



MEETING RESULTS ZIONSVILLE BOARD OF ONING APPEALS
Wednesday, March 3, 2021
6:30 PM (Local Time)

THIS PUBLIC MEETING WAS CONDUCTED ELECTRONICALLY PURSUANT TO GOVERNOR ERIC J. HOLCOMB'S EXECUTIVE ORDER 21-05 AND GOVERNOR HOLCOMB'S EXERCISE OF HIS POWERS UNDER INDIANA'S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, *et seq.* ADDITIONAL INFORMATION REGARDING THE MEETING IS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.

The following items were scheduled for consideration:

- I. Attendance – **all members were in attendance**
- II. Approval of the February 3, 2021 Meeting Minutes – **approved 5-0**
- III. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-34-DSV	D. Wright	9495 400 South	Approved with 6-month demolition Commitment, as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed Petition for Development Standards Variance to provide: 1) For the continued existence of an accessory structure without a primary structure on the subject lot; 2) For a lot which exceeds the Width to Depth Ratio of 3:1; and 3) For a lot which does not meet the minimum 2 acre requirement in the Rural Single-family Residential District (R-1).
2020-38A-DSV	21 st Amendment - Outlot "I" of Appaloosa Crossing	3263 S. U.S. 421	Withdrawn by Petitioner – Approved by Board 5 in Favor, 0 Opposed Petition for Development Standards Variance to deviate from the required off-street parking ratio on a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).

IV. New Business

Docket Number	Name	Address of Project	Item to be considered
2021-02-SE	J. Chandler	614 N 1200 East Sheridan	<p>Approved with Right to Farm Commitment, as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed</p> <p>Petition for Special Exception to allow for an existing residential building to remain in the Rural Agricultural Zoning District (AG).</p>
2021-03-DSV	J. Chandler	614 N 1200 East Sheridan	<p>Approved as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance, to continue to allow a single-family residence which:</p> <ol style="list-style-type: none"> 1) Deviates from the minimum buffer yard setback; and <p>Petition for Development Standards Variance, to allow for the construction of an accessory building which:</p> <ol style="list-style-type: none"> 2) Deviates from the minimum buffer yard setback; in the Rural Agricultural Zoning District (AG)
2021-04-DSV	HBHS Realty, LLC	290 S 6th Street	<p>Withdrawn by Petitioner – Approved by Board 5 in Favor, 0 Opposed</p> <p>Petition for Development Standards variance to allow for a 2nd story addition to an existing single-family dwelling which:</p> <ol style="list-style-type: none"> 1) Encroaches into the required minimum 5-foot side yard setback; and 2) Deviates from the minimum 15-foot aggregate side yard setback <p>in the Urban Residential Village Zoning District (R-V).</p>

Respectfully Submitted:

Wayne DeLong AICP, CPM

Town of Zionsville

Director of Planning and Economic Development

Zionsville Board of Zoning Appeals
March 3, 2021

In Attendance: John Wolff, Larry Jones, Steve Mundy, Laura Campins, Chris Lake

Staff attending: Wayne DeLong, Roger Kilmer, Darren Chadd, Attorney

A quorum is present.

Wolff Good evening and welcome to the March 3, 2021 Zionsville Board of Zoning Appeals meeting. The first item on our agenda is the Pledge of Allegiance. Cover my camera.

All Pledge of Allegiance.

Wolff Thank you. The next item on our agenda is attendance. Mr. DeLong, can I give that to you?

DeLong Yes. Mrs. Campins?

Campins Here.

DeLong Mr. Jones?

Jones Present.

DeLong Mr. Mundy?

Mundy Present.

DeLong Mr. Lake?

Lake Here.

DeLong Mr. Wolff?

Wolff Present. Thank you, Mr. DeLong. We will go on with item number three, and then we will ask if any members of our public would like to be acknowledged as participating in our meeting. So, the next item on our agenda is the approval of the February 3, 2021 meeting minutes that were submitted in our packet. Any discussion amongst the group? Otherwise, I would entertain a motion.

Mundy Move to approve the minutes as submitted.

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

Lake Second.

Wolff I think I heard Mr. Lake first. Thank you, Mr. Lake. Wayne, we're going to continue to do roll call votes.

DeLong Okay, very good. Mr. Mundy?

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Mundy Aye.

DeLong Mr. Lake?

Lake Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

Wolff Thank you. The suspense was killing me.

Campins Oh, sorry. I thought I said it.

Wolff The meeting minutes are approved. At this point, we're going to stop for a brief moment and I'm going to turn it over to Mr. Kilmer to see if there are any members of our public who would wish to raise their hand as being acknowledged that they are participating in our meeting tonight.

Kilmer To raise your hand if you go to the bottom of your screen, there should be an icon to raise your hand. Please do so. We have Sally Zelonis, John Towsley, Michael Brannon, and David Wright. That is all.

Wolff Thank you, Mr. Kilmer. I would acknowledge that the Zelonis Family has a very good record of attendance. The next item on our agenda is item number four, continuance or withdrawal requests of which two were submitted to us. I think because they are on our agenda tonight, we do need to have a motion to accept the withdrawal of Docket #2020-38-DSV.

Lake So moved.

Jones So moved.

Wolff I think that was Mr. Jones. Is there a second to that motion?

Campins I second.

Wolff Thank you, Miss Campins. Wayne, I will turn it over to you.

DeLong Certainly. Mr. Lake?

Lake Aye.

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DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

Wolff Thank you. Motion carries. In addition, there was a withdrawal request for Docket #2021-04-DSV. Is there a motion to accept that withdrawal request?

Lake So moved.

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

Jones Second.

Wolff Thank you, Mr. Jones. Mr. DeLong?

DeLong Certainly. Just for clarity, that is 290 South 6th Street. This is a matter that was filed and is being withdrawn this evening. Roll call vote starting with Mr. Jones.

Jones Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Lake?

Lake Aye.

Wolff Thank you. Motion carries. To echo Wayne's sentiments, the first petition that was withdrawn was for the address located at 3263 South US 421. The second petition that was withdrawn was located as Wayne mentioned, 290 South 6th

Street. Thank you. That brings us to—I guess we should ask if any of our remaining petitioners would like to ask for a continuance for more time. If you're doing so, please raise your hand now.

Kilmer Mr. Wolff, there are no hands raised.

Wolff Thank you, Mr. Kilmer. That moves us onto item number five which is continued business which brings us to Docket #2020-34-DSV for the property located at 9495 400 South. Could we please promote the petitioner?

Kilmer I'm in the process of promoting Mr. David Wright.

Wright Hello, Mr. Wolff. This is David Wright. Thank you for the time.

Wolff Thank you, Mr. Wright. Would you please state your name and address for me?

Wright Sure. It's David Wright, 8010 Englewood, Indianapolis. This property tonight is at 9495 East 400 South. Can you hear me all right?

Wolff We can, uh, we can very well. Thank you. Mr. Wright, in your words, would you please describe the petition that's in front of us.

Wright Yes, thank you. It's a petition for three issues, the continued existence of an accessory structure without a primary structure for a lot which exceeds the width to depth ratio of 3:1 that, I believe is currently in force and for a lot which does not meet the minimum two-acre requirement in the Rural R-1 Single-Family District. So this is a petition for development standards variance to address those three issues.

Wolff Thank you, Mr. Wright. It would seem challenging that you could do something about the width-depth ratio and/or the two-acre minimum because the lot is the lot. You sort of inherited those conditions when you purchased the property. When did you purchase the property?

Wright February 2011.

Wolff Okay. So then, would you please describe the accessory structures that are on the property and what the plan is there?

Wright Surely, happy to. There are three accessory structures on the property that are described in the appendix of various square feet attached. One is a, I think, it's 240 square feet which is relatively new and a picture of that structure is in my package that was submitted to Chrissy Koenig and Mr. Kilmer. So, it's the blue with the brown roof. It's a real—it's a new structure. The other two structures are old structures. One is, I think, called a poultry building. It was inherited when I purchased the property in 2011 and it's still there. I would consider it an eyesore. I think it's about 240 square feet or 196 square feet. I'm not sure which. Then, there's a third block building next to that. So there are three structures one of which is new and two of which I plan to demo.

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- Wolff Very good. Do you have any intentions of building a primary residence on the lot?
- Wright Yes, I do. I had hoped to before now and I'm still in the process of intending to do that. I do not have a date or a specific financial plan so the purchase of the property was intended to do that very thing, yes.
- Wolff Understood. Life happens, we certainly understand that. As I read through—I'm sure you saw the staff's report. As I read through, they make a couple notes about the legal open drain that's located on the property.
- Wright Yes.
- Wolff I'm just pointing that out. Also, that if we do make a recommendation for approval of this variance, excuse me, that you still need to get the location permit for the accessory structure. Correct?
- Wright Yes, sir.
- Wolff Very good. Okay. What questions do we have for the petitioner tonight?
- Jones Did this lot exist before 2011?
- Wright Yes, it's actually—I believe it's existed since the 1960s as is. As stated in the findings of fact, the Tudors were the original property owners. They had a ranch home. My lot is 100 feet wide. Their home was—it fit very nicely within that 100 foot. That house was demoed before I found or purchased the property. They left the, of course, the structures that are there today. So the lot is as is prior to 1998 in terms of all the findings from Mr. Kilmer. From what I understand from common history in the local area, the house was demoed maybe around 2002-ish perhaps, 2004-ish. When I bought it, I certainly found remains of the house that I had to clean up. So in sum, I think the current condition of the lot has existed prior to 1998 but certainly 1998 is factually determined as the latest date.
- Jones Understood.
- Wolff Any other questions for the petitioner tonight?
- Mundy Mr. Wright, you intend to demolish all except that new building of which we have pictures. Is that correct?
- Wright Correct. That is correct. Happy to do so, would like to get on it this next fall on the first one and even if I hadn't filed this petition, I would probably be doing that anyway. It needs to be improved and we're making improvements to the property of course.
- Wolff Any other questions for the petitioner?
- Jones Who owns the parcel there directly to the south where it looks like farm land in the aerial?

- Wright Yes. On the petition, that's Exhibit 2. Is that correct? Is that my understanding?
- Jones Yes.
- Wright Yes, that's currently there today. I believe that the photo is accurate in every case.
- Jones Correct, but who owns the parcel?
- Wright Oh, who owns the parcel? I believe my neighbor to the right or to the east would be Chris Calliman. I believe he purchased that from a gentleman about four or five years ago.
- Jones So, it's not land-locked?
- Wright It has an access road over to the west off 400 South if that's what you're referring to.
- Jones Yeah, that's what I—I can see it now. It's—
- Wright The two orange lines there next to the retention pond?
- Jones Yeah.
- Wright Yeah, that's the access to the property.
- Jones Part and parcel's the reason we have the 3:1 ratio and in the flag lot thing is that they create these kind of issues. You get a very tight narrow lot that has plenty of acreage but we start talking about setbacks and you know what adjoining properties generally they do, it creates problems because you have a lot of a certain size square footage wise but in terms of setbacks and due to adjoining property owners all of a sudden, it can become problematic. So, it's interesting trying to figure out how this lot came to be.
- Wolff Yeah, agreed.
- Jones I mean, there's a reason we don't allow it.
- Wright Yes, for what it's worth, I've had the lot analyzed by the county, Boone County, by the Health Department. I've had it walked with a builder. We've walked the survey lines. We've also had it walked, I'm sorry, looked at by an architect to put an appropriate structure on the lot that would be appealing. We have found two locations, one north and one south of the creek. One north of the creek would be something in the order of a 35-55-foot-wide accessory, or um, building that would replace the current old sheds if you will. It would obviously be an orientation centered in the lot, Mr. Jones. It would be centered in such a fashion that it could achieve a good 20 feet on both sides being a 100 feet wide, the structure might be up to 60 foot perhaps. We would consider less. My intended building program is going to be a smaller house, frankly so we're not trying to oversize the house to the lot and we would not consider doing that. The other location which is in my mind much more appealing because it truly makes this a

sanctuary and a very appealing lot, is to go south of the creek building a bridge over the creek. The creek's pretty easy to do and I've had that priced by a contractor actually for feasibility. The well and septic, I've also had the health department look at south of the creek likewise the same kind of structure relatively narrow but easily accommodated by the lot and definitely set back from all of the boundaries. So, those are simply two of the dream sites that we have on the property that have been looked at by professionals and by the administrative authorities of Boone County and from Lebanon.

- Wolff Thank you, Mr. Wright. Any other questions from the petitioner at this time? Hearing none, Mr. Kilmer, are there any members of our public who wish to speak for or against this particular petition?
- Kilmer We'll pause one moment. It looked like Miss Campins had something to say but she was on mute, so I want to—
- Campins I was. Sorry, thank you.
- Wolff I apologize.
- Campins That's okay. No, I was looking at the exhibit, the survey, Exhibit 3. Where did the original house sit on this?
- Wright Yes—please, go ahead.
- Campins No, no. That's okay. I just wanted to know, looking at this survey, where did the original house sit?
- Wright Right. It sat, if you see the note for the existing well.
- Campins Okay.
- Wright At the north, in the north.
- Campins Oh, yeah, yeah. Yeah.
- Wright It sat, I believe, just south of that circle based on where I've seen the demo of materials. I've never seen—I have seen one picture of it, an old picture, I believe, once a long time ago. So it sat between the portable buildings and the well.
- Campins Okay.
- Wright It was rather prominent to the road. In my future plans, we would be much—it would be significantly further south of the road.
- Campins Okay. All right. Thank you.
- Wright My pleasure.

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- Wolff Thank you. Any other comments from the board? Otherwise, I'll need to go back to our remonstrators, for or against. Okay. Mr. Kilmer, do we have anyone in the public who wishes to speak about this petition?
- Kilmer Mr. Wolff, there are no hands raised.
- Wolff Okay. Thank you, Mr. Kilmer. Mr. DeLong, I believe that puts it into your hands for the staff report.
- DeLong Certainly, thank you. I can tell you that we do have a family here at Town Hall, the Shorts that had stopped by that did want to participate in this meeting.
- Wolff Okay.
- DeLong I'm currently just outside the building looking for them and I do not see them. I also know that they had intentions of participating via a handheld device. So, I can't speak to all the tools here. I do certainly want the record to reflect that there are interested parties that would like to participate but I do not see them at this moment. So, give me a moment to return to the desk.
- Wolff Yeah, Wayne, let's just make a note of what—thank you for your efforts into tracking down our public participation. Understanding this is unusual times so we'll make accommodations if they do wish to participate in our conversation. We'll certainly make accommodations for them to the best of our abilities.
- Lake There's one participant that is a phone number only and no name. That could possibly be them.
- Kilmer I could easily give them the opportunity to speak so that we can at least identify if that is the Shorts. Can we do that, Mr. Wolff?
- Wolff Yes, absolutely. For the sake of public discourse, absolutely.
- Kilmer Okay. Those individuals that have joined the meeting on the phone, phone number 317-443—I'll not say the last four numbers out of security purposes but if you would like to speak, you may, just at least to identify yourself.
- Lake Looks like they hung up.
- Kilmer That number has now disappeared. Mr. Wolff, I'll turn it back to you and Mr. DeLong.
- Wolff Wayne, what I would propose is that—well, shoot. I guess, I'll certainly take advice on this one. Why don't we have the staff report and then we'll see if we've got the time to speak with the Short Family.
- DeLong Thank you. As, I think, as the petitioner and this board has noted, this is a unique petition. In essence, you have a parcel that exists, has existed for some time, has non-conformities within the parcel and associated with the parcel. Those non-conformities either are legally existing and can be grandfathered if you will. Also, the petitioner over the years has actually taken efforts to further reduce the

non-conforming status all working towards the ultimate goal of building a home on this particular parcel. This board, you know, would recognize prior petitions similar to cases like this. Staff often would establish or suggest the establishment of a timeline to bring the property into further compliance related to building a primary structure. In this unique case, you have a property that's already improved with accessory structures that are grandfathered. The petitioner has indicated they are willing to remove additional accessory structures to bring—in order to facilitate the existence of this current, this shed that's been brought on and is currently there. Uniquely, since you do have all this, all the characteristics are all on the property already, it does seem like there isn't a timeline, if you will in terms of delivery or establishment of services or anything like that. So it could be that this matter ends up tabled to allow for this unique opportunity for the folks to participate and did indicate and stop by town hall indicating they did want to participate. In summary, staff is supportive of the petition as it's been filed with the caveat that within six months, the additional accessory structures be removed in order to facilitate the square footage that is being requested. With that, the staff would stand by to answer any questions.

Wright Thank you very much. I have two questions briefly.

Wolff One second, Mr. Wright.

Wright Oh, please.

Wolff Yeah, one second. Board members, do you have any questions for staff? Okay. Mr. Wright, let's go—then, Mr. Kilmer, if you see the members of our public who wish to participate, please interrupt us.

Kilmer I am doing that right now.

Wolff Thank you. Are they available?

Kilmer We do have a phone number. let me allow them to speak, at least identify themselves.

Wolff Mr. Wright, we'll get back to you momentarily.

Wright Oh, certainly.

Kilmer Those individuals that have called in to listen to the hearing with the phone number that ends in 9716, if you could please identify yourself. You're currently on mute. I've asked—

Wolff It appears we've lost them again. Okay. Roger, if you'll keep me posted. We certainly want to have all the participation we can if possible. Mr. Wright, did you have a couple questions about the process?

Wright Yeah. I think I'm finished. I just had a couple of points I need to clarify on page 2 of 5 in the middle. So demolishing the other sheds on the property, there's a note that 240 square feet would have to be demoed. I think that that is referring to the new shed. I don't know the specifics of the older sheds. Mr. Kilmer, I

believed you've called the new one a poultry shed. I think the original 140-square-foot accessory is a poultry shed. So, I'm not sure if we have a difference in terms. It doesn't matter to me, of course, the buildings that need to be demoed as they—I don't know that these line up. So, I only see 196 square feet that I could demo maximally unless we have a—yeah, I think that's what that means. So the 240 is what's sitting there now with the current blue shed that's new and the other two, I think, that are identified are the ones I would demo. That would be 196 total square feet available to demo as opposed to 240, as opposed to 240.

Wolff Thank you, Mr. Wright. I'm going to look at the recommended motion. Further down in the staff report, it does call out that the new structure is 12x20 which would be 240 square feet. So the latest most recent addition would be 240 square feet. It would appear that the other two structures are approximately 196 square feet.

Wright Yes.

Wolff I'm going to look at the recommended motion. Okay. If there is a motion to approve later on in our conversation, I would note to my fellow board members that it says at a minimum 240 square feet of existing accessory structures be removed. I would change that to 196. I agree that is probably the appropriate language.

Wright Thank you, Mr. Wolff. Lastly, I'm going to have to get some—I'm going to have to have a tractor to demo this stuff unless I can burn it. I have to figure that out. The six months deadline that was recommended, please, I was wondering if I could move that back three months so that I could have enough time to make sure that happens this year. I'm not sure six months is going to be doable for all of the structures. I'm not sure of the process. I need to contact either the fire department or file a petition for demo, etc...So, I've learned a lesson here. I apologize to the staff for this endurance but I want to make sure I comply as well and it's going to take time.

Wolff Thank you, Mr. Wright. I will note that and we'll discuss it as a group.

Wright Thank you.

Wolff Mr. Kilmer, have we made any progress with our public members?

Kilmer The phone number has come back on. If they'll hold one moment, I will allow them to speak.

Wolff My fingers are crossed.

Kilmer Those individuals that have called in on a phone number that ends in 9716, if you would please speak, identify yourself.

Wolff It appears that you are on mute if you are calling into our meeting.

Short Hello?

- Wolff Hello. We can hear you. Would you please state your name and address?
- Short Marvin Short, 9475 East 400 South.
- Wolff Very good. Well, we are hearing a petition about the property located at 9495 East 400 South. Could you describe your relationship, where are you at in location to the property?
- Short I border up to his property on the west side of it. My property goes the full length of his and sets right on 400 South just to the west of his property.
- Wolff Thank you. What are your thoughts on this particular petition?
- Short The concern I have is the letter that he sent to me, he said on here that he would like to—let's see. He would like to—let me find this here didn't—the properties next door to other structures—it looks he's making the comment on here that the structures that are currently there were there when he bought the property but that is not totally true. Some years ago, he actually built another property on that, on this land there with the idea that he was going to take down the old buildings that were there which is an old dog shed. That's been left there just rotting, it just looks terrible. Then, right next to that is a building that he's already built there once himself. It's not something that was already there. So, he added to that property once already. So then he told me he put this other property down there so that he would get rid of the other properties up front which are an eyesore to me. Nothing ever gets done, so when he's asking for more than six months to take down two buildings, I think that's ridiculous. It just takes a weekend to tear them all down, to get rid of them in some dumpster somewhere. So I'm confused, I guess, as to why he's saying that the structures there were there when he bought it which is not totally true because he added to it. Also, he's built, he's put this building down there larger than it's supposed to be and has never taken down any of these other buildings he told me he's planned to. So, I just don't know if those buildings would ever get taken down. It just seems like a stall tactic to try to clean up the property really.
- Wolff Okay. As we understand the narrative, one of the structures, one of the accessory structures which is kind of a newer looking barn, small barn, it was added recently. Then, there are two existing structures that have been there for a period of time. The petition in front of us is that, he has asked for is to keep the accessory structure that's there, the newer one. It's about 240 square feet. In this petition, he's also specifying that he will remove the other two accessory structures. Apparently, as you heard, we had originally proposed that that happen within six months. He has asked for an additional period of time, an additional three months of that. So, he's asked for nine months. So, are you concerned—
- Short What difference does it make six months or nine months, to take down two little buildings that's there? It seems like it's more just of a put off stall tactic and I don't see any reason for that. If he wants that building down there to get rid of—he put it there to get rid of his other buildings. They've been there for years and he's never done anything with them except like I said, he doubled the size of the one that was there when he bought the building, bought the property, because he added to it already. It's, uh, he added a big building up front and it just sits there

too. So, I don't think he had the proper approval of that one. So, these are both buildings that were there when he bought it. He's already added one to it and he says that he'll take them down but it just doesn't seem to happen. So, when he wants to go nine months instead of six, I don't see any reason for that or that it's not just a—it just makes no sense to me.

Wolff Okay. Mr. Short, are you—are you—

Short I don't want to be unkind and stuff, but I'm just telling the facts the way I see them.

Wolff Yeah, can you—I guess, I'm a little confused. Certainly, this is a public conversation and we appreciate you're participating especially that you're an adjoining neighbor. Would you describe how many structures are on the property in your view?

Short When he bought the property, there was one dog shed along there. It wasn't in very good shape, but it's just kind of been left sitting there for the last ten years. Nothing's been done to it and I don't think he's ever used it for anything. Right beside that, when he built another building beside that. I don't know, it's probably a 10x12 or 15 square foot building, that he built there right next to that. So, it's those two buildings plus the new one that he put in down the hill. I don't have a problem with that one down the hill, and that it looks nice. Just the fact that he already added one up front and that he says he'll get rid of them but it doesn't seem like that—he's told me several times that's what he's going to do but it never happens.

Wolff Okay. So if he were to agree to—by the way, this is, you know, the town could then enforce this. If we do pass this petition that he would have to remove those structures. So, you're amenable. You don't mind the current structure, the newer one but you'd like to see those other two, the older two, removed as quickly as possible?

Short I think that'd be fair. I don't—yes, I think that'd be correct. I got no problem with that.

Wolff Okay. Thank you very much for participating. If you'll please stay on and kind of follow us along as we continue our conversation but thank you for your feedback.

Short Okay, thank you.

Wolff Roger, before we move on, I probably should ask, are there any other members of our public?

Kilmer If anyone else would like to speak, please raise your hand. Mr. Wolff, there are no hands raised.

Wolff Okay. So, I'm going to turn this over to our board for discussion amongst ourselves. We have—well, we have two parts of this petition, in my opinion, that Mr. Wright inherited obviously the flag lot or the width to depth ratio. It's hardly a flag. It's more of a pole, and then the minimum two acre. I think those are

grandfathered in, in my opinion. Not grandfathered, we do not do that but I think they are—we can correct a wrong by granting this petition for those two particular instances. It sounds as if the adjoining neighbor was amenable to the current accessory structure but he didn't necessarily feel it was appropriate for us to grant more time to remove the other two accessory structures. So, I guess I will turn it over to my board. Thoughts, opinions on this topic?

Mundy I would like to ask Mr. Wright if—my impression was that those two older structures were there when he purchased the lot. The next-door neighbor says that you built one of those, Mr. Wright. Is that correct?

Wright That is correct. It's a replacement. It was a replacement at the time and actually, I think I filed a—I think it's a document that says demo. So, yeah, he is correct. If Marvin would like for me to show good faith, I'm happy to get started on the first building within less than six months period of time to just show good faith.

Mundy I also would like to know why it would take that long to remove two buildings which neither seem to be very big.

Wright Well, in fact, I work about 70 hours a week. I travel extensively and I haven't even been to the property for the last, oh, since really about December. So, I'm just not there. I love the property. It's a wonderful place. I keep improving it but I can't be there to promise. I guess, I don't want to disappoint somebody with a deadline. If you tell me I have to have a building demoed within a period of time, sure, I can probably get right on that. I just, I'm buried at work. It's a COVID season and I take a lot of time at work.

Mundy Is there a reason that you couldn't have this done? We tear down big buildings in a day. Is there some reason that that couldn't be done by a demolition contractor?

Wright I haven't thought about actually hiring somebody. I figured I'd just end up doing that myself and you know, it's a—I'm a one-man operation, so you know, after working 60-70 hours a week, I get there on Saturday afternoon, Sunday afternoon. I'll start working on it in 60 days. I just hesitate to promise something unless you might insist. If that's helpful, then I'll do that. We can go back to the six, I think you said six months. You know, there's two buildings there and I've got a lot of other work to do. I don't want to make it subordinate to your requirements at all. You know, Marvin's probably exasperated by the fact that I haven't removed this old dog shed. I get it, and we can start right there.

Wolff Any other discussion amongst the board members?

Jones I was just going to point out the entire discussion kind of supports the reason why we do not approve flag lots. You get into this situation where the rural areas, we have activities going on within other people's sightlines aren't really particularly agreeable. Mr. Wright, I'm sorry that you built a building without getting the proper permits but there's a reason why we have all these kind of requirements that we try to hold everyone to. It keeps the playing field level. Sorry that, you know, it's good to hear you're very busy. There's a lot of people who are not busy in this economy but regardless, I'm going to support if we're going to

- approve you having the new building on there that you keep to the timelines that Wayne DeLong has put out.
- Wright All right.
- Jones It's not that particularly difficult to do.
- Wright I can agree with that. I don't see a problem. I don't want to appear to be too busy to comply here. I've definitely not been compliant here in the past. So, I've learned that lesson and certainly give that apology.
- Wolff Any other discussion amongst the board members?
- DeLong Mr. Wolff, staff does have one comment we'd like to add.
- Wolff Certainly.
- DeLong There had been a comment about possibly burning the building as a method of removing those and we would really caution that that is not permitted.
- Wolff Yeah, don't do that.
- Wright Okay, no problem. I just didn't know.
- Wolff I'm not a Zionsville Fire Department expert but I'm sure they don't want extra work. They're busy people. Okay.
- Wright Good enough, committed.
- Wolff With that, if no further discussion amongst the group, I would entertain a motion. I would note that if you are looking at the recommended motion, we did make a change that the, the minimum 196 square feet of existing accessory structures be removed not 240. We believe 240 is the current structure that was most recently added.
- Jones So, there's two structures, correct, that are going away?
- Wolff Yes, that total what we believe to be approximately 196 square feet.
- Mundy Are you asking for a motion?
- Wolff I am asking for a motion.
- Mundy I'll offer that I move Docket #2020-34-DSV petition for development standard variances to provide (a) the continued existence of an accessory structure without a primary structure on the subject site with a commitment that (1) no additional accessory structure be placed on the site and (2) no existing accessory structure be enlarged or improved prior to the construction of a primary resident structure, and (3) that a minimum of two older structures totaling 196 square feet of existing accessory structure be removed from the property within six months of the grant of any variance (b) for a lot which exceeds the width to depth ratio of

3:1 and (c) for a lot which does not meet the minimum two-acre requirement in the low-density single-family Residential Zoning District R-1 be approved based on findings of fact and based on the staff report presentation.

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

Lake Second.

Wolff Thank you, Mr. Lake. Mr. DeLong, I will turn it to you.

DeLong Certainly. Mrs. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Lake?

Lake Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Wolff?

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

Wright Thank you very much. Appreciate it.

Wolff The next item on our agenda is Docket #2021-02-SE for the property located at 614 North 1200 East. Can we please promote the petitioner?

Kilmer I'm promoting Michael Brannon to speak regarding this petition.

Wolff Mr. Brannon, are you there?

Brannon Yes.

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

Brannon Michael Brannon. Excuse me, 6259 Harbridge Road Indianapolis, IN 46220.

Wolff Thank you, Mr. Brannon. We have two petitions for this particular property on our agenda tonight. I think we should—we can discuss them all holistically. We will treat them individually.

Brannon Okay.

Wolff We'll vote on them individually. If you want to, could you please describe what's in front of us tonight?

Brannon Sure. This is an existing property with a residence. They have an attached garage which is currently being used as a, being used to store a historic collector car. The homeowners would like to build a free-standing garage but then the collector car and all of the tools and equipment can be moved into that garage, then regain the use of the attached garage for restoring vehicles, daily drivers which currently live outdoors. So, that's the basis of the project. Then, the project also includes a second floor on the garage to have an office and some hobby space. Apparently, the house was constructed in 1996 before Zionsville's involvement in that area of Union Township so it was just built, I guess, in the I zoning. So, the special exception is just to memorialize the existence of the house in the first place. Then, the two other variances are the development standards variances or the setbacks. The house itself is the north property line, it's 30 feet—the house is 30 feet from the line and it needs to be 40 according to the zoning if I understand it correctly. Then, due to the constraints of the existing driveway, existing garage, and existing septic system, the proposed garage would be located 22.8 feet from the south property line rather than the required 40 feet. So, those were the two-dimensional development standard variance requests if I understand that correctly.

Wolff Thank you. I think you articulated it well. On the new structure, you made a comment just a moment ago about the septic system. Those are important. So, this structure's placement is in part or in part based on the existing septic system. Is that correct, the proposed placement of the new structure?

Brannon Yes, that there's the main line from the house that connects to the septic, you know, to the septic system is, diagonally comes from the house to the southwest towards the septic drain field. So, we couldn't—we can't push—it would be hard to push the garage, proposed garage, any further north closer to the house because of that. Also, there's exi—there would also potentially cut off access or make access difficult into the existing attached garage which would be a dual-use garage hopefully.

Wolff Yep. Okay, understood. So the constraints of the property with the septic system are kind of what's forcing our hand here on these setbacks. Understood. What questions do we have for the petitioner? Board Members, I would note that we have Petition# 02 in front of us which is to grant the allowance of the residence in the, I'm sorry, the residence in the Agricultural District. So that's—we'll treat that one first but we can discuss them collectively. The second one is regarding the setbacks. So with that, what questions do we have for the petitioner? Okay. Mr. Jones, I'll ask the question because I know you want to. What is the collector's car in the garage?

Jones Is it a Buick?

Brannon No, it's a '69 Camaro.

Jones Let me make a motion to deny.

- Wolff Your motion is turned down.
- Brannon I'm a Mustang man and I took the project anyway.
- Wolff Any other questions for the petitioner at this time?
- Jones So are we—so, there's a variance of the setback... both with... we're cleaning one up on the existing house on the north side and then also cleaning up one for, allowing one for the house or for the detached garage. Correct, it's the side yard setback that we're having?
- Brannon Yes, I believe so.
- Lake Yes.
- Jones Then, to try to actually get to the 40 feet with the detached garage shoves it right up on top of the connection to the septic field.
- Brannon Right, and puts it in awkward proximity to the existing garage as well.
- Jones Yeah, to get in and out.
- Wolff Any other questions for the petitioner at this time? Mr. Kilmer, are there any members of our public who would like to participate in our conversation tonight?
- Kilmer There are currently no attendees shown. There are also no hands raised.
- Wolff Oh, we've lost our audience. Well, with that, Mr. DeLong, I think it probably goes to you for our staff report. If you want to, I think it would be appropriate for us to hear the staff report on both of these petitions.
- DeLong Certainly. We can push both of them together. Certainly, staff is supportive of both the petitions. Certainly, you recognize as the uniqueness of this particular project, I mean, predominately it comes to you because the petitioner is seeking to improve their own property and because of that, staff has several suggestions on how to help them in the future to address items, whatever the case may be to establish existing setbacks by variance, get that taken care of in case anything would ever happen to the property, it does have the now—now has the legal rights to exist with the current setup as they wish to have. Certainly, this is a unique area of town. Many areas of town, of course, are unique. In this particular case, you have an Agriculture District that has a setback dimension that's predominantly designed to protect the agricultural integrity that's occurring around the property. The setback itself is designed for a number of reasons, including to facilitate the agricultural production of the adjacent properties, be it airborne distribution of pesticides that are sprayed or any other things that could be detrimental to the residential occupancy of this property. In this particular case, you have well-established residents, residential use of the property, and the actual property next door to the south is a well-established landscape contractor or some sort of permissible agricultural use that is not tied to large scale production that's going to be utilizing the very issues that the ordinance is designed to mitigate. All that said, certainly, for the record, the staff report also

speaks to the presence of the airport and certainly the issue with the right-to-farm, issuing of that certification as a part of any sort of special exception approval. All that said, staff is supportive of the petition subject to the right-to-farm acknowledgment and we're happy to answer any questions.

Wolff Thank you, Mr. DeLong. Any questions for staff? Thank you. Mr. Brannon, I should have called this out earlier. It's noted in the report as I'm sure you have seen. You may be aware that there are certain neighbors of yours who may farm. So, there is a right-to-farm agreement which it just acknowledges the property owners say that they have the right to do that so there may be dust and dirt and things that come along with those farming activities. In addition, the property is obviously located close to an airport. Those things often constitute planes going up and down which occasionally creates noise. So, I'm assuming you're aware of both of those conditions.

Brannon Yes, the homeowners built the house in '96-'97, the approximate construction date. They've lived there the entire time and intend to stay there quite a bit longer so they're well aware of the neighboring uses.

Wolff Very good. Any discussion amongst the board? If not, I would entertain a motion for Petition #2021-02-SE.

Lake I move that Docket #2021-02-SE a Special Exception Petition in the Agricultural District for the property located at 614 North 1200 East Sheridan be approved based on the staff report and the proposed findings as presented.

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

Campins I second.

Wolff Thank you, Miss Campins. Wayne, I will turn it to you for a roll call vote.

DeLong Certainly. Mr. Mundy?

Mundy Aye.

DeLong Mr. Lake?

Lake Aye.

DeLong Mr. Jones?

Jones I was thinking about did we get the right-to-farm acknowledgment included in there? I'm sorry, I should have spoke up earlier.

Wolff We did acknowledge it, yes. I think it's as part of the findings, yes.

Lake It was not named as part of the motion, though.

Jones Correct.

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Wolff Well, then I'm going to pause.

Jones Sorry about that.

Wolff It's okay. Mr. Chadd, do we need to include that in the motion or are we okay where we are at?

Chadd If you want it to be a condition, you should include it.

Wolff Okay. Mr. Lake, would you be amenable to adding a condition to the motion that the right-to-farm act has to be executed?

Lake Yes, I would.

Wolff Okay. Mr. Mundy, were you the second on this motion?

Mundy No.

Campins I was.

Wolff Oh, Miss Campins was. Thank you, I'm sorry. Would you—are you amenable to that? Would you second that motion?

Campins Yes. Yes, I second.

Wolff Thank you, Miss Campins. Okay. I apologize. I got ahead of myself. Mr. DeLong, let's start over. I get to edit the minutes. I don't really.

DeLong Okay. We'll start over with the voting roll call here. Mr. Mundy?

Mundy Still an aye.

DeLong Mr. Lake?

Lake Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

Wolff All right. So, that motion passes with the unusual 8-0 vote. We'll move onto Petition #-I would entertain a motion for Petition #2021-03-DSV.

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Lake I guess I can also do the—I move that Docket #2021-03-DSV Development Standards Variance to continue to allow a single-family residence which (1) deviates from the minimum buffer yard setback and petition for development standards variance to allow for the construction of an accessory building which (2) deviates from the minimum buffer yard setback in the Rural Agricultural Zoning District AG be approved based on the findings of fact and based upon the staff report and presentation.

Jones Second.

Wolff Thank you, Mr. Lake. Thank you, Mr. Jones. Mr. Chadd, are you okay with that motion?

Chadd Yes.

Wolff Okay. Thank you.

Chadd Yep.

Wolff Wayne, we'll turn it to you for a roll call vote.

DeLong Certainly. Mr. Lake?

Lake Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

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

Brannon Thank you.

Wolff Next item on our agenda is other matters to be considered. I would note there's nothing particularly on this but I would also call out at this time that I believe our next scheduled meeting is April 7. Is that—anybody want to say—yep, staff is nodding at me. I also believe that is our local community school district's Spring Break.

- Lake It is.
- Wolff I am intending to travel and I don't want to have this meeting from Florida. So, I will be traveling safely with a mask in a private residence. Other than that, what is everyone's attendance? I'm asking now because if we need to adjust, we'd like to give all of our petitioner's and staff enough time to adjust.
- Lake I will be unavailable.
- Wolff Mr. Lake is unavailable as well.
- Jones I'll be here.
- Campins I'll be here.
- Wolff Okay. So, I believe life happens, things change, but at this time, we do have a quorum with three members planning on attending. Okay. Any other matters to be considered?
- DeLong Well, I would take that thought one step further with Town Hall. We do have—we now have enhanced hybrid technology in place. This board can talk about the concept of having that meeting in person if it so chooses here on April 7 or just continue to utilize the system as approved by the executive orders. Just—we'll monitor the situation. Certainly, if the governor's executive orders do not carry through for your April 7 meeting, we do have the technology in place to have a full in-person meeting. Certainly, we would do that certainly with a hybrid component to allow the public to dial in. Again, we—things are advancing in terms of technology so we will keep you posted as to what that looks like here in the next few weeks.
- Wolff Thank you, Mr. DeLong. Mr. Chadd, did you have a comment?
- Chadd I was about to ask you, Mr. President or maybe Mr. DeLong, it may be a little late now but do we need to approve notice by regular mail for the petitions that we just heard.
- Wolff We do. Our meeting is not adjourned so I think we're still okay.
- Chadd We're still in session. We're good.
- Wolff Is there a motion to approve a—what is the term I'm looking for, Mr. Chadd?
- Chadd I think we're amending our rules to allow notice by regular mail rather than certified mail.
- Wolff Yes. Is there a motion to amend our rules to allow regular mail as opposed to our certified mail due to COVID-19?
- Jones So moved.
- Wolff Thank you, Mr. Jones. Second, anyone?

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Lake Second.

Wolff I think I heard Mr. Lake. Thank you.

Lake Yes.

Wolff Mr. DeLong, I'm going to call you—let's see if we can get this down to a 5-0 vote as opposed to an 8-0 vote.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Lake?

Lake Aye.

Wolff Thank you, Board Members. Motion approved. Any other items to be considered? Hearing none, thank you. This meeting is adjourned.