MEETING RESULTS - ZIONSVILLE BOARD OF ZONING APPEALS SEPTEMBER 10, 2019

The meeting of the Zionsville Board of Zoning Appeals occurred Tuesday, September 10, 2019 at 6:30 p.m. in the Zionsville Town Hall Council Chamber, 1100 West Oak Street, Zionsville, Indiana.

The following items were scheduled for consideration:

I. New Business

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>Name</th>
<th>Address of Project</th>
<th>Item to be considered</th>
</tr>
</thead>
</table>
| 2019-21-UV     | Hopwood Cellars Winery        | 2055 & 2201 S US 421   | Continued from September 10, 2019 to the October 8, 2019 Meeting – 5 in Favor, 0 Opposed  
Petition for a Use Variance in order to provide for the construction and operation of a new Winery, Distillery & Event Center to:  
1) Deviate from the allowed intended uses in an Agricultural Zoning District and the Rural Michigan Road Overlay District (AG & MRO). |
<table>
<thead>
<tr>
<th>2019-25-DSV</th>
<th>Zionsville Community Schools Teller Kiosk</th>
<th>800 Mulberry Street</th>
</tr>
</thead>
</table>

**Approved as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed**

Petition for Development Standards Variance to allow for the operation of an Interactive Teller Machine (ITM) kiosk in the parking lot of an existing school campus to:

1) deviate from the required drive-through off-street stacking spaces in the Urban Special Use Zoning District (SU-1).

Respectfully Submitted:

Wayne DeLong AICP, CPM
Town of Zionsville
Director of Planning and Economic Development
Petition Number: 2019-21-UV

Subject Site Address: 2055 & 2201 S US 421, Zionsville

Petitioner: East Two Hundred South LLC

Representative: Ron Hopwood

Request: Petition for a Use Variance in order to provide for the construction and operation of a new Winery, Distillery & Event Center to:
1) Deviate from the allowed intended uses in an Agricultural Zoning District and the Rural Michigan Road Overlay District (AG & MRO).

Current Zoning: Agricultural Zoning District and the Rural Michigan Road Overlay District (AG & MRO)

Current Land Use: Farm & Residence

Approximate Acreage: 16 acres

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

2019-22-SE (pending)
2019-23-DSV (pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial / Location Map
Exhibit 3 – Comprehensive Plan
Exhibit 4 – Petitioner’s Narrative
Exhibit 5 – Petitioner’s 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 10, 2019 Board of Zoning Appeals meeting. A Petition for Special Exception (2019-22-SE) and Development Standards Variance (2019-23-DSV) is also scheduled to be heard at the September 10, 2019, Board of Zoning Appeals meeting.

PROPERTY HISTORY

The approximate 13 acres associated with this petition has historically been utilized for agricultural purposes and shares ownership with the adjacent 3+/- acre parcel to the Northwest (of which the petitioner is requesting a Special Exception) containing a residential dwelling and accessory structures.

ANALYSIS

The property associated with this petition came into Zionsville’s jurisdiction with the 2010 consolidation of Union Township. As proposed, the Petitioner requests approval for the phased construction and operation of a Winery (requiring the processing of agricultural products), Distillery, and Social Event Center (including uses such as weddings, receptions, private parties, civic meetings, corporate meetings, etc.), all while residing in the existing residential dwelling on the adjacent parcel.

The need for the variance arises as the property is proposed to be utilized for purposes not supported in the Agricultural Zoning District on an ongoing basis. Staff’s review revolves primarily around 1) land use and 2) the recommendations of the Comprehensive Plan.

Land Use: The established land use pattern for the area supports a variety of land uses, including: large lot single-family estate homes, single-family subdivisions, a public golf practice center and driving range, public equestrian stables, agricultural land uses, and the Indianapolis Executive Airport. The area supports a variety of land uses functioning at a variety of intensities.

Comprehensive Plan: While the Comprehensive Plan does not speak to non-residential uses in this area, the uses contained within the petition are either inter-related to agricultural production or strive to utilize the environment created by the agricultural activities. Integration of such components would be challenging in any zoning district.

Traffic: A Traffic Impact Study is anticipated to be required (per Section 194.023 of the Zoning Ordinance) as a part of the Plan Commission review process related to the contemplated site improvements. The petition’s illustrated access points to both US 421 and County Road 200 South will be reviewed at that time, in addition to the requirement for acceleration and deceleration lanes.

Timeline: Typically, the Board of Zoning Appeals weighs heavily the concept of establishing a “sunset date” (or “check-in date”/“renewal date”) for any Use Variance it approves within the Town. As such, if the BZA is inclined to favorably consider the Petition, the BZA 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.
Right to Farm:

While the petition embraces agricultural activities, other parcels in proximity to the site are permitted to conduct agricultural activities as well. As such, acknowledgement / agreement that 1) agricultural uses are permitted in the surrounding area, 2) no agricultural or agri-business operation in the area shall or become a nuisance, and 3) a restriction on objecting to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance should be incorporated into the hearing process related to the contemplated use variance. Acknowledgement is encouraged to be required to be reduced to writing as a part of the petition process.

Proximity to Airport:

While the north-south runway (in its current configuration) of the Indianapolis Executive Airport is within approximately 1.0 miles of the subject site, the Zoning Ordinance does not require any special notice or restrictions associated with the proposed dwelling’s proximity to the facility. It is mentioned here in this report only as a courtesy to the Petitioner. Further, Indiana Code stipulates regulatory standards, in specific cases, related to noise sensitive construction and height limitations (by example) per Sections 8-21-10-2 and 8-21-10-3. For additional information on this topic, the Petition should contact the Indiana Department of Transportation, Airport Section.

Summary

Staff is supportive of a mixed use development which finds its basis in agricultural activities. The location of the proposed concept is ideal in terms of accessibility, connectivity, and, access to utilities. Potential limitations on heights of structures and plantings, use of non-reflective surfaces and development characteristics that deter water fowl from entering bodies of water, among other action items, are key to managing the site’s relationship to the Indianapolis Executive Airport and the associated air traffic. To better manage the site’s relationship with existing and future adjoining land uses, hours of operations limitations, a sign management plan, noise controls related to amplified and non-amplified events. These and other characteristics should be encouraged to be captured in a Plan of Operation as a part of the petition process.

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

**STAFF RECOMMENDATIONS**

Staff recommends approval of the Use Variance petition included in Docket #2019-21-UV, specifically seeking approval for a Winery, Distillery (inclusive of the processing of agricultural products) & Event Center, subject to the establishment of a Plan Of Operation and adherence to the conceptual site plans filed with the petition, in addition to presence of a residential dwelling and accessory uses located on a three (3) acre parcel.

**RECOMMENDATION MOTION**

I move that Docket #2019-21-UV, (Use Variance) supporting the location of a Winery, Distillery & Event Center for property located at 2055 and 2201 S US 421 be [Approved based upon the findings in the staff report / Denied/ Continued] as presented, and described.

**PROCEDURAL NOTES**

Plan Commission:

Prior to commence with the contemplated improvements, approval of the Plan Commission, in the form of the Development Plan, must be secured.

Building Code/ Health Code /Drainage Code:

As the improvements will be occupied by members of the public, the improvements are required to comply with current Indiana Building Code, Indiana Fire Code, and the Americans with Disabilities Act (ADA). These requirements may stipulate, at a minimum, 1) the issuance of both a state design release and local building permit, 2) mandating hard surfacing of drives being constructed to a design specification that supports the Fire Department's largest apparatus, and 3) mandating a passenger loading and unloading area designed in accordance with ADA. Further, as the property is located in the MRO and Rural Service Area, the Indiana Department of Transportation, County Surveyor, the County Highway Superintendent, and the County Health Department maintain continuing jurisdiction over the area related to the adopted Interlocal agreement.
The desirability of the rural, small-town character and quality of life of the area combined with ease of access to two townships has created a brisk real estate market for new residential development. Many new homes in the area surrounding Zionsville tend to be high priced compared to other areas of the county. Strip residential development has occurred along a number of the rural roads creating safety and traffic concerns. Sanitary sewer availability from Zionsville and especially from Whitestown has contributed to more residential development.

New residential areas are proposed throughout these two townships adjacent to existing residential development. With respect to undeveloped property in Eagle and Union Townships that is currently adjacent to land developed at 1.75 dwelling units per acre or less, the new development should be consistent with that existing density. Public input strongly supports new residential development and should respect the unique rural and natural character of the area. A variety of open space preservation techniques should be employed to insure new development respects the existing scenic features of the landscape.

As one of the leading towns experiencing growth in Boone County, Zionsville is expected to continue to grow. As mentioned in the Goals and Objectives section of the Comprehensive Plan, the coordination between Town and County officials for establishing a policy and guidelines for annexation is encouraged. Public officials from Zionsville should work together with Boone County officials to ensure the Boone County Comprehensive Plan will be taken into consideration when forming their annexation policy for future growth.
Hello,

Hopwood Cellars Winery has been in downtown Zionsville, 12 E Cedar St, for over 7 years. We have enjoyed the great support we have received from everyone, as well as, been very supportive to others and the community. This is our home, we live here, and our children attend Zionsville schools.

We now have a 5-year plan to bring a beautiful Estate Winery & Vineyard to Zionsville. Janet and I have worked hard, searching for 3 years for a place that would also bring harmony to the community. Much thought, and years of preparations have been in place.

We believe this will be a great addition to Zionsville and keep increasing our property values. Our family is excited and looking forward to living on the property as well.

Regards,

Ronald W Hopwood
Owner/Vintner
Hopwood Cellars Winery
Property Phases

2019
Phase 1
Survey both properties
Acquire proper zoning or variances for Winery/Vineyard/Event Center
Purchase and close both properties
Live on premises

On board:
Purdue Wine Grape Team
Purdue Viticulturist -Bruce Bordelon
Purdue Enologist Jill Blume & Christian Butzke
Purdue Marketing Katie Barnette
Brian Traylor Council for Union Township
Hopwood Cellars Winery Team
Zionsville Community
Neighbors & Friends of the property
Developers in the area-Pulte Homes
TriCo Sewer
TTB Excise

Exhibit 5
Hopwood Cellars Winery
Property Phases

2020

Phase 2

Build event center shelter and production facility $84,700
Hook up building to septic $13,000
Build shed for outdoor equipment $18,500
Receive TTB approval for main winery permits
Receive TTB approval for distillery
Purchase event furniture and production equipment $135,000
Live on premises
Prep field for vines
Order Grape Vines for 2021 $18,762 per acre Total $168,858 for 9 acres
Tear down little shed
Build gazebo $3500
Hopwood Cellars Winery
Property Phases

2021
Phase 3
Purchase farm equipment $34,000
Plant vines
Build shelter for live music-middle of the vineyard $7800
Plant grass for live music $850
Offer tastings
Offer events
Live on premises
Hopwood Cellars Winery

Property Phases

2022

Phase 4

Plan new winery/event center/tasting room/production

Design winery/event center/tasting room/production $110,000

Live on premises

Offer events

Offer tasting

Music “singing in the vines”
Hopwood Cellars Winery
Property Phases

2023

Phase 5

Build winery:
- event center/production/restaurant shell/distillery 8000 sq ft $1.8 million
- Event center indoor/outdoor shelter $60,000
- Build drive and parking lot $150,000
- Remove music center
- Price out red barn construction for events/tasting room
- Live on premises
- Offer events
- Offer tasting
- Music “singing in the vines”
Hopwood Cellars Winery
Property Phases

2024
Phase 6
Furnish winery/event center $ 75,000
Purchase new winery equipment $ 125,000
Live on premises
Offer events
Offer tasting wine and distilled products
Music “singing in the vines”
Open to the public
Petition No.: 2019-21-UV

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. The grant (will / will not) be injurious to the public health, safety, morals, and general welfare of the community because: The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the use will operate within the confines of a well respected business in the community for the last 7 years.

2. The use or value of the area adjacent to the property included in the variance (will / will not) be affected in a substantially adverse manner because: The use or value of the area adjacent to the property included in the variance will not be affected as the structure is located a substantial distance from the nearest dwelling or other neighboring building.

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 uniquely situated both in terms of location and improvement therein in order to provide for a winery, event center and distillery. The property is not located in a congested area. Hopwood's use provides for a condition peculiar to the property.

4. The strict application of the terms of the zoning ordinance (does / does not) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because: The strict application of the terms of the zoning ordinance does constitute an unusual and unnecessary hardship because, although we can plant grape vines, we would lose our product for sale to maintain the property and support the staff, wages.

5. The grant (does / does not) interfere substantially with the Comprehensive Plan because: The underlying zoning classification is not changed. The comprehensive plan recognizes the very low density character of the property and immediate vicinity, and the proposed variance will not interfere with the comprehensive plan, and therefore be in harmony with the community.

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

Adopted this _____ day of ____________________, 20__.

_________________________  ____________________________
Petition Number: 2019-22-SE

Subject Site Address: 2055 S US 421, Zionsville

Petitioner: East Two Hundred South LLC

Representative: Ron Hopwood

Request: Petition for Special Exception to allow existing residential building(s) to remain in an Agricultural Zoning District and the Rural Michigan Road Overlay District (AG & MRO).

Current Zoning: Agricultural Zoning District and the Rural Michigan Road Overlay District (AG & MRO)

Current Land Use: Single-family Residence

Approximate Acreage: 3 acres

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

2019-21-UV (pending)
2019-23-DSV (pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial / Location Map
Exhibit 3 – Petitioner’s Narrative
Exhibit 4 – Petitioner’s Exhibits
Exhibit 5 – Petitioner’s Proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM
Petition History

This Petition will receive a public hearing at the September 10, 2019 Board of Zoning Appeals meeting. A Petition for Use Variance (2019-21-UV) and Development Standards Variance (2019-23-DSV) is also scheduled to be heard at the September 10, 2019, Board of Zoning Appeals meeting.

Property History

The approximate three (3) acres associated with this petition is currently improved with a single-family dwelling and several agricultural farm buildings/structures. The dwelling, constructed circa 1928, was located on the property prior to Boone County’s adoption of the ordinance language requiring that a Special Exception be obtained through the Board of Zoning Appeals for residential structures proposed to be constructed within an Agricultural zoning district.

Adjacent to the three (3) acre parcel is an associated 13 +/- additional acres of which the petitioner is requesting a Use Variance (2019-21-UV) and Development Standards Variance (2019-23-DSV) in order to construct a mixed use facility.

Analysis

The single-family dwelling and accessory uses came into Zionsville’s jurisdiction with the 2010 consolidation of Union Township. Based on the applicant’s interest in perpetuating the use of the existing single-family dwelling and accessory structures (currently considered legal non-conformities) on acreage zoned AG, the applicant is requesting that a Special Exception be granted to allow for the continued residential use of the property. The purpose of the AG agricultural district is to encourage agricultural operations while allowing for limited residential development.

In the opinion of Staff, the Petition serves to perpetuate an established use of the property and represents a limited presence of residential development in the AG district (and is consistent with the development pattern on the south and north sides of County Road 200 South).

Right to Farm / Proximity to Airport

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

And, while the north-south runway (in its current configuration) of the Indianapolis Executive Airport is within approximately 1.0 mile of the subject site, the Zoning Ordinance does not require any special notice or restrictions associated with the proposed dwelling’s proximity to the facility. It is mentioned here in this report only as a courtesy to the Petitioner. Further, Indiana Code stipulates regulatory standards, in specific cases, related to noise sensitive construction and height limitations (by example) per Sections 8-21-10-2 and 8-21-10-3. For
additional information on this topic, the Petitioner should contact the Indiana Department of Transportation, Airport Section.

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

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

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

(b) The proposed use will not injure or adversely affect the adjacent area or property values therein; and

(c) the proposed use will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

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

STAFF RECOMMENDATIONS

Staff recommends approval of the Special Exception Petition included in Docket #2019-22-SE, subject to execution of the Right-to-Farm acknowledgement (as required by Ordinance).

RECOMMENDATION MOTION

I move that Docket #2019-22-SE Hopwood Cellars Winery Special Exception Petition in the Agricultural District for the property located at 205S S US 421 be (Approved as presented / Approved based upon the staff report and the proposed findings / Denied / Continued).

(If Approved, it shall be required that the Petitioner execute the Right-to-Farm acknowledgement documentation)
Hello,

Hopwood Cellars Winery has been in downtown Zionsville, 12 E Cedar St, for over 7 years. We have enjoyed the great support we have received from everyone, as well as, been very supportive to others and the community. This is our home, we live here, and our children attend Zionsville schools.

We now have a 5-year plan to bring a beautiful Estate Winery & Vineyard to Zionsville. Janet and I have worked hard, searching for 3 years for a place that would also bring harmony to the community. Much thought, and years of preparations have been in place.

We believe this will be a great addition to Zionsville and keep increasing our property values.

Our family is excited and looking forward to living on the property as well.

Regards,

Ronald W Hopwood
Owner/Vintner
Hopwood Cellars Winery
Property Phases

2019

Phase 1
Survey both properties
Acquire proper zoning or variances for Winery/Vineyard/Event Center
Purchase and close both properties
Live on premises

On board:
Purdue Wine Grape Team
Purdue Viticulturist - Bruce Bordelon
Purdue Enologist Jill Blume & Christian Butzke
Purdue Marketing Katie Barnette
Brian Traylor Council for Union Township
Hopwood Cellars Winery Team
Zionsville Community
Neighbors & Friends of the property
Developers in the area-Pulte Homes
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Property Phases

2020

Phase 2

Build event center shelter and production facility $84,700
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Receive TTB approval for distillery
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2023

Phase 5

Build winery:
- event center/production/restaurant shell/distillery 8000 sq ft $1.8 million
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Live on premises
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Hopwood Cellars Winery
Property Phases

2024

Phase 6
Furnish winery/event center $75,000
Purchase new winery equipment $125,000
Live on premises
Offer events
Offer tasting wine and distilled products
Music “singing in the vines”
Open to the public
TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA  

PETITION FOR SPECIAL EXCEPTION  

FINDINGS OF FACT  

1. The proposed use (will / will not) be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare; 
   The approval of the requested special exception will not be injurious to the public health, safety, comfort, community moral standards or general welfare because the requested special exception would allow a single family dwelling to continue as a single family dwelling as it was for 30+ years.  

2. The proposed use (will / will not) injure or adversely affect the adjacent area or property values therein; and 
   The use and value of the area adjacent to the real estate that is the subject of the requested special exception will not be affected in a substantially adverse manner because the single family dwelling would only be continuing as it has for 30+ years.  

3. The proposed use (will / will not) will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.  
   The single family dwelling will be consistent with the character of the District and land uses as it has for the previous 30+ years. The single family dwelling was built and lived in since 1928.  

DECISION  

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

Adopted this _____ day of ______________________, 20__.

______________________________________________  

______________________________________________  

______________________________________________  

______________________________________________  

Exhibit 5
Petition Number: 2019-23-DSV

Subject Site Address: 2055 & 2201 S US 421, Zionsville

Petitioner: East Two Hundred South LLC

Representative: Ron Hopwood

Request: Petition for Development Standards Variance to allow for the construction and operation of a new Winery, Distillery and Event Center, located in both the Agricultural (AG) and Rural Michigan Road Overlay (MRO) Zoning Districts to:
1) Deviate from the MRO requirements specific to accessory use standards
2) Exceed the AG maximum height requirement

Current Zoning: Agricultural Zoning District and the Rural Michigan Road Overlay District (AG & MRO)

Current Land Use: Farm & Residence

Approximate Acreage: 16 acres

Zoning History: Consolidated into the Town of Zionsville's jurisdiction in 2010. No prior petitions are known.

2019-21-UV (pending)
2019-22-SE (pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial / Location Map
Exhibit 3 – Comprehensive Plan
Exhibit 4 – Petitioner’s Narrative
Exhibit 5 – Petitioner’s 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 10, 2019 Board of Zoning Appeals meeting. A Petition for Use Variance (2019-21-UV) and Special Exception (2019-22-SE) is also scheduled to be heard at the September 10, 2019, Board of Zoning Appeals meeting.

**PROPERTY HISTORY**

The approximate 13 acres associated with this petition has historically been utilized for agricultural purposes and shares ownership with the adjacent 3+/acre parcel to the Northwest (of which the petitioner is requesting a Special Exception) containing a residential dwelling and accessory structures.

**ANALYSIS**

The property associated with this petition came into Zionsville’s jurisdiction with the 2010 consolidation of Union Township. As proposed, the Petitioner requests approval for the phased construction and operation of a Winery (requiring the processing of agricultural products), Distillery, and Social Event Center (including uses such as weddings, receptions, private parties, civic meetings, corporate meetings, etc.), all while residing in the existing residential dwelling on the adjacent parcel.

**HEIGHT**

The need for the development standards variance arises as the petitioner is proposing that the front western facing façade of the winery/event center will have a height which exceeds the maximum allowed height of 25’0" in the Agricultural Zoning District. The Petitioner envisions the front building façade to be approximately three (3) stories in height with the pitch of the roof then being close to but not exceeding four (4) stories (not to exceed 40’-0" in height). The intent is that the building be visible from S SR 421 over the vineyard. Based on the Petitioner’s conceptual site plan, the Winery/Event Center facility will sit in the middle of the 13 acre parcel setback several hundred feet from both thoroughfares and adjacent parcels.

While this height limitation exists in the Ordinance, agricultural buildings when associated with a Farm, are not limited in height due to the specialized purpose of agricultural buildings. That being the case, it is reasonable to assume that structures located on agriculturally zoned land in proximity to the site could be constructed at a height that is similar or in excess of the height requested in the petition. Further, it is also important to note that in Boone County, historically, the height of a building is not measured from the peak of the building, to grade, but determined by averaging the heights of the various midpoints found on the rooftop, to grade. That vested right carries on today in subdivisions platted prior to 2010. And finally, given the conceptual layout, and, as well, the potential height of plantings associated with the vineyard, there is value, for visual reference purposes, to siting the building in a manner that it is not obstructed by the vineyard itself.

With the above in mind, Staff is supportive of the requested height, with that caveat that as the north-south runway of the Indianapolis Executive Airport is within approximately 1.0 mile of the subject site, and that Indiana Code stipulates regulatory standards, in specific cases, related to noise sensitive construction and height limitations per Sections 8-21-10-2 and 8-21-10-3. For
additional information on this topic, the Petitioner should contact the Indiana Department of Transportation, Airport Section (State) to determine if conflicts could arise, or require approval by the State.

**MICHIGAN ROAD OVERLAY (MRO)**

The second need for the development standards variance arises as the contemplated site improvements would not adhere to specific standards found within the Michigan Road Overlay, as they pertain to accessory uses (specifically the future parking lot). The creation of a hard surfaced area results in the establishment of an additional accessory use. As the proposed structures will be erected beyond the 400'-0" jurisdictional boundary of the Michigan Road Overlay, the future parking lot is the only area of improvement proposed within this overlay boundary. The Michigan Road Overlay’s intention is to regulate the mass and scale of any building/improvements within the jurisdictional boundary.

The location of this corner parcel and the petitioner’s inclusion of access to the proposed interior improvements from both Michigan Road and County Road 200 South offers relief from the Michigan Road Overlay’s coordinated access to adjoining parcels requirement. Additionally, recognizing the expansiveness of this 13+ acre parcel, staff is cognizant of the Petitioner’s proposed parking lot having a setback of 300+ feet from both Michigan Road and 200 South (based on the conceptual site plans alignment with the adjacent residential parcel). Further, the proposed vineyards (once grown) will surround the future improvements serving as a unique landscape barrier from the adjacent thoroughfares and parcels, and will provide a natural buffer from any light and noise pollution.

With that in mind, and subject to the Plan Commission’s review of the Development Plan for the overall site, Staff is of the opinion that the intention of the Ordinance will be met and is supportive of the requested deviation.

**PROCEDURAL — VARIANCE TO DEVIATE FROM STANDARDS**

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

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

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

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

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

Staff is supportive of the Development Standards Variance Petition included in Docket #2019-23-DSV (based on the submitted conceptual site plan).

**RECOMMENDATION MOTION**

I move that Docket #2019-23-DSV Hopwood Cellars Winery Development Standards Variance Petition to allow for the construction and operation of a new Winery, Distillery and Event Center located in both the Agricultural (AG) and Rural Michigan Road Overlay (MRO) Zoning Districts to 1) Deviate from the MRO requirements specific to accessory use standards and 2) Exceed the AG maximum height requirement, for the property located at 2055 & 2201 S US 421 be (Approved as presented / Approved based upon the staff report and the proposed findings / Denied / Continued).

**PROCEDURAL NOTE**

Prior to commencing with construction, a Development Plan associated with this request will be required to be filed with and heard by the Plan Commission.
The desirability of the rural, small-town character and quality of life of the area combined with ease of access to two townships has created a brisk real estate market for new residential development. Many new homes in the area surrounding Zionsville tend to be high priced compared to other areas of the county. Strip residential development has occurred along a number of the rural roads creating safety and traffic concerns. Sanitary sewer availability from Zionsville and especially from Whitestown has contributed to more residential development.

New residential areas are proposed throughout these two townships adjacent to existing residential development. With respect to undeveloped property in Eagle and Union Townships that is currently adjacent to land developed at 1.75 dwelling units per acre or less, the new development should be consistent with that existing density. Public input strongly supports new residential development and should respect the unique rural and natural character of the area. A variety of open space preservation techniques should be employed to ensure new development respects the existing scenic features of the landscape.

As one of the leading towns experiencing growth in Boone County, Zionsville is expected to continue to grow. As mentioned in the Goals and Objectives section of the Comprehensive Plan, the coordination between Town and County officials for establishing a policy and guidelines for annexation is encouraged. Public officials from Zionsville should work together with Boone County officials to ensure the Boone County Comprehensive Plan will be taken into consideration when forming their annexation policy for future growth.
Hello,

Hopwood Cellars Winery has been in downtown Zionsville, 12 E Cedar St, for over 7 years. We have enjoyed the great support we have received from everyone, as well as, been very supportive to others and the community. This is our home, we live here, and our children attend Zionsville schools.

We now have a 5-year plan to bring a beautiful Estate Winery & Vineyard to Zionsville. Janet and I have worked hard, searching for 3 years for a place that would also bring harmony to the community. Much thought, and years of preparations have been in place.

We believe this will be a great addition to Zionsville and keep increasing our property values.

Our family is excited and looking forward to living on the property as well.

Regards,

Ronald W Hopwood
Owner/Vintner

Exhibit 4
Hopwood Cellars Winery
Property Phases

2019

Phase 1

Survey both properties
Acquire proper zoning or variances for Winery/Vineyard/Event Center
Purchase and close both properties
Live on premises

On board:
Purdue Wine Grape Team
Purdue Viticulturist - Bruce Bordelon
Purdue Enologist Jill Blume & Christian Butzke
Purdue Marketing Katie Barnette
Brian Traylor Council for Union Township
Hopwood Cellars Winery Team
Zionsville Community
Neighbors & Friends of the property
Developers in the area-Pulte Homes
TriCo Sewer
TTB Excise

Exhibit 5
Hopwood Cellars Winery
Property Phases

2020

Phase 2

Build event center shelter and production facility $84,700
Hook up building to septic $13000
Build shed for outdoor equipment $18,500
Receive TTB approval for main winery permits
Receive TTB approval for distillery
Purchase event furniture and production equipment $135,000
Live on premises
Prep field for vines
Order Grape Vines for 2021 $18,762 per acre Total $168,858 for 9 acres
Tear down little shed
Build gazebo $3500
Hopwood Cellars Winery
Property Phases

2021

Phase 3

Purchase farm equipment $34,000
Plant vines
Build shelter for live music-middle of the vineyard $7800
Plant grass for live music $850
Offer tastings
Offer events
Live on premises
Hopwood Cellars Winery
Property Phases

2022

Phase 4

Plan new winery/event center/tasting room/production
Design winery/event center/tasting room/production $110,000
Live on premises
Offer events
Offer tasting
Music “singing in the vines”
Hopwood Cellars Winery

Property Phases

2023

Phase 5

Build winery:
- event center/production/restaurant shell/distillery 8000 sq ft $1.8 million
- Event center indoor/outdoor shelter $60,000
- Build drive and parking lot $150,000
- Remove music center
- Price out red barn construction for events/tasting room
- Live on premises
- Offer events
- Offer tasting
- Music “singing in the vines”
Hopwood Cellars Winery
Property Phases

2024

Phase 6

Furnish winery/event center $ 75,000
Purchase new winery equipment $ 125,000
Live on premises
Offer events
Offer tasting wine and distilled products
Music “singing in the vines”
Open to the public

Exhibit 5
TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (will / will not) be injurious to the public health, safety, morals, and general welfare of the community because:
   There is no public health, safety, moral or general welfare of the community associated with the winery, event center and distillery, being built and operated on this property. It is not anticipated to be injurious to the community.

2. The use or value of the area adjacent to the property included in the variance (will / will not) be affected in a substantially adverse manner because:
   The use and value of the area is not anticipated to be affected in an substantially adverse manner given that 65% or the property will remain agricultural, and in harmony with most adjacent properties.

3. Strict application of the terms of the zoning ordinance (will / will not) result in unnecessary hardships in the use of the property because:
   Improving the property with buildings that architecturally adhere to the town’s adopted standards would allow Hopwood Cellars Winery to expand from its current location. Petitioner’s inability to utilize the property as requested could result in either having to search elsewhere for property or to have to refuse wholesale business and remain in its current location in which Hopwood has outgrown and result in unnecessary hardship to the business.

DECISION

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

Adopted this _______ day of __________________, 20____.

__________________________________________  ______________________________________
Petition Number: 2019-24-UV

Subject Site Address: 800 Mulberry Street

Petitioner: Zionsville Community School Corporation

Representative: Andrew Wert, Church Church Hittle and Antrim

Request: Petition for a Use Variance in order to provide for the operation of an Interactive Teller Machine (ITM) kiosk in the parking lot of an existing school campus to:
1) deviate from the allowed intended uses
in the Urban Special Use Zoning District (SU-1).

Current Land Use: Zionsville Community High School & supporting uses

Approximate Acreage: 68.69 acres

Zoning History: 2008-18-DP – Master Plan (Approved)
2018-22-Z – Rezone (Approved)
2018-39-DPA (Approved)
2019-25-DSV (Pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioner’s Narrative
Exhibit 4 – Petitioner’s Site/Location Map
Exhibit 5 – Petitioner’s Exhibits
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 10, 2019 Board of Zoning Appeals meeting. A Petition for Development Standards Variance is also scheduled to be heard at the September 10, 2019, Board of Zoning Appeals meeting (2019-25-DSV).

**PROPERTY HISTORY**

A Master Plan for the campus of Zionsville Community High School (Campus) was approved in 2008, with an additional 2.42 acre parcel being added to the campus (2018-22-Z) in anticipation of the acreage being improved with approximately 12,200 square foot structure serving the Zionsville Community School Corporation (School) needs. Petition 2018-39-DPA was approved in 2018, supporting the construction of 8,200 square feet of that overall structure.

**ANALYSIS**

As proposed, a portion of the Campus would be improved with an Interactive Teller Machine (ITM) that is intended to “augment the educational experience” of the Zionsville Community High School student and is being offered as part of a program being provided by the School. While the Special Use portion of the Ordinance supports Schools and Related Uses as part of the SU-1 classification, Staff did not conclude that an ITM (being a Freestanding Teller Machine) was a land use which was permissible by right, hence the filing of a Use Variance petition (in part, because, Freestanding Teller Machines are not a permissible use in the Business Office zoning district, the district which the SU-1 classification relies on related to development standards). Final design specifications (including colors, materials, lighting, and hours of operations associated with the vertical improvement) will be reviewed in the normal course of the disposition of the Development Plan associated with the contemplated improvement.

**Freestanding Teller Machine**

Currently within the Town of Zionsville, Freestanding Teller Machines are not permissible, by right, in the Business Office zoning district. The limitation requires that the accessory use be integrated into a freestanding building. However, in the case of the School, installing the ITM and integrating the component as a part of an existing building is contrary to various programmatic needs of the School, including management of the use of the contemplated improvement. If the improvement is to be made to the Campus, Staff would encourage that the component be freestanding in nature due to the special requirements associated with the component and is supportive of the requested Variance of Use subject to determination of criteria including design, colors, finish materials, lighting elements, and hours of operation (which will be discussed as a part of the normal course of disposition of the Plan Commission process).

**Time Line**

Typically, the Board of Zoning Appeals weighs heavily the concept of establishing a “sunset date” (or “check in date”/”renewal date”) for any Use Variance it approves within the Town. As such, if the BZA is inclined to favorably consider the Petition, the BZA 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

As a part of the filing, the Petitioner has proposed a set of finding of fact included within the Staff Report

STAFF RECOMMENDATIONS

Staff recommends approval of the use variance included in Docket #2019-24-UV.

RECOMMENDATION MOTION

I move that Docket #2019-24-UV use variance in order to provide for the operation of an Interactive Teller Machine (ITM) kiosk in the parking lot of an existing school campus at 800 Mulberry Street be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented.

PROCEDURAL NOTE

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

ZIONSVILLE COMMUNITY SCHOOLS – VARIANCE OF USE

Zionsville Community Schools is proposing to construct an Interactive Teller Machine kiosk in the parking lot of the new Wellness Center, located at 800 Mulberry Street. The purpose is part of a broader aim to help students build skills in financial responsibility and decision making through partnership with a banking services provider with whom students would interact at Zionsville Community High School.

Since Interactive Teller Machines are not typically considered incidental to schools or school related facilities, a Variance of Use is being sought. The kiosk would be located approximately 300 feet from Mulberry Street. The petitioner believes the proposal is consistent with the educational nature of the high school campus and will not adversely impact the community.
ZIONSVILLE COMMUNITY SCHOOLS—800 MULBERRY ST

Proposed Interactive Teller Machine (ITM)

Employee & Student Services Center

Exhibit 5
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:
   High School students' education in personal finance will be enhanced, which will benefit the community at large.

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 ITM kiosk is attractive and is located approximately 300 feet from Mulberry Street, surrounded by real estate owned by Zionsville Community Schools.

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:
   of the nature of this particular program. Secondary schools often involve incidental and accessory land uses, such as athletics, that augment the educational experience. The ITM kiosk is another example, albeit, not typical of a high school campus.

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 meets the accessory uses intent with respect to size, but not regarding the commercial use associated with the request. While ITMs are not typically associated with a high school campus, this has all of the characteristics of an incidental use, which would otherwise be permitted by right.

5. The grant (does / does not) interfere substantially with the Comprehensive Plan because:
   the proposal is consistent with the Public/Semi-Public land use identified in the plan. Furthermore, the proposal is indicative of the leadership and high standards the community has set for its public institutions.

DECISION

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

Adopted this ______ day of __________________, 20____.

_____________   _______________   _______________
Petition Number: 2019-25-DSV

Subject Site Address: 800 Mulberry Street

Petitioner: Zionsville Community Schools

Representative: Andrew Wert, Church Church Hittle & Antrim

Request: Petition for Development Standards Variance to allow for the operation of an Interactive Teller Machine (ITM) kiosk in the parking lot of an existing school campus to:
   1) deviate from the required drive-through off-street stacking spaces in the Urban Special Use Zoning District (SU-1).

Current Zoning: Urban Special Use Zoning District (SU-1) which conforms to the Office Business District (B-O) Development Standards

Current Land Use: Zionsville Community High School & supporting uses

Approximate Acreage: 68.69 acres

Zoning History: 2008-18-DP – Master Plan (Approved)
   2018-22-Z – Rezone (Approved)
   2018-39-DPA (Approved)
   2019-24-UV (Pending)

Exhibits: Exhibit 1 – Staff Report
   Exhibit 2 – Aerial Location Map
   Exhibit 3 – Petitioner’s Narrative
   Exhibit 4 – Petitioner’s Site/Location Map
   Exhibit 5 – Petitioner’s Exhibits
   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 10, 2019, Board of Zoning Appeals meeting. A Petition for Use Variance (2019-24-UV) is also scheduled to be heard at the September 10, 2019, Board of Zoning Appeals meeting.

**PROPERTY HISTORY**

A Master Plan for the campus of Zionsville Community High School (Campus) was approved in 2008, with an additional 2.42 acre parcel being added to the campus (2018-22-Z) in anticipation of the acreage being improved with approximately 12,200 square foot structure serving the Zionsville Community School Corporation needs. Petition 2018-39-DPA was approved in 2018, supporting the construction of 8,200 square feet of that overall structure.

**DRIVE-THRU - VARIANCE REQUEST — Stacking requirements**

As proposed, a portion of the Campus would be improved with an Interactive Teller Machine (ITM) intended to have, per the submitted Findings of Fact, a “lighter than typical use” with “vehicular traffic to the ITM facility” being “minimal”, as a “majority of the users being students already on campus”.

Staff is in agreement with the Petitioner that the design standards identified in the Ordinance (Section 194.107) are intended to regulate the operation of facilities serving a much higher volume than intended with the contemplated improvements. Further, the Zionsville School Corporation’s management of traffic circulation the during peak traffic demand times internal to the campus (examples: start of school day, end of school day, special events) is a topic to which they are experts and facilitate on a routine basis. In the event that operations or usage become too intense, it is anticipated that the Zionsville School Corporation will deploy the same resources and methodologies routinely used in the management of its assets to address vehicular accessibility to the ITM. As a vehicle dependent use not designed for pedestrian / walk up traffic, no accommodations are anticipated to be required related to pedestrian / walk-up use. If pedestrian / walk-up use is desired in the future, modifications to the contemplated improvements would be required as to conform to Indiana Building Code.

Final design specifications (including colors, materials, lighting, and hours of operations associated with the vertical improvement) will be reviewed in the normal course of the disposition of the Development Plan associated with the contemplated improvement.

**PROCEDURAL — CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION**

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

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

(b) **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:**
(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property.

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

**STAFF RECOMMENDATIONS**

Staff is supportive of the Petition, as filed, subject to substantial compliance with the submitted site plan.

**RECOMMENDATION MOTION**

I move that Docket #2019-25-DSV (Development Standards Variance) for the property located at 800 Mulberry Street to allow for a Development Standards Variance supporting the operation of an Interactive Teller Machine (ITM) kiosk, with reduced vehicle stacking in the parking lot of the Campus, all within the Urban Special Use Zoning District be (Approved as presented/ Approved as recommended by Staff / Denied / Continued).
NARRATIVE STATEMENT

ZIONSVILLE COMMUNITY SCHOOLS – DEVELOPMENT STANDARDS VARIANCE

Zionsville Community Schools is proposing to construct an Interactive Teller Machine kiosk in the parking lot of the new Wellness Center, located at 800 Mulberry Street. The purpose is part of a broader aim to help students build skills in financial responsibility and decision making through partnership with a banking services provider with whom students would interact at Zionsville Community High School.

The petitioner is seeking relief from the Drive-Through, Office Street Stacking Space standards provided for in the Town of Zionsville Zoning Ordinance. These standards would require significant changes to the new parking lot constructed with the Wellness Center, and would far-exceed the anticipated need that this student-utilized facility would call for. We anticipate, initially, 6-8 transactions per day with each transaction lasting an average of under 2 minutes.
ZIONSVILLE COMMUNITY SCHOOLS—800 MULBERRY ST

Proposed Interactive Teller Machine (ITM)

Employee & Student Services Center

Exhibit 5
TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA  

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS  

FINDINGS OF FACT  

1. The grant (will / will not) be injurious to the public health, safety, morals, and general welfare of the community because:  
   while the Interactive Teller Machine (ITM) will be open to the general public, it will be located in the interior of the school campus, approximately 300 feet from a public road. Lighter than typical use of the machine will result in less vehicular traffic with no anticipation of conflict or congestion.  

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:  
   vehicular traffic to the ITM facility will be minimal, with a majority of users being students already on campus.  

3. Strict application of the terms of the zoning ordinance (will / will not) result in unnecessary hardships in the use of the property because:  
   the stacking standards were developed and are intended for facilities with a much higher commercial and vehicular use than what is anticipated with this location.  

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

Adopted this ______ day of ________________________, 20__.

________________________  __________________________  __________________________