



MEETING RESULTS ZIONSVILLE BOARD OF ONING APPEALS
Wednesday, January 6, 2021
6:30 PM (Local Time)

THIS PUBLIC MEETING WAS CONDUCTED ELECTRONICALLY PURSUANT TO GOVERNOR ERIC J. HOLCOMB'S EXECUTIVE ORDER 20-52 AND GOVERNOR HOLCOMB'S EXERCISE OF HIS POWERS UNDER INDIANA'S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, *et seq.*

The following items are were scheduled for consideration:

- I. Election of Officers – **Continued to February 3, 2021**
- II. December 2, 2020 Meeting Minutes – **Approved**

Docket Number	Name	Address of Project	Item to be considered
2020-38A-DSV	21 st Amendment - Outlot "I" of Appaloosa Crossing	3263 S. U.S. 421	Continued by Petitioner's Representative to February 3, 2021 Meeting – 3 in Favor, 0 Opposed Petition for Development Standards Variance to deviate from the required off-street parking ratio on a site located in the Rural General Business (GB) District and the Michigan Road Overlay (MRO).
2020-40-DSV	M. Deloso	40 S Second Street	Approved as amended 1-6-21 & filed w/exhibits & per staff report – 3 in Favor, 0 Opposed Petition for Development Standards Variance to deviate from: 1) minimum side yard setback; 2) minimum aggregate side yard; and 3) exceed permitted lot coverage in the Urban Village Residential District (R-V).
2020-41-DSV	A. Lasley	645 Bloor Lane	Approved as presented & filed w/exhibits & per staff report – 3 in Favor, 0 Opposed Petition for Development Standards Variances to deviate from: 1) required minimum side yard setback; and 2) reduction in the required aggregate side yard requirement in the Urban Single-family Residential District (R-SF-1).
2020-42-UV	R. Peerman	9100 E 100 North	Continued by Petitioner's Representative to February 3, 2021 Meeting – 3 in Favor, 0 Opposed Petition for a Use Variance to permit an indoor recreation facility in the Rural Equestrian (RE) District.

2020-43-DSV	D. Burgard	11912 E 500 South	Approved as presented & filed w/exhibits & per staff report – 3 in Favor, 0 Opposed Petition for Development Standards Variance to provide for a Single-Family Home on a lot which: 1) Exceeds the Width to Depth Ratio of 4:1; 2) Deviates from the required road frontage in the Urban Open Land Zoning District (OL).
2020-44-DSV	R. Shaffer	860 W Pine Street	Approved as presented & filed w/exhibits & per staff report – 3 in Favor, 0 Opposed Petition for Development Standards Variance to provide for a second floor addition to an existing garage which exceeds the allowable accessory square footage in the Urban Residential Village Zoning District (R-V).
2020-45-DSV	Residential Component of Appaloosa Crossing	10901 E 300 S (Est) and 3201 S US 421 (Est)	Continued by Petitioner's Representative to February 3, 2021 Meeting – 3 in Favor, 0 Opposed Petition for Development Standards Variance to deviate from the required front yard setback to a minimum 20-foot setback for the single-family residential component of the Appaloosa Crossing project located in the Rural Professional Business (PB) District and the General Business (GB) District and within the Michigan Road Overlay (MRO).

III. Other Matters considered:

Docket Number	Name	Address of Project	Item to be considered
			Approved - 2021 BZA Filing and Hearing Schedule -

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

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In Attendance: John Wolff, Steve Mundy, Larry Jones.

Staff attending: Wayne DeLong, Chrissy Koenig, Darren Chadd, attorney.

Wolff Roger, Chrissy, and Wayne, are we okay to get started?

Kilmer Yeah, we're ready to go.

Wolff Very good. Turns out I'm not ready to get started.

Mundy Are we missing some members?

Wolff You may have noticed, but we are. Yes, we're going to be a little bit short. So, with that, good evening, and welcome to the January 6, 2021 Board of Zoning Appeals meeting. The first item on our agenda is the Pledge of Allegiance. I'm going to cover my camera and look towards the flag on Wayne and lead us.

All Pledge of Allegiance.

Wolff Thank you very much. The next item on our agenda is attendance. Wayne, may I turn that over to you?

DeLong Certainly. Mr. Jones?

Jones Present.

DeLong Mr. Mundy?

Mundy Present.

DeLong Mr. Wolff?

Wolff Present.

DeLong Miss Campins? We do see that Miss Campins is not in attendance this evening. She had an item pop up on her calendar, is unable to be here this evening. As a result of Mr. Papa's, he did resign from the Plan Commission therefore his appointment to the BZA is a lapse here. So, you do only have three members in attendance this evening as Mr. Mundy did point out.

Wolff Thank you, Wayne. So, I think what that means from a practical standpoint is, unless we have a unanimous vote which means we would have three votes yay or nay for a particular petition, the vote will automatically—I'm sorry, the petition will automatically be continued to the next meeting. So, if there's an indecisive vote, we're going to have to move that petition to the next meeting. Now may be an appropriate time to stop and recognize any of our community members who are participating online.

Kilmer Yes, to the public, if you would like to be recognized, please raise your hand. We have John Townsley, Todd Rottman, Janet Martinez, Deb (no last name noted),

Donna Burgard, Jason Leuking, John Myer, Chelsea Overbeck, Ryan Taylor,
Aaron Lasley, Mike Deloso.

Wolff Very good, welcome. Next item on our agenda is the approval of the December 2, 2020 meeting minutes. Any discussion amongst the group?

Jones Already reading through them, it looks like there's a couple items in there I need to get some answers back. Is that correct, there's some highlighted areas in yellow?

Wolff Chrissy, I think what happened, some of the corrections I made were—I think I noticed that as well if I recall correctly—but I think some of the corrections, revision marks didn't get taken off of what was submitted.

Koenig Okay.

Wolff Mr. Jones, were you of the impression that there were corrections that need to made there or—

Jones No, I just, I saw the yellow. I was just kind of skimming through it. I just, I ran out of time to go back and go through them.

Wolff No, I think what that is, for clarity's sake, we review the meeting minutes just to make sure that there's not any gaps and/or mistakes, like everything is recorded accurately. If there are any changes, we do make note of those and they leave marks on the document. Typically, we clear those marks off the document when you see them, but it may not have happened.

Jones Got it, then I'm fine.

Wolff Okay. If there's no other discussion, I would entertain a motion.

Mundy I move to approve the minutes.

Jones Second.

Wolff Thank you. Note that is a motion to approve that December 2, 2020 meeting minutes that have seconded by Mr. Mundy. Let's do a roll call vote.

DeLong Certainly. Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye. Thank you. Motion carries. The next item on our agenda is continuance requests. So what I would ask is if there is any of our petitioners on tonight's

agenda who would like to seek a little more time, asking for a little more time, please raise your hand. Roger will recognize you, and we will entertain those as they come up. Good evening, Mr. Ochs.

- Ochs Good evening. I'm here this evening on behalf of my client, 21st Amendment, with respect to 2020-38-DSV Outlot I in Appaloosa Crossing. We are in the process of redesigning the building as a result of the first hearing before the Plan Commission. That may make changes to the site plan and actually eliminate the need for this variance but we've got to get through the design process first. So, we're requesting a continuance to next month's meeting without notice.
- Wolff Very good. Any questions about that, board members? Generally, my feeling would be that if we're going to see a more complete petition, I would certainly appreciate the extra time it takes to get that done or if the petition isn't necessary, I certainly can appreciate that. With that, I would entertain a motion to accept the continuance request for Docket #2020-38-DSV.
- Jones So moved.
- Wolff Thank you, Mr. Jones. Was there a second?
- Mundy Second.
- Wolff Thank you, Mr. Mundy. You two are going to be in the hot seat tonight. Wayne, let's do a roll call vote to accept the continuance.
- DeLong Very good. Mr. Mundy?
- Mundy Aye.
- DeLong Mr. Wolff?
- Wolff Aye.
- DeLong Mr. Jones?
- Jones Aye.
- Wolff Thank you, Mr. Ochs.
- Ochs Thank you.
- Wolff Mr. Kilmer, are there anyone else who's seeking a continuance request tonight?
- Kilmer There are. I'm going to now promote Jason Lueking.
- Wolff Good evening, Mr. Lueking.
- Lueking Good evening. Can you hear me now?
- Wolff We can. Loud and clear.

Lueking My name is Jason Lueking with the Indianapolis law firm of Stoll, Keenan and Ogden. I'm here on behalf of petition #2020-42-UV. That's 9100 East County Road 100 North. That's the Peerman Basketball Barn Project, representing Vaughn and Patricia Peerman. We received today a couple notices from remonstrators for the property, had not received those previously. We would like some additional time to work through those. We have some use commitments proposed. We may revise those use commitments to address some of those comments. Also received some comments today from Joshua Frost, the Deputy Chief of Fire Prevention on an automatic sprinkler system that we want to address too with our structural engineer. So, we would like some additional time and request a continuance to February 3 to address those issues.

Wolff Thank you, Mr. Lueking. I just want to confirm that that is the February 3 meeting. Very good. Any discussion amongst the group? If not, I would entertain a motion to continue Docket #2020-42-UV to the February 3 Board of Zoning Appeals meeting.

Mundy So moved.

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

Jones Second.

Wolff Thank you, Mr. Jones. Wayne, back to you.

DeLong Certainly. Mr. Wolff?

Wolff Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Thank you. Motion carries. Mr. Lueking, we'll see you next month.

Lueking Thank you very much.

Wolff Mr. Kilmer, do we have more?

Kilmer Yes, sir. There's still two hands raised. I will promote Donna Burgard . Well...there we go.

Wolff Are you there?

Burgard On mute.

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Wolff Oh, we can hear you.

Burgard Oh, excellent. That was a complete mistake because we don't know what we're doing.

Wolff I can't tell you how many times I said that today.

Burgard Oh, good. I feel really good about that. No, so I guess when it says lower hand—oh, anyway. Disregard, please.

Wolff Yeah, so Miss Burgard, do you intend—would you like to have your petition heard tonight or do you intend to ask for more time?

Burgard Heard tonight, thank you.

Wolff Okay, great. We'll see you in a little bit.

Burgard Okay.

Kilmer All right. We still have one hand raised for Janet Martinez. I don't know what petition she is with but we will soon find out.

Wolff Miss Martinez, are you there?

Martinez Yeah, can you hear me?

Wolff Oh, we can.

Martinez Okay, great. Yeah, I would like to be heard tonight also.

Wolff Oh, I'm sorry. Okay. Which petition are you?

Martinez I am the basketball gymnasium on 100—I don't have the number.

Wolff Yep. So, Miss Martinez, we just—that petitioner just asked for a continuance to next month's meeting.

Martinez So, we won't be—

Wolff So, we are not going to hear that petition tonight. We are going to hear it on February 3, 2021.

Martinez Okay. All right. Well, I'm a little confused, so.

Wolff You know what? We all are. I get you. So, if you do have comments about that petition, we would love to have your participation next month.

Martinez Okay. I did send a email in today.

Wolff Right. The staff does a very good job of recording all those for us and getting them to us.

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- Martinez Okay, thank you.
- Wolff Very good. Thank you. Okay. So, I believe we may have one more but I believe it's going to come from the town. Is that correct?
- Kilmer Yes. Mr. Wolff, there are no other hands raised for attendees to continue cases. However, I'd like to direct your attention to Docket #2020-45-DSV. This is noted as the residential component of Appaloosa Crossing. Matt Price is representing the petitioner on this. He contacted staff earlier today and needs to request a continuance due to his unavailability for the hearing tonight. I made it clear that staff would make that request on his behalf.
- Wolff Thank you, Mr. Kilmer. Any discussion amongst the group? If not, I would entertain a motion to continue. I'm sorry, Mr. Kilmer, was he requesting for it to go to the February 3 meeting?
- Kilmer Yes, sir.
- Wolff Okay, very good. If not, I would entertain a motion to continue Docket #2020-45-DSV to the February 3, 2021 Board of Zoning Appeals meeting.
- Jones So moved.
- Wolf Thank you, Mr. Jones.
- Mundy Second.
- Wolff Thank you, Mr. Mundy. Wayne, you're on the hot seat again.
- DeLong Certainly, Mr. Jones?
- Jones Aye.
- DeLong Mr. Mundy?
- Mundy Aye.
- DeLong Mr. Wolff?
- Wolff Aye. Okay. If I'm looking at the agenda appropriately, we are moving onto continued business which we have none now. That brings us to new business which is Docket #2020-40-DSV for the property located at 40 South 2nd Street. Could we please promote the petitioner?
- Kilmer Promoting Todd Rottman who is representing the petitioner this evening. Should be known that Mr. Deloso, the petitioner, is also available online.
- Wolff Very good. Mr. Rottman, welcome.
- Rottman Thanks. Hear me okay?

- Wolff We can.
- Rottman Wonderful.
- Wolff Would you please describe what we have in front of us tonight?
- Rottman Yes, my name is Todd Rottman with address at 320 West Poplar Street.
- Wolff Thanks for keeping me accountable, Todd, by the way I forgot that part.
- Rottman I'm here tonight representing Mike and Linda Deloso at their property at 40 South 2nd Street. We are wanting to add onto the existing residence and remove some inappropriate previous additions to the residence for which we need side yard variance, aggregate side yard variance, and a lot coverage variance.
- I've been working very hard over the last several months with the Delosos to come up with a design that helps to save the historic home at 40 South 2nd Street which peels back the inappropriate and shabby additions that have been added over the years to update it for modern lifestyle that will allow it to serve its future owners for another 100 years. The process started with designs that accomplished Mike and Linda's goals and then was improved upon by two rounds of design changes through input we sought from neighborhood members who are active and interested about preservation within the village, which does include the neighbor immediately to the south of this property, Ralph and Jan Stacy. The latest of these changes were made yesterday after a long and very collaborative phone call between Ralph and Mike and Linda on Monday. Really excited about the changes that resulted from that phone call and very happy to present (16:31 inaudible). To make sure you guys have those most updated elevations, it should have a date of January 5 on it in the lower right-hand area of the title sheet.
- Wolff I think I'm looking at it now.
- Rottman So, I'm pointing to where the date is on the sheet and the elevation should look like this.
- Wolff Yes.
- Jones Is that in a separate—mine are saying November 7.
- Koenig Larry, it's in the additional information that was sent just today.
- Jones All right.
- Koenig Sorry. You'll see the town's date stamp of January 6 on there in red as well which might be a little easier to find.
- Jones I got it. So, it's in the packet that came out today?
- Koenig Yes.

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- Mundy Again, what's the date, Todd?
- Rottman The date on it would be January 5.
- Mundy January 5?
- Rottman Yep.
- Mundy I saw the new ones today but I quickly went through them and thought there was no difference. So, now I'll have to go back to them.
- Rottman Yeah, there was just a change in some materials and exterior elevation, so. Like the bottom—
- Mundy All right. Yeah, there—
- Rottman Concrete block now there before it was brick all the way up. That's the most distinguishable change to make sure you're looking at the right one.
- Jones Now, I've got the one stamped January 6. Am I still not getting there? Now, computing is hard.
- Koenig That should be the right one. The January 6 is the town stamp and what Todd is referring to, I believe, is the drawing stamp in the little block.
- Jones So, it's when? There's Deloso Updated Elevations and Area Comparisons, is that it?
- Koenig Yes.
- Rottman Not a fan of throwing last minute changes in but because we were in conversations with the neighbor to the south, I wanted to make sure you guys had access to them.
- Mundy Todd, I'm now on the current, the most revised copy but I don't have the—I don't have the dual screen that Larry has so I can only look at one at a time so I'll—I don't recall what the difference is, so if you would not mind pointing that out as you did before, I'd appreciate it.
- Rottman Yeah, I'll get to that here in just a little bit. I just wanted to make sure everybody had it. A little bit of information about the house is that as it currently sits today it would require the same three variances that we're requesting. So, we're not requesting anything that isn't already present on the site. In fact, I think we're improving the conditions by removing the previous addition which extends over the south property line currently. We're also going to be implementing water collection methods which will help reduce the runoff on the site. Those include three rain barrels that are going to be used to water the English garden, swales along the west and south property lines, 8-inch-deep stone walkways in the English garden which will help hold the water for percolation, and gravel or permeable pavers for the driveway instead of concrete.

Now with that being said, I'd like to address something that is obvious to everyone but you as the BZA definitely understand more than others. I'm not saying the building that we're presenting is the same size as the house that's there now. The new home will have a larger footprint than the existing house, however lot coverage is the same as existing because we're swapping out concrete blocks, pads, and patios for usable house square footage. In regards to that, you guys received a letter of interest which listed lot coverages of adjacent residences that were to be used as a comparison to our proposed site. I'd like to point out the three of the seven lot calculations on that list were incorrect. Even more important than that is the fact that the house calculations garnered from the Boone County GIS site which I do use constantly does not reflect the actual conditions. It only reflects recorded conditions. They don't include all lots, patios, etcetera, so, they are not true representations of the actual lot coverage on the property. So, I used the GIS system aerial photography, Google Earth, and personal observations and created new calculations that are closer to being accurate than the figures from GIS alone. So, I didn't want to just use the GIS figures because those end up being used to make us look worse than we are and we end up being penalized for using the correct lot coverage (22:19 inaudible) have that. So in your packet, you guys have an aerial photograph and also an aerial perspective. The aerial perspective looks like that. It's a wonderful view kind of looking down on the property at an angle which helps to show that the immediately adjacent houses to this property are quite large. Three of the six houses around this actually have bigger home footprints than what we're proposing. So, we're actually right in the middle of the size of homes in that block. Then, today you guys also should have received that area comparison sheet that I was just referencing where I updated the lot coverage based on actual conditions. Do you guys happen to have that easily handy?

Wolff

I do have it in front of me but I think it's important that you review it.

Rottman

Oh, I will. So basically, in the right-hand column, that's the actual footprint of the house and garage for each of those properties. So, you can see ours which is highlighted in yellow is actually right in the middle of the home sizes (23:50 inaudible). You can see that four out of the six homes around us have more lot coverage square feet. So, there's houses that actually have more square feet on the ground including the house, garage, patios, and pavers than we do. What hurts us on this list is that we do have the smallest lot out of all of them. So while our house is average in size, our lot is on the small end. There's several paragraphs in the letter of interest that you guys had received that referenced it being a small lot and that's the reason why we wanted the variances. That was part of our original filing, however, after getting input from the neighbors we eliminated that reason in language from all of the documents. We had done that prior to that letter being written but it was still included in that letter. So, the portion of the letter that states the reason we should get a variance is because it's a small lot has been eliminated. We agree that it's not a reason why you need a variance. (25:12 inaudible) the letter is obsolete.

We did choose this site on purpose because it is a great location. It does have great neighbors, you know, that care about their properties. It does have existing violations that we knew we could try to improve upon. It had a tear-down quality house. Everybody I've talked to including realtors that contact me because my

sign is out in front say, “Hey, you guys tearing that down? Can my client buy that? Is it for sale because we want to tear it down?” I applaud Mike and Linda because they’re willing to take on the gamble of fixing up this house instead of tearing it down. That is, you know, we purposely chose this lot because of all of those factors not just the (26:06 inaudible) their neighbors.

In regards to design and size of the house, we have tried to be respectful to the style of the existing home and our addition to it. We have been sensitive to the scale of the house along 2nd Street by keeping it one story in the front and stepping it up to one and a half stories, and then two stories as we go further back. We thought that was important to keep that one story portion of the house to keep the streetscape feeling similar to the way it does now. While this does leave the home longer in not going full two stories everywhere, it does end up having us cover more of the lot but we think it’s in keeping with the character of the home to do that and the character of this street versus minimizing the footprint and going full two stories everywhere. What we’re proposing here is strikingly similar to Ralph’s house across the alley to the south where it’s a one-story house in the front and then it steps up to a story and a half and a full two stories further back. In the end, these two homes are going to look like their lost twins that are finally uniting across the alley from each other. Then speaking of the alley, that is another reason why we chose this lot and feel this size of the house is okay, even though the lot is small, because the alley gives the lot some breathing room and allows the house we designed to fit into its context and not overpower the site visually or crowd into our neighbors.

The materials that we’re proposing for the house, the first floor of the addition would be a split-faced concrete block. The existing house is wavy blocks that we’re all familiar with in the village of Zionsville. The gentleman that lives two doors down from me, his grandfather, great grandfather—no, his grandfather—manufactured those blocks. So, preserving those blocks in the house was one of the key things we were trying to do. Then, the new addition is going to have the split-faced concrete block for the veneer on it on the first floor to be similar to the wavy blocks of the existing house. Then, that also helps emphasize kind of the one-story portion of the house. It was originally one story and then above that we’re utilizing brick (28:54 inaudible) second floor. Our goal is to look like this house was added onto several times over the years and while the addition is respectful, it’s not an exact match. We’re not trying to duplicate what’s there, we’re trying to be respectful to it. The house will be painted all one color so the brick and the block, it will all be painted the same color. We’re actually doing some accent colors maybe on the headers and sills of the windows as well as we got some shutters on the south wall which we might make a stained wood to get some natural tones in there. We’re keeping the existing window proportions. We are going to put in new windows but three-quarters of the existing window openings are going to stay as they are. One of them is going to move over and then we’re going to add another one to the north wall to match the others. So once again, we’re trying—those we’re putting in are a six over one pattern which is what the original windows were. So, we’re trying to be very respectful to the house that’s there while also providing the house for a modern lifestyle. That concludes my presentation.

- Wolff Thank you, Mr. Rottman. Excuse me. Can we try to put a bow on this? A lot of good content there. You did some homework and you believe that the lot coverage is currently at 43%?
- Rottman Yeah, 43.3 is the current lot coverage.
- Wolff I'm sorry. Can you guys hear Todd or is it just me?
- Mundy No, it's—you cut out quite often, Todd. It's—I'm not sure what it is but there are times when you've got a gap of a few seconds where we can't hear you at all.
- Rottman Oh, wow. Okay, I'm sorry about that.
- Wolff I think we got the context of the conversation but there was a couple gaps there. It's okay. The question I have was the lot coverage. It's at 43.3 today?
- Rottman Yes.
- Wolff Okay. It's going to be? Your proposal is?
- Rottman 43.3.
- Wolff Okay. Today one of the—one of those that—second story addition is hanging over the property line. Is that correct?
- Rottman It's a one-story addition that's actually over the south property line.
- Wolff Okay. Your intention is to correct that?
- Rottman Yes. We're going to remove that.
- Wolff Okay. When it comes to the side yard and the setbacks, what are they going from and what are they going—where are they at and what are they going to?
- Rottman We're not changing the north side of the house at all.
- Wolff Okay.
- Rottman The south—we're not changing the east at all which is the front. The south is the one that we're improving on by about three feet four inches further away from the property than currently.
- Wolff Okay.
- Rottman The reason for the aggregate side yard is the—
- Wolff Hang on a sec, Todd. You broke up again.
- Rottman Okay. The aggregate side yard is a combination of the five feet of the shed, or the garage to the north and then the two feet to the south of the house.

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- Wolff Two feet to the south of the house?
- Rottman Yeah.
- Wolff Okay.
- Rottman The current one is 5 foot 1 ½ from the property line. So, we're moving it essentially a inch and a half.
- Wolff Okay. Then, I think what I also heard was we had—I'm sure we will have some comments about scale and size and you're—the way you're addressing those particular issues is that by creating a one-story sort of look at the front of the house and then it gets larger towards the rear of the house, which shouldn't make it, as you're driving down 2nd street, it shouldn't make it appear overbearing or out of place with the character of the neighborhood. Is that correct?
- Rottman That is correct.
- Wolff Then in addition, you are doing, using materials, various materials that are consistent as long as the style to help create a preservation effect. I mean, the intent is not to raze the structure. The intent is to take the structure as is and improve it?
- Rottman Yes, the existing house, we're taking off all the previous additions and going back to the—
- Wolff Hang on, we lost you again, Todd. I'm not sure why it happens but we did.
- Rottman Yeah, we're going back to the original house which has the wavy block taking off all the additions.
- Wolff Okay.
- Rottman Then, our new addition will be a split-faced concrete block so that it ties in with the existing to be similar but not exactly the same.
- Wolff Okay, very good. What questions do we have for the petitioner tonight?
- Mundy Hey Todd, the front of the existing house that is the one-story portion will remain but when I look at the elevations, clearly there is some significant changes but the basic structure stays there?
- Rottman Yes. If we look at this—
- Mundy Yeah.
- Rottman This t-shape outlined in red, that's the original house. We are keeping that entire original house with its wavy block and we're removing additions there, there, there, and there in the back. So the one-story portion is right here and then in this portion is where we're going to a story and a half over top of the existing. So,

we're going to go a story and a half over the existing there. Then, we go to two stories for the addition that's in the back.

Mundy Okay, right. Which is—I guess, the removal of the, what appears to be a fireplace in the very front of the house and then inserting windows there will make—looks quite different, but I understand. Thank you.

Rottman Yes, originally the front door was located there and at some point, somebody moved the door to the side and put in a chimney there. We've decided not to put a door back in the front in the middle because there's no opportunity for a front porch there because this house is pushed so far to the street. So, we're going to keep the side entry so we can have a porch.

Mundy Okay. Another question I had which was one that Mr. Stacy pointed out and that is that the garage—I assume the garage is a complete tear-down and rebuild. The location winds up being closer to the alley. He questioned the ability to, that the radius there was going to be a challenge for a large car. I drove down the alley and I would have to agree. It appears to be a very tight radius for a large vehicle to be able to turn from the alley and get into the garage there.

Rottman Yeah, so from the edge of the paved or gravel alley to our garage will be 14'8". Then, the alley itself which is about 8' wide. So, it would be a total of about 22'8" to maneuver a vehicle into the garage.

Mundy That's sufficient for today's SUV size vehicles?

Rottman Yeah, luckily it's far better than the one I presented about six months ago that Larry and I had fun with.

Jones Yeah.

Mundy Larry, check your books.

Jones Yeah, and I know, I do remember.

Rottman Yeah, this one's got about three times as much.

Jones So visually, because I drove by it and looked. I was driving my truck so I didn't drive down that alley. Visually the alley that we're seeing, let's say the north edge of it isn't really the property line. The property line is a little farther north of that, correct?

Rottman Correct, 5 ½ feet off.

Jones Okay. So really what happens is that behind the property line but it looks like it's another 5 ½ feet off of the actual alley or of—does that makes sense?

Rottman Yes.

Jones I'm looking at your proposed site plan number two or—

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- Rottman Yep, from the—
- Jones So, the garage is moving—yeah, I got ya. Yeah. It is, it does have more turning radius than the previous one, Steve, though.
- Mundy It still looks pretty tight, though.
- Jones Yeah. So, Todd, you're keeping—so, I take it this is on a crawl space, right? There's no basement underneath this?
- Rottman It has a partial basement that was a cellar.
- Jones that's under the rear, the middle, the front?
- Rottman The rear half of it is all cellar.
- Jones Okay. So, you're maintaining (39:29 inaudible) front what's going to be the new living room. Then, are you going to—are you replacing the foundation under the back and just kind of keeping the outline or are you going to actually try to build on an old foundation.
- Rottman I'm going to try to build it on the old foundation. It actually looks like it's in pretty good shape.
- Jones It's in decent shape?
- Rottman Yeah, it looks like it's in good shape, actually. We've done it enough to know that there may be issues but I've seen far, far worse foundations.
- Jones This is a question for Wayne. What do we do with houses if—if they just wanted to remodel it as is, this is just theoretical, and a portion of the house is actually sitting over in the public alley, what's the city do? What's the town do?
- DeLong The town has language in the portions of the ordinance that deal with non-conformities as non-conformities can be perpetuated. Those non-conformities are entitled to one-time expansions along lot lines with specific conditions. Garages can be re—there's certain buildings that can be rebuilt on existing foundations. So, that's the challenge. I mean, the zoning ordinance is designed to perpetuate non-conformities but certainly eliminate them if there's a catastrophic loss. More than two-thirds is the specific definition.
- Jones Okay. So technically, somebody could rebuild this house as is even though a portion of it is sitting out in the platted public alley area?
- DeLong I think we're getting into a legal question. I'm not, we don't see this that often where we see a home encroaching onto town-owned property. As a staff, we would encourage an encroachment agreement being granted or some other instrument being facilitated to paper up if you will and provide coverage for the legalities that are created and asking to be perpetuated, or discuss it with the Board of Zoning Appeals.

- Jones The basis of this variance, it's kind of two-fold, right? There's minimum yard setback and then aggregate too, correct, and then the lot coverage? So the minimum side yard setback is (42:12 inaudible). What's it look like, 2'1" off of the alley? Then aggregate comes under when we're trying to get the, when we're trying to get the garage the same size as the existing moved back to the edge of the property. Actually, the back of the (42:30 inaudible) the garage sits, it's the same place as where the existing one sits, correct? That's a question to Todd.
- Rottman Yeah, it's pretty much an inch and a half from where it sits now from the north property line.
- Jones All right.
- Wolff Any other questions for the petitioner at this time? Seeing none, Mr. Kilmer, do we have any remonstrators?
- Kilmer If there are any members of the public that would like to speak to this petition, either in favor of or in opposition to, please raise your hand. Mr. Wolff, there are no hands raised.
- Wolff Thank you, Mr. Kilmer. I suppose that makes it time for the staff report.
- DeLong That is correct. Certainly, staff is pleased to discuss this petition with you this evening. As noted and certainly by the petitioner's comments and the references to the interested party letter, this, the property is improved with a circa 1910 single-family dwelling bungalow as constructed to the style of architecture which is considered contributing by the interim study published in 1980s. Certainly, there's other data out there that provides us some additional depth of understanding of what is encapsulated there but certainly providing that in your staff report. Certainly, lot coverage variances and side yard setback conversations are not atypical for the village. This is a project that is provided for by your zoning ordinance. As Mr. Jones was pointing out, there are certain caveats that are built in already to perpetuate non-conformities. In this particular case, the non-conformities look to be expanded upon and changed but not intensifying the lot coverage non-conformity. With that in mind, staff is supportive of this petition predominantly because it is not seeking to intensify the deviations of the lot coverage and certainly seeks to perpetuate this particular house, the housing stock, that's there today. Certainly, as noted the petitioner has the ability to tear the house down. Other interested parties appear to be interested in doing that at least indicated by Mr. Rottman. Certainly, that could be its own set of conversations for the board but certainly staff is certainly encouraging of this type of conversation. Certainly, it's something that will be, I think, will have reflective in our form-based code conversations that have occurred this year probably even going into 2022. With that being said, again, staff is supportive based upon what the petitioner has provided this evening. Again, referencing the detailed comments from the interested party letter but certainly the set back questions are minimal in nature considering that the party is looking to reduce the setback that exists today. Again, staff is supportive of the petition as it's been filed and I'm happy to answer any questions.

Wolff Thank you, Wayne. Questions for staff? Okay. Discussion amongst the group? I think we're all sensitive to lot coverage issues. This one—what I have learned and I think what Todd articulated, and he did it better than I'm going to but is that not all lot coverage is created equal. Depending on the scale and the placement of the structure, 35% on one lot looks significantly different than 35% on another lot. I guess, maybe another way of thinking about that is if you build a cube and put it towards the front of the lot, it looks like it consumes a lot more of the lot coverage than if you take architectural detail and scale into consideration. I think Todd articulated that by having a first floor kind of up towards the front of the road. I think that would probably keep with the scope and scale. I think we do need to address Mr. Stacy's concerns. I want to be respectful. He's been a member of our community and an amateur, maybe not amateur, historian for a long time. If I had to summarize his concerns, I think he wants to keep things maybe—I'm not sure if I could do it as well as he did but, you know, consistent and to scale and appropriate for the village. This is, lot coverage is consistent with what we have today. The side yard setbacks are consistent with what is there today. We are improving a non-conformity. So, I think this adheres to most of those concerns. Those are my thoughts. I'd certainly be willing to listen and hear others.

Mundy I agree. I think Mr. Stacy stated a number of things which apparently with the changes made he's also pleased with this. I'm assuming that since he's not remonstrating but I think it does address many of those issues and I think it's satisfied many of the, I guess, non-legal issues that Mr. Stacy pointed out as well.

Wolff Thank you, Mr. Mundy. Any other thoughts and if not, I would entertain a motion.

Mundy I'll—

Jones Go ahead and make this—you're going to do it?

Mundy We can take turns, Larry.

Jones You go first.

Mundy I move that Docket #2020-40-DSV a development standard variance in order to provide for the addition and remodel of a single-family home and accessory uses which one, exceed the required lot coverage of 35% to 43.3% and deviates from the required side and aggregate side yard setbacks all as illustrated on the site plan attached to this report in the RV zone for the property located at 40 South 2nd Street be approved as filed based on the finding of facts and substantially compliant with the submitted site plans and concept elevations as amended from the original filing be approved.

Wolff Thank you, Mr. Mundy. Second? Is there a second?

Jones Oh, second.

Wolff Thank you, Mr. Jones. Wayne, we'll turn this over to you.

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DeLong Certainly. Mr. Wolff?

Wolff Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

Wolff Thank you. Motion carries. Mr. Rottman, good luck with your project, and thank you for your thorough analysis on it.

Rottman Thank you, guys.

Wolff Next item on our agenda is Docket # 2020-41-DSV for the property located at 645 Bloor Lane.

Lasley Good evening, can you hear me?

Wolff We can. Please state your name and address for the record.

Lasley Yeah, my name's Aaron Lasley. I'm at 645 Bloor Lane. The petition for development standard variance we're looking for is the reduction of a minimum side yard set back and the reduction in the aggregate side yard requirement in the Urban Single Family Residential District.

We're looking to add a pool to the western side of our property. We have about 1.3 acres. We have a, what we call, a carriage house on the western side of our property with a overhang that the previous owner used to utilize for RV parking. Our intent was to use that for a cover for the pool and sitting area for the pool. We've looked at a lot of different areas to put this pool. Due to the sloping nature of our yard, especially heading back to the east, to incorporate there would require quite a bit of fill. There's also a couple of other areas that we could locate the pool, one being right off the drive down to the carriage house but the problem with that is we have mature trees down there, and we also receive a lot of stormwater runoff from Bloor Lane. Another location would be down on the lower or the southern end of our property which abuts to a creek and we receive a lot of drainage from the west along with other residents along Bloor Lane which that area stays wet a lot of the time. So, taking all those things into account when designing this and looking at the best location for this pool, mainly taking into account the slope of our backyard, this was the best location for our pool.

Wolff So as a result of this location, what happens to the setbacks?

Lasley So the setbacks, the side yard setback would, on the western boundary, would go from 20' to 12'6" and the aggregate side yard set back would go from, I believe, 45' to 24'6" which the way our property is currently set up, we're under that 45' aggregate as is. Before we purchased this property, or the last homeowner that

bought this property, this was two parcels. When it was sold to us, it was combined into one parcel. Both the previous parcels were both under an acre. When it was sold to us, it's 1.83 acres.

Wolff Okay. So, the previous owner combined the parcels to the best of your knowledge?

Lasley Yes.

Wolff I would note that the staff has rightfully pointed out that pool equipment is not always considered in these cases but it should be noted. Where is the intention of putting the pool equipment? Is that further inside of the setback or is that at the setback that you were proposing?

Lasley It's within the setback that we're proposing. If you look at Exhibit 3, on the western side of what's labeled the garage with the concrete to the south, there's a black rectangle there. If you really look at it, it does say pool equipment location but it's very hard to read unless you really, really get down to it.

Wolff I see two rectangles that abut each other, one smaller, one larger. I'm assuming it's the smaller one towards the west.

Lasley It's actually to the north of that right on the western side of the garage.

Wolff Oh, I see it now. Yeah, there's no way in heck I'm reading that.

Lasley Very hard to see, yes. We have two A/C units over there currently so it would but right up to those. That pad would be a 3x7 pad and the maximum height on that, I think, a pump is 3 feet.

Wolff Okay. So, you've got 21 square feet over there. That is not any closer than your current proposal of your set back?

Lasley Correct.

Wolff The equipment over there is approximately 3-4 feet tall, about the size of an air conditioner.

Lasley Three feet is what the pool company had sent me in an email earlier today.

Wolff Again, to recap what we previously stated, because of the challenges of the lot which is primarily derived from you have a creek on one border which keeps things wet and it's sloped towards the creek, you're sort of limited on where you can place the pool?

Lasley Correct.

Wolff Okay, understood. What questions do we have—what additional questions do we have for the petitioner tonight?

- Mundy I drove by your home and it's difficult to tell from the street exactly what it looks like back there. It appeared that the addition of the pool even though it might violate the required setback, I don't think you have neighbors back there which are affected by anything visual. Am I correct in that?
- Lasley Correct. I've spoken with both the neighbors to the east and the west. Everybody on the south of us are on the other side of the creek at a very much higher elevation heavily wooded, and they're both supportive of the pool location.
- Wolff Thank you. Any other questions for the petitioner? Hearing none, Mr. Kilmer, do we have any hands raised? Do we have any remonstrators that would like to speak for or against this particular petition?
- Kilmer Mr. Wolff, there are no hands raised.
- Wolff Very good. Wayne, may we have the staff report?
- DeLong Certainly, happy to provide that this evening. As indicated in the report, staff is supportive of this petition. Certainly, we do note the pool equipment is a topic of conversation. Certainly, glad to have that vetted this evening as I'm sure this board can distinctly recall very recent petitions that have involved pools and pool equipment. Pool equipment at times is put in locations where it's not visible to the pools' owner and is maybe more visible to a neighbor. Certainly, we are just all encouraging good neighbors, good relationships. Certainly looking for clarity on the location of the pool equipment. So, I'm glad that's provided. So certainly, we can end that conversation at that point here. Again, staff is supportive of this petition as it's been filed as noted in the staff report. Certainly, we just have one suggestion now that we're vetted of that conversation about the pool equipment in your motion if there's any clarity that you need to give to your support of that particular location, I don't believe it's generally necessary but I think your record here covers that topic. I'll be happy to answer any questions.
- Wolff Thank you, Wayne. Any questions for staff? Very good. Mr. Lasley, I would point out—you have seen the staff report, correct?
- Lasley Yes.
- Wolff There was a procedure note at the very bottom discussing Indiana pool code. If I could speak frankly, I know nothing of Indiana pool code and this is no way representative of any conversations you need to have with them or about that. Correct?
- Lasley Yes.
- Wolff Very good. Okay. With that understanding and with the knowledge of the appropriate placement that we discussed of the pool equipment, any other discussion? If not, I would entertain a motion.
- Mundy Your turn, Larry.

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Jones I got to go back and find it. There it is. Hang on. I move that Docket #2020-41-DSV petition for development standard variance deviating from (1) required minimum side yard setback and (2) reduction in the required aggregate side yard requirement for Urban Single Family Residential RSF-1 be approved based on the findings and based upon the staff report and presentation. Then, I think the—that's my motion but I think in general with the—if I saw the notes correctly, you're going to have an automatic pool cover on it or the, it's an automatic pool cover that covers the top of the pool which supplements having it fixed. Isn't that correct?

Lasley Correct.

Wolff Okay. So there is a motion. Is there a second to that motion?

Mundy Second.

Wolff Thank you. For clarity's sake, Mr. Jones, you apparently have an internet connection that is a little slower than—maybe you and Todd are sharing an internet connection. You broke up a little bit on my feed. Did you read the recommended motion verbatim?

Jones Yes.

Wolff Very good. Okay. With that, let's do a vote.

DeLong I can provide that. Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye. Mr. Lasley—motion carries. Mr. Lasley, good luck with your project.

Lasley Thank you very much. I appreciate everyone's time.

Wolff Next item on our agenda is Docket #2020-43-DSV for the property located at 11912 East 500 South. Are you there?

Dale Burgard Hello?

Wolff Hello.

Donna Burgard Hi.

Wolff Hey, we see you. Would you please state your name and address for the record?

Donna Burgard

Dale Burgard Dale.

Donna Burgard 4000 Estate Lane, Columbia, Tennessee.

Wolff Well, welcome to Zionsville.

Dale Burgard No, we just left Zionsville.

Donna Burgard We're moving to Tennessee.

Wolff Would you, in your words, please describe what the petition you're asking for is tonight?

Donna Sure.

Dale Go.

Donna Okay. We had been long-time residents of Zionsville living on 500 South. Recently moved in 2018 but our property was in two parcels. So, we still have the 15+ acre parcel that we would like to sell to one resident, and make it a one residential parcel.

Wolff Okay.

Donna Should I elaborate?

Wolff Absolutely.

Donna I can make a short story long for sure.

Wolff Well, why is this variance necessary?

Donna There are, I guess, see 3, 4, and 6. The frontage width and the lot width to depth ratios do not conform to the Urban, the Urban Open Land District as it is now the zoning in our area.

Wolff Okay.

Donna So, we learned when we received lots of interest on our property since we moved, we had to call Town Hall and find out what the zoning exactly was because we had interest in multiple homes, interest in subdivision. So when there was serious interest, that's when we found out what the current zoning was and what the actual requirements were for the Open Land District in Zionsville, and learned that those were the two non-conforming items that would require a variance for a single home to be on the 15 acres on that street.

Wolff Okay.

Donna Yeah.

Wolff Okay. So if I could try to put a bow on this.

Donna Yeah.

Wolff You had 21 nearly 22 acres of property. Then, you carved out the dwelling on approximately 6 nearly 7 acres. You're left with kind of a side and back lot that's 15-ish acres. For someone to develop a residence on that side or back lot, they're going to need—there's an issue with the property right now because it does, we call a flag lot as well as it doesn't have enough road frontage in this particular zoning area. So what you're asking for is to get those two variances approved for that second lot, the 15 acres?

Donna That's correct. That's correct.

Wolff Now, the intent of that like you recognize the fact that if this were to be approved, they couldn't subdivide it. Like, we're approving that they could put a residence on it and it would become a conforming lot, right, but it's—

Donna Yes, we're asking for a variance for a single-family home. Yeah, absolutely. That would be—we are long time residents of 500 South. We've lived on the parcel that was sold in 2018 and so these are all of our long-time neighbors over 25 years. So we're very pleased to see a single-family home on this street.

Dale --who are wanting a single-family home to finish off the property on 500 South.

Donna It is the last available acreage on the road.

Wolff Yeah, potentially you have received offers from somebody who wanted to subdivide it into smaller lots and things like that. I think your comment is reflective of the fact that maybe the neighbors wouldn't appreciate that as much as a single-family residence.

Donna True and it might not be—it was really a lot of interest and we didn't respond to offers of that kind of interest. So, it was more a lot of interest and a lot of phone calls to our realtor about, you know, what they might want to do there. So, we entertained only interest from people who wanted only a single-family home.

Wolff I understand.

Donna One time somebody wanted two homes and there was some discussion but we didn't encourage that.

Wolff Okay. What questions do we have for the petitioner tonight? With a quiet crowd, I've asked mine. Wayne—actually, I'm sorry. I'm skipping and going out of order here. Mr. Kilmer, do we have anyone who would like to speak on behalf of this petition or against?

Kilmer If there's anyone of the public attending, please raise your hand if you would like to speak. Mr. Wolff, there are no hands raised.

Wolff Okay, very good. Wayne, I'll turn it over to you for the staff report.

- DeLong Certainly. This petition certainly is a very unique petition and certainly the petitioners have outlined the salient features of the topic at hand. The property is zoned Open Land, not a typical classification for the BZA to consider. You did have one a few months back for a developed parcel. In this particular case, you have a area that has a very specific development pattern. That development pattern is larger lot development like it's been indicated and a disruption or a change in that development pattern may not be advantageous or sought by the people that live in this particular area. The Open Land classification does encourage larger lot development but has specific development criteria associated with that. On the flipside, the comprehensive plan supports low-density residential development which is the pattern that has been mentioned that was sought by some parties in this area. Certainly, this petition itself facilitates and perpetuates the development pattern that is in this area. Staff is certainly not objecting to that topic and certainly applauds the efforts this evening. Staff is recommending approval of this petition as outlined in the staff report for the reasons outlined in the staff report. I'm happy to answer any questions.
- Wolff Thank you, Wayne. Any questions for staff? Hearing none, this seems like an appropriate ask in my opinion in that this would be very consistent with what is in the surrounding area. In addition, I think that neighbors would probably—I could see someone buying this lot in this area and trying to subdivide it and develop it. I think that would get a lot more resistance, and I think this is an appropriate use. That's my thoughts on it but I don't know if anyone else has any thoughts on it.
- Mundy I think because of the narrow entrance there, the small amount of the road frontage, I assume that the likely building or single residence would be further back than your home was placed. I'm not sure—I don't think the neighborhood would—it would not be well-fitted in this neighborhood to have a number of homes there. I think it is, will be, a nice home site with a lot of acreage.
- Jones One item I'll point out is that variances are unique in that they are a specific variance to make it a, to provide for a single-family home. That's all they can do. They can't come back and say, "Well, I want to put two or three or whatever houses on it." The variance doesn't allow that. Once again, we can hold them to, the current owners, future owners, to specific conformance when it comes to whether or not this variance, you know, stands. Somebody wants to do something more than what they're getting, then they've got to come back before us or the Plan Commission (01:11:26 inaudible) somebody else. All this allows for is a single-family home.
- Dale That is understood.
- Donna That is our intent, yes. It kind of stopped the other conversation that we've had to kind of entertain, if you will, for the past couple years.
- Wolff Very good. I think we all appear to be in alignment here. With that in mind, I would entertain a motion.
- Jones Back to Steve.

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Mundy I move that Docket #2020-43-DSV development standard variance in order to provide for a single-family home on a lot which (1) exceeds the width to depth ratio of 4:1 and (2) deviates from the required road frontage in the Urban Open Land Zoning District OL be approved based on the findings and based on the staff report as presented.

Wolff Thank you very much. Is there a second?

Jones Second.

Wolff Thank you very much, Mr. Jones. Mr. DeLong, I'll turn it over to you.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mr. Jones?

Jones Aye.

Wolff Motion carries. No offense, but I hope Tennessee loses in the playoffs. Go Colts!

Donna Go Colts!

Dale I'd like to thank Chrissy and Roger for working with us now absentee owners. They really guided us through this thing properly.

Donna It was very appreciated.

Dale Very appreciative of the effort they put in to pull this together with us

Donna Without even having met until right now.

Wolff Thank you for those comments. We are fortunate to have an excellent staff.

Donna Thank you very much.

Dale We still come back to Zionsville on occasion.

Donna Yes, we do.

Wolff Well, hope to see you soon.

Donna Okay.

Wolff Thank you.

- Donna Bye-bye. Thanks.
- Wolff Next item on our agenda is Docket #2020-44-DSV for the property located at 860 West Pine Street.
- Shaffer Can you hear me?
- Wolff I can.
- Shaffer Okay.
- Wolff Now, I can see you. Would you please state your name and address for the record?
- Shaffer Randy Shaffer, 825 West Pine Street, Zionsville, Indiana.
- Wolff I'm sorry. Did you say Randy? Do you prefer Randy?
- Shaffer Yeah, Randy's good enough.
- Wolff Okay, very good. Mr. Shaffer, would you please describe the petition in front of us tonight?
- Shaffer We're wanting to add a second story onto the attached garage of my parents house. They're 860 West Pine Street. To make an additional bedroom above that garage for—my mother who has Parkinson's so we're trying to get help to stay in the room above the garage. It's a slow—because the house is too small to accommodate somebody to come in. We're not adding any square footage to the property. It's just to take the roof off the garage and put a second story on it.
- Wolff Okay, very good. Because you're—so the square footage—I'm sorry, the lot coverage is not going to go up but you're going—the lot coverage is not increasing but you're taking the property to a higher elevation. Why couldn't you just connect—because it's on the garage, we consider it an accessory structure which is why we're here tonight. Could you simply connect between the existing structure and the second story garage? Is that not an option?
- Shaffer You mean on the—are you saying like to add the—it would exceed the 35% of property. Is that what you're saying?
- Wolff No, I'm sorry, I'm not being very clear. As I looked at the plans and as I understood the plans, what I was trying to drive towards was the hardship of why you need this which I believe is related to the fact that when this house was built, there were certain energy standards. Because of that, you couldn't really add on to the house itself through onto the garage. Is that correct?
- Shaffer That's right. Yeah, it just—it would be too costly to do that, almost impossible.
- Wolff Okay. So the intent here is that you are going to have a staircase in the garage that goes up to this loft bedroom area?

Shaffer Yes.

Wolff Okay. Because it's in the garage, it's an accessory structure. Because of that, your accessory structure creeps over the edge which is why you're here in front of us.

Shaffer Right.

Wolff Got it close?

Shaffer Yes.

Wolff Okay, very good. Larry or Steve, do you have any questions for the petitioner?

Jones Is the existing house just a single story?

Shaffer Yes.

Jones Okay. I wasn't finding any plans for the existing house other than just a little bit where it attaches. (01:17:28 inaudible). So, you've got a single story and what you're going to do is add a second floor over the garage.

Shaffer Right.

Jones The only access to that will be back and forth through the garage space?

Shaffer Yes.

Wolff Any other questions? Mr. Kilmer, do we have anyone speaking for or against this particular petition tonight?

Kilmer Members of the public, would you please raise their hand if they would like to speak. Mr. Wolff, there are no hands raised.

Wolff Very good. Wayne, may we have the staff report?

DeLong Certainly. As indicated by the petitioner and certainly discussed by the board, the driver behind this variance request is the age of the home and the complexity to meet today's building code standards. Certainly, it could be achieved but the complexity and cost to adhere to, you know, recent energy codes standards is the challenge. Certainly, when you're discussing that and reviewing the project at hand and there's another option that is less invasive. It is certainly, you know, the essence of the practical difficulty with the use of the property with the fact that you have a different challenge with how to occupy in terms of the building code. Certainly the zoning ordinance conflicting with how those two marry up and you have a property that can be improved without changing any of the footprint standards in terms of lot coverage. It's certainly, you know, a very interesting topic at hand. It's not one that you hear very often. Certainly, staff is supportive of the petition as it's been filed. I'm certainly happy to answer any questions you might have.

Wolff Thank you, Wayne. What I was trying to understand is if the petitioner had put this—understanding with the age of the home, this is not an option if the petitioner had put this additional bedroom or connected it to the primary structure and not gone through the garage this would just be an addition to the home, correct, and we wouldn't be here?

Shaffer Yeah, you're asking like if—

Wolff I'm asking, Wayne, I'm sorry.

Shaffer Oh, okay. Sorry.

Wolff Yeah.

DeLong Correct. The challenge is—certainly, when the energy code is providing its analysis and certainly the standards that the entirety of the home are then forced to achieve. I think that's what Mr. Shaffer is getting. To remove and replace perfectly functional items in a home to achieve a particular standard, I mean, it could—I don't even know the totality of what we're talking about here but it could be windows, doors, you know, any number of things could need switched and just the cost of that, you know, if you want to weigh the carbon footprint changes of all the construction materials that would need to take place, it goes on and on and on.

Wolff Right.

DeLong So, the conversation, I'll just kind of keep it very narrow here, is you know, this is one of those items that makes a lot of sense and is supported with your consideration.

Wolff Okay, yeah. We're really dealing with some energy codes that are modern in a house that is not. Any other thoughts, questions from the board members?

Mundy Wayne, there are no fire code issues with a bedroom separate from the rest of the home?

DeLong There's going to be rated assemblies that would need to be provided for, a rated door, layers of drywall, things of that nature, just standard residential construction standards.

Jones The biggest item that ever effects calling a room a bedroom is size of the window and proximity off the floor. Basically, a window is considered the other means of egress out of it. A double hung window usually always meets that requirement.

Wolff Any other discussion? If not, I would entertain a motion.

Jones I move that Docket #2020-44-DSV development standard variance to provide for a second-floor addition to an existing garage which exceeds the allowable accessory square footage in an Urban Residential Village Zoning District RV be approved as filed based upon the findings of fact and substantial compliance with

the submitted site plan and conceptual elevations as amended from the original filing.

Wolff Thank you, Mr. Jones. Before I have a second, for clarity's sake, you did read that verbatim from the recommended motion?

Jones Yeah.

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

Mundy Second.

Wolff Thank you, Mr. Mundy. Mr. DeLong, we'll turn it over to you.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

Wolff Thank you. Motion carries. Mr. Shaffer, good luck with your project.

Shaffer Thank you very much. Appreciate it.

Wolff The next item on our agenda is other matters to be considered. You know what, I actually wanted to pause there. I skipped an item on our agenda which was electing of officers for next year. That was earlier on our agenda and I just overlooked it. If it's appropriate, if everyone's fine with it, I think we should probably hesitate on that until we have a more complete board. So, can we push—Steve and Larry, are you guys amenable to doing that next month?

Mundy Sure.

Jones All right.

Wolff Perfect. Okay, now let's get onto other matters to be considered. I am sure we have some unsigned findings of fact because I haven't signed them. Am I supposed to be signing them? Is there something in the truck? What am I supposed to be doing?

Jones Makes two of us.

DeLong I was going to say not currently. We can, I mean, we can work towards that. I don't know if we're ready to discuss that tonight but yes, we will organize that packet and either get that set out here in town hall or certainly in the truck. The

other two items on your agenda for this other business certainly to discuss the status of the 2021 filing schedule and then the other item is to—we did have some petitioners tonight that relied on first-class mail related to their petitions. So, we should just retroactively cover that tonight just like we always do because of COVID and the protocols using first-class mail have worked out a lot better because of the less current reduction in contacts.

Wolff Thank you, Mr. DeLong for that reminder. Is there a motion to amend the rules for this evening to allow for first-class mail?

Mundy So moved.

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

Jones Second.

Wolff Thank you. Wayne, we probably should do a vote.

DeLong Certainly, Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Was it to me? Aye. Sorry. Okay, very good. Okay. So, now we got our postage taken care of. Should we—can we briefly discuss to keep the town on track and keep the projects moving forward, I'm okay acting on the filing schedule and the hearing schedule. Can we briefly discuss what changes we're proposing and then we'll have a motion to approve those?

DeLong Yeah, I'll give a brief introduction and then certainly turn to Roger to speak to any, you know, technical mechanics. No, your rules to procedure as they're adopted dictate the date as to which your meetings occur. So, that is not a question. It's the first Wednesday of the month. That schedule has already been adopted by the Town Council, and that object has moved forward. So what would be the discussion tonight is the mechanics of what day we identify as the filing deadline and some steps along the way that the staff looks to create interactive petitions as well as get the matters published in time, get the matters noticed in time. Certainly historically we've looked to manage that about 30-31 days out from your hearing date. The staff is focused on moving that date a few days back or so. Roger, can speak to that specifically and that's my introduction to the topic.

Wolff Roger, can you add some details to that?

Kilmer Absolutely, yes. Thank you, Wayne. You covered most of the items. Again, the hearing dates are not changing. We were saying as has been the case, the only

thing that we're proposing on this filing schedule is to change the filing deadline date. Typically in the past it has been anywhere from 30-31 days from the filing deadline to the hearing date. That has created some challenges for staff. We are seeking to extend the filing time, time between the filing deadline to closer to 35 days to allow us a little bit more time to process the packets.

Wolff Very good. So, this won't affect board members. We're not moving the dates of those things. Our published calendar is our published calendar. This does provide staff a little more time to process the request. The good news is we have requests coming in. There's things happening in our town and that's a good thing for all of us. Any discussion amongst the group? If not, is there a motion to approve the 2021 BZA Filing and Hearing Schedule?

Jones So moved.

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

Mundy Second.

Wolff Thank you, Mr. Mundy. Let's do a quick vote.

DeLong Roll call vote. Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mr. Jones?

Jones Aye.

Wolff Very good. Take advantage of your four more days. Is there any other discussion for tonight? I still don't have a gavel at home. I've got a water glass. With no other comments or discussion, this meeting is adjourned. Thanks everybody.