals Members:

On behalf of Browning Investments, the developer and declarant of Northwest Technology Center, I am providing to you this letter of support for Innovative Partners, LLC's Petition for a Use Variance to allow for an ambulatory surgery center in our Center which is zoned Industrial One Rural Zoning District (I-1). This Petition is before you under Docket # 2020-25-UV.

The property involved in this Petition is commonly known as 6300 Technology Center Drive, Indianapolis, IN 46278, and is located within Browning's Northwest Technology Center.

I ask for your favorable vote on this Petition at your Wednesday, September 2, 2020 Board of Zoning Appeals Public Hearing.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Amos". The signature is fluid and cursive, written over a light blue horizontal line.

Mark D. Amos
Property Manager

**NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

Docket # 2020-25-UV: Petitioner, Innovative Partners, LLC, requests a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

The property involved is more commonly known as: 6300 Technology Center Drive, Indianapolis, IN 46278 and is legally described as:

Lot Numbered Nine (9) in Replat of Lot 9 and Lot B of Lot 2 Northwest Technology Center, an addition in Boone County, Indiana, as per plat thereof recorded February 2, 2005 in Book 15 Page 46 as Instrument Number 0501312 in the Office of the Recorder of Boone County, Indiana. TOGETHER with those non-exclusive easements for ingress, egress, utilities, drainage and signage as created and granted in a Declaration of Covenants and Easements, dated May 6, 1999 and recorded May 6, 1999 as Instrument No. 99-5722 in the Office of the Recorder of Boone County, Indiana. ALSO, TOGETHER with a non-exclusive easement for parking spaces as created and granted in a Parking Easement Agreement, dated March 11, 2005 and recorded August 1, 2005 as Instrument No. 0508908 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for USE VARIANCE and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for USE VARIANCE will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong



Name and Address of Sender		Check type of mail or service		Recorded Delivery (International)		Affix Stamp Here (If issued as a certificate of mailing, or for additional copies of this bill) Postmark and Date of Receipt		Due Sender if COD	insured Value	Actual Value if Registered	Handling Charge	Fee	RR Fee	RD Fee	SH Fee	SC Fee	DC Fee
Name and Address of Sender Pacerg Drinker Biddle & Reath, LLP 600 E. 96 th , Suite 600 Indianapolis, IN 46240		<input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Delivery Confirmation <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured		<input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation		(Postmark and Date of Receipt)											
Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	insured Value	Due Sender if COD	RR Fee	RD Fee	SH Fee	SC Fee	DC Fee					
1	Lafayette Investment Partners 6500 Technology Center Dr #300 Indianapolis, IN 46278	0.50	.47	.47													
2	NFA II LLC 6100 W 96TH ST STE 150 Indianapolis, IN 46278	0.50	.47	.47													
3	NTC ASSOCIATES LLC 6100 W 96TH ST SUITE 150 Indianapolis, IN 46278	0.50	.47	.47													
4	S & H DEVELOPMENT LLC C/O BACK PO BOX 194 Carmel, IN 46082	0.50	.47	.47													
5	TCD ASSOCIATES LLC 6100 W 96TH ST SUITE 150 Indianapolis, IN 46278	0.50	.47	.47													
6	TCD ASSOC LLC c/o BROWNING INV 6100 W 96th ST STE 150 Indianapolis, IN 46278	0.50	.47	.47													
7	Clark Packer, Deputy Commissioner INDOT Greenfield District 32 South Broadway Greenfield, IN 46140	0.50	.47	.47													
8	NorthPark Community Credit Union 5965 W Technology Center Drive Indianapolis, IN, 46278	0.50	.47	.47													



The full declaration of value is required on all domestic an international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$500 per piece subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500, but optional Express Mail Service merchandise insurance is available for up to \$5,000 to some, but not all countries. The maximum indemnity payable is \$25,000 for registered mail sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.

Total Number of Pieces Listed by Sender: 8
 Total Number of Pieces Received at Post Office: 8
 Postmaster, Per (Name of receiving employee)

PS Form 3877, February 2002
 CLIENT/MATTER: Innovative Partners, LLC - Zionsville Surgery Center
 Complete by Typewriter, Ink, or Ball Point Pen

Attribute report for active ID 1

ID name	add1	add3
36778 LAFAYETTE INVESTMENT PARTNERS	6500 TECHNOLOGY CENTER DR #300	INDIANAPOLIS, IN 46278
36790 NFA II LLC	6100 W 96TH ST STE 150	INDIANAPOLIS, IN 46278
36794 NTC ASSOCIATES LLC	6100 W 96TH ST SUITE 150	INDIANAPOLIS, IN 46278
36968 S & H DEVELOPMENT LLC C/O BACK PO BOX 194		CARMEL, IN 46082
36969 S & H DEVELOPMENT LLC C/O BACK PO BOX 194		CARMEL, IN 46082
37035 NTC ASSOCIATES LLC	6100 W 96TH ST, STE 150	INDIANAPOLIS, IN 46278
37036 TCD ASSOCIATES LLC	6100 W 96TH ST SUITE 150	INDIANAPOLIS, IN 46278
37066 TCD ASSOC LLC C/O BROWNING INV	6100 W 96th ST STE 150	INDIANAPOLIS, IN 46278



Faegre Drinker Biddle & Reath LLP
600 E. 96th Street, Suite 600
Indianapolis, Indiana 46240

519707.1

NorthPark Community Credit Union
5965 W Technology Center Drive
Indianapolis, IN, 46278



Faegre Drinker Biddle & Reath LLP
600 E. 96th Street, Suite 600
Indianapolis, Indiana 46240

519707.1

Clark Packer, Deputy Commissioner
INDOT Greenfield District
32 South Broadway
Greenfield, IN 46140





Faegre Drinker Biddle & Reath LLP
600 E. 96th Street, Suite 600
Indianapolis, Indiana 46240

519707/1

TCD ASSOCIATES LLC
6100 W 96TH ST SUITE 150
Indianapolis, IN 46278



Faegre Drinker Biddle & Reath LLP
600 E. 96th Street, Suite 600
Indianapolis, Indiana 46240

519707/1

TCD ASSOC LLC c/o BROWNING INV
6100 W 96th ST STE 150
Indianapolis, IN 46278





Faegre Drinker Biddle & Reath LLP
600 E. 96th Street, Suite 600
Indianapolis, Indiana 46240

519707/1

S & H DEVELOPMENT LLC C/O BACK
PO BOX 194
Carmel, IN 46082



U.S. POSTAGE PERMIT NO. 1000
ZIP 46240 \$ 000.50
02 4W
0000342475 AUG 17 2020



Faegre Drinker Biddle & Reath LLP
600 E. 96th Street, Suite 600
Indianapolis, Indiana 46240

519707/1

NTC ASSOCIATES LLC
6100 W 96TH ST SUITE 150
Indianapolis, IN 46278



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AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Boone

City of Lebanon

ISSUED:

The subscriber, being duly sworn, deposes and says that
he (she) is the said Annette Burcharts of THE LEBANON REPORTER
and that the foregoing notice for

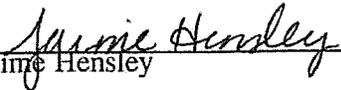
MARK LEACH

was published in said newspaper in one editions
of said newspaper issued between 08/20/2020 and 08/20/2020

Cost: 62.15



SUBSCRIBED AND SWORN BEFORE ME THIS 20th day of August, A.D. 2020



Notary Public Seal, State of Indiana



Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

Docket # 2020-25-UV: Petitioner, Innovative Partners, LLC, requests a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

The property involved is more commonly known as: 6300 Technology Center Drive, Indianapolis, IN 46278 and is legally described as:

Lot Numbered Nine (9) in Replat of Lot 9 and Lot B of Lot 2 Northwest Technology Center, an addition in Boone County, Indiana, as per plat thereof recorded February 2, 2005 in Book 15 Page 46 as Instrument Number 0501312 in the Office of the Recorder of Boone County, Indiana.

TOGETHER with those non-exclusive easements for ingress, egress, utilities, drainage and signage as created and granted in a Declaration of Covenants and Easements, dated May 6, 1999 and recorded May 6, 1999 as Instrument No. 99-5722 in the Office of the Recorder of Boone County, Indiana. ALSO, TOGETHER with a non-exclusive easement for parking spaces as created and granted in a Parking Easement Agreement, dated March 11, 2005 and recorded August 1, 2005 as Instrument No. 0508908 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for USE VARIANCE and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for USE VARIANCE will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-491 8/20 hspaxlp 1660026