ZIONSVILLE
FOR ALL THE RIGHT REASONS

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: May 6, 2020**

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. April 1, 2020 Draft Meeting Minutes
3. Petition #2020-04-DSV T. Donnar – Letter of Withdrawal
4. Petition #2020-04-DSV T. Donnar – Letters from Interested Parties
5. Petition #2020-10-DSV A. Nester – Letters from Interested Parties
6. Staff Reports and Packets for your consideration

NOTE:

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

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

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

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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.

The following items are scheduled for consideration:

I. Pledge of Allegiance
II. Attendance
III. Approval of the December 10, 2019 and April 1, 2020 Meeting Minutes
IV. Withdrawal Requests - #2020-04-DSV T. Donnar
V. Continuance Requests
VI. Continued Business

Docket Number	Name	Address of Project	Item to be considered

2020-04-DSV	T. Donnar	145 N Main Street	**Continuance request by Petitioner's Representative from April to May Meeting.** **Continuance request by Interested Party from March to April** Petition for Development Standards variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% in the Urban Residential Village Zoning District (R-V).

VII. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-10-DSV	A. Nester	720 W Pine Street	Petition for Development Standards Variance in order to provide for the addition of a carport to a Single-Family Home which: 1) Deviates from the required side yard setback and 2) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).

VIII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned 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

MAY 6, 2020, REGULAR MEETING OF THE ZIONSVILLE BOARD OF ZONING APPEALS

ELECTRONIC MEETING GUIDANCE

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

   Please click the link below to join the webinar:
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2. Members of the public shall have the option of recording their attendance at BZA Public Meetings via electronic roll call at the start of the meeting or via e-mail at wdelong@zionsville-in.gov.
3. If a member of the public is experience connectivity issues with the meeting, please contact Wayne DeLong at 317-873-5108 or at wdelong@zionsville-in.gov.
4. The BZA will continually revisit and refine the procedures to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

In Attendance: John Wolff, Julia Evinger, Larry Jones, Jeff Papa, Steve Mundy.

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

Wolff — Good evening, and welcome to the April 1, 2020 Board of Zoning Appeals meeting. This is an unusual meeting, as you can all tell, because we're not all present, but that is due to the circumstances with which we live in. So, with that, we are going to continue on as best we can. And, thank you first to the staff, as well as especially the Town's IT group, who has done a tremendous job in putting all this technology together for us in a very short notice. With that, we're going to jump in to the pledge of allegiance. I would invite everyone to stay seated while we do this, but let's get started

All — Pledge.

Wolff — Thank you. Wayne, can I turn this over to you for attendance please?

DeLong — Yes. We will run through attendance. Mr. Papa?

Papa — Present.

DeLong — Ms. Evinger?

Evinger — Present

DeLong — Mr. Mundy?

Mundy — Present.

DeLong — Mr. Wolff?

Wolff — Present.

DeLong — Mr. Jones?

Jones — Present.

DeLong — Five folks, who are members of the Board of Zoning Appeals, are in attendance.

Wolff — Thank you, Wayne. Do you want to address the public, or should we move on to the March 4 meeting minutes?

DeLong — Yes. Per the annex to public notice for April 1, 2020 regular meeting of the Zionsville Board of Zoning Appeals, members of the public shall have the option of recording their attendance at the BZA meeting via electronic roll call at the start of the meeting or via email to wdelong@zionsville-in.gov. I will check my email here. I am not aware of any particular messages coming in, acknowledging any members of the public necessarily beyond the petitioners. Certainly, this is the moment that any members of the public have the option of having their

DRAFT

attendance acknowledged by the Board of Zoning Appeals, So, pausing here to see if there is any hands that are raised to provide that acknowledgement. I see Sally Zelonis is here. Three hands raised. Four hands raised. Five. We do have five hands that are raised. Mr. Cohen. Mr. Kalsley. And, I will go through the rest of this. I see six total hands raised, so we will get these acknowledgements. If I missed anybody here, I'll make sure their name is certainly said audibly and entered into the record here. I do see you have a total of thirty-one participants in your meeting currently. I would say, John, go ahead, and Mr. Wolff, go ahead, and then proceed with the rest of your agenda while I work out this according to the rest of the information.

Wolff Certainly. And, Wayne, if there is something we need to do, just stop me and we'll carry on what we need to. So, the next item on our agenda is the approval, or the discussion of the March 4, 2020 meeting minutes. To my fellow Board members, you should have received those earlier this week via email. Any discussion amongst the group regarding those meeting minutes? Seeing, none, I would entertain a motion to approve the meeting minutes as submitted.

Papa So moved.

Evinger Motion to approve. Oh, sorry.

Wolff Thank you. I'm going to say Jeff Papa made the motion to approve the minutes, and then the second one was - -

Evinger --I'll second.

Wolff Thank you very much. Wayne, should we do a roll call vote on all these matters tonight?

DeLong Yes, please.

Wolff Would you mind administering that?

DeLong I will administer that. Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones Yes.

DeLong Mr. Wolff?

DRAFT

Wolff Yes. Thank you, Wayne. The meeting minutes are approved. The next item on our agenda tonight is continuance requests. Will call your attention to Docket # 2020-04-DSV for 145 North Main Street. As I have been informed, the Town has asked all of our petitioners that only urgent matters be discussed because of the unusual nature of tonight's meeting, and with that, the petitioner's representative filed a continuance request. I do believe we should make a motion to approve that continuance request at this time. Any discussion amongst the group about Docket # 2020-04-DSV?

Papa Move approval.

Wolff Thank you. Is there a second for continuing that to the May 6 Board of Zoning Appeals meeting?

Jones Second.

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

DeLong Okay. We'll take that. Mr. Wolff?

Wolff Yes.

DeLong Mr. Jones?

Jones Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Papa?

Papa Yes.

Wolff Thank you, Wayne. Motion carries. Docket #2020-04 will be heard on May 6. The next item on our agenda is Docket # 2020-06-DSV for 14 North Fourth Street. Will the petitioner now come forward? I guess you'll just raise your hand. Wayne, can you turn it over to, I believe, it's Mr. Rottmann representing this party?

DeLong Yes. I will. It will take me a few minutes to kind of flip the screen around here. I do want to acknowledge Mark Walters has also raised his hand to acknowledge being in attendance here. Mr. Walters. Okay. I will now click on Mr. Rottmann as the first petitioner on your docket for this evening. Todd, the floor is yours.

Rottmann All right. Can you guys see me?

DRAFT

DeLong We can see your name.

Rottmann Can you see me yet?

Wolff Still can't see you, but you're coming in loud and clear.

Rottmann All right. I do have the camera on. I'm not sure why it's not working.

Wolff Is there a little slider on top of it that turns the, that blocks the camera?

Rottmann Nope. Got it opened and tested the camera before this meeting actually.

Papa Did you start your video on the bottom left?

Rottmann All right. Let's do that. Speaker, audio settings. I don't see start video.

Papa Within Zoom. If you click on the main screen.

Wolff Yes. So, highlight your mouse over the window that you're looking at in Zoom, and you'll see the mute button, lower left, and right next to it should be start and stop video.

Rottmann To the left of the mute button?

Wolff To the right. I'm sorry.

Rottmann To the right.

Jones All right, John. Let's go try and find a teenager. I've got one around the corner.

Evinger I just let my dog out so she doesn't keep barking.

Rottmann I'm to the right of it. I've got the arrow, and it pulls up a menu but not video. I guess I can speak without video. Let me go to check the settings real quick.

Jones You got it figured out.

Rottmann I'm working on it. Let's see.

Jones I found a 19-year-old. Or, 20-year-old. Sorry. My bad.

? 9:20 What are you trying to do?

Jones Well, we're doing a Board of Zoning Appeals. One of participants, all we're getting is his name. Todd Rottmann.

? Can he hear you?

Jones He can hear us just fine.

DRAFT

? Is he on his computer?

Jones He is on his computer.

? Does he have a camera?

Jones He's got a camera.

? Did you approve the camera use?

Jones Did who approve the camera use?

? Wait, Todd.

Rottmann Yes.

? Okay. Leave the chat. And, then join again. You should have to, like, say, like, accept, like, you should press a button that allows them to use your camera.

Rottmann Just rejoin the meeting.

? Yes. Try again, and go to the link and try to join the meeting again.

Rottmann Okay.

Rust Wayne, you have to allow him to do video.

Wolff Wayne, did you hear that?

DeLong Yes. I'm looking to see. I don't see the, okay, here we go. I don't see that as a choice about the video.

Taylor Hey Wayne. I'm going to look in the meeting itself settings, and see if there is a way to maybe that the attendees were blocked from video. But, let me check that real quick.

DeLong Okay. Sounds fine.

Evinger There is a share screen button on the screen. Does that help?

Rust That only shares his computer screen.

Evinger Okay.

Rust Okay, Wayne. Todd is back. If you could click on his name, I believe you can click on, or right click on it and it can make him a panelist, which will allow him to have video.

DeLong Okay. We will do that here. That will be a good, we will promote him to panelist. Todd Rottmann will be rejoining the group as a panelist. Very good. Thank you, Joe.

DRAFT

Jones There he is. I see him.

Mundy I can see you, but can't hear you.

Rottmann All right. How about now?

Jones All right, cool.

Rottmann Hello everybody.

Wolff Hello, Mr. Rottmann.

Rottmann Hello.

Wolff If you would, would you please describe the project in the petition in front of us, and what you're asking for?

Rottmann So, the Marlowes have lived in their house for almost 4 years, and love living in the Village. Their family has continued to grow, and need this, their house to grow, as well. All their bedrooms are being utilized. They don't have a basement, so there is currently no way for them to get additional space other than to add on the house. As such, we're wanting to build a new garage with some home office space above, and repurpose the existing garage as a family room.

If you guys could look in your packets, I've got a cross-section sheet in that packet. And, looking at that cross-section sheet, you'll see that our new garage floor is going to be over 2 feet higher than the current garage floor due to the alley being 2 foot higher than the current garage, so we can't utilize part of the existing garage for the new garage, and that means the length of our addition is basically dictated by the smallest use of garage. However, the raised garage floor will be very helpful to us, because the current garage, and house is susceptible to flooding by water running down the driveway because the garage is so much lower than the current alley. But the problems is enhanced by the alley, which also has a significant slope to it for several blocks, and all that water heads down the hill past the driveway, which has the 1 ½-inch tall lift to prevent water [inaudible].

The first variance that we're asking for is to reduce the side-yard setback along the northern alley. In the staff report, staff was concerned about vehicles being able to access the garage. Since the issuance of that report, we've increased the setback from the alley by another 1 foot 4 inches by reducing the garage to the minimum usable interior size that we could. It's worth noting that while we're at 3 foot 8 inches from the property line, the paved alley is another 3-foot 1 inch off the property line, so we actually have 6 foot 9 inches from the garage to the alley. If you guys could now look at the maneuvering clearance exhibit that was distributed this week. Utilizing industry standards, we created a plan showing the turning radius for the largest passenger vehicle on the market with the maximum turning radius for a driveway, which shows that a vehicle can enter the garage successfully without leaving the paved surface of the alley. Also, worth noting that at 16 feet 6 inches wide, this alley is significantly wider than the typical

platted alley of 10 feet, so there is an additional 4 foot 10 inches of public alley north of the paving, which provides any buffer. If you guys could look at the 1939 map that's in your packet. In regards to garage setbacks on this property along the alley, historically there was a garage tied to the property line in almost the exact same location where our new garage will be located.

The second variance that we need is to reduce the aggregate side-yards, or two side-yards added together. The combined widths of our north and south side yards is supposed to be 15 feet. Once again, since the staff report was issued, in addition to moving the garage further off the alley, the Marlowes have agreed to reduce the size of their existing rear patio and arbor to increase our aggregate side-yard from a 7-foot 4 number to 10 foot 11 inches. That's an increase of 3 foot 7 inches in side-yards from the original submittal.

The final variance we're requesting is for lot coverage. We were requesting a 40% lot coverage, which is more than the allowed 35%, but with the changes that we've made since the staff report, we're now at 38.9%. We feel that that coverage is acceptable for the following reasons: we're reducing the impermeable area on the site. Only 33% is for the house and garage. The remaining 5.9% of coverage is for existing outdoor spaces, including the front porch and rear patio. There are 23 properties with similar lot coverage in the surrounding blocks, including both of our adjacent neighbors. For lot sizes only, 7,421 square feet, but if it were on 8,000-square foot lot that current zoning requires, then we'd only be at 36% lot coverage. Our proposed home is similar in size to most of our neighbors. The new addition will match the style of our existing home, and the new addition is 48 feet from the front property line, and 62 feet from the street, not adversely affecting the character on the street.

Based on my experience, and several discussions over the past several months, I identified five keys that I'm using to determine whether the project is appropriate in the Village. The first one is, will the project negatively affect stormwater drainage in the area? My answer is no. This project is[inaudible] site, and all new downspouts are going to discharge into yard drains on the property just like they do now. The second question is, will the project negatively affect the immediate adjacent properties? Once again, no. Our addition is towards the alley, and not towards any of the adjacent properties. Our addition's height matches the existing house and is similar in height to the neighbors. Our house is similar in size to the neighbors and only covers 33% of the lot, and the rest of the coverage is outdoor space. Third question, will the project negatively affect the streetscape and character of the Village? I think the answer is no. Once again, our addition is 48 feet from the front property line, and 62 feet from the street. There are several garages and accessory buildings along this alley already with similar setbacks. Our addition matches the style and height of the existing house, and historically there was a garage in almost exactly the same location. And, fourth question, is the project respectful of the character of the existing house? Yes, it is. Our addition matches the height and style of the existing house, setback from the street, and from the original north side of the house, so as to not change the character of the original structure. This project will also eliminate the potential for flooding of the existing garage and home, which will help preserve the existing house. And, the fifth and final question asked is will the project set a negative impact and I don't think it will. There are multiple lot coverage

variances in the immediate area already. There are several garages, accessory buildings along the alley with similar setbacks. Our addition matches the style and height of the existing house. Historically there was a garage in almost the exact same location and the elimination of flooding of the garage and home is a specific reason related to this specific lot. So, with all this in mind, we believe that this new garage is not only a necessity for the Marlowes' growing family, to relieve them of overcrowding, flooding of their garage and house, or having to move. It's also an appropriate addition to their beautiful home. So, I want to thank you for your consideration.

Wolff Thank you, Mr. Rottmann. Somehow along the line, I'm not sure what happened to everyone else, but we lost video. Did you guys lose video?

Evinger Yes.

Jones We just lost the video.

Wolff Todd, if you're making funny faces at us, continue.

Rottmann I am not currently.

Wolff I guess, have you, Todd, are you familiar with the staff report? Oh, there you are. You're back. Have you seen the staff report, Todd?

Rottmann Yes.

Wolff Yes, we can hear you.

Rottmann Yes.

Wolff So, it appears if you look at staff's thoughts on this, they have some concerns about the setback for the garage, and the fact that it is inside, or inside of the 5 feet. Can you go into detail why that is necessary?

Rottmann Yes. So, we minimize the size of the garage as much as possible so that you could still get a vehicle inside of it, and per that cross-section drawing we have, unfortunately we can't use any of the area of the existing garage because of we're several feet higher than that, and so we essentially have to have the garage outside of the existing footprint of the house [inaudible], that kind of sets north alley. My understanding was the main concern was about turning radius, and that's why we created that exhibit, and as I mentioned since the staff report, we did move the garage another 16 inches further away from the alley. So, we feel like we've done as much as we can to pull it off the alley, and we still have appropriate turning radius so the neighbors are not going to be impacted by the vehicles trying to enter this garage.

Wolff Todd, so one of the challenges, one of the hardships of this particular property is that it has a sloped lot, and that is causing, that is dictating the placement of the garage?

Rottmann Yes. There is over 2-foot slope to the yard on the alley from west down to east, and the new garage was placed at the lower, the existing garage is placed at the lower elevation, so it's about[inaudible] feet below the alley level to the existing garage.

Wolff Okay. And, is the existing garage, can you describe what it is today. Like the size compared to what we're proposing?

Rottmann It's a 2-car garage with storage space on the side of it, so approximately the same width, but it is deeper than this because we've shallowed up the garage, new garage, to get further away from the alley.

Wolff Okay. And, I want to clarify a couple numbers. The lot coverage that you're asking for tonight is 38.9%. Correct?

Rottmann Correct.

Wolff And, what is the non-permeable, what is the non-permeable surface of that 38.9%? What is that? What is roof structure?

Rottmann The roof structure over the porch, as well, or just roof structure over the house?

Wolff I'm more concerned about what the Town considers a permeable surface versus non-permeable surface.

Rottmann Okay. So, for impermeable, are at 38.9% total. That does include the front porch and the rear patio. The rear patio is pavers, but it's not considered pervious paving. So, it counts against us on the lot coverage.

Wolff Okay.

Rottmann And, permeable area in the current conditions, we are at 3,071 square feet of impermeable area, and what we're proposing is a total of 3,021 square feet of impermeable area, thus this project actually reduces the impermeable area by 50 square feet for this project, for this site.

Wolff Thank you, Mr. Rottmann. Any other questions for the petitioner? I'm sure there are.

Mundy Mr. Rottmann, the drawings that you sent us, which showed the turning radius. You said just a few minutes ago, that was the largest car with the largest turning radius that was depicted on your drawings.

Rottmann Yes, sir.

Mundy When you say largest car, I mean, with today's SUVs, many which are quite large, is that the size that that depicts, in terms of the turning radius?

Rottmann Yes. It is a large SUV size.

Mundy Okay. Thank you.

Rottmann Not an extended-cab truck.

Mundy Pardon.

Rottmann It's not an extended-cab truck.

Mundy Fair enough. I drove the alley today, and I feel certain, I don't have a large SUV, but I feel certain that turning the car into the garage with one already parked there will require a few maneuvers to get in, and although the alley is 10 feet wide, and there is space on the other side, it appears that some of that space is used by neighbors for other things. I guess it is the alley, so it technically is drivable, but it will be a challenge, in my estimation.

Rottmann Yes. We have approximately almost 21 feet. We've got 20 feet 11 inches available from the face of the garage to the north side of the alley. So, almost 21 feet. Standard for what we do, as a minimum on other projects, we have 17 feet total. So, we actually have almost 4 feet more than we do on other projects that is deemed acceptable, I guess, and not had any issues with.

Mundy Okay. Thank you.

Jones Anyway, so Todd, I don't have a lot of questions. I guess my, you know, we have a combination of lot coverages and setback requirements, and they kind of work hand-in-hand. They're not maybe spelled out that way, but they do, and I understand and have listened to your, kind of, piecing and parting of various facts to create the basis by which this idea works, but I just have a lot of concerns about that. While the way you assemble them tells a good tale, they don't really reflect reality. First and foremost, the garage, or whatever structure that actually sat there on the alley in 1939. We don't know the condition of that structure, whether or not it had a concrete floor or a dirt floor, or what exactly it was, I'm assuming, unless there is some document out there that qualifies it, but it was also a detached structure from this, so while it did add to lot coverage and sort of set maybe a, you know, precedent for where something could sit, I don't think it is quite comparable to the proposed addition you're working on trying to put out there. I too drove the alley and, in fact, drove all the alleys. Not all of them, but a substantial amount of them up and down and around through that area, and you're right, there are several other locations that have buildings or structures this close to an alley. But I notice substantial numbers of them were one, sometimes detached structures. Once again, some of them were side-loaded, and most all of them were kind of built in relationship to the existing grading. My concern with this is that you've already got a drainage issue with this property, and it appears that somewhere somebody has put in curves and done other things along with putting a trench drain across the front of the existing house, all trying to alleviate that. My concern is when you raise this thing up and set it where you want, it will benefit this property, but then it sheds an existing problem downstream onto someone else, and I don't know if anybody else is actually paying attention to that. Because I did not find any kind of storm drainage that any of this goes into. So, just kind of looking at the site, it looks like it will collect and run across Fourth and into the properties on the other side of the street.

In addition to that, I would have to say I disagree with your turning radiuses. I have got the 8th edition of the traffic standards, and for a full-sized Buick it says it has an 18-foot turning radius, not a 10-foot. And, driving my Dodge Ram truck up and down those alleys, I had to 3-point turn just to get into them, and frankly, the large Buicks are actually bigger than today's trucks and today's SUVs. So, I'm just a little hesitant to believe the turning radius situation. My concern about that is, I own properties that have buildings like this that have been up against it, and what I have found is that eventually the adjoining property owners are burdened with the fact that to actually get a full-sized vehicle in and out of a garage like this, you need to sort of cross over or exceed what alley space is there. You know, the existing alley is paved to a width of about 8 feet. Probably gets a little wider. Appears the overall alley is about 15 feet wide.

Last thing, you're making a statement about reducing overall percentage of lot coverage, but I'm wondering isn't that math that kind of takes advantage of the fact that currently the driveway is not considered. I'm trying to figure out, did you add the driveway into that number, or not? But still, you know, my core piece is just going to come down to the side-yard setback. You know. I'm sorry your clients have bought a house that has a 7421 square foot lot, but it is what it is. And, you know, to date, they have a 2-car garage, and they're not really being denied anything by not, you know, supporting this variance.

Rottmann Yes. In response to that, the existing driveway and new driveway are both included in those impermeable area calculations, so we actually are decreasing the impermeable area for the entire site by 50 square feet. And, in regards to pushing a drainage problem further down, we aren't contributing any drainage to the alley whatsoever. They aren't now and they won't in the future, as well, so any water that would be continuing down the alley would be water that's already in the alley.

Jones No, you just stated a minute ago that they've got a drainage problem on the property. or is that water comes down the alley and rolls down the driveway. Which is it?

Rottmann Yes. The water comes down the driveway and gets into that trench drain and then goes into a yard bubbler, but it gets overwhelmed and with it being 2 feet lower, there is not many places that it can vacate in the yard bubbler, so by bringing the garage up, and having the downspouts being higher, the new yard bubblers will have a lot more ability to operate appropriately.

Jones I would disagree with that math. I think it's just going to shove it on downstream, down the street. Which, once again, is part in parcel. It's never really stated, but that is why we kind of, you know, have put limits on lot coverage. The Town of Zionsville doesn't really have the storm sewer system to take any more water. We've hit this issue over and over in the Village, and you know, we keep allowing creepage upon those base numbers and it will keep pushing the problem onto somebody else.

Wolff Thank you, Mr. Jones. Are there any other questions for the petitioner? Seeing none, Wayne, how should we address? Typically, we would ask for remonstrators to come forward. How should we do that in this format?

DeLong This particular setting, I believe we will ask for interested parties to raise their hand, and then we will call on them one by one. You know, if we are able to elevate them to a panelist role, certainly we would want to give them the same opportunity if they are interested in participating in the room, or participating in the meeting, as to the level as a petitioner.

Wolff I'm going to pause here for a minute and let me know if anyone raises their hand.

DeLong We do have a Mr. Mark Walters has raised his hand. We will click on the button and it says allow to talk. Mr. Walters, are you there? Mr. Walters?

Walters Wayne, can you hear me?

DeLong Yes, we can. Would you like, if I can, would you like me to pull you in as a panelist?

Walters Well, I don't have video.

DeLong Okay. Very good. We will, please proceed.

Wolff Mr. Walters. Will you please state your name and address for the record?

Walters Certainly. Mark Walters. I live at 545 West Poplar Street. I am the Chairman of the Zionsville Historic Preservation Committee, and Wayne and the Marlowes were kind enough to share their plans with our committee for a review of the architecture of what they're proposing to build, and we looked at it, and I just wanted to sort of go on record as saying, a) I really appreciate them sharing that with us, b) We looked at it. We have no issues architecturally with what they're doing to their home in terms of the addition. The actual granting of the variance and lot size and the issues associated with that are not what we were looking at. We were looking purely at the architectural side of it, and from that standpoint, we very much support what they propose to do. So, I just wanted to say that to the BZA.

Wolff Thank you, Mr. Walters. And, also thank you for making the effort to join us tonight. Wayne, I'm going to pause again and see if anyone else raises their hand.

Jones I have a question for Mr. Walters if he is still out there.

Walters I'm here.

Jones So, as part of kind of Historic Review Committee for the Village, where are you guys at on lot coverage ratios and also just kind of physical bulk of some of the houses coming up, as well as do you guys talk much about drainage in the Village?

Walters Well, that can lead to a very long conversation, and I'm getting a lot of feedback, so I'm sorry. As you may or may not know, I know Wayne is aware. We're working to try to establish a conservation district for the Village, which would include looking at architectural consistency for new building. Would also deal with tearing down properties, but it has nothing to do with zoning. We would have no, the Commission would have no impact on zoning. That would remain a function of the Board of Zoning Appeals. Now, we would make every effort to try to have new construction adhere to the Village zoning, unless there was pretty extraordinary circumstances that would dictate not doing that, but that would be our position, but we don't have any, we would have no way to enforce that even if we got the ordinance passed.

Jones As far as the drainage issues in the Village, has that ever popped up in any of the conversations?

Walters On this property, we were aware there would probably be some drainage questions, but again, that's not really our area of expertise. We're about architecture and consistency and conforming with other, you know, architectural styles in the Village.

Jones Okay. Thank you.

Wolff Thank you, Mr. Walters. Wayne, has anyone else raised their hand? I see on the chat that - -

DeLong We have Ms. Zelonis has raised her hand.

Wolff Yes.

DeLong So, I am going to lower Mr. Walters' hand and click on Ms. Zelonis. Ms. Zelonis, are you there?

Zelonis I am.

DeLong Wonderful.

Wolff Ms. Zelonis. Will you please state your name and address for the record?

Zelonis Sure. Sally Zelonis, 40 South Third Street, Zionsville. You mention about drainage, which I think is kind of interesting. Time, I've lost all concept of time, but maybe 2 years ago, the house just north of us on Third Street, brand new construction, vacant lot, drainage was a huge issue there. And, it's always been an issue in that area, and you folks approved that variance on that property, and they said they were going to take extra care on the drainage, but if you take a look, there is still water problems there, and they have water problems in their basement. I know they do because one of our last big storms, you could see them pumping out water into the street and the property. So, I would just remind the Board there is certainly new members on the Board, but in the past several years, I have spoken a number of times about lot size and the percentage of coverage because there are so many places in the Village where I see houses taking up all of the green space, and no lots, and I just, I don't know. I keep saying, and trying

to tell the Board that I don't think this is a great idea. We have 8,000-square foot lots, and they're small, but if you want a large house, there are plenty of places in Zionsville where you can go and have a larger house and take up more of the footprint, but in the Village, I think it's really too bad that we're not able to preserve some of that space.

Jones — Ms. Zelonis. Yes, I remember the house you were talking about specifically, and part of my conversation exactly surrounded the issue they are currently having. I feel sorry for them, but they have dug a hole at a low spot and they are the neighborhood sump pit. I don't know what's actually going on there now currently, but if what you say is correct, they are realizing the issues that they have when they picked a low spot and build the lot. I feel very sorry for them, but it does kind of relate back to the point I'm trying to make, is that our setbacks and our lot coverage relationships, you know, kind of work hand in hand, and while it's an imperfect situation, it's the kind of situation you end up with when you have homes that go back several, you know, hundred years, if not more. Back to, once again, looking at the 1939 map, Mr. Rottmann points out, it looks like since the 1939 map, there was an existing house on 2 lots with an outbuilding, and now it seems like over the time that lot has been subdivided down into, what they create now? Go back and find it real quick, but is there three lots now there, or three houses?

Rottmann — It was always two lots and there is two houses. It's just in the 1939, they didn't have a house on the second lot.

Jones — Yes. So, basically took a single house and outbuilding on two lots, and have now put two houses on it, and it looks like the original house has been expanded, as well. So, what worked in 1939, you know, you can start a little bit of common sense and see why it doesn't work all that well in 2020.

Wolff — Thank you, Ms. Zelonis, for your comments, and Mr. Jones, I also recall that particular petition, and I would add that we discussed drainage with that property, and they assured us they were going to take care of it. There is a line, in my mind, because they had a drainage problem, and it was going to be their problem, and it turns out it is their problem. I think when we approve a petition that creates a drainage problem for someone else, that's a different line for me. They assured us they could take care of it. It turns out maybe they couldn't. But I don't think, I think they're probably feeling the brunt of that. Wayne, is there anyone else who has their hand raised?

DeLong — We'll put Ms. Zelonis here, and put her hand down, and I will check. I do not believe I see any other hands that are raised.

Wolff — Wayne, I'm going to give it just another minute, or maybe 30 seconds or so, but if we don't get any other hands, I would turn it over to you for the staff report.

DeLong — Okay. Very good. Without any further hands raised, thank you, Mr. Wolff. We'll go ahead and jump in with the staff report, and certainly the petitioner and the Board have covered many different topics, and certainly there are many of the things that we touched on in the staff report. Certainly, [inaudible] into the setback issues. Certainly, recognizing that lot coverage is a topic of conversation,

but the staff report more focuses into the side yard setback and the act of service that the side yard setback is [inaudible].

Wolff Hang on one second, Wayne. Would you stop for a second? If you're typing on your keyboard real quick, would you mind hitting the mute button on your mic? Okay. Thanks. Okay, Wayne, please continue.

DeLong Yes. So, with the staff report, we still need to acknowledge the petitioner's efforts related to the drawings and the efforts to address the concerns raised by staff. Certainly, reducing the dimension of the driveway on the north side, or I'm sorry, increasing the reduction to the current dimension of 3 ½ feet or so, and certainly the point of reducing the south setback to generating overall setback of 10 feet for the entire aggregate of our wonderful additions. It certainly reduces staff's concern. Prior separation of other items we need to [inaudible].

Wolff It sounds like someone is typing on a keyboard to me.

DeLong So, with that. And, I certainly want to also acknowledge in the staff report we mention the findings of fact. Certainly, Mr. Rottmann was quick to address staff's concern with the findings, and you may recall this from your training that would happen mid-three-quarters through the year last year where we talked about, and certainly the petitioner, or your BZA attorney, talked about findings of fact and how each petition is a unique petition for you to consider the lack of repetition, if you will. Each petition stands on its own merits, and certainly staff was just merely commenting about the reference to previous cases. Certainly Mr. Rottmann was very quick to address that. Certainly, staff appreciates the cleanup of those findings, but certainly the staff finds the findings acceptable if this petition were to be approved this evening. But again, staff remains concerned, but does acknowledge the petitioner's efforts to further provide a larger driveway. Certainly, staff has to default to experts. Certainly, Mr. Jones referring to the architectural standards, much as Mr. Rottmann has referred to, and just the usability of that short driveway if a vehicle, another vehicle is in the garage, and what that does to the usability in addition to the alley only being 8 or so feet wide. Certainly the alley can be widened, but that would be a cost to somebody to cause that alley to be widened to provide an amenity that is not provided for now, and in certainly in looking in the area, this characteristic that is being requested, a short driveway, while you do find short driveways throughout, it is certainly not very large characteristic, and certainly not the characteristic staff found along this particular alley. With that in mind, staff does remain with its concerns with the petition as it's been filed. Again, staff acknowledges the efforts the petitioner has made. Certainly, the architect of record working on this project is definitely providing a design that is very supportable in the Village. Certainly, the design is something that we would look at as infill development guidelines, as those are a topic of conversation where the Town would look for amendments to its ordinance to facilitate additions with characteristics much like this, however the setbacks are something that is not conquered with the design. We would note this is a home that in just a few years would be eligible for consideration as an historic home. This currently is a home that is not contributing. Certainly, Mr. Rottmann's design is very, certainly very pleasing to the staff. Certainly, appreciate the support of the Historic Preservation Committee that's been formed, and I pause here to take any questions.

Wolff Thank you, Wayne. Any questions for Wayne? I don't see anyone speaking up. Todd, we had, Mr. Rottmann, we had a couple remonstrators. One speaking, I think, what I would call the aesthetics, and they thought that it was appropriate and would add value and looked nice, and certainly appreciate that feedback. Another one was concerned about, in general, lot coverage, and then I think the Town has voiced some concerns about the setbacks. Do you have any other comment, or any other clarification on how we might address these?

Rottmann Yes. Let's go ahead and start with the remonstrator. Did you guys receive today the support map that's got the highlighted properties on it?

Wolff Oh, yes. Was there like, was it kind of highlighted green with some, that one, yes. We did receive that.

Rottmann So, if you look at that, the blue is the subject property. The green is the letters of support, which are the immediate neighbors. The yellow is notice that was sent without any negative input, and the pink is the remonstrator that wrote the letter. So, you can see that we've got everybody around the property is in support of it, and the remonstrator is removed somewhat. I'd also like to mention that I personally know the remonstrator, and I do like him and I do respect him, but I do disagree with respect to the unique conditions on this property, or that the owner is not experiencing hardships on this property. I also think it's worth noting that that remonstrator did a large full two-story addition to his house in 2011-2012. He added a patio, which actually put him at 37.5% lot coverage without a variance. So, he's currently in violation of current standards. And, it's also worth noting that he has 46.7% impermeable area on this lot, which is 6% above our impermeable area, as well. So, when he references rigorous interpretation and enforcement of our existing zoning ordinance, I find that to be coming from a source that has not done the same thing. In regards to lot coverage, and water, reiterate again, we have, we are reducing impermeable area on this lot. I'll say it again. We are reducing impermeable area on this lot.

Jones I'm going to disagree with that when you're done. But go ahead.

Rottmann It's pure calculations, taking it from property line to property line, looking at what is impermeable area and what is not, and we are actually reducing impermeable area. In talking about pushing water problems further down the road, we are not going to be contributing any more water to adjacent properties than we currently are because everything is handled through yard drains, and I don't feel that it's imperative that this homeowner take the burden of that excess water flowing into their garage and their house. So, saying that we're going to make it worse. Okay, I don't agree with that because we're reducing impermeable area, and I don't think this homeowner should continue to sustain water in their garage and in their house. It does not fall upon them to improve things down the alley by entering water into their residence. So, I do have issues with that. And, then, as far as neighbors taking on the burden of the homeowner trying to get into their garage, I mean, I'm comfortable that we've got the room to get in there. The neighbors around them have been notified. They have written letters of support. So, as far as sharing a burden, or being okay with it, you know, the neighbors have issued their support for this.

Michael Marlowe, the homeowner, he also wanted to speak and so Michael, if you could raise your hand so that Wayne could admit you.

DeLong Mr. Marlowe?

Marlowe Yes, sir.

DeLong Okay. Mr. Marlowe is here.

Wolff Mr. Marlowe. Just for clarity, would you please state your name and address for the record?

Marlowe Michael Marlowe, 140 North Fourth Street, Zionsville.

Wolff You are the owner of the property we are discussing tonight, correct?

Marlowe Yes.

Wolff Very good.

Marlowe So, I just want to make a comment. We took an enormous amount of care to go to our neighbors and I did this personally with a note, drawings, and had conversations with anybody that has visual or even drainage effect by what we're proposing to do. And, you know, so I just wanted to be on the record that whether you approve or deny, we've really exhausted I think our communications with the folks that would be affected by this. And, everyone to a person has not just said okay, but has given their expressed approval on it.

Wolff Thank you, Mr. Marlowe. We do, I know I personally do, value neighbor's feedback, and I certainly appreciate when our petitioners reach out to neighbors and discuss a project. I think approaching this in a neighborly way is beneficial for all of us. So, thank you for making those efforts.

Marlowe Yes, and specifically, as it goes to drainage, to me, there is an implication that somehow, we're passing something damaging to somebody down the street, and as Todd said, you know, we're just changing the input where the water comes in. The output is the same place. So, we currently have drains there. The water would be exiting the same place as prior. The only thing that changes is really that our home isn't threatened by incoming water.

Wolff Thank you, Mr. Marlowe.

Marlowe Sure.

Wolff Thank you, Mr. Rottmann. I would turn it over to my panel for further discussion. Mr. Jones, you had some concerns about - -

Jones --Sure. One of the things I want to make sure, and Todd correct me on this when I'm done speaking, but our lot coverage calculations do not include driveways. It's just an odd detail that shows up, and Wayne, we've gone around and around

about this. So, the existing residence, if Todd's numbers here are correct, has a gross amount of 2467 square feet. Currently there is 33.2% lot coverage. And, I understand the next numbers have been modified a little bit, but basically the existing house with the new addition increases to 2969 square feet, which given the document I currently have, which I think is an older version, has a 40% lot coverage. Todd, Mr. Rottmann, would like us to switch over and then talk about how they are reducing the impermeable area, but the numbers included in those amounts, while they may be actual and real, is not how we calculate lot coverage. In other words, we're trying to take an apple and take an orange and keep swapping them back around until you get the fruit of choice. So, my point is, when you add this addition, you are increasing the numbers that we use to create our lot coverage ratios, and when you combine that ratio with our side-yard setback requirements, those two work hand-in-hand to keep the massing and the size and location and the lot coverage all kind of consistent. Yes, you can go up and down and all through the Village and find all sorts of violations of this. The reason we are working with these rules we are working with is trying to get some continuity so we don't make situations that are maybe bad, or not desirable, in other locations the standard rather than the outlier.

I also went back through and read through the findings of fact. And, I have a lot of struggles with Number #3. You know, that the strict application of the terms of the zoning ordinance will result in an unnecessary hardship. I am very sorry the current homeowners currently have drainage problems with water coming off the alley and entering their home. But that is based on decisions that some previous owner or builder made regarding the property, and has no bearing on the terms of the zoning. I'm sorry it's happening, but it's not a zoning issue. Same thing with Number #2. The growing family needs more space. Not a zoning issue. Historically, you know, there was a garage tied to the property. Yes. When there was a single house on two lots, and there was an outbuilding in the back corner. Once again, it's taking an apple and trying to make it an orange so you get the right fruit. And, yes, there are similar homes and sizes and setbacks and all that kind of stuff, but the reason we are working through these rules and regs is to get some continuity to prevent these outliers from happening. So, I don't know. I just don't think you've met most of the findings of fact for Number #3.

Wolff — Mr. Jones, the way I interpreted Number #3, you're right, we do need a hardship. And, I think the hardship that I'm looking at is the slope of the lot, and your interpretation is that it doesn't, you know, your house floods and that's not a hardship. I'm not sure we agree on that. I think you should be able to make, because you have a lot that is unusual, and has a slope to it, you should be able to make accommodations to prevent that. But, that's just my opinion. And, we can certainly disagree on that. Todd, can you go back, I think, well, maybe I'll try and take a stab at it. I think we agree that the lot coverage is going up. I think the number we heard tonight was 38.9%. That is, we are adding space to this house. The lot coverage is going up as we define it. I think what you suggested was going down was the impervious, like, the amount of paved and/or roofed area. Is that correct?

Rottmann — Yes, that's correct. As you talk about water drainage, coverage is not the factor that contributes to drainage issues, it's how much impermeable area is on the property, and to Larry's point, driveways are part of that impervious area.

Unfortunately, they're not counted in as part of the lot coverage, which if you took a driveway and covered the entire property with the driveway, hey, you're fine. And, that's not okay. That will contribute water to the neighbors. And, so impermeable area is the true reflection of how much you're going to be impacting water leaving the site. And, we are reducing that amount. So, we are contributing less water to the neighbors than current. So, with a hardship that their family is growing, they need space, and that we've got a water issue with infiltration into the house, we're able to solve both of those, and reduce the impermeable area. So, it's really a win-win-win. I mean, an improvement. So, I just don't see the issues.

Wolff Thank you. Ms. Evinger or Mr. Papa. Any additional comments?

Papa No.

Evinger Yes. I'm just, I'm actually listening to both you and to Mr. Rottmann, and I tend to agree that it seems like he's solving multiple problems by addressing this, not only the water issue for this home, but the growing size of the family, also being cognizant of trying to reduce total impermeable surface, and the fact that all the neighbors that are surrounding. This isn't something that's being sprung upon them. They were, again, brought into this discussion as they were working through this development, and this project, so, and it seems like no one has a remonstrance that's immediately affected by this, so I'd be, you know, I'm inclined to support the petition.

Wolff Mr. Papa, you had no additional comment?

Papa Well, so I was trying to look something up. I don't know if Mr. Rottmann is still there, but he responded to Mr. Jones how he feels that the impermeable surface was reduced.

Rottmann Yes. The site plans that you guys should have received today, has all of the new calculations on it, and it breaks down what we're utilizing for the impermeable area by house, front porch, patio, playhouse, driveway, front walk. All of that is added into those numbers. The final condition has 50 square feet less impermeable area than the current condition.

Papa So, that's kind of removing the playhouse and part of the patio is how you get there?

Rottmann Yes. That is correct.

Papa Okay. Yes, I was just trying to visualize. Mr. Jones, I wasn't seeing where you were getting less.

Rottmann Yes. So, the garage is essentially where the driveway is now, so it's impervious area for impervious area, and then we are getting rid of some current impervious area to help.

Jones Yes. I think about the impervious area of the driveway that currently exists; it takes water. And it takes water to a drain, and then it takes that water somewhere

else on the property. And, now it's, by raising the garage and setting it up higher than the alley, you're chasing some of that water off somewhere else. But, okay. And, I know you're trying to say that the roof area will now take that water via gutters and downspouts and somewhere else, but that's, I just disagree with the math. I see the math. I understand how you made the math. I've stayed the path on this every time it crops up. You know. Eventually this creates a problem for somebody else. And, I am very sorry that the previous owners of the property built something in such a way that the current owners are experiencing a drainage issue, but they can always take the driveway out and do something else. They can always rebuild the driveway and gain some drainage on it as it stands, and solve the problem with the water entering the residence. That's always an option available to them.

Wolff Thank you, Mr. Jones. Any other comments or discussion amongst the group.

Evinger Just one more question for Mr. Rottmann. When, I know you're talking about impermeable surface, and we're talking about the water runoff, but a lot of times there's lots of different kinds of plants that could be added to an area that would help offset or collect some of that rain. Is there anything that could be done on this property that would just kind of help absorb some of that water for potential runoff? I know, I appreciate all your efforts that you've done so far, but is that something else that would be able to be done there?

Rottmann Yes. Creating rain garden areas, succulent plants to absorb, and put that around the yard bubblers. Yes. We've got room on the west side, and on the east side to do that.

Evinger Larry, would that help solve your problem?

Jones And, it still doesn't get around, and we've kind of blown past the whole issue of having a garage with the access that close to the property line, doesn't really allow sufficient ingress and egress room given the 15-foot wide alley and the current 8 feet of pavement. I understand Mr. Rottmann has put together some numbers that he researched it to say it does, but once again, information I look at and the same books says something different. And, we get back into the same situation. Like I said, it's that for future users of this garage, they need to kind of basically it puts a burden on an adjoining property owner. And, that, you know, when you set 3 feet off the property line with a 15-foot alley, that's every, you know, every parking detail I see requires at least a minimum of 20 feet between something to move in and out with ease.

Rottmann Right. And, we have 20 feet 11 inches available with alley space.

Jones The house sits 3 feet off the alley. Fifteen and 3 is still 18.

Rottmann No, the alley is a 16-foot 6-inch alley per GIS, and we, at a minimum, have 3 feet 8 inches to the property line, but on the eastern side of the garage we have more because it is a slope. We have the 4 feet 4 inches. So, we have - -

Jones --One corner, oh, come on Todd. Quit it.

Rottmann Well, okay. If you add the 16 feet 6 inches, plus the 3 feet 8 inches, we're at 20 feet 4 inches. So, we're still greater than the 20 feet access. But it's still public right-of-way alley that has the gravel, which was the previous surface before somebody came in and paved a strip down the middle.

Mundy Larry, I'd like to get your take on the way I've looked at point Number #3 in terms of hardship. It appears to me, you know, you go back to that 1939 map where there was very little in the way of impervious surface on 2 lots there, and I guess my conclusion was that there is some hardship that's been created by the buildup over those 80-some years, that that house and the present owner now are affected by, because of a lot of that water does come from elsewhere, so I guess I was looking at point Number #3 as being satisfied in terms of a hardship by the current owner. Is that, would you take a different tact with that one?

Jones Well, I guess my tact is that the issues, the drainage issues the current owner experiences are because of methods of construction, which differs from something that the zoning ordinance has enforced. Somewhere down through the line somebody, whenever that addition was done, because I think the existing garages are an addition, they raised it up 3 feet. They could have done something differently and this drainage burden would not have been, but choices were made, however they were, and you know, once again, we don't know what we don't know, but we can go out there and physically look at the site and say, well, you know, it was put there and then some point they put in a drainage with a trench, and then somebody put concrete curbs along the alleys. So, none of which are a zoning-related matter. The issue we have is a combination of lot coverage and then setbacks, and while we can go and work, or massage our way around the lot coverage issue then the second thing we're running up to, which is the thing that Wayne has not felt satisfied with either, is the side-yard setback. And, you know, what happens is the combination of our setback requirements and our lot coverage ratios kind of determine just a maximum amount of development that can go on to a parcel, hence the reason they are asking for a variance is because they are trying to exceed it in two different directions. And, like I said, we keep talking our way around ways of making the lot coverage ratios work, but we still butt up against, you know, do we want to start going down this path of cutting out side-yard setbacks. Because the side-yard setback stuff also kind of ties into life safety issues, that you know, part in parcel the reason you want to keep the separation, side to side of homes, is for fire. When a house catches on fire, you know, it may not matter much, but it matters some. Hence the reason why we have the side-yard setbacks both, you know, the single 5-foot and the cumulative 15-foot, it's to keep some separation between these older, you know, keep separation between primarily wood-framed structures in a Village type environment. That's why it's there. Or, that's one of the benefits of the way the rules are put. It doesn't prevent anything. It does not stop anything, but it's just a bit of continuity we have within our zoning ordinance, trying to provide for a little bit of life safety. No guarantee.

Rottmann Yes. Building code states the 3-foot setback for life safety, not a 5-foot. So, anything beyond 3 feet, according to the building code adopted by the State of Indiana is not a fire risk.

Wolff Very good. Any other comments from the group? Hearing none, seeing none. Wayne, I'm just going to double check with you. Are there any hands raised? We've had public remarks.

DeLong Yes. Mitch Young. Mr. Young has raised his hand. So, we will click on him here. Mr. Young, are you there?

Young Yes, sir. Can you hear me?

DeLong Yes. Very good.

Young So, again, this is Mitch Young. My address is 8990 East 200 South here in Zionsville. I'm a builder here in Zionsville. I was born and raised here in Town right on Ninth and Oak Street. I've done many projects here in the Village. Many of them that have involved wastewater and setbacks and yardage percentages, and everything. I've dealt with them all. As far as the fire hazard. Just to add, we are going to be adding a non-combustible siding. So, as far as a fire hazard goes, we would be eliminating that. Also, as far as safety goes, we are also getting rid of the overhead lines going into this house. So, during this project, all the overhead lines that right now go over the alley are going to be gone and go underneath the alley and into the home. So, not only is this going to help the homeowner in their hardship, but it's also going to eliminate the overhead lines in the alley, which helps fire trucks. Helps firemen. It's a safety thing for sure. And, it also upgrades the power to the home, and it also upgrades the look of the home, as well, trying to get rid of the power lines. So, I just wanted to add that, as well. So, I've done many projects in the Village. I've done, I did a garage at Poplar and First Street where they were having a similar situation with water going into their house, and we added the garage on it, and it's the house to the north of Claghorn Custom Flooring. They're on first street, and I've had nothing but good reviews and things said to me from members of the Town, as well as the wastewater department. So, I just wanted to add that you as well.

Wolff Thank you, Mr. Young, for contributing to tonight's conversation. Based on your remarks, I'm assuming you are the proposed builder of this project?

Young That's correct, sir.

Wolff Thank you. Okay. I'm going to turn it over to my Board members. Is there any other discussion? If not, I will entertain a motion.

Papa I was just thinking that if say, they could have made changes in the past to address the water, but if the water is coming from somewhere else and not from this property, that problem may not have existed in the past. So, they're just doing something that keeps that additional water that's coming from going into their house. I'm not sure that's, or maybe Mr. Rottmann mentioned it's maybe not their problem to absorb all that water for everybody else necessarily.

Wolff Yes. I certainly don't think it's the burden of the petitioner to absorb other people's water. Yes.

Rottmann And, the fact that they're currently doing it, [inaudible] in the unique situation of the property with its slope, and the alley having been paved at some point. You know, further enhances the problem.

Jones I just want to make sure I understand where we're going with this. So, it sounds like there's a lot of people that approve the changes to this parcel, but anything farther west we should not approve because it's uphill. Am I hearing everything right?

Wolff Well, Mr. Jones. That would depend on what that petition was, and what the characteristics of that petition were.

Jones Okay. Just checking. I just want to make sure I understand. Because it sounds like what we're saying.

Wolff Sounds like if you're downhill you get approval and if you're uphill you don't. Is that what you're implying?

Jones Correct. Yes.

Wolff I'm certainly not comfortable stating that. What I'm comfortable stating is that we will evaluate each petition based on its merits, and the facts presented to us.

Jones Gotcha.

Wolff And, we will make a decision based on that.

Jones Okay.

Rottmann And, the current zoning ordinance says you cannot shed your water onto someone else's property. It does not say you have to absorb water from somebody else's property.

Jones Correct. But, once again, we have lot coverage ratios that so that every property can take a certain amount of storm water or whatever. As we cut that back, it goes somewhere else.

Wolff Any other discussion. I also would bring up the point, just asking, I think the staff is concerned about the setback, and the turning radius there. Have we adequately addressed everyone's concerns regarding that? And, if the answer is yes, I would entertain a motion.

Jones We going to use one motion or two separate ones?

Wolff You know, my challenge with the two separate, they're listed by the staff as two separate. One thing I would note is any recommended motion, the first one regarding the lot coverage, that tonight we have changed the number from, the line says lot coverage of 35% to 40%. That number is not accurate. That number is now 38.9%.

Jones Todd, how much did the addition get reduced by?

DRAFT

Rottmann We pulled the garage back 1 foot 4 inches after the staff report was written to calculate the square feet.

Jones And the addition is 26 feet wide?

Rottmann Yes. That's a reduction of 35 square feet.

Jones I ended at 39.5% lot coverage.

Rottmann The breakdown is on the proposed site plan that was sent out today. Are you working on an old one? It's dated today, April 1.

Jones I've got the March 19. Which one do you got now?

Rottmann April 1.

Jones That's right. Because you cut back the pavers on the patio and took out the playhouse, but you took out the playhouse on the previous.

Rottmann Correct. The further reduction in the lot coverage was the removal of part of the patio.

Jones And that got it down to the what?

Rottmann 38.9%.

Mundy Mr. President, I'll be willing to make a motion if you're wanting that.

Wolff I am, Mr. Mundy. Thank you.

Mundy I'm going to read from a small screen. So, I hope I don't get crossed from one line to the next. I move that Docket # 2020-06-DSV, development standard variance, in order to provide for the construction of an addition to a single family home, which exceeds the required lot coverage of 35% to 38.9% as shown on the most recent drawings by the petitioner, on the site plan that is attached to the most recent report that we received, in the residential Village zoning district RV for the property located at 140 North Fourth Street be approved with the amendments made as of today's drawings with substantial compliance with the submitted site plans and concept elevations.

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

Evinger Second.

Wolff Thank you, Ms. Evinger. Wayne, I'm going to do this as a roll call, as well.

DeLong Yes.

Wolff If you would lead that.

DeLong Certainly. Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones No.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Papa?

Papa Yes.

Wolff Thank you. Motion carries. I would also note to our fellow Board members there is another motion on this particular variance.

Jones I'll make the motion on this. I move that Docket # 2020-06-DSV, development standards variance, in order to provide for the construction of addition to a single-family home which deviates from the required side and aggregate yard setbacks as illustrated on the site plan attached to the report in the residential Village zoning district RV for the property located at 140 North Fourth Street be denied as presented.

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

[No response.]

Wolff Hearing none, I will entertain another motion.

Evinger I move that Docket # 2020-06-DSV, development standards variance, in order to provide for the for the construction of an addition to a single-family home which deviates from the required side and aggregate yard setbacks as illustrated on the most current plan that was submitted today, April 1, and attached to this report in the residential Village zoning district RV for the property located at 140 North Fourth Street be approved as presented with substantial compliance as the new submitted plan.

Wolff Thank you, Ms. Evinger. Is there a second to that motion?

Mundy Second.

Wolff Thank you, Mr. Mundy. Wayne, I'll turn it over to you for our roll call vote.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones No.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

Wolff Thank you. Motion carries. Thank you, Mr. Rottmann for your presentation tonight.

Rottmann Thank you for hearing me. I appreciate it.

Wolff The next item on our agenda is Docket # 2020-07-DSV for 10615 Zionsville Road. Wayne, will you please que up the petitioner?

DeLong Yes, I will. Flipping some screens here. Some of the participants are only here by phone number, and it's not apparent as to their identity. Thank you, Mr. Lese. We'll get you in here. We will elevate you to a panelist role.

Lese Okay. Can you see and hear me?

Wolff We can.

Lese Okay, great.

Wolff Please state your name and address for the record, and describe what's in front of us.

Lese Sure. Joseph Lese with Progress Studio. Our address is 5915 North College Avenue, Suite 213, Indianapolis, and we are presenting a variance of parking quantity standards for the existing property located at 10615 Zionsville Road. What we are presenting is a request for a reduction of required parking spaces. In our findings of fact and in our presentation packet that you have in front of you, we worked really closely with staff on determining what the existing parking requirements would have been in its current state with the canine daycare, the former tavern and Pizza King, and it was calculated that 77 spaces were required. And, to our best estimates on the existing parking lot, we felt perhaps maybe 71 to 73 spaces could be accommodated, and still an provide appropriate drive aisle. So, effectively, what this variance request is doing is bringing an existing non-

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compliance request in front of you, as well as part of the redevelopment of this property to accommodate the future attendant Hotel Tango.

Wolff Mr. Lese. Now, as part of this project, is the intent to increase the square footage of the building and/or, is there a patio that's being included?

Lese Yes. So, on the south side of the building, we are proposing adding a 682-square foot pergola. It is effectively a room. It's four seasons. It will have its own egress doors, as well as doors in and out of the facility that exist today. By that increased area and occupant load that that generates, the increase in area makes the required parking spaces jump by 10 spaces. And, so what was 77 spaces, we worked also with staff on coming up with the correct calculation and the new total required parking space count would be 86. And, what we are presenting is basically all that we can put on the site and maintain proper turning radius for fire truck access, so we have a total of 66 parking spaces. Some of what is driving that number is the calculation that staff and I worked together on to find the appropriate number for the canine daycare facility, suite especially, of 31 spaces. In our observation, any time that we have been to the site, whether it's field verification or otherwise, we see somewhere in the proximity of 10 cars in the parking lot at any given time, and that's probably staff for the canine facility. So, we don't believe that there is, during the majority of the daytime, a need for 31 spaces devoted to the canine use, however, we do realize that as tenants move in and out, that requirement may change. So, our case is that Hotel Tango's use specifically, their hours of operation generally are going to be pushed towards the evening hours we're going to see the heaviest traffic. And, with the canine facility there, other than staff, really would only be people for a very short duration either dropping off or picking up their dogs from the daycare facility. So, we are looking at this more as a shared parking scenario where the heaviest use may not be needed at the same times, which was noted in our findings of fact. I think that's pretty much it as far as answering that question. Sorry, that was a long-winded one.

Wolff No, the more information the better. So, I think what I heard was, according to the calculations that you worked with staff on, you need 86 spaces. When you adjust the parking lot after renovations and trying to keep and make sure you have all the property egress and turning radius and safety support for fire departments, etc. you can get 66 spaces. So, we have a gap of 20 spaces. Your comment is that the tenant to the north, which is a doggie daycare, a kennel of sorts, you know, and I agree with you in the sense that they're not going to have a need for that many parking spaces, and many of their customers are going to be kind of pick up and drop off. What happens if the doggie daycare goes away? So, if we approve a variance, and we agreed to grant the relief from this parking space requirement, and then another restaurant were to come in there, I think we would be creating an additional problem, wouldn't we?

Lese Yes. I would agree with that, that any future tenant, that if the canine went away for some reason, and a new use was proposed, that use might need to be restricted. I don't think that the site would support two restaurants unless one was perhaps a breakfast only operation, whereas Hotel Tango is more in the evening hours. So, that might play in to any future requests from future tenants at that point.

Wolff So, inside of the report that we have, the staff makes a recommendation that kind of articulates what you just said. Would you be amenable to that?

Lese I think the owners would be in agreement of that, yes.

Wolff Thank you, Mr. Lese. What other questions do we have for the petitioner tonight?

Evinger What are the exact operation hours for Hotel Tango?

Lese Generally, as far as I know, during the week it is 4 p.m. to 10 p.m., and I'm using that based off of their Indianapolis Fountain Square location. On the weekends, I believe, they open at noon, which would be Saturday, and whether or not they are open on Sunday, I believe, it's going to be a 7-day operation but I would have to confirm that with the future tenant.

Evinger Thank you.

Wolff Any other questions from my Board members to the petitioner at this point?

Jones A couple of quick questions. So, with the Hotel Tango space, the tavern space, you're adding 682 square feet of, is that covered space, or is that the outdoor patio area?

Lese It's covered space.

Jones Okay. Gotcha. And, that's the new area towards the front?

Lese Yes. And, in the packet, in the rendering specifically, it is the pergola structure. So, it is manufactured by a local company called Smart Pergola, and it has the ability to be open during nice weather. The roof has adjustable louvers. It's all self-drainable, and in inclement weather, colder environments, we are showing that the boundary of that pergola would have clear vinyl removable panels so it effectively is a 4-season room.

Jones I have a question for Wayne. So, pathways that go through Zionsville and go south on Zionsville Road and then turn and go into the Creekside, are there any plans to extend those paths farther south? The biking and walking path?

DeLong With the project that's nearing completion the South Main Street, Zionsville Road rebuild, that has a pathway component as a part of that. Those pathways are underway. Certainly, there is another project that will bring a pathway down the western alignment, which is the old rail trail. Certainly, there is ongoing dialogue with BHI, Hoosier Village about how the Town's pathway system can interface and provide for accessibility to and from their development for both their residents and certainly visitors. So, there is a pretty robust overall package of how the pathway system will interface throughout this area.

Jones And, then the parcel that surrounds them, is that the old Dow Elanco piece?

DeLong Correct. That's the former Dow site. I mean, it's still owned by Dow Chemical.

Jones But, there is some conversation about that being released, or available at some point?

DeLong I would project this year, certainly. They're at the very end, I believe, of their efforts to meet all the requirements to then start fielding inquiries on the next evolution on the conversation with that property.

Jones Back to the pathway questions, so are those pathways on the east and the west side of Zionsville Road? You referenced, I thought, the west side.

DeLong Yes. I believe that pathway, the roadway project could only facilitate pathways on one side, I believe, because the road is a 2-lane with a dedicated center lane with the divided median, and the right-of-way with allowed pathway on the west side. The right, on the pathway on the west side, the east side is, I think, more heavily traversed by utilities.

Jones It will be this site, along with farther south on Zionsville Road will eventually get connected into our pathway system.

DeLong Yes. Those efforts are under way.

Jones Right. I guess what I'm driving at is, you know, once again, I own multiple properties all along the cultural and the Monon and all sorts of trails, and those all do greatly reduce the need for parking. People would rather bike or walk or ride to these spaces than actually drive to them, if available. One other just concern I've got on the site plan, just kind of while we're talking, is the dumpster location. And, I've kind of scrolled around your site plan, and as far as, you know, dump trucks, trash trucks picking things up, that's probably about the best location available. Is there any opportunity to add some landscaping since it's sitting out there in the front?

Lese Absolutely. We would screen that with both hardscape, as well as landscape, to be in front of that, as well. There is, like Wayne said, a lot of infrastructure on that side of the street with a lot of utilities. We are taking the building off of a septic and well, and we are connecting that to city sewer and water. So, on the turning exhibit, for example, the shaded gray areas are those paths that we are going to be connecting into the city infrastructure, so yes, generally we try not to include trash enclosures in a front yard, but with the existing building footprint, we felt like that was going to be the easiest way to access that and not have it be a situation where if there is a truck or an event where emergency gear needed to be on site that they would be able to access all sides of the building.

Wolff Mr. Lese, one point of clarification. As Mr. Jones started the conversation with you, he asked if the new structured space when we discussed the pergola, and things like that, was on the front of the building. For clarification, it is on the south end of the building. Correct?

Lese That's correct.

Wolff Okay. Are there any other questions for the petitioner?

Papa I was going to ask a question about, if they were going to go off the well and septic, so I was really glad to hear that that's being done.

Wolff Yes.

Papa We've talked about that for years with that site.

Wolff Agreed. I think that represents a significant improvement to the area.

Mundy Where is the current septic system located?

Lese Good question. I don't know that the tanks are exactly known, or the finger system, I don't know that that has been confirmed 100% where that is. So, that was one driving factor of getting the building upgraded to city utilities.

Jones There's not a lot of extra land.

Mundy That's what I, I'm trying to find some open space where you could have a little –

Lese --Space is really in the back. The east side of the property, and it's even, you know, fairly shallow between the building and the property line, so it's anyone's guess exactly where that area might be, but we're going to be excited to see this get upgraded to city utilities.

Jones I don't know. From the look of the pond back there, we might know where it goes.

Wolff I don't want to think about that.

Mundy Do you have a public safety approval with what you've suggested in the way of the parking layout now? Can they bring their equipment in and make the turns they need to?

Lese Might be a question for Wayne. I apologize. I looked through the email that staff sent to us about tonight's hearing and I did not receive a copy of the staff report. It was one request that came up during our reviews and meetings with staff to include the turning, maneuvering diagram that was included in our packet, which wasn't in our original submittal, but we had since emailed that back to staff. So, I hope that all of you had that. It's been a couple weeks since we have done that.

Jones If you scroll down through some of the site plans, you can see most of the aisleways are 24 feet wide, and the primary one across the front of the building is like 29 feet wide, which, like I said, typical parking lots have 20-foot aisleways between spaces, so this is a little larger than standard. So, I wouldn't imagine that there is issues.

Lese In our meetings with the fire department staff, we made care to maintain the access on the south side of the property, in particular, for any fire truck that might need to be parked in that location so they could reach around the back side

of the building if for some reason they weren't going through the front of the building.

Jones — I think that's what's put in your plan. The drawing, VT, whatever that is, but vehicle traffic, but if you look up in the corner you can see the size of vehicles that used to lay out the pathway.

Wolff — Wayne, will you check and see if we have anyone on queue from the public to speak about this project?

DeLong — Certainly. I am not seeing any particular party raising their hand to participate in the conversation here.

Wolff — I'm going to give it a minute. Sometimes people are shy. And, certainly if any of the Board members have any continued comments, feel free. Still empty, Wayne?

DeLong — I am not seeing any interested parties raising their hands.

Wolff — Thank you. If that's the case, we'll assume there are no remonstrators for or against this particular project. Wayne, may we have the staff report?

DeLong — Certainly. Thank you. This petition has been very articulately presented by the petitioner, and certainly articulating staff's points related to the parking. The Board has covered those, as well. The combination of the two uses within the existing integrated center to bring the proposed Hotel Tango facility and the existing doggie daycare, we believe will have parking ratios that will be opposite of one another. Certainly Mr. Jones pointed out in the ever-enhancing pedestrian multimodal ways throughout Town, will continue to foster a new type of parking and ride sharing, and alternative transportation, which will well-serve the community. With those factors in mind, staff is supportive of the petition as it's been filed. Certainly, recognizing that in the future the project may change. The use may intensify. Mix of uses may change, and this conversation may need to be revisited, but certainly, as it sits today, staff is supportive of the petition as it's been filed, and I'll happily answer any questions.

Wolff — Thank you, Wayne. As I look at the recommended motion and the staff recommendations, would you, or Darren, think it appropriate if we just made a motion, if someone were to make a motion in favor of this project, to include the staff recommendations, as well, in that motion, to reflect what you just stated about the adjoining property increasing in intensity and use? How would you suggest we address that in our motion?

DeLong — Mr. Chadd, do you want to take that?

Chadd — Sure. Yes. I was going to raise that question anyway in terms of, I think the recommendation to me just isn't clear. Maybe we just need to clean it up a little bit in terms of, the recommendation seems to suggest that we're not allowing the neighboring tenant to increase in intensity. I don't think that's the intent. We're not restricting that use. I think we're just trying to say if it does, then we may have the current petitioner come back to review this variance. And, I think that starts to fall in line with what this Board has done in the past in terms of

requiring them to come back if that neighboring space intensifies. So, I would just include some language like that in your motion.

Wolff — So, something to this effect that if the neighboring space intensifies, an amendment to include to that if the neighboring space intensifies, the petitioner will need to, or the property owner will need to seek a new variance?

Chadd — I think you guys need to flush that out. I don't know that you necessarily, I haven't heard anybody say that you want this variance to terminate if the use changes. I mean, it gets kind of murky. I'm just [inaudible] to have one back in, as we say, without it terminating, but I've not heard anybody say they want this to terminate if that use intensifies.

Evinger — So, going back to what Joseph had said earlier, he thought that the owners might be amenable to having a restrictive use as far as not allowing a second restaurant. Would you be able to enter that commitment into this motion, and do you think that the owners would agree to that without speaking to them?

Lese — I think that would make sense as far as if the businesses were in operation at the same time. I'm not sure if there might be a creative way to write the language where it might restrict a second restaurant that would be in operation during the same business hours, perhaps, versus some, like if it were a pancake house or something like that perhaps, where they would be operational in the morning up to maybe lunch time, and then closed the rest of the day. I think the owners would be open to some restrictive language if it can be tailored around maybe business operational hours, and specifically a second restaurant use with the integrated center and the parking ratios that we were using for the doggie daycare at four per thousand. We might want to, or you might want to include language in that, too, where if a proposed use exceeds that, that we would need to come back. I'm not sure exactly how to word that.

Wolff — No, I like where you were going with, we certainly used a calculation for the intensity of parking based on the kennel, and if that particular property were to require a more intense parking usage, then perhaps we should revisit this particular petition.

Jones — The doggie daycare, how much of the space is an office, or common, and how much of it is like dog kennel. Do we know? Do you have an idea? Just a rough guess?

Lese — If I had to guess, I would say probably 10 to 15% might be office support space, and the rest of the space is for the dogs to play in, or they're kennels. So, I haven't been there to do a full field verification of their space, so I can't answer that definitively.

Wolff — Larry, were you suggesting some sort of square footage?

Jones — Yes. What I was just kind of penning around with would say something along the lines that so long as the current, I don't want to say doggie daycare as part of a motion, but what I was trying to say is, as long as the existing office/retail/commercial use of the space, of the 7665 square feet, didn't exceed

1500 square feet, you know, this variance would be allowable. So, if some other similar use, maybe wasn't doggie daycare, or something else, I don't know. It's just an idea. Tie it to something more, because basically, if another use would come in for that space, they would most likely, if they are going to remodel it or change it or do something substantial, have to come back and pull a permit, at which point we can pull up this variance. And, variances are, you know, specific. So, if we limited the office/retail, whatever, to 1500 square feet, you know, we'd get another poke at it, I guess. I don't know. Somebody got some other idea?

Lese I think I would, not to interject. Sorry for the interruption. I think I like the, maybe the streamline approach of if the variance were approved under this premise, if that north tenant were to ever require more parking than what we have presented tonight, that it would require a different variance request on its own merits, and, you know, that might be all that would be needed at that point. I'm not sure.

Chadd This is Darren chiming in. That would certainly cover it. Your proposal earlier of a commitment, or the suggestion of a commitment concerning limiting the use of the neighboring tenant would also do it, if you have the authority to commit to that, but what you're proposing now would be perfectly fine.

Wolff So, in our packet of information, the property to the north, or the tenant to the north, is currently allocated four spaces per thousand square feet, and the proposed restaurant, the one we're talking about tonight, is allocated one space per 75 square feet. So, maybe what we're suggesting is, as long as the tenant to the north doesn't exceed four spaces per thousand square feet, we're okay. If not, then we need to come back to the Board of Zoning Appeals to address the issue. Does that seem reasonable?

Lese Yes. Works for me. Yes.

Wolff I'm more concerned about Darren. He's my lawyer.

Chadd Just to clarify. When you say come back to the Board of Zoning Appeals, I think the petitioner's language was, their variance would expire and they would have to submit a new variance request. And, that is something that you folks can deal with, coming back to address it, I'm not sure what that - -

Wolff --Yes, that's what I was implying. Sorry.

Chadd Yes.

Lese Yes. Other than dictating the parking as we presented tonight, I think, yes, sending future tenant that would surcharge that would have to make a new request.

Wolff Result in a new request for the property. Okay. Any other discussion amongst- -

Evinger How long is the lease of the doggie daycare.

Lese Can you repeat that? I did not hear that.

Evinger How long of a lease does the doggie daycare have?

Lese I think their lease expires this year. As far as I know. I don't know what their lease negotiations have been like, if any, with the current owner. So, I believe Hotel Tango's lease is a 10-year lease.

Evinger And, would Hotel Tango be amenable to take the rest of the space should doggie daycare leave. I'm just thinking, this could be really short-term. If we said that you have to come back in 6 months because the lease expires in 6 months, you'd probably be better off to have some kind of a commitment as far as intensity of use, to limit not having two restaurants operating at the same time during the same hours. Something like that, rather than having to have you keep coming back every 6 months if you get a short-term lease in there.

Lese Yes. I think both parking and hours of operation for two restaurants, it just would not work. So, I think limiting the tenant in that circumstance, that does make sense too. I do not know if Hotel Tango would ever entertain the idea of expanding into the north tenant space for any other functions. So, it's hard to say, especially under the current environment. It might be okay. So, yes, I think both parking, as well as restricting two restaurants on site that would not be able to operate at the same time would make sense.

Wolff I think we're all on the same page here. I think we're, well I don't want to assume, but it sounds like we're thinking that this seems like a reasonable petition in front of us, and it's particularly because the use of the parking for the north property, or the north tenant is going to be significantly less. And, so I think we're just trying to way to flush out that, how do we put that into a motion. So, Julia, I think your suggestions are certainly good, and I don't know if anybody has any other thoughts on how we could word that so as to protect this issue. And, if not, we could take a stab at it.

Chadd I'm fine with the most recent proposal. Just a simple commitment that the other tenant space will not be used for a restaurant with competing evening hours. Something like that.

Jones Because, current four spaces, four parking spaces per thousand square feet is kind of typical for all kind of commercial retail-type uses. So, even if the doggie daycare goes away, and some type of retail-type use would come into this space, their baseline parking calculation is the same. Wayne, am I doing this correct? Am I thinking right?

DeLong Correct. Generally speaking, four per thousand is your retail. Certainly, there is very specific uses that fall out of that general classification such as a tavern/restaurant. So, you're on point.

Jones That's what I'm saying, but the doggie daycare current calculations would be similar for any kind of typical retailer commercial other than a restaurant.

DeLong Yes.

Jones So, really the provision is we don't want to find ourselves with a second restaurant in there because that's where the overloading starts. So, I think that works. You got a way to put that together?

Wolff Does one of my fellow Board members want to take a stab at that?

Evinger How about I move that Docket # 2020-07-DSV, being a development standards variance for the reduced number of off-street parking spaces for the integrated center as depicted on the site plan filed in Docket #2020-07-DSV, Exhibit #5, be approved with an added commitment that a second restaurant with competing hours would not be allowed to operate as long as Hotel Tango, as long as the existing tenant restaurant tenant is operating. Make sense?

Wolff I think so. Darren, did we cover everything before I entertain a second?

Chadd I think so. Restaurant with competing evening hours was the key.

Wolff Agreed. Yes. Is there a second to Ms. Evinger's motion?

Papa Second.

Wolff Thank you. Wayne, I'm going to turn it over to you for a roll call vote.

DeLong Very good. Mr. Jones?

Jones Yes.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

Wolff Thank you. Motion passes. Thank you, Mr. Lese. Good luck with your project. We look forward to having you in our community.

Lese We're excited. Thank you.

Wolff The next item on our agenda tonight is Docket # 2020-08-DSV for 823 Eaglewood Drive. Will the petitioner please raise your hand, and Wayne, will you help get them going?

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DeLong I am more than happy to. Mr. and Mrs. Meiring.

Meiring Hello. Can you hear us?

Wolff We can.

K. Meiring I don't know if we are, if our video is operational or not. I see our name up there.

Wolff Yes. We just see your name. We can certainly get your video going, or if you want to just proceed this way, we're happy to do that, as well.

K. Meiring We'll be happy to go without video.

Wolff Mr. Meiring. Would you please state your name and address for the record?

K. Meiring My name is Kenneth Meiring at 823 Eaglewood Drive, Zionsville, and Trish.

P. Meiring Hello. Patricia Meiring, 823 Eaglewood Drive, Zionsville.

Wolff Very good. Thank you. Would you please describe in your words what's in front of us tonight?

K. Meiring Well, we are asking to get a variance to build a 3-car detached garage on our property at 823 Eaglewood Drive. We have, we would have two requests for variances to development standards. One of the variance requests would be to exceed the height of the ridge of the proposed garage by up to 3 feet above the height of the ridge of the existing house. The second request is the variance for the front yard setback. There are two required dimensions. It's the greater of either 20 feet from the right-of-way, or 70 feet from the center line of the road. We are about 33 feet from the right-of-way, but we are about 57 feet from the center line of the road. So, we don't meet both criteria. We meet what we believe is the more, in our opinion, the more important of the two setbacks, which is from the right-of-way, but Eaglewood drive is a relatively narrow road, so we don't have, we don't meet the 70-foot requirement. So, those are our requests today.

Wolff Very good. When we talk about the height, why is the additional height necessary?

K. Meiring Well, we have a, the additional height is necessary because the width of the proposed garage is slightly wider than the width of the main structure of the house, which has multiple gable ends running into it, and to maintain the same roof pitch, which we think is aesthetically important, the rise of the ridge exceeds the rise, exceeds the height of the existing residence. It is, we submitted a plan that does, architect did a little study of it, and his calculation is actually the height will be less than 2 feet above it, but because of the uncertainty of the elevations of the surrounding ground, which we have not had time to do a topographical study, we thought it safer to ask for a variance of up to 3 feet, even though if the elevation, floor elevation were exactly the same as what we believe it to be, it would be actually less than 3 feet. We have mitigated the impact of that by

proposing a hip roof so that the actual lineal footage of ridge that would exceed that of the existing house is minimized. Additionally, there is a chimney on the existing residence, which still would be higher than the ridge line of the proposed garage.

Wolff Very good.

K. Meiring Question?

Wolff No, that was very, very good. And, so my next question would be, so I think what you were saying was you addressed the height is necessary because you want to match the architecture of the existing structure for both, you know, aesthetic and just, well essentially aesthetic reasons, which I think makes sense to me. Can you also address the positioning of the new garage? Why did you choose that particular location to put the garage?

K. Meiring Well, we have about twelve emerald ash trees, which we spend a fortune every year fighting the pest, and they're all healthy, God-willing will continue to keep them healthy with the treatments, but they're all very large, very mature and we would not want to remove any trees to position the garage 13 feet further back. We would prefer really to ask for the variance. We think the location of the proposed garage is reasonable, and would have no adverse effect on the appearance of the neighborhood. The houses in that neighborhood, which is a rather old neighborhood, were, for whatever reason, pushed way back on the lots, which are relatively deep. We've got about just under 0.6 acres, 0.57 acres is the lot size. Most of the lot sizes in that neighborhood are similar, and most of the houses are pushed back towards the rear part of the property, which makes large front yards, and rather small rear yards. So, there just really isn't another reasonable spot, in our opinion, to put it rather than where it is. There is a current turnaround in the location where we are proposing the garage, and the original owner of the home put that turnaround in that spot because that's the place it made sense to do it, and that's also the place that it makes sense to put the garage. The existing garage is very narrow, and the only way we can, we have three cars. We want to put three cars under roof. The only way we can get the cars in our existing garage is to pull one in forward, and we've got to back the other one in and then we've got to squeeze out between the two because it's so narrow, and the third car has to sit outside, together with the trash cans and other things, which we would prefer to have inside.

Wolff Very good. And, I would also note that we did receive several letters of support of this petition from what appears to be many of your direct neighbors, so thank you for attempting to do the neighborly thing in reaching out to your neighbors and discussing your project with them.

K. Meiring We only had one neighbor that we were not able to make contact with, and we haven't heard. We did get a certified letter back from him, so we know it was delivered, but we have never met him, and our attempts to actually meet him and ask him for his support were unsuccessful. But, all other ones, including ones that are not adjoiners, were pleasantly, we were pleasantly surprised to find that they were willing to sign a letter of support.

Wolff Very good. And, we will certainly have an opportunity for public comment if there is any on that. I turn to my Board members. Any questions for the petitioner?

Jones Are houses back in this area on well and septic? Or are they on sewer?

K. Meiring The water is CEG, and the sanitary is septic systems, and the septic system is in the rear of the house, which, now that you mention it, would preclude us from putting it back there anyway.

Jones Plus, I'm just looking at your neighbors to the north. They're even larger lots, and their houses are set back even farther, so there really isn't anybody in the view shed of this building.

K. Meiring No. Not that, our neighbor to the north is, oh golly. It's got to be 75-100 yards north of us, maybe more, and there's a wooded area between us, so I don't know where their septic system is, but I'm sure it's nowhere near where we're proposing to put our garage. Additionally, I guess I should add that we are being sensitive. I hope that you all received the plans that we submitted. The garage would be the same materials that are on the residence, which are used brick. We would have carriage-type garage doors, and a dimensional shingle roof that matches the roof on the residence.

Wolff Very good. Any other questions or comments from my fellow Board members? Wayne, I'm hearing a pause in conversation. Will you look and see if there is anyone queued up from the public?

DeLong I will, and I do not see any hands raised.

Wolff We'll certainly give them a minute. Does it look like we've added anyone?

DeLong No, we have not added anyone.

Wolff Okay. Wayne, then I think it's probably then appropriate for you to provide us a staff report.

DeLong Certainly. I'm happy to do that. Staff is supportive of the petition as filed. We certainly appreciate the Meirings working through the process and providing the documents for you this evening. We appreciate the sensitivity, as well as the apparently taking on a great expense related to maintaining the mature tree canopy. Staff certainly recognizes the benefit of preservation of the mature tree canopy. The site that's available seems to be well-suited for the addition to the property. From the technical side of the conversation, the front yard setback that could be maintained if the right-of-way was acquired, that is mentioned in the thoroughfare plan, would still provide over a 30-foot, or I'm sorry, over a 25-foot setback for the proposed addition. Certainly, ample setback for a local street, that is actually a dead-end, if you will, in this area. Again, staff is supportive of the petition as it's been filed, and presented this evening, and I'd be happy to answer any questions.

Wolff Thank you, Wayne. Any questions for staff? Any comments or comments amongst the Board members? If there is no comments, I would entertain a motion.

Jones Anybody? I can do this. I move that Docket # 2019-41-D, # 2020-08-DSV development standards variance in order to provide for the construction of the detached garage which, one, deviates from the required minimum front yard setback, and two, deviates from the required maximum permissible height associated with an accessory structure in the rural, low-density single-family residential zoning district R1, be approved based on the findings and based on the findings in the staff report as presented.

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

Papa Second.

Wolff Was that Mr. Papa?

Papa Yes.

Wolff Thank you, Mr. Papa. All those in favor, actually, I apologize. Wayne, we'll go roll call again on this.

DeLong Yes. Mr. Wolff?

Wolff Yes.

DeLong Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones Yes.

Wolff Thank you. Motion carries. Mr. and Mrs. Meiring. Good luck with your project. It looks very nice. Next item on our agenda is Docket # 2020-09-DSV for 324 South 9th Street. Will the petitioner, or Wayne, will you please assist the petitioner in getting queued up?

DeLong Yes. Ms. Chavez, are you here?

Chavez Hi. Good evening everyone.

DRAFT

DeLong Good evening.

Wolff Welcome. Would you please state your name and address for the record?

Chavez Yes. Absolutely. My name is Alejandra Chavez and this is my husband, Ramiro De Le Cruz, and we live at 324 South 9th Street here in the Village.

Wolff Wonderful. And, then would you please describe what's in front of us now?

Chavez Yes. Absolutely. A little bit of a story. So, we're long-time residents of Indiana, but recently became neighbors here in the Village community, so purchased our home in May of last year, and in June we decided to make some additions to our home, and specifically to expand on what was a small deck in our back yard, and expand that out to make a larger cedar deck, and to make that more of a welcoming place for our family and friends. Also include an outdoor fireplace. So, in June of last year, we had two separate contractors that we brought in to get the job done for us, and spent a lot of time making sure that we had the right materials, and building upon the existing infrastructure, natural stone and to tie into our back yard, hopefully the rail trail. The contractors did great work in terms of the final result, but they didn't do such a great job in terms of taking a look at the zoning requirements. So, the contractor that was responsible for the deck, had submitted for an inspection, or construction permit, and when the inspector came out to take a look at the deck, they then observed that the already constructed outdoor fireplace was within the 5-foot side yard setback. So, it was very disappointing news to us. Surprised as the homeowners that neither one of them caught that before the construction was in place. So, we are coming to you after the construction has occurred, and asking for a variance in development standards so that we can maintain the fireplace that's already been built. You can see in the finding of facts that, you know, we don't see that there is any negative impact to the neighborhood, or community. The fireplace is, you know, obviously mainly visible to those maybe on the outskirts on the trail, or our adjoining neighbor, but overall is no negative impact there, and obviously not into anybody's yards or space, and no negative impact in terms of property value. In fact, we think it will help our own property value, and therefore, those of the neighbors around us. So, we are very hopeful that this variance will be granted. Otherwise, you know, what we see as unnecessary hardship will be having to tear the fireplace down. So, there are details there in the findings of fact, and you'll see the staff report, and probably maybe Wayne will address the support that's listed there, as well. But, that's our request and our ask in the petition.

Mundy You're on mute, John.

Wolff Thanks Steve. So, I'll repeat myself. I would note that you do have a privacy fence around the rear of the property. Is that correct?

Chavez That is correct.

Wolff Okay. And, as you noted, this essentially was an oversight by some contractors, and no ill will. So, we understand mistakes happen. What questions do my fellow Board members have for the petitioner? I'm hearing a whole lot of silence. I

would note to the petitioner that your house is lovely, and I've been by the property many times using the trail behind you, the access trail, and I have never noticed this particular feature of your home. So, I don't think it's intrusive from my perspective. Any other comments? Wayne, while we're looking for that, will you please queue open and see if there are any remonstrators here tonight?

DeLong I will. I can tell you your list of attendees is shrinking.

Wolff Perhaps we're not entertaining enough.

DeLong I do not see any parties raising their hand to participate in your last petition.

Wolff Very good. I'll give it a minute. Otherwise, Wayne, I think we'll put you on deck for the staff report.

DeLong Sounds fine. Thank you.

Jones So, Wayne, I've got a quick question. So, when it comes to side-yard setbacks, we allow air conditioners and other kind of accessories and appurtenance-type things to be sitting in those, do we or don't we?

DeLong Correct. We do.

Jones So, this isn't really part of the structure of the house. Correct?

DeLong That is correct.

Jones It does have a foundation on it, I'm sure, so it kind of crosses over the line, but it's the same thing with, you know, front steps coming off porches, and all that kind of stuff, crossing set back lines and that. So, this is not really part of the structure of the house proper.

DeLong That is correct.

Wolff Wayne, why don't you go ahead with the staff report. Because I have a couple questions regarding Mr. Jones's comments.

DeLong Thank you. And, certainly the crux of staff's support follows the thinking that Mr. Jones was outlining. Staff is supportive of the petition as it's been filed, and certainly staff is not focused or compelled to review the petition based upon the errors, or the issues that are at hand. More of revolving around "is this a petition that staff would have supported if it would have been filed prior to the construction of the outdoor amenity?" And, this property, as noted, is a unique piece of property in Zionsville. It has, on the southern border, the amenity to the Town, which is the pathway system, which, in turn, some parties would look to create their outdoor living space as far away as possible so they can have a quiet enjoyment of their outdoor living space themselves. And, certainly that would seem to be the case that's here. And so if that type of petition would have been filed, and someone would be seeking to construct an outdoor fireplace with the characteristics that have been drawn and proposed here this evening, you know, staff's logic would follow what Mr. Jones is outlining: that the ordinance

supports appurtenances to a home that are laterally supported, and that can include, and does include, a fire box for a fireplace that does not have a foundation such as a gas-fed fireplace. And, barring the idea of constructing a home in the back of this property, and then putting a 2-foot lateral encroachment into the setback, and that all-conforming, you have what's in front of you this evening. Is someone who has taken the time to construct an amenity that is separating their living space as far away as possible, or a big distance from the Town's amenity, and that's the package that's been proposed this evening. And certainly the amenity, the chimney, if it was constructed again, against the home, and a home was in this location, it would be supported by right, again, as a gas fireplace, and certainly the aesthetics and the choices that go along with this selection are very close and in line with if a home was constructed in this location. Again, that's the crux of staff's support for this particular petition, and I'd be happy to answer any questions.

Wolff — Thank you, Wayne. I guess what I was thinking, and I don't speak nearly as articulate as you do, but if you put this same structure and attached it to the home, in its location, I know there would probably be a little work there, but it we would not be having a problem, correct?

DeLong — Well, we would have to not, it would not have to have a foundation. It would have to be a lateral encroachment. You may recall on 6th and Sycamore you had a petition for a butler's pantry that was laterally supported off the foundation of the home, but encroached in front yard setback. But we do. Mr. Jones is correct. Air conditioner units, window wells, other type of amenities and appurtenances and service features to a home are allowed by ordinance to encroach into the side-yard setback. It's very unique that the ordinance does not embrace a chimney. That is a foundation, as within that package of amenities, or packages of appurtenances.

Jones — I'll ask a quick question. So, if somebody is building a home, and the home has a bump-out for a fireplace, chimney going all the way up, that's part of the foundation, part of the structure of the house, that could not go into the 5-foot setback. Correct?

DeLong — I believe that's correct. In looking at the list of choices that we have to work from.

Jones — Yes. But, the over/under is, while this does have a foundation, it is separate from the house. It is not part of the [inaudible], so it falls under the category of air conditioners, and steps and that kind of stuff.

DeLong — That's what staff - -

Jones — --[Inaudible] be approved or allowed.

Evinger — I have a question and that's more like life safety. Obviously we don't have, looking at the drawing here, it doesn't look like it's a abutting anything that would be close to like a shed or a garage or another home, but if something like this would come up in the future, and it had another structure that was closer to it, would we have a different take on this?

DeLong I think so. I mean, this particular, we mentioned that in the staff report. We talked about, I think it's 18 feet, or a little bit greater than 18-foot setback between the northern land use, but certainly that, I think, each of these evaluated separately. Certainly, that reduced side-yard setback is concerned just like the first petition this evening, when we talk about fire-rated construction. Certainly, brick and mortar is certainly a very strong fire-rated system, but certainly at the end of the day, this is a fire-based use.

Wolff And, I would note that you pointed out, you know, the border, or the backyard border of this property, is a public use. It's a nice rail trail, which is a benefit to all of us, but probably not where you want to have your entertaining space for your family and your guests. You would probably push it closer to your home, which is essentially what the petitioner has done, and that makes sense to me, which makes the property unique, in my opinion. Any other comments or discussion amongst the group? Seeing none. I would entertain a motion. Wait, one pause. Wayne, will you double check and make sure there are no public commenters? Just to make sure we're on the up and up.

DeLong There are no parties that are seeking to provide comment.

Wolff Thank you, Wayne. I apologize. I would entertain a motion.

Mundy I'll move that Docket, sorry, I just minimized my screen there. I move that Docket # 2020-09-DSV, development standards variance, to allow for an existing outdoor fireplace to continue to one, encroach into the required minimum 5-foot side yard setback as further described in the exhibits to this report in the residential Village zoning district RV, for the property located at 324 South 9th Street be approved as filed based on finding of facts.

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

Evinger Second.

Wolff Thank you, Ms. Evinger. Wayne, I'll turn it over to you for a roll call vote.

DeLong Thank you. Mr. Papa?

Papa Yes.

DeLong Ms. Evinger?

Evinger Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Mr. Jones?

Jones Yes.

DRAFT

DeLong Mr. Wolff?

Wolff Yes. Motion carries. Thank you to our petitioners for sticking with us tonight, and enjoy your fireplace.

Chavez Thank you very much. Have a great evening.

Wolff You as well. Moving on to other matters to be considered. Wayne, were the Docket # 2020-05, the Montessori school. Were those findings of fact provided to us?

DeLong The negative findings of fact were distributed. Certainly, if you're, we can certainly talk about those tonight. We can talk about those at a different time. Certainly, we do not have currently a methodology for the signing off on your findings of fact. We either would need to provide those to you in hard copy, or certainly secure each one of your electronic signatures to affix to the appropriate sets of findings.

Wolff Wayne, is there anything critical on the timing of that at this point?

DeLong I default to Mr. Chadd. I'm not aware of anything critical.

Chadd Sorry. I was muted. We're fine with the timing. They have been distributed. You can review them. We just need to figure out how to get them signed.

Wolff Okay. So, if we hesitate for now, and potentially execute this on the May 6 meeting, we're not impeding anything?

Chadd We're good.

Wolff Okay. Very well. Wayne, any other updates?

DeLong Look my piles of paper over. You know, I know that Mr. Ball was working with his clients, or I'm sorry, the clients' service providers rather, were working through getting those taken care of, and I do not have any update on Wildwood Design as to their next steps.

Wolff Very good. With no other matters to discuss, I would first like to thank both Wayne for doing double-duty on our meeting tonight, as well as the entire staff of Zionsville for coordinating this. I know there were some IT people involved in our meeting tonight, as well, so I appreciate everyone's efforts. With no other items to discuss, this meeting is adjourned.

DRAFT

DRAFT

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

May 1, 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:

In light of the Staff Report and the numerous letters in opposition from Town residents, my clients believe that it would no longer be productive and a waste of everybody's time to seek a lot coverage Variance in the above docket item. Hence, they have asked that I advise the Board of Zoning Appeals that they are formally withdrawing their Petition for Variance before the commencement of any Public Hearing.

Further, as the Demolition Permit has been issued by the Town, and no takers apparently seeking to purchase the property at 145 N. Main St. from my clients, the older structure will now be removed and my clients will build a single-family structure of their choosing that will comply with the building requirements for the Village Residence District.

Thank you for your cooperation.

Very truly yours,

Michael J. Andreoli

MJA/ba

Chrissy Koenig

From: zeller.mike@yahoo.com
Sent: Saturday, March 14, 2020 4:49 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Input for April 1 Zionsville Board of Zoning Appeals Meeting
Attachments: 145N.Main.docx; 140 N 4th.docx

Thank you, Ms. Koenig, for the information about how to make input to the Board. I have attached two separate memos regarding two upcoming docket items. I trust this format will work to get this input to the Members and into the official record. If anything further is required from me, or if you need my signature on these letters, please let me know.
Thanks again for your help.

Mike Zeller (317) 507-1761

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

RECEIVED
MAR 16 2020
TOWN OF ZIONSVILLE

Chrissy Koenig

From: Wayne DeLong
Sent: Monday, March 30, 2020 10:32 AM
To: Chrissy Koenig
Subject: FW: Petition for 145 N Main Street

For the file and for distribution to the BZA membership.

Thanks

Wayne

From: Cohen, Mervyn D. <mecohen@iupui.edu>
Sent: Monday, March 30, 2020 10:19 AM
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: Petition for 145 N Main Street

Petition for 145 N Main Street

Wayne,

Please will you communicate this request to the members of the Zionsville Board of Zoning Appeals.
On behalf of many Village residents who oppose the petition, please may we request that the agenda item on the above petition be continued until a future date. This is because of the Coronavirus restrictions and the electronic format of the meeting.

I thank the Board for their consideration of this request.
Mervyn Cohen

520 West Cedar Street.
Zionsville
Indiana 46077

RECEIVED
MAR 30 2020
TOWN OF ZIONSVILLE

145 N Main St. Zionsville.
Petition for a variance for the construction of a large new home.
Docket Number 2020-04-DSV

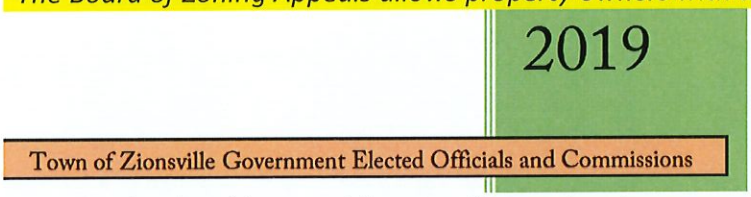
To:
The members and legal counsel of the Zionsville Board of Zoning Appeals

This letter is written to you to oppose the granting of the above variance petition.
Approval of the variance petition would violate State Law and several local Zionsville Laws and regulations.
If approval is given, consideration will be given to an appeal to Indiana State Courts.

As will quickly become apparent, the evidence provided by the petitioner for their variance, does not meet the State and Local Laws and Regulations.

Town of Zionsville Government Elected Officials and Commissions 2019
Statutorily created boards and commissions.
page **9 Board of Zoning Appeals - Powers and Duties states that:**

*"The Board of Zoning Appeals allows property owners with **unique conditions** on their property to seek relief"*

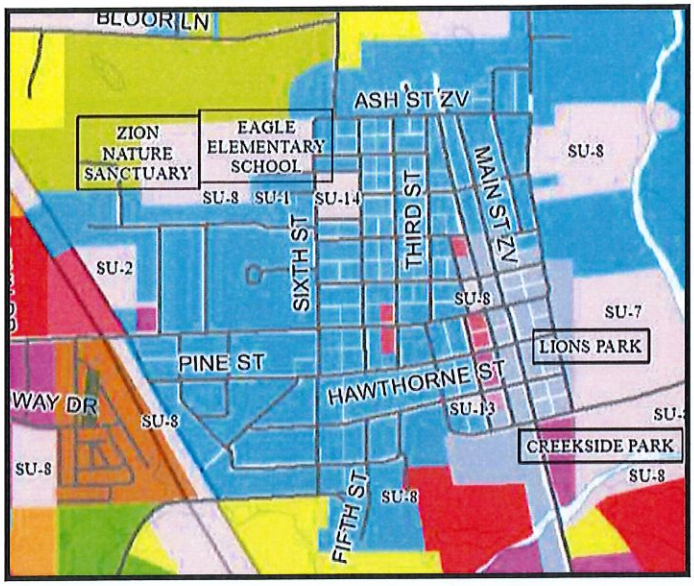


The submitted petition provides **no** evidence that there are **unique conditions on the property** to justify the variance approval.

The URBAN SPECIAL RESIDENTIAL Planning and Zoning Ordinance (Zionsville 194.052).

This is a special Zionsville Zoning law. It covers only the Village which is termed the 'special residential/village residential" district.
The first paragraph of this ordinance states:

> " The R-V Village Residential District is established "to promote and **maintain the historic core** of village neighborhoods. The development standards **reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".**
> The *Village Residential District* is what we usually call "The Village". It is outlined in blue on the map.



The new property to be built by the petitioner violates the intent of the above Zionsville Law.

1. It does not maintain the ***historic core*** of the Village. Rather it will result in the destruction of a small home that is 105 years old, in excellent condition and that was purchased last year for about $350,000.00
2. The proposed new home is very much larger, than nearby homes with much greater lot coverage. It does not ***reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion***".

Precedent is not a valid legal reason for the granting of a variance. The fact that several variances have been granted in the last few years to build larger homes on Main Street is not reason to grant another similar variance. In fact most homes on Main Street in Zionsville are still small historic old homes.

One State Law, one supporting Zionsville Law and the Zionsville Board of Zoning Appeals *Rules of Procedure* mandate completion of a "Findings of Fact" Form

Indiana State Law IC 36-7-4-918.4 Indiana State ***"Findings of Fact"*** law

*"Zoning variances may be approved only upon a determination in writing (Findings of Fact) that the petition for the variance meets **all** of the required legal criteria on the "Findings of Fact form".*

Zionsville Town Law § 194.202 BOARD OF ZONING APPEALS.

*A variance from development standards may be approved only upon written determination that it meets **all** of the criteria on the "Findings of Fact" form.*

Zionsville Board of Zoning Appeals rules of procedure (November 2019):

Section II item 4. Findings of Fact

The Board shall, in all cases heard by the Board, make written Findings of Fact in support of the Board's decision.

Section VI. Final Disposition of Petitions section 7. Findings of Fact

The Board is required to enter written "Findings of Fact" in support of its determinations.

I am fully aware of the rules governing the *"Findings of Fact form"*.
It is *extremely important*. It is a one-page document mandated by INDIANA STATE LAW. It requires that the granting of any variance must address and satisfy all three statements on the form.
I am also aware that the entire process of application, evaluation and decision making regarding the variance petition actually involves **two** *"Findings of Fact"* forms. The first is completed by the petitioner - each petitioner is required , in their initial petition submission, to provide their own answers to the statements on a *"Findings of Fact"* form. This is then considered by the Zoning Board of Appeals as part of all the evidence for and against the petition. When the Zoning Board of Appeals has held a public hearing, evaluated the answers provided by the petitioner on their submitted *"Findings of Fact"* form (and any other supporting materials that the petitioner has submitted) the Board of Zoning Appeals make its final decision. This final decision **requires** the Board of Zoning Appeals to fill out (as required by State and Zionsville Law) its ***own*** *"Findings of Fact "* form. (this is the second Findings of Fact form referred to above). Every member of the Board then **signs this form** attesting to both their written opinions and final variance denial or approval.

I will now argue that the petitioner has not met the required standard. The reasons they provided in response to the three statements do not meet required regulations. By Law they must provide adequate response to ALL 3 statements. I will copy their actual answers on their *"Findings of Fact"* form, submitted in their petition.

***"Findings of Fact"* form – statement 1 is:**
The grant will not be injurious to the public health, safety, morals and general welfare of the community because...

The response from the petitioner is:
"we have sufficient acreage that this will not appear crowded or cluttered. Also, the new home will be an improvement over the existing older structure."

My response:

- There is not sufficient acreage. If there was sufficient acreage, there would be no need for a variance
- In what manner is a new home an improvement? The old home is in excellent condition. Many in the Village prefer the look of the old historic homes
- The petitioner has not addressed the items that should be in their response. These include neighbors lose sun light, consideration of water drainage, impact on neighbor's emotions and wellbeing, impact of emotions of all Village residents and their emotional love of historic nature of village, visual appeal of the home,

***"Findings of Fact"* form – statement 2 is:**
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:...

The response from the petitioner is:
"the incremental increase in lot coverage will coexist with a number of other remodeled and/or new homes in and along Main Street".

My response:

- I agree that there are a few other new large homes that have been built on Main Street. Precedent is not however an adequate reason for the granting of another Variance. Also **most** of the homes on Main Street are still OLD HISTORIC homes.
- The petitioner has not addressed the items that should be in their response. These include

- The impact of the destruction of old historic homes on the value of the Village as an Historic attraction for home buyers and visitors supporting our businesses. This attraction of the Village could fall as old historic homes are destroyed.
- There could be an increase in taxes of neighbors' homes because of the increased value and tax rating of the new constructed home.

***"Findings of Fact"* form – statement 3 is:**
Strict application of the terms of the zoning ordinance will result in **unnecessary hardships** in the use of the property because:..

The response from the petitioner is:
"the price points now existing in and along Main Street and the surrounding environs now requires a new home over a remodel provide the size and scope of the proposed main house with accessory structures.

My response:

- I cannot understand the response from the petitioner. It certainly does **not** prove that they will suffer **unnecessary hardship** if their variance is denied.
- The applicant must meet ALL of the following standards in order an prove unnecessary hardship:
  - The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood. An example may be a property with no road access without the variance.
  - That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - That the alleged hardship has **NOT** been self-created, and is not just a personal desire.

Members of the Zionsville Board of Zoning Appeals, I do thank you for reviewing this document. It is lengthy and it provides you with multiple legal reasons for denying the petition for the variance at 145 North main Street in the historic Zionsville village.

Respectfully submitted

Mervyn Cohen
520 West Cedar Street, Zionsville
mecohen@iu.edu 317417-2628

Chrissy Koenig

From: Wayne DeLong
Sent: Monday, April 13, 2020 11:41 AM
To: Chrissy Koenig
Subject: Fwd: Opposition to petition for 145 North Main Street

From: "Tidwell, Christy A" <ctidwell@iupui.edu>
Date: April 13, 2020 at 10:58:57 AM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: Opposition to petition for 145 North Main Street

Mr. DeLong:

This e-mail is to express opposition to the petition concerning 145 North Main Street under Docket Number 2020-04-DSV. I would appreciate it if this expression of concern can be placed in the file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

The granting of this petition will further harm the character of the Village which not only destroys the ambiance for residents but hurts the drawing power of the village for businesses located on Main Street and around the village.

There are ample places in Zionsville where an individual can build a big hourse...it just does not need to be on Main Street.

I urge you to deny this petition.

Respectfully,

Christy A. Tidwell

Resident of Zionsville

Christy A. Tidwell

317.313.6517 Cell

317.873.5850 Home

ctidwell@iupui.edu

Chrissy Koenig

From: Mark Walters <indymw@gmail.com>
Sent: Tuesday, April 14, 2020 10:11 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Remonstrance: Docket Number: 2020-04-DSV/145 N Main Street
Attachments: 145 N Main Remonstrance.docx

Remonstrate Letter to BZA on Consideration of Docket Number: 2020-04-DSV / 145 N Main Street

My name is Mark Walters. I live at 545 W Poplar Street.

I am writing regarding the variance requested for 145 N. Main Street. I am speaking as a private citizen. I would like these remarks to be distributed to all BZA board members and recorded in the meeting minutes.

There is growing concern about the number of homes being torn down in the Village and in some cases, replaced by much larger homes that do not complement or enhance the overall scale, density, pattern, and architectural integrity of the community, as outlined in Zionsville's Comprehensive Plan

I am not supportive of demolishing a circa 1910 historic home without some extraordinary circumstance necessitating its destruction. That circumstance does <u>not</u> include the structure not meeting the buyers preference for a different style of home. The current home is listed as a contributing structure in the Zionsville Interim Report from the Indiana Historic Sites & Structures Inventory that was overseen by the Indiana Department of Natural Resources and the Historic Landmarks Foundation of Indiana (Indiana Landmarks). According to the survey, this home contributes to the density, continuity, and/or uniqueness of our community.

I understand that the town of Zionsville has no regulation in place that would stop this demolition from happening, (as has been the case with a number of other historic properties that have been demolished) and I must accept the fact that the current owner is likely to demolish this structure. Once the home is destroyed the petitioner would like to build a new structure and requires a variance to do so.

The design of the new structure should give consideration to the surrounding structures and these surrounding structures should be studied for their characteristic design elements. The relationship of those elements to the character of the area should also be assessed for compatibility. Those characteristics include ways in which buildings are roofed, divided into stories and set on foundations. Also, the size of the structure compared to surrounding structures, as well as defining elements such as chimneys, dormers, gables, overhanging eaves, and porches should be considered.
I do not find that the plans for the new home as shared by the petitioner to date for the 145 N Main Street property are compatible with the surrounding homes and their defining characteristics. Below are some details to support my opinion.

- In general, the home does not match any recognized historical style. It appears to be contemporary coastal architecture, which is not appropriate anywhere in Indiana except on a lake in a new subdivision.
- The proposed structure does not match the style or character of its neighbors, Main Street, or the Village. Current styles of neighbors include Foursquare, Victorian, Bungalow, Shotgun, and Queen Anne. While a new home does not need to match a historical style, it should get it's influences from historical styles and its neighbors since they establish elegant and appropriate heights, patterns, proportions, massing, detailing, etc.
- At 50' wide, the house is approximately TWICE as wide as its neighbors.

- The three-story tower on the structure is a full two-stories taller than its immediate neighbors, which are only one-story. All homes in this block are one or one-and-a-half stories tall with the exception of one other house on the block that is two-stories (it is a Foursquare style where two-stories are common). But that home is much narrower so the height of the roof is far less.

- Due to the immense width and depth of the home and the full two-story height, the massing of this house will be approximately four times the massing of its neighbors.
- The wrap around roof around the base of the tower serves no purpose and pulls the focus of the home away from the front door and usable porch.
- The proportions of a wide home with wide horizontal bands of windows do not match the proportions of the neighbors.

- The proportions of a tall tower stuck onto the front of the home does not match the rest of the home or the proportions of the neighbors' homes. The tower will not only look awkward on this home, but it will completely dominate and overpower the streetscape, thereby detracting from the charm of neighboring homes and the character of the street.
- The front setback needs to be the block average, not the 20' as currently shown. 20' is too much of a setback and will not match the neighbors.
- The overhead door for a golf cart on the front of the home is completely inappropriate for this neighborhood. Historically, all garages along Main Street were accessed from the alley.
- Garages along the front of a house detract from the character of Main Street and also pose a safety risk to pedestrians.

There are many historic homes within the Village that have been enlarged to meet modern desires and the needs of growing families while maintaining their historic nature and compatibility with neighboring homes. This approach was rejected by the petitioners.

Regarding the proposed variance being requested. When it comes to new construction, the current zoning laws benefits the overall cohesiveness of our streetscapes and helps protect all surrounding homeowners from potential drainage and flooding issues. In addition, a large structure that is not compatible or in the proper context to the rest of the neighboring homes, could reduce the desirability of existing homes to potential buyers.

I do not find the current proposal, and the requested variance that supports it, as adding to or protecting the historical character of the Village.

I request the BZA to deny this variance request, as it appears to be a request based on preference simply so the owner can build a home they feel suits their tastes, but does not conform to the compatible designs and architectural elements of the surrounding homes.

Thank-you for your consideration.
Mark Walters

Chrissy Koenig

From: Marianne <mhdoyle@indy.rr.com>
Sent: Monday, April 13, 2020 6:11 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Docket Number 2020-04-DSV

We are writing in OPPOSITION to the petition concerning 145 N. Main St under docket number 2020-04-DSV. Please place this in your files and distribute to all members of the Board of Zoning Appeals.

Guinn and Marianne Doyle
635 W Pine St.
Zionsville

Sent from my iPad

Chrissy Koenig

From: Wayne DeLong
Sent: Tuesday, April 14, 2020 12:32 PM
To: Chrissy Koenig
Subject: Fwd: Number 2020-04-DSV.

Wayne DeLong, AICP, CPM
Director of Planning & Econ. Development
Town of Zionsville

O: (317) 873-5108
C: (317) 503-6170

wdelong@zionsville-in.gov
www.zionsville-in.gov

Begin forwarded message:

From: Brooke Klekovski <brooke@ansatzhairsalon.com>
Date: April 14, 2020 at 6:32:37 AM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: Number 2020-04-DSV.

Wayne DeLong
I too want to stand up for this Nonsense and ask for it to be a No.
Do we really need to fight something that's already a ordinance ....
Do we alway have to fight to stand up as a village just to fight these changes.
These people aren't going to die if they don't get a over large house in a small village....

I state that and sending email in opposition to the petition concerning 145 North Main Street under Docket Number 2020-04-DSV. You also request that it be placed in this file and distributed in printed form to all members of the Board of Zoning Appeal

Brooke Klekovski

Chrissy Koenig

From: Susan Sievers <sievers.susan@yahoo.com>
Sent: Wednesday, April 15, 2020 3:38 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: 145 N. Main Street

I am sending this email in opposition to the petition for the variance at 145 N. Main Street under docket Number 2020-04-DSV.

With each mega house being built, Zionsville's Main Street is slowly but surely losing it's charm. Please consider voting against the petition for 145 N. Main Street.

Susan Sievers

Sent from Mail for Windows 10

Chrissy Koenig

From: Wayne DeLong
Sent: Wednesday, April 15, 2020 2:56 PM
To: Chrissy Koenig
Subject: Fwd: Opposition to 145 N. Main St Petition. Docket number 2020-04-DSV

Begin forwarded message:

From: David Malcom <dbm1971@me.com>
Date: April 15, 2020 at 2:45:49 PM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: Opposition to 145 N. Main St Petition. Docket number 2020-04-DSV

Dear Wayne and Members of the BZA,

This letter is a declaration of my opposition to the proposed demolition and new construction of the 145 North Main Street property.

The current house, a bungalow, over one hundred years old (built in 1910), was designated "C" (Contributing) in the 1993 Indiana Historic Sites and Structures Inventory. Contributing means "sites and structures which contribute to the density, continuity, and/or uniqueness of the whole county, historic district, or multiple resource area..."

It is a charming house. The cement porch columns are of "wavy" blocks made by the prominent Gregory family, in their factory here in Zionsville off Pine Street. Demolishing the house would be an obliteration of both a prevalent architectural style and a piece of Zionsville's history. It would be a shame.

The structure to be built in its place is described by the architect, Todd Rottmann as " contemporary coastal". Its setback(over twenty feet) doesn't match neighboring houses. Its height and width causes its massing to be four times that of the other houses on the street. Worst of all, a garage door opening is planned to face the street.

A house like the proposed one has no connection to other structures on Main Street. Even geographically, it doesn't fit. We are not a coastal town! Zionsville is charming because of its old houses and brick street, because of its past. You destroy that and you destroy the identity of the town, what makes us unique, what draws outsiders to come here and patronize our stores and restaurants. We need to promote our heritage, not ruin it.

Please turn down this petition.

Sincerely,

David Malcom

Resident of the village of Zionsville

Please place this letter in the docket file and distribute to the members. Thanks!

Chrissy Koenig

From: Michael Hodapp <sassygreeninteriors@gmail.com>
Sent: Wednesday, April 15, 2020 8:58 PM
To: Wayne DeLong
Cc: Chrissy Koenig; Michael Hodapp
Subject: 145 N. Main St, Zionsville

Wayne DeLong, AICP
Director of Planning & Economic Development Town of Zionsville
1100 West Oak Street
Zionsville, IN 46077
wdelong@zionsville-in.gov

Wayne,

We, as residents on Main St. in the village of Zionsville, want to voice our opposition to any variance petition for the property located at 145 N. Main St., Zionsville under Docket Number 2020-04-DSV. In our opinion as nearby local residents, the village does not need more "tear-downs" to be replaced with huge homes that sometimes do not fit in. We believe that the current home on the property is the proper size for the lot. We plan to be active in remonstrating at future town hall meetings regarding this issue.

We also request that a copy of this email be placed in the indicated file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

Respectfully,

Mike and Maryellen Hodapp
275 N. Main St.
Sassy Green Interiors, LLC - owners

Chrissy Koenig

From: GibsonGang <GibsonGang@indy.rr.com>
Sent: Wednesday, April 15, 2020 9:22 PM
To: Chrissy Koenig
Cc: Emily Styron; Josh Garrett; Wayne DeLong
Subject: Opposition to petition for variance

Dear Zionsville Board of Zoning Appeals,

Hello. We hope you all are doing well.

We are writing to you to express our opposition to the petition for variance for 145 North Main Street (docket number 2020-04-DSV).

Having been raised and educated in central Indiana, we moved to Texas after college. Happy in Texas but longing to return to Indiana, we moved back in 1998 and settled here in Zionsville. Remembering the historic beauty of the Village and friendliness of the community made it an easy decision to raise our family here.

The friendliness of the community remains, but the historic beauty is being chipped away by the destruction of the historic homes of the Village. Built in their place are homes to modern and large for the space and their surroundings. These new homes are often a vivid and brutal reminder of what has been lost. The Board of Zoning Appeals seems determined to destroy older homes without any regard to the voices of those of us who live in the Village. You are allowing the squandering of treasured older homes that need to be preserved. They fill a community like ours with wonder and their beauty ages well. It is a profound tragedy to allow the constant destruction of homes that witnessed famous deeds, events and ceremonies from which the very atmosphere of our beloved Village was created.

Please don't allow the historic home of 145 North Main Street, and other homes like it, to continue to be destroyed!

Thank you for your time and consideration.

Brad and Kathryn Gibson
525 West Oak Street

April 17, 2020

Members of the Zionsville Board of Zoning Appeals,

I reside at 245 N Main Street, and also own the home at 240 N Main Street. As a resident on Main Street in the Village we are not new to the process of variance requests, and the conflict that arrises whenever a new variance request is put in front of the BZA. With every house that gets torn down, and every variance request that gets granted, as the frustration continues to grow, the vexation of our neighbors also continues to grow. In a hope to resolve some conflict amongst neighbors we initiated a discussion with the homeowners of 145 N Main Street to allow them to hear the concerns of neighboring property owners as well as other Village residents in hopes of coming to some level of peace and understanding that would appease everyone.

It's not our goal or desire to not welcome the Donnar family or anyone else to our neighborhood, it's simply our hope that they'll choose to live here, and build their home in a way that supports surrounding structures, and the characteristics in which other homes are roofed, entered, sized and situated on their lots. Their home should look for character-defining elements for inspiration from other historic Village homes in regard to porches, chimneys, dormers, gables, overhanging eaves, height, lot coverage and setbacks. This desire that we have as residents is also mirrored in the intent of the Village Zoning which states, *"194.052 URBAN R-V: VILLAGE RESIDENTIAL DISTRICTS.*

(A) Intent. The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the town. The development standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land use recommendation of the master development plan of the town."

I appreciate that the Donnar's have taken into account the concerns of their fellow neighbors, and have worked with their architect to make modifications to the plan of their home to hopefully better suit the architectural style in the Village. While it's regretful to lose a historic contributing property in the Village it is currently well within the

homeowner's legal rights to tear it down. What I am asking the Board to consider is whether it is well within their right to build a new home outside of the confines of our existing Village residential zoning, without any limitations of having to adhere to and work around the existing structure. If they are tearing down the existing home, then they have a blank slate to work with, and should be able to build their new home in a manner that follows the zoning, and promotes the historic core of the Village. I do not see a strong enough reason to support why, with new construction, they would have a practical difficulty of making use of the property. Wanting to build a larger home is not inherently a reason to support a variance, to potentially cause damage to neighboring properties or to modify the character of our neighborhood and community.

Looking over past petitions granted for setback, and lot coverage variances it is characteristic of these requests to be granted based on the fact that the family needs to be able to build a larger more modern home to fit their family, and their 21st century needs. I do not understand how the board can continue in good conscience to approve such variance requests for new construction. The homeowners bought the home at 145 N Main Street knowingly, and fully aware of the size of the lot, and the zoning, and made the decision to purchase the property. If they needed a bigger lot to support a larger home, then they had the right and the ability to do so. The homeowners went into the purchase of this property fully aware of the orientation and size of the lot, and the limitations that came with that.

There is a reason why we have zoning ordinances, and there is a reason why they need to be enforced. To build outside of our allowed lot coverages and setbacks, modifies our streetscapes in a way that our zoning specifically states should be protected, promoted and maintained. Wanting to build a home larger than the lot coverage allows for, is not a strong enough reason to deviate from the current zoning. After speaking with the Donnar's they have shared with neighboring homeowners that this is not their primary residence. I appreciate their desire to live in the Village, and I welcome them to our neighborhood, however, building this home is not a hardship to them, and if they would like to build a new home in the Village then they can do so within the confines of our existing zoning, and they can help support, and maintain the core of our Village neighborhood. I am asking the Board to oppose the variance

request(s) for the property at 145 N Main St, as supporting it would potentially interfere with existing development, and would not help to preserve the character of our community. I would caution the Board that continually granting variance requests in the residential village district is not an appropriate way to modify the zoning, granting variances is not a substitution for changing the zoning.

Thank you for your time, and hearing my request.

Chelsea Overbeck
245 N Main St
Zionsville, IN 46077

Chrissy Koenig

From: Amy Kellough <amy.kellough@gmail.com>
Sent: Thursday, April 16, 2020 8:07 PM
To: Wayne DeLong
Cc: Chrissy Koenig
Subject: Opposition to 145 Main Street

Hello,

I live on Main Street and I am writing to let you know that I oppose the variance request petition concerning 145 Main Street under Docket Number 2020-04-DSV.

I request that this email be placed in that file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

Thank you,

--
Amy E. Bartlemay

BZA Meeting May 6, 2020 - Variance Request 145 N Main St

A historic contributing home is being demolished in the Village. At the May 6th BZA meeting the board will make a decision on the variance requests made for the new property. The current variance requests that have been submitted are asking to build a home that at 50' wide is approximately twice as wide as its neighbors. Due to the immense width and depth of the home and the full height, the massing of this house will be approximately four times the massing of its neighbors. The front setback request they are asking is currently shown at 20' and does not match the block average, making it too great of a setback that will not match the neighboring homes. Our current zoning laws are put in place to protect and maintain the historic character of the Village, even with new construction.

194.052 URBAN R-V: VILLAGE RESIDENTIAL DISTRICTS.

(A) Intent. The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the town. The development standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land use recommendation of the master development plan of the town.

To oppose:
Send any emails or letters to Wayne Delong, Director of Planning and Economic Development.

Wayne DeLong, AICP
Director of Planning & Economic Development
Town of Zionsville
1100 West Oak Street
Zionsville, IN 46077
wdelong@zionsville-in.gov

At the beginning of the email, I would state that you are sending your email or letter to him in opposition to the petition concerning 145 North Main Street under Docket Number 2020-04-DSV. Also, request that the letter be placed in this file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

Chrissy Koenig

From: Wayne DeLong
Sent: Monday, April 20, 2020 7:08 AM
To: Chrissy Koenig
Subject: Fwd: 145 N Main St. # 2020-04-DSV

Follow Up Flag: Follow up
Flag Status: Flagged

Begin forwarded message:

> **From:** Lisa Hackman <lisah121@yahoo.com>
> **Date:** April 19, 2020 at 3:48:02 PM EDT
> **To:** Wayne DeLong <WDeLong@zionsville-in.gov>
> **Subject: 145 N Main St. # 2020-04-DSV**
>
> Hello Wayne
>
> I'm sending this email in opposition to the petition concerning 145 N Main St. # 2020-04-DSV.
> As a village home owner and as a neighbor that is directly on the other side of the alley of this house, I ask you to consider my concerns.
> I rehabbed my small home in keeping with the historic charm of what the village was known and loved for my whole childhood...CHARM!!!!
> I live next door to a house that was built on the lot that used to sit a darling home that once was the areas post office. From what I hear, it was brought over from Michigan Rd by horse and buggy 90-100yrs or so ago. Now that history is gone with the house.
> I understand that many people's dream is to live in the village of Zionsville, and we are going to lose some of the charm. However, something has to be done about the fact of these huge houses on such small lots. These lots were not made for huge houses.
> These huge houses don't look natural in the setting of our village. The problem with being next to these huge houses is not just the fact that they are cutting down our trees and losing the over all picture of our village but putting inappropriately sized houses on lots in the village makes the houses on each side loose the sunlight. It truly makes a huge difference. Even though the house next to me (lot of old historic post office) is a lovely "huge" house, If you allow the scale and proportion (height) that 145 N Main St are asking for, it's going to truly effect the neighbors property on each side and in lots in back of it. I'm going to feel engulfed with these huge tall houses that seem like skyscrapers from my now seemly "incy" house.
>
> I hope we don't look back in years to come and say what a shame it is that our village is no longer what it was always know for around the state. I don't want to lose our charm. Thank you for listening.
>
> Please put my letter in the file and distribute a printed form to each board member ASAP.
>
> Thank you Wayne

Lisa Hackman

Sent from Yahoo Mail for iPad

Chrissy Koenig

From: Wayne DeLong
Sent: Saturday, April 18, 2020 1:07 PM
To: Chrissy Koenig
Subject: Fwd: Docket number 2020-04-DSV

Follow Up Flag: Follow up
Flag Status: Flagged

Begin forwarded message:

From: CHERYL KELLER <zvillage@sbcglobal.net>
Date: April 18, 2020 at 10:15:38 AM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>, Emily Styron <estyron@zionsville-in.gov>, Josh Garrett <JGarrett@zionsville-in.gov>
Subject: Docket number 2020-04-DSV
Reply-To: CHERYL KELLER <zvillage@sbcglobal.net>

Mr. Delong,Ms. Mayor and Mr. Garrett,

I am sending this email in opposition to the petition concerning 145 North Main Street under Docket number 2020-04-DSV.

I am asking that my letter be placed in this file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

I have lived in Zionsville since 1967.I have lived in the Village at 160 South Fifth Street since December of 1986.I have seen our small town grow into a city ,but the one constant I thought we could always count on was the original village maintaining it's quaint shopping district and it's quaint,one of a kind homes.

I understand that some homes could not be saved because of extensive decay,but to see these old homes torn down just because someone wants a bigger one is NOT a reason to approve these petitions.

A good example of a horrible approval is the newest home at 8th and Pine Street.The home to the west of that one will never see the morning sun again.That home also overwhelms every house on that side of the street., not to mention it doesn't do anything to enhance the other homes.This home surely violated Ordinance (194.052) in the height restriction.

I do not believe that the owners of 145 North Main have proved unnecessary hardship.

Please,if you love our special Village as much as the people who live in it,do not approve this petition.Help us to

save what is left of it.

One more thought. The home at 510 West Pine was for sale in 2018 after the death of our dear neighbor.
One couple from Fishers were working very hard to get it.They loved the village,they said. Turns out they were
going to tear it down and build a typical Fishers subdivision home. That didn't happen,thank goodness.A family
who already lived in the village bought it and are lovingly preserving it.THAT ! is the kind of people we need in
the village.

PLEASE protect or village and its homeowners.

Sincerely,
Robert and
Cheryl Keller

Chrissy Koenig

From: Shannon Ross <skross90@hotmail.com>
Sent: Tuesday, April 21, 2020 1:49 PM
To: Chrissy Koenig
Subject: 145 N. Main

Follow Up Flag: Flag for follow up
Flag Status: Flagged

We are sending this email in opposition to the petition for the variance at 145 N. Main Street (Docket # Docket Number 2020-04-DSV).

I see no reason to allow this variance and allow the house to be 35' inches taller than allowed.

I have no problem with the petitioners tearing down a perfectly livable house, but believe they should be held to the requirements when building a new one in order to maintain the village.

Unfortunately, I fear the precedent has been set with all these variances being granted.

Thank you for your time.

Sincerely,
Brad and Shannon Ross
Village Residents

Fr

Of greatest concern is that the house at 35' will be taller than the other houses on the block. Here's the link to the town ordinances they're supposed to follow:
http://library.amlegal.com/nxt/gateway.dll/Indiana/zionsville_in_zoning/titlexixplanningandzoning/chapter194zoning?f=templates$fn=default.htm$3.0$vid=amlegal:zionsville_in$anc=JD_194.052

The first paragraph states that it should maintain the historic core or village neighborhoods within the town, and reinforce the traditional height, bulk, and area features of these neighborhoods to maintain their scale and proportion. 35' when nothing else on the block (except the house constructed in the last six months) is that height doesn't comply with the ordinance.

Also, please see letter below:

Dear Village friends,
Some of you have already submitted letters to the Zionsville Board of Zoning Appeals expressing your of opposition to the variance requested for 145 N main Street.
As of today, I have heard that the petitioner will proceed with the variance request on Wed 6th May at the next Board meeting. They will not request another continuance.
The meeting will be electronic and it will therefore be difficult for us all to express verbal protests to the Board at the meeting.
Thus, **writing our letters is the most effective way we have to oppose the petition**. The more letters the Board receives, the better.

All letters Chrissy Koenig at Town Hall receives are sent to each member of the Zoning Board of Appeals *on the day she receives them*. The sooner she gets a letter from each of us, the more time the Board members will have to read, digest and understand the magnitude of Village protest to the variance petition. We definitely do not want them to receive a batch of letters the day before the meeting.

To speed the process, Chrissy asks that you send all letters directly to her at ckoenig@zionsville-in.gov and CC Wayne DeLong at wdelong@zionsville-in.gov

At the beginning of your email, please state that you are sending your email letter in opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV.

Peace and keep healthy,

Mervyn

- I do have a copy of the full petition. Just let me know if you would like me to email you a copy
- Mark Walters would like you to look at the website of the Zionsville Historic Preservation Committee to see all the work that they are doing.
  www.preservezionsville.com

Lastly, a screen shot of the latest Facebook post from the Zionsville Neighborhood Action Group:

Zionsville Neighborhood Action Group

1 hr ·

Here is the house proposed to the Board of Zoning Appeals at 145 N. Main. To scale.

Your views should be sent to the BZA by next Friday, April 24, to Chrissy Koenig in Town Hall, ckoenig@zionsville-in.gov, and copy Wayne DeLong, wdelong@zionsville-in.gov .

Stay safe, but stay involved with your elected government!

Chrissy Koenig

From: Torrance, Leanne <leanne.torrance@corteva.com>
Sent: Tuesday, April 21, 2020 10:16 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: 145 N. Main - Docket Number 2020-04-DSV

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Ms. Koenig,

I am writing today to voice my concerns about yet another proposed variance being passed in our Village, this time for the property of 145 North Main Street. I do not believe variances should be given for house plans that are grossly out of scope to our already-established zoning ordinances. These mega-houses look inappropriate next to the other houses on the block and destroy the historic flavor of our neighborhood.

Please consider asking the petitioners to modify their plans to fit within the traditional height, bulk, and area features of our town and if they are unwilling to do so, please deny their petition outright.

Thank you for your time and consideration.
Leanne Torrance
140 Bailey Court
Zionsville, IN 46077

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Chrissy Koenig

From:	Rinkey Boleman <rinkey@sbcglobal.net>
Sent:	Tuesday, April 21, 2020 4:11 PM
To:	Chrissy Koenig; Wayne DeLong
Subject:	145 N. Main Street Docket#2020-04-DSV
Attachments:	Main Street Elevation.pdf; Pano 135 N Main.jpg; Pano 155 N Main.jpg

Dear BZA,

When I looked at the plans for the requested variance for 145 N. Main Street, I thought it would be a good idea to draw up the elevation of the homes on either side of the proposed house. As I suspected and as you can see the building is very, very large for the lot and is way out of scale for the Village and it's neighbors.
My drawing is to scale 3/32"=1'-0" and is accurate down to 2". I measured the existing homes at 135 N. Main and 155 N. Main so rest assured that the proposed building will look this big sitting next to the homes on either side.

I'm sure you've had many letters of remonstrance about the RV District and the first paragraph of the Ordinance..
"The development standards reinforce the traditional height, bulk, and area features of these neighborhoods to maintain their scale and proportion". My drawing says a thousand words about that sentence.

I've attached my drawing and photos of the existing home at 145 N. Main St. and it's neighbors, which are a story and a half and a one story.

Also, I've looked at the Architect's site plan that shows the foot print of the proposed building and set backs. What it does not show however are walks or patios. There will be a driveway (not shown) on the rear/east side to the alley, but there is no walk from the drive to the rear porch shown. Also not shown on the drawing are the drive for the golf cart garage. These elements- the walks and possible patio and front driveway should be included in the lot coverage. So, the 42.2% lot coverage is not correct. The final percentage will be higher.

Please do not approve this Variance Request.

Thanks,

Carole Boleman
190 South 6th Street
Zionsville, IN 46077

STREET ELEVATION

3/32" = 1'-0"

Chrissy Koenig

From: Wayne DeLong
Sent: Tuesday, April 21, 2020 8:31 AM
To: Chrissy Koenig
Subject: FW: Zoning Appleal

From: Tish and Jason <tishandjason@yahoo.com>
Sent: Tuesday, April 21, 2020 8:30 AM
To: Wayne DeLong <WDeLong@zionsville-in.gov>; Emily Styron <estyron@zionsville-in.gov>; Josh Garrett <JGarrett@zionsville-in.gov>
Subject: Zoning Appleal

Dear Mr. Delong,

Please do not grant the variance petition concerning 145 North Main Street under Docket Number 2020-04-DSV.

I am opposed to tearing down historic village homes and replacing them with structures that change the look and feel of our village. Wanting big and new is not a hardship. It is a reason to build somewhere besides the established village. There is new construction going on in all corners of our community. The house sitting at 145 N Main is so lovely and perfectly situated on the lot. Updates could be considered but tearing that down would be a sin against our town. If you cannot stop the tear down, please make sure the construction rules are adhered to. **Do NOT give in on the lot coverage or the hight restrictions.** Stand by the rules.
Please share my concerns with your committee.

Respectfully,
Tish Cronin
Zionsville resident

Chrissy Koenig

From: Heather Lusk <heather.p.lusk@gmail.com>
Sent: Tuesday, April 21, 2020 10:11 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: letter to BZA re: 145 N. Main St. Variance Request

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please send to all BZA members, town council members, Mayor Styron and include in the packet of information regarding this property. Thank you and stay healthy.

April 21, 2020
Re: 145 North Main Street variance request

Board of Zoning Appeals Members:

First I am dismayed there isn't an opportunity to speak in person and show the BZA that there is significant concern about this variance request. The use of Zoom, while better than nothing, certainly puts many concerned residents at a significant disadvantage when they lack technology.

I have heard from neighbors adjoining the property that they are having drainage issues because of a variance granted on Maple Street. This alone should cause you to deny this new request based on Findings of Fact #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...)

However since it is not my basement that's flooding I'll focus on item #3: Strict application of the terms of the zoning ordinance (will / will not) result in unnecessary hardships in the use of the property because...

A group of people met with the Donnars at 145 N. Main Street (which is currently a solid home with a great foundation). The Donnars made it clear that they knew the zoning regarding lot size when the property was purchased. They knew that they could have had a much larger house at Holliday Farms. They knew that there were plenty of other options within a short distance of the Village where they would not have needed a variance request. They were well aware of the lot size they were purchasing. They were willing to spend more money in Holliday Farms – obviously there is no hardship to the Donnars. They had every opportunity to purchase a house that would have met their size request just a few miles away. They have made it clear that they are a retired couple, not a family of eight or ten requiring more space. The home is the exact design they would have had at Holliday Farms but slightly smaller, which means it could easily be reduced even more. There is no financial or size barrier to them having a house that fits on 35% of the lot versus 42.2% (more if you include driveways, patios and walkways). **Want** does not equal **need**. Even my preteens have grasped that concept by now.

If the Donnars do not feel they can build within the current zoning they should find a community that will allow them to build what they **want**. There are a dozen subdivisions in Zionsville with empty and sizeable lots. Our community does not lack these locations and certainly it would be less expensive.

The Board of Zoning Appeals must stop approving every variance request for the village that they receive. Enough is enough. It has gotten completely out of hand. People's backyards that were once filled with sun are now in shadow

much of the day because of a huge house next door. People who never had basements flood are now dealing with that when it rains because there is more concrete than earth near their home. And every time a variance is unnecessarily approved the BZA plays a dangerous game of damned if you do, damned if you don't. Each time the odds increase that there will be a lawsuit from either side. Start following the findings of fact, which clearly show that this variance should not be approved. Stop allowing people to have it because they **want** it and only allow if they **need** it.

Sincerely,

Heather Lusk
317-450-2342
285 W. Hawthorne Street
Zionsville

Chrissy Koenig

From: Makinson, Emily B. <Emily.Makinson@ExpressPros.com>
Sent: Tuesday, April 21, 2020 12:26 PM
To: Chrissy Koenig
Cc: Wayne DeLong; Makinson, Scott E.
Subject: Opposition to Docket #2020-04-DSV

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To: Zionsville Board of Zoning Appeals

Dear Members of the Board of Zoning Appeals,

We are writing you to OPPOSE the petition for variance requested for 145 N. Main Street. Our family has lived in the village of Zionsville at 155 S. 4th Street for 17 years. We do not feel that the proposed building maintains the scale and proportion of existing homes on the block. It is yet another enormous house squeezed onto a tiny lot. Furthermore, it does not reflect current ordinances whose intent it states in the Zionsville Code of Ordinances is to "promote and maintain the historic village core". It seems to us this should be particularly important on Main Street of all places.

Therefore, we request that you vote NO to the petition for variance.

Thank you,

Emily and Scott Makinson

Chrissy Koenig

From: Lisa Sandy <lhsandy@sbcglobal.net>
Sent: Tuesday, April 21, 2020 3:58 PM
To: Chrissy Koenig
Subject: Opposition to Petition for Variance, Docket Number 2020-04-DSV

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good afternoon Ms. Koenig,

Below you will find my letter in opposition to the petition for variance, Docket Number 2020-04-DSV scheduled for the May 6th meeting of the Board of Zoning Appeals.

I am sending this letter as well directly to Mr. Delong, Mr. Garrett, and Mayor Styron. Please make sure that a copy of this letter is included in the file for this petition, and distribute printed copies to all members of the Board of Zoning Appeals.

Thank you very much for your assistance!

Lisa Sandy

4/21/20

Wayne Delong

Director of Planning and Economic Development
Town of Zionsville

Re: Petition for variance at 145 N. Main Street

Dear Mr. Delong:

I am writing to register my opposition to the petition for variance at 145 N. Main Street under Docket Number 2020-04-DSV, which is on the agenda for the May 6th meeting of the Zionsville Board of Zoning Appeals.

The Town of Zionsville has at least one ordinance already in place to make a denial of this petition perfectly legal and binding, and as a long-time Village resident, I am one of many, many neighbors who expect the Board of Zoning Appeals to follow the existing ordinance.

This proposed structure violates the Zionsville Urban Special Residential Planning and Zoning Ordinance (194.052) in multiple ways. This ordinance states that "the special residential/village residential district" is designed "to promote and maintain the historic core of village neighborhoods. The development standards reinforce the traditional **height, bulk, and area features of these neighborhoods to maintain their scale and proportion."**

a) **HEIGHT**- At three stories tall, this structure would be two stories taller than its neighbors. There are NO three-story residences on Main Street.

b) **BULK**- This structure would be two times wider than its neighbors. Please be sure to carefully review a rendering of this structure that includes the homes on either side of it (you will be provided with a separate copy).
c) **SCALE**- From the street, the proportions of this structure would make it visually appear to contain four times the mass of neighboring homes. Four times as large. There are other examples of this type of variance approval in the Village in the past few years, and all of them are completely out of place.
d) **AREA FEATURES**- A golf cart garage fronting Main Street is historically and aesthetically inappropriate. Main Street automobile garages are in the rear, facing the alley. There are NO golf cart garages facing the street in the Village.

Any one of these is ample justification for denying a variance of any kind.

Furthermore, the official powers and duties of the Zionsville Board of Zoning Appeals specify that property owners can seek relief based on "unique conditions", and there are none in this case. Other Village homes have been sensitively enlarged in the recent past without requiring a variance. If the existing 100-year old home at 145 N. Main isn't large enough, or if a third floor observation tower and golf cart garage are absolute necessities, there are many other housing and real estate options in Zionsville that would meet these requirements without involving a bulldozer, zoning violations, and a contemporary coastal-style home wedged into the Village Main Street. In this case, the property owner's needs are not particularly unique to Zionsville; they are just uniquely inappropriate to this neighborhood.

Having lived in the Village for over forty years, I know that visitors come to Zionsville to enjoy our restaurants, our shops, our parades, and our festivals. And I know firsthand that when they visit, they walk the streets of the Village to admire the beauty and heritage of our homes in a setting unlike anything else in Indiana. It is foolish to think that it is not all one package, but if we keep eroding our Village one variance approval at a time, we will discover our error too late. Our Village needs protection, and that is your responsibility.

Thank you for your time.

Sincerely,

Lisa Sandy

Copy to:

Emily Styron

Josh Garrett

Chrissy Koenig

Chrissy Koenig

From: Danielle Camarena <danielle.asha@gmail.com>
Sent: Tuesday, April 21, 2020 11:18 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Opposition to variance at 145 North Main Street

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To whom it may concern,

I am writing this email to voice my opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV.

It's time to start honoring and respecting the codes that are in place and stop approving every variance request. Most neighborhoods have rules like this in place for a reason and there is no reason we should be ignoring ours. This house is FAR too large for the location.

Let's preserve the charm of this sweet little village and respect the aesthetic of what makes this neighborhood so special.

Respectfully,

Danielle and Patrick Pezet
110 N 3rd St
Zionsville, IN 46077

Chrissy Koenig

From: Janet <janetcohen48@hotmail.com>
Sent: Tuesday, April 21, 2020 3:37 PM
To: Chrissy Koenig; Wayne DeLong
Subject: Saving 145 North Main.

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Zoning Board,
I, like many others in the village am imploring you to work to preserve the sweet one hundred and five year old house, (145 North Main.) In this time of Covid 19 we find ourselves self isolating in order to preserve the lives of the elderly, and others who are remote and unknown to us. We do it because it is the right thing to do.
To preserve this old and delightful House is also the right thing to do. It adds to the quaintness of our special village, making Main Street a place to explore and enjoy.
The huge houses that have been constructed offer no redeeming feature as they tower above existing old structures, blocking out sunlight, roof lines and landscaping.
The process of facing these challenges will demand your best creative energies, but previous patterns of behavior need to be set aside. Too much is at stake here to allow business as usual.
Yours Faithfully,
Janet Cohen.
520 West Cedar Street,
Zionsville.
Sent from my iPhone

Chrissy Koenig

From: David Malcom <skm1949@sbcglobal.net>
Sent: Wednesday, April 22, 2020 3:27 PM
To: Chrissy Koenig
Subject: 145 Main street Zionsville

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Committee:

I am writing in OPPOSITION to the demolition of 145 N Main St and the construction of a home that in no way abides by the existing regulations on the books.
Over the past several years, I have been very concerned that the BZA has allowed petitioners to run roughshod over the regulations and build houses that cover too much of the lot, and there seems to be no concern among BZA members.
All I can do is ask why? My understanding is that "hardship" is part of the criteria for granting a variance. It seems in this case the only hardship is the homeowners want more than they can have at that site. I think they should have done their homework before buying. This is a neighborhood, not an estate area. My concern is that if this continues to occur, we will all lose value on our properties. No one wants to buy next to a behemoth that blocks out the sun to their property and wreaks havoc with drainage etc.
In the Village we have to rely on the BZA to protect our neighborhood. Other areas, Stonegate Colony Woods, Raintree etc are protected by HOAs, we do not have that luxury. We do have ordinances, PLEASE abide by them, we need your protection.
Thank you for your time, Susan Malcom, 450 West Ash st Zionsville.
I am a 44 year resident of the Village.

To - Zoning appeals Committee : Re 145 N. Main Street

As I walk our "village" I can't help but admire the character of the original homes there. The exceptions are certainly those that the homes are too large of footprint for the lot and are not a transition in any way of what the Village environment is all about. The current house at 145 N. main Street says "VILLAGE". To replace it with a house that says "PALM BEACH" would be disrespectful to the home owners that admire the message our downtown area conveys.

145 N. main Street

The pattern of at least 7 recent builds has allowed "green space" to be abused and that process needs to stop! Continued overly sized homes for the lot used that are approved by Zoning appeals Committee will tarnish our "Village Image"

Please be mindful, regards Greg Peterl

Dear Zoning Appeals Committee
Re: 145 North Main Street Construction Proposal

How do I even ask for you to deny this proposal without referring to your ongoing allowance of "over sized" homes being built in our village. These homes are so large in size, do not respect the distance between their neighbors, use of as too many variances that were given and look totally out of proportion to the other houses around them.

145 North Main Street —

People come here for the wonderful quaint village we are. If they need a large house — our surrounding area offers many places for them to build.

Sincerely — Liz White
485 West Cedar
(a new build done right)

I found this house in the village on another street. I forgot to get it's address. It looks wonderful and continues to reflect the architectural style of 145 North Main with upgrades and beauty.

Please remember the more large homes we have, we loose the sense of being a village.

Chrissy Koenig

From: Terri Moyer <terrimoyer1@me.com>
Sent: Tuesday, April 21, 2020 11:06 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Opposition letter to petition for variance at 145 N. Main Street / Docket Number 2020-DSV

Follow Up Flag: Flag for follow up
Flag Status: Flagged

PLEASE SHARE THIS EMAIL OPPOSITION LETTER TO PETITION FOR VARIANCE AT 145 N. MAIN STREET / DOCKET NUMBER 2020-DSV:

Dear Board of Zoning Appeals Members,

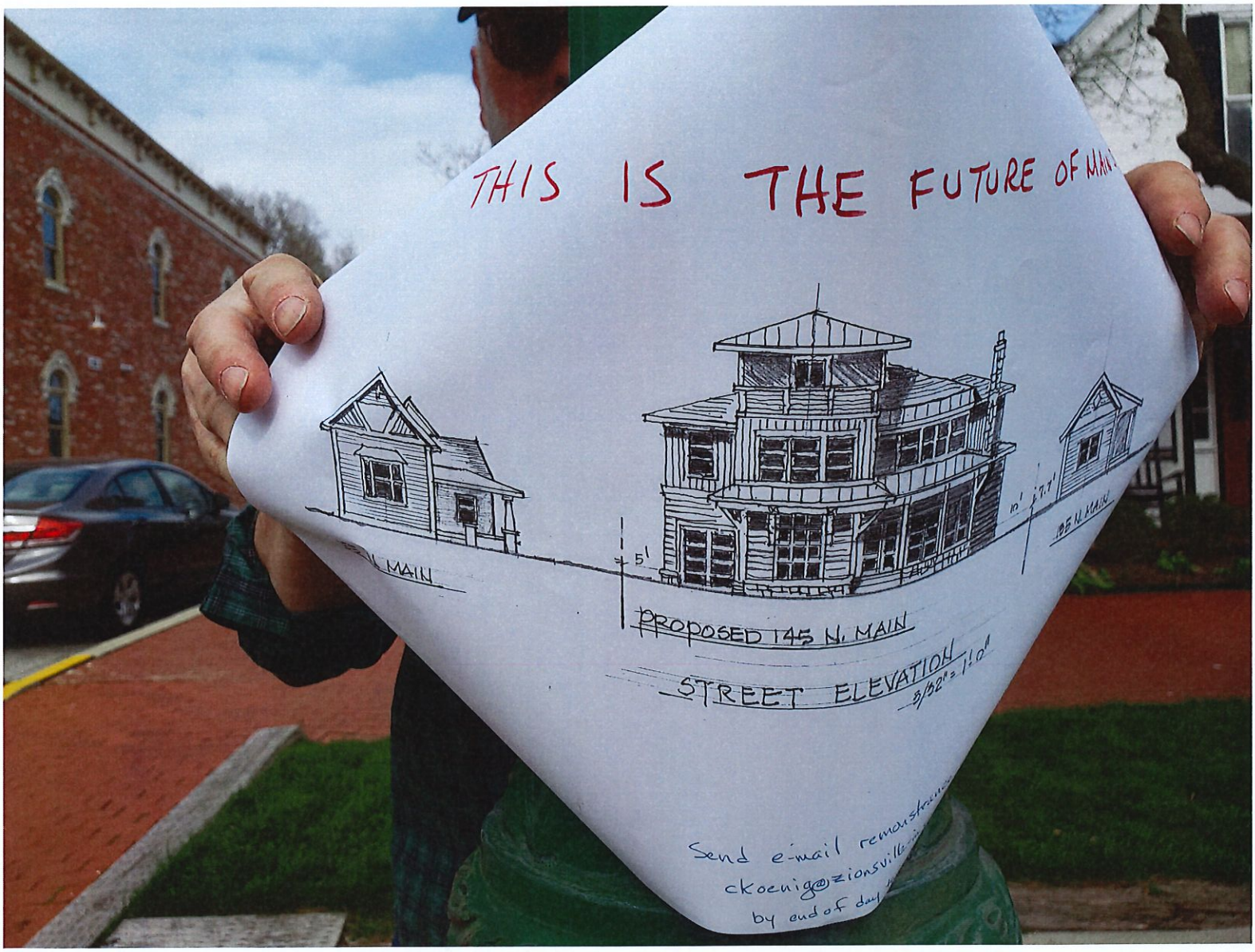
We implore you to vote "No" to the variance petition being made for 145 N. Main Street. We Village residents made a financial investment to live in a historic, quaint and charming locale. Each time an old home is torn down and replaced by something out-of-character in size and/or design — our investment suffers and our hearts fracture. Ordinances exist to protect property owners. They are a promise that should future alterations be made in properties surrounding us — we can rest assured they must adhere to building requirements on record.

Approving variance petitions in our Village Residential District has become the norm rather than the exception. What happened to the idea that there first be a real hardship on a property owner to even ask for a variance — let alone be granted one? When we purchased our home at 420 W. Pine Street it was in need of renovation and had just one bathroom on the first floor. Sharing the bathroom in a master bedroom with any incoming guests was untenable to us — and would be to most. Adding square footage to add a bathroom would have required a variance on lot coverage. Because we BELIEVE the ordinance for coverage, set-backs, etc. exist to benefit all residents, our architect Todd Rottmann found a way to reduce space in another area allowing us to carve out an extra half bath. We made a HUGE investment in our renovation — spending more than $215,000 — and didn't add a single square foot of space! We chose instead to RESPECT the ordinance on the books, and therefore our neighbors.

When reviewing the scaled drawings provided by Rinkey Boleman, it's more than obvious that the proposed new structure at 145 N. Main is grossly out of scale with neighboring homes and is much too large for the lot! If people want or need a big home to fit their family, they should purchase a lot size that's appropriate! If someone wants to design an amalgamation of styles in one home, build it in a neighborhood that celebrates unique styles! Here in the Village we celebrate small lots and charming, historic-looking homes. There is no character in a 35' tower! This new property owner's rights should never super-cede the rights of other residents.

This is MAIN STREET we're talking about after all...the most important corridor in The Village! Visitors come not only for the shopping experience on our lovely brick street — but to wander through the Village viewing all of the charming residences. Let's keep our character and charm intact. Please vote "NO" and insist new construction and renovations meet the ordinances set for our one-of-a-kind neighborhood.

Thank you for your time,
Terri and Mark Moyer
420 W. Pine St.


THIS IS THE FUTURE OF MAIN
PROPOSED 145 N. MAIN
STREET ELEVATION
3/32" = 1'-0"
Send e-mail
ckoenig@zionsville

Board of Zoning Appeals
City of Zionsville, IN
April 23, 2020

Board members,

We are writing to you about the proposed variance for 145 North Main Street under Docket 2020-04-DSV. We are opposed to the petition, and hope you will not grant approval of this project in its current state. We are neighbors who reside in the Village. We chose to live in the village because of its unique charm, historic homes, and interest in architecture.

We want to show you what happens when town ordinances are not followed. Specifically the ordinance that states that new construction should "maintain the historic core or village neighborhoods within the town, and reinforce the traditional height, bulk, and area features of these neighborhoods to maintain their scale and proportion.

Recently, the house residing at 805 W Pine Street in the Village was destroyed, and a large home built on the lot. Similar to the proposal on N. Main St., this home also does not align with the traditional height, bulk, and features of surrounding homes. It is an atrocity. We walk by this home frequently as we walk our dog and enjoy the neighborhood, and every single time we walk by this home we are disappointed in the allowance for the construction of this house. The house TOWERS over the neighboring homes, and destroys the charm of this street. It's appalling.

I implore you not to make the same mistake on North Main Street. You may look at the renderings of the proposed site and say "It's not that bad." Or, "It will blend in fine." Or, "Who am I to tell these petitioners that they can't build their dream home on this lot?" These pictures from Pine Street hopefully show you that yes, it really will look that bad—and no, it won't blend in fine. We encourage you to take a drive past this home on Pine Street and see for yourself. Poor decisions lead to damaged neighborhoods. The effect is wide and lasting.

Please consider the ordinances of the town. They were written for a reason. We encourage you to perform your duties and uphold the ordinances. Don't let historical decisions pressure you to follow suit

of previous poor decision. Break the cycle of mismanagement, and send a message that the people of the Village want to preserve the Village!

The proposed home at 145 N Main could be revised to improve the look and fit within the neighborhood. The third floor tower is completely unnecessary and pompous. Elimination of that tower would be the first start to acceptability. Even better would be to build a second floor using low roofline and use of dormer/gable windows. This reduces the overall height, still enables a second floor, and fits in with the Village style. Also, the home is too wide compared to the neighbors.

In summary – take a look at the recent example of ignored ordinances on Pine Street, and let that inform your decision re: 145 N Main Street. We urge you not to approve this petition.

Sincerely,

Mark and Julie Timberman
620 W. Hawthorne St
Zionsville, IN

Chrissy Koenig

From: jenni smith <jenniasmith@hotmail.com>
Sent: Thursday, April 23, 2020 11:32 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: 145 N Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Dear Zoning Board Members.

This letter is to ask you to reconsider the demolition of the beautiful village home at 145 N Main Street! Why are all the 'original' Village Houses being replaced by these huge monstrosities that are going up all around the Village?
All of the residents you speak to want the Village left with ALL of its history. We have a wonderful tourist attraction here, people come to see the quaintness, not the monstrous house that are being squeezed onto tiny lots, and look so out of place?
I worked in real estate for many years in Zionsville, and when you ask 'what made you want to live here'? The answer is always the same, we fell in love with the quaintness, and want to be a part of it and bring our family up here.
Please reconsider and leave this dear Village house intact for everyone to continue to enjoy it's beauty.

Thank you,
Jennifer Smith
760 1/2 W Pine Street
Zionsville. IN 46077

Sent from my iPad

Chrissy Koenig

From:	Delma Mindel <dmindel145@sbcglobal.net>
Sent:	Thursday, April 23, 2020 1:20 PM
To:	Chrissy Koenig
Cc:	Wayne DeLong
Subject:	Board of Zoning Appeals letter
Follow Up Flag:	Follow up
Flag Status:	Flagged
Categories:	BZA Meeting

April 14, 2020

To The Zionsville Board of Zoning Appeals:

This letter is written in protest of the request for a variance for new house construction at 145 North Main Street.

The 194.047 Ordinance: Urban R-SF-2: Single-Family Residential District states the following: "R-V Village Residential District is established to "promote and maintain the historic core of village neighborhoods." These standards are designed to reinforce and maintain in "perpetuity the traditional height, bulk and area features of these (historic) neighborhoods" and do so by adhering to a scale and proportion in keeping with the rest of the neighborhood.

It is unarguably impossible that the plans for this new construction in any way meet the above criteria. In perpetuity means "forever, continuously, endlessly, having no end, unlimitedly", the very opposite of what appears to be a considered effort to turn the Village of Zionsville into a quite ugly, modern interpretation of "historical". Please adhere to the 194.047 Ordinance standards for the Village of Zionsville and reject the proposed variance for this site. This proposed construction may be suitable for the Village of West Clay; however it is definitely an unwanted, even monstrous addition to our very lovely town, a tourist attraction due to it's historical significance. We should instead be "hyping" it's history, it's antiquity, to attract more tourists for our

local economy. We have personally spoken with out-of-town visitors expressing concern and dismay over the presence of several new "McMansion" type constructions, totally out of sync and incongruous relative to the historical significance of our Village.

Sincerely,

Michael Mindel

Delma M. Mindel

145 West Walnut St.

Zionsville, Indiana 46077

Delma Mindel

Chrissy Koenig

From: Lyndsay Gilman <lyndsay.gilman@gmail.com>
Sent: Thursday, April 23, 2020 2:56 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Variance opposition for 145 n. Main

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

I am sending this email letter in opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV.

I live in the village and was also raised in Zionsville. I only moved back here to raise my family because of the charm, character, appreciation for our unique history, and the community feel. Although I am excited about the rebirth and increased interest in the village, I have been disappointed to learn that all variance requests during this period have been approved. It appears that the committee is not adequately using their power to position Zionsville for the future- by that I mean, it is the steps we take today that determine what kind of home or destination we will be years down the road. And although Carmel has many wonderful features, a downtown full of cookie cutter homes that leave little space for nature or imagination is not what future residents or visitors will be looking for. Let's stand apart by being proud of our desire to be different. Although I admit that there are many properties in the village ripe for tear down, 145 Main is not one of them. This is our Main Street, and although an abhorrent shade of yellow, this home has so many features that are unique to Indiana and the time it was built. It has desirable craftsman features and a terrific carriage house with breezeway! Let's preserve these things for those who are attracted to Zionsville for this exact charm. Building a three story home that dwarfs its neighbors should not be allowed.

Thank you for considering my opinion that is shared by so many,

Lyndsay Gilman
480 W. Poplar St.

Sent from my iPhone

Chrissy Koenig

From: Tracy Konopinski <twkono@gmail.com>
Sent: Thursday, April 23, 2020 3:54 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: 145 N Main St - please stop the destruction of another 100 year old home

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Good afternoon,

I am writing in regards to the opposition to the petition for the variance at 145 North Main St under docket # 2020-04-DSV.

We moved here specifically because of the charm of The Village.
We left Carmel and Fishers because they have destroyed the charm of the Arts District and old town Fishers. The growth was ridiculous. The homes are so large and on top of one another. Some older homes are left and they are dwarfed. Stop tearing down solid older homes for mansions on a small lot.

We absolutely love older homes and no one should be tearing them down to create a giant mansion that does not match the homes around. Either update the current home, which is of sound structure, or build your mansion somewhere else in Zionsville. **Plenty of room to do that but not in a historical neighborhood.**

We love walking around and seeing the older homes. Some have been able to get away with what they want to do and it is a shame. Those stick out like a sore thumb. And they are hideous.

These area is so beautiful and we are so happy to live here. It's ok to be different. We do not need to be Carmel or Fishers. Let's be historical Zionsville.

Please do not allow this home to be destroyed.

Thank you,

Tracy Sechrest
300 W Oak St

Sent from my iPad#

Chrissy Koenig

From: Mattie Boehner <mboehner@sbcglobal.net>
Sent: Thursday, April 23, 2020 5:21 PM
To: Chrissy Koenig; Wayne DeLong
Cc: Katherine Evelyn Longman; Rudy Longman
Subject: Opposition to the petition for the variance at 145 North Main Street, under Docket Number 2020-04-DSV

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Categories: BZA Meeting

Good Evening,

I am again, voicing my strong opposition to the petition for the variance at 145 North Main Stree, under Docket Number 2020-04-DSV.

We cherish the historical nature of our village in Zionsville, and in fact, have lived here over 20years because of its consistent maintenance of the historic size and look of the time period.

Allowing these beautiful homes to be replaced by overly tall and wide homes is going to ruin the appeal of what Zionsville village currently represents. These monstrosities allow no room for front, side, and back gardens because they are built on a lot meant for a smaller house.

The 35' height of the proposed house itself takes away the privacy that the neighboring homes currently enjoy; not to mention the current draw of visitors that such a well maintained historic village now enjoys.

Again, please save our beautiful Zionsville village, and oppose this and any homes that do not comply with the existing ordinances.

Thank you for your time and consideration,

Mathene Boehner

Chrissy Koenig

From: Bauman, Chad <cbauman@butler.edu>
Sent: Friday, April 24, 2020 8:18 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Property at 145 N Main

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Dear Zionsville Board of Zoning Appeals,
I am writing as a resident of the village to ask you to reject the request currently before you for a variance at 145 N Main St. The proposed structure would be twice as wide and twice as tall as surrounding structures. Its architectural style is not in tune with that of the village. Nor is its large setback. Please help preserve what makes Zionsville Zionsville and not Carmel or some other town. This is not just about preserving tradition for the sake of tradition. It is about preserving what is special about the village for the sake of the continued vitality of the downtown area as a distinctive destination worth visiting.

Regards,
Chad

Chad M. Bauman, PhD (pronouns: he/him/his)
Professor of Religion
Department of Philosophy, Religion, and Classics
Jordan Hall 202H
Butler University
4600 Sunset Avenue
Indianapolis, IN 46208

E: cbauman@butler.edu
P: +1 (317) 940-8705

Publications: http://works.bepress.com/chad_bauman/

Chrissy Koenig

From: Mark <mark.zelonis@att.net>
Sent: Friday, April 24, 2020 10:04 AM
To: Chrissy Koenig
Cc: Wayne DeLong; Emily Styron; Josh Garrett
Subject: Opposition to Variance Request at 145 N. Main St. - Docket # 2020-04-DSV

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Dear Members of the Zionsville Board of Zoning Appeals,

I write today to express my opposition to the request for a variance for the property at 145 N. Main Street. Like many of our neighbors, my wife, daughter, and I moved here 22 years ago from Rhode Island to enjoy the ambience and historic nature of the Village of Zionsville. This town provided the closest match for what we left back in New England. However, over the past 5 to 10 years we have seen the special nature of the Village being eroded by the introduction of many over-sized and out of place residences. The new home proposed for 145 N. Main Street will be yet another example.

The new home, as portrayed, will be grossly out of scale and character with its immediate neighbors. With some of the other oversized residences recently built, neighbors will now be in the shadow of the new structure, adversely affecting the wellbeing and emotions of the inhabitants, and even the growing conditions for the landscape they have nurtured in their yards. A home of the size proposed would be entirely suitable with others like it in some of the nearby subdivisions, the Village of West Clay being a perfect example.

Since moving here back in 1997, I have worked to help protect the historic core of the Village of Zionsville. In fact, the renovations we have conducted on our own home at 40 S. Third Street has earned us the Lamplighter Award from the Zionsville Historical Society. We feel the continued erosion of the historic fabric of the village will contribute to a lessening of the value of what remains both in the residential and business sectors. Zionsville has tremendous value in its historic nature as it relates to tourism, business development, and attracting future residents (as it did with us and many of our neighbors).

From the documents submitted, the new home being proposed will produce lot coverage of 42.2%. That is 20% MORE than what is currently allowed. Should that variance be allowed, it sets a very bad precedent for any future proposals coming before you. The destruction of a modest but handsome home designated as "contributing" to the historic fabric of the town's collective architectural legacy, will be yet another travesty. This home, and its neighbors on Main Street, are among many to which we take our family and friends when they visit from other parts of the country. These visitors are always quick to say how lucky we are to be living in such a village with its special character. All assume we have some very strong protective covenants to make this so. We are quick to point out that it is quite the opposite.

Finally, I also wish to call attention to the Zionsville Urban Special Residential Planning and Zoning Ordinance (194.052) which includes the following paragraph:

> " The R-V Village Residential District is established "to promote and **maintain the historic core** of village neighborhoods. The development standards **reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".**

I hope you will consider this stated purpose and intent, and urge you to deny this variance in the hope that the existing home can stay and be enjoyed by others. Thank you, in advance , for your kind consideration.

Sincerely yours,

Mark Zelonis

Mark Zelonis, Hon. ASLA
40 S. Third St, Zionsville, IN 46077
mark.zelonis@att.net
(317) 258-2071

Chrissy Koenig

From: Erin Effner <eeffner@gmail.com>
Sent: Friday, April 24, 2020 10:15 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Zoning Appeal for 145 N Main

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

To Whom it May Concern,

I am writing regarding the property at 145 N Main Street. It is my understanding that the proposed structure for that property is coming before the board to ask for variances. Please know that as a concerned citizen I am opposed to issuing these variances.

Please do not approve this variance request. The Village has been able to retain a very special character and appeal that larger residential structures will hurt. The current zoning rules state that new structures should "maintain scale and proportion" of the surrounding neighborhood. This proposed building does not match the height or bulk of the vast majority of structures in the residential section of Main Street.

Thank you for your consideration,
Erin Effner

Chrissy Koenig

From: Jon King <jking@CalAmp.com>
Sent: Friday, April 24, 2020 10:42 AM
To: Chrissy Koenig
Subject: Board of Appeals hearing on :145 N. Main set for May 6th

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

I am writing this letter to lodge a formal protest relative to the property located at 145 n. main and the requested variance. In my view this should not be approved as submitted for the following :

1. the size and height of the proposed home is not in keeping with current ordinances that starts the proposed roof line of 35 feet which is taller than any home on the block.
2. The historic core is to be preserved in keeping with the village and the proposed bulk, area taken, and height in no way do that.
3. The board of zoning appeals has a track record of rarely disapproving of ANY proposed variances to the village and yet the Chamber of Commerce; the Town Board in it's promoting of the town of Zionsville to developers of commercial properties always promote the appeal of our schools and the look and feel of the village. We promote it but never act to preserve the village aspect. WHY?
4. Large homes with significant roof lines among other size and "look" belong in Zionsville as appropriate. Where they belong is in the subdivisions outside the village either South or West of town.
5. The argument can be made that other proposed variances with out of place designs have been approved in the past. SEVERAL wrongs do not make a right and it is long overdue for the citizens of the village/Zionsville to stand up and be counted.

I respectfully ask this variance not be approved. Jon King; A citizen of Zionsville for 28 years and lived in the village for the last 20 years at 480 West Cedar st.

Chrissy Koenig

From: Scott C Biggs <scottbiggs@sunsourceindiana.com>
Sent: Friday, April 24, 2020 11:03 AM
To: Chrissy Koenig; Wayne DeLong
Subject: Main Street home plan

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Please reconsider approval of this home plan. While I respect everyone's right to build the home they want, we are all neighbors and must consider our shared surroundings as well. This house plan distorts the congruity of the homes on Main Street and will lesson the look and charm of Village living.
As a 35 year resident of the Village, the needs of the town outweigh the desires of the home builder. If this plan is essential to them, there are many other places on the Zionsville area where this plan would fit.

Scott Biggs
Sun Source Indiana

Sent from ProtonMail Mobile

Chrissy Koenig

From: Wayne DeLong
Sent: Friday, April 24, 2020 11:13 AM
To: Chrissy Koenig
Subject: Fwd: 145 N. Main Street Variance

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Begin forwarded message:

From: Scott Biggs <biggsdiggs@att.net>
Date: April 24, 2020 at 10:51:56 AM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Cc: Scott Biggs <scott@biggsdiggs.com>
Subject: 145 N. Main Street Variance

Dear Board of Zoning Appeals,

Please do not approve the requested zoning variances requested for the 145 N. Main Street property. The massive structure suggested does not harmonize with the surrounding properties. Main Street is a gem and the heart of our village.

A change of this proportion would be a character change that is unpalatable and potentially unsustainable for us all. If this request is granted on Main Street, the dam will have been irreparably breached. I have lived in Zionsville all my life—most of it in the village. My husband fell in love with the charm of our town and we planted roots here and now a third generation has grown up here in the village. Please carefully consider our heritage going forward.

- This variance is not a small change.
- The needs of our community outweigh the requests in this variance.
- **Please do not let the dream of one couple become the nightmare of us all.**

Respectfully,

LeeAnn Biggs

Chrissy Koenig

From: Rudy Longman <rlongman23@gmail.com>
Sent: Friday, April 24, 2020 11:19 AM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Variance at 145 North Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Dear Chrissy,

I am writing to voice my strong opposition to the variance being sought for the property located at 145 North Main Street, Zionsville IN, under Docket Number 2020-04-DSV.

The continued granting of variances to allow gigantic homes being built on small lots, meant for smaller, historic houses destroys the character of Zionsville. The reason we purchased a home here and continue to live here, is it is truly a one of a kind place.

There are so many places in Carmel, Westfield, and even Zionsville where homes such as these are being built, because they are appropriate there. Destroying historical homes to put houses that violate the codes meant to protect and preserve privacy and history completely defeats the purpose of having the codes in the first place.

Approving this variance goes against everything that Village living stands for. I sincerely appreciate your time and consideration in reading this. Have a nice day.

Rudy Longman

Chrissy Koenig

From: zelonisfamily@att.net
Sent: Friday, April 24, 2020 11:56 AM
To: Wayne DeLong; Emily Styron; Josh Garrett
Cc: Chrissy Koenig
Subject: Opposition to Variance Request at 145 N. Main St. - Docket # 2020-04-DSV

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Please share a copy of this email with the Board of Zoning Appeals: Julia Evinger, Larry Jones, Steve Mundy, Jeff Papa, John Wolff.

Dear Wayne and Members of the Zionsville Board of Zoning Appeals,

My husband, daughter and I moved to Zionsville in September 1997 to our home at 40 S Third St., Zionsville. We rented the house for almost a year before we purchased it. We realized after living in it for almost a year that it was a perfect house and location for us. It is an old house, estimated circa 1880—not a house that everyone would love, but perfect for us. It doesn't have enough closets, the floors are creaky, but the bones are good. When we settled in, we started to make the house more historically appropriate for the era of construction. This included taking off the siding and going back to the original clapboards. It was a lot of work, but we felt it was worth it and made the house really fit into the Village. Down came the added-on deck, up went the front porch which we had specially designed by the late Roll McLaughlin, a local historic preservation architect. Our efforts were rewarded by being presented the Lamplighter Award in 2005. We still don't have enough closets, the floors are still creaky and there Is still plenty to do on our house—old houses are that way. We made the choice to live in an old house. There are lots of us in the Village who choose to do this.

It is not easy for me to see why some folks would want to demolish a home such as 145 N Main Street. It too has good bones. It has been designated as "contributing" to the historic fabric of Zionsville architectural legacy. Our home never had this designation, but we still saw the importance of preserving it. There are plenty of larger homes available in other parts of Zionsville—there are even empty lots for sale in the Village where one would not have to demolish or take up more than 42% of the lot with a structure. I have attended numerous meetings of the Board of Appeals over the past decades to express my opinions and opposition to the tearing down of houses, the oversized additions and increased lot coverage—all to no avail. The Town of Zionsville has regulations and a comprehensive plan to guide it—they have been ignored.

The Zionsville Urban Special Residential Planning and Zoning Ordinance (194.052) includes the following paragraph:

> "The R-V Village Residential District is established "to promote and **maintain the historic core** of village neighborhoods. The development standards **reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".**

Reid Williamson, Past President of Historic Landmarks Foundation of Indiana now Indiana Landmarks once stated: *"For those who build anew, there is no past within the home. And yet we are defined by our past. We are who we have been. We are our legacies."*

I am in opposition to the request for a variance for the property at 145 N Main Street. I have seen the rendering that puts the replacement structure way oversized for the lot and neighborhood.

Please deny the request for variance of Docket # 2020-04-DSV.

Thank you for your consideration.

Sally Zelonis
(317) 258-2390
zelonisfamily@att.net
40 S Third St.
Zionsville, IN 46077

Chrissy Koenig

From: Lisa Cardwell <ldc4174@yahoo.com>
Sent: Friday, April 24, 2020 1:28 PM
To: Chrissy Koenig; Wayne DeLong
Subject: Opposition to house proposal 145 N Main St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

I am strongly opposed to the house proposal for 145 N Main St. The plan is too large for the lot and certainly anywhere in The Village. It will further ruin The Village.

The house would be twice as wide (50') and tall as its neighbors at three stories. All other houses in this block are 1 or 1.5 stories, plus one 2 story house. The height + width = 4x mass of its neighbors. The 20' setback, appropriate for a subdivision, does not fit with that block of N Main houses.

Please do not allow this "hotel" to be built.

Sincerely,

Lisa Cardwell
380 West Oak Street
Ldc4174@yahoo.com

Chrissy Koenig

From: Schlegelmilch, Michele Diann <mdschleg@iu.edu>
Sent: Friday, April 24, 2020 2:21 PM
To: Chrissy Koenig
Cc: Wayne DeLong; Schlegelmilch, Michele Diann
Subject: Variance at 145 North Main Street under Docket Number 2020-04-DSV

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Dear Zoning Board of Appeals,

We are sending this e-mail in opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV.

Please do not allow a house the size of the one proposed for 145 N. Main to be approved. We have lived in our home for 17 years at 6th and Pine. We chose the Village for its historical nature among other things. The history in the Village is priceless. However, ***an ordinance is a promise***, and the variances that have been approved repeatedly for homes to be built up larger than what is allowed is horrific. This has to be stopped.

Please support the original ordinances; for example, the one that states, homes "should maintain the historic core or village neighborhoods within the town, and reinforce the traditional height, bulk, and area features of these neighborhoods to maintain their scale and proportion." The house proposed to replace the home at 145 N. Main is 35' tall and will grossly outsize its neighbors.

We are asking that you uphold the current ordinances and not approve the request for variance.

Thank you.

Dan and Michele Schlegelmilch
650 W. Pine St.

Chrissy Koenig

From: Bob Royalty <royaltyr@gmail.com>
Sent: Friday, April 24, 2020 2:28 PM
To: Chrissy Koenig
Cc: Wayne DeLong; Anne Beeson Royalty
Subject: 145 N Main

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

Dear Chrissy

We are writing to oppose any variance in lot coverage percentage for the proposed new house at 145 N Main.

When we built our house in 2008-09, we worked very hard to stay within 35% coverage and avoid going to the Board of Zoning Appeals. This meant some compromises in our plan. It would have been great to ignore setbacks or percentages, but we wanted the house to fit in the neighborhood. And ours is a very small lot. Not being able to build the house on 35% of a much larger lot suggests that the owners might want to consider one of the many other areas of Zionsville where larger houses are the norm and lot coverage is a higher percentage.

Too many large houses have been built in recent years in the Village. While building our house, we rented on E Poplar. I am dumbfounded every time I see the new house across the street behind Moody's Grocery. It dominates the skyline and does not fit the street of small houses at all.

Thank you for forwarding this to the BZA

Bob and Anne Royalty
325 S 3rd St
Zionsville

Chrissy Koenig

From: Michael Sechrest <michael.sechrest@zurichna.com>
Sent: Friday, April 24, 2020 2:30 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

To Whom It May Concern:

This email is in regards to my direct opposition as it relates to the petition for the variance at 145 North Main St under docket # 2020-04-DSV.

We moved here in September of 2019 with the specific reasoning of the small town charm, beautiful older homes and wonderfully friendly neighborhood and businesses. A place we could call home from now on. We moved to the historic village of Zionsville from Fishers, Indiana; which has become overrun with big business, greed and an absolute disregard for history and preservation!

Places such as Fishers and Carmel have destroyed any semblance of the origin of those original small towns (I moved to Fishers when there was 4500 people and now they have 94,000 residents and growing out of control) and replaced them with huge homes, larger businesses (IKEA, Top Golf) and the mayor has indicated no desire to stop.

Please do not continue to approve these monster homes in the Village of Zionsville. I am not against progress and/or building of some wonderful new construction homes. I just do not believe that the construction need to be done in the Village when there are a bounty of other options in Zionsville to build or buy such a mamoth home.

Tearing down a wonderfully charming, well maintained home at 145 North Main Street; would be just another blow to the Historic Village. Each time one additional link is removed from the (Village) fence; it becomes that much more brittle. Shouldn't we start upholding the rules and regulations and not keep up with the mass destruction of 100 year old homes in the Village?

Don't you want to have something unique to call our very own in Zionsville or do you just want to continue to try to keep "up with the Jones" namely; Carmel, Fishers, Westfield and the like...

Please be the Government of the People and not approve this injustice to our Village... Let's be proud of who we are; what we have (uniqueness in this copy cat world) and leave the Village the way it is if at all possible...

Thank you for your time and consideration!

Michael Sechrest
300 West Oak Street
Zionsville, IN. 46077

317-372-9950
Rook12cardz@gmail.com

********** PLEASE NOTE **********
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Chrissy Koenig

From: Jill Ridge <jrhands@hotmail.com>
Sent: Friday, April 24, 2020 5:12 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Proposed Variance a 145 N Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Koenig,
As a resident of the Village of Zionsville, I am writing to express my concern about the request for variance of the proposed new residential construction at 145 N Main Street. After viewing the rendered drawings of the proposed structure and reviewing the current Zoning Laws, I am against the ZBA approving a variance for this property.
The first paragraph of the Zoning Laws as it relates to the Village reads:

(A) *Intent.* The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the town. The development standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land use recommendation of the master development plan of the town.

The architectural drawings of the proposed structure go against this rule. The house (per the drawing) is too tall, too wide and it's presence is too large on the lot to maintain the standards listed in the above paragraph. It also physically and visually dwarfs the adjacent homes. Most of the lots in the Village were never meant to house the size and breadth of proposed structures of this type.

The Village of Zionsville is a unique and historic neighborhood. By letting larger and more modern structures in through appeals like this, what will the building standards be in the next 20 years? The Village currently has a variety of house styles that add to it's uniqueness. Their common ground is that MOST of these houses blend in with the size and scale of the neighboring homes. Three story "mini-mansions" do not. This sets a dangerous (and reckless) precedent for future zoning appeals of this type—opening the flood gates to allow the laws to be too loosely interpreted.

Some final thoughts.... For a town that has preserved and celebrated it's iconic brick street what does an approval of this appeal say about our willingness to follow the current zoning laws which seem to fit the aesthetic most residents (and potential residents of the Village) are looking for? What type of legacy do we want to leave our town? Will it stay as unique as our beloved brick street, or become like many other towns that have lowered their standards, allowing their village neighborhoods to lose all charm?

Please take the residents concerns to heart as you make the decision regarding this appeal.
Sincerely,
Jill A Ridge 245 N 4th Street

Chrissy Koenig

From: John Pataky <jpataky1662@gmail.com>
Sent: Friday, April 24, 2020 5:46 PM
To: Wayne DeLong; Chrissy Koenig
Subject: 145 North Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern,

I am sending this email letter in opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV.
I strongly oppose the plans for the tear down and new build at this address. The Village is an historical district and must be preserved.

Sincerely,
John Pataky

Chrissy Koenig

From: John Pataky <jpataky1662@gmail.com>
Sent: Friday, April 24, 2020 5:50 PM
To: Wayne DeLong; Chrissy Koenig
Subject: 145 North Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

This email letter is being sent in opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV.
The entire Village of Zionsville needs to be preserved and protected. Oversized new homes have no place in the Village. 145 Main Street must not be knocked down and demolished.
I am NOT in favor of any variances.

Regards,

Victoria Savidge

Chrissy Koenig

From: John Pataky <jpataky1662@gmail.com>
Sent: Friday, April 24, 2020 5:55 PM
To: Wayne DeLong; Chrissy Koenig
Subject: 145 Main Street Zionsville

Follow Up Flag: Follow up
Flag Status: Flagged

My sister and I grew up in Zionsville Village. It is so important to preserve the Village. NO MORE BIG homes that just don't belong. We are sending this email letter in opposition to the petition for the variance at 145 North Main Street under Docket Number 2020-04-DSV. We lived on 4th and Cedar and my family preserved a home built in 1850. Not a single variance was asked for.
My sister and I are opposed to the new build at 145 Main Street.

Thank you.

Kate and Emma Bleakman

Chrissy Koenig

From: Jamey Peavler <jameypeavler@marooneyfoundation.org>
Sent: Friday, April 24, 2020 8:20 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Variance Request for 145 N. Main

Follow Up Flag: Follow up
Flag Status: Flagged

Zionsville Board of Zoning Appeals,
I am writing to express my opposition to the variance request for the home located at 145 N. Main. I have great concern that approving this variance, especially is such a visible area, will negatively impact the quaint feel of the village. It is our unique small-town charm that draws so many visitors and residents to our events and businesses. It makes us different from the Main Streets in other nearby towns and cities. I am not opposed to improvements in the area, but feel that the homeowners' request for a variance exceeds reasonable improvements and instead drastically changes the look and feel of the area.
Our family chose to purchase a home in the village because of the unique features it offers. We enjoy the reduced lawn maintenance and increased familiarity with neighbors that result from smaller lot lines. We accept that our 150+ year old home lacks many creature comforts like adequate closet space, windows that easily open, and consistent room temperatures. We accept that our old home requires more maintenance and costly repairs than a newer home. We chose to put our roots down and raise our family here because to us the perks of living in a quaint village far exceeds those that a neighborhood with newer homes may offer. We would no more expect residents that prefer newer, spacious homes or lawns to allow us to drop our old home and small yard into their neighborhood. We ask that you can understand our concern that approving variances that significantly change the characteristics of the village are equally unfitting.
Considering how many different neighborhoods Zionsville has to offer, I find it interesting that the village is likely the one most people choose to visit. This is in large part due to our small businesses instead of big box stores and restaurant chains. It is also due to our walkable streets and the charm of the homes. We are hopeful that you will consider the impact this variance will have on not only on the village residents but on the community as a whole, as they choose to visit the village for its uniqueness.
Respectfully,
Jamey Peavler
510 W. Pine Street

Sent from my iPhone

Chrissy Koenig

From: Carol & Wade Mullet <wcmullet@msn.com>
Sent: Friday, April 24, 2020 8:29 PM
To: Chrissy Koenig
Cc: Wayne DeLong; estryon@zionsville-in.gov
Subject: Variance for 145 N Main Street

Follow Up Flag: Follow up
Flag Status: Flagged

To Zionsville Board of Zoning Appeals:

As residents in the village, we are concerned about the new house proposed to be built at 145 N Main Street. According to the residential code for the village district, traditional height and bulk are necessary to maintain scale and proportion of the historic core within the town. The proposed new home would be twice the width of its neighbors, and tower over others nearby, with a mass four times that of its neighbors. This is not an appropriate size or design for the location, and we urge you to Reject the proposed petition, under docket Number 2020-04-DSV. Zoning is in place to protect the cherished charm of our village. Please do not allow such an egregious new structure to be built right in the heart of Main Street.

Please place this letter in the file, and also distribute a printed copy to all members of the Board of Zoning Appeals.

Thank you for your work and concern for preserving the unique character of Zionsville.

Warm Regards,
Carol and Wade Mullet

200 N Maple St.
Zionsville, IN 46077
wcmullet@msn.com
Cell/text: 330.473.7944

Chrissy Koenig

From: Alex Overbeck <alexoverbeck@gmail.com>
Sent: Sunday, April 26, 2020 12:09 PM
To: Chrissy Koenig
Cc: Wayne DeLong
Subject: Opposition of petition concerning 145 N Main St.
Attachments: Petition Concerning 145 N Main St.pdf; 145 Main Offer.png

Follow Up Flag: Follow up
Flag Status: Flagged

In opposition of petition concerning 145 N Main St. under Docket Number 2020-04-DSV.
See attached document titled "Petition Concerning 145 N Main St". Please file under related documents and distribute to all members of the board of zoning appeals.

Attachment "145 Main Offer" included as reference.

Thank you,
Alex Overbeck
245 N Main St, Zionsville, IN 46077

In opposition of petition concerning 145 N Main St. under Docket Number 2020-04-DSV
Please file under related documents and distribute to all members of the board of zoning appeals.

The Zionsville zoning code of ordinances states as follows:

> 194.052 URBAN R-V: VILLAGE RESIDENTIAL DISTRICTS.
>
> Intent. The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the town. The development standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land use recommendation of the master development plan of the town.

This language is again mirrored and stated as a mission statement in the executive summary of the Zionsville comprehensive plan:

> In order to achieve the Vision for the Town of Zionsville, the Comprehensive Plan defines the mission of Zionsville's town government to be:
>
> - Retain the small town atmosphere by encouraging well-planned and designed developments that complement and enhance the overall scale, density, pattern, and architectural integrity of the community.

Many of us believe in the things that the zoning ordinances and comprehensive plan protect and promote. Many of us have invested in the Village of Zionsville because of the historic character and the charm that the Village holds. Over the past few years there have been many projects, proposed or executed that work against the vision the comprehensive plan and the zoning ordinances share for the Village. Each time it happens, our Village becomes a little less charming. Not quite so quaint. And a step further away from what we have that is unique. Each time it happens we hear stories of our neighbors' properties being damaged, and we see trees being cut down and history being lost.

I support progress and I understand that all development projects aim to achieve different goals, but I believe that we can always move forward in a way that protects our neighbors, our investments, and the atmosphere that is special to our Village.

After speaking with both our neighbors and the owners of the property at 145 N Main St. I do not believe that a variance to the zoning ordinances should be granted. There are no reasonable hardships or modifications being made to existing structures. There are no reasons for which new construction should violate our ordinances.

Additionally, we have received word that in response to remonstration the property owner's lawyer, Mr. Andreoli, has distributed a letter offering neighbors the opportunity to purchase the property. The price for which is adjusted to include the purchase price of the home, in addition to, realtor fees, architect and contractor fees, and Andreoli's own legal fees.

The letter states that their client does not believe that the house can be restored, and without having more information that may be true. However, using the community as a bailout or a tactic to illustrate that this home should not be saved, or is in some way a hardship is inappropriate. It is not the community's responsibility to save the homeowner from a purchase they knowingly and willingly made. The homeowners were aware of the condition of the property, the size of the lot, and the zoning ordinances when they purchased the property. Therefore, wanting to demolish the home, and build a new one, to hire architects, contractors and lawyers was a known part of the process.

Receiving a variance is not a guarantee. The property owners should not have purchased the property under the assumption or guidance that it was. The BZA should not be granting variances as a substitution to changing the zoning. If the zoning ordinances were more consistently adhered to I have to believe that a new buyer would be more aware of the constraints and neighbors would not feel the need to voice their concerns.

It is impossible to say now if someone else would have come along and purchased the home at or below what the homeowner's purchased it for originally and made the choice to restore it. At this point having opposition to the project by neighbors and having people remonstrate the variance request is a testament to the process.

Entitlement and wanting to build a larger home, that is jeopardizing the character of our community and causing damage to neighboring properties, is not a strong enough reason to grant a variance. If the property owners felt that the high cost of real estate in the Village was too high to support the cost of restoring the home, or building a new home within the confines of the zoning then he should not have purchased the home. Any claims that they property owners have no other choice than to demolish the home, and build a new much larger home is granted in no more fact than they simply believe they deserve to do so.

Respectfully,
Alex Overbeck
245 N Main St.
Zionsville, IN. 46077

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

April 23, 2020

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, May 6, 2020, at 6:30 p.m.

Dear Surrounding Property Owners and Remonstrators:

My client has noted your remonstrance and we have received a demolition permit to remove the home at 145 N. Main Street, Zionsville.

As we have had a number of conflicting concerns from not tearing down the house and trying to restore it or, in the alternative, if you tear the house down put up a home in compliance with the lot coverage requirements, my client is reaching out to those who appear to be in opposition to see if anyone wants to buy the home and then do with it what you might think would be best for Main Street and the community. Accordingly, to date, they have the sum of $430,000.00 in the home which includes their purchase of the home, realty fees, attorney's fees and costs for their architect and contractors. If someone is interested in making a no contingency cash offer for this price, the home can be saved.

As our Public Hearing is scheduled for May 6 at 6:30 p.m., I would need to have something in place not later than Thursday, April 30. Otherwise, we will begin the demolition process as my client personally does not believe that the house can be appropriately restored. However, if somebody feels differently, here is your opportunity.

Very truly yours,

Michael J. Andreoli

MJA/ba

Chrissy Koenig

From: Wayne DeLong
Sent: Sunday, April 26, 2020 3:25 PM
To: Chrissy Koenig
Subject: Fwd: docket #2020-04-DSV

Follow Up Flag: Follow up
Flag Status: Flagged

Begin forwarded message:

> **From:** Jeanine Mikell <JMikell@MarionHealth.org>
> **Date:** April 26, 2020 at 1:46:30 PM EDT
> **To:** Wayne DeLong <WDeLong@zionsville-in.gov>
> **Subject: docket #2020-04-DSV**
>
> Hello Wayne
>
> We are sending this email in opposition to the petition concerning 145 N Main St. under docket and #2020-04-DSV. Please place this letter in the file and distribute to all members of the Board of Zoning Appeals as soon as possible.
>
> We feel that the replacement of the existing home by a home that is out of character size-wise and style will detract from the historical charm and value of our village. The Prairie style of this home tells a story of the town's history and by replacing what currently appears to be a sound and desirable home with a new one whose character does not fall within the same historical range, will be a detraction to the village charm, especially on Main St. This house has plenty of opportunity to remodel to make the house more functional and attractive in keeping with its current style. It is understandable when homes have to be razed because of foundation and structural problems, but this does not appear to be the case.
>
> Having said these things, I do think the town would benefit from adding some incentives to maintain a certain amount of historical character to new builds and remodels in their zoning laws and variance process.
>
> Finally, the buyer should have been aware that variances are in no way guaranteed when purchasing a home in the village.
>
> Sincerely,
>
> Jeanine and David Mikell
> 165 N Maple St.

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Chrissy Koenig

From: Wayne DeLong
Sent: Sunday, April 26, 2020 3:26 PM
To: Chrissy Koenig
Subject: Fwd: BZA Meeting - May 6, 2020

Follow Up Flag: Follow up
Flag Status: Flagged

Begin forwarded message:

From: Helen <mhkadams@aol.com>
Date: April 25, 2020 at 6:46:38 PM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: BZA Meeting - May 6, 2020
Reply-To: Helen <mhkadams@aol.com>

Dear Mr. DeLong,

We are sending this email in opposition to the petition concerning 145 North Main Street under docket 2020-04-DSV. We live in the village at 225 North Maple Street. My mother, Martha Osterhous lives across the street from the historic home slated to be demolished. My mother's address is 140 North Main Street. My husband, Mike, was a 12 year senior at Zionsville High School. His great grandfather moved here. His great uncle owned the home where SCOOPS is located today. My parents moved to Zionsville in 1971, and I graduated from Zionsville High School. In fact, our daughter graduated from Zionsville High School in 2009. As you can see, we all have a vested interest in Zionsville's future. The historic character of the Village is unlike any other community near or far. We have remained in the Village and chose to raise our daughter here precisely because of the look and feel of the neighborhood. We are disappointed that the new owners of 145 North Main are choosing to have the home torn down when they so easily could construct the home of their dreams in a nearby subdivision where it would be completely compatible, But more than that, we are extremely opposed to the variance requests. The Zoning Board has a responsibility to maintain the historic core of Zionsville. The proposed new structure does NOT match the neighboring homes in scale or style. Main Street is the heart of our unique community. The proposed structure most certainly does not fit in. We respectfully ask you to deny the current variance requests. We also request that this letter be placed in the file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

Sincerely,
Mike and Helen Adams
Martha Osterhous

Chrissy Koenig

From: Ralph and Jan Stacy <stacylabolts@indy.rr.com>
Sent: Sunday, April 26, 2020 8:30 PM
To: Emily Styron; Josh Garrett; Wayne DeLong; Chrissy Koenig
Subject: BZA Meeting - May 5, 2020
Attachments: BZA Meeting 145 North Main.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening, all!
We would greatly appreciate if you would please forward our email to our Deputy Mayor, members of our Town Council, Plan Commission and Board of Zoning Appeals where we would request that the letter be in the permanent file of the upcoming BZA hearing, thank you for serving our community! Ralph and Jan Stacy

Mr. & Mrs. Ralph W. Stacy
60 South Second Street
Zionsville, IN 46077
Home: 317-873-3792
stacylabolts@indy.rr.com

April 24 , 2020

Zionsville Board of Appeals
C/o Zionsville Town Hall
Zionsville, IN 46077
estyron@zionsville-in.gov
JGarrett@zionsville-in.gov
Wdelong@zionsville-in.gov
CKoenig@zionsville-in.gov

LETTER OF OPPOSITON TO THE PETITION FOR VARIANCE AND DEMOLITION OF 145 NORTH MAIN STREET
DOCKET NUMBER 2020-04-DSV

Dear Elected and Appointed Zionsville Officials,

My name is Ralph W. Stacy and my wife Jan and I have raised our family, in our "Notable" circa 1870 Carpenter/ Builder architectural style home, which is about 125 years old. To us that is special! Just think of having that period of time for us and others to enjoy and cherish! All our children are married, graduated from Zionsville High School, 12 year seniors; and all graduates of Indiana universities. We also have six grandchildren. Our family has been actively involved in Zionsville for almost a lifetime and has had local businesses in the village for 35 years. We own other older homes, an "Outstanding"; circa 1885 Carpenter-Builder/Queen Anne and a Vernacular, a "Contributing" circa 1900 architecture home in the Village; that we have managed to restore over our lifetimes.

I have briefly reviewed the Donnar plans, submitted to the Zionsville Board of Zoning Appeals; and are disappointed that they are proposing to tear down the l00 year old home on Lot 58 & part of 59 in Oliver's Addition, lots which were probably recorded in 1867; and not renovating, making needed improvements and adding an attractive addition to the existing home within the Zionsville Zoning Ordinance is disappointing. On this variance request, there are no unique conditions or need for reliefs on 145 North Main except the Donnar's do not like the home. In their case there seems to be no unnecessary hardship other than being self-created and it will definitely alter the essential character of the neighborhood and its spirit.

While we do not live in the block of the proposed demolition of this "Contributing" home and the possible variance to our communities crafted, Town Council adopted Zionsville Zoning Code or Ordinance, we are opposed to the Donnar's actions as defined by their submitted petition.

If you would please go online to the SullivanMunce Cultural Center's website and click on Museum at the top, and then click on Century Structure, you can read the 1983 Zionsville Interim Report which was a result of the National Preservation Act of 1966. Please turn to page 24, listed home 321 and you will see 145 North Main Street home listed as "Contributing". I would suggest that town officials should read or at least leaf through the Zionsville Interim Report. This Report idea was first created from the National Preservation Act of 1966. *"The State of Indiana contracted for an historic sites and structures inventory in 1967, but major revisions were required to meet federal standards. In 1971, the Indiana State Legislature authorized Department of Natural Resources to comply with federal requirements to enable Indiana to participate in the grants-in-aid program. A full-time staff was hired in 1973 to supervise the program with the survey as a top priority."* This is on page 2 of the Report.

We wonder if you are aware of Joan Lyons Zionsville books, or Adron Sluder's, past owner of 145 North Main Street, historical articles and papers; Robert L. Randall's architectural study, Bob's 1999 movie entitled " Historic Houses of Zionsville"- google www.preservezionsville.com and scroll down, click and view; and his Walnut Street miracle and vision of the Our Village, and many others who have compiled or made Zionsville's history. In Joan's book "Rails to Trails-150 Years of Zionsville, Indiana History" you can read the following on page 143. *"In April, 1977, five local residents (Molly Cawthra, Pam Ferree, Jim Lowry, Susan Polack and Ralph Stacy) attended the first Midwest Historic Preservation conference at Indianapolis. They brought back the enthusiasm the conference generated back to the community. In November 1977, J. Reid Williamson, executive director of Historic Landmarks Foundation of Indiana, spoke to members of the Zionsville Area Citizens Association regarding the potential for historic preservation in Zionsville."* Interested Zionsville citizens have spent a lot of precious time and money since then trying three times to protect and create a Historic or Conservation District in the Village without being supported by town government. Our Zionsville could have been one of the first with a District and it looks like we may be one of the last to create one in our State!

Another interesting source is the late Robert Randall's roster, of the 1990's entitled, "Restorable Zionsville Houses" which is a list of Village houses, much the same locations as the Interim Report; deemed suitable for restoration, 145 North Main is listed. On page 40, Bob stated that 145 is rated O/C which "means the house is an outstanding restoration or at least one which contributes to the Village Scene. On that same page the style is Arts and Crafts, 1900-1920 and listed still in original condition". Mr. Randall outlines the Village architectural history and stated and illustrated the 11 architectural styles in our inventory in the 1990's, which are originals and some replicas.

The Reynolds/Sluder home, and many other citizens before them, resided at 145 North Main Street. The Reynolds family, with two children, was a core family that was involved in our community, local government and had a wonderful gift shoppe named The General Store for many decades, active and longtime members of the Zionsville Chamber of Commerce. Adron Sluder owned 145 and sold it to the Reynolds in 1947, which was about a year after my family arrived in Zionsville. Mr. Sluder was a highly respected local educator, historian, businessman, a charter member of the Zionsville Lions Club in 1930 and community servant over his lifetime. Many of us have made our largest investments in our lives in

our homes and do not expect it to be undermined. I am now aware of the past decisions made by petitioners, our Zionsville Planning Department and Board of Zoning Appeals who are making disheartening decisions that are deteriorating our community's authentic Village. These decisions definitely change the character and create hardships for the neighborhoods that will be lasting.

The Town's motto use to be *"All is Well in the Village"*! Well, these new oversized houses in our Village should be unacceptable to our Board of Zoning Appeals and a variance not be granted because it decreases the quality of life and the integrity of our Village neighborhoods that many of us have tried so hard to maintain. The size and scale to lot size is way out of proportion to other streetscape homes in their neighborhood block in our unique Village. These massive homes remind us of new subdivision homes which are probably on larger building lots and not even close to what should be more appropriate replacements or infill homes. Another important fact, which should be taken into account, is that demolishing that home at 145 North Main, and letting them build a new, will increase the neighborhood property taxes dramatically. The town's demolition permit procedures need to be reviewed and amended. The next thing we fear we will see are "Outstanding", "Notable" and "Contributing" homes or structures in the noted Zionsville Interim Report being destroyed. We are willing to volunteer with formulating new criteria for Zionsville's Demolition permit process after studying other communities' ordnances.

When Ralph was on the Zionsville Plan Commission and Board of Zoning Appeals in the 1980's, he tried to gauge the pulse of the neighborhood and do what the neighbors expressed, and considered how we would like the variance be granted next to our own home or business. First and foremost, we followed the Zionsville Zoning Ordinance very closely because that is what the community crafted, and duly adopted, and expected from their leaders. The answers to the criteria for a variance can be written by some to persuade others. The appointed BZA should be representing the existing citizens and neighborhoods of the Village. Petitioners have not wanted to go by our adopted zoning ordinance and circumvented the rules by requesting variances to those standards and they have been approved or granted at an alarming rate over the past 5 years and maybe longer at 100% with no dissentions. The BZA should represent the neighbors and not some petitioner that wanted to put their dream home on an undersized Village lot. It also increases the county assessed value of the neighborhood properties and leading to a spike in their property taxes of their neighbors, some who have been here a very long time and may be on a fixed income. In addition, the homes being built are extremely out of proportion to the lot they are placed on and the character of the neighborhood. This will be a lasting mistake. One needs to look at Mr. Randall's study of the eleven architectural styles that really represent the authentic history of our Village!

These mistakes destroy the integrity of the neighborhoods and our sense of pride is eroded. There needs to be cessation of these variances and our Town Council needs to appoint a Village community committee to review the BZA actions and find a path based on authenticity and neighborhood support. This committee could draft recommendations after studying the situation we are in and save the remaining representation of homes and structures. It would be interesting to review past granted variances, like over the past ten years; and see how many of the resident petitioners were here for a visit or a lifetime, or just a short investment. Our town's slogan use to be *"For a Visit or a Lifetime"*. For

the best interest of the community health, safety and welfare deny this petition! Pride in our community is important to us so we sincerely hope you will change your course and get us on the right track for future generations to enjoy and admire something really unique in this unprecedented time for our world. Please promote the preservation and enhancement of our Hoosier Heritage in which the Village of Zionsville, a railroad founded town was established in 1852 and is most important to many of us!

"For those build a new, there is no past within the home. And yet we are defined by our past. We are who we have been. We are our legacies. You need to reconsider because of who we are. History is in your hands." You have an opportunity to save our historical architecture and be respectful to your neighbors. We need to emphasize preserving, rehabilitating, restoring and reconstructing Village homes and structures.

Thank you, for reading this and if you have any questions, please call or email. Or if you need volunteers to assist, please ask and confirm receipt of our letter!

Sincere thoughts and prayers for you and yours,

Ralph and Jan Stacy

Chrissy Koenig

From: Robin Damm <rmdamm@fedex.com>
Sent: Monday, April 27, 2020 9:25 AM
To: Chrissy Koenig; Wayne DeLong
Cc: robin@thedamms.com
Subject: Docket Number 2020-04-DSV
Attachments: community.docx

Follow Up Flag: Follow up
Flag Status: Flagged

The attached letter has been written for your consideration and to provide support / justification for the denial of the requested lot variance(s) at 145 N. Main Street under Docket Number 2020-04-DSV. Please distribute to all of the members of the board at your earliest convenience. We would appreciate your review of the facts, consideration of the opposition of directly impacted neighbors, and adherence to the application of the zoning requirements.

Thank you,
Robin Damm
155 North Main Street
Zionsville, IN

To: Wayne DeLong, Director of Planning and Economic Development and other members

I am writing to declare my opposition to approving the petition for variance of development standards at 145 North Main Street's, Zionsville, IN under Docket number 2020-04-DSV. I am requesting that this letter of opposition be placed in the file and distributed to all members of the Board of Zoning Appeals as soon as possible.

It is the attraction, and the charm, that the "feel" of the Village exudes and draws others to want to live here, to be a part of it full time. There are people here, including our family, that have lived in the village for decades, raised our families here, participated in its celebrations and have even been instrumental in creating some of the current Village Traditions that we all enjoy.

\When we were looking at homes thirty years ago as newlyweds, we asked why the price of a home in the Village, that we were interested in, just off of Lincoln Park, was so expensive (according to our budget). We were told that we were buying into "the charm of the Village". We asked jokingly "How much without the charm?" It was not an option at that time, as it appears to now be. We went on to purchase a home on Main Street, that had been a rental, and required a complete remodel to make it truly livable. It was a challenge, but worth it as many others that have done the same can attest to.

What we have as a Village Community is something very special. We don't want to lose our community feel. It is our sense of unified common interests, respect for our neighbor, and the "charm" of the Village that is intended to protect what we have. It is also supposed to be the definition of Urban R-V: Village Residential Districts –

(A) Intent. The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the town. The **development standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land** use recommendation of the master development plan of the town.

In the last 3 years, **7** variances have been approved to demolish historic Village homes with an average size of 1, 012 SF, and replace them with larger homes at an average size of 3,096 SF. This particular variance, if approved, will support a new home build that is proposed to be 6,787 SF. Is this the master development plan for the town that is mentioned in the definition above?

This particular variance request states the following findings of fact:

- "The grant will not be injurious to the public health, safety, morals and general welfare of the community because: we have sufficient acreage that this will not appear crowded or cluttered. Also, the new home will be an improvement over the existing older structure."

    - This is an opinion held by the homeowner, that is not shared. In my opinion, this grant will impact the moral and the general welfare of the community, and specifically, our home directly adjacent to the North, based on the proposed lot coverage/build. As currently proposed, it will not be a visual improvement over the current structure and will overwhelm the existing neighboring homes. It will be taller and wider than the homes on either side and directly across from it. It will not maintain the area scale nor proportion of the homes directly surrounding it.

- A safety concern that we have is the location of the basement window well access, especially as this does not have to be factored into the 5' property side yard setback. If on the North side of the house, it will be along our driveway, an area that we frequently use, and could present a trip and fall hazard. Note attachment B – side yard view of two sites that were granted this same type of lot coverage variance on Main Street and on Maple Street in the past year. We do not want this to happen to us.
- Additional concerns we have are the reduction of sunlight that the proposed home will present for our home, as well as increased noise pollution, depending on the placement of the external utilities and laundry room exhaust. Again, note Attachment B below – in both cases, the neighboring homes are now in the shadow of the newer homes built at 35' tall and within the required 5' lot variance rule. They used to enjoy sunshine in their side yards. Our one remaining tree, a dogwood, which is along the property line, will very likely perish.

- "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: the incremental lot coverage will coexist with a number of other remodeled and/or new homes in and along Main Street."

  - In this block of Main street, the average home is 2000 SF (attachment A), have cellar basements and are less than 35' tall by an average of 10'. The homes are also a single lot width vs. this property that is a 1.5 lot width. The proposed new home will be 50' wider, 6000+SF, on 3 floors including a full basement, a 2-car garage, a golf cart garage and an additional crow's nest balcony that will bring the structure to 35' tall. This size of a home will overwhelm the homes on either side and across the street. It will not appear to coexist.
  - We are also concerned that the drawings for the new home and attached garage in the petition do not appear to observe the requirement for a newly constructed building to be an additional 10' from any neighboring existing structure – our garage in this case. *"A minimum side yard of five feet shall be provided along all side lot lines. However, in no case shall the distance between any two buildings, whether located on the same lot or on abutting lots, be less than ten feet. Driveways shall be required to meet the minimum side yard requirement."* Should this be an additional variance that has not been requested?
  - Finally, drainage and water displacement are existing issues between our two homes. We are very concerned that this new build and proposed lot coverage will make that issue worse and negatively impact our property.

- "Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because: the price points now existing in and along Main Street and the surrounding environs now requires a new home over a remodel."

Does this mean that if we do not all tear down our existing 100+ year old homes, and rebuild, that our homes do not have sufficient re-sale value? Does this mean that "the charm of the village" no longer has any value? None of these things are an unnecessary hardship for anyone except the existing home owners on Main Street that have lived here for decades. The home located at 125 N. Main street recently underwent an extensive remodel, is beautifully done, and is currently on the market for $560,000. A preference to tear down and rebuild vs remodel is a personal choice and **cannot** be defined as a hardship nor a requirement. The requirement is to rebuild within the defined and acceptable lot variances. A desire for a larger home than that will not fit within these requirements **is not** a hardship.

In conclusion, we understand that unfortunately we have no ability to save this home that has been rated in the Zionsville Interim Report by the Indiana Historic Sites and Structures as "Contributing to the density, continuity and / or uniqueness of the whole county or historic district." Nor are there any current ordinances/guidelines on what a new home built in its place may look like. We do, however, have the ability to implore the zoning committee to deny this variance request to increase the lot coverage so that the new home, as proposed in scope and size, may be built on this property. Approving this variance will create a hardship for existing homeowners on either side of this property. It will increase the ground coverage in an area that already struggles with water displacement, and it will be out of place in character and size with the surrounding homes, as it is currently proposed.

Thank you for your commitment to upholding the zoning rules of our Village. Your consideration and support for this appeal to deny the requested variance is much appreciated.

Robin Damm

155 North Main Street

Zionsville, IN

Attachment A: North Main Street Property listings

Expired Properties

MLS #	Expired Date	Address	Area	Subdivision	Bd	Bth	Gar	FP	Levl	Yr Blt	SFOpt	SFMU
21477318	10/07/2017	220 North Main Street	601	OLIVERS	4	2/0	2	1	2LEVL	1920	789	3,224
21386268	01/03/2016	175 North Main Street	601	NO SUBDIVISION	3	2/0	1	1	1LEVL	1900	280	1,900
21449580	04/20/2017	285 North Main Street	601	OLIVERS	4	1/0	2	0	2LEVL	1941	836	2,152
# LISTINGS:	3	Medians:			4	1/0				1920	789	2,152
		Minimums:			3	0/0				1900	280	1,900
		Maximums:			4	3/1				1941	836	3,224
		Averages:			4	1/0				1920	635	2,425

Leased Properties

MLS #	Leased Date	Address	Area	Subdivision	Bd	Bth	Gar	FP	Levl	Yr Blt	SFOpt	SFMU
21523803	05/01/2018	265 North Main Street	601	OLIVERS	2	1/0		1	1LEVL	1885	0	1,108
21615562	02/08/2019	115 North Main Street	601	NO SUBDIVISION	2	1/0		0	1LEVL	1978	0	800
21659521	09/17/2019	115 North Main Street	601	NO SUBDIVISION	1	1/0		0	1LEVL	1978	0	600
21437247	09/08/2016	115 North Main Street	601	NO SUBDIVISION	1	1/0		0	1LEVL	1978	0	600
# LISTINGS:	4	Medians:			2	1/0				1978		700
		Minimums:			1	0/0				1885		600
		Maximums:			2	3/1				1978		1,108
		Averages:			2	1/0				1955		777

Sold Properties

MLS #	Sold Date	Address	Area	Subdivision	Bd	Bth	Gar	FP	Levl	Yr Blt	SFOpt	SFMU
21548492	07/20/2018	245 North Main Street	601	NO SUBDIVISION	4	3/0	2	1	2LEVL	1908	462	2,974
21412844	05/17/2016	245 North Main Street	601	OLIVERS	4	3/0	2	1	2LEVL	1908	462	2,974
21407427	11/01/2016	275 North Main Street	601	OLIVERS	3	3/1	2	1	2LEVL	2007	1,050	2,124
21600461	02/12/2019	140 North Main Street	601	OLIVERS	2	3/0	2	0	1HALF	1890	230	1,992
21426262	08/12/2016	125 North Main Street	601	OLIVERS	4	2/0	2	1	2LEVL	1894	0	2,074
21666068	10/24/2019	145 North Main Street	601	NO SUBDIVISION	2	2/0	1	0	2LEVL	1915	0	2,142
21639996	06/21/2019	150 North Main Street	601	OLIVERS	3	1/1	2	0	1LEVL	1880	274	1,278
21514066	11/03/2017	160 North Main Street	601	VILLAGE	2	1/0		0	1LEVL	1880	168	672

Attachment B: Recent new builds on North Main St. and Maple St.

Appeals Planning Committee —
I received this letter on 4/24/2020 and thought it was very inappropriate as a private citizen voicing my opinion to you as a board!! The sarcasm in this letter was wrong to put the responsibility of our decenting vote as pressure to change our opinions.

This is just plain wrong.

L. White
485 West Cedar
Zionsville

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

April 23, 2020

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, May 6, 2020, at 6:30 p.m.

Dear Surrounding Property Owners and Remonstrators:

My client has noted your remonstrance and we have received a demolition permit to remove the home at 145 N. Main Street, Zionsville.

As we have had a number of conflicting concerns from not tearing down the house and trying to restore it or, in the alternative, if you tear the house down put up a home in compliance with the lot coverage requirements, my client is reaching out to those who appear to be in opposition to see if anyone wants to buy the home and then do with it what you might think would be best for Main Street and the community. Accordingly, to date, they have the sum of $430,000.00 in the home which includes their purchase of the home, realty fees, attorney's fees and costs for their architect and contractors. If someone is interested in making a no contingency cash offer for this price, the home can be saved.

As our Public Hearing is scheduled for May 6 at 6:30 p.m., I would need to have something in place not later than Thursday, April 30. Otherwise, we will begin the demolition process as my client personally does not believe that the house can be appropriately restored. However, if somebody feels differently, here is your opportunity.

Very truly yours,

Michael J. Andreoli

MJA/ba

Chrissy Koenig

From: Wayne DeLong
Sent: Monday, April 27, 2020 10:47 AM
To: Chrissy Koenig
Subject: petition concerning 145 N. Main St

Follow Up Flag: Follow up
Flag Status: Flagged

From: cjsoldatis <cjsoldatis@reagan.com>
Sent: Monday, April 27, 2020 10:46 AM
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: petition concerning 145 N. Main St

Dear Mr. DeLong,
I am writing to you to oppose the petition concerning 145 North Main street in downtown Zionsville under Docket Number 2020-04-DSV. I have been a resident of Zionsville for many years and oppose the demolition of historically sound homes which maintain the historic character of the village. Scale, proportion and style features all contribute to preserve the quality of the village as a whole and Main Street in particular. Please place this email in the proper file and distribute to members of the Board of Zoning Appeals.
Thank You,
Christy and Jeff Soldatis

Sent from Mail for Windows 10

April 25, 2020

Dear Mr. Andreoli,

Re: Your April 23, 2020 letter &

Petition No. 2020-04-DSW

This will confirm receipt on 4/24/20 of your 4/23/20 letter. We do not believe that the real purpose of your letter is to sell the subject property for $430,000 by a no contingency cash offer by Thursday 4/30/20. Rather, we believe its sole purpose is to enable you to say to the BZA, "see, if they were really concerned about Main St. and the community, they would have purchased the property." Given the short time frame, the unsupported costs claimed, and that it must be purchased by cash with no contingencies, your offer seems no more than a ploy to try and convince the BZA to approve the variance request when no one could purchase the property under the stated conditions.

If your client demolishes the house and the BZA does not approve the requested variance, your client risk having a $430,000 building lot on Main St. Please be assured that we will continue to oppose the requested variance, and urge others

to do so, as there is no basis for granting it other than your clients' desire to construct a dwelling that does not fit with the surrounding homes and the community.

Cc: BZA w/April 23 letter

Sincerely,

Guinn Doyle

Marianne Doyle

Guinn & Marianne Doyle

635 W. Pine St.

Zionsville, IN

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

April 23, 2020

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, May 6, 2020, at 6:30 p.m.

Dear Surrounding Property Owners and Remonstrators:

My client has noted your remonstrance and we have received a demolition permit to remove the home at 145 N. Main Street, Zionsville.

As we have had a number of conflicting concerns from not tearing down the house and trying to restore it or, in the alternative, if you tear the house down put up a home in compliance with the lot coverage requirements, my client is reaching out to those who appear to be in opposition to see if anyone wants to buy the home and then do with it what you might think would be best for Main Street and the community. Accordingly, to date, they have the sum of $430,000.00 in the home which includes their purchase of the home, realty fees, attorney's fees and costs for their architect and contractors. If someone is interested in making a no contingency cash offer for this price, the home can be saved.

As our Public Hearing is scheduled for May 6 at 6:30 p.m., I would need to have something in place not later than Thursday, April 30. Otherwise, we will begin the demolition process as my client personally does not believe that the house can be appropriately restored. However, if somebody feels differently, here is your opportunity.

Very truly yours,

Michael J. Andreoli

MJA/ba

April 27, 2020

To the Zionsville Board of Zoning Appeals;

I am writing with my concerns and opposition to the requested variance at 145 North Main Street, Docket Number 2020-04-DSV. Please place this in the file and distribute to all members of the board.

As a village resident, I am very concerned with the loss of green space and village charm that Zionsville is known for. As a neighbor, I am saddened and troubled by the loss of neighborhood yards and gardens that have been such a cornerstone of the ambience of the village. As an adjacent home owner, I am worried about the loss of sunlight and the obstruction of views that we will lose.

I am most concerned about the specific issues listed below that will negatively impact my residence and village life:

- Sunlight from the south will be all but eliminated. Landscaping, grass and ground moisture will become challenge, if not impossible problem to manage.
- New basement egress holes will be up to the property line, inside of the 5' setback, and a risk to people and visiting children playing on our driveway.
- A thirty-five-foot-high wall (north side of proposed new home build) will reverberate noise pollution from air-conditioner units installed within the 5' setback. Road noise, instead of having an escape over the homes, will be echoed back into our quite areas.
- The city street light, that is already extremely bright, may need to be relocated. We do not want to have more artificial light infiltration or light pollution preventing us from gazing at the stars in the evening, or filling the house with light throughout the night.
- The lot coverage, which does not include the driveways for the car and golf cart, creates a significant risk with the increased volume of rain water run off that will push to and potentially flood my property. Foundation technology and practices used in the 1800's did not account for a new dig to be 5-10 feet from the current foundation. Now we are pushing that extra water to the adjacent lots that do not have basement walls to block moisture penetration. Homes built in the 1800s, such as ours, relied on open space to move and absorb the moisture away from the foundations. When we allow homes to increasingly expand their lot coverage, beyond stated allowable variances, we are reducing the green space that was functionally required by the period home construction. As well as impacting the aesthetics of the village, reducing the soil absorption area is forcing the current residents to shoulder additional cost and risks to protect their property. The increased height of the new home will compound the flooding risk by decreasing the open air and sunlight that currently helps dissipate the additional moisture.

The 5' setback is a misnomer of a guideline as evidenced by recently approved variance requests and new builds. The foundations of these new projects may be at the approved 5' setback from the property line, however, the basement egress pits, the HVAC units, and the utility hookups are then placed in that five foot offset area essentially creating a zero lot line building process. Our Village cannot continue to support the impact that this is having on existing homes, and will only continue to get worse with additional variances to increase lot coverage.

We need your help to protect the current properties. The town's past acceptance of ever increasing coverage ratios is fundamentally altering the village's atmosphere, history and style while also endangering the historical homes / structures that make up the village.

Thank you for your consideration.

David M Damm

155 N Main Street

Zionsville, IN 46077

Chrissy Koenig

From: Chrissy Koenig
Sent: Wednesday, April 29, 2020 5:57 PM
To: Bridget Collins
Cc: Wayne DeLong
Subject: RE: #2020-04-DSV T. Donnar Remonstrance-145 N. Main Street

Hello – it has come to my attention while trying to process your request that the "Exhibit A" did not come through on the email. Please try to resend the exhibit or another option would be to drop it in the dropbox located in the white F-150 town vehicle located in the town hall parking lot on the east side next to the utility drop box.

I will move forward on sending your email to the BZA board members with the explanation that a request for the exhibit has been made and that if received it will be sent along with your email.

Chrissy Koenig
Planner I – Petitions
Town of Zionsville

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

ZIONSVILLE

From: Bridget Collins <bcollins22@gmail.com>
Sent: Tuesday, April 28, 2020 7:41 PM
To: Wayne DeLong <WDeLong@zionsville-in.gov>; Chrissy Koenig <CKoenig@zionsville-in.gov>
Subject: #2020-04-DSV T. Donnar Remonstrance-145 N. Main Street

To the Zionsville Board of Zoning Appeals,

We are submitting this letter in opposition to the petition concerning 145 N. Main Street under docket #2020-04-DSV. We appreciate your review.

We are not opposed to tasteful new development or improvements to existing historic structures. In fact, we believe allowing for updates to add reasonable comforts/amenities desired for modern society is required to ensure that these historic structures remain relevant and are adequately preserved by modern generations. What we are opposed to is the complete demolition of a historic residence replaced by an aggressively disproportionate structure maxing out a 1.5 lot parcel at presumably over 6,000 sq. ft. and 35 ft. high on Main Street. Further, the petitioners have demonstrated complete disregard for surrounding properties and the negative impact their proposal will most certainly have to surrounding homeowners. Not every home in the Village must adhere to the quaint Victorian or farmhouse style, but this proposed

Chrissy Koenig

From: Chrissy Koenig
Sent: Wednesday, April 29, 2020 6:13 PM
To: Chrissy Koenig
Subject: FW: #2020-04-DSV T. Donnar Remonstrance-145 N. Main Street

From: Chrissy Koenig
Sent: Wednesday, April 29, 2020 6:11 PM
To: 'Bridget Collins' <bcollins22@gmail.com>
Subject: RE: #2020-04-DSV T. Donnar Remonstrance-145 N. Main Street

Thank you, it came through this time. I will forward this on now.

Chrissy Koenig
Planner I – Petitions
Town of Zionsville

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

ZIONSVILLE

From: Bridget Collins <bcollins22@gmail.com>
Sent: Wednesday, April 29, 2020 6:08 PM
To: Chrissy Koenig <CKoenig@zionsville-in.gov>
Cc: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: Re: #2020-04-DSV T. Donnar Remonstrance-145 N. Main Street

Thank you very much, Chrissy. Attached is Exhibit A, which is a photo of our side yard referenced in our letter. If you have any trouble viewing the image, please let me know, and I will pursue another option of ensuring you receive it.

EXHIBIT A

Best regards,

Bridget Curti

On Apr 29, 2020, at 6:01 PM, Chrissy Koenig <CKoenig@zionsville-in.gov> wrote:

Hello,

Your email/letter received today has been added to the #2020-04-DSV T. Donnar docket file and emailed to the members of the Board of Zoning Appeals as well as the petitioner's representative.

Please let us know if we can be of further assistance. Thank you.

Chrissy Koenig
Planner I – Petitions
Town of Zionsville

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

<image001.jpg>

From: Bridget Collins <bcollins22@gmail.com>
Sent: Tuesday, April 28, 2020 7:41 PM
To: Wayne DeLong <WDeLong@zionsville-in.gov>; Chrissy Koenig <CKoenig@zionsville-in.gov>
Subject: #2020-04-DSV T. Donnar Remonstrance-145 N. Main Street

To the Zionsville Board of Zoning Appeals,

We are submitting this letter in opposition to the petition concerning 145 N. Main Street under docket #2020-04-DSV. We appreciate your review.

We are not opposed to tasteful new development or improvements to existing historic structures. In fact, we believe allowing for updates to add reasonable comforts/amenities desired for modern society is required to ensure that these historic structures remain relevant and are adequately preserved by modern generations. What we are opposed to is the complete demolition of a historic residence replaced by an aggressively disproportionate structure maxing out a 1.5 lot parcel at presumably over 6,000 sq. ft. and 35 ft. high on Main Street. Further, the petitioners have demonstrated complete disregard for surrounding properties and the negative impact their proposal will most certainly have to surrounding homeowners. Not every home in the Village must adhere to the quaint Victorian or farmhouse style, but this proposed structure lacks any architectural identity or relevance. It is, quite bluntly, a gaudy, distasteful monstrosity out of context to its surrounds and entirely inappropriate for its prominent Main Street location.

Aesthetics aside, we have experienced firsthand the negative impact of being immediately adjacent to the tear down of a historic structure and subsequent construction of a disproportionately tall new home. We live almost directly behind the petitioner's property to the northeast across the alley and are also immediate neighbors to the north of what was the 150+ year-old former Zionsville post office, torn down in early 2019. The construction of a full basement at the site resulted in a gaping trench immediately on our property line (**Exhibit A**, contained herein). The consequences of this is that our property has experienced severe soil erosion, and the wrap-around porch of our own 150-year-old home has suffered new structural damage. The worksite, trench and exposed basement window well have remained unfilled or safeguarded for almost two years of ongoing construction and pose imminent danger to pedestrians, children playing in the area, and our own 18-month-old daughter. Our entire front porch and side garden now receive virtually no sunlight throughout the day. We want to prevent these distressing, financially impactful consequences from afflicting our surrounding neighbors and perhaps ourselves, yet again, at the southwestern side of our property.

We would also like to address the long-term potential impact approval of the petitioners' project and other similarly obtrusive projects will have on town revenue. The unique character of the Village is a major value driver for Zionsville. In fact, when we were living elsewhere in the world and researching the, at the time, largely unknown state of Indiana, Zionsville immediately was distinguished from the rest of this state because of the culture, history and character in the Village. It was THE deciding factor in our decision to buy property and start our family in this town. Although we love our local restaurants and boutiques, people largely decide to patronize this town not because of a world-renowned restaurant or any particular "can't live without" item(s) sold in our shops. They are magnetized by the intrinsic beauty and character of the Village. They choose to make the journey into the area to shop, eat and walk among this atmosphere. When this experience is eroded, you can kiss coveted "foot traffic" goodbye. If we were business owners in the Village, we would view yet another demolition of a historic structure and approval of such a massive project on Main Street to be a slippery slope with perilous consequences to local business.

In conclusion, the considerable detriment to surrounding homeowners' property and potentially to local business far outweigh the petitioners' desire to build an aggressively large and disproportionate, 35' tall structure with a crow's nest balcony and a golf cart garage. The mere fact the Village residents are compelled to exert such time, effort and consternation in compiling and presenting obvious facts, evidence and arguments to oppose such a patently outrageous project is concerning. We need your help to maintain the distinctiveness, value, and character of this community. We appreciate your time, and thank you for your consideration.

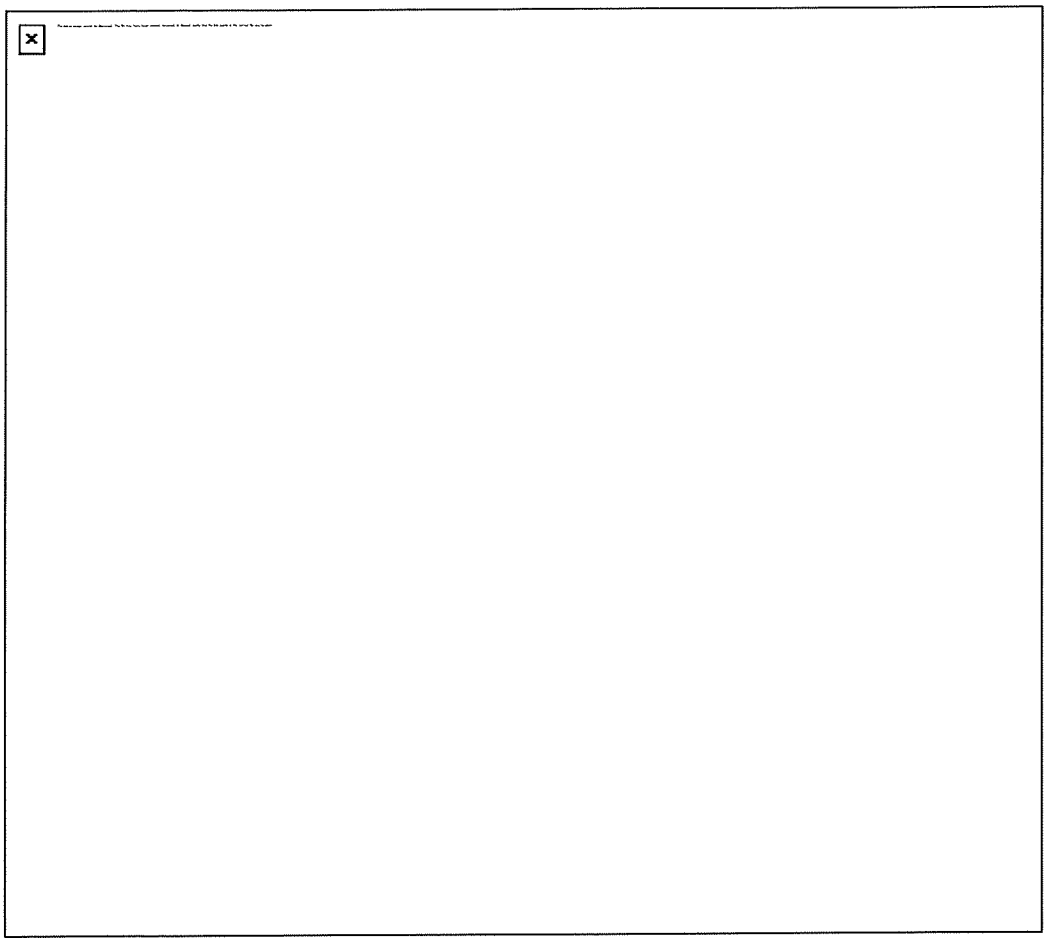
Sincerely,

Alessandro and Bridget Curti

160 Maple Street

Zionsville, IN

EXHIBIT A



Chrissy Koenig

From: Juanita Keith <jkeith50@ymail.com>
Sent: Wednesday, April 29, 2020 5:10 PM
To: Chrissy Koenig; Wayne DeLong
Cc: Juanita Keith
Subject: Docket # 2020-04-DSV 145 N Main Street
Attachments: Attention of Zoning Board of Appeals (1).doc

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

This letter is being submitted to support my request to deny the petition for lot variance at 145 North Main Street under Docket Number 2020-04-DSV. Please distribute to all members of the Board and place in the case file.

Please confirm receipt, with return e-mail.

Juanita Keith
165 N Main Street

Attention of The Zoning Board of Appeals

I am writing to express my opposition for the approval of the requested variance petition at 145 North Main Street under Docket Number 2020-04-DSV. I am opposed to not only the demolition, but more specifically, the build of a new home that is much larger in stature and square footage than the current home on this same lot. It will not fit with the character and design of the surrounding houses in the Village.

I am offended by the letter sent by Mr. Andreoli, dated April 23, 2020, outlining information on how to purchase the property at 145 N. Main Street for $430,000, $80,000 more than was paid for it less than one year ago. Cash offer, no contingency and one week to decide. The house has already had the gas meter removed and much of the inside already gutted and prepped for demolition. If the owners wish to alleviate themselves from this property, they can and should just put it back on the market and not try to pay off their neighbors to leave them alone.

I am the home owner of 165 North Main Street where I currently reside, and the owner of 135 North Main Street that has been leased to the same tenant for 19 years. I have lived in the village, on Main Street, for 56 years. My house at 135 North Main Street, directly adjacent to the home with the petition, is a smaller home and would be dwarfed by the size of the new home being proposed, if the variance is approved. The current property zoning and setback allowances were derived to allow for a residential look that is aesthetically pleasing with adequate space for landscaping, lawn, and sidewalks, all proportionate to each other. Allowing variances to these zoning requirements, that increase the lot coverage for new homes, and do not "reinforce the traditional height, bulk and area features of the neighborhood nor maintain their scale and proportion" of the homes immediately surrounding the new build, is not acceptable. There has not been a single, fact-based argument presented to support a hardship and need for this variance request. It is all based on the wants and preferences of our newest neighbors. They have owned this home for nine months. Why do their preferences get to trump those of ours that have lived next to this home for 30 plus years? Based on the size of what they want to build, the look of the house, in comparison to the surrounding houses, the entire street is changed to being unbalanced and will certainly have a negative impact on neighboring homes' values.

I am concerned about the future viability and ability to rent my home at 135 N. Main street if this variance is granted and this size of a home is built next to it. I am very concerned about drainage, both during and after construction is completed. I am concerned that if this is approved, the first residential block of Main Street will no longer be the architectural highlight that attracts so many visitors to our town. Main street is not a neighborhood of lots for sale. It is the home of neighbors that look out for each other and respect the look and feel of our

town. This house, as proposed, is not in the best interest of current home owners on Main Street, the village neighborhood, nor the town of Zionsville.

Respectfully Submitted,

Juanita B. Keith
165 N. Main St.
Zionsville In 46077
317-873-3080

Chrissy Koenig

From: Jim Whalen <whalen55@hotmail.com>
Sent: Wednesday, April 29, 2020 5:18 PM
To: Chrissy Koenig; Wayne DeLong
Subject: 145 North Main Street 2020-04-DSV
Attachments: Lot Comparison Graphic_04-29-2020.pdf; Main Street Elevation.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

In opposition to the petition variance at 145 North Main Street under Docket Number 2020-04-DSV.

Dear BZA,

I've attached a detailed and precise to scale site plan of my home and property at

190 South 6th Street and on the same page a site plan using the same scale 1"=20' of the Existing home at 145 N. Main Street and the Proposed house. The purpose of this drawing is to show you that an extensive remodel of the existing house with an addition and also the addition of a detached garage at 190 S. 6th was accomplished without the need for a variance. These plans show the difference in terms of green space between a lot with 33.1% coverage (190 S. 6th) and 42.2% (145 N. Main). When the golf cart drive and a minimum walk from the driveway to the back porch are added to the submitted plans, this results in the lot coverage being 44.9% which exceeds the 35% by almost 30%. Also, there is no patio for the proposed house shown and would need to be counted as part of the calculation if one is constructed. The Petitioner should be asked if a patio is anticipated.

The Petitioner's architect fails to show on the site plan that is part of the initial petition, the driveway from the garage to the alley and any walks from that driveway to the back porch. Petitioner also fails to show on the site plan the golf cart drive on the front of the house and the front walk. They also do not show any patio or outdoor hardscape in the back. While the driveway for the garage and the front walk do not count towards the 35% lot coverage, the golf cart drive, walk from the driveway to the back porch and any other patio or anticipated hardscape in the back of the house would be.

As you can see from the drawing, the proposed house takes up a great deal of space and will be densely packed onto the lot. I've attached my wife, Carole Boleman's elevation drawings to this email to show you the elevation of the home with property lines indicated to show this as well.

The Petitioner's Findings of Fact #1 states that they "have sufficient acreage that this will not appear crowded or cluttered". I think the site plan attached and the elevation speak for themselves and present a clear picture that contradict the Petitioner's statement. Petitioner also says "Also, the new home will be an improvement over the existing older structure." This is purely a subjective judgment and ignores the standard of "traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion" set out in R-V District.

The site plan for 190 S. 6th St. illustrates that a project can be accomplished within the lot coverage standard of 35%. Efficiency and respect for the lot size and also the adjoining lots must be taken into account to do this. I also invite you to take a look at the renovation and addition to the 112 year old

190 S. 6th and see that an existing home renovated is a far better improvement and a better solution to our community than a non-conforming new home.

Thanks,

Jim Whalen

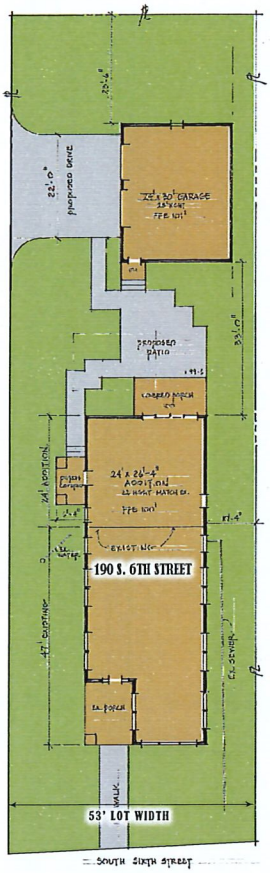
190 S. 6th Street

STREET ELEVATION

3/32" = 1'-0"

LOT COVERAGE COMPARISON

SCALE OF ALL PLANS: 1" = 20'
WHEN PRINTED ON 11X17 PAPER



190 S. 6TH STREET
1" = 20'

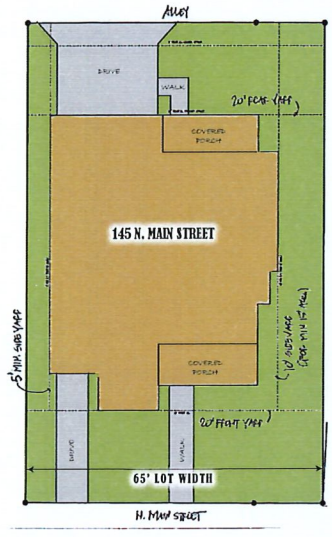
190 S. 6TH STREET:

LOT SIZE= 9,191.5 SF
TOTAL BUILDINGS = 2,787.5 SF (30%)
BUILDINGS + PATIO = 3,951.5 SF (33.1%)

145 N. MAIN STREET - PROPOSED

TOTAL LOT = 6,787 SF
BUILDING = 2,862 SF (42.2%)
BUILDING + GOLF CART DRIVE & BACK WALK (192 SF) = 3,054 SF (44.9%)

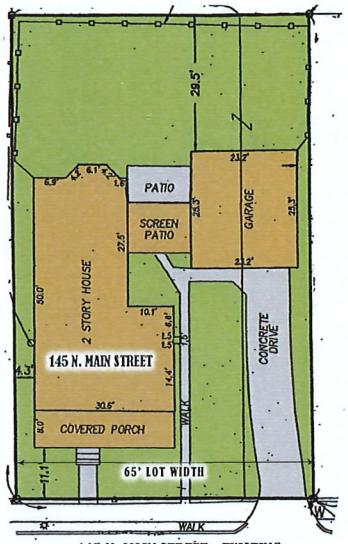
DOES NOT INCLUDE ANY PATIO AREA



145 N. MAIN STREET - PROPOSED
1" = 20'

145 N. MAIN STREET - EXISTING:

TOTAL LOT = 6,787 SF
TOTAL BUILDINGS + PATIO + SCREEN PORCH + WALK FROM MAIN ST. TO GARAGE = 2383 SF (35.1%)



145 N. MAIN STREET - EXISTING
1" = 20'

Chrissy Koenig

From: Wayne DeLong
Sent: Friday, May 1, 2020 9:31 AM
To: Chrissy Koenig
Subject: Fwd: Remonstrance for 2020-04-DSV
Attachments: Remonstrance 2020-04-DSV Cluff.pdf; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

From: Tony Cluff <tcluff@sbcglobal.net>

Date: May 1, 2020 at 9:18:31 AM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: Remonstrance for 2020-04-DSV

Mr. Delong,

Please find attached my remonstrance for 2020-04-DSV. Please forward this to the members of the board of zoning appeals for consideration of this request for variance.

Thank you.

Kind Regards,

Tony Cluff
40 N. 5th Street
Zionsville

May 1, 2020

To: Mr. Wayne Delong and
the Zionsville Board of Zoning Appeals
1100 W. Oak St, Zionsville, IN

Subject: Docket 2020-04-DSV

I am writing in response to the subject docket. I am opposed to granting this petition.

I have reviewed the Donnar's petition for a variance and visited the property location. I can find no evidence of extraordinary circumstance or legitimate hardship that would require an exception to development standards. The argument presented about price points being a hardship lacks supporting evidence and I expect lacks basis in fact as well. Housing values are typically determined on a per-square-foot basis – all else being equal. Building a larger house would help offset the loss in value of demolishing an otherwise sound historic home. That is an attempt to avoid a self-imposed hardship, not a legitimate, pre-existing hardship. Self-imposed hardships are not grounds for a variance.

The property at 145 N. Main is a combination of a full lot and a portion of an adjacent lot, so the property itself is already over-sized compared to the standard lot in that area. Because the property is over-sized, a house sized at the limits allowed by the development standards will also be over-sized and out of scale with those around it. Permitting further over-sizing with a variance would simply exacerbate the exception to the scale of the surrounding neighborhood. Thus, granting a variance would be "injurious to the general welfare of the community" because it would permanently and negatively alter the character of the surrounding neighborhood.

Thank you for your time considering my position on this issue and your service in protecting the value and character of our community.

Tony Cluff
40 N. Fifth St.
Zionsville, IN 46077

Chrissy Koenig

From: Wayne DeLong
Sent: Friday, May 1, 2020 10:45 AM
To: Chrissy Koenig
Subject: Fwd: 145 N Main Street
Attachments: zoning letter 145 n main st.docx; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

From: BILL EVANS <bigdaddybe135@aol.com>

Date: May 1, 2020 at 10:31:42 AM EDT
To: Wayne DeLong <WDeLong@zionsville-in.gov>
Subject: 145 N Main Street
Reply-To: BILL EVANS <bigdaddybe135@aol.com>

Please open the attachment. Thank you.

Bill Evans
135 N Main Street
Zionsville, In

May 1, 2020

Wayne DeLong, AICP
Director of Planning & Economic Development
Town of Zionsville
1100 West OAK Street
Zionsville, IN 46077

Dear Mr. DeLong,

This communication is being sent to you in opposition to the petition concerning the proposed structure to be constructed at 145 North Main Street under Docket Number 2020-04-DSV. I also request that this letter be placed in that Docket file and distributed in printed form to all members of the Board of Zoning Appeals as soon as possible.

My concern as a 20 year resident at 135 North Main Street adjacent to the property mentioned above is the tremendous difference in size, especially the height of the frontal view of the proposal. My review of internet postings suggest that "architects must research the area they are building to ensure their design matches current building structures". This is extracted from "DUTIES & RESPONSIBILITIES OF ARCHITECTS" by Shailynn Krow, updated June 29, 2018. In my opinion, this home design was possibly not designed for this property. The proposed design does not respect the adjacent buildings and atmosphere of the neighborhood. The existing visual appearance of the neighborhood will be negatively achieved.

I request that, if, and I am sure it will happen, construction occurs, that it be done with the neighborhood and its residents in mind to foster social interaction with the neighbors. It will be a pleasure to welcome the Donnars to the neighborhood upon completion of a compliant design plan.

I am confident that the Board will respect Ordinance 194.052.

Sincerely,

William Evans
135 N. Main St.
Zionsville, In. 46077

Cc: Juanita Keith, Property Owner of 135 N. Main St.

Chrissy Koenig

From: Rinkey Boleman <rinkey@sbcglobal.net>
Sent: Friday, May 1, 2020 1:23 PM
To: Chrissy Koenig; Wayne DeLong
Subject: #2020-10- DSV 720 W. Pine- A. Nester
Attachments: Survey Updated.pdf; IMG_4278a.jpg; IMG_4281a.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA Meeting

#2020-10- DSV 720 W. Pine- A. Nester

Dear BZA,

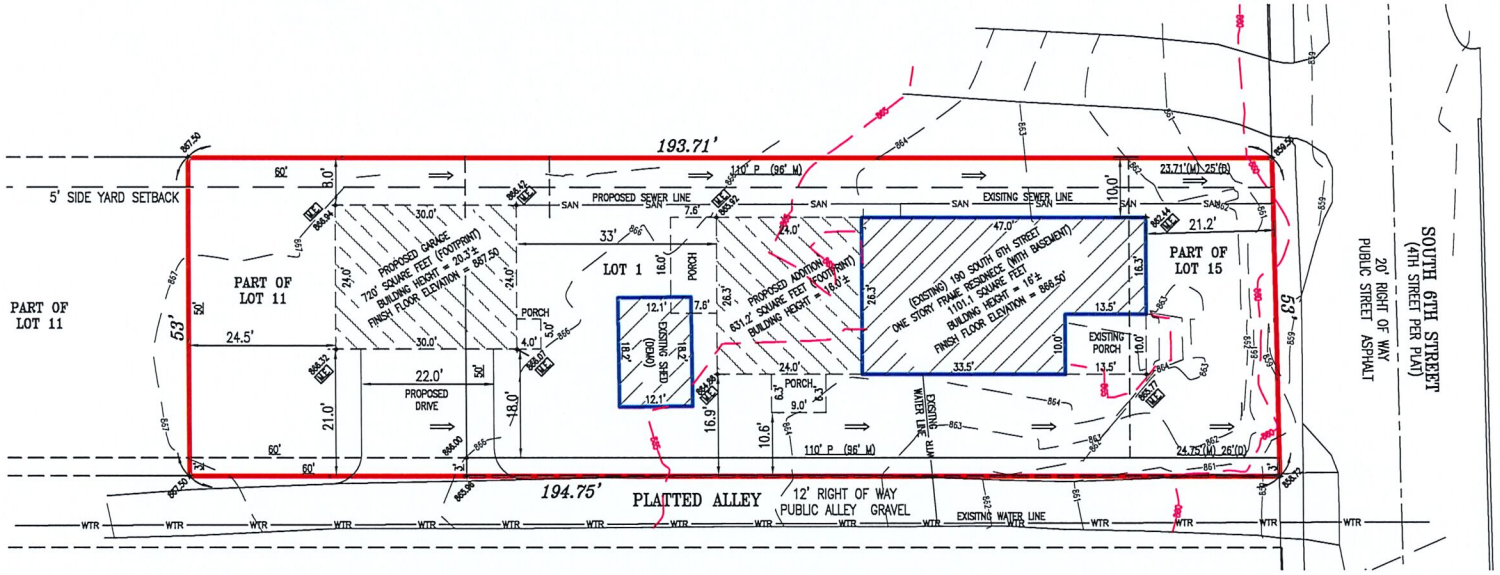
I am neither in support or opposition of this variance, however if the Board grants the variance I would like for the Board to make it contingent on the town's alley which has a 12' right of way, being replaced to the same condition as it is today and any damage incurred to our property at 190S. 6th St. that abuts the alley be repaired within two weeks of the completion of the Nesters carport. Please see attached Site Survey of 190 S. 6th St and photos of the alley on the south side of our property.

A year ago, when we renovated our home and constructed the addition and garage to our property at 190 S. 6th we completely reconstructed and repaired the alley twice. The first time was at the beginning of the project immediately after heavy equipment and construction vehicles had damaged the alley along with intense rain events which further degraded the condition of the alley and at the end of the project after all hardscape and landscaping had been completed. I have lived here for 39 years and the alley and south side of our property is in the best condition it's ever been in, partly due to the fact that we went to considerable expense to correct the drainage and alleviate a great amount of runoff that used to go down the alley during heavy rains and in the reconstruction of the alley that we completed last November.

I have been in contact with Shane Rance of the Street Department and will be meeting with them soon on site.

Thanks,

Carole Boleman and Jim Whalen
190 S. 6th Street



BOLEMAN PROPERTY

190 SOUTH 6TH STREET
ZIONSVILLE, INDIANA

PLOT PLAN

PROJECT LOCATED IN:

NORTHEAST QUARTER
OF SECTION 2
TOWNSHIP 17 NORTH
RANGE EAST
EAGLE TOWNSHIP
BOONE COUNTY

PREPARED FOR:

Carole Boleman, RLA
190 S 6th Street
Zionsville, IN 46077

DRAWN BY:	R. STOHLER
CHECKED BY:	D. SCOTTEN
ISSUE DATE:	06-12-2019

PROJECT NUMBER
1-23162

SHEET
1 OF 1

LEGAL DESCRIPTION

QUITCLAIM DEED
Carole A. Boleman and Jim Whelan
Instrument No. 2019003210

SITUATED IN THE TOWN OF ZIONSVILLE, COUNTY OF BOONE AND STATE OF INDIANA: 60 FEET OF UNIFORM WIDTH OFF OF AND ACROSS THE ENTIRE EAST END OF THE FOLLOWING DESCRIBED 2 TRACTS, TO-WIT: LOT NUMBER 11 IN HILLCREST ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. A STRIP 3.0 FEET IN WIDTH BY PARALLEL LINES THE LENGTH OF AND CONTIGUOUS TO THE SOUTH LINE OF SAID LOT 11. LOT 1 IN HILLCREST ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA. ALSO A PART OF LOT 15 IN CROSS' 3RD ADDITION TO ZIONSVILLE, BOONE COUNTY, INDIANA, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF LOT NUMBER 1 OF HILLCREST ADDITION TO ZIONSVILLE, INDIANA; AND RUNNING THENCE EAST 26 FEET, MORE OR LESS, TO A POINT IN THE WEST EDGE OF A SIDEWALK ALONG THE WEST SIDE OF SOUTH 6TH STREET IN SAID TOWN OF ZIONSVILLE, THENCE NORTH ALONG THE WEST EDGE OF THE SIDEWALK FOR A DISTANCE OF 50 FEET; THENCE WEST 25 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT NUMBER 1, IN HILLCREST ADDITION.

Also, a strip 3.00 feet in width by parallel lines the length of and contiguos to the South Line of said Lot 1 in Hillcrest Addition, and the above described portion of Lot 15 in Cross' 3rd Addition.

NOTES

- DRIVE ENTRY TO CONFORM WITH TOWN OF ZIONSVILLE STANDARDS
- VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION
- IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLAN IS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE
- POSITIVE DRAINAGE MUST BE MAINTAINED AWAY FROM STRUCTURE
- MINUMUM SETBACKS
  - 5" ACCESSORY BUILDING
  - 5' SIDE

LEGEND

- BOUNDARY
- WATER LINES
- SANITARY SEWER LINES
- XXX.XX = EXISTING ELEVATION
- M.E. = MATCH EXISTING ELEVATION
- DIRECTION OF OVERLAND FLOW

DONN M. SCOTTEN
REGISTERED
No. S0510
STATE OF INDIANA
LAND SURVEYOR

ASSUMED NORTH

SCALE 1" = 20'
20 0 10 20 40

AXIS SURVEYING, LLC
Complete Surveying Services for Commercial - Construction - Residential
(317) 841-1506 - www.AXISIndy.com P.O. BOX 502369 - Indianapolis, IN 46250

BELDON
FENCE
241-8258

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-04-DSV
Subject Site Address:	145 N Main Street
Petitioner:	Timothy & Kathrine Donnar
Representative:	Michael Andreoli
Request:	Petition for Development Standards Variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Residential Village Zoning District (RV)
Current Land Use:	Single-family Residential
Approximate Acreage:	.1558 acres
Zoning History:	No prior petitions are known.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Original Narrative Exhibit 4 – Petitioners Submission in Support (file-dated April 28, 2020) Exhibit 5 – Petitioners Existing Site Plan Exhibit 6 – Petitioners Proposed Site Plan Exhibit 7 – Petitioners Exhibits (Elevations and Floor Plans) Exhibit 8 – 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. An adjoining neighbor submitted a letter of continuance request on February 24, 2020 regarding the lack of notice being received. Given the letter was received prior to a week before the date of the public hearing, at the March 4, 2020 meeting, the Board of Zoning Appeals granted the continuance request to the April 1, 2020 meeting to allow the Petitioner additional time to send proper notice to all adjoining property owners. On March 18, 2020, the Petitioner's representative requested a continuance to the May 6, 2020 meeting, citing that it was not "essential" to be heard at the April Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.1558 acres of Lot 58 and the North half of Lot 59 (except a strip 10 feet of uniform width off of and across the entire South side of said Lot 59) in Oliver's Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

Per the Indiana Department of Natural Resources Zionsville Interim Report-Indiana Historical Sites & Structures Inventory (Published: 1983), the subject site is improved with a circa 1910 single-family dwelling ("bungalow") that is constructed in an architectural style which is considered "Contributing" to the "uniqueness of the whole county, historic district, or multiple resource area, but which in their present condition do not appear to meet the general criteria for either the National or State Registers". This status will be referenced later in this report.

ANALYSIS

The 0.1558-acre parcel, currently improved with a one (1) story single-family dwelling and accessory structures, would be demolished in order to build a new two (2) story single-family dwelling, attached garage and additional attached covered accessory square footage.

LOT COVERAGE

The request seeks to exceed the 35 percent lot coverage maximum by 7.2 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, 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 approximately 6,550 square feet single-family dwelling with a total footprint of 2,862 (inclusive of the home, attached garage with upper and lower living space, and front and rear porch), which would result in lot coverage of 42.2%.

The request to occupy the site with improvements associated with a single-family dwelling in excess of lot coverage requirements in the Residential Village District (RV) is not uncommon for requests which a)

seek to improve the site with a use commonly enjoyed by other properties in the area and/ or, when b) other properties within proximity to the parcel enjoy deviations from the maximum lot coverage requirements. In the case of this particular petition filing, there are several unique factors to consider regarding 'common enjoyment' of the proposed 'use' that have not existed in the preponderance of lot coverage variance petitions previously considered by the Board of Zoning Appeals, including:

- The contemplated structure proposes the facilitation of two (2) potential driveway 'cuts' onto public rights of ways, and two (2) sets of garage doors (one facing east, the other, west). These characteristics, being two (2) points of vehicular access onto two (2) unique rights of ways and / or the use of a bifurcated garage design, are characteristics not commonly enjoyed by other properties (uses) in the area.

- By definition, "Lot Coverage" does not include the area of a lot dedicated for use as a driveway. In the case of the petition, it is assumed that the contemplated improvements are proposing the use of two (2) unique driveways (that, as a result, increases the contemplated hard surfacing associated with the totality of the improvements to the property). Additionally, this characteristic, being the use of two (2) driveways, is not commonly enjoyed by other properties (uses) in the area.

- The fact that the existing dwelling's architectural style is considered "Contributing" to the community, per an Indiana Department of Natural Resources study published in 1983.

In only one (1) other petition filing (2019-06-DSV) has the Board of Zoning Appeals considered the replacement of an existing dwelling that was considered "Contributing" to the community (per the 1983 study). In that particular case, the proposed improvements presented to the Board of Zoning Appeals contemplated the replacement of a vinyl clad one (1) story circa 1870's "Carpenter-Builder" dwelling, with a two (2) story dwelling incorporating a daylight window in the attic space (window faced Main Street), a covered front porch, and ginger bread detailing at the peak of the roof (per the Architect, thematically, the style is reflective of "Victorian"). These characteristics are common to uses and improvements in the area.

In the case of the current filing, Staff has shared with the Petitioner during the course of the review of the filing our concern of how the current filing (meaning, the percentage of requested lot coverage) potentially facilitates the achievement of development characteristic that are atypical of properties (uses) in the area (and generally, the RV District). This concern, inclusive of the incorporation of two (2) garages and associated impervious surfaces, is a compelling factor in the formulation of Staff's recommendation. Based on a review of the totality of the filing, Staff's concern is not addressed by the recent amendments to the filing.

With the above in mind, Staff is not in support of the Petitioner's request to exceed the lot coverage permitted by Ordinance by 7.2% to a total of 42.2%.

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:

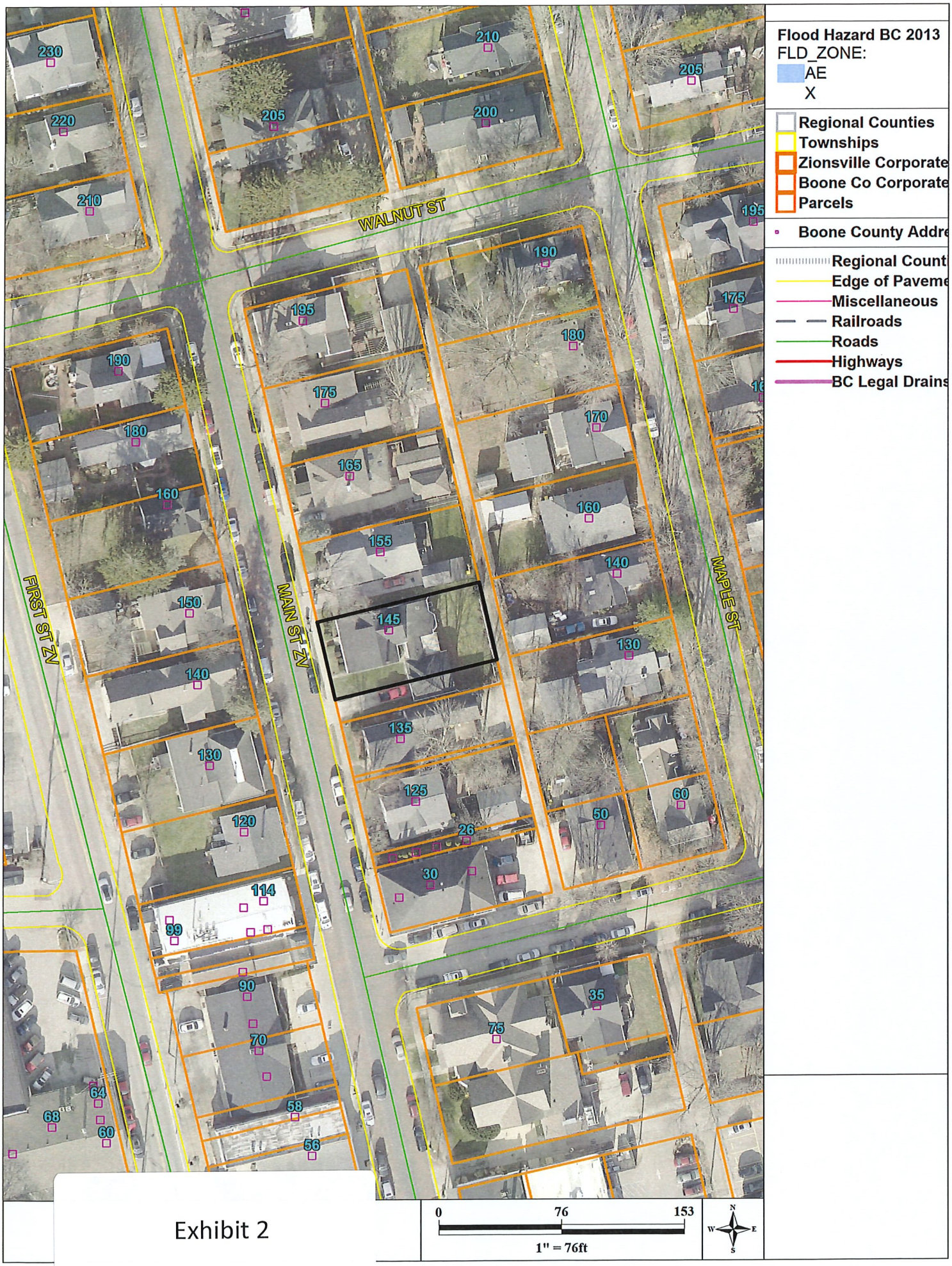
Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

STAFF RECOMMENDATIONS

Staff recommends denial of the Development Standards Variance for an increase of lot coverage up to 42.2% for the construction of a Single-Family Home & accessory uses.

RECOMMENDATION MOTION

I move that Docket #2020-04-DSV Development Standards Variance in order to provide for the construction of a Single-Family Home & accessory uses which: 1) Exceeds the required lot coverage of 35%, to 42.2% (all as illustrated on the site plan attached to this report), in the Residential Village Zoning District (RV) for the property located at 145 N Main Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations, as amended from the original filing / Denied / Continued).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Zionsville Corporate
Boone Co Corporate
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Edge of Paveme
Miscellaneous
Railroads
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BC Legal Drains
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Exhibit 2

NARRATIVE

The existing home at 145 N. Main St., here in Zionsville was purchased by Tim and Kathy Donnar with the idea of either a complete remodel or tear down with a newly improved main house and accessory buildings. In inspecting and canvasing the existing home on the property, the Donnar's quickly came to the conclusion that a remodel would be problematic, would cost a substantial sum of money and would not provide them an equivalent house that has been erected in recent years in and along the Main Street area.

The lot itself consists of 6,787 sq. feet. A copy of the site plan and survey is attached and the plot plan shows that the coverage, with the new build approved, will be 2,862 sq. feet for a lot coverage of 42.2%. The current lot coverage allowance, per the Ordinance in the Urban Village Residential District, is 35%. Hence a Variance will be needed to construct the home as currently proposed.

I've enclosed a copy of the basic home design including all elevations. The home was designed by Goldberg Design Group and will be a beautiful new home on Main Street. This proposed home and site plan will not require any additional front, side or rear yard setbacks and the applicant would suggest that this modest increase in lot coverage will be justified with the quality of the home to be constructed.

Exhibit 3

STATE OF INDIANA	**)**	**BEFORE THE ZIONSVILLE**
	) SS:	**BOARD OF ZONING APPEALS**
COUNTY OF BOONE	**)**	**FILE NO. 2020-04-DSV**

IN RE: THE MATTER OF THE VARIANCE APPLICATION,

TIMOTHY R. DONNAR and KATHRINE W. DONNAR,
Petitioner.

RECEIVED
APR 28 2020
TOWN OF ZIONSVILLE

SUBMISSION IN SUPPORT OF APPLICATION FOR VARIANCE

Tim and Kathy Donnar, long time residents and business owners in the Zionsville Community have purchased a house and lot at 145 N. Main Street. Prior to completing the purchase, the Donnars surveyed the home itself, not only with the building inspector, but with their architect and contractor. The Donnars determined, before purchasing, that it would not be in their interests or sensible financially to try to remodel the existing home.

The Donnars are seeking a Variance from the lot coverage requirement from the 35% to 42.2%. It has not been unusual, and in fact quite customary, for the Board to grant modest lot coverage Variances as the Village has transitioned from many older homes in need of repair to substantial structures in and throughout the Village, including Main Street.

While reasonable people may certainly disagree, this writer does not lament the loss of so many of the older homes that existed throughout the Village, many being in existence for 50 years or longer. Old does not necessarily translate into historic. What cannot be questioned is that the Variances that have been approved over the years by the Board of Zoning Appeals to allow new updated structures to be built throughout the Village has **substantially** increased the property values in the Village itself. To suggest that property values would be negatively affected by the approvals granted for lot coverage Variances by the Board generally or, in this instance, to grant this approval

Exhibit 4

for the Donnars' request for Variance, is simply not supported by any empirical information and, quite to the contrary, is systematically refuted given the values and prices now for homes in the Village.

The coordinated talking points of the letters of remonstrance in opposition to this Application for Variance fall into three (3) main categories.

1. First, the house should not be demolished, but restored;
2. Second, the house is too big for Main Street; and
3. Third, the Board simply should not grant lot coverage Variances to allow these homes to be built in the Village.

As to the first category, the Donnars thoroughly evaluated, inspected and consulted with professionals and, given the fact that they intend to occupy if the Variance is approved, they did not believe that a renovation of the home could be achieved either from a use or budget standpoint. However, given the level of opposition and the fact that many of the talking points suggested that the home should be renovated and restored, the Donnars allowed me to send to all of the surrounding property owners and the remonstrators that we knew of as of the date of that letter (April 23, 2020), a proposal for the community to purchase the house so that those who disagree with the Donnars as to demolition of the old house and construction of their new proposed home would be allowed to do what they thought might be best for the community (Exhibit 1). To that end and taking into account concerns raised about the tower and style of the home, the Donnars have approved a redesign that addressed those concern. Please find the new front façade that eliminates the tower and entrance and soften the front elevation and porch. I have included the old design so you can see the comparison (Exhibit 2). This design still requires a Variance to 42.2% but is a much more stylistic design that they believe will be a compliment to Main Street. We have a bright purple house on Mains Street,

Exhibit 4

not the Donnars choice of colors but the old and new on Main Street add to its charm in their opinion and they believe their new design is a much better fit for the Village. As to demolition, a permit has been issued and if the Donnars cannot put a house on the property that they believe would be an asset to Main Street and one that they would also like to live in, the older home at 145 N. Main St. will be demolished and a home of the Donnars choosing will be erected that would otherwise comply with the Town's requirements and without the benefit of further input from the community.

The second area of concern had to do with the fact that the house was simply too big. By way of square footage and lot coverage, this house will be modest to many of the homes now existing in the Village. It should be remembered that many of the older homes that existed on individual lots were removed over the years and larger houses constructed on multiple lots, some needing Variances and some not. Ironically, one of the first letters of remonstrance comes from Mr. Mervyn Cohen. I've enclosed a copy of that letter specifically to deal with his comments, as it would be advisable for the Board to go and look at Mr. Cohen's house and see how large it is and the fact that it exists on three (3) older building lots (Exhibit 3). The original house that existed was removed, per demolition permit, and Mr. Cohen bought the current house after it was constructed by the prior owner. I'm not offering this letter as my suggestion that there's anything wrong with the size and/or location of Mr. Cohen's house. It is perfectly reasonable and a beautiful home. However, this house, along with the house of Mr. and Mrs. John Stehr off of Sixth Street and Academy Drive, is a huge home that was granted a Variance and, it too dwarfs the other homes, but it is classy and beautifully done and will be a great addition to the area. Of course, this is my opinion and that of the Donnars and reasonable people might disagree with whether homes like Mr. Cohen's or Mr. and Mrs. Stehr's should be allowed to be built in the Village. An alternative taking from Mr. Cohen's letter is it is acceptable to live in such a large house (3900 sq. ft) only if you are

Exhibit 4

not the one to build it. We would assert that if there's ever a place for a larger home to be built, Main Street is a perfect example of why a larger home would be appropriate given the width of Main Street. In other words, Main Street is not one of the smaller local streets like most of the streets in the Village, but the main thoroughfare through the business district where on-street parking is permitted. Just down the street from the Donnars' proposed home are commercial structures, Nancy Noel's old studio, and across the ally from the 145 N. Main St. address is a home being built presently that is as tall or taller than the Donnars' proposed home. We believe it is fairly argued that a larger home on Main Street, with the dimensions of the street itself, is a much more appropriate location to build such a home than on one of the smaller side streets running through the Village.

Third, the argument seems to be made that the Board should not be granting lot coverage Variances or other potential Variances for the newly constructed homes in the Village. We have enclosed a list of recent Variances approved by the Board, several on Main Street (Exhibit 4). It is important for the Board to understand that the current older structure takes up almost the entire width of the lot, which is a regular building lot plus an additional 15' of width. As the Board can readily determine, the actual amount of the lot coverage requested falls somewhere in the middle of those having been recently approved by the Town. Again, while it is certainly not without an opposing viewpoint, the Donnars believe that the Variances that have been approved by the Board of Zoning Appeals has caused the Village to be beautified over the years with substantial renovation and/or tear down and new construction, to the benefit of the Town of Zionsville.

Respectfully submitted,

Michael J. Andreoli,
Attorney for Petitioners,
Timothy R. and Kathrine Donnar

Exhibit 4

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

RECEIVED
APR 28 2020
TOWN OF ZIONSVILLE

April 23, 2020

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, May 6, 2020, at 6:30 p.m.

Dear Surrounding Property Owners and Remonstrators:

My client has noted your remonstrance and we have received a demolition permit to remove the home at 145 N. Main Street, Zionsville.

As we have had a number of conflicting concerns from not tearing down the house and trying to restore it or, in the alternative, if you tear the house down put up a home in compliance with the lot coverage requirements, my client is reaching out to those who appear to be in opposition to see if anyone wants to buy the home and then do with it what you might think would be best for Main Street and the community. Accordingly, to date, they have the sum of $430,000.00 in the home which includes their purchase of the home, realty fees, attorney's fees and costs for their architect and contractors. If someone is interested in making a no contingency cash offer for this price, the home can be saved.

As our Public Hearing is scheduled for May 6 at 6:30 p.m., I would need to have something in place not later than Thursday, April 30. Otherwise, we will begin the demolition process as my client personally does not believe that the house can be appropriately restored. However, if somebody feels differently, here is your opportunity.

Very truly yours,

Michael J. Andreoli

MJA/ba

EXHIBIT
1

Exhibit 4

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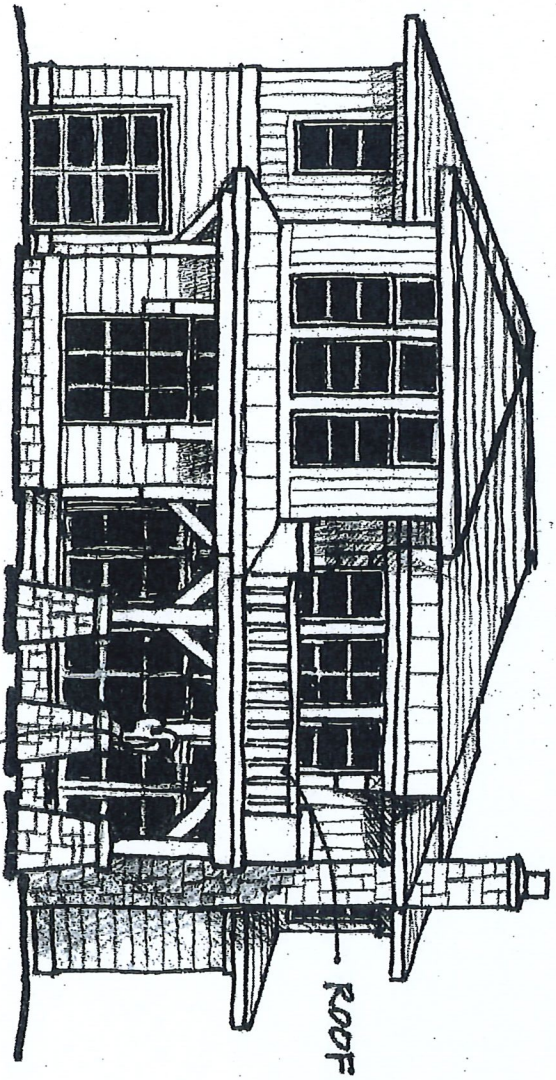
APR 28 2020
TOWN OF ZIONSVILLE



FRONT ELEVATION
1/32" = 1'-0"

THE EAGLE (ON MIDDLE PIER)

ROOF DECK

EXHIBIT
1

Exhibit 4

DATE:

GOLDBERG DESIGN GROUP
custom home design
317.582.1430
40 1st STREET N.W.
CARMEL, IN 46032
steve@goldbergdesigngroup.com
www.goldbergdesigngroup.com
AWARD WINNING HOME DESIGNS

DONNAR RESIDENCE
145 N. MAIN ST. Z'VILLE.

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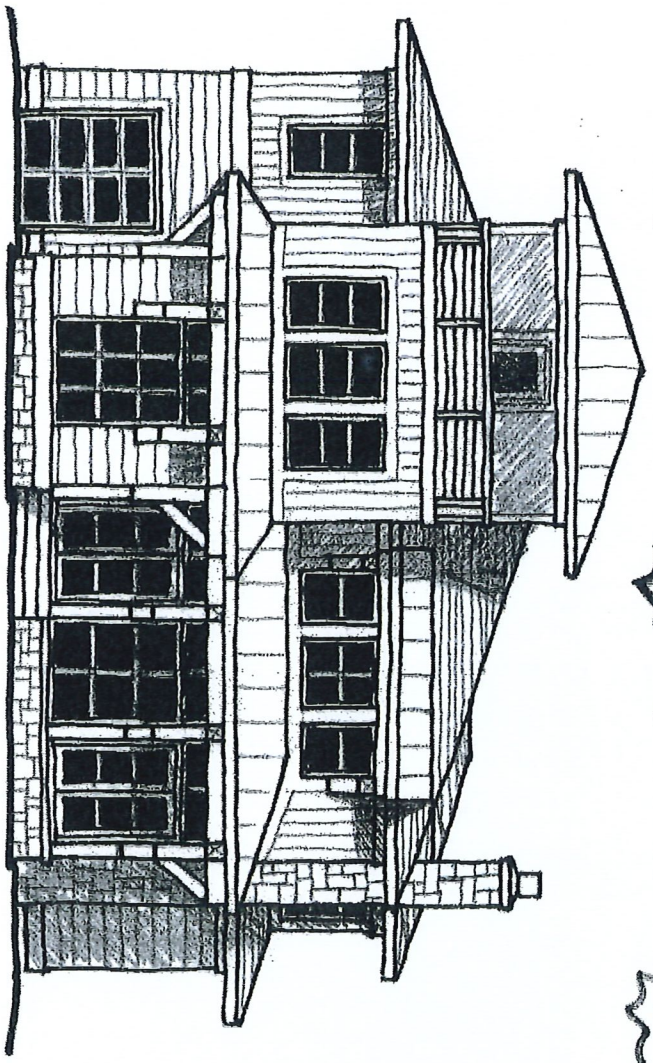
TOWN OF ZIONSVILLE



FRONT ELEVATION

3/32" = 1'-0"

Exhibit 4

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AWARD WINNING HOME DESIGNS

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145 N. MAIN ST. Z'VILLE.

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145 N Main St. Zionsville.
Petition for a variance for the construction of a large new home.
Docket Number 2020-04-DSV

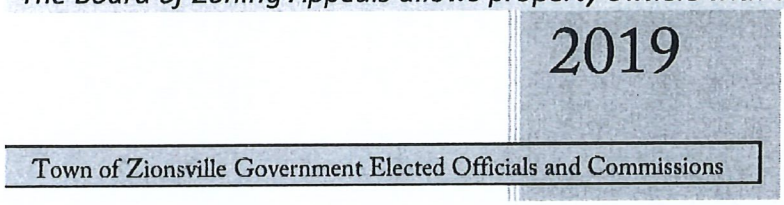
RECEIVED
APR 28 2020
TOWN OF ZIONSVILLE

To:
The members and legal counsel of the Zionsville Board of Zoning Appeals

This letter is written to you to oppose the granting of the above variance petition.
Approval of the variance petition would violate State Law and several local Zionsville Laws and regulations.
If approval is given, consideration will be given to an appeal to Indiana State Courts.

As will quickly become apparent, the evidence provided by the petitioner for their variance, does not meet the State and Local Laws and Regulations.

Town of Zionsville Government Elected Officials and Commissions 2019
Statutorily created boards and commissions.
page 9 **Board of Zoning Appeals - Powers and Duties states that:**
*"The Board of Zoning Appeals allows property owners with **unique conditions** on their property to seek relief"*



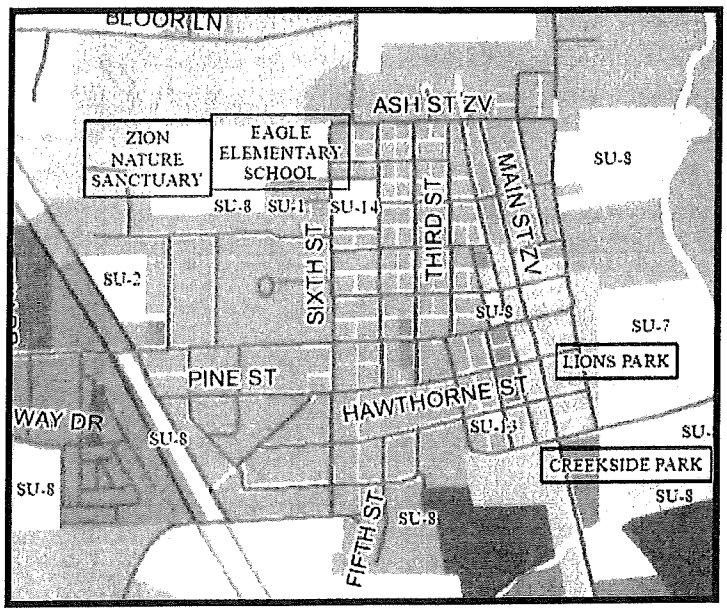
The submitted petition provides **no** evidence that there are **unique conditions on the property** to justify the variance approval.

The URBAN SPECIAL RESIDENTIAL Planning and Zoning Ordinance (Zionsville 194.052).
This is a special Zionsville Zoning law. It covers only the Village which is termed the 'special residential/village residential" district.
The first paragraph of this ordinance states:

> " The R-V Village Residential District is established "to promote and **maintain the historic core** of village neighborhoods. The development standards **reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".**
> The *Village Residential District* is what we usually call "The Village". It is outlined in blue on the map.

EXHIBIT
3

Exhibit 4



The new property to be built by the petitioner violates the intent of the above Zionsville Law.

1. It does not maintain the ***historic core*** of the Village. Rather it will result in the destruction of a small home that is 105 years old, in excellent condition and that was purchased last year for about $350,000.00
2. The proposed new home is very much larger, than nearby homes with much greater lot coverage. It does not ***reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".***

Precedent is not a valid legal reason for the granting of a variance. The fact that several variances have been granted in the last few years to build larger homes on Main Street is not reason to grant another similar variance. In fact most homes on Main Street in Zionsville are still small historic old homes.

One State Law, one supporting Zionsville Law and the Zionsville Board of Zoning Appeals *Rules of Procedure* mandate completion of a "Findings of Fact" Form

Indiana State Law IC 36-7-4-918.4 Indiana State *"Findings of Fact"* law

*"Zoning variances may be approved only upon a determination in writing (Findings of Fact) that the petition for the variance meets **all** of the required legal criteria on the "Findings of Fact form".*

Zionsville Town Law § 194.202 BOARD OF ZONING APPEALS.

*A variance from development standards may be approved only upon written determination that it meets **all** of the criteria on the "Findings of Fact" form.*

Zionsville Board of Zoning Appeals rules of procedure (November 2019):

Section II item 4. Findings of Fact

The Board shall, in all cases heard by the Board, make written Findings of Fact in support of the Board's decision.

Section VI. Final Disposition of Petitions section 7. Findings of Fact

The Board is required to enter written "Findings of Fact" in support of its determinations.

Exhibit 4

I am fully aware of the rules governing the *"Findings of Fact form"*.
It is *extremely important*. It is a one-page document mandated by INDIANA STATE LAW. It requires that the granting of any variance must address and satisfy all three statements on the form.
I am also aware that the entire process of application, evaluation and decision making regarding the variance petition actually involves **two** *"Findings of Fact"* forms. The first is completed by the petitioner - each petitioner is required , in their initial petition submission, to provide their own answers to the statements on a *"Findings of Fact"* form. This is then considered by the Zoning Board of Appeals as part of all the evidence for and against the petition. When the Zoning Board of Appeals has held a public hearing, evaluated the answers provided by the petitioner on their submitted *"Findings of Fact"* form (and any other supporting materials that the petitioner has submitted) the Board of Zoning Appeals make its final decision. This final decision **requires** the Board of Zoning Appeals to fill out (as required by State and Zionsville Law) its ***own*** *"Findings of Fact "* form. (this is the second Findings of Fact form referred to above). Every member of the Board then **signs this form** attesting to both their written opinions and final variance denial or approval.

I will now argue that the petitioner has not met the required standard. The reasons they provided in response to the three statements do not meet required regulations. By Law they must provide adequate response to ALL 3 statements. I will copy their actual answers on their *"Findings of Fact"* form, submitted in their petition.

***"Findings of Fact"* form – statement 1 is:**
The grant will not be injurious to the public health, safety, morals and general welfare of the community because...

The response from the petitioner is:
"we have sufficient acreage that this will not appear crowded or cluttered. Also, the new home will be an improvement over the existing older structure."

My response:

- There is not sufficient acreage. If there was sufficient acreage, there would be no need for a variance
- In what manner is a new home an improvement? The old home is in excellent condition. Many in the Village prefer the look of the old historic homes
- The petitioner has not addressed the items that should be in their response. These include neighbors lose sun light, consideration of water drainage, impact on neighbor's emotions and wellbeing, impact of emotions of all Village residents and their emotional love of historic nature of village, visual appeal of the home,

***"Findings of Fact"* form – statement 2 is:**
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:...

The response from the petitioner is:
"the incremental increase in lot coverage will coexist with a number of other remodeled and/or new homes in and along Main Street".

My response:

- I agree that there are a few other new large homes that have been built on Main Street. Precedent is not however an adequate reason for the granting of another Variance. Also **most** of the homes on Main Street are still OLD HISTORIC homes.
- The petitioner has not addressed the items that should be in their response. These include

- The impact of the destruction of old historic homes on the value of the Village as an Historic attraction for home buyers and visitors supporting our businesses. This attraction of the Village could fall as old historic homes are destroyed.
- There could be an increase in taxes of neighbors' homes because of the increased value and tax rating of the new constructed home.

***"Findings of Fact"* form – statement 3 is:**
Strict application of the terms of the zoning ordinance will result in **unnecessary hardships** in the use of the property because:..

The response from the petitioner is:
"the price points now existing in and along Main Street and the surrounding environs now requires a new home over a remodel provide the size and scope of the proposed main house with accessory structures.

My response:

- I cannot understand the response from the petitioner. It certainly does **not** prove that they will suffer **unnecessary hardship** if their variance is denied.
- The applicant must meet ALL of the following standards in order an prove unnecessary hardship:
  - The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood. An example may be a property with no road access without the variance.
  - That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - That the alleged hardship has **NOT** been self-created, and is not just a personal desire.

Members of the Zionsville Board of Zoning Appeals, I do thank you for reviewing this document. It is lengthy and it provides you with multiple legal reasons for denying the petition for the variance at 145 North main Street in the historic Zionsville village.

Respectfully submitted

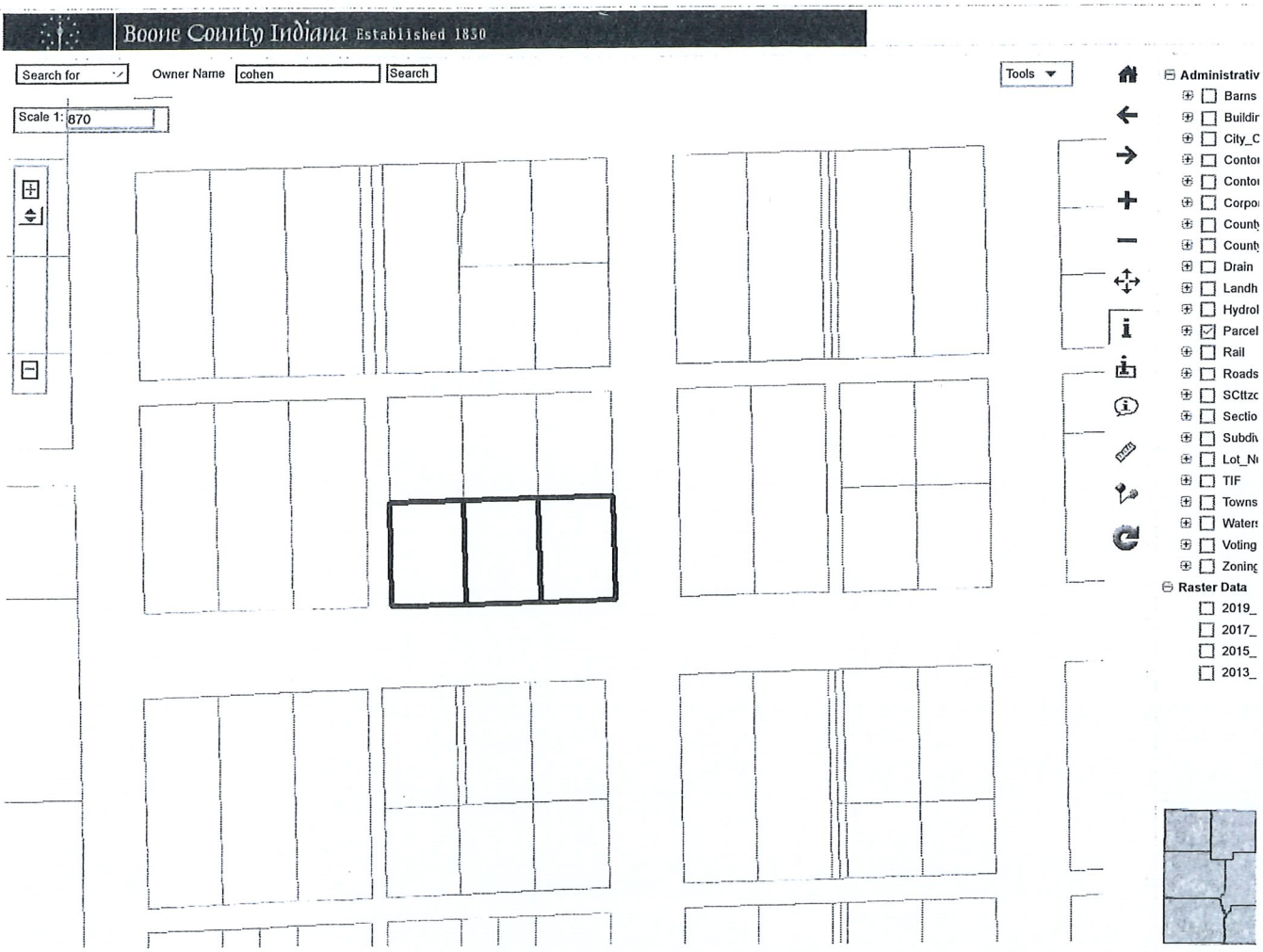
Mervyn Cohen
520 West Cedar Street, Zionsville
mecohen@iu.edu 317417-2628

Exhibit 4

Owner Name: COHEN MERVYN & JANET
Owner Address: 520 W CEDAR ST ZIONSVILLE, IN 46077

Parcel Number: 019-02860-00
State Parcel Number: NA
Property Address: 520 W CEDAR ST
Legal Description: CROSSES 4TH LOTS 109 110 & 111 S PTS
Subdivision: NA
Acreage: 0.24
Section Township Range: NA
Last Land Transfer: NA
Assessment: 827500

Exhibit 4



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X: 3182297 Y: 1714210

Exhibit 4

Parcel Number	
019-02860-00	
County	BOONE, IN
Township	EAGLE
Corporation	
District	
Plat	
Map	
Alt Parcel	06-04-02-000-003.163-006
Property Class	510
Tax District	019 Zionsville
Neighborhood	19510-zionsville village res-19510

Property Address
520 W CEDAR ST
ZIONSVILLE, IN 46077

Topography	Pub. Utilities	Street or Rd.	Neighborhood
☑ Level	☐ Water	☐ Paved	☑ Improving
☐ High	☐ Sewer	☐ Unpaved	☐ Static
☐ Low	☐ Gas	☐ Proposed	☐ Declining
☐ Rolling	☐ Electricity	☐ Sidewalk	☐ Other
☐ Swampy	☐	☐ Alley	☐ Blighted

Ownership
Name
COHEN MERVYN & JANET

Address
520 W CEDAR ST
ZIONSVILLE, IN 46077

Account	47131		
Book		Page	

Legal
CROSSES 4TH LOTS 109 110 & 111 S PTS

Transfer of Ownership Year 2019 Card 1

Date	Grantor	Valid	Amount	Type
Sep 20, 2007	BESORE CAROL J - Jun 04, 2007	Y	800000.00	Straight

Exhibit 4

VALUATION RECORD

Assessment Year		2019	2018	2017
Reason for Change				
Land	Homestead-C1	134,200	134,200	134,200
	Residential-C2	0	0	0
	Non-Residential-C3	0	0	0
	Total Land	134,200	134,200	134,200
Improvements	Homestead-C1	740,800	693,300	655,400
	Residential-C2	0	0	0
	Non-Residential-C3	0	0	0
	Total Imp	740,800	693,300	655,400
Total Assessed Value:		875,000	827,500	789,600

Property Sub Class: RES ONE FAMILY PLATTED LOT-510

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Memorandum

Updated per field review -- Add FP stack/openings, tub w/ jet, BrP for 12p13
2014 pay 2015 Update per Field Review - Updated Sketch NC
Attic ovr gar to 1/2st & Corr Bsmt Area per DH
2016 pay 2017 Update per Field Review - No Change
2020 pay 2021 no change per pictometry review

LAND DATA AND COMPUTATIONS

Land Type	Actual Frontage	Effective Frontage	Effective Depth	Factor	Base Rate	Adjusted Rate	Estimated Value	Influence Factor	Land Value
		Acreage / Sq. Ft.							
9			0.240	2.04	274000.00	558960.00	134150		134150

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Total Residential Land Value	134200
Total Non-Residential Land Value	0
Total Acreage 0.24	Total Land Value 134200

Land Type

F	Front Lot	81	Legal Ditch
R	Rear Lot	82	Public Road
1	Comm. Ind. Land	83	Utility Trans. Tower
11	Primary	9	Homesite
12	Secondary	91	Res. Excess Acres
13	Undeveloped Usable	92	Ag Excess Acres
14	Undeveloped Unusable		
2	Classified Land		
3	Undeveloped Land		
4	Tillable Land		
5	Non-tillable Land		
6	Woodland		
7	Other Farmland		
8	Ag Support Land		

Influence Factors

0	Other	5	Misimprovement
1	Topography	6	Restrictions
2	Under Improved	7	Traffic Flow
3	Excess Frontage	8	View
4	Shape or Size	9	Corner Infl.

Occupancy		Story Height	Attic	Bsmt	Crawl
1	☑ Single Family	1.50	0 ☑ None	0 ☐ None	0 ☑
2	☐ Duplex		1 ☐ Unfin	1 ☐ 1/4	1 ☐
3	☐ Triplex	1 ☑ Other	2 ☐ 1/2 Fin	2 ☐ 1/2	2 ☐
4	☐ 4-6 Family	2 ☐ Bi-level	3 ☐ 3/4 Fin	3 ☑ 3/4	3 ☐
5	☐ M home	3 ☐ Tri-level	4 ☐ Fin	4 ☐ Full	4 ☐
0	☐ Row Type				

Construction		Base Area	Floor	Fin.Liv.Area	Value
1 Frame or Alum.	1	2,273	1.00	2,273	126,000
2 Stucco	1	2,803	.50	2,803	58,300
3 Tile					
4 Concrete Block					
5 Metal					
6 Concrete					
7 Brick	—		Attic		
8 Stone	—	1,705	Basement		33,700
9 Frame w/Masonry	—		Crawl	———	

Roofing	
Asphalt Shingles	☑
Slate or Tile	☐
	☐
Metal	☐

Floors	1	2
Earth	☐	☐
Slab	☐	☐
Sub & Joists	☑	☐
	☐	☐
Wood	☐	☐
Parquet	☐	☐
Tile	☐	☐
Carpet	☑	☐
Linoleum	☐	☐
Unfinished	☐	☐

Interior Finish	1	2
Plaster/Dry Wall	☑	☐
Paneling	☐	☐
Fiberboard	☐	☐
	☐	☐
Unfinished	☐	☐

Accommodations	
Total # Rooms	12
Bedrooms	4
Family Room	1
Formal Dining Room	0
Rec Room Type	
Rec Room Area	
Fireplace Stacks	2
☑ Metal Openings	3

Heating / Air Conditioning	
Central Warm Air	☑
Hot Water or Steam	☐
Heat Pump	☐
No Heat Gravity/Wall/Space	☐
Central Air Cond.	☑

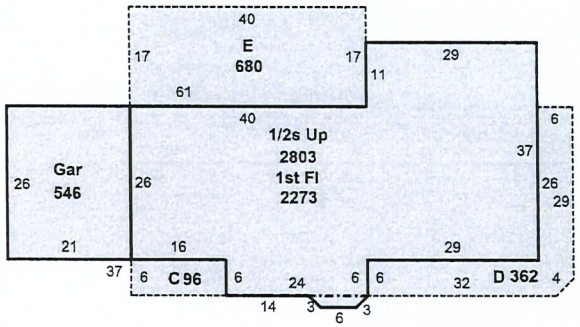
Plumbing	#	TF
Full Baths	2	6
Half Baths	1	2
Kitchen Sink	1	1
Water Heater	1	1
Extra fixtures		3
Total		13
No Plumb/Wtr Only	☐	

	Total Base	218,000
	Row-Type Adjustment	1.00
sq.ft.	SUB-TOTAL	218,000
	Full Unfin Interior (-)	
	Half Unfin Interior (-)	
	Extra Living Units (+)	
	Rec. Room (+)	
	Fireplace (+)	8,600
	Loft (+)	
	No Heat (-)	
5076	Air Conditioning (+)	7,000
	No Electricity (-)	
	Plumbing (-/+) TF:13 - 5 = 8	6,400
	Specialty Plumbing (+)	
	Special Features	
	Sub-Total One Unit	240,000
	Sub-Total 1 Unit(s)	240,000
	Garages	
	Integral (-)	
546	Attached Garage (+)	14,500
	Attached Carport (+)	
	Basement (-)	
	Exterior Features	24,700
	Sub-Total	279,200
	Grade and Design A-	150
	Location Multiplier	1.00
	Replacement Cost	418,800

REMODELING & MODERNIZATION	Amount	Date
Exterior		
Interior		
Kitchen		
Bath Facilities		
Plumbing System		
Heating System		
Electrical System		
Extensions		

Sketch

Parcel Number	019-02860-00	Residential	Card 1



1st Fl)1sFr 2273/.75B 1704.75- 1/2s Up)1/2sFr 2803 Gar)G(2c) 546 C)OFP 96 D)OFP 361.5 E)BrP-T 680

Value Adjustment / Exterior Features

Value Adjustments

Exterior Features
Patio- Flagstone or brick- Ter - 1 - 680sf - 9800
Porch- Open Frm/ equal- 1st fl - 1 - 96sf - 4400
Porch- Open Frm/ equal- 1st fl - 1 - 362sf - 10500

Exhibit 4

SUMMARY OF IMPROVEMENTS

Use	Ht.	Const Type	Grd	Year Const	Efftv Year	Cnd	Base Rate	Feat	Adj Rate	Size or Area	LCM	No. Un.	Rplc Cost	Dep Obs	REM Val	% Cmp	Nbhd Factor	Trend Fctr	Improvement Value
Dwelling		Frame	A-	2005	2005	A				6781	1.00		418800	12	368540	100	2.01	1.00	740800

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Card Improvement Total	740800
Total Improvement Value	740800

Meeting Date	Docket #	Name	Address	Variance	Approved
12/11/2018	2018-45-DSV	B. Bobbitt	465 W. Poplar	42.70%	1/8/2019
3/12/2019	2019-02-DSV	A. Braun	805 W. Pine	43.12%	3/12/2019
3/12/2019	2019-05-DSV	T. Dalberg	596 W Linden Street	45.00%	3/12/2019
3/12/2019	2019-06-DSV	Rottmann Collier	160 N. Main Street	46.00%	3/12/2019
7/9/2019	2019-14-DSV	T. Viskanta	250 N. Maple Street	40.54%	8/13/2019
10/8/2019	2019-28-DSV	Georgian Group	240 N. Main Street	48.00%	
3/4/2020	2020-04-DSV	T. Donnar	145 N. Main Street	42.20%	
3/4/2020	2020-06-DSV	M. Marlowe	140 N. 4th Street	40.00%	
12/12/2017	2017-46-DSV (B)	S. Singer	145 N. 3rd Street	50.00%	1/9/2018
3/13/2018	2018-03-DSV	J. Stehr	190 N. 6th Street	51.20%	
5/9/2018	2018-16-DSV	J. Gill	190 N. Main Stret	41.60%	5/9/2018
6/5/2018	2018-21-DSV	Bakers Corner, LLC	140 N. Maple Street	42.70%	6/5/2018
7/10/2018	2018-23-DSV	C. Gregory	505 W Sycamore	39.00%	7/10/2018
8/14/2018	2018-27-DSV	J. Blandford	380 W Walnut Street	41.00%	9/11/2018
9/11/2018	2018-33-DSV	Rottmann Collier	260 N. Main Street	47.00%	9/11/2018
3/14/2017	2017-02-DSV	L. Hackman	130 N. Maple	42.50%	3/14/2017
4/11/2017	2017-07-DSV	D. Mikell	165 N. Maple Street	41.50%	5/9/2017
11/14/2017	2017-40-DSV	V. Brewer	150 N. Main Street	45.50%	11/14/2017

EXHIBIT
4

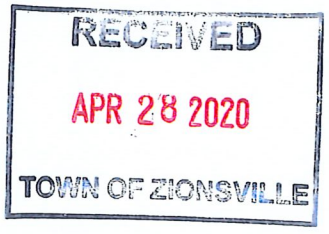
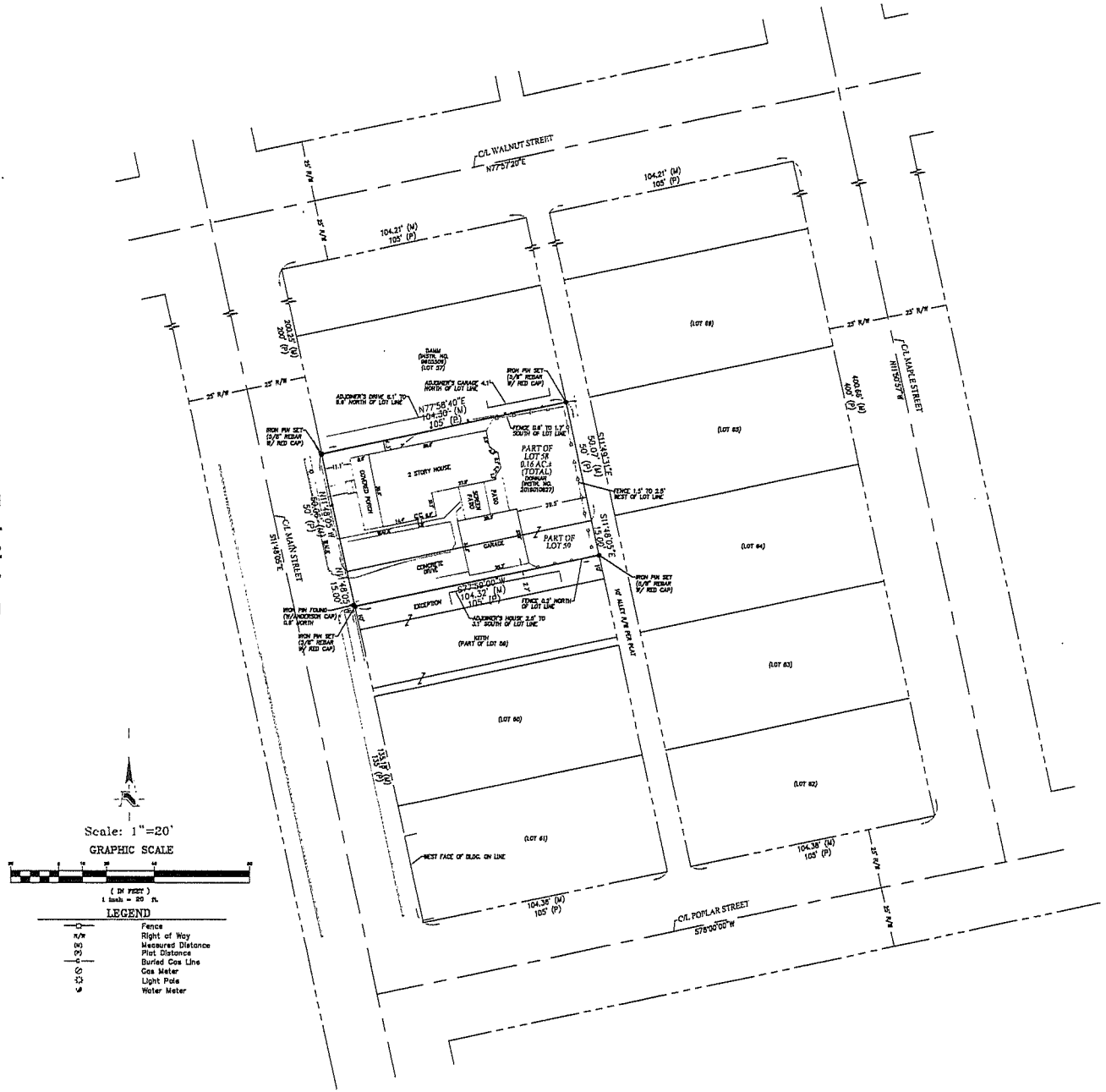


Exhibit 4

Exhibit 5



Scale: 1"=20'

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

LEGEND

	Fence
R/W	Right of Way
(M)	Measured Distance
(P)	Plat Distance
	Buried Gas Line
	Gas Meter
	Light Pole
	Water Meter

Certificate of Survey

I, the undersigned, a Registered Land Surveyor in the State of Indiana, certify that this survey was prepared under my supervision and, to the best of my knowledge and belief, was executed according to survey requirements in 865 IAC 1-12 for a retracement survey.

Property Address: 145 N. Main Street, Zionsville, IN 46077

Property Description (Instr. No. 2019018627):

Lot No. 58 and the North half of lot No. 59, except a strip 10 feet of uniform width off of and across the entire South side of said Lot No.59, all in Oliver's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, page 59, in the Office of the Recorder of Boone County, Indiana.

Surveyor's Report for Job #191048

In accordance with Title 865, Article 1 1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted of the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments
(B) Occupation or possession lines
(C) Clarity or ambiguity of the record descriptions used and of adjoiners descriptions, and the relationship of the lines of the subject tract with adjoiners' lines.
(D) The Relative positional accuracy of the measurements

(A) Reference Monuments:

Authentic original lot corners are controlling monuments in the retracement of lot lines. For the most part, such original monuments have been obliterated with time. In the absence of such original corners, improvements (such as streets and alley ways) which appear to have been placed and/or constructed with the benefit of such original monumentation are used as best evidence of original lot lines. This survey based on the centerlines of Walnut Street, Main Street, Maple Street, and Poplar Street

In this surveyor's opinion, the maximum uncertainty of the lines and corners of the surveyed parcels due to reference monuments is ±0.80 feet.

Unless noted otherwise, monuments set this survey are 5/8" diameter x 24" long rebar with red cap stamped FIRM #2066 placed at ground level.

(B) Possession Lines:

1.) Adjoiner's house 2.5 to 3.1 feet South of South deed line
2.) Fence 0.2 feet North of South deed line.
3.) Fence 1.5 to 2.5 feet West of West lot line.
4.) Fence 0.8 to 1.7 feet South of North lot line.
5.) Adjoiner's garage 4.1 feet North of North lot line.
6.) Adjoiner's drive 6.1 to 8.8 feet North of North lot line.
(The above should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines.)

(C) Record Descriptions:

The record descriptions for the adjoining real estate were obtained from the Boone County Recorder's Office and mathematically reviewed in an effort to disclose possible gaps and/or overlaps between the lines of the surveyed tract and those of the adjoiners. It is this surveyor's professional opinion that there are no uncertainties in the lines of the surveyed real estate and those of the adjoiners due to discrepancies in the record descriptions.

(D) Relative Positional Accuracy of Measurement:

The Relative Positional Accuracy of the corners of the subject tract established for this survey is within the specifications for a Suburban survey (+/- 0.13 feet plus 100 parts per million) as defined in 865 IAC 1-12-8, effective May 4, 2006. ("Relative Positional Accuracy" 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 95 percent confidence level.)

As a result of the above observations, it is this surveyor's professional opinion that the uncertainties in the locations of the lines and corners found along the perimeter of the surveyed tract established on this survey are as follows:

1) Due to Variances in reference monuments: Concerning record y title corners: See above
2) Due to Discrepancies in the record descriptions: See above
3) Due to inconsistencies in lines of occupation: concerning physical evidence, See above
4) Due to Measurements (Relative Positional Accuracy): See above.

Theory of Location:

The boundary lines of the subject tract were reestablished based upon the plat of Oliver's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, page 59, in the Office of the Recorder of Boone County, Indiana and the field location of street, curbs as they exist at the date of this survey. Existing curb locations of the block bounded by Walnut Street, Maple Street, Poplar Street and Main Street were located at the vicinity of the subject property. The midpoints of said curbs were utilized to establish the physical centerlines of said streets and the subsequent center of the rights of way thereof (See Availability and condition of reference monuments above). Said street centerlines were then offset the "half right-of-way widths" as per the above stated record plat to establish the right of way lines of said streets. Proportional measurements with respect to the measured and plat dimensions for the block were utilized to establish the lines and corners of the surveyed tract.

Survey Completed: November 23, 2019

Certified: November 26, 2019

Per: Timothy R. Dreher

CHAD L. BROWN
REGISTERED
LS21100002
STATE OF
INDIANA
LAND SURVEYOR

Chad L. Brown, Registered Land Surveyor, Indiana #LS21100002
Job #191048

NOTES:

1.) The underground utilities depicted on the attached plat of survey have been located per utility location markings on the ground as provided by the Indiana Underground Plant Protection Service

2.) Zoning requirements (such as setback lines, etc.) are not part of this assignment and are intentionally omitted from this/their plat

3.) This survey was prepared without benefit of a current land title commitment and is subject to review of such document.

4.) Based upon a scaled interpretation of the FLOOD INSURANCE RATE MAP, PANEL 334 of 375, MAP NO. 18011C0334E for Boone County, Indiana, dated January 18, 2012 (Contains Town of Zionsville Community Number 180016) the within described real estate IS NOT located within a Special Flood Hazard Area mandated by 100-year flood as established by the Federal Emergency Management Agency for the National Flood Insurance Program. The within described real estate is located within (shaded) Zone X (Areas of 0.2% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood). Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM), and shall not be construed as a confirmation or denial of flooding potential.

5.) No warranty, either express or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to it's fitness for any particular purpose or use. In no event will Hahn Surveying Group, Inc., it's employees, agents, and /or assigns be liable for any damages arising out of the furnishing and/or use of such information.

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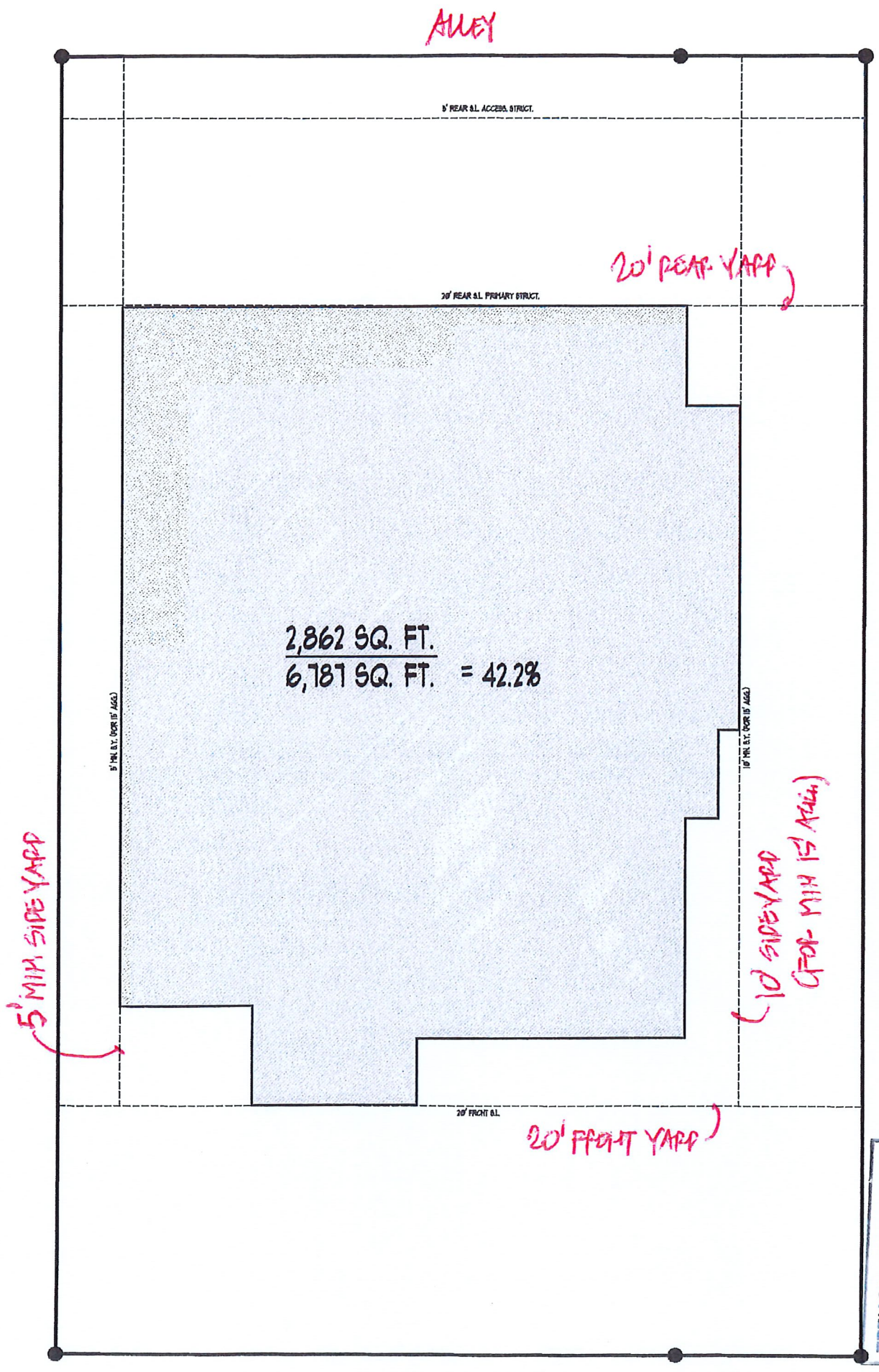
Retracement Survey–145 N. Main Street
Zionsville, Indiana 46077

SHEET 1 OF 1

HAHN SURVEYING GROUP, INC.
LAND SURVEYORS – Established in 1975
8825 N. Meridian Street, Suite 102
Indianapolis, IN 46260
www.hahnsurveying.com – Phone: (317) 846-0840

DRAWING BY: JG CHECKED BY: CLB 191048

Client: Mike Andreoli



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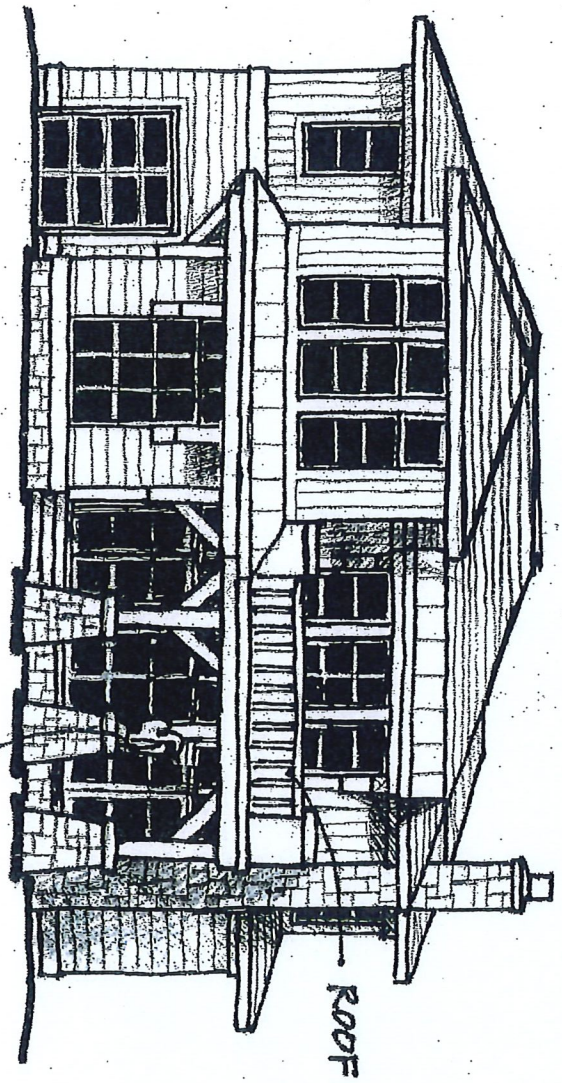

FRONT ELEVATION

3/32" = 1'-0"

THE EAGLE (ON MIDDLE PIER)

ROOF DECK

EXHIBIT 1

Exhibit 7

DATE:

GOLDBERG DESIGN GROUP
custom home design
317.582.1430
40 1st STREET N.W.
CARMEL, IN 46032
steve@goldbergdesigngroup.com
www.goldbergdesigngroup.com
AWARD WINNING HOME DESIGNS

DONNAR RESIDENCE
145 N. MAIN ST. Z'VILLE.

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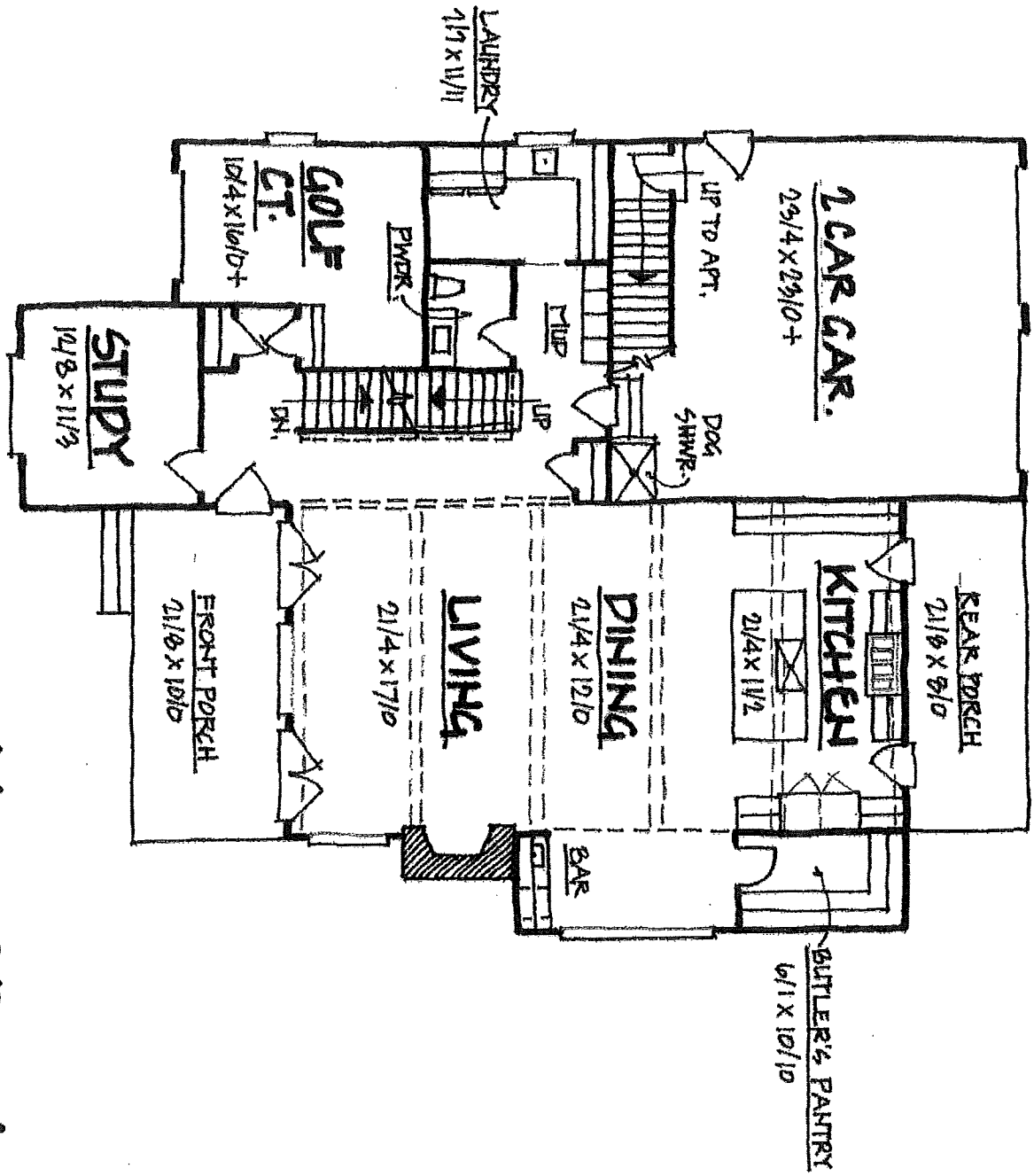


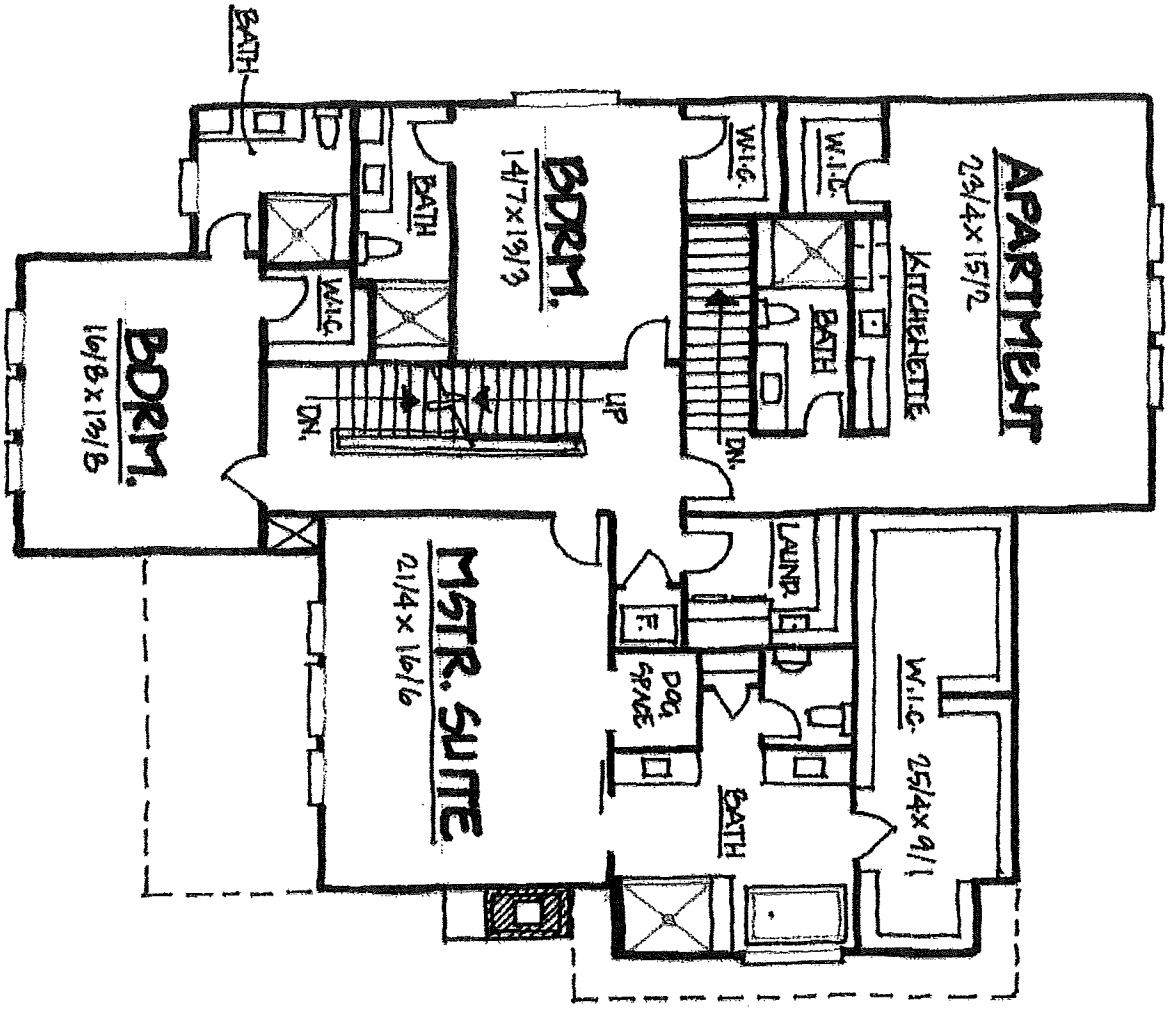
MAIN FLOOR PLAN

3/32" = 1'-0"

1,674 SQ. FT.

Exhibit 7

DATE:	GOLDBERG DESIGN GROUP custom home design	317.582.1430 40 1st STREET N.W. CARMEL, IN 46032 steve@goldbergdesigngroup.com www.goldbergdesigngroup.com AWARD WINNING HOME DESIGNS	DONNAR RESIDENCE 145 N. MAIN ST. Z'VILLE.	© COPYRIGHT 2019 BY GOLDBERG DESIGN GROUP, INC. ALL RIGHTS RESERVED.



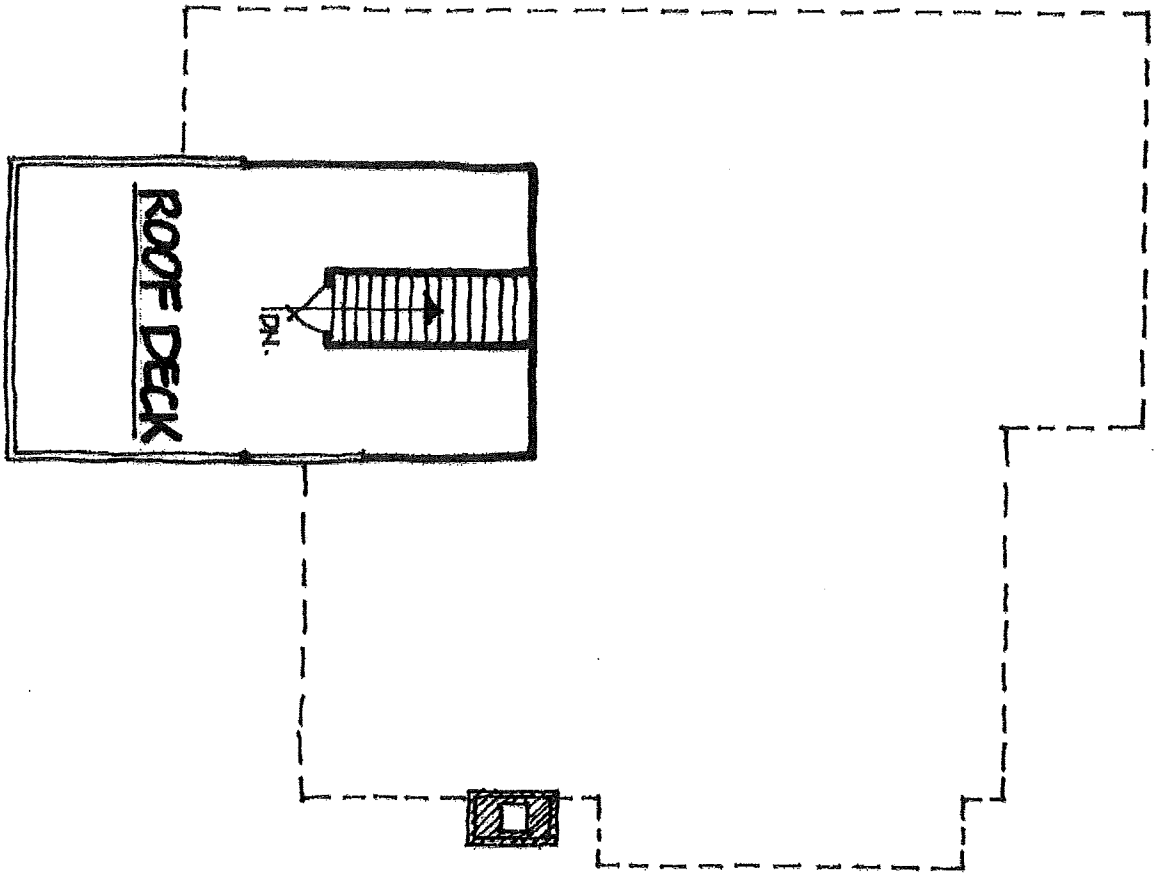
SECOND FLOOR PLAN

3/32"=1'-0"

2,453 SQ. FT.

Exhibit 7

DATE:	GOLDBERG DESIGN GROUP custom home design	317.582.1430 40 1st STREET N.W. CARMEL, IN 46032 steve@goldbergdesigngroup.com www.goldbergdesigngroup.com AWARD WINNING HOME DESIGNS	DONNAR RESIDENCE 145 N. MAIN ST. Z'VILLE.	© COPYRIGHT 2019 BY GOLDBERG DESIGN GROUP, INC. ALL RIGHTS RESERVED.



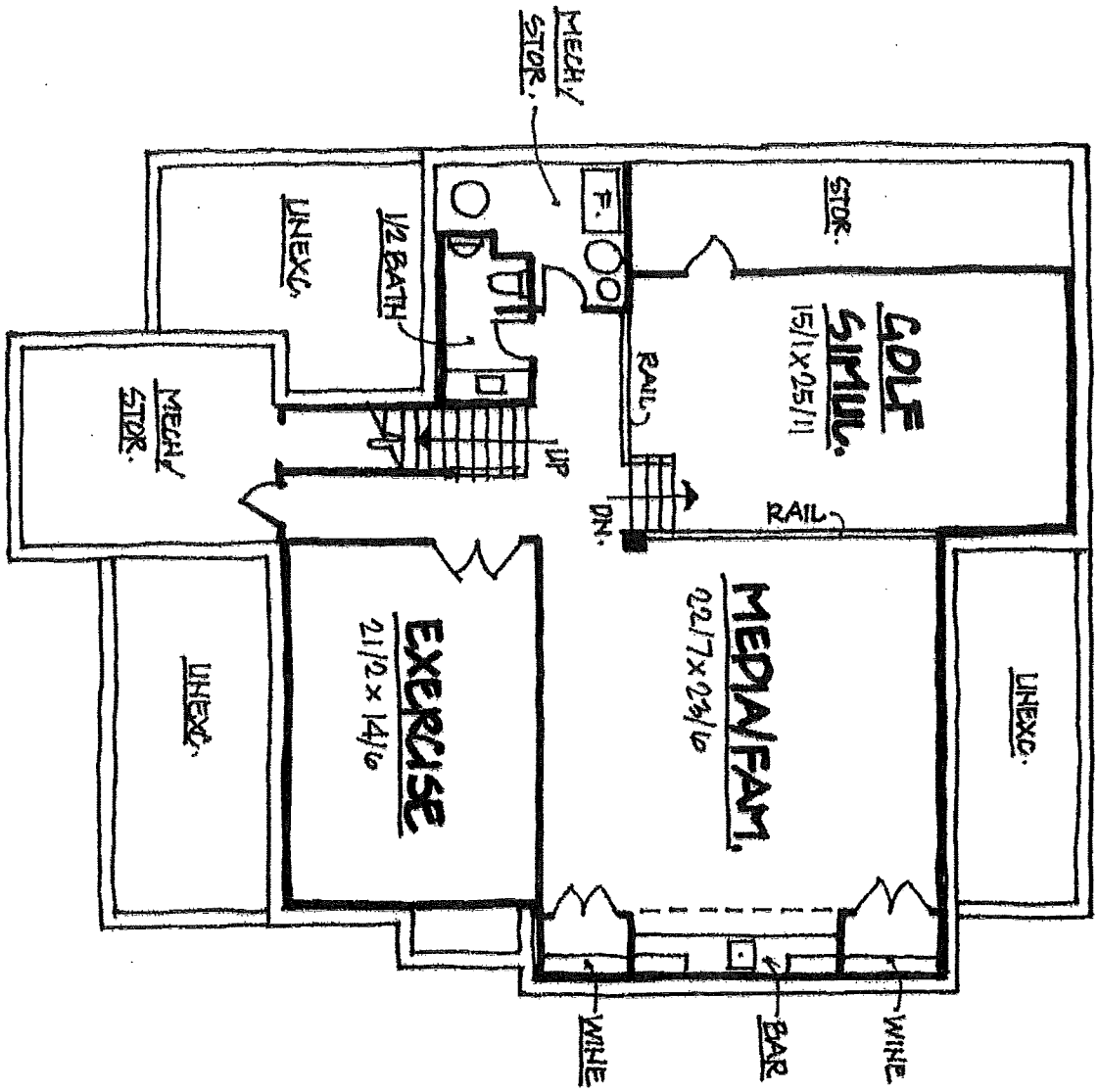
THIRD FLOOR / ROOF DECK

3/32" = 1'-0"

526 SQ. FT.

Exhibit 7

DATE:	GOLDBERG DESIGN GROUP custom home design	317.582.1430 40 1st STREET N.W. CARMEL, IN 46032 steve@goldbergdesigngroup.com www.goldbergdesigngroup.com AWARD WINNING HOME DESIGNS	DONNAR RESIDENCE 145 N. MAIN ST. Z'VILLE.	© COPYRIGHT 2019 BY GOLDBERG DESIGN GROUP, INC. ALL RIGHTS RESERVED.



LOWER LEVEL PLAN

3/32" = 1'-0"

1,619 GR. FT. FIN.

Exhibit 7

DATE:	GOLDBERG DESIGN GROUP custom home design	317.582.1430 40 1st STREET N.W. CARMEL, IN 46032 steve@goldbergdesigngroup.com www.goldbergdesigngroup.com AWARD WINNING HOME DESIGNS	DONNAR RESIDENCE 145 N. MAIN ST. Z'VILLE.	© COPYRIGHT 2019 BY GOLDBERG DESIGN GROUP, INC. ALL RIGHTS RESERVED.

Petition No. 2020-04 -DSV
T. DONNOR

TOWN OF ZIONSVILLE
BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals and general welfare of the community because: **we have sufficient acreage that this will not appear crowded or cluttered. Also, the new home will be an improvement over the existing older structure.**

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: **the incremental increase in lot coverage will coexist with a number of other remodeled and/or new homes in and along Main Street.**

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **the price points now existing in and along Main Street and the surrounding environs now requires a new home over a remodel provide the size and scope of the proposed main house with accessory structures.**

DECISION

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

Adopted this _____ day of _____, 2020.

_____

_____

_____

_____

_____

Exhibit 8

STATE OF INDIANA	)	**BEFORE THE ZIONSVILLE**
	) SS:	**BOARD OF ZONING APPEALS**
COUNTY OF BOONE	)	**FILE NO. 2020-04-DSV**
IN RE: THE MATTER OF THE VARIANCE APPLICATION,	)	
TIMOTHY R. DONNAR and KATHRINE W. DONNAR,	)	
Petitioner.	)	

SUBMISSION IN SUPPORT OF APPLICATION FOR VARIANCE

Tim and Kathy Donnar, long time residents and business owners in the Zionsville Community have purchased a house and lot at 145 N. Main Street. Prior to completing the purchase, the Donnars surveyed the home itself, not only with the building inspector, but with their architect and contractor. The Donnars determined, before purchasing, that it would not be in their interests or sensible financially to try to remodel the existing home.

The Donnars are seeking a Variance from the lot coverage requirement from the 35% to 42.2%. It has not been unusual, and in fact quite customary, for the Board to grant modest lot coverage Variances as the Village has transitioned from many older homes in need of repair to substantial structures in and throughout the Village, including Main Street.

While reasonable people may certainly disagree, this writer does not lament the loss of so many of the older homes that existed throughout the Village, many being in existence for 50 years or longer. Old does not necessarily translate into historic. What cannot be questioned is that the Variances that have been approved over the years by the Board of Zoning Appeals to allow new updated structures to be built throughout the Village has **substantially** increased the property values in the Village itself. To suggest that property values would be negatively affected by the approvals granted for lot coverage Variances by the Board generally or, in this instance, to grant this approval

for the Donnars' request for Variance, is simply not supported by any empirical information and, quite to the contrary, is systematically refuted given the values and prices now for homes in the Village.

The coordinated talking points of the letters of remonstrance in opposition to this Application for Variance fall into three (3) main categories.

1. First, the house should not be demolished, but restored;
2. Second, the house is too big for Main Street; and
3. Third, the Board simply should not grant lot coverage Variances to allow these homes to be built in the Village.

As to the first category, the Donnars thoroughly evaluated, inspected and consulted with professionals and, given the fact that they intend to occupy if the Variance is approved, they did not believe that a renovation of the home could be achieved either from a use or budget standpoint. However, given the level of opposition and the fact that many of the talking points suggested that the home should be renovated and restored, the Donnars allowed me to send to all of the surrounding property owners and the remonstrators that we knew of as of the date of that letter (April 23, 2020), a proposal for the community to purchase the house so that those who disagree with the Donnars as to demolition of the old house and construction of their new proposed home would be allowed to do what they thought might be best for the community (Exhibit 1). To that end and taking into account concerns raised about the tower and style of the home, the Donnars have approved a redesign that addressed those concern. Please find the new front façade that eliminates the tower and entrance and soften the front elevation and porch. I have included the old design so you can see the comparison (Exhibit 2). This design still requires a Variance to 42.2% but is a much more stylistic design that they believe will be a compliment to Main Street. We have a bright purple house on Mains Street,

not the Donnars choice of colors but the old and new on Main Street add to its charm in their opinion and they believe their new design is a much better fit for the Village. As to demolition, a permit has been issued and if the Donnars cannot put a house on the property that they believe would be an asset to Main Street and one that they would also like to live in, the older home at 145 N. Main St. will be demolished and a home of the Donnars choosing will be erected that would otherwise comply with the Town's requirements and without the benefit of further input from the community.

The second area of concern had to do with the fact that the house was simply too big. By way of square footage and lot coverage, this house will be modest to many of the homes now existing in the Village. It should be remembered that many of the older homes that existed on individual lots were removed over the years and larger houses constructed on multiple lots, some needing Variances and some not. Ironically, one of the first letters of remonstrance comes from Mr. Mervyn Cohen. I've enclosed a copy of that letter specifically to deal with his comments, as it would be advisable for the Board to go and look at Mr. Cohen's house and see how large it is and the fact that it exists on three (3) older building lots (Exhibit 3). The original house that existed was removed, per demolition permit, and Mr. Cohen bought the current house after it was constructed by the prior owner. I'm not offering this letter as my suggestion that there's anything wrong with the size and/or location of Mr. Cohen's house. It is perfectly reasonable and a beautiful home. However, this house, along with the house of Mr. and Mrs. John Stehr off of Sixth Street and Academy Drive, is a huge home that was granted a Variance and, it too dwarfs the other homes, but it is classy and beautifully done and will be a great addition to the area. Of course, this is my opinion and that of the Donnars and reasonable people might disagree with whether homes like Mr. Cohen's or Mr. and Mrs. Stehr's should be allowed to be built in the Village. An alternative taking from Mr. Cohen's letter is it is acceptable to live in such a large house (3900 sq. ft) only if you are

not the one to build it. We would assert that if there's ever a place for a larger home to be built, Main Street is a perfect example of why a larger home would be appropriate given the width of Main Street. In other words, Main Street is not one of the smaller local streets like most of the streets in the Village, but the main thoroughfare through the business district where on-street parking is permitted. Just down the street from the Donnars' proposed home are commercial structures, Nancy Noel's old studio, and across the ally from the 145 N. Main St. address is a home being built presently that is as tall or taller than the Donnars' proposed home. We believe it is fairly argued that a larger home on Main Street, with the dimensions of the street itself, is a much more appropriate location to build such a home than on one of the smaller side streets running through the Village.

Third, the argument seems to be made that the Board should not be granting lot coverage Variances or other potential Variances for the newly constructed homes in the Village. We have enclosed a list of recent Variances approved by the Board, several on Main Street (Exhibit 4). It is important for the Board to understand that the current older structure takes up almost the entire width of the lot, which is a regular building lot plus an additional 15' of width. As the Board can readily determine, the actual amount of the lot coverage requested falls somewhere in the middle of those having been recently approved by the Town. Again, while it is certainly not without an opposing viewpoint, the Donnars believe that the Variances that have been approved by the Board of Zoning Appeals has caused the Village to be beautified over the years with substantial renovation and/or tear down and new construction, to the benefit of the Town of Zionsville.

Respectfully submitted,

Michael J. Andreoli,
Attorney for Petitioners,
Timothy R. and Kathrine Donnar

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

April 23, 2020

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, May 6, 2020, at 6:30 p.m.

Dear Surrounding Property Owners and Remonstrators:

My client has noted your remonstrance and we have received a demolition permit to remove the home at 145 N. Main Street, Zionsville.

As we have had a number of conflicting concerns from not tearing down the house and trying to restore it or, in the alternative, if you tear the house down put up a home in compliance with the lot coverage requirements, my client is reaching out to those who appear to be in opposition to see if anyone wants to buy the home and then do with it what you might think would be best for Main Street and the community. Accordingly, to date, they have the sum of $430,000.00 in the home which includes their purchase of the home, realty fees, attorney's fees and costs for their architect and contractors. If someone is interested in making a no contingency cash offer for this price, the home can be saved.

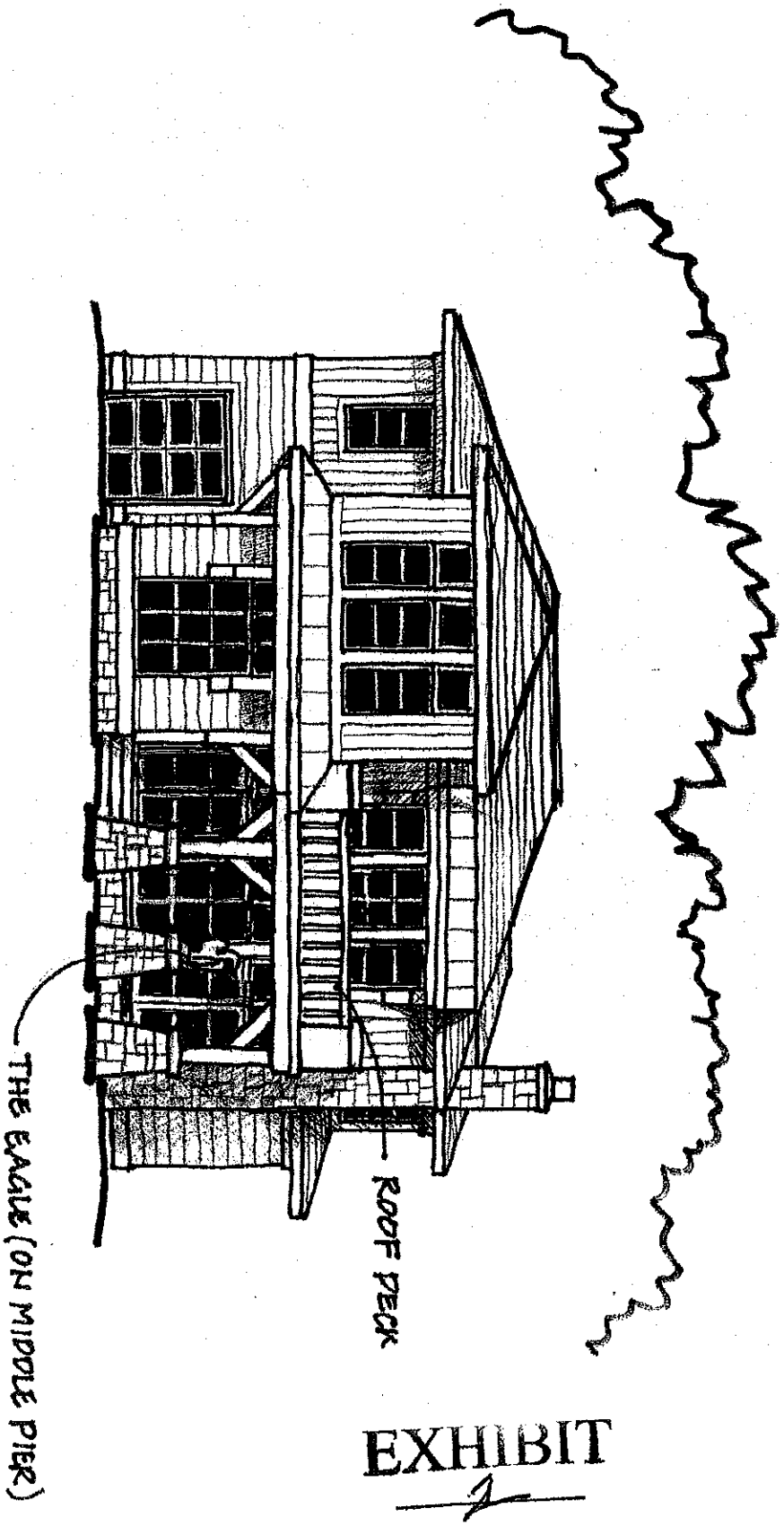
As our Public Hearing is scheduled for May 6 at 6:30 p.m., I would need to have something in place not later than Thursday, April 30. Otherwise, we will begin the demolition process as my client personally does not believe that the house can be appropriately restored. However, if somebody feels differently, here is your opportunity.

Very truly yours,

Michael J. Andreoli

MJA/ba

EXHIBIT
2



FRONT ELEVATION

3/32" = 1'-0"

EXHIBIT 1

DATE:

GOLDBERG DESIGN GROUP
custom home design
317.582.1430
40 1st STREET N.W.
CARMEL, IN 46032
steve@goldbergdesigngroup.com
www.goldbergdesigngroup.com
AWARD WINNING HOME DESIGNS

DONNAR RESIDENCE

145 N. MAIN ST. Z'VILLE.

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FRONT ELEVATION

3/32" = 1'-0"

DATE:

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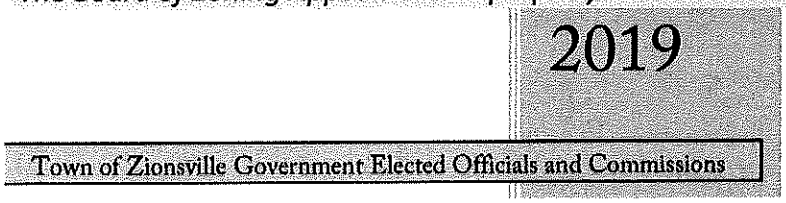
145 N Main St. Zionsville.
Petition for a variance for the construction of a large new home.
Docket Number 2020-04-DSV

To:
The members and legal counsel of the Zionsville Board of Zoning Appeals

This letter is written to you to oppose the granting of the above variance petition.
Approval of the variance petition would violate State Law and several local Zionsville Laws and regulations.
If approval is given, consideration will be given to an appeal to Indiana State Courts.

As will quickly become apparent, the evidence provided by the petitioner for their variance, does not meet the State and Local Laws and Regulations.

Town of Zionsville Government Elected Officials and Commissions 2019
Statutorily created boards and commissions.
page 9 **Board of Zoning Appeals - Powers and Duties states that:**
*"The Board of Zoning Appeals allows property owners with **unique conditions** on their property to seek relief"*

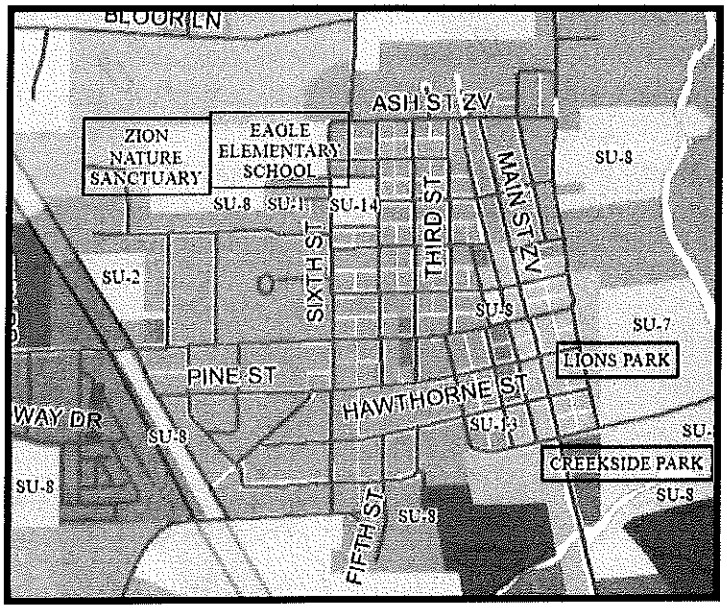


The submitted petition provides **no** evidence that there are **unique conditions on the property** to justify the variance approval.

The URBAN SPECIAL RESIDENTIAL Planning and Zoning Ordinance (Zionsville 194.052).
This is a special Zionsville Zoning law. It covers only the Village which is termed the 'special residential/village residential" district.
The first paragraph of this ordinance states:

> " The R-V Village Residential District is established "to promote and **maintain the historic core** of village neighborhoods. The development standards **reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".**
> The *Village Residential District* is what we usually call "The Village". It is outlined in blue on the map.

EXHIBIT
3



The new property to be built by the petitioner violates the intent of the above Zionsville Law.

1. It does not maintain the ***historic core*** of the Village. Rather it will result in the destruction of a small home that is 105 years old, in excellent condition and that was purchased last year for about $350,000.00
2. The proposed new home is very much larger, than nearby homes with much greater lot coverage. It does not ***reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion".***

Precedent is not a valid legal reason for the granting of a variance. The fact that several variances have been granted in the last few years to build larger homes on Main Street is not reason to grant another similar variance. In fact most homes on Main Street in Zionsville are still small historic old homes.

One State Law, one supporting Zionsville Law and the Zionsville Board of Zoning Appeals *Rules of Procedure* mandate completion of a "Findings of Fact" Form

Indiana State Law IC 36-7-4-918.4 Indiana State *"Findings of Fact"* law

*"Zoning variances may be approved only upon a determination in writing (Findings of Fact) that the petition for the variance meets **all** of the required legal criteria on the "Findings of Fact form".*

Zionsville Town Law § 194.202 BOARD OF ZONING APPEALS.

*A variance from development standards may be approved only upon written determination that it meets **all** of the criteria on the "Findings of Fact" form.*

Zionsville Board of Zoning Appeals rules of procedure (November 2019):

Section II item 4. Findings of Fact

The Board shall, in all cases heard by the Board, make written Findings of Fact in support of the Board's decision.

Section VI. Final Disposition of Petitions section 7. Findings of Fact

The Board is required to enter written "Findings of Fact" in support of its determinations.

I am fully aware of the rules governing the *"Findings of Fact form"*.
It is *extremely important*. It is a one-page document mandated by INDIANA STATE LAW. It requires that the granting of any variance must address and satisfy all three statements on the form.
I am also aware that the entire process of application, evaluation and decision making regarding the variance petition actually involves **two** *"Findings of Fact"* forms. The first is completed by the petitioner - each petitioner is required , in their initial petition submission, to provide their own answers to the statements on a *"Findings of Fact"* form. This is then considered by the Zoning Board of Appeals as part of all the evidence for and against the petition. When the Zoning Board of Appeals has held a public hearing, evaluated the answers provided by the petitioner on their submitted *"Findings of Fact"* form (and any other supporting materials that the petitioner has submitted) the Board of Zoning Appeals make its final decision. This final decision **requires** the Board of Zoning Appeals to fill out (as required by State and Zionsville Law) its ***own*** *"Findings of Fact "* form. (this is the second Findings of Fact form referred to above). Every member of the Board then **signs this form** attesting to both their written opinions and final variance denial or approval.

I will now argue that the petitioner has not met the required standard. The reasons they provided in response to the three statements do not meet required regulations. By Law they must provide adequate response to ALL 3 statements. I will copy their actual answers on their *"Findings of Fact"* form, submitted in their petition.

***"Findings of Fact"* form – statement 1 is:**
The grant will not be injurious to the public health, safety, morals and general welfare of the community because...

The response from the petitioner is:
"we have sufficient acreage that this will not appear crowded or cluttered. Also, the new home will be an improvement over the existing older structure."

My response:

- There is not sufficient acreage. If there was sufficient acreage, there would be no need for a variance
- In what manner is a new home an improvement? The old home is in excellent condition. Many in the Village prefer the look of the old historic homes
- The petitioner has not addressed the items that should be in their response. These include neighbors lose sun light, consideration of water drainage, impact on neighbor's emotions and wellbeing, impact of emotions of all Village residents and their emotional love of historic nature of village, visual appeal of the home,

***"Findings of Fact"* form – statement 2 is:**
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:...

The response from the petitioner is:
"the incremental increase in lot coverage will coexist with a number of other remodeled and/or new homes in and along Main Street".

My response:

- I agree that there are a few other new large homes that have been built on Main Street. Precedent is not however an adequate reason for the granting of another Variance. Also **most** of the homes on Main Street are still OLD HISTORIC homes.
- The petitioner has not addressed the items that should be in their response. These include

- The impact of the destruction of old historic homes on the value of the Village as an Historic attraction for home buyers and visitors supporting our businesses. This attraction of the Village could fall as old historic homes are destroyed.
- There could be an increase in taxes of neighbors' homes because of the increased value and tax rating of the new constructed home.

***"Findings of Fact"* form – statement 3 is:**
Strict application of the terms of the zoning ordinance will result in **unnecessary hardships** in the use of the property because:..

The response from the petitioner is:
"the price points now existing in and along Main Street and the surrounding environs now requires a new home over a remodel provide the size and scope of the proposed main house with accessory structures.

My response:

- I cannot understand the response from the petitioner. It certainly does **not** prove that they will suffer **unnecessary hardship** if their variance is denied.
- The applicant must meet ALL of the following standards in order an prove unnecessary hardship:
  - The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood. An example may be a property with no road access without the variance.
  - That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - That the alleged hardship has **NOT** been self-created, and is not just a personal desire.

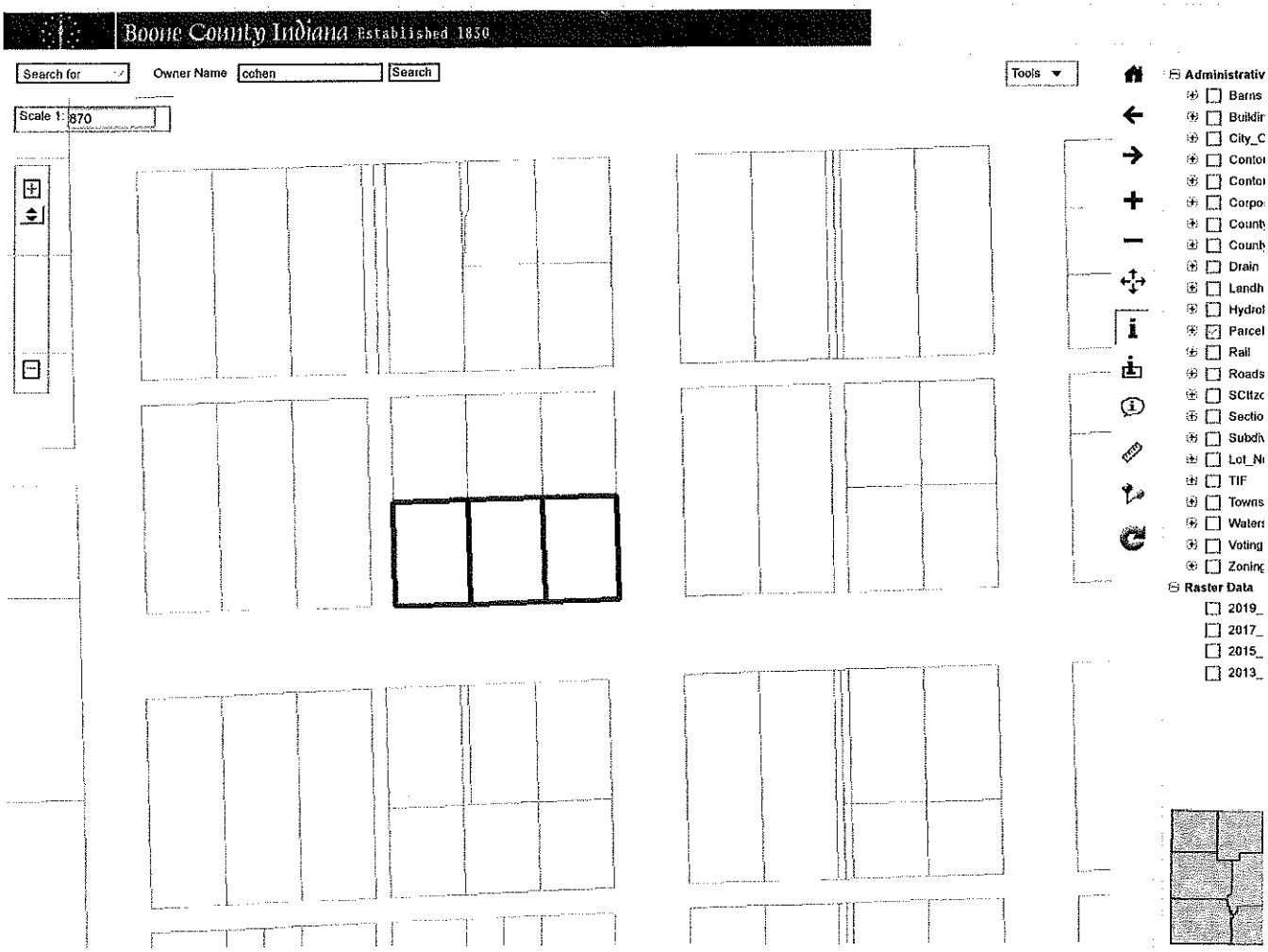
Members of the Zionsville Board of Zoning Appeals, I do thank you for reviewing this document. It is lengthy and it provides you with multiple legal reasons for denying the petition for the variance at 145 North main Street in the historic Zionsville village.

Respectfully submitted

Mervyn Cohen
520 West Cedar Street, Zionsville
mecohen@iu.edu 317417-2628

Owner Name: COHEN MERVYN & JANET
Owner Address: 520 W CEDAR ST ZIONSVILLE, IN 46077

Parcel Number: 019-02860-00
State Parcel Number: NA
Property Address: 520 W CEDAR ST
Legal Description: CROSSES 4TH LOTS 109 110 & 111 S PTS
Subdivision: NA
Acreage: 0.24
Section Township Range: NA
Last Land Transfer: NA
Assessment: 827500



X: 3182297 Y: 1714210

Parcel Number	
019-02860-00	
County	BOONE, IN
Township	EAGLE
Corporation	
District	
Plat	
Map	
Alt Parcel	06-04-02-000-003.163-006
Property Class	510
Tax District	019 Zionsville
Neighborhood	19510-zionsville village res-19510

Property Address
520 W CEDAR ST
ZIONSVILLE, IN 46077

Topography	Pub. Utilities	Street or Rd.	Neighborhood
☑ Level	☐ Water	☐ Paved	☑ Improving
☐ High	☐ Sewer	☐ Unpaved	☐ Static
☐ Low	☐ Gas	☐ Proposed	☐ Declining
☐ Rolling	☐ Electricity	☐ Sidewalk	☐ Other
☐ Swampy	☐	☐ Alley	☐ Blighted

Ownership
Name
COHEN MERVYN & JANET

Address
520 W CEDAR ST
ZIONSVILLE, IN 46077

Account	47131		
Book		**Page**	

Legal
CROSSES 4TH LOTS 109 110 & 111 S PTS

Transfer of Ownership Year 2019 — Card 1

Date	Grantor	Valid	Amount	Type
Sep 20, 2007	BESORE CAROL J - Jun 04, 2007	Y	800000.00	Straight

VALUATION RECORD

Assessment Year		2019	2018	2017
Reason for Change				
Land	Homestead-C1	134,200	134,200	134,200
	Residential-C2	0	0	0
	Non-Residential-C3	0	0	0
	Total Land	134,200	134,200	134,200
Improvements	Homestead-C1	740,800	693,300	655,400
	Residential-C2	0	0	0
	Non-Residential-C3	0	0	0
	Total Imp	740,800	693,300	655,400
Total Assessed Value:		875,000	827,500	789,600

Property Sub Class: RES ONE FAMILY PLATTED LOT-510

PRINTED FROM BOONE COUNTY, INDIANA

Memorandum

Updated per field review -- Add FP stack/openings, tub w/ jet, BrP for 12p13
2014 pay 2015 Update per Field Review - Updated Sketch NC
Attic ovr gar to 1/2st & Corr Bsmt Area per DH
2016 pay 2017 Update per Field Review - No Change
2020 pay 2021 no change per pictometry review

LAND DATA AND COMPUTATIONS

Land Type	Actual Frontage	Effective Frontage	Effective Depth	Factor	Base Rate	Adjusted Rate	Estimated Value	Influence Factor	Land Value
9		Acreage / Sq. Ft. 0.240		2.04	274000.00	558960.00	134150		134150

Total Residential Land Value	134200
Total Non-Residential Land Value	0
Total Acreage 0.24	**Total Land Value** 134200

Land Type

F	Front Lot	81	Legal Ditch
R	Rear Lot	82	Public Road
1	Comm. Ind. Land	83	Utility Trans. Tower
11	Primary	9	Homesite
12	Secondary	91	Res. Excess Acres
13	Undeveloped Usable	92	Ag Excess Acres
14	Undeveloped Unusable		
2	Classified Land		
3	Undeveloped Land		
4	Tillable Land		
5	Non-tillable Land		
6	Woodland		
7	Other Farmland		
8	Ag Support Land		

Influence Factors

0	Other	5	Misimprovement
1	Topography	6	Restrictions
2	Under Improved	7	Traffic Flow
3	Excess Frontage	8	View
4	Shape or Size	9	Corner Infl.

Occupancy		Story Height	Attic	Bsmt	Crawl
1	☑ Single Family	1.50	0 ☑ None	0 ☐ None	0 ☑
2	☐ Duplex		1 ☐ Unfin	1 ☐ 1/4	1 ☐
3	☐ Triplex	1 ☑ Other	2 ☐ 1/2 Fin	2 ☐ 1/2	2 ☐
4	☐ 4-6 Family	2 ☐ Bi-level	3 ☐ 3/4 Fin	3 ☑ 3/4	3 ☐
5	☐ M home	3 ☐ Tri-level	4 ☐ Fin	4 ☐ Full	4 ☐
0	☐ Row Type				

Construction		Base Area	Floor	Fin.Liv.Area	Value
1 Frame or Alum.	1	2,273	1.00	2,273	126,000
2 Stucco	1	2,803	.50	2,803	58,300
3 Tile					
4 Concrete Block					
5 Metal					
6 Concrete					
7 Brick	—		Attic		
8 Stone	—	1,705	Basement		33,700
9 Frame w/Masonry	—		Crawl	———	

Roofing	
Asphalt Shingles	☑
Slate or Tile	☐
	☐
Metal	☐

Floors	1	2	
Earth	☐	☐	☐
Slab	☐	☐	☐
Sub & Joists	☑	☐	☐
	☐	☐	☐
Wood	☐	☐	☐
Parquet	☐	☐	☐
Tile	☐	☐	☐
Carpet	☑	☐	☐
Linoleum	☐	☐	☐
Unfinished	☐	☐	☐

Interior Finish	1	2	
Plaster/Dry Wall	☑	☐	☐
Paneling	☐	☐	☐
Fiberboard	☐	☐	☐
	☐	☐	☐
Unfinished	☐	☐	☐

Accommodations	
Total # Rooms	12
Bedrooms	4
Family Room	1
Formal Dining Room	0
Rec Room Type	
Area	
Fireplace Stacks	2
☑ Metal Openings	3

Heating / Air Conditioning	
Central Warm Air	☑
Hot Water or Steam	☐
Heat Pump	☐
No Heat Gravity/Wall/Space	☐
Central Air Cond.	☑

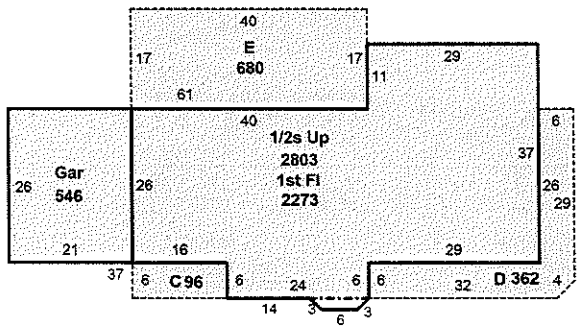
Plumbing	#	TF
Full Baths	2	6
Half Baths	1	2
Kitchen Sink	1	1
Water Heater	1	1
Extra fixtures		3
Total		13
No Plumb/Wtr Only	☐	

	Total Base	218,000
	Row-Type Adjustment	1.00
sq.ft.	SUB-TOTAL	218,000
	Full Unfin Interior (-)	
	Half Unfin Interior (-)	
	Extra Living Units (+)	
	Rec. Room (+)	
	Fireplace (+)	8,600
	Loft (+)	
	No Heat (-)	
5076	Air Conditioning (+)	7,000
	No Electricity (-)	
Plumbing (-/+) TF:13 - 5 = 8		6,400
Specialty Plumbing (+)		
Special Features		
	Sub-Total One Unit	240,000
	Sub-Total 1 Unit(s)	240,000
Garages		
	Integral (-)	
546	Attached Garage (+)	14,500
	Attached Carport (+)	
	Basement (-)	
Exterior Features		24,700
	Sub-Total	279,200
Grade and Design A-		150
Location Multiplier		1.00
	Replacement Cost	418,800

REMODELING & MODERNIZATION	Amount	Date
Exterior		
Interior		
Kitchen		
Bath Facilities		
Plumbing System		
Heating System		
Electrical System		
Extensions		

Sketch

Parcel Number	019-02860-00	Residential	Card 1



1st Fl)1sFr 2273/.75B 1704.75- 1/2s Up)1/2sFr 2803 Gar)G(2c) 546 C)OFP 96 D)OFP 361.5 E)BrP-T 680

Value Adjustment / Exterior Features

Value Adjustments

Exterior Features
Patio- Flagstone or brick- Ter - 1 - 680sf - 9800
Porch- Open Frm/ equal- 1st fl - 1 - 96sf - 4400
Porch- Open Frm/ equal- 1st fl - 1 - 362sf - 10500

SUMMARY OF IMPROVEMENTS

Use	Ht.	Const Type	Grd	Year Const	Efftv Year	Cnd	Base Rate	Feat	Adj Rate	Size or Area	LCM	No. Un.	Rplc Cost	Dep Obs	REM Val	% Cmp	Nbhd Factor	Trend Fctr	Improvement Value
Dwelling		Frame	A-	2005	2005	A				6781	1.00		418800	12	368540	100	2.01	1.00	740800

Card Improvement Total	740800
Total Improvement Value	740800

Meeting Date	Docket #	Name	Address	Variance	Approved
12/11/2018	2018-45-DSV	B. Bobbitt	465 W. Poplar	42.70%	1/8/2019
3/12/2019	2019-02-DSV	A. Braun	805 W. Pine	43.12%	3/12/2019
3/12/2019	2019-05-DSV	T. Dalberg	596 W Linden Street	45.00%	3/12/2019
3/12/2019	2019-06-DSV	Rottmann Collier	160 N. Main Street	46.00%	3/12/2019
7/9/2019	2019-14-DSV	T. Viskanta	250 N. Maple Street	40.54%	8/13/2019
10/8/2019	2019-28-DSV	Georgian Group	240 N. Main Street	48.00%	
3/4/2020	2020-04-DSV	T. Donnar	145 N. Main Street	42.20%	
3/4/2020	2020-06-DSV	M. Marlowe	140 N. 4th Street	40.00%	
12/12/2017	2017-46-DSV (B)	S. Singer	145 N. 3rd Street	50.00%	1/9/2018
3/13/2018	2018-03-DSV	J. Stehr	190 N. 6th Street	51.20%	
5/9/2018	2018-16-DSV	J. Gill	190 N. Main Stret	41.60%	5/9/2018
6/5/2018	2018-21-DSV	Bakers Corner, LLC	140 N. Maple Street	42.70%	6/5/2018
7/10/2018	2018-23-DSV	C. Gregory	505 W Sycamore	39.00%	7/10/2018
8/14/2018	2018-27-DSV	J. Blandford	380 W Walnut Street	41.00%	9/11/2018
9/11/2018	2018-33-DSV	Rottmann Collier	260 N. Main Street	47.00%	9/11/2018
3/14/2017	2017-02-DSV	L. Hackman	130 N. Maple	42.50%	3/14/2017
4/11/2017	2017-07-DSV	D. Mikell	165 N. Maple Street	41.50%	5/9/2017
11/14/2017	2017-40-DSV	V. Brewer	150 N. Main Street	45.50%	11/14/2017

EXHIBIT
4

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

March 18, 2020
Via E-Mail

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

RE: Tim and Kathy Donnar
2020-04-DSV

Dear Wayne and Chrissy:

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

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

Thank you for your cooperation.

Very truly yours,

Michael J. Andreoli

MJA/ba

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

RECEIVED
FEB 26 2020
TOWN OF ZIONSVILLE

February 25, 2020

Ms. Martha A. Osterhous
140 N. Main St.
Zionsville, IN 46077

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, April 1, 2020, at 6:30 p.m.

Dear Ms. Osterhous:

Thank you for your letter of automatic continuance which we acknowledge receiving yesterday, Monday, February 24. As you indicated that you had not received prior notice, I've enclosed a copy of the plans that have been submitted and are part of the file and a propose site drawing for your review. In addition, I've enclosed the Narrative that was submitted with the original petition and was sent to all other surrounding property owners.

Please let me know if you have any questions or comments.

Very truly yours,

Michael J. Andreoli

MJA/ba

Enclosures

David M. & Robin M. Damm
155 N. Main St.
Zionsville, IN 46077

Alessandro & Bridget A. Collins
160 N. Maple St.
Zionsville, IN 46077

Bakers Corner LLC
6695 Beekman Pl., Unit A
Zionsville, IN 46077

Lisa Hackman
130 N. Maple St.
Zionsville, IN 46077

Robert G. & Donna Fisher
50 E. Poplar St.
Zionsville, IN 46077

Keith Juanita B. Trustee
165 N. Main St.
Zionsville, IN 46077

Turkey Hotel LLC
320 Linden Street
Zionsville, IN 46077

Martha A. Osterhous
140 N. Main St.
Zionsville, IN 46077

John and Ann Hall
150 N. Main St.
Zionsville, IN 46077

Rottmann Collier Development LLC
155 E. Market St., Ste 200
Indianapolis, IN 46204

#2020-04-DSV
T. DONNAR

February 23, 2020

Wayne DeLong, AICP *By hand delivery*
Director of Planning & Economic Dev.
Secretary of the Town of Zionsville Plan Commission
1100 West Oak Street
Zionsville, IN 46077

Janice Stevanovic *By hand delivery*
Assistant Planner
Town of Zionsville Plan Commission
1100 West Oak Street
Zionsville, IN 46077

John Wolff, President
Board of Zoning Appeals - Town of Zionsville *By hand delivery*
C/O Zionsville Town Hall
1100 W Oak Street
Zionsville, IN 46077

Michael J. Andreoli *By hand delivery*
1393 West Oak Street
Zionsville, IN 46077-1264

Re: Petition 2020-04-DSV 145 N. Main Street, Zionsville
Petitioner: Timothy R. and Katherine W. Donnar

First Request for a Continuance to the Zionsville Board of Zoning Appeals

Dear Sirs, Ms. Stevanovic and Board members:

I request a continuance of this petition from the March 4, 2020 meeting to the next scheduled meeting on April 1, 2020. This is the first request for a continuance of the hearing on the subject petition. I also request that a copy of this letter be distributed to each member of the Board as soon as possible.

This request is made in order to allow sufficient time to review, communicate and deliberate on the requests in the petition. Given the significant impact of the change requested by the petitioners, it would be in the best interests of our community to allow further time for review. Furthermore, I did not receive a certified copy of the plans as they were mailed to the previous owners of 140 N Main Street and not the current owner.

Thank you for your consideration

Sincerely,

Marty Osterhous

Marty Osterhous
140 N. Main Street
Zionsville, IN 46077

RECEIVED
FEB 24 2020
TOWN OF ZIONSVILLE

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-04-DSJ

1. SITE INFORMATION:

Address of Property: 145 N. Main St., Zionsville, IN 46077

Existing Use of Property: Residential – Single Family

Proposed Use of Property: Residential – Single Family

Current Zoning: Urban Village Residential Area in acres: 6787 sq. feet

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Timothy R. and Kathrine W. Donnar

Owner Name (if different from Petitioner): Same

Petitioner Address: 10045 Hickory Ridge Dr., Zionsville, IN Owner Address:

Petitioner Phone Number: 317-513-4368 Owner Phone Number:

Petitioner E-Mail Address: tim.donnar@reindeerauto.com TRDonnar@gmail.com Owner E-Mail Address:

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

Attorney/Contact Person:

Name: Michael J. Andreoli, Attorney at Law

Address: 1393 W. Oak St., Zionsville, IN 46077

Phone Number: 317-873-6266

E-Mail Address mandreoli@datlaw.com

Project Engineer:

Name: Goldberry Design Group, Stephen Goldberry

Address: 40 1st Street N.W., Carmel, IN 46032

Phone Number: 317-582-1430

E-Mail Address: steve@goldbergdesigngroup.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** X **Variance of Development Standards** ☐ **Variance of Use** ☐ **Special Exception** ☐ **Modification**

See attached Narrative

5. ATTACHMENTS:

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

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

Signature of Owner or Attorney for Owner: _____ **Date:** 1-28-20

Michael J. Andreoli, Attorney at Law

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

State of INDIANA)
)**SS:**
County of BOONE)

BARRI ANDREOLI
Notary Public – Notary Seal
State of Indiana
Boone County
My Commission Expires Jan. 14, 2023

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

Barri Andreoli

Barri Andreoli, Notary Public

My Commission expires: January 14, 2023

My County of Residence is Boone County

NARRATIVE

The existing home at 145 N. Main St., here in Zionsville was purchased by Tim and Kathy Donnar with the idea of either a complete remodel or tear down with a newly improved main house and accessory buildings. In inspecting and canvasing the existing home on the property, the Donnar's quickly came to the conclusion that a remodel would be problematic, would cost a substantial sum of money and would not provide them an equivalent house that has been erected in recent years in and along the Main Street area.

The lot itself consists of 6,787 sq. feet. A copy of the site plan and survey is attached and the plot plan shows that the coverage, with the new build approved, will be 2,862 sq. feet for a lot coverage of 42.2%. The current lot coverage allowance, per the Ordinance in the Urban Village Residential District, is 35%. Hence a Variance will be needed to construct the home as currently proposed.

I've enclosed a copy of the basic home design including all elevations. The home was designed by Goldberg Design Group and will be a beautiful new home on Main Street. This proposed home and site plan will not require any additional front, side or rear yard setbacks and the applicant would suggest that this modest increase in lot coverage will be justified with the quality of the home to be constructed.

Certificate of Survey

I, the undersigned, a Registered Land Surveyor in the State of Indiana, certify that this survey was prepared under my supervision and, to the best of my knowledge and belief, was executed according to survey requirements in 865 IAC 1-12 for a retracement survey.

Property Address: 145 N. Main Street, Zionsville, IN 46077

Property Description Recor. No. 2019010027 ±

Lot No. 58 and the North half of Lot No. 59, except a strip 10 feet of uniform width off of and across the entire South side of said Lot No. 59, all in Oliver's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, page 59, in the Office of the Recorder of Boone County, Indiana.

Surveyor's Report for Job #191048

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted as the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.
(B) Occupation or possession lines.
(C) Clarity or ambiguity of the record description used and of adjoiners descriptions, and the relationship of the lines of the subject tract with adjoiners lines.
(D) The Relative positional accuracy of the measurements.

(A) Reference Monuments:

Accidental original lot corners are controlling monuments in the retracement of lot lines. For the most part, such original monuments have been obliterated with time. In the absence of such original corners, unprotected (such as corners and alley ways) which appear to have been placed and/or constructed with the benefit of such original monumentation are used as best evidence of original lot lines. This survey based on the centerlines of Walnut Street, Main Street, Maple Street, and Poplar Street.

In this surveyor's opinion, the maximum uncertainty of the lines and corners of the surveyed parcels due to reference monuments is ±0.30 feet.

Unless noted otherwise, monuments set this survey are 5/8" diameter x 24" long rebar with red cap marked FIRM #0066 placed at grade level.

(B) Possession Lines:

1.) Adjoiner's house 2.5 to 3.3 feet South of South deed line
2.) Fence 0.5 feet North of South deed line.
3.) Fence 2.5 to 2.5 feet West of West ind. line.
4.) Fence 0.6 to 1.3 feet South of North lot line
5.) Adjoiner's garage 4.1 feet North of North lot line
6.) Adjoiners drive 0.1 to 0.4 feet North of North lot line.
(The above should assume there is an amount of uncertainty, along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines.)

(C) Record Descriptions:

The record descriptions for the adjoining tract parcel were obtained from the Boone County Recorder's Office and mathematically retraced in an effort to disclose possible gaps and/or overlaps between the lines of the surveyed tract and those of the adjoiners. It is this surveyor's professional opinion that there are no uncertainties in the lines of the surveyed real estate and those of the adjoiners due to discrepancies in the record descriptions.

(D) Relative Positional Accuracy of Measurement:

The Relative Positional Accuracy of the corners of the subject tract established on this survey, is within the specifications for a "suburban survey (+-0.13 feet plus 100 parts per million) as defined in 865 IAC 1-12-8, effective May 4, 2006. ("Relative Positional Accuracy" means the value expressed in feet or meters (m) representing 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 95 percent confidence level).

As a result of the above observations, it is this surveyor's professional opinion that the uncertainties in the locations of the lines and corners found along the perimeter of the sub-eyed tract established on this survey are as follows:

1.) Due to Variations in reference monuments: Concerning record / title corners: See above
2.) Due to Discrepancies in the record descriptions: See above
3.) Due to inconsistencies in lines of occupation: concerning physical evidence: See above
4.) Due to Measurements (Relative Positional Accuracy): See above.

Theory of Location:

The boundary lines of the subject tract were reestablished based upon the plat of Oliver's Addition in the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, page 59, in the Office of the Recorder of Boone County, Indiana and the field location of street, curbs as they exist at the date of this survey. Creating an inclusion of the block bounded by Walnut Street, Maple Street, Poplar Street and Main Street were located in the vicinity of the subject property. The centerline of said curbs were utilized to establish the physical centerlines of said streets and the subsequent center of the rights of ways thereof. Field evidence, and condition of reference monuments thereof. Said street centerlines were then offset the "half rights-of-ways, widths" as per the above stated record plat to establish the right of way lines of said streets. Proportional measurements with respect to the measured east plat dimensions for the block were utilized to establish the lines and corners of the surveyed tract.

Survey Completed: November 25, 2019

Certified: November 26, 2019

To: Timothy R. Donner

CHAD L. BROWN REGISTERED LS21100062 STATE OF INDIANA LAND SURVEYOR

Chad L. Brown, Registered Land Surveyor, Indiana #LS21100062
Job #191048

NOTES:

1.) The underground utilities depicted on the attached plat of survey have been located per utility locators markings on the ground as provided by the Indiana Underground Plant Protection Service.

2.) Zoning requirements (such as setback lines, etc.) are not part of this assignment and are intentionally omitted from these plat.

3.) This survey was prepared without benefit of a current land title commitment and is subject to review of such document.

4.) Based upon a scaled interpretation of the FLOYD INSURANCE RATE MAP, PANEL #M of 175, MAP NO. 18011C0214E, for Boone County, Indiana, effect January 18, 2017, (Contains Flood of Zones) the Community Number 180016 for within described real estate IS NOT located within a Special Flood Hazard Area inundated by 100-year flood as established by the Federal Emergency Management Agency for the National Flood Insurance Program. The within described real estate is located within (shaded) Zone X Areas of 0.2% annual chance flood with average depth of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM), and shall not be construed as a confirmation or denial of flooding potential.

5.) We warrant, either express or implied, it made as to the accuracy and or completeness of information provided on underground utilities, or as to its fitness for any particular purpose or use. In no event is all Hahn Surveying Group, Inc., its employees, agents, and or assigns be liable for any damages arising out of the furnishing and/or use of such information.

All Rights Reserved under Copyright by, Hahn Surveying Group, Inc.

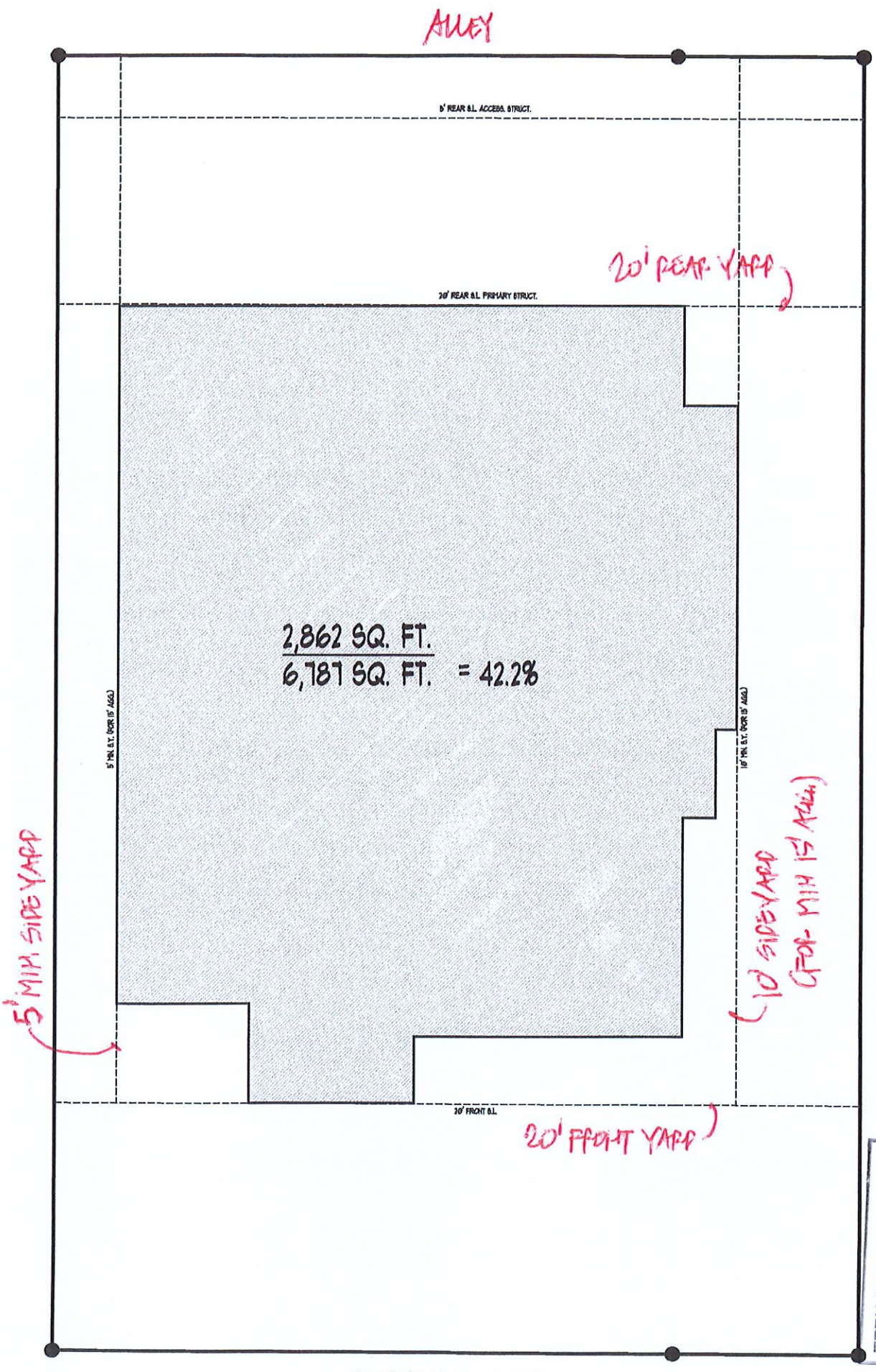
Retracement Survey–145 N. Main Street
Zionsville, Indiana 46077

HAHN SURVEYING GROUP, INC.
LAND SURVEYORS – Established in 1975
9925 N. Meridian Street, Suite 100
Indianapolis, IN 46290
www.hahnsurveying.com ~ Phone: (317) 846-6940

SHEET 1 OF 1

DRAWING BY: JO CHECKED BY: CLB 191048

Client: Mike Andreoli



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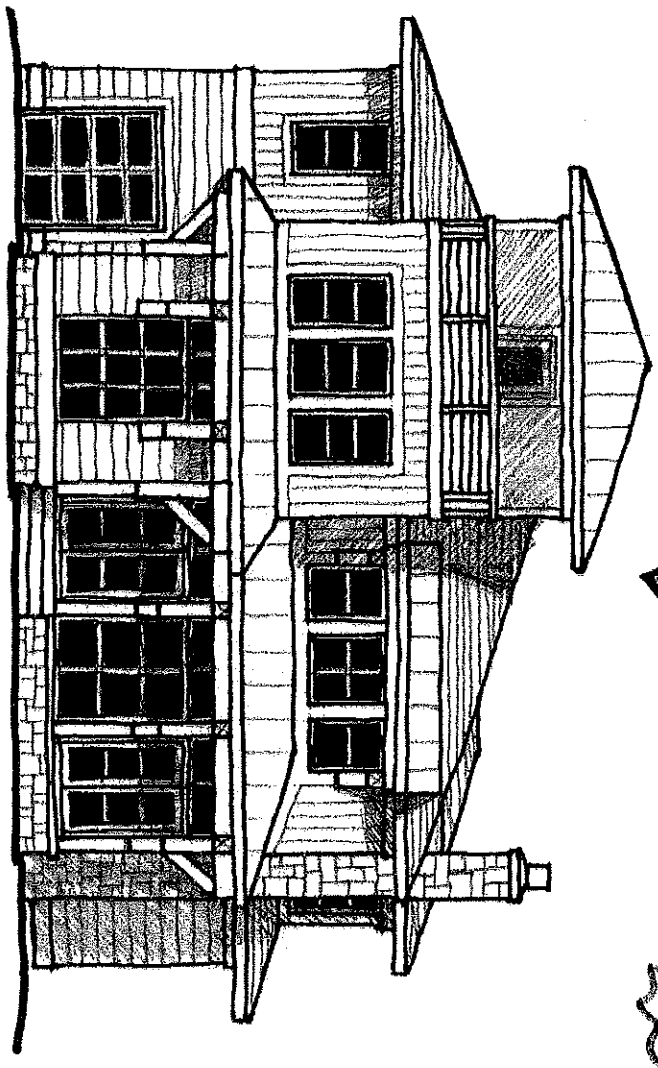
FEB 19 2020
TOWN OF ZIONSVILLE



FRONT ELEVATION

3/32" = 1'-0"

DATE:

GOLDBERG DESIGN GROUP
custom home design

317.582.1430
40 1st STREET N.W.
CARMEL, IN 46032
steve@goldbergdesigngroup.com
www.goldbergdesigngroup.com
AWARD WINNING HOME DESIGNS

DONNAR RESIDENCE

145 N. MAIN ST. Z'VILLE.

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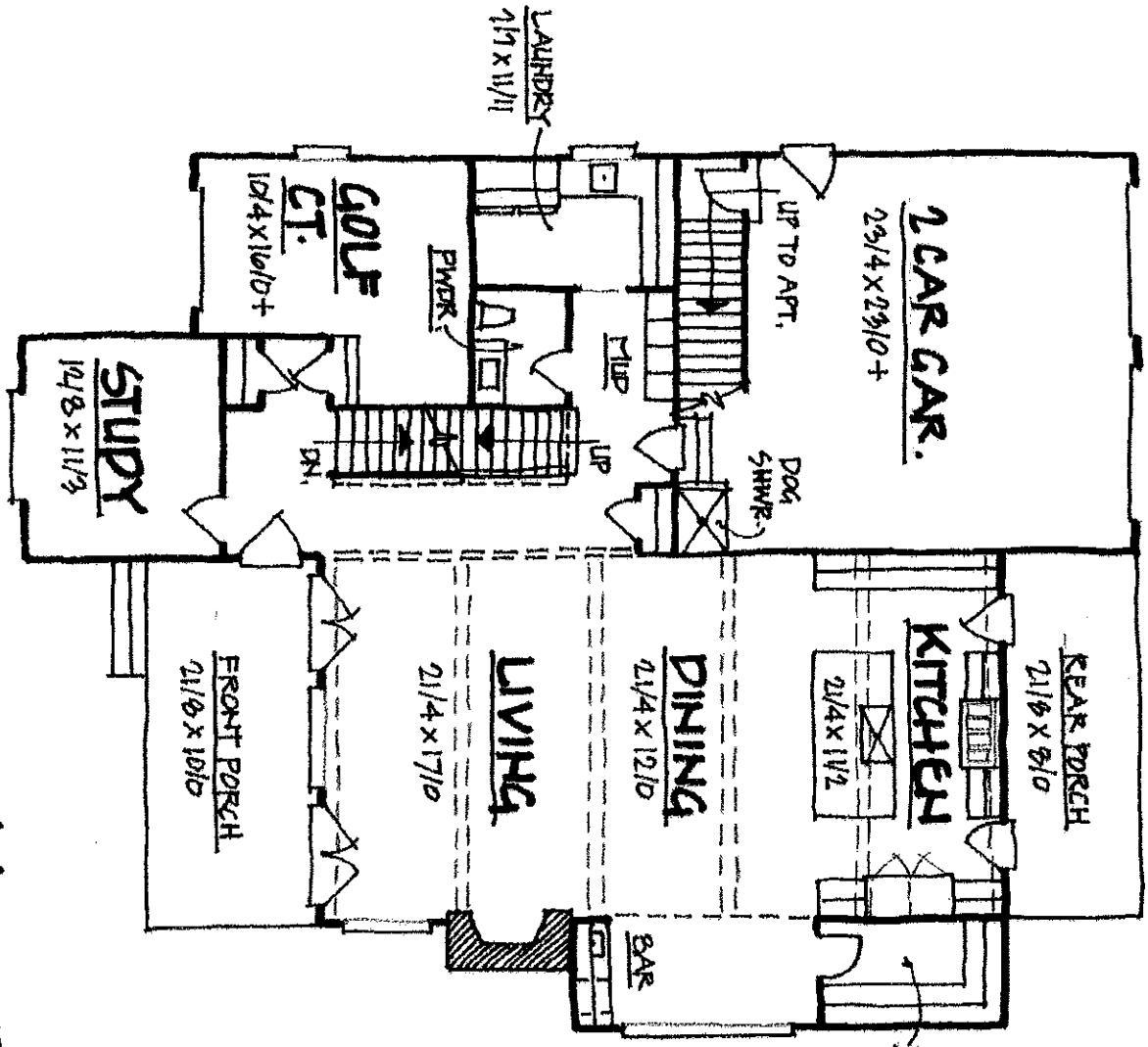
GOLDBERG DESIGN GROUP, INC.
ALL RIGHTS RESERVED.



MAIN FLOOR PLAN

3/16" = 1'-0"

1,674 SQ. FT.

DATE:

GOLDBERG DESIGN GROUP
custom home design

317.582.1430
40 1st STREET N.W.
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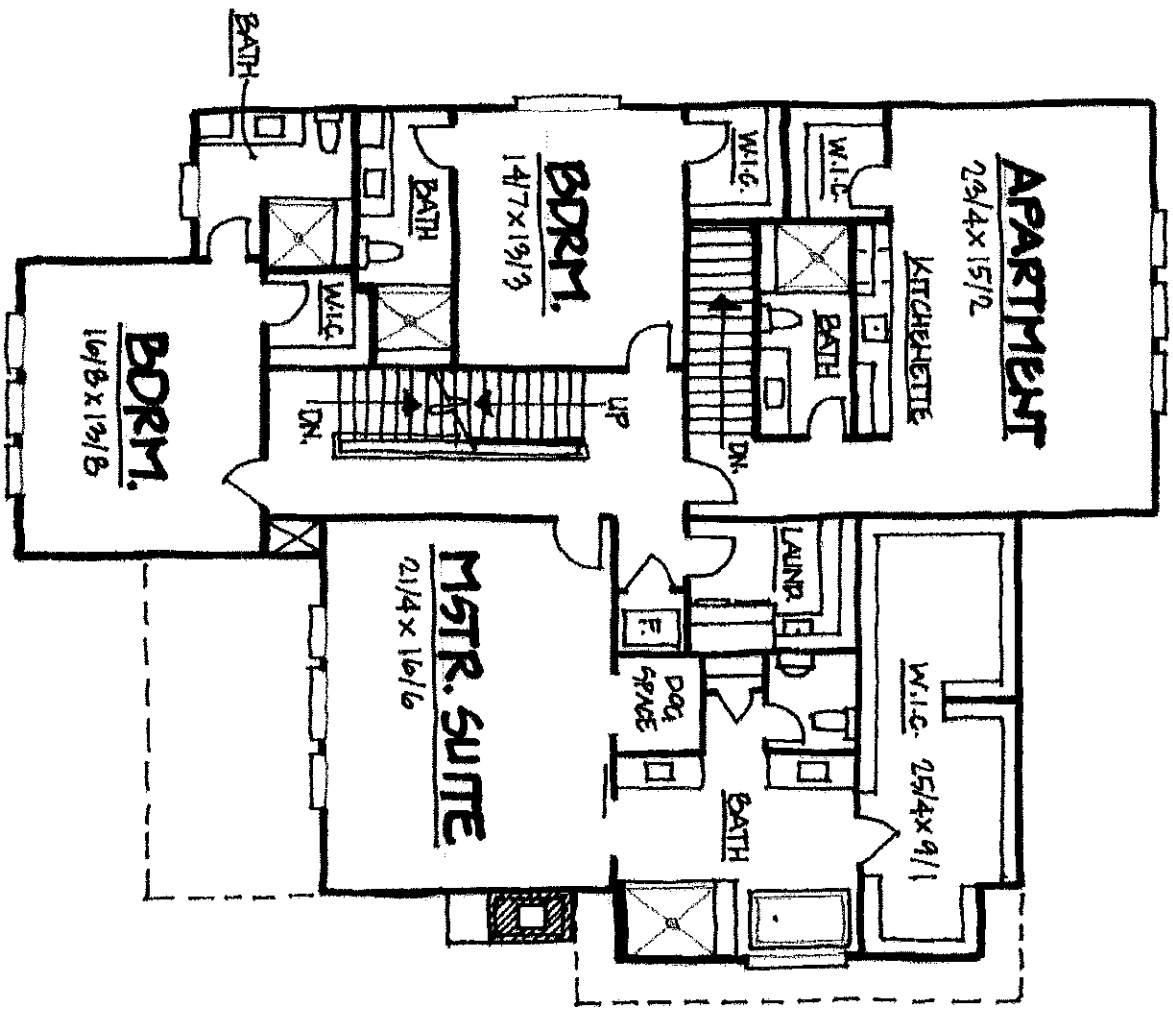
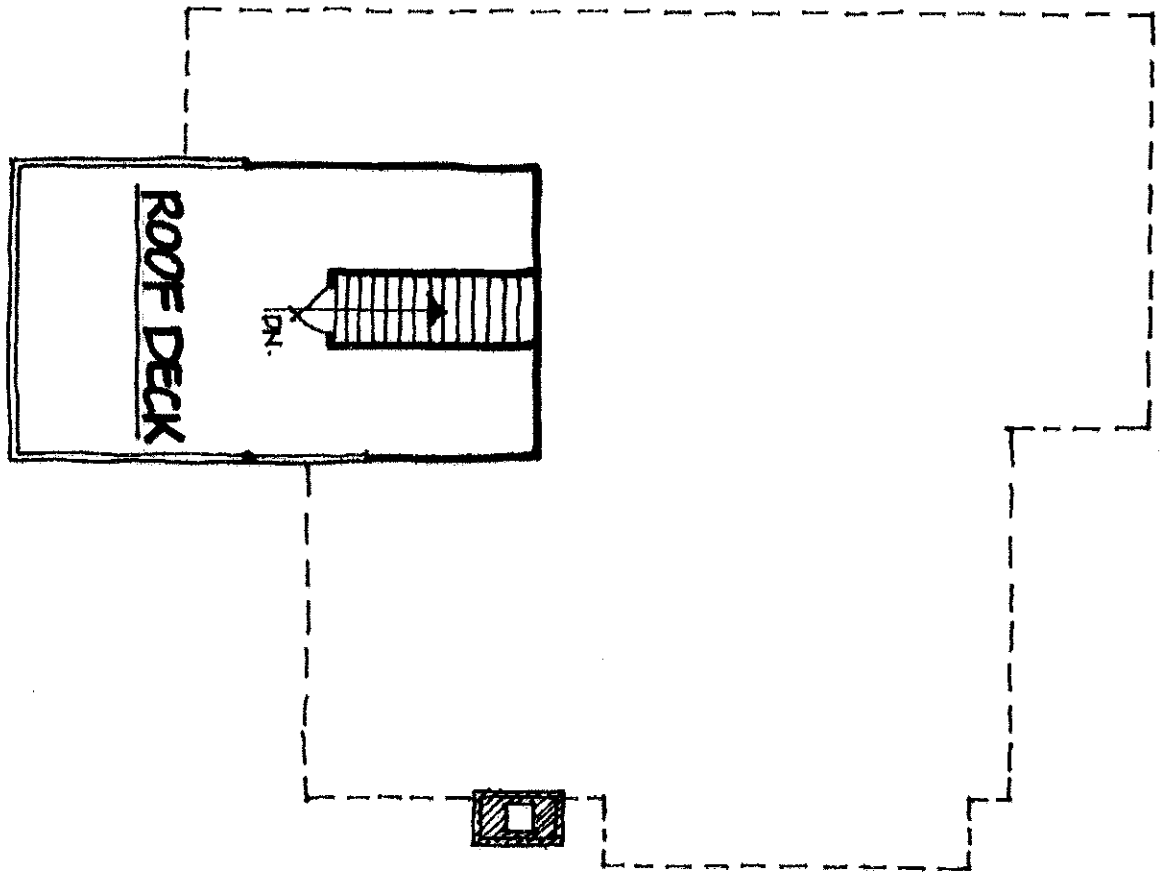


SECOND FLOOR PLAN

3/32" = 1'-0"

2,453 SQ. FT.

DATE:	GOLDBERG DESIGN GROUP custom home design	317.582.1430 40 1st STREET N.W. CARMEL, IN 46032 steve@goldbergdesigngroup.com www.goldbergdesigngroup.com AWARD WINNING HOME DESIGNS	DONNAR RESIDENCE 145 N. MAIN ST. Z'VILLE.	© COPYRIGHT 2019 BY GOLDBERG DESIGN GROUP, INC. ALL RIGHTS RESERVED.



THIRD FLOOR/ROOF DECK

3/32" = 1'-0"

526 SQ. FT.

DATE:

GOLDBERG DESIGN GROUP
custom home design

317.582.1430
40 1st STREET N.W.
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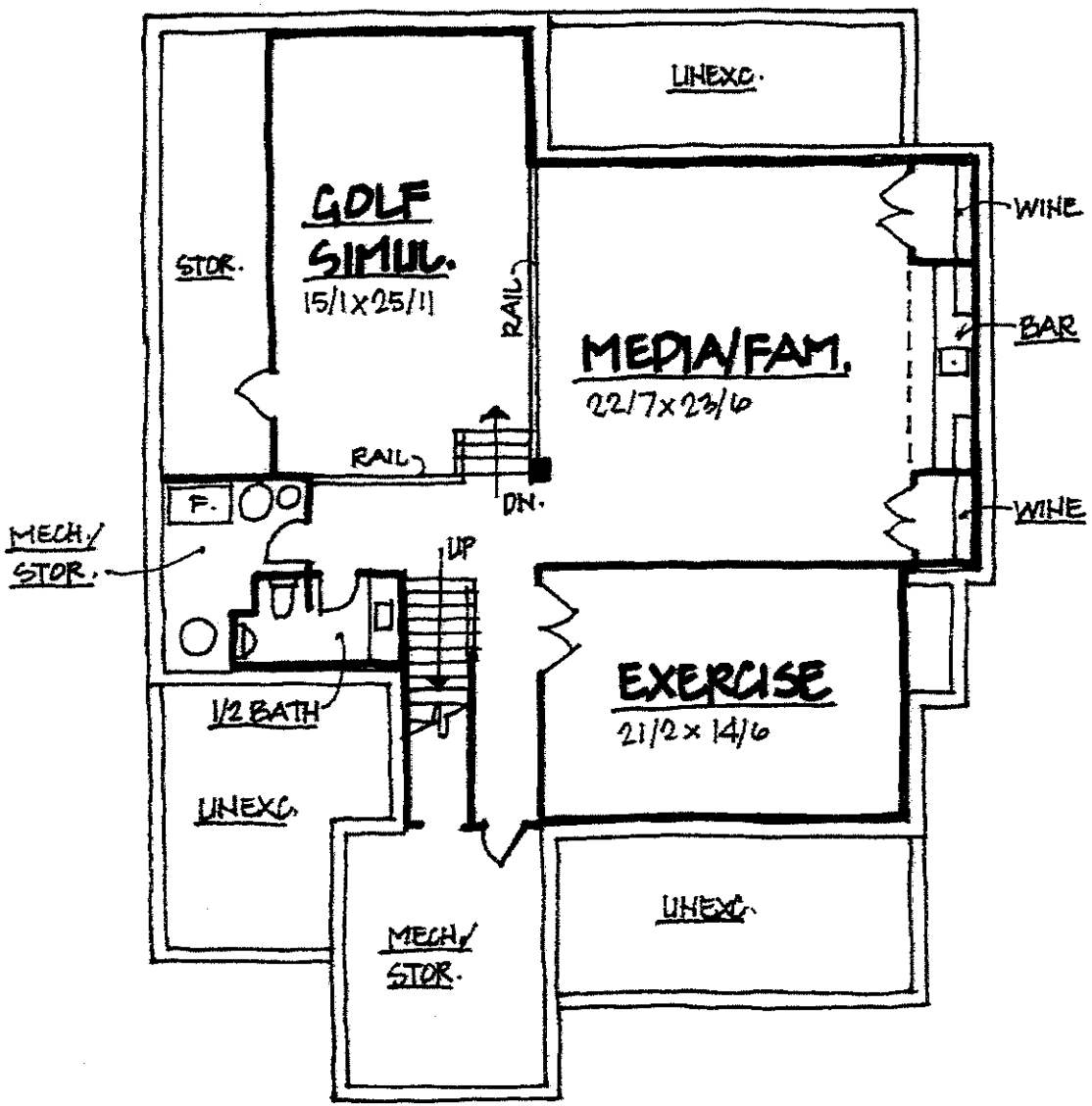

LOWER LEVEL PLAN

3/32"=1'-0"

1,619 SQ. FT. FIN.

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DONNAR RESIDENCE

145 N. MAIN ST. C'VILLE.

317.582.1430
40 1st STREET N.W.
CARMEL, IN 46032
steve@goldbergdesigngroup.com
www.goldbergdesigngroup.com
AWARD WINNING HOME DESIGNS
GOLDBERG DESIGN GROUP
custom home design

DATE:

LEGAL DESCRIPTION
Exhibit "A"

Lot No. 58 and the North Half of Lot No. 59, except a strip 10 feet of uniform width off of and across the entire South side of said Lot No. 59, all in Oliver's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, Page 59, in the Office of the Recorder of Boone County, Indiana.

OWNER'S AUTHORIZATION

The undersigned, owners of property located at 145 N. Main Street, Zionsville, IN 46077, hereby consent and authorize Michael J. Andreoli, attorney at law, to file any Application and to represent our interests in front of the Zionsville Board of Zoning Appeals and/or Zionsville Plan Commission for any Variances requested for our property.

Timothy R. Donnar

Kathrine W. Donnar

STATE OF INDIANA)
) **SS:**
COUNTY OF BOONE)

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

BARRI ANDREOLI
Notary Public – Notary Seal
State of Indiana
Boone County
My Commission Expires Jan. 14, 2023

Barri Andreoli, Notary Public

My Commission Expires: January 14, 2023

My County of Residence is: Boone

Tax ID Number(s):
019-08830-00 06-04-02-000-016.015-006

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Ronald Church and Rebecca Church, Husband and Wife

CONVEY(S) AND WARRANT(S) TO

Timothy R. Donnar and Kathrine W. Donnar, Husband and Wife, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

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

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 24 day of October, 2019.

Ronald Church

Rebecca Church

State of Indiana, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Ronald Church and Rebecca Church** 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 24 day of October, 2019.

My Commission Expires:

Signature of Notary Public

Commission No.

Printed Name of Notary

Notary Public County and State of Residence

B PINEDA
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0722337
My Commission Expires Sep 10, 2027

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

Property Address:
145 North Main Street
Zionsville, IN 46077

Grantee's Address and Mail Tax Statements To:
10045 Hickory Ridge Dr.
Zionsville, IN 46077

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

Lot No. 58 and the North Half of Lot No. 59, except a strip 10 feet of uniform width off of and across the entire South side of said Lot No. 59, all in Oliver's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, Page 59, in the Office of the Recorder of Boone County, Indiana.

STATE OF INDIANA	)	**BEFORE THE ZIONSVILLE**
	) **SS:**	**BOARD OF ZONING APPEALS**
COUNTY OF BOONE	)	**FILE NO. 2020-04-DSV**

IN RE: THE MATTER OF THE VARIANCE APPLICATION,	)
	)
	)
TIMOTHY R. DONNAR and KATHRINE W. DONNAR,	)
	)
Petitioner.	)

AFFIDAVIT OF MAILING

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

1. That this Affiant did, on or before February 18, 2020, at least ten (10) days prior to March 4, 2020, send a Notice of Public Hearing to the property/home owners adjacent and appurtenant to the boundaries of the property for which Petitioner is seeking approval of a Petition for Variance of Development Standards. The certified mailing list of property/home owners is attached hereto and marked as Exhibit "A".

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

Michael J. Andreoli

State of INDIANA)
) SS:
County of BOONE)

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

Barri Andreoli, Notary Public

My Commission expires: January 14, 2023
My County of Residence is Boone County

BARRI ANDREOLI
Notary Public – Notary Seal
State of Indiana
Boone County
My Commission Expires Jan. 14, 2023

David M. & Robin M. Damm
155 N. Main St.
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John and Ann Hall
150 N. Main St.
Zionsville, IN 46077

Rottmann Collier Development LLC
155 E. Market St., Ste 200
Indianapolis, IN 46204

EXHIBIT
"A"

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

February 18, 2020

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, March 4, 2020, at 6:30 p.m.

Dear Property Owner:

Please find enclosed our Notice of Public Hearing for a Variance of Development Standards in front of the Zionsville Board of Zoning Appeals. Mr. and Mrs. Donnar seek approval to build a single family residence that will exceed the permitted 35% total coverage requirement in the Urban Village Residential District. I've enclosed a drawing of the home they intend to build.

If you have any questions, please feel free to send me an E-mail or give me a call.

Very truly yours,

Michael J. Andreoli

MJA/ba

Enclosures

EXHIBIT
B

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

February 25, 2020

Ms. Martha A. Osterhous
140 N. Main St.
Zionsville, IN 46077

RE: Timothy R. and Kathrine W. Donnar, Petitioners
Zionsville Board of Zoning Appeals
Petition No. 2020-04-DSV
Date of Meeting: Wednesday, April 1, 2020, at 6:30 p.m.

Dear Ms. Osterhous:

Please find enclosed our Notice of Public Hearing for a Variance of Development Standards in front of the Zionsville Board of Zoning Appeals. Since there was a continuance of the original Hearing, it will now be held on April 1, 2020. Mr. and Mrs. Donnar seek approval to build a single family residence that will exceed the permitted 35% total coverage requirement in the Urban Village Residential District. I've enclosed a drawing of the home they intend to build.

I apologize that the original Notice went to the previous homeowner. If you have any questions, please feel free to send me an E-mail or give me a call.

Very truly yours,

Michael J. Andreoli

MJA/ba

Enclosures

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, March 4, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Variance of Development Standards, Petition No. 2020-04-DSV, filed by counsel, Michael J. Andreoli, on behalf of the Petitioners, Timothy R. Donnar and Kathrine W. Donnar. Petitioners are seeking a Variance of Development Standards for the property which they are seeking approval to construct a single family residence that will exceed the permitted 35% total coverage requirement in the Urban Village Residential District. The property consists of 6,787 sq. feet, is located at 145 N. Main St., Zionsville, Indiana 46077, and is more commonly described as follows:

> Lot No. 58 and the North Half of Lot No. 59, except a strip 10 feet of uniform width off of and across the entire South side of said Lot No. 59, all in Oliver's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat 2, Page 59, 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 Office of Planning in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077.

Written comments in support of or in opposition to the Petition for Variance of Development Standards filed with the Secretary of the Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public and oral comments to the Petition for Variance of Development Standards will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If you have a disability, which requires special assistance for your participation in the Public Hearing, please call (317) 873-8247 at least forty-eight (48) hours prior to the meeting to make special arrangements.

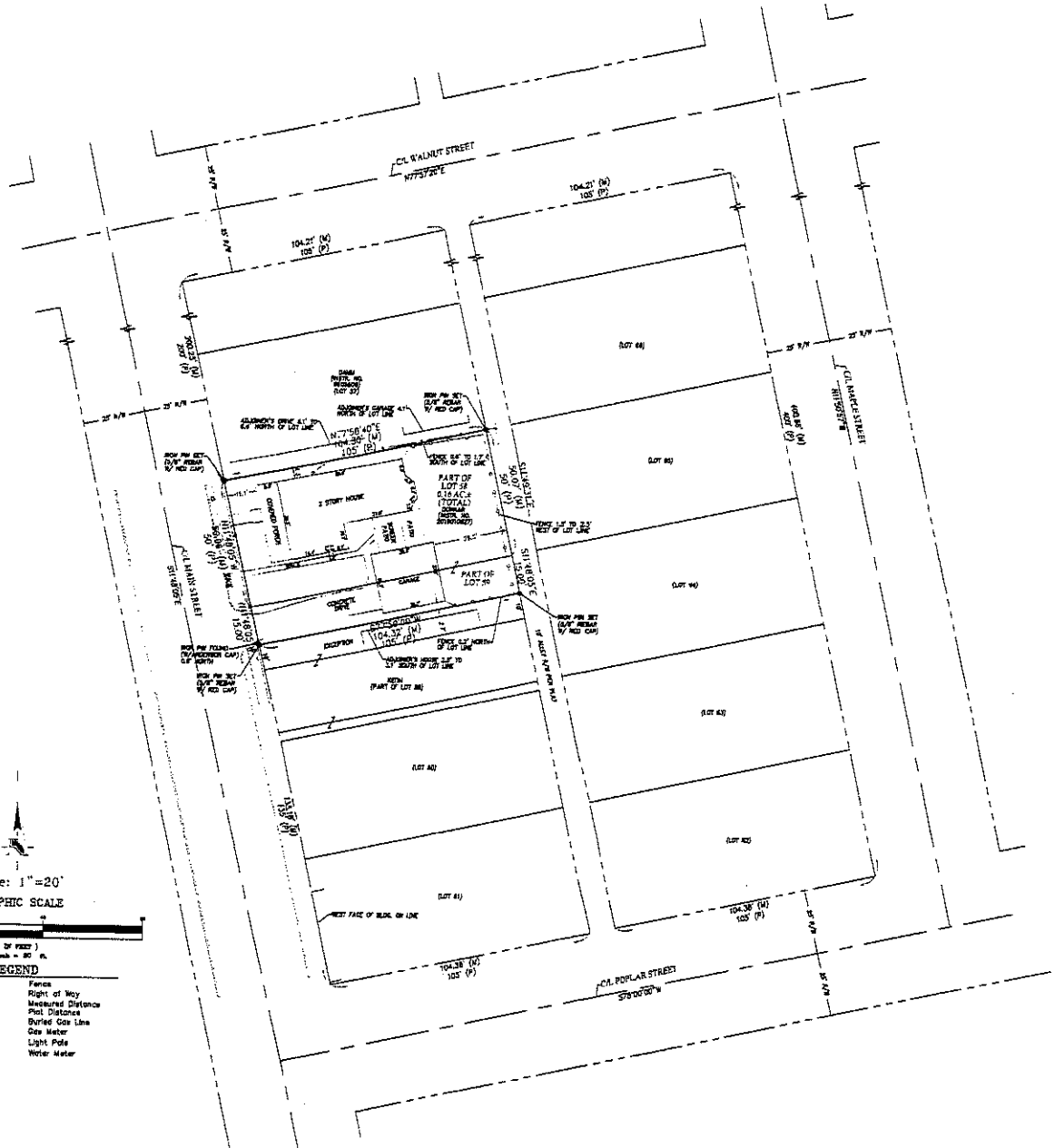
Secretary,
Zionsville Board of Zoning Appeals

NARRATIVE

The existing home at 145 N. Main St., here in Zionsville was purchased by Tim and Kathy Donnar with the idea of either a complete remodel or tear down with a newly improved main house and accessory buildings. In inspecting and canvasing the existing home on the property, the Donnar's quickly came to the conclusion that a remodel would be problematic, would cost a substantial sum of money and would not provide them an equivalent house that has been erected in recent years in and along the Main Street area.

The lot itself consists of 6,787 sq. feet. A copy of the site plan and survey is attached and the plot plan shows that the coverage, with the new build approved, will be 2,862 sq. feet for a lot coverage of 42.2%. The current lot coverage allowance, per the Ordinance in the Urban Village Residential District, is 35%. Hence a Variance will be needed to construct the home as currently proposed.

I've enclosed a copy of the basic home design including all elevations. The home was designed by Goldberg Design Group and will be a beautiful new home on Main Street. This proposed home and site plan will not require any additional front, side or rear yard setbacks and the applicant would suggest that this modest increase in lot coverage will be justified with the quality of the home to be constructed.



Scale: 1"=20'

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

LEGEND

—o—	Fence
R/W	Right of Way
(M)	Measured Distance
(P)	Plat Distance
—G—	Buried Gas Line
G	Gas Meter
☼	Light Pole
W	Water Meter

Certificate of Survey

I, the undersigned, a Registered Land Surveyor in the State of Indiana, certify that this survey was prepared under my supervision and, to the best of my knowledge and belief, was executed according to survey requirements in 865 IAC 1-12 for a retracement survey.

Property Address: 145 N. Main Street, Zionsville, IN 46077

Property Description (Deed, Vol. 2019001827):

Lot Nos. 59 and the North half of Lot No. 60, except a strip 10 feet of uniform width off of and across the entire South side of said Lot Nos. 59, all in Glover's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat [illegible] page 59, in the Office of the Recorder of Boone County, Indiana.

Surveyor's Report for Job #191048

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted as the basis and extent of uncertainty in the position of the lines and exterior boundaries established on this survey as a result of:

(A) Availability and condition of referenced monuments:
(B) Occupation or possession lines:
(C) Clarity or ambiguity of the record descriptions used and of adjoiner's descriptions, and the relationship of the lines of the subject tract with adjoiners lines.
(D) The relative positional accuracy of the measurements.

(A) Reference Monuments:

Ambiguous original lot corners are controlling assumptions in the retracement of lot lines. For the most part, most original monuments have been obliterated with time. In the absence of such original corners, improvements (such as fences and other ways) which appear to have been placed and/or constructed with the benefit of such original monumentation are used as best evidence of original lot lines. This survey based on the centerlines of Walnut Street, Main Street, Maple Street, and Poplar Street.

In this surveyor's opinion, the maximum uncertainty of the lines and corners of the surveyed parcels due to reference monuments is ±0.60 feet.

Unless noted otherwise, monuments set for this survey are 5/8" rebar/pipe x 24" long rebar with red cap stamped FIRM #0046 placed at ground level.

(B) Possession Lines:

1.) Adjoiner's house 2.4 to 3.1 feet South of South deed line
2.) Fence 0.2 feet North of South deed line.
3.) Fence 1.9 to 2.5 feet West of West lot line.
4.) Fence 0.4 to 1.7 feet South of North lot line.
5.) Adjoiner's garage 0.1 feet North of North lot line.
6.) Adjoiner's office 0.1 to 0.4 feet North of North lot line.
(The client should assume there is an amount of uncertainty along any line equal to magnitude of the discrepancy in the location of the lines of possession from the recorded lines.)

(C) Record Descriptions:

The record descriptions for the adjoining real estate were obtained from the Boone County Recorders Office and reconstructively retraced in an effort to disclose hiatuses/gaps and/or overlaps between the lines of the surveyed property and lines of the adjoiners. It is this surveyor's professional opinion that there are no overlaps/gaps in the lines of the surveyed real estate and those of the adjoiners due to discrepancies in the record descriptions.

(D) Relative Positional Accuracy of Measurements:

The Relative Positional Accuracy of the corners of the subject tract established for this survey is within the specifications for a Suburban survey (= 0.13 feet plus 100 parts per million) as defined in 865 IAC 1-12-8, effective May 4, 2006. ("Relative Positional Accuracy," 12-8-8(a) 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 95 percent confidence level).

As a result of the above uncertainties, it is this surveyor's professional opinion that the measurements at the locations of the lines and corners found along the perimeter of the surveyed tract established on this survey are as follows:

1.) Due to Variances in reference monuments: Concerning record - title corners: See above
2.) Due to Discrepancies in the record descriptions: See above
3.) Due to inconsistencies in lines of occupation: concerning physical evidence, See above
4.) Due to Inconsistencies (Relative Positional Accuracy): See above.

Theory of Location:

The boundary lines of the subject tract were reestablished based upon the plat of Glover's Addition to the Town of Zionsville, Indiana, as per plat thereof recorded in Plat [illegible] page 59, in the Office of the Recorder of Boone County, Indiana and the field location of same, earlier as they exist at the date of this survey, forming each boundary of the block bounded by Walnut Street, Maple Street, Poplar Street and Main Street were located in the vicinity of the subject property. The documents of said survey were utilized to establish the original centerlines of said streets and the subsequent center of the rights of way. Record title, availability and condition of reference monuments allowed. Said street centerlines were then offset the "half rights-of-way widths" as per the above stated record plat to establish the right of way lines of said streets. Professional measurements with respect to the monument and plat dimensions for the Point were utilized to establish the lines and corners of the surveyed tract.

Survey Completed: November 25, 2019

Certified: November 26, 2019

To: Timothy R. Deemer

Chad L. Brown, Registered Land Surveyor, Indiana #LS21100302
Job #191048

NOTES:

1.) The underground utilities depicted on the attached plat of survey have been located per utility location markings on the ground as provided by the Indiana Underground Plant Protection Service.

2.) Zoning requirements (such as setback lines, etc.) are not part of this assignment and are intentionally omitted from this title plat.

3.) This survey was prepared without benefit of a current land title commitment and is subject to review of such document.

4.) Based upon a spatial interpretation of the FLOOD INSURANCE RATE MAP, PANEL 334 of 775, MAP NO. 18011C0334E (in Boone County, Indiana), dated January 18, 2017, (Community Number 180031) the within described real estate IS NOT located within a Special Flood Hazard Area (hereafter) by FEMA (Zone) as established by the Federal Emergency Management Agency for the National Flood Insurance Program. The within described real estate is located within (Shaded) Zone X (areas of 0.2% annual chance flood; with average depth of less than 1 foot or with drainage areas of less than 1 square mile) and zone, designated by Boone (map 25 annual chance flood). Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM), and shall not be construed as a certification or denial of flooding potential.

5.) No warranty, either express or implied, is made as to the accuracy and/or completeness of information pertaining to underground utilities, or as to its fitness for any particular purpose or use. In no event will Hahn Surveying Group, Inc., its employees, agents, and/or assigns be liable for any damages arising out of the furnishing and/or use of such information.

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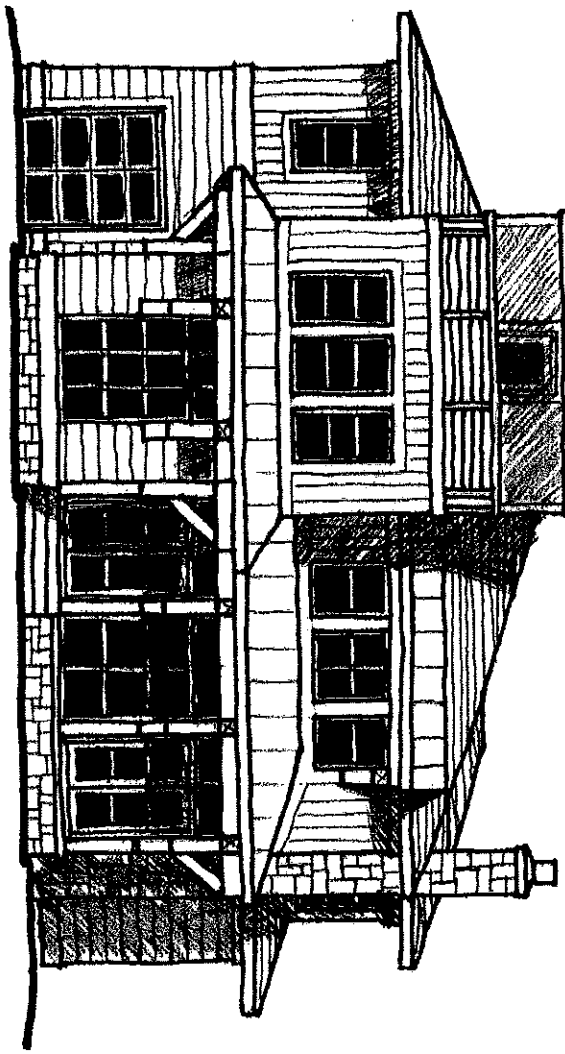
Retracement Survey—145 N. Main Street
Zionsville, Indiana 46077

SHEET 1 OF 1

HAHN SURVEYING GROUP, INC.
LAND SURVEYORS - Established in 1975
8866 N. Meridian Street, Suite 180
Indianapolis, IN 46260
www.hahnsurveying.com ~ Phone: (317) 846-0562

DRAWING BY: JG CHECKED BY: CLB 191048

Client: Mike Andreoli



FRONT ELEVATION

1/4" = 1'-0"

DATE:

GOLDBERG DESIGN GROUP
custom home design

317.582.1430
40 1st STREET N.W.
CARMEL, IN 46032
steve@goldbergdesigngroup.com
www.goldbergdesigngroup.com
AWARD WINNING HOME DESIGNS

DONNAR RESIDENCE

145 N. MAIN ST. Z'VILLE.

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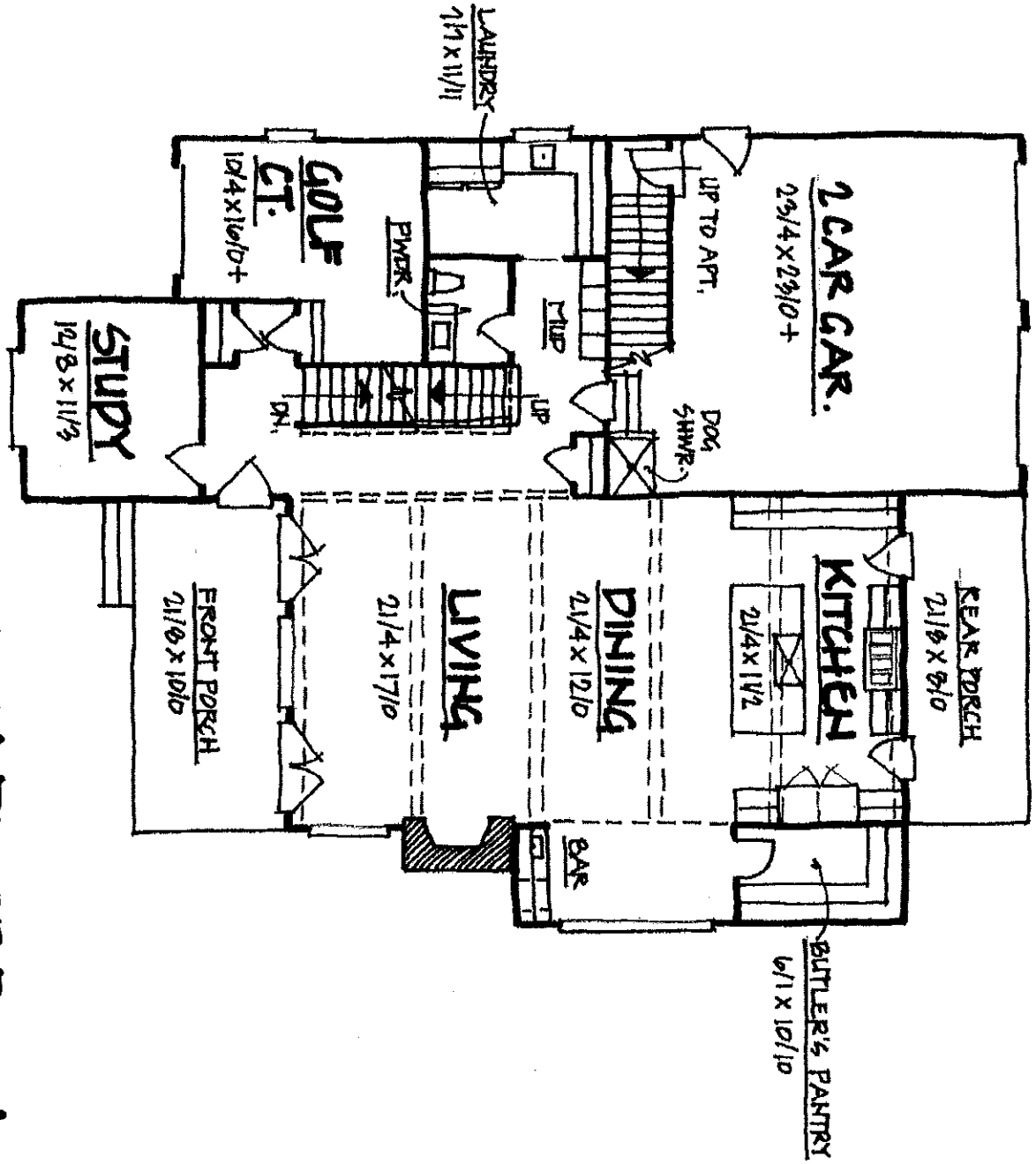
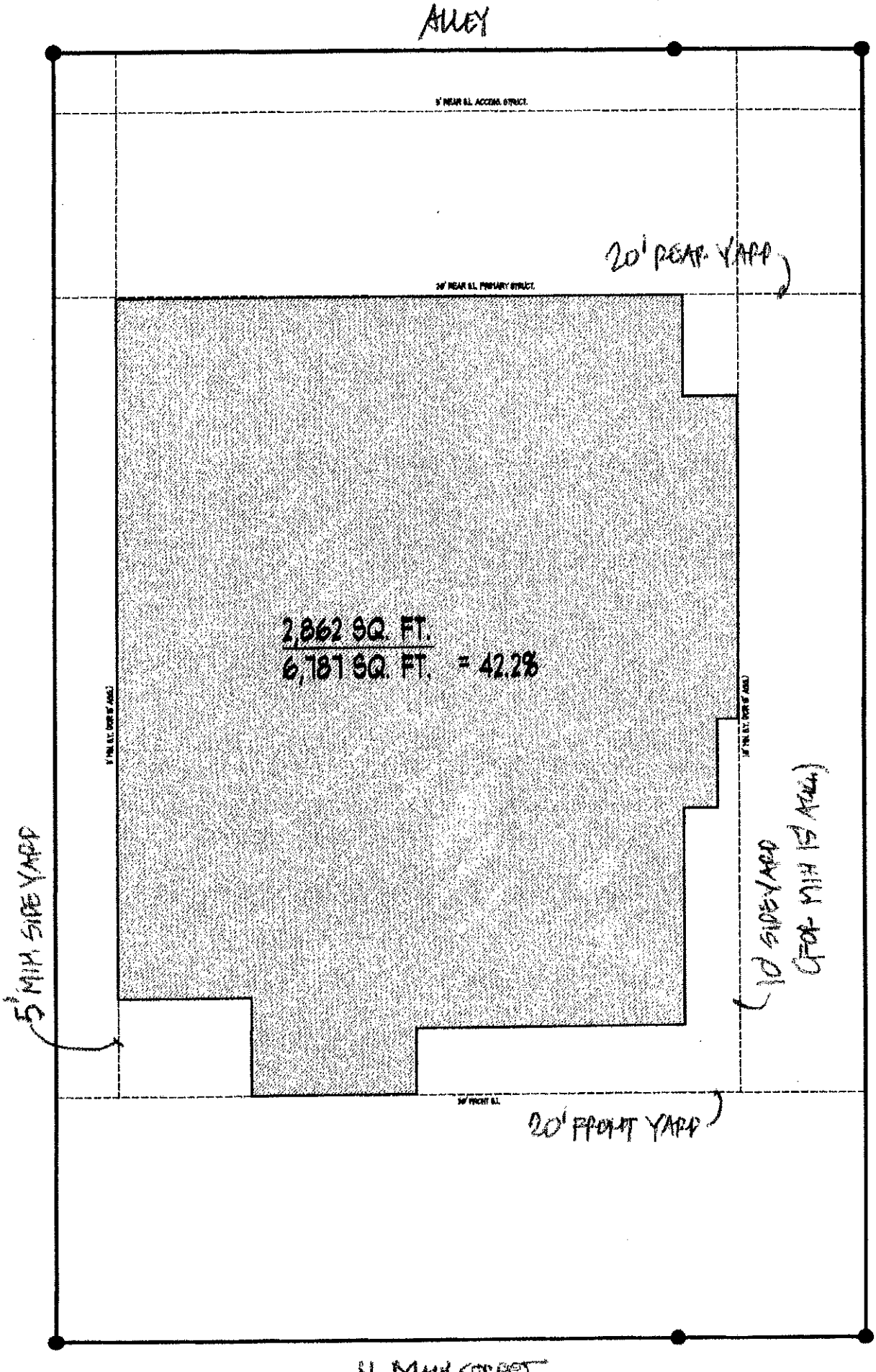


MAIN FLOOR PLAN

3/32" = 1'-0"

1,674 SQ. FT.

DATE:				
	GOLDBERG DESIGN GROUP custom home design	317.582.1430 40 1st STREET N.W. CARMEL, IN 46032 steve@goldbergdesigngroup.com www.goldbergdesigngroup.com AWARD WINNING HOME DESIGNS	DONNAR RESIDENCE 145 N. MAIN ST. Z'VILLE.	© COPYRIGHT 2019 BY GOLDBERG DESIGN GROUP, INC. ALL RIGHTS RESERVED.


ALLEY
5' REAR EL. ACCESS. STRUCT.
20' REAR YARD
30' REAR EL. PRIMARY STRUCT.
2,862 SQ. FT.
6,787 SQ. FT. = 42.2%
5' MIN SIDE YARD
10' SIDE YARD
(FOR MIN 15' ALLEY)
30' FRONT EL.
20' FRONT YARD
N. MAIN STREET

David M. & Robin M. Damm
155 N. Main St.
Zionsville, IN 46077

Alessandro & Bridget A. Collins
160 N. Maple St.
Zionsville, IN 46077

Bakers Corner LLC
6695 Beekman Pl., Unit A
Zionsville, IN 46077

Lisa Hackman
130 N. Maple St.
Zionsville, IN 46077

Robert G. & Donna Fisher
50 E. Poplar St.
Zionsville, IN 46077

Keith Juanita B. Trustee
165 N. Main St.
Zionsville, IN 46077

Turkey Hotel LLC
320 Linden Street
Zionsville, IN 46077

Martha A. Osterhous
140 N. Main St.
Zionsville, IN 46077

John and Ann Hall
150 N. Main St.
Zionsville, IN 46077

Rottmann Collier Development LLC
155 E. Market St., Ste 200
Indianapolis, IN 46204

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Boone

City of Zionsville

ISSUED:

The subscriber, being duly sworn, deposes and says that

he (she) is the said Jaime Hensley of ZIONSVILLE TIMES SENTINEL

and that the foregoing notice for

NOTICE OF PUBLIC HEARING

was published in said newspaper in one editions

of said newspaper issued between 02/19/2020 and 02/19/2020

Cost: 55.20

Jaime Hensley

SUBSCRIBED AND SWORN BEFORE ME THIS 19th day of February, A.D.

Angela M Lunsford

Angela M. Lunsford

Notary Public Seal, State of Indiana

ANGELA M. LUNSFORD
Notary Public, State of Indiana
Madison County
Commission Number 667461
My Commission Expires
May 24, 2023

Commission Number_____

My Commission Expires_____

NOTICE OF PUBLIC HEARING

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Secretary,
Zionsville Board of Zoning Appeals
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Zionsville, IN 46077

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Zionsville, IN 46077

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320 Linden Street
City, State, ZIP+4®
Zionsville, IN 46077

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mailed 2/18/20

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postmark Here

Postage
$

Total Postage an
$

Sent To
Robert G. & Donna Fisher
Street and Apt. No.
50 E. Poplar St.
City, State, ZIP+4
Zionsville, IN 46077

PS Form 3800,

IS SECTION ON DELIVERY

☐ Agent
☒ Addressee

(Printed Name) Fisher | C. Date of Delivery 3/2/20

dress different from item 1? ☐ Yes
delivery address below: ☐ No

tricted Delivery
cted Delivery
estricted Delivery
ted Delivery

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

PS Form 3811, July 2015 PSN 7530-02-000-9053 Donnar 2B2A Domestic Return Receipt

Michael J. Andreoli

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

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

OFFICIAL USE

Certified Mail Fee
$

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- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and
$

Sent To

Street and Apt. No.

City, State, ZIP+4®

PS Form 3800, A

mailed 2/18/20

Postmark Here

$7.05

Gloria A. & Robert P. Rottman
Trustee
140 N. Main St.
Zionsville, IN 46077

7017 2620 0000 4033 4609

CERTIFIED MAIL®

7017 2620 0000 4033 4609

ria A. & Robert P. Rottman
Trustee
140 N. Main St.
Zionsville

NIXIE 462 DE 1

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

REF BC: 46077126493 *0212-01361

46077126493

Petition No. 2020-04 -DSV
T. DONNOR

TOWN OF ZIONSVILLE
BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals and general welfare of the community because: **we have sufficient acreage that this will not appear crowded or cluttered. Also, the new home will be an improvement over the existing older structure.**

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: **the incremental increase in lot coverage will coexist with a number of other remodeled and/or new homes in and along Main Street.**

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **the price points now existing in and along Main Street and the surrounding environs now requires a new home over a remodel provide the size and scope of the proposed main house with accessory structures.**

DECISION

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

Adopted this _____ day of _____, 2020.

_____

_____

_____

_____

_____

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-10-DSV
Subject Site Address:	720 West Pine Street
Petitioner:	Alexander & Kristin Nester
Representative:	Alexander & Kristin Nester
Request:	Petition for Development Standards Variance in order to provide for the addition of a carport to a Single-Family Home which: 1) Deviates from the required side yard setback and 2) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Residential Village Zoning District (RV)
Current Land Use:	Single-family Residential
Approximate Acreage:	.13 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 & Proposed Setbacks & Dimensions 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 May 6, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.13 acres of Lot 7 in the Hillcrest Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 0.13-acre parcel is currently improved with a 2,736 +/- square foot circa 1922 single-family dwelling (this home does not appear in the Indiana Department of Natural Resources Interim Study) and accessory uses. Per the exhibits included, the Petitioner desires to construct a carport for the property to provide off street covered parking. The proposed carport, contemplated to not exceed the maximum lot coverage or the height of the current home and designed to match the materials of the existing dwelling, would require approval of a Development Standards Variance(s) as it would 1) encroach into the required five (5) foot side yard setback, and 2) would encroach into the required five (5) foot rear yard setback.

SETBACK (SIDE YARD)

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards of five (5) feet with an aggregate minimum setback of 15 feet.

The site currently enjoys a conforming five (5) foot side yard setback from the east parcel line for the existing house and a conforming 16-foot side yard setback from the west parcel line. The existing aggregate side yard setbacks are 21-foot, conforming to the Zoning Ordinance. The proposed east setback from the property line for the carport addition is contemplated at four (4) feet, making the proposed aggregate side yard setback 20-foot and conforming to the ordinance. Further, a review of setbacks in the vicinity shows additional parcels (east and west) that enjoy the benefit of reduced side and/or aggregate side yard setbacks, and in one case, for a carport. With all this in mind, and that the request is associated with a minor encroachment into the side yard, Staff is supportive of the contemplated reduced side yard setback.

SETBACK (REAR YARD)

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards of 20 feet for primary buildings and five (5) feet for accessory buildings. The site currently enjoys a conforming rear yard setback for the existing patio from the north/ rear parcel line which adjoins a public alley with an approximate 12-foot width.

As proposed, the carport would be sited three (3) feet from the rear property line. While 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 carport, utilization of the maneuvering area of the alley will be somewhat influenced by the privacy fence located on the northside of the alley. Further, reduced rear yard setbacks are enjoyed in the area, and specifically by a carport. With the above in mind, Staff is supportive of the Petitioner's request to reduce the required rear yard setback to 3 feet.

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

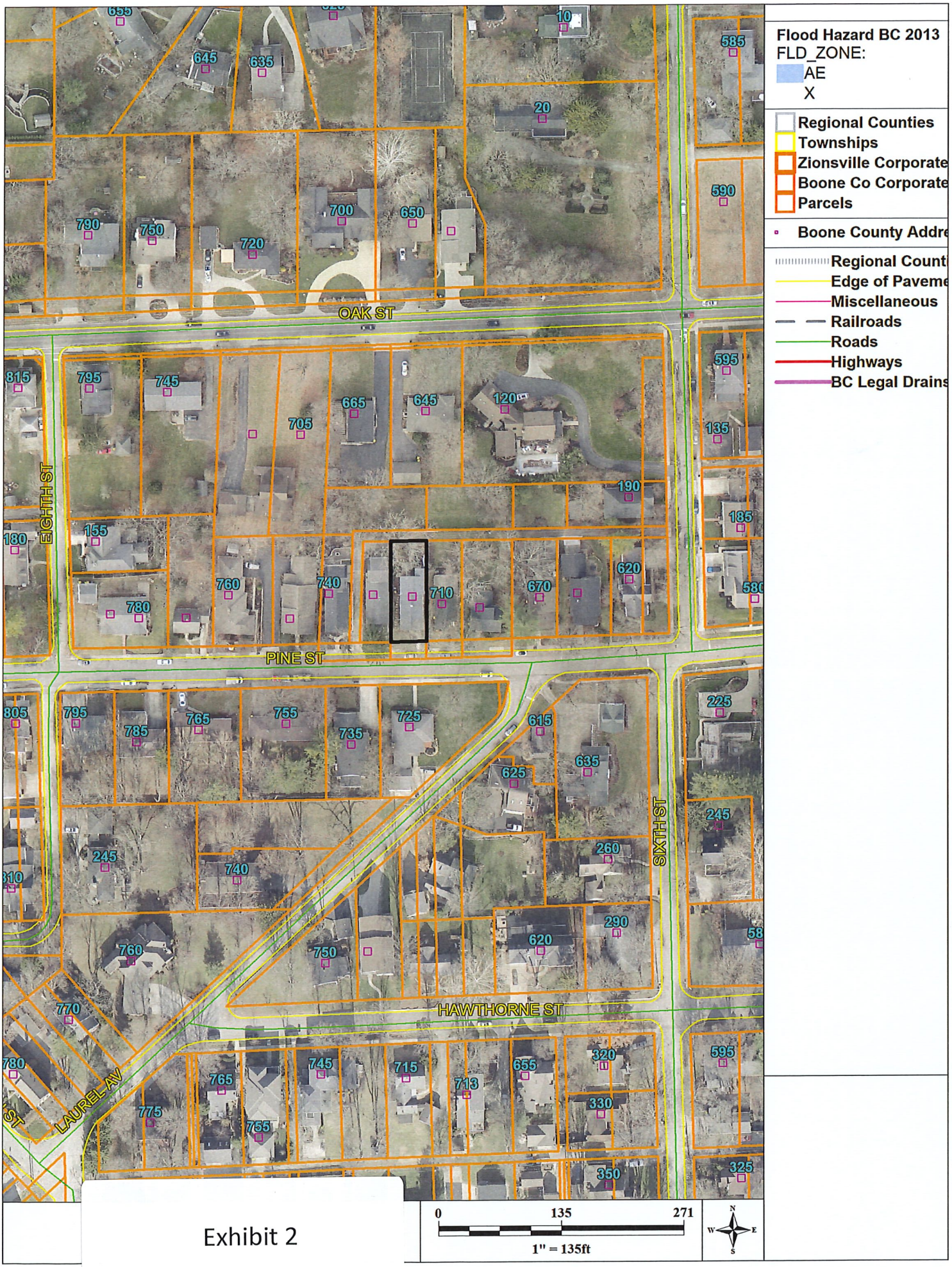
Staff Recommends Approval of Petition # 2020-10-DSV, subject to substantial compliance with the submitted exhibits attached to this Report, illustrating that the intended materials to construct the contemplated carport are reflective of the materials installed on the exterior of the dwelling (this condition is suggested, by Staff, to continue in perpetuity with the granting of the variance).

RECOMMENDATION MOTION

I move that Docket #2020-10-DSV Development Standards Variance in order to provide for the addition of a carport to a Single-Family Home which 1) Deviates from the required side yard setback and 2) Deviates from the required rear yard setback, as illustrated on the exhibits attached to this report), in the Residential Village Zoning District (RV) for the property located at 720 West Pine Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted conceptual drawings / Denied/ Continued).

PROCEDURAL NOTE

The constructability of the carport is regulated by the Indiana Residential Code, which will require, due to the carport's proximity to the single-family dwelling, means and methods to rate the portion of the structure that is in proximity to the single-family dwelling (as to reduce the potential of the risk of fire leaping from one structure to another).


Flood Hazard BC 2013
FLD_ZONE:
AE
X
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
OAK ST
PINE ST
HAWTHORNE ST
EIGHTH ST
SIXTH ST
LAUREL AV
0
135
271
1" = 135ft
N
W
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S

Exhibit 2

Kristin and I are writing this letter as an addition to the public notice included in this envelope. We are intending to build a carport in the rear of our home. We are trying to make improvements to our backyard and are providing our house with covered parking as well. Please feel free to reach out to us directly if you have any questions or concerns about the project. We are using a local builder who has worked on multiple projects on this street already. We are making this project fit the style of our home and alley-way as much as possible.

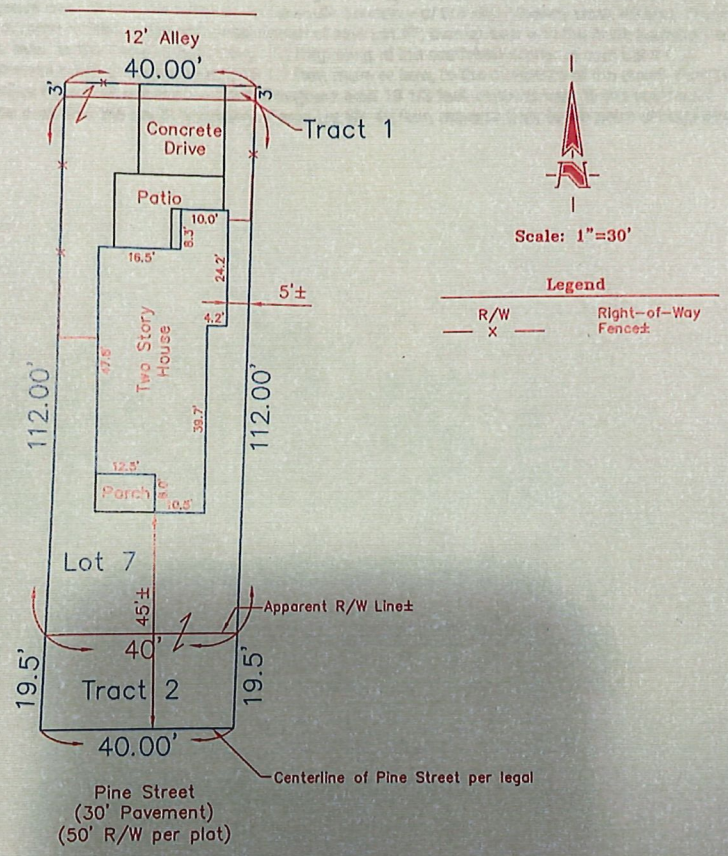
Thank you,

Alex & Kristin Nester

Exhibit 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.



Scale: 1"=30'

Legend

R/W — Right-of-Way

X — Fence±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

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

LEE J. WOOD REGISTERED No. 21000200 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 08/15/2018

Lee J. Wood
Professional Land Surveyor,
Indiana #21000200
Job No.: 2018081366
Drawn By: JAR
Sheet 2 of 3

- The proposed dimensions of the carport: **12ft x 20ft**
- The proposed height of the carport: **12ft**
- The proposed side yard setbacks: **4ft East property line, 16ft West property line**
- The proposed rear yard setbacks: **3ft setback**

Exhibit 4

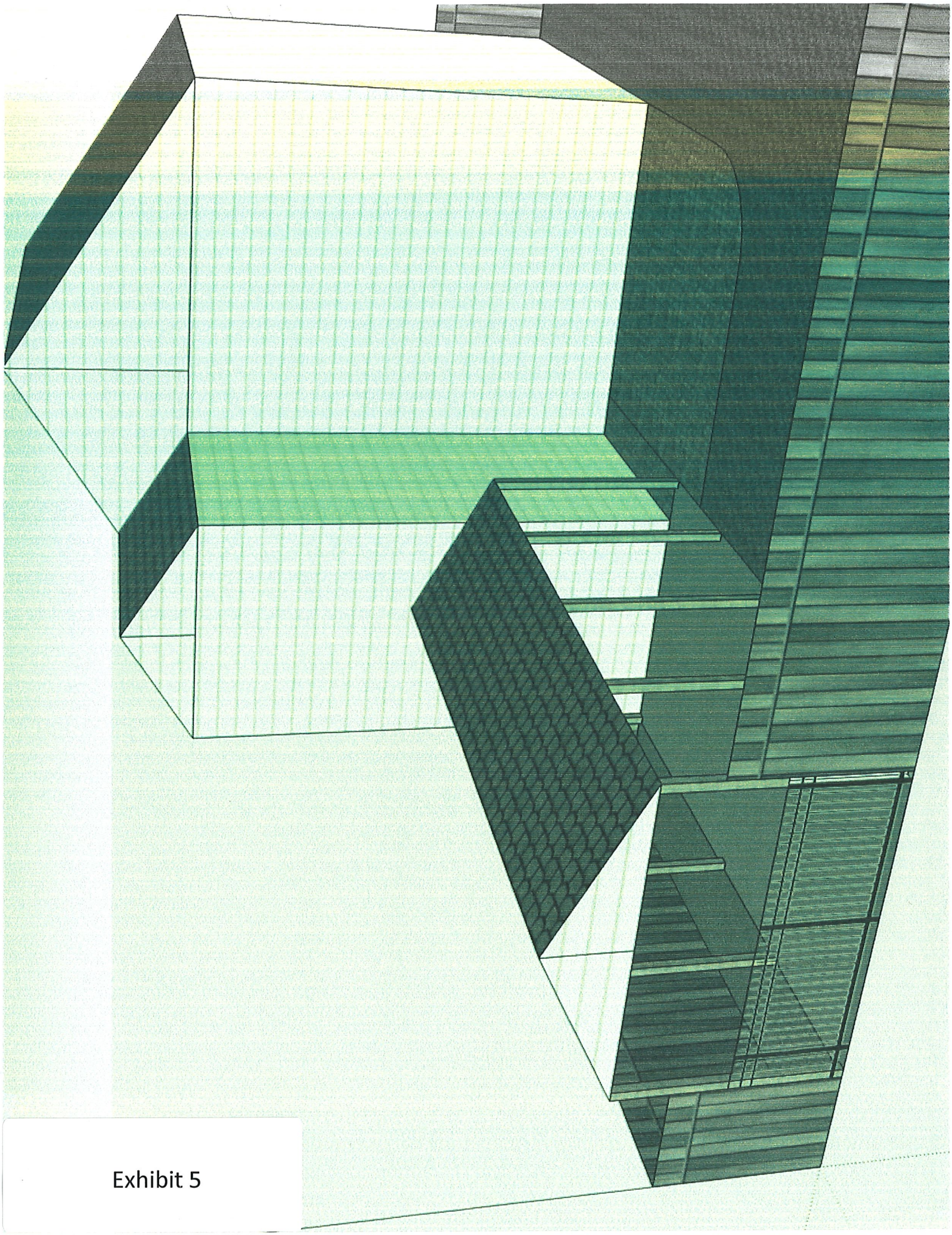


Exhibit 5

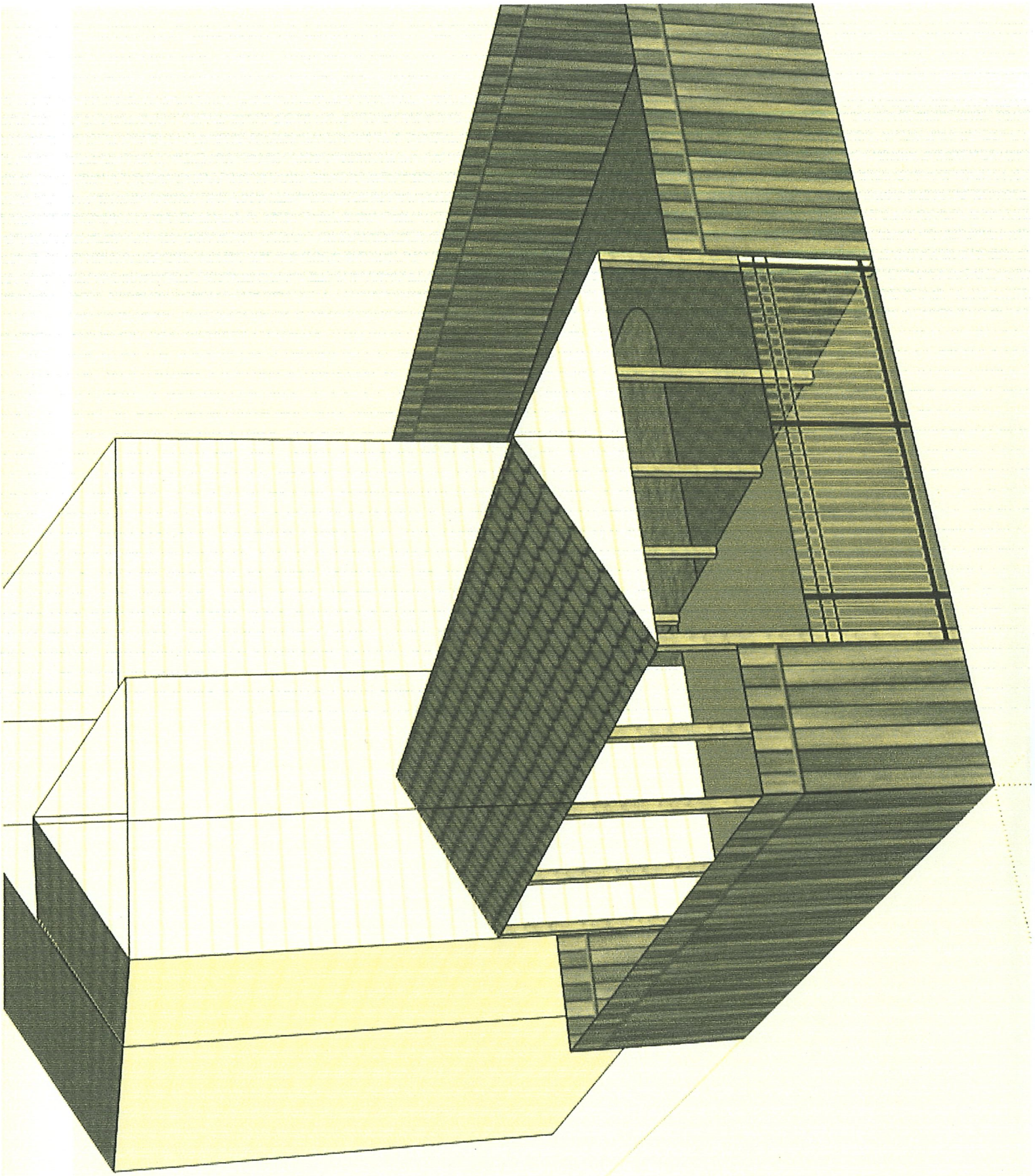


Exhibit 5

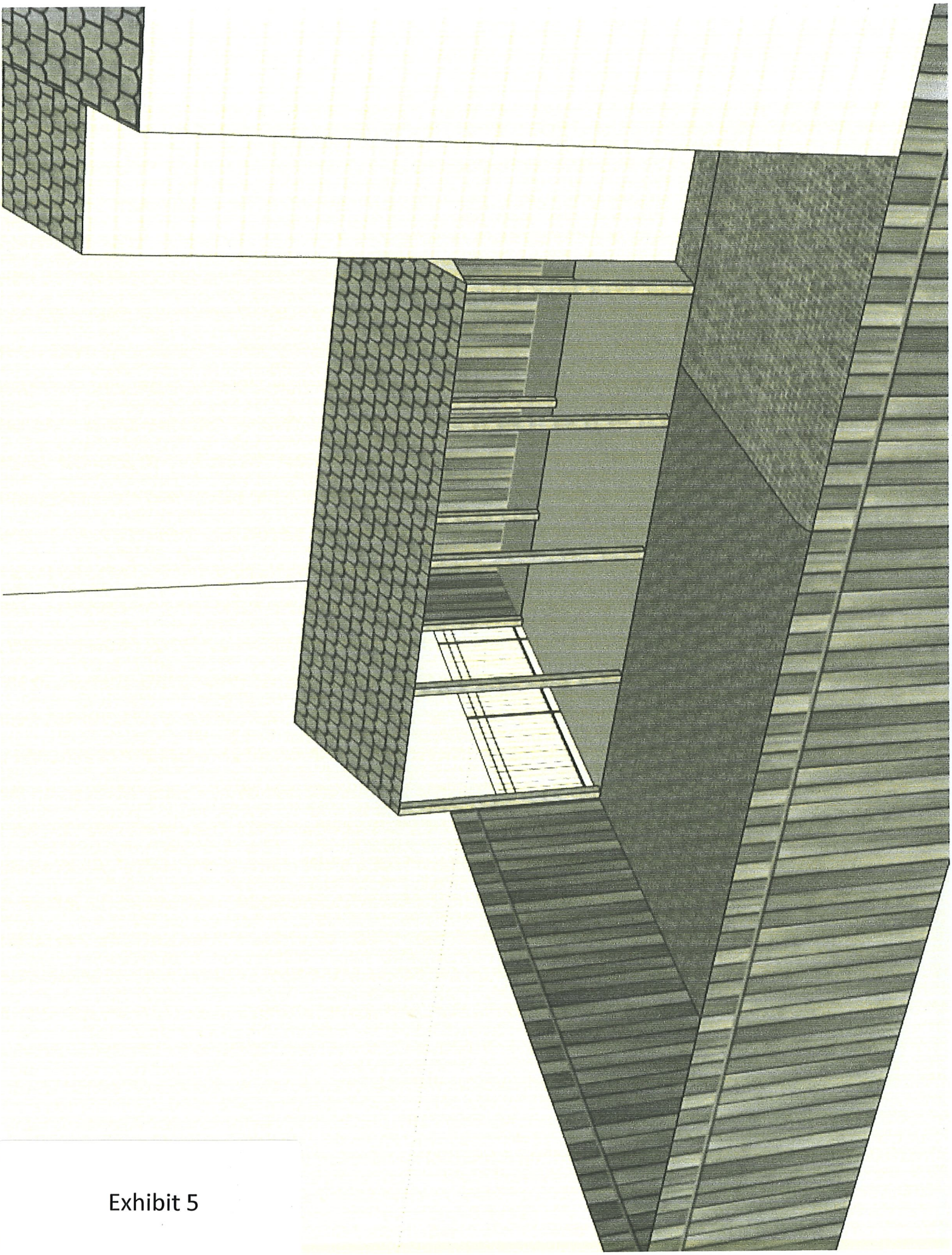


Exhibit 5

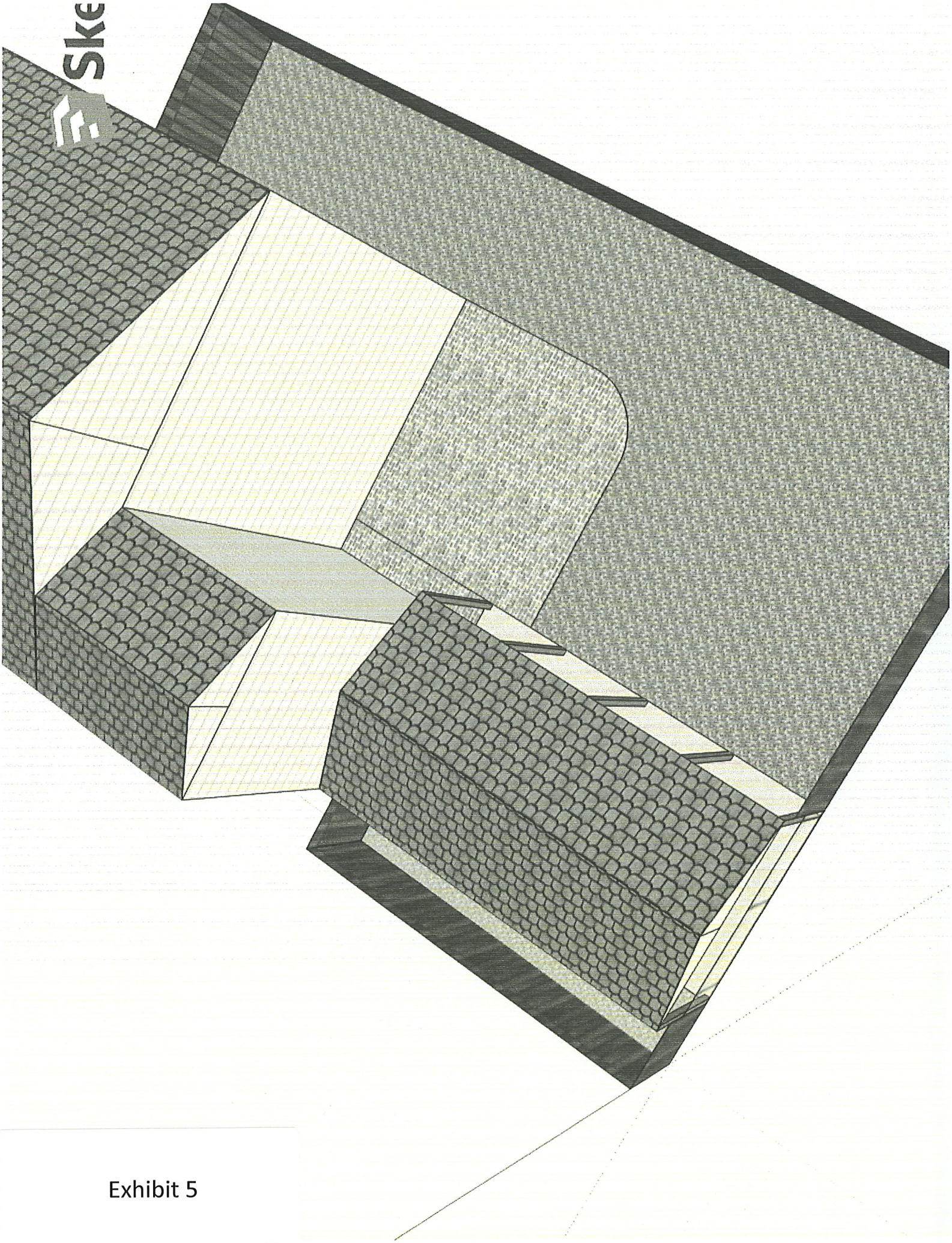


Exhibit 5

Exhibit 5

Exhibit 5

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 not** be injurious to the public health, safety, morals, and general welfare of the community because the project will increase the value of this property, will provide the property with covered off street parking, will match the ascetic of the house, and will maintain similar setbacks from the public way and adjoining properties as other properties in the immediate vicinity.

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 the project will increase the value of this property, will match the ascetic of the house and surrounding houses, and will maintain similar setbacks from the public way and adjoining properties as other properties in the immediate vicinity.

3. The strict application of the terms of the zoning ordinance **does** constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because in order to provide the property with covered off street parking, the minimum aggregate setback from the side and the minimum setback from the rear must be exceeded. Other neighbors along the common alleyway have similar structures requiring variances, and without a variance this property will not have adequate shelter and protection for vehicles on the property.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 6

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-10-DSV

1. SITE INFORMATION:

Address of Property: 720 W. Pine St. Zionsville IN 46077

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: RV Area in acres: 0.13

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Alex & Kristin Nester

Owner Name (if different from Petitioner):

Petitioner Address: 720 W. Pine St. Owner Address:

Petitioner Phone Number: 217-494-4638 Owner Phone Number:

Petitioner E-Mail Address: chpt27@gmail.com Owner E-Mail Address:

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

Attorney/Contact Person:

Name: Alex Nester

Address: 720 W. Pine St. Zionsville IN 46077

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**

Development Standards Variance; encroaching into minimum side yard and minimum rear yard for accessory building. Intending to build a carport for covered off street parking.

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.

// Legal description of property

// Proof of Ownership (copy of Warranty Deed)

// Owner's Authorization (if Petitioner is not the Owner)

// Site Plan & Exhibits

// Statement of Commitments (if proposed)

// Draft of Proposed Legal Notice

// Application Fee

// Draft of Proposed Findings of Fact

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

Signature of Owner or Attorney for Owner: _____ **Date:** 4/1/20

Signature of Owner or Attorney for Owner: _____ **Date:** 4/1/20

State of INDIANA)
SS:
County of BOONE)

OFFICIAL SEAL
CHRISTINE I. KOENIG
NOTARY PUBLIC - INDIANA
BOONE COUNTY
My Comm. Expires June 14, 2022

Subscribed and sworn to before me this 1 day of April, 2020.

_____ CHRISTINE I. KOENIG

Notary Public Signature — Notary Public Printed

My Commission No: 6541760

My Commission Expires: 6-14-2022

My County of Residence is BOONE County

File No.: 201842368
Parcel Number: 019-07990-00
State ID: 06-04-02-000-012.001-006

WARRANTY DEED

THIS INDENTURE WITNESSETH, That ***Bruce G. Ashmore*** (Grantor) of Boone County, in the State of Indiana, CONVEYS AND WARRANTS to ***Alexander Nester and Kristin Nester, husband and wife*** (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:

Lot #7 in Hillcrest Addition to the Town of Zionsville, Boone County, Indiana as per plat thereof, recorded in Plat Record 4, page 75 of the records of the Office of the Recorder of Boone County, Indiana.

ALSO, a part of the northeast quarter of Section 2, Township 17 North, Range 2 East in the Second Principal Meridian, more particularly described in Two Tracts, as follows: (1) Beginning at the northeast corner of Lot #7 in Hillcrest Addition; and run thence north 2 degrees east, 3 feet more or less to the south boundary of the alley; thence west, 40 feet; thence south 2 degrees west, 3 feet more or less to the northwest corner of said Lot #7; thence east with the north boundary of said Lot #7, 40 feet more or less, to the place of beginning. (2) Beginning at the southeast corner of said Lot #7, in Hillcrest Addition; and run thence south 2 degrees west, 19 1/2 feet, more or less, to the centerline of the street; thence west 40 feet with the centerline of said street; thence north 2 degrees east 19 1/2 feet, more or less, to the southwest corner of said Lot #7; thence east with the south boundary of said Lot #7, 40 feet, more or less, to the point of beginning.

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 720 W Pine St., Zionsville, IN 46077.

IN WITNESS WHEREOF, Grantor has executed this deed this 21st day of September, 2018.

Bruce G. Ashmore

State of Indiana)
)ss. ACKNOWLEDGEMENT
County of Marion)

Before me, a Notary Public in and for the said County and State, personally appeared Bruce G. Ashmore, 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 21st day of September, 2018.

My commission expires: January 19, 2024

NOTARY PUBLIC SEAL
BONNIE JETT
Resident of Madison County, IN
Commission Expires: January 19, 2024

Bonnie Jett
Notary Public

Case No. 201842368

VENDOR'S AFFIDAVIT

State of Indiana)
)ss.
County of Marion)

Bruce G. Ashmore, being first duly sworn state[s] that (hereinafter referred to, jointly and severally, as "Vendor") is this day conveying to Alexander Nester and Kristin Nester, husband and wife (hereinafter referred to, jointly and severally, as "Purchaser"), by Warranty Deed, the following described Real Estate located in Boone County, Indiana:

Lot #7 in Hillcrest Addition to the Town of Zionsville, Boone County, Indiana as per plat thereof, recorded in Plat Record 4, page 75 of the records of the Office of the Recorder of Boone County, Indiana.

ALSO, a part of the northeast quarter of Section 2, Township 17 North, Range 2 East in the Second Principal Meridian, more particularly described in Two Tracts, as follows: (1) Beginning at the northeast corner of Lot #7 in Hillcrest Addition; and run thence north 2 degrees east, 3 feet more or less to the south boundary of the alley; thence west, 40 feet; thence south 2 degrees west, 3 feet more or less to the northwest corner of said Lot #7; thence east with the north boundary of said Lot #7, 40 feet more or less, to the place of beginning. (2) Beginning at the southeast corner of said Lot #7, in Hillcrest Addition; and run thence south 2 degrees west, 19 1/2 feet, more or less, to the centerline of the street; thence west 40 feet with the centerline of said street; thence north 2 degrees east 19 1/2 feet, more or less, to the southwest corner of said Lot #7; thence east with the south boundary of said Lot #7, 40 feet, more or less, to the point of beginning.

and commonly known as: 720 W Pine St.
Zionsville, IN 46077
(hereinafter referred to as "Real Estate").

In connection with the sale of Real Estate, Vendor has furnished Purchaser with a commitment for an owner's policy of title insurance for the Real Estate under date of August 01, 2018, issued by Chicago Title Insurance Company, as Commitment No. 201842368.

Vendor has an indefeasible estate in fee simple in the Real Estate; and the Real Estate is free and clear of every kind of description of lien, lease or encumbrance except the following:

1. Easements, agreements and restrictions of record disclosed in said commitment.
2. Current taxes not delinquent.
3. Whatever matters affecting the Real Estate, if any, disclosed in the above deed.

Vendor has not executed, or permitted anyone in Vendor's behalf to execute, any conveyance, mortgage, lien, lease, security agreement, financing statement or encumbrance of or upon the Real Estate or any fixtures attached thereto, except as stated above, which is now outstanding or enforceable against the Real Estate. Vendor has made no contract to sell all or a part of the Real Estate to any person other than the Purchaser, and Vendor has not given to any person an option to purchase all or any part of the Real Estate, which is enforceable or exercisable now or at any time in the future. There are no unpaid claims for labor done upon or materials furnished for the Real Estate in respect of which liens have been or may be filed. The improvements upon the Real Estate are all located entirely within the bounds of the Real Estate, and there are no encroachments thereon. There are no existing violations of zoning ordinances or other covenants, conditions and restrictions applicable to the Real Estate.

There is no judgment of any court of the State of Indiana or of any court of the United States that is or may become a lien on the Real Estate. No petition for bankruptcy has been filed by or against Vendor within the last six months, nor is any petition now pending with respect to Vendor for bankruptcy, insolvency or incompetency. Vendor is neither principal nor surety on any bond payable to the State of Indiana.

Real Estate is now in possession of Bruce G. Ashmore as titleholder (s) and no all

(Select appropriate paragraph)

☒ Vendor is more than eighteen (18) years of age and a citizen of the United States.

☐ Vendor is a corporation duly organized under the laws of The State of Indiana or is registered with The Secretary of State of Indiana and in good standing under the law of The State of and the persons executing this affidavit and the deed on behalf of Vendor are duly elected officers of Vendor and have been fully empowered by proper resolution of the Board of Directors of Vendor to execute and deliver this affidavit and the deed; and Vendor has full corporate capacity to convey the real estate described herein and all necessary corporate action for the making of such conveyance has been taken and done.

Vendor intends that each of the statements made herein shall be construed as a representation; each of the representations is made for the purpose of inducing Purchaser to purchase the Real Estate; and each of the representations, whether construed jointly or severally, is true. Vendor expressly authorizes Purchaser and all other persons to rely on such representations.

Bruce G. Ashmore

State of Indiana)
)ss. ACKNOWLEDGEMENT
County of Marion)

Before me, a Notary Public in and for the said County and State, personally appeared Bruce G. Ashmore, 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 21st day of September, 2018.

My commission expires: January 19, 2024

Bonnie Jett
Notary Public
Residing in Madison County, Indiana

BONNIE JETT
Resident of Madison County, IN
Commission Expires: January 19, 2024
Commission # 678409

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

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Alexander Nester, 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: Alex Nester
(NAME OF PERSON ON PETITION)

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

For property located at: 720 W Pine St

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

OWNERS	ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by First Class Mailed on or before the 23 day of April, 2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

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

Alexander D Nester
Name of person mailing letters

Signature

State of INDIANA)

County of Boone) **SS:**

Subscribed and sworn to before me this 1 day of May, 20 20.

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

OFFICIAL SEAL
CHRISTINE I. KOENIG
NOTARY PUBLIC - INDIANA
BOONE COUNTY
My Comm. Expires June 14, 2022

Attribute report for active ID 1

ID	name	add1	add3
28738	SALAS SARAH B ETAL	8620 WILSON RD	INDIANAPOLIS, IN 46278
28740	KORNOWA DAVID RONALD & SHARON	710 W PINE ST	ZIONSVILLE, IN 46077
28741	SALAS SARAH B ETAL	8620 WILSON RD	INDIANAPOLIS, IN 46278
28742	KORNOWA DAVID RONALD & SHARON	710 W PINE ST	ZIONSVILLE, IN 46077
28744	NESTER ALEXANDER & KRISTIN	720 W PINE ST	ZIONSVILLE, IN 46077
28746	MCELWAIN ROBERT E & MARCELLA J	740 W PINE ST	ZIONSVILLE, IN 46077
28747	GOOSEN ROBERT & MELISSA	730 W PINE ST	ZIONSVILLE, IN 46077
28748	NESTER ALEXANDER & KRISTIN	720 W PINE ST	ZIONSVILLE, IN 46077
28749	NO VALUE 999	NO VALUE 999	NO VALUE 999
28782	LAWRENCE MICHAEL & CAROLYN JAM	120 S 6TH ST	ZIONSVILLE, IN 46077
28787	LAWRENCE MICHAEL & CAROLYN JAM	120 S 6TH ST	ZIONSVILLE, IN 46077

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community

Public Notices

Gentry
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR COURT I
CAUSE NO.
06D01-2004-ES-000050
IN THE MATTER OF THE SUPERVISED ESTATE OF WENDELL GENTRY, Deceased.
NOTICE OF SUPERVISED ADMINISTRATION

Notice is given that LEANNA J. MILLER was, on April 9, 2020, appointed Administrator of the ESTATE OF WENDELL GENTRY, deceased, who died on the 26th of March, 2020. The Administrator is authorized to administer the estate with COURT SUPERVISION.

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

Dated: April 9, 2020
/s/ Jessica J Fouts
Clerk, Boone Superior Court I
Attorneys for the Estates
Chris L. Shelby, #123-06
Shelby Law, PC
116 N. West St.
P.O. Box 743
Lebanon, IN 46052
Telephone: (765) 482-1370
Facsimile: (765) 482-9065
TLR-207 4/18, 25 hspaxlp 1636677

Public Notices

An abandoned bus is available for sale. 1) A 1992 Ford/Thomas 16+1 passenger with VIN 1FDXJ75P1NVA30463. Mileage is unknown. 2) An outstanding invoice of $500 is due for unpaid charges. 3) The bus is available to see/purchase from 8:00 AM-5:00 PM Monday-Friday at Midwest Transit Equipment at 4500 South Indianapolis Rd. Whitestown, IN 46075. The bus was dropped off for service in 2009 and has not been started since then.
TLR-219 4/25 hspaxlp 1637888

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

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

2020-10-DSV, Alexander D Nester requests a DEVELOPMENT STANDARDS VARIANCE to provide for or permit:

Carport attached to rear of single family home

The property involved is more commonly known as: 720 W. Pine St., and is legally described as:

Parcel 019-07990-00

A copy of the Petition for Development Standards Variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: http://www.zionsville-in.gov/231/Planning-Economic-Development. Written comments in support of or in opposition of the

continued next column

Public Notices

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

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

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-221 4/25 hspaxlp 1637916

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LOST A PET? 1-888-663-1063.

Public Notices

THORNTOWN TOWING & RECOVERY, LLC
302 WEST CHURCH STREET THORNTOWN IN AUCTION DATE 5/1/2020 10:00 A.M.
2004 PONTIAC GRAND PRIX
2G2WP522141156628 $2152.00
TLR-228 4/25 hspaxlp 1638138

ZIONSVILLE TOWING & RECOVERY, LLC
4901 WEST 106TH STREET ZIONSVILLE IN 46077 AUCTION DATE 05/1/2020 9:00 A.M
2007 CHEVROLET IMPALA
2G1WC58R579200270 $1947.00
1993 FORD AEROSTAR
1FMCA11U6PZB01871 $2068.00
2007 HONDA CIVIC
1HGFA16817L045100 $726.00
2002 INFINIT QX4
JNRDR09Y52W254061 $764.00
1991 NISSAN KING CAB
1N6SD16Y4MC316101 $2112.00
TLR-227 4/25 hspaxlp 1638130

Auctions

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

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CLASSIFIED PACKAGES CALL 1-888-663-1063.

buy + sell

Cemetery Lots

6 CEMETERY PLOTS; Family Groupings at Lizton K of P Cemetery located at intersection of SR 136 & US 39. Lots are 1, 4, 5, 6, 7, & 8. $500 each firm. Will sell separately. Call 812-320-2258

CLASSIFIED PACKAGES CALL 1-888-663-1063.

Furniture

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

homes

Manufactured Homes

NICE 2 & 3 BR, 2 BA w/shed & deck in Thorntown (765) 746-6869

Business & Service Directory $1.64 per day $49.32 for 30 days

Construction/Remodel

ELECTRIC – SMITH ELECTRIC, . Residential Wiring. Main services. Call 765-436-2679 or 317-441-3879

Landscape

MCCLOSKEY'S LAWN & Landscape, mowing, mulching bulk delivery, residential & commercial. Insurance & Senior Discounts 765-891-0886.

Tree Service

BART MCCOY'S TREE SERVICE: Tree removal & stump grinding. Insured. Free est. (765) 436-7778

CULLEY'S TREE SERVICE Free estimates and Insured. Dave Culley 765-535-8836

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at 1-888-663-1063.

Kristin and I are writing this letter as an addition to the public notice included in this envelope. We are intending to build a carport in the rear of our home. We are trying to make improvements to our backyard and are providing our house with covered parking as well. Please feel free to reach out to us directly if you have any questions or concerns about the project. We are using a local builder who has worked on multiple projects on this street already. We are making this project fit the style of our home and alley-way as much as possible.

Thank you,

Alex & Kristin Nester

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,

6 May 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:

2020-10-DSV, **Alexander D Nester** requests a
(PETITION NUMBER) (NAME OF PETITIONER)

DEVELOPMENT STANDARDS VARIANCE to provide for or permit:

Carport attached to rear of single family home

The property involved is more commonly known as: 720 W. Pine St.,
and is legally described as: (COMMON ADDRESS)

Parcel 019-07990-00

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

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

will be heard at the

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

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

Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: _____

Alex + Kaitlin Hosler
710 W Pine St
Zionsville IN 46077

Eric + Kay Burkhammer
715 W Pine St
Zionsville IN 46077

Alex + Kaitlin Hosler
710 W Pine St
Zionsville IN 46077

Robert + Annette McElroy
710 W Pine St
Zionsville IN 46077

Alex + Kaitlin Hosler
710 W Pine St
Zionsville IN 46077

Michael + Carolyn Lawrence
110 S 6th ST
Zionsville IN 46077

Alex + Kaitlin Hosler
710 W Pine St
Zionsville IN 46077

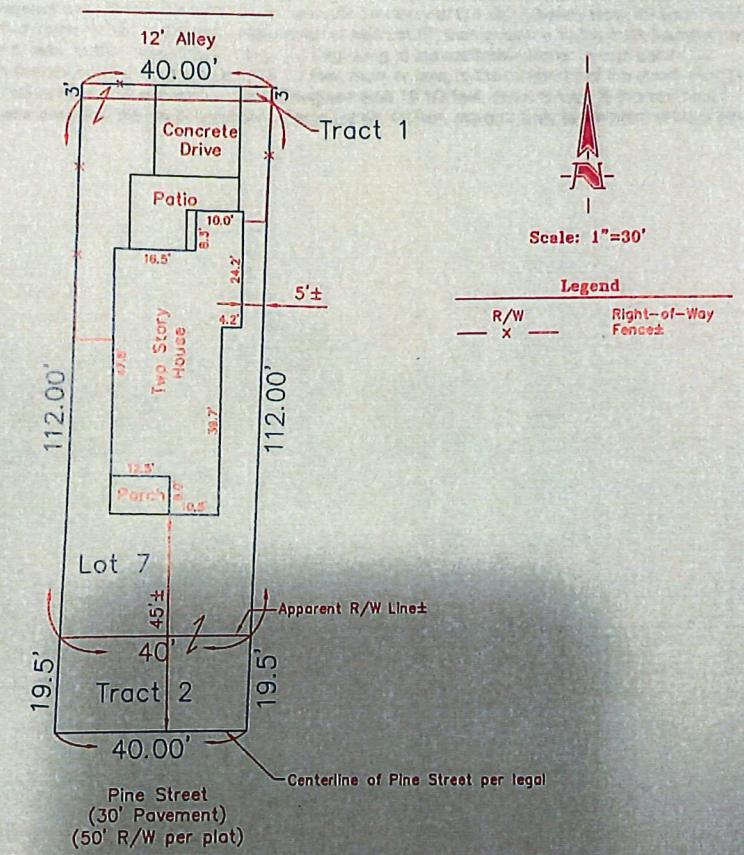
Dave + Sharon Kortenaw
710 W Pine St
Zionsville IN 46077

Alex + Kaitlin Hosler
710 W Pine St
Zionsville IN 46077

Bob + Melissa Goosen
730 W Pine St
Zionsville IN 46077

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.



Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

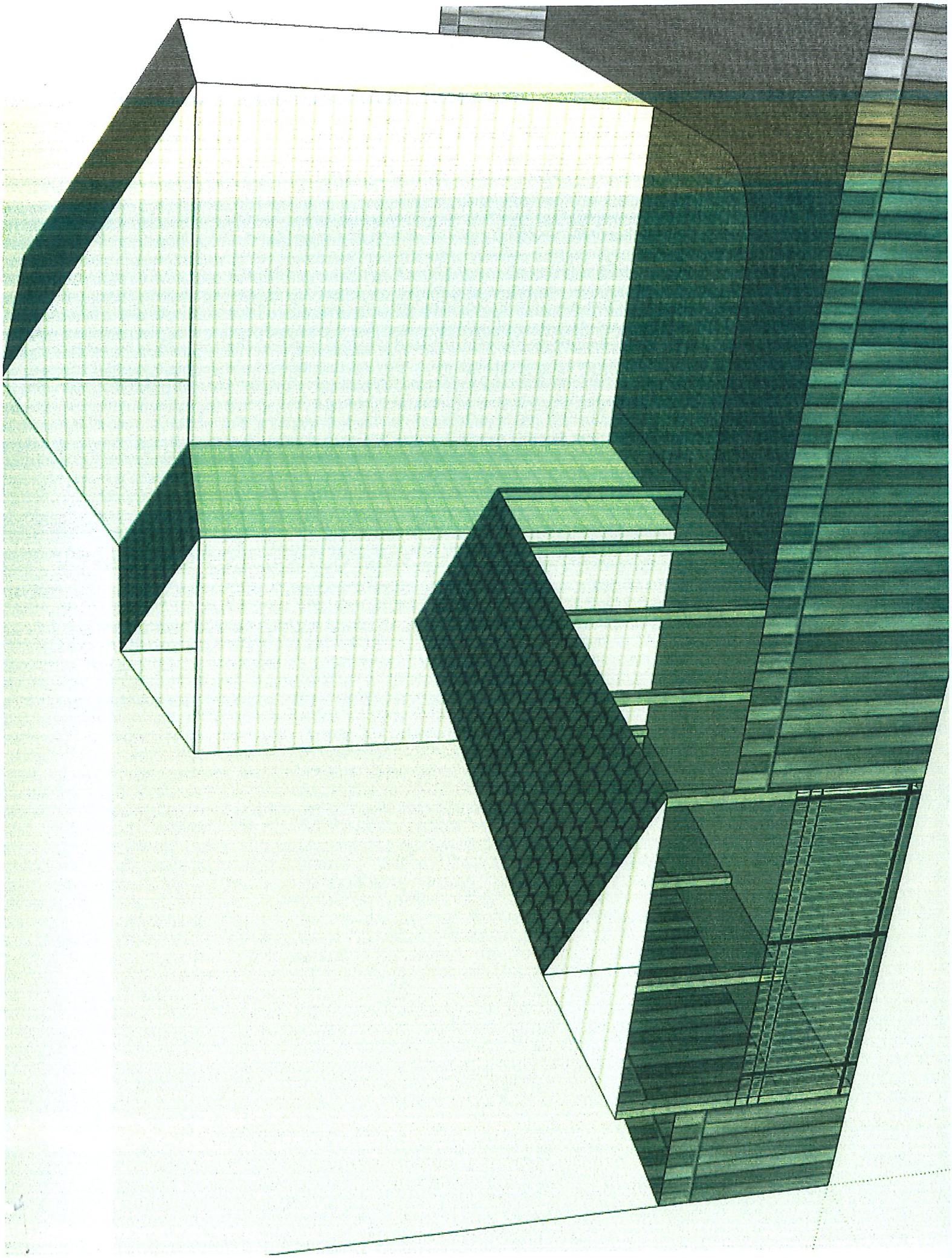
HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

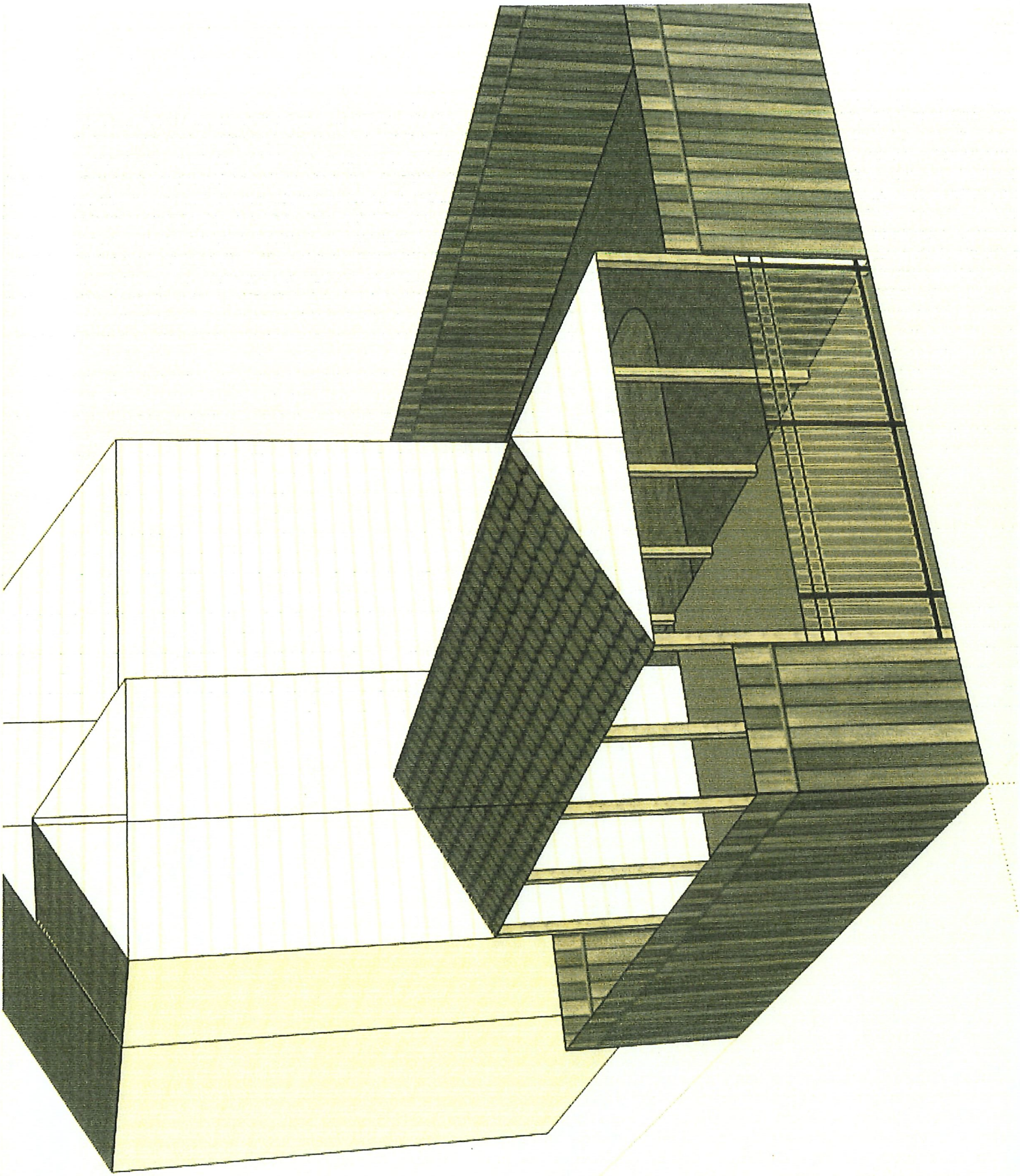
LEE J. WOOD REGISTERED No. 21000200 STATE OF INDIANA LAND SURVEYOR

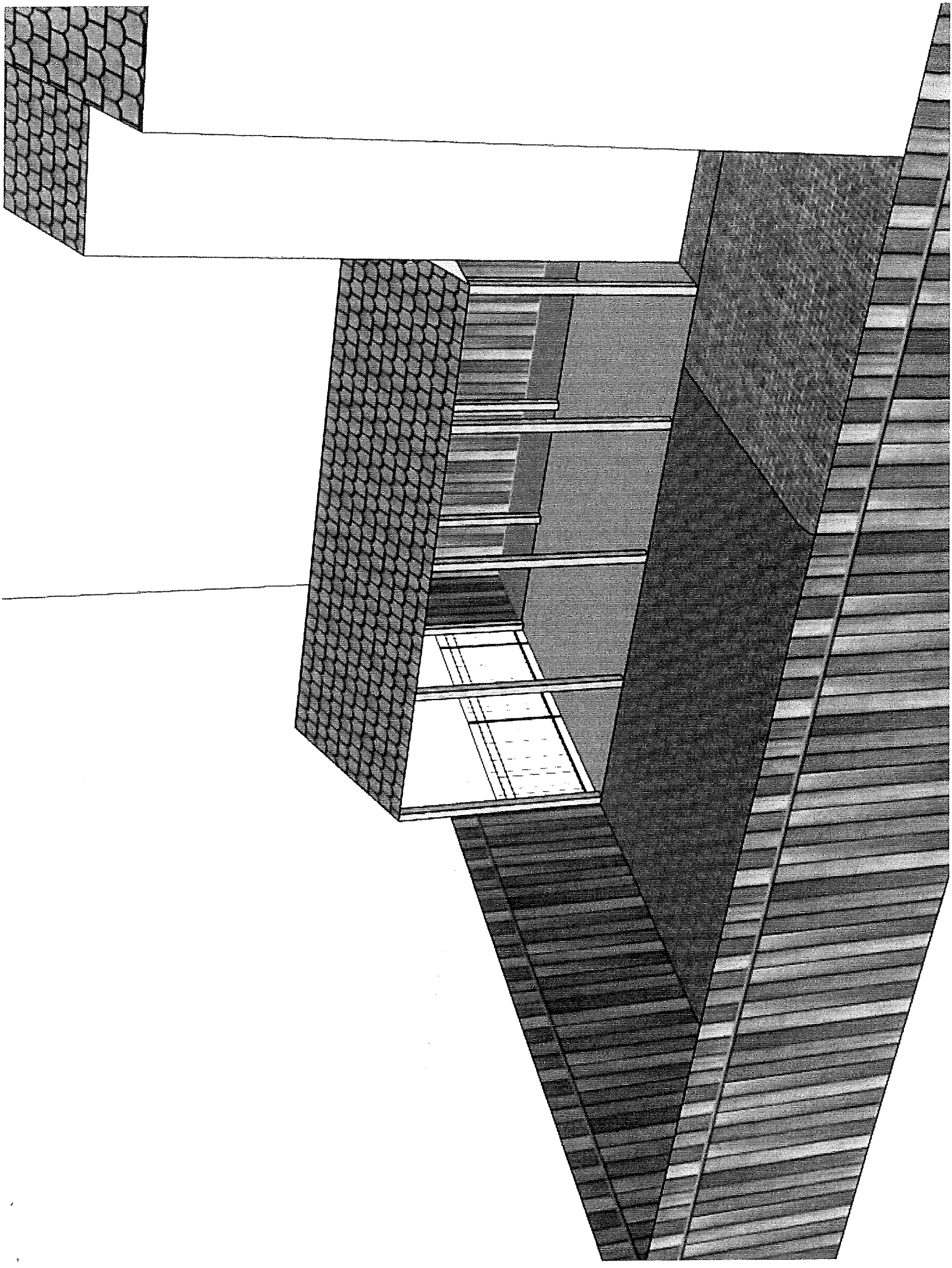
CERTIFIED: 08/15/2018

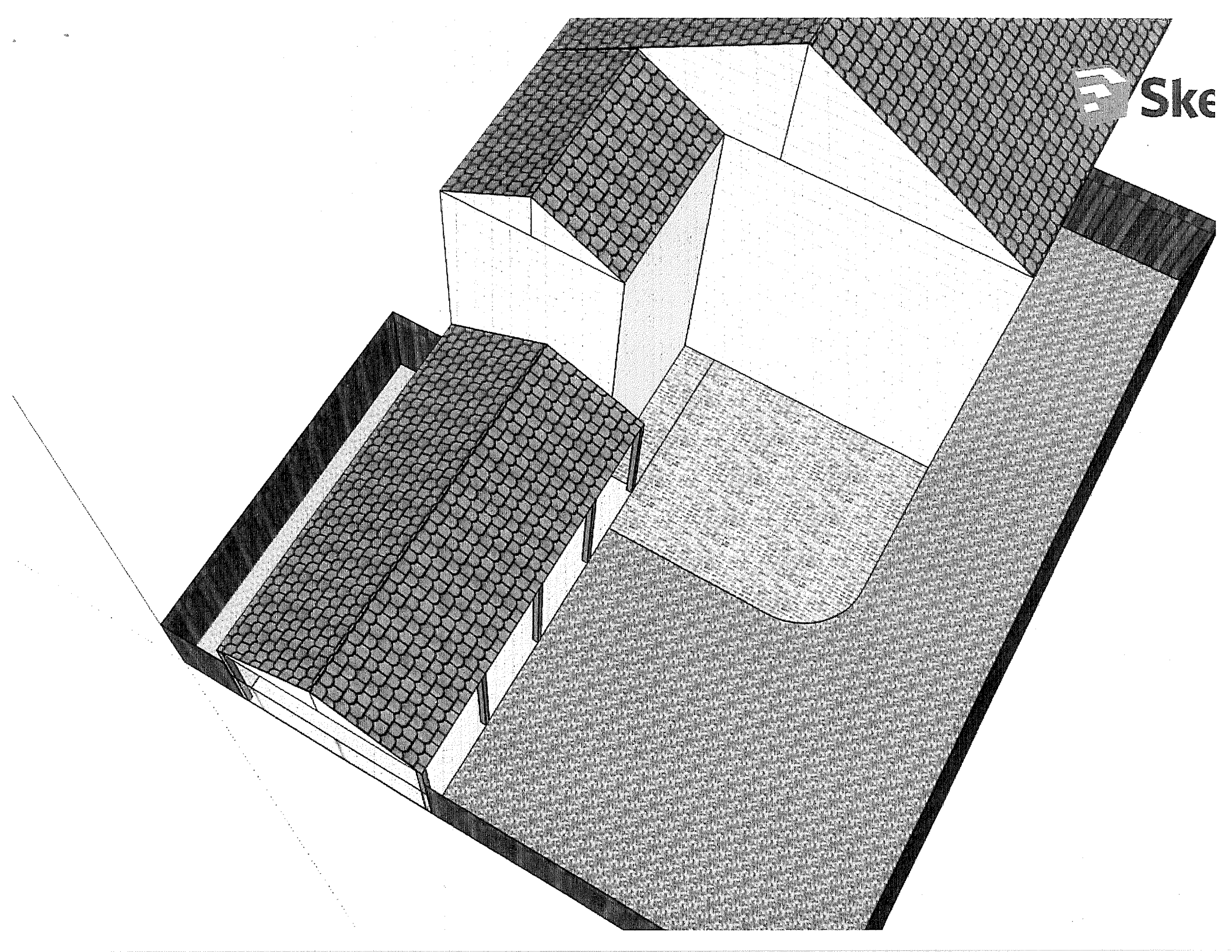
Lee J. Wood
Professional Land Surveyor,
Indiana #21000200
Job No.: 2018081366
Drawn By: JAR
Sheet 2 of 3

- The proposed dimensions of the carport: **12ft x 20ft**
- The proposed height of the carport: **12ft**
- The proposed side yard setbacks: **4ft East property line, 16ft West property line**
- The proposed rear yard setbacks: **3ft setback**









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 project will increase the value of this property, will provide the property with covered off street parking, will match the ascetic of the house, and will maintain similar setbacks from the public way and adjoining properties as other properties in the immediate vicinity.

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 the project will increase the value of this property, will match the ascetic of the house and surrounding houses, and will maintain similar setbacks from the public way and adjoining properties as other properties in the immediate vicinity.

3. The strict application of the terms of the zoning ordinance **does** constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because in order to provide the property with covered off street parking, the minimum aggregate setback from the side and the minimum setback from the rear must be exceeded. Other neighbors along the common alleyway have similar structures requiring variances, and without a variance this property will not have adequate shelter and protection for vehicles on the property.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____