



MEETING RESULTS - ZIONSVILLE BOARD OF ZONING APPEALS APRIL 1, 2020, 6:30 p.m.

THIS PUBLIC MEETING WAS CONDUCTED PURSUANT TO GOVERNOR ERIC J. HOLCOMB’S EXECUTIVE ORDERS 20-02, 20-04 AND 20-08 AND GOVERNOR HOLCOMB’S EXERCISE OF HIS POWERS UNDER INDIANA’S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, *et seq.* ADDITIONAL INFORMATION REGARDING THE MEETING WAS PROVIDED IN THE ANNEX PUBLISHED WITH THE AGENDA.

The following items were scheduled for consideration:

- I. Approval of the March 4, 2020 Meeting Minutes– **approved 5-0 as written**
- II. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-04-DSV	T. Donnar	145 N Main Street	Continued as Requested by Petitioner’s Representative from the April 1, 2020 to the May 6, 2020 Meeting Continuance request by Interested Party from March to April Petition for Development Standards variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% in the Urban Residential Village Zoning District (R-V).
2020-06-DSV	M. Marlowe	140 N 4th Street	Approved as presented & filed w/exhibits dated 4/1/20 & per staff report – 4 in Favor, 1 Opposed Continued by Petitioner’s Representative from March to April Petition for Development Standards variance in order to provide for the construction of an addition to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 40% in the Urban Residential Village Zoning District (R-V).

III. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-07-DSV	Hotel Tango	10615 Zionsville Road	<p>Approved with Commitments and as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces in the Urban General Business District (B-2).</p>
2020-08-DSV	K. Meiring	823 Eaglewood Drive	<p>Approved as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance in order to provide for the construction of a detached garage which:</p> <ol style="list-style-type: none"> 1) Deviates from the required minimum front yard setback; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
2020-09-DSV	A. Chavez	324 S 9th Street	<p>Approved as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance to allow for an existing outdoor fireplace to continue to:</p> <ol style="list-style-type: none"> 1) encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District (RV).

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: April 1, 2020

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. Petition #2020-04-DSV T. Donnar – Letter of Continuance Request from Petitioner’s Representative
3. Petition #2020-04-DSV T. Donnar - Letter of Remonstrance
4. Petition #2020-06-DSV M. Marlowe – Letter of Remonstrance
5. Petition #2020-06-DSV M. Marlowe – Letters of Support
6. Petition #2020-08-DSV K. Meiring – Letters of Support
7. Staff Reports and Packets for your consideration
8. Petition #2020-05-UV Montessori – Negative Findings of Fact

NOTE:

March 4, 2020 Draft Meeting Minutes have not been included in packet.



MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS APRIL 1, 2020, 6:30 p.m.

THIS PUBLIC MEETING WILL BE CONDUCTED PURSUANT TO GOVERNOR ERIC J. HOLCOMB’S EXECUTIVE ORDERS 20-02, 20-04 AND 20-08 AND GOVERNOR HOLCOMB’S EXERCISE OF HIS POWERS UNDER INDIANA’S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, *et seq.* ADDITIONAL INFORMATION REGARDING THE MEETING IS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the December 10, 2019 and March 4, 2020 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-04-DSV	T. Donnar	145 N Main Street	<p>Continuance request by Petitioner’s Representative from April to May Meeting.</p> <p>Continuance request by Interested Party from March to April</p> <p>Petition for Development Standards variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% in the Urban Residential Village Zoning District (R-V).</p>
2020-06-DSV	M. Marlowe	140 N 4th Street	<p>Continued by Petitioner’s Representative from March to April</p> <p>Petition for Development Standards variance in order to provide for the construction of an addition to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 40% in the Urban Residential Village Zoning District (R-V).</p>

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-07-DSV	Hotel Tango	10615 Zionsville Road	Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces in the Urban General Business District (B-2).
2020-08-DSV	K. Meiring	823 Eaglewood Drive	Petition for Development Standards Variance in order to provide for the construction of a detached garage which: 1) Deviates from the required minimum front yard setback; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
2020-09-DSV	A. Chavez	324 S 9th Street	Petition for Development Standards Variance to allow for an existing outdoor fireplace to continue to: 1) encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District (RV).

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
2020-05-UV	Montessori & Childcare Center by M. Adams	9475 Whitestown Road	Negative Findings of Fact
2019-38-SE	T. Ball	325 S 1100 East	Status of Commitments/Right to Farm
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments

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

Respectfully Submitted:

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

**ANNEX TO PUBLIC NOTICE FOR THE APRIL 1, 2020, REGULAR MEETING OF THE
ZIONSVILLE BOARD OF ZONING APPEALS**

In his Executive Orders 20-02, 20-04 AND 20-08 (collectively, the “**Executive Orders**”), Governor Eric J. Holcomb has ordered all political subdivisions of the State of Indiana to limit public gatherings and to implement the Centers for Disease Control and Prevention’s and the Indiana State Department of Health’s recommended virus mitigation strategies. The Executive Orders suspend certain requirements for Essential Governmental Functions that facilitate Essential Infrastructure with respect to public meetings and open door laws, including suspending physical participation requirements by members of public agency governing bodies and permitting public attendance through electronic means of communications. As a political subdivision of the State of Indiana, the Zionsville Board of Zoning Appeals (the “**BZA**”) must comply with the Executive Orders throughout the duration of the COVID-19 Public Health Emergency. According, all public meetings of the BZA shall be conducted in the following manner until the end of the COVID-19 Public Health Emergency:

1. 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 Zoom webinar:

<https://zoom.us/j/180034124>

Or iPhone one-tap:

US: +13126266799, 180034124# or +16465588656, 180034124#

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 +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 180 034 124

International numbers available: <https://zoom.us/u/azw6U7IZf>

2. 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.
3. If a member of the public would like to attend a BZA Public Meeting, but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or wdelong@zionsville-in.gov to arraign in-person attendance.
4. The BZA will continually revisit and refine the procedures in this Annex to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

MICHAEL J. ANDREOLI

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

**March 18, 2020
Via E-Mail**

**Wayne A. DeLong
Chrissy Koenig
Planning and Economic Development
Town of Zionsville
1100 West Oak Street
Zionsville, Indiana 46077**

**RE: Tim and Kathy Donnar
2020-04-DSV**

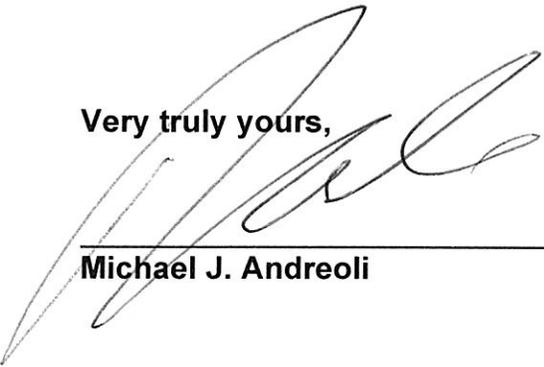
Dear Wayne and Chrissy:

As you are aware, the Donnar petition is currently scheduled to be heard before the Board of Zoning Appeals on April 1, 2020. Given my discussions with Wayne and general requirement that only essential matters be dealt with during this current virus shut down time period, I've talked with Mr. Donnar and, while we all would like to be heard and move forward, we cannot honestly say that this is an essential item that cannot be postponed to the May 6 regularly scheduled meeting.

As such, we would respectfully request to be tabled to the May 6 meeting and we wanted to get this to you as quickly as possible to help with truly dealing with matters that may be essential and time sensitive.

Thank you for your cooperation.

Very truly yours,



Michael J. Andreoli

MJA/ba

March 16, 2020

To: Members of the Zionsville Board of Zoning Appeals
1100 W Oak Street, Zionsville, Indiana 46077

Subject: Docket Number 2020-04-DSV

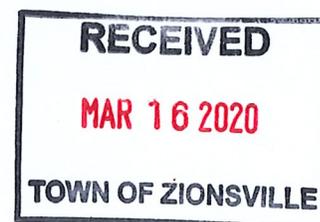
I am writing this to provide my input into the consideration of the subject docket item for a variance at 145 N Main St, Zionsville. I understand this variance will be considered at your April 1, 2020 meeting and I am not in favor of approval.

In the way of context, there has been a significant amount of discussion about the replacement and modification of homes in the village, usually accomplished via the variance process. This discussion has led to consideration of alternatives such as the establishment of a Historical District with special approvals necessary for demolition, modification, or construction of homes in the village. I do not represent a group looking to implement this, nor do I support this effort. But from my perspective we should work better through the existing processes to maintain the historic core of our village neighborhood. This would include rigorous interpretation and enforcement of our existing zoning ordinance.

I have reviewed the property at 145 N. Main St, as well as the petitioner's submittal, and can find no unique conditions nor unusual hardships that would qualify this property for relief from the lot coverage limitations in the zoning ordinance. I strongly recommend the denial of this request for a variance, and trust that you will be listening to village residents' concerns about the future protection of our village neighborhood through consistent and rigorous application of our current laws.

Thank you for your community service on this Board

Mike Zeller
420 W. Cedar St,
Zionsville, IN 46077





Petition Number: 2020-06-DSV

Subject Site Address: 140 N 4th Street

Petitioner: 140 N 4TH ST LLC / Michael & Kristin Marlowe

Representative: Todd Rottman

Request: Petition for Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which:
1) Deviates from the required side & aggregate yard setbacks and
2) Exceeds the required lot coverage of 35%, to 40%
in the Urban Residential Village Zoning District (R-V).

Current Zoning: Residential Village Zoning District (RV)

Current Land Use: Single-family Residential

Approximate Acreage: .17 acres

Zoning History: No prior petitions are known.

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioners Narrative
Exhibit 4 – Petitioners Existing 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 was originally scheduled for an initial public hearing at the March 4, 2020 Board of Zoning Appeals meeting. The Petitioner's representative was not able to timely notice, therefore at the meeting, the board granted a continuance to the April 1, 2020 meeting of the Board of Zoning Appeals to allow the Petitioner additional time to publish proper notice.

PROPERTY HISTORY

The property is comprised of approximately 0.17 acres of the North halves of Lots 73 and 74 in Cross' Fourth Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.17-acre parcel is currently improved with a 2,768 +/- square foot circa 1975 single-family dwelling (Rating: Non-Contributing per Indiana Department of Natural Resources Interim Study) and accessory uses. Per the narrative included, the Petitioner desires to convert the existing garage to livable space and add a new attached garage with upper office space to the property. The proposed addition, contemplated to not exceed the height of the current home, would require approval of a Development Standards Variance(s) as it would 1) encroach into the required 5-foot side yard setback, 2) would not meet the required 15-foot aggregate side yard setback and 3) would exceed the maximum lot coverage.

LOT COVERAGE

The request seeks to exceed the 35 percent lot coverage maximum by 5 percent (of which 2 percent is permissible by right when using pervious material). Per the Residential Village District (RV) regulations, lot coverage standards state the maximum lot coverage is 37 percent (inclusive of the 2 percent bonus for pervious material use). In this specific case, the petitioner is not anticipating any of the lot coverage being pervious material.

While the current Zoning Ordinance requires such restrictions, the overall area developed prior to the adoption of the current Ordinance standards, and review of parcels and improvements in the area did reveal that some parcels in the area (to the north, south, east, and west) enjoy deviations from current coverage standards. The Petitioner is requesting a design standards variance to this requirement for the construction of an approximate 598 square foot addition to a single-family dwelling with a total footprint of approximately 2,984 (inclusive of the home, attached garage with upper living space, patio and porch), which would result in lot coverage of 40%. It should be noted that the Petitioner plans to locate the addition in an area already occupied by an impervious driveway and intends to remove a 96 square foot playhouse in the backyard, producing a net difference of impervious footprint of 0.02% (existing impervious footprint was 41.38% and proposed impervious footprint after removing playhouse and constructing the addition is proposed to be 41.40%). Absent these two specific characteristics, the additional lot coverage request would be a challenge to support without considering additional information.

The request to occupy the site with improvements associated with an addition to a Single-Family Dwelling (including both primary and accessory square footage) in excess of lot coverage requirements in the Residential Village District (RV) is not uncommon. While staff is generally supportive of requests

which provide for deviations from the lot coverage requirements when the request 1) is seeking to improve the site with a use commonly enjoyed by other properties in the area and / or 2) other properties within proximity to the parcel enjoy deviations from the maximum lot coverage requirements (to the north, south, east, and west), this is not the lone criteria. The fact that the petition proposes to remove both a 96 square foot accessory structure and occupy an area in which the majority is already in hardsurfacing, are the deciding factors. Given these outlined characteristics as well as Staff recognizing that the proposed addition will be in the area already occupied by an impervious driveway, Staff is in support of the Petitioner's request to exceed the lot coverage permitted by Ordinance by 5% to a total of 40%.

SETBACKS (SIDE YARDS)

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).

The site currently enjoys a conforming 5-foot side yard setback from the south parcel line for the existing patio and a conforming 15-foot 7-3/4-inch side yard setback from the north parcel line which adjoins a public alley with an approximate 10-foot width. The existing aggregate side yard setbacks are 20-foot 7-3/4-inch, conforming to the ordinance. The proposed north setback from the alley for the addition is 2-foot 4-1/8-inch, making the proposed aggregate side yard setback 7-foot 4-1/8-inch.

A review of setbacks in the vicinity shows additional parcels (to the north, south, and west) that enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. Further, it appears the distance from the proposed north side yard setback to the nearest neighboring structure (the detached garage across the alley) will exceed 20-feet from the proposed addition. While this is true, Staff is concerned with the limited maneuvering area created by the proposed excessively short driveway, in tandem with the narrowness of the alley, associated with vehicles entering and exiting the contemplated garage. Additionally, while garages along the alley are both one and two stories in height, and with most oriented to load from the alley, the requested setback is not a characteristic that exists along the alley. With all this in mind, Staff is not supportive of the proposed 2-foot 4-1/8-inch side yard setback and the utilization of a 7-foot 4-1/8-inch aggregate side yard setback as illustrated on the Petitioner's site plan attached to this staff report. Staff is not in favor of supporting any reduction in setbacks along the north property line due to the potential of conflicting vehicle maneuvering movements and the narrowness of the alley.

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 is concerned with the Petitioner's proposed Findings, as written, as it appears that the main justification for the variance request is that properties in proximity to the subject filed for and were granted variances. As each filing is unique and reviewed on its own merits, the findings as proposed, in the opinion of Staff, do not adequately justify the petition as proposed.

STAFF RECOMMENDATIONS

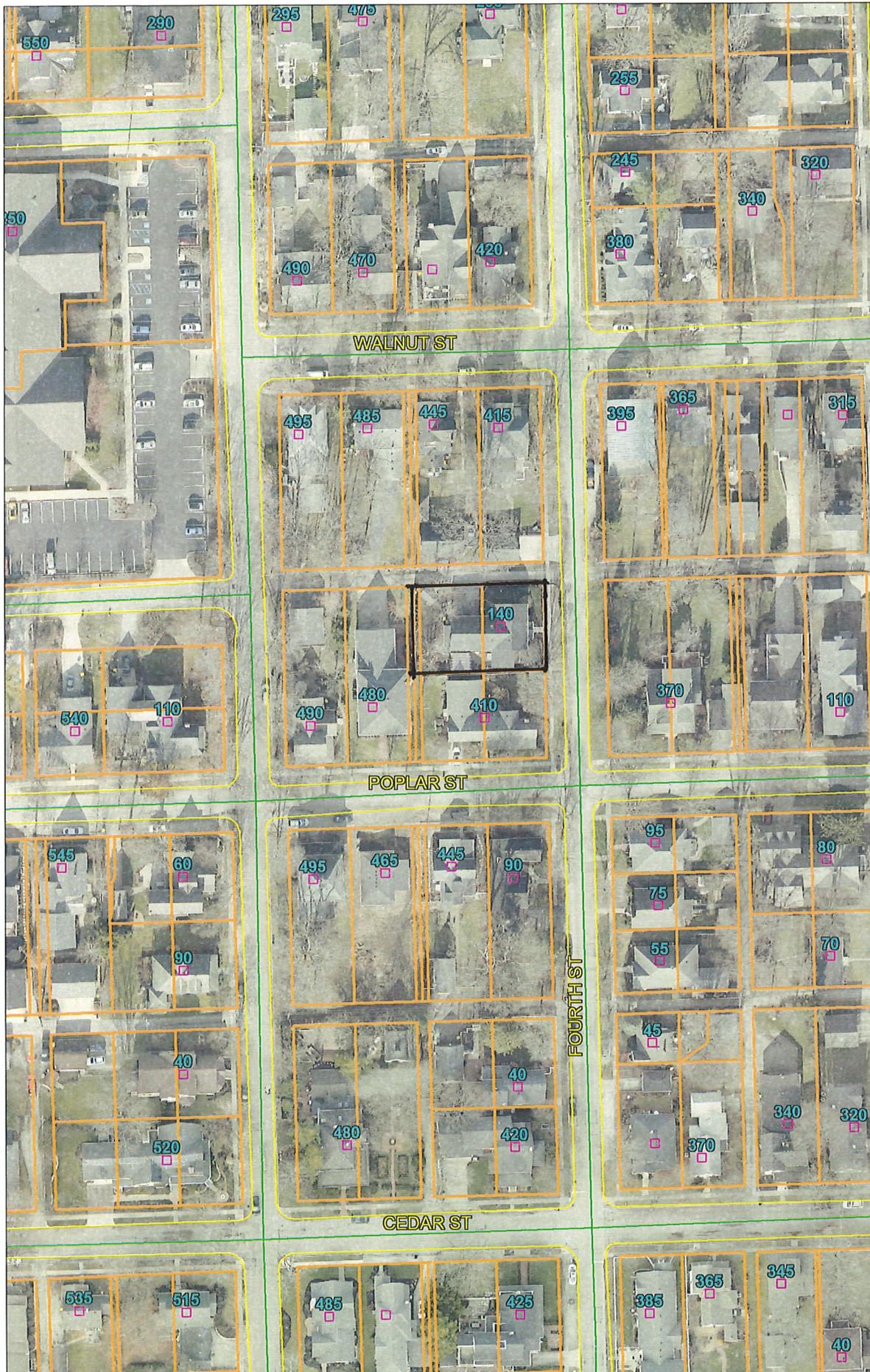
Upon submittal of Findings of Fact that adequately support the requested variance, Staff would be supportive of the Development Standards Variance for an increase of lot coverage up to 40% for the construction of an addition, not exceeding the established height of the home (with the exception of necessary venting or the installation of appurtenances), to a Single-Family Dwelling & accessory uses due to the primary facts that the area contemplated to be improved primarily is already hard surfaced, and, as recommend by Staff, would result in a net decrease in overall lot coverage.

Staff would recommend denial of the request to reduce the side yard and aggregate side yard setbacks.

RECOMMENDATION MOTION

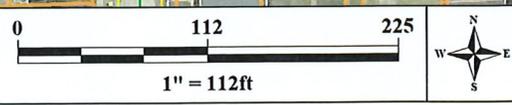
I move that Docket #2020-06-DSV Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which exceeds the required lot coverage of 35%, to 40% as illustrated on the site plan attached to this report), in the Residential Village Zoning District (RV) for the property located at 140 N 4th Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).

I move that Docket #2020-06-DSV Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which deviates from the required side & aggregate yard setbacks (all as illustrated on the site plan attached to this report), in the Residential Village Zoning District (RV) for the property located at 140 N 4th Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).



- Flood Hazard BC 2013**
FLD_ZONE:
 AE
 X
- 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



January 30, 2020

RE: Michael and Kristin Marlowe, 140 North 4th Street
Petition for Variance of Development Standards

We have lived in our house almost 4 years now and love living in the Village. Our family has continued to grow and we need our house to grow too. All bedrooms in the house are being utilized and we do not have a basement, so we are wanting to build a new garage with home office space above and re-purpose the existing garage as a family room. To do so, we need several variances and are writing this letter to explain them.

The first variance we are asking for is to reduce the side yard setback along the northern alley. Our new garage will be 2'-4" from the property line and the minimum distance is supposed to be 5'-0". We have minimized the interior depth of the garage as much as possible to get the greatest setback we can. Unfortunately, our new garage floor will be over 2' higher than the current garage (due to the alley being over 2' higher than our current garage) and we can't utilize part of the existing garage for the new garage. However, this raised garage floor will be very helpful to us as the current garage and house is susceptible to flooding by water running down the driveway towards the garage because it is so much lower than the alley. The problem is enhanced by the alley which also has a significant slope to it for several blocks, and all that water heads down the hill past our driveway which only has a 1 1/2" tall lip.

In regards to water drainage and flooding, this new garage will not contribute more water to the alley than the current condition since there's already an impermeable driveway located where we are putting the new garage. And downspouts will be tied into underground pipes that will exit in a yard drain.

As for precedents for a reduced setback, there are 3 existing garages/accessory buildings in our two block stretch of alley that range from 1'-9" to 4'-10" from the property line. While we are at 2'-4" from the property line, the paved alley is another 3'-1" off the property line, so we will actually be 5'-5" off the alley. Most significantly, the 1939 fire map shows a detached garage located tight to the property line in almost the exact same location where our garage will be located.

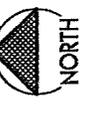
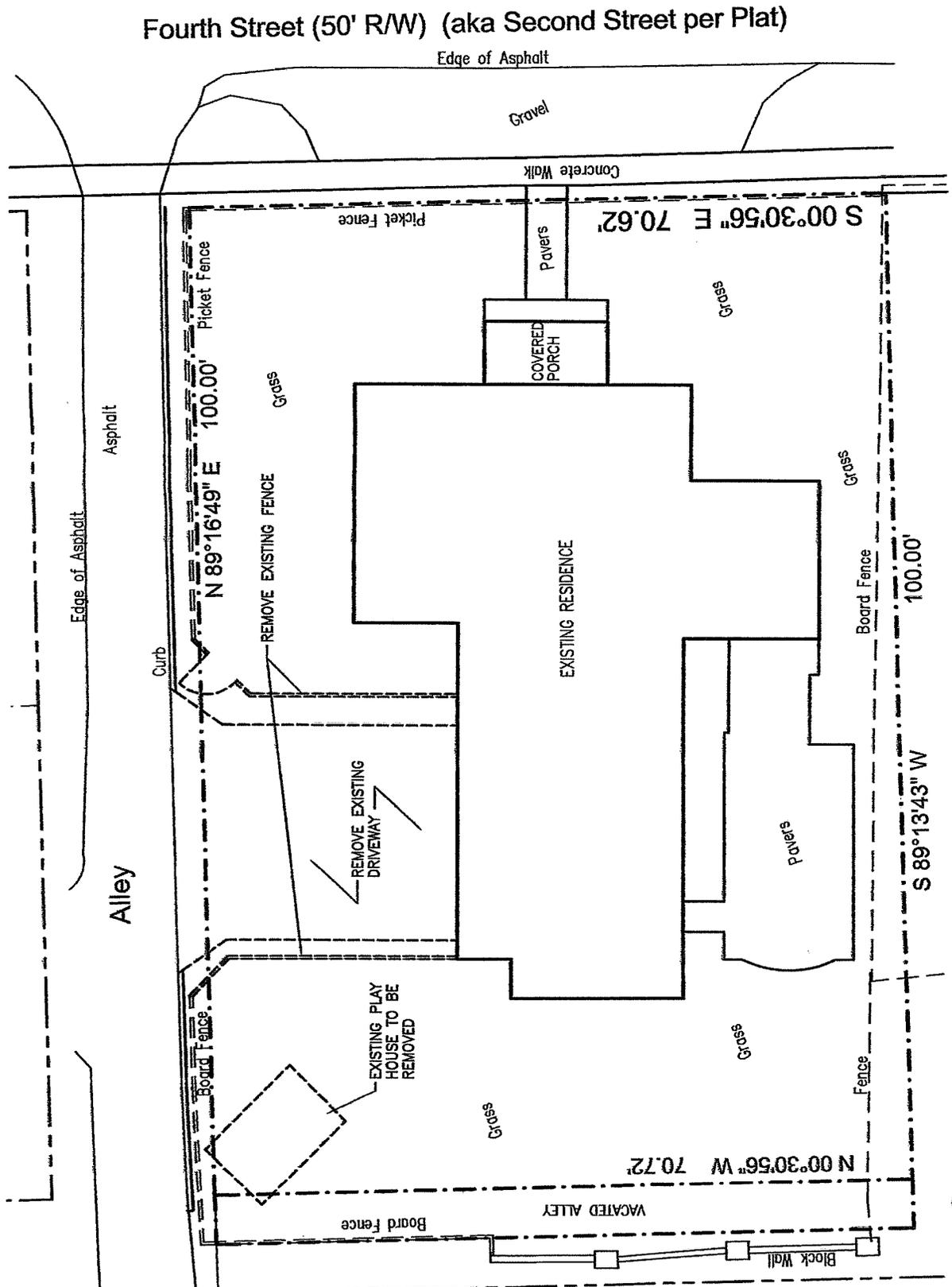
The second variance we need is to reduce the aggregate side yards (our two side yards added together). Once again, this relates to the distance from the new garage to the north property line. The combined widths of our north and south side yards is supposed to equal 15'-0" minimum. The south side yard is measured from our back patio, not the house, so that distance is only 5'-0". Combined we have 7'-4" of aggregate side yards.

The final variance we are requesting is for lot coverage. We are requesting 40% which is more than the allowed 35%. We feel this coverage is acceptable for the following reasons: We are not increasing the impermeable area on the site. Only 33% is for the house and garage, the remaining 7% of coverage is for existing outdoor spaces - our front porch and rear patio. There are 23 properties with similar lot coverage in the surrounding blocks, including both of our adjacent neighbors. Our lot size is only 7,421 square feet, but if it were on the 8,000 square foot lot that current zoning requires we would only be at 37% lot coverage. Our proposed home is similar in size to most of our neighbors. Our expansion is towards the alley and not towards any of our immediate neighbors. The new addition will match the style of our existing home. The new addition is 48' from the front property line and 62' from the street, thus not adversely affecting the character on the street.

With all of this in mind, we believe that this new garage not only a necessity for our growing family, but it is also an appropriate addition to our beautiful home. Thank you for your consideration.

Michael and Kristin Marlowe, petitioner/owner
michael.d.marlowe@gmail.com

Exhibit 3



MARLOWE RESIDENCE

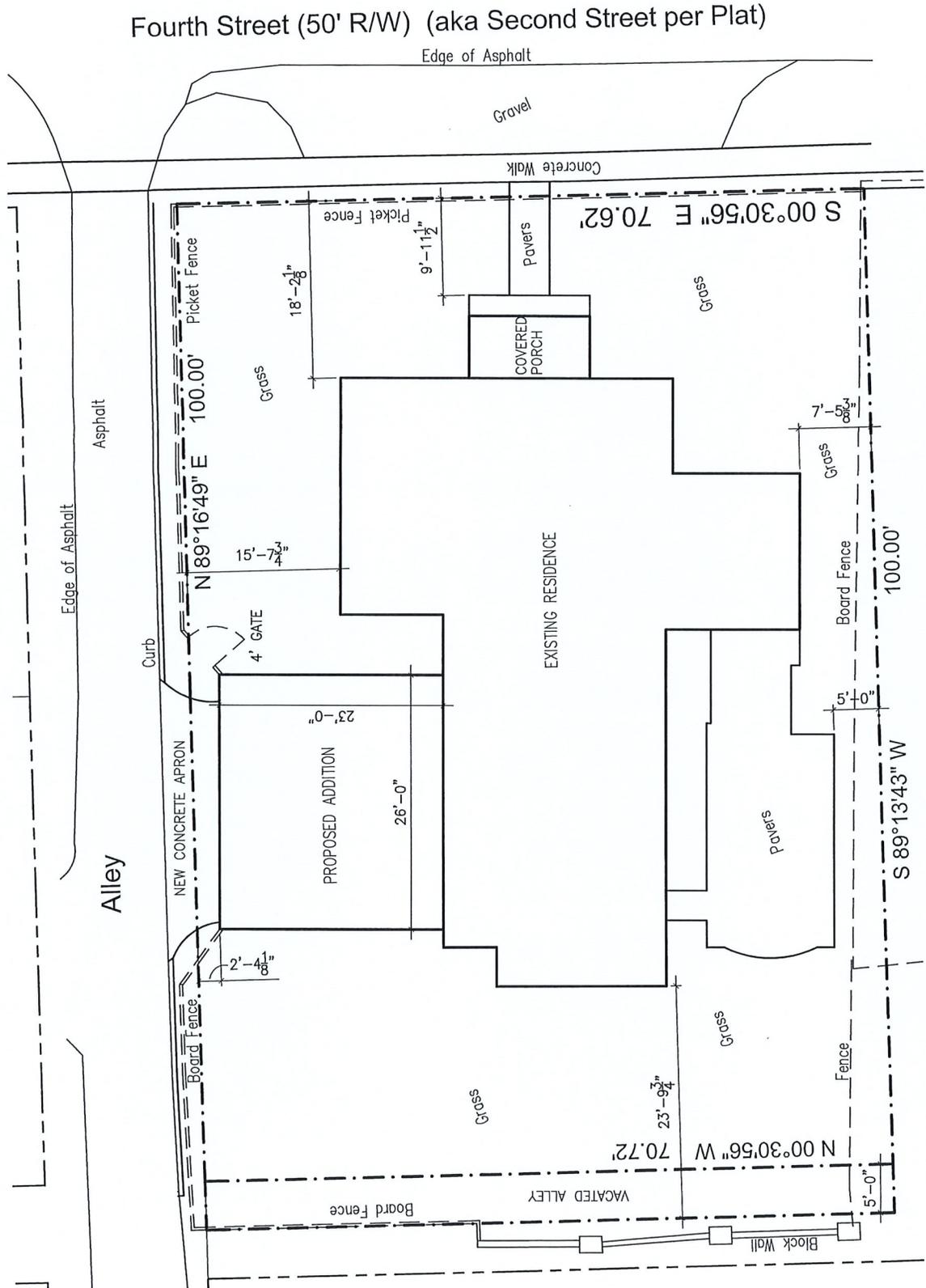
25 JANUARY 2020



EXISTING SITE PLAN



ROTTMANN | COLLIER
ARCHITECTS



Fourth Street (50' R/W) (aka Second Street per Plat)

LOT COVERAGE

LOT SIZE: 7,421 SF
 EXISTING LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE = 2,467 SF
 2,467 SF / 7,421 SF = 33.2% LOT COVERAGE
 PROPOSED LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION = 2,969 SF
 2,969 SF / 7,421 SF = 40.0% LOT COVERAGE

IMPERMEABLE AREA

EXISTING: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE + 562 DRIVEWAY + 42 FRONT WALK = 3,071 SF
 PROPOSED: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION + 62 DRIVEWAY + 42 FRONT WALK = 3,073 SF

ACCESSORY USE AREA

DWELLING: 2,768 EXISTING + 618 GARAGE CONVERSION = 3,386 SF
 ACCESSORY: 598 NEW GARAGE + 413 OFFICE OVER GARAGE + 80 COVERED FRONT PORCH = 1,091 SF
 1,091 / 3,386 = 32.2% ACCESSORY USE



ROTTMANN | COLLIER
 ARCHITECTS

PROPOSED SITE PLAN



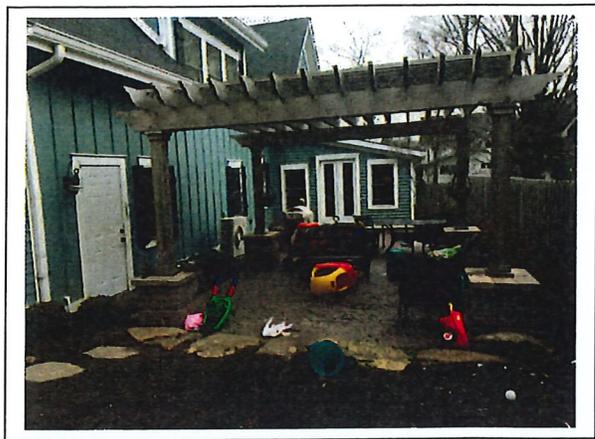
MARLOWE RESIDENCE

19 MARCH 2020





Front of house



Back patio



North side of house



Existing garage



View from Fourth Street



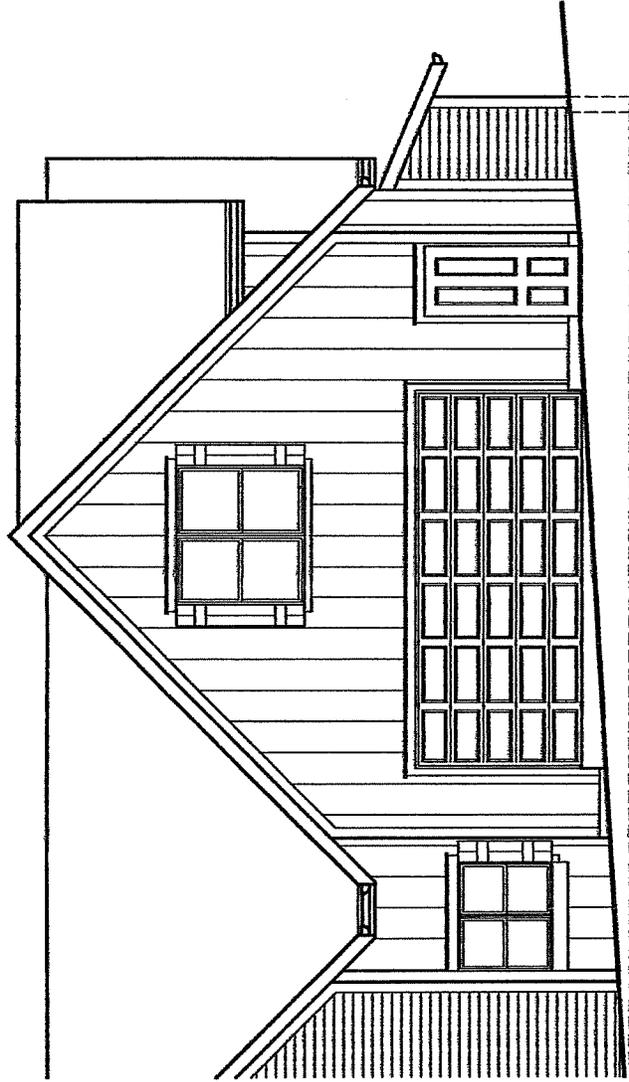
Looking west up alley



Neighbor to West



Neighbor two doors West

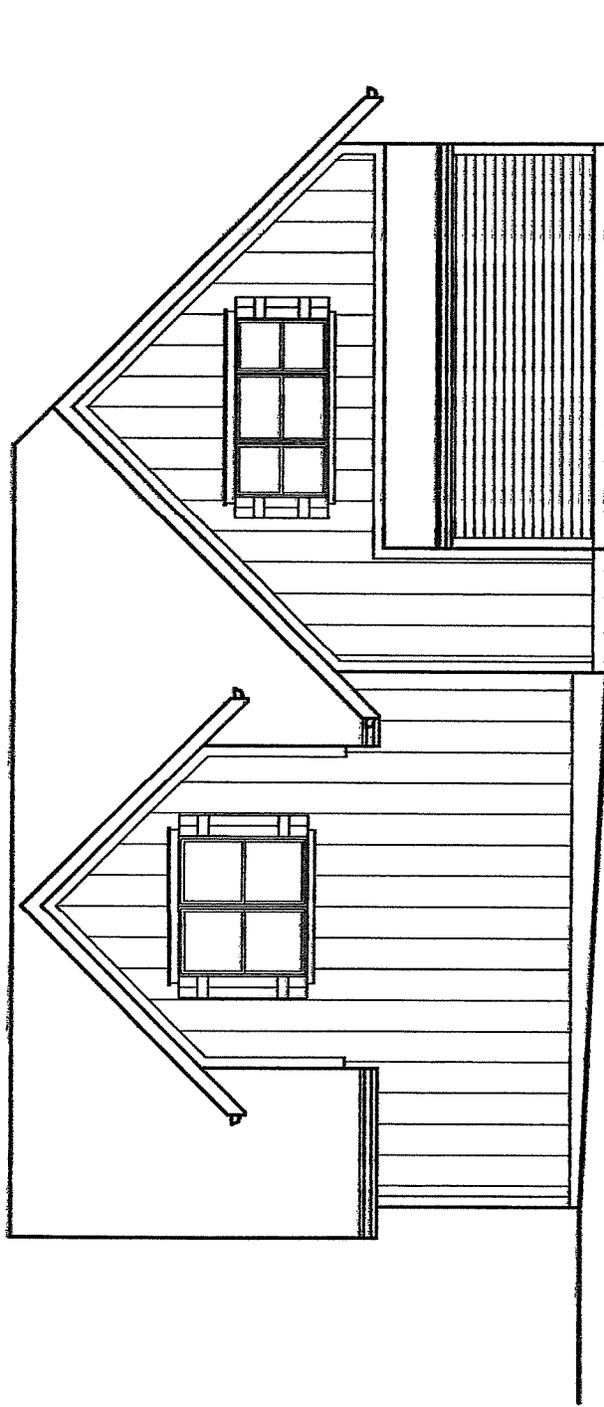


NORTH ELEVATION

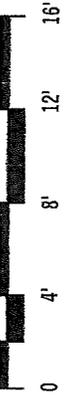


MARLOWE RESIDENCE
25 JANUARY 2020



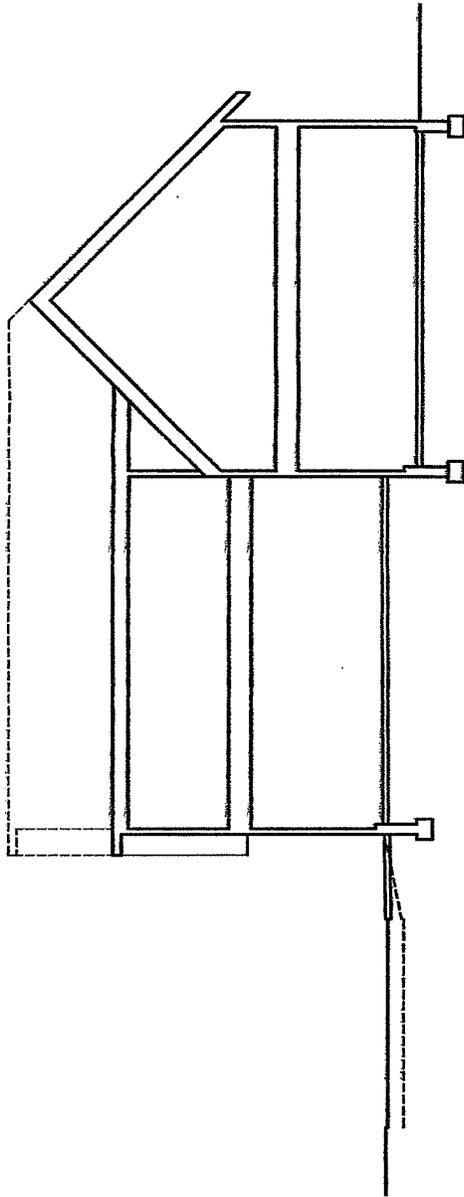


WEST ELEVATION

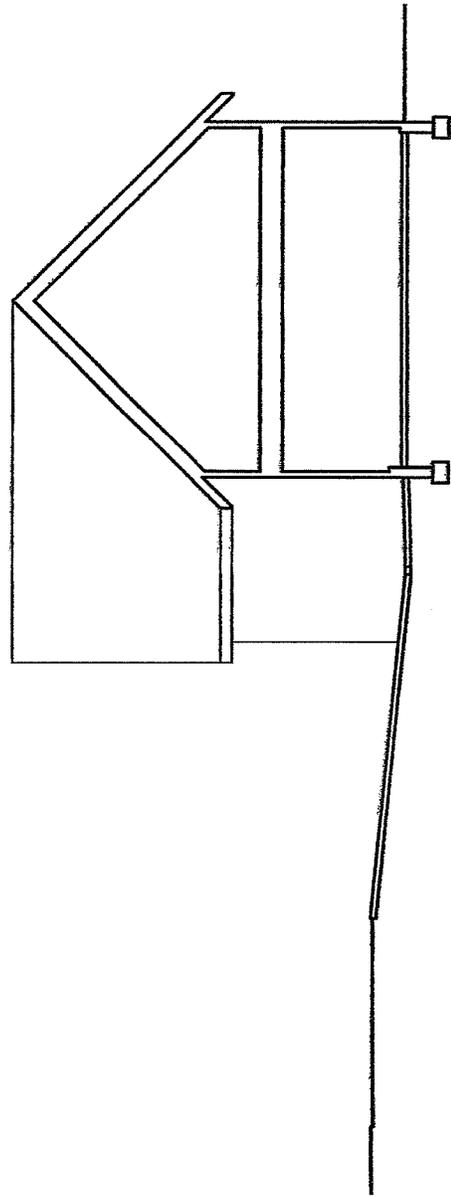


MARLOWE RESIDENCE
25 JANUARY 2020





PROPOSED



EXISTING

CROSS SECTIONS



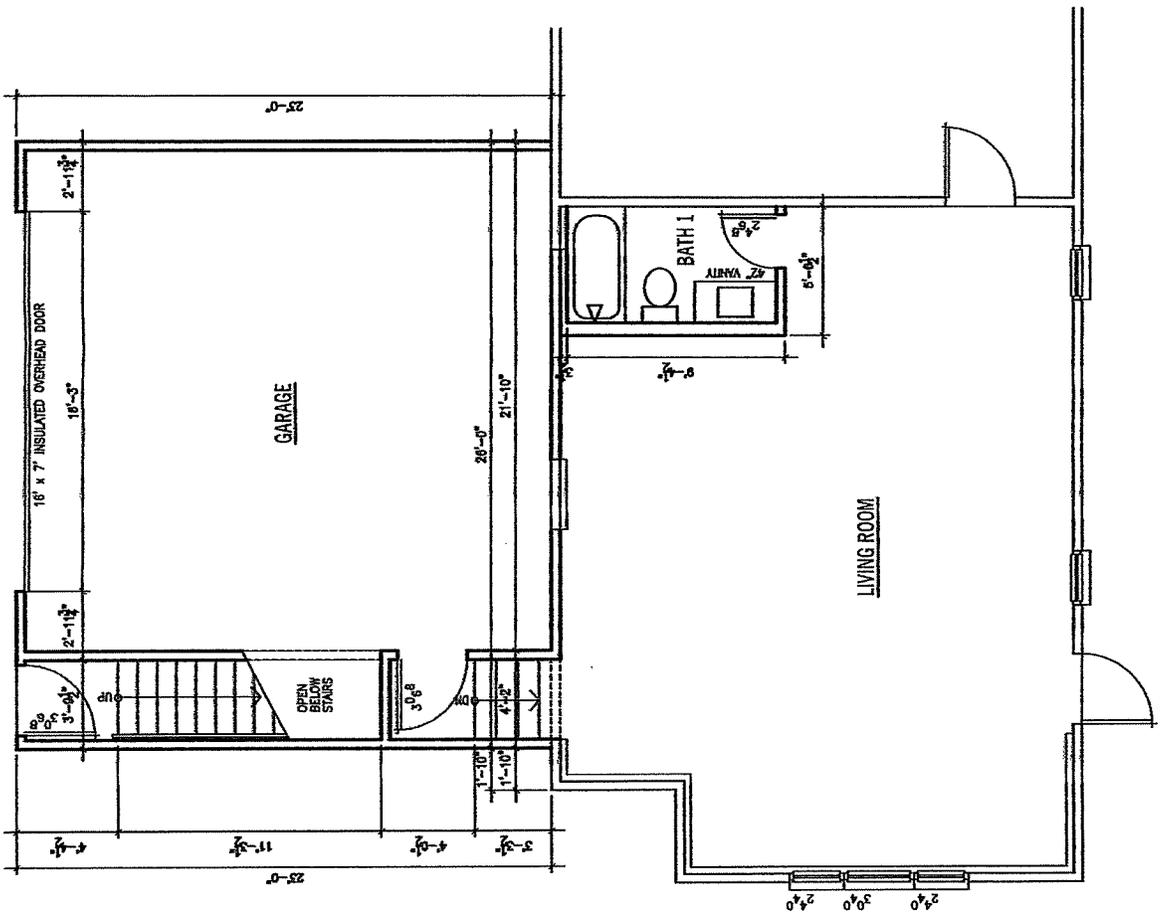
MARLOWE RESIDENCE

25 JANUARY 2020



ROTTMANN | COLLIER
ARCHITECTS





FIRST FLOOR PLAN

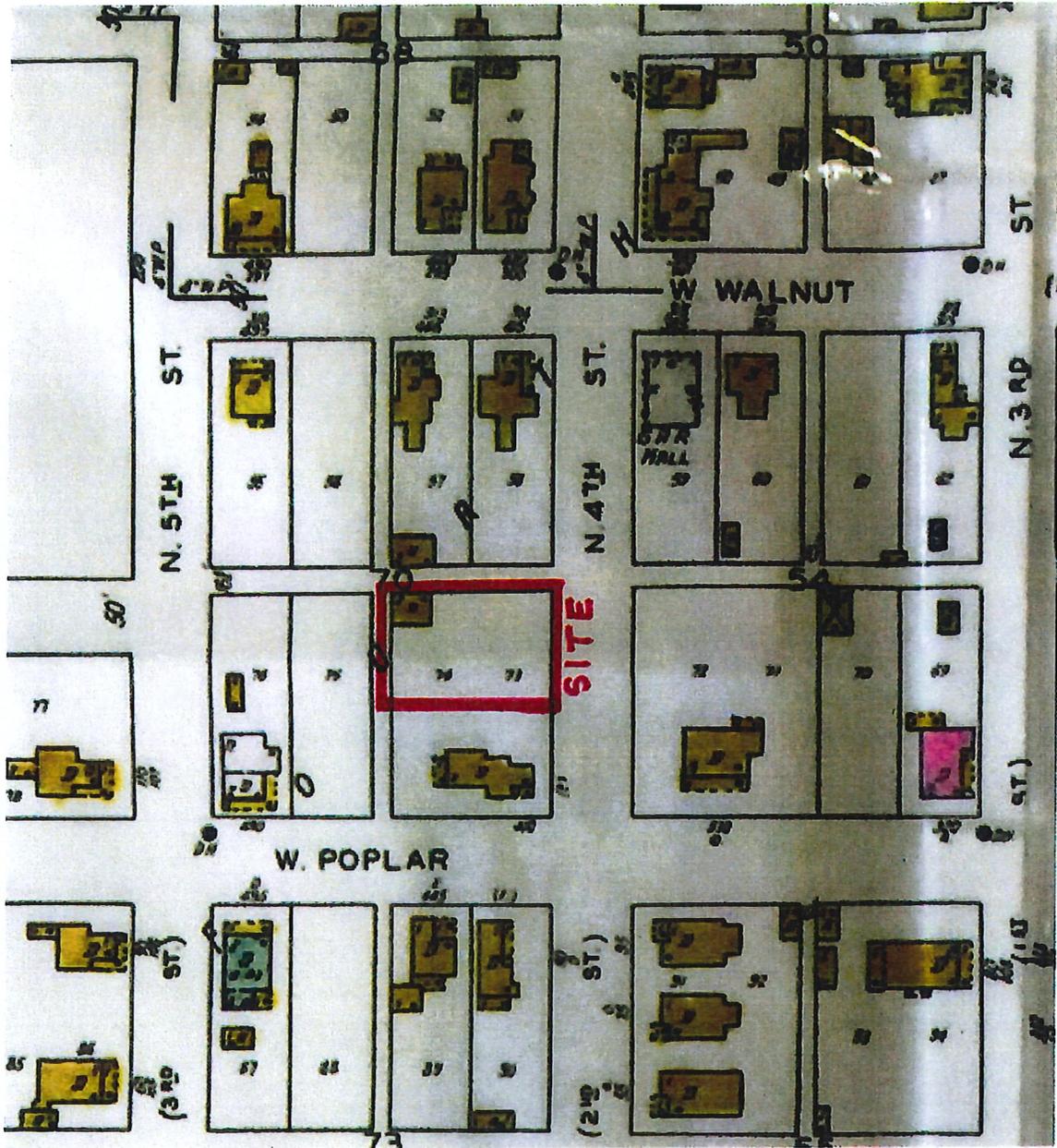
MARLOWE RESIDENCE



25 JANUARY 2020



Exhibit 6



1939 MAP



■ Buildings
▬ Parcels

DISTANCE TO PROPERTY LINE

- A 1'-9"
- B 8'-10"
- C 4'-10"
- D 3'-0"

LOT COVERAGE %

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the impermeable area is not being increased, only 33% of the lot coverage is for buildings as the rest is all outdoor space, several garages/accessory buildings along the alley have similar setbacks, the expansion is towards the alley and not the street, the new addition is 48' from the front property line and 62' from the street, and the project will increase the value of this property.
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 67% of the property is open space, the expansion is towards the alley and not towards any neighbor's property, the proposed home is similar in size to the neighbors, the new addition matches the existing home in style, the impermeable area will not increase and water from gutters is handled internally with yard drains, and the project will increase the value of this property.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because the current garage and house are susceptible to flooding, the growing family needs more living space, historically there was a garage tight to the property line at this location, other neighbors enjoy similar setbacks and home sizes, and the grade change does not allow part of existing garage to be used for new garage (therefore the distance to the property line is determined by the depth of a usable garage).

DECISION

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

Adopted this _____ day of _____, 20____.

_____	_____	_____
_____	_____	_____

#2020-06-DSV
M. MARLOWE

March 16, 2020

To: Members of the Zionsville Board of Zoning Appeals
1100 W Oak Street, Zionsville, Indiana 46077

Subject: Docket Number 2020-06-DSV

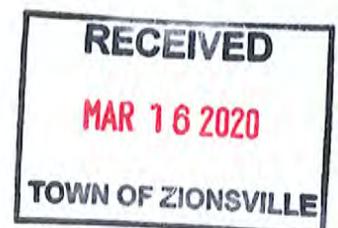
I am writing this to provide my input into the consideration of the subject docket item for a variance at 140 N 4th Street, Zionsville. I understand this variance will be considered at your April 1, 2020 meeting and I am not in favor of approval.

In the way of context, there has been a significant amount of discussion about the replacement and modification of homes in the village, usually accomplished via the variance process. This discussion has led to consideration of alternatives such as the establishment of a Historical District with special approvals necessary for demolition, modification, or construction of homes on the village. I do not represent a group looking to consider this, nor do I support this effort. But from my perspective we should work better through the existing processes to maintain the historic core of our village neighborhood. This would include rigorous interpretation and enforcement of our existing zoning ordinance.

I have reviewed the property at 140 N. 4th St, as well as the petitioner's submittal, and can find no unique conditions nor special hardships that would qualify this property for relief from the required setbacks and the lot coverage limitations in the current Town rules. I strongly recommend the denial of this request for a variance, and trust that you will be listening to village residents' concerns about the future protection of our village neighborhood through consistent and rigorous application of our current laws.

Thank you for your community service on this Board.

Mike Zeller
420 W. Cedar St,
Zionsville, IN 46077



I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.


Signature

2-10-2020
Date

Jane Forbes
Printed Name

410 West Poplar St
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Edward J. Mitro
Signature

02/09/2020
Date

EDWARD J. MITRO
Printed Name

490 W. POPLAR ST.
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.



Signature

2/9/2020

Date

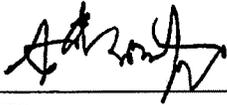
Pat Poole

Printed Name

110 N 3rd

Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.



Signature

2-9-2020

Date

Susan Montgomery

Printed Name

495 West Walnut St

Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Michelle K. Marlowe
Signature

2/9/2020
Date

Gary and Debbie Fontbeck
Printed Name

370 West Poplar St
Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.

Robin Browning

2/9/20

T.B.

2/9/20

Signature

Date

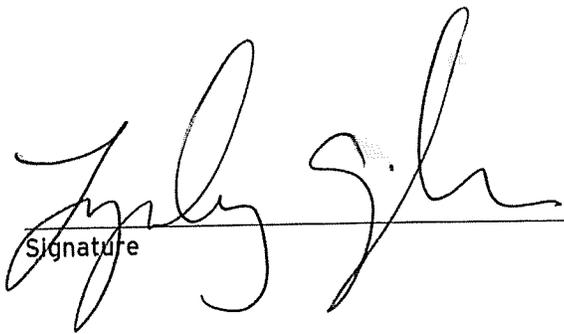
Tim and Robin Browning

Printed Name

415 West Walnut St

Signer's Address

I/We support the proposed variances that Michael and Kristin Marlowe have submitted to the Town of Zionsville regarding their property at 140 North 4th Street.


Signature

2/9/20
Date

JON AND LINDSAY GILMAN
Printed Name

480 West poplar ST
Signer's Address

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-06-DSV

1. SITE INFORMATION:

Address of Property: 140 N. 4th street
Existing Use of Property: Residence
Proposed Use of Property: Residence
Current Zoning: R-V Area in acres: .17

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Michael and Kristin Marlowe
Owner Name (if different from Petitioner): 140 N. 4th St., LLC
Petitioner Address: 140 N. 4th street Owner Address: Same
Petitioner Phone Number: 440.278.0183 Owner Phone Number: Same
Petitioner E-Mail Address: michael.d.marlowe@gmail.com Owner E-Mail Address: Same

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

Attorney/Contact Person:	Project Engineer:
Name: <u>Todd Rottmann</u>	Name: _____
Address: <u>320 W. Hawthorne Street</u>	Address: _____
Phone Number: <u>317.840.3944</u>	Phone Number: _____
E-Mail Address: <u>todd@rottmanncollier.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

Reduce side yard to 2'-4" when 5'-0" is required.
Reduce aggregate side yard to 7'-4" when 15'-0" is required.
Increase lot coverage to 40% when 35% is allowed.

5. ATTACHMENTS:

- | | |
|---|---|
| <input type="checkbox"/> Legal description of property | <input type="checkbox"/> Proof of Ownership (copy of Warranty Deed) |
| <input type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner) | <input type="checkbox"/> Site Plan & Exhibits |
| <input type="checkbox"/> Statement of Commitments (if proposed) | <input type="checkbox"/> Draft of Proposed Legal Notice |
| <input type="checkbox"/> Application Fee | <input 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: Todd W. Pottman Date: 30 Jan. 2020

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

State of INDIANA)
County of BOONE)
SS:

Subscribed and sworn to before me this 30 day of JANUARY, 2020.

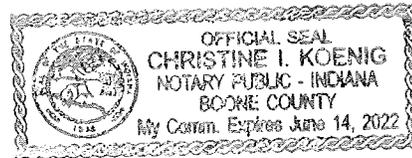
Christine I. Koenig
Notary Public Signature

CHRISTINE I. KOENIG
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County



OWNER'S AUTHORIZATION

The undersigned, 140 N. 4th St., LLC, being the owners of the property commonly known as 140 North Fourth Street, Zionsville, Indiana 46077, hereby authorizes Todd Rottmann to file a Petition for variance of development standards for the aforementioned property.

By: , member OC3 LLC

Kristin Marlowe, member

RENEE M GODBY
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER NP0622415
MY COMMISSION EXPIRES NOV. 16, 2026

State of IN

County of Boone

Subscribed and sworn to before me this day of January 30, 2020.



Notary Public Signature

Renee M. Godby

Notary Public Printed

My commission expires 11/16/26

My county of residence is Hamilton County.

16.00
+ 1.00 on
Enterprise
Title

201600006662
Filed for Record in
BOONE COUNTY, INDIANA
NICOLE K. (NIKKI) BALDWIN
BOONE COUNTY RECORDER
07-18-2016 At 02:08 PM.
DEED 17.00

File No.: 201634046
Parcel Number: 019-11840-00
State ID: 06-04-02-000-003.264-006

WARRANTY DEED

THIS INDENTURE WITNESSETH, That **Joshua G. Harber and Rebecca L. Harber, husband and wife** (Grantor) of Boone County, in the State of Indiana, CONVEYS AND WARRANTS to **140 N. 4th St., LLC** (Grantee) of Boone County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) 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 North halves of Lots Numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof, recorded in Plat Record 2, pages 1 and 2, in the Office of the Recorder of Boone County, Indiana.

ALSO:

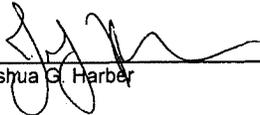
The East Half of the 10 foot vacated alley by Vacation Proceedings recorded May 8, 2003 as Instrument No. 0308115 West of and adjacent to the North Half of Lot Numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof Recorded in Plat Record 2, pages 1 and 2, in the Recorder's Office, Boone County, Indiana.

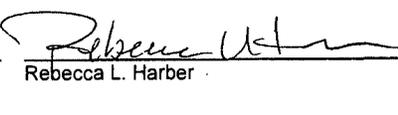
Subject to real estate taxes due and payable subsequent to closing and all taxes payable thereafter.

Subject to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 140 N 4th St., Zionsville, IN 46077.

IN WITNESS WHEREOF, Grantor has executed this deed this 5th day of July, 2016.


Joshua G. Harber


Rebecca L. Harber

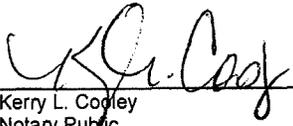
State of Indiana)
County of Marion) ss. ACKNOWLEDGEMENT

Before me, a Notary Public in and for the said County and State, personally appeared Joshua G. Harber and Rebecca L. Harber, husband and wife, who acknowledged the execution of the foregoing Instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 5th day of July, 2016.

My commission expires: October 02, 2017




Kerry L. Cooley
Notary Public
Residing in Hamilton County

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. Michael J. Curry, Attorney

This instrument prepared by: Michael J. Curry, Attorney at Law, #3888-49

Grantee's address and send tax bills to: Property Address, 140 N 4th St, Zionsville IN 46077

DULY ENTERED FOR TAXATION
07-18-2016
Carla Newcomer
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

provided in the Act, the Articles of Organization and this Agreement, as amended from time to time. The Member hereby ratifies, confirms and approves in all respects, the acts of the organizer in forming the Company. The Company shall pay all expenses incurred in the organization of the Company.

Section 1.03. Name. The name of the Company shall be 140 N. 4th St., LLC.

Section 1.04. Registered Office and Registered Agent. The name and address of the registered agent of the Company shall be 2700 Market, LLC, located at 2700 Market Tower, 10 West Market Street, Indianapolis, Indiana 46204. The Company may, from time to time, change its registered agent(s) or office(s) through filings with the Indiana Secretary of State (and other states' Secretaries of State, as applicable). In the event the registered agent ceases to act as such for any reason or the registered office changes, the Company shall promptly designate a replacement registered agent or address, as the case may be, and file a statement of change with the Indiana Secretary of State (and other states' Secretaries of State, as applicable). If the Company shall fail to designate a replacement registered agent or office address, the Member may designate a replacement registered agent or office address and file a statement of change with the Indiana Secretary of State (and other states' Secretaries of State, as applicable).

Section 1.05. Term. The term of the Company commenced upon the proper filing of the Articles of Organization with the Indiana Secretary of State, and shall continue until dissolved as herein provided.

ARTICLE II PURPOSE AND BUSINESS OF THE COMPANY

Section 2.01. General Purposes. The purpose of the Company is to conduct all activities which are permitted under the Act.

Section 2.02. Authority of the Company. The Company shall have all the powers permitted by law necessary or desirable in carrying out the business of the Company.

ARTICLE III INTEREST; CAPITAL CONTRIBUTIONS; ACCOUNTING MATTERS

Section 3.01. Member's Interest. The Member, and such Member's Notice Address, and Interest are as set forth below:

<u>Name and Notice Address</u>	<u>Interest</u>
OC3, LLC 140 North 4 th Street Zionsville, IN 46077	100%

Section 3.02. Income Tax Treatment. The Company shall be disregarded as an entity separate from its Member solely for federal and state income tax purposes.

provided in the Act, the Articles of Organization and this Agreement, as amended from time to time. The Member hereby ratifies, confirms and approves in all respects, the acts of the organizer in forming the Company. The Company shall pay all expenses incurred in the organization of the Company.

Section 1.03. Name. The name of the Company shall be OC3, LLC.

Section 1.04. Registered Office and Registered Agent. The name and address of the registered agent of the Company shall be 2700 Market, LLC, located at 2700 Market Tower, 10 West Market Street, Indianapolis, Indiana 46204. The Company may, from time to time, change its registered agent(s) or office(s) through filings with the Indiana Secretary of State (and other states' Secretaries of State, as applicable). In the event the registered agent ceases to act as such for any reason or the registered office changes, the Company shall promptly designate a replacement registered agent or address, as the case may be, and file a statement of change with the Indiana Secretary of State (and other states' Secretaries of State, as applicable). If the Company shall fail to designate a replacement registered agent or office address, the Member may designate a replacement registered agent or office address and file a statement of change with the Indiana Secretary of State (and other states' Secretaries of State, as applicable).

Section 1.05. Term. The term of the Company commenced upon the proper filing of the Articles of Organization with the Indiana Secretary of State, and shall continue until dissolved as herein provided.

ARTICLE II **PURPOSE AND BUSINESS OF THE COMPANY**

Section 2.01. General Purposes. The purpose of the Company is to conduct all activities which are permitted under the Act.

Section 2.02. Authority of the Company. The Company shall have all the powers permitted by law necessary or desirable in carrying out the business of the Company.

ARTICLE III **INTEREST; CAPITAL CONTRIBUTIONS;** **ACCOUNTING MATTERS**

Section 3.01. Member's Interest. The Member, and such Member's Notice Address, and Interest are as set forth below:

<u>Name and Notice Address</u>	<u>Interest</u>
Kristin Marlowe 140 North 4 th Street Zionsville, IN 46077	100%

Section 3.02. Income Tax Treatment. The Company shall be disregarded as an entity separate from its Member solely for federal and state income tax purposes.

2020-06-DSV
M. MARLOWE

Chrissy Koenig

From: Todd Rottmann <todd@rottmanncollier.com>
Sent: Monday, February 24, 2020 11:53 AM
To: Chrissy Koenig
Subject: Continuance request

Please continue our 140 N 4th Street variance until the April 01 meeting date. Thank you.

Todd W. Rottmann, AIA

Registered Architect, Registered Interior Designer, LEED AP
M 317.840.3944

Rottmann Collier Architects, Inc.

155 East Market Street, Suite 200
Indianapolis, Indiana 46204
T 317.721.2724



January 30, 2020

RE: Michael and Kristin Marlowe, 140 North 4th Street
Petition for Variance of Development Standards

We have lived in our house almost 4 years now and love living in the Village. Our family has continued to grow and we need our house to grow too. All bedrooms in the house are being utilized and we do not have a basement, so we are wanting to build a new garage with home office space above and re-purpose the existing garage as a family room. To do so, we need several variances and are writing this letter to explain them.

The first variance we are asking for is to reduce the side yard setback along the northern alley. Our new garage will be 2'-4" from the property line and the minimum distance is supposed to be 5'-0". We have minimized the interior depth of the garage as much as possible to get the greatest setback we can. Unfortunately, our new garage floor will be over 2' higher than the current garage (due to the alley being over 2' higher than our current garage) and we can't utilize part of the existing garage for the new garage. However, this raised garage floor will be very helpful to us as the current garage and house is susceptible to flooding by water running down the driveway towards the garage because it is so much lower than the alley. The problem is enhanced by the alley which also has a significant slope to it for several blocks, and all that water heads down the hill past our driveway which only has a 1 1/2" tall lip.

In regards to water drainage and flooding, this new garage will not contribute more water to the alley than the current condition since there's already an impermeable driveway located where we are putting the new garage. And downspouts will be tied into underground pipes that will exit in a yard drain.

As for precedents for a reduced setback, there are 3 existing garages/accessory buildings in our two block stretch of alley that range from 1'-9" to 4'-10" from the property line. While we are at 2'-4" from the property line, the paved alley is another 3'-1" off the property line, so we will actually be 5'-5" off the alley. Most significantly, the 1939 fire map shows a detached garage located tight to the property line in almost the exact same location where our garage will be located.

The second variance we need is to reduce the aggregate side yards (our two side yards added together). Once again, this relates to the distance from the new garage to the north property line. The combined widths of our north and south side yards is supposed to equal 15'-0" minimum. The south side yard is measured from our back patio, not the house, so that distance is only 5'-0". Combined we have 7'-4" of aggregate side yards.

The final variance we are requesting is for lot coverage. We are requesting 40% which is more than the allowed 35%. We feel this coverage is acceptable for the following reasons: We are not increasing the impermeable area on the site. Only 33% is for the house and garage, the remaining 7% of coverage is for existing outdoor spaces - our front porch and rear patio. There are 23 properties with similar lot coverage in the surrounding blocks, including both of our adjacent neighbors. Our lot size is only 7,421 square feet, but if it were on the 8,000 square foot lot that current zoning requires we would only be at 37% lot coverage. Our proposed home is similar in size to most of our neighbors. Our expansion is towards the alley and not towards any of our immediate neighbors. The new addition will match the style of our existing home. The new addition is 48' from the front property line and 62' from the street, thus not adversely affecting the character on the street.

With all of this in mind, we believe that this new garage not only a necessity for our growing family, but it is also an appropriate addition to our beautiful home. Thank you for your consideration.

Michael and Kristin Marlowe, petitioner/owner
michael.d.marlowe@gmail.com

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

I, TODD ROTTMANN, DO HEREBY CERTIFY THAT LEGAL NOTICE TO THE INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS, to consider the application of Michael and Kristin Marlowe (140 N. 4th St., LLC) requesting variances was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to each of the following property owners at the following addresses:

<u>OWNER:</u>	<u>ADDRESS:</u>
Wayne Allen	PO Box 8, Zionsville, IN 46077
Tim and Robin Browning	415 West Walnut Street, Zionsville, IN 46077
Walnut Street Church, LLC	395 West Walnut Street, Zionsville, IN 46077
Gary and Debbie Forbeck	370 West Poplar Street, Zionsville, IN 46077
Jane Forbes	410 West Poplar Street, Zionsville, IN 46077
Jonathan and Lyndsay Gilman	480 West Poplar Street, Zionsville, IN 46077
Janetta Matesan	485 West Walnut Street, Zionsville, IN 46077

and that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 22nd day of March, 2020, being at least ten (10) days prior to the date of the Public Hearing (copies of the "Receipt for Certified Mail" (white slips) 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).

Todd W. Rottmann *Todd W. Rottmann*

State of INDIANA

County of BOONE

Subscribed and sworn to before me this day of 28 FEBRUARY, 2020.



Christine I. Koenig

CHRISTINE I. KOENIG

Notary Public Signature

Notary Public Printed

My Commission # 654176

My commission expires 6-14-2022

My county of residence is BOONE County.

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To **Wayne Allen**
Street and Apt. No., or PO Box No.
PO Box 8
City, State, ZIP+4®
Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To **Janetta Matesan**
Street and Apt. No., or PO Box No.
485 West Walnut St.
City, State, ZIP+4®
Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To **Jonathan and Lyndsay Gilman**
Street and Apt. No., or PO Box No.
480 West Poplar St.
City, State, ZIP+4®
Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To **Jane Forbes**
Street and Apt. No., or PO Box No.
410 West Poplar St.
City, State, ZIP+4®
Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To **Gary and Debbie Forbeck**
Street and Apt. No., or PO Box No.
370 West Poplar St.
City, State, ZIP+4®
Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To **Walnut Street Church, LLC**
Street and Apt. No., or PO Box No.
395 West Walnut St.
City, State, ZIP+4®
Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

ZIONSVILLE, IN 46077

4928 629 0000 3199 8364
7018 1130 0000 0000 0000

Certified Mail Fee	\$3.55
\$	\$2.85
Extra Services & Fees (check box, add fee)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
\$	\$0.55
Total Postage and Fees	\$6.95
\$	\$6.95



Sent To Tim and Robin Browning
Street and Apt. No., or PO Box No. 415 West Walnut St.
City, State, ZIP+4® Zionsville, IN 46077

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, April 1, 2020 at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following:

Petition No. 2020-06-DSV, Michael and Kristin Marlowe (140 N. 4th St., LLC) to request a Petition for Development Standards variance in order to provide for the construction of an addition to a Single-Family Home which:

- 1) Deviates from the required side and aggregate yard setbacks and
- 2) Exceeds the required lot coverage of 35%, to 40%

in the Urban Residential Village Zoning District (R-V).

The property involved is more commonly known as: 140 North 4th Street, Zionsville, Indiana 46077, and is legally described as:

The north halves of Lots numbered 73 and 74 and the east half of the 10 foot alley adjacent to the north half of Lot numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded in Plat Record 2, Page 1 and 2 in the Office of the Recorder of Boone County, Indiana.

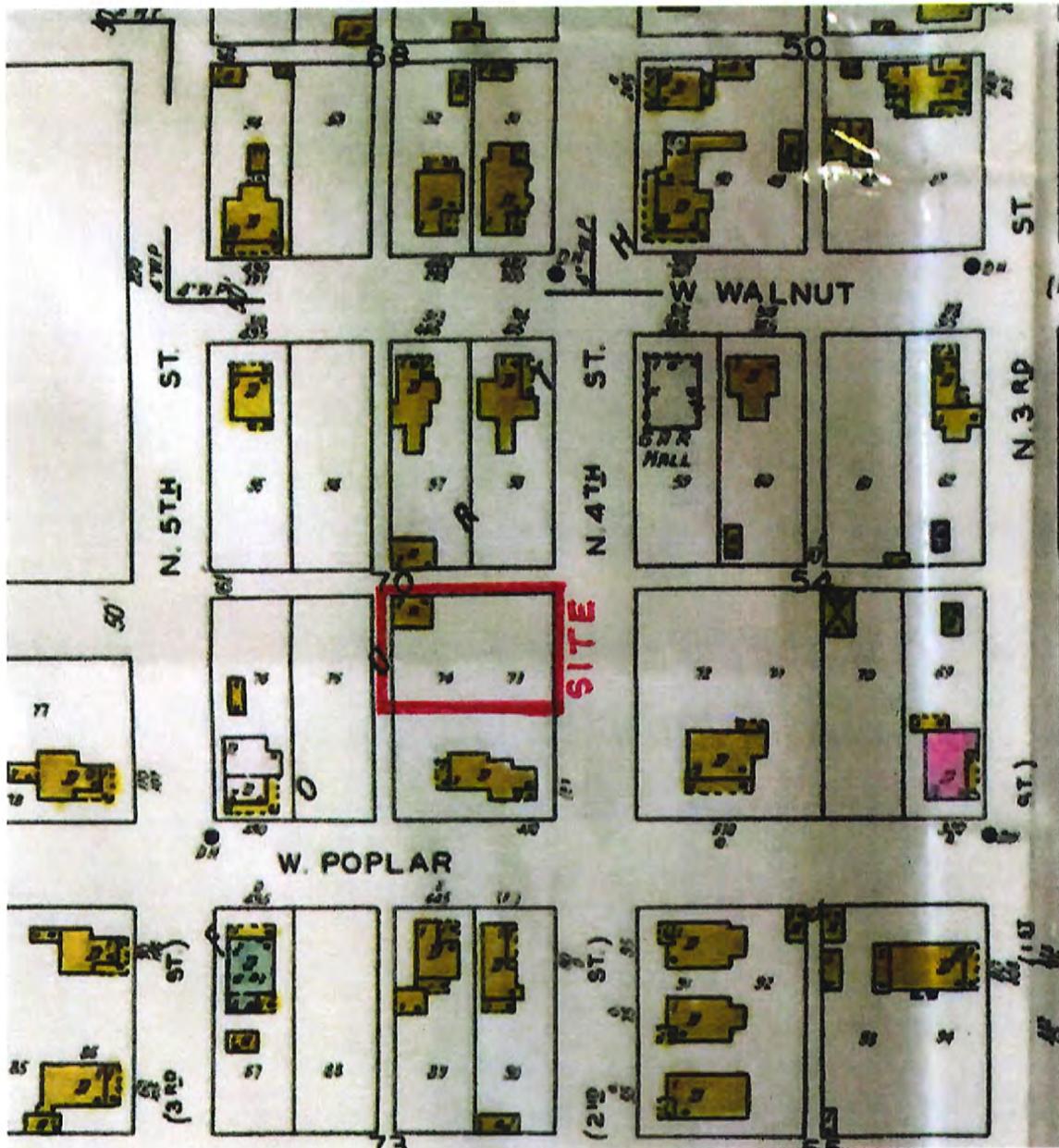
A copy of the Petition for Variance of Development Standards and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for holidays, in the Planning & Economic Development in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077. 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 Variance of Development Standards will be heard at the Public Hearing.

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

If you have a disability which requires special assistance for your participation in the Public Hearing, please provide advance notification to the Technology Department at assistance@zionsville-in.gov or (317) 873-1577 to ensure the proper accommodations are made prior to the hearing.

John Wolf, Chairman

Wayne DeLong, Secretary



1939 MAP



█ Buildings
▬ Parcels

DISTANCE TO PROPERTY LINE

- A 1'-9"
- B 8'-10"
- C 4'-10"
- D 3'-0"

LOT COVERAGE %



Front of house



Back patio



North side of house



Existing garage



View from Fourth Street



Looking west up alley



Neighbor to West



Neighbor two doors West

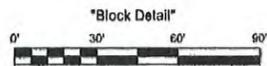
RETRACEMENT SURVEY
140 North 4th Street, Zionsville, Indiana 46077

140 North 4th Street
Zionsville, Indiana 46077

PROJECT LOCATED IN:
SECTION 12 - TOWNSHIP 19 NORTH - RANGE 2 EAST
UNION TOWNSHIP, BOONE COUNTY

PREPARED FOR:
Michael D Marlow & Kristin R Marlow
181 Amazon Place
Columbus, Ohio 43214

1 Rev. - Add west adjointer



Land Surveyor's Report
In direct accordance with the laws governing the State of Indiana, of the United States of America, and following Title 665 State Board of Registration for Land Surveyors, Article 1, General Provisions, Rule 12, Land Surveying: Competent Practice, of the Indiana Administrative Code (IAC), the following table's, opinions, observations, conclusions, and information are hereby submitted for record. The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate. The surveyed premises shown hereon are classified as an Urban Survey, having an acceptable relative positional accuracy of 0.07 feet plus 50 parts per million.

The purpose of this project was to perform and prepare a Retracement Survey on the real estate that has been described hereon, under direction and instructions from the client.

Relative positional accuracy (RPA) means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level. There may be unrecording rights associated with these uncertainties. The amount of uncertainty created by any discrepancies in the lines of occupation is equal to that discrepancy itself and in situations where that uncertainty is less than that of the appropriate RPA, it may have been considered negligible and gone unnoted. Unless otherwise noted or shown on the within survey plat, there is no evidence of occupation along the perimeter lines of the subject real estate.

This plat of survey accurately shows the location of all visible improvements, unless noted otherwise, on the premises as of the date of last field work for this project. Also shown are all lines of occupation and their relationship to the established lines of the subject real estate. A more accurate explanation of these relationships and how they were determined is described within this report. Unless otherwise illustrated hereon, there is no evidence of occupation along the exterior perimeter of the subject real estate.

This plat of survey accurately shows the position of easements, highways, rights of way, restrictions, covenants or other encumbrances of which the Surveyor was informed of. Land Surveyor's within the State of Indiana are not qualified to perform the extensive searches needed to acquire all of those documents or agreements, and they rely upon a Title Company, the client, the client's attorney, or the land owner to provide such information. Observable evidence of these burdens are shown hereon as utility lines or associated improvements, drains, swales, roadways, driveways, paths, etcetera.

Land Survey Markers, or monuments, were either set or found at all corners of the subject real estate, as shown and noted hereon. In situations where the corner is inaccessible or it would not be reasonable to set a monument at a corner, due to terrain or other hindrances, offset monuments may have been set instead, and those have been annotated hereon as well.

There may be differences of deed (D) dimensions versus measured (M) dimensions along the established lines of the subject real estate and likewise, there may be found survey markers near, but not precisely at, some established corners. In cases where the extent of these differences are less than the stated RPA, and less than the uncertainty recognized with regard to any reference monuments used for this project, those differences may be considered insignificant and have been shown only for the purposes of mathematical closure. Conversely, any differences that may exceed the stated RPA and other uncertainties are considered significant and have been discussed further below.

The Theory of Location applied for this project is as follows:
The basis of bearings for this project is the north line of the subject real estate, also being the same as above described Lots 73 and 74, having an assumed bearing of North 89 degrees 16 minutes 49 seconds East.

It is this Land Surveyor's professional opinion that the cause and the amount of uncertainty in these lines and corners is due to the following:

(A) Availability and condition of reference monuments
Various survey monuments were found throughout the block of Poplar, 4th, Academy and 5th Streets. Their relation to the boundary corners are shown hereon.

Said monuments were found of various shapes (iron pins, rods, pipes & rebar) with various survey firm identification. It was noticed that some of the points measured well east to west compared to plat dimensions. Some points measured closer to a suggested proration of distances. With only current available evidence, streets, curb, asphalt, walks it is challenging to determine the exact location of the original location of lots within the said block, together with survey monuments of varying dimensions between. There were two unknown identification survey markers set in the apparent centerline of the western alley of the subject tract. Most all survey markers worked well with plat dimension east to west near the subject real estate when using these points. It was noticed that where survey measured were over two foot east/west from a corner, a proration of distance may have been considered.

It was generally agreed amongst all survey markers and street, asphalt, curb and walk locations that a proration was held north to south. The overall block north to south measured approximately 3.2 feet longer than plat dimensions.

The amount of uncertainty created by the controlling monuments and any other monuments shown hereon is equal to 0.1 to 2.8' east to west, 0.1' to 0.6' north south.

(B) Occupation or possession lines
- A fence was found along the western lot line and was found to vary from 0.9' west to 2.8' west. A placement of bricks were found to be 3.5' to 3.8' feet west of the west line.
- Fences of unknown ownership were found to vary from 4.5' to 0.3' north of the south line.
- The amount of uncertainty created by these discrepancies is equal to 0.9' to 3.8' feet east to west and 0.5' to 4.5' north to south.

(C) Clarity or ambiguity of the record description used and of adjoiner's descriptions and the relationship of the lines of the subject tract with adjoiner's lines
- The amount of uncertainty created by the record descriptions for the premises is none.
- No gaps or overlaps in title or deed lines were discovered during this survey.

(D) The relative positional accuracy of the measurements
- This survey meets or exceeds the requirements set forth by the State of Indiana.

Land Surveyor's Notes
Any underground utilities depicted on the attached plat of survey have been located per visual observations or utility markings on the ground. No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to its fitness for any particular purpose or use. In no event will SEA Group, its employees, agents, and/or assigns, be held liable for any damages arising out of the furnishing and/or use of such information. The path of the utility lines shown on said plat of survey should be considered approximate until they are either relocated, by calling the Indiana Underground Plant Protection Agency at 1-800-362-8544 or until they are excavated to verify the location and path of the utility lines.

No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information provided by governmental authorities and/or third parties, or as to its fitness for any particular purpose or use, including but not limited to information presented on zoning, setback requirements, flood hazard zones and wetlands area(s). In no event will SEA Group, its employees, agents, and/or assigns, be held liable for any damages arising out of the furnishing and/or use of such information.

Any depiction of possible intrusion, trespass, invasion, and/or possible encroachment into the possessions or rights of another is not a matter of survey. An attorney and/or title company should be consulted in all matters with respect to any rights of possession(s) and matters of title.

Along any line where a deed gap or overlap or inconsistency in line of occupation occurs, unrecording rights may be available to the subject and/or the adjoining real estates.

Flood Information Note
Flood status information was obtained using Flood Insurance Rate Maps (FIRM) provided by the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), on their website, located at <http://msc.fema.gov>.

The Subject Real Estate described hereon was mathematically calculated and scaled on the FIRM Maps of Boone County, Indiana, Map Number 18011C0334E, dated January 18, 2012, and was found to be located in Flood Zone "X", being within Community Panel Number 180016.

The accuracy of any flood hazard data shown on this Land Survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. This certification is restricted to a review of the FIRM noted above and shall not be construed as a confirmation or denial of flooding potential.

Title Insurance Company Commitment Note
Evidence of source of title for the subject tract was provided by Enterprise Title Company, having a Title Commitment Number of 201634048 and is dated effective May 03, 2016 at 8:00 AM. Survey-related exceptions that were disclosed within Schedule B of said title commitment have been depicted on the survey, each being identified by their recording date.

Notes on those survey related exceptions with regard to the Subject Real Estate:
None

Current ownership for the Subject and Adjoining real estates are shown per County Assessor records, and any documents listed hereon can be obtained from the County Recorder's Office.

State Of Indiana Required Statements For Recordation
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, Brian C. Rismiller.

This document was prepared by Brian C. Rismiller.

Certificate of Land Survey
This Land Survey, prepared by SEA Group Land Surveyors, is hereby certified to the following:

To: Joshua G Harber, and Rebecca L Harber; Kristen Marlow; Enterprise Title (201634048); Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were executed, performed and prepared under my direct supervision and that to the best of my knowledge, information and belief was gathered in accordance with the current minimum standards for competent practice of land surveying, as established by Rule 12 of Article 1 within Title 665 of the Indiana Administrative Code for the type of survey that has been indicated herein. This certification is made with respect to the real estate described hereon as of the date of last fieldwork and in effect on the date of this certification. The undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Indiana, the Relative Positional Accuracy of this survey does not exceed that which is specified therein. Field work was completed on May 24, 2016.
Date of Plat or Map: June 8, 2016

Brian Rismiller
Brian C. Rismiller
Registered Land Surveyor of the State of Indiana
Registration Number LS2020083



Land Description
The north halves of Lots numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.

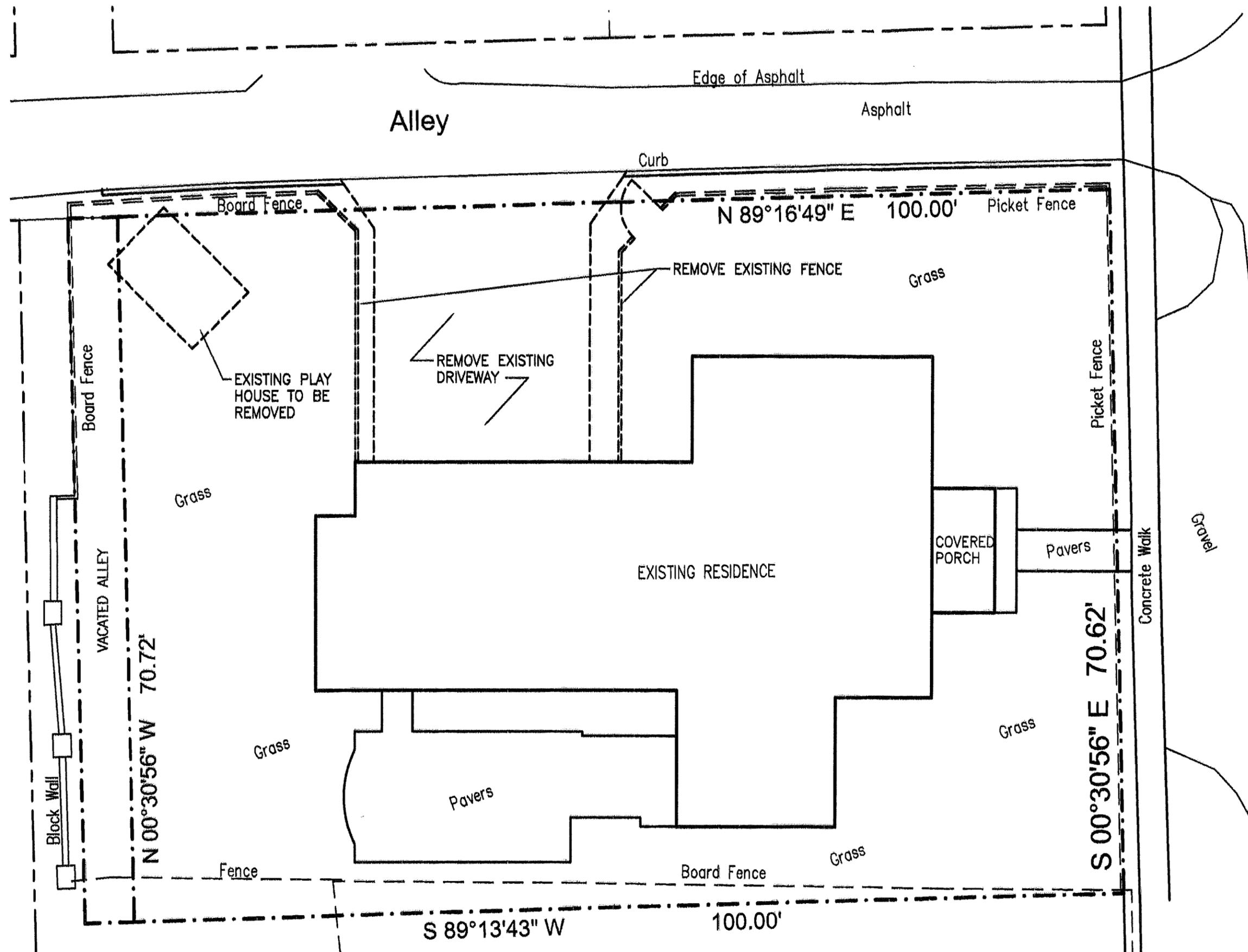
ALLEY LAND DESCRIPTION:
The east half of the 10 foot alley adjacent to the north half of Lot numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.



DRAWING LEGEND

- 3/4" Deep Rebar Set
- Spray Rebar Form
- Existing Wood Fence
- Existing Steel Fence
- Existing Iron Fence
- A.S.E. - Right of Way Certificate
- A.S.L. - Adjoining Sublot Line
- Easement Line
- Red Utility Lines
- Spray Boundary Line

Survey Reviewed By:	BCR
Survey Drawn By:	Br
Field Work Performed:	5/23/2016
Survey Printed:	6/28/2016
Referenced:	
Project Number:	R16-1651
Survey Page:	1 of 1



Fourth Street (50' R/W) (aka Second Street per Plat)



MARLOWE RESIDENCE

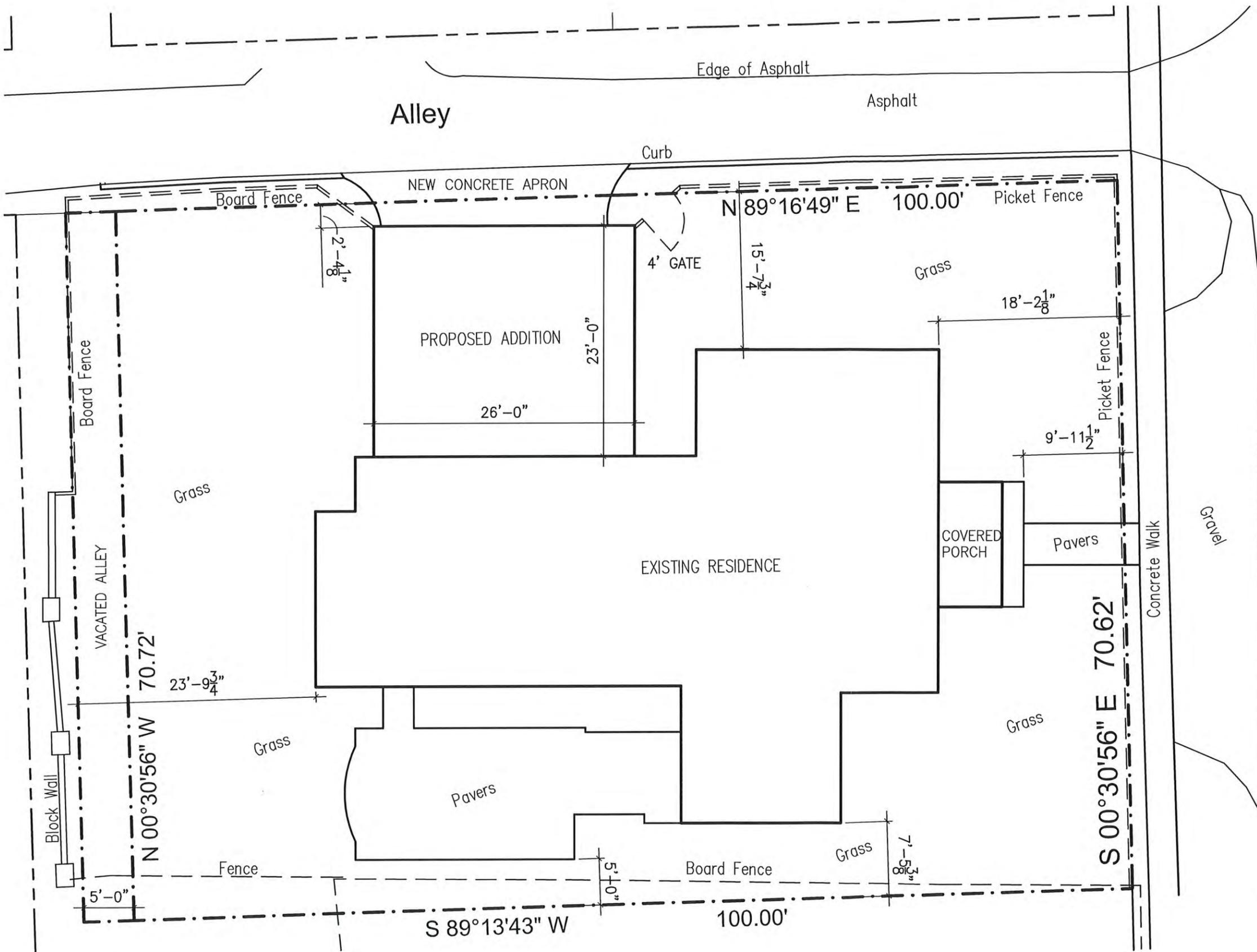
25 JANUARY 2020



EXISTING SITE PLAN



ROTTMANN | COLLIER
ARCHITECTS



LOT COVERAGE

LOT SIZE: 7,421 SF

EXISTING LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE = 2,467 SF

2,467 SF / 7,421 SF = 33.2% LOT COVERAGE

PROPOSED LOT COVERAGE: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION = 2,969 SF

2,969 SF / 7,421 SF = 40.0% LOT COVERAGE

IMPERMEABLE AREA

EXISTING: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 96 PLAYHOUSE + 562 DRIVEWAY + 42 FRONT WALK = 3,071 SF

PROPOSED: 1,885 HOUSE + 106 FRONT PORCH + 380 REAR PATIO + 598 ADDITION + 62 DRIVEWAY + 42 FRONT WALK = 3,073 SF

ACCESSORY USE AREA

DWELLING: 2,768 EXISTING + 618 GARAGE CONVERSION = 3,386 SF

ACCESSORY: 598 NEW GARAGE + 413 OFFICE OVER GARAGE + 80 COVERED FRONT PORCH = 1,091 SF

1,091 / 3,386 = 32.2% ACCESSORY USE

Fourth Street (50' RW) (aka Second Street per Plat)



MARLOWE RESIDENCE

19 MARCH 2020

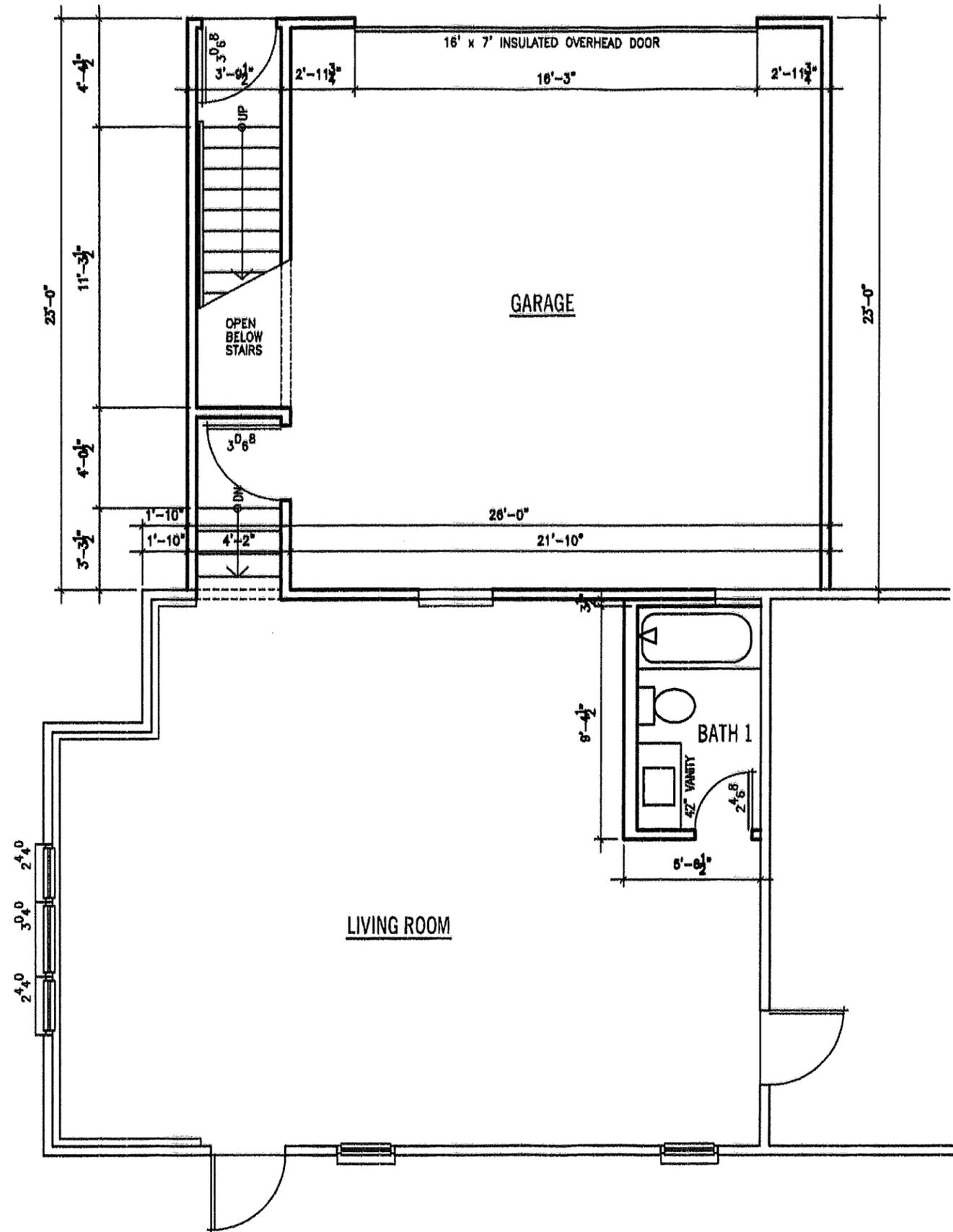


PROPOSED SITE PLAN



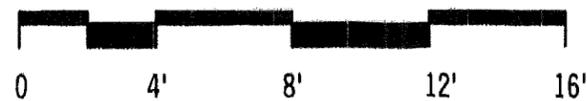
ROTTMANN | COLLIER
ARCHITECTS





MARLOWE RESIDENCE

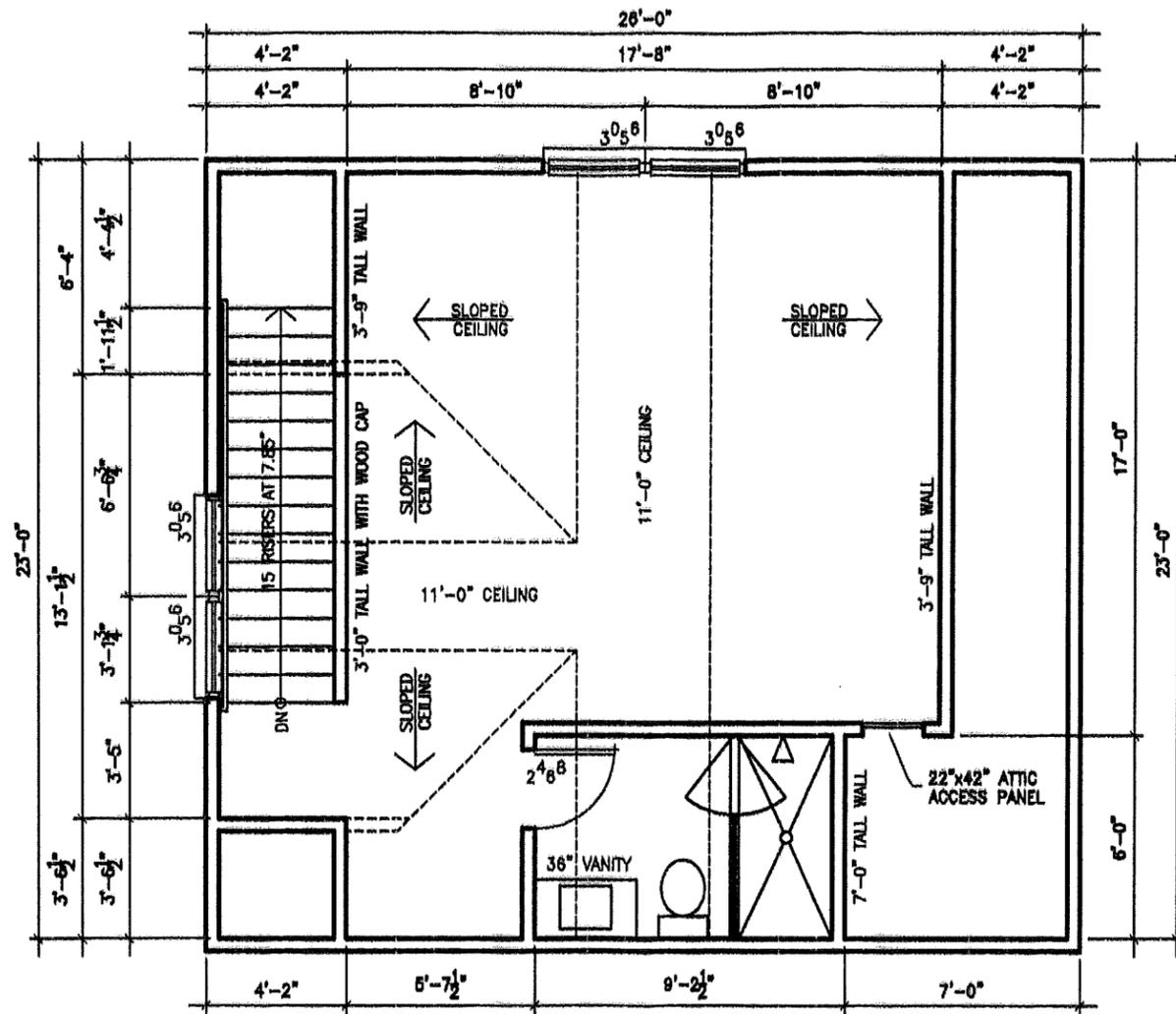
25 JANUARY 2020



FIRST FLOOR PLAN

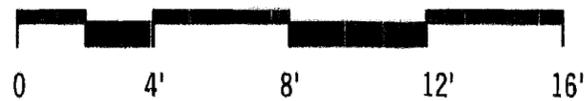


ROTTMANN | COLLIER
ARCHITECTS



MARLOWE RESIDENCE

25 JANUARY 2020



SECOND FLOOR PLAN



ROTTMANN | COLLIER
ARCHITECTS



MARLOWE RESIDENCE

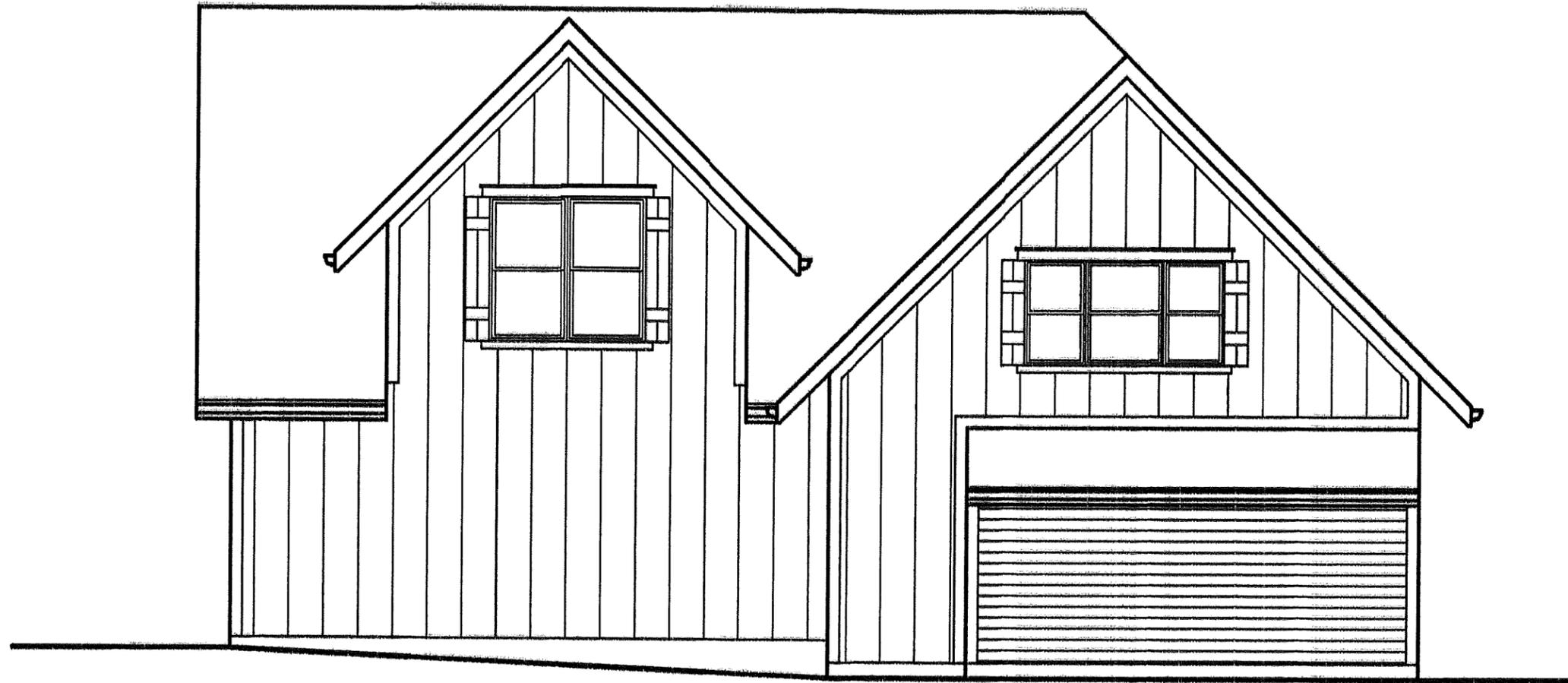
25 JANUARY 2020



NORTH ELEVATION

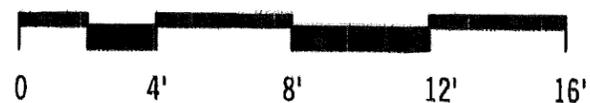


ROTTMANN | COLLIER
ARCHITECTS



MARLOWE RESIDENCE

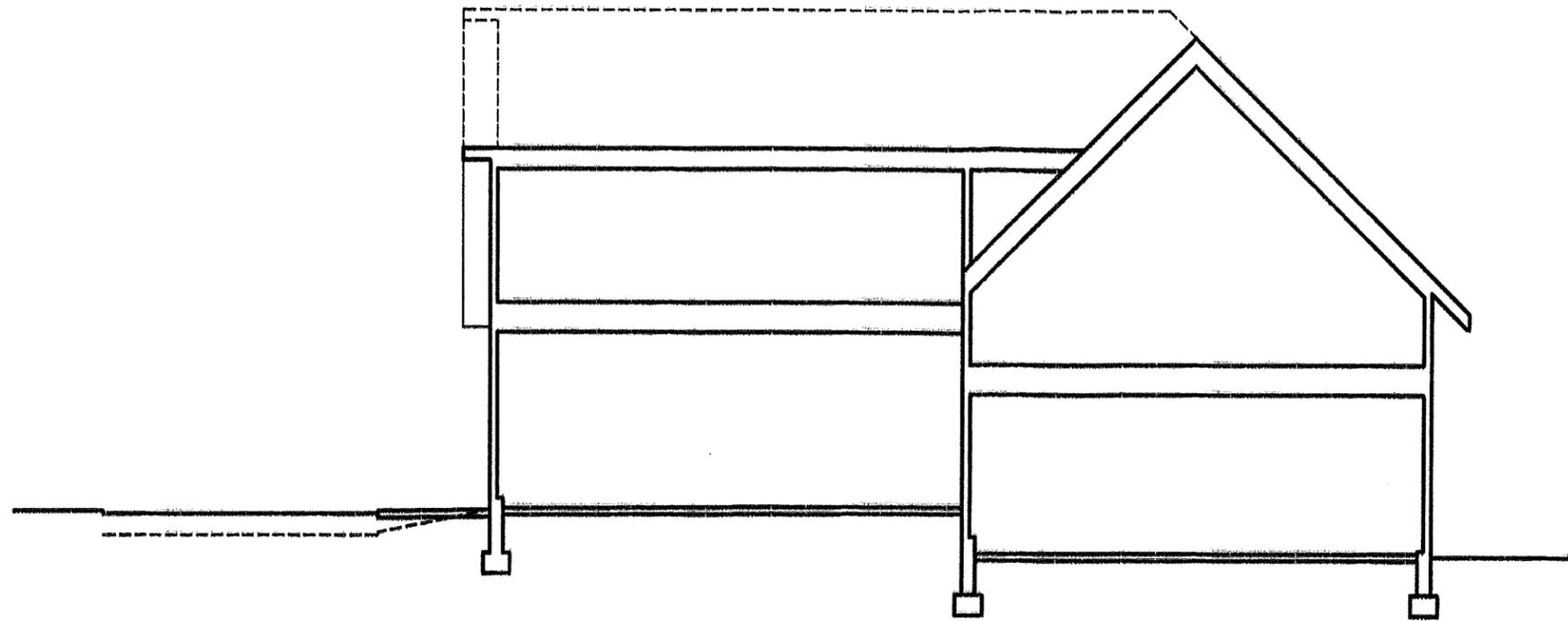
25 JANUARY 2020



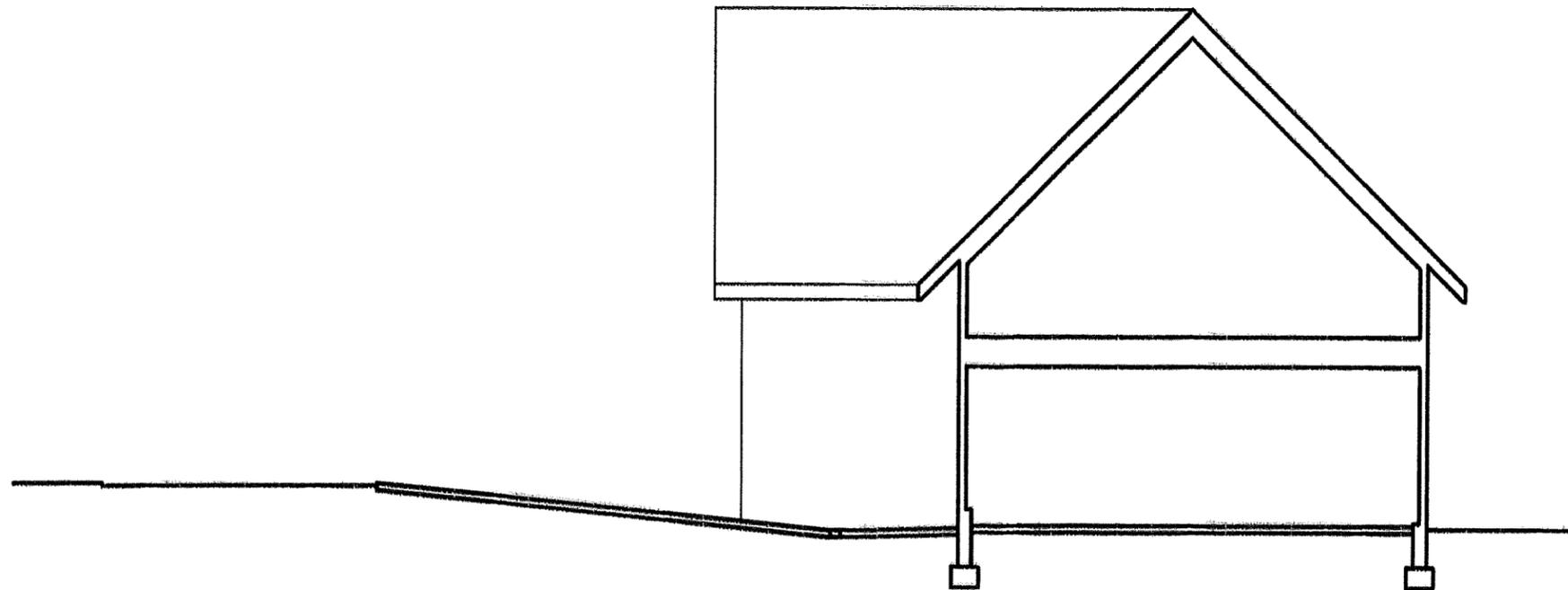
WEST ELEVATION



ROTTMANN | COLLIER
ARCHITECTS



PROPOSED

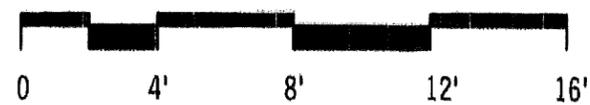


EXISTING



MARLOWE RESIDENCE

25 JANUARY 2020



CROSS SECTIONS



ROTTMANN | COLLIER
ARCHITECTS

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the impermeable area is not being increased, only 33% of the lot coverage is for buildings as the rest is all outdoor space, several garages/accessory buildings along the alley have similar setbacks, the expansion is towards the alley and not the street, the new addition is 48' from the front property line and 62' from the street, and the project will increase the value of this property.
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 67% of the property is open space, the expansion is towards the alley and not towards any neighbor's property, the proposed home is similar in size to the neighbors, the new addition matches the existing home in style, the impermeable area will not increase and water from gutters is handled internally with yard drains, and the project will increase the value of this property.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because the current garage and house are susceptible to flooding, the growing family needs more living space, historically there was a garage tight to the property line at this location, other neighbors enjoy similar setbacks and home sizes, and the grade change does not allow part of existing garage to be used for new garage (therefore the distance to the property line is determined by the depth of a usable garage).

DECISION

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

Adopted this _____ day of _____, 20____.



Petition Number: 2020-07-DSV

Project Address: 10615 Zionsville Road

Project Name: Hotel Tango

Petitioner: Joseph Lese, Progress Studio

Request: Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces in the Urban General Business District (B-2) and utilizing the existing landscaping.

Current Land Use: Commercial Center

Approximate Acreage: 1.351± Acres

Zoning History: None; No previous Plan Commission or Board of Zoning Appeals actions for this site.

Exhibits:
Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioner’s Narrative and Parking Calculations
Exhibit 4 – Proposed Building Renderings and Elevations
Exhibit 5 – Proposed Site Plan
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 April 1, 2020, Board of Zoning Appeals meeting. A Petition for Development Plan Approval has been filed with the Planning Department and is scheduled to be heard by the Plan Commission at their April 20, 2020, hearing.

PROPERTY LOCATION, ZONING CLASSIFICATION & PROJECT DESCRIPTION

The subject site is located on the east side of Zionsville Road approximately 850 feet south of 106th Street (location of the former Pizza King Restaurant and Village Station Pub). The subject site is 1.351± acres and has been improved with the existing integrated commercial center. Adjacent to the subject site:

- north, east, and south: undeveloped properties (all zoned PUD as a part of the DOW PUD);
- west: by the Taylor Oil facility (zoned B-2); residential and undeveloped property (zoned R2).

The Petitioner proposes to renovate the existing integrated commercial center with a new building façade, the addition of a “Smart Pergola” for 4-season use, outdoor seating area with a fireplace, new trash enclosure, new wall signage, replacement signage on the existing pole sign, and a restriped parking lot. The existing “Positively Canine” facility will remain, and the space previously occupied by the former restaurant and tavern will be combined into one operation providing both restaurant and tavern service lines.

ANALYSIS - VARIANCE REQUEST

While reviewing the submitted Development Plan Approval Petition, it was determined that the subject site and proposed re-development would not be able to provide the required amount of off-street parking spaces for the two proposed uses (the existing pet care facility and the contemplated restaurant & tavern. As such, the Petitioner requests the following Development Standards Variance from the Urban Off-Street Parking Regulations (§194.105):

1. **Variance of Minimum Number of Off-street Parking Spaces (§194.105(E)):** This development standard establishes the minimum number of required off-street parking spaces based upon the use. The existing use of the subject site is an integrated commercial center, with the proposed uses being the existing “Doggy Daycare” (7,665 sq. ft.) and the restaurant & tavern use (4,120 sq. ft. - includes the proposed “Smart Pergola”). The development standard of required off-street parking for this integrated commercial center is “four (4) parking spaces for each 1,000 square feet of gross leasable floor area shall be required.” However, an additional requirement for the restaurant & tavern that this use “shall provide parking spaces as required for the individual use by this Section and such of the gross leasable area calculation of the integrated center.”

Utilizing these development standards, the proposed development would be required to provide a total of 86 off-street parking spaces. The breakdown is:

Existing Doggy Daycare of 7,665 sq. ft. @ 4 spaces per 1,000 sq. ft. = 31 required parking spaces.

Proposed restaurant & tavern of 4,120 sq. ft. @ 1 space per 75 sq. ft. = 55 required parking spaces.

Total Parking Spaces Required: 31 + 55 = 86 required parking spaces.

If the Petitioner’s variance request is granted, the Petitioner would be providing a total of 66 parking spaces for the integrated center. Petitioner notes that the normal business hours for the existing Doggy Daycare facility is 7:00 am to 7:00 pm., with the peak demand for evening parking needed by the Doggy Daycare overlapping with the operating hours of the proposed tavern for brief periods of time. This late afternoon/early evening overlap is the only time of day when the parking for the individual uses would need to be shared. Anticipating that the parking time needed for the individual patrons of the Doggy Daycare use would be brief, the conflict created by the overlapping times should be minimal.

With this in mind, Staff is supportive of the requested Development Standards Variance for the reduced number of off-street parking spaces for the integrated center as depicted on the Site Plan filed in Docket #2020-07-DSV (Exhibit 5). Note, a change in occupancy of the tenant space's within this commercial center, or hours of operation, could require additional consideration of variance relief due to specific parking needs of future tenants.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION SEEKING APPROVAL

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:*

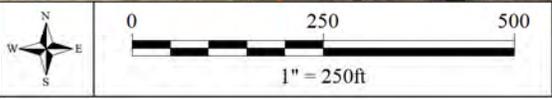
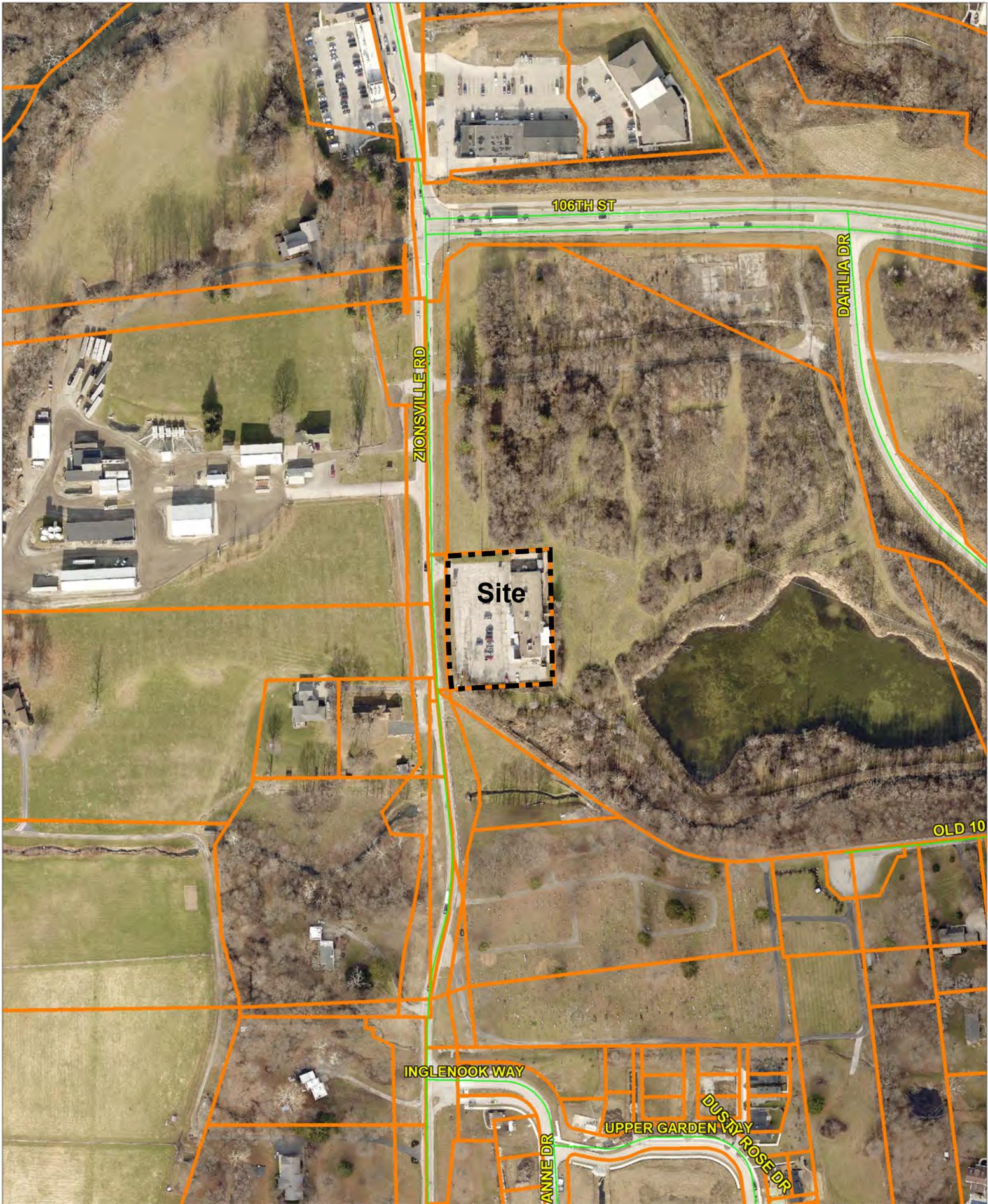
Proposed Findings of Fact from the Petitioner for the requested Variance are attached for the Board of Zoning Appeal's consideration (Exhibit 6).

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Development Standards Variance for Development Standards Variance for the reduced number of off-street parking spaces for the integrated center as depicted on the Site Plan filed in Docket #2020-07-DSV (Exhibit 5), subject to the condition that the adjoining tenant space not intensity in occupancy nor have hours of operation which conflict with the peak demand for parking in the commercial center as established by the restaurant & tavern occupancy.

RECOMMENDATION MOTION

I move that Docket #2020-07-DSV, being a Development Standards Variance for the reduced number of off-street parking spaces for the integrated center as depicted on the Site Plan filed in Docket #2020-07-DSV (Exhibit 5), be (Approved as filed, based upon the findings of fact and subject to the proposed Commitments / Denied / Continued) as presented.



Hotel Tango - Location Map - Exhibit 2

Existing Parking Space Analysis of 10615 Zionsville Road
February 8, 2020

Parking Requirements listed from 192.105 Table 9:

Existing Building Square Footage: 11,103 square feet

Existing North Tenant (Doggy Daycare):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern/Pizza King):	3,438 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	46
Total Existing Parking Space Requirement:	77 spaces

While the existing parking lot is unstriped, we determine that in order to maintain proper circulation aisles, fire truck access and loading areas, that the existing site could only support 71-73 spaces

Proposed Development Plan

Existing Building Square Footage: 11,103 square feet

Exterior Pergola Addition: 682 square feet

Total proposed building area under roof: 11,785 square feet

Existing North Tenant (Doggy Daycare – no change):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern):	3,438 square feet
South Tenant Addition (Tavern)	682 square feet
Total New South Tenant area:	4,120 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	55

Total New Parking Space Requirement: 86 spaces

Proposed Parking Space: 66 spaces

The existing observations of parking space volume experienced at the project location for the doggy daycare use (Positively Canine) has been approximately 10 spaces at normal business hours. It is expected pick-up hours would increase the number of parked cars for a short duration while people pick up their pets. It is observed that Positively Canine operates from 7am to 7pm.

The former tavern and restaurant are similar uses to what is being proposed as part of this site development plan for Hotel Tango to consolidate the existing uses into a similar space, while expanding to the south with a 4-season pergola structure. The expansion does increase the parking space requirement by ten (10) spaces.

However as mentioned above, it is recognized that peak parking needs for Positively Canine will be in short bursts, but are generally taking up approximately ten (10) spaces for staff and guests in an average hour. Hotel Tango's business hours do overlap operational hours in the evening, however, will be experiencing peak number of visitors after Positively Canine closes for the day. This in turn provides a surplus of parking in which Hotel Tango guests may use the available parking spaces. As the needs flex throughout the day and evening, the recognized required spaces of 55 for Hotel Tango's use would be well provided by the 66 spaces allocated to the center, while at the same time providing sufficient parking spaces for Positively Canine during the day as well as peak times for drop-off and pick-up time slots prior to the end of their business hours at 7pm.

We also believe that 66 parking spaces provides sufficient circulation space for deliveries and emergency vehicle access on the north and south sides of the site so in the event of an emergency, parked vehicles will not be blocking access to emergency personnel.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joseph Lese', with a stylized flourish extending to the right.

Joseph Lese, AIA, NCARB, LEED AP
Progress Studio

PROGRESS STUDIO, LLC
5915 N. College Ave, Suite 313
317.928.1100 | 46250
www.progressstudio.com

IN ASSOCIATION WITH

(CONSULTANT LOADS OR ADDRESSES)

(CLIENT LOGO)

PREPARED FOR

**Jackson Investment
Group / Forza**

500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

**Hotel Tango Tasting
Room**

10615 Zionsville Rd,
Zionsville, IN 46077

CERTIFICATION

NO.	DATE	DESCRIPTION
00000001	02/09/2024	ZIONSVILLE SUBMITTALS
00000002	03/03/2024	PERMANENT REVIEW SET
00000003	03/20/2024	ISA 2/24/24 LP DATES

DRAWN BY:
Author

REVIEWED BY:
Chris

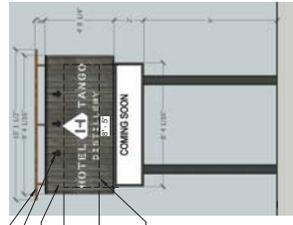
PROJECT NUMBER: 10003

SHEET TITLE

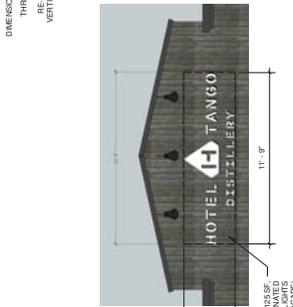
**EXTERIOR
ELEVATIONS AND
SIGNAGE**

SHEET NUMBER

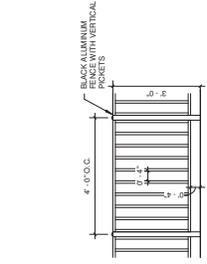
A402



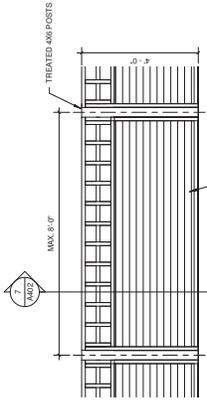
8 PYLON SIGN
1/4" = 1'-0"



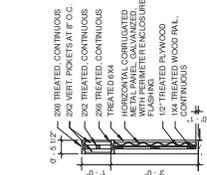
8 BUILDING SIGN
1/4" = 1'-0"



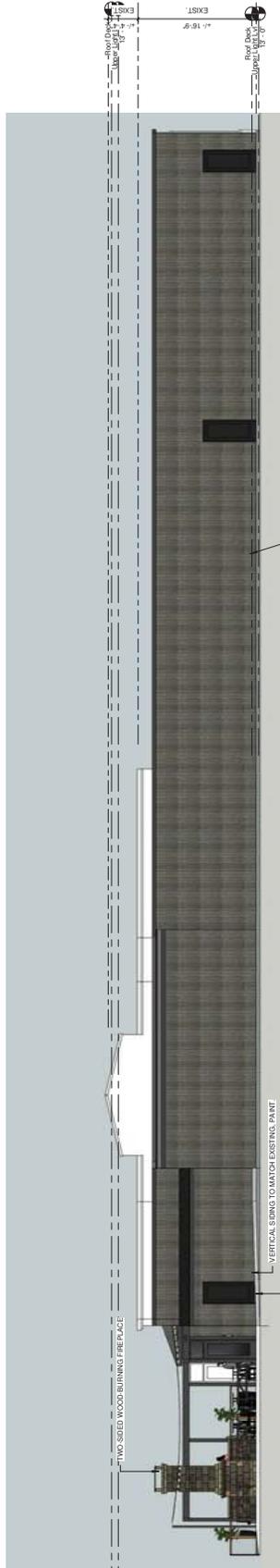
6 OPEN RAILING ELEVATION
1/2" = 1'-0"



6 CLOSED RAILING ELEVATION
1/2" = 1'-0"



7 CLOSED RAILING SECTION
1/2" = 1'-0"



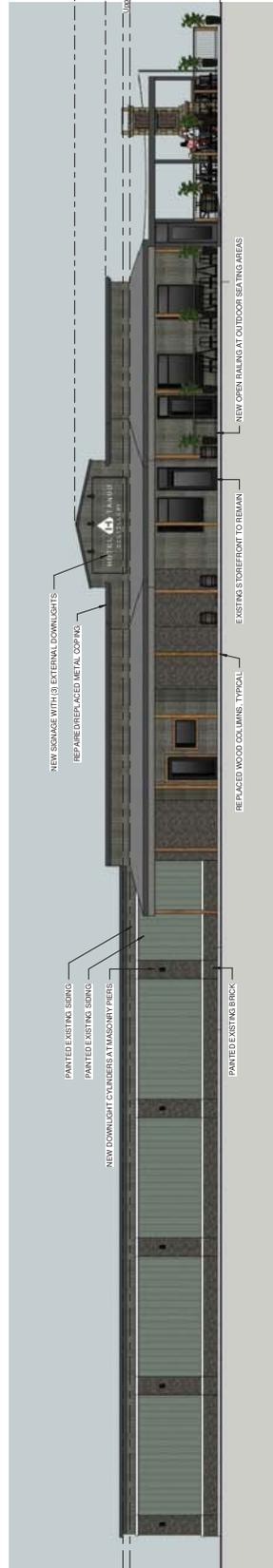
4 EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



1 WEST ELEVATION
1/8" = 1'-0"

**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 existing parking space needs of the canine daycare and tavern operate generally at opposite times of the day, and the existing uses of the canine daycare and tavern/restaurant will be nearly identical to the proposed plans. While the existing parking lot is not striped, we calculate an existing condition less than what is already required. The grant will actually improve wayfinding, provide clear paths for emergency vehicles and personnel to serve the facility in an emergency, and not overpark the site unnecessarily.

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 grant would not change the existing paved area from what exists today, and the grant would make possible an overall improvement in the exterior appearance by dressing the parking lot with pavement repairs and striping, which provides a basis for the overall building improvements. Providing this grant would stabilize the property and improve the values of surrounding properties.

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

the consolidation of the tavern and restaurant into one tavern that serves food is effectively the same use that exists today, and a variance would still be required even if the addition was not part of the equation in order to bring the site into compliance. Also, the canine daycare use operates mostly outside the operating hours of the tavern, where customers would not be competing for the same parking spaces as they are generally parking for a short duration to pick up or drop off their pets.

The existing size of the existing parking lot does not allow for the required number of parking spaces without compromising loading, service, and emergency vehicle access. The need for the variance maintains the extent and size of the parking lot without eliminating perimeter landscaping and maintains the amount of impervious area that exists today, while providing ordinance-compliant parking space size and drive aisle widths.

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 # 2020-07-DSV

1. SITE INFORMATION:

Address of Property: 10615 Zionsville Road
Existing Use of Property: Canine Daycare, Tavern, and Restaurant
Proposed Use of Property: Canine Daycare and Tavern
Current Zoning: B-2 Area in acres: 1.351

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Joseph Lese, Progress Studio
Owner Name (if different from Petitioner): Bart Jackson, South Village Station, LLC
Petitioner Address: 5915 N. College Ave. #213, Indpls., IN 46220 Owner Address: _____
Petitioner Phone Number: 317-978-1100 Owner Phone Number: _____
Petitioner E-Mail Address: joseph.lese@theprogressstudio.com Owner E-Mail Address: bjackson@jacksonig.com

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

Attorney/Contact Person:

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

Project Engineer:

Name: Aaron Hurt, Civil and Environmental Consultants, Inc.
Address: 530 E. Ohio St. Suite G, Indpls., IN 46204
Phone Number: 317-655-7777
E-Mail Address: ahurt@cecinc.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
195.105 Table 9: Seeking to provide 66 parking spaces, less than the 86 spaces calculated by Zionsville staff based upon the existing canine daycare use (4 per 1,000sf, or 31 spaces) and tavern (1 per 75sf or 55 spaces). While the expansion adds approx. ten (10) spaces, we determine the parking lot is already in non-compliance and would be difficult to provide 77 spaces.
Please see attached description for existing versus new analysis.

5. ATTACHMENTS:

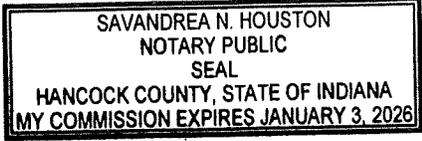
- Legal description of property
- Owner's Authorization (if Petitioner is not the Owner)
- Statement of Commitments (if proposed)
- Application Fee
- Proof of Ownership (copy of Warranty Deed)
- Site Plan & Exhibits
- Draft of Proposed Legal Notice
- Draft of Proposed Findings of Fact

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: [Signature] Date: 2/10/2020

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

State of Indiana)
County of Hancock) SS:



Subscribed and sworn to before me this 10th day of February, 2020.

[Signature]
Notary Public Signature

Savandrea Houston
Notary Public Printed

My Commission No: _____

My Commission Expires: January 3, 2026

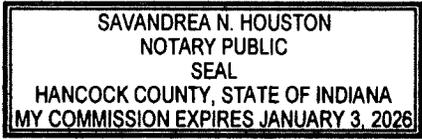
My County of Residence is Hancock County

OWNER'S AUTHORIZATION

The undersigned, SOUTH VILLAGE STATION LLC / MATTHEW L. STICKSON, being the owner of the property commonly known as 10615 ZIONSVILLE RD., hereby authorizes JOSEPH LESE / PROGRESS STUDIO to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: [Handwritten Signature]
Printed: MATTHEW L. STICKSON
Title: Proprietor

State of Indiana)
County of Hancock) SS:



Subscribed and sworn to before me this 10th day of February, 2020.

[Handwritten Signature]
Notary Public Signature

Savandrea Houston
Notary Public Printed

My Commission No: _____
My Commission Expires: January 3, 2026
My County of Residence is Hancock County

Existing Parking Space Analysis of 10615 Zionsville Road
February 8, 2020

Parking Requirements listed from 192.105 Table 9:

Existing Building Square Footage: 11,103 square feet

Existing North Tenant (Doggy Daycare):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern/Pizza King):	3,438 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	46
Total Existing Parking Space Requirement:	77 spaces

While the existing parking lot is unstriped, we determine that in order to maintain proper circulation aisles, fire truck access and loading areas, that the existing site could only support 71-73 spaces

Proposed Development Plan

Existing Building Square Footage: 11,103 square feet
Exterior Pergola Addition: 682 square feet
Total proposed building area under roof: 11,785 square feet

Existing North Tenant (Doggy Daycare – no change):	7,665 square feet
Existing Doggy Daycare parking need based upon 4 spaces per 1,000sf:	31
Existing South Tenant (Tavern):	3,438 square feet
South Tenant Addition (Tavern)	682 square feet
Total New South Tenant area:	4,120 square feet
Existing South Tenant parking need based upon 1 space per 75sf:	55
Total New Parking Space Requirement:	86 spaces
Proposed Parking Space:	66 spaces

The existing observations of parking space volume experienced at the project location for the doggy daycare use (Positively Canine) has been approximately 10 spaces at normal business hours. It is expected pick-up hours would increase the number of parked cars for a short duration while people pick up their pets. It is observed that Positively Canine operates from 7am to 7pm.

The former tavern and restaurant are similar uses to what is being proposed as part of this site development plan for Hotel Tango to consolidate the existing uses into a similar space, while expanding to the south with a 4-season pergola structure. The expansion does increase the parking space requirement by ten (10) spaces.

However as mentioned above, it is recognized that peak parking needs for Positively Canine will be in short bursts, but are generally taking up approximately ten (10) spaces for staff and guests in an average hour. Hotel Tango's business hours do overlap operational hours in the evening, however, will be experiencing peak number of visitors after Positively Canine closes for the day. This in turn provides a surplus of parking in which Hotel Tango guests may use the available parking spaces. As the needs flex throughout the day and evening, the recognized required spaces of 55 for Hotel Tango's use would be well provided by the 66 spaces allocated to the center, while at the same time providing sufficient parking spaces for Positively Canine during the day as well as peak times for drop-off and pick-up time slots prior to the end of their business hours at 7pm.

We also believe that 66 parking spaces provides sufficient circulation space for deliveries and emergency vehicle access on the north and south sides of the site so in the event of an emergency, parked vehicles will not be blocking access to emergency personnel.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joseph Lese', written in a cursive style.

Joseph Lese, AIA, NCARB, LEED AP
Progress Studio

PETITION TO BOARD OF ZONING APPEALS PROCEDURES AND REQUIREMENTS:

SUBMISSION OF PETITION TO BOARD OF ZONING APPEALS:

1. A complete Petition to the Board of Zoning Appeals must be submitted by **3:00 p.m.** a minimum of 30 days prior to the initial hearing before the Board of Zoning Appeals.
2. Only complete Petitions will be docketed for the next Board of Zoning Appeals meeting. If a Petition is incomplete 30 days prior to the initial hearing before the Board of Zoning Appeals, the Petition will not be docketed until the Petitioner submits a complete Petition.
3. The following information must be submitted with the notarized Petition:
 - Legal description of property (Metes and bounds description must include perimeter survey, drawn to scale / Recorded subdivision legal description must include lot number, section number, subdivision name, either the plat book number with page number or the recorded instrument number and a copy of the plat map.)
 - Proof of Ownership (copy of Deed)
 - Owner's Authorization (if Petitioner is not the Owner)
 - Site Plan & Exhibits
 - Draft of proposed Legal Notice
 - Statement of Commitments (if proposed)
 - Proposed Findings of Fact
 - Application Fee: \$ 675.00 (Make checks payable to the Town of Zionsville)

PUBLIC HEARING NOTIFICATION:

Notice of Public Hearing before the Board of Zoning Appeals is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Board of Zoning Appeals. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

1. Approval of Notice: The Petitioner shall submit a proposed Notice of Public Hearing with its Petition for review and approval by the Secretary of the Board of Zoning Appeals.
2. Notice by Publication: Petitioner shall submit the approved Notice of Public Hearing in a newspaper of general circulation to be published at least 10 days prior to the Public Hearing. **The Petitioner shall bear the cost of publishing the Legal Notice.** The Secretary of the Board of Zoning Appeals will provide the Petitioner with the filing and publication deadlines for the Legal Notice.
3. Notice by Mailing: The Petitioner is to send the approved Notice of Public Hearing to each Interested Party via certified mail-return receipt requested at least ten (10) days prior to the Board's Public Hearing. Generally, all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area included in the Petition are to be notified. Please review the Zoning Ordinance and Rules of Procedure of the Board of Zoning Appeals to ensure that proper notification is given. The names and addresses of Interested Parties should be obtained from the Boone County Auditor's Office.
4. Affidavit of Notice: At least three (3) days prior to the Public Hearing, the Affidavit of Notice of Public Hearing is to be completed and submitted to the Secretary of the Board. Copies of all

“Receipt for Certified Mail” (white slips) shall be filed with the Affidavit of Notice of Public Hearing. The originals of the "Domestic Return Receipts" (green cards) shall be filed with the Secretary upon the later of (I) the public hearing or (II) receipt by the Petitioner.

PETITION REVIEW PROCEDURES:

1. Prior to acceptance, the Petition will be reviewed for completeness.
2. Once complete, the Petition will be docketed for the next Board of Zoning Appeals meeting. The Petitioner shall be responsible for delivering the Legal Notice (after it has been approved) to a newspaper of circulation for publication and sending the Legal Notice to all Interested Parties by certified mail, return receipt requested, at least ten (10) days prior to the date of the public hearing.
3. The Petition and all supporting documentation will be forwarded to the Board of Zoning Appeals members.
4. The Secretary, members of the Board of Zoning Appeals, staff or advisors to the Board of Zoning Appeals may submit a written report, stating any facts concerning the physical characteristics of the area involved in the Petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.
5. The Board of Zoning Appeals meets the first Wednesday of every month at 6:30 p.m. in the Zionsville Town Hall located at 1100 West Oak Street, Zionsville, Indiana. If the first Wednesday is a holiday, or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Thursday following the first Wednesday of the month.
6. The Petitioner or remonstrators may request continuation of the Public Hearing at or one week prior to the Board of Zoning Appeals meeting.
7. The Petitioner, Petitioner's attorney, or someone authorized by the Petitioner must be present at the Public Hearing to make a presentation of the Petition to the Board of Zoning Appeals.
8. The Board of Zoning Appeals at the Public Hearing may approve, deny or continue the Public Hearing on the Petition.

⑤
25.00
INDIANA
SEARCH
TECHNOLOGIES DP

2019007905 DEED \$25.00
08/14/2019 02:19:50P 5 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented



CTIN 1903273445 **LIMITED WARRANTY DEED**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are forever acknowledged, LYNN EASTON and P.K. OF ZIONSVILLE, INC., an Indiana corporation, as tenants-in-common (together, "Grantor"), conveys and specially warrants to SOUTH VILLAGE STATION, LLC ("Grantee"), the following described real property situated in Boone County, Indiana, together with all rights and privileges appurtenant thereto:

See the legal description set forth in Exhibit "A" attached and incorporated by this reference (the "Real Estate").

SUBJECT TO: All easements, restrictions, covenants, licenses, agreements, conditions, liens and encumbrances listed on Exhibit "B" attached hereto and by reference made a part hereof.

Grantor, for itself, and its successors and assigns, does covenant and agree that the Real Estate is free from all encumbrances made or suffered by it except as stated below, and that it shall and will WARRANT AND FOREVER DEFEND the Real Estate in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor, but not otherwise.

[Signature on the following page]

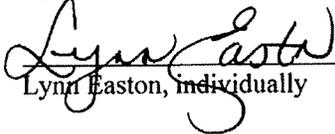
DULY ENTERED FOR TAXATION

Heather Murray 8/14/2019
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

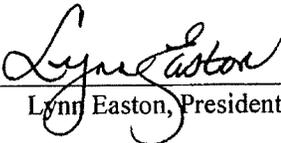
The undersigned person executing this deed on behalf of P.K. of Zionsville, Inc. represents and warrants that she has been duly authorized and fully empowered to execute this deed by all necessary action of the corporation, and has full power and authority to execute and deliver this Limited Warranty Deed.

DATED this 26th day of July, 2019.

GRANTOR:


Lynn Easton, individually

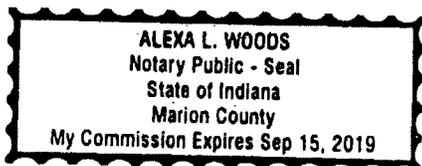
P. K. OF ZIONSVILLE, INC.

By: 
Lynn Easton, President

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared LYNN EASTON, individually, and LYNN EASTON, the President of P.K. OF ZIONSVILLE, INC., an Indiana corporation, who, after having been duly sworn, acknowledged the execution of the foregoing Limited Warranty Deed as her voluntary act and deed on behalf of herself and such corporation.

WITNESS my hand and Notarial Seal this 26th day of July, 2019.



Alexa L. Woods
Notary Public - Signature

Notary Public - Printed



My Commission Expires: _____

My County of Residence: _____

This instrument prepared by Alexa L. Woods, Densborn Blachly LLP, 500 East 96th Street, Suite 100, Indianapolis, Indiana 46240. 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. Alexa L. Woods

Send Tax Statements to Grantee's Mailing Address: 500 East 96th Street, Suite 150, Indianapolis, IN 46240

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, in Boone County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence along the West line thereof North 00 degrees 32 minutes 36 seconds East (basis of bearings-assumed) 642.44 feet; thence South 89 degrees 27 minutes 24 seconds East 24.26 feet to a brass plug in the centerline of Zionsville Road being the point of beginning; thence along the centerline of Zionsville Road, North 05 degrees 24 minutes 51 seconds West 62.55 feet to a brass plug; thence continuing along said centerline North 02 degrees 09 minutes 18 seconds West 209.81 feet to a brass plug; thence North 87 degrees 50 minutes 42 seconds East 250.00 feet; thence South 02 degrees 09 minutes 18 seconds East 266.955 feet; thence South 86 degrees 36 minutes 45 seconds West 246.50 feet to the point of beginning, containing 1.545 acres, more or less.

EXCEPTING THEREFROM: A part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East, Boone County, Indiana, described as follows:

Commencing at the Southwest corner of said Section; thence North 0 degrees 10 minutes 21 seconds West 642.44 feet along the West line of said Section; thence North 89 degrees 49 minutes 39 seconds East 23.62 feet (24.26 feet by Instrument #9709653) to the Southwest corner of the grantor's land and the point of beginning of this description; thence North 5 degrees 25 minutes 12 seconds West 41.22 feet along the centerline of Zionsville Road; thence along said centerline Northwesterly 224.60 feet along an arc to the right and having a radius of 3,000.00 feet and subtended by a long chord having a bearing of North 3 degrees 16 minutes 31 seconds West and a length of 224.55 feet; thence North 1 degree 07 minutes 49 seconds West 6.54 feet along said centerline to the Northwest corner of the grantor's land; thence North 87 degrees 07 minutes 45 seconds East 36.46 feet along the North line of the grantor's land; thence South 0 degrees 29 minutes 14 seconds East 172.61 feet to a point; thence Southeasterly 97.10 feet along an arc to the left and having a radius of 955.00 feet and subtended by a long chord having a bearing of South 3 degrees 24 minutes 00 seconds East and a length of 97.06 feet to a point; thence South 7 degrees 24 minutes 41 seconds East 2.17 feet to the Southern line of the grantor's land; thence South 85 degrees 53 minutes 48 seconds West 27.13 feet along said Southern line to the point of beginning and containing 0.198 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.063 acres, more or less.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes and assessments not yet due and payable.
2. Gas Line Easement granted to Indiana Gas Company, its successors and assigns, dated October 19, 1979 and recorded November 7, 1979 in Deed Record 212 Pages 379-380.
3. Utility Easement granted to Indiana Bell Telephone Company, Incorporated, its successors and assigns, dated December 15, 1983 and recorded January 12, 1984 in Deed Record 220 Pages 393-394.
4. Gas Line Easement granted to Indiana Gas Company, Inc., its successors and assigns, dated August 6, 1992 and recorded August 19, 1992 in Deed Record 243 Pages 502-504.
5. AT&T Indiana Non-Exclusive Easement granted to Indiana Bell Telephone Company, Incorporated d/b/a AT&T Indiana, its affiliates and licensees, successors and assigns, dated February 8, 2008 and recorded February 8, 2008 as Instrument No. 200800001512.
6. Grant of Access and Sanitary Sewer Easement to the Town of Zionsville, Indiana, its successors and assigns, dated October 10, 2008 and recorded December 9, 2008 as Instrument No. 200800011215.
7. Grant of Easement to The Department of Public Utilities for the City of Indianapolis, acting by and through the Board of Directors for Utilities, as Trustee, in furtherance of the Public Charitable Trust for the Water System d/b/a Citizens Water, its grantees, successors and assigns, dated September 29, 2016 and recorded February 3, 2017 as Instrument No. 201700001210.
8. Covenant as set forth in Warranty Deed to the Town of Zionsville, Indiana, date November 2, 2017 and recorded August 16, 2018 as Instrument No. 2018007399.
9. Commercial Lease Agreement, dated October [], 2017 between Grantor (successor-in-interest to L & L Real Estate, LLC) and L & L Canine Enterprises, LLC.
10. The survey prepared by Projects plus dated June 12, 2019 and known as Project No. 19-0662 discloses fences running along the north and eastern boundary lines situated outside of said boundary lines.

**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 existing parking space needs of the canine daycare and tavern operate generally at opposite times of the day, and the existing uses of the canine daycare and tavern/restaurant will be nearly identical to the proposed plans. While the existing parking lot is not striped, we calculate an existing condition less than what is already required. The grant will actually improve wayfinding, provide clear paths for emergency vehicles and personnel to serve the facility in an emergency, and not overpark the site unnecessarily.

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 grant would not change the existing paved area from what exists today, and the grant would make possible an overall improvement in the exterior appearance by dressing the parking lot with pavement repairs and striping, which provides a basis for the overall building improvements. Providing this grant would stabilize the property and improve the values of surrounding properties.

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

the consolidation of the tavern and restaurant into one tavern that serves food is effectively the same use that exists today, and a variance would still be required even if the addition was not part of the equation in order to bring the site into compliance. Also, the canine daycare use operates mostly outside the operating hours of the tavern, where customers would not be competing for the same parking spaces as they are generally parking for a short duration to pick up or drop off their pets.

The existing size of the existing parking lot does not allow for the required number of parking spaces without compromising loading, service, and emergency vehicle access. The need for the variance maintains the extent and size of the parking lot without eliminating perimeter landscaping and maintains the amount of impervious area that exists today, while providing ordinance-compliant parking space size and drive aisle widths.

DECISION

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

Adopted this _____ day of _____, 20____.

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

STATE OF INDIANA
COUNTY OF MARION) SS:

I, Joseph Lese, 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: Joseph Lese, Docket # 2020-07-DSJ
(NAME OF PERSON ON PETITION)
Requesting: Variance of Development Standards
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
For property located at: 10615 Zionsville road

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to the last known address of each of the following entities at the following addresses:

<u>OWNERS</u>	<u>ADDRESS</u>
---------------	----------------

See attached List of Adjoiners

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 20th day of March, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] 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).

Joseph Lese
Name of person mailing letters
[Signature]
Signature

State of Indiana
County of Marion) SS:

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

[Signature]
Notary Public Signature

Brianna Whitley
Notary Public Printed

My Commission No: 09/19/2020

My Commission Expires: 0638526

My County of Residence is Marion County



Attribute report for active ID 1

ID	name	add1	add3
37713	ZIONSVILLE CEMETERY ASSOC	10455 ZIONSVILLE RD	ZIONSVILLE, IN 46077
29383	DOW CHEMICAL COMPANY	WASHINGTON STREET-1790 BLDG	MIDLAND, MI 48674-0001
30570	TAYLOR PHILIP DOUGLAS &	PO BOX 41	ZIONSVILLE, IN 46077
30574	TAYLOR SHARYN LYNN	PO BOX 41	ZIONSVILLE, IN 46077
30579	TOWN OF ZIONSVILLE INDIANA &	1100 W OAK ST	ZIONSVILLE, IN 46077
30587	SOUTH VILLAGE STATION LLC	500 E 96TH ST, STE 150	INDIANAPOLIS, IN 46240
30588	TOWN OF ZIONSVILLE INDIANA	1100 W OAK ST	ZIONSVILLE, IN 46077
30594	TOC INC	10702 ZIONSVILLE RD	ZIONSVILLE, IN 46077
30601	TOWN OF ZIONSVILLE INDIANA	1100 W OAK STREET	ZIONSVILLE, IN 46077

The Indianapolis Star

130 South Meridian Street
Indianapolis, IN 46225
Marion County, Indiana

Federal Id: 06-1032273

PROGRESS STUDIO

Account #:3179781100
Order #:0004115347
of Affidavits: 1

Total Amount of Claim:\$177.89
This is not an invoice

PROGRESS STUDIO
ATTN Joseph Lese
5915 COLLEGE AVENUE, SUITE 213
INDIANAPOLIS, IN 46220

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN, }
County Of Brown } **SS**

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation printed and published in the English language in the city of INDIANAPOLIS in state and county of Marion, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being as follows:

The insertion being on the 03/19/2020

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Kathleen Allen

Date: 3/24 2020 Title: Clerk

Subscribed and sworn to before me this 19 day of March, 2020

Shelly Hora
Notary Public

Notary Expires: 8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

To: INDIANAPOLIS

STAR

(Governmental Unit)

County, Indiana

Indianapolis, IN

94 lines, 3 columns wide equals 282 equivalent lines at \$0.63 per line @ 1 days, \$177.89

Website Publication \$0

Acct #:3179781100

Ad #: 0004115347

Charge for proof(s) of publication \$0.00

DATA FOR COMPUTING COST

Width of single column 9.5 ems

Number of insertions 1

Size of type 7 point

TOTAL AMOUNT OF CLAIM

\$177.89

Claim No. _____ Warrant No. _____

IN FAVOR OF

The Indianapolis Star

Indianapolis, IN

Marion County

130 S. Meridian St. Indianapolis, IN 46225

I have examined the within claim and hereby certify as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

\$ _____

On Account of Appropriation For

FED. ID

#06-1032273

Allowed _____, 20____

In the sum of \$ _____

I certify that the within claim is true and correct; that the services there-in itemized and for which charge is made were ordered by me and were necessary to the public business.

**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 April 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-07-DSV, Joseph Lese of Progress Studio, requests a Development Standards Variance to provide for or permit:

Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces and in the Urban General Business District (B-2) and utilizing the existing landscaping.

The property involved more commonly known as: 10615 Zionsville Road, Zionsville, Indiana and is legally described as:

Part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, in Boone County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence along the West line thereof North 00 degrees 32 minutes 36 seconds East (basis of bearings-assumed) 642.44 feet; thence South 89 degrees 27 minutes 24 seconds East 24.26 feet to a brass plug in the centerline of Zionsville Road being the point of beginning; thence along the centerline of Zionsville Road, North 05 degrees 24 minutes 51 seconds West 62.55 feet to a brass plug; thence continuing along said centerline North 02 degrees 09 minutes 18 seconds West 209.81 feet to a brass plug; thence North 87 degrees 50 minutes 42 seconds East 250.00 feet; thence South 02 degrees 09 minutes 18 seconds East 266.955 feet; thence South 86 degrees 36 minutes 45 seconds West 246.50 feet to the point of beginning, containing 1.545 acres, more or less.

EXCEPTING THEREFROM: A part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East, Boone County, Indiana, described as follows:

Commencing at the Southwest corner of said Section; thence North 0 degrees 10 minutes 21 seconds West 642.44 feet along the West line of said Section; thence North 89 degrees 49 minutes 39 seconds East 23.62 feet (24.26 feet by Instrument #9709653) to the Southwest corner of the grantor's land and the point of beginning of this description; thence North 5 degrees 25 minutes 12 seconds West 41.22 feet along the centerline of Zionsville Road; thence along said centerline Northwesterly 224.60 feet along an arc to the right and having a radius of 3,000.00 feet and subtended by a long chord having a bearing of North 3 degrees 16 minutes 31 seconds West and a length of 224.55 feet; thence North 1 degree 07 minutes 49 seconds West 6.54 feet along said centerline to the Northwest corner of the grantor's land; thence North 87 degrees 07 minutes 45 seconds East 36.46 feet along the North line of the grantor's land; thence South 0 degrees 29 minutes 14 seconds East 172.61 feet to a point; thence Southeasterly 97.10 feet along an arc to the left and having a radius of 955.00 feet and subtended by a long chord having a bearing of South 3 degrees 24 minutes 00 seconds East and a length of 97.06 feet to a point; thence South 7 degrees 24 minutes 41 seconds East 2.17 feet to the Southern line of the grantor's land; thence South 85 degrees 53 minutes 48 seconds West 27.13 feet along said Southern line to the point of beginning and containing 0.198 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.063 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 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-874-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

(S - 3/19/20 - 0004115347)

hspaxlp



PROGRESS | STUDIO

March 3, 2020

RE: **BZA Hearing for Hotel Tango**
10615 Zionsville Road

Dear Neighbor,

We are presenting our case to the BZA on April 1, 2020, to be heard to allow for a reduction for required parking spaces for the property located at 10615 Zionsville Road. The existing site does not have enough space to allocate the required number of parking spaces dictated by the zoning ordinance, so our variance request is to partially bring the property into compliance.

Along with this, our specific project is to remodel the former Pizza King and Tavern into a new restaurant and tasting room for Hotel Tango. Because of the project's desire to add a 4-season pergola structure to the south side of the building, the increase in seating also is reason we are requesting the parking space variance.

We would like to mention that the hours of operation between Hotel Tango and the canine daycare are mostly different and are generally not competing for the same number of parking spaces. This also does not change the function from what it was prior to Pizza King and the tavern closing, so we want to ensure the public is aware of the background and reasoning for our request.

We would be happy to email to those interested a copy of the drawings we have submitted to Zionsville. My contact information is below should you wish to reach out.

Respectfully submitted,

Joseph Lese, AIA, NCARB, LEED® AP
Architect/Owner
Progress Studio, LLC
317-978-1100
Joseph.lese@theprogressstudio.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 April 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-07-DSV, Joseph Lese of Progress Studio, requests a Development Standards Variance to provide for or permit:

Petition for Development Standards Variance to provide for the redevelopment of a commercial center which deviates from the required number of parking spaces and in the Urban General Business District (B-2) and utilizing the existing landscaping.

The property involved more commonly known as: 10615 Zionsville Road, Zionsville, Indiana and is legally described as:

Part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, in Boone County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence along the West line thereof North 00 degrees 32 minutes 36 seconds East (basis of bearings-assumed) 642.44 feet; thence South 89 degrees 27 minutes 24 seconds East 24.26 feet to a brass plug in the centerline of Zionsville Road being the point of beginning; thence along the centerline of Zionsville Road, North 05 degrees 24 minutes 51 seconds West 62.55 feet to a brass plug; thence continuing along said centerline North 02 degrees 09 minutes 18 seconds West 209.81 feet to a brass plug; thence North 87 degrees 50 minutes 42 seconds East 250.00 feet; thence South 02 degrees 09 minutes 18 seconds East 266.955 feet; thence South 86 degrees 36 minutes 45 seconds West 246.50 feet to the point of beginning, containing 1.545 acres, more or less.

EXCEPTING THEREFROM: A part of the Southwest Quarter of Section 1, Township 17 North, Range 2 East, Boone County, Indiana, described as follows:

Commencing at the Southwest corner of said Section; thence North 0 degrees 10 minutes 21 seconds West 642.44 feet along the West line of said Section; thence North 89 degrees 49 minutes 39 seconds East 23.62 feet (24.26 feet by Instrument #9709653) to the Southwest corner of the grantor's land and the point of beginning of this description; thence North 5 degrees 25 minutes 12 seconds West 41.22 feet along the centerline of Zionsville Road; thence along said centerline Northwesterly 224.60 feet along an arc to the right and having a radius of 3,000.00 feet and subtended by a long chord having a bearing of North 3 degrees 16 minutes 31 seconds West and a length of 224.55 feet; thence North 1 degree 07 minutes 49 seconds West 6.54 feet along said centerline to the Northwest corner of the grantor's land; thence North 87 degrees 07 minutes 45 seconds East 36.46 feet along the North line of the grantor's land; thence South 0 degrees 29 minutes 14 seconds East 172.61 feet to a point; thence Southeasterly 97.10 feet along an arc to the left and having a radius of 955.00 feet and subtended by a long chord having a bearing of South 3 degrees 24 minutes 00 seconds East and a length of 97.06 feet to a point; thence South 7 degrees 24 minutes 41 seconds East 2.17 feet to the Southern line of the grantor's land; thence South 85 degrees 53 minutes 48 seconds West 27.13 feet along said Southern line to the point of beginning and containing 0.198 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.063 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 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall,

1100 West Oak Street, Zionsville, Indiana, 46077. 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.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

 **PROGRESS | STUDIO**
5915 N. College Ave. Suite 213
Indianapolis, IN 46220

**RETURN RECEIPT
REQUESTED**

CERTIFIED MAIL®



7019 0140 0000 1329 9464



1000

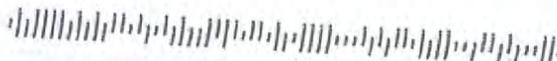
46077

U.S. POSTAGE
FCM LETTER
INDIANAPOLIS,
46220
MAR 13, 20
AMOUNT
\$6.95
R2303S101626-4

TOWN OF ZIONSVILLE
1100 W. OAK ST.
ZIONSVILLE, IN 46077

3-14

46077-125900



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOC, INC.
10702 ZIONSVILLE RD.
ZIONSVILLE, IN 46077



9590 9402 5762 0003 9206 15

2. Article Number (Transfer from service label)

7019 0140 0000 1329 9501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Stan Mark*

- Agent
- Addressee

B. Received by (Printed Name)

Steve MARTIN

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Track Another Package +

**Track Packages
Anytime, Anywhere**

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

[app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number: 70190140000013299457

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 1:33 pm on March 16, 2020 in INDIANAPOLIS, IN 46240.

Delivered

March 16, 2020 at 1:33 pm
Delivered, Front Desk/Reception/Mail Room
INDIANAPOLIS, IN 46240

[Get Updates](#) v

Text & Email Updates



Tracking History



March 16, 2020, 1:33 pm

Delivered, Front Desk/Reception/Mail Room
INDIANAPOLIS, IN 46240

Your item was delivered to the front desk, reception area, or mail room at 1:33 pm on March 16, 2020 in INDIANAPOLIS, IN 46240.

March 16, 2020

In Transit to Next Facility

March 14, 2020, 12:24 am

Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm

Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information



Postal Product:
First-Class Mail®

Features:
Certified Mail™

See tracking for related item: 9590940257620003920622 (/go/TrackConfirmAction?tLabels=9590940257620003920622)

[See Less](#) ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

[FAQs](#)

Feedback

Track Another Package +

**Track Packages
Anytime, Anywhere**

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

[app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number: 70190140000013299464

[Remove X](#)

Your item was delivered at 9:07 am on March 24, 2020 in ZIONSVILLE, IN 46077.

Delivered

March 24, 2020 at 9:07 am
Delivered
ZIONSVILLE, IN 46077

Text & Email Updates

Tracking History

March 24, 2020, 9:07 am

Delivered
ZIONSVILLE, IN 46077
Your item was delivered at 9:07 am on March 24, 2020 in ZIONSVILLE, IN 46077.

March 16, 2020, 10:47 am

Notice Left (No Authorized Recipient Available)
ZIONSVILLE, IN 46077

March 16, 2020, 10:45 am

Delivery Attempted - No Access to Delivery Location
ZIONSVILLE, IN 46077

March 15, 2020

In Transit to Next Facility

March 14, 2020, 8:42 pm

Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm

Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

See tracking for related item: [9590940257620003920639 \(/go/TrackConfirmAction?tLabels=9590940257620003920639\)](#)

[See Less ^](#)

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

[FAQs](#)

Feedback

Track Another Package +

**Track Packages
Anytime, Anywhere**

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

[app=UspTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UspTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number: 70190140000013299471

[Remove X](#)

Your item was delivered at 9:57 am on March 16, 2020 in ZIONSVILLE, IN 46077.

Delivered

March 16, 2020 at 9:57 am
Delivered
ZIONSVILLE, IN 46077

[Get Updates](#) v

Text & Email Updates



Tracking History



March 16, 2020, 9:57 am

Delivered
ZIONSVILLE, IN 46077
Your item was delivered at 9:57 am on March 16, 2020 in ZIONSVILLE, IN 46077.

March 15, 2020, 5:30 pm

Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 15, 2020

In Transit to Next Facility

March 13, 2020, 9:46 pm

Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information



Postal Product:
First-Class Mail®

Features:
Certified Mail™

See tracking for related item: 9590940257620003927522 (/go/TrackConfirmAction?tLabels=9590940257620003927522)

[See Less](#) ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

[FAQs](#)

Feedback

Track Another Package +

Track Packages Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

[app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number: 70190140000013299488

[Remove X](#)

Your item has been delivered to an agent at 9:20 am on March 16, 2020 in MIDLAND, MI 48674.

Delivered

March 16, 2020 at 9:20 am
Delivered, To Agent
MIDLAND, MI 48674

[Get Updates v](#)

Text & Email Updates

Tracking History

March 16, 2020, 9:20 am

Delivered, To Agent
MIDLAND, MI 48674

Your item has been delivered to an agent at 9:20 am on March 16, 2020 in MIDLAND, MI 48674.

March 15, 2020, 2:40 pm

Departed USPS Regional Destination Facility
PONTIAC MI DISTRIBUTION CENTER

March 15, 2020, 9:15 am

Arrived at USPS Regional Destination Facility
PONTIAC MI DISTRIBUTION CENTER

March 14, 2020, 12:24 am

Departed USPS Regional Origin Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:42 pm

Arrived at USPS Regional Origin Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

See tracking for related item: 9590940257620003927539 (/go/TrackConfirmAction?tLabels=9590940257620003927539)

[See Less ^](#)

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

[FAQs](#)

Feedback

Track Another Package +

Track Packages Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

<https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action>)

Tracking Number: 70190140000013299495

[Remove X](#)

We attempted to deliver your item at 1:23 pm on March 16, 2020 in ZIONSVILLE, IN 46077 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning March 17, 2020. If this item is unclaimed by March 31, 2020 then it will be returned to sender.

Delivery Attempt: Action Needed

March 16, 2020 at 1:23 pm
Notice Left (No Authorized Recipient Available)
ZIONSVILLE, IN 46077

[Schedule Redelivery](#) v

Text & Email Updates	v
Schedule Redelivery	v
Tracking History	^
<p>March 16, 2020, 1:23 pm Notice Left (No Authorized Recipient Available) ZIONSVILLE, IN 46077 We attempted to deliver your item at 1:23 pm on March 16, 2020 in ZIONSVILLE, IN 46077 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning March 17, 2020. If this item is unclaimed by March 31, 2020 then it will be returned to sender.</p>	
<p>March 16, 2020 In Transit to Next Facility</p>	
<p>March 14, 2020, 8:42 pm Departed USPS Regional Facility INDIANAPOLIS IN DISTRIBUTION CENTER</p>	
<p>March 13, 2020, 9:43 pm Arrived at USPS Regional Facility INDIANAPOLIS IN DISTRIBUTION CENTER</p>	
<p>March 13, 2020, 8:34 am USPS in possession of item INDIANAPOLIS, IN 46220</p>	
Product Information ^	
<p>Postal Product: First-Class Mail®</p>	<p>Features: Certified Mail™</p>
<p>See tracking for related item: 9590940257620003927546 (/go/TrackConfirmAction?tLabels=9590940257620003927546)</p>	

[See Less](#) ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

[FAQs](#)

Feedback

Track Another Package +

**Track Packages
Anytime, Anywhere**

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

([https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

[app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number: 70190140000013299501

[Remove X](#)

Your item was delivered to an individual at the address at 1:13 pm on March 16, 2020 in ZIONSVILLE, IN 46077.

Delivered

March 16, 2020 at 1:13 pm
Delivered, Left with Individual
ZIONSVILLE, IN 46077

[Get Updates](#) v

Text & Email Updates



Tracking History



March 16, 2020, 1:13 pm

Delivered, Left with Individual
ZIONSVILLE, IN 46077

Your item was delivered to an individual at the address at 1:13 pm on March 16, 2020 in ZIONSVILLE, IN 46077.

March 16, 2020

In Transit to Next Facility

March 14, 2020, 8:42 pm

Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm

Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item
INDIANAPOLIS, IN 46220

Product Information



Postal Product:
First-Class Mail®

Features:
Certified Mail™

See tracking for related item: 9590940257620003920615 (/go/TrackConfirmAction?tLabels=9590940257620003920615)

[See Less](#) ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

[FAQs](#)

Feedback

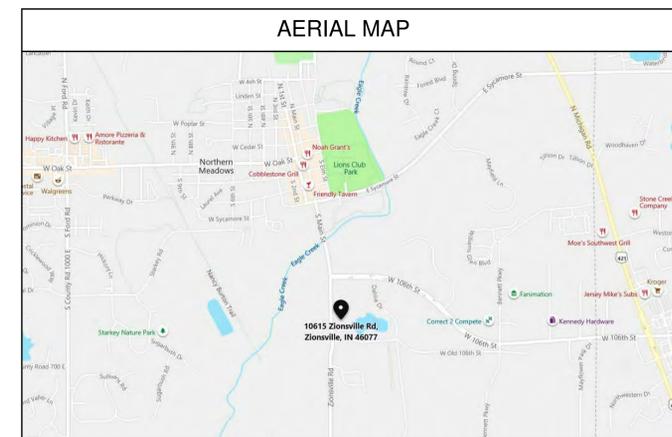
Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

03/20/2020 - BZA & ZPC Updates

Jackson Investment Group / Forza

500 East 96th Street, Suite 150
Indianapolis, IN 46240



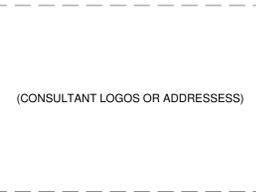
SHEET INDEX

Sheet No.	Sheet Name
G000	COVER SHEET
G101	ACCESSIBILITY DETAILS
SV-1	SURVEY
C101	DEMOLITION PLAN
C200	SITE PLAN
C500	UTILITY PLAN
C800	SITE DETAILS
C801	SITE DETAILS
D101	DEMOLITION PLAN
A101	CONSTRUCTION PLAN - PATIO
A102	CONSTRUCTION PLAN - PATIO
A401	EXTERIOR RENDERING EXHIBITS
A402	EXTERIOR ELEVATIONS AND SIGNAGE
A601	ENLARGED PLANS AND FINISH SCHEDULES
A602	INTERIOR ELEVATIONS



PROGRESS STUDIO, LLC
5915 N. College Ave., Suite 213
Indianapolis, IN 46220
317-978-1100
www.theprogressstudio.com

IN ASSOCIATION WITH



©2019 All Rights Reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information retrieval system, without the permission of the copyright owner. Any unauthorized users will be prosecuted to the fullest extent of the law including any legal fees incurred by the copyright owner.



PREPARED FOR

Jackson Investment Group / Forza

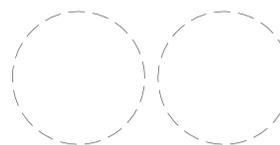
500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

CERTIFICATION



NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

PROJECT TEAM

OWNER

BART JACKSON
SOUTH VILLAGE STATION, LLC
500 EAST 96TH STREET, SUITE 150
INDIANAPOLIS, IN 46240
(317) 370-0983
bjackson@jacksonig.com

CONTRACTOR

NAME
COMPANY
STREET ADDRESS
CITY, STATE, ZIP
PHONE
EMAIL

ARCHITECT

JOSEPH LESE
PROGRESS STUDIO
5915 N. COLLEGE AVE., SUITE 213
INDIANAPOLIS, IN 46220
(317) 978-1100
joseph.lese@theprogressstudio.com

DRAWN BY: JEL
REVIEWED BY: JEL

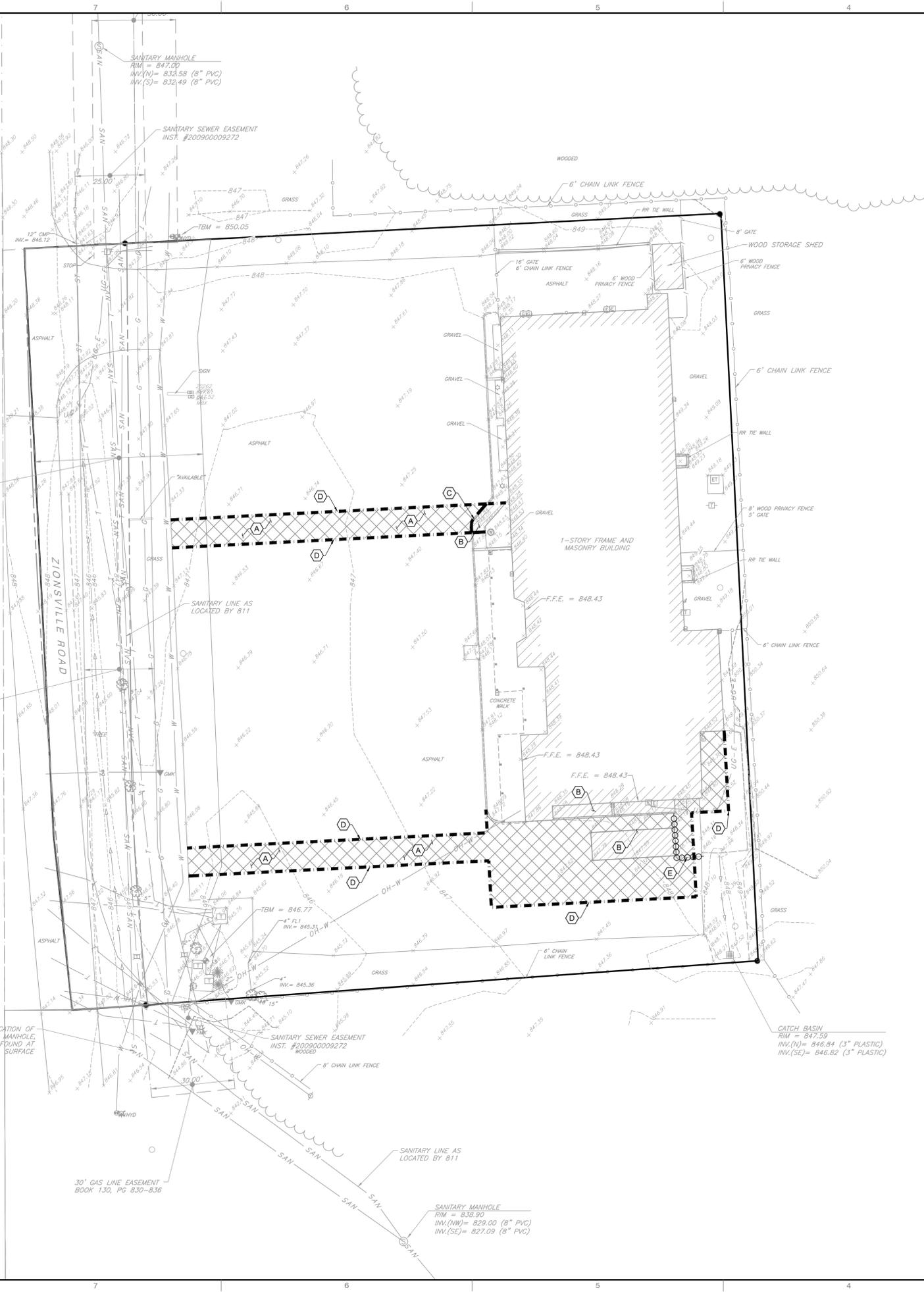
PROJECT NUMBER 19053

SHEET TITLE

COVER SHEET

SHEET NUMBER

G000



DEMOLITION LEGEND:

- ASPHALT TO BE REMOVED
- CONCRETE TO BE REMOVED
- CONCRETE CURB TO BE REMOVED
- SAWCUT EXISTING PAVEMENT
- MISC. ITEM TO BE REMOVED

DEMOLITION ITEMS:

- REMOVE ASPHALT PAVEMENT COMPLETE; DISPOSE OF OFF SITE.
- REMOVE CONCRETE PAVEMENT COMPLETE; DISPOSE OF OFF SITE.
- REMOVE CONCRETE CURB COMPLETE; DISPOSE OF OFF SITE.
- SAWCUT
- REMOVE FENCE COMPLETE; DISPOSE OF OFF SITE.

UTILITIES:

SANITARY SEWER
 CLAY TOWNSHIP
 REGIONAL WASTE
 10701 N. COLLEGE AVE.
 INDIANAPOLIS, IN 46280
 (317) 844-9200
 ATTN: RYAN HARTMAN

STREET & STORM SEWER
 CITY OF ZIONSVILLE
 1075 PARKWAY DRIVE
 ZIONSVILLE, IN 47077
 (317) 873-4544 (T)
 (317) 773-2275 (F)
 ATTN: LANCE LANTZ

ELECTRIC
 DUKE ENERGY
 16475 SOUTH PARK DRIVE
 WESTFIELD, IN 46074
 (317) 896-6704
 ATTN: MATTHEW DAYHUFF

TELECOM
 TDS TELECOM
 (262) 754-3052
 ATTN: MICHAEL JOHNSON

GAS
 VECTREN ENERGY
 DELIVERY
 8399 ZIONSVILLE ROAD
 INDIANAPOLIS, IN 46268
 (317) 718-3601
 ATTN: CHAD CAMPBELL

FIRE DEPARTMENT
 CITY OF ZIONSVILLE
 1100 WEST OAK STREET
 ZIONSVILLE, IN 46077
 (765) 491-6772 (T)
 (317) 773-3022 (F)
 ATTN: JAMES VANGORDER

WATER
 CITIZENS ENERGY GROUP
 2020 NORTH MERIDIAN STREET
 INDIANAPOLIS, IN 46204
 (317) 927-4351
 ATTN: BRAD HOSTETLER

TELEPHONE
 AT&T
 5858 N COLLEGE AVE
 INDIANAPOLIS, IN 46220
 (317) 252-5004
 ATTN: CYNTHIA HUFFMAN

GENERAL DEMOLITION NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DISPOSAL OFF-SITE OF ALL ITEMS SHOWN ON THE DEMOLITION PLAN INCLUDING ITEMS ENCOUNTERED DURING EXCAVATION OF BUILDING FOUNDATIONS AND UTILITY PLACEMENT.
2. PRIOR TO STARTING DEMOLITION, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL PERMITS REQUIRED BY LOCAL GOVERNMENTAL AGENCIES.
3. THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL UTILITY COMPANIES FOR THE DISCONNECTION AND REMOVAL OF SERVICES TO EXISTING STRUCTURES.
4. ITEMS SHOWN ON THE DEMOLITION PLAN TO BE SALVAGED SHALL BE TRANSPORTED TO LOCATION SPECIFIED BY THE OWNER OR HIS/HER REPRESENTATIVE.
5. ITEMS OF SALVAGEABLE VALUE TO THE CONTRACTOR MAY BE REMOVED WITH THE OWNER OR HIS/HER REPRESENTATIVE'S PERMISSION. THE CONTRACTOR SHALL NOT STORE THESE ITEMS ON SITE.
6. THE CONTRACTOR MAY NOT USE EXPLOSIVES OR BURN DEBRIS.
7. CONDUCT DEMOLITION OPERATIONS TO ENSURE MINIMAL INTERFERENCE WITH ROADS, SIDEWALKS AND ANY OTHER ADJACENT OCCUPIED FACILITIES.
8. DO NOT CLOSE OR OBSTRUCT ROADS, SIDEWALKS OR ANY OTHER OCCUPIED FACILITIES WITHOUT PERMISSION FROM THE LOCAL AUTHORITY HAVING JURISDICTION AND/OR PROPERTY OWNERS.
9. THE CONTRACTOR SHALL ENSURE SAFE PASSAGE OF PERSON TRAVERSING THROUGH OR AROUND THE CONSTRUCTION SITE.
10. THE CONTRACTOR SHALL PROTECT FROM DAMAGE, SURROUNDING STRUCTURES, UTILITIES AND OTHER FACILITIES DURING DEMOLITION AND REMOVAL OPERATIONS.
11. BUILDING STRUCTURES INCLUDING FOUNDATIONS OR BASEMENTS SHALL BE REMOVED AND BACKFILLED WITH APPROVED BACKFILL MATERIAL. BACKFILL MATERIAL SHALL BE PLACED IN MAXIMUM EIGHT INCH LIFTS AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT OR A MINIMUM OF 95% OF A STANDARD PROCTOR.
12. UTILITIES SHALL BE REMOVED AND BACKFILLED WITH APPROVED BACKFILL MATERIAL. BACKFILL MATERIAL SHALL BE PLACED IN MAXIMUM EIGHT INCH LIFTS AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT OR A MINIMUM OF 95% OF A STANDARD PROCTOR.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THE CONSTRUCTION SITE AND SURROUNDING AREAS ARE FREE OF ACCUMULATED DEBRIS.

FLOOD NOTE:

THE PARCEL DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED) AS SAID PARCEL PLOTS ON MAP NUMBER 18011C0334E (DATED JANUARY 18, 2012) OF THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. INDIANA 811 ONE-CALL PUBLIC UTILITY LOCATE SERVICE TICKET NUMBERS 1909274141 AND 1909274172 WERE ISSUED FOR THIS SITE.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, THE CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, AND SANITARY SEWER. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

BENCHMARKS:

UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREON ARE BASED UPON AN OPUS SOLUTION AND ARE ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). IT IS MY OPINION THAT THE UNCERTAINTY IN THE ELEVATION OF THE PROJECT BENCHMARK DOES NOT EXCEED 0.10 FOOT.

- TBM#1: SOUTH-MOST BONNET BOLT ON A FIRE HYDRANT LOCATED ±10 FEET NORTH OF THE NORTH EDGE OF THE PARKING LOT ON SITE AND ±50 FEET EAST OF THE EAST EDGE OF PAVEMENT OF ZIONSVILLE ROAD. ELEV. = 850.05
- TBM#2: CUT BOX AT THE NORTHEAST CORNER OF CONCRETE UTILITY PAD LOCATED AT THE SOUTHWEST CORNER OF THE SITE. ELEV. = 846.77

NO.	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
 530 E. Ohio Street - Suite G - Indianapolis, IN 46204
 317-655-7777 - 877-746-0749
 www.cecinc.com

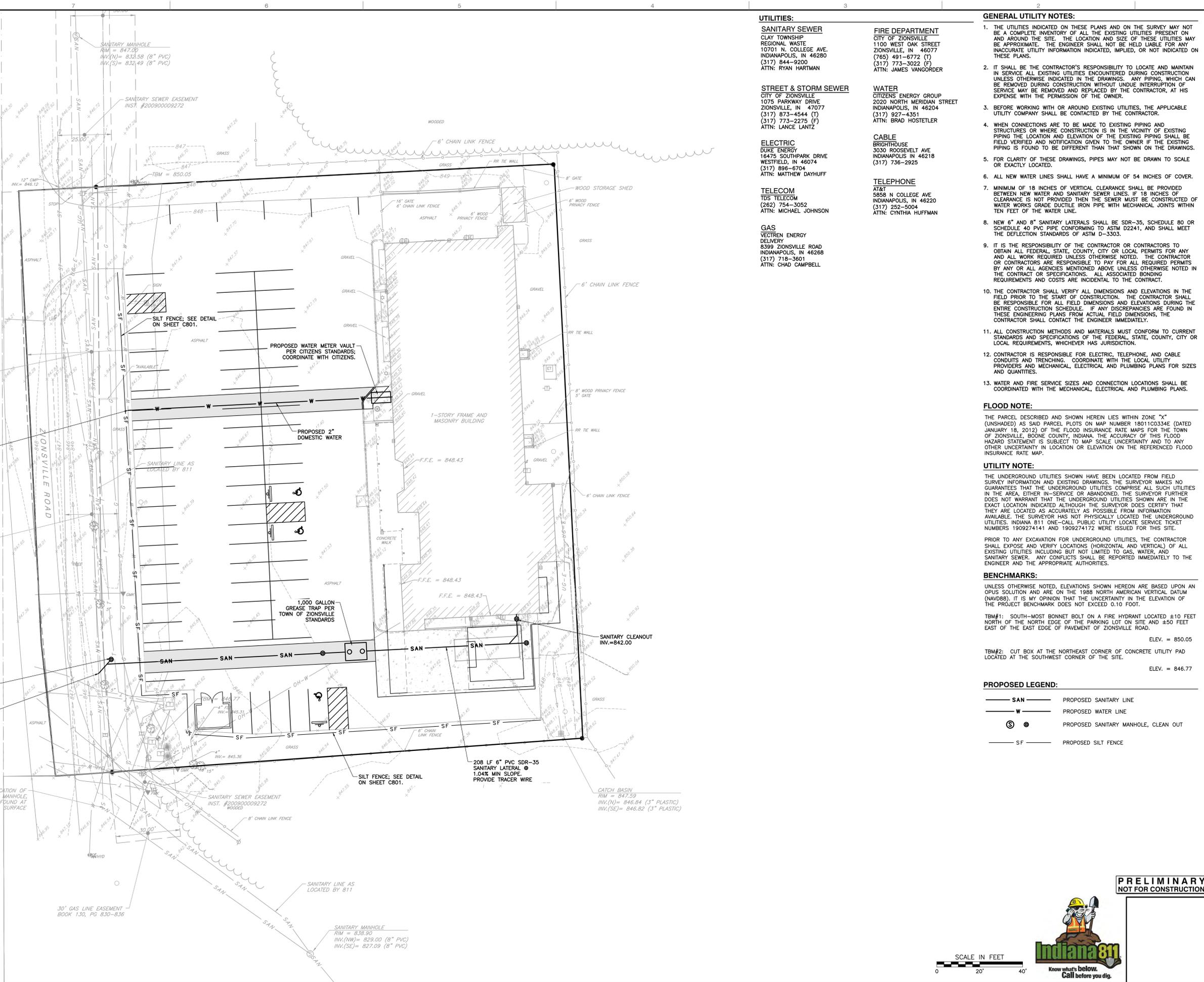
**PROGRESS STUDIO
 HOTEL TANGO
 10615 ZIONSVILLE ROAD
 ZIONSVILLE, IN**

DEMOLITION PLAN	
DATE:	FEBRUARY 10, 2020
DRAWN BY:	JAR
CHECKED BY:	ACH
PROJECT NO.:	194-879
APPROVED BY:	DRAFT

**PRELIMINARY
 NOT FOR CONSTRUCTION**



A:\2019\194-879\194-879-001\194-879-001-010.dwg (1/11) (S:\2020 - (pman) - (p. 2/7/2020 3:40 PM



UTILITIES:

SANITARY SEWER

CLAY TOWNSHIP
REGIONAL WASTE
10701 N. COLLEGE AVE.
INDIANAPOLIS, IN 46280
(317) 844-9200
ATTN: RYAN HARTMAN

STREET & STORM SEWER

CITY OF ZIONSVILLE
1075 PARKWAY DRIVE
ZIONSVILLE, IN 47077
(317) 873-4544 (T)
(317) 773-2275 (F)
ATTN: LANCE LANTZ

ELECTRIC

DUKE ENERGY
16475 SOUTH PARK DRIVE
WESTFIELD, IN 46074
(317) 896-6704
ATTN: MATTHEW DAYHUFF

TELECOM

TDS TELECOM
16475 SOUTH PARK DRIVE
WESTFIELD, IN 46074
(262) 754-3052
ATTN: MICHAEL JOHNSON

GAS

VECTREN ENERGY
DELIVERY
8399 ZIONSVILLE ROAD
INDIANAPOLIS, IN 46288
(317) 718-3601
ATTN: CHAD CAMPBELL

FIRE DEPARTMENT

CITY OF ZIONSVILLE
1100 WEST OAK STREET
ZIONSVILLE, IN 46077
(765) 491-6772 (T)
(317) 773-3022 (F)
ATTN: JAMES VANGORDER

WATER

CITIZENS ENERGY GROUP
2020 NORTH MERIDIAN STREET
INDIANAPOLIS, IN 46204
(317) 927-4351
ATTN: BRAD HOSTETLER

CABLE

BRIGHTHOUSE
3030 ROOSEVELT AVE
INDIANAPOLIS, IN 46218
(317) 736-2925

TELEPHONE

AT&T
5858 N COLLEGE AVE
INDIANAPOLIS, IN 46220
(317) 252-5004
ATTN: CYNTHIA HUFFMAN

GENERAL UTILITY NOTES:

- 1. THE UTILITIES INDICATED ON THESE PLANS AND ON THE SURVEY MAY NOT BE A COMPLETE INVENTORY OF ALL THE EXISTING UTILITIES PRESENT ON AND AROUND THE SITE. THE LOCATION AND SIZE OF THESE UTILITIES MAY BE APPROXIMATE. THE ENGINEER SHALL NOT BE HELD LIABLE FOR ANY INACCURATE UTILITY INFORMATION INDICATED, IMPLIED, OR NOT INDICATED ON THESE PLANS.
- 2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND MAINTAIN IN SERVICE ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION UNLESS OTHERWISE INDICATED IN THE DRAWINGS. ANY PIPING, WHICH CAN BE REMOVED DURING CONSTRUCTION WITHOUT UNDUE INTERRUPTION OF SERVICE MAY BE REMOVED AND REPLACED BY THE CONTRACTOR, AT HIS EXPENSE WITH THE PERMISSION OF THE OWNER.
- 3. BEFORE WORKING WITH OR AROUND EXISTING UTILITIES, THE APPLICABLE UTILITY COMPANY SHALL BE CONTACTED BY THE CONTRACTOR.
- 4. WHEN CONNECTIONS ARE TO BE MADE TO EXISTING PIPING AND STRUCTURES OR WHERE CONSTRUCTION IS IN THE VICINITY OF EXISTING PIPING THE LOCATION AND ELEVATION OF THE EXISTING PIPING SHALL BE FIELD VERIFIED AND NOTIFICATION GIVEN TO THE OWNER IF THE EXISTING PIPING IS FOUND TO BE DIFFERENT THAN THAT SHOWN ON THE DRAWINGS.
- 5. FOR CLARITY OF THESE DRAWINGS, PIPES MAY NOT BE DRAWN TO SCALE OR EXACTLY LOCATED.
- 6. ALL NEW WATER LINES SHALL HAVE A MINIMUM OF 54 INCHES OF COVER.
- 7. MINIMUM OF 18 INCHES OF VERTICAL CLEARANCE SHALL BE PROVIDED BETWEEN NEW WATER AND SANITARY SEWER LINES. IF 18 INCHES OF CLEARANCE IS NOT PROVIDED THEN THE SEWER MUST BE CONSTRUCTED OF WATER WORKS GRADE DUCTILE IRON PIPE WITH MECHANICAL JOINTS WITHIN TEN FEET OF THE WATER LINE.
- 8. NEW 6" AND 8" SANITARY LATERALS SHALL BE SDR-35, SCHEDULE 80 OR SCHEDULE 40 PVC PIPE CONFORMING TO ASTM D2241, AND SHALL MEET THE DEFLECTION STANDARDS OF ASTM D-3303.
- 9. IT IS THE RESPONSIBILITY OF THE CONTRACTOR OR CONTRACTORS TO OBTAIN ALL FEDERAL, STATE, COUNTY, CITY OR LOCAL PERMITS FOR ANY AND ALL WORK REQUIRED UNLESS OTHERWISE NOTED. THE CONTRACTOR OR CONTRACTORS ARE RESPONSIBLE TO PAY FOR ALL REQUIRED PERMITS BY ANY OR ALL AGENCIES MENTIONED ABOVE UNLESS OTHERWISE NOTED IN THE CONTRACT OR SPECIFICATIONS. ALL ASSOCIATED BONDING REQUIREMENTS AND COSTS ARE INCIDENTAL TO THE CONTRACT.
- 10. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND ELEVATIONS DURING THE ENTIRE CONSTRUCTION SCHEDULE. IF ANY DISCREPANCIES ARE FOUND IN THESE ENGINEERING PLANS FROM ACTUAL FIELD DIMENSIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
- 11. ALL CONSTRUCTION METHODS AND MATERIALS MUST CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE FEDERAL, STATE, COUNTY, CITY OR LOCAL REQUIREMENTS, WHICHEVER HAS JURISDICTION.
- 12. CONTRACTOR IS RESPONSIBLE FOR ELECTRIC, TELEPHONE, AND CABLE CONDUITS AND TRENCHING. COORDINATE WITH THE LOCAL UTILITY PROVIDERS AND MECHANICAL, ELECTRICAL AND PLUMBING PLANS FOR SIZES AND QUANTITIES.
- 13. WATER AND FIRE SERVICE SIZES AND CONNECTION LOCATIONS SHALL BE COORDINATED WITH THE MECHANICAL, ELECTRICAL AND PLUMBING PLANS.

FLOOD NOTE:

THE PARCEL DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED) AS SAID PARCEL PLOTS ON MAP NUMBER 180110334E (DATED JANUARY 18, 2012) OF THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE, UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. INDIANA 811 ONE-CALL PUBLIC UTILITY LOCATE SERVICE TICKET NUMBERS 1909274141 AND 1909274172 WERE ISSUED FOR THIS SITE.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, THE CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, AND SANITARY SEWER. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

BENCHMARKS:

UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREON ARE BASED UPON AN OPUS SOLITON AND ARE ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). IT IS MY OPINION THAT THE UNCERTAINTY IN THE ELEVATION OF THE PROJECT BENCHMARK DOES NOT EXCEED 0.10 FOOT.

BM#1: SOUTH-MOST BONNET BOLT ON A FIRE HYDRANT LOCATED ±10 FEET NORTH OF THE NORTH EDGE OF THE PARKING LOT ON SITE AND ±50 FEET EAST OF THE EAST EDGE OF PAVEMENT OF ZIONSVILLE ROAD. ELEV. = 850.05

BM#2: CUT BOX AT THE NORTHEAST CORNER OF CONCRETE UTILITY PAD LOCATED AT THE SOUTHWEST CORNER OF THE SITE. ELEV. = 846.77

PROPOSED LEGEND:

- SAN — PROPOSED SANITARY LINE
- W — PROPOSED WATER LINE
- ⊙ ⊕ — PROPOSED SANITARY MANHOLE, CLEAN OUT
- SF — PROPOSED SILT FENCE

NO.	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
550 E. Ohio Street - Suite G - Indianapolis, IN 46204
317-655-7777 - 877-746-0749
www.cecinc.com

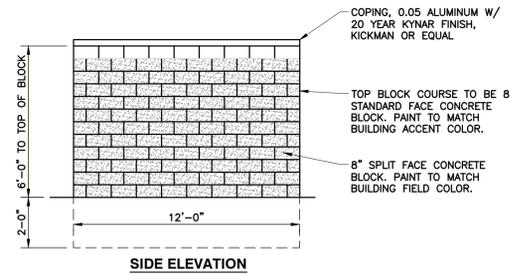
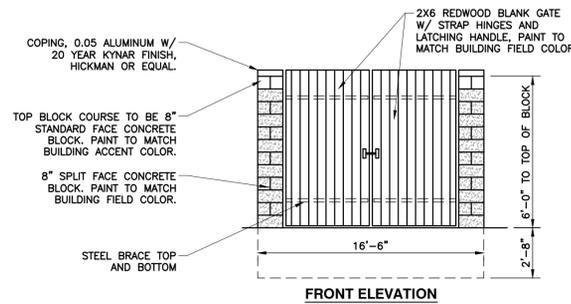
PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

UTILITY PLAN	
DATE:	FEBRUARY 10, 2020
DRAWN BY:	JAR
CHECKED BY:	ACH
PROJECT NO.:	194-879
APPROVED BY:	DRAFT

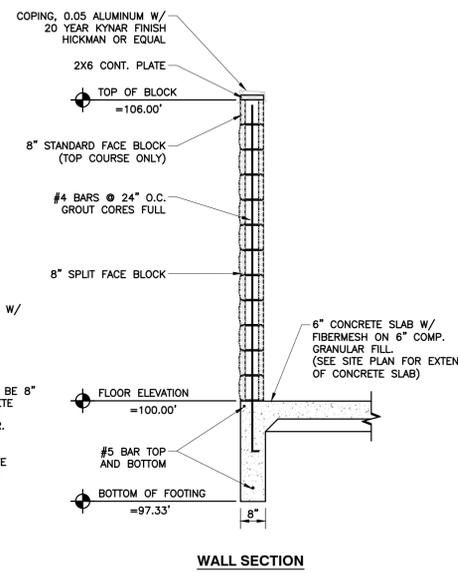
PRELIMINARY
NOT FOR CONSTRUCTION



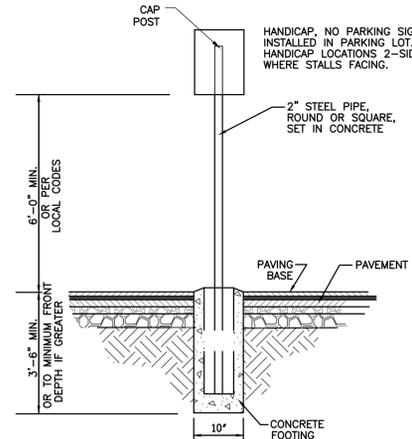
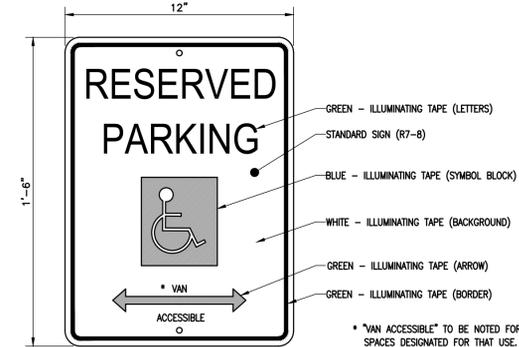
A:\2019\194-879\194-879.dwg (10/10/2019 10:21 AM) - (P: 2/10/2020 10:21 AM) - (P: 2/10/2020 10:21 AM)



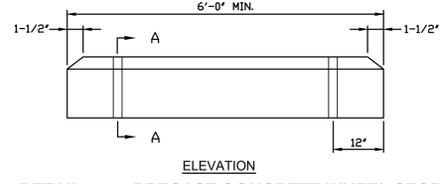
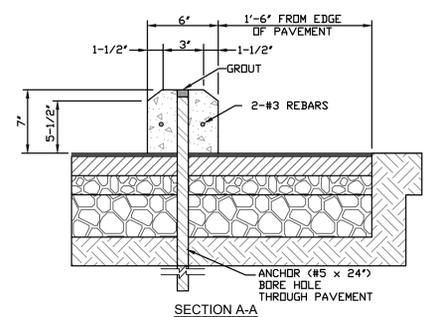
DETAIL 209 - TRASH ENCLOSURE DETAIL
NOT TO SCALE



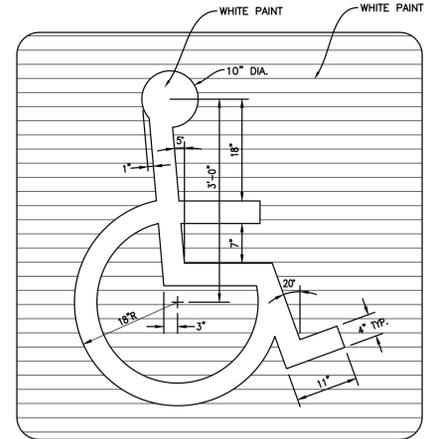
DETAIL 208 - ADA ACCESSIBLE PARKING SIGN DETAIL
NOT TO SCALE



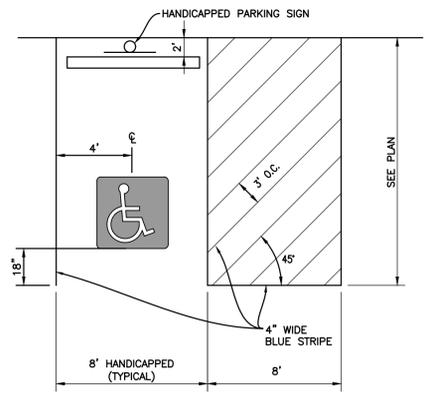
DETAIL 207 - ACCESSIBLE PARKING SIGNAGE
NOT TO SCALE



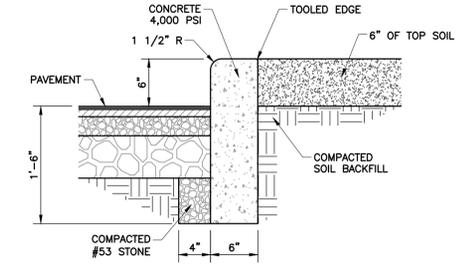
DETAIL 206 - PRECAST CONCRETE WHEEL STOP
NOT TO SCALE



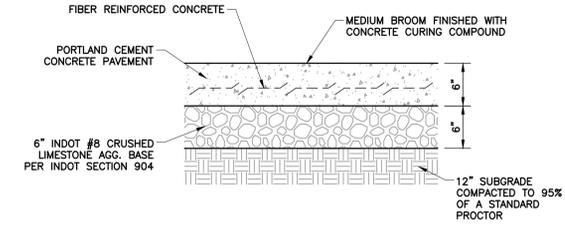
DETAIL 205 - PAINTED ADA ACCESSIBLE SYMBOL DETAIL
NOT TO SCALE



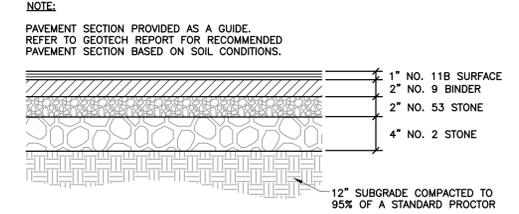
DETAIL 204 - ADA ACCESSIBLE PARKING STALL
NOT TO SCALE



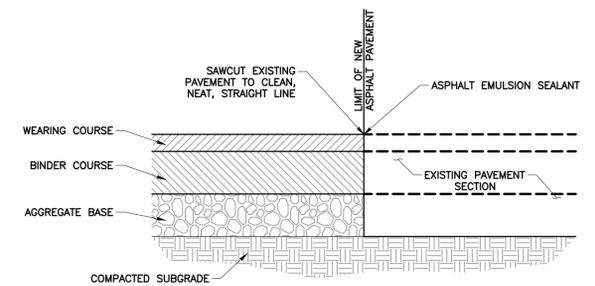
DETAIL 203 - STRAIGHT CONCRETE CURB DETAIL
NOT TO SCALE



DETAIL 202 - CONCRETE PAVEMENT SECTION
NOT TO SCALE



DETAIL 201 - LIGHT DUTY ASPHALT PAVEMENT SECTION
NOT TO SCALE



DETAIL 101 - PAVEMENT SAWCUT
NOT TO SCALE

PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISION RECORD

Civil & Environmental Consultants, Inc.
530 E. Ohio Street - Suite G - Indianapolis, IN 46204
317-655-7777 - 877-746-0749
www.cechinc.com

PROGRESS STUDIO
HOTEL TANGO
10615 ZIONSVILLE ROAD
ZIONSVILLE, IN

DATE:		FEBRUARY 10, 2020	
DATE:	FEBRUARY 10, 2020	DRAWN BY:	JAR
DWG SCALE:	AS NOTED	CHECKED BY:	ACH
PROJECT NO.:	194-879	APPROVED BY:	DRAFT

DRAWING NO. **C800**
SHEET 6 OF 1

A:\2019\194-979\CADD\DWG\007 Construction Documents\194979-007-000.dwg(2020) 15/07/2020 - (pman) - P: 2/7/2020 3:40 PM

IN ASSOCIATION WITH

(CONSULTANT LOGOS OR ADDRESSES)

©2019 All Rights Reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information retrieval system, without the permission of the copyright owner. Any unauthorized users will be prosecuted to the fullest extent of the law including any legal fees incurred by the copyright owner.

(CLIENT LOGO)

PREPARED FOR

Jackson Investment Group / Forza

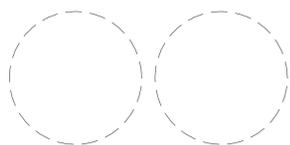
500 East 96th Street, Suite 150
 Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
 Zionsville, IN 46077

CERTIFICATION



NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

DRAWN BY: Author
 REVIEWED BY: Checker

PROJECT NUMBER 19053

SHEET TITLE

EXTERIOR RENDERING EXHIBITS

SHEET NUMBER

A401



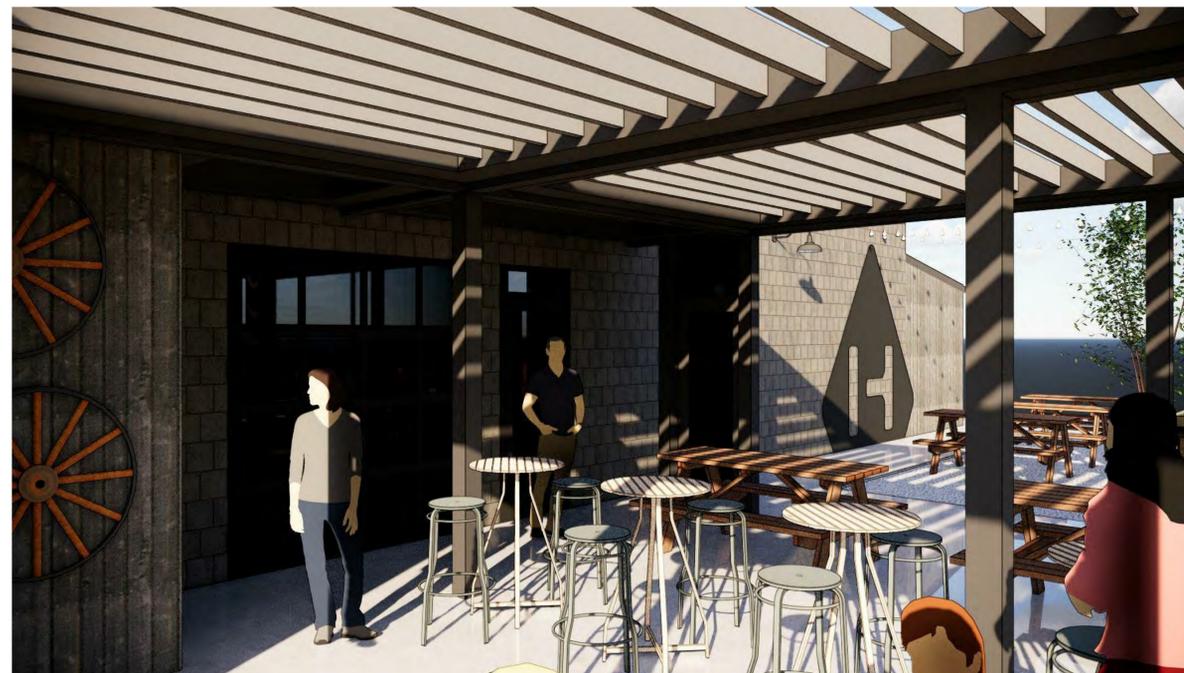
EXAMPLE IMAGE - REMOVABLE VINYL PANELS WITH METAL FRAME



DETAIL - PERGOLA ADDITION



DETAIL - MAIN ENTRANCE



DETAIL VIEW OF PERGOLA AND SEATING



PERSPECTIVE VIEW OF SOUTHWEST CORNER

IN ASSOCIATION WITH



©2019 All Rights Reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information retrieval system, without the permission of the copyright owner. Any unauthorized users will be prosecuted to the fullest extent of the law including any legal fees incurred by the copyright owner.



PREPARED FOR

Jackson Investment Group / Forza

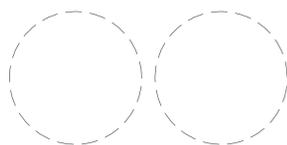
500 East 96th Street, Suite 150
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.
Zionsville, IN 46077

CERTIFICATION



NO.	DATE	DESCRIPTION
--	02/09/2020	ZIONSVILLE SUBMITTALS
--	03/03/2020	PRICING REVIEW SET
--	03/20/2020	BZA-ZPC UPDATES

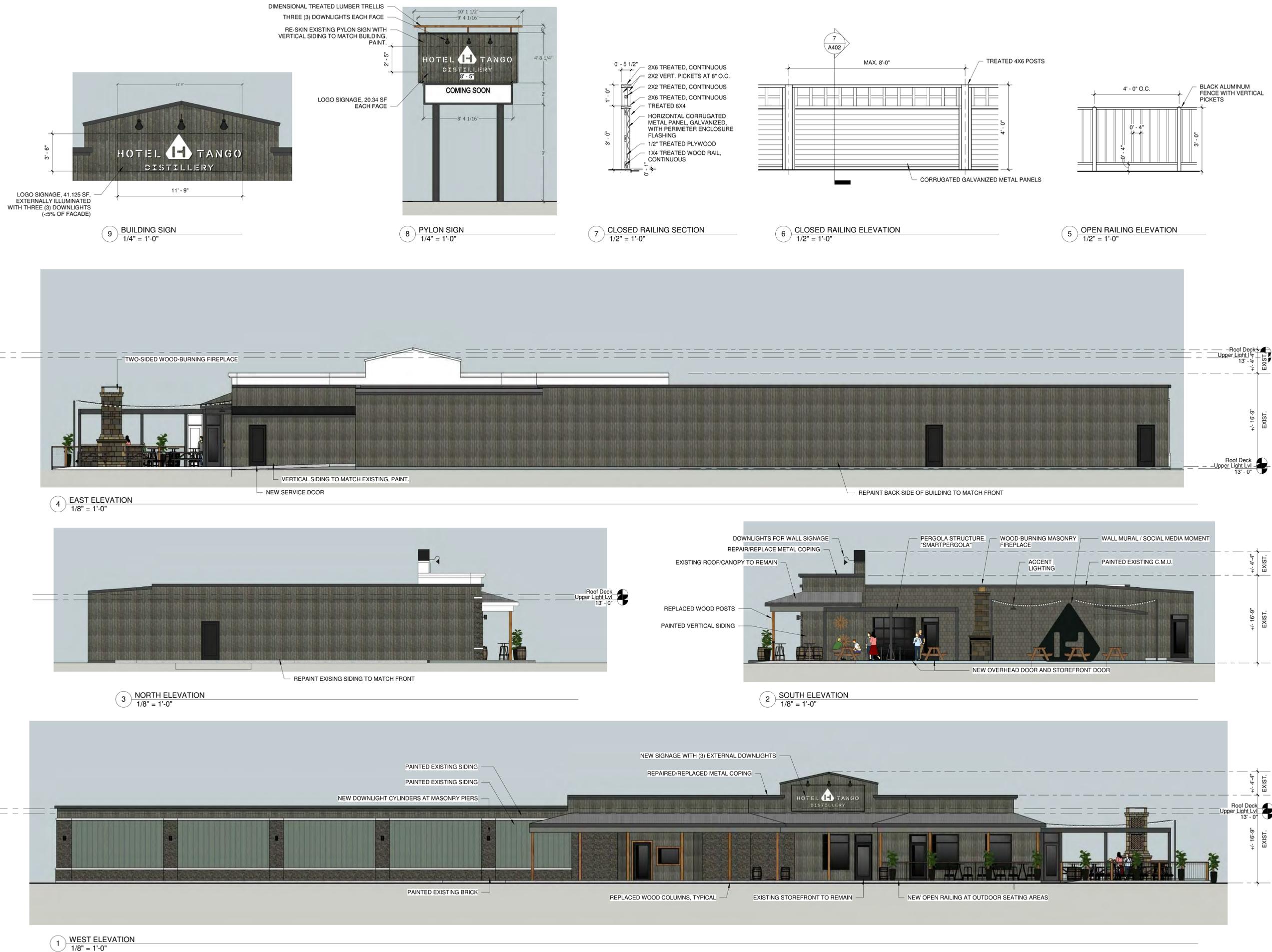
DRAWN BY: Author
REVIEWED BY: Checker

PROJECT NUMBER 19053
SHEET TITLE

EXTERIOR ELEVATIONS AND SIGNAGE

SHEET NUMBER

A402





Petition Number: 2020-08-DSV

Subject Site Address: 823 Eaglewood Drive

Petitioner: Kenneth & Patricia Meiring

Representative: Jason Burk, Architect

Request: Petition for Development Standards Variance in order to provide for the construction of a detached garage which:
1) Deviates from the required minimum front yard setback; and
2) Deviates from the required maximum permissible height associated with an accessory structure
in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

Current Zoning: Rural Low-Density Single Family & Two-Family Residential Zoning District (R2)

Current Land Use: Single-family Residential

Approximate Acreage: 0.57 acres

Zoning History: The parcel was consolidated into the 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 Narrative
Exhibit 4 – Petitioners Existing 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 April 1, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.57 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 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.

ANALYSIS

The 0.57-acre parcel is currently improved with a 1,884 +/- square foot circa 1968 single-family dwelling and accessory uses. Per the narrative included, the Petitioner desires to convert the existing garage to livable space and add a new detached three-car garage to the property. The proposed detached garage addition would require approval of a Development Standards Variance(s) as it would 1) encroach into the required front yard setback, and 2) would exceed the height of the primary structure by up to 3'-0".

VARIANCE REQUEST – ACCESSORY HEIGHT EXCEEDING PRIMARY

The Petitioners have intentions of adding an approximate 1,050 square foot 3-car detached garage enabling them to convert the existing attached 2-car garage to livable space. The petitioners have requested that the peak of their detached garage be approved to exceed the peak of the primary structure by up to 3'-0". By Ordinance, properties in the R-2 (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 the dwelling is a single-story structure, a variance must be sought for the height of the accessory to exceed the primary.

The Petitioners are aware of the Ordinance standards and acknowledge that a variance for accessory square footage to exceed the primary is not anticipated to be required in order to facilitate the construction of the contemplated 3-car detached garage. By converting their existing attached garage space into livable space, they will increase their primary living space to approximately 2,367 square feet versus approximately 1,402 square feet of roofed accessory square footage. The petitioners have taken measures to create a structure which is aesthetically pleasing and similar to that of the primary dwelling, opting to use a matching roof sloop, causing the garage pitch to slightly exceed that of the primary, matching shingles, windows and wall cladding. Additionally, the use of a hip roof will lessen the expanse of the roofline that exceeds the primary.

While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds several development configurations which are not supported by the current Zoning Ordinance (example: flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). While the development pattern is atypical, Staff is supportive of the request based on 1) the aesthetic architectural features complimenting the existing home (some of which reduce the ability to discern the difference between the variation of

heights of the two structures) and 2) the topography complimenting the placement of the detached structure with a vast amount of mature trees lining the front of the parcel which will reduce visibility of the structure from the road.

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 approve a variance to allow an accessory structure(s) which exceed the height of the primary structure, as proposed.

FRONT YARD SETBACK

As contemplated, the location of the proposed detached garage would be approximately 12 feet into the required right of way of Eaglewood Drive. By Ordinance, property in the Rural district is required to provide for a minimum front yard setback of either 70 feet from the center line of the road OR 20 feet from the right-of-way (whichever is greater). The Town's 2010 Thoroughfare Plan assigns the Local classification to Eaglewood Drive (minimum half right of way of 60 feet). As proposed, the resulting setback from the Eaglewood Drive is 33.7 feet. If additional right of way is required to be dedicated, the contemplated structure would be more than 25 feet from the edge of the new right of way.

The placement of the homes along Eaglewood Drive, creates a challenge as they were built further towards the rear of the property, creating larger front yards with condensed rear yards. The Petitioner's seek to locate the detached accessory structure in an area currently utilized as a parking pad, between existing mature trees, rather than having to remove trees to locate the structure in a different location. Said another way, the location of the proposed garage does not interfere with an established, mature, over story trees (which, if the detached were constructed in a manner that attaches to the existing dwelling, would cause the removal of at least one of the mature tree).

With the above in mind, Staff is supportive of the request to provide for a 12-foot encroachment into the required 70-foot front yard setback (when measured from the centerline of Eaglewood Drive) and provide more than 33-feet of clear space between the point closest to the right-of-way and the contemplated improvement (allowing for some level of separation as well as an area for maintenance of the structure in a manner that does not encroach into the right of way of Eaglewood Drive).

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2020-08-DSV related to the front yard setback and height of an accessory use exceeding the primary, as filed.

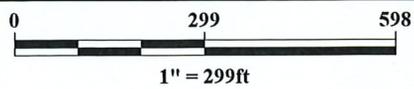
RECOMMENDATION MOTION

I move that Docket # 2019-41-D2020-08-DSV Development Standards Variance in order to provide for the construction of a detached garage which 1) Deviates from the required minimum front yard setback; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family Residential Zoning District (R1), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).



- Flood Hazard BC 2013
FLD_ZONE:
X
- Regional Counties
 - Townships
 - Zionsville Corporate
 - Boone Co Corporate
 - Parcels
- Boone County Address
- Regional County
 - Edge of Pavement
 - Miscellaneous
 - Railroads
 - Roads
 - Highways
 - Boone County Address
 - BC Legal Drains

Exhibit 2



Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

Board of Zoning Appeals
Town of Zionsville IN
1100 West Oak Street
Zionsville, IN 46077

March 16, 2020

Dear Board Members,

Trish Meiring and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, please note that we are in compliance with the front yard setback from the right of way. The development standards require 20' from the right of way. Our proposed garage is 33' which is 13' further back than required.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be up to 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height. Additionally, we are proposing a hip roof which will reduce the lineal footage of ridge that exceeds the standard height requirement

We have met with seven of our neighbors on our street, including 5 of the 7 adjoining property owners. We have been unable to make contact or meet with two of the adjoining property owners on White Oak Street which adjoin the rear corners of our property. All seven of the neighbors with whom we were able to make contact support our variance request.

We submitted with the application seven letters from neighbors supporting our variance request. We respectfully request that the Board approve our request

 
Ken and Trish Meiring

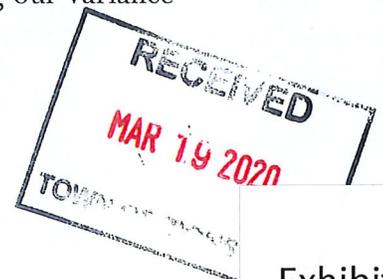


Exhibit 3

No.	Revision	Date

ALIG ENGINEERING, INC.
 8271 N WASHINGTON BLVD.
 INDIANAPOLIS, IN. 46240-2253
 317-254-5670

ENGINEERING

Meiring Residence
 823 Eaglewood Drive
 Zionsville, IN 46077

Boundary Survey

Date
 Jan 21, 2020

Scale
 1" = 40'

Sheet No.
 1

Legal Description:
 Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:
 From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the last course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the place of beginning, containing 0.568 acres, more or less.

Surveyors Report:
 The purpose of this survey was to conduct a retracement Survey of the lines and corners of this parcel for use the building of a new garage.

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of uncertainties in the reference monuments, discrepancies in record descriptions and plats, inconsistencies in lines of occupations and the relative position accuracy of the measurements. There may be unwritten rights associated with these uncertainties. This Relative Position accuracy of the corners of the parcel established by this survey is within the specifications for a Suburban Survey as defined by IAC 865

Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded deeds used in this survey. There are rounding differences associated with the deed angles and the deed dimensions. Uncertainty due to these discrepancies is equal in magnitude of these discrepancies, and is as much as 2 feet.

Existing Documentation: The Northwest corner of the Northwest Quarter of Section 4 Township 17 North, Range 2 East was found as per Boone County Tie sheets. There were a few existing stakes found at property corners of nearby parcels.

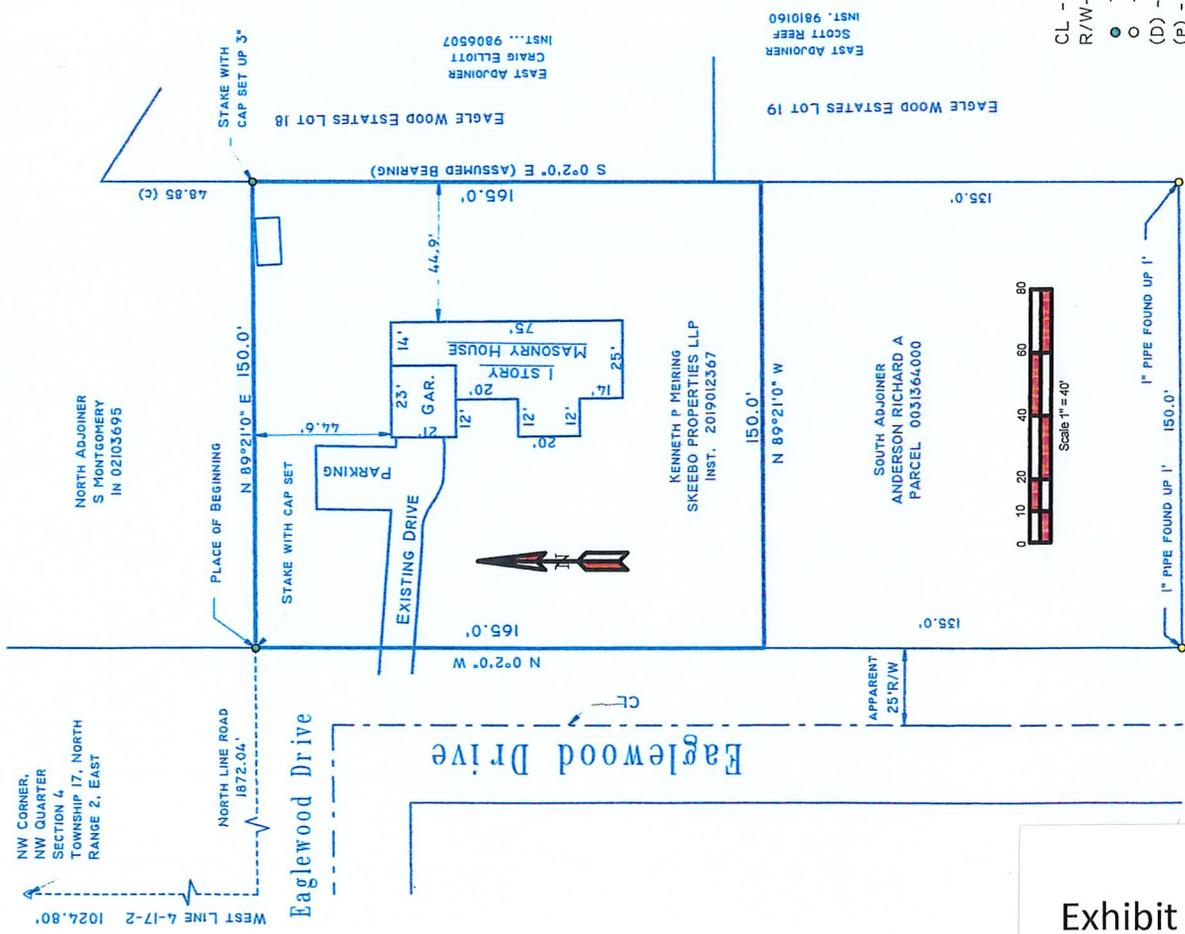
Lines of occupation: There are Utility lines and poles generally running along the East property line of this parcel. An assumed bearing was established using the West line of adjoining Eagle Woods Estates and existing monumentation found. Deed and Plat distances, as well as found monuments were used in establishing the boundary lines and corners of subject parcel.

All survey monuments set on this survey are set flush with the existing grade unless otherwise noted. The measurements shown on the herein drawing are field measurements (M), unless noted otherwise. (D) Deed, (P) Plat (C) Calculated.

This Instrument prepared without the use of Title Commitment. I, the undersigned, HEREBY CERTIFY, that to the best of my professional knowledge and belief that the within described Plat represents a true and accurate survey completed by myself on January 3, 2020 and correctly represents the boundary line of the above described real estate.

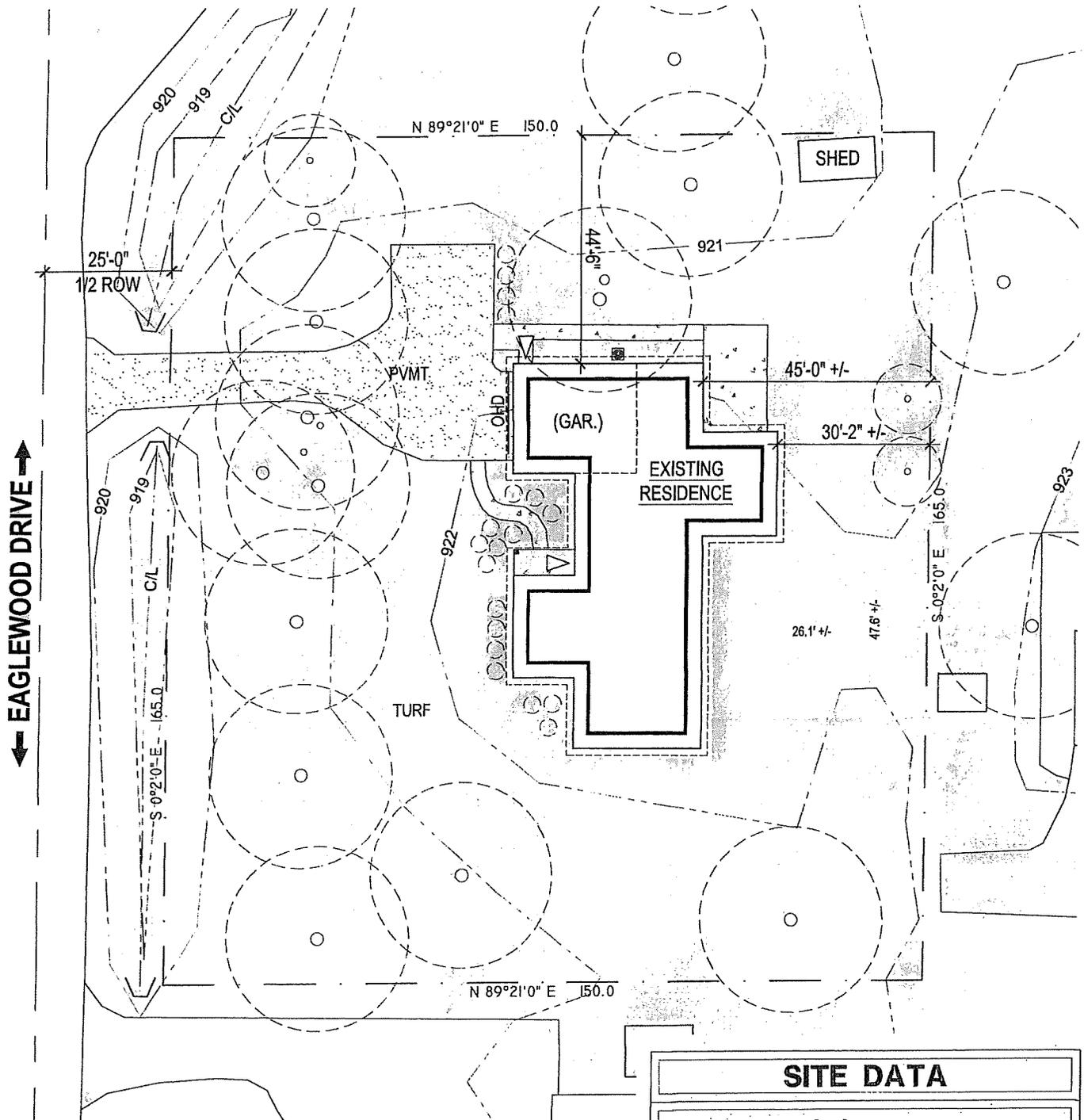


Douglas S. Alig
 Douglas S. Alig, L.S. 20300024



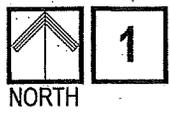
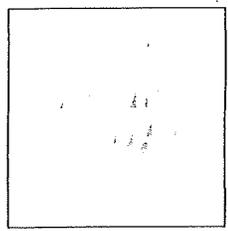
- CL - CENTER LINE
- R/W - RIGHT OF WAY
- - STAKE WITH CAP SET
- - MONUMENT FOUND
- (D) - DEED DIMENSION
- (P) - PLAT DIMENSION
- (M) - MEASURED DIMENSION
- (C) - CALCULATED DIMENSION

Exhibit 4



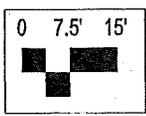
← EAGLEWOOD DRIVE →

jason elliot burk, R.A.



EXISTING
SITE PLAN

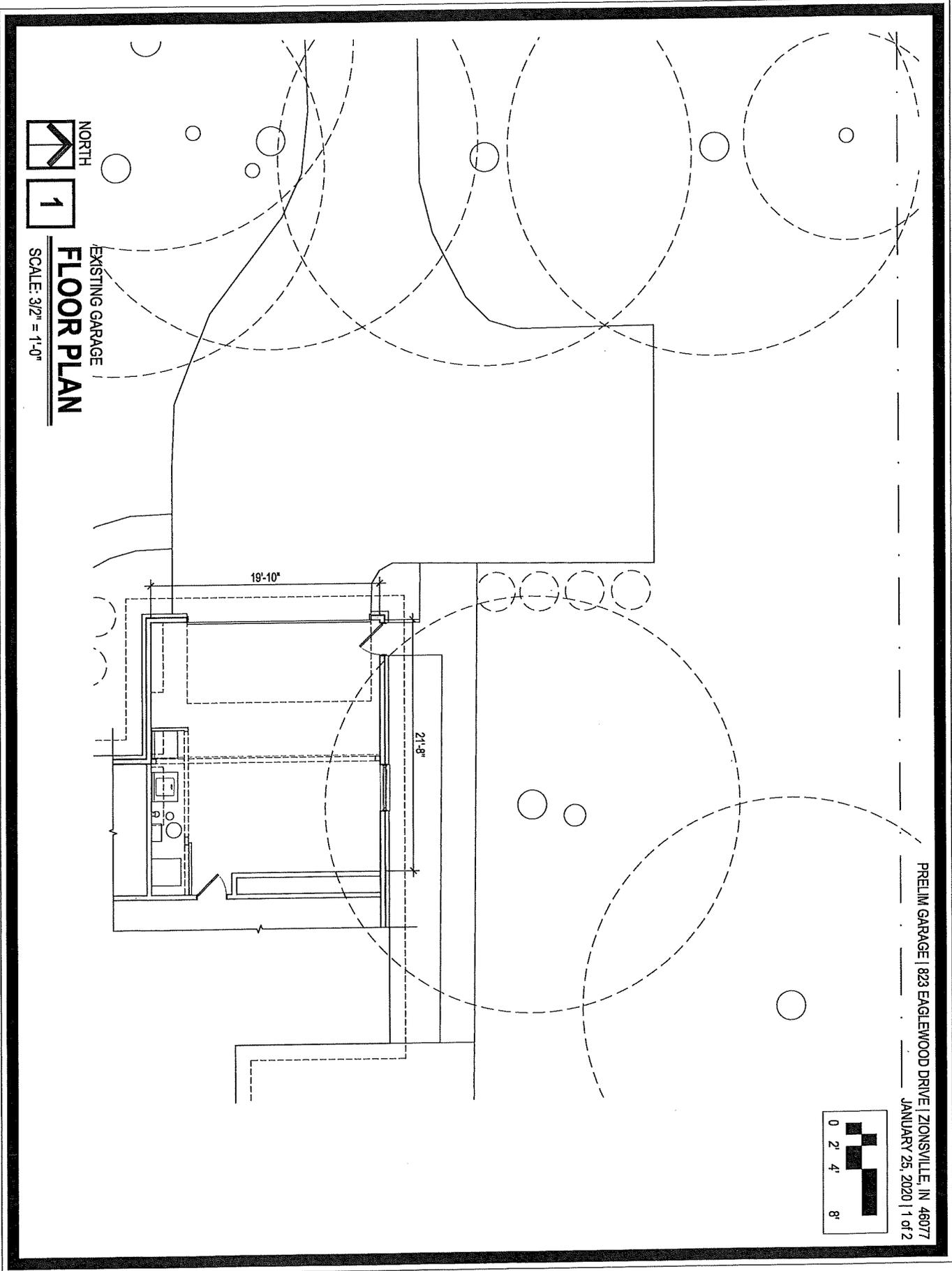
SCALE: 1" = 30'-0"



SITE DATA

LOT AREA (--)	
PARCEL SIZE	24,748 S.F. (0.57 ACRES)
TOTAL BLDG AREA	
EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
TOTAL COVERED AREA	3,295 SQ. FT. +/-
EXIST. OPEN SPACE	87 %

NOTE:
 THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT/DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT



NORTH
1

EXISTING GARAGE
FLOOR PLAN
SCALE: 3/2" = 1'-0"

19'-10"

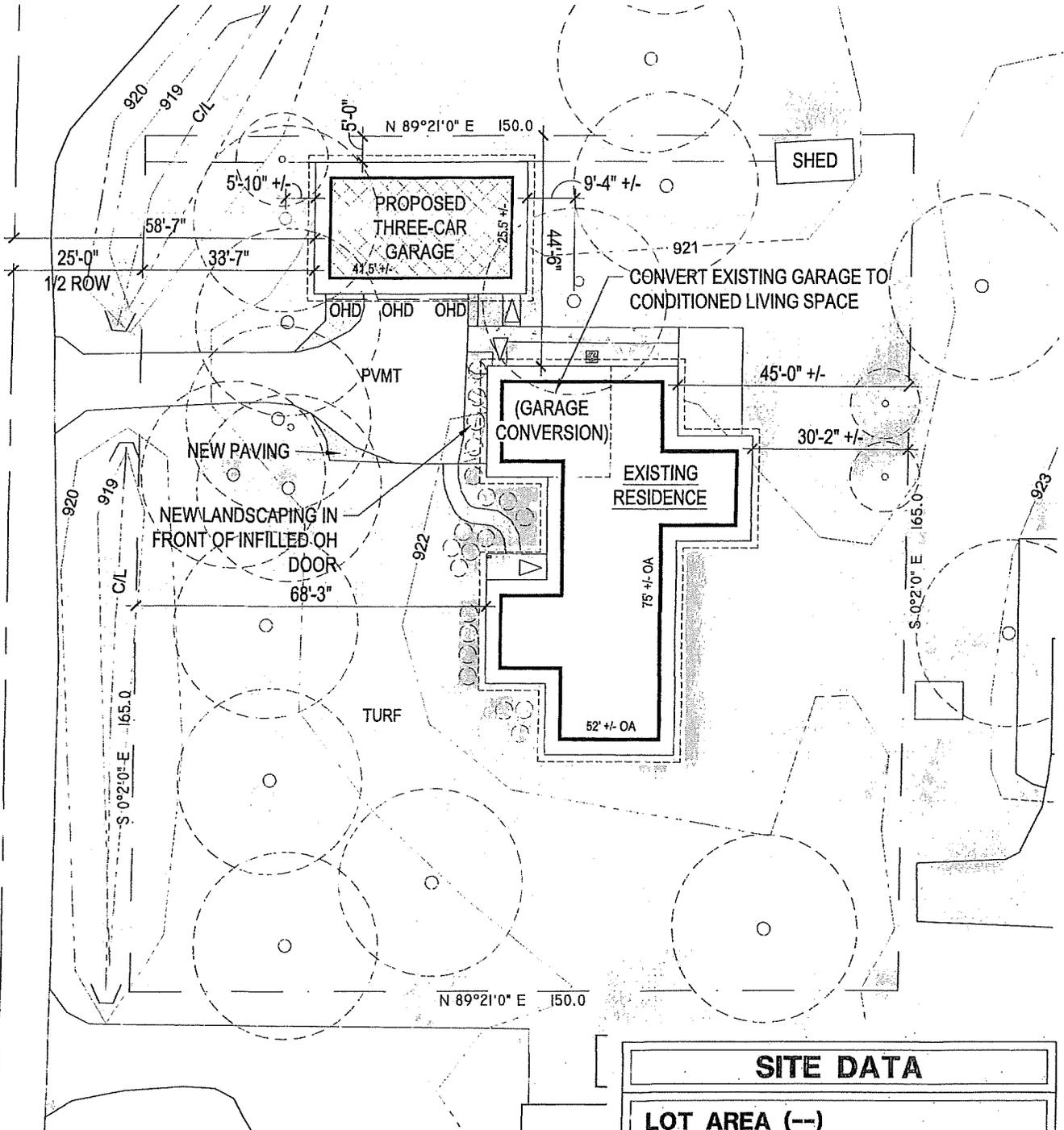
21'-8"

0 2' 4' 8'

PRELIM GARAGE | 823 EAGLEWOOD DRIVE | ZIONSVILLE, IN 46077
JANUARY 25, 2020 | 1 of 2

Exhibit 4

EAGLEWOOD DRIVE



SITE DATA

LOT AREA (--)

PARCEL SIZE 24,748 S.F. (0.57 ACRES)

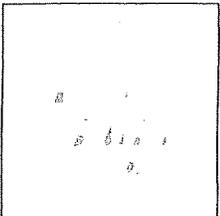
TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
PROP. GAR. FOOTPRINT AREA	1,242 S.F. +/-
TOTAL COVERED AREA	4,737 SQ. FT. +/-
PROPOSED OPEN SPACE	81 %

NOTE:

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

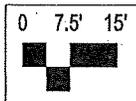
jason elliot burk, R.A.



2

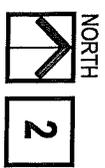
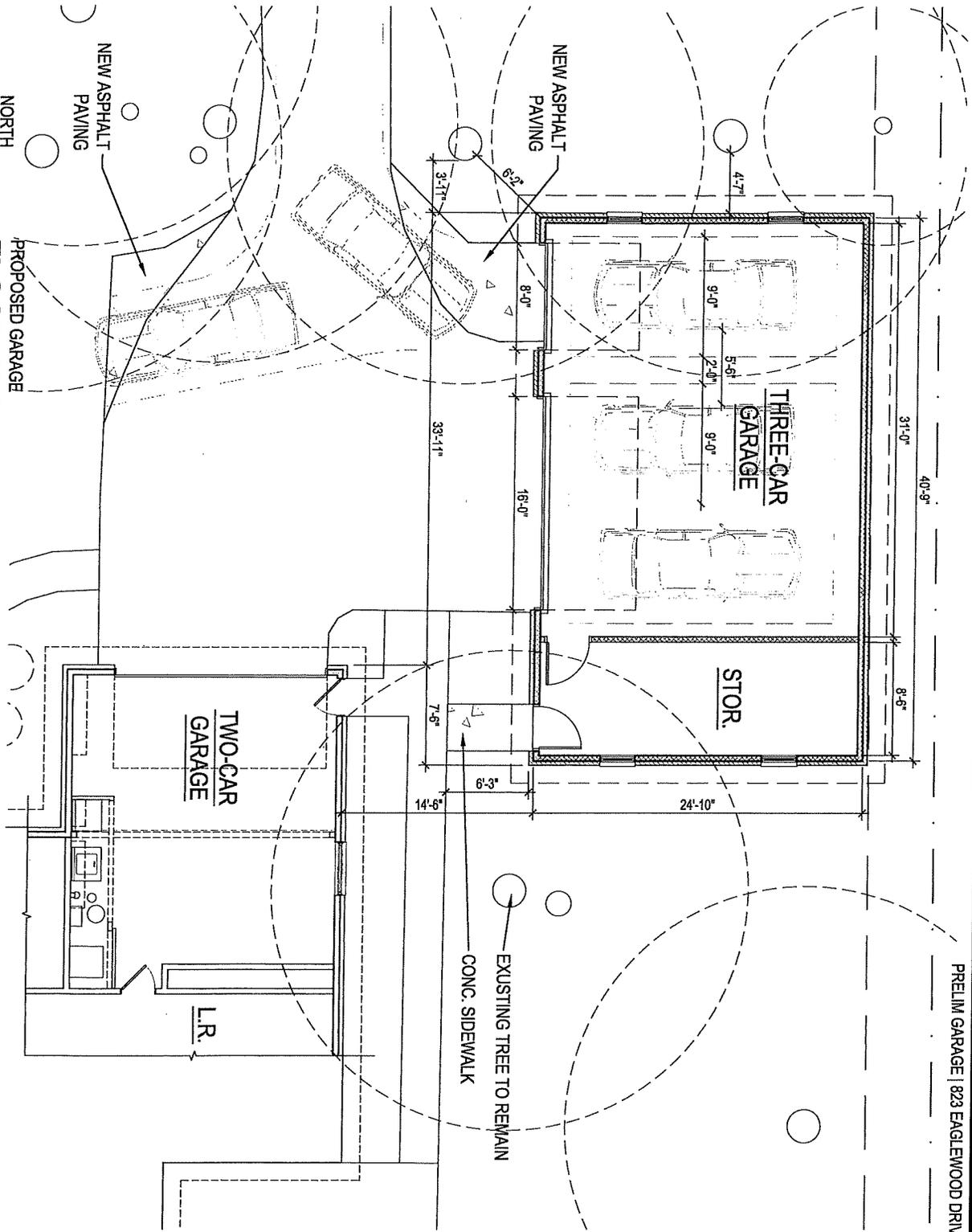
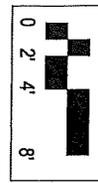
PROPOSED
SITE PLAN

SCALE: 1" = 30'-0"



PRELIM GARAGE | 823 EAGLEWOOD DRIVE | ZIONSVILLE, IN 46077

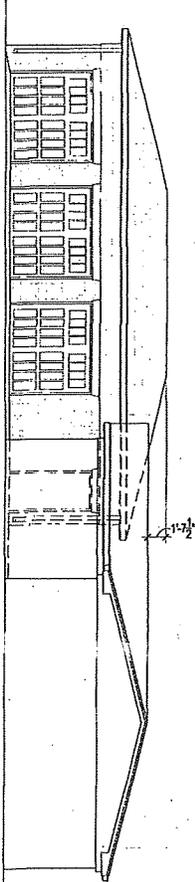
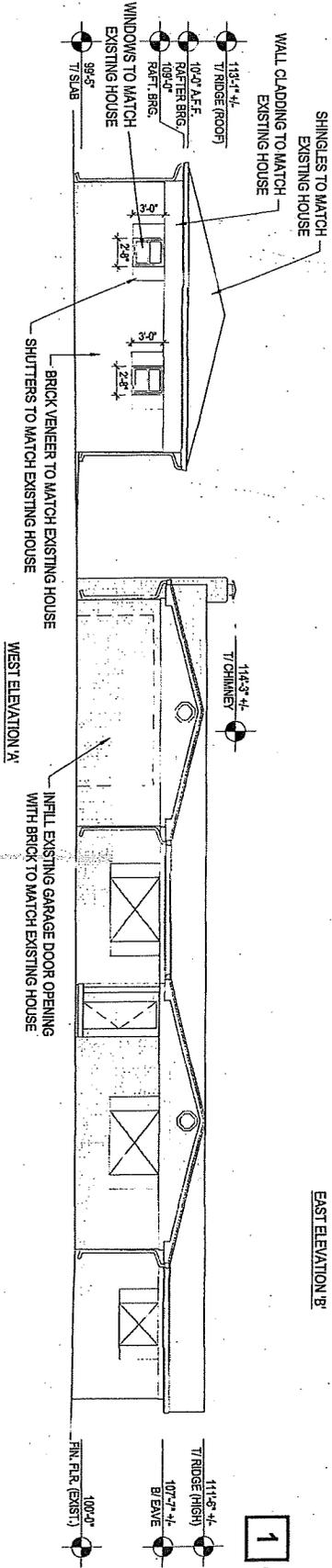
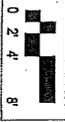
JANUARY 25, 2020 | 2 of 2



2

FLOOR PLAN

SCALE: 3/2" = 1'-0" | AREA: 900 SQ. FT.



NOTE: SEE ELEVATION 1A FOR TYPICAL NOTES

1
 PROPOSED
ELEVATIONS
 SCALE: 3/8" = 1'-0"

Jason Elliot Burf, R.A.
 231 S. Algonquin Drive, Suite 10, 46117
 317.671.3692 | jasonburf@jebc.com

Exhibit 6

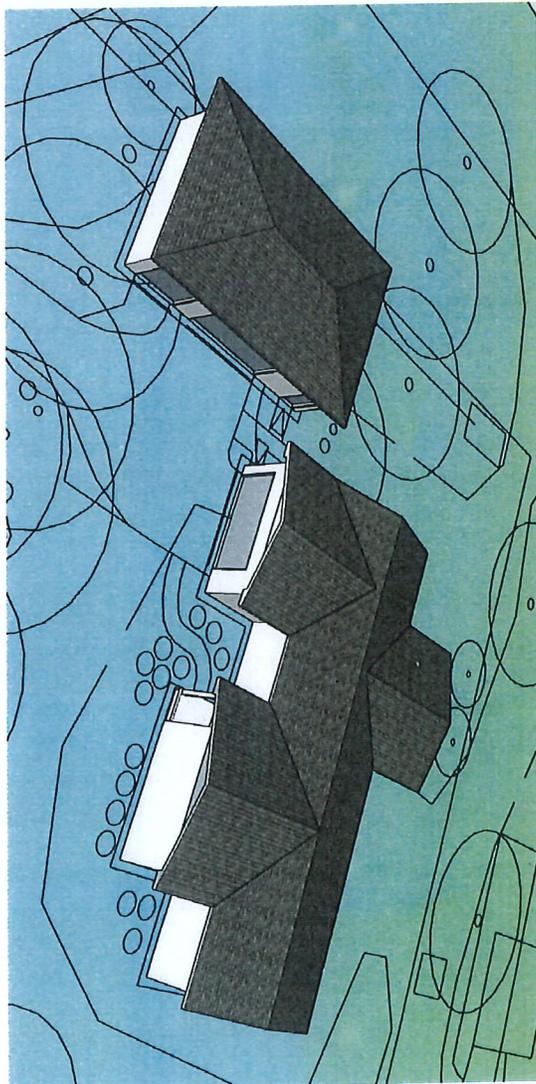


Exhibit 6

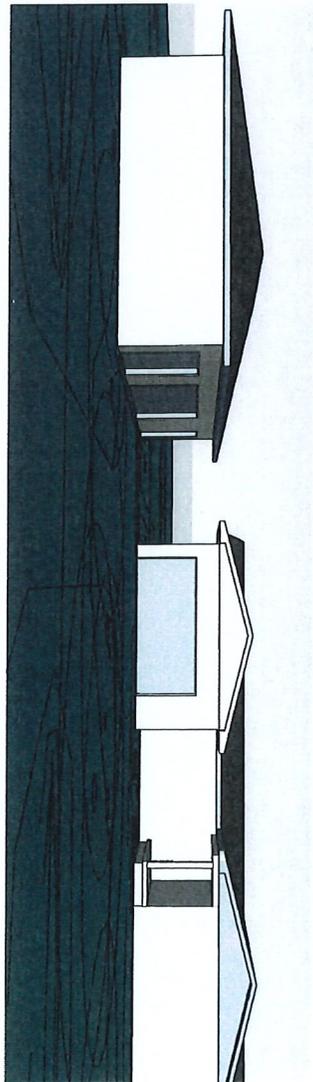


Exhibit 6

**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 required front yard set back from the right of way is actually +/- 13' **greater** than the required development standard minimum. Our variance request is for the 70' setback from the centerline of Eaglewood Drive. Since the centerline of Eaglewood Drive is only 25' from the right of way, we are +/- 13' short of this requirement. The request for a variance from the height of the ridge is solely to keep the roof slopes of the proposed garage and the existing residence the same slope. With a hip roof the lineal footage of the ridge that exceeds the height requirement is minimized.
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 proposed garage should actually increase the property values of existing and adjacent residence by eliminating the off street exposed parking of vehicles and the enclosing of trash cans and other storage. The proposed garage is brick, siding and dimensional shingles to match the architecture of the existing residence. The garage doors will be wood "carriage house" type garage doors which will upgrade the exterior elevations of the doors which will not be facing the street but rather facing the side yard.
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 existing garage is too small to practically house two cars and a laundry room. The only way we can get two cars into the existing garage is to back one in so both doors swing into the center leaving only about 28" to open the doors. Furthermore, a third vehicle and the trash cans must be left outside. The proposed garage will provide adequate space to enclose all vehicles and trash cans. The existing garage which also includes the laundry area can then be used for a large laundry rooms and expanded family room space. The old garage door will be replaced with windows/brick/siding to match the existing residence

DECISION

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

Adopted this _____ day of _____, 20____.

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Richard Anderson
5755 South 800 East
Zionsville, IN 46077



Dear Mr. Anderson,

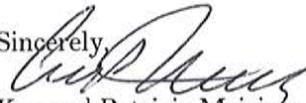
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,


Ken and Patricia Meiring

I (we) support the Meiring's Development Standard Variance

RICHARD ANDERSON 2/25/20 Richard Anderson
Printed Name Date Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077

• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Craig Stocking
620 White Oak Court
Zionsville, IN 46077

Dear Craig,

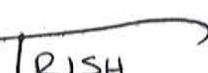
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,


TRISH
Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

CRAIG STOCKING
Printed Name

2/24/20
Date

Craig Stocking
Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077

• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Don Veatch
822 Eaglewood Drive
Zionsville, IN 46077

Dear Don,

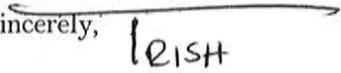
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,


TRISH

Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

DON VEATCH

Printed Name

02-22-2020

Date

Don Veatch

Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Scott Montgomery
821 Eaglewood Drive
Zionsville, IN 46077

Dear Scott,

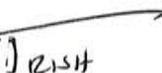
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,


Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

Susie Montgomery

Printed Name

Feb. 21 2020

Date


Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Ms. Jennie Howell
6100 Eaglewood Drive
Zionsville, IN 46077

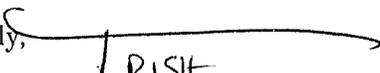
Dear Jennie,

Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely, 
Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

Jenny Howell 2/24/20 Jenny Howell
Printed Name Date Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Ezequiel Hernandez
828 Eaglewood Dr
Zionsville, IN 46077

Mr. Hernandez

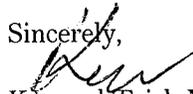
Trish and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,


Ken and Trish Meiring

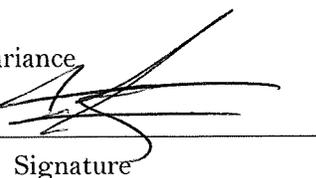
I (we) support the Meiring's Development Standard Variance



Printed Name

02-23-20

Date



Signature

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077

• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mrs. Mary Moreland
827 Eaglewood Dr
Zionsville, IN 46077

Dear Mary,

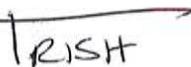
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, we are in compliance with the front yard setback from the right of way. The development standards require 20' and our proposed garage is 33'.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height.

Please sign the space indicated below if you support our variance request. We would like to include this letter in our submittal to the Board of Zoning Appeals.

Sincerely,



Ken and Trish Meiring

I (we) support the Meiring's Development Standard Variance

MARY L MORELAND 2-22-2020 Mary L Moreland

Printed Name

Date

Signature

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-08-05V

1. SITE INFORMATION:

Address of Property: 823 Eaglewood Drive South

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: Rural R-2 Area in acres: 0.568 +/-

2. PETITIONER/PROPERTY OWNER: Petitioner Name: Kenneth P Meiring and Patricia M Meiring Husband and Wife

Owner Name (if different from Petitioner): Petitioner Address:

Owner Address:

Petitioner Phone Number: 317 710 6666 Owner Phone Number: 317 710 6666

Petitioner E-Mail Address: kenmeiring@kpmeiring.com Owner E-Mail Address: kenmeiring@kpmeiring.com

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

Attorney/Contact Person:

Name: Kenneth Meiring

Address: 823 Eaglewood Drive, Zionsville 46077

Phone Number: 317 710 6666

E-Mail Address: kenmeiring@kpmeiring.com

Project Engineer:

Name: Jason Burk, Architect

Address: 7321 Pipestone Drive, Indianapolis, IN 46217

Phone Number: 317 691 3692

E-Mail Address: jason@burklegacy.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

Front Yard Set Back and Building Height

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: *Kenneth P Meiring* Date: 3/17/20
Kenneth P Meiring

Signature of Owner or Attorney for Owner: *Patricia M Meiring* Date: 3/17/20
Patricia M Meiring

State of FLORIDA)
County of ST JOHN'S)
SS:

Subscribed and sworn to before me this 17th day of March, 2020.

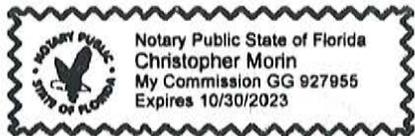
[Signature]
Notary Public Signature

Chris Morin
Notary Public Printed

My Commission No: _____

My Commission Expires: _____

My County of Residence is _____ County



OWNER'S AUTHORIZATION

The undersigned, Kenneth P Meiring and Patricia Meiring, being the owner of the property commonly known as 823 Eaglewood Drive Zionsville, IN 46077, hereby authorizes Jason Burk, Architect to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature:  
Printed: Kenneth Meiring Patricia Meiring
Title: _____

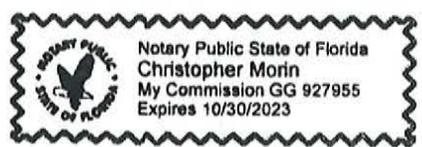
State of Florida)
County of St Johns)
SS:

Subscribed and sworn to before me this 17th day of March, 2020.


Notary Public Signature

Chris Morin
Notary Public Printed

My Commission No: _____
My Commission Expires: _____
My County of Residence is _____ County



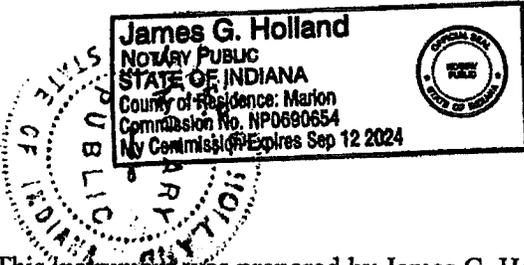
partnership, and who, having been duly sworn, stated that any representations therein contained are true.
Witness my hand and Notarial Seal this 18 day of November, 2019.

My commission expires _____

Signature James G. Holland

Printed _____
Notary Public

Resident of _____
County, Indiana



This instrument was prepared by James G. Holland, Attorney at Law #7746-49, 6358 N. College Ave., Indianapolis, IN 46220.

Return deed to: Kenneth P. Meiring, 823 Eaglewood Drive., Zionsville, IN 46077

Send tax bills to AND GRANTEE ADDRESS = 823 EAGLEWOOD DR ZIONSVILLE IN 46077

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. James G. Holland

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Patricia M Meiring, 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: Kenneth P and Patricia M Meiring
(NAME OF PERSON ON PETITION)

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

For property located at: 823 Eaglewood Drive, Zionsville, IN 46077

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED 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 Certified Mail, Return Receipt Requested on or before the 17th day of MARCH, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] 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).

Patricia M Meiring
Name of person mailing letters
Patricia M. Meiring
Signature

State of Florida)

County of St Johns) SS:

Subscribed and sworn to before me this 17th day of March, 2020.

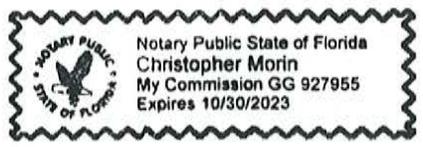
[Signature]
Notary Public Signature

Chris Morin
Notary Public Printed

My Commission No: _____

My Commission Expires: _____

My County of Residence is _____ County



Attribute report for active ID 1

ID name	add1	add3
• 42919 REEF SCOTT A	630 WHITE OAK CT	ZIONSVILLE, IN 46077
• 42920 ANDERSON RICHARD A & KATHLEEN	5755 S 800 E	ZIONSVILLE, IN 46077
• 42921 VEATCH DON & JUDITH L	822 EAGLEWOOD DR	ZIONSVILLE, IN 46077
• 42926 MEIRING KENNETH P & PATRICIA M	823 EAGLEWOOD DR	ZIONSVILLE, IN 46077
• 42931 STOCKING CRAIG ELLIOTT & SELIT	620 WHITE OAK CT	ZIONSVILLE, IN 46077
• 42936 RUCH WILLIAM B & JANE G	610 WHITE OAK CT	ZIONSVILLE, IN 46077
• 42947 RAJSKI JULIA J & LAURA E EISNE	819 S EAGLEWOOD DR	ZIONSVILLE, IN 46077
• 42948 MONTGOMERY SCOTT & SUSAN	821 EAGLEWOOD DR	ZIONSVILLE, IN 46077

The Indianapolis Star

130 South Meridian Street
Indianapolis, IN 46225
Marion County, Indiana

Federal Id: 06-1032273

TOWN OF ZIONSVILLE

Account #:INI-2529
Order #:0004117775
of Affidavits: 2

Total Amount of Claim:\$107.24
This is not an invoice

TOWN OF ZIONSVILLE
ATTN ken
1100 W OAK ST
ZIONSVILLE, IN 46077

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN, }
County Of Brown } **SS:**

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation printed and published in the English language in the city of INDIANAPOLIS in state and county of Marion, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being as follows:

The insertion being on the 03/19/2020

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Kathleen Allen

Date: 3/19, 2020 Title: Clerk

Subscribed and sworn to before me this 19 day of March, 2020

Shelly Hora
Notary Public

Notary Expires: 8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

To: INDIANAPOLIS

STAR

(Governmental Unit)

_____ County, Indiana _____

Indianapolis, IN

85 lines, 2 columns wide equals 170 equivalent lines at \$0.63 per line @ 1 days, \$107.24

Website Publication \$0

Acct #: INI-2529
Ad #: 0004117775

Charge for proof(s) of publication \$0.00

DATA FOR COMPUTING COST
Width of single column 9.5 ems
Number of insertions 1
Size of type 7 point

TOTAL AMOUNT OF CLAIM \$107.24

Claim No. _____ Warrant No. _____
IN FAVOR OF
The Indianapolis Star
Indianapolis, IN
Marion County
130 S. Meridian St. Indianapolis, IN 46225

I have examined the within claim and hereby certify as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

\$ _____
On Account of Appropriation For

FED. ID
#06-1032273

Allowed _____, 20____

In the sum of \$ _____

I certify that the within claim is true and correct; that the services there-in itemized and for which charge is made were ordered by me and were necessary to the public business.

**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, 4/1/20, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:
2020-08-DSV, Kenneth and Patricia Meiring requests a Development Standards Variance to provide for or permit:
Construction of a Detached Garage

2020-08-DSV K. Meiring 823 Eaglewood Drive Petition for Development Standards Variance in order to provide for the construction of a detached garage which:
1) Deviates from the required minimum front yard setback; and
2) Deviates from the required maximum permissible height associated with an accessory structure
in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as:
823 Eaglewood Drive, Zionsville, IN 46077,
and is legally described as:

Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:
From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the fast course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the place of beginning, containing 0.568 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 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong

INI - 3/19/2020 - 0004117775

hspaxlp

7019 1120 0001 6543 2796

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55	0482
Extra Services & Fees (check box, add fee as appropriate)	\$2.35	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	03/17/2020
Total Postage and Fees	\$6.95	
Sent To SCOTT MONTGOMERY 821 EAGLEWOOD DRIVE ZIONSVILLE, INDIANA 46077-9045		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 3030

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55	0482
Extra Services & Fees (check box, add fee as appropriate)	\$2.35	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	03/17/2020
Total Postage and Fees	\$6.95	
Sent To CRAIG STOCKING 620 WHITE OAK COURT ZIONSVILLE, INDIANA 46077-9045		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2804

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55	0482
Extra Services & Fees (check box, add fee as appropriate)	\$2.35	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	03/17/2020
Total Postage and Fees	\$6.95	
Sent To SCOTT A REEF 620 WHITE OAK COURT ZIONSVILLE, INDIANA 46077-9045		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2774

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55	0482
Extra Services & Fees (check box, add fee as appropriate)	\$2.35	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	03/17/2020
Total Postage and Fees	\$6.95	
Sent To RICHARD A ANDERSON 5755 SOUTH 800 EAST ZIONSVILLE, INDIANA 46077-9045		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2767

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55	0482
Extra Services & Fees (check box, add fee as appropriate)	\$2.35	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	03/17/2020
Total Postage and Fees	\$6.95	
Sent To DON VEATCH 821 EAGLEWOOD DRIVE ZIONSVILLE, INDIANA 46077-9045		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 3047

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55	0482
Extra Services & Fees (check box, add fee as appropriate)	\$2.35	13
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	03/17/2020
Total Postage and Fees	\$6.95	
Sent To WILLIAM RUCH 620 WHITE OAK COURT ZIONSVILLE, INDIANA 46077-9045		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 6543 2767

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

ZIONSVILLE IN 46077

OFFICIAL USE

Certified Mail Fee	\$3.55
Postage	\$0.55
Total Postage and Fees	\$6.95

0482
13

Postmark
Here

03/17/2020

Sent To SULIA RASSKI
 Street and Apt. No., or PO Box No. 819 EAGLEWOOD DRIVE
 City, State, ZIP+4® ZIONSVILLE INDIANA 46077-9045

7019 1120 0001 6543 2750

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

ZIONSVILLE IN 46077

OFFICIAL USE

Certified Mail Fee	\$3.55
Postage	\$0.55
Total Postage and Fees	\$6.95

0482
13

Postmark
Here

Sent To SULIA RASSKI
 Street and Apt. No., or PO Box No. 819 EAGLEWOOD DRIVE
 City, State, ZIP+4® ZIONSVILLE INDIANA 46077



Certificate of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: SCOTT MONTGOMERY
821 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: WILLIAM RUCH
610 WHITE OAK COURT
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: SULIA RASSKI
819 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: SULIA RASSKI
819 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



**UNITED STATES
POSTAL SERVICE®**

Certificate Of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: RICHARD A ANDERSON
5755 SOUTH 800 EAST
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



**UNITED STATES
POSTAL SERVICE®**

Certificate Of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: CRAIG STOCKING
620 WHITE OAK COURT
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



**UNITED STATES
POSTAL SERVICE®**

Certificate Of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: SCOTT A. REEF
630 WHITE OAK COURT
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



**UNITED STATES
POSTAL SERVICE®**

Certificate Of Mailing

To pay fee, affix stamps or meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: KENNETH MEIRING
823 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

To: DON VEATCH
822 EAGLEWOOD DRIVE
ZIONSVILLE, INDIANA
46077-9045

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065

**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,

4/1/20, 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:

2020-08-DSV, Kenneth P and Patricia M Meiring 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 provide for the construction of a detached garage which:

- 1) Deviates from the required minimum front yard setback; and
- 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as: 823 Eaglewood Drive, Zionsville, IN 46077,
and is legally described as: (COMMON ADDRESS)

Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:

From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the fast course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line p of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the lace of beginning, containing 0.568 acres, more or less.

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 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

Publish: _____

Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077
• E-Mail: kenmeiring@kpmeiring.com

Board of Zoning Appeals
Town of Zionsville IN
1100 West Oak Street
Zionsville, IN 46077

March 16, 2020

Dear Board Members,

Trish Meiring and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

- 1) Our proposed garage is approximately 13 feet closer to the centerline of Eaglewood Drive than required by the development standards. The development standards require 70' and our garage is 58'. However, please note that we are in compliance with the front yard setback from the right of way. The development standards require 20' from the right of way. Our proposed garage is 33' which is 13' further back than required.
- 2) The second development standard is the height of the ridge of the garage. The garage ridge will be up to 3' higher than the roof of our residence. The reason this is needed is because we want the slope of the garage roof to be the same as that of the house. The geometry of the roof trusses yields a height that is higher than the house. Our belief is that the aesthetic benefits of having the same roof slope outweigh the marginally higher ridge height. Additionally, we are proposing a hip roof which will reduce the lineal footage of ridge that exceeds the standard height requirement

We have met with seven of our neighbors on our street, including 5 of the 7 adjoining property owners. We have been unable to make contact or meet with two of the adjoining property owners on White Oak Street which adjoin the rear corners of our property. All seven of the neighbors with whom we were able to make contact support our variance request.

We submitted with the application seven letters from neighbors supporting our variance request. We respectfully request that the Board approve our request

 
Ken and Trish Meiring



Scale	1" = 40'
Date	Jan 21, 2020
Sheet No.	1

ALIG ENGINEERING, INC.
 8271 N WASHINGTON BLVD.
 INDIANAPOLIS, IN 46240-2253
 317-254-5670

Boundary Survey
 Meiring Residence
 823 Eaglewood Drive
 Zionsville, IN 46077

REGISTERED
LAND SURVEYOR
 STATE OF INDIANA
 No. 20300024
 DOUGLAS S. ALIG

Legal Description:
 Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:
 From the Northwest corner of said Section measure South along the West line thereof 1024.80 feet to a point in the North line of an existing roadway; thence deflecting left 90 degrees 39 minutes measure Easterly along the North line of said road 1737.17 feet for a place of beginning; thence continuing the last course described measure Easterly 150 feet; thence deflecting right 90 degrees 37 minutes measure Southerly 165 feet; thence deflecting right 89 degrees 23 minutes measure Westerly 150 feet to a point on the East line of an existing roadway; thence deflecting right measure Northerly along said East line 165 feet to the place of beginning, containing 0.568 acres, more or less.

Surveyors Report:

The purpose of this survey was to conduct a retracement Survey of the lines and corners of this parcel for use the building of a new garage.

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of uncertainties in the reference monuments, discrepancies in record descriptions and plats, inconsistencies in lines of occupations and the relative position accuracy of the measurements. There may be unwritten rights associated with these uncertainties. This Relative Position accuracy of the corners of the parcel established by this survey is within the specifications for a Suburban Survey as defined by IAC 865

Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded deeds used in this survey. There are rounding differences associated with the deed angles and the deed dimensions. Uncertainty due to these discrepancies is equal in magnitude of these discrepancies, and is as much as 2 feet.

Existing Documentation: The Northwest corner of the Northwest Quarter of Section 4 Township 17 North, Range 2 East was found as per Boone County Tie sheets. There were a few existing stakes found at property corners of nearby parcels.

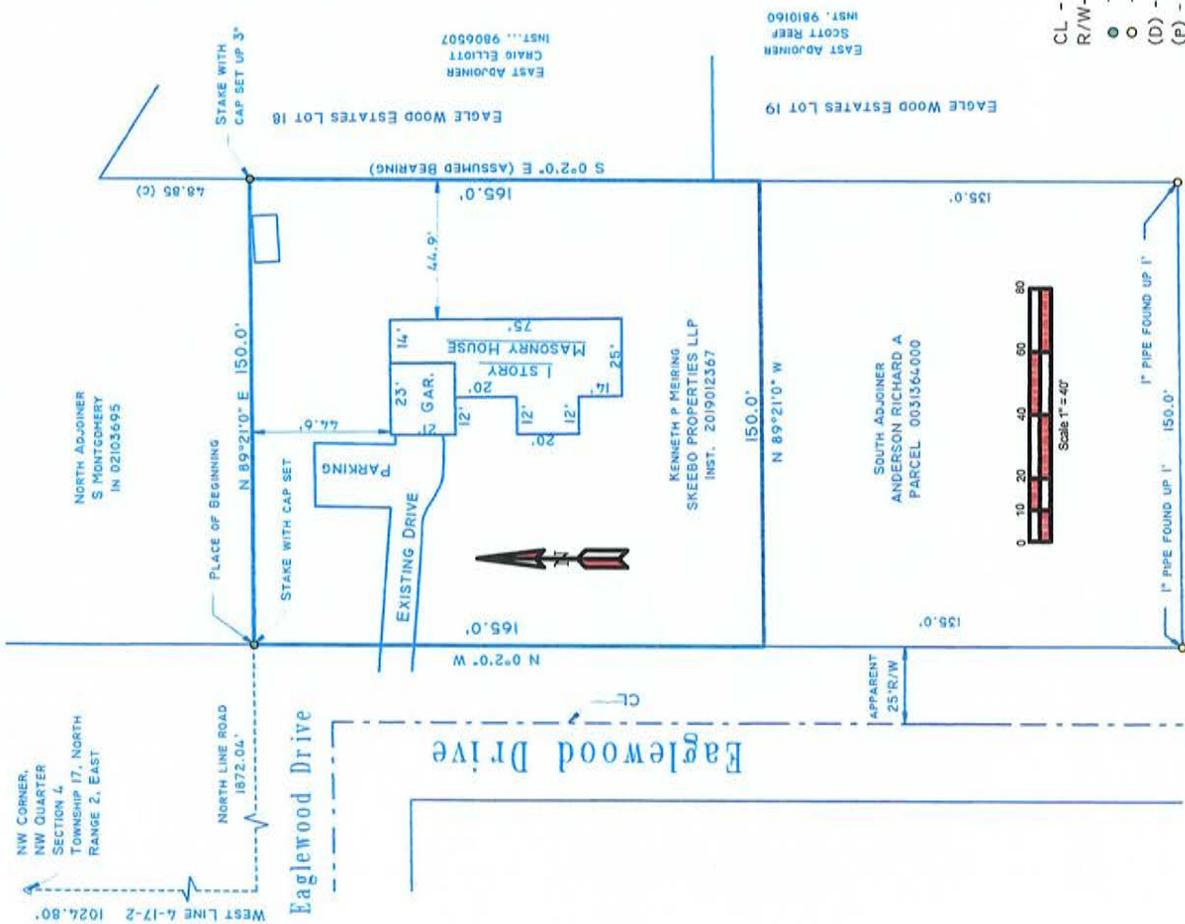
Lines of occupation: There are Utility lines and poles generally running along the East property line of this parcel. An assumed bearing was established using the West line of adjoining Eagle Woods Estates and existing monumentation found. Deed and Plat distances, as well as found monuments were used in establishing the boundary lines and corners of subject parcel.

All survey monuments set on this survey are set flush with the existing grade unless otherwise noted. The measurements shown on the herein drawing are field measurements (M), unless noted otherwise. (D) Deed, (P) Plat (C) Calculated.

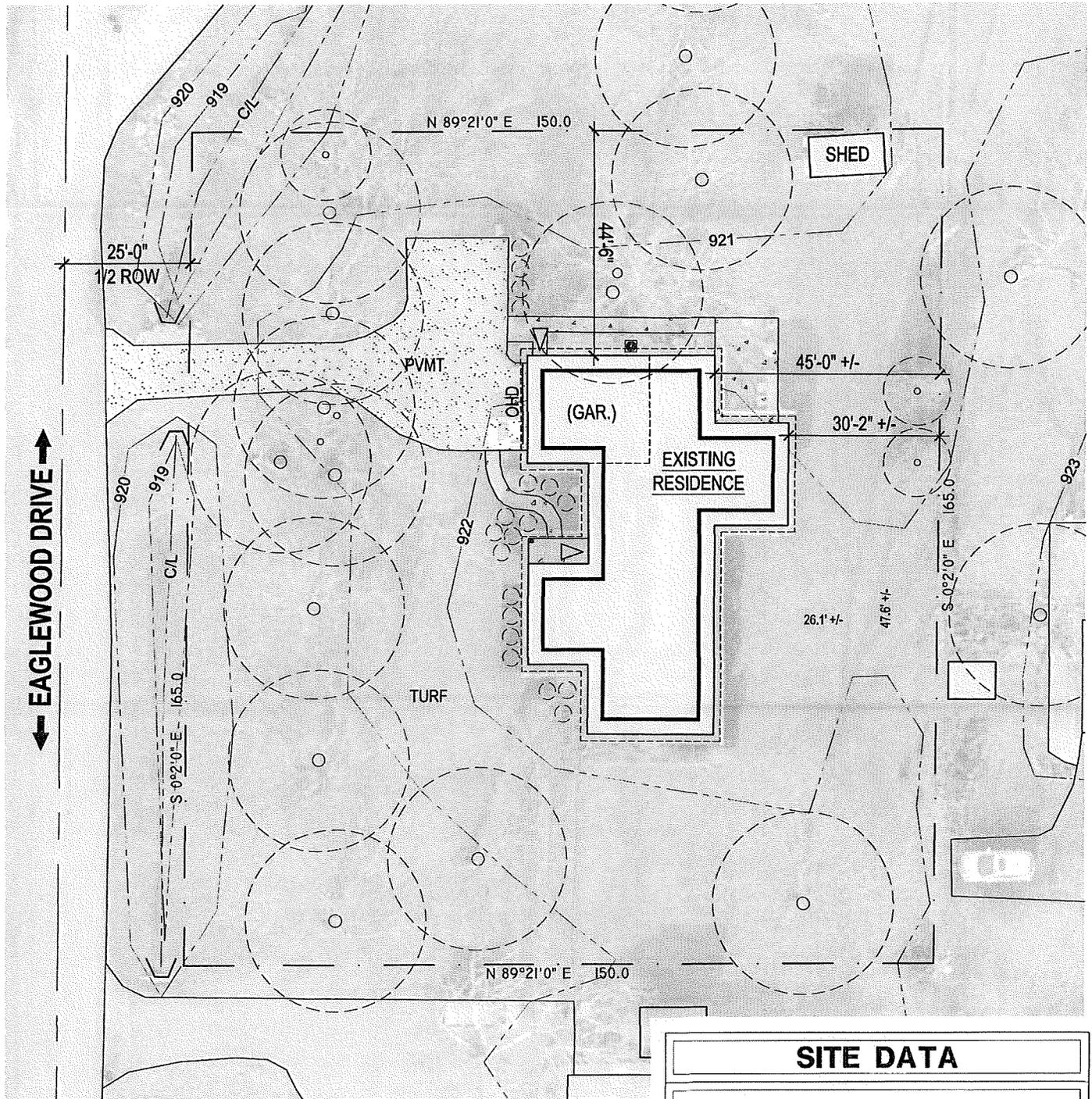
This instrument prepared without the use of Title Commitment I, the undersigned, HEREBY CERTIFY, that to the best of my professional knowledge and belief that the within described Plat represents a true and accurate survey completed by myself on January 3, 2020 and correctly represents the boundary line of the above described real estate.



Douglas S. Alig
 Douglas S. Alig, L.S. 20300024



- CL - CENTER LINE
- R/W - RIGHT OF WAY
- - STAKE WITH CAP SET
- - MONUMENT FOUND
- (D) - DEED DIMENSION
- (P) - PLAT DIMENSION
- (M) - MEASURED DIMENSION
- (C) - CALCULATED DIMENSION



← EAGLEWOOD DRIVE →

SITE DATA

LOT AREA (--)

PARCEL SIZE 24,748 S.F. (0.57 ACRES)

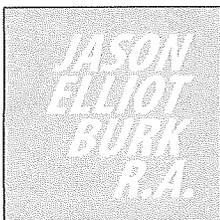
TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
TOTAL COVERED AREA	3,295 SQ. FT. +/-
EXIST. OPEN SPACE	87 %

NOTE:

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

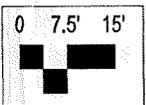
jason elliot burk, R.A.

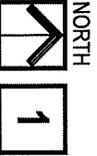
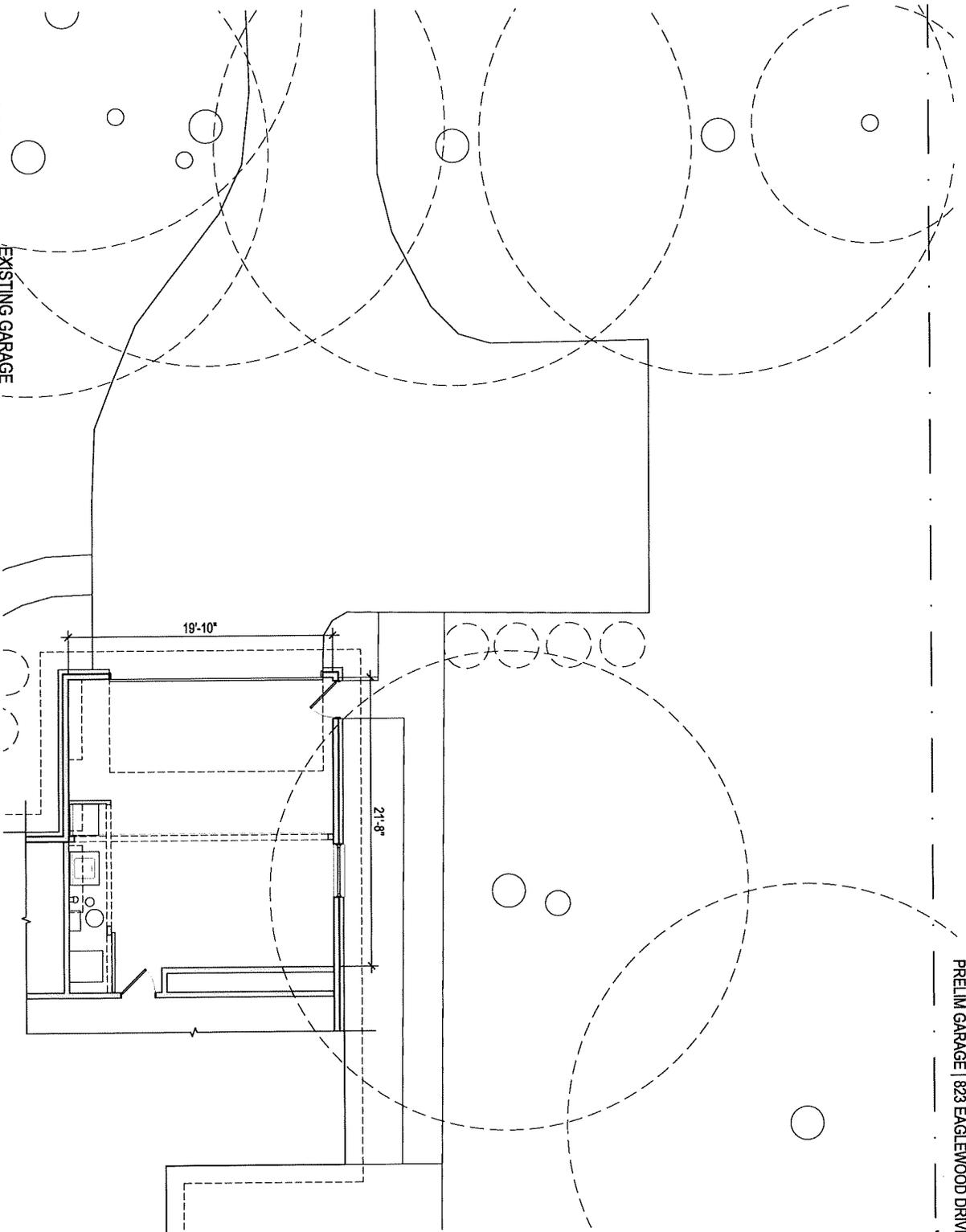
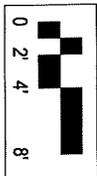


1

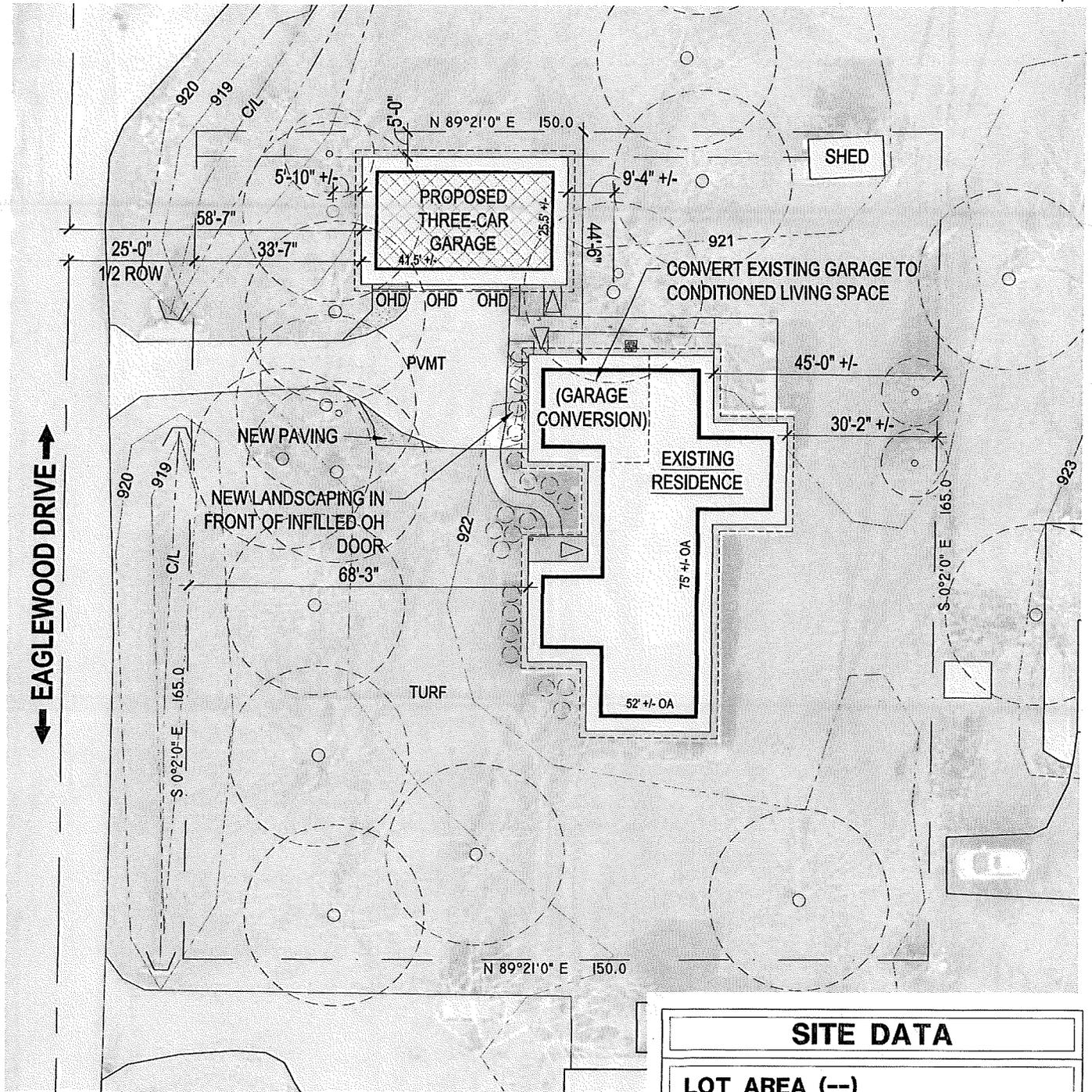
EXISTING
SITE PLAN

SCALE: 1" = 30'-0"





EXISTING GARAGE
FLOOR PLAN
SCALE: 3/2" = 1'-0"



SITE DATA

LOT AREA (--)

PARCEL SIZE 24,748 S.F. (0.57 ACRES)

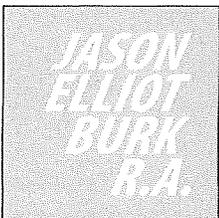
TOTAL BLDG AREA

EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
PROP. GAR. FOOTPRINT AREA	1,242 S.F. +/-
TOTAL COVERED AREA	4,737 SQ. FT. +/-
PROPOSED OPEN SPACE	81 %

NOTE:

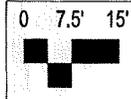
THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED. THE ARCHITECT / DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY PORTION OF THIS PROJECT

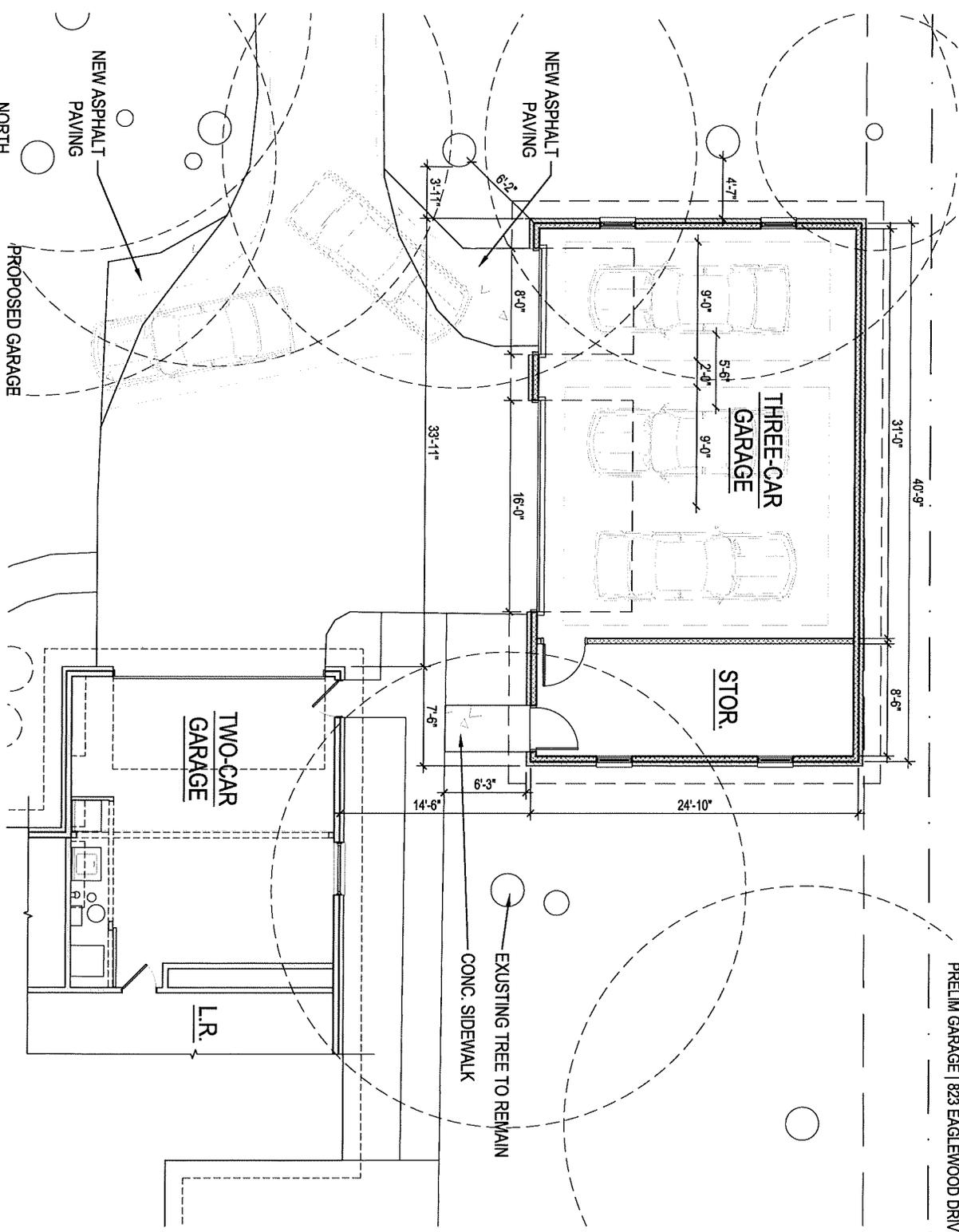
jason elliot burk, R.A.



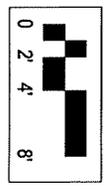
PROPOSED
SITE PLAN

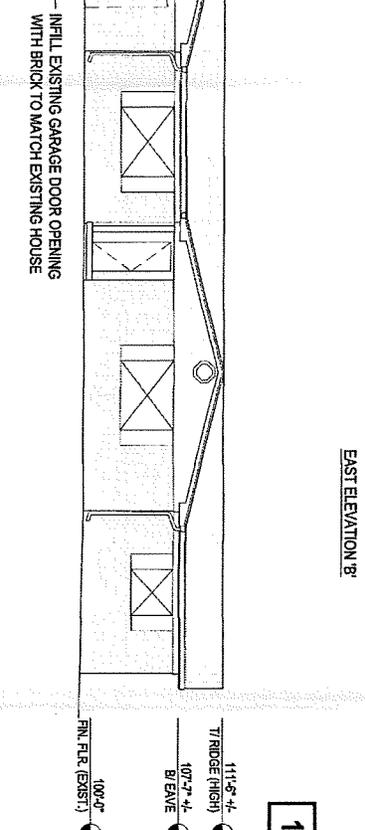
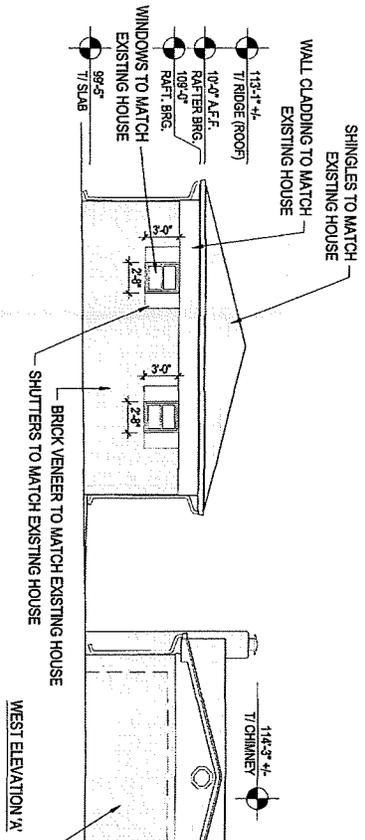
SCALE: 1" = 30'-0"





FLOOR PLAN
SCALE: 3/2" = 1'-0" | AREA: 900 SQ. FT.

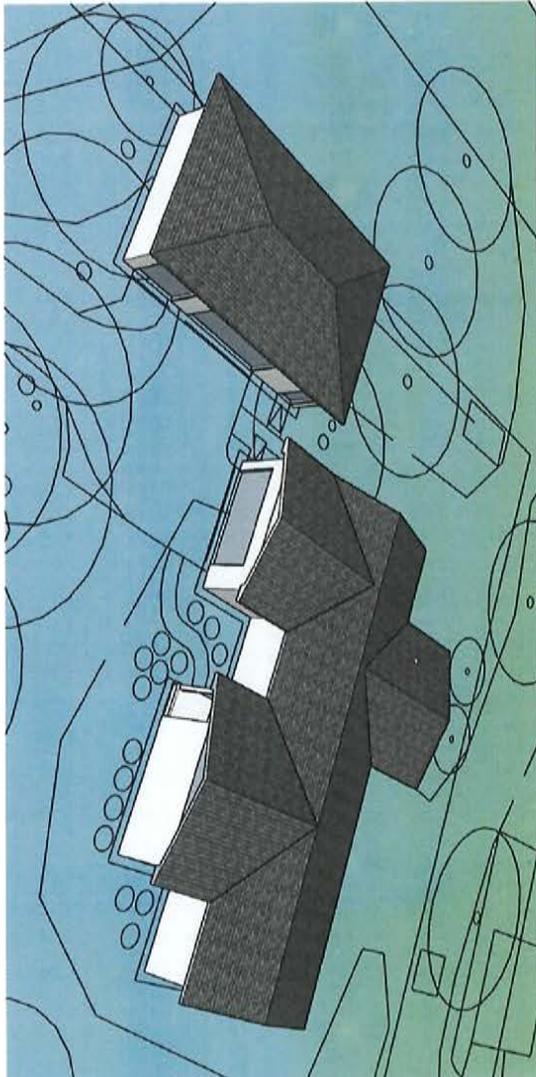


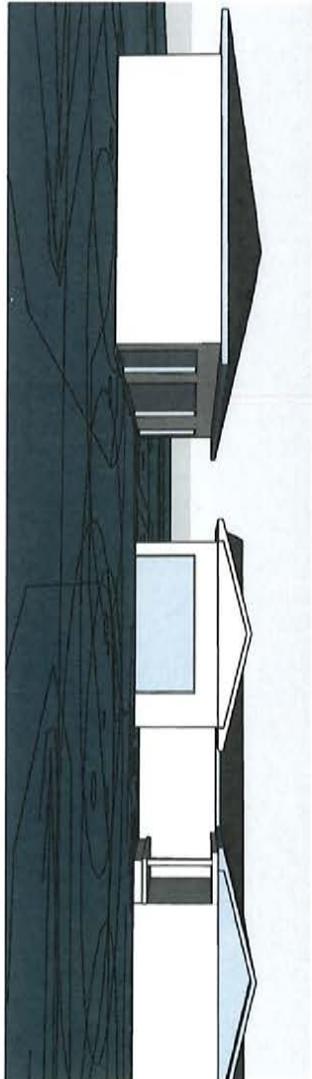


NOTE: SEE ELEVATION 1A FOR TYPICAL NOTES

1
 PROPOSED
ELEVATIONS
 SCALE: 3/32" = 1'-0"

JASON ELLIOT BURK, R.A.
 7221 pipstone drive, indy, in 46217
 317 697 3692 | jason@burkdesign.com





**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 required front yard set back from the right of way is actually +/- 13' **greater** than the required development standard minimum. Our variance request is for the 70' setback from the centerline of Eaglewood Drive. Since the centerline of Eaglewood Drive is only 25' from the right of way, we are +/- 13' short of this requirement. The request for a variance from the height of the ridge is solely to keep the roof slopes of the proposed garage and the existing residence the same slope. With a hip roof the lineal footage of the ridge that exceeds the height requirement is minimized.
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 proposed garage should actually increase the property values of existing and adjacent residence by eliminating the off street exposed parking of vehicles and the enclosing of trash cans and other storage. The proposed garage is brick, siding and dimensional shingles to match the architecture of the existing residence. The garage doors will be wood "caraige house" type garage doors which will upgrade the exterior elevations of the doors which will not be facing the street but rather facing the side yard.
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 existing garage is too small to practically house two cars and a laundry room. The only way we can get two cars into the existing garage is to back one in so both doors swing into the center leaving only about 28" to open the doors. Furthermore, a third vehicle and the trash cans must be left outside. The proposed garage will provide adequate space to enclose all vehicles and trash cans. The existing garage which also includes the laundry area can then be used for a large laundry rooms and expanded family room space. The old garage door will be replaced with windows/brick/siding to match the existing residence

DECISION

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

Adopted this _____ day of _____, 20____.



Petition Number: 2020-09-DSV

Subject Site Address: 324 S 9th Street

Petitioner: Ramiro De La Cruz & Alejandra Chavez

Representative: Ramiro De La Cruz & Alejandra Chavez

Request: Petition for Development Standards Variance to allow for an existing outdoor fireplace to continue to:
1) encroach into the required minimum 5-foot 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: .31 acres

Zoning History: No prior petitions are known.

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioners Narrative
Exhibit 4 – Petitioners Site Plan
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 April 1, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.31 acres of Lots 1 and 2 in Schick's Addition to the Town of Zionsville as well as the North Half of vacated Laurel Avenue lying South of and adjacent to Lot 1 in Schick's Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.31-acre parcel is currently improved with a 5,097 +/- square foot single-family dwelling and accessory uses built in 2011. Per the narrative included, the petitioner hired two separate contractors to install a deck and outdoor fireplace of which a permit was obtained for the deck only (#2019-526). After the fireplace was constructed it was discovered through a town inspection, it was encroaching into the minimum 5-foot side yard setback requirements and therefore would need to seek approval of a Development Standards Variance. A temporary certificate of occupancy was issued on September 27, 2019 pending the outcome of from the Board of Zoning Appeals for the allowance of a fireplace to be located within a side yard setback.

SETBACKS (SIDE YARDS)

Per the RV Residential Village District regulations, improvements to the site are required to conform to minimum setback standards (side yard minimum: 5 feet with 15-foot aggregate, rear yard minimum). The site enjoys a conforming 15-foot side yard setback from the south parcel line for the existing single-family dwelling which adjoins a public asphalt path and access point to Zionsville's trail system. The installation of the outdoor fireplace as part of the outdoor living space created a non-conforming 3-foot 9-inch side yard setback from the north parcel line and an aggregate side yard setback of 18-foot 9-inch.

Staff recognizes the desire to locate the outdoor living space along the north side of their parcel to gain as much privacy as possible given the adjoining non-residential, public space along the south parcel line. Additionally, it is understood the Petitioners were not aware the fireplace had not been submitted as part of the Improvement Location Permit application. As such, the town's building inspectors did not have the opportunity to review the placement of the fireplace as part of their review prior to the issuance of the permit.

In summary, the Petitioner is requesting to utilize as much as three feet nine inches of encroachment into the required side yard setback as to address the issue created by the encroachment. 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 north) 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 fireplace 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 fireplace is freestanding and not laterally supported is the essence of why a variance is needed in this case.

With the above in mind, Staff is supportive of the non-conforming 3-foot 9-inch side yard setback from the north parcel line and an aggregate side yard setback of 18-foot 9-inch as illustrated on the Petitioner's site plan attached to this staff report.

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:*

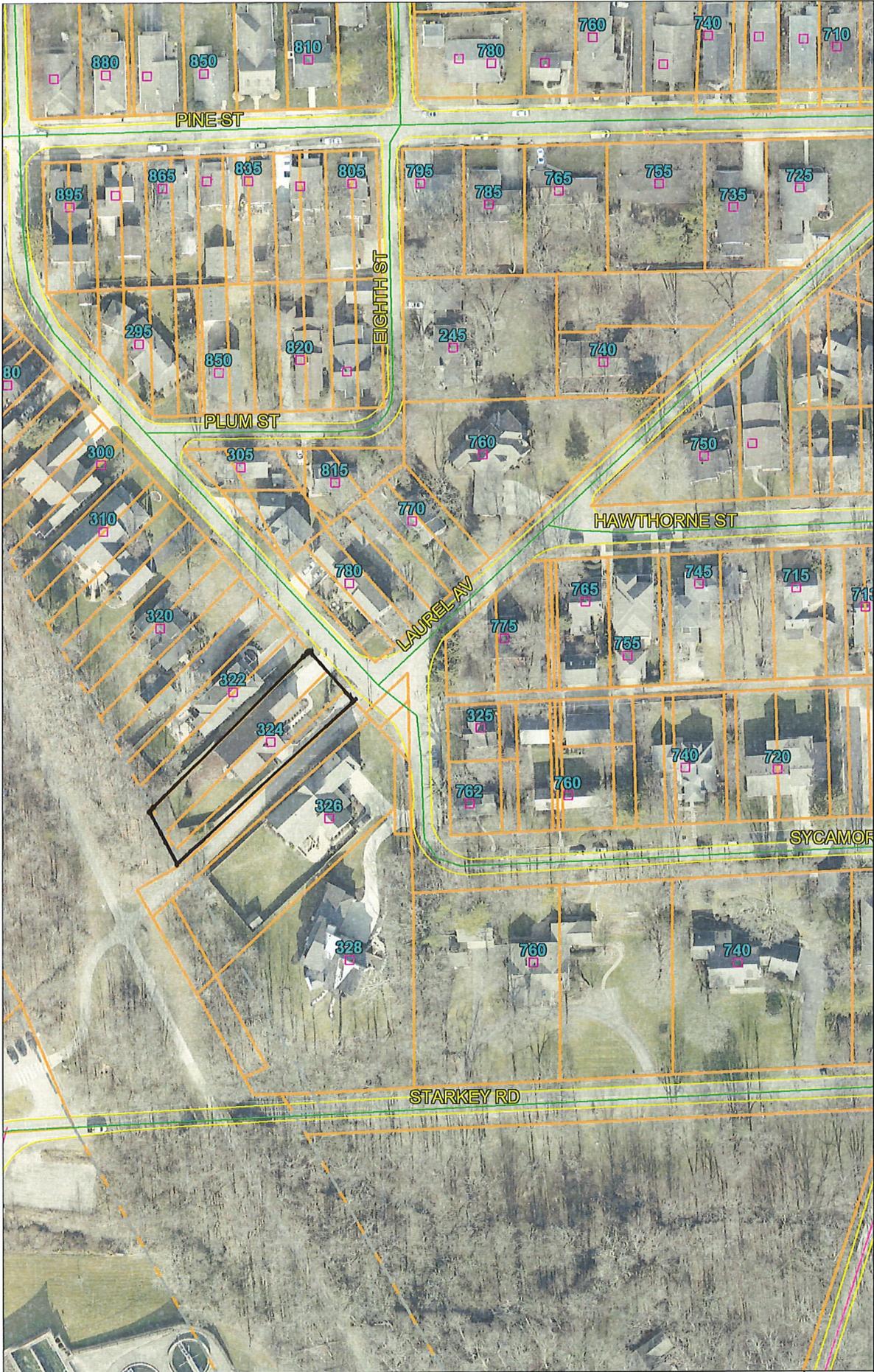
Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

STAFF RECOMMENDATIONS

Staff would be supportive of the Development Standards Variance for an existing outdoor fireplace to continue to encroach into the required minimum 5-foot side yard setback in Docket #2020-09-DSV.

RECOMMENDATION MOTION

I move that Docket #2020-09-DSV Development Standards to allow for an existing outdoor fireplace to continue to: 1) encroach into the required minimum 5-foot side yard setback (as further described in the exhibits to this report), in the Residential Village Zoning District (RV) for the property located at 324 S 9th Street be (Approved as filed, based upon the findings of fact / Denied/ Continued).



Flood Hazard BC 2013
FLD_ZONE:

- AE
- X

- Regional Counties
- Townships
- Zionsville Corporate
- Boone Co Corporate
- Parcels

Boone County Address

- Regional County
- Edge of Pavement
- Miscellaneous
- Railroads
- Roads
- Highways
- BC Legal Drains

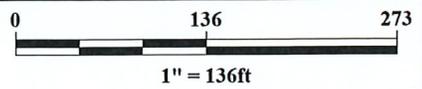


Exhibit 2

The De La Cruz Family

324 S. 9th Street

Zionsville, IN 46077

March 21, 2020

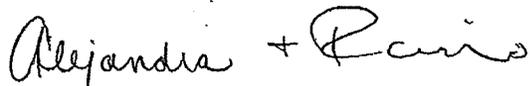
Hello Neighbors,

We hope you are all staying safe and healthy in these difficult moments for our community and country. We apologize for the timing of this letter in the middle of the current situation, but we are following Town of Zionsville procedures for a variance of development standards.

As background information, we purchased our home in the village in May of 2019. We hired two separate contractors to build our deck and designer outdoor fireplace. The deck contractor applied for an improvement location permit (#2019-526) for the residential deck, only. During the inspection of this permit, it was discovered that the fireplace was apparently not in compliance with yard fence setback therefore we needed to investigate further. Turns out the northern most corner of our new fireplace was encroaching the set back limits to our north fence line. As the homeowners, we were surprised, extremely disappointed and embarrassed that both contractors, who were aware, failed to review and meet the zoning ordinance. We are respectfully seeking a variance with the Town of Zionsville, to avoid tearing down this beautiful addition and investment in our property.

Enclosed is the notice of public hearing and photos of our backyard improvement. If you have any questions, feel free to give us a call.

Best regards,



Alejandra and Ramiro

Tel: 317-361-8872

SURVEYOR LOCATION REPORT

This report was prepared only for:
MERIDIAN TITLE CORPORATION (#19-12006).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 324 South 9th Street, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0334E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Ramiro De La Cruz



HAHN SURVEYING GROUP, INC.

Land Surveyors

2850 E. 96th Street, Indianapolis, IN 46240

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

EMAIL: orders@hahnsurveying.com

www.hahnsurveying.com

Job No: 2019041418
Sheet 1 of 3

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

ALSO:

The North Half of vacated Laurel Avenue lying South of and adjacent to Lot Number 1 in Schick's Addition to the Town of Zionsville as per plat thereof recorded in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

A part of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Boone County, Indiana; thence North 00 degrees 29 minutes 22 seconds West (assumed bearing) on the East line of said Quarter Section 421.55 feet to the Southeasterly right-of-way line of Laurel Avenue; thence South 47 degrees 05 minutes 37 seconds West on said right-of-way line 56.05 feet to the Southeasterly extension of the Southwest right-of-way line of Ninth Street; thence North 42 degrees 54 minutes 23 seconds West on said Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the centerline of vacated Laurel Avenue and the POINT OF BEGINNING of the within described real estate; thence South 47 degrees 05 minutes 37 seconds West along said centerline of vacated Laurel Avenue 230.16 feet to the East right-of-way line of the Cleveland, Cincinnati, Chicago and St Louis Railway Company, Chicago Division; thence North 29 degrees 33 minutes 14 seconds West on said East line 15.42 feet to the Southwest corner of Lot 1 in said Schick's Addition; thence North 47 degrees 05 minutes 37 seconds East on the Southeasterly line of said Lot 1 a distance of 226.60 feet (227 feet per plat) to the Southeast corner of said Lot 1; thence South 42 degrees 54 minutes 23 seconds East on the Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the point of beginning, containing 0.079 acres, more or less.



HAHN SURVEYING GROUP, INC.

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

Job No.: 2019041418
Sheet 3 of 3

SURVEYOR LOCATION REPORT

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

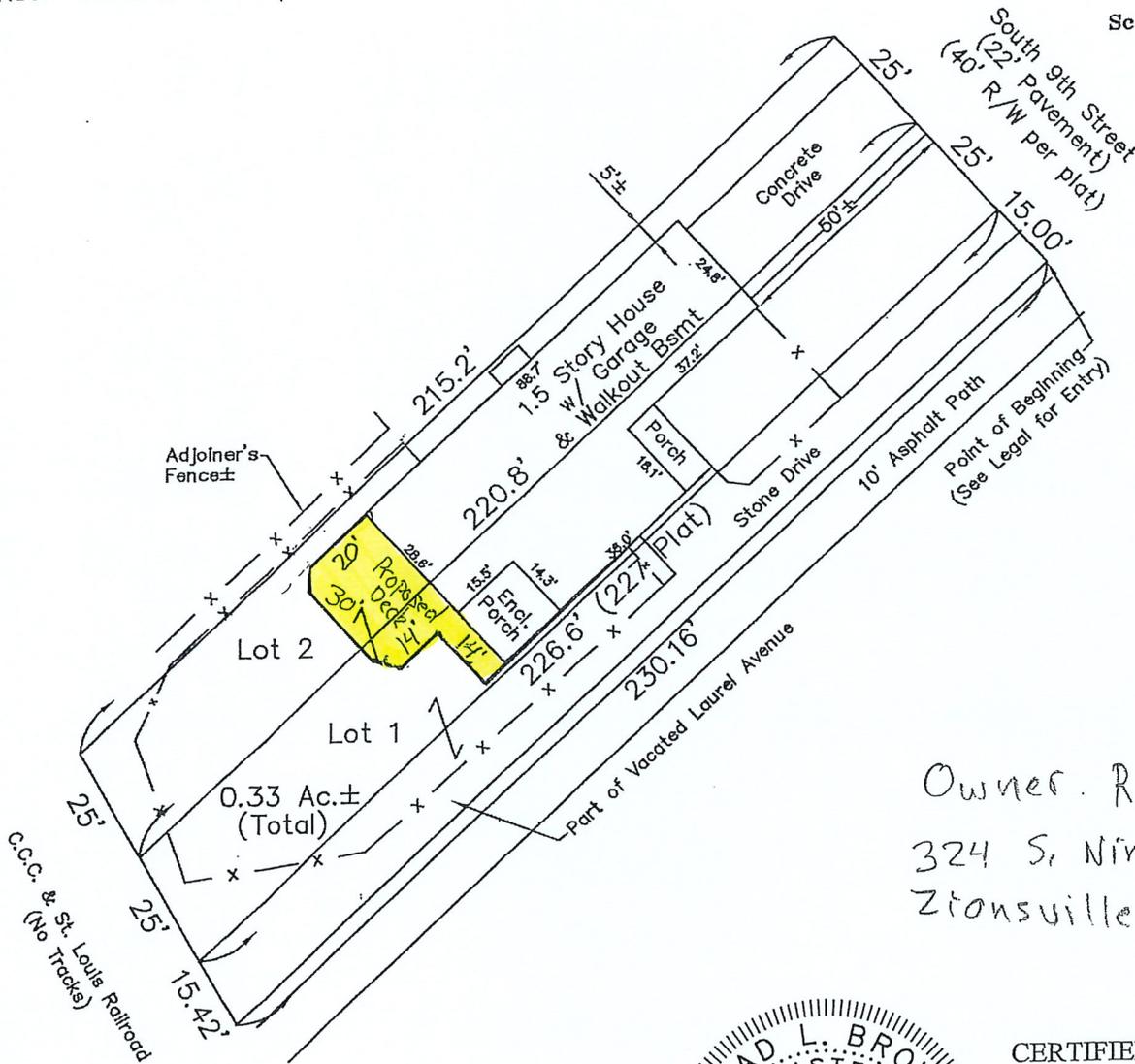
Legend

R/W _____ Right-of-Way
 x _____ Fence±

Note: Fence locations shown are approximate.
 An accurate boundary survey is required to determine exact locations.
 Note: Stone drive 3'± past South line.



Scale: 1"=40'



Owner: Ramiro De La Cruz
 324 S. Ninth St
 Zionsville, IN 46077

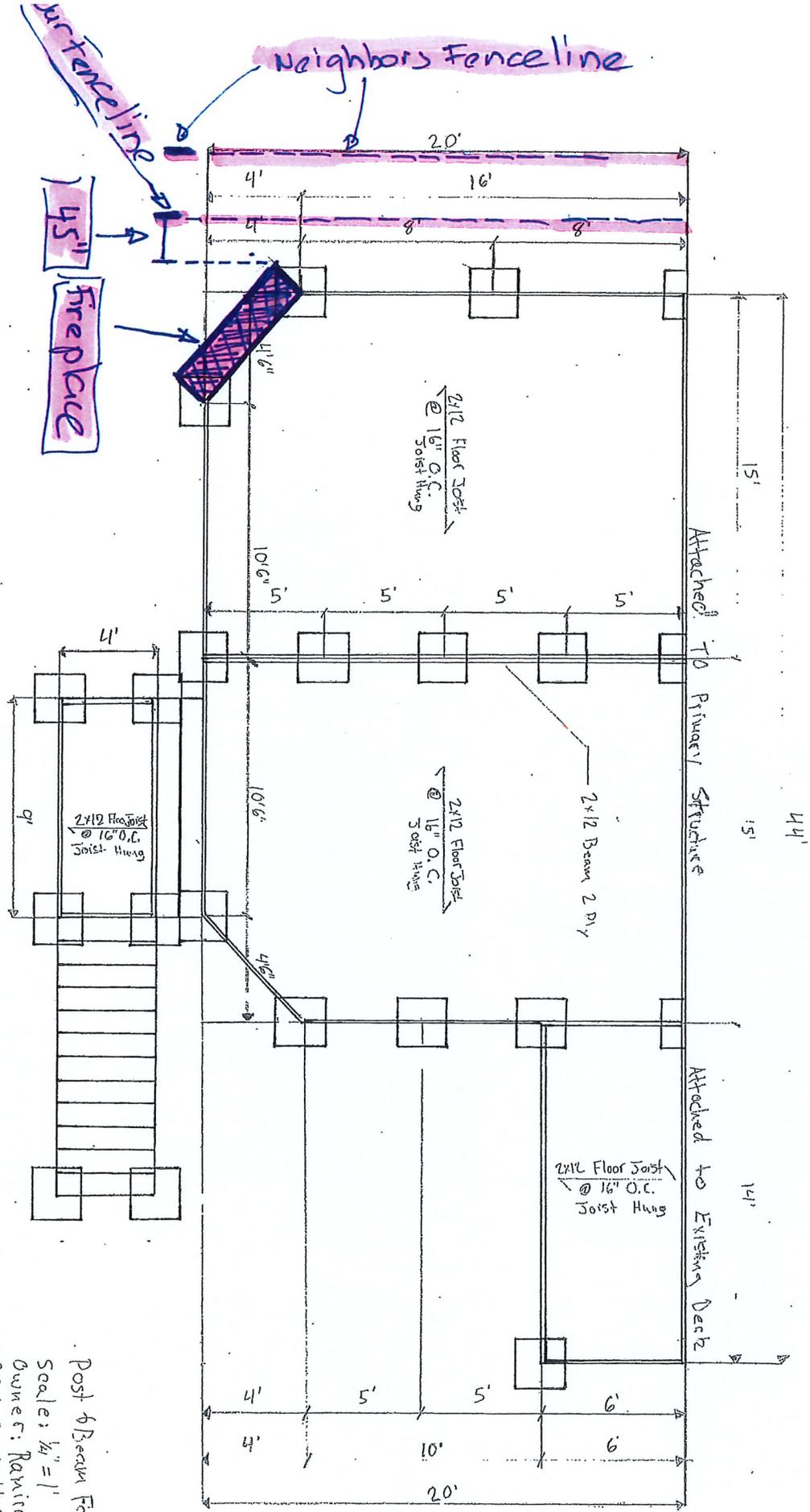


HAHN SURVEYING GROUP, INC.
 Land Surveyors
 2850 E. 96th Street, Indianapolis, IN 46240
 PHONE: (317) 846-0840 / (317) 846-4119
 FAX: (317) 846-4298 / (317) 582-0662
 EMAIL: orders@hahnsurveying.com
 www.hahnsurveying.com



CERTIFIED: 04/17/2019

Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Drawn By: JEC
 Job No.: 2019041418
 Sheet 2 of 3



Post & Beam Foundation Plan
 Scale: 1/4" = 1'
 Owner: Ramiro De la Cruz
 224 S. Avark St
 Zionsville, TN 46077

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: This grant for a variance of a side yard setback **will not** be injurious to the public health, safety, morals, and general welfare of the community. This is because, within this setback, an outdoor fireplace has been constructed, which creates a warm ambience and a welcoming center for our family and neighbors within our property. It's beauty and warmth are not incumbering other yards nor other homes in our village community, especially as is only clearly visible from one neighbor's backyard property.

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 adjacent to the property included in the variance **will not** be affected in an adverse manner. In fact, our outdoor fireplace is expected to increase the value of our property, as its stone and design was carefully selected to integrate with the natural stonework existing on the house, the new cedar deck, and the serenity of the park's nature. And, in general, when one property value increases, then the adjacent area and neighboring property value rises as well.

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

 Strict application of the zoning ordinance **will** result in unnecessary hardships because in order to meet the strict terms, the outdoor fireplace will have to be torn down, which will result in the loss of the welcoming outdoor environment and an investment of \$10,000 for its construction. As background information, we purchased our home in the village in May of 2019. In June of 2019, we hired Loy Construction to install an outdoor deck and Mike Gentry Masonry to install an outdoor fireplace. Loy Construction applied for an improvement location permit (#2019-526) for the construction of the residential deck, only. During the inspection of this permit, it was discovered that the constructed outdoor fireplace (August 2019) was not in compliance with the side yard setback. As the homeowners, we were surprised and extremely disappointed that both contractors, who were aware, failed to review and to meet the zoning ordinance. Therefore, we seek this grant for variance, to avoid losing this beautiful addition and investment in our property.

DECISION

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

Adopted this _____ day of _____, 20____.

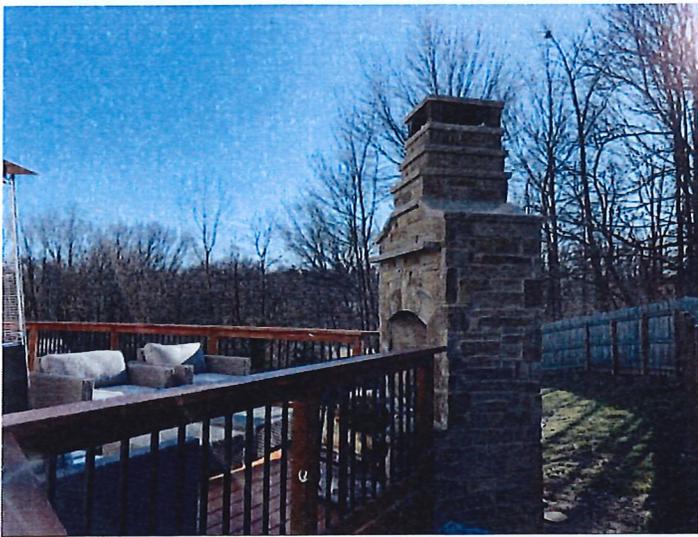
Exhibit 6

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

ADENDUM TO FINDINGS OF FACT

Below please find photos of the outdoor fireplace within the side yard setback as described in Findings of Fact.



Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-09-DSV

1. SITE INFORMATION:

Address of Property: 324 S. 9th Street, Zionsville, IN 46077
Existing Use of Property: Residence
Proposed Use of Property: Residence
Current Zoning: Residential Village (RV) Area in acres: 0.31 acres

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Ramiro De La Cruz and Alejandra Chavez
Owner Name (if different from Petitioner): N/A
Petitioner Address: 324 S. 9th Street, Zionsville, IN 46077 Owner Address: 324 S. 9th Street, Zionsville, IN 46077
Petitioner Phone Number: 317-753-3426 Owner Phone Number: 317-753-3426
Petitioner E-Mail Address: alechaveznm@gmail.com Owner E-Mail Address: alechaveznm@gmail.com

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

Attorney/Contact Person:

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

Project Engineer:

Name: _____
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

This is a request for a **variance to the side yard setback to maintain an outdoor fireplace** that was constructed to create a welcoming outdoor environment to gather family and neighbors, while increasing property value. The existence of this fireplace does not adversely affect the general community nor the adjacent properties. Without a variance, hardship will occur due to the loss of: the existing fireplace, the construction investment, and the impact on property value.

5. ATTACHMENTS:

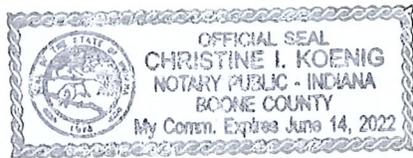
- Legal description of property
- Owner's Authorization (if Petitioner is not the Owner)
- Statement of Commitments (if proposed)
- Application Fee
- Proof of Ownership (copy of Warranty Deed)
- Site Plan & Exhibits
- Draft of Proposed Legal Notice
- Draft of Proposed Findings of Fact

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: Ramiro De la Cruz Date: 02/27/2020

Signature of Owner or Attorney for Owner: Alejandra Chavez Date: 2/27/2020

State of INDIANA)
County of BOONE)
SS:



Subscribed and sworn to before me this 27 day of FEBRUARY, 2020.

[Signature]
Notary Public Signature

CHRISTINE I. KOENIG
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County

Tax ID Number(s):
019-03380-00 06-04-02-000-008.001-006

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Patricia B. See

CONVEY(S) AND WARRANT(S) TO

Ramiro De La Cruz and Alejandra Chavez, Joint Tenants with Full Rights of Survivorship, 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:

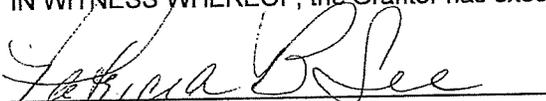
SEE ATTACHED EXHIBIT "A"

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

Subject to covenants, restrictions and easements of record.

The grantor warrants under oath that Martin R. See, died 9/16/17 in Marion County, IN and that said grantor and the deceased lived together continuously as husband and wife until the time of his/her death.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 31 day of May, 2019



Patricia B. See

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 **Patricia B. See** 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 31 day of May, 2019

My Commission Expires: _____

Rebecca 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:
324 South 9th 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 One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

ALSO:

The North Half of vacated Laurel Avenue lying South of and adjacent to Lot Number 1 in Schick's Addition to the Town of Zionsville as per plat thereof recorded in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

A part of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Boone County, Indiana; thence North 00 degrees 29 minutes 22 seconds West (assumed bearing) on the East line of said Quarter Section 421.55 feet to the Southeasterly right-of-way line of Laurel Avenue; thence South 47 degrees 05 minutes 37 seconds West on said right-of-way line 56.05 feet to the Southeasterly extension of the Southwest right-of-way line of Ninth Street; thence North 42 degrees 54 minutes 23 seconds West on said Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the centerline of vacated Laurel Avenue and the POINT OF BEGINNING of the within described real estate; thence South 47 degrees 05 minutes 37 seconds West along said centerline of vacated Laurel Avenue 230.16 feet to the East right-of-way line of the Cleveland, Cincinnati, Chicago and St Louis Railway Company, Chicago Division; thence North 29 degrees 33 minutes 14 seconds West on said East line 15.42 feet to the Southwest corner of Lot 1 in said Schick's Addition; thence North 47 degrees 05 minutes 37 seconds East on the Southeasterly line of said Lot 1 a distance of 226.60 feet (227 feet per plat) to the Southeast corner of said Lot 1; thence South 42 degrees 54 minutes 23 seconds East on the Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the point of beginning, containing 0.079 acres, more or less

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Ramiro De La Cruz, 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: Alejandra Chavez and Ramiro De La Cruz
(NAME OF PERSON ON PETITION)
Requesting: Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
For property located at: 324 S. 9th Street

Was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED to the last known address of each of the following entities
at the following addresses:

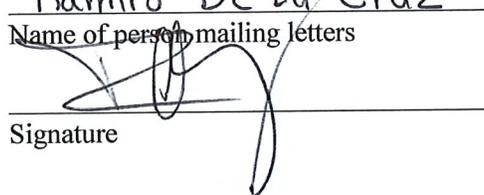
OWNERS

ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 21 day of
March, 2020 being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified
Mail" [white slips] 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).

Ramiro De La Cruz
Name of person mailing letters

Signature

State of INDIANA)

County of Boone) SS:

Subscribed and sworn to before me this 25 day of MARCH, 2020.

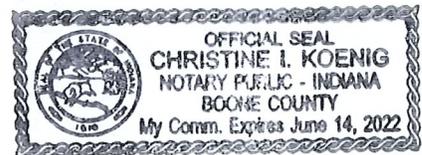

Notary Public Signature

CHRISTINE I. KOENIG
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is Boone County



List of Adjoiners for
AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Petition Number: 2020-09-DSV; Petitioners: Alejandra Chavez and Ramiro De La Cruz

Board of Parks of Recreation of Zionsville

1100 West Oak Street

Zionsville, IN 46077

Danette Bianchi

775 W. Hawthorne St.

Zionsville, IN 46077

Christa Moncrief

325 S. 8th St.

Zionsville, IN 46077

Steve and Tricia Scott

780 W. Laurel Ave.

Zionsville, IN 46077

Mike and Mary Lou Gavin

322 S. 9th St.

Zionsville, IN 46077

Attribute report for active ID 1

ID name	add1	add3
28443 BOWLDS PAUL J & BRANDI	326 S 9TH ST	ZIONSVILLE, IN 46077
28445 TOWN OF ZIONSVILLE	1100 W OAK ST	ZIONSVILLE, IN 46077
28452 TOWN OF ZIONSVILLE	1100 W OAK ST	ZIONSVILLE, IN 46077
28454 MONCRIEF CHRISTA	325 S EIGHTH ST	ZIONSVILLE, IN 46077
28455 HERBST PATRICIA DIANE	762 W SYCAMORE ST	ZIONSVILLE, IN 46077
28459 BOARD OF PARK & RECREATION OF	1100 W OAK ST	ZIONSVILLE, IN 46077
28460 DE LA CRUZ RAMIRO & ALEJANDRA	324 S 9TH ST	ZIONSVILLE, IN 46077
28463 BIANCHI DANETTE	775 W HAWTHORNE ST	ZIONSVILLE, IN 46077
29392 ZIONSVILLE BOARD OF PARKS & RE	410 W OAK ST	ZIONSVILLE, IN 46077
31120 DE LA CRUZ RAMIRO & ALEJANDRA	324 S 9TH ST	ZIONSVILLE, IN 46077
31122 GAVIN MICHAEL & MARY LOU	322 S 9TH STREET	ZIONSVILLE, IN 46077
31123 GAVIN MICHAEL & MARY LOU	322 S 9TH STREET	ZIONSVILLE, IN 46077
31140 SCOTT STEVEN E & PATRICIA A	780 W LAUREL AVE	ZIONSVILLE, IN 46077

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Boone

City of Lebanon

ISSUED:

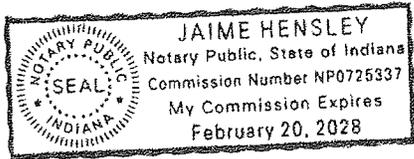
The subscriber, being duly sworn, deposes and says that
he (she) is the said Rita Northern of THE LEBANON REPORTER
and that the foregoing notice for
NOTICE OF PUBLIC HEARING
was published in said newspaper in one editions
of said newspaper issued between 03/21/2020 and 03/21/2020
Cost: 62.15

Rita Northern

SUBSCRIBED AND SWORN BEFORE ME THIS 24th day of March, A.D. 2020

Jaime Hensley
Jaime Hensley

Notary Public Seal, State of Indiana



**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, April 1, 2020 at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: 2020-09-DSV, Alejandra Chavez and Ramiro De La Cruz request a Development Standards Variance to provide for or permit: an existing outdoor fireplace to continue to encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District.

The property involved is more commonly known as: 324 S 9TH Street, and is legally described as:

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded 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,

continued next column

and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-162 3/21 hspaxlp 1631743

7020 0090 0001 7931 0467

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Board of Park & Recreation
 Street and Apt. No., or PO Box No. 1100 W. Oak St.
 City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7931 0456

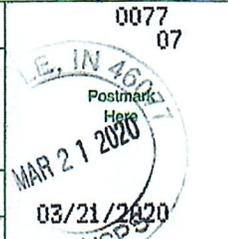
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Christina Moncrief
 Street and Apt. No., or PO Box No. 325 S. 8th St.
 City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7931 0470

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Danette Bianchi
 Street and Apt. No., or PO Box No. 775 W. Hawthorne St.
 City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7931 0494

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Mike & Mary Lou Gavin
 Street and Apt. No., or PO Box No. 322 S. 9th St.
 City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7931 0463

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ZIONSVILLE, IN 46077

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Steve + Tricia Scott
 Street and Apt. No., or PO Box No. 780 W. Laurel Ave.
 City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**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, April 1, 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:

2020-09-DSV, Alejandra Chavez and Ramiro De La Cruz request a
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for or permit:

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

an existing outdoor fireplace

(INSERT DESCRIPTION OF PROJECT)

to continue to encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District.

The property involved is more commonly known as: 324 S 9TH Street,
and is legally described as: (COMMON ADDRESS)

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded 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 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: _____

The De La Cruz Family

324 S. 9th Street

Zionsville, IN 46077

March 21, 2020

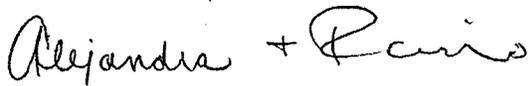
Hello Neighbors,

We hope you are all staying safe and healthy in these difficult moments for our community and country. We apologize for the timing of this letter in the middle of the current situation, but we are following Town of Zionsville procedures for a variance of development standards.

As background information, we purchased our home in the village in May of 2019. We hired two separate contractors to build our deck and designer outdoor fireplace. The deck contractor applied for an improvement location permit (#2019-526) for the residential deck, only. During the inspection of this permit, it was discovered that the fireplace was apparently not in compliance with yard fence setback therefore we needed to investigate further. Turns out the northern most corner of our new fireplace was encroaching the set back limits to our north fence line. As the homeowners, we were surprised, extremely disappointed and embarrassed that both contractors, who were aware, failed to review and meet the zoning ordinance. We are respectfully seeking a variance with the Town of Zionsville, to avoid tearing down this beautiful addition and investment in our property.

Enclosed is the notice of public hearing and photos of our backyard improvement. If you have any questions, feel free to give us a call.

Best regards,

A handwritten signature in cursive script that reads "Alejandra + Ramiro". The signature is written in black ink and is positioned above the typed names.

Alejandra and Ramiro

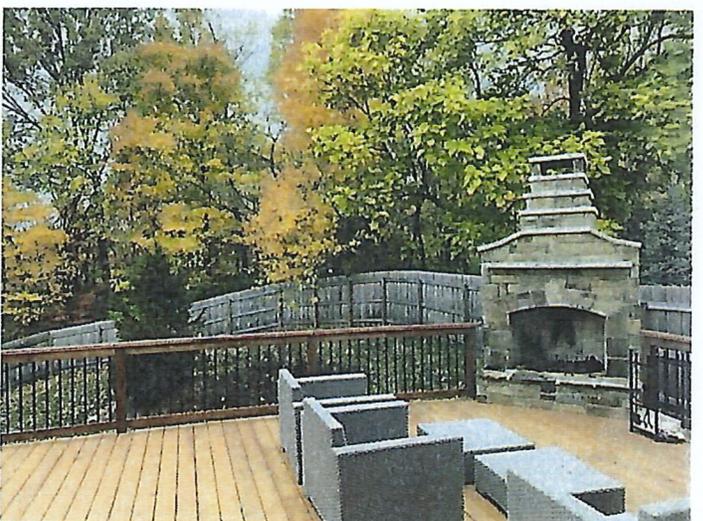
Tel: 317-361-8872

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

ADENDUM TO FINDINGS OF FACT

Below please find photos of the outdoor fireplace within the side yard setback as described in Findings of Fact.



SURVEYOR LOCATION REPORT

This report was prepared only for:
MERIDIAN TITLE CORPORATION (#19-12006).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 324 South 9th Street, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0334E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Ramiro De La Cruz



HAHN SURVEYING GROUP, INC.

Land Surveyors

2850 E. 96th Street, Indianapolis, IN 46240

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

EMAIL: orders@hahnsurveying.com

www.hahnsurveying.com

Job No: 2019041418
Sheet 1 of 3

Lots One (1) and Two (2) in Schick's Addition to the Town of Zionsville as per plat thereof recorded In Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

ALSO:

The North Half of vacated Laurel Avenue lying South of and adjacent to Lot Number 1 in Schick's Addition to the Town of Zionsville as per plat thereof recorded in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

A part of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 2, Township 17 North, Range 2 East in Boone County, Indiana; thence North 00 degrees 29 minutes 22 seconds West (assumed bearing) on the East line of said Quarter Section 421.55 feet to the Southeasterly right-of-way line of Laurel Avenue; thence South 47 degrees 05 minutes 37 seconds West on said right-of-way line 56.05 feet to the Southeasterly extension of the Southwest right-of-way line of Ninth Street; thence North 42 degrees 54 minutes 23 seconds West on said Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the centerline of vacated Laurel Avenue and the POINT OF BEGINNING of the within described real estate; thence South 47 degrees 05 minutes 37 seconds West along said centerline of vacated Laurel Avenue 230.16 feet to the East right-of-way line of the Cleveland, Cincinnati, Chicago and St Louis Railway Company, Chicago Division; thence North 29 degrees 33 minutes 14 seconds West on said East line 15.42 feet to the Southwest corner of Lot 1 in said Schick's Addition; thence North 47 degrees 05 minutes 37 seconds East on the Southeasterly line of said Lot 1 a distance of 226.60 feet (227 feet per plat) to the Southeast corner of said Lot 1; thence South 42 degrees 54 minutes 23 seconds East on the Southeasterly extension of the Southwest right-of-way line of Ninth Street 15.00 feet to the point of beginning, containing 0.079 acres, more or less.



HAHN SURVEYING GROUP, INC.

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

Job No.: 2019041418
Sheet 3 of 3

SURVEYOR LOCATION REPORT

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

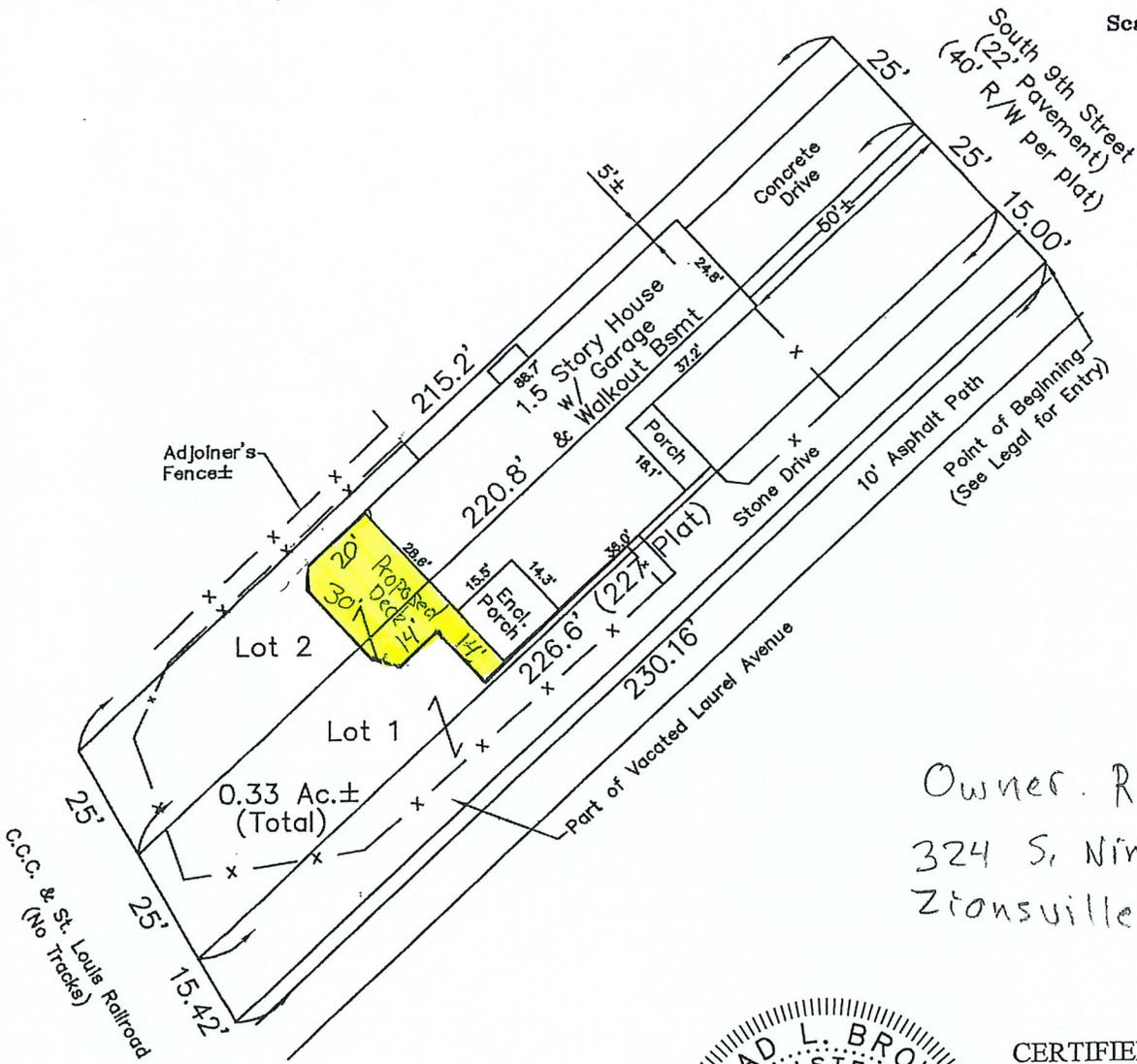
Legend

R/W Right-of-Way
 — x — Fence±

Note: Fence locations shown are approximate.
 An accurate boundary survey is required to determine exact locations.
 Note: Stone drive 3'± past South line.



Scale: 1"=40'



Owner: Ramiro De La Cruz
 324 S. Ninth St
 Zionsville, IN 46077



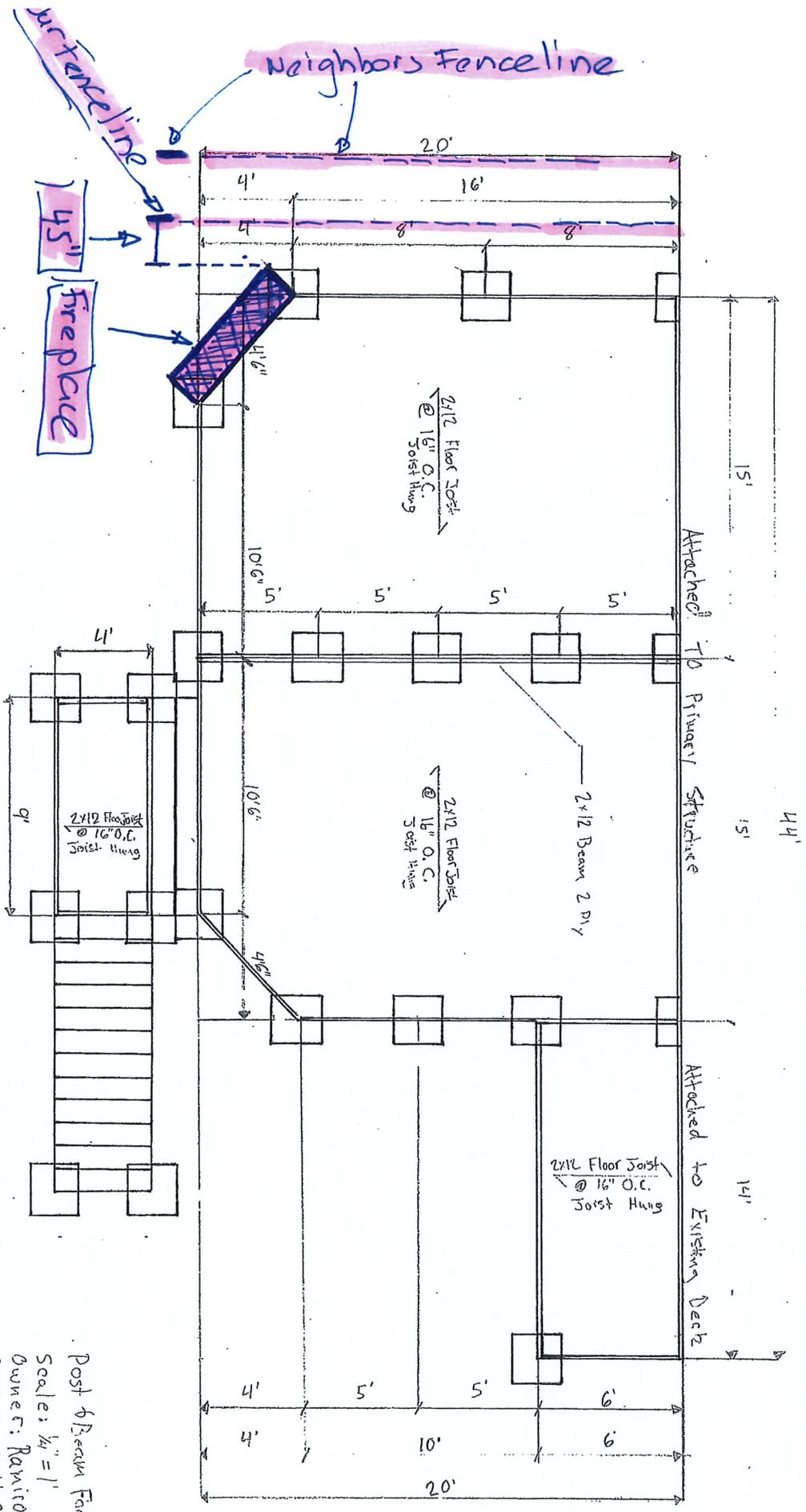
HAHN SURVEYING GROUP, INC.
 Land Surveyors
 2850 E. 96th Street, Indianapolis, IN 46240
 PHONE: (317) 846-0840 / (317) 846-4119
 FAX: (317) 846-4298 / (317) 582-0662
 EMAIL: orders@hahnsurveying.com
 www.hahnsurveying.com



CERTIFIED: 04/17/2019

Chad L. Brown

Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Drawn By: JEC
 Job No.: 2019041418
 Sheet 2 of 3



Post & Beam Foundation Plan
 Scale: $\frac{1}{4}'' = 1'$
 Owner: Ramiro De la Cruz
 824 S. Ninth St.
 Zionville, TN 46077

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because: This grant for a variance of a side yard setback **will not** be injurious to the public health, safety, morals, and general welfare of the community. This is because, within this setback, an outdoor fireplace has been constructed, which creates a warm ambience and a welcoming center for our family and neighbors within our property. It's beauty and warmth are not incumbering other yards nor other homes in our village community, especially as is only clearly visible from one neighbor's backyard property.
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 adjacent to the property included in the variance **will not** be affected in an adverse manner. In fact, our outdoor fireplace is expected to increase the value of our property, as its stone and design was carefully selected to integrate with the natural stonework existing on the house, the new cedar deck, and the serenity of the park's nature. And, in general, when one property value increases, then the adjacent area and neighboring property value rises as well.
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

Strict application of the zoning ordinance **will** result in unnecessary hardships because in order to meet the strict terms, the outdoor fireplace will have to be torn down, which will result in the loss of the welcoming outdoor environment and an investment of \$10,000 for its construction. As background information, we purchased our home in the village in May of 2019. In June of 2019, we hired Loy Construction to install an outdoor deck and Mike Gentry Masonry to install an outdoor fireplace. Loy Construction applied for an improvement location permit (#2019-526) for the construction of the residential deck, only. During the inspection of this permit, it was discovered that the constructed outdoor fireplace (August 2019) was not in compliance with the side yard setback. As the homeowners, we were surprised and extremely disappointed that both contractors, who were aware, failed to review and to meet the zoning ordinance. Therefore, we seek this grant for variance, to avoid losing this beautiful addition and investment in our property.

DECISION

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

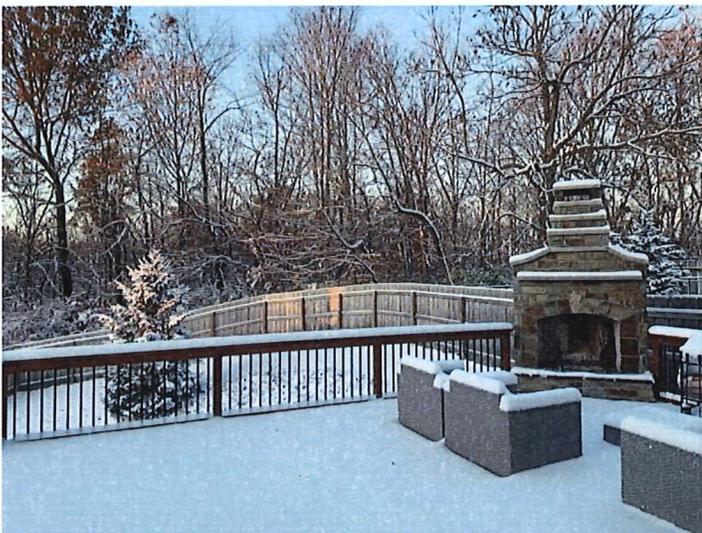
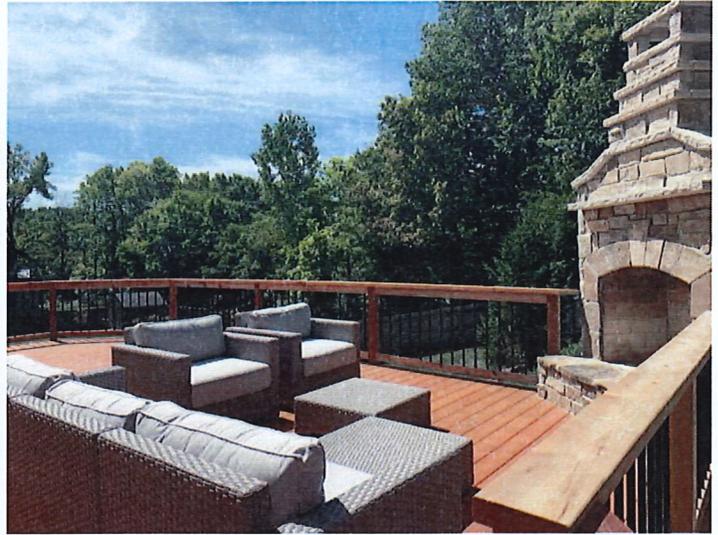
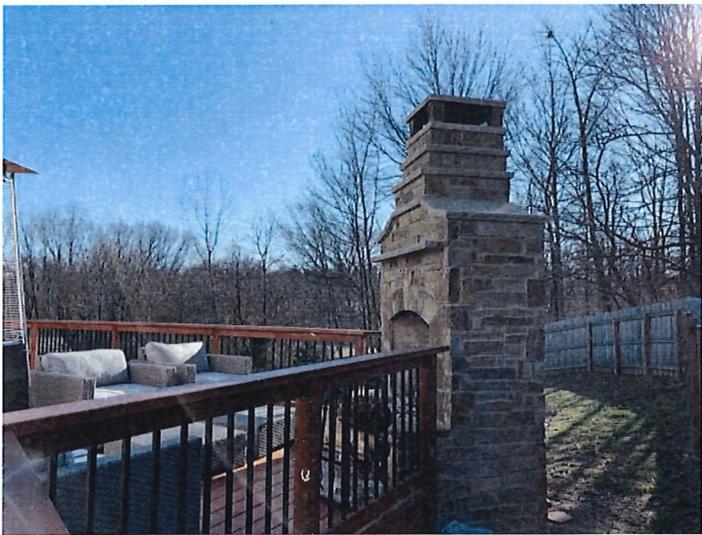
Adopted this _____ day of _____, 20____.

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

ADENDUM TO FINDINGS OF FACT

Below please find photos of the outdoor fireplace within the side yard setback as described in Findings of Fact.



**Town of Zionsville, Indiana
Board of Zoning Appeals**

Findings of Fact and Order Denying Variance Request

Mark Adams and Nadia Adams petitioned for a variance of use to permit a childcare center as a primary use in the Low Density Single-family and Two-family Residential (R2) zoning district.

The Petitioners provided proper notice of their Petition and the Town of Zionsville Board of Zoning Appeals conducted a public hearing on the requested variance on March 4, 2020.

The subject property consists of approximately 4.74 acres located at 9475 Whitestown Road, Zionsville, Indiana. It is in the Low Density Single-family and Two-family Residential (R2) zoning district. The parcel is currently undeveloped. The Petitioners' stated plans are to develop the property with a Montessori school and a childcare facility. A childcare facility is not a permitted use in the zoning district; the Petitioners seek a use variance in order to permit the childcare facility.

Section 194.202(C)(1)(f) of the Zionsville Zoning Ordinance and I.C. §36-7-4-918.4 provide that the Board may approve a use variance only if it determines that the Petitioners have proven compliance with each of the following criteria:

- (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) the need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the Comprehensive Plan.

Based upon the record, including the Petitioners' application materials, the evidence presented, responses to questions at the hearing, the public's written submissions and testimony, staff's report and comments, and the Board members' discussion, the Board finds as follows:

1. Petitioners met their burden of proving the proposed use variance will not be injurious to public health, safety, morals, and the general welfare of the community. The Board accepts the Petitioners' position that the proposed use would not negatively impact these elements. The Board believes any concerns about the proposal's inconsistency with the neighborhood is best considered in connection with whether the variances would negatively impact the value of nearby properties.

2. Petitioners did not meet their burden of proving that the use and value of the area adjacent to the subject property would not be affected in a substantially adverse manner. The remonstrators, the Board members, and staff raised concerns that the proposed use is inconsistent with the predominately residential development in the area. The Board also discussed concerns about the property's poor drainage and related impacts on neighboring properties. Petitioners did not present any evidence about the potential impact on property values and did not otherwise convince the Board that the use and value of property in the area would not be affected in a substantially adverse manner.

3. Petitioners did not meet their burden of proving that the need for the variance arises from some condition peculiar to the property at issue. There was no evidence of any peculiar condition that would cause a need to vary from the uses permitted in the current zoning district.

4. Petitioners did not meet their burden of proving that the strict application of the Zoning Ordinance would result in an unnecessary hardship if applied to this property. Based on the evidence, the Board cannot find that there are any unique characteristics of the property that create a need for the variance or that Petitioners cannot use and develop the property in compliance with the Zoning Ordinance. The property could be developed for a use permitted in the zoning district. The Board appreciates the Petitioners' desire to develop the property in the manner requested, but the need for the variance results from their development preferences and not from a hardship in complying with the Ordinance.

5. Petitioners did not meet their burden of proving that the proposed use would not interfere substantially with the Comprehensive Plan. The Comprehensive Plan shows this area consisting of low density single-family residential development; it does not identify a commercial use such as the proposed childcare center at the site or in the immediate area.

Order

The Town of Zionsville Board of Zoning Appeals therefore orders that the petition for variance of use filed by Mark Adams and Nadia Adams, Docket No. 2020-05-UV, is hereby **denied**.

Adopted and ordered this _____ day of _____, 2020.

John Wolff, President

Julia Evinger

Larry Jones

Steve Mundy

Jeff Papa

Zionsville Board of Zoning Appeals
April 1, 2020

In Attendance: John Wolff, Julia Evinger, Larry Jones, Jeff Papa, Steve Mundy.

Staff attending: Wayne DeLong, Darren Chadd, attorney.
A quorum is present.

Wolff Good evening, and welcome to the April 1, 2020 Board of Zoning Appeals meeting. This is an unusual meeting, as you can all tell, because we're not all present, but that is due to the circumstances with which we live in. So, with that, we are going to continue on as best we can. And, thank you first to the staff, as well as especially the Town's IT group, who has done a tremendous job in putting all this technology together for us in a very short notice. With that, we're going to jump in to the pledge of allegiance. I would invite everyone to stay seated while we do this, but let's get started

All Pledge.

Wolff Thank you. Wayne, can I turn this over to you for attendance please?

DeLong Yes. We will run through attendance. Mr. Papa?

Papa Present.

DeLong Ms. Evinger?

Evinger Present

DeLong Mr. Mundy?

Mundy Present.

DeLong Mr. Wolff?

Wolff Present.

DeLong Mr. Jones?

Jones Present.

DeLong Five folks, who are members of the Board of Zoning Appeals, are in attendance.

Wolff Thank you, Wayne. Do you want to address the public, or should we move on to the March 4 meeting minutes?

DeLong Yes. Per the annex to public notice for April 1, 2020 regular meeting of the Zionsville Board of Zoning Appeals, members of the public shall have the option of recording their attendance at the BZA meeting via electronic roll call at the start of the meeting or via email to wdelong@zionsville-in.gov. I will check my email here. I am not aware of any particular messages coming in, acknowledging any members of the public necessarily beyond the petitioners. Certainly, this is the moment that any members of the public have the option of having their

attendance acknowledged by the Board of Zoning Appeals, So, pausing here to see if there is any hands that are raised to provide that acknowledgement. I see Sally Zelonis is here. Three hands raised. Four hands raised. Five. We do have five hands that are raised. Mr. Cohen. Mr. Kalsley. And, I will go through the rest of this. I see six total hands raised, so we will get these acknowledgements. If I missed anybody here, I'll make sure their name is certainly said audibly and entered into the record here. I do see you have a total of thirty-one participants in your meeting currently. I would say, John, go ahead, and Mr. Wolff, go ahead, and then proceed with the rest of your agenda while I work out this according to the rest of the information.

Wolff Certainly. And, Wayne, if there is something we need to do, just stop me and we'll carry on what we need to. So, the next item on our agenda is the approval, or the discussion of the March 4, 2020 meeting minutes. To my fellow Board members, you should have received those earlier this week via email. Any discussion amongst the group regarding those meeting minutes? Seeing, none, I would entertain a motion to approve the meeting minutes as submitted.

Papa So moved.

Evinger Motion to approve. Oh, sorry.

Wolff Thank you. I'm going to say Jeff Papa made the motion to approve the minutes, and then the second one was - -

Evinger --I'll second.

Wolff Thank you very much. Wayne, should we do a roll call vote on all these matters tonight?

DeLong Yes, please.

Wolff Would you mind administering that?

DeLong I will administer that. Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones Yes.

DeLong Mr. Wolff?

- Wolff Yes. Thank you, Wayne. The meeting minutes are approved. The next item on our agenda tonight is continuance requests. Will call your attention to Docket # 2020-04-DSV for 145 North Main Street. As I have been informed, the Town has asked all of our petitioners that only urgent matters be discussed because of the unusual nature of tonight's meeting, and with that, the petitioner's representative filed a continuance request. I do believe we should make a motion to approve that continuance request at this time. Any discussion amongst the group about Docket # 2020-04-DSV?
- Papa Move approval.
- Wolff Thank you. Is there a second for continuing that to the May 6 Board of Zoning Appeals meeting?
- Jones Second.
- Wolff Thank you. Wayne, I'll turn it to you.
- DeLong Okay. We'll take that. Mr. Wolff?
- Wolff Yes.
- DeLong Mr. Jones?
- Jones Yes.
- DeLong Mr. Mundy?
- Mundy Yes.
- DeLong Ms. Evinger?
- Evinger Yes.
- DeLong Mr. Papa?
- Papa Yes.
- Wolff Thank you, Wayne. Motion carries. Docket #2020-04 will be heard on May 6. The next item on our agenda is Docket # 2020-06-DSV for 14 North Fourth Street. Will the petitioner now come forward? I guess you'll just raise your hand. Wayne, can you turn it over to, I believe, it's Mr. Rottmann representing this party?
- DeLong Yes. I will. It will take me a few minutes to kind of flip the screen around here. I do want to acknowledge Mark Walters has also raised his hand to acknowledge being in attendance here. Mr. Walters. Okay. I will now click on Mr. Rottmann as the first petitioner on your docket for this evening. Todd, the floor is yours.
- Rottmann All right. Can you guys see me?

Zionsville Board of Zoning Appeals
April 1, 2020

DeLong We can see your name.

Rottmann Can you see me yet?

Wolff Still can't see you, but you're coming in loud and clear.

Rottmann All right. I do have the camera on. I'm not sure why it's not working.

Wolff Is there a little slider on top of it that turns the, that blocks the camera?

Rottmann Nope. Got it opened and tested the camera before this meeting actually.

Papa Did you start your video on the bottom left?

Rottmann All right. Let's do that. Speaker, audio settings. I don't see start video.

Papa Within Zoom. If you click on the main screen.

Wolff Yes. So, highlight your mouse over the window that you're looking at in Zoom, and you'll see the mute button, lower left, and right next to it should be start and stop video.

Rottmann To the left of the mute button?

Wolff To the right. I'm sorry.

Rottmann To the right.

Jones All right, John. Let's go try and find a teenager. I've got one around the corner.

Evinger I just let my dog out so she doesn't keep barking.

Rottmann I'm to the right of it. I've got the arrow, and it pulls up a menu but not video. I guess I can speak without video. Let me go to check the settings real quick.

Jones You got it figured out.

Rottmann I'm working on it. Let's see.

Jones I found a 19-year-old. Or, 20-year-old. Sorry. My bad.

? 9:20 What are you trying to do?

Jones Well, we're doing a Board of Zoning Appeals. One of participants, all we're getting is his name. Todd Rottmann.

? Can he hear you?

Jones He can hear us just fine.

Zionsville Board of Zoning Appeals
April 1, 2020

? Is he on his computer?

Jones He is on his computer.

? Does he have a camera?

Jones He's got a camera.

? Did you approve the camera use?

Jones Did who approve the camera use?

? Wait, Todd.

Rottmann Yes.

? Okay. Leave the chat. And, then join again. You should have to, like, say, like, accept, like, you should press a button that allows them to use your camera.

Rottmann Just rejoin the meeting.

? Yes. Try again, and go to the link and try to join the meeting again.

Rottmann Okay.

Rust Wayne, you have to allow him to do video.

Wolff Wayne, did you hear that?

DeLong Yes. I'm looking to see. I don't see the, okay, here we go. I don't see that as a choice about the video.

Taylor Hey Wayne. I'm going to look in the meeting itself settings, and see if there is a way to maybe that the attendees were blocked from video. But, let me check that real quick.

DeLong Okay. Sounds fine.

Evinger There is a share screen button on the screen. Does that help?

Rust That only shares his computer screen.

Evinger Okay.

Rust Okay, Wayne. Todd is back. If you could click on his name, I believe you can click on, or right click on it and it can make him a panelist, which will allow him to have video.

DeLong Okay. We will do that here. That will be a good, we will promote him to panelist. Todd Rottmann will be rejoining the group as a panelist. Very good. Thank you, Joe.

Jones There he is. I see him.

Mundy I can see you, but can't hear you.

Rottmann All right. How about now?

Jones All right, cool.

Rottmann Hello everybody.

Wolff Hello, Mr. Rottmann.

Rottmann Hello.

Wolff If you would, would you please describe the project in the petition in front of us, and what you're asking for?

Rottmann So, the Marlowes have lived in their house for almost 4 years, and love living in the Village. Their family has continued to grow, and need this, their house to grow, as well. All their bedrooms are being utilized. They don't have a basement, so there is currently no way for them to get additional space other than to add on the house. As such, we're wanting to build a new garage with some home office space above, and repurpose the existing garage as a family room.

If you guys could look in your packets, I've got a cross-section sheet in that packet. And, looking at that cross-section sheet, you'll see that our new garage floor is going to be over 2 feet higher than the current garage floor due to the alley being 2 foot higher than the current garage, so we can't utilize part of the existing garage for the new garage, and that means the length of our addition is basically dictated by the smallest use of garage. However, the raised garage floor will be very helpful to us, because the current garage, and house is susceptible to flooding by water running down the driveway because the garage is so much lower than the current alley. But the problems is enhanced by the alley, which also has a significant slope to it for several blocks, and all that water heads down the hill past the driveway, which has the 1 ½-inch tall lift to prevent water [inaudible].

The first variance that we're asking for is to reduce the side-yard setback along the northern alley. In the staff report, staff was concerned about vehicles being able to access the garage. Since the issuance of that report, we've increased the setback from the alley by another 1 foot 4 inches by reducing the garage to the minimum usable interior size that we could. It's worth noting that while we're at 3 foot 8 inches from the property line, the paved alley is another 3-foot 1 inch off the property line, so we actually have 6 foot 9 inches from the garage to the alley. If you guys could now look at the maneuvering clearance exhibit that was distributed this week. Utilizing industry standards, we created a plan showing the turning radius for the largest passenger vehicle on the market with the maximum turning radius for a driveway, which shows that a vehicle can enter the garage successfully without leaving the paved surface of the alley. Also, worth noting that at 16 feet 6 inches wide, this alley is significantly wider than the typical

platted alley of 10 feet, so there is an additional 4 foot 10 inches of public alley north of the paving, which provides any buffer. If you guys could look at the 1939 map that's in your packet. In regards to garage setbacks on this property along the alley, historically there was a garage tied to the property line in almost the exact same location where our new garage will be located.

The second variance that we need is to reduce the aggregate side-yards, or two side-yards added together. The combined widths of our north and south side yards is supposed to be 15 feet. Once again, since the staff report was issued, in addition to moving the garage further off the alley, the Marlowes have agreed to reduce the size of their existing rear patio and arbor to increase our aggregate side-yard from a 7-foot 4 number to 10 foot 11 inches. That's an increase of 3 foot 7 inches in side-yards from the original submittal.

The final variance we're requesting is for lot coverage. We were requesting a 40% lot coverage, which is more than the allowed 35%, but with the changes that we've made since the staff report, we're now at 38.9%. We feel that that coverage is acceptable for the following reasons: we're reducing the impermeable area on the site. Only 33% is for the house and garage. The remaining 5.9% of coverage is for existing outdoor spaces, including the front porch and rear patio. There are 23 properties with similar lot coverage in the surrounding blocks, including both of our adjacent neighbors. For lot sizes only, 7,421 square feet, but if it were on 8,000-square foot lot that current zoning requires, then we'd only be at 36% lot coverage. Our proposed home is similar in size to most of our neighbors. The new addition will match the style of our existing home, and the new addition is 48 feet from the front property line, and 62 feet from the street, not adversely affecting the character on the street.

Based on my experience, and several discussions over the past several months, I identified five keys that I'm using to determine whether the project is appropriate in the Village. The first one is, will the project negatively affect stormwater drainage in the area? My answer is no. This project is [inaudible] site, and all new downspouts are going to discharge into yard drains on the property just like they do now. The second question is, will the project negatively affect the immediate adjacent properties? Once again, no. Our addition is towards the alley, and not towards any of the adjacent properties. Our addition's height matches the existing house and is similar in height to the neighbors. Our house is similar in size to the neighbors and only covers 33% of the lot, and the rest of the coverage is outdoor space. Third question, will the project negatively affect the streetscape and character of the Village? I think the answer is no. Once again, our addition is 48 feet from the front property line, and 62 feet from the street. There are several garages and accessory buildings along this alley already with similar setbacks. Our addition matches the style and height of the existing house, and historically there was a garage in almost exactly the same location. And, fourth question, is the project respectful of the character of the existing house? Yes, it is. Our addition matches the height and style of the existing house, setback from the street, and from the original north side of the house, so as to not change the character of the original structure. This project will also eliminate the potential for flooding of the existing garage and home, which will help preserve the existing house. And, the fifth and final question asked is will the project set a negative impact and I don't think it will. There are multiple lot coverage

variances in the immediate area already. There are several garages, accessory buildings along the alley with similar setbacks. Our addition matches the style and height of the existing house. Historically there was a garage in almost the exact same location and the elimination of flooding of the garage and home is a specific reason related to this specific lot. So, with all this in mind, we believe that this new garage is not only a necessity for the Marlowes' growing family, to relieve them of overcrowding, flooding of their garage and house, or having to move. It's also an appropriate addition to their beautiful home. So, I want to thank you for your consideration.

Wolff Thank you, Mr. Rottmann. Somehow along the line, I'm not sure what happened to everyone else, but we lost video. Did you guys lose video?

Evinger Yes.

Jones We just lost the video.

Wolff Todd, if you're making funny faces at us, continue.

Rottmann I am not currently.

Wolff I guess, have you, Todd, are you familiar with the staff report? Oh, there you are. You're back. Have you seen the staff report, Todd?

Rottmann Yes.

Wolff Yes, we can hear you.

Rottmann Yes.

Wolff So, it appears if you look at staff's thoughts on this, they have some concerns about the setback for the garage, and the fact that it is inside, or inside of the 5 feet. Can you go into detail why that is necessary?

Rottmann Yes. So, we minimize the size of the garage as much as possible so that you could still get a vehicle inside of it, and per that cross-section drawing we have, unfortunately we can't use any of the area of the existing garage because of we're several feet higher than that, and so we essentially have to have the garage outside of the existing footprint of the house [inaudible], that kind of sets north alley. My understanding was the main concern was about turning radius, and that's why we created that exhibit, and as I mentioned since the staff report, we did move the garage another 16 inches further away from the alley. So, we feel like we've done as much as we can to pull it off the alley, and we still have appropriate turning radius so the neighbors are not going to be impacted by the vehicles trying to enter this garage.

Wolff Todd, so one of the challenges, one of the hardships of this particular property is that it has a sloped lot, and that is causing, that is dictating the placement of the garage?

Zionsville Board of Zoning Appeals
April 1, 2020

- Rottmann Yes. There is over 2-foot slope to the yard on the alley from west down to east, and the new garage was placed at the lower, the existing garage is placed at the lower elevation, so it's about[inaudible] feet below the alley level to the existing garage.
- Wolff Okay. And, is the existing garage, can you describe what it is today. Like the size compared to what we're proposing?
- Rottmann It's a 2-car garage with storage space on the side of it, so approximately the same width, but it is deeper than this because we've shallowed up the garage, new garage, to get further away from the alley.
- Wolff Okay. And, I want to clarify a couple numbers. The lot coverage that you're asking for tonight is 38.9%. Correct?
- Rottmann Correct.
- Wolff And, what is the non-permeable, what is the non-permeable surface of that 38.9%? What is that? What is roof structure?
- Rottmann The roof structure over the porch, as well, or just roof structure over the house?
- Wolff I'm more concerned about what the Town considers a permeable surface versus non-permeable surface.
- Rottmann Okay. So, for impermeable, are at 38.9% total. That does include the front porch and the rear patio. The rear patio is pavers, but it's not considered pervious paving. So, it counts against us on the lot coverage.
- Wolff Okay.
- Rottmann And, permeable area in the current conditions, we are at 3,071 square feet of impermeable area, and what we're proposing is a total of 3,021 square feet of impermeable area, thus this project actually reduces the impermeable area by 50 square feet for this project, for this site.
- Wolff Thank you, Mr. Rottmann. Any other questions for the petitioner? I'm sure there are.
- Mundy Mr. Rottmann, the drawings that you sent us, which showed the turning radius. You said just a few minutes ago, that was the largest car with the largest turning radius that was depicted on your drawings.
- Rottmann Yes, sir.
- Mundy When you say largest car, I mean, with today's SUVs, many which are quite large, is that the size that that depicts, in terms of the turning radius?
- Rottmann Yes. It is a large SUV size.
- Mundy Okay. Thank you.

- Rottmann Not an extended-cab truck.
- Mundy Pardon.
- Rottmann It's not an extended-cab truck.
- Mundy Fair enough. I drove the alley today, and I feel certain, I don't have a large SUV, but I feel certain that turning the car into the garage with one already parked there will require a few maneuvers to get in, and although the alley is 10 feet wide, and there is space on the other side, it appears that some of that space is used by neighbors for other things. I guess it is the alley, so it technically is drivable, but it will be a challenge, in my estimation.
- Rottmann Yes. We have approximately almost 21 feet. We've got 20 feet 11 inches available from the face of the garage to the north side of the alley. So, almost 21 feet. Standard for what we do, as a minimum on other projects, we have 17 feet total. So, we actually have almost 4 feet more than we do on other projects that is deemed acceptable, I guess, and not had any issues with.
- Mundy Okay. Thank you.
- Jones Anyway, so Todd, I don't have a lot of questions. I guess my, you know, we have a combination of lot coverages and setback requirements, and they kind of work hand-in-hand. They're not maybe spelled out that way, but they do, and I understand and have listened to your, kind of, piecing and parting of various facts to create the basis by which this idea works, but I just have a lot of concerns about that. While the way you assemble them tells a good tale, they don't really reflect reality. First and foremost, the garage, or whatever structure that actually sat there on the alley in 1939. We don't know the condition of that structure, whether or not it had a concrete floor or a dirt floor, or what exactly it was, I'm assuming, unless there is some document out there that qualifies it, but it was also a detached structure from this, so while it did add to lot coverage and sort of set maybe a, you know, precedent for where something could sit, I don't think it is quite comparable to the proposed addition you're working on trying to put out there. I too drove the alley and, in fact, drove all the alleys. Not all of them, but a substantial amount of them up and down and around through that area, and you're right, there are several other locations that have buildings or structures this close to an alley. But I notice substantial numbers of them were one, sometimes detached structures. Once again, some of them were side-loaded, and most all of them were kind of built in relationship to the existing grading. My concern with this is that you've already got a drainage issue with this property, and it appears that somewhere somebody has put in curves and done other things along with putting a trench drain across the front of the existing house, all trying to alleviate that. My concern is when you raise this thing up and set it where you want, it will benefit this property, but then it sheds an existing problem downstream onto someone else, and I don't know if anybody else is actually paying attention to that. Because I did not find any kind of storm drainage that any of this goes into. So, just kind of looking at the site, it looks like it will collect and run across Fourth and into the properties on the other side of the street.

In addition to that, I would have to say I disagree with your turning radiuses. I have got the 8th edition of the traffic standards, and for a full-sized Buick it says it has an 18-foot turning radius, not a 10-foot. And, driving my Dodge Ram truck up and down those alleys, I had to 3-point turn just to get into them, and frankly, the large Buicks are actually bigger than today's trucks and today's SUVs. So, I'm just a little hesitant to believe the turning radius situation. My concern about that is, I own properties that have buildings like this that have been up against it, and what I have found is that eventually the adjoining property owners are burdened with the fact that to actually get a full-sized vehicle in and out of a garage like this, you need to sort of cross over or exceed what alley space is there. You know, the existing alley is paved to a width of about 8 feet. Probably gets a little wider. Appears the overall alley is about 15 feet wide.

Last thing, you're making a statement about reducing overall percentage of lot coverage, but I'm wondering isn't that math that kind of takes advantage of the fact that currently the driveway is not considered. I'm trying to figure out, did you add the driveway into that number, or not? But still, you know, my core piece is just going to come down to the side-yard setback. You know. I'm sorry your clients have bought a house that has a 7421 square foot lot, but it is what it is. And, you know, to date, they have a 2-car garage, and they're not really being denied anything by not, you know, supporting this variance.

Rottmann Yes. In response to that, the existing driveway and new driveway are both included in those impermeable area calculations, so we actually are decreasing the impermeable area for the entire site by 50 square feet. And, in regards to pushing a drainage problem further down, we aren't contributing any drainage to the alley whatsoever. They aren't now and they won't in the future, as well, so any water that would be continuing down the alley would be water that's already in the alley.

Jones No, you just stated a minute ago that they've got a drainage problem on the property. or is that water comes down the alley and rolls down the driveway. Which is it?

Rottmann Yes. The water comes down the driveway and gets into that trench drain and then goes into a yard bubbler, but it gets overwhelmed and with it being 2 feet lower, there is not many places that it can vacate in the yard bubbler, so by bringing the garage up, and having the downspouts being higher, the new yard bubblers will have a lot more ability to operate appropriately.

Jones I would disagree with that math. I think it's just going to shove it on downstream, down the street. Which, once again, is part in parcel. It's never really stated, but that is why we kind of, you know, have put limits on lot coverage. The Town of Zionsville doesn't really have the storm sewer system to take any more water. We've hit this issue over and over in the Village, and you know, we keep allowing creepage upon those base numbers and it will keep pushing the problem onto somebody else.

Zionsville Board of Zoning Appeals
April 1, 2020

- Wolff Thank you, Mr. Jones. Are there any other questions for the petitioner? Seeing none, Wayne, how should we address? Typically, we would ask for remonstrators to come forward. How should we do that in this format?
- DeLong This particular setting, I believe we will ask for interested parties to raise their hand, and then we will call on them one by one. You know, if we are able to elevate them to a panelist role, certainly we would want to give them the same opportunity if they are interested in participating in the room, or participating in the meeting, as to the level as a petitioner.
- Wolff I'm going to pause here for a minute and let me know if anyone raises their hand.
- DeLong We do have a Mr. Mark Walters has raised his hand. We will click on the button and it says allow to talk. Mr. Walters, are you there? Mr. Walters?
- Walters Wayne, can you hear me?
- DeLong Yes, we can. Would you like, if I can, would you like me to pull you in as a panelist?
- Walters Well, I don't have video.
- DeLong Okay. Very good. We will, please proceed.
- Wolff Mr. Walters. Will you please state your name and address for the record?
- Walters Certainly. Mark Walters. I live at 545 West Poplar Street. I am the Chairman of the Zionsville Historic Preservation Committee, and Wayne and the Marlowes were kind enough to share their plans with our committee for a review of the architecture of what they're proposing to build, and we looked at it, and I just wanted to sort of go on record as saying, a) I really appreciate them sharing that with us, b) We looked at it. We have no issues architecturally with what they're doing to their home in terms of the addition. The actual granting of the variance and lot size and the issues associated with that are not what we were looking at. We were looking purely at the architectural side of it, and from that standpoint, we very much support what they propose to do. So, I just wanted to say that to the BZA.
- Wolff Thank you, Mr. Walters. And, also thank you for making the effort to join us tonight. Wayne, I'm going to pause again and see if anyone else raises their hand.
- Jones I have a question for Mr. Walters if he is still out there.
- Walters I'm here.
- Jones So, as part of kind of Historic Review Committee for the Village, where are you guys at on lot coverage ratios and also just kind of physical bulk of some of the houses coming up, as well as do you guys talk much about drainage in the Village?

- Walters Well, that can lead to a very long conversation, and I'm getting a lot of feedback, so I'm sorry. As you may or may not know, I know Wayne is aware. We're working to try to establish a conservation district for the Village, which would include looking at architectural consistency for new building. Would also deal with tearing down properties, but it has nothing to do with zoning. We would have no, the Commission would have no impact on zoning. That would remain a function of the Board of Zoning Appeals. Now, we would make every effort to try to have new construction adhere to the Village zoning, unless there was pretty extraordinary circumstances that would dictate not doing that, but that would be our position, but we don't have any, we would have no way to enforce that even if we got the ordinance passed.
- Jones As far as the drainage issues in the Village, has that ever popped up in any of the conversations?
- Walters On this property, we were aware there would probably be some drainage questions, but again, that's not really our area of expertise. We're about architecture and consistency and conforming with other, you know, architectural styles in the Village.
- Jones Okay. Thank you.
- Wolff Thank you, Mr. Walters. Wayne, has anyone else raised their hand? I see on the chat that - -
- DeLong We have Ms. Zelonis has raised her hand.
- Wolff Yes.
- DeLong So, I am going to lower Mr. Walters' hand and click on Ms. Zelonis. Ms. Zelonis, are you there?
- Zelonis I am.
- DeLong Wonderful.
- Wolff Ms. Zelonis. Will you please state your name and address for the record?
- Zelonis Sure. Sally Zelonis, 40 South Third Street, Zionsville. You mention about drainage, which I think is kind of interesting. Time, I've lost all concept of time, but maybe 2 years ago, the house just north of us on Third Street, brand new construction, vacant lot, drainage was a huge issue there. And, it's always been an issue in that area, and you folks approved that variance on that property, and they said they were going to take extra care on the drainage, but if you take a look, there is still water problems there, and they have water problems in their basement. I know they do because one of our last big storms, you could see them pumping out water into the street and the property. So, I would just remind the Board there is certainly new members on the Board, but in the past several years, I have spoken a number of times about lot size and the percentage of coverage because there are so many places in the Village where I see houses taking up all of the green space, and no lots, and I just, I don't know. I keep saying, and trying

to tell the Board that I don't think this is a great idea. We have 8,000-square foot lots, and they're small, but if you want a large house, there are plenty of places in Zionsville where you can go and have a larger house and take up more of the footprint, but in the Village, I think it's really too bad that we're not able to preserve some of that space.

Jones Ms. Zelonis. Yes, I remember the house you were talking about specifically, and part of my conversation exactly surrounded the issue they are currently having. I feel sorry for them, but they have dug a hole at a low spot and they are the neighborhood sump pit. I don't know what's actually going on there now currently, but if what you say is correct, they are realizing the issues that they have when they picked a low spot and build the lot. I feel very sorry for them, but it does kind of relate back to the point I'm trying to make, is that our setbacks and our lot coverage relationships, you know, kind of work hand in hand, and while it's an imperfect situation, it's the kind of situation you end up with when you have homes that go back several, you know, hundred years, if not more. Back to, once again, looking at the 1939 map, Mr. Rottmann points out, it looks like since the 1939 map, there was an existing house on 2 lots with an outbuilding, and now it seems like over the time that lot has been subdivided down into, what they create now? Go back and find it real quick, but is there three lots now there, or three houses?

Rottmann It was always two lots and there is two houses. It's just in the 1939, they didn't have a house on the second lot.

Jones Yes. So, basically took a single house and outbuilding on two lots, and have now put two houses on it, and it looks like the original house has been expanded, as well. So, what worked in 1939, you know, you can start a little bit of common sense and see why it doesn't work all that well in 2020.

Wolff Thank you, Ms. Zelonis, for your comments, and Mr. Jones, I also recall that particular petition, and I would add that we discussed drainage with that property, and they assured us they were going to take care of it. There is a line, in my mind, because they had a drainage problem, and it was going to be their problem, and it turns out it is their problem. I think when we approve a petition that creates a drainage problem for someone else, that's a different line for me. They assured us they could take care of it. It turns out maybe they couldn't. But I don't think, I think they're probably feeling the brunt of that. Wayne, is there anyone else who has their hand raised?

DeLong We'll put Ms. Zelonis here, and put her hand down, and I will check. I do not believe I see any other hands that are raised.

Wolff Wayne, I'm going to give it just another minute, or maybe 30 seconds or so, but if we don't get any other hands, I would turn it over to you for the staff report.

DeLong Okay. Very good. Without any further hands raised, thank you, Mr. Wolff. We'll go ahead and jump in with the staff report, and certainly the petitioner and the Board have covered many different topics, and certainly there are many of the things that we touched on in the staff report. Certainly, [inaudible] into the setback issues. Certainly, recognizing that lot coverage is a topic of conversation,

but the staff report more focuses into the side yard setback and the act of service that the side yard setback is [inaudible].

Wolff Hang on one second, Wayne. Would you stop for a second? If you're typing on your keyboard real quick, would you mind hitting the mute button on your mic? Okay. Thanks. Okay, Wayne, please continue.

DeLong Yes. So, with the staff report, we still need to acknowledge the petitioner's efforts related to the drawings and the efforts to address the concerns raised by staff. Certainly, reducing the dimension of the driveway on the north side, or I'm sorry, increasing the reduction to the current dimension of 3 ½ feet or so, and certainly the point of reducing the south setback to generating overall setback of 10 feet for the entire aggregate of our wonderful additions. It certainly reduces staff's concern. Prior separation of other items we need to [inaudible].

Wolff It sounds like someone is typing on a keyboard to me.

DeLong So, with that. And, I certainly want to also acknowledge in the staff report we mention the findings of fact. Certainly, Mr. Rottmann was quick to address staff's concern with the findings, and you may recall this from your training that would happen mid-three-quarters through the year last year where we talked about, and certainly the petitioner, or your BZA attorney, talked about findings of fact and how each petition is a unique petition for you to consider the lack of repetition, if you will. Each petition stands on its own merits, and certainly staff was just merely commenting about the reference to previous cases. Certainly Mr. Rottmann was very quick to address that. Certainly, staff appreciates the cleanup of those findings, but certainly the staff finds the findings acceptable if this petition were to be approved this evening. But again, staff remains concerned, but does acknowledge the petitioner's efforts to further provide a larger driveway. Certainly, staff has to default to experts. Certainly, Mr. Jones referring to the architectural standards, much as Mr. Rottmann has referred to, and just the usability of that short driveway if a vehicle, another vehicle is in the garage, and what that does to the usability in addition to the alley only being 8 or so feet wide. Certainly the alley can be widened, but that would be a cost to somebody to cause that alley to be widened to provide an amenity that is not provided for now, and in certainly in looking in the area, this characteristic that is being requested, a short driveway, while you do find short driveways throughout, it is certainly not very large characteristic, and certainly not the characteristic staff found along this particular alley. With that in mind, staff does remain with its concerns with the petition as it's been filed. Again, staff acknowledges the efforts the petitioner has made. Certainly, the architect of record working on this project is definitely providing a design that is very supportable in the Village. Certainly, the design is something that we would look at as infill development guidelines, as those are a topic of conversation where the Town would look for amendments to its ordinance to facilitate additions with characteristics much like this, however the setbacks are something that is not conquered with the design. We would note this is a home that in just a few years would be eligible for consideration as an historic home. This currently is a home that is not contributing. Certainly, Mr. Rottmann's design is very, certainly very pleasing to the staff. Certainly, appreciate the support of the Historic Preservation Committee that's been formed, and I pause here to take any questions.

- Wolff Thank you, Wayne. Any questions for Wayne? I don't see anyone speaking up. Todd, we had, Mr. Rottmann, we had a couple remonstrators. One speaking, I think, what I would call the aesthetics, and they thought that it was appropriate and would add value and looked nice, and certainly appreciate that feedback. Another one was concerned about, in general, lot coverage, and then I think the Town has voiced some concerns about the setbacks. Do you have any other comment, or any other clarification on how we might address these?
- Rottmann Yes. Let's go ahead and start with the remonstrator. Did you guys receive today the support map that's got the highlighted properties on it?
- Wolff Oh, yes. Was there like, was it kind of highlighted green with some, that one, yes. We did receive that.
- Rottmann So, if you look at that, the blue is the subject property. The green is the letters of support, which are the immediate neighbors. The yellow is notice that was sent without any negative input, and the pink is the remonstrator that wrote the letter. So, you can see that we've got everybody around the property is in support of it, and the remonstrator is removed somewhat. I'd also like to mention that I personally know the remonstrator, and I do like him and I do respect him, but I do disagree with respect to the unique conditions on this property, or that the owner is not experiencing hardships on this property. I also think it's worth noting that that remonstrator did a large full two-story addition to his house in 2011-2012. He added a patio, which actually put him at 37.5% lot coverage without a variance. So, he's currently in violation of current standards. And, it's also worth noting that he has 46.7% impermeable area on this lot, which is 6% above our impermeable area, as well. So, when he references rigorous interpretation and enforcement of our existing zoning ordinance, I find that to be coming from a source that has not done the same thing. In regards to lot coverage, and water, reiterate again, we have, we are reducing impermeable area on this lot. I'll say it again. We are reducing impermeable area on this lot.
- Jones I'm going to disagree with that when you're done. But go ahead.
- Rottmann It's pure calculations, taking it from property line to property line, looking at what is impermeable area and what is not, and we are actually reducing impermeable area. In talking about pushing water problems further down the road, we are not going to be contributing any more water to adjacent properties than we currently are because everything is handled through yard drains, and I don't feel that it's imperative that this homeowner take the burden of that excess water flowing into their garage and their house. So, saying that we're going to make it worse. Okay, I don't agree with that because we're reducing impermeable area, and I don't think this homeowner should continue to sustain water in their garage and in their house. It does not fall upon them to improve things down the alley by entering water into their residence. So, I do have issues with that. And, then, as far as neighbors taking on the burden of the homeowner trying to get into their garage, I mean, I'm comfortable that we've got the room to get in there. The neighbors around them have been notified. They have written letters of support. So, as far as sharing a burden, or being okay with it, you know, the neighbors have issued their support for this.

Michael Marlowe, the homeowner, he also wanted to speak and so Michael, if you could raise your hand so that Wayne could admit you.

DeLong Mr. Marlowe?

Marlowe Yes, sir.

DeLong Okay. Mr. Marlowe is here.

Wolff Mr. Marlowe. Just for clarity, would you please state your name and address for the record?

Marlowe Michael Marlowe, 140 North Fourth Street, Zionsville.

Wolff You are the owner of the property we are discussing tonight, correct?

Marlowe Yes.

Wolff Very good.

Marlowe So, I just want to make a comment. We took an enormous amount of care to go to our neighbors and I did this personally with a note, drawings, and had conversations with anybody that has visual or even drainage effect by what we're proposing to do. And, you know, so I just wanted to be on the record that whether you approve or deny, we've really exhausted I think our communications with the folks that would be affected by this. And, everyone to a person has not just said okay, but has given their expressed approval on it.

Wolff Thank you, Mr. Marlowe. We do, I know I personally do, value neighbor's feedback, and I certainly appreciate when our petitioners reach out to neighbors and discuss a project. I think approaching this in a neighborly way is beneficial for all of us. So, thank you for making those efforts.

Marlowe Yes, and specifically, as it goes to drainage, to me, there is an implication that somehow, we're passing something damaging to somebody down the street, and as Todd said, you know, we're just changing the input where the water comes in. The output is the same place. So, we currently have drains there. The water would be exiting the same place as prior. The only thing that changes is really that our home isn't threatened by incoming water.

Wolff Thank you, Mr. Marlowe.

Marlowe Sure.

Wolff Thank you, Mr. Rottmann. I would turn it over to my panel for further discussion. Mr. Jones, you had some concerns about - -

Jones --Sure. One of the things I want to make sure, and Todd correct me on this when I'm done speaking, but our lot coverage calculations do not include driveways. It's just an odd detail that shows up, and Wayne, we've gone around and around

about this. So, the existing residence, if Todd's numbers here are correct, has a gross amount of 2467 square feet. Currently there is 33.2% lot coverage. And, I understand the next numbers have been modified a little bit, but basically the existing house with the new addition increases to 2969 square feet, which given the document I currently have, which I think is an older version, has a 40% lot coverage. Todd, Mr. Rottmann, would like us to switch over and then talk about how they are reducing the impermeable area, but the numbers included in those amounts, while they may be actual and real, is not how we calculate lot coverage. In other words, we're trying to take an apple and take an orange and keep swapping them back around until you get the fruit of choice. So, my point is, when you add this addition, you are increasing the numbers that we use to create our lot coverage ratios, and when you combine that ratio with our side-yard setback requirements, those two work hand-in-hand to keep the massing and the size and location and the lot coverage all kind of consistent. Yes, you can go up and down and all through the Village and find all sorts of violations of this. The reason we are working with these rules we are working with is trying to get some continuity so we don't make situations that are maybe bad, or not desirable, in other locations the standard rather than the outlier.

I also went back through and read through the findings of fact. And, I have a lot of struggles with Number #3. You know, that the strict application of the terms of the zoning ordinance will result in an unnecessary hardship. I am very sorry the current homeowners currently have drainage problems with water coming off the alley and entering their home. But that is based on decisions that some previous owner or builder made regarding the property, and has no bearing on the terms of the zoning. I'm sorry it's happening, but it's not a zoning issue. Same thing with Number #2. The growing family needs more space. Not a zoning issue. Historically, you know, there was a garage tied to the property. Yes. When there was a single house on two lots, and there was an outbuilding in the back corner. Once again, it's taking an apple and trying to make it an orange so you get the right fruit. And, yes, there are similar homes and sizes and setbacks and all that kind of stuff, but the reason we are working through these rules and regs is to get some continuity to prevent these outliers from happening. So, I don't know. I just don't think you've met most of the findings of fact for Number #3.

Wolff Mr. Jones, the way I interpreted Number #3, you're right, we do need a hardship. And, I think the hardship that I'm looking at is the slope of the lot, and your interpretation is that it doesn't, you know, your house floods and that's not a hardship. I'm not sure we agree on that. I think you should be able to make, because you have a lot that is unusual, and has a slope to it, you should be able to make accommodations to prevent that. But, that's just my opinion. And, we can certainly disagree on that. Todd, can you go back, I think, well, maybe I'll try and take a stab at it. I think we agree that the lot coverage is going up. I think the number we heard tonight was 38.9%. That is, we are adding space to this house. The lot coverage is going up as we define it. I think what you suggested was going down was the impervious, like, the amount of paved and/or roofed area. Is that correct?

Rottmann Yes, that's correct. As you talk about water drainage, coverage is not the factor that contributes to drainage issues, it's how much impermeable area is on the property, and to Larry's point, driveways are part of that impervious area.

Unfortunately, they're not counted in as part of the lot coverage, which if you took a driveway and covered the entire property with the driveway, hey, you're fine. And, that's not okay. That will contribute water to the neighbors. And, so impermeable area is the true reflection of how much you're going to be impacting water leaving the site. And, we are reducing that amount. So, we are contributing less water to the neighbors than current. So, with a hardship that their family is growing, they need space, and that we've got a water issue with infiltration into the house, we're able to solve both of those, and reduce the impermeable area. So, it's really a win-win-win. I mean, an improvement. So, I just don't see the issues.

Wolff Thank you. Ms. Evinger or Mr. Papa. Any additional comments?

Papa No.

Evinger Yes. I'm just, I'm actually listening to both you and to Mr. Rottmann, and I tend to agree that it seems like he's solving multiple problems by addressing this, not only the water issue for this home, but the growing size of the family, also being cognizant of trying to reduce total impermeable surface, and the fact that all the neighbors that are surrounding. This isn't something that's being sprung upon them. They were, again, brought into this discussion as they were working through this development, and this project, so, and it seems like no one has a remonstrance that's immediately affected by this, so I'd be, you know, I'm inclined to support the petition.

Wolff Mr. Papa, you had no additional comment?

Papa Well, so I was trying to look something up. I don't know if Mr. Rottmann is still there, but he responded to Mr. Jones how he feels that the impermeable surface was reduced.

Rottmann Yes. The site plans that you guys should have received today, has all of the new calculations on it, and it breaks down what we're utilizing for the impermeable area by house, front porch, patio, playhouse, driveway, front walk. All of that is added into those numbers. The final condition has 50 square feet less impermeable area than the current condition.

Papa So, that's kind of removing the playhouse and part of the patio is how you get there?

Rottmann Yes. That is correct.

Papa Okay. Yes, I was just trying to visualize. Mr. Jones, I wasn't seeing where you were getting less.

Rottmann Yes. So, the garage is essentially where the driveway is now, so it's impervious area for impervious area, and then we are getting rid of some current impervious area to help.

Jones Yes. I think about the impervious area of the driveway that currently exists; it takes water. And it takes water to a drain, and then it takes that water somewhere

else on the property. And, now it's, by raising the garage and setting it up higher than the alley, you're chasing some of that water off somewhere else. But, okay. And, I know you're trying to say that the roof area will now take that water via gutters and downspouts and somewhere else, but that's, I just disagree with the math. I see the math. I understand how you made the math. I've stayed the path on this every time it crops up. You know. Eventually this creates a problem for somebody else. And, I am very sorry that the previous owners of the property built something in such a way that the current owners are experiencing a drainage issue, but they can always take the driveway out and do something else. They can always rebuild the driveway and gain some drainage on it as it stands, and solve the problem with the water entering the residence. That's always an option available to them.

Wolff Thank you, Mr. Jones. Any other comments or discussion amongst the group.

Evinger Just one more question for Mr. Rottmann. When, I know you're talking about impermeable surface, and we're talking about the water runoff, but a lot of times there's lots of different kinds of plants that could be added to an area that would help offset or collect some of that rain. Is there anything that could be done on this property that would just kind of help absorb some of that water for potential runoff? I know, I appreciate all your efforts that you've done so far, but is that something else that would be able to be done there?

Rottmann Yes. Creating rain garden areas, succulent plants to absorb, and put that around the yard bubblers. Yes. We've got room on the west side, and on the east side to do that.

Evinger Larry, would that help solve your problem?

Jones And, it still doesn't get around, and we've kind of blown past the whole issue of having a garage with the access that close to the property line, doesn't really allow sufficient ingress and egress room given the 15-foot wide alley and the current 8 feet of pavement. I understand Mr. Rottmann has put together some numbers that he researched it to say it does, but once again, information I look at and the same books says something different. And, we get back into the same situation. Like I said, it's that for future users of this garage, they need to kind of basically it puts a burden on an adjoining property owner. And, that, you know, when you set 3 feet off the property line with a 15-foot alley, that's every, you know, every parking detail I see requires at least a minimum of 20 feet between something to move in and out with ease.

Rottmann Right. And, we have 20 feet 11 inches available with alley space.

Jones The house sits 3 feet off the alley. Fifteen and 3 is still 18.

Rottmann No, the alley is a 16-foot 6-inch alley per GIS, and we, at a minimum, have 3 feet 8 inches to the property line, but on the eastern side of the garage we have more because it is a slope. We have the 4 feet 4 inches. So, we have - -

Jones --One corner, oh, come on Todd. Quit it.

- Rottmann Well, okay. If you add the 16 feet 6 inches, plus the 3 feet 8 inches, we're at 20 feet 4 inches. So, we're still greater than the 20 feet access. But it's still public right-of-way alley that has the gravel, which was the previous surface before somebody came in and paved a strip down the middle.
- Mundy Larry, I'd like to get your take on the way I've looked at point Number #3 in terms of hardship. It appears to me, you know, you go back to that 1939 map where there was very little in the way of impervious surface on 2 lots there, and I guess my conclusion was that there is some hardship that's been created by the buildup over those 80-some years, that that house and the present owner now are affected by, because of a lot of that water does come from elsewhere, so I guess I was looking at point Number #3 as being satisfied in terms of a hardship by the current owner. Is that, would you take a different tact with that one?
- Jones Well, I guess my tact is that the issues, the drainage issues the current owner experiences are because of methods of construction, which differs from something that the zoning ordinance has enforced. Somewhere down through the line somebody, whenever that addition was done, because I think the existing garages are an addition, they raised it up 3 feet. They could have done something differently and this drainage burden would not have been, but choices were made, however they were, and you know, once again, we don't know what we don't know, but we can go out there and physically look at the site and say, well, you know, it was put there and then some point they put in a drainage with a trench, and then somebody put concrete curbs along the alleys. So, none of which are a zoning-related matter. The issue we have is a combination of lot coverage and then setbacks, and while we can go and work, or massage our way around the lot coverage issue then the second thing we're running up to, which is the thing that Wayne has not felt satisfied with either, is the side-yard setback. And, you know, what happens is the combination of our setback requirements and our lot coverage ratios kind of determine just a maximum amount of development that can go on to a parcel, hence the reason they are asking for a variance is because they are trying to exceed it in two different directions. And, like I said, we keep talking our way around ways of making the lot coverage ratios work, but we still butt up against, you know, do we want to start going down this path of cutting out side-yard setbacks. Because the side-yard setback stuff also kind of ties into life safety issues, that you know, part in parcel the reason you want to keep the separation, side to side of homes, is for fire. When a house catches on fire, you know, it may not matter much, but it matters some. Hence the reason why we have the side-yard setbacks both, you know, the single 5-foot and the cumulative 15-foot, it's to keep some separation between these older, you know, keep separation between primarily wood-framed structures in a Village type environment. That's why it's there. Or, that's one of the benefits of the way the rules are put. It doesn't prevent anything. It does not stop anything, but it's just a bit of continuity we have within our zoning ordinance, trying to provide for a little bit of life safety. No guarantee.
- Rottmann Yes. Building code states the 3-foot setback for life safety, not a 5-foot. So, anything beyond 3 feet, according to the building code adopted by the State of Indiana is not a fire risk.

Zionsville Board of Zoning Appeals
April 1, 2020

- Wolff Very good. Any other comments from the group? Hearing none, seeing none. Wayne, I'm just going to double check with you. Are there any hands raised? We've had public remarks.
- DeLong Yes. Mitch Young. Mr. Young has raised his hand. So, we will click on him here. Mr. Young, are you there?
- Young Yes, sir. Can you hear me?
- DeLong Yes. Very good.
- Young So, again, this is Mitch Young. My address is 8990 East 200 South here in Zionsville. I'm a builder here in Zionsville. I was born and raised here in Town right on Ninth and Oak Street. I've done many projects here in the Village. Many of them that have involved wastewater and setbacks and yardage percentages, and everything. I've dealt with them all. As far as the fire hazard. Just to add, we are going to be adding a non-combustible siding. So, as far as a fire hazard goes, we would be eliminating that. Also, as far as safety goes, we are also getting rid of the overhead lines going into this house. So, during this project, all the overhead lines that right now go over the alley are going to be gone and go underneath the alley and into the home. So, not only is this going to help the homeowner in their hardship, but it's also going to eliminate the overhead lines in the alley, which helps fire trucks. Helps firemen. It's a safety thing for sure. And, it also upgrades the power to the home, and it also upgrades the look of the home, as well, trying to get rid of the power lines. So, I just wanted to add that, as well. So, I've done many projects in the Village. I've done, I did a garage at Poplar and First Street where they were having a similar situation with water going into their house, and we added the garage on it, and it's the house to the north of Claghorn Custom Flooring. They're on first street, and I've had nothing but good reviews and things said to me from members of the Town, as well as the wastewater department. So, I just wanted to add that you as well.
- Wolff Thank you, Mr. Young, for contributing to tonight's conversation. Based on your remarks, I'm assuming you are the proposed builder of this project?
- Young That's correct, sir.
- Wolff Thank you. Okay. I'm going to turn it over to my Board members. Is there any other discussion? If not, I will entertain a motion.
- Papa I was just thinking that if say, they could have made changes in the past to address the water, but if the water is coming from somewhere else and not from this property, that problem may not have existed in the past. So, they're just doing something that keeps that additional water that's coming from going into their house. I'm not sure that's, or maybe Mr. Rottmann mentioned it's maybe not their problem to absorb all that water for everybody else necessarily.
- Wolff Yes. I certainly don't think it's the burden of the petitioner to absorb other people's water. Yes.

Rottmann And, the fact that they're currently doing it, [inaudible] in the unique situation of the property with its slope, and the alley having been paved at some point. You know, further enhances the problem.

Jones I just want to make sure I understand where we're going with this. So, it sounds like there's a lot of people that approve the changes to this parcel, but anything farther west we should not approve because it's uphill. Am I hearing everything right?

Wolff Well, Mr. Jones. That would depend on what that petition was, and what the characteristics of that petition were.

Jones Okay. Just checking. I just want to make sure I understand. Because it sounds like what we're saying.

Wolff Sounds like if you're downhill you get approval and if you're uphill you don't. Is that what you're implying?

Jones Correct. Yes.

Wolff I'm certainly not comfortable stating that. What I'm comfortable stating is that we will evaluate each petition based on its merits, and the facts presented to us.

Jones Gotcha.

Wolff And, we will make a decision based on that.

Jones Okay.

Rottmann And, the current zoning ordinance says you cannot shed your water onto someone else's property. It does not say you have to absorb water from somebody else's property.

Jones Correct. But, once again, we have lot coverage ratios that so that every property can take a certain amount of storm water or whatever. As we cut that back, it goes somewhere else.

Wolff Any other discussion. I also would bring up the point, just asking, I think the staff is concerned about the setback, and the turning radius there. Have we adequately addressed everyone's concerns regarding that? And, if the answer is yes, I would entertain a motion.

Jones We going to use one motion or two separate ones?

Wolff You know, my challenge with the two separate, they're listed by the staff as two separate. One thing I would note is any recommended motion, the first one regarding the lot coverage, that tonight we have changed the number from, the line says lot coverage of 35% to 40%. That number is not accurate. That number is now 38.9%.

Jones Todd, how much did the addition get reduced by?

Zionsville Board of Zoning Appeals
April 1, 2020

- Rottmann We pulled the garage back 1 foot 4 inches after the staff report was written to calculate the square feet.
- Jones And the addition is 26 feet wide?
- Rottmann Yes. That's a reduction of 35 square feet.
- Jones I ended at 39.5% lot coverage.
- Rottmann The breakdown is on the proposed site plan that was sent out today. Are you working on an old one? It's dated today, April 1.
- Jones I've got the March 19. Which one do you got now?
- Rottmann April 1.
- Jones That's right. Because you cut back the pavers on the patio and took out the playhouse, but you took out the playhouse on the previous.
- Rottmann Correct. The further reduction in the lot coverage was the removal of part of the patio.
- Jones And that got it down to the what?
- Rottmann 38.9%.
- Mundy Mr. President, I'll be willing to make a motion if you're wanting that.
- Wolff I am, Mr. Mundy. Thank you.
- Mundy I'm going to read from a small screen. So, I hope I don't get crossed from one line to the next. I move that Docket # 2020-06-DSV, development standard variance, in order to provide for the construction of an addition to a single family home, which exceeds the required lot coverage of 35% to 38.9% as shown on the most recent drawings by the petitioner, on the site plan that is attached to the most recent report that we received, in the residential Village zoning district RV for the property located at 140 North Fourth Street be approved with the amendments made as of today's drawings with substantial compliance with the submitted site plans and concept elevations.
- Wolff Thank you, Mr. Mundy. Is there a second to that motion?
- Evinger Second.
- Wolff Thank you, Ms. Evinger. Wayne, I'm going to do this as a roll call, as well.
- DeLong Yes.
- Wolff If you would lead that.

Zionsville Board of Zoning Appeals
April 1, 2020

DeLong Certainly. Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones No.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Papa?

Papa Yes.

Wolff Thank you. Motion carries. I would also note to our fellow Board members there is another motion on this particular variance.

Jones I'll make the motion on this. I move that Docket # 2020-06-DSV, development standards variance, in order to provide for the construction of addition to a single-family home which deviates from the required side and aggregate yard setbacks as illustrated on the site plan attached to the report in the residential Village zoning district RV for the property located at 140 North Fourth Street be denied as presented.

Wolff Thank you, Mr. Jones. Is there a second to that motion?

[No response.]

Wolff Hearing none, I will entertain another motion.

Evinger I move that Docket # 2020-06-DSV, development standards variance, in order to provide for the for the construction of an addition to a single-family home which deviates from the required side and aggregate yard setbacks as illustrated on the most current plan that was submitted today, April 1, and attached to this report in the residential Village zoning district RV for the property located at 140 North Fourth Street be approved as presented with substantial compliance as the new submitted plan.

Wolff Thank you, Ms. Evinger. Is there a second to that motion?

Mundy Second.

Wolff Thank you, Mr. Mundy. Wayne, I'll turn it over to you for our roll call vote.

DeLong Mr. Mundy?

Zionsville Board of Zoning Appeals
April 1, 2020

Mundy Yes.

DeLong Mr. Jones?

Jones No.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

Wolff Thank you. Motion carries. Thank you, Mr. Rottmann for your presentation tonight.

Rottmann Thank you for hearing me. I appreciate it.

Wolff The next item on our agenda is Docket # 2020-07-DSV for 10615 Zionsville Road. Wayne, will you please que up the petitioner?

DeLong Yes, I will. Flipping some screens here. Some of the participants are only here by phone number, and it's not apparent as to their identity. Thank you, Mr. Lese. We'll get you in here. We will elevate you to a panelist role.

Lese Okay. Can you see and hear me?

Wolff We can.

Lese Okay, great.

Wolff Please state your name and address for the record, and describe what's in front of us.

Lese Sure. Joseph Lese with Progress Studio. Our address is 5915 North College Avenue, Suite 213, Indianapolis, and we are presenting a variance of parking quantity standards for the existing property located at 10615 Zionsville Road. What we are presenting is a request for a reduction of required parking spaces. In our findings of fact and in our presentation packet that you have in front of you, we worked really closely with staff on determining what the existing parking requirements would have been in its current state with the canine daycare, the former tavern and Pizza King, and it was calculated that 77 spaces were required. And, to our best estimates on the existing parking lot, we felt perhaps maybe 71 to 73 spaces could be accommodated, and still an provide appropriate drive aisle. So, effectively, what this variance request is doing is bringing an existing non-

compliance request in front of you, as well as part of the redevelopment of this property to accommodate the future attendant Hotel Tango.

Wolff Mr. Lese. Now, as part of this project, is the intent to increase the square footage of the building and/or, is there a patio that's being included?

Lese Yes. So, on the south side of the building, we are proposing adding a 682-square foot pergola. It is effectively a room. It's four seasons. It will have its own egress doors, as well as doors in and out of the facility that exist today. By that increased area and occupant load that that generates, the increase in area makes the required parking spaces jump by 10 spaces. And, so what was 77 spaces, we worked also with staff on coming up with the correct calculation and the new total required parking space count would be 86. And, what we are presenting is basically all that we can put on the site and maintain proper turning radius for fire truck access, so we have a total of 66 parking spaces. Some of what is driving that number is the calculation that staff and I worked together on to find the appropriate number for the canine daycare facility, suite especially, of 31 spaces. In our observation, any time that we have been to the site, whether it's field verification or otherwise, we see somewhere in the proximity of 10 cars in the parking lot at any given time, and that's probably staff for the canine facility. So, we don't believe that there is, during the majority of the daytime, a need for 31 spaces devoted to the canine use, however, we do realize that as tenants move in and out, that requirement may change. So, our case is that Hotel Tango's use specifically, their hours of operation generally are going to be pushed towards the evening hours we're going to see the heaviest traffic. And, with the canine facility there, other than staff, really would only be people for a very short duration either dropping off or picking up their dogs from the daycare facility. So, we are looking at this more as a shared parking scenario where the heaviest use may not be needed at the same times, which was noted in our findings of fact. I think that's pretty much it as far as answering that question. Sorry, that was a long-winded one.

Wolff No, the more information the better. So, I think what I heard was, according to the calculations that you worked with staff on, you need 86 spaces. When you adjust the parking lot after renovations and trying to keep and make sure you have all the property egress and turning radius and safety support for fire departments, etc. you can get 66 spaces. So, we have a gap of 20 spaces. Your comment is that the tenant to the north, which is a doggie daycare, a kennel of sorts, you know, and I agree with you in the sense that they're not going to have a need for that many parking spaces, and many of their customers are going to be kind of pick up and drop off. What happens if the doggie daycare goes away? So, if we approve a variance, and we agreed to grant the relief from this parking space requirement, and then another restaurant were to come in there, I think we would be creating an additional problem, wouldn't we?

Lese Yes. I would agree with that, that any future tenant, that if the canine went away for some reason, and a new use was proposed, that use might need to be restricted. I don't think that the site would support two restaurants unless one was perhaps a breakfast only operation, whereas Hotel Tango is more in the evening hours. So, that might play in to any future requests from future tenants at that point.

- Wolff So, inside of the report that we have, the staff makes a recommendation that kind of articulates what you just said. Would you be amenable to that?
- Lese I think the owners would be in agreement of that, yes.
- Wolff Thank you, Mr. Lese. What other questions do we have for the petitioner tonight?
- Evinger What are the exact operation hours for Hotel Tango?
- Lese Generally, as far as I know, during the week it is 4 p.m. to 10 p.m., and I'm using that based off of their Indianapolis Fountain Square location. On the weekends, I believe, they open at noon, which would be Saturday, and whether or not they are open on Sunday, I believe, it's going to be a 7-day operation but I would have to confirm that with the future tenant.
- Evinger Thank you.
- Wolff Any other questions from my Board members to the petitioner at this point?
- Jones A couple of quick questions. So, with the Hotel Tango space, the tavern space, you're adding 682 square feet of, is that covered space, or is that the outdoor patio area?
- Lese It's covered space.
- Jones Okay. Gotcha. And, that's the new area towards the front?
- Lese Yes. And, in the packet, in the rendering specifically, it is the pergola structure. So, it is manufactured by a local company called Smart Pergola, and it has the ability to be open during nice weather. The roof has adjustable louvers. It's all self-drainable, and in inclement weather, colder environments, we are showing that the boundary of that pergola would have clear vinyl removable panels so it effectively is a 4-season room.
- Jones I have a question for Wayne. So, pathways that go through Zionsville and go south on Zionsville Road and then turn and go into the Creekside, are there any plans to extend those paths farther south? The biking and walking path?
- DeLong With the project that's nearing completion the South Main Street, Zionsville Road rebuild, that has a pathway component as a part of that. Those pathways are underway. Certainly, there is another project that will bring a pathway down the western alignment, which is the old rail trail. Certainly, there is ongoing dialogue with BHI, Hoosier Village about how the Town's pathway system can interface and provide for accessibility to and from their development for both their residents and certainly visitors. So, there is a pretty robust overall package of how the pathway system will interface throughout this area.
- Jones And, then the parcel that surrounds them, is that the old Dow Elanco piece?
- DeLong Correct. That's the former Dow site. I mean, it's still owned by Dow Chemical.

- Jones But, there is some conversation about that being released, or available at some point?
- DeLong I would project this year, certainly. They're at the very end, I believe, of their efforts to meet all the requirements to then start fielding inquiries on the next evolution on the conversation with that property.
- Jones Back to the pathway questions, so are those pathways on the east and the west side of Zionsville Road? You referenced, I thought, the west side.
- DeLong Yes. I believe that pathway, the roadway project could only facilitate pathways on one side, I believe, because the road is a 2-lane with a dedicated center lane with the divided median, and the right-of-way with allowed pathway on the west side. The right, on the pathway on the west side, the east side is, I think, more heavily traversed by utilities.
- Jones It will be this site, along with farther south on Zionsville Road will eventually get connected into our pathway system.
- DeLong Yes. Those efforts are under way.
- Jones Right. I guess what I'm driving at is, you know, once again, I own multiple properties all along the cultural and the Monon and all sorts of trails, and those all do greatly reduce the need for parking. People would rather bike or walk or ride to these spaces than actually drive to them, if available. One other just concern I've got on the site plan, just kind of while we're talking, is the dumpster location. And, I've kind of scrolled around your site plan, and as far as, you know, dump trucks, trash trucks picking things up, that's probably about the best location available. Is there any opportunity to add some landscaping since it's sitting out there in the front?
- Lese Absolutely. We would screen that with both hardscape, as well as landscape, to be in front of that, as well. There is, like Wayne said, a lot of infrastructure on that side of the street with a lot of utilities. We are taking the building off of a septic and well, and we are connecting that to city sewer and water. So, on the turning exhibit, for example, the shaded gray areas are those paths that we are going to be connecting into the city infrastructure, so yes, generally we try not to include trash enclosures in a front yard, but with the existing building footprint, we felt like that was going to be the easiest way to access that and not have it be a situation where if there is a truck or an event where emergency gear needed to be on site that they would be able to access all sides of the building.
- Wolff Mr. Lese, one point of clarification. As Mr. Jones started the conversation with you, he asked if the new structured space when we discussed the pergola, and things like that, was on the front of the building. For clarification, it is on the south end of the building. Correct?
- Lese That's correct.
- Wolff Okay. Are there any other questions for the petitioner?

- Papa I was going to ask a question about, if they were going to go off the well and septic, so I was really glad to hear that that's being done.
- Wolff Yes.
- Papa We've talked about that for years with that site.
- Wolff Agreed. I think that represents a significant improvement to the area.
- Mundy Where is the current septic system located?
- Lese Good question. I don't know that the tanks are exactly known, or the finger system, I don't know that that has been confirmed 100% where that is. So, that was one driving factor of getting the building upgraded to city utilities.
- Jones There's not a lot of extra land.
- Mundy That's what I, I'm trying to find some open space where you could have a little –
- Lese --Space is really in the back. The east side of the property, and it's even, you know, fairly shallow between the building and the property line, so it's anyone's guess exactly where that area might be, but we're going to be excited to see this get upgraded to city utilities.
- Jones I don't know. From the look of the pond back there, we might know where it goes.
- Wolff I don't want to think about that.
- Mundy Do you have a public safety approval with what you've suggested in the way of the parking layout now? Can they bring their equipment in and make the turns they need to?
- Lese Might be a question for Wayne. I apologize. I looked through the email that staff sent to us about tonight's hearing and I did not receive a copy of the staff report. It was one request that came up during our reviews and meetings with staff to include the turning, maneuvering diagram that was included in our packet, which wasn't in our original submittal, but we had since emailed that back to staff. So, I hope that all of you had that. It's been a couple weeks since we have done that.
- Jones If you scroll down through some of the site plans, you can see most of the aisleways are 24 feet wide, and the primary one across the front of the building is like 29 feet wide, which, like I said, typical parking lots have 20-foot aisleways between spaces, so this is a little larger than standard. So, I wouldn't imagine that there is issues.
- Lese In our meetings with the fire department staff, we made care to maintain the access on the south side of the property, in particular, for any fire truck that might need to be parked in that location so they could reach around the back side

of the building if for some reason they weren't going through the front of the building.

Jones I think that's what's put in your plan. The drawing, VT, whatever that is, but vehicle traffic, but if you look up in the corner you can see the size of vehicles that used to lay out the pathway.

Wolff Wayne, will you check and see if we have anyone on queue from the public to speak about this project?

DeLong Certainly. I am not seeing any particular party raising their hand to participate in the conversation here.

Wolff I'm going to give it a minute. Sometimes people are shy. And, certainly if any of the Board members have any continued comments, feel free. Still empty, Wayne?

DeLong I am not seeing any interested parties raising their hands.

Wolff Thank you. If that's the case, we'll assume there are no remonstrators for or against this particular project. Wayne, may we have the staff report?

DeLong Certainly. Thank you. This petition has been very articulately presented by the petitioner, and certainly articulating staff's points related to the parking. The Board has covered those, as well. The combination of the two uses within the existing integrated center to bring the proposed Hotel Tango facility and the existing doggie daycare, we believe will have parking ratios that will be opposite of one another. Certainly Mr. Jones pointed out in the ever-enhancing pedestrian multimodal ways throughout Town, will continue to foster a new type of parking and ride sharing, and alternative transportation, which will well-serve the community. With those factors in mind, staff is supportive of the petition as it's been filed. Certainly, recognizing that in the future the project may change. The use may intensify. Mix of uses may change, and this conversation may need to be revisited, but certainly, as it sits today, staff is supportive of the petition as it's been filed, and I'll happily answer any questions.

Wolff Thank you, Wayne. As I look at the recommended motion and the staff recommendations, would you, or Darren, think it appropriate if we just made a motion, if someone were to make a motion in favor of this project, to include the staff recommendations, as well, in that motion, to reflect what you just stated about the adjoining property increasing in intensity and use? How would you suggest we address that in our motion?

DeLong Mr. Chadd, do you want to take that?

Chadd Sure. Yes. I was going to raise that question anyway in terms of, I think the recommendation to me just isn't clear. Maybe we just need to clean it up a little bit in terms of, the recommendation seems to suggest that we're not allowing the neighboring tenant to increase in intensity. I don't think that's the intent. We're not restricting that use. I think we're just trying to say if it does, then we may have the current petitioner come back to review this variance. And, I think that starts to fall in line with what this Board has done in the past in terms of

requiring them to come back if that neighboring space intensifies. So, I would just include some language like that in your motion.

Wolff So, something to this effect that if the neighboring space intensifies, an amendment to include to that if the neighboring space intensifies, the petitioner will need to, or the property owner will need to seek a new variance?

Chadd I think you guys need to flush that out. I don't know that you necessarily, I haven't heard anybody say that you want this variance to terminate if the use changes. I mean, it gets kind of murky. I'm just [inaudible] to have one back in, as we say, without it terminating, but I've not heard anybody say they want this to terminate if that use intensifies.

Evinger So, going back to what Joseph had said earlier, he thought that the owners might be amenable to having a restrictive use as far as not allowing a second restaurant. Would you be able to enter that commitment into this motion, and do you think that the owners would agree to that without speaking to them?

Lese I think that would make sense as far as if the businesses were in operation at the same time. I'm not sure if there might be a creative way to write the language where it might restrict a second restaurant that would be in operation during the same business hours, perhaps, versus some, like if it were a pancake house or something like that perhaps, where they would be operational in the morning up to maybe lunch time, and then closed the rest of the day. I think the owners would be open to some restrictive language if it can be tailored around maybe business operational hours, and specifically a second restaurant use with the integrated center and the parking ratios that we were using for the doggie daycare at four per thousand. We might want to, or you might want to include language in that, too, where if a proposed use exceeds that, that we would need to come back. I'm not sure exactly how to word that.

Wolff No, I like where you were going with, we certainly used a calculation for the intensity of parking based on the kennel, and if that particular property were to require a more intense parking usage, then perhaps we should revisit this particular petition.

Jones The doggie daycare, how much of the space is an office, or common, and how much of it is like dog kennel. Do we know? Do you have an idea? Just a rough guess?

Lese If I had to guess, I would say probably 10 to 15% might be office support space, and the rest of the space is for the dogs to play in, or they're kennels. So, I haven't been there to do a full field verification of their space, so I can't answer that definitively.

Wolff Larry, were you suggesting some sort of square footage?

Jones Yes. What I was just kind of penning around with would say something along the lines that so long as the current, I don't want to say doggie daycare as part of a motion, but what I was trying to say is, as long as the existing office/retail/commercial use of the space, of the 7665 square feet, didn't exceed

Zionsville Board of Zoning Appeals

April 1, 2020

1500 square feet, you know, this variance would be allowable. So, if some other similar use, maybe wasn't doggie daycare, or something else, I don't know. It's just an idea. Tie it to something more, because basically, if another use would come in for that space, they would most likely, if they are going to remodel it or change it or do something substantial, have to come back and pull a permit, at which point we can pull up this variance. And, variances are, you know, specific. So, if we limited the office/retail, whatever, to 1500 square feet, you know, we'd get another poke at it, I guess. I don't know. Somebody got some other idea?

Lese I think I would, not to interject. Sorry for the interruption. I think I like the, maybe the streamline approach of if the variance were approved under this premise, if that north tenant were to ever require more parking than what we have presented tonight, that it would require a different variance request on its own merits, and, you know, that might be all that would be needed at that point. I'm not sure.

Chadd This is Darren chiming in. That would certainly cover it. Your proposal earlier of a commitment, or the suggestion of a commitment concerning limiting the use of the neighboring tenant would also do it, if you have the authority to commit to that, but what you're proposing now would be perfectly fine.

Wolff So, in our packet of information, the property to the north, or the tenant to the north, is currently allocated four spaces per thousand square feet, and the proposed restaurant, the one we're talking about tonight, is allocated one space per 75 square feet. So, maybe what we're suggesting is, as long as the tenant to the north doesn't exceed four spaces per thousand square feet, we're okay. If not, then we need to come back to the Board of Zoning Appeals to address the issue. Does that seem reasonable?

Lese Yes. Works for me. Yes.

Wolff I'm more concerned about Darren. He's my lawyer.

Chadd Just to clarify. When you say come back to the Board of Zoning Appeals, I think the petitioner's language was, their variance would expire and they would have to submit a new variance request. And, that is something that you folks can deal with, coming back to address it, I'm not sure what that - -

Wolff --Yes, that's what I was implying. Sorry.

Chadd Yes.

Lese Yes. Other than dictating the parking as we presented tonight, I think, yes, sending future tenant that would surcharge that would have to make a new request.

Wolff Result in a new request for the property. Okay. Any other discussion amongst- -

Evinger How long is the lease of the doggie daycare.

Lese Can you repeat that? I did not hear that.

- Evinger How long of a lease does the doggie daycare have?
- Lese I think their lease expires this year. As far as I know. I don't know what their lease negotiations have been like, if any, with the current owner. So, I believe Hotel Tango's lease is a 10-year lease.
- Evinger And, would Hotel Tango be amenable to take the rest of the space should doggie daycare leave. I'm just thinking, this could be really short-term. If we said that you have to come back in 6 months because the lease expires in 6 months, you'd probably be better off to have some kind of a commitment as far as intensity of use, to limit not having two restaurants operating at the same time during the same hours. Something like that, rather than having to have you keep coming back every 6 months if you get a short-term lease in there.
- Lese Yes. I think both parking and hours of operation for two restaurants, it just would not work. So, I think limiting the tenant in that circumstance, that does make sense too. I do not know if Hotel Tango would ever entertain the idea of expanding into the north tenant space for any other functions. So, it's hard to say, especially under the current environment. It might be okay. So, yes, I think both parking, as well as restricting two restaurants on site that would not be able to operate at the same time would make sense.
- Wolff I think we're all on the same page here. I think we're, well I don't want to assume, but it sounds like we're thinking that this seems like a reasonable petition in front of us, and it's particularly because the use of the parking for the north property, or the north tenant is going to be significantly less. And, so I think we're just trying to way to flush out that, how do we put that into a motion. So, Julia, I think your suggestions are certainly good, and I don't know if anybody has any other thoughts on how we could word that so as to protect this issue. And, if not, we could take a stab at it.
- Chadd I'm fine with the most recent proposal. Just a simple commitment that the other tenant space will not be used for a restaurant with competing evening hours. Something like that.
- Jones Because, current four spaces, four parking spaces per thousand square feet is kind of typical for all kind of commercial retail-type uses. So, even if the doggie daycare goes away, and some type of retail-type use would come into this space, their baseline parking calculation is the same. Wayne, am I doing this correct? Am I thinking right?
- DeLong Correct. Generally speaking, four per thousand is your retail. Certainly, there is very specific uses that fall out of that general classification such as a tavern/restaurant. So, you're on point.
- Jones That's what I'm saying, but the doggie daycare current calculations would be similar for any kind of typical retailer commercial other than a restaurant.
- DeLong Yes.

Zionsville Board of Zoning Appeals
April 1, 2020

- Jones So, really the provision is we don't want to find ourselves with a second restaurant in there because that's where the overloading starts. So, I think that works. You got a way to put that together?
- Wolff Does one of my fellow Board members want to take a stab at that?
- Evinger How about I move that Docket # 2020-07-DSV, being a development standards variance for the reduced number of off-street parking spaces for the integrated center as depicted on the site plan filed in Docket #2020-07-DSV, Exhibit #5, be approved with an added commitment that a second restaurant with competing hours would not be allowed to operate as long as Hotel Tango, as long as the existing tenant restaurant tenant is operating. Make sense?
- Wolff I think so. Darren, did we cover everything before I entertain a second?
- Chadd I think so. Restaurant with competing evening hours was the key.
- Wolff Agreed. Yes. Is there a second to Ms. Evinger's motion?
- Papa Second.
- Wolff Thank you. Wayne, I'm going to turn it over to you for a roll call vote.
- DeLong Very good. Mr. Jones?
- Jones Yes.
- DeLong Mr. Wolff?
- Wolff Yes.
- DeLong Mr. Papa?
- Papa Yes.
- DeLong Ms. Evinger?
- Evinger Yes.
- DeLong Mr. Mundy?
- Mundy Yes.
- Wolff Thank you. Motion passes. Thank you, Mr. Lese. Good luck with your project. We look forward to having you in our community.
- Lese We're excited. Thank you.
- Wolff The next item on our agenda tonight is Docket # 2020-08-DSV for 823 Eaglewood Drive. Will the petitioner please raise your hand, and Wayne, will you help get them going?

- DeLong I am more than happy to. Mr. and Mrs. Meiring.
- Meiring Hello. Can you hear us?
- Wolff We can.
- K. Meiring I don't know if we are, if our video is operational or not. I see our name up there.
- Wolff Yes. We just see your name. We can certainly get your video going, or if you want to just proceed this way, we're happy to do that, as well.
- K. Meiring We'll be happy to go without video.
- Wolff Mr. Meiring. Would you please state your name and address for the record?
- K. Meiring My name is Kenneth Meiring at 823 Eaglewood Drive, Zionsville, and Trish.
- P. Meiring Hello. Patricia Meiring, 823 Eaglewood Drive, Zionsville.
- Wolff Very good. Thank you. Would you please describe in your words what's in front of us tonight?
- K. Meiring Well, we are asking to get a variance to build a 3-car detached garage on our property at 823 Eaglewood Drive. We have, we would have two requests for variances to development standards. One of the variance requests would be to exceed the height of the ridge of the proposed garage by up to 3 feet above the height of the ridge of the existing house. The second request is the variance for the front yard setback. There are two required dimensions. It's the greater of either 20 feet from the right-of-way, or 70 feet from the center line of the road. We are about 33 feet from the right-of-way, but we are about 57 feet from the center line of the road. So, we don't meet both criteria. We meet what we believe is the more, in our opinion, the more important of the two setbacks, which is from the right-of-way, but Eaglewood drive is a relatively narrow road, so we don't have, we don't meet the 70-foot requirement. So, those are our requests today.
- Wolff Very good. When we talk about the height, why is the additional height necessary?
- K. Meiring Well, we have a, the additional height is necessary because the width of the proposed garage is slightly wider than the width of the main structure of the house, which has multiple gable ends running into it, and to maintain the same roof pitch, which we think is aesthetically important, the rise of the ridge exceeds the rise, exceeds the height of the existing residence. It is, we submitted a plan that does, architect did a little study of it, and his calculation is actually the height will be less than 2 feet above it, but because of the uncertainty of the elevations of the surrounding ground, which we have not had time to do a topographical study, we thought it safer to ask for a variance of up to 3 feet, even though if the elevation, floor elevation were exactly the same as what we believe it to be, it would be actually less than 3 feet. We have mitigated the impact of that by

proposing a hip roof so that the actual lineal footage of ridge that would exceed that of the existing house is minimized. Additionally, there is a chimney on the existing residence, which still would be higher than the ridge line of the proposed garage.

Wolff Very good.

K. Meiring Question?

Wolff No, that was very, very good. And, so my next question would be, so I think what you were saying was you addressed the height is necessary because you want to match the architecture of the existing structure for both, you know, aesthetic and just, well essentially aesthetic reasons, which I think makes sense to me. Can you also address the positioning of the new garage? Why did you choose that particular location to put the garage?

K. Meiring Well, we have about twelve emerald ash trees, which we spend a fortune every year fighting the pest, and they're all healthy, God-willing will continue to keep them healthy with the treatments, but they're all very large, very mature and we would not want to remove any trees to position the garage 13 feet further back. We would prefer really to ask for the variance. We think the location of the proposed garage is reasonable, and would have no adverse effect on the appearance of the neighborhood. The houses in that neighborhood, which is a rather old neighborhood, were, for whatever reason, pushed way back on the lots, which are relatively deep. We've got about just under 0.6 acres, 0.57 acres is the lot size. Most of the lot sizes in that neighborhood are similar, and most of the houses are pushed back towards the rear part of the property, which makes large front yards, and rather small rear yards. So, there just really isn't another reasonable spot, in our opinion, to put it rather than where it is. There is a current turnaround in the location where we are proposing the garage, and the original owner of the home put that turnaround in that spot because that's the place it made sense to do it, and that's also the place that it makes sense to put the garage. The existing garage is very narrow, and the only way we can, we have three cars. We want to put three cars under roof. The only way we can get the cars in our existing garage is to pull one in forward, and we've got to back the other one in and then we've got to squeeze out between the two because it's so narrow, and the third car has to sit outside, together with the trash cans and other things, which we would prefer to have inside.

Wolff Very good. And, I would also note that we did receive several letters of support of this petition from what appears to be many of your direct neighbors, so thank you for attempting to do the neighborly thing in reaching out to your neighbors and discussing your project with them.

K. Meiring We only had one neighbor that we were not able to make contact with, and we haven't heard. We did get a certified letter back from him, so we know it was delivered, but we have never met him, and our attempts to actually meet him and ask him for his support were unsuccessful. But, all other ones, including ones that are not adjoining, were pleasantly, we were pleasantly surprised to find that they were willing to sign a letter of support.

- Wolff Very good. And, we will certainly have an opportunity for public comment if there is any on that. I turn to my Board members. Any questions for the petitioner?
- Jones Are houses back in this area on well and septic? Or are they on sewer?
- K. Meiring The water is CEG, and the sanitary is septic systems, and the septic system is in the rear of the house, which, now that you mention it, would preclude us from putting it back there anyway.
- Jones Plus, I'm just looking at your neighbors to the north. They're even larger lots, and their houses are set back even farther, so there really isn't anybody in the view shed of this building.
- K. Meiring No. Not that, our neighbor to the north is, oh golly. It's got to be 75-100 yards north of us, maybe more, and there's a wooded area between us, so I don't know where their septic system is, but I'm sure it's nowhere near where we're proposing to put our garage. Additionally, I guess I should add that we are being sensitive. I hope that you all received the plans that we submitted. The garage would be the same materials that are on the residence, which are used brick. We would have carriage-type garage doors, and a dimensional shingle roof that matches the roof on the residence.
- Wolff Very good. Any other questions or comments from my fellow Board members? Wayne, I'm hearing a pause in conversation. Will you look and see if there is anyone queued up from the public?
- DeLong I will, and I do not see any hands raised.
- Wolff We'll certainly give them a minute. Does it look like we've added anyone?
- DeLong No, we have not added anyone.
- Wolff Okay. Wayne, then I think it's probably then appropriate for you to provide us a staff report.
- DeLong Certainly. I'm happy to do that. Staff is supportive of the petition as filed. We certainly appreciate the Meirings working through the process and providing the documents for you this evening. We appreciate the sensitivity, as well as the apparently taking on a great expense related to maintaining the mature tree canopy. Staff certainly recognizes the benefit of preservation of the mature tree canopy. The site that's available seems to be well-suited for the addition to the property. From the technical side of the conversation, the front yard setback that could be maintained if the right-of-way was acquired, that is mentioned in the thoroughfare plan, would still provide over a 30-foot, or I'm sorry, over a 25-foot setback for the proposed addition. Certainly, ample setback for a local street, that is actually a dead-end, if you will, in this area. Again, staff is supportive of the petition as it's been filed, and presented this evening, and I'd be happy to answer any questions.

Zionsville Board of Zoning Appeals
April 1, 2020

- Wolff Thank you, Wayne. Any questions for staff? Any comments or comments amongst the Board members? If there is no comments, I would entertain a motion.
- Jones Anybody? I can do this. I move that Docket # 2019-41-D, # 2020-08-DSV development standards variance in order to provide for the construction of the detached garage which, one, deviates from the required minimum front yard setback, and two, deviates from the required maximum permissible height associated with an accessory structure in the rural, low-density single-family residential zoning district R1, be approved based on the findings and based on the findings in the staff report as presented.
- Wolff Thank you, Mr. Jones. Is there a second to that motion?
- Papa Second.
- Wolff Was that Mr. Papa?
- Papa Yes.
- Wolff Thank you, Mr. Papa. All those in favor, actually, I apologize. Wayne, we'll go roll call again on this.
- DeLong Yes. Mr. Wolff?
- Wolff Yes.
- DeLong Mr. Papa?
- Papa Yes.
- DeLong Ms. Evinger?
- Evinger Yes.
- DeLong Mr. Mundy?
- Mundy Yes.
- DeLong Mr. Jones?
- Jones Yes.
- Wolff Thank you. Motion carries. Mr. and Mrs. Meiring. Good luck with your project. It looks very nice. Next item on our agenda is Docket # 2020-09-DSV for 324 South 9th Street. Will the petitioner, or Wayne, will you please assist the petitioner in getting queued up?
- DeLong Yes. Ms. Chavez, are you here?
- Chavez Hi. Good evening everyone.

- DeLong Good evening.
- Wolff Welcome. Would you please state your name and address for the record?
- Chavez Yes. Absolutely. My name is Alejandra Chavez and this is my husband, Ramiro De Le Cruz, and we live at 324 South 9th Street here in the Village.
- Wolff Wonderful. And, then would you please describe what's in front of us now?
- Chavez Yes. Absolutely. A little bit of a story. So, we're long-time residents of Indiana, but recently became neighbors here in the Village community, so purchased our home in May of last year, and in June we decided to make some additions to our home, and specifically to expand on what was a small deck in our back yard, and expand that out to make a larger cedar deck, and to make that more of a welcoming place for our family and friends. Also include an outdoor fireplace. So, in June of last year, we had two separate contractors that we brought in to get the job done for us, and spent a lot of time making sure that we had the right materials, and building upon the existing infrastructure, natural stone and to tie into our back yard, hopefully the rail trail. The contractors did great work in terms of the final result, but they didn't do such a great job in terms of taking a look at the zoning requirements. So, the contractor that was responsible for the deck, had submitted for an inspection, or construction permit, and when the inspector came out to take a look at the deck, they then observed that the already constructed outdoor fireplace was within the 5-foot side yard setback. So, it was very disappointing news to us. Surprised as the homeowners that neither one of them caught that before the construction was in place. So, we are coming to you after the construction has occurred, and asking for a variance in development standards so that we can maintain the fireplace that's already been built. You can see in the finding of facts that, you know, we don't see that there is any negative impact to the neighborhood, or community. The fireplace is, you know, obviously mainly visible to those maybe on the outskirts on the trail, or our adjoining neighbor, but overall is no negative impact there, and obviously not into anybody's yards or space, and no negative impact in terms of property value. In fact, we think it will help our own property value, and therefore, those of the neighbors around us. So, we are very hopeful that this variance will be granted. Otherwise, you know, what we see as unnecessary hardship will be having to tear the fireplace down. So, there are details there in the findings of fact, and you'll see the staff report, and probably maybe Wayne will address the support that's listed there, as well. But, that's our request and our ask in the petition.
- Mundy You're on mute, John.
- Wolff Thanks Steve. So, I'll repeat myself. I would note that you do have a privacy fence around the rear of the property. Is that correct?
- Chavez That is correct.
- Wolff Okay. And, as you noted, this essentially was an oversight by some contractors, and no ill will. So, we understand mistakes happen. What questions do my fellow Board members have for the petitioner? I'm hearing a whole lot of silence. I

would note to the petitioner that your house is lovely, and I've been by the property many times using the trail behind you, the access trail, and I have never noticed this particular feature of your home. So, I don't think it's intrusive from my perspective. Any other comments? Wayne, while we're looking for that, will you please queue open and see if there are any remonstrators here tonight?

DeLong I will. I can tell you your list of attendees is shrinking.

Wolff Perhaps we're not entertaining enough.

DeLong I do not see any parties raising their hand to participate in your last petition.

Wolff Very good. I'll give it a minute. Otherwise, Wayne, I think we'll put you on deck for the staff report.

DeLong Sounds fine. Thank you.

Jones So, Wayne, I've got a quick question. So, when it comes to side-yard setbacks, we allow air conditioners and other kind of accessories and appurtenance-type things to be sitting in those, do we or don't we?

DeLong Correct. We do.

Jones So, this isn't really part of the structure of the house. Correct?

DeLong That is correct.

Jones It does have a foundation on it, I'm sure, so it kind of crosses over the line, but it's the same thing with, you know, front steps coming off porches, and all that kind of stuff, crossing set back lines and that. So, this is not really part of the structure of the house proper.

DeLong That is correct.

Wolff Wayne, why don't you go ahead with the staff report. Because I have a couple questions regarding Mr. Jones's comments.

DeLong Thank you. And, certainly the crux of staff's support follows the thinking that Mr. Jones was outlining. Staff is supportive of the petition as it's been filed, and certainly staff is not focused or compelled to review the petition based upon the errors, or the issues that are at hand. More of revolving around "is this a petition that staff would have supported if it would have been filed prior to the construction of the outdoor amenity?" And, this property, as noted, is a unique piece of property in Zionsville. It has, on the southern border, the amenity to the Town, which is the pathway system, which, in turn, some parties would look to create their outdoor living space as far away as possible so they can have a quiet enjoyment of their outdoor living space themselves. And, certainly that would seem to be the case that's here. And so if that type of petition would have been filed, and someone would be seeking to construct an outdoor fireplace with the characteristics that have been drawn and proposed here this evening, you know, staff's logic would follow what Mr. Jones is outlining: that the ordinance

supports appurtenances to a home that are laterally supported, and that can include, and does include, a fire box for a fireplace that does not have a foundation such as a gas-fed fireplace. And, barring the idea of constructing a home in the back of this property, and then putting a 2-foot lateral encroachment into the setback, and that all-conforming, you have what's in front of you this evening. Is someone who has taken the time to construct an amenity that is separating their living space as far away as possible, or a big distance from the Town's amenity, and that's the package that's been proposed this evening. And certainly the amenity, the chimney, if it was constructed again, against the home, and a home was in this location, it would be supported by right, again, as a gas fireplace, and certainly the aesthetics and the choices that go along with this selection are very close and in line with if a home was constructed in this location. Again, that's the crux of staff's support for this particular petition, and I'd be happy to answer any questions.

Wolff Thank you, Wayne. I guess what I was thinking, and I don't speak nearly as articulate as you do, but if you put this same structure and attached it to the home, in its location, I know there would probably be a little work there, but it we would not be having a problem, correct?

DeLong Well, we would have to not, it would not have to have a foundation. It would have to be a lateral encroachment. You may recall on 6th and Sycamore you had a petition for a butler's pantry that was laterally supported off the foundation of the home, but encroached in front yard setback. But we do. Mr. Jones is correct. Air conditioner units, window wells, other type of amenities and appurtenances and service features to a home are allowed by ordinance to encroach into the side-yard setback. It's very unique that the ordinance does not embrace a chimney. That is a foundation, as within that package of amenities, or packages of appurtenances.

Jones I'll ask a quick question. So, if somebody is building a home, and the home has a bump-out for a fireplace, chimney going all the way up, that's part of the foundation, part of the structure of the house, that could not go into the 5-foot setback. Correct?

DeLong I believe that's correct. In looking at the list of choices that we have to work from.

Jones Yes. But, the over/under is, while this does have a foundation, it is separate from the house. It is not part of the [inaudible], so it falls under the category of air conditioners, and steps and that kind of stuff.

DeLong That's what staff - -

Jones --[Inaudible] be approved or allowed.

Evinger I have a question and that's more like life safety. Obviously we don't have, looking at the drawing here, it doesn't look like it's a abutting anything that would be close to like a shed or a garage or another home, but if something like this would come up in the future, and it had another structure that was closer to it, would we have a different take on this?

DeLong I think so. I mean, this particular, we mentioned that in the staff report. We talked about, I think it's 18 feet, or a little bit greater than 18-foot setback between the northern land use, but certainly that, I think, each of these evaluated separately. Certainly, that reduced side-yard setback is concerned just like the first petition this evening, when we talk about fire-rated construction. Certainly, brick and mortar is certainly a very strong fire-rated system, but certainly at the end of the day, this is a fire-based use.

Wolff And, I would note that you pointed out, you know, the border, or the backyard border of this property, is a public use. It's a nice rail trail, which is a benefit to all of us, but probably not where you want to have your entertaining space for your family and your guests. You would probably push it closer to your home, which is essentially what the petitioner has done, and that makes sense to me, which makes the property unique, in my opinion. Any other comments or discussion amongst the group? Seeing none. I would entertain a motion. Wait, one pause. Wayne, will you double check and make sure there are no public commenters? Just to make sure we're on the up and up.

DeLong There are no parties that are seeking to provide comment.

Wolff Thank you, Wayne. I apologize. I would entertain a motion.

Mundy I'll move that Docket, sorry, I just minimized my screen there. I move that Docket # 2020-09-DSV, development standards variance, to allow for an existing outdoor fireplace to continue to one, encroach into the required minimum 5-foot side yard setback as further described in the exhibits to this report in the residential Village zoning district RV, for the property located at 324 South 9th Street be approved as filed based on finding of facts.

Wolff Thank you, Mr. Mundy. Is there a second to that motion?

Evinger Second.

Wolff Thank you, Ms. Evinger. Wayne, I'll turn it over to you for a roll call vote.

DeLong Thank you. Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones Yes.

- DeLong Mr. Wolff?
- Wolff Yes. Motion carries. Thank you to our petitioners for sticking with us tonight, and enjoy your fireplace.
- Chavez Thank you very much. Have a great evening.
- Wolff You as well. Moving on to other matters to be considered. Wayne, were the Docket # 2020-05, the Montessori school. Were those findings of fact provided to us?
- DeLong The negative findings of fact were distributed. Certainly, if you're, we can certainly talk about those tonight. We can talk about those at a different time. Certainly, we do not have currently a methodology for the signing off on your findings of fact. We either would need to provide those to you in hard copy, or certainly secure each one of your electronic signatures to affix to the appropriate sets of findings.
- Wolff Wayne, is there anything critical on the timing of that at this point?
- DeLong I default to Mr. Chadd. I'm not aware of anything critical.
- Chadd Sorry. I was muted. We're fine with the timing. They have been distributed. You can review them. We just need to figure out how to get them signed.
- Wolff Okay. So, if we hesitate for now, and potentially execute this on the May 6 meeting, we're not impeding anything?
- Chadd We're good.
- Wolff Okay. Very well. Wayne, any other updates?
- DeLong Look my piles of paper over. You know, I know that Mr. Ball was working with his clients, or I'm sorry, the clients' service providers rather, were working through getting those taken care of, and I do not have any update on Wildwood Design as to their next steps.
- Wolff Very good. With no other matters to discuss, I would first like to thank both Wayne for doing double-duty on our meeting tonight, as well as the entire staff of Zionsville for coordinating this. I know there were some IT people involved in our meeting tonight, as well, so I appreciate everyone's efforts. With no other items to discuss, this meeting is adjourned.

