



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

**TRANSMITTAL**

**TO: Town of Zionsville Board of Zoning Appeals**  
**FROM: Wayne DeLong Director of Planning and Economic Development**  
**RE: Materials for consideration: April 1, 2020**

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

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

**NOTE:**

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



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

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

The following items are scheduled for consideration:

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

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

VI. New Business

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

VII. Other Matters to be considered:

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

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

Respectfully Submitted:

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

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

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

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

Please click the link below to join the Zoom webinar:

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

Or iPhone one-tap:

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

Or Telephone:

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

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

Webinar ID: 180 034 124

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

2. Members of the public shall have the option of recording their attendance at BZA Public Meetings via electronic roll call at the start of the meeting or via e-mail at [wdelong@zionsville-in.gov](mailto:wdelong@zionsville-in.gov).
3. If a member of the public would like to attend a BZA Public Meeting, but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or [wdelong@zionsville-in.gov](mailto:wdelong@zionsville-in.gov) to arraign in-person attendance.
4. The BZA will continually revisit and refine the procedures in this Annex to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

***MICHAEL J. ANDREOLI***

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

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

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

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

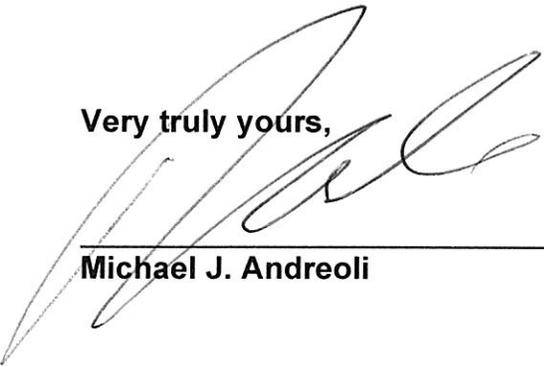
Dear Wayne and Chrissy:

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

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

Thank you for your cooperation.

**Very truly yours,**



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**Michael J. Andreoli**

MJA/ba

**March 16, 2020**

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

**Subject: Docket Number 2020-04-DSV**

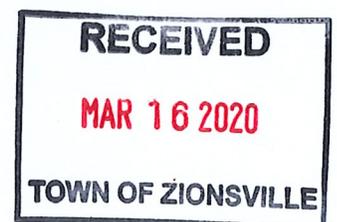
I am writing this to provide my input into the consideration of the subject docket item for a variance at 145 N Main St, Zionsville. I understand this variance will be considered at your April 1, 2020 meeting and I am not in favor of approval.

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

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

Thank you for your community service on this Board

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





**Petition Number:** 2020-06-DSV

**Subject Site Address:** 140 N 4th Street

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

**Representative:** Todd Rottman

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

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

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

**Approximate Acreage:** .17 acres

**Zoning History:** No prior petitions are known.

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

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

### **PETITION HISTORY**

This petition was originally scheduled for an initial public hearing at the March 4, 2020 Board of Zoning Appeals meeting. The Petitioner's representative was not able to timely notice, therefore at the meeting, the board granted a continuance to the April 1, 2020 meeting of the Board of Zoning Appeals to allow the Petitioner additional time to publish proper notice.

### **PROPERTY HISTORY**

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

### **ANALYSIS**

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

### **LOT COVERAGE**

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

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

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

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

**SETBACKS (SIDE YARDS)**

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards (side yard minimum: 5 feet with 15-foot aggregate, rear yard minimum).

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

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

**PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

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

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;*

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

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

#### **STAFF RECOMMENDATIONS**

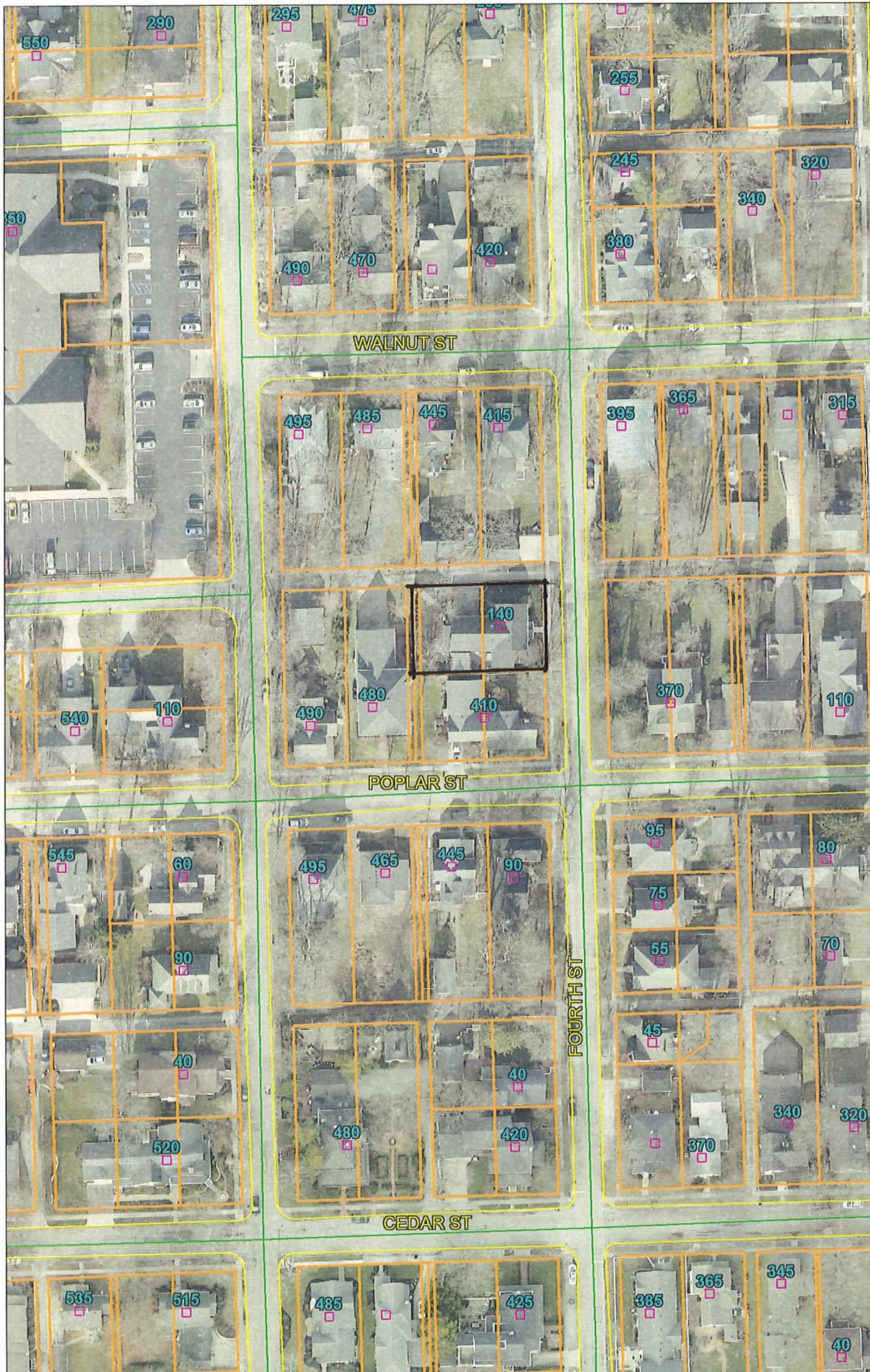
Upon submittal of Findings of Fact that adequately support the requested variance, Staff would be supportive of the Development Standards Variance for an increase of lot coverage up to 40% for the construction of an addition, not exceeding the established height of the home (with the exception of necessary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

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

#### **RECOMMENDATION MOTION**

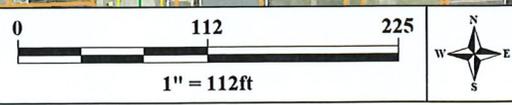
I move that Docket #2020-06-DSV Development Standards Variance in order to provide for the construction of an addition to a Single-Family Home which exceeds the required lot coverage of 35%, to 40% as illustrated on the site plan attached to this report), in the Residential Village Zoning District (RV)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

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



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

Exhibit 2



January 30, 2020

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

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

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

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

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

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

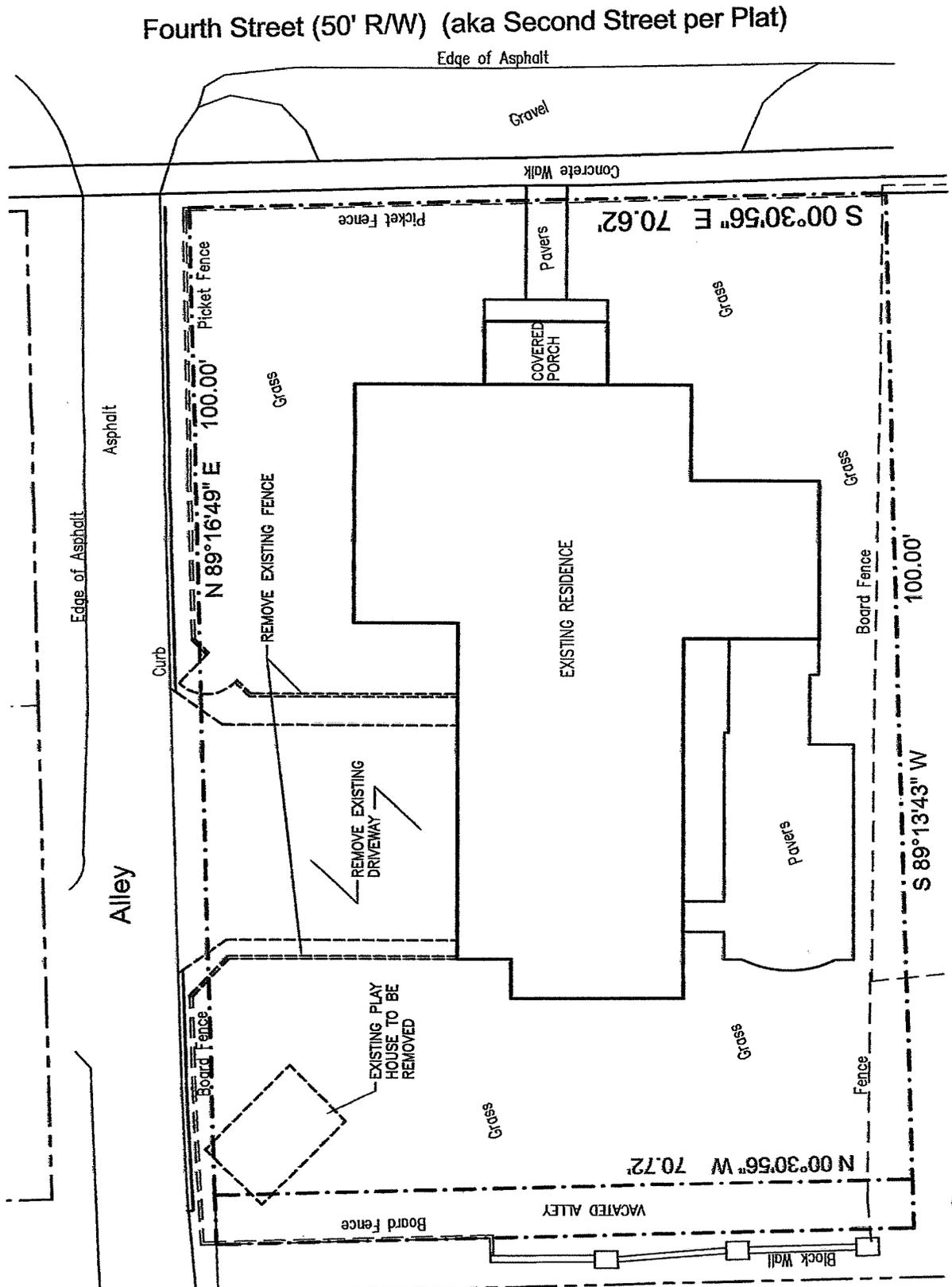
The final variance we are requesting is for lot coverage. We are requesting 40% which is more than the allowed 35%. We feel this coverage is acceptable for the following reasons: We are not increasing the impermeable area on the site. Only 33% is for the house and garage, the remaining 7% of coverage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

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

Michael and Kristin Marlowe, petitioner/owner  
[michael.d.marlowe@gmail.com](mailto:michael.d.marlowe@gmail.com)

Exhibit 3





**MARLOWE RESIDENCE**

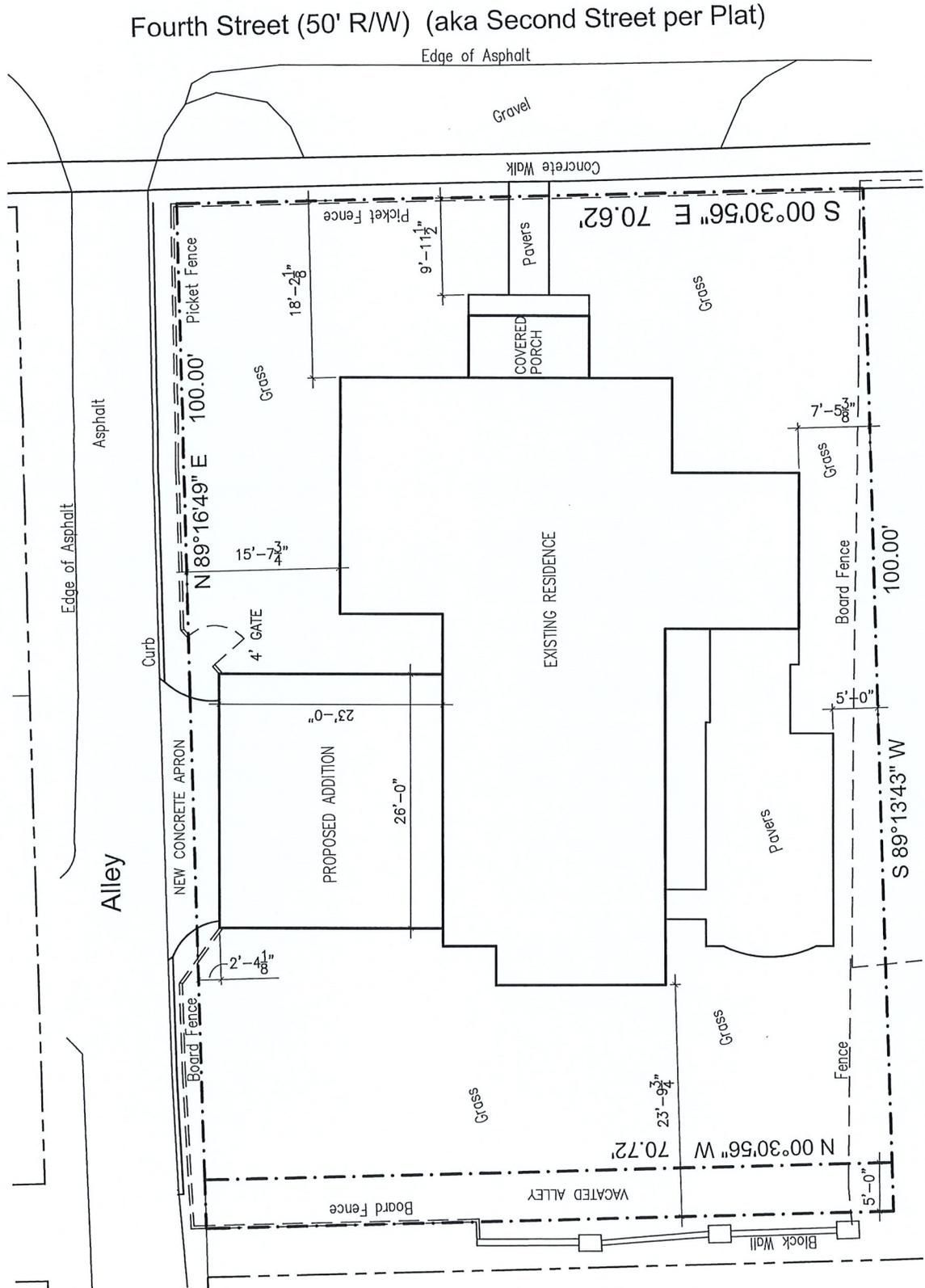
25 JANUARY 2020



**EXISTING SITE PLAN**



**ROTTMANN | COLLIER**  
ARCHITECTS



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

**LOT COVERAGE**

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

**IMPERMEABLE AREA**

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

**ACCESSORY USE AREA**

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



**ROTTMANN | COLLIER**  
 ARCHITECTS

**PROPOSED SITE PLAN**



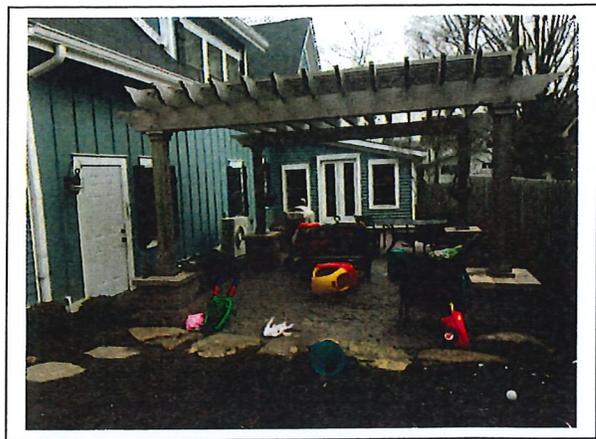
**MARLOWE RESIDENCE**

19 MARCH 2020





Front of house



Back patio



North side of house



Existing garage



View from Fourth Street



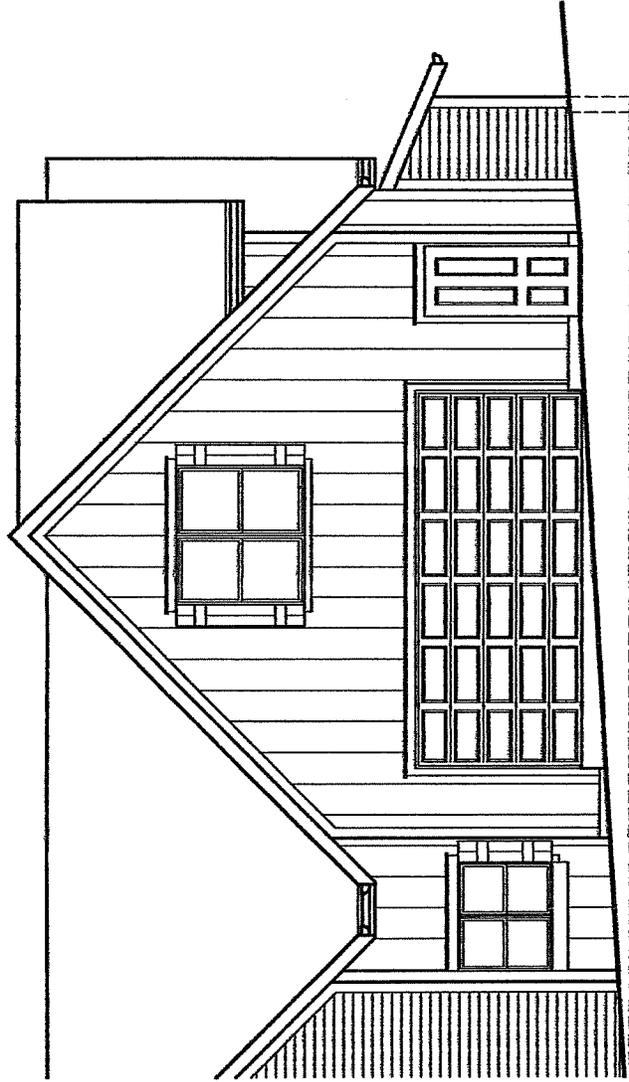
Looking west up alley



Neighbor to West



Neighbor two doors West

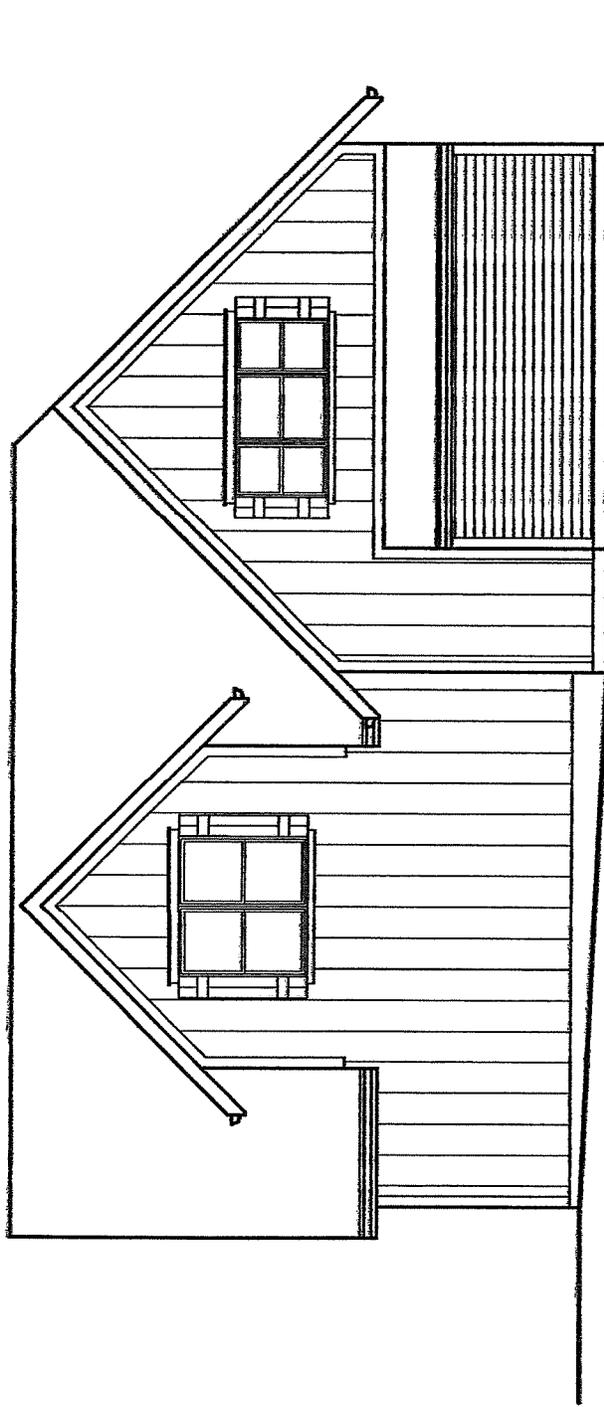


**NORTH ELEVATION**



**MARLOWE RESIDENCE**  
25 JANUARY 2020



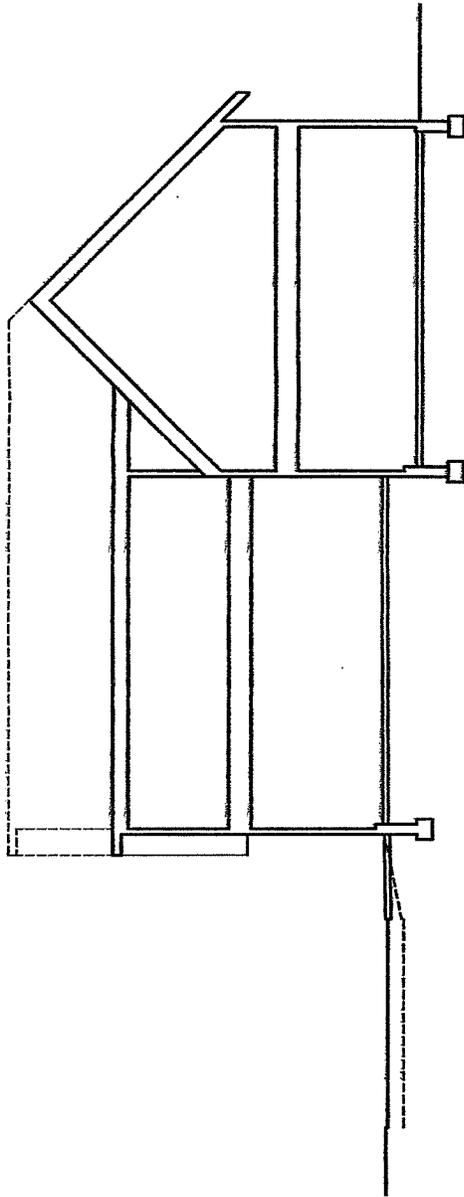


**WEST ELEVATION**

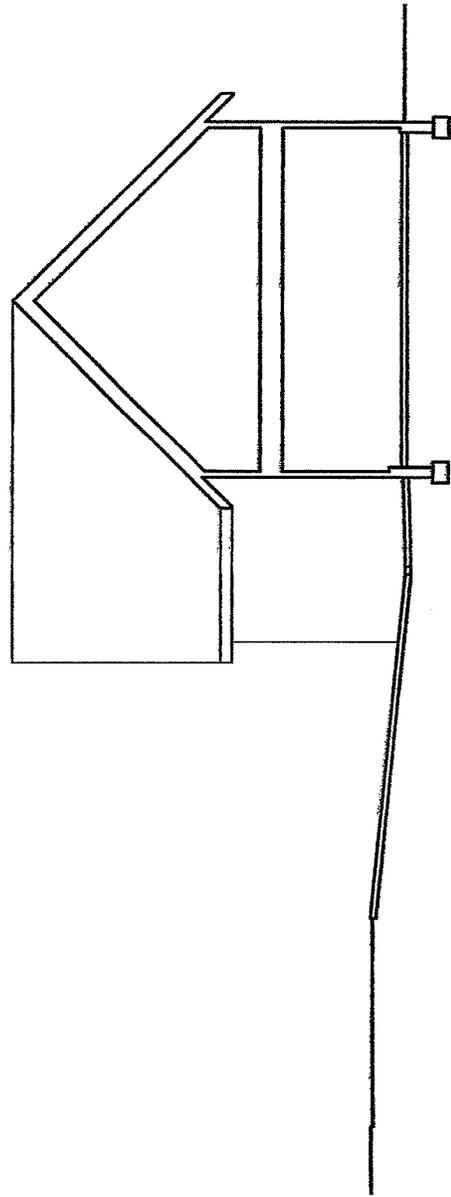


**MARLOWE RESIDENCE**  
25 JANUARY 2020





**PROPOSED**



**EXISTING**

**CROSS SECTIONS**



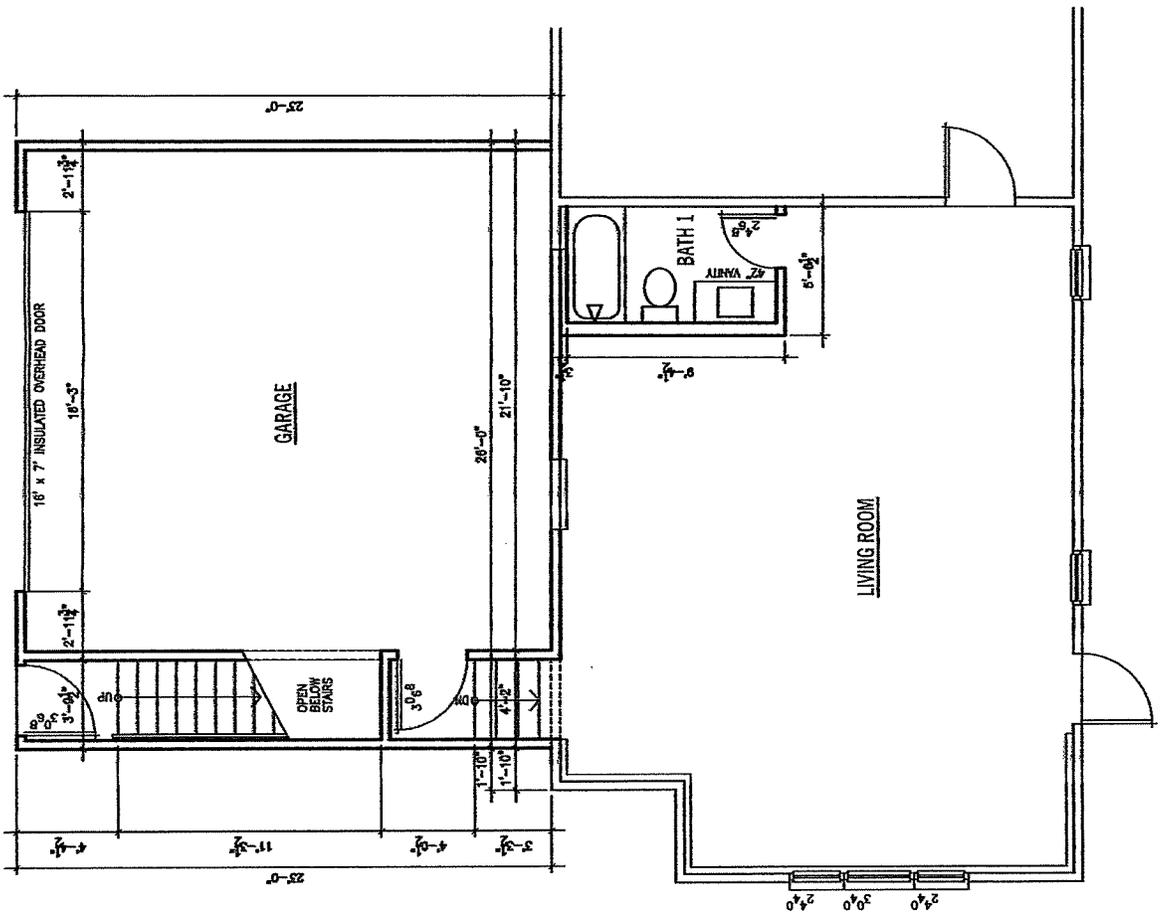
**MARLOWE RESIDENCE**

25 JANUARY 2020



**ROTTMANN | COLLIER**  
ARCHITECTS





**FIRST FLOOR PLAN**

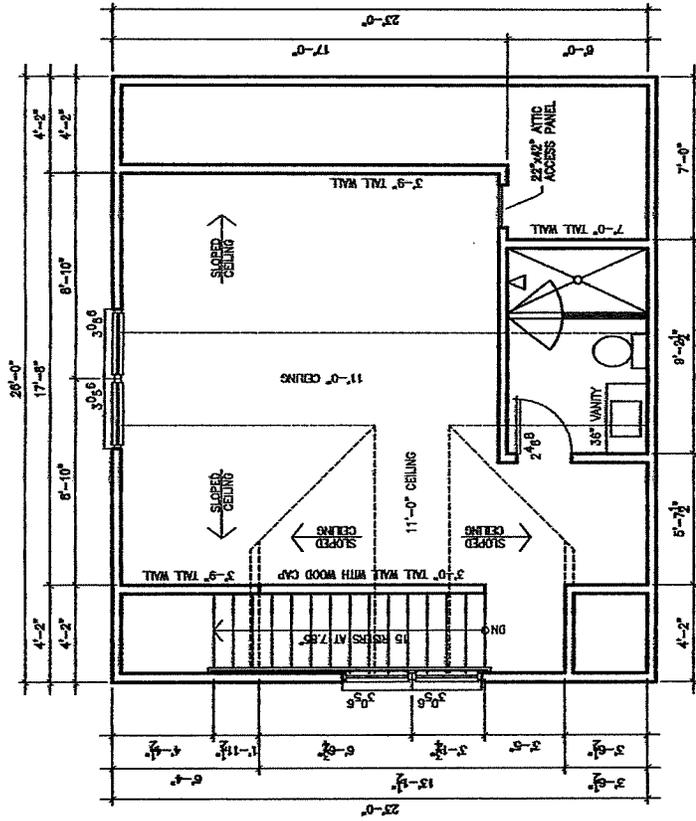
**MARLOWE RESIDENCE**



Exhibit 6

25 JANUARY 2020

**SECOND FLOOR PLAN**

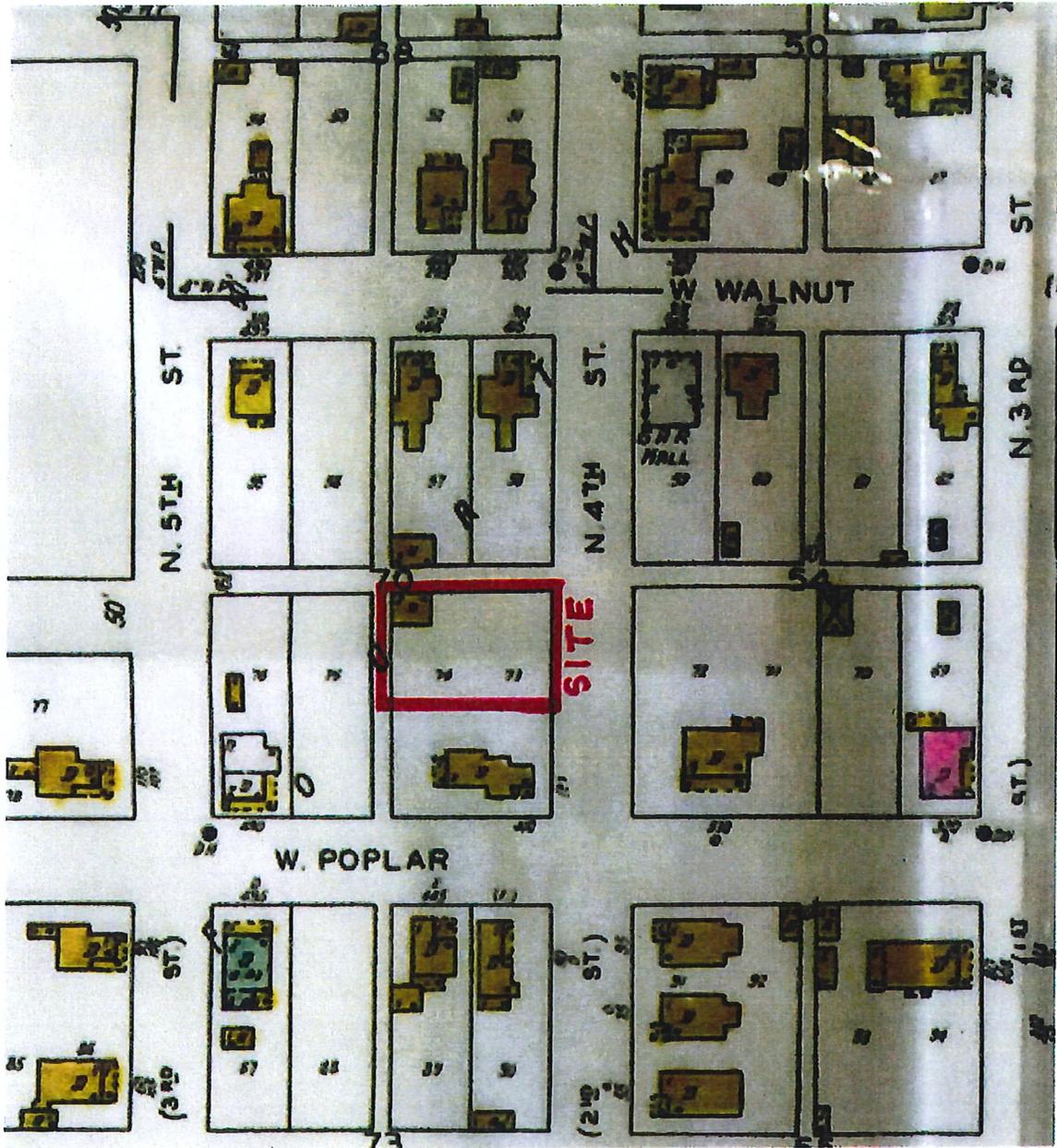


**MARLOWE RESIDENCE**

25 JANUARY 2020



Exhibit 6



1939 MAP



■ Buildings  
▬ Parcels

DISTANCE TO PROPERTY LINE

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

LOT COVERAGE %

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

**BOONE COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

**DECISION**

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

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


#2020-06-DSV  
M. MARLOWE

**March 16, 2020**

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

**Subject: Docket Number 2020-06-DSV**

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

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

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

Thank you for your community service on this Board.

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



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

  
Signature

2-10-2020  
Date

Jane Forbes  
Printed Name

410 West Poplar St  
Signer's Address

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

Edward J. Mitro  
Signature

02/09/2020  
Date

EDWARD J. MITRO  
Printed Name

490 W. POPLAR ST.  
Signer's Address

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

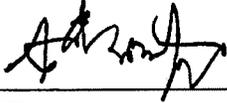
  
\_\_\_\_\_  
Signature

2/9/2020  
\_\_\_\_\_  
Date

Pat Poole  
\_\_\_\_\_  
Printed Name

110 N 3rd  
\_\_\_\_\_  
Signer's Address

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



Signature

2-9-2020

Date

Susan Montgomery

Printed Name

495 West Walnut St

Signer's Address

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

Michelle K. Marlowe  
Signature

2/9/2020  
Date

Gary and Debbie Fontbeck  
Printed Name

370 West Poplar St  
Signer's Address

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

*Robin Browning*

*2/9/20*

*T.B.*

*2/9/20*

Signature

Date

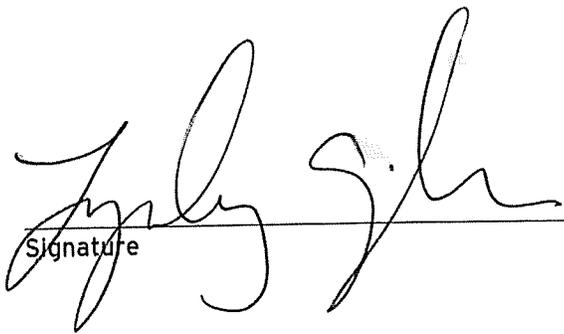
*Tim and Robin Browning*

Printed Name

*415 West Walnut St*

Signer's Address

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

  
Signature

2/9/20  
Date

Jon and Lindsay Gilman  
Printed Name

480 West poplar ST  
Signer's Address

**Town of Zionsville**  
**Petition to the Board of Zoning Appeals**

Docket # 2020-06-DSV

**1. SITE INFORMATION:**

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

**2. PETITIONER/PROPERTY OWNER:**

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

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

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

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

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

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

**5. ATTACHMENTS:**

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

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

Signature of Owner or Attorney for Owner: Todd W. Pottman Date: 30 Jan. 2020

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

State of INDIANA )  
County of BOONE )  
SS:

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

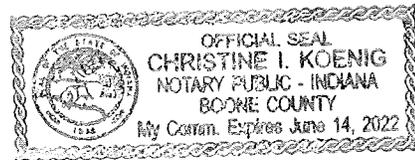
Christine I. Koenig  
Notary Public Signature

CHRISTINE I. KOENIG  
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County



# OWNER'S AUTHORIZATION

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

By: , member OC3 LLC

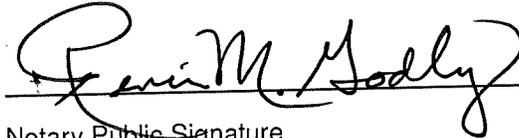
Kristin Marlowe, member

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

State of IN

County of Boone

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



Notary Public Signature

Renee M. Godby

Notary Public Printed

My commission expires 11/16/26

My county of residence is Hamilton County.

16.00  
+ 1.00 on  
Enterprise  
Title

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

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

### WARRANTY DEED

**THIS INDENTURE WITNESSETH**, That **Joshua G. Harber and Rebecca L. Harber, husband and wife** (Grantor) of Boone County, in the State of Indiana, CONVEYS AND WARRANTS to **140 N. 4th St., LLC** (Grantee) of Boone County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Boone County, in the State of Indiana:

The North halves of Lots Numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof, recorded in Plat Record 2, pages 1 and 2, in the Office of the Recorder of Boone County, Indiana.

ALSO:

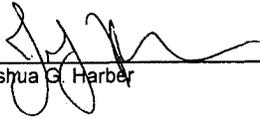
The East Half of the 10 foot vacated alley by Vacation Proceedings recorded May 8, 2003 as Instrument No. 0308115 West of and adjacent to the North Half of Lot Numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof Recorded in Plat Record 2, pages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

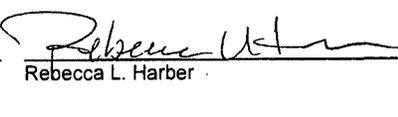
Subject to real estate taxes due and payable subsequent to closing and all taxes payable thereafter.

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

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

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

  
Joshua G. Harber

  
Rebecca L. Harber

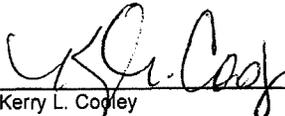
State of Indiana )  
County of Marion ) ss. ACKNOWLEDGEMENT

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

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

My commission expires: October 02, 2017



  
Kerry L. Cooley  
Notary Public  
Residing in Hamilton County

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael J. Curry, Attorney

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

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

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

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

**Section 1.03. Name.** The name of the Company shall be 140 N. 4<sup>th</sup> St., LLC.

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

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

## ARTICLE II PURPOSE AND BUSINESS OF THE COMPANY

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

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

## ARTICLE III INTEREST; CAPITAL CONTRIBUTIONS; ACCOUNTING MATTERS

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

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

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

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

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

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

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

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

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

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

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

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

# 2020-06-DSV  
M. MARLOWE

**Chrissy Koenig**

---

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

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

**Todd W. Rottmann, AIA**

Registered Architect, Registered Interior Designer, LEED AP  
M 317.840.3944

**Rottmann Collier Architects, Inc.**

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



January 30, 2020

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

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

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

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

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

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

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

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

Michael and Kristin Marlowe, petitioner/owner  
[michael.d.marlowe@gmail.com](mailto:michael.d.marlowe@gmail.com)

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

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

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

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

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

Todd W. Rottmann *Todd W. Rottmann*

State of INDIANA

County of BOONE

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



*Christine I. Koenig*

CHRISTINE I. KOENIG

Notary Public Signature

Notary Public Printed

My Commission # 654176

My commission expires 6-14-2022

My county of residence is BOONE County.

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**ZIONSVILLE, IN 46077**

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

Postage	\$0.55
Total Postage and Fees	\$6.95

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

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



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Postage	\$0.55
Total Postage and Fees	\$6.95

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

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



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

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95

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

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



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95

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

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



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95

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

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



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ZIONSVILLE, IN 46077

7018 1130 0000 3199 8364

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
Total Postage and Fees	\$6.95



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

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

**CONFIRMATION**

**STAR MEDIA**

A GANNETT COMPANY

Star Media  
130 S. Meridian Street  
Indianapolis, In 46225

ROTTMANN COLLIER ARCHITECTS, INC.  
155 EAST MARKET STREET, SUITE 200  
INDIANAPOLIS IN 46204-

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
3177212724	0004079620	\$74.43	\$0.00	\$74.43	Credit Card	\$0.00	\$74.43
Sales Rep: bgrady		Order Taker: bgrady		Order Created		02/25/2020	

<u>Product</u>	<u>Placement</u>	<u>Classification</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
INI-Indianapolis Star	INI-Public Notices	Legal Notices	1	02/27/2020	02/27/2020
INI-indystar.com	INIW-Public Notices	Legal Notices	1	02/27/2020	02/27/2020

\* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 02/25/2020

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

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, April 1, 2020 at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following:  
Petition No. 2020-06-DSV, Michael and Kristin Marlowe (140 N. 4th St., LLC) to request a Petition for Development Standards variance in order to provide for the construction of an addition to a Single-Family Home which:

- 1) Deviates from the required side and aggregate yard setbacks and
- 2) Exceeds the required lot coverage of 35%, to 40% in the Urban Residential Village Zoning District (R-V).

The property involved is more commonly known as: 140 North 4th Street, Zionsville, Indiana 46077, and is legally described as: The north halves of Lots numbered 73 and 74 and the east half of the 10 foot alley adjacent to the north half of Lot numbered 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded in Plat Record 2, Page 1 and 2 in the Office of the Recorder of Boone County, Indiana.  
A copy of the Petition for Variance of Development Standards and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for holidays, in the Planning & Economic Development in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition Variance of Development Standards will be heard at the Public Hearing.  
The Public Hearing may be continued from time to time as may be found necessary.  
If you have a disability which requires special assistance for your participation in the Public Hearing, please provide advance notification to the Technology Department at assistance@zionsville-in.gov or (317) 873-1577 to ensure the proper accommodations are made prior to the hearing.  
John Wolf, Chairman  
Wayne DeLong, Secretary

(S - 2/27/20 - 0004079620) hspaxlp

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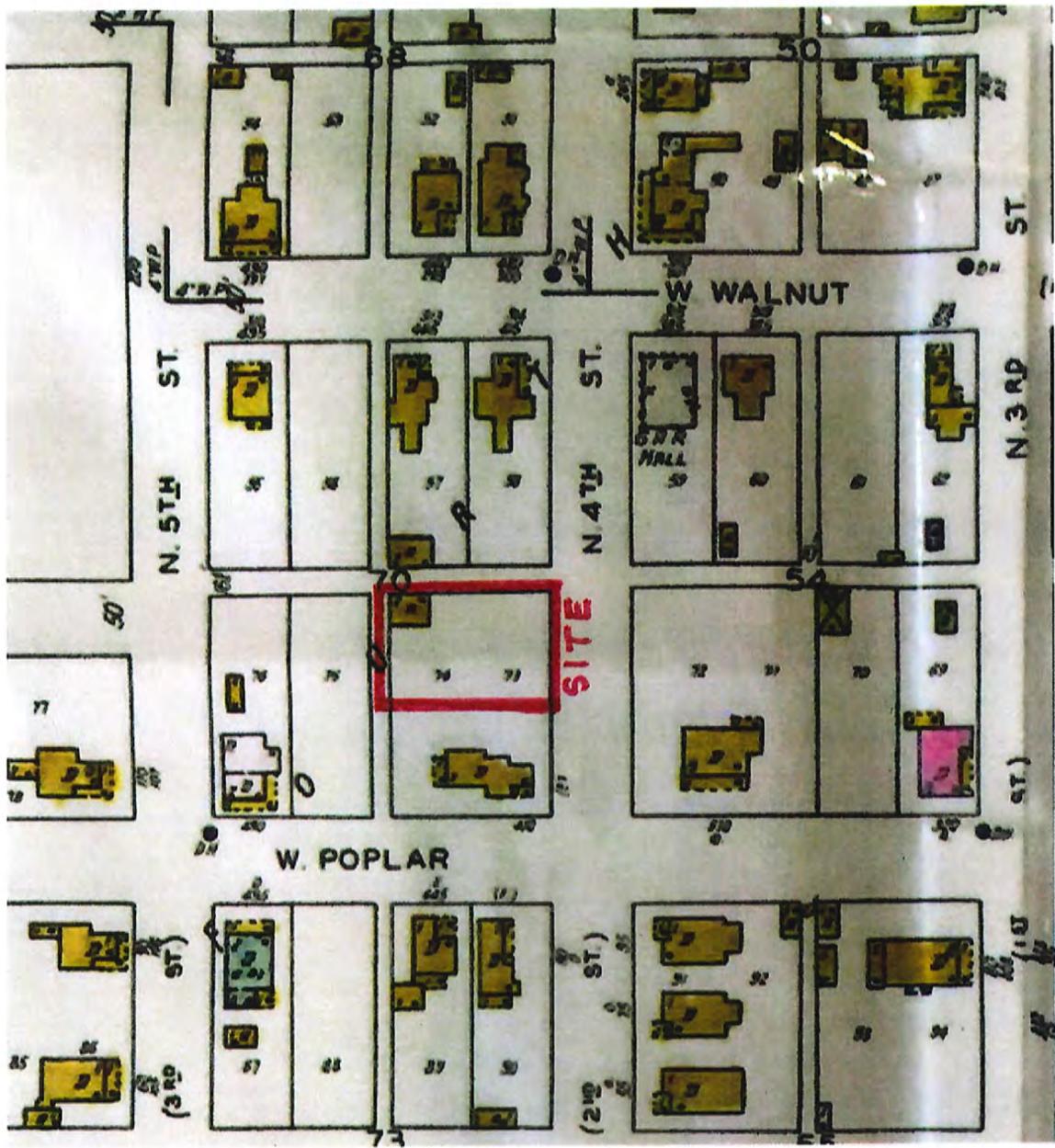
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John Wolf, Chairman

Wayne DeLong, Secretary



1939 MAP



- Buildings
- Parcels

DISTANCE TO PROPERTY LINE

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

LOT COVERAGE %



Front of house



Back patio



North side of house



Existing garage



View from Fourth Street



Looking west up alley



Neighbor to West



Neighbor two doors West

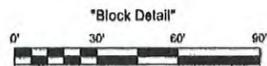
RETRACEMENT SURVEY  
140 North 4th Street, Zionsville, Indiana 46077

140 North 4th Street  
Zionsville, Indiana 46077

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

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

1 Rev. - Add west adjointer



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**State Of Indiana Required Statements For Recordation**  
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law, Brian C. Rismiller.

This document was prepared by Brian C. Rismiller.

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

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

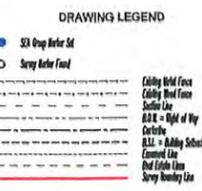
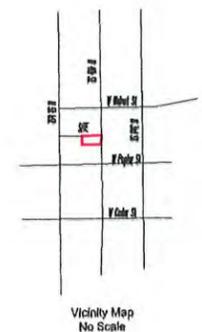
This is to certify that this map or plat and the survey on which it is based were executed, performed and prepared under my direct supervision and that to the best of my knowledge, information and belief was gathered in accordance with the current minimum standards for competent practice of land surveying,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

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

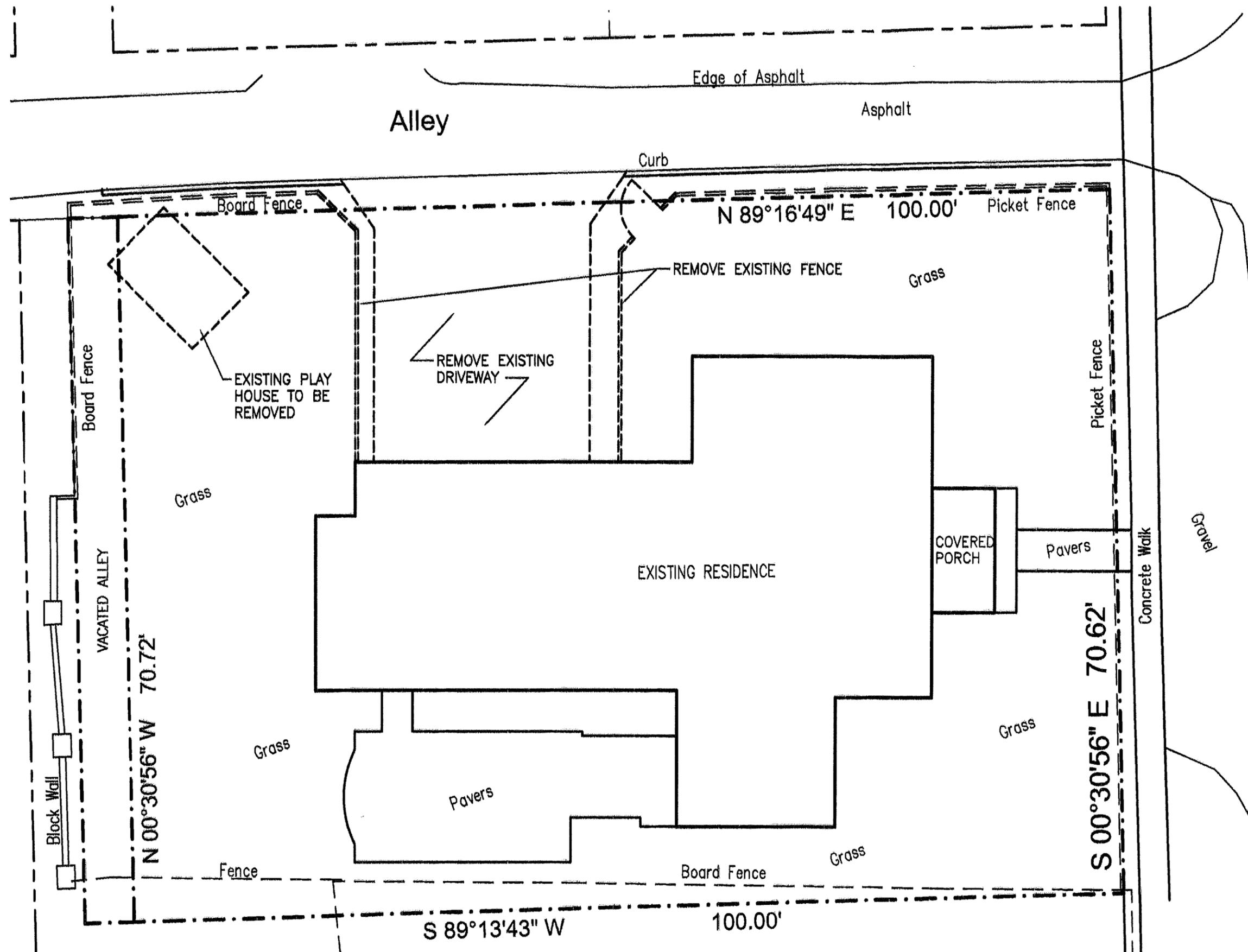


**Land Description**  
The north halves of Lots numbered 73 and 74 in Crosses Fourth Addition to the Town of Zionsville, Boone County, Indiana, as per Plat thereof Recorded in Plat Record 2, Page 1 and 2 in the Recorder's office, Boone County, Indiana.

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



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



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



**MARLOWE RESIDENCE**

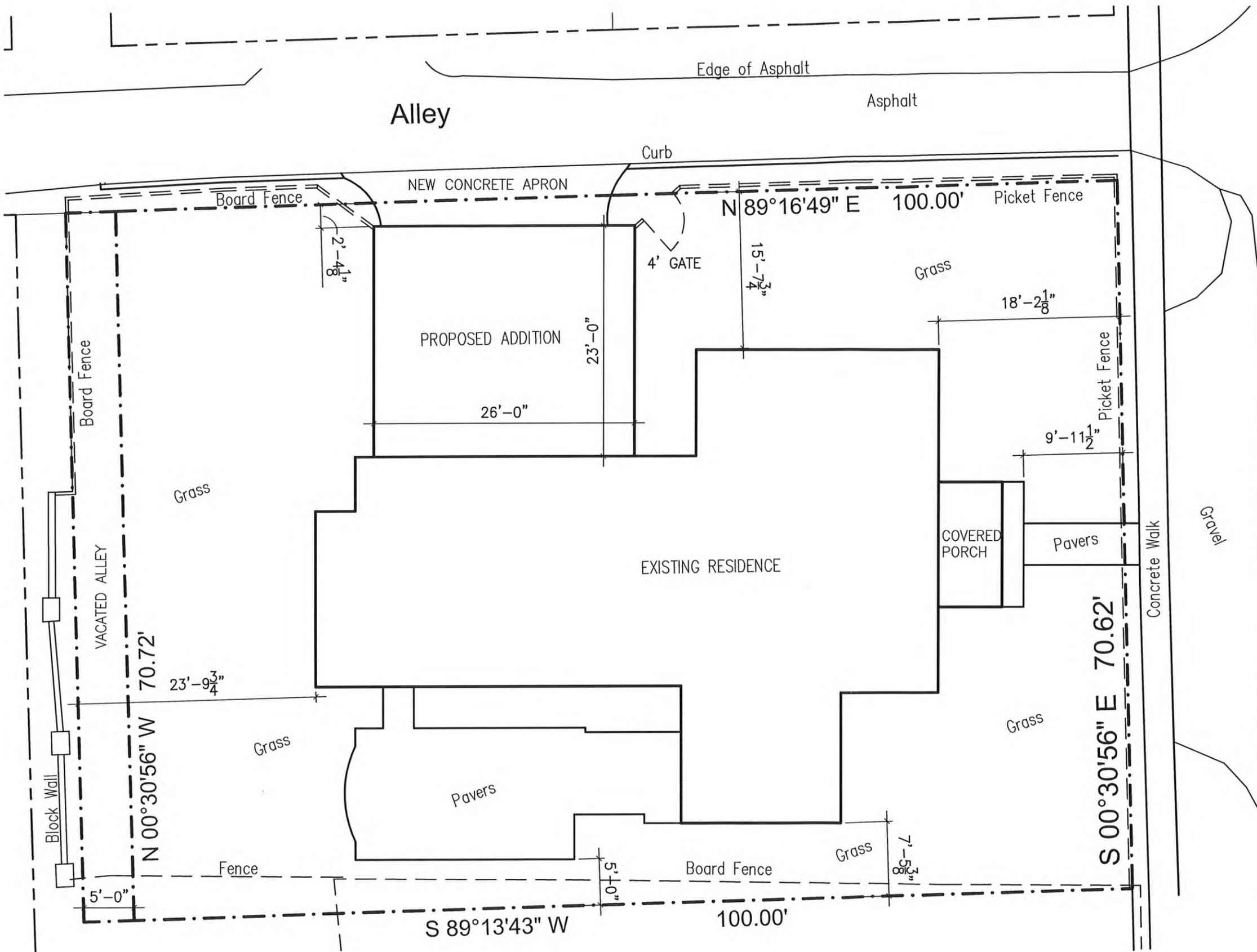
25 JANUARY 2020



**EXISTING SITE PLAN**



**ROTTMANN | COLLIER**  
ARCHITECTS



**LOT COVERAGE**

LOT SIZE: 7,421 SF

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

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

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

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

**IMPERMEABLE AREA**

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

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

**ACCESSORY USE AREA**

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

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

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

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



**MARLOWE RESIDENCE**

19 MARCH 2020

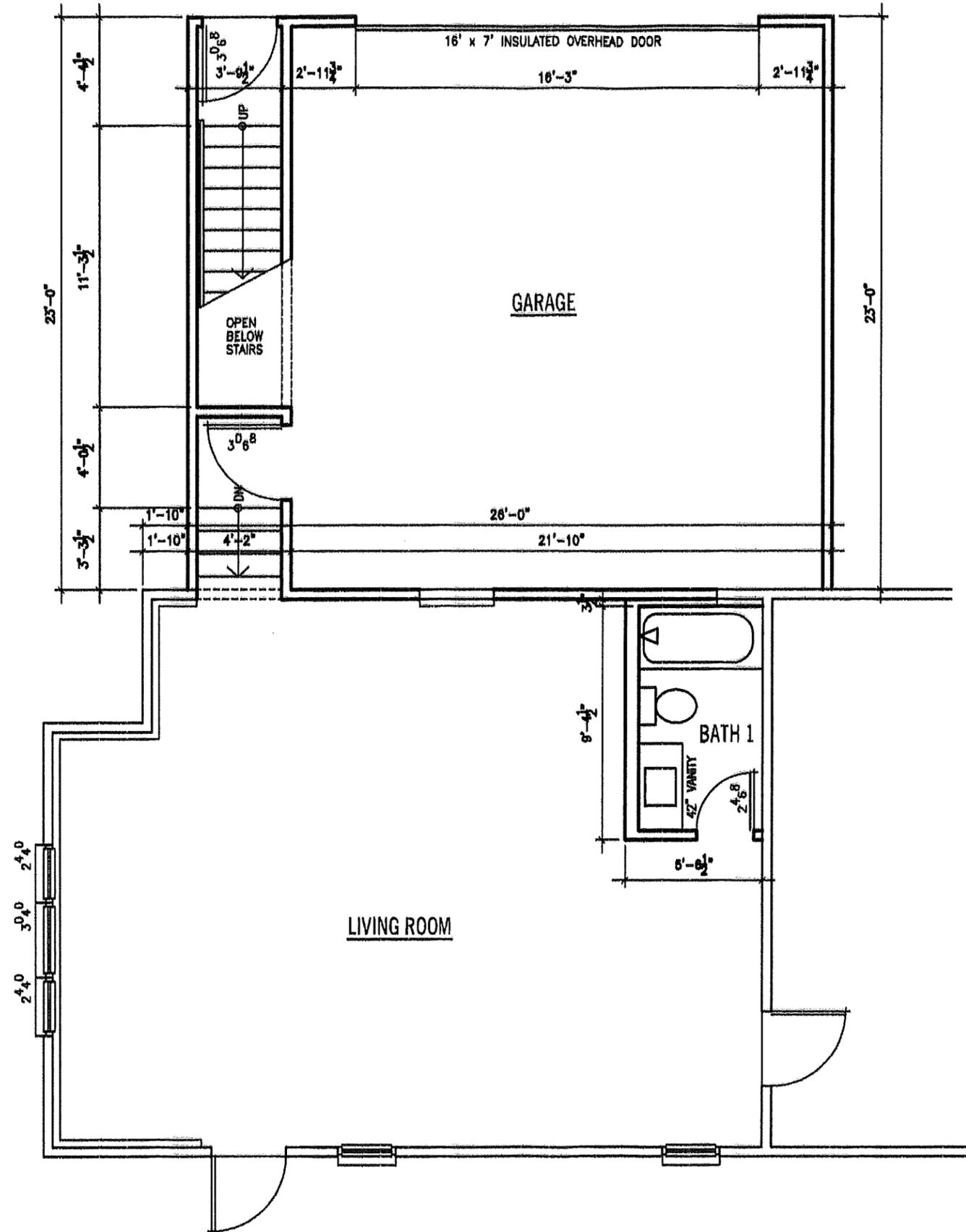


**PROPOSED SITE PLAN**



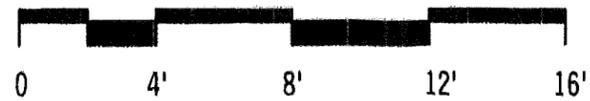
**ROTTMANN | COLLIER**  
ARCHITECTS





# MARLOWE RESIDENCE

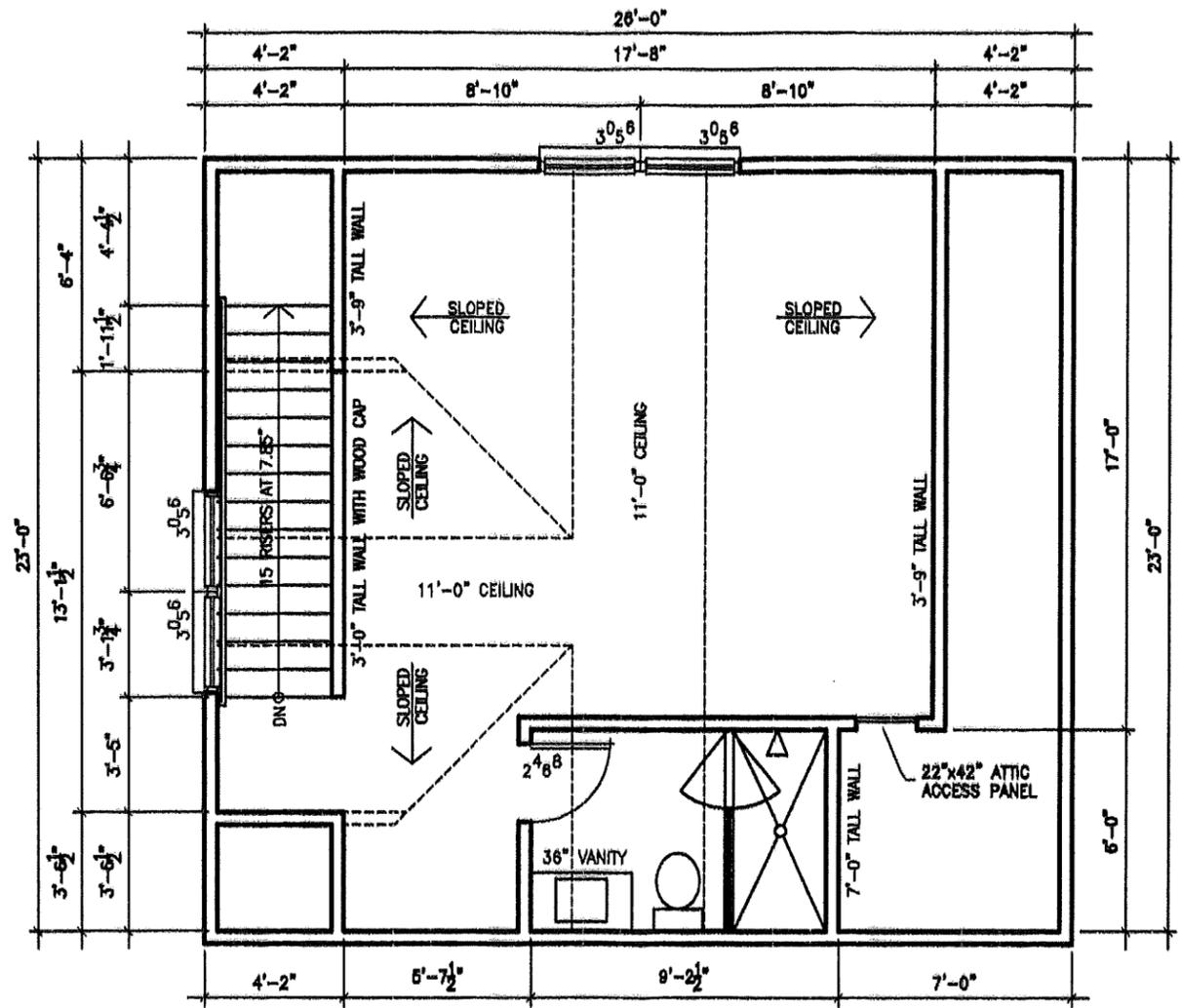
25 JANUARY 2020



# FIRST FLOOR PLAN

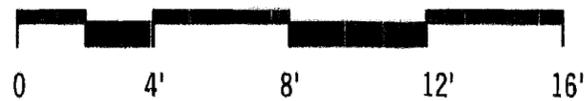


**ROTTMANN | COLLIER**  
ARCHITECTS



# MARLOWE RESIDENCE

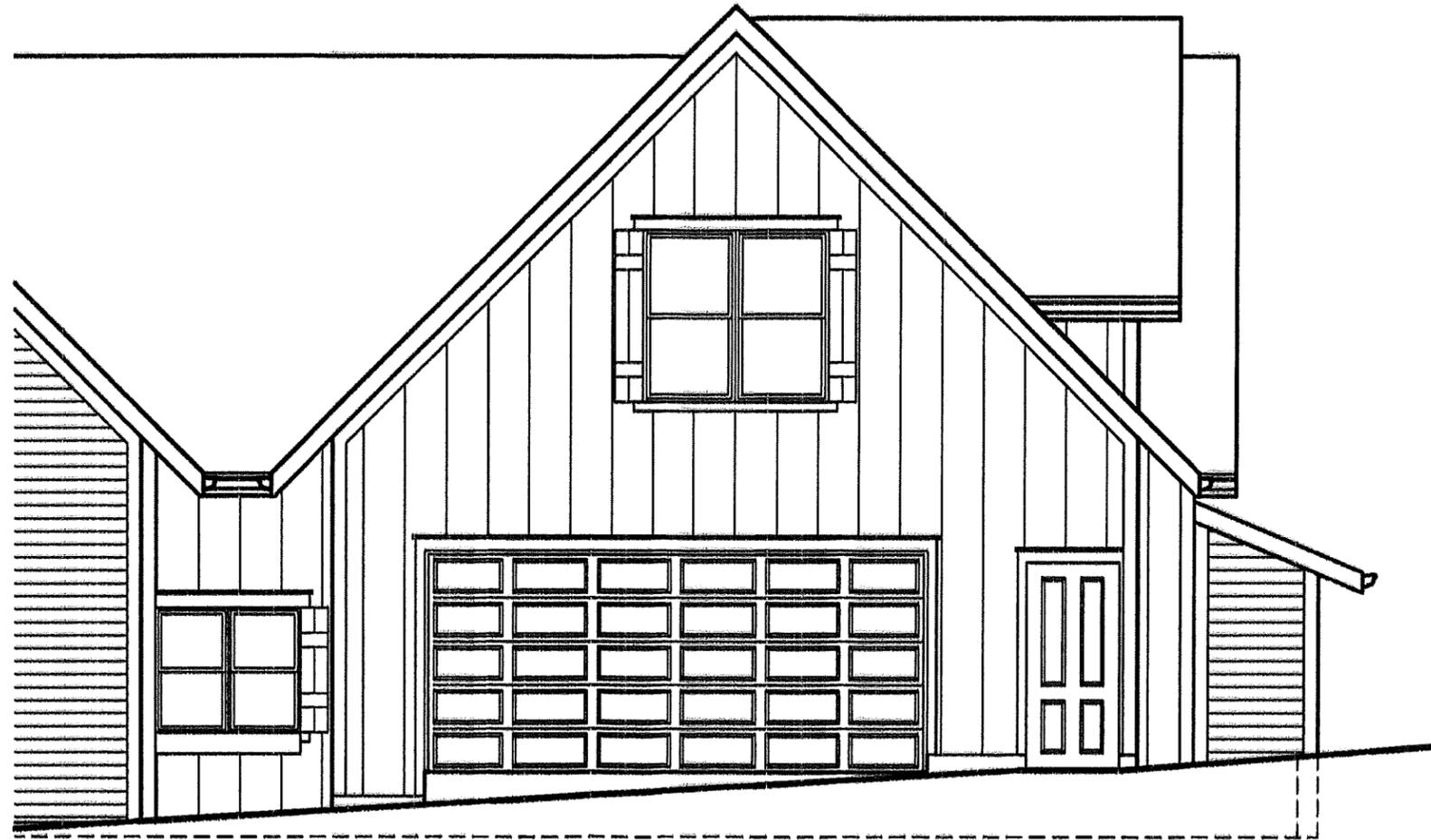
25 JANUARY 2020



# SECOND FLOOR PLAN

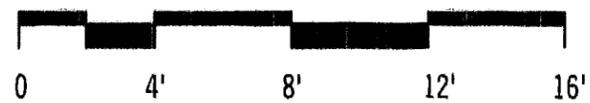


**ROTTMANN | COLLIER**  
ARCHITECTS



**MARLOWE RESIDENCE**

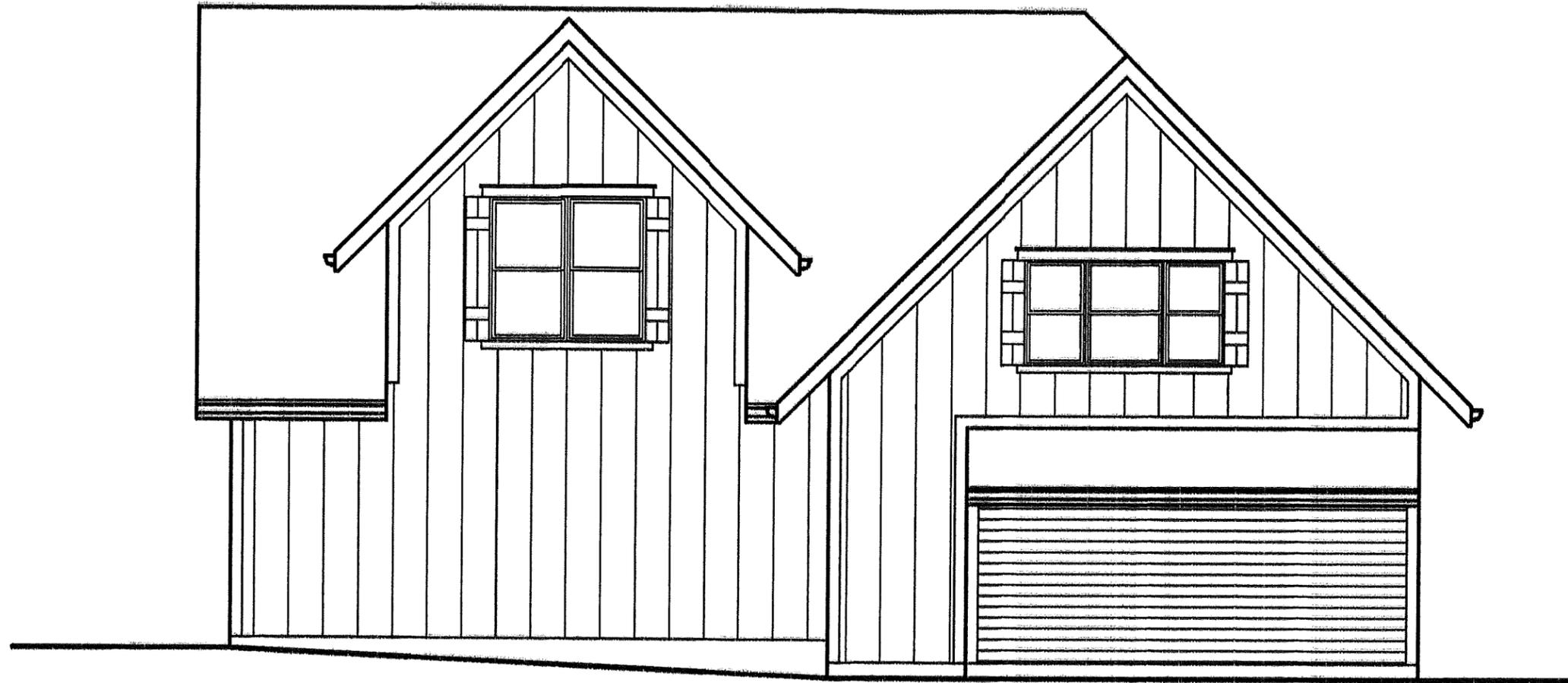
25 JANUARY 2020



**NORTH ELEVATION**

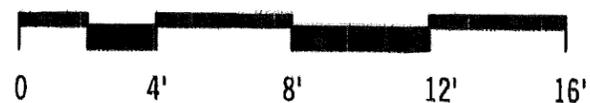


**ROTTMANN | COLLIER**  
ARCHITECTS



**MARLOWE RESIDENCE**

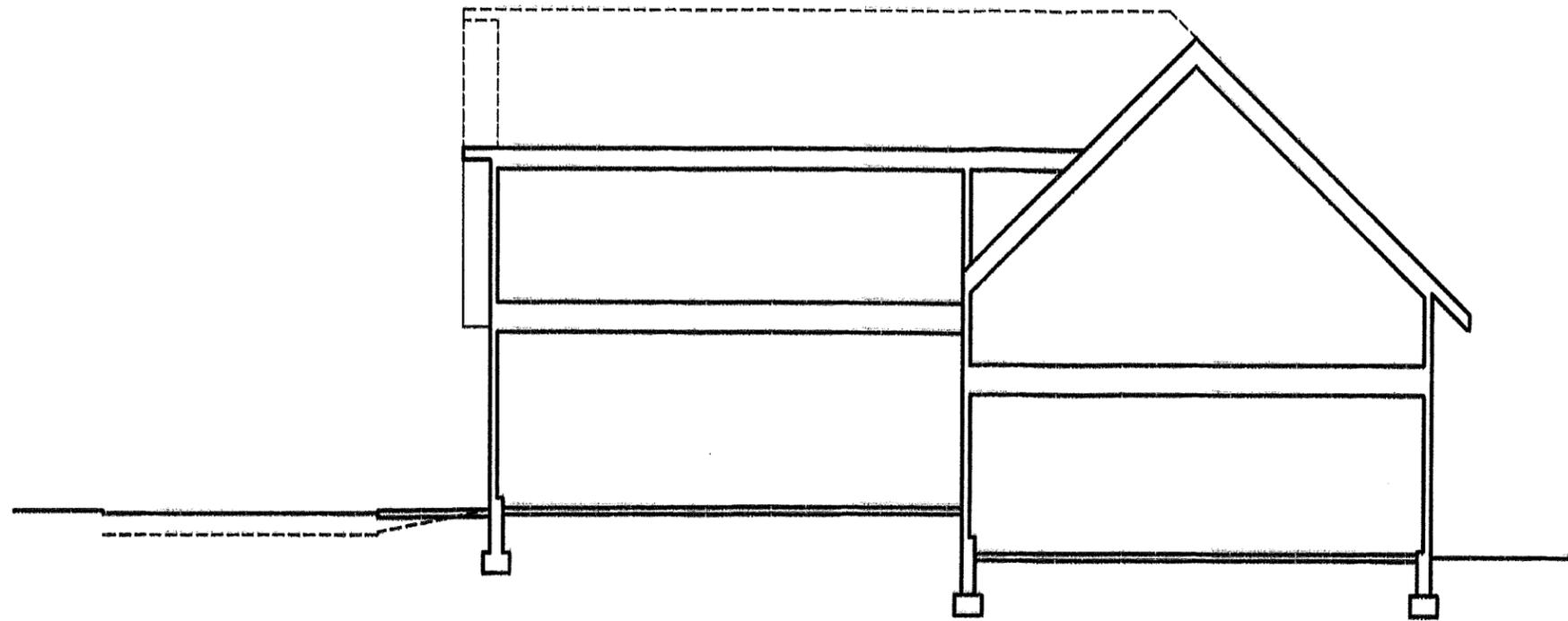
25 JANUARY 2020



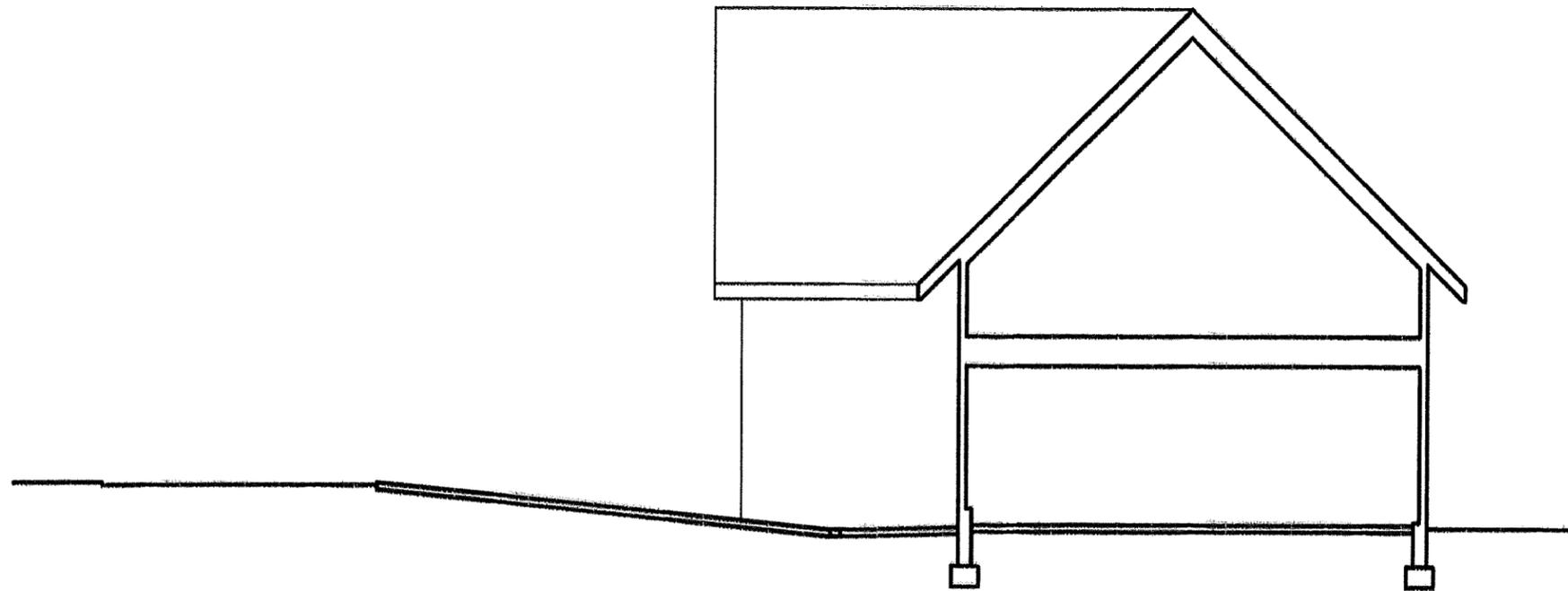
**WEST ELEVATION**



**ROTTMANN | COLLIER**  
ARCHITECTS



**PROPOSED**

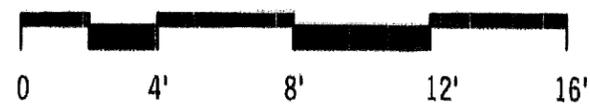


**EXISTING**



**MARLOWE RESIDENCE**

25 JANUARY 2020



**CROSS SECTIONS**



**ROTTMANN | COLLIER**  
ARCHITECTS

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

**DECISION**

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

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




**Petition Number:** 2020-07-DSV

**Project Address:** 10615 Zionsville Road

**Project Name:** Hotel Tango

**Petitioner:** Joseph Lese, Progress Studio

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

**Current Land Use:** Commercial Center

**Approximate Acreage:** 1.351± Acres

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

**Exhibits:**  
Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Petitioner’s Narrative and Parking Calculations  
Exhibit 4 – Proposed Building Renderings and Elevations  
Exhibit 5 – Proposed Site Plan  
Exhibit 6 – Petitioner’s Proposed Findings of Fact

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

## PETITION HISTORY

This Petition will receive a public hearing at the April 1, 2020, Board of Zoning Appeals meeting. A Petition for Development Plan Approval has been filed with the Planning Department and is scheduled to be heard by the Plan Commission at their April 20, 2020, hearing.

## PROPERTY LOCATION, ZONING CLASSIFICATION & PROJECT DESCRIPTION

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

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

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

## ANALYSIS - VARIANCE REQUEST

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

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

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

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

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

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

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

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

**PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION SEEKING APPROVAL**

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

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

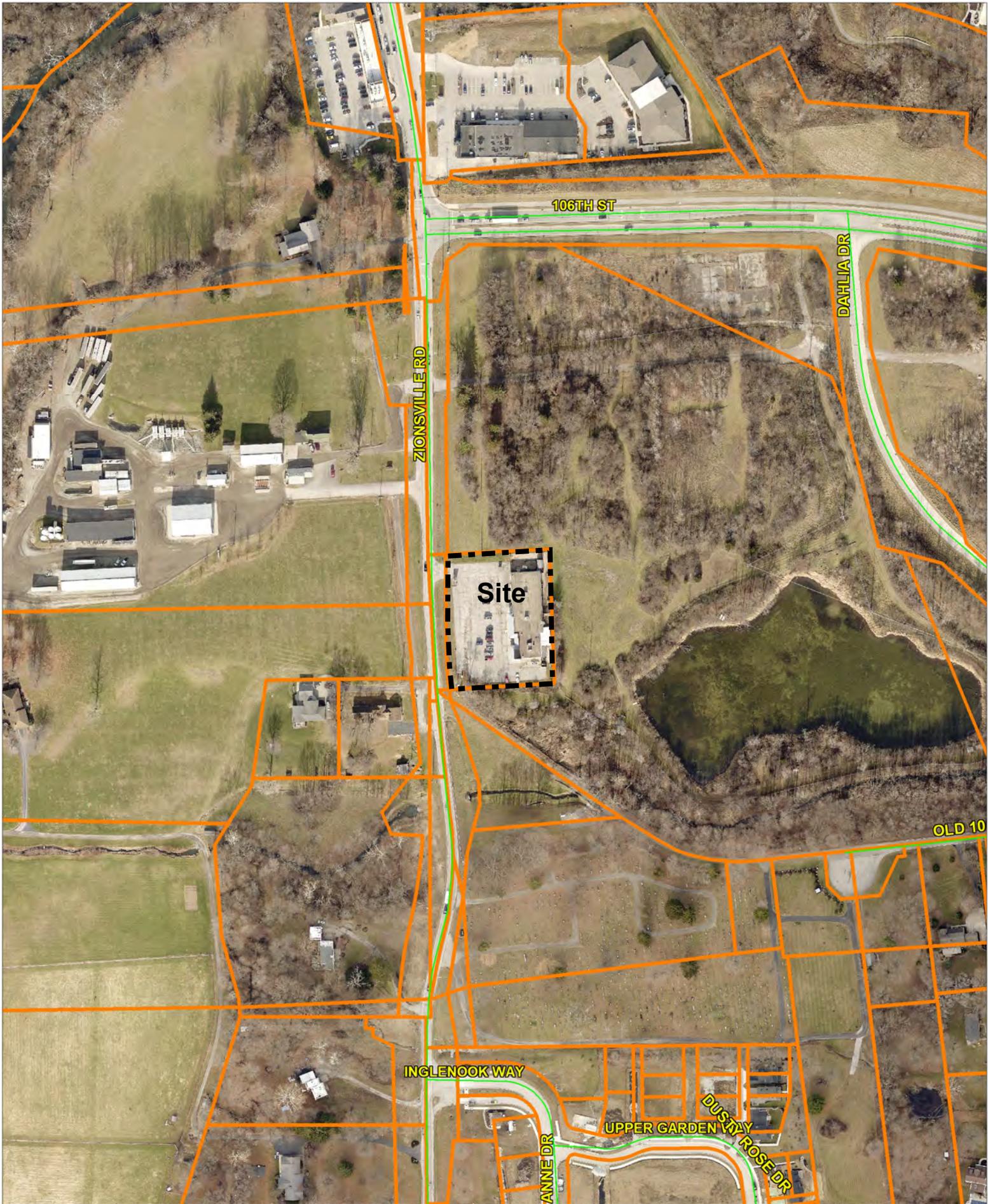
Proposed Findings of Fact from the Petitioner for the requested Variance are attached for the Board of Zoning Appeal's consideration (Exhibit 6).

**STAFF RECOMMENDATIONS**

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

**RECOMMENDATION MOTION**

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



Site

106TH ST

ZIONSVILLE RD

DAHLIA DR

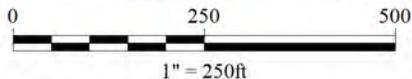
OLD 10

INGLENOOK WAY

ANNE DR

UPPER GARDEN

DUSTY ROSE DR



Hotel Tango - Location Map - Exhibit 2

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

Parking Requirements listed from 192.105 Table 9:

Existing Building Square Footage: 11,103 square feet

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

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

Proposed Development Plan

Existing Building Square Footage: 11,103 square feet

Exterior Pergola Addition: 682 square feet

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

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

**Total New Parking Space Requirement: 86 spaces**

**Proposed Parking Space: 66 spaces**

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

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

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

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

Respectfully,

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

Joseph Lese, AIA, NCARB, LEED AP  
Progress Studio







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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

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

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

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

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

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

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

**DECISION**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-07-DSV

### 1. SITE INFORMATION:

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

### 2. PETITIONER/PROPERTY OWNER:

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

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

#### Attorney/Contact Person:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

#### Project Engineer:

Name: Aaron Hurt, Civil and Environmental Consultants, Inc.  
Address: 530 E. Ohio St. Suite G, Indpls., IN 46204  
Phone Number: 317-655-7777  
E-Mail Address: ahurt@cecinc.com

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

Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification  
195.105 Table 9: Seeking to provide 66 parking spaces, less than the 86 spaces calculated by Zionsville staff based upon the existing canine daycare use (4 per 1,000sf, or 31 spaces) and tavern (1 per 75sf or 55 spaces). While the expansion adds approx. ten (10) spaces, we determine the parking lot is already in non-compliance and would be difficult to provide 77 spaces.  
Please see attached description for existing versus new analysis.

### 5. ATTACHMENTS:

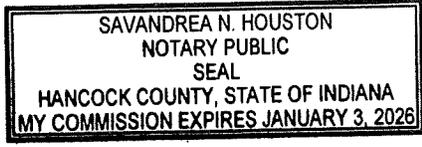
- Legal description of property
- Owner's Authorization (if Petitioner is not the Owner)
- Statement of Commitments (if proposed)
- Application Fee
- Proof of Ownership (copy of Warranty Deed)
- Site Plan & Exhibits
- Draft of Proposed Legal Notice
- Draft of Proposed Findings of Fact

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

Signature of Owner or Attorney for Owner: [Signature] Date: 2/10/2020

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

State of Indiana )  
County of Hancock ) SS:



Subscribed and sworn to before me this 10<sup>th</sup> day of February, 2020.

[Signature]  
Notary Public Signature

Savandrea Houston  
Notary Public Printed

My Commission No: \_\_\_\_\_

My Commission Expires: January 3, 2026

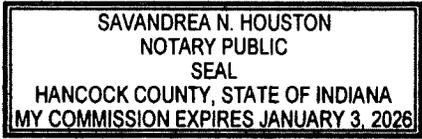
My County of Residence is Hancock County

**OWNER'S AUTHORIZATION**

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

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

State of Indiana )  
County of Hancock ) SS:



Subscribed and sworn to before me this 10<sup>th</sup> day of February, 2020.

[Handwritten Signature]  
Notary Public Signature

Savandrea Houston  
Notary Public Printed

My Commission No: \_\_\_\_\_

My Commission Expires: January 3, 2026

My County of Residence is Hancock County

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

Parking Requirements listed from 192.105 Table 9:

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

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<b>Total New Parking Space Requirement:</b>	<b>86 spaces</b>
<b>Proposed Parking Space:</b>	<b>66 spaces</b>

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Respectfully,

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Joseph Lese, AIA, NCARB, LEED AP  
Progress Studio

## PETITION TO BOARD OF ZONING APPEALS PROCEDURES AND REQUIREMENTS:

### SUBMISSION OF PETITION TO BOARD OF ZONING APPEALS:

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

### PUBLIC HEARING NOTIFICATION:

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

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

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

**PETITION REVIEW PROCEDURES:**

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

⑤  
25.00  
INDIANA  
SEARCH  
TECHNOLOGIES DP

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



CTIN 1903273K4S LIMITED WARRANTY DEED

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

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

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

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

[Signature on the following page]

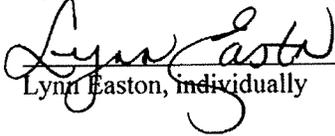
DULY ENTERED FOR TAXATION

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

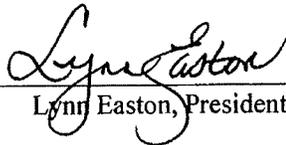
The undersigned person executing this deed on behalf of P.K. of Zionsville, Inc. represents and warrants that she has been duly authorized and fully empowered to execute this deed by all necessary action of the corporation, and has full power and authority to execute and deliver this Limited Warranty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

DATED this 26<sup>th</sup> day of July, 2019.

GRANTOR:

  
Lynn Easton, individually

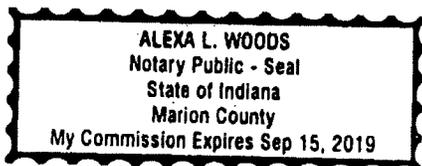
P. K. OF ZIONSVILLE, INC.

By:   
Lynn Easton, President

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Marion )

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

WITNESS my hand and Notarial Seal this 26<sup>th</sup> day of July, 2019.



Alexa L. Woods  
Notary Public - Signature

\_\_\_\_\_  
Notary Public - Printed



My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

This instrument prepared by Alexa L. Woods, Densborn Blachly LLP, 500 East 96th Street, Suite 100, Indianapolis, Indiana 46240. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Alexa L. Woods

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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

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

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

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

**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

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

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

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

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

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

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

**DECISION**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Attribute report for active ID 1

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

---

**The Indianapolis Star**

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

Federal Id: 06-1032273

**PROGRESS STUDIO**

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

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

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

**PUBLISHER'S AFFIDAVIT**

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

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

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

The insertion being on the 03/19/2020

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

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

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

Kathleen Allen

Date: 3/24 2020 Title: Clerk

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

Shelly Hora  
Notary Public

Notary Expires: 8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

To: INDIANAPOLIS

STAR

(Governmental Unit)

County, Indiana

**Indianapolis, IN**

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

Website Publication \$0

Acct #:3179781100  
Ad #: 0004115347

Charge for proof(s) of publication \$0.00

DATA FOR COMPUTING COST

Width of single column 9.5 ems  
Number of insertions 1  
Size of type 7 point

TOTAL AMOUNT OF CLAIM \$177.89

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

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

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)  
(incorrect)

\$ \_\_\_\_\_  
On Account of Appropriation For

FED. ID  
#06-1032273

Allowed \_\_\_\_\_, 20\_\_\_\_

In the sum of \$ \_\_\_\_\_

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

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

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on April 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

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

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

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

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

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

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

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

A copy of the Petition for Development Standards Variance and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing.

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

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

Chairman: John Wolff

Secretary: Wayne DeLong

(S - 3/19/20 - 0004115347)

hspaxlp



**PROGRESS | STUDIO**

March 3, 2020

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

Dear Neighbor,

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

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

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

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

Respectfully submitted,

Joseph Lese, AIA, NCARB, LEED® AP  
Architect/Owner  
Progress Studio, LLC  
317-978-1100  
Joseph.lese@theprogressstudio.com

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BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

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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.

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Chairman: John Wolff  
Secretary: Wayne DeLong

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

**RETURN RECEIPT  
REQUESTED**

**CERTIFIED MAIL®**



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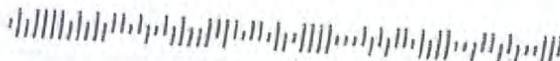
46077

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

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

3-14

46077-125900



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

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



9590 9402 5762 0003 9206 15

2. Article Number (Transfer from service label)

7019 0140 0000 1329 9501

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Stan Mark*

- Agent
- Addressee

B. Received by (Printed Name)

Steve MARTIN

C. Date of Delivery

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

3. Service Type

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

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

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

**Tracking Number:** 70190140000013299457

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

### **Delivered**

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

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#### Text & Email Updates



---

#### Tracking History



##### March 16, 2020, 1:33 pm

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

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

---

##### March 16, 2020

In Transit to Next Facility

---

##### March 14, 2020, 12:24 am

Departed USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

---

##### March 13, 2020, 9:43 pm

Arrived at USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

---

##### March 13, 2020, 8:34 am

USPS in possession of item  
INDIANAPOLIS, IN 46220

---

#### Product Information



**Postal Product:**  
First-Class Mail®

**Features:**  
Certified Mail™

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

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

**Tracking Number:** 70190140000013299464

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

### **Delivered**

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

---

#### **Text & Email Updates**



---

#### **Tracking History**



**March 24, 2020, 9:07 am**

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

---

**March 16, 2020, 10:47 am**

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

---

**March 16, 2020, 10:45 am**

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

---

**March 15, 2020**

In Transit to Next Facility

---

**March 14, 2020, 8:42 pm**

Departed USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

---

**March 13, 2020, 9:43 pm**

Arrived at USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

---

**March 13, 2020, 8:34 am**

USPS in possession of item  
INDIANAPOLIS, IN 46220

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

**Tracking Number:** 70190140000013299471

[Remove X](#)

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

### **Delivered**

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

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#### Text & Email Updates



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#### Tracking History



##### March 16, 2020, 9:57 am

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

---

##### March 15, 2020, 5:30 pm

Departed USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

---

##### March 15, 2020

In Transit to Next Facility

---

##### March 13, 2020, 9:46 pm

Arrived at USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

---

##### March 13, 2020, 8:34 am

USPS in possession of item  
INDIANAPOLIS, IN 46220

---

#### Product Information



**Postal Product:**  
First-Class Mail®

**Features:**  
Certified Mail™

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

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Tracking Number: 70190140000013299488

Remove X

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

Delivered

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

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Tracking History ^

March 16, 2020, 9:20 am

Delivered, To Agent  
MIDLAND, MI 48674

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

March 15, 2020, 2:40 pm

Departed USPS Regional Destination Facility  
PONTIAC MI DISTRIBUTION CENTER

March 15, 2020, 9:15 am

Arrived at USPS Regional Destination Facility  
PONTIAC MI DISTRIBUTION CENTER

March 14, 2020, 12:24 am

Departed USPS Regional Origin Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:42 pm

Arrived at USPS Regional Origin Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item  
INDIANAPOLIS, IN 46220

Product Information ^

Postal Product:  
First-Class Mail®

Features:  
Certified Mail™

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

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Tracking Number: 70190140000013299495

Remove X

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

Delivery Attempt: Action Needed

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

Schedule Redelivery v

Text & Email Updates v

Schedule Redelivery v

Tracking History ^

March 16, 2020, 1:23 pm

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

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March 16, 2020

In Transit to Next Facility

March 14, 2020, 8:42 pm

Departed USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 9:43 pm

Arrived at USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

March 13, 2020, 8:34 am

USPS in possession of item  
INDIANAPOLIS, IN 46220

Product Information ^

Postal Product:  
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Features:  
Certified Mail™

See tracking for related item: 9590940257620003927546 (/go/TrackConfirmAction?tLabels=9590940257620003927546)

See Less ^

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

**Tracking Number:** 70190140000013299501

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

### **Delivered**

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

[Get Updates](#) v

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#### Text & Email Updates



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#### Tracking History



##### March 16, 2020, 1:13 pm

Delivered, Left with Individual  
ZIONSVILLE, IN 46077

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

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##### March 16, 2020

In Transit to Next Facility

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##### March 14, 2020, 8:42 pm

Departed USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

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##### March 13, 2020, 9:43 pm

Arrived at USPS Regional Facility  
INDIANAPOLIS IN DISTRIBUTION CENTER

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##### March 13, 2020, 8:34 am

USPS in possession of item  
INDIANAPOLIS, IN 46220

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#### Product Information



**Postal Product:**  
First-Class Mail®

**Features:**  
Certified Mail™

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

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### Can't find what you're looking for?

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

[FAQs](#)

Feedback

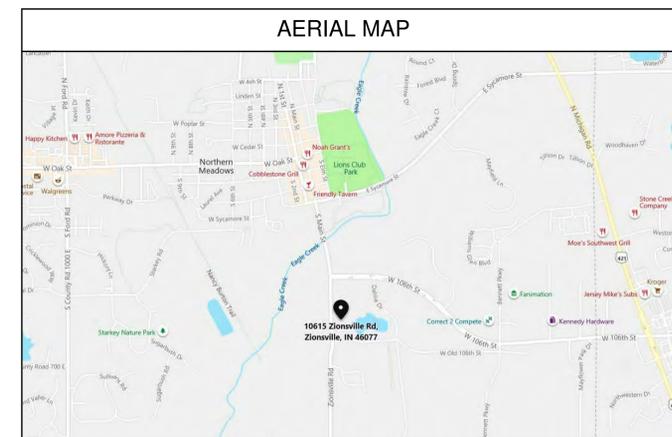
# Hotel Tango Tasting Room

10615 Zionsville Rd.  
Zionsville, IN 46077

03/20/2020 - BZA & ZPC Updates

Jackson Investment Group / Forza

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



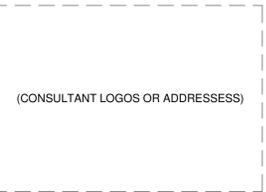
## SHEET INDEX

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



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

IN ASSOCIATION WITH



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PREPARED FOR

Jackson Investment Group / Forza

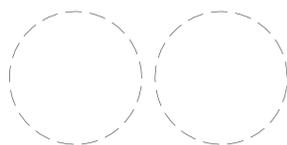
500 East 96th Street, Suite 150  
Indianapolis, IN 46240

PROJECT

Hotel Tango Tasting Room

10615 Zionsville Rd.  
Zionsville, IN 46077

CERTIFICATION



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

## PROJECT TEAM

### OWNER

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

### CONTRACTOR

NAME  
COMPANY  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE  
EMAIL

### ARCHITECT

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

DRAWN BY: JEL  
REVIEWED BY: JEL

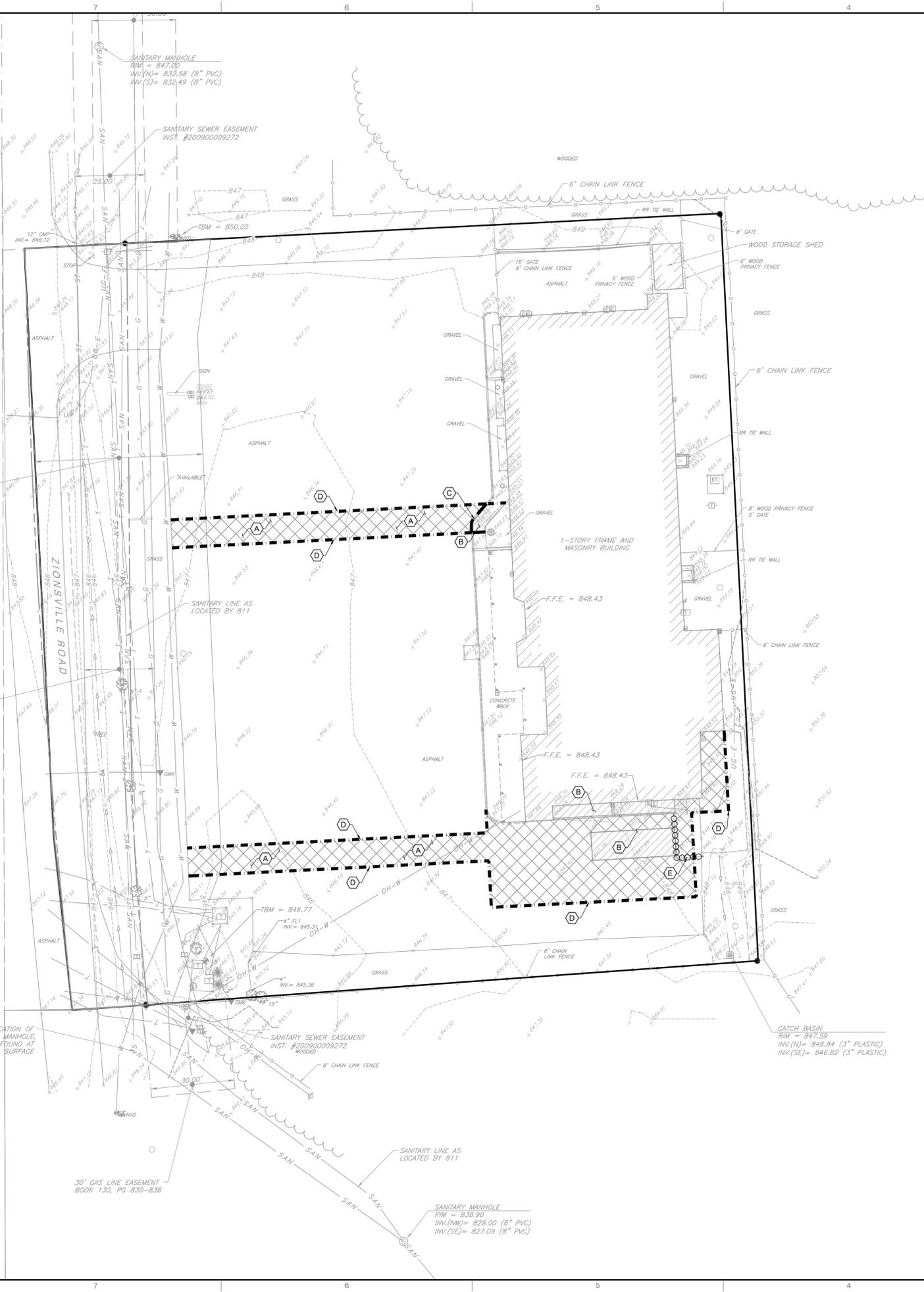
PROJECT NUMBER 19053

SHEET TITLE

COVER SHEET

SHEET NUMBER

G000



**DEMOLITION LEGEND:**

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

**DEMOLITION ITEMS:**

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

**UTILITIES:**

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

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

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

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

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

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

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

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

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

**GENERAL DEMOLITION NOTES:**

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

**FLOOD NOTE:**

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

**UTILITY NOTE:**

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

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

**BENCHMARKS:**

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

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

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

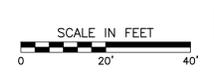
NO.	DATE	DESCRIPTION

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

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

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

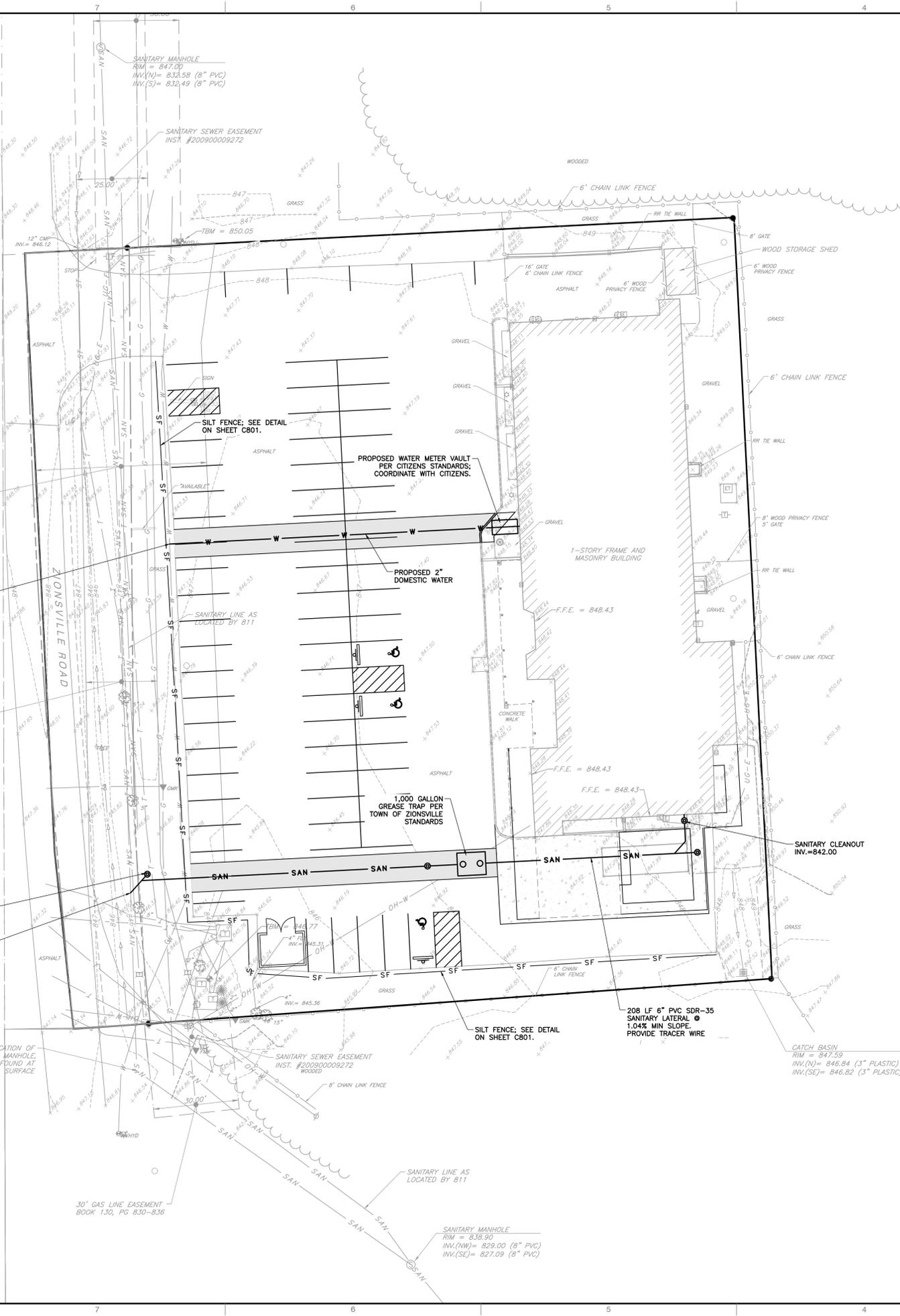
**PRELIMINARY**  
NOT FOR CONSTRUCTION



DRAWING NO. **C101**  
SHEET 3 OF 1

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**UTILITIES:**

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

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CITY OF ZIONSVILLE  
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ATTN: MICHAEL JOHNSON

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VECTREN ENERGY  
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8399 ZIONSVILLE ROAD  
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2020 NORTH MERIDIAN STREET  
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BRIGHTRHOUSE  
3030 ROOSEVELT AVE  
INDIANAPOLIS, IN 46218  
(317) 736-2925

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

**GENERAL UTILITY NOTES:**

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

**FLOOD NOTE:**

THE PARCEL DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED) AS SAID PARCEL PLOTS ON MAP NUMBER 1801100334E (DATED JANUARY 18, 2012) OF THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE, UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

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

**PROPOSED LEGEND:**

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

NO.	DATE	DESCRIPTION

**Civil & Environmental Consultants, Inc.**  
550 E. Ohio Street - Suite G - Indianapolis, IN 46204  
317-655-7777 - 877-746-0749  
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**PROGRESS STUDIO**  
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10615 ZIONSVILLE ROAD  
ZIONSVILLE, IN

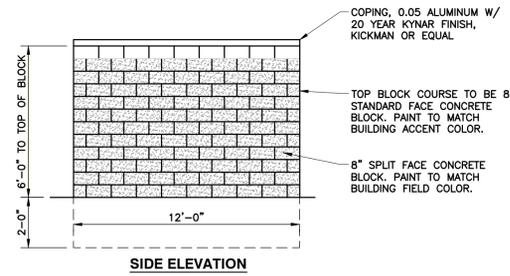
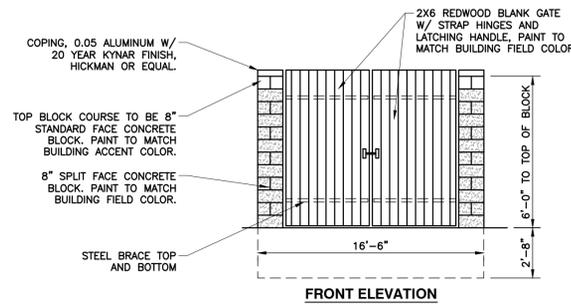
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FEBRUARY 10, 2020	JAR	FEBRUARY 10, 2020	JAR
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PROJECT NO:	194-879	PROJECT NO:	194-879
APPROVED BY:		APPROVED BY:	

DRAWING NO: **C500**  
SHEET 5 OF 1

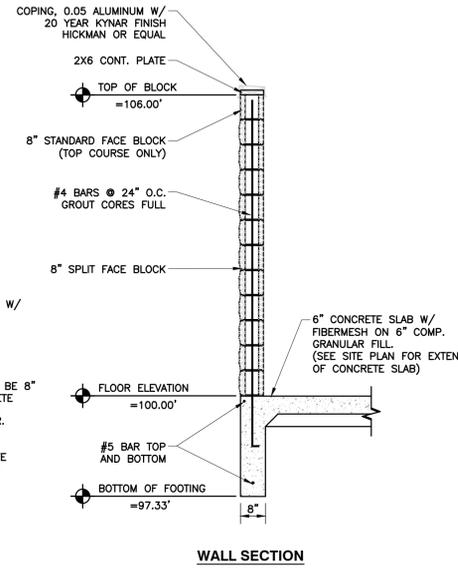
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NOT FOR CONSTRUCTION



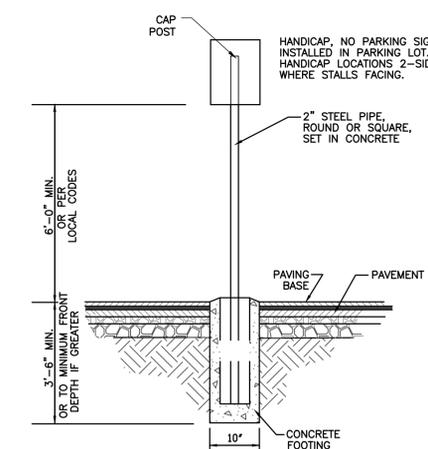
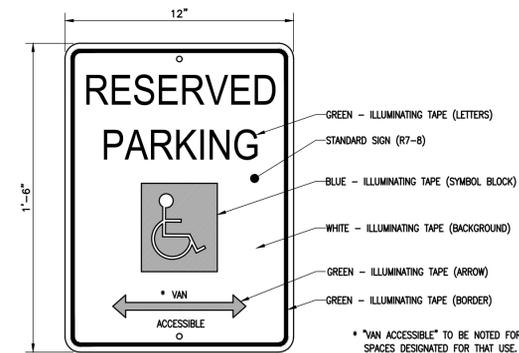
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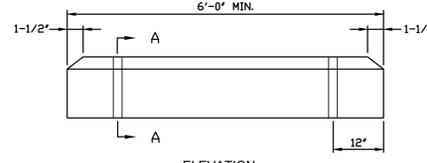
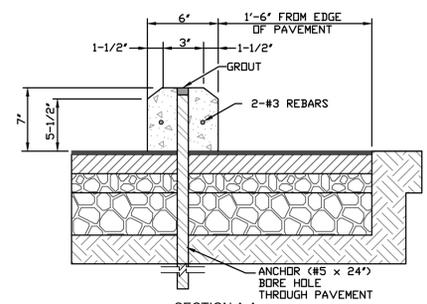
**DETAIL 209 - TRASH ENCLOSURE DETAIL**  
NOT TO SCALE



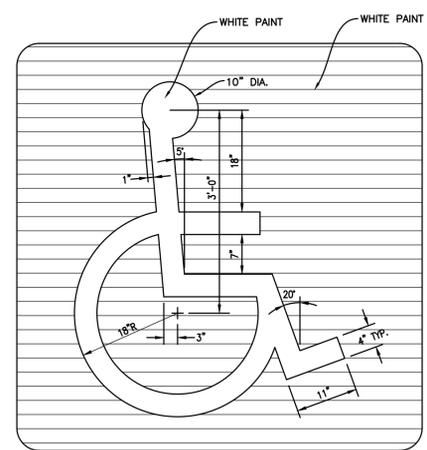
**DETAIL 208 - ADA ACCESSIBLE PARKING SIGN DETAIL**  
NOT TO SCALE



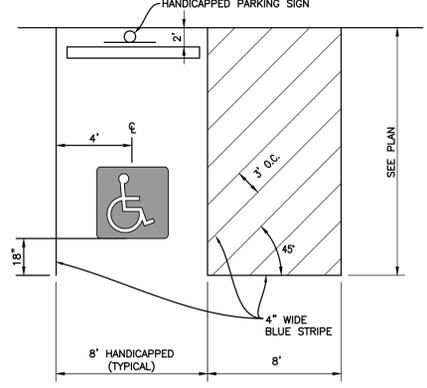
**DETAIL 207 - ACCESSIBLE PARKING SIGNAGE**  
NOT TO SCALE



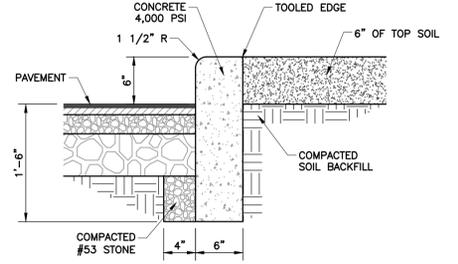
**DETAIL 206 - PRECAST CONCRETE WHEEL STOP**  
NOT TO SCALE



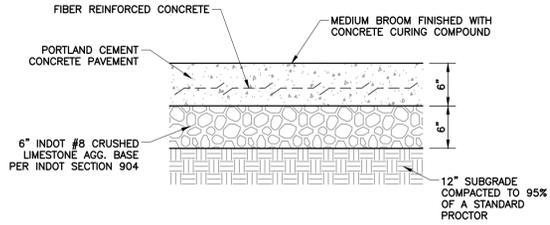
**DETAIL 205 - PAINTED ADA ACCESSIBLE SYMBOL DETAIL**  
NOT TO SCALE



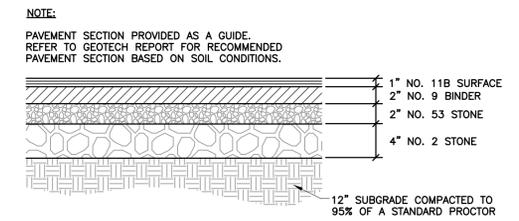
**DETAIL 204 - ADA ACCESSIBLE PARKING STALL**  
NOT TO SCALE



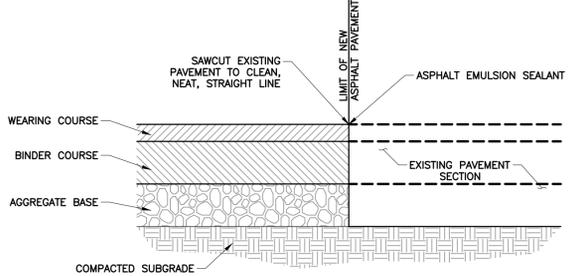
**DETAIL 203 - STRAIGHT CONCRETE CURB DETAIL**  
NOT TO SCALE



**DETAIL 202 - CONCRETE PAVEMENT SECTION**  
NOT TO SCALE



**DETAIL 201 - LIGHT DUTY ASPHALT PAVEMENT SECTION**  
NOT TO SCALE



**DETAIL 101 - PAVEMENT SAWCUT**  
NOT TO SCALE

**PRELIMINARY**  
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NO.	DATE	REVISION RECORD

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317-655-7777 - 877-746-0749  
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**PROGRESS STUDIO**  
**HOTEL TANGO**  
10615 ZIONSVILLE ROAD  
ZIONSVILLE, IN

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

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

A:\2019\194-879\CADD\Site\1007 Construction Documents\19499-001-000.rvt(2020) 15/07/2020 - (pman) - P: 2/7/2020 3:40 PM



IN ASSOCIATION WITH

(CONSULTANT LOGOS OR ADDRESSES)

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(CLIENT LOGO)

PREPARED FOR

**Jackson Investment Group / Forza**

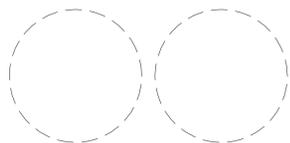
500 East 96th Street, Suite 150  
 Indianapolis, IN 46240

PROJECT

**Hotel Tango Tasting Room**

10615 Zionsville Rd.  
 Zionsville, IN 46077

CERTIFICATION



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

DRAWN BY: Author  
 REVIEWED BY: Checker

PROJECT NUMBER 19053

SHEET TITLE

**EXTERIOR RENDERING EXHIBITS**

SHEET NUMBER

**A401**



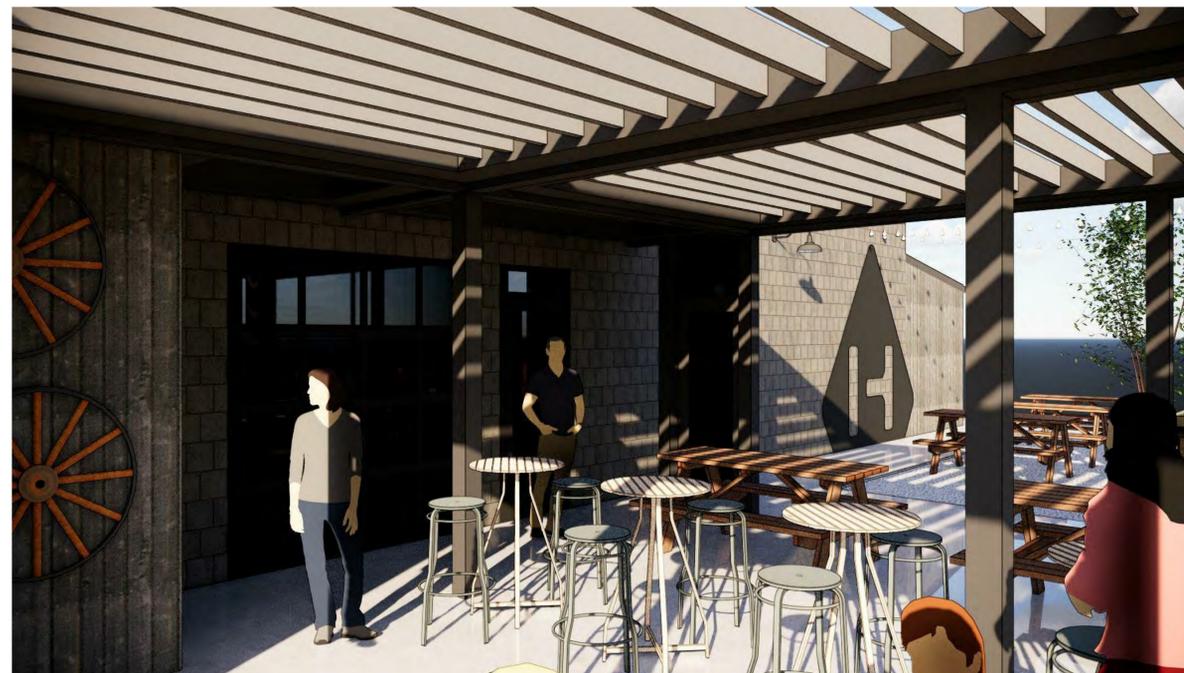
EXAMPLE IMAGE - REMOVABLE VINYL PANELS WITH METAL FRAME



DETAIL - PERGOLA ADDITION



DETAIL - MAIN ENTRANCE



DETAIL VIEW OF PERGOLA AND SEATING



PERSPECTIVE VIEW OF SOUTHWEST CORNER

IN ASSOCIATION WITH



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PREPARED FOR

**Jackson Investment Group / Forza**

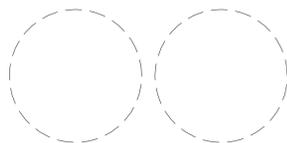
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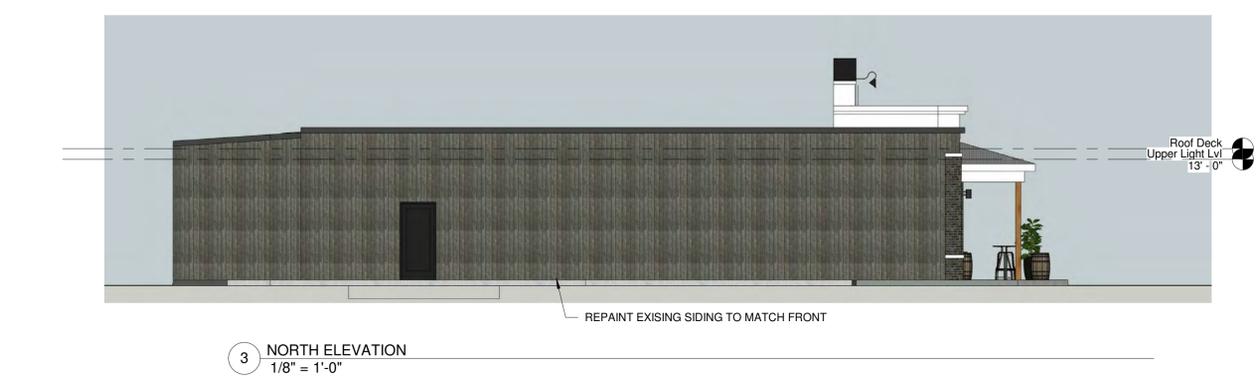
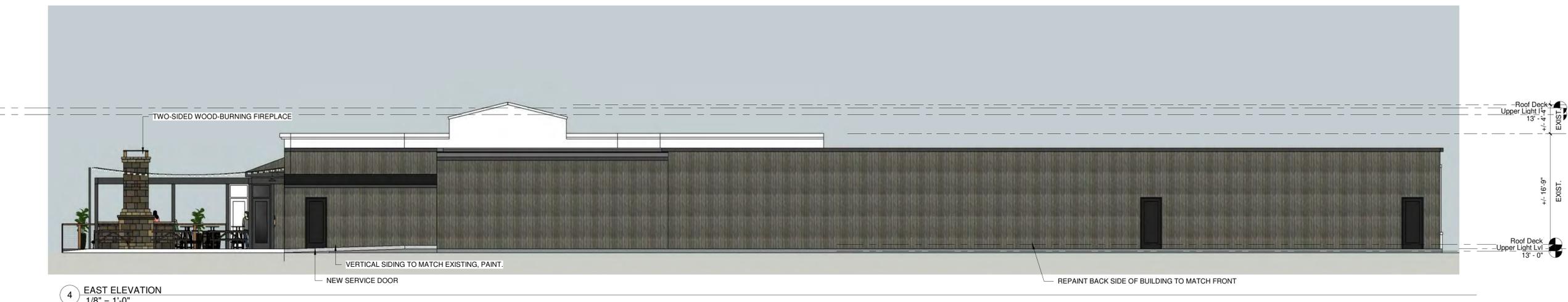
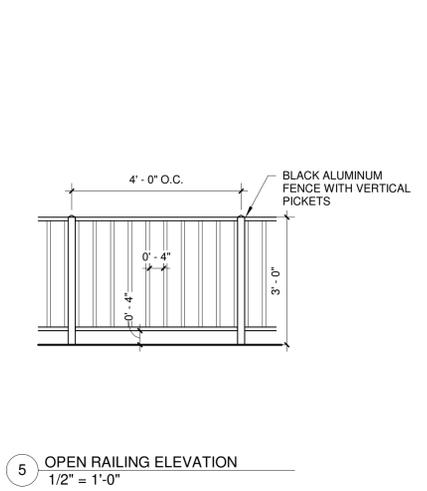
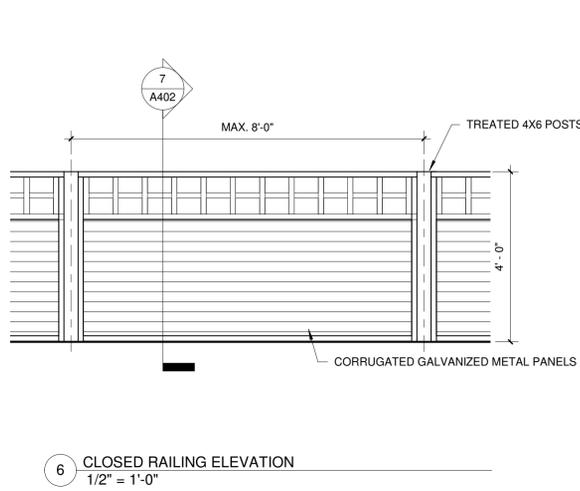
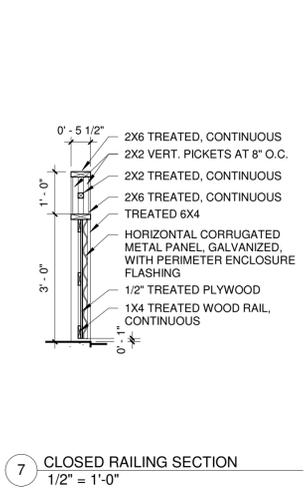
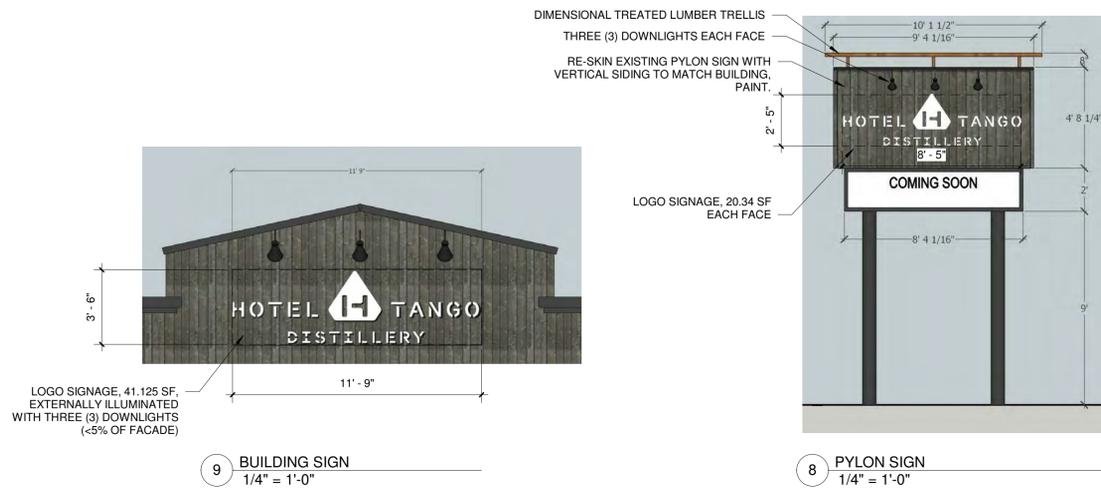
DRAWN BY: Author  
REVIEWED BY: Checker

PROJECT NUMBER 19053  
SHEET TITLE

**EXTERIOR ELEVATIONS AND SIGNAGE**

SHEET NUMBER

**A402**



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

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

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

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

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

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

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

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

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



**Petition Number:** 2020-08-DSV

**Subject Site Address:** 823 Eaglewood Drive

**Petitioner:** Kenneth & Patricia Meiring

**Representative:** Jason Burk, Architect

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

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

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

**Approximate Acreage:** 0.57 acres

**Zoning History:** The parcel was consolidated into the Town of Zionsville's jurisdiction in 2010. No prior petitions are known.

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

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

## **PETITION HISTORY**

This petition will receive a public hearing at the April 1, 2020 Board of Zoning Appeals meeting.

## **PROPERTY HISTORY**

The property is comprised of approximately 0.57 acres and is presently improved with one (1) single-family dwelling and associated accessory uses. The acreage associated with this petition has been utilized for residential purposes under the Boone County Area Planning jurisdiction. In 2010 the area was consolidated into Zionsville's jurisdiction. As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

## **ANALYSIS**

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

### **VARIANCE REQUEST – ACCESSORY HEIGHT EXCEEDING PRIMARY**

The Petitioners have intentions of adding an approximate 1,050 square foot 3-car detached garage enabling them to convert the existing attached 2-car garage to livable space. The petitioners have requested that the peak of their detached garage be approved to exceed the peak of the primary structure by up to 3'-0". By Ordinance, properties in the R-2 (Rural) District are permitted by right to be improved with accessory structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the primary structure IF the property is at least 20 acres in size AND is classified as a Farm. As the subject site is not 20 acres in size, and the dwelling is a single-story structure, a variance must be sought for the height of the accessory to exceed the primary.

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

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

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

Barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to approve a variance to allow an accessory structure(s) which exceed the height of the primary structure, as proposed.

**FRONT YARD SETBACK**

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

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

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

**PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

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

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

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

**STAFF RECOMMENDATIONS**

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

**RECOMMENDATION MOTION**

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



**Kenneth P & Patricia M Meiring**

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

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

March 16, 2020

Dear Board Members,

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

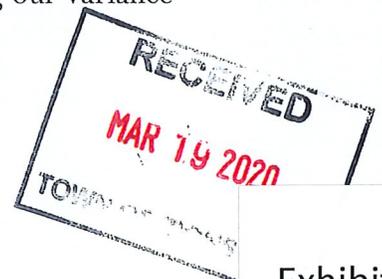
The variance request is for two development standards:

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

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

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

  
Ken and Trish Meiring



No.	Revision	Date

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

**ENGINEERING**

Meiring Residence  
 823 Eaglewood Drive  
 Zionsville, IN 46077

Boundary Survey

Date  
 Jan 21, 2020

Scale  
 1" = 40'

Sheet No.  
 1

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

**Surveyors Report:**

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

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

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

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

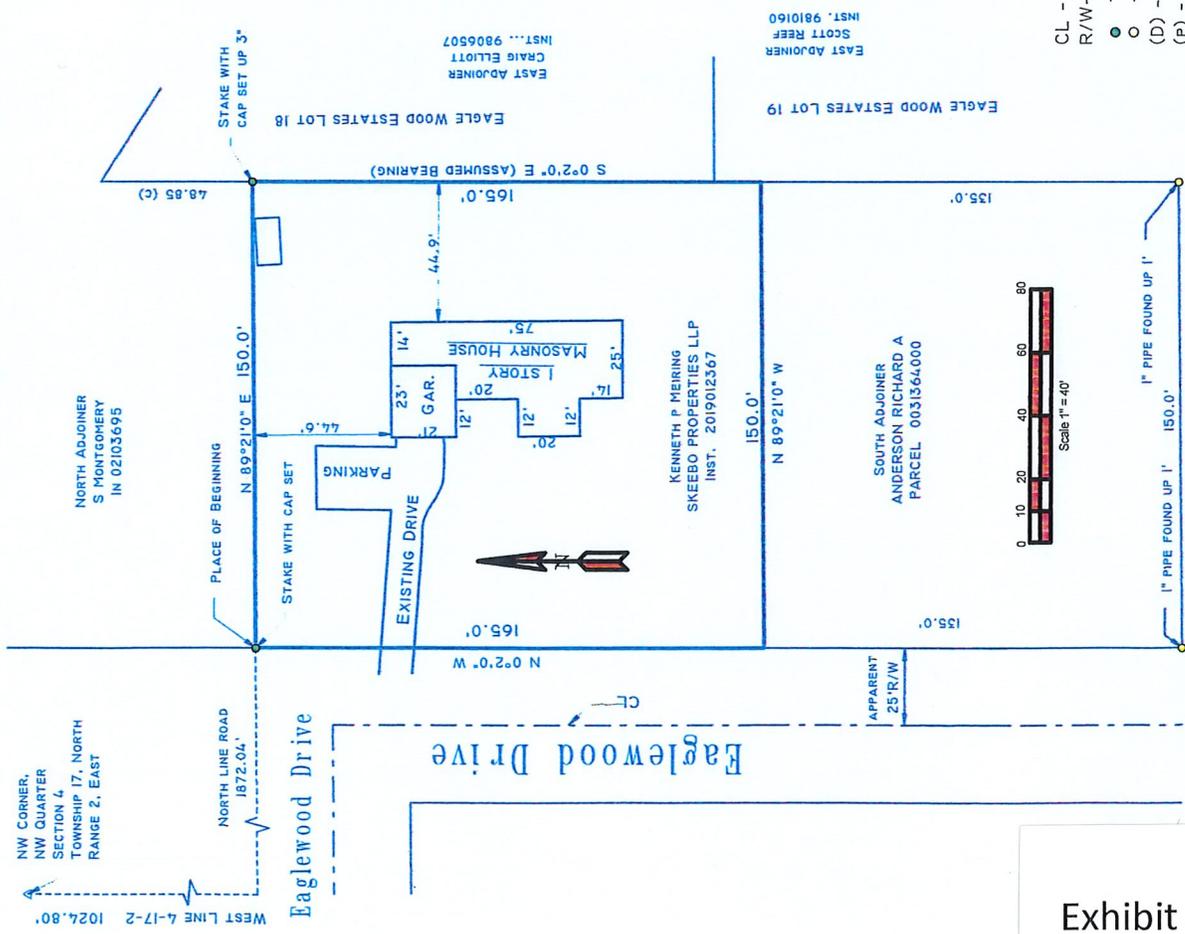
Lines of occupation: There are Utility lines and poles generally running along the East property line of this parcel. An assumed bearing was established using the West line of adjoining Eagle Woods Estates and existing monumentation found. Deed and Plat distances, as well as found monuments were used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

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

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



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



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

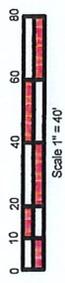
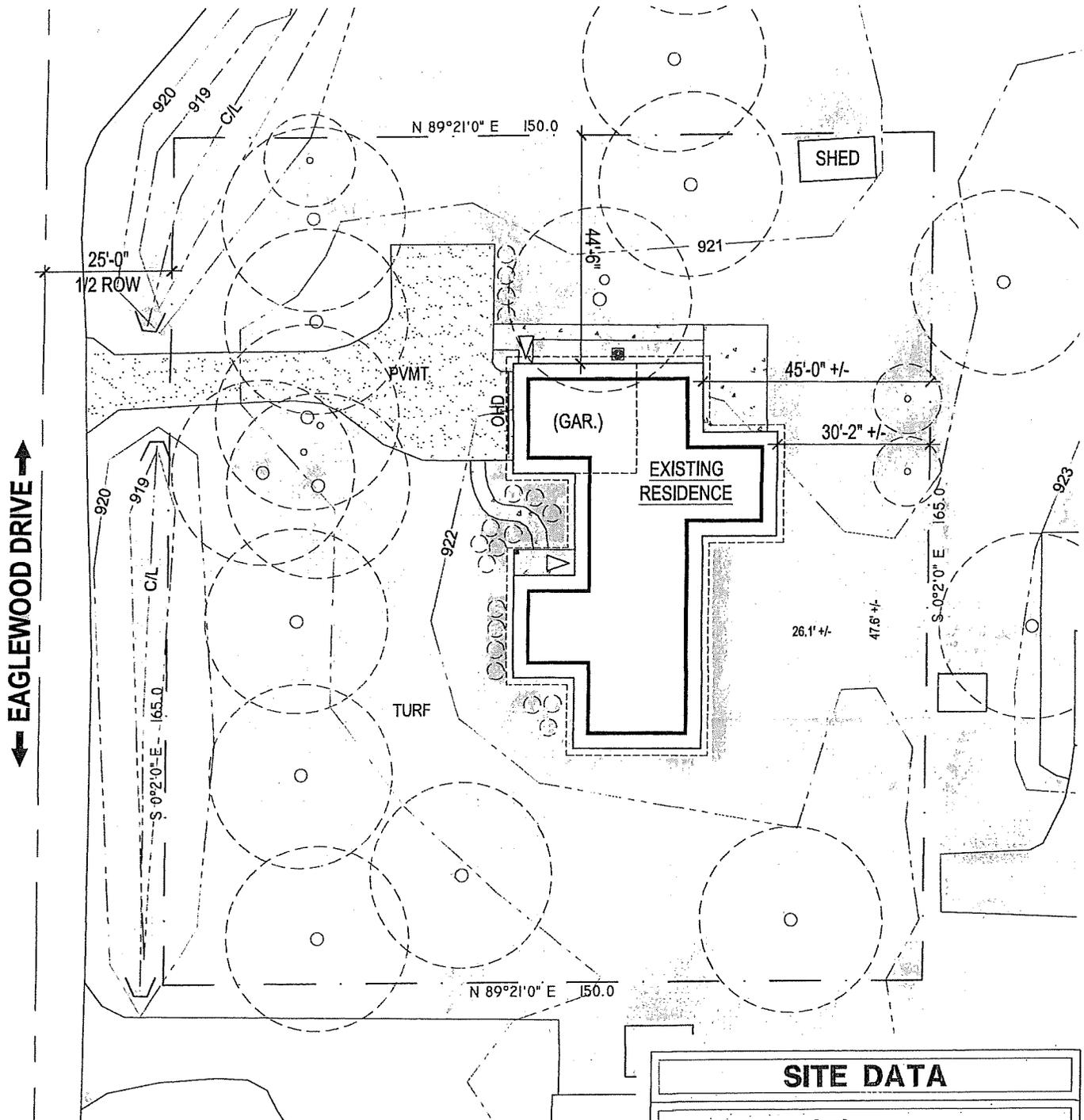
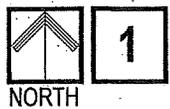
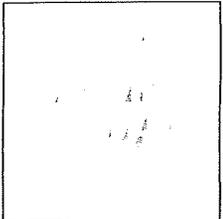


Exhibit 4

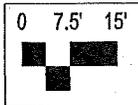


← EAGLEWOOD DRIVE →

jason elliot burk, R.A.



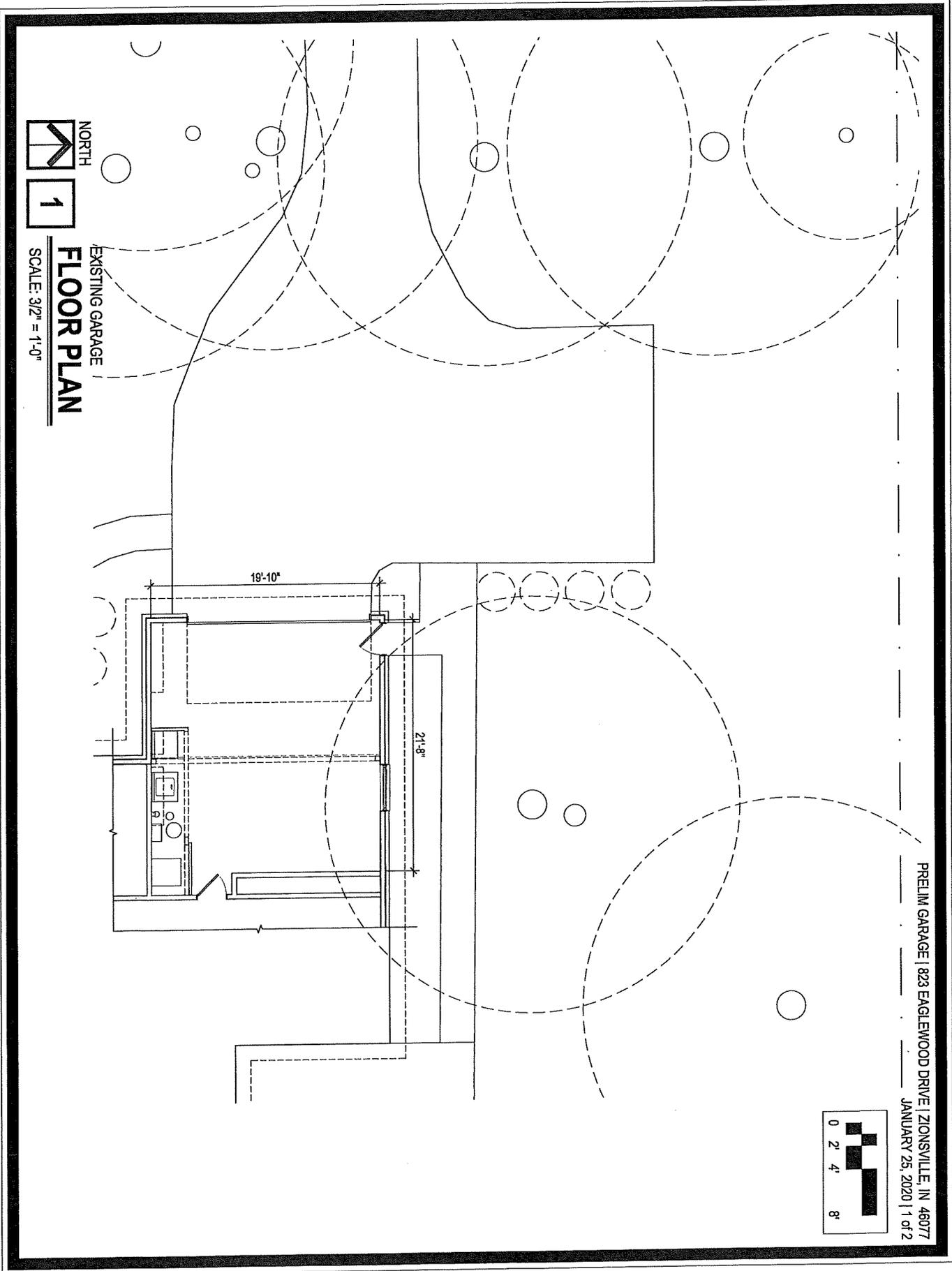
EXISTING  
**SITE PLAN**  
 SCALE: 1" = 30'-0"



**SITE DATA**

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

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

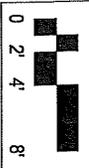


NORTH  
1

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

19'-10"

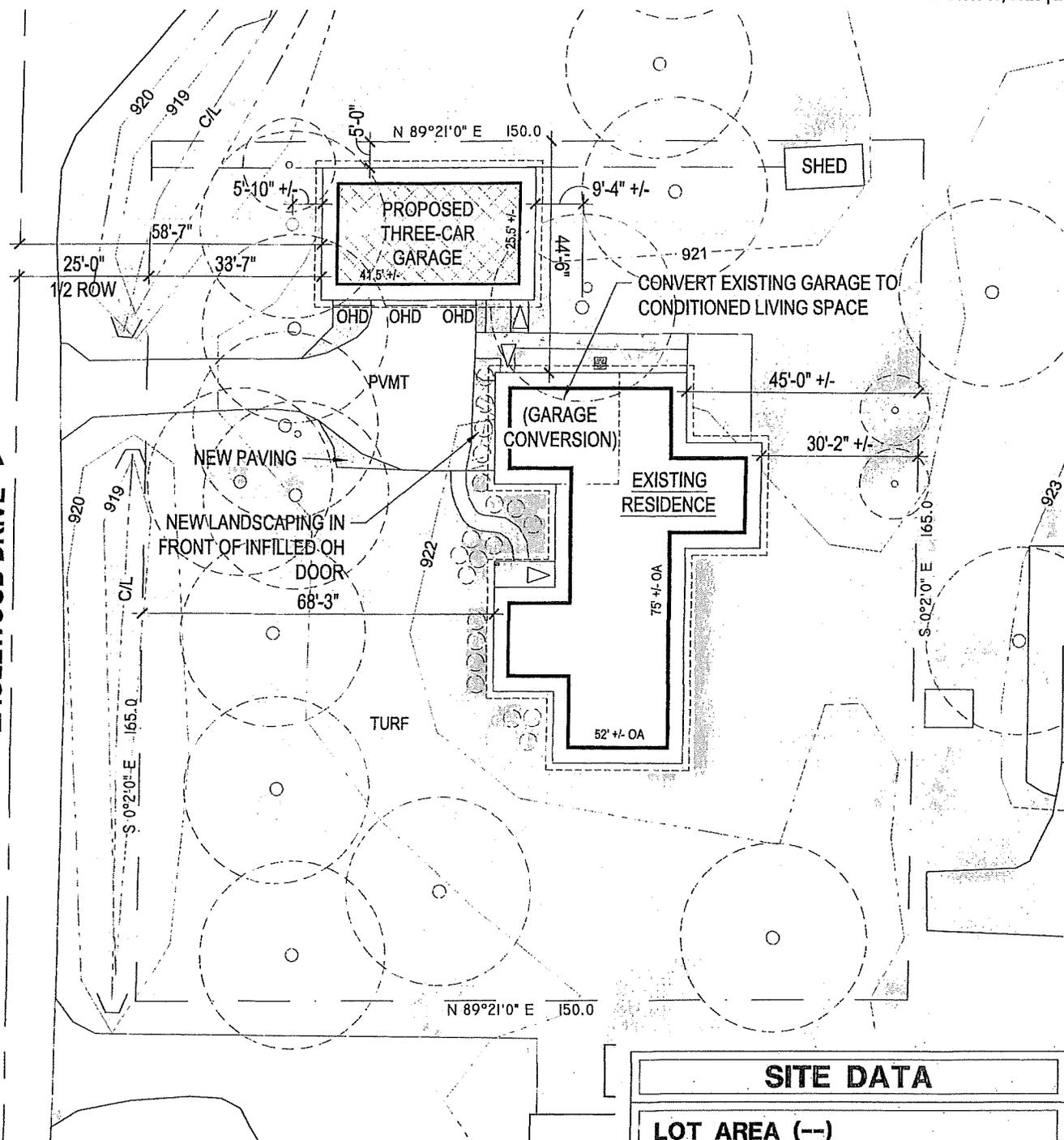
21'-8"



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

Exhibit 4

EAGLEWOOD DRIVE



**SITE DATA**

**LOT AREA (--)**

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

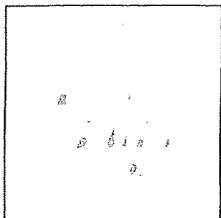
**TOTAL BLDG AREA**

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

**NOTE:**

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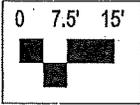
jason elliot burk, R.A.



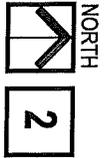
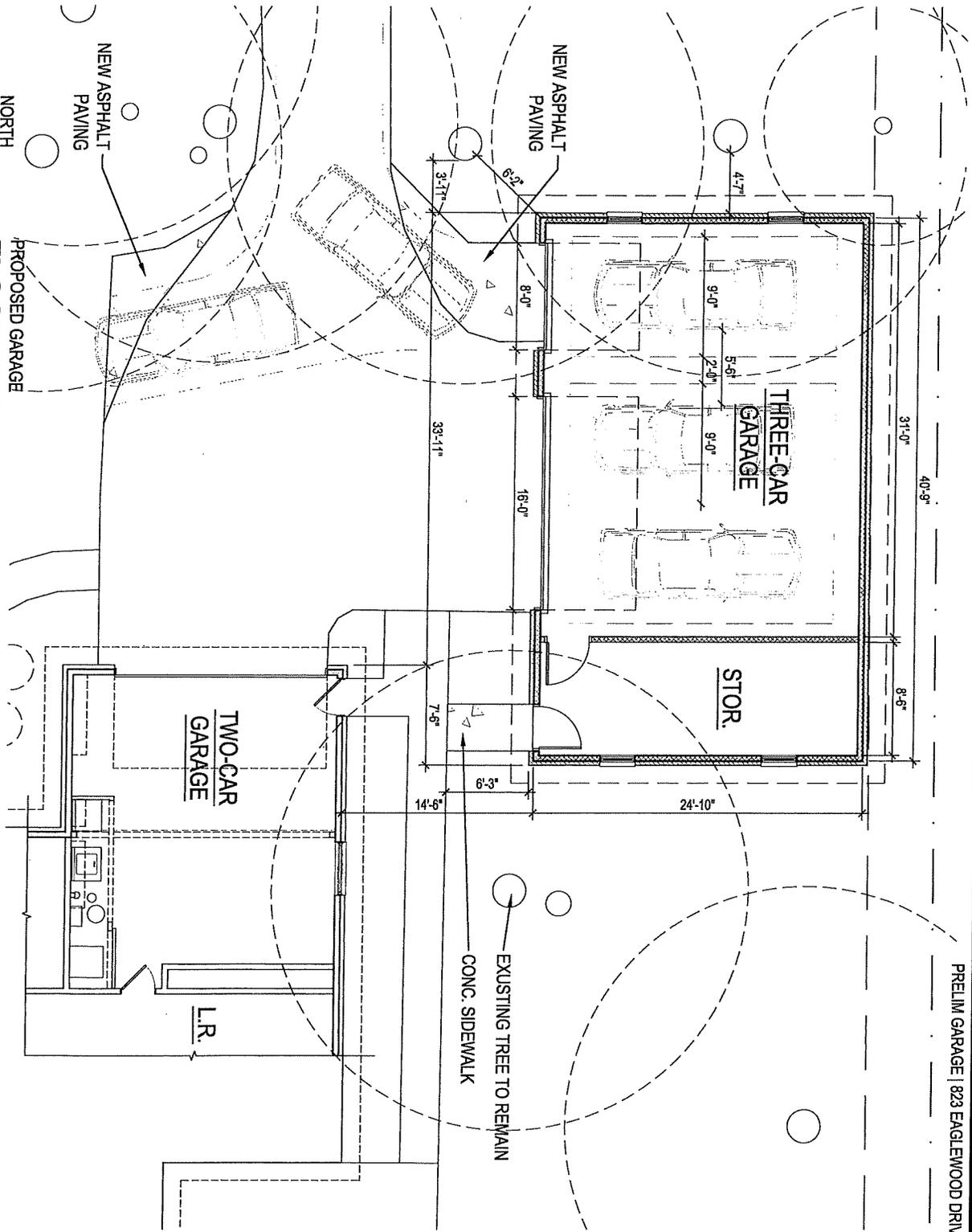
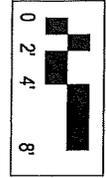
2

PROPOSED  
**SITE PLAN**

SCALE: 1" = 30'-0"

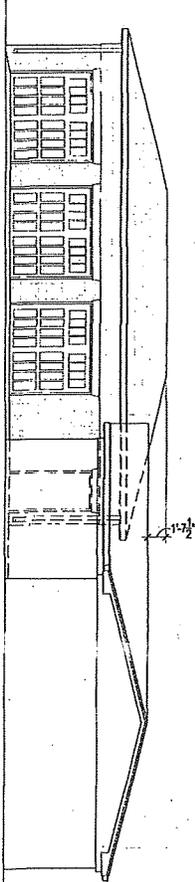
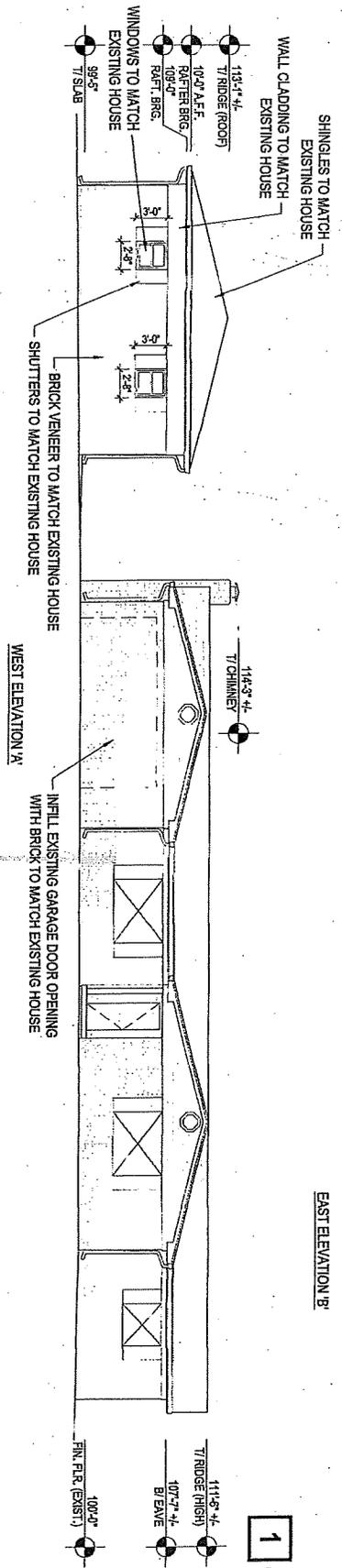


7321 plpestone drive, Indy, in 46217  
 317 691 3692 | jason@burklegacy.com



**FLOOR PLAN**

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



NOTE: SEE ELEVATION 1A FOR TYPICAL NOTES

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

Jason Elliot Burf, R.A.

231 S. Algonquin Drive, Suite 10, 46117  
 317.671.3692 | jasonburf@epc.com

Exhibit 6

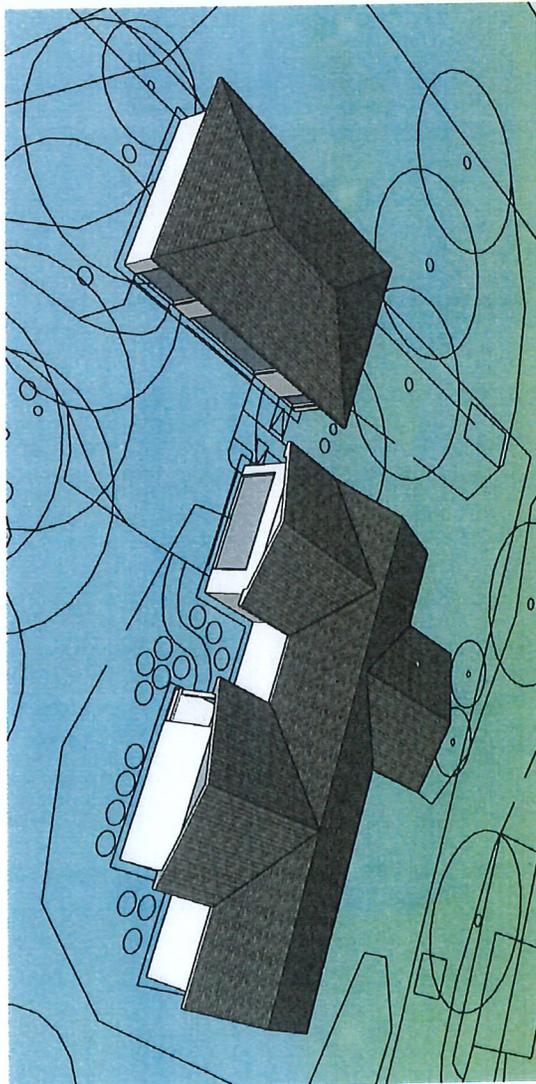


Exhibit 6

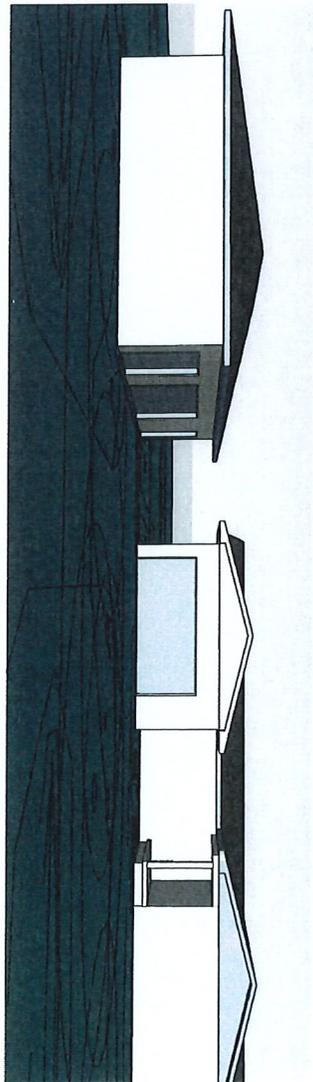


Exhibit 6

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

# Kenneth P & Patricia M Meiring

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

February 18, 2020

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



Dear Mr. Anderson,

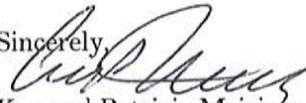
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

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

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

Sincerely,



Ken and Patricia Meiring

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

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

## Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077

• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

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

Dear Craig,

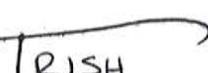
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

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

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

Sincerely,

  
TRISH  
Ken and Trish Meiring

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

CRAIG STOCKING  
Printed Name

2/24/20  
Date

Craig Stocking  
Signature

# Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077

• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mr. Don Veatch  
822 Eaglewood Drive  
Zionsville, IN 46077

Dear Don,

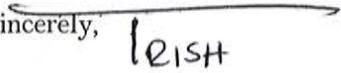
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

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

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

Sincerely,

  
TRISH

Ken and Trish Meiring

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

<u>DON VEATCH</u>	<u>02-22-2020</u>	<u>Don Veatch</u>
Printed Name	Date	Signature

# Kenneth P & Patricia M Meiring

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

February 18, 2020

Mr. Scott Montgomery  
821 Eaglewood Drive  
Zionsville, IN 46077

Dear Scott,

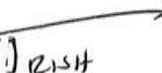
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

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

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

Sincerely,

  
Ken and Trish Meiring

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

Susie Montgomery

Printed Name

Feb. 21 2020

Date



Signature

# Kenneth P & Patricia M Meiring

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

February 18, 2020

Ms. Jennie Howell  
6100 Eaglewood Drive  
Zionsville, IN 46077

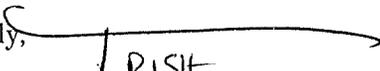
Dear Jennie,

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

The variance request is for two development standards:

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

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

Sincerely,   
Ken and Trish Meiring

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

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

# Kenneth P & Patricia M Meiring

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

February 18, 2020

Ezequiel Hernandez  
828 Eaglewood Dr  
Zionsville, IN 46077

Mr. Hernandez

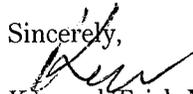
Trish and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

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

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

Sincerely,

  
Ken and Trish Meiring

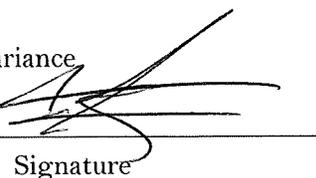
I (we) support the Meiring's Development Standard Variance



Printed Name

02-23-20

Date



Signature

## Kenneth P & Patricia M Meiring

823 South Eaglewood Drive, Zionsville, IN 46077

• E-Mail: kenmeiring@kpmeiring.com

February 18, 2020

Mrs. Mary Moreland  
827 Eaglewood Dr  
Zionsville, IN 46077

Dear Mary,

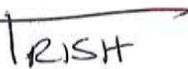
Ken and I are seeking a **Development Standards Variance** for a proposed garage we would like to build at our home located at 823 Eaglewood Drive.

The variance request is for two development standards:

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

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

Sincerely,

TRISH

Ken and Trish Meiring

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

MARY L MORELAND 2-22-2020 Mary L Moreland  
Printed Name Date Signature

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-08-05V

**1. SITE INFORMATION:**

Address of Property: 823 Eaglewood Drive South

Existing Use of Property: Residential

Proposed Use of Property: Residential

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

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

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

Owner Address:

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

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

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

**Attorney/Contact Person:**

Name: Kenneth Meiring

Address: 823 Eaglewood Drive, Zionsville 46077

Phone Number: 317 710 6666

E-Mail Address: kenmeiring@kpmeiring.com

**Project Engineer:**

Name: Jason Burk, Architect

Address: 7321 Pipestone Drive, Indianapolis, IN 46217

Phone Number: 317 691 3692

E-Mail Address: jason@burklegacy.com

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

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

Front Yard Set Back and Building Height

**5. ATTACHMENTS:**

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

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

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

Signature of Owner or Attorney for Owner: *Kenneth P Meiring* Date: 3/17/20  
Kenneth P Meiring

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

State of FLORIDA )  
County of ST. JOHNS )  
SS:

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 2020.

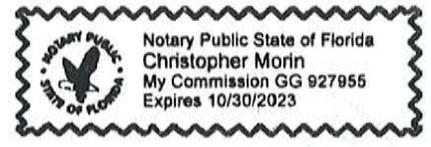
*[Signature]*  
Notary Public Signature

Chris Morin  
Notary Public Printed

My Commission No: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

My County of Residence is \_\_\_\_\_ County



# OWNER'S AUTHORIZATION

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

Signature:    
Printed: Kenneth Meiring Patricia Meiring  
Title: \_\_\_\_\_

State of Florida )  
County of St Johns ) SS:

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

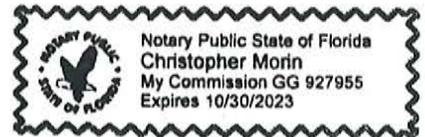
  
Notary Public Signature

Chris Morin  
Notary Public Printed

My Commission No: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

My County of Residence is \_\_\_\_\_ County





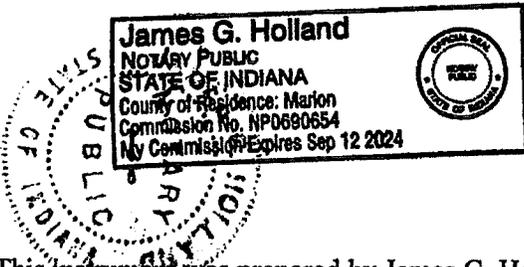
partnership, and who, having been duly sworn, stated that any representations therein contained are true.  
Witness my hand and Notarial Seal this 18 day of November, 2019.

My commission expires \_\_\_\_\_

Signature *James G. Holland*

Printed \_\_\_\_\_  
Notary Public

Resident of \_\_\_\_\_  
County, Indiana



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

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

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

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

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

STATE OF Indiana )  
COUNTY OF Boone ) SS:

I, Patricia M Meiring, DO HEREBY CERTIFY THAT LEGAL NOTICE TO  
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS, to consider the Petition of: Kenneth P and Patricia M Meiring  
(NAME OF PERSON ON PETITION)

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

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

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

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

*See attached List of Adjoiners*

And that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the 17<sup>th</sup> day of MARCH, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "Receipt for Certified Mail" [white slips] attached).

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

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

State of Florida )

County of St Johns ) SS:

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 2020.

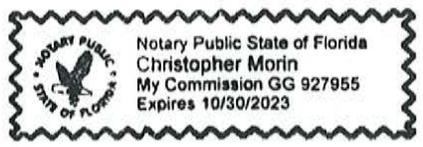
[Signature]  
Notary Public Signature

Chris Morin  
Notary Public Printed

My Commission No: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

My County of Residence is \_\_\_\_\_ County



Attribute report for active ID 1

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

-----

**The Indianapolis Star**

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

Federal Id: 06-1032273

**TOWN OF ZIONSVILLE**

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

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

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

**PUBLISHER'S AFFIDAVIT**

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

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

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

The insertion being on the 03/19/2020

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

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

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

*Kathleen Allen*

Date: 3/19, 2020 Title: Clerk

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

*Shelly Hora*  
Notary Public

Notary Expires: 8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

To: INDIANAPOLIS

STAR

(Governmental Unit)

\_\_\_\_\_ County, Indiana \_\_\_\_\_

**Indianapolis, IN**

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

Website Publication \$0

Acct #: INI-2529  
Ad #: 0004117775

Charge for proof(s) of publication \$0.00

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

TOTAL AMOUNT OF CLAIM \$107.24

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

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

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)  
(incorrect)

\$ \_\_\_\_\_  
On Account of Appropriation For

FED. ID  
#06-1032273

Allowed \_\_\_\_\_, 20\_\_\_\_

In the sum of \$ \_\_\_\_\_

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

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

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, 4/1/20, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:  
2020-08-DSV, Kenneth and Patricia Meiring requests a Development Standards Variance to provide for or permit:  
Construction of a Detached Garage

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

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

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

A copy of the Petition for Development Standards Variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, [assistance@zionsville-in.gov](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

INI - 3/19/2020 - 0004117775

hspaxlp

7019 1120 0001 6543 2796

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

ZIONSVILLE, IN 46077

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

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

7019 1120 0001 6543 3030

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

ZIONSVILLE, IN 46077

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

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

7019 1120 0001 6543 2804

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

ZIONSVILLE, IN 46077

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

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

7019 1120 0001 6543 2774

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

ZIONSVILLE, IN 46077

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

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

7019 1120 0001 6543 2767

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ZIONSVILLE, IN 46077

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

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

7019 1120 0001 6543 3047

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ZIONSVILLE, IN 46077

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

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

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ZIONSVILLE IN 46077

Certified Mail Fee	\$3.55
Postage	\$0.55
<b>Total Postage and Fees</b>	<b>\$6.95</b>

0482  
13  
Postmark  
Here  
03/17/2020

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

7019 1120 0001 6543 2750

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ZIONSVILLE IN 46077

Certified Mail Fee	\$3.55
Postage	\$0.55
<b>Total Postage and Fees</b>	<b>\$6.95</b>

0482  
13  
Postmark  
Here

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



**Certificate of Mailing**

To pay fee, affix stamps or meter postage here

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823 EAGLEWOOD DRIVE  
ZIONSVILLE, INDIANA  
46077-9045

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

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823 EAGLEWOOD DRIVE  
ZIONSVILLE, INDIANA  
46077-9045

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

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823 EAGLEWOOD DRIVE  
ZIONSVILLE, INDIANA  
46077-9045

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

Postmark Here

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



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ZIONSVILLE, INDIANA  
46077-9045

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

Postmark Here

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



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

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

Postmark Here

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



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

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

Postmark Here

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



UNITED STATES  
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Certificate of Mailing

To pay fee, affix stamps or meter postage here

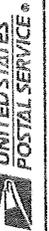
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

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

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

Postmark Here

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



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

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

Postmark Here

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

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

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

4/1/20, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana  
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-08-DSV, Kenneth P and Patricia M Meiring requests a  
(PETITION NUMBER) (NAME OF PETITIONER)

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

Petition for Development Standards Variance in order to provide for the construction of a detached garage which:

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

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

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

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

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

pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Development Standards Variance  
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

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

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, [assistance@zionsville-in.gov](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: \_\_\_\_\_

## Kenneth P & Patricia M Meiring

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

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

March 16, 2020

Dear Board Members,

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

The variance request is for two development standards:

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

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

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

 Trish Meiring  
Ken and Trish Meiring



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

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

**Boundary Survey**  
 Meiring Residence  
 823 Eaglewood Drive  
 Zionsville, IN 46077



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

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

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

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

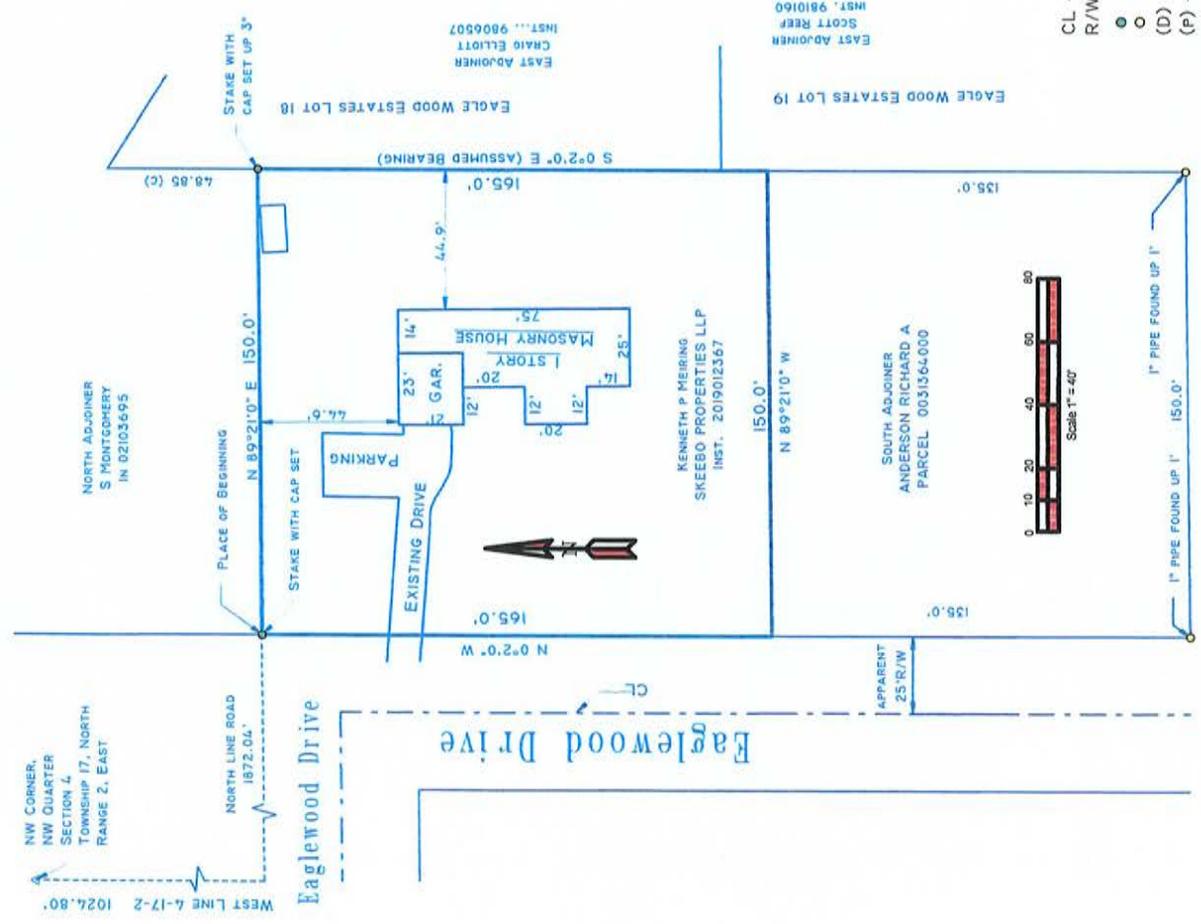
Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded deeds used in this survey. There are rounding differences associated with the deed angles and the deed dimensions. Uncertainty due to these discrepancies is equal in magnitude of these discrepancies, and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

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

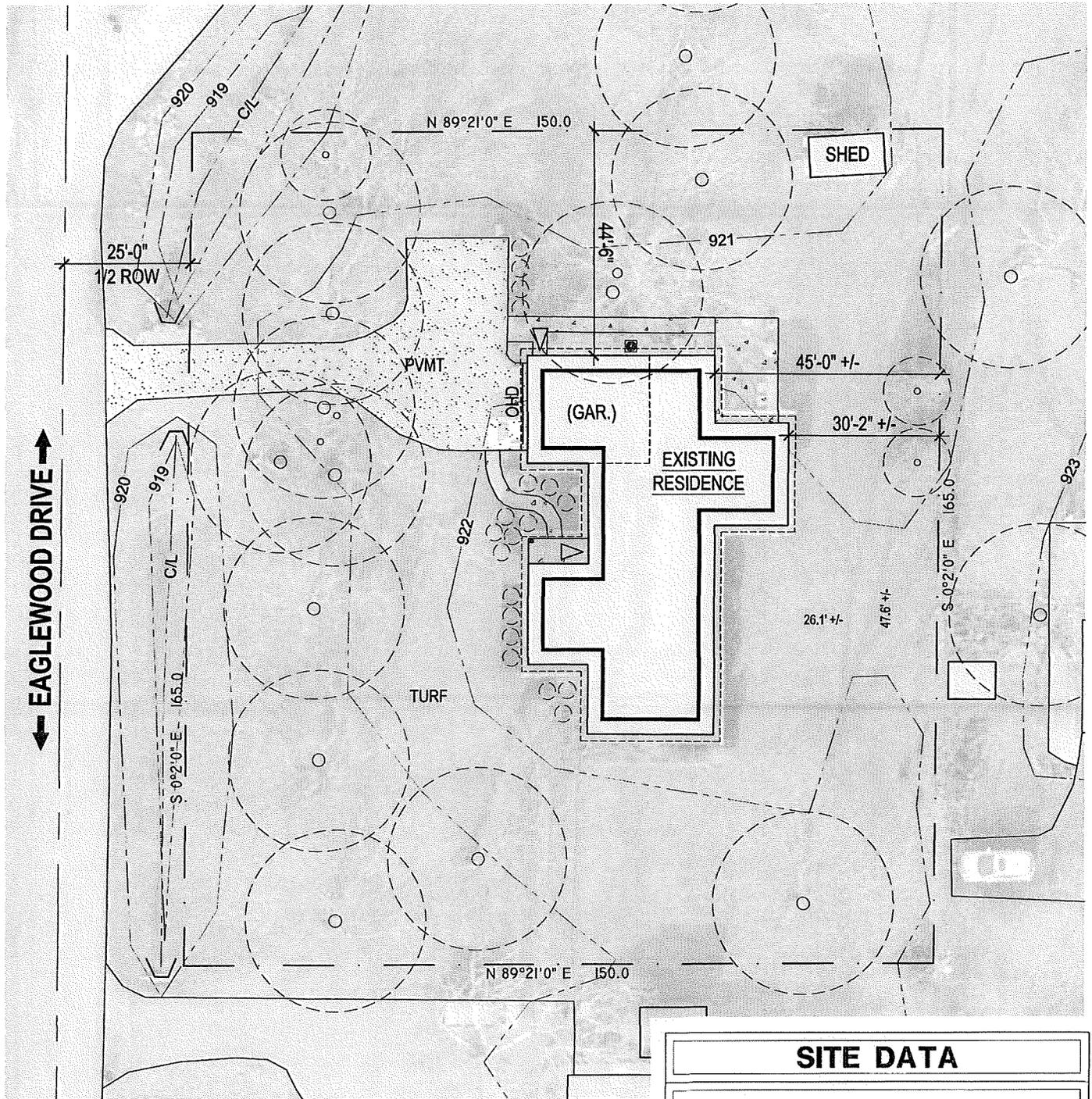
Lines of occupation: There are Utility lines and poles generally running along the East property line of this parcel. An assumed bearing was established using the West line of adjoining Eagle Woods Estates and existing monumentation found. Deed and Plat distances, as well as found monuments were used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

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

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



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



← EAGLEWOOD DRIVE →

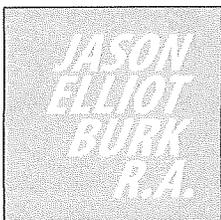
**SITE DATA**

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

**NOTE:**

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

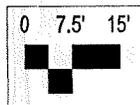
jason elliot burk, R.A.

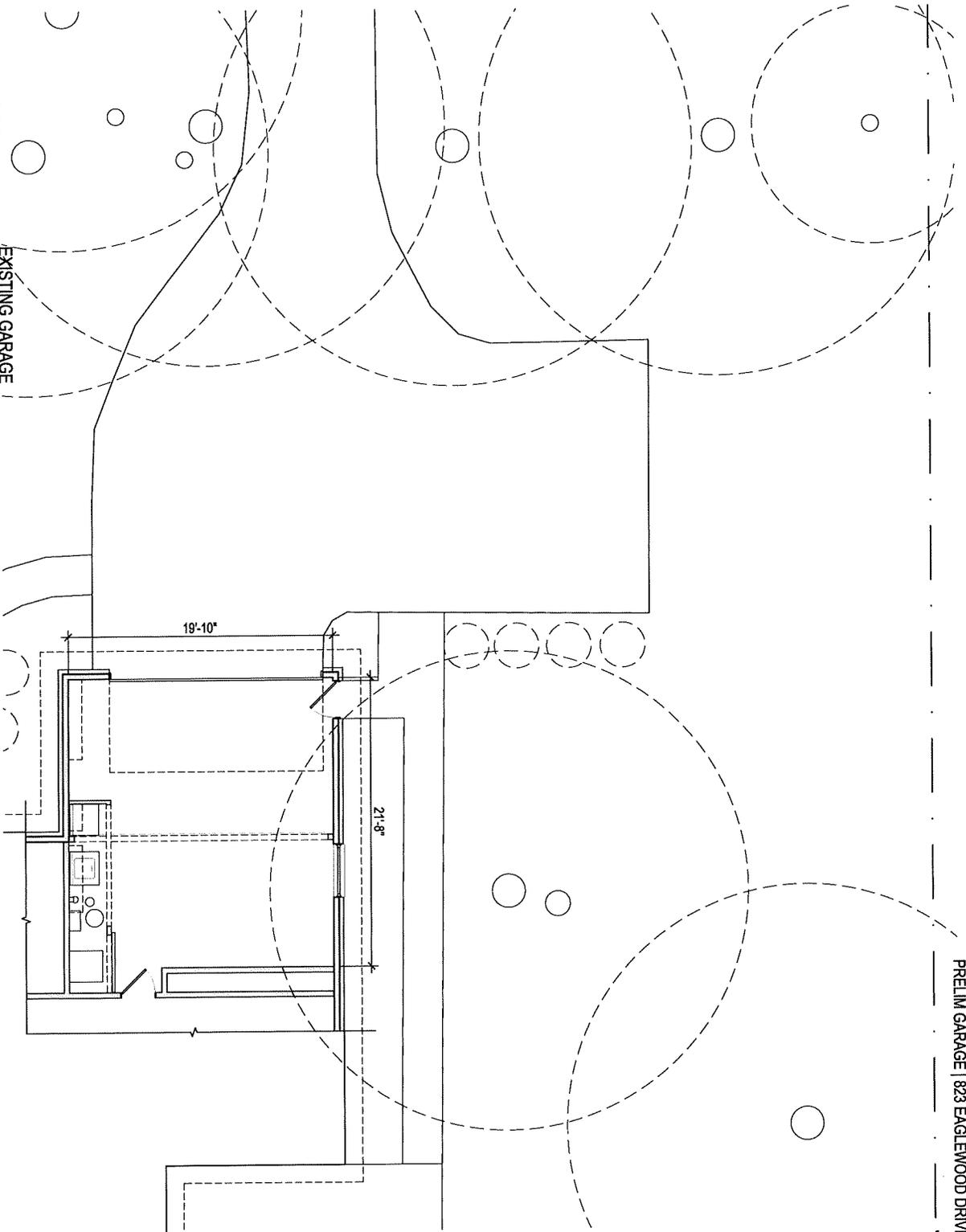
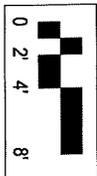


1

EXISTING  
**SITE PLAN**

SCALE: 1" = 30'-0"



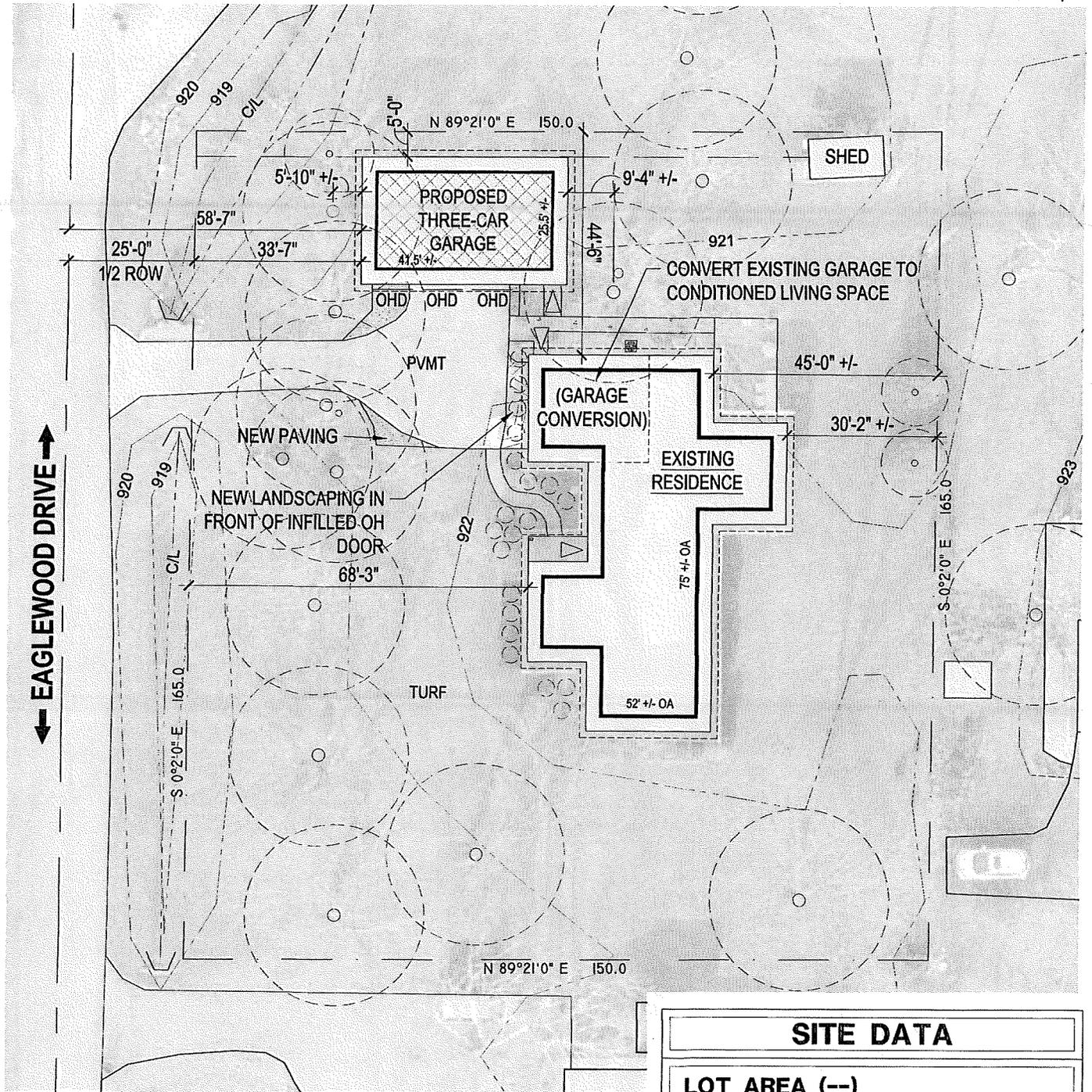


EXISTING GARAGE

# FLOOR PLAN

SCALE: 3/2" = 1'-0"





← EAGLEWOOD DRIVE →

**SITE DATA**

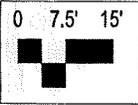
<b>LOT AREA (--)</b>	
PARCEL SIZE	24,748 S.F. (0.57 ACRES)
<b>TOTAL BLDG AREA</b>	
EXIST. RES. FOOTPRINT AREA	3,115 S.F. +/-
EXIST. COVERED PORCH (FRONT)	60 S.F. +/-
SHED	120 S.F. +/-
PROP. GAR. FOOTPRINT AREA	1,242 S.F. +/-
<b>TOTAL COVERED AREA</b>	<b>4,737 SQ. FT. +/-</b>
PROPOSED OPEN SPACE	81 %

jason elliot burk, R.A.



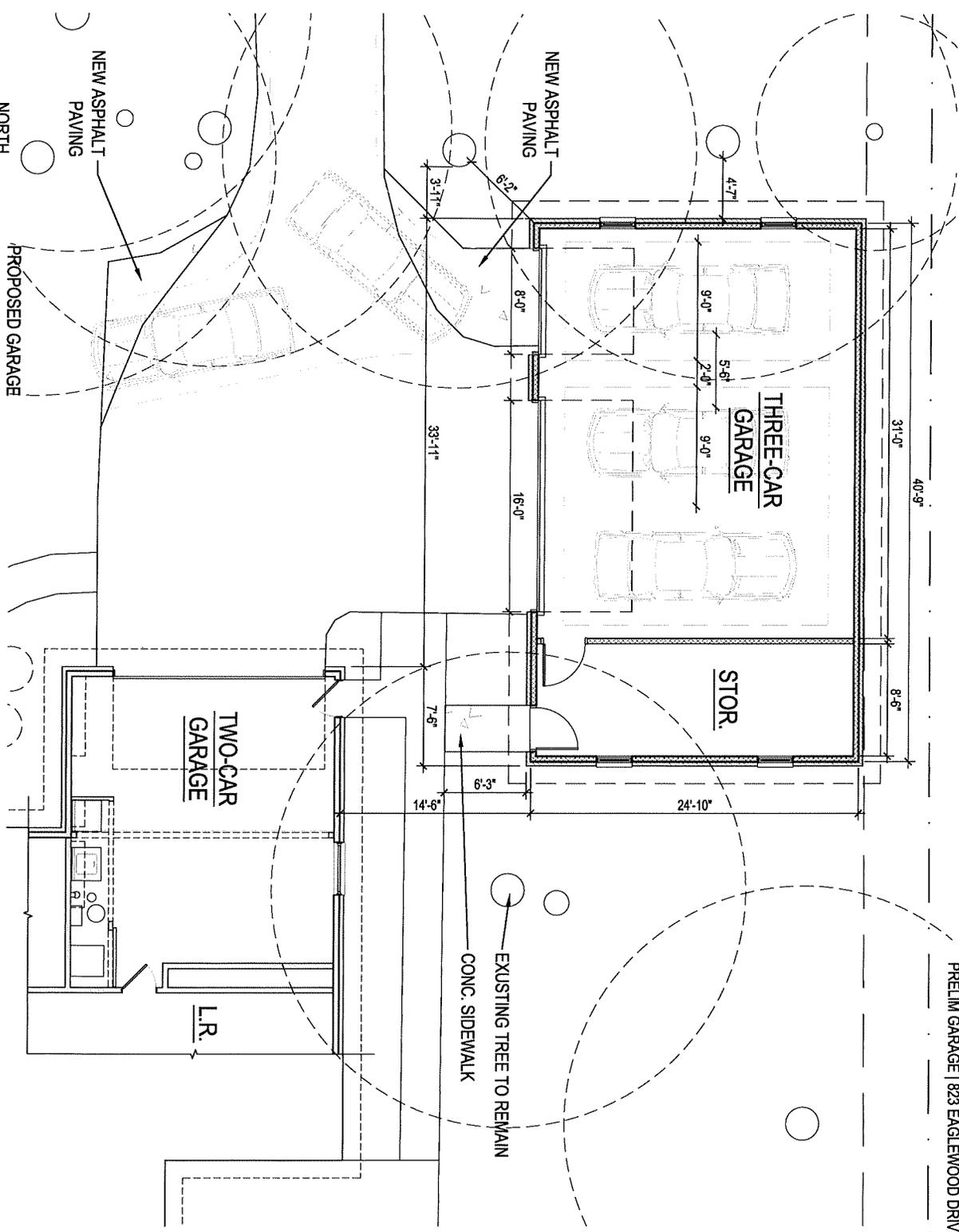
PROPOSED  
**SITE PLAN**

SCALE: 1" = 30'-0"

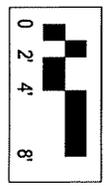


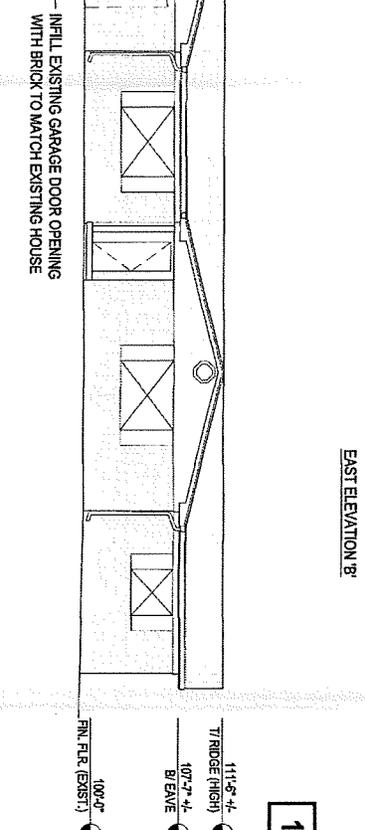
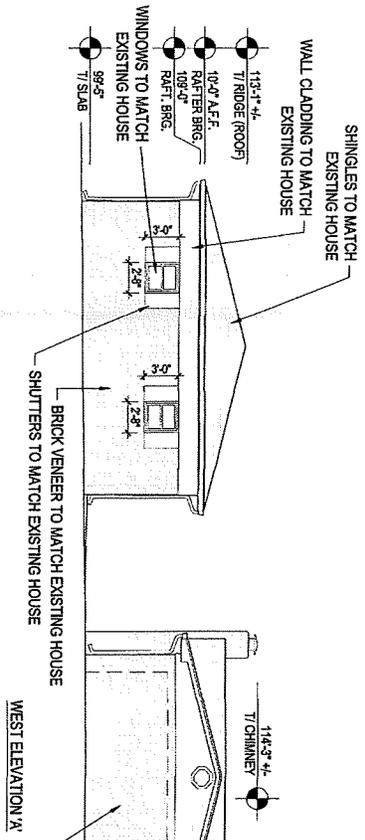
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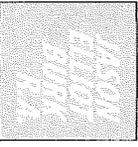


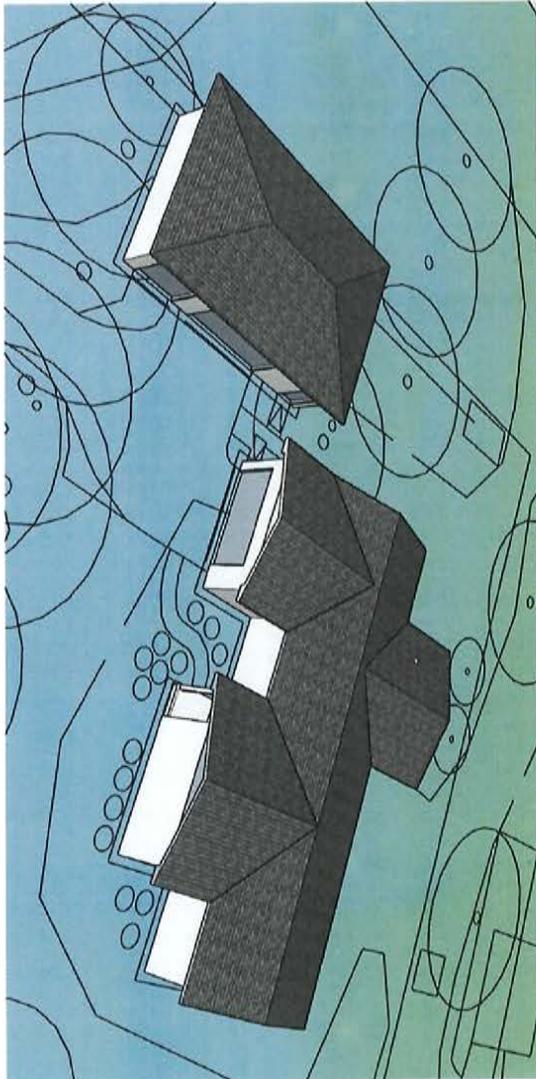
**FLOOR PLAN**  
SCALE: 3/2" = 1'-0" | AREA: 900 SQ. FT.

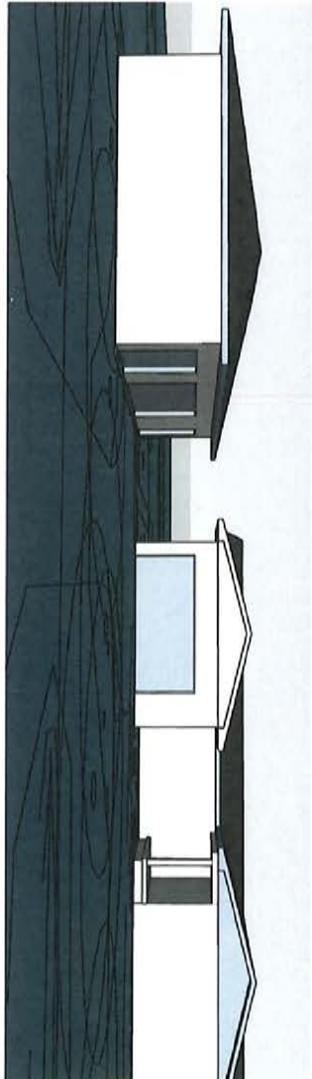




**1**  
 PROPOSED  
**ELEVATIONS**  
 SCALE: 3/32" = 1'-0"

jason elliot burk, R.A.  
  
 7221 pipstone drive, indy, in 46217  
 317 697 3692 | jason@burkdesign.com





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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_



**Petition Number:** 2020-09-DSV

**Subject Site Address:** 324 S 9th Street

**Petitioner:** Ramiro De La Cruz & Alejandra Chavez

**Representative:** Ramiro De La Cruz & Alejandra Chavez

**Request:** Petition for Development Standards Variance to allow for an existing outdoor fireplace to continue to:  
1) encroach into the required minimum 5-foot side yard setback in the Urban Residential Village Zoning District (R-V).

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

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

**Approximate Acreage:** .31 acres

**Zoning History:** No prior petitions are known.

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

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

### **PETITION HISTORY**

This petition will receive a public hearing at the April 1, 2020 Board of Zoning Appeals meeting.

### **PROPERTY HISTORY**

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

### **ANALYSIS**

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

### **SETBACKS (SIDE YARDS)**

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

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

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

Uniquely, the Zoning Ordinance supports the presence of lateral encroachments into setbacks. This provision includes eaves and overhangs, fireboxes, bay windows, and other appurtenances. Said another way, if the fireplace was laterally supported by a dwelling built in compliance with setback standards, it

could encroach two (2) feet into the side yard setback. The fact that the fireplace is freestanding and not laterally supported is the essence of why a variance is needed in this case.

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

**PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

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

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

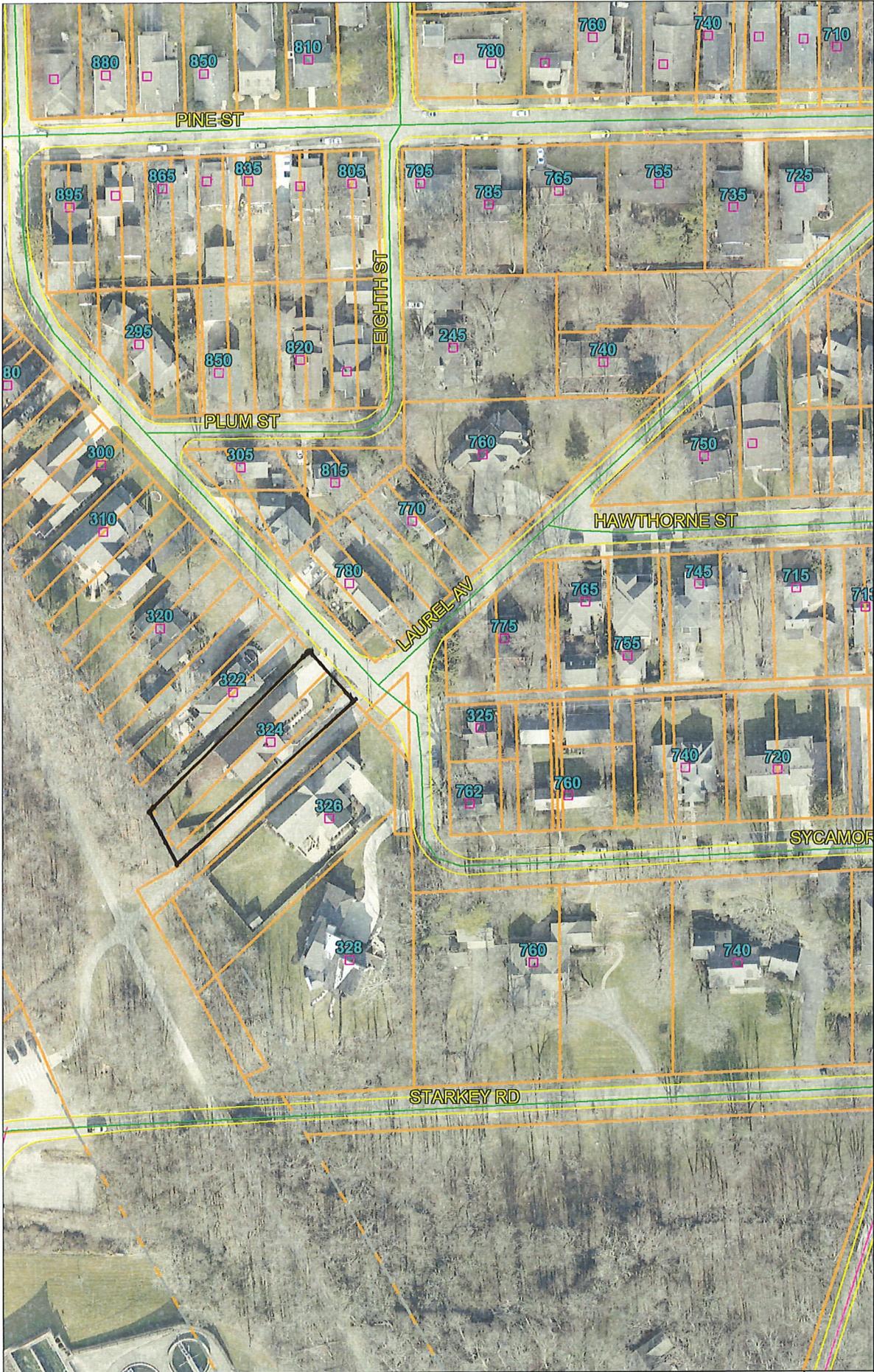
Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

**STAFF RECOMMENDATIONS**

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

**RECOMMENDATION MOTION**

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



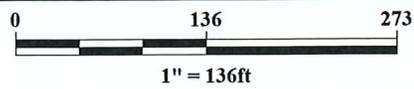
Flood Hazard BC 2013  
FLD\_ZONE:

- AE
- X

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

Boone County Address

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



*The De La Cruz Family*

*324 S. 9<sup>th</sup> Street*

*Zionsville, IN 46077*

March 21, 2020

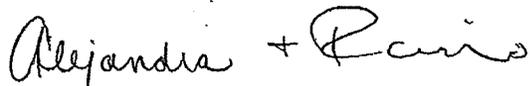
Hello Neighbors,

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

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

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

Best regards,

A handwritten signature in cursive script that reads "Alejandra + Ramiro". The signature is written in black ink and is positioned above the typed names.

Alejandra and Ramiro

Tel: 317-361-8872

## SURVEYOR LOCATION REPORT

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

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



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

PROPERTY DESCRIPTION: See Sheet 3

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

BORROWER(S): Ramiro De La Cruz



### HAHN SURVEYING GROUP, INC.

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

Job No: 2019041418  
Sheet 1 of 3

# SURVEYOR LOCATION REPORT

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

**Legend**

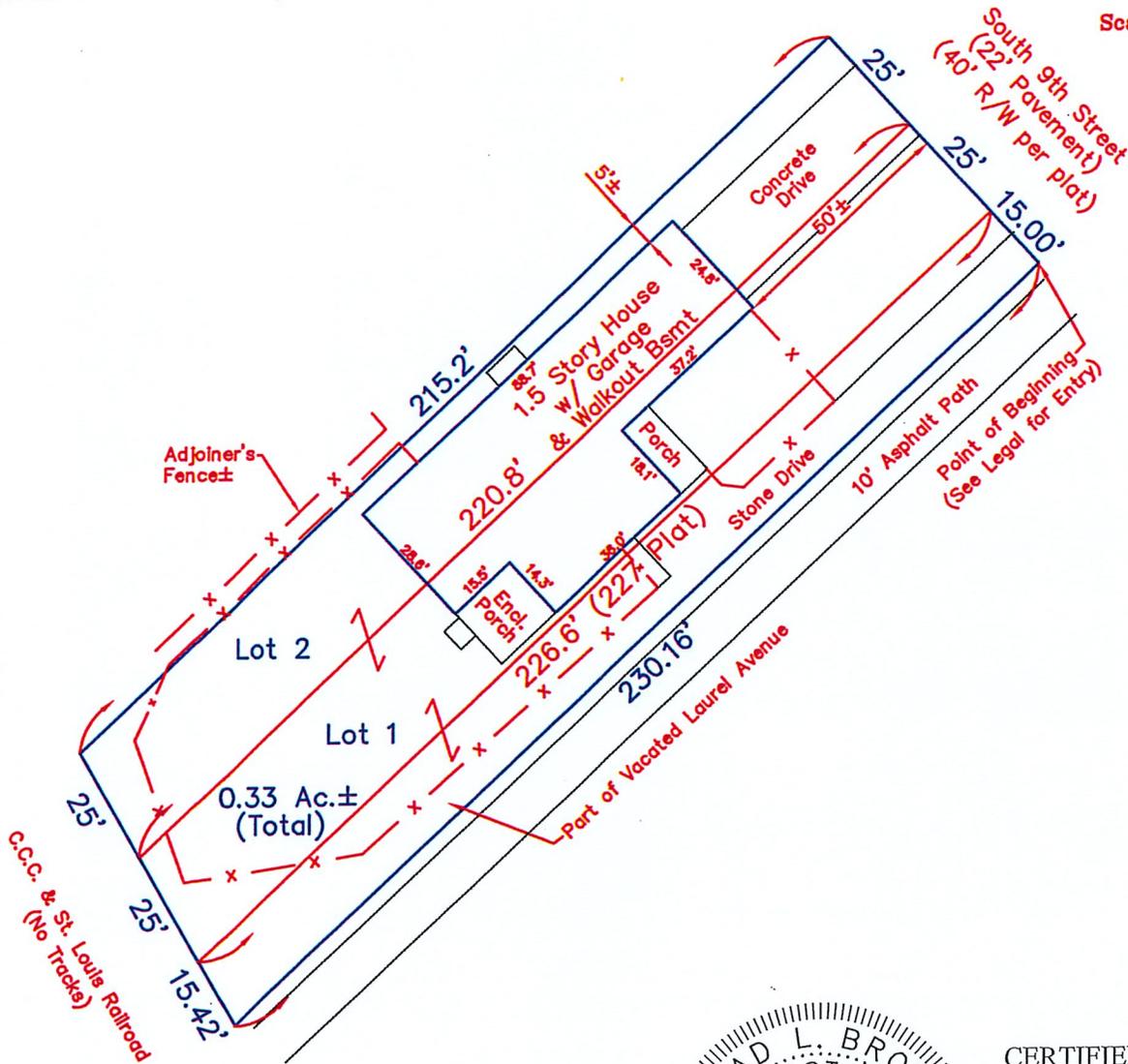
     R/W                      Right-of-Way  
  x                        Fence±

Note: Fence locations shown are approximate.  
 An accurate boundary survey is required to determine exact locations.

Note: Stone drive 3'± past South line.



Scale: 1"=40'



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



CERTIFIED: 04/17/2019

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

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

**ALSO:**

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

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

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



**HAHN SURVEYING GROUP, INC.**

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

Job No.: 2019041418  
Sheet 3 of 3

# SURVEYOR LOCATION REPORT

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

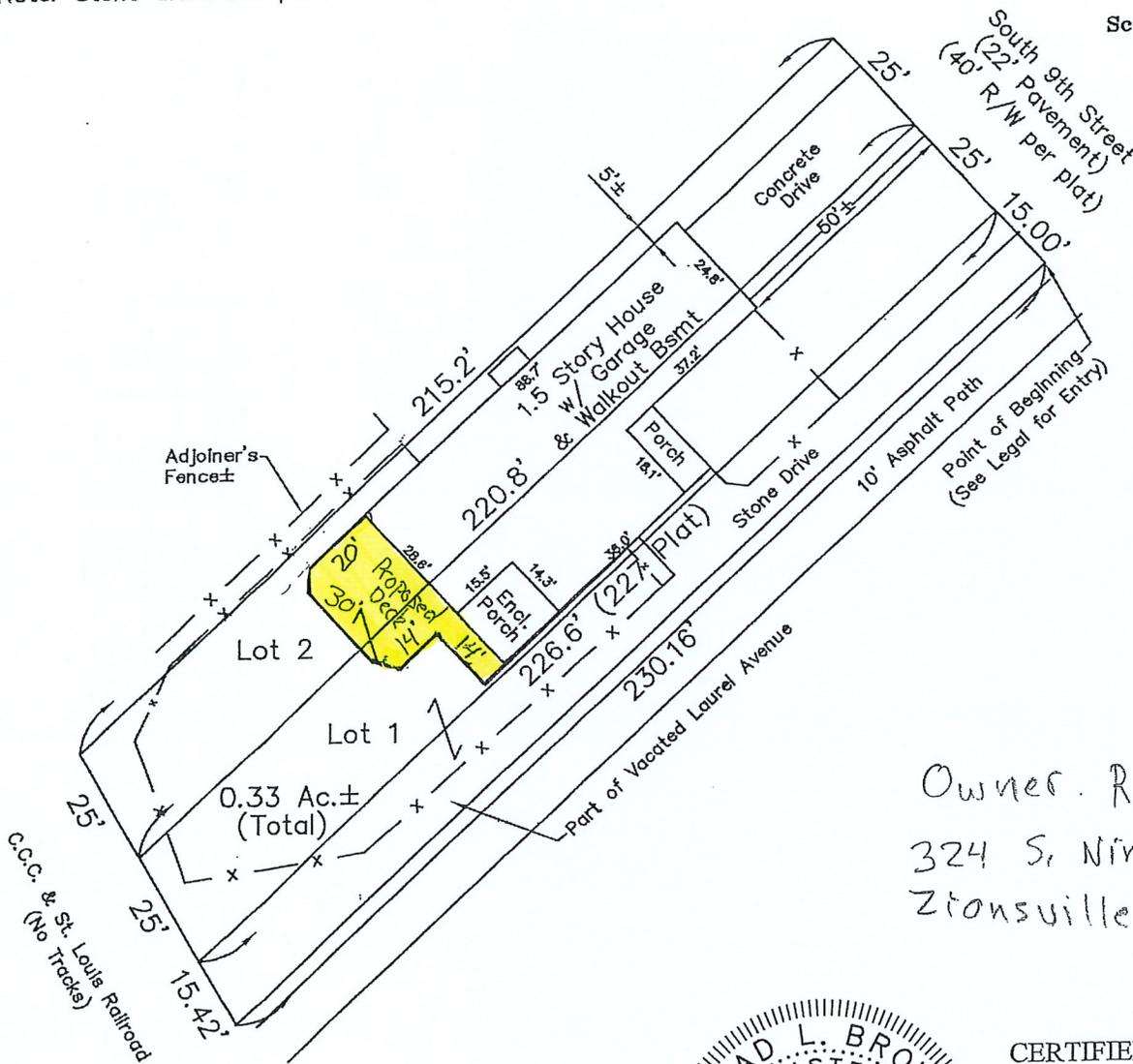
**Legend**

R/W \_\_\_\_\_ Right-of-Way  
 x \_\_\_\_\_ Fence±

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



Scale: 1"=40'



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

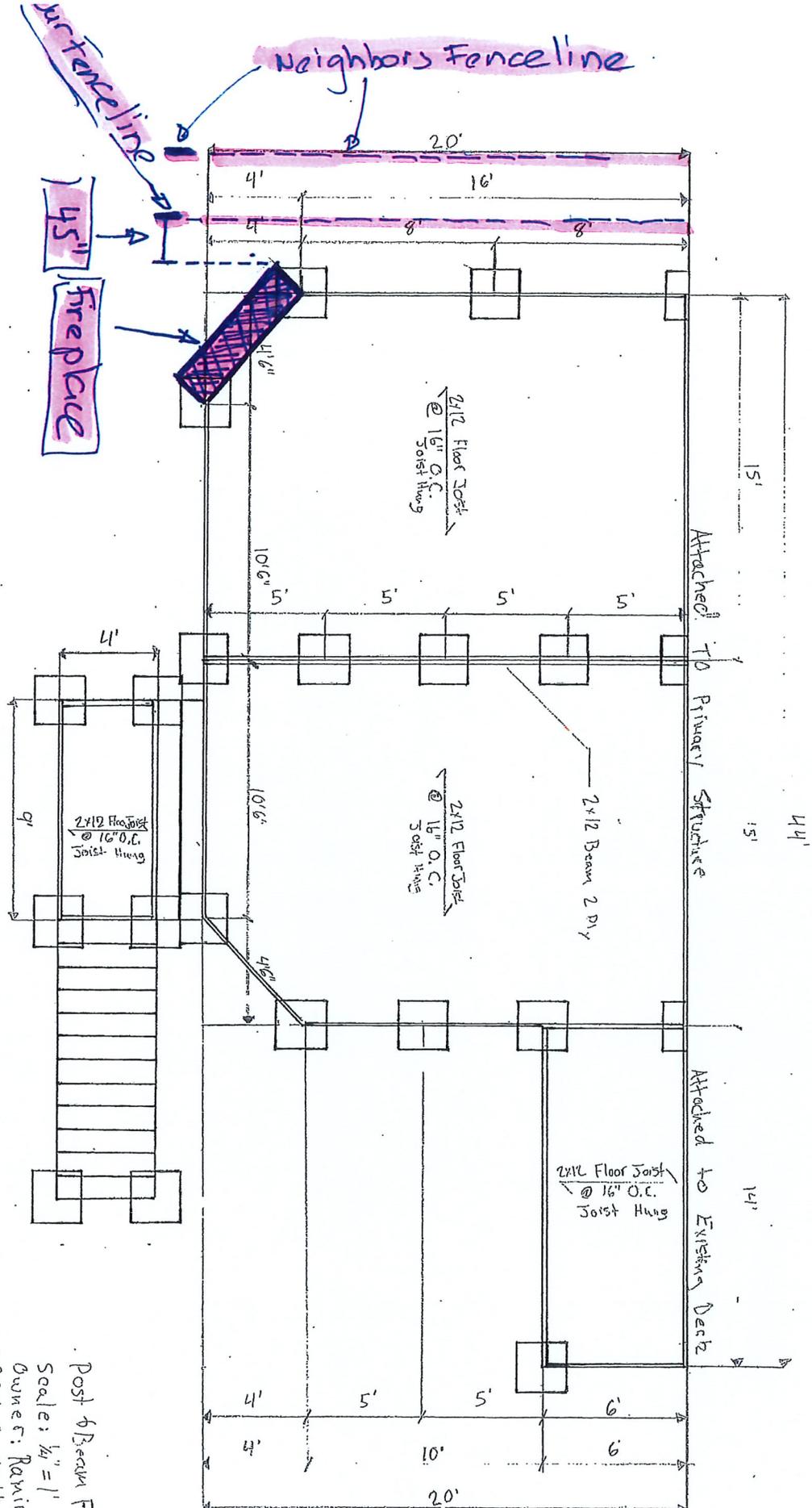


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CERTIFIED: 04/17/2019

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



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

Exhibit 5

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because: This grant for a variance of a side yard setback **will not** be injurious to the public health, safety, morals, and general welfare of the community. This is because, within this setback, an outdoor fireplace has been constructed, which creates a warm ambience and a welcoming center for our family and neighbors within our property. It's beauty and warmth are not incumbering other yards nor other homes in our village community, especially as is only clearly visible from one neighbor's backyard property.
  
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because: The use and value of the area adjacent to the property included in the variance **will not** be affected in an adverse manner. In fact, our outdoor fireplace is expected to increase the value of our property, as its stone and design was carefully selected to integrate with the natural stonework existing on the house, the new cedar deck, and the serenity of the park's nature. And, in general, when one property value increases, then the adjacent area and neighboring property value rises as well.
  
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:  
  
 Strict application of the zoning ordinance **will** result in unnecessary hardships because in order to meet the strict terms, the outdoor fireplace will have to be torn down, which will result in the loss of the welcoming outdoor environment and an investment of \$10,000 for its construction. As background information, we purchased our home in the village in May of 2019. In June of 2019, we hired Loy Construction to install an outdoor deck and Mike Gentry Masonry to install an outdoor fireplace. Loy Construction applied for an improvement location permit (#2019-526) for the construction of the residential deck, only. During the inspection of this permit, it was discovered that the constructed outdoor fireplace (August 2019) was not in compliance with the side yard setback. As the homeowners, we were surprised and extremely disappointed that both contractors, who were aware, failed to review and to meet the zoning ordinance. Therefore, we seek this grant for variance, to avoid losing this beautiful addition and investment in our property.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

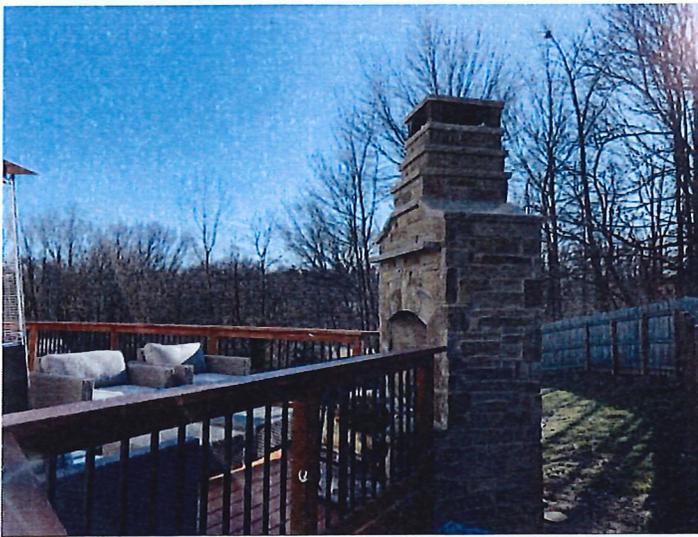
Exhibit 6

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**ADENDUM TO FINDINGS OF FACT**

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



# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-09-DSV

### 1. SITE INFORMATION:

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

### 2. PETITIONER/PROPERTY OWNER:

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

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

#### Attorney/Contact Person:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

#### Project Engineer:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

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

Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification

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

### 5. ATTACHMENTS:

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

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

Signature of Owner or Attorney for Owner: Ramiro DeLaCruz Date: 02/27/2020

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

State of INDIANA )  
County of BOONE )  
SS:



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

[Signature]  
Notary Public Signature

CHRISTINE I. KOENIG  
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is BOONE County

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

---

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH THAT**

Patricia B. See

**CONVEY(S) AND WARRANT(S) TO**

**Ramiro De La Cruz and Alejandra Chavez, Joint Tenants with Full Rights of Survivorship**, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

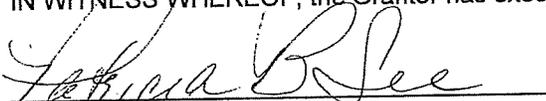
**SEE ATTACHED EXHIBIT "A"**

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

Subject to covenants, restrictions and easements of record.

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

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

  
\_\_\_\_\_  
Patricia B. See

State of IN, County of Boone ss:

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

WITNESS, my hand and Seal this 31 day of May, 2019

My Commission Expires: \_\_\_\_\_

*Rebecca Patton*  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

\_\_\_\_\_  
Notary Public County and State of Residence

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



**Property Address:**  
324 South 9th Street  
Zionsville, IN 46077

**Grantee's Address and Mail Tax Statements To:**

\_\_\_\_\_  
\_\_\_\_\_

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

## EXHIBIT A

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

ALSO:

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

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

STATE OF Indiana )  
COUNTY OF Boone ) SS:

I, Ramiro De La Cruz, DO HEREBY CERTIFY THAT LEGAL NOTICE TO  
(NAME OF PERSON MAILING LETTERS)  
INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS, to consider the Petition of: Alejandra Chavez and Ramiro De La Cruz  
(NAME OF PERSON ON PETITION)  
Requesting: Development Standards Variance  
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)  
For property located at: 324 S. 9th Street

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

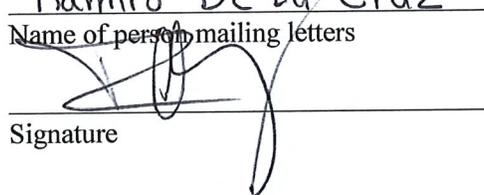
OWNERS

ADDRESS

*See attached List of Adjoiners*

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

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

Ramiro De La Cruz  
Name of person mailing letters  
  
Signature

State of INDIANA )

County of Boone ) SS:

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

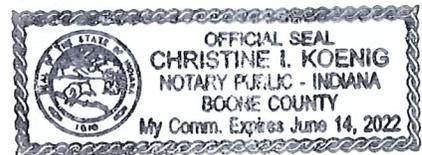
Christine I. Koenig  
Notary Public Signature

CHRISTINE I. KOENIG  
Notary Public Printed

My Commission No: 654176

My Commission Expires: 6-14-2022

My County of Residence is Boone County



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

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

---

Board of Parks of Recreation of Zionsville

1100 West Oak Street

Zionsville, IN 46077

Danette Bianchi

775 W. Hawthorne St.

Zionsville, IN 46077

Christa Moncrief

325 S. 8<sup>th</sup> St.

Zionsville, IN 46077

Steve and Tricia Scott

780 W. Laurel Ave.

Zionsville, IN 46077

Mike and Mary Lou Gavin

322 S. 9<sup>th</sup> St.

Zionsville, IN 46077

## Attribute report for active ID 1

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

**AFFIDAVIT OF PUBLICATION**

**STATE OF INDIANA**  
County of Boone

City of Lebanon

**ISSUED:**

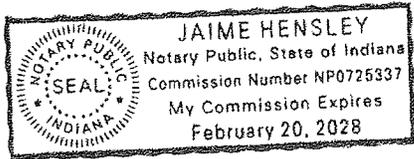
The subscriber, being duly sworn, deposes and says that  
he (she) is the said Rita Northern of THE LEBANON REPORTER  
and that the foregoing notice for  
**NOTICE OF PUBLIC HEARING**  
was published in said newspaper in one editions  
of said newspaper issued between 03/21/2020 and 03/21/2020  
Cost: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

*Rita Northern*  
\_\_\_\_\_

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

*Jaime Hensley*  
\_\_\_\_\_

Notary Public Seal, State of Indiana



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

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

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

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

A copy of the Petition for Development Standards Variance,

*continued next column*

and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, [assistance@zionsville-in.gov](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  
TLR-162 3/21 hspaxlp 1631743

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

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Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Christina Moncrief  
 Street and Apt. No., or PO Box No. 325 S. 8th St.  
 City, State, ZIP+4® Zionsville, IN 46077

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

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Total Postage and Fees	\$6.95



Sent To Danette Bianchi  
 Street and Apt. No., or PO Box No. 775 W. Hawthorne St.  
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Total Postage and Fees	\$6.95



Sent To Mike & Mary Lou Gavin  
 Street and Apt. No., or PO Box No. 322 S. 9th St.  
 City, State, ZIP+4® Zionsville, IN 46077

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

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Postage	\$0.55
Total Postage and Fees	\$6.95



Sent To Steve + Tricia Scott  
 Street and Apt. No., or PO Box No. 780 W. Laurel Ave.  
 City, State, ZIP+4® Zionsville, IN 46077

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

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

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, April 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana  
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-09-DSV, Alejandra Chavez and Ramiro De La Cruz request a  
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for or permit:

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

an existing outdoor fireplace

(INSERT DESCRIPTION OF PROJECT)

to continue to encroach into the required minimum 5-foot side yard setback in the Residential Village Zoning District.

The property involved is more commonly known as: 324 S 9<sup>TH</sup> Street,  
and is legally described as: (COMMON ADDRESS)

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

A copy of the Petition for Development Standards Variance, and all plans  
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)  
pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

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

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, [assistance@zionsville-in.gov](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: \_\_\_\_\_

*The De La Cruz Family*

*324 S. 9<sup>th</sup> Street*

*Zionsville, IN 46077*

March 21, 2020

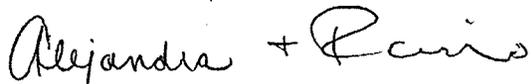
Hello Neighbors,

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

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

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

Best regards,

A handwritten signature in cursive script that reads "Alejandra + Ramiro". The signature is written in black ink and is positioned above the typed names.

Alejandra and Ramiro

Tel: 317-361-8872

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**ADENDUM TO FINDINGS OF FACT**

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



# SURVEYOR LOCATION REPORT

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

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



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

PROPERTY DESCRIPTION: See Sheet 3

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

BORROWER(S): Ramiro De La Cruz



**HAHN SURVEYING GROUP, INC.**

Land Surveyors

2850 E. 96th Street, Indianapolis, IN 46240

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

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

EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)

[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No: 2019041418

Sheet 1 of 3

# SURVEYOR LOCATION REPORT

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

**Legend**

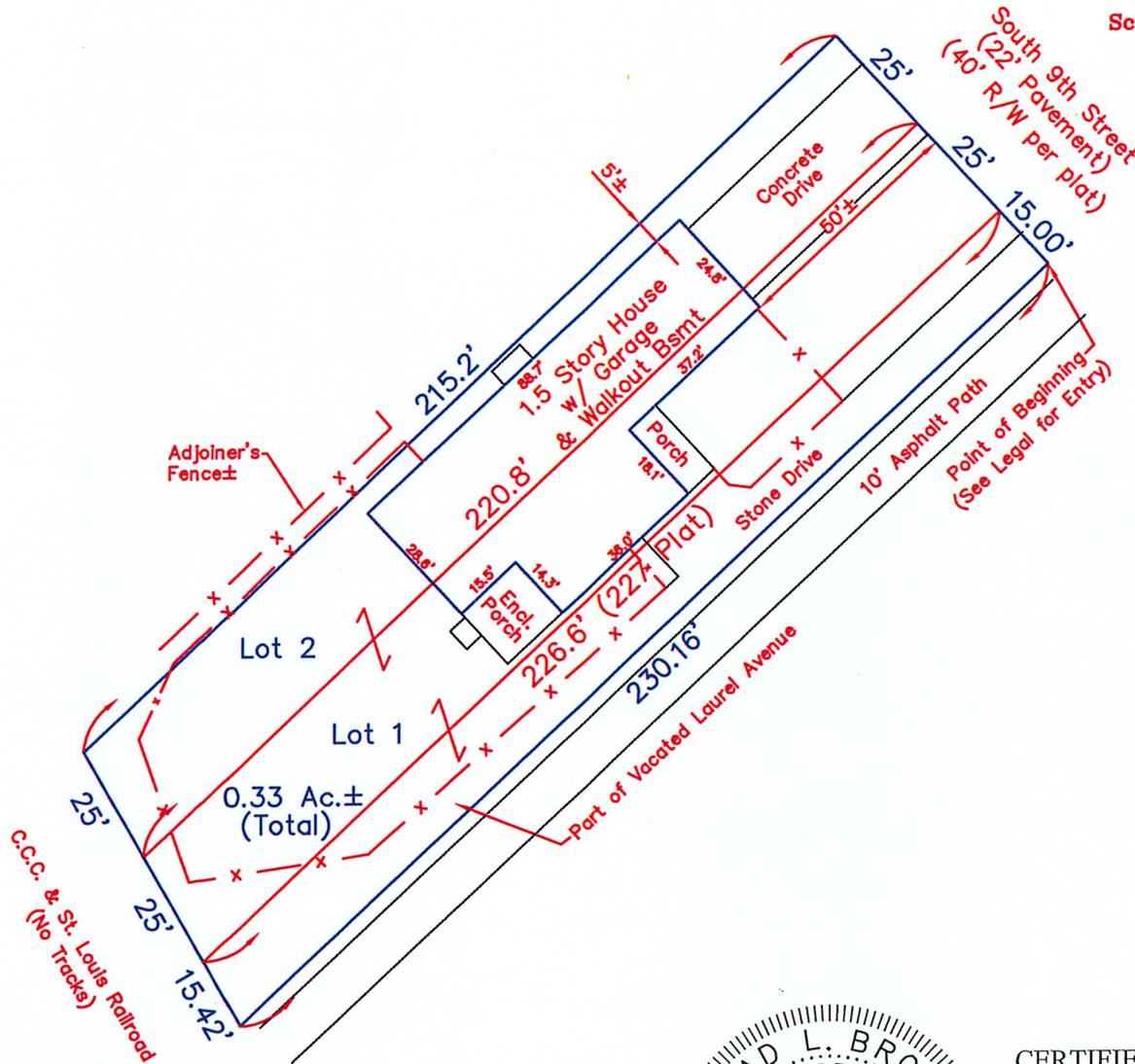
R/W Right-of-Way  
 x Fence±

Note: Fence locations shown are approximate.  
 An accurate boundary survey is required to determine exact locations.

Note: Stone drive 3'± past South line.



Scale: 1"=40'



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 FAX: (317) 846-4298 / (317) 582-0662  
 EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)  
[www.hahnsurveying.com](http://www.hahnsurveying.com)



CERTIFIED: 04/17/2019

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

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

**ALSO:**

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

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

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



**HAHN SURVEYING GROUP, INC.**

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FAX: (317) 846-4298 / (317) 582-0662  
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[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No.: 2019041418  
Sheet 3 of 3

# SURVEYOR LOCATION REPORT

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

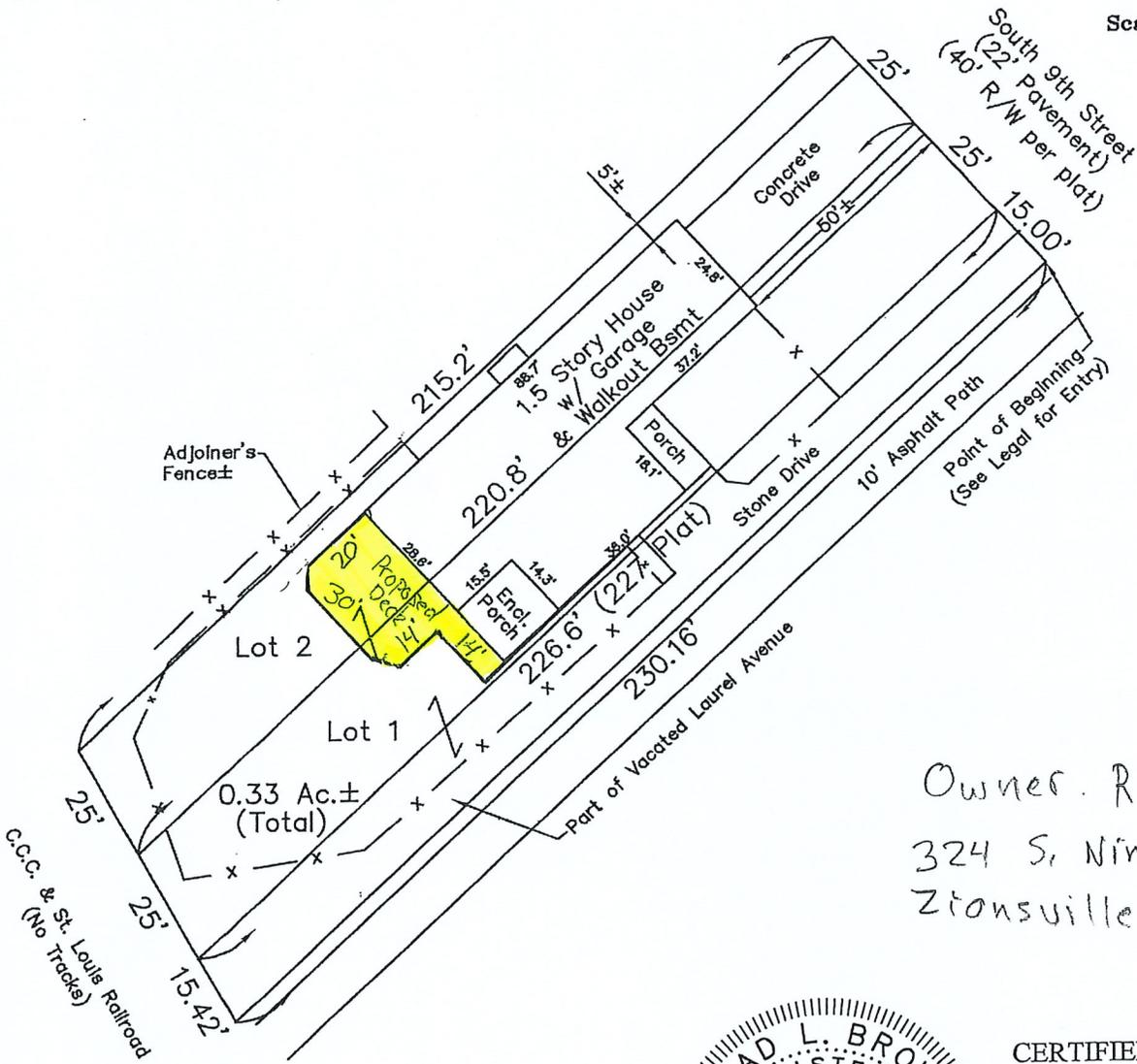
**Legend**

R/W Right-of-Way  
 — x — Fence±

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



Scale: 1"=40'



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



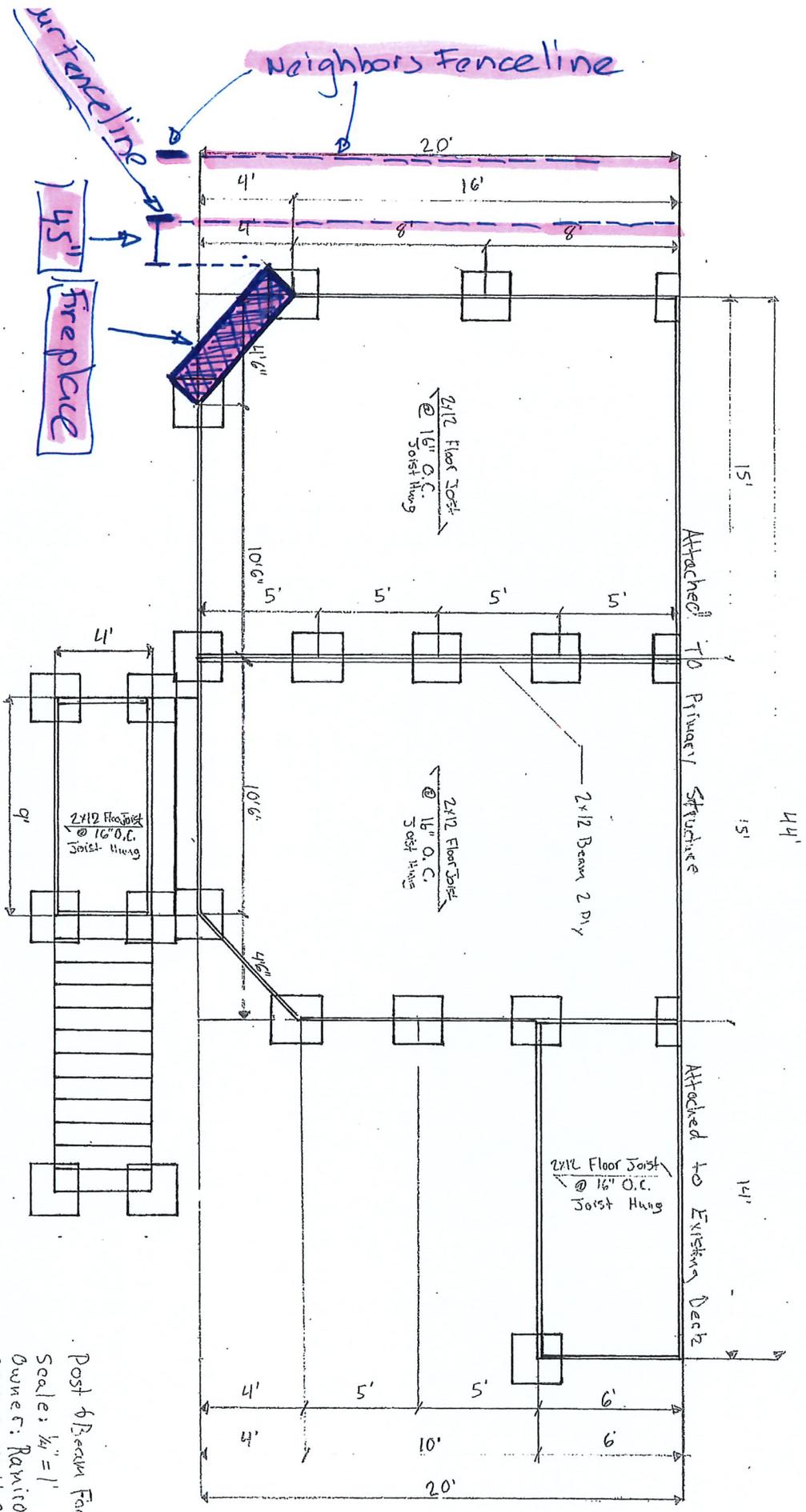
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CERTIFIED: 04/17/2019

*Chad L. Brown*

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



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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because: This grant for a variance of a side yard setback **will not** be injurious to the public health, safety, morals, and general welfare of the community. This is because, within this setback, an outdoor fireplace has been constructed, which creates a warm ambience and a welcoming center for our family and neighbors within our property. It's beauty and warmth are not incumbering other yards nor other homes in our village community, especially as is only clearly visible from one neighbor's backyard property.
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because: The use and value of the area adjacent to the property included in the variance **will not** be affected in an adverse manner. In fact, our outdoor fireplace is expected to increase the value of our property, as its stone and design was carefully selected to integrate with the natural stonework existing on the house, the new cedar deck, and the serenity of the park's nature. And, in general, when one property value increases, then the adjacent area and neighboring property value rises as well.
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

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

**DECISION**

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

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

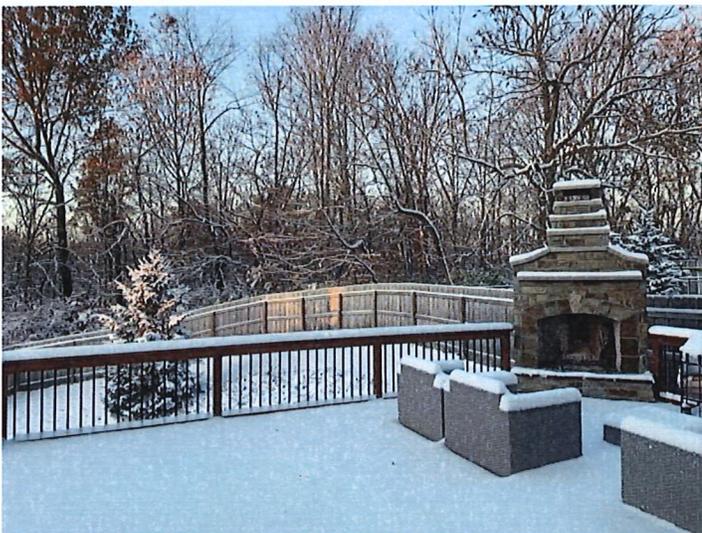
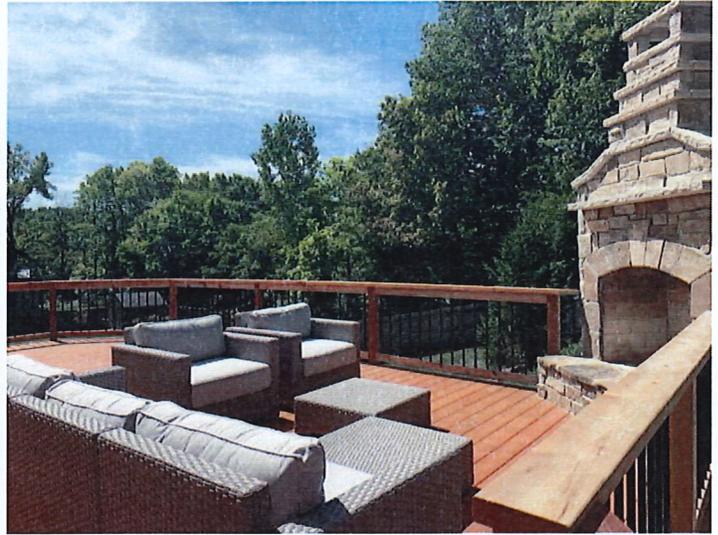
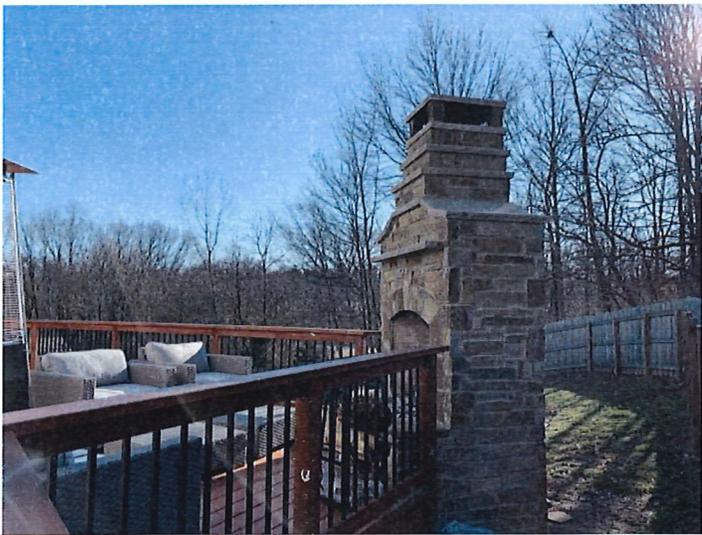
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**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**ADENDUM TO FINDINGS OF FACT**

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



**Town of Zionsville, Indiana  
Board of Zoning Appeals**

**Findings of Fact and Order Denying Variance Request**

Mark Adams and Nadia Adams petitioned for a variance of use to permit a childcare center as a primary use in the Low Density Single-family and Two-family Residential (R2) zoning district.

The Petitioners provided proper notice of their Petition and the Town of Zionsville Board of Zoning Appeals conducted a public hearing on the requested variance on March 4, 2020.

The subject property consists of approximately 4.74 acres located at 9475 Whitestown Road, Zionsville, Indiana. It is in the Low Density Single-family and Two-family Residential (R2) zoning district. The parcel is currently undeveloped. The Petitioners' stated plans are to develop the property with a Montessori school and a childcare facility. A childcare facility is not a permitted use in the zoning district; the Petitioners seek a use variance in order to permit the childcare facility.

Section 194.202(C)(1)(f) of the Zionsville Zoning Ordinance and I.C. §36-7-4-918.4 provide that the Board may approve a use variance only if it determines that the Petitioners have proven compliance with each of the following criteria:

- (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) the need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the Comprehensive Plan.

Based upon the record, including the Petitioners' application materials, the evidence presented, responses to questions at the hearing, the public's written submissions and testimony, staff's report and comments, and the Board members' discussion, the Board finds as follows:

1. Petitioners met their burden of proving the proposed use variance will not be injurious to public health, safety, morals, and the general welfare of the community. The Board accepts the Petitioners' position that the proposed use would not negatively impact these elements. The Board believes any concerns about the proposal's inconsistency with the neighborhood is best considered in connection with whether the variances would negatively impact the value of nearby properties.

2. Petitioners did not meet their burden of proving that the use and value of the area adjacent to the subject property would not be affected in a substantially adverse manner. The remonstrators, the Board members, and staff raised concerns that the proposed use is inconsistent with the predominately residential development in the area. The Board also discussed concerns about the property's poor drainage and related impacts on neighboring properties. Petitioners did not present any evidence about the potential impact on property values and did not otherwise convince the Board that the use and value of property in the area would not be affected in a substantially adverse manner.

3. Petitioners did not meet their burden of proving that the need for the variance arises from some condition peculiar to the property at issue. There was no evidence of any peculiar condition that would cause a need to vary from the uses permitted in the current zoning district.

4. Petitioners did not meet their burden of proving that the strict application of the Zoning Ordinance would result in an unnecessary hardship if applied to this property. Based on the evidence, the Board cannot find that there are any unique characteristics of the property that create a need for the variance or that Petitioners cannot use and develop the property in compliance with the Zoning Ordinance. The property could be developed for a use permitted in the zoning district. The Board appreciates the Petitioners' desire to develop the property in the manner requested, but the need for the variance results from their development preferences and not from a hardship in complying with the Ordinance.

5. Petitioners did not meet their burden of proving that the proposed use would not interfere substantially with the Comprehensive Plan. The Comprehensive Plan shows this area consisting of low density single-family residential development; it does not identify a commercial use such as the proposed childcare center at the site or in the immediate area.

### Order

The Town of Zionsville Board of Zoning Appeals therefore orders that the petition for variance of use filed by Mark Adams and Nadia Adams, Docket No. 2020-05-UV, is hereby **denied**.

Adopted and ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
John Wolff, President

\_\_\_\_\_  
Julia Evinger

\_\_\_\_\_  
Larry Jones

\_\_\_\_\_  
Steve Mundy

\_\_\_\_\_  
Jeff Papa