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: October 7, 2020

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. August 5, 2020 Draft Meeting Minutes for review and approval
3. September 2, 2020 Draft Meeting Minutes for review and approval
4. Staff Reports and Petitioner's Packets for your consideration

MEETING NOTICE & AGENDA
ZIONSVILLE BOARD OF ZONING APPEALS
OCTOBER 7, 2020, 6:30 p.m. (Local Time)

MEETING WILL FACILITATE REMOTE ATTENDANCE

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

Please click the link below to join the webinar:
https://us02web.zoom.us/j/86591327532

Or join by phone: +1 301 715 8592; +1 312 626 6799; +1 646 558 8656; +1 253 215 8782; or +1 346 248 7799

Webinar ID: 865 9132 7532

International numbers available: https://us02web.zoom.us/u/kfcI2r8a

Members of the public shall have the option of recording their attendance at BZA Public Meetings via electronic roll call at the start of the meeting or via e-mail at wdelong@zionsville-in.gov.

The following items are scheduled for consideration:

I. Pledge of Allegiance

II. Attendance

III. Approval of the August 5, 2020 Meeting Minutes

IV. Approval of the September 2, 2020 Meeting Minutes

V. Continuance Requests

VI. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-14-DSV	LRC II, LLC	7655 E 550 South	**Continued by the Board on September 2, 2020, to the October 7, 2020 Meeting** Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single-Family Residential Zoning District.

VII. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-26-DSV	S. Smith	90 N 6th Street	Petition for Development Standards Variance in order to provide for the remodel and addition of an existing Single-Family Home and garage which: 1) Deviates from the required side and aggregate yard setbacks in the Urban Residential Village Zoning District (R-V).
2020-27-DSV	J. Pataky	9095 E 350 South	Petition for Development Standards variance in order to provide for the construction of an accessory structure which: 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Low-Density Single-Family Residential Zoning District (R1).
2020-28-DSV	E. Lamb	335 W Ash Street	Petition for Development Standards variance in order to provide for the addition of a deck to a Single-Family Home which: 1) Exceeds the required lot coverage of 35%, to 39.9% in the Urban Residential Village Zoning District (R-V).
2020-29-DSV	J. Thorp	370 W Cedar Street	Petition for Development Standards Variance in order to provide for a porch addition to an existing Single-Family Home which: 1) Deviates from the required front yard setback in the Urban Residential Village Zoning District (R-V).

VIII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned Findings of Fact

If you need technical assistance in logging into Zoom for this meeting, please contact Roger Kilmer, rkilmer@zionsville-in.gov or 317-690-6539.

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

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 Roger Kilmer at rkilmer@zionsville-in.gov or 317-690-6539.

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

In Attendance:	John Wolff, Laura Campins, Jeff Papa, Steve Mundy, Larry Jones.
	Staff attending: Wayne DeLong, Chrissy Koenig, Darren Chadd, attorney. A quorum is present.
Kilmer	Mr. Wolff, we received a message from Mr. DeLong saying go ahead and start the meeting.
Wolff	Okay. We'll do that, then. The first item I will welcome to the—gosh, what day is today?
Papa	August 5th.
Wolff	For the August 5th, 2020 Board of Zoning Appeals meeting, the first item on our agenda is the Pledge of Allegiance. I'm going to cover my camera and stand and lead us in that.
All	Pledge of Allegiance.
Wolff	Thank you. Chrissy or Roger, will one of you lead us in attendance if Wayne's not available?
Kilmer	I'd be glad to do that. Mr. Wolff?
Wolff	Present.
Kilmer	Mr. Mundy?
Mundy	Present.
Kilmer	Mr. Papa?
Papa	Present.
Kilmer	Miss Campins?
Campins	Present.
Kilmer	Mr. Jones?
Jones	Present.
Kilmer	We do have a quorum.
Wolff	Thank you very much. I'm going to suggest that we discuss the meeting minutes and then we'll also stop and acknowledge ~~if that if~~ there are any audience members who wish to have their participation noted. We'll do that after we review the minutes just to give people a couple more minutes to join. So with that, you should have received the July 1, 2020 meeting minutes with the

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information that we got this month. Is there any discussion amongst the group about that? If not, I will entertain a motion.

Mundy Move to approve the July minutes.

Wolff Thank you Mr, Mundy.

Papa Second.

Wolff Is that Mr. Papa was a second?

Papa Yes.

Wolff Very good, thank you. Roger, will you help us with a roll call vote on that, on the approval of those minutes?

Kilmer Yes. Mr. Jones?

Jones Present.

Wolff No, you're supposed to say aye.

Jones Aye.

Kilmer Miss Campins?

Campins Aye.

Kilmer Mr. Papa?

Papa Aye.

Kilmer Mr. Mundy?

Mundy Aye.

Kilmer Mr. Wolff?

Wolff Aye. Thank you all. The meeting minutes are approved. Now, I'm going to stop briefly. I'm not sure if either of our staff members can see if there is audience participation that we should acknowledge at this point.

Kilmer We'll give the audience just a moment to raise their hands for those that want to be acknowledged. We do have some hands going up. We'll wait just a little bit longer. We have Carol Lamb, Karen Seppel, Cathy Giles, Mike Andreoli, Anne-Marie Buibish, Doug Simon, Sandra McCormick, and—I'm sorry, I'm going to mispronounce this last name, I'm sure, D Kuodis, K-u-o-d-i-s.

Wolff Very good. Welcome to all of our community members. With that, we will turn it over to the next item on our agenda with is continuance requests. Are there—

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please raise your hand if you are on our agenda tonight and you are going to ask or would like to ask for a continuance. I mean, virtually raise your hand.

Kilmer There are no hands raised.

Wolff Very good. We will move on to new business which brings us to docket number 2020-17-DSV for 5457—let me rephrase that, for the property located at 5457 South 700 East. Can we promote the petitioner forward, please?

Dane Hello. Can you all hear me?

Wolff Is this Mr. Dane?

Dane Yes.

Wolff We can hear you.

Dane All right.

Wolff Mr. Dane, will you please in your words, describe what is in front of us tonight?

Dane Yes. So, my fiancee and I have recently moved here to this neighborhood in Zionsville located at 5457 South 700 East. Our plan is to build a pole barn here. When we moved in there was a dilapidated garage that was in pretty poor shape. So, that was our first line of business was to tear that down. Our goal with this house was to build up this pole barn expanding what was already there by footprint and then going up. So, we need space to store our cars, lawn equipment, as well as our hobbies such as, well my automotive hobby, and try to make some space for entertainment area and for our home offices. So, right now, this house that we moved into is pretty tight and we have made our offices in the additional guest bedrooms. We were looking to move those out to that space should it be approved. I'm not sure how much more detail I should go into here for you all.

Wolff We'll probably get into some more detail. So, if you are comfortable with that explanation, I am. If you don't mind, I've got a couple questions for you.

Dane Certainly.

Wolff So, you mentioned some potential office space. Is your intent to obviously have power, HVAC, plumbing facilities in this barn?

Dane Yes, that is the plan. I'm not sure if we're going to do window A/C units yet or if it's going to be a central air unit but that upper level will have planned air condition. Plumbing will be on the first floor with just a wash sink and a toilet. I think that is the extent of A/C and plumbing.

Wolff Okay. Then, you mentioned earlier there was a, I believe you used the word, dilapidated barn on the property. What was the size of that barn?

Dane I believe it was 38' x 32'.

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Wolff Okay. So, the footprint it took—

Dane Sorry, 32’ x 48’.

Wolff 32’ x 48’. This new structure that you’re proposing is—what is the footprint of this new structure that you’re proposing?

Dane 38’ x 54’.

Wolff 38’ x 54’? Okay.

Dane So, the idea was to go out 3 foot from each wall.

Wolff Okay. So, have you reviewed the staff report?

Dane Yes, I have.

Wolff Okay. So, the staff has some concerns and we’re certainly going to have the opportunity to hear from them directly, but they have some concerns about the size of this particular structure. Can you articulate why the size that you have asked for is necessary?

Dane Sure. So, the idea is—well, I’m an automotive enthusiast, so I have a small collection of cars and I like to work on them. So, that was the main plan was so that myself and my fiancee can have our daily vehicles, if you will, and then my small collection of cars that I work on. So, that would be the primary area for the lower level as well as lawn implements such as a mower to take care of this acre and a half. Raising up vertically, I would like to have a lift for said cars and that requires a good amount of head room. Additional with that height is the second-floor area which we have planned for, I believe it was 30 x 38 square foot one on the second level which would be like an entertainment “man cave”, if you will, as well as space for our offices which were located in, I think, a 10’ x 12’ or two 10’ x 12’ rooms off in the corners. So, that would give us the vertical height as well as the floor for my automotive needs.

Wolff In Exhibit 5, and I’m not going to hold you to that. It’s just really the renderings of the building. I don’t—I see a couple of garage doors and maybe an entry and exit door but I don’t see any windows. Is your intent to put any windows in this structure?

Dane Yes. We have planned with the builder to have 4 windows installed, so 2 of those windows would be on those office rooms and then 2 more in the upper level. We have discussed putting some more in the lower level but currently we are billed for 4 windows for the upper level.

Wolff Okay. The property we’re discussing looks like it’s pretty dang close to 1.4 acres?

Dane Correct.

Wolff Fellow board members, what questions do we have for Mr. Dane?

Campins You mentioned an office in this structure, is that—do you work from home or is this a side business as well?

Dane Yeah. It's a—I plan to, well, I have been working from home for quite a while, my fiancee as well. I'm a software engineer. She's a CPA, so we do all of our work remotely as long as we have internet connection.

Campins Okay.

Dane So, now that we moved to this area, it would be nice to have that space since we moved out of a larger house where we had space for that. We wanted to get a little bit farther out from Indianapolis so we would have some land here. So, yeah, that was the plan is to continue working from home out in that space that way we're not taking up our guest space so if friends or family would like to visit, I'm not putting them out at a hotel or I could just, you know, invite them into my home.

Campins Okay, thank you.

Jones I drove by the existing house earlier today but I forgot to note, does it have a garage?

Dane No, sir, it does not.

Jones Okay.

Dane It did at one point and as I mentioned, it was very run down. There were animals living in it. It was quite disgusting. There was a lean-to behind it that had all been demolished.

Jones Does the existing residence have a garage or was it always this outbuilding?

Dane I'm sorry. I'm not sure if I understand the question.

Jones Is there an attached garage to the house?

Dane Oh. No, there is not. We believe at one point that there was an attached car garage, I'm sorry, an attached garage to this house and it had been remodeled into what we think is, well, our now master bedroom. I do not know at what time that was done, though.

Jones Okay. Then, are you on a septic out there?

Dane Yes, I am. So, I think I put in one of my statements ~~is~~ that on the south side of the house is where our well is located and on the northeast side of the house is where our septic tanks sit. So, if we ever wanted to ever improve our square footage of this house, I just don't think that's possible. A 1960 house, the foundation isn't the greatest and those two items also are kind of stopping us from expanding.

Mundy Do you have any landscape plans for the proposed pole barn?

Dane Yes. So, that's a good point. So, we are working with some people right now to get some new asphalt laid down. So, currently it's kind of a grown over gravel drive. So, we're going to be having that asphalted and then mulched around that side. Then, probably have some sort of shrubbery at least in the front of that pole barn to make it look a little bit nicer. I had seen some zoning items put through for landscaping. I didn't know if that would require more approval depending on the amount of land that it actually takes up but I don't see it taking too much more than what's already in the drive.

Mundy You can landscape until your heart's content. I don't think that anything's required in that respect.

Dane All right.

Mundy Neighbors and others nearby might appreciate it.

Dane I think they would. We've already gotten compliments that we, you know, mow the lawn, you know, better than the previous resident. So, that would be great.

Wolff What happens to your plans if the building is smaller?

Dane I think our long-term would end up probably becoming a short-term house. Our idea with moving to this area was that it had the land that we could expand on with no HOA. We probably should have done a little better research up in advance, but we thought that we were able to improve this land as we saw fit, you know, without much damage to the area around it.

Wolff You weren't aware that there were limitations based on square footage and things for accessory uses?

Dane Correct. Square footage I had no idea on that. I knew that, you know, you couldn't zone a business here and that was perfectly fine, but I was not aware of the square footage or the height.

Wolff The height, to go back to that one, the height is necessary because you intend to put a lift, a car lift, in?

Dane Yes. This is a ranch house. It stands at 14' tall, I believe. So, it's really difficult in the first place, to build a garage that is smaller than that especially if you want to have anything more than 10' of head room.

Wolff Are you on a crawl space or a slab or a basement?

Dane It's a little bit of both. It's a crawl space house but we believe, like I mentioned, the side that we think was the garage, that part is slabbed.

Wolff You do not have a basement?

Dane No basement.

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Wolff Any other questions for the petitioner at this particular time?

Jones Real quick, the previous building out there was how big again?

Dane 48’ x 32’ was the previous garage size, I believe.

Wolff You stated earlier that the previous building was 32’ x 48’ or what you just stated and the new building you intend to build is 38’ x 54’. Correct?

Dane Correct.

Wolff Any other questions, otherwise I’ll ask for remonstrators? Seeing no one get excited. Thank you, Mr. Dane. We’re going to continue our conversation. We’ll probably have a few more questions for you in a minute.

Dane All right, thank you.

Wolff Are there any remonstrators who want to raise their hand virtually to either speak for or against this particular project?

Kilmer Mr. Wolff, there are no hands raised.

Wolff Thank you very much. I guess that would move us over to the staff report.

DeLong So, I checked my audio here. Am I back?

Wolff You’re good.

Jones You’re back.

DeLong Okay. Certainly, I appreciate the time there working through a few different hitches with my home internet. Certainly, appreciate the petitioner’s presentation this evening and certainly staff recognizes the need for this type of project. Certainly, staff has thoughts on the size as outlined in the staff report. We are supportive of a smaller building. This is dictated generally by the size of what we see in the area, as well as just the general historical support of how we have supported accessory buildings. Again, staff is supportive of the petition in part and I’d be happy to answer any specific questions and certainly, Chrissy is here as well to speak to any other items that can be of assistance.

Wolff Thank you. I do have a few questions. So, starting off with, we had—how is the height, can you describe what they’re accountable to for the height? Are they being hindered because they have a ranch home?

DeLong That is correct. It’s the height. Our zoning ordinance predicates the height of the accessory structure that it does not allow it to be—it must be subordinate. So, certainly, if you have a ranch with a slope that’s 3/12 or 4/12 and you certainly want any sizable accessory garage, you’ll probably run into some challenges.

Wolff Then, as you—so, I think I can work my way through the height but as we think about the size, we had a very—I don’t want to say similar~~. .~~ w~~W~~e had a petition

of, like-minded petition just last month. I think there are a couple key differences between this One is the zoning's different. The other one is the lot size. As I recall that conversation last month, the petitioner was confused that he thought maybe the size was appropriate for the acreage they had. Would you—as the staff prepares their analysis, is lot size a factor or is it considered in your analysis?

DeLong Not per the zoning ordinance. Certainly, it would be—I mean, this is what we got into last month and the concept of a form-based ~~foreign base~~ code which the town currently does not have in our ordinance. We have more of a, what's called Euclidian way of managing that. No, the lot size technically does not come into consideration.

Wolff So, if we go that route hypothetically, if they had a much larger house, well then you get into a lot coverage issue. I suppose I can talk my way into the way that we manage that another way. Okay, very good. Any other questions for the staff?

Jones More to your comment. Yeah, I think if they had a larger house, there wouldn't be a variance, correct? To a point, that works. Now, when you've got an acre and a half lot, they've got a long way to go to get to the lot coverage issue.

Koenig I believe the lot coverage is 60% allowance in that zoning.

Jones Yeah. So, I mean, when you're talking basically an acre of house. I don't think they've got anything near 45,000 square feet planned. Correct?

Dane Correct. That would be nice.

Jones The core piece is, it's the difference between the existing home and the proposed pole barn. Correct?

Wolff Was that question for me?

Jones It's a question for Wayne.

DeLong That's the core issue. It's the relationship between the two structures.

Jones Okay. The other thing I noticed when I went out there is, it's surprisingly wooded. The aerials don't make it look like it but this building wouldn't be particularly visible from any of the streets, either 700 East, or what's the cross street, 500?~~.~~

Dane That's correct.

Wolff Are there any other questions for staff before we move onto discussion amongst ourselves?

Papa I have one, Mr. President.

Wolff Certainly.

Papa Wayne, so in the calculation, the accessory use square footage, you've got 1200 square feet as the second-floor loft. I guess, my question there, maybe it's not a question, is when I was trying to understand how these rules are calculated when I first came on, I think we talked about that is counted or not counted based on the access to the second floor. Looks like the drawing there, typical like house stairs going up there and that makes the 1200 square feet countable. If it was a different kind of access, you wouldn't count that and it would be under their allowed square footage. Is that right?

DeLong Right. You're seeing a staircase that would dictate it's counted. Chrissy, can you drop in and just describe in your experience what allows us to not look at it in this strict of a fashion.

Koenig Yes. Historically in my experience, if the upstairs area or second floor area loft space is accessed by a ladder or a pull-down attic access, then we wouldn't count it but if you can go up to it with a full staircase, then it's considered to be space that could be finished and used on a daily basis and we count it.

Papa Yeah, that was my understanding but it also makes a difference in this case as to whether they have the square footage by right or need the variance, right?

Koenig Exactly.

Papa Really coming down to the composition of the stairs, if you look at it that way.

Koenig Correct. Yes, I think if the second floor wasn't there, they would probably meet what they needed to meet by ordinance. I think that's what you're asking.

Papa Well, or if they had pull-down stairs or ladder.

Koenig Oh, correct. Yes. Yes.

Mundy If this were a barn with a hayloft that you access by ladder, it would be okay from a square footage standpoint?

Koenig Correct, because that second floor wouldn't be counted against the primary.

Wolff Wayne or Chrissy, can you provide context? That's an interesting point. Can you provide context to that? So, the way I was originally thinking about this was, you have—you could end up with a scenario that you have a small home with a gigantic barn and that wouldn't look appropriate. What we just discussed was you have a small home, medium-sized home and you know, a medium-sized barn. So, I'm not sure about the—if they take out that second floor, assuming the math is roughly correct, they could do it. It wouldn't change the aesthetics of the lot to the neighbors or anybody else like that but it's because they've added the second floor, it becomes outside of compliance. So, then—man, I don't know if I can articulate this question, but why is it that we look at square footage and not lot coverage on those things?

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Koenig Wayne, do you want me to—I believe, and Wayne jump in here, I believe that the idea is that it could be finished into livable space that might be construed as a second primary, possibly. Is that what—

DeLong Yeah, and just backing up. It's how the ordinance was written and adopted on January 2, 2010 from the county. So, it's—it is somewhat challenging to manage this ordinance across all sizes of property when somebody could build the size of shell of building that they desire here but because they simply would like to walk up a set of stairs instead of use their upper body strength to help them ascend a staircase. You know, that's a very unique challenge.

Wolff Writing that rule would be very difficult to meet all the scenarios. I understand that. I understand that the rule is there for a particular purpose. I also understand that we're here to find if there is exceptions necessary to that. I understand the challenges. It's just interesting to think about. I think Mr. Papa brought up a good point. You take that staircase out and you put in a ships ladder and I'm not sure we're having a conversation right now, so. I was thinking about it in a way that, oh, the building is going to be too large compared to the home on this particular 1.409-acre lot. I'm not sure if that's the scenario really. Any other discussion or questions for staff?

Jones I am going to interject. A lot of times we look through the findings of fact. It talks about strict application of the terms of the zoning ordinance, you know, results in a unnecessary hardship in use of the property. Because what we've got is kind of an odd situation, the square footprint of this building is not particularly large. It's 38' x 54' which is a little over 2,000 square feet. What the issue is, is that the house itself is kind of modest in size. So, when you do a strict application of our rules and regulations, hence we're getting into this need for the variance. That's whenever Wayne talks about form-based zoning, it's a little more fluid in that it would take into consideration the size of the house, the size of the building, the placement on the lot. That's not what we've elected. We've elected a more hard math, but we provided this process of variance as workaround when we have situations where it could be acceptable given the conditions hence this kind of strict application becomes an unnecessary hardship because why should somebody be kind of penalized for having a more modest-sized home. Did that make any sense?

Wolff It does and I would—I would add that potential hardship, is that it discusses the challenge of renovating the house to make it larger. With both the septic and well system as well as you know, architecture from 1960s on a one-story ranch, that it probably does not have the foundation for a second floor.

Jones One thing that hadn't got included in the record is that they did provide two letters of support. I'm assuming those are from the neighbors to the north and the south.

Dane Let's see. That would be the neighbors to the north and the northwest, I believe. I'm sorry, northeast.

Jones I gotcha. So basically, the two people that would have the most, be able to see this.

Dane Right. The neighbors to the north, I believe they've been here since this neighborhood was built in 1960 and 1961.

Campins Just to confirm, the new barn is going to be exactly where the old barn was?

Dane Yes, it is. Center of that footprint is exactly the same.

Campins Okay. Right, I mean, when I drove by there, there's still pad out there. Is that part of the—is that like goes in front of the barn or what was—

Dane Yes, that was what was previously existing. So, looks like they had a slab for roughly a two-car garage and then there was dirt and gravel in the third bay of the said garage.

Campins Okay.

Dane So, the remaining there is, I believe, it was cut off at one foot on all edges. So, it is a reduced slab that was there previously.

Campins Okay, gotcha. Thank you.

Wolff Any other discussion amongst the group? Questions for Wayne or the petitioner?

Jones Would you like a motion?

Wolff I would. I would entertain a motion.

Jones I move that docket number 2020-17-DSV, development standard variance in order to provide for the con~~in~~struction of a detached barn which, one, exceeds the allowable accessory squared footage and, ~~-~~two, deviates from the required maximum permissible height associated with an accessory structure in the rural low-density single family and two-family residential zoning district are to be approved based upon the findings in the staff report as presented.

Papa Second.

Wolff Is that Mr. Papa?

Papa Yes.

Wolff Thank you. I'm going to pause right there before we execute on this motion. Darren, you've taught me a few things. Should we be more specific on the height?

Chadd I think you're probably okay, so long as it's "as presented". I believe his plans identify a height, so you're fine there.

Wolff Thank you very much.

Chadd Yep.

Wolff With that, there is a motion on the floor that has been seconded. We should do a roll call vote, please.

DeLong I would administer that. Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Miss Campins?

Campins Aye.

DeLong Mr. Jones?

Jones Aye.

Wolff Did you hear Mr. Jones' vote?

Jones Aye.

DeLong Thank you.

Wolff With that, the motion carries. Good luck, Mr. Dane, on your project.

Dane All right. Thank you all very much for your time. I appreciate it.

Wolff Next item on our agenda is docket number 2020-18-DSV for the property located at 11301 East 300 South. Can we have a petitioner please? May ~~made~~ the presenter…?

Kilmer Promoting Carol Lamb as a panelist.

Wolff Miss Lamb, are you there?

R. Lamb I'm mute.

Wolff Oh, Mr. Lamb?

C. Lamb This radio's not on.

R. Lamb How about we turn on the video? Start video. All right.

Wolff Hey, there you are.

DRAFT

R. Lamb I'm Rick and this is Carol, my wife.

Wolff Very good. In your words, would you please describe what's in front of us tonight?

R. Lamb Okay. With your packet, you'll see we're asking for three different things here. The first one is a variation on the setback in the front. The second is the fact that we have two houses on the same property or what's considered to be two houses. We have a main house and a smaller guest house. The third thing is, we'd like to be able to split the lot in dimension that doesn't comply with 3:1 ratio.

Let's see. Our house was built in 1888. It's 132 years old. The guest house says on the paperwork roughly 1960 because we've seen aerial photos which I think are in the packet of that house sitting next to the main house. Those photographs are from the 60s but I remodeled it about 15 to 20 years ago and I think it was probably originally built in the 1930s or 1940s timeframe. So basically, both of those houses have been there forever for all records and purposes. The property was originally part of a 50 or 60-acre farm. It was 10 acre. Right as we bought it, the original owner split off 2-acre parcels on both sides leaving us with 6. We were surrounded by farms basically with those 6 acres. Then, like I said, we lived there 25 years. After we'd been there about 2 years, the county came and did a presentation on the road 300 South widening, 146th, the master plan all the way from 69 around to the airport or wherever. It showed that they'd have to take our house because the right-of-way was 10 feet inside the front of the living room. So, we lived there for 15, 10-15 years not doing anything to the property because we thought it was going to get taken and torn down. So, that was a real pain. Eexcept the guest house;. we got some quotes and it could be easily moved. So, we spent—about 15 years ago, I spent about $60,000 or so totally remodeling that house, gutting it. We added a second floor and remodeled the whole thing.

Then along comes—I think it was 2006 when the road expansion actually finally happened and they decided they didn't want to take our house. At the time, they were only going to do 2 lanes which it is now instead of 4. We said no, we can't live like this. We need to know if our house is coming or going. So, they ran through the calculations, the plans, and we ended up selling enough frontage off the property to do the full four lanes with the bike path and that kind of stuff. So, it will fit in there and we were advised at the time that there would not need to be any more taking of additional property. If you look at this, at the—get my appendix out from this light site plan. I don't know whether you see that or not, that top piece is a half-acre across the front that we sold to the county at that time roughly in 2006. Didn't learn until we started going through this process that the county counts the setback from the foundation of the building, but the Town of Zionsville counts it from I guess the farthest thing protruding whether it's a porch or roof overhang or what. So, we've got a porch on both houses and a chimney and roof overhang on the guest house that are protruding into that 20 feet. So, that's the first thing we're asking for. The second thing is—to allow that. The second thing is, there are two houses. R-2Our two zoning allows for two family, a two-family house but I think that would be a duplex and we have two houses instead. The one's really small. We used it for a guest house or sometimes we've rented it out and they're side-by-side. They're tied to the same septic. They're

tied to the same well. So, we can't really split the property and split those apart. So, we want to—we have a, I can't remember what we call it, LNCU, legally non—

Wolff Legal non-conforming?

R. Lamb Yeah, so we can keep it like it was but I don't think if we add a garage onto the main house, which it doesn't have or anything like that, it would be allowed with that approval that we already have or whatever. So, we're asking to be able to retain both of those houses. We've also had at least one potential buyer claim they couldn't get financing because it violated the zoning rules to buy the thing.

The third thing, if you'd look at that same drawing, we've got two lots already split off by the previous owner that were two acres and they're long and skinny. When we bought it the easement part was also, it was staked off so we could sell it. We were told that we could sell that empty 2 acres if we wanted but we didn't want to. So, 25 years later, we go to look at prospective and with 5 ½ acres the property is pretty high-priced compared to the price of the house that you would put on it in the neighborhood and we've had difficulty with people getting enough financing to buy that much land for the type of house they want to put on there. So, what we're asking for is just to be able to split it and with the dimensions that I have on this drawing and the ratio of length to width won't be in compliance but it will be very similar to what's already there. So, those are the three things that we're asking for. I have 165 feet as the width. That's a rough thing because it may be 162 or 164 depending on when I get it surveyed. If you look at my Exhibit 6, you'll see that there are already two driveway cuts across 146th Street. So, I really can't move the line any farther east. I was going to leave the driveway with that east lot and the second driveway with the west lot. If I moved the dividing line to be exactly the 3:1 ratio, it's going to go through the house. So, that's what the issue was. Any questions?

Wolff Yeah, I'm sure we do. Thank you. I think that was a good explanation. So, you do have a couple legal non-conforming issues. I think we want to get those cleaned up and then we have separation of the lot. So with that, do any of my board members have questions at this time?

R. Lamb I'm clearly deaf, so you have to speak up.

Wolff Sure.

C. Lamb I'm here to interpret.

Wolff How long—is your intent to sell the property?

R. Lamb The intention is to sell the property either as one—right now, it's one whole piece of course or split it. It just depends on what a buyer wants. Wayne can attest to how many people have come asking questions about what they can do with that property. Buyers want townhomes. I think we can put a maybe nine-house subdivision in there without a variance, actually. We've had a church look at it, but our preference is and I think our neighbor's is just to split it and have two houses there.

DRAFT

Wolff — Can you—I just want—having two primary structures on one lot is a little unusual for us, but I think you articulated, I just want to make sure I have this clear, they are tied to the same septic system. Are they tied to the same, you know—essentially, it would be impossible for you to separate those two homes?

R. Lamb — No, it wouldn't be impossible. We have all the utilities except the city sewer across the front of the property.

Wolff — Okay.

R. Lamb — So, I've already connected gas. We have propane. Both of them have gas meters independent. Both of them have electric meters independent. They are tied to the same well but I could tie them independently to the water, city water. The issue is the septic system bypassed everybody, us on this side of the road. It's across the road in the Brookhaven and it's behind us in the Willows. So, I want to keep the lots big enough to have septic so they would have to be over 2 acres depending on where I split it and the driveway where it is so we don't have to have a driveway permit and don't have to change any of that stuff. I'm looking currently at the potential of running the sewer to both lots. The problem is I can't get a fixed price from anybody. They're all too busy. So, I've got estimates anywhere from $30,000 to $60,000 just to get the sewer line from this property down the road to a manhole that's in front of the Willows down towards the elementary school. So if a buyer wants that, then once I can get a price and a contractor lined up, I will certainly do that if they want as opposed to septic.

Wolff — Okay.

Mundy — So, are you the only home that is on septic there?

R. Lamb — No. All the, the ones on either side, both of us are on septic. The two acres to the west, the two acres to the east, were both built on septics. They actually don't have two acres anymore because they had the same issue with the frontage. They're about 1.8 something acres now, but their septic systems were installed. Those houses were both built about 25 years ago right when we bought the property. One was—both were under construction at that time.

Mundy — That, the sanitary sewer, is that what used to be Clay Waste? Now, it has a different name, now but—

R. Lamb — It's [inaudible]. Yeah, what was the question?

Mundy — Is the sanitary sewer, is that what used to be called Clay Waste? I know they have a different name, now.

R. Lamb — Yeah, that's correct.

Mundy — Okay.

R. Lamb — I have about a 1,000-ft roughly run of pipe that I would have to install to get from these two lots down to the manhole that the sewer company owns.

Mundy The cost of that may be less if you get all of your neighbors that are on septic as well doing the same thing but that's easy to say and not always easy to do.

C. Lamb Yeah, they're okay with it. I think with the neighbors to join in, yeah.

R. Lamb Yeah, they don't want to pay it. They want me to do it, so.

C. Lamb Most of the people that we have, prospective buyers, they all seem to like the idea of having sewer put in, that's why we're considering doing it to sell the lots.

Wolff Is this your primary residence, now?

C. Lamb No.

R. Lamb It was our primary residence until almost exactly a year ago. We had a buyer who moved in so their kids could start school. Then, in the process of that, their financing fell apart. So for them to move in, we moved out. So, I bought another property in Zionsville and I bought a house in Carmel. We're in Carmel right now and waiting until this property sells so we can have funding to figure out what we're going to do next.

Wolff What other questions do we have for the petitioner at this time?

Campins On the exhibit that shows the division of the two lots, the driveway that's in the lot that you are planning on selling. Correct?

R. Lamb We have two driveways, one of them—

Campins Okay. You have a driveway to the little house. Right?

C. Lamb Yes.

Campins Okay. That's carved out on 146th. Then, you have the long drive that goes back to the barn?

C. Lamb Correct.

R. Lamb Yes.

Campins That's what you're currently using for the larger home?

C. Lamb Correct.

R. Lamb That's correct.

Campins So, if you sell off that parcel—

R. Lamb If we sell off that parcel, we'll have to bring the driveway from the other house to the back.

DRAFT

Campins Down the front?

R. Lamb Yes.

Campins Oh, to the back? Okay. Gotcha. Okay.

R. Lamb Yeah. Part of the exact position of that dividing line is to—I need to have it west of the, you know, of the existing street access but I want to have it east enough that I could build a two or—the house doesn't have an attached garage.

Campins Gotcha.

R. Lamb If somebody wants to remodel the house and keep it like it is, then I'd like to have the ability to put a two or maybe even a three-car garage on the east side and still have enough setback dimension so they can do that. I know for sure—at 165 feet, I'm pretty sure I have enough for at least a two-car garage.

Campins Okay, thank you.

Wolff What other questions do we have at this time? Okay. Well, let's take a minute and see if there are any remonstrators that would like to speak for or against this particular project.

Kilmer Mr. Wolff, there are no hands raised.

Wolff Thank you very much. That brings us to the staff report.

DeLong Thank you. It certainly is as Mr. Lamb indicated, we've been talking many years with different parties that are interested in this property. With the, certainly, the items that have been discussed, staff is supportive of the petition as it's been filed. The project would support some level of division but wouldn't—I mean, it might support the nine lots as referred to by Mr. Lamb but by ordinance, a density of three units on the 5.5 acres would be a density that would be permissible by right. Ultimately, the discussion centers around, in staff's mind, it centers around the lot configuration. The setbacks are established. The primary, the two primaries on the property are established. The LNCU has been granted. The idea of seeking ~~speaking~~ the variance to establish those is to escape the issue if either home was damaged more than two-thirds which the ordinance would then say the property must come into compliance by—that's something I plan to be again a past escape from. Again, staff is supportive of the petition as it's been filed. Again, the density is one that's supported by right. The bigger challenge as staff sees it is the in-fill~~field~~ development that could occur and potential challenges as indicated by Mr. Lamb most likely that the neighbors would be more supportive of a layout that's consistent with three home sites in total rather than the potential future challenges of another type of configuration.

Wolff Thank you, Wayne. I generally would agree with the staff's assessment on that. As I look at the property, the immediate properties to the east and west would be similar in nature. If we were to do something that would deviate or cause a deviation from this discussion we are having tonight, those properties would essentially end up becoming islands because they would be, you know—

something more dense around it would potentially look very awkward and probably not what they're expecting. In addition, we don't know that but they're not here—they didn't speak, didn't take the time to speak for or against the project, so you maybe can make the assumption that they're supportive of what they petitioner's asking. Also, we have a couple legal non-conforming issues that it's always nice to get back into compliance. It does make the sale of the property easier for the property owner. Any questions for staff?

Jones — Wayne, I've got one for you. We've done situations where we've allowed two property owners to establish easements and share a drive to a certain point. Correct?

DeLong — Correct. Easements do work well especially when they're perpetuated by a shared access easement and language that provides for maintenance.

Jones — Okay. So, if this property line wanted to get shifted a little bit to the east to take advantage of something like that, it's not out of the realm of something that could be established and we'd keep a little more separation between those existing buildings and the edge of the property line for the larger lot.

DeLong — That's correct. The ordinance is—really, the ordinance encourages shared driveways. Certainly in the future, if someone were to approach the county highway department for a new driveway cut, there would probably be a conversation about figuring out a way to share existing cuts. At the end of the day, if somebody's asking for a new cut for a lot that has no other cut, I would imagine the county would feel it would be warranted to issue that permit.

Jones — Yeah. Once again diving back into the findings of fact is the, you know, the hardship is more or less the fact that this property kind of pre-dates every bit of zoning ordinance the town of Zionsville has.

R. Lamb — Well, the county for that matter.

Jones — Yeah, so.

Wolff — Well, Mr. Jones, I agree with that assessment. I would also add that because of that it's made the property difficult for—the petitioner has a burden of trying to either develop it within those constraints which is a challenge or sell it within those constraints. That's also a challenge, so I think that would be the hardship. Any other questions for the staff or the petitioner?

Papa — I have one for Wayne. If the, um, this number 2, if they were allowed to exceed the number of primary uses on one parcel, is that stuck specific with the two houses that are there? They couldn't knock those down and build two new houses?

DeLong — Well, the variance as it's granted would be subject to the submittal by the petitioner. So, in theory, they would be—if those two houses, were knocked down, building two houses back in the exact same footprint and the exact same configuration, I would believe is what they would be burdened with. I would suspect somebody if they really wanted to perpetuate two new homes and knock

both down and really, you know, try to yield a very, a much larger return on investment potentially then what can be achieved otherwise, they'd be coming back to this board for a future conversation.

Papa — That makes sense. Then, sort of along the lines, I think, along the lines of what Mr. Jones was saying on the, but on the setback. Seems to me, the setback issue was caused because they contributed to the public good. Right? I mean, I don't see any issue with that at all.

DeLong — No, the setback comment I was making about is the north-south line, not the—

Papa — No, I wasn't disagreeing with you. I was saying, I had a similar comment about the setback from the road.

Jones — Oh, okay.

Papa — That they actually have a problem because they were helping the community out by giving up that space.

Jones — Right, yep.

Papa — They shouldn't be punished for that.

R. Lamb — I actually think—they actually came back too and offered to buy just enough for the two lanes that are currently there. I said, "No, I want to—I want to make sure that you either have to take my house or you don't have to take my house. I can't wait another ten years like this." So, we sold them enough to do the four lanes that time.

Wolff — Any other discussion amongst the group, otherwise, I would entertain a motion.

Mundy — I'll make a motion. I move that docket 2020-18-DSV development standard variance, in order to provide for the division of a parcel and the continued existence of primary structures which, one, deviate from the required minimum front yard setback to exceed the number of allowed primary uses on one parcel and in which the lot split will cause one lot to three exceed the lot width to ~~with the~~ depth ratio of ~~to~~ 3:1 in the rural, low-density single-family and two-family residential zoning district are to be approved as submitted based on finding of facts.

Campins — I second.

Wolff — Thank you, and thank you. Let's move to a roll call vote.

DeLong — Mr. Mundy?

Mundy — Aye.

DeLong — Mr. Wolff?

Wolff — Aye.

DeLong Miss Campins?

Campins Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Papa?

Papa Aye.

Wolff Motion carries. Mr. and Mrs. Lamb, good luck going forward.

Lamb Thank you very much. Thanks for your time.

R. Lamb We appreciate all the staff's work.

Wolff They work very hard.

R. Lamb Yeah.

Wolff Okay. The next item on the agenda is docket number 2019—I'm sorry, 2020-19-UV for the property located at 350 East Whitestown Parkway. Can we please promote the petitioner?

Kilmer Daniels, are you there? You may know earlier, he was having internet difficulties but was able to listen. He is still shown.

Wolff Mr. Knez? We can see you. He's either very still—

? I'm not sure if you all—

Wolff Came through for a minute.

? Although we know it would be best to be able to view you, we have also found that at times, if you disable the video, it does help the audio.

Wolff Are you there?

Kilmer Frank, let me stop your video to see if that will help the audio. No? Can you hear us?

Wolff His kids must use the internet like my kids do.

Knez Hi, guys. Can you hear me know?

Wolff We can.

DRAFT

Knez Sorry about that guys. My hot spot on my phone is faster than my home internet. Not wonderful.

Wolff Actually, before we get started, is there an opportunity if we do lose connectivity, is there a number he could call into just with a regular mobile number?

Knez Yes, yes. It's 317—

Wolff Actually, I was hoping that—before you publish your number on the internet, I was hoping that we had a number, a conference call number that would call us into this meeting?

Knez Yes, I can write that down.

Wolff Roger, does that exist or did I just make that up?

Kilmer If you'll wait one moment.

Wolff I may have it right—

Knez If it was in the email, I could probably grab it off—

Kilmer It was, let me go ahead and give you the phone number. It would be 1-312-626-6799. You'll maybe ask for the webinar ID number. That number is 8647219946.

Knez Okay, thank you.

Wolff Okay. So, if we lose connectivity, let's go to the backup strategy and just have you call in with that number. While we have you and you seem to be coming in loud and clear, I don't want to screw this up. Is it Knez is the correct pronunciation of you name?

Knez Knez, yep.

Wolff Knez? Knez, oh, I had it all wrong. Thank you. In your words, would you please describe what's in front of us tonight?

Knez Sure, sure. I wanted to continue the positivity. I enjoyed that and thank Chrissy and Roger for your time and patience and guidance to get to the point. I felt very welcomed and received. What we're asking, I guess, at a high level—I just wanted to share a little bit about ourselves and company to paint the whole picture. I think that's important, you know, when considering welcoming or not welcoming a neighbor into the community is to repurpose the existing building and lot just as it is and keep the footprint, everything outside the same, and make it a little bit more aesthetically pleasing. Keep it up, update the parking lot but turn it into a, utilize it for pediatric outpatient therapy so to provide speech, occupational physical therapy to children with a variety of special needs as well as a comprehensive autism program in that space. So, you know, essentially is to repurpose it or use it, the same structure, no exterior additions or anything like that and utilize it for our pediatric therapy purpose. So, is it okay to share a little

bit more about my wife and I and then Kids Count or do you just want to stick to the—

Wolff Absolutely, yeah.

Knez Okay. Well, cool. Well, Lindsey and I own and operate Kids Count. We're currently in Brownsburg and the Crawfordsville area. We have clinic space there and we opened that up in 2015. We have 3 boys, 5-year-old son and twin 4-year-old boys. They're fun. We love the town of Zionsville and spend a lot of time in the parks and restaurants and downtown, and feel humble and blessed to get the opportunity to lead Kids Count therapy and our team in our mission of serving together. We do consider Zionsville as part of our local community. We serve multiple families from this- community~~family~~. We employ folks that live in Zionsville. You know, our focus is always on providing the best quality and comprehensive services to children and families. Also, serving them holistically through the therapies as well as through training, transitions into school systems. We're actually working with the Zionsville school systems now with a few clients and it's wonderful. To provide a quality employment experience, so creating and enhancing and bringing positions that are meaningful and impactful into the community is also important to us. Then, collaborating with folks, you know, at the town level, residents, other businesses, healthcare, schools, to positively impact and give back as much as we can, you know, to the community. That's through direct services of course, but we host parent trainings,~~.~~ w~~W~~e host community service events, about 5 or 6 a year at the Brownsburg location.

The lot here on that 3850 on east Whitestown Parkway is just gorgeous, it's beautiful. We have no desire to commercialize it. You know, that was the point of finding in fact, we want to embrace it for what it is and if—I don't know if you all have seen our Brownsburg facilities but they blend in to that area of town and create a more comfortable welcoming experience for children and families that are coming in to receive our services. So, you know, I think with that is~~it's~~ a little bit about us and what we do and what our intention is, hopefully, with the towns' and then the neighbors' blessing and this property.

Wolff Very good. I have a couple questions as we get started. Can you describe the typical hours of operation and days of the week that you will be working?

Knez Sure, yep. We're Monday through Friday. Then, 8-4:30 for our autism program which is going to be the primary program in the facility. I mean, the church—we took over renovated, upgraded an old church in Brownsburg similar, I mean, it's strikingly similar, it's wild. You know, updated it, upgraded it, but churches are set up wonderfully with daycare or childcare, preschool, and you know, ABA therapy is one-on-one behavioral modification therapy for children with autism. So, we do that in small group spaces and in large group spaces. Lindsey and I, we—this wasn't in our plan to do this. We just kept driving by this, the church, and saw it, and it just totally fit that. From 8-4:30, I guess, is to answer that question, Monday through Friday. The outpatient program that we have, because most are school-aged kids, we are open in Brownsburg until 6 but we're totally open if that's a negative thing.

Wolff Okay. About how many, both employees and children or patients, would you have in the facility at one time?

Knez Sure. So, children in the autism program would be between 20 and 25, depending on the age ranges. The younger the children, a little, you know, you can add one or two more here or there in the space. So, conservatively, you know, we put the 25 mark as top, top of the line that, probably more around 20. It's one-to-one, so there would be, you know, 40 or 50 adults. There would be like one office position created, then potentially a few supervisory positions. So, give or take five employees based on that count.

Wolff Okay. So, I want to try to make sure I have that clear. 20 to 25 children and then a corresponding 20 to 25 adults, then 5 admin, staff, supervisors, and things like that?

Knez Yes. Yeah, that's at full capacity, yeah.

Wolff Okay. Okay. Very good. What other questions do we have for the petitioner tonight? Oh, I'm sorry. I got ahead of myself. Wayne, you never corrected me. Frank, will you please state your name and address for the record?

Knez I'm sorry, yes. It's been awhile being on the computer and kind of activity. It's Frank Knez, 8641 Fawn Lake Circle, Indianapolis, IN 46268.

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

Campins I have a question. I don't know if I missed it in the packet, but what kind of signage are you going to have? Is it on the building or is it on the street, or both?

Knez Where the existing sign is fine. We're a destination type of company, so like frontage signage, that doesn't, that's not important to us. So, I haven't reviewed the Zionsville sign ordinance but, you know, what was there looks appropriate to me.

Campins Okay. Is it going to be comparable to your other, your other buildings, or—

Knez You know, I think I would dress up the brick a little bit, you know, in terms of like a post there but the size is fine and whether it's lighted or not lighted, whatever is there, you know, neighbors, you know, I totally understand that, you know, that it's not in the commercial corridor or anything. So, we want to respect and be a good neighbor.

Campins Okay. Great, thank you.

Mundy I've got a questions about the number of students. You said 20 to 25, and those were ones that would be there for most of the day, is that right?

Knez Yeah, they'll be there between 4 to 7 hours during the day, give or take.

Mundy There's another group which would be school children that come there for a different program or other programs. Is there a number on that?

Knez Sure, sure. So, in the packet, the max capacity we would see would be a 100 a week or so, but they'll—yes, Steve, they would be one hour a week much like a doctor's appointment type of thing, outpatient therapy. Again, that would be an ancillary program. It is part of our mission. Lindsey's a speech therapist and a behavior analyst and we just—like, our son personally comes to Kids Count four days a week for speech and occupational therapy. He's not on the autism spectrum, but you know, still gets those types of services. From a parent's perspective in cost, going—I love hospitals and I love Witham, Hendricks, Regional, IU, but speech therapy there is expensive. You know, it can be $300-$400 bucks a session. Ours is right around $70. We accept all insurance and Medicaid. So, we think it would be a benefit to the town and to the community, but you know, we can look at capacities based on, I guess, potential impact. Technically, that would be like maybe one speech therapist and one occupational therapist, you know, they carry about 30 children on their caseloads. So, that would be about two to three additional employees. Could be considered in that five, the five additional.

Wolff Is there any intention to have outdoor facilities, playgrounds or something along those lines?

Knez We have them in Brownsburg. It would be something small, not like a big park playground. So, there's a deck area off the back that's, you know, surrounded by trees and different things. Like, we can make it inconspicuous or there's a side, kind of a u-shaped that we could put, actually that would—I think that's what my wife would prefer. You know, it's kind of hidden from the road on all sides. There's a gazebo that would be, we can take down and put a, you know, in a smaller play area.

Wolff Very good. What other questions do we have? Hearing none, we'll ~~give~~ certainly get a chance to talk soon. Are there any remonstrators that would like to speak for or against this particular petition?

Kilmer Mr. Wolff, we do have three hands raised.

Wolff Very good.

Kilmer I will first promote Karynn Seppel.

Seppel Hello. Thanks for hearing us. Frank and Lindsey, we do believe in what you're doing but we believe in this remaining an R-1 zoning and we do not want to see more traffic on Whitestown Parkway because it's become very dangerous in the past 3-4 years. The amount of traffic you're talking about on a daily basis is definitely not residential home similar to anyone on our road in any of these areas to have that much traffic on those roads. There's been so many more accidents already and I do not believe that it's safe to add that onto that roadway right there. It's very dangerous.

Wolff Miss Seppel, would you please state your name and address for the record, I'm sorry.

K. Seppel Sure, Karen and Paul Seppel, 6175 South SR 267. That's in Lebanon, Indiana.

P. Seppel We've also seen the continuing development in the area with all of the warehouses and while that isn't the concern of yours in this proposal, we are interested in again trying to maintain a rural atmosphere and a quality of life. Allowances to increase more of a commercial atmosphere are something that we are generally not in favor of.

Wolff Understood. So, I think what I heard, if I could kind of summarize. I think I heard you have some concerns about the additional traffic and utilization of that particular area as well as sort of the commercialization or the industrial, the going away from the rural zoning, then into more of a commercial, industrial zoning. Is that fair?

P. Seppel That's correct.

Wolff Okay. Very good. Roger, can you—

Kilmer Yes. We have two more hands raised. I will promote Kathy Giles. Kathy, we'll need you to unmute, please.

Giles Okay.

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

Giles Yes. It's Kathy Giles. It's 6250 South State Road 267.

Wolff Okay.

Giles I am—I agree with Karen. I'm definitely from the standpoint of, I think the services that this entity is going to provide are awesome. My greatest concerns are that it may not be the exact greatest location for them. Again, I probably will reiterate much of what Karen has said. The traffic on 650 has just exploded over the past couple of years, especially at the opening and closing times that he has mentioned. Gosh, I just have such a great concern for the safety. I read the report that you guys had or comments that ~~the~~ you guys had made about that there's going to be growth in the area. I think that we, you know, anyone around here completely understand with our proximity to 65 that there's going to be growth. It just is going to happen. B~~, b~~ut there, you know, as many complaints as have happened over the past few years about 650 or I guess, they call it Whitestown Parkway,~~.~~ I'm not sure why they added the Parkway to it, but anyway, there's never been any improvements. One tire off the side of that road and you could flip your car. So, I'm just concerned about not only where the exit would be for this new entity because it exits right onto 650 kind of at the top of a hill just before you hit that T-intersection. Quite honestly, my brother-in-law lives at that T-intersection and I couldn't tell you how many times he has had to re-landscape his front yard from the multitude of accidents that happen down there especially in the wintertime coming over that hill,~~-~~which the exit for this facility is actually

right at the crest of a slight hill but it's enough to take people sliding on down. So, obviously this is a significant amount more of ins and outs of that driveway. I realize that it was a church before and that you could have had a volume of people but quite frankly that volume of people happened on a Sunday morning and a Wednesday night, all times when there was no other traffic on the road. The type of appointments that will be happening for this are all going to be right during the now busy time of that, of 650.

Wolff Okay.

Giles Also, the lighting, quite frankly, that just on a personal level is a issue. It lights up my bedroom. It always has and just for an empty parking lot at night, so I think that's—

Wolff If I could repeat, you're also concerned about the additional traffic in the area and the safety of that traffic as well as the lighting. I guess, two quick comments. Thank you for sharing but I don't think the petitioner is proposing--, and I'll get clarification. I don't think the petitioner is proposing to move the driveways. So, the driveway is staying where it is. So, he's not creating an issue, maybe inheriting one and that's what your concern is. Also, the lighting, we'll certainly need to ask those questions on what his thoughts are on the lighting in the parking lot, so. The lighting has been there, he's sort of inheriting that problem as well. Okay, so you're concerned about traffic and then the noise, oh I'm sorry, the light pollution.

Giles I believe—

Wolff Very good. Okay. Next?

Giles I believe that's it.

Wolff Okay, great. Very good. Thank you for sharing. Next? Roger?

Kilmer I am promoting, again I apologize for the enunciation, D. Koudis. If you could please state your name and your address.

Koudis Hello. Thank you for having us. Can you just confirm that you can hear me?

Wolff We can hear you.

Koudis All right. This is Star Deary and Danus Quitus, residents of 6195 South State Road 267. I do want to echo Karen and Kathy as a resident of 267. We really don't want a business that's going to bring in dozens of clients and employees each week right into our residential area. We already have a high-speed limit there. It is a dangerous intersection right over there as has been stated. We do have concerns with the commercialization since we value our rural lifestyle. That's why we moved there. That parcel, it was originally a home. It should have stayed that way to begin with. I understand you're inheriting that, but my main concerns would be the daily traffic in an already dangerous area. Like, Kathy said, that light that you would be inheriting, it lights up our yard every night. I do

just hope in general based off of the concerns stated tonight I hope the council will deny this variance.

Wolff Okay. So, your primary concerns were the additional traffic, the additional daily traffic, as well as the lighting?

Koudis Correct.

Wolff Okay, very good. Thank you for participating in our conversation tonight.

Koudis Thank you.

Wolff Do we see anyone else that would like to speak for or against this particular petition?

DeLong There are no other hands raised.

Wolff Thank you. Wayne, before we get to you, Frank, can you—can I take an opportunity to ask you a couple questions?

Knez Yeah.

Wolff So, we had some concerns, as you heard, from neighbors about the traffic. Can you describe, you said, the hours of operation you said were 8:30 to 4, or 8 to 4:30, excuse me. Will most of your, um, customers, patients, children, be arriving at 8 a.m.? Is it kind of a—is it a staggered start or does everyone show up at 8? How does that work?

Knez It's staggered and depending on again, the clients that come in, we have folks that get there at noon, like they could be going to developmental preschool or school in the morning and come in the afternoon. So, it's not everybody arriving at the same time. So, you know, it's hard to predict the percentages, but the options are 8, 8:30, 9, right in there, and then 11, 11:30, or noon. So, in terms of arrival, those are the times in. So, it's going to be considerably smaller than our Brownsburg. Like, we do in Brownsburg have ~~a~~ 110 employees that work out of there. We serve 70 children. There is a lot of traffic. You know, there's no putting lipstick on that. This is going to be a much smaller operation and I told—above all, like I said in the beginning, we are a part of the community. I drove down the road, you know, daily back when our kids were going~~.~~... Our kids go to Trader's Point. We would go down the Whitestown Parkway and then go south on 267. Personally, I didn't experience a lot of traffic. I don't live there but just on my daily drive that's how we would go to work in Brownsburg. We would go up to Trader's Point, drop our kids off at 8-8:30, then swing down to Brownsburg, but totally want to respect them and value their feedback. I don't know if that answered your question.

Wolff I think you did. You are breaking up a little bit. So, I think—I think I caught the substance. The other concern, I think—this isn't your concern, I think we should address it as a board about the additional commercialization or industrial use in that area and I think we can articulate how that would be addressed but the other one that I heard that would be directed toward~~s~~ you would be the lighting. Do

you have any—I understand the lighting's there. It was probably put in when the church was put in and it probably just goes on and off. Do you have any intentions to change or update or—

Knez Yeah, we can certainly do that. I've not seen it lit up at night. I can drive by. We're actually going to go to Noah Grant's tonight. So, I'll swing by and check out the lighting. We can reduce it. Like, it's not important to have the parking lot lit up at night for us. We might do some security lighting or do some more downward less intrusive lighting. That~~We~~ definitely would be something we would be willing to do and invest into, you know, to respect our neighbors.

Wolff Okay. So, you would be amenable to updating the lighting to create less light pollution for the immediate and surrounding neighbors?

Knez Yeah, absolutely.

Wolff Okay, very good. Okay. With that, I think that we should warrant, there should probably be more discussion about those concerns but we should probably have the staff report at this time.

DeLong Yes, thank you. Give a second for transition between petitioner being a panelist and an attendee, just so we do not lose any context of staff's comments. As indicated in the staff report, staff is supportive of the petition. Certainly, the topics at hand or the conversion of a former religious facility to a new use. The zoning ordinance is silent on the intensity of a religious use. The staff has no measurement and nor does the ordinance speak to how many services you can offer per day, per week, per hour. Churches, religious facilities, at times provide day care, have outdoor operations, have uses that are subordinate to the religious aspects of the facility as well as are at times exempt from state licensing because they're operated under the umbrella of a religious use. Certainly, that is the crux of staff's recognition of this property's and its established intensity which is an unknown quantity. So, this is something the board is challenged with in thinking about the conversion of this property which could be operated as a religious use at an intensity that is greater that has been seen before, could be less than seen previously as well, and is as petitioned this evening is seeking to be converted to another use. Religious uses are, you know, intense. Current the use~~s~~ being described as a described intensity certainly this board can consider a plan of operation and talk about the reduction of the intensity if that's something that the board would feel is warranted, talking about the number of clients per week, trips per day. There's other items you can focus on. Certainly, this property was developed well before your current zoning ordinance and is certainly not subject to any sort of road impact fees or any other fees that would encourage additional offsite improvements made by the town or the county or Whitestown, for example. That process simply does not exist in your ordinance today. Again, staff is supportive of the continued use of this property for some level of intense use but that sounds like a subject of, remains a subject of discussion for you this evening.

Wolff Thank you, Wayne. I know the answer but I think it should be part of the public conversation. If we were to approve this use, what does that—let me just say it plainly. That does not affect the neighboring properties nor does it grant

permission or set a precedent for the neighboring properties so that they could have similar uses. Correct me where I go wrong, but those properties are still zoned and the zoning will stay the same. If someone were to want to become, or change that to a more intense use, they would have to go through this process or a process similar to this. So, I want to just let all of our participants know in tonight's conversation, this is not establishing a precedent because all of our properties and all of our petitions are unique. So, I respect the opinion that we are concerned that we want it to stay rural but I'm not sure if this particular petition is going to affect that position or thought. I think this petition would probably just go along with what was already there which was the religious church use. Now that being said, I do think we have an intensity that may be greater at times and to your point, Wayne, you know, the ordinance doesn't specify intensity so perhaps if it was a different type of church, they would have services every night or something along those lines. That would be within their right. So, Wayne, will you just confirm the fact that if we do something here, it doesn't affect the neighboring properties or their zoning?

DeLong Correct. Each individual petition stands on its own merits. Certainly a change in use of this parcel does not dictate future outcomes of other petitions and their disposition. That is correct.

Wolff I knew you would say that better than I would. With that, what other questions do we have for staff?

Jones I got a question, so it's currently zoned—the property is currently zoned R-1 which would not allow a church. Correct? Wayne?

DeLong Roger, what do you have on the use table?

Kilmer R-1 does permit a church.

Jones It does permit a church?

Kilmer Yes.

Jones Is a church currently operating there?

DeLong No. There's no occupancy by a religious use, no.

Jones When's the last time a church did operate there?

DeLong I do not know. I think the petitioner would maybe know better than I.

Jones Does the petitioner know when the last time a church was operating there?

Kilmer I am promoting him back to a panelist.

Knez Hi, there. Yeah, the church is still operating there. I mean, COVID has crushed them unfortunately. They're a wonderful group of people but they're looking, they're moving. They're trying to find another space. We believe they've done

that. They're actually going to continue their use for two months through I think October.

Jones — We have a non-conforming use that is leaving. Doesn't that mean the property then should revert to being R-1?

DeLong — Mr. Jones, the church is a—it is a permitted use.

Jones — It is? Yes, the church is leaving. So, it will no longer be a church property. In other words, what I'm saying is, it's a non-conforming use that predates the R-1 zoning.

Kilmer — No, it isn't.

Jones — A church can operate in an R-1 zoned area. Once it vacates, I guess, that doesn't mean a non-conforming use is—all right, so you're saying the use is conforming, a church in an R-1 area, R-1 zoned property?

Kilmer — Yes.

Jones — I guess what I'm going after is that, so now we're going to a commercial use which basically a medical office use is. It's not really a grandfathered type situation. When you put a church in an R-1 zoned area, but once the church leaves, the property reverts back to R-1 and needs to conform to the R-1 zoning.

Wolff — Which is why we have the use variance in front of us.

Jones — Correct. So, basically, the issue of it being a previous church is kind of, without merit, I guess. It doesn't, what I'm saying, it doesn't sort of convey any obligation for it to be transferred over into some other kind of commercial use because it's built like a commercial structure?

Wolff — Are you saying that because it is an existing conforming use which is a church there, that shouldn't have any bearing on whether or not we grant this use variance?

Jones — Right.

Wolff — What other comments or thoughts do we have?

Papa — I have another question for the petitioner if that's okay.

Wolff — Certainly.

Papa — Would you mind—I know you discussed it earlier but because the issue of the traffic flow came up, would you clarify what all is going on there because I'm rereading your letter and it's 100-150 children for 1 hour a week which if that's spread out through the day, that'd be two or three cars an hour, but then there's this other component. So, I'm trying to figure out is there a concentrated, a time where there's a concentration of traffic?

DRAFT

Knez Sure. I mean, the primary pickups and drop-offs of the 20 children, 20-25—again, we wanted to go worst-case scenario, not worst-case but highest capacity. So, it would be 8, 8:30, or 9, which there could be anywhere from 10-15 children there, right, or 11, 12, 11:30 and noon. So, kids will come partial or more full days. The 100-150 children, that number includes the 25. That lessens that number a little bit if that makes sense. So, kids in the autism program get those speech and occupational therapy services. So, it's really, I guess, taking that 100 number and reducing that. So, if that would have decreased the traffic a little bit when spacing them out, you know, per hour.

Papa Outside of the 20 or 25, those other 75-125, those are just spread out evenly through the day and the week in one-hour increments?

Knez Yeah. Well, the idea is to have one speech therapist and one occupational therapist and one physical therapist. The therapist can carry about 30 children on their caseload. So, if we have the 25 kids, I guess that 100-150 number is inflated a little bit. I didn't take any consideration that they're carrying those 25 kids that are there on their caseload. So, that would be, you know, an extra—each one of those therapists would see an extra 3-4 kids a day outside of their current caseload. So, that's about 12 extra appointments a day coming and going on top of the kids that are there full-time.

Mundy I've got a question for the petitioner as well. What would you anticipate most of your users, the students that will be coming there, where will they be coming from? Are they, this is targeting for Zionsville or in your experience would they be from 360 degrees around the facility?

Knez Yeah. I mean, I would say, you know, what we've seen traditionally. Again, at Crawfordsville, I don't think is apples to apples but what we've seen in Brownsburg, right now there's a facility in Lebanon. So, likely not going to administer or attract clients from there but the Zionsville and Whitestone area primarily. You know, we serve probably 10-15 children that live like on a daily basis in Zionsville and Whitestown already. So, good question, Steve, it will pull from the immediate area. For working parents, it cuts down on, you know, commutes to Brownsburg or to Carmel or to wherever they are taking their children now.

Wolff That's one of the things I'm struggling with, is it the petitioner's burden if the road is inadequate for, you know, per Wayne's comment. The church could have a variety—it could be much more intense use than it currently is because we don't regulate or measure to intensity of a church. So, if they meet every day, all day long, that road would be inadequate. They would be compliant. They would be allowed to do that. So, what happens if we grant a use variance and that road becomes inadequate. Is that the petitioner's burden?

DeLong John, if that question was for me, I missed some of that.

Wolff It's just a theorical question. I mean, like, we have neighbors who I think have a valid concern that the road isn't safe for—I have not traveled that road at that time, so I probably should but they have concerns and I believe they're probably

accurate that that road isn't safe for that intense of a use at particular times of a day. Whose problem is that?

Jones — I don't know if that answers the question but I know from a plan commission side as we're getting more and more of this commercial warehouse development going on to the north and east of these, we go to the developers to require them to make changes within their projects or, you know, work to increase the size of the roads. So, typically those kind of things, you know, the burdens for access to their site have been falling on the developers to make sure they're doing things to provide for the added traffic. Once again, you know, on the plan commission level, you know, the same statements the remonstrators have made are what they also make regarding these larger commercial projects. There is a general desire to not allow additional commercial businesses to expand away from 65. I understand the dam's been more than busted but at some point, you know, when do you put it back. I think that's what the remonstrators are all commenting on that it's the same thing we've heard repeatedly. Now, if the petitioner wants to take more time and go approach the remonstrators and come up with a solution that everybody agrees to support the project versus speak out against it, I'll change my tone but we have heard repeatedly from the members of Perry-Worth township about the reason they joined Zionsville is thinking they were going to get a little better hearing on this and where are we?

Knez — If I may just say one thing. Larry, thanks for your point. You know, going up traveling that road daily and different things, you know, we would miss the shift work which I think drives a lot of the traffic north of there with all the new developments in Lebanon and I guess, northern, you know, north of there all those ~~missing more~~ massive warehouses and stuff being built. So, I guess one benefit of the times and staggered starts, again, talking potentially less than twenty cars, you know, spread out between 8 a.m. and 10 a.m., you know, it's nice that it at least misses the rush hour of the big manufacturing, the true commercial and industrial development that's going around that is likely driving, you know, the concern.

Mundy — Larry, I haven't been to any of the plan commission meetings. Are the concerns number of vehicles or is it size of vehicles that the warehouses often use to deliver and pickup and transport? Is it one or the other?

Jones — Both.

Mundy — All of the above?

Jones — Yeah, it's both.

DeLong — Mr. Wolff, I just want to make you aware that one of the remonstrators~~petitioners~~ who previously spoke has raised their hand and would like to provide a second comment.

Wolff — I am amenable to that. Please go ahead and promote them.

DeLong — I'm promoting Karynn Seppel.

K. Seppel I believe—do you want to do it?

P. Seppel This is Paul and Karen Supple again. To follow on that, the comment that was just made about the concerns, it really is broadly the commercialization of what is a rural R-1 zoned area. Yes, the traffic is a part of it. Certainly, the trucks are health and safety risk because of the size that they are but it's also just a commercial development, the light pollution which is approaching us from all sides, really. I appreciate this isn't necessarily creating light but it is creating traffic and it starts to hear your comments about the precedent that it sets. The fact that it was a church doesn't give it a non-permitting use allowance, I get that. Essentially, it's when you allow a commercial property in, you're starting to make another commercial entry into a rural R-1 area that is largely residential and agricultural. That is the concern. Again, we don't take exception to the services. It sounds like a wonderful operation and we appreciate what you're doing but those services could equally be provided in the professional park or in the new development at Anson or in the areas that are really associated for people traffic and flow and be just as convenient to the community.

K. Seppel Just not in R-1.

P. Seppel That's essentially the comment.

Wolff Okay. Very good, thank you.

P. Seppel Thank you.

Wolff We—I think we, hopefully, we stated it clearly but we don't have the privilege of changing zoning. So, it will always be R-1. It's going to stay R-1. That is something the town council and people who make our rules get to decide, not us. So, we'll just look at the individual use case variances and we do not establish precedent because those are every property is unique, every petitioner is unique. I think the concern is still—I think you articulated it well that it is not establishing a precedent but it is bringing a commercial use into a R-1 area. Okay. With that, Mr. Knez, would you—I think, you know, if we do nothing or if we deny your petition, the light pollution exists and will continue to exist. So, in some regards, if we approve your petition, you have the opportunity and we can hold you accountable to it, to improve the light pollution that is on that property. I think that for safety reasons, there probably should be some lighting during the winter hours and those types of things. It could probably be turned off at certain timelines and I think you certainly would want to have security lighting around the building. I think you could work with the neighbors to resolve that issue and actually improve the issue. I think I've heard several times now that they're concerned about the increase of traffic. Do you think if we gave you an opportunity to continue this petition, that you could provide some more information to help work with the neighbors and ease those concerns, or do you think that you have provided your best petition for us at this time?

Knez Thanks. It definitely would work on the lighting. Like I said, being a good and valued neighbor is important. An additional response, we would not move to Anson or any other commercial side of Brownsburg or sorry, Zionsville. Our model, we do not want kids to feel like they're coming into like a medical office,

this fits just squarely in our mission. I realize it's going to increase traffic some. So, I don't know that I can help. I mean, I would help band together with the neighbors to introduce other initiatives to help increase safety because it seems like the safety is already an issue. At least, it's being brought up as one, so we would definitely want to help any future initiatives but, you know, John, I don't know that any amount of discussion—you know, we're a small family-owned business, you know in terms of what we can bringing our services in. I mean, we're definitely open to what we can do but not sure that any further discussion outside of this will ease the general concern. Like I said, I come down that road each morning and you know, I don't know, I guess I can mute myself now but we'll go from there.

Wolff Okay. Discussion amongst the board members? If not, I will entertain a motion.

Jones I'll make a motion, then. I move that docket number 2020-19-UV, the use variance to let a medical office use specifically providing outpatient pediatric therapy services including speech, occupational, physical, and applied behavior analysis therapy at the primary use of 3850 Whitestown Parkway be denied as presented.

Wolff Thank you, Mr. Jones. This is a negative motion. Is there a second to that negative motion? Hearing none. I will entertain another motion.

Mundy This is not a motion, Mr. President but I fully understand that this is not the kind of facility and services that you place in Anson or in other commercial development. I think that I understand the concern about traffic and lighting but it seems to me that this is the right kind of setting for a facility that provides these services.

Campins I agree with Steve on this. I feel that the building's use—I feel like if we were going to keep going back if somebody comes up with another use for this property, there's always going to be, I mean, with the parking lot, there's always going to be traffic in that building for that use. With it being a low-key operation, I think if we work, if he works with the neighbors about the lighting, I don't know if there's a traffic study that can be done. That's not my, I don't understand all that area but obviously there's concern from all the neighbors out there anyway whether or not it's a church, a medical facility, or you know, that building has some kind of, some kind of commercial use the way it is, or office use. So, that's my take on that.

Jones One of the issues with religious uses is they do get a kind of special pass all across zoning and building standards and operational and health and OSHA and whatever else. That is the nature of when you get titled religious, good, bad, or indifferent, it's how our system works. What we're discussing here is the intrusion of a commercial use in an R-1 rural area where we have several remonstrators who are opposing additional expansion of commercial uses into the R-1 area. Love what he does, it's needed. I understand, I've got good friends that work at some of the horse therapy groups and love it. The question before us is, additional commercial intrusion into an R-1 zoned area.

Wolff So, let's recap. We have, I think, a couple passes. We have a negative motion that did not receive a second. We could make a positive motion or we could make a motion continue in hopes that the—we could give the petitioner some very specific instructions on what we would like to see to make a more favorable petition. Those instructions may include can you describe specifically the intensity of the use and how many and when will the cars be traveling so we can better understand that. I think I heard the petitioner say that he was comfortable with his description as it is and wasn't interested in a continuance but if we need more information to make a decision, we certainly have that right. Someone could, in addition, someone else could make a negative motion.

Papa I would feel better if I had more concrete information about the intensity and traffic.

Wolff Okay.

Mundy I think that would be helpful. Again, I think all three of the remonstrators are on 267. I have no idea what the likelihood of people using 267 to come to or from this facility if it were approved. Envisioning it as more of a Whitestown-Zionsville clientele, I don't know how much of that traffic goes by their front door. I don't know that the petitioner would be able to provide that. I'm not sure that we would be able to easily get that but some additional information, I think, would be helpful in making a decision.

Wolff So, if we're going to ask for a continuance, I always like to leave the petitioner with some specific asks. So, I think I will have a couple for you but if my fellow board members have some more information they would like, please speak forward. So, Mr. Knez, would you—I think one things, would you go by the lighting tonight after dinner and would you review it and come up with a plan to help reduce the light pollution for the neighbors? It could be as simple as turning the lights off at 8 p.m. or whatever the case may be. I do think you should consider security and safety. That is important for both your patrons and those around you. So, one ask is can you come up with a plan for the light pollution? The number two thing that I would ask and I think I'm hearing this from my fellow board members is, could you potentially come up with a document or a set of data that says from 7-8:00 a.m. we anticipate this many car trips into our parking lot. From 8-9, we anticipate this many car trips, and from 9-10. So, we can see approximately when the cars will and will not be entering and leaving. I don't know how we can hold you accountable but it will help us understand the flow of the traffic. Does it all come at once? Does it come throughout the day? When is the most intense use of that traffic? Fellow board members is there anything else you would like to see coming back to us if we continue this motion?

Knez John, Lindsey is wanting to answer here, my better half, obviously.

L. Knez Hi.

Knez She leads, like, she would be in charge of the layout of the space. Again, this is something we've walked through and discussed. She might be able to offer Steve a little more concrete from a schedule perspective.

L. Knez So, my background, I'm a speech therapist and a behavior analyst. So, you know, like I oversee the clinical operations but I also weigh in on kind of from an operational perspective from start times, end times, you know, in Brownsburg just to spread out some of the traffic. We set up 3 different start times and 3 different end times. I think that if traffic is a concern, that we can look at maybe even additional start and end times. The one thing that I really love clinically about this property, when I walked in, I just said, "Wow, this fits our mission." The house and the bottom of that house is already set up like a classroom. The church area is wide open for a sensory gym and so much greenspace for the kids which is really what caused me to say we need to serve kids here. The classroom area, I do think it will pull kids that are, we might be doing part-time school and part-time therapy. That will allow us to spread even more so the start and end times out a little bit. So, maybe what I can do is kind of arrange kind of a mock therapy schedule and what that might look like as far as traffic. Frank is right, you know, we look to serve kids in a way that's different than other therapy centers. We want to make sure that they are coming in to something that feels like school or feels a little bit like home. This is just a dream property to make a difference in kids' and families' lives. So, we'll do whatever we need to make you all feel comfortable with that traffic piece.

Wolff Very good. So, I think you said it well, but specifically we would like to understand that really it's the number of cars. That's what we're really concerned about. So, number of cars coming in at what times of the day, number of cars leaving at what times of the day, light pollution, then if there's an opportunity to educate your neighbors, the remonstrators we spoke to, or speak with them and see if they have any additional current concerns that would help alleviate their concerns that would certainly make our decision easier and clearer. So with that, I will entertain a motion.

Papa Real quick, one more comment.

Wolff Sure.

Papa Sorry, I don't want to keep everybody forever, but on the—I don't know if it makes a difference to anybody else but in thinking about traffic issues, a bigger group that all comes together or close together, the 20 or 25, I don't know if that time is flexible whether that could be moved out of rush hour or if that even makes it worse for other members or not but I keep going by the way of the group all arriving at once during rush hour could be something.

Knez Right, right. Come up to Lindsey's point, you know, we can make it to where we have, you know, 10 clients that start at 8, then another at 8:30 or 9. Like I said, personally at 8:30, I've been behind one or two cars coming down that road, not 267 but Whitestown Parkway. We can definitely look at staggering those start times, Jeff, as you know, like Lindsey mentioned. It's well within our control. We try not to put any unnecessary barriers onto families that are trying to seek treatment. Again, I don't think it will necessarily address the massive amount of traffic with the warehouses that are north but—

Wolff Yeah, certainly, that's not your burden. With that, I would entertain a motion to continue this petition.

Kilmer Mr. Wolff, just to inform you that one of the other remonstrators has raised their hand.

Wolff You know, thank you Roger, at this time, I'm going to end public conversation and we're going to move forward to get a motion to continue as I understand it. Then, we will certainly allow the public after Mr. Knez has spoken and worked with the neighbors hopefully and come up with a solution. We'll certainly entertain public comment at the next hearing.

Jones John, I'd just like to point out that one of the comments we keep hearing about in the zoom meeting format is that we as commission members don't get the sense of the read of the audience. I would vote if somebody wants to speak, let them speak.

Wolff I'm amenable to that, if everyone else is. I'm trying to move the conversation forward. We still have more petitions.

Jones I get that. We do.

Wolff Quick show of hands. We don't need a formal vote. Would you prefer if we continue the public comment for, I'm assuming, a brief second? All those in favor, just show your—okay, we got three. All right. Sorry, Roger, I'm going to change my positionpetition on this one.

Kilmer I'm promoting D Kuodis.

Kuodis Hello. This is Starr and Dan again. Thank you for hearing our comment. I do appreciate that as this is an unconventional way to have our voices heard. I just wanted to voice a little bit more that the R-1 zoning is a concern and I ask the council to please just imagine, you find your dream home. You want to live there with your family. You have this rural setting. I have my horses in the backyard. You don't want to continue to see the commercialization getting crept up more and more. That is why we joined this township. That's why we wanted to be a part of this because we were hoping that this would slow down then at least. Thank you.

Wolff Thank you.

Mundy Mr. President, we didn't talk about this but I'm not sure. I assume the petitioner has been at least advised by staff that a use variance probably also comes with a sunset clause or a trial period or whatever you want to look at it and that that is—that's not something we got into but there certainly would be anthat element included in any approval if it were to be approved. So, I bring that up only for his benefit, that if he hasn't heard it from staff, he would hear it here eventually.

Wolff So, yes, to speak specifically, we've asked the petitioner to come back with some information for us to help us make a better decision. One of the things you may want to include is, we do—when granting the use variance, you are granted an

exception the rules. We think we're making a good choice, but we don't know we're making a good choice. So, we oftentimes, put a sunset period on those decisions. What it allows us to do is to revisit that choice after we have more information or after we have seen the property in use for a few years. What we have found is that sometimes neighbors come back and say, "It's been a non-issue. They've been great neighbors and we're glad that it's added value to our community." So, sometimes maybe it goes the other way. I think we would probably explore that idea if we were to move favorably forward with this. We do respect the fact that you have got business loans and continuity plans. So, if we were to put a time, a sunset period on this particular variance, then we would be respectful that you could operate your business effectively and it would be a non-issue for getting loans. It would just allow us a little stop, stopgap and a little check to make sure we are making good choices. So with that, I will entertain a motion to continue.

Mundy — I'll make a motion that I move the docket 2020-19-UV—whoops, I just minimized my screen here--a. ~~A~~ use variance to permit a medical office use specifically providing outpatient pediatric therapy services including speech, occupational, physical, and applied behavioral analysis therapy as a primary use at 3850 Whitestown Parkway to be continued to the September 2 meeting.

Wolff — Very good. Is there a second to that motion?

Campins — I second that motion.

Wolff — Thank you. Let's do a roll call vote on the continuance.

DeLong — Mr. Wolff?

Wolff — Aye.

DeLong — Miss Campins?

Campins — Aye.

DeLong — Mr. Jones?

Jones — Aye.

DeLong — Mr. Papa?

Papa — Aye.

DeLong — Mr. Mundy?

Mundy — Aye.

Wolff — Thank you. This motion will-oh, I'm sorry. This petition will be heard in September. For those members of the community that participated in tonight's conversation, thank you for your feedback. We certainly appreciate it. It helps us to make a more informed decision. I would encourage you to participate in the

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September 2 meeting as well. I would also encourage you if you have the opportunity to work with our petitioner, please do so and see if we can find an amendable solution for all parties. With that, we're going to move on to docket number 2020-20-DSV for the property located at 1669 South 900 East.

DeLong I am promoting Doug Simon as a panelist.

Wolff Mr. Simon, can you hear us?

Simon We can hear you. My camera has been working fine but it doesn't appear to be.

Wolff Well, you've got a lovely background picture~~, so~~. As long as we can hear you, we can probably make a good choice.

Simon Okay.

Wolff Mr. Simon, can you please state your name and address for the record?

Simon Yes. My name is Doug Simon. My wife, Linda Simon, is here with me. We reside at 1669 South 900 East Zionsville.

Wolff Very good. What petition do we have in front of us?

Simon We're petitioning for the development standard variance in order to build a 32' x 14' pole barn in which to store our travel trailer.

Wolff As I understood the property—are you guys getting a bunch of feedback?

All Yes.

Wolff Mr. Simon, it's lovely to see you. Will you try to turn off your camera?

Simon Sure.

Wolff Let's see if that—

Simon It's off.

Wolff Yeah, it's off. I think the feedback has gone away. Would everyone agree?

Simon Sorry about that.

Wolff No problem. Mr. Simon, as I understood the property, you have a pole barn on the property and you hope to make a—is this an extension or new structure that will house the RV?

Simon We have a large detached garage but this is a new structure that will be built along side that detached garage specifically for the purposes of storing the RV.

Wolff Okay. As I look through the numbers, you currently reside—how large is your property, 6 acres?

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Simon 6 acres.

Wolff I think what the end of the ask was, is that you are asking to exceed the ordinance by 392 square feet of what you're allowed in accessory structures. Is that what you understand to be true?

Simon That's correct.

Wolff Okay. Any intention to put plumbing or HVAC in this new structure?

Simon No. This will be a steel-sided pole barn with a large opening at one end will eventually have a door and then a human door on the side at the far end. No electricity, no plumbing is planned for this structure.

Wolff Very good. Is the RV that you're storing, is it a fifth-wheel? What kind of—

Simon Tandem wheel travel trailer, approximately 23 feet long.

Wolff Very good. What questions do we have for the petitioner tonight?

Campins You mentioned it's going to be built alongside the existing garage?

Simon That's correct.

Campins What is the existing garage, what kind of materials is that made of ?

Simon It's a fully-framed 2x4 framing with a slab and siding that matches the existing house.

Campins Okay.

Mundy Could everyone understand? Laura, your audio is all garbled for me.

Campins Oh, I'm sorry. Can you hear me now?

Mundy I can hear you. It's just that it has a strange sound.

Campins Oh, sorry.

Wolff Mr. Simon, I think where she was going, maybe is, what is the planned siding of this particular structure?

Simon The siding of this will be metal. So, it won't be the T1 siding that is on the adjacent garage.

Wolff Okay.

Simon It will be similar in color and paint scheme and so forth so as to blend in as much as possible with the existing structure.

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Wolff As I look at your property, you're pretty far back. It would be imagined that—I had difficulty seeing your home. I would imagine that it would be difficult for the neighbors to see this structure. Would that be true as well?

Simon Yeah, only a handful of neighbors will actually be able to see the structure probably maybe four of the adjoining neighbors if they look hard enough.

Wolff What other questions do we have tonight? There's no questions at this time. Are there any remonstrators here to speak for or against this particular petition? I'm sorry. Mr. Simon?

Simon Yes?

Wolff I keep forgetting this. Did you state your name and address for the record?

Simon Yes, my name is Doug Simon. I reside at 1669 South 900 East Zionsville 46077. My wife, Linda Simon, is actually the property owner.

Wolff Very good. With that formality out of the way, if I had forgotten it earlier, I apologize. Are there any remonstrators here to speak for or against this particular petition?

DeLong Mr. Wolff, there are no hands raised.

Wolff Thank you very much. With that, can we have the staff report?

DeLong Thank you. Staff is supportive of the petition as it has been submitted. Certainly staff identifies and recognizes the size of the property, the configuration of the property, the distance the property is, the improvements are from the roadway. Certainly this is in essence the increasing of a footprint to provide for the storage of a vehicle that otherwise would be parked, stored on the property, out of doors. This is a, you know, providing for a small addition to an accessory structure. It does reduce any sort of mitigating views or issues neighbors may have with a recreational vehicle being stored on the property. It pulls it into a covered structure and blends it in with the rest of the improvements. Staff again, is supportive of the petition as it's been filed. I'd be happy to answer any questions.

Wolff Thank you, Wayne. I have one brief question. I looked and I couldn't find any information. Is there any ordinance that would prevent them from storing an RV outside? I know I have an HOA that would prevent me from doing it but it is the home owners and not an ordinance. Is there anything that would prevent someone from storing a vehicle like this outside?

DeLong In the rural area, we have—I believe the rules would support the ongoing parking of a recreational vehicle on a property when it's associated with other improvements. The problem we've run into is if somebody has two or in some cases, somebody has bought two tiny homes and has parked them on their property. There's multiple other scenarios but I believe the ordinance would support one on the property.

Wolff Yeah. My opinion with it, this would be more aesthetically pleasing to look at. This structure would be more aesthetically pleasing than an RV, although I'm sure it's a lovely RV. It's just nice to have those things covered. Any questions for staff? If not, any comments or discussion amongst the group? Otherwise, I would entertain a motion.

Papa Sorry, I was muted. I move that docket number 2020-20-DSV development standards variance in order to provide for the construction of a detached barn which one, exceeds the allowable accessory square footage associated with an accessory structure in a rural, low-density single-family and two-family residential zoning district are to be approved based on the findings and based on staff report and presentation.

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

Jones Second.

Wolff Thank you, Mr. Jones. Can we please have a roll call vote?

DeLong Miss Campins?

Wolff Laurie, you're muted. Thank you.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye. Motion carries. Mr. and Mrs. Simon, good luck with your new project.

Simon Thank you very much. We appreciate all your time and especially Chrissy, your patience in guiding me through this process.

L. Simon Yeah, you were amazing!

Simon Yes.

Wolff We are fortunate to have such talented staff here in Zionsville. I agree with you 100%.

Simon Thank you, all.

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Wolff Thank you. Good luck. The next item on our agenda is docket number 2020-21-DSV for the property of 1025 South 900 East. Do we please promote the petitioner?

Kilmer I'm promoting Anne-Marie Buibish. If you can please state your name and your address.

Buibish Hi, I'm Anne Marie Buibish. Do you want my address or—I'm a petitioner for my neighbor, Zondra Hamilton. My address is 1135 South 900 East, and Zondra's is 1025 South 900 East Zionsville.

Wolff Thank you, Miss Buibish. Will you please describe in your words what's in front of us tonight?

Buibish Yes. My neighbor, Zondra, who's with me here, she has lived on a 10-acre parcel here in Zionsville since 1966. She has ~~to~~ decided to move to a warmer climate. So, she would like to sell her property. To do that, she's requesting a split of the home and the outbuildings and three acres. Then, a separate parcel will be the 7-acre parcel. That was requesting a variance on the depth to width ratio for that parcel.

Wolff Okay. So, what we have in front of us is a 10-acre parcel that we're trying to split into two and what it creates is a depth—if we do that, it creates a depth to width ratio issue. Correct?

Buibish That is correct on one of the parcels. The other parcel has sufficient frontage and width.

Wolff Okay, very good. Can you—which—the structures that are existing, they will be on the smaller parcel?

Buibish Yes. It's the home and the—there's two barns, two outbuildings. All of those will be on the 3-acre parcel.

Wolff The larger parcel is the one that we're creating the depth to width ratio with?

Buibish That is correct. That's the tillable farmland currently and that is the depth to width variance we're looking for.

Wolff Okay. I understand. Is the intent to keep that 7-acre parcel tillable or is it—what is the intent with that parcel?

Buibish Currently, that is the plan to keep it to protect some wildlife but eventually there could be a home put on that. We don't have any plans for that currently.

Wolff Okay. What questions as a group do we have for Miss Buibish?

Campins So, are you looking to sell the 3 acres with the land or the house on it? Is that the intent?

Buibish Yes.

Campins Then, retain the 7 acres?

Buibish No, she's selling them both.

Campins Oh, she's selling them both? Okay.

Buibish The house is fairly small, 1600 square foot. So, as we talked about in the findings of fact, really, for someone who wants a 1600-square foot home, that's a pretty large parcel of land in this area and can be kind of out of their price range. So, the house and three acres with that 1600-square foot home actually is a little more reasonable.

Campins Okay, thank you.

Wolff The challenge you have is that a modest, the price and the modesty of a 1600 square foot home, would be out, would be unmarketable on the price for a 10-acre lot?

Buibish Yes, if I understand what you're saying.

Wolff I'm not sure I said it very well, but yeah, I think we're speaking the same.

Buibish Yeah, I mean, look at a 1600 square foot home, you're talking about a young couple, a young family and you're talking about potentially if it were all together, 10 acres in Zionsville. That's a pretty expensive—that would be out of the price range of a lot of young families.

Wolff Very good. What other questions do we have for the petitioner?

Mundy If this were approved, Wayne, I assume that the owner of the 7-acre parcel then could build a home. The property is very expensive land to farm for 7 acres. So, I assume that I would—someone who would be interested in buying it would be building a house, they would be allowed to do that. There wouldn't have to be any variances or exceptions made?

DeLong Based upon the actions of this board, if that would—potentially, that action would be potentially be facilitated by your approval tonight if that is the outcome.

Wolff We don't need any other information from the petitioner at this time. I would ask that if we have any remonstrators to speak for or against this particular petition?

DeLong Mr. Wolff, there are no hands raised.

Wolff Thank you very much. Wayne, can we have the staff report?

DeLong Certainly. I think I can cover it fairly simply. The matter is a petition that you see often. This is a development pattern that has been established in this area. The petitioner is asking for accommodations, if you will, that are not exceeding what

others are enjoying in the immediate area. Staff is supportive of the petition as it has been filed. I'd be happy to answer any questions.

Wolff — Thank you, Wayne. Any questions for staff or discussion amongst the group?

Papa — Does dividing it up that way make it any less or more likely that a multi-home project would go in there in the future?

DeLong — Certainly staff did not necessarily evaluate projects on a dollar in return of investment basis but I can, much like Mr. Mundy pointed out on return on investment for somebody to farm the 7 acres. For somebody to purchase the ground, make the investment to divide it up, it might—it's not unreasonable to see that happen. The return on investment might make it not very feasible.

Wolff — We're not approving that. Essentially, that would have to come back and go through the Plan Commission, etc. Correct?

DeLong — Right. Any sort of division, more than likely, would require additional variances from any number of standards. So, it would look to visit the Pplan Ccommission and the Bboard of Zzoning Aappeals.

Wolff — Correct. Yeah.

Jones — Just to add a little bit, if anybody was around for the conversation about Wolf Run, one of the issues was is that they were barking about bringing sanitary sewer up through this area to service Wolf Run if that thing to develop had gone through. One of the concerns was, that it would create demand for all these kind of lots to then be further subdivided, more housing, and more development. There was a general comment from residents of the areas that they didn't particularly want to see that happen. I am feeling the same groups would come out for this woman that wanted to subdivide this parcel down and have the same issue of no sanitary.

Papa — Yeah, I think I was thinking it made it less likely—in doing this, it would make this slightly less likely that that happens.

Wolff — Yeah, agreed. It would be easier to divide up 10 acres than it would be to divide up 7 acres.

Papa — Right. I should have been more clear. That's the point I was trying to make.

Wolff — If you look at the property, it makes sense. The division lines make sense. Any other questions or comments or discussion amongst the group? If not, I will entertain a motion.

Jones — I'll go ahead and make a motion. I move that docket number 2020-21-DSV development standard variance in order to allow lot split of 10 acres into a 3 +/- and a 7 +/- acre lot in which one lot will not be meet the lot width to depth ratio of 3:1 in the rural low-density single-family residential zoning district R-1 be approved based on the findings in the staff report as presented.

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

Papa Second.

Wolff Thank you, Mr. Papa. Let's do a roll call vote.

DeLong Certainly. Mr. Jones?

Wolff Larry, did you say aye?

Jones Yes, aye.

Wolff Thank you.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Miss Campins?

Campins Aye.

Wolff Motion carries. Good luck going forward.

Buibish I also want to thank Chrissy for her help. She was great, really appreciate it. Thank you.

Wolff Miss Hamilton, good luck going south. Next item on our agenda is, docket number 2020-22-SE for the property located at 7601 South Indianapolis Road. Will the petitioner's representative please come forward?

Kilmer Promoting Mr. Andreoli.

Andreoli Hello?

Wolff Mr. Andreoli, are you there?

Andreoli I am, thank you.

Wolff Very good. Please state your name and address for the record.

Andreoli Yes. My name's Mike Andreoli, 1393 West Oak Street, Zionsville, Indiana. I represent Josh Abnor who is the owner of the C & J Well Company. They

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operate on 96th Street in Zionsville. They also have a office, corporate office, over in Pittsboro. They're looking to expand and have an additional site up on 7601 South Indianapolis Road. That property had been utilized—it's. It's currently zoned as an I-1 District. It has been utilized for a number of years and operated by an entity that actually permitted and utilized it for outside storage which is prohibited under the I-1 classification. My client has an option to buy that. Originally, when they came in and we looked at it, it looks like they may not have to get a special exception for this under the categories of perhaps light industry or light warehousing, but in consultation with staff, I think they correctly and rightly suggested that in order to maintain an appropriate classification probably "contractor's storage" would be the appropriate classification for this use. That required a special exception, so my client in order to be cautious and wantinged to comply with the requirements of town asked me to go ahead and file an application for special exception for this site.

This, is a 5 plus acre site, there are various buildings on it. It has not been maintained very well over the years. There's fencing in there that my client plans on trying to repair. Some of the buildings have been degraded and I'm sure he will utilize those buildings and upgrade those buildings as he moves forward, thus assuming he would get approved for this special exception. He will look at this in the future with regard to expansion, however, if he does that, he'll have to file a development plan application, building permits, and those types of things. So, he'll have to go back to the Town if there's going to be any expansion of a buildings on there to file a development plan to make sure they appropriately fit and if he needs any variances for that, he'll have to come back to the board itself. He understands that in this classification for contractor's storage, there will be no outside storage of materials or product.

In addition, C & J is made up of a number of different components. They have a soft water component that treats commercial and residential structures. They will utilize the buildings on site primarily for that use at the Indianapolis Road site, in addition to that, from time to time they will store well drilling equipment and those types of things at the site. All of those will be stored inside. There will be no outside storage of either product, materials, or equipment of any sort. All that will be stored in the buildings themselves. So, I think I can hit my video. Hopefully, there at. So, all those things will be stored inside and basically, I think the staff report does a pretty good job of covering all of the concerns and the requirements. I'll be happy to answer any questions that the board may have or answer any questions that the general public may have. I must tell you we sent out several letters. We have not heard anything ourselves, but that's not to say or suggest that members of the public might not weigh in this evening. Thank you.

Wolff — Thank you, Mr. Andreoli. So, my first question would be, you just used the word storage, over and over again. On a day-to-day basis, this facility will just be used to hold equipment and materials. There will They'll be no, I don't know, construction or value added services done. It's just really a storage facility?

Andreoli — No, they will maintain an office there. They will have staff there. They don't anticipate any signage. If they do, they're going to have to come in and make application for running it through the normal channels. They don't anticipate that. -But they'll have individuals there probably not more than three at any

point in time to deal with their water softener operation. Most of their equipment with regard to well-drilling will be stored primarily in Pittsboro area or if they store any equipment, it will all be inside and will not be kept outside. Regardless of whether they have fencing or not, fencing will not do it. They simply cannot be allowed outside storage. You're right, John. There will ~~They'll~~ be no materials. There will ~~They'll~~ be no equipment. They may have cars out there that they park for their staff and those types of things but there will be no equipment, no materials. If they do any of those things, they will be in violation of your ordinance, because your ordinance prohibits those things in the I-1 district.

Wolff Very good. What other questions do we have for the petitioner's representative? Having an awkward pause. Are there any members of our public who wish to speak for or against this particular petition?

Kilmer We do have one hand raised for the Knox Family. I am promoting them to a panelist.

Wolff Great, thank you. Knox family, are you there? We see you. Can't hear your voice. I still can't hear you. In the lower left-hand corner, check the mute button. Then, if you click the down arrow next to the mute button, it should specify which microphone it is using on your computer. It's a little drop-down menu. May check and see it's using the correct one. Still not working? Okay. So, I think maybe what we should do is, do you have the number in front of you that you can call from a cell phone? We won't be able to see you but we'll still be able to hear you. If you don't have it, Roger, you may cue that up if you have it close to you.

Kilmer I do have it. It appears she has it though.

Wolff Okay. Now, I've never done this. This will be interesting.

Mundy We may get an echo, maybe not.

Wolff That didn't work either? You can type if you—what you're experiencing you can type in the chat message and we can maybe try to troubleshoot. So, that should be the little bubble in the bottom, voice bubble in the bottom.

Koenig She's asking for the number.

Mundy I've got it Chrissy if you need it.

Koenig Roger, do you—

Kilmer The phone number is 1-312-626-6799. If you're asked for a webinar ID, that number is 86467219946. We have received a phone number, going to allow them—

Knotts Okay.

Wolff Okay. I think I can hear you. Okay. Who's doing that? Is that me? Okay. Hang on a second. Let me mute me.

Knotts Okay. Can you hear me?

Jones We can hear you.

Knotts Okay. My question would be because my house is directly right in front of the business and when I looked the business up online, it said that it's hours were seven days a week, 24 hours a day. As a homeowner, I would be concerned if you had an emergency with drilling equipment coming through that they would need to come get this equipment at one or two or three in the morning and having people coming in and out. I know that they've probably already purchased this. That's probably one of the biggest concerns and the other one would be making sure that the fence is repaired because since it has been vacant, people are going in and damaging the fence. I've called the police a couple times on people steeling fence pieces which I don't even understand why they would do that, but they were taking pieces of the fence off and sticking it in their car and leaving. So, I just, I'm concerned about the amount of traffic and the hours. If it's during normal business hours, I'm perfectly fine with that just not 24/7, 7 days a week.

Wolff Thank you. Trying to avoid feedback. Will you please state your name and address for the record?

Knotts Jennifer Knotts, K-n-o-t-t-s, 7729 Tanager Court, Zionsville, Indiana. We're in the Eagle's Nest subdivision but we're included in the Eagle's Nest Section 10 which is the front 26 homes. We're separate from Eagle's Nest.

Wolff Very good, thank you. If I could restate your concerns. One was the hours of operation. Two, was that the fence be repaired. You've seen—hopefully, that will notget happen but hopefully if it's occupied, it will be improved. Let's Mr. Andreoli address those issues. Thank you. Mike, you're muted.

Andreoli Those are fair questions. As far as the fence are concerned, we will commit to repairing that fence. It's in terrible shape. I talked to Josh the other day. He noticed the same thing just in the span of time that he ended up putting an offer on the property until the meeting tonight, he noticed pieces of the fence missing. He doesn't get it as to why anybody would do that. The bottom line is, a lot of it's rundown and we would make a commitment as part of the approval process that we would go ahead and get that fence repaired. It needs to be repaired. It's unsightly and I don't think he'll want to maintain an operation with a fence that looks like that. So, I don't think that will be a problem and we'll do that. As far as the hours of operation, most of the operation here will be his water softener operation where he'll store his product for the water softener. Most of those types of businesses, unless there was a true emergency of some sort, most of those call for runs during normal business operations. His well-drilling equipment could run every day of the week. In the summertime, not so much in the winter time, but every day of the week when they have opportunities to drill water wells they will do it but he is not going to maintain the bulk of his operation, of well-drilling equipment, there. If he does, all of that will be located in the buildings themselves and not outside. I might suggest to you if it is any consolation, if not, have the dialogue with me so that I can pass that along to Josh. He only believes he can get maybe two pieces of well-drilling equipment in that building with all of the other storage that he's going to have. The building's currently onsite will

only house so much. Some of those buildings aren't really very good. The bigger building will be a building that he might be able to house a truck or two of the well-drilling at most. He's got many, many of those at his other locations. So, we don't anticipate that's going to be a large part of the operation. One other thing, I think it would be helpful for you to understand. If he decides for some reason that he's going to expand the operation by adding additional buildings, he's going to have to file a development plan proposal with the town for the town to review that before he builds anything or does anything. If you're still living there, you will be given notice of that because if he's going to substantially change his operation to include more well-drilling things, that may be something you're concerned about and may want to address when he does that. Right now, he just doesn't have space to do that and he won't be able to have more than a couple at any time if that in the current building. I hope I've answered your question.

Wolff Okay.

Knotts You did answer my questions. I'm on the board of directors for the Eagle's Nest section 10 for those 26 homes. So, I appreciate your update and I do appreciate the letter. So, when we were notified about this, I wanted to make sure that as a board member and a home owner, that I was on the call.

Andreoli Well, you can think very highly of me for sending a letter to you but it's required by this board so I can't take credit for that.

Knotts I still appreciate it.

Wolff Miss Knotts, thank you for participating in our conversation tonight. Those are very valid concerns. Mr. Andreoli, I think I heard you commit to fixing the fence and making it—

Andreoli That was in the plans and so that there's no misunderstanding about that, we'll commit to getting that fence repaired. He may repair it or he may just decide to put up a whole new one or he may just take it down and clean up the site. Either way, the dilapidated fence will be either repaired or removed.

Wolff Very good. I also heard, I think, the primary intent of this facility is for the water softener storage and your anticipation is that that's not a 24/7 emergency~~--~~. it's ~~That's~~ more of a standard business hour operation.

Andreoli Yes. Yes, he ~~is~~ was really expanded his water softener business the last several years. This was a primary focus of what he was doing with that site. If he's got a job at a particular time, he may want to store the well-drilling equipment rather than from Pittsboro just from an economic standpoint store it in that building overnight and then use it for the next morning when business hours open.

Wolff Very good. Okay. Roger, are there anyone—Miss Knotts participated. Is there anyone else who is looking to participate at this time?

Roger There are no other hands raised.

Wolff Very good. Wayne, it may be appropriate to have the staff report.

DeLong Staff, as indicated in the report, is supportive of the petition as filed. The main point as focused on by Mr. Andreoli, I think one of many, the potential for outdoor storage. Certainly appreciate the dialogue this evening related to that topic. Certainly as the zoning ordinance supports~~,~~ grandfathered outdoor storage. So, certainly, I don't know if the intention here in the future, if that's being foreclosed or certainly abandoned. Certainly, the ordinance would allow in perpetuity the outdoor storage on this parcel if it could be proven through a legal non-conforming use process, whatever outdoor storage was there January 2, 2010 is the date that you would look back. Certainly, this dialogue seems to focus~~ed~~ on there's no interest in outdoor storage. Certainly, if that happens in the future, there would be a future conversation. Certainly, any expansion of the operation to include a new building would be something that the P~~p~~lan C~~c~~ommission would vet and through the process as described by Mr. Andreoli. Again, staff is supportive of the petition as it's been filed and certainly described tonight. I'd be happy to answer any questions.

Wolff Thank you, Wayne. Any questions for staff? Any discussion amongst the group? Hearing no discussion, I would entertain a motion.

Papa I'll make a motion. Move that docket 2020-22-SE special exception to permit the subject site addressed at 7601 Indianapolis Road and the existing buildings on the subject site be utilized for contractor storage in industrial one rural zoning district I-1 be approved as filed based upon the findings of fact as presented.

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

Jones Second.

Wolff Thank you, Mr. Jones. Let's do a roll call vote.

DeLong Certainly. Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Wolff Steve, you're muted.

Mundy Aye.

Wolff Thank you.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Miss Campins?

Campins Aye.

DRAFT

DeLong Mr. Jones?

Jones Aye.

Wolff Thank you. Motion passes.

Andreoli Thank you. I would like to suggest that Chrissy and Mr. DeLong and Mr. Kilmer could not have been more difficult to work with.

Wolff I've heard that.

Andreoli I just had to get it back to reality, you know. Chrissy and Roger, thank you.

Wolff Thank you, Mr. Andreoli. All right. Next item on our agenda is, other matters to be considered. We actually have an update which is pretty darn exciting. Who gets the privilege of providing us that update?

DeLong I would promote Chrissy to that opportunity.

Koenig Okay. So, it's been quite some time, - I believe almost two years, for the Wildwood Designs docket number 2018-19-DSV. They have been working according to them over the last couple year to two years with obtaining drainage easements and various different things that neighbors were concerned with. They ultimately ending up selling part of the land to the neighbor adjoining the parcel. Therefore, the acreage has been minimized and their project is now off the table. So, they would like to thank everybody for their time but they're no longer moving forward with the project.

Wolff Well, that's been some time. Darren, maybe you could speak to this but the parcel that we approved is no longer, or the lot, is no longer—I mean, it's been subdivided. So, the variance is just gone?

Chadd Yeah, technically the variance is still out there but they've changed the property. It's dead in the water. They wouldn't be able to move forward with it.

Wolff Okay. So, I think we can take this one off the agenda for the first time in two years.

Papa Yeah.

Wolff Very good. Are there any other matters to be considered? Hear none. I'm sorry. Was there?

Papa I know I'm running late but I just didn't know if staff knew the answer to this. This isn't directly related to one of the maters earlier but if Miss Giles raised the question about why are we calling it Whitestown Parkway. Does staff know, did we rename that from 650 South? I know Whitestown put a sign there in our territory but did we rename it? Does anybody know?

DeLong I think we're just providing information directly from the GIS.

Papa To think it came from—I mean, it's not a technical point for this board but since it was raised, I was just curious that I don't... I think west of 400 is Zionsville and I don't know that we ever actually renamed that from 650 South which was, I think, the point Miss Giles made earlier.

DeLong Yes. We can look into it. Of course, there's the, you know, the challenges of what road is managed by whom.

Papa Yeah, for consistency's sake, too, it's a very short span of road. I just wondered ~~if that~~ how that ever got resolved.

DeLong I'll look into it. The other item, very briefly, is just the Montessori school, negative findings of fact just looking to secure all the signatures on that document.

Wolff Have we—oh, have we ~~started~~ stalled on the signing of that document? I thought we already did that, didn't we? Are we still waiting on somebody?

DeLong We're shy, who's—is it one more member?

Jones Probably me. Do I need to come in and sign?

Wolff Mr. Jones, we're going to start sending you nasty grams.

Jones Well, I just said—

Chrissy Please.

Jones Huh?

Chrissy Yes, please, if you have time that would be great.

Jones Can I walk in the building?

DeLong You'll be visiting the white truck in the parking lot.

Jones Oh, I see. So, you're going to put me in the white van in the parking lot. Yeah, right. Yeah, guys, it's all I need. Get some candy.

Mundy Get the Buick top down and drive in.

Chrissy Larry, I'm happy to send you that email again that will tell you where the white truck is parked in the parking lot.

Jones I'll get guided into the white van. Oh, we all knew it would end this way, didn't we?

Wolff With no other matters to be discussed, this meeting's adjourned. We'll see you in a month.

DRAFT

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

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

Wolff — Wayne, are we all ready on your side? You can give me the thumbs up or whatever. Okay. So, good evening and—see where my mouse is here. Good evening and welcome to the September 2, 2020 Board of Zoning Appeals meeting. The first item on our agenda is the always awkward remote Pledge of Allegiance. I will block my video camera and then start us in that.

All — Pledge of Allegiance.

Wolff — Very good. Because tonight's meeting is remote, we will perform all of our duties via roll call which we'll ask the town for assistance with that. So with that, Wayne, can I turn it over to you for attendance, please?

DeLong — Yes. Mrs. Campins?

Campins — Here.

DeLong — Mr. Jones?

Jones — Here.

DeLong — Mr. Papa?

Papa — Here.

DeLong — Mr. Mundy?

Mundy — Present.

DeLong — Mr. Wolff?

Wolff — Present. Thank you, Wayne. We're going to discuss the meeting minutes, then I'm going to pause for a moment and we can acknowledge if any of our community members want to raise their hand as if they are in attendance. So, we'll give that in just a minute. Regarding the minutes, they are not—they have not been vetted and edited, yet. When I say edited, we just check for spelling and continuity. So, those have not, so there is not any meeting minutes that we need to approve. So with that, Wayne, are there any members of our community that would like to acknowledge their attendance tonight?

DeLong — If any members of the audience would like their attendance known, please raise your hand and we will read your names into the record. Summary of [redacted], [inaudible], I can read those, Brandon Caudill, Mike Andreoli, Becca and Chad Meshberger, Karen Seppel, Dawn Doyle, Steve Jones, Andrew Buroker, D.J. Mike, Larry Reitz, [redacted] [inaudible] Well, Mark Ritter, Mark Leach, and that is the conclusion of the list at the moment.

Wolff Thank you, Wayne. The next item on our agenda is continuance requests. Are there any of our petitioners on the agenda tonight who wish to ask for a continuance? If so, please acknowledge in the meeting to Wayne. Wayne, I'm assuming you see nothing?

DeLong I see nothing.

Wolff All right. Very good. Then, let's move on. The next item on our agenda is continued business which brings us to Docket # 2019-19-UV for the property located at 3850 East Whitestown Parkway. Mr. Knez, are you there?

Knez Yes, sir.

Wolff Very good. Because I'm really poor at this, will you please pronounce your last name, one more time for me?

Knez Sure, it's Knez. Yep, say the K.

Wolff Got it, very good, and last time we discussed, you were going to work on a couple things for us. Before we get started, will you please state your name and address for the record?

Knez Yes, it's Frank Knez, 8641 Fawn Lake Circle, Indianapolis, Indiana 46278.

Wolff Very good. I think we left you with a couple tasks. I believe everyone here was in attendance last week, or excuse me, last month. I think some of those tasks were to work with the neighbors on both traffic amongst other things. So, can you update us on where you're at with this proposal?

Knez Yes. We met with the neighbors and again, that was, uh, we should have done that first. We humbly admit that that was our error but met with a handful. I guess in order we met on the traffic with specifically Karen and Dennis Giles, her concern from the last meeting. Spent a few hours with them, lovely, lovely folks. Talked through some of that concern. Again, it's kind of an existing issue and Katherine had a lot of great points. It was nice to spend time with them. We met with Karen and Paul Seppel on the commercialization of the area. Again, wonderful people, love the area and that they're potential neighbors. Met with Tony and Lynn and met with Larry and a few others. So, spent a few days meeting with folks discussing that and per the request of them and the zoning board, provided the traffic study or projected traffic numbers. Those are included in the agenda. I left mine on my desk but I'm pulling them up on my phone but it outlines, you know, kind of the peak areas between 8-9:30 and again at 3:30 and 4, you know, with maximum right around at 8 p\a.m. which that's fully staffed. It will take us a while to get there, likely a year to two years but those numbers are there for the board's review. Monday through Friday, again with the hours from 8-6 and that is based on our projected capacity of services.

Wolff Thank you for your diligence on that. I believe you also addressed some concerns regarding light pollution?

Knez Yes. Yeah, those lights are horrendous. We went that night of the last meeting in August. Those lights are angled almost straight at their houses. We'll definitely—we confirmed that with the neighbors, and ~~in~~ again, just good healthy conversations. We would address those upon closing.

Wolff Very good. Would you kind of describe to me the process of which you obtained the traffic flow? How did you—what was the methodology in getting this data?

Knez Sure. We just took our—it's driven by client capacity. You know, we're one-to-one so our—the ABA client, the therapist there in the left column. The ABA clients, those are the children that have an autism diagnosis that would be there or typically between 4-7 or 8 hours a day. They arrive, we have set arrival times there. Then, outpatient clients are kids, like my son comes—he's got a speech delay. He'll come to speech therapy one time a week for a half hour or hour. So, those are the three, kind of—those are the three rows there. Again, we just took the layout of the building. We've got seven other buildings that we operate out of and put, you know, put numbers down based on capacity.

Wolff Okay, very good. Fellow board members, do you have any questions about the revised petition we have in front of us?

Campins What were you going to do to change the lighting?

Knez Sure, sure. We would change the light heads on there. They have zero light pollution heads. It literally lights up across~~.~~ [inaudible]. Right now, we don't have cars or anything parked there overnight. We would add—I think there already is some side packs, light packs on the side of the building. You know, we would just want to illuminate around windows and doors and not, you know, the fields and the neighbors' homes.

Campins Okay.

Mundy This is from memory so it could be wrong but I think last time you had three neighbors who remonstrated and were concerned about the traffic and/or lighting. We received some letters from neighbors. I don't know if they are the same neighbors that we heard from last week, or last month rather, or are they different neighbors?~~.~~ If so, the ones which remonstrated in last month's meeting, were those the ones that you were able to speak with and show this information to?

Knez I spoke with all but one of the families that was not in favor of our development. Again, the Giles, Kathryn and Dennis were mainly concerned about the traffic. We discussed that with them. I think I heard that Kathryn is on the call as well. Then, we spoke with Karen and Paul Seppel. Their concern was the commercialization of the area, not necessarily—we didn't talk about the traffic. I don't think it was on their radar. I don't want to speak for them. I think I heard Karen is also on the call. We were able to have some good conversations with them, share more, answer ~~-~~specific questions. I don't—like I said, I can let them speak, Mr. Mundy, for themselves. I don't want to put words into their mouth but had good conversations but I don't think we swayed them one way or the other.

Mundy Thank you.

Wolff Would note that the properties where we did receive remonstration letters for—work with me here, I believe they were the properties, I'm sorry, in favor of your petition. They were the properties immediately to the east?

Knez Yes.

Wolff Southwest.

Knez Yeah, the three there and then yes, Tony's property is south, yes, and west of the intersection.

Wolff Okay, very good. Mr. Mundy, back to your point, I had kind of three points. It was lighting, it was traffic, and it was the commercialization. So, I think those are kind of what we're going to hear from the remonstrators. Are there any other questions for the petitioner right now? Okay. Wayne, is there anyone here to remonstrate for or against this particular project?

DeLong Looking for any people to raise their hands. I do see a hand raised, Miss Seppel. Roger, if you would promote her to panelist. Thank you, sir.

Wolff Miss Seppel, are you there, or Mr. Seppel?

Seppel Yes, good evening.

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

Seppel We are Paul and Karen Seppel. Our address is 6175 South State Road 267, Lebanon, Indiana 46052.

Wolff Very good, thank you. You spoke with us last time and you had some concerns which you kind of—where are you at now with this project?

Seppel Well, we would like to make, I guess, just one point. We had a chance to meet with the Knezs, found them to be very genuine people that we would be proud to have as neighbors. We are very much in favor of their business and what they do. Our one point is just the commercialization. We would ask that regardless of how the board votes tonight that we would like to just make the point that the long-term plan calls for this to be a residential area and that that be on your minds as zoning personnel on our behalf. So, that would be our main point. Again, we don't need to rehash what we said before. We had a nice meeting. We really enjoyed meeting with them and look forward to seeing their business thrive and wish them well. So again, regardless of how you vote on this, we would just ask for your further awareness, you know, specifically related to commercialization. As commercialization types go, we find this to be, you know, much less egregious than many types of things. So, you know, we're not unaware of how the process works. Again, we wouldn't at all hesitate to have them for neighbors. They seem to be very good and genuine people. Thank you for hearing our concerns.

DRAFT

Wolff Thank you very much for sharing your concerns. Thank you for reaching out to Mr. Knez and working with him. You may not always agree but I certainly appreciate that we have neighbors who are willing to work with each other. So, thank you very much for taking the time to do that. Is there anyone else who would like to speak for or against this petition?

Kilmer There are no other hands raised.

Wolff Okay. Now, would probably be an appropriate time, or Roger, or Chrissy, not sure, somebody, probably would be an appropriate time for the staff report.

DeLong We can proceed with that. I do believe, Roger, if you would for Mr. Knez, make him an attendee. I think that would be appropriate here. I will pause because we don't want any party to feel like they're not hearing the petition process. I know that there's a short delay that occurs during their transition from one spot to another. Thank you.

With this petition, staff is supportive of the petition as it's certainly been filed and certainly as it's been amended. Certainly, last month it was noted and certainly Mr. Jones spoke to it specifically as, you know, religious facilities have certain rights that are provided to them based upon different laws, federal, state, and local. With that in mind, this parcel is utilized by a religious use in a residential area and very likely will be continued to be utilized for religious purposes potentially in perpetuity. In this particular case, you have a facility that is requested to be occupied by a use that as indicated this evening at least from a ~~remonst interest~~remonstrance party, you know, is a use that could fit in to this area potentially with less intensity than a religious use that would occupy this property. Certainly, this ~~it's~~ is very cautious and conscious that we think about this petition and certainly the commercialization of this particular ~~chord~~ corridor, or be it the Whitestown Parkway corridor or the 267 corridor. Certainly, these types of activities will—there will be pressure. Definitely will be pressure in the future with the different enhancements that are happening in this area. Those will certainly be public discussions at future times. With this petition, as it's been proposed, the conversion of this property to the proposed use, is supported by staff and I'd be happy to answer any questions.

Wolff Thank you, Wayne. One point of clarification, unfortunately, I don't have the minutes in front of me, but I believe that last month you stated that the current regulations don't limit or dictate the intensity of it's current use. For example, a church could have a service every evening and there is no limitation~~s~~ or limited use based on that. Is that correct?

DeLong Correct. Religious uses have very little limitation when it comes to how many services they would like to provide, how they wish to minister and provide their services to the area, what that reach of that service area is and certainly there are activities that they take on such as daycare, food service. There's a multitude of services that church's religious uses do provide. The ordinances do not have any sort of regulatory authority over that added tensity.

Wolff Okay. Are there any other questions for staff at this time? Larry, you're on mute.

Jones Am I unmuted?

Wolff You're good.

Jones That's good. That's better. Sorry about that. I went back and read through everything that was presented to us for tonight's meeting. I'm just glad that this group got together, went out and met the neighbors. I think everybody's found a good happy medium. My core concern is still, you know, we are taking 12 acres at the corner of 267 and Whitestown Parkway, 334, Oak Street, whatever the name du jour is, and making it commercial which then kind of further enables the creep between and along 267 from Whitestown going north. I could support something like this if we would like to put little revisions where we, you know, put a 5-year review on it because I think the conversion of a religious facility into the type of use that Knezs are asking for is actually, it's needed. It's a good kind of buffer commercial use. There's a need for it. It's a great location. They probably have an amazing facility to create and do good stuff but, you know, 10 years from now, they may outgrow the place and we'd hate for it to, you know, turn into a gas station or a truck stop. So, that would be my comments on it.

Wolff Thank you, Mr. Jones. Certainly to be respectful of our remonstrators tonight,~~.~~ I agree with them, you know, we don't ~~to~~—without a public discussion and without votes and all the process due diligence that goes through changing zoning, that's not our role. So, the creep of commercialization is certainly a concern. I look at this particular property and say, it's on kind of a major intersection. It is—I don't want to say a commercial structure but it is a—it's certainly not a residential structure. It would be difficult to imagine that someone would purchase this particular property, knock down the existing structure and then build a residence on it. So, I think the only other use case would be that another church may use it. I'm not sure if that is a viable—I'm not sure if churches are growing. I don't know that. That's not my purview. So, I don't necessarily mind your suggestion that we put a review on this. We'd certainly want to talk to the petitioner about that, but—any other thoughts or discussion amongst the group?

Mundy I think we have always, with the use variance request, maybe not always, but usually, have some ~~set~~ sort of review period to make sure that it isn't something that we really didn't anticipate occurring. I don't know if it's five years or what it is but I think some of that—I think we need to establish what that is again because we have usually done that and I think it's for a good reason.

Campins I agree.

Mundy You're on mute, Larry.

Jones Wayne? Wayne, can you hear me?

DeLong Yes, we can hear you.

Jones Sorry. Some new technology, new to self. So, my question is, when we request that somebody be put on like a 5-year renewal, does the town send out any kind

of notice that that's coming up? How does somebody that we've placed this as part of their approval know to come back in five years?

DeLong Well, we have set ourselves an Oo~~o~~utlook invite with ample—

Jones The town does send out a notice of that coming?

DeLong I'll say we've never mailed a notice per se about the expiration of a special exception or a variance but we have set ourselves an outlook invite which then cues us in 4 ½ years or 4 years to be thinking about this as something that's going to be on the radar if it's a 5-year expiration.

Wolff What about another way to skin this cat would be to put a, something in the motion that would limit if the property were to transfer owners or transfer specific uses? I'm worried that we may, you know, funding and bank notes and things like that, those guys tend to get a little if-fy if they are worried about the property. Mr. Jones, do you think there's a way to word something that we could say, you know, if—well actually, now that I think about that out loud, I mean, the request is very specific in nature. So, if we approve this petition—Mr. DeLong, if we approve this petition and someone comes back and wants to put a gas station in, what happens?

DeLong It would be undertaking a zoning process, a rezone, or a use variance. It would be the exact same process that you're seeing here or they would seek to rezone the property and that would be through the Pp~~p~~lan Cc~~c~~ommission and the town council.

Wolff Would that be true of a restaurant, a warehouse, or anything else?

DeLong For many types of uses, yes. I mean, you certainly have a permitted use table where such religious uses, public parks—I mean, you have land uses that are permissible with development plan approval. So, in all cases, you know, the Pp~~p~~lan Cc~~c~~ommission would be looking at anything that's non-residential that would come in if there's going to be improvements.

Wolff So, Mr. Jones is concerned about the commercialization as some of our remonstrators, as am I. If we approve this particular petition and we don't put a ~~censut [sic]~~sunset on it, if another commercialization entity were to buy it, gas station, restaurant, or something else, they would have to come through an approval process. If by right, it is a permitted use, they would not have to, but by right today, they wouldn't have to as well, it's a permitted use. Correct?

DeLong Correct.

Wolff Okay.

Chadd I was going to weigh in on that and I if I can just to echo what Mr. DeLong has said. Your approval tonight would allow only what they've requested~~,~~ a medical office use that allows outpatient pediatric therapy services, etc… Anything else that's normally allowed in R-1 would continue to be allowed, but nothing else.

Wolff Yeah. Mr. Jones and Mr. Mundy, does that address any of your concerns?

Mundy Yeah, my concern isn't that because that is what I thought was the case anyhow that another use would have to go through either this process or the zoning process. I think that the things that do change. H~~h~~ere, we have some estimates on traffic in and out. What if that's tripled in five years and that was never anticipated by us, perhaps not even by the petitioner. It does give the neighbors and us an opportunity to again look at what we thought was going to happen and find that it didn't really happen as expected. As far as changing it to another use, having to go through this whole process or a zoning change process I think is the appropriate thing. That's not what I was worried about.

Wolff Okay. Mr. Jones? What are your thoughts? Mr. Jones is very still on my screen.

Mundy I think Larry's frozen.

Campins I think so.

Wolff Okay. While we wait on Mr. Jones in the interest of time, can—let's discuss this with our petitioner. Will you promote him back? Okay, welcome back. So, I think Mr. Mundy articulated it well. We heard some remonstration about the commercialization of the area. I'm not sure if your use will be any more intense or more commercialized than it's current use but they certainly have concerns and I think they're valid. With that aside, the other concern is that Mr. Mundy is bringing up is what happens if they intensity grows, if the use~~s~~ stays the same but the intensity grows. So, the petition articulates what we think is the intensity, but it gets much larger. So, I think I heard a suggestion that, "Hey, could we revisit this, have the opportunity to double-check ourselves in five years." Do you have any thoughts on that?

Knez Yeah. I think you explained it well at the beginning. I've had talks with—we've pushed out closing and different things because of the property use issue. It is a sensitive topic with banks, with any commercial property right now, anything, any contingencies or causes almost negates the ability to get financing. To directly respond about the traffic, it's a finite amount of space. So, unless there was more development on the lot which we're not interested in. I mean, we were clear to that with the neighbors. Lindsey and I would be fine with signing or pledging or doing something to say that, "Hey, we're not interested in building a secondary clinic on the 13 acres." Like, we want to keep it rural looking. We want to keep it open. We want to use the green space. We're not interested in expansion. Brownsburg is where we've expanded in our main hub and this is an ancillary location to serve that population. So, we have two buildings going up in Brownsburg and that is, that's honestly, that's it. So, if we can do this and make this commitment in any other way besides something that would spook the bankers. Doubly my wife was just texting me, anything under ten years is tough for us, I mean, it's just us personally that own and operate it. You know, it's tough when we just, we're not a developer, we're not a hospital system, you know this is—we're putting everything we have into it and it would be almost too risky if we started and something happened and it got pulled away in five years. You know, I don't know how we could do that. Just being honest and candid.

Wolff Certainly. Would you be amendable to a commitment and I'm not suggesting that we would do this but would you be amendable to a commitment that would articulate something to the affect of the intensity of the traffic wouldn't significantly deviate from what is in our packet?

Knez Yes. Yeah, yep.

Mundy The only way of be doing that would be to, again, would limit the capacity based on what you right now expect to be the maximum capacity.

Wolff Yeah, would you—Mr. Knez, ~~that would put~~let me to defer to you on that. What is a more reasonable expectation for you to manage to, capacity or traffic?

Knez Well, they're one in the same. They're just driven—we don't get drive-bys, you know. We don't get drive-bys, they are scheduled appointments. So, that capacity, that will fill the building and it's—I'm trying to articulate in a better way.

Wolff Well, let me ask this, would you be amendable to a commitment that says that you won't—I certainly don't mind if you remodel the building, but that you won't increase the capacity of the building?

Knez Yes, yep. Yeah, size-wise, we will not add on any usable square-footage that would increase our client caseload or capacity. Yes.

Wolff Mr. Mundy, does that address some of your concerns?

Mundy I think so. Now, I'll be honest, I don't know anything about the form of service you provide but, you know, when it's now one-on-one what if you find that you have a very useful tool with small groups instead of one-on-one that then, instead of going one-on-one, it's one on three or four?

Knez Sure, sure. That's a thoughtful question. We have those groups in Brownsburg. This is, like I said, an ancillary, really, specialty. We're not going to run it as we do Brownsburg with a full gamut of services. There's not enough space for that. Brownsburg, you know, we have close to 20,000 square feet. This is 7, so we're going to have the autism program which is one-to-one outpatient, minimal outpatient services which is one-to-one and focus on serving the number of clients that we presented in the packet. So, we're definitely committed to that. It's an insurance funding thing too, Mr. Mundy, that it's one-on-one therapy. We're a medical facility. We bill CPT or medical codes indicating one-on-one therapy, so. Even in Brownsburg, the groups are maybe less than a half of a percent of the services that we provide.

Wolff Okay. Thank you. We can probably move our petitioner back to an attendee. I think I have the answers I need. Any other discussion amongst the group?

Campins Not on my end.

DRAFT

Wolff Thank you. I think there's a revised motion that if you are in favor of this petition, I think the revised motion which recommends that, in the last line, that the petitioner will be addressing the parking lot fixtures. I think it may be something—Darren, I may need your help here, that the revised motion would also include a line of something about the intensity of use not to exceed what was described today. Is that—

Chadd That was my thought. We talked about a commitment but I think it's best addressed as a condition. You can just add that to the motion, the summary.

Papa How do you quantify intensity?

Wolff Lawyers are always lawyering. That's a reasonable question, Jeff. I don't know.

Papa I don't know if you were saying you couldn't expand the square footage.

Wolff I think that would be the—

Chadd The part that caught my attention was not adding to the space or increasing usable space in such a way that would increase their capacity.

Wolff Yeah, I think that's something that we can measure and I think that's something that the town would be aware of via building permits and things like that. So, I think that's something we could hold them accountable to. So, perhaps, the last line would something that the usable square footage would not increase from the current structure or something to that affect. Is that reasonable?

Mundy We can try that.

Wolff Well, if there's no other discussion amongst the group, I would entertain a motion. Oh, I would, one note—I'd pause. It looks like Mr. Jones has dropped off. So, I believe we have four voting members. Is that correct?

Campins Yes.

DeLong That is correct. He has run into a bit of internet challenge.

Wolff Okay, very good. So with that, I would entertain a motion.

Papa I can do that. I move that Docket 2020-19-UV, a use variance to permit a medical use specifically providing outpatient pediatric therapy services including speech, occupational, physical, and applied behavior analysis therapy as a primary use at 3850 Whitestown Parkway be approved as filed based on the findings of fact as presented with the conditions with the existing parking lot light fixtures be replaced and modified as described by the petitioner in Exhibit 7 and that the useful square footage would not increase from that described in this petition.

Wolff Very good, thank you. Is there a second to that motion?

Campins Second.

Mundy Second.

Campins Oops, sorry.

Wolff Thank you. Lots of seconds, very good. Let's do a roll call vote.

Papa Mr. President, one quick question.

Wolff Sure.

Papa That's still right, right? The lighting is changing as described in the exhibit?

Wolff Your motion is correct as I understood.

Papa Okay, yeah.

DeLong Ready for roll call?

Wolff Yes, sir.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

Wolff Very good. Motion carries with a 4-0 vote. Mr. Knez, I know you can't speak right now but good luck with your project and thank you for being a good neighbor and reaching out to your fellow community members around you. The next item on our agenda is Nnew Bbusiness which brings us to Docket # 2020-14-DSV for the property located at 7655 East 550 South. Can we please promote the petitioner? Mr. Reitz, are you there?

Reitz Hello? Can you hear me now?

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

Reitz My name is Lawrence Reitz. My address is 5202 South US Highway 421, Zionsville, Indiana.

Wolff Mr. Reitz, thank you. Would you please describe ~~with~~ the petition in front of us?

Reitz I'm sorry. You want me to just tell you what we'd like to do?

Wolff Yep, that'd be great.

Reitz My parents and myself, the Reitz family, we have a parcel of land on 550 South which we are currently using as a hayfield. We would like to construct a small pole-type building on there similar to the one that we had sent out to the adjoining neighbors in the letter recently mailed. We would like for the—we would like to construct a building that would be no larger than 50x60 for keeping farm equipment. We have a mower conditioner. We have an inverter, a couple of tractors, different sizes, and also probably use that from time to time for storing hay in addition to two hay wagons, wood-deck hay wagons. P ~~p~~rimarily for those purposes. I think that's it. That's all I have.

Wolff Oaky. How tall would the structure be?

Reitz It would be less than 20-feet tall. I think that according to the drawings, which we've talked to a couple of vendors, it's more likely going to be in the 18-19-foot range. We would have a very low-pitched roof similar to the picture that we had sent out to adjoining neighbors. It does have to be, at least the doors have to be, a minimum 10 feet. One of the tractors that we have for pulling the mower conditioner has a cab and enclosure on top of it. So, it needs to have, you know, typical—that's a typical height for a barn door. So, you're limited as far as keeping it much shorter just for that purpose.

Wolff Is there a second story or a loft to this structure?

Reitz There would be. You know, the building itself would have, you know, rafters. I guess you probably could store some something in there but that's not really the intent. I don't believe that we are going to have a hay storage area up above and if there was, that would be probably—that may be a spot for temporary storage. It would only be light materials, though. I wouldn't imagine that, you know, it's not—wouldn't be significant.

Wolff Okay. So, the intent is not to put floorboards down or decking down in the rafters for additional storage?

Reitz I don't see that happening. Actually, I had never really thought about that. Sounds like a good idea, though.

Wolff Well, that may change the square footage a little bit for us. So, it kind of is an important question.

Reitz All right. Well, that's not—we aren't planning on doing that.

Wolff The reason you're essentially in front of us tonight is because there isn't a primary residence on this particular parcel.

Reitz That is correct.

Wolff Is there any intention of putting a primary residence? Can you kind of describe why there isn't a primary residence? Do you intend to keep this just a hayfield for now?

Reitz Yeah, well this is a remnant parcel from a larger 72-acre parcel that was developed as part of the Stonegate neighborhood. The original parcel did have a house and two barns on there. Actually, there was also some other auxiliary structures around it. I think there was a smokehouse and so forth. Those areas were removed as part of the construction of the Stonegate Sections 12, 12B. So, there was a house there at one time but this area never did have a house on it to our knowledge. We've owned the property since 1978 and, you know, it is outside of the flood area but there was a house there served by a gravel drive that's across from Amos Drive. You know, we just didn't have any plans to build a house. A house could be constructed on there. There is buildable area however, at this time, we don't have any plans to construct a home.

Wolff Okay. Can you also just—you mentioned a few things, but 3,000-square-foot barn seems pretty significant for 7 acres and I don't believe all of that is tillable as I look at it. So, will there be other equipment stored on there—is the farm equipment for other tracts of land or other parcels of land?

Reitz We do—my parents own 8 other parcels of land in and around Zionsville. We also do own another parcel of about 11 acres that's south of the Stonegate subdivision which we also have hayfields over there. You know, we do, like I said, we have two large tractors, a 78HP tractor with a cab, loader, mower, conditioner which is fairly large, two typical hay wagons. So, you know, by the time you put that kind of equipment where it's safe and out of the weather, that can take up a pretty significant area.

Wolff There's no—it's just intended for storage? There is no intention to have a farm stand or any sort of business operations out of it.

Reitz No, we don't have any plans to sell things, you know, on the road or have a farm stand or any kind of intensive commercial component. Obviously, the hay, if we don't use that ourselves, we would be selling that but typically that wouldn't be from that site.

Wolff Okay. Then my last question, some of my fellow board members may have additional questions but Mr. Reitz, did you receive the letter of remonstration from the Stonegate Homeowner's Association?

Reitz Yes, I did get a copy of that letter that was sent to us, that was emailed to me, this afternoon.

Wolff Any thoughts about their concerns?

Reitz Well, I do have some thoughts about that however, they listed a number of, you know, concerns. Many of them I feel are not related to this property. They had a concern about their notice, notification which was their number one concern. According to the United States Postal Service website, the letter which we sent certified, which I don't believe that we were required to in this case because of

the COVID situation but we did go ahead and do that, was delivered to the post office box on the 25th of August. The letter was mailed on the 22nd and they alleged that they didn't get it on the 31st. You know, I can't speak to their homeowner's management company about forwarding the information onto the association but we did everything that we were required to in that particular case. As far as the other issues they raised, they said that you can't have a farm, I believe, in this area. Farming is an allowed use. I verified and looked into Zionsville zoning standards in 194.082, farming is an allowed use in all districts in the rural area. This area had been historically used as a farm. It's had cattle on there. It's had horses. It's had other livestock on it from time-to-time. So, I'm not quite sure where this all comes from. There are other surrounding properties that have barns that are similar in size, some a little bit smaller. There's one on the Mills' property which is just to the west of our property that is a 35x50-foot horse stable. That is only 75 feet from the closest Stonegate resident home that would be the Piraneks and 100 feet from the Redmond's home. Both of those are on Regents Park. This building would be 450 feet away from the closest Stonegate resident in Section 12B. I also would like to point out that my parents own a lot, which is lot 333 in that same section 12B which would actually be the closes to this barn. It would seem that if they are in the active, right now trying to sell this lot for a residential site that they wouldn't want to be building a barn that is going to be damaging, look unattractive to a property that they own that is, you know, the closest Stonegate property to where this barn would be located.

Wolff — Okay. Fellow board members, do you have any questions for Mr. Reitz at this time?

Campins — I have a question, will there be a driveway off of 550 that leads to the barn?

Reitz — There currently is an existing driveway, as I mentioned. It serves that original parcel and that house. That driveway is still there. I believe that I had sent out a little drawing to the residents that showed where the—this was in the later information, that showed where we were looking to build the barn. Like I said, that would be the maximum size that it would be, probably may end up being smaller but there's a small little two-lane mark on there that goes through that from the Ballard near Amos Drive. There is a gravel drive right there currently.

Campins — Okay. Is the flooring in the barn going to be ~~bear~~ bare or is there going to be anything?

Reitz — Sometimes you may put down some kind of material to limit dust and that kind of thing but it's not going to be a poured floor, if that's what you're asking, not concrete or masonry or some other kind of a product, no.

Campins — Okay, thank you.

Mundy — Mr. Reitz, where's the equipment stored now?

Reitz — Right now, the equipment is stored in the, over o~~i~~n the other parcel that we own. Some of it is inside of the barn, some of it is outside which we've had some, you know, concerns, I know, from the Stonegate about keeping equipment outside. We'd like to be able to put it all inside and this would give us an opportunity to

do that. Eventually, this property, this other 11-acre parcel, we've had quite a bit of interest in that. It's off of Oak Street and Whitestown Parkway and it's—at the time that we had submitted our original petition on this which it's been there in Zionsville for quite some time. There were some questions about the zoning that had to be resolved. It just took a little while for all of that to get worked and town to talk to the county and so forth and doing all their due diligence on that. At that time, we did have a party that was interested in purchasing that property. So, you know, we were looking for other areas to move this equipment to.

Mundy The HOA—I think all of us only received their comments some time this afternoon. So, I scanned through it quickly. I may get some of this wrong but I think their concern was that the property is not well kept. Is that this piece of property or do you think this is another piece?

Reitz No. No, they're referring to another—they're referring to another property. As I mentioned, my parents and so forth own many properties in Zionsville. I would agree that, you know, that one area needs a little straightening up and some mowing; however, this property, there's never been any, to our knowledge, that they ever had any issues. On those 7 other properties that we own within Zionsville, I'm not aware of any other issues that, you know, that we've had with keeping something tidy.

Mundy They also mentioned a concern that there was—I'm not sure if it—again, the wording was that they had heard that or that they suspect that there would be cattle placed on this property.

Reitz I don't believe that there is any plans to have some type of intensive agricultural use of this, like a feed lot or something like that, but I don't know that there wouldn't ever be some animals or something like that on there. Property that large, you could have at least 3 horses or 6 or 7 cows, or you could have some goats or chickens. I believe that there are residents in Stonegate that have poultry in their backyards. There's a large property that's immediately to the east of the Stonegate neighborhood. This property owned by the Harmons, they have a substantial number of cattle on their property year-round. You know, if you have a larger parcel and you're allowed to have some types of animals, I don't know why you shouldn't be able to have those. I think we could probably have animals there without a barn or a building.

Wolff Any other questions for the petitioner? Okay. Can we look or can we ask for if there are any remonstrators here tonight to speak for or against this particular petition?

Kilmer Mr. Wolff, we do have three hands raised.

Wolff Thank you. Feel free to promote them ~~to as your~~ in whatever order you feel is appropriate.

Kilmer A fourth hand has been added. I will begin as they are shown on my screen. Tricia Benner will be promoted to panelist.

Benner — Hi, this is Tricia. I'm joining from my car. Before I speak, is John Casey one of the individuals that has his hand raised?

DeLong — A Mary Casey has her hand raised.

Tricia — Okay. Could you—okay, that's John's wife. That's probably how he's logged into zoom. Would you please let him speak first? He's the president of the POA. I'm a member of the board but I would like for John to speak before any of the members.~~?~~

Wolff — I'm amendable to that.

Tricia — Thank you.

Wolff — Mr. or Mrs. Casey, are you there?

Casey — Can you hear me?

Wolff — Yes, I can.

Casey — Okay. You can hear me?

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

Casey — My name is John Casey, C-a-s-e-y. My address is 7597 West Stonegate Drive, of course, in Zionsville.

Wolff — Thank you, Mr. Casey. What are your concerns tonight?

Casey — There are a couple of issues. First of all, Mr. Reitz mentioned the Larissa property that's in the front of our subdivision that fronts 334. Respectfully, it's a junkyard. In fact, we had a request for an investigation into the condition of that property. We feel we have a nice subdivision, a nice community. We think that that deteriorates from it. The condition of that property—I assume Wayne or someone can speak to that as to how the Reitz family maintains that property.~~,~~ T~~t~~hat's an issue. Number two, we are concerned what they are asking you to do is not a variance from development standards. They aren't asking you to approve an accessory building without a home. What they're asking you to do is, approve a primary structure, a stand-alone barn. They have no intention, their letter admits that while a home is a possibility and Larry spoke to it tonight, there is no intent to build a home there. So, what then in fact you do, is take that R-2 property and you will convert it forever to not being used for R-2 property because what you will have is a barn on that property and it will just sit there. Mr. Reitz has made statements in fact, to children as I understand it in the neighborhood, that his intent is to construct a barn and run cattle on that property. This isn't a farm. It's 7.1 acres according to the petition and the survey. Some of that has a creek through it. Some of it is woodland. He says it is efficient property to run cattle. I come from a farming community. It's not unless you want to have a mud path in there when you're trying to do some halfway ~~———~~ [inadible] situation. That would be disastrous to the property values in the community if you had that type of situation there.

So, those are our concerns. Regardless of the timing on it, I can't speak exactly to when Omni, our management company received notice. They tell us that our manager got it on August 31 and we got it on September 1. That's the reason that we haven't had a significant amount of time to really investigate their intention. Some questions you may ask Mr. Reitz is how much money the Reitz family has made in the last two years bailing hay. You might want to ask how many bails of hay they bailed this year. I think any of you should know that when he says that's a hay field, it's not a hay field. If you've gone out and inspected it, it's not a hay field. What their intent, we believe, is simply to build a storage shed for all the equipment that they now tell you is on the Larissa property. It's being actively marketed. They just want to move, a place for a storage shed. That's, in our opinion, the intent of what this petition is. Again, effectively what you do if you approve this variance, is that property will never be developed residentially. You'll just have a barn there. If what they've done ~~is~~ historically is the case, it will deteriorate and you'll never have any development in there that wold be conducive to the neighborhood in particularly Stonegate. So, those are our concerns.

Wolff Okay. So, Mr. Casey, if I could interrupt you. I want to make sure I have the points correct. You mentioned a property that's not on the petition tonight but I think what your point was is you're~~r~~ concerned about if they can't maintain that property what makes you think they will maintain this property or that they won't maintain the condition of this property that we're discussing tonight. That was one of the points I heard. The other point I heard was by having an accessory structure without a primary structure, it would potentially lower the property values of the neighbors in Stonegate. Then, I'm not sure if I know how much they've bailed hay or anything like that. I don't really have that. That's not really in my purview. So, I think the two things I need to focus on, one are your concern that they may not maintain the condition of the property. Two, that this will negatively affect the property values of the Stonegate residents. Is that fair?

Casey Well, yeah. While I may disagree with Mr. Reitz on many, many issues, I always have found Larry in his own way, you know, to be honest. Today, he told you that they really intend to put animals on there. That's what he told you. He said, "Well, this is a large piece of property. You can run cattle. We've run cattle before. We've had goats on there." Okay. If you want goats and cattle and chickens and sheep, you know, on that property next to Stonegate, put in the building and that's probably what's going to happen. Okay? He told you that. They've indicated in their petition essentially that this was an area to store hay. That's the reason I brought up the hay. We have no information they're in the hay producing business. We think that's a subterfuge for what they intend to do. They just want a storage shed on that property.

Wolff Mr. Casey, have you spoken with Mr. Reitz about this? I understand you just received the letter through your property management group. So, let me just make the assumption, you have not spoken directly to Mr. Reitz about this particular petition?

Casey No, sir. That's true.

Wolff Okay. Okay, very good. Thank you, Mr. Casey. Let's move onto the next remonstrator. Did we lose Roger, too?

DeLong We've had an interesting night. Allow Mr. Watson.

Wolff They're dropping like flies.

DeLong We will promote that individual to panelist.

Wolff Mr. or Mrs. Walton, are you there? Looks like Mr. Walton. I can't hear you yet.

Walton Can you hear me now?

Wolff I can. Mr. Walton, can you please state your name and address for the record?

Walton John Walton. My address is 7676 Deerfield Way in Stonegate.

Wolff Thank you, Mr. Walton. What are you concerns tonight? Mr. Walton just disappeared.

Walton Okay. I'm—sorry, this is my first time using Zoom on my phone. So, you know, Mr. Casey really summed up my concerns. Just for reference, Mr. Reitz, we haven't met yet but I live on the, you know, Deerfield Way basically just across from Fishback Creek and we face sort ~~of~~ where this barn it sounds like is going to built. You know, Mr. Casey really summed up ~~by~~ my concerns which is that, you know, there's a property which I believe Mr. Reitz owns in the Stonegate neighborhood on, you know, just the little access road just off of West Stonegate Drive that is in a pretty, seems to be in a pretty poor state of repair. The idea of putting something like that in this area would really be a—if it's maintained at the same standard, it would be a real blemish on the scenery back there. I don't have any expertise in zoning or in, you know, agriculture and those other concerns. Certainly, it was enough of a concern for me to want to, you know, join this meeting and basically just lend my voice to the concern that if this is a barn that is being built and maintained to the same standard a~~t~~ what is right next to Stonegate pond. That property basically looks like a third-world country. It just doesn't really seem right to, you know, okay the building of something like that if we kind of know that there's precedent that there's something else that, you know, it is kind of in the middle of our neighborhood already and that is fortunately from what I've seen it's mostly shrouded by trees. Where this barn is going to be built from my understanding is kind of actually only going to be visible. The idea of a barn that is sort of surrounded by, you know, who knows what in whatever state of disrepair is concerning to me. That's really all I have to say. I hope, you know, I certainly, don't mean to be unkind and I don't know all of the issues or the motivations behind building this barn. I certainly understand the importance of space and maintaining your equipment and your property but given the precedent of what's just off of West Stonegate Drive, I really just have to say that Mr. Casey summed it up pretty well that that's really the concern for me is the state of disrepair of the other, this barn property in the area.

Wolff Okay. Mr. Walton, thank you. I just want to make sure, I think what you're saying is, the property which I believe is towards what I would call the front of

Stonegate, it's in disrepair and you feel like if something similar were to happen or if this were to be developed with an accessory structure without a primary structure, you feel like it would negatively affect your property values?

Walton Yes. Yeah, absolutely. My—really, one of the things—well, there's a lot that we really love about living in Stonegate and a lot that makes living in Stonegate valuable but our view over this area in our backyard, so the common ground and all of that and the pastures, it's a very beautiful and unspoiled view. I can guarantee that the property value would reduce if there was something like the whatever it is sitting next to Trinity Dental is sitting in the view from the back. It would undoubtedly, adversely affect the property value in my opinion.

Wolff Okay. Mr. Walton, thank you for participating in tonight's conversation. Roger, I would entertain the next remonstrator.

Kilmer Very good. We have Brandon Caudill who I will promote.

Wolff Mr. Caudill, are you there?

Caudill Yes, hi. Can you hear me?

Wolff We can. If you would, please state your name and address for the record.

Caudill Sure, it's Brandon Caudill, 7695 Deerfield Way, Zionsville.

Wolff Mr. Caudill, what are you concerns tonight?

Caudill Many of which have been voiced by the first two folks who spoke. I would say that from what I understand, what has, uh, what we saw in the letter and what was described by Mr. Reitz this evening was that this is a hayfield and that the primary intent for the use of this barn is storage of hay. It's not, to my knowledge or any neighbors that I've spoken to that's joined, this area where this barn would be placed, that that is in fact an active hay field. So, you know, the concern that I have is perhaps the primary intent that has been presented to the board for use of this structure is in fact not at all what will, what the actual use of the structure will be. My understanding that's—the Larissa property has been mentioned a few times. It's been mentioned primarily because it is owned by the petitioner. So, it is although a different parcel, the petitioner owns both this Larissa property which is at the entrance of our community in addition to the parcel that they're petitioning this evening to construct the barn. It's my understanding that that property, the Larissa property off of Oak Street is for sale. I have a great concern that all of the trash and rubbish and broken-down equipment that is currently being housed at this Larissa property will simply just be shifted to this barn in the wooded area that they're petitioning purely for esthetics of marketing the property that they're attempting to sell. So, there have been voiced concerns by other members who you've heard from this evening in terms of the state of disrepair of the existing property. It's my concern that that would be expedited with this new barn simply because all of the trash and equipment that's being housed in the Larissa property currently will just be put on a truck and dumped in and around this existing structure that they're petitioning for this evening.

Wolff Okay. Mr. Caudill, have you spoken with Mr. Reitz about this or have you seen the proposed barn?

Caudill I have not spoken with Mr. Reitz. I am a member of the Stonegate POA. So, along with as Mr. Casey had mentioned, I personally became aware of this at the same time, you know, the Stonegate POA was.

Wolff Okay, very good. Would you—you have some concerns and I believe they were kind of directed towards negative property values that would affect you. It looks like your address is kind of—you would be an adjoining property or very close to an adjoining property of this particular property. Is that correct?

Caudill That's correct. So, the barn would be—the area of the barn would be— constructed ——essentially in the backyard of the neighbors across the street from me. So, yep.

Wolff Yep, very good. Would you be amendable if Mr. Reitz, I'm not saying we're going to have this discussion but would you be amendable if we put stipulations on the petition that it had to be a hay field?

Caudill Personally, I would listen to the—I would be amendable to a conversation about that. Knowing what I know about that particular area, I don't, I'm not sure that's even possible.

Wolff Certainly. So, you just haven't spoken with the petitioner and it's difficult to make that assessment without speaking with them.

Caudill I think that would be fair.

Wolff Okay. So, Mr. Caudill, I think what I heard mostly or primarily was previous experience with a previous property, you're concerned that this property will be maintained in a similar manner which would negatively affect your property values. Is that fair?

Caudill That's fair.

Wolff Very good, thank you. Thank you for participating in tonight's conversation. Roger, I will entertain another petitioner, oh, I'm sorry, petitioner, a remonstrator.

DeLong Mr. Wolff, we have two more. I'm going to promote Tricia Benner

Tricia Thank you. Can you hear me?

Wolff Welcome back, Miss Benner. We can hear you, or we could. You appear to be muted right now.

Tricia Now, is that better?

Wolff That's much better. Would you please state your name and address for the record?

Tricia It's Tricia Benner, 6615 Westminster Drive, Zionsville.

Wolff Looks like you are also a neighbor in Stonegate. Correct?

Tricia I am a Stonegate member, also a POA member to be transparent.

Wolff Very good. What are you concerns tonight?

Tricia Well, my concerns would mirror many that have already been stated. I have not had a conversation with Mr. Reitz about this particular building. I have had conversations with him regarding an alleged hay business or hay fields. I wanted to share my expertise. I did grow up on a farm that had some livestock and grain. I went to school in the agriculture field and also practice and my career has been in agriculture, so I'm very familiar with what hay fields look like. Those are not hay fields. We have a situation going on with him right now where it is a field of weeds that he's not maintaining next to the barn that sits on 334 right at the front of Stonegate that many people have mentioned tonight. It does not have great curb appeal, and I'm trying to be perfectly honest and factual here but it very much looks like a junkyard like they've said. There's lots of old equipment and junk and things that have overflowed from the barn. I think there is a real concern that those materials will just be transferred to this other barn. It is very much, and I say this in a mature and professional way, it is very much a hoarding situation in that barn and I think that's why there is such a huge concern from the residents that those materials are just being transferred to this other barn so that they can market that front property. We have asked them to maintain it, clean it up, all these things, and it just hasn't happened. On my street, Westminster Drive, when we built our house, there was a common space behind it that wasn't being maintained by the neighborhood yet because all the lots weren't sold. That was supposedly a hay field for a long time. I never once saw it be baled into hay. It was always weeds. It was always overgrown and they would occasionally would bushhog it but it never was baled into hay. So, I really fear that Mr. Reitz is not being completely honest about the use of this new area and that the property will very quickly deteriorate and bring down home values in our neighborhood.

Wolff Okay. So, like similar to other remonstrators we have heard tonight, you're concerned that this property with an accessory structure without a primary structure will turn into a bit of a junkyard or a bit of a whatever and will negatively affect your property values.

Tricia Absolutely, absolutely.

Wolff I do want to say, earlier, I think you mentioned it right off the bat but I want to make sure I have it clear, you have not spoken to Mr. Reitz about this?

Tricia I haven't spoken about the new structure. I have spoken to him about the apparent hay business and hay fields that he referenced in other parcels. From my expertise in agriculture, those hay fields don't exist.

Wolff Okay. Very good, thank you. Roger, I think we have one more. These are similar in nature. I don't want to cut off our public comment but we are running a little

close to our 15 minutes and I try to add a little buffer. So, let's just limit to this one. I think I know where this is going to go, so.

Kilmer — Okay. We do actually have three more hands that have been raised which I will—I will promote—

Wolff — Actually, can you hold one second there, Roger?

Kilmer — Yes.

Wolff — Okay. So, we have had—fellow board members, we have had several people that have articulated ~~a~~ concerns that are very consistent. I would remind you all, we are not hearing any petition about the front party. That's not on our agenda tonight. We're looking at this back property but the concerns have been fairly consistent. The other thing that I have heard that is a little bit concerning is that we have not heard the petitioner speak with these concerned neighbors. I don't want to cut anyone off. This is a public forum. We have the right to hear—everyone has the right to be heard. We do have rules and limitations on the total amount of speaking time. I've been a little bit generous with that because it's a little bit challenging over Z~~z~~oom but I'm of the impression that there needs to be more conversation had on this. I would turn to my fellow board members before we continue—by that, I mean, more conversation between the two parties. I turn to my fellow board members, would you agree with that statement or would you like to continue hearing testimony tonight?

Mundy — I agree.

Campins — I agree as well.

Mundy — Short notice, the fact that they have only known about it for a short period of time and they have all this other observation nearby. I think they're justified and it should be continued.

Wolff — Miss Campins, are you in agreement?

Campins — I would agree if the two parties could meet, the homeowner's association and Mr. Reitz, if they could get together and have conversations and you know, maybe he can describe in more detail of what he's planning on doing with the other lot and the new barn. So, I would agree.

Wolff — Okay. Mr. Chadd, is it appropriate for us to make a motion to continue this ~~at~~ now? I don't want to—certainly, there's other people who would like to speak and they certainly will have the opportunity when we actually have a motion, a favorable or deniable motion but at this point, I'm not sure we're making any progress.

Chadd — I think that's in your discretion. You can certainly go ahead and continue it, you'll just have to remember at the next meeting, that you haven't really finished the public hearing. So, you can take comments at the next meeting and pick up right where you left off.

DRAFT

Wolff So, thank you Mr. Chadd. Board members, I guess I would be amendable to not continuing the public section of this because I feel like they really need, the two parties really need to get to talk to each other. Then, the public comment may differ this month versus next month. So, if the two parties get together, they come to an agreement or they agree that they're completely off then ~~that's~~ we'll have a more thorough conversation but if these two parties haven't spoken to each other, I'm not sure the conversation is very useful at this time.

Mundy Agree.

Campins Agree.

Wolff Very well. Then, Mr. Reitz, you don't need to be promoted back again. I am going to entertain a motion to continue this petition. The reason is, I feel like there have been a lot of comments that are consistent. They are concerning to me but I think they are valid comments. I feel like there needs to be additional conversation between the two parties and hopefully an agreement can be reached. If not, then we will have a motion one way or the other at the next meeting. In addition to that, I would certainly encourage you to be amendable to listening to the ~~neighbor's~~ neighbors' concerns. To our neighbor~~'~~s who participated tonight, thank you very much for taking the time. I think your concerns are valid and this certainly is a public forum and I'm glad you took the time to share with us those thoughts. I don't mean to cut anyone off. They were very consistent in nature and it just was abundantly obvious to me that the two parties need to get together and have a thorough vetted conversation before it comes back to us. So with that, I would entertain a motion to continue this petition.

Papa Mr. President, I would make that motion but two things they might want to clarify in their conversations for me.

Wolff Certainly.

Papa I thought I heard the petitioner say, he has the right to have certain livestock there now which I think is true. I think I heard one of the remonstrators thought maybe he was saying that was his intent or that he was planning to do that. So, I'm a little confused as to what he wants to do or what he was trying to make with that statement. Secondly, the complaint about the property that is not part of this petition and some of the things that are there. I think some of the complaints are about things that are outside. The petition may be addressing part of that by creating this storage space to get it out of view. That may not satisfy the remonstrators but I'm saying, like maybe he is addressing part of that issue with the proposed storage space. I'm not saying I agree or disagree, but figure out where the balance is there.

Wolff Certainly.

Papa So having said that, I would make a motion that we continue this matter until the October meeting of the board.

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

DRAFT

Campins I second.

Mundy Second.

Wolff Thank you. All those in favor—actually, let's do a roll call vote, sorry.

DeLong Happy to facilitate that. The continuance request is to your October 7th meeting date. Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Papa?

Papa Aye.

Wolff Thank you. This petition will be heard in October at our October meeting. Again, and I want to reach out to our public members. Those of you that spoke tonight, we will have additional public comment at our next hearing. I'm hoping the public comment will be more focused on the common ground you found with each other but if not, then we'll hear that as well. So, everyone will have the opportunity to speak at the next meeting but I certainly implore both parties to reach out to each other and work together so that we may have a more thorough and robust conversation and reach a conclusion. Thank you.

The next item on our agenda is Docket 2020-23-DSV for the property located at 965 West Pine Street. Will the petitioner please come forward? Oh, we lost Roger again.

DeLong Your petitioner is coming forward here.

Wolff Mr. or Mrs. Evans, are you there?

Evans Hello, good evening. Can you hear me okay?

Wolff I can, thank you. Could you please state your name and address for the record?

Evans My name is Ryan Evans. Address is 965 W. Pine Street in Zionsville.

Wolff Thank you, Mr. Evans. In front of us tonight, you have a petition that is asking to deviate from the required side yard setback. Would you please describe this petition in your words?

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Evans Sure thing. What we're doing is, we're requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the, what we're asking for, the variance, is within the five-foot setback from the property line. Our property currently is at a higher grade than the adjacent property which is the Rail Trail. Our house is right at the Pine Street entrance to the Rail Trail. The trail, that entrance actually goes right along the side of my house. Currently, we have a boulder wall along the side of the, along our property line. What we're doing is to would like to replace that, replace the boulders with a masonry wall which hopefully you've seen within some of the drawings and everything that we've attached and within the landscaping plan that would also include a fire pit. Then, we would also be then extending brick pavers up to that masonry wall up in our side yard. We really do believe one, obviously for us it would benefit our small side yard that we do have currently, but also it would really enhance the Rail Trail entrance that we have, again, people do walk right along the side of the house all the way down to the main entrance on the Rail Trail. So, our point there is definitely to enhance the beautification of it also.

Wolff Thank you, Mr. Evans. As I look at the packet of information we have in front of us, how high above grade will the wall be?

Evans So, above the current grade right now, I think it's like a foot and a half, enough to almost sit on it because we are already at a higher elevation than the city property, I guess, is what we'll call it, grass green belt between us and the Rail Trail probably a good twenty feet or so of grass between us and the actual trail but since we are at that higher elevation. The total wall itself, I want to say it's about four feet. Again, I think we've already got about three feet built up already.

Wolff Okay. So, if I'm on the entrance to the Rail Trail, how much—I'm not sure if I'm asking this very well. How many vertical feet of wall will I see if I'm standing on the sidewalk that goes down the hill? How many vertical feet of wall will I see?

Evans Approximately four feet.

Wolff Okay.

Evans Maybe four and half. Yeah, about four feet, I think. I've got it in the drawings—I'm just going to go to it real quick. We do have some—

Wolff I think it's Exhibit 6 is what I'm looking at in our packet.

Evans That would be a picture of the wall itself. So, the existing wall itself right now is just about three feet so it would be about an extra foot and half.

Wolff Okay.

Evans Let's say about three and a half feet to almost four feet.

Wolff I believe in my notes, although I don't see it immediately in front of me, we received some letters of support from your neighbors. Is that correct?

Evans — Yes. would definitely like to thank everybody for their support. Again, with being on the Rail Trail entrance, we see lots of people and we're outside always just piddling around the yard and taking care of it and what not. So, we're usually talking to everybody coming through. Then, having the sign in front of the yard, announcing this meeting has obviously drawn lots of people just curious of what we are doing. Received a lot of support and was really happy to see we had neighbors several blocks down even sending in, I know, some email support and what not. We did contact all of our neighbors with the adjoiner's required letters. Everybody had reached out to us and definitely were highly supportive of it. We even at one point before realizing the whole process that we had to do it and kind of created a petition along all those neighbors and plus people just walking by in one day, I know we could have done a lot more but really just that in one day not, again, fully understanding what the process was ahead of us. So, again, we've had nothing but full support from everybody that we've talked to.

Wolff — Very good. I guess, one last question that I have before I turn it over to my fellow board members, as you know and I know you are not an expert, but there's three burdens you have to meet for us to grant the variance. The first one is it's not injurious to public health or safety morals, I think I can get my way through. I don't think your wall is going to hurt anybody. The use and value of the adjacent area to the property, second one, is that it won't negatively affect the adjacent property which in this circumstance is the town and the wall looks like absolutely an improvement. I think it will look great. So, I don't think that's an issue. The third one is the strict application of the terms of the zoning ordinance will result in an unnecessary hardship. Can you walk me through what the hardship is that you currently have?

Evans — On a personal side, would be just the way that our lot is—again, that's the way we bought it so I really can't argue about that but it is a more of a triangular, so it cuts off—so, we really just don't have a lot of space. So, in this case, it's right now we currently—if we have to move five feet from again, our higher elevation property line, inside really has, there's no point in putting even a patio type area in. It's about, no not quite half our space, but at least a third of the space would be back into where we would then be building a seating wall or something like that so that hardship ~~in~~ alone. ~~Even~~ And then is the privacy aspect. ~~is R~~really, again, we know we're on the trail. We love being on the trail to tell you the truth but actually having that wall and again with some of the existing boulders with moving them along our property line like we've laid out within the packet, would definitely give us just that little bit extra privacy and even having it—that foot and a half because right now, you can just walk right over it into our back door. This would at least again, you can hop over a foot and a half wall but it does add a little bit of privacy to us.

Wolff — Thank you, Mr. Evans. If I could just kind of recap what you just said, and I think you said it well. You do have an unusually shaped property and that creates a hardship. If it was a perfectly square lot, this probably wouldn't be necessary. Also, with a slope, it does make it a little more challenging. So, you do have an unusually shaped lot which creates a hardship. In addition, I think the privacy is an important point because with typically with most lots, they have a neighbor, a neighbor to their one side or the other. In this particular case, you have our town as your neighbor and that is a pathway. So, we all get to walk by it and utilize it

and that's very good but it creates a lot more traffic between you next to your property than the typical property that we have in our community. So, I think those are both hardships that you articulated well. Very good. Do we have any other questions for our petitioner tonight at this time? I'm seeing none. Are there any remonstrators to speak for or against this particular petition?

Kilmer Mr. Wolff, there are no hands raised.

Wolff Very good. May we please have the staff report?

DeLong SMy staff is supportive of the petition as it's been filed. Certainly, this board has seen similar requests for properties along or near in proximity to public improvements such as Rail Trail, other types of town installations. In these types of requests, there's where it always contemplates that the additional impact those public uses have on adjacent properties and that privacy and someone striving to use and get the full enjoyment out of their property while we all enjoy the public improvements that are here in this community. That said, staff is supportive of the efforts of the petitioner to, you know, reasonable open space on the outdoor areas for their function and their use while still, you know, trying to define that area between private and public. Again, staff supportive as the petition has been filed and I'm happy to answer any questions.

Wolff Thank you, Mr. DeLong. Are there any questions for our staff or any comments or discussion amongst the group? In my opinion, this looks like a classic case for the variance in that the property is unusual in both its shape and location and I think this setback is not too large of an ask or an unreasonable ask. That's my opinion. If there's any other discussion amongst the group. If there's not, I would entertain a motion.

Mundy I'll move that Docket 2020-23-DSV development standard variance in order to provide for the addition of an outdoor living space to a single-family home which deviates from the required side yard setback in the village, residential village, zoning district RV for the property located at 965 West Pine Street be approved as filed.

Wolff Mr. Mundy, would you be amendable to including the findings of facts and "substantially compliant with the submitted sitde plan" in your motion?

Mundy I would.

Wolff Thank you. Is there a second to that motion? Anybody? I didn't hear it if there was.

Campins I second.

Wolff Thank you very much, Miss Campins. Mr. DeLong, will you please conduct a roll call vote?

DeLong Certainly. Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

Wolff Very good. Motion passes. Mr. Evans, good luck with your project.

Evans Thank you very much. We wanted to also give a thanks out to Chrissy for just helping us along with the process and getting all the paperwork. We went back and forth quite a few times again and needed a little handholding to get there. So, I really appreciate the help in order to make the timeline for this meeting. So, thanks a lot.

Wolff Thank you, Mr. Evans. Our staff is—we're blessed to have a wonderful staff that works very hard. So, we're all the beneficiaries of that.

Evans Have a good night.

Wolff You, as well. The next item on our agenda is Docket # 2024-DSV for the property located at 6475 South 275 East. Will the petitioner's representative please come forward?

Kilmer Mike Andreoli is being promoted.

Andreoli Can you hear me now?

Wolff Mr. Andreoli, we can. Would you please state your name and address for the record?

Andreoli Thank you, Mr. President. For the record, my name is Mike Andreoli, 1393 W. Oak Street. I'll put my video on. Not that you want to look at ~~my —~~me… Jim and Patty Marshall, they are seeking a variance ~~in~~ of development standards for a proposed accessory structure that exceeds the required square footage for an accessory structure. They are over by a fair amount and would need a variance in order to construct the structure that would be a pole barn t~~. T~~hat's been attached to your packet so you can see what it looks like. The size of it is for edification purposes is 32x56 feet and 16 feet in height. It's being proposed because the Marshalls have a motor home. Their motor home is 42 by, uh, 42-foot-long with 15 feet high. So, that's why the actual pole barn is 16 feet and why we have the dimensions of that given the dimensions of the motor home. He stores the motor home offsite. He is very much interested to have that motor home be stored inside not only for himself but the neighbors have to look at it and just from a security standpoint as well. He's out a fair piece. He's on a road that has a pretty

good bend to it. He's off to the north of that particular bend but it's tucked away back in there and I think from his standpoint, he would very much like to secure that in a permanent structure.

He's got about a 3-acre site, just a little less than that. The amount that we would exceed would be approximately 1,477 feet. We worked with Chrissy to come up with those particular numbers to the extent that that would be needed in order to construct this particular pole barn to house his motor home. Before he even engaged in this process, he went around and talked to all of his neighbors. They should be part of your packet. There are approval letters in there from all of his neighbors that surround him. I counseled him when he did this not to just get an approval letter, also make something so they could see it. You can see from the approval letter that he obtained, he actually has a mini site plan on there;~~,~~ an area where the pole barn would be stored, and the description of the size of the pole barn itself, s~~. S~~o~~,~~ that all of the neighbors to the extent that they would be approving of this variance would have all of the facts behind it in order to intelligently weigh in and give their approval. So, I think that was a smart move on his part. I think that probably should be done most times when people get approval letters so that the BZA is understanding, that they really understand what exactly was being asked for, what the dimensions were, what it looked like, and those types of things. It would probably make your job a little bit easier at the time of these hearings. The b~~B~~uilding, as I mentioned, is included in your packet. It's being done by Midwest Manufacturing. The dimensions and all of that information was included.

So, at this point, I'd be happy to answer any questions. I know you've approved these projects and these variances in the past. One of the questions that has come up in the past has to do with whether or not there's going to be storage upstairs on these buildings from just a calculation standpoint. Given the fact that the motorhome is 13 feet and the building will be 16 feet, there really isn't going to be any storage up above the motorhome by any stretch of the imagination. So, we're not going to have any boards or second floor on that as so many of these buildings may have. This will simply not allow that given the fact that we've got a motorhome with certain dimensions in there. Thank you.

Wolff Thank you, Mr. Andreoli. I do have one kind of housekeeping question here. In the narrative that was provided to us, maybe staff can help me square this up. The narrative that was provided to us, the ask was for an additional 1,477 square feet. In the staff report that was provided to me, I believe the number was 1,426 square feet so not a big difference. 51 square feet, I think, is somewhere where we're at. Not a huge difference, I just want to make sure we have the right size on record.

Andreoli Chrissy would know because we originally had one number and then we had to do some additional calculations. I think since that's in the staff report, we'll probably go with the staff report.

Wolff Okay. So, the staff report states 1,426 square feet of additional?

Andreoli Yes.

Wolff Okay, very good. The letter you provided, I just want to make sure I'm clear here, to the neighbors as well as the drawings that are in our packet, it looks like it's a structure. Is the intent to build that structure or something that looks substantially similar to that structure?

Andreoli Substantially similar. That may very well may be the structure. I know when he originally met with Chrissy, Mr. Marshall, he provided her with that particular building itself because he wanted to make sure given those dimensions he knew exactly what was expected of him to the extent that he needed a variance or any other requests. So, it will that particular building that will be built.

Wolff Okay. So, I can make assumptions about the siding that is represented in those drawings and those images is the siding that would be used?

Andreoli Yes.

Wolff Okay, very good. What other questions do we have for the petitioner's representative tonight? I don't see anyone. Mr. Andreoli, I'm going to ask you one more. As we review the findings of fact, can you go over the third finding please, the hardship?

Andreoli Let me see if I can find it. Well, I think there's more to it than just that. I think the way this started out, Mr. Marshall and his wife, Patty, owned enough acreage at one point to be classified as a farm as they would have had 20 acres. Over the years, some of the acres got transferred for a farming operation. It was part of a much larger tract at one point. Then approximately 3 years ago, I guess, Wayne, he came and then we did a minor plat which eliminated some additional acreage from the remaining site that he had. It was a minor plat. So, I think had he known what the requirements are with regard to the 20-acre requirements, he probably would have come in a long, long time ago to make this particular request. Now that things have turned over into a minor plat and he's left with essentially the 3-acre site where his home sits, there's really not, you know, that given the fact that he's already got some accessory structures on it, just will not allow him to go ahead and put the motorhome.

Wolff Ddoes your client own the other property that was separated off, still?

Andreoli He owns—there was the additional 3 acres there, he owns the acre adjacent to him. So, there's three large acreage plats there, sites, and he owns the acreage that is just south of his property.

Wolff Okay.

Andreoli Other factor, I think, is to the extent that if anybody could potentially be at harm or any detriment by this particular motor home, he owns the lot that's immediately adjacent to it and if somebody doesn't want this particular accessory structure there when they buy it right next to him, then he's the one that's going to be losing out on it, nobody else. So, we don't have anybody occupying or any other owner of that land right now. So, they will be buying that property recognizing that, assuming he's approved, recognizing that there will be a pole barn built there storing his motor home.

Wolff Okay. So, if he is negatively affecting someone's property, it's his own property?

Andreoli It's his own property.

Wolff Okay. What other questions do we have for the petitioner's representative tonight? If there are none, I would look for any remonstrators to speak for or against this particular petition?

Kilmer Mr. Wolff, there are no hands raised.

Wolff Thank you very much. If that is the case, then let's turn it over to the staff for the staff report.

DeLong Thank you. Staff is supportive of the petition as it's been filed this evening. As indicated, you have a nearly 3-acre site that is seeking to be improved with a structure that would provide for cover of a motor home. We've talked about this a few different times. I think recently just a few months, maybe two months ago, that your zoning ordinance, if somebody has a recreational vehicle, one of those, they park it on their property outside without question. Certainly at times, that does cause concerns for neighbors and certainly, you know, providing for structures to insulate those both from view and providing for the value of the vehicle is something that landowner's strive for from time to time. Certainly, staff recognizes that. Certainly staff recognizes the acreage that's out here and certainly the sizes of properties, the sizes of buildings that are in this area. Certainly, this conversation lends itself to other topics that we've discussed before such as a for~~u~~m-based zoning ordinance that is more reflective of sizes of parcels versus sizes of improvements rather than basing the size of an accessory use on the size of the primary. Certainly a conversation for another day. With all that said, staff is recommending approval of the petition as it's been filed and I'd be happy to answer any questions.

Wolff Thank you, Wayne. I don't have any questions. Does anyone else have any questions for Wayne?

Papa Mr. DeLong, it's ~~not~~ only tangentially related but did you say in that prior meeting, that even a properly registered and plated RV in the rural district, you can not have more than 1?

DeLong That's correct. We've run into this before with properties that may own a motor home, travel trailer and then also acquire a tiny home or a home that they've constructed on their own. That does run afoul of the zoning ordinance.

Papa In the rural district?

DeLong Correct, rural district.

Papa Rules are the rules but that seems excessive to me.

Andreoli That's a holdover from the county that you inherited. Ordinance changes for many. I concur with Wayne to the extent that you are looking at changes at some

point in the future. Those are the kind of areas that I think would make it more useful. I don't ~~.~~ [inaudible].

Wolff Any other questions for Wayne or any other discussions amongst the group? I think if it was—often times, one of the things I think about is what would it be like if I were the neighbor, and I would certainly rather look at the barn than an RV but that's just my opinion. If there's no other discussion, I would entertain a motion.

Papa Okay, I'll do it. I move that Docket # 2020-24-DSV development standards variance in order to provide for the construction of a detached barn exceeds the allowable accessory square footage associated with an accessory structure in the agricultural zoning district be approved based upon the findings and based upon the staff report and presentation.

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

Campins I'll second.

Wolff Thank you, Miss Campins. Let's do a roll call vote.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye. Thank you. Motion carries.

Andreoli Thank you, as always.

Wolff Thank you, Mr. Andreoli. The next item on our agenda is Docket # 2020-25-UV for the property located at 6300 Technology Center Drive.

Kilmer Promoting Andy Buroker.

Buroker Can you hear me?

Wolff We can. Will you please state your name and address for the record?

Buroker Good evening. My name is Andy Buroker. I'm an attorney with Faegre Drinker and my address is 600 East 96th Street, Suite 600, Indianapolis, IN 46240. With

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me, on my team, is Mark Leach, one of our land use planners who is also joining. I think Scott Lindenberg, a representative of the owner, is also on the call.

Wolff — Very good, Mr. Buroker. Will you please, in your words, describe what is in front of us tonight?

Buroker — Yes. Thank you very much board for allowing us to present. I represent Innovative Partners which is a group of physicians and surgeons who desire to repurpose and reuse the former Harrison College site, which is vacant at 6300 Technology Center Drive in the Northwest Technology Center, as an ambulatory surgery center. So, the basis of this request is that it's zoned industrial in the rural area, industrial rural I-1. So, while that includes industrial and research type of uses, a majority of the uses as we will show you in our presentation are office in association, are not research or industrial type uses. We think that the investment by the physicians who want to do this~~,~~ the building is a little over 18,000 square feet~~. T~~t~~heir renovation plan includes using only about 13,000 of the total building square footage for an ambulatory surgery center. I think in the materials that you have it shows a relatively light usage of 30-50 people on any given day using or coming into the facility. There are 166 parking spaces onsite and an easement for an additional pretty-sizable number of spaces that are available adjacent to this property that the school used at one time. So, that is the goal of what our client is attempting to do.

Browning Investments really is the declarant and the developer of this park. So, we explained and addressed to them what we proposed to do. Mark Amos, the property manager for the center, included in—we provided in the materials a letter of support from Browning Development for this use. Again, the Harrison College use has been vacant for a couple of years now. This property, while it is zoned industrial, has been used as the Indiana Business College, a veterinary education school or college, and then Harrison College subsequent to that.

So, it's only ever been used for education, some would say veterinary training is a clinical use but it's not ever really been used for industrial or research. So, that is the proposal for this evening. We addressed—I'm happy to address our findings of fact. I don't want to read them verbatim for you but I'm happy to address them if anybody has questions about that. I would highlight the list in our materials of the number of properties or companies that have uses in the Northwest Technology Park which are not industrial/research uses. A number of trade offices, association offices, a bank, a dentist, a Northwest Radiology, another medical type of office use, so while this park is—I don't know if it's zoned default industrial, but clearly industrial research is what Browning intended but it's really developed into a very, very nice office use across from Dow~~e~~ and Kovans main property at 96th and Zionsville Road. Mr. Chairman, that's the basis of our request and I would defer to any questions and I'm happy to answer any questions that the board has.

Wolff — Thank you very much. I just would note that in your information you provided is certainly thorough and that's much appreciated. The hours of operation intend to be, you know, fairly typical, 7 a.m. to 4 p.m. As I review this application, it looks very consistent with what was there ~~prior~~ previously ~~so~~ with both Indiana Business College, Harrison College. I think that the use would be similar in

nature to those. So, as I thought about this petition, I thought it might fit fairly well with where you're proposing ~~at so. Yeah,~~at, so, yeah, I'm not sure if I have any questions. Do any of my fellow board members have any questions at this time?

Mundy — Mr. Buroker, are there plans for the additional 500 square feet that will not be ~~innovated~~ renovated and utilized for this purpose?

Buroker — Good question, Mr. Mundy. I do not believe at this point in time based upon the number of surgeons and physicians that are available to occupy it. I think 13,000 is sort of their appetite for what they can use. I believe some of the sort of further back or non-public areas of the building, you know, used to be used for kennels or pet cages or something like that, and really aren't necessary for their practice, meaning they don't really want to or need to spend the money to renovate or upgrade them to surgical space type of area which is expensive per square foot to do.

Mundy — I was, well, you know, it's kind of wasted space. I'm not sure, maybe Wayne could shed some light on, you know, if they chose to use that space as space that they could lease out in terms of other types of businesses, what would we face if another business came in which did not meet the current zoning requirements?

Buroker — I don't know if that question was for Wayne or for me, but the building is structured to really have one main entrance. It really is not well set up to be subdivided for multiple uses. I guess somebody—that's not their intent or their desire. So, if somebody else came and wanted to or proposed subdividing or using the rear or northerly 5,000 square feet that's not going to be built out, they'd have the same use issue with it being a business use under the variance. Our business use is for an ambulatory surgery center. So if it weren't that kind of a use, I don't think they'd be able to do that without some other petition to the town.

Papa — Mr. Buroker, is this a for-profit use?

Buroker — Yes, it is, Mr. Papa. Yes.

Papa — There's no impact on the tax or the, the tax treatment, the tariff?

Buroker — It is envisioned~~.~~ … I don't know if Harrison College had a property tax exception to this, Jeff, but this is a for-profit use and it would not be tax exempt under this ownership.

Papa — Yeah, so even if Harrison did, this would be a positive, a positive move not a negative?

Buroker — Yeah. We're buying it from S&H Development, LLC. which is a private for-profit LLC. I believe they leased it to the college so I don't believe that the property was tax-exempt. It wasn't owned by Harrison, it was leased to them.

Papa — That's what I thought but I just wanted to ask if we were going the other direction.

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Buroker Good question.

Wolff Any other questions for Mr. Buroker at this time? Seeing none, are there any remonstrators to speak on this petition tonight?

Kilmer Mr. Wolff, there are no hands raised.

Wolff Thank you. May we have the staff report, please?

DeLong Thank you. Staff is supportive of the petition as it's been filed and certainly appreciate Mr. Buroker's very thorough description of the petition. Certainly, this project speaks to some conversations that this board has had related to mix of uses in your industrial districts as you think about and have questions and requests regarding commercial and other types of uses that are ~~result~~ present in a mixed-use district. You have several of these uses, you've talked about previously certainly along urbanized or urban-zoned corridors. T~~, t~~his is one that's in your rural area. Staff is supportive of this request. It certainly helps us further solidify and balance the land use mix of the community and certainly the previous history of the property lends itself to the use that's been presented this evening. With all that in mind, staff is supportive of the petition as filed and I'd be happy to answer any questions.

Wolff Thank you, Wayne. Are there any questions for staff?

Mundy Wayne, given that this is a use variance request, in this case given the nature of that diversity, I assume you would not suggest that we look for a sunset period?

DeLong That's correct, Mr. Mundy. This particular use and certainly the mix of uses that we're seeing, while we do mention that in the staff report like we always do, ~~.~~ c~~C~~ertainly, it's not something that staff sees as necessary. In fact, with future efforts and amendments to zoning, we would see actually an effort by the town to encourage this by law.

Wolff Can you articulate that statement, so I—what you think is coming is that the town may encourage more diversity of these types of properties?

DeLong That's correct. Via what has happened in your urban zoning ordinance, specifically in the I-2 urban, you find that the ordinance was amended a few years back to allow for support retail, service retail, and specifically as well encouraging if you're making a widget in that particular industrial district, you're allowed to sell that widget in that same district, have a tasting room or some sort of showroom to tie into and have retail activities associated with that. We believe those same amendments will be forthcoming in your rural districts, certainly a public conversation, of course, about all that as zoning amendments are required to and ultimately decided upon by the legislative body for the community.

Wolff Thank you. Mr. Mundy, I was thinking about the timeline as well. I'm trying to define when I think it's appropriate and when I'm not sure it's necessary. In this particular case—well, let me go—often times, I think it's necessary. We have done event centers and party barns out in the residential area in the community

and you don't know what impact that's going to have to the neighbors. Neighbors seem to be agreeable, they all get along, but all of a sudden now they have weddings there every day or every weekend and they've got traffic. That seems like one of those cases we really want to check in with that and make sure that the decision we made is appropriate. In this particular case, I was thinking that this decision would be very consistent with what was there prior to it. I'm not sure it would be necessary. It may put an extra burden upon our petitioner, you know, I'm sure as they're doing banking and financing and all those types of things. That's the way I thought about it but I'm open for conversation.

Mundy I don't disagree. It's just that in use variances that, but if you drive through the area and you look at the businesses there, if you didn't know this was a use variance request, you'd never would have guess that's what they'd be asking for. So, I asked staff just to make sure there wasn't something that I didn't know and that we should be aware of.

Wolff Any other discussion amongst the group? If not, I will entertain a motion.

Mundy I'll move that Docket 2020-25-UV, a use variance to permit an ambulatory surgery center use~~d~~ providing for most all medical practices within the existing structure as a primary use at 6300 Technology Drive be approved as filed based on the finding of the fact as presented.

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

Campins I second.

Wolff Thank you, Miss Campins. Let's do a roll call vote.

DeLong Mr. Papa?

Papa Sorry that was me that was trying to ask a question after the second. I was talking to myself.

Wolff I'm sorry.

Papa No, no. It was my fault. I was muted. What does—I'm not sure who I'm asking the question, maybe the staff since it's the staff report but in the motion what does "most all medical practices" mean?

Buroker So, Mr. Papa, this is Andy. I'm happy to sort of address that, that was what we put in our sort of operation plan. So, you know, anything that can be done in a non-hospital setting. More and more these days, short of organ transplants, you know, or limb replacements, many things can be and are being done. Dermatology, orthopedics, plastics, those are the kinds of things. So, most anything that can be done outside of a hospital setting, Jeff, and there are many of those. So, that—what it means, is most all such that they can be done outside of a hospital setting, they would want to be able to do those at this facility. So, that was our language from our physicians and our ownership that to the extent they have physicians who are able and interested to perform surgical procedures at a facility that's not based in a hospital, they would do them here.

Papa That makes sense but if there was ever a legal dispute, how are you defining "most all?" That doesn't ~~acquit,~~equate; what are we approving?

Buroker Okay. If you want to delete "most all," I mean, you know medical procedures—I'm not sure that's—

Papa Actually, I was asking Wayne his opinion or Chrissy.

Buroker I'm sorry.

Papa No, no. Thank you for your input. I'm just saying, I don't know exactly what that means.

Buroker Legally.

Papa Legally, yeah.

DeLong I mean, certainly, that is a great question, what is the limit of medical practices. Certainly, I think, Mr. Buroker's definition of to the extent that the activity or request cannot be facilitated—if it can be facilitated ~~on~~ within this complex, it would qualify as a bonified medical practice, medical service but certainly fine-tuning that and tightening that, certainly staff is not against that or concerned.

Papa For me, if Mr. DeLong's okay with the language, I am too. I just didn't—I don't know what that means but I don't know who would ever litigate that or challenge that.

Wolff Is it—are these procedures or potential procedures defined in the plan of operation that's been submitted to the staff?

Buroker I believe we just say most all surgical procedures. So, you know, if you want to say surgical procedures because an ambulatory surgery center has a certain nomenclature, you know, in land use and healthcare law for medical physicians to practice at and to seek reimbursement from insurance from. So, that kind of ambulatory surgery center is the qualifier, I think. So, all of our owner, merely were saying, you know, we're not going to do organ transplants there but anything that our surgical group and physicians can do in that type of a setting, they'll be able to do. So, as Wayne put in the staff report, right, he calls it a clinical use. So, it's a medical office building, a clinical use, an ambulatory surgery center, I think are fairly well understood or defined in just regular nomenclature but if we want to clean that up or if we need to, we're happy to consider that.

Papa Well, if you would do something like organ transplants, you'd need other permissions, right? I mean, under the hospital rules—

Buroker Right, right. We just couldn't—that's right. In the healthcare setting, that's right, CMBS and others would require—CMS and other licensing bodies~~—~~would require certain things that this building doesn't have that you couldn't do outside of a hospital setting. Jeff, that's correct.

DRAFT

Papa Yeah, so then could you just change the language to "providing for medical practices?"

Wolff Specifically removing the "most-all?"

Papa Yeah.

Buroker Yeah.

Papa Yeah, it's—I'm probably quibbling about nothing but I think it's for your benefit, because if I don't like what you're doing, I'm going to come back later and say whatever you're doing is not included in most all.

Wolff Mr. Papa, I think that's a very good point. It sounds like our petitioner's representative is amendable to it. Mr. Mundy, would you be amendable to changing your recommended motion, or to your motion, to removing the term "most all" and having it say "providing for medical practices?"

Mundy I am.

Wolff Thank you. Miss Campins, would you second that motion?

Campins I second, yes.

Wolff Thank you very much. Mr. Papa, I thank you for the clarity. I appreciate that. I think we're ready for a vote.

DeLong Jeff Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

Wolff Very good. Motion carries.

Buroker Thank you very much members of the board, staff, and counseeil. Thanks, everybody.

Wolff Good luck with your project.

DRAFT

Buroker Thank you.

Wolff The next item on our agenda is other matters to be considered. Do we—Chrissy, do we still have an unsigned findings of fact? You're on mute.

Koenig Sorry about that. The one that we needed a signature on the negatives, we did obtain. So we do not need that anymore but I'm keeping this on the agenda because all of the ones that have been approved over the COVID period are eventually going to need to be signed in a hard copy. So, that's kind of a reminder to us that we can't put these petitions away until we get that signature.

Wolff We all live in the community. It's not a terrible burden to visit the truck. You know, I don't want to speak for everyone else, but would it be—should we just, should we compile those and get them all signed one at a time safely, socially-distanced? I mean, is that the appropriate way to handle this to get these kind of moved on?

Koenig I'm happy to do whatever you guys are comfortable with.

Campins I have not signed one of those before. Is that something I'm required to do as well, we sign off on each petition?

Wolff Yeah, so if you—often times, it's in the packet. It's the very last page.

Campins Yes, yep, I saw that.

Wolff Yep. So, we do sign those. Typically when we meet in person, we approve that—we just, as we walk out the door, we sign them. The negative findings of fact, the negative petitions we clean up a little bit and then we sign those so, yes.

Campins Okay. Well, I'm happy to stop by the truck or the, you know, the trailer or truck or whatever.

Wolff Yeah.

Koenig I think probably the best—I'm thinking very quickly here, so bear with me. Probably the best way for me to do that would be for me to go through and collect all of the ones that we need, put them all together, and then rather than going petition by petition having everybody stop with one petition, just put all the petitions together and have for instance, Steve stop by and sign all of the petitions and then move on to having Laura stop by and Jeff and John.

Campins Okay, yeah.

Wolff Let's go with that. So, yeah, whenever you have the opportunity to put those together. I know it's more work for you. I apologize but hopefully it helps clean~~s~~ up some of the work that we've done already. I think we all would be amendable to that, so.

Koenig Great. I will put that on my list.

Wolff Thank you very much. Any other business to be discussed?

DeLong I do want to bring to your attention, we did talk about for~~u~~m-based ~~in~~ code tonight and both Mr. Papa and Mr. Jones would recall from the Plan Commission meeting last month that we talked about that ~~the two~~ would be going out for an RFP on a rewrite of the zoning ordinance to focus on a for~~u~~m-based ordinance. I do want to tell you that that is out on the street, if you will. We look to consider that in the fourth quarter of this year and start that public conversation, if not in December, of January '21.

Wolff So, Wayne, what you said was that you expect the proposals to be back in the fourth quarter and you would evaluate those proposals and select a vendor in the fourth quarter hopefully and start soon after that?

DeLong That is our plan, yes.

Wolff Very good. Very, very good.

Papa What's the process for adopting?

DeLong Well, I mean, I would suspect a 12-18-month exercise with the community to create such an ordinance and then it would be vetted by the Plan Commission and then ultimately delivered to the town council for adoption or remanding it back to the Plan Commission for amendment. Yeah, we would be following state statute for ordinance amendments.

Wolff Is that timeline Zionsville timeline or typical town timeline?

DeLong I would say that it—that's Zionsville's timeline. I mean, just from our experience with the public projects and certainly the amount of invested time, I anticipate that the staff anticipates the public giving to this type of project, this type of effort.~~.~~ I would say, you're looking at 9-12 months possibly as more of a standard timeline but I would add in an extra six months just so we can make sure we're very thorough. You have a community that's 67 square miles in size. The ordinance right now is over, you know, touches on 500 pages. We have 52 zoning districts. We have a lot to talk about.

Wolff I'm betting you're going to get some public feedback.

DeLong We look forward to it.

Wolff Absolutely, of course, yeah, I mean, that's what we need.

Chadd I'm in the middle of one for a smaller community, with a smaller ordinance, and they planned on a year and that won't be nearly enough.

Wolff Oh, really.

Chadd Yeah.

DRAFT

Wolff Well, good luck, Wayne. With no other matters to be discussed and no gavel, this meeting is adjourned.

DRAFT

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-14-DSV
Subject Site Address:	7655 E. 550 South
Petitioner:	LRC II, LLC
Representative:	Larry Reitz
Request:	Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single-Family Residential Zoning District.
Current Zoning:	Low-Density Single Family Residential (Rural)
Current Land Use:	Agricultural
Approximate Acreage:	7.11 acres
Zoning History:	Consolidated within Town of Zionsville's jurisdiction in 2010. No prior petitions are known.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Proposed Location Exhibit 4 – Property Record Card Exhibit 5 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition received a public hearing at the September 2, 2020 Board of Zoning Appeals meeting. At that meeting, the Petitioner offered information related to the merits of the request, and Interested Parties offered information focused on a variety of topics, including concerns and questions. Upon conclusion of the presentations, the Board of Zoning Appeals continued the matter to the October meeting as to allow the Petitioner and Interested Parties time to create additional opportunities to meet to discuss the matter and provide the results of those conversations at a future meeting.

PROPERTY HISTORY

The property is comprised of approximately 7.11 acres and is presently undeveloped vacant land utilized for agricultural purposes. Thought the timeline is not clear, Staff is aware that at one time the parcel was improved with one (1) single-family dwelling and associated accessory uses likely under the Boone County Area Planning jurisdiction. In 2010 the area was consolidated into Zionsville's jurisdiction. As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

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

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

ANALYSIS - VARIANCE REQUEST – PERMANENT ACCESSORY WITHOUT A PRIMARY

The 7.11 -acre parcel is currently undeveloped vacant land. The Petitioner has intentions of constructing a 50 x 60 (3,000 sq. ft.) accessory structure (pole barn) primarily to store hay from the surrounding land and to house haying equipment to maintain the land, without the benefit of the property being improved with a primary structure. The proposed pole barn requires approval of a Development Standards Variance as accessory structures may not exist on a parcel without the benefit of a Primary.

By Ordinance the applicable Town development standards (See Section 194.097 Rural Property Development Standards) states:

Accessory structures shall not be erected prior to the primary structure, except for structures classified as Farm Buildings, as stated in the definition's sections of this Ordinance (See Section 194.097, C, 1).

Accessory structures shall be clearly subordinate in height, area, bulk, extent, and purpose to the primary structure (See Section 194.097, C, 2).

For reference: Farm (by Ordinance definition):

An area comprising 20 acres or more which is primarily adapted, by reason or nature, for the use of agricultural purposes.

For reference: Farm Building (by Ordinance definition):

A structure on a farm which hosts agricultural storage of livestock, poultry, grain, feed, hay, farm machinery, or other similar nonresidential uses.

The Ordinance does not support the proposed construction of this permanent accessory structure as the primary improvement on property which is located in a residentially zoned district.

The Ordinance attempts to manage the intensity of accessory structures associated with the primary structure, which in this case is to be a single-family residence. While the Board of Zoning Appeals has approved variances for accessory structures which deviated from the Ordinance standard, that support has typically been limited by setting a time within which a dwelling will also be constructed on the property (which, in turn, established the accessory structure as the subordinate building on the property) unless something unique about the property itself precluded a residence. Staff has not identified such uniqueness to this property which necessitates the variance from the applicable development standards nor are stand-alone accessory buildings an established development pattern for the area (unless such area is defined as a farm).

In further reflecting on the Board's prior approvals for accessory structures which deviated from the Ordinance standards, in these recent cases the subject properties were anticipated to be visited by the owners/occupant on an ongoing repetitive basis during the temporary approval period for the accessory structure. These visits, among other things, would elevate awareness about the status of the accessory building (and alert someone to conditions such as storm damage, acts of vandalism, trespass, etc.) With the permanent absence of a residence, a stand-alone accessory building potentially could attract nuisance issues (a concern raised in prior Board of Zoning Appeal's hearing when considering similar requests).

Specific to the current plan for the area, the Comprehensive Plan recommends low density residential development for the site (along the 550 South corridor). While the square footage of the contemplated barn is not beyond what is at times seen as associated with a residential homestead (if one were to be built on the 7.11 acres), the height, currently unknown, may result in a characteristic that is not typical.

Staff would encourage the identification of a height of the contemplated barn, and that it not exceed a height of 24 feet (measured to the peak of the roof, from grade).

By Ordinance, properties in the Low-Density Single Family Residential (Rural)District are permitted by right to be improved with Accessory Structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm.

As the subject site is not 20 acres in size, and therefore is absent compliance with the definition of a Farm, the Ordinance limits accessory uses in a manner which maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property).

SUMMARY

Staff, due to the unique nature of the relationship with LRC II, LLC with the immediate area (be it Stonegate Subdivision, maintenance of properties in and adjacent to Stonegate Subdivision, and the larger parcel that is the subject of this filing), and that the parcel could be improved with a single-family dwelling in the future that results in a property being in compliance with the accessory standard, is supportive of the presence of an accessory building without the benefit of a primary. Additionally, the property in question, per the Property Record Card, indicates that the property provides for 5.7 acres as the "measured acreage" (See Exhibit 4). While 3,000 square feet likely would be ample size to adequately store baled hay (string baled or rolled), without a floor plan, Staff finds it impossible to support the request as filed.

Further, Staff, as a part of its review, unfortunately, did not have the benefit of several details regarding the proposed pole barn; such as the location of the proposed barn from the centerline of the county road and/or parcel lines, the proposed height (as previously mentioned), the proposed building material or floor plans of the interior floor(s) (as previously mentioned).

Additionally, 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. A review of the development pattern in the immediate area did not find nearby sites absent the benefit of a primary other than parcels defined as a farm.

STAFF RECOMMENDATIONS

Staff is supportive of an accessory building being constructed on the property (absent a primary structure). At this time, Staff is not supportive of a 3,000 square foot barn described in Docket #2020-14-DSV, seeking to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure, as filed. Staff is suggesting that if the Board is inclined to support the Petition, that limitations be potentially established related to (but not limited to) the occupancy of the property and the duration of the occupancy (and identify both the proposed height and contemplated floor plan).

RECOMMENDATION MOTION

I move that Docket # 2020-14-DSV Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single Family Residential Zoning District, be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).

PROCEDURAL NOTE

As a portion of the property is within proximity to the Special Flood Hazard Area (SFHA) associated with the Fishback Creek (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).

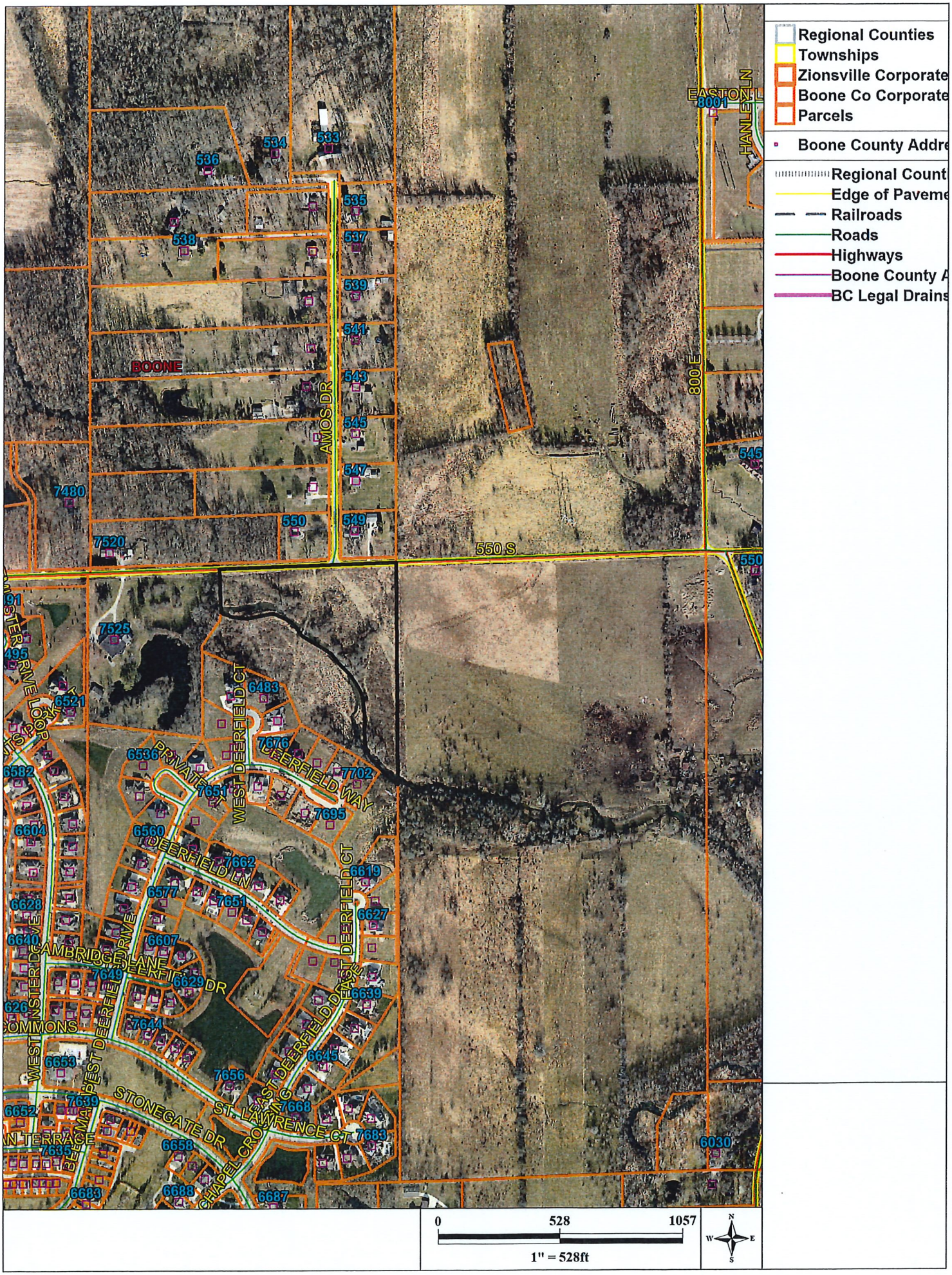
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Railroads
Roads
Highways
Boone County A
BC Legal Drains
BOONE
AMOS DR
550 S
800 E
EASTON L
HANLEY LN
WEST DEERFIELD CT
DEERFIELD WAY
DEERFIELD LN
EAST DEERFIELD CT
CAMBRIDGE LANE
STONEGATE DR
ST. LAWRENCE CT
0
528
1057
1" = 528ft
N
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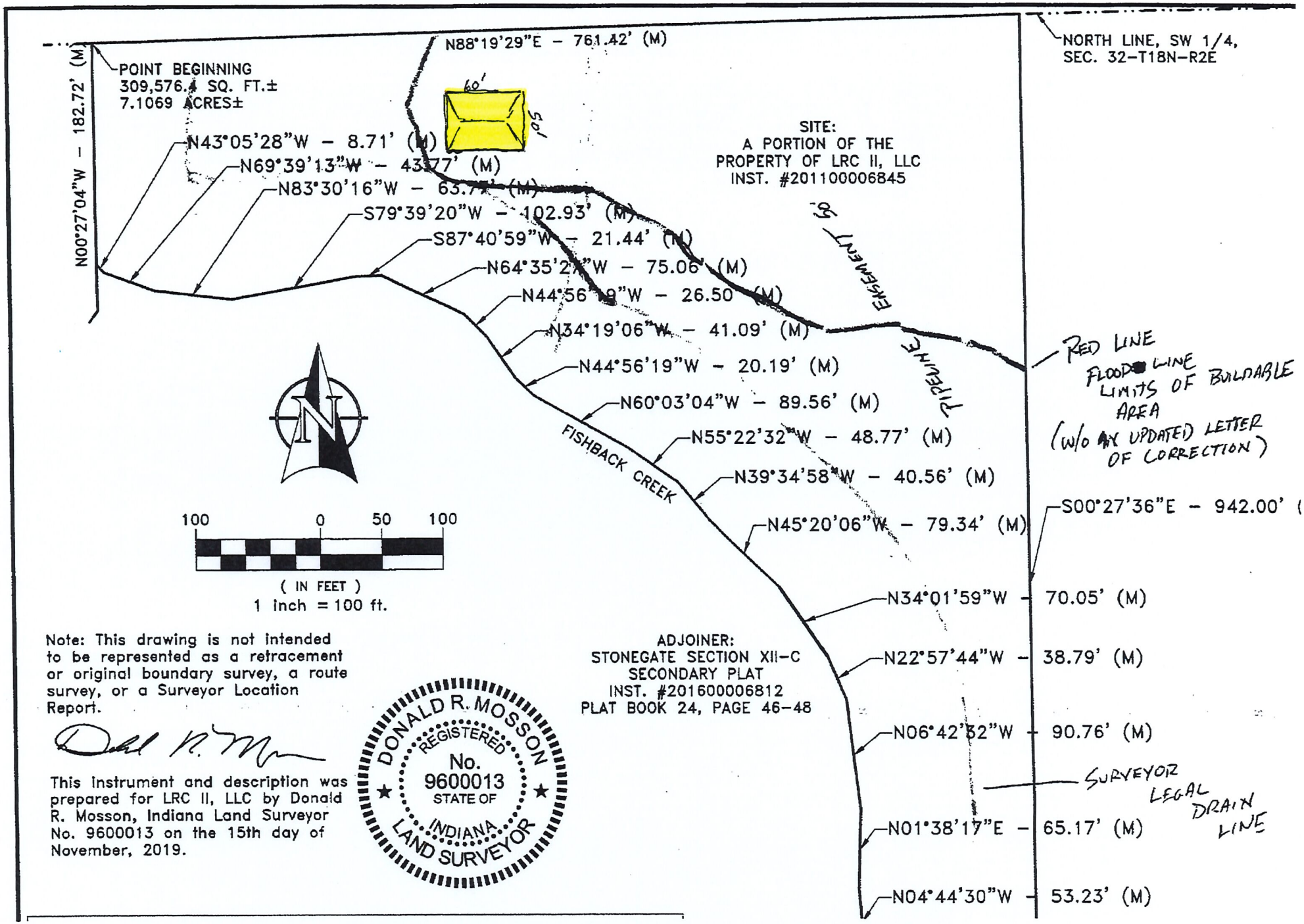
Exhibit 2



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

This instrument and description was prepared for LRC II, LLC by Donald R. Mosson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.

Exhibit 3

Parcel Number	
003-13570-00	
County	BOONE, IN
Township	EAGLE
Corporation	
District	
Plat	
Map	
Alt Parcel	06-08-32-000-015.000-005
Property Class	100
Tax District	003 Eagle/Zionsville Rural
Neighborhood	3500-eagle res acreage-3500

Property Address
7655 E 550 S
ZIONSVILLE, IN 46077

Topography	Pub. Utilities	Street or Rd.	Neighborhood
☐ Level	☐ Water	☐ Paved	☑ Improving
☐ High	☐ Sewer	☐ Unpaved	☐ Static
☐ Low	☐ Gas	☐ Proposed	☐ Declining
☐ Rolling	☐ Electricity	☐ Sidewalk	☐ Other
☐ Swampy	☐	☐ Alley	☐ Blighted

Ownership
Name
LRC II LLC

Address
6250 STONEGATE LN
ZIONSVILLE, IN 46077

Account	68916
Book	

Legal
PT W1/2 SE 32-18-2E 7.11A

Transfer of Ownership Year 2020 Card 1

Date	Grantor	Valid	Amount	Type
Aug 16, 2011	REITZ LAWRENCE A & CAROL - Aug 11, 2011	N	0.00	Straight

VALUATION RECORD

Assessment Year		2020	2019	2018
Reason for Change				
Land	Homestead-C1	0	0	0
	Residential-C2	6,600	8,000	8,200
	Non-Residential-C3	0	0	0
	Total Land	6,600	8,000	8,200
Improvements	Homestead-C1	0	0	0
	Residential-C2	0	0	0
	Non-Residential-C3	0	0	0
	Total Imp	0	0	0
Total Assessed Value:		6,600	8,000	8,200

Property Sub Class: VACANT AGRICULTURAL-100

PRINTED FROM BOONE COUNTY, INDIANA

Memorandum

Updated per field review -- Remove grain bin, corn crib, adj util shed for 12p13
2014 pay 2015 Update per Field Review - Updated Sketch NC
Corr SqFt Bsmt vs Crawl per DH, Eff YB to 1960, Rem Barn
2019 pay 2020 checked per pictometry-no change

LAND DATA AND COMPUTATIONS

Land Type	Soil I.D.	Measured Acreage	Factor	Base Rate	Adjusted Rate	Estimated Value	Influence Factor	Land Value
4	CudA	0.910	0.89	1280.00	1139.00	1040		1040
4	EdeAW	3.080	0.95	1280.00	1216.00	3750		3750
4	MnpD2	1.800	0.77	1280.00	986.00	1770		1770
81		1.140	1.00	1280.00	1280.00	1460	0 : 100	0
82		0.430	1.00	1280.00	1280.00	550	0 : 100	0

Measured Acreage	7.36	Total Land Value 6600

Parcel Acreage	7.360	
81 Legal Drain NV [-]	1.140	
82 Public Roads NV [-]	0.430	
83 UT Towers NV [-]	0.000	
9 Homesite(s) [-]	0.000	
92 Ag Excess [-]	0.000	
TOTAL ACRES FARMLAND		5.790
True Tax Value	6560	
Measured Acreage	5.790	
Average Farmland Value / Acre		1133.00
VALUE OF FARMLAND		6560
Classified Land Total		0
TOTAL FARMLAND/CLASS LAND VALUE		6600
Homesite(s) Value [+]		0
92 Ag Excess Value [+]		0
TOTAL TRUE TAX LAND VALUE		6600

LAND TYPE CODES

F Front Lot
R Rear Lot
1 Comm. Ind. Land
11 Primary
12 Secondary
13 Undeveloped usable
14 Undeveloped
2 Classified Land
3 Undeveloped Land
4 Tillable Land
41 Flooded Occasionally
42 Flooded Severely
43 Farmed Wetlands
5 Non-tillable Land
6 Woodland
7 Other Farmland
71 FarmBuildings
72 Water
73 Wetlands
8 Ag Support Land
81 Legal Ditch
82 Public Road
83 Utility Trans. Tower
9 Ag Support Land
91 Res Excess Acres
92 Ag Excess Acres

Occupancy	Story Height	Attic	Bsmt	Crawl
1 ☐ Single Family		0 ☑ None	0 ☑ None	0 ☑
2 ☐ Duplex	1 ☐ Other	1 ☐ Unfin	1 ☐ 1/4	1 ☐
3 ☐ Triplex	2 ☐ Bi-level	2 ☐ 1/2 Fin	2 ☐ 1/2	2 ☐
4 ☐ 4-6 Family	3 ☐ Tri-level	3 ☐ 3/4 Fin	3 ☐ 3/4	3 ☐
5 ☐ M home		4 ☐ Fin	4 ☐ Full	4 ☐
0 ☐ Row Type				

Construction		Base Area	Floor	Fin.Liv.Area	Value
1 Frame or Alum.					
2 Stucco					
3 Tile					
4 Concrete Block					
5 Metal					
6 Concrete					
7 Brick	—		Attic		
8 Stone	—		Basement		
9 Frame w/Masonry	—		Crawl	——	

Roofing
- Asphalt Shingles ☐
- Slate or Tile ☐
- ☐
- Metal ☐

Total Base

Floors	1	2	
Earth	☐	☐	☐
Slab	☐	☐	☐
Sub & Joists	☐	☐	☐
	☐	☐	☐
Wood	☐	☐	☐
Parquet	☐	☐	☐
Tile	☐	☐	☐
Carpet	☐	☐	☐
Linoleum	☐	☐	☐
Unfinished	☐	☐	☐

Interior Finish	1	2	
Plaster/Dry Wall	☐	☐	☐
Paneling	☐	☐	☐
Fiberboard	☐	☐	☐
	☐	☐	☐
Unfinished	☐	☐	☐

Row-Type Adjustment

sq.ft.	SUB-TOTAL	
	Full Unfin Interior (-)	
	Half Unfin Interior (-)	
	Extra Living Units (+)	
	Rec. Room (+)	
	Fireplace (+)	
	Loft (+)	
	No Heat (-)	
	Air Conditioning (+)	
	No Electricity (-)	
Plumbing (-/+) TF:5 - 5		
Specialty Plumbing (+)		

Sub-Total One Unit

Sub-Total 1 Unit(s)

Garages		
	Integral (-)	
	Attached Garage (+)	
	Attached Carport (+)	
	Basement (-)	
Exterior Features		
Special Features		
Sub-Total		
Grade and Design		
Location Multiplier		
Replacement Cost		

Accommodations	
Total # Rooms	
Bedrooms	
Family Room	
Formal Dining Room	
Rec Room Type	
Rec Room Area	
Fireplace Stacks	
☐ Metal Openings	

Heating / Air Conditioning	
Central Warm Air	☐
Hot Water or Steam	☐
Heat Pump	☐
No Heat Gravity/Wall/Space	☐
Central Air Cond.	☐

Plumbing	#	TF
Full Baths		
Half Baths		
Kitchen Sink	1	1
Water Heater	1	1
Extra fixtures		
Total		
No Plumb/Wtr Only		☐

REMODELING & MODERNIZATION

	Amount	Date
Exterior		
Interior		
Kitchen		
Bath Facilities		
Plumbing System		
Heating System		
Electrical System		
Extensions		

Sketch

Parcel Number	003-13570-00	Agriculture	Card 1

Value Adjustment / Exterior Features

Value Adjustments

Exterior Features

SUMMARY OF IMPROVEMENTS

Use	Ht.	Const Type	Grd	Year Const	Efftv Year	Cnd	Base Rate	Feat	Adj Rate	Size or Area	LCM	No. Un.	Rplc Cost	Dep Obs	REM Val	% Cmp	Nbhd Factor	Trend Fctr	Improvement Value

Card Improvement Total

Total Improvement Value

Exhibit 4

Petition No.: 2020-14-DSV

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 grant will not be injurious to the public health, safety, morals and general welfare as the requested improvement would not provide an opportunity to create a health, safety or moral injury to the public

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 adjacent properties will not be adversely affected as the improvement will increase the value of the parcel where the improvement will be located.

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

Construction of an accessory building in conjunction with a house would likely be allowed.

DECISION

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

Adopted this _____ day of _____, 20___.

_____ _____ _____

_____ _____

Exhibit 5

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-14-DSV

1. SITE INFORMATION:

Address of Property: 7655 E. 550 South

Existing Use of Property: AGRICULTURAL

Proposed Use of Property: AGRICULTURAL - RESIDENTIAL

Current Zoning: R-2 Area in acres: 7.10

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: LRC II, LLC.

Owner Name (if different from Petitioner): LAWRENCE A. REITZ

Petitioner Address: 6250 STONEGATE LANE Owner Address: 6250 STONEGATE LANE

Petitioner Phone Number: 317.709.6533 Owner Phone Number: 317.709.6533

Petitioner E-Mail Address: stonegatelarry@aol.com Owner E-Mail Address: stonegatelarry@aol.com

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

Attorney/Contact Person:

Name: LARRY REITZ

Address: 5202 S. US. HWY 421

Phone Number: 317.709.6533

E-Mail Address stonegatelarry@aol.com or reitz_larry@yahoo.com

Project Engineer:

Name: N.A.

Address:

Phone Number:

E-Mail Address:

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

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

ACCESSORY BUILDING WITHOUT PRIMARY STRUCTURE IN PLACE.

5. ATTACHMENTS:

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

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

Signature of Owner or Attorney for Owner: _____ **Date:** 4/29/20

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

State of INDIANA)
SS:
County of Boone)

DONALD F BARRETT
Notary Public – Seal
Boone County – State of Indiana
Commission Number 710697
My Commission Expires Feb 20. 2026

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

_____ DONALD BARRETT
Notary Public Signature Notary Public Printed

My Commission No: 710697

My Commission Expires: Feb 20, 2024

My County of Residence is BOONE County

(4) 22.00 +1.00 Non Meridian

Instrument PG 1 OF 4
201100006845

201100006845
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN, RECORDER
08-16-2011 At 11:49 am.
DEED 23.00

Meridian
10-65340 (2)

LIMITED WARRANTY DEED

THIS INDENTURE WITNESSETH, that LAWRENCE A. REITZ and CAROL REITZ, husband and wife (collectively, "Grantors"), BARGAIN, SELL AND CONVEY to LRC II, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten and no/100 Dollars ($10.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Grantors' fee simple interest in the real estate located in Boone County, in the State of Indiana and more particularly described in Exhibit A attached hereto and by reference made a part hereof (the "Real Estate").

The conveyance herein described is subject to: (i) current, non-delinquent real estate taxes and assessments; and (ii) all easements, agreements, restrictions, encumbrances and rights-of-way of record; and (iii) the state of facts which would be revealed by an accurate survey of the Real Estate.

Grantors covenant with Grantee, and its successors and assigns, that the Real Estate is free from all encumbrances made or suffered by Grantors except as aforesaid, and that Grantors will warrant and defend the same to Grantee and its successors and assigns against the lawful claims and demands of all persons claiming by, through or under Grantors, but against none other.

IN WITNESS WHEREOF, Grantors has executed this Limited Warranty Deed effective as of the 11th day of August, 2011.

Lawrence A. Reitz

Carol Reitz
a/k/a Carol D. Reitz

DULY ENTERED FOR TAXATION
8-16-2011
Melody Price
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared Lawrence A. Reitz and Carol Reitz, who, after having been duly sworn, acknowledged the execution of the foregoing Limited Warranty Deed.

WITNESS, my hand and Notarial Seal this 11th day of August, 2011.

Rhonda J. Britt
(Rhonda J. Britt) Notary Public

My Commission Expires:
12-11-16

My County of Residence:
Johnson

Rhonda J. Britt
Notary Public - State of Indiana
SEAL
Johnson County
My Commission Expires Dec. 11, 2016

MTC file # 10-653405

This instrument prepared by E. Joseph Kremp, Attorney at Law, Wooden & McLaughlin, LLP, One Indiana Square, Suite 1800, Indianapolis, Indiana 46204-4208. 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. [E. Joseph Kremp]

Send Tax Statements to Grantee's Mailing Address: 6250 Stonegate Lane, Zionsville, IN 46077

Exhibit A

Lots Numbered Sixty-one (61), Sixty-two (62), Sixty-four (64), Sixty-five (65), Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy-one (71) and Seventy-two (72) in Stonegate, Section III as per plat thereof recorded in Plat Book 14, page 53, amended by Surveyor's Certificate of Correction recorded October 22, 2004 as Instrument Number 0413225 and further amended by Surveyor's Certificate of Correction recorded July 11, 2007 as Instrument Number 200700007245 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Six (106), One Hundred Seven (107), One Hundred Eight (108), One Hundred Ten (110), One Hundred Eleven (111) and One Hundred Twelve (112) in Stonegate, Section V as per plat thereof recorded in Plat Book 14, page 57, amended by Certificate of Correction recorded May 30, 2007 as Instrument Number 200700005582 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Twenty-seven (127) and One Hundred Thirty (130) in Stonegate, Section VI as per plat thereof recorded in Plat Book 14, page 51 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Thirty-two (132), One Hundred Forty-six (146), One Hundred Forty- seven (147), One Hundred Forty-eight (148), One Hundred Fifty-four (154) One Hundred Fifty- seven (157), One Hundred Sixty-two (162), One Hundred Sixty-three (163), One Hundred Seventy-three (173), One Hundred eighty-eight (188), One Hundred Eighty-nine (189), One Hundred Ninety-four (194), One Hundred Ninety-five (195) Two Hundred Two (202), Two Hundred Three (203) and Two Hundred Five (205) in Stonegate, Section VII as per plat thereof recorded in Plat Book 15, page 41, amended by Surveyor's Affidavit recorded June 29, 2005 as Instrument Number 0507187 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Forty-six (246), Two Hundred Forty-seven (247), Two Hundred Forty-eight (248), Two Hundred Forty-nine (249), Two Hundred Fifty (250), Two Hundred Fifty-one (251) and Two Hundred Fifty-two (252), Two Hundred Fifty-three (253) Two Hundred Fifty-four (254), Two Hundred Fifty-five (255) Two Hundred Fifty-six (256) and Two Hundred Fifty-seven (257) in Stonegate, Section VIII as per plat thereof recorded in Plat Record 17, pages 44 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Twelve (212), Two Hundred Thirteen (213), Two Hundred Eighteen (218), Two Hundred Nineteen (219), Two Hundred Twenty-one (221), Two Hundred Twenty-two (222), Two Hundred Twenty-six (226), Two Hundred Twenty-seven (227) in Stonegate, Section IX as per plat thereof recorded in Plat Record 17, pages 25-27 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Sixty-nine Townhome B (269B) and Two Hundred Sixty-nine Townhome C (269C) in Replat of Lot 63 of Stonegate Section III/ Lots 267A-267D, 268A-268D, & 269A-269C of Replat Lots 265-269 and Common Area G of Stonegate, Section VIII as per replat thereof recorded in Plat Book 19, page 46 in the Office of the Recorder of Boone County, Indiana.

ALSO: A part of the Southwest Quarter and the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian in Eagle Township, Boone County, Indiana more particularly described as follows:

BEGINNING at the northwest corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East; thence South 00 degrees 26 minutes 48 seconds East 639.46 feet along the West Line of said quarter section to the northwestern corner of Tract I as described in Deed Record 206, Page 615 (as recorded in the Office of the Recorder of Boone County, Indiana) with the next six (6) courses being along the boundary of said Tract I; (one) thence South 82 degrees 37 minutes 06 seconds East 499.20 feet; (two) thence North 00 degrees 27 minutes 04 seconds West 384.50 feet; (three) thence North 35 degrees 33 minutes 02 seconds East 141.70 feet; (four) thence North 00 degrees 27 minutes 04 seconds West 220.71 feet; (five) thence North 88 degrees 19 minutes 29 seconds East 761.42 feet; (six) thence South 00 degrees 27 minutes 36 seconds East 1,705.35 feet to the northeastern corner of Stonegate Section VI (as recorded in Plat Book 14, Page 52 in said Recorder's Office) with the next five (5) courses being along the boundary of said Stonegate Section VI; (one) thence North 83 degrees 38 minutes 15 seconds West 165.76 feet to a point on a non-tangent curve concave to the west, said point lying South 83 degrees 40 minutes 07 seconds East 625.00 feet from the radius point thereof; (two) thence southerly 19.64 feet to a point lying South 81 degrees 52 minutes 06 seconds East 625.00 feet from the radius point thereof; (three) thence North 81 degrees 52 minutes 06 seconds West 50.00 feet to a point on a non-tangent curve concave to the west, said point lying South 81 degrees 52 minutes 06 seconds East 575.00 feet from the radius point thereof; (four) thence

southerly 140.31 feet to a point lying South 67 degrees 53 minutes 14 seconds West 575.00 feet from the radius point thereof; (five) thence North 67 degrees 53 minutes 14 seconds West 130.00 feet to the northeastern corner of Stonegate Section III (as recorded in Plat Book 14, Page 56 in said Recorder's Office) with the next nine (9) courses being along the boundary of said Stonegate Section III; (one) thence North 67 degrees 50 minutes 17 seconds West 97.35 feet; (two) thence North 24 degrees 40 minutes 35 seconds East 130.03 feet to a point on a non-tangent curve concave to the northeast, said point lying South 24 degrees 35 minutes 38 seconds West 525.00 feet from the radius point thereof; (three) thence northwesterly 130.32 feet along said curve to a point lying South 38 degrees 48 minutes 59 seconds West 525.00 feet from the radius point thereof; (four) thence South 33 degrees 33 minutes 28 seconds West 130.62 feet; (five) thence North 50 degrees 53 minutes 18 seconds West 170.05 feet; (six) thence North 58 degrees 19 minutes 55 seconds West 73.12 feet; (seven) thence North 64 degrees 51 minutes 15 seconds West 161.33 feet; (eight) thence South 19 degrees 50 minutes 29 seconds West 132.13 feet; (nine) thence North 73 degrees 54 minutes 53 seconds West 130.00 feet to an eastern corner of Stonegate Section VII (as recorded in Plat Book 15, Page 41 in said Recorder's Office) with the next seventeen (17) courses being along the boundary of said Stonegate Section VII; (one) thence North 73 degrees 53 minutes 35 seconds West 50.00 feet; (two) thence South 16 degrees 00 minutes 26 seconds West 7.05 feet; (three) thence North 74 degrees 05 minutes 33 seconds West 132.86 feet; (four) thence North 70 degrees 55 minutes 36 seconds West 88.12 feet; (five) thence North 02 degrees 48 minutes 24 seconds East 359.98 feet; (six) thence North 12 degrees 27 minutes 06 seconds West 143.65 feet; (seven) thence North 22 degrees 40 minutes 32 seconds West 117.18 feet; (eight) thence North 33 degrees 03 minutes 26 seconds West 120.44 feet; (nine) thence North 42 degrees 03 minutes 34 seconds West 32.72 feet; (ten) thence South 48 degrees 31 minutes 57 seconds West 121.84 feet; (eleven) thence North 42 degrees 02 minutes 04 seconds West 64.18 feet; (twelve) thence South 47 degrees 56 minutes 26 seconds West 50.00 feet; (thirteen) thence North 42 degrees 03 minutes 34 seconds West 113.21 feet; (fourteen) thence South 44 degrees 20 minutes 22 seconds West 246.44 feet; (fifteen) thence South 20 degrees 15 minutes 48 seconds West 233.90 feet; (sixteen) thence South 00 degrees 23 minutes 16 seconds East 263.22 feet; (seventeen) thence South 88 degrees 18 minutes 21 seconds West 1.62 feet to the southwestern corner of Tract II as described in said Deed Record 206, Page 615; thence North 00 degrees 29 minutes 08 seconds West 1,322.48 feet along the western line of said Tract II to the North Line of the Southwest Quarter of said Section 32; thence North 88 degrees 19 minutes 29 seconds East 668.83 feet along said North Line to the POINT OF BEGINNING and containing 53.063 acres more or less.

E. Am Fidel. Natl. Bk. & Ls Co.
Attn: L. A. Reitz

Note: Use of this form constitutes practice of law and is limited to practicing lawyers. Form No. 3

2 Rel
2 Deed
1 Mtg

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Robert E. Hanley ("Grantor")

of Kauai County, in the State of Hawaii, CONVEYS AND WARRANTS to Lawrence A. Reitz and Carol Reitz, husband and wife,

of Marion County, in the State of Indiana, for the sum of One ---------- Dollars ($ 1.00 ------) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Boone County, in the State of Indiana:

The real estate described as Tract I and Tract II on Exhibit A attached hereto and made a part hereof.

Subject to taxes and assessments due and payable in May, 1978, and thereafter.

Subject to legal highways and to easements, rights of way and restrictions of record and subject also to an easement to Public Service Company of Indiana, Inc. acquired by virtue of Cause No. S75-37 in Boone Superior Court, the damages to be awarded thereby are the property of Joseph J. Spalding and Dorothy R. Spalding.

This deed is executed by H. Earl Capehart, Jr., attorney-in-fact for the Grantor pursuant to that certain Power of Attorney dated October 18, 1977, and recorded with the Recorder of Boone County, Indiana, on October 24, 1977, in Misc. Record 72 pages 195-196.

6222

RECEIVED FOR RECORD
At 9:45 O'Clock A M, and Recorded in Deed Record 206 Page 615
NOV 4 1977
Pauline Heckman
Recorder, Boone County, Ind.

11-4-77
Barbara Gray

IN WITNESS WHEREOF, Grantor has executed this deed this 2nd day of November, 1977

ROBERT E. HANLEY

Signature _____ (SEAL)

Printed _____

Signature By: H. Earl Capehart, Jr. (SEAL)

Printed H. Earl Capehart, Jr., Attorney-in-Fact

STATE OF INDIANA
COUNTY OF MARION } SS:

Before me, a Notary Public in and for said County and State, personally appeared H. Earl Capehart, Jr., Attorney-in-Fact for Robert E. Hanley, 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 2nd day of November, 1977

My commission expires December 5, 1980

Signature Oberine N. Tinay

Printed Oberine N. Tinay, Notary Public

This instrument was prepared by H. Earl Capehart, Jr., attorney at law.

Return to: _____

Send tax statements to: R R 2 Lionsville, Indiana 46077

©Copyright, 1977, by Indianapolis Bar Association.

Tract I

A part of the west half of the southeast quarter of Section 32, Township 18 North, Range 2 East, and being more particularly described as follows, to-wit:
Beginning at the northeast corner of the west half of the southeast quarter of Section 32, Township and Range aforesaid, proceed thence south 1 degree 34 minutes 29 seconds west for a distance of 2640.70 feet; thence north 89 degrees 33 minutes 08 seconds west for a distance of 1347.70 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 2003.50 feet; thence south 80 degrees 54 minutes 28 seconds east for a distance of 498.90 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 384.50 feet; thence north 37 degrees 48 minutes 38 seconds east for a distance of 141.70 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 215.95 feet; thence south 89 degrees 34 minutes 06 seconds east for a distance of 762.75 feet to the point of beginning, containing 73.31 acres, more or less.

Located in Eagle Township, Boone County, Indiana.

Tract II

A part of the northeast quarter of the southwest quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, and being more particularly described as follows, to-wit:
Beginning at the northeast corner of the southwest quarter of Section 32, Township and Range aforesaid; thence south 1 degree 42 minutes 38 seconds west along the east line of the southwest quarter for a distance of 1319.54 feet; thence north 89 degrees 33 minutes 38 seconds west for a distance of 668.29 feet; thence north 1 degree 40 minutes 34 seconds east for a distance of 1319.43 feet to the north line of the southwest quarter; thence south 89 degrees 34 minutes 06 seconds east for a distance of 669.09 feet to the point of beginning, containing 20.25 acres, more or less.

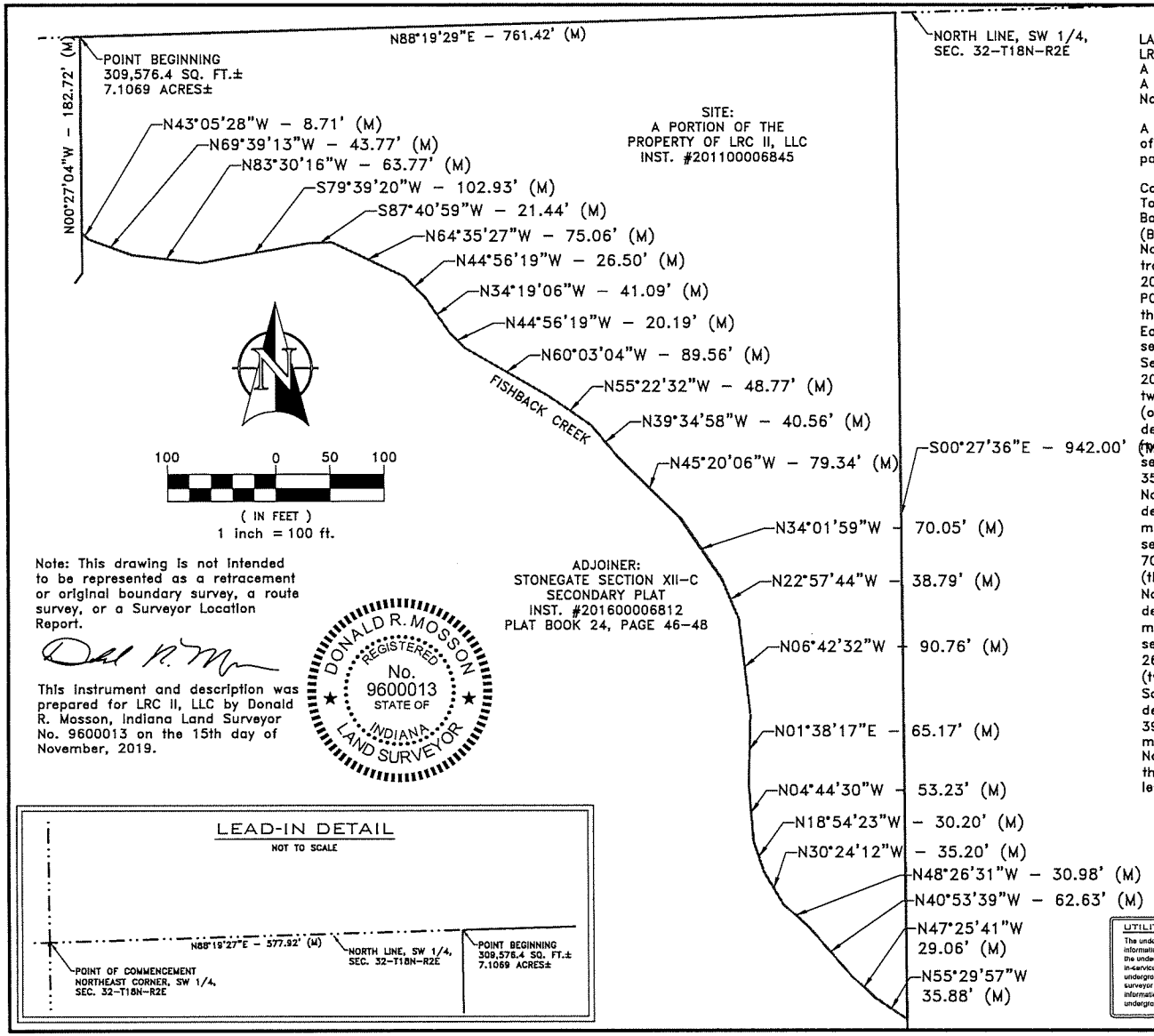
Located in Eagle Township, Boone County, Indiana.

DULY ENTERED FOR TAXATION
11-4-77
Barbara Gray
AUDITOR BOONE COUNTY

RECEIVED FOR RECORD
At ___ O'Clock ___ M, and Recorded in
Record 206 Page 616
NOV 4 1977
Pauline Heckmann
Recorder, Boone County, Ind.

EXHIBIT A

EXHIBIT "A"



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

This instrument and description was prepared for LRC II, LLC by Donald R. Masson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.

DONALD R. MASSON
REGISTERED
No. 9600013
STATE OF INDIANA
LAND SURVEYOR

LEAD-IN DETAIL

NOT TO SCALE

LAND DESCRIPTION
LRC II, LLC NORTHEAST REMAINDER
A portion of the property of LRC II, LLC
A part of Instrument Number 201100006845
November 14, 2019

A part of the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana; thence North 88 degrees 19 minutes 27 seconds East (Basis of Bearing: Indiana State Plane, West Zone, NAD 83) 577.92 feet along the North Line of said Southeast Quarter to a northwestern corner of the 53.063–acre tract of land granted to LRC II, LLC ("LRC Tract") (recorded as Instrument Number 201100006845 in the Office of the Recorder of Boone County, Indiana) and the POINT OF BEGINNING of this description (the following two (2) courses are along the boundary of said LRC Tract); (one) North 88 degrees 19 minutes 29 seconds East 761.42 feet along said North Line; (two) South 00 degrees 27 minutes 36 seconds East 942.00 feet to a northeastern corner of Stonegate Section XII–C Secondary Plat (recorded as Plat Book 24, Pages 46–48, Instrument Number 201600006812 in said Recorder's Office) ("Stonegate Subdivision") (the following twenty–four (24) courses are along the boundary of said Stonegate Subdivision); (one) North 55 degrees 29 minutes 57 minutes West 35.88 feet; (two) North 47 degrees 25 minutes 41 seconds West 29.06 feet; (three) North 40 degrees 53 minutes 39 seconds West 62.63 feet; (four) North 48 degrees 26 minutes 31 seconds West 30.98 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 42 minutes 32 seconds West 90.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 38.79 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 20 minutes 06 seconds West 79.34 feet; (thirteen) North 39 degrees 34 minutes 58 seconds West 40.56 feet; (fourteen) North 55 degrees 22 minutes 32 seconds West 48.77 feet; (fifteen) North 60 degrees 03 minutes 04 seconds West 89.56 feet; (sixteen) North 44 degrees 56 minutes 19 seconds West 20.19 feet; (seventeen) North 34 degrees 19 minutes 06 seconds West 41.09 feet; (eighteen) North 44 degrees 56 seconds 19 seconds West 26.50 feet; (nineteen) North 64 degrees 35 minutes 27 seconds West 75.06 feet; (twenty) South 87 degrees 40 minutes 59 seconds West 21.44 feet; (twenty–one) South 79 degrees 39 minutes 20 seconds West 102.93; (twenty–two) North 83 degrees 30 minutes 16 seconds West 63.77 feet; (twenty–three) North 69 degrees 39 minutes 13 seconds West 43.77 feet; (twenty–four) North 43 degrees 05 minutes 28 seconds West 8.71 feet to a western line of said LRC Tract; thence North 00 degrees 27 minutes 04 seconds 182.72 feet along said western line to the POINT OF BEGINNING, containing 309,576.4 square feet (7.1069 acres), more or less.

UTILITY STATEMENT:
The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

PREPARED FOR:
LRC II, LLC
6250 STONEGATE LANE
ZIONSVILLE, INDIANA 46077

CENTRAL STATES CONSULTING, LLC
23-B NORTH GREEN STREET
BROWNSBURG, INDIANA 46112
PHONE: 317-858-8662 FAX: 317-858-8672

CENTRAL STATES CSC CONSULTING, LLC
SURVEYING & LAND PLANNING

LAND DESCRIPTION
EXHIBIT "A"
EAST 550 SOUTH
ZIONSVILLE, INDIANA

DATE:	11-13-2019
DWN. BY:	JLM
CHKD. BY:	DRM
SCALE:	1" = 100'
PROJECT NUMBER	18-104
SHEET	1 OF 1

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

STATE OF _____)
COUNTY OF _____) SS:

I, Lawrence A. Reitz, 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: LRC II, LLC
(NAME OF PERSON ON PETITION)

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

For property located at: 7655 East 550 South, Zionsville, Indiana 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 22 day of August, 20___, 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).

Lawrence Reitz
Name of person mailing letters

Signature

State of Indiana)
County of Boone) SS:

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

Notary Public Signature

Jalen R. Mimnaugh
Notary Public Printed

My Commission No: NP0720594

My Commission Expires: 06/03/2027

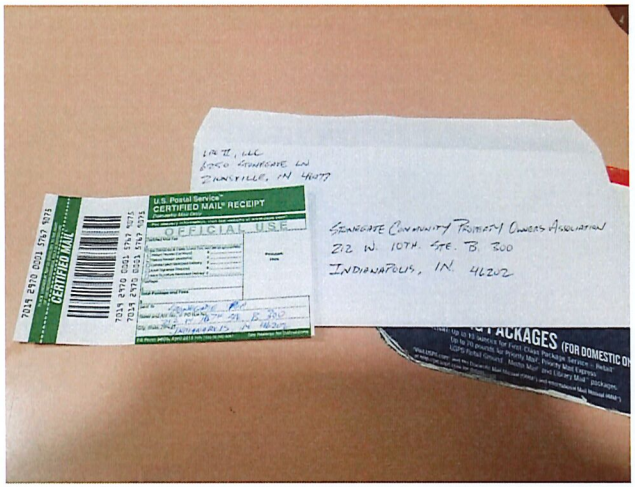
My County of Residence is Boone County

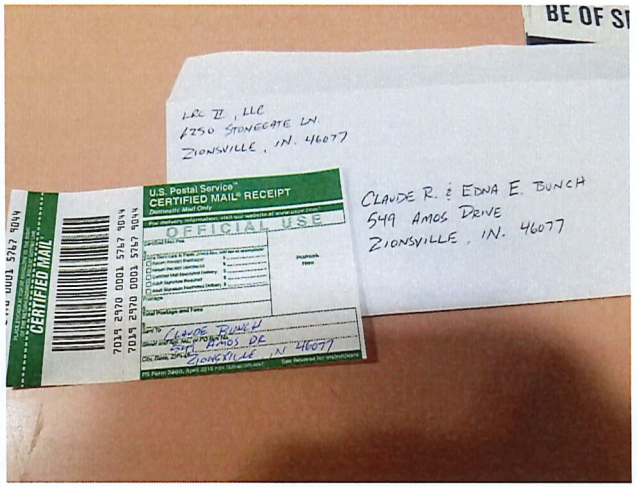
JALEN R MIMNAUGH
Notary Public, State of Indiana
Boone County
Commission Number NP0720594
My Commission Expires
June 03, 2027

Attribute report for active ID 1

ID	name	add1	add3
39856	HARMON DEBORAH J ETAL	5690 S 800 E	ZIONSVILLE, IN 46077
40109	STONEGATE COMMUNITY PROPERTY O	212 W 10TH STE B 300	INDIANAPOLIS, IN 46202
40290	SAMRA SR GURPREET SINGH & SIMR	7702 DEERFIELD WAY	ZIONSVILLE, IN 46077
40308	LRC II LLC	6250 STONEGATE LN	ZIONSVILLE, IN 46077
40313	MORELL JAVIER R	7696 DEERFIELD WAY	ZIONSVILLE, IN 46077
40328	RAYMOND-GUILLEN LUKE AND JACK	7684 DEERFIELD WAY	ZIONSVILLE, IN 46077
40329	DOYLE JAMES SHAWN & DANIELLE S	7690 DEERFIELD WAY	ZIONSVILLE, IN 46077
40344	WALTON JOHN & MEREDITH LAINE	7676 DEERFIELD WAY	ZIONSVILLE, IN 46077
40387	SEILER RUSSELL B & NICOLE A	160 RAINTREE DR	ZIONSVILLE, IN 46077
40758	BALLARD BRIAN J	550 AMOS DR	ZIONSVILLE, IN 46077
40759	LANE DERRICK J	7520 E 550 S	ZIONSVILLE, IN 46077
40760	BUNCH CLAUDE R & EDNA E	549 AMOS DR	ZIONSVILLE, IN 46077
40761	HARMON ERNEST J ETAL	5690 S 800 E	ZIONSVILLE, IN 46077

✓ JENNIFER L. MILLS 7525 E. 550. S ZIONSVILLE 46077


LRC II, LLC
6250 STONEGATE LN
ZIONSVILLE, IN 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
OFFICIAL USE
STONEGATE COMMUNITY PRIMARY OWNERS ASSOCIATION
212 N. 10TH. STE. B. 300
INDIANAPOLIS, IN 46202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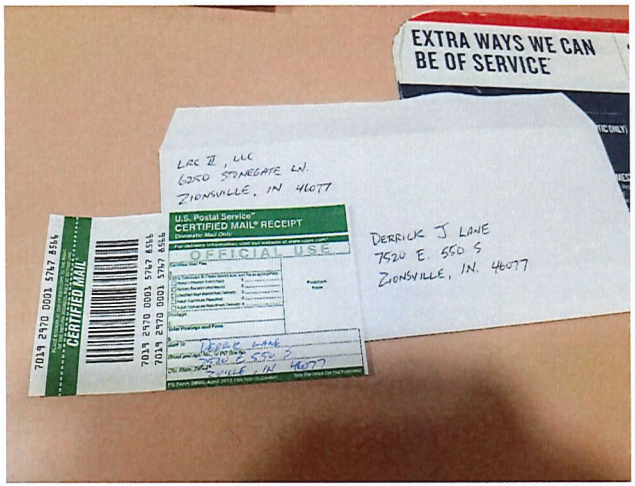
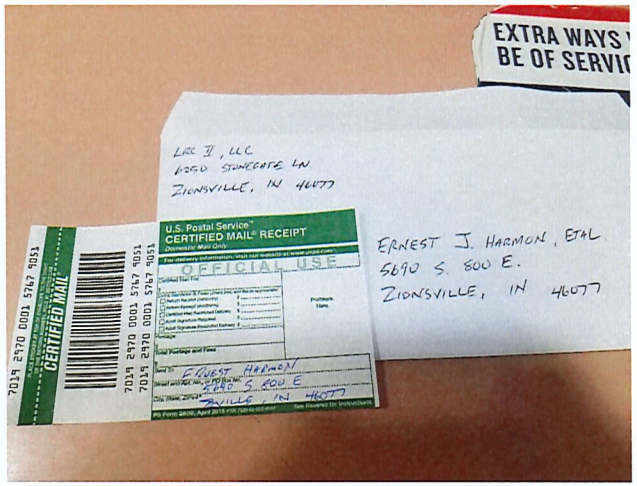
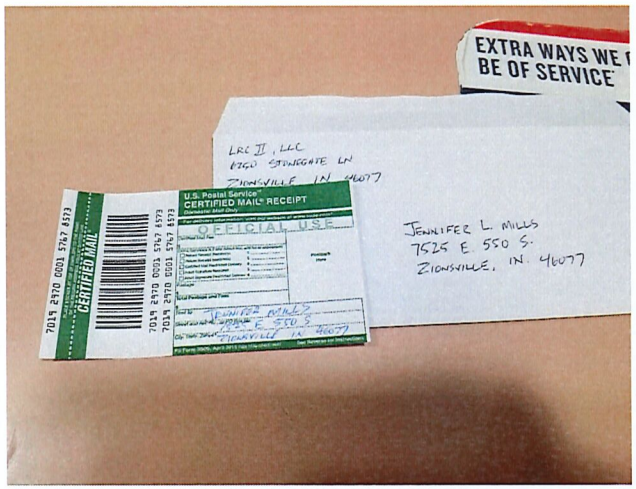
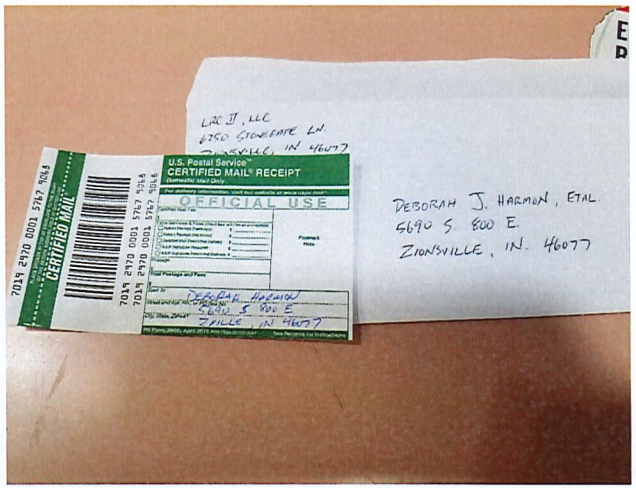
6250 STONEGATE LN
ZIONSVILLE, IN. 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
OFFICIAL USE
CLAUDE R. & EDNA E. BUNCH
549 AMOS DRIVE
ZIONSVILLE, IN. 46077


EXTRA WAYS WE CAN BE OF SERVICE
LRC II, LLC
6250 STONEGATE LN.
ZIONSVILLE, IN 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
OFFICIAL USE
DERRICK J LANE
7520 E. 550 S
ZIONSVILLE, IN. 46077


EXTRA WAYS
BE OF SERVIC
LRC II, LLC
6250 STONEGATE LN
ZIONSVILLE, IN 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
OFFICIAL USE
ERNEST J. HARMON, ETAL
5690 S. 800 E.
ZIONSVILLE, IN 46077


EXTRA WAYS WE
BE OF SERVICE
LRC II, LLC
6250 STONEGATE LN
ZIONSVILLE, IN 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
OFFICIAL USE
JENNIFER L. MILLS
7525 E 550 S.
ZIONSVILLE, IN. 46077


LRC II, LLC
6250 STONEGATE LN.
ZIONSVILLE, IN 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
OFFICIAL USE
DEBORAH J. HARMON, ETAL
5690 S. 800 E.
ZIONSVILLE, IN. 46077

LRC II, LLC
6250 STONEGATE LN
ZIONSVILLE, IN 46077
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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Product	Qty	Unit Price	Price
First-Class Mail® Letter Zionsville, IN 46077 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157678566			$3.55
Total			$4.10
First-Class Mail® Letter Zionsville, IN 46077 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157678573			$3.55
Total			$4.10
First-Class Mail® Letter Zionsville, IN 46077 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157678559			$3.55
Total			$4.10
First-Class Mail® Letter Zionsville, IN 46077 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157679044			$3.55
Total			$4.10
First-Class Mail® Letter Zionsville, IN 46077 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157679068			$3.55
Total			$4.10
First-Class Mail® Letter Zionsville, IN 46077 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157679051			$3.55
Total			$4.10
First-Class Mail® Letter Indianapolis, IN 46202 Weight:0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020	1	$0.55	
Certified USPS Certified Mail # 70192970000157679075			$3.55
Total			$4.10

Grand Total: $28.70

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Elovitz
NOTICE OF SHERIFF'S SALE
By virtue of a certified copy of a decree to me, directed from the Clerk of Boone Circuit Court of Boone County, Indiana, in Cause No. 06C01-1903-MF-000342, wherein Lakeview Loan Servicing, LLC, was Plaintiff, and Herbert D. Elovitz a/k/a Herbert Elovitz was a Defendant, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 a.m., or as soon thereafter as is possible, at 1905 Indianapolis Ave, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.
A part of the NW Quarter, Sec. 20, T20N, R2E, Second P.M., Marion Township, Boone County, Indiana, more particularly described as follows:From the Southwest Corner of said quarter, marked by an iron bar, proceed thence East (assumed bearing) 597.45 feet along the South line of said quarter, also being the approximate centerline of County Road 850 N, to the point of beginning, marked by a railroad spike, thence continue on said line a distance of 150.00 feet to a railroad spike, thence North 1 degree, 17 minutes 50 seconds East a distance of 145.24 feet to an iron bar; thence West a distance of 150.00 feet to an iron bar, thence South 1 degree 17 minutes 50 seconds West a distance of 145.24 feet to the point of beginning, containing .50000 acres and being subject to the rights of way of County Road 850 North.
More commonly known as 7140 E 850 N, Sheridan, IN 46069-8972
Parcel No.
06-16-20-000-006.001-012
Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.
Michael T. Nielsen, Sheriff
Marion Township
The Sheriff's Department does not warrant the accuracy of the street address published herein.
/s/ BRYAN K. REDMOND
BRYAN K. REDMOND,
Plaintiff Attorney
Attorney # 22108-29
FEIWELL & HANNOY, P.C.
8415 Allison Pointe Blvd.,
Suite 400
Indianapolis, IN 46250
(317) 237-2727
NOTICE
FEIWELL & HANNOY, P.C. IS A DEBT COLLECTOR.
TLR-494 8/22, 29, 9/5 hspaxlp

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Watkins 19-026566
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES
NOTICE OF SHERIFF'S SALE
By virtue of a certified copy of a decree to me, directed from the Clerk of the Superior Court of Boone County, Indiana, in Cause No. 06D01-1908-MF-001147, wherein PHH Mortgage Corporation was Plaintiff, and William Watkins, AKA William C. Watkins, Rebecca Guerrero-Watkins, AKA Rebecca J. Guerrero, The United States of America, The Secretary of Housing and Urban Development and Clear Vista Homeowners Association, Inc. were Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 AM, or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.
Lot 80 Clear Vista Section 2, (Replat) a Subdivision in Boone County, Indiana, as per the plat thereof recorded September 25, 2003 in Plat Book 14, page 14, as Instrument Number 0317756, in the Office of the Recorder of Boone County, Indiana.
More commonly known as: 1712 Jaques Drive, Lebanon, IN 46052
Parcel No.
06-10-26-000-005.027-002
Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisement laws.
Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 06D01-1908-MF-001147 in the Superior Court of the County of Boone, Indiana.
Sheriff of Boone County
Center Township
1712 Jaques Drive
The Sheriff's Department does not warrant the accuracy of the street address published herein.
Attorney for Plaintiff:
J. Dustin Smith
ATTORNEY NO. 29493-06
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
TLR-500 8/22, 29, 9/5 hspaxlp

Urban 19-027783
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES
NOTICE OF SHERIFF'S SALE
By virtue of a certified copy of a decree to me, directed from the Clerk of the Superior Court of Boone County, Indiana, in Cause No. 06D01-1912-MF-001822, wherein U.S. Bank National Association, as indenture trustee, for the CIM Trust 2016-2, Mortgage-Backed Notes, Series 2016-2 was Plaintiff, and Paul E. Urban, AKA Paul Urban, Carrie S. Urban, AKA Carrie Urban and Park Place Homeowners Association, Inc. were Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 AM, or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.
Lot 93 in Park Place Section III, a subdivision in Boone County, Indiana, as per plat thereof recorded December 12, 1994, in Plat Book 8, Pages 64-65, in the Office of the Recorder, Boone County, Indiana.
More commonly known as: 2126 Yosemite Drive, Lebanon, IN 46052
Parcel No.
06-10-25-000-027.011-002
Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisement laws.
Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 06D01-1912-MF-001822 in the Superior Court of the County of Boone, Indiana.
Sheriff of Boone County
Center Township
2126 Yosemite Drive
The Sheriff's Department does not warrant the accuracy of the street address published herein.
Attorney for Plaintiff:
J. Dustin Smith
ATTORNEY NO. 29493-06
Manley Deas Kochalski LLC
P.O. Box 441039
Indianapolis, IN 46244
TLR-501 8/22, 29, 9/5 hspaxlp

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Smith
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES:
NOTICE OF SHERIFF'S SALE
By virtue of a certified copy of a

Public Notices

follows:
Beginning at a point 229.30 feet west of the northeast corner of the northeast quarter of the southwest quarter of Section 24, Township 19 North, Range 1 East, and run thence south 134.20 feet; thence south 87 degrees 8 minutes east 80 feet; thence north 12.80 feet; thence north 80 degrees 12 minutes east 151.00 feet to the half section line; thence south 76.70 feet following the half section line to an iron pipe; thence west 353.30 feet to an iron pipe; thence north 200 feet to the half section line and center of public road 250-N; thence east 124 feet following the half section line and center of public road 250-N to the place of beginning, containing .944 acre, more or less.
TRACT II:
A part of the southwest quarter of Section 24, Township 19 North, Range 1 East, in Center Township, Boone County, Indiana, and being more particularly described as follows:
Commencing at the northeast corner of said quarter section; thence west along the north line thereof, 229.3 feet; thence south along an existing fence line 134.2 feet; thence south 87 degrees 08 minutes east along an existing fence, 80.0 feet; thence north 12.8 feet; thence north 80 degrees 12 minutes east along an existing fence 151.0 feet to the east line of the southwest quarter of said Section 24; thence north along said east line, 123.3 feet to the place of beginning, containing .678 acre, more or less.
More Commonly known as 5445 East 250 North, Lebanon, IN 46052
Parcel No. 06-11-24-000-008.000-001
Together with rents, issues, income and profits thereof, said sale will be without relief from valuation or appraisement laws.
Sheriff of Boone County, Indiana
Center Township
5445 East 250 North
Lebanon IN 46052
The Sheriff's Department does not warrant the accuracy of the street address published herein.
Jennifer R. Fitzwater,
Attorney No. #29981-49-A
Fitzwater Mercer
One Indiana Square, Suite 1500
Indianapolis, IN 46204
(317) 636-3551
TLR-492 8/22, 29, 9/5 hspaxlp

Hand 19-045719
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES
NOTICE OF SHERIFF'S SALE
By virtue of a certified copy of a decree to me, directed from the Clerk of the Superior Court of Boone County, Indiana, in Cause No. 06D01-2001-MF-000113, wherein The Huntington National Bank was Plaintiff, and Nancy L. Hand, AKA Nancy Hand and The Huntington National Bank were Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 a.m., or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanan, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.
Lot #194 in Northfield Village, Sixth Section, an Addition to the City of Lebanon, Boone County, Indiana in Plat Book 2, Page 161.
More commonly known as: 1107 Syracuse Drive, Lebanon, IN 46052
Parcel No.
06-10-25-000-011.183-002
Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisement laws.
Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 06D01-2001-MF-000113 in the Superior Court of the County of Boone, Indiana.
Sheriff of Boone County
Center Township
1107 Syracuse Drive
The Sheriff's Department does not warrant the accuracy of the street address published herein.
Attorney for Plaintiff:
J. Dustin Smith
ATTORNEY NO. 29493-06
Manley Deas Kochalski LLC
P.O. Box 441039
Indianapolis, IN 46244
TLR-495 8/22, 29, 9/5 hspaxlp

Krueger
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR COURT NO. 1
CAUSE NO.
06D01-2007-EU-000092
In re the Matter of the Unsupervised Estate of DOLORES MAE KRUEGER, Deceased.
NOTICE OF ADMINISTRATION
Notice is hereby given that DONNA KRUEGER-KADEL was on the 29th day of July, 2020, appointed personal representative of the estate of Dolores Mae Krueger, deceased, in the above-entitled cause.
All persons having claims against said estate, whether or not now due, must file the claim in said Court within Three (3) months from the date of the first publication of this notice, or within Nine (9) months after the decedents death, whichever is earlier, or the claims will be forever barred.
Dated at Lebanon, Indiana, this 29th day of July 2020.
/s/ Jessica Fouts
Clerk of the Boone Superior Court No. 1
Casey D. Cloyd, #4245-02
Attorney at Law
1060 East 86th Street, Suite 63A
Indianapolis, Indiana 46240
(317)352-5757
(317)352-5304 fax
casey@cloydlaw.com
Attorney for Petitioner
Donna Krueger-Kadel
TLR-497 8/22, 29 hspaxlp

Public Notices

Schneider
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE CIRCUIT COURT
CAUSE NO 06C01-2008-MI-936
IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BMV TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE
William Schneider, Petitioner
PETTION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE
The above-named Petitioner William Schneider, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title.
The allegations and statements of fact set forth in the petition are true and accurate.
The Petitioner is the legal owner of an automobile described and identified as follows:
Year: 1980 Make: Two Wheeled Model: Black w/ Green Fenders
VIN:
The Petitioner acquired legal title to the automobile on or about November 2019.
The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists.
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: 8/4/2020
/s/ William Schneider
8045 Oak St, Zionsville IN 46077
DOB 4/12/19xx
Telephone # 858-261-xxxx
Driver's License #: xxxx-xx-xxxx
This Petition is assigned for hearing on October 8, 2020 at 8:15 a.m.
TLR-493 8/22, 29, 9/5 hspaxlp

Auctions

ADDITIONAL REAL ESTATE Auctions can also be found in the Real Estate for Sale section under Real Estate Auctions.

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TOWN OF JAMESTOWN
Job Vacancy Announcement

Position: Electric Utility Journeyman Lineman

The Town of Jamestown, Indiana, seeks applications from qualified candidates for the position of Electric Utility Journeyman Lineman. At the supervision of the Jamestown Municipal Utilities General Manager and Town Council, the position oversees and performs electrical distribution line construction, maintenance and repair tasks for the Town of Jamestown Municipal Electric Utility.
Requirements:
- High School Diploma or GED equivalent.
- Completion of 4 year electrical lineman apprenticeship.
- 3-5 years of experience as a journeyman lineman.
- Any combination of education and experience that provides

Help Wanted

WEIGHTS & MEASURES INSPECTOR

Boone County is currently accepting applications for a part time Weights & Measures Inspector. This position will be responsible for conducting inspections of weighing and measuring devices in grain elevators, refineries, gravel pits, and stockyards to ensure compliance with established laws and regulations.

In addition, the incumbent will inspect and test, using calibrated test weights and measures, commercial and law enforcement weighing devices, packaged commodities, commercial liquid measuring devices, and commercial liquefied petroleum gas measuring devices, to ensure accuracy and compliance with state laws and regulations.

Applicants should possess a High School diploma or GED equivalent.
Applicants must pass the Indiana State Board of Health, Division of Weights and Measures, examination.

He or she should have knowledge of various types of weighing and measuring devices in common use and skill in the operation of mechanical testing equipment used in the work. Knowledge of applied mathematics; state weights and measures laws and regulations. Inspection techniques and practices is a plus.

The position reports to the Board of Commissioners. Applications or resumes must be submitted by 4:00 pm, August 31, 2020. Interviews will begin in September.

Please forward your resume and salary history to:
Boone County Board of Commissioners: 116 W. Washington Street, Room 103, Lebanon , IN 46052. Attn: Kaylee Jessie

Boone County, Indiana, is an Equal Opportunity Employer.

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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, September 2, 2020 , at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:
2020-14-DSV, LRC II, LLC requests a Development Standards Variance to provide for or permit:
Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District.
The property involved is more commonly known as: 7665 E 550 South ,and is legally described as:
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
EXHIBIT "A"
LAND DESCRIPTION
LRC II, LLC NORTHEAST REMAINDER
A portion of the property of LRC 11, LLC
A part of Instrument Number 201100006845
November 14, 2019
A part of the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows:
Commencing at the Northwest Corner of the Southeast Quarter of Section 32, Township 18 North,

Help Wanted

TOWN OF JAMESTOWN Board Vacancies. Park Board- 2 vacancies. Board of Zoning Appeals- 2 vacancies If interested in filling these vacancies please submit a letter of intent to the Jamestown Municipal Building at 421 East Main St, Jamestown IN 46147.

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Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana; thence North 88 degrees 19 minutes 27 seconds East (Basis of Bearing: Indiana State Plane, West Zone, NAD 83) 577.92 feet along the North Line of said Southeast Quarter to a northwestern corner of the 53.063-acre tract of land granted to LRC II, LLC ("LRC Tract") (recorded as Instrument Number 201100006845 in the Office of the Recorder of Boone County, Indiana) and the POINT OF BEGINNING of this description (the following two (2) courses are along the boundary of said LRC Tract); (one) North 88 degrees 19 minutes 29 seconds East 761.42 feet along said North Line; (two) South 00 degrees 27 minutes 36 seconds East 942.00 feet to a northeastern corner of Stanegate Section XII-C Secondary Plat (recorded as Plat Book 24, Pages 46-48, Instrument Number 201600006812 in said Recorder's Office) ("Stonegate Subdivision") (the following twenty-four (24) courses are along the boundary of said Stonegate Subdivision); (one) North 55 degrees 29 minutes 57 minutes West 35.88 feet; (two) North 47 degrees 25 minutes 41 seconds West 29.06 feet; (three) North 40 degrees 53 minutes 29 seconds West 62.63 feet; (four) North 48 degrees 26 minutes 31 seconds West 30.98 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 42 minutes 32 seconds West 90.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 38.79 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 20 minutes 06 seconds West 79.34 feet; (thirteen) North 39 degrees 34 minutes 58 seconds West 40.56 feet; (fourteen) North 55 degrees 22 minutes 32 seconds West 48.77 feet; (fifteen) North 60 degrees 03 minutes 04 seconds West - 69.56 feet; (sixteen) North 44 degrees 56 minutes 19 seconds West 20.19 feet; (seventeen) North 34 degrees 19 minutes 06 seconds West 41.09 feet; (eighteen) North 44 degrees 56 seconds 19 seconds West 26.50 feet; (nineteen) North 64 degrees 35 minutes 27 seconds West 75.06 feet; (twenty) South 87 degrees 40 minutes 59 seconds West 21.44 feet; (twenty-one) South 79 degrees 39 - minutes 20 seconds West 102.93' (twenty-two) North 83 degrees 30 minutes 16 seconds West 63.77 feet; (twenty-three) North 69 degrees 39 minutes 13 seconds West 43.77 feet; (twenty-four) North 43 degrees 05 minutes 28 seconds West 8.71 feet to a western line of said LRC Tract; thence North 00 degrees 27 minutes 04 seconds 182.72 feet along said western line to the POINT OF BEGINNING, containing 309.576.4 square feet (7.1069 acres), more or less.
TLR-504 8/22 hspaxlp 1660928

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,

September 2, 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:

2020-14-DSV LRC II, LLC requests a
(PETITION NUMBER) **(NAME OF PETITIONER)**

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

Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District.

The property involved is more commonly known as: 7655 E 550 South and is legally described as:
(COMMON ADDRESS)

(INSERT LEGAL DESCRIPTION OF PROPERTY – See Attached Legal Description)

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

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

Chairman: John Wolff

Secretary: Wayne DeLong

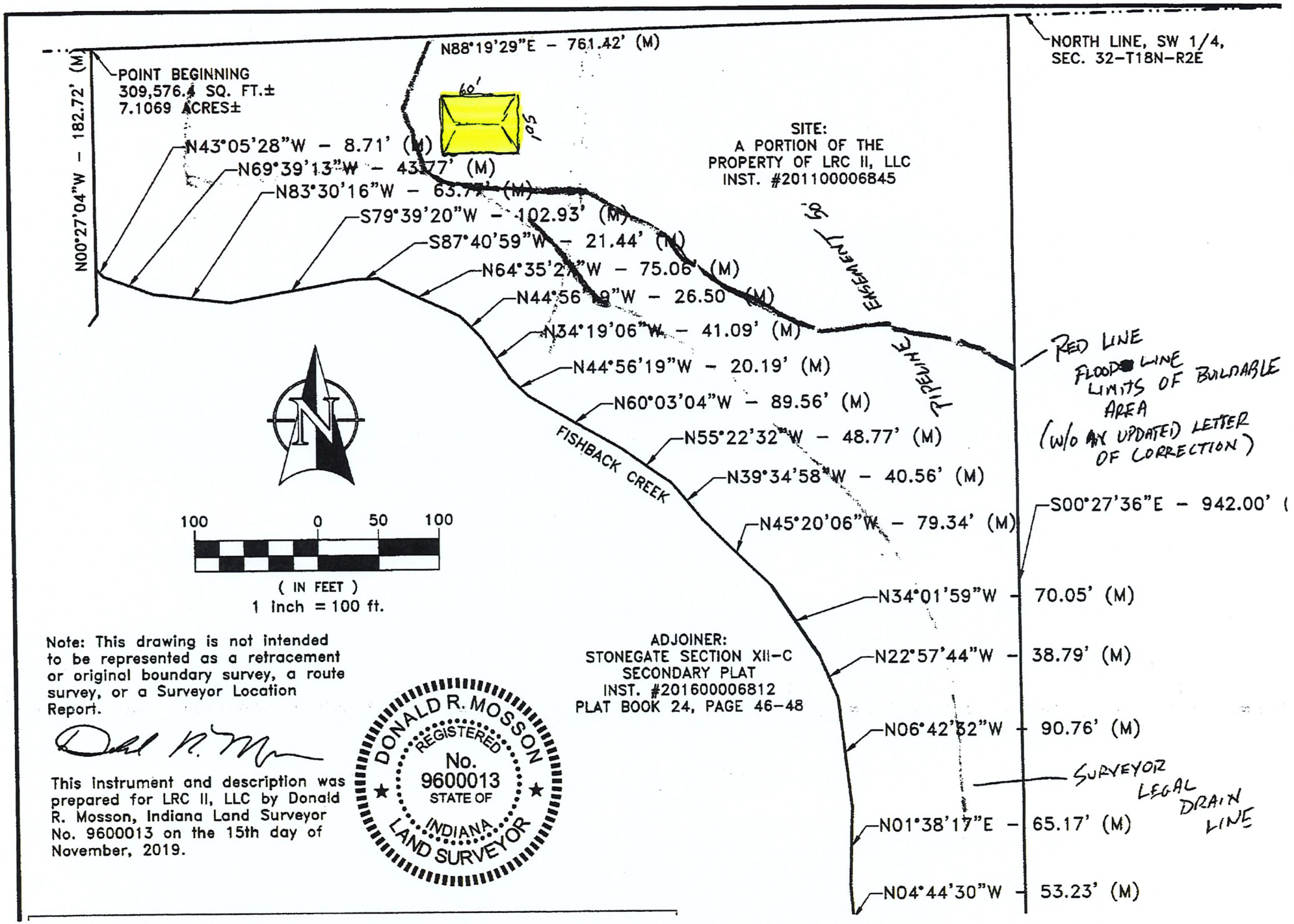
PUBLISH: Lebanon Reporter

LAND DESCRIPTION
LRC II, LLC NORTHEAST REMAINDER

A portion of the property of LRC II, LLC
A part of Instrument Number 201100006845
November 14, 2019

A part of the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana; thence North 88 degrees 19 minutes 27 seconds East (Basis of Bearing: Indiana State Plane, West Zone, NAD 83) 577.92 feet along the North Line of said Southeast Quarter to a northwestern corner of the 53.063-acre tract of land granted to LRC II, LLC ("LRC Tract") (recorded as Instrument Number 201100006845 in the Office of the Recorder of Boone County, Indiana) and the POINT OF BEGINNING of this description (the following two (2) courses are along the boundary of said LRC Tract); (one) North 88 degrees 19 minutes 29 seconds East 761.42 feet along said North Line; (two) South 00 degrees 27 minutes 36 seconds East 942.00 feet to a northeastern corner of Stonegate Section XII-C Secondary Plat (recorded as Plat Book 24, Pages 46-48, Instrument Number 201600006812 in said Recorder's Office) ("Stonegate Subdivision") (the following twenty-four (24) courses are along the boundary of said Stonegate Subdivision); (one) North 55 degrees 29 minutes 57 minutes West 35.88 feet; (two) North 47 degrees 25 minutes 41 seconds West 29.06 feet; (three) North 40 degrees 53 minutes 39 seconds West 62.63 feet; (four) North 48 degrees 26 minutes 31 seconds West 30.98 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 42 minutes 32 seconds West 90.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 38.79 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 20 minutes 06 seconds West 79.34 feet; (thirteen) North 39 degrees 34 minutes 58 seconds West 40.56 feet; (fourteen) North 55 degrees 22 minutes 32 seconds West 48.77 feet; (fifteen) North 60 degrees 03 minutes 04 seconds West 89.56 feet; (sixteen) North 44 degrees 56 minutes 19 seconds West 20.19 feet; (seventeen) North 34 degrees 19 minutes 06 seconds West 41.09 feet; (eighteen) North 44 degrees 56 seconds 19 seconds West 26.50 feet; (nineteen) North 64 degrees 35 minutes 27 seconds West 75.06 feet; (twenty) South 87 degrees 40 minutes 59 seconds West 21.44 feet; (twenty-one) South 79 degrees 39 minutes 20 seconds West 102.93; (twenty-two) North 83 degrees 30 minutes 16 seconds West 63.77 feet; (twenty-three) North 69 degrees 39 minutes 13 seconds West 43.77 feet; (twenty-four) North 43 degrees 05 minutes 28 seconds West 8.71 feet to a western line of said LRC Tract; thence North 00 degrees 27 minutes 04 seconds 182.72 feet along said western line to the POINT OF BEGINNING, containing 309,576.4 square feet (7.1069 acres), more or less.



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

This instrument and description was prepared for LRC II, LLC by Donald R. Mosson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.

Petition No.: 2020-14-DSV

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will not be injurious to the public health, safety, morals and general welfare as the requested improvement would not provide an opportunity to create a health, safety or moral injury to the public

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

The adjacent properties will not be adversely affected as the improvement will increase the value of the parcel where the improvement will be located.

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

Construction of an accessory building in conjunction with a house would likely be allowed.

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:	2020-26-DSV
Subject Site Address:	90 N. Sixth Street
Petitioner:	Stephen & Kimberly Smith
Request:	Petition for Development Standards Variance to provide for the remodel and addition to an existing Single-Family Home and garage which: 1) Deviates from the required side and aggregate yard setbacks in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Urban Residential Village Zoning District (R-V)
Current Land Use:	Single-family Residential
Approximate Acreage:	0.25 acres
Zoning History:	No previous Zoning Petitions filed for this address.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Site Conditions - Existing and Proposed Exhibit 4 – Petitioner's Remodel/Addition Plans Exhibit 5 – Petitioner's proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the October 7, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is a single lot of approximately 0.25 acres and is presently improved with one (1) single-family dwelling and accessory uses (detached single car garage, deck/patio). Petitioner seeks approval for the for the remodel and addition to an existing single-family home which would add a covered front porch, an enclosed addition to the rear of the home, and expand the existing garage to accommodate two cars.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

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

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

ANALYSIS

The 0.25 -acre parcel is currently improved with a 1,728 +/- square foot circa 1938 two-story single-family dwelling and accessory uses (detached single car garage, deck/patio). The Petitioner has intentions of making the following additions:

- Covered front porch which would not extend beyond the existing front façade.
- An addition to the rear of the home which would house a family room, bedroom, and bath in the lower level; on the main level would be a new dining/kitchen area and a master suite.
- An enlargement of the existing single-car garage to accommodate two cars.

The property is required to meet the development standards of the Urban Residential Village Zoning District (R-V). Section 194.052 of the Zoning Ordinance ("ZO") establishes the minimum side yards and building setbacks in the R-V District as five feet along all side lot lines and an aggregate side yard of fifteen feet on all lots. The north side yard setback is approximately eight feet and in compliance. However, the south side yard setback relating to the existing garage is approximately one foot. Therefore, the south side yard does not meet the minimum side yard setback requirement and the aggregate of the north and south side yards is nine feet which does not meet the minimum aggregate total of fifteen feet.

VARIANCE REQUEST – REDUCTION OF THE MINIMUM REQUIRED SIDE YARD SETBACK AND THE MINIMUM REQUIRED AGGREGATE SIDE YARD SETBACKS

The parcel is currently utilized for residential purposes and accessory structures/uses. The ZO requires that the property be in compliance with the Development Standards of the R-V district.

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. The request, in the opinion of Staff, constitutes a reasonable deviation from the Zoning Ordinance, given 1) the location and size of the Lot of Record, the contemplated placement of the improvements, and 2) the proposed additions to the existing home would not be establishing setbacks that are less that the existing conditions.

With the above in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance to provide for the remodel and addition to an existing single-family home and garage which deviates from the required side and aggregate yard setbacks in the Urban Residential Village Zoning District (R-V).

STAFF RECOMMENDATIONS

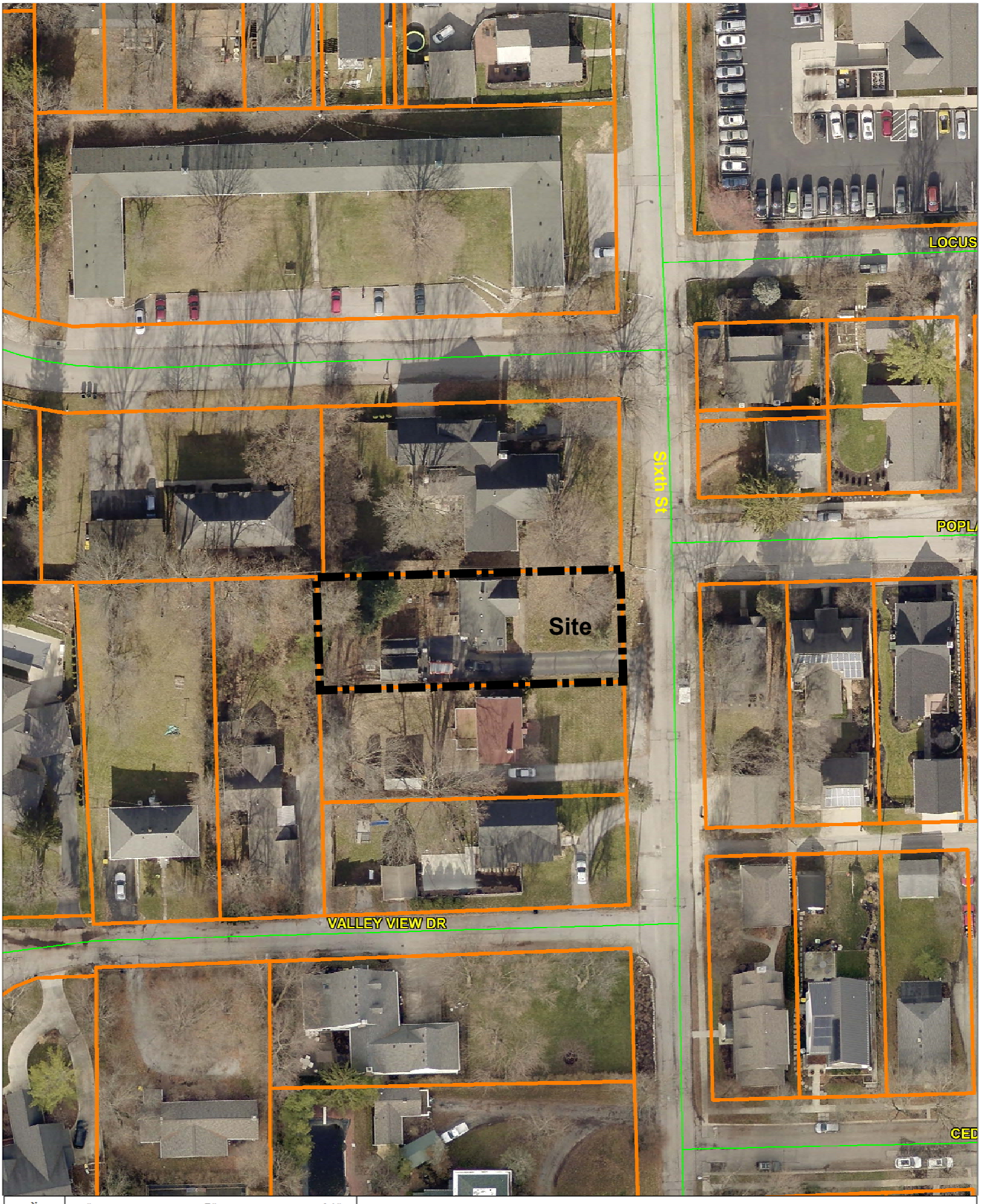
Staff recommends approval of the design standards variance included in Docket #2020-26-DSV to provide for the remodel and addition to an existing single-family home and garage which:

1) Deviates from the required side and aggregate yard setbacks in the Urban Residential Village Zoning District (R-V).

RECOMMENDATION MOTION

I move that Docket # 2020-26-DSV Development Standards Variance in order to provide for the remodel and addition to an existing single-family home and garage which:

1) Deviates from the required side and aggregate yard setbacks in the Urban Residential Village Zoning District (R-V), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).



N
W E
S

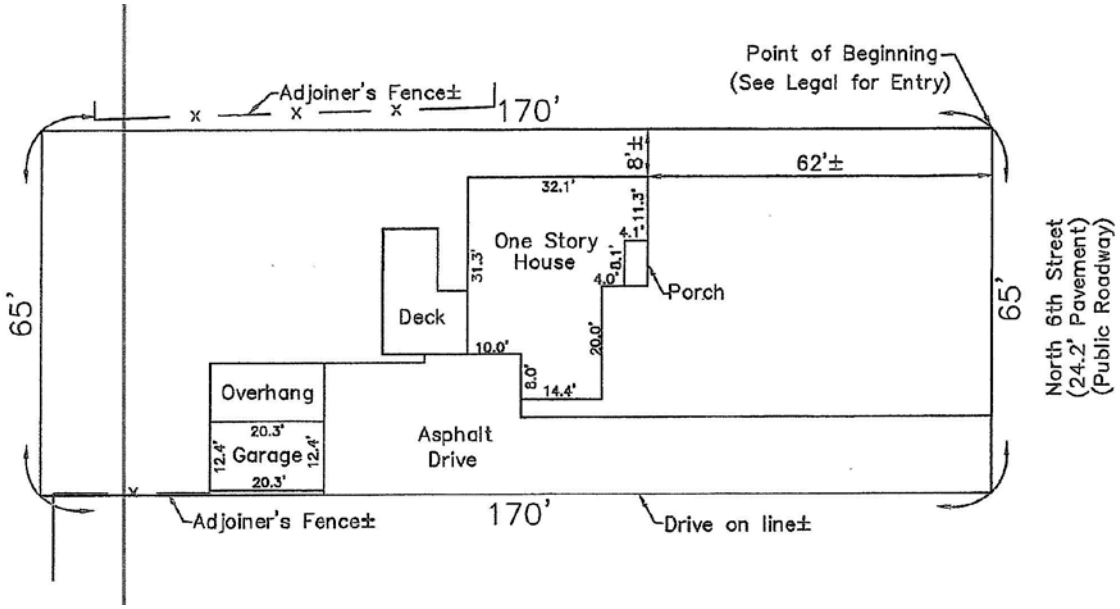
0 70 140

1" – 70ft

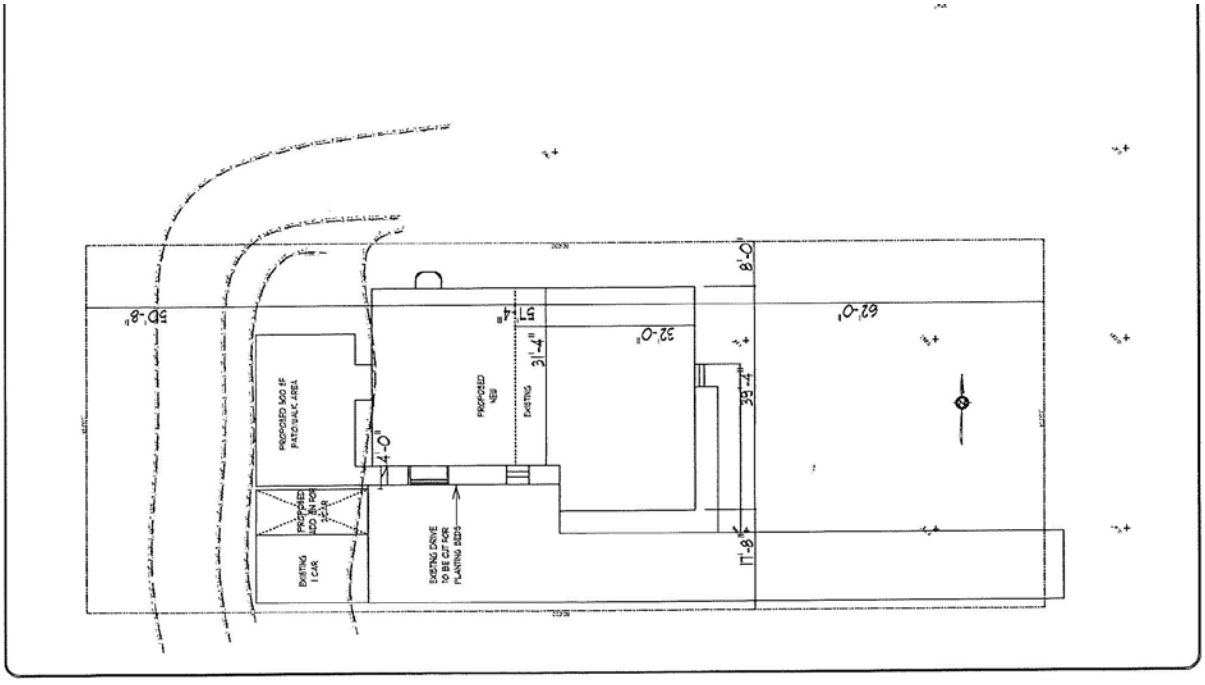
2020-26-DSV: Location Map - Exhibit 2

2020-26-DSV

Smith - Home and Garage Additions



Existing Site Conditions



Proposed Site Conditions with Home and Garage Additions Shown

Exhibit 3

SURVEYOR LOCATION REPORT

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

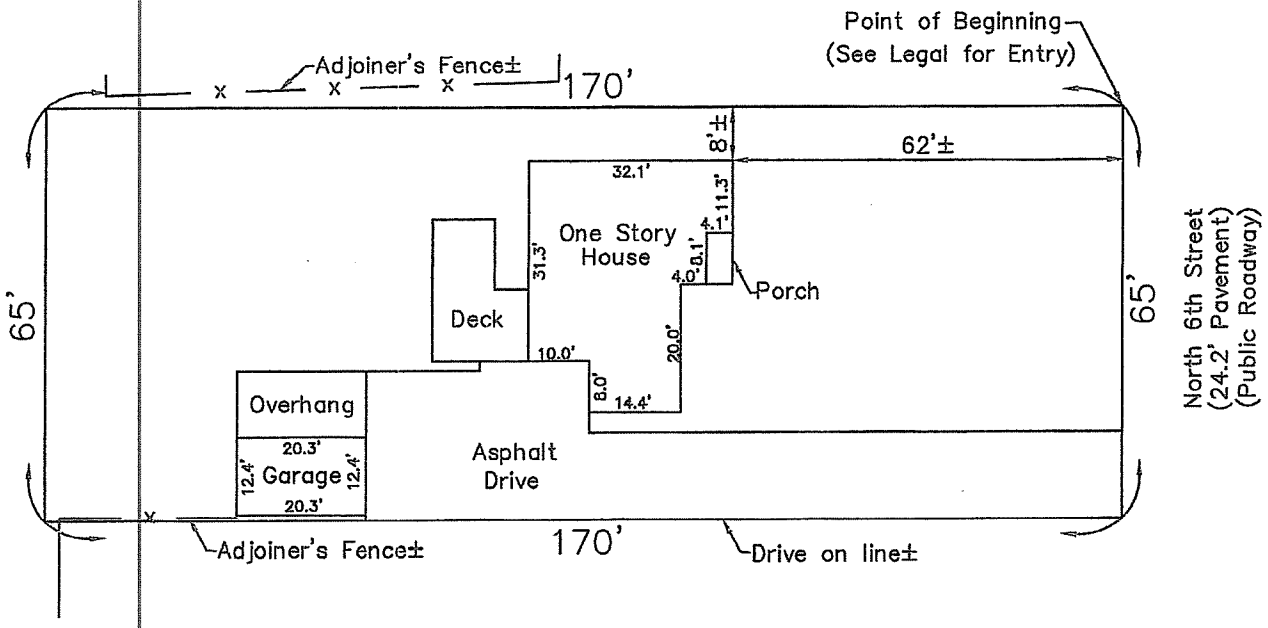
Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Note: Due to the lack of qualified monumentation found, the accuracy of this report is limited to 3'±.

Scale: 1"=30'

Legend

— x — Fence±



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

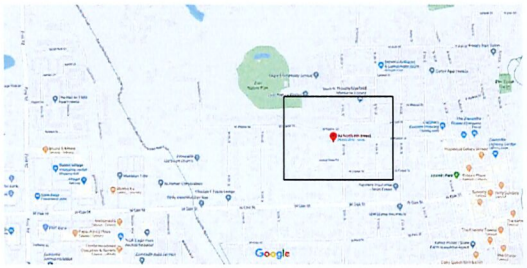
CHAD L. BROWN REGISTERED No. 21100002 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 11/29/2018

Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: 2018111479
Sheet 2 of 2

Exhibit 4

THE SMITH FAMILY
90 NORTH 6TH STREET
ZIONSVILLE, IN 46077



VICINITY AND LOCATION

RENDERINGS FOR REFERENCE ONLY
COLORS AND OTHER DETAILS MAY
CHANGE FROM WHAT IS SHOWN

IMPORTANT PLAN AND DETAIL NOTES

ALL G.C. SUBCONTRACT AND JOB SITE MANAGERS SHOULD CAREFULLY REVIEW THE NOTES PLACED THROUGHOUT THE PLANS TO RESOLVE OR VERIFY BEYOND THE NORMAL PRACTICAL CONSTRUCTION PRACTICES, ANY ITEMS THAT MAY BE ANY KIND OF ISSUE KNOWN TO THIS INDIVIDUAL PROJECT. THE LEAD CONTRACTOR SHOULD VERIFY ALL SCOPES OF WORK WITH OWNERS UPON START OF PROJECT.

OPENINGS AS LISTED ARE AS SPEC'D OR NOTED ON PLAN. WINDOWS ARE SHOWN AS MFRS'A SIZES.

GENERAL
1) ALL CONTRACTORS ARE TO VERIFY ALL DIMENSIONS, NOTES, REVISION DATES AND BUILDERs SPECIFICATIONS, PER THEIR WORK.
2) ALL CONTRACTORS ARE TO CLEAN UP THE JOBSITE PER THEIR WORK.
3) ALL CONTRACTORS ARE TO VERIFY ALL APPLICABLE CODES OR ORDINANCES PER THEIR WORK. ANY SUBSTITUTIONS TO MATERIALS, COMPONENTS OR ASSEMBLIES GENERICALLY SHOWN ON THESE DOCUMENTS MUST ALSO BE VERIFIED.
4) ALL MATERIALS, COMPONENTS AND ASSEMBLIES SHOWN N SCALE ON THESE DOCUMENTS ARE ILLUSTRATIONS ONLY AND MAY NOT BE THE ACTUAL SIZE OR MODEL USED FOR CONSTRUCTION.
5) NOTIFY THE DESIGN PROFESSIONAL OF ANY AND ALL CONFLICTS, PER ALL DRAWINGS, NOTES OR ILLUSTRATIONS. VERIFY THE DEGREE OF FINISHED OR UNFINISHED AREAS.
6) THE DESIGN PROFESSIONAL SHALL HAVE NO CONTROL OF, NOR BE RESPONSIBLE FOR THE MEANS, METHODS, PROCEDURES, COSTS, SAFETY OF OTHERS WRITTEN SPECIFICATIONS AND ACTS OF OMISSION BY THE OWNER, BUILDER, SUBCONTRACTORS OR OTHERS PERFORMING OR SUPPLYING WORK AND PRODUCTS TO THE PROJECT.
7) ALL APPLICABLE PRACTICES SHALL BE APPLIED TO MAINTAIN PERMANENT PROTECTION AGAINST MOISTURE DAMAGE AND LATER INTRUSION INTO THE STRUCTURE.
8) THE DESIGN PROFESSIONAL SHALL REVIEW AND APPROVE NECESSARY SHOP DRAWINGS REQUIRED FOR THE PROJECT.
9) ALL SITE, LANDSCAPE PLANNING, INTERIOR DESIGN AND ACTUAL KITCHEN/ BATH DETAILS ARE TO PROVIDED BY THE ACTUAL SUPPLIER AND APPROPRIATE SUBCONTRACTORS.
10) ALL MECHANICAL, ELECTRICAL AND PLUMBING DESIGNS (MEP) SHALL BE PROVIDED BY THE APPROPRIATE SUBCONTRACTORS FOR EACH FIELD.

SITE
1) ANY FILL BROUGHT TO THE SITE SHALL ACHIEVE A MINIMUM COMPACTION STRENGTH REQUIRED FOR THE CONSTRUCTION OF THIS PROJECT.
2) FINAL GRADE IS DETERMINED BY THE INDIVIDUAL PROJECTS SITE CONDITIONS.
3) SLOPE GRADE AWAY FROM THE BUILDING PERIMETER AS REQUIRED.
4) COORDINATE MASONRY LEDGE AND/OR FOUNDATION WALLS BASED ON THE PROPOSE FINAL GRADE.

STRUCTURE
1) ALL FRAMING AND CONSTRUCTION PRACTICES SHALL CONFORM AND ADHERE TO THE CURRENT IRC 2020 BUILDING CODE "INDIANA RESIDENTIAL CODE" 2019 WOOD PRINTED EDITION. PRODUCTS TO BE INSTALLED PER THE MANUFACTURERS SPECIFICATIONS.
2) WOOD, CONCRETE, OR STEEL FLOOR AND ROOF TRUSSES, BEAMS, COLUMNS, JOISTS, RAFTERS AND WALL ASSEMBLIES SHALL BE VERIFIED, SIZED AND CERTIFIED BY THE MANUFACTURER OR SUPPLIER.
3) ALL LOADS TO BE CALCULATED PER ALL CODES AND CONDITIONS REPRESENTED ON THESE DOCUMENTS AND SPECIFICATIONS TO DETERMINE LOADS FOR ALL MATERIALS, COMPONENTS, AND ASSEMBLIES USED ON THIS PROJECT.
4) VERIFY ANY EXISTING BEARING CONDITIONS, MINIMUM CODE COMPLIANCE, DURING ANY DEMOLITION, EXCAVATION OF EXISTING AND OR ADJOINING FOUNDATIONS/STRUCTURES.

ADDITIONAL INFORMATION
1) NOT ALL INFORMATION ABOVE WILL APPLY TO ALL PROJECTS.
2) FOR STRUCTURAL ADDITIONS TO AN EXISTING BUILDING, MATCH ALL MATERIALS, COMPONENTS AND ASSEMBLIES TO THE EXISTING SAME OR AS CLOSELY AS POSSIBLE WHENEVER POSSIBLE.
3) REVISED 2012 INDIANA ENERGY EFFICIENCY CODE FOR COMPLIANCE.
4) VERIFY ANY REQUIREMENTS OF LOCAL HOA OR DEVELOPMENT ASSOCIATIONS STANDARDS.

PROPERTY =	11050 SF
NEW STRUCTURE ADDITION =	784 SF
NEW COVERED PORCH =	234 SF
EXISTING STRUCTURE =	1025 SF
EXISTING GARAGE STRUCTURE =	220 SF
NEW PATIO AREA AT REAR=	300 SF
2763 SF/11050 SF =	24.9 %

DRAWING LIST

SHEET	CONTENTS
SHEET C-1	COVER PAGE, NOTES AND LOCATION
SHEET A-1	ELEVATIONS - SOUTH/EAST
SHEET A-2	ELEVATIONS - NORTH/WEST
SHEET A-3	FOUNDATION/BASEMENT
SHEET A-4	MAIN FLOOR/demo
SHEET A-5	ROOF PLAN/SITE LAYOUT
SHEET A-6	SECTION A-a
SHEET A-7	SECTION B-B
SHEET A-8	N/A
SHEET E-1	N/A
SHEET E-2	N/A

AREA SCHEDULE

NAME	AREA
NEL BASEMENT ADDITION	740 SF
NEL MAIN FLOOR ADDITION	784 SF
EXISTING MAIN FLOOR	1011 SF
NEL LIVING TOTAL	1751 SF
NEL FRONT PORCH SLAB	234 SF

8/16/2020

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17306 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

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Custom Homes
Carmel, Indiana
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kpcustomhomes@yahoo.com
www.kpcustomhomes.com
design construction renovation

NEW PROJECT
FOR THE SMITH FAMILY
90 NORTH 6TH STREET
ZIONSVILLE, IN 46077

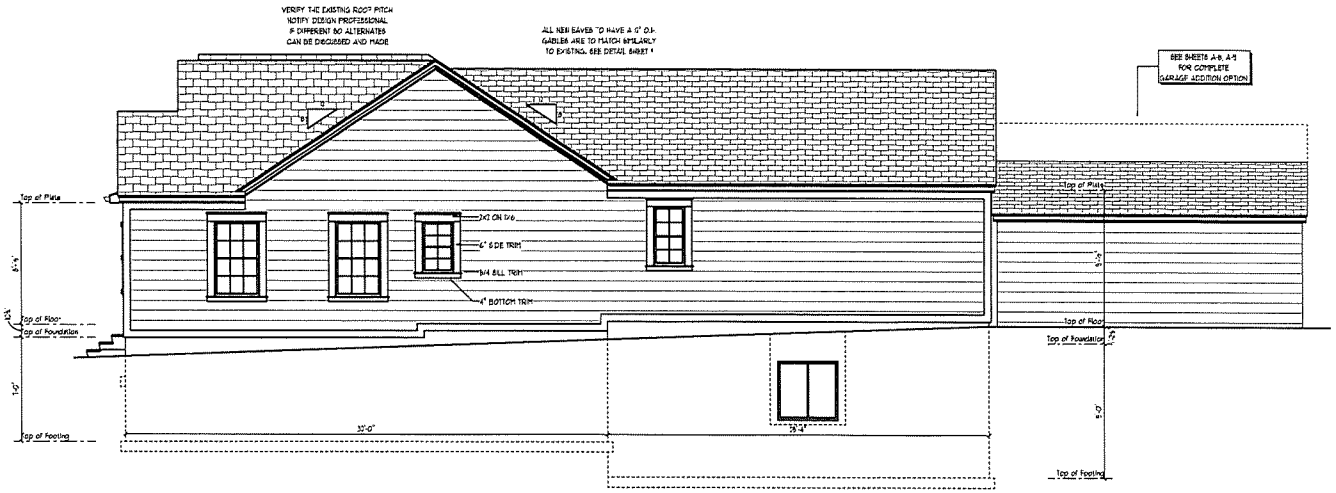
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
05-21-20: PLAN REVIEW
06-03-20: REVISED PLAN REVIEW
06-10-20: RE/REVISED PLAN REVIEW
06-17-20: RE/REVISED PLAN REVIEW
07-02-20: REVISED PLAN REVIEW
07-17-20: PRELIMINARY REVIEW PLANS
08-3-20: PRELIMINARY 4TH GARAGE OPTION

LOCATION/NOTES

COVER

Exhibit 4



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

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

8/16/2020

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317-258-2020

Bitzy Files
317.691.1963
Cad Solutions, LLC
Carrie Bitzy
C.A.D. Technician
317.727.6222
bitzyfiles@sbcglobal.net
www.bitzyfiles.com
design construction renovation

NEW PROJECT
FOR THE SMITH FAMILY
1400 N. 17th AVENUE
BEECH GROVE, IN 46107

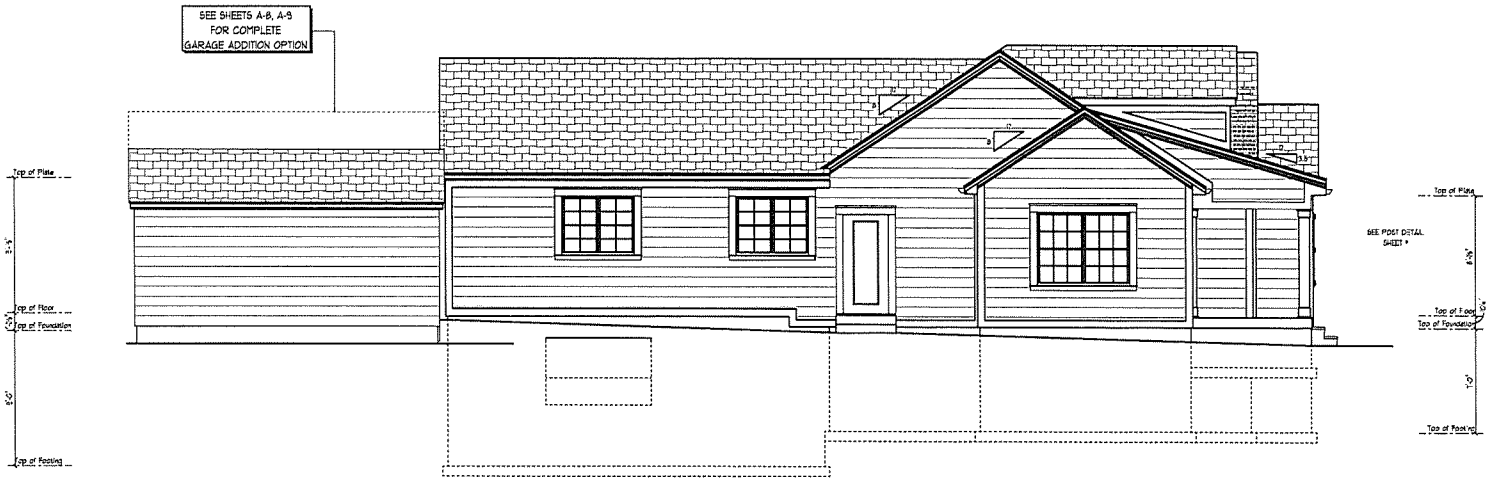
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
06-03-20: PLAN REVIEW
06-03-20: REVISED PLAN REVIEW
06-12-20: REVISED PLAN REVIEW
06-29-20: REVISED PLAN REVIEW
07-03-20: REVISED PLAN REVIEW
07-27-20: PRELIMINARY REVIEW PLANS
08-1-20: PRELIMINARY WITH GARAGE OPTION

ELEVATIONS

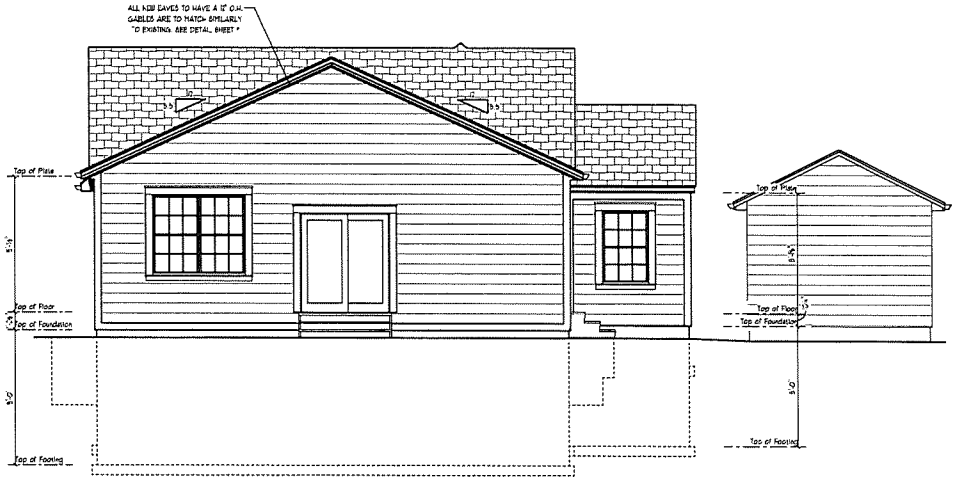
SHEET A-1

Exhibit 4



LEFT - SOUTH ELEVATION

1/8" = 1'-0"



REAR - WEST ELEVATION

1/8" = 1'-0"

8/16/2020

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317-258-2020

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Bobby Pitts
317-371-1253
Carmel, Indiana
Cell: 317-709-4227
bobbypitts@sbcglobal.net
www.bobbypittscustomhomedesigns.com

NEW PROJECT
PLOT PLANS FOR
4409 SW 27TH STREET
INDIANAPOLIS, IN 46224

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

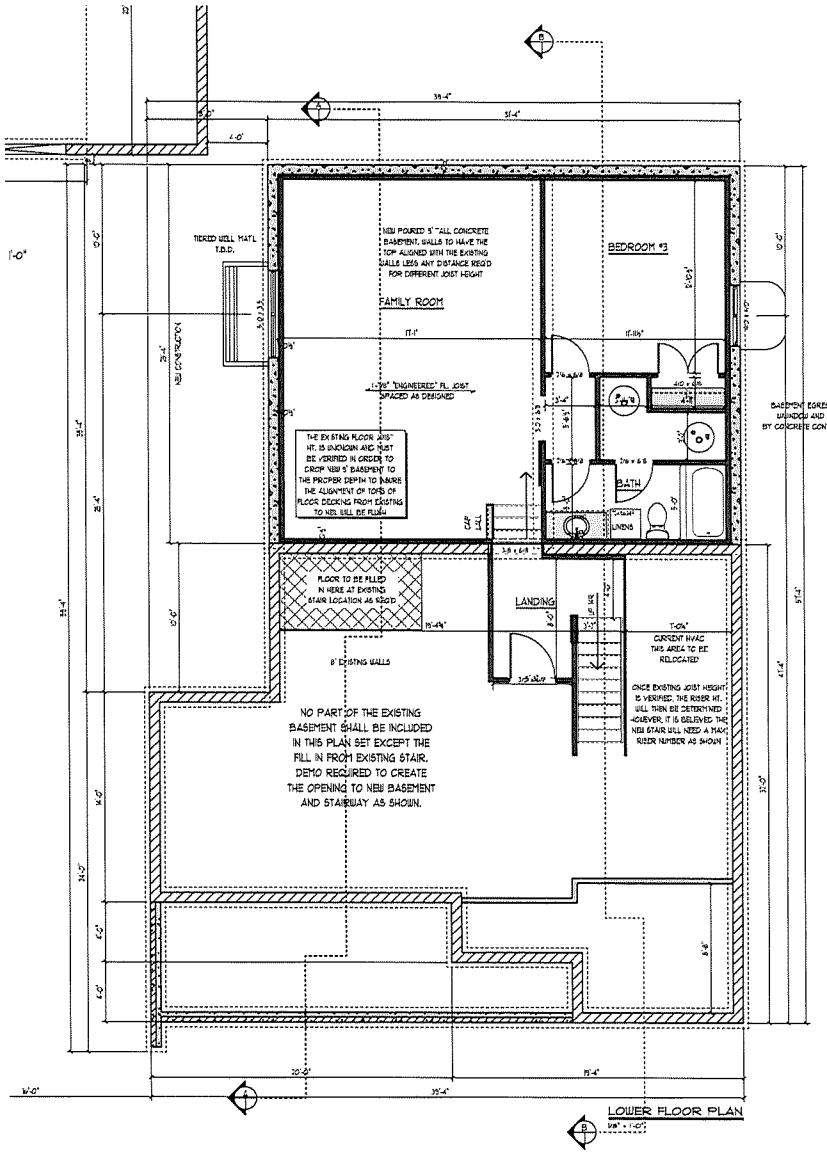
REVISIONS:
02-13-20 PLAN REVIEW
04-03-20 REVISED PLAN REVIEW
04-15-20 REVISED PLAN REVIEW
06-17-20 REVISED PLAN REVIEW
07-03-20 REVISED PLAN REVIEW
07-17-20 PRELIMINARY REVIEW PLANS
08-3-20 PRELIMINARY WITH GARAGE OPTION

ELEVATIONS

SHEET A-2

Exhibit 4

THERE WILL BE A STRUCTURAL
"FOUNDATION PLAN"
IN THIS LOCATION AT THE
FINAL CONSTRUCTION DRAWING STAGE



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WESTFIELD, IN 46062
317-258-2020

Custom Homes
Tony Pitts
317-414-1953
Indianapolis, Indiana
Co. 317-770-0107
tpcustomhomes@yahoo.com
www.tpcustomhomes.com
design, construction, renovation

NEW PROJECT
FOR THE SWAINEY FAMILY
LOCATED AT 4407 N. KENSINGTON CT.
ZIONSVILLE, IN 46077

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
06-01-20 PLAN REVIEW
06-03-20 REVISED PLAN REVIEW
06-15-20 REVISED PLAN REVIEW
06-17-20 REVISED PLAN REVIEW
07-03-20 REVISED PLAN REVIEW
07-17-20 PRELIMINARY REVIEW PLANS
08-1-20 PRELIMINARY WITH GARAGE OPTION

FOUNDATION/BASEMENT

SHEET A3

8/16/2020

Exhibit 4

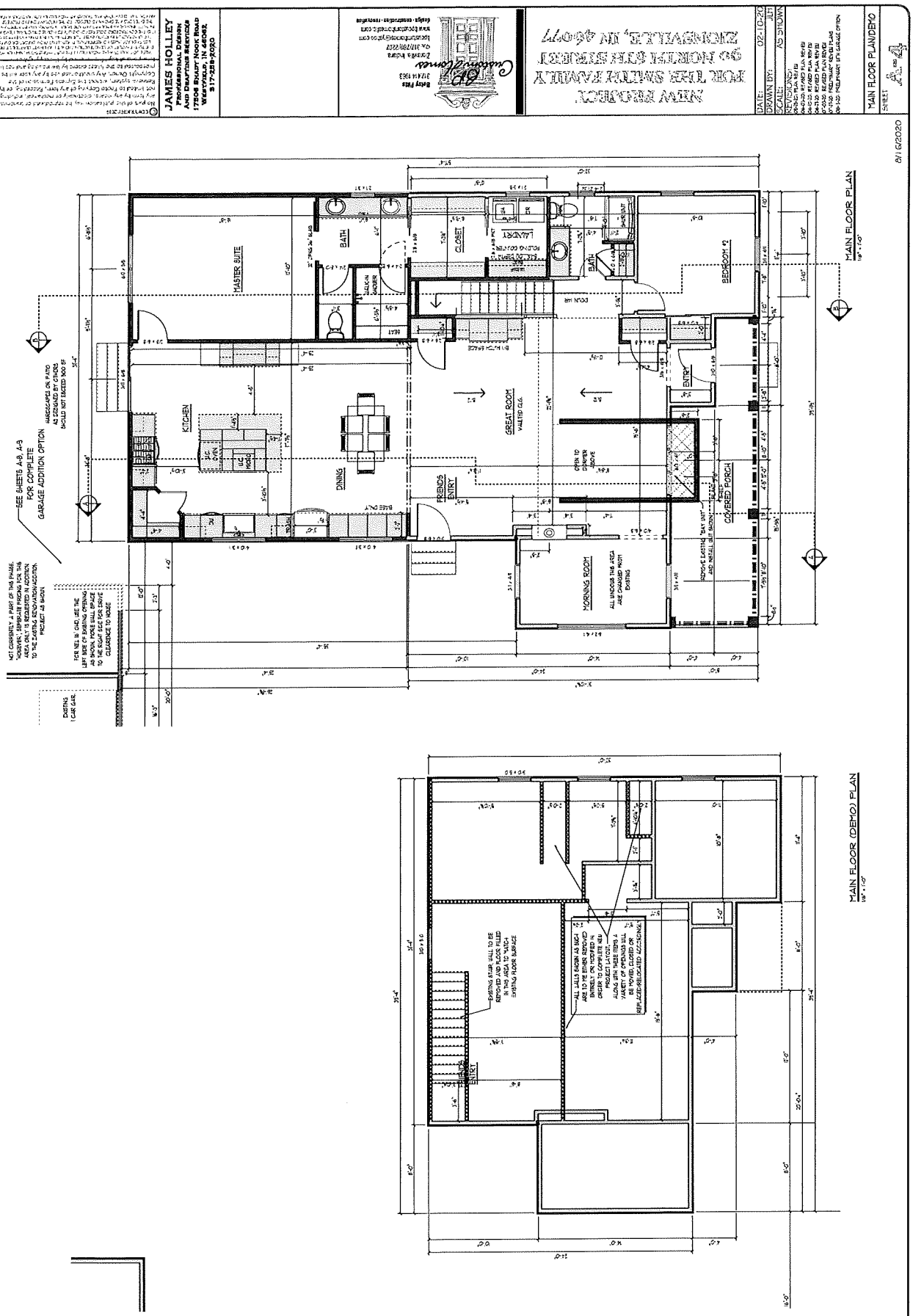
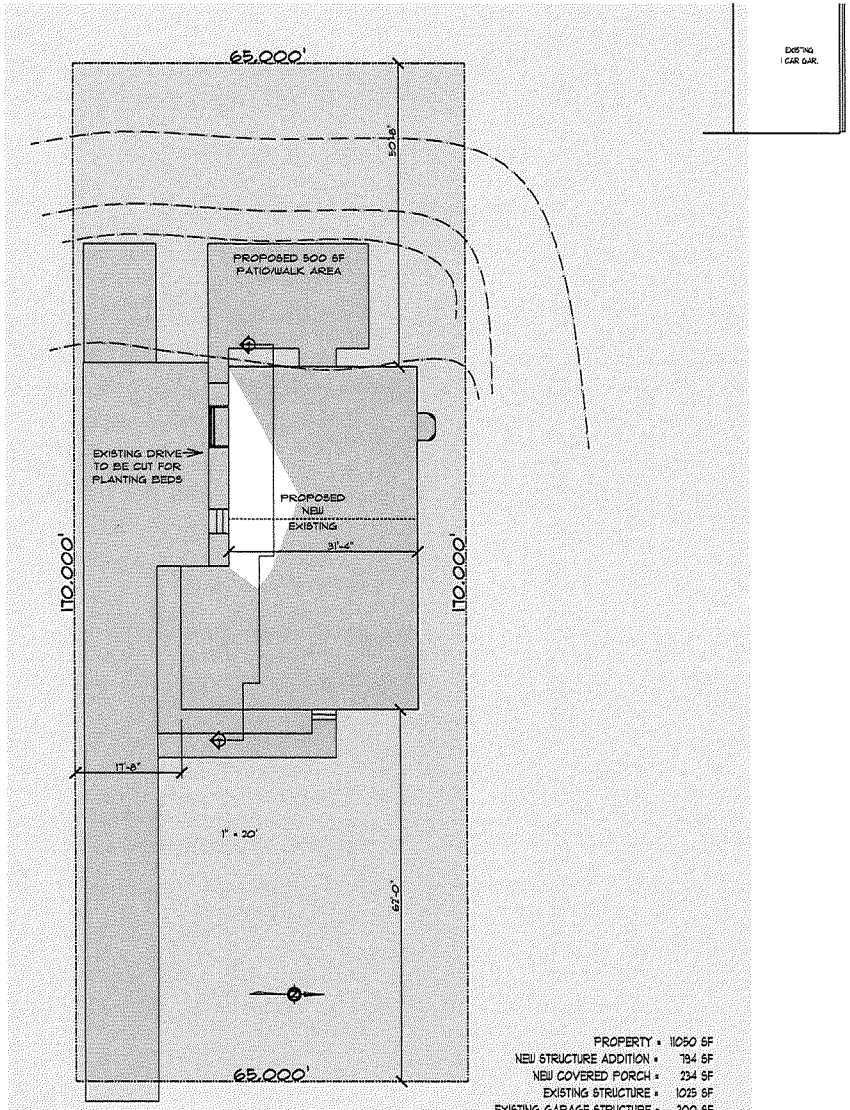
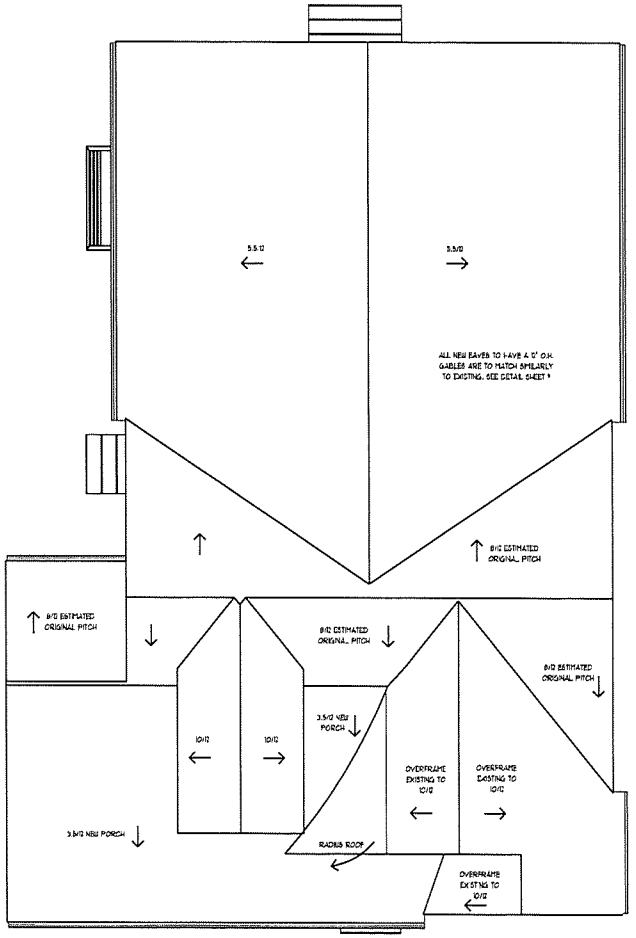

NEW ADDITION
FOR THE SMITH FAMILY
99 NORTH 8TH STREET
ZIONSVILLE, IN 46077
JAMES HOLLEY
PROFESSIONAL DESIGN AND DRAFTING SERVICES
17306 BRIAR NOOK ROAD
WESTFIELD, IN 46062
317-258-2020
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN
REVISIONS
MAIN FLOOR PLAN/DEMO
SHEET A1
8/16/2020
MAIN FLOOR PLAN
MAIN FLOOR (DEMO) PLAN
MASTER SUITE
BATH
CLOSET
LAUNDRY
BEDROOM #2
KITCHEN
DINING
GREAT ROOM
VAULTED CEIL.
FRIENDS ENTRY
ENTRY
COVERED PORCH
MORNING ROOM
SEE SHEETS A-8, A-9 FOR COMPLETE GARAGE ADDITION OPTION
EXISTING 1 CAR GAR.

Exhibit 4



EXISTING 1 CAR GAR.

PROPERTY =	11050 SF
NEW STRUCTURE ADDITION =	784 SF
NEW COVERED PORCH =	234 SF
EXISTING STRUCTURE =	1025 SF
EXISTING GARAGE STRUCTURE =	200 SF
NEW PATIO AREA AT REAR=	500 SF
2753 SF/11050 SF =	24.9 %



ROOF PLAN
1/8" = 1'-0"

8/16/2020

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JAMES HOLLEY
PROFESSIONAL DESIGN AND DRAFTING SERVICES
17506 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

Cynthia Holley
Mary Ellen Holley
317-867-1593
Fax 867-1593
17506 Shady Nook Road
Westfield, IN 46062
cholley@indy.rr.com
http://www.indy.rr.com/~cholley

ADDITION AND ALTERATIONS TO RESIDENCE FOR
MR. & MRS. JOHN MARTINEZ
440 S. 4TH AVENUE
BEECH GROVE, INDIANA

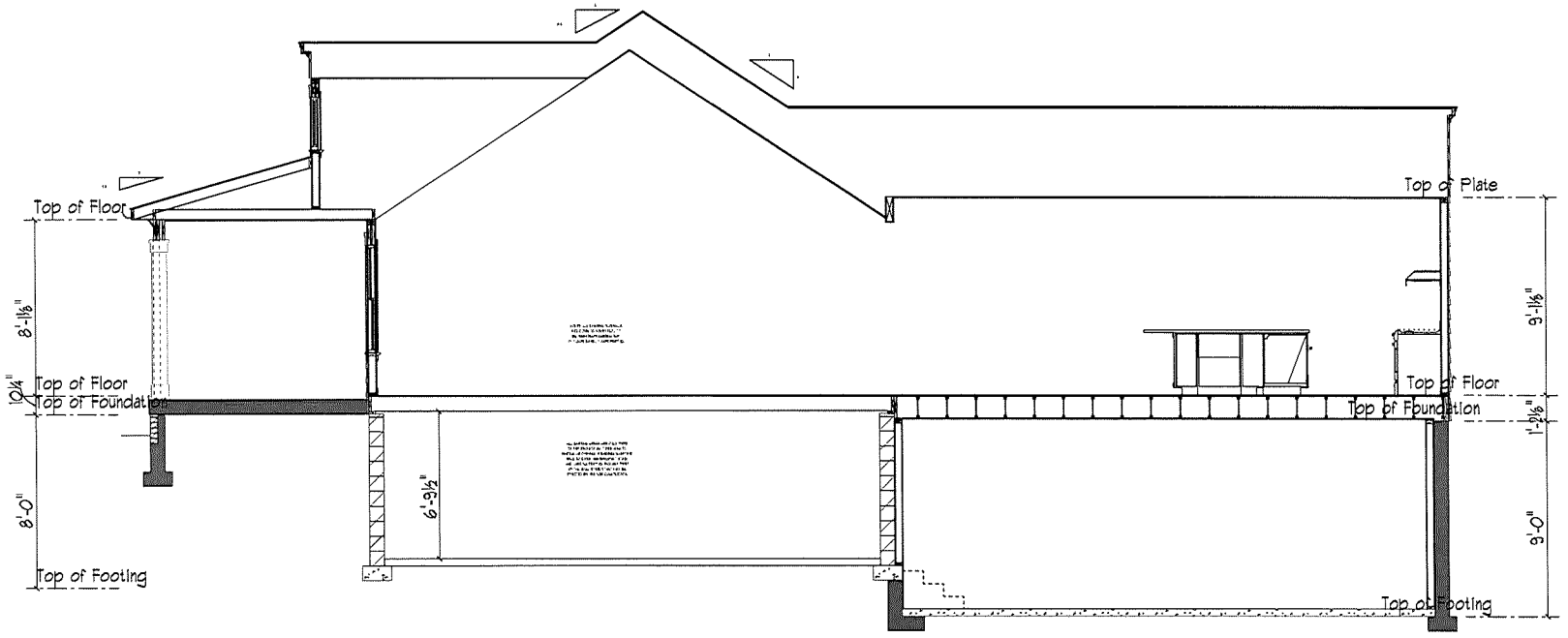
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
02-10-20 PLAN REVISI
04-02-20 REVISED PLAN REVISI
04-13-20 REVISED PLAN REVISI
04-27-20 REVISED PLAN REVISI
07-03-20 REVISED PLAN REVISI
07-27-20 PRELIMINARY REVISI PLANS
08-1-20 PRELIMINARY 12'W GARAGE OPTION

UPPER FLOOR/ROOF PLAN

SHEET A-5

Exhibit 4



SECTION DETAIL "A"

8/16/2020

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JAMES HOLLEY
PROFESSIONAL DESIGN
AND DRAFTING SERVICES
17506 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

Cushing Homes
Gary Fiss
317.414.1963
Zenaida Indiana
Cell 317.758.7267
tcoustomhomes@yahoo.com
www.tcoustomhomes.com
design · construction · renovation

NEW PROJECT
FOR THE SMITH FAMILY
93 NORTH 6TH STREET
ZIONSVILLE, IN 46077

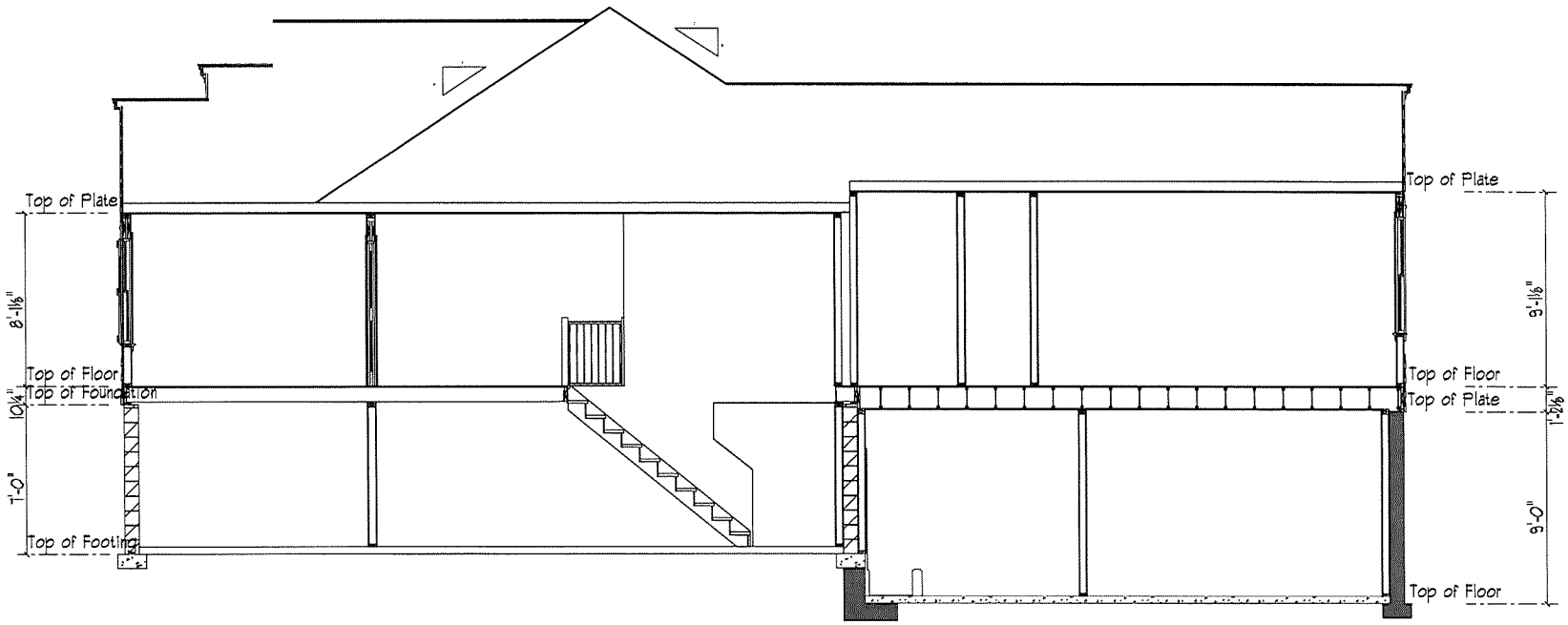
DATE:	02-10-20
DRAWN BY:	JLH
SCALE:	AS SHOWN

REVISIONS:
06-23-20: PLAN REVISI
06-03-20: REVISED PLAN REVISI
06-10-20: REVISED PLAN REVISI
06-22-20: REVISED PLAN REVISI
07-03-20: REVISED PLAN REVISI
07-27-20: PRELIMINARY REVISI PLANS
08-3-20: PRELIMINARY WITH GARAGE OPTION

SECTION A/TYPICAL WALL

SHEET A-6

Exhibit 4



SECTION DETAIL "B"

8/16/2020

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JAMES HOLLEY
PROFESSIONAL DESIGN
AND DRAFTING SERVICES
17506 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

Betty Pitts
317.414.1963
Custom Homes
Zoneville, Indiana
Co. 317.758.7027
bpcustomhomes@yahoo.com
www.bpcustomhomes.com
design · construction · renovation

NEW PROJECT
FOR THE SMITH FAMILY
90 NORTH 6TH STREET
ZIONSVILLE, IN 46077

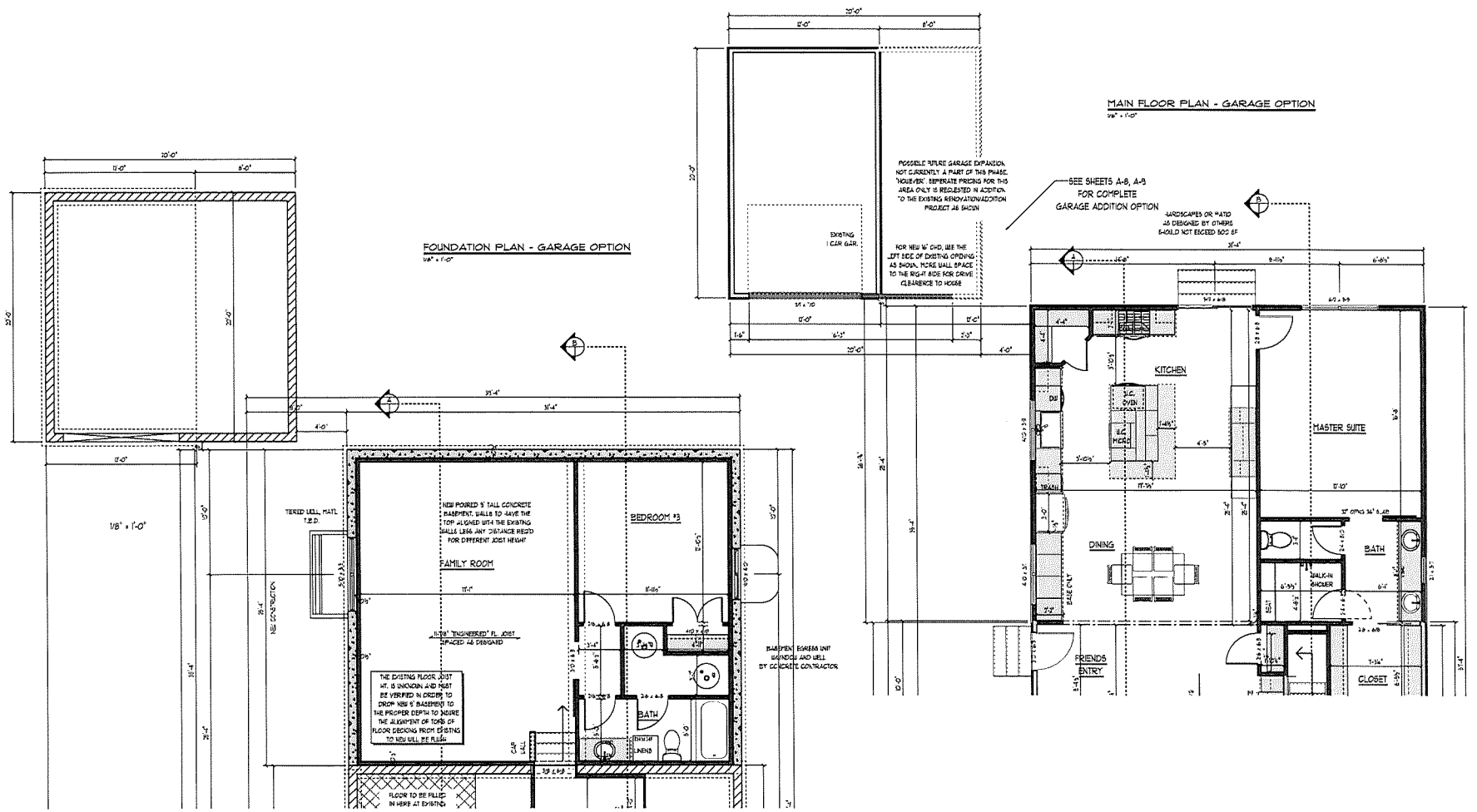
DATE:	02-10-20
DRAWN BY:	JLH
SCALE:	AS SHOWN

REVISIONS:
06-09-20: PLAN REVIEW
06-09-20: REVISED PLAN REVIEW
06-15-20: REVISED PLAN REVIEW
06-21-20: REVISED PLAN REVIEW
07-03-20: REVISED PLAN REVIEW
07-21-20: PRELIMINARY REVIEW PLANS
08-1-20: PRELIMINARY NEW GARAGE OPTION

SECTION B

SHEET A-7

Exhibit 4



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JAMES HOLLEY
PROFESSIONAL DESIGN
AND DRAFTING SERVICES
17306 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-288-2020

Custom Home Plans
Terry Fitz
317-753-1553
Cell
Co. 317-758-4727
terryfitz@sbcglobal.net
www.customhomeplans.com
design construction remodeling

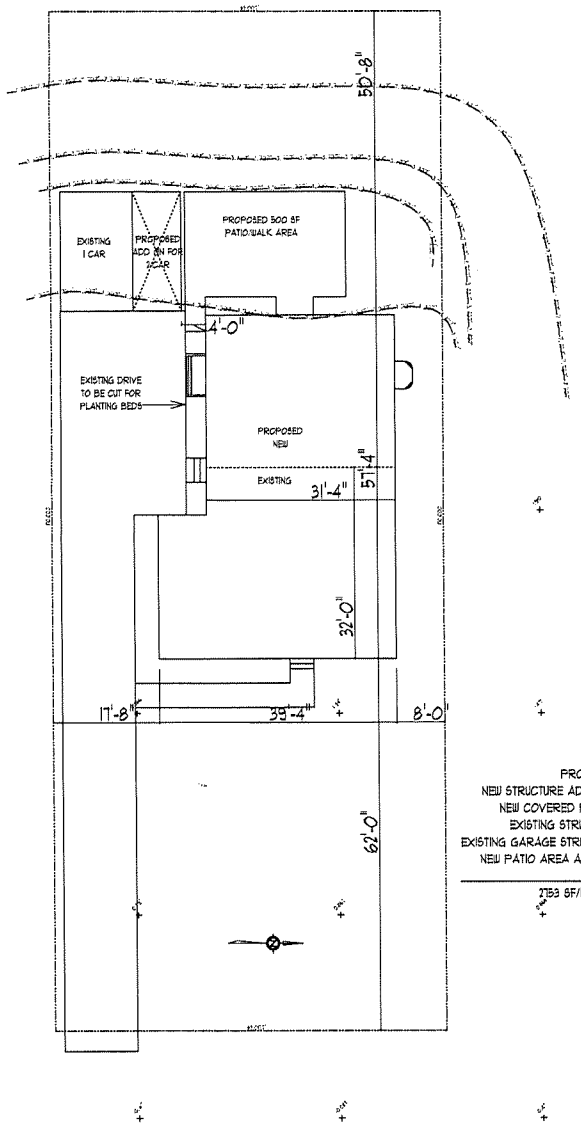
4409 W. 141st Street
Carmel, IN 46033
ADDITION & RENOVATION TO
RESIDENCE FOR:
MR. & MRS. JOHN SMITH

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN
REVISIONS:
06-02-20 PLAN REVISI
06-03-20 REVISED PLAN REVISI
06-12-20 REVISED PLAN REVISI
06-21-20 REVISED PLAN REVISI
07-03-20 REVISED PLAN REVISI
07-21-20 PRELIMINARY REVISI PLANS
08-1-20 PRELIMINARY LT'R GARAGE OPTION

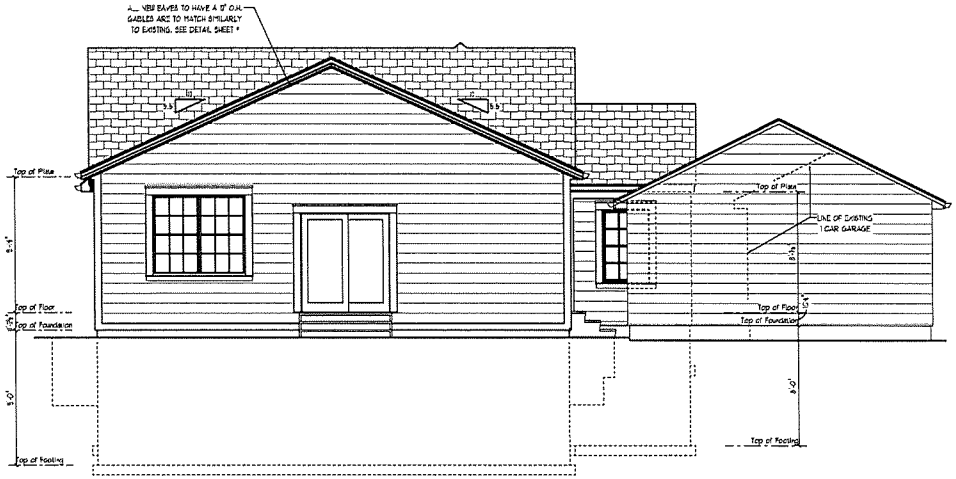
GARAGE OPTION PLANS
SHEET A-8

8/16/2020

Exhibit 4



PROPERTY =	11050 SF
NEW STRUCTURE ADDITION =	794 SF
NEW COVERED PORCH =	734 SF
EXISTING STRUCTURE =	1025 SF
EXISTING GARAGE STRUCTURE =	200 SF
NEW PATIO AREA AT REAR=	500 SF
2783 SF/11050 SF =	24.9 %



REAR - WEST ELEVATION - GARAGE OPTION

3/8" = 1'-0"

SIDE VIEWS NOT SHOWN AS ONLY CHANGE WOULD BE APPROX. 36" TALLER RIDGE LINE OF WHAT IS SHOWN AS EXISTING GARAGE

FRONT - EAST ELEVATION

1/8" = 1'-0"

8/16/2020

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THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB AND SHALL NOTIFY THE DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR DEVIATIONS AND OMISSIONS FROM THE DRAWINGS UNLESS THE DESIGNER IS NOTIFIED AND GIVES WRITTEN APPROVAL FOR THE CHANGE. THE CONTRACTOR SHALL MAKE ALL DETAILED EXAMINATIONS OF THE WORK AND THE CONDITIONS UNDER WHICH IT IS TO BE PERFORMED AND SHALL NOTIFY THE DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR DEVIATIONS AND OMISSIONS FROM THE DRAWINGS UNLESS THE DESIGNER IS NOTIFIED AND GIVES WRITTEN APPROVAL FOR THE CHANGE.

JAMES HOLLEY
PROFESSIONAL DESIGN AND DRAFTING SERVICES
17306 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

Custom Home Plans
Barry Pass
317-414-1563
Fax 317-896-9432
barrypass@sbcglobal.net
www.custom-home-plans.com

4004 W. 146th Street
Carmel, Indiana

PROPOSED ADDITIONS AND REMODELING FOR THE LEE FAMILY

DATE:	02-10-20
DRAWN BY:	JLH
SCALE:	AS SHOWN

REVISIONS:
02-13-20: PLAN REVISI
06-03-20: REVISED PLAN REVISI
06-15-20: REVISED PLAN REVISI
06-23-20: REVISED PLAN REVISI
07-03-20: REVISED PLAN REVISI
07-17-20: PRELIMINARY REVISI PLANS
08-1-20: PRELIMINARY 6TH GARAGE OPTION

GARAGE OPTION ELEVATIONS

SHEET A-9

Exhibit 4

Petition No.: 2020-26-DSV
S. SMITH

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals, and general welfare of the community because: we are not impinging on any surrounding properties nor are we placing the public safety or welfare at risk. Our request for variance is simply for the improvement of the current home and surrounding home values and maintaining the village charm.

2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: It will not change the character of the property; or negatively impact the abutting property owners; or violate the spirit of the zoning regulations. The variance will not give the property special privileges to me above my neighbor.

3. Strict application of the terms of the zoning ordinance **will not** result in unnecessary hardships in the use of the property because: The variance is not permitting a structure superior to our neighbors or others in the same zoning district. The variance will not provide gain or income that exceeds levels of adjacent, conforming properties.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 5

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket #2020-26-DSV

1. SITE INFORMATION:

Address of Property: 90 North Sixth Street Zionsville, IN 46077

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: Residential Area in acres: .25

2. PETITIONER/PROPERTY OWNER: Petitioner Name: Stephen B. Smith and Kimberly K. Smith

Owner Name (if different from Petitioner): N/A

Petitioner Address: 14704 Warner Trail Westfield, IN 46074

Owner Address:

Petitioner Phone Number: 317-460-1672 Owner Phone Number:

Petitioner E-Mail Address: SBSmith11@yahoo.com Owner E-Mail Address: same

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

Attorney/Contact Person:

Name:

Address:

Phone Number:

E-Mail Address

Project Engineer:

Name: Betsy Pitts

Address: 445 W Ash St. Zionsville, IN 46074

Phone Number: 317-414-1963

E-Mail Address: BPcustomhomes@yahoo.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**

We are desiring to remodel an existing home to preserve the charm of the current Zionsville village home. Our desire is to add on to the back of the home. By doing so, it allows us to avoid cutting down a beautiful large tree in the front of the home. The current garage is located very near the south property line. We would also like to keep the garage in it's current position while enlarging it to accommodate two vehicles. If the garage is moved we would have to cut down a large beautiful tree in the backyard.

5. ATTACHMENTS:

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

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

Signature of Owner or Attorney for Owner: Stephen B. Smith **Date:** 8/13/20

Signature of Owner or Attorney for Owner: Kimberly B Smith **Date:** 8/13/20

State of INDIANA)
SS:
County of HAMILTON)

Subscribed and sworn to before me this 13th day of AUGUST, 2020.

Jessika Nicole Rosas
Notary Public Signature

JESSIKA NICOLE ROSAS
Notary Public Printed

My Commission No: NP0703448

My Commission Expires: JULY 31, 2025

My County of Residence is MARION County

JESSIKA NICOLE ROSAS
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0703448
My Commission Expires Jul 31, 2025

LANDQUEST TITLE SERVICES LLC,
DBA DOMINION TITLE SERVICES
4600 N. W. PLAZA WEST DRIVE
SUITE C
ZIONSVILLE, IN 46077
(317) 337-9550

We are here to serve you.....

As our policy holder, your satisfaction is very important to us. If you have a question about your policy, need assistance with a problem or have a claim, you should contact our office at 317-337-9550 or Stewart Title Guaranty Company (P.O. Box 2029 Houston, Texas 77252-2029). Should you have a valid claim, we fully expect to provide a fair settlement in a timely fashion.

Please consider us again to be your title agent if you sell or refinance your house. We may be able to offer you a discount on the owner's policy or the title search.

Should you feel you are not being treated fairly with respect to a claim, you may contact the Indiana Department of Insurance with your complaint.

To contact the Department, write or call:

Consumer Services Division
Indiana Department of Insurance
311 West Washington St;, Suite 300
Indianapolis, IN 46204-2787
317-232-2395 or 1-800

2019009072
Electronic Filing
From: Dominion Title
Thru: Simplifile

2019009072 DEED $25.00
09/12/2019 03:16:29PM 4 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH, That **TODD L. LOUISO and JANE W. LOUISO, husband and wife, an undivided one-half interest and CHARLES P. EDWARDS and ROBBIN N. EDWARDS, husband and wife, an undivided one-half interest** ("Grantors"), ***CONVEYS and WARRANTS*** to **STEPHEN B. SMITH and KIMBERLY K. SMITH, husband and wife** ("Grantees"), for the sum of Ten Dollar ($10.00) 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 ATTACHED EXHIBIT A

Parcel No. 019-03800-00

The Real Estate is commonly known as 90 N. Sixth Street, Zionsville, Indiana 46077. Subject to Real Estate taxes not delinquent and to any and all easements, agreements and restrictions of record.

DULY ENTERED
SUBJECT TO FINAL ACCEPTANCE
AUDITOR
BOONE COUNTY, INDIANA
Heather R. Myers
HEATHER R. MYERS
Sep 12 2019 - SL

WARRANTY DEED

THIS INDENTURE WITNESSETH, That **TODD L. LOUISO and JANE W. LOUISO, husband and wife, an undivided one-half interest and CHARLES P. EDWARDS and ROBBIN N. EDWARDS, husband and wife, an undivided one-half interest** ("Grantors"), ***CONVEYS and WARRANTS*** to **STEPHEN B. SMITH and KIMBERLY K. SMITH, husband and wife** ("Grantees"), for the sum of Ten Dollar ($10.00) 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 ATTACHED EXHIBIT A

Parcel No. 019-03800-00

The Real Estate is commonly known as 90 N. Sixth Street, Zionsville, Indiana 46077. Subject to Real Estate taxes not delinquent and to any and all easements, agreements and restrictions of record.

IN WITNESS WHEREOF, Grantors have executed this deed this 12 day of September, 2019.

TODD L. LOUISO

JANE W. LOUISO

ACKNOWLEDGMENT

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally **TODD L. LOUISO and JANE W. LOUISO, 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 12 day of September, 2019.

My Commission expires: _____

Signature: _____

Printed: Kristin Peterson

Resident of _____ County, Indiana

NOTARY PUBLIC SEAL STATE OF INDIANA

KRISTIN PETERSON
My Commission Expires
July 14, 2027
Commission Number NP0721276
Hamilton County

IN WITNESS WHEREOF, Grantors have executed this deed this 6 day of September 2019.

CHARLES P. EDWARDS

ROBBIN N. EDWARDS

ACKNOWLEDGMENT

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared **CHARLES P. EDWARDS and ROBBIN N. EDWARDS, 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 6 day of September, 2019.

My Commission expires: _____

Signature: Kristin Peterson

Printed: Kristin Peterson

Resident of Hamilton County, Indiana

KRISTIN PETERSON
My Commission Expires
July 14, 2027
Commission Number NP0721276
Hamilton County

The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is: 14704 Warner Trail Westfield, IN 46074

The mailing address of the Grantee is: _____

Return Deed to Grantee at Grantee's Address at: 14704 Warner Trail Westfield, IN 46074

This instrument was prepared by Robert R. Thomas, THOMAS LAW GROUP, LLC, 4600 Northwest Plaza W. Drive, Suite D, Zionsville, Indiana 46077.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, **Robert R. Thomas.**

EXHIBIT "A"
LEGAL DESCRIPTION

File No.: 20190415

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

Commencing at a corner rock at the Northwest corner of the Northeast Quarter of Section 2, Township 17 North, Range 2 East of the Second Principal Meridian, running thence South 14.95 chains, thence East 10.09 chains from a Place of Beginning, running thence South 65 feet, thence West 170 feet, thence North 65 feet, thence East 170 feet to the Place of Beginning.

SURVEYOR LOCATION REPORT

This report was prepared only for:

DOMINION TITLE (#20180572)
AND
HUNTINGTON NATIONAL BANK.

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

PROPERTY ADDRESS: 90 North Sixth Street, Zionsville, IN 46077

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

Commencing at a corner rock at the Northwest corner of the Northeast Quarter of Section 2, Township 17 North, Range 2 East of the Second Principal Meridian, running thence South 14.95 chains, thence East 10.09 chairs from a Place of Beginning, running thence South 65 feet, thence West 170 feet, thence North 65 feet, thence East 170 feet to the Place of Beginning.

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

BORROWER(S): Charles P. and Robbin N. Edwards

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

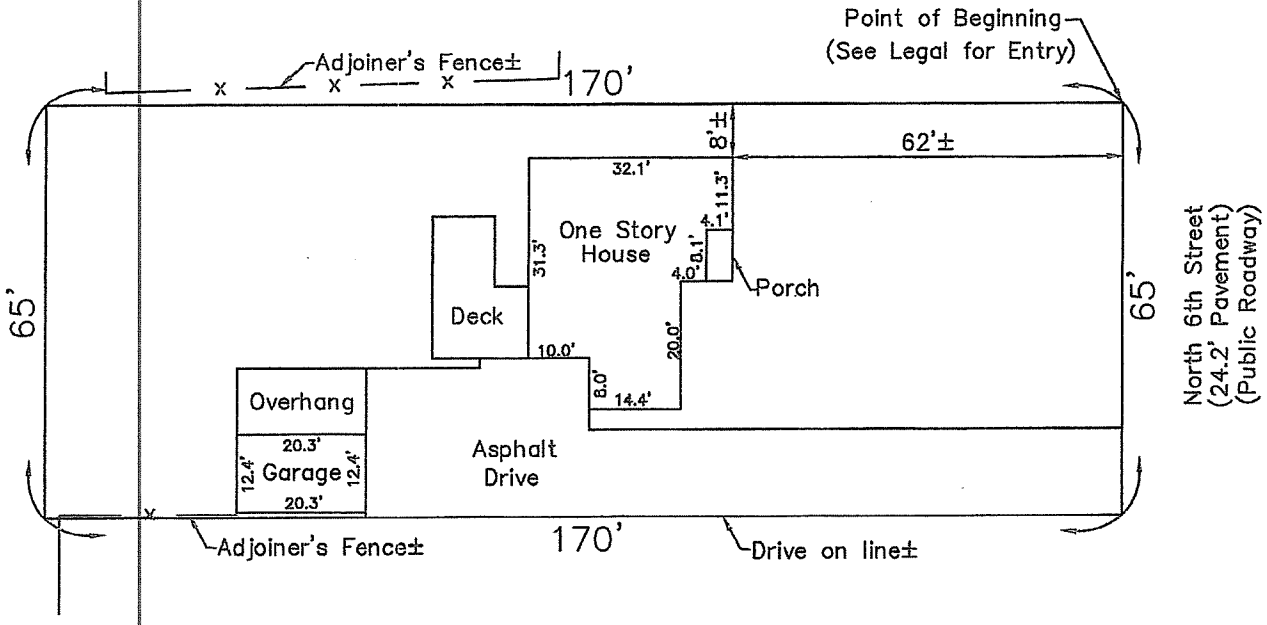
Job No: 2018111479

SURVEYOR LOCATION REPORT

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

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Note: Due to the lack of qualified monumentation found, the accuracy of this report is limited to 3'±.



Scale: 1"=30'

Legend

— x — Fence±

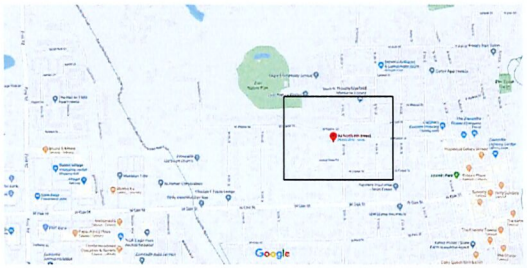
HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

CHAD L. BROWN REGISTERED No. 21100002 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: 11/29/2018

Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: JEC
Job No.: 2018111479
Sheet 2 of 2

THE SMITH FAMILY
90 NORTH 6TH STREET
ZIONSVILLE, IN 46077



VICINITY AND LOCATION

RENDERINGS FOR REFERENCE ONLY
COLORS AND OTHER DETAILS MAY
CHANGE FROM WHAT IS SHOWN

IMPORTANT PLAN AND DETAIL NOTES

ALL G.C. SUBCONTRACT AND JOB SITE MANAGERS SHOULD CAREFULLY REVIEW THE NOTES PLACED THROUGHOUT THE PLANS TO RESOLVE OR VERIFY BEYOND THE NORMAL PRACTICAL CONSTRUCTION PRACTICES, ANY ITEMS THAT MAY BE ANY KIND OF ISSUE KNOWN TO THIS INDIVIDUAL PROJECT. THE LEAD CONTRACTOR SHOULD VERIFY ALL SCOPES OF WORK WITH OWNERS UPON START OF PROJECT.

OPENINGS AS LISTED ARE AS SPEC'D OR NOTED ON PLAN. WINDOWS ARE SHOWN AS FIELLA 6128.

GENERAL
1) ALL CONTRACTORS ARE TO VERIFY ALL DIMENSIONS, NOTES, REVISION DATES AND BUILDERs SPECIFICATIONS, PER THEIR WORK.
2) ALL CONTRACTORS ARE TO CLEAN UP THE JOBSITE PER THEIR WORK.
3) ALL CONTRACTORS ARE TO VERIFY ALL APPLICABLE CODES OR ORDINANCES PER THEIR WORK. ANY SUBSTITUTIONS TO MATERIALS, COMPONENTS OR ASSEMBLIES GENERICALLY SHOWN ON THESE DOCUMENTS MUST ALSO BE VERIFIED.
4) ALL MATERIALS, COMPONENTS AND ASSEMBLIES SHOWN N SCALE ON THESE DOCUMENTS ARE ILLUSTRATIONS ONLY AND MAY NOT BE THE ACTUAL SIZE OR MODEL USED FOR CONSTRUCTION.
5) NOTIFY THE DESIGN PROFESSIONAL OF ANY AND ALL CONFLICTS, PER ALL DRAWINGS, NOTES OR ILLUSTRATIONS. VERIFY THE DEGREE OF FINISHED OR UNFINISHED AREAS.
6) THE DESIGN PROFESSIONAL SHALL HAVE NO CONTROL OF, NOR BE RESPONSIBLE FOR THE MEANS, METHODS, PROCEDURES, COSTS, SAFETY OF OTHERS WRITTEN SPECIFICATIONS AND ACTS OF OMISSION BY THE OWNER, BUILDER, SUBCONTRACTORS OR OTHERS PERFORMING OR SUPPLYING WORK AND PRODUCTS TO THE PROJECT.
7) ALL APPLICABLE PRACTICES SHALL BE APPLIED TO MAINTAIN PERMANENT PROTECTION AGAINST MOISTURE DAMAGE AND LATER INTRUSION INTO THE STRUCTURE.
8) THE DESIGN PROFESSIONAL SHALL REVIEW AND APPROVE NECESSARY SHOP DRAWINGS REQUIRED FOR THE PROJECT.
9) ALL SITE LANDSCAPE PLANNING, INTERIOR DESIGN AND ACTUAL KITCHEN/ BATH DETAILS ARE TO PROVIDED BY THE ACTUAL SUPPLIER AND APPROPRIATE SUBCONTRACTORS.
10) ALL MECHANICAL, ELECTRICAL AND PLUMBING DESIGNS (MEP) SHALL BE PROVIDED BY THE APPROPRIATE SUBCONTRACTORS FOR EACH FIELD.

SITE
1) ANY FILL BROUGHT TO THE SITE SHALL ACHIEVE A MINIMUM COMPACTION STRENGTH REQUIRED FOR THE CONSTRUCTION OF THIS PROJECT.
2) FINAL GRADE IS DETERMINED BY THE INDIVIDUAL PROJECTS SITE CONDITIONS.
3) SLOPE GRADE AWAY FROM THE BUILDING PERIMETER AS REQUIRED.
4) COORDINATE MASONRY LEDGE AND/OR FOUNDATION WALLS BASED ON THE PROPOSE FINAL GRADE.

STRUCTURE
1) ALL FRAMING AND CONSTRUCTION PRACTICES SHALL CONFORM AND ADHERE TO THE CURRENT IRC 2020 BUILDING CODE "INDIANA RESIDENTIAL CODE" 2019 WOOD PRINTED EDITION. PRODUCTS TO BE INSTALLED PER THE MANUFACTURERS SPECIFICATIONS.
2) WOOD, CONCRETE, OR STEEL FLOOR AND ROOF TRUSSES, BEAMS, COLUMNS, JOISTS, RAFTERS AND WALL ASSEMBLIES SHALL BE VERIFIED, SIZED AND CERTIFIED BY THE MANUFACTURER OR SUPPLIER.
3) ALL LOADS TO BE CALCULATED PER ALL CODES AND CONDITIONS REPRESENTED ON THESE DOCUMENTS AND SPECIFICATIONS TO DETERMINE LOADS FOR ALL MATERIALS, COMPONENTS, AND ASSEMBLIES USED ON THIS PROJECT.
4) VERIFY ANY EXISTING BEARING CONDITIONS, MINIMUM CODE COMPLIANCE, DURING ANY DEMOLITION, EXCAVATION OF EXISTING AND OR ADJOINING FOUNDATIONS/STRUCTURES.

ADDITIONAL INFORMATION
1) NOT ALL INFORMATION ABOVE WILL APPLY TO ALL PROJECTS.
2) FOR STRUCTURAL ADDITIONS TO AN EXISTING BUILDING, MATCH ALL MATERIALS, COMPONENTS AND ASSEMBLIES TO THE EXISTING SAME OR AS CLOSELY AS POSSIBLE WHENEVER POSSIBLE.
3) REVIEW 2012 INDIANA ENERGY EFFICIENCY CODE FOR COMPLIANCE.
4) VERIFY ANY REQUIREMENTS OF LOCAL HOA OR DEVELOPMENT ASSOCIATIONS STANDARDS.

PROPERTY =	11050 SF
NEW STRUCTURE ADDITION =	784 SF
NEW COVERED PORCH =	234 SF
EXISTING STRUCTURE =	1025 SF
EXISTING GARAGE STRUCTURE =	220 SF
NEW PATIO AREA AT REAR=	300 SF
2563 SF/11050 SF =	24.9 %

DRAWING LIST

SHEET	CONTENTS
SHEET C-1	COVER PAGE, NOTES AND LOCATION
SHEET A-1	ELEVATIONS - SOUTHEAST
SHEET A-2	ELEVATIONS - NORTHWEST
SHEET A-3	FOUNDATION/BASEMENT
SHEET A-4	MAIN FLOOR/demo
SHEET A-5	ROOF PLAN/SITE LAYOUT
SHEET A-6	SECTION A-a
SHEET A-7	SECTION B-B
SHEET A-8	N/A
SHEET E-1	N/A
SHEET E-2	N/A

AREA SCHEDULE

NAME	AREA
NEL BASEMENT ADDITION	740 SF
NEL MAIN FLOOR ADDITION	784 SF
EXISTING MAIN FLOOR	1281 SF
NEL LIVING TOTAL	2521 SF
NEL FRONT PORCH SLAB	234 SF

8/16/2020

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PROFESSIONAL DESIGN AND DRAFTING SERVICES
17306 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

Cardinal Homes
Bldr Pmt 317.414.1263
Carmel, Indiana
Cp. 317.750.7207
kpcardinalhomes@yahoo.com
www.kpcardinalhomes.com
design construction renovation

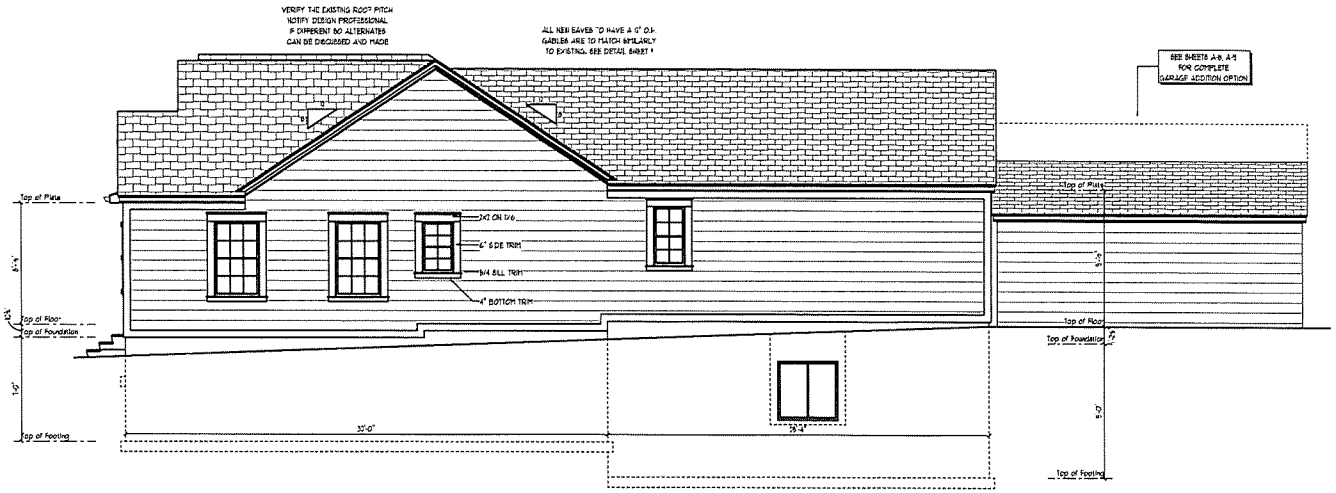
NEW PROJECT
FOR THE SMITH FAMILY
90 NORTH 6TH STREET
ZIONSVILLE, IN 46077

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
05-21-20 PLAN REVS
06-03-20 REVISED PLAN REVS
06-10-20 RE/SED PLAN REVS
06-17-20 RE/SED PLAN REVS
07-02-20 REVISED PLAN REVS
07-17-20 PRELIMINARY REVIEW PLANS
08-3-20 PRELIMINARY 4TH GARAGE OPTION

LOCATION/NOTES

COVER



RIGHT - NORTH ELEVATION

1/8" = 1'-0"

FRONT - EAST ELEVATION

1/8" = 1'-0"

8/16/2020

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AND DRAFTING SERVICES
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WESTFIELD, IN 46062
317-258-2020

Brian Pitts
317.965.1953
Cad Solutions LLC
Carmel, Indiana
C.A. 31107282022
bpcadsolutions@yahoo.com
www.bpcadsolutions.com
design construction renovation

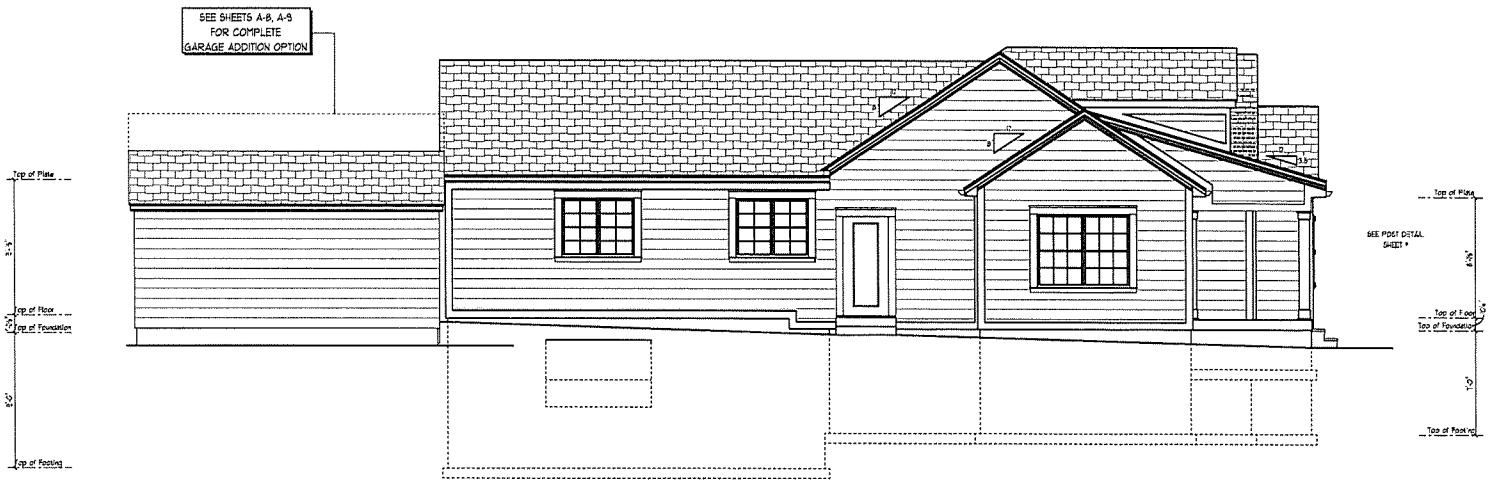
NEW PROJECT
FOR THE SMITH FAMILY
ON LOT 1 IN SPRINGMILL ESTATES
2 FARMVALE LANE, NOBLESVILLE, IN 46062

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

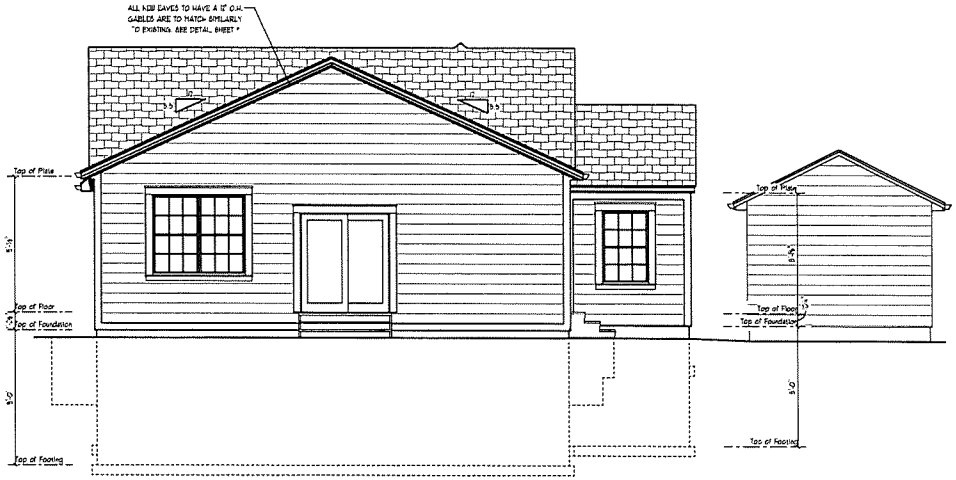
REVISIONS:
06-03-20: PLAN REVIEW
06-03-20: REVISED PLAN REVIEW
06-12-20: REVISED PLAN REVIEW
06-23-20: REVISED PLAN REVIEW
07-03-20: REVISED PLAN REVIEW
07-27-20: PRELIMINARY REVIEW PLANS
08-1-20: PRELIMINARY WITH GARAGE OPTION

ELEVATIONS

SHEET A-1



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



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

8/16/2020

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AND DRAFTING SERVICES
17506 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-258-2020

Custom Homes

NEW PROJECT
FOR THE SMITH FAMILY
90 NORTH 6TH STREET
ZIONSVILLE, IN 46077

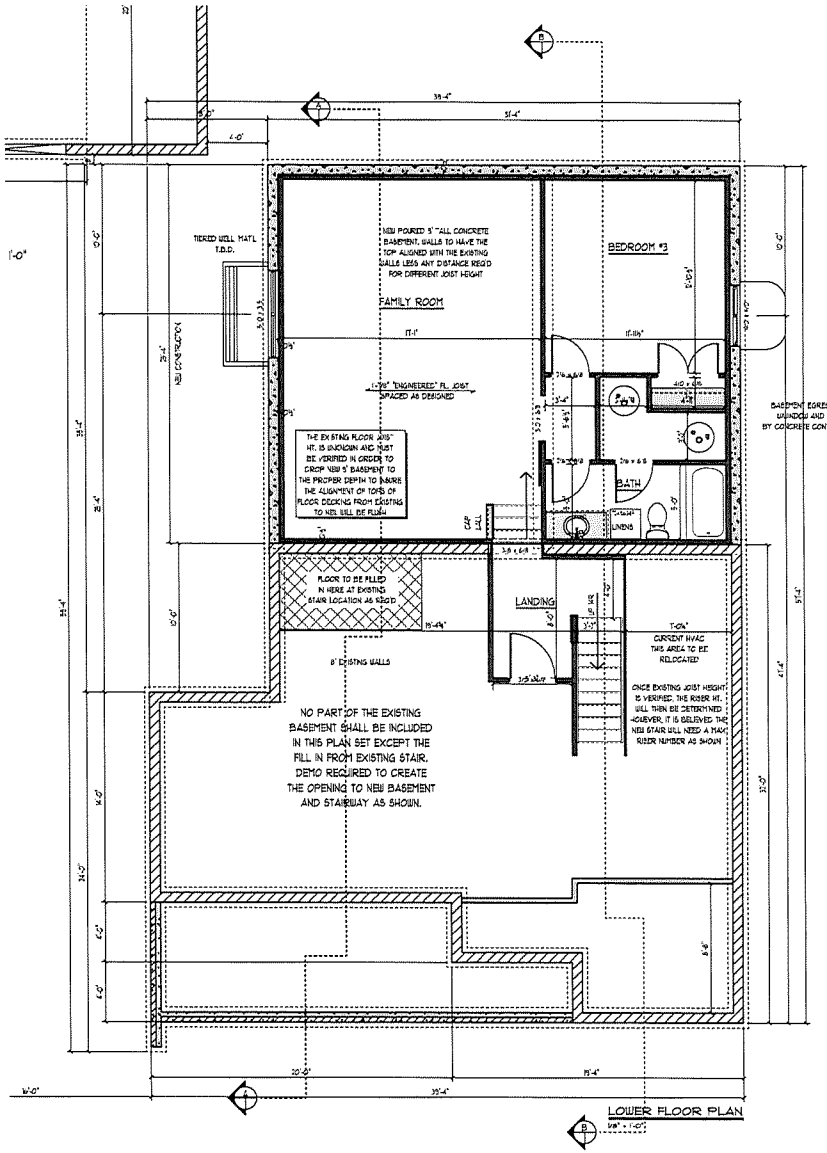
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
05-21-20: PLAN REVIEW
06-03-20: REVISED PLAN REVIEW
06-15-20: REVISED PLAN REVIEW
06-27-20: REVISED PLAN REVIEW
07-03-20: REVISED PLAN REVIEW
07-27-20: PRELIMINARY REVIEW PLANS
08-5-20: PRELIMINARY WITH GARAGE OPTION

ELEVATIONS

SHEET A-2

THERE WILL BE A STRUCTURAL
"FOUNDATION PLAN"
IN THIS LOCATION AT THE
FINAL CONSTRUCTION DRAWING STAGE



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WESTFIELD, IN 46062
317-258-2020

Custom Homes
Troy Pitz
317-414-1953
Indianapolis, Indiana
troypitzhomes@yahoo.com
www.troypitzhomes.com
design, construction, renovation

NEW PROJECT
FOR THE SWAINEY FAMILY
LOCATED AT THE
2 STORY RESIDENCE
4477 W. 146th ST.
CARMEL, IN 46033

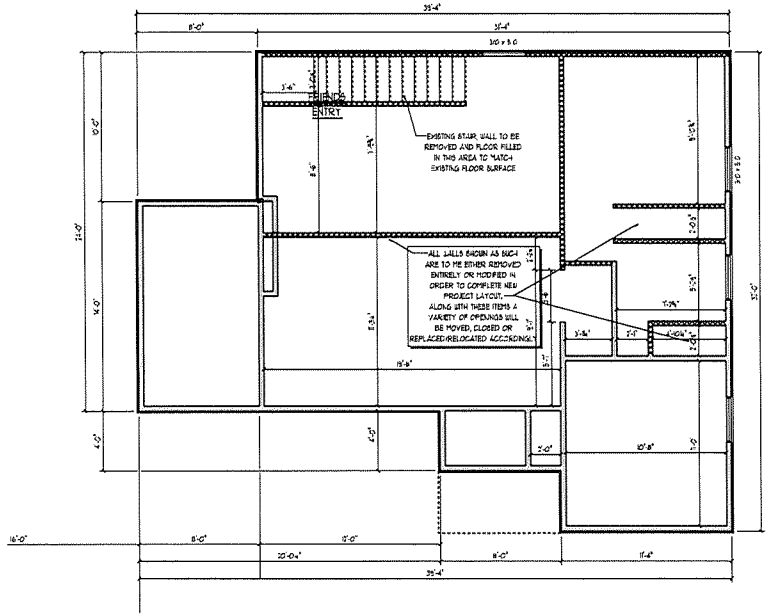
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
04-01-20 PLAN REVIEW
04-03-20 REVISED PLAN REVIEW
04-13-20 REVISED PLAN REVIEW
04-17-20 REVISED PLAN REVIEW
07-03-20 REVISED PLAN REVIEW
07-17-20 PRELIMINARY REVIEW PLANS
08-1-20 PRELIMINARY WITH GARAGE OPTION

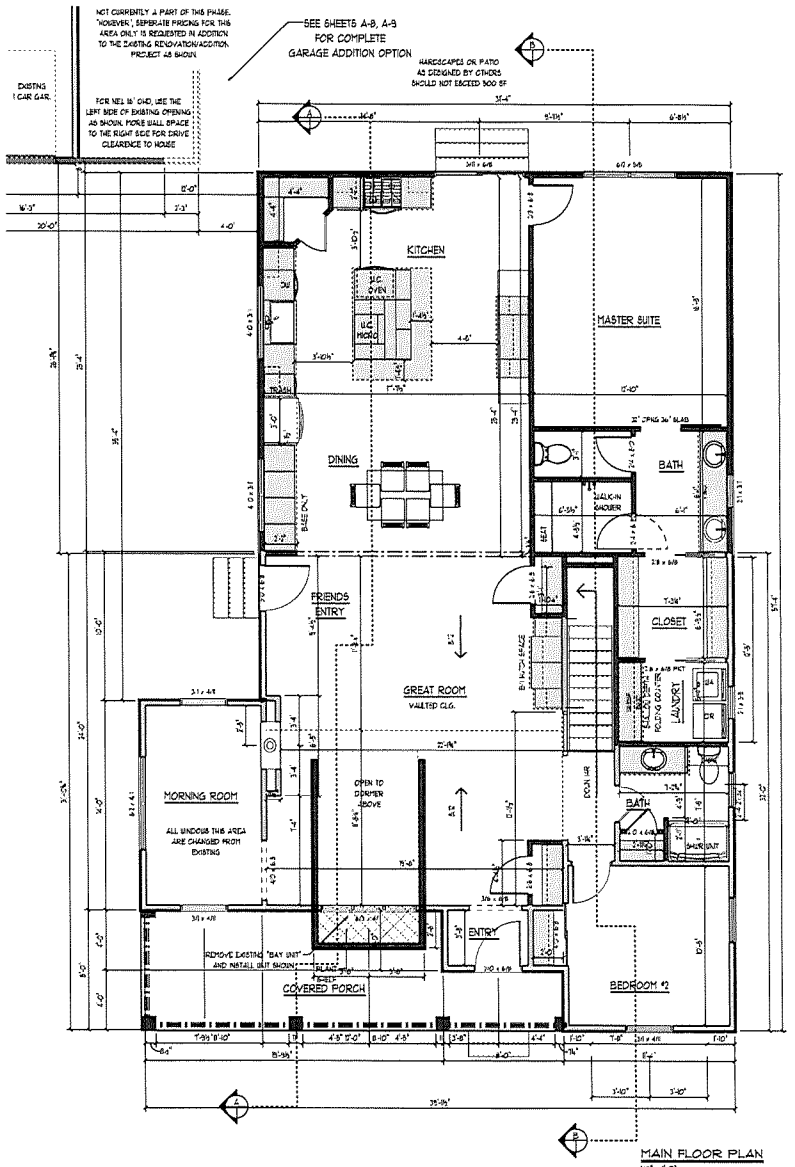
FOUNDATION/BASEMENT

SHEET A-3

8/16/2020



MAIN FLOOR (DEMO) PLAN
1/8" = 1'-0"



MAIN FLOOR PLAN
1/8" = 1'-0"

8/16/2020

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WESTFIELD, IN 46062
317-258-2020

Barry Fox
Custom Homes
317-915-1153
Fax
Cell 317-727-6727
barryfoxhomes@yahoo.com
www.barryfoxhomes.com
design construction remodeling

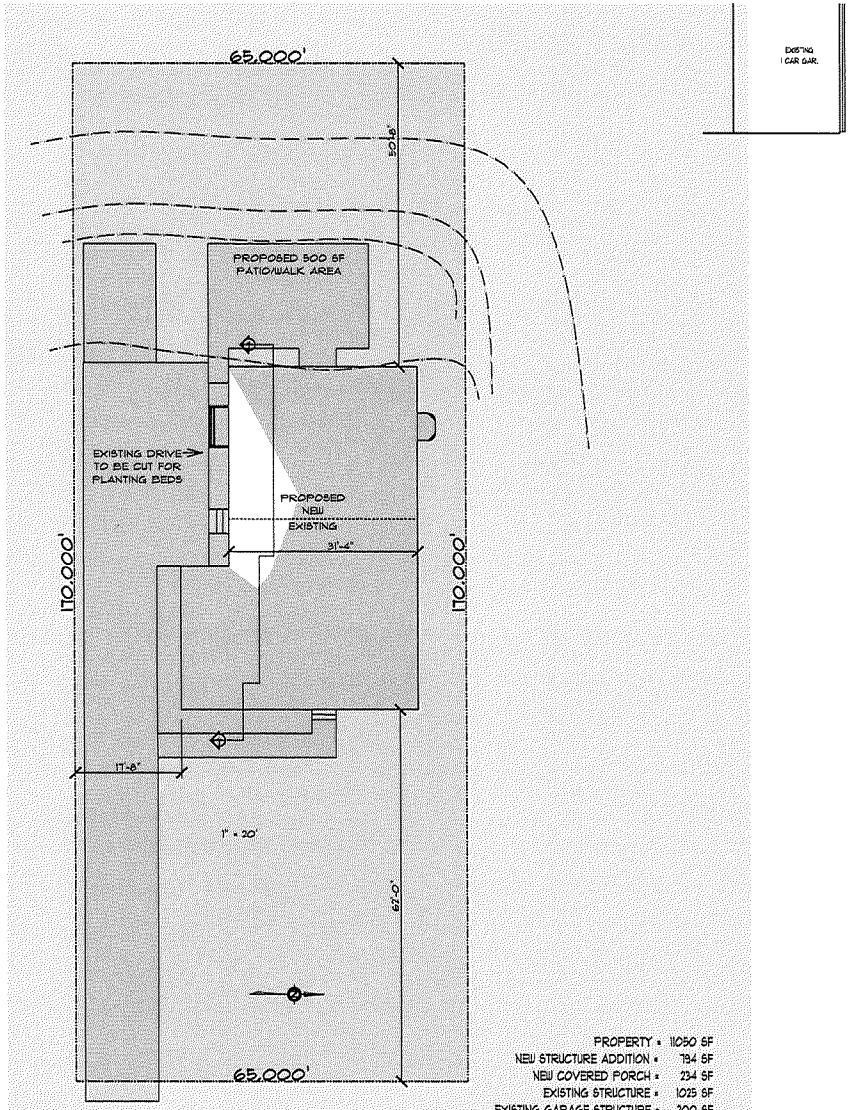
NEW PROPOSED 2 GENERATIONAL FAMILY HOME FOR THE HOWARD FAMILY

DATE:	02-10-20
DRAWN BY:	JLH
SCALE:	AS SHOWN

REVISIONS:
06-01-20: PLAN REVISI
06-03-20: REVISED PLAN REVISI
06-13-20: REVISED PLAN REVISI
06-23-20: REVISED PLAN REVISI
07-03-20: REVISED PLAN REVISI
07-17-20: PRELIMINARY REVISI PLANS
08-1-20: PRELIMINARY WITH GARAGE OPTION

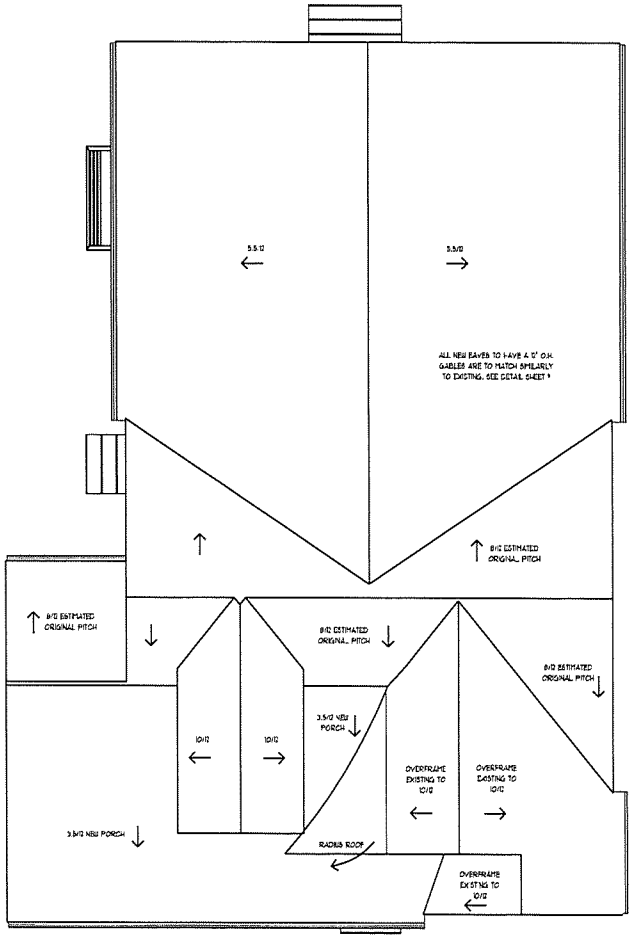
MAIN FLOOR PLAN/DEMO

SHEET A1



EXISTING 1 CAR GAR.

PROPERTY =	11050 SF
NEW STRUCTURE ADDITION =	784 SF
NEW COVERED PORCH =	234 SF
EXISTING STRUCTURE =	1025 SF
EXISTING GARAGE STRUCTURE =	200 SF
NEW PATIO AREA AT REAR=	500 SF
2753 SF/11050 SF =	24.9 %



ROOF PLAN
1/8" = 1'-0"

8/16/2020

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317-258-2020

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Fax 317-896-9532
Cell 317-258-2020
www.customhomeplans.com
mary@customhomeplans.com

4409 N. ILLINOIS ST. INDIANAPOLIS, IN 46208

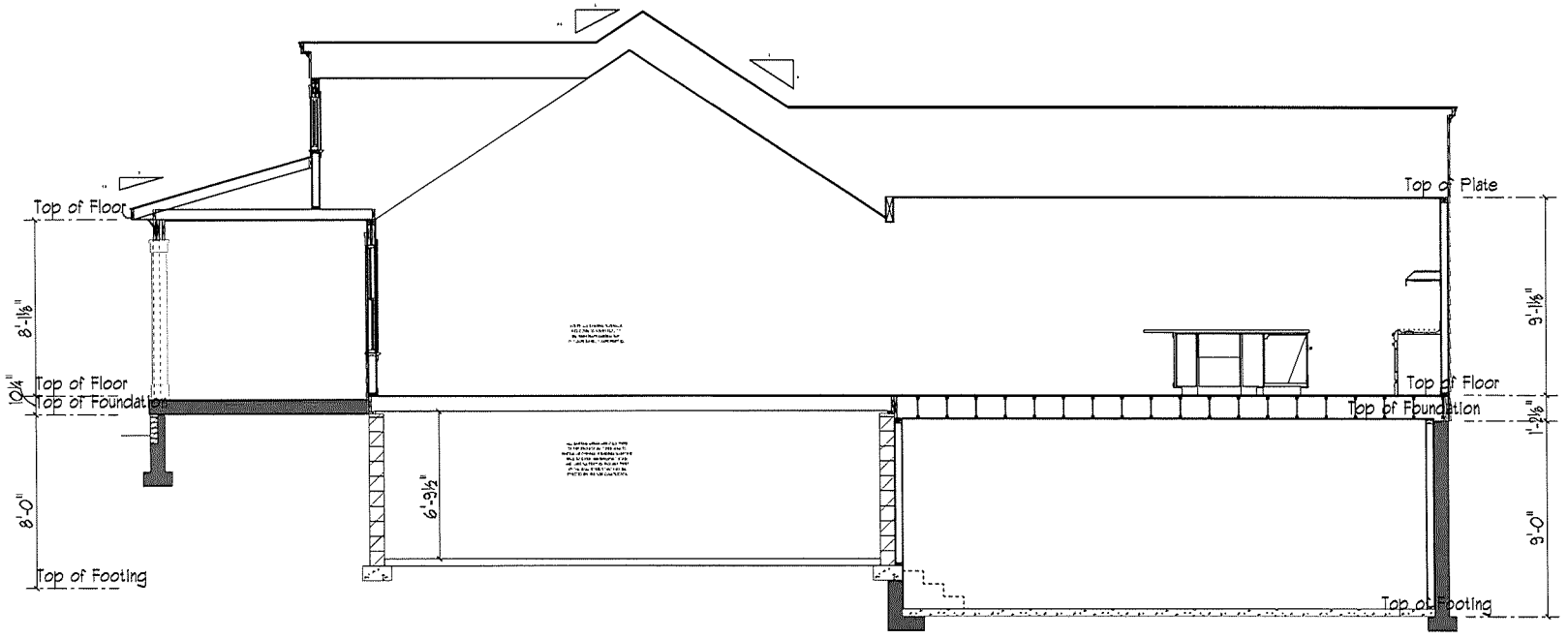
ADDITION AND ALTERATIONS FOR MCGREGOR

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
02-26-20 PLAN REVISI
04-03-20 REVISED PLAN REVISI
04-13-20 REVISED PLAN REVISI
04-23-20 REVISED PLAN REVISI
07-03-20 REVISED PLAN REVISI
07-13-20 PRELIMINARY REVISI PLANS
08-1-20 PRELIMINARY 12'W GARAGE OPTION

UPPER FLOOR/ROOF PLAN

SHEET A-5



SECTION DETAIL "A"

3/16" = 1'-0"

8/16/2020

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WESTFIELD, IN 46062
317-258-2020

Betty Fiss
317.414.1963
Cassandra Homes
Zenith Indiana
Cassandra@zenith.com
www.zenithindianahomes.com
design · construction · renovation

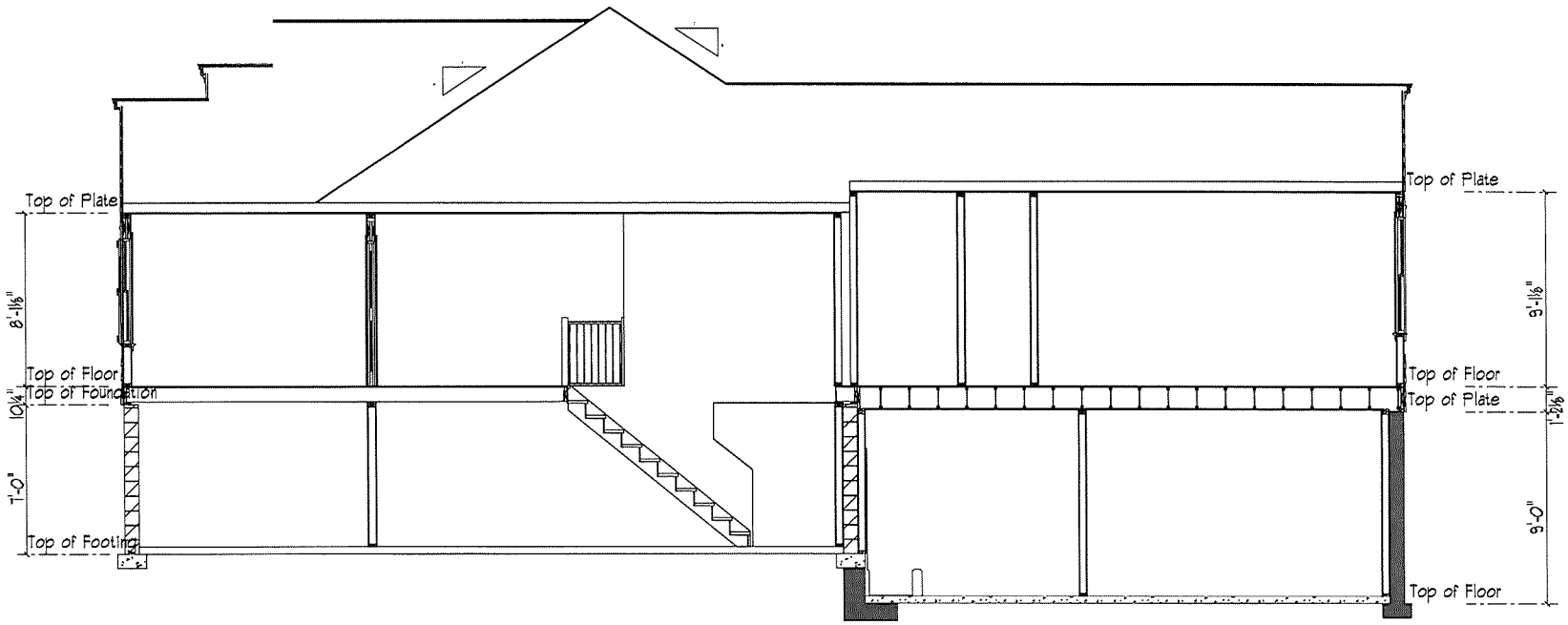
NEW PROJECT
FOR THE SMITH FAMILY
93 NORTH 6TH STREET
ZIONSVILLE, IN 46077

DATE:	02-10-20
DRAWN BY:	JLH
SCALE:	AS SHOWN

REVISIONS:
06-23-20: PLAN REVISI
06-03-20: REVISED PLAN REVISI
06-10-20: REVISED PLAN REVISI
06-22-20: REVISED PLAN REVISI
07-03-20: REVISED PLAN REVISI
07-27-20: PRELIMINARY REVISI PLANS
08-3-20: PRELIMINARY WITH GARAGE OPTION

SECTION A/TYPICAL WALL

SHEET A-6



SECTION DETAIL "B"

3/8" = 1'-0"

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WESTFIELD, IN 46062
317-258-2020

Custom Designs
Betsy Pitts
317-414-1953
Jim Holley
317-258-2020
betsypitts@sbcglobal.net
www.floorplansbypitts.com
design, construction, renovation

NEW PROJECT
FOR THE SWIFTY FAMILY
1301 MONTGOMERY AVENUE
WESTFIELD, IN 46074

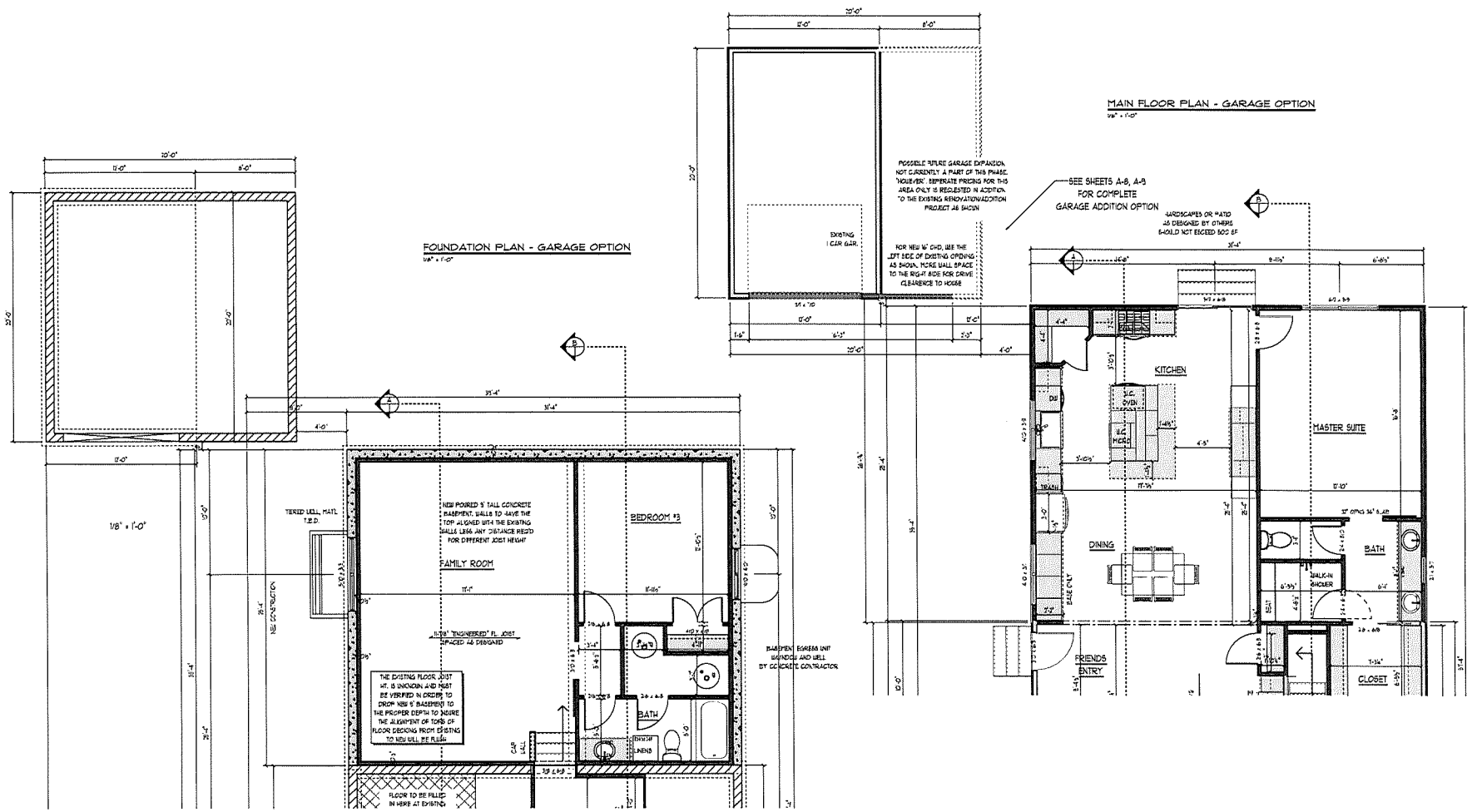
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
06-03-20: PLAN REVIEW
06-05-20: REVISED PLAN REVIEW
06-15-20: REVISED PLAN REVIEW
06-21-20: REVISED PLAN REVIEW
07-03-20: REVISED PLAN REVIEW
07-21-20: PRELIMINARY REVIEW PLANS
08-1-20: PRELIMINARY WITH GARAGE OPTION

SECTION B

SHEET A-7

8/16/2020



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PROFESSIONAL DESIGN
AND DRAFTING SERVICES
17306 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-288-2020

Barry Fox
317-753-1553
Cell
Fax
Email
Web
Design Associate - Interior Design

4409 N. FLETCHER AVE. INDIANAPOLIS, INDIANA 46226

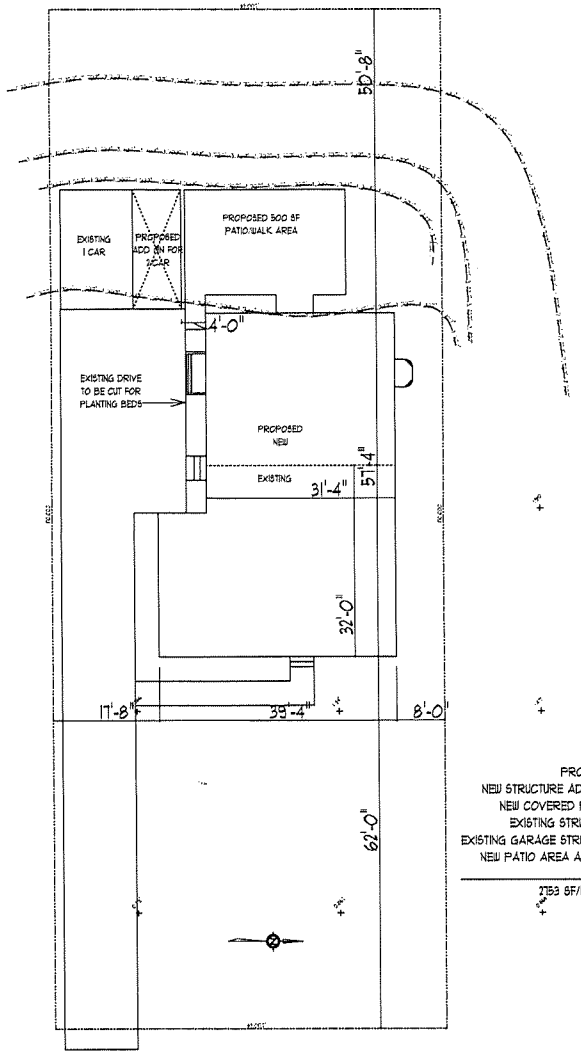
DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
06-02-20 PLAN REVISI
06-03-20 REVISED PLAN REVISI
06-12-20 REVISED PLAN REVISI
06-21-20 REVISED PLAN REVISI
07-03-20 REVISED PLAN REVISI
07-21-20 PRELIMINARY REVISI PLANS
08-1-20 PRELIMINARY LET'N GARAGE OPTION

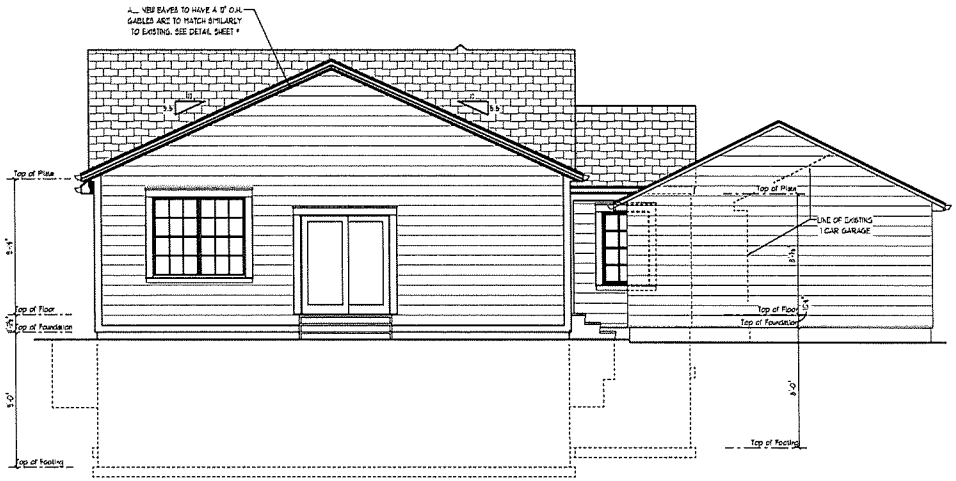
GARAGE OPTION PLANS

SHEET A-8

8/16/2020



PROPERTY =	11050 SF	
NEW STRUCTURE ADDITION =	794 SF	
NEW COVERED PORCH =	734 SF	
EXISTING STRUCTURE =	1025 SF	
EXISTING GARAGE STRUCTURE =	200 SF	
NEW PATIO AREA AT REAR=	500 SF	
2783 SF/11050 SF =	24.9 %	



REAR - WEST ELEVATION - GARAGE OPTION

SIDE VIEWS NOT SHOWN AS ONLY CHANGE WOULD BE APPROX. 36" TALLER RIDGE LINE OF WHAT IS SHOWN AS EXISTING GARAGE

FRONT - EAST ELEVATION

8/16/2020

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WESTFIELD, IN 46062
317-258-2020

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317-414-1263
Fax 317-896-9336
barrypitts@sbcglobal.net
www.custom-home-plans.com

4004 W. 146th STREET
CARMEL, INDIANA 46032
LOT 14 WOODLAND SPRINGS SECTION 2
PLANNED UNIT DEVELOPMENT

DATE: 02-10-20
DRAWN BY: JLH
SCALE: AS SHOWN

REVISIONS:
02-13-20: PLAN REVISI
06-03-20: REVISED PLAN REVISI
06-15-20: REVISED PLAN REVISI
06-23-20: REVISED PLAN REVISI
07-03-20: REVISED PLAN REVISI
07-17-20: PRELIMINARY REVISI PLANS
08-1-20: PRELIMINARY WITH GARAGE OPTION

GARAGE OPTION ELEVATIONS

SHEET A-3

Petition No.: 2020-26-DSV
S. SMITH

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals, and general welfare of the community because: we are not impinging on any surrounding properties nor are we placing the public safety or welfare at risk. Our request for variance is simply for the improvement of the current home and surrounding home values and maintaining the village charm.

2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: It will not change the character of the property; or negatively impact the abutting property owners; or violate the spirit of the zoning regulations. The variance will not give the property special privileges to me above my neighbor.

3. Strict application of the terms of the zoning ordinance **will not** result in unnecessary hardships in the use of the property because: The variance is not permitting a structure superior to our neighbors or others in the same zoning district. The variance will not provide gain or income that exceeds levels of adjacent, conforming properties.

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:	2020-27-DSV
Subject Site Address:	9095 E. 350 South
Petitioner:	Justin & Vanessa Pataky
Request:	Petition for Development Standards Variance to provide for the construction of an accessory structure which: 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Low-Density Single-Family Residential Zoning District (R1).
Current Zoning:	Low-Density Single-Family Residential Zoning District (R1)
Current Land Use:	Single-family Residential
Approximate Acreage:	0.87 acres
Zoning History:	No previous Zoning Petitions filed for this address.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioner's Survey of Existing Conditions Exhibit 4 – Petitioner's Proposed Site Plan and Building Drawings Exhibit 5 – Petitioner's Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the October 7, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is a lot of approximately 0.87 acres and is presently improved with one (1) single-family dwelling, including an attached garage, and a detached garage. The detached garage was damaged earlier this year when the Petitioner was cutting down a tree on the property. Petitioner desires to replace the damaged garage with a larger accessory building which would exceed the permitted square footage and height of an accessory structure.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

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

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

ANALYSIS

The 0.87-acre parcel is currently improved with a 1,537 +/- square foot, circa 1969, single-story single-family dwelling and accessory uses. Not included in this square footage is the attached garage of 506 square feet and an enclosed framed porch of 150 square feet which are considered an accessory uses as defined in the Zoning Ordinance. The detached garage of 528 square feet which was constructed in 1978. Per the filed information, the Petitioner intends to remove the damaged detached garage of 528 square feet and replace it with a 1,500 square foot storage building primarily to store an automobile, keeping it out of the elements, as well storage for personal items related to family activities and needs. The proposed storage building would be 15' 6" in height, while the primary structure, the single-family residence, is 14' - 1" in height. The proposed storage building requires approval of two Development Standards Variances as it would:

1) Exceed the allowable accessory square footage of the primary structure.
2) Exceed the required maximum permissible height associated with an accessory structure

VARIANCE REQUESTS:

Section 194.097 of the Zoning Ordinance establishes the development standards for Rural Properties within the jurisdiction. Included in this Section are the standards for accessory structures. Applicable to this project, the Section states "Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure."

Variance #1: Accessory square footage to exceed the square footage of the primary structure. 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: **1,537** square feet
2. Existing and proposed accessory uses total **2,156** sq. ft. This total includes:
   a) A 150 square foot screened in porch
   b) A 506 square foot attached garage
   c) A proposed 1,500 square foot detached storage building

As per the itemized list above, the addition of the accessory detached storage building causes the property's allowable accessory uses to exceed the square footage permitted in the Zoning Ordinance by **619** square feet.

Variance #2: Accessory structure to exceed the height of the primary structure. 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. Height of primary structure: **14' - 1"**
2. Height of proposed detached storage building: **15' - 6"**.

As per the itemized list above, the proposed accessory detached storage building exceeds the height permitted in the Zoning Ordinance by **1' - 5"**.

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 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) as well as several development configurations which are not supported by the current Zoning Ordinance (example: accessory uses with no primary, flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). Additionally, the location of the proposed storage building is in the proximity of an existing detached garage which is to be removed, minimizing the visual change to the landscape, and will be over 100 + feet from the centerline of the county road, placed amongst trees.

The two variance requests, in the opinion of Staff, constitute reasonable deviations from the Zoning Ordinance and, given the location and size of the Lot of Record, the contemplated placement of the improvements, and the presence of non-conformities in the immediate area (West: accessory over primary), appears supportable.

With the above in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance for accessory structures to exceed the primary square footage by 619 square feet and the accessory storage building height exceeding the primary structure's height by 1' - 5", and not being subordinate to the Primary Structure.

STAFF RECOMMENDATIONS

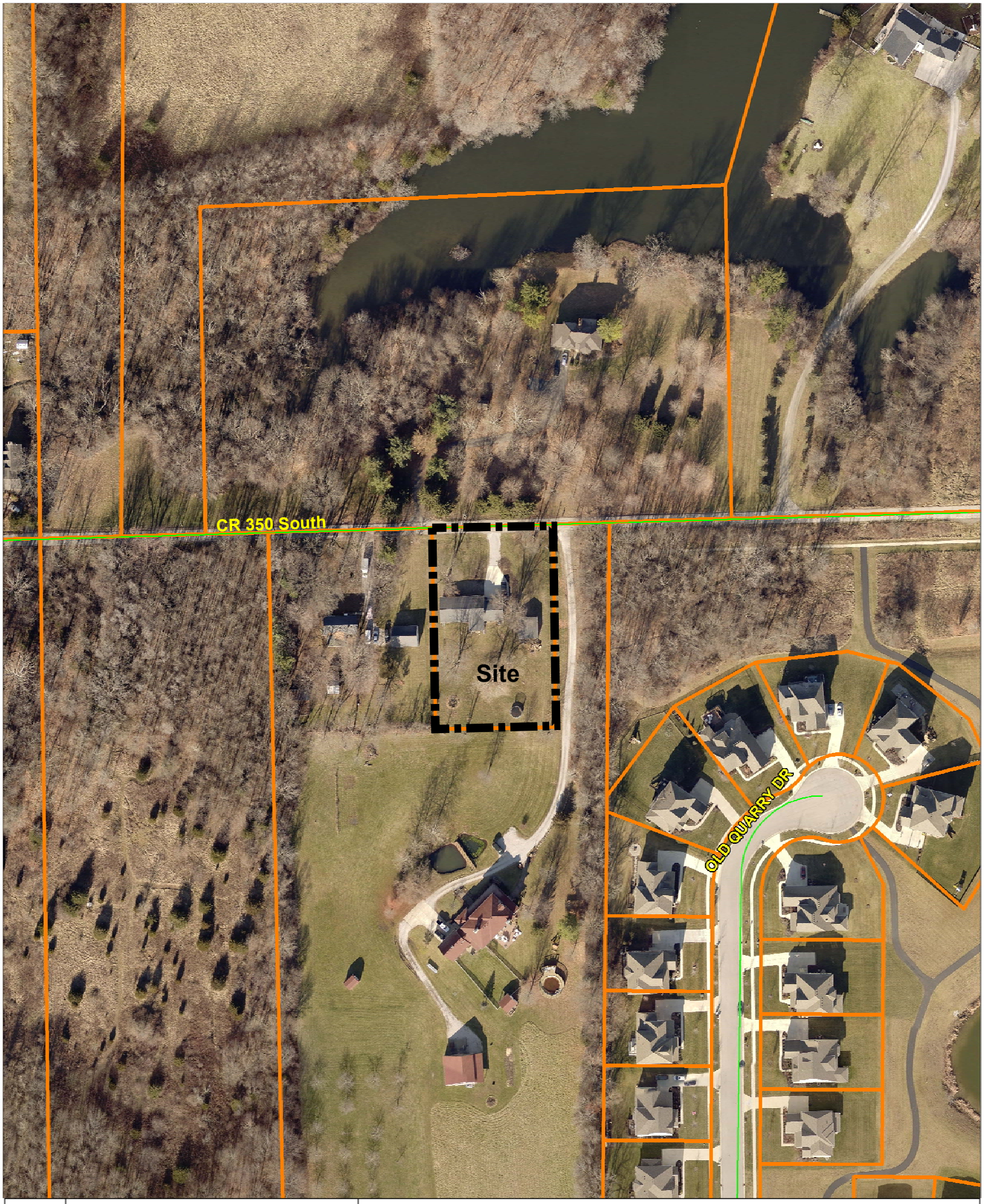
Staff recommends approval of the Development Standards Variance to provide for the construction of an accessory structure which:

1) Exceeds the allowable accessory square footage; and
2) Deviates from the required maximum permissible height associated with an accessory structure in the Low-Density Single-Family Residential Zoning District (R1), as filed.

RECOMMENDATION MOTION

I move that Docket # 2020-27-DSV Development Standards Variance to provide for the construction of an accessory structure which:

1) Exceeds the allowable accessory square footage; and
2) Deviates from the required maximum permissible height associated with an accessory structure in the Low-Density Single-Family Residential Zoning District (R1), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).



N
W E
S

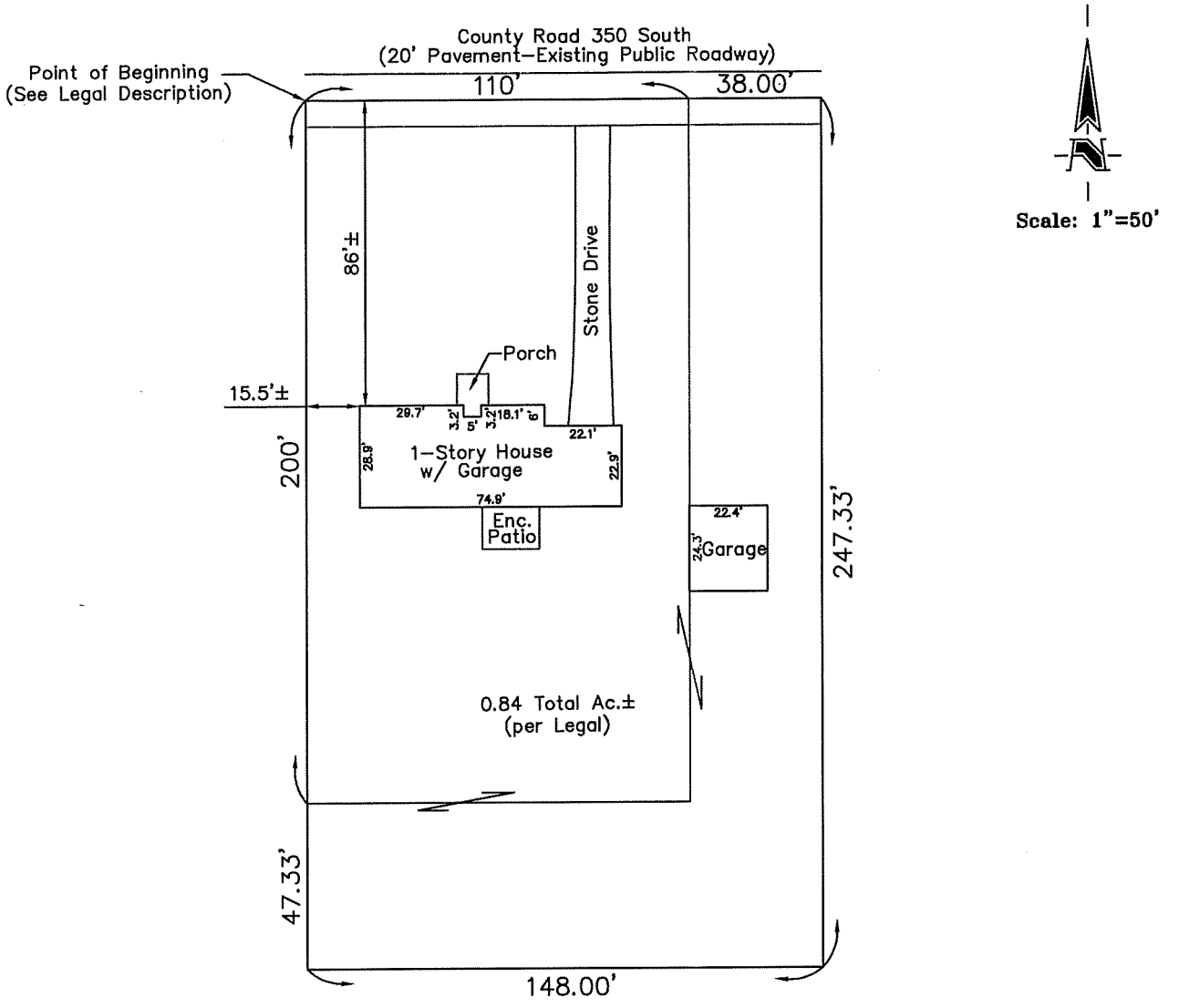
0 150 300

1" – 150ft

2020-27-DSV: Location Map - Exhibit 2

SURVEYOR LOCATION REPORT

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



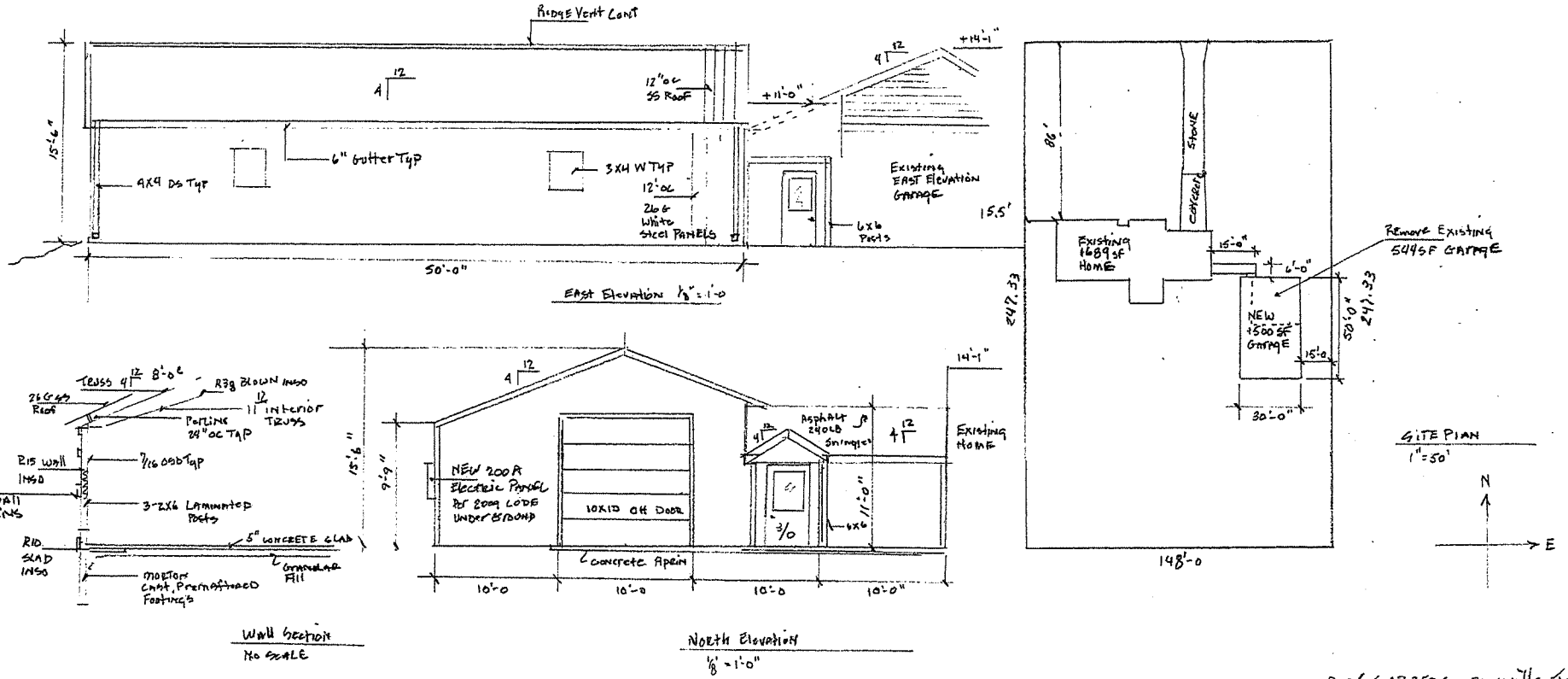
HAHN SURVEYING GROUP, INC.
Surveyors & Engineers
2850 E. 96th St., Indianapolis, IN 46240
PHONE: (317) 846-0840 or (317) 846-4119
FAX: (317) 846-4298 or (317) 582-0662

CHAD D. HAHN REGISTERED No. 20300031 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: June 12, 2014

Chad D Hahn

Chad D. Hahn
Registered Land Surveyor,
Indiana #20300031
Job No.: 2014061238
Sheet 2 of 3



9095 E CR 350 S ZIONSVILLE, IN

Patsky Residence 7/12/2020

Morton Buildings

Exhibit 4

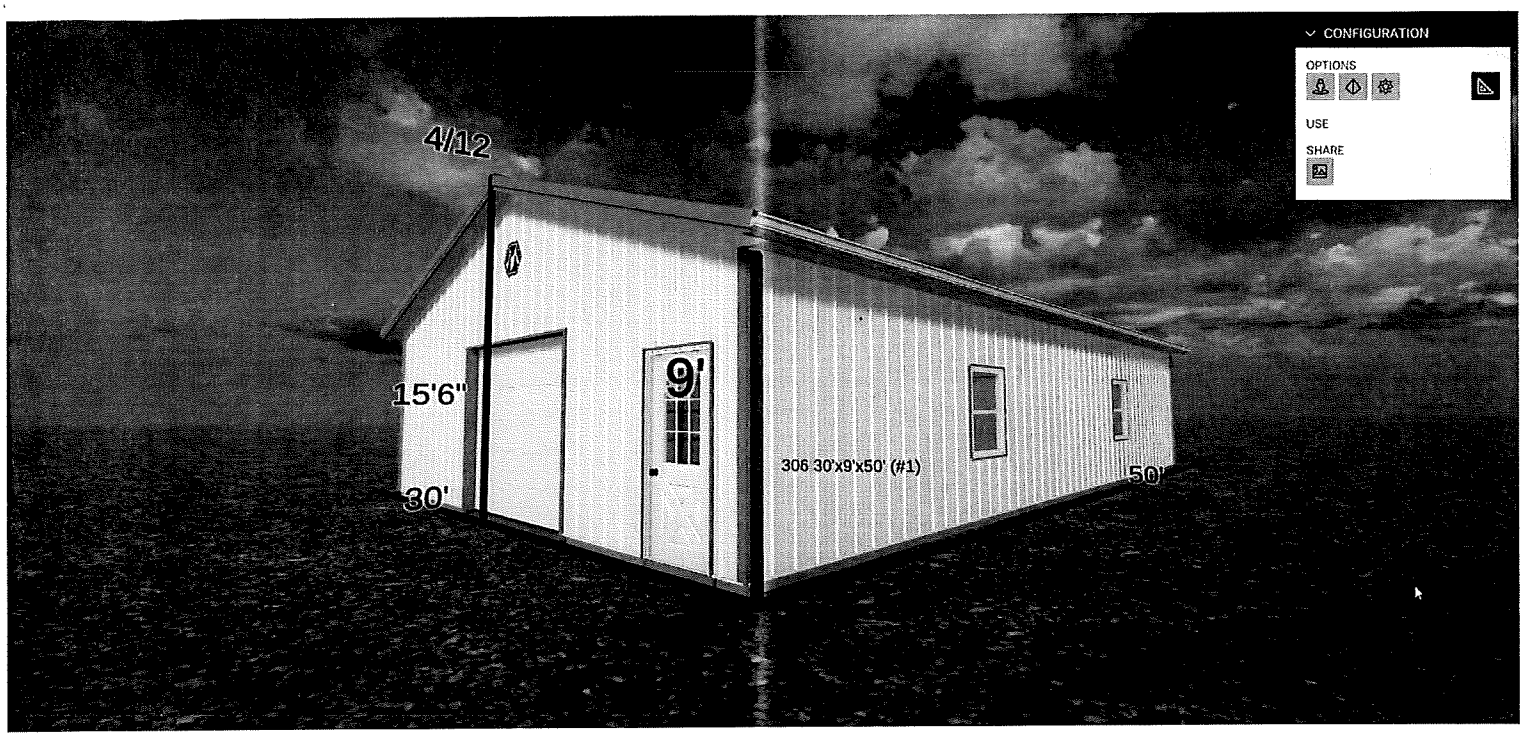

CONFIGURATION
OPTIONS
USE
SHARE
4/12
15'6"
9'
30'
306 30'x9'x50' (#1)
50'

Exhibit 4

306 30'x9'x50' North and West Walls

Exhibit 4

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Owner's Initials

MORTON BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Job:
Date: 6/10/2020

306 30'x9'x50' South and East Walls

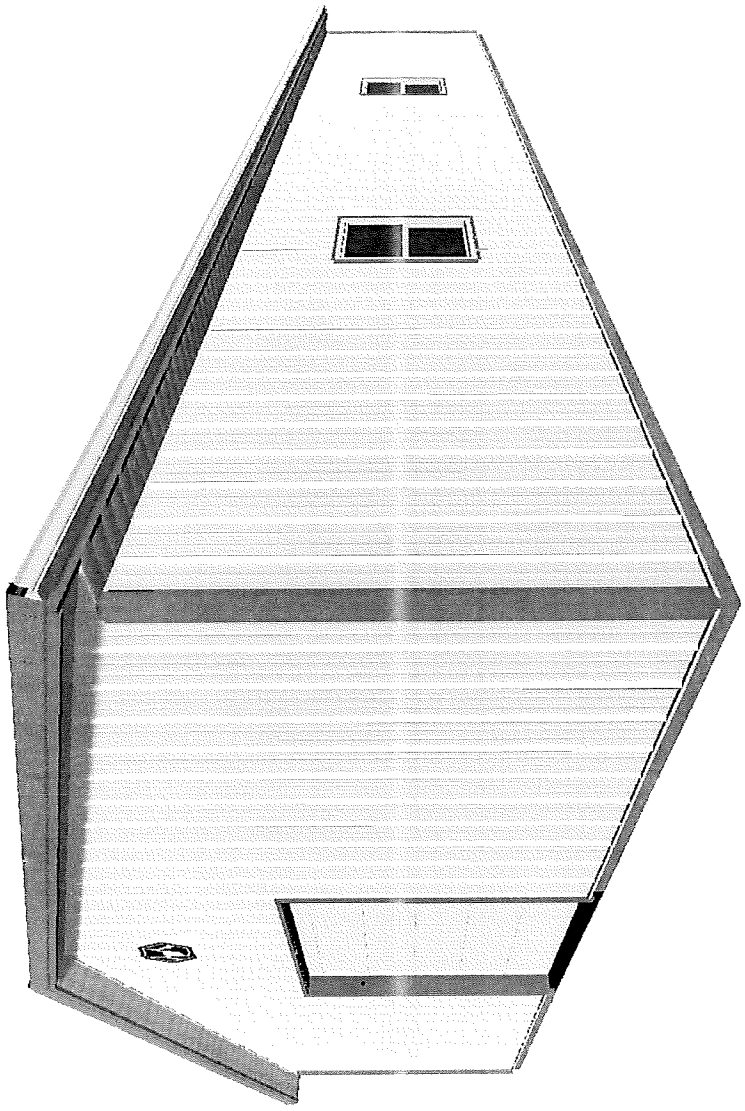

Exhibit 4

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Job:
Date: 6/10/2020

306 30'x9'x50' (#1) Column Plan

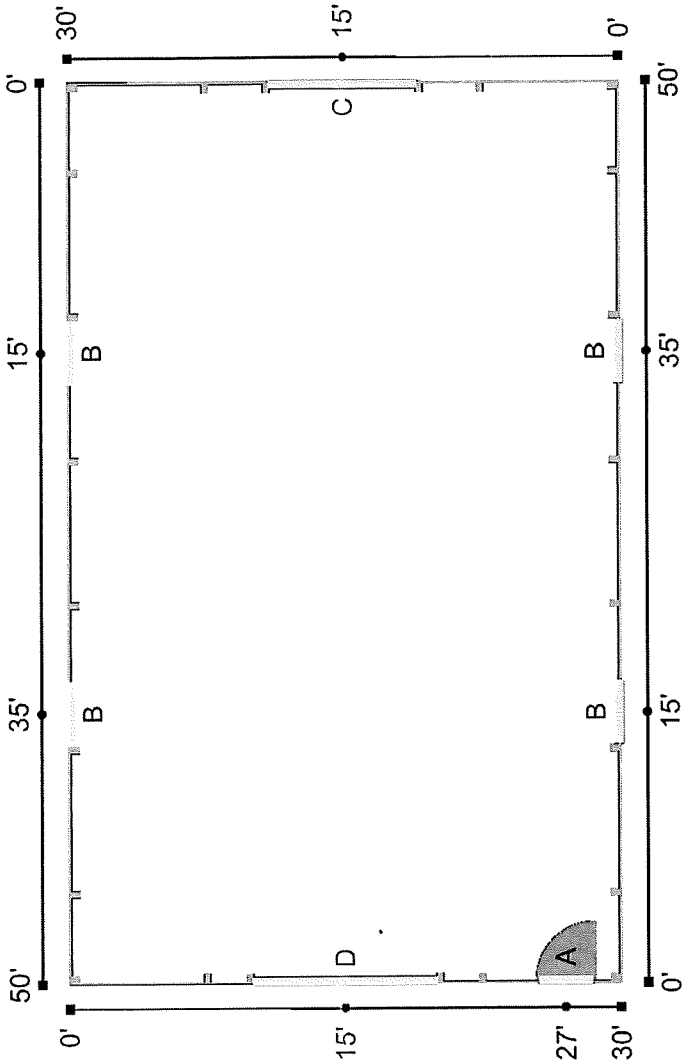

Exhibit 4

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Owner's Initials

Petition No.: 2020-27-DSV
J. PATAKY

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals, and general welfare of the community because: we are seeking to replace an existing structure in a similar location which will end up being situated closer to the primary structure and further away from the property line.

2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: as stated above, the replacement structure will be located closer to our residence. Thus providing an additional green space between the side of the structure and the property line. Additionally, the previous structure was deteriorating and was becoming unusable. The new structure will provide not only function, but will be aesthetically pleasing to our neighbors.

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: as a family of 4 with 2 school age children, you can imagine that it feels like you can never have enough storage space. We have found this particularly difficult with our current attached garage as it provides limited on site storage. With the house being built in the late 1960's, space and storage was definitely not the focus, hence the reason that the original owner built the additional garage in the first place. She too identified the need for space while raising her children, and while it worked and met her need at the time, the building was impacted by time and lack of upkeep. It had no electricity, had a large crack in the foundation and became home to many country creatures. While we attempted to make it usable when we moved in, it was no longer meeting our family's needs. We are in desperate need of storage as our family continues to grow and we need a storage building to allow for that expandability. In just 4 short years, our oldest will be able to drive and will need a safe place to park her vehicle. Currently, the garage can only accommodate one vehicle, so dad's truck gets stuck outside. While our property is beautiful and full of trees, this can lead to broken branches and debri. This safety concern was the reason we had the tree that was located between our house and the previous garage removed. Our children are involved in activities, have hobbies and play sports and we are needing the ability to expand with their ever changing needs. Think sports equipment, art supplies, outdoor furniture, outdoor games, sentimental items, camping gear and equipment, hunting and fishing, along with woodworking tools, lawn care equipment, additional fridge and freezer to just name a few things. On top of this, recent times have led to stocking up and buying in bulk. Our current attached garage is overflowing with items needed during these difficult times and preparing for what's ahead. Additionally, my wife's job has moved from in person to remote, which means that we had to convert a previous space that we were using for storage into a home office. This is making it difficult with the current limited space that we already have. We bought this house for the land, the quiet environment and despite the small house, an additional storage area. We are desperately seeking your approval to simply replace what we previously had and build it to accommodate our needs, both today and in the future. The new structure will end up matching our house aesthetically, be fully functional and be moved closer to our house and further away from the original footprint which was close to the property line and our neighbors driveway.

Exhibit 5

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-27-DSV

1. SITE INFORMATION:

Address of Property: 9095 E 350 S ZIONSVILLE IN 46077

Existing Use of Property: RESIDENTIAL

Proposed Use of Property: RESIDENTIAL

Current Zoning: R-1 Area in acres: .87

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: JUSTIN PATAKY & VANESSA PATAKY

Owner Name (if different from Petitioner):

Petitioner Address: 9095 E 350 S ZIONSVILLE IN 46077 Owner Address: 9095 E 350 S ZIONSVILLE IN 46077

Petitioner Phone Number: 317-716-2986 Owner Phone Number: 317-716-2986

Petitioner E-Mail Address: JPATAKY@GMAIL.COM Owner E-Mail Address: JPATAKY@GMAIL.COM

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

Attorney/Contact Person:

Name: N/A

Address:

Phone Number:

E-Mail Address

Project Engineer:

Name: N/A

Address:

Phone Number:

E-Mail Address:

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

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

I'M ASKING FOR A VARIANCE PERTAINING TO SECTION 194.097 RURAL PROPERTY DEVELOPMENT STANDARDS, SPECIFICALLY, SECTION C (2), ACCESSORY STRUCTURES. MY CURRENT DETACHED GARAGE WAS DAMAGED WHICE CUTTING A TREE DOWN, I'M REPLACING THE EXISTING DAMAGED GARAGE WITH A NEWER, & MORE ACCOMMODATING STRUCTURE THAT WILL ACCOMMODATE MY FAMILIES NEEDS FOR STORAGE.

5. ATTACHMENTS:

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

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

Signature of Owner or Attorney for Owner: _____ **Date:** 08/26/2020

Signature of Owner or Attorney for Owner: _____ **Date:** 8/26/2020

State of Indiana)
SS:
County of Boone)

ISAHA T COOK
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER NP0722704
MY COMMISSION EXPIRES SEP. 30, 2027

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

Isaha T Cook
Notary Public Signature

Isaha T Cook
Notary Public Printed

My Commission No: NP0722704

My Commission Expires: September 30, 2027

My County of Residence is Boone County

2019003752
Electronic Filing
From: Dominion Title
Thru: Simplifile

2019003752 DEED $25.00
05/08/2019 10:01:58AM 3 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **JUSTIN PATAKY** ("Grantor"), *QUITCLAIMS* to **JUSTIN PATAKY AND VANESSA R. PATAKY, husband and wife** ("Grantees"), for NO valuable consideration, the following described real estate in **BOONE** County, State of Indiana:

SEE ATTACHED EXHIBIT A

Parcel Nos.: 003-17390-00 and 003-10110-01

Subject to Real Estate taxes not delinquent and to any and all easements, agreements and restrictions of record. The address of the Real Estate is commonly known as 9095 E. 350 S., Zionsville, Indiana 46077. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 2 day of May, **2019.**

JUSTIN PATAKY

DULY ENTERED
SUBJECT TO FINAL ACCEPTANCE
AUDITOR
BOONE COUNTY, INDIANA
Heather R. Myers
HEATHER R. MYERS
May 08 2019 - NW

ACKNOWLEDGMENT

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared **JUSTIN PATAKY**, who acknowledged the execution of the foregoing document, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 2 day of May, 2019.

My Commission expires:

Signature: _____

MARGARET R. TERRILL
Notary Public - Seal
Marion County - State of Indiana
Commission Number 709393
My Commission Expires Jan 17, 2026

Printed:

Resident of _____ County, Indiana

Grantees address and Send Tax Bills To: 9095 E. 350 S.
Zionsville, Indiana 46077

This instrument was prepared by: Robert R. Thomas, THOMAS LAW GROUP, LLC, 4600 NW Plaza W. Drive, Suite D, Zionsville, Indiana 46077

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert R. Thomas

EXHIBIT A

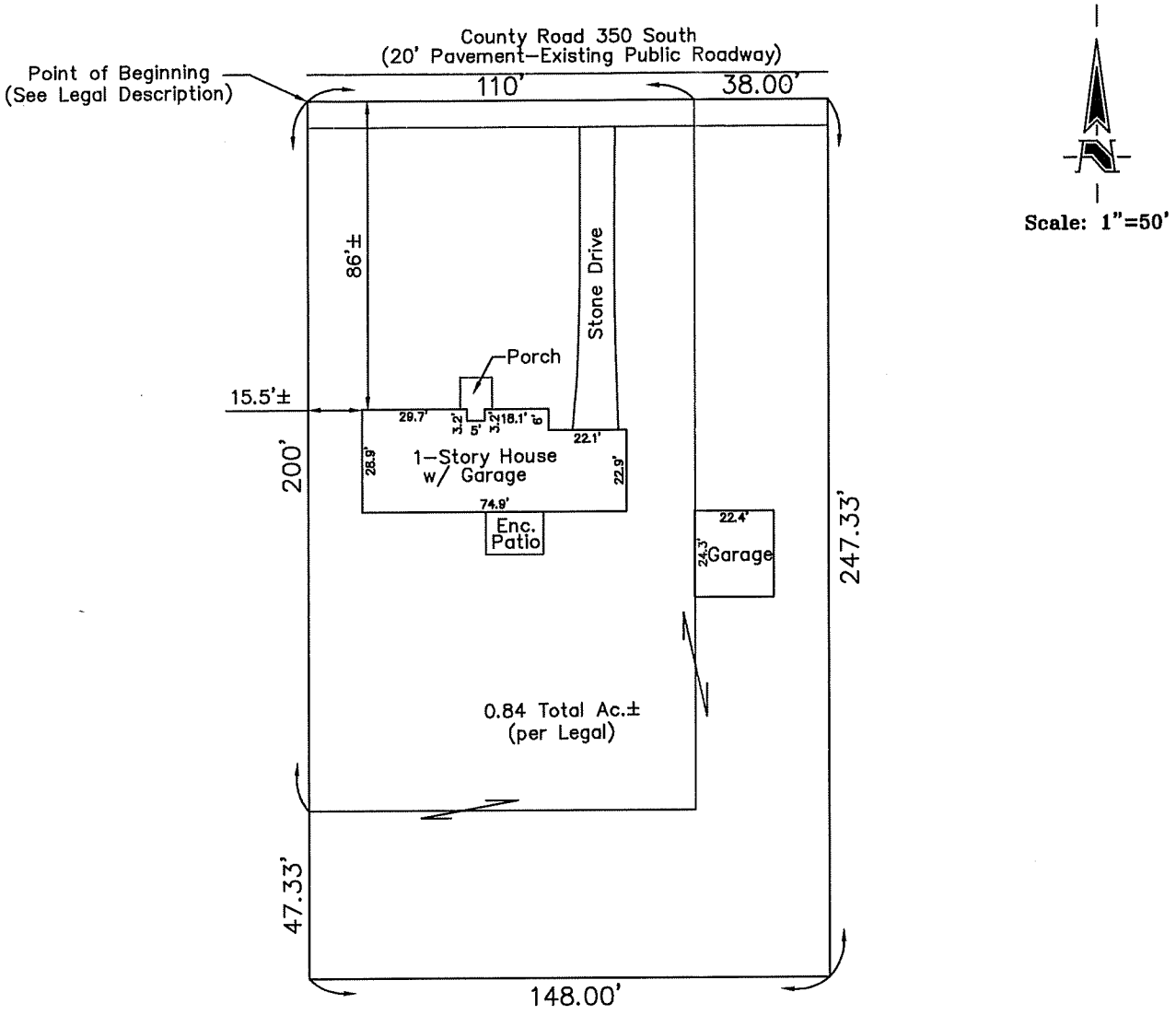
A part of the Northwest Quarter of the Southwest Quarter of Section 22, Township 18 North, Range 2 East, Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 23, thence North 89 degrees 06 minutes 00 seconds East, along the Quarter section line and the approximate centerline of County Road 350 South, a distance of 585.88 feet to the point of beginning; thence continuing North 89 degrees 06 minutes 00 seconds East, along the quarter section line and the approximate centerline of County Road 350 South a distance of 38.00 feet; thence South 00 degrees 54 minutes 00 seconds East, a distance of 247.33 feet; thence South 89 degrees 06 minutes 00 seconds West, a distance of 148.00 feet; thence North 00 degrees 54 minutes 00 seconds West, a distance of 47.33 feet; thence North 89 degrees 06 minutes 00 seconds East, along the South described line of the Ward property, as recorded in Deed Record 187, page 931, a distance of 110.00 feet; thence North 00 degrees 54 minutes 00 seconds West, along the East described line of said Ward property, a distance of 200.00 feet to the point of beginning, containing 0.3353 of an acre.

Also, a part of the Northwest Quarter of the Southwest Quarter of Section 22, Township 18 North, Range 2 East, of the second principal meridian, more particularly described as follows: Beginning at a point on the North line of said quarter quarter section 475.88 feet East of the Northwest corner thereof, thence East upon said North line 110 feet to a point; thence deflecting right 90 degrees and running South a distance of 200 feet to a point; thence West and parallel with said North line 110 feet to a point; thence North a distance of 200 feet to the place of beginning, containing 0.50 acres, more or less.

SURVEYOR LOCATION REPORT

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



Scale: 1"=50'

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CHAD D. HAHN REGISTERED No. 20300031 STATE OF INDIANA LAND SURVEYOR

CERTIFIED: June 12, 2014

Chad D Hahn

Chad D. Hahn
Registered Land Surveyor,
Indiana #20300031
Job No.: 2014061238
Sheet 2 of 3

Gmail

Justin Pataky <jpataky@gmail.com>

Combination

1 message

Terri Johnson <TJohnson@co.boone.in.us> Wed, Jun 3, 2020 at 2:14 PM
To: "jpataky@gmail.com" <jpataky@gmail.com>

Mr. Pataky - The Boone County GIS Department has combined your two parcels into one. You will keep your parcel number that has your home and exemptions on it for the future (003-17390-00).

You acreage has been changed to reflect the combined acreage and is now 0.84.

If you have any questions or concerns, please let me know.
Thank you,
Terri

003-17390-00 2021 PATAKY JUSTIN & VANESSA R — AS OF 6/3/20 9095 E 350 S RESIDENTIAL : 511 PRC

Edit Parcel | New Parcel | Appeals

Current Tax Season 2021 Payable 2022

Parcel and Map Information

Parcel and Map Information

Bookmark

Parcel Number: 003-17390-00 Plat Bk Page:

Property Class: RESIDENTIAL Status: Active

Sub Class: RES ONE FAMILY UNPLAT 0-9.99-511

Legal: PT NW SW 22-18-2E 0.84A

Notes

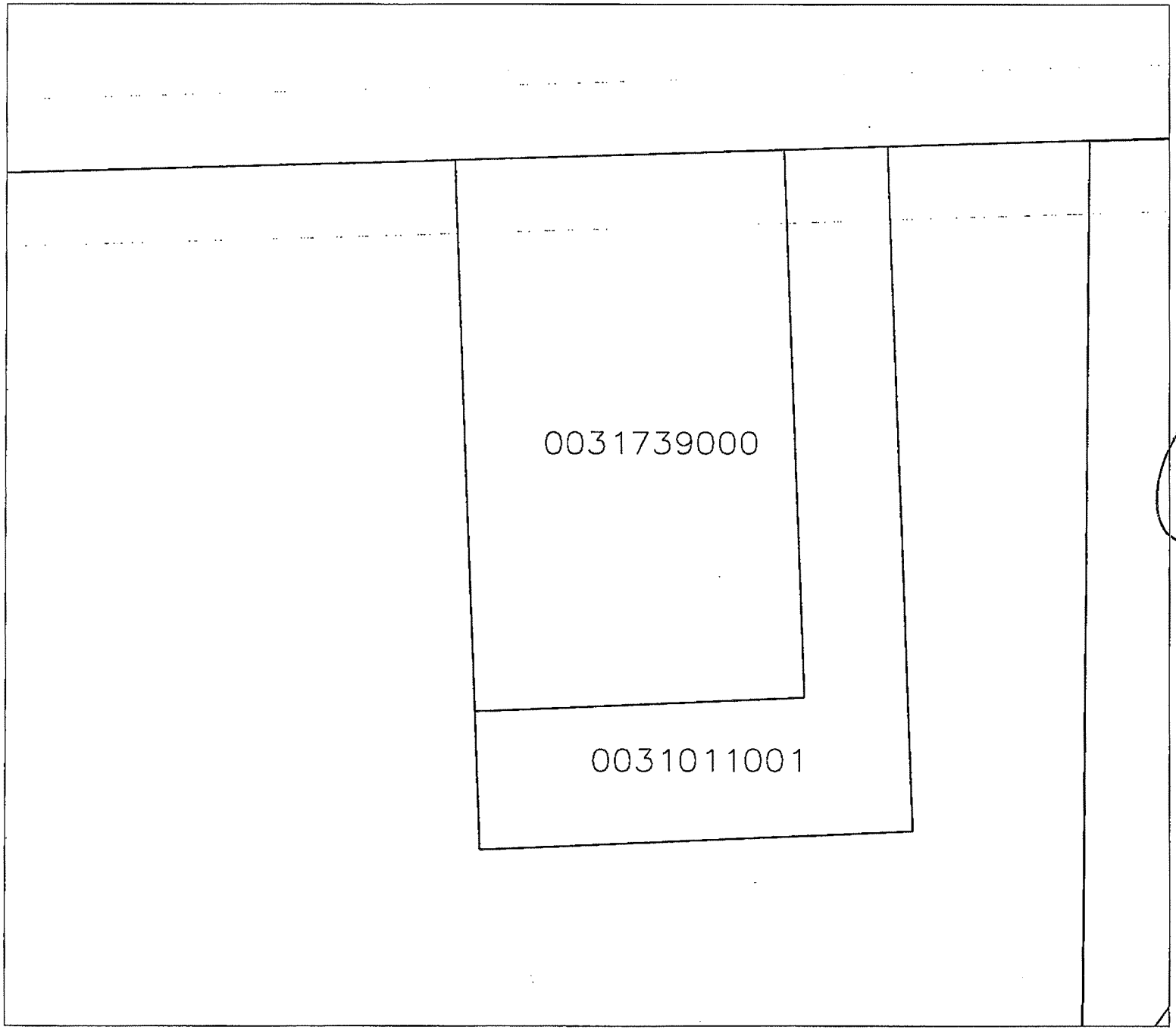
Add New

Note: 21/22 - Combined with 003-10110-01 per Owner's Request on 06/03/2020 - (needed for permit to rebuild barn)

☐ PRC Note ☐ Public

Created By: terrij Created On: 6/3/2020 Delete

Terri J Batts
Boone County GIS Technician
Boone County Surveyor's Office
116 W Washington St Suite 102
Lebanon, IN 46052
765-483-4406



Boone County

Auditors Office

June 03 2020

Before

N

0 25 50 75

Scale 1 in = 50 ft

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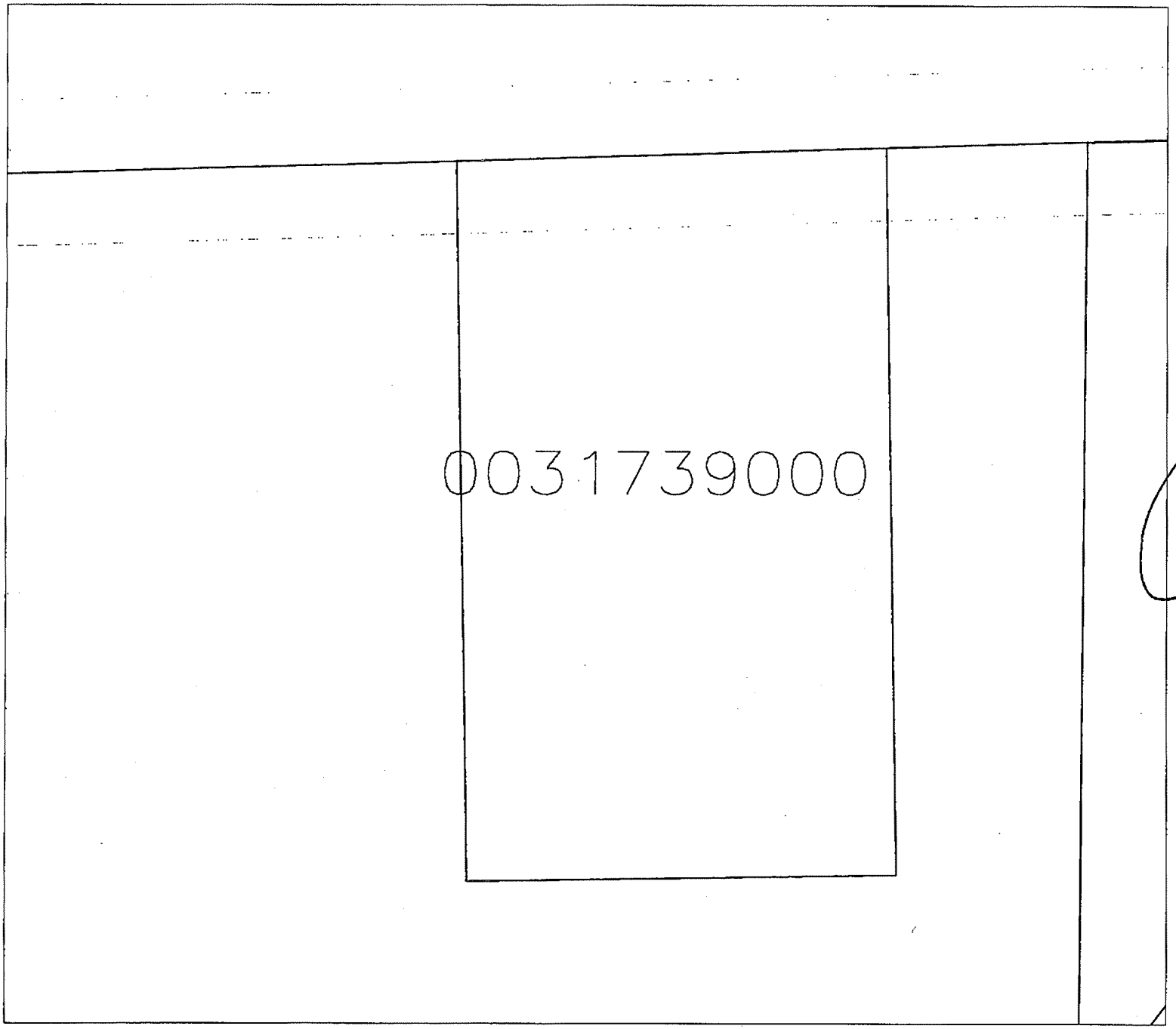

Boone County

Auditors Office

June 03 2020

after

N

0 25 50 75

Scale 1 in = 50 ft

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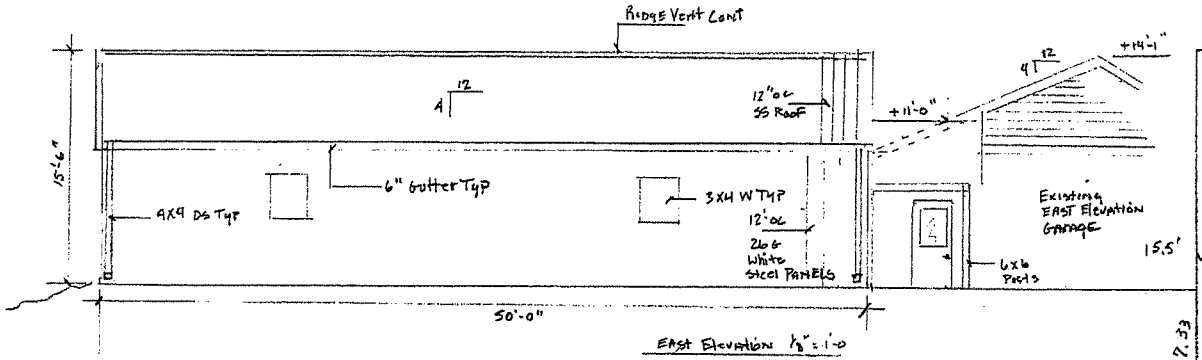
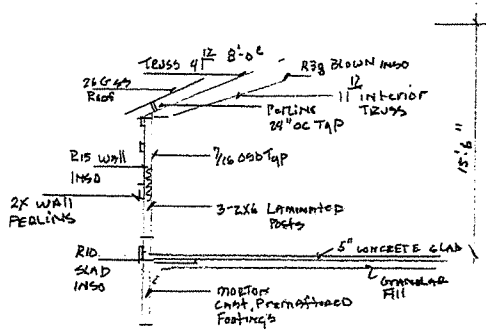
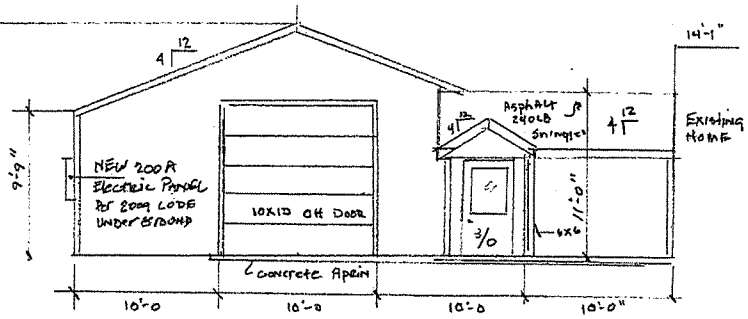


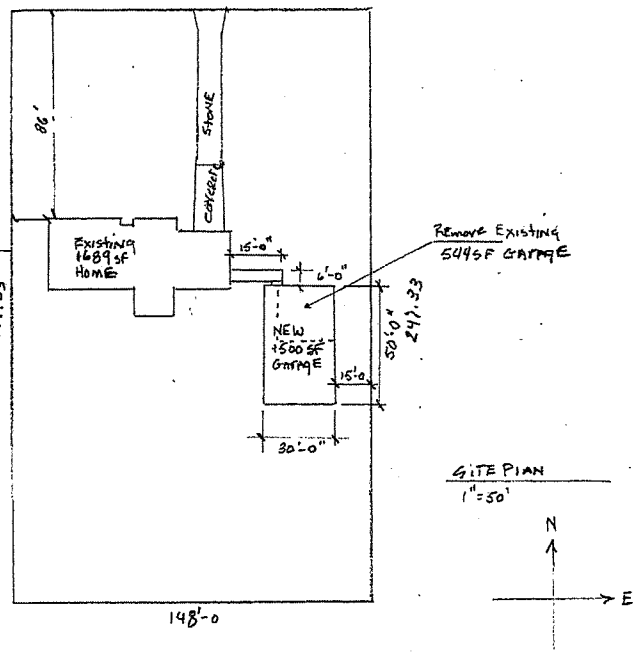
East Elevation 1/8" = 1'-0



Wall Section
No Scale



North Elevation
1/8" = 1'-0"

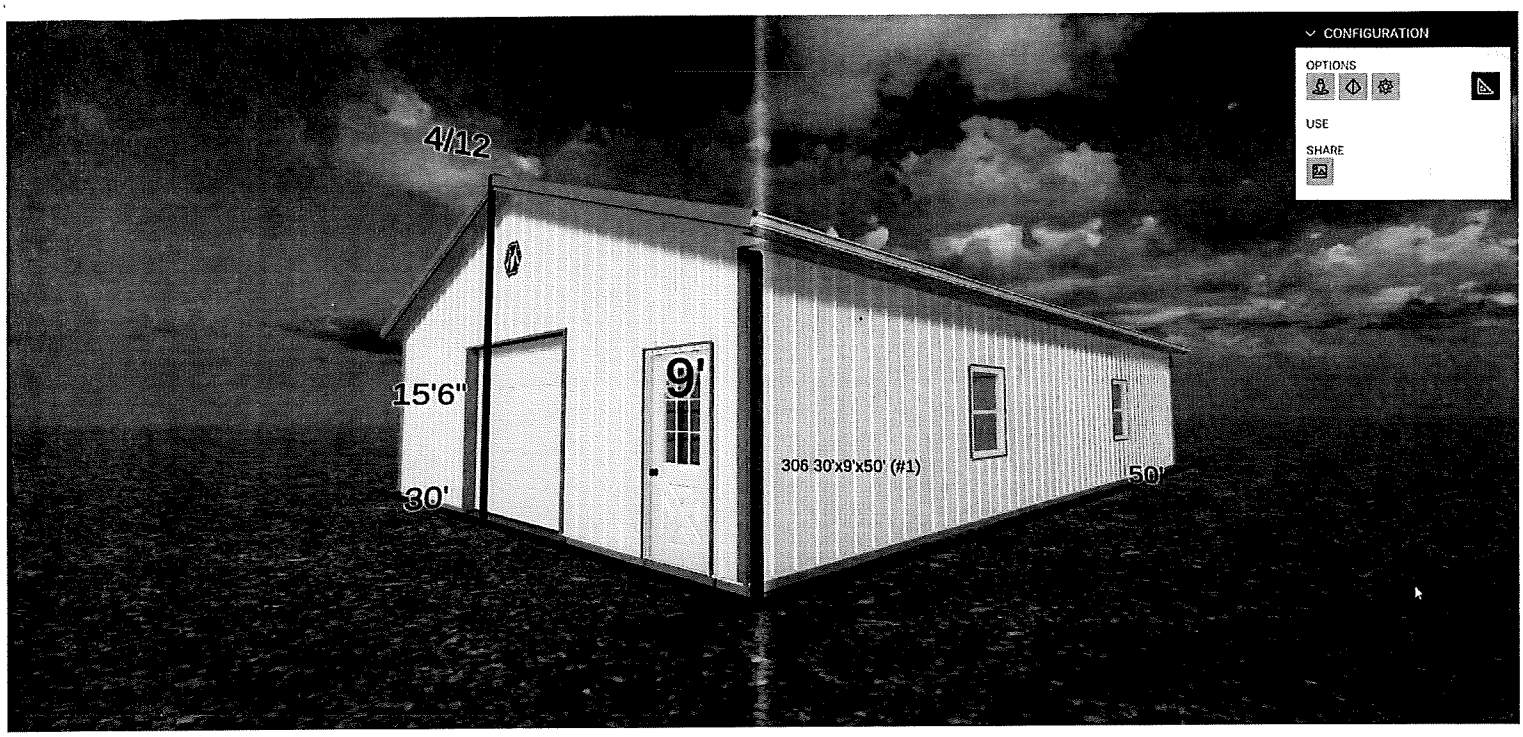


Site Plan
1" = 50'

9095 E CR 350 S ZIONSVILLE, IN

Patsky Residence 7/12/2020

Morton Buildings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Owner's Initials

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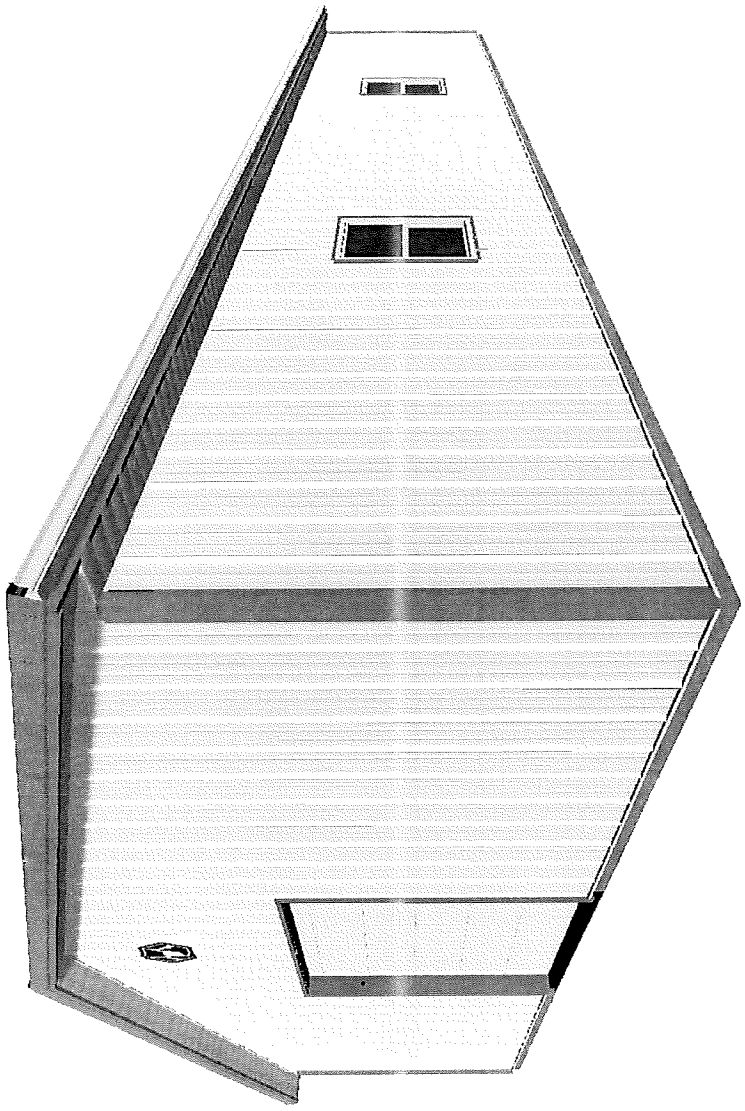
306 30'x9'x50' South and East Walls



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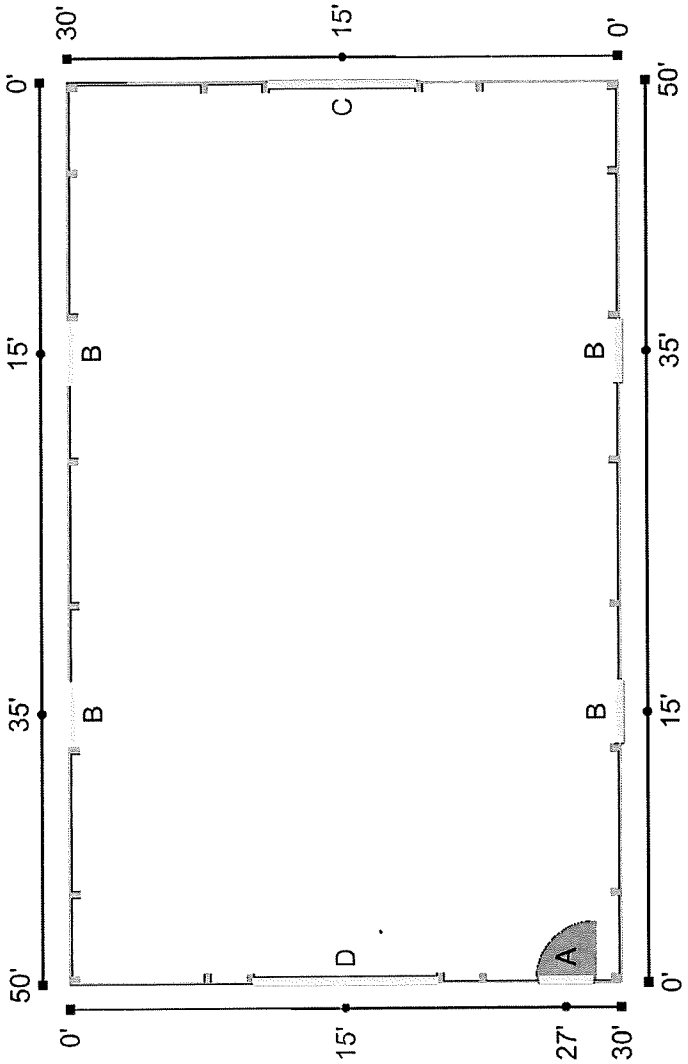
MORTON BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Job:
Date: 6/10/2020
Page: 6 of 8

306 30'x9'x50' (#1) Column Plan



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Owner's Initials

Petition No.: 2020-27-DSV
J. PATAKY

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

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1. The grant **will not** be injurious to the public health, safety, morals, and general welfare of the community because: we are seeking to replace an existing structure in a similar location which will end up being situated closer to the primary structure and further away from the property line.

2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: as stated above, the replacement structure will be located closer to our residence. Thus providing an additional green space between the side of the structure and the property line. Additionally, the previous structure was deteriorating and was becoming unusable. The new structure will provide not only function, but will be aesthetically pleasing to our neighbors.

3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: as a family of 4 with 2 school age children, you can imagine that it feels like you can never have enough storage space. We have found this particularly difficult with our current attached garage as it provides limited on site storage. With the house being built in the late 1960's, space and storage was definitely not the focus, hence the reason that the original owner built the additional garage in the first place. She too identified the need for space while raising her children, and while it worked and met her need at the time, the building was impacted by time and lack of upkeep. It had no electricity, had a large crack in the foundation and became home to many country creatures. While we attempted to make it usable when we moved in, it was no longer meeting our family's needs. We are in desperate need of storage as our family continues to grow and we need a storage building to allow for that expandability. In just 4 short years, our oldest will be able to drive and will need a safe place to park her vehicle. Currently, the garage can only accommodate one vehicle, so dad's truck gets stuck outside. While our property is beautiful and full of trees, this can lead to broken branches and debri. This safety concern was the reason we had the tree that was located between our house and the previous garage removed. Our children are involved in activities, have hobbies and play sports and we are needing the ability to expand with their ever changing needs. Think sports equipment, art supplies, outdoor furniture, outdoor games, sentimental items, camping gear and equipment, hunting and fishing, along with woodworking tools, lawn care equipment, additional fridge and freezer to just name a few things. On top of this, recent times have led to stocking up and buying in bulk. Our current attached garage is overflowing with items needed during these difficult times and preparing for what's ahead. Additionally, my wife's job has moved from in person to remote, which means that we had to convert a previous space that we were using for storage into a home office. This is making it difficult with the current limited space that we already have. We bought this house for the land, the quiet environment and despite the small house, an additional storage area. We are desperately seeking your approval to simply replace what we previously had and build it to accommodate our needs, both today and in the future. The new structure will end up matching our house aesthetically, be fully functional and be moved closer to our house and further away from the original footprint which was close to the property line and our neighbors driveway.

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-28-DSV
Subject Site Address:	335 W. Ash Street
Petitioner:	Eric & Jacqueline Lamb
Request:	Petition for Development Standards Variance to provide for the addition of a deck to a single-family home which would then: 1) Exceed the permitted lot coverage of 35%, increasing the lot coverage to 39.9%, in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Urban Residential Village Zoning District (R-V)
Current Land Use:	Single-family Residential
Approximate Acreage:	0.14 acres
Zoning History:	No previous Zoning Petitions filed for this address.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioner's Narrative with photos, renderings, and site plan Exhibit 4 – Letters of Support Exhibit 5 – Petitioner's Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the October 7, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is a single lot of approximately 0.14 acres identified as Lot #14 in Cross' Fourth Addition to the Town of Zionsville. The lot is presently improved with one (1) single-family dwelling and associated accessory uses.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

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

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

ANALYSIS

The 0.14-acre parcel is currently improved with a two and one-half story, single-family home of 2,581+/- square feet of finished areas, initially constructed in 1956 and most recently renovated in 2012 and accessory uses (detached garage of 576 square feet). Per the narrative included, the Petitioner has intentions of constructing a 126 square foot second-story deck to the rear of the home. The permitted lot coverage in the R-V district is 35% and the Petitioner's materials state the current lot coverage is 36.8%. The addition of the proposed second-story deck would increase the lot coverage to 39.9%.

VARIANCE REQUEST – LOT COVERAGE (AS PER THE FILING)

The request seeks to exceed the permitted 35% lot coverage maximum by 4.9%. The Petitioner is requesting a development standards variance to this requirement for the construction of an approximate 126 square foot second-story deck to the rear of the home with a total footprint of approximately 2,437 (inclusive of the home, detached garage, and porches), which would result in lot coverage of 39.9%.

The request to occupy the site with improvements associated with an outdoor living space for a Single-Family Dwelling (including both primary and accessory square footage) in excess of lot coverage requirements in the Residential Village District (R-V) are not uncommon. Each petition that is considered by the Board of Zoning Appeals is unique and is considered on this own merits.

In this particular case, a wood deck is proposed to be added to the exterior of a Single-Family Dwelling. The Ordinance, if the deck (per Section 194.095 of the Zoning Ordinance) was within 6 inches of natural grade, the installation of such an improvement by right as long as the overall lot coverage did not exceed

37 percent. In this case, neither factors are true. The contemplated deck is at least eight feet above natural grade, and the requested lot coverage is 39.9%.

Summary:

In the opinion of Staff, the contemplated deck would not overly hinder drainage and the absorption of surface water (based on the current design). Additionally, the deck, as proposed, would be 1) open to the elements (meaning, not covered with structures and devices including a sunshade, pergola, or retractable awning), 2) does not function as a room addition or three seasons porch, and 3) facilitates the existence of an unrestricted area underneath the deck's surface (between the grade of the lot and the bottom of the structural framing of the deck). And, uniquely, the southerly exposure of the elevation to be contemplated to be improved with the deck will lessen the hinderance of the deck's impact on the vegetative cover that both currently exists and will grow underneath the deck in terms of shade.

Further, the Petitioner's lot, while 6,000 square feet in size, functionally is 7,524 square feet (due to the 11-foot wide grass strip at its minimum width that is located between the street pavement and the property line parallel to North 3rd Street). Factoring this unique circumstance in to the review of the petition results in the requested improvement being well within the tolerances of the Zoning Ordinance.

With the above in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance to exceed the permitted lot coverage of 35% with the addition of a 126 square foot second-story deck to the rear of the home resulting in a lot coverage of 39.9%.

Staff would note that our support of the petition revolves around the concept that the contemplated deck 1) remain open to the elements and not be enclosed or covered (either temporarily or permanently), 2) the space beneath the framing members of the deck (and the stairs) and the natural grade of the lot remain unincumbered by temporary or permanent improvements, and 3) the space below the finished floor elevation of the deck (and stairs), and, natural grade, remain unenclosed. Staff's recommendations are not intended to restrict the Petitioner from either utilizing patio furniture relying on an umbrella(s) associated with a table(s), or, the installation of additional landscaping in the space directly underneath the contemplated deck (or stairs).

Further, Staff would note that the contemplated deck (and stairs), as proposed and based on a review of the filed materials associated with the petition, has 1) no direct access to the Single-Family Dwelling, 2) potentially conflicts with the location of the electrical meter base that serves the Single-Family Dwelling, 3) potentially conflicts with the CATV feed to both the Single-Family Dwelling and detached garage, 4) potentially conflicts with the electrical feed to the Single-Family Dwelling, and 5) potentially conflicts with the impact rating (aka glazing to address the distance from a "hazardous location" as per Section 308.4.6 of the Indiana Residential Code) of certain windows that would be in proximity to the contemplated surface of the deck and contemplated stairs serving the deck.

While Staff's recommendation would not be impacted by the above factors, each are noted here for the benefit of the Petitioner as reference points in the event the project moves from concept to completion. Each item, among others not listed here, would be commonly addressed through the normal course of a review of an application seeking an Improvement Location Permit for the contemplated improvement.

STAFF RECOMMENDATIONS

Staff recommends approval of the Development Standards Variance Petition to provide for the addition of a 126 square foot second-story deck to a single-family home which would:

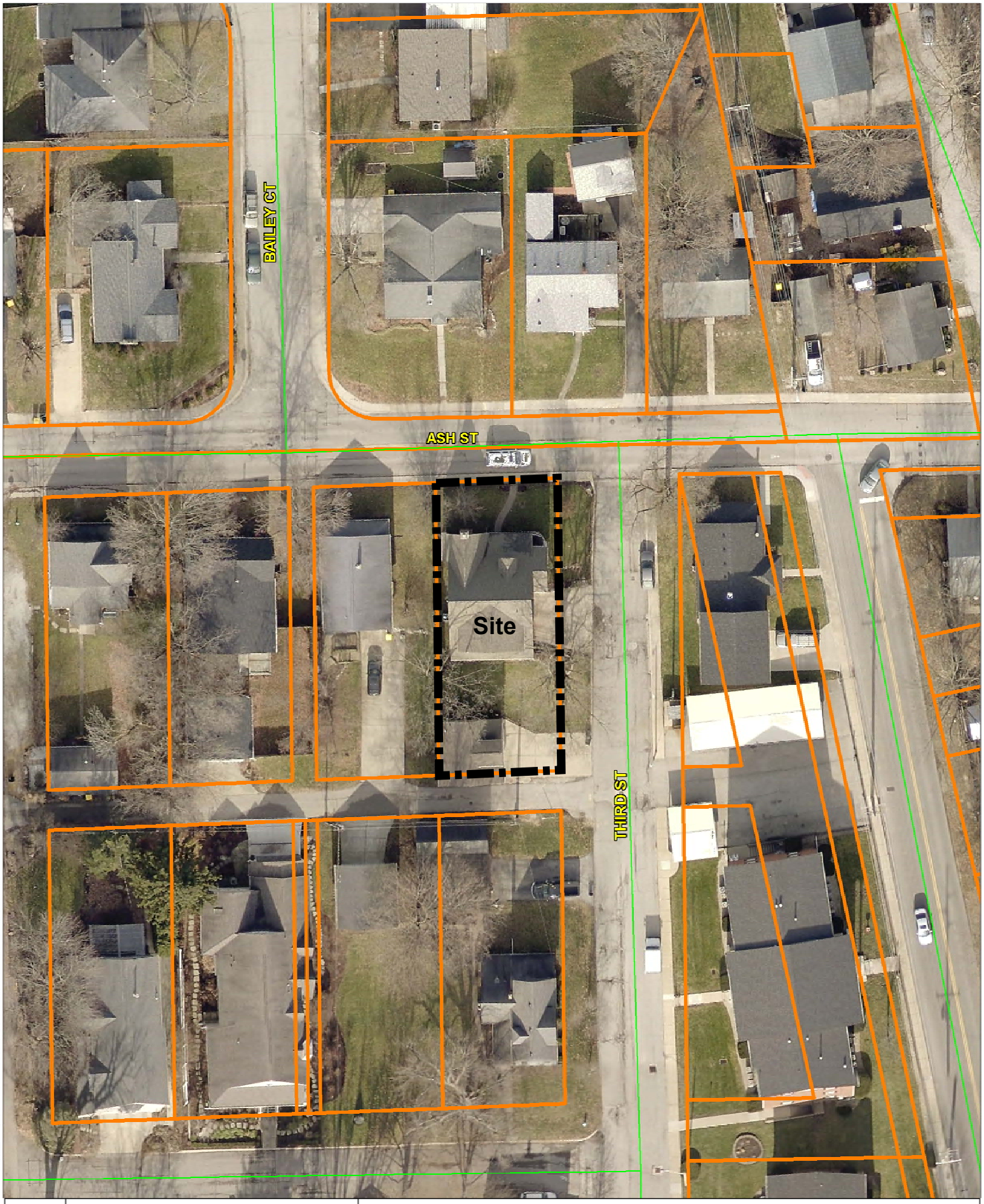
1) Exceed the permitted lot coverage of 35%, increasing the lot coverage to 39.9%, in the Urban Residential Village Zoning District (R-V), as filed.

RECOMMENDATION MOTION

I move that Docket # 2020-28-DSV, a Petition for Development Standards Variance to provide for the addition of a 126 square foot second-story deck to a single-family home which would:

1) Exceed the permitted lot coverage of 35%, increasing the lot coverage to 39.9%, in the Urban Residential Village Zoning District (R-V);

be (Approved as filed, Approved as recommended by Staff based on the findings and based upon Staff report and presentation / Denied / Continued).



N
W E
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0 50 100

1" – 50ft

2020-28-DSV: Location Map - Exhibit 2

Town of Zionsville
Petition to the Board of Zoning Appeals
Docket # 2020-28-DSV
335 West Ash Street
Eric and Jacqueline Lamb

Request

We have enjoyed our home at 335 West Ash Street in the Village for more than three years, having moved from elsewhere in Zionsville. However, it lacks adequate egress, rendering both a safety and accessibility concern. The front door is the only exterior access to the main level, which is seldom used due to the traffic on Ash and its orientation away from local amenities. We currently must go downstairs, through the basement and through the garage to exit the house at the rear, as the main level is a story above ground on that side. This also makes it difficult to monitor our children when they play in the backyard.

We would like to solve this issue by adding a second story deck to the back of the house, with stairs down to the backyard from the main level. The deck would be approximately 9' x 14' and 8' tall, with space for a small sitting area and grill. It would be made of wood and would not affect drainage.

The deck is fitting for the area. The two nearest neighbors on the alley are also on a sloped lots and have rear decks for providing egress to their main levels. Aesthetically, our deck would look very similar to the deck recently built at 365 West Ash Street. The deck would also increase property value.

The deck would technically exceed allowable lot coverage. However, the area viewed as our yard is considerably larger than stated on official property records. Therefore, the deck would not make the improvements appear disproportionate to the space. Additional details and images are below.

Map of area

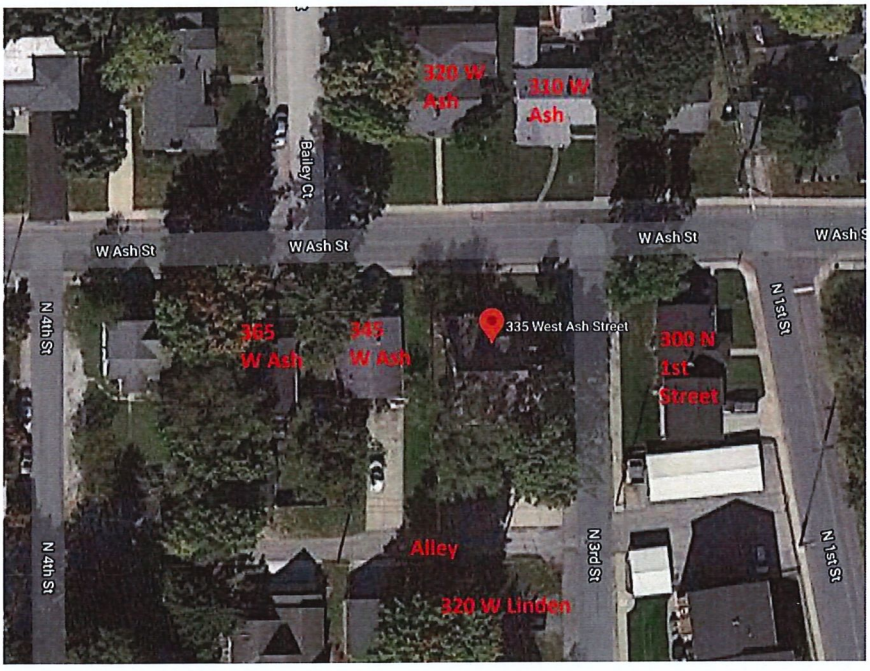


Exhibit 3

Photos of our house

View from Ash Street

View from 3rd Street

View from rear alley

View from backyard

Exhibit 3

Deck rendering

Neighbor's similar decks

345 W. Ash St.

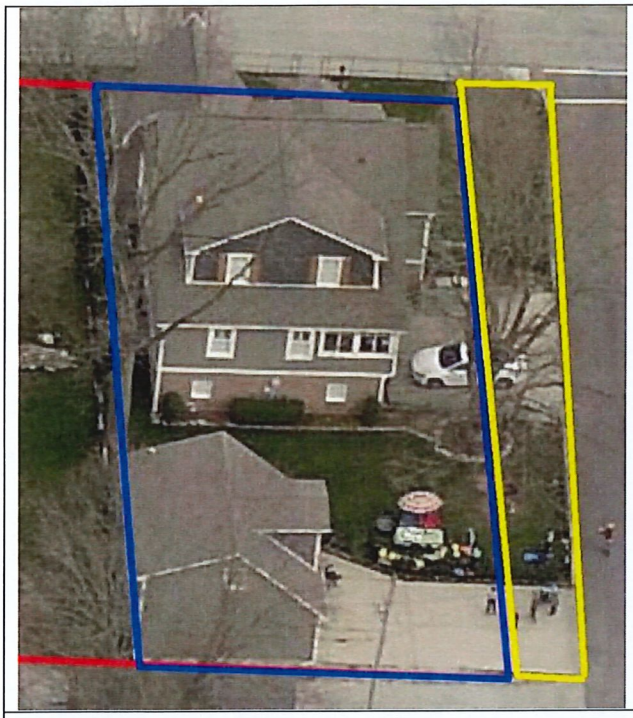
365 W. Ash St.

Lot coverage

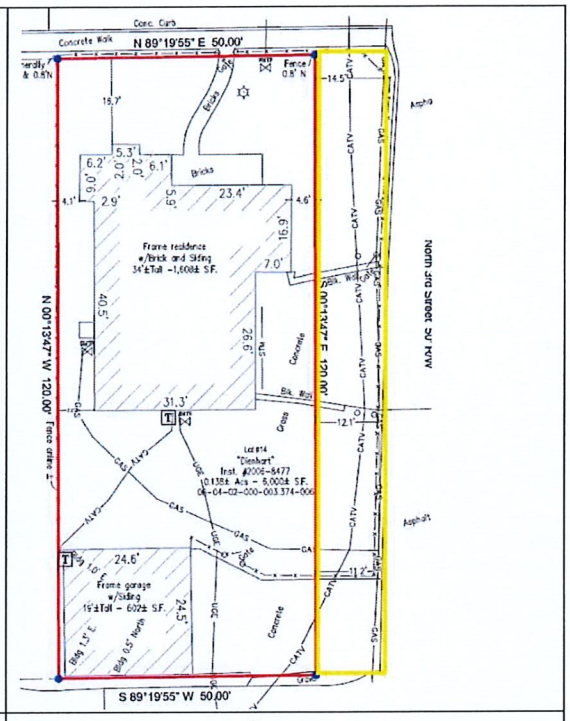
Allowable lot coverage is 35%. Current coverage is 36.8%. The deck would increase this to 39.9%. However, these numbers do not tell the full story. The area that appears to comprise our yard is considerably larger than what is listed on the official property records. The images below show our official

lot boundaries in the red and blue boxes, which is approximately 6,000 sq/ft. However, it would appear to anyone without the benefit of the official records that the area in yellow, which we maintain and contains our driveways, is part of the same property. The area in yellow is approximately 1,542 sq/ft. If it was treated as our property, we would currently be at 29.3% lot coverage and the deck would bring this to 31.7%. Thus, the addition of the deck would not appear disproportionate. Significant unused yard would remain and the deck would be considerably set back from all property boundaries.

The above percentages assume that the deck stairs do count against lot coverage. However, walkways and driveways are excluded from lot coverage, and so it is conceivable that stairs should also be excluded. In such case, we would be at 38.9% coverage with the deck (or 31% with the yellow area included).



Boone County GIS image



Survey

	Lot* (6,000 sq/ft)	Full Area** (7,542 sq/ft)
Current coverage (2,210 sq/ft)	36.8%	29.3%
Coverage with deck, including stairs (2,396 sq/ft)	39.9%	31.7%
Coverage with deck, excluding stairs (2,336 sq/ft)	38.9%	31.0%

*Lot = red box on survey

**Full Area = red plus yellow boxes on survey

Additional materials

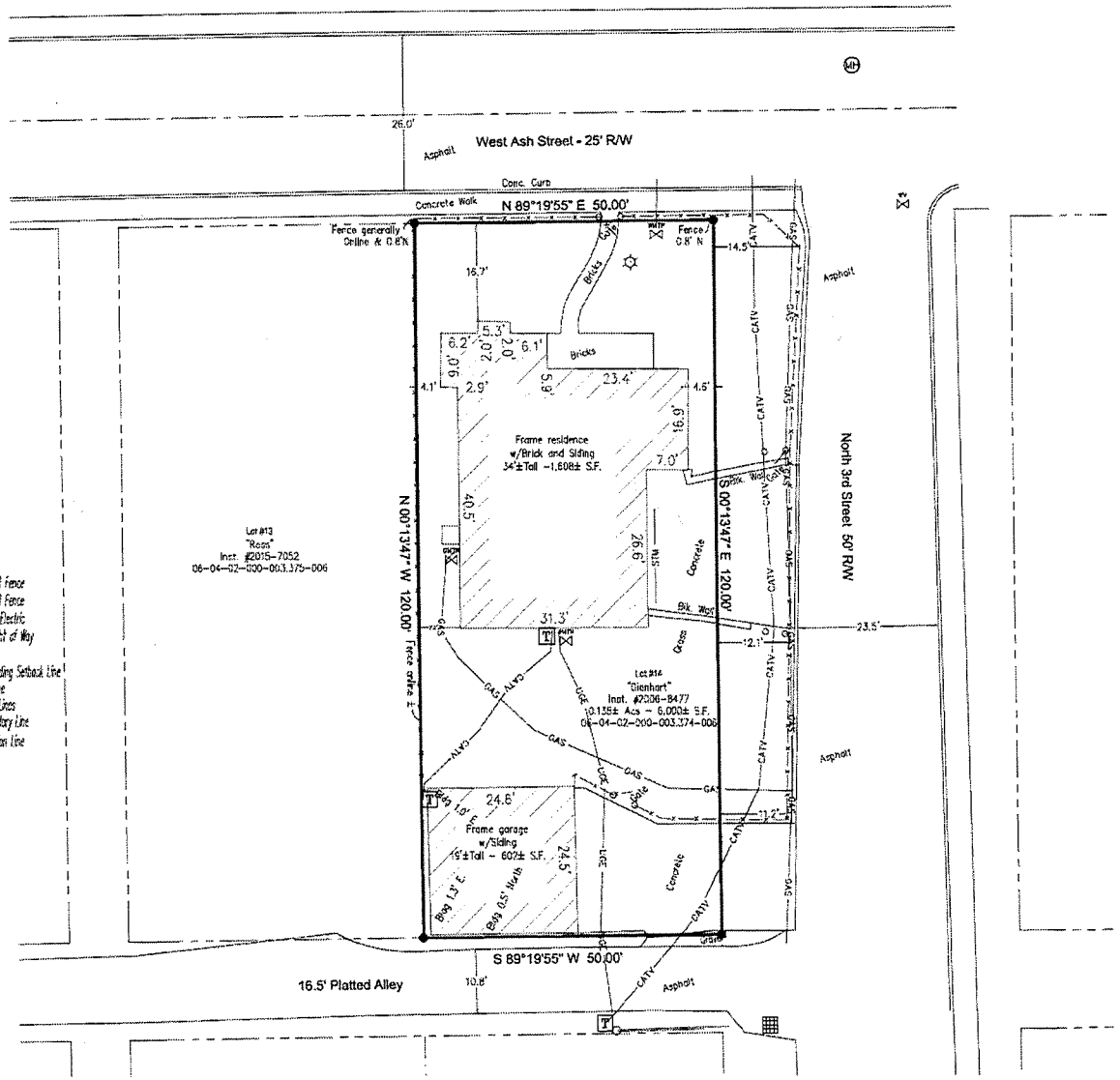
We have also provided letters of approval from neighbors and copies of our property deed and survey.

Exhibit 3

SYMBOL LEGEND

- WATER METER
- WATER VALVE
- DRAINAGE INLET
- MANHOLE
- SEA GROUP MONUMENT SET
- AIR CONDITONER
- GAS VALVE
- GAS METER
- TELEPHONE UTILITY
- TELEPHONE LINE MARKER
- COMMUNICATION UTILITY
- UTILITY POLE
- LIGHT POLE
- ELECTRIC METER
- ELECTRIC UTILITY

Existing Metal Fence
Existing Wood Fence
Underground Electric
R.O.W. = Right of Way
Centerline
B.S.L. = Building Setback Line
Easement Line
Real Estate Lines
Survey Boundary Line
Communication Line
Gas Line



GRAPHIC SCALE

0 10 20 40

1 inch = 20 Feet

SEA Group
Land Surveyors
494 Gradle Drive
Carmel, IN 46032
Phone: 317.844.3333
Fax: 317.844.3383
www.SEAGroupLLC.com

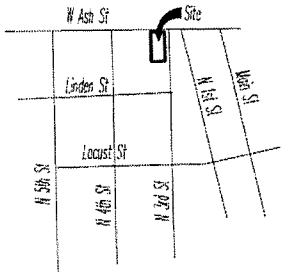
PROJECT LOCATED IN:

SECTION 2 - TOWNSHIP 17 NORTH - RANGE 2 EAST
UNION TOWNSHIP, BOONE COUNTY

PREPARED FOR:

ERIC E LAMB & JACQUELINE C LAMB
6393 Blackstone Drive
Zionsville, IN 46077

Vivinity Map
No to scale



Survey Reviewed By:	BCR
Survey Drawn By:	Br
Field Work Performed:	6/17/2016
Survey Printed:	6/30/2016
Referenced:	.
Project Number:	R15-0215
Survey Page:	1 of 2

Exhibit 3

I/We support the proposed variance that Eric E. Lamb and Jacqueline C. Lamb have submitted to the Town of Zionsville regarding the addition of a deck to their property at 335 West Ash Street.

Mischelle L Edwards, Trustee
Signature

8/31/2020
Date

S/K/A Jean Carter IRREV TRUST
Fbo Mischelle Edwards
Mischelle L Edwards
Printed Name

Carter Apts
270 N. First St
205 N. Third St
Signer's Address

Exhibit 4

I/We support the proposed variance that Eric E. Lamb and Jacqueline C. Lamb have submitted to the Town of Zionsville regarding the addition of a deck to their property at 335 West Ash Street.

Michelle R Edwards, Trustee
Signature

8/31/2020
Date

Sylvia Jean Carter IRREV Trust
f/b/o Mischelle Edwards
~~Michelle L. Edwards~~
Printed Name

300 N First St
Signer's Address

Exhibit 4

I/We support the proposed variance that Eric E. Lamb and Jacqueline C. Lamb have submitted to the Town of Zionsville regarding the addition of a deck to their property at 335 West Ash Street.

Justin Pepper
Signature

8/30/2020
Date

Justin Pepper
Printed Name

320 W. ASH ST.
Signer's Address

Exhibit 4

I/We support the proposed variance that Eric E. Lamb and Jacqueline C. Lamb have submitted to the Town of Zionsville regarding the addition of a deck to their property at 335 West Ash Street.

Brad Ross
Signature

8-30-2020
Date

Brad Ross
Printed Name

345 W. Ash St Zionsville IN 46077
Signer's Address

Exhibit 4

Petition No.: 2020-28-DSV
E. LAMB

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 impermeable area is not being increased. The deck would constitute outdoor space and the footprint of the house is not being increased. The deck would face the alley behind the house, minimalizing visibility. Safety of the petitioner would be improved by the deck providing better egress.

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 deck would be consistent with the decks on the two nearest lots along the rear alley, which have similar decks for egress from the back of those houses due to the topography. The deck would increase the property value of the petitioner's property.

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 house does not currently provide for egress from the main level to the back of the house, resulting in accessibility and safety concerns. Other neighbors along the alley have such decks on the backs of their homes necessary to grant access to their main levels in light of the slope.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Exhibit 5

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket # 2020-28-DSV

1. SITE INFORMATION:

Address of Property: 335 West Ash Street, Zionsville, Indiana 46077

Existing Use of Property: Owner occupied residential one family dwelling

Proposed Use of Property: Owner occupied residential one family dwelling

Current Zoning: R-1 Area in acres: 0.140 acres

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Eric E. Lamb and Jacqueline C. Lamb

Owner Name (if different from Petitioner):

Petitioner Address: 335 W Ash St, Zionsville, IN 46077 Owner Address: 335 W Ash St, Zionsville, IN 46077

Petitioner Phone Number: 317-514-1797 Owner Phone Number: 317-514-1797

Petitioner E-Mail Address: elamb2@gmail.com Owner E-Mail Address: elamb2@gmail.com

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

Attorney/Contact Person:

Name:

Address:

Phone Number:

E-Mail Address

Project Engineer:

Name:

Address:

Phone Number:

E-Mail Address:

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

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

Add approximately 9' x 14' deck with steps to back of house to provide egress from main level of house, thereby increasing lot coverage to approximately 39.9% where 35% is allowed. Please see attached for additional details of request.

5. ATTACHMENTS:

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

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

Signature of Owner or Attorney for Owner: _____ **Date:** 8-31-2020

Signature of Owner or Attorney for Owner: _____ **Date:** 8/31/20

State of Indiana)
SS:
County of Boone)

Subscribed and sworn to before me this 31st day of August, 2020.

_____ Jalen R. Mimnaugh
Notary Public Signature Notary Public Printed

My Commission No: NP0720594

My Commission Expires: 06/03/2027

My County of Residence is Boone County

JALEN R MIMNAUGH
Notary Public, State of Indiana
Boone County
Commission Number NP0720594
My Commission Expires
June 03, 2027

(3) 20.00 Meridian Title

Instrument PG 1 OF 3
201600006637

201600006637
Filed for Record in
BOONE COUNTY, INDIANA
NICOLE K.(NIKKI) BALDWIN
BOONE COUNTY RECORDER
07-18-2016 At 01:18 pm.
DEED 20.00

Tax ID Number(s):
019-07950-00 06-04-02-000-003.374-006

16-22657 ZVD

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Kerry S. Dienhart and Carol B. Dienhart, Husband and Wife

CONVEY(S) AND WARRANT(S) TO

Eric E. Lamb and Jacqueline C. Lamb, Husband and Wife, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

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

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 15 day of July 2016.

Kerry S. Dienhart

Carol B. Dienhart

MTC File No.: 16-22657 (UD)

DULY ENTERED FOR TAXATION
07.18.2016
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

State of Indiana, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Kerry S. Dienhart and Carol B. Dienhart** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 15 day of July, 2016

My Commission Expires: _____

Signature of Notary Public

Printed Name of Notary Public

Notary Public County and State of Residence

DENNIS P. PATTON
MY COMMISSION EXPIRES
August 24, 2017
SEAL
BOONE COUNTY
NOTARY PUBLIC, STATE OF INDIANA

This instrument was prepared by:
Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:
335 West Ash Street
Zionsville, IN 46077

Grantee's Address and Mail Tax Statements To:
335 West Ash
Zionsville, IN 46077

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

EXHIBIT A

Lot Numbered 14 in Cross' Fourth Addition, to the Town of Zionsville, Boone County, Indiana as per plat thereof recorded in Plat Book 2, page 1 in the Office of the Recorder of Boone County, Indiana.

I/We support the proposed variance that Eric E. Lamb and Jacqueline C. Lamb have submitted to the Town of Zionsville regarding the addition of a deck to their property at 335 West Ash Street.

Mischelle L Edwards, Trustee
Signature

8/31/2020
Date

S/K/A Jean Carter IRREV TRUST
Fbo Mischelle Edwards
Mischelle L Edwards
Printed Name

Carter Apts
270 N. First St
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Signature

8/31/2020
Date

Sylvia Jean Carter IRREV Trust
f/b/o Mischelle Edwards
~~Mischelle L. Edwards~~
Printed Name

300 N First St
Signer's Address

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Justin Pepper

Signature

8/30/2020

Date

Justin Pepper

Printed Name

320 W. ASH ST.

Signer's Address

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Brad Ross
Signature

8-30-2020
Date

Brad Ross
Printed Name

345 W. Ash St Zionsville IN 46077
Signer's Address

Town of Zionsville
Petition to the Board of Zoning Appeals
Docket # _____
335 West Ash Street
Eric and Jacqueline Lamb

Request

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The deck is fitting for the area. The two nearest neighbors on the alley are also on a sloped lots and have rear decks for providing egress to their main levels. Aesthetically, our deck would look very similar to the deck recently built at 365 West Ash Street. The deck would also increase property value.

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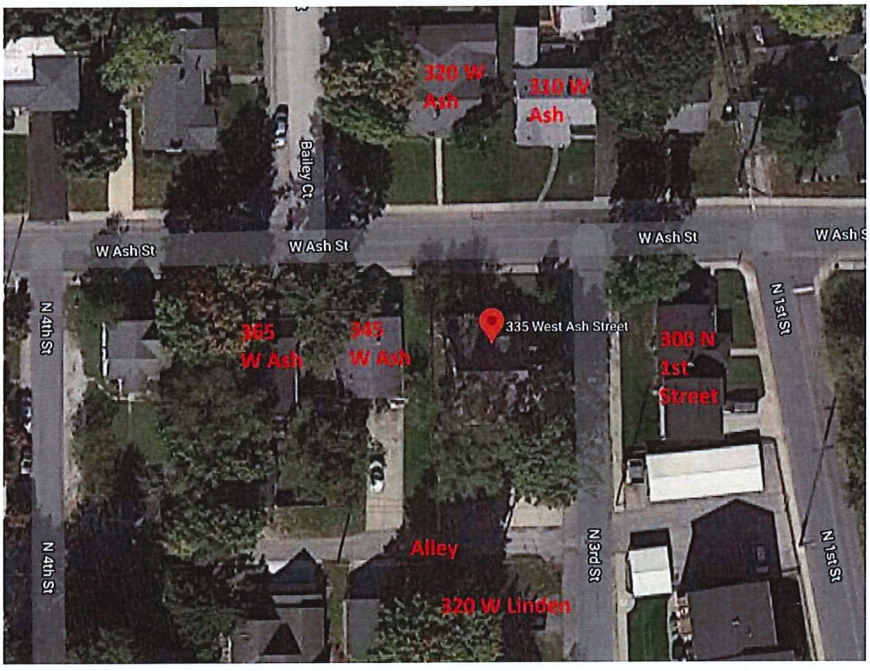

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View from Ash Street

View from 3rd Street

View from rear alley

View from backyard

Deck rendering

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345 W. Ash St.

365 W. Ash St.

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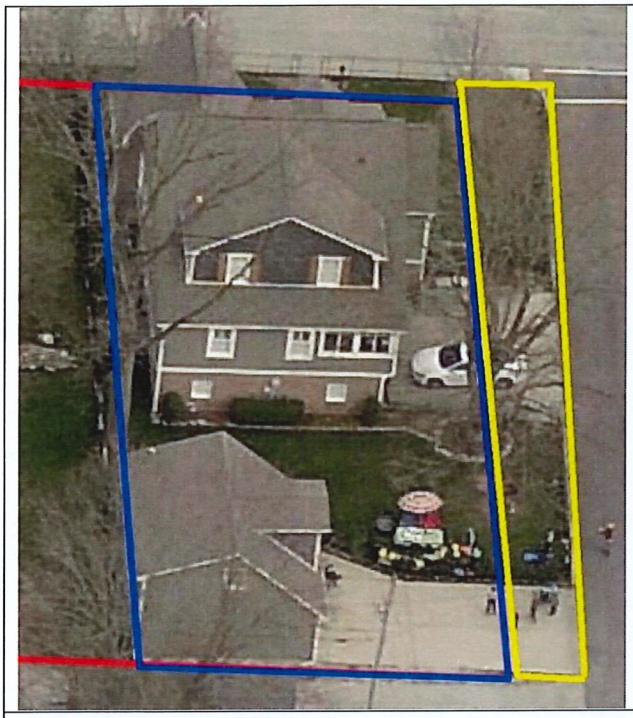
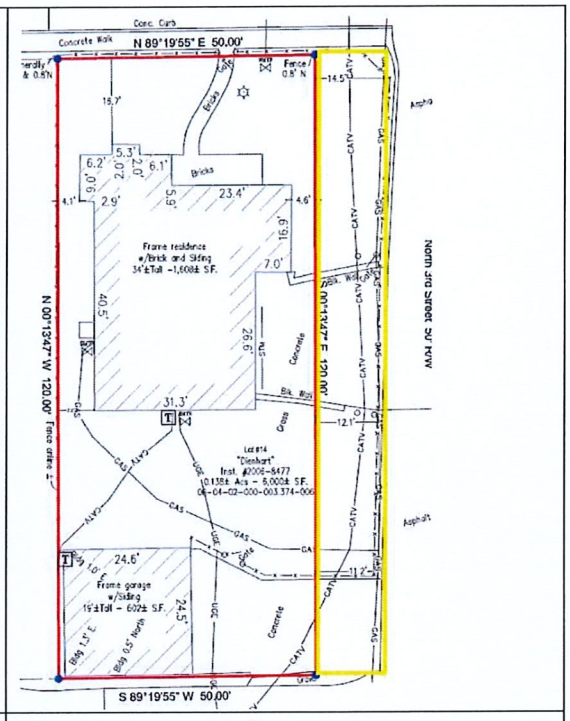
Allowable lot coverage is 35%. Current coverage is 36.8%. The deck would increase this to 39.9%. However, these numbers do not tell the full story. The area that appears to comprise our yard is considerably larger than what is listed on the official property records. The images below show our official

lot boundaries in the red and blue boxes, which is approximately 6,000 sq/ft. However, it would appear to anyone without the benefit of the official records that the area in yellow, which we maintain and contains our driveways, is part of the same property. The area in yellow is approximately 1,542 sq/ft. If it was treated as our property, we would currently be at 29.3% lot coverage and the deck would bring this to 31.7%. Thus, the addition of the deck would not appear disproportionate. Significant unused yard would remain and the deck would be considerably set back from all property boundaries.

The above percentages assume that the deck stairs do count against lot coverage. However, walkways and driveways are excluded from lot coverage, and so it is conceivable that stairs should also be excluded. In such case, we would be at 38.9% coverage with the deck (or 31% with the yellow area included).



Boone County GIS image



Survey

	Lot* (6,000 sq/ft)	Full Area** (7,542 sq/ft)
Current coverage (2,210 sq/ft)	36.8%	29.3%
Coverage with deck, including stairs (2,396 sq/ft)	39.9%	31.7%
Coverage with deck, excluding stairs (2,336 sq/ft)	38.9%	31.0%

*Lot = red box on survey

**Full Area = red plus yellow boxes on survey

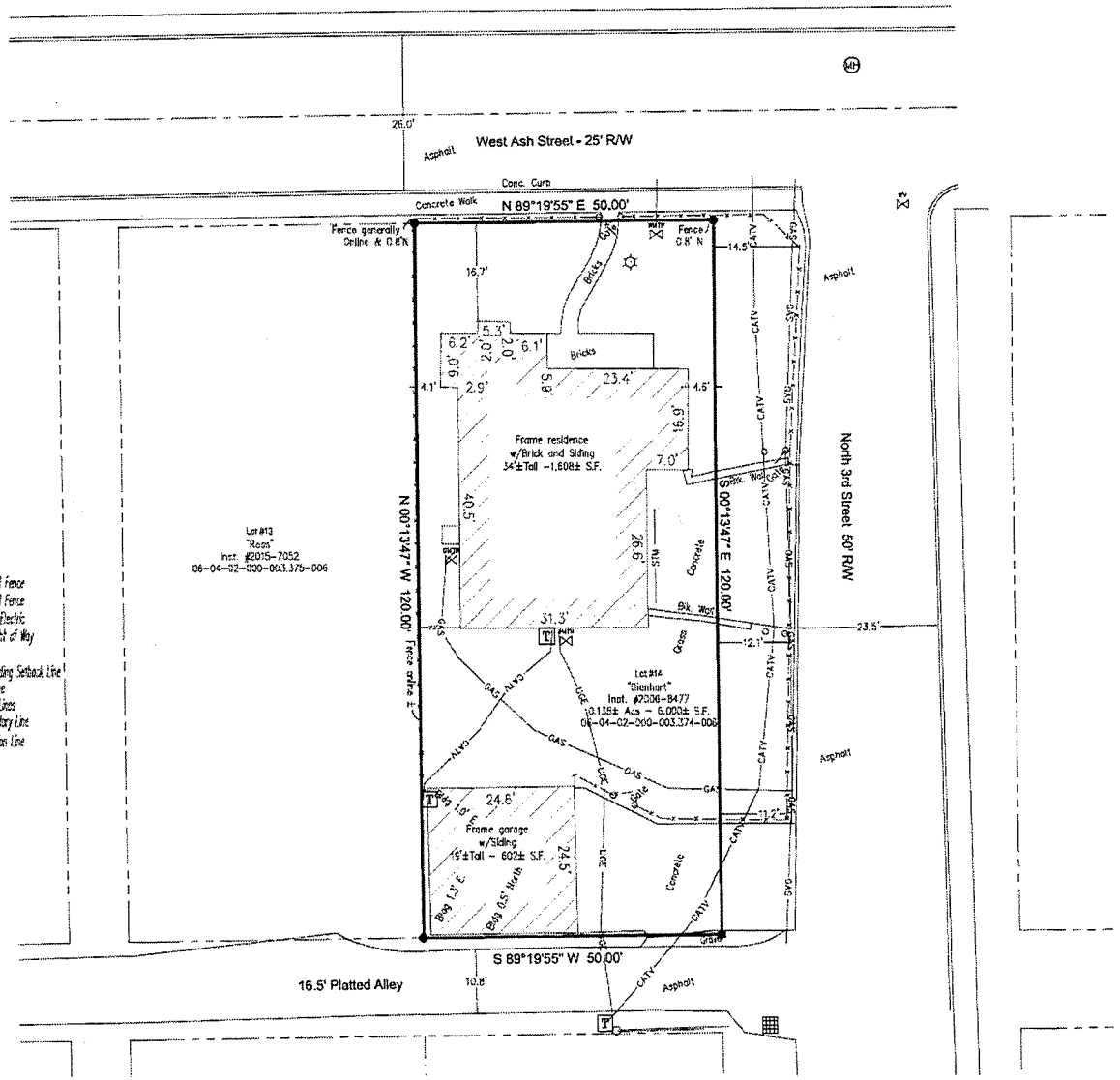
Additional materials

We have also provided letters of approval from neighbors and copies of our property deed and survey.

SYMBOL LEGEND

- WATER METER
- WATER VALVE
- DRAINAGE INLET
- MANHOLE
- SEA GROUP MONUMENT SET
- AIR CONDITONER
- GAS VALVE
- GAS METER
- TELEPHONE UTILITY
- TELEPHONE LINE MARKER
- COMMUNICATION UTILITY
- UTILITY POLE
- LIGHT POLE
- ELECTRIC METER
- ELECTRIC UTILITY

Existing Metal Fence
Existing Wood Fence
Underground Electric
R.O.W. = Right of Way
Centerline
B.S.L. = Building Setback Line
Easement Line
Real Estate Lines
Survey Boundary Line
Communication Line
Gas Line



S.E.A. Group
Land Surveyors
494 Gradle Drive
Carmel, IN 46032
Phone: 317.844.3333
Fax: 317.844.3383
www.SEAGroupLLC.com

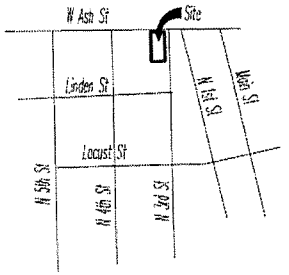
PROJECT LOCATED IN:

SECTION 2 - TOWNSHIP 17 NORTH - RANGE 2 EAST
UNION TOWNSHIP, BOONE COUNTY

PREPARED FOR:

ERIC E LAMB & JACQUELINE C LAMB
6393 Blackstone Drive
Zionsville, IN 46077

Vivinity Map
No to scale



Survey Reviewed By:	BCR
Survey Drawn By:	Br
Field Work Performed:	6/17/2016
Survey Printed:	6/30/2016
Referenced:	.
Project Number:	R15-0215
Survey Page:	1 of 2

Petition No.: 2020-28-DSV
E. LAMB

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 impermeable area is not being increased. The deck would constitute outdoor space and the footprint of the house is not being increased. The deck would face the alley behind the house, minimalizing visibility. Safety of the petitioner would be improved by the deck providing better egress.

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 deck would be consistent with the decks on the two nearest lots along the rear alley, which have similar decks for egress from the back of those houses due to the topography. The deck would increase the property value of the petitioner's property.

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 house does not currently provide for egress from the main level to the back of the house, resulting in accessibility and safety concerns. Other neighbors along the alley have such decks on the backs of their homes necessary to grant access to their main levels in light of the slope.

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:	2020-29-DSV
Subject Site Address:	370 W. Cedar Street
Petitioner:	Jason & Barbara Thorp
Request:	Petition for Development Standards Variance to provide for a porch addition to an existing Single-Family Home which: 1) Deviates from the required front yard setback in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Urban Residential Village Zoning District (R-V)
Current Land Use:	Single-family Residential
Approximate Acreage:	0.15 acres
Zoning History:	No previous Zoning Petitions filed for this address.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Narrative Exhibit 4 – Photos of Existing Front Facade Exhibit 5 – Petitioners Exhibits: Historic Photo, Site Plan, & Building Elevations Exhibit 6 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the October 7, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The subject site is a single lot of approximately 0.15 acres and is presently improved with one (1) single-family dwelling and associated accessory uses. As proposed, the Petitioner seeks approval to build a covered porch to replicate one that previously existed on the home. A photo of the home from the 1940's does show a covered porch (within Exhibit 5). A plot plan from 2004 shows that the porch had been removed by that date.

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

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

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

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

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

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

ANALYSIS

Section 194.052 of the Zoning Ordinance establishes the minimum front yard and building setback in the Urban Residential Village Zoning District (R-V) from a Collector/local street/cul-de-sac or other street to be 20 feet. However, the Zoning Ordinance provides the following exception:

"Exception: in any block face in which an existing front yard setback is established by existing, legally established buildings or structures on 50% or more of the total number of lots within the same block face fronting on the same public street, the minimum required front yard setback for any new building, structure or addition along such block face shall be the average of such established front yards if such dimension is less than or greater than the minimum front yard setback established by this chapter. In the case of a new building or structure, the lot on which the building or structure is to be erected shall not be included in the calculation of the average of the established front yards for the block face."

This Exception applies to this block face as all three other lots fronting the same public street are improved with residences. The three other residences have an average of setback of 12' (18', 6', & 12') from the back of sidewalk (the approximate edge of the existing right-of-way). Therefore, the Exception establishes a front setback for this block face to be 12'. Petitioner proposes a front porch addition which would have a setback of 6' - 6" from the back of sidewalk. For this porch to be constructed with a 6' - 6" setback, a Variance of the Development Standards is required.

VARIANCE REQUEST – DEVIATION FROM THE REQUIRED FRONT YARD SETBACK

The subject site is currently utilized for residential purposes with an accessory structure (garage) located on the rear of the property and accessed via public alleys. Located in front of the existing front façade is an open air concrete stoop of approximately 53 sq. ft., measuring 10' - 3" wide and 5' - 2" deep. The proposed covered porch would be approximately 122 sq. ft., measuring 18' - 8" wide and 6' - 6" deep.

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. The existing residence immediately east of the subject site has a covered porch with a setback of approximately 6' from the back of sidewalk. This is essentially the same setback which is being requested by the Petitioner.

The request, in the opinion of Staff, constitutes a reasonable deviation from the Zoning Ordinance and, on its face, appears supportable as the requested setback would be consistent with a neighboring property. With this in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance to deviate from the required front yard setback, as established by the Exception provided in the Zoning Ordinance of 12 feet, being reduced to 6 feet, 6 inches.

STAFF RECOMMENDATION

Staff recommends approval of the Development Standards Variance to provide for a porch addition to an existing Single-Family Home which:

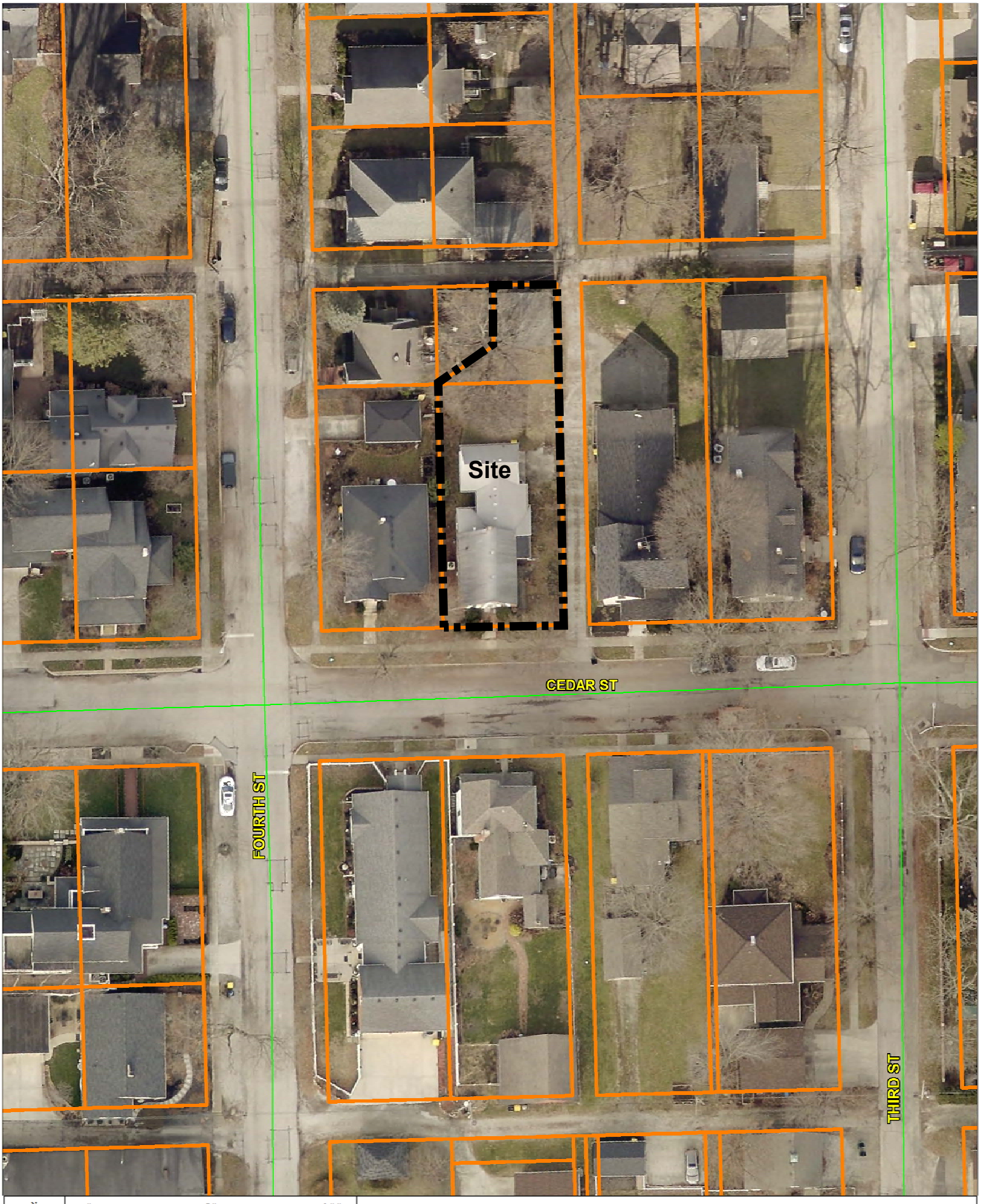
1) Deviates from the required front yard setback in the Urban Residential Village Zoning District (R-V), as established by the Exception provided in the Zoning Ordinance, as filed.

RECOMMENDATION MOTION

I move that Docket # 2020-29-DSV, a Petition for Development Standards Variance to provide for a porch addition to an existing Single-Family Home which:

1) Deviates from the required front yard setback in the Urban Residential Village Zoning District (R-V), as established by the Exception provided in the Zoning Ordinance

be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).



N
W E
S

0 50 100

1" – 50ft

2020-29-DSV: Location Map - Exhibit 2

Description of 370 W Cedar St - Front Porch Project.

Our goal is to rebuild the covered porch that was a signature feature of this home in the 1940's (see attached photos). The current brick stoop is 5'2" deep x 10' wide. It is not covered, and the brick is sorely in need of repair. We hope the new porch will be 6'6" deep and 18'8" wide. Square footage would increase from 54 ft^2 to 122 ft^2

The new porch would be poured, stamped concrete. The plan would include covering the porch as well to create shade for porch sitting and protection from the rain on this southern facing home. Please see the drawings for structural details.

Structural components would include posts and decorative brackets to match the existing side porch. Exterior porch lighting would be added for safety and ambiance. Landscaping would be complimentary and well-appointed to blend in with the structure

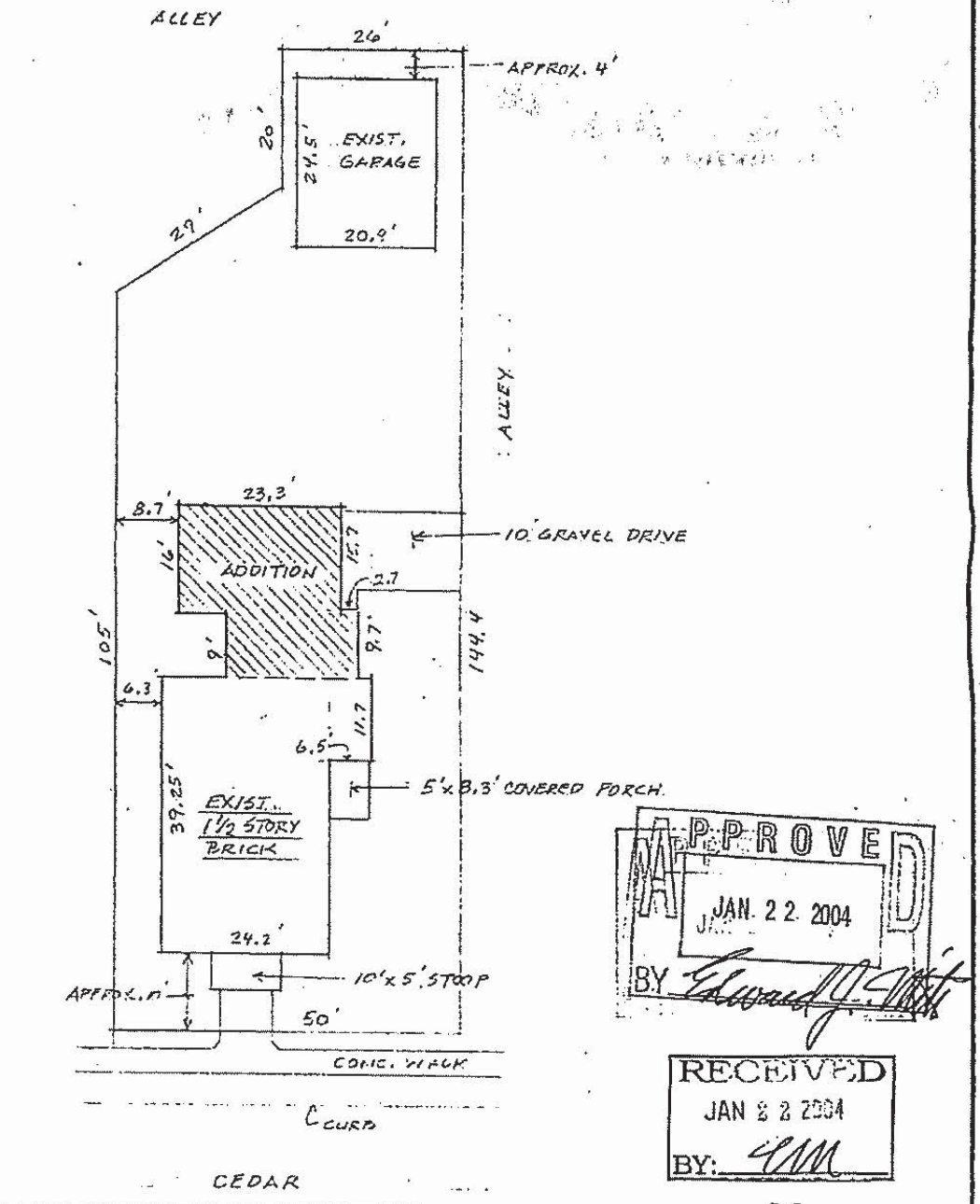
Porch sitting is a fun, relaxing part of the social culture in the Village. It builds relationships between neighbors and the community. We hope to be able to restore this feature to this lovely 1870 Vernacular home to be enjoyed for the next 150 years.

2020-29-DSV
Exhibit 4

2020-29-DSV
Exhibit 4

1940's porch

2020-29-DSV
Exhibit 5



PLOT PLAN

SCALE: 1" = 20'

APPROVED
JAN. 22. 2004
BY

RECEIVED
JAN 22 2004
BY:

LOT COVERAGE

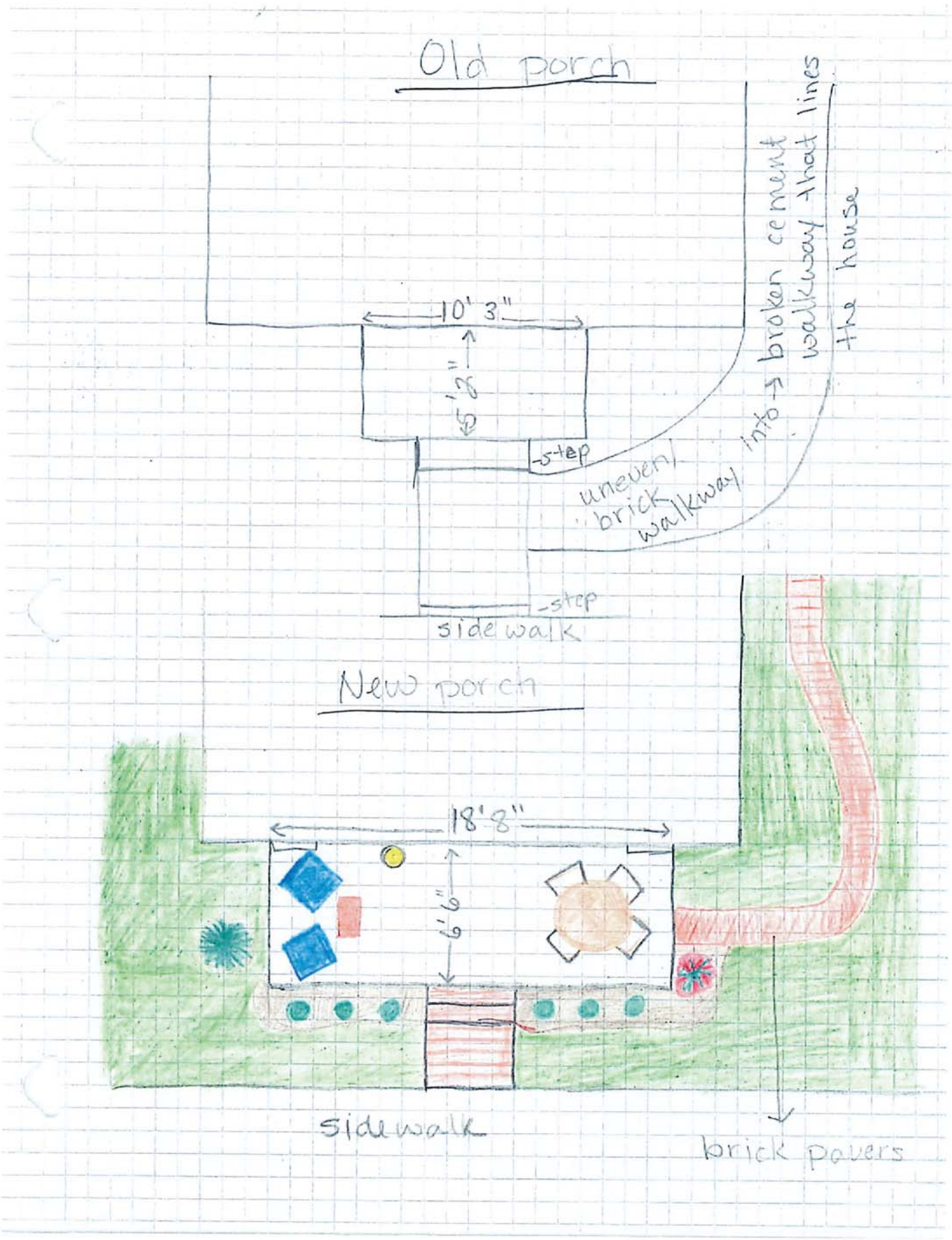
EX. HOUSE & PORCHES	1120 SF
EX. GARAGE	513
	1633 SF
PROPOSED ADDITION	547
	2180
LOT AREA	6358 SF
TOTAL COVERAGE	34.3%

MS. NANCY NICHOLSON
370 W. CEDAR, ZIONSVILLE,

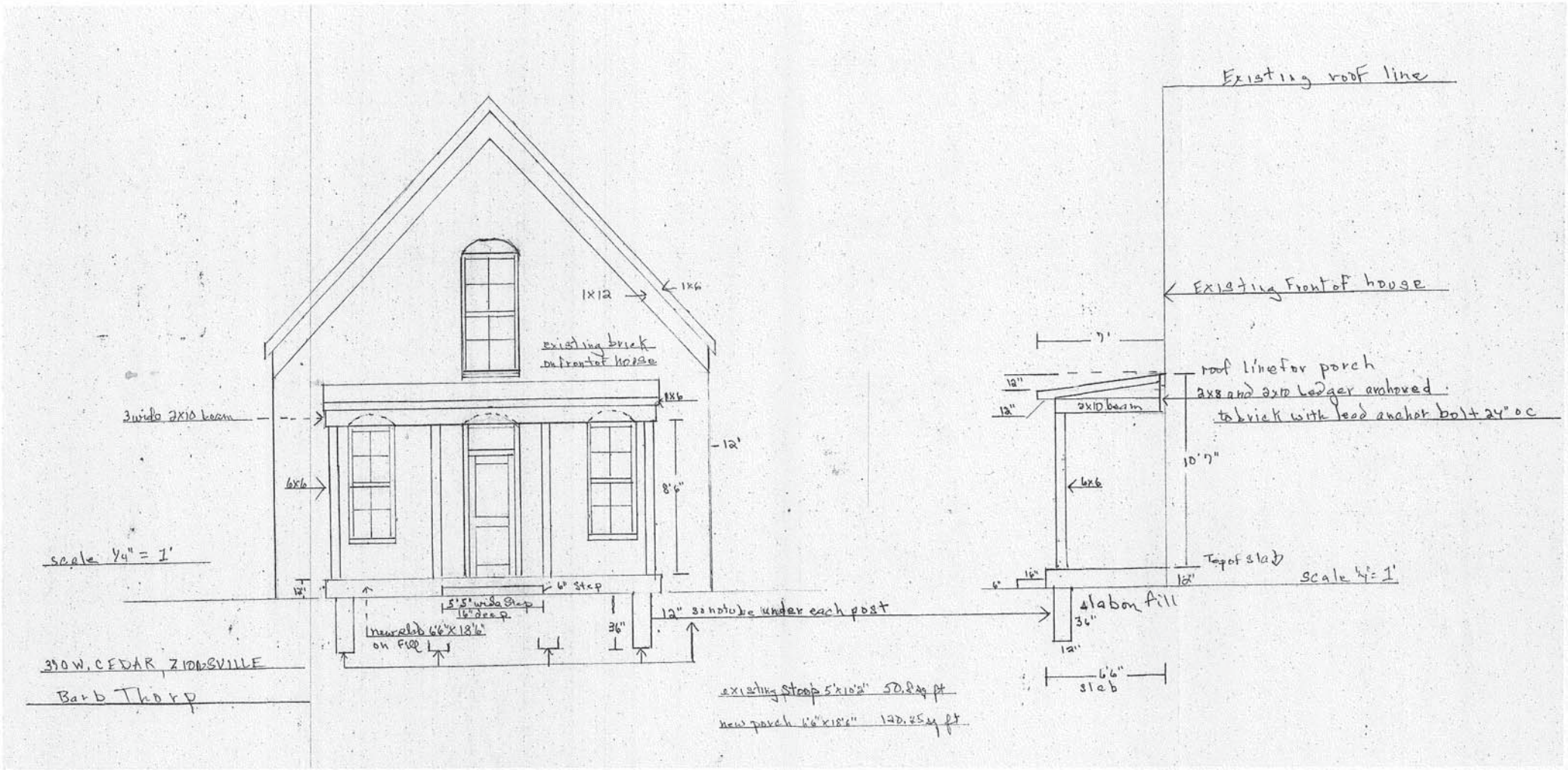
SCALE:	APPROVED BY	DRAWN BY WRIGHT
DATE: 1-16-04		

MAXSON REMODELING

DRAWING NUMBER: PLOT



2020-29-DSV
Exhibit 5



390 W. CEDAR, ZIONSVILLE

Barb Thorp

existing steps 5'x10'2" 50.8 sq ft

new porch 6'6"x18'6" 120.25 sq ft

2020-29-DSV
Exhibit 5

Petition No.: 2020-29-DSV

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:

See next for answers

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:

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

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Petition for Variance of Development Standards

Findings of Fact

1. *The grant **WILL NOT** be injurious to the public health, safety, morals, and general welfare of the community because*: We will adhere to all structural and electrical codes. The steps will meet current rise over run codes as well. This structure, restoring the house to an earlier style, will enhance the charm and increase the property value of this house. This will indirectly enhance all surrounding property values. This structure will blend in with the porch lines and distances from the street/sidewalks of all surrounding neighbors. The welfare of the community will be strengthened as this porch will improve the safety of the entrance to this house.
2. *The use or value of the area adjacent to the property included in the variance **WILL NOT** be affected in a substantially adverse manner because*: The restoring of the porch to its earlier glory adheres to the community desire to preserve and restore our historical homes. It will add value to the property and thereby increasing the value of the adjacent property owner's homes. The visual improvement from a dilapidated stoop to a covered, historic looking porch structure will be pleasing to all neighbors. The porch will remain narrower than the side of the house by 4 feet on either side. Neighbors to the east, north, west and across the street are excited to see the improvement to the house's exterior and have stated that we have their full support with this project.
3. *Strict application of the terms of the zoning ordinance **WILL** result in unnecessary hardships in the use of the property because*: It will make package delivery to this home more difficult without a covered structure to protect deliveries from the elements. The current porch stoop is in a gross state of disrepair and could be dangerous to those entering the front of the house. We want those entering to be able to do so confidently and as safely as possible. We love the Village and strongly desire to preserve its history. We desire to do our part in restoring this home as close to its original state as possible. We have taken great care and expense to restore the inside and only desire to complete the restoration on the outside of the 150-year-old historical Village home.

Thank you for the considering of our request. We appreciate your time and thoughtfulness. Please don't hesitate to contact us with any further questions or concerns.

Respectfully submitted,

Barb Thorp – barbt46077@yahoo.com (317)797-6284
Jason Thorp – jthorp46254@yahoo.com (317)410-7468

Town of Zionsville
Petition to the Board of Zoning Appeals

Docket #_____

1. SITE INFORMATION:

Address of Property: 370 W. Cedar St Zionsville IN 46077

Existing Use of Property: Rental property / residential

Proposed Use of Property: Same

Current Zoning: Residential use Area in acres: 6358 SF approx 0.1 acres

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Barbara Jo & Jason Donald Thorp

Owner Name (if different from Petitioner): Same

Petitioner Address: 290 W. Cedar St Zionsville IN 46077 Owner Address: Same.

Petitioner Phone Number: 317 410 7468 Jason 317 797 6284 Barb Owner Phone Number: Same

Petitioner E-Mail Address: barbt46077@yahoo.com jthorp46239c@yahoo.com Owner E-Mail Address: Same

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

Attorney/Contact Person:

Name: Barb + Jason Thorp

Address: 290 W. Cedar St. Zionsville IN 46077

Phone Number: 317 797 6284

E-Mail Address barbt46077@yahoo.com

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**

_____

_____

_____

5. ATTACHMENTS:

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

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

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

Signature of Owner or Attorney for Owner: _____ **Date:** 8/22/2020

Signature of Owner or Attorney for Owner: _____ **Date:** 8/22/2020

State of IN)
SS:
County of BOONE)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____ _____
Notary Public Signature Notary Public Printed

My Commission No: _____

My Commission Expires: _____

My County of Residence is _____ County

2019012273
Electronic Filing
From: Dominion Title
Thru: Simplifile

DULY ENTERED
SUBJECT TO FINAL ACCEPTANCE
AUDITOR
BOONE COUNTY, INDIANA
Heather R. Myers
HEATHER R. MYERS
Nov 27 2019 - NW

2019012273 DEED $25.00
11/27/2019 01:55:58PM 1 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE WITNESSETH, that **Mary Ann DeLong, as Executrix of the unsupervised Estate of Nancy Sue Nicholson, deceased, also known as Nancy S. Nicholson (Grantor),** which estate is pending in the Boone County Superior Court I under Cause No. 06D01-1908-EU-000121, by virtue of the power and authority given under Indiana law, for good and sufficient consideration, the receipt of which is hereby acknowledged, convcys to:

Jason D. Thorp and Barbara M. Thorp, husband and wife (Grantee),
the following described real estate in Boone County, State of Indiana:

A part of Lot #103 in Cross Fourth Addition to Zionsville, Indiana, more particularly described as follows: Beginning at the Southeast corner of Lot #103, thence along the North right-of-way line of Cedar Street said line being the South line of Lot #103, North 89 degrees 43 minutes 10 seconds West, 50.00 feet to the Southwest corner of Lot #103 thence along the West line of Lot #103, North 00 degrees 00 minutes 00 seconds East (assumed bearing), 100 feet, thence North 55 degrees 21 minutes 53 seconds East, 27.95 feet; thence North 00 degrees 00 minutes 00 seconds East, 24.00 feet to the North line of Lot #103, said line also being the South right-of-way line of an alley 16.5 feet wide, thence along said line South 89 degrees 43 minutes 10 seconds East, 27.00 feet to the Northeast corner of Lot #103 thence along the East property line of Lot #103 said line also being the West right-of-way line of an alley 10 feet in width, South 00 degrees 00 minutes 00 seconds West, 140.00 feet to the point of beginning, containing 0.144 acres, more or less.

The address of which is 370 W. Cedar Street; Zionsville, IN 46077.
Parcel No. 019-01450-00.

Subject to all easements, agreements and restrictions of record.

Subject to 2019 real estate taxes due and payable in 2020, and all subsequent taxes.

IN WITNESS WHEREOF, Grantor has executed this deed this 26 day of November, 2019.

Mary Ann DeLong, Executrix

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public in and for said County and State, this 26th day of November, 2019, personally appeared Mary Ann DeLong, Executrix of the unsupervised Estate of Nancy Sue Nicholson, deceased, and acknowledged the execution of the foregoing deed, and who, having been duly sworn, stated that any representations therein contained are true.

NOTARY PUBLIC SEAL

unsupervised Estate of Nancy Sue Nicholson, deceased, also known as Nancy S. Nicholson (Grantor), which estate is pending in the Boone County Superior Court I under Cause No. 06D01-1908-EU-000121, by virtue of the power and authority given under Indiana law, for good and sufficient consideration, the receipt of which is hereby acknowledged, conveys to:

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STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

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Printed: Bonita Jane Kincaid, Notary Public

NOTARY PUBLIC SEAL STATE OF INDIANA

My commission expires: Nov. 30, 2022
Commission No: NP0659765 My county of residence: Boone

The above form was prepared, prior to any signatures or other alterations, by:
Roger L. Burrus, Attorney, 410 W. Oak Street, Zionsville, Indiana, 46077, Telephone (317) 873-2150.
I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number from this document, unless required by law. *Roger L. Burrus*
Send tax statements to/Post Office Address of Grantee: 290 W. Cedar St.; Zionsville, IN 46077

Description of 370 W Cedar St - Front Porch Project.

Our goal is to rebuild the covered porch that was a signature feature of this home in the 1940's (see attached photos). The current brick stoop is 5'2" deep x 10' wide. It is not covered, and the brick is sorely in need of repair. We hope the new porch will be 6'6" deep and 18'8" wide. Square footage would increase from 54 ft^2 to 122 ft^2

The new porch would be poured, stamped concrete. The plan would include covering the porch as well to create shade for porch sitting and protection from the rain on this southern facing home. Please see the drawings for structural details.

Structural components would include posts and decorative brackets to match the existing side porch. Exterior porch lighting would be added for safety and ambiance. Landscaping would be complimentary and well-appointed to blend in with the structure

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370 W Cedar St.
Exterior front porch project

Scope of Project

Remove all of the existing brick front porch, concrete walkway to the sidewalk, brick walkways and concrete walkway bordering the east side of the house. (Current porch is 52 square feet)

2 Pier footings to support the porch posts and roof will be 32 inches deep. Metzinger Construction has specked out using two pier footing at each end of the porch that will be installed be installed per building code.

Pour new stamped concrete front porch, two steps and walkway to front sidewalk. Rise over run will be in the range of the 2020 building code. (Porch to be 122 square feet)

Lay a 2' wide brick paver walkway from front porch to the side porch on the east side of the house. (Length of 18 feet)

Add roof to the porch to resemble the picture of the house taken in the 1940's minus the metal rail along the roof of the porch. (Picture provided)

The roof will be attached to the house by a ledger board attached by drilling into the brick using lead anchors and lag bolts every 24".

The beam will be made by using 3 pieces of 2 x 10 nailed and glued together.

Posts and brackets used on current side porch will also be used for the front porch. (Picture provided)

List of materials is on a separate page.

Cement company scope of work is on a separate page.

Please call Barb Thorp (homeowner) with any questions. 317-797-6284

1717 N WASHINGTON ST
INDIANAPOLIS, IN 46222
(317) 639-5431

STOCK EST - CSH
eMAIL 7/14/2020 10:23 AM 1

STOCK ESTIMATE CASH

STRONG, MIKE
317.503.8344
HARPBOY52@YAHOO.COM

877-00100050-000

877 877 198 MIKE BERRY 1399846
1 HOUSE SALESMAN

INV TERMS: CASH

10	EA	XXXXXX	559SO	FYPON BKT16X23X3 *NON-STOCK/NON-RETURNABLE* ***DO NOT INVOICE 559SO SKU***	10EA	115.39	1,153.90 T
5	EA	XXXXXX	559SO	FYPON PP6X108 *NON-STOCK/NON-RETURNABLE* ***DO NOT INVOICE 559SO SKU***	5EA	427.00	2,135.00 T
6	EA	XXXXXX	559SO	FYPON MLD649-16 *NON-STOCK/NON-RETURNABLE* ***DO NOT INVOICE 559SO SKU***	6EA	102.85	617.10 T
24	EA	T60012	MSR2080829	2X8-8'M-29 SYP	24EA	10.68	256.32 T
24	EA	T70014	22SP20408	2X4X8 #2 & BTR SPF	24EA	4.65	111.60 T
6	EA	T50001	MSR2100829	2X10-8'M-29 SYP	6EA	13.90	83.40 T
8	EA	T50002	MSR2101029	2X10-10'M-29 SYP	8EA	18.77	150.16 T
6	EA	NS0020	CDX124P	4X8X15/32 CDX SYP PLYWOOD	6EA	28.30	169.80 T
6	EA	T10022	083419	1X12X16' PRMD REAL/TRIM	6EA	45.37	272.22 T
6	EA	T10019	083413	1X6X16' PRMD REAL/TRIM	6EA	22.54	135.24 T
4	EA	T10020	083415	1X8X16' PRMD REAL/TRIM	4EA	30.05	120.20 T
29	EA	B51006	CKF580416B	5/8X4-16 PRIMED BEADED CEILING **1X4 PRIMED BEADED CEILING** **RADIATA PINE**	29EA	14.93	432.97 T
1	RL	STAGNG	33251	4 SQR ROLL TYPE#15 D4869 ASTM **15 LB FELT**	1RL	17.65	17.65 T

*** DO NOT PAY OFF THIS ESTIMATE ***
*** ESTIMATE - ONLY ***

Expires: 8/13/2020

2149# 5655.56 5655.56 7.00 395.89 6,051.45

Estimate No. 2020886

Customer

Name: Michaelis Construct, Renovate, Restore
Address: 2601 East 56th St.
City: Indianapolis State: IN Zip
Phone: Cell: 317-503-8344

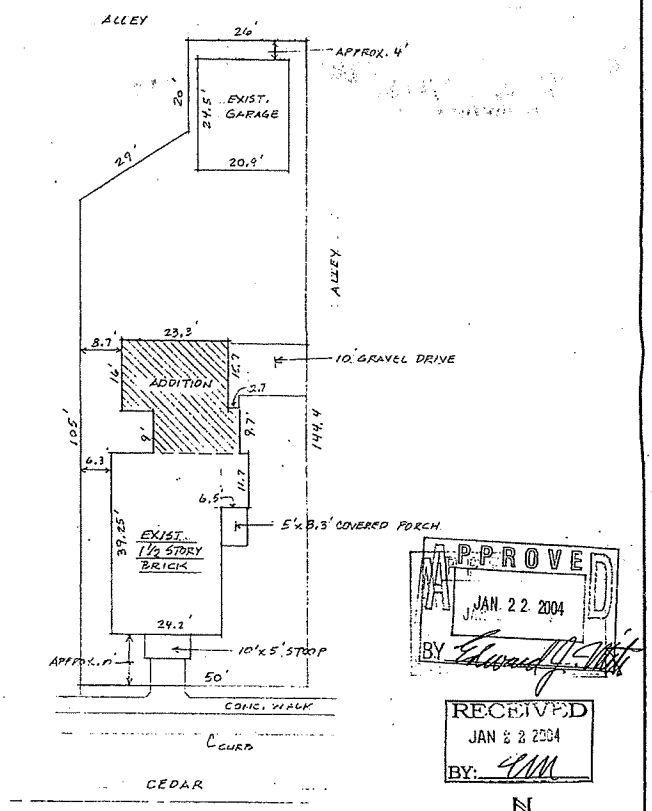
Completed By:
Brent Metzinger
Date: 6/12/2020

Quantity	Description	Unit Price	Total
	Email: awagoner@michaeliscorp.com Email A/P: purchases@michaeliscorp.com **Address:** 370 Cedar street Zionsville Tear out existing front porch and haul away Tearout walkway to the east along the house and no No concrete goes back on this area this is roughly 56' by 4' 2 piers footings on each corner of porch Install new stamp porch 6'6" out by 10'0" then a 9 feet step by 16 inches to walkway 9' by 6 feet to step at city walks Stamp with a brick patterns		$ 5,963.35
NOTE:	Anytime new concrete is poured it will not match existing concrete		
NOTE:	If line items are taken out the price of other items is subject to change All concrete will be a 6 bag stone with fiber mesh. Thank you for choosing Metzinger Construction, Inc. We appreciate your business.		
NOTE:	**Please make checks payable to "Metzinger Construction, Inc." and reference invoice number in memo area. Thanks!!** **Payment due upon completion.** **Finance charge of 2% per month thereafter.**		
		Subtotal:	$ 5,963.35

Thank You
Brent Metzinger

Total: $ 5,963.35

1940's porch



APPROVED
JAN. 22 2004
BY Edward J. Mitt

RECEIVED
JAN 22 2004
BY: [illegible]

PLOT PLAN
SCALE = 1" = 20'

LOT COVERAGE

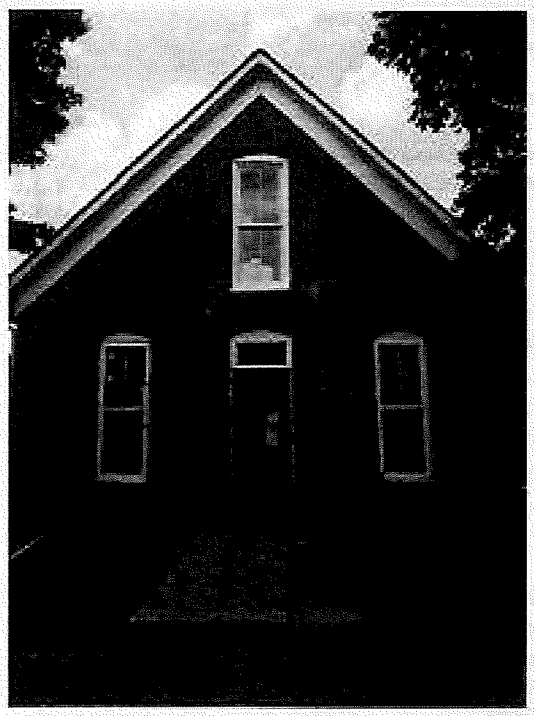
EX. HOUSE & PORCHES	1120 SF
EX. GARAGE	513
	1633 SF
PROPOSED ADDITION	547
	2180
LOT AREA	6358 SF
TOTAL COVERAGE	34.3%

MS. NANCY NICHOLSON
370 W. CEDAR, ZIONSVILLE,

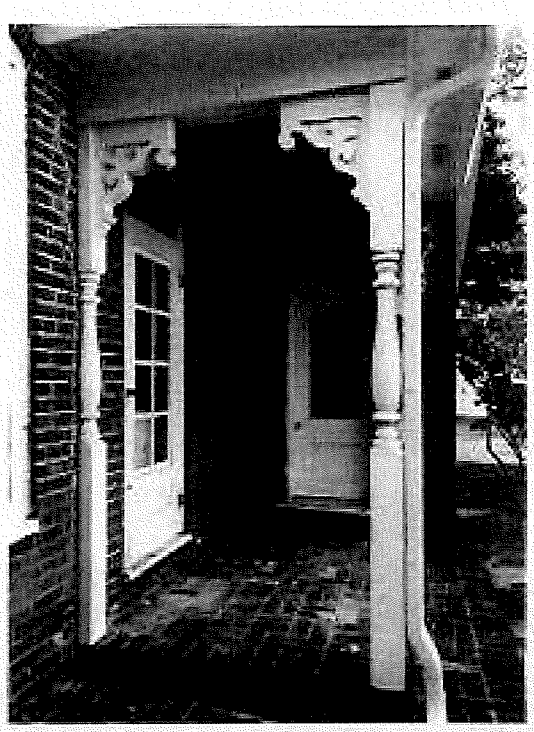
SCALE:	APPROVED BY	DRAWN BY WEIGHT
DATE: 1-16-04		

MAXSON REMODELING

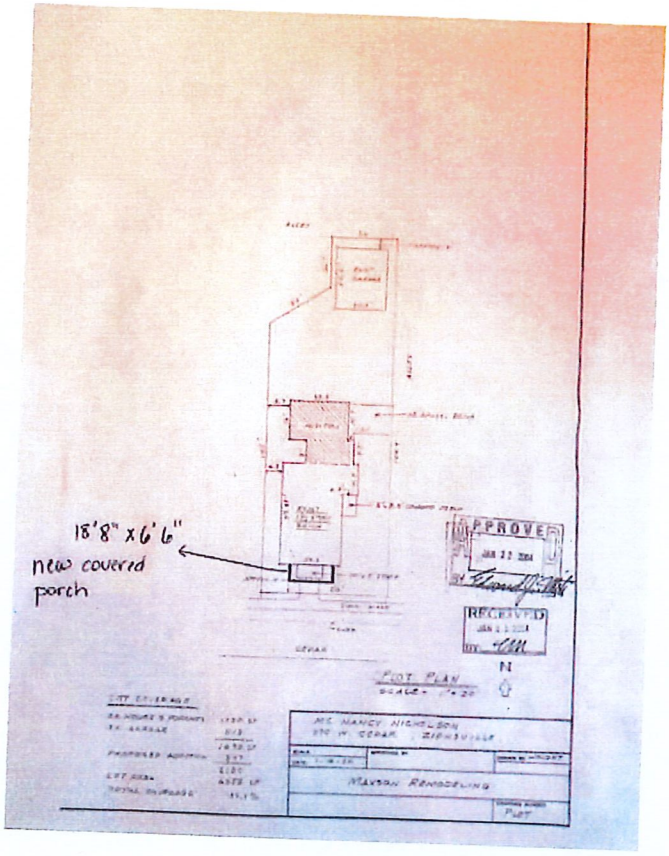
DRAWING NUMBER PLOT

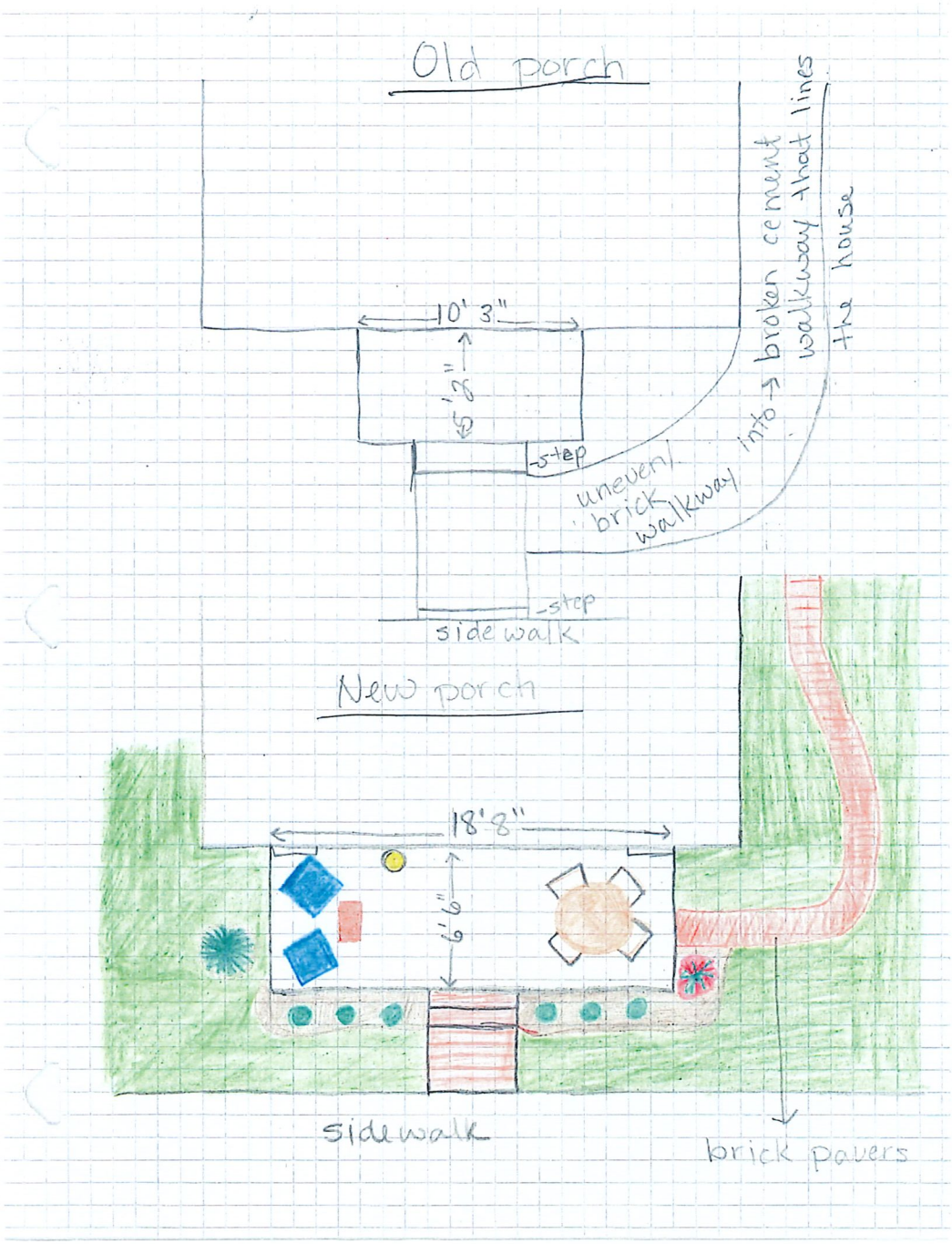


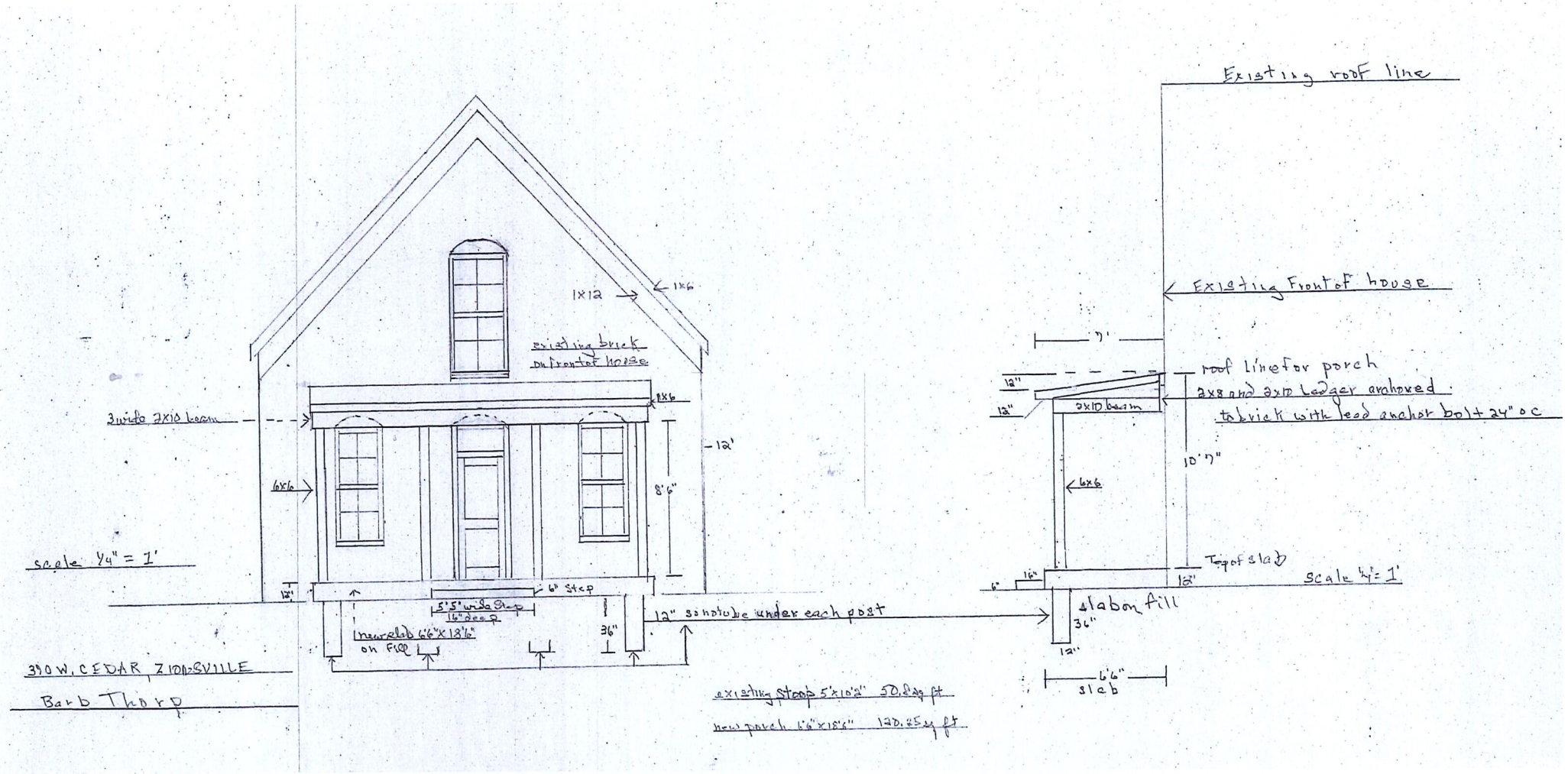
Current porch



Current side porch


18'8" x 6'6"
new covered
porch
APPROVED
RECEIVED
N
PLOT PLAN
MAXSON REMODELING
PLOT


Old porch
10' 3"
6' 8"
step
uneven brick walkway
into → broken cement walkway that lines the house
step
sidewalk
New porch
18' 8"
6' 6"
sidewalk
brick pavers



Existing roof line
Existing Front of house
1x12
1x6
existing brick on front of house
1x6
3 wide 2x10 beam
12'
6x6
8'6"
scale 1/4" = 1'
12"
6" Step
5'5" wide Step
16" deep
new slab 6'6"x18'6" on Fill
36"
12" so not to be under each post
7'
roof line for porch
2x8 and 2x10 Ledger anchored to brick with lead anchor bolt 24" oc
12"
12"
2x10 beam
10'7"
6x6
Top of slab
16"
6"
12"
Scale 1/4" = 1'
slab on fill
36"
12"
6'6" slab
390 W. CEDAR, ZIONSVILLE
Barb Thorp
existing stoop 5'x10'2" 50.8 sq ft
new porch 6'6"x18'6" 120.25 sq ft

Petition No.:_____

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:

See next for answers

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:

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

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____

Petition for Variance of Development Standards

Findings of Fact

1. *The grant **WILL NOT** be injurious to the public health, safety, morals, and general welfare of the community because*: We will adhere to all structural and electrical codes. The steps will meet current rise over run codes as well. This structure, restoring the house to an earlier style, will enhance the charm and increase the property value of this house. This will indirectly enhance all surrounding property values. This structure will blend in with the porch lines and distances from the street/sidewalks of all surrounding neighbors. The welfare of the community will be strengthened as this porch will improve the safety of the entrance to this house.
2. *The use or value of the area adjacent to the property included in the variance **WILL NOT** be affected in a substantially adverse manner because*: The restoring of the porch to its earlier glory adheres to the community desire to preserve and restore our historical homes. It will add value to the property and thereby increasing the value of the adjacent property owner's homes. The visual improvement from a dilapidated stoop to a covered, historic looking porch structure will be pleasing to all neighbors. The porch will remain narrower than the side of the house by 4 feet on either side. Neighbors to the east, north, west and across the street are excited to see the improvement to the house's exterior and have stated that we have their full support with this project.
3. *Strict application of the terms of the zoning ordinance **WILL** result in unnecessary hardships in the use of the property because*: It will make package delivery to this home more difficult without a covered structure to protect deliveries from the elements. The current porch stoop is in a gross state of disrepair and could be dangerous to those entering the front of the house. We want those entering to be able to do so confidently and as safely as possible. We love the Village and strongly desire to preserve its history. We desire to do our part in restoring this home as close to its original state as possible. We have taken great care and expense to restore the inside and only desire to complete the restoration on the outside of the 150-year-old historical Village home.

Thank you for the considering of our request. We appreciate your time and thoughtfulness. Please don't hesitate to contact us with any further questions or concerns.

Respectfully submitted,

Barb Thorp – barbt46077@yahoo.com (317)797-6284
Jason Thorp – jthorp46254@yahoo.com (317)410-7468