



TO: Town of Zionsville Town Council

FROM: Roger Kilmer, Senior Planner in the Planning and Building Department

RE: Vacation Request of a portion of the 16.5-foot wide east/west Alley, generally located between West Pine Street and West Hawthorne Street, extending westward from the western right-of-way of South Second Street.

Vacation Petition History:

The Petition for Vacation of a Public Way was submitted by Clarence Dale Kennedy and Cheryl L. Kennedy (the "Petitioner") on June 30, 2025. The Petitioner currently owns the parcels on the north and south sides of an east/west alley to be vacated (Exhibit 1). The 16.5-foot-wide alley was established with the Original Plat of the Town of Zionsville, recorded in Plat Book 2, Page 56 in the Office of the Recorder of Boone County, Indiana.

The Petitioner seeks to construct a single-family residence on the undeveloped lot located south of the existing alley. As currently designed, the new residence would require multiple Development Standards Variances from the Town's Board of Zoning Appeals. These variances include deviations from the permitted maximum lot coverage and setback standards. The goal of the Vacation is to increase the width of the undeveloped lot by half of the "to-be-vacated" alley's width. With this additional width and the resulting increase in the parcel's overall size, the current layout of the proposed residence would then either comply with, or at least reduce the needed deviations related to, lot coverage and setback standards.

Analysis of Current Request

The vacation process associated with a public way has, historically, been one of determining the best method of managing capital assets of the Town. The review process conducted by Staff is focused on the management of the asset and would any one department, utility, and/or public service provider, be aggrieved if the asset were no longer in the Town's inventory.

The request is to vacate an approximate 120-foot lineal section of the 16.50' wide public alley which is bordered on the north by an improved property addressed as 240 S. Second Street and bordered on the south by an unimproved property addressed as 210 W. Hawthorne Street. This platted alley has been improved as a graveled alley and includes existing utility services. Identified utilities within this area to be vacated include overhead power lines and related poles, and an underground conduit for Charter Spectrum.

The submitted Vacation Petition and supporting documentation was distributed to the Town's departments and members of the Technical Advisory Committee (including utility providers) for their review and comment. No department or member of the Technical Advisory Committee has expressed opposition to the vacation of this alley; however, the Town's Department of Public Works has stated that the area to be vacated should remain as a utility easement, allowing for the maintenance of existing utilities within the area.

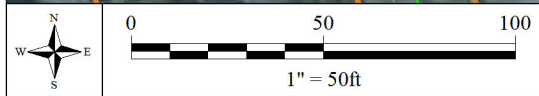
It should be noted that a neighboring garage to the west of the area to be vacated, on a parcel addressed as 255 W. Pine Street, appears to benefit from the existing, graveled alley. Vehicular access into this garage could possibly still be achieved from the remaining north/south alley, but the turning radius would be tight and limiting. If the alley to be vacated is to remain as a utility easement as requested by the Town's DPW, the addition of making this also an access easement in addition to the utility easement may remedy any

concerns from the owner of the adjacent garage. Regardless of the easement classification, if the Vacation is approved and the area is retained as an easement, the property owner(s) would not be permitted to construct or place any permanent structure within the easement area.

Therefore, Staff does not oppose the requested Vacation, provided the area to be vacated remain as a utility and access easement.

If there are any questions, please do not hesitate to contact our office.

Respectfully submitted,
Roger Kilmer, Senior Planner



Kennedy Alley Vacation: Exhibit 1