



MEETING RESULTS ZIONSVILLE BOARD OF ZONING APPEALS

Wednesday, May 5, 2021

6:30 PM (Local Time)

THIS PUBLIC MEETING WAS CONDUCTED ONSITE AND ELECTRONICALLY AS ALLOWED BY VARIOUS EXECUTIVE ORDERS OF THE GOVERNOR OF INDIANA 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 were scheduled for consideration:

- I. Attendance – **5 of 5 members attended** (L. Jones-virtual, L. Campins-in person, S. Mundy-in person, J. Wolff- in person, C. Lake- in person)
- II. Approval of the April 7, 2021 Meeting Minutes – **approved 3-0**
- III. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2021-05-DSV	C. Henry	2346 S US 421	Withdrawn by Petitioner’s Representative - Approved by Board – 5 in Favor, 0 Opposed Petition for Development Standards Variance to allow: 1) A new accessory use which causes the square footage of the accessory uses to exceed that of the primary; 2) An existing deviation of the 3:1 Lot Width to Depth Ratio; and 3) Existing structures to deviate from the required minimum buffer yard setback in the Rural General Agricultural & Michigan Road Overlay Zoning Districts (AG & MRO).
2020-42-UV	R. Peerman	9100 E 100 North	Denied as presented & filed w/exhibits & per staff report &– 5 in Favor, 0 Opposed Petition for a Use Variance to permit an indoor recreation facility in the Rural Equestrian (RE) District.

IV. New Business

Docket Number	Name	Address of Project	Item to be considered
2021-10-DSV	S. Famolaro	160 E. Willow Street	<p>Approved as presented & filed w/exhibits & per staff report &– 5 in Favor, 0 Opposed Petition for Development Standards Variance to allow in order to provide for an additional to a Single-Family Home which: (1) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).</p>
2020-11-UV	Doggy Daycare-Lot K	3301 S US 421	<p>Continued by Petitioner’s Representative to June 2, 2021 Meeting - Approved by Board – 5 in Favor, 0 Opposed Petition for a Use Variance to permit an animal day care facility in the Rural Professional Business District (PB). The site is also within the Rural Michigan Road Overlay (MRO).</p>
2021-12-DSV	Doggy Daycare-Lot K	3301 S US 421	<p>Continued by Petitioner’s Representative to June 2, 2021 Meeting - Approved by Board – 5 in Favor, 0 Opposed Petition for a Development Standards Variance to remove the requirement for a 6-foot planting strip along the US 421 frontage in the Rural Professional Business District (PB). The site is also with the Rural Michigan Road Overlay (MRO).</p>

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

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In Attendance: John Wolff, Laura Campins, Chris Lake, Steve Mundy, Larry Jones (remotely).

Staff attending:, Chrissy Koenig, Roger Kilmer, Darren Chadd, attorney.
A quorum is present.

Wolff Okay, are we ready to go? IT Support, are we ready to go? Do we have a thumbs up? Okay, very good. Well, let's get started. Good evening, and welcome to the May 5, 2021 Board of Zoning Appeals. The first item on our agenda is the Pledge of Allegiance.

All Pledge of Allegiance.

Wolff Thank you. The next item on our agenda is attendance. Chrissy, let's do a roll call.

Koenig Mr. Lake?

Lake Here. Here.

Koenig Mr. Wolff?

Wolff Here.

Koenig Mr. Mundy?

Mundy Present.

Koenig Miss Campins?

Campins Here.

Koenig Mr. Jones?

Jones Over here.

Wolff Thank you, and note that we have the full board present. Very good. Next item on our agenda is the review and approval of the April 7, 2021 meeting minutes. I would note for the record that Mr. Lake, I believe, you and I were both absent for that meeting.

Lake Yes.

Wolff So, we should abstain from voting.

Lake Yep.

Wolff Is there any discussion amongst those attending members about the meeting minutes or any corrections to them? If you need more time to review, I'm happy to move these to the next agenda.

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- Campins I'm good.
- Jones I'm good.
- Wolff Okay. If there's no discussion, then I would entertain a motion to approve the April 7, 2021 meeting minutes.
- Mundy I move to approve the April 2021 minutes.
- Campins I second.
- Wolff Thank you, Mr. Mundy. Thank you, Laura. All right. So with that, Chrissy, I think it's just Mr. Jones, Miss Campins, and Mr. Mundy. Could you do a roll call vote for me, please?
- Koenig Yes. All those who approve, say "aye."
- Mundy Aye.
- Campins Aye.
- Wolff Mr. Jones, you're muted.
- Jones Aye.
- Wolff Thank you. So for the record, we got three "ayes" from Mr. Jones, Mr. Mundy, and Miss Campins. Okay, very good. Meeting minutes passed. The next item on our agenda is continuance or withdrawal requests. Are there any members—are there any petitioners who are on our agenda tonight who are going to ask for a continuance or withdrawal request, please? Please come forward. Mr. Price, please state your name and address for the record.
- Price Thank you, Mr. Chairman. My name is Matt Price. I'm with the law firm of Denton's in Indianapolis, Indiana on behalf of Harris FLP. Draw your attention to the last two items on the agenda, 2021-11-UV and 2021-12-DSV. These are together a use variance and certain development standards variances for a proposed doggy daycare, resort, and spa at Appaloosa Crossing. After reviewing the staff report, we believe we would like to make certain clarifications to our petitions for the benefit of staff, the Board, and any members of the public and would request a 30-day continuance to your meeting in June.
- Wolff Okay. So Mr. Price, if we grant a continuance, do you think you will have a more complete petition for us in June?
- Price Yes.
- Wolff Understood. Any discussion amongst the group? Hearing none, seeing none, I think for formality's sake, we should probably act on these individually. So is there a motion to continue Docket #2021-11-UV to the June BZA Meeting?
- Lake So moved.

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

Mundy Second.

Wolff Thank you, Mr. Mundy. So Chrissy, for this one, why don't we go around and just say individual names and we'll say yes or no.

Koenig Okay. Laura Campins?

Campins Aye, or second.

Mundy Steve Mundy, aye.

Wolff John Wolff, aye.

Lake Chris Lake, aye.

Jones Larry Jones, aye.

Wolff Thank you. The motion passes, now for the record, I would like to note that that meeting, Mr. Price, is June 2. Very good, okay. Is there a motion to continue Docket #2021-12-DSV to the June 2 BZA Meeting?

Lake So moved.

Mundy So moved.

Wolff I'm going to give it to Mr. Lake. Is there a second from Mr. Mundy?

Mundy Second.

Wolff Okay. So let's continue with the same process. Miss Campins, if you would lead us off. State your name and your vote.

Campins Laura Campins, aye.

Wolff Thank you.

Mundy Steve Mundy, aye.

Wolff Thank you. John Wolff, aye.

Lake Chris Lake, aye.

Jones Larry Jones, aye.

Wolff Thank you. Mr. Price, we will see you in June. Thank you.

Price Thank you very much.

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- Wolff Are there any other withdrawal or continuance requests for us tonight? Roger, do you see any on the screen? I'm expecting one more, aren't we?
- Kilmer Yes, we're expecting one more, a withdrawal. Is that correct Chrissy?
- Wolff Yes.
- Kilmer Yes, of Docket #2021-05-DSV, the attorney's representative filed again, filed a letter that was distributed to the Board requesting withdrawal of this development standards variance request.
- Wolff Thank you, Roger. Are we expecting the representative, the attorney's representative to be here tonight? If not, do we need them?
- Chadd No.
- Wolff Okay. So let's just move on without it. Is there a motion to accept the withdrawal or request for Docket #2021-05-DSV?
- Mundy So moved.
- Wolff Thank you, Mr. Mundy. Is there a second to that motion?
- Campins I second.
- Wolff Thank you, Miss Campins. Let's go with our new process of walking down the line, please. So this is a motion to accept the withdrawal request.
- Campins Laura Campins, aye.
- Mundy Steve Mundy, aye.
- Wolff John Wolff, aye.
- Lake Chris Lake, aye.
- Jones Larry Jones, aye.
- Wolff Thank you. Docket #2021-05 has been withdrawn. Are there any other petitioners on our agenda tonight who are asking for a continuance or withdrawal? Don't anticipate any, so let's move on to Item #5 on our agenda which is continued business which brings us to Docket #2020-42-UV for the property located at 9100 East 100 North. Will the petitioner's representative please come forward?
- Jacob Good evening, BZA. My name is Jeff Jacob. I'm an attorney with Hackman Hulett with offices at 1640 West Oak Street here in Zionsville. I'm here with my law partner Tony Ridolfo and the petitioners Rodney and Celina Peerman. We are tonight asking for a use variance approval of the Peerman Basketball Barn. This matter has been continued. You heard this about 60 days ago. What we're asking for is a use variance in order to operate an indoor recreational facility. I

think that's a pretty big term for what the Peermans actually want to have happen with the facility. I think in talking to staff and reviewing the ordinance that a home occupation doesn't quite fit the bill either.

So just as a reminder, this is a 7.6-acre site, and is on the southeast corner of State Road 421 and County Road 100 North. You're going to hear me reference the location. We believe that that's a significant component to this. 60 days ago at the last hearing, the Peermans had a different attorney and they kind of came away from that hearing a little shell-shocked frankly. They were charged with taking a step back and talking to the neighbors and revisiting this use. Secondly, to look at—they were charged with mitigating the use and the impact of the facility. Now, I think that we have tried to make that happen relative to the neighbors. I want to thank a couple of the neighbors for taking the opportunity to speak with me. I'm not here tonight to, unfortunately, report to you that we're all happy and satisfied with the use. I think there are a couple of remonstrators that will speak this evening that are not satisfied with our mitigation. For that matter, I do think they're just—they don't want this use there and that's understandable and that's their right. This started as an enforcement action. In May 2020, the Peermans were approached saying that the usage had gotten too intense. I think it's important to understand where the Peermans come from on this. There is also enforcement action as noted in the staff report in August '19 that was not the Peermans. What's important to remember was these neighbors that were dealing with it. So this property carries with it some history that the neighbors have been trying to mitigate and trying to be heard on. Why that's significant is that the Peermans came to this thinking that they could operate this basketball facility. I mean, as you've seen in the packets, it's a very unique property. It's a very unique structure. Again, what you'll hear me say a few times this evening is, we're not asking to build this. It's been built. What we're trying to do is to increase our usage beyond what a normal residential recreational use would be in the RE District.

So the Peermans, just by way of background, are a basketball family. It's a sport they love, they're involved with, their child is involved with, and is frankly why they bought the property. Now, I'm not excusing not understanding the background of the zoning ordinance. That's not an excuse, that's an explanation in how we got here. So after they bought the facility, they began using it as they thought that they could. This is not some burgeoning enterprise that's going to expand into a Grand Park-like facility. That's not what the Peermans want. They were wanting to share the facility and frankly, the usage got above what they really expected because of the pandemic. When youth sports facilities shut down, people came to the Peermans and they said, "Sure, come in." Now, was there a financial component to that to help pay for the lights and maintain the facility? Of course, but this isn't some sort of enterprise that the Peermans are hoping to operate. That's not it. It is a use that they want to do beyond a friends and family type usage, beyond what the ordinance would allow and hence our request. So, we have—you know, as we look at these types of uses and various facilities or various uses in our zoning districts, regardless of what your intentions are and the Peermans tried—they volunteered to allow some youth sports to come in and they've stopped that practice where they had a couple elementary school teams come in. What we're trying to do is now, take a step back and undo our steps in

the stream if you will, and try to mitigate that use and harmonize uses between the various properties.

Now, this is at the corner of 421 and County Road 100 North. County Road 100 North has been paved and has—I can attest that I’ve added to that traffic significantly since that’s been the case of trips to and from Grand Park from my home. So there’s increased traffic flow and you also have 421. So what we’ve tried to do is understanding that we may not answer all the remonstrators concerns, what we’ve done is reached out to several of the neighbors and I’ve tried to hear what the issues are. I’ve also gone back to the last meeting, I’ve read the letters and we have substantially amended our commitments to try and capture what the Peermans want to do. Now, we have not been able to get feedback from the neighbors where they say, “Yes, that sort of gets us there.” So, you’ll hear a couple of commitments this evening that we’ve amended that are—frankly, we would be happy to address and ratchet down further, but and knowing that the BZA doesn’t like to horse trade that way, we really haven’t had an audience with—appropriately so, it’s not on the neighbors to do but I haven’t really been able to make inroads to say, “Well, what concern do you have? What can we do with this commitment that would satisfy you?” What you’ll hear from the neighbors this evening is that they don’t want the facility there. The facility is built and will be used as a friends and family facility regardless of the BZA’s action tonight and appropriately so. What we’re asking for is to add some additional mitigation to that and increase the usage.

Wolff So, Mr. Jacob, for our benefit, why don’t you highlight what is different for us between when we last heard this 60 days ago and today.

Jacob Yes. So, you should have in your packets a clean copy of Exhibit A, the commitments, as well as a red line. So that red line should—I would like to go by each one and highlight some of the high points. Under Item 1 in terms of participants, at one point—the last time we were here, we had that at 20. We have reduced that to 10. Frankly, the Peermans can live with less than that but we want to be good neighbors. We cut that down in thinking that there would be 10 people playing a game of basketball. That was sort of how we came up with that math. There’s no method beyond that. There would be a trainer periodically at the facility. There have been no changes to that commitment save for some draftsmanship. Item 3, we have reduced the hours from 8 a.m. to closed up no more at 8 p.m. Like that commitment, one of the things that I’d like to highlight is that we’re not—this is not a continuance operation, we anticipate. Those would be usage restrictions. The next significant change is with traffic and parking. Now, one of the issues is that I’ve driven by the facility a number of times since I’ve gotten involved in the last few weeks. One of the things, I drove by over the weekend and I looked and I saw a number of vehicles. I talked to my client, I said, “So, explain this.” They have four vehicles, four personal vehicles, that are parked near this barn. Additionally, for example, today they had four personal vehicles and then they had two in-home hospice care providers that were parking there providing care in the residence. You’ve got six cars. If you add a couple more to that, the perception is that it’s a much more intensive use and a much more aggressive use than really what’s going on. That’s not a criticism of the neighbors. That’s the reality. That perception is there and that is a real view that neighbors, I’m sure, would take. So, we tried to address that. So, seven is sort of

a unique commitment. I don't know that I've done this before in front of a zoning body but we would say that we would have—we would limit this to no more than five user vehicles using the site at any given time within those restricted time periods. Now, hearing my explanation with the neighbors and again, I thank the neighbors for their willingness and patience to talk with me. I couldn't get really a concept of what really the part of the issue was on parking and traffic. So, we've implemented an alternative and we've said if the Board would so choose, we would have off-site parking and carpool in. So, in other words, we would lease, in a commercial district, parking and those users would carpool in so that we would limit the number of trips and the parking if that was an issue.

Another change is screening. We would plant a minimum of 20 trees along the eastern side of the facility in addition to the fencing along the east boundary of the parking lot.

Now, one of the things that I know that zoning bodies don't want to do is to mess with enforcement. So what we've done is stuck in a provision dealing with a user log. This would be on the Peermans to maintain a log of the number of users, number of trips, number of vehicles and they would make that available to staff every six months. That would pair with Item #13 which is a sunset provision. The BZA wants to see us back or wants us to report in to staff in 12 months, 24 months, whatever number the BZA would so choose. We'll come back, meet with staff, solicit opinion from the neighbors. How are we doing? Are we good stewards? Are we good neighbors? So, we have also inserted a commitment on no short-term rental. Now, this is not a Peerman issue but this is an issue that the neighbors have and I don't blame them. The previous owner, we believe or we understand, rented out the facility and the home as an Air B&B rental. We're committing that's not us doing that. That's a previous owner. We're committing that we wouldn't do that.

One of the issues was sort of a visibility of users. The Peermans have committed that they will move the pedestrian entrance which is on the northwest corner of the facility, northside, they would rotate that and put it on the west side of the facility closest to their home. I think that's a small issue and I think there would be, there would be some gain of sort of focusing the use more towards the Peermans and shielding. So, I think that that door would then be maintained. It wouldn't be closed down or potentially would be an emergency access. So what we've tried to do is pare down this use to its absolutely barebones minimum. Now, I'm not going to suggest to you that you don't take properties as they are because you do and what I find helpful in talking to people with zoning issues like this is to compare what can happen in other areas. So there's agricultural use in this area. You could have a commercial green house, livestock field, sale barn, confined feeding operation. So those are examples that you say, "Well, gosh, would you rather have this than this?" That's not what I'm suggesting. What I'm suggesting is that you have to harmonize uses. Here we have a unique facility located on a unique piece of property on the corner of State Road 421 and 100 North. So what we think that we've done is we've taken some commitments, we've listened, really listened to what the property owners had to say in the meeting, read what they had to say, had judicious discussion and again, no agreement on their side but we've tried to capture what those concerns were in these revised and amended commitments.

So, I would be remiss if I didn't walk through some of the statutory elements as the BZA charged us with last time. From a public health and safety standpoint, we believe that the facility location is unique and there is no public health and safety concern with the grant of our use variance. We've had a safety inspection. We've talked to the Fire Department. We believe that that element is more than that. In fact, you know, I think having a private-use sports facility like this where you have teams come in or individuals come in and train, is a benefit to the community. The next element is a substantial impact on property values. Again, the facility has been built. We're focusing on the use and we believe that our commitments have limited the impact significantly and we believe that there would be no little if any impact on property values in the area. Next element I'd like to address is the interference with the Comp Plan. Given the traffic flow on 421 and the paving of 100 North, we have had an increase of traffic in this area. That's going to continue as development heads north along 421 corridor. We believe that given the location of this property and the commitments that we've made, that it is in line with the Comp Plan. So the last two elements I'd like to address together. That's the need and hardship elements. That's what the BZA focused on from the last meeting, rightfully so. So as mentioned, this is an existing structure. Our request goes to the usage not to construct. The Peermans live and breathe basketball and that is frankly why they purchased this home with this facility. It is a unique property. It is a unique location, and a unique use. I challenge you to point to many of these around the community of such size and significance and in being a well done facility. So, we believe that when you look at the totality of those issues, we believe that we have presented a hardship, a need, and we would ask that you approve the use variance petition. Thank you. I'd be happy to answer any questions.

Wolff Thank you, Mr. Jacob. I'm sure we have questions. So, let's—in fact, if you don't mind, I'll start.

Jacob Oh, absolutely.

Wolff Yeah. I'll certainly leave opportunities for my fellow Board members. I think you finished off where I want to start. So, we have—we're obligated to live by the findings of fact. You have the burden to meet these. So, I think we can probably align ourselves on the first question. I think I might—we might be able to align ourselves, for me in my opinion, on the second question. I think we have neighbors who would disagree with that. We can discuss that in detail. Generally, on the fifth question, I defer to our staff because they're more familiar with the Comprehensive Plan. I wasn't participating in that when it was developed. So let's focus on three and four and let's start with four because it's the one right in front of my nose. An unusual hardship, can you please articulate what the hardship we're presented with is?

Jacob So, great question, and in this situation as mentioned, our request is going to the usage. What we're, the Peermans, have is a unique piece of property with a unique facility, I believe that the Peermans wanting to provide a service for people within the community on a limited and restricted basis where there is no other nearby facility that would operate in such a fashion presents that hardship. Additionally, Mr. Peerman from a professional standpoint does programming and

lab-testing. That's where his sort of love of sports-and from a professional standpoint, he would use this facility. So, the—it's difficult to look at these in a vacuum. If this were some place off of 421 on two county roads, I think that we would have a tough time establishing a hardship given the location. In this instance, we are right along 421 and I believe that unique element with the existing structure does present a hardship.

Wolff Mr. Jacob, I'm afraid you may have gotten too 'lawyer' for me. I'm not that smart, so I apologize. So, I'm going to try to say that in a different way and you correct me where I go wrong.

Jacob All right.

Wolff The property is unique because of its location and the fact that it has this facility on it.

Jacob Correct.

Wolff The hardship is that if we don't grant the variance the facility can't be utilized to its full potential?

Jacob Its full potential as the Peermans would like to use it. The Peermans are wanting to provide a service for people, youth in the area, and sports figures to use the facility on a limited basis. No other facility like this in this immediate area exists.

Lake So the hardship really that you are saying isn't on the Peermans, it's on the people that would have the opportunity or lack thereof to use the facility. Is that correct?

Jacob The—I don't think—it's two ways. I think the Peermans—the Peermans use the facility with their family, with their son who benefits from the outside usage as well. So, I would say that's a two-way street. That's why I sort of—as I was talking about these, I sort of pair the need and the hardship together from a statutory standpoint.

Wolff Okay. I think I see where you're going. What other questions, fellow Board members, do we have for the petitioner's representative?

Mundy I'd like to—I got lost there in your justification at 1. I'd also like to hear point 3 which reads the need for the variance arises from some condition peculiar to the property involving the condition is or is not due to the general condition of the neighborhood. Then again, on point 4, I'm still not sure where the hardship exists for the Peermans. Those who are, might be, deprived of the use of that, I don't think that's the hardship. There are other facilities, Grand Park has got facilities. There are other facilities but we need to limit this to the Peermans and their property.

Jacob I understand that. The Peermans can use the facility with friends and family in a recreational residential standpoint. What we're wanting to do is increase that usage and make it a—I don't want to say commercial, but increase that usage with these commitments. So from a need, I think Mr. Mundy your point is well

taken. I see the need component to this as being others that want to use the facility and the hardship as being the Peermans wanting to have that ability to use that for their family and to provide that service. The unique element to it is the location. The fact that the facility exists in the 421 corridor. Again, if this were an off-site, in another location, I think we would be having a much more difficult discussion about it. I think if you're looking at this in its entirety, that's how I'd flush out those components.

Wolff For those who are participating in our conversation, I will add a point of clarity. Mr. Jacob knows this well. We have seen him in the past and he does a good job with these things but the petitioner is under the burden of meeting these standards. If they do not, we as a Board are obligated to deny the petition. That is the rule we have to live by. So we're all familiar with that. So for those of us who are participating online or wherever you may be, that is why these things are important. So the petitioner has the burden to meet these. If they do not, then we are obligated to deny the petition. That's why we are honing in on this. So I just wanted to add that for those of us who may not be as familiar with the BZA processes. What other questions do we have for the petitioner's representative?

Mundy I've got a question about the part being in the number of individuals in cars. When I see that the private, the participation is limited to 10 and the cars would be limited to 5. I question how that can be done because unless they're meeting and they're going to be carpooling, if you've got 10 individuals all driving age, they're probably all going to be driving.

Jacob Sir, we understand that. Those were—that was carefully looked at and I had a—the Peermans and I looked at that. We heard the neighbors not liking cars coming and going. So that would be on us to ensure that that did not happen and that there would be carpooling. That's the intent of that provision is to limit those trips to and including if the BZA believed that that was of significant concern, we would do complete off-site parking and have one vehicle carpool all users in. we would obtain an off-site lease to do that, to park vehicles. So, you know, that's a—that does not give us pause that we would work through that and make that accommodation.

Mundy I think—I believe, and I've read all 42 letters again, 7 or 8 from neighbors. I think Mr. Lake's terms the last time was there's a lot of good going on there. I believe that. I think that the facility itself looks like it's topnotch and the opportunity particularly for the youth to be able to play at the facility is terrific. I also understand the neighbors' concerns and Mr. Wolff's point about you are obligated to demonstrate that you've met these conditions. If you don't, we're obligated to deny it. Going back to the February meeting, the neighbors, I think were most concerned about traffic. They talked about cars parking out on the road on 100 North and the number of cars. So, I go by within a mile of that frequently. So, I started going out and I'd just look to see how many cars were there. there's never been less than 12. I'd say 15 or 16 is probably the average that I've seen and I just go whenever I'm at church nearby. So, I think five cars, I mean, that's admirable but I don't know that it's realistic. So,--

Jacob We would even—as mentioned, we would even be willing to go a step further in doing an off-site parking where they—

- Mundy We heard that but you know, I found—no, that’s probably not something anybody wants to do but nonetheless, I applaud the commitment to do that. It’s just, I’m not sure that it’s practical. Again, my concern is that there has not been a demonstrated adherence to the five points that are required for the petitioner.
- Wolff Thank you, Mr. Mundy. Any other comments, questions for the petitioners’ representative at this time?
- Jones I’ll just make a couple of quick comments. Can you hear me?
- Wolff Yes, we can Mr. Jones.
- Jones Just a couple items, there really isn’t anything specifically unique about this site or this building. There are multiple properties through Zionsville that have a house and a pole barn out back of a sizable nature. The fact that they finished it off as a basketball court inside is nice but even that’s not particularly unique. I’ve built the same facility with an NBA grade field or NBA grade play court in the back of other people’s homes and we get it all the time if you follow any of the real estate sales. So, basically, the core issue is that they’re trying to find a work-around to operating a for-profit business in a residential area, the area that’s zoned Rural Equestrian. As much as their making a whole series of promises about parking and everything else, there’s just no way for anybody to enforce it. You know, the Rural Equestrian Zoning will probably allow some other issues for other items that might cause adjoining property owners issues but when the adjoining property owners bought their properties and looked at the zoning, they were then given notice prior to them making any decisions that these other things might happen. Nowhere in there was it so told that somebody was going to operate a commercial recreational business out of an adjoining house. So just once again, following up with both what Steve’s saying and John Wolff was saying is that, you’re just not meeting the burden of proving that there’s really any type of peculiar or specific burden that this is trying to overcome, so.
- Wolff Thank you, Mr. Jones. Any other comments or questions from my fellow Board members before I turn it over to public comment? Seeing a group of shaking heads, I will now open this up for remonstrators. My ask is this, we received letters from—Mr. Mundy, how many?
- Mundy 42 of the support and I think there was 7 or 8 in opposition.
- Wolff I agree it’s very close to that if not exactly that. We have those in our record. We also have the minutes which are verbatim to the best of our ability from the last time this petition was heard. So with that, if you spoke last time and you have the same opinion this time, you do not need to participate in our conversation. We have that in the record. We have your name and address and we know your position on this particular petition, excuse me. If you have changed your mind about this petition since last time, then I would like to hear from you and I would like to understand why you changed your mind. For those of you who did not participate, either via letter of remonstrations or in our conversation last time via public comment—so again, my ask is, if you’ve already made a comment via letter or the public discussion last time, we’ve got that on record. We understand

your position. I'm only looking for people who have changed their opinion or who didn't participate in our conversation last time. With that, I'll also add, we want to hear your feedback because it's an important part of our public conversation so don't let me scare you away but I want to keep it not repetitive. All right, with that I will open it up. Are there any remonstrators who would like to speak for or against this particular petition? Then if you're online—Roger, correct me, they can raise their hand?

Kilmer Yes. there should be an icon at the bottom of your screen where you can click on that to raise your hand and an IT professional will recognize you at that time.

Wolff I will also ask if there's any members of our audience who would like to speak, you may also approach the podium. Did I scare everybody away? I didn't mean to scare you away. We've had a lot of public feedback and that is a good robust conversation. It certainly adds context to our decision-making process. I don't need the same context again. I have that for our record, we've been well supplied.

Lake John, I think we have one maybe.

Wolff Are they—are you there? Can they hear us?

Meyer Yes. This is John Meyer and I'm the next-door neighbor to this facility. Basically—

Wolff Mr. Meyer, would you please state your address for us?

Meyer Yes, 9376 East 100 North. That's—

Wolff Thank you, sir.

Meyer Basically just, really no issues have been resolved. They had three months and by the Peermans and the attorney and nothing has been ever—there's been no solutions to this, so we're ready for it to end and still vote no. The other thing that kind of pops up being outside is the noise that is inside the gym when the ball hits the rim, it vibrates the building and you hear that noise. So when we're out on the patio trying to enjoy a nice dinner, we have that noise to put up with. So that, I just wanted to make sure that's another annoyance of this property as well as what's been stated about the traffic in and out. So, as one other point that I wanted to make that hasn't been brought up before, bicyclists are using this road more and more as a route, so there's a safety concern as well to be considered as that. You know, when cars pull out, you've got bicyclists single, groups, whatever, going down the road. That's all I have to say. I hope you vote no for this variance, thank you.

Wolff Thank you, Mr. Meyer. I would note, didn't we receive the letter from Mr. Meyer?

Mundy Yes.

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- Wolff Yes? Okay, very good. Thank you. Your comments have been noted. Any other members of our public wish to speak for or against this particular petition? I'm going to give it another minute or so. Was there another one?
- Lake Yeah, there's another one.
- Wolff Good evening. Would you please state your name and address for the record? Greg M., I see your name. I don't hear you.
- Lake The mute icon at the bottom is on.
- Wolff Do we control the mute icon? Okay, that's them. Greg, it appears that you might be muted.
- Meiring Oh, here we go. I think I just got it now.
- Wolff There you are.
- Meiring Are we good?
- Wolff Please state your name and address for the record.
- Meiring Sure. Greg Meiring, 9401 East 100 North.
- Wolff Thank you, sir.
- Meiring The only thing that I'd like done—I have not changed my opinion. I'm still opposed. The only thing I would like to add to it when you're considering your vote is that with the recommendations that they're making, the only person that would be monitoring that would be the Peermans. I don't—again, I'm not degrading the Peermans. I'm sure they're nice folks but they're the ones that's going to monitor it and I don't know how accurate that that log will be due to that. The—I'm sorry, I just lost my train of thought. Anyway, yeah, I just wanted to, you know, to bring that up that when you consider the—I just don't think—I'm kind of stumbling here so forgive me. In a nutshell, Larry Jones had mentioned it, I guess the best. The only hardship is a financial hardship that the Peermans created on their own. You know, they're trying to run a for-profit business and that doesn't coincide with what the reason we bought in this particular area ourself. So we would just like to stay opposed and hope that you vote no to this. If this was in your neighborhood, I think that you would understand better. Thank you.
- Wolff Thank you. Well, we'll give it 30 more seconds this time. Okay. at this time, I will close the public comment portion of our meeting. I will turn it over to Roger, are you providing us the staff report tonight?
- Kilmer Yes, sir. Thank you. The staff report remains largely unchanged from the report that was presented in February with the exception being the revised commitments that have been detailed by the petitioner. He did a fine job of summarizing those. While staff believes that if those commitments were adhered to as drafted, there would be a lessening of the intensity of use on the facility; however, staff would

still not be in a position to support this request and recommends denial of the use variance. I'd be glad to answer any questions.

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

Jones Hey, John?

Wolff Yes, sir.

Jones I wouldn't mind trying to clarify my one statement just so it's in the record.

Wolff Of course.

Jones The core issue isn't a for-profit enterprise being run out of this location. It's that third parties are using it and there is a service being provided to others who are not the residents. So if an accountant or somebody wants to be a piano teacher or provide some other in-home service in a residential area, we normally allow that. That is a for-profit enterprise being allowed in a residential or even a rural equestrian area. The situation here is what is going on is that other individuals who are not owners of the property and not residents of the property are providing services to other groups whether that be free or for profit or whatever. At that point, it crosses over from being a residential home occupation to more of a commercial use. I think that is the core. That is what then starts the ball rolling that creates all the other issues that we've been discussing. So I just wanted to make sure just in case this bubbles back up. It's not the term for-profit that is the core concern, it's third-party individuals providing services to others and using the facility.

Wolff Thank you, Mr. Jones. Any questions for staff or comments or discussion amongst Board members?

Mundy Larry raised an interesting point. If you give piano lessons in your home, I believe our ordinance allows that that can be done in this area. As I recall, Mr. DeLong said that it restricts to two additional parking spaces and I think that in this case, as Larry mentioned, I think it's the third party that does much of the actual training or—training I guess, would be the best term. I'm not sure if, you know, that is a possibility for the Peermans or not but it would be greatly scaled back and certainly more than the commitments that they have made which [inaudible] to. That might be something that they could agree to look into.

Wolff Thank you, Mr. Mundy. Well—Mr. Jacob, did you have a comment?

Jacob I just think so—we've explored that with staff. That was my comment of using this as a home occupation. The problem is the connectivity of the facility to the home. That's why we don't fit—the square peg doesn't fit in the round hole with this. So Mr. Kilmer is much more adept at addressing that than I am but we couldn't do what you're suggesting in having that home occupation in that facility even if the limited number. If we said two parking spaces, that wouldn't work under a strict reading of the ordinance. So that's why we're here. If the BZA wants to entertain that, we would scale it back to that limitation and say, "Hey, we'd have two parking spaces and put a..."—that's what we tried to do is

we tried to be more home ‘occupation’ like but it’s the nature of the structure, the existing structure, that doesn’t—we can’t do the piano lessons in our living room. That’s why that example doesn’t quite work.

Jones Mr. Jacob, you keep bringing up the nature of the facility as being so unique. It is not. If somebody wanted to go out there and give piano lessons in that pole barn and there was two cars out front, that’d be fine. The problem is the use, not the facility, not the location. It is how it is being used. It is being used in a nature that does not align with how the property is zoned.

Wolff Thank you. Any other comments or questions or concerns from the Board? This is an interesting case, maybe I should say petition. I do think this is a—I don’t know anything about basketball training but it seems like a top-notch facility. I have two kids in our local community schools who are both participants in youth basketball and I can see the benefit of these types of facilities. With that inclination, I think there’s a lot of people who have spoken out on the benefit of this particular facility. Seems reasonable. Then I started to play it into context. For me, I have to think about it as if I lived next door to it. If my neighbor were to put in a pool that had a water slide and a great diving board maybe a waterfall, that’s great, maybe I’d get invited over. If my neighbor were then to charge admission to everyone in the community to that pool and paved their front yard, I wouldn’t want that next to me. That’s my opinion. So, I can appreciate the value to our community and to our youth. I can also appreciate our neighbors’ concerns about running this enterprise at this facility. So, it’s an interesting case and I, you know—Mr. Jacob, I would thank you for coming before us tonight. The commitments that we saw tonight are much cleaner and more appropriately prepared than we had previously seen.

Let’s go back to the point at hand. The petitioner is obligated to meet—they have the burden of meeting the findings of fact. Has the petitioner done that? If they have not—if they have, then we can have a vote to approve this petition. If they have not, then we are obligated to deny this petition. Any discussion? Otherwise, I would entertain a motion. Let me—let me go backwards. If you are going to offer up a negative motion, please articulate which particular finding of fact you do not think the petitioner has met. If you’re going to offer a positive motion, you can just offer that.

Lake John, we have a hand raised.

Wolff Yes.

Peerman I’m Rodney Peerman [inaudible] I actually went to this thing once—

Wolff Mr. Peerman, I’m always open for conversation but I would ask that you come forward and speak into the microphone and state your name and address.

Peerman My name is Rodney Peerman and I live at 9100. I’m the petitioner and what not. There’s a couple of points to this that I just want to make as well that I don’t think came across clearly. This is part of the business that I do myself in my life. I’m a technologist and I train basketball. I have installed gear in there that tracks players and does things to benefit those people. So to the point of uniqueness,

there is no other facility. That's why people come there. I also do not need it to be for profit. So if it's not, I'm acceptable to that. I'm also acceptable to take it down to just two people. As you heard from my lawyer, it doesn't seem like we can do that. If I knew what the guidelines were, I would be within the guidelines. We've tried and tested. I've installed cameras all over the facility and outside the facility. So anyone of you or anyone that would like to ask on April 12 at 12:00, how many people were there so there's no making the books different. I have a camera system that's in the cloud. I can't manipulate it. You can see and you can check.

Please understand it is a unique facility and I have brought in a business person to work with me that does the training aspect but this is not an open gym. This is an invite-only, we would understand who's there and we want to train and help those people. It's not to make a for-profit. It's not to make a large thing that they think is going to happen. I don't want that. I don't want hundreds of people on my property. I've told people not to be out on route 100 if you come in. Do not. I stop all the activity that does that. I don't know why I'm shaking but I'm [inaudible]. That's it. I work for a company. I program for TV. We actually film and track footage for players so I do need some players in there. That would be one thing for me is that my cameras and technology that actually film these people and benefit them. I have tracking software in there that can match every movement, every make, every ball transition and all of that. So it is unique. It's not just a basketball facility. I don't want it perceived as like a Gold's Gym where just random people show up. No one can show up on my property that I do not have an appointment for or want them to be there. So if you say it's two, we're only going to have two. If I can have ten for a quasi-game scenario, phenomenal. I would even say that I'd only have that one time a week or twice a week when my children are training. So there would only be 10 people in that facility. I can tell you in the last month if you ask me any date or time except for possibly one hour on a weekday or a weekend, there is no more than four cars in that parking lot, most of the time two.

Wolff Thank you, Mr. Peerman. Okay. New information always helps us make better decisions. We still have the question at hand. I think what I just heard was—let me just state it plainly. I think our petitioner is very amenable to ratcheting down this usage. We could probably make it so ratcheted down that it's unusable but we're not trying to do that. If we change the commitments to significantly lessen the intensity, does it change the findings of fact?

Mundy I don't believe it does.

Lake So, I've got a question for Mr. Kilmer. So, my understanding based on what the attorney had said was that staff believes that because it is in a detached structure not part of the house that it therefore does not qualify as a home-based business. Is that accurate?

Kilmer Well, to qualify as a home occupation, there are a number of different chapters that have to be met. Some of those deal with the building being—because the activity would be occurring in the accessory structure but the accessory structure is going to need to be subordinate in many ways to the primary, primary being the residence. From a scale standpoint and square footage, and I remember we

had a long discussion with the new counsel regarding that and talked about different things that would have to fall in place for this to be classified as a home occupation. As we talked through it, the list did not get shorter, it only continued to get longer as to what would have to be done for this to be classified as a home occupation to the point where we were talking about the residence itself was going to have to add square footage to it and things like that. It just did not work with what is wanting to be done but we were creating additional hurdles trying to fit a square peg into a round hole. Does that answer or not?

Lake Yeah, my intent in asking that question was that if you limit this to two people that's not the only factor required to get you into the home-based, to fit into the definition of a home-based business. At that point, if you got in the definition of a home-based business, then you wouldn't need the variance at all. So I was just trying to understand, you know, changing this to two while that's great and certainly is more amenable to neighbors, it sounds like that in and of itself still doesn't qualify that as a home-based business. Therefore, this petition is still required and the hardship may or may not exist depending on how the committee feels.

Kilmer Your understanding is correct. It would resolve one issue but would not resolve all of the issues.

Lake Okay.

Wolff Good conversation. Again, interesting petition.

Jones Wayne, I've got a question for Wayne DeLong.

Wolff Wayne's not here unfortunately, Mr. Jones.

Jones All right. What about Roger?

Wolff You get Roger or Chrissy but they're very qualified and super nice.

Jones Not that I would have expressed how much firsthand knowledge I have of this but in the city of Indianapolis, if there's a zoning or use or code violation, you get a letter that basically states that there's going to be a fine if it's not rectified in a certain number of days. Does Zionsville have something like that?

Kilmer Yes, a letter just as you were describing is included in the packet and was issued back on July 22, 2020.

Jones Okay. So if we listen to what the property owner Mr. Peerman just said, is that, you know, the equipment and things that are installed in that place are by him for him and specific to what he does as a business. So as long as it's Mr. Peerman out there providing the service, it would qualify as a home-based business. The problem is Mr. Peerman brings in a third party then to assist in the training. That's where it steps over the line. Where I'm going at is frankly, we can deny this variance request. Mr. Peerman, if he's going to stay to his word can still operate what he does, you just can't bring in third-party people. I guess, that the concern is that once he starts bringing in a third-party group and larger groups

and this kind of stuff then it's, you know, it transitions over. The problem is with everything being said is, like Steve Mundy, I've often driven by it to check on it to see what's going on and I've observed the same thing. There's a lot more than just two cars out there and some other resident shooters. There's 10, 12, 20 people in there. What the neighborhood has complained about is multiple times of it, you know, the turnover of people using the facility. So, you know, once again, the basis of the variance request, they haven't met the requirement. They haven't proven a hardship. It's all self-imposed. There's nothing specifically about this facility or location that's all that unique. It's just this desire that this property has and we can even see it in the letters of support have moved over to being more of commercial nature than a home occupation. So, if I had the motion in front of me, I would make a motion to deny it but then we'll just put it back to if the use keeps accelerating, we pursue the fines and handle it through our system that way.

Wolff Thank you, Mr. Jones. Mr. Jacob, did you have a clarification for us?

Jacob I guess, I would want to be clear and make sure that I understand correctly because I think under Mr. Jones' example of operating a—I would look to Mr. Kilmer to agree or disagree with me here. I think the example of if you throw a piano out into this facility and they declare it a music facility and try to open up a piano instruction home occupation, I don't believe under your ordinance you can do that. That's why this is not a third-party issue. This is a—I don't believe as the example that if Mr. Peerman wanted to have a few people in and run this in the facility and run his home occupation in this building, I don't believe that the ordinance permits that. Now, we're talking about a request to be in advance of that or more intensive. Correct me if I'm wrong, just so that we're all on the same page to have the correct information. I'll ask the staff to correct me if I'm wrong but I don't believe that that would be permitted.

Wolff Mr. Jacob, I—Roger, correct me where I go wrong but if you have—if you live in your home and you operate a CPA firm and do people's taxes, that is a permitted home use. If you put a piano and offer piano lessons, that is a permitted home use. It is the separation of this facility as an accessory structure which is one of the issues that we are addressing or trying to tackle. Yes, I think that we are on alignment there. The facility itself is fine. He's allowed to have that facility. He's allowed to have his friends and family over there. It's when we cross the line with this variance and the training and those types of things. So you can't—I can't regulate you having your friends over for a beer on Friday night. That's not something I can do or anybody should do. So in that case, that's your home and you have those privileges. I think that's not exactly what we're addressing here though, so. I probably went sideways on you. You are correct in the home office. Turn to Roger.

Kilmer If you would like for clarification, I have the definition of home occupation from our zoning ordinance. It is not long. I would be glad to provide that to you—

Wolff I think that would be wonderful to read that into the record.

Kilmer As defined in our zoning ordinance. Home Occupation: an occupation or business activity carried on within a legally established dwelling unit by a

resident of said dwelling where the occupation or business activity (a) is clearly incidental and subordinate to the residential use, (b) does not alter the interior or exterior residential character of the dwelling unit, (c) is carried on within the principle building and only by members of the family occupying the premises, and (d) does not include any outdoor storage or activities other than receipt or delivery associated with the business activity.

Wolff Thank you, Roger. To further go on that point, you had a conversation with petitioner's representative about this. This is the conversation where you solved a couple problems but you created more problems?

Kilmer Yes.

Wolff It got really lengthy and robust and here we are.

Kilmer I'm not sure that I would include the term robust but it was cordial and friendly and it was a good conversation.

Wolff Okay.

Jones So John, to follow up, I'm wrong. You can't put a piano out there and have piano lessons in your pole barn.

Wolff That is correct. You can not do that. You can put it in your house but not in the barn.

Jones All right.

Wolff Okay. Let's get back to the point at hand. Has the petitioner met the burden? If not, which finding of fact did they not meet? If they have, please offer a motion of approval.

Mundy I do not believe the burden has been met. I'm uncertain about the affecting the property values to the neighbors. I don't know about that. I'm not a realtor. I suspect that it's less than desirable but I don't know that it affects substantially. I do believe though that Points C and D are not met in my opinion—the need for the variance arises from some condition peculiar to the property involved and strict application of the terms of the zoning ordinance would result in a unnecessary hardship in the use of the property. I do not believe that's been met—the strict application of the terms of the zoning ordinance would result in a unnecessary hardship in the use of the property.

Wolff Thank you, Mr. Mundy. Are you offering a motion?

Mundy I will. I move that Docket #2020-42-UV a use variance to permit an indoor recreation facility in the Rural Equestrian District at 9100 East County Road 100 North be denied.

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

Jones Second.

- Wolff Thank you, Mr. Jones. Okay, Chrissy, let's do this a little bit differently. This is important. So, I think I would ask that you call each individual person by name and that person respond. Fellow Board members, because this is a vote for a motion for denial, a vote yes is to vote to deny the petition. Okay? So Chrissy, if you'll walk down the line and call everyone by name and then if, fellow Board members, if you would respond with your vote. A vote "yes" is to vote to deny the petition. A vote "no" is to vote not to deny the petition which is hard way of saying you're in support of it.
- Koenig Miss Campins?
- Campins Yes.
- Koenig Mr. Mundy?
- Mundy Yes.
- Koenig Mr. Wolff?
- Wolff Yes.
- Koenig Mr. Lake?
- Lake Yes.
- Koenig Mr. Jones?
- Jones Yes.
- Wolff Thank you. The motion is denied.
- Jacob Thank you for your time and consideration.
- Wolff Thank you, Mr. Jacob, you too. Next item on our agenda is Docket—I'm sorry. Next item on our agenda is new business which brings us to Docket #2021-10-DSV for the property located at 160 East Willow Street. Will the petitioner please come forward and state your name and address for the record?
- K. Famolaro [inaudible]
- Wolff Yes. Famolaro, or did I say your name correctly?
- K. Famolaro Famolaro, yes.
- Wolff Wonderful. Would you please state your name and address for the record?
- K. Famolaro Kristin Famolaro, 160 East Willow Street.
- Wolff Wonderful. Miss Famolaro, what have you brought in front of us, tonight? In your words, what are you asking for?

- K. Famolaro I'm going to have my husband tell you. This is Stephen.
- S. Famolaro Hello.
- Wolff Stephen, welcome to our conversation. You came from out of nowhere. Would you please state your name as well?
- S. Famolaro Sure. Stephen Famolaro.
- Wolff All right, Mr. Famolaro—
- S. Famolaro Of 160 Willow Street.
- Wolff Thank you. What—in your words, what are you asking for tonight?
- S. Famolaro Yes. so we moved in here last July and we're looking to put an addition on our house and bump out an existing structure. We'll kind of corner it off so we can put a first-floor master bedroom down there.
- Wolff Approximately how many square feet are you adding to your current structure? Approximately, I won't hold you accountable, well not too accountable.
- S. Famolaro Like 250 square feet, maybe, 2-300 on the first floor.
- Wolff As I looked at some of the exhibits, it appeared that there is a bit of a covered deck or something that's there currently. Is that correct?
- S. Famolaro That's correct.
- Wolff So, that's covered foot, you know, that's a current structure that's going to be removed and you're just sort of squaring off the house as I saw it?
- S. Famolaro Exactly.
- Wolff Okay. Because of that, you are getting into the setback, is that correct?
- S. Famolaro Correct, the rear yard setback which we have a piece of our house already violates that but I guess it was grandfathered in because it was done in the 70s or 80s or something. I'm not sure of the exact date.
- Wolff Okay. It looks like it will be approximately 8 feet from the rear yard setback. Am I reading that correctly?
- S. Famolaro Yes.
- Wolff I would also note that it looks as if you've reached out to your neighbors and received letters of support.
- S. Famolaro Correct, The Pittmans, The Carmichaels and The Rabbs.

- Wolff Those are the immediate surrounding properties?
- S. Famolaro Correct. Chad Pittman's to my left, a driveway separates us. Jim Rabb, he rents his house out to my right. It would be my side yard setback. The one who, the rear yard setback is Chad Carmichael and I showed him the drawings, discussed it with him, and yeah, he said he was fine with it.
- Wolff I would offer that thank you very much for reaching out to your neighbors. We certainly—it makes our job easier if we have their support and understand that they're in favor of your petition. Any questions for the petitioner at this time?
- Campins So basically, you're just going to line up with the current guest bedroom back there on the backside and then along the side of this front kitchen?
- S. Famolaro Yes.
- Campins Just to square it all off?
- S. Famolaro Correct.
- Campins Is that correct?
- S. Famolaro Yes.
- Campins I love this house by the way.
- S. Famolaro Thank you. We do, too.
- Campins Okay.
- Wolff Any other questions for the petitioner? Seeing none, hearing none, are there any remonstrators who wish to speak for or against? As mentioned earlier, we did receive three letters of support from the surrounding neighbors. I see no one in the room in front of me, so I'm going to have to look online. Do we have any audience members left online? Do any of them want to speak? Please raise your hand. Oh, shoot. I forgot something.
- Mundy Staff report?
- Wolff No, I'll get the staff report in a minute. I forgot to recognize our virtual online participants. So Wayne forgot—Roger, I'm going to blame you for that. I cannot accept responsibility. I will do that momentarily. Okay. If there's no remonstrators speaking for or against this, I will—I'd like to hear the staff report, please.
- Koenig Okay.
- Wolff Chrissy, is this you?
- Koenig Yes.

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- Wolff Thank you.
- Koenig So given the already existing wall that is already considered a legal non-conforming wall, this being extended, staff is in support of the petitioner's request as it's been presented to us tonight. If there is any questions, please let me know.
- Wolff Thank you, Chrissy. So, we already have—there's an existing legal non-conforming issue. If we approve this variance, this gets that aligned plus it allows for this addition?
- Koenig Correct.
- Wolff Okay, very good. Any questions for staff? Any discussion amongst the group? Okay. before I entertain a motion, I would ask that are members of the public who are participating in tonight's conversation, if you won't leave right away, I need to—I would like to recognize your presence. We do that when we have these virtual meetings. So after the motion is, we wrap up our business. Please don't go and we will make note of your record of participating. Is there a motion for Docket #2021-10-DSV?
- Lake I move that Docket #2021-10-DSV development standards variance in order to provide for an addition to a single-family home which deviates from the rear, from the required rear-yard setback in the Urban Residential Village Zoning District R-V be approved as filed based upon the findings of fact and substantial compliance with the submitted site plans and concepts.
- Wolff Thank you. Is there a second to that motion?
- Campins I second.
- Wolff Thank you. Chrissy, let's do this again. Why don't you call names and we will answer "aye"? So in this motion, an "aye" or a "yes" is in favor of granting this variance.
- Koenig Miss Campins?
- Campins Aye.
- Koenig Mr. Mundy?
- Mundy Aye.
- Koenig Mr. Wolff?
- Wolff Aye.
- Koenig Mr. Lake?
- Lake Aye.
- Koenig Mr. Jones?

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- Jones Aye.
- Wolff Thank you. Motion carries. Mr. and Mrs.—how do you say your last name?
- S. Famolaro Famolaro.
- Wolff Famolaro, wonderful. Very—very good. Well, good luck with your new project and thank you for having such a wonderful home in our Village District.
- K. Famolaro Thank you.
- S. Famolaro Thank you. Appreciate your help.
- K. Famolaro Thanks so much.
- Wolff Okay. Moving on, on our agenda, that's other items to be considered. I have a couple that I have failed to do previously. Mr. Kilmer, can you read the members of the public who are still into the record? Do you have that in front of you?
- Kilmer I do not.
- Wolff I would do it but I don't have readers on and I'm embarrassed to put them on in public.
- Kilmer I do now. I do now. Again, if anyone would like to be recognized, please raise your hand at this time and do that by activating the raised hand button at the bottom of your screen. So we have John (no last initial or name). There are no other hands raised. I'm sorry, we're having a few added now, Teresa Knickstein and that is all.
- Wolff As I look at the public record, I also know that the Zelonis Family has also attended. They, I think, have a perfect attendance record. So thank you for participating in our meetings. Fellow Noard members, I think we also need to adjust our rules for tonight's meeting to allow notification by regular mail. I think I failed to do that earlier. Is there a motion to suspend the rules for tonight to allow that?
- Lake So moved.
- Wolff Thank you. Is there a second to that motion?
- Mundy Second.
- Wolff Thank you. Let's just go right down the line. Miss Campins?
- Campins Aye.
- Mundy Aye.
- Wolff That's Mr. Mundy with "aye". Mr. Wolff is aye.

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Lake Aye.

Wolff Mr. Lake.

Jones Aye.

Wolff Thank you. Motion passes. Is there any other items we need to consider tonight? Fellow Board members, we have a lot of signing to do. Mr. Jones, when you have an opportunity, we'd appreciate you coming into Town Hall to sign your life away on all these documents.

Koenig We actually got quite a few of them last, but I will say Larry that I found another box so I am going to need you to come in just for a few more.

Jones I got another box I got to sign of paperwork? Is it like a carton or just—

Wolff Fellow Board members, thank you. Staff, thank you. IT support, thank you very much. Goodnight, everyone have a good evening. This meeting is adjourned.