



**MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS JUNE 3, 2020, 6:30 p.m. (Local Time)**

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

The following items were scheduled for consideration:

- I. Approval of the May 6, 2020 Meeting Minutes – **approved 4-0 as written**
- II. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-10-DSV	A. Nester	720 W Pine Street	<b>Withdrawn by Petitioner – Approved by Board after approving a waiver of the Rules of Procedure to allow consideration of the withdraw request (as withdrawing the petition once testimony occurs is not permissible) - 4 in Favor, 0 Opposed</b> <b>Continued by Board from May 6, 2020 to June 3, 2020 Meeting</b> Petition for Development Standards Variance in order to provide for the addition of a carport to a Single-Family Home which: <ul style="list-style-type: none"> <li>1) Deviates from the required side yard setback and</li> <li>2) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).</li> </ul>

- III. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-11-DSV	S. Greve	596 Starkey Road	<b>Approved as presented &amp; filed w/exhibit dated 5/29/20 with conditions – 4 in Favor, 0 Opposed</b> Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which: <ul style="list-style-type: none"> <li>1) Deviates from the required side &amp; aggregate yard setbacks and</li> <li>2) Exceeds the required lot coverage of 35%, to 38% in the Urban Residential Village Zoning District (R-V).</li> </ul>

2020-13-DSV	M. Lohmeyer	880 Starkey Road	<b>Approved as presented &amp; filed w/exhibits &amp; per staff report – 4 in Favor, 0 Opposed</b> Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which: <ol style="list-style-type: none"><li>1) Deviates from the required side yard setback (new improvement)</li><li>2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement)</li></ol> in the Urban Open Land Zoning District (OL).
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Respectfully Submitted:  
Wayne DeLong AICP, CPM  
Town of Zionsville  
Director of Planning and Economic Development

Zionsville Board of Zoning Appeals  
June 3, 2020

In Attendance: John Wolff, Laura Campins, Jeff Papa, Steve Mundy.  
Absent is Larry Jones.

Staff attending: Wayne DeLong, Chrissy Koenig, Darren Chadd, attorney.  
A quorum is present.

Wolff Let's go ahead and get started and hope that Mr. Jones joins us shortly. With that, welcome to the June 3, 2020 Board of Zoning Appeals meeting. The first item on our agenda is the pledge of allegiance. Wayne, we're going to turn to you and I'll start us.

All Pledge.

Wolff Thank you, everyone. The next item on our agenda is attendance. Wayne, will you help us with that?

DeLong Yes. Mr. Mundy?

Mundy Present.

DeLong Mr. Papa?

Papa Present

DeLong Mr. Wolff?

Wolff Present.

DeLong Ms. Campins?

Campins Present.

DeLong Mr. Jones?

Wolff Note that hopefully Larry will join us shortly. Wayne, let's stop right now and see if any members of our community want to be recognized as participating in our meeting.

DeLong Okay. Mr. Tousley has raised his hand. S. Greve, which is one of your petitioners, has also raised their hand. Earlier I saw the hand of Mr. Lamb. Noting those three attendees. An attendee only showing the name of Blake.

Wolff Welcome to all of our community members.

DeLong Another attendees, Matthew L. Again, names that are single, or just with one letter, I am noting that because that's the only thing that's on my screen.

Wolff Understood. The next item on our agenda is the approval of the May 6, 2020 meeting minutes. You should have received those electronically. I think it was

maybe Thursday or Friday. I will turn it over to the group for any discussion, and if not, I will entertain a motion to approve those minutes.

Mundy If there is no discussion, I move to approve the May minutes.

Papa Second.

Wolff Thank you. And, thank you. Wayne, let's do a roll call vote on that.

DeLong Very good. Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Still noting that Mr. Jones is absent.

Wolff Very good. The next item on our agenda is the continued business, which also has a withdrawal request. And this is going to be a bit of a conversation, so let us get engaged in that. So, this is referring to Docket # 2020-10-DSV for 720 West Pine Street. As the group recalls, it was, we had some concerns about the data that we had received regarding the overall lot coverage, and I believe it was due to no fault of the petitioner. I think there was a survey that was a little bit inaccurate and confusing. So, with that, we requested a continuance for more information, and more accurate information specifically. As you have noted, in your email account you received the petitioner has asked for a withdrawal request. And typically, because it is on the agenda, we would need to vote on that, but we have a slightly unusual circumstance, and I would read from our rules of procedure. 'No petition may be withdrawn by a petitioner after the Board has received any evidence or testimony regarding the petition at the public hearing scheduled on the petition.' So, I think what that means is we probably need to have a motion and a vote on that petition. Now, with that being said, I don't know the intent of the petitioner, and nor do I not want to be neighborly. So, we have, I think, a couple options. One is we could have a motion and a vote on that. I do not believe the petitioner is here. I believe they just anticipated withdrawal. So, we could vote to deny the petition. We could vote to continue the petition, and explain in more detail to the petitioner what's going to happen, or we could have a vote to amend those rules for this particular petition, and then have a vote to grant the withdrawal. I don't have a strong opinion on this. I will defer to my fellow BZA members, but trying to be neighborly, you know, I

would be amenable to changing and modifying the rules for this particular instance. But, again, I would kind of turn it over to the group for discussion.

Mundy Wayne, can you shed any light on the reason for their request to withdrawal?

DeLong Certainly. As we discussed last month, there was a potential lot coverage variance that was as well necessary. The final determination on that specific topic was never realized. The petitioner included, and certainly Chris, you might have any additional details here, but I think the petitioner concluded to simply move on from the project and focus energy on other things, and other improvements at the home that did not require a variance.

Wolff And, I think the consequences of this decision are if we deny the petition, we can't hear something substantially similar to it for 12 months. If the petition is withdrawn, it may be 6 months.

Chadd Yes.

Wolff Yes. I am amenable either way.

Mundy Although, could we not, if we agree, we could hear it sooner than that timeframe, if the Board agrees with that?

Wolff There are provisions in our rules and procedures to allow that, yes. We would have to vote on allowing a second petition within the 1-year window. Darren, have I accurately assessed this?

Chadd You have. It is a kind of unique circumstance. But since you've already heard evidence, the rules say they typically can't just withdraw at that point. So, you could act on it, or suspend the rule, waive that rule to allow you to accept the withdraw.

Mundy I'll make the assumption that they indeed wish to withdraw and move that we amend our rules to allow for a withdraw of petition # 2020-10-DSV.

Wolff Okay. So, to be clear, this is a motion to suspend that rule. Is there a second to that motion?

Campins I second.

Wolff Thank you. Wayne, will you roll call vote on the motion to suspend the rule not allowing the petition to be withdrawn after it's been heard?

DeLong Certainly. Mr. Papa?

Papa Aye. But only because there was conflicting evidence when we heard it last time.

DeLong Mr. Wolff?

Wolff Aye.

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DeLong Ms. Campins?

Campins Aye.

DeLong Steve Mundy?

Mundy Aye.

Wolff Very good. That motion carries with a vote of 4-0. Now we will need a motion to accept the withdraw of that petition.

Mundy I move to accept the withdraw of petition # 2020-10-DSV.

Wolff Very good. Is there a second?

Papa Second.

Wolff Thank you, Mr. Papa. Wayne, I'll turn it to you.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

Wolff Very good. Motion carries. Okay, the next item on our agenda is new business, which brings us to Docket # 2020-11-DSV, which is 596 Starkey Road. Wayne, will you assist in getting the petitioner and the representative brought forward?

DeLong Certainly. I believe Blake is the architect or site design professional. Mr. Greve has been promoted. Certainly, I don't know from his team who he wishes to have address the Board first, but I'll leave it to the Board's choices as to what to do next.

Wolff Very good. Mr. Greve, are you there?

Greve Yes, I'm here. Can you hear me?

Wolff Absolutely. Would you, for our record-keeping, please state your name and address?

- Greve Sure. My name is Sean Greve. I live at 596 [inaudible], Zionsville.
- Wolff Thank you, Mr. Greve. And, would you please, in your words, describe what is in front of us tonight? What you're asking and what your project looks like?
- Greve Sure, yes. Thank you for hearing the appeal. I've been under a contract with Blake Herbst since January to add an outdoor living space to my property, and along the way we've done everything up until now to get this project approved and properly permitted. We do have some permits. What we have, I think, are two variances, lot coverage and setback, and which is why we're in front of you tonight. We're looking for approval to move forward [inaudible].
- Wolff Very good. Mr. Greve, as I looked at this petition, I got a little bit lost in the numbers. So, I'm hoping you could add some clarification to us. Can you describe the space of the patio, or the square footage of the patio that you are proposing to add?
- Greve Blake, do you have the specifics? I don't want to give any wrong information here.
- Wolff And actually we may need to promote Blake. One moment. Blake, I see you now as presenter, but I feel like you might be muted.
- Herbst Can you see me now?
- Wolff Absolutely.
- Herbst Okay.
- Wolff Would you please state your name and address for the record for me?
- Herbst Yes. It's Blake Herbst, and I live at 4478 East 300 North, Greenfield, Indiana, 46140.
- Wolff Very good. So, I believe the question was, can you describe the dimensions of the proposed addition?
- Herbst Yes. So, late I think last week it was, we amended the plan to show, to basically take away the roof structure, which was going to throw it over the lot coverage of impermeable surface. So, we kind of in the 11<sup>th</sup>-hour changed that roof structure, and Sean agreed to doing a pergola, which is an open-air structure that will allow water to penetrate the ground. And, so beneath that, and some of the info and how it got kind of confusing there in the end was the survey that I was going off of was submitted by the builder, and it had numbers that were conflicting with the actual assessment. And that's what kind of confused things. And, so what we did to, you know, stick with the motion to allow lot coverage to be 38%, because the overall lot, with the overall lot area and what the house is, there was I think 283-square feet of difference between what the survey I had and what the assessment actually was. And so that's a big deal on this lot, because we're not proposing a large space. So, to make the numbers work, what we've chose to do is not have a roof structure, make that a pergola. The outdoor kitchen you guys

see, the footprint of that being 45 square feet. That's not going to, I mean, that's an impervious surface. That's not going to allow water, and so that needs to be counted, and then we're going to do a small paver area in front of that kitchen, and then the rest is just going to be a cover, or a pergola, excuse me, area. And, based on that, that gets us to that 38%, which is 3% over, but it's also to my understanding that if we propose that permeable area, that 35 square feet, there's an allowance of maybe 2% of additional lot coverage, which I think is already covered in the total. And, then the setback is another issue. We're, and it has to do with the aggregate, and the side-yard we're needing 5 extra feet. So, our aggregate is only going to be 10 instead of the 15 required. And, so those were the two issues.

Wolff Okay. So, I want to make sure I heard that correctly. There is a, like a countertop kitchen area. Assuming a grill or something, that is 45 square feet.

Herbst Correct.

Wolff And, then kind of in front of that, where the barbeque may stand, is a paver patio that is 35 square feet.

Herbst Correct. It will be permeable.

Wolff Okay. And, above that, all that structure is a pergola.

Herbst Correct. So, you're traditional or you're standard open-air 4-post with joists and beams.

Wolff Okay. So, what I think I heard was, and as I look at the rest of it, it looks like the rest of the area is - -

Herbst --It's landscaping. So, you've got some open lawn, and landscaping. There is no other, but I guess, also I think should be noted, and considered, is what he currently has on his property now, which is a 12 x 12 roof structure with a 200-square foot paver patio, and that roof structure is only 2 feet off the property line, and so what I'm trying to do with this project is actually, because that didn't conform, and that got by the builder, whatever. It's, that was a done deal, but we're actually wanting to make it better, and get that structure off the property line, and actually it goes away and we're replacing it with a pergola, and something that is going to allow water to pass through instead of shed off of that roof structure.

Wolff Okay. So, what happens, I have, according to the property record card, I have the house at 3010 square feet. You're proposing an additional 80 square feet of lot coverage.

Herbst That's correct.

Wolff And, the lot appears to be, again, with property record card, 8117 square feet. So, if I do the math, I think you do come out to 38.0%. And then, can you go back, today what you're suggesting is that you're going to remove a 12 x 12. No, you're going to remove a 200-square foot?

Herbst I believe it's your, you know, it's not the quality of what we would have constructed, but it is definitely a 4-post structure, 4-hipped, metal roof, 12 x 12 structure, and underneath most of that is a paver patio, and again it was erected, constructed at the time of building, and Mr. Greve, when he bought the home, assumed that without really knowing he was in fault there, and so we're trying to work with, come up with a better solution so he can still have a space outdoors.

Wolff Okay. So, you're proposing, the house, we're not changing the house. So that 3010 square feet is not changing.

Herbst Correct.

Wolff What you're suggesting is that there is a 200-square foot paver patio today, and a 12 x 12 structure, roof structure over it, or at least part of it, and you're going to take that out and you're going to replace it with an 80-square foot structure. So, one way to think about this is the total lot coverage is going to go down by 120-square feet.

Herbst You're correct.

Greve And, hopefully properly permitted, which we don't have today.

Wolff Yes. Okay. I will turn it over to my fellow Board members with any additional questions for the petitioner. Oh, actually, one more. I'm sorry. Maybe Blake, you mentioned it. The paver patio today is how far off of the property line?

Herbst Well, the roof structure, and then I guess the paver patio, as well, it's like 1-foot 11. I mean, it's really, it's really close based on my site measurements, and I had it on my CAD drawing as context, but it's not on the current one. But it's definitely close to that property line.

Wolff Is this the property line to the north, or the property line to the east?

Herbst To the east.

Wolff Okay. So, the side, sort of side-yard.

Herbst Correct.

Wolff Okay. And, you're proposing a 5-foot setback.

Herbst I'm proposing maintaining that 5-foot, and part of my motive, too, for doing that is one, that easement, realize that easement, and then so I can provide a little bit of landscape barrier, kind of a soft green hedge there to give Mr. Greve a little bit of privacy without being too harsh there.

Wolff Okay. Fellow Board members. What questions do you have for the petitioner?

Mundy So, the total square footage, or percentage of lot coverage will be 38%, which includes this new paver with the pergola, no roof above it. And, Wayne, can I

ask, I know that you pointed out that your percent coverage was different than was originally submitted. So, I guess I'd like to hear from you if the proposed lot coverage that we just heard from the petitioner is in agreement with what you believe it is.

DeLong Thank you, Steve. And, what I would do here is Chrissy Koenig with our department has spent some hours combing through these details, and I think she'd be in a great position to speak to that as the technical expert on this particular portion of the petition. I'll turn it over to Chrissy here.

Koenig Thanks, Wayne. Yes. Board members and everyone, the original plan that was submitted as Blake just described. The numbers that were originally used for the overall square footage that was covering the lot were deemed from a survey that was done and submitted for the proposed original building of the home. And so those numbers were not, I think what Blake I believe you said, 283 approximately less than, as we think sometimes everyone realizes things get built a little bit differently in the field, but what we are going on is the numbers from the assessor's office since they send people out to do measurements after the home has been built. So, when those numbers were realized that they were not matching up, then the numbers were reworked, and at that point, the staff report, we were already, you know, complete with that, and though Blake and Mr. Greve were able to come to an agreement on how to change that and make it to where it fit the 38%, staff's report was already done at that point in time, so that's why what you're seeing is a little bit conflicting. Did that answer your question, Steve?

Mundy It did. Yes. And, the landscaping that Blake, I believe mentioned, that's what you received on I think it was the 29<sup>th</sup> of May. So, we do have that, that's the one we have in our package?

Koenig Correct. The most recent one was put up towards the front of the petition packet, and date-stamped May 29. So, the difference that you'll see if you look at the original one in the staff's report, had a much larger patio area on it, and it had a roof structure, whereas this most recent one we got rid of, I will say, the portion of the patio that went further south, I think if my direction is correct there.

Herbst Correct.

Koenig So, that part of the patio has been omitted to get that lot coverage down, and they've changed it from the closed-roof structure to a pergola impervious structure. We did verify, and Blake spoke to the fact that it won't be one of those pergolas, the Smart pergolas that will open and close. It will be open to the elements at all times.

Campins If I may, I did drive by to look at the area that is being proposed, and it is kind of a tight, narrow area. How does the, does the water drain okay between those two properties currently? It almost looks like there is a little elevation to your neighbor behind you. Do you now have a water issue or anything with standing water when it rains?

Greve Yes, we have no issues whatsoever.

- Campins Okay.
- Greve The side yard between myself and the Sycamore address, it was made that way. That's a drainage area, and it works quite well.
- Campins Okay. Thank you.
- Wolff Are there any other questions for the petitioner? Okay. Seeing none.
- Papa Sorry. So, what's the, I'm confused. What's the, before these changes, what's the current lot coverage?
- Wolff Jeff, I believe, if they had zero changes. If they had zero accessory structures, no patios or anything, I think the house itself is 37%.
- Herbst Correct.
- Koenig And, staff's review of the parcel with everything existing out there right now if you were not to remove the patio and roof structure, they were at 39.2%. So, with, you know, they're well over right now with the unpermitted pergola, patio, excuse me, roofed patio structure.
- Greve And, I don't know if this matters to the Board or not, I did not put that up. I purchased the house that way. It's a spec home. You know, as Blake has said, we're trying to make it nicer, of course. This is a premium project. It will be very nice if you guys approve us to complete it, but also bring it into code, or closer to code, I guess.
- Papa That's part of why I asked the question. So, in a practical sense, you're reducing the lot coverage.
- Herbst That's correct.
- Greve But also making it by a lot nicer.
- Wolff Any other questions for the petitioner, or petitioner's representative at this time? Okay. Wayne, do we have any remonstrators queued up?
- DeLong I'm looking to see if any hands are raised. I do not see any hands. I would mention that you do have a few letters in the file that were submitted. Oh, Mr. Tousley has raised his hand. We can promote him to panelist if the Board is ready.
- Wolff Absolutely.
- DeLong We will do that and simultaneously we will move the petitioner and the agent back to attendee, and so everybody will experience a slight pause.
- Wolff It appears that Mr. Tousley is muted.

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- DeLong            Okay. We'll get these, the slight pause might as well be on staff's.
- Tousley            Can you hear me now?
- Wolff              Yes.
- Tousley            Yes. I hit the wrong button.
- Wolff              No problem. Mr. Tousley, will you please state your name and address for the record?
- Tousley            Yes. My name is John Tousley. My address is 305 West Pine Street, Zionsville, Indiana.
- Wolff              Thank you. Mr. Tousley, what would you like to share with us tonight?
- Tousley            Actually I didn't mean to share anything. I thought I originally had the audio open. I clicked the button to turn it off, and apparently that wasn't quite what happened.
- Wolff              No problem, Mr. Tousley. We certainly appreciate our community members participating. So, if you have no comment, we won't force you to make one.
- Tousley            Thank you.
- Wolff              Wayne, do you have anybody else that is queued up on purpose or accidentally? We'll talk to anybody.
- DeLong            I am not aware of any other parties. We'll move Mr. Tousley back to the attendee role. And, I see no other hands raised.
- Wolff              So, Wayne, now may be a good time for the staff report.
- DeLong            And, certainly as outlined this evening, this is a very interesting petition for discussion. It revolves around a parcel of land that was created just a few years ago, and the division of a larger tract to provide for two single-family homes to be constructed. And the parent tract, the existing improvements were left and reduced in lot size. Certainly, as the Board is well aware, there has been variances that have been sought in the Village for years, and a preponderance of those requests are associated with lots that existed prior to the adoption of your zoning ordinance. Of course, the zoning ordinance has been updated from time to time. The particular petition that's in front of you this evening, again, the lots were created after the most recent adoption of your ordinance, and that's really, it's very challenging to consider with that specific fact in mind, regardless of the other merits or the other discussion points that have been brought up after the fact, construction, permitting issues. Not dismissing any of those, or reducing those important items, but just isolating this conversation at this moment to the specific fact that the petition is seeking variances from standards which were well-known at the time the lots were platted as the ordinance was in place for years at that time. With all that, and as the staff report indicates, staff is not in a position to support this petition as it's presented, as it's been amended, as it's

originally filed. Simply reducing this issue down to seeking variances for lots that were platted well after the adoption of the ordinance. There are other remedies that would have been in place to provide for those solutions, including the ordinance actually being changed to 37% lot coverage if specific metrics are met. With those thoughts in mind, staff is again not in support of the petition be it for the setback or the lot coverage, and I'd be happy to answer any questions.

Wolff Thank you, Wayne. I do have a couple thoughts or questions directed towards you. You know, what happens with this property if we move to deny this petition? It would appear that the property is out of compliance if they remove the patio structure today that they did not put in, the petitioner did not put in, it appears that they're still over the lot coverage issue.

DeLong Well, likely what needs to happen here is a true assessment of the size of the home. Certainly, the assessor, the County Assessor does a wonderful job. Certainly, we'd want to make sure that an inch is an inch in this conversation. Certainly, with knowledge becomes responsibility with the things that have been presented. If the home is truly over the lot coverage maximums, that's something that likely will need to be addressed either in the short term or will ultimately need to be addressed in the long-term. Certainly, if nothing else from lending issues or future transactional conversations.

Wolff Okay. Is there any other questions for Wayne? Or Chrissy for that matter? Okay, hearing none. Wayne, would you promote, go ahead.

Papa Can I ask Wayne really quick? Sorry. Did that to you again. Sorry. I understand the reasons why that would be the position, but how would the homeowner have been aware of any issue? Or is it just by default that the builder did something, and that's the way it ended up, and so here we are?

DeLong Yes. I suspect that's the case. I mean, the petition is revolving around the peculiarities with the property, and the hardships related to that. The petition, as it's been filed, seeks to expand lot coverage. I don't believe what's in front of you this evening is trying to address what has potentially been constructed that is over the lot coverage. So, certainly, if that's, if a different petition were to be filed, or amended, we would discuss those merits. I would strongly suggest a survey, a very detailed survey, just to validate the size of the home. I know again the County Assessor does a wonderful job, but I wouldn't, I think this conversation about a variance and lot coverage is different than what a property is paying in property taxes.

Papa Okay. Maybe I misunderstood. Because I thought, set aside for a moment that where we are in terms of what the builder should have done or should not have done. If the property is currently at 39% and you're talking about going to 38%, okay, how is that an increase? You're saying it's an increase from what should have been allowed? Isn't it a practical decrease?

DeLong It's an increase from what should have been allowed.

Papa Okay. I wasn't. All right. I follow you there.

Mundy Yes. I think, Jeff, it looks to me like that if we strictly follow the rules, we would deny this. At the same time, if we ignore the rules and just look at the outcome of completion of the position that they've asked now for a pergola and a smaller print, footprint, of impervious surface, we'd probably improve the likelihood of drainage, and have not, yet we've ignored the rules, which say you can't exceed a certain amount.

Papa I think you're right. That's why I asked the two questions of how would the homeowner know that if they bought a house and the paperwork that was available to that person showed that it was in compliance, and then now they're trying to fix it by reducing the footprint. I understand both arguments. I'm just saying, or just making sure I understood.

Wolff Yes. I mean, one way of looking at this would be if we were to deny the petition, we are going to have a home that has exceeded the lot coverage at 39%, a little bit more than 39%. And, it's not compliant. And, if they take out all the structures, all the patio that's there, they're still at 37%. If we approve the petition, the lot coverage will go down from what it is currently, 39% and some change, down to 38%, and we will have a home that has a variance and is now compliant. And, it's an interesting question. I would offer more discussion for the group, and we'll do that in just a moment. I do have, I think we need to cover the findings of fact. Wayne, will you please promote Mr. Greve and Mr. Blake.

DeLong Both are being promoted.

Wolff Okay. Gentlemen, as you know the burden is on you to prove the findings of fact. And, so, I think the first one it's not going to be injurious to public health, safety, I think that's, we probably don't need to spend a lot of time discussing that. The use or the value of the adjacent area, I would be curious if you would briefly address that. I think you're adding a nice structure. Do you think that the side-yard setback would decrease the value of your neighbor's property? So, I would like you to address that. I would like to hear your thoughts on that. And, then third is, the strict application of the terms of the zoning ordinance will not result in an unnecessary hardship on the property owner. So, what is your, so two, how will this affect property values, not only yours, but I would be curious about your neighbor's, and then the question number three, I would like to know what the hardship is here. Hang on, you're on mute. I didn't want you to, there you go.

Greve Thanks. So, as it related to the setback and the property value, I have submitted a letter from my property adjoiner, Kevin Homan, the Sycamore address. They split that setback with me. They went through this process with you, as well, to get their back-yard space approved, as well. He has submitted a letter that I have supplied to you guys, and he specifically states in there he appreciates the project. He likes it, and he appreciates the fact that I'm taking steps to improve the value of both of our properties. Hopefully that addresses your commoner question there. This has support of my most nearest property adjoiner. I think the second question was related to hardship, is that right?

Wolff Yes. So, the rule is the rule, and you need to demonstrate a hardship so that we can grant a variance, so that you can have this change. So, what is your hardship?

Greve Yes, so clearly, we bought a home on a small lot. That's clear. Not a lot of space. I guess if you apply the rule there is none outside of the house. And, we want to enjoy the investment that we made in purchasing this property. There is not a lot there. What we have we want to make it nice. We want to enjoy it. We want to be able to improve on our investment that we made. And the other thing I'll say is listening to the previous conversation, and I appreciate the question that we're asked, but there was a question about recourse, in terms of what happens next. You know, in terms of the path that I think is right to go down is to deny and then I'm stuck with a non-compliant house. [inaudible] maybe have to remove what I have. The little space that I do have, and have to remove it and therefore have none. Hopefully taking a common sense approach. Look at what we're trying to do here. We have access to the file. We have tried every step of the way to get this project done, permitted properly. That's why we're here tonight. You can approve it. We have a property with less lot coverage that's approved by you guys, and I can't imagine how [inaudible] best way to go.

Wolff Okay. Mr. Greve, I think I want to try to summarize that, and I think your first point was interesting in it is perhaps there is a hardship demonstrated by the fact that you, unknowingly to you, and maybe this is your fault. Maybe it's not. I probably would have made the same mistake. But you purchased a home that exceeded the lot coverage. The Town didn't know that at the time. And so, there is perhaps a hardship where you can't, if we did nothing, you would not be allowed to have an outdoor space, because your home is at 37%. So, if we failed to act or deny the petition, and I think an outdoor space, even if it's a very small one at 80 square feet, is an amenity that many people enjoy. Is that similar to what you were saying?

Greve Yes. Thank you. Yes.

Wolff Okay. Does anyone have any questions for the petitioner or the landscape architect before I turn it over? I would like to hear some thoughts from my fellow Board members. Okay, Wayne. I think you can probably demote our petitioner. And, I'll start the conversation. I think it's an interesting problem. I certainly appreciate the staff's position on this, and I completely agree with the thought that this was plotted with the rules that we currently live by, and you know, with proper planning, this could be completely avoided, and it should have been. But now we have a situation where new property owner and they have a house that is not compliant today, so we could be creating another issue. And, if we deny it, we will be creating an issue where they have a non-compliant house and we'll have to deal with that process. I'm sure we could work through that if necessary. If we approve the petition, we are getting it closer to compliant, and it is, you know, the Town permits 37% with 2% permeable. I'm sorry, let me re-phrase that. The Town permits 35% with 2% buffer for a permeable surface. This is 38%. So, it is certainly a violation of our rules. I don't know. I would turn it over to the group, and I'd be curious on your thoughts on where we go next.

Mundy I have a technical question, which I suppose would be either for our legal counsel or for Wayne, but given that this has changed from the time that they sent out notices to adjoining property owners, and we originally received it, can we move ahead tonight with the modified petition?

Chadd I'll weigh in on that really quickly. It's my understanding that that issue came up because there was some question about whether they're now asking for more than what they included in their notice. That the notice said they were asking for permission for 38% lot coverage. I think there was some notion at some point they might have been asking for more than that. I think the conversation earlier was to address just that issue. That they are, in fact, asking for 38. That's what they noticed. So, in my opinion anyway, based on that I think we're okay.

Mundy Okay.

Wolff Go ahead. I'm sorry.

Mundy My feeling is that this is, you know, either way, we will be applauded by some and condemned by others. But I think that it is at least approaching the just outside what the rules do allow for with the modifications that they have agreed to, and I think if we deny it and do nothing, my guess is that everything that's there will continue to stand right there. I don't think we'll have them slice off part of the house. Unlikely that he would have to remove the outdoor improvements that are currently there. So, I think this is the best for the homeowner and probably the best thing for the Town, and it brings is closer to compliance.

Campins I agree.

Papa That's what I'm getting around to, too, because I don't know how the homeowner would have known this when they bought the house. The Town didn't know it. And, if the lot coverage is being reduced by doing this, it seems like it's better for everybody. Now, I do understand the staff's position, and I think they have to take that position. They have to defend the way the ordinances are written and what we expect to be, but this particular circumstance it seems like the hardship to the homeowner is that they didn't have any way to know this, and if we don't do anything they're stuck even more out of compliance with really nowhere to go.

Wolff And, Mr. Papa, I would add that I think that's exactly why we exist. This Board exists for those very reasons. Is to look at these things as a case by case basis, and I think you articulated that well. Laura, I'm not going to put you on the spot, but do you have any further comments, and if not, I will entertain a motion from any of the Board members?

Campins You know, I don't. I agree. You know, I think it's only going to improve the value, and for their neighbors. The improvements with all the landscaping and the patio is being reduced. So, I don't know. I agree with Steve.

Wolff Very good. I will entertain a motion.

Papa Can I ask, because I'm relatively new, a question about, when talking about they're going to be removing some things. There is no need to specify that in the motion, is there? Because they're, in the end, they're still, they would still be stuck even if it was approved with the 38% limit? They'd have to get there somehow?

Chadd I'll weigh in again briefly, I guess. I don't think you have to include that, because you're exactly right. You're approving up to 38%. They have to get there. Generally, your approval is, you know, subject to, or approving as presented in their plans, as discussed. So, I think you're at least implying including that anyway.

DeLong And, weighing in here, as well. If there's the inclination to support the petition as presented for the new improvements that are to be proposed, it sounds like there is a strong benefit that site plan be provided that encapsulates all of the existing built environment on the lot. Just to memorialize the information that's being discussed. Certainly, it's not something that's reflected in any of the Town's files.

Papa That would - -

Wolff --Wayne.

Papa Go ahead. Sorry.

Wolff I was just going to say, Wayne, are you suggesting that we should, part of the motion to request that the petitioner provide a site plan for the Town?

DeLong I would say as a part of the building permit process to instead of just submitting a site plan that just shows the back of the home, the side-yard if you will, that a corner to corner drawing be done of the entire set of improvements on the property simply to memorialize the conversation and the potentially sounds like it could be supported by the Board.

Wolff Very good. Without any other conversation, I would entertain a motion.

Mundy I will attempt to motion. I move that Docket # 2020-11-DSV, development standards variance, in order to provide for the addition of an outdoor living space to a single-family home, which deviates from the required side and aggregate yard setbacks, and exceeds the required lot coverage of 35% to 38%, 2% of which would be allowed the use of permeable pavers in the residential village zoning district RV, for the property located at 596 Starkey Road, and approved based on their filing with the stipulation that they provide at the request for a building permit a detailed corner to corner lot submission outlining the coverage and dimensions. That sufficient, Wayne?

DeLong I believe so, yes. Thank you.

Wolff I was, I'm sorry. Mr. Papa?

Papa I was just going to say, Mr. Mundy had specified 2% permeable. Is that in line with what they just presented? I don't know. It's not, is it? Because isn't the house 37%?

Wolff Mr. Mundy, would you be amenable to changing your motion so that the lot coverage not exceed 38%?

- Mundy I would. I just think we want to be certain that a permeable surface is placed in there in that outdoor living excluding the portion that we know will be impervious.
- Wolff You're raising a good point.
- Mundy Strike the 2%, but that all except those, what 80 square feet, which will be impervious will be constructed with pervious pavers.
- Wolff So I think we're there. Darren, are we there? You're on mute.
- Chadd Sorry. I think you're there. I think all that's a really a long way of saying approved conditioned that it's constructed as it's shown in the plans presented and discussed.
- Wolff Duly noted. Is there a second to that motion?
- Papa Second.
- Wolff Thank you, Mr. Papa. Wayne, will you host a roll call vote please?
- DeLong Certainly. Mr. Wolff?
- Wolff Aye.
- DeLong Ms. Campins?
- Campins Aye.
- DeLong Mr. Mundy?
- Mundy Aye.
- DeLong Mr. Papa?
- Papa Aye.
- Wolff Thank you. Motion carries. Mr. Greve, good luck with your project, and thank you for helping to bring that property more into compliance. Next item on our agenda is Docket # 2020-13-DSV for 880 Starkey Road, just up the street. Wayne, do we have our petitioners in front of us? Are they available to you? Let's say it that way.
- DeLong Promoting Mr. Lohmeyer here, who is currently on mute.
- Wolff Mr. Lohmeyer, how are you this evening?
- Lohmeyer I'm doing well. How are you all?
- Wolff Very good. Would you please state your name and address for the record?

Lohmeyer Matt Lohmeyer at 880 Starkey Avenue in Zionsville.

Wolff Thank you, Mr. Lohmeyer. Would you, in your words, describe what you're asking for tonight?

Lohmeyer I'm before you this evening. I purchased 880 Starkey back in January and moved in. When I purchased the property, I did so with the intent of doing an internal renovation and kind of modernizing the home. As I kind of evolved through the process it became apparent, and some of the beauty of living here is you get to live and experience it, and then make some decisions from there, but kind of throughout this process have decided that, you know, taking the existing garage structure off, doing an over-sized garage structure, which will help to, if we lower the garage floor in doing so, help to lessen the drive slope, but then also be able to park vehicles actually inside the garage. Prior owners had really small cars, apparently. I don't have small cars. So, trying to solve a couple of issues. One being drive slope. One being able to park vehicles inside. But then, you know, probably more important to any of it is the fact that we're creating some additional living space above the garage that's more serviceable to the rest of the home. So, there is space above the garage currently, but it's completely disjointed from the rest of the home. You can only access it from a flight of steps, and it's really, it's a short ceiling. You know, even have to go through a short passageway door to get into that space. It's not conditioned. So, you know, the improvements that we're working on are really kind of a broad-stroke improvement to the overall property. But, in doing these, you know, what happens is we actually begin to encroach into the side-yard setback on the one side that's considered a side yard given the condition and size and shape of the lot. But then also we encroach into the aggregate side-yard setback because of an existing deck that's actually on the opposing corner of the home or the property today. So, here looking for request for variance on two different notes.

Wolff Thank you, Mr. Lohmeyer. Would you, who are your neighbors at this property?

Lohmeyer Well - -

Wolff --I think they're unusual.

Lohmeyer I'm sorry. Two of the neighbors are the Town of Zionsville. One is the sewage treatment plant, and the other is the Parks and Recreation Board. And then, you know, we've got two neighbors that live kind of back the shared drive that creates one of my property lines, Mr. Wilson. Mr. and Mrs. Wilson are the ones that live in the back that actually own the driveway. There is some new neighbors that moved in just a couple of weeks ago. They're not actually adjacent property owners, and then pretty much, I guess Lennar is north of me with Manchester Square townhomes. So, it's really more common space to the north.

Wolff Yes. So, it looks like you don't have anyone very close to your property at all, and the majority of your property is surrounded by the Town of Zionsville. Is that correct?

Lohmeyer Correct.

Wolff           And then, as I look at your property, it's an unusual shape. And, is that why you would describe, or is that why, you know, if you round off one square edge, it actually is a triangle. And, is that essentially the reason why you have the setback issues created?

Lohmeyer       I think, you know, and part of it's the shape and the configuration of the lot, yes, but then additionally, if you drive by and look at it, and I kind of eluded to it when discussing the drive slope, it's literally in a hillside. So, when placing a structure into a contour, you pretty much have to go in line with what that contour is, and I believe is what they did when they built this back in the 70s. So, you know, the addition that would be proposed really can only go one way given the configuration of the lot being size and contour, or shape rather and contour.

Wolff           So, Mr. Lohmeyer, that's what you would describe as the hardship, this is the reason you need this particular variance is because of the particular lot, the unusual lot shape and the contour or the elevation changes on the lot?

Lohmeyer       That's correct.

Wolff           Very good. What other questions to we have for the petitioner tonight? Mr. Lohmeyer, I don't see that this is not terribly relevant, but I'm just curious. I've driven by that home many times, and thought it an interesting structure. Do you know what year the home was originally built?

Lohmeyer       They started it in 1975. It took them about 3 years to build. And then it changed ownership one time, shortly after it was built. And, Mr. and Mrs. Marshall lived in the home until I bought it, so they lived here almost 39 years.

Wolff           Very good. And, it looks like you have a thoughtful plan in place. If there are no other questions for the petitioner at this time, Wayne, do we have any remonstrators? Or anyone who would like to speak on this petition? Wayne, you're on mute.

DeLong         Flipping and looking at the same time. Yes, there are three attendees, and no hands are raised.

Wolff           We'll certainly have more opportunity for discussion as a Board, but Wayne, while we have you unmuted, would now be an appropriate time to hear the staff report?

DeLong         While we do that, we'll also move Mr. Lohmeyer back to an attendee.

Wolff           Very good.

DeLong         Staff will pause here to start their presentation giving Mr. Lohmeyer a chance to rejoin. As the staff report indicates, that's been provided to you and published related to this petition, staff is supportive of the petition as it's been filed. The petitioner has done a very eloquent job describing the issues that the staff sees, as well. You have a unique parcel. Uniquely shaped. Its boundaries are joined by special uses, including the Town's own wastewater treatment plant, and public

space. The distances from common property lines to adjacent structures is somewhat lengthy. The purpose among many of the open space ordinance is to provide for agricultural uses, as well as homesteading and preservation of open space. Certainly, the language of the ordinance anticipates in part the redevelopment of areas that are zoned open land, but that are improved with housing stock at the same time. This area, uniquely, it's housing stock has stayed in place well after the adoption of the open-land standard. Certainly, it does present some challenges for the owners of these properties to move forward with modifications and updating. Certainly, staff recognizes all those challenges, and certainly the unique shape, unique topography, as well as the unique land uses adjacent to the parcel. With all those thoughts in mind, staff is supportive of the petition as it's been filed, and I'm happy to answer any questions.

Wolff Thank you, Wayne. Any questions for staff? Very good. Any discussion amongst the group. I mean, in my opinion this is the classic, you know, the classic use case for these types of variances. It's just a very unusual-shaped lot, and if we adhered strictly to the rules, then you'd almost have very little usable or buildable space. I think the petitioner has demonstrated that in their findings of fact. And as we think about the findings of fact, I don't think it would be injurious. I think the petitioner is accurate in what he has presented with that, as well. So, and then I can't imagine why updating this property would at all affect in an adverse manner property values, including our wastewater treatment plant, park space and those types of things. So, I think we're covered there. Any other discussion amongst the group?

Mundy I agree with your points, John. I think this is a classic.

Wolff Quiet group. I accept that. If there is no discussion, I would entertain a motion. Or, if there is any other questions for the petitioner, let me know, but otherwise I'd entertain a motion.

Papa I can make a motion. I move that Docket # 2020-13-DSV, development standards variance in order to provide for the addition to a single-family home which required side-yard setback improvement and deviates from the required aggregate side-yard setback and realizing existing improvement in the urban open land zoning district O1 for the property located at 880 Starkey Road be approved as filed based on the findings of fact and substantial compliance with the submitted site plan in concept elevations.

Wolff Thank you, Mr. Papa. Is there a second to that motion?

Campins I second it.

Wolff Thank you, Ms. Campins. Wayne, could I turn it over to you for a roll call vote please?

DeLong Certainly. Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Zionsville Board of Zoning Appeals  
June 3, 2020

- Mundy Aye.
- DeLong Mr. Papa?
- Papa Aye.
- DeLong Mr. Wolff?
- Wolff Aye. Thank you. Motion carries. Mr. Lohmeyer, I know we can't hear you right now, but we wish you luck with your renovation. The next item on our agenda is other items to be considered, which I believe, Wayne, is the Wildwood Designs.
- DeLong Yes. Staff has no update on that matter. We will look to reach out to the petitioner on that matter this month and see if we can drop that from your agenda altogether.
- Wolff Very good. And, then, Wayne or Chrissy, we got the negative findings of fact signed. Was everyone able to make it to Town Hall and get that taken care of?
- DeLong I believe we need one more set of signatures.
- Wolff Okay.
- DeLong An individual, and then we will have that wrapped up for you.
- Wolff Okay. Very good. And, at this particular junction, while we're here before we adjourn, any update, and I know I'm going to ask the impossible. Are we still planning on, any thoughts on what our July meeting might look like? Do you think it will be in person, or is it too early to say what the Governor is going to do, and more specifically maybe our Mayor or Town Council, as well?
- DeLong I would say that we're striving for an in-person meeting. I mean, that would certainly be the goal of the Town for July. Certainly, many, many things are opening up. I think we want to try to strive towards that. Certainly, we cannot dictate lots of items that are happening in this world currently, but I would suspect the answer is stay tuned. We will see here in the next couple days if there is any extension of any specific items by Governor Holcomb. But in the meantime, we will shepherd towards an opening of Town Hall, and we'll leave it at that.
- Wolff Wayne, you just look lonely in that room. So, we don't want you to be that. If there are no other matters to discuss, this meeting is adjourned. I don't have a gavel in my office. Sorry.



**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: June 3, 2020**

*Enclosed for your information and review are the following:*

1. Board of Zoning Appeals Meeting Agenda
2. May 6, 2020 Draft Meeting Minutes
3. Petition #2020-10-DSV A. Nester – Letter of Withdrawal
4. Petition #2020-11-DSV S. Greve – Updated Landscape Development Plan 5-29-20 – see note below
5. Staff Reports and Packets for your consideration

**NOTE:**

**Staff received an updated Landscape Development Plan for the #2020-11-DSV S. Greve petition on the afternoon of May 29, 2020. Therefore, the staff report was written prior to the receiving this updated plan.**



**MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS JUNE 3, 2020, 6:30 p.m. (Local Time)**

**MEETING WILL FACILITATE REMOTE ATTENDANCE - NO IN PERSON PARTICIPATION BY THE BOARD OF ZONING APPEALS OR THE PUBLIC WILL OCCUR**

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87095676942>

Or iPhone one-tap :

US: +13017158592, 87095676942# or +13126266799, 87095676942#

Or Telephone:

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

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

Webinar ID: 870 9567 6942

International numbers available: <https://us02web.zoom.us/j/87095676942>

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](mailto:wdelong@zionsville-in.gov).

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the December 10, 2019 and May 6, 2020 Meeting Minutes
- IV. Withdrawal Requests - #2020-10-DSV A. Nester
- V. Continuance Requests

VI. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-10-DSV	A. Nester	720 W Pine Street	<b>Continued by Board from May 6, 2020 to June 3, 2020 Meeting (with notice, due to amendment)– 5 in Favor, 0 Opposed</b> Petition for Development Standards Variance in order to provide for the addition of a carport to a Single-Family Home which: 1) Deviates from the required side yard setback and 2) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).

VII. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-11-DSV	S. Greve	596 Starkey Road	Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 38% in the Urban Residential Village Zoning District (R-V).
2020-13-DSV	M. Lohmeyer	880 Starkey Road	Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which: 1) Deviates from the required side yard setback (new improvement) 2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement) in the Urban Open Land Zoning District (OL).

VIII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned Findings of Fact
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments

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

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

Respectfully Submitted:

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

## JUNE 3, 2020, REGULAR MEETING OF THE ZIONSVILLE BOARD OF ZONING APPEALS

### ANNEX TO PUBLIC NOTICE

In his Executive Orders 20-02, 20-04, 20-08, AND 20-26 (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 webinar:

<https://us02web.zoom.us/j/87095676942>

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

Webinar ID: 870 9567 6942

International numbers available: <https://us02web.zoom.us/j/87095676942>

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](mailto:wdelong@zionsville-in.gov).
3. If a member of the public would like to attend a Board of Zoning Appeals Public Meeting but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or [wdelong@zionsville-in.gov](mailto:wdelong@zionsville-in.gov).
4. The BZA will continually revisit and refine the procedures to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

Zionsville Board of Zoning Appeals  
May 6, 2020

In Attendance: John Wolff, Laura Campins, Larry Jones, Jeff Papa, Steve Mundy.

Staff attending: Wayne DeLong, Darren Chadd, attorney.  
A quorum is present.

Wolff Good evening, and welcome to the May 6, 2020 Board of Zoning Appeals meeting. The first item on our agenda is the pledge of allegiance. Wayne, we're going to turn to you and say the pledge of allegiance, because that's the only flag I see.

All Pledge.

Wolff Thank you, everyone. The next item on our agenda is attendance. Wayne, will you help us with that?

DeLong Yes. Mr. Papa?

Papa Present.

DeLong Mr. Wolff?

Wolff Present

DeLong Mr. Mundy?

Mundy Present.

DeLong Mr. Jones?

Jones Present.

DeLong Ms. Campins?

Campins Present.

Wolff And, if I'm not mistaken, Ms. Campins, welcome to your first BZA meeting. We're very glad to have you here with us, and thank you for serving your community.

Campins Well, thank you very much. I'm excited to be here.

Wolff Very good. Next item on our agenda is the approval of the April 1, 2020 meeting minutes. Ms. Campins, you probably will refrain from this, as you were not attending that meeting.

Campins Okay.

Wolff For the rest of the group, is there any discussion about the meeting, the minutes that were submitted to you?

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- Jones Yes. I just got a notice from Janice earlier today, or something. She needs for me to go review a few items and make some corrections. Can we put it off until next month? Is that a problem?
- Wolff I am amenable to that. Any other discussion amongst the group? Any other corrections that need to be made?
- DeLong I do want to note, is that focused on - -
- Koenig Plan Commission or BZA?
- Jones I'm sorry.
- Wolff You're a man of many hats.
- Jones My bad. It might be Plan Commission.
- Koenig Yes.
- Jones Is that what it is, Chrissy?
- Koenig Yes. I think so.
- Jones All right. I'll quit mumbling. Maybe. Never mind.
- Wolff Very good. If there is no discussion, I would entertain a motion.
- Mundy I move that we delay the approval of the minutes until, oh, sorry. I make a motion to approve the minutes as submitted.
- Wolff Thank you, Mr. Mundy. Is there a second?
- Jones Second.
- Wolff Thank you, Mr. Jones. We'll do a roll call vote for this, Wayne, if that's okay?
- DeLong Yes. We'll take care of that.
- Papa Is this for two different months?
- Wolff No. Mr. Papa, good question. We have not seen, we've been busy. But we have not seen the December 1 meeting minutes, or the December meeting minutes. So, we're just doing the April, the last month's meeting minutes.
- Papa Okay.
- DeLong So, ready for the roll call vote.
- Wolff Yes, sir.
- DeLong Mr. Papa?

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Papa Me?

Wolff Yes.

Papa Sorry. Yes.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Jones?

Jones Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Ms. Campins? Well, actually, she would abstain. So, we're good.

Campins Correct.

Wolff Perfect. Very good. The minutes are approved. Thank you. The next item on our agenda is the withdrawal request for Petition # 2020-04-DSV, by Mr. Donner and Mr. Donner's representative. I would note that because this petition was on the agenda, we need to have a formal motion to accept that withdrawal. Is there any discussion amongst the group about that?

DeLong Mr. Chair, before we jump into that, I do want to pause for a moment.

Wolff Certainly.

DeLong We do, for the purposes of having electronic meeting, we do want to create the opportunity, and fulfill the opportunity of anybody who is in the audience this evening, who would like their attendance known. So, feel free to raise your hand, and we'll read your name for the record, and make a note of it in the minutes.

Wolff Thank you, Mr. DeLong.

DeLong Ballman, Sally Zelonis, Kristen Nestor. I see those three hands raised. Very good. We will note those in the minutes. Mr. Chair? Please continue with your presentation.

Wolff Thank you, Mr. DeLong.

Jones Hey John and Wayne, I discussed this earlier. I had a couple of comments that were kind of basically related to this, but more or less general. I don't know if we should do that now, or what do you want to, there is a couple comments about this process that I wanted to make, and I don't know if that'd be the time now, or later, or never.

- Wolff Wayne, do you have a view of how many attendees we have right now?
- DeLong You have a total of 8 attendees. Gwen Doyle and Barry, no last name, also have their hands raised.
- Wolff Mr. Jones, I'm of the impression that your comments are directed towards articulating and explaining the process that we go through and the vetting that goes through these things. My concern is that I think your message is probably well-thought out, but I'm not sure we have the appropriate audience here to hear that.
- Jones Yes, it might fall on deaf ears at this point.
- Wolff Yes.
- Jones Not so much deaf ears, a lack of ears.
- Wolff Correct.
- Jones Okay. I'll pass.
- Wolff Thank you, Mr. Jones. So, in front of us we have a withdrawal request for the Docket # 2020-04-DSV for Mr. Donner and his representative. As I mentioned, this was on the agenda, so we do need to have a formal motion to accept the withdrawal request. Is there any discussion, otherwise I'll entertain a motion?
- Papa I would move approval of the withdrawal request if there is no discussion.
- Mundy Second.
- Wolff Thank you. Mr. Mundy, were you the second?
- Mundy Yes. I guess. I don't know for what, but I did second it.
- Wolff Thank you. So, once again, we are approving the withdrawal request. Wayne, I will turn the, the motion is to approve the withdrawal request. Wayne, I will turn this over to you for a roll call vote.
- DeLong Yes. Mr. Papa?
- Papa Yes.
- DeLong Mr. Wolff?
- Wolff Yes.
- DeLong Mr. Jones?
- Jones Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Ms. Campins?

Campins Yes.

Wolff That motion carries. Thank you. Next item on our agenda is continuance requests. As we only have one other item on our agenda, a new business item, I'm assuming Mr. Nestor would like to move forward, but if not, please speak now, or raise your hand to Mr. DeLong. Wayne?

DeLong My next step would be to elevate Kristen Nestor to a panelist when you're ready.

Wolff Okay. Let's move on to new business then, which brings us to Docket # 2020-10-DSV for 720 West Pine Street. Wayne, will you please allow Mr. Nestor to join our conversation?

DeLong Yes. Kristen Nestor is being - -

Wolff Oh, Mrs. Nestor, sorry.

DeLong --repositioned to be a panelist. I think there will be a brief pause here.

K. Nestor Yes. Can you guys hear us?

DeLong Excellent.

Wolff We can.

K. Nestor Myself and my husband, Alex.

Wolff So, in front of us, we have a petition for a required side-yard setback and a rear-yard setback. Would you please, in your words, describe to us what you're doing and why we need these setbacks.

A. Nestor Certainly. Sure. So, behind our house we are trying to put a carport. We have off-street parking, but we're trying to put some covering for our car, and due to the location of it, we would fall underneath the 15-foot minimum aggregate side-yard setback. So, we're requesting a variance for that, as well as a rear-yard setback because we wanted 20-foot length concrete pad for the carport itself.

Wolff Very good. And, why does the carport, the off-street parking you have currently, is this where the carport is going to be located?

A. Nestor Correct.

Wolff And, can you articulate why it needs to be in this particular location? We've got the plans in front of us that you submitted. It looks like you're constrained on

space. But in your words, could you kind of describe why it needs to be in this particular location?

A. Nestor Sure. So, we are constrained on space, as it's a smaller lot. We're trying to put it in this location specifically because, you know, in keeping with like the essentially the flow of the alley-way and the lot itself. So this already is designated as the off-street parking, so we're trying to, you know, make as little changes as possible to the overall arrangement. Additionally, putting it in here will give us better use of the middle part of our rear yard. That way we can use that for more grass, and essentially just improve the aesthetics, and the property itself.

Wolff Very good. And, could you describe the aesthetics of the project? What it's going to look like?

A. Nestor Certainly. So, the rear yard is about 40-foot wide. Where, as it is, there is a concrete, somewhat of like a trapezoid in the middle, and then it's a gravel location on the right-hand side. The previous owner ripped out a garden and put in just gravel in terms of just a parking spot. So, we're trying to remove that gravel since it's, we don't really like it. We don't, you know, we like more of the garden and the grass, and that sort of layout for the back yard. So, removing the trapezoidal concrete. Removing the gravel. Putting in a nice, clean slab, and then a matching carport to the styling of our house, as well as the styling of our neighbors' houses, we think will just be a better arrangement for the back yard and more pleasing for the alley-way.

Wolff What are the dimensions of the carport?

A. Nestor It's going to be 12-foot by 20-foot.

Wolff Okay. So, it's 12 feet. That can only really hold one car? Is that correct?

A. Nestor Correct. If we would do two cars in the back, we'd have to rip out a peach tree that we really love. So, trying to maintain the back yard as much as we can.

K. Nestor Yes. To maximize the function of our back yard, while also increasing green space.

Wolff Very, very good. Fellow Board members, do you have any questions for the petitioner?

Jones I'm kind of just running through the math, getting ready to kind of figure out the actual square footage of the house. Checking the dimensions of the lot, the lot's only 5260 square feet, and if the information in the package is correct, the house is, no, I lost that, 2736.

A. Nestor So that's, you know, the square footage of the house is 1776.

Jones So, what's the 2736 number?

A. Nestor I'm not sure.

- Jones Wayne, you got any?
- Wolff Wayne, he's referring to in the analysis section, it's the first sentence.
- DeLong I would believe that's covering the entire hard surfacing. You have, you know, the property is improved with a patio, the footprint of the home, as well as it's sited as a concrete driveway. It may not be concrete anymore, so to speak, but I think the dimensions of that offering is captured based upon what's on the site plan.
- Jones So, I guess that's my first concern, is just the amount of lot coverage, and then second, I tried to drive up that alley this evening, or this afternoon, and I had to back out, and I had to carefully back out. It just doesn't seem like there's, we start reducing setbacks off that rear property line, there is not enough room to maneuver anything into anything.
- Mundy I have a similar concern. I did drive the alley, and it's very narrow, and the 12 feet represents a width. Is that correct, Mr. Nestor?
- A. Nestor Correct. The 12-foot is the width of the carport.
- Mundy And, there will be a post at each of the two rear corners that are 12 feet apart?
- A. Nestor No. So, in order to kind of, to both of those points, in terms of like the turning ability, the plan is to off-set those rear fence posts in order to not encroach upon the alley, and ultimately to maximize the setback from the rear for those reasons.
- Mundy Well, the distance between the two posts, which you must avoid when you're pulling in, that's, I guess, the distance I was asking about.
- A. Nestor Correct. So, the two posts on the outside will be between 11 and 12 feet apart. Correct.
- Mundy Okay. And, is it 3-foot off of the property line?
- A. Nestor We're requesting a 4-foot rear yard.
- Mundy Four feet. Okay. Yes. Well, I noticed you have a neighbor that has a carport, which looks very attractive, but it also has a very small car in it. An SUV, you might as well give up. The turning radius, I don't believe I could drive any of my, well, maybe my old miniature truck I could drive in and make a turn into that space, but it will be very difficult, so I hope you drive a small car, if it's approved.
- A. Nestor Correct. My wife and I, we have a, yes, we drive a Toyota Corolla.
- Wolff Are you currently using that space to park cars?
- K. Nestor We do sometimes. Right now, we're currently using it. We had a fence fall down. We're hoping to update that since we moved in about a year and a half ago, and

the fence was in rough shape. So, right now we are using it for some yard work space, but yes, we normally do.

Jones I'm also looking at your survey report. Once again, this might be a question back to Wayne. It says that there is that Tract 2, out front, which has marked it as being the center line if Pine Street. So, is Pine Street not a dedicated street to the Town?

DeLong Pine Street is a public street. Certainly, when this area was laid out, and I don't have the date of the platting. Certainly, it was very common, and very much occurred with great repetitiveness in county and unincorporated areas for the center line for a property to be platted from the center line of the road, and then the road then conveyed back to the municipality in a different transaction.

Jones So, this gets back to my original question. So, in reality, the lot's only 112 by 40?

DeLong Correct.

Jones I mean, depending on what numbers you use. If you take the 2736 that's in the document, we're like 61% lot coverage.

DeLong I can tell you that the 2700 is the total square foot under roof, so that's both floors.

Jones Okay.

DeLong I don't have the number off-hand. Chrissy is here to look into the file.

Jones That's all right. So, even if we start with the 1776, then there is an outdoor patio of 200 feet, and then they're adding 240 square feet. We're at 50% lot coverage.

DeLong Let's look into the file. I know partly you have the carport going over existing pervious, I'm sorry, impervious surface.

Jones Right.

Wolff So, Mr. Jones, can you repeat what you think the lot size is?

Jones If you look back there on that survey report, it shows the Lot 7 being 112 by 40, which is 4480 square feet. And, then it shows out there in front the Tract 2, that's 19 ½ feet by 40. And, if I'm reading the information correct, and what Wayne just said, when this parcel was originally platted, the plat started at the center line of Pine Street, so that would have made the full lot 131 feet deep. Then the first 19 ½ feet was dedicated back to the city, the start at the beginning of the actual lot, and then it says there is a 50-foot right-of-way for the street. So, there is, if both neighbors dedicated 19 ½ feet, let's say it's 20. There is 40 feet allocated for a 30-foot street. The right-of-way extends back another 5 feet, more or less, which basically provides your area for utilities, etc., and that's fine and good. But the actual lot is only 40 by 112. Then from that you have the square footage of the house, the patio and now we're adding the 240 square feet of covered carport.

- Wolff So, I generally have a policy of not doing math in public.
- Jones I understand.
- Wolff If you take 40 - -
- Jones I generally have a habit of checking math that's provided to me in public, so it's, you know.
- Wolff If you take 40 times 112, I believe you get 4480.
- Jones Right.
- Wolff Okay. If you, but earlier in our document, we have the parcel as 0.13 acres, and according to Google, 0.13 acres is 5662 square feet.
- Jones Correct.
- Wolff So, I'm not sure, which one of those pieces of information is accurate.
- Jones I think the survey report would be correct.
- DeLong Yes. And the oddity here is the County Assessor assesses this property at 0.13 acres. So, that was the numbers that were run were based upon the property record card.
- Wolff That's a difference of approximately 1200 feet.
- DeLong Yes. So, it would appear that there is a, we need to look into the lot coverage issue.
- Jones Correct. But we have a stamped survey drawing in front of us.
- DeLong Yes. So, that should be the - -
- Jones You know, God love the County Surveyor, but.
- Mundy Larry, is your question here the amount of lot coverage with the carport?
- Jones Correct. Just using the standards we've applied consistently, there is the footprint of the house that would count. The patio counts. And, now we're adding a 240-square foot detached garage, or, it doesn't matter, it would still be impervious surface. It's a carport, but from a drainage standpoint, from a lot coverage standpoint, it's still 240 square feet of impervious surface.
- Wolff Mr. and Mrs. Nestor, what is on the 12 by 20 square, or rectangle of land right now? Is that paved, or is it gravel? What is there now?
- K. Nestor It's partially paved, partially gravel. We are hoping to actually take out a lot of the other paved surfaces that don't make sense in the back yard to add more permeable surfaces, because we want to make our space as green as possible, so

we are hoping to take out some of the other patio space, as well as this kind of oddly-shaped piece of concrete that goes through the entire back yard, or what looks like a fire pit, but it's kind of an oddly-shaped concrete section. So, right now, it's partially concrete, partially gravel, for the area that would be the carport. We're hoping to put in a slab of concrete, but take out concrete from other areas of the back yard to make it more aesthetically pleasing, and more environmentally friendly.

A. Nestor Right. So, in the document that I provided, I believe there is like a computer sketch-up where it shows the area with like the trapezoidal piece removed, and then kind of rounded out on the patio area. Overall, I guess my confusion overall we're, you know, net, we're removing concrete from the back yard, because we're removing the trapezoidal area. So, while we are adding some, and extending the concrete surface to cover the carport area, removing that trapezoidal piece, as well as rounding out the edge on the patio. When I did the math, and measured it out, you know, it was a net loss, I guess, of surface area.

DeLong And, I'll jump in here. I mean, when this petition was first filed, the site plan was not a part of that. It was based, the calculations were run based upon the property record card. It would appear that the property record card is assuming ownership of that Tract 2, and the folks here, petitioner here, may want to have a conversation with the County about maybe some over-assessment. But historically this Board has not - while it may have been supportive of the trading of impervious surfaces for other impervious surfaces, it's only done that in the form of a variance when that variance has been properly noticed and advertised. So, we're going to run the numbers here to see what that lot coverage is, and if it's over the 35% plus the 2% bump, bonus I should say, it would appear that this variance request that's in front of you is not right for processing. I don't know, Darren, if you have anything specific to offer on that point?

Chadd Nothing in addition to that. That was my thought. We need to figure out what that coverage is, and if it needs a variance, then they'll need to request that.

Jones And, as we're discussing that, then the secondary issue of the rear setback, especially when you're coming up to a 12-foot alley. Minimum parking standards is 20 feet for maneuvering vehicles around. We're back into the same issue that we brought up with the house on Fourth Street. We are creating a situation where to maneuver in and out of a structure, a typical-sized vehicle is going to need to, you know, trespass across the other side of that 12-foot alley, and, you know, it requires adjoining, not an adjoining, but a nearby property owner to, I don't know. There is some specific term I'm looking for. I'm just struggling to figure out what it is.

Wolff I drove the alley, as well. And, Mr. Jones, I would agree with you. I'm not interested in approving a petition that would force the property owner to have to trespass or enter some else's property to leave their vehicle. But, as I recall the alley, I'm not even sure they have that opportunity. It was kind of a fence over there, like, I don't even think there is a chance for them to get into the other person's property because of the way the alley was built. But this may be all, I think what I'm hearing is that we don't have the full, no fault to the Nestors. I don't think we have, at no fault to our petitioners, I don't think we have a full

picture of what we're looking at, and I think that it would be more prudent of us to have a better understanding of exactly what the entire ask is before we have too much discussion on it.

Jones That's fine.

Mundy I believe there is a privacy fence directly across the alley, isn't there? The Nestors could certainly answer that. It looked to me like that was directly across.

A. Nestor That's correct.

Mundy Which would prevent you from going any further than the fence.

A. Nestor That's correct. There is that privacy fence there, and you know, with that fence in place, we're still able to maneuver our vehicles into and out of the parking spot.

Wolff Do you back out of the alley?

A. Nestor I'm sorry?

Wolff Do you back out of the alley?

A. Nestor I can do either. I can back into the parking spot, or I can pull front into the parking spot. Both are navigable. And, I marked it out with cones for the location just to make sure I can do that.

Mundy I assume that the alley, I continued on past from the east to the west. It goes up, it looks like someone has improved the alley at the end, and it wraps around their house. Is that still considered alley?

K. Nestor The concrete part?

Mundy Yes.

K. Nestor Yes. It's still considered the alley. It's all shared space. So, we use that to get in and out of the alley, as well.

Mundy Okay.

A. Nestor Yes. So, the house directly to the west, they've got, you know, the rear of their house is a 2-car garage that abuts the alley, roughly the same distance. And, then down the alley-way, there is a carport that you mentioned. We're actually basing our plans off of that in terms of the distance and sizing. And, then there is two other garages along the alley.

DeLong So, based on the calculations, it looks that the petition would be about 2% above the 35% lot coverage cap, depending on how much of that patio is coming out, and with the carport being installed over the existing concrete drive, and over another portion of the patio, so without proper notice dealing with the exchange of pervious surface for other pervious surface, it looks like this petition will need to be re-noticed and heard next month to include and encapsulate a lot coverage

variance request. And, again, I think this goes back to when the petition first came in, the calculations were based on the property record card, the site plan was turned in a little bit later. I'm not sure of exact timing, and it looks like that's just, that new information didn't get screened against what was originally believed to be accurate, which was the property record card provided by the County.

Jones It's still the responsibility. What? I'm sorry.

Wolff I said, good catch.

Jones Well, it's just, Wayne, it's not your job to go vet that stuff. It's still the requirement or the responsibility of the petitioner to provide a full package when they submit this stuff.

Wolff Well, it seems reasonable that you would use, if you're paying taxes on it that it would be accurate.

Jones Really? Sorry. Not the way taxes work.

Wolff Mr. Chadd, we would typically go and ask for remonstrance right now, but I'm not sure it's really, if it's appropriate, because I think this needs to get continued so that we can have a better picture of the full petition. Is it okay to entertain a motion to do that now?

Chadd I think it would be. I think, sorry, checking to see if I'm muted.

Wolff You're not. We can hear you.

Chadd If you have anyone who wants to speak now, you can entertain it, or you can ask for the continuance now and address it all when you reconvene. Either way, it would have to be addressed.

Wolff Yes. So, fellow Board members, I certainly want to have a full hearing, but I think we're going to have to hear this again, so I'm not necessarily interested in public comment at this point. We will certainly allow the public to speak on this, but I think it would be better if they could speak to the full petition, which we certainly don't have in front of us right now. Are you okay with that, fellow Board members?

Jones I am.

Papa Sure.

Campins Yes.

Wolff With that. Mr. and Mrs. Nestor, so I think, I don't think there was any ill will here. I think what happened is, between what the County has provided, and then the surveyor has provided, I think what we have is some misinformation between the two of them. It equates out to about 1200 square feet, which certainly is

significant. So, what we're going to do, and what we need to do, is continue this petition to next month, which will be the June 3 meeting?

DeLong Correct.

Wolff The June 3 meeting. In the meantime, I think we're okay with what, well I think we have the information to address the setbacks. I'm not sure, I think we may end up having a lot coverage issue, as well, in addition to. Wayne, can you facilitate working with the petitioners to getting that included in this petition?

DeLong Yes. We will.

Wolff Thank you. In addition, I also want to make a comment that you will need to re-notice, because the petition is changing. You're going from setbacks to a lot coverage as well as setbacks. I think you are. We have made a special exception to the notification requirements. Wayne, can you address that briefly?

DeLong Yes. We, certainly with this petition tonight, and they have submitted notice, and they did that first class. And the reason staff suggested they think of that as an option, and certainly this is something the Board is, at least the Board leadership, knew about the Plan Commission, has discussed this. During this COVID-19 situation that has presented itself to the world, in order to help facilitate social distancing and cut down on interactions with postal carriers and the public, one of the ways to do that was to not require certified mail, and certainly so tonight's hearing has been advertised via the newspaper, and also provided by first class mail, so a waiver would need to be of your rules of procedure to support the use of first class mail is an appropriate conversation point for you to have this evening.

Wolff Thank you, Mr. DeLong. I'd also note that the petitioner does have a sign in their yard due to some new technology we're using in the Town that states that there is a petition for this particular property. So, any neighbors should be able to see that, as well. Correct?

DeLong Correct.

Wolff With that, Board members, are you amenable to waiving the certified mail and allowing first class mail to continue? I feel it's a safety issue at this particular point, so I'm amenable to it, but I just want to make sure that we all agree on that.

Campins Yes.

Jones I'm fine with that.

Mundy I have no objection.

Jones Before the petitioners leave, can I get just one question of clarity?

Wolff Certainly.

Jones So, looking at the various kind of rendering pieces put together, is the carport attached, or comes up against the house, or not? Does anybody else see what I'm looking at when I look at the following the survey, there is a kind of 3-D renderings.

A. Nestor Certainly.

Jones So, what's going on there?

A. Nestor Yes. So, the initial plan was to have the carport attached to the house.

Jones Okay. Well, my point is, so once again, we don't like doing public math, but what my public math just came up with was that let's assume the house sits 25 ½ feet back from what we are calling the lot line, Lot 7. Even if you take that, let's say the 45-foot. Whatever. You add that all up. From the rear of the house to the rear of the property should be approximately 30 feet. And, if you're setting a carport that's 12 by 20, correct? That should put you 10 foot off the back property line if you so choose. Am I missing something?

A. Nestor So, the rear part of the house in the 3-D rendering, if you're looking at it from the different angles, there is I'd say about a 20-foot wide section of the house that is roughly 30 feet from the alley-way. Then there is a 10-foot section of the house that comes back about 9 feet, which ultimately results in about 20 feet distance to the alley. Maybe 23, 24 feet. Something around there.

Jones I guess, once again, I'm really struggling with your survey then. Because what I'm seeing is, maybe I did this wrong.

A. Nestor I guess, is your question to the rear yard setback or the lot coverage issue?

Jones Correct. We're trying to figure out the distance between the actual home and the rear property line.

A. Nestor It's about, on one edge, it's about 27 feet. The next closest part is about 25 ½ foot, about 25 feet. The lot is at a bit of an angle, so you know, short of me going out there with a lead line, it's kind of tough for me to exactly eyeball.

Wolff Mr. Jones. Do you have any further comments on that?

Jones I'm just doing something here. Okay. Kind of just struggling with the survey.

Wolff Well, I think we're going to need clarification on the survey regardless.

Jones Yes, exactly. Never mind. My point was I was thinking there was some room that they could pull the carport up closer to the house, and get away from the rear setback requirement. So, I don't know. All right.

Wolff Okay. Very good. Mr. Chadd, I think you're muted, but I think all we need is a motion to continue this to the June 3 meeting, correct?

Chadd Yes.

- Wolff Okay. Very good. With that in mind, I will entertain a motion to continue this.
- Mundy I move that Docket # 2020-10-DSV, a request for a design standard variance for setbacks be continued to the June meeting, and additional information being provided at that time with regard to lot coverage of the improvements on the lot.
- Wolff Thank you, Mr. Mundy. Is there a second?
- Papa Second.
- Wolff Thank you. All those, actually, Wayne, we'll turn to you. Sorry. Old habits.
- DeLong Mr. Papa?
- Papa Yes.
- DeLong Mr. Wolff?
- Wolff Yes.
- DeLong Mr. Jones?
- Jones Yes.
- DeLong Mr. Mundy?
- Mundy Yes.
- DeLong Ms. Campins?
- Campins Yes.
- Wolff Thank you. Motion carries. Mr. and Mrs. Nestor, so we just want to make sure we have the full picture of what we're doing before we make an approval. So, I think if you will work with Wayne, I think we can get this all taken care of, and have a better picture and understanding of what you're asking for and what is needed at the June 3 meeting. Thank you.
- K. Nestor Thanks.
- Wolff The next item on our agenda is other matters to be considered. Mr. DeLong?
- DeLong Very briefly, on the # 2019-SE-38. That petitioner actually indicated just today that the drainage easement has been recorded at the County, so they're moving through their different due diligence items in that conversation. As far as Wildwood Designs, I do not have any specific update on that particular matter.
- Wolff Very good. I would also like to note that we have some paperwork to sign collectively as a Board. Specifically, I think a negative findings of fact from 2

months ago. Wayne, how could we use the Town in a social distancing way to facilitate the signing of those documents?

DeLong Yes. What we can do is utilize the Town drop box remote location in our parking lot, which is our Town vehicle, a Town vehicle, and we'll work with different Board members to cycle through to sign the paperwork, while paying attention to social distancing.

Wolff Okay. Is the group amenable to that? I'm just concerned that if we don't get these things signed, they're kind of stuck in limbo land.

Jones Yes, that's fine.

Wolff I think the obligation is that, I think what I'm asking you, is that you'll have to stop by Town Hall some time within the next few weeks.

Jones I'm fine.

Mundy Yes, No objection.

Wolff Ms. Campins, I think you're off the hook. I don't think you have to sign anything just yet, but you will soon.

Campins Okay. Thanks.

Wolff All right. Any other matters?

Mundy I just have a question. Maybe I missed this in some of the communications, but Campins, I don't know, but is this a replacement for Julia Evinger?

Wolff You know, Wayne, do you want to go or do you want me to go?

DeLong Well, I can summarize this. So, Ms. Evinger did resign last month, or actually earlier this month. She moved out of the community, or is moving out of the community here later this month, and resigned from the Board of Zoning Appeals. Ms. Campins was sworn in yesterday by the Mayor via a Zoom event, and bringing her on board as of today for her first meeting.

Mundy Welcome.

Campins Thank you, very much.

Wolff See, I probably should have mentioned that. Unfortunately, we didn't get to say goodbye to Julia in a formal way. She has certainly served our community well, and I'm thankful for her service, and I'm very thankful that Ms. Campins is here to take her place, and so I think we'll keep moving forward with that. And, if you know, Julia had her home for sale for a long time, and so I think it's a good closing of a chapter for her, and so welcome news for her.

Campins And, let me know if you have any questions for me. So, thank you.

- Wolff And, Ms. Campins, I'm looking forward to meeting you in person. I'm cautiously optimistic it will be sometime this summer.
- Campins Yes. Hopefully soon. Yes.
- Wolff Any other matters?
- Jones May I just, once again, I'm sitting here doing my math again. When we talked to the previous petitioners, their 3-foot setback, I think it's based on where they're thinking they can set the columns for the carport, and then cantilever the roof out over that. Because, if I'm doing my math correct, in public, they only have 21 feet back there for a 20-foot carport. And, that's off the back of the house. They need to come with some better documentation for their ask. Wayne, can you convey that?
- DeLong Yes. We will talk to them about that. I mean, it is challenging for parties to rely on a surveyor's report, which is provided as a part of someone's closing documents typically, and is not a document that is specifically generated for a specific project.
- Wolff No other matters? Wayne, please pass our gratitude on to the Town, the IT staff and everyone else for helping us put these meetings together. I know it's not as easy as typically what we're used to, but I certainly appreciate their efforts.
- DeLong I will pass along the words.
- Mundy Wayne, you will alert us, or Chrissy will, as to when the documents are available for signing?
- DeLong Yes. We'll send out emails and work to manage each Board member coming through, probably spacing everybody a day or two apart. Work out all the details in email communications.
- Mundy Thank you.
- DeLong Thank you.
- Wolff Thank you, everyone. This meeting is adjourned.
- Jones Thank you much.
- DeLong Thank you.
- Campins Thank you. It was nice meeting everybody.
- Wolff Nice to meet you.
- Jones Nice to meet you.

#2020-10-DSV  
A. NESTER

**Chrissy Koenig**

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**From:** Alex Nester <chpt27@gmail.com>  
**Sent:** Thursday, May 21, 2020 12:34 PM  
**To:** Chrissy Koenig  
**Subject:** Withdrawal of variance application

Chrissy,

I am formally withdrawing my application for a variance.

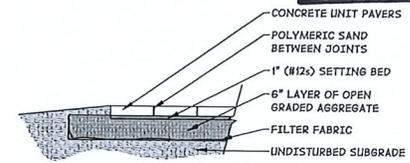
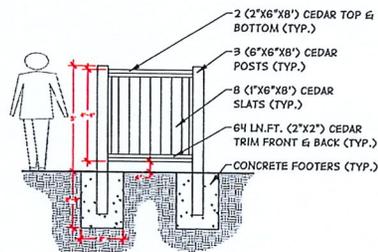
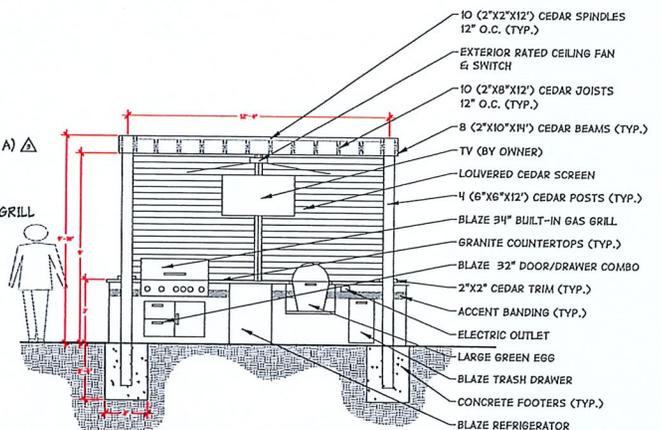
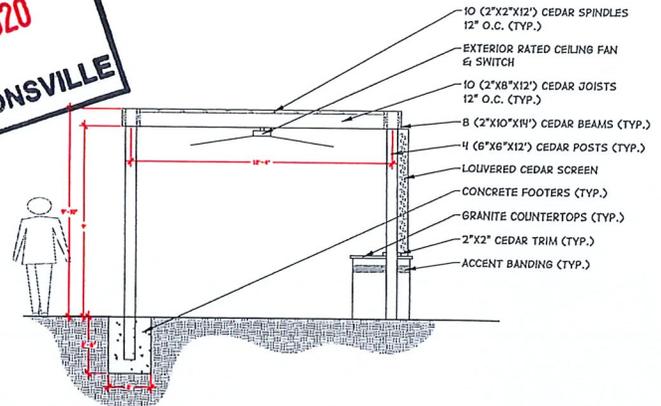
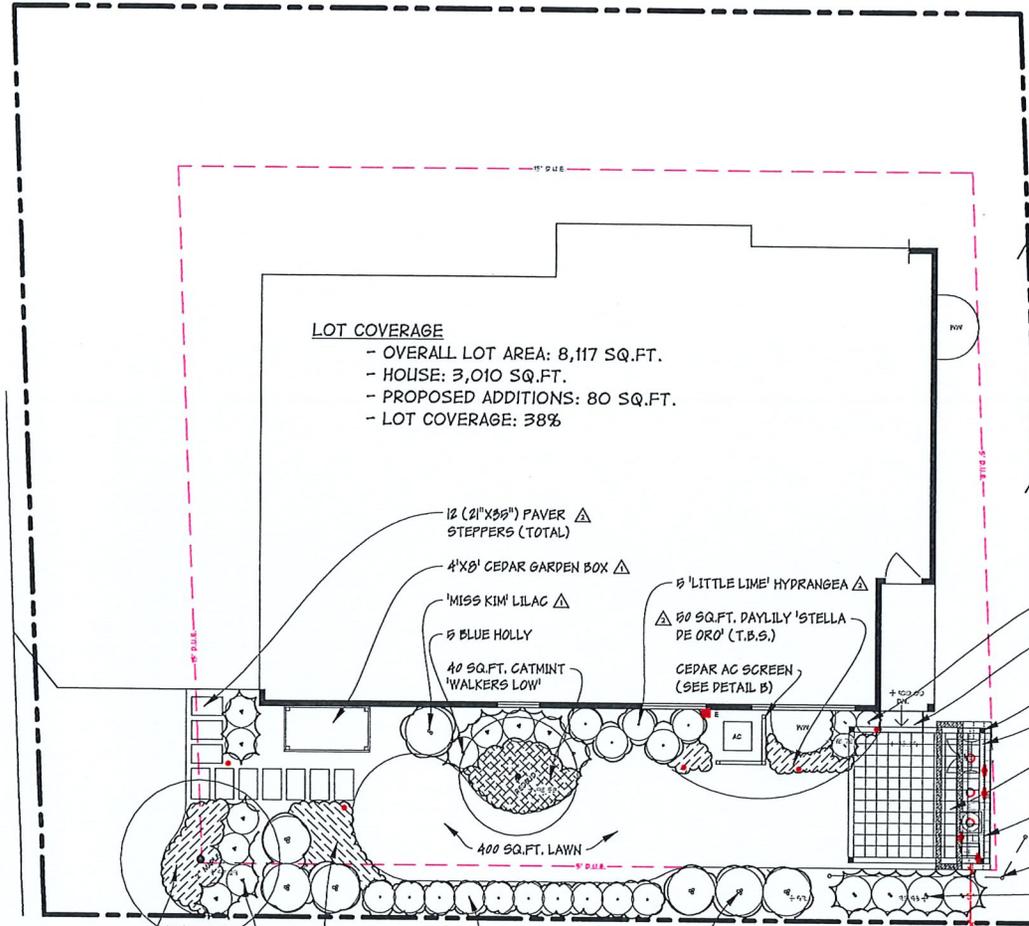
Thank you,

Alex Nester



# 2020-11-DSV  
S. GREVE

RECEIVED  
MAY 29 2020  
TOWN OF ZIONSVILLE



RECEIVED  
MAY 29 2020  
TOWN OF ZIONSVILLE

**ASPEN**  
 OUTDOOR DESIGNS  
 Artistic by Nature  
 ASPEN OUTDOOR DESIGNS, INC.  
 1010 E. 16TH ST.  
 HOLSVILLE, IN 46008  
 TEL: 317.774.0156  
 FAX: 317.776.3570  
 WWW.ASPENOUTDOORDESIGNS.COM



DATE:	JULY 18, 2019
DESIGN:	BLH
DRAWN BY:	BLH
REVISION:	17-30-19
	10-1-19
	1-14-20
	2-11-20
	2-20-20
	5-29-20
	GREVE
	19.157

LANDSCAPE DEVELOPMENT PLAN

# GREVE RESIDENCE

596 STARKEY ROAD ZIONSVILLE, INDIANA © 2019, ASPEN OUTDOOR DESIGNS, INC.



**Petition Number:** 2020-11-DSV

**Subject Site Address:** 596 Starkey Road

**Petitioner:** Shawn & Makenzie Greve

**Representative:** Shawn & Makenzie Greve

**Request:** Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which:  
1) Deviates from the required side & aggregate yard setbacks and  
2) Exceeds the required lot coverage of 35%, to 38%  
in the Urban Residential Village Zoning District (R-V).

**Current Zoning:** Residential Village Zoning District (RV)

**Current Land Use:** Single-family Residential

**Approximate Acreage:** 0.188 acre

**Zoning History:** 2015-43-RP - Petition for Replat of three (3) parcels, to be reconfigured into three (3) lots - Approved with Conditions at 3-21-2016 Plan Commission meeting.  
2016-29-SP – Petition for Secondary Plat - Approved

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Petitioners Narrative  
Exhibit 4 – Petitioners Proposed Site Plan/Exhibit  
Exhibit 5 – Secondary Plat (2016-29-SP)  
Exhibit 6 – Petitioners proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

### PETITION HISTORY

This Petition will receive a public hearing at the June 3, 2020 Board of Zoning Appeals meeting.

### PROPERTY HISTORY

The property is comprised of approximately 0.188 acres of Lot 2 in the Sixth and Sycamore Estates of the Town of Zionsville. This lot is one (1) of three (3) which were created by a developer/builder after receiving approval from the Plan Commission in March of 2016 to replat 3 parcels into a three-lot subdivision.

### ANALYSIS

The 0.188-acre parcel is currently improved with a 5,560 +/- square foot single-family dwelling built in 2016 with accessory uses. The Petitioners purchased the custom home, including an outdoor covered patio structure that did not have the benefit of the review of the Town prior to construction, from the builder in 2018. Per the narrative included, the Petitioner desires to upgrade the existing outdoor living space of their property and add an outdoor kitchen. The proposed upgrade, 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.

As filed, the Petition is requesting a lot coverage of 38 percent. As reviewed by Staff, it has been determined that the Petition is seeking a lot coverage of 40.5 percent (based on a review of the filing). As the Petition has not provided adequate notice for 40.5 percent, procedurally the filing is not in a position to be discussed in full by the Board of Zoning Appeals specific to the lot coverage request (if requesting 40.5 percent). The Petition could proceed at the June meeting specific to the setback request, and, as well, specific to a lot coverage request of 38 percent.

### PROCEDURE – VARIANCE TO DEVIATE FROM STANDARDS

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

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

### LOT COVERAGE (AS PER THE FILING)

The request seeks to exceed the 35 percent lot coverage maximum by 5.5 percent. 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 anticipating approximately 1% of the lot coverage being pervious material.

The Petitioner is requesting a design standards variance to this requirement for the construction of an approximate 283 square foot covered paver patio which includes a 45 square foot outdoor kitchen (a net gain of 160 sq. ft.) with a total footprint of approximately 3,293 (inclusive of the home, attached garage, covered outdoor patio and kitchen, and porches), which would result in lot coverage of 40.5%. It should be noted that the Petitioner plans to locate the addition in an area already occupied by an outdoor living space, producing a net difference of impervious footprint of +/-1.3% (existing impervious footprint was 39.2% and proposed impervious footprint after constructing the upgraded outdoor living space is proposed to be no more than 40.5%).

The request to occupy the site with improvements associated with an outdoor living space for 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. However, generally speaking, the preponderance of the prior requests considered by the Board of Zoning Appeals were associated with lots that were platted prior to the adoption of the current Zoning Ordinance. In this specific case, the lot in question was platted in 2016 and is a result of a ministerial division of a parcel of ground. Further, the Zoning Ordinance was modified in 2017 to specifically support the installation of outdoor living space by providing for relief from the 35 percent standard by supporting a two percent increase in lot coverage (to 37 percent) IF the improvement is designed to be pervious. Given these factors, Staff finds it impossible to justify supporting a variance from zoning standards which were both well known in 2016 to the developer of the property and specifically modified by the Town in 2017, as the condition (the size of the lot) is neither peculiar nor unique, and the improvement could be provided for, in part, if the outdoor living space was constructed of pervious materials. In summary, Staff is not supportive of any lot coverage deviation (be it 38% or 40.5%) for the lot in question.

#### **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). As the site sits on a corner, it has the unique circumstance of having two front yards and two side yards according to the zoning ordinance.

The site currently enjoys a conforming 9-foot 8-inch side yard setback from the north parcel line and a non-conforming, less than 5-foot, side yard setback from the east parcel line for the existing patio structure. The existing aggregate side yard setbacks are likely less than 10-foot, non-conforming to the ordinance. The proposed north and east setbacks for the upgraded outdoor living space and kitchen are 5-foot 0-inches, making the proposed aggregate side yard setback 10-foot 0-inch.

A request to occupy required side yard setbacks in the Residential Village District (RV) is not uncommon. A review of setbacks in the vicinity shows additional parcels that enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. However, much like the variance request seeking approval to deviate from lot coverage requirements, staff finds it impossible to justify supporting a variance request from setback requirements for a lot that was platted subsequent to the adoption of the current Zoning Ordinance, as the condition (the size of the lot) is neither peculiar nor unique.

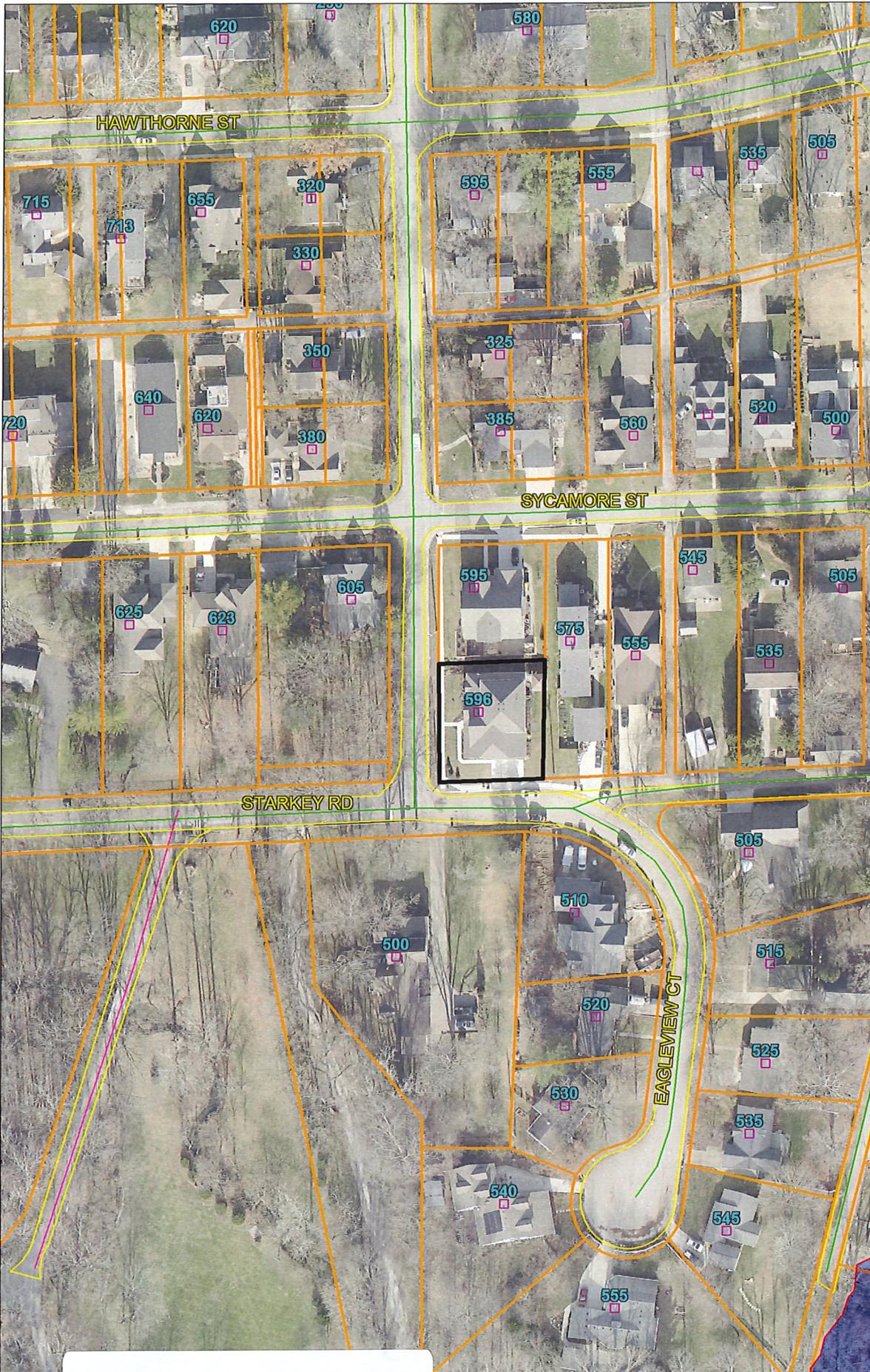
**STAFF RECOMMENDATIONS**

Staff recommends denial of the variance request seeking to exceed the permissible lot coverage standard of the RV Residential Village District.

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

**RECOMMENDATION MOTION**

I move that Docket #2020-11-DSV Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which deviates from the required side & aggregate yard setbacks and exceeds the required lot coverage of 35%, to 38% in the Residential Village Zoning District (RV) for the property located at 596 Starkey Road (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).



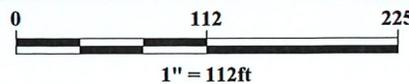
**Flood Hazard BC 2013**  
**FLD\_ZONE:**  
 AE  
 X

- 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





April 24, 2020

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

Dear Board Members,

Greetings! My name is Blake Herbst and I am the landscape architect for the outdoor living space at the Greve residence: 596 Starkey Rd. Zionsville, IN 46077. This has been a very challenging design for me due to the constraints. Midway through the design process I determined that without any outdoor improvements the lot was already at its maximum 35% lot coverage. This would mean that we would need to apply for a variance to increase the lot coverage. With the addition of the proposed outdoor living space, I calculated that we would need to increase the lot coverage 3%. Another obstacle to contend with is the setback limits. Currently the lot requires an aggregate side yard setback of 15'. We are asking to encroach 5' into the North side yard setback, decreasing the aggregate side yard setback to 10'. I as well as the homeowner have looked at and considered different layout options to avoid encroaching into the setback, but as you can see from the design it would be very difficult, rendering the space unusable. On behalf of the homeowner, I ask that you consider the request to increase the lot coverage 3% and allow us to encroach into the setback.

Thank you for your time and consideration!

Sincerely,

A handwritten signature in black ink that reads "Blake L. Herbst". The signature is written in a cursive style and includes a horizontal line extending to the right from the end of the name.

Blake L. Herbst, PLA, ASLA  
Landscape Architect  
Aspen Outdoor Designs, Inc.

Hello Neighbors,

We are under contract with Aspen Outdoor Designs to upgrade our outdoor living space in the rear of our home. We have a hearing with the Town of Zionsville Board of Zoning Appeals in order to obtain the proper permits needed to complete the project. As our property adjoiners, we are required to send you the attached written notice of the hearing.

The project itself will be in the same location as our current patio and include a outdoor kitchen and a covered structure as we have now. It will just be a lot nicer.

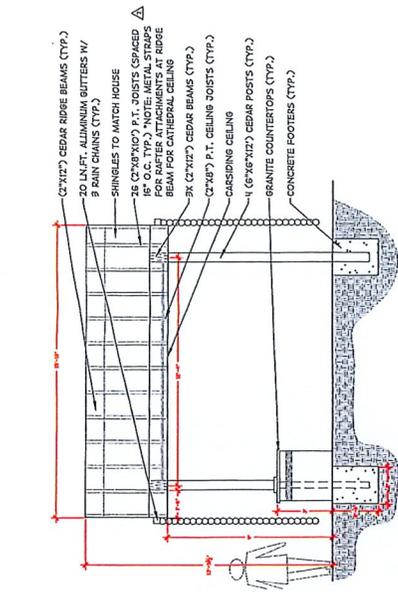
Please feel free to call us or stop by if you would like to see the plans.

Thanks!

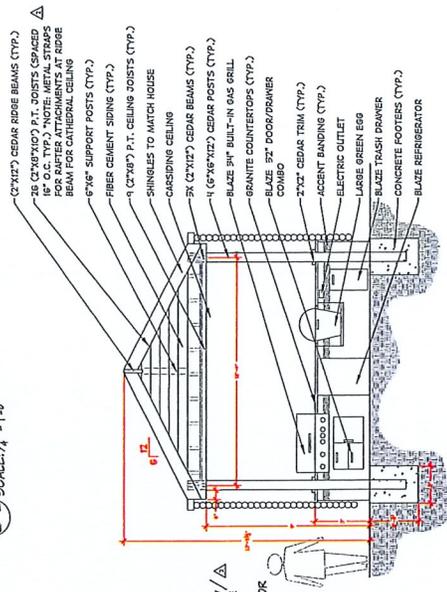
Shawn and Makenzie Greve

596 Starkey Rd, 46077

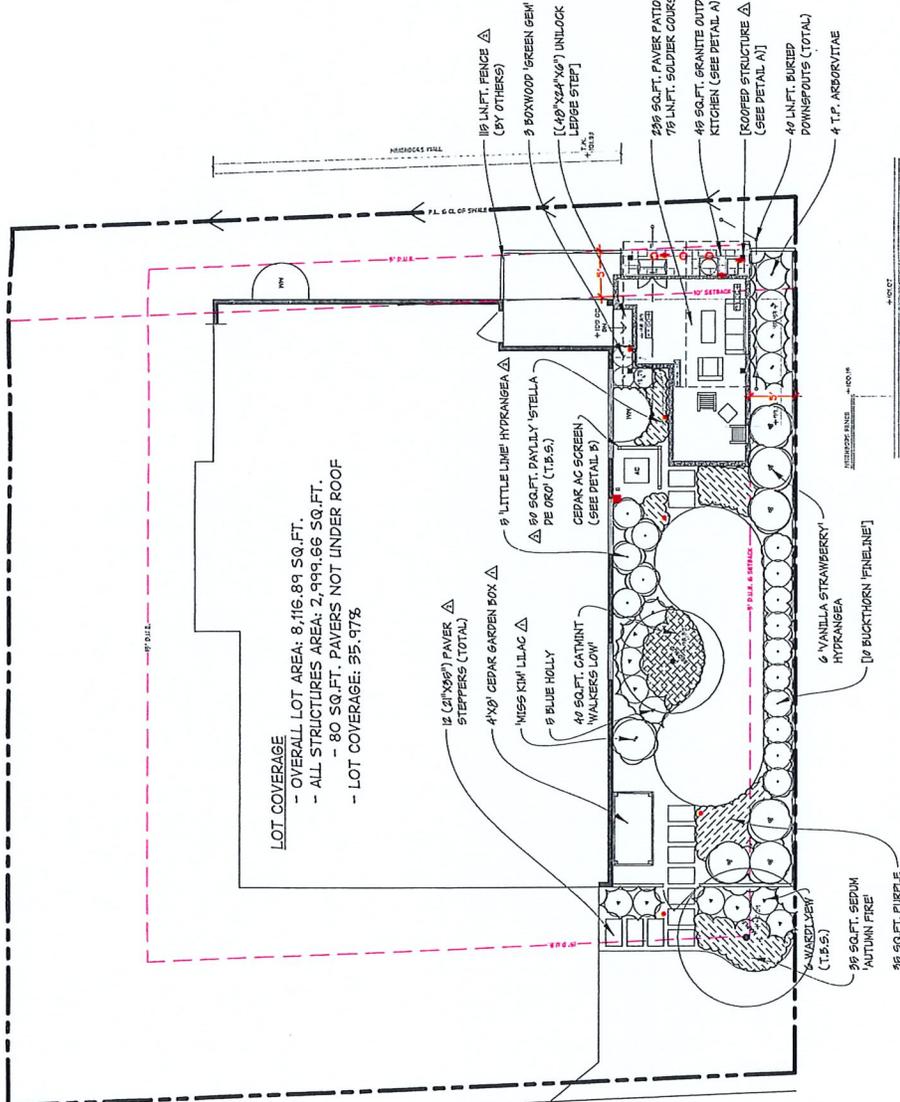
630 330 2394



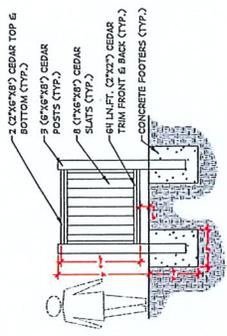
**A** OUTDOOR LIVING SPACE (VIEWING EAST)  
SCALE: 1/4" = 1'-0"



**A** OUTDOOR LIVING SPACE (VIEWING NORTH)  
SCALE: 1/4" = 1'-0"



**LOT COVERAGE**  
 - OVERALL LOT AREA: 8,116.89 SQ. FT.  
 - ALL STRUCTURES AREA: 2,999.66 SQ. FT.  
 - 80 SQ. FT. PAVERS NOT UNDER ROOF  
 - LOT COVERAGE: 35.97%



**B** CEDAR AC SCREEN  
SCALE: 1/4" = 1'-0"

OWNER APPROVAL
DATE:
BY:
FOR:
REVISION:

**ASPEN**  
 Artistic by Nature  
 ASPEN OUTDOOR DESIGN, INC.  
 1000 E. 16TH ST.  
 HOUSTON, TX 77058  
 TEL: 281.776.6666  
 WWW.ASPENOUTDOORDESIGN.COM

DATE: JULY 18, 2018  
 BY: [Signature]  
 FOR: [Signature]  
 REVISION: 2118-20 A  
 SHEET: 13 OF 137

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

LANDSCAPE DEVELOPMENT PLAN  
**GREYD**  
**RESIDENCE**  
 596 STARKEY ROAD  
 ZIONSVILLE, INDIANA  
 © 2019, ASPEN OUTDOOR DESIGN, INC.

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND  
HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA  
**SIXTH AND SYCAMORE ESTATES**  
PART OF NORTHEAST QUARTER 2-17-2E  
ZIONSVILLE, BOONE COUNTY, INDIANA

FILED FOR RECORD IN  
BOONE COUNTY, INDIANA  
BOONE COUNTY RECORDER  
07-15-2016 A.M. 12:30 PM  
PLAT

**SURVEYOR CERTIFICATION**

I, K. NATHAN ALTHOUSE, HEREBY CERTIFY THAT:  
THE WITHIN PLAT IS A REPRESENTATION OF THE LANDS SURVEYED, SUBDIVIDED AND  
PLATED UNDER MY DIRECT SUPERVISION AND CONTROL AND THAT IT IS TRUE AND  
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**LEGAL DESCRIPTION OF REAL ESTATE**

LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO  
ZIONSVILLE, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 1-2, IN THE  
OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF UNIFORM  
WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.

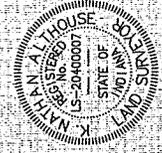
THIS SUBDIVISION CONSISTS OF 3 LOTS, NUMBERED 1, 2, AND 3, TOGETHER WITH  
EASEMENTS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF THE EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL  
PARTS THEREOF.

ALL MONUMENTS SHOWN ON THE WITHIN PLAT ACTUALLY EXIST AND THEIR LOCATION,  
SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN.

THE BOUNDARY SURVEY OF THIS PLAT IS IN CONFORMITY WITH 865 IAC 1-12; AND, THE  
WITHIN PLAT COMPLIES WITH THE PROVISIONS OF THE TOWN OF ZIONSVILLE SUBDIVISION  
CONTROL ORDINANCE.

WITNESS BY SIGNATURE THIS 8TH DAY OF JUNE, 2016.



SIGNATURE: *K. Nathan Althouse*  
PRINTED: K. NATHAN ALTHOUSE, PLS  
REGISTERED LAND SURVEYOR - INDIANA - #LS20400007

**LEGEND**

- B. L. BUILDING LINE
- DUE DRAINAGE & UTILITY EASEMENT
- ACRES (MORE OR LESS)
- R/W RIGHT-OF-WAY
- 5/8" IRON ROD W/ YELLOW CAP
- STAMPED MILLER SURVEYING SET
- PROPERTY ADDRESS NUMBER

AS USED IN THIS SURVEY CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL  
OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDING WHICH ARE THE SUBJECT  
OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER  
EXPRESSED OR IMPLIED.

**BUILDING SETBACK LINE**

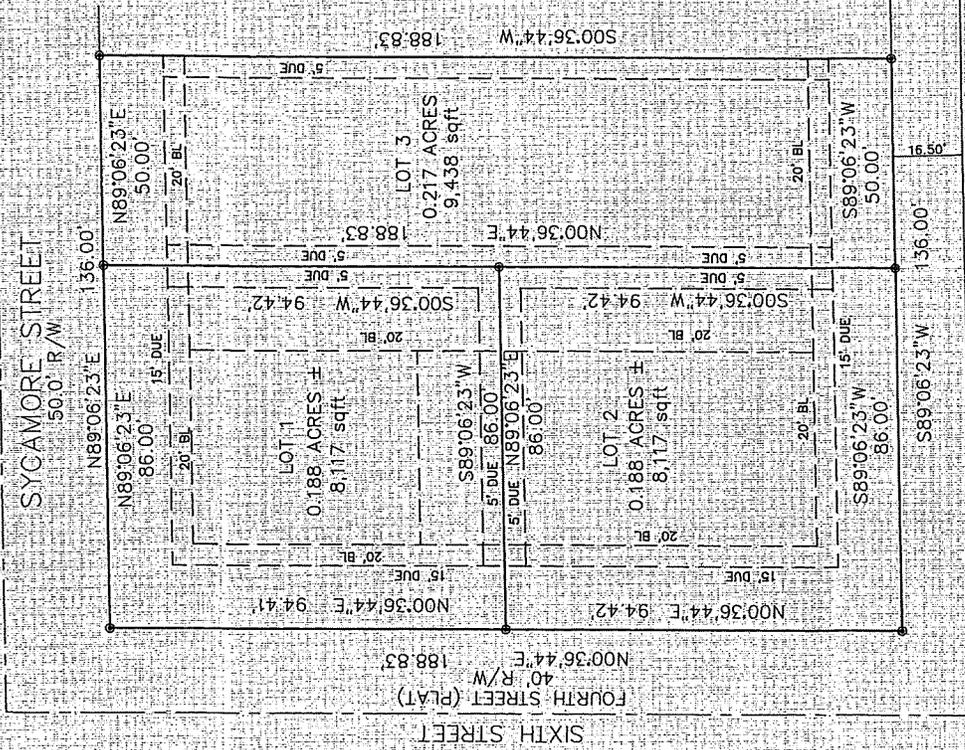
THE BUILDING SETBACK LINES SHOWN ON THE PLAT ARE PURSUANT TO THE ZONING  
CODE WHICH MAY BE RECORDED IN THE RECORDS OF THE TOWN OF ZIONSVILLE, INDIANA,  
SECTION 2.13.B.61 (AS AMENDED).

THE SIDE LOT LINE BUILDING SETBACKS TO THE EFFECT THAT A MINIMUM SIDE YARD  
SETBACK OF FIVE (5) FEET SHALL BE PLACED ALONG ALL SIDE LOT LINES AND A  
MINIMUM SEPARATE SIDE YARD SETBACK OF FIFTEEN (15) FEET SHALL BE PROVIDED ON  
ALL LOTS.

**DUTY ENTITLED FOR TAXATION**

ADDRESS NOTE  
Lot 1: 595 Sycamore Street  
Lot 2: 596 Starkey Road  
Lot 3: 575 Sycamore Street

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.  
K. NATHAN ALTHOUSE



**DEVELOPER**

DAVID BERMAN  
SIGMA CAPITAL, LLC  
DAVID BERMAN, PRINCIPLE  
BERMAN@YAHOO.COM  
PH# 317.937.9223  
FAX# 812.332.2494

**OWNER**

SIGMA CAPITAL, LLC  
DAVID BERMAN, PRINCIPLE  
BERMAN@YAHOO.COM  
PH# 317.937.9223  
FAX# 812.332.2494

**SOURCE OF TITLE**

INSTRUMENT No.: 201600002766

**ZONING**

R-V VILLAGE RESIDENTIAL DISTRICT  
URBAN SPECIAL RESIDENTIAL

**SURVEYOR**

THIS INSTRUMENT PREPARED BY:  
K. NATHAN ALTHOUSE  
MILLER SURVEYING, INC.  
1000 W. WASHINGTON ST.  
NOBLESVILLE, IN 46060  
PH: 773-2644 FX: 773-2664  
DATE: 12-15-15  
Job No. 636343



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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

- 1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because: *The proposed outdoor living space will be built to industry standards.*
  
- 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: *Currently the owner has a less than satisfactory outdoor living space that he inherited when he bought the home. We will be removing this and replacing it with a visually appealing well-built outdoor living space that enhancing the exterior of the home.*
  
- 3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because: *When the homeowner bought this property, it was already at the max allowable lot coverage without any improvements. Every homeowner should have the ability to add an outdoor living space to their property to enjoy the outdoors. Without the ability to add a usable outdoor living space the property cannot reach its true potential.*

**DECISION**

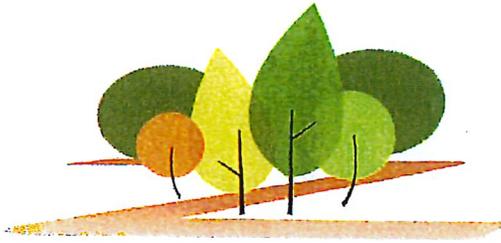
It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

Exhibit 6



**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS

**Town of Zionsville**  
**Petition to the Board of Zoning Appeals**  
**Application Packet and General Instructions**

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-11-DSV

**1. SITE INFORMATION:**

Address of Property: 596 Starkey Rd. Zionsville, IN 46077  
Existing Use of Property: Primary Residence  
Proposed Use of Property: Primary Residence  
Current Zoning: Urban R-V Area in acres: .127

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: Shawn Greve  
Owner Name (if different from Petitioner): \_\_\_\_\_  
Petitioner Address: 596 Starkey Rd. Zionsville, IN 46077 Owner Address: \_\_\_\_\_  
Petitioner Phone Number: 317-664-7121 Owner Phone Number: \_\_\_\_\_  
Petitioner E-Mail Address: shawn.greve@royalunitedmortgage.com Owner E-Mail Address: \_\_\_\_\_

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

<b>Contact Person:</b>	<b>Project Engineer:</b>
Name: <u>Blake L. Herbst, Aspen Outdoor Designs, Inc.</u>	Name: _____
Address: <u>11010 E. 156<sup>th</sup>. St. Noblesville, IN 46060</u>	Address: _____
Phone Number: <u>317-774-0156</u>	Phone Number: _____
E-Mail Address: <u>blake@aspenoutdoordesigns.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

We are requesting permission to encroach 5' into the north side yard setback, decreasing the aggregate side yard setback to 10'. We are also requesting a variance to increase the lot coverage from 35% to 38%. The reason for the side yard setback variance is to make the proposed outdoor living space usable. Without any improvements the lot coverage is at its max (35%). We are asking to increase the lot coverage 3% to allow for an outdoor living space.

**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         |

- Statement of Commitments (if proposed)
- Application Fee

- 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: 4/23/2020  
Signature of Owner or Attorney for Owner: \_\_\_\_\_ Date: \_\_\_\_\_

State of Indiana )  
County of Marion )  
SS:

Subscribed and sworn to before me this 23rd day of April, 2020.

[Signature]  
Notary Public Signature

Suzanne Daoust  
Notary Public Printed

My Commission No: 690296

My Commission Expires: September 1, 2024

My County of Residence is Hamilton County



COMPANY WARRANTY DEED

18-126

Parcel Number(s): 06-04-02-000-222.001-006

THIS INDENTURE WITNESSETH, That SIGMA CAPITAL, LLC. ("Grantor") CONVEYS AND WARRANTS to SHAWN GREVE AND M. MAKENZIE GREVE, HUSBAND AND WIFE ("Grantee") of County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate commonly known as 596 Starkey Avenue, Zionsville, IN 46077 located in County, State of Indiana and legally described as:  
*Road.*

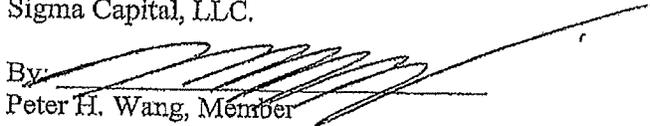
LOT NUMBER 2 IN SIXTH AND SYCAMORE ESTATES, AS PER PLAT THEREOF RECORDED JULY 15, 2016 AS INSTRUMENT NUMBER 201600006569 AND IN PLAT BOOK 24, PAGE 44 BEING A REPLAT OF LOTS NUMBERED 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 1 AND 2 ALL IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA. EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is duly authorized by Grantor and has been fully empowered, by proper resolution of Grantor, to execute and deliver this deed; that Grantor has full company capacity to convey the real estate described herein; and that all necessary company action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed and delivered this 20th day of April, 2018.

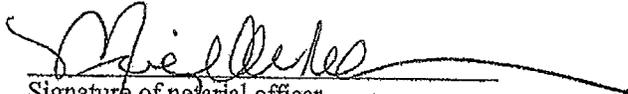
Sigma Capital, LLC.

By:   
Peter H. Wang, Member

STATE OF INDIANA  
COUNTY OF HAMILTON

I, a Notary Public, hereby certify that Peter H. Wang of Sigma Capital, LLC. whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand this the 20th day of April, 2018.

  
Signature of notarial officer  
Title and rank



My commission expires:

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. (Edward Anania)

THIS INSTRUMENT WAS PREPARED BY: Edward Anania (21479-76).

Send tax bills to: 596 Starkey Avenue, Zionsville, IN 46077

Grantee's Mailing Address: 596 Starkey Avenue, Zionsville, IN 46077

# INDIANA VENDOR'S LIEN AFFIDAVIT

I/We the undersigned seller(s) hereby acknowledge that all money due in the sale of the property located at 596 Starkey Road, Zionsville, IN 46077 has been received and I/we hereby waive any vendor's lien in connection with this transaction.

Seller

 \_\_\_\_\_  
Date

4/20/13



April 24, 2020

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

Dear Board Members,

Greetings! My name is Blake Herbst and I am the landscape architect for the outdoor living space at the Greve residence: 596 Starkey Rd. Zionsville, IN 46077. This has been a very challenging design for me due to the constraints. Midway through the design process I determined that without any outdoor improvements the lot was already at its maximum 35% lot coverage. This would mean that we would need to apply for a variance to increase the lot coverage. With the addition of the proposed outdoor living space, I calculated that we would need to increase the lot coverage 3%. Another obstacle to contend with is the setback limits. Currently the lot requires an aggregate side yard setback of 15'. We are asking to encroach 5' into the North side yard setback, decreasing the aggregate side yard setback to 10'. I as well as the homeowner have looked at and considered different layout options to avoid encroaching into the setback, but as you can see from the design it would be very difficult, rendering the space unusable. On behalf of the homeowner, I ask that you consider the request to increase the lot coverage 3% and allow us to encroach into the setback.

Thank you for your time and consideration!

Sincerely,

A handwritten signature in black ink that reads "Blake L. Herbst". The signature is written in a cursive style with a horizontal line extending to the right.

Blake L. Herbst, PLA, ASLA  
Landscape Architect  
Aspen Outdoor Designs, Inc.

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

STATE OF INDIANA )  
COUNTY OF BANE ) SS:

I, SHAWN GREVE, 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: SHAWN GREVE

Requesting: DEVELOPMENT STANDARDS VARIANCE  
(NAME OF PERSON ON PETITION)  
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 596 Stackey Rd Zionsville, IN 46077

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

OWNERS

ADDRESS

*See attached List of Adjoiners*

And that said Legal Notices were sent by First Class Mailed on or before the 19 day of MAY, 2020,  
being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

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

SHAWN GREVE  
Name of person mailing letters

[Signature]  
Signature

State of Indiana )

County of Marion ) SS:

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 2020.

Suzanne Daoust  
Notary Public Signature

Suzanne Daoust  
Notary Public Printed

My Commission No: 690296

My Commission Expires: September 1, 2024

My County of Residence is Hamilton County



Attribute report for active ID 1

ID name	add1	add3
30926 GURLEY RICHARD N & CATHY L	500 S 6TH ST	ZIONSVILLE, IN 46077
30931 COOPER JEFFREY O	204 MANCHESTER DR	ZIONSVILLE, IN 46077
30958 HUNT LESLEY JANE	605 W SYCAMORE ST	ZIONSVILLE, IN 46077
30962 SIGMA CAPITAL LLC	4630 LISBORN DR	CARMEL, IN 46033
31004 HOHMAN KEVIN & ELIZABETH	4697 RIDGEWOOD DRIVE	ZIONSVILLE, IN 46077

-----

Attribute report for active ID 1

ID name  
 46921 RICHARD N & CATHY L  
 40921 COOPER JEFFREY O  
 20958 HUNT LESLEY JANE  
 20962 SIGMA CAPITAL LLC  
 21004 HOWMAN KEVIN & ELIZABETH

add  
 200 4TH ST  
 200 MANCHESTER DR  
 605 W SYCAMORE ST  
 4630 LISBORN DR  
 4697 RIDGEMOOD DRIVE  
 ZIONSVILLE, IN 46077  
 ZIONSVILLE, IN 46077  
 ZIONSVILLE, IN 46077  
 ZIONSVILLE, IN 46077

Group  
 596 Sturkey Rd  
 Zionsville, IN 46077

Kevin + Elizabeth Hohman  
 4697 Ridgewood Dr.  
 Zionsville, IN 46077

Group  
 596 Sturkey Rd  
 Zionsville, IN 46077

Lesley Jane Hunt  
 605 W Sycamore St.  
 Zionsville, IN 46077

Group  
 596 Sturkey Rd  
 Zionsville, IN 46077

Group  
 596 Sturkey Rd  
 Zionsville, IN 46077

Sigma Capital, LLC  
 4630 Lisbon Dr  
 Carmel, IN 46033

Group  
 596 Sturkey Rd  
 Zionsville, IN 46077

Jeffrey Cooper  
 204 Manchester Dr.  
 Zionsville, IN 46077

Richard + Cathy Gurley  
 500 S. 6th St.  
 Zionsville, IN 46077

Hello Neighbors,

We are under contract with Aspen Outdoor Designs to upgrade our outdoor living space in the rear of our home. We have a hearing with the Town of Zionsville Board of Zoning Appeals in order to obtain the proper permits needed to complete the project. As our property adjoiners, we are required to send you the attached written notice of the hearing.

The project itself will be in the same location as our current patio and include an outdoor kitchen and a covered structure as we have now. It will just be a lot nicer.

Please feel free to call us or stop by if you would like to see the plans.

Thanks!

Shawn and Makenzie Greve

596 Starkey Rd, 46077

630 330 2394

**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, June 3, 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:  
2020-11-DVS                      Shawn Greve

\_\_\_\_\_, \_\_\_\_\_ 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 addition of an outdoor living space 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 38%

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

The property involved is more commonly known as: 596 Starkey Rd, Zionsville In 46077

\_\_\_\_\_ and is legally described as: \_\_\_\_\_ (COMMON ADDRESS)

**LOT NUMBER 2 IN SIXTH AND SYCAMORE ESTATES, AS PER PLAT THEREOF RECORDED JULY 15, 2016 AS INSTRUMENT NUMBER 201600006569 AND IN PLAT BOOK 24, PAGE 44 BEING A REPLAT OF LOTS NUMBERED 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 1 AND 2 ALL IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA. EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.**

A copy of the Petition for \_\_\_\_\_ Development Standards Variance \_\_\_\_\_, and all plans

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in

opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for

\_\_\_\_\_ Development Standards Variance

\_\_\_\_\_ will be heard at the

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

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

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

Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: \_\_\_\_\_

Category Public Notices

Published Date May 19, 2020

### Notice Details

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING A Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, Jur Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: Development Standards Variance to provide for or permit: Petition for Development Sta addition of an outdoor living space to a Single-Family Home which: 1) Deviates from the Exceeds the required lot coverage of 35%, to 38% in the Urban Residential Village Zoning commonly known as: 596 Starkey Rd, Zionsville In 46077 and is legally described as: LOT ESTATES, AS PER PLAT THEREOF RECORDED JULY 15, 2016 AS INSTRUMENT NUMB PAGE 44 BEING A REPLAT OF LOTS NUMBERED 59, 60 AND 61 IN LAUGHLIN, FOUTS ZIONSVILLE, BOONE COUNTY, INDIANA AS PER PLAT THEREOF RECORDED IN PLA OF THE RECORDER OF BOONE COUNTY, INDIANA. EXCEPT 44 FEET OF UNIFORM SAID LOT 59. A copy of the Petition for Development Standards Variance, and all plans p prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 4607 in.gov/231/Planning-Economic-Development. Written comments in support of or in opp Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing v the public. Oral comments to the Petition for Development Standards Variance will be he may be continued from time to time as may be found necessary. If supported by Executiv members of the public, will be afforded the opportunity to attend the Board of Zoning A; communication IF indicated in the Agenda (as amended from time to time) associated wi Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@ proper accommodations are made prior to the meeting. Chairman: John Wolff Secretary

SHOWING LISTINGS SIMILAR TO THIS ONE. DRAG AND DROP TO CHANGE

1 date

2 state



## Shawn Greve

Sr. VP of Lending NMLS# [210743](#)

[shawn.greve@royalunitedmortgage.com](mailto:shawn.greve@royalunitedmortgage.com)

Office: (317) 664-7121 | Fax: (317) 520-7415

[Royal United Mortgage LLC. NMLS #13390](#)

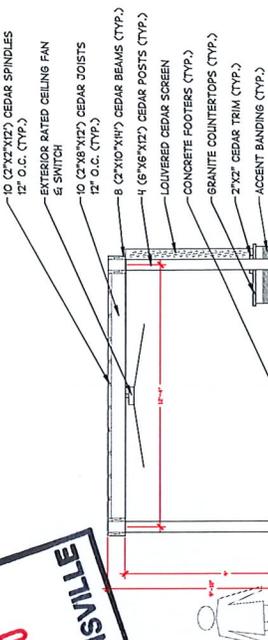
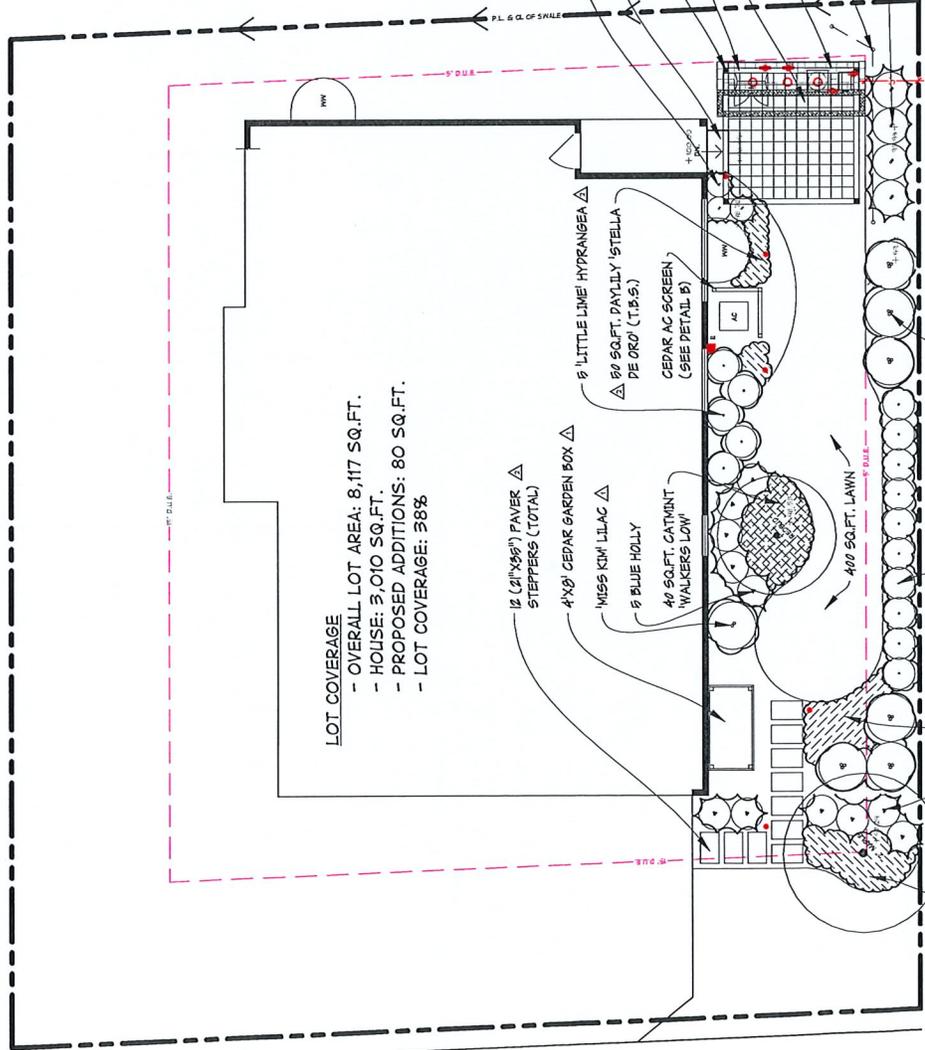
7999 Knue Road Ste 300, | Indianapolis, IN 46250

Equal Housing Opportunity

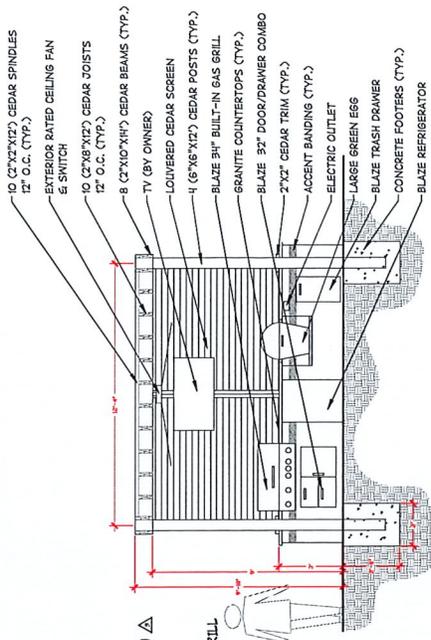


**RECEIVED**  
**MAY 29 2020**  
**TOWN OF ZIONSVILLE**

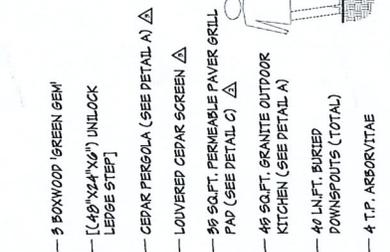
**LOT COVERAGE**  
 - OVERALL LOT AREA: 8,117 SQ.FT.  
 - HOUSE: 3,010 SQ.FT.  
 - PROPOSED ADDITIONS: 80 SQ.FT.  
 - LOT COVERAGE: 38%



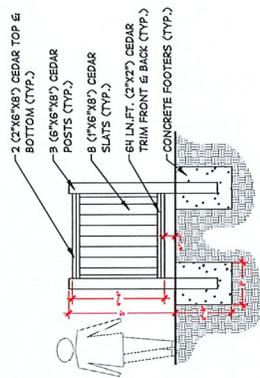
**(A) OUTDOOR LIVING SPACE (VIEWING WEST)**  
 SCALE: 1/4\"/>



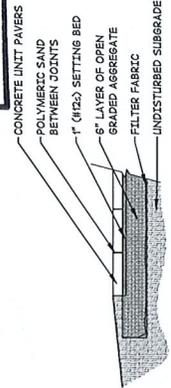
**(A) OUTDOOR LIVING SPACE (VIEWING NORTH)**  
 SCALE: 1/4\"/>



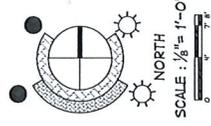
**RECEIVED**  
**MAY 29 2020**  
**TOWN OF ZIONSVILLE**



**(B) CEDAR AC SCREEN**  
 SCALE: 1/4\"/>



**(C) PERMEABLE PAVER SECTION**  
 SCALE: 1/4\"/>



DATE: JULY 18, 2019  
 DRAWN BY: B.H.  
 REVISION: 10-1-19  
 11-1-20  
 2-1-20  
 2-2-20  
 5-29-20  
 6 REVE  
 19.157

**ASPEN** OUTDOOR DESIGNS  
 Artistic by Nature  
 ASPEN OUTDOOR DESIGNS, INC.  
 1000 E. 10TH ST.  
 NORTHBVILLE, IN 46060  
 TEL: 317.774.0266  
 FAX: 317.774.9770  
 WWW.ASPENOUTDOORDSIGNS.COM

LANDSCAPE DEVELOPMENT PLAN  
**GREYVE**  
**RESIDENCE**  
 596 STARKEY ROAD  
 ZIONSVILLE, INDIANA  
 © 2019, ASPEN OUTDOOR DESIGNS, INC.



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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

- 1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because: *The proposed outdoor living space will be built to industry standards.*
  
- 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: *Currently the owner has a less than satisfactory outdoor living space that he inherited when he bought the home. We will be removing this and replacing it with a visually appealing well-built outdoor living space that enhancing the exterior of the home.*
  
- 3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because: *When the homeowner bought this property, it was already at the max allowable lot coverage without any improvements. Every homeowner should have the ability to add an outdoor living space to their property to enjoy the outdoors. Without the ability to add a usable outdoor living space the property cannot reach its true potential.*

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Petition Number:** 2020-13-DSV

**Subject Site Address:** 880 Starkey Road

**Petitioner:** Matt Lohmeyer

**Representative:** Matt Lohmeyer

**Request:** Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which:  
1) Deviates from the required side yard setback (new improvement)  
2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement)  
in the Urban Open Land Zoning District (O-1).

**Current Zoning:** Urban Open Land Zoning District (O-1)

**Current Land Use:** Single-family Residential

**Approximate Acreage:** 1.25 acres

**Zoning History:** This parcel was annexed into Zionsville's jurisdiction in 1998. No prior petitions are known.

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Petitioners Narrative  
Exhibit 4 – Petitioners Existing/Proposed 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 June 3, 2020 Board of Zoning Appeals meeting.

### PROPERTY HISTORY

The property is comprised of approximately 1.25, annexed into Zionsville's jurisdiction in 1998, which is utilized for Residential purposes. Staff is not aware of any prior variance requests for this property.

### ANALYSIS

The 1.25-acre parcel is currently improved with a 4,340 +/- square foot single-family dwelling built circa 1975 (20+ years prior to being annexed into Zionsville's jurisdiction) and includes accessory uses. The Petitioner recently purchased the property and per the narrative included, desires to renovate the home and replace the existing garage with a larger one which has living space connected to the existing primary above the garage. The proposed improvement, contemplated to not exceed the permissible lot coverage, would require approval of a Development Standards Variance(s) as the new addition would 1) encroach into the required 50-foot side yard setback and 2) due to the existing setback of a non-compliant deck, would not meet the required 100-foot aggregate side yard setback.

### PROCEDURE – VARIANCE TO DEVIATE FROM STANDARDS

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

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

### SETBACKS (SIDE YARDS)

The site currently enjoys a non-conforming 25-foot side yard setback from the north parcel line and a non-conforming 11-foot 8-1/2-inch side yard setback from the south parcel line for the existing deck. The existing aggregate side yard setbacks therefore are 36-foot 8-1/2-inch, non-conforming to the ordinance. The proposed north setback for the upgraded garage and living space is 11-foot 0-inches, making the proposed aggregate side yard setback 22-foot 8-1/2-inch.

As required by Ordinance, the O-1 Open Land Zoning District regulations, requires that any improvements to the site are required to conform to minimum setback standards (side yard minimum: 50 feet with 100-foot aggregate, rear yard minimum). This standard is unique to the O-1 (Open Land) District with the overall district being:

*established to include land being used for agricultural activities, flood plain, and other rural uses, located near the periphery of the jurisdictional boundary, which is not expected to develop for intensive urban or suburban uses within the near future. It is the intent of this district to allow agricultural uses to conserve the desirable characteristics of the land and to protect the open area from the encroachment of scatter urban-type uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan.*

While Staff is supportive of the concepts of the O-1 Open Land Zoning District, and while much has changed in the area since it was annexed in 1998, the property remains improved with a circa 1975 single-family dwelling. Many nearby residential single-family homes (to the South) in the O-1 zoning district, built prior to annexation, also enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. Since the time of annexation, much of the area has been improved with residential developments designed to the RSF-2 zoning and R-V zoning districts. Additionally, it should be noted that the parcel's location is across from the town's wastewater treatment plant, is adjacent to the town's parks trailhead and is adjacent to the common area of Manchester Square & Manchester Estates. These conditions present additional unique characteristics not common in Zionsville and are unique to the area.

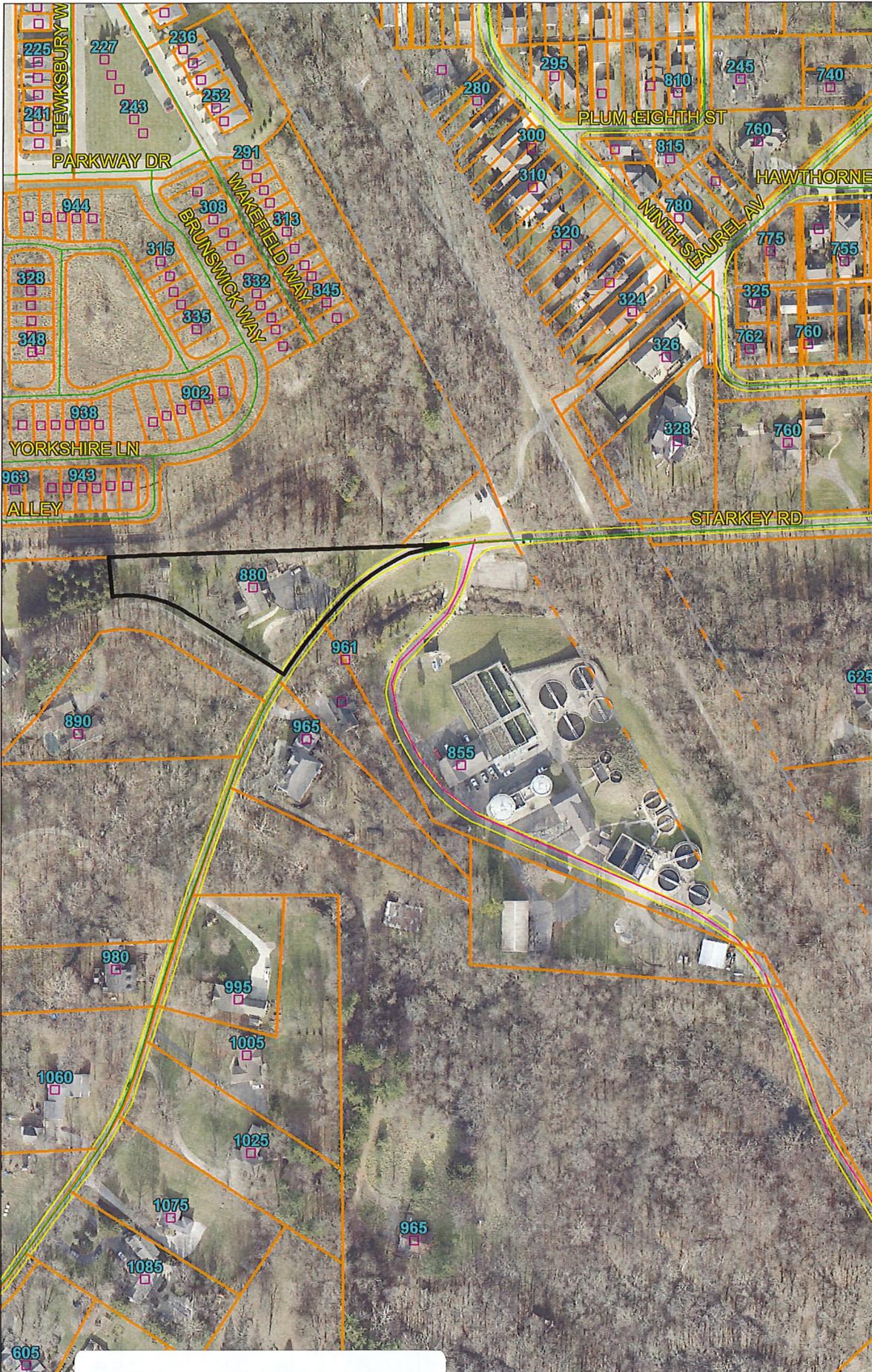
The purpose of the setback requirement, among other things, is to manage the separation of improvements from adjoining land uses and/or the public way. In this particular case, it appears the distance from the proposed north side yard setback to the nearest neighboring structure (the attached single-family residential developed currently under constructed) will be in excess of 200-feet from the proposed addition (and more than 50 feet from the public use trail system directly to the north of the property). Further, in specific cases, such as with a uniquely shaped lot, restricted topography and unique publicly utilized adjacent uses, the requirements of the ordinance conflict with what can be reasonably achieved by the property in question and in the opinion of Staff represent an undo hardship. As the area is improved with similar uses, which also benefit from these reductions, and the improvements will not be highly visible from neighboring properties, Staff supports the request of the Petitioner for a reduction in, as well as memorialization of side and aggregate side yard setbacks.

#### **STAFF RECOMMENDATIONS**

Staff recommends approval of the design standards variance included in Docket #2020-13-DSV related to the side and aggregate side yard setbacks as filed.

#### **RECOMMENDATION MOTION**

I move that Docket #2020-13-DSV Development Standards Variance in order to provide for the addition to a Single-Family Home which required side yard setback (new improvement) and deviates from the required aggregate side yard setbacks (memorializing existing improvement), in the Urban Open Land Zoning District (O-1) for the property located at 880 Starkey Road (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).



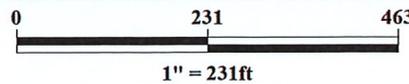
Flood Hazard BC 2013  
 FLD\_ZONE:  
 AE  
 X

- 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



May 19, 2020

RE: 880 Starkey Avenue Improvements

Subject: Zionsville Board of Zoning Appeals Variance Request

Dear Neighbor,

My Name is Matt Lohmeyer and I live at 880 Starkey Avenue (the barn house). I purchased my home in January of this year from Mr. and Mrs. Marshall. It has been my intent to renovate and to update the home that Mr. and Mrs. Marshall enjoyed for the better part of 40 years.

My current plan is to gut the interior of the home and to modernize it while respecting the nature and structure of the hand-hewn beam components. Additionally, I intend to remove the garage structure and to build a new, larger, garage and living space that will allow for better flow from inside the home and for a better overall home for me and my children to live in.

The request for variance that I seek from the BZA is two-pronged. First, I am seeking a variance that allows for a reduction in the side-yard setback for the existing deck location (nothing changes here) as well as the side-yard setback for the new northeast corner of the garage (for the proposed addition). The attached exhibit illustrates these two reduced dimensions. Additionally, I am seeking a variance for the aggregate setback to be reduced. This seems to be a formality, to me, that allows for the first variance request above to be allowed by Town Ordinance.

I am happy to discuss any or all of this with each of you. Under current circumstance, I am offering to chat on the lawn, over the phone (317 281-6787), or to email exchange at [matt@tristatefs.com](mailto:matt@tristatefs.com). Additionally, I am happy to share the floor plans with you (can be emailed) so that you can better understand the extent of the investment for the project that I would like to undertake with my home.

I welcome any questions and look forward to meeting each of you as weather and other factors allow.

Best Regards,

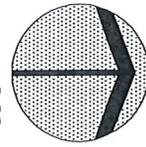
Matt Lohmeyer

880 Starkey Avenue

317 281-6787

[matt@tristatefs.com](mailto:matt@tristatefs.com)

Exhibit 3



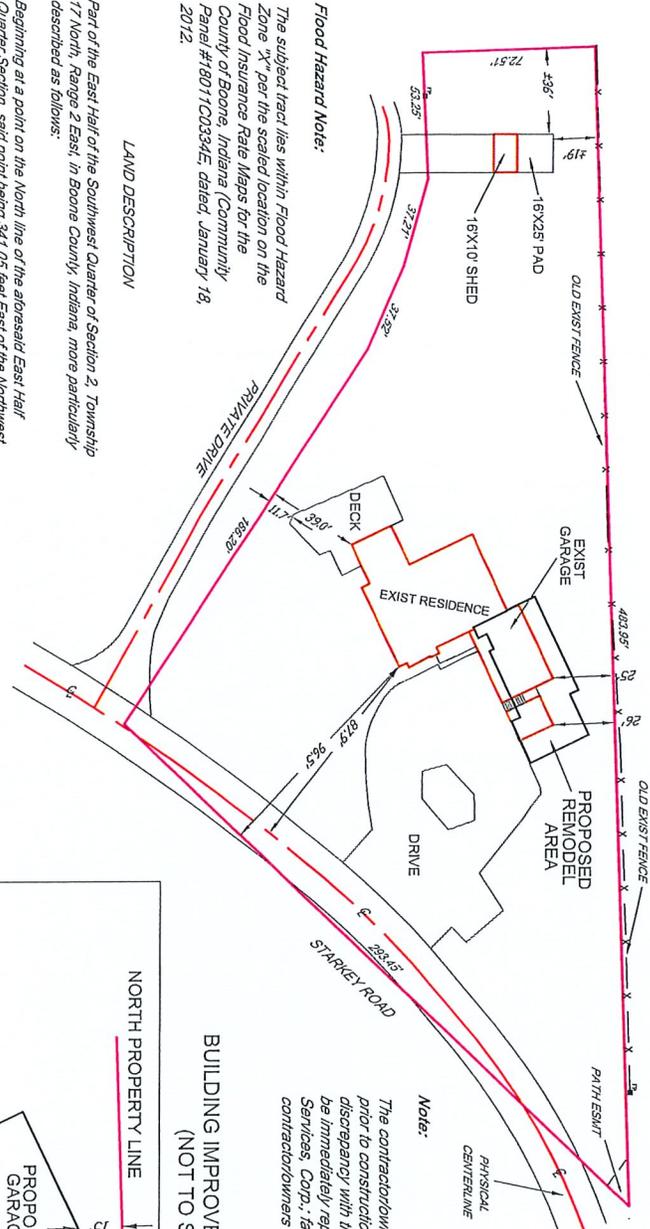
Assumed North  
Scale: 1" = 50'

**Note:**

Unless otherwise stated hereon, no information pertaining to but not limited to, fluctuating water table elevations, soil types, and conditions within the building areas of this development have been provided and/or referenced in said documents. With the excavation of the proposed structure foundations, certain care and observations should be made in regard to such conditions as soil types and fluctuating water tables. During the excavation process should any unsuitable soils or ground water be witnessed, the builder shall be immediately notified for further examination and consultation. At the builder's discretion, additional construction techniques may be necessary to alleviate future problems.

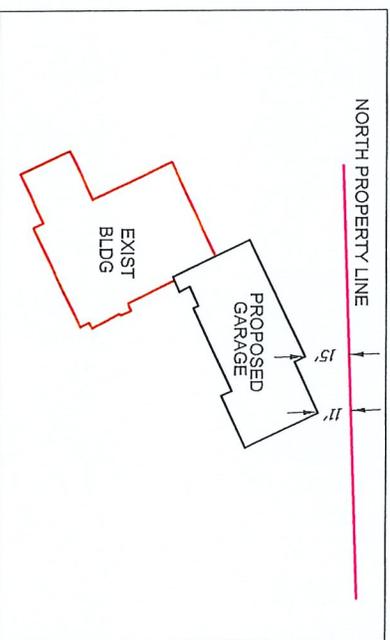
**LOT COVERAGE**

TOTAL AREA PER DEED = 454,498 SF (41.25 AC)
EXISTING STRUCTURE = 44,201 SF (RESIDENCE, GARAGE, DECK)
EXISTING SHED/PAD = 4400 SF
EXISTING COVERAGE = 48.44%
PROPOSED IMPROVEMENTS = 44,786 SF (RESIDENCE, GARAGE, DECK)
EXISTING SHED/PAD = 4400 SF
PROPOSED COVERAGE = 49.52%



**Note:**  
The contractor/owner should verify existing conditions prior to construction. Any varying field conditions or any discrepancy with the information contained hereon should be immediately reported to COOR Consulting & Land Services, Corp.; failure to do so would result in the contractor/owner's assumption of liability.

**BUILDING IMPROVEMENTS DETAIL  
(NOT TO SCALE)**



**LAND DESCRIPTION**

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:  
Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof, thence along said North line North 89 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road, thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 58 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.



303 WEST MAIN STREET KNIGHTSTOWN, INDIANA  
(888) 593-2667 (765) 345-5943 FAX#: (765) 345-5692  
DATE: 05/15/20 JOB #2020-004 REVISIONS: 5

PART E 112 - SW 114  
SEC 02-T17N-R02E  
±1.25 ACRES  
PARCEL  
#06-04-02-000-004.014-006  
880 STARKEY ROAD  
ZIONSVILLE, IN 46077  
EAGLE TWP, BOONE CTY

SITE EXHIBIT  
Prepared For:  
MATT LOHMEYER

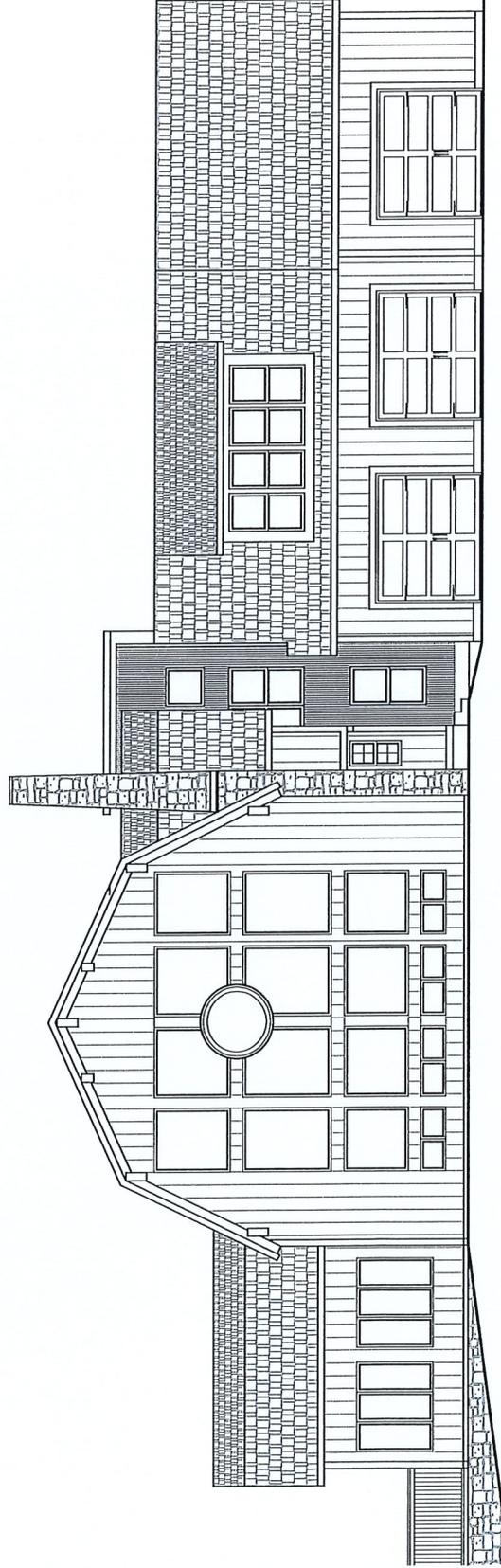
# REMODEL OF THE: LOHMEYER RESIDENCE

880 STARKEY RD. ZIONSVILLE, IN 46077

## SHEET INDEX

1. COVER SHEET
2. ELEVATIONS
3. ELEVATIONS
4. FIRST FLOOR DEMO PLAN
5. SECOND FLOOR DEMO PLAN
6. FOUNDATION PLAN
7. FIRST FLOOR PLAN
8. SECOND FLOOR PLAN
9. FLOOR FRAMING PLAN
10. DETAILS
11. FIRST FLOOR ELECTRICAL
12. SECOND FLOOR ELECTRICAL

CONSTRUCTION SHALL COMPLY WITH  
ALL STATE AND LOCAL BUILDING CODES  
2020 INDIANA RESIDENTIAL CODE



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PLAN NO: 20-001  
DRAWN BY: MShrader  
DATE: 01/25/20  
01/25/20 - 01/25/20  
01/25/20 - 01/25/20  
01/25/20 - 01/25/20  
01/25/20 - 01/25/20  
01/25/20 - 01/25/20

COVER SHEET  
REMODEL OF:  
THE LOHMEYER RESIDENCE

**PERMIT SET**

SHEET NO.  
**1**



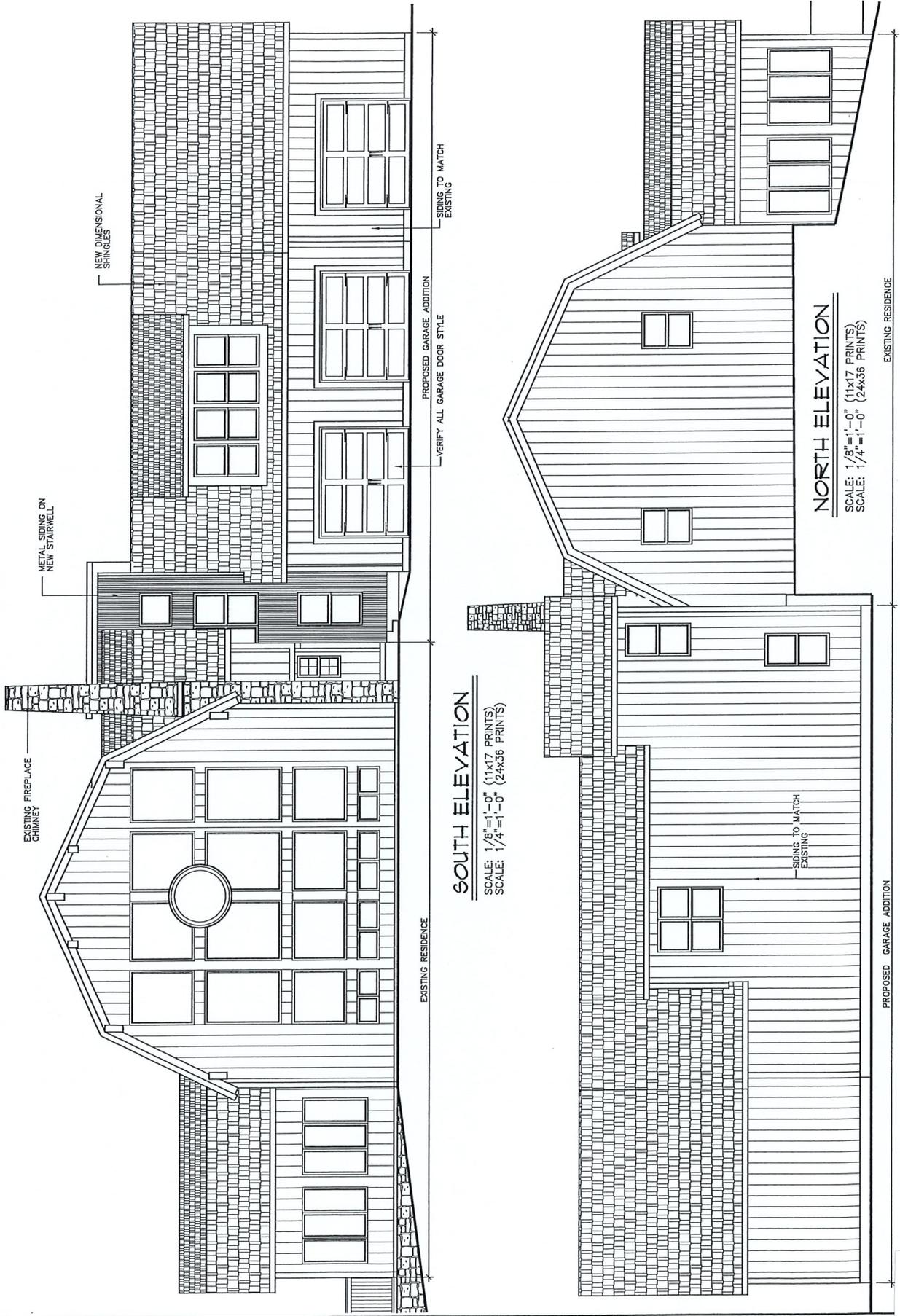
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PROJECT NUMBER: 20-001  
DRAWN BY: MShrader  
DATE:  
01/15/20 - SET DRAWING  
01/22/20 - REV. 01  
02/02/20 - REV. 02  
02/02/20 - REV. 03  
02/02/20 - REV. 04  
02/02/20 - REV. 05  
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02/02/20 - REV. 99  
02/02/20 - REV. 100

REMODEL OF:  
THE LOHMEYER RESIDENCE

**PERMIT SET**

SHEET NO.  
**2**



**SOUTH ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)

**NORTH ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)



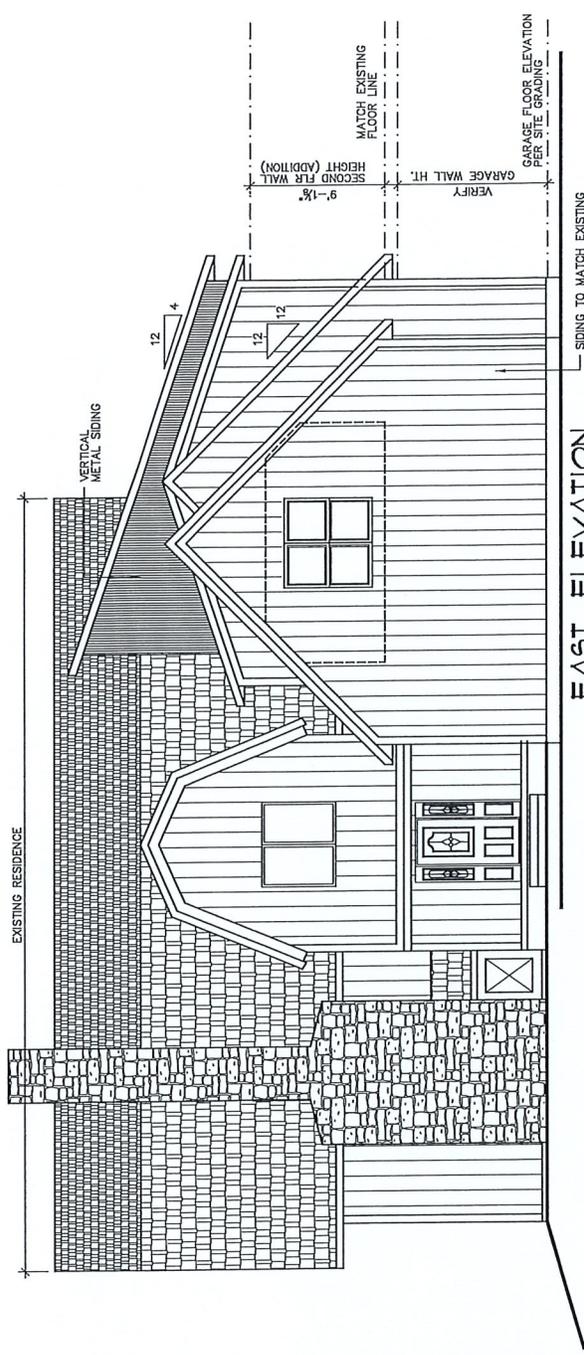
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NUMBER: 20-001  
 DRAWN BY: MShrader  
 DATE:  
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 012220-SET DRAFT  
 022220-SET DRAFT  
 032220-SET DRAFT  
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 122220-SET DRAFT

THE LOHMEYER RESIDENCE  
 REMODEL OF:

**PERMIT SET**

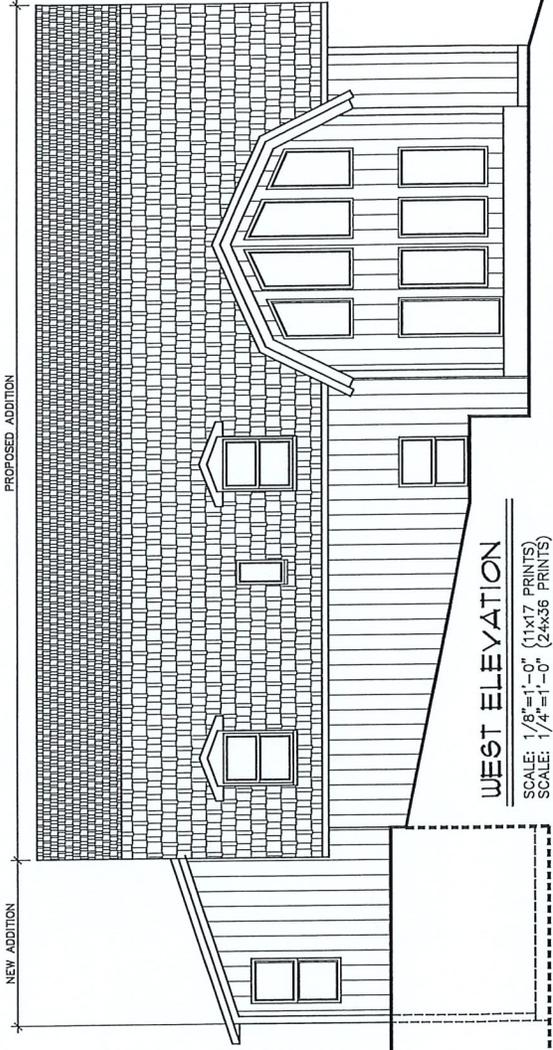
SHEET NO. **3**



**EAST ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

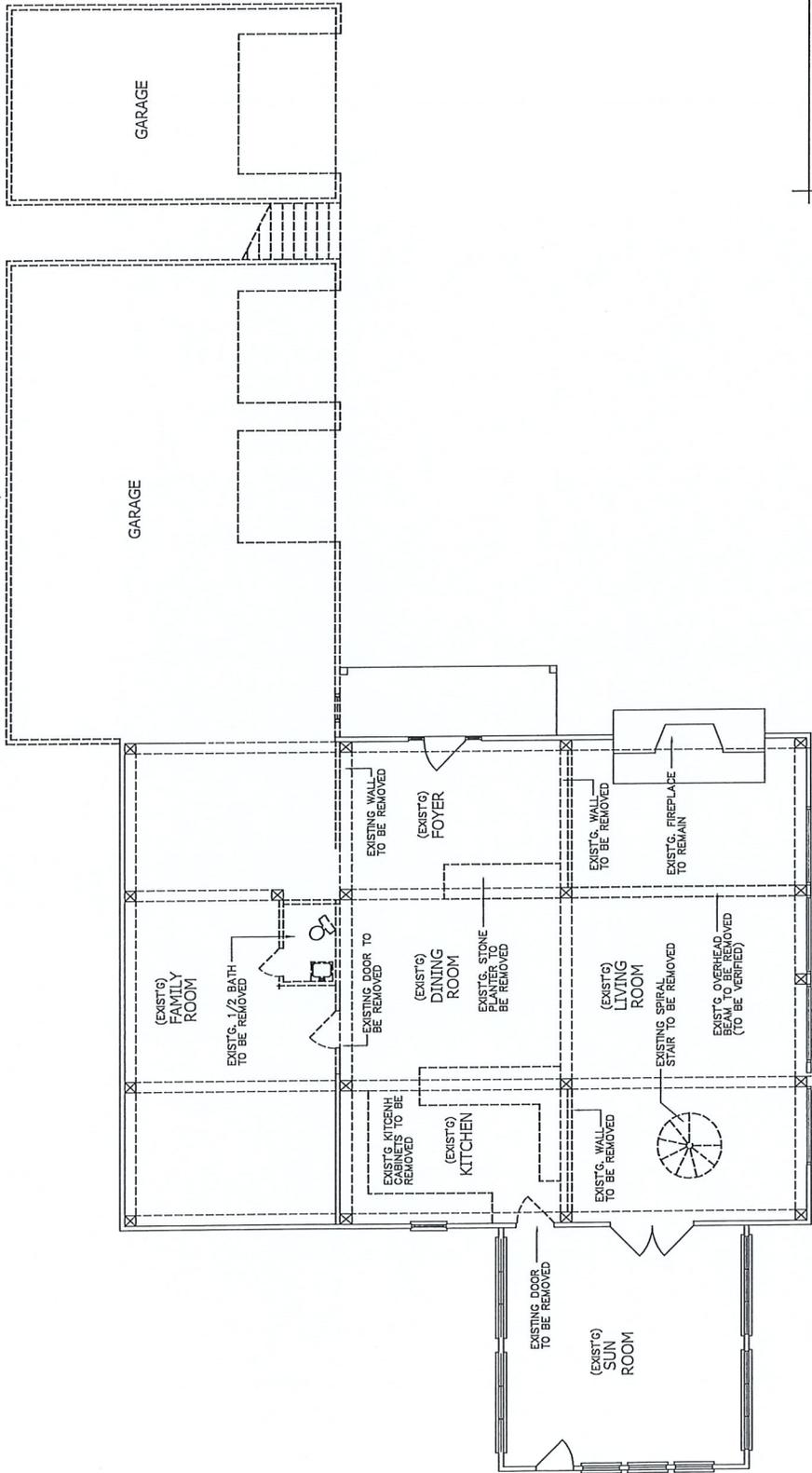
PROPOSED ADDITION



**WEST ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

NOTE: SEE CIVIL PLANS FOR ALL GRADING AND RETAINING WALL LOCATIONS AND DESIGN



**WALL LEGEND**

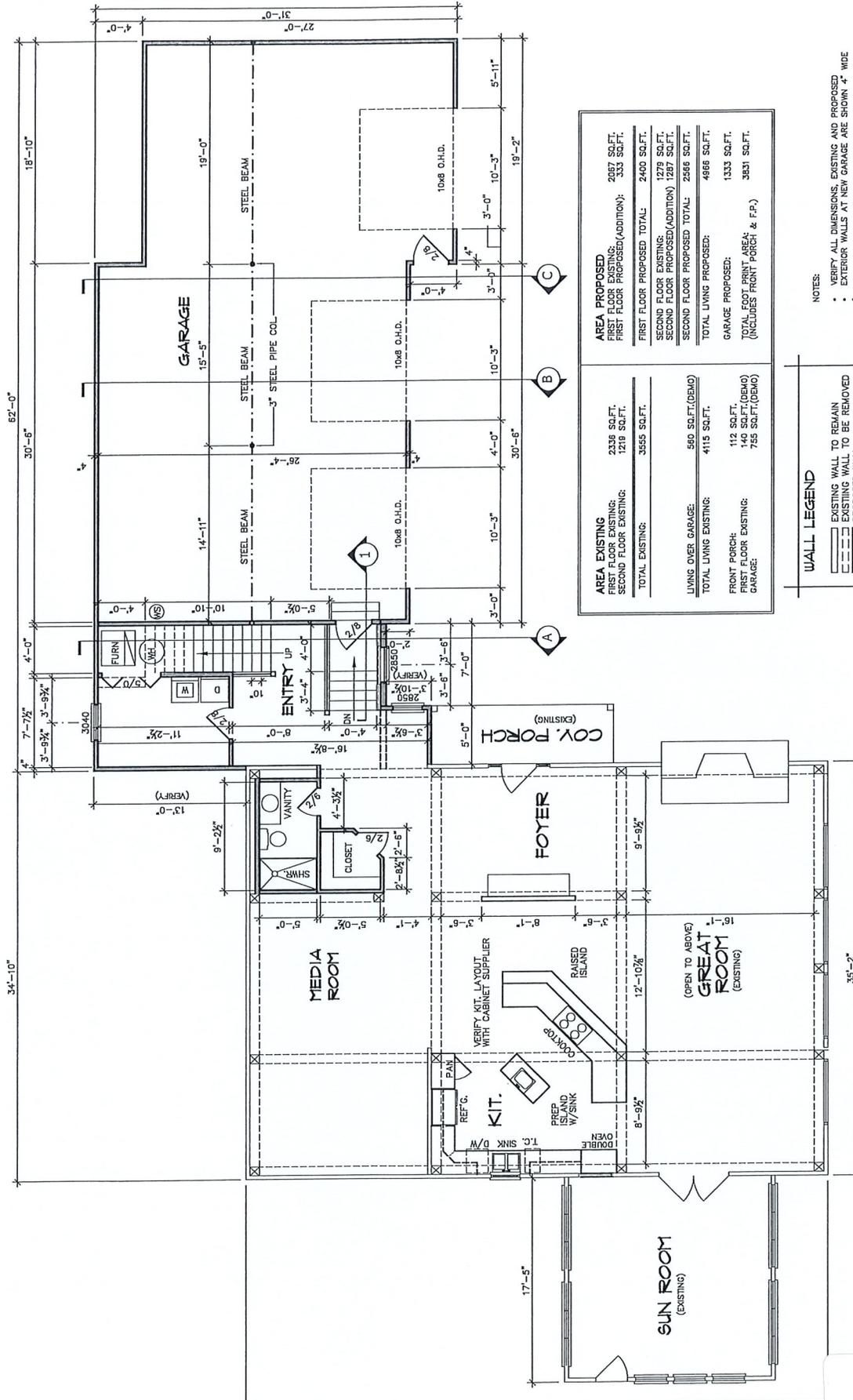
	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE REMOVED
	PROPOSED WALL
	BEARING WALL
	BRICK VENEER
	MASONRY/CONCRETE

**FIRST FLOOR -DEMO PLAN**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)







<b>AREA EXISTING</b>	2336 SQ.FT.	<b>AREA PROPOSED</b>	2057 SQ.FT.
FIRST FLOOR EXISTING:	1218 SQ.FT.	FIRST FLOOR EXISTING:	330 SQ.FT.
SECOND FLOOR EXISTING:	3555 SQ.FT.	FIRST FLOOR PROPOSED (ADDITION):	2400 SQ.FT.
TOTAL EXISTING:	5891 SQ.FT.	SECOND FLOOR EXISTING:	1279 SQ.FT.
		SECOND FLOOR PROPOSED (ADDITION):	1227 SQ.FT.
		TOTAL FLOOR PROPOSED:	4866 SQ.FT.
		TOTAL LIVING PROPOSED:	4866 SQ.FT.
		GARAGE PROPOSED:	1333 SQ.FT.
		TOTAL FOOT PRINT AREA:	3831 SQ.FT.
		(INCLUDES FRONT PORCH & F.P.)	

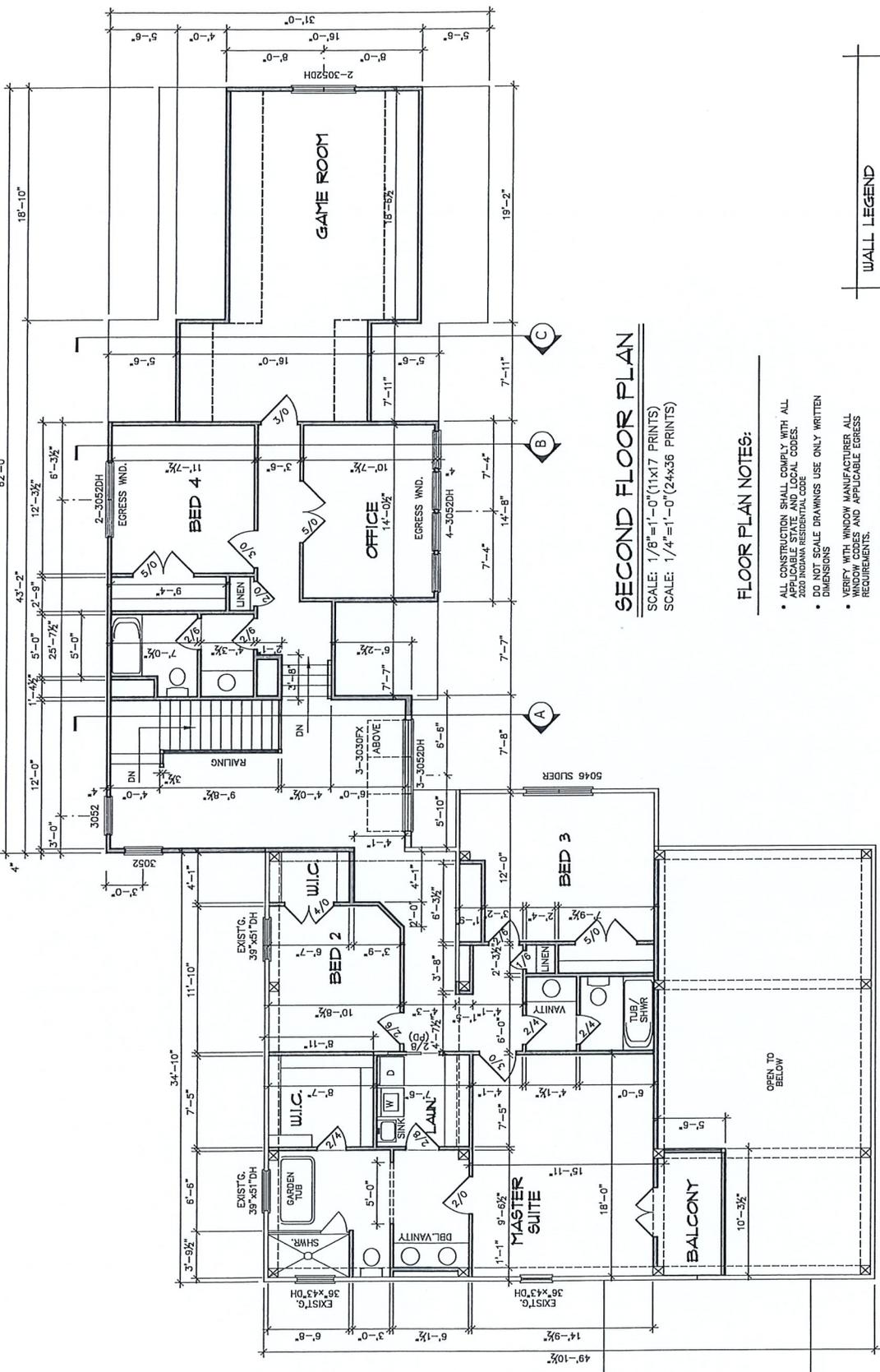
**WALL LEGEND**

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

NOTES:  
 VERIFY ALL DIMENSIONS, EXISTING AND PROPOSED  
 EXTERIOR WALLS AT NEW GARAGE ARE SHOWN 4" WIDE

**FIRST FLOOR PLAN**

SCALE: 1/8" = 1'-0" (11x17 PRINTS)  
 SCALE: 1/4" = 1'-0" (24x36 PRINTS)



**SECOND FLOOR PLAN**  
SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)

**FLOOR PLAN NOTES:**

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES.
- 2020 INDIANA RESIDENTIAL CODE
- DO NOT SCALE DRAWINGS USE ONLY WRITTEN DIMENSIONS
- VERIFY WITH WINDOW MANUFACTURER ALL WINDOW CODES AND APPLICABLE EGRESS REQUIREMENTS.
- ALL DIMENSIONS ARE TAKEN TO STUD LINE OR OUTSIDE SHEATHING UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
- CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS AND BEAM AND HEADER SIZES.
- VERIFY SHELVING LAYOUTS WITH SUPPLIER DRAWINGS.

**WALL LEGEND**

	EXISTING WALL TO REMAIN
	PROPOSED WALL TO BE REMOVED
	BEARING WALL
	BRICK VENEER
	MASONRY/CONCRETE

**PALLADIAN**  
CONCEPTUAL DESIGN

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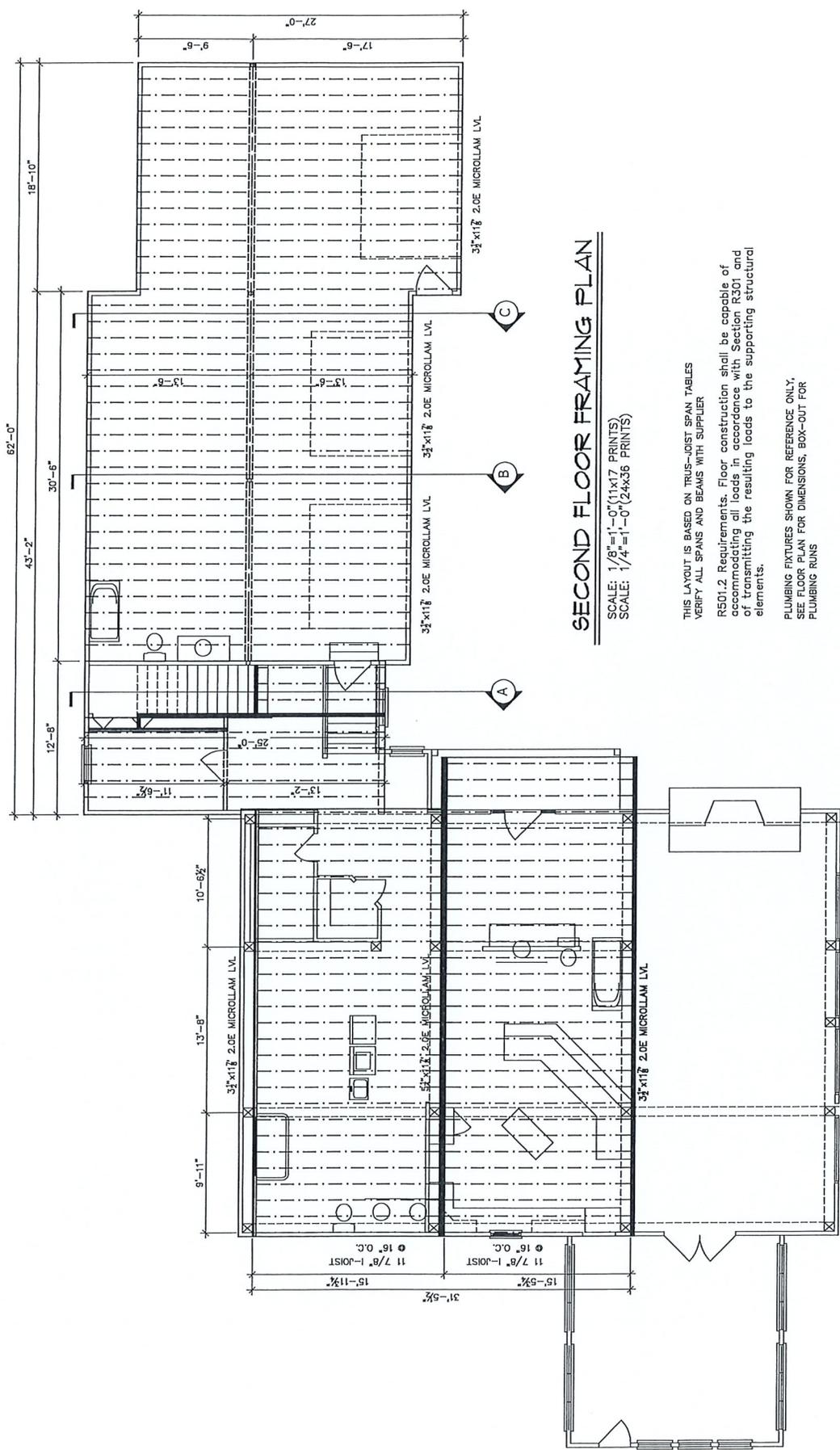
PLAN NO: 20-001  
DRAWN BY: MSchrader  
DATE:

REVISIONS:  
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3. 04/11/18 - 3RD DRAFT  
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20. 04/11/18 - 20TH DRAFT

REMODEL OF:  
THE LOMMEYER RESIDENCE

**PERMIT SET**

SHEET NO. **9**



**SECOND FLOOR FRAMING PLAN**  
SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)

THIS LAYOUT IS BASED ON TRUSS-JOIST SPAN TABLES  
VERIFY ALL SPANS AND BEAMS WITH SUPPLIER  
R501.2 Requirements. Floor construction shall be capable of  
accommodating all loads in accordance with Section R301 and  
of transmitting the resulting loads to the supporting structural  
elements.  
PLUMBING FIXTURES SHOWN FOR REFERENCE ONLY.  
SEE FLOOR PLAN FOR DIMENSIONS, BOX-OUT FOR  
PLUMBING RUNS



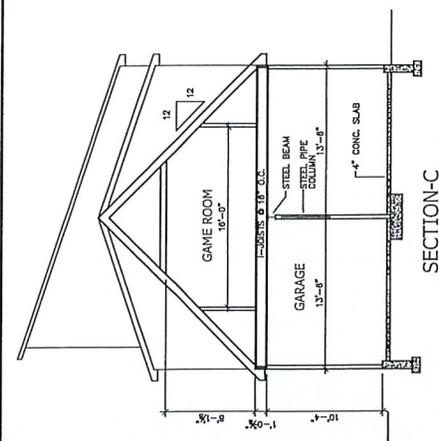
**Palladian Architecture**  
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PROJECT NO. 20-001  
 DRAWN BY: MShrader  
 DATE: 01/30/13  
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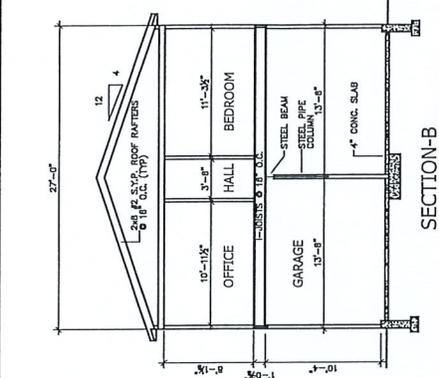
REMODEL OF:  
 THE LOMMEYER RESIDENCE

**PERMIT SET**

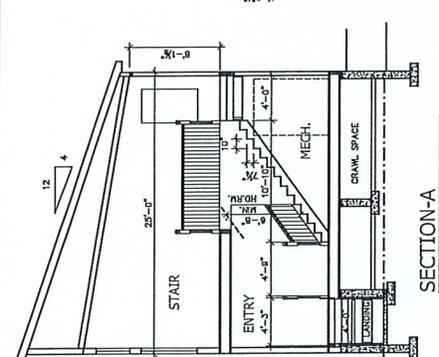
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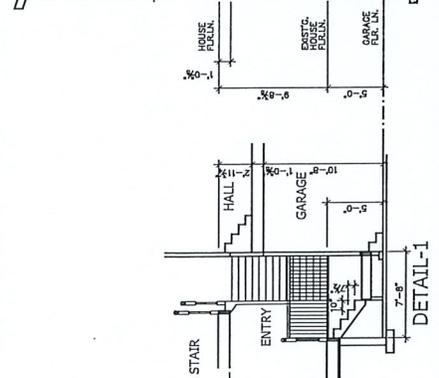
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 SCALE: 3/16" = 1'-0" (1/8" PRINTS)



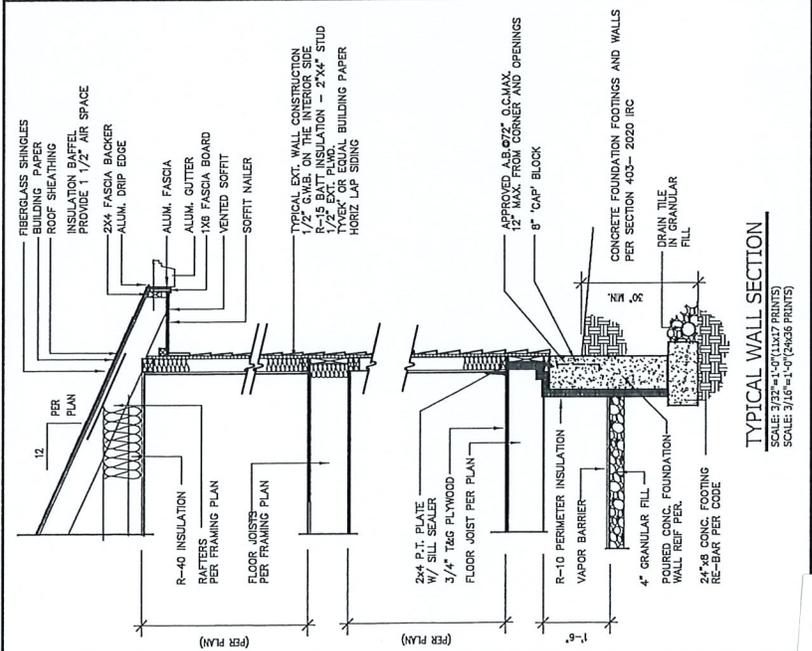
**SECTION-B**  
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 SCALE: 3/16" = 1'-0" (1/8" PRINTS)



**SECTION-C**  
 SCALE: 3/32" = 1'-0" (1/16" PRINTS)  
 SCALE: 3/16" = 1'-0" (1/8" PRINTS)



**DETAIL-1**



**TYPICAL WALL SECTION**  
 SCALE: 3/32" = 1'-0" (1/16" PRINTS)  
 SCALE: 3/16" = 1'-0" (1/8" PRINTS)

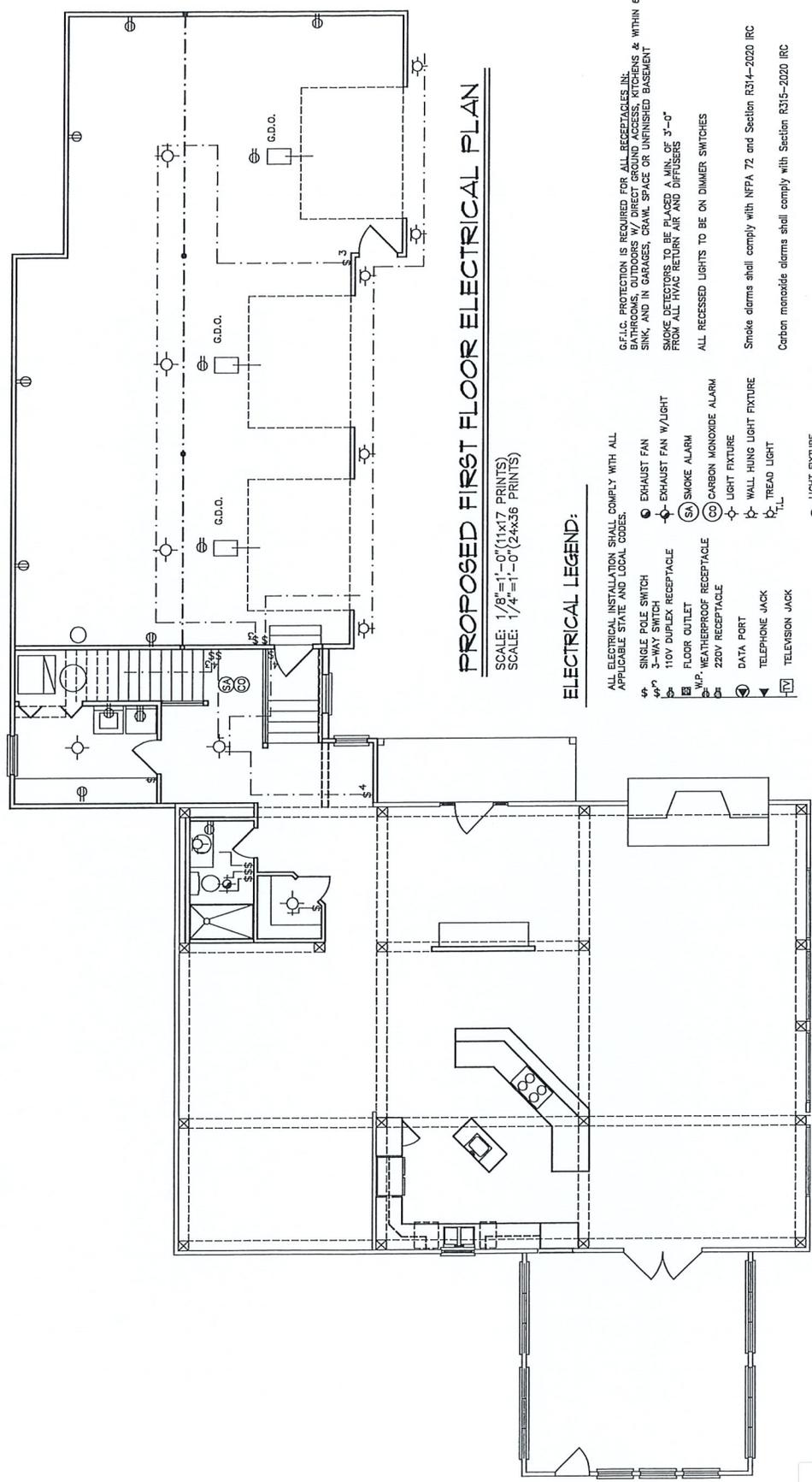


DATE: 03/20/11  
 DRAWN BY: MRShtader  
 CHECKED BY: MRShtader  
 PROJECT: 20-001  
 SHEET: 11

THE LOMMEYER RESIDENCE  
 REMODEL OF:

PERMIT SET

SHEET NO. 11



**PROPOSED FIRST FLOOR ELECTRICAL PLAN**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

**ELECTRICAL LEGEND:**

- ⚡ SINGLE POLE SWITCH
- ⚡ 3-WAY SWITCH
- ⚡ 110V DUPLEX RECEPTACLE
- ⚡ FLOOR OUTLET
- ⚡ W.P. WEATHERPROOF RECEPTACLE
- ⚡ 220V RECEPTACLE
- ⚡ DATA PORT
- ⚡ TELEPHONE JACK
- ⚡ TELEVISION JACK
- ⚡ CEILING FAN
- ⚡ FLOOD LIGHT
- ⚡ HEAT LAMP
- ⚡ THERMOSTAT
- ⚡ EXHAUST FAN
- ⚡ EXHAUST FAN W/LIGHT
- ⚡ SMOKE ALARM
- ⚡ CARBON MONOXIDE ALARM
- ⚡ LIGHT FIXTURE
- ⚡ WALL HUNG LIGHT FIXTURE
- ⚡ TREAD LIGHT
- ⚡ LIGHT FIXTURE
- ⚡ RECESSED LIGHT
- ⚡ PENDANT LIGHT (HANGING)
- ⚡ UNDER CABINET LIGHT
- ⚡ DOOR CHIME

G.F.I.C. PROTECTION IS REQUIRED FOR ALL RECEPTACLES IN BATHROOMS, OUTDOORS W/ DIRECT GROUND ACCESS, KITCHENS & WITHIN 6' OF SINK, AND IN GARAGES, CRAWL SPACE OR UNFINISHED BASEMENT  
 SMOKE DETECTORS TO BE PLACED A MIN. OF 3'-0" FROM ALL HVAC RETURN AIR AND DIFFUSERS  
 ALL RECESSED LIGHTS TO BE ON DIMMER SWITCHES  
 Smoke alarms shall comply with NFPA 72 and Section R314-2020 IRC  
 Carbon monoxide alarms shall comply with Section R315-2020 IRC



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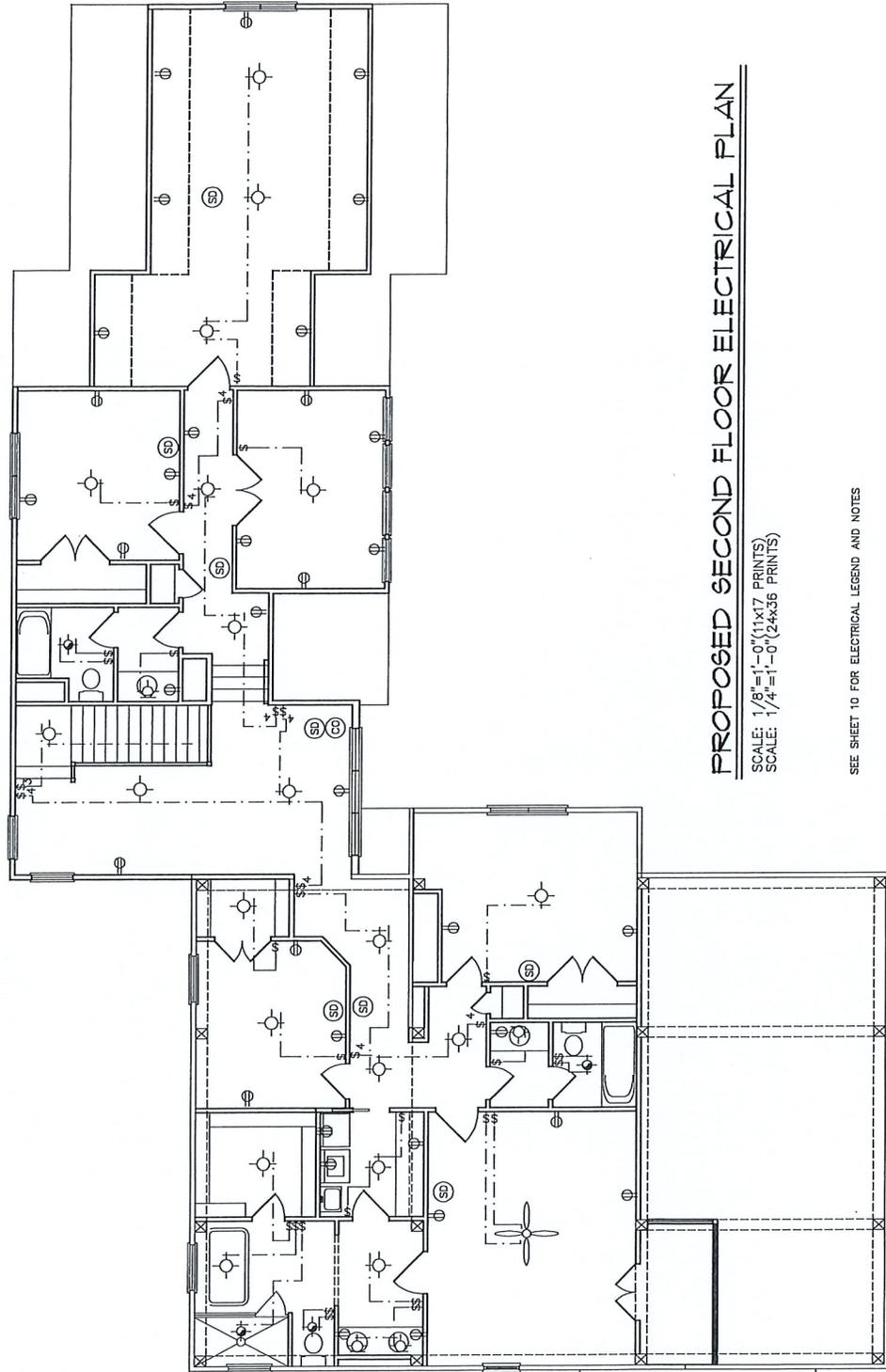
PLAN NO: 20-001  
 DRAWN BY: MShrader

DATE: 11/20/2017  
 PROJECT: REMODEL OF THE LOHMEYER RESIDENCE  
 DRAWING NO: 20-001-01  
 PROJECT NO: 20-001

REMODEL OF:  
 THE LOHMEYER RESIDENCE

**PERMIT SET**

SHEET NO.  
**12**



**PROPOSED SECOND FLOOR ELECTRICAL PLAN**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

SEE SHEET 10 FOR ELECTRICAL LEGEND AND NOTES

**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 request for a minimum side yard set back reduction to 11' does not impact any adjacent property owners because there are no other residential properties adjacent to the affected area on the 880 Starkey 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:  
**There will be no encroachment to the adjacent property which consists of a 40' wooded buffer and then a public walking trail.**
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:  
**The current zoning ordinance would preclude the ability to build any meaningful or significant improvements to the property.**

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

Exhibit 6



**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS

**Town of Zionsville**  
**Petition to the Board of Zoning Appeals**  
**Application Packet and General Instructions**

# Petition to the Board of Zoning Appeals

Docket # 2020-13-DSV

## 1. SITE INFORMATION:

Address of Property: 880 Starkey Avenue, Zionsville  
Existing Use of Property: Single Family Residence  
Proposed Use of Property: Single Family Residence  
Current Zoning: Open Land Urban Area in acres: 1.25

## 2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Matthew D Lohmeyer  
Owner Name (if different from Petitioner): Same  
Petitioner Address: 880 Starkey Avenue, Zionsville Owner Address: \_\_\_\_\_  
Petitioner Phone Number: 317 281-6787 Owner Phone Number: \_\_\_\_\_  
Petitioner E-Mail Address: matt@tristatefs.com Owner E-Mail Address: \_\_\_\_\_

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

### Attorney/Contact Person:

Name: N/A  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

### Project Engineer:

Name: N/A  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

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

Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification

Owner/Petitioner is requesting variance to allow for a reduction of the side yard setback minimum to allow for a garage and living space addition to existing residence. Current Ordinance allowance for Open Land Urban is a 50' Minimum and a 100' Aggregate Side Yard. Owner/Petitioner is requesting a variance to reduce the minimum side yard set back to accommodate an existing deck at 11.7' and a proposed home addition at 11' per the attached exhibit, and to reduce the aggregate side yard allowance to 22.7'.

## 5. ATTACHMENTS:

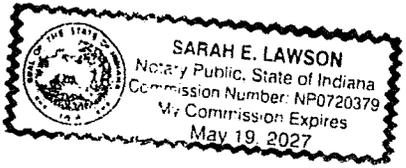
- |   |   |
|---|---|
| <input type="checkbox"/> Legal description of property                          | <input type="checkbox"/> Proof of Ownership (copy of Warranty Deed) |
| <input type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner) | <input type="checkbox"/> Site Plan & Exhibits                       |
| <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: [Signature] Date: 4/29/20

Signature of Owner or Attorney for Owner: \_\_\_\_\_ Date: \_\_\_\_\_

State of Indiana )  
County of Hamilton ) SS:



Subscribed and sworn to before me this 29th day of April, 2020

[Signature]  
Notary Public Signature

Sarah E Lawson  
Notary Public Printed

My Commission No: NP0720379

My Commission Expires: May 19, 2027

My County of Residence is Hamilton County

2020000747  
Electronic Filing  
From: Title Services, LLC  
Thru: Simplifile

2020000747 DEED \$25.00  
01/21/2020 10:57:01AM 3 PGS  
Nicole K. (Nikki) Baldwin  
Boone County Recorder  
Recorded as Presented



**COPIES**

31968

## WARRANTY DEED

THIS INDENTURE WITNESSETH, That **James F. Marshall and Shirley J. Marshall, husband and wife** ("Grantor") of Boone County, in the State of Indiana, CONVEYS AND WARRANTS to **Matthew D. Lohmeyer** ("Grantee") of Boone County, in the State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Boone County, in the State of Indiana:

*Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:*

*Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.*

*This conveyance is subject to all rights-of-way, easements, agreements, restrictions and limitations of record; and all real estate taxes due and payable after the date of this instrument.*

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

DULY ENTERED  
SUBJECT TO FINAL ACCEPTANCE

**AUDITOR**

BOONE COUNTY, INDIANA

*Heather R. Myers*

HEATHER R. MYERS

Jan 21 2020 - NW

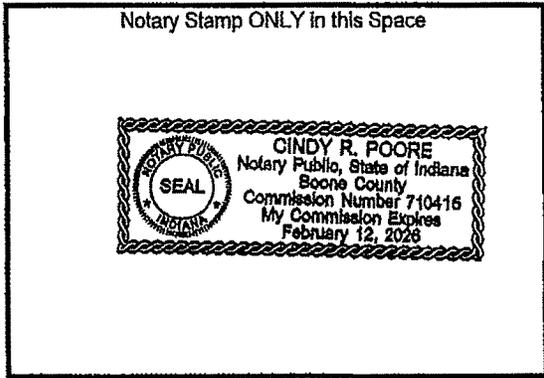
IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 10 day of January, 2020.

*James F. Marshall*  
\_\_\_\_\_  
James F. Marshall

STATE OF INDIANA )  
                                  )SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared **James F. Marshall**, who acknowledged the execution of the foregoing Warranty Deed, and who, being duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 10 day of January, 2020.

Notary Signature *Cindy R. Poore*  
Notary Printed Cindy R. Poore  
My Commission Expires: 2/12/26  
County of Residence: Boone



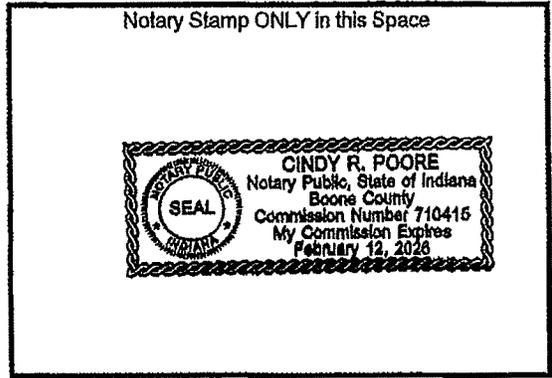
IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 10 day of January, 2020.

Shirley J. Marshall  
Shirley J. Marshall

COPY

STATE OF Indiana )  
COUNTY OF Boone )SS:

Before me, a Notary Public in and for said County and State, personally appeared **Shirley J. Marshall**, who acknowledged the execution of the foregoing Warranty Deed, and who, being duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 10 day of January, 2020.



Notary Signature Cindy R Poore  
Notary Printed Cindy R Poore  
My Commission Expires: 2/12/28  
County of Residence: Boone

Parcel No.: 019-10210-10 (State # 06-04-02-000-004.014-006)

- Send tax statements to Grantee's address (Common Address of Property): 880 Starkey Road, Zionsville, IN 46077
- Send tax statements to Grantee's Address: Boone

This instrument was prepared by: David A. Schmitz, Attorney at Law  
9201 N. Meridian Street, Suite 100, Indianapolis, IN 46260 (317) 571-6969

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 Linda S. Cline

## LAND DESCRIPTION

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

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 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, MATTHEW D. LOHMEYER, 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: MATTHEW D. LOHMEYER  
(NAME OF PERSON ON PETITION)  
Requesting: VARIANCE OF DEVELOPMENT STANDARDS  
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)  
For property located at: 880 STACKLEY AVE ZIONSVILLE, IN

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

OWNERS ADDRESS

*See attached List of Adjoiners*

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

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

MATTHEW D. LOHMEYER  
Name of person mailing letters

[Signature]  
Signature

State of INDIANA )

County of HAMILTON ) SS:

Subscribed and sworn to before me this 22 day of MAY, 2020.

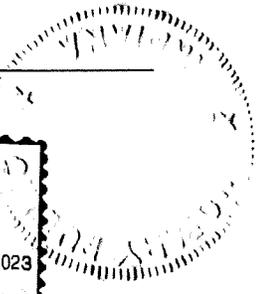
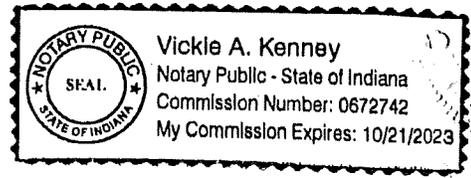
Vickie A. Kenney  
Notary Public Signature

Vickie A. Kenney  
Notary Public Printed

My Commission No: 0672742

My Commission Expires: 10-21-2023

My County of Residence is BOONE County



Attribute report for active ID 1

ID name	add1	add3
30714 LENNAR HOMES OF INDIANA INC	9025 N RIVER RD	INDIANAPOLIS, IN 46240
30908 TOWN OF ZIONSVILLE	1100 W OAK ST	ZIONSVILLE, IN 46077
30911 KAMM NICHOLAS PATRICK & CRYSTA	953 STARKEY RD	ZIONSVILLE, IN 46077
30919 WILSON DANIEL R & KATHRYN	900 STARKEY RD	ZIONSVILLE, IN 46077
30925 LOHMEYER MATTHEW D	880 STARKEY ROAD	ZIONSVILLE, IN 46077
30935 ZIONSVILLE BOARD OF PARKS & RE	410 W OAK ST	ZIONSVILLE, IN 46077

TRI-STATE  
UNIVERSITY SERVICE  
15170 River Road  
Noblesville, Indiana 46062

LENNER HOMES OF INDIANA  
9025 N. RIVER ROAD SUITE 100  
INDIANAPOLIS, IN 46240

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

DANIEL R & KATHLEEN WILSON  
9100 STARKEY RD.  
ZIONSVILLE, IN 46077

ZIONSVILLE BOARD OF PARKS & RECREATION  
410 N. OAK ST.  
ZIONSVILLE, IN 46077

NEW NEIGHBOR  
890 STARKEY AVE.  
ZIONSVILLE, IN 46077

PATRICIA & CRYSTA KAMM NICKS  
953 STARKEY RD.  
ZIONSVILLE, IN 46077

May 19, 2020

RE: 880 Starkey Avenue Improvements

Subject: Zionsville Board of Zoning Appeals Variance Request

Dear Neighbor,

My Name is Matt Lohmeyer and I live at 880 Starkey Avenue (the barn house). I purchased my home in January of this year from Mr. and Mrs. Marshall. It has been my intent to renovate and to update the home that Mr. and Mrs. Marshall enjoyed for the better part of 40 years.

My current plan is to gut the interior of the home and to modernize it while respecting the nature and structure of the hand-hewn beam components. Additionally, I intend to remove the garage structure and to build a new, larger, garage and living space that will allow for better flow from inside the home and for a better overall home for me and my children to live in.

The request for variance that I seek from the BZA is two-pronged. First, I am seeking a variance that allows for a reduction in the side-yard setback for the existing deck location (nothing changes here) as well as the side-yard setback for the new northeast corner of the garage (for the proposed addition). The attached exhibit illustrates these two reduced dimensions. Additionally, I am seeking a variance for the aggregate setback to be reduced. This seems to be a formality, to me, that allows for the first variance request above to be allowed by Town Ordinance.

I am happy to discuss any or all of this with each of you. Under current circumstance, I am offering to chat on the lawn, over the phone (317 281-6787), or to email exchange at [matt@tristatefs.com](mailto:matt@tristatefs.com). Additionally, I am happy to share the floor plans with you (can be emailed) so that you can better understand the extent of the investment for the project that I would like to undertake with my home.

I welcome any questions and look forward to meeting each of you as weather and other factors allow.

Best Regards,

Matt Lohmeyer

880 Starkey Avenue

317 281-6787

[matt@tristatefs.com](mailto:matt@tristatefs.com)

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**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,

June 3, 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:

#2020-13-DSV, Matthew D Lohmeyer requests a  
(PETITION NUMBER) (NAME OF PETITIONER)

Variance of Development Standards to provide for or permit:  
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

**2020-13-DSV M. Lohmeyer – project description for noticing**

Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which:

- 1) Deviates from the required side yard setback (new improvement)
- 2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement)

in the Urban Open Land Zoning District (OL).

The property involved is more commonly known as: 880 Starkey Avenue, Zionsville,  
and is legally described as: (COMMON ADDRESS)

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

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

A copy of the Petition for Variance of Development Standards, 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 Variance of Development Standards  
(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](mailto: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: \_\_\_\_\_

BOONE COUNTY

# public notices

Make sure you're in the know when it comes to your community, city, county, schools and more.

## Public Notices

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

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

Luckey  
STATE OF INDIANA  
COUNTY OF BOONE  
SS: IN THE BOONE SUPERIOR COURT  
CAUSE NO.  
06D01-2005-EU-000059  
IN THE MATTER OF THE UNSUPERVISED ESTATE OF VERLIN E. LUCKEY, Deceased.  
NOTICE OF UNSUPERVISED ADMINISTRATION

Notice is given that RHONDA DEEM was, on May 5, 2020, appointed Personal Representative of the ESTATE OF VERLIN E. LUCKEY, deceased, who died on the 24th day of April, 2020. The Personal Representative is authorized to administer the estate without Court supervision.

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

Dated: May 5, 2020  
/s/ Jessica J. Fouts  
Clerk,  
Boone Superior Court No. 1  
Chris L. Shelby, #123-06  
SHELBY LAW, PC  
116 N. West Street  
P.O. Box 743  
Lebanon, IN 46052  
Telephone: (765) 482-1370  
Facsimile: (765) 482-9065  
TLR-287 5/23, 6/30 hspaxlp

## Public Notices

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

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

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

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

Eaton  
STATE OF INDIANA  
IN THE BOONE CIRCUIT COURT  
SS: COUNTY OF BOONE  
CAUSE NUMBER  
06C01-2005-JT-000205  
IN THE MATTER OF THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP:  
TG-DOB 6/24/2015  
AND  
BRITTANY ANN GOLDEN (MOTHER)  
ANTONIO EATON (FATHER)  
SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF TERMINATION OF PARENTAL RIGHTS HEARING

TO:  
ANTONIO EATON  
Whereabouts unknown  
NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed a Petition for Involuntary Termination of your Parental Rights, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052 - 765-482-0530 for a(n) Initial Hearing on 6/8/2020 at 8:30 AM, and to answer the Petition for Termination of your Parental Rights of said child.

You are further notified that if the allegations in said petition are true, and/or if you fail to appear at the hearing, the Juvenile Court may terminate your parent-child relationship; and if the Court terminates your parent-child relationship you will lose all parental rights, powers, privileges, immunities, duties and obligations including any rights to custody,

continued next column

## Public Notices

control, visitation, or support in said child; and if the Court terminates your parent-child relationship, it will be permanently terminated, and thereafter you may not contest an adoption or other placement of said child.

You are entitled to representation by an attorney, provided by the State if applicable, throughout these proceedings to terminate the parent-child relationship.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, adjudication on said petition and termination of your parental rights may be entered against you, in your absence, without further notice.

Jessica J. Fouts  
Clerk  
Zahra Ayoubi, #34351-29  
Attorney, Indiana Department of Child Services  
Department of Child Services  
1614 North Lebanon St.  
Lebanon, IN 46052  
FAX: 317 232-1803  
Office: 765 482-3023  
TLR-262 5/16, 23, 30 hspaxlp

## NOTICE OF DISSOLUTION OF BOONE COUNTY ELECTRIC INC. AND NOTICE TO THE CREDITORS OF BOONE COUNTY ELECTRIC INC.

Lebanon, Boone County, Indiana  
NOTICE IS HEREBY GIVEN, pursuant to Section 23-1-45-7 of the Indiana Code, that Boone County Electric Inc., an Indiana corporation having its principal place of business at 2607 Viceroy Ln., Lebanon, IN 46052, has been dissolved by resolution adopted by its members, effective April 22, 2020.

All persons who may have a claim against Boone County Electric Inc. are hereby notified to present their claims in writing to Boone County Electric Inc., Attn: William Zimmerman, 2607 Viceroy Ln., Lebanon, IN 46052. The written claim should include the claimant's name, address, telephone number, the amount(s) claimed, the date(s) and any description of services and/or products provided to Boone County Electric Inc.

All claims against Boone County Electric Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

TLR-286 5/23 hspaxlp 1643080

## Public Notices

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

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

Huckleberry  
STATE OF INDIANA  
IN THE BOONE CIRCUIT COURT  
SS: COUNTY OF BOONE  
CAUSE NUMBER:  
06C01-1904-JC-000131  
IN THE MATTER OF:  
JW - DOB 7/17/2013  
A CHILD ALLEGED TO BE  
A CHILD IN NEED OF SERVICES  
AND  
CHARLES HUCKLEBERRY  
(BIOLOGICAL FATHER)  
KAYLA WARMOTH  
(BIOLOGICAL MOTHER)  
TO: Charles Huckleberry  
Whereabouts unknown  
SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052 - 765-482-0530 for a(n) Review Hearing on 8/17/2020 at 9:00 AM. At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider

continued next column

## Public Notices

(1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default may be entered against you, or the court may proceed in your absence, without further notice.

/s/ Jessica J Fouts  
Clerk  
Zahra Ayoubi, #34351-29  
Attorney, Indiana Department of Child Services  
Department of Child Services  
1614 North Lebanon St.  
Lebanon, IN 46052  
FAX: 317232-1803  
Office: 765 482-3023  
TLR-289 5/23, 30, 6/6 hspaxlp

## 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, June 3, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: #2020-13-DSV. Matthew D Lohmeyer requests a Variance of Development Standards to provide for or permit:

2020-13-DSV M. Lohmeyer - project description for noticing Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which:

- 1) Deviates from the required side yard setback (new improvement)
- 2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement) in the Urban Open Land Zoning District (OL).

The property involved is more commonly known as: 880 Starkey Avenue, Zionsville, and is legally described as:

Part of the East Half of the Southwest Quarter of Section 2,

continued next column

## Public Notices

Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

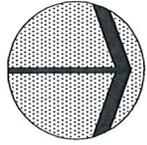
Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

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 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 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.

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-288 5/23 hspaxlp 1643110



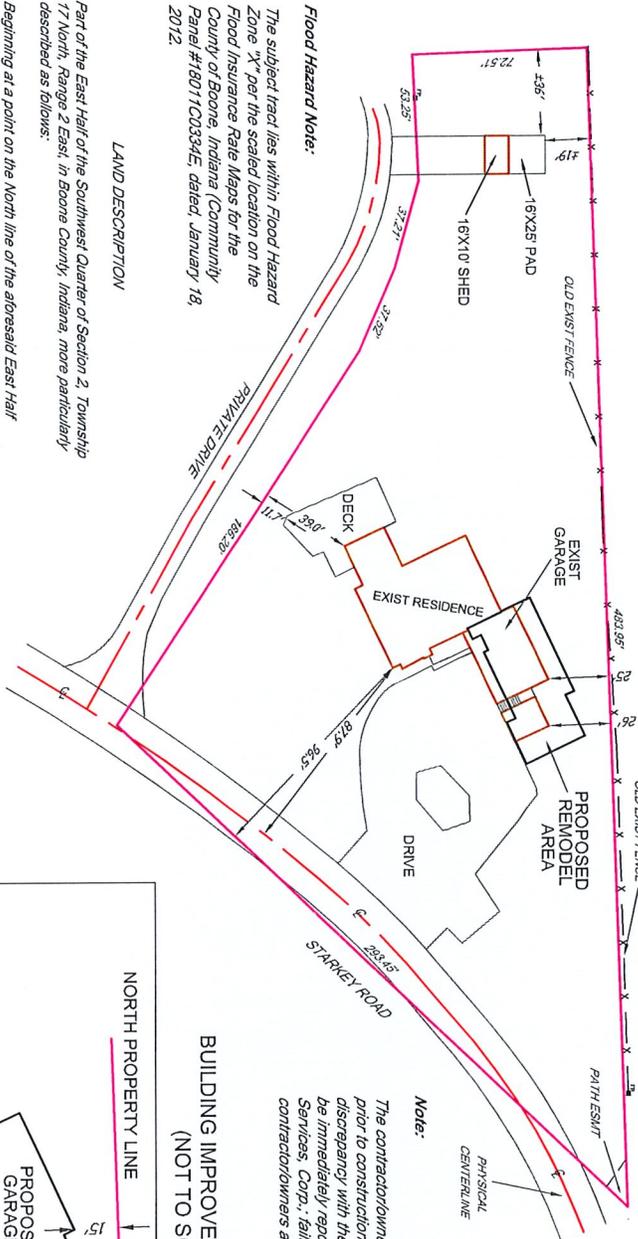
Assumed North  
Scale: 1" = 50'

**Note:**

Unless otherwise stated hereon, no information pertaining to but not limited to, fluctuating water table elevations, soil types, and conditions within the building areas of this development have been provided and/or referenced on said documents. With the excavations of the proposed structure foundations, certain care and observations should be made in regard to such conditions as soil types and fluctuating water tables. During the excavation process should any unsuitable soils or ground water be witnessed, the builder shall be immediately notified for further examination and consultation. At the builders discretion, additional construction techniques may be necessary to alleviate future problems.

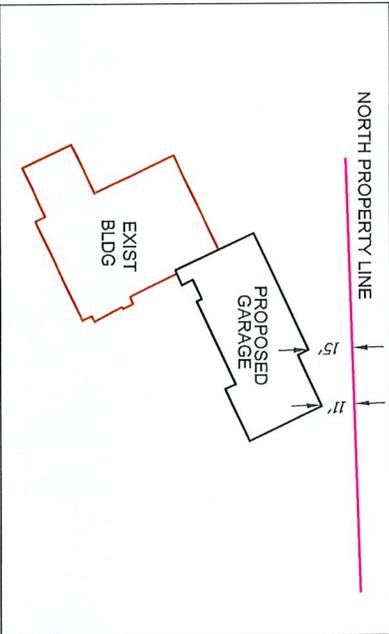
**LOT COVERAGE**

TOTAL AREA PER DEED = 454,498 SF (1.25 AC)
EXISTING STRUCTURE = 41,201 SF (RESIDENCE, GARAGE, DECK)
EXISTING SHED/PAD = 4,400 SF
EXISTING COVERAGE = 48.44%
PROPOSED IMPROVEMENTS = 44,786 SF (RESIDENCE, GARAGE, DECK)
EXISTING SHED/PAD = 4,400 SF
PROPOSED COVERAGE = 49.52%



**Note:**  
The contractor/owner should verify existing conditions prior to construction. Any varying field conditions or any discrepancy with the information contained hereon should be immediately reported to COOR Consulting & Land Services, Corp.; failure to do so would result in the contractor/owners assumption of liability.

**BUILDING IMPROVEMENTS DETAIL  
(NOT TO SCALE)**



**LAND DESCRIPTION**

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

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 45 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

**ZONING: OPEN LAND URBAN (O-1)**

**Note:**

This document has been prepared for the benefit of the parties indicated hereon, for the express use of obtaining a residential building permit. Reference to foundation and/or architectural plans for building specifics.



303 WEST MAIN STREET KNIGHTSTOWN, INDIANA  
 (888) 593-2667 (765) 345-5943 FAX#: (765) 345-5692  
 DATE: 05/15/20 JOB #2020-004 REVISIONS: 5

PART E 1/2 - SW 1/4  
 SEC 02-T17N-R02E  
 ±1.25 ACRES  
 PARCEL  
 #06-04-02-000-004.014-006  
 880 STARKEY ROAD  
 ZIONSVILLE, IN 46077  
 EAGLE TWP, BOONE CTY

**SITE EXHIBIT**  
 Prepared For:  
**MATT LOHMEYER**

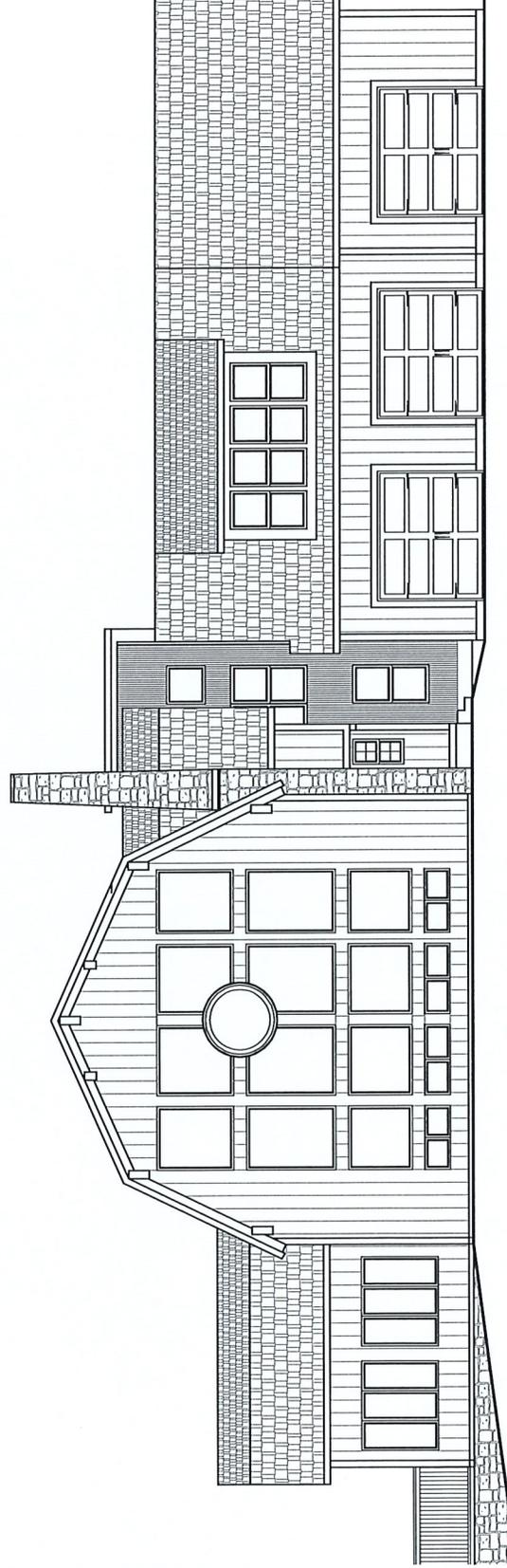
# REMODEL OF THE: LOHMEYER RESIDENCE

880 STARKEY RD. ZIONSVILLE, IN 46077

## SHEET INDEX

1. COVER SHEET
2. ELEVATIONS
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7. FIRST FLOOR PLAN
8. SECOND FLOOR PLAN
9. FLOOR FRAMING PLAN
10. DETAILS
11. FIRST FLOOR ELECTRICAL
12. SECOND FLOOR ELECTRICAL

CONSTRUCTION SHALL COMPLY WITH  
ALL STATE AND LOCAL BUILDING CODES  
2020 INDIANA RESIDENTIAL CODE



COVER SHEET  
REMODEL OF:  
THE LOHMEYER RESIDENCE

**PERMIT  
SET**

SHEET NO.

**1**



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EQUAL OPPORTUNITY AFFIRMATIVE ACTION  
EMPLOYER.

PLAN NO. 20-001  
DRAWN BY: MSrtrader  
DATE:  
DESIGN SET READY  
CHECKED AND OKAY  
DATE: 11-11-2020  
OWNER: STARKEY RD. ZIONSVILLE, IN  
PROJECT: REMODEL OF THE LOHMEYER RESIDENCE  
SHEET: COVER SHEET - PERMIT SET









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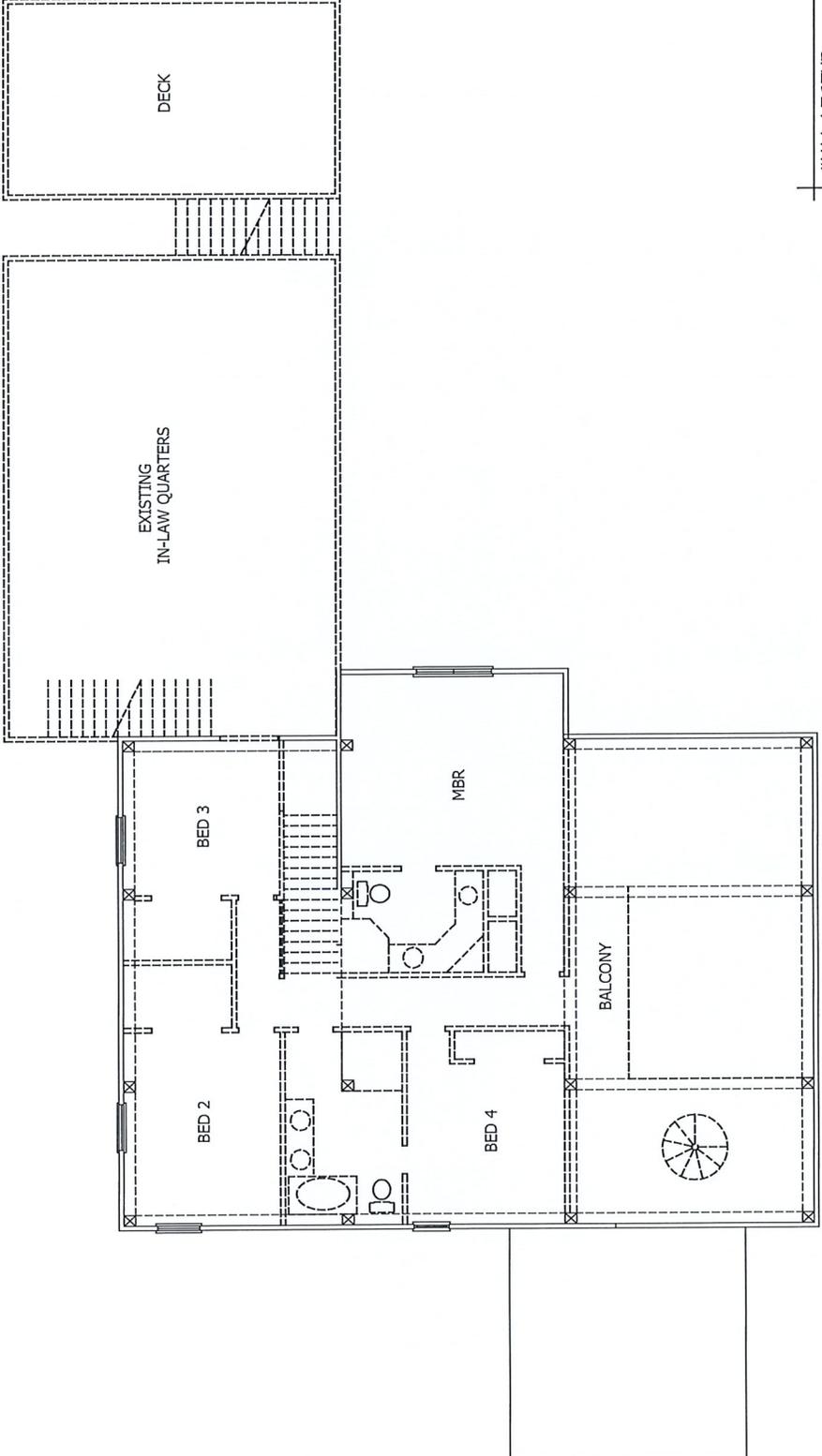
PLAN NUMBER: 20-001  
 DRAWN BY: MShrader  
 DATE:

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REMODEL OF:  
 THE LOHMEYER RESIDENCE

**PERMIT SET**

SHEET NO. **5**



**WALL LEGEND**

[Solid line]	EXISTING WALL TO REMAIN
[Dashed line]	EXISTING WALL TO BE REMOVED
[Dotted line]	NEW WALL
[Horizontal lines]	BRICK VENEER
[Vertical lines]	MASONRY/CONCRETE

**SECOND FLOOR DEMO PLAN**  
 SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)



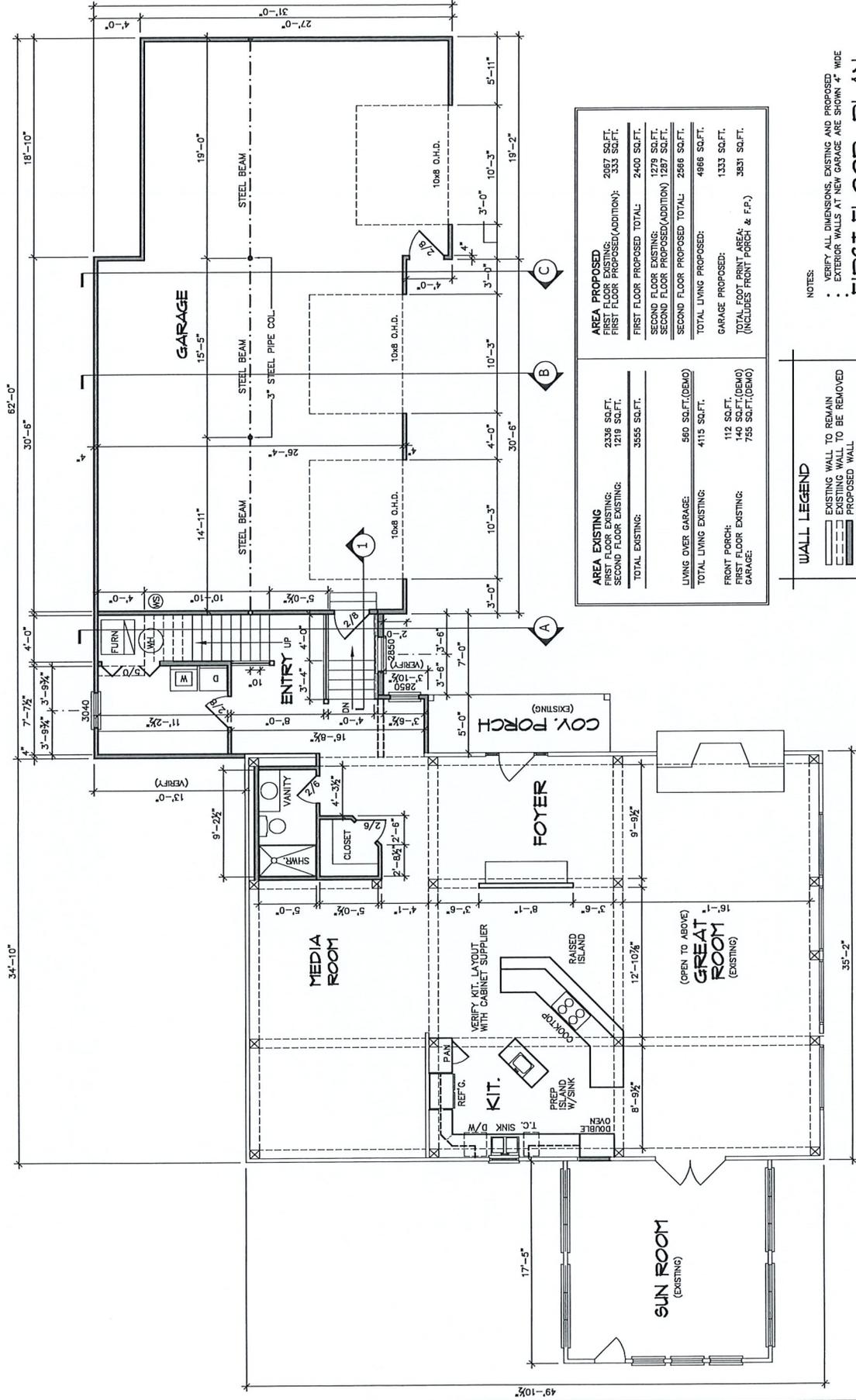
THIS SET OF ARCHITECTURAL DRAWINGS IS THE PROPERTY OF PALLADIUM ARCHITECTURAL DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS SET OF DRAWINGS IS TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PALLADIUM ARCHITECTURAL DESIGN. ANY SUCH REPRODUCTION OR TRANSMISSION WITHOUT THE WRITTEN PERMISSION OF PALLADIUM ARCHITECTURAL DESIGN IS STRICTLY PROHIBITED.

PLAN No. 20-001  
 DRAWING BY: MShrader  
 DATE: 01/20/2010  
 01/20/2010 - 2ND DRAFT  
 01/20/2010 - 3RD DRAFT  
 01/20/2010 - 4TH DRAFT  
 01/20/2010 - 5TH DRAFT  
 01/20/2010 - 6TH DRAFT  
 01/20/2010 - 7TH DRAFT  
 01/20/2010 - 8TH DRAFT

REMODEL OF:  
 THE LOHMEYER RESIDENCE

**PERMIT SET**

SHEET NO.  
**7**



AREA EXISTING		AREA PROPOSED	
FIRST FLOOR EXISTING:	2338 SQ.FT.	FIRST FLOOR EXISTING:	2687 SQ.FT.
SECOND FLOOR EXISTING:	1219 SQ.FT.	FIRST FLOOR PROPOSED (ADDITION):	333 SQ.FT.
TOTAL EXISTING:	3557 SQ.FT.	FIRST FLOOR PROPOSED TOTAL:	2400 SQ.FT.
LIVING OVER GARAGE:	560 SQ.FT.(DEMO)	SECOND FLOOR EXISTING:	1279 SQ.FT.
TOTAL LIVING EXISTING:	4115 SQ.FT.	SECOND FLOOR PROPOSED (ADDITION):	1287 SQ.FT.
FRONT PORCH:	112 SQ.FT.	SECOND FLOOR PROPOSED TOTAL:	2566 SQ.FT.
FIRST FLOOR EXISTING:	748 SQ.FT.(DEMO)	TOTAL LIVING PROPOSED:	4866 SQ.FT.
GARAGE:	755 SQ.FT.(DEMO)	GARAGE PROPOSED:	1333 SQ.FT.
		TOTAL FIRST FLOOR AREA (INCLUDES FRONT PORCH & F.P.):	3831 SQ.FT.

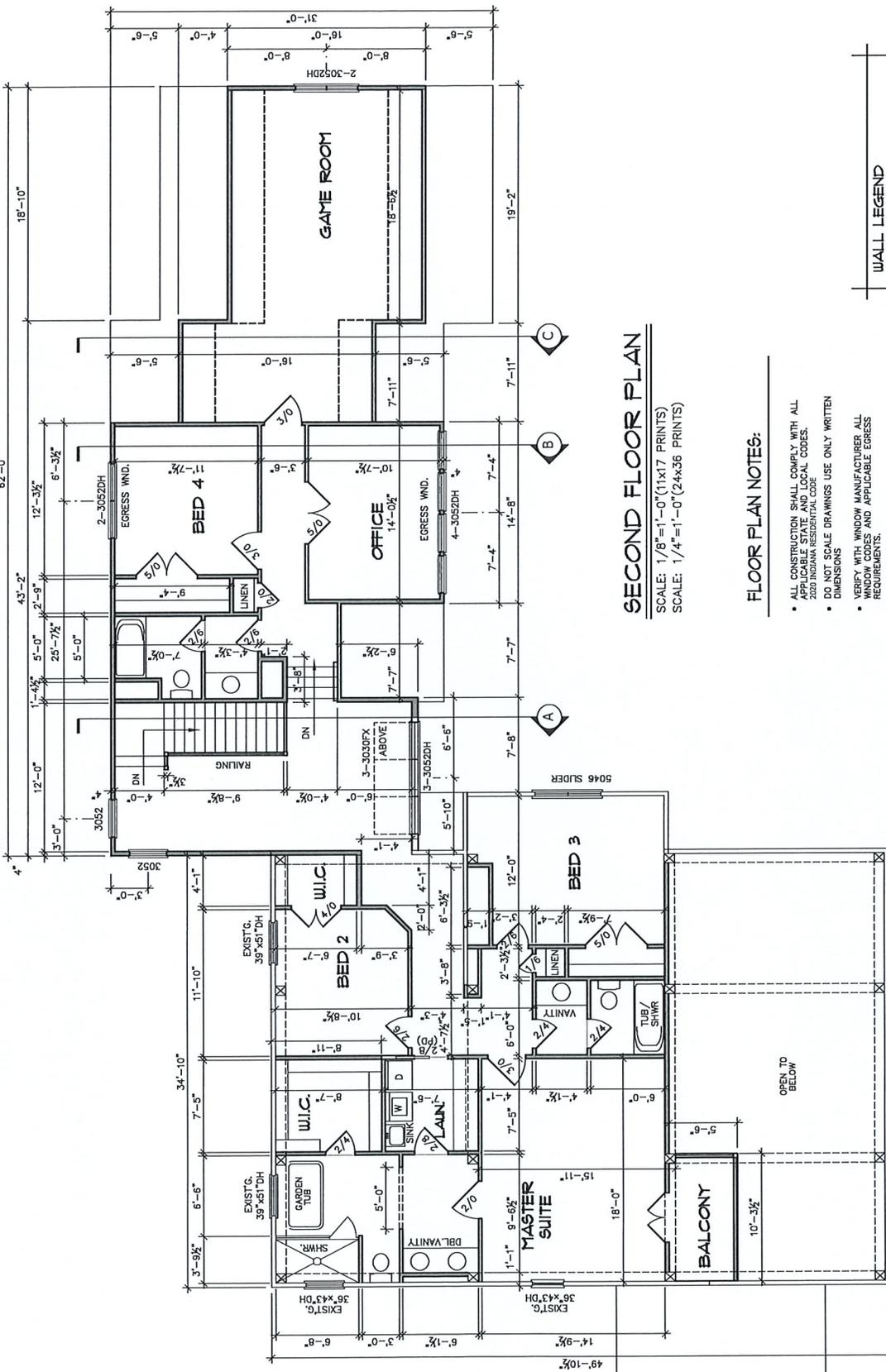
NOTES:  
 . VERIFY ALL DIMENSIONS. EXISTING AND PROPOSED  
 . EXTERIOR WALLS AT NEW GARAGE ARE SHOWN 4" WIDE

**FIRST FLOOR PLAN**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

**WALL LEGEND**

[Symbol]	EXISTING WALL TO REMAIN
[Symbol]	EXISTING WALL TO BE REMOVED
[Symbol]	PROPOSED WALL
[Symbol]	CONCRETE WALL
[Symbol]	BRICK VENEER
[Symbol]	MASONRY/CONCRETE



**SECOND FLOOR PLAN**

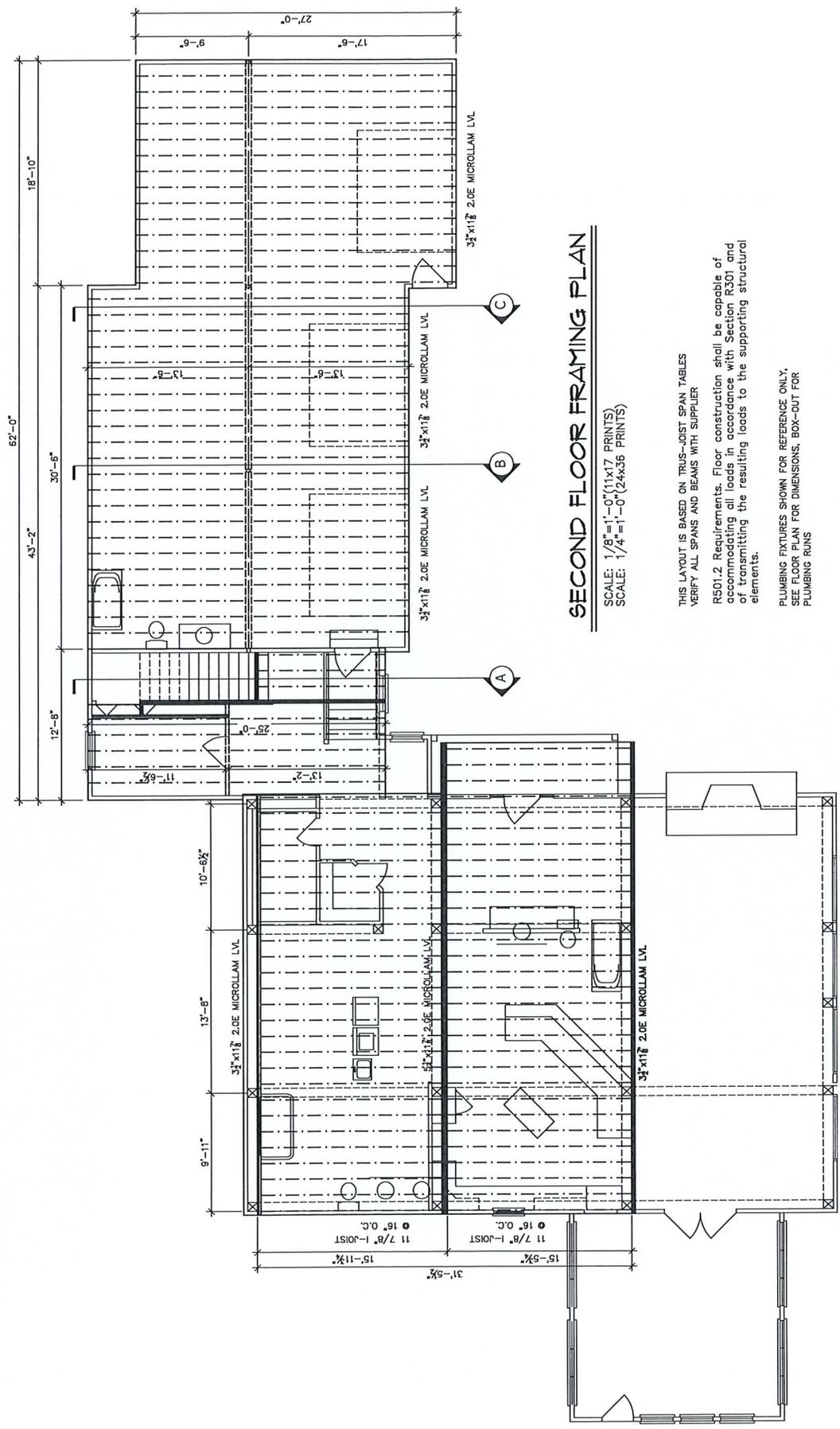
SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

**FLOOR PLAN NOTES:**

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES, 2020 INDIANA RESIDENTIAL CODE
- DO NOT SCALE DRAWINGS USE ONLY WRITTEN DIMENSIONS
- VERIFY WITH WINDOW MANUFACTURER ALL WINDOW CODES AND APPLICABLE EGRESS REQUIREMENTS.
- ALL DIMENSIONS ARE TAKEN TO STUD LINE OR OUTSIDE SHEATHING UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
- CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS AND BEAM AND HEADER SIZES.
- VERIFY SHELVING LAYOUTS WITH SUPPLIER DRAWINGS.

**WALL LEGEND**

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED WALL
- REINFORCED CONCRETE
- MASONRY/CONCRETE



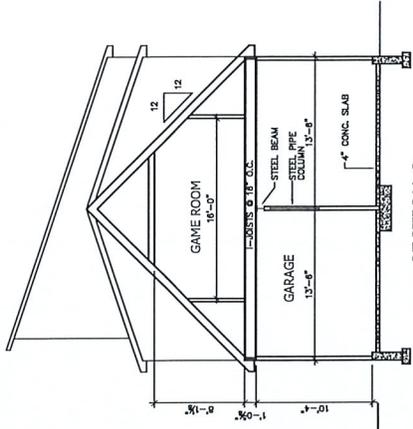
**SECOND FLOOR FRAMING PLAN**

SCALE: 1/8" = 1'-0" (11x17 PRINTS)  
SCALE: 1/4" = 1'-0" (24x36 PRINTS)

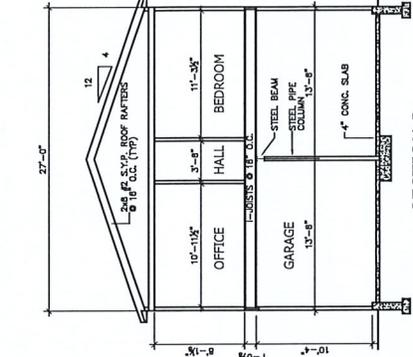
THIS LAYOUT IS BASED ON TRUS-JOIST SPAN TABLES  
VERIFY ALL SPANS AND BEAMS WITH SUPPLIER

R501.2 Requirements. Floor construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting structural elements.

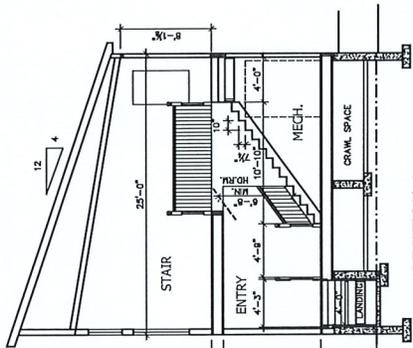
PLUMBING FIXTURES SHOWN FOR REFERENCE ONLY.  
SEE FLOOR PLAN FOR DIMENSIONS, BOX-OUT FOR PLUMBING RUNS



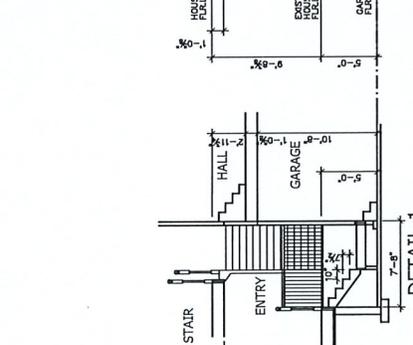
**SECTION-C**  
SCALE: 3/32" = 1'-0" (1/4" = 1'-0") (24/36 PRINTS)  
SCALE: 3/16" = 1'-0" (24/36 PRINTS)



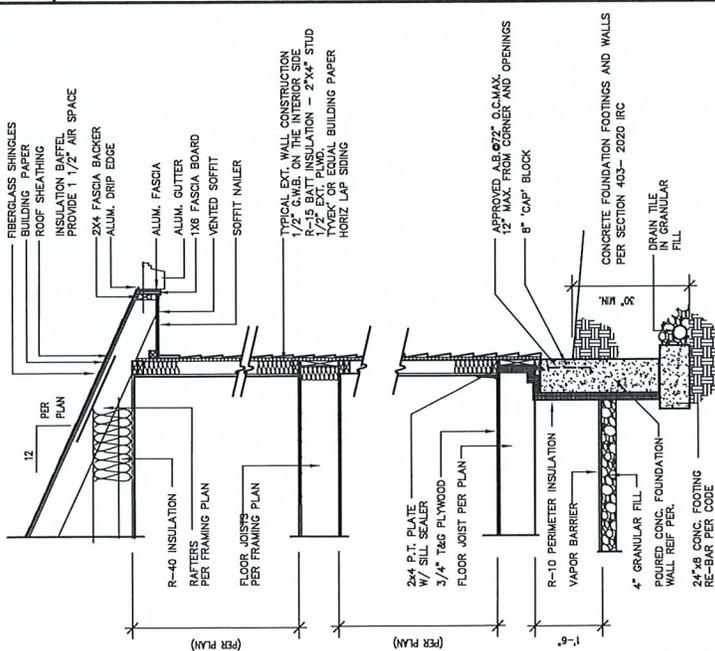
**SECTION-B**  
SCALE: 3/32" = 1'-0" (1/4" = 1'-0") (24/36 PRINTS)  
SCALE: 3/16" = 1'-0" (24/36 PRINTS)



**SECTION-A**  
SCALE: 3/32" = 1'-0" (1/4" = 1'-0") (24/36 PRINTS)  
SCALE: 3/16" = 1'-0" (24/36 PRINTS)



**DETAIL-1**  
SCALE: 3/32" = 1'-0" (1/4" = 1'-0") (24/36 PRINTS)  
SCALE: 3/16" = 1'-0" (24/36 PRINTS)



**TYPICAL WALL SECTION**  
SCALE: 3/32" = 1'-0" (1/4" = 1'-0") (24/36 PRINTS)  
SCALE: 3/16" = 1'-0" (24/36 PRINTS)



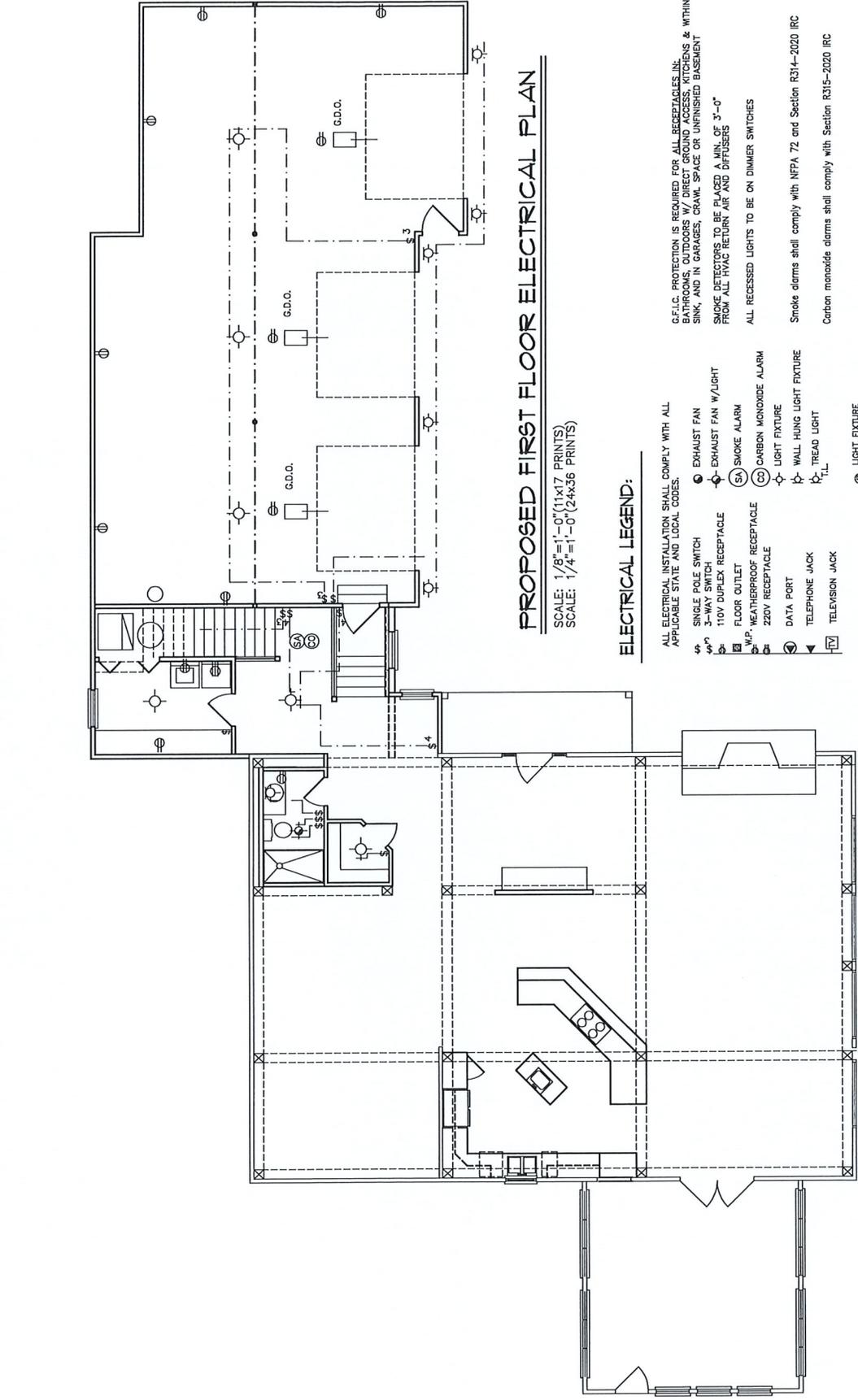
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PROJECT NO: 20-001  
 DRAWN BY: MShrader  
 DATE:  
 REVISIONS:  
 01/20/20 - SEE DRAFT  
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REMODEL OF:  
 THE LOMMEYER RESIDENCE

**PERMIT SET**

SHEET NO. **11**



**PROPOSED FIRST FLOOR ELECTRICAL PLAN**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
 SCALE: 1/4"=1'-0" (24x36 PRINTS)

**ELECTRICAL LEGEND:**

- ALL ELECTRICAL INSTALLATION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES.
- ⊖ SINGLE POLE SWITCH
  - ⊖ 3-WAY SWITCH
  - ⊖ 110V DUPLEX RECEPTACLE
  - ⊖ FLOOR OUTLET
  - ⊖ W.P. WEATHERPROOF RECEPTACLE
  - ⊖ 220V RECEPTACLE
  - ⊖ DATA PORT
  - ⊖ TELEPHONE JACK
  - ⊖ TELEVISION JACK
  - ⊖ EXHAUST FAN
  - ⊖ EXHAUST FAN W/LIGHT
  - ⊖ SMOKE ALARM
  - ⊖ CARBON MONOXIDE ALARM
  - ⊖ LIGHT FIXTURE
  - ⊖ WALL HUNG LIGHT FIXTURE
  - ⊖ TREAD LIGHT
  - ⊖ LIGHT FIXTURE (RECESSED)
  - ⊖ FLOOR LIGHT (RECESSED)
  - ⊖ PENDANT LIGHT (HANGING)
  - ⊖ UNDER CABINET LIGHT
  - ⊖ DOOR CHIME
- G.E.I.C. PROTECTION IS REQUIRED FOR ALL RECEPTACLES IN: BATHROOMS, OUTDOORS W/ DIRECT GROUND ACCESS, KITCHENS & WITHIN 6' OF SINK, AND IN GARAGES, CRAWL SPACE OR UNFINISHED BASEMENT
- SMOKE DETECTORS TO BE PLACED A MIN. OF 3'-0" FROM ALL HVAC RETURN AIR AND DIFFUSERS
- ALL RECESSED LIGHTS TO BE ON DIMMER SWITCHES
- Smoke alarms shall comply with NFPA 72 and Section R314-2020 IRC
- Carbon monoxide alarms shall comply with Section R315-2020 IRC



**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 request for a minimum side yard set back reduction to 11' does not impact any adjacent property owners because there are no other residential properties adjacent to the affected area on the 880 Starkey 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:  
**There will be no encroachment to the adjacent property which consists of a 40' wooded buffer and then a public walking trail.**
- 3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:  
**The current zoning ordinance would preclude the ability to build any meaningful or significant improvements to the property.**

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_