BZA

ZIONSVILLE

MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS JULY 1, 2020, 6:30 p.m. (Local Time)

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

The following items were scheduled for consideration:

I. Approval of the June 3, 2020 Meeting Minutes - **approved 4-0 with correction to page 1**

II. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-12-SE	T. Sharp	7465 S 475 East	**Approved with Commitments as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed** Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).
2020-15-DSV	T. Sharp	7465 S 475 East	**Approved with Commitments as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed** Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Is installed before the primary structure 2) Exceeds the allowable accessory square footage – **omitted from petition as no longer needed** in an Agricultural Zoning District (AG).
2020-16-DSV	M. Walters	4560 S 975 E	**Approved as presented & filed w/exhibits & per staff report – 4 in Favor, 1 Opposed** Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Exceeds the allowable accessory square footage and 2) Exceeds the allowable accessory height – **up to 24'-0"** in the Urban Single-Family Residential Zoning District (R-SF-2).

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

July 2, 2020

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: July 1, 2020**

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. June 3, 2020 Draft Meeting Minutes
3. Staff Reports and Packets for your consideration

NOTE:

MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS JULY 1, 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

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June 19, 2020

The following items are scheduled for consideration:

I. Pledge of Allegiance

II. Attendance

III. Approval of the June 3, 2020 Meeting Minutes

IV. Continuance Requests

V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
			None at this time

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-12-SE	T. Sharp	7465 S 475 East	Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).
2020-15-DSV	T. Sharp	7465 S 475 East	Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Is installed before the primary structure 2) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).
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VII. Other Matters to be considered:

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

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

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

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

June 19, 2020

JULY 1, 2020, REGULAR MEETING OF THE ZIONSVILLE BOARD OF ZONING APPEALS

ANNEX TO PUBLIC NOTICE

In his Executive Orders 20-02, 20-04, 20-08, 20-26, AND 20-30 (collectively, the "Executive Orders"), Governor Eric J. Holcomb has ordered all political subdivisions of the State of Indiana to limit public gatherings and to implement the Centers for Disease Control and Prevention's and the Indiana State Department of Health's recommended virus mitigation strategies. The Executive Orders suspend certain requirements for Essential Governmental Functions that facilitate Essential Infrastructure with respect to public meetings and open door laws, including suspending physical participation requirements by members of public agency governing bodies and permitting public attendance through electronic means of communications. As a political subdivision of the State of Indiana, the Zionsville Board of Zoning Appeals (the "BZA") must comply with the Executive Orders throughout the duration of the COVID-19 Public Health Emergency. According, all public meetings of the BZA shall be conducted in the following manner until the end of the COVID-19 Public Health Emergency:

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

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2. If a member of the public would like to attend a Board of Zoning Appeals Public Meeting but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or wdelong@zionsville-in.gov.
3. 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, Laura Campins, Jeff Papa, Steve Mundy.
Absent is Larry Jones.

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

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

All Pledge.

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

DeLong Yes. Mr. Mundy?

Mundy Present.

DeLong Ms. Papa?

Papa Present

DeLong Mr. Wolff?

Wolff Present.

DeLong Ms. Campins?

Campins Present.

DeLong Mr. Jones?

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

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

Wolff Welcome to all of our community members.

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

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

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

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

Papa Second.

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

DeLong Very good. Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Still noting that Mr. Jones is absent.

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

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

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

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

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

Chadd Yes.

Wolff Yes. I am amenable either way.

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

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

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

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

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

Campins I second.

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

DeLong Certainly. Mr. Papa?

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

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Steve Mundy?

Mundy Aye.

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

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

Wolff Very good. Is there a second?

Papa Second.

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

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

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

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

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

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

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

DRAFT

Greve Sure. My name is Sean Greve. I live at 596 [inaudible], Zionsville.

Wolff Thank you, Mr. Greve. And, would you please, in your words, describe what is in front of us tonight? What you're asking and what your project looks like?

Greve Sure, yes. Thank you for hearing the appeal. I've been under a contract with Blake Herbst since January to add an outdoor living space to my property, and along the way we've done everything up until now to get this project approved and properly permitted. We do have some permits. What we have, I think, are two variances, lot coverage and setback, and which is why we're in front of you tonight. We're looking for approval to move forward [inaudible].

Wolff Very good. Mr. Greve, as I looked at this petition, I got a little bit lost in the numbers. So, I'm hoping you could add some clarification to us. Can you describe the space of the patio, or the square footage of the patio that you are proposing to add?

Greve Blake, do you have the specifics? I don't want to give any wrong information here.

Wolff And actually we may need to promote Blake. One moment. Blake, I see you now as presenter, but I feel like you might be muted.

Herbst Can you see me now?

Wolff Absolutely.

Herbst Okay.

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

Herbst Yes. It's Blake Herbst, and I live at 4478 East 300 North, Greenfield, Indiana, 46140.

Wolff Very good. So, I believe the question was, can you describe the dimensions of the proposed addition?

Herbst Yes. So, late I think last week it was, we amended the plan to show, to basically take away the roof structure, which was going to throw it over the lot coverage of impermeable surface. So, we kind of in the 11th-hour changed that roof structure, and Sean agreed to doing a pergola, which is an open-air structure that will allow water to penetrate the ground. And, so beneath that, and some of the info and how it got kind of confusing there in the end was the survey that I was going off of was submitted by the builder, and it had numbers that were conflicting with the actual assessment. And that's what kind of confused things. And, so what we did to, you know, stick with the motion to allow lot coverage to be 38%, because the overall lot, with the overall lot area and what the house is, there was I think 283-square feet of difference between what the survey I had and what the assessment actually was. And so that's a big deal on this lot, because we're not proposing a large space. So, to make the numbers work, what we've chose to do is not have a roof structure, make that a pergola. The outdoor kitchen you guys

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

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

Herbst Correct.

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

Herbst Correct. It will be permeable.

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

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

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

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

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

Herbst That's correct.

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

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

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

Herbst Correct.

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

Herbst You're correct.

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

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

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

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

Herbst To the east.

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

Herbst Correct.

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

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

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

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

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

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

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

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

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

Herbst Correct.

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

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

Greve Yes, we have no issues whatsoever.

Campins Okay.

Greve The side yard between myself and the Sycamore address, it was made that way. That's a drainage area, and it works quite well.

Campins Okay. Thank you.

Wolff Are there any other questions for the petitioner? Okay. Seeing none.

Papa Sorry. So, what's the, I'm confused. What's the, before these changes, what's the current lot coverage?

Wolff Jeff, I believe, if they had zero changes. If they had zero accessory structures, no patios or anything, I think the house itself is 37%.

Herbst Correct.

Koenig And, staff's review of the parcel with everything existing out there right now if you were not to remove the patio and roof structure, they were at 39.2%. So, with, you know, they're well over right now with the unpermitted pergola, patio, excuse me, roofed patio structure.

Greve And, I don't know if this matters to the Board or not, I did not put that up. I purchased the house that way. It's a spec home. You know, as Blake has said, we're trying to make it nicer, of course. This is a premium project. It will be very nice if you guys approve us to complete it, but also bring it into code, or closer to code, I guess.

Papa That's part of why I asked the question. So, in a practical sense, you're reducing the lot coverage.

Herbst That's correct.

Greve But also making it by a lot nicer.

Wolff Any other questions for the petitioner, or petitioner's representative at this time? Okay. Wayne, do we have any remonstrators queued up?

DeLong I'm looking to see if any hands are raised. I do not see any hands. I would mention that you do have a few letters in the file that were submitted. Oh, Mr. Tousley has raised his hand. We can promote him to panelist if the Board is ready.

Wolff Absolutely.

DeLong We will do that and simultaneously we will move the petitioner and the agent back to attendee, and so everybody will experience a slight pause.

Wolff It appears that Mr. Tousley is muted.

DRAFT

DeLong Okay. We'll get these, the slight pause might as well be on staff's.

Tousley Can you hear me now?

Wolff Yes.

Tousley Yes. I hit the wrong button.

Wolff No problem. Mr. Tousley, will you please state your name and address for the record?

Tousley Yes. My name is John Tousley. My address is 305 West Pine Street, Zionsville, Indiana.

Wolff Thank you. Mr. Tousley, what would you like to share with us tonight?

Tousley Actually I didn't mean to share anything. I thought I originally had the audio open. I clicked the button to turn it off, and apparently that wasn't quite what happened.

Wolff No problem, Mr. Tousley. We certainly appreciate our community members participating. So, if you have no comment, we won't force you to make one.

Tousley Thank you.

Wolff Wayne, do you have anybody else that is queued up on purpose or accidentally? We'll talk to anybody.

DeLong I am not aware of any other parties. We'll move Mr. Tousley back to the attendee role. And, I see no other hands raised.

Wolff So, Wayne, now may be a good time for the staff report.

DeLong And, certainly as outlined this evening, this is a very interesting petition for discussion. It revolves around a parcel of land that was created just a few years ago, and the division of a larger tract to provide for two single-family homes to be constructed. And the parent tract, the existing improvements were left and reduced in lot size. Certainly, as the Board is well aware, there has been variances that have been sought in the Village for years, and a preponderance of those requests are associated with lots that existed prior to the adoption of your zoning ordinance. Of course, the zoning ordinance has been updated from time to time. The particular petition that's in front of you this evening, again, the lots were created after the most recent adoption of your ordinance, and that's really, it's very challenging to consider with that specific fact in mind, regardless of the other merits or the other discussion points that have been brought up after the fact, construction, permitting issues. Not dismissing any of those, or reducing those important items, but just isolating this conversation at this moment to the specific fact that the petition is seeking variances from standards which were well-known at the time the lots were platted as the ordinance was in place for years at that time. With all that, and as the staff report indicates, staff is not in a position to support this petition as it's presented, as it's been amended, as it's

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

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

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

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

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

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

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

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

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

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

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

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

DeLong Both are being promoted.

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

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

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

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

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

Greve Yes. Thank you. Yes.

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

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

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

Mundy Okay.

Wolff Go ahead. I'm sorry.

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

Campins I agree.

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

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

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

Wolff Very good. I will entertain a motion.

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

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

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

Papa That would - -

Wolff --Wayne.

Papa Go ahead. Sorry.

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

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

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

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

DeLong I believe so, yes. Thank you.

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

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

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

Mundy I would. I just think we want to be certain that a permeable surface is placed in there in that outdoor living excluding the portion that we know will be impervious.

Wolff You're raising a good point.

Mundy Strike the 2%, but that all except those, what 80 square feet, which will be impervious will be constructed with pervious pavers.

Wolff So I think we're there. Darren, are we there? You're on mute.

Chadd Sorry. I think you're there. I think all that's a really a long way of saying approved conditioned that it's constructed as it's shown in the plans presented and discussed.

Wolff Duly noted. Is there a second to that motion?

Papa Second.

Wolff Thank you, Mr. Papa. Wayne, will you host a roll call vote please?

DeLong Certainly. Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

Wolff Thank you. Motion carries. Mr. Greve, good luck with your project, and thank you for helping to bring that property more into compliance. Next item on our agenda is Docket # 2020-13-DSV for 880 Starkey Road, just up the street. Wayne, do we have our petitioners in front of us? Are they available to you? Let's say it that way.

DeLong Promoting Mr. Lohmeyer here, who is currently on mute.

Wolff Mr. Lohmeyer, how are you this evening?

Lohmeyer I'm doing well. How are you all?

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

DRAFT

Lohmeyer Matt Lohmeyer at 880 Starkey Avenue in Zionsville.

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

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

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

Lohmeyer Well - -

Wolff --I think they're unusual.

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

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

Lohmeyer Correct.

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

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

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

Lohmeyer That's correct.

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

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

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

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

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

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

Wolff Very good.

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

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

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

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

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

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

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

Campins I second it.

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

DeLong Certainly. Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Wolff?

Wolff Aye. Thank you. Motion carries. Mr. Lohmeyer, I know we can't hear you right now, but we wish you luck with your renovation. The next item on our agenda is other items to be considered, which I believe, Wayne, is the Wildwood Designs.

DeLong Yes. Staff has no update on that matter. We will look to reach out to the petitioner on that matter this month and see if we can drop that from your agenda altogether.

Wolff Very good. And, then, Wayne or Chrissy, we got the negative findings of fact signed. Was everyone able to make it to Town Hall and get that taken care of?

DeLong I believe we need one more set of signatures.

Wolff Okay.

DeLong An individual, and then we will have that wrapped up for you.

Wolff Okay. Very good. And, at this particular junction, while we're here before we adjourn, any update, and I know I'm going to ask the impossible. Are we still planning on, any thoughts on what our July meeting might look like? Do you think it will be in person, or is it too early to say what the Governor is going to do, and more specifically maybe our Mayor or Town Council, as well?

DeLong I would say that we're striving for an in-person meeting. I mean, that would certainly be the goal of the Town for July. Certainly, many, many things are opening up. I think we want to try to strive towards that. Certainly, we cannot dictate lots of items that are happening in this world currently, but I would suspect the answer is stay tuned. We will see here in the next couple days if there is any extension of any specific items by Governor Holcomb. But in the meantime, we will shepherd towards an opening of Town Hall, and we'll leave it at that.

Wolff Wayne, you just look lonely in that room. So, we don't want you to be that. If there are no other matters to discuss, this meeting is adjourned. I don't have a gavel in my office. Sorry.

DRAFT

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-12-SE
Subject Site Address:	7465 S 475 East (unassigned address)
Petitioner:	Timothy & Chelsie Sharp
Representative:	Timothy & Chelsie Sharp
Request:	Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).
Current Zoning:	Agricultural District (Rural)
Current Land Use:	Agricultural
Approximate Acreage:	2.4 acres (split from 15.82 acres)
Zoning History:	Consolidated within Town of Zionsville's jurisdiction in 2015. No prior petitions are known. 2020-15-DSV (pending)
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial / Location Map Exhibit 3 – Site Plan Exhibit 4 – Petitioner's Narrative Exhibit 5 – Petitioner's Exhibits Exhibit 6 – Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the July 1, 2020, Board of Zoning Appeals meeting. A Petition for Development Standards Variance is also scheduled to be heard at the July 1, 2020, Board of Zoning Appeals meeting (2020-15-DSV). As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

PROPERTY HISTORY

The acreage associated with this petition has historically been tilled farmland with a portion of the subject site serving as a portion of the flood plain of Etter Ditch. Further, it has recently supported administrative subdivision procedures (division of land to create the tract that is the subject of the Special Exception request).

ANALYSIS

Based on the applicant's interest in constructing a single-family dwelling on acreage zoned AG, the applicant is required to request a Special Exception. The purpose of the AG Agricultural District is to encourage agricultural operations while allowing for limited residential development.

In the opinion of Staff, the Petition represents a limited presence of residential development in the AG district as the proposed improvements are contemplated to be located within the northwestern extent of the existing acreage, and that the contemplated location is consistent with the development pattern on the east and west sides of County Road 475 East. Further, the approval of this petition does not reduce the ability of the parent tract from functioning as a productive agricultural field.

RIGHT TO FARM

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

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

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

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

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

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

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

STAFF RECOMMENDATIONS

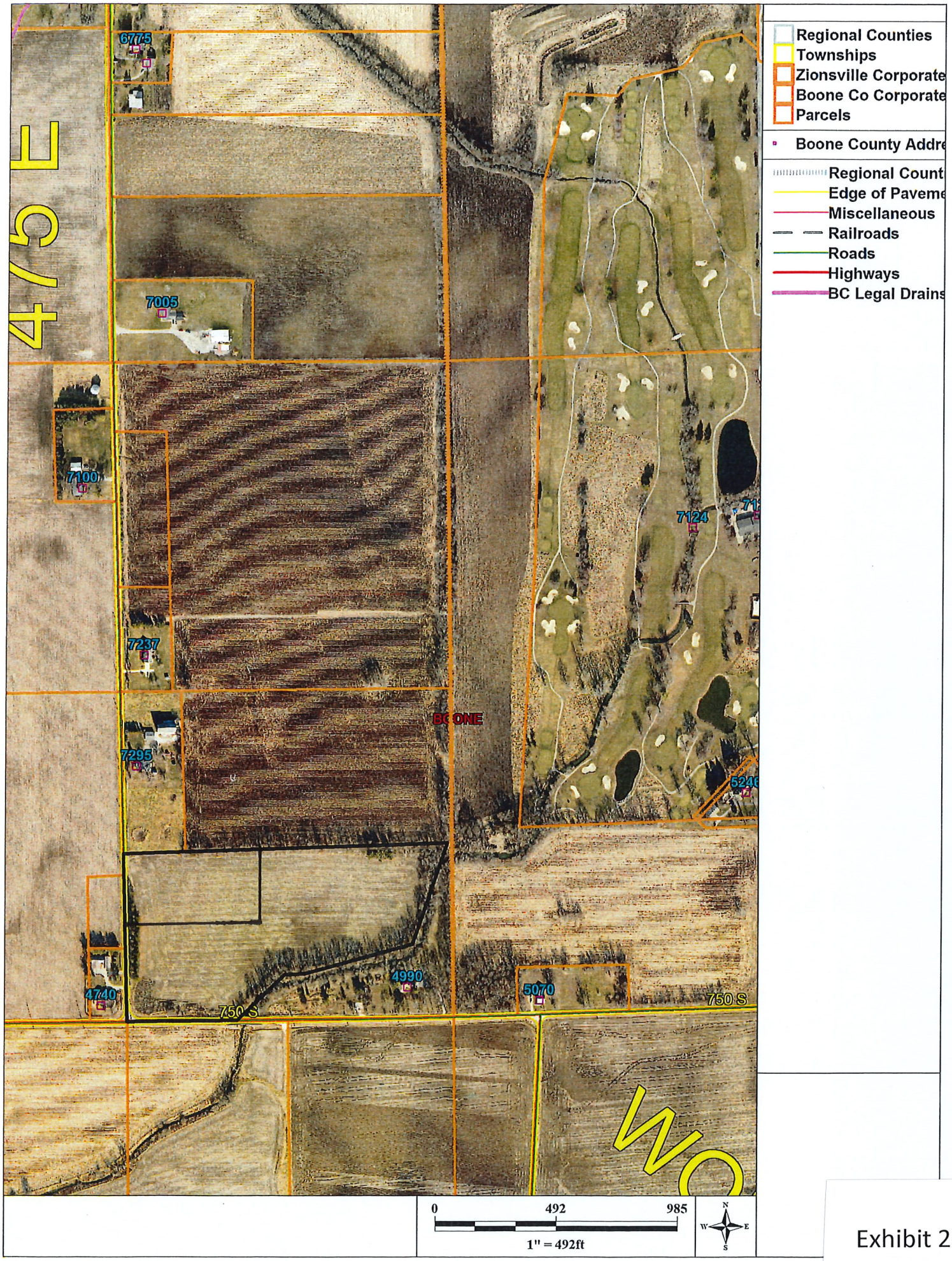
Staff recommends approval of the special exception Petition included in Docket #2020-12-SE.

RECOMMENDATION MOTION

I move that Docket #2020-12-SE special exception Petition in the Agricultural District for the property located at 7465 S 475 East be (Approved based upon the staff report and the proposed findings / Denied / Continued) as presented (If approved, it shall be required that the Petitioner execute the Right-to-Farm acknowledgement documentation).

PROCEDURAL NOTE

As a portion of the property is within proximity to the Special Flood Hazard Area (SFHA) associated with the Etter Ditch (and its duel identification as a Legal Open Drain), it could be subject to additional development restrictions (limitations of size, placement, and floor elevation of buildings). Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, the Boone County Surveyor, and / or the Town (in conjunctions with the Town's Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).


Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
475 E
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BOONE
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492
985
1" = 492ft
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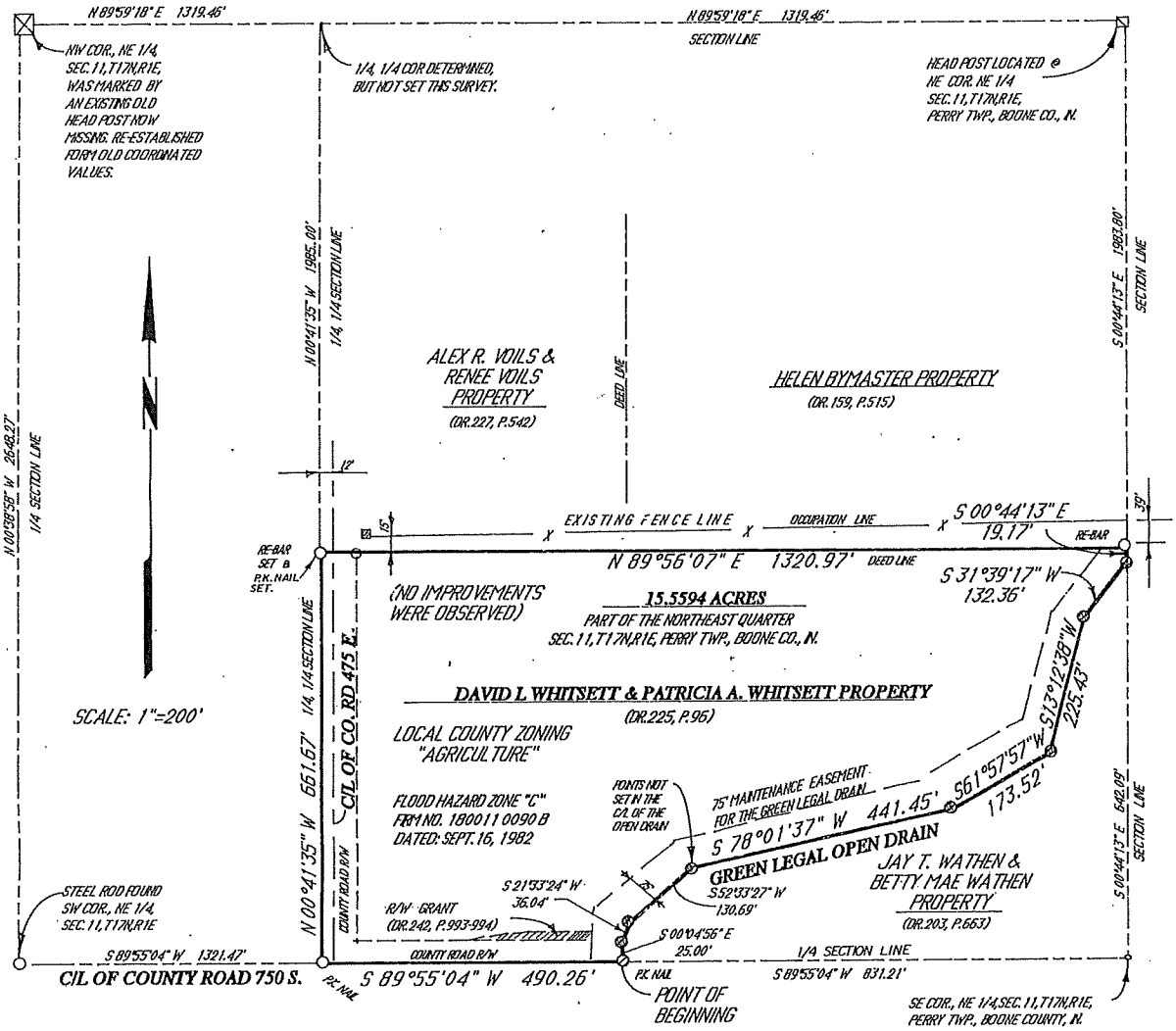
Exhibit 2

PH. 482-5141 or 873-2515

222 E. MAIN STREET, P.O. BOX 585
LEBANON, INDIANA 46052

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. **(Deed Record 225, Page 96)**

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.
LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.
EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February, 1994.

CARY B. DODGE REGISTERED NO. S-0288 STATE OF INDIANA LAND SURVEYOR

Cary B. Dodge

Cary B. Dodge. R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

FILE NO. 940 212

Exhibit 3

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

Exhibit 3

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone 4850 East 750 South, Lebanon, IN 46052	Name Timothy W. Sharp	Date *(day, month, year)* 4/26/2018

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

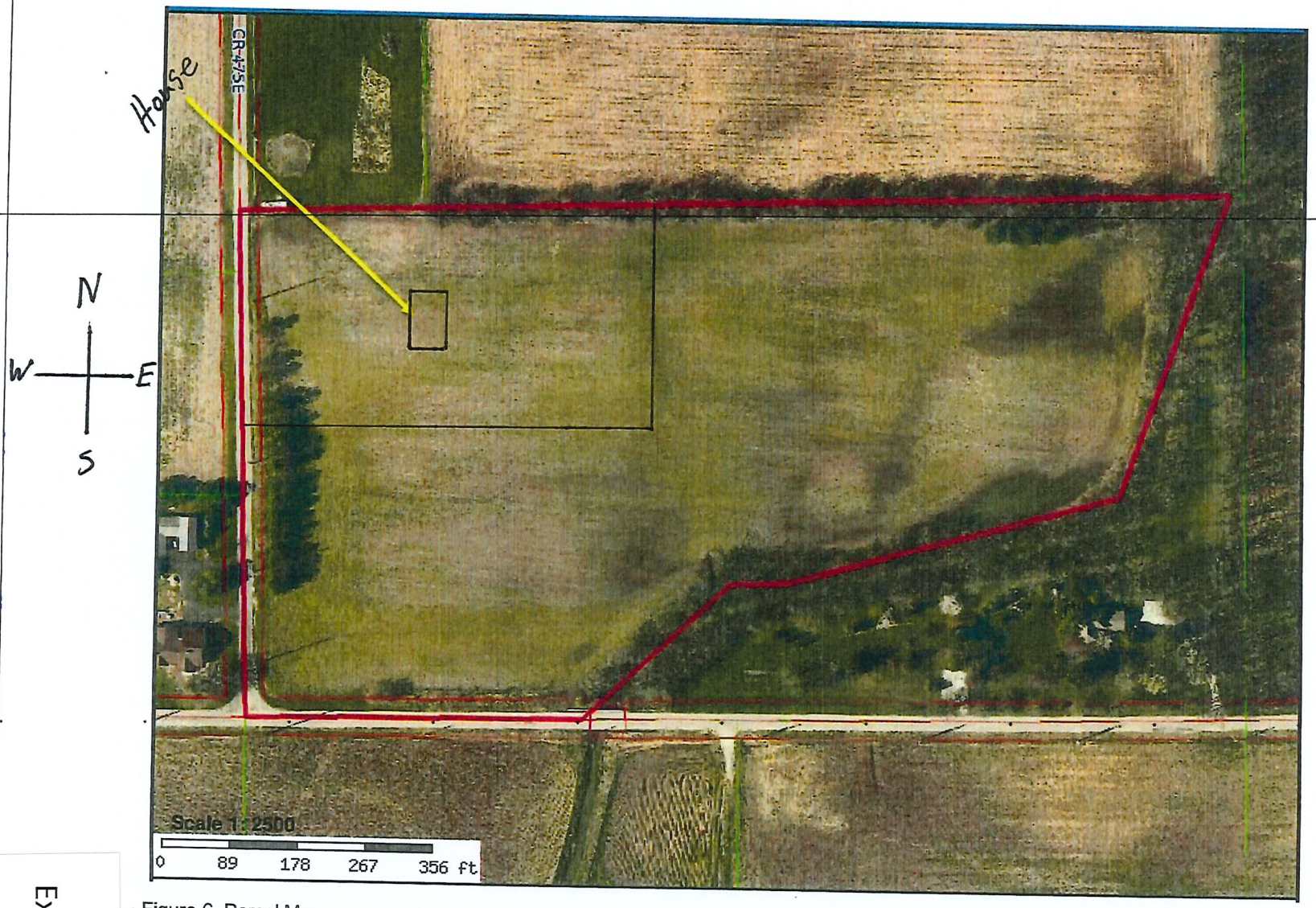


Figure 6. Parcel Map

Exhibit 3

Tim Sharp
4850 E. 750 S
Lebanon, IN

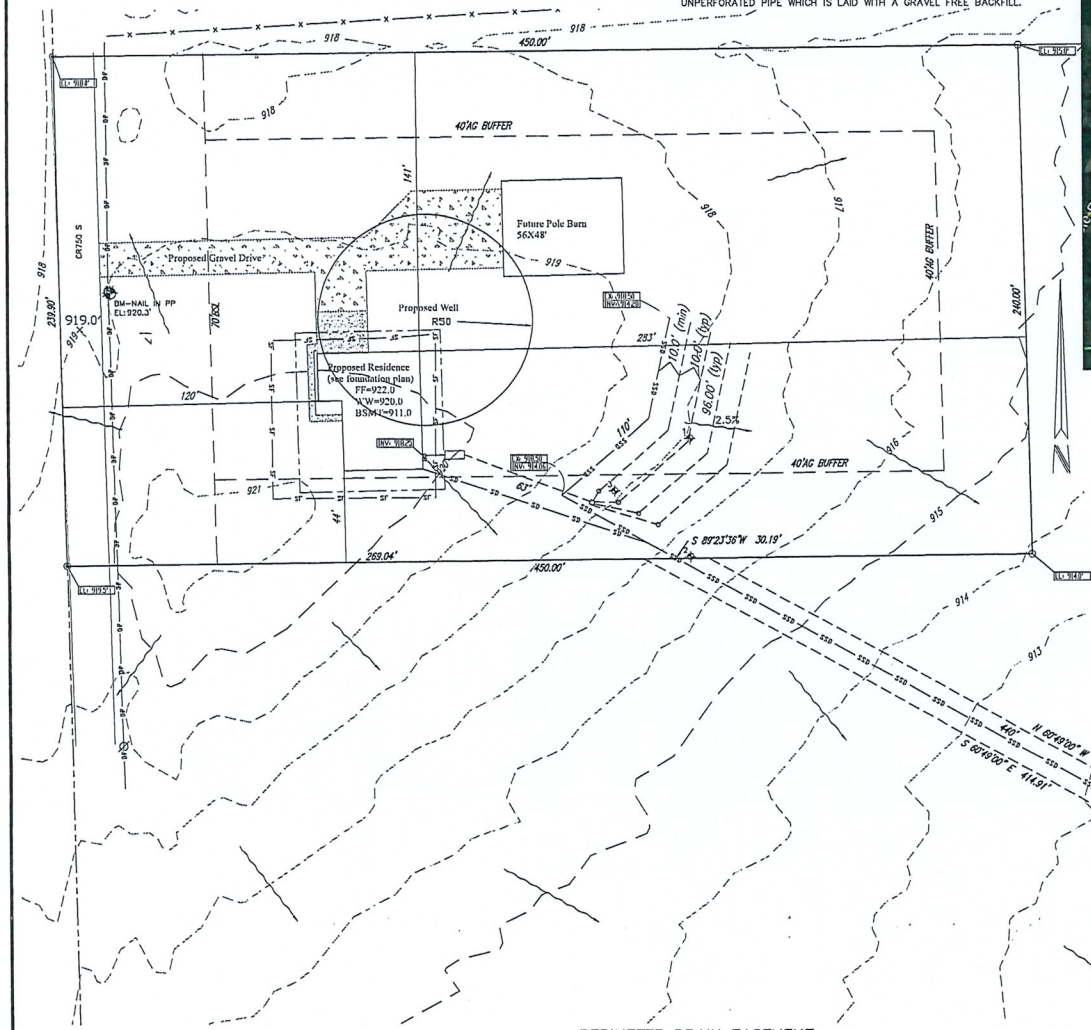
CONSTRUCTION NOTES:

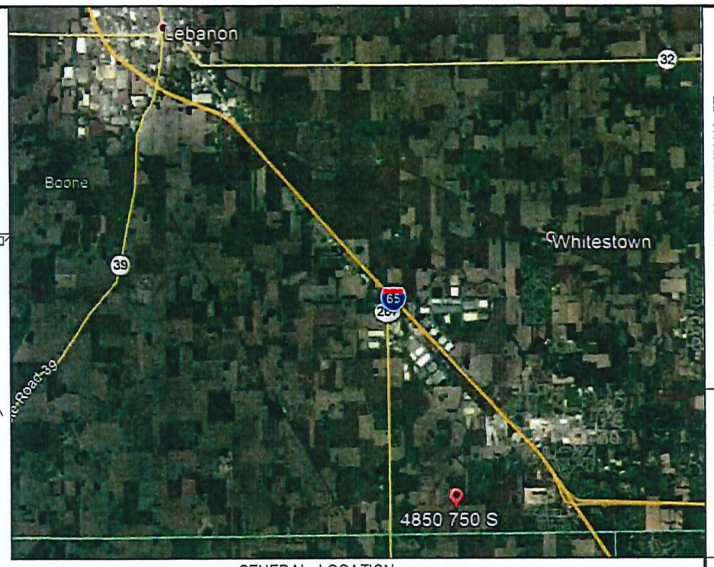
NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.

NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATERTIGHT TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM.

NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.

NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAID WITH A GRAVEL FREE BACKFILL.





GENERAL LOCATION

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence .

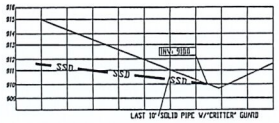
Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

PERIMETER DRAIN EASEMENT

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning or this description; thence South 60 degrees 49 minutes 00 seconds East 411.91 feet to a point; thence North 29 degrees 11 minutes 00 seconds East 15.00 feet a point; thence North 60 degrees 49 minutes 00 seconds West 388.71 to a point; thence South 89 degrees 23 minutes 36 seconds West 30.19 feet to the Point of Beginning.

Containing 0.138 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.



SSD OUTLET

LEGEND
AS APPLICABLE

- 5/8-inch REBAR w/ CAP STAMPED "HAUSE PLS20600040"
- MAGNETIC NAIL w/ WASHER STAMPED "HAUSE PLS20600040"
- UTILITY POLE
- TELEPHONE PEDESTAL
- WATER WELL
- LIGHT POLE
- AIR CONDITIONER
- SILT FENCE
- SUMP DRAIN LINE
- CLEAN OUT
- GUY WIRE
- ELECTRIC METER/BOX
- CABLE PEDESTAL
- GAS ENTRANCE
- SANITARY MANHOLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- (D) DEED BEARING AND DISTANCE
- (M) MEASURED BEARING AND DISTANCE
- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- BEEHIVE INLET
- CURB INLET
- BOLLARD
- SATELLITE DISH
- POST FENCE POST
- SITE BENCHMARK
- MAILBOX
- SOIL BORE LOCATION
- VISUAL MONITORING WELL

105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM

A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

HAUSE SURVEYING & ENGINEERING

PANKY R. HAUSE REGISTERED No. 20701359 STATE OF INDIANA PROFESSIONAL ENGINEER

No.	Date	Revisions

DRAWN BY: DRH
CHECKED BY: JEH
DATE: 4/29/2020
SCALE: 1"=40'

PLOT PLAN

TIM SHARP
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

SHEET NO. 1 OF 2 SHEETS

PROJECT NO. 20H151

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be reproduced by photocopying, recording or by any other means, or stored,
transmitted in or by any computer or other systems without the prior written
the surveyor. Copies of this plan without a dated and blue signature are not valid.

Exhibit 3

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

Zionsville, IN 46017

To whom it may concern:

We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

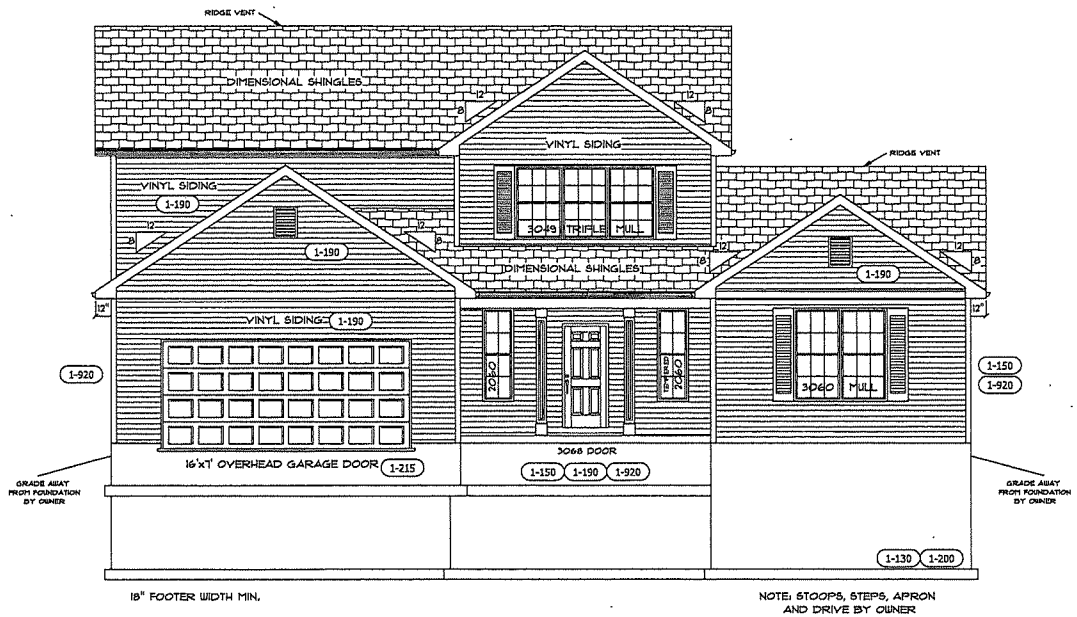
Sincerely,

Tim Sharp

Chelsie Sharp

Tim and Chelsie Sharp

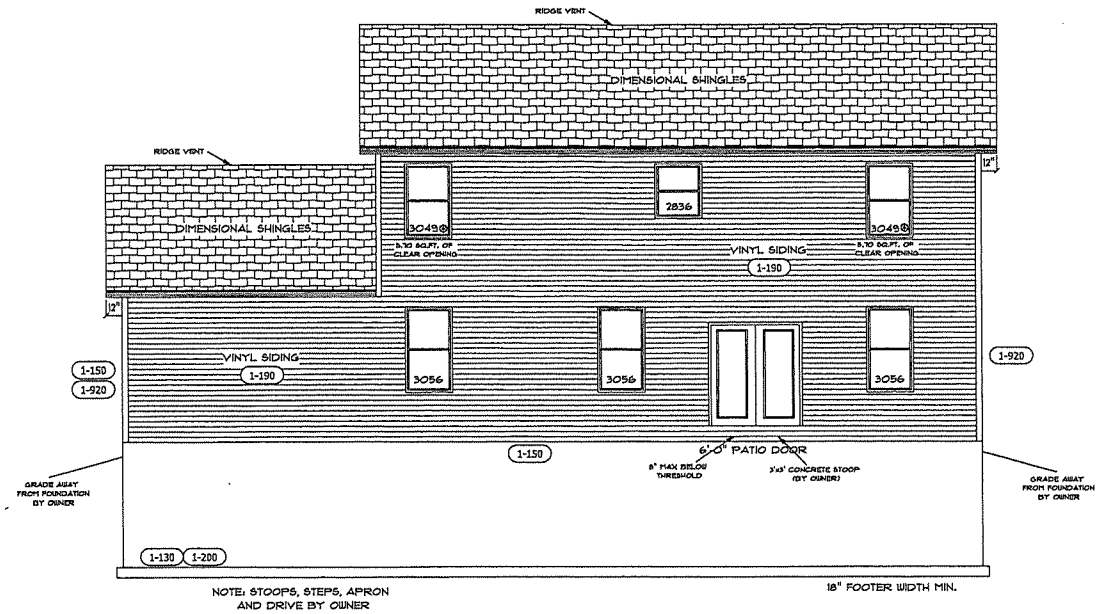
Exhibit 4



FRONT ELEVATION

CoreValu	TK CONSTRUCTORS
COREVALU - ST. PETERSBURG	
DATE: 4/16/2020	ADDENDUM 1
HOMEOWNER: TIM & CHELSIE SHARP	VER: 07:49 AM
JOB NO.: 12-1491	DRAWING BY: GW
CONSTRUCTORS	1/8" = 1'-0"
	PAGE NO.: B

Exhibit 5



REAR ELEVATION

Exhibit 5

PAGE NO.:	2B
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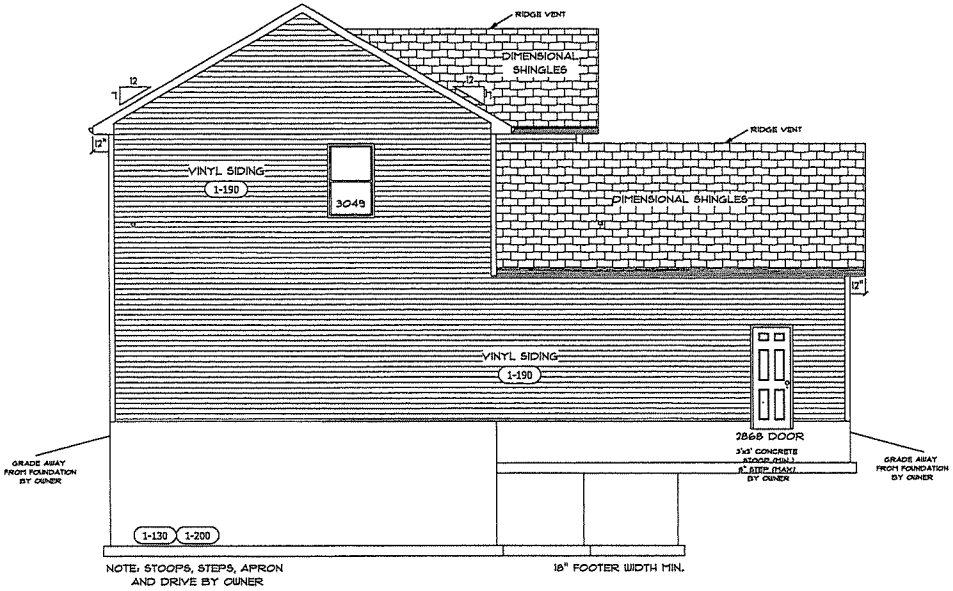
DATE: 4/16/2020	
HOMEOWNER: TIM & CHELSIE SHARP	
JOB NO.: 12-1491	

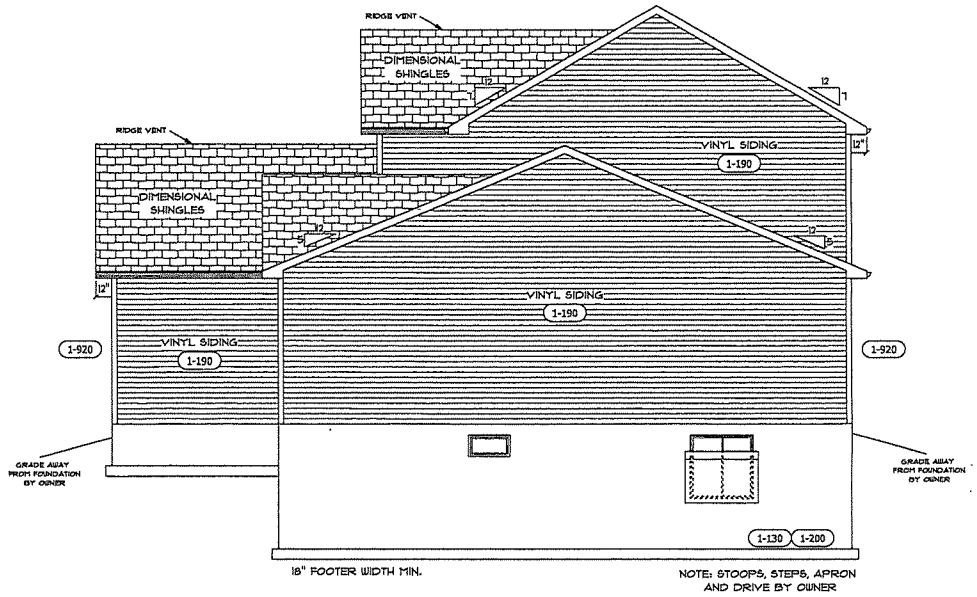
TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

CoreValu



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

PAGE NO.: 3B

ADDENDUM 1

VER: 07:49 AM

DRAWING BY: GW

1/8" = 1'-0"

CONSTRUCTORS

DATE: 4/16/2020

HOMEOWNER: TIM & CHELSIE SHARP

JOB NO.: 12-1491

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

CoreValu

Exhibit 5

FIRST FLOOR PLAN

ANDERSEN WINDOW SCHEDULE - 200 SERIES -	
ANDERSEN MODEL NO.	R.O. SIZE
2056	24" x 56"
3030	36" x 36"
3040	36" x 48"
3049*	36" x 57"
3056*	36" x 66"
3060*	36" x 72"
3049 MULL*	73" x 57"
3056 MULL*	73" x 66"
3060 MULL*	73" x 72"
ANDERSEN SLIDING DOOR R.O. 72 3/4" x 82 7/8"	
3'-0" FRONT DOOR R.O. 38 3/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (1) SIDELITE R.O. 51 7/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (2) SIDELITES R.O. 65 3/8" x 82 1/2"	
R.O. FOR BI-FOLD DOORS USING DRYWALL JAMB FACING = 1 1/4" + DOOR SIZE x (81 1/2")	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING MAKE SAME AS BOTH DOORS ADDED TOGETHER	
ALL INTERIOR DOORS SIZE + 2" TO WIDTH x 82 1/2" HIGH (1-275)	
R.O. POCKET DOOR (2x DOOR WIDTH + 1") x 85" HIGH	

* - DENOTES OPENING MEETS EGRESS REQUIREMENTS

ALL WALL DIMENSIONS ARE FACE TO FACE OF STUDS
ALL INTERIOR WALLS ARE 3 1/2" (UNLESS NOTED)
EXHAUST BATH FANS ARE VENTED TO OUTSIDE AIR
*3049 SASH (5.70 SQ.FT. OF CLEAR OPENING)
ALL BRICK LAYOUT MEASUREMENTS ARE 4"

9'-0" FIRST FLOOR CEILING HEIGHT (1-920)	
INCLUDES:	
1.	4 1/4" BASEBOARDS IN LIEU OF 3 1/4"
2.	3060 WINDOWS IN LIEU OF 3056 WINDOWS
3.	3056 WINDOWS IN LIEU OF 3049 WINDOWS
4.	DRYWALL WRAPPED OPENINGS 12" TALLER
5.	42" KITCHEN CABINETS (1-350)
6.	16'x7' GARAGE DOOR STANDARD

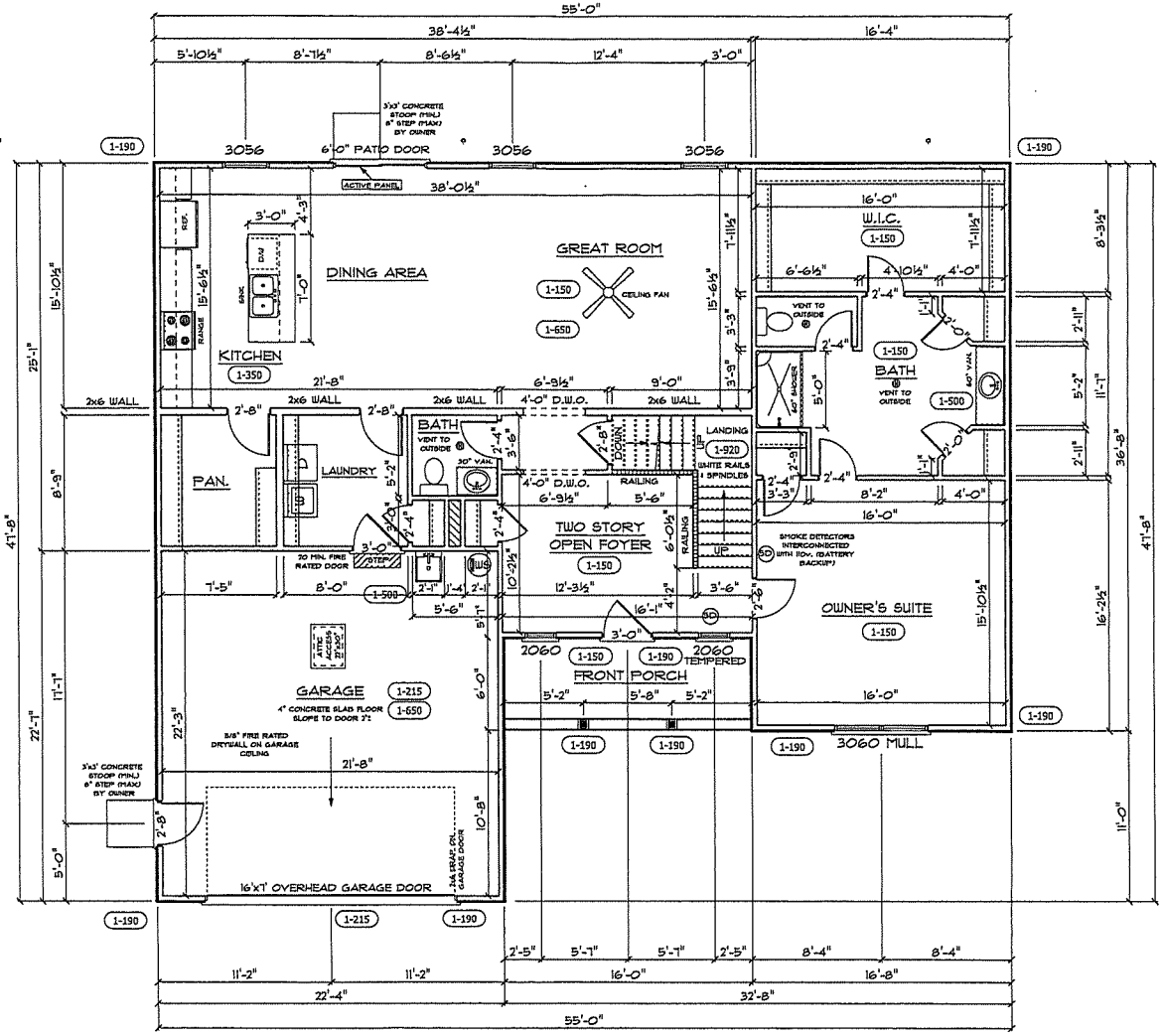


Exhibit 5

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1/8" = 1'-0"	
CONSTRUCTORS	
DATE: 4/16/2020	
HOMEOWNER: TIM & CHELSIE SHARP	
JOB NO.: 12-1491	

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

CoreValu

SECOND FLOOR PLAN

FIRST FLOOR SQ.FT.	1,663
SECOND FLOOR SQ.FT.	883
TOTAL LIVING SQ.FT.	2,546
GARAGE	502
TOTAL SQ.FT.	3,048
EXCLUDING PORCH	96

ANDERSEN WINDOW SCHEDULE - 200 SERIES -	
ANDERSEN MODEL NO.	R.O. SIZE
3030	36" x 36"
3040	36" x 48"
3049*	36" x 57"
3056*	36" x 66"
3060*	36" x 72"
3049 MULL*	73" x 57"
3056 MULL*	73" x 66"
3060 MULL*	73" x 72"
3049 TRIPLE MULL*	110" x 57"
ANDERSEN SLIDING DOOR R.O. 72 3/4" x 82 7/8"	
3'-0" FRONT DOOR R.O. 38 3/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (1) SIDELITE R.O. 51 7/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (2) SIDELITES R.O. 65 3/8" x 82 1/2"	
R.O. FOR BI-FOLD DOORS USING DRYWALL JAMB FACING = 1 1/4" + DOOR SIZE x (81 1/2")	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING MAKE SAME AS BOTH DOORS ADDED TOGETHER	
ALL INTERIOR DOORS SIZE + 2" TO WIDTH x 82 1/2" HIGH	
R.O. POCKET DOOR (2x DOOR WIDTH + 1") x 85" HIGH	

* - DENOTES OPENING MEETS EGRESS REQUIREMENTS

ALL WALL DIMENSIONS ARE FACE TO FACE OF STUDS
ALL INTERIOR WALLS ARE 3 1/2" (UNLESS NOTED)
EXHAUST BATH FANS ARE VENTED TO OUTSIDE AIR
*3049 SASH (5.70 SQ.FT. OF CLEAR OPENING)
ALL BRICK LAYOUT MEASUREMENTS ARE 4"

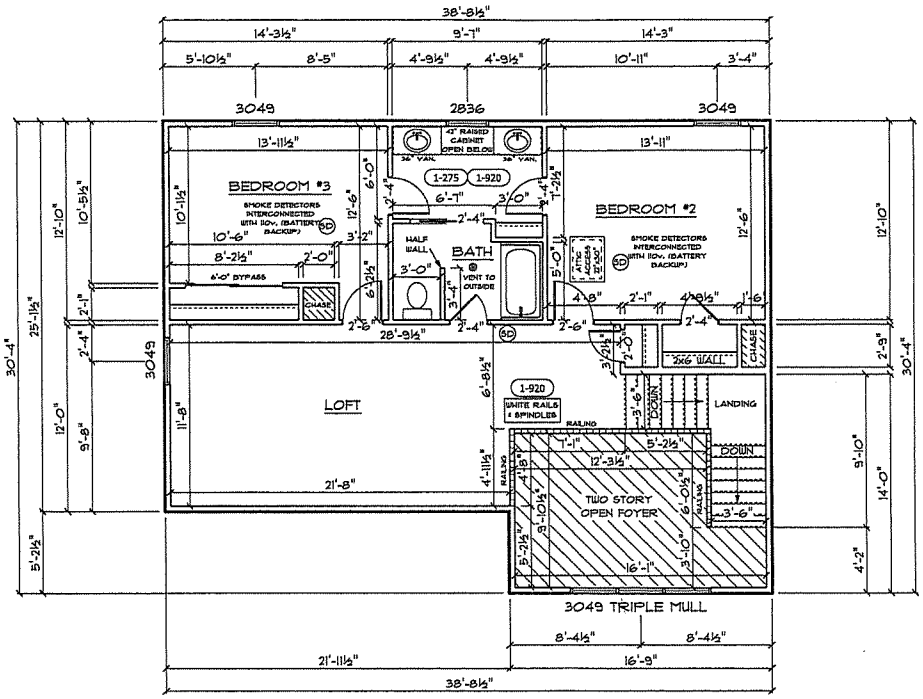

Exhibit 5

PAGE NO.: 5B

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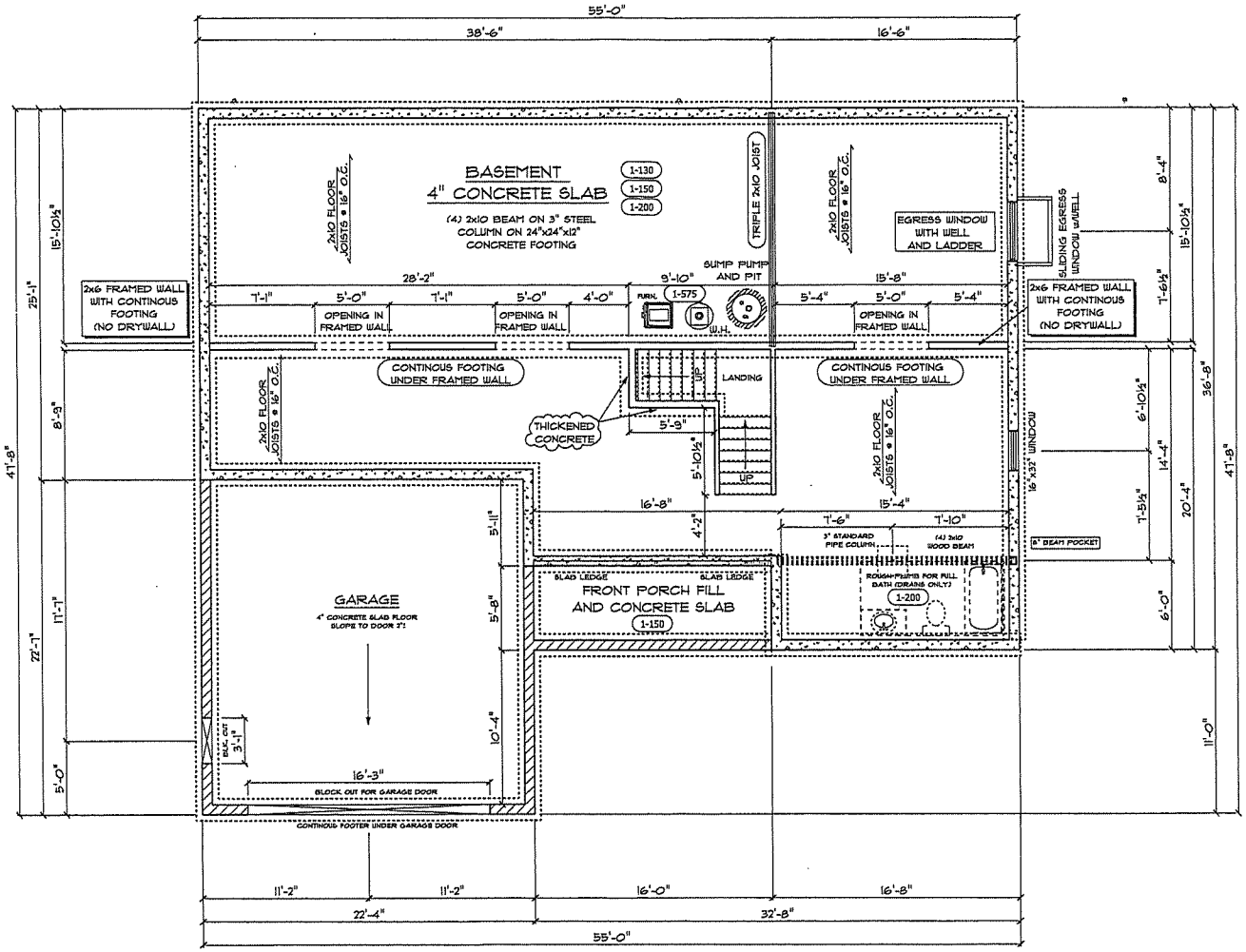
1/8" = 1'-0"

CONSTRUCTORS

DATE: 4/16/2020
HOMEOWNER: TIM & CHELSIE SHARP
JOB NO.: T2-1491

TK CONSTRUCTORS
COREVALU - ST. PETERSBURG

CoreValu



FOUNDATION - BASEMENT

PAGE NO.:	6B
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CONSTRUCTORS	
DATE: 4/16/2020	
HOMEOWNER: TIM & CHELSIE SHARP	
JOB NO.: T2-1491	

CoreValu

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

Exhibit 5

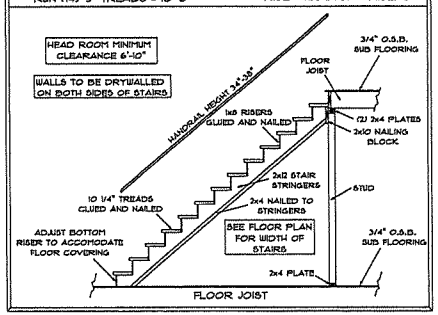
CoreValu
TK CONSTRUCTORS
COREVALU - ST. PETERSBURG
DATE: 4/16/2020
HOMEOWNER: TIM & CHELSIE SHARP
JOB NO.: 12-1491
CONSTRUCTORS
ADDENDUM 1
VER: 07.49 AM
DRAWING BY: GW
1/8" = 1'-0"
PAGE NO.: T3
TWO STORY OPEN FOYER
CHASE
FLOORING LEGEND
CARPET FLOORING
LVT FLOORING
VINYL FLOORING

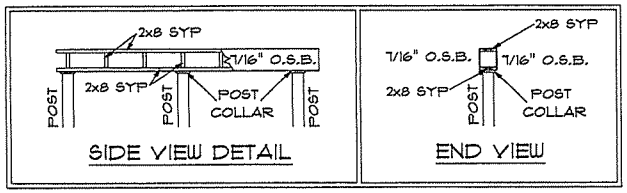
Exhibit 5

BASEMENT BEAM SIZE
- (4) 2x10 BEAM IN BASEMENT
STIFFBACKS AND BLOCKING
- BASEMENTS AND TWO STORY WILL HAVE 2x6 BLOCKING
FLAT AT BOTTOM AND INSIDE JOIST TO JOIST
- CRAWL SPACE WILL HAVE 2x4 FLAT WITH 2x6 UPRIGHT
STIFFBACK AND OVERLAP 4'
- STIFFBACKS AND/OR BLOCKING NEEDED WHEN JOISTS
ARE 10'-0" OR LONGER
GREEN PLATE SIZE AND LENGTH
- 2x4 FOR BRICK
- 2x8 FOR VINYL
EXTERIOR WALL HEADER SIZE
- FIRST FLOOR 2x12 WITH 7/16 IN BETWEEN
- SECOND FLOOR 2x8 WITH 7/16 IN BETWEEN
WALL LEADS
- 2x6 WALL LEADS ARE STANDARD
PORCH BEAM SIZE
- 2x8 BOX BEAM IS STANDARD
WINDOW INSTALLATION
WINDOWS TO BE BOTH SILICONED AND TAPED. DOUBLE
TAPE TOP UNDER AND OVER HOUSEWRAP

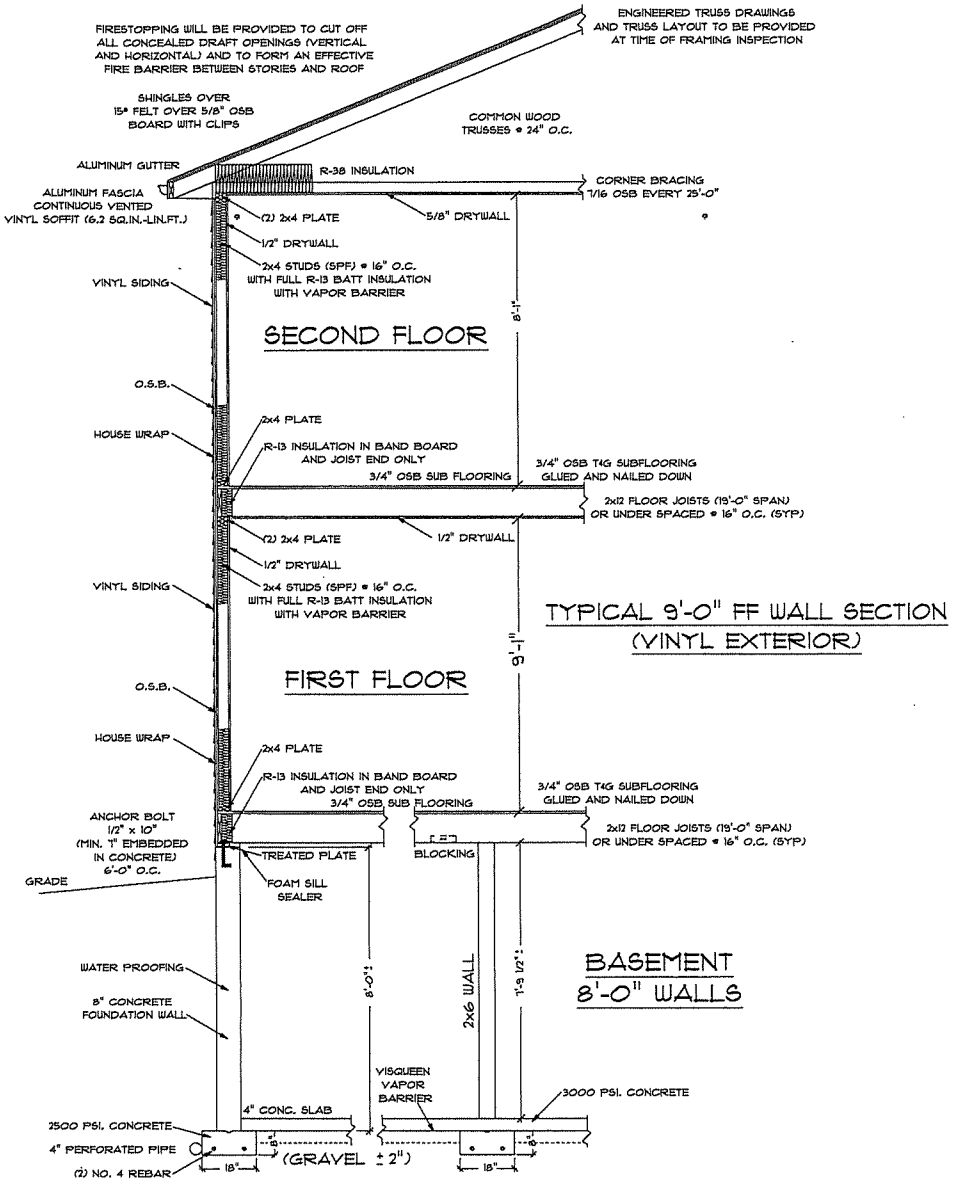
TYPICAL STAIR DETAIL

RUN (14) 9" TREADS = 10'-6" RISE = (13) ±7 3/4" RISERS





HEIGHT OF BOX BEAM IS DETERMINED BY FREEZE BOARD HEIGHT



PAGE NO.: 8B

ADDENDUM 1
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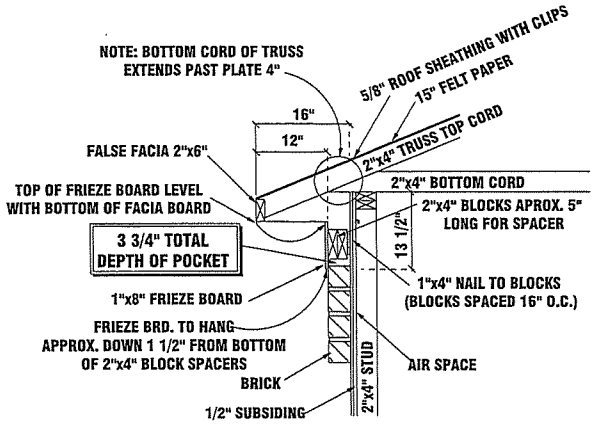
TK CONSTRUCTORS

DATE: 4/16/2020
HOMEOWNER: TIM & CHELSIE SHARP
JOB NO.: 12-1491

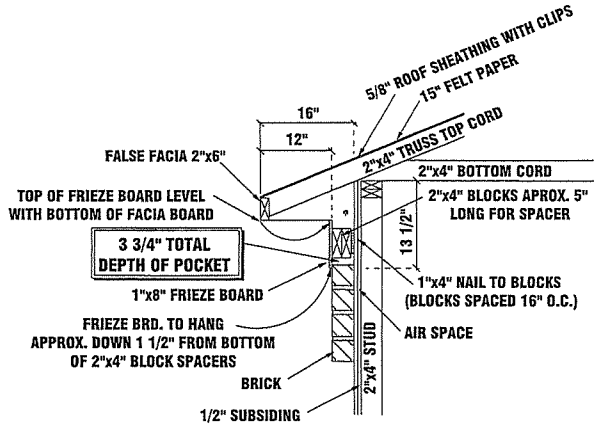
TK CONSTRUCTORS
COREVALU - ST. PETERSBURG

CoreValu

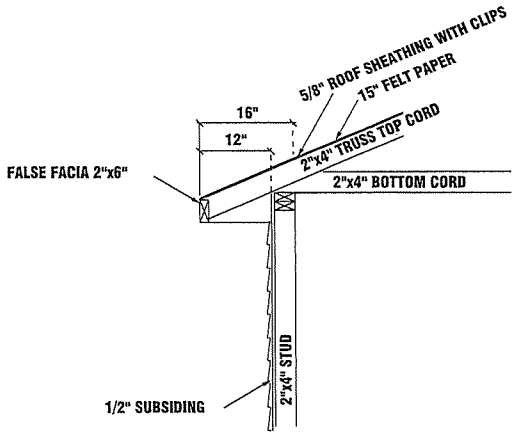
Exhibit 5



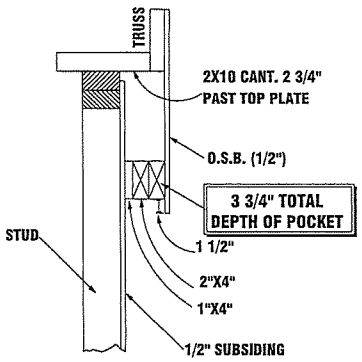
HOUSE WITH QUEEN BRICK FRONT ONLY



HOUSES WITH FULL QUEEN BRICK WRAP



TYPICAL HOUSE WITH VINYL SIDING AREA AT EAVE



GABLE WALL DETAIL WITH QUEEN BRICK FRIEZE BOARD

PAGE NO.: 9B

ADDENDUM 1
VER: 07:49 AM
DRAWING BY: GW

TK CONSTRUCTORS

DATE: 4/16/2020
HOMEOWNER: TIM & CHELSIE SHARP
JOB NO.: 12-1491

TK CONSTRUCTORS

CoreValu

COREVALU - ST. PETERSBURG

Exhibit 5

Petition No.: 2020-12-SE
T. SHARP

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR SPECIAL EXCEPTION

FINDINGS OF FACT

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

   Building a new home will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. There are other homes already in the area.

2. The proposed use **(will / will not)** injure or adversely affect the adjacent area or property values therein; and

   A new home in the area will not injure or adversely affect the adjacent area or property values. In fact, it is likely to increase the neighbors' property values.

3. The proposed use **(will / will not)** will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

   Building a new home is consistent with the character of the district as there are several homes already nearby in the area. The zoning ordinance dictates that we must request this special exception for a proposed residence.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

Exhibit 6

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Town of Zionsville
Petition to the Board of Zoning Appeals

Application Packet and General Instructions

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-12-SE

1. SITE INFORMATION:

Address of Property: 7465 S. County Road 475 East Lebanon, Indiana 46052

Existing Use of Property: Agriculture

Proposed Use of Property: Single Family in new home

Current Zoning: Agriculture Area in acres: 2.4

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Timothy W. Sharp and Chelsie E. Sharp

Owner Name (if different from Petitioner): Kathleen A. Sharp

Petitioner Address: 7557 N County Road 150 E Pittsboro, IN 46167 Owner Address: 8252 W. 88th Street Indianapolis, IN 46278

Petitioner Phone Number: 317-319-4824 Owner Phone Number: 317-440-6352

Petitioner E-Mail Address: tisharp85@yahoo.com Owner E-Mail Address: ksharp9401@comcast.net

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

Attorney/Contact Person:

Name: Timothy W. Sharp

Address: 7557 N County Road 150 E Pittsboro, IN 46167

Phone Number: 317-319-4824

E-Mail Address tisharp85@yahoo.com

Project Engineer:

Name: Hause Surveying and Engineering, LLC.

Address: 105 N. Meridian St. Lebanon, Indiana 46052

Phone Number: 765-482-5141

E-Mail Address: will@hausesurveyandengineering.com

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

☐ **Appeal** ☐ **Variance of Development Standards** ☐ **Variance of Use** X **Special Exception** ☐ **Modification**

The land is currently zoned as agriculture, therefore, we are requesting a special exception to build a new single family home. We have signed a contract with a builder and need to have the property buildable by July 1, 2020 or risk losing the down payment that has been made.

5. ATTACHMENTS:

X Legal description of property
X Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
X Application Fee
X Proof of Ownership (copy of Warranty Deed)
X Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
X 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: Kathleen A. Sharp **Date:** 4/27/2020

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

REGINA A. MCDONALD
MY COMMISSION EXPIRES July 29, 2024
SEAL
HAMILTON COUNTY
NOTARY PUBLIC - STATE OF INDIANA

State of INDIAND)
SS:
County of MARION)

Subscribed and sworn to before me this 27th day of April, 20 20.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7/29/2024

My County of Residence is HAMILTON County

OWNER'S AUTHORIZATION

The undersigned, Kathleen A. Sharp _, being the owner of the property commonly known as 7465 S. County Road 475 East Lebanon, Indiana 46052 hereby authorizes Timothy W. Sharp and Chelsie E. Sharp to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: Kathleen A. Sharp

Printed: Kathleen A. Sharp

Title: Property Owner

REGINA A MCDONALD
MY COMMISSION EXPIRES
July 29, 2024
SEAL
HAMILTON COUNTY
NOTARY PUBLIC - STATE OF INDIANA

State of INDIANA)
SS:
County of MARION)

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

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No:

My Commission Expires: 7/29/2024

My County of Residence is Hamilton County

Use of this form constitutes practice of law and is limited to practicing lawyers.
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Parcel No. _____

WARRANTY DEED

THIS INDENTURE WITNESSETH, That KURT N. TIETZ, Husband and Wife (Grantor)
of Marion County, in the State of Indiana, CONVEY ___
AND WARRANT ___ to STEVEN E. SHARP and KATHLEEN A. SHARP, Husband and Wife (Grantee)
of Marion County, in the State of Indiana, for the sum
of Two and no/100 ---------- Dollars ($ 2.00) and other
valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following
described real estate in Boone County, State of Indiana:

** SEE LEGAL DESCRIPTION ATTACHED **

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 7465 S. County Road 475 East
Lebanon, IN 46052.

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of March, 19 94.

Grantor: (SEAL)
Signature Kurt N. Tietz
Printed Kurt N. Tietz

Grantor: (SEAL)
Signature Lori D. Tietz
Printed Lori D. Tietz

STATE OF INDIANA
COUNTY OF ~~MARION~~ BOONE } SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared
KURT N. TIETZ and LORI D. TIETZ, Husband and Wife
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of March, 19 94.

My commission expires: 10-4-96

Signature T. Michelle Logan
Printed T. Michelle Logan, Notary Public
Resident of Boone County, Indiana.

This instrument prepared by Guy G. Kibbe, Attorney at Law.

Return deed to Steven E. & Kathleen A. Sharp 8252 W. 88th St., Indpls., IN46278

Send tax bills to Steven E. & Kathleen A. Sharp, 8252 W. 88th St., Indpls., IN 46278

LEGAL DESCRIPTION

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.69 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less.

Situated in Perry Township, Boone County, Indiana.

NOTE: Acreage in the legal description of the subject real estate is solely for the purpose of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

Local No 010439 EDR No 000000751469 State No

1. Decedent's Legal Name (First, Middle, Last)	1a. Maiden Name (If female)	2. Sex	3. Time Of Death	4. Date Of Death (Month/Day/Year)
STEVEN E SHARP		MALE	07:05 AM	12/30/2019

5. Social Security Number	6a. Age - Yrs	6b. Under 1 Year	6c. Under 1 Month	6d. Under 1 Day	6e. Under 1 Hour	7. Date of Birth (Month/Day/Year)	8. Birthplace (City and State or Foreign Country)
304-50-0966	69	Months	Days	Hours	Minutes	11/11/1950	INDIANAPOLIS, IN

9. Ever in U.S. Armed Forces? ☒ Yes ☐ No ☐ Unknown

10. If Death Occurred In A Hospital: ☐ Inpatient ☒ Emergency Department Outpatient ☐ Dead on Arrival

10a. If Death Occurred Somewhere Other Than A Hospital: ☐ Hospice Facility ☐ Decedent's Home ☐ Nursing Home/Long-term Care Facility ☐ Other (Specify)

11. Facility Name (If Not Institution, Give Street and Number): ST VINCENT HOSPITAL (86TH ST)

12. City Or Town, State, And Zip Code: INDIANAPOLIS, IN, 46260

13. County Of Death: MARION

14. Marital Status At Time Of Death: ☒ Married ☐ Married, But Separated ☐ Divorced ☐ Widowed ☐ Never Married ☐ Unknown

15. Surviving Spouse's Name: KATHLEEN SHARP

15a. Last Name Before First Marriage: WEATHERFORD

16. Decedent's Usual Occupation: MECHANIC AND LANDSCAPER

17. Kind Of Business/Industry: MECHANICS AND LANDSCAPING

18. Residence - State: INDIANA

18a. County: MARION

18b. City Or Town: INDIANAPOLIS

18c. Street And Number: 8252 WEST 88TH STREET

18d. Apt. No.:

18e. Zip Code: 46278

18f. Inside City Limits? ☒ Yes ☐ No

19. Decedent's Education: SOME COLLEGE CREDIT, BUT NOT A DEGREE

20. Decedent Of Hispanic Origin: NOT HISPANIC

21. Decedent's Race: White

22. Parent's Name (First, Middle, Last): NED SHARP

23. Parent's Name (First, Middle, Last): HILDA SHARP

23a. Parent's Last Name Before First Marriage: BECKER

24. Informant's Name: KATHLEEN SHARP

24a. Relationship To Decedent: WIFE

24b. Mailing Address (Street And Number, City, State, Zip Code): 8252 WEST 88TH STREET, INDIANAPOLIS, IN 46278

25. Place Of Disposition

25a. Method Of Disposition: ☒ Burial ☐ Cremation ☐ Donation ☐ Entombment ☐ Removal From State ☐ Other (Specify)

25b. Place Of Disposition (Name Of Cemetery, Crematory, Other Place): SALEM CEMETERY

25c. Location - City, Town, And State: ZIONSVILLE, IN

26. Was Coroner Contacted? ☒ Yes ☐ No

27. Name And Complete Address Of Funeral Facility: CONKLE FUNERAL HOME INC (INDIANAPOLIS), 4925 W 16TH STREET, INDIANAPOLIS, IN 46224

27a. Funeral Home License Number: FH83006423

27b. Signature Of Indiana Funeral Service Licensee: LESLIE L MILLER , BY ELECTRONIC SIGNATURE

27c. License Number (Of Licensee): FD08900003

Cause Of Death (See Instructions And Examples)

28 Part I. Enter The Chain Of Events - Diseases, Injuries, Or Complications - That Directly Caused The Death. Do Not Enter Terminal Events Such As Cardiac Arrest, Respiratory Arrest, Or Ventricular Fibrillation Without Showing The Etiology. Do Not Abbreviate. Enter Only One Cause On A Line. Add Additional Lines If Necessary.

		Approximate Interval Onset To Death
Immediate Cause (Final Disease Or Condition Resulting In Death)	A. CARDIAC ARRHYTHMIA	1 HOUR
Sequentially List Conditions, If Any, Leading To The Cause Listed On Line A. Enter The Underlying Cause (Disease Or Injury That Initiated The Events Resulting In Death) Last	B. DIABETIC KETOACIDOSIS	1 DAY
	C. DIABETES	10 YEARS
	D.	

Part II. Enter Other Significant Conditions Contributing to Death But Not Resulting In The Underlying Cause Given In Part I: N/A

29. Was An Autopsy Performed? ☐ Yes ☒ No

30. Were Autopsy Finding Available To Complete The Cause Of Death? ☐ Yes ☐ No

31. Did Tobacco Use Contribute To Death? ☐ Yes ☐ Probably ☒ No ☐ Unknown

32. If Female: ☐ Not Pregnant Within Past Year ☐ Pregnant At Time Of Death ☐ Not Pregnant, But Pregnant Within 42 Days Of Death ☐ Not Pregnant, But Pregnant 43 Days - 1 Year Before Death ☐ Unknown If Pregnant Within The Past Year

33. Manner Of Death: ☒ Natural ☐ Homicide ☐ Accident ☐ Pending Investigation ☐ Suicide ☐ Could Not Be Determined

34. Date Of Injury (Month/Day/Year):

35. Time Of Injury:

36. Place Of Injury (E.G., Decedent's Home, Construction Site, Restaurant, Wooded Area):

37. Injury At Work? ☐ Yes ☐ No

38. Location Of Injury - State:

38a. City Or Town:

38b. Street & Number:

38c. Apt. No.:

38d. Zip Code:

39. Describe How Injury Occurred:

40. If Transportation Injury, Specify: ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify)

41. Signature, Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN , BY ELECTRONIC SIGNATURE

42. Certifier (Check Only One): ☒ Certifying Physician ☐ Coroner ☐ Health Officer

43. Name, Address And Zip Code Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN , 10801 N. MICHIGAN ROAD, SUITE 100, ZIONSVILLE, IN 46077

44. License Number: 01056331A

45. Date Certified: 01/28/2020

46. Additional Funeral Service Provider:

47. Akas:

48. Signature of Local Health Officer: VIRGINIA A CAINE, VIA ELECTRONIC SIGNATURE

49. For Registrar Only - Date Filed (Month/Day/Year): JAN 28 2020

AMENDMENT TO CERTIFICATE OF DEATH (ENTRY OR ORIGINAL)

State Form 53395 ATTENTION ESTATE. The Social Security # is being requested by this state agency in order to pursue responsibility. Disclosure is voluntary and there will be no penalty for refusal.

VOID IF ALTERED OR ERASED

WARNING: ORIGINAL DOCUMENT HAS A MULTICOLORED BACKGROUND ON SPECIAL WHITE SECURITY PAPER AND THE GREAT SEAL OF THE STATE OF INDIANA ON BACK THAT TURNS FROM ORANGE TO YELLOW WHEN RUBBED. ORIGINAL DOCUMENT HAS A HIDDEN VOID ON FRONT THAT APPEARS WHEN PHOTOCOPIED.

STATE OF INDIANA

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

Zionsville, IN 46017

To whom it may concern:

We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

Sincerely,

Tim Sharp

Chelsie Sharp

Tim and Chelsie Sharp

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Tim and Chelsie Sharp, 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: Tim Sharp
(NAME OF PERSON ON PETITION)

Requesting: Special Exception and Petition for Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 7465 S CR 475 East

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 16th day of June, 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).

Tim and Chelsie Sharp
Name of person mailing letters

Tim and Chelsie Sharp
Signature

State of INDIANA)

County of MARION) **SS:**

Subscribed and sworn to before me this 16th day of June, 2020.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7-29-2024

My County of Residence is Hamilton County

REGINA A. MCDONALD
MY COMMISSION EXPIRES
JULY 29, 2024
SEAL
HAMILTON COUNTY, STATE OF INDIANA
NOTARY PUBLIC

Attribute report for active ID 1

ID	name	add1	add3
6605	WASHBURN FAMILY FARMS LLC	PO BOX 128	WALCOTT, IA 52773
6606	THARP HAZEL FAMILY LLC	1451 S LAKE SHORE DR	LAKE LEELANAU, MI 49653
6634	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6635	YOUNG AMBRAD JACQUILINE Z	4740 EAST 750 SOUTH	LEBANON, IN 46052
6636	SHARP STEVEN E & KATHLEEN A	8252 W 88 STREET	INDIANAPOLIS, IN 46278
6638	KECK DAVID G & ELIZABETH L	4990 EAST 750 SOUTH	BROWNSBURG, IN 46112
6640	BHI RETIREMENT COMMUNITIES INC	5415 BEARBERRY LN	INDIANAPOLIS, IN 46268
6644	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6645	WOLSIEFFER DREW & CASSIDY	7295 S 475 E	LEBANON, IN 46052
6646	FERGUSON BARBARA J (BYMASTER)	766 CRYSTAL LAKE DR	GREENWOOD, IN 46143

Public Notices

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, July 2, 2020 , at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:

1) Exceeds the allowable accessory square footage and
2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2), to provide for or permit:

50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana

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

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-351 6/20 hspaxlp 1648192

Poynter
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR COURT 1
CAUSE NO.
06D01-2006-ES-000067
IN THE MATTER OF THE SUPERVISED ESTATE OF CORRINA MARIE POYNTER
Deceased

NOTICE OF ADMINISTRATION

Notice is hereby given that Glenda Elaine Poynter was on the 8th day of June, 2020, appointed Personal Representative of the estate of Corrina Marie Poynter who died on April 30, 2020.

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

Dated at Lebanon, Indiana, this June 9, 2020.
/s/ Jessica Fouts
Clerk, Boone Superior Court 1
Prepared by:
Alexander S. Kruse, #29988-49
KRUSE LAW, LLC
108 N. Lebanon St., Suite 203
P.O. Box 9
Lebanon, IN 46052
ask@mymetronet.net
765-894-3974
TLR-342 6/13, 20 hspaxlp 1647503

Public Notices

Urban
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NO: 06C01-2005-MI-0585
IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BMV TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

1. The above-named Petitioner Wanda Urban, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title.
2. The allegations and statements of fact set forth in the petition are true and accurate.
3. The Petitioner is the legal owner of an automobile described and identified as follows:
   2000 FORD RANGER 4X4
   VIN: 1FTZR15V2YPB94167
4. The Petitioner acquired legal title to the automobile on or about 8/8/2019.
5. The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists.
6. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

I AFFIRM THE FOREGOING UNDER PENALTIES OF PERJURY.

Date: 5-8-2020
/s/ Wanda E. Urban
2610 Westmoor Dr. Apt. 2
Date of Birth 8/12/19xx
Telephone # 765-894-xxxx
Driver's License #: xxxx-xx-xxxx

This Petition is assigned for hearing on August 3, 2020 at 8:15 a.m.

TLR-236 6/6, 13, 20 hspaxlp

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

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

2020-12-SE, 2020-15-DSV, Tim and Chelsie Sharp requests a Special Exception, Petition for development standards variance to provide for or permit:

Allow for new residential building in Agricultural Zoning District, Pole barn development standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq. footage in Ag district.

The property involved is more commonly known as: 7465 S CR 475 East, and is legally described as:

CUT-OFF LAND DESCRIPTION (part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May, 2020 as Hause Surveying And Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/ washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp - project description for noticing

Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp - project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

1) Is installed before the primary structure
2) Exceeds the allowable accessory square footage

in an Agricultural Zoning District (AG).

A copy of the Petition for Special Exception/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 Special Exception/Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

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-354 6/20 hspaxlp 1648319

Public Notices

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

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

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

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

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IndianaPublicNotices.com.

Polen
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NUMBER:
06C01-2003-JC-000125
IN THE MATTER OF:
JP - DOB 10/16/2008
A CHILD ALLEGED TO BE A CHILD IN NEED OF SERVICES AND
NATHAN LANEY (STEPFATHER)
AMANDA POLEN (BIOLOGICAL MOTHER) AND ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Amanda Polen and
Any Unknown Alleged Father
Whereabouts unknown

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

continued next column

Public Notices

scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052 - 765-482-0530 for a(n) Dispositional Hearing on 6/29/2020 at 8:00 AM. At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your

continued next column

Property Taxes rising? It's your right to know...and it's the law.

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

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For full public notice listings go to IndianaPublicNotices.com.

IndianaPublicNotices.com.

Public Notices

failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

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

/s/ JESSICA J. FOUTS
Clerk
Zahra Ayoubi, #34351-29
Attorney, Indiana Department of Child Services
Department of Child Services
1614 North Lebanon St.
Lebanon, IN 46052
FAX: 317 232-1803
Office: 765 482-3023
TLR-344 6/13, 20, 27 hspaxlp

Public Notices

Thorntown Towing & Recovery, LLC
302 West Church Street
Thorntown, IN 46071
Auction date 6/30/2020 at 10:00 a.m.

2007 Toyota Yaris
JTDBT903171145146 $836.00
TLR-358 6/20 hspaxlp 1648840

Take Notice. It's your right to know...and it's the law.

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

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

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

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

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

For full public notice listings go to IndianaPublicNotices.com.

One phone call and a few lines of type are all that stand between you and this . . .

Let us show you how to make it happen.

The Classified Department
1-888-663-1063

Dear Neighbor,

We are writing to inform you that we intend to build a new home on the lot located at: 7465 S County Road 475 East Lebanon, Indiana 46052. This will be a two story, single family residential home with a 2,500 square foot pole barn also included.

Enclosed herein for your review you will find the following information: a cut off land description, the Zionsville Board of Zoning project description identifications, the notice public hearing, the front view of the proposed residence, and the front view of the proposed pole barn.

We are a young family with two children and are looking forward to the opportunity to meet you and build a strong community in the area.

Respectfully,

Chelsie Sharp

Tim and Chelsie Sharp

Tim

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, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:
2020-12-SE.
2020-15-DSV, Tim and Chelsie Sharp requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Special Exception, Petition for development Standards Variance to provide for or permit:
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

(INSERT DESCRIPTION OF PROJECT)
Allow for new residential building in Agricultural Zoning district, Pole barn development Standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq footage in Ag district

The property involved is more commonly known as: 7465 S CR 475 East, and is legally described as:
(COMMON ADDRESS)

(INSERT LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for Special Exception / Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: http://www.zionsville-in.gov/231/Planning-Economic-Development. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.
Oral comments to the Petition for
Special Exception / Development Standards Variance will be heard at the
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

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

Chairman: John Wolff

Secretary: Wayne DeLong

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp – project description for noticing

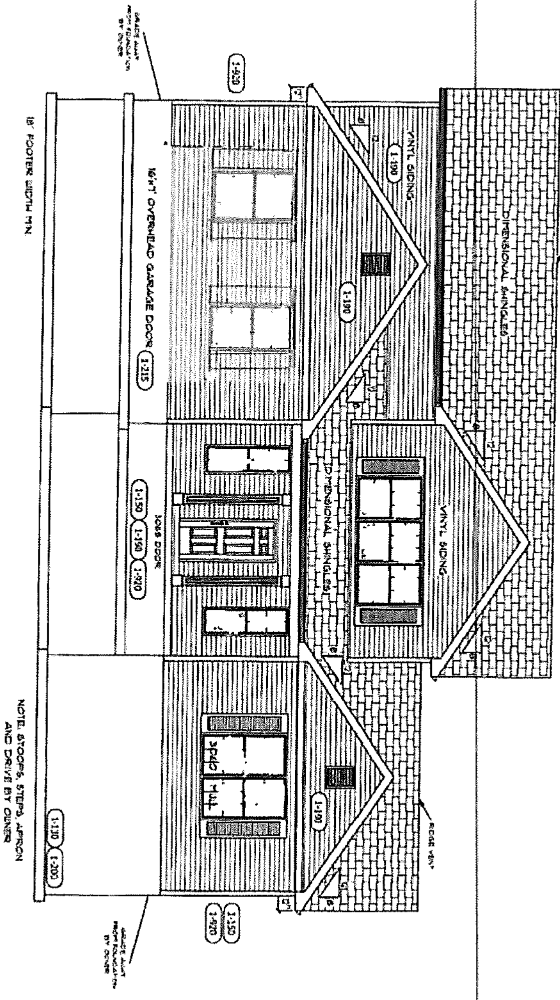
Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp – project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

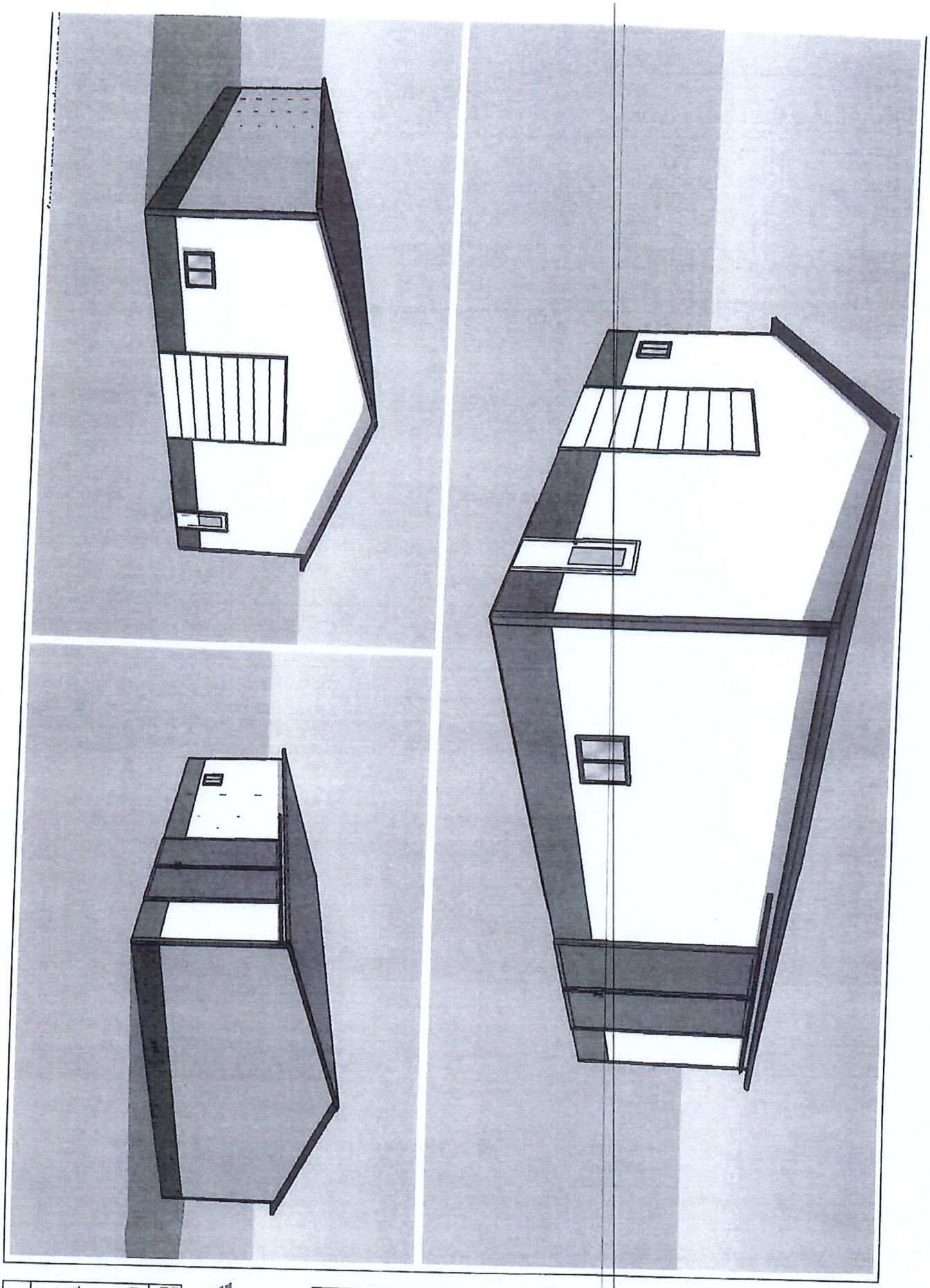
1) Is installed before the primary structure
2) Exceeds the allowable accessory square footage

in an Agricultural Zoning District (AG).



FRONT ELEVATION

CoreValu	**TK CONSTRUCTORS** COREVALU - ST. PETERSBURG	DATE: 4/16/2020 HOMEOWNER: TIM & CHELSIE SHARP JOB NO.: 12-1491	TK CONSTRUCTORS	ADDENDUM 1 VER: 07:49 AM DRAWING BY: GW 1/8" = 1'-0"	PAGE NO.: 1B



A-203

These drawings are not complete and are not to be used for construction.

PRELIMINARY
THESE DRAWINGS ARE FOR
REVIEW
ONLY

Date : 00/00/00
Name: XXX
Rev (

FBi
FBi Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

Tim Sharp
4850 E 750 S
Lebanon, IN 46052

3D View

X: _____ Purchaser Approval _____ Date _____

X: _____ Seller Approval _____ Date _____

Drawing # _____

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Barbara Ferguson
7666 Crystal Lake Dr.
Greenwood, IN 46143

Sharp
7557 N CR 150 E
Pittsboro, IN
46167

Washburn Family Farms LLC
PO BOX 128
Walcott, IA 52773

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Drew and Cassidy Wolsieffer
7295 S. 475 E.
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Jacquiline Young
4740 East 750 South
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

BHI Retirement Communities Inc.
5415 Bearberry Lane
Indianapolis, IN 46268

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Tharp Hazel Family LLC
1451 S. Lake Shore Drive
Lake Leelanu, MI 49653

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

David & Elizabeth Keck
4990 East 750 South
Brownsburg, IN 46112

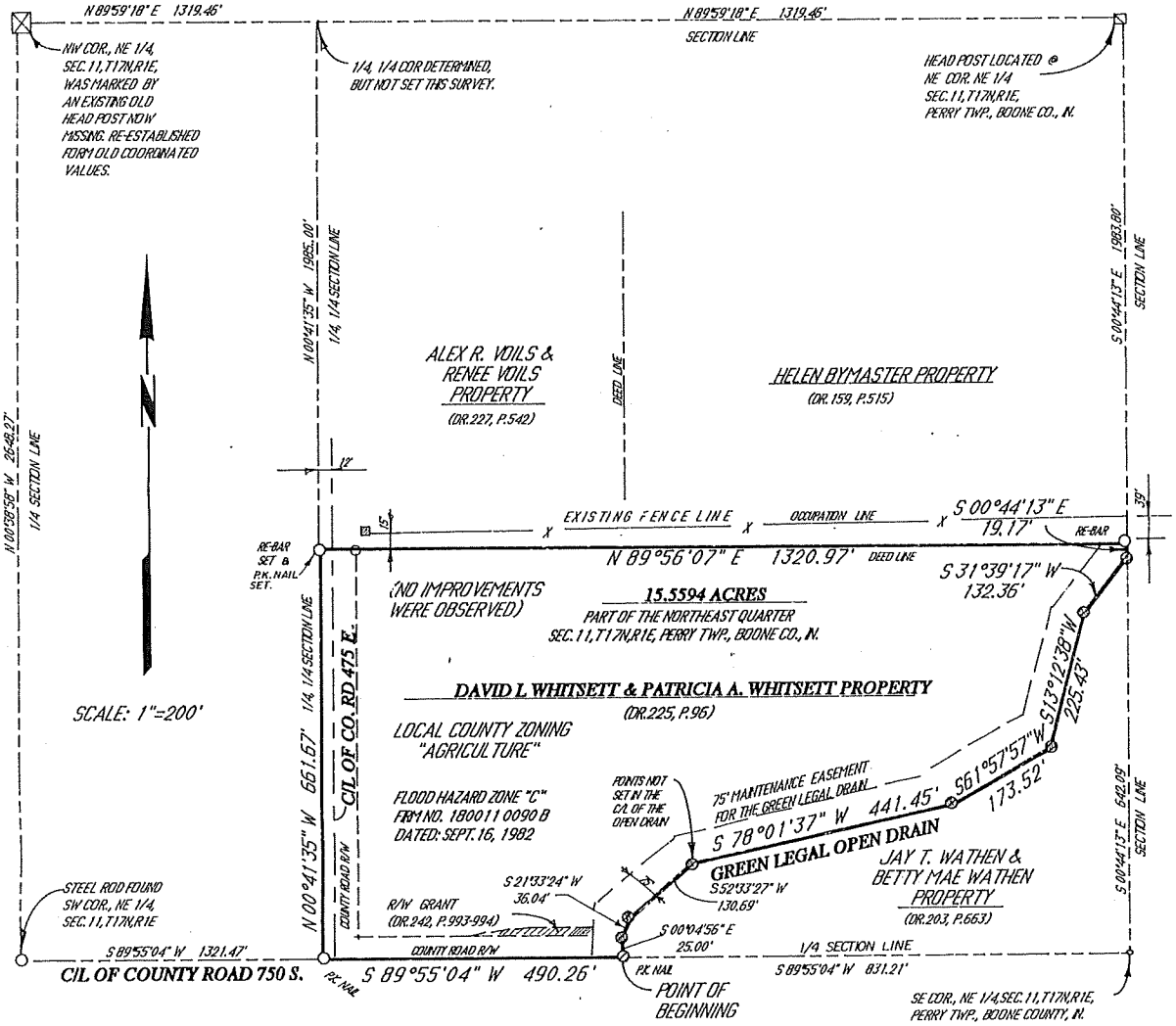
Sharp
7557 N CR 150 E
Pittsboro, IN
46167

Martha Bymaster
675 S. Ford Rd.
Zionsville, IN
46077

PH. 482-5141 or 873-2515

222 E. MAIN STREET, P.O. BOX 585
LEBANON, INDIANA 46052

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. **(Deed Record 225, Page 96)**

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.
LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.
EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February, 1994.

CARY B. DODGE REGISTERED NO.S-0288 STATE OF INDIANA LAND SURVEYOR

Cary B. Dodge. R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

FILE NO. 940 212

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone 4850 East 750 South, Lebanon, IN 46052	Name Timothy W. Sharp	Date *(day, month, year)* 4/26/2018

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

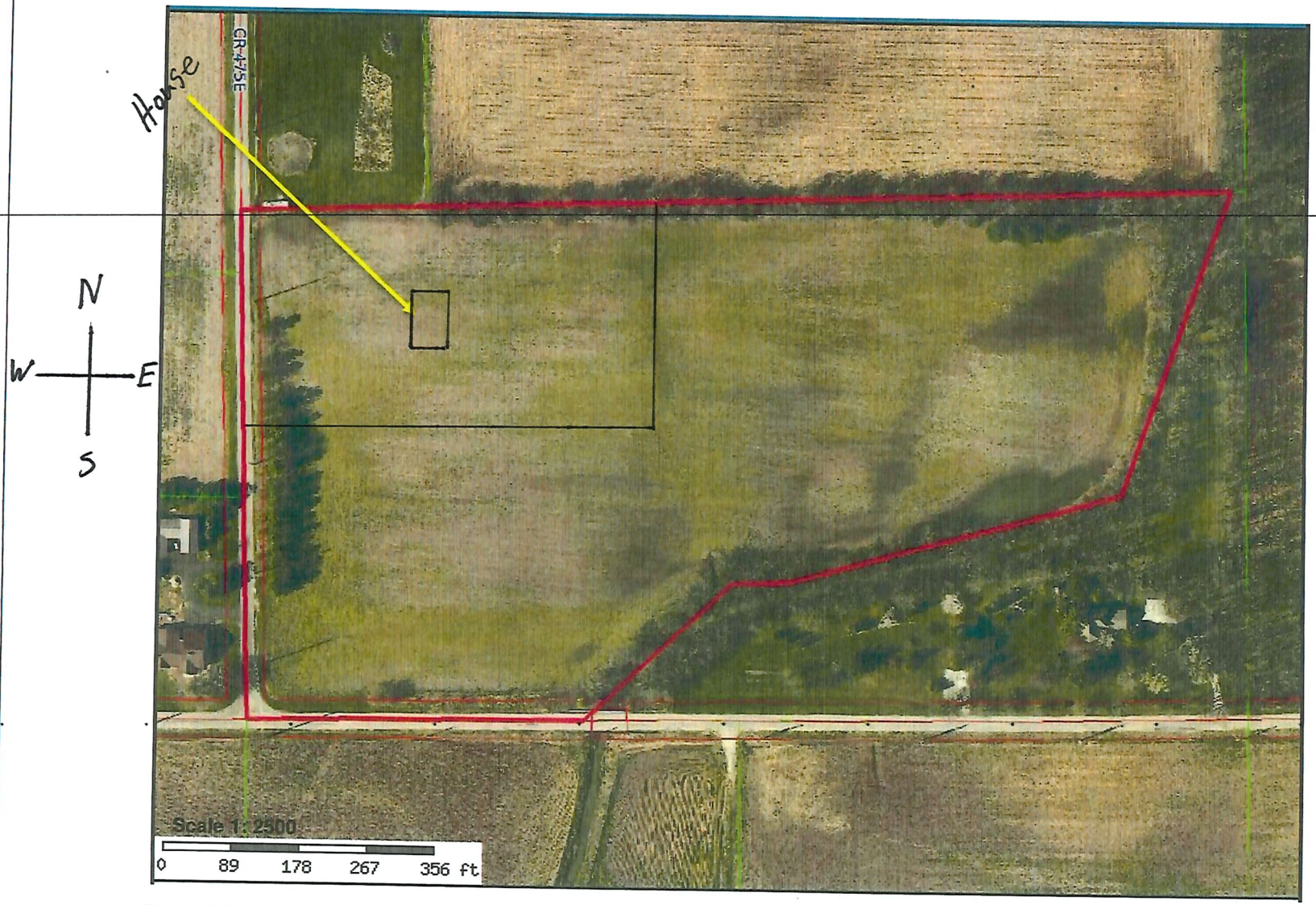


Figure 6. Parcel Map

Tim Sharp
4850 E. 750 S
Lebanon, IN

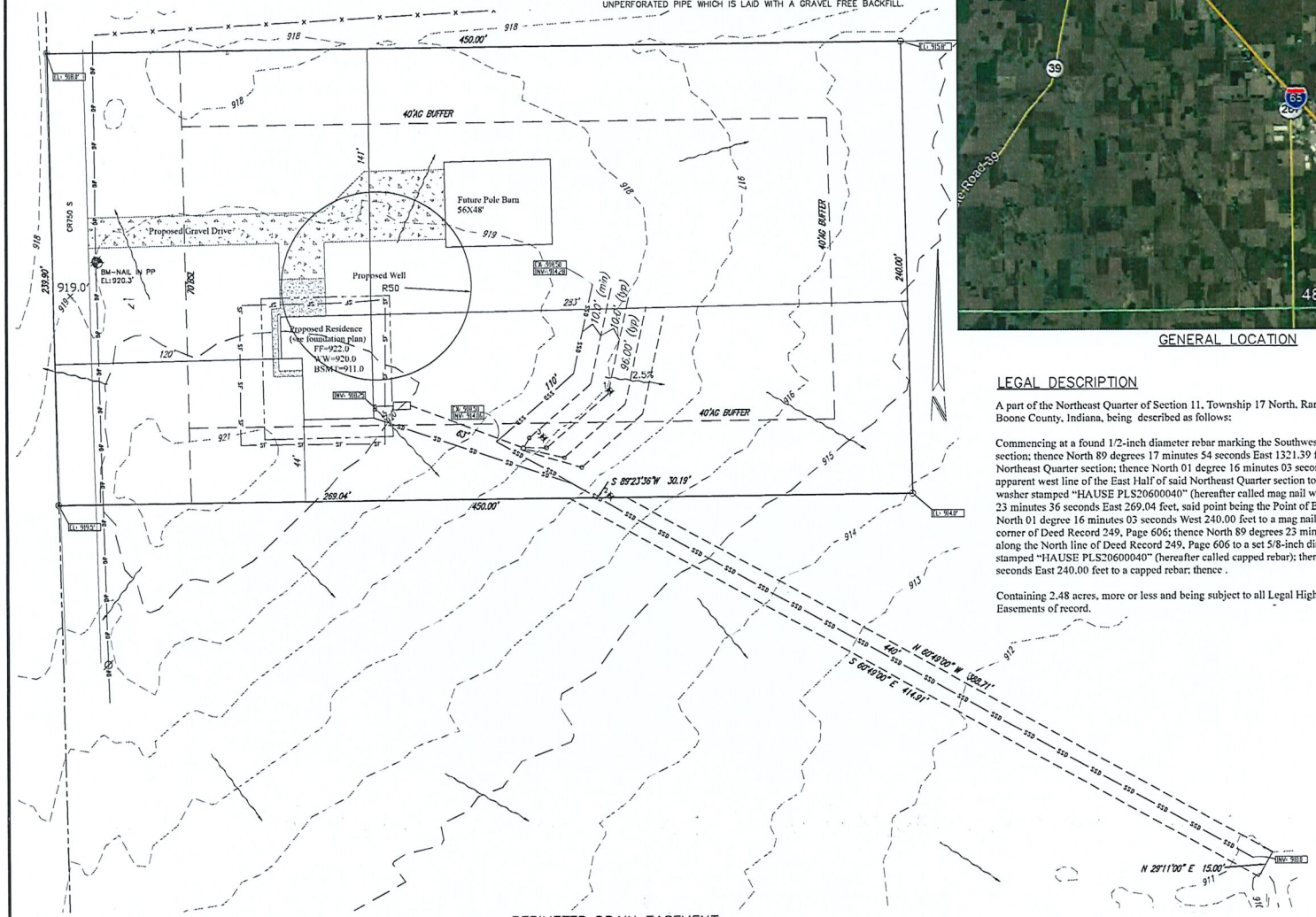
CONSTRUCTION NOTES:

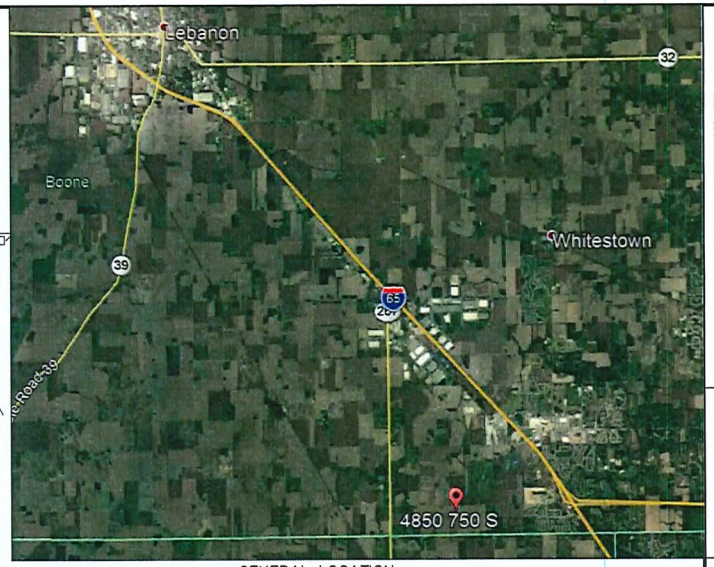
NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.

NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATERTIGHT TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM.

NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.

NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAID WITH A GRAVEL FREE BACKFILL.





GENERAL LOCATION

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence .

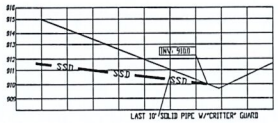
Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

PERIMETER DRAIN EASEMENT

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence South 60 degrees 49 minutes 00 seconds East 411.91 feet to a point; thence North 29 degrees 11 minutes 00 seconds East 15.00 feet a point; thence North 60 degrees 49 minutes 00 seconds West 388.71 to a point; thence South 89 degrees 23 minutes 36 seconds West 30.19 feet to the Point of Beginning.

Containing 0.138 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.



SSD OUTLET

LEGEND
AS APPLICABLE

- 5/8-inch REBAR w/ CAP STAMPED "HAUSE PLS20600040"
- MAGNETIC NAIL w/ WASHER STAMPED "HAUSE PLS20600040"
- UTILITY POLE
- TELEPHONE PEDESTAL
- WATER WELL
- LIGHT POLE
- AIR CONDITIONER
- SILT FENCE
- SUMP DRAIN LINE
- CLEAN OUT
- GUY WIRE
- ELECTRIC METER/BOX
- CABLE PEDESTAL
- GAS ENTRANCE
- SANITARY MANHOLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- (D) DEED BEARING AND DISTANCE
- (M) MEASURED BEARING AND DISTANCE
- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- BEEHIVE INLET
- CURB INLET
- BOLLARD
- SATELLITE DISH
- FENCE POST
- SITE BENCHMARK
- MAILBOX
- SOIL BORE LOCATION
- VISUAL MONITORING WELL

0 20 40
SCALE: 1"= 40'

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105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM

A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

HAUSE SURVEYING & ENGINEERING

DANIEL R. HAUSE REGISTERED No. 20701359 STATE OF INDIANA PROFESSIONAL ENGINEER

DRAWN BY: DRH	CHECKED BY: JEH	DATE: 4/29/2020	SCALE: 1"=40'

No.	Date	Revisions

PLOT PLAN

TIM SHARP
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

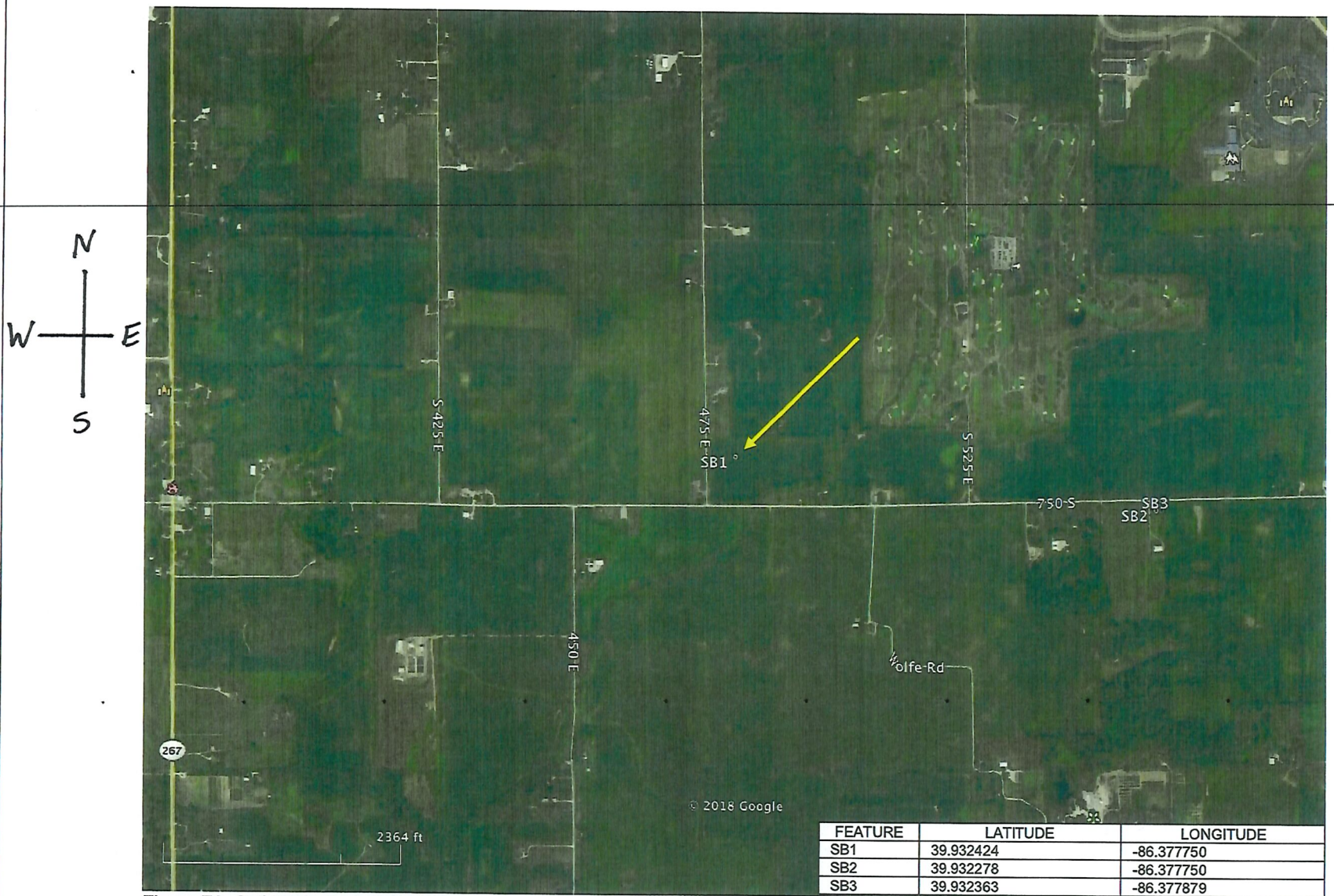
SHEET NO. 1 OF 2 SHEETS

PROJECT NO. 20H151

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – SOIL BORING LOCATIONS (OVERVIEW)

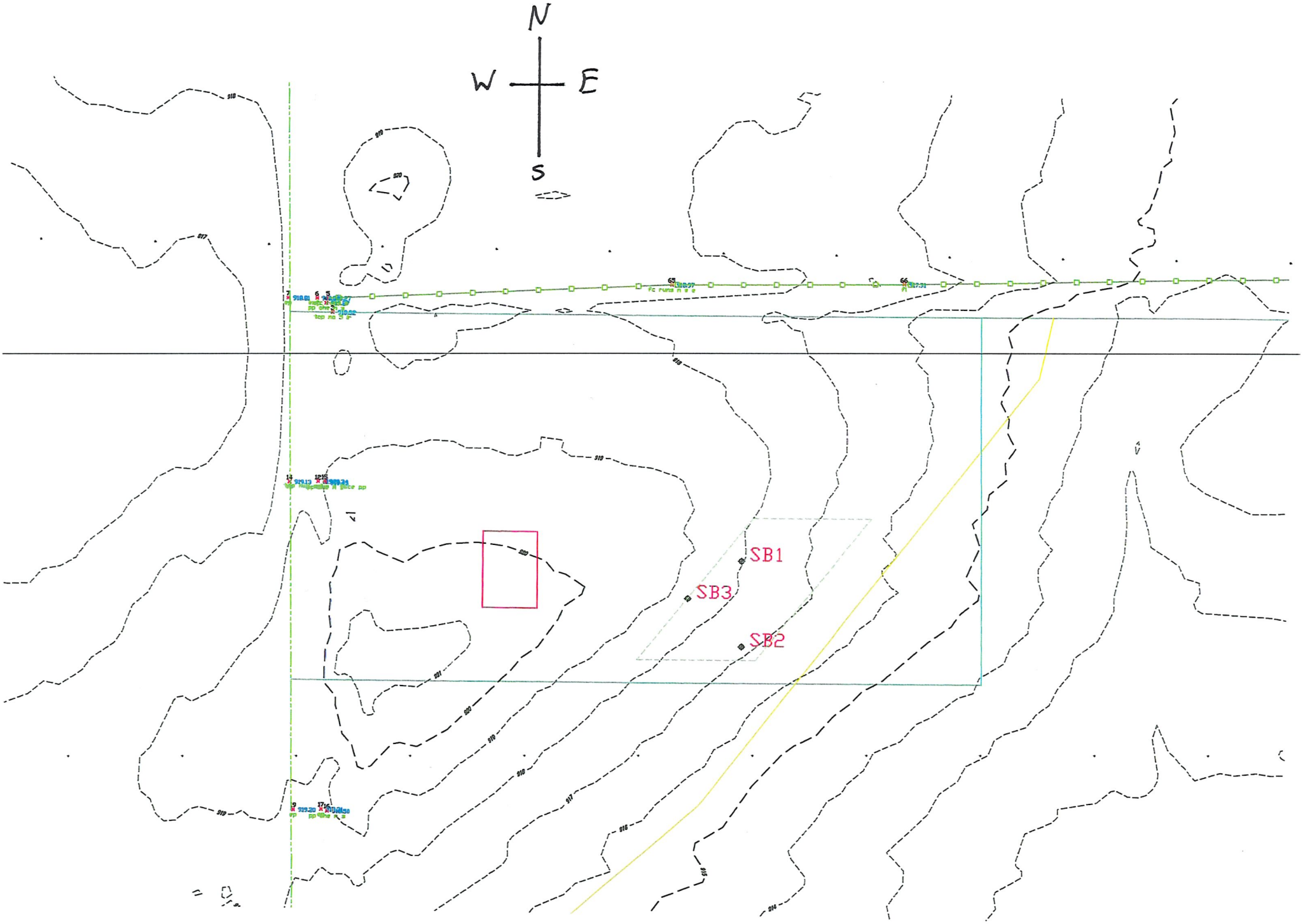
County: Boone 4850 East 750 South, Lebanon, IN 46052	Name Timothy W. Sharp	Date *(day, month, year)* 4/26/2018

Source: Source: Google Earth (accessed 4/29/2018). Image Date: 8/25/2017
No Scale (or graphic scale as shown). SB = Soil Boring locations. Soil Boring 1 (SB1) is shown to identify the subject property.



FEATURE	LATITUDE	LONGITUDE
SB1	39.932424	-86.377750
SB2	39.932278	-86.377750
SB3	39.932363	-86.377879

Figure 7A. Soil Boring Locations (Overview)


N
W
E
S
SB1
SB3
SB2

FRONT ELEVATION

CoreValu

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

DATE: 4/16/2020

HOMEOWNER: TIM & CHELSIE SHARP

JOB NO.: 12-1491

CONSTRUCTORS

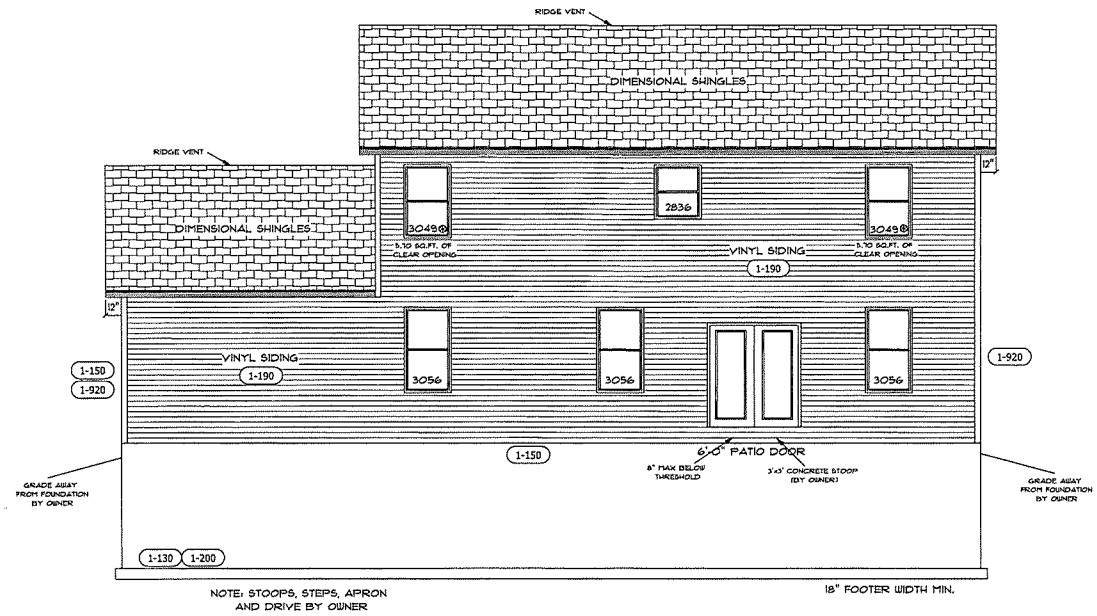
ADDENDUM 1

VER: 07-49 AM

DRAWING BY: GW

1/8" = 1'-0"

PAGE NO.: 1B



REAR ELEVATION

PAGE NO.: 2B

ADDENDUM 1

VER: 07:49 AM

DRAWING BY: GW

1/8" = 1'-0"

TK CONSTRUCTORS

DATE: 4/16/2020

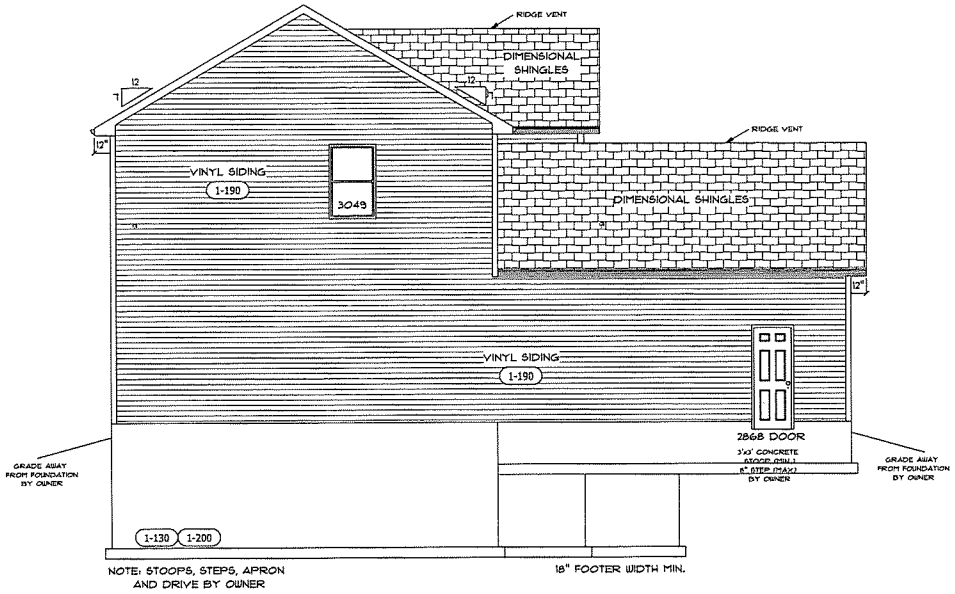
HOMEOWNER: TIM & CHELSIE SHARP

JOB NO.: 12-1491

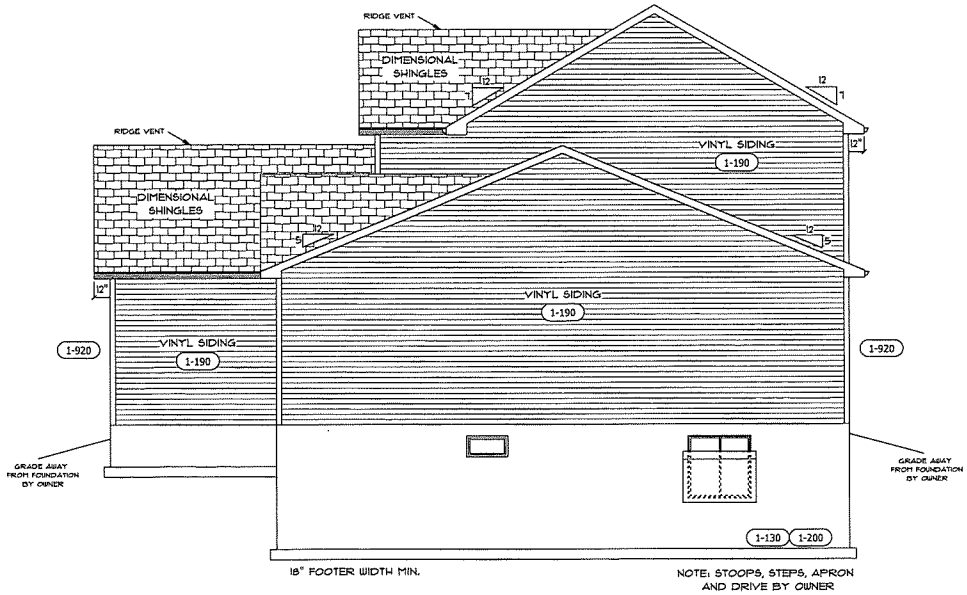
TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

CoreValu



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

PAGE NO.: 3B

ADDENDUM 1

VER: 07:49 AM

DRAWING BY: GW

1/8" = 1'-0"

TK CONSTRUCTORS

DATE: 4/16/2020

HOMEOWNER: TIM & CHELSIE SHARP

JOB NO.: I2-1491

COREVALU - ST. PETERSBURG

CoreValu

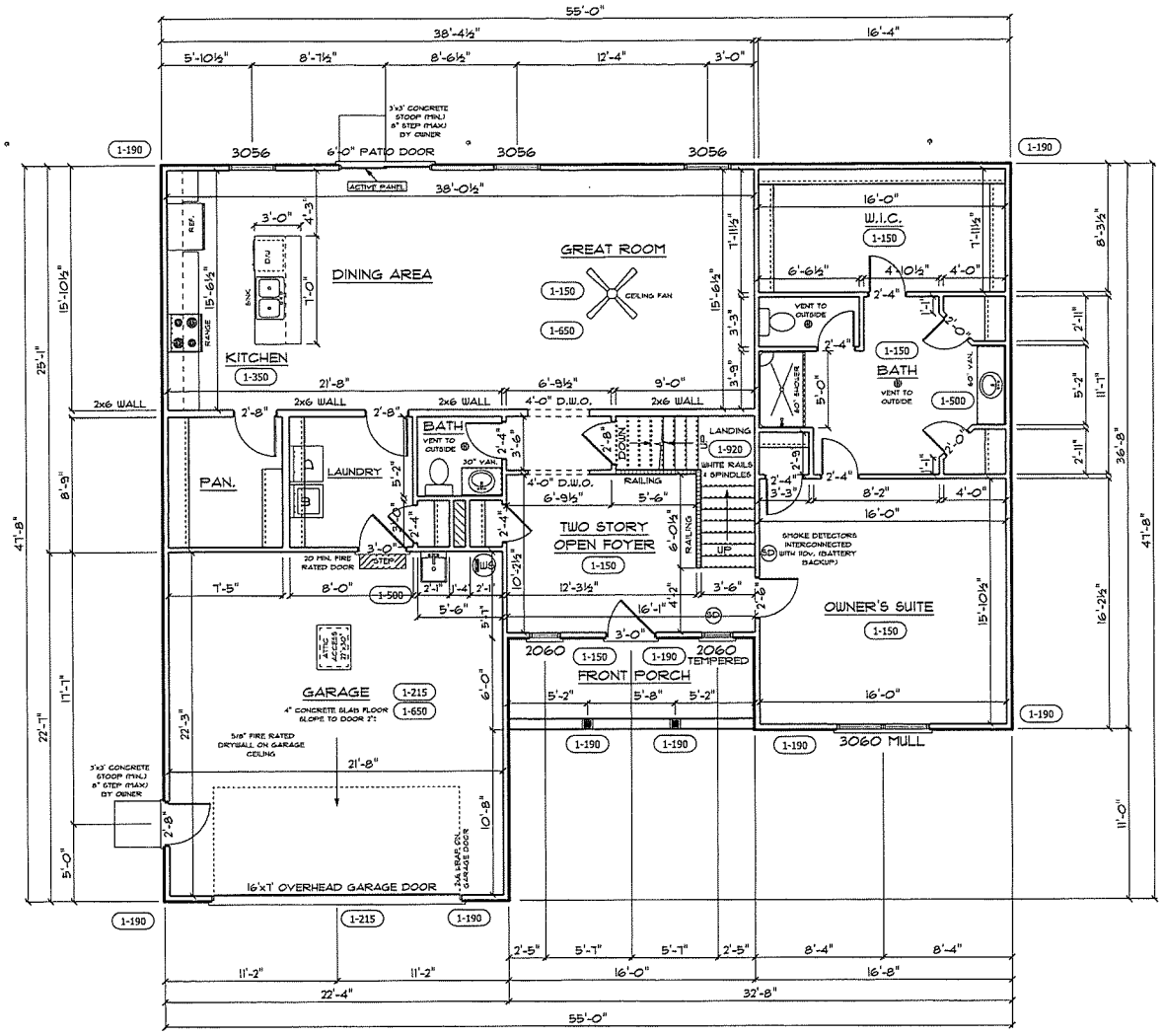
FIRST FLOOR PLAN

ANDERSEN WINDOW SCHEDULE - 200 SERIES -	
ANDERSEN MODEL NO.	R.O. SIZE
2056	24" x 56"
3030	36" x 36"
3040	36" x 48"
3049*	36" x 57"
3056*	36" x 66"
3060*	36" x 72"
3049 MULL*	73" x 57"
3056 MULL*	73" x 66"
3060 MULL*	73" x 72"
ANDERSEN SLIDING DOOR R.O. 72 3/4" x 82 7/8"	
3'-0" FRONT DOOR R.O. 38 3/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (1) SIDELITE R.O. 51 7/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (2) SIDELITES R.O. 65 3/8" x 82 1/2"	
R.O. FOR BI-FOLD DOORS USING DRYWALL JAMB FACING = 1 1/4" + DOOR SIZE x (81 1/2")	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING MAKE SAME AS BOTH DOORS ADDED TOGETHER	
ALL INTERIOR DOORS SIZE + 2" TO WIDTH x 82 1/2" HIGH (1-275)	
R.O. POCKET DOOR (2x DOOR WIDTH + 1") x 85" HIGH	

* - DENOTES OPENING MEETS EGRESS REQUIREMENTS

ALL WALL DIMENSIONS ARE FACE TO FACE OF STUDS
ALL INTERIOR WALLS ARE 3 1/2" (UNLESS NOTED)
EXHAUST BATH FANS ARE VENTED TO OUTSIDE AIR
*3049 5A5H (5.70 SQ.FT. OF CLEAR OPENING)
ALL BRICK LAYOUT MEASUREMENTS ARE 4"

9'-0" FIRST FLOOR CEILING HEIGHT (1-920)	
INCLUDES:	
1.	4 1/4" BASEBOARDS IN LIEU OF 3 1/4"
2.	3060 WINDOWS IN LIEU OF 3056 WINDOWS
3.	3056 WINDOWS IN LIEU OF 3049 WINDOWS
4.	DRYWALL WRAPPED OPENINGS 12" TALLER
5.	42" KITCHEN CABINETS (1-350)
6.	16'x7' GARAGE DOOR STANDARD



PAGE NO.: 4B

ADDENDUM 1

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DRAWING BY: GW

1/8" = 1'-0"

DATE: 4/16/2020

HOMEOWNER: TIM & CHELSIE SHARP

JOB NO.: 12-1491

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

CoreValu

SECOND FLOOR PLAN

FIRST FLOOR SQ.FT.	1,663
SECOND FLOOR SQ.FT.	883
TOTAL LIVING SQ.FT.	2,546
GARAGE	502
TOTAL SQ.FT.	3,048
EXCLUDING PORCH	96

ANDERSEN WINDOW SCHEDULE - 200 SERIES -	
ANDERSEN MODEL NO.	R.O. SIZE
3030	36" x 36"
3040	36" x 48"
3049*	36" x 57"
3056*	36" x 66"
3060*	36" x 72"
3049 MULL*	73" x 57"
3056 MULL*	73" x 66"
3060 MULL*	73" x 72"
3049 TRIPLE MULL*	110" x 57"
ANDERSEN SLIDING DOOR R.O. 72 3/4" x 82 7/8"	
3'-0" FRONT DOOR R.O. 38 3/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (1) SIDELITE R.O. 51 7/8" x 82 1/2"	
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R.O. FOR BI-FOLD DOORS USING DRYWALL JAMB FACING = 1 1/4" + DOOR SIZE x (81 1/2")	
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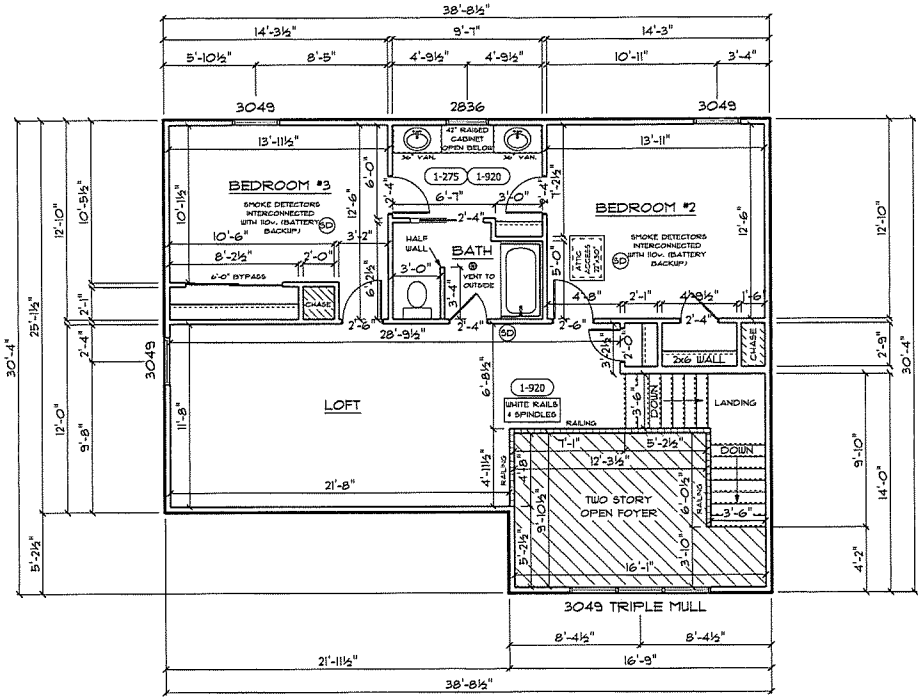
ALL INTERIOR DOORS SIZE + 2" TO WIDTH x 82 1/2" HIGH	
R.O. POCKET DOOR (2x DOOR WIDTH + 1") x 85" HIGH	

* - DENOTES OPENING MEETS EGRESS REQUIREMENTS

ALL WALL DIMENSIONS ARE FACE TO FACE OF STUDS
ALL INTERIOR WALLS ARE 3 1/2" (UNLESS NOTED)
EXHAUST BATH FANS ARE VENTED TO OUTSIDE AIR
*3049 SASH (5.70 SQ.FT. OF CLEAR OPENING)
ALL BRICK LAYOUT MEASUREMENTS ARE 4"



PAGE NO.: 5B

ADDENDUM 1

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1/8" = 1'-0"

TK CONSTRUCTORS

DATE: 4/16/2020

HOMEOWNER: TIM & CHELSIE SHARP

JOB NO.: 12-1491

COREVALU - ST. PETERSBURG

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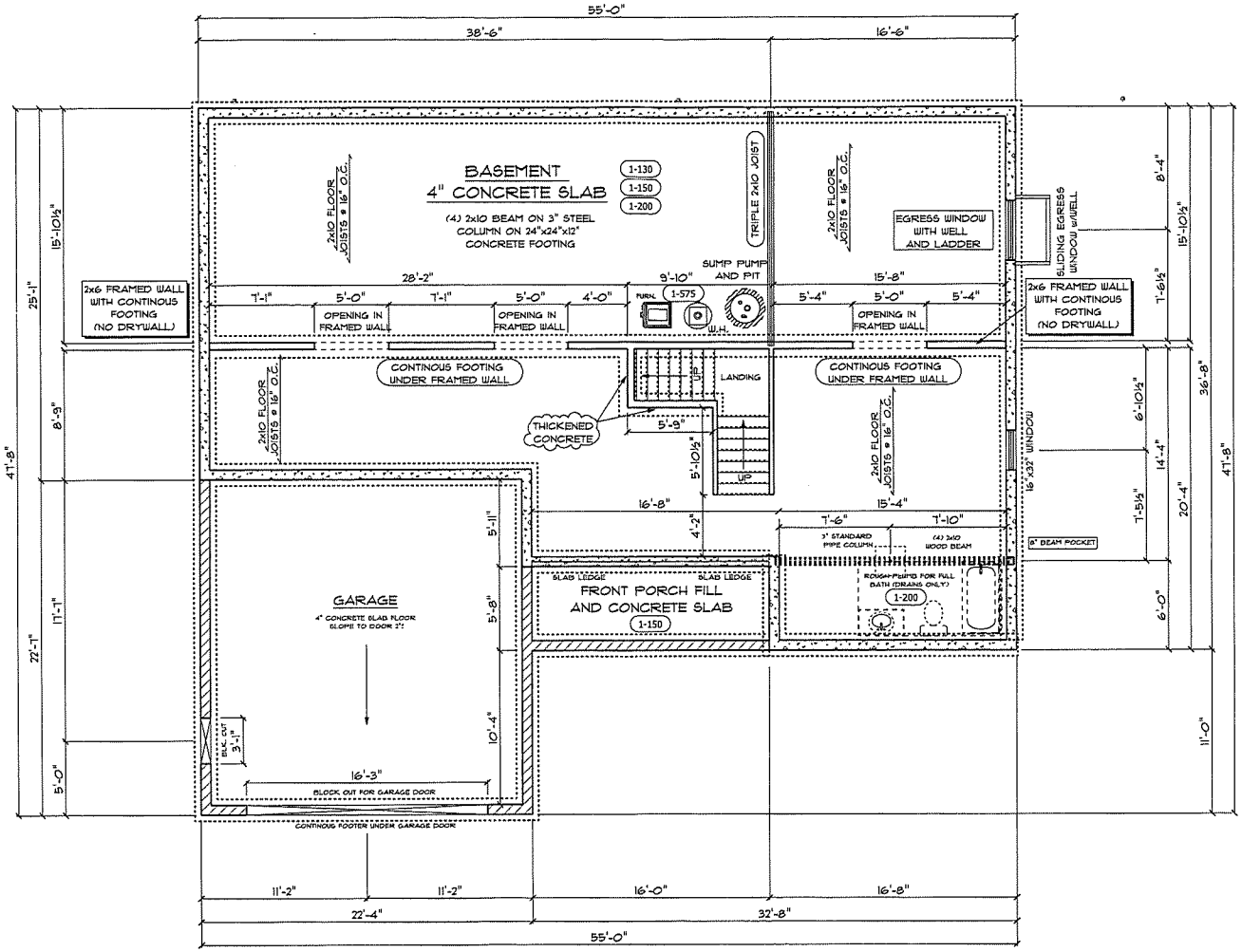

FOUNDATION - BASEMENT

PAGE NO:	6B
ADDENDUM 1	
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1/8"=1'-0"	
CONSTRUCTORS	
DATE:	4/16/2020
HOMEOWNER:	TIM & CHELSIE SHARP
JOB NO.:	12-1491

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG

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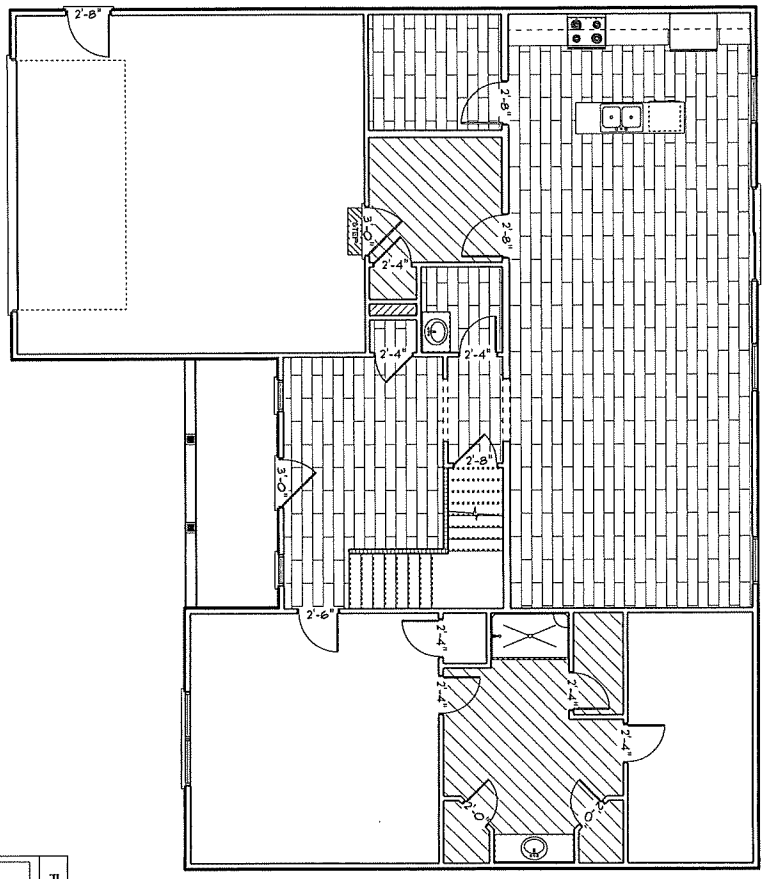
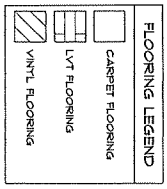
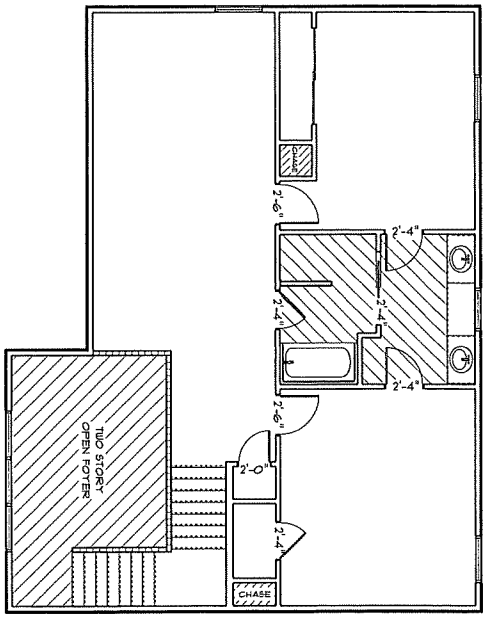
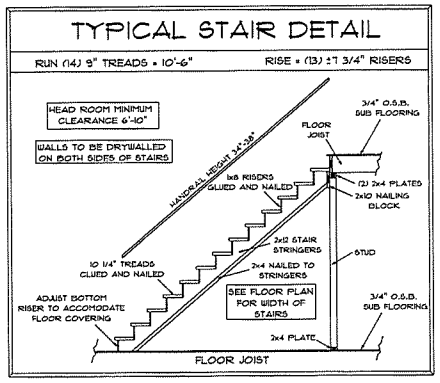


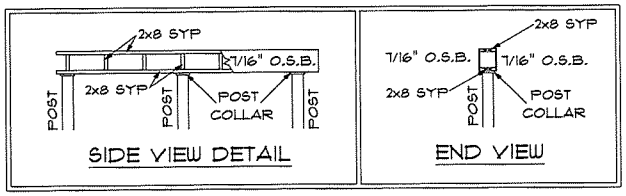




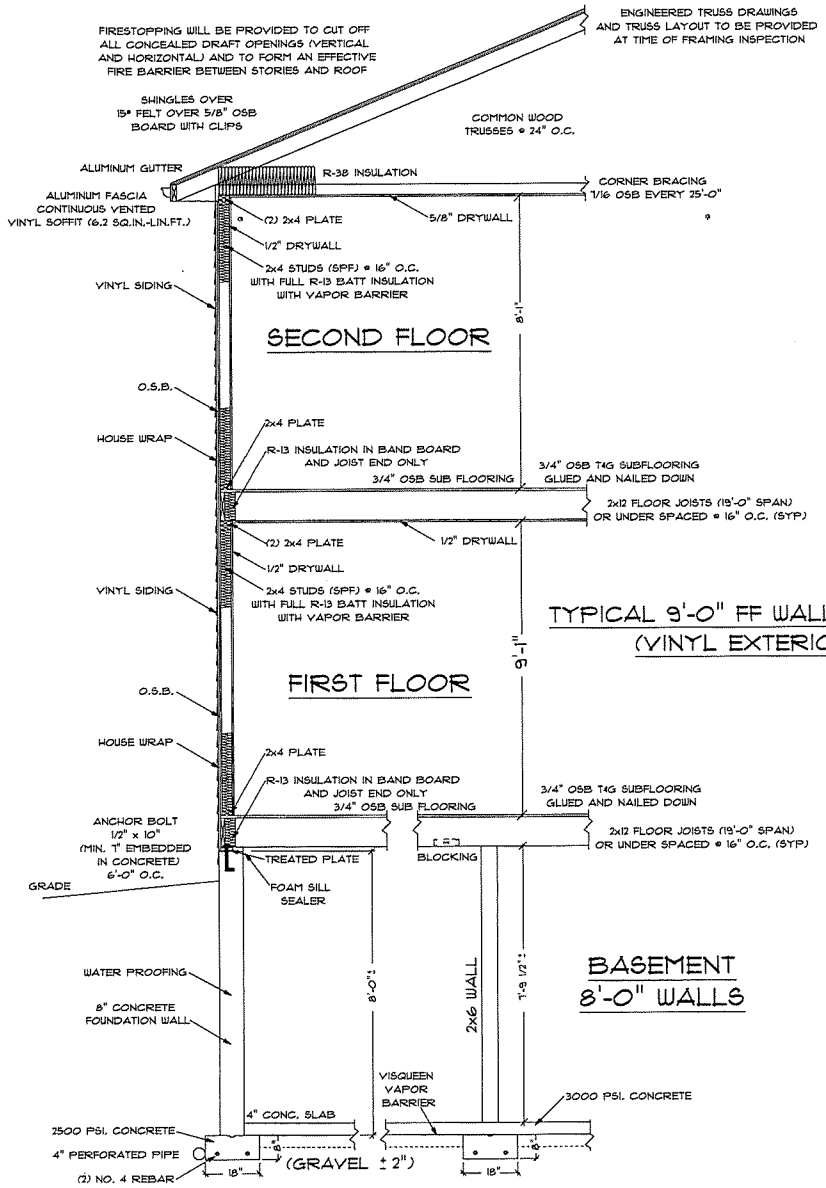
CoreValu	**TK CONSTRUCTORS** COREVALU - ST. PETERSBURG	DATE: 4/16/2020 HOMEOWNER: TIM & CHELSIE SHARP JOB NO.: 12-1491	TK CONSTRUCTORS	ADDENDUM 1 VER: 07:49 AM DRAWING BY: GW 1/8" = 1'-0"	PAGE NO.: 7B

BASEMENT BEAM SIZE
- (4) 2x10 BEAM IN BASEMENT
STIFFBACKS AND BLOCKING
- BASEMENTS AND TWO STORY WILL HAVE 2x6 BLOCKING
FLAT AT BOTTOM AND INSIDE JOIST TO JOIST
- CRAWL SPACE WILL HAVE 2x4 FLAT WITH 2x6 UPRIGHT
STIFFBACK AND OVERLAP 4'
- STIFFBACKS AND/OR BLOCKING NEEDED WHEN JOISTS
ARE 10'-0" OR LONGER
GREEN PLATE SIZE AND LENGTH
- 2x4 FOR BRICK
- 2x8 FOR VINYL
EXTERIOR WALL HEADER SIZE
- FIRST FLOOR 2x12 WITH 7/16 IN BETWEEN
- SECOND FLOOR 2x8 WITH 7/16 IN BETWEEN
WALL LEADS
- 2x6 WALL LEADS ARE STANDARD
PORCH BEAM SIZE
- 2x8 BOX BEAM IS STANDARD
WINDOW INSTALLATION
WINDOWS TO BE BOTH SILICONED AND TAPED. DOUBLE
TAPE TOP UNDER AND OVER HOUSEWRAP





HEIGHT OF BOX BEAM IS DETERMINED BY FREEZE BOARD HEIGHT



PAGE NO.: 8B

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CONSTRUCTORS

DATE: 4/16/2020
HOMEOWNER: TIM & CHELSIE SHARP
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TK CONSTRUCTORS
COREVALU - ST. PETERSBURG

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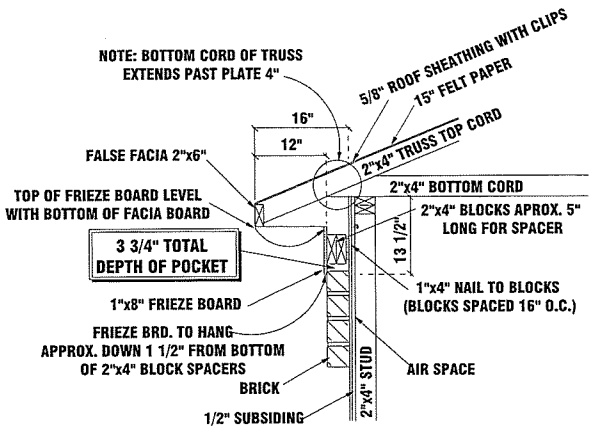
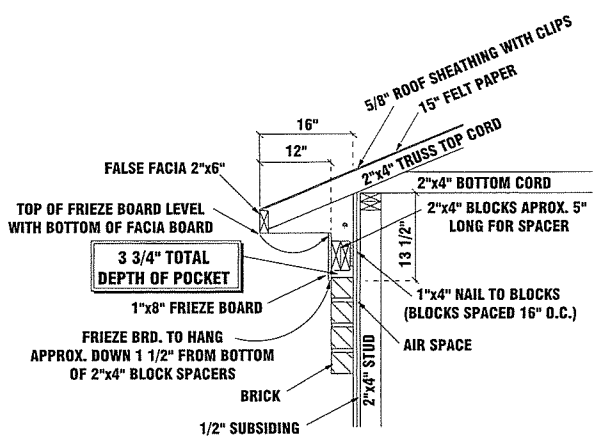
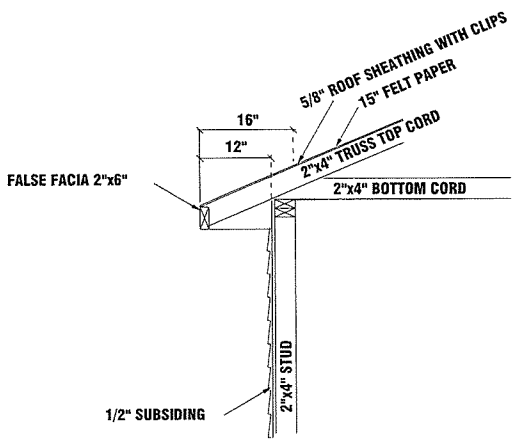


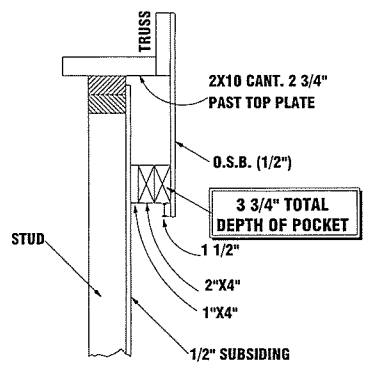
HOUSE WITH QUEEN BRICK FRONT ONLY



HOUSES WITH FULL QUEEN BRICK WRAP



TYPICAL HOUSE WITH VINYL SIDING AREA AT EAVE



GABLE WALL DETAIL WITH QUEEN BRICK FRIEZE BOARD

PAGE NO.: 9B

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HOMEOWNER: TIM & CHELSIE SHARP
JOB NO.: 12-1491

TK CONSTRUCTORS
COREVALU - ST. PETERSBURG

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TK CONSTRUCTORS, INC
Construction Agreement

This Construction Agreement ("Agreement") is made on **03/31/2020**, by and between TK CONSTRUCTORS, INC., an Indiana Corporation ("Builder") and Buyer Name: ("Buyer") **Tim Sharp Chelsea Sharp**

Purchase of: Job # Subdivision **Brownsburg** Model: **St Petersburg**
WITNESSETH:

THAT WHEREAS, the Buyer is the owner of certain piece of real estate located at :
County Road 750 S., Lebanon, IN 46052 in the County of **Boone**.

AND WHEREAS, Buyer is desirous of having Builder construct, as per the plans and specifications desired herein, a new single family residence ("Improvement") upon said Real Estate, and upon the terms and conditions hereinafter stated, KNOW, THEREFORE, it is hereby mutually agreed between the parties as follows:

BUILDER AGREES:

1. To furnish, purchase, employ, contract and pay for all supplies, materials, plumbing, heating, equipment, labor and any and all other items which are required to be furnished or provided by Builder in the construction of said Improvement in accordance with the plans and specifications prepared and approved by Builder and Buyer.

2. That all labor and services shall be performed in a good and workmanlike manner and that the said Improvement when completed shall be turned over to the Buyer, free and clear of all liens or encumbrances, created by Builder, demands or obligations of any kind and character against Builder.

3. That the plans and specifications for such Improvement attached hereto and incorporated herein by reference shall be materially followed by the Builder in the construction of such Improvement.

4. To carry Workmen's Compensation Insurance and liability insurance for the use and benefit of the Buyer.

BUYER AGREES:

5. To pay the Builder directly as per Addendum Contract Price

6. To maintain fire and extended insurance coverage insuring against any damage to the Improvement, including vandalism, mischief, tornado and theft of any building materials, supplies or equipment to be incorporated therein upon the Improvement during the construction process and to assume the risk of loss upon the Improvement. In the event the Buyer purchases their Builder's Risk coverage from the Builder, the Buyer understands that, in the event of a claim, the Buyer is responsible for the deductible in the amount of $1,000.00. This coverage does not include liability which will still be the responsibility of the Buyer to provide

7. A. That Buyer has no right of possession of the Real Estate and Improvements until full and final payment including any additional amounts due as a result of change orders has been paid to Builder and Settlement Agreement has been executed. Buyer further agrees that notwithstanding the provisions for liquidated damages, in the event of a breach of the condition of this Paragraph 7 of the Agreement, that Builder may have a temporary restraining order and/or a permanent injunction restraining and enjoining the occupancy of the Improvements until said final payment is made to Builder.

RECEIVED APR 13 2020 BY:

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B. Buyer further agrees that in addition to the equitable remedies provided for above, upon violation of the terms of this Paragraph, builder shall be entitled to recover as liquidated damages and not as a penalty, the amount of $950.00 for the initial moving in, occupancy or storing of furniture in the Improvement and $60.00 for each day the violation continues. Buyer waives any defenses to these remedies.

C. It is understood and agreed by Buyer and Builder that this Agreement constitutes an obligation for the construction of the Improvement on the Real Estate. This obligation constitutes a valid and forcible lien against the Real Estate in the unpaid amount due to Builder. In the event of default by Buyer of this Agreement, it is understood that in addition to and in lieu of any other remedies hereunder for breach of this Agreement, the Builder may enforce its lien rights against said Real Estate.

8. Buyer shall pay Builder reasonable attorney's fees for the enforcement of the Builder's rights under this Agreement.

9. A. Buyer is aware that the Improvement may vary slightly from the dimensions shown on the blueprints or from a model, a drawing or other document describing or showing the Improvement, and that any statement as to specific square footage or other dimension of the Improvement is only a reasonable approximation.

B. Buyer recognizes that appliances, equipment, decoration and similar items to be installed or used in the Improvement may not conform to samples which Builder may have shown Buyer, and Buyer authorizes Builder to make changes in or substitutions of such items if their quality is equal to, or greater than, the quality of samples shown or items specified in any Agreement document.

C. Buyer recognizes and agrees that the Improvements will be completed and will adhere to the applicable building standards as outlined in the "IRC One and Two Family Dwelling Code" book.

10. In event the location of the Improvement as selected by Buyer or any requirements exceeding IRC code as required by any applicable government authority will cause additional costs in said construction of the Improvement, Buyer agrees to execute a change order in favor of TK Constructors, Inc. to reflect the increase in price. The selection of the Real Estate and the location of the Improvements shall be the responsibility of Buyer. Buyer shall be solely responsible for any additional costs or expenses due to adverse soil and/or lot conditions. Buyer is relying on its own determination or that of its own expert as to the soil and lot conditions.

11. Any alterations, modifications, changes, extras, deletions, additions, or variances of the plans, specifications, materials and/or drawings, shall be in writing, dated and shall contain the additional price to be added to or subtracted from the Contract Price, and signed by the Buyer and the Builder. The cost of changes in excess of the Contract Price shall be paid in full to the Builder at the time of the change order and prior to the incorporation of said change. Any changes made at or after the pre-construction meeting that are not site related, will incur a change fee of $150.00 per item. After construction has begun, optional items may only be deleted from this Agreement by written approval of Builder. Optional items may be deleted and credited after start of construction at prices different than those listed above due to actual cost variances.

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TK CONSTRUCTORS, INC
Construction Agreement

12. This Agreement includes the following Addenda, which are hereby incorporated by reference:

- Option (s) Agreement;
- Contract Price;
- Limited Warranty
- Specification Sheet
- Builders Risk Insurance
- Construction Blueprints
- Color Selection Sheet (Prior to Pre-construction meeting)
- Homeowner's Responsibilities/Draw policy
- Stakeout Verification (Prior to Pre-construction meeting)
- Settlement Agreement (At completion of home)
- Arbitration
- (Kentucky)
- (Ohio)

13. **TIME SHALL BE OF THE ESSENCE** upon the execution of this Agreement. The price in this Agreement will be honored by Builder for ninety (90) days after acceptance of this Agreement. Builder, after 90 days and at its sole discretion, reserves the right to increase the agreed upon price to reflect current market prices.

14. In the event Buyer cancels this Agreement at any time after acceptance of this Agreement by Builder, a cancellation fee of Two Hundred Fifty Dollars ($250.00) shall be paid to the Builder from the funds being held as a deposit under this Agreement. Any other costs approved by customer will also be deducted for administrative expenses.

15. Any claims or disputes arising out of this contract or the breach thereof shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of American Arbitration Association unless both parties mutually agree otherwise. Notice of the demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Builder has provided Buyer with specifications and warranty as part of this Construction Agreement. Builder and Buyer agree that said specifications and warranty shall serve as applicable standards for any disputes over construction details or defect remedies.

16. In the event of a dispute between Buyer and Builder as to the quality of certain workmanship or materials during the construction of the Improvements, Buyer and Builder agree that construction may proceed while Buyer and Builder work in good faith to resolve the dispute, subject to the following:

A. The appraiser for Buyer's lending institution shall estimate the approximate dollar amount to correct, remedy, or replace the bona fide disputed item(s);

B--Builder shall proceed with the construction and shall be entitled to all amounts due under this Agreement less one hundred fifty percent (150%) of the amount of the disputed item(s) as determined by appraiser described above;

B. Buyer and Buyer's lending institution shall be obligated to fund the construction draws described herein in a timely manner with time being of the essence less amounts described in B above with amounts to be held by said lending institution until said disputed item(s) is resolved;

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C. Prior to Buyer's occupancy of the Improvement, all disputed item(s) shall have been resolved by Buyer and Builder and all amounts due to Builder paid in full;

D. Nothing contained therein is intended to amend or conflict with any of the terms and conditions otherwise set forth in this Agreement including but not limited to the terms and conditions of Paragraph 7; and

E. In the event of a deadlock or an impasse as to resolution of said disputed item(s), Buyer and Builder agree to jointly engage the services of an independent third party inspector to resolve said disputed item(s). The costs and expenses of the independent third party inspector will be shared equally by the Buyer and the Builder and the decision of the independent third party will be binding. Said inspector shall be instructed to evaluate merits of dispute solely in accordance with the terms and conditions of this Agreement.

17. The undersigned Buyer agrees that direction and supervision of working forces, including subcontractors, rests exclusively with the Builder or its designated agent, and Buyer agrees not to issue any instructions or to otherwise interfere with same. Buyer further agrees not to negotiate for additional work with subcontractors, except with Builder's written consent, and in such a manner as will not interfere with Builder's completion of work under this Agreement. Builder shall have unconditional and irrevocable access to the Real Estate until the Improvements are completed and the final Construction Price is paid.

18. The undersigned Buyer agrees that any work or services completed by Buyer under this Agreement as a credit will be completed in full compliance with any applicable rules, regulations, laws and codes and will be completed in a timely, professional manner in strict conformance with Builder's established construction schedule. Builder has authority to reverse any credits upon violation or breach of these terms and conditions. All mechanical work must be performed by the contractor of record under the permit. Buyer is solely responsible for any fines or penalties associated with violating these provisions. Change orders must be written prior to our "purchase order system mailing agenda" to ensure proper application of the change order. Payment of the change order must be made at the time it is written. Buyer shall be responsible for all warranty work during and after construction that results from work done as a "credit".

19. This document and referenced Addendum represents the entire Agreement between Buyer and Builder with respect to the subject matter herein, except for any change orders or modifications agreed upon by the parties hereto. Any other Agreement whether expressed or implied, written or verbal that is not specifically represented herein or incorporated by reference shall not be binding on either party.

20. This Agreement is subject to the Buyer being able to secure adequate construction financing at prevailing market terms and rates. If Buyer is unable to secure said financing, then all deposits, less those specified in paragraph 14, shall be returned to Buyer.

21. This Agreement is executed and entered into in full faith and confidence by the parties hereto and shall be binding upon their heirs, executors, administrators, successors, or assigns of each of the parties hereto. This Agreement may not be assigned by either party without the written consent of the other party.

22. The invalidity or unenforceability of any terms or provisions herein, or any clause or portion thereof, of this Agreement, shall in no way effect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

23. As outlined and described in Owner's Responsibility attached hereto, unless otherwise noted in an adden-

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dum, Buyer shall be responsible to complete all of its own site work as well as the appropriate hook ups to a sewer or septic system. In the event this additional site work is not completed within ten (10) days after completion of the Improvements and provided that Buyer's mortgagee is holding enough funds to complete this work, then Builder will complete this work for the benefit of Buyer provided Buyer's mortgagee has irrevocably agreed to pay for this work with funds being held, plus a 12% above cost management fee. Buyer hereby consents to these provisions.

24. Prior to the final payment of the Contract Price, Buyer will complete a Settlement Agreement indicating what additional work, if any, needs to be completed to fulfill the terms and conditions of the Agreement. After the items on the Settlement Agreement are completed and witnessed by Buyer, the obligations of Builder shall be deemed to be completed and accepted by Buyer and the Improvements accepted by Buyer, subject to Builder's warranty obligations as set forth in Addendum Builders Risk Insurance.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this day and year first above set out.

TK CONSTRUCTORS, INC.
An Indiana Corporation

Purchase of: Job #**00001491** Subdivision **Brownsburg** Model: **St Petersburg**

TK Constructors, Inc.

Print Name: Dennis Ordway

Title: N.O.M. 4/14/20

Buyer — Date: 03/31/2020

Buyer — Date: 3/31/2020

Buyer — Date

7557 N. CR 150 E.
Current Address

Pittsboro, IN 46167
City, State, Zip

Telephone - Home

(574)952-6741
Telephone - Work

Initials _____ _____ _____

Petition No.: 2020-12-SE
T. SHARP HOUSE

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR SPECIAL EXCEPTION

FINDINGS OF FACT

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

   Building a new home will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. There are other homes already in the area.

2. The proposed use **(will / will not)** injure or adversely affect the adjacent area or property values therein; and

   A new home in the area will not injure or adversely affect the adjacent area or property values. In fact, it is likely to increase the neighbors' property values.

3. The proposed use **(will / will not)** will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

   Building a new home is consistent with the character of the district as there are several homes already nearby in the area. The zoning ordinance dictates that we must request this special exception for a proposed residence.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-15-DSV
Subject Site Address:	7465 S 475 East (unassigned address)
Petitioner:	Timothy & Chelsie Sharp
Representative:	Timothy & Chelsie Sharp
Request:	Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Is installed before the primary structure 2) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).
Current Zoning:	Agricultural District (Rural)
Current Land Use:	Agricultural
Approximate Acreage:	2.4 acres (split from 15.82 acres)
Zoning History:	Consolidated within Town of Zionsville's jurisdiction in 2015. No prior petitions are known. 2020-12-SE (pending)
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial / Location Map Exhibit 3 – Site Plan Exhibit 4 – Petitioner's Narrative Exhibit 5 – Petitioner's Exhibits Exhibit 6 – Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the July 1, 2020, Board of Zoning Appeals meeting. A Petition for Special Exception is also scheduled to be heard at the July 1, 2020, Board of Zoning Appeals meeting (2020-12-SE). As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

While the Petitioner initially had concluded that the roofed accessory square footage of the proposed pole barn would exceed that of the primary, and published and mailed noticed indicating the same, it has been determined that with the inclusion of a basement, the primary dwelling's square footage will in fact exceed the primary by approximately 400 square feet. Therefore, the request that the pole barn exceeds the allowable accessory square footage is no longer requested.

PROPERTY HISTORY

The acreage associated with this petition has historically been tilled farmland with a portion of the subject site serving as a portion of the flood plain of Etter Ditch. Further, it has recently utilized the administrative subdivision procedure (division of land to create the tract that is the subject of the Special Exception request).

ANALYSIS

The site is currently undeveloped farmland. As proposed, the Petitioner intends to construct a 4,209 square foot single-family home and approximately 3,800 square feet of roofed accessory uses inclusive of:

a) A 502 sq. ft. attached garage
b) A 96 sq. ft. front porch
c) A 2,700 sq. ft. outbuilding
d) A 432 sq. ft. mezzanine in the outbuilding
e) A 70 sq. ft. covered porch attached to the outbuilding

The Petitioner is requesting a development standards variance to allow their accessory structure (pole barn) to be constructed and completed before their proposed primary. While the Petitioner intends to submit for permits to construct a primary structure concurrently with the pole barn, they anticipate the primary will not be complete prior to the pole barn, which will render the accessory structure (pole barn), to be superior to the primary structure in all ways, and thus the structure will be considered to be in Ordinance non-compliance.

By Ordinance, properties in the Rural Agricultural AG (Rural) District are permitted by right to be improved with Accessory Structures that exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm. As the subject site is not 20 acres in size, a variance must be sought for the accessory structure to be constructed before the completion of the primary. The Ordinance limits accessory uses in a manner that maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property). Specific to the current improvements, securing a 1) variance to allow the accessory to be constructed before

the primary, is necessary. A variance of development standards will not be needed for the amount of roofed accessory square footage or height as the primary dwelling will exceed that of the proposed accessory building once completed.

As a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site, in an attempt to identify similarly situated properties enjoying similar deviations. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds several development configurations which are not supported by the current Zoning Ordinance (example: flag lots, lots exceeding 3:1 lot to depth ratio, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). In this particular case while the requested improvement timeline is atypical, completion of the primary dwelling will the result in a development pattern that is typical for the immediate area. Additionally, while there is a limited presence of residential parcels in the area, the parcel is largely surrounded by large open parcels (farm fields in all directions). It should be noted that the petitioners 2.4 acres are being split from a family members parcel which will adjoin their parcel to the South and East (which may in future years be farmed by the Petitioner).

As the Petitioner is proposing to construct a primary dwelling resulting in square footage which will exceed that of the proposed accessories uses by approximately 400 square feet concurrently with the accessory structure, and the improvement will be located well away from adjoining parcels and road frontage, barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff is supportive of the Petitioner's plan to commence with construction of the accessory structure before that of a primary structure, which will render the accessory structure (pole barn), to be subservient to the primary structure in all manners required by Ordinance (including: height, square footage, use) subject to establishing a time frame in which compliance is achieved.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

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

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

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

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

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance for the accessory structure to be constructed and completed before the primary included in Docket #2020-15-DSV with the requirement that the primary dwelling be substantially completed within six (6) months of the completion of the barn, with the primary dwelling, at a minimum, being issued a temporary certificate of occupancy by the Town of Zionsville (action to demonstrate "substantial completion").

RECOMMENDATION MOTION

I move that Docket #2020-15-DSV design standards variance in order to provide for the construction of a detached barn which 1) is installed before the primary structure and 2) exceeds the allowable accessory square footage, for the property located at 7465 S 475 East in the Agricultural Zoning District (AG), be (Approved based upon the staff report and the proposed findings / Approved as filed / Denied / Continued).

PROCEDURAL NOTE

As a portion of the property is within proximity to the Special Flood Hazard Area (SFHA) associated with the Etter Ditch (and its duel identification as a Legal Open Drain), it could be subject to additional development restrictions (limitations of size, placement, and floor elevation of buildings). Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, the Boone County Surveyor, and / or the Town (in conjunctions with the Town's Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).

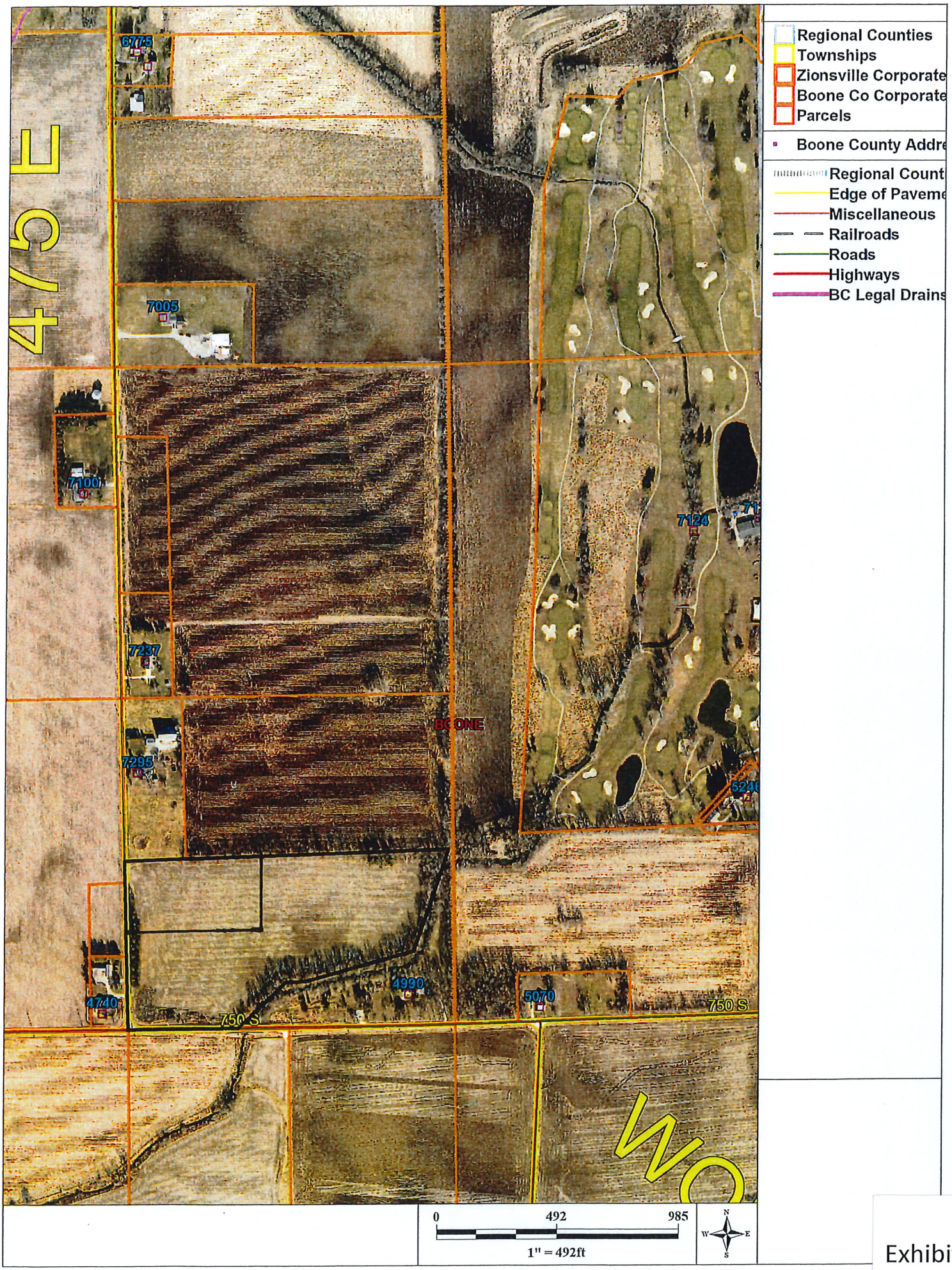
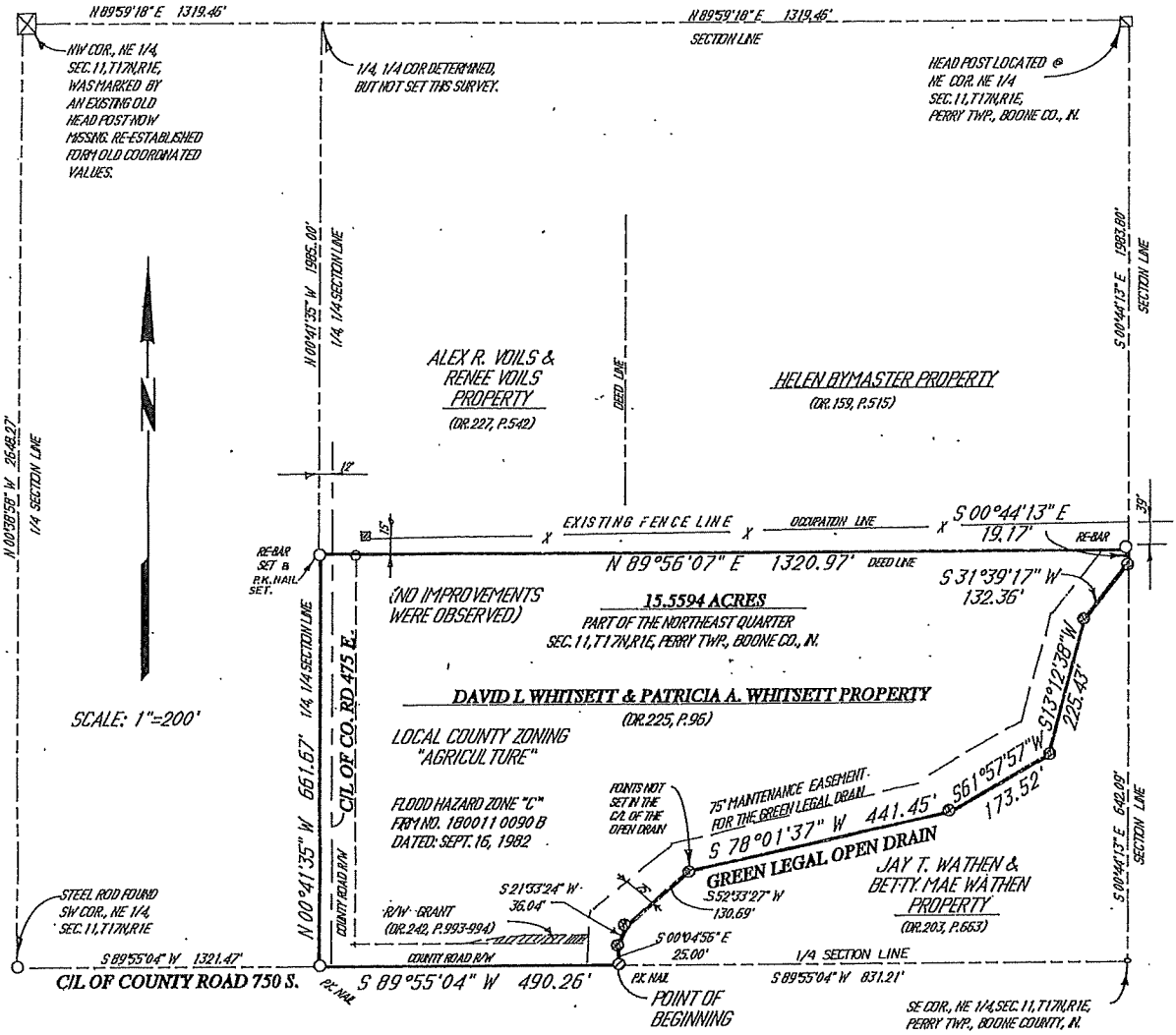

Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
475 E
6775
7005
7100
7237
7295
7124
4740
4990
5070
750 S
750 S
0
492
985
1" = 492ft
N
W
E
S

Exhibit 2

PH. 482-5141 or 873-2515

ANDERSON & ASSOCIATES

222 E. MAIN STREET, P.O. BOX 585
LEBANON, INDIANA 46052



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter-quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. (Deed Record 225, Page 96)

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:
- This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
- All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.
LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.
EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February, 1994.

CARY B. DODGE REGISTERED NO. S-0288 STATE OF INDIANA LAND SURVEYOR

Cary B. Dodge. R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

FILE NO. 940 212

Exhibit 3

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

Exhibit 3

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone 4850 East 750 South, Lebanon, IN 46052	Name Timothy W. Sharp	Date *(day, month, year)* 4/26/2018

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

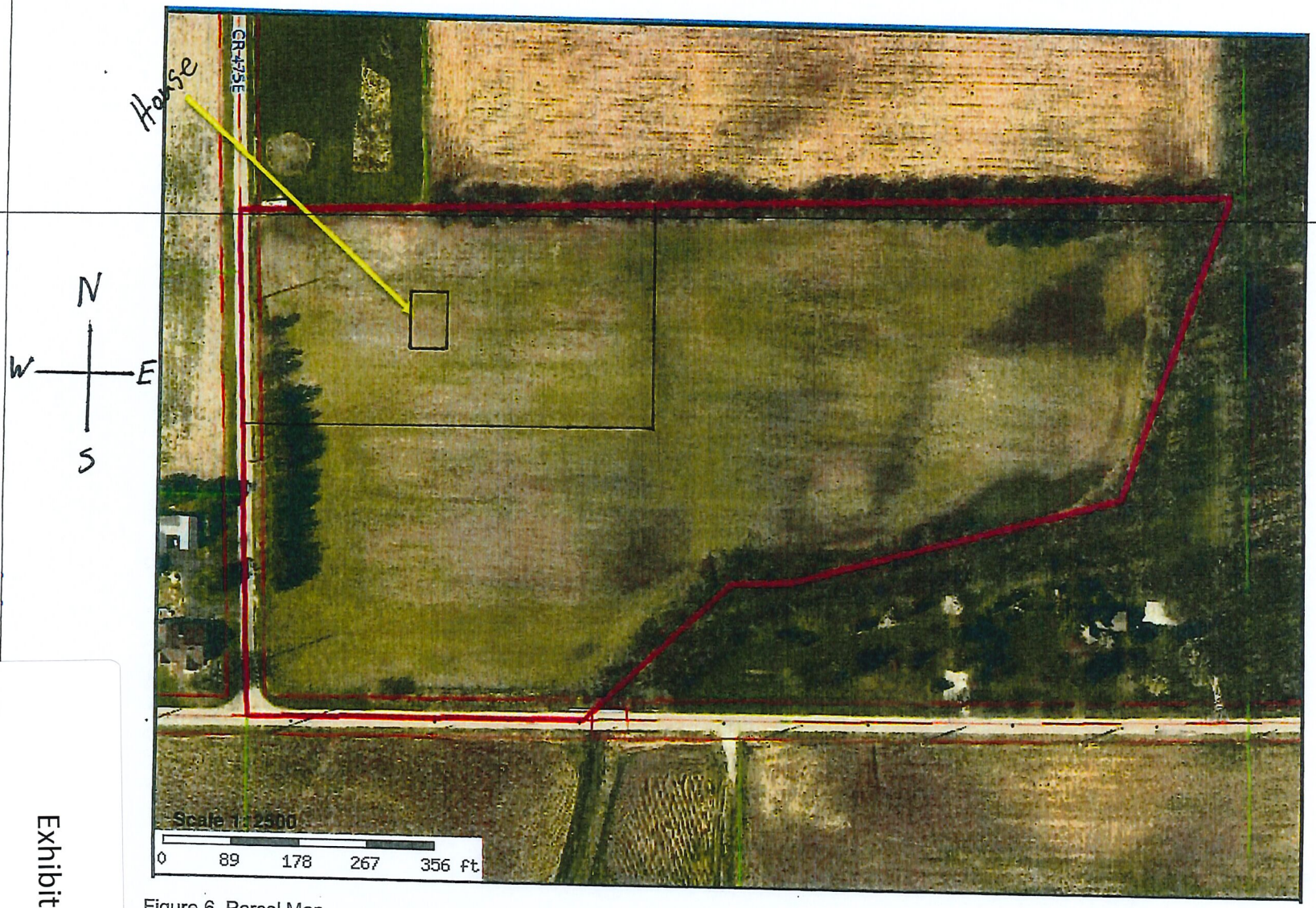


Figure 6. Parcel Map

Exhibit 3

Exhibit 3

Tim Sharp
4850 E. 750 S
Lebanon, IN

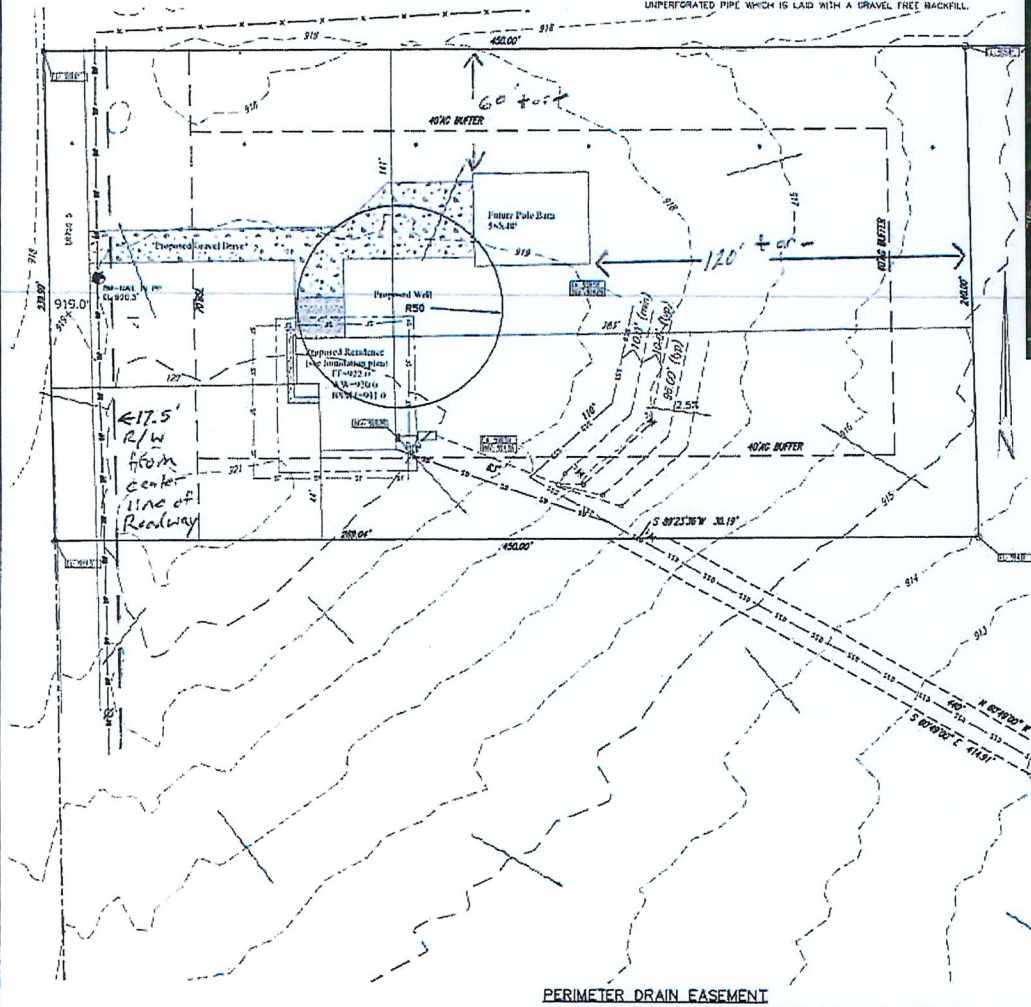
CONSTRUCTION NOTES:

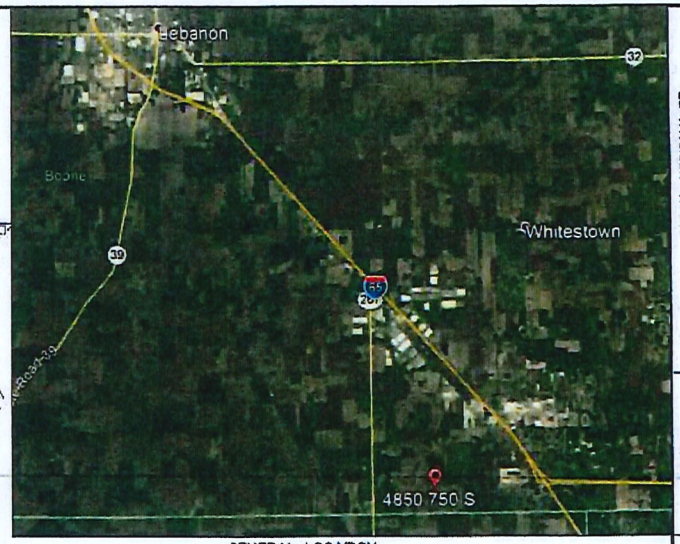
NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.

NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATERTIGHT TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM

NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL

NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAID WITH A GRAVEL FREE BACKFILL.





GENERAL LOCATION

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence .

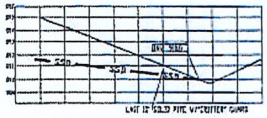
Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

PERIMETER DRAIN EASEMENT

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence South 00 degrees 49 minutes 00 seconds East 411.91 feet to a point; thence North 29 degrees 11 minutes 00 seconds East 15.00 feet a point; thence North 60 degrees 49 minutes 00 seconds West 388.71 to a point; thence South 89 degrees 23 minutes 36 seconds West 30.19 feet to the Point of Beginning.

Containing 0.138 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.



SSD OUTLET

LEGEND
AS APPLICABLE

- 5/8-inch REBAR w/ CAP STAMPED "HAUSE PLS20600040"
- MAGNETIC NAIL w/ WASHER STAMPED "HAUSE PLS20600040"
- UTILITY POLE
- TELEPHONE PEDESTAL
- WATER WELL
- LIGHT POLE
- AIR CONDITIONER
- SILT FENCE
- SLAMP DRAIN LINE
- CLEAN OUT
- GUY WIRE
- ELECTRIC METER/BOX
- CABLE PEDESTAL
- GAS ENTRANCE
- SANITARY MANHOLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- (D) DEED BEARING AND DISTANCE
- (M) MEASURED BEARING AND DISTANCE
- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- BEEHIVE INLET
- CURB INLET
- BOLLARD
- SATELLITE DISH
- FENCE POST
- SITE BENCHMARK
- MAILBOX
- SOIL BORE LOCATION
- VISUAL MONITORING WELL

Copyright © Hause Surveying and Engineering, LLC. All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted in or by any computer or other systems without the prior written permission of the surveyor. Copies of this plan without a dated and blue signature are not valid.

0 20 40
SCALE: 1" = 40'

105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM

A SERVICE DISABLED OWNED SMALL BUSINESS

HAUSE SURVEYING & ENGINEERING

DARRIN R. HAUSE REGISTERED No. 20600040 STATE OF INDIANA PROFESSIONAL ENGINEER

DRAWN BY: DRH	CHECKED BY: JEH	DATE: 4/29/2020	SCALE: 1"=40'

No.	Date	Revisions

PLOT PLAN

TIM SHARP
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

SHEET NO. 1 OF 2 SHEETS

PROJECT NO. 20H151

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

Zionsville, IN 46017

To whom it may concern:

We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

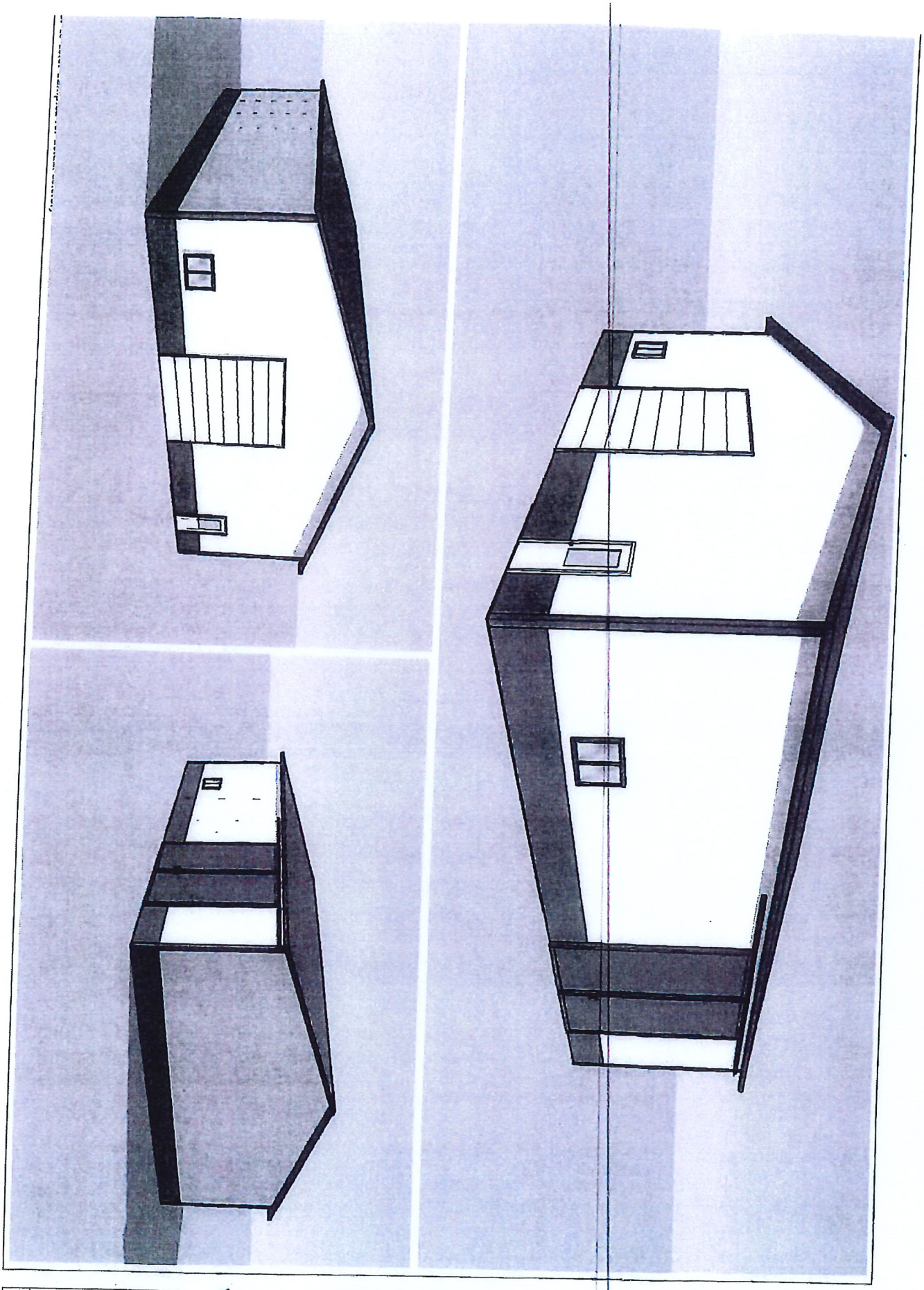
Sincerely,

Tim Sharp

Chelsie Sharp

Tim and Chelsie Sharp

Exhibit 4



A-203

These drawings are not complete and are not to be used for construction.

PRELIMINARY
THESE DRAWINGS ARE FOR
REVIEW ONLY

Date : 00/00/00
Name: XXX
Rev (

FBi
FBi Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157

Tim Sharp
4850 E 750 S
Lebanon, IN 46052

3D View

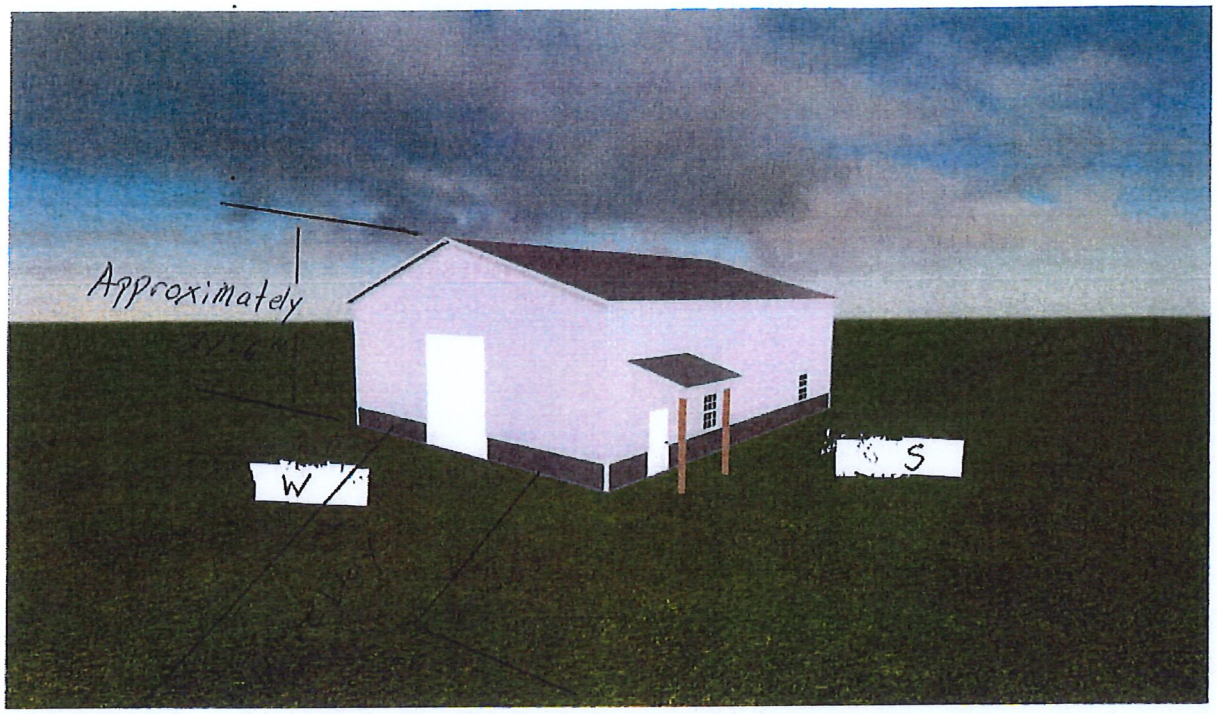
X: Purchaser Approval

X: Seller Approval

Drawing # _____

Exhibit 5

FBi Buildings



Building Specs

Width: 48'
Length: 56'
Height: 18'
Roof Type: Asymmetrical
Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1
Right Overhang: 1
Porch (West)

Windows/Doors & Interior Items

Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

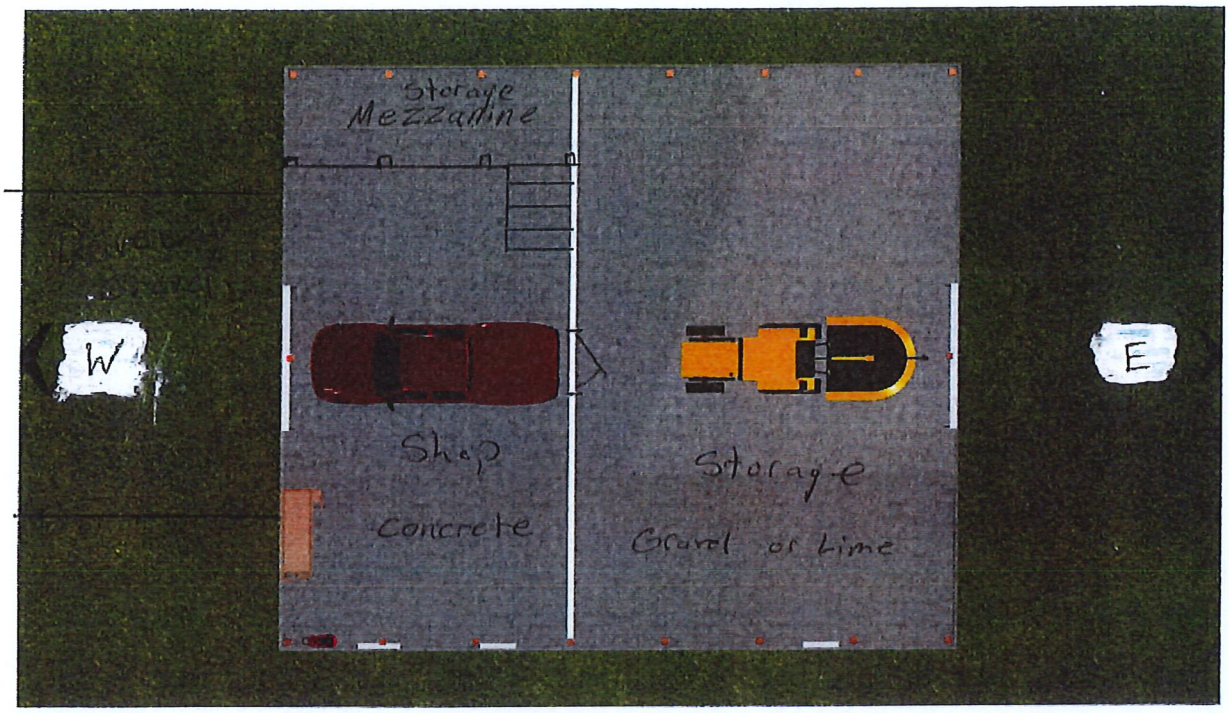
Item Sizes:
Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

www.fbibuildings.com

800-552-2981

Exhibit 5

FBi Buildings



Building Specs

Width: 48'
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Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1
Right Overhang: 1

Windows/Doors & Interior Items

Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

Item Sizes:
Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

www.fbibuildings.com

800-552-2981

Exhibit 5

Petition No.: 2020-15-DSV
T. SHARP - BARN

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

   The variance for a larger pole barn will not be injurious to the public health, safety, morals and general welfare of the community because it will be used to house the tractors and other implements used to maintain the property. The beautification and upkeep of the property will be to the benefit of the community as a whole as well as the neighborhood. Additionally, there are other such structures already in existence on several neighboring properties.

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

   The use or value of the area adjacent to the property will not be affected in a substantially adverse manner because the barn will allow for storage of equipment, thus enhancing the property's appearance both in maintenance of the property and in the proper storage of the equipment

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

   Strict application of the terms of the zoning ordinance will result in unnecessary hardship for the use of the property because tractors and implements would be parked out in the open. This is not only harmful to the equipment but is also unsightly for the property and the neighborhood.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 6

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Town of Zionsville
Petition to the Board of Zoning Appeals

Application Packet and General Instructions

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-15-DSV

1. SITE INFORMATION:

Address of Property: 7465 S. County Road 475 East Lebanon, Indiana 46052

Existing Use of Property: Agriculture

Proposed Use of Property: Single Family in new home

Current Zoning: Agriculture Area in acres: 2.4

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Timothy W. Sharp and Chelsie E. Sharp

Owner Name (if different from Petitioner): Kathleen A. Sharp

Petitioner Address: 7557 N County Road 150 E Pittsboro, IN 46167 Owner Address: 8252 W. 88th Street Indianapolis, IN 46278

Petitioner Phone Number: 317-319-4824 Owner Phone Number: 317-440-6352

Petitioner E-Mail Address: tisharp85@yahoo.com Owner E-Mail Address: ksharp9401@comcast.net

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

Attorney/Contact Person:

Name: Timothy W. Sharp

Address: 7557 N County Road 150 E Pittsboro, IN 46167

Phone Number: 317-319-4824

E-Mail Address tisharp85@yahoo.com

Project Engineer:

Name: Hause Surveying and Engineering, LLC.

Address:105 N. Meridian St. Lebanon, Indiana 46052

Phone Number: 765-482-5141

E-Mail Address: will@hausesurveyandengineering.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**

This request is to build an accessory (pole barn) structure that exceeds the square footage of the primary residential structure and for the accessory structure to be built prior to (during the same time) as the residential structure. The accessory structure (pole barn) is needed to house equipment to maintain the property as well as store a family antique tractor collection.

5. ATTACHMENTS:

X Legal description of property
X Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
X Application Fee
X Proof of Ownership (copy of Warranty Deed)
X Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
X 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: Kathleen A. Sharp **Date:** 5/21/2020

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

State of INDIANA)
SS:
County of MARION)

Subscribed and sworn to before me this 21st day of MAY, 20 20.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No:_____

My Commission Expires: 7/29/2024

My County of Residence is HAMILTON County

REGINA A. MCDONALD
MY COMMISSION EXPIRES
July 29, 2024
SEAL
HAMILTON COUNTY
NOTARY PUBLIC - STATE OF INDIANA

OWNER'S AUTHORIZATION

The undersigned, Kathleen A. Sharp _, being the owner of the property commonly known as 7465 S. County Road 475 East Lebanon, Indiana 46052 hereby authorizes Timothy W. Sharp and Chelsie E. Sharp to file a Petition for (zone map change / **variance** / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: Kathleen A. Sharp _____

Printed: Kathleen A. Sharp _____

Title: Owner _____

State of INDIANA)
SS:
County of MARION)

Subscribed and sworn to before me this 21st day of MAY, 20 20.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7/29/2024

My County of Residence is HAMILTON County

REGINA A. MCDONALD
MY COMMISSION EXPIRES
July 29, 2024
SEAL
HAMILTON COUNTY
NOTARY PUBLIC - STATE OF INDIANA

Use of this form constitutes practice of law and is limited to practicing lawyers.
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Parcel No. _____

WARRANTY DEED

THIS INDENTURE WITNESSETH, That KURT N. TIETZ AND LORI D. TIETZ, Husband and Wife (Grantor)

of Marion County, in the State of Indiana, CONVEY ___

AND WARRANT ___ to STEVEN E. SHARP and KATHLEEN A. SHARP, Husband and Wife (Grantee)

of Marion County, in the State of Indiana, for the sum

of Two and no/100 ---------- Dollars ($ 2.00) and other

valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Boone County, State of Indiana:

** SEE LEGAL DESCRIPTION ATTACHED **

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 7465 S. County Road 475 East
Lebanon, IN 46052

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of March, 19 94.

Grantor: (SEAL)
Signature Kurt N. Tietz
Printed Kurt N. Tietz

Grantor: (SEAL)
Signature Lori D. Tietz
Printed Lori D. Tietz

STATE OF INDIANA
COUNTY OF ~~MARION~~ BOONE } SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared KURT N. TIETZ and LORI D. TIETZ, Husband and Wife who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of March, 19 94.

My commission expires: 10-4-96

Signature T. Michelle Logan
Printed T. Michelle Logan, Notary Public
Resident of Boone County, Indiana.

This instrument prepared by Guy G. Kibbe, Attorney at Law.

Return deed to Steven E. & Kathleen A. Sharp 8252 W. 88th St., Indpls., IN46278

Send tax bills to Steven E. & Kathleen A. Sharp, 8252 W. 88th St., Indpls., IN 46278

LEGAL DESCRIPTION

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.69 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less.

Situated in Perry Township, Boone County, Indiana.

NOTE: Acreage in the legal description of the subject real estate is solely for the purpose of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

Local No 010439 EDR No 000000751469 State No

1. Decedent's Legal Name (First, Middle, Last)	1a. Maiden Name (If female)	2. Sex	3. Time Of Death	4. Date Of Death (Month/Day/Year)
STEVEN E SHARP		MALE	07:05 AM	12/30/2019

5. Social Security Number	6a. Age - Yrs	6b. Under 1 Year	6c. Under 1 Month	6d. Under 1 Day	6e. Under 1 Hour	7. Date of Birth (Month/Day/Year)	8. Birthplace (City and State or Foreign Country)
304-50-0966	69	Months	Days	Hours	Minutes	11/11/1950	INDIANAPOLIS, IN

9. Ever in U.S. Armed Forces? ☒ Yes ☐ No ☐ Unknown

10. If Death Occurred In A Hospital: ☐ Inpatient ☒ Emergency Department Outpatient ☐ Dead on Arrival

10a. If Death Occurred Somewhere Other Than A Hospital: ☐ Hospice Facility ☐ Decedent's Home ☐ Nursing Home/Long-term-Care Facility ☐ Other (Specify)

11. Facility Name (If Not Institution, Give Street and Number): ST VINCENT HOSPITAL (86TH ST)

12. City Or Town, State, And Zip Code: INDIANAPOLIS, IN, 46260

13. County Of Death: MARION

14. Marital Status At Time Of Death: ☒ Married ☐ Married, But Separated ☐ Divorced ☐ Widowed ☐ Never Married ☐ Unknown

15. Surviving Spouse's Name: KATHLEEN SHARP

15a. Last Name Before First Marriage: WEATHERFORD

16. Decedent's Usual Occupation: MECHANIC AND LANDSCAPER

17. Kind Of Business/Industry: MECHANICS AND LANDSCAPING

18. Residence - State: INDIANA

18a. County: MARION

18b. City Or Town: INDIANAPOLIS

18c. Street And Number: 8252 WEST 88TH STREET

18d. Apt. No.:

18e. Zip Code: 46278

18f. Inside City Limits? ☒ Yes ☐ No

19. Decedent's Education: SOME COLLEGE CREDIT, BUT NOT A DEGREE

20. Decedent Of Hispanic Origin: NOT HISPANIC

21. Decedent's Race: White

22. Parent's Name (First, Middle, Last): NED SHARP

23. Parent's Name (First, Middle, Last): HILDA SHARP

23a. Parent's Last Name Before First Marriage: BECKER

24. Informant's Name: KATHLEEN SHARP

24a. Relationship To Decedent: WIFE

24b. Mailing Address (Street And Number, City, State, Zip Code): 8252 WEST 88TH STREET, INDIANAPOLIS, IN 46278

25. Place Of Disposition

25a. Method Of Disposition: ☒ Burial ☐ Cremation ☐ Donation ☐ Entombment ☐ Removal From State ☐ Other (Specify)

25b. Place Of Disposition (Name Of Cemetery, Crematory, Other Place): SALEM CEMETERY

25c. Location - City, Town, And State: ZIONSVILLE, IN

26. Was Coroner Contacted? ☒ Yes ☐ No

27. Name And Complete Address Of Funeral Facility: CONKLE FUNERAL HOME INC (INDIANAPOLIS), 4925 W 16TH STREET, INDIANAPOLIS, IN 46224

27a. Funeral Home License Number: FH83006423

27b. Signature Of Indiana Funeral Service Licensee: LESLIE L MILLER , BY ELECTRONIC SIGNATURE

27c. License Number (Of Licensee): FD08900003

Cause Of Death (See Instructions And Examples)

28 Part I. Enter The Chain Of Events - Diseases, Injuries, Or Complications - That Directly Caused The Death. Do Not Enter Terminal Events Such As Cardiac Arrest, Respiratory Arrest, Or Ventricular Fibrillation Without Showing The Etiology. Do Not Abbreviate. Enter Only One Cause On A Line. Add Additional Lines If Necessary.

		Approximate Interval Onset To Death
Immediate Cause (Final Disease Or Condition Resulting In Death)	A. CARDIAC ARRHYTHMIA	1 HOUR
Sequentially List Conditions, If Any, Leading To The Cause Listed On Line A. Enter The Underlying Cause (Disease Or Injury That Initiated The Events Resulting In Death) Last	B. DIABETIC KETOACIDOSIS	1 DAY
	C. DIABETES	10 YEARS
	D.	

Part II. Enter Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I: N/A

29. Was An Autopsy Performed? ☐ Yes ☒ No

30. Were Autopsy Finding Available To Complete The Cause Of Death? ☐ Yes ☐ No

31. Did Tobacco Use Contribute To Death? ☐ Yes ☐ Probably ☒ No ☐ Unknown

32. If Female: ☐ Not Pregnant Within Past Year ☐ Pregnant At Time Of Death ☐ Not Pregnant, But Pregnant Within 42 Days Of Death ☐ Not Pregnant, But Pregnant 43 Days - 1 Year Before Death ☐ Unknown If Pregnant Within The Past Year

33. Manner Of Death: ☒ Natural ☐ Homicide ☐ Accident ☐ Pending Investigation ☐ Suicide ☐ Could Not Be Determined

34. Date Of Injury (Month/Day/Year):

35. Time Of Injury:

36. Place Of Injury (E.G., Decedent's Home, Construction Site, Restaurant, Wooded Area):

37. Injury At Work? ☐ Yes ☐ No

38. Location Of Injury - State:

38a. City Or Town:

38b. Street & Number:

38c. Apt. No.:

38d. Zip Code:

39. Describe How Injury Occurred:

40. If Transportation Injury, Specify: ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify)

41. Signature, Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN , BY ELECTRONIC SIGNATURE

42. Certifier (Check Only One): ☒ Certifying Physician ☐ Coroner ☐ Health Officer

43. Name, Address And Zip Code Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN , 10801 N. MICHIGAN ROAD, SUITE 100, ZIONSVILLE, IN 46077

44. License Number: 01056331A

45. Date Certified: 01/28/2020

46. Additional Funeral Service Provider:

47. Akas:

48. Signature of Local Health Officer: VIRGINIA A CAINE, VIA ELECTRONIC SIGNATURE

49. For Registrar Only - Date Filed (Month/Day/Year): JAN 28 2020

AMENDMENT TO CERTIFICATE OF DEATH (ENTRY OR ORIGINAL)

State Form 53395 ATTENTION ESTATE. The Social Security # is being requested by this state agency in order to pursue responsibility. Disclosure is voluntary and there will be no penalty for refusal.

WARNING: ORIGINAL DOCUMENT HAS A MULTICOLORED BACKGROUND ON SPECIAL WHITE SECURITY PAPER AND THE GREAT SEAL OF THE STATE OF INDIANA ON BACK THAT TURNS FROM ORANGE TO YELLOW WHEN RUBBED. ORIGINAL DOCUMENT HAS A HIDDEN VOID ON FRONT THAT APPEARS WHEN PHOTOCOPIED.

STATE OF INDIANA

VOID IF ALTERED OR ERASED

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

Zionsville, IN 46017

To whom it may concern:

We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

Sincerely,

Tim Sharp

Chelsie Sharp

Tim and Chelsie Sharp

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Tim and Chelsie Sharp, 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: Tim Sharp
(NAME OF PERSON ON PETITION)

Requesting: Special Exception and Petition for Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 7465 S CR 475 East

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 16th day of June, 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).

Tim and Chelsie Sharp
Name of person mailing letters

Tim and Chelsie Sharp
Signature

State of INDIANA)

County of MARION) **SS:**

Subscribed and sworn to before me this 16th day of June, 2020.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7-29-2024

My County of Residence is Hamilton County

REGINA A. MCDONALD
MY COMMISSION EXPIRES
JUL 29, 2024
SEAL
HAMILTON COUNTY, STATE OF INDIANA
NOTARY PUBLIC

Attribute report for active ID 1

ID	name	add1	add3
6605	WASHBURN FAMILY FARMS LLC	PO BOX 128	WALCOTT, IA 52773
6606	THARP HAZEL FAMILY LLC	1451 S LAKE SHORE DR	LAKE LEELANAU, MI 49653
6634	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6635	YOUNG AMBRAD JACQUILINE Z	4740 EAST 750 SOUTH	LEBANON, IN 46052
6636	SHARP STEVEN E & KATHLEEN A	8252 W 88 STREET	INDIANAPOLIS, IN 46278
6638	KECK DAVID G & ELIZABETH L	4990 EAST 750 SOUTH	BROWNSBURG, IN 46112
6640	BHI RETIREMENT COMMUNITIES INC	5415 BEARBERRY LN	INDIANAPOLIS, IN 46268
6644	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6645	WOLSIEFFER DREW & CASSIDY	7295 S 475 E	LEBANON, IN 46052
6646	FERGUSON BARBARA J (BYMASTER)	766 CRYSTAL LAKE DR	GREENWOOD, IN 46143

Public Notices

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, July 2, 2020 , at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:

1) Exceeds the allowable accessory square footage and
2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2), to provide for or permit:

50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana

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

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-351 6/20 hspaxlp 1648192

Poynter
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR COURT 1
CAUSE NO.
06D01-2006-ES-000067
IN THE MATTER OF THE SUPERVISED ESTATE OF CORRINA MARIE POYNTER
Deceased

NOTICE OF ADMINISTRATION

Notice is hereby given that Glenda Elaine Poynter was on the 8th day of June, 2020, appointed Personal Representative of the estate of Corrina Marie Poynter who died on April 30, 2020.

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

Dated at Lebanon, Indiana, this June 9, 2020.
/s/ Jessica Fouts
Clerk, Boone Superior Court 1
Prepared by:
Alexander S. Kruse, #29988-49
KRUSE LAW, LLC
108 N. Lebanon St., Suite 203
P.O. Box 9
Lebanon, IN 46052
ask@mymetronet.net
765-894-3974
TLR-342 6/13, 20 hspaxlp 1647503

Public Notices

Urban
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NO: 06C01-2005-MI-0585
IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BMV TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

1. The above-named Petitioner Wanda Urban, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title.
2. The allegations and statements of fact set forth in the petition are true and accurate.
3. The Petitioner is the legal owner of an automobile described and identified as follows:
   2000 FORD RANGER 4X4
   VIN: 1FTZR15V2YPB94167
4. The Petitioner acquired legal title to the automobile on or about 8/8/2019.
5. The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists.
6. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

I AFFIRM THE FOREGOING UNDER PENALTIES OF PERJURY.

Date: 5-8-2020
/s/ Wanda E. Urban
2610 Westmoor Dr. Apt. 2
Date of Birth 8/12/19xx
Telephone # 765-894-xxxx
Driver's License #: xxxx-xx-xxxx

This Petition is assigned for hearing on August 3, 2020 at 8:15 a.m.

TLR-236 6/6, 13, 20 hspaxlp

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

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

2020-12-SE, 2020-15-DSV, Tim and Chelsie Sharp requests a Special Exception, Petition for development standards variance to provide for or permit:

Allow for new residential building in Agricultural Zoning District, Pole barn development standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq. footage in Ag district.

The property involved is more commonly known as: 7465 S CR 475 East, and is legally described as:

CUT-OFF LAND DESCRIPTION (part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May, 2020 as Hause Surveying And Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/ washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp - project description for noticing

Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp - project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

1) Is installed before the primary structure
2) Exceeds the allowable accessory square footage

in an Agricultural Zoning District (AG).

A copy of the Petition for Special Exception/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 Special Exception/Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

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-354 6/20 hspaxlp 1648319

Public Notices

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

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

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

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

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IndianaPublicNotices.com.

Polen
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NUMBER:
06C01-2003-JC-000125
IN THE MATTER OF:
JP - DOB 10/16/2008
A CHILD ALLEGED TO BE A CHILD IN NEED OF SERVICES AND
NATHAN LANEY (STEPFATHER)
AMANDA POLEN (BIOLOGICAL MOTHER) AND ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Amanda Polen and
Any Unknown Alleged Father
Whereabouts unknown

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

continued next column

Public Notices

scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052 - 765-482-0530 for a(n) Dispositional Hearing on 6/29/2020 at 8:00 AM. At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your

continued next column

Property Taxes rising? It's your right to know...and it's the law.

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For full public notice listings go to IndianaPublicNotices.com.

IndianaPublicNotices.com.

Public Notices

failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

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

/s/ JESSICA J. FOUTS
Clerk
Zahra Ayoubi, #34351-29
Attorney, Indiana Department of Child Services
Department of Child Services
1614 North Lebanon St.
Lebanon, IN 46052
FAX: 317 232-1803
Office: 765 482-3023
TLR-344 6/13, 20, 27 hspaxlp

Public Notices

Thorntown Towing & Recovery, LLC
302 West Church Street
Thorntown, IN 46071
Auction date 6/30/2020 at 10:00 a.m.

2007 Toyota Yaris
JTDBT903171145146 $836.00
TLR-358 6/20 hspaxlp 1648840

Take Notice. It's your right to know...and it's the law.

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

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

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

For full public notice listings go to IndianaPublicNotices.com.

One phone call and a few lines of type are all that stand between you and this . . .

Let us show you how to make it happen.

The Classified Department
1-888-663-1063

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Barbara Ferguson
766 Crystal Lake Dr.
Greenwood, IN 46143

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Washburn Family Farms LLC
PO Box 128
Walcott, IA 52773

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Drew and Cassidy Wolsieffer
7295 S. 475 E.
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Jacquiline Young
4740 East 750 South
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

BHI Retirement Communities Inc.
5415 Bearberry Lane
Indianapolis, IN 46268

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Tharp Hazel Family LLC
1451 S. Lake Shore Drive
Lake Leelanu, MI 49653

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

David & Elizabeth Keck
4990 East 750 South
Brownsburg, IN 46112

Sharp
7557 N CR 150 E
Pittsboro, IN 46167

Martha Bymaster
675 S. Ford Rd.
Zionsville, IN 46077

Dear Neighbor,

We are writing to inform you that we intend to build a new home on the lot located at: 7465 S County Road 475 East Lebanon, Indiana 46052. This will be a two story, single family residential home with a 2,500 square foot pole barn also included.

Enclosed herein for your review you will find the following information: a cut off land description, the Zionsville Board of Zoning project description identifications, the notice public hearing, the front view of the proposed residence, and the front view of the proposed pole barn.

We are a young family with two children and are looking forward to the opportunity to meet you and build a strong community in the area.

Respectfully,

Chelsie Sharp

Tim and Chelsie Sharp

Tim

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, July 1, 2020 (DATE OF PUBLIC HEARING), at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-12-SE.
2020-15-DSV (PETITION NUMBER), Tim and Chelsie Sharp (NAME OF PETITIONER), requests a Special Exception, Petition for development Standards Variance (USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION) to provide for or permit:

(INSERT DESCRIPTION OF PROJECT)

Allow for new residential building in Agricultural Zoning district, Pole barn development Standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq footage in Ag district

The property involved is more commonly known as: 7465 SCR 475 East (COMMON ADDRESS), and is legally described as:

(INSERT LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for Special Exception / Development Standards Variance (USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION), 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 Special Exception / Development Standards Variance (USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION) will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

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

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp – project description for noticing

Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp – project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

1) Is installed before the primary structure
2) Exceeds the allowable accessory square footage

in an Agricultural Zoning District (AG).

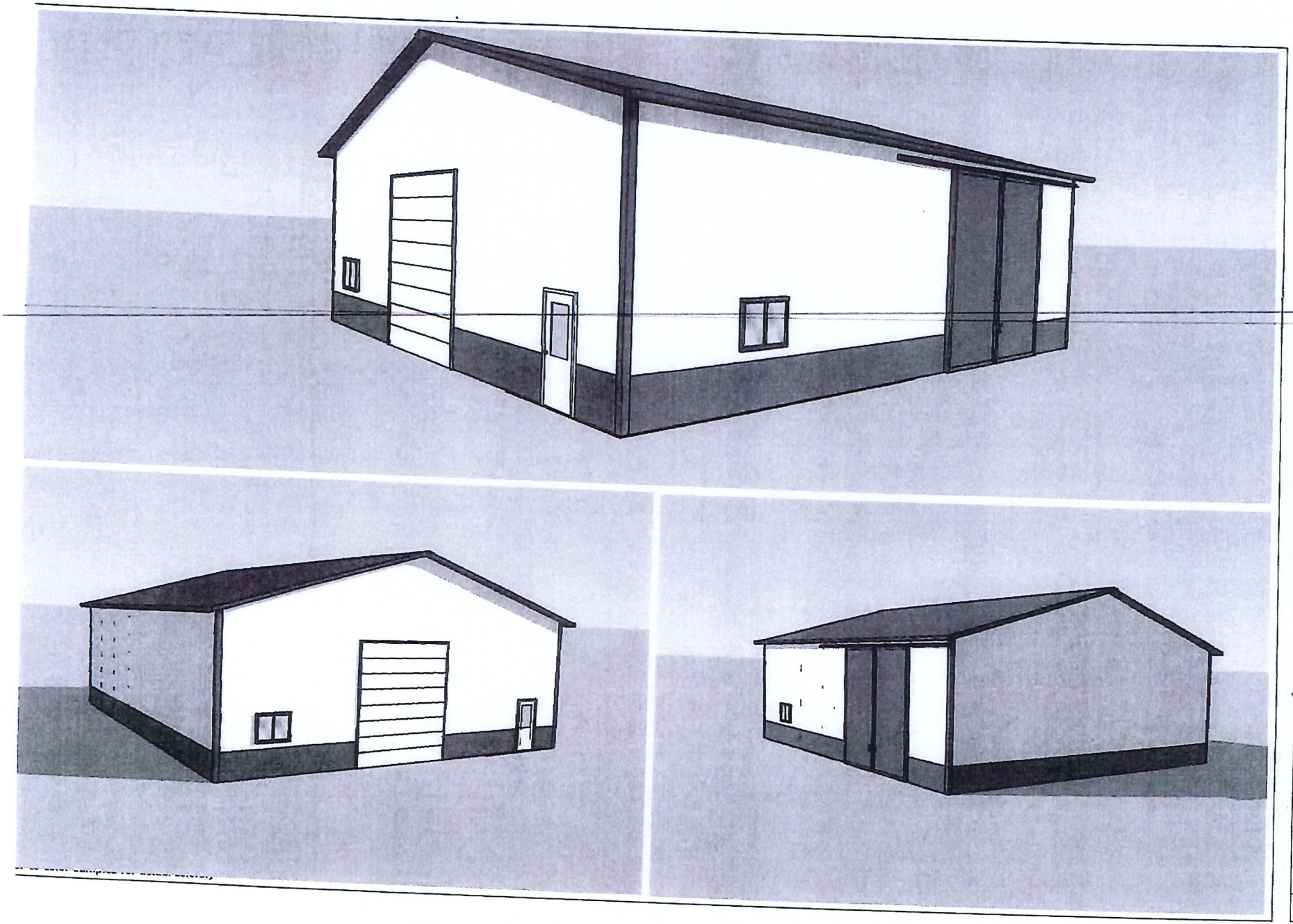
FRONT ELEVATION

DATE:	3/16/2020
HOMEOWNER:	TIM & CHELSIE SHARP
JOB NO:	12-1491
ADDENDUM 1	
VER: 07-49 AM	
DRAWING BY: GW	
1/8" = 1'-0"	
PAGE NO:	1B

CoreValu

TK CONSTRUCTORS

COREVALU - ST. PETERSBURG



X: Purchaser Approval Date

X: Seller Approval Date

Drawing #

Tim Sharp
4850 E 750 S
Lebanon, IN 46052

3D View

FBi Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157

Date : 00/00/00
Name: XXX
Rev 0

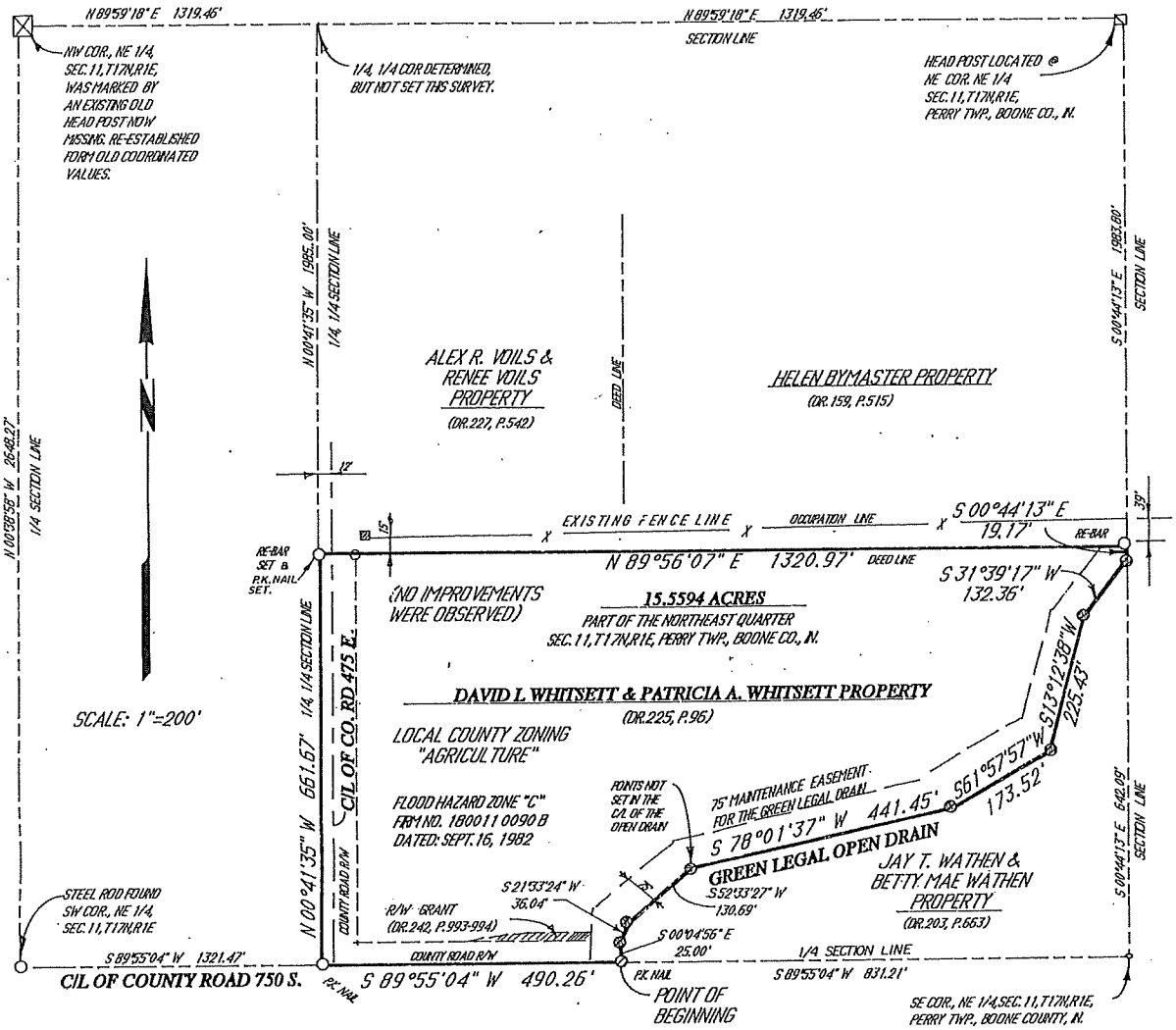
PRELIMINARY
THESE DRAWINGS ARE FOR
REVIEW ONLY
These drawings are not complete and are not to be used for construction.

A-203

PH. 482-5141 or 873-2515

222 E. MAIN STREET, P.O. BOX 585
LEBANON, INDIANA 46052

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter-quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. **(Deed Record 225, Page 96)**

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.
LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.
EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February, 1994.

CARY B. DODGE REGISTERED NO. S-0288 STATE OF INDIANA LAND SURVEYOR

Cary B. Dodge. R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

FILE NO. 940 212

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(Part of Deed Record 249, Page 606)

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Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone 4850 East 750 South, Lebanon, IN 46052	Name Timothy W. Sharp	Date *(day, month, year)* 4/26/2018

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

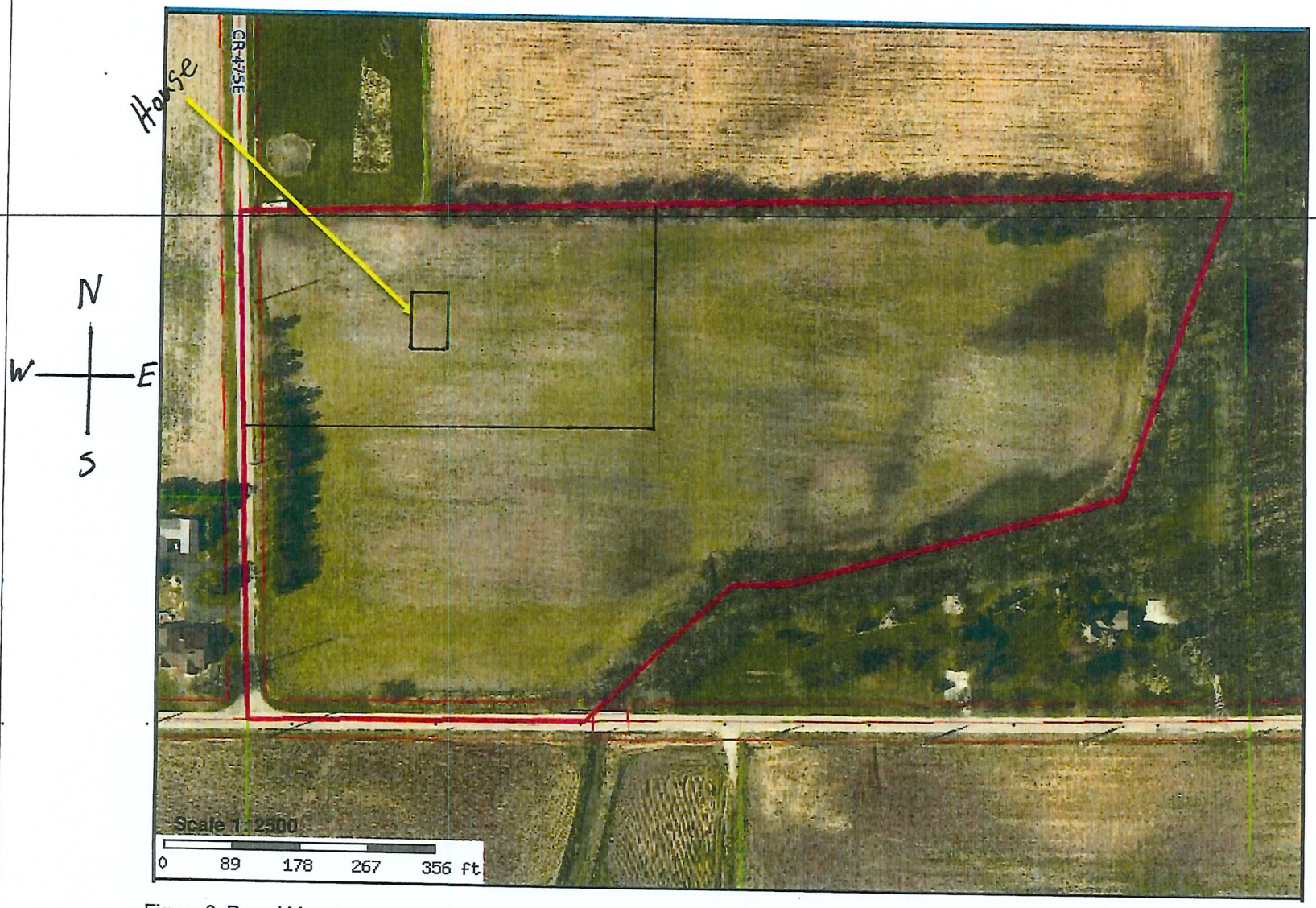
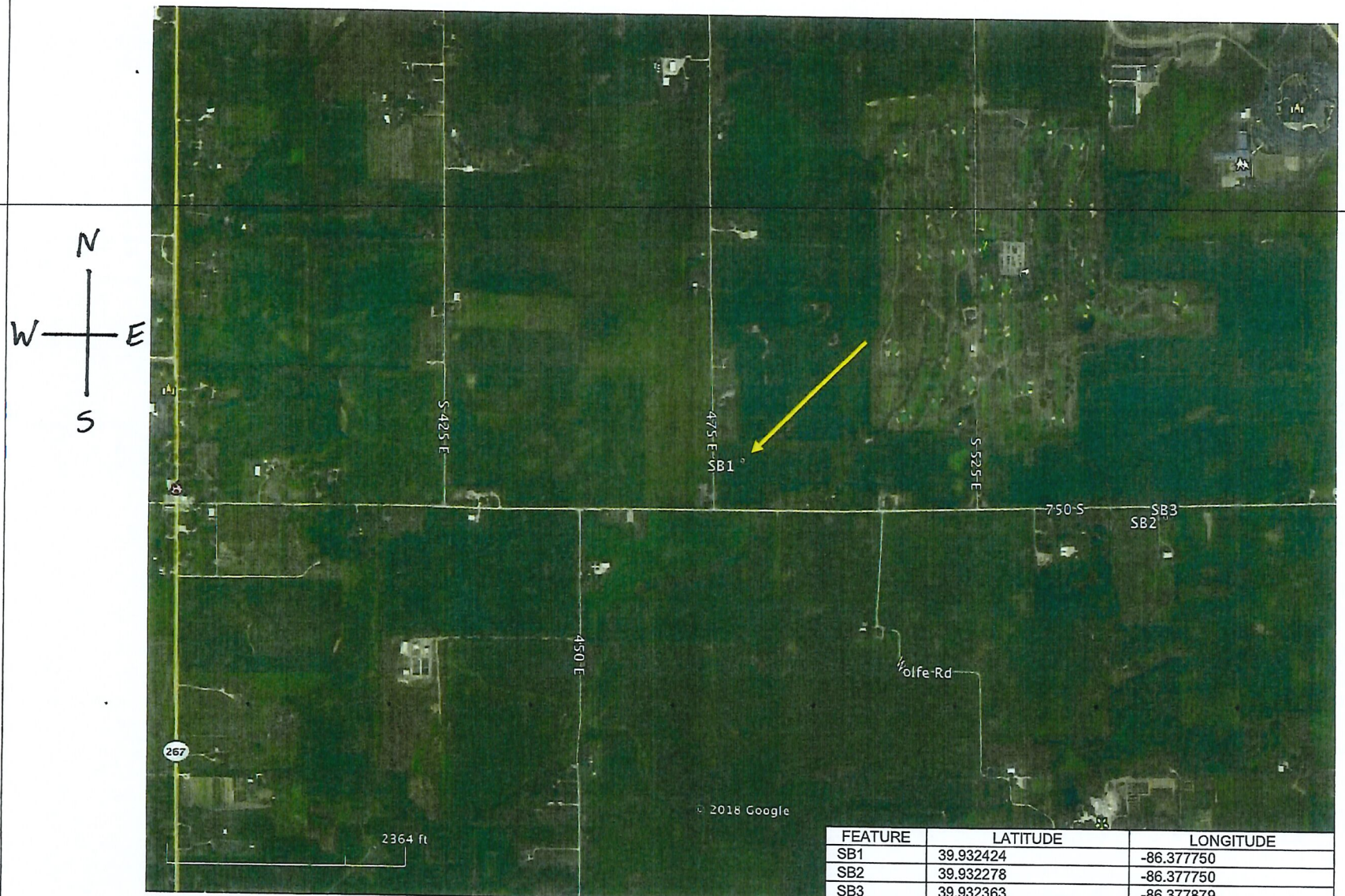


Figure 6. Parcel Map

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – SOIL BORING LOCATIONS (OVERVIEW)

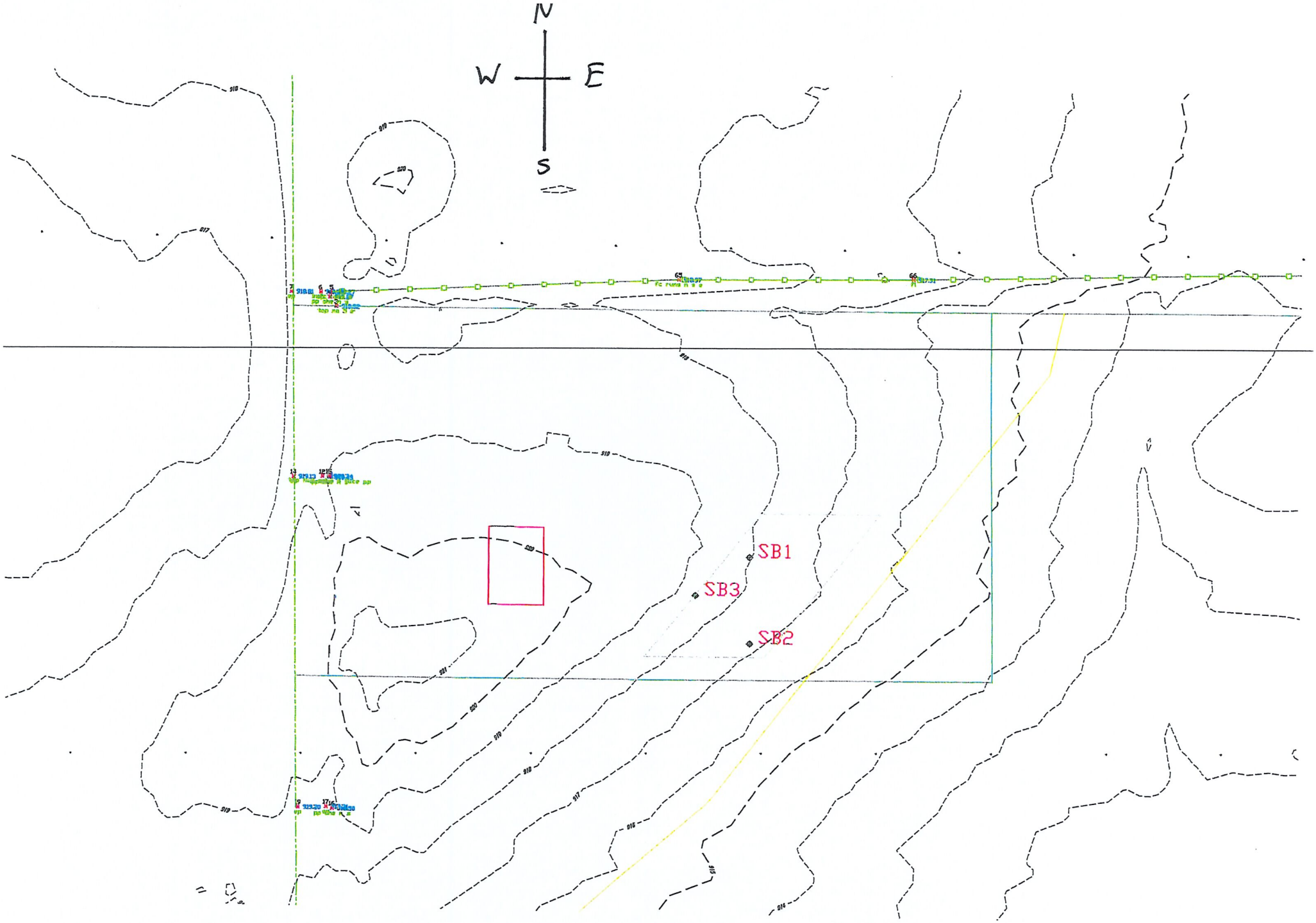
County: Boone 4850 East 750 South, Lebanon, IN 46052	Name Timothy W. Sharp	Date *(day, month, year)* 4/26/2018

Source: Source: Google Earth (accessed 4/29/2018). Image Date: 8/25/2017
No Scale (or graphic scale as shown). SB = Soil Boring locations. Soil Boring 1 (SB1) is shown to identify the subject property.



FEATURE	LATITUDE	LONGITUDE
SB1	39.932424	-86.377750
SB2	39.932278	-86.377750
SB3	39.932363	-86.377879

Figure 7A. Soil Boring Locations (Overview)


N
W
E
S
SB1
SB3
SB2

Tim Sharp
4850 E. 750 S
Lebanon, IN

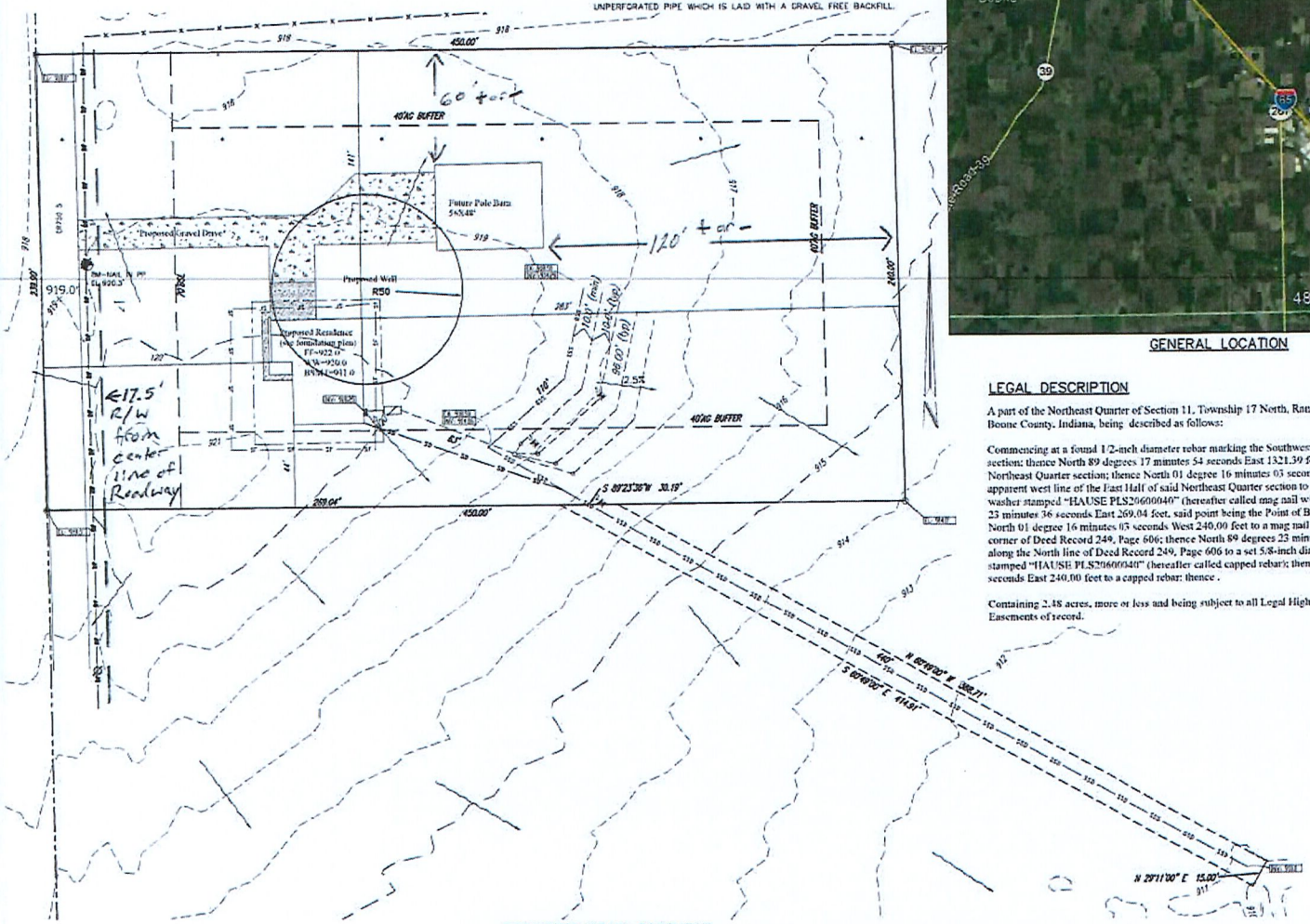
CONSTRUCTION NOTES:

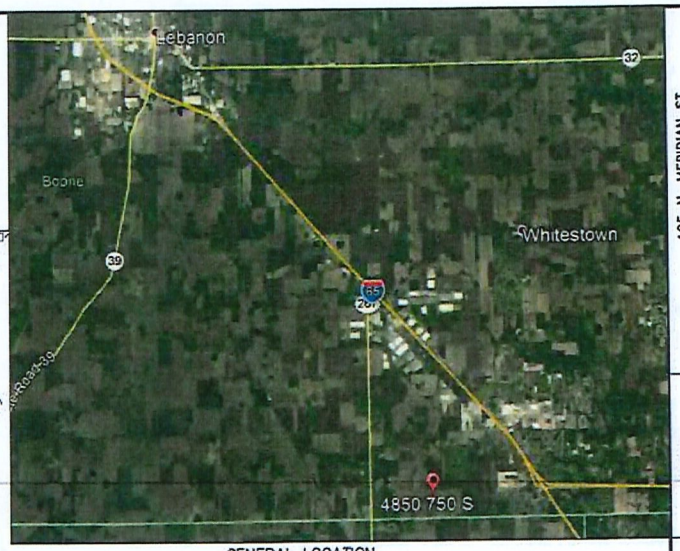
NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.

NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATERTIGHT TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM.

NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.

NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAID WITH A GRAVEL FREE BACKFILL.





GENERAL LOCATION

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

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PERIMETER DRAIN EASEMENT

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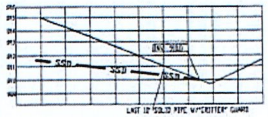
Containing 0.138 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.



SSD OUTLET

LEGEND
AS APPLICABLE

- 5/8-inch REBAR w/ CAP STAMPED "HAUSE PLS20600040"
- MAGNETIC NAIL w/ WASHER STAMPED "HAUSE PLS20600040"
- UTILITY POLE
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- WATER WELL
- LIGHT POLE
- AIR CONDITIONER
- SILT FENCE
- SUMP DRAIN LINE
- CLEAN OUT
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- (D) DEED BEARING AND DISTANCE
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- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- BEEHIVE INLET
- CURB INLET
- BOLLARD
- SATELLITE DISH
- POST FENCE POST
- SITE BENCHMARK
- MAILBOX
- SOIL BORE LOCATION
- VISUAL MONITORING WELL

0 20 40
SCALE: 1"= 40'

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105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM

A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

HAUSE SURVEYING & ENGINEERING

DANIEL R. HAUSE REGISTERED No. 20600040 STATE OF INDIANA PROFESSIONAL ENGINEER

DRAWN BY: DRH	CHECKED BY: JEH	DATE: 4/29/2020	SCALE: 1"=40'

No.	Date	Revisions

PLOT PLAN

TIM SHARP
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

SHEET NO. 1 OF 2 SHEETS

PROJECT NO. 20H151

Tim Sharp
4850 E. 750 S
Lebanon, IN

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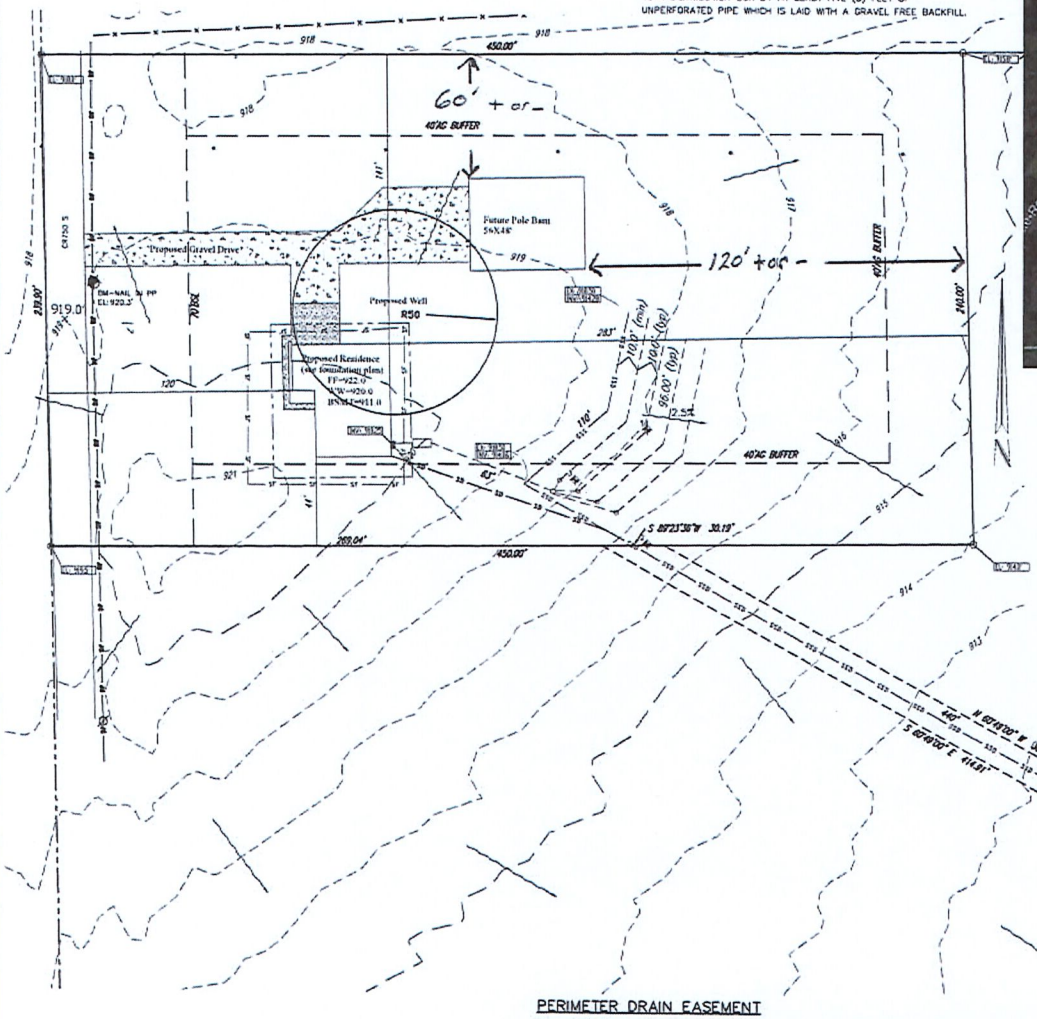

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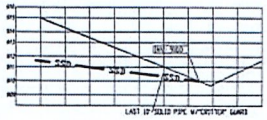

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SCALE: 1"= 40'

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DANNY R. HAUSE REGISTERED No. 20701359 STATE OF INDIANA PROFESSIONAL ENGINEER

No.	Date	Revisions

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CHECKED BY: JEH
DATE: 4/29/2020
SCALE: 1"=40'

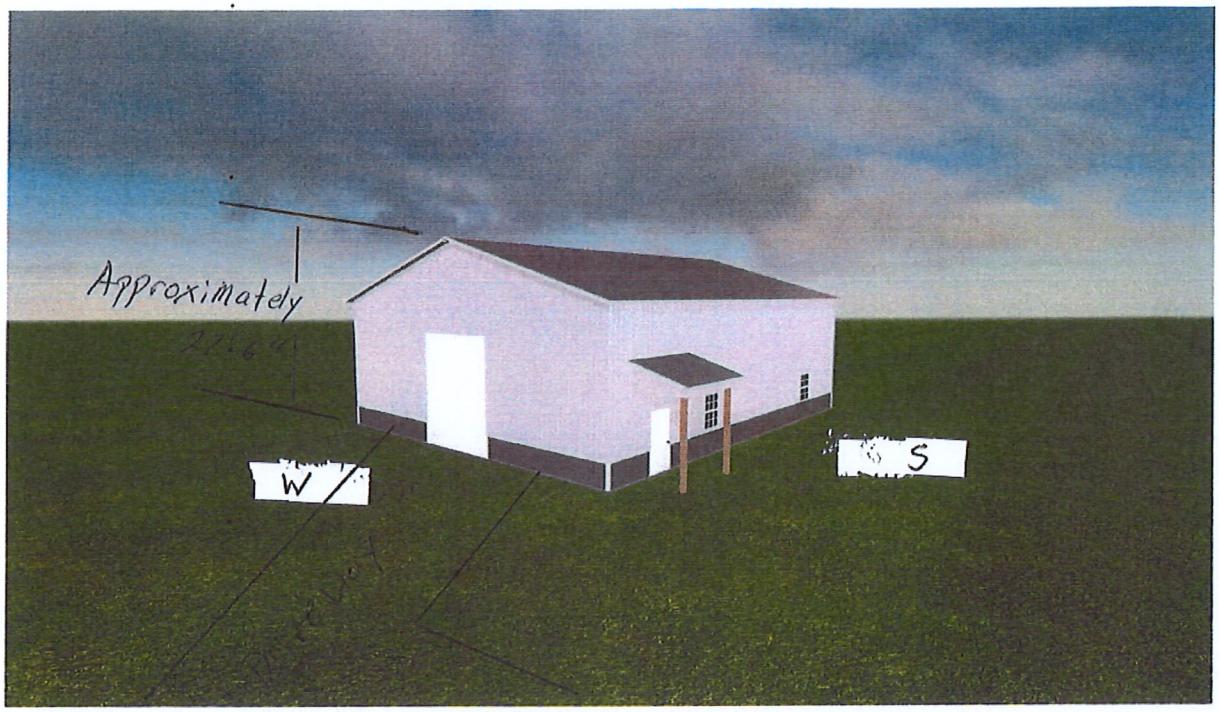
PLOT PLAN

TIM SHARP
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

SHEET NO. 1 OF 2 SHEETS

PROJECT NO. 20H151

FBi Buildings



Building Specs

Width: 48'
Length: 56'
Height: 18'
Roof Type: Asymmetrical
Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1
Right Overhang: 1
Porch (West)

Windows/Doors & Interior Items

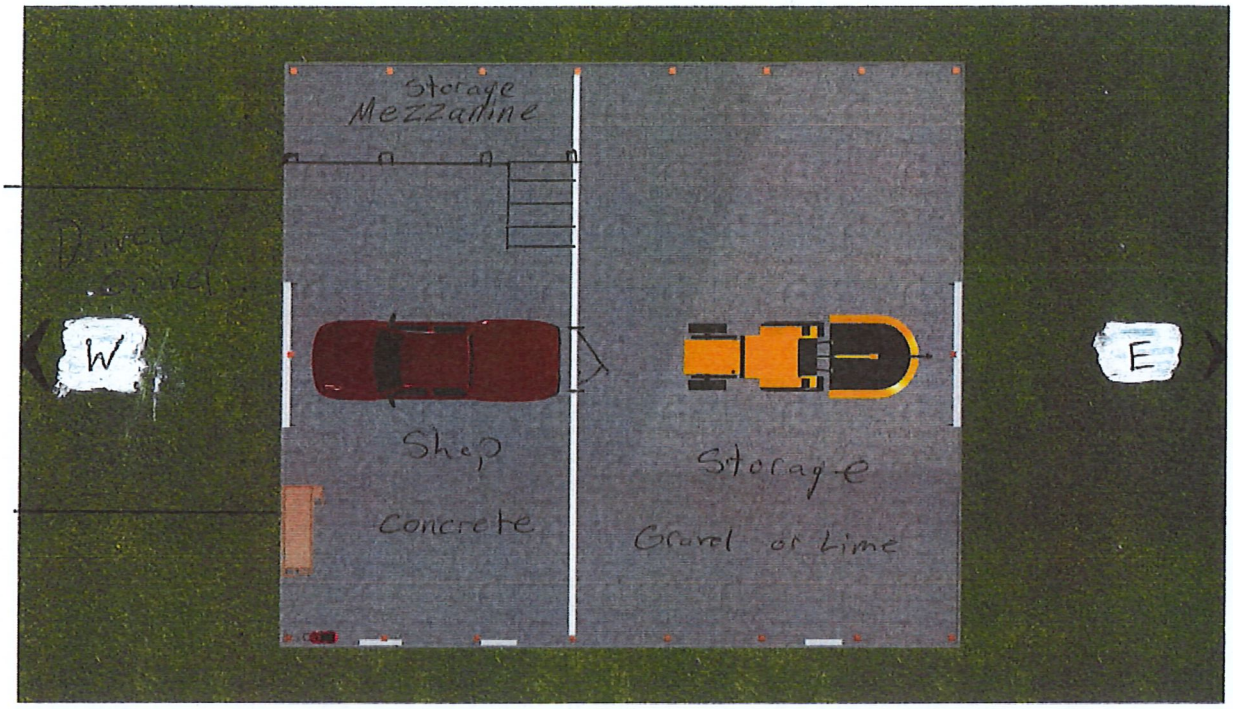
Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

Item Sizes:
Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

www.fbibuildings.com

800-552-2981

FBi Buildings



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Roof Type: Asymmetrical
Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1
Right Overhang: 1

Windows/Doors & Interior Items

Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

Item Sizes:
Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

www.fbibuildings.com

800-552-2981

TK CONSTRUCTORS, INC
Construction Agreement

This Construction Agreement ("Agreement") is made on **03/31/2020**, by and between TK CONSTRUCTORS, INC., an Indiana Corporation ("Builder") and Buyer Name: ("Buyer") **Tim Sharp Chelsea Sharp**

Purchase of: Job # Subdivision **Brownsburg** Model: **St Petersburg**
WITNESSETH:

THAT WHEREAS, the Buyer is the owner of certain piece of real estate located at :
County Road 750 S., Lebanon, IN 46052 in the County of **Boone**.

AND WHEREAS, Buyer is desirous of having Builder construct, as per the plans and specifications desired herein, a new single family residence ("Improvement") upon said Real Estate, and upon the terms and conditions hereinafter stated, KNOW, THEREFORE, it is hereby mutually agreed between the parties as follows:

BUILDER AGREES:

1. To furnish, purchase, employ, contract and pay for all supplies, materials, plumbing, heating, equipment, labor and any and all other items which are required to be furnished or provided by Builder in the construction of said Improvement in accordance with the plans and specifications prepared and approved by Builder and Buyer.

2. That all labor and services shall be performed in a good and workmanlike manner and that the said Improvement when completed shall be turned over to the Buyer, free and clear of all liens or encumbrances, created by Builder, demands or obligations of any kind and character against Builder.

3. That the plans and specifications for such Improvement attached hereto and incorporated herein by reference shall be materially followed by the Builder in the construction of such Improvement.

4. To carry Workmen's Compensation Insurance and liability insurance for the use and benefit of the Buyer.

BUYER AGREES:

5. To pay the Builder directly as per Addendum Contract Price

6. To maintain fire and extended insurance coverage insuring against any damage to the Improvement, including vandalism, mischief, tornado and theft of any building materials, supplies or equipment to be incorporated therein upon the Improvement during the construction process and to assume the risk of loss upon the Improvement. In the event the Buyer purchases their Builder's Risk coverage from the Builder, the Buyer understands that, in the event of a claim, the Buyer is responsible for the deductible in the amount of $1,000.00. This coverage does not include liability which will still be the responsibility of the Buyer to provide

7. A. <u>That Buyer has no right of possession of the Real Estate and Improvements until full and final payment including any additional amounts due as a result of change orders has been paid to Builder and Settlement Agreement has been executed.</u> Buyer further agrees that notwithstanding the provisions for liquidated damages, in the event of a breach of the condition of this Paragraph 7 of the Agreement, that Builder may have a temporary restraining order and/or a permanent injunction restraining and enjoining the occupancy of the Improvements until said final payment is made to Builder.

APR 13 2020

Initials CS TS _____

B. Buyer further agrees that in addition to the equitable remedies provided for above, upon violation of the terms of this Paragraph, builder shall be entitled to recover as liquidated damages and not as a penalty, the amount of $950.00 for the initial moving in, occupancy or storing of furniture in the Improvement and $60.00 for each day the violation continues. Buyer waives any defenses to these remedies.

C. It is understood and agreed by Buyer and Builder that this Agreement constitutes an obligation for the construction of the Improvement on the Real Estate. This obligation constitutes a valid and forcible lien against the Real Estate in the unpaid amount due to Builder. In the event of default by Buyer of this Agreement, it is understood that in addition to and in lieu of any other remedies hereunder for breach of this Agreement, the Builder may enforce its lien rights against said Real Estate.

8. Buyer shall pay Builder reasonable attorney's fees for the enforcement of the Builder's rights under this Agreement.

9. A. Buyer is aware that the Improvement may vary slightly from the dimensions shown on the blueprints or from a model, a drawing or other document describing or showing the Improvement, and that any statement as to specific square footage or other dimension of the Improvement is only a reasonable approximation.

B. Buyer recognizes that appliances, equipment, decoration and similar items to be installed or used in the Improvement may not conform to samples which Builder may have shown Buyer, and Buyer authorizes Builder to make changes in or substitutions of such items if their quality is equal to, or greater than, the quality of samples shown or items specified in any Agreement document.

C. Buyer recognizes and agrees that the Improvements will be completed and will adhere to the applicable building standards as outlined in the "IRC One and Two Family Dwelling Code" book.

10. In event the location of the Improvement as selected by Buyer or any requirements exceeding IRC code as required by any applicable government authority will cause additional costs in said construction of the Improvement, Buyer agrees to execute a change order in favor of TK Constructors, Inc. to reflect the increase in price. The selection of the Real Estate and the location of the Improvements shall be the responsibility of Buyer. Buyer shall be solely responsible for any additional costs or expenses due to adverse soil and/or lot conditions. Buyer is relying on its own determination or that of its own expert as to the soil and lot conditions.

11. Any alterations, modifications, changes, extras, deletions, additions, or variances of the plans, specifications, materials and/or drawings, shall be in writing, dated and shall contain the additional price to be added to or subtracted from the Contract Price, and signed by the Buyer and the Builder. The cost of changes in excess of the Contract Price shall be paid in full to the Builder at the time of the change order and prior to the incorporation of said change. Any changes made at or after the pre-construction meeting that are not site related, will incur a change fee of $150.00 per item. After construction has begun, optional items may only be deleted from this Agreement by written approval of Builder. Optional items may be deleted and credited after start of construction at prices different than those listed above due to actual cost variances.

Initials CS TS _____

12. This Agreement includes the following Addenda, which are hereby incorporated by reference:

- Option (s) Agreement;
- Contract Price;
- Limited Warranty
- Specification Sheet
- Builders Risk Insurance
- Construction Blueprints
- Color Selection Sheet (Prior to Pre-construction meeting)
- Homeowner's Responsibilities/Draw policy
- Stakeout Verification (Prior to Pre-construction meeting)
- Settlement Agreement (At completion of home)
- Arbitration
- (Kentucky)
- (Ohio)

13. **TIME SHALL BE OF THE ESSENCE** upon the execution of this Agreement. The price in this Agreement will be honored by Builder for ninety (90) days after acceptance of this Agreement. Builder, after 90 days and at its sole discretion, reserves the right to increase the agreed upon price to reflect current market prices.

14. In the event Buyer cancels this Agreement at any time after acceptance of this Agreement by Builder, a cancellation fee of Two Hundred Fifty Dollars ($250.00) shall be paid to the Builder from the funds being held as a deposit under this Agreement. Any other costs approved by customer will also be deducted for administrative expenses.

15. Any claims or disputes arising out of this contract or the breach thereof shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of American Arbitration Association unless both parties mutually agree otherwise. Notice of the demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Builder has provided Buyer with specifications and warranty as part of this Construction Agreement. Builder and Buyer agree that said specifications and warranty shall serve as applicable standards for any disputes over construction details or defect remedies.

16. In the event of a dispute between Buyer and Builder as to the quality of certain workmanship or materials during the construction of the Improvements, Buyer and Builder agree that construction may proceed while Buyer and Builder work in good faith to resolve the dispute, subject to the following:

    A. The appraiser for Buyer's lending institution shall estimate the approximate dollar amount to correct, remedy, or replace the bona fide disputed item(s);

    B--Builder shall proceed with the construction and shall be entitled to all amounts due under this Agreement less one hundred fifty percent (150%) of the amount of the disputed item(s) as determined by appraiser described above;

    B. Buyer and Buyer's lending institution shall be obligated to fund the construction draws described herein in a timely manner with time being of the essence less amounts described in B above with amounts to be held by said lending institution until said disputed item(s) is resolved;

Initials B B

C. Prior to Buyer's occupancy of the Improvement, all disputed item(s) shall have been resolved by Buyer and Builder and all amounts due to Builder paid in full;

D. Nothing contained therein is intended to amend or conflict with any of the terms and conditions otherwise set forth in this Agreement including but not limited to the terms and conditions of Paragraph 7; and

E. In the event of a deadlock or an impasse as to resolution of said disputed item(s), Buyer and Builder agree to jointly engage the services of an independent third party inspector to resolve said disputed item(s). The costs and expenses of the independent third party inspector will be shared equally by the Buyer and the Builder and the decision of the independent third party will be binding. Said inspector shall be instructed to evaluate merits of dispute solely in accordance with the terms and conditions of this Agreement.

17. The undersigned Buyer agrees that direction and supervision of working forces, including subcontractors, rests exclusively with the Builder or its designated agent, and Buyer agrees not to issue any instructions or to otherwise interfere with same. Buyer further agrees not to negotiate for additional work with subcontractors, except with Builder's written consent, and in such a manner as will not interfere with Builder's completion of work under this Agreement. Builder shall have unconditional and irrevocable access to the Real Estate until the Improvements are completed and the final Construction Price is paid.

18. The undersigned Buyer agrees that any work or services completed by Buyer under this Agreement as a credit will be completed in full compliance with any applicable rules, regulations, laws and codes and will be completed in a timely, professional manner in strict conformance with Builder's established construction schedule. Builder has authority to reverse any credits upon violation or breach of these terms and conditions. All mechanical work must be performed by the contractor of record under the permit. Buyer is solely responsible for any fines or penalties associated with violating these provisions. Change orders must be written prior to our "purchase order system mailing agenda" to ensure proper application of the change order. Payment of the change order must be made at the time it is written. Buyer shall be responsible for all warranty work during and after construction that results from work done as a "credit".

19. This document and referenced Addendum represents the entire Agreement between Buyer and Builder with respect to the subject matter herein, except for any change orders or modifications agreed upon by the parties hereto. Any other Agreement whether expressed or implied, written or verbal that is not specifically represented herein or incorporated by reference shall not be binding on either party.

20. This Agreement is subject to the Buyer being able to secure adequate construction financing at prevailing market terms and rates. If Buyer is unable to secure said financing, then all deposits, less those specified in paragraph 14, shall be returned to Buyer.

21. This Agreement is executed and entered into in full faith and confidence by the parties hereto and shall be binding upon their heirs, executors, administrators, successors, or assigns of each of the parties hereto. This Agreement may not be assigned by either party without the written consent of the other party.

22. The invalidity or unenforceability of any terms or provisions herein, or any clause or portion thereof, of this Agreement, shall in no way effect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

23. As outlined and described in Owner's Responsibility attached hereto, unless otherwise noted in an adden-

Initials CS TS _____

dum, Buyer shall be responsible to complete all of its own site work as well as the appropriate hook ups to a sewer or septic system. In the event this additional site work is not completed within ten (10) days after completion of the Improvements and provided that Buyer's mortgagee is holding enough funds to complete this work, then Builder will complete this work for the benefit of Buyer provided Buyer's mortgagee has irrevocably agreed to pay for this work with funds being held, plus a 12% above cost management fee. Buyer hereby consents to these provisions.

24. Prior to the final payment of the Contract Price, Buyer will complete a Settlement Agreement indicating what additional work, if any, needs to be completed to fulfill the terms and conditions of the Agreement. After the items on the Settlement Agreement are completed and witnessed by Buyer, the obligations of Builder shall be deemed to be completed and accepted by Buyer and the Improvements accepted by Buyer, subject to Builder's warranty obligations as set forth in Addendum Builders Risk Insurance.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this day and year first above set out.

TK CONSTRUCTORS, INC.
An Indiana Corporation

Purchase of: Job #**00001491** Subdivision **Brownsburg** Model: **St Petersburg**

TK Constructors, Inc.	Buyer — Date 03/31/2020
Dennis Ordway Print Name	Buyer — Date 3/31/2020
	Buyer — Date
N.O.M. 4/14/20 Title	**7557 N. CR 150 E.** Current Address
	Pittsboro, IN 46167 City, State, Zip
	Telephone - Home
	(574)952-6741 Telephone - Work

Initials _____ _____ _____

Petition No.: 2020-15-DSV
T. SHARP - BARN

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

   The variance for a larger pole barn will not be injurious to the public health, safety, morals and general welfare of the community because it will be used to house the tractors and other implements used to maintain the property. The beautification and upkeep of the property will be to the benefit of the community as a whole as well as the neighborhood. Additionally, there are other such structures already in existence on several neighboring properties.

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

   The use or value of the area adjacent to the property will not be affected in a substantially adverse manner because the barn will allow for storage of equipment, thus enhancing the property's appearance both in maintenance of the property and in the proper storage of the equipment

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

   Strict application of the terms of the zoning ordinance will result in unnecessary hardship for the use of the property because tractors and implements would be parked out in the open. This is not only harmful to the equipment but is also unsightly for the property and the neighborhood.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-16-DSV
Subject Site Address:	4560 S 975 East
Petitioner:	Mitchell & Stephanie Walters
Representative:	Mitchell & Stephanie Walters
Request:	Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Exceeds the allowable accessory square footage and 2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2).
Current Zoning:	Urban Single-Family Residential Zoning District (R-SF-2)
Current Land Use:	Residential
Approximate Acreage:	5.18 Acres
Zoning History:	The parcel is part of the Crenshaw Minor Plat approved in 2016. 2016-46-MP Crenshaw Minor Plat (creation of 3 lot minor plat) 2018-14-RP Crenshaw Minor Re-Plat (moved property line of lot 2 east)
Exhibits:	Exhibit 1- Staff Report Exhibit 2- Aerial Location Map Exhibit 3- Petitioner's Narrative Exhibit 4- Petitioner's Site Plan Exhibit 5 - Secondary Plat (2018-14-RP) Exhibit 6 - Petitioner's Exhibits Exhibit 7 - Petitioner's proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

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

PROPERTY HISTORY

This property is comprised of 5.18 acres of Lot 2 in the Crenshaw Subdivision Minor Residential Plat of the Town of Zionsville and is presently improved with a single-family dwelling and accessory structures / uses. The parent parcel received approval in 2016 to replat the site into a three-lot subdivision. In April of 2018 Lot 2 was replatted to facilitate the easterly movement of an interior lot line.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

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

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

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

ANALYSIS

The site is currently improved with a 5,660 square footage two-story single-family dwelling (the primary structure) and accessory structures / uses built in 1981. Per the narrative included, an existing 960 square foot dilapidated barn would be removed from Lot 2 in association with the intention of constructing an approximate 3,200 square foot pole barn with 168 square foot wrap-around porch in the location of the previous barn to 1) house vehicles, 2) store equipment associated with maintenance of the acreage, and 3) provide for an indoor basketball court.

VARIANCE REQUEST – ACCESSORY ROOFED SQUARE FOOTAGE EXCEEDING PRIMARY

The parcel is currently utilized for residential purposes and accessory structures/uses all as further described below (data source: Boone County Assessor and/ or Petitioner):

1. Existing dwelling living space: 5,660 square feet (allows for 2,830.5 sq. ft. of accessory)
2. Existing and proposed roofed accessory uses total **4,639** sq. ft. This total includes:
   a) A 782 square foot attached garage
   b) A 39 square foot front porch
   c) A 60 square foot side covered patio
   d) A 150 square foot shed
   e) A 240 square foot screened in porch

f) A proposed 3,200 square foot detached pole barn
g) A proposed 168 square foot wraparound porch on the detached pole barn

As per the itemized list above, the addition of the accessory detached pole barn causes the property's allowable roofed accessory uses to exceed the roofed square footage percentage allowed by the Zoning Ordinance by **1,809** square feet.

By Ordinance, properties in the R-SF-2 District are permitted by right to be improved with roofed accessory uses whose total square foot area do not exceed 50% of the finished floor area of the primary use, and, is not encapsulated in more than two (2) accessory buildings. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds nearby home sites and improvements to the home sites which enjoy the use of detached accessory structures (with some in excess of the Zoning Ordinance square footage limitation). However, the amount of square footage the Petitioner is requesting to exceed far surpasses that of other parcels in the immediate area who have exceeded their primary square footage and, generally speaking, the preponderance of the accessory structures were associated with lots that were platted and structures erected prior to the adoption of the current Zoning Ordinance. In this specific case, the lot in question was platted in 2016 (with a replat in 2018). Additionally, the contemplated architectural design of the proposed detached pole barn deviates from design characteristics found along the streetscape and platted neighborhood environment.

Given these factors, Staff finds it impossible to justify supporting a variance from zoning standards which were well known in 2016 to the developer of the property and which seeks to surpass the standards by nearly 32% of the allowed roofed accessory.

A more modestly sized improvement is supportable by right with the requirement that the 150 sq. ft. detached shed (not shown on the Boone County Assessment of the parcel) be removed from the lot. This improvement could potentially produce a roofed accessory square footage that, in part, could meet the needs of the Petitioner. In summary, Staff is not supportive of roofed accessory square footage of 82% of the primary dwelling for the lot in question. By ordinance, the lot, if the 150 sq. ft. shed was removed, could be improved with a 1,709 sq. ft. accessory building.

VARIANCE REQUEST – ACCESSORY HEIGHT EXCEEDING PRIMARY

The Petitioner has intentions of constructing a pole barn, not to exceed 26 feet 8 inches in height, to the east of their existing dwelling in an area that has been utilized for accessory uses.

The subject site is currently improved with a 5,660 square footage two-story single-family dwelling (the primary structure) and accessory structures / uses built in 1981. As requested, the site's contemplated accessory building would be 26 feet 8 inches in height, and while the height of the existing single-family dwelling is unknown, at 26 feet 8 inches, the accessory building may exceed the height of the primary structure on the property (the single-family dwelling). Regardless of this point, the limitation on height for accessory buildings is established at 22 feet. As contemplated, the accessory use exceeds Ordinance height limitations and may as well exceed the height of the roof line of the dwelling. As a characteristic which in the opinion of Staff is not typical of the area, Staff is not in favor of introducing the requested development characteristic into a residential area in association with a 3,200 square foot barn. Much like the variance request seeking approval to exceed the roofed accessory square footage, Staff finds it

impossible to justify supporting a variance request from height requirements for a 3,200 square foot accessory structure on a lot that was platted subsequent to the adoption of the current Zoning Ordinance. If the barn was more modest in size, and architecturally more considerate of the existing built environment, Staff may have a different opinion.

FINDINGS OF FACT

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration. Staff is concerned with the Petitioner's proposed Findings, as written, as it appears that the main justification for the variance request is that the proposed structure will be an improvement of the existing derelict barn and rests on the size of the Petitioner's acreage. As each filing is unique and reviewed on its own merits, the findings as proposed, in the opinion of Staff, do not adequately justify the petition as proposed.

STAFF RECOMMENDATION

Staff recommends denial of the variance request seeking to exceed the permissible roofed accessory square footage standard of the Urban Single-Family Residential Zoning District (R-SF-2) District as proposed.

Staff recommends denial of the variance request seeking to exceed the permissible accessory height standard of the Urban Single-Family Residential Zoning District (R-SF-2) District as proposed.

RECOMMENDATION MOTION

I move that Docket #2020-16-DSV Development Standards variance in order to provide for the construction of a detached barn which exceeds the allowable accessory square footage (providing for **1,809** square feet of additional roofed accessory structures in association with a 5,660 square foot dwelling), and exceed the allowable accessory height, all as illustrated in the exhibits attached to this report and within the Urban Single-Family Residential Zoning District (R-SF-2) for the property located at 4560 S 975 East, be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented (as the petitioner, due to the need to encourage social distancing, has mailed notice via first-class mail, a waiver of the Rules of Procedure regarding notice requirements is necessary to be considered as a part of this petition).

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
AUTUMN WAY
WINTER WAY
ASH CT
ASH RIS LN
SUMMER DR
SPRING CT
BOONE
LAKEWOOD DR
EQUESTRIAN WAY
OAK RIDGE DR
975 E
GREENTHREAD CT
SUNFLOWER CT
BELLFLOWER DR
BARTH
BUTTO
0
410
820
1" = 410ft
N
W
E
S

Exhibit 2

Walters Description of Petition

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. Replace an existing pole barn with a new 50' x 64' x 16' basketball court and garage in the same location.
2. Petition to request a variance to the maximum outbuilding size restriction due to the uniquely large nature of Walters' lot.

Exhibit 3

Walters Building Description

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. The main building dimensions are 50' x 54'
2. The wraparound porch is 6' x 28'
3. The eave height is 18'4"
4. The peak height is 26'8"
5. The building will have metal siding and metal roofing
6. The building will have a concrete floor with in floor hot water heat
7. Interior finishes consist of insulation, a metal ceiling, and lighting

Exhibit 3

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD
STOEPPELWERTH & ASSOCIATES, INC.
7965 E 106TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 849-5935

THIS INSTRUMENT PREPARED FOR:
MITCHELL AND STEPHANIE WALTERS
4580 S 975 E
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1412

NOLAN SCHAFER
6695 BECKMAN PLACE
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-4426

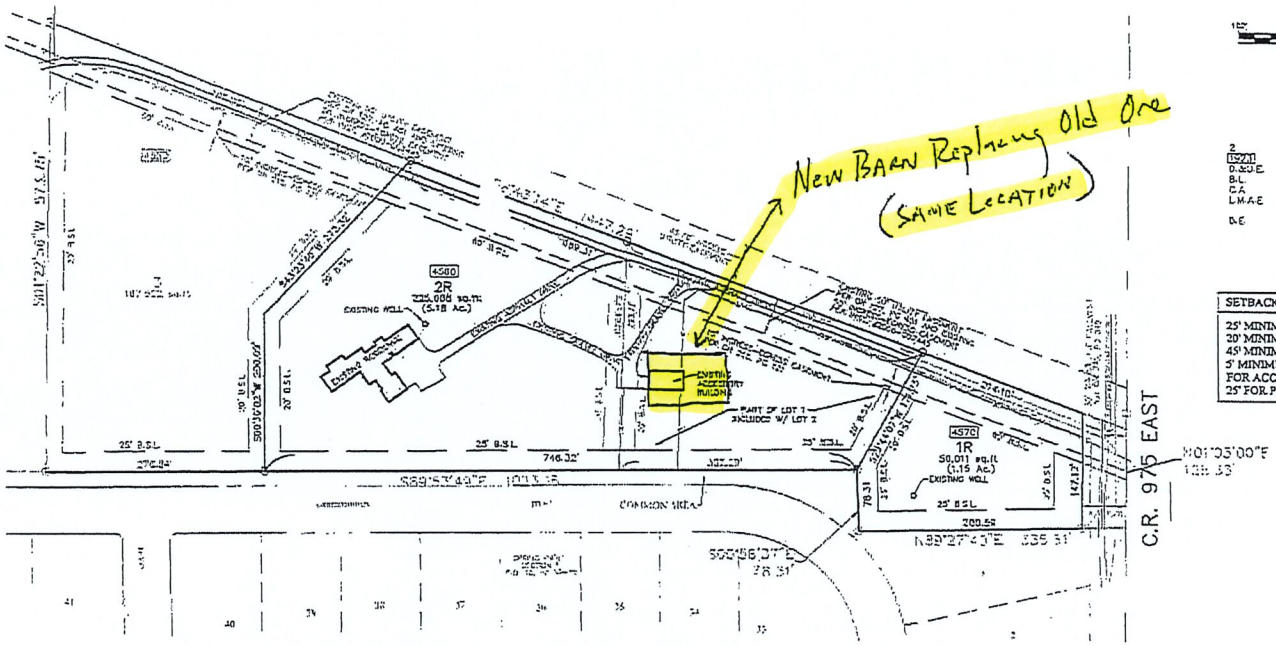
SOURCE OF TITLE: 201100011035

CURRENT ZONING: R-SF-2 – RESIDENTIAL

REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

(PREVIOUSLY RECORDED AS INSTR. No. 201700000661 IN PLAT CABINET #24, SLIDE #93)



GRAPHIC SCALE

(IN FEET)

1" = 100 FT

LEGEND

2	LOT NUMBER
1570	LOT ADDRESS
D.&U.E.	DRAINAGE & UTILITY EASEMENT
B.L.	BUILDING LINE
C.A.	COMMON AREA
L.M.A.E.	LANDSCAPE, MAINTENANCE ACCESS EASEMENT
D.E.	DRAINAGE EASEMENT

SETBACK REQUIREMENTS

25' MINIMUM FRONT SETBACK
20' MINIMUM SIDE YARD
45' MINIMUM AGGREGATE
5' MINIMUM REAR YARD
FOR ACCESSORY STRUCTURE.
25' FOR PRIMARY STRUCTURE

nshaw Subdivision, a Minor Residential Plat located in diana, the plat being recorded as Instrument Number 661, in Plat Book #24, Page #93 in the Office of the Recorder unty, Indiana.

art of Lot 1 in said Crenshaw Subdivision, being more escribed as follows:
the northwest corner of Lot 1 of said Crenshaw Subdivision; 68 degrees 43 minutes 14 seconds East along the northern said Lot 1, a distance of 398.88 feet; thence South 29 degrees 7 seconds West 171.75 to a point on the southern boundary of Lot 1; thence South 89 degrees 53 minutes 49 seconds East thern boundary of the aforesaid Lot 1 a distance of 302.29 feet rest corner of said Lot 1, said point also being the southeast 2 in the aforesaid Crenshaw Subdivision; thence North 03 inutes 57 seconds East along the West line of said Lot 1 and line of said Lot 2 a distance of 293.73 feet to the place of ntaining 1.8 acres, more or less; subject to all legal highways, easements and restrictions of record.
Lot #1 remaining after the exception= 1.15 acres.

Lot #2 in Crenshaw Subdivision, a Minor Residential Plat located in Zionsville, Indiana, the plat being recorded as Instrument Number #201700000661, in Plat Book #24, Page #93 in the Office of the Recorder for Boone County, Indiana.

Also that part of Lot 1 in said Crenshaw Subdivision, being more particularly described as follows:
Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 68 degrees 43 minutes 14 seconds East along the northern boundary of said Lot 1 a distance of 398.88 feet; thence South 29 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 89 degrees 53 minutes 49 seconds East along the southern boundary of the aforesaid Lot 1 a distance of 302.29 feet to the southwest corner of said Lot 1, said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of said Lot 2 a distance of 293.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, right-of-ways, easements and restrictions of record.
Total area of Lot #2 with additional part of Lot 1 = 5.18 acres.

SUBDIVISION MONUMENTATION

A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008" SHALL BE SET AT ALL LOT OR PARCEL CORNERS, INCLUDING BEGINNING AND ENDING OF CURVES AND THE INTERSECTION OF LINES

O DENOTES A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008".

• DENOTES A STREET CENTERLINE MONUMENT. EITHER A "COPPERWELD", A 5/8" DIA. STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP, SET FLUSH WITH THE FINISHED SURFACE COAT OR A 2" MAG NAIL, TEMPORARILY SET FLUSH WITH THE INTERMEDIATE COAT (BINDER).

COMPLIANCE STATEMENT
THIS PROJECT IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR THE SUBJECT AREA.

Dennis D. Olmstead
Registered Land Surveyor
No. 900012

4/8/2019

DENNIS D. OLMSTEAD
REGISTERED
No. 900012
STATE OF INDIANA
LAND SURVEYOR

82255
SHEET 1 OF 2

Exhibit 4

22

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD
STOEPPELWERTH & ASSOCIATES, INC.
7965 E. 106TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 849-5935

THIS INSTRUMENT PREPARED FOR:
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4560 S 975 E
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1412

NOLAN SCHAFER
6695 BEEKMAN PLACE
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-4426

SOURCE OF TITLE: 201100011926
CURRENT ZONING: R-SF-2 – RESIDENTIAL

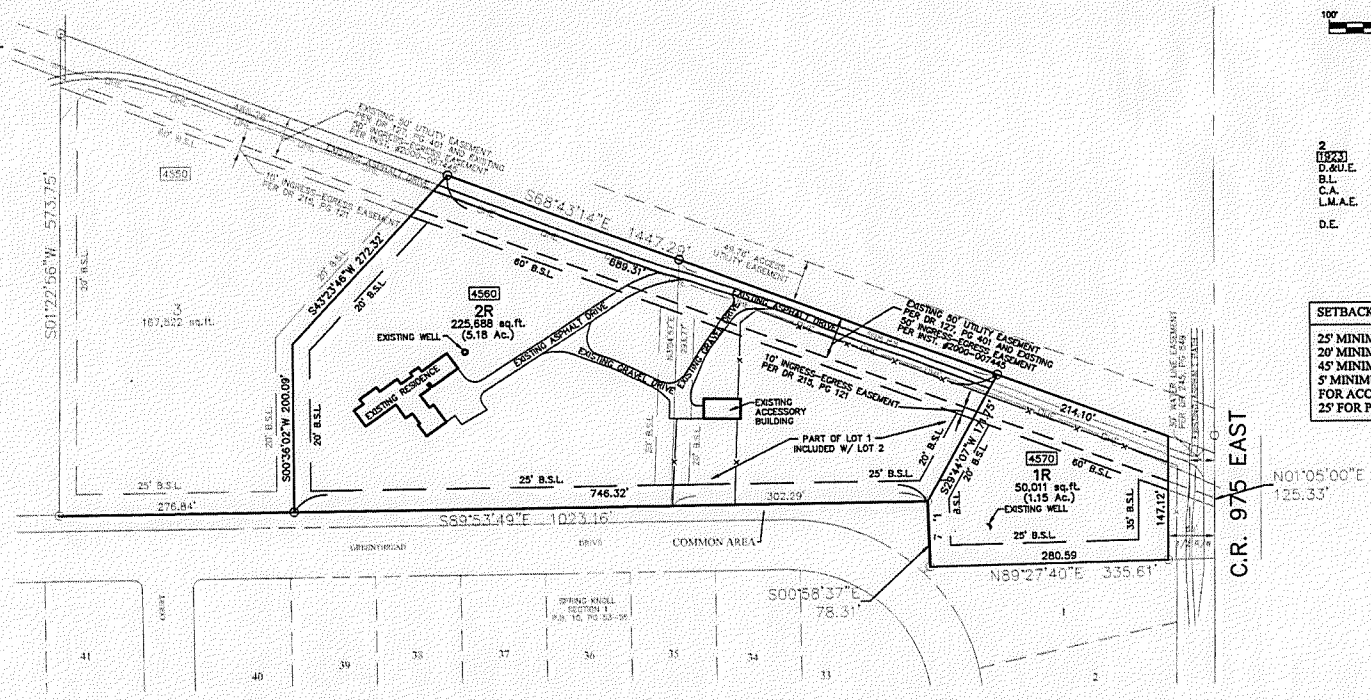
REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

(PREVIOUSLY RECORDED AS INSTR. No. 201700000661 IN PLAT CABINET #24, SLIDE #93)

2018003053 PLAT $38.00
04/12/2018 10:17:56A 2 PGS
Nicole K. (Nikki) Balduin
Boone County Recorder IN
Recorded as Presented

GRAPHIC SCALE
100' 0 50' 100'
(IN FEET)
1" = 100 FT



LEGEND

2	LOT NUMBER
1923	LOT ADDRESS
D.&U.E.	DRAINAGE & UTILITY EASEMENT
B.L.	BUILDING LINE
C.A.	COMMON AREA
L.M.A.E.	LANDSCAPE, MAINTENANCE ACCESS EASEMENT
D.E.	DRAINAGE EASEMENT

SETBACK REQUIREMENTS

25' MINIMUM FRONT SETBACK
20' MINIMUM SIDE YARD
45' MINIMUM AGGREGATE
5' MINIMUM REAR YARD
FOR ACCESSORY STRUCTURE,
25' FOR PRIMARY STRUCTURE

DULY ENTERED FOR TAXATION
4-12-2018
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

aw Subdivision, a Minor Residential Plat located in
a, the plat being recorded as Instrument Number
, in Plat Book #24, Page #93 in the Office of the Recorder
y, Indiana.

of Lot 1 in said Crenshaw Subdivision, being more
ribed as follows:
northwest corner of Lot 1 of said Crenshaw Subdivision;
degrees 43 minutes 14 seconds East along the northern
Lot 1 a distance of 398.88 feet; thence South 29 degrees
conds West 171.75 to a point on the southern boundary of
1; thence South 89 degrees 53 minutes 49 seconds East
n boundary of the aforesaid Lot 1 a distance of 302.29 feet
corner of said Lot 1, said point also being the southeast
the aforesaid Crenshaw Subdivision; thence North 03
les 57 seconds East along the West line of said Lot 1 and
of said Lot 2 a distance of 293.78 feet to the place of
ning 1.8 acres, more or less, subject to all legal highways,
sements and restrictions of record.
#1 remaining after the exception= 1.15 acres.

Lot #2 in Crenshaw Subdivision, a Minor Residential Plat located in Zionsville, Indiana, the plat being recorded as Instrument Number #201700000661, in Plat Book #24, Page #93 in the Office of the Recorder for Boone County, Indiana.

Also that part of Lot 1 in said Crenshaw Subdivision, being more particularly described as follows:
Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 68 degrees 43 minutes 14 seconds East along the northern boundary of said Lot 1 a distance of 398.88 feet; thence South 29 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 89 degrees 53 minutes 49 seconds East along the southern boundary of the aforesaid Lot 1 a distance of 302.29 feet to the southwest corner of said Lot 1, said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of said Lot 2 a distance of 293.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-ways, easements and restrictions of record.
Total area of Lot #2 with additional part of Lot 1 = 5.18 acres.

SUBDIVISION MONUMENTATION

A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008" SHALL BE SET AT ALL LOT OR PARCEL CORNERS, INCLUDING BEGINNING AND ENDING OF CURVES AND THE INTERSECTION OF LINES.

O DENOTES A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008".

● DENOTES A STREET CENTERLINE MONUMENT. EITHER A "COPPERWELD", A 5/8" DIA. STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP, SET FLUSH WITH THE FINISHED SURFACE COAT OR A 2" MAG NAIL, TEMPORARILY SET FLUSH WITH THE INTERMEDIATE COAT (BINDER).

COMPLIANCE STATEMENT
THIS PROJECT IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR THE SUBJECT AREA.

Dennis D. Olmstead
Registered Land Surveyor
No. 900012
4/9/2018

DENNIS D. OLMSTEAD
REGISTERED
No. 900012
STATE OF INDIANA
LAND SURVEYOR

82255
SHEET 1 OF 2

BOOK 26 PAGE 22

Exhibit 5

23

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD
STOEPPELWERTH & ASSOCIATES, INC.
7965 E. 106TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 849-5935

THIS INSTRUMENT PREPARED FOR:
MITCHELL AND STEPHANIE WALTERS
4560 S 975 E
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1412

NOLAN SCHAFER
6695 BEEKMAN PLACE
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-4426

SOURCE OF TITLE: 201100011926
CURRENT ZONING: R-SF-2 - RESIDENTIAL

REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

(PREVIOUSLY RECORDED AS INSTR. No. 201700000661 IN PLAT CABINET #24, SLIDE #93)

I, Dennis D. Olmstead, a Registered Land Surveyor licensed in compliance with the laws of the State of Indiana, hereby certify the within plat lies entirely within the boundaries of the original plat of the Crenshaw Subdivision recorded as Instrument Number 201700000661 in the Office of the Recorder for Boone County, Indiana.

This Subdivision consist of two (2) lots to be hereinafter known as lots 1R & 2R in said Crenshaw Subdivision.

The size of the lots are as shown in feet and decimal parts thereof.

Dennis D. Olmstead
Registered Land Surveyor 4/9/2018
No. 900012

DENNIS D. OLMSTEAD REGISTERED No. 900012 STATE OF INDIANA LAND SURVEYOR

PLAN COMMISSION APPROVAL

The Town Engineer and Building Commissioner of the Town of Zionsville have reviewed this plat for technical conformity with the standards fixed in the Zionsville Zoning Ordinance and the Zionsville Subdivision Control Ordinance and hereby certifies that this plat meets all of the minimum requirements of the applicable ordinances and requirments of the Town of Zionsville, Boone County, Indiana.

By: Wayne DeLong
Printed: Wayne DeLong
Building Commissioner,
Town of Zionsville,
Boone County, Indiana
Date: April 11, 2018

By: Seth Wilkinson
Printed: Seth Wilkinson
Town Engineer,
Town of Zionsville,
Boone County, Indiana
Date: 4/6/2018

We, the undersigned, do hereby certify that

under authority provided by the Indiana Planning Law, IC 36-7-4, ET. SEQ., enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, the plat depicted herein is the plat which was given approval by the Town of Zionsville Plan Commission at a meeting held on the 19th day of September, 2016.

Witness by Signature this 11th, day of April, 2018.

Town of Zionsville Plan Commission

Signature:
Printed: DAVID FRANK
Title: President

Signature: Wayne DeLong
Printed: Wayne DeLong
Title: Secretary

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.

Dennis D. Olmstead, PLS

This Replat shall be known and designated as The Replat of Crenshaw Subdivision, Lots 1 & 2, (previously recorded as Instrument No. 201700000661 in Plat Cabinet 24, Slide 93) as a subdivision in Boone County, Indiana. The purpose of this replat is to exclude a portion of lot 1 and add the excluded portion of lot 1 to lot 2 as shown and described on sheet 1 herein.

This replat is subject to the Declaration of Covenants, Conditions and Restrictions for Crenshaw Subdivision recorded as Instrument Number XXXXXXXXX and any amendments thereto.

In Testimony whereof, witness the signature of Owner and Declarant of Lot 1 this 9th day of April, 2018.

Owner of Lot 1:

Mitchell Walters

Stephanie Walters

In Testimony whereof, witness the signature of Owner and Declarant of Lot 2 this 9th day of April, 2018.

Owner of Lot 2:

Mitchell Walters

Stephanie Walters

State of Indiana)
County of Boone) SS:

Before me, the undersigned, a Notary Public in for said County and State, personally appeared Mitchell and Stephanie Walters, owner of lot 2 and acknowledged the execution of this Instrument as their voluntary act and deed and affixed their signature hereto.

Witness my signature and seal this 9th day of April, 2018.

Pamela S. Wagner
Notary Public

County of Residence: Boone

My Commission Expires: 1/30/2019

Pamela S. Wagner
Printed Name

NOTARY PUBLIC SEAL INDIANA

PAMELA SUE WAGNER SEAL BOONE CO.

Before me, the undersigned, a Notary Public in for said County and State, personally appeared Mitchell and Stephanie Walters, owner of lot 2 and acknowledged the execution of this Instrument as their voluntary act and deed and affixed their signature hereto.

Witness my signature and seal this 9th day of April, 2018.

Pamela S. Wagner
Notary Public

County of Residence: Boone

My Commission Expires: 1/30/2019

Pamela S. Wagner
Printed Name

NOTARY PUBLIC SEAL INDIANA

PAMELA SUE WAGNER SEAL BOONE CO.

BOOK 26 PAGE 23

Exhibit 5

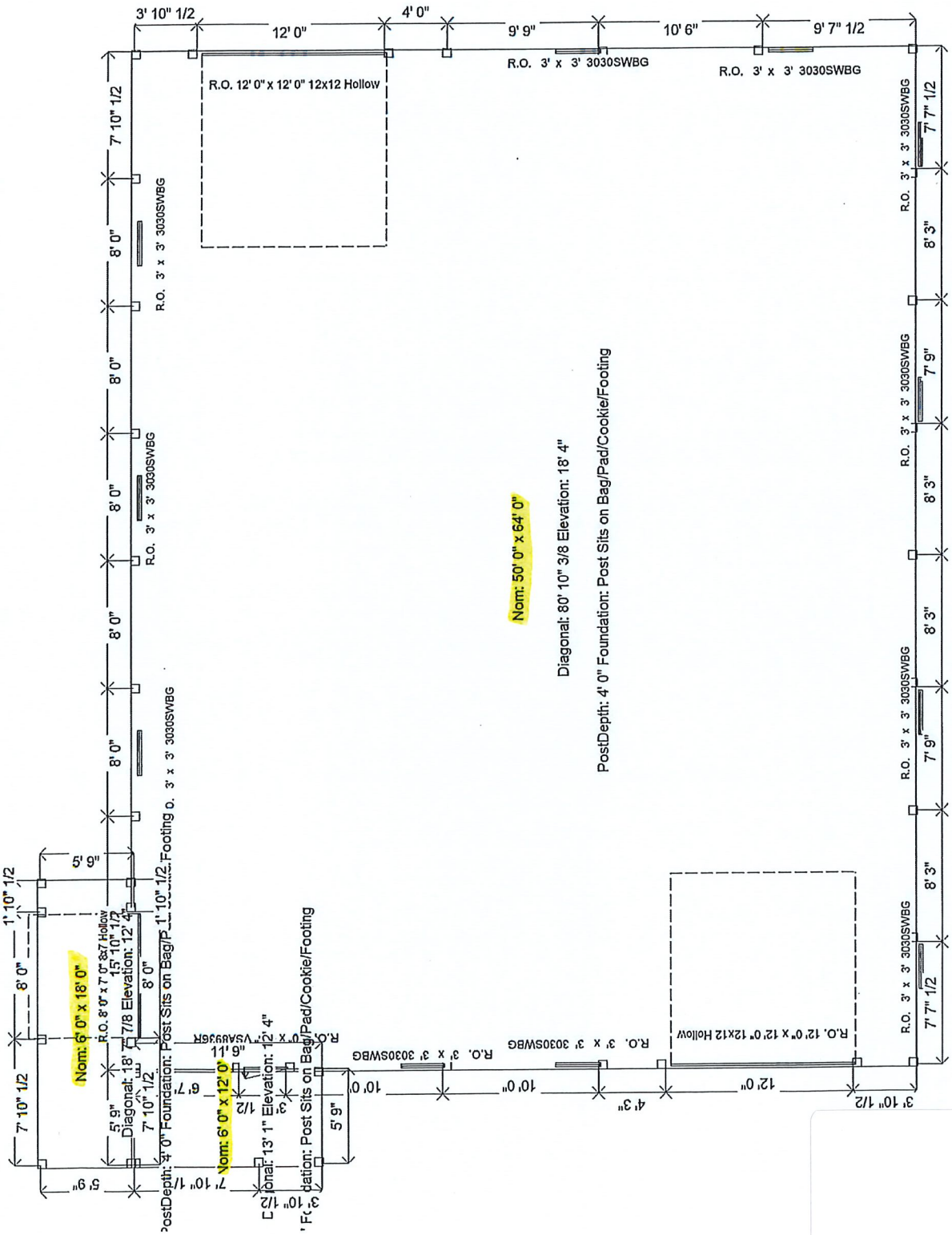
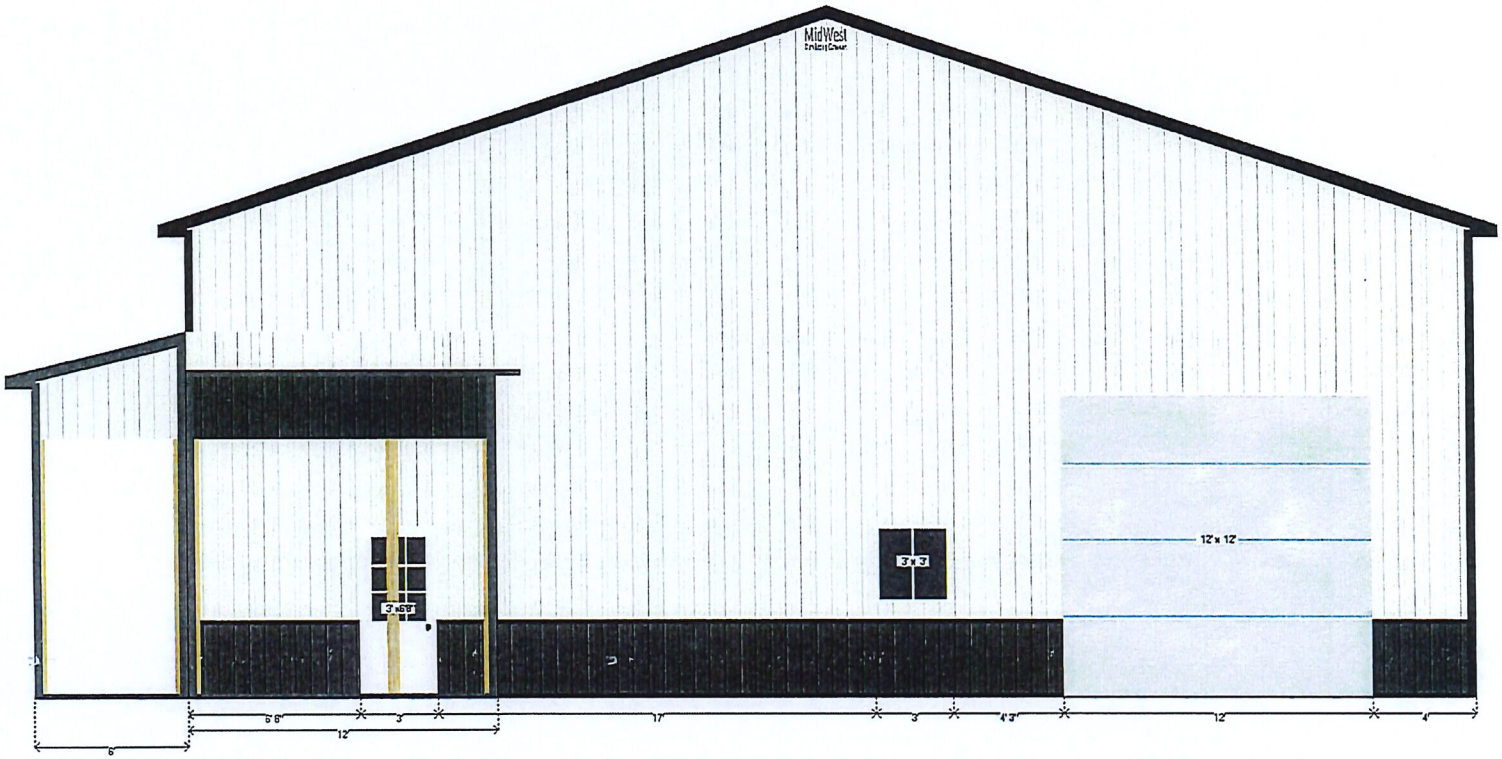


Exhibit 6

MidWest
Developing Company
260.438.8357

Date: 5/3/2020
Walter.bc2
Midwest Developing Company
1774 County Road 59, Auburn, IN 46706
(260) 438-8357
by PaulFrameManager

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- West

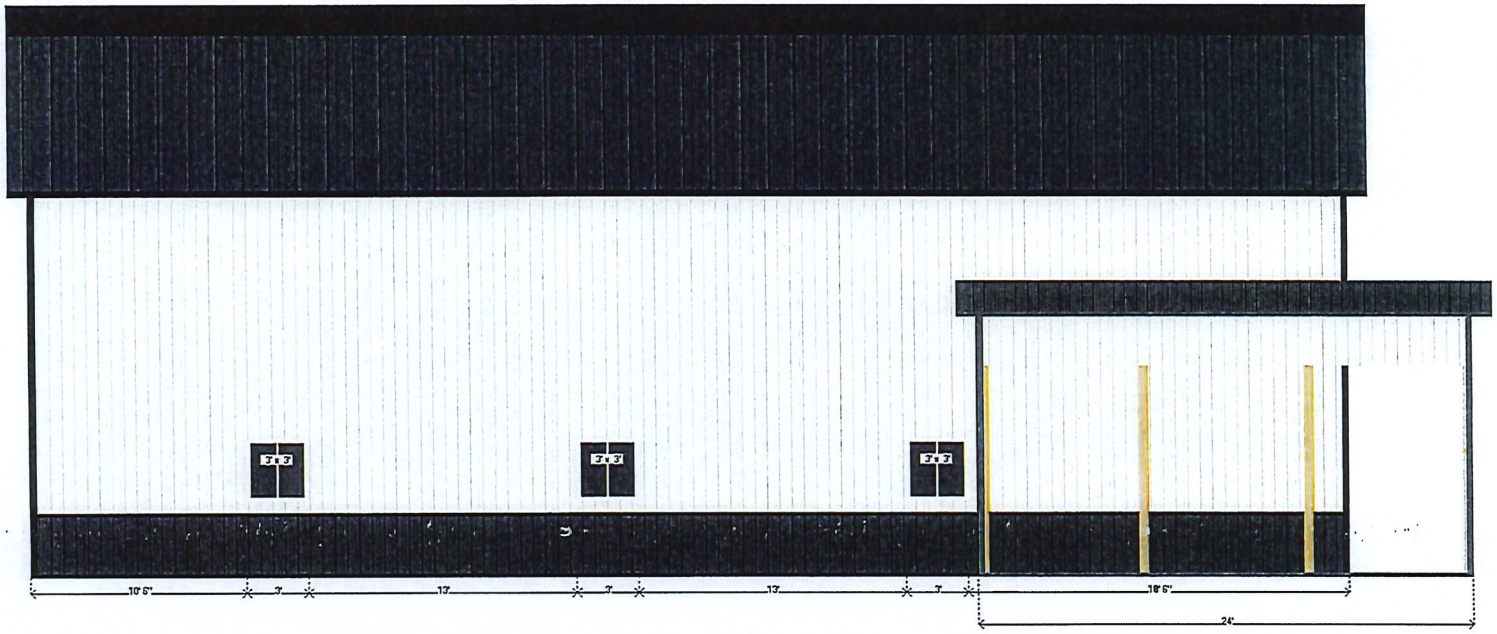


MidWest
Developing Company
260.438.8357

Date: 5/20/2021
Walter.bc2
Midwest Developing Company
1774 County Road 68, Auburn, IN 46706
(260) 438-8357
by PostFrame Manager+

Exhibit 6

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- North

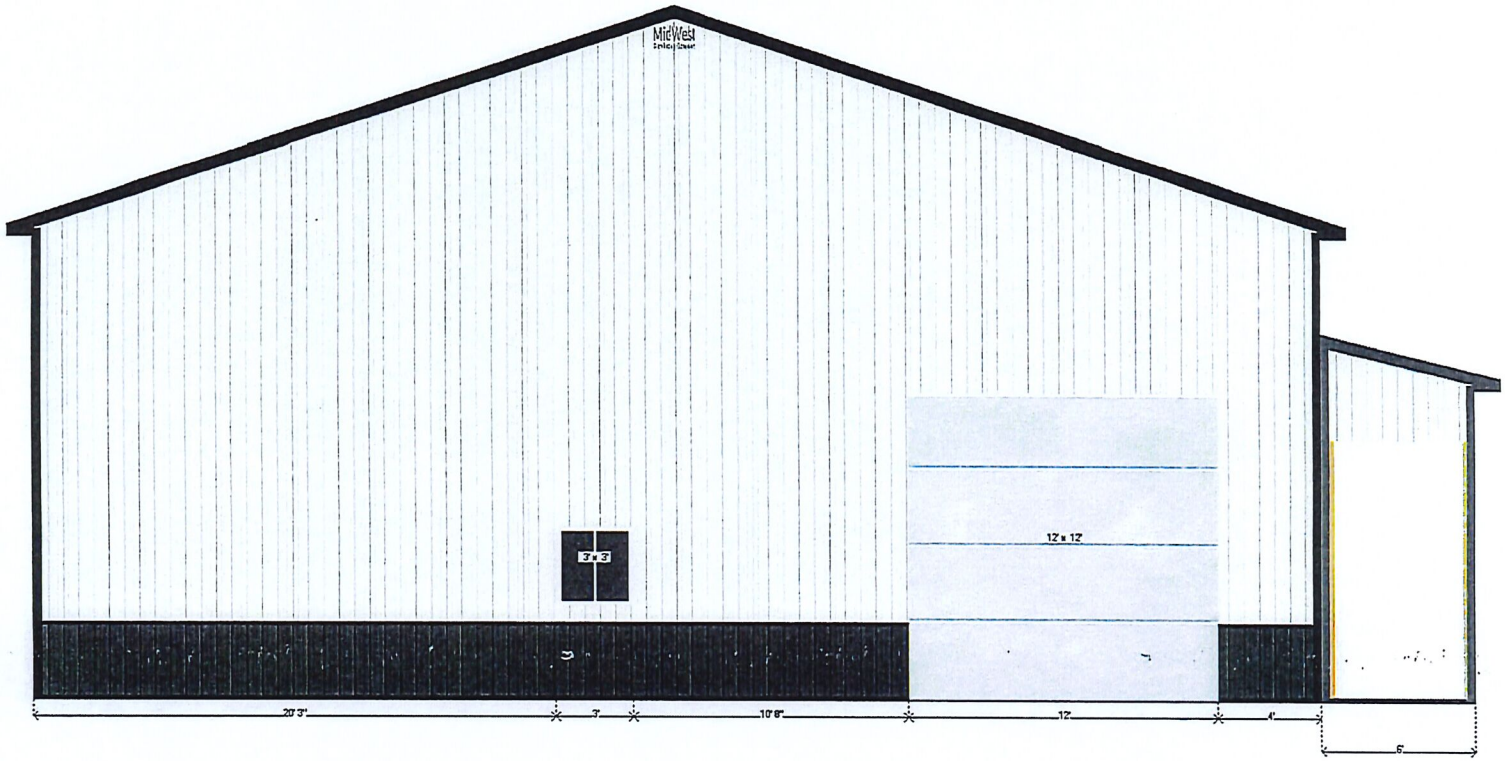


MidWest
Developing Company
260.438.8357

Date: 5/20/2020
Walters.bc2
Midwest Developing Company
1774 County Road 68, Auburn, IN 46706
(260) 438-8357
by PostFrame Manager®

Exhibit 6

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- East

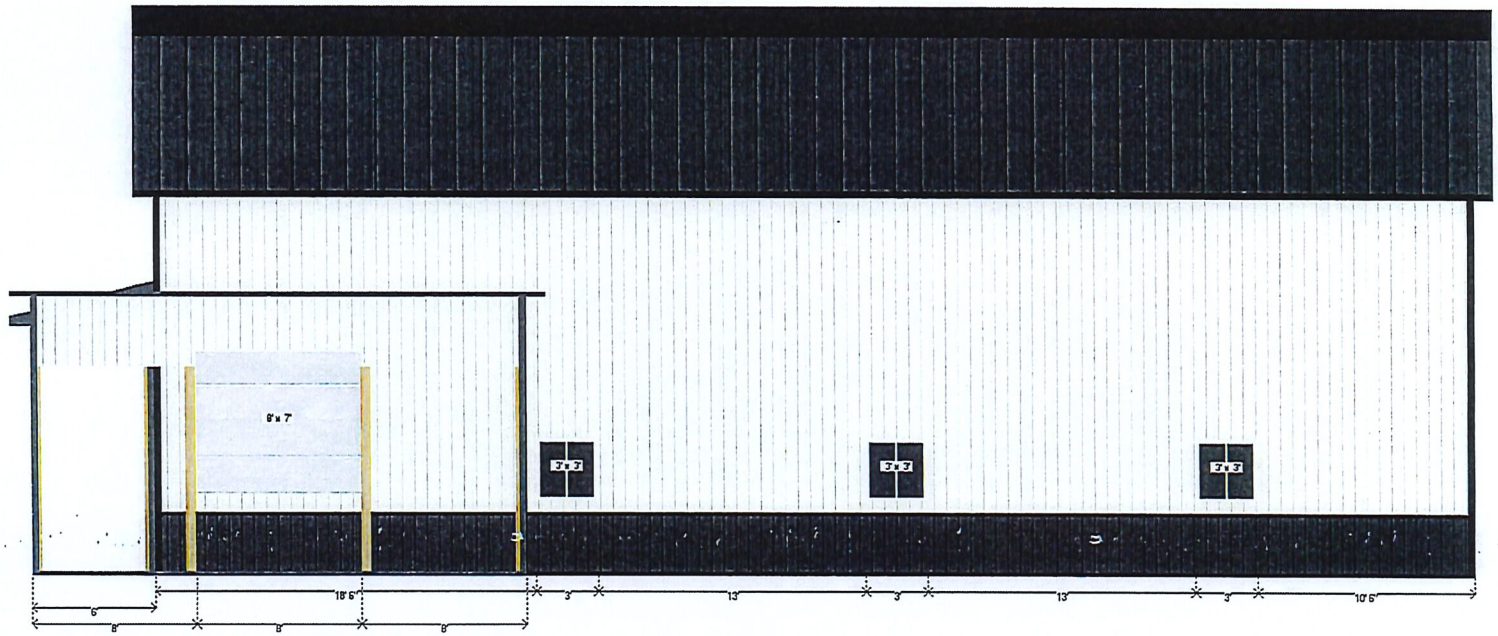


MidWest
Developing Company
260.438.8357

Date: 5/20/2020
Walters.bc2
Midwest Developing Company
1774 County Road 68, Auburn, IN 46706
(260) 438-8357
by PostFrame Manager®

Exhibit 6

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- South



MidWest
Developing Company
260.438.8357

Date: 5/20/2020
Wallam.bc2
Midwest Developing Company
1774 County Road 68, Auburn, IN 46706
(260) 438-8357
by PostFrame Manager®

Exhibit 6

Petition No.: 2020-16-DSV M. Walters

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

   This grant will not be injurious to the public health, safety, morals, and general welfare because the building will only be used for storage and for indoor basketball. This structure will be a significant improvement from the existing structure it will replace and will tend to improve the property values of all the surrounding properties.

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:

   Due to the size of the Walters Lots (5.18 acres) constructing a larger building on site will not negatively impact any of the adjacent neighbors' enjoyment of their property or property values. Replacing a derelict barn with a new upgraded and finished basketball court will tend to improve the neighborhood property values.

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

   The Walters home is smaller than the average in their neighborhood, but also on a larger lot, so the standard urban zoning restriction is much more restrictive to his enjoyment and use of the property than it is for the other homeowners, causing an undue hardship in this case. In order for the Walters to adequately enjoy their uniquely large five acre lot, an exception to the maximum square footage of garages and outbuildings is justified in this case.

DECISION

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

Adopted this _____ day of _____, 20___.

_____ _____ _____

_____ _____

Exhibit 7

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Town of Zionsville
Petition to the Board of Zoning Appeals

Application Packet and General Instructions

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-16-DSV

1. SITE INFORMATION:

Address of Property: 4560 South 975 East Zionsville, IN 46077

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: Urban Area in acres: 5.18

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Mitchell Walters

Owner Name (if different from Petitioner): n/a

Petitioner Address: same as above Owner Address: n/a

Petitioner Phone Number: 317-402-1412 Owner Phone Number: n/a

Petitioner E-Mail Address: mitch.walters@yahoo.com Owner E-Mail Address: n/a

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

Attorney/Contact Person:

Name: n/a

Address:

Phone Number:

E-Mail Address

Project Engineer:

Name:

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**

We are requesting an exception to the maximum square footage of outbuildings and garages requirement. We are proposing to tear down the existing barn that is past its useful life and replace it with a new 50' x 64' indoor basketball court. Because we have a multi acre lot, this will not negatively impact the neighbors in any way

5. ATTACHMENTS:

x Legal description of property
| | Owner's Authorization (if Petitioner is not the Owner)
| | Statement of Commitments (if proposed)
x Application Fee
x Proof of Ownership (copy of Warranty Deed)
x Site Plan & Exhibits
x Draft of Proposed Legal Notice
x 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:** 5/28/20

Signature of Owner or Attorney for Owner: Stephanie Walters **Date:** 5/28/20

State of Indiana)
SS:
County of Boone)

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

Pamela S. Wagner
Notary Public Signature

Pamela S. Wagner
Notary Public Printed

My Commission No: 325601097

My Commission Expires: 1/21/2027

My County of Residence is Boone County

OWNER'S AUTHORIZATION

The undersigned, Mitch and Stephanie Walters, being the owner of the property commonly known as 4560 S. 975 E., Zionsvillle, IN 46077, hereby authorizes Mitch and Stephanie Walters (with MilMar Builders) to file a Petition for variance for the aforementioned property.

Signature: _____

Printed: MITCH WALTERS

Title: OWNER OF Property

State of Indiana)
SS:
County of Boone)

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

Pamela S. Wagner
Notary Public Signature

Pamela S. Wagner
Notary Public Printed

My Commission No: 325601097

My Commission Expires: 1/21/2027

My County of Residence is Boone County

16.00
Title Services

Instrument PG 1 OF 1
201700002890

201700002890
Filed for Record in
BOONE COUNTY, INDIANA
NICOLE K.(NIKKI) BALDWIN
BOONE COUNTY RECORDER
03-29-2017 At 10:59 am.
DEED 16.00

23173

TRUSTEE'S WARRANTY DEED

THIS INDENTURE WITNESSETH, That **Susan Crenshaw, as Trustee of The Susan Crenshaw Revocable Trust under Agreement dated January 16, 2001** ("Grantor") CONVEYS AND WARRANTS to **Mitchell L. Walters** ("Grantee") of Boone County, in the State of Indiana, for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Boone County, in the State of Indiana:

Lot 2 in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24. page 93 in the Office of the Recorder of Boone County, Indiana.

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

IN WITNESS WHEREOF, the undersigned has executed this Trustee's Warranty Deed on behalf of Grantor this 21 day of March, 2017.

THE SUSAN CRENSHAW REVOCABLE TRUST UNDER AGREEMENT DATED JANUARY 16, 2001

Susan Crenshaw Trustee
By: Susan Crenshaw, Trustee

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Susan Crenshaw, Trustee of The Susan Crenshaw Revocable Trust under Agreement dated January 16, 2001, who acknowledged the execution of the foregoing Trustee's Warranty Deed, and who, being duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 21 day of March, 2017.

My Commission Expires:
5/31/2017
County of Residence:
Marion

Signature
Printed Deborah K Bates
Notary Public

★ NOTARY PUBLIC SEAL ★
DEBORAH K. BATES
Marion County
Expires 05-31-17
STATE OF INDIANA

Parcel No.: **019-15870-01 (State # 06-08-27-000-002.028-006)**

☒ Send tax statements to Grantee's address (Common Address of Property): **4560 S. 975 East, Zionsville, IN 46077**

☐ Send tax statements to Grantee's Address: _____

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

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Deborah K Bates

Walters Description of Petition

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. Replace an existing pole barn with a new 50' x 64' x 16' basketball court and garage in the same location.
2. Petition to request a variance to the maximum outbuilding size restriction due to the uniquely large nature of Walters' lot.

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Mitchell L. Walters, 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: Mitchell L. Walters
(NAME OF PERSON ON PETITION)

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

For property located at: 4560 S. 975 E., Zionsville, IN 46077

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

OWNERS	ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by First Class Mailed on or before the 18 day of June, 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).

Mitchell L. Walters
Name of person mailing letters

Signature

State of Indiana)
County of Boone) **SS:**

Subscribed and sworn to before me this 18th day of June, 20 20.

Pamela S. Wagner
Notary Public Signature

Pamela S Wagner
Notary Public Printed

My Commission No: 325601097

My Commission Expires: 1/21/27

My County of Residence is Boone County

Attribute report for active ID 1

ID	name	add1	add3
28908	SPRING KNOLL HOME OWNER'S ASSO	P O BOX 91	ZIONSVILLE, IN 46077
28909	ECKART SCOTT W & ELSA M	4559 SUNFLOWER CT	ZIONSVILLE, IN 46077
28924	MILLER MARK A & JUDITH M	4520 SOUTH 975 EAST	ZIONSVILLE, IN 46077
31217	WALTERS MITCHELL L & STEPHANIE	4560 S 975 E	ZIONSVILLE, IN 46077
31266	SCHAFER NOLAN THOMAS & BRANDI	4570 S 975 E	ZIONSVILLE, IN 46077

AMERICAN
CTION MANAGEMENT
Road 68 • Auburn IN 46706

FOREVER / USA

Mark & Judith Miller
4570 S. 975 E
Zionsville, IN 46077

MID AMERICAN
CONSTRUCTION MANAGEMENT
1774 County Road 68 • Auburn IN 46706

FOREVER / USA

Spring Knoll Homeowner's Assoc
PO Box 91 Zionsville, IN 46077

ERICAN
MANAGEMENT
8 • Auburn IN 46706

FOREVER / USA

Thomas Schafer
4570 S 975 E
Zionsville, IN 46077

MID AMERICAN
CONSTRUCTION MANAGEMENT
1774 County Road 68 • Auburn IN 46706

FOREVER / USA

Scott & Elsa Ekart
4559 Sunflower Ct
Zionsville, IN 46077

Public Notices Public Notices

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NUMBER: 49D09-1812-JC-002964

IN THE MATTER OF:
JF (170506) - DOB 4/17/2009 AGE 11 years
A CHILD ALLEGED TO BE
A CHILD IN NEED OF SERVICES

AND
SHAWNA FRANKLIN (MOTHER)
EDWIN SMITH (FATHER) AND
ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Shawna Franklin
Edwin Smith and
Any Unknown Alleged Father
Whereabouts unknown

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

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/26/2020 at 1:30 PM in JUVENILE COURT ROOM 07, ANNEX At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

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

Ordered, Myla Eldridge
Clerk of said Court, this 6/10/20

Tabatha Robinson, 35586-49
Attorney, Indiana Department of Child Services
4150 N Keystone Avenue
Indianapolis, IN 46205

(S - 6/13/20, 6/20/20, 6/27/20 - 0004233266) hspaxlp

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NUMBER: 49D15-2003-JC-000847

IN THE MATTER OF:
JL (190452) - DOB 5/9/2003 AGE 17 years
A CHILD ALLEGED TO BE
A CHILD IN NEED OF SERVICES

AND
DAMALIS MARGARITA (MOTHER) AND
ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Damalis Margarita and
Any Unknown Alleged Father
Whereabouts unknown

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

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/19/2020 at 9:00 AM in JUVENILE COURT ROOM 07, ANNEX At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

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

Ordered, Myla Eldridge
Clerk of said Court, this 6/18/20

Sarah Hanson, 35797-49
Attorney, Indiana Department of Child Services
4150 N. Keystone Avenue
Indianapolis, IN 46205
Work: 317-619-6578

(S - 6/20/20, 6/27/20, 7/4/20 - 0004246892) hspaxlp

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NUMBER: 49D09-2004-JC-001022

IN THE MATTER OF:
FG (129418) - DOB 7/28/2004 AGE 15 years
A CHILD ALLEGED TO BE
A CHILD IN NEED OF SERVICES

AND
PATRICIA MACEDO (MOTHER)
DANIEL GARZA (ALLEGED FATHER) AND
ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Daniel Garza and
Any Unknown Alleged Father
Whereabouts unknown

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

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NUMBER: 49D15-2002-JC-000691

IN THE MATTER OF:
CC (183704) - DOB 6/3/2004 AGE 16 years
A CHILD ALLEGED TO BE
A CHILD IN NEED OF SERVICES
AND
TIANA JAMES (MOTHER)
KEVIN L CLAY (FATHER) AND
ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Tiana James and
Any Unknown Alleged Father
Whereabouts unknown

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

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/11/2020 at 1:30 PM in JUVENILE COURT ROOM 07, ANNEX At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

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

Ordered, Myla Eldridge
Clerk of said Court, this 6/10/20

Cameron M. Yates, 34266-53
Attorney, Indiana Department of Child Services
4150 North Keystone Avenue
Indianapolis, IN 46205
Work: 812-675-6230

(S - 6/13/20, 6/20/20, 6/27/20 - 0004234406) hspaxlp

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NUMBER: 49D15-2002-JC-000433

IN THE MATTER OF:
DMY (122594) - DOB 7/11/2005 AGE 14 years
A CHILD ALLEGED TO BE
A CHILD IN NEED OF SERVICES

AND
GREG MERRIWEATHER (ALLEGED FATHER) AND
ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Greg Merriweather and
Any Unknown Alleged Father
Whereabouts unknown

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

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/13/2020 at 1:30 PM in JUVENILE COURT ROOM 13, 4th Floor At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

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

Ordered, /s/ Myla Eldridge
Clerk of said Court, this 6/1/20

Nathan Nolan, 29799-06
Attorney, Indiana Department of Child Services
4160 N. Keystone Avenue
Indianapolis, IN 46205
Work: 317-968-4300

(S - 6/6/20, 6/13/20, 6/20/20 - 0004223667) hspaxlp

STATE OF INDIANA) IN THE HAMILTON CIRCUIT COURT
)
COUNTY OF HAMILTON) CASE NO: 29C01-2003-MI-2249

INRE:NAME CHANGE
CHRISTOPHER ALLEN SMITH

NOTICE OF HEARING

Notice is hereby given that Petitioner, CHRISTOPHER ALLEN SMITH filed a Verified Petition for Change of Name to change his name from CHRISTOPHER ALLEN SMITH to CHRIS ALLEN SMITH. The petition is scheduled for hearing in the Hamilton Circuit Court on August 14. 2020 at 10:00 am, which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report to One Hamilton County Square, Suite 337, Noblesville, IN 46060.

Date: June 9, 2020 /s/ Kathy Kreag Williams
Clerk of Hamilton County

INI - 6/20/20, 6/27/20, 7/4/20 - 0004245671 hspaxlp

Master Custody Services

Indiana Public Retirement System (INPRS) seeks qualified custodian banks to respond to its RFP 20-01 search. Specifications may be obtained at the following address: http://www.in.gov/inprs/quoting.htm.
(S - 6/20/20, 6/22 - 6/25/2020 - 0004245779) hspaxlp

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

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:
2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:
1) Exceeds the allowable accessory square footage and
2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2). to provide for or permit:
50' x 64' x 18' pole barn to be used as a basketball court and RV storage
The property involved is more commonly known as 4560 S 975 E, and is legally described as:
2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana
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 development standards variance. will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.
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
(S - 6/20/20 - 0004246944) hspaxlp

STATE OF INDIANA) IN THE MARION COURT
)
COUNTY OF MARION) CAUSE NO. 49D051910DN045173

IN RE THE MARRIAGE OF:
KIMBERLEE BELL
Petitioner,
v.
FREDRICK BELL JR,
Respondent.

SUMMONS
[For Dissolution of Marriage Cases Only]

The State of Indiana to Respondent:
Fredrick Bell Jr.
1821 Layman Ave, Indpls, IN 46219

You have been sued by your spouse for dissolution of marriage. The case is pending in the Court named above.
If this Summons is accompanied by an Order Setting Hearing, you must appear in Court on the date and time stated on the Order Setting Hearing. IF YOU DO NOT APPEAR, EVIDENCE MAY BE HEARD AND A DECISION MAY BE MADE BY THE COURT. If a Temporary Restraining Order is issued, it is effective immediately upon your receipt or knowledge of the Order.
If you wish to retain an attorney to represent you in the matter, it is advisable to do so before, the date stated on the Notice of Provisional Hearing.
If you take no action in this case after receipt of this Summons, the Court can grant a Dissolution of Marriage and/or make determinations that may include but not limited to any of the following: paternity, child custody. child support, maintenance, parenting time, property (real or personal), and other distribution of assets and debts, attorney fees and costs.

INI - 6/6, 6/13, 6/20/2020 000422231 hspaxlp

STATE OF INDIANA) IN THE MARION CIRCUIT COURT
)
COUNTY OF MARION) CASE NO. 49C01-1910-MI-043713

IN RE THE PETITION FOR NAME CHANGE
TRACY ELIZABETH DAVIS aka THERESIA ELIZABETH DAVIS

ALIAS NOTICE OF HEARING FOR PUBLICATION IN NEWSPAPER

Notice is hereby given that Petitioner Tracy Elizabeth Davis aka Theresia Elizabeth Davis, as a self-represented litigant, filed a Verified Petition For Change Of Name to change Petitioner's name from Tracy Elizabeth Davis to Theresia Elizabeth Davis.
The Petition is scheduled for hearing in the Marion Circuit Court on Tuesday, July 7, 2020 at 9:00 a.m., which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report for hearing to:
200 East Washington Street
City-County Building, Room W-504
Indianapolis, IN 46204

So Ordered: February 18, 2020 /s/ Susan Boatright
Magistrate, Marion Circuit Court

INI - 6/6, 6/13, 6/20/2020 - 4223777 hspaxl

BIDDING NOTICE FOR MBE/WBE/VBE/DOBE
Company: Glendale Centre, LLC.
Bid: Phase I Infrastructure
Bid Description: Infrastructure Improvements for Phase I Apartments
Glendale Centre, LLC. is seeking qualified MBE, WBE, VBE and DOBE for the upcoming project.
Description of Subcontractor Opportunities for MBE/WBE/VBE/DOBE:
1. Erosion Control
2. Trucking
3. Site Demolition
4. Watermain Extension
5. Sanitary Sewer Extension
6. Asphalt Paving
7. Concrete Curbs
8. Concrete Paving
Contact Person: Matt Koenig, (317) 713-2749, mkoenig@kiterealty.com
Bid Date: July 14, 2020 at 3:00 pm EST.
Send Bids: to Matt Koenig, mkoenig@kiterealty.com
(S - 6/18/20-6/22/2020 - 0004240198) hspaxlp

The City of Indianapolis Department of Public Works (1200 Madison Avenue, Indianapolis, IN 46225) is submitting a Notice of Intent to the Indiana Department of Environmental Management to comply with the requirements of 327 IAC 15-5 to discharge storm water from construction activities associated with the Drexel Gardens Neighborhood Drainage Improvements Project, Phase 1. The project site is located in the area bounded by Minnesota Street on the north, Raymond Street on the south, Lynhurst Drive on the west and Interstate 70 on the east. Runoff from the project site discharges east to State Ditch. Questions or comments regarding this project should be directed to Dustin Thurston, P.E. of the City of Indianapolis Department of Public Works at 1200 Madison Avenue, Indianapolis, IN 46225.

(S - 6/20/20 - 0004245238) hspaxlp

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

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:
2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:
1) Exceeds the allowable accessory square footage and
2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2). to provide for or permit:
50' x 64' x 18' pole barn to be used as a basketball court and RV storage
The property involved is more commonly known as 4560 S 975 E, and is legally described as:
2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana
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 development standards variance. will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.
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
(S - 6/20/20 - 0004246944) hspaxlp

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

MILMAR POST BUI
Federal Id: 06-1032273

Account #:
Order #
# of Aff
Total Amount of C
This is not a

MILMAR POST BUILDINGS
ATTN Jerome Graber
1774 COUNTY ROAD 68
AUBURN, IN 46706

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN,
County Of Brown } SS:

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

I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspap circulation printed and published in the English language in the city of INDIANAPOLIS in the state of INDIA MARION, and that the printed matter attached hereto is a true copy, which was duly published in said paper fo dates of publication being as follows:

The insertion being on the 06/20/2020

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

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing redits, and that no part of the same has been paid.

Kathleen Allen

Date: 6-22, 2020 Title: Clerk

Subscribed and sworn to before me this 20 day of June, 2020

Shelly Hora
Notary Public

Notary Expires: 8-25-23

Form Prescribed by State Board of Accounts
2002)

General Form No. 99P (Rev.

STAR

(Governmental Unit)

To INDIANAPOLIS

_____ County, Indiana

Indianapolis, IN

63 lines, 2 columns wide equals 126 equivalent lines at $6.48 per line @ 1 days.

$816

Website Publication

Acct # 2604388357
Ad # 0004246944

Charge for proof(s) of publication

TOTAL AMOUNT OF CLAIM

$82

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

Claim No. _____ Warrant No. _____

IN FAVOR OF
The Indianapolis Star
Indianapolis, IN
Marion County
130 S. Meridian St. Indianapolis, IN 46225

$ _____
On Account of Appropriation For

_____

FED. ID
#06-1032273

Allowed _____, 20____

In the sum of $ _____

_____

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

_____

_____

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

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

_____

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,

July 1, 2020 , at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-16-DSV , **Mitchell Walters** requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Petition for Development Standards variance in order to provide for the construction of a detached barn which:
1) Exceeds the allowable accessory square footage and
2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2).

__ to provide for or permit:

50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana

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 development standards variance.

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

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: _____

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD
STOEPPELWORTH & ASSOCIATES, INC
7965 E. 106TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 849-5935

THIS INSTRUMENT PREPARED FOR:
MITCHELL AND STEPHANIE WALTERS
4580 S 975 E
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1412

NOLAN SCHAFER
8685 BERGMAN PLACE
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-4426

SOURCE OF TITLE: 201100011925

CURRENT ZONING: R-SF-2 – RESIDENTIAL

REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

(PREVIOUSLY RECORDED AS INSTR. No. 201700000661 IN
PLAT CABINET #24, SLIDE #93)

I, Dennis D. Olmstead, a Registered Land Surveyor licensed in compliance with the laws of the State of Indiana, hereby certify the within plat lies entirely within the boundaries of the original plat of the Crenshaw Subdivision recorded as Instrument Number 201700000661 in the Office of the Recorder for Boone County, Indiana.

This Subdivision consists of two (2) lots to be hereinafter known as lots 1R & 2R in said Crenshaw Subdivision.

The size of the lots are as shown in feet and decimal parts thereof.

Dennis D. Olmstead 2/9/2018
Registered Land Surveyor
No. 900012

DENNIS D. OLMSTEAD REGISTERED No. 900012 STATE OF INDIANA LAND SURVEYOR

PLAN COMMISSION APPROVAL

The Town Engineer and Building Commissioner of the Town of Zionsville have reviewed this plat for technical conformity with the standards fixed in the Zionsville Zoning Ordinance and the Zionsville Subdivision Control Ordinance and hereby certifies that this plat meets all of the minimum requirements of the applicable ordinances and requirements of the Town of Zionsville, Boone County, Indiana.

By: _____ By: _____
Printed: _____ Printed: _____
Building Commissioner, Town of Zionsville, Boone County, Indiana — Town Engineer, Town of Zionsville, Boone County, Indiana
Date: _____ Date: _____

We, the undersigned, do hereby certify that

under authority provided by the Indiana Planning Law, IC-36-7-4, ET. SEQ., enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, the plat depicted herein is the plat which was given approved by the Town of Zionsville Plan Commission at a meeting held on the ____, day of _____, _____.

Witness by Signature this ____, day of _____, _____.

Town of Zionsville Plan Commission

Signature: _____ Signature: _____
Printed: _____ Printed: _____
Title: President — Title: Secretary

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.

Dennis D. Olmstead, PLS

This Replat shall be known and designated as The Replat of Crenshaw Subdivision, Lots 1 & 2, (previously recorded as Instrument No. 201700000661 in Plat Cabinet 24, Slide 93) as a subdivision in Boone County, Indiana. The purpose of this replat is to exclude a portion of lot 1 and add the excluded portion of lot 1 to lot 2 as shown and described on sheet 1 herein

This replat is subject to the Declaration of Covenants, Conditions and Restrictions for Crenshaw Subdivision recorded as Instrument Number XXXXXXXXX and any amendments thereto.

Testimony whereof, witness the signature of Owner and Declarant of Lot 1 this ____day of_____, 2018.

Owner of Lot 1:

_____ _____
Mitchell Walters — Stephanie Walters

In Testimony whereof, witness the signature of Owner and Declarant of Lot 2 this ____day of_____, 2018.

Owner of Lot 2:

_____ _____
Mitchell Walters — Stephanie Walters

State of Indiana)
) SS:
County of_____)

Before me, the undersigned, a Notary Public in for said County and State, personally appeared Mitchell and Stephanie Walters, owner of lot 2 and acknowledged the execution of this instrument as their voluntary act and deed and affixed their signature hereto.

Witness my signature and seal this _____day of_____, 2018

_____
Notary Public

County of Residence:_____

My Commission Expires: _____ _____
Printed Name

NOTARY PUBLIC SEAL INDIANA

Before me, the undersigned, a Notary Public in for said County and State, personally appeared Mitchell and Stephanie Walters, owner of lot 2 and acknowledged the execution of this instrument as their voluntary act and deed and affixed their signature hereto.

Witness my signature and seal this _____day of_____, 2018.

_____
Notary Public

County of Residence:_____

My Commission Expires: _____ _____
Printed Name

NOTARY PUBLIC SEAL INDIANA

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD
STOEPPELWERTH & ASSOCIATES, INC.
7965 E 106TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 849-5935

THIS INSTRUMENT PREPARED FOR:
MITCHELL AND STEPHANIE WALTERS
4592 S 975 E
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1412

NOLAN SCHAFER
6695 BEEKMAN PLACE
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-4426

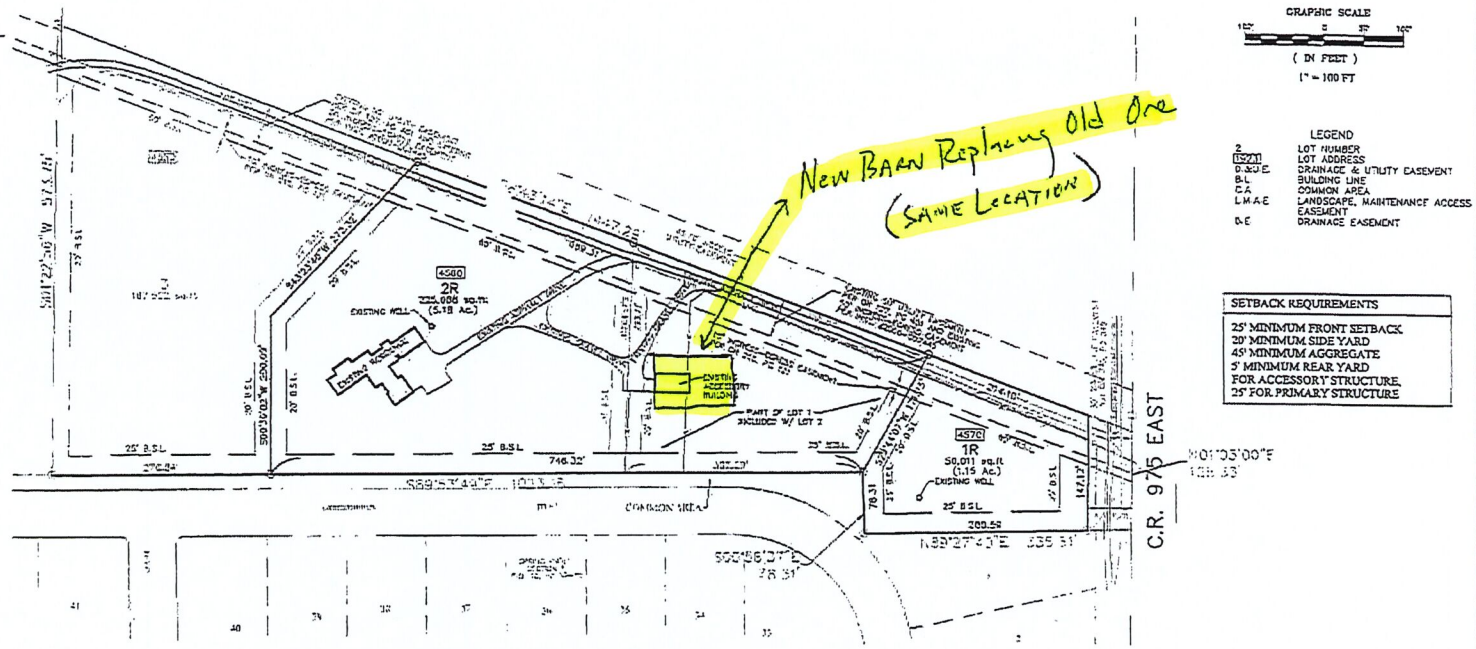
SOURCE OF TITLE: 201700011935

CURRENT ZONING: R-SF-2 – RESIDENTIAL

REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

(PREVIOUSLY RECORDED AS INSTR. No. 201700000661 IN PLAT CABINET #24, SLIDE #93)



GRAPHIC SCALE
(IN FEET)
1" = 100 FT

LEGEND

2	LOT NUMBER
4520	LOT ADDRESS
D.&U.E.	DRAINAGE & UTILITY EASEMENT
B.L.	BUILDING LINE
C.A.	COMMON AREA
L.M.A.E.	LANDSCAPE, MAINTENANCE ACCESS EASEMENT
D.E.	DRAINAGE EASEMENT

SETBACK REQUIREMENTS
25' MINIMUM FRONT SETBACK
20' MINIMUM SIDE YARD
45' MINIMUM AGGREGATE
5' MINIMUM REAR YARD FOR ACCESSORY STRUCTURE.
25' FOR PRIMARY STRUCTURE

Lot #1 in Crenshaw Subdivision, a Minor Residential Plat located in Zionsville, Indiana, the plat being recorded as Instrument Number #201700000661, in Plat Book #24, Page #93 in the Office of the Recorder for Boone County, Indiana.

Except that part of Lot 1 in said Crenshaw Subdivision, being more particularly described as follows:
Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 68 degrees 43 minutes 14 seconds East along the northern boundary of said Lot 1 a distance of 398.88 feet; thence South 29 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 89 degrees 53 minutes 49 seconds East along the southern boundary of the aforesaid Lot 1 a distance of 302.29 feet to the southwest corner of said Lot 1, said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of said Lot 2 a distance of 293.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-ways, easements and restrictions of record.
Total area of Lot #1 remaining after the exception= 1.15 acres.

Lot #2 in Crenshaw Subdivision, a Minor Residential Plat located in Zionsville, Indiana, the plat being recorded as Instrument Number #201700000661, in Plat Book #24, Page #93 in the Office of the Recorder for Boone County, Indiana.

Also that part of Lot 1 in said Crenshaw Subdivision, being more particularly described as follows:
Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 68 degrees 43 minutes 14 seconds East along the northern boundary of said Lot 1 a distance of 398.88 feet; thence South 29 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 89 degrees 53 minutes 49 seconds East along the southern boundary of the aforesaid Lot 1 a distance of 302.29 feet to the southwest corner of said Lot 1, said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of said Lot 2 a distance of 293.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-ways, easements and restrictions of record.
Total area of Lot #2 with additional part of Lot 1 = 5.18 acres.

SUBDIVISION MONUMENTATION

A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008" SHALL BE SET AT ALL LOT OR PARCEL CORNERS, INCLUDING BEGINNING AND ENDING OF CURVES AND THE INTERSECTION OF LINES

○ DENOTES A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008".

• DENOTES A STREET CENTERLINE MONUMENT. EITHER A "COPPERWELD", A 5/8" DIA. STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP, SET FLUSH WITH THE FINISHED SURFACE COAT OR A 2" MAG NAIL TEMPORARILY SET FLUSH WITH THE INTERMEDIATE COAT (BINDER).

COMPLIANCE STATEMENT
THIS PROJECT IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR THE SUBJECT AREA.

Dennis D. Olmstead
Registered Land Surveyor
No. 900012
4/9/2018

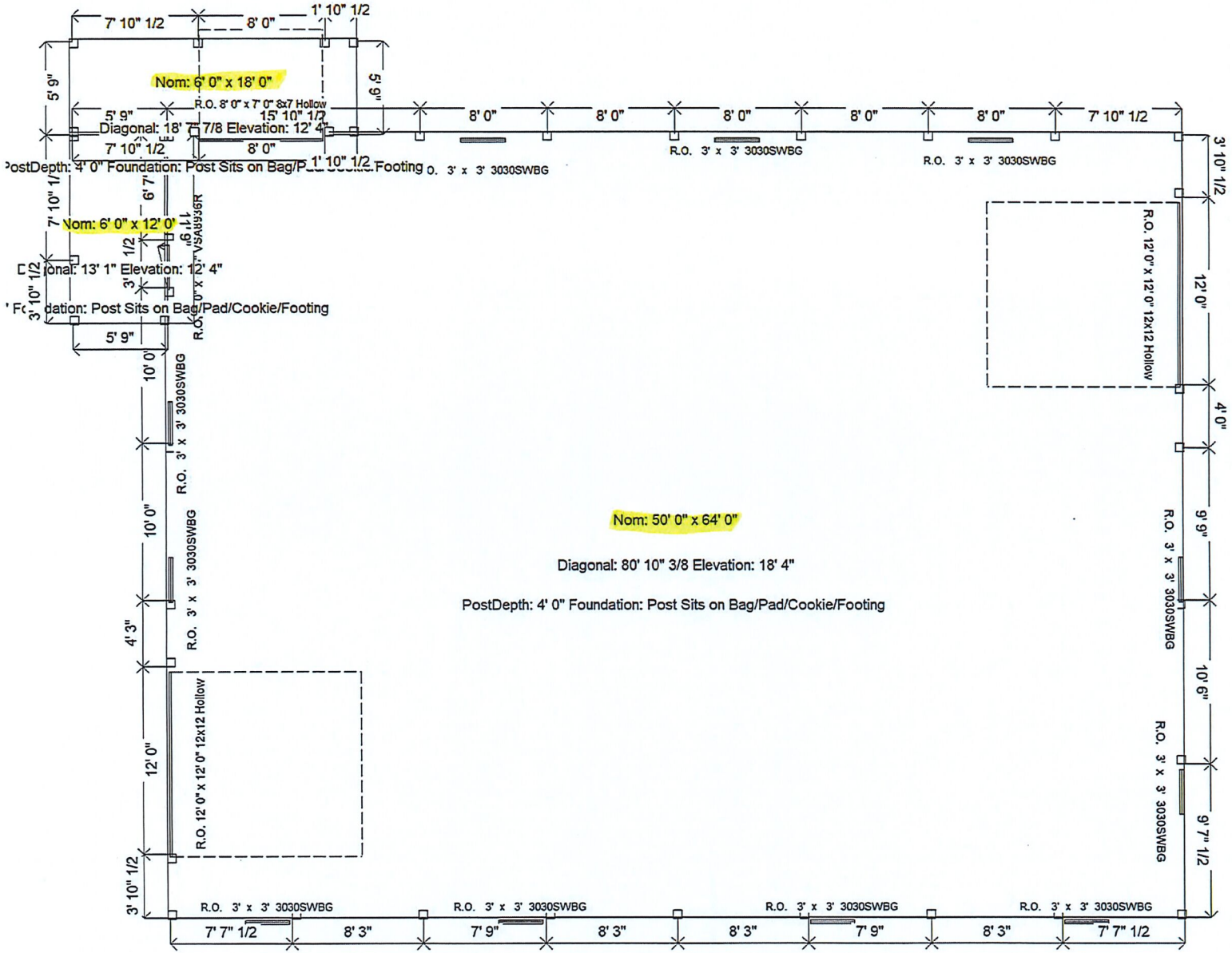
DENNIS D. OLMSTEAD
REGISTERED
No. 900012
STATE OF INDIANA
LAND SURVEYOR

82255
SHEET 1 OF 2

Walters Building Description

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

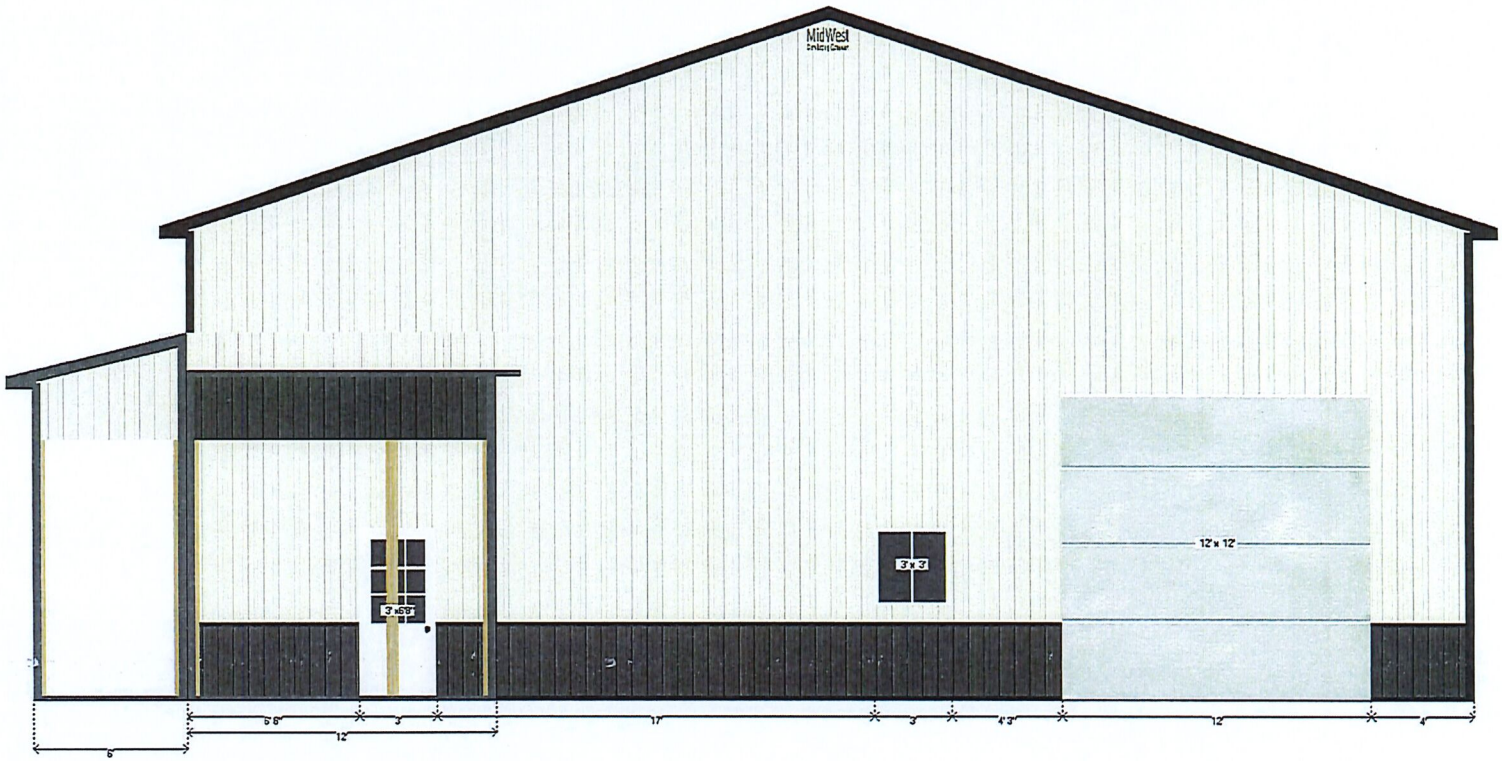
1. The main building dimensions are 50' x 54'
2. The wraparound porch is 6' x 28'
3. The eave height is 18'4"
4. The peak height is 26'8"
5. The building will have metal siding and metal roofing
6. The building will have a concrete floor with in floor hot water heat
7. Interior finishes consist of insulation, a metal ceiling, and lighting



MidWest
Developing Company
260.438.8357

Date: 6/3/2020
Walters.bc2
Midwest Developing Company
1774 County Road 68, Auburn, IN 46706
(260) 438-8357
by PostFrame Manager®

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- West



MidWest
Developing Company
260.438.8357

Date: 5/20/2020
Walter.bc2
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1774 County Road 68, Auburn, IN 46706
(260) 438-8357
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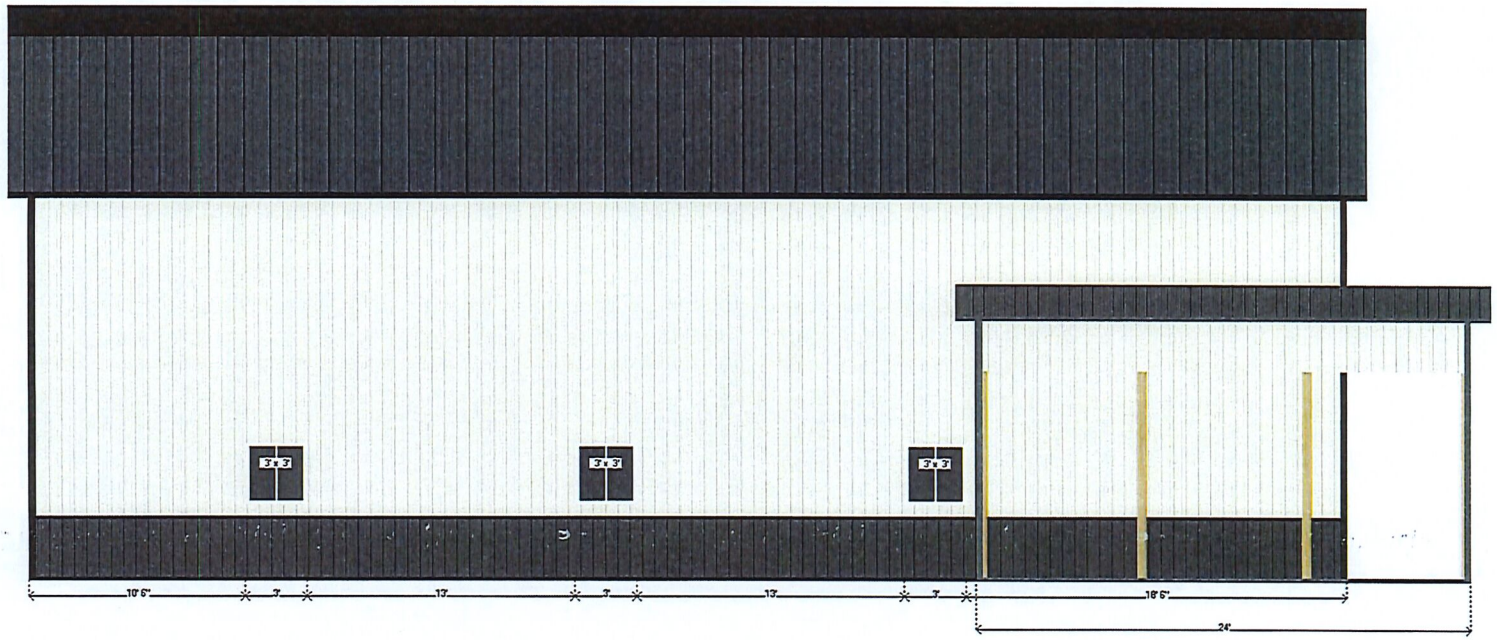
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- North



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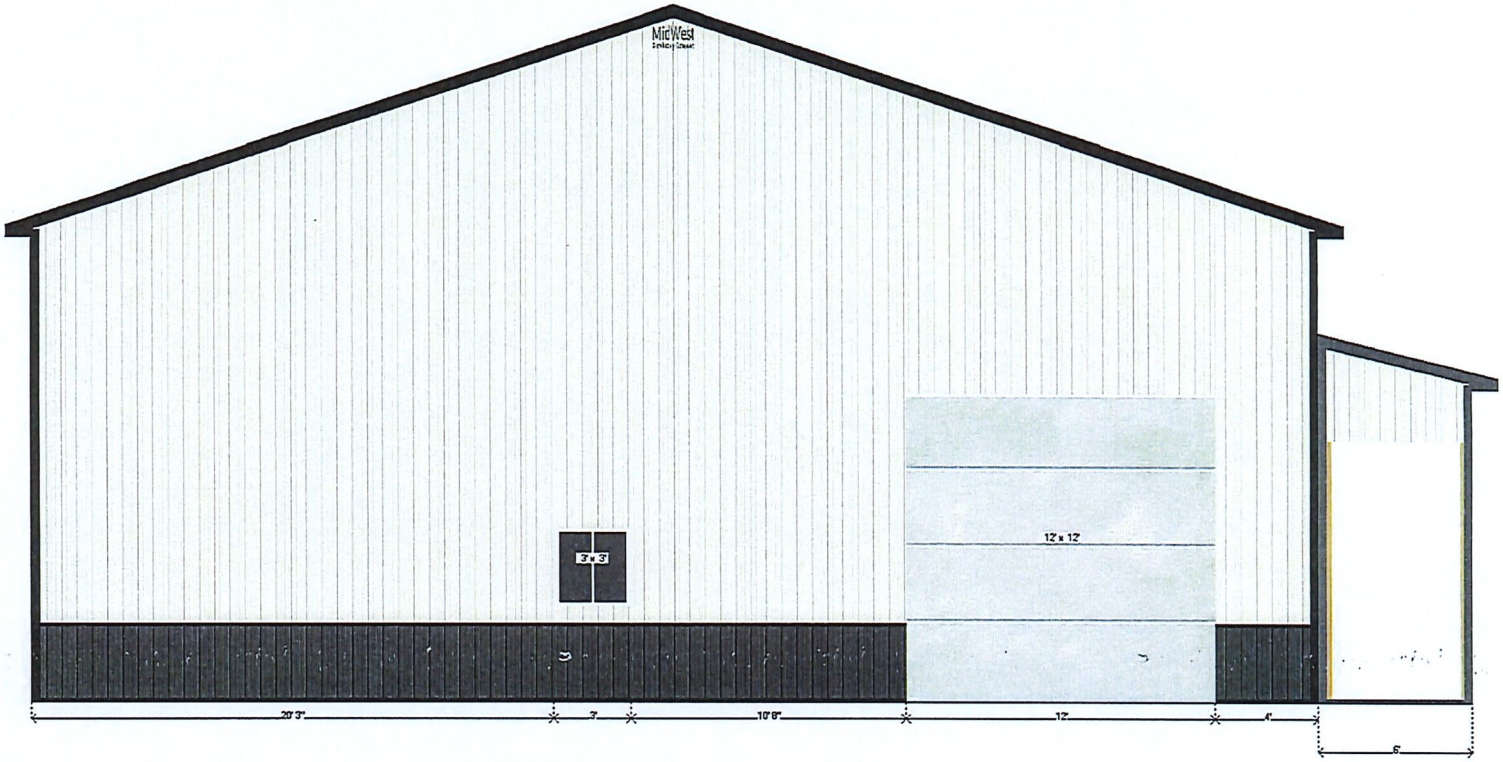
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- East



MidWest
Developing Company
260.438.8357

Date: 5/20/2020
Walterr.bc2
Midwest Developing Company
1774 County Road 68, Auburn, IN 46706
(260) 438-8357
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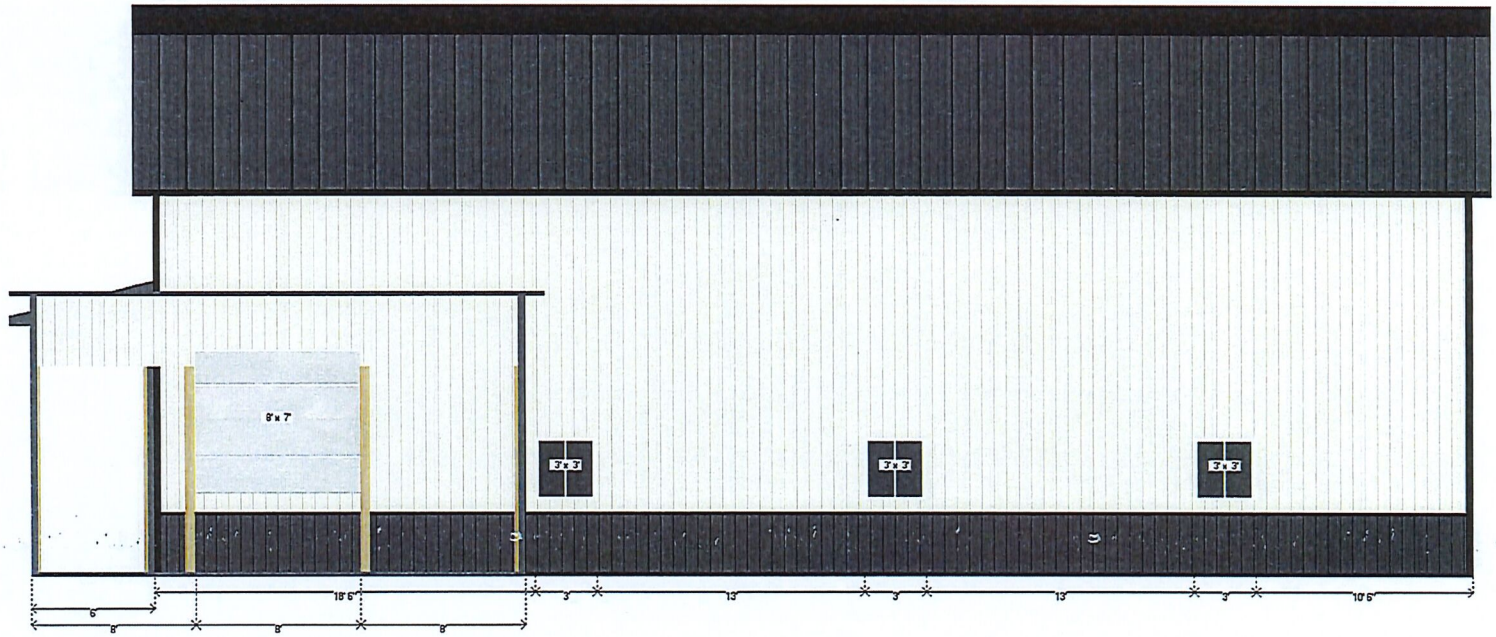
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- South



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Developing Company
260.438.8357

Date: 5/20/2020
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Petition No.: 2020-16-DSV M. Walters

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

   This grant will not be injurious to the public health, safety, morals, and general welfare because the building will only be used for storage and for indoor basketball. This structure will be a significant improvement from the existing structure it will replace and will tend to improve the property values of all the surrounding properties.

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:

   Due to the size of the Walters Lots (5.18 acres) constructing a larger building on site will not negatively impact any of the adjacent neighbors' enjoyment of their property or property values. Replacing a derelict barn with a new upgraded and finished basketball court will tend to improve the neighborhood property values.

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

   The Walters home is smaller than the average in their neighborhood, but also on a larger lot, so the standard urban zoning restriction is much more restrictive to his enjoyment and use of the property than it is for the other homeowners, causing an undue hardship in this case. In order for the Walters to adequately enjoy their uniquely large five acre lot, an exception to the maximum square footage of garages and outbuildings is justified in this case.

DECISION

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

Adopted this _____ day of _____, 20___.

_____ _____ _____

_____ _____