



MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS JULY 1, 2020, 6:30 p.m. (Local Time)

MEETING WAS FACILITATED BY REMOTE ATTENDANCE - NO IN PERSON PARTICIPATION BY THE BOARD OF ZONING APPEALS OR THE PUBLIC OCCURED

The following items were scheduled for consideration:

- I. Approval of the June 3, 2020 Meeting Minutes - **approved 4-0 with correction to page 1**
- II. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-12-SE	T. Sharp	7465 S 475 East	Approved with Commitments as presented & filed w/exhibits & per staff report - 5 in Favor, 0 Opposed Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).
2020-15-DSV	T. Sharp	7465 S 475 East	Approved with Commitments as presented & filed w/exhibits & per staff report - 5 in Favor, 0 Opposed Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Is installed before the primary structure 2) Exceeds the allowable accessory square footage – omitted from petition as no longer needed in an Agricultural Zoning District (AG).
2020-16-DSV	M. Walters	4560 S 975 E	Approved as presented & filed w/exhibits & per staff report - 4 in Favor, 1 Opposed Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Exceeds the allowable accessory square footage and 2) Exceeds the allowable accessory height – up to 24'-0" in the Urban Single-Family Residential Zoning District (R-SF-2).

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



**Town of Zionsville
1100 West Oak Street, Zionsville, IN 46077**

TRANSMITTAL

TO: Town of Zionsville Board of Zoning Appeals
FROM: Wayne DeLong Director of Planning and Economic Development
RE: Materials for consideration: July 1, 2020

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. June 3, 2020 Draft Meeting Minutes
3. Staff Reports and Packets for your consideration

NOTE:



MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS JULY 1, 2020, 6:30 p.m. (Local Time)

MEETING WILL FACILITATE REMOTE ATTENDANCE - NO IN PERSON PARTICIPATION BY THE BOARD OF ZONING APPEALS OR THE PUBLIC WILL OCCUR

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

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

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the June 3, 2020 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
			None at this time

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
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2020-15-DSV	T. Sharp	7465 S 475 East	Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Is installed before the primary structure 2) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).
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VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned Findings of Fact
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments

If you need technical assistance in logging into Zoom for this meeting, please contact Chrissy Koenig, ckoenig@zionsville-in.gov, or 317-995-4471.

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

Respectfully Submitted:

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

JULY 1, 2020, REGULAR MEETING OF THE ZIONSVILLE BOARD OF ZONING APPEALS

ANNEX TO PUBLIC NOTICE

In his Executive Orders 20-02, 20-04, 20-08, 20-26, AND 20-30 (collectively, the “Executive Orders”), Governor Eric J. Holcomb has ordered all political subdivisions of the State of Indiana to limit public gatherings and to implement the Centers for Disease Control and Prevention’s and the Indiana State Department of Health’s recommended virus mitigation strategies. The Executive Orders suspend certain requirements for Essential Governmental Functions that facilitate Essential Infrastructure with respect to public meetings and open door laws, including suspending physical participation requirements by members of public agency governing bodies and permitting public attendance through electronic means of communications. As a political subdivision of the State of Indiana, the Zionsville Board of Zoning Appeals (the “BZA”) must comply with the Executive Orders throughout the duration of the COVID-19 Public Health Emergency. According, all public meetings of the BZA shall be conducted in the following manner until the end of the COVID-19 Public Health Emergency:

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2. If a member of the public would like to attend a Board of Zoning Appeals Public Meeting but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or wdelong@zionsville-in.gov.
3. The BZA will continually revisit and refine the procedures to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

Zionsville Board of Zoning Appeals
June 3, 2020

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

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

Wolff Let's go ahead and get started and hope that Mr. Jones joins us shortly. With that, welcome to the June 3, 2020 Board of Zoning Appeals meeting. The first item on our agenda is the pledge of allegiance. Wayne, we're going to turn to you and I'll start us.

All Pledge.

Wolff Thank you, everyone. The next item on our agenda is attendance. Wayne, will you help us with that?

DeLong Yes. Mr. Mundy?

Mundy Present.

DeLong Ms. Papa?

Papa Present

DeLong Mr. Wolff?

Wolff Present.

DeLong Ms. Campins?

Campins Present.

DeLong Mr. Jones?

Wolff Note that hopefully Larry will join us shortly. Wayne, let's stop right now and see if any members of our community want to be recognized as participating in our meeting.

DeLong Okay. Mr. Tousley has raised his hand. S. Greve, which is one of your petitioners, has also raised their hand. Earlier I saw the hand of Mr. Lamb. Noting those three attendees. An attendee only showing the name of Blake.

Wolff Welcome to all of our community members.

DeLong Another attendees, Matthew L. Again, names that are single, or just with one letter, I am noting that because that's the only thing that's on my screen.

Wolff Understood. The next item on our agenda is the approval of the May 6, 2020 meeting minutes. You should have received those electronically. I think it was

maybe Thursday or Friday. I will turn it over to the group for any discussion, and if not, I will entertain a motion to approve those minutes.

Mundy If there is no discussion, I move to approve the May minutes.

Papa Second.

Wolff Thank you. And, thank you. Wayne, let's do a roll call vote on that.

DeLong Very good. Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Still noting that Mr. Jones is absent.

Wolff Very good. The next item on our agenda is the continued business, which also has a withdrawal request. And this is going to be a bit of a conversation, so let us get engaged in that. So, this is referring to Docket # 2020-10-DSV for 720 West Pine Street. As the group recalls, it was, we had some concerns about the data that we had received regarding the overall lot coverage, and I believe it was due to no fault of the petitioner. I think there was a survey that was a little bit inaccurate and confusing. So, with that, we requested a continuance for more information, and more accurate information specifically. As you have noted, in your email account you received the petitioner has asked for a withdrawal request. And typically, because it is on the agenda, we would need to vote on that, but we have a slightly unusual circumstance, and I would read from our rules of procedure. 'No petition may be withdrawn by a petitioner after the Board has received any evidence or testimony regarding the petition at the public hearing scheduled on the petition.' So, I think what that means is we probably need to have a motion and a vote on that petition. Now, with that being said, I don't know the intent of the petitioner, and nor do I not want to be neighborly. So, we have, I think, a couple options. One is we could have a motion and a vote on that. I do not believe the petitioner is here. I believe they just anticipated withdrawal. So, we could vote to deny the petition. We could vote to continue the petition, and explain in more detail to the petitioner what's going to happen, or we could have a vote to amend those rules for this particular petition, and then have a vote to grant the withdrawal. I don't have a strong opinion on this. I will defer to my fellow BZA members, but trying to be neighborly, you know, I

would be amenable to changing and modifying the rules for this particular instance. But, again, I would kind of turn it over to the group for discussion.

Mundy Wayne, can you shed any light on the reason for their request to withdrawal?

DeLong Certainly. As we discussed last month, there was a potential lot coverage variance that was as well necessary. The final determination on that specific topic was never realized. The petitioner included, and certainly Chris, you might have any additional details here, but I think the petitioner concluded to simply move on from the project and focus energy on other things, and other improvements at the home that did not require a variance.

Wolff And, I think the consequences of this decision are if we deny the petition, we can't hear something substantially similar to it for 12 months. If the petition is withdrawn, it may be 6 months.

Chadd Yes.

Wolff Yes. I am amenable either way.

Mundy Although, could we not, if we agree, we could hear it sooner than that timeframe, if the Board agrees with that?

Wolff There are provisions in our rules and procedures to allow that, yes. We would have to vote on allowing a second petition within the 1-year window. Darren, have I accurately assessed this?

Chadd You have. It is a kind of unique circumstance. But since you've already heard evidence, the rules say they typically can't just withdraw at that point. So, you could act on it, or suspend the rule, waive that rule to allow you to accept the withdraw.

Mundy I'll make the assumption that they indeed wish to withdraw and move that we amend our rules to allow for a withdraw of petition # 2020-10-DSV.

Wolff Okay. So, to be clear, this is a motion to suspend that rule. Is there a second to that motion?

Campins I second.

Wolff Thank you. Wayne, will you roll call vote on the motion to suspend the rule not allowing the petition to be withdrawn after it's been heard?

DeLong Certainly. Mr. Papa?

Papa Aye. But only because there was conflicting evidence when we heard it last time.

DeLong Mr. Wolff?

Wolff Aye.

Zionsville Board of Zoning Appeals
June 3, 2020

DeLong Ms. Campins?

Campins Aye.

DeLong Steve Mundy?

Mundy Aye.

Wolff Very good. That motion carries with a vote of 4-0. Now we will need a motion to accept the withdraw of that petition.

Mundy I move to accept the withdraw of petition # 2020-10-DSV.

Wolff Very good. Is there a second?

Papa Second.

Wolff Thank you, Mr. Papa. Wayne, I'll turn it to you.

DeLong Mr. Wolff?

Wolff Aye.

DeLong Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Papa?

Papa Aye.

Wolff Very good. Motion carries. Okay, the next item on our agenda is new business, which brings us to Docket # 2020-11-DSV, which is 596 Starkey Road. Wayne, will you assist in getting the petitioner and the representative brought forward?

DeLong Certainly. I believe Blake is the architect or site design professional. Mr. Greve has been promoted. Certainly, I don't know from his team who he wishes to have address the Board first, but I'll leave it to the Board's choices as to what to do next.

Wolff Very good. Mr. Greve, are you there?

Greve Yes, I'm here. Can you hear me?

Wolff Absolutely. Would you, for our record-keeping, please state your name and address?

- Greve Sure. My name is Sean Greve. I live at 596 [inaudible], Zionsville.
- Wolff Thank you, Mr. Greve. And, would you please, in your words, describe what is in front of us tonight? What you're asking and what your project looks like?
- Greve Sure, yes. Thank you for hearing the appeal. I've been under a contract with Blake Herbst since January to add an outdoor living space to my property, and along the way we've done everything up until now to get this project approved and properly permitted. We do have some permits. What we have, I think, are two variances, lot coverage and setback, and which is why we're in front of you tonight. We're looking for approval to move forward [inaudible].
- Wolff Very good. Mr. Greve, as I looked at this petition, I got a little bit lost in the numbers. So, I'm hoping you could add some clarification to us. Can you describe the space of the patio, or the square footage of the patio that you are proposing to add?
- Greve Blake, do you have the specifics? I don't want to give any wrong information here.
- Wolff And actually we may need to promote Blake. One moment. Blake, I see you now as presenter, but I feel like you might be muted.
- Herbst Can you see me now?
- Wolff Absolutely.
- Herbst Okay.
- Wolff Would you please state your name and address for the record for me?
- Herbst Yes. It's Blake Herbst, and I live at 4478 East 300 North, Greenfield, Indiana, 46140.
- Wolff Very good. So, I believe the question was, can you describe the dimensions of the proposed addition?
- Herbst Yes. So, late I think last week it was, we amended the plan to show, to basically take away the roof structure, which was going to throw it over the lot coverage of impermeable surface. So, we kind of in the 11th-hour changed that roof structure, and Sean agreed to doing a pergola, which is an open-air structure that will allow water to penetrate the ground. And, so beneath that, and some of the info and how it got kind of confusing there in the end was the survey that I was going off of was submitted by the builder, and it had numbers that were conflicting with the actual assessment. And that's what kind of confused things. And, so what we did to, you know, stick with the motion to allow lot coverage to be 38%, because the overall lot, with the overall lot area and what the house is, there was I think 283-square feet of difference between what the survey I had and what the assessment actually was. And so that's a big deal on this lot, because we're not proposing a large space. So, to make the numbers work, what we've chose to do is not have a roof structure, make that a pergola. The outdoor kitchen you guys

see, the footprint of that being 45 square feet. That's not going to, I mean, that's an impervious surface. That's not going to allow water, and so that needs to be counted, and then we're going to do a small paver area in front of that kitchen, and then the rest is just going to be a cover, or a pergola, excuse me, area. And, based on that, that gets us to that 38%, which is 3% over, but it's also to my understanding that if we propose that permeable area, that 35 square feet, there's an allowance of maybe 2% of additional lot coverage, which I think is already covered in the total. And, then the setback is another issue. We're, and it has to do with the aggregate, and the side-yard we're needing 5 extra feet. So, our aggregate is only going to be 10 instead of the 15 required. And, so those were the two issues.

Wolff Okay. So, I want to make sure I heard that correctly. There is a, like a countertop kitchen area. Assuming a grill or something, that is 45 square feet.

Herbst Correct.

Wolff And, then kind of in front of that, where the barbeque may stand, is a paver patio that is 35 square feet.

Herbst Correct. It will be permeable.

Wolff Okay. And, above that, all that structure is a pergola.

Herbst Correct. So, you're traditional or you're standard open-air 4-post with joists and beams.

Wolff Okay. So, what I think I heard was, and as I look at the rest of it, it looks like the rest of the area is - -

Herbst --It's landscaping. So, you've got some open lawn, and landscaping. There is no other, but I guess, also I think should be noted, and considered, is what he currently has on his property now, which is a 12 x 12 roof structure with a 200-square foot paver patio, and that roof structure is only 2 feet off the property line, and so what I'm trying to do with this project is actually, because that didn't conform, and that got by the builder, whatever. It's, that was a done deal, but we're actually wanting to make it better, and get that structure off the property line, and actually it goes away and we're replacing it with a pergola, and something that is going to allow water to pass through instead of shed off of that roof structure.

Wolff Okay. So, what happens, I have, according to the property record card, I have the house at 3010 square feet. You're proposing an additional 80 square feet of lot coverage.

Herbst That's correct.

Wolff And, the lot appears to be, again, with property record card, 8117 square feet. So, if I do the math, I think you do come out to 38.0%. And then, can you go back, today what you're suggesting is that you're going to remove a 12 x 12. No, you're going to remove a 200-square foot?

- Herbst I believe it's your, you know, it's not the quality of what we would have constructed, but it is definitely a 4-post structure, 4-hipped, metal roof, 12 x 12 structure, and underneath most of that is a paver patio, and again it was erected, constructed at the time of building, and Mr. Greve, when he bought the home, assumed that without really knowing he was in fault there, and so we're trying to work with, come up with a better solution so he can still have a space outdoors.
- Wolff Okay. So, you're proposing, the house, we're not changing the house. So that 3010 square feet is not changing.
- Herbst Correct.
- Wolff What you're suggesting is that there is a 200-square foot paver patio today, and a 12 x 12 structure, roof structure over it, or at least part of it, and you're going to take that out and you're going to replace it with an 80-square foot structure. So, one way to think about this is the total lot coverage is going to go down by 120-square feet.
- Herbst You're correct.
- Greve And, hopefully properly permitted, which we don't have today.
- Wolff Yes. Okay. I will turn it over to my fellow Board members with any additional questions for the petitioner. Oh, actually, one more. I'm sorry. Maybe Blake, you mentioned it. The paver patio today is how far off of the property line?
- Herbst Well, the roof structure, and then I guess the paver patio, as well, it's like 1-foot 11. I mean, it's really, it's really close based on my site measurements, and I had it on my CAD drawing as context, but it's not on the current one. But it's definitely close to that property line.
- Wolff Is this the property line to the north, or the property line to the east?
- Herbst To the east.
- Wolff Okay. So, the side, sort of side-yard.
- Herbst Correct.
- Wolff Okay. And, you're proposing a 5-foot setback.
- Herbst I'm proposing maintaining that 5-foot, and part of my motive, too, for doing that is one, that easement, realize that easement, and then so I can provide a little bit of landscape barrier, kind of a soft green hedge there to give Mr. Greve a little bit of privacy without being too harsh there.
- Wolff Okay. Fellow Board members. What questions do you have for the petitioner?
- Mundy So, the total square footage, or percentage of lot coverage will be 38%, which includes this new paver with the pergola, no roof above it. And, Wayne, can I

ask, I know that you pointed out that your percent coverage was different than was originally submitted. So, I guess I'd like to hear from you if the proposed lot coverage that we just heard from the petitioner is in agreement with what you believe it is.

DeLong Thank you, Steve. And, what I would do here is Chrissy Koenig with our department has spent some hours combing through these details, and I think she'd be in a great position to speak to that as the technical expert on this particular portion of the petition. I'll turn it over to Chrissy here.

Koenig Thanks, Wayne. Yes. Board members and everyone, the original plan that was submitted as Blake just described. The numbers that were originally used for the overall square footage that was covering the lot were deemed from a survey that was done and submitted for the proposed original building of the home. And so those numbers were not, I think what Blake I believe you said, 283 approximately less than, as we think sometimes everyone realizes things get built a little bit differently in the field, but what we are going on is the numbers from the assessor's office since they send people out to do measurements after the home has been built. So, when those numbers were realized that they were not matching up, then the numbers were reworked, and at that point, the staff report, we were already, you know, complete with that, and though Blake and Mr. Greve were able to come to an agreement on how to change that and make it to where it fit the 38%, staff's report was already done at that point in time, so that's why what you're seeing is a little bit conflicting. Did that answer your question, Steve?

Mundy It did. Yes. And, the landscaping that Blake, I believe mentioned, that's what you received on I think it was the 29th of May. So, we do have that, that's the one we have in our package?

Koenig Correct. The most recent one was put up towards the front of the petition packet, and date-stamped May 29. So, the difference that you'll see if you look at the original one in the staff's report, had a much larger patio area on it, and it had a roof structure, whereas this most recent one we got rid of, I will say, the portion of the patio that went further south, I think if my direction is correct there.

Herbst Correct.

Koenig So, that part of the patio has been omitted to get that lot coverage down, and they've changed it from the closed-roof structure to a pergola impervious structure. We did verify, and Blake spoke to the fact that it won't be one of those pergolas, the Smart pergolas that will open and close. It will be open to the elements at all times.

Campins If I may, I did drive by to look at the area that is being proposed, and it is kind of a tight, narrow area. How does the, does the water drain okay between those two properties currently? It almost looks like there is a little elevation to your neighbor behind you. Do you now have a water issue or anything with standing water when it rains?

Greve Yes, we have no issues whatsoever.

- Campins Okay.
- Greve The side yard between myself and the Sycamore address, it was made that way. That's a drainage area, and it works quite well.
- Campins Okay. Thank you.
- Wolff Are there any other questions for the petitioner? Okay. Seeing none.
- Papa Sorry. So, what's the, I'm confused. What's the, before these changes, what's the current lot coverage?
- Wolff Jeff, I believe, if they had zero changes. If they had zero accessory structures, no patios or anything, I think the house itself is 37%.
- Herbst Correct.
- Koenig And, staff's review of the parcel with everything existing out there right now if you were not to remove the patio and roof structure, they were at 39.2%. So, with, you know, they're well over right now with the unpermitted pergola, patio, excuse me, roofed patio structure.
- Greve And, I don't know if this matters to the Board or not, I did not put that up. I purchased the house that way. It's a spec home. You know, as Blake has said, we're trying to make it nicer, of course. This is a premium project. It will be very nice if you guys approve us to complete it, but also bring it into code, or closer to code, I guess.
- Papa That's part of why I asked the question. So, in a practical sense, you're reducing the lot coverage.
- Herbst That's correct.
- Greve But also making it by a lot nicer.
- Wolff Any other questions for the petitioner, or petitioner's representative at this time? Okay. Wayne, do we have any remonstrators queued up?
- DeLong I'm looking to see if any hands are raised. I do not see any hands. I would mention that you do have a few letters in the file that were submitted. Oh, Mr. Tousley has raised his hand. We can promote him to panelist if the Board is ready.
- Wolff Absolutely.
- DeLong We will do that and simultaneously we will move the petitioner and the agent back to attendee, and so everybody will experience a slight pause.
- Wolff It appears that Mr. Tousley is muted.

Zionsville Board of Zoning Appeals
June 3, 2020

DeLong Okay. We'll get these, the slight pause might as well be on staff's.

Tousley Can you hear me now?

Wolff Yes.

Tousley Yes. I hit the wrong button.

Wolff No problem. Mr. Tousley, will you please state your name and address for the record?

Tousley Yes. My name is John Tousley. My address is 305 West Pine Street, Zionsville, Indiana.

Wolff Thank you. Mr. Tousley, what would you like to share with us tonight?

Tousley Actually I didn't mean to share anything. I thought I originally had the audio open. I clicked the button to turn it off, and apparently that wasn't quite what happened.

Wolff No problem, Mr. Tousley. We certainly appreciate our community members participating. So, if you have no comment, we won't force you to make one.

Tousley Thank you.

Wolff Wayne, do you have anybody else that is queued up on purpose or accidentally? We'll talk to anybody.

DeLong I am not aware of any other parties. We'll move Mr. Tousley back to the attendee role. And, I see no other hands raised.

Wolff So, Wayne, now may be a good time for the staff report.

DeLong And, certainly as outlined this evening, this is a very interesting petition for discussion. It revolves around a parcel of land that was created just a few years ago, and the division of a larger tract to provide for two single-family homes to be constructed. And the parent tract, the existing improvements were left and reduced in lot size. Certainly, as the Board is well aware, there has been variances that have been sought in the Village for years, and a preponderance of those requests are associated with lots that existed prior to the adoption of your zoning ordinance. Of course, the zoning ordinance has been updated from time to time. The particular petition that's in front of you this evening, again, the lots were created after the most recent adoption of your ordinance, and that's really, it's very challenging to consider with that specific fact in mind, regardless of the other merits or the other discussion points that have been brought up after the fact, construction, permitting issues. Not dismissing any of those, or reducing those important items, but just isolating this conversation at this moment to the specific fact that the petition is seeking variances from standards which were well-known at the time the lots were platted as the ordinance was in place for years at that time. With all that, and as the staff report indicates, staff is not in a position to support this petition as it's presented, as it's been amended, as it's

originally filed. Simply reducing this issue down to seeking variances for lots that were platted well after the adoption of the ordinance. There are other remedies that would have been in place to provide for those solutions, including the ordinance actually being changed to 37% lot coverage if specific metrics are met. With those thoughts in mind, staff is again not in support of the petition be it for the setback or the lot coverage, and I'd be happy to answer any questions.

Wolff Thank you, Wayne. I do have a couple thoughts or questions directed towards you. You know, what happens with this property if we move to deny this petition? It would appear that the property is out of compliance if they remove the patio structure today that they did not put in, the petitioner did not put in, it appears that they're still over the lot coverage issue.

DeLong Well, likely what needs to happen here is a true assessment of the size of the home. Certainly, the assessor, the County Assessor does a wonderful job. Certainly, we'd want to make sure that an inch is an inch in this conversation. Certainly, with knowledge becomes responsibility with the things that have been presented. If the home is truly over the lot coverage maximums, that's something that likely will need to be addressed either in the short term or will ultimately need to be addressed in the long-term. Certainly, if nothing else from lending issues or future transactional conversations.

Wolff Okay. Is there any other questions for Wayne? Or Chrissy for that matter? Okay, hearing none. Wayne, would you promote, go ahead.

Papa Can I ask Wayne really quick? Sorry. Did that to you again. Sorry. I understand the reasons why that would be the position, but how would the homeowner have been aware of any issue? Or is it just by default that the builder did something, and that's the way it ended up, and so here we are?

DeLong Yes. I suspect that's the case. I mean, the petition is revolving around the peculiarities with the property, and the hardships related to that. The petition, as it's been filed, seeks to expand lot coverage. I don't believe what's in front of you this evening is trying to address what has potentially been constructed that is over the lot coverage. So, certainly, if that's, if a different petition were to be filed, or amended, we would discuss those merits. I would strongly suggest a survey, a very detailed survey, just to validate the size of the home. I know again the County Assessor does a wonderful job, but I wouldn't, I think this conversation about a variance and lot coverage is different than what a property is paying in property taxes.

Papa Okay. Maybe I misunderstood. Because I thought, set aside for a moment that where we are in terms of what the builder should have done or should not have done. If the property is currently at 39% and you're talking about going to 38%, okay, how is that an increase? You're saying it's an increase from what should have been allowed? Isn't it a practical decrease?

DeLong It's an increase from what should have been allowed.

Papa Okay. I wasn't. All right. I follow you there.

Mundy Yes. I think, Jeff, it looks to me like that if we strictly follow the rules, we would deny this. At the same time, if we ignore the rules and just look at the outcome of completion of the position that they've asked now for a pergola and a smaller print, footprint, of impervious surface, we'd probably improve the likelihood of drainage, and have not, yet we've ignored the rules, which say you can't exceed a certain amount.

Papa I think you're right. That's why I asked the two questions of how would the homeowner know that if they bought a house and the paperwork that was available to that person showed that it was in compliance, and then now they're trying to fix it by reducing the footprint. I understand both arguments. I'm just saying, or just making sure I understood.

Wolff Yes. I mean, one way of looking at this would be if we were to deny the petition, we are going to have a home that has exceeded the lot coverage at 39%, a little bit more than 39%. And, it's not compliant. And, if they take out all the structures, all the patio that's there, they're still at 37%. If we approve the petition, the lot coverage will go down from what it is currently, 39% and some change, down to 38%, and we will have a home that has a variance and is now compliant. And, it's an interesting question. I would offer more discussion for the group, and we'll do that in just a moment. I do have, I think we need to cover the findings of fact. Wayne, will you please promote Mr. Greve and Mr. Blake.

DeLong Both are being promoted.

Wolff Okay. Gentlemen, as you know the burden is on you to prove the findings of fact. And, so, I think the first one it's not going to be injurious to public health, safety, I think that's, we probably don't need to spend a lot of time discussing that. The use or the value of the adjacent area, I would be curious if you would briefly address that. I think you're adding a nice structure. Do you think that the side-yard setback would decrease the value of your neighbor's property? So, I would like you to address that. I would like to hear your thoughts on that. And, then third is, the strict application of the terms of the zoning ordinance will not result in an unnecessary hardship on the property owner. So, what is your, so two, how will this affect property values, not only yours, but I would be curious about your neighbor's, and then the question number three, I would like to know what the hardship is here. Hang on, you're on mute. I didn't want you to, there you go.

Greve Thanks. So, as it related to the setback and the property value, I have submitted a letter from my property adjoiner, Kevin Homan, the Sycamore address. They split that setback with me. They went through this process with you, as well, to get their back-yard space approved, as well. He has submitted a letter that I have supplied to you guys, and he specifically states in there he appreciates the project. He likes it, and he appreciates the fact that I'm taking steps to improve the value of both of our properties. Hopefully that addresses your commoner question there. This has support of my most nearest property adjoiner. I think the second question was related to hardship, is that right?

Wolff Yes. So, the rule is the rule, and you need to demonstrate a hardship so that we can grant a variance, so that you can have this change. So, what is your hardship?

Greve Yes, so clearly, we bought a home on a small lot. That's clear. Not a lot of space. I guess if you apply the rule there is none outside of the house. And, we want to enjoy the investment that we made in purchasing this property. There is not a lot there. What we have we want to make it nice. We want to enjoy it. We want to be able to improve on our investment that we made. And the other thing I'll say is listening to the previous conversation, and I appreciate the question that we're asked, but there was a question about recourse, in terms of what happens next. You know, in terms of the path that I think is right to go down is to deny and then I'm stuck with a non-compliant house. [inaudible] maybe have to remove what I have. The little space that I do have, and have to remove it and therefore have none. Hopefully taking a common sense approach. Look at what we're trying to do here. We have access to the file. We have tried every step of the way to get this project done, permitted properly. That's why we're here tonight. You can approve it. We have a property with less lot coverage that's approved by you guys, and I can't imagine how [inaudible] best way to go.

Wolff Okay. Mr. Greve, I think I want to try to summarize that, and I think your first point was interesting in it is perhaps there is a hardship demonstrated by the fact that you, unknowingly to you, and maybe this is your fault. Maybe it's not. I probably would have made the same mistake. But you purchased a home that exceeded the lot coverage. The Town didn't know that at the time. And so, there is perhaps a hardship where you can't, if we did nothing, you would not be allowed to have an outdoor space, because your home is at 37%. So, if we failed to act or deny the petition, and I think an outdoor space, even if it's a very small one at 80 square feet, is an amenity that many people enjoy. Is that similar to what you were saying?

Greve Yes. Thank you. Yes.

Wolff Okay. Does anyone have any questions for the petitioner or the landscape architect before I turn it over? I would like to hear some thoughts from my fellow Board members. Okay, Wayne. I think you can probably demote our petitioner. And, I'll start the conversation. I think it's an interesting problem. I certainly appreciate the staff's position on this, and I completely agree with the thought that this was plotted with the rules that we currently live by, and you know, with proper planning, this could be completely avoided, and it should have been. But now we have a situation where new property owner and they have a house that is not compliant today, so we could be creating another issue. And, if we deny it, we will be creating an issue where they have a non-compliant house and we'll have to deal with that process. I'm sure we could work through that if necessary. If we approve the petition, we are getting it closer to compliant, and it is, you know, the Town permits 37% with 2% permeable. I'm sorry, let me re-phrase that. The Town permits 35% with 2% buffer for a permeable surface. This is 38%. So, it is certainly a violation of our rules. I don't know. I would turn it over to the group, and I'd be curious on your thoughts on where we go next.

Mundy I have a technical question, which I suppose would be either for our legal counsel or for Wayne, but given that this has changed from the time that they sent out notices to adjoining property owners, and we originally received it, can we move ahead tonight with the modified petition?

Chadd I'll weigh in on that really quickly. It's my understanding that that issue came up because there was some question about whether they're now asking for more than what they included in their notice. That the notice said they were asking for permission for 38% lot coverage. I think there was some notion at some point they might have been asking for more than that. I think the conversation earlier was to address just that issue. That they are, in fact, asking for 38. That's what they noticed. So, in my opinion anyway, based on that I think we're okay.

Mundy Okay.

Wolff Go ahead. I'm sorry.

Mundy My feeling is that this is, you know, either way, we will be applauded by some and condemned by others. But I think that it is at least approaching the just outside what the rules do allow for with the modifications that they have agreed to, and I think if we deny it and do nothing, my guess is that everything that's there will continue to stand right there. I don't think we'll have them slice off part of the house. Unlikely that he would have to remove the outdoor improvements that are currently there. So, I think this is the best for the homeowner and probably the best thing for the Town, and it brings is closer to compliance.

Campins I agree.

Papa That's what I'm getting around to, too, because I don't know how the homeowner would have known this when they bought the house. The Town didn't know it. And, if the lot coverage is being reduced by doing this, it seems like it's better for everybody. Now, I do understand the staff's position, and I think they have to take that position. They have to defend the way the ordinances are written and what we expect to be, but this particular circumstance it seems like the hardship to the homeowner is that they didn't have any way to know this, and if we don't do anything they're stuck even more out of compliance with really nowhere to go.

Wolff And, Mr. Papa, I would add that I think that's exactly why we exist. This Board exists for those very reasons. Is to look at these things as a case by case basis, and I think you articulated that well. Laura, I'm not going to put you on the spot, but do you have any further comments, and if not, I will entertain a motion from any of the Board members?

Campins You know, I don't. I agree. You know, I think it's only going to improve the value, and for their neighbors. The improvements with all the landscaping and the patio is being reduced. So, I don't know. I agree with Steve.

Wolff Very good. I will entertain a motion.

Papa Can I ask, because I'm relatively new, a question about, when talking about they're going to be removing some things. There is no need to specify that in the motion, is there? Because they're, in the end, they're still, they would still be stuck even if it was approved with the 38% limit? They'd have to get there somehow?

Chadd I'll weigh in again briefly, I guess. I don't think you have to include that, because you're exactly right. You're approving up to 38%. They have to get there. Generally, your approval is, you know, subject to, or approving as presented in their plans, as discussed. So, I think you're at least implying including that anyway.

DeLong And, weighing in here, as well. If there's the inclination to support the petition as presented for the new improvements that are to be proposed, it sounds like there is a strong benefit that site plan be provided that encapsulates all of the existing built environment on the lot. Just to memorialize the information that's being discussed. Certainly, it's not something that's reflected in any of the Town's files.

Papa That would - -

Wolff --Wayne.

Papa Go ahead. Sorry.

Wolff I was just going to say, Wayne, are you suggesting that we should, part of the motion to request that the petitioner provide a site plan for the Town?

DeLong I would say as a part of the building permit process to instead of just submitting a site plan that just shows the back of the home, the side-yard if you will, that a corner to corner drawing be done of the entire set of improvements on the property simply to memorialize the conversation and the potentially sounds like it could be supported by the Board.

Wolff Very good. Without any other conversation, I would entertain a motion.

Mundy I will attempt to motion. I move that Docket # 2020-11-DSV, development standards variance, in order to provide for the addition of an outdoor living space to a single-family home, which deviates from the required side and aggregate yard setbacks, and exceeds the required lot coverage of 35% to 38%, 2% of which would be allowed the use of permeable pavers in the residential village zoning district RV, for the property located at 596 Starkey Road, and approved based on their filing with the stipulation that they provide at the request for a building permit a detailed corner to corner lot submission outlining the coverage and dimensions. That sufficient, Wayne?

DeLong I believe so, yes. Thank you.

Wolff I was, I'm sorry. Mr. Papa?

Papa I was just going to say, Mr. Mundy had specified 2% permeable. Is that in line with what they just presented? I don't know. It's not, is it? Because isn't the house 37%?

Wolff Mr. Mundy, would you be amenable to changing your motion so that the lot coverage not exceed 38%?

- Mundy I would. I just think we want to be certain that a permeable surface is placed in there in that outdoor living excluding the portion that we know will be impervious.
- Wolff You're raising a good point.
- Mundy Strike the 2%, but that all except those, what 80 square feet, which will be impervious will be constructed with pervious pavers.
- Wolff So I think we're there. Darren, are we there? You're on mute.
- Chadd Sorry. I think you're there. I think all that's a really a long way of saying approved conditioned that it's constructed as it's shown in the plans presented and discussed.
- Wolff Duly noted. Is there a second to that motion?
- Papa Second.
- Wolff Thank you, Mr. Papa. Wayne, will you host a roll call vote please?
- DeLong Certainly. Mr. Wolff?
- Wolff Aye.
- DeLong Ms. Campins?
- Campins Aye.
- DeLong Mr. Mundy?
- Mundy Aye.
- DeLong Mr. Papa?
- Papa Aye.
- Wolff Thank you. Motion carries. Mr. Greve, good luck with your project, and thank you for helping to bring that property more into compliance. Next item on our agenda is Docket # 2020-13-DSV for 880 Starkey Road, just up the street. Wayne, do we have our petitioners in front of us? Are they available to you? Let's say it that way.
- DeLong Promoting Mr. Lohmeyer here, who is currently on mute.
- Wolff Mr. Lohmeyer, how are you this evening?
- Lohmeyer I'm doing well. How are you all?
- Wolff Very good. Would you please state your name and address for the record?

Lohmeyer Matt Lohmeyer at 880 Starkey Avenue in Zionsville.

Wolff Thank you, Mr. Lohmeyer. Would you, in your words, describe what you're asking for tonight?

Lohmeyer I'm before you this evening. I purchased 880 Starkey back in January and moved in. When I purchased the property, I did so with the intent of doing an internal renovation and kind of modernizing the home. As I kind of evolved through the process it became apparent, and some of the beauty of living here is you get to live and experience it, and then make some decisions from there, but kind of throughout this process have decided that, you know, taking the existing garage structure off, doing an over-sized garage structure, which will help to, if we lower the garage floor in doing so, help to lessen the drive slope, but then also be able to park vehicles actually inside the garage. Prior owners had really small cars, apparently. I don't have small cars. So, trying to solve a couple of issues. One being drive slope. One being able to park vehicles inside. But then, you know, probably more important to any of it is the fact that we're creating some additional living space above the garage that's more serviceable to the rest of the home. So, there is space above the garage currently, but it's completely disjointed from the rest of the home. You can only access it from a flight of steps, and it's really, it's a short ceiling. You know, even have to go through a short passageway door to get into that space. It's not conditioned. So, you know, the improvements that we're working on are really kind of a broad-stroke improvement to the overall property. But, in doing these, you know, what happens is we actually begin to encroach into the side-yard setback on the one side that's considered a side yard given the condition and size and shape of the lot. But then also we encroach into the aggregate side-yard setback because of an existing deck that's actually on the opposing corner of the home or the property today. So, here looking for request for variance on two different notes.

Wolff Thank you, Mr. Lohmeyer. Would you, who are your neighbors at this property?

Lohmeyer Well - -

Wolff --I think they're unusual.

Lohmeyer I'm sorry. Two of the neighbors are the Town of Zionsville. One is the sewage treatment plant, and the other is the Parks and Recreation Board. And then, you know, we've got two neighbors that live kind of back the shared drive that creates one of my property lines, Mr. Wilson. Mr. and Mrs. Wilson are the ones that live in the back that actually own the driveway. There is some new neighbors that moved in just a couple of weeks ago. They're not actually adjacent property owners, and then pretty much, I guess Lennar is north of me with Manchester Square townhomes. So, it's really more common space to the north.

Wolff Yes. So, it looks like you don't have anyone very close to your property at all, and the majority of your property is surrounded by the Town of Zionsville. Is that correct?

Lohmeyer Correct.

Wolff And then, as I look at your property, it's an unusual shape. And, is that why you would describe, or is that why, you know, if you round off one square edge, it actually is a triangle. And, is that essentially the reason why you have the setback issues created?

Lohmeyer I think, you know, and part of it's the shape and the configuration of the lot, yes, but then additionally, if you drive by and look at it, and I kind of eluded to it when discussing the drive slope, it's literally in a hillside. So, when placing a structure into a contour, you pretty much have to go in line with what that contour is, and I believe is what they did when they built this back in the 70s. So, you know, the addition that would be proposed really can only go one way given the configuration of the lot being size and contour, or shape rather and contour.

Wolff So, Mr. Lohmeyer, that's what you would describe as the hardship, this is the reason you need this particular variance is because of the particular lot, the unusual lot shape and the contour or the elevation changes on the lot?

Lohmeyer That's correct.

Wolff Very good. What other questions to we have for the petitioner tonight? Mr. Lohmeyer, I don't see that this is not terribly relevant, but I'm just curious. I've driven by that home many times, and thought it an interesting structure. Do you know what year the home was originally built?

Lohmeyer They started it in 1975. It took them about 3 years to build. And then it changed ownership one time, shortly after it was built. And, Mr. and Mrs. Marshall lived in the home until I bought it, so they lived here almost 39 years.

Wolff Very good. And, it looks like you have a thoughtful plan in place. If there are no other questions for the petitioner at this time, Wayne, do we have any remonstrators? Or anyone who would like to speak on this petition? Wayne, you're on mute.

DeLong Flipping and looking at the same time. Yes, there are three attendees, and no hands are raised.

Wolff We'll certainly have more opportunity for discussion as a Board, but Wayne, while we have you unmuted, would now be an appropriate time to hear the staff report?

DeLong While we do that, we'll also move Mr. Lohmeyer back to an attendee.

Wolff Very good.

DeLong Staff will pause here to start their presentation giving Mr. Lohmeyer a chance to rejoin. As the staff report indicates, that's been provided to you and published related to this petition, staff is supportive of the petition as it's been filed. The petitioner has done a very eloquent job describing the issues that the staff sees, as well. You have a unique parcel. Uniquely shaped. Its boundaries are joined by special uses, including the Town's own wastewater treatment plant, and public

space. The distances from common property lines to adjacent structures is somewhat lengthy. The purpose among many of the open space ordinance is to provide for agricultural uses, as well as homesteading and preservation of open space. Certainly, the language of the ordinance anticipates in part the redevelopment of areas that are zoned open land, but that are improved with housing stock at the same time. This area, uniquely, it's housing stock has stayed in place well after the adoption of the open-land standard. Certainly, it does present some challenges for the owners of these properties to move forward with modifications and updating. Certainly, staff recognizes all those challenges, and certainly the unique shape, unique topography, as well as the unique land uses adjacent to the parcel. With all those thoughts in mind, staff is supportive of the petition as it's been filed, and I'm happy to answer any questions.

Wolff Thank you, Wayne. Any questions for staff? Very good. Any discussion amongst the group. I mean, in my opinion this is the classic, you know, the classic use case for these types of variances. It's just a very unusual-shaped lot, and if we adhered strictly to the rules, then you'd almost have very little usable or buildable space. I think the petitioner has demonstrated that in their findings of fact. And as we think about the findings of fact, I don't think it would be injurious. I think the petitioner is accurate in what he has presented with that, as well. So, and then I can't imagine why updating this property would at all affect in an adverse manner property values, including our wastewater treatment plant, park space and those types of things. So, I think we're covered there. Any other discussion amongst the group?

Mundy I agree with your points, John. I think this is a classic.

Wolff Quiet group. I accept that. If there is no discussion, I would entertain a motion. Or, if there is any other questions for the petitioner, let me know, but otherwise I'd entertain a motion.

Papa I can make a motion. I move that Docket # 2020-13-DSV, development standards variance in order to provide for the addition to a single-family home which required side-yard setback improvement and deviates from the required aggregate side-yard setback and realizing existing improvement in the urban open land zoning district O1 for the property located at 880 Starkey Road be approved as filed based on the findings of fact and substantial compliance with the submitted site plan in concept elevations.

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

Campins I second it.

Wolff Thank you, Ms. Campins. Wayne, could I turn it over to you for a roll call vote please?

DeLong Certainly. Ms. Campins?

Campins Aye.

DeLong Mr. Mundy?

Zionsville Board of Zoning Appeals
June 3, 2020

- Mundy Aye.
- DeLong Mr. Papa?
- Papa Aye.
- DeLong Mr. Wolff?
- Wolff Aye. Thank you. Motion carries. Mr. Lohmeyer, I know we can't hear you right now, but we wish you luck with your renovation. The next item on our agenda is other items to be considered, which I believe, Wayne, is the Wildwood Designs.
- DeLong Yes. Staff has no update on that matter. We will look to reach out to the petitioner on that matter this month and see if we can drop that from your agenda altogether.
- Wolff Very good. And, then, Wayne or Chrissy, we got the negative findings of fact signed. Was everyone able to make it to Town Hall and get that taken care of?
- DeLong I believe we need one more set of signatures.
- Wolff Okay.
- DeLong An individual, and then we will have that wrapped up for you.
- Wolff Okay. Very good. And, at this particular junction, while we're here before we adjourn, any update, and I know I'm going to ask the impossible. Are we still planning on, any thoughts on what our July meeting might look like? Do you think it will be in person, or is it too early to say what the Governor is going to do, and more specifically maybe our Mayor or Town Council, as well?
- DeLong I would say that we're striving for an in-person meeting. I mean, that would certainly be the goal of the Town for July. Certainly, many, many things are opening up. I think we want to try to strive towards that. Certainly, we cannot dictate lots of items that are happening in this world currently, but I would suspect the answer is stay tuned. We will see here in the next couple days if there is any extension of any specific items by Governor Holcomb. But in the meantime, we will shepherd towards an opening of Town Hall, and we'll leave it at that.
- Wolff Wayne, you just look lonely in that room. So, we don't want you to be that. If there are no other matters to discuss, this meeting is adjourned. I don't have a gavel in my office. Sorry.



Petition Number: 2020-12-SE

Subject Site Address: 7465 S 475 East (unassigned address)

Petitioner: Timothy & Chelsie Sharp

Representative: Timothy & Chelsie Sharp

Request: Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

Current Zoning: Agricultural District (Rural)

Current Land Use: Agricultural

Approximate Acreage: 2.4 acres (split from 15.82 acres)

Zoning History: Consolidated within Town of Zionsville's jurisdiction in 2015. No prior petitions are known.

2020-15-DSV (pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial / Location Map
Exhibit 3 – Site Plan
Exhibit 4 – Petitioner's Narrative
Exhibit 5 – Petitioner's Exhibits
Exhibit 6 – Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the July 1, 2020, Board of Zoning Appeals meeting. A Petition for Development Standards Variance is also scheduled to be heard at the July 1, 2020, Board of Zoning Appeals meeting (2020-15-DSV). As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

PROPERTY HISTORY

The acreage associated with this petition has historically been tilled farmland with a portion of the subject site serving as a portion of the flood plain of Etter Ditch. Further, it has recently supported administrative subdivision procedures (division of land to create the tract that is the subject of the Special Exception request).

ANALYSIS

Based on the applicant's interest in constructing a single-family dwelling on acreage zoned AG, the applicant is required to request a Special Exception. The purpose of the AG Agricultural District is to encourage agricultural operations while allowing for limited residential development.

In the opinion of Staff, the Petition represents a limited presence of residential development in the AG district as the proposed improvements are contemplated to be located within the northwestern extent of the existing acreage, and that the contemplated location is consistent with the development pattern on the east and west sides of County Road 475 East. Further, the approval of this petition does not reduce the ability of the parent tract from functioning as a productive agricultural field.

RIGHT TO FARM

As stated in the Zoning Ordinance, the Applicant for a Special Exception acknowledges and/or agrees that agricultural uses are permitted in the surrounding area, no agricultural or agri-business operation in the area shall be or become a nuisance, and to not object to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance. This acknowledgement will be required to be reduced to writing as a part of the Petition process.

PROCEDURAL – CONSIDERATION OF A SPECIAL EXCEPTION PETITION SEEKING APPROVAL FOR THE LOCATION OF A DWELLING IN THE AGRICULTURAL DISTRICT

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Special Exception requests as provided for by the Zionsville Zoning Ordinance. A Special Exception may be approved only upon written determination that:

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;*

(b) The proposed use will not injure or adversely affect the adjacent area or property values therein; and

(c) the proposed use will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

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

STAFF RECOMMENDATIONS

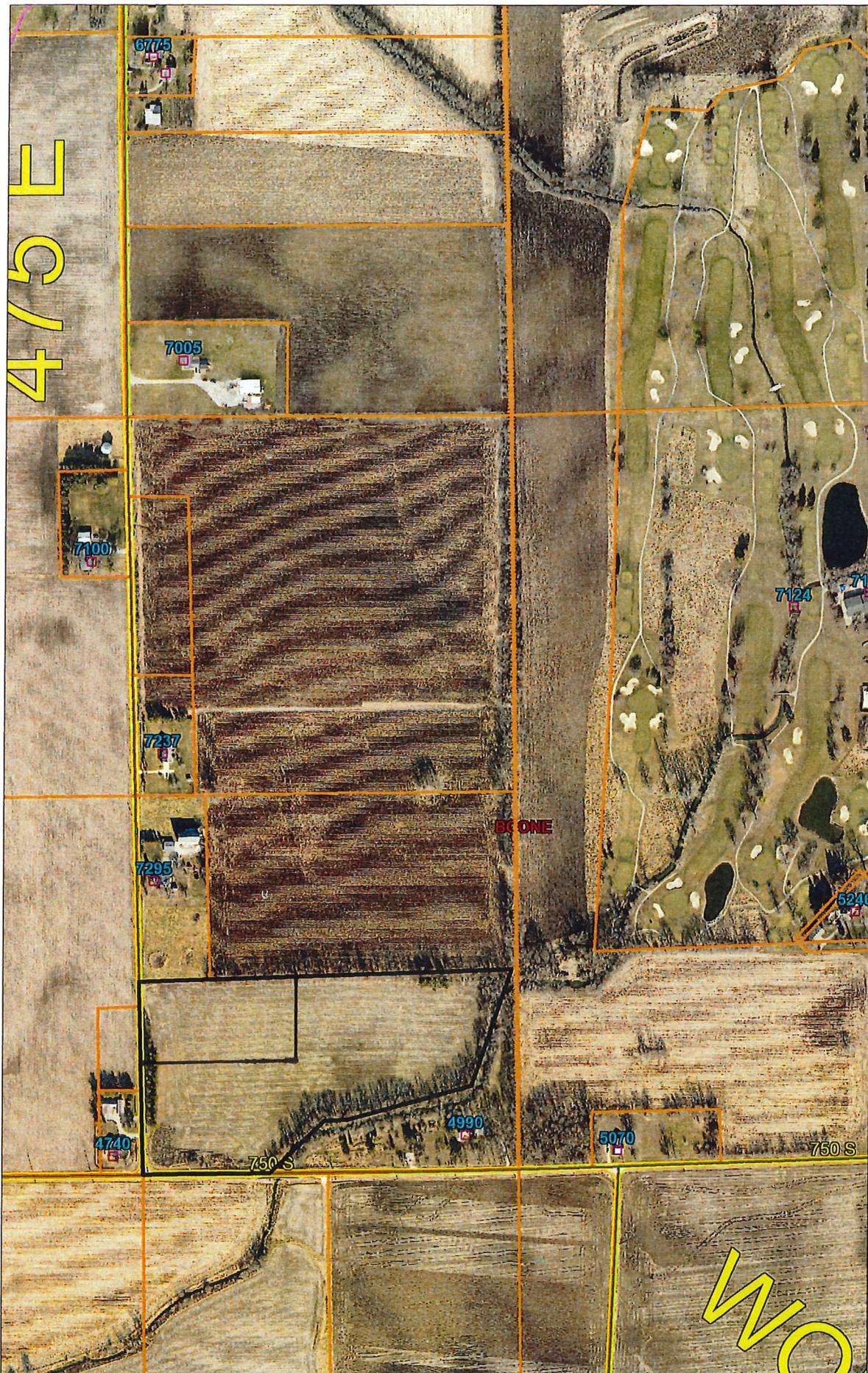
Staff recommends approval of the special exception Petition included in Docket #2020-12-SE.

RECOMMENDATION MOTION

I move that Docket #2020-12-SE special exception Petition in the Agricultural District for the property located at 7465 S 475 East be (Approved based upon the staff report and the proposed findings / Denied / Continued) as presented (If approved, it shall be required that the Petitioner execute the Right-to-Farm acknowledgement documentation).

PROCEDURAL NOTE

As a portion of the property is within proximity to the Special Flood Hazard Area (SFHA) associated with the Etter Ditch (and its dual identification as a Legal Open Drain), it could be subject to additional development restrictions (limitations of size, placement, and floor elevation of buildings). Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, the Boone County Surveyor, and / or the Town (in conjunctions with the Town's Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).



- Regional Counties
- Townships
- Zionsville Corporate
- Boone Co Corporate
- Parcels
- Boone County Address
- Regional County
- Edge of Pavement
- Miscellaneous
- Railroads
- Roads
- Highways
- BC Legal Drains

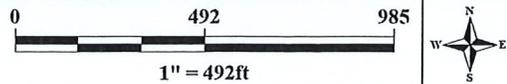
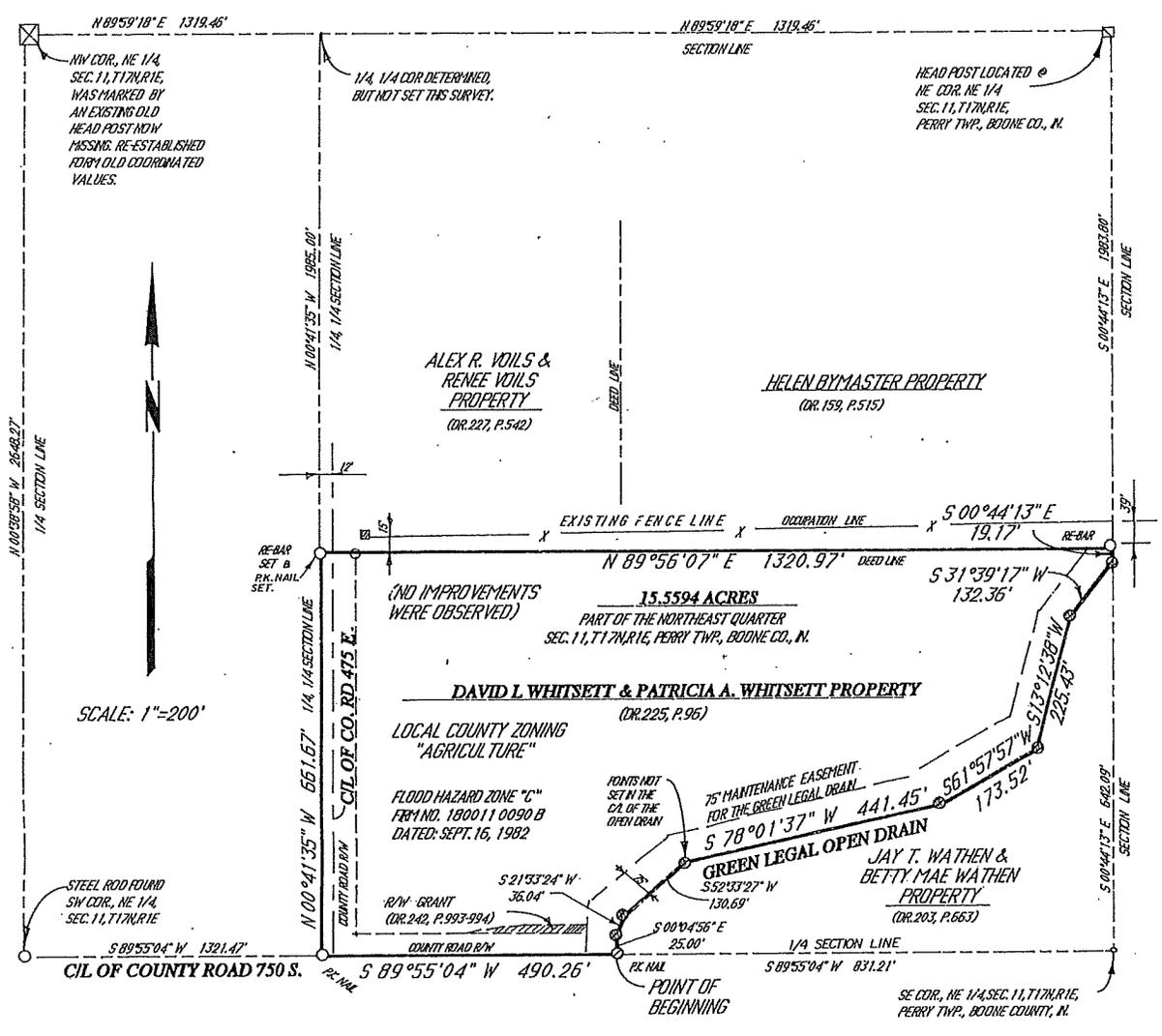


Exhibit 2

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. (Deed Record 225, Page 96)

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

- 1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
- 2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
- 3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.

LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.

EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corners were determined in such a manner as to comply with the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February 1994.



Cary B. Dodge
Cary B. Dodge, R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone

4850 East 750 South, Lebanon, IN 46052

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

Name

Timothy W. Sharp

Date (day, month, year)

4/26/2018

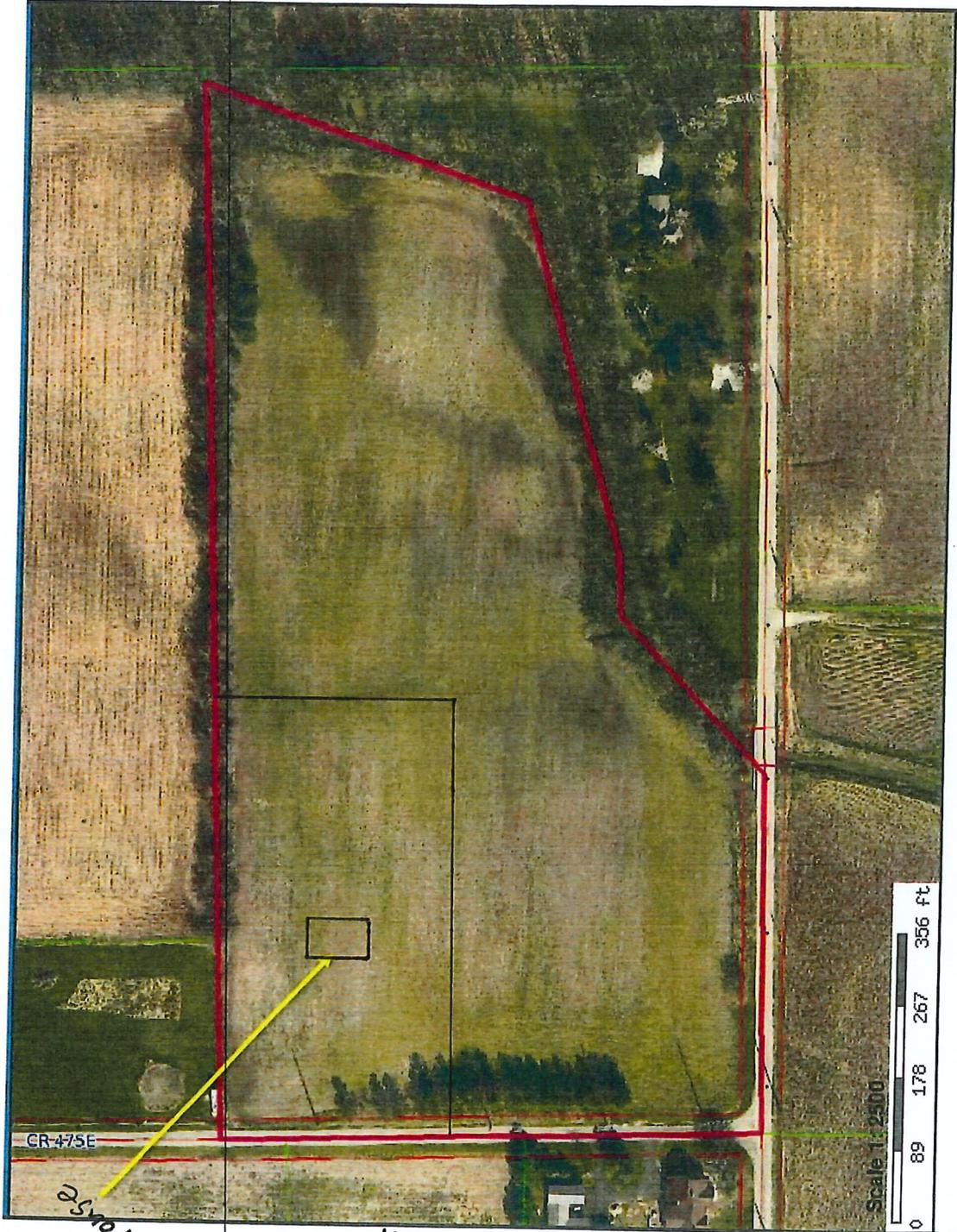


Figure 6. Parcel Map

105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSEENGINEERING.COM

HAUSE SURVEYING & ENGINEERING

A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

REGISTERED PROFESSIONAL ENGINEER
STATE OF INDIANA
No. 3701359
DANNY R. HAUSE

SCALE:	1" = 40'
DATE:	4/29/2020
CHECKED BY:	JEH
DRN:	
DRAWN BY:	
Revisions	
No.	
Date	

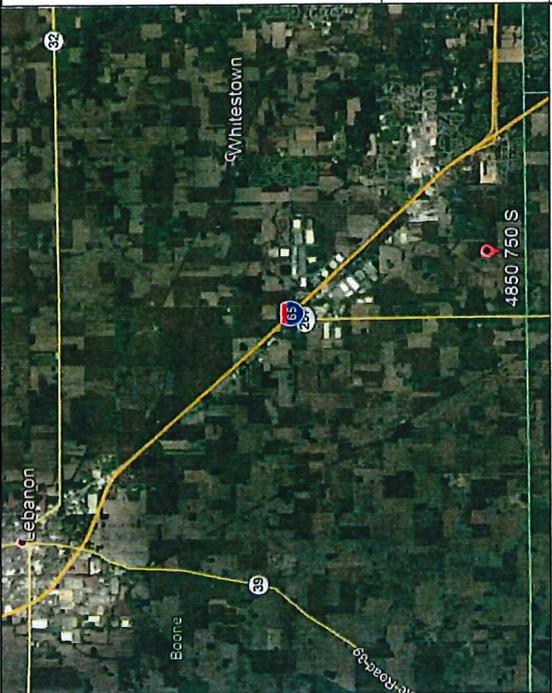
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

PLOT PLAN

TIM SHARP

SHEET NO. 1
OF 2 SHEETS

PROJECT NO. 20H151

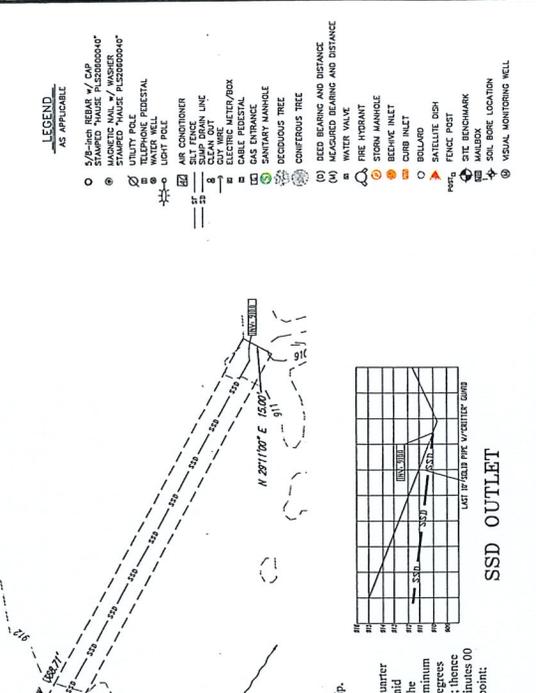


GENERAL LOCATION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 131.139 feet along the line of said Northeast Quarter section to a set magnetic north point; thence North 89 degrees 23 minutes 16 minutes 03 seconds West 430.20 feet along the line of said Northeast Quarter section to a set magnetic north point; thence North 89 degrees 23 minutes 16 minutes 03 seconds West 430.20 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 16 minutes 03 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 05 seconds East 240.00 feet to a capped rebar; thence:

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.



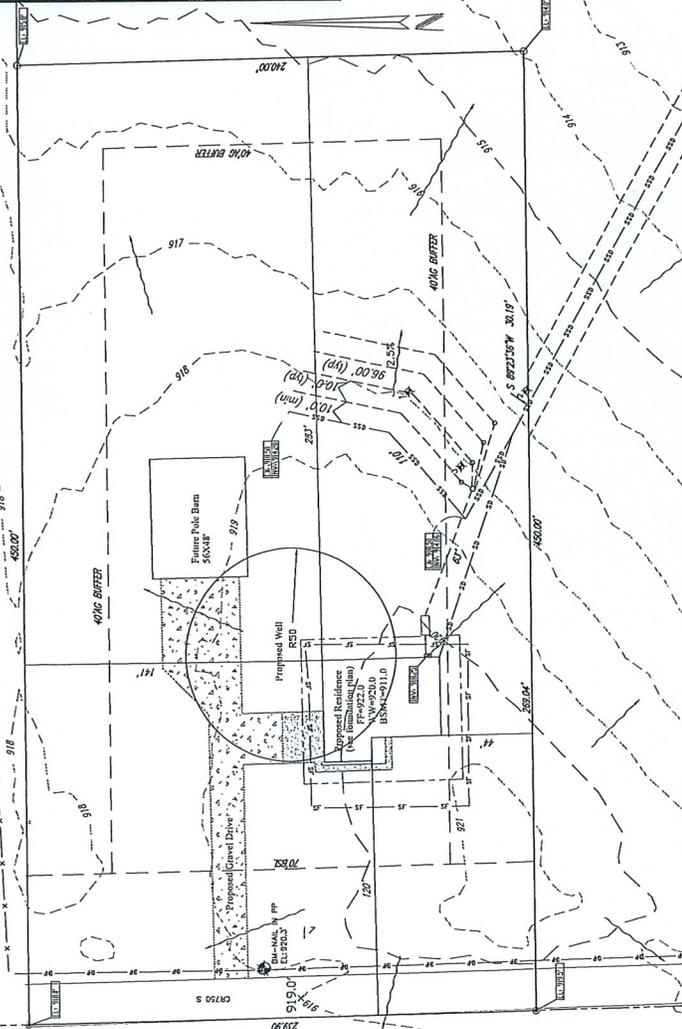
CONSTRUCTION NOTES:

NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.

NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATER-TIGHT TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM.

NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.

NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAD WITH A GRAVEL FREE BACKFILL.



PERIMETER DRAIN EASEMENT

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 131.139 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 430.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic north point; thence North 89 degrees 23 minutes 16 minutes 03 seconds West 430.20 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 16 minutes 03 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 05 seconds East 240.00 feet to a capped rebar; thence:

Containing 0.138 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 131.139 feet along the line of said Northeast Quarter section to a set magnetic north point; thence North 89 degrees 23 minutes 16 minutes 03 seconds West 430.20 feet along the line of said Northeast Quarter section to a set magnetic north point; thence North 89 degrees 23 minutes 16 minutes 03 seconds West 430.20 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 16 minutes 03 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 05 seconds East 240.00 feet to a capped rebar; thence:

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

Tim Sharp
4850 E. 750 S
Lebanon, IN



Hauses Surveying and Engineering, LLC. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or by any other means, without the prior written permission of Hauses Surveying and Engineering, LLC. Copies of this plan without a dated and blue signature are not valid.

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

Zionsville, IN 46017

To whom it may concern:

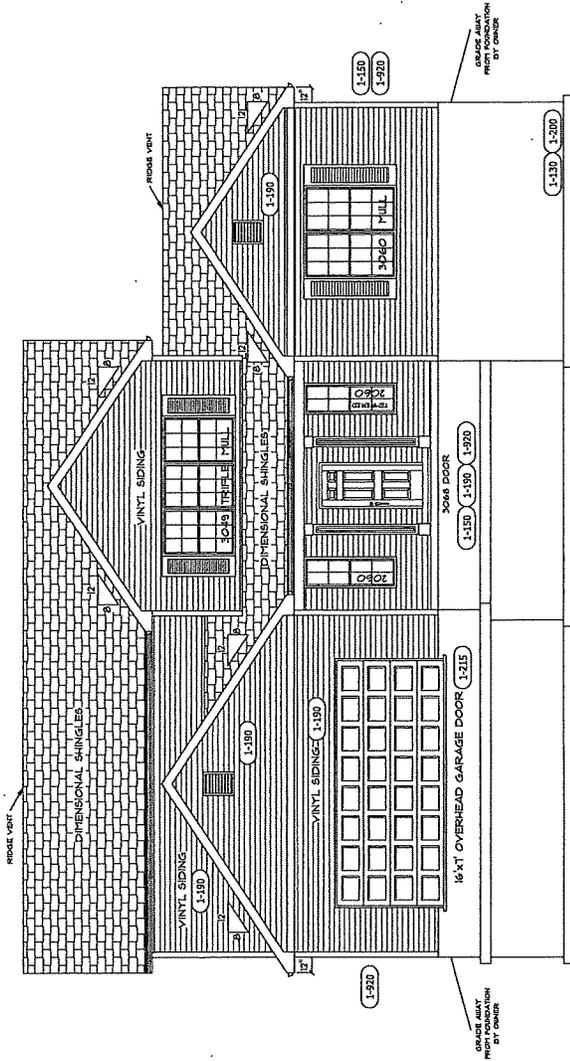
We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

Sincerely,



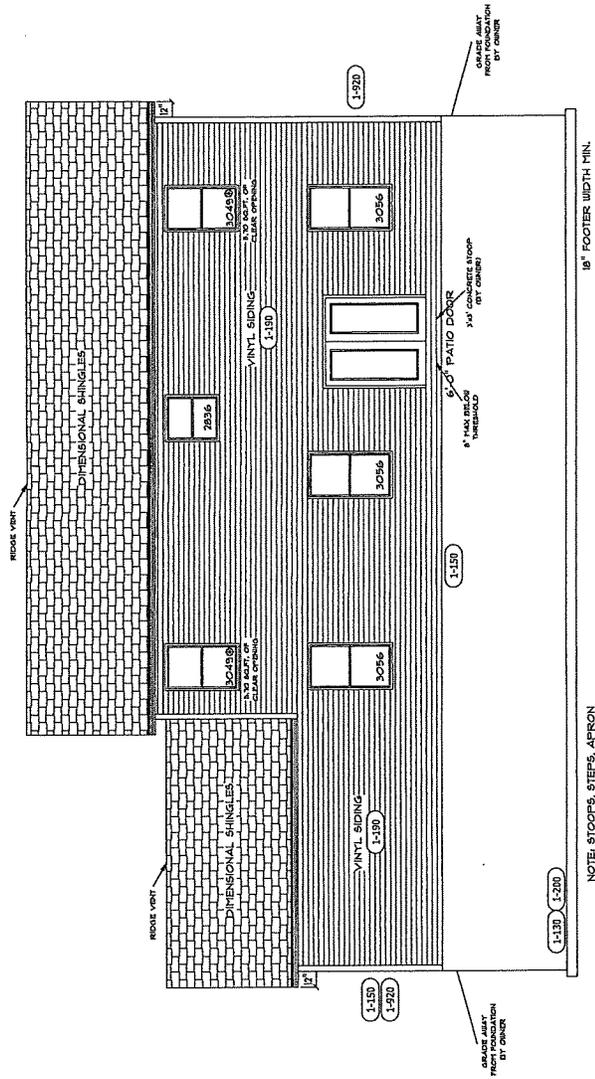
Tim and Chelsie Sharp



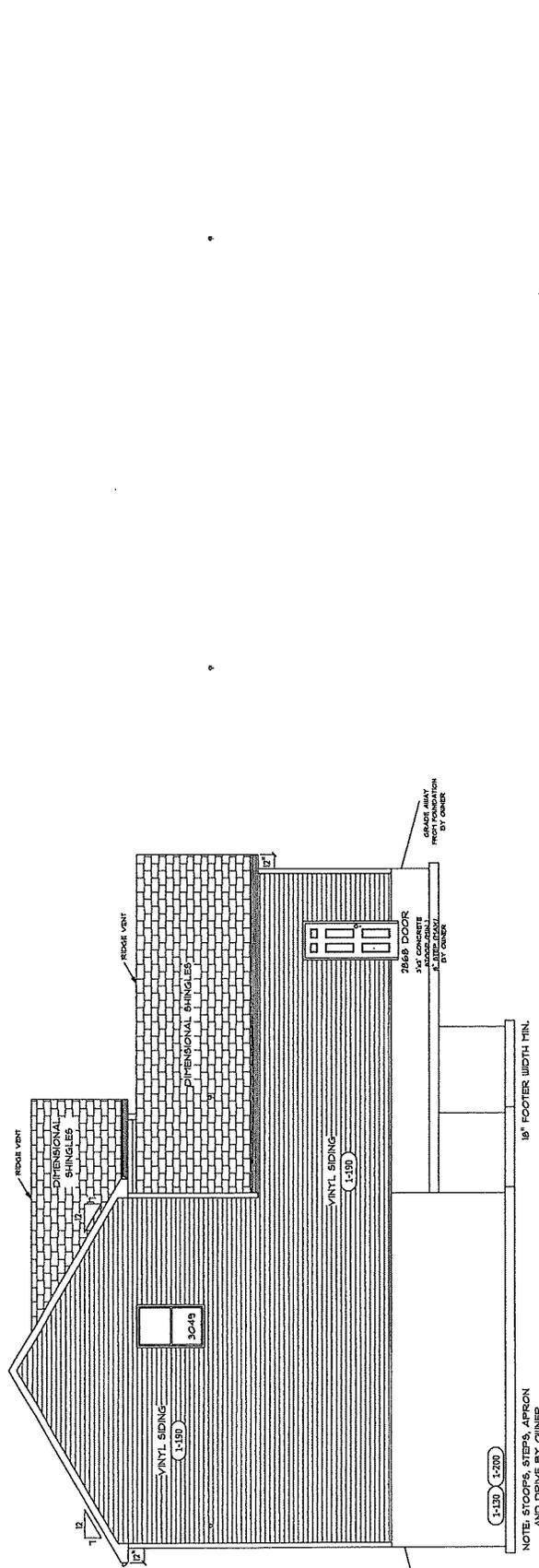
NOTE: STAIRS, STEPS, APRON AND DRIVE BY OWNER

FRONT ELEVATION

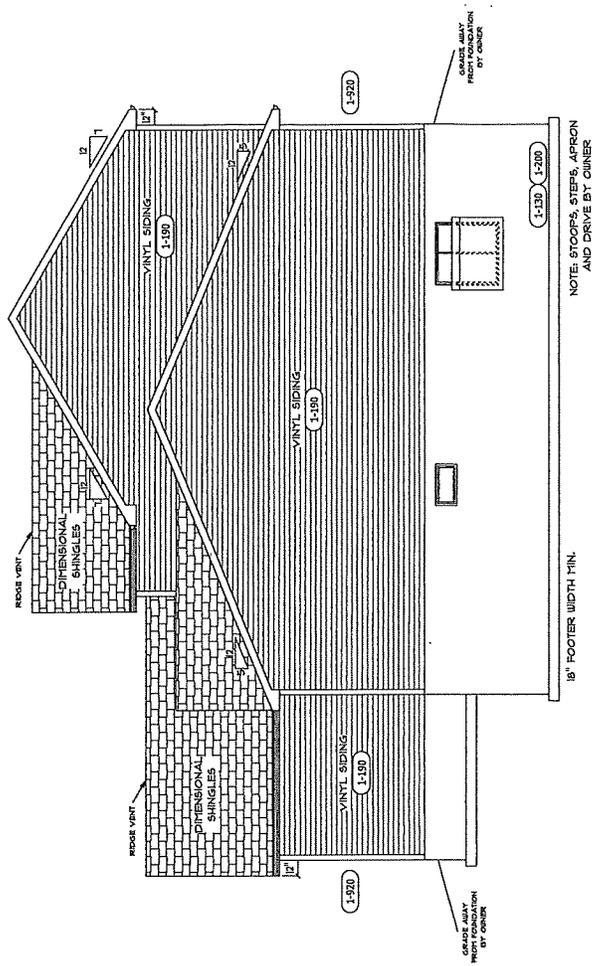
18' FOOTER WIDTH MIN.



REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

FIRST FLOOR PLAN

ANDERSEN WINDOW SCHEDULE
- 200 SERIES -

ANDERSEN MODEL NO.	R.O. SIZE
2056	24" x 56"
3030	36" x 36"
3040	36" x 48"
3049*	36" x 51"
3056*	36" x 66"
3060*	36" x 72"
3049 MULL*	73" x 51"
3056 MULL*	73" x 66"
3060 MULL*	73" x 72"
ANDERSEN SLIDING DOOR R.O. 73 1/4" x 82 7/8"	
3'-0" FRONT DOOR R.O. 29 3/4" x 64 1/2"	
3'-0" FRONT DOOR WITH (1) SIDELITE R.O. 51 7/8" x 81 1/2"	
3'-0" FRONT DOOR WITH (2) SIDELITES R.O. 65 3/8" x 81 1/2"	
R.O. FOR BULFORD DOORS USING ORYWALL JAMB FACING 1 1/4" DOOR SIZE x (81 1/2")	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING MAKE SAME AS BOTH DOORS ADDED TOGETHER	
ALL INTERIOR DOORS SIZE 2' 7" TO WIDTH x 68 1/2" HIGH (L225) (24) DOOR WIDTH x 17' x 85" HIGH	

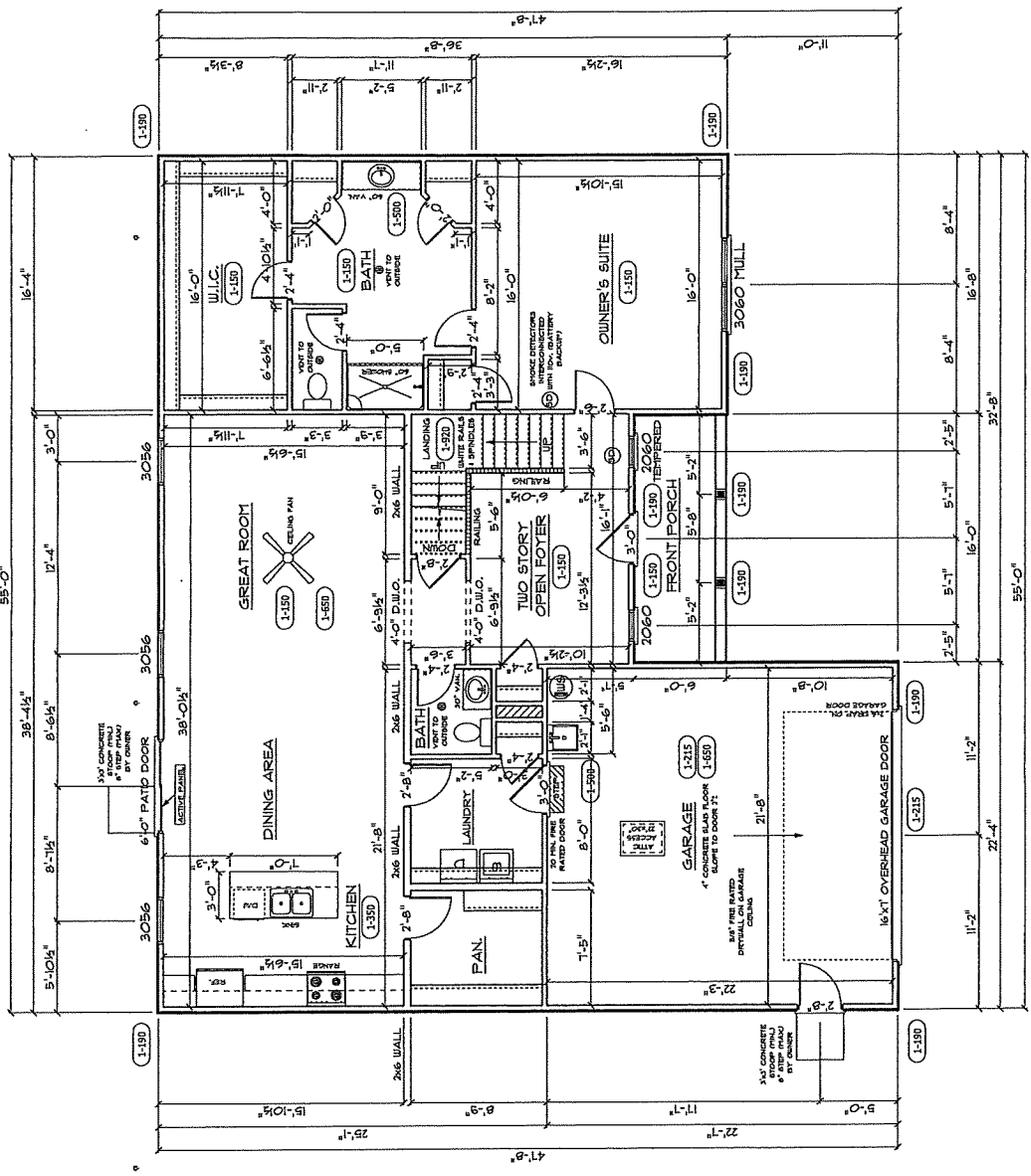
* - DENOTES OPENING MEETS EGRESS REQUIREMENTS

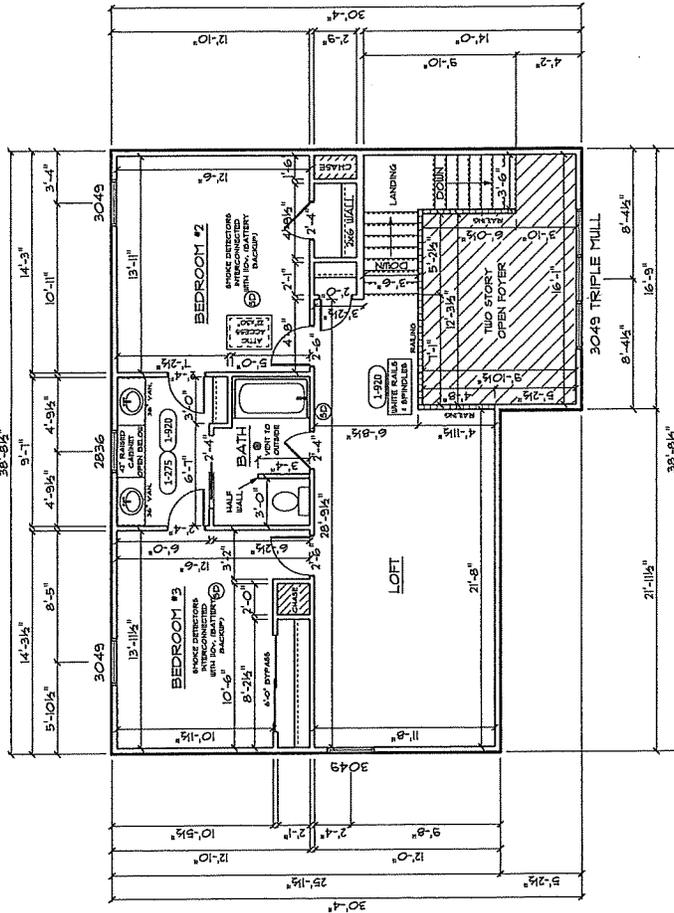
ALL WALL DIMENSIONS ARE FACE TO FACE OF STUDY
ALL INTERIOR WALLS ARE 3 1/2" (UNLESS NOTED)
EXHAUST FANS ARE VENTED TO OUTSIDE AIR
3049 SASH (8'-0" SLOPE, OF CLEAR OPENING)
ALL BRICK LAYOUT REQUIREMENTS ARE 2"

9'-0" FIRST FLOOR
CEILING HEIGHT

INCLUDES:

1. 4 1/4" BASEBOARDS IN LIEU OF 3 1/4"
2. 3060 WINDOWS IN LIEU OF 3056 WINDOWS
3. 3056 WINDOWS IN LIEU OF 3049 WINDOWS
4. DRYWALL WRAPPED OPENINGS 12" TALLER
5. 42" KITCHEN CABINETS (L235)
6. 16'x7' GARAGE DOOR STANDARD





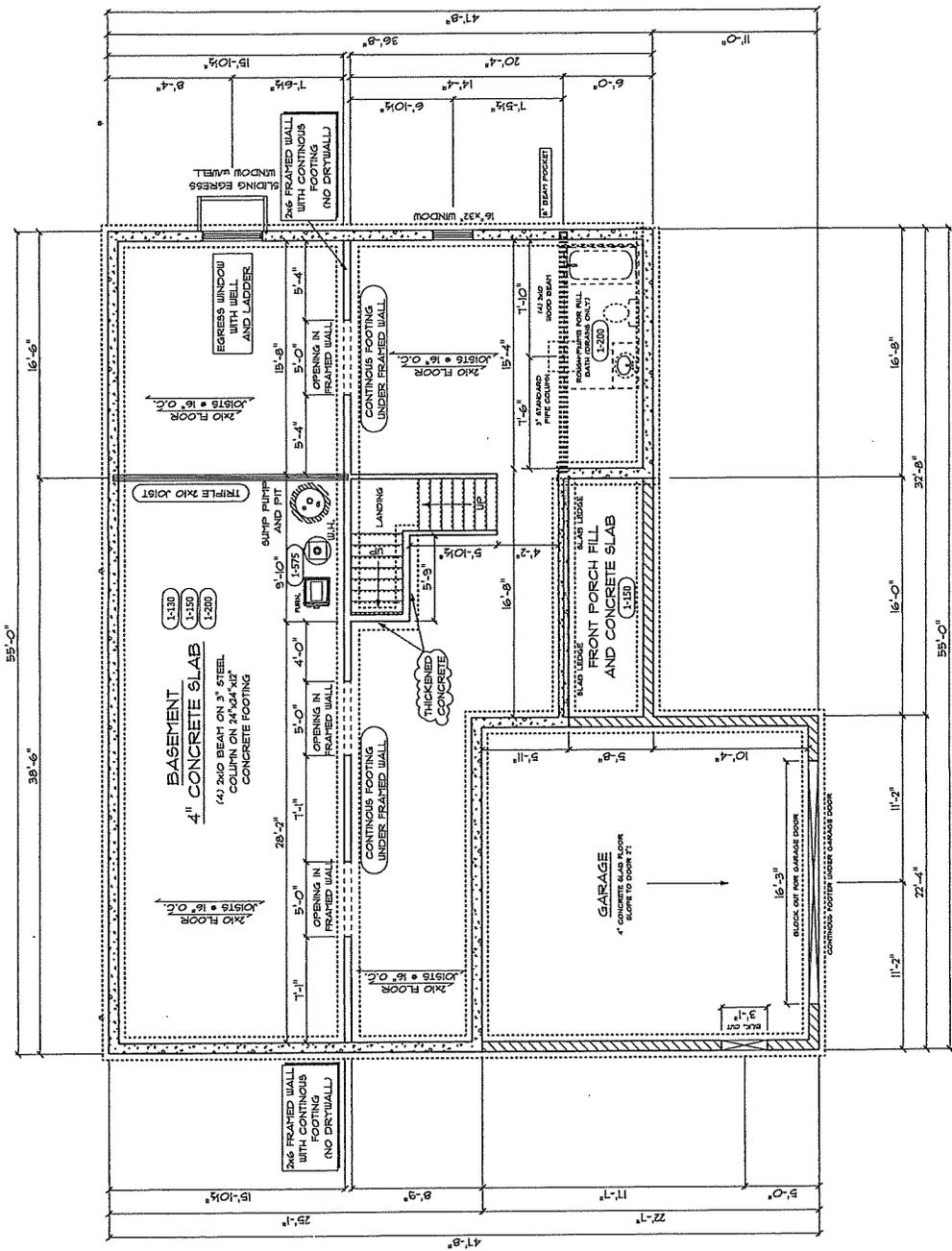
SECOND FLOOR PLAN

FIRST FLOOR SQ.FT.	1,663
SECOND FLOOR SQ.FT.	883
TOTAL LIVING SQ.FT.	2,546
GARAGE	502
TOTAL SQ.FT.	3,048
EXCLUDING PORCH	96

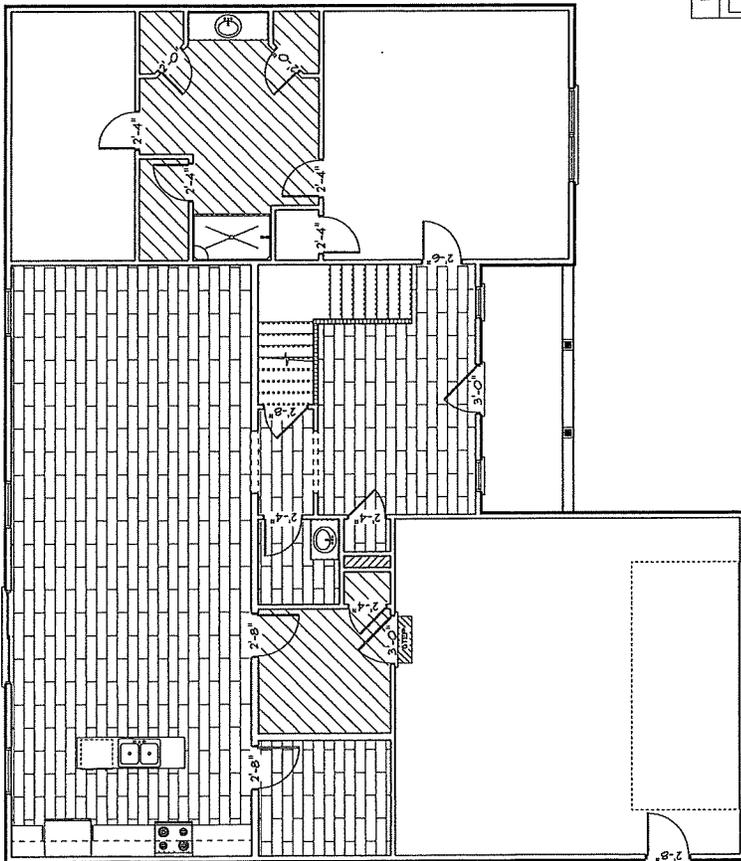
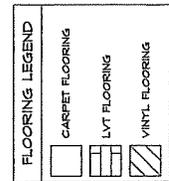
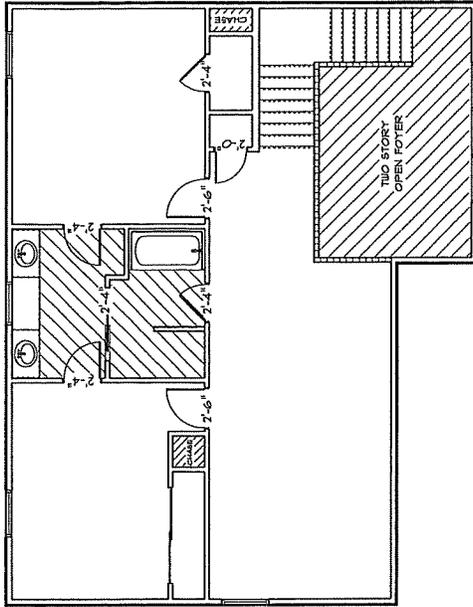
ANDERSEN WINDOW SCHEDULE - 200 SERIES -	
ANDERSEN MODEL NO.	R.O. SIZE
3030	36" x 36"
3040	36" x 48"
3049*	36" x 57"
3056*	36" x 66"
3060*	36" x 72"
3048 MULL*	13" x 57"
3056 MULL*	13" x 66"
3060 MULL*	13" x 72"
3049 TRIPLE MULL*	110" x 57"
ANDERSEN SLIDING DOOR	
R.O. 73 3/4" x 83 7/8"	
3'-0" FRONT DOOR	
R.O. 36 3/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (D) SIDELITE	
R.O. 51 7/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (D) SIDELITES	
R.O. 65 3/8" x 82 1/2"	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING - 1 1/4" - DOOR SIZE X (B) (F)	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING MAKE SAME AS BOTH DOORS ADDED TOGETHER	
ALL INTERIOR DOORS	
SIZE + 2" TO WIDTH X 82 1/2" HIGH	
R.O. POCKET DOOR	
2x DOORS WIDTH + 1 1/2" X 85" HIGH	

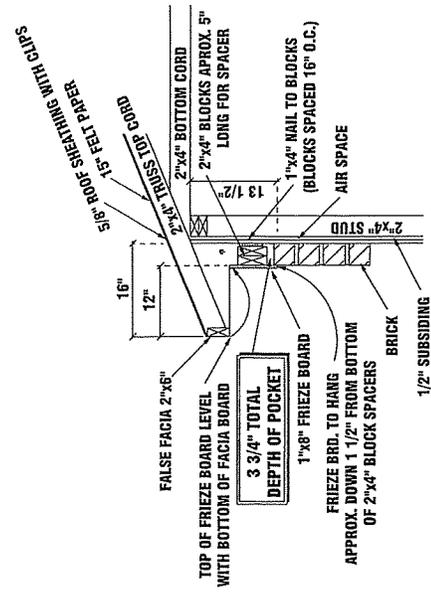
** DENOTES OPENING MEETS EGRESS REQUIREMENTS

ALL WALL DIMENSIONS ARE FACE TO FACE OF STUDS
ALL INTERIOR WALLS ARE 3 1/2" (DIMENSIONS NOTED)
EXHAUST BATH FANS ARE VENTED TO OUTSIDE AIR
3049 BATH (5 TO 60) FT. OF CLEAR OPENING
ALL BRICK LAYOUT MEASUREMENTS ARE 4"

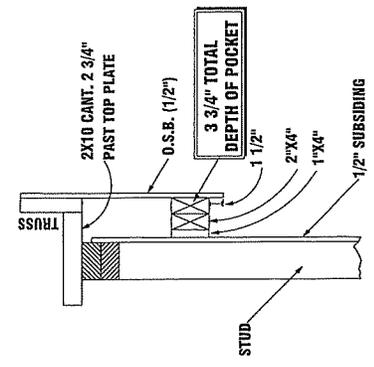


FOUNDATION - BASEMENT

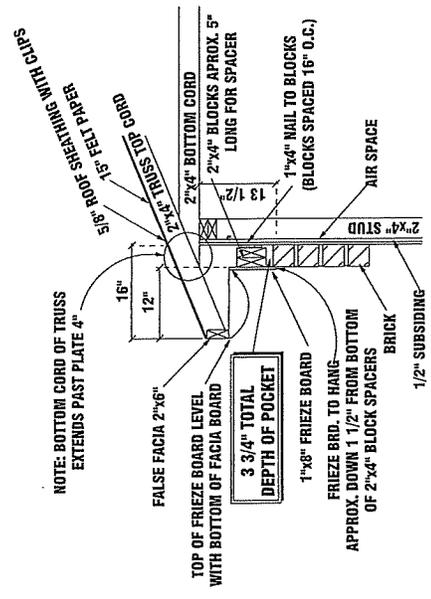




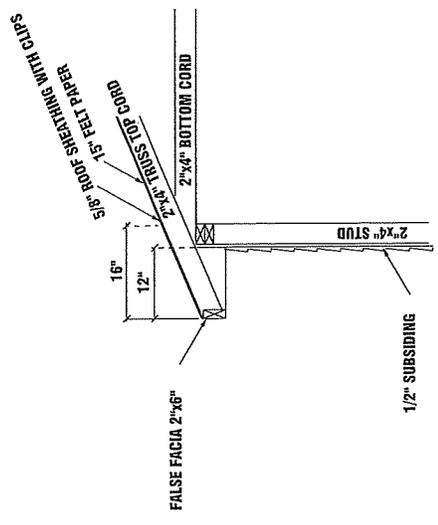
HOUSES WITH FULL QUEEN BRICK WRAP



GABLE WALL DETAIL WITH QUEEN BRICK FRIEZE BOARD



HOUSE WITH QUEEN BRICK FRONT ONLY



TYPICAL HOUSE WITH VINYL SIDING AREA AT EAVE

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR SPECIAL EXCEPTION

FINDINGS OF FACT

- 1. The proposed use (**will / will not**) be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

Building a new home will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. There are other homes already in the area.

- 2. The proposed use (**will / will not**) injure or adversely affect the adjacent area or property values therein; and

A new home in the area will not injure or adversely affect the adjacent area or property values. In fact, it is likely to increase the neighbors' property values.

- 3. The proposed use (**will / will not**) will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

Building a new home is consistent with the character of the district as there are several homes already nearby in the area. The zoning ordinance dictates that we must request this special exception for a proposed residence.

DECISION

It is therefore the decision of this body that this SPECIAL EXCEPTION petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

Exhibit 6



ZIONSVILLE
FOR ALL THE RIGHT REASONS

Town of Zionsville
Petition to the Board of Zoning Appeals
Application Packet and General Instructions

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-12-SE

1. SITE INFORMATION:

Address of Property: 7465 S. County Road 475 East Lebanon, Indiana 46052 _____

Existing Use of Property: Agriculture _____

Proposed Use of Property: Single Family in new home _____

Current Zoning: Agriculture _____ Area in acres: 2.4

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Timothy W. Sharp and Chelsie E. Sharp

Owner Name (if different from Petitioner): Kathleen A. Sharp

Petitioner Address: 7557 N County Road 150 E Pittsboro, IN 46167 Owner Address: 8252 W. 88th Street Indianapolis, IN 46278

Petitioner Phone Number: 317-319-4824

Owner Phone Number: 317-440-6352

Petitioner E-Mail Address: tisharp85@yahoo.com

Owner E-Mail Address: ksharp9401@comcast.net

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: Timothy W. Sharp

Address: 7557 N County Road 150 E Pittsboro, IN 46167

Phone Number: 317-319-4824

E-Mail Address tisharp85@yahoo.com

Project Engineer:

Name: Hause Surveying and Engineering, LLC.

Address: 105 N. Meridian St. Lebanon, Indiana 46052

Phone Number: 765-482-5141

E-Mail Address: will@hauseurveyandengineering.com

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification

The land is currently zoned as agriculture, therefore, we are requesting a special exception to build a new single family home. We have signed a contract with a builder and need to have the property buildable by July 1, 2020 or risk losing the down payment that has been made.

5. ATTACHMENTS:

X Legal description of property

X Owner's Authorization (if Petitioner is not the Owner)

Statement of Commitments (if proposed)

X Application Fee

X Proof of Ownership (copy of Warranty Deed)

X Site Plan & Exhibits

Draft of Proposed Legal Notice

X Draft of Proposed Findings of Fact

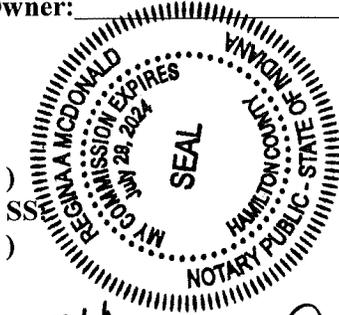
The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: Keileen A. Sharp Date: 4/27/2020

Signature of Owner or Attorney for Owner: _____ Date: _____

State of INDIANA

County of MARION



Subscribed and sworn to before me this 27th day of April, 2020.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7/29/2024

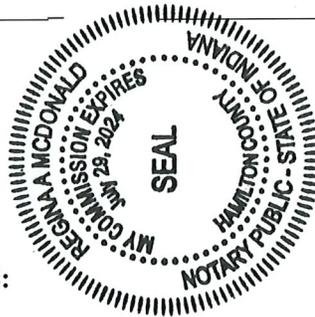
My County of Residence is HAMILTON County

OWNER'S AUTHORIZATION

The undersigned, Kathleen A. Sharp, being the owner of the property commonly known as 7465 S. County Road 475 East Lebanon, Indiana 46052 hereby authorizes Timothy W. Sharp and Chelsie E. Sharp to file a Petition for (zone map change / variance / **special exception** / subdivision plat approval / other) for the aforementioned property.

Signature: Kathleen A. Sharp _____
Printed: Kathleen A. Sharp _____
Title: Property Owner _____

State of INDIANA)
County of Marion)
SS:



Subscribed and sworn to before me this 27th day of April, 2020.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7/29/2024

My County of Residence is Hamilton County

Parcel No. _____

WARRANTY DEED

THIS INDENTURE WITNESSETH, That KURT N. TIETZ AND LORI D. TIETZ,
Husband and Wife _____ (Grantor)
of Marion County, in the State of Indiana, CONVEY
AND WARRANT to STEVEN E. SHARP and KATHLEEN A. SHARP,
Husband and Wife _____ (Grantee)
of Marion County, in the State of Indiana, for the sum
of Two and no/100 ----- Dollars (\$ 2.00) and other
valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following
described real estate in Boone County, State of Indiana:

** SEE LEGAL DESCRIPTION ATTACHED **

Subject to any and all easements, agreements and restrictions of record. The address of such
real estate is commonly known as 7465 S. County Road 475 East
Lebanon, IN 46052

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of
March, 1994.

Grantor: _____ (SEAL)
Signature Kurt N. Tietz
Printed Kurt N. Tietz

Grantor: _____ (SEAL)
Signature Lori D. Tietz
Printed Lori D. Tietz

STATE OF INDIANA }
COUNTY OF MARION BOONE } SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared _____
KURT N. TIETZ and LORI D. TIETZ, Husband and Wife
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of March, 1994.

My commission expires: 10-4-96
Signature T. Michelle Logan
Printed T. Michelle Logan, Notary Public
Resident of Boone County, Indiana.

This instrument prepared by Guy G. Kibbe, Attorney at Law.

Return deed to Steven E. & Kathleen A. Sharp 8252 W. 88th St., Indpls., IN 46278

Send tax bills to Steven E. & Kathleen A. Sharp, 8252 W. 88th St., Indpls., IN 46278

LEGAL DESCRIPTION

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.69 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less.

Situated in Perry Township, Boone County, Indiana.

NOTE: Acreage in the legal description of the subject real estate is solely for the purpose of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

Local No 010439

EDR No 00000751469

State No

1. Decedent's Legal Name (First, Middle, Last) STEVEN E SHARP			1a. Maiden Name (If female)		2. Sex MALE	3. Time Of Death 07:05 AM	4. Date Of Death (Month/Day/Year) 12/30/2019		
5. Social Security Number 304-50-0966	6a. Age - Yrs 69	6b. Under 1 Year Months	6c. Under 1 Month Days	6d. Under 1 Day Hours	6e. Under 1 Hour Minutes	7. Date of Birth (Month/Day/Year) 11/11/1950		8. Birthplace (City and State or Foreign Country) INDIANAPOLIS, IN	
9. Ever in U.S. Armed Forces? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			10. If Death Occurred In A Hospital: <input checked="" type="checkbox"/> Inpatient <input checked="" type="checkbox"/> Emergency Department Outpatient <input type="checkbox"/> Dead on Arrival			10a. If Death Occurred Somewhere Other Than A Hospital: <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Nursing Home/Long-term Care Facility <input type="checkbox"/> Other (Specify)			
11. Facility Name (If Not Institution, Give Street and Number) ST VINCENT HOSPITAL (86TH ST)					12. City Or Town, State, And Zip Code INDIANAPOLIS, IN, 46260		13. County Of Death MARION		
14. Marital Status At Time Of Death <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, But Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown			15. Surviving Spouse's Name KATHLEEN SHARP			15a. Last Name Before First Marriage WEATHERFORD		16. Decedent's Usual Occupation MECHANIC AND LANDSCAPER	
17. Kind Of Business/Industry MECHANICS AND LANDSCAPING			18. Residence - State INDIANA		18a. County MARION		18b. City Or Town INDIANAPOLIS		
18c. Street And Number 8252 WEST 88TH STREET			18d. Apt. No.		18e. Zip Code 46278		18f. Inside City Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
19. Decedent's Education SOME COLLEGE CREDIT, BUT NOT A DEGREE			20. Decedent Of Hispanic Origin NOT HISPANIC		21. Decedent's Race White				
22. Parent's Name (First, Middle, Last) NED SHARP			23. Parent's Name (First, Middle, Last) HILDA SHARP			23a. Parent's Last Name Before First Marriage BECKER			
24. Infirmant's Name KATHLEEN SHARP			24a. Relationship To Decedent WIFE		24b. Mailing Address (Street And Number, City, State, Zip Code) 8252 WEST 88TH STREET, INDIANAPOLIS, IN 46278				
25a. Method Of Disposition <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal From State <input type="checkbox"/> Other (Specify)			25b. Place Of Disposition (Name Of Cemetery, Crematory, Other Place) SALEM CEMETERY			25c. Location - City, Town, And State ZIONSVILLE, IN			
26. Was Coroner Contacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			27. Name And Complete Address Of Funeral Facility CONKLE FUNERAL HOME INC (INDIANAPOLIS), 4925 W 16TH STREET, INDIANAPOLIS, IN 46224				27a. Funeral Home License Number FH83008423		
27b. Signature Of Indiana Funeral Service Licensee: LESLIE L MILLER, BY ELECTRONIC SIGNATURE					27c. License Number (Of Licensee): FD08900003				
28. Part I. Enter The Chain Of Events - Diseases, Injuries, Or Complications - That Directly Caused The Death. Do Not Enter Terminal Events Such As Cardiac Arrest, Respiratory Arrest, Or Ventricular Fibrillation Without Showing The Etiology. Do Not Abbreviate. Enter Only One Cause On A Line. Add Additional Lines If Necessary.									
Immediate Cause (Final Disease Or Condition Resulting In Death)			A. CARDIAC ARRHYTHMIA			Approximate Interval Onset To Death 1 HOUR			
Sequentially List Conditions, If Any, Leading To The Cause Listed On Line A. Enter The Underlying Cause (Disease Or Injury That Initiated The Events Resulting In Death) Last			B. DIABETIC KETOACIDOSIS			1 DAY			
			C. DIABETES			10 YEARS			
			D.						
Part II. Enter Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I					29. Was An Autopsy Performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
N/A					30. Were Autopsy Finding Available To Complete The Cause Of Death? <input type="checkbox"/> Yes <input type="checkbox"/> No				
31. Did Tobacco Use Contribute To Death? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown			32. If Female: <input type="checkbox"/> Not Pregnant Within Past Year <input type="checkbox"/> Pregnant At Time of Death <input type="checkbox"/> Not Pregnant, But Pregnant Within 42 Days Of Death <input type="checkbox"/> Not Pregnant, But Pregnant Within 1 Year Before Death <input type="checkbox"/> Unknown If Pregnant Within The Past Year			33. Manner Of Death: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could Not Be Determined			
34. Date Of Injury (Month/Day/Year)			35. Time Of Injury		36. Place Of Injury (E.G., Decedent's Home, Construction Site, Restaurant, Wooded Area)		37. Injury At Work? <input type="checkbox"/> Yes <input type="checkbox"/> No		
38. Location Of Injury - State			38a. City Or Town		38b. Street & Number		38c. Apt. No.		
							38d. Zip Code		
39. Describe How Injury Occurred					40. If Transportation Injury, Specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)				
41. Signature, Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN, BY ELECTRONIC SIGNATURE					42. Certifier (Check Only One): <input checked="" type="checkbox"/> Certifying Physician <input type="checkbox"/> Coroner <input type="checkbox"/> Health Officer				
43. Name, Address And Zip Code Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN, 10801 N. MICHIGAN ROAD, SUITE 100, ZIONSVILLE, IN 46077					44. License Number 01056331A		45. Date Certified 01/28/2020		
46. Additional Funeral Service Provider:					47. "Aka's":				
48. Signature of Local Health Officer: VIRGINIA A CAINE, VIA ELECTRONIC SIGNATURE					49. For Registrar Only - Date Filed (Month/Day/Year) JAN 28 2020				
AMENDMENT TO CERTIFICATE OF DEATH (ENTRY OR ORIGINAL)									

State Form 53395 ATTENTION ESTATE. The Social Security # is being requested by this state agency in order to pursue responsibility. Disclosure is voluntary and there will be no penalty for refusal.

WARNING: ORIGINAL DOCUMENT HAS A MULTICOLORED BACKGROUND ON SPECIAL WHITE SECURITY PAPER AND THE GREAT SEAL OF THE STATE OF INDIANA ON BACK THAT TURNS FROM ORANGE TO YELLOW WHEN RUBBED. ORIGINAL DOCUMENT HAS A HIDDEN VOID ON FRONT THAT APPEARS WHEN PHOTOCOPIED.

STATE OF INDIANA

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

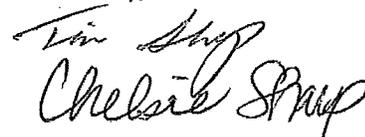
Zionsville, IN 46017

To whom it may concern:

We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

Sincerely,



Tim and Chelsie Sharp

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Tim and Chelsie Sharp, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)
INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE
BOARD OF ZONING APPEALS, to consider the Petition of: Tim Sharp

Requesting: Special Exception and Petition for Development Standards Variance
(NAME OF PERSON ON PETITION)
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 7465 S CR 475 East

Was sent by FIRST CLASS MAIL, to the last known address of each of the following entities at the following addresses:

OWNERS ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by First Class Mailed on or before the 16th day of June, 2020,
being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public
Hearing (Proof of Publication attached).

Tim and Chelsie Sharp
Name of person mailing letters

Tim and Chelsie Sharp
Signature

State of INDIANA)

County of MARION) SS:

Subscribed and sworn to before me this 16th day of June, 2020.

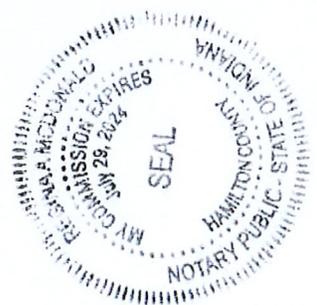
Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7-29-2024

My County of Residence is Hamilton County



Attribute report for active ID 1

ID	name	add1	add3
6605	WASHBURN FAMILY FARMS LLC	PO BOX 128	WALCOTT, IA 52773
6606	THARP HAZEL FAMILY LLC	1451 S LAKE SHORE DR	LAKE LEELANAU, MI 49653
6634	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6635	YOUNG AMBRAD JACQUILINE Z	4740 EAST 750 SOUTH	LEBANON, IN 46052
6636	SHARP STEVEN E & KATHLEEN A	8252 W 88 STREET	INDIANAPOLIS, IN 46278
6638	KECK DAVID G & ELIZABETH L	4990 EAST 750 SOUTH	BROWNSBURG, IN 46112
6640	BHI RETIREMENT COMMUNITIES INC	5415 BEARBERRY LN	INDIANAPOLIS, IN 46268
6644	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6645	WOLSIEFFER DREW & CASSIDY	7295 S 475 E	LEBANON, IN 46052
6646	FERGUSON BARBARA J (BYMASTER)	766 CRYSTAL LAKE DR	GREENWOOD, IN 46143

Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Exceeds the allowable accessory square footage and
- 2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2), to provide for or permit:

50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana. A copy of the Petition for development standards variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077, or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for development standards variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary. If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication. IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-351 6/20 hspaxlp 1648192

Public Notices

Urban
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NO: 06C01-2005-MI-0585
IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BMV TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE
PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

1. The above-named Petitioner Wanda Urban, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title.

2. The allegations and statements of fact set forth in the petition are true and accurate.

3. The Petitioner is the legal owner of an automobile described and identified as follows:

2000 FORD RANGER 4X4
VIN: 1FTZR15V2YPB94167

4. The Petitioner acquired legal title to the automobile on or about 8/8/2019.

5. The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists.

6. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

I AFFIRM THE FOREGOING UNDER PENALTIES OF PERJURY.

Date: 5-8-2020
/s/ Wanda E. Urban
2610 Westmoor Dr. Apt. 2
Date of Birth 8/12/19xx
Telephone # 765-894-xxxx
Driver's License #: xxxx-xx-xxxx
This Petition is assigned for hearing on August 3, 2020 at 8:15 a.m.
TLR-236 6/6, 13, 20 hspaxlp

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077 to consider the following Petition:

2020-12-SE, **2020-15-DSV**, **Tim and Chelsie Sharp** requests a Special Exception, Petition for development standards variance to provide for or permit:

- 1) Allow for new residential building in Agricultural Zoning District, Pole barn development standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq. footage in Ag district.

The property involved is more commonly known as: 7465 S CR 475 East, and is legally described as:

CUT-OFF LAND DESCRIPTION (part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May, 2020 as Hause Surveying And Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East

Public Notices

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Public notice advertisements – also called legals – provide information about taxes, zoning, new business and other areas your government is involved in.

The good news is that this information is easily accessible to you in print and online.

If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

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IndianaPublicNotices.com.

Polen
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT

SS: COUNTY OF BOONE
CAUSE NUMBER:
06C01-2003-JC-000125

IN THE MATTER OF:
JP - DOB 10/16/2008
A CHILD ALLEGED TO BE
A CHILD IN NEED OF SERVICES AND
NATHAN LANEY (STEPFATHER)
AMANDA POLEN (BIOLOGICAL MOTHER) AND ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Amanda Polen and Any Unknown Alleged Father Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been *continued next column*

Public Notices

scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052 - 765-482-0530 for a(n) Dispositional Hearing on 6/29/2020 at 8:00 AM. At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your *continued next column*

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Property Taxes rising? It's your right to know...and it's the law.

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For full public notice listings go to IndianaPublicNotices.com.

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Public Notices

failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A **DISPOSITIONAL HEARING** will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default may be entered against you, or the court may proceed in your absence, without further notice.

/s/ JESSICA J. FOUTS
Clerk
Zahra Ayoubi, #34351-29
Attorney, Indiana Department of Child Services
Department of Child Services
1614 North Lebanon St.
Lebanon, IN 46052
FAX: 317 232-1803
Office: 765 482-3023
TLR-344 6/13, 20, 27 hspaxlp

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IndianaPublicNotices.com.

Public Notices

Thorntown Towing & Recovery, LLC
302 West Church Street
Thorntown, IN 47171
Auction date 6/30/2020 at 10:00 a.m.

2007 Toyota Yaris
JTD8T903171145146 \$836.00
TLR-358 6/20 hspaxlp 1648840

Take Notice. It's your right to know...and it's the law.

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Let us show you how to make it happen.

The Classified Department
1-888-663-1063

Poynter
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR COURT
CAUSE NO.
06D01-2006-ES-000067
IN THE MATTER OF THE SUPERVISED ESTATE OF CORRINA MARIE POYNTER Deceased

NOTICE OF ADMINISTRATION
Notice is hereby given that Elaine Poynter was on the 8th day of June, 2020, appointed Personal Representative of the estate of Corrina Marie Poynter who died on April 30, 2020.

All persons having claims against said estate, whether or not now due, must file the same in said Court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or said claims will be forever barred.

Dated at Lebanon, Indiana, this June 9, 2020.
/s/ Jessica Fouts
Clerk, Boone Superior Court 1
Prepared by:
Alexander S. Kruse, #29986-49
KRUSE LAW, LLC
108 N. Lebanon St., Suite 203
P.O. Box 9
Lebanon, IN 46052
ask@mymetronet.net
765-894-3974
TLR-342 6/13, 20 hspaxlp 1647503

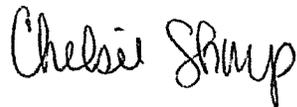
Dear Neighbor,

We are writing to inform you that we intend to build a new home on the lot located at: 7465 S County Road 475 East Lebanon, Indiana 46052. This will be a two story, single family residential home with a 2,500 square foot pole barn also included.

Enclosed herein for your review you will find the following information: a cut off land description, the Zionsville Board of Zoning project description identifications, the notice public hearing, the front view of the proposed residence, and the front view of the proposed pole barn.

We are a young family with two children and are looking forward to the opportunity to meet you and build a strong community in the area.

Respectfully,



Tim and Chelsie Sharp



NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:
2020-12-SF
2020-15-DSV, Tim and Chelsie Sharp requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Special Exception, Petition for development standards variance to provide for or permit:
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

(INSERT DESCRIPTION OF PROJECT)

Allow for new residential building in Agricultural Zoning district, pole barn development standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq footage in Ag district
The property involved is more commonly known as: 7465 SCR 475 East,
and is legally described as: _____
(COMMON ADDRESS)

(INSERT LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for Special Exception / Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Special Exception / Development Standards Variance will be heard at the
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp – project description for noticing

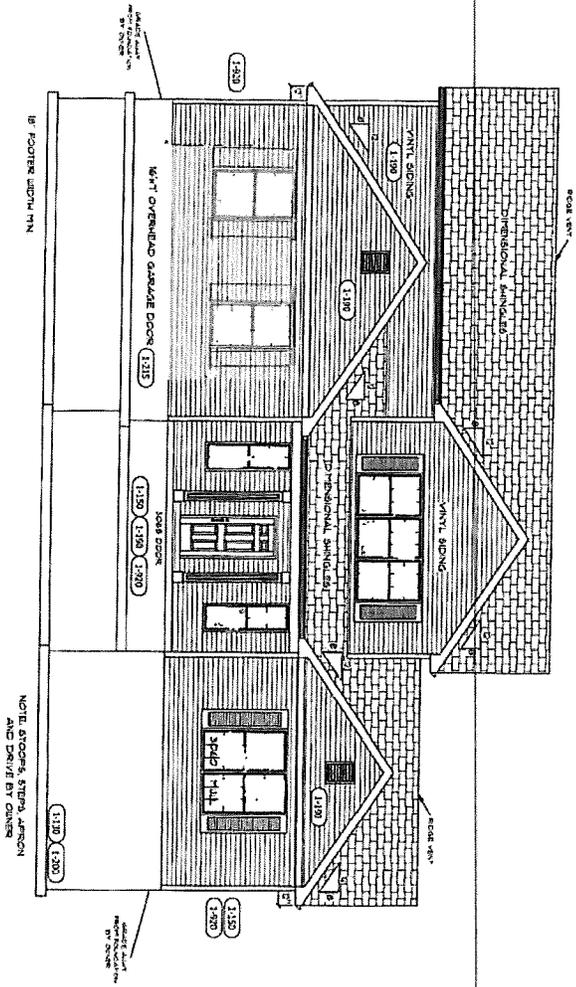
Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp – project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Is installed before the primary structure
 - 2) Exceeds the allowable accessory square footage
- in an Agricultural Zoning District (AG).

FRONT ELEVATION



NOTE: STAIRS, STAIR LANDING AND DRIVE BY OWNER



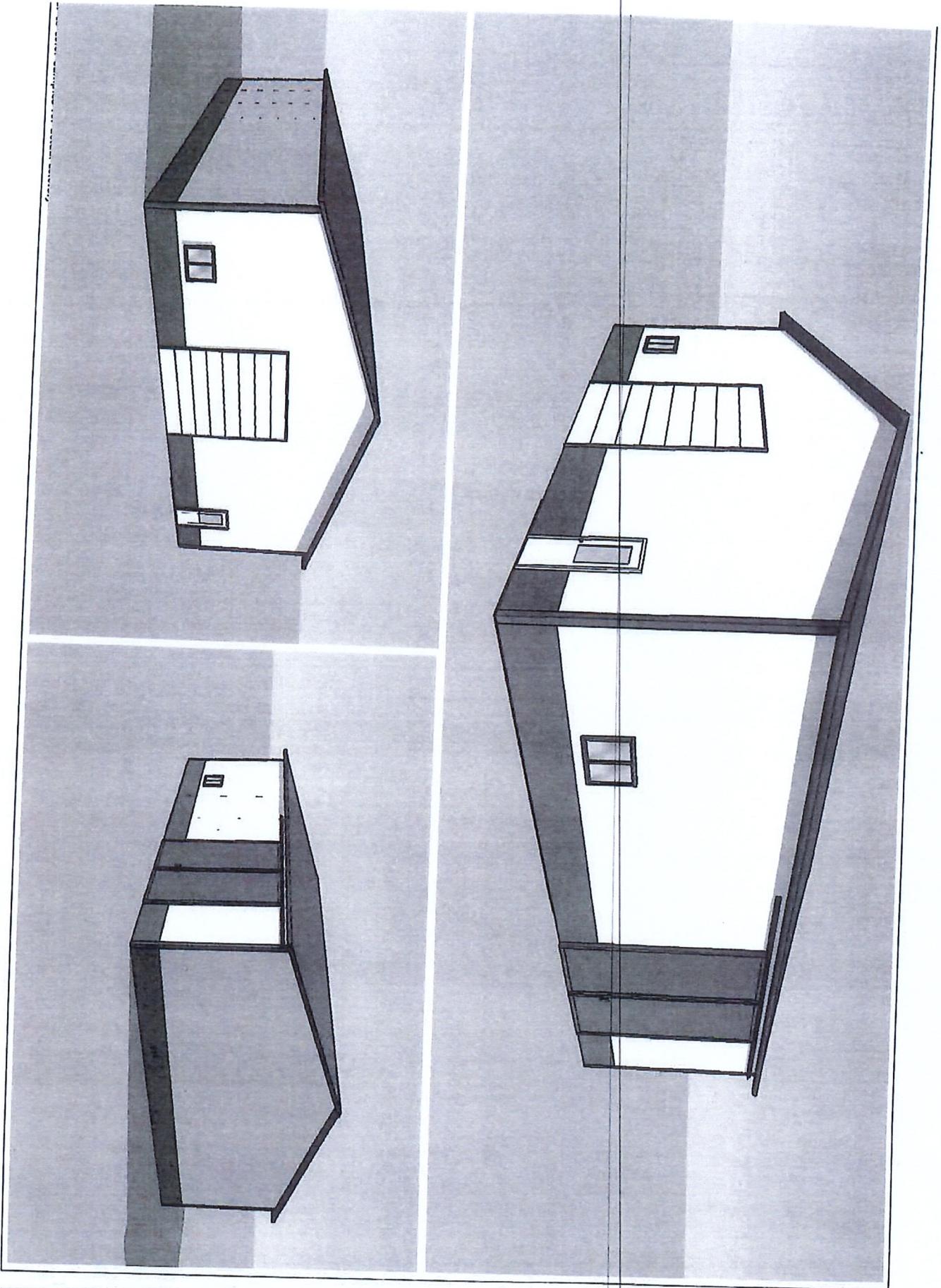
TK CONSTRUCTORS
COREVALU - ST. PETERSBURG

DATE: 4/16/2020
HOMEOWNER: TIM & CHELSIE SHARP
JOB NO.: 12-1491



ADDENDUM 1
VER: 07:49 AM
DRAWING BY: GW
1/8" = 1'-0"

PAGE NO.:
18



Date : 08/09/06
 Name: XXX
 Rev: 1

**PRELIMINARY
 THESE DRAWINGS
 ARE FOR
 REVIEW
 ONLY**

These drawings are
 not complete and
 are not to be used
 for construction.

FBI
 FBI Buildings, Inc.
 3823 W 1800 S
 Remington, IN 47977
 219-261-2157
 www.fbi-buildings.com

Tim Sharp
4850 E 750 S
Lebanon, IN 46052

3D View

X: _____ Date _____
 Purchaser Approval

X: _____ Date _____
 Seller Approval

Drawing # _____

A-203

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Barbara Ferguson
766 Crystal Lake Dr.
Greenwood, IN 46143

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Washburn Family Farms LLC
PO Box 128
Walcott, IA 52773

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Drew and Cassidy Wolsieffer
7295 S. 475 E.
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Jacquiline Young
4740 East 750 South
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



BHI Retirement Communities Inc.
5415 Bearberry Lane
Indianapolis, IN 46268

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Tharp Hazel Family LLC
1451 S. Lake Shore Drive
Lake Leelanau, MI 49653

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



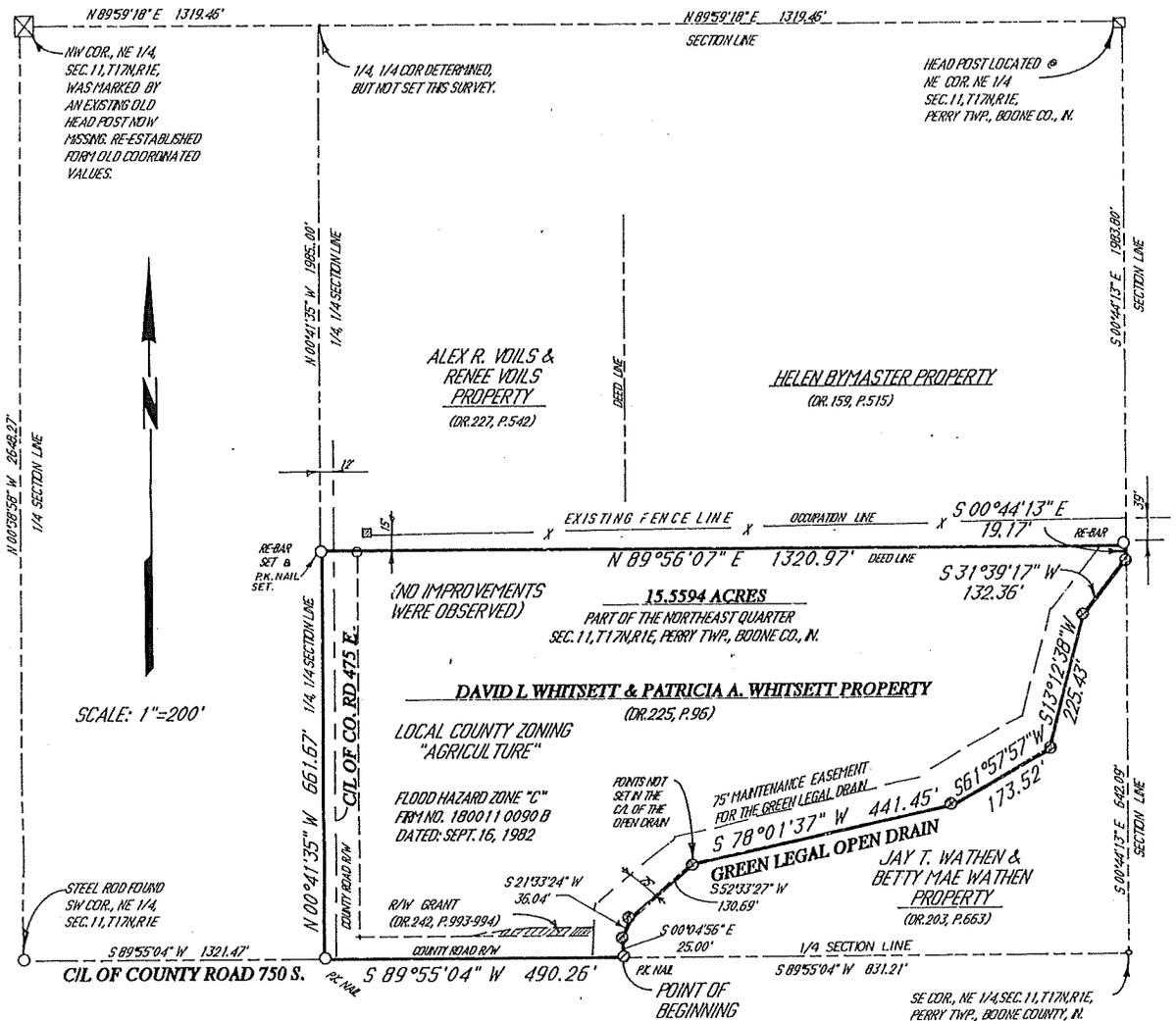
David & Elizabeth Keck
4990 East 750 South
Bramsburg, IN 46112

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Martha Bymaster
675 S. Ford Rd.
Zionsville, IN 46077

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION (Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the section line 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. (Deed Record 225, Page 96)

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

- 1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
- 2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
- 3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

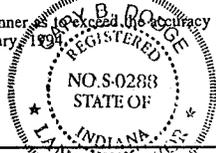
This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.

LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.

EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February 1991.



Cary B. Dodge
 Cary B. Dodge, R.L.S.#S0288
 Reg. Pro. Land Surveyor
 State of Indiana

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone

4850 East 750 South, Lebanon, IN 46052

Name

Timothy W. Sharp

Date (day, month, year)

4/26/2018



Source: Boone County GIS Map (accessed 4/29/2018)

No Scale (or as shown)

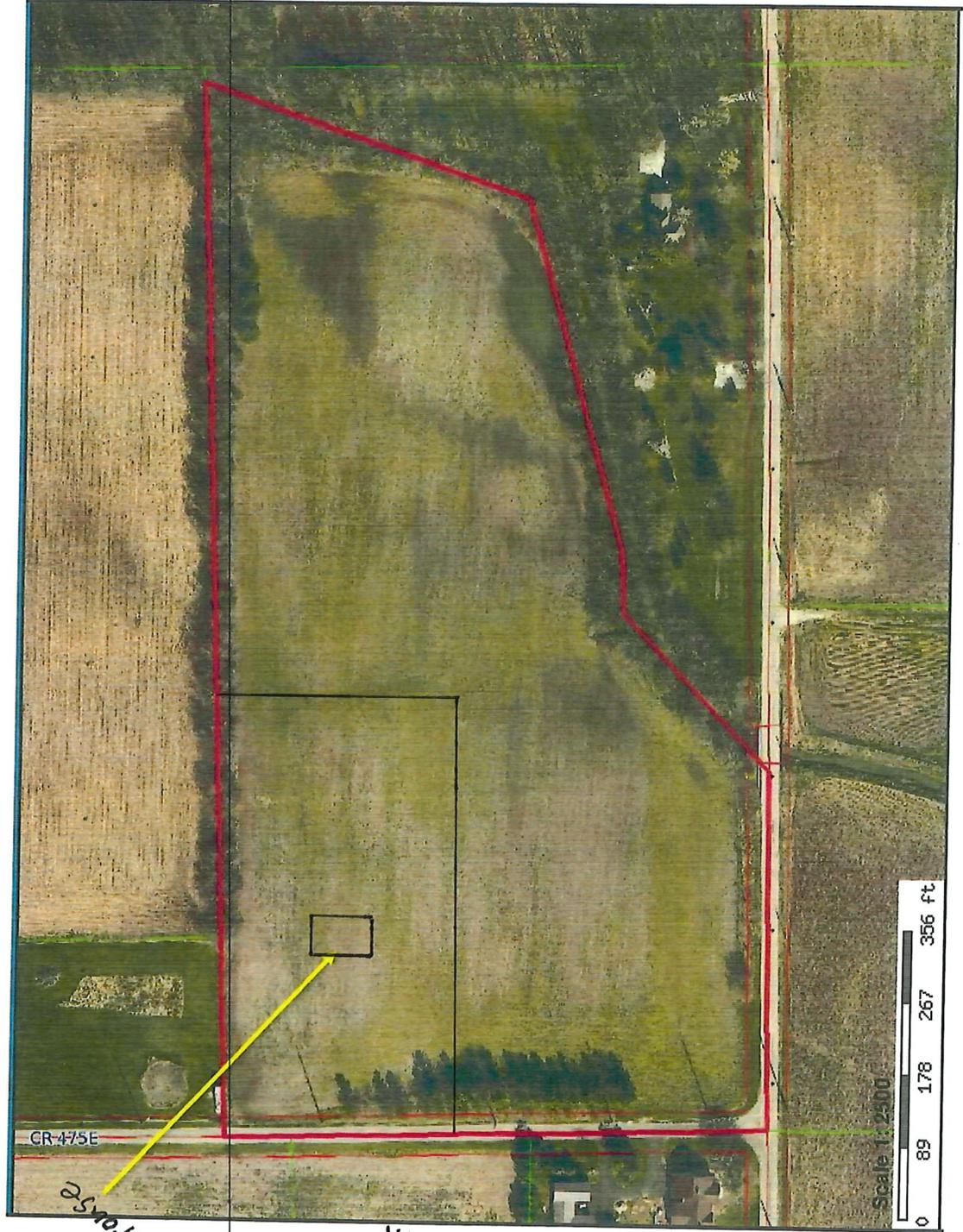


Figure 6. Parcel Map

105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM
A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS



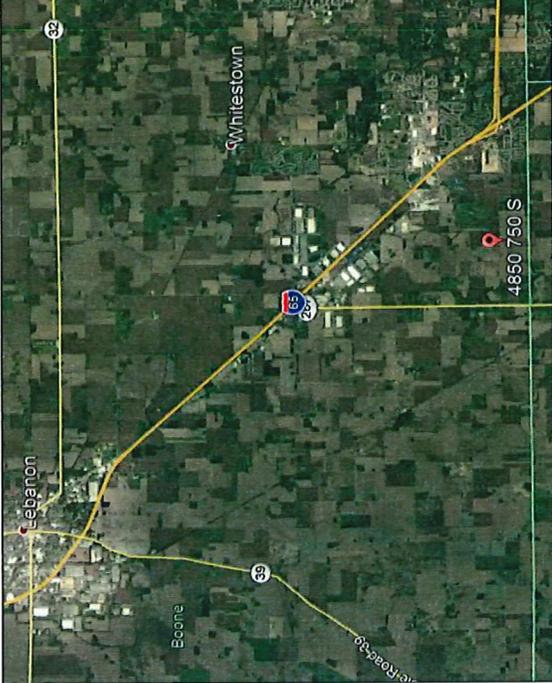
DRAWN BY:	DRH
CHECKED BY:	JEH
DATE:	4/29/2020
SCALE:	1"=40'

Revisions
Date
No.

TM SHARP
PT NW 1/4, SEC 11, T17N, R1E
PERRY TOWNSHIP, BOONE CO., IN.

PLOT PLAN

SHEET NO. 1
OF 2 SHEETS
PROJECT NO. 20H151



GENERAL LOCATION

LEGAL DESCRIPTION

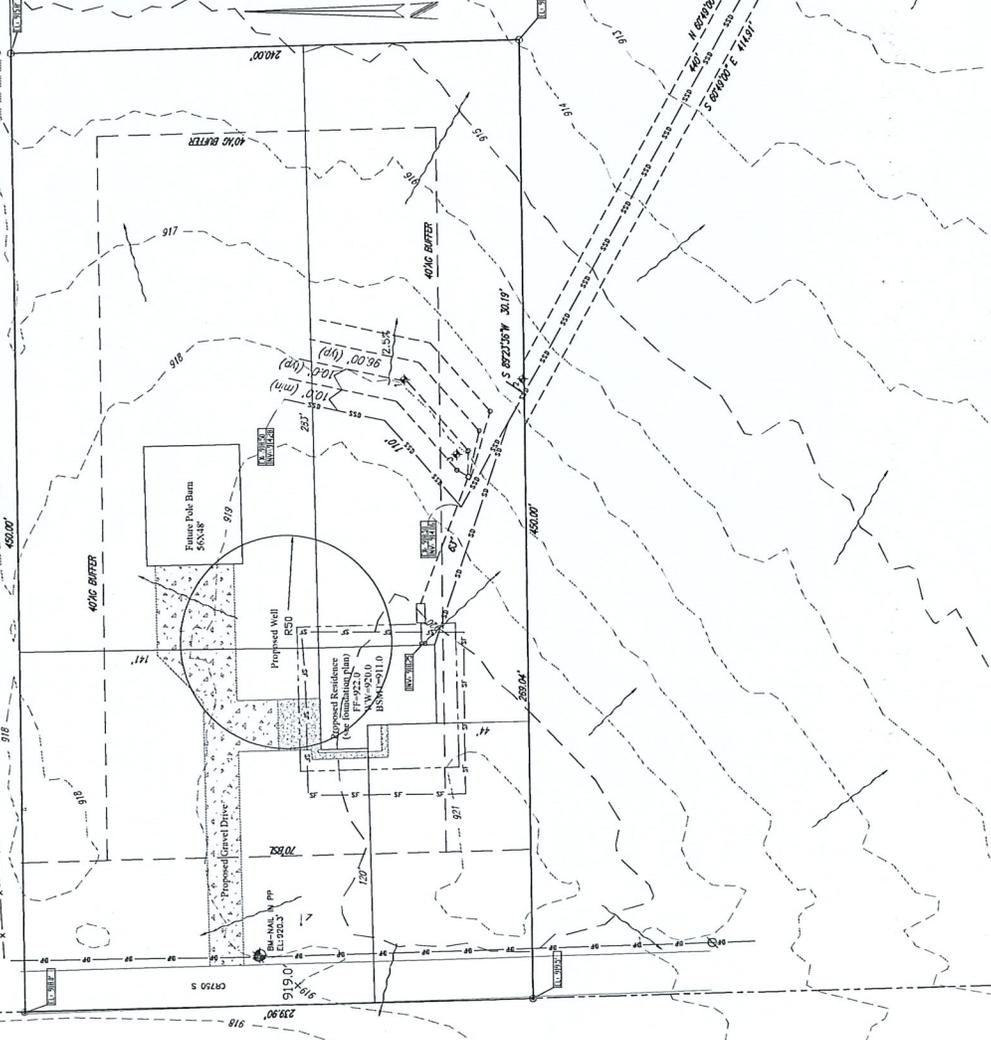
A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereinafter called mag nail w/washer) marking the North 89 degree 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereinafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

- LEGEND**
AS APPLICABLE
- 2 1/2-INCH REBAR w/ CAP
 - MAGNETIC NAIL w/ WASHER
 - ⊗ STAMPED "HAUSE PLS20600040"
 - ⊙ UTILITY POLE
 - ⊕ WATER WELL
 - ⊖ LIGHT POLE
 - ⊗ AIR CONDITIONER
 - ⊕ SHARP DRAIN LINE
 - ⊖ CULVERT
 - ⊗ ELECTRIC METER/BOX
 - ⊕ SANITARY MANHOLE
 - ⊖ GAS ENTRANCE
 - ⊗ CONCRETE TREE
 - ⊕ CONCRETE TREE
 - ⊖ MEASURED BEARING AND DISTANCE
 - ⊗ FIRE HYDRANT
 - ⊕ STORM MANHOLE
 - ⊖ BEHIVE INLET
 - ⊗ CURB INLET
 - ⊕ BOLLARD
 - ⊖ SATELLITE DISH
 - ⊗ FENCE POST
 - ⊕ SITE BENCHMARK
 - ⊖ SOIL BORE LOCATION
 - ⊗ VISUAL MONITORING WELL

- CONSTRUCTION NOTES:**
- NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.
- NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED W/EPDM TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM.
- NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.
- NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAD WITH A GRAVEL FREE BACKFILL.

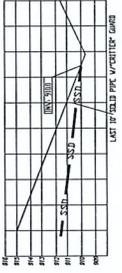


PERIMETER DRAIN EASEMENT

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereinafter called mag nail w/washer); thence North 89 degrees 23 minutes 36 seconds East 269.04 feet, said point being the Point of Beginning of this description; thence North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereinafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence

Containing 0.138 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.



SSD OUTLET

Copyright © Hause Surveying and Engineering, LLC. All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted in or by any computer or other systems without the prior written permission of the surveyor. Copies of this plan without a dated and blue signature are not valid.

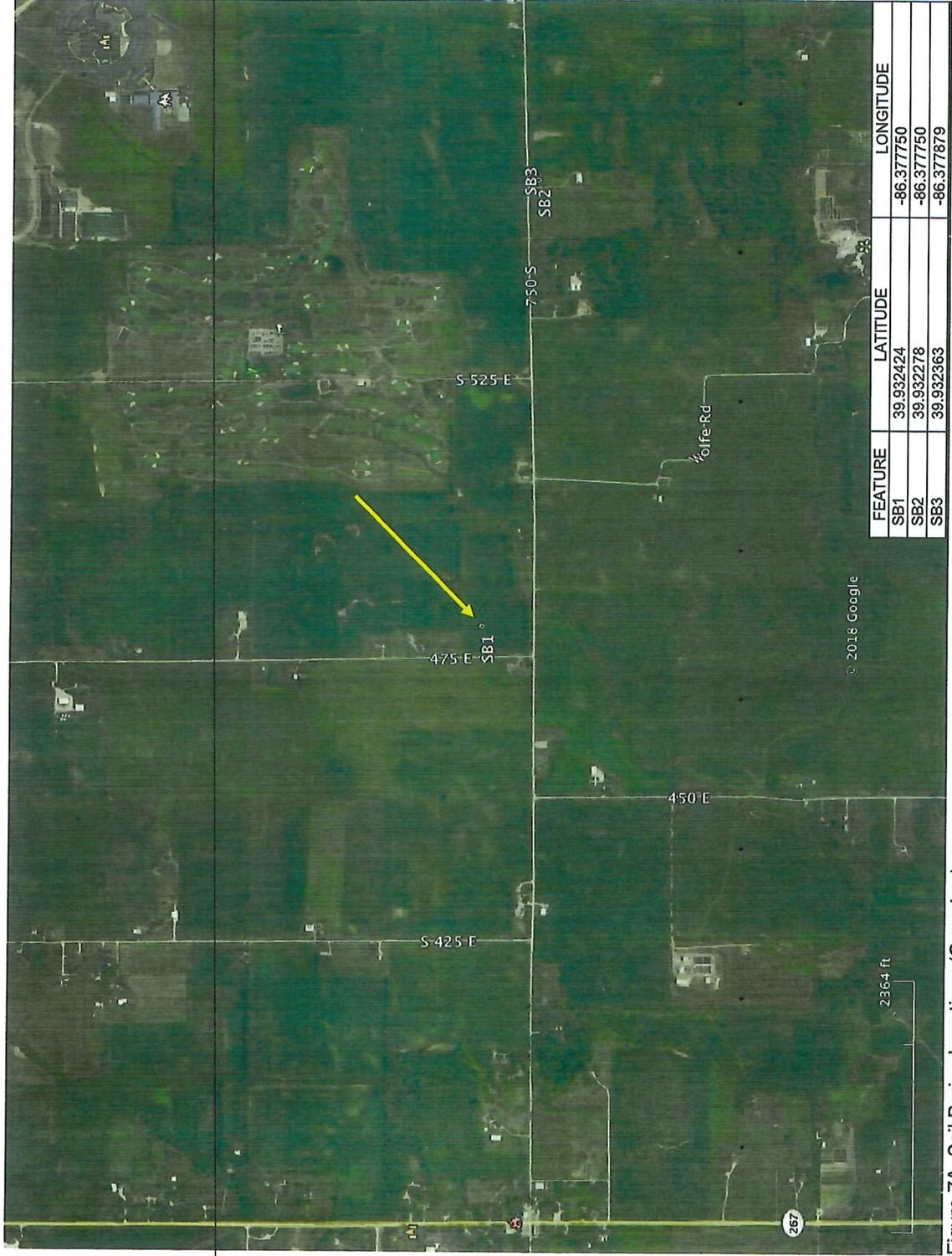
SCALE: 1"=40'

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – SOIL BORING LOCATIONS (OVERVIEW)

County: Boone
 4850 East 750 South, Lebanon, IN 46052
 Name: Timothy W. Sharp
 Date (day, month, year): 4/26/2018

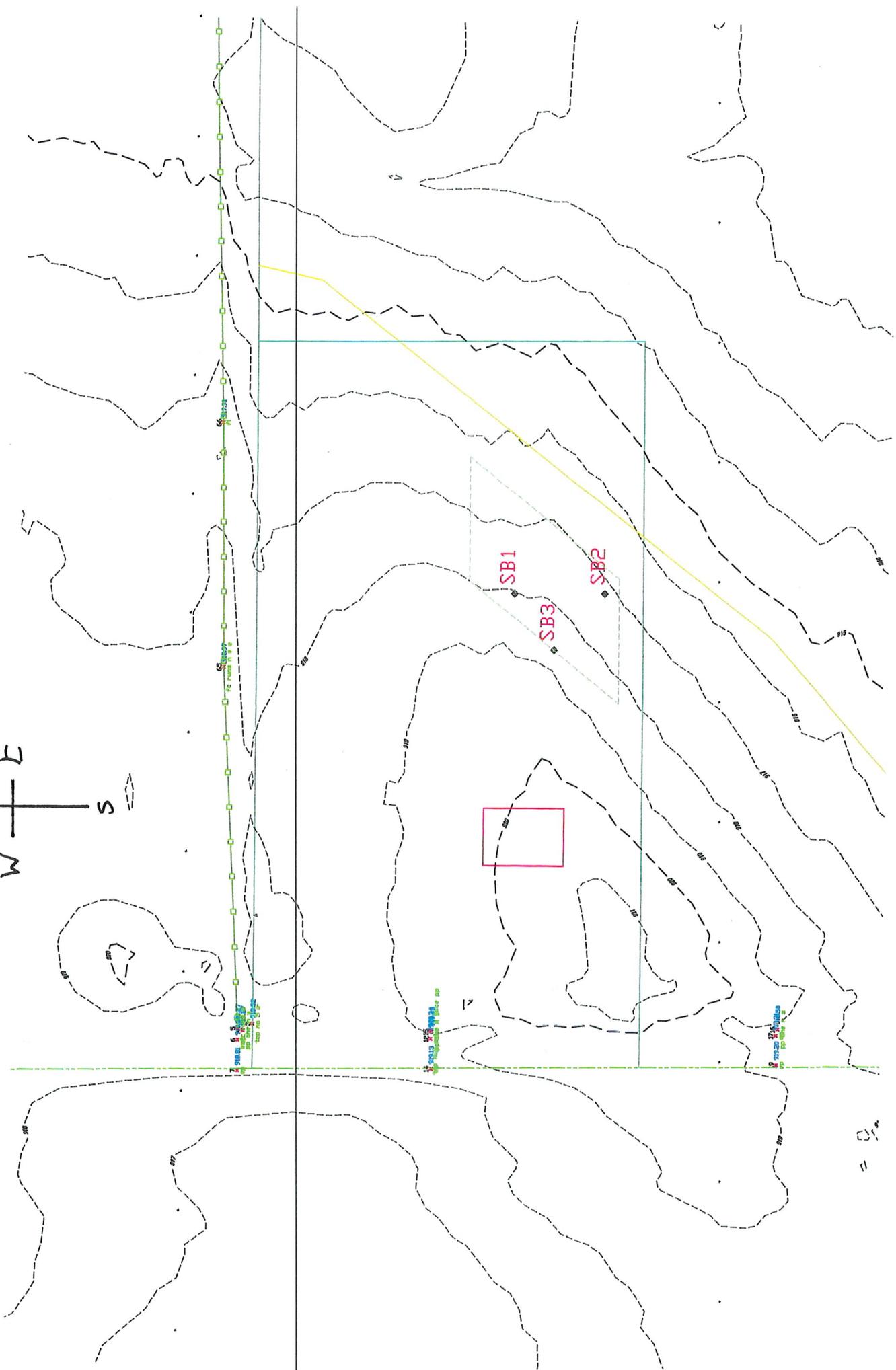
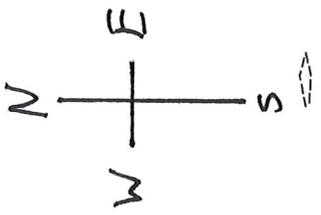


Source: Google Earth (accessed 4/29/2018). Image Date: 8/25/2017
 No Scale (or graphic scale as shown). SB = Soil Boring locations. Soil Boring 1 (SB1) is shown to identify the subject property.

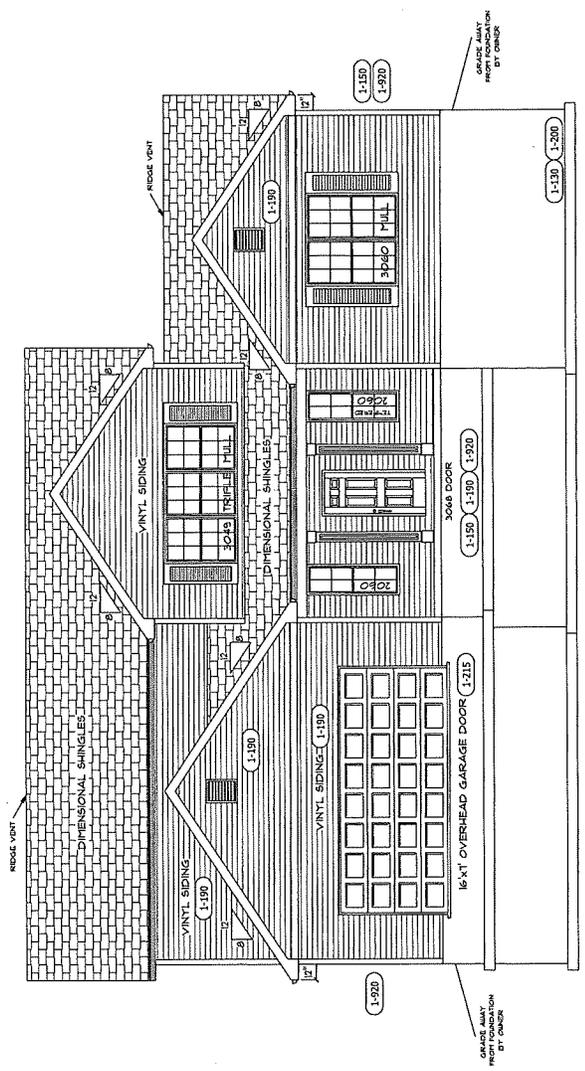


FEATURE	LATITUDE	LONGITUDE
SB1	39.932424	-86.377750
SB2	39.932278	-86.377750
SB3	39.932363	-86.377879

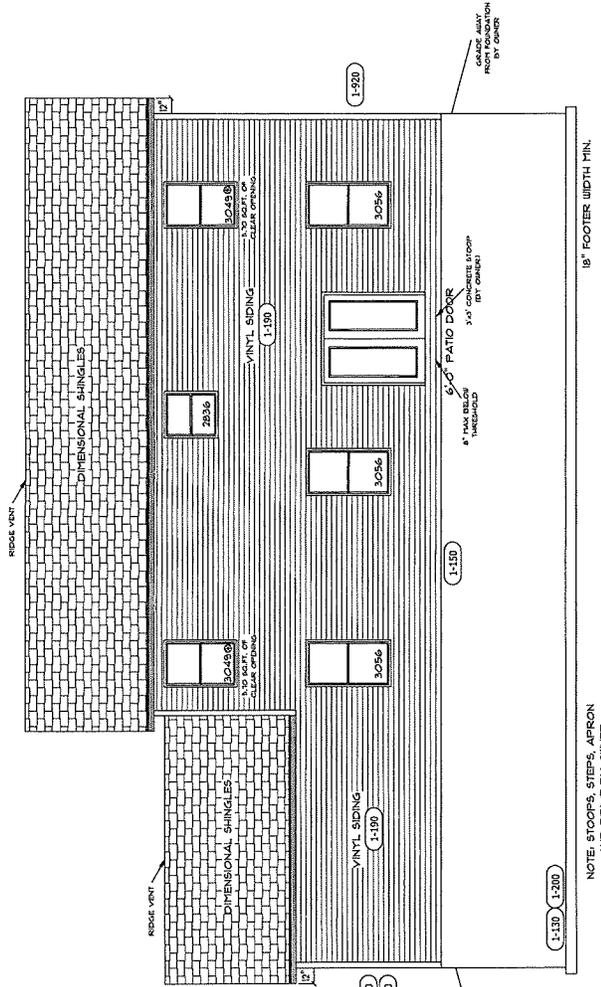
Figure 7A. Soil Boring Locations (Overview)



0.4



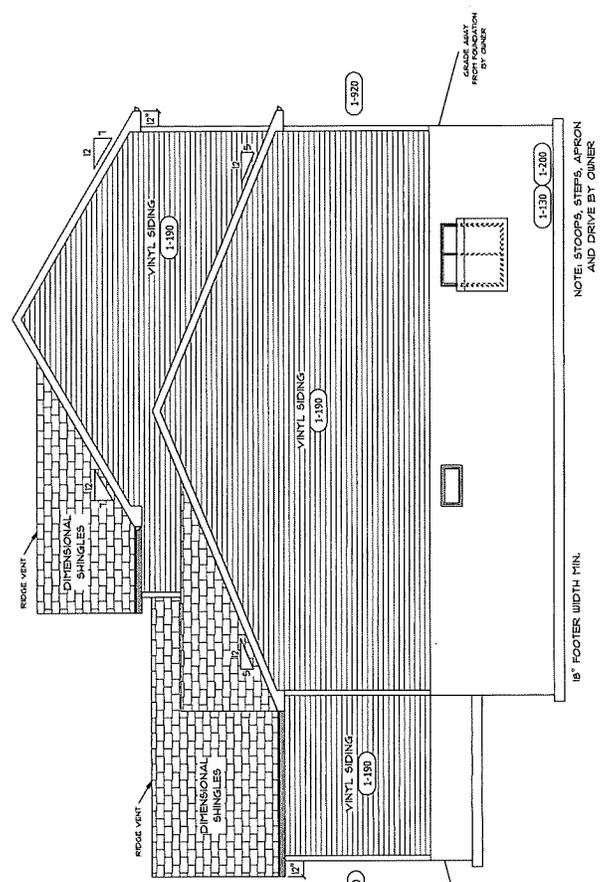
FRONT ELEVATION



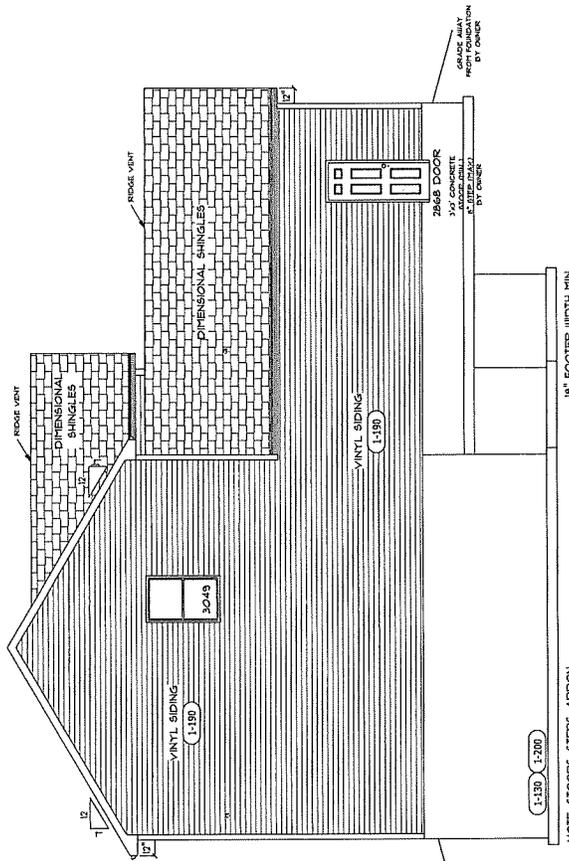
REAR ELEVATION

NOTE: STOOPS, STEPS, APRON AND DRIVE BY OWNER

18" FOOTER WIDTH MIN.



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

NOTE: STOOPS, STEPS, APRON AND DRIVE BY OWNER

18" FOOTER WIDTH MIN.

GRADE AWAY FROM FOUNDATION BY OWNER

GRADE AWAY FROM FOUNDATION BY OWNER

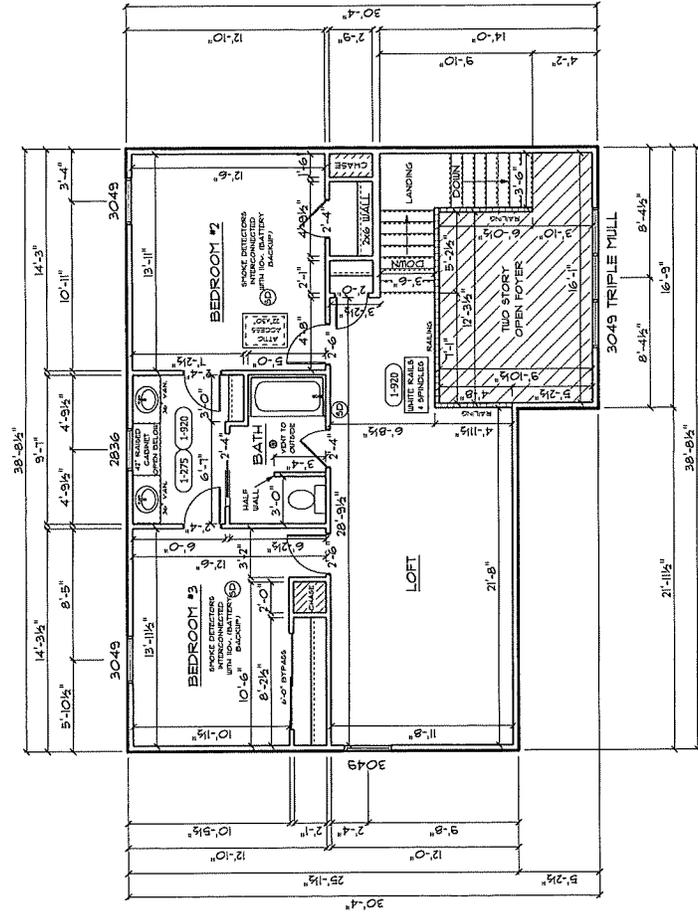
28x8 DOOR
3/4" CONCRETE
GRADE AWAY FROM FOUNDATION BY OWNER

NOTE: STOOPS, STEPS, APRON AND DRIVE BY OWNER

18" FOOTER WIDTH MIN.

18" FOOTER WIDTH MIN.

GRADE AWAY FROM FOUNDATION BY OWNER

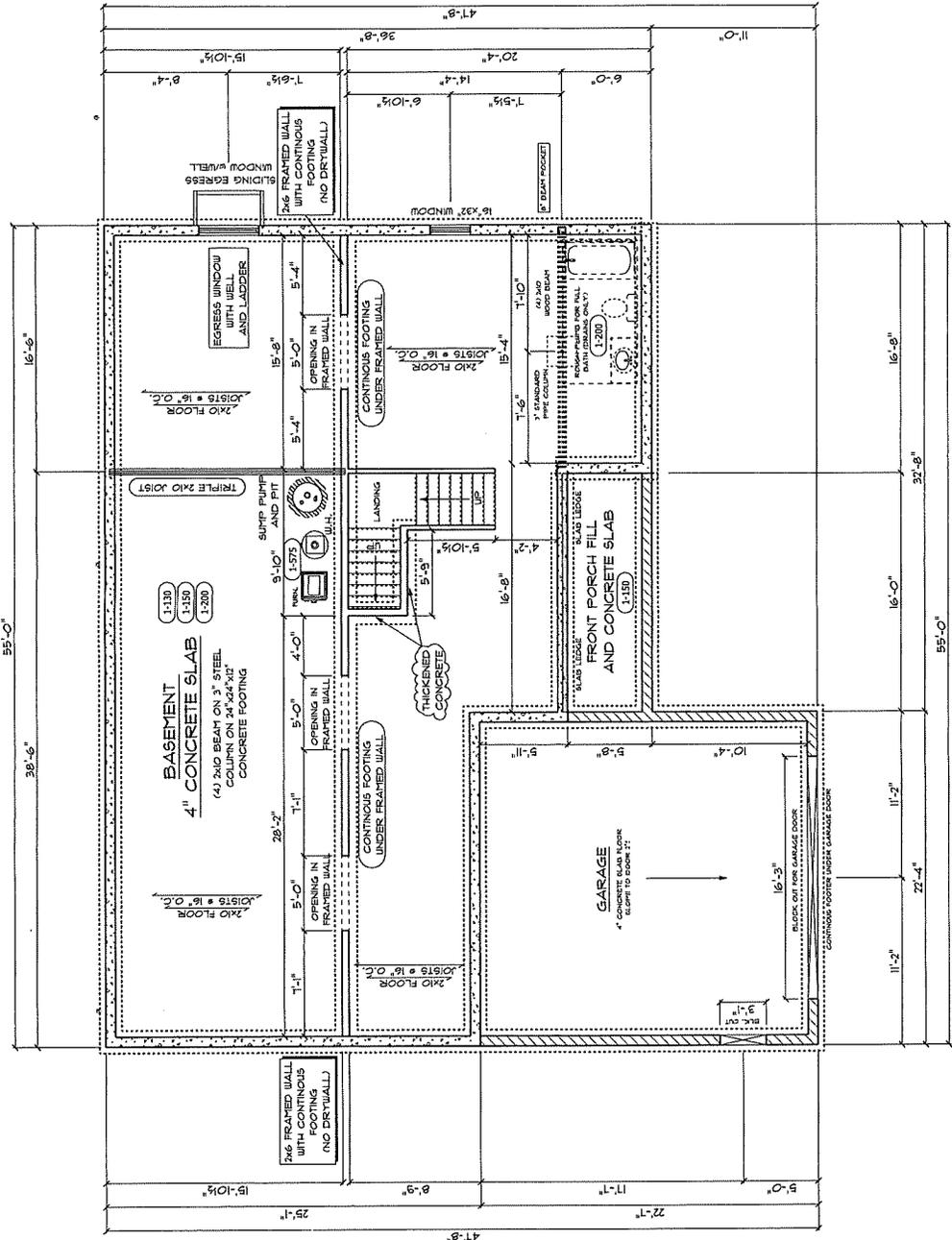


SECOND FLOOR PLAN

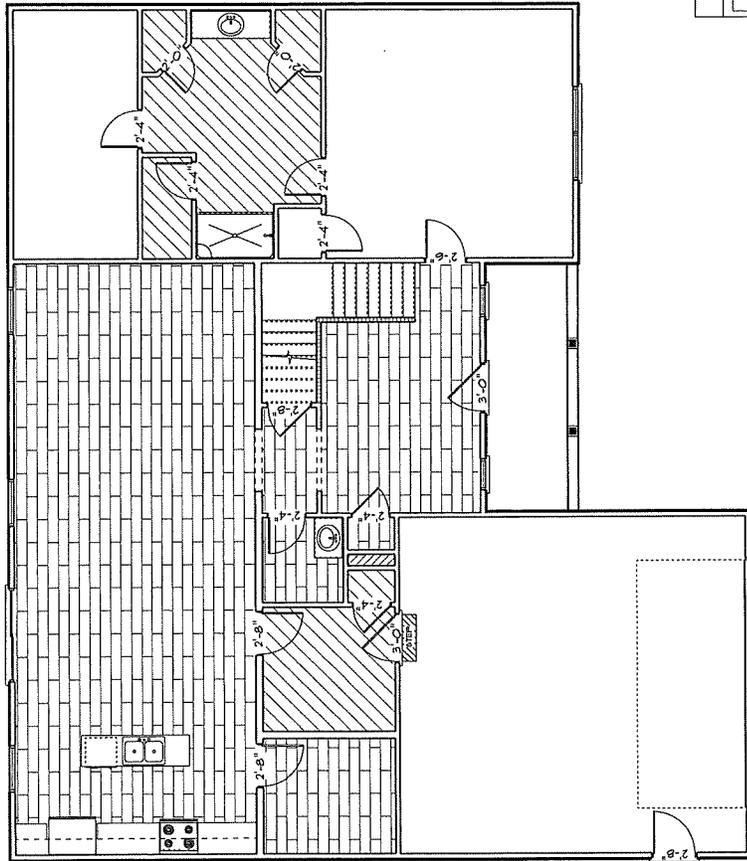
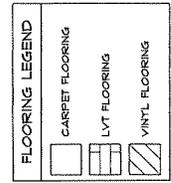
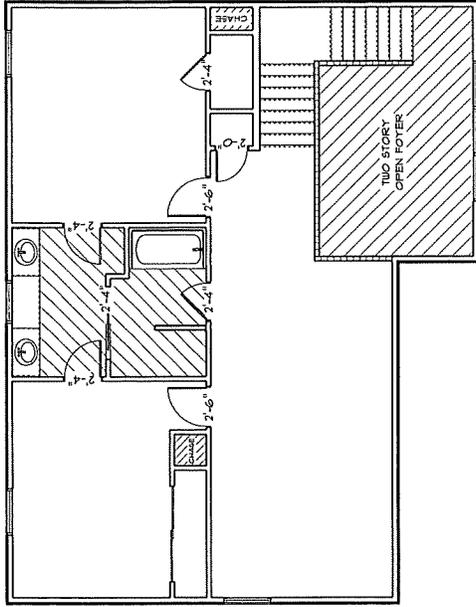
FIRST FLOOR SQ.FT.	1663
SECOND FLOOR SQ.FT.	883
TOTAL LIVING SQ.FT.	2546
GARAGE	502
TOTAL SQ.FT.	3048
EXCLUDING PORCH	96

ANDERSEN WINDOW SCHEDULE	
- 200 SERIES -	
ANDERSEN MODEL NO.	R.O. SIZE
3030	36" x 36"
3040	36" x 48"
3049*	36" x 51"
3056*	36" x 66"
3060*	36" x 72"
3043 MULL*	73" x 51"
3056 MULL*	73" x 66"
3060 MULL*	73" x 72"
3043 TRIPLE MULL*	110" x 51"
ANDERSEN SLIDING DOOR R.O. 73 3/4" x 82 1/8"	
3'-0" FRONT DOOR R.O. 38 3/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (1) SIDELITE R.O. 51 7/8" x 82 1/2"	
3'-0" FRONT DOOR WITH (2) SIDELITES R.O. 69 3/8" x 82 1/2"	
R.O. FOR BI-FOLD DOORS USING DRYWALL JAMB FACING 1 1/4" * DOOR SIZE x (81 1/2")	
R.O. FOR BYPASS DOORS USING DRYWALL JAMB FACING MAKE SAME AS BOTH DOORS ADDED TOGETHER	
ALL INTERIOR DOORS SIZE 2' 7" TO WIDTH x 82 1/2" HIGH	
R.O. POCKET DOOR (2x DOOR WIDTH + 1") x 85" HIGH	

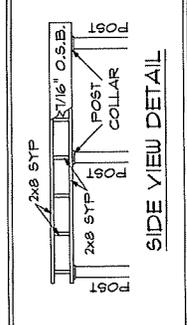
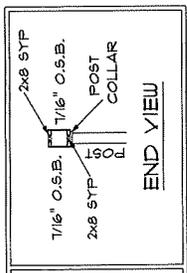
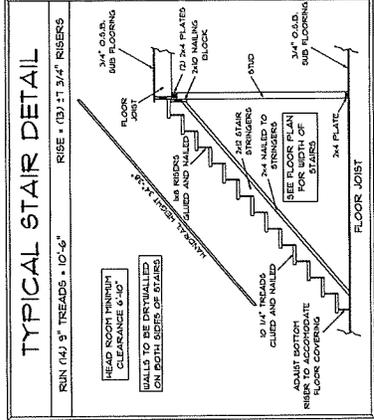
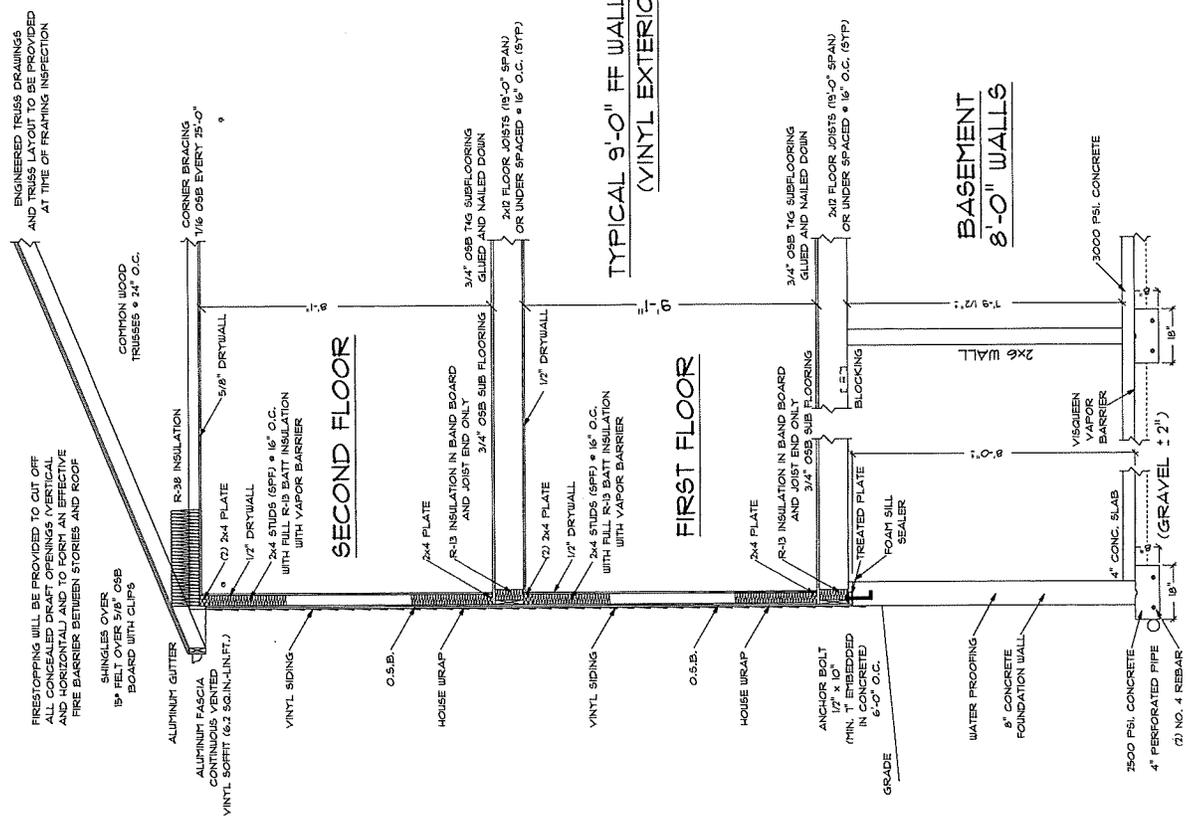
* DENOTES OPENING MEETS EGRESS REQUIREMENTS
ALL WALL DIMENSIONS ARE FACE TO FACE OF STUD
ALL INTERIOR WALLS ARE 3/4" (UNLESS NOTED)
EXHAUST BATH FANS ARE VENTED TO OUTSIDE AIR
3043 BATH (5'10" SQ.FT. OF CLEAR OPENING)
ALL BRICK LAYOUT MEASUREMENTS ARE 4"



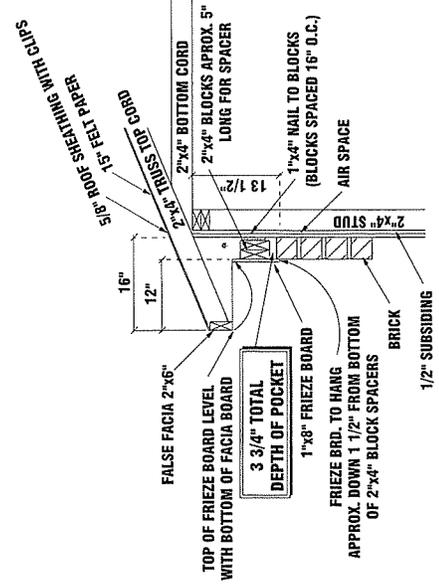
FOUNDATION - BASEMENT



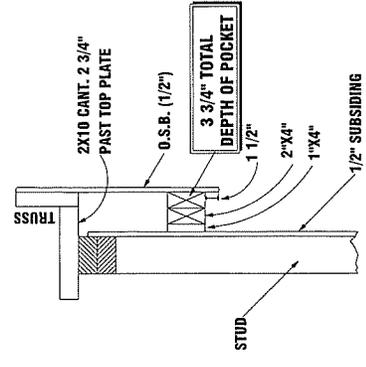
BASEMENT BEAM SIZE
- (4) 2x10 BEAM IN BASEMENT
STIFFBACKS AND BLOCKING
- BASEMENTS AND TWO STORY WILL HAVE 2x6 BLOCKING FLAT AT BOTTOM AND INSIDE JOIST TO JOIST
- CRAWL SPACE WILL HAVE 2x4 FLAT WITH 2x6 UPRIGHT
STIFFBACK AND OVERLAP 4"
- STIFFBACKS AND/OR BLOCKING NEEDED WHEN JOISTS ARE 10'-0" OR LONGER
GREEN PLATE SIZE AND LENGTH
- 2x4 FOR BRICK
- 2x8 FOR VINYL
EXTERIOR WALL HEADER SIZE
- FIRST FLOOR 2x12 WITH 7/16 IN BETWEEN
- SECOND FLOOR 2x8 WITH 7/16 IN BETWEEN
WALL LEADS
- 2x6 WALL LEADS ARE STANDARD
PORCH BEAM SIZE
- 2x8 BOX BEAM IS STANDARD
WINDOW INSTALLATION
WINDOWS TO BE BOTH SILICONED AND TAPED. DOUBLE TAPE TOP UNDER AND OVER HOUSEWRAP



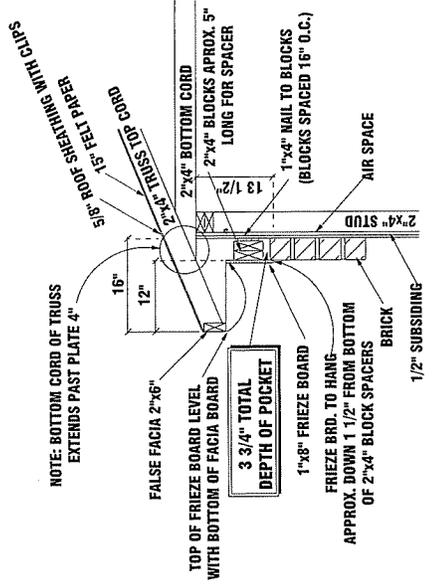
HEIGHT OF BOX BEAM IS DETERMINED BY FREEZE BOARD HEIGHT



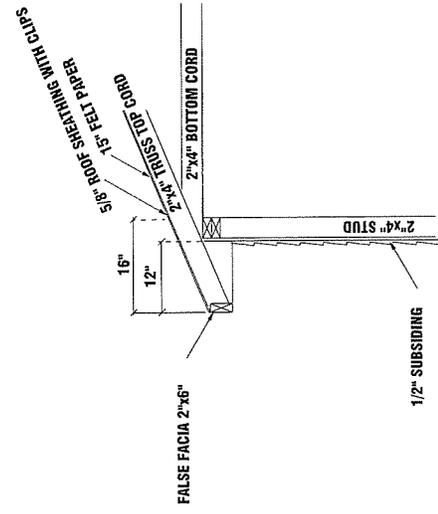
**HOUSES WITH FULL
QUEEN BRICK WRAP**



**GABLE WALL DETAIL WITH
QUEEN BRICK FRIEZE BOARD**



**HOUSE WITH
QUEEN BRICK FRONT ONLY**



**TYPICAL HOUSE WITH
VINYL SIDING AREA AT EAVE**

TK CONSTRUCTORS, INC
Construction Agreement

This Construction Agreement ("Agreement") is made on 03/31/2020, by and between TK CONSTRUCTORS, INC., an Indiana Corporation ("Builder") and Buyer Name: ("Buyer") Tim Sharp Chelsea Sharp

Purchase of: Job # Subdivision Brownsburg Model: St Petersburg
WITNESSETH:

THAT WHEREAS, the Buyer is the owner of certain piece of real estate located at :
County Road 750 S., Lebanon, IN 46052 in the County of Boone.

AND WHEREAS, Buyer is desirous of having Builder construct, as per the plans and specifications desired herein, a new single family residence ("Improvement") upon said Real Estate, and upon the terms and conditions hereinafter stated, KNOW, THEREFORE, it is hereby mutually agreed between the parties as follows:

BUILDER AGREES:

1. To furnish, purchase, employ, contract and pay for all supplies, materials, plumbing, heating, equipment, labor and any and all other items which are required to be furnished or provided by Builder in the construction of said Improvement in accordance with the plans and specifications prepared and approved by Builder and Buyer.
2. That all labor and services shall be performed in a good and workmanlike manner and that the said Improvement when completed shall be turned over to the Buyer, free and clear of all liens or encumbrances, created by Builder, demands or obligations of any kind and character against Builder.
3. That the plans and specifications for such Improvement attached hereto and incorporated herein by reference shall be materially followed by the Builder in the construction of such Improvement.
4. To carry Workmen's Compensation Insurance and liability insurance for the use and benefit of the Buyer.

BUYER AGREES:

5. To pay the Builder directly as per Addendum Contract Price
6. To maintain fire and extended insurance coverage insuring against any damage to the Improvement, including vandalism, mischief, tornado and theft of any building materials, supplies or equipment to be incorporated therein upon the Improvement during the construction process and to assume the risk of loss upon the Improvement. In the event the Buyer purchases their Builder's Risk coverage from the Builder, the Buyer understands that, in the event of a claim, the Buyer is responsible for the deductible in the amount of \$1,000.00. This coverage does not include liability which will still be the responsibility of the Buyer to provide
7. A. That Buyer has no right of possession of the Real Estate and Improvements until full and final payment including any additional amounts due as a result of change orders has been paid to Builder and Settlement Agreement has been executed. Buyer further agrees that notwithstanding the provisions for liquidated damages, in the event of a breach of the condition of this Paragraph 7 of the Agreement, that Builder may have a temporary restraining order and/or a permanent injunction restraining and enjoining the occupancy of the Improvements until said final payment is made to Builder.



Initials CS TS _____

TK CONSTRUCTORS, INC
Construction Agreement

- B. Buyer further agrees that in addition to the equitable remedies provided for above, upon violation of the terms of this Paragraph, builder shall be entitled to recover as liquidated damages and not as a penalty, the amount of \$950.00 for the initial moving in, occupancy or storing of furniture in the Improvement and \$60.00 for each day the violation continues. Buyer waives any defenses to these remedies.
- C. It is understood and agreed by Buyer and Builder that this Agreement constitutes an obligation for the construction of the Improvement on the Real Estate. This obligation constitutes a valid and forcible lien against the Real Estate in the unpaid amount due to Builder. In the event of default by Buyer of this Agreement, it is understood that in addition to and in lieu of any other remedies hereunder for breach of this Agreement, the Builder may enforce its lien rights against said Real Estate.
8. Buyer shall pay Builder reasonable attorney's fees for the enforcement of the Builder's rights under this Agreement.
9. A. Buyer is aware that the Improvement may vary slightly from the dimensions shown on the blueprints or from a model, a drawing or other document describing or showing the Improvement, and that any statement as to specific square footage or other dimension of the Improvement is only a reasonable approximation.
- B. Buyer recognizes that appliances, equipment, decoration and similar items to be installed or used in the Improvement may not conform to samples which Builder may have shown Buyer, and Buyer authorizes Builder to make changes in or substitutions of such items if their quality is equal to, or greater than, the quality of samples shown or items specified in any Agreement document.
- C. Buyer recognizes and agrees that the Improvements will be completed and will adhere to the applicable building standards as outlined in the "IRC One and Two Family Dwelling Code" book.
10. In event the location of the Improvement as selected by Buyer or any requirements exceeding IRC code as required by any applicable government authority will cause additional costs in said construction of the Improvement, Buyer agrees to execute a change order in favor of TK Constructors, Inc. to reflect the increase in price. The selection of the Real Estate and the location of the Improvements shall be the responsibility of Buyer. Buyer shall be solely responsible for any additional costs or expenses due to adverse soil and/or lot conditions. Buyer is relying on its own determination or that of its own expert as to the soil and lot conditions.
11. Any alterations, modifications, changes, extras, deletions, additions, or variances of the plans, specifications, materials and/or drawings, shall be in writing, dated and shall contain the additional price to be added to or subtracted from the Contract Price, and signed by the Buyer and the Builder. The cost of changes in excess of the Contract Price shall be paid in full to the Builder at the time of the change order and prior to the incorporation of said change. Any changes made at or after the pre-construction meeting that are not site related, will incur a change fee of \$150.00 per item. After construction has begun, optional items may only be deleted from this Agreement by written approval of Builder. Optional items may be deleted and credited after start of construction at prices different than those listed above due to actual cost variances.

Initials CS TS _____

TK CONSTRUCTORS, INC
Construction Agreement

12. This Agreement includes the following Addenda, which are hereby incorporated by reference:
- Option (s) Agreement;
 - Contract Price;
 - Limited Warranty
 - Specification Sheet
 - Builders Risk Insurance
 - Construction Blueprints
 - Color Selection Sheet (Prior to Pre-construction meeting)
 - Homeowner's Responsibilities/Draw policy
 - Stakeout Verification (Prior to Pre-construction meeting)
 - Settlement Agreement (At completion of home)
 - Arbitration
 - (Kentucky)
 - (Ohio)
13. **TIME SHALL BE OF THE ESSENCE** upon the execution of this Agreement. The price in this Agreement will be honored by Builder for ninety (90) days after acceptance of this Agreement. Builder, after 90 days and at its sole discretion, reserves the right to increase the agreed upon price to reflect current market prices.
14. In the event Buyer cancels this Agreement at any time after acceptance of this Agreement by Builder, a cancellation fee of Two Hundred Fifty Dollars (\$250.00) shall be paid to the Builder from the funds being held as a deposit under this Agreement. Any other costs approved by customer will also be deducted for administrative expenses.
15. Any claims or disputes arising out of this contract or the breach thereof shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of American Arbitration Association unless both parties mutually agree otherwise. Notice of the demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Builder has provided Buyer with specifications and warranty as part of this Construction Agreement. Builder and Buyer agree that said specifications and warranty shall serve as applicable standards for any disputes over construction details or defect remedies.
16. In the event of a dispute between Buyer and Builder as to the quality of certain workmanship or materials during the construction of the Improvements, Buyer and Builder agree that construction may proceed while Buyer and Builder work in good faith to resolve the dispute, subject to the following:
- A. The appraiser for Buyer's lending institution shall estimate the approximate dollar amount to correct, remedy, or replace the bona fide disputed item(s);
 - B--Builder shall proceed with the construction and shall be entitled to all amounts due under this Agreement less one hundred fifty percent (150%) of the amount of the disputed item(s) as determined by appraiser described above;
 - B. Buyer and Buyer's lending institution shall be obligated to fund the construction draws described herein in a timely manner with time being of the essence less amounts described in B above with amounts to be held by said lending institution until said disputed item(s) is resolved;

Initials BT TS _____

TK CONSTRUCTORS, INC
Construction Agreement

- C. Prior to Buyer's occupancy of the Improvement, all disputed item(s) shall have been resolved by Buyer and Builder and all amounts due to Builder paid in full;
- D. Nothing contained therein is intended to amend or conflict with any of the terms and conditions otherwise set forth in this Agreement including but not limited to the terms and conditions of Paragraph 7; and
- E. In the event of a deadlock or an impasse as to resolution of said disputed item(s), Buyer and Builder agree to jointly engage the services of an independent third party inspector to resolve said disputed item(s). The costs and expenses of the independent third party inspector will be shared equally by the Buyer and the Builder and the decision of the independent third party will be binding. Said inspector shall be instructed to evaluate merits of dispute solely in accordance with the terms and conditions of this Agreement.
17. The undersigned Buyer agrees that direction and supervision of working forces, including subcontractors, rests exclusively with the Builder or its designated agent, and Buyer agrees not to issue any instructions or to otherwise interfere with same. Buyer further agrees not to negotiate for additional work with subcontractors, except with Builder's written consent, and in such a manner as will not interfere with Builder's completion of work under this Agreement. Builder shall have unconditional and irrevocable access to the Real Estate until the Improvements are completed and the final Construction Price is paid.
18. The undersigned Buyer agrees that any work or services completed by Buyer under this Agreement as a credit will be completed in full compliance with any applicable rules, regulations, laws and codes and will be completed in a timely, professional manner in strict conformance with Builder's established construction schedule. Builder has authority to reverse any credits upon violation or breach of these terms and conditions. All mechanical work must be performed by the contractor of record under the permit. Buyer is solely responsible for any fines or penalties associated with violating these provisions. Change orders must be written prior to our "purchase order system mailing agenda" to ensure proper application of the change order. Payment of the change order must be made at the time it is written. Buyer shall be responsible for all warranty work during and after construction that results from work done as a "credit".
19. This document and referenced Addendum represents the entire Agreement between Buyer and Builder with respect to the subject matter herein, except for any change orders or modifications agreed upon by the parties hereto. Any other Agreement whether expressed or implied, written or verbal that is not specifically represented herein or incorporated by reference shall not be binding on either party.
20. This Agreement is subject to the Buyer being able to secure adequate construction financing at prevailing market terms and rates. If Buyer is unable to secure said financing, then all deposits, less those specified in paragraph 14, shall be returned to Buyer.
21. This Agreement is executed and entered into in full faith and confidence by the parties hereto and shall be binding upon their heirs, executors, administrators, successors, or assigns of each of the parties hereto. This Agreement may not be assigned by either party without the written consent of the other party.
22. The invalidity or unenforceability of any terms or provisions herein, or any clause or portion thereof, of this Agreement, shall in no way effect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.
23. As outlined and described in Owner's Responsibility attached hereto, unless otherwise noted in an adden-

Initials CS JS _____

TK CONSTRUCTORS, INC
Construction Agreement

dum, Buyer shall be responsible to complete all of its own site work as well as the appropriate hook ups to a sewer or septic system. In the event this additional site work is not completed within ten (10) days after completion of the Improvements and provided that Buyer's mortgagee is holding enough funds to complete this work, then Builder will complete this work for the benefit of Buyer provided Buyer's mortgagee has irrevocably agreed to pay for this work with funds being held, plus a 12% above cost management fee. Buyer hereby consents to these provisions.

- 24. Prior to the final payment of the Contract Price, Buyer will complete a Settlement Agreement indicating what additional work, if any, needs to be completed to fulfill the terms and conditions of the Agreement. After the items on the Settlement Agreement are completed and witnessed by Buyer, the obligations of Builder shall be deemed to be completed and accepted by Buyer and the Improvements accepted by Buyer, subject to Builder's warranty obligations as set forth in Addendum Builders Risk Insurance.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this day and year first above set out.

TK CONSTRUCTORS, INC.
An Indiana Corporation

Purchase of: Job #00001491 Subdivision Brownsburg Model: St Petersburg

D. Ordway
TK Constructors, Inc.

Dennis Ordway
Print Name

N.O.M. 4/14/20
Title

Cherise Spina 03/31/2020
Buyer Date

Tim 3/31/2020
Buyer Date

Buyer Date

7557 N. CR 150 E.
Current Address

Pittsboro, IN 46167
City, State, Zip

Telephone - Home

(574)952-6741
Telephone - Work

Initials _____

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR SPECIAL EXCEPTION

FINDINGS OF FACT

1. The proposed use (**will / will not**) be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

Building a new home will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. There are other homes already in the area.

2. The proposed use (**will / will not**) injure or adversely affect the adjacent area or property values therein; and

A new home in the area will not injure or adversely affect the adjacent area or property values. In fact, it is likely to increase the neighbors' property values.

3. The proposed use (**will / **will not****) will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

Building a new home is consistent with the character of the district as there are several homes already nearby in the area. The zoning ordinance dictates that we must request this special exception for a proposed residence.

DECISION

It is therefore the decision of this body that this SPECIAL EXCEPTION petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.



Petition Number: 2020-15-DSV

Subject Site Address: 7465 S 475 East (unassigned address)

Petitioner: Timothy & Chelsie Sharp

Representative: Timothy & Chelsie Sharp

Request: Petition for Development Standards variance in order to provide for the construction of a detached barn which:
1) Is installed before the primary structure
2) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).

Current Zoning: Agricultural District (Rural)

Current Land Use: Agricultural

Approximate Acreage: 2.4 acres (split from 15.82 acres)

Zoning History: Consolidated within Town of Zionsville's jurisdiction in 2015. No prior petitions are known.

2020-12-SE (pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial / Location Map
Exhibit 3 – Site Plan
Exhibit 4 – Petitioner's Narrative
Exhibit 5 – Petitioner's Exhibits
Exhibit 6 – Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the July 1, 2020, Board of Zoning Appeals meeting. A Petition for Special Exception is also scheduled to be heard at the July 1, 2020, Board of Zoning Appeals meeting (2020-12-SE). As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

While the Petitioner initially had concluded that the roofed accessory square footage of the proposed pole barn would exceed that of the primary, and published and mailed noticed indicating the same, it has been determined that with the inclusion of a basement, the primary dwelling's square footage will in fact exceed the primary by approximately 400 square feet. Therefore, the request that the pole barn exceeds the allowable accessory square footage is no longer requested.

PROPERTY HISTORY

The acreage associated with this petition has historically been tilled farmland with a portion of the subject site serving as a portion of the flood plain of Etter Ditch. Further, it has recently utilized the administrative subdivision procedure (division of land to create the tract that is the subject of the Special Exception request).

ANALYSIS

The site is currently undeveloped farmland. As proposed, the Petitioner intends to construct a 4,209 square foot single-family home and approximately 3,800 square feet of roofed accessory uses inclusive of:

- a) A 502 sq. ft. attached garage
- b) A 96 sq. ft. front porch
- c) A 2,700 sq. ft. outbuilding
- d) A 432 sq. ft. mezzanine in the outbuilding
- e) A 70 sq. ft. covered porch attached to the outbuilding

The Petitioner is requesting a development standards variance to allow their accessory structure (pole barn) to be constructed and completed before their proposed primary. While the Petitioner intends to submit for permits to construct a primary structure concurrently with the pole barn, they anticipate the primary will not be complete prior to the pole barn, which will render the accessory structure (pole barn), to be superior to the primary structure in all ways, and thus the structure will be considered to be in Ordinance non-compliance.

By Ordinance, properties in the Rural Agricultural AG (Rural) District are permitted by right to be improved with Accessory Structures that exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm. As the subject site is not 20 acres in size, a variance must be sought for the accessory structure to be constructed before the completion of the primary. The Ordinance limits accessory uses in a manner that maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property). Specific to the current improvements, securing a 1) variance to allow the accessory to be constructed before

the primary, is necessary. A variance of development standards will not be needed for the amount of roofed accessory square footage or height as the primary dwelling will exceed that of the proposed accessory building once completed.

As a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site, in an attempt to identify similarly situated properties enjoying similar deviations. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds several development configurations which are not supported by the current Zoning Ordinance (example: flag lots, lots exceeding 3:1 lot to depth ratio, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). In this particular case while the requested improvement timeline is atypical, completion of the primary dwelling will the result in a development pattern that is typical for the immediate area. Additionally, while there is a limited presence of residential parcels in the area, the parcel is largely surrounded by large open parcels (farm fields in all directions). It should be noted that the petitioners 2.4 acres are being split from a family members parcel which will adjoin their parcel to the South and East (which may in future years be farmed by the Petitioner).

As the Petitioner is proposing to construct a primary dwelling resulting in square footage which will exceed that of the proposed accessories uses by approximately 400 square feet concurrently with the accessory structure, and the improvement will be located well away from adjoining parcels and road frontage, barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff is supportive of the Petitioner's plan to commence with construction of the accessory structure before that of a primary structure, which will render the accessory structure (pole barn), to be subservient to the primary structure in all manners required by Ordinance (including: height, square footage, use) subject to establishing a time frame in which compliance is achieved.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;*
- (c) The strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property.*

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

STAFF RECOMMENDATIONS

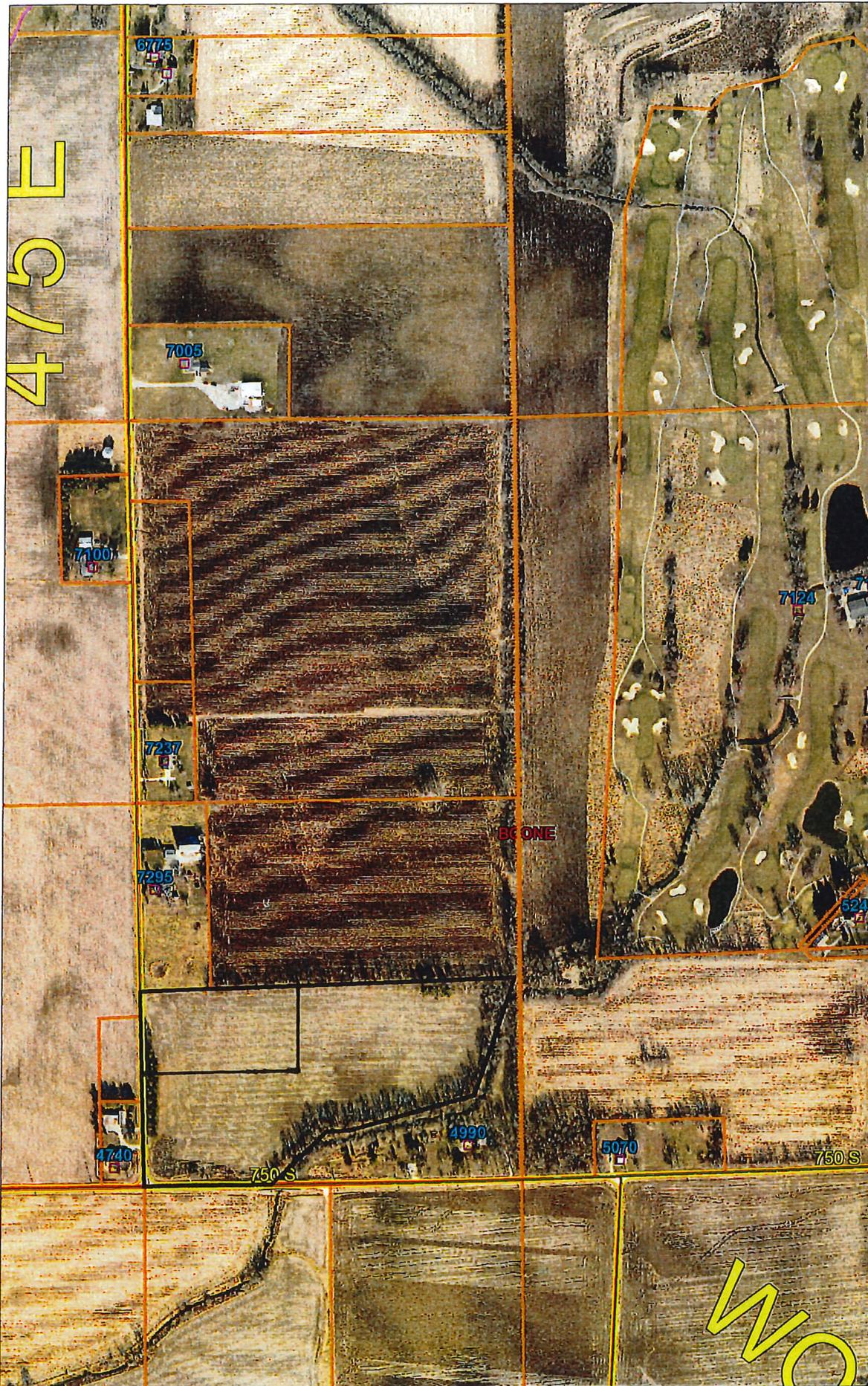
Staff recommends approval of the design standards variance for the accessory structure to be constructed and completed before the primary included in Docket #2020-15-DSV with the requirement that the primary dwelling be substantially completed within six (6) months of the completion of the barn, with the primary dwelling, at a minimum, being issued a temporary certificate of occupancy by the Town of Zionsville (action to demonstrate “substantial completion”).

RECOMMENDATION MOTION

I move that Docket #2020-15-DSV design standards variance in order to provide for the construction of a detached barn which 1) is installed before the primary structure and 2) exceeds the allowable accessory square footage, for the property located at 7465 S 475 East in the Agricultural Zoning District (AG), be (Approved based upon the staff report and the proposed findings / Approved as filed / Denied / Continued).

PROCEDURAL NOTE

As a portion of the property is within proximity to the Special Flood Hazard Area (SFHA) associated with the Etter Ditch (and its dual identification as a Legal Open Drain), it could be subject to additional development restrictions (limitations of size, placement, and floor elevation of buildings). Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, the Boone County Surveyor, and / or the Town (in conjunctions with the Town’s Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).



- Regional Counties
 - Townships
 - Zionsville Corporate
 - Boone Co Corporate
 - Parcels
- Boone County Address
- Regional County
 - Edge of Pavement
 - Miscellaneous
 - Railroads
 - Roads
 - Highways
 - BC Legal Drains

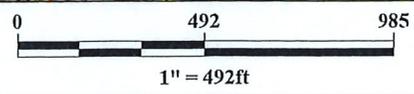
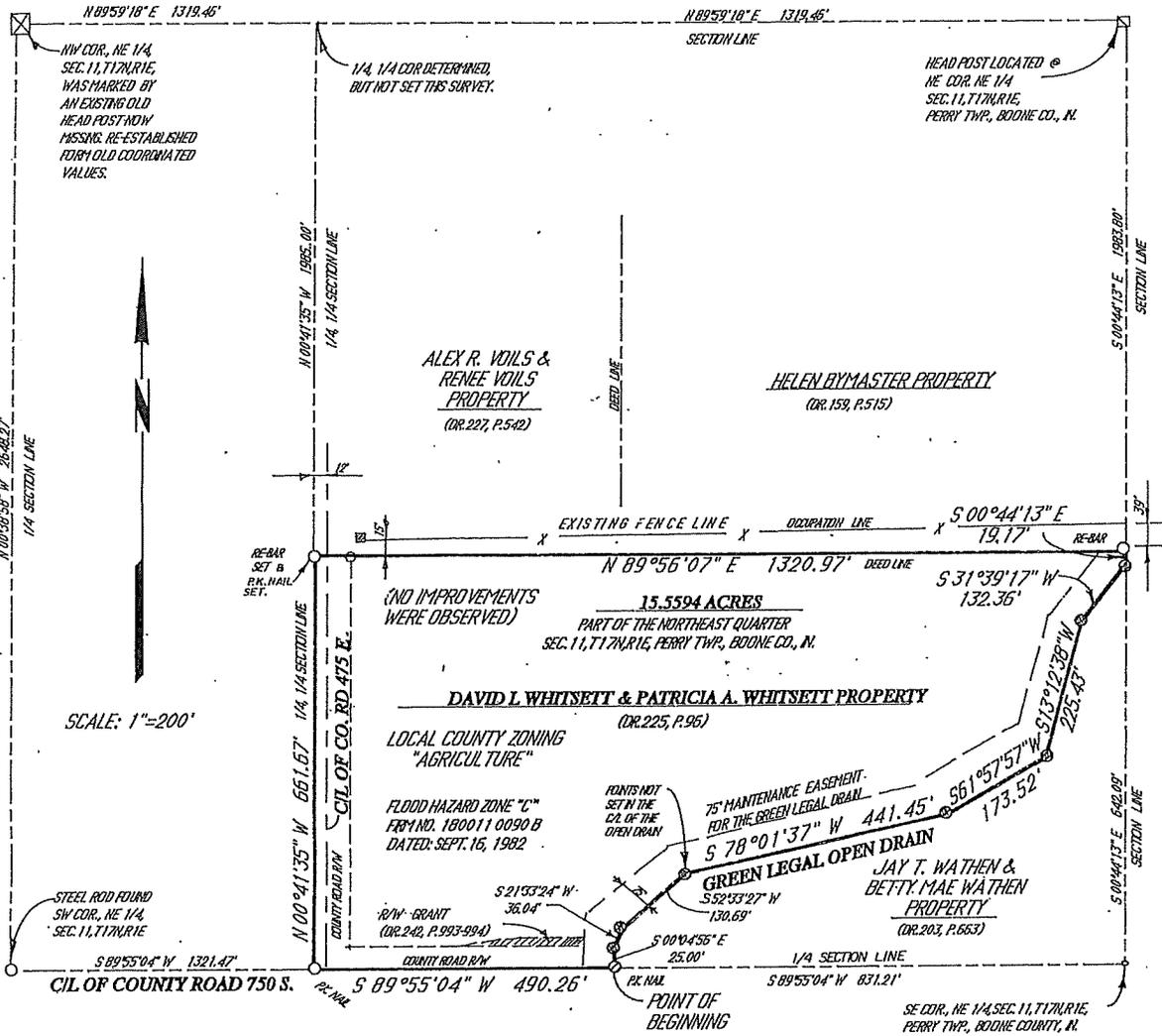


Exhibit 2

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter-quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. (Deed Record 225, Page 96)

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

- 1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
- 2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
- 3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.

LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.

EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to comply with the survey required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February 1999.



Cary B. Dodge
Cary B. Dodge, R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS - PARCEL MAP

County: Boone
4850 East 750 South, Lebanon, IN 46052

Name
Timothy W. Sharp

Date (day, month, year)
4/26/2018

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

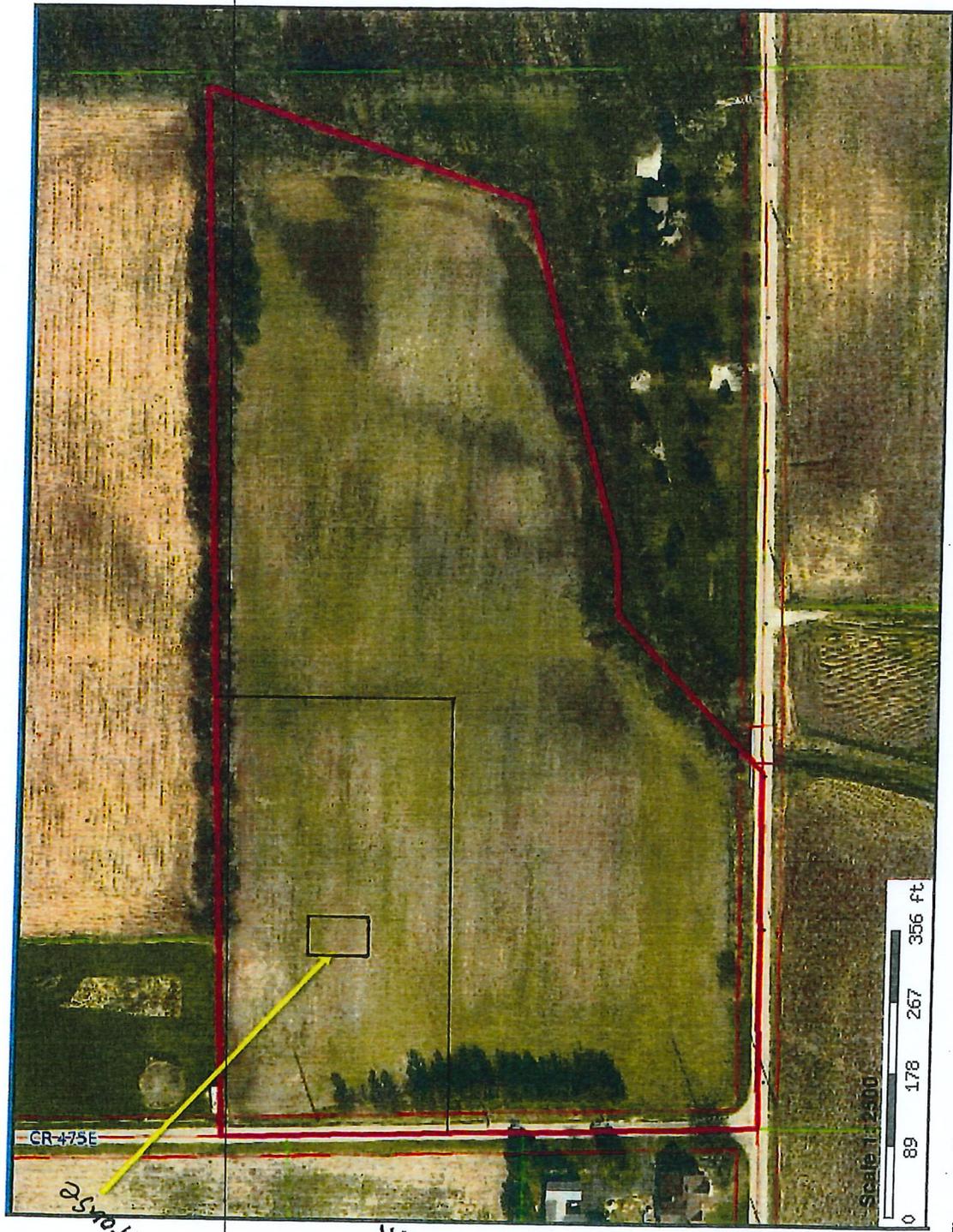


Figure 6. Parcel Map

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

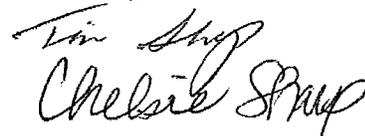
Zionsville, IN 46017

To whom it may concern:

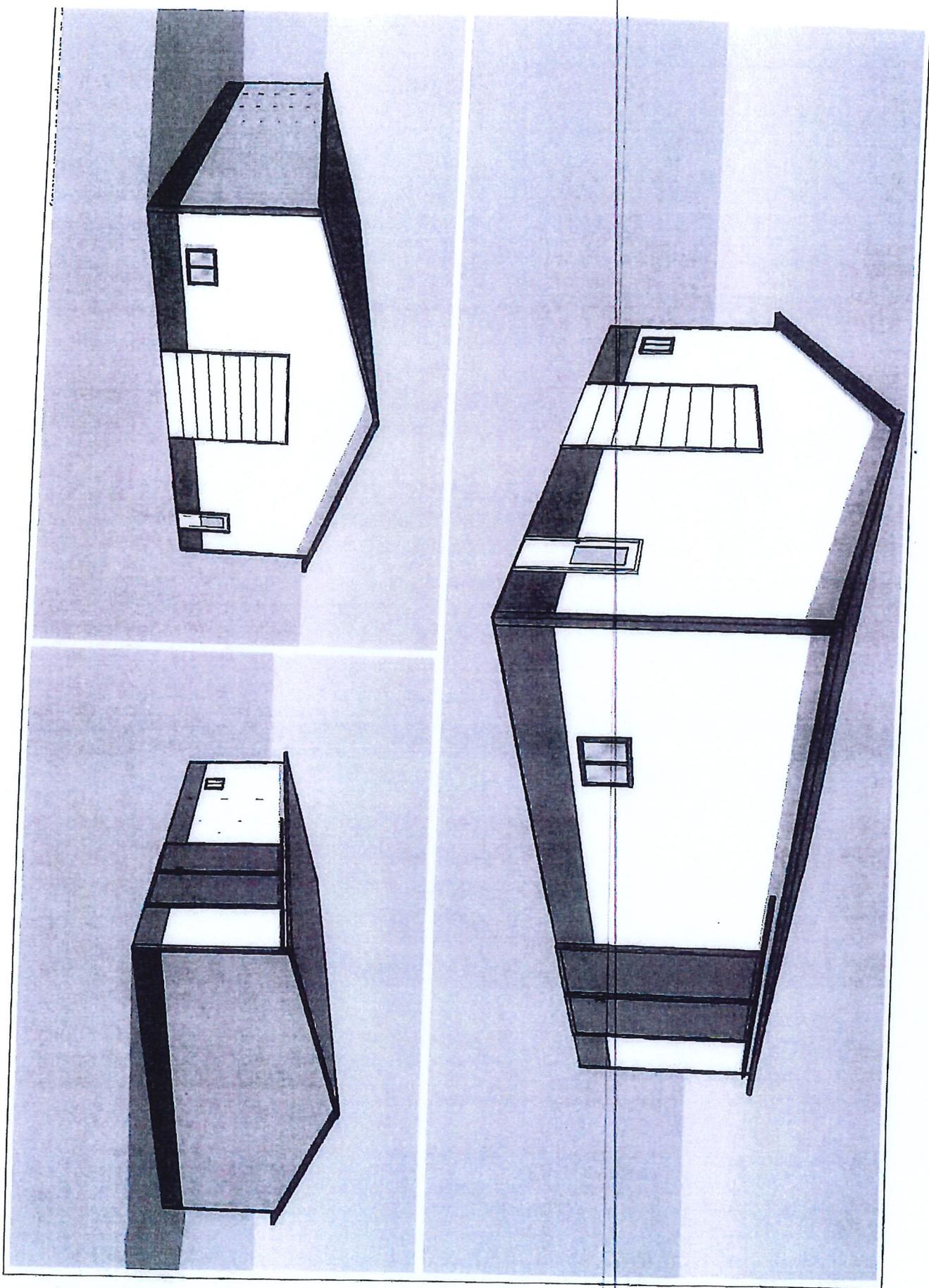
We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'X72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'X7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

Sincerely,

Handwritten signature of Tim and Chelsie Sharp in cursive script.

Tim and Chelsie Sharp



A-203

These drawings are not complete and are not to be used for construction.

ONLY

DATE FOR REVIEW

PRELIMINARY THESE DRAWINGS ARE FOR REVIEW

Date: 00/00/00
 Name: XXX XXX Rev. 1

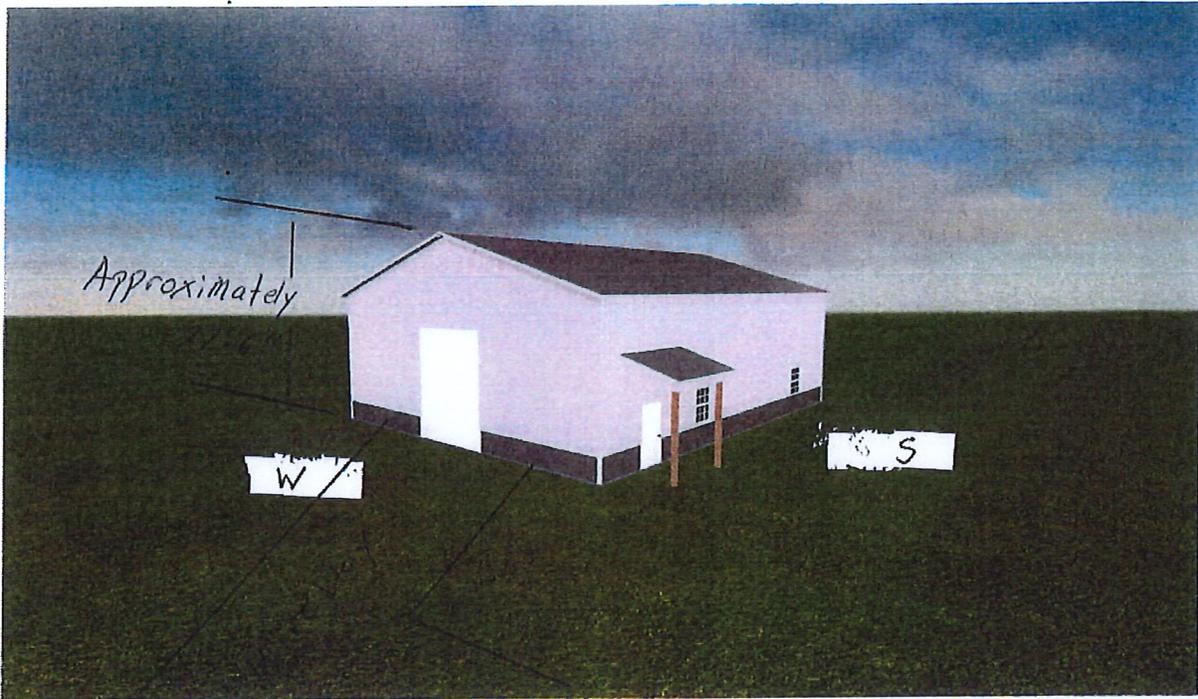
FBI
 FBI Buildings, Inc.
 3823 W 1800 S
 Remington, IN 47977
 219-261-2157

Tim Sharp
 4850 E 750 S
 Lebanon, IN 46052

3D View

X:	Purchaser Approval
X:	Officer Approval
	Drawing #

Exhibit 5



Building Specs

Width: 48'
Length: 56'
Height: 18'
Roof Type: Asymmetrical
Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1
Right Overhang: 1
Porch (West)

Windows/Doors & Interior Items

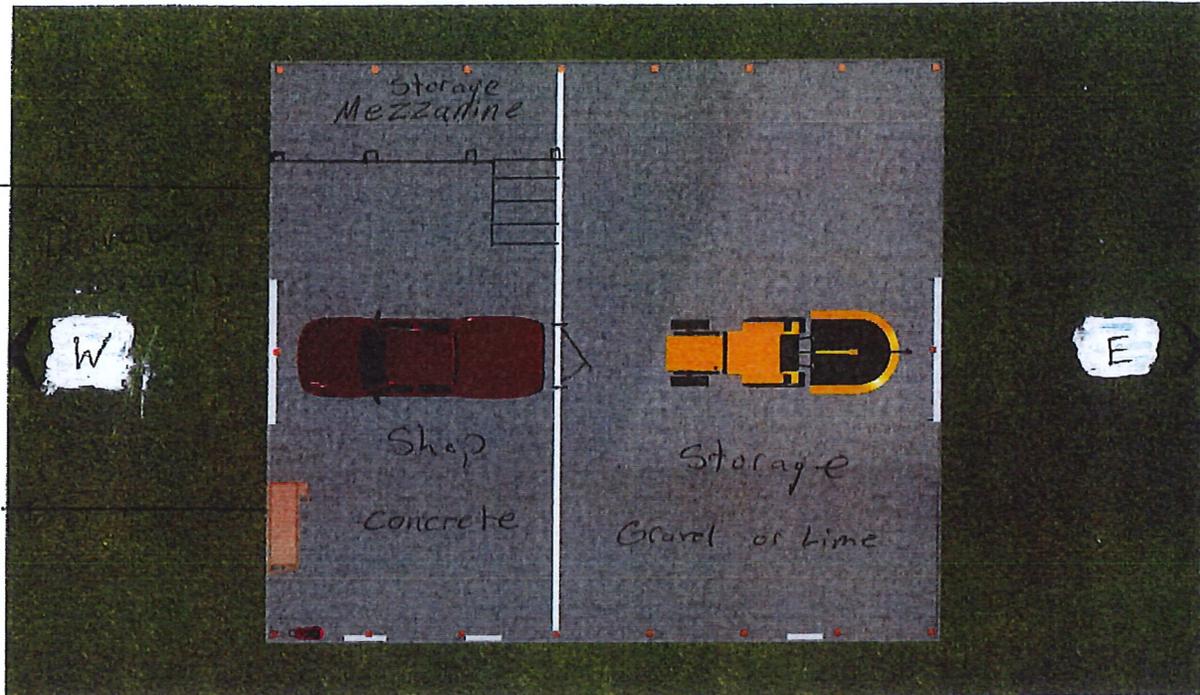
Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

Item Sizes:

Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

www.fbibuildings.com

800-552-2981



Building Specs

Width: 48'
Length: 56'
Height: 18'
Roof Type: Asymmetrical
Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1'
Right Overhang: 1'

Windows/Doors & Interior Items

Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

Item Sizes:
Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

www.fbibuildings.com

800-552-2981

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

The variance for a larger pole barn will not be injurious to the public health, safety, morals and general welfare of the community because it will be used to house the tractors and other implements used to maintain the property. The beautification and upkeep of the property will be to the benefit of the community as a whole as well as the neighborhood. Additionally, there are other such structures already in existence on several neighboring properties.

2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

The use or value of the area adjacent to the property will not be affected in a substantially adverse manner because the barn will allow for storage of equipment, thus enhancing the property's appearance both in maintenance of the property and in the proper storage of the equipment

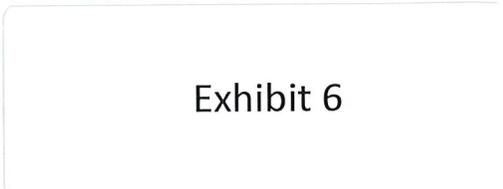
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

Strict application of the terms of the zoning ordinance will result in unnecessary hardship for the use of the property because tractors and implements would be parked out in the open. This is not only harmful to the equipment but is also unsightly for the property and the neighborhood.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.





Town of Zionsville
Petition to the Board of Zoning Appeals
Application Packet and General Instructions

Town of Zionsville

Petition to the Board of Zoning Appeals

Docket # 2020-15-05V

1. SITE INFORMATION:

Address of Property: 7465 S. County Road 475 East Lebanon, Indiana 46052 _____

Existing Use of Property: Agriculture _____

Proposed Use of Property: Single Family in new home _____

Current Zoning: Agriculture _____ Area in acres: 2.4

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Timothy W. Sharp and Chelsie E. Sharp

Owner Name (if different from Petitioner): Kathleen A. Sharp

Petitioner Address: 7557 N County Road 150 E Pittsboro, IN 46167 Owner Address: 8252 W. 88th Street Indianapolis, IN 46278

Petitioner Phone Number: 317-319-4824

Owner Phone Number: 317-440-6352

Petitioner E-Mail Address: tisharp85@yahoo.com

Owner E-Mail Address: ksharp9401@comcast.net

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: Timothy W. Sharp

Address: 7557 N County Road 150 E Pittsboro, IN 46167

Phone Number: 317-319-4824

E-Mail Address tisharp85@yahoo.com

Project Engineer:

Name: Hause Surveying and Engineering, LLC.

Address: 105 N. Meridian St. Lebanon, Indiana 46052

Phone Number: 765-482-5141

E-Mail Address: will@hauseurveyandengineering.com

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification

This request is to build an accessory (pole barn) structure that exceeds the square footage of the primary residential structure and for the accessory structure to be built prior to (during the same time) as the residential structure. The accessory structure (pole barn) is needed to house equipment to maintain the property as well as store a family antique tractor collection.

5. ATTACHMENTS:

X Legal description of property

X Owner's Authorization (if Petitioner is not the Owner)

Statement of Commitments (if proposed)

X Application Fee

X Proof of Ownership (copy of Warranty Deed)

X Site Plan & Exhibits

Draft of Proposed Legal Notice

X Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: Kathleen A. Sharp Date: 5/21/2020

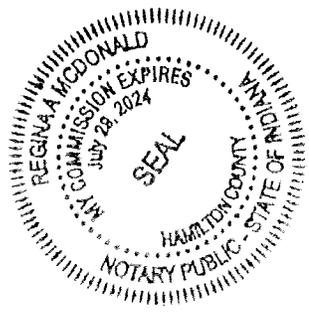
Signature of Owner or Attorney for Owner: _____ Date: _____

State of INDIANA)
County of MARION)
SS:

Subscribed and sworn to before me this 21st day of MAY, 2020.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed



My Commission No: _____

My Commission Expires: 7/29/2024

My County of Residence is HAMILTON County

OWNER'S AUTHORIZATION

The undersigned, Kathleen A. Sharp, being the owner of the property commonly known as 7465 S. County Road 475 East Lebanon, Indiana 46052 hereby authorizes Timothy W. Sharp and Chelsie E. Sharp to file a Petition for (zone map change / **variance** / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: Kathleen A. Sharp _____
Printed: Kathleen A. Sharp _____
Title: Owner _____

State of INDIANA)
County of MARION)
SS:

Subscribed and sworn to before me this 21st day of MAY, 2020.

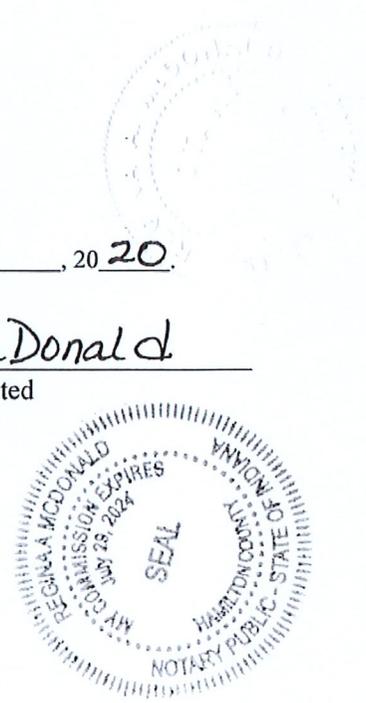
Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7/29/2024

My County of Residence is Hamilton County



Parcel No. _____

WARRANTY DEED

THIS INDENTURE WITNESSETH, That KURT N. TIETZ AND LORI D. TIETZ,
Husband and Wife _____ (Grantor)
of Marion County, in the State of Indiana, CONVEY
AND WARRANT to STEVEN E. SHARP and KATHLEEN A. SHARP,
Husband and Wife _____ (Grantee)
of Marion County, in the State of Indiana, for the sum
of Two and no/100 ----- Dollars (\$ 2.00) and other
valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following
described real estate in Boone County, State of Indiana:

** SEE LEGAL DESCRIPTION ATTACHED **

Subject to any and all easements, agreements and restrictions of record. The address of such
real estate is commonly known as 7465 S. County Road 475 East
Lebanon, IN 46052

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of
March, 19 94.

Grantor: _____ (SEAL)
Signature Kurt N. Tietz
Printed Kurt N. Tietz

Grantor: _____ (SEAL)
Signature Lori D. Tietz
Printed Lori D. Tietz

STATE OF INDIANA }
COUNTY OF MARION BOONE } SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared _____
KURT N. TIETZ and LORI D. TIETZ, Husband and Wife
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of March, 19 94.
My commission expires: 10-4-96 Signature T. Michelle Logan
Printed T. Michelle Logan, Notary Public
Resident of Boone County, Indiana.

This instrument prepared by Guy G. Kibbe, Attorney at Law.

Return deed to Steven E. & Kathleen A. Sharp 8252 W. 88th St., Indpls., IN 46278

Send tax bills to Steven E. & Kathleen A. Sharp, 8252 W. 88th St., Indpls., IN 46278

LEGAL DESCRIPTION

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 31 degrees 39 minutes 17 seconds west with the centerline of the Green Legal Open Drain 132.36 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.69 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less.

Situated in Perry Township, Boone County, Indiana.

NOTE: Acreage in the legal description of the subject real estate is solely for the purpose of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

Local No 010439

EDR No 000000751469

State No

1. Decedent's Legal Name (First, Middle, Last) STEVEN E SHARP				1a. Maiden Name (If female)		2. Sex MALE		3. Time Of Death 07:05 AM		4. Date Of Death (Month/Day/Year) 12/30/2019		
5. Social Security Number 304-50-0966		6a. Age - Yrs 69		6b. Under 1 Year Months		6c. Under 1 Month Days		6d. Under 1 Day Hours		6e. Under 1 Hour Minutes		
7. Date of Birth (Month/Day/Year) 11/11/1950		8. Birthplace (City and State or Foreign Country) INDIANAPOLIS, IN										
9. Ever in U.S. Armed Forces? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		10. If Death Occurred In A Hospital: <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Nursing Home/Long-Term-Care Facility <input type="checkbox"/> Other (Specify)										
11. Facility Name (If Not Institution, Give Street and Number) ST VINCENT HOSPITAL (86TH ST)												
12. City Or Town, State, And Zip Code INDIANAPOLIS, IN, 46260						13. County Of Death MARION			14. Marital Status At Time Of Death <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, But Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown			
15. Surviving Spouse's Name KATHLEEN SHARP				15a. Last Name Before First Marriage WEATHERFORD				16. Decedent's Usual Occupation MECHANIC AND LANDSCAPER		17. Kind Of Business/Industry MECHANICS AND LANDSCAPING		
18. Residence - State INDIANA			18a. County MARION			18b. City Or Town INDIANAPOLIS			18c. Street And Number 8252 WEST 88TH STREET		18d. Apt. No.	
								18e. Zip Code 46278		18f. Inside City Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
19. Decedent's Education SOME COLLEGE CREDIT, BUT NOT A DEGREE				20. Decedent Of Hispanic Origin NOT HISPANIC				21. Decedent's Race White				
22. Parent's Name (First, Middle, Last) NED SHARP						23. Parent's Name (First, Middle, Last) HILDA SHARP			23a. Parent's Last Name Before First Marriage BECKER			
24. Informant's Name KATHLEEN SHARP				24a. Relationship To Decedent WIFE				24b. Mailing Address (Street And Number, City, State, Zip Code) 8252 WEST 88TH STREET, INDIANAPOLIS, IN 46278				
25. Place Of Disposition												
25a. Method Of Disposition <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input checked="" type="checkbox"/> Removal From State <input type="checkbox"/> Other (Specify)			25b. Place Of Disposition (Name Of Cemetery, Crematory, Other Place) SALEM CEMETERY				25c. Location - City, Town, And State ZIONSVILLE, IN					
26. Was Coroner Contacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		27. Name And Complete Address Of Funeral Facility CONKLE FUNERAL HOME INC (INDIANAPOLIS), 4925 W 16TH STREET, INDIANAPOLIS, IN 46224						27a. Funeral Home License Number FH83006423				
27b. Signature Of Indiana Funeral Service Licensee: LESLIE L MILLER, BY ELECTRONIC SIGNATURE						27c. License Number (Of Licensee): FD08900003						
28. Part I. Enter The Chain Of Events - Diseases, Injuries, Or Complications - That Directly Caused The Death. Do Not Enter Terminal Events Such As Cardiac Arrest, Respiratory Arrest, Or Ventricular Fibrillation Without Showing The Etiology. Do Not Abbreviate. Enter Only One Cause On A Line. Add Additional Lines If Necessary.												
Immediate Cause (Final Disease Or Condition Resulting In Death)												
A. CARDIAC ARRHYTHMIA Approximate Interval Onset To Death: 1 HOUR												
B. DIABETIC KETOACIDOSIS Approximate Interval Onset To Death: 1 DAY												
C. DIABETES Approximate Interval Onset To Death: 10 YEARS												
D.												
Part II. Enter Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I												
29. Was An Autopsy Performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												
30. Were Autopsy Finding Available To Complete The Cause Of Death? <input type="checkbox"/> Yes <input type="checkbox"/> No												
31. Did Tobacco Use Contribute To Death? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown												
32. If Female: <input type="checkbox"/> Did Pregnant Within Past Year <input type="checkbox"/> Pregnant At Time Of Death <input type="checkbox"/> Not Pregnant, But Pregnant Within 42 Days Of Death <input type="checkbox"/> Not Pregnant, But Pregnant 43 Days To 1 Year Before Death <input type="checkbox"/> Unknown If Pregnant Within This Time Year												
33. Manner Of Death: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could Not Be Determined												
34. Date Of Injury (Month/Day/Year)			35. Time Of Injury			36. Place Of Injury (E.G., Decedent's Home, Construction Site, Restaurant, Wooded Area)			37. Injury At Work? <input type="checkbox"/> Yes <input type="checkbox"/> No			
38. Location Of Injury - State			38a. City Or Town			38b. Street & Number			38c. Apt. No.		38d. Zip Code	
39. Describe How Injury Occurred												
40. If Transportation Injury, Specify: <input type="checkbox"/> Driveway <input type="checkbox"/> Pedestrian <input type="checkbox"/> Production <input type="checkbox"/> Other (Specify)												
41. Signature, Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN, BY ELECTRONIC SIGNATURE						42. Certifier (Check Only One): <input checked="" type="checkbox"/> Certifying Physician <input type="checkbox"/> Coroner <input type="checkbox"/> Health Officer						
43. Name, Address And Zip Code Of Person Certifying Cause Of Death: CHAD MICHAEL ONAN 10801 N. MICHIGAN ROAD, SUITE 100, ZIONSVILLE, IN 46077						44. License Number 01056331A			45. Date Certified 01/28/2020			
46. Additional Funeral Service Provider												
47. Aka's												
48. Signature of Local Health Officer: VIRGINIA A CAINE, VIA ELECTRONIC SIGNATURE						49. For Registrar Only - Date Filed (Month/Day/Year): JAN 28 2020						
AMENDMENT TO CERTIFICATE OF DEATH (ENTRY OR ORIGINAL)												

State Form 53395 ATTENTION ESTATE. The Social Security # is being requested by this state agency in order to pursue responsibility. Disclosure is voluntary and there will be no penalty for refusal.

WARNING: ORIGINAL DOCUMENT HAS A MULTICOLORED BACKGROUND ON SPECIAL WHITE SECURITY PAPER AND THE GREAT SEAL OF THE STATE OF INDIANA ON BACK THAT TURNS FROM ORANGE TO YELLOW WHEN RUBBED. ORIGINAL DOCUMENT HAS A HIDDEN VOID ON FRONT THAT APPEARS WHEN PHOTOCOPIED.

STATE OF INDIANA

May 21, 2020

Town of Zionsville

Board of Zoning Appeals

1100 West Oak Street

Zionsville, IN 46017

To whom it may concern:

We are submitting two separate petitions to the Board of Zoning Appeals. The first is a request for special exception to allow us to build a 2,450 sq. ft. home on approximately 2.48 acres of land that is currently zoned agriculture. Attached is the contract with TK Constructors, Inc. for the house which must be started by July 31, 2020.

The second petition is for variance of development standards to also build a pole barn on the property either before or at the same time as the house being built on the property as well as the roofed accessory square footage to exceed that of the primary square footage. The pole barn being built either before or at the same time will allow us to sell our current home and pole barn and move tools and equipment to the new property. Although plans for the pole barn are not finalized, it will be slightly more square footage than the primary structure. It would be 2,500-2,700 sq. ft. 36'x72'x 18' (mezzanine 36'x12'- 432 sq. ft.) dimension from ground to peak of roof 25' 6" or 48'x56'x18' (mezzanine 28'x12'- 336 sq. ft.) dimension from ground to peak 27' 6". The pole barn will be primarily used to store tractors and equipment to maintain the property as well as house my family's collection of antique Oliver tractors. The plans show a mezzanine in the workshop side of the building with full stair case to store tractor parts and tools when not immediately needed. There will be a divider wall inside the building to create a workshop in half the building and tractor and equipment storage in the other half. A concrete floor would be on the workshop side and under the porch. The small covered porch over the walk in door is roughly 70 sq. ft. 10'x7' of roof to be esthetically pleasing and keep the elements away from the door way.. If our budget does not allow for the mezzanine and porch at this time, they would be added in the future.

Sincerely,

Handwritten signature of Tim and Chelsie Sharp in black ink. The signature is written in a cursive style and includes the names 'Tim' and 'Chelsie' followed by the surname 'Sharp'.

Tim and Chelsie Sharp

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Tim and Chelsie Sharp, DO HEREBY CERTIFY THAT LEGAL NOTICE TO
(NAME OF PERSON MAILING LETTERS)
INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE
BOARD OF ZONING APPEALS, to consider the Petition of: Tim Sharp
(NAME OF PERSON ON PETITION)

Requesting: Special Exception and Petition for Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 7465 S CR 475 East

Was sent by FIRST CLASS MAIL, to the last known address of each of the following entities at the following addresses:

OWNERS

ADDRESS

See attached List of Adjoiners

And that said Legal Notices were sent by First Class Mailed on or before the 16th day of June, 2020,
being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

And that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public
Hearing (Proof of Publication attached).

Tim and Chelsie Sharp
Name of person mailing letters

Tim and Chelsie Sharp
Signature

State of INDIANA)

County of MARION) SS:

Subscribed and sworn to before me this 16th day of June, 2020.

Regina A. McDonald
Notary Public Signature

Regina A. McDonald
Notary Public Printed

My Commission No: _____

My Commission Expires: 7-29-2024

My County of Residence is HAMILTON County



Attribute report for active ID 1

ID	name	add1	add3
6605	WASHBURN FAMILY FARMS LLC	PO BOX 128	WALCOTT, IA 52773
6606	THARP HAZEL FAMILY LLC	1451 S LAKE SHORE DR	LAKE LEELANAU, MI 49653
6634	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6635	YOUNG AMBRAD JACQUILINE Z	4740 EAST 750 SOUTH	LEBANON, IN 46052
6636	SHARP STEVEN E & KATHLEEN A	8252 W 88 STREET	INDIANAPOLIS, IN 46278
6638	KECK DAVID G & ELIZABETH L	4990 EAST 750 SOUTH	BROWNSBURG, IN 46112
6640	BHI RETIREMENT COMMUNITIES INC	5415 BEARBERRY LN	INDIANAPOLIS, IN 46268
6644	BYMASTER MARTHA O	675 S FORD RD	ZIONSVILLE, IN 46077
6645	WOLSIEMER DREW & CASSIDY	7295 S 475 E	LEBANON, IN 46052
6646	FERGUSON BARBARA J (BYMASTER)	766 CRYSTAL LAKE DR	GREENWOOD, IN 46143

Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Exceeds the allowable accessory square footage and
- 2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2), to provide for or permit:

50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana.

A copy of the Petition for development standards variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077, or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for development standards variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication as indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolf
Secretary: Wayne DeLong
TLR-351 6/20 hspaxlp 1648192

Public Notices

Urban
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NO: 06C01-2005-MI-0585
IN THE MATTER OF AN APPLICATION FOR AN ORDER TO REVOKE A REPLACEMENT CERTIFICATE OF TITLE
PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

1. The above-named Petitioner Wanda Urban has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title.
 2. The allegations and statements of fact set forth in the petition are true and accurate.
 3. The Petitioner is the legal owner of an automobile described and identified as follows:
2000 FORD RANGER 4X4
VIN: 1FTZR15V2YPB94167
 4. The Petitioner acquired legal title to the automobile on or about 8/8/2019.
 5. The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists.
 6. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.
- I AFFIRM THE FOREGOING UNDER PENALTIES OF PERJURY.
Date: 5-8-2020
/s/ Wanda E. Urban
2610 Westmoor Dr, Apt. 2
Date of Birth 8/12/19xx
Telephone # 765-894-xxxx
Driver's License #: xxxx-xx-xxxx
This Petition is assigned for hearing on August 3, 2020 at 8:15 a.m.
TLR-236 6/6, 13, 20 hspaxlp

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

2020-12-SE, 2020-15-DSV, Tim and Chelsie Sharp requests a Special Exception, Petition for development standards variance to provide for or permit:

Allow for new residential building in Agricultural Zoning District, Pole barn development standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq. footage in Ag district.

The property involved is more commonly known as: 7465 S CR 475 East, and is legally described as:

CUT-OFF LAND DESCRIPTION (part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May, 2020 as Hause Surveying And Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/ washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East

Public Notices

Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.

Public notice advertisements - also called legals - provide information about taxes, zoning, new business and other areas your government is involved in. The good news is that this information is easily accessible to you in print and online.

If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.

IndianaPublicNotices.com.

Polen
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NUMBER:
06C01-JC-000125
IN THE MATTER OF:
JP - DOB 10/16/2008
A CHILD ALLEGED TO BE A CHILD IN NEED OF SERVICES AND
NATHAN LANEY (STEPFATHER)
AMANDA POLEN (BIOLOGICAL MOTHER) AND ANY UNKNOWN ALLEGED FATHERS
SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING
TO: Amanda Polen and Any Unknown Alleged Father Whereabouts unknown
NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been

continued next column

240.00 feet to a capped rebar where south 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp - project description for noticing

Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp - project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Is installed before the primary structure
 - 2) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).
- A copy of the Petition for Special Exception/Development Standards Variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077 or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for Special Exception/Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication if indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolf
Secretary: Wayne DeLong
TLR-354 6/20 hspaxlp 1648319

Public Notices

scheduled with the Court.
YOU ARE HEREBY COMMANDED to appear before the Judge of the Boone Circuit Court, 310 Courthouse Square, Lebanon, IN 46052 - 765-482-0530 for a(n) Dispositional Hearing on 6/29/2020 at 8:00 AM. At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your

continued next column

Property Taxes rising? It's your right to know...and it's the law.

Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.

Public notice advertisements - also called legals - provide information about taxes, zoning, new business and other areas your government is involved in. The good news is that this information is easily accessible to you in print and online.

If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

For full public notice listings go to IndianaPublicNotices.com.

IndianaPublicNotices.com.

Public Notices

failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider:

- (1) Alternatives for the care, treatment, or rehabilitation for the child;
- (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and
- (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default may be entered against you, or the court may proceed in your absence, without further notice.

/s/ JESSICA J. FOUTS
Clerk
Zahra Ayoubi, #34351-29
Attorney, Indiana Department of Child Services
Department of Child Services
1614 North Lebanon St.
Lebanon, IN 46052
FAX: 317 232-1803
Office: 765-482-3023
TLR-344 6/13, 20, 27 hspaxlp

Public Notices

Thorntown Towing & Recovery, LLC
302 West Church Street
Thorntown, IN 46071
Auction date 6/30/2020 at 10:00 a.m.

2007 Toyota Yaris
JTD8T903171145146 \$836.00
TLR-358 6/20 hspaxlp 1648840

Take Notice. It's your right to know...and it's the law.

Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.

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Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

For full public notice listings go to IndianaPublicNotices.com.

IndianaPublicNotices.com.

One phone call and a few lines of type are all that stand between you and this . . .



Let us show you how to make it happen.

The Classified Department
1-888-663-1063

Poynter
STATE OF INDIANA
SS: COUNTY OF BOONE
IN THE BOONE SUPERIOR COURT 1
CAUSE NO.
06D01-2006-ES-000067
IN THE MATTER OF THE SUPERVISED ESTATE OF CORRINA MARIE POYNTER Deceased
NOTICE OF ADMINISTRATION
Notice is hereby given that Glenda Elaine Poynter was on the 8th day of June, 2020, appointed Personal Representative of the estate of Corrina Marie Poynter who died on April 30, 2020.

All persons having claims against said estate, whether or not now due, must file the same in said Court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or said claims will be forever barred.

Dated at Lebanon, Indiana, this June 9, 2020.
/s/ Jessica Fouts
Clerk, Boone Superior Court 1
Prepared by:
Alexander S. Kruse, #29988-49
KRUSE LAW, LLC
108 N. Lebanon St., Suite 203
P.O. Box 9
Lebanon, IN 46052
ask@mytelnet.net
765-894-3974
TLR-342 6/13, 20 hspaxlp 1647503

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Barbara Ferguson
766 Crystal Lake Dr.
Greenwood, IN 46143

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Washburn Family Farms LLC
PO BOX 128
Walcott, IA 52773

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Drew and Cassidy Nolsieffer
7296 S. 475 E.
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Jacqueline Young
4740 East 750 South
Lebanon, IN 46052

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



BHI Retirement Communities Inc.
5415 Bearberry Lane
Indianapolis, IN 46268

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Tharp Hazel Family LLC
1451 S. Lake Shore Drive
Lake Leelanau, MI 49653

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



David & Elizabeth Keck
4990 East 750 South
Bramsburg, IN 46112

Sharp
7557 N CR 150 E
Pittsboro, IN 46167



Martha Bymaster
675 S. Ford Rd.
Zionsville, IN 46077

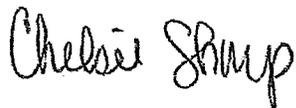
Dear Neighbor,

We are writing to inform you that we intend to build a new home on the lot located at: 7465 S County Road 475 East Lebanon, Indiana 46052. This will be a two story, single family residential home with a 2,500 square foot pole barn also included.

Enclosed herein for your review you will find the following information: a cut off land description, the Zionsville Board of Zoning project description identifications, the notice public hearing, the front view of the proposed residence, and the front view of the proposed pole barn.

We are a young family with two children and are looking forward to the opportunity to meet you and build a strong community in the area.

Respectfully,



Tim and Chelsie Sharp



NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-12-5F

2020-15-DSV

Tim and Chelsie Sharp

requests a

(PETITION NUMBER)

(NAME OF PETITIONER)

Special Exception, Petition for Development Standards Variance to provide for or permit:

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

(INSERT DESCRIPTION OF PROJECT)

Allow for new residential building in Agricultural Zoning district, pole barn development Standards variance to allow pole barn to be built before primary structure and exceeds allowable accessory sq footage in Ag district. The property involved is more commonly known as: 7465 SCR 475 East and is legally described as:

(COMMON ADDRESS)

(INSERT LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for Special Exception / Development Standards Variance, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077, or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for

Special Exception / Development Standards Variance

will be heard at the

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

2020-12-SE T. Sharp – project description for noticing

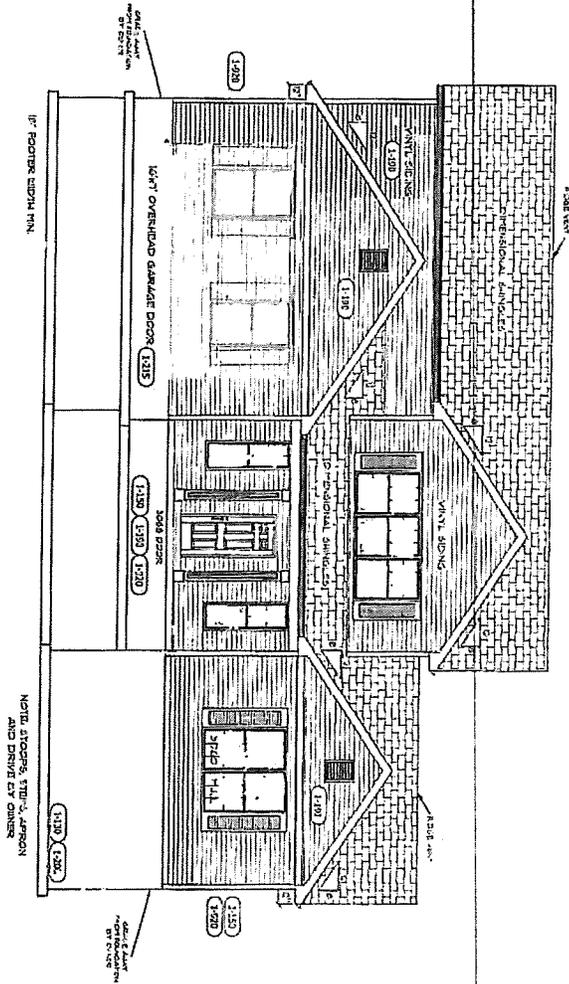
Petition for Special Exception to allow for new residential building(s) in an Agricultural Zoning District (AG).

2020-15-DSV T. Sharp – project description for noticing

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Is installed before the primary structure
 - 2) Exceeds the allowable accessory square footage
- in an Agricultural Zoning District (AG).

FRONT ELEVATION



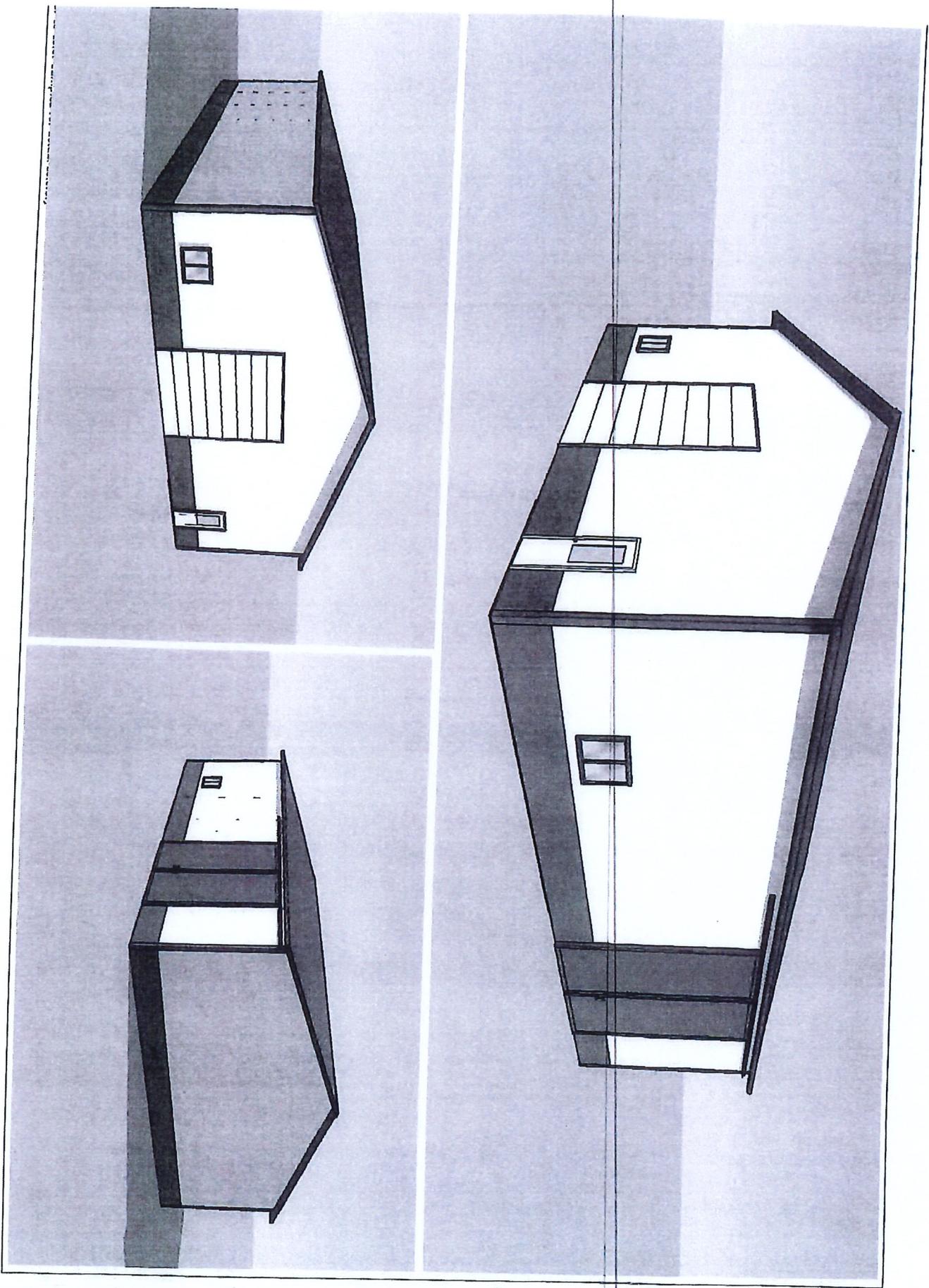
TK CONSTRUCTORS
COREVALU - ST. PETERSBURG

DATE: 4/16/2020
 HOMEOWNER: TIM & CHELSIE SHARP
 JOB NO.: I2-1491



ADDENDUM 1
 VER: 07:49 AM
 DRAWING BY: GW
 1/8" = 1'-0"

PAGE NO:
1B



A-203

These drawings are preliminary and are not to be used for construction.

ONLY REVIEW THESE DRAWINGS ARE FOR PRELIMINARY REVIEW

Date: 07/07/06
 Name: KXJ
 Rev: 5

FBI
 FBI Buildings, Inc.
 3823 W 1800 S
 Remington, IN 47977
 219-261-2157

Tim Sharp
4850 E 750 S
Lebanon, IN 46052

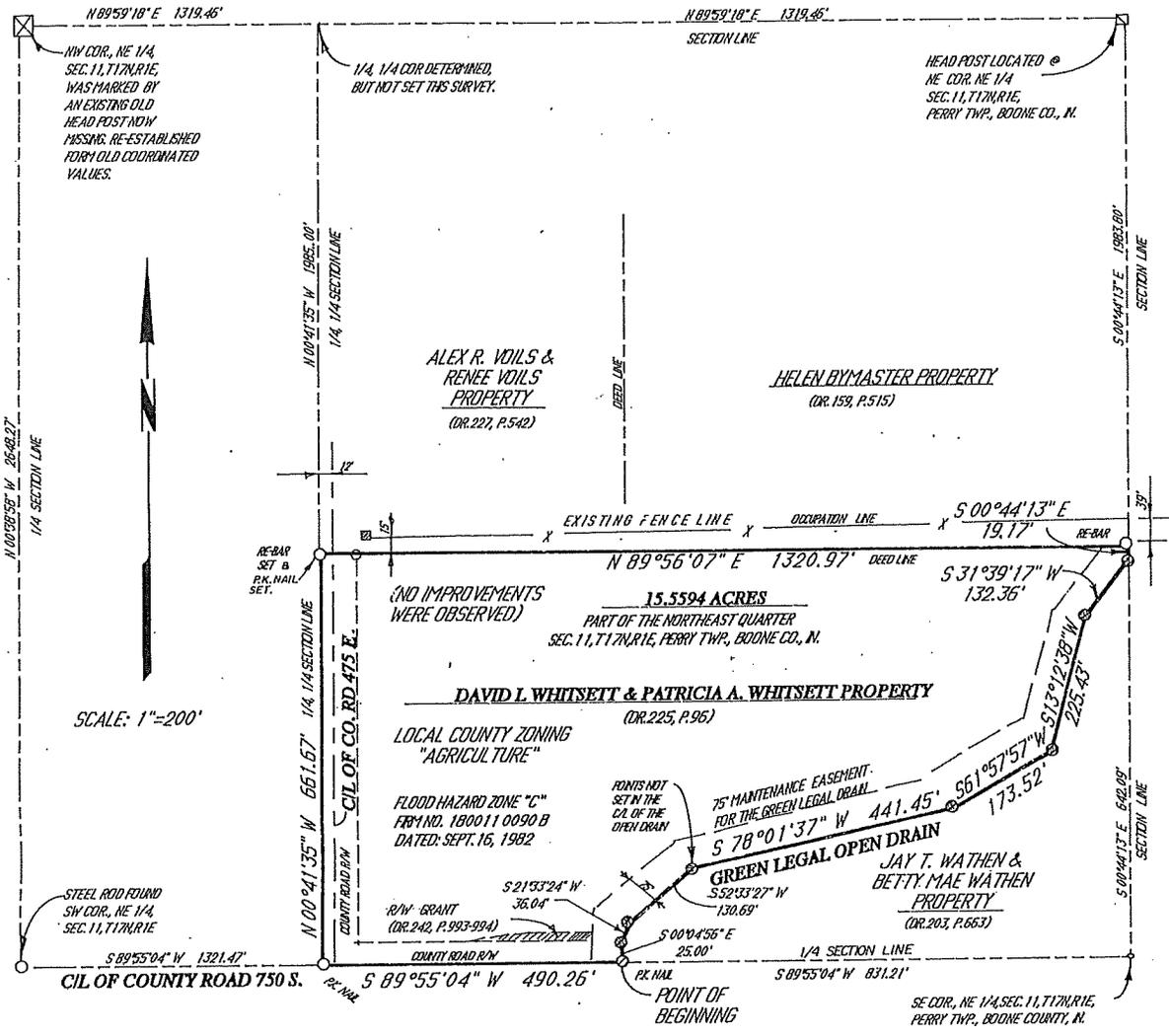
3D View

X: _____ Date _____
 Purchaser Approval

X: _____ Date _____
 Seller Approval

Drawing # _____

ANDERSON & ASSOCIATES



Purpose: The purpose of this assignment was to provide a Retracement Survey of the David L. Whitsett and Patricia A. Whitsett Property, as recorded in Deed Record 225, Page 96, Boone County Recorder's Office.

Basis of Bearings: Bearings are in agreement with Record adjacent surveys, which appear to be based upon assumed datum.

LEGAL DESCRIPTION
(Current Record Description)

A part of the northeast quarter of Section 11, Township 17 North, Range 1 East, particularly described as follows: From a steel rod at the southeast corner of the aforesaid northeast quarter, proceed thence south 89 degrees 55 minutes 04 seconds west (the bearing assumed from the section line forming the eastern boundary, as shown on a contiguous survey to the east) along the quarter section line 831.21 feet to the point of beginning. From said point of beginning, continue thence south 89 degrees 55 minutes 04 seconds west with the quarter section line 490.26 feet; thence north 0 degrees 41 minutes 35 seconds west with the quarter-quarter section line 661.67 feet; thence north 89 degrees 56 minutes 07 seconds east 1,320.97 feet; thence south 0 degrees 44 minutes 13 seconds east with the section line 19.17 feet; thence south 13 degrees 12 minutes 38 seconds west with said centerline 225.43 feet; thence south 61 degrees 57 minutes 57 seconds west with said centerline 173.52 feet; thence south 78 degrees 01 minutes 37 seconds west with said centerline 441.45 feet; thence south 52 degrees 33 minutes 27 seconds west with said centerline 130.39 feet; thence south 21 degrees 33 minutes 24 seconds west with said centerline 36.04 feet; thence south 0 degrees 04 minutes 56 seconds east with said centerline 25.00 feet to the point of beginning, containing 15.5594 acres, more or less. (Deed Record 225, Page 96)

The above tract as described in Deed Record 225, page 96 was observed as being subject to the following:

- 1.) The Right of Way of County Road 475 East, on and along the entire West Boundary.
- 2.) The Right of Way of County Road 750 South, on and along the entire South Boundary.
- 3.) The Maintenance Easement of the Green Legal Open Drain, on and along the Southwestern Boundary.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.

FLOOD HAZARD STATEMENT: the described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0090B of the Flood Insurance Rate Map, dated: September 16, 1982.

LEGAL DRAIN STATEMENT: According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except the Green Legal Open Drain as shown.

EASEMENTS & RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I do hereby certify that all corner were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 11th day of February 1994.



Cary B. Dodge
Cary B. Dodge, R.L.S.#S0288
Reg. Pro. Land Surveyor
State of Indiana

CUT-OFF LAND DESCRIPTION
(Part of Deed Record 249, Page 606)

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being that 2.48 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified May __, 2020 as Hause Surveying and Engineering Job Number 20S151 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), described as follows:

Commencing at a found 1/2-inch diameter rebar marking the Southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1321.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the apparent west line of the East Half of said Northeast Quarter section to a set magnetic nail with aluminum washer stamped "HAUSE PLS20600040" (hereafter called mag nail w/washer), said point being the Point of Beginning of this description; thence continue North 01 degree 16 minutes 03 seconds West 240.00 feet to a mag nail w/washer marking the Northwest corner of Deed Record 249, Page 606; thence North 89 degrees 23 minutes 36 seconds East 450.00 feet along the North line of Deed Record 249, Page 606 to a set 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 01 degree 16 minutes 03 seconds East 240.00 feet to a capped rebar; thence South 89 degrees 23 minutes 36 seconds West 450.00 feet to the Point of Beginning.

Containing 2.48 acres, more or less and being subject to all Legal Highways, Rights-of-way, and Easements of record.

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – PARCEL MAP

County: Boone
4850 East 750 South, Lebanon, IN 46052

Name
Timothy W. Sharp

Date (day, month, year)
4/26/2018

Source: Boone County GIS Map (accessed 4/29/2018)
No Scale (or as shown)

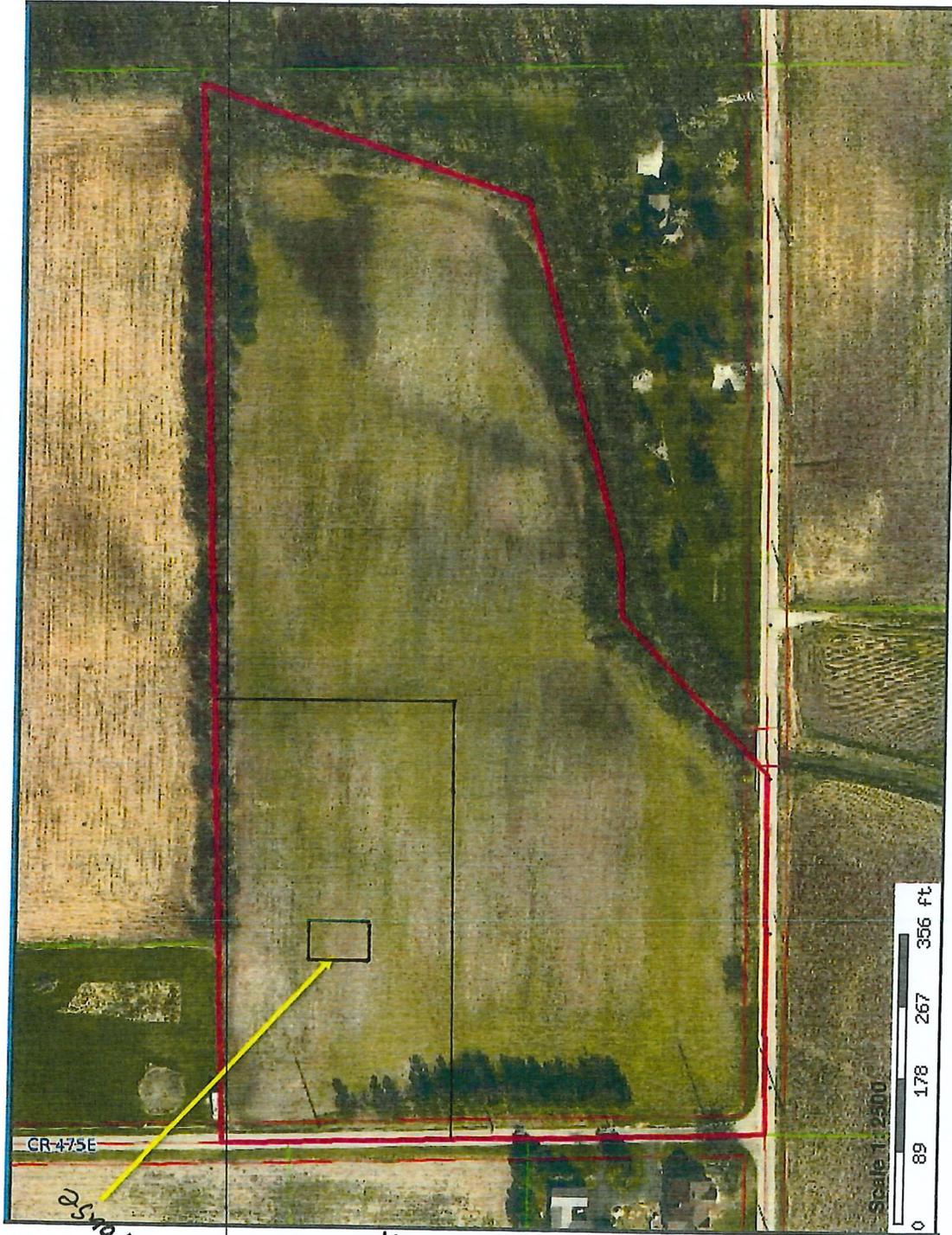


Figure 6. Parcel Map

SOIL EVALUATION FOR ON-SITE SEWAGE SYSTEMS – SOIL BORING LOCATIONS (OVERVIEW)

County: Boone
 4850 East 750 South, Lebanon, IN 46052

Name
 Timothy W. Sharp

Date (day, month, year)
 4/26/2018



Source: Google Earth (accessed 4/29/2018). Image Date: 8/25/2017
 No Scale (or graphic scale as shown). SB = Soil Boring locations. Soil Boring 1 (SB1) is shown to identify the subject property.

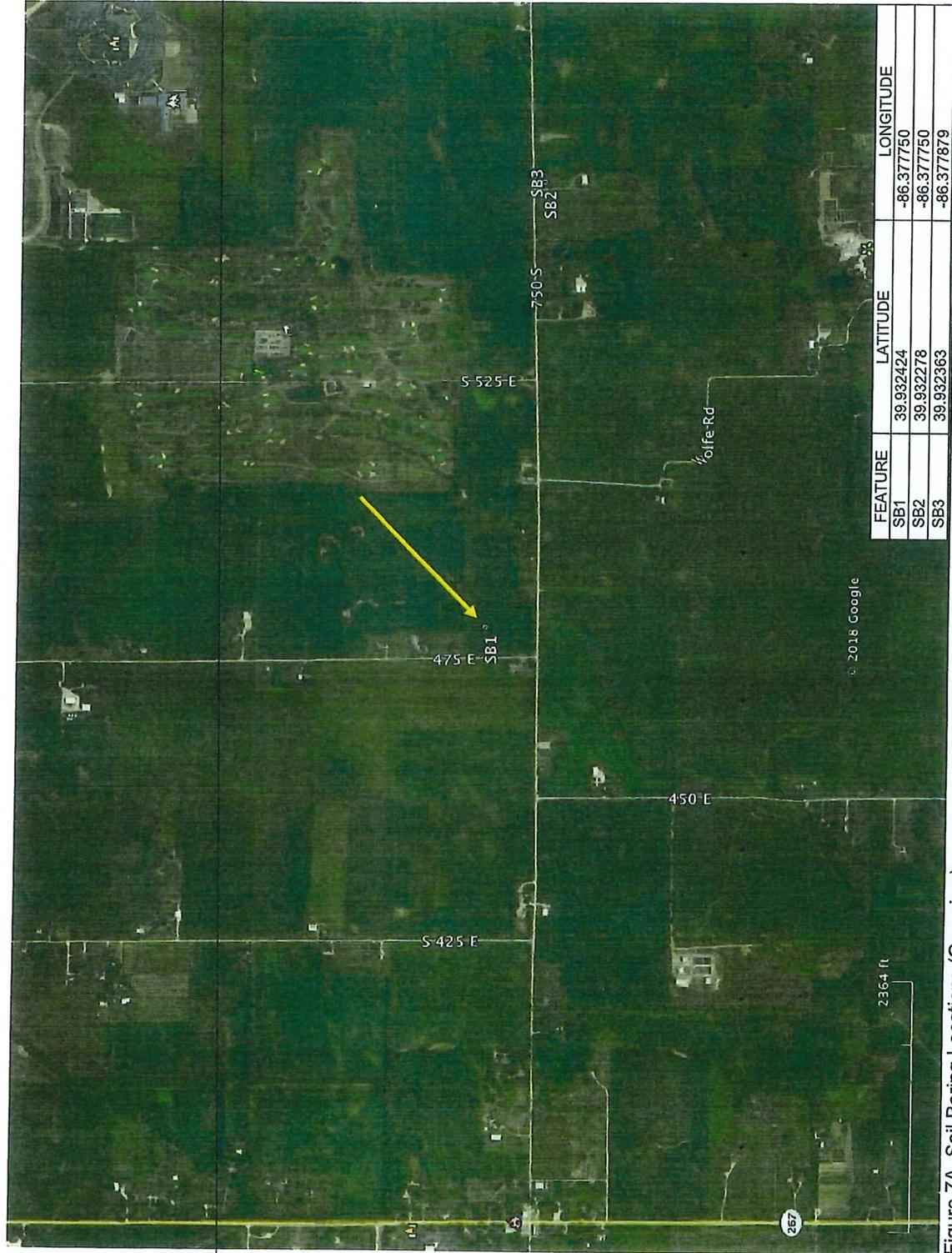
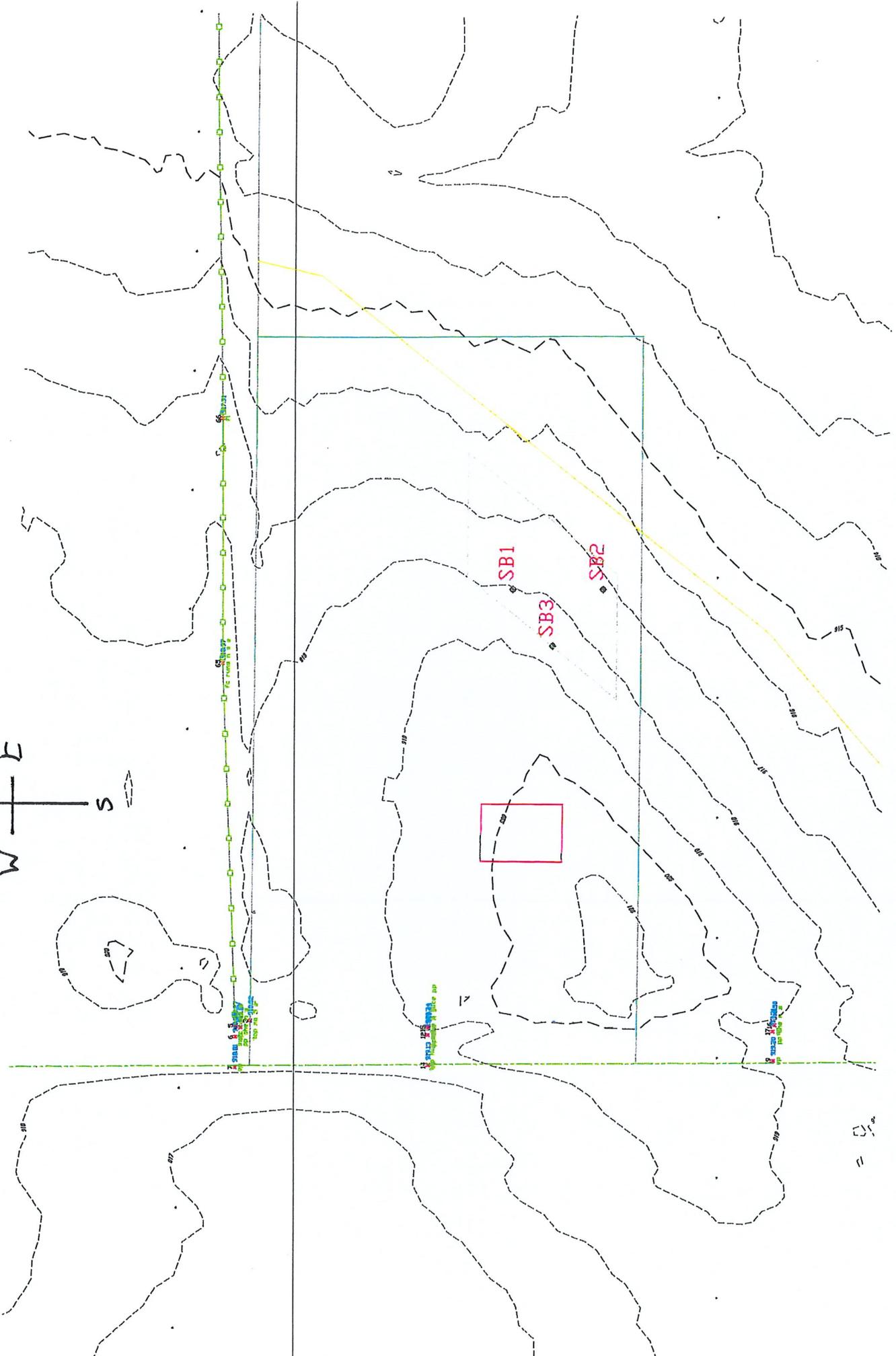
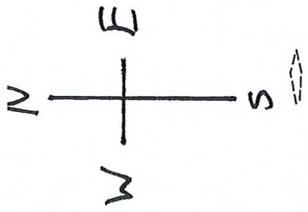


Figure 7A. Soil Boring Locations (Overview)

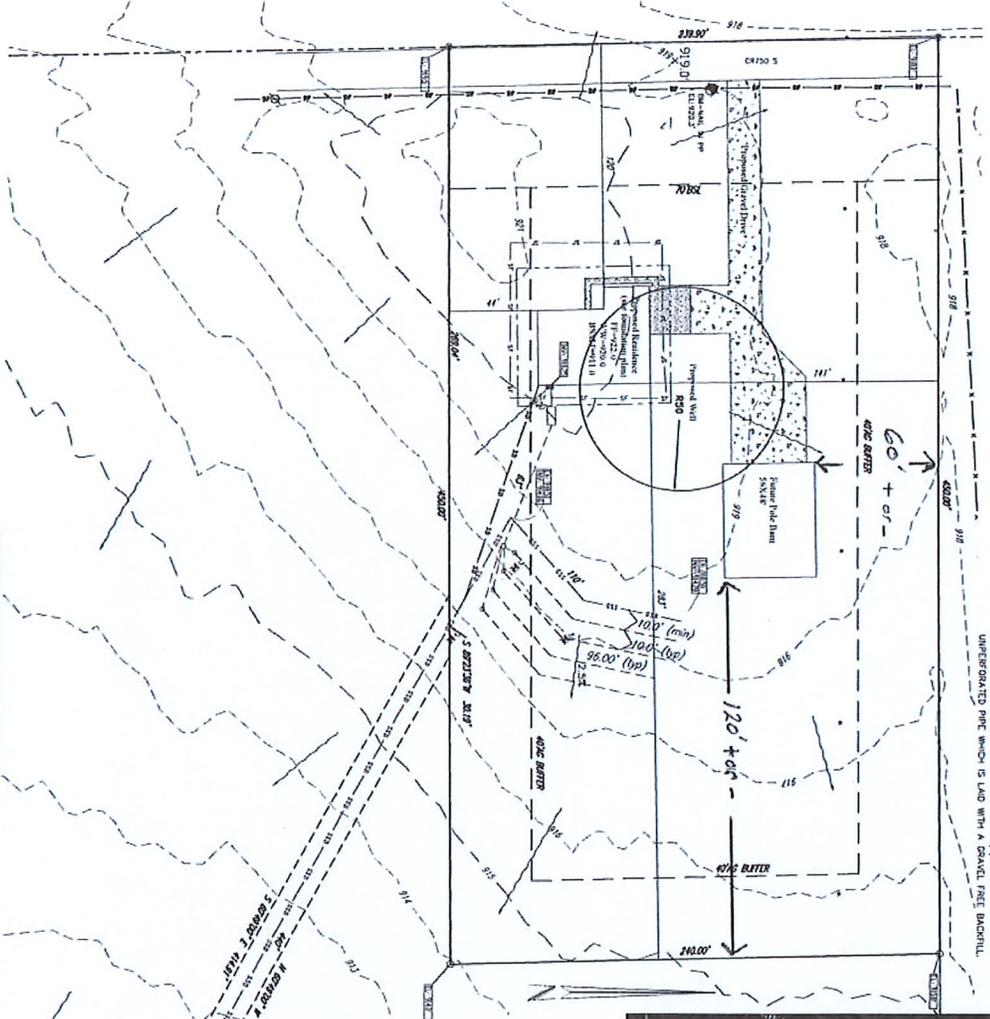


1:50,000

Tim Sharp
4830 E. 750 S
Lebanon, IN

CONSTRUCTION NOTES:

- NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD. AREA TO BE ROPED OFF.
- NOTE #2 ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATERPROOF TO PREVENT BOTH CONDENSATE AND SURFACE WATER LEAKAGE INTO THE SYSTEM.
- NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.
- NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONDUCTED TO A DISTRIBUTION BOX BY AT LEAST ONE (1) FEET OF UNPERFORATED PIPE WHICH IS LINED WITH A SAND/FINE BACKFILL.



Copyright © Haase Surveying and Engineering, LLC. All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted in any form or by any means, without the prior written permission of the surveyor. Copies of this plan without a date and this signature are not valid.

PERIMETER DRAIN EASEMENT

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:

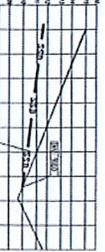
Commencing at a found 1.2-inch diameter rebar marking the southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1231.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the west line of said Northeast Quarter section to a set magnetic nail with aluminum washer attached "14.145E" (N 89° 17' 54\"/>



GENERAL LOCATION

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana, being described as follows:
Commencing at a found 1.2-inch diameter rebar marking the southwest corner of said Northeast Quarter section; thence North 89 degrees 17 minutes 54 seconds East 1231.39 feet along the south line of said Northeast Quarter section; thence North 01 degree 16 minutes 03 seconds West 420.20 feet along the west line of said Northeast Quarter section to a set magnetic nail with aluminum washer attached "14.145E" (N 89° 17' 54\"/>

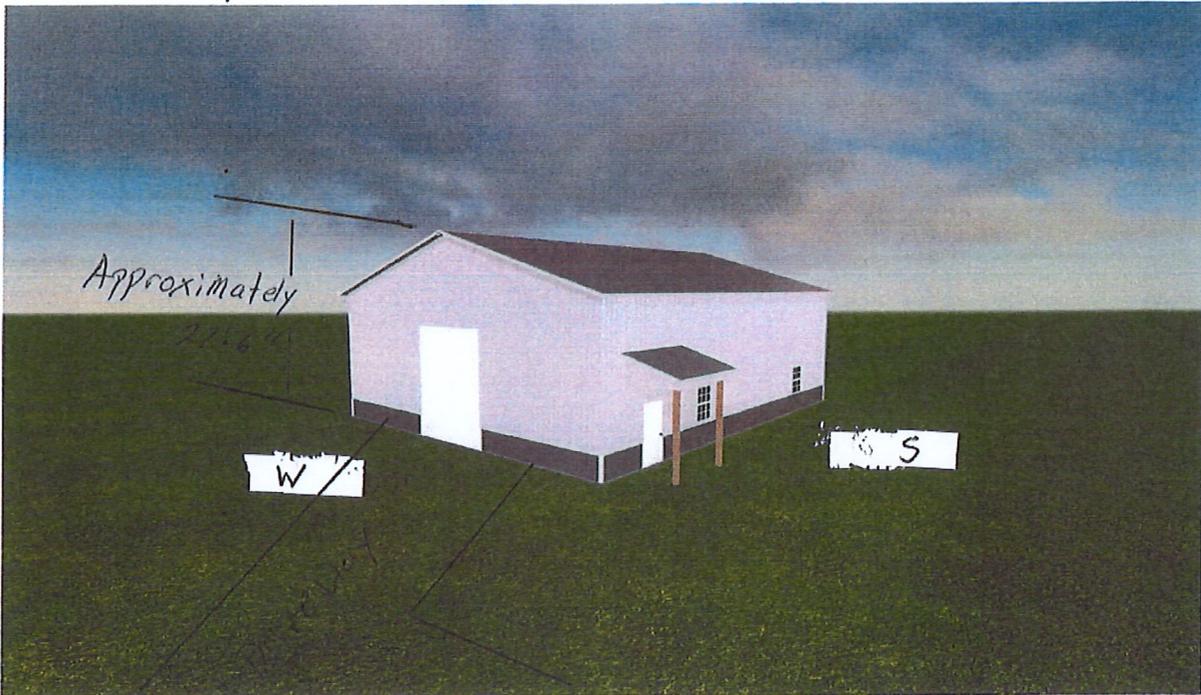


SSD OUTLET

LEGEND

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- 100. 1.5000' radius of 1/2\"/>

<p>PROJECT NO. 20H151</p>	<p>SHEET NO. 1 OF 2 SHEETS</p>	<p>PLOT PLAN</p> <p>TIM SHARP</p> <p>PT NW 1/4, SEC 11, T17N, R1E</p> <p>PERRY TOWNSHIP, BOONE CO., IN.</p>	No.	Date	Revisions	DRAWN BY: DRH		<p>105 N. MERIDIAN ST. LEBANON, IN 46052 PHONE: (765) 482-5141 INFO@HAASESURVEYINGANDENGINEERING.COM</p> <p>A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS</p>
			CHECKED BY: JEH	DATE: 4/29/2020	SCALE: 1"=40'			



Building Specs

Width: 48'
Length: 56'
Height: 18'
Roof Type: Asymmetrical
Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
Wall Color: Regal White
Trim Color: Regal White
Wainscot Color: Slate Gray

Wainscot:

Front: Yes
Right: Yes
Back: Yes
Left: Yes

Building Extensions

Front Overhang: 1'
Back Overhang: 1'
Left Overhang: 1
Right Overhang: 1
Porch (West)

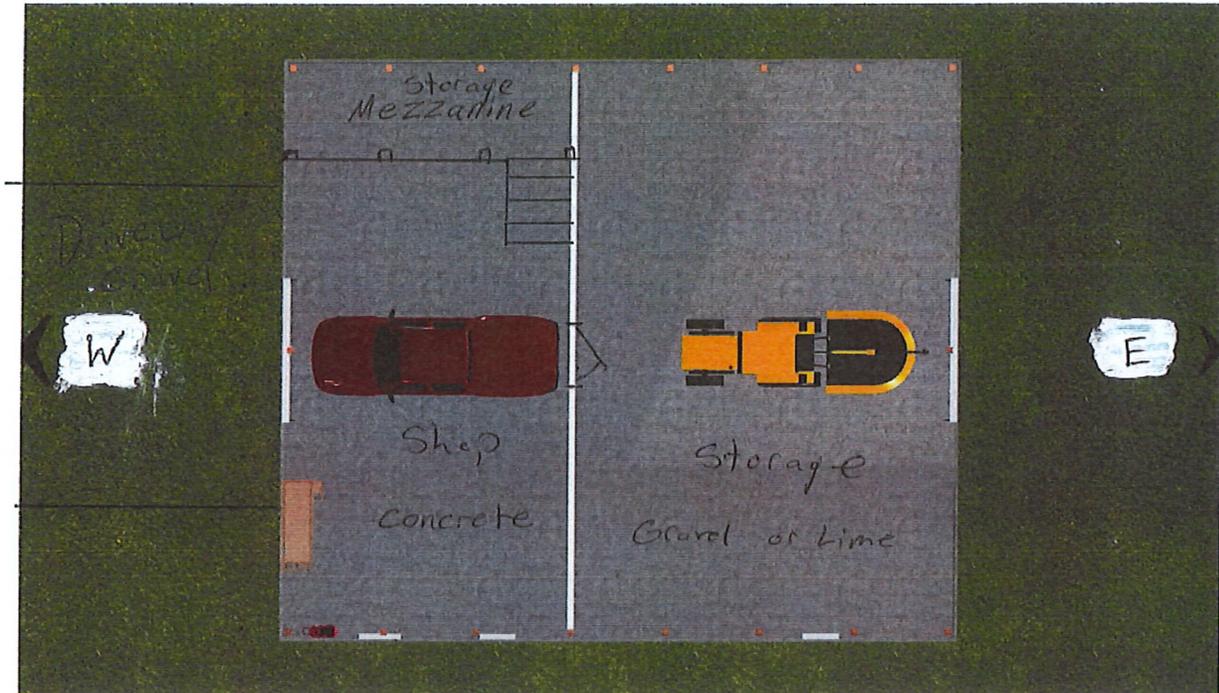
Windows/Doors & Interior Items

Window (3x4) Qty: 2
Walk Door Solid Qty: 1
Overhead Panel Door Qty: 1
Overhead Ribbed Door Qty: 1
Interior Door Qty: 1

Item Sizes:
Interior Door: w3' x h7'
Overhead Ribbed Door: w12' x h14'
Window (3x4): w3' x h4'
Window (3x4): w3' x h4'
Walk Door Solid: w3.5' x h6.7'
Overhead Panel Door: w12' x h14'

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800-552-2981



Building Specs

Width: 48'
 Length: 56'
 Height: 18'
 Roof Type: Asymmetrical
 Roof Pitch: 3.5":12"

Colors

Roof Color: Slate Gray
 Wall Color: Regal White
 Trim Color: Regal White
 Wainscot Color: Slate Gray

Wainscot:

Front: Yes
 Right: Yes
 Back: Yes
 Left: Yes

Building Extensions

Front Overhang: 1'
 Back Overhang: 1'
 Left Overhang: 1
 Right Overhang: 1

Windows/Doors & Interior Items

Window (3x4) Qty: 2
 Walk Door Solid Qty: 1
 Overhead Panel Door Qty: 1
 Overhead Ribbed Door Qty: 1
 Interior Door Qty: 1

Item Sizes:

Interior Door: w3' x h7'
 Overhead Ribbed Door: w12' x h14'
 Window (3x4): w3' x h4'
 Window (3x4): w3' x h4'
 Walk Door Solid: w3.5' x h6.7'
 Overhead Panel Door: w12' x h14'

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800-552-2981

TK CONSTRUCTORS, INC
Construction Agreement

This Construction Agreement ("Agreement") is made on 03/31/2020, by and between TK CONSTRUCTORS, INC., an Indiana Corporation ("Builder") and Buyer Name: ("Buyer") Tim Sharp Chelsea Sharp

Purchase of: Job # Subdivision Brownsburg Model: St Petersburg
WITNESSETH:

THAT WHEREAS, the Buyer is the owner of certain piece of real estate located at :
County Road 750 S., Lebanon, IN 46052 in the County of Boone.

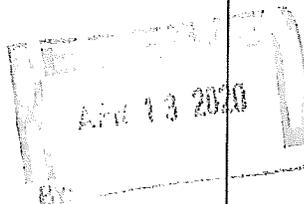
AND WHEREAS, Buyer is desirous of having Builder construct, as per the plans and specifications desired herein, a new single family residence ("Improvement") upon said Real Estate, and upon the terms and conditions hereinafter stated, KNOW, THEREFORE, it is hereby mutually agreed between the parties as follows:

BUILDER AGREES:

1. To furnish, purchase, employ, contract and pay for all supplies, materials, plumbing, heating, equipment, labor and any and all other items which are required to be furnished or provided by Builder in the construction of said Improvement in accordance with the plans and specifications prepared and approved by Builder and Buyer.
2. That all labor and services shall be performed in a good and workmanlike manner and that the said Improvement when completed shall be turned over to the Buyer, free and clear of all liens or encumbrances, created by Builder, demands or obligations of any kind and character against Builder.
3. That the plans and specifications for such Improvement attached hereto and incorporated herein by reference shall be materially followed by the Builder in the construction of such Improvement.
4. To carry Workmen's Compensation Insurance and liability insurance for the use and benefit of the Buyer.

BUYER AGREES:

5. To pay the Builder directly as per Addendum Contract Price
6. To maintain fire and extended insurance coverage insuring against any damage to the Improvement, including vandalism, mischief, tornado and theft of any building materials, supplies or equipment to be incorporated therein upon the Improvement during the construction process and to assume the risk of loss upon the Improvement. In the event the Buyer purchases their Builder's Risk coverage from the Builder, the Buyer understands that, in the event of a claim, the Buyer is responsible for the deductible in the amount of \$1,000.00. This coverage does not include liability which will still be the responsibility of the Buyer to provide
7. A. That Buyer has no right of possession of the Real Estate and Improvements until full and final payment including any additional amounts due as a result of change orders has been paid to Builder and Settlement Agreement has been executed. Buyer further agrees that notwithstanding the provisions for liquidated damages, in the event of a breach of the condition of this Paragraph 7 of the Agreement, that Builder may have a temporary restraining order and/or a permanent injunction restraining and enjoining the occupancy of the Improvements until said final payment is made to Builder.



Initials TS CS

TK CONSTRUCTORS, INC
Construction Agreement

- B. Buyer further agrees that in addition to the equitable remedies provided for above, upon violation of the terms of this Paragraph, builder shall be entitled to recover as liquidated damages and not as a penalty, the amount of \$950.00 for the initial moving in, occupancy or storing of furniture in the Improvement and \$60.00 for each day the violation continues. Buyer waives any defenses to these remedies.
- C. It is understood and agreed by Buyer and Builder that this Agreement constitutes an obligation for the construction of the Improvement on the Real Estate. This obligation constitutes a valid and forcible lien against the Real Estate in the unpaid amount due to Builder. In the event of default by Buyer of this Agreement, it is understood that in addition to and in lieu of any other remedies hereunder for breach of this Agreement, the Builder may enforce its lien rights against said Real Estate.
8. Buyer shall pay Builder reasonable attorney's fees for the enforcement of the Builder's rights under this Agreement.
9. A. Buyer is aware that the Improvement may vary slightly from the dimensions shown on the blueprints or from a model, a drawing or other document describing or showing the Improvement, and that any statement as to specific square footage or other dimension of the Improvement is only a reasonable approximation.
- B. Buyer recognizes that appliances, equipment, decoration and similar items to be installed or used in the Improvement may not conform to samples which Builder may have shown Buyer, and Buyer authorizes Builder to make changes in or substitutions of such items if their quality is equal to, or greater than, the quality of samples shown or items specified in any Agreement document.
- C. Buyer recognizes and agrees that the Improvements will be completed and will adhere to the applicable building standards as outlined in the "IRC One and Two Family Dwelling Code" book.
10. In event the location of the Improvement as selected by Buyer or any requirements exceeding IRC code as required by any applicable government authority will cause additional costs in said construction of the Improvement, Buyer agrees to execute a change order in favor of TK Constructors, Inc. to reflect the increase in price. The selection of the Real Estate and the location of the Improvements shall be the responsibility of Buyer. Buyer shall be solely responsible for any additional costs or expenses due to adverse soil and/or lot conditions. Buyer is relying on its own determination or that of its own expert as to the soil and lot conditions.
11. Any alterations, modifications, changes, extras, deletions, additions, or variances of the plans, specifications, materials and/or drawings, shall be in writing, dated and shall contain the additional price to be added to or subtracted from the Contract Price, and signed by the Buyer and the Builder. The cost of changes in excess of the Contract Price shall be paid in full to the Builder at the time of the change order and prior to the incorporation of said change. Any changes made at or after the pre-construction meeting that are not site related, will incur a change fee of \$150.00 per item. After construction has begun, optional items may only be deleted from this Agreement by written approval of Builder. Optional items may be deleted and credited after start of construction at prices different than those listed above due to actual cost variances.

Initials

CS TS

TK CONSTRUCTORS, INC
Construction Agreement

12. This Agreement includes the following Addenda, which are hereby incorporated by reference:
- Option (s) Agreement;
 - Contract Price;
 - Limited Warranty
 - Specification Sheet
 - Builders Risk Insurance
 - Construction Blueprints
 - Color Selection Sheet (Prior to Pre-construction meeting)
 - Homeowner's Responsibilities/Draw policy
 - Stakeout Verification (Prior to Pre-construction meeting)
 - Settlement Agreement (At completion of home)
 - Arbitration
 - (Kentucky)
 - (Ohio)
13. **TIME SHALL BE OF THE ESSENCE** upon the execution of this Agreement. The price in this Agreement will be honored by Builder for ninety (90) days after acceptance of this Agreement. Builder, after 90 days and at its sole discretion, reserves the right to increase the agreed upon price to reflect current market prices.
14. In the event Buyer cancels this Agreement at any time after acceptance of this Agreement by Builder, a cancellation fee of Two Hundred Fifty Dollars (\$250.00) shall be paid to the Builder from the funds being held as a deposit under this Agreement. Any other costs approved by customer will also be deducted for administrative expenses.
15. Any claims or disputes arising out of this contract or the breach thereof shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of American Arbitration Association unless both parties mutually agree otherwise. Notice of the demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Builder has provided Buyer with specifications and warranty as part of this Construction Agreement. Builder and Buyer agree that said specifications and warranty shall serve as applicable standards for any disputes over construction details or defect remedies.
16. In the event of a dispute between Buyer and Builder as to the quality of certain workmanship or materials during the construction of the Improvements, Buyer and Builder agree that construction may proceed while Buyer and Builder work in good faith to resolve the dispute, subject to the following:
- A. The appraiser for Buyer's lending institution shall estimate the approximate dollar amount to correct, remedy, or replace the bona fide disputed item(s);
- B--Builder shall proceed with the construction and shall be entitled to all amounts due under this Agreement less one hundred fifty percent (150%) of the amount of the disputed item(s) as determined by appraiser described above;
- B. Buyer and Buyer's lending institution shall be obligated to fund the construction draws described herein in a timely manner with time being of the essence less amounts described in B above with amounts to be held by said lending institution until said disputed item(s) is resolved;

Initials CS TS _____

TK CONSTRUCTORS, INC
Construction Agreement

- C. Prior to Buyer's occupancy of the Improvement, all disputed item(s) shall have been resolved by Buyer and Builder and all amounts due to Builder paid in full;
- D. Nothing contained therein is intended to amend or conflict with any of the terms and conditions otherwise set forth in this Agreement including but not limited to the terms and conditions of Paragraph 7; and
- E. In the event of a deadlock or an impasse as to resolution of said disputed item(s), Buyer and Builder agree to jointly engage the services of an independent third party inspector to resolve said disputed item(s). The costs and expenses of the independent third party inspector will be shared equally by the Buyer and the Builder and the decision of the independent third party will be binding. Said inspector shall be instructed to evaluate merits of dispute solely in accordance with the terms and conditions of this Agreement.
17. The undersigned Buyer agrees that direction and supervision of working forces, including subcontractors, rests exclusively with the Builder or its designated agent, and Buyer agrees not to issue any instructions or to otherwise interfere with same. Buyer further agrees not to negotiate for additional work with subcontractors, except with Builder's written consent, and in such a manner as will not interfere with Builder's completion of work under this Agreement. Builder shall have unconditional and irrevocable access to the Real Estate until the Improvements are completed and the final Construction Price is paid.
18. The undersigned Buyer agrees that any work or services completed by Buyer under this Agreement as a credit will be completed in full compliance with any applicable rules, regulations, laws and codes and will be completed in a timely, professional manner in strict conformance with Builder's established construction schedule. Builder has authority to reverse any credits upon violation or breach of these terms and conditions. All mechanical work must be performed by the contractor of record under the permit. Buyer is solely responsible for any fines or penalties associated with violating these provisions. Change orders must be written prior to our "purchase order system mailing agenda" to ensure proper application of the change order. Payment of the change order must be made at the time it is written. Buyer shall be responsible for all warranty work during and after construction that results from work done as a "credit".
19. This document and referenced Addendum represents the entire Agreement between Buyer and Builder with respect to the subject matter herein, except for any change orders or modifications agreed upon by the parties hereto. Any other Agreement whether expressed or implied, written or verbal that is not specifically represented herein or incorporated by reference shall not be binding on either party.
20. This Agreement is subject to the Buyer being able to secure adequate construction financing at prevailing market terms and rates. If Buyer is unable to secure said financing then all deposits, less those specified in paragraph 14, shall be returned to Buyer.
21. This Agreement is executed and entered into in full faith and confidence by the parties hereto and shall be binding upon their heirs, executors, administrators, successors, or assigns of each of the parties hereto. This Agreement may not be assigned by either party without the written consent of the other party.
22. The invalidity or unenforceability of any terms or provisions herein, or any clause or portion thereof, of this Agreement, shall in no way effect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.
23. As outlined and described in Owner's Responsibility attached hereto, unless otherwise noted in an adden-

Initials CS JS _____

TK CONSTRUCTORS, INC
Construction Agreement

dum, Buyer shall be responsible to complete all of its own site work as well as the appropriate hook ups to a sewer or septic system. In the event this additional site work is not completed within ten (10) days after completion of the Improvements and provided that Buyer's mortgagee is holding enough funds to complete this work, then Builder will complete this work for the benefit of Buyer provided Buyer's mortgagee has irrevocably agreed to pay for this work with funds being held, plus a 12% above cost management fee. Buyer hereby consents to these provisions.

24. Prior to the final payment of the Contract Price, Buyer will complete a Settlement Agreement indicating what additional work, if any, needs to be completed to fulfill the terms and conditions of the Agreement. After the items on the Settlement Agreement are completed and witnessed by Buyer, the obligations of Builder shall be deemed to be completed and accepted by Buyer and the Improvements accepted by Buyer, subject to Builder's warranty obligations as set forth in Addendum Builders Risk Insurance.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this day and year first above set out.

TK CONSTRUCTORS, INC.
An Indiana Corporation

Purchase of: Job #00001491 Subdivision Brownsburg Model: St Petersburg

D. Ordway
TK Constructors, Inc.

Dennis Ordway
Print Name

N.O.M. 4/14/20
Title

Cherise Stump 03/31/2020
Buyer Date

Tim Stump 3/31/2020
Buyer Date

Buyer Date

7557 N. CR 150 E.
Current Address

Pittsboro, IN 46167
City, State, Zip

Telephone - Home

(574)952-6741
Telephone - Work

Initials _____

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

The variance for a larger pole barn will not be injurious to the public health, safety, morals and general welfare of the community because it will be used to house the tractors and other implements used to maintain the property. The beautification and upkeep of the property will be to the benefit of the community as a whole as well as the neighborhood. Additionally, there are other such structures already in existence on several neighboring properties.

2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

The use or value of the area adjacent to the property will not be affected in a substantially adverse manner because the barn will allow for storage of equipment, thus enhancing the property's appearance both in maintenance of the property and in the proper storage of the equipment

3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

Strict application of the terms of the zoning ordinance will result in unnecessary hardship for the use of the property because tractors and implements would be parked out in the open. This is not only harmful to the equipment but is also unsightly for the property and the neighborhood.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.



Petition Number: 2020-16-DSV

Subject Site Address: 4560 S 975 East

Petitioner: Mitchell & Stephanie Walters

Representative: Mitchell & Stephanie Walters

Request: Petition for Development Standards variance in order to provide for the construction of a detached barn which:
1) Exceeds the allowable accessory square footage and
2) Exceeds the allowable accessory height
in the Urban Single-Family Residential Zoning District (R-SF-2).

Current Zoning: Urban Single-Family Residential Zoning District (R-SF-2)

Current Land Use: Residential

Approximate Acreage: 5.18 Acres

Zoning History: The parcel is part of the Crenshaw Minor Plat approved in 2016.
2016-46-MP Crenshaw Minor Plat (creation of 3 lot minor plat)
2018-14-RP Crenshaw Minor Re-Plat (moved property line of lot 2 east)

Exhibits: Exhibit 1- Staff Report
Exhibit 2- Aerial Location Map
Exhibit 3- Petitioner's Narrative
Exhibit 4- Petitioner's Site Plan
Exhibit 5 - Secondary Plat (2018-14-RP)
Exhibit 6 - Petitioner's Exhibits
Exhibit 7 - Petitioner's proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the July 1, 2020, Board of Zoning Appeals meeting.

PROPERTY HISTORY

This property is comprised of 5.18 acres of Lot 2 in the Crenshaw Subdivision Minor Residential Plat of the Town of Zionsville and is presently improved with a single-family dwelling and accessory structures / uses. The parent parcel received approval in 2016 to replat the site into a three-lot subdivision. In April of 2018 Lot 2 was replatted to facilitate the easterly movement of an interior lot line.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

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

- (a) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- (b) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*
- (c) *The strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property.*

ANALYSIS

The site is currently improved with a 5,660 square footage two-story single-family dwelling (the primary structure) and accessory structures / uses built in 1981. Per the narrative included, an existing 960 square foot dilapidated barn would be removed from Lot 2 in association with the intention of constructing an approximate 3,200 square foot pole barn with 168 square foot wrap-around porch in the location of the previous barn to 1) house vehicles, 2) store equipment associated with maintenance of the acreage, and 3) provide for an indoor basketball court.

VARIANCE REQUEST – ACCESSORY ROOFED SQUARE FOOTAGE EXCEEDING PRIMARY

The parcel is currently utilized for residential purposes and accessory structures/uses all as further described below (data source: Boone County Assessor and/ or Petitioner):

1. Existing dwelling living space: 5,660 square feet (allows for 2,830.5 sq. ft. of accessory)
2. Existing and proposed roofed accessory uses total **4,639** sq. ft. This total includes:
 - a) A 782 square foot attached garage
 - b) A 39 square foot front porch
 - c) A 60 square foot side covered patio
 - d) A 150 square foot shed
 - e) A 240 square foot screened in porch

- f) A proposed 3,200 square foot detached pole barn
- g) A proposed 168 square foot wraparound porch on the detached pole barn

As per the itemized list above, the addition of the accessory detached pole barn causes the property's allowable roofed accessory uses to exceed the roofed square footage percentage allowed by the Zoning Ordinance by **1,809** square feet.

By Ordinance, properties in the R-SF-2 District are permitted by right to be improved with roofed accessory uses whose total square foot area do not exceed 50% of the finished floor area of the primary use, and, is not encapsulated in more than two (2) accessory buildings. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds nearby home sites and improvements to the home sites which enjoy the use of detached accessory structures (with some in excess of the Zoning Ordinance square footage limitation). However, the amount of square footage the Petitioner is requesting to exceed far surpasses that of other parcels in the immediate area who have exceeded their primary square footage and, generally speaking, the preponderance of the accessory structures were associated with lots that were platted and structures erected prior to the adoption of the current Zoning Ordinance. In this specific case, the lot in question was platted in 2016 (with a replat in 2018). Additionally, the contemplated architectural design of the proposed detached pole barn deviates from design characteristics found along the streetscape and platted neighborhood environment.

Given these factors, Staff finds it impossible to justify supporting a variance from zoning standards which were well known in 2016 to the developer of the property and which seeks to surpass the standards by nearly 32% of the allowed roofed accessory.

A more modestly sized improvement is supportable by right with the requirement that the 150 sq. ft. detached shed (not shown on the Boone County Assessment of the parcel) be removed from the lot. This improvement could potentially produce a roofed accessory square footage that, in part, could meet the needs of the Petitioner. In summary, Staff is not supportive of roofed accessory square footage of 82% of the primary dwelling for the lot in question. By ordinance, the lot, if the 150 sq. ft. shed was removed, could be improved with a 1,709 sq. ft. accessory building.

VARIANCE REQUEST – ACCESSORY HEIGHT EXCEEDING PRIMARY

The Petitioner has intentions of constructing a pole barn, not to exceed 26 feet 8 inches in height, to the east of their existing dwelling in an area that has been utilized for accessory uses.

The subject site is currently improved with a 5,660 square footage two-story single-family dwelling (the primary structure) and accessory structures / uses built in 1981. As requested, the site's contemplated accessory building would be 26 feet 8 inches in height, and while the height of the existing single-family dwelling is unknown, at 26 feet 8 inches, the accessory building may exceed the height of the primary structure on the property (the single-family dwelling). Regardless of this point, the limitation on height for accessory buildings is established at 22 feet. As contemplated, the accessory use exceeds Ordinance height limitations and may as well exceed the height of the roof line of the dwelling. As a characteristic which in the opinion of Staff is not typical of the area, Staff is not in favor of introducing the requested development characteristic into a residential area in association with a 3,200 square foot barn. Much like the variance request seeking approval to exceed the roofed accessory square footage, Staff finds it

impossible to justify supporting a variance request from height requirements for a 3,200 square foot accessory structure on a lot that was platted subsequent to the adoption of the current Zoning Ordinance. If the barn was more modest in size, and architecturally more considerate of the existing built environment, Staff may have a different opinion.

FINDINGS OF FACT

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration. Staff is concerned with the Petitioner's proposed Findings, as written, as it appears that the main justification for the variance request is that the proposed structure will be an improvement of the existing derelict barn and rests on the size of the Petitioner's acreage. As each filing is unique and reviewed on its own merits, the findings as proposed, in the opinion of Staff, do not adequately justify the petition as proposed.

STAFF RECOMMENDATION

Staff recommends denial of the variance request seeking to exceed the permissible roofed accessory square footage standard of the Urban Single-Family Residential Zoning District (R-SF-2) District as proposed.

Staff recommends denial of the variance request seeking to exceed the permissible accessory height standard of the Urban Single-Family Residential Zoning District (R-SF-2) District as proposed.

RECOMMENDATION MOTION

I move that Docket #2020-16-DSV Development Standards variance in order to provide for the construction of a detached barn which exceeds the allowable accessory square footage (providing for 1,809 square feet of additional roofed accessory structures in association with a 5,660 square foot dwelling), and exceed the allowable accessory height, all as illustrated in the exhibits attached to this report and within the Urban Single-Family Residential Zoning District (R-SF-2) for the property located at 4560 S 975 East, be (Approved as filed, based upon the findings of fact / Denied/ Continued) as presented (as the petitioner, due to the need to encourage social distancing, has mailed notice via first-class mail, a waiver of the Rules of Procedure regarding notice requirements is necessary to be considered as a part of this petition).

Walters Description of Petition

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. Replace an existing pole barn with a new 50' x 64' x 16' basketball court and garage in the same location.
2. Petition to request a variance to the maximum outbuilding size restriction due to the uniquely large nature of Walters' lot.

Walters Building Description

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. The main building dimensions are 50' x 54'
2. The wraparound porch is 6' x 28'
3. The eave height is 18'4"
4. The peak height is 26'8"
5. The building will have metal siding and metal roofing
6. The building will have a concrete floor with in floor hot water heat
7. Interior finishes consist of insulation, a metal ceiling, and lighting

REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

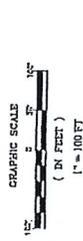
(PREVIOUSLY RECORDED AS INSTR. No. 201700000661 IN PLAT CABINET #24, SLIDE #93)

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLASTEAD
7055 E. 10TH ST., ASSOCIATES, INC.
FISHERS, INDIANA 46033
PHONE: (317) 849-5935

THIS INSTRUMENT PREPARED FOR:
MITCHELL AND STEPHANE WALTERS
10000 N. 10TH ST., SUITE 100
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1412

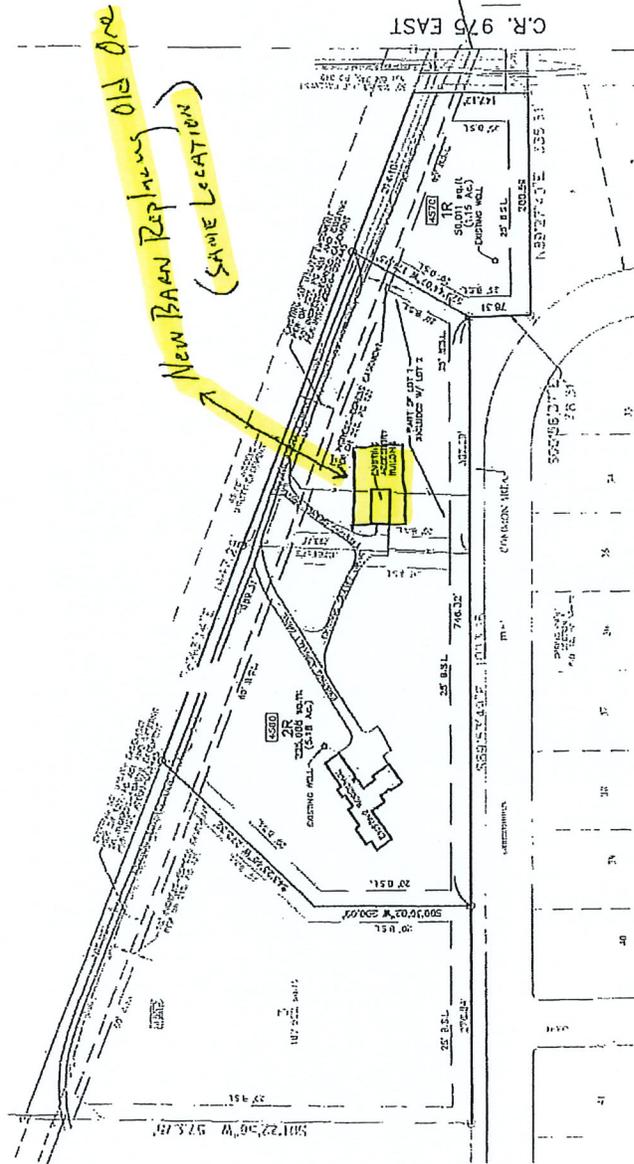
NOLAN SCHAFER
10000 N. 10TH ST., SUITE 100
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-1428

SOURCE OF TITLE: 301302611935
CURRENT ZONING: R-SF-2 - RESIDENTIAL



- LEGEND**
- LOT ADDRESS
 - BRIDGE & UTILITY CASEMENT
 - MINIMUM AGGREGATE
 - COMMON AREA
 - LANDSCAPE, MAINTENANCE ACCESS
 - DRAINAGE EASEMENT
 - D.E.

- SETBACK REQUIREMENTS**
- 25' MINIMUM FRONT SETBACK
 - 25' MINIMUM REAR SETBACK
 - 45' MINIMUM AGGREGATE
 - 5' MINIMUM REAR YARD
 - FOR ACCESSORY STRUCTURE
 - 25' FOR PRIMARY STRUCTURE



SUBDIVISION MONUMENTATION

A 5/8" x 30" REBAR WITH CAP STAIRED "SEA FIRM 6000" SHALL BE SET IN PLACE AT THE INTERSECTION OF LINES

- DENOTES A 5/8" x 30" REBAR WITH CAP STAIRED "SEA FIRM 6000".
- DENOTES A STREET CENTERLINE MONUMENT. EITHER A "COPPERWELD", A 5/8" DIA. STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS SURFACE COAT OR A 2" DIA. GALV. TUBULAR SET FLUSH WITH THE INTERMEDIATE COAT (EITHER).

COMPLIANCE STATEMENT
THIS PROJECT IS IN COMPLIANCE WITH THE
CONFERENCE PLAN AND ZONING
ORDINANCE FOR THE SUBJECT AREA.



Dennis D. Olastead
Professional Land Surveyor
No. 90002

82255
SHEET 1 OF 2

Also that part of Lot 1 in said Crenshaw Subdivision, being more particularly described as follows:
Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 89 degrees 53 minutes 48 seconds East along the boundary of said Lot 1 a distance of 381.20 feet; thence South 20 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 89 degrees 53 minutes 48 seconds East along the southern boundary of the aforesaid Lot 1 a distance of 302.25 feet to the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of said Lot 2 a distance of 1.4 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal Highways, right-of-ways, easements and restrictions of record.

Also that part of Lot 1 in said Crenshaw Subdivision, being more particularly described as follows:
Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 89 degrees 53 minutes 48 seconds East along the boundary of said Lot 1 a distance of 381.20 feet; thence South 20 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 89 degrees 53 minutes 48 seconds East along the southern boundary of the aforesaid Lot 1 a distance of 302.25 feet to the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of said Lot 2 a distance of 1.4 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal Highways, right-of-ways, easements and restrictions of record.

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REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2
 (PREVIOUSLY RECORDED AS INSTR. NO. 201700000661 IN
 PLAT CABINET #24, SLIDE #93)

THIS INSTRUMENT PREPARED BY:
 STEPHEN W. STOEPLMEYER & ASSOCIATES, INC.
 7865 E. 106TH STREET
 BOONE COUNTY, INDIANA 46038
 PHONE: (317) 849-5935

THIS INSTRUMENT RECORDED FOR:
 STEPHEN W. STOEPLMEYER & ASSOCIATES, INC.
 7865 E. 106TH STREET
 BOONE COUNTY, INDIANA 46038
 PHONE: (317) 849-5935

NOAH SCHAFER
 2020 SCHAFER PLACE
 ZIONSVILLE, IN 46077
 CONTACT: NOAH SCHAFER
 PHONE: (317) 439-4428

SOURCE OF TITLE: 20110001926
 CURRENT ZONING: R-SF-2 - RESIDENTIAL

201809083 PLAT, \$30.00
 04/12/2018 10:17:56A 2 PGS
 Nicole K. (H1841) Baldwin
 Boone County, Indiana
 Plat Book #24, Slide #93
 Presented

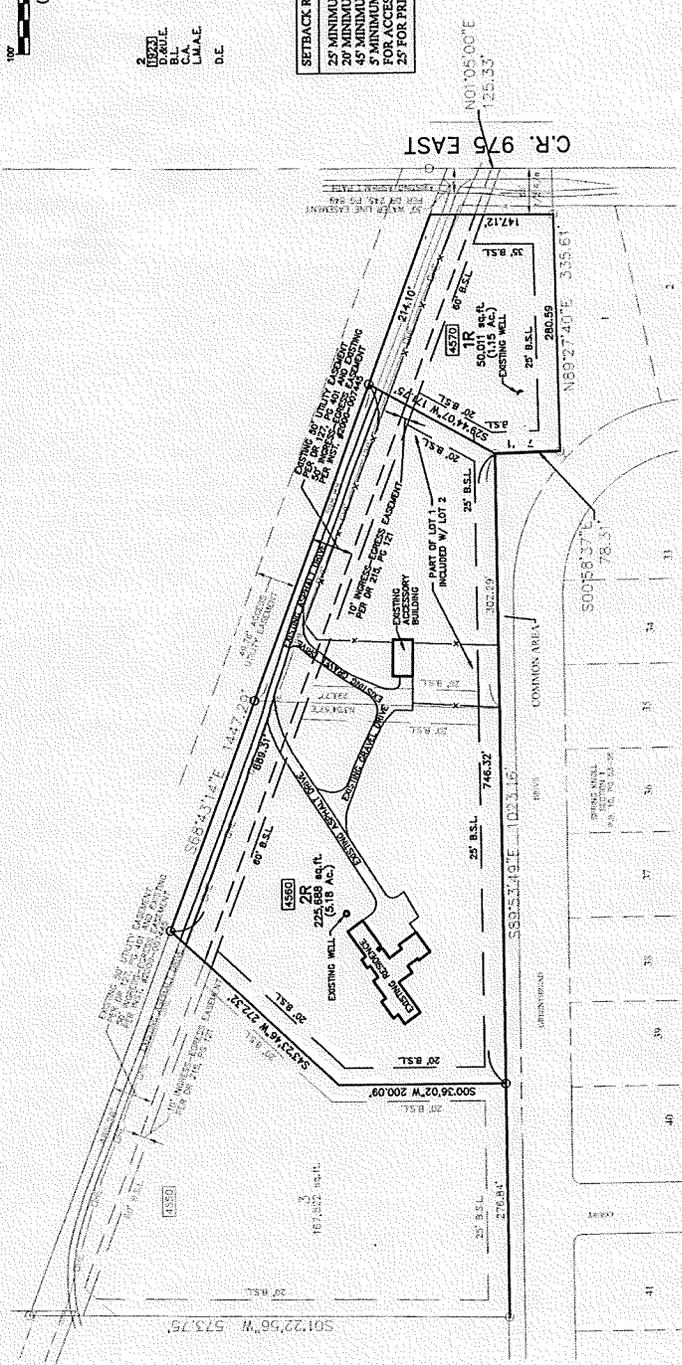


GRAPHIC SCALE
 1" = 100 FT

- LEGEND**
- LOT NUMBERS
 - DRAWING
 - DRAINAGE & UTILITY EASEMENT
 - B.L. BUILDING LINE
 - L.L.A.E. LANDSCAPE, MAINTENANCE ACCESS EASEMENT
 - D.E. DRAINAGE EASEMENT

SETBACK REQUIREMENTS

- 25' MINIMUM FRONT SETBACK
- 20' MINIMUM SIDE YARD
- 5' MINIMUM REAR YARD
- 5' MINIMUM REAR YARD FOR ACCESSORY STRUCTURE
- 25' FOR PRIMARY STRUCTURE



new Subdivision, a Minor Residential Plat located in Boone County, Indiana, the plat being recorded as Instrument Number #201700000661, in Plat Book #24, Page #93 in the Office of the Recorder for Boone County, Indiana.

Also that part of Lot 1 in said Crenshaw Subdivision, being more or less as follows:
 Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 88 degrees 43 minutes 14 seconds East along the northern boundary of said Lot 1 a distance of 392.89 feet; thence South 29 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 88 degrees 43 minutes 14 seconds East along the southern boundary of said Lot 1 a distance of 302.29 feet to the southeast corner of said Lot 1; said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of Lot 2 a distance of 253.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-ways, easements and restrictions of record.
 P1 remaining after the exception- 1.15 acres.

Also that part of Lot 1 in said Crenshaw Subdivision, being more or less as follows:
 Beginning at the northwest corner of Lot 1 of said Crenshaw Subdivision; thence South 88 degrees 43 minutes 14 seconds East along the northern boundary of said Lot 1 a distance of 392.89 feet; thence South 29 degrees 44 minutes 07 seconds West 171.75 to a point on the southern boundary of the aforesaid Lot 1; thence South 88 degrees 43 minutes 14 seconds East along the southern boundary of said Lot 1 a distance of 302.29 feet to the southeast corner of said Lot 1; said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence North 03 degrees 04 minutes 57 seconds East along the West line of said Lot 1 and also the East line of Lot 2 a distance of 253.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-ways, easements and restrictions of record.
 Total area of Lot #2 with additional part of Lot 1 = 5.18 acres.

SUBDIVISION MONUMENTATION

A 5/8" x 30" REBAR WITH CAP STAMPED "SEA FIRM #0008" SHALL BE SET AT THE INTERSECTION OF LINES.

- O DENOTES A 5/8" x 30" REBAR WITH CAP STAMPED "SEA FIRM #0008".
- DENOTES A STREET CENTERLINE MONUMENT, EITHER A COPPERWELD, A 2/8" DIA. STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP, SET FLUSH WITH SET FLUSH WITH THE INTERMEDIATE COAT (BRUDES).

COMPLIANCE STATEMENT

THIS PROJECT IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR THE SUBJECT AREA.

DAILY ENTERED FOR TAXATION
 4-12-2018
 SUBJECT TO FINAL ACCEPTANCE
 AUDITOR, BOONE COUNTY

DENNIS D. OLMSTEAD
 REGISTERED LAND SURVEYOR
 No. 900072
 82255
 SHEET 1 OF 2

BOOK 26 PAGE 22

REPLAT CRENSHAW SUBDIVISION LOTS 1 AND 2 (PREVIOUSLY RECORDED AS INSTR. NO. 201700000661 IN PLAT CABINET #24, SLIDE #93)

THIS INSTRUMENT PREPARED BY:
DENNIS D. OLMSTEAD & ASSOCIATES, INC.
7985 E. 10TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 949-9935

THIS INSTRUMENT PREPARED FOR:
MICHELLE AND STEPHANIE WALTERS
4000 W. 25TH AVENUE
ZIONSVILLE, IN 46077
CONTACT: MITCHELL WALTERS
PHONE: (317) 402-1472

NOLAN SCHAFER
9655 BEECHMAN PLACE
ZIONSVILLE, IN 46077
CONTACT: NOLAN SCHAFER
PHONE: (317) 439-4426

SOURCE OF TITLE: 201100011926
CURRENT ZONING: R-SF-2 - RESIDENTIAL

I, Dennis D. Olmstead, a Registered Land Surveyor licensed in compliance with the laws of the State of Indiana, do hereby certify that this replat complies with the standards of the original plat of the Crenshaw Subdivision recorded as Instrument Number 201700000661 in the Office of the Recorder for Boone County, Indiana.

This Subdivision consist of two (2) lots to be hereinafter known as lots 1R & 2R in said Crenshaw Subdivision.

The size of the lots are as shown in feet and decimal parts thereof.



[Signature]
Dennis D. Olmstead
Registered Land Surveyor 4/19/2016
No. 900012

PLAN COMMISSION APPROVAL

The Town Engineer and Building Commissioner of the Town of Zionsville have reviewed this plat for technical conformity with the standards fixed in the Zionsville Zoning Ordinance and the Zionsville Subdivision Control Ordinance and hereby certifies that this replat complies with the standards and requirements of the applicable ordinances and requirements of the Town of Zionsville, Boone County, Indiana.

By: *[Signature]*
Printed: *Wayne Delany*
Town Engineer,
Town of Zionsville,
Boone County, Indiana
Date: *April 11, 2018*

We, the undersigned, do hereby certify that under authority provided by the Indiana Planning Law, IC 36-7-4, ET. SEQ., enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, the plat depicted herein is the plat which was given approval by the Town of Zionsville Plan Commission at a meeting held on the *11th* day of *September*, *2016*.

Witness by Signature this *11th* day of *April*, *2018*.
Signature: *Wayne Delany*
Printed: *Wayne Delany*
Title: Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to read each social security number in this document, unless required by law.
Dennis D. Olmstead, PLS

This Replat shall be known and designated as The Replat of Crenshaw Subdivision, Lots 1 & 2, (previously recorded as Instrument No. 201700000661 in Plat Cabinet 24, Slide 93) as a subdivision in Boone County, Indiana. The purpose of this replat is to exclude a portion of lot 1 and add the excluded portion of lot 1 to lot 2 as shown and described on sheet 1 herein.

This replat is subject to the Declaration of Covenants, Conditions and Restrictions for Crenshaw Subdivision recorded as Instrument Number XXXXXXXX and any amendments thereto.

In Testimony whereof, I witness the signature of Owner and Declarant of Lot 1 this *11th* day of *April*, *2018*.

Owner of Lot 1:
[Signature]
Michelle Walters

In Testimony whereof, I witness the signature of Owner and Declarant of Lot 2 this *11th* day of *April*, *2018*.

Owner of Lot 2:
[Signature]
Michelle Walters

State of Indiana }
County of *Boone* } SS:

Before me, the undersigned, a Notary Public in for said County and State, personally appeared Mitchell and Stephanie Walters, owner of lot 2 and acknowledged the execution of this instrument as their voluntary act and deed and affixed their signature hereto.

Witness my signature and seal this *11th* day of *April*, *2018*.

[Signature]
Notary Public
Printed Name
Ranika S. Wagner



Before me, the undersigned, a Notary Public in for said County and State, personally appeared Mitchell and Stephanie Walters, owner of lot 2 and acknowledged the execution of this instrument as their voluntary act and deed and affixed their signature hereto.

Witness my signature and seal this *11th* day of *April*, *2018*.

[Signature]
Notary Public
Printed Name
Ranika S. Wagner



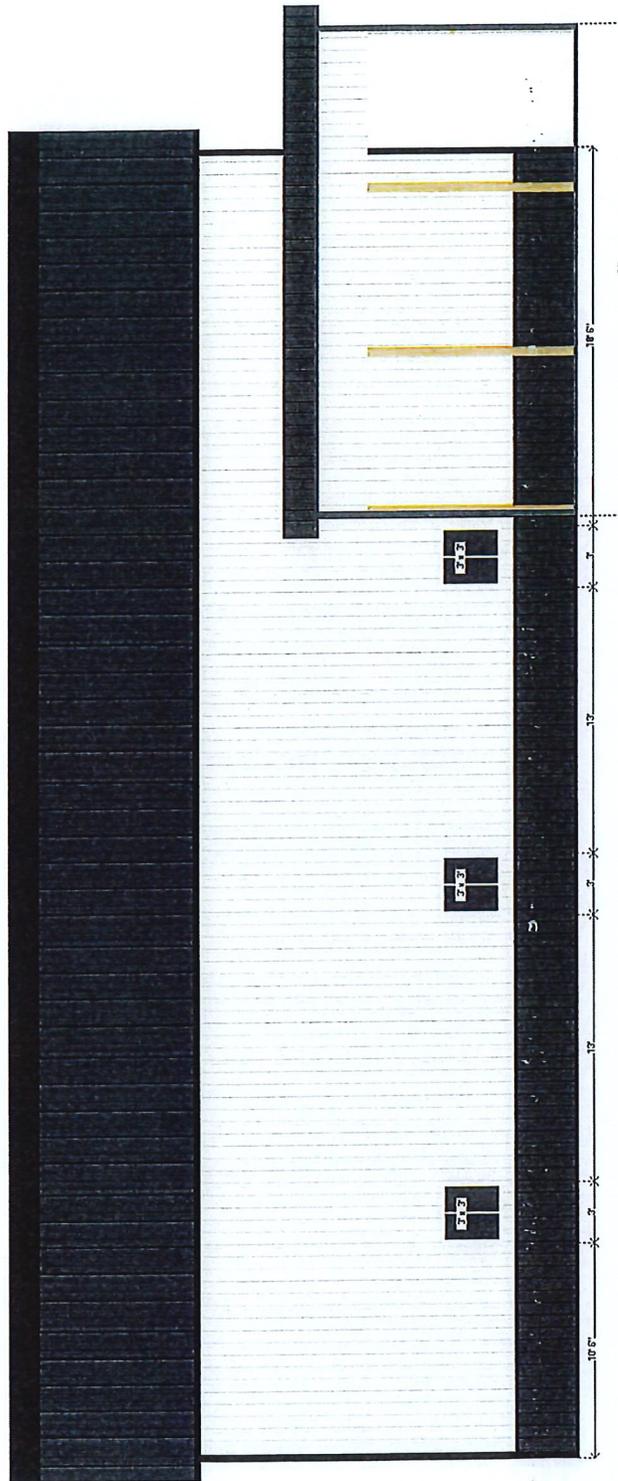
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- West



File: 2/20/2021
MidWest
MidWest Developing Company
1774 County Road B2, Auburn, IN 46706
(317) 638-8357
By: [Paul James Heneghan](#)

MidWest
Developing Company
260.438.8357

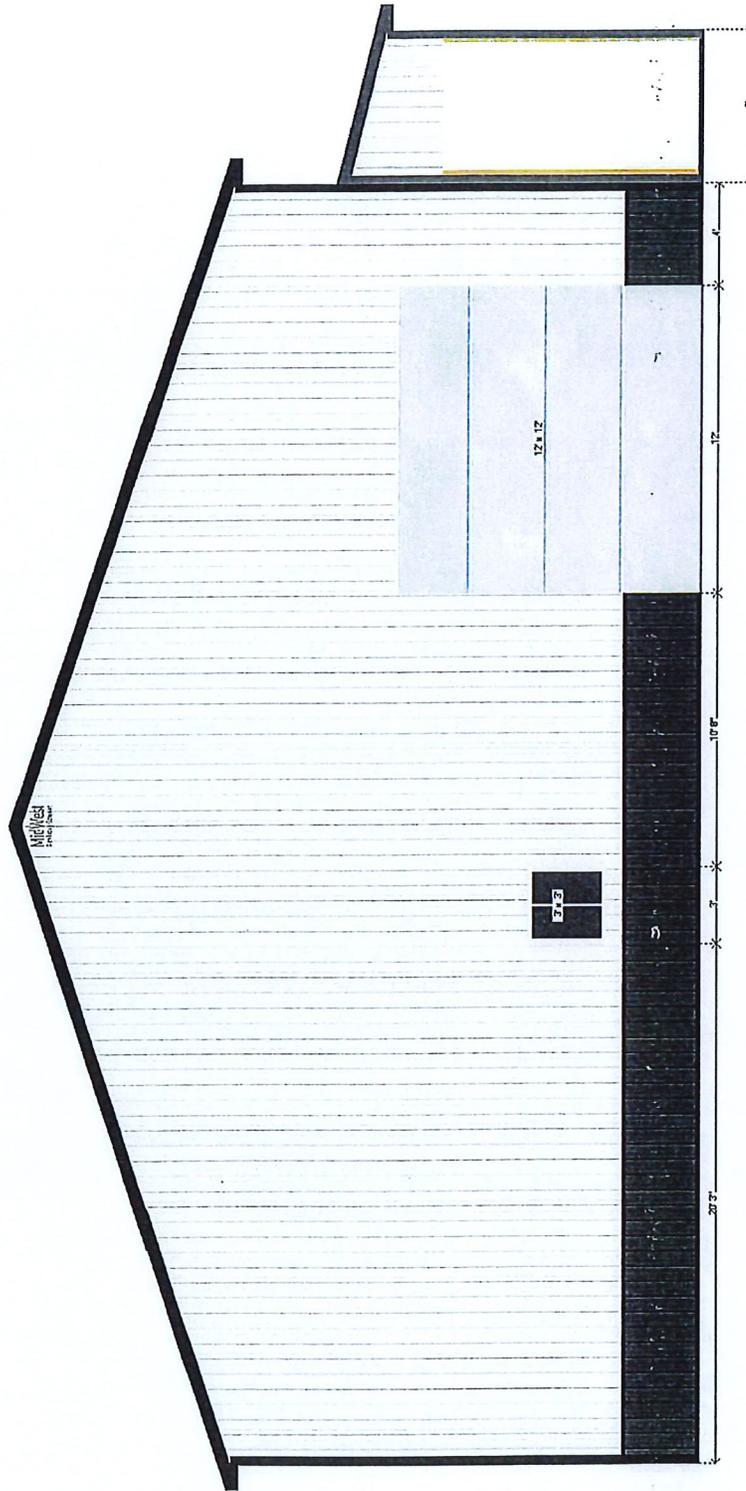
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- North



DATE: 5/20/2020
PROJECT: 2020
MIDWEST DEVELOPING COMPANY
1774 COUNTY ROAD 81, ALUM, IN 46706
TEL: 260.438.8357
BY: PAUL SMITH/MSR

MidWest
Developing Company
260.438.8357

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- East



Date: 5/20/2020
W:\316122
MidWest Developing Company
7770 University Blvd, Auburn, IN 47006
(317) 838-8357
By: *Parthiv Patel*

MidWest
Developing Company
260.438.8357

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

- 1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

This grant will not be injurious to the public health, safety, morals, and general welfare because the building will only be used for storage and for indoor basketball. This structure will be a significant improvement from the existing structure it will replace and will tend to improve the property values of all the surrounding properties.

- 2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

Due to the size of the Walters Lots (5.18 acres) constructing a larger building on site will not negatively impact any of the adjacent neighbors' enjoyment of their property or property values. Replacing a derelict barn with a new upgraded and finished basketball court will tend to improve the neighborhood property values.

- 3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

The Walters home is smaller than the average in their neighborhood, but also on a larger lot, so the standard urban zoning restriction is much more restrictive to his enjoyment and use of the property than it is for the other homeowners, causing an undue hardship in this case. In order for the Walters to adequately enjoy their uniquely large five acre lot, an exception to the maximum square footage of garages and outbuildings is justified in this case.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20__.



ZIONSVILLE
FOR ALL THE RIGHT REASONS

Town of Zionsville
Petition to the Board of Zoning Appeals
Application Packet and General Instructions

Town of Zionsville Petition to the Board of Zoning Appeals

Docket # 2020-16-DSU

1. SITE INFORMATION:

Address of Property: 4560 South 975 East Zionsville, IN 46077
Existing Use of Property: Residential
Proposed Use of Property: Residential
Current Zoning: Urban Area in acres: 5.18

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Mitchell Walters
Owner Name (if different from Petitioner): n/a
Petitioner Address: same as above Owner Address: n/a
Petitioner Phone Number: 317-402-1412 Owner Phone Number: n/a
Petitioner E-Mail Address: mitch.walters@yahoo.com Owner E-Mail Address: n/a

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney/Contact Person:

Name: n/a
Address: _____
Phone Number: _____
E-Mail Address: _____

Project Engineer:

Name: _____
Address: _____
Phone Number: _____
E-Mail Address: _____

4. DETAILED DESCRIPTION OF REQUEST (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

Appeal Variance of Development Standards Variance of Use Special Exception Modification

We are requesting an exception to the maximum square footage of outbuildings and garages requirement. We are proposing to tear down the existing barn that is past its useful life and replace it with a new 50' x 64' indoor basketball court. Because we have a multi acre lot, this will not negatively impact the neighbors in any way

5. ATTACHMENTS:

x Legal description of property
|| Owner's Authorization (if Petitioner is not the Owner)
|| Statement of Commitments (if proposed)
x Application Fee

x Proof of Ownership (copy of Warranty Deed)
x Site Plan & Exhibits
x Draft of Proposed Legal Notice
x Draft of Proposed Findings of Fact

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

Signature of Owner or Attorney for Owner: [Signature] Date: 5/28/20

Signature of Owner or Attorney for Owner: Stephanie Walters Date: 5/28/20

State of Indiana)
County of Boone)
SS:

Subscribed and sworn to before me this 20th day of May, 2020.

[Signature]
Notary Public Signature

Patricia S. Wagner
Notary Public Printed

My Commission No: 325601097

My Commission Expires: 1/21/2027

My County of Residence is Boone County

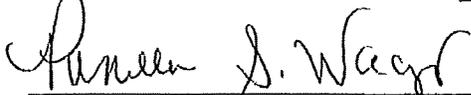
OWNER'S AUTHORIZATION

The undersigned, Mitch and Stephanie Walters, being the owner of the property commonly known as 4560 S. 975 E., Zionsville, IN 46077, hereby authorizes Mitch and Stephanie Walters (with MilMar Builders) to file a Petition for variance for the aforementioned property.

Signature: 
Printed: MITCH WALTERS
Title: OWNER OF PROPERTY

State of Indiana)
County of Boone) SS:

Subscribed and sworn to before me this 28th day of May, 2020.


Notary Public Signature

Pamela S. Wagner
Notary Public Printed

My Commission No: 325601097

My Commission Expires: 1/21/2027

My County of Residence is Boone County

Walters Description of Petition

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. Replace an existing pole barn with a new 50' x 64' x 16' basketball court and garage in the same location.
2. Petition to request a variance to the maximum outbuilding size restriction due to the uniquely large nature of Walters' lot.

Attribute report for active ID 1

ID name	add1	add3
28908 SPRING KNOLL HOME OWNER'S ASSO	P O BOX 91	ZIONSVILLE, IN 46077
28909 ECKART SCOTT W & ELSA M	4559 SUNFLOWER CT	ZIONSVILLE, IN 46077
28924 MILLER MARK A & JUDITH M	4520 SOUTH 975 EAST	ZIONSVILLE, IN 46077
31217 WALTERS MITCHELL L & STEPHANIE	4560 S 975 E	ZIONSVILLE, IN 46077
31266 SCHAFER NOLAN THOMAS & BRANDI	4570 S 975 E	ZIONSVILLE, IN 46077



FOREVER / USA

Spring Knoll Homeowners Assoc
PO Box 91 Zionsville IN 46077

MID AMERICAN
CONSTRUCTION MANAGEMENT
1774 County Road 68 • Auburn IN 46706



FOREVER / USA

Scott & Elsa Ehart
4559 Sunflower Ct
Zionsville, IN 46077

MID AMERICAN
CONSTRUCTION MANAGEMENT
1774 County Road 68 • Auburn IN 46706



FOREVER / USA

Mark & Judith Miller
4520 S. 975 E
Zionsville, IN 46077

AMERICAN
CONSTRUCTION MANAGEMENT
Road 68 • Auburn IN 46706



FOREVER / USA

Thomas Schafer
4570 S 975 E
Zionsville, IN 46077

AMERICAN
CONSTRUCTION MANAGEMENT
Auburn IN 46706

Public Notices

STATE OF INDIANA } IN THE MARION SUPERIOR COURT
 COUNTY OF MARION } CAUSE NUMBER: 49D09-1812-JC-002964

IN THE MATTER OF:
 JC (170506) - DOB 4/17/2009 AGE 11 years
 A CHILD ALLEGED TO BE
 A CHILD IN NEED OF SERVICES

AND
 SHAWNNA FRANKLIN (MOTHER)
 EDWIN SMITH (FATHER) AND
 ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION &
 NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Shawnna Franklin
 Edwin Smith and
 Any Unknown Alleged Father
 Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, as well as Any Unknown Alleged Fathers, whose whereabouts are also unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/26/2020 at 1:30 PM in JUVENILE COURT ROOM 07, ANNEX AT said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default, may be entered against you, or the court may proceed in your absence, without further notice.

Ordered, Myla Eldridge
 Clerk of said Court, this 6/10/20

Tabatha Robinson, 35586-49
 Attorney, Indiana Department of Child Services
 4150 N. Keystone Avenue
 Indianapolis, IN 46205

(S - 6/13/20, 6/20/20, 6/27/20 - 000423266) hspaxlp

STATE OF INDIANA } IN THE MARION SUPERIOR COURT
 COUNTY OF MARION } CAUSE NUMBER: 49D15-2003-JC-000047

IN THE MATTER OF:
 JI (C152) - DOB 5/9/2003 AGE 17 years
 A CHILD ALLEGED TO BE
 A CHILD IN NEED OF SERVICES

AND
 DAMALIS MARGARITA (MOTHER) AND
 ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION &
 NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Damalis Margarita and
 Any Unknown Alleged Father
 Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, as well as Any Unknown Alleged Fathers, whose whereabouts are also unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/19/2020 at 9:00 AM in JUVENILE COURT ROOM 07, ANNEX AT said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default, may be entered against you, or the court may proceed in your absence, without further notice.

Ordered, Myla Eldridge
 Clerk of said Court, this 6/18/20

Sarah Hanson, 35797-49
 Attorney, Indiana Department of Child Services
 4150 N. Keystone Avenue
 Indianapolis, IN 46205
 Work: 317-619-6578

(S - 6/20/20, 6/27/20, 7/4/20 - 0004246892) hspaxlp

STATE OF INDIANA } IN THE MARION SUPERIOR COURT
 COUNTY OF MARION } CAUSE NUMBER: 49D09-2004-JC-001022

IN THE MATTER OF:
 FG (129418) - DOB 7/28/2004 AGE 15 years
 A CHILD ALLEGED TO BE
 A CHILD IN NEED OF SERVICES

AND
 PATRICIA MACEDO (MOTHER)
 DANIEL GARZA (ALLEGED FATHER) AND
 ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION &
 NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Daniel Garza and
 Any Unknown Alleged Father
 Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, as well as Any Unknown Alleged Fathers, whose whereabouts are also unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/19/2020 at 9:00 AM in JUVENILE COURT ROOM 07, ANNEX AT said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default, may be entered against you, or the court may proceed in your absence, without further notice.

Ordered, Myla Eldridge
 Clerk of said Court, this 6/18/20

Nathan Nolan, 29799-06
 Attorney, Indiana Department of Child Services
 4160 N. Keystone Avenue
 Indianapolis, IN 46205
 Work: 317-968-4300

(S - 6/20/20, 6/13/20, 6/20/20 - 0004223667) hspaxlp

Public Notices

STATE OF INDIANA } IN THE MARION SUPERIOR COURT
 COUNTY OF MARION } CAUSE NUMBER: 49D15-2002-JC-000691

IN THE MATTER OF:
 DJ (1704) - DOB 2/02/2004 AGE 16 years
 A CHILD ALLEGED TO BE
 A CHILD IN NEED OF SERVICES

AND
 TIANA JAMES (MOTHER)
 KEVIN L CLAY (FATHER) AND
 ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN
 NEED OF SERVICES HEARING

TO: Tiana James and
 Any Unknown Alleged Father
 Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, as well as Any Unknown Alleged Fathers, whose whereabouts are also unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/11/2020 at 1:30 PM in JUVENILE COURT ROOM 07, ANNEX AT said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default, may be entered against you, or the court may proceed in your absence, without further notice.

Ordered, Myla Eldridge
 Clerk of said Court, this 6/10/20

Cameron M. Yates, 34266-53
 Attorney, Indiana Department of Child Services
 4150 North Keystone Avenue
 Indianapolis, IN 46205
 Work: 812-675-6230

(S - 6/13/20, 6/20/20, 6/27/20 - 0004234406) hspaxlp

STATE OF INDIANA } IN THE MARION SUPERIOR COURT
 COUNTY OF MARION } CAUSE NUMBER: 49D15-2002-JC-000433

IN THE MATTER OF:
 DMY (122594) - DOB 7/11/2005 AGE 14 years
 A CHILD ALLEGED TO BE
 A CHILD IN NEED OF SERVICES

AND
 GREG MERRIWEATHER (ALLEGED FATHER) AND
 ANY UNKNOWN ALLEGED FATHERS

SUMMONS FOR SERVICE BY PUBLICATION &
 NOTICE OF CHILD IN NEED OF SERVICES HEARING

TO: Greg Merriweather and
 Any Unknown Alleged Father
 Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, as well as Any Unknown Alleged Fathers, whose whereabouts are also unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Marion Superior Court, 2451 N. Keystone Avenue, Indianapolis, IN 46218, 317-327-8318 for a(n) Default Hearing on 8/13/2020 at 1:30 PM in JUVENILE COURT ROOM 13, 4th Floor AT said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing.

UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support.

YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition, judgment by default, may be entered against you, or the court may proceed in your absence, without further notice.

Ordered, Myla Eldridge
 Clerk of said Court, this 6/10/20

Nathan Nolan, 29799-06
 Attorney, Indiana Department of Child Services
 4160 N. Keystone Avenue
 Indianapolis, IN 46205
 Work: 317-968-4300

(S - 6/20/20, 6/13/20, 6/20/20 - 0004223667) hspaxlp

STATE OF INDIANA } IN THE HAMILTON CIRCUIT COURT
 COUNTY OF HAMILTON } CASE NO: 29C01-2003-MI-2249

IN RE NAME CHANGE
 CHRISTOPHER ALLEN SMITH

NOTICE OF HEARING
 Notice is hereby given that Petitioner, CHRISTOPHER ALLEN SMITH filed a Verified Petition for Change of Name to change his name from CHRISTOPHER ALLEN SMITH to CHRIS ALLEN SMITH. The petition is scheduled for hearing in the Hamilton Circuit Court on August 14, 2020 at 10:00 am, which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report to One Hamilton Court Square, Suite 337, Noblesville, IN 46060.

Date: June 9, 2020
 /s/ Kathy Kreaq Williams
 Clerk of Hamilton County

INI - 6/20/20, 6/27/20, 7/4/20 - 0004245671 hspaxlp

Master Custody Services
 Indiana Public Retirement System (INPRS) seeks qualified custodian banks to respond to its RFP 20-01 search. Specifications may be obtained at the following address: <http://www.in.gov/inpr/quoteing.htm>

(S - 6/20/20, 6/22 - 6/25/2020 - 0004245779) hspaxlp

Public Notices

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: 2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Exceeds the allowable accessory square footage and
- 2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2) to provide for or permit: 50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:
 2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 20170000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana

A copy of the Petition for development standards variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077, or at: <http://www.zionsville.in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition to the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for development standards variance, heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication if indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdejong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
 Secretary: Wayne DeLong
 (S - 6/20/20 - 0004246944) hspaxlp

STATE OF INDIANA } IN THE MARION COURT
 COUNTY OF MARION } CAUSE NO. 49D051910ND045173

IN RE THE MARRIAGE OF:
 KIMBERLEE BELL
 Petitioner,
 v.
 FREDRICK BELL JR,
 Respondent.

SUMMONS
 [For Dissolution of Marriage Cases Only]

The State of Indiana to Respondent:
 Fredrick Bell Jr,
 1821 Layman Ave, Indpls, IN 46219

You have been sued by your spouse for dissolution of marriage. The case is pending in the Court named above.

If this Summons is accompanied by an Order Setting Hearing, you must appear in Court on the date and time stated on the Order Setting Hearing. IF YOU DO NOT APPEAR, EVIDENCE MAY BE HEARD AND A DECISION MAY BE MADE BY THE COURT. If a Temporary Restraining Order is issued, it is effective immediately upon your receipt or knowledge of the Order.

If you wish to retain an attorney to represent you in the matter, it is advisable to do so before, the date stated on the Notice of Provisional Hearing.

If you take no action in this case after receipt of this Summons, the Court can grant a Dissolution of Marriage and/or make determinations that may include but not limited to any of the following: paternity, child custody, child support, maintenance, parenting time, property (real or personal), and other distribution of assets and debts, attorney fees and costs.

INI - 6/6, 6/13, 6/20/2020 000422231 hspaxlp

STATE OF INDIANA } IN THE MARION CIRCUIT COURT
 COUNTY OF MARION } CASE NO. 49C01-1910-MI-043713

IN RE THE PETITION FOR NAME CHANGE
 TRACY ELIZABETH DAVIS aka THERESIA ELIZABETH DAVIS

ALIAS NOTICE OF HEARING FOR PUBLICATION IN NEWSPAPER

Notice is hereby given that Petitioner Tracy Elizabeth Davis aka Theresa Elizabeth Davis, as a self-represented litigant, filed a Verified Petition for Change of Name to change Petitioner's name from Tracy Elizabeth Davis to Theresa Elizabeth Davis.

The Petition is scheduled for hearing in the Marion Circuit Court on Tuesday, July 7, 2020 at 9:00 a.m., which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report for hearing to:
 200 East Washington Street
 City-county Building, Room W-504
 Indianapolis, IN 46204

So Ordered: February 18, 2020 /s/ Susan Boatright
 Magistrate, Marion Circuit Court

INI - 6/6, 6/13, 6/20/2020 - 4223777 hspaxlp

BIDDING NOTICE FOR MB/EWB/E/DOBE
 Company: Glendale Centre, LLC.
 Bid: Phase I Infrastructure
 Bid Description: Infrastructure Improvements for Phase I Apartments
 Glendale Centre, LLC is seeking qualified MBE, WBE, VBE and DOBE for the upcoming project.

Description of MB/EWB/E/DOBE:
 1. Erosion Control
 2. Trucking
 3. Site Demolition
 4. Watermain Extension
 5. Sanitary Sewer Extension
 6. Asphalt Paving
 7. Concrete Curbs
 8. Concrete Paving

Contact Person: Matt Koenig, (317) 713-2749, mkoenig@kiteraley.com
 Bid Date: July 14, 2020 at 3:00 pm EST.
 Send Bids to Matt Koenig, mkoenig@kiteraley.com
 (S - 6/18/20-6/22/2020 - 0004240198) hspaxlp

The City of Indianapolis Department of Public Works (1200 Madison Avenue, Indianapolis, IN 46225) is submitting a Notice of Intent to the Indiana Department of Environmental Management to comply with the requirements of 327 IAC 15-5 to discharge storm water from construction activities associated with the Drexel Gardens Neighborhood Drainage Improvements Project, Phase I. The project site is located in the area bounded by Minnesota Street on the north, Raymond Street on the south, Lynhurst Drive on the west and Interstate 70 on the east. Runoff from the project site discharges east to State Ditch. Questions or comments regarding this project should be directed to Dustin Thurston, P.E. of the City of Indianapolis Department of Public Works at 1200 Madison Avenue, Indianapolis, IN 46225.

(S - 6/20/20 - 0004245238) hspaxlp

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: 2020-16-DSV, Mitchell Walters requests a Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Exceeds the allowable accessory square footage and
- 2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2). to provide for or permit: 50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

2 Lot in Crenshaw Subdivision Minor Residential Plat, a subdivision in Boone County, Indiana as per the plat thereof recorded January 20, 2017 as Instrument No. 201700000661 in Plat Book 24, Page 93 in the Office of the Recorder of Boone County, Indiana

A copy of the Petition for development standards variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for development standards variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
(S - 6/20/20 - 0004246944)

hspaxlp

The Indianapolis Star
130 South Meridian Street
Indianapolis, IN 46225
Marion County, Indiana

Federal Id: 06-1032273

MILMAR POST BUI

Account #:
Order #:
of Aff:
Total Amount of C:
This is not a

MILMAR POST BUILDINGS
ATTN Jerome Graber
1774 COUNTY ROAD 68
AUBURN, IN 46706

PUBLISHER'S AFFIDAVIT

STATE OF WISCONSIN, }
County Of Brown } SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned

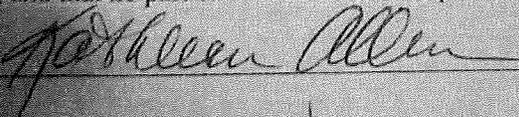
I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper circulation printed and published in the English language in the city of INDIANAPOLIS in the state of INDIANA MARION, and that the printed matter attached hereto is a true copy, which was duly published in said paper for dates of publication being as follows:

The insertion being on the 06/20/2020

Newspaper has a website and this public notice was posted in the same day as it was published in the

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing credits, and that no part of the same has been paid.



Date: 6-22, 2020 Title: Clerk

Subscribed and sworn to before me this 20 day of June, 2020



Notary Public

Notary Expires: 8-25-23

STAR

(Governmental Unit)

To **INDIANAPOLIS**

County, Indiana

Indianapolis, IN

63 lines, 2 columns wide equals 126 equivalent
lines at \$6.48 per line for 1 day.

5816

Website Publication

Charge for proof(s) of publication

Acct # 2604388357
Ad # 0004246944

TOTAL AMOUNT OF CLAIM

582

DATA FOR COMPUTING COST

Width of single column 9.5 cms
Number of insertions 1
Size of type 7 point

Claim No. _____ Warrant No. _____

IN FAVOR OF

The Indianapolis Star

Indianapolis, IN

Marion County

130 S. Meridian St. Indianapolis, IN 46225

I have examined the within claim and hereby certify
as follows:

That it is in proper form.

This it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently (correct)
(incorrect)

\$ _____
On Account of Appropriation For

FED. ID

#06-1032273

Allowed _____, 20____

In the sum of \$ _____

I certify that the within claim is true and correct; that the services
therein itemized and for which charge is made were ordered by me
and were necessary to the public business.

NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday,

July 1, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-16-DSV , Mitchell Walters requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Petition for Development Standards variance in order to provide for the construction of a detached barn which:

- 1) Exceeds the allowable accessory square footage and
- 2) Exceeds the allowable accessory height in the Urban Single-Family Residential Zoning District (R-SF-2).

__ to provide for or permit:

50' x 64' x 18' pole barn to be used as a basketball court and RV storage

The property involved is more commonly known as 4560 S 975 E, and is legally described as:

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A copy of the Petition for development standards variance.

, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public.

Oral comments to the Petition for development standards variance.

will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: _____

REPLAT CRENSHAW SUBDIVISION

LOTS 1 AND 2

(PREVIOUSLY RECORDED AS INSTR. NO. 201700000661 IN PLAT CABINET #24, SLIDE #93)

THIS INSTRUMENT PREPARED BY:
 DENNIS D. QUASTADT, A.D.
 STEPHEN WIRTH & ASSOCIATES, INC.
 10000 N. W. 11TH AVENUE
 SUITE 100
 PLEASANTON, INDIANA 46330
 PHONE: (317) 849-5535

THIS INSTRUMENT PREPARED FOR:
 MITCHELL AND STEPHANE WALTERS
 2305 S. W. 175TH AVENUE
 SUITE 100
 CONTACT: MITCHELL WALTERS
 PHONE: (317) 402-1412

NOLAN SCHAFER
 5635 BECKMAN PLACE
 CONTACT: NOLAN SCHAFER
 PHONE: (317) 439-4426

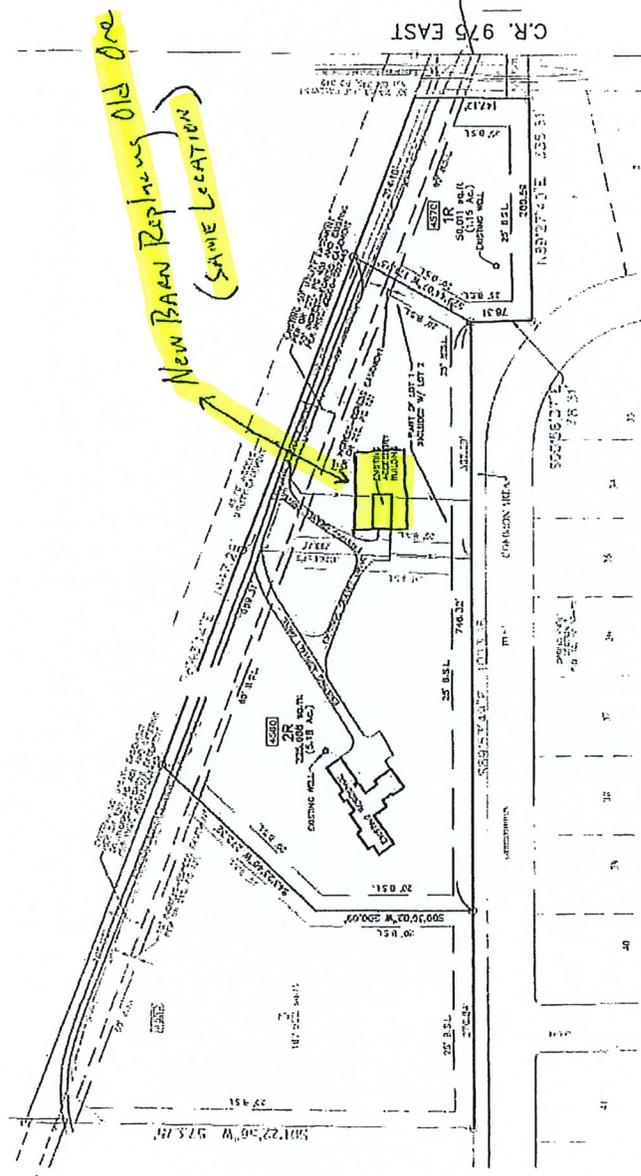
SOURCE OF TITLE: 20110001026
 CURRENT ZONING: R-SF-2 - RESIDENTIAL



- LEGEND**
- LOT NUMBER
 - SETBACK
 - DRIVE
 - BLDG. LINE
 - LANDSCAPE
 - L.M.A.E.
 - D.E.
- 25' MINIMUM FRONT SETBACK
 20' MINIMUM SIDE YARD
 5' MINIMUM AGGREGATE
 FOR ACCESSORY STRUCTURE
 25' FOR PRIMARY STRUCTURE

SETBACK REQUIREMENTS

- 25' MINIMUM FRONT SETBACK
- 20' MINIMUM SIDE YARD
- 5' MINIMUM AGGREGATE
- FOR ACCESSORY STRUCTURE
- 25' FOR PRIMARY STRUCTURE



SUBDIVISION MONUMENTATION

- A 5/8" x 30" REBAR WITH CAP STAMPED "SEA FIRM #0008" SHALL BE SET AT ALL LOT OR PARCEL CORNERS, INCLUDING BEGINNING AND ENDING OF CURVES AND THE INTERSECTION OF LINES.
- DENOTES A 5/8" x 30" REBAR WITH CAP STAMPED "SEA FIRM #0008".
- DENOTES A STREET CENTERLINE MONUMENT, EITHER A "TOPSURVEYED" CAP HAVING A CITY "X" IN TOP, SET FLUSH WITH THE FINISHED SURFACE OF THE PAVEMENT OR A 1/2" DIA. STEEL ROD 12" LONG WITH 1/2" DIA. FAKED BRASS INTERMEDIATE CORN. (BRASS).

COMPLIANCE STATEMENT

THIS PROJECT IS IN COMPLIANCE WITH THE ZONING ORDINANCE FOR THE SUBJECT AREA.



Dennis D. Quastadt
 Registered Land Surveyor
 No. 900012
 2/14/2018

Lot #2 in Crenshaw Subdivision, a Minor Residential Plat located in Zionsville, Indiana, the plat being recorded as Instrument Number 201700000661 in Plat Book #24, Page 93 in the Office of the Recorder for Boone County, Indiana.

Also that part of Lot 1 in said Crenshaw Subdivision, being more or less the northwest corner of Lot 1 of said Crenshaw Subdivision, beginning at the northwest corner of Lot 14 seconds East along the northern boundary of said Lot 1 a distance of 398.88 feet thence South 29 degrees 07' 00" West 277.97 feet to a point on the southern boundary of the site of said Lot 1; thence South 89 degrees 53' 00" East along the southern boundary of the site of said Lot 1 a distance of 302.29 feet to the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence West 232.78 feet to the West line of said Lot 1 and also the East line of said Lot 2 a distance of 232.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-way, easements and reservations of record.

Total area of Lot #2 with additional part of Lot 1 = 5.18 acres.

Lot #1 in Crenshaw Subdivision, a Minor Residential Plat located in Zionsville, Indiana, the plat being recorded as Instrument Number 201700000661 in Plat Book #24, Page 93 in the Office of the Recorder for Boone County, Indiana.

Except that part of Lot 1 in said Crenshaw Subdivision, being more or less the northwest corner of Lot 1 of said Crenshaw Subdivision, beginning at the northwest corner of Lot 14 seconds East along the northern boundary of said Lot 1 a distance of 398.88 feet thence South 29 degrees 07' 00" West 277.97 feet to a point on the southern boundary of the site of said Lot 1; thence South 89 degrees 53' 00" East along the southern boundary of the site of said Lot 1 a distance of 302.29 feet to the southeast corner of said Lot 1, said point also being the southeast corner of Lot 2 in the aforesaid Crenshaw Subdivision; thence West 232.78 feet to the West line of said Lot 1 and also the East line of said Lot 2 a distance of 232.78 feet to the place of beginning, containing 1.8 acres, more or less, subject to all legal highways, rights-of-way, easements and reservations of record.

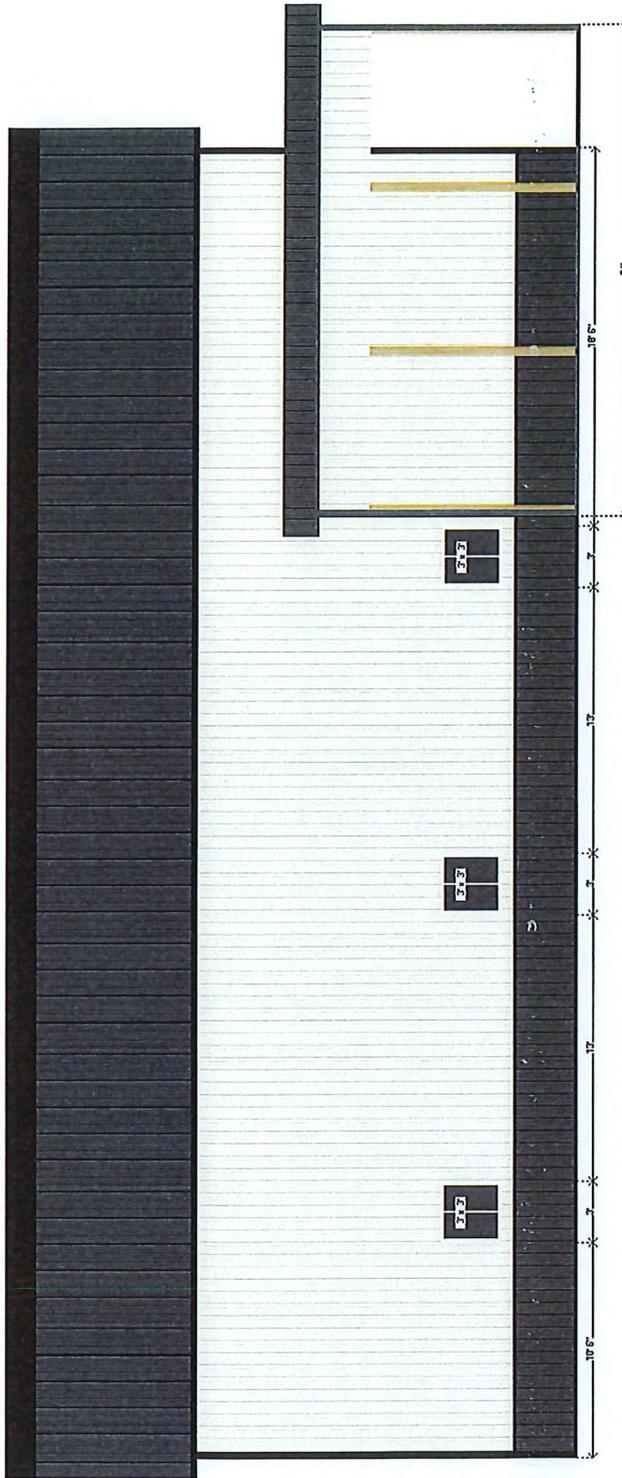
Total area of Lot #1 remaining after the exception is 1.15 acres.

Walters Building Description

Walters proposes to replace an existing pole barn with a new 50' x 64' pole barn at 4560 South 975 East Zionsville, IN 46077

1. The main building dimensions are 50' x 54'
2. The wraparound porch is 6' x 28'
3. The eave height is 18'4"
4. The peak height is 26'8"
5. The building will have metal siding and metal roofing
6. The building will have a concrete floor with in floor hot water heat
7. Interior finishes consist of insulation, a metal ceiling, and lighting

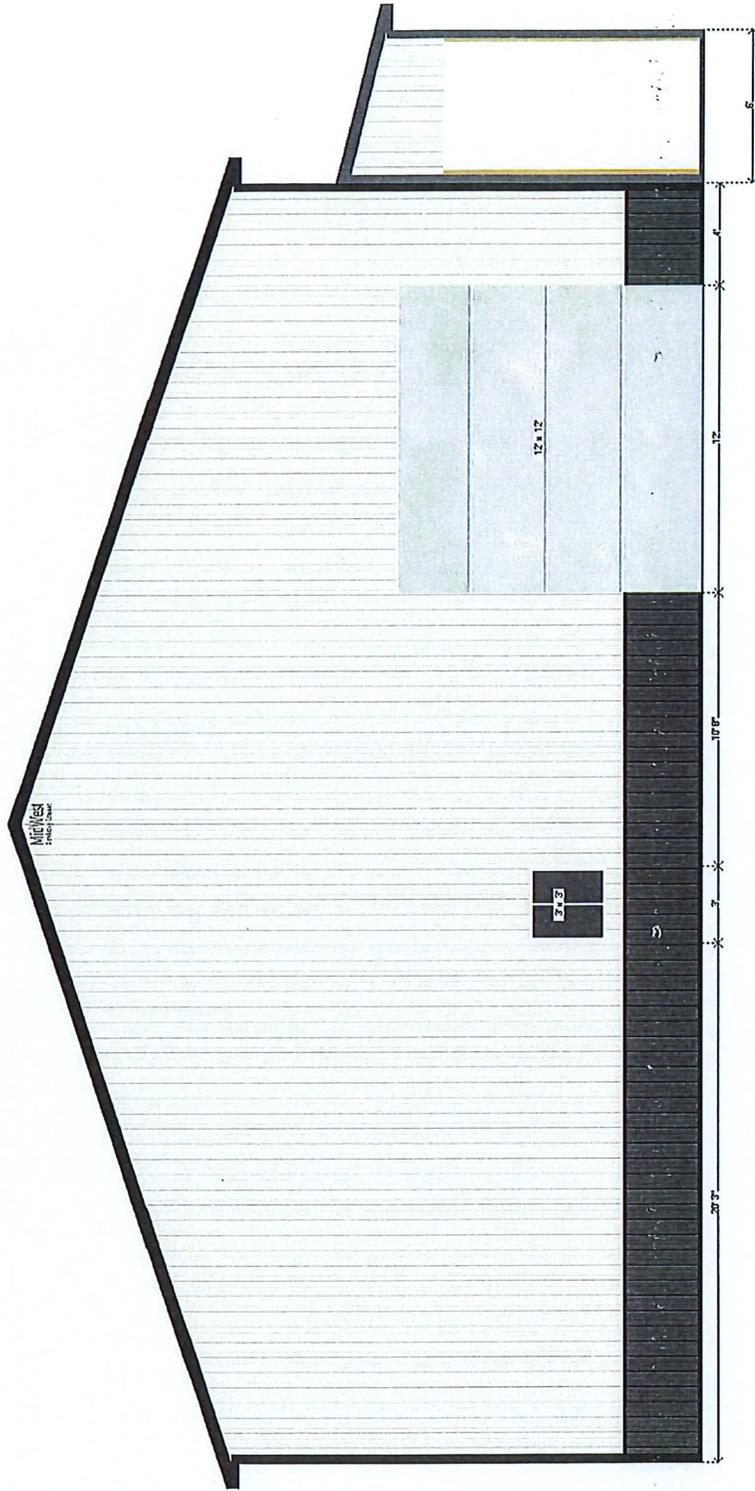
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- North



Date: 5/20/2020
Midwest Developing Company
1774 County Road 85, Auburn, IN 46705
801.438.8357
by ProFile HomeWorks

MidWest
Developing Company
260.438.8357

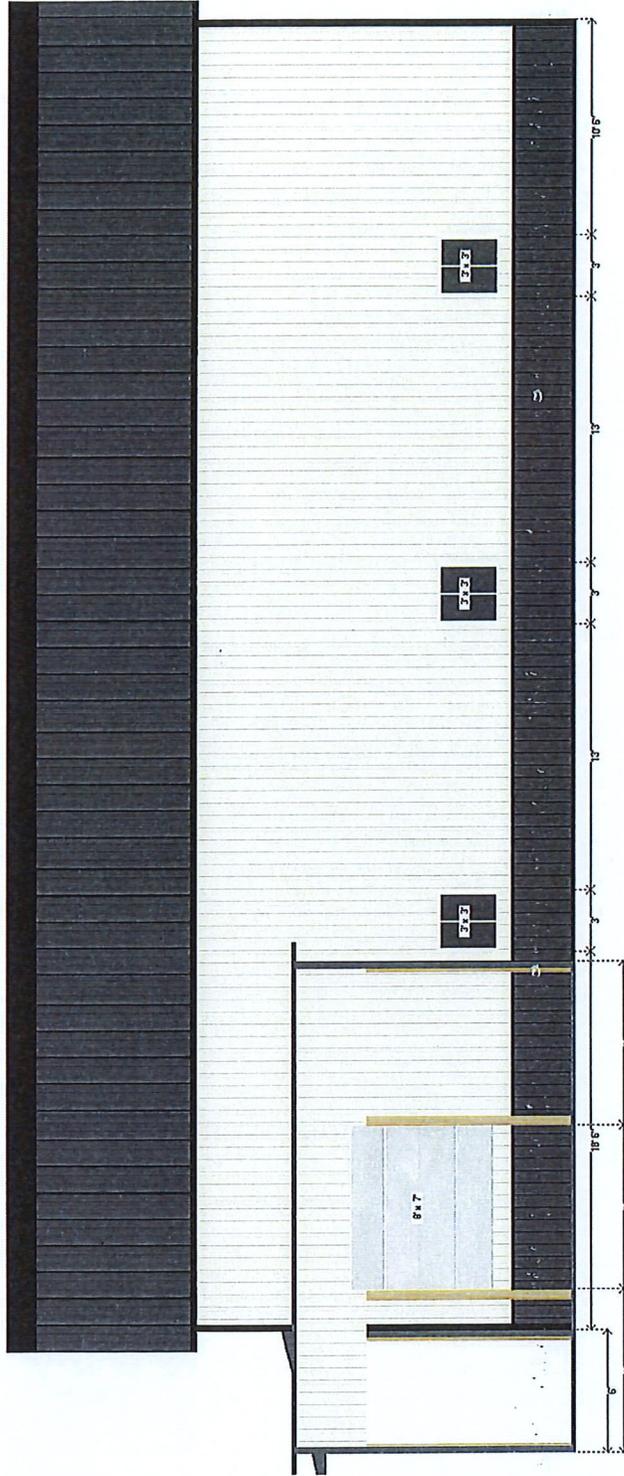
ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- East



MidWest
Developing Company
260.438.8357
By ProFuture Managers

DATE: 02/07/2020
PROJECT: [illegible]
MIDWEST DEVELOPING COMPANY
1774 COUNTY ROAD 58, ALBANY, IN 46708
PHONE: 438-8357
BY: ProFuture Managers

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- South



Date: 5/20/2020
Project: [illegible]
Midwest Developing Company
1774 County Road 63, Auburn, IN 47005
(317) 438-8357
by ProPlan HomeWorks

MidWest
Developing Company
260.438.8357

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

This grant will not be injurious to the public health, safety, morals, and general welfare because the building will only be used for storage and for indoor basketball. This structure will be a significant improvement from the existing structure it will replace and will tend to improve the property values of all the surrounding properties.

2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

Due to the size of the Walters Lots (5.18 acres) constructing a larger building on site will not negatively impact any of the adjacent neighbors' enjoyment of their property or property values. Replacing a derelict barn with a new upgraded and finished basketball court will tend to improve the neighborhood property values.

3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

The Walters home is smaller than the average in their neighborhood, but also on a larger lot, so the standard urban zoning restriction is much more restrictive to his enjoyment and use of the property than it is for the other homeowners, causing an undue hardship in this case. In order for the Walters to adequately enjoy their uniquely large five acre lot, an exception to the maximum square footage of garages and outbuildings is justified in this case.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20__.

Zionsville Board of Zoning Appeals
July 1, 2020

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

Staff attending: Wayne DeLong, Chrissy Koenig, Kent Minnette, attorney.
A quorum is present.

Wolff [inaudible] --ask for a continuance tonight at this point?

DeLong I am not aware of any continuance requests, but certainly we can, if any, I mean, certainly two moments here. The, certainly, if there is any parties that would like to request a continuance tonight, please raise your hand and we can promote you to a panelist to speak to that point.

Wolff And, Wayne, may now also be a good time for us to acknowledge any of our audience members, or members of our community, who want to be recognized as in attendance.

DeLong Yes. Certainly. And that same manner, if any parties are online here or viewing that would like their attendance noted for the record, please raise your hand, and we will read your name for the record. I see Mr. Lamb, Mr. Johnson and Mr. Walters have all raised their hands, so we note their attendance for the record. Thank you.

Wolff Thank you, Wayne.

DeLong I do see another hand raised. It's Richardson Home. I do not have a name currently associated with that, but I do note that information here for the record.

Wolff Very good. The next item on our agenda is new business, which brings us to Docket # 2020-12-SE for the property of 7465 South 475 East. Wayne, will you assist the petitioner in getting brought forward? Wayne, you're on mute, if you intend to be.

DeLong Certainly. Just making the promotion here.

Wolff Wayne, you're still on mute.

DeLong I was going to tell you the Sharps are here, and they're not muted.

Wolff Okay. Thank you. Sharps, welcome. Please state your name and address for the record.

C. Sharp Tim and Chelsey Sharp, 7557 North County Road 150 East, Pittsboro, Indiana 46167.

Wolff Thank you, Mr. And Mrs. Sharp. So, we have two petitions for us, and I think we should probably discuss them in order, but in your, if you would prefer, you can kind of paint us the whole picture of what you're asking for tonight. So, why don't we start with the first petition, which is the special exception to allow a new residential building in an agricultural zoning district. So, can you describe

what your project is, what you're building and just give us any details that you have about that?

C. Sharp Yes. We are petitioning to build a single-family, two-story home on a section of a piece of land that our family owns, and the entire piece of property was originally zoned agriculture.

Wolff And, can you describe the house a little bit? Square footage? Is there a garage? What are you proposing?

C. Sharp Yes. Absolutely. And, the Richardson Home, that you mentioned before, is actually our builder, who is on the call with us, with TK Construction. It's a TK Construction-built home. The model is a St. Petersburg. It is about 2400 square feet of finished space. It also includes about a 1600-square foot basement, and will have a 2-car garage.

Wolff Very good. And, this is going to sound ridiculous, and it always does, but are you familiar with the Right to Farm Act, and that your neighbors may have the right to farm in that area, and sometime farming comes with noises and smells and things like that?

C. Sharp Yes.

Wolff Okay. Very good. There is another note as I look through the staff documentation that there is a legal open drain in the property, and so as we discuss things tonight, and if things move forward with an approval, we don't have any jurisdiction over that legal open drain, so there may be some other parties you have to work with, including the State of Indiana and those types to accommodate that. So, our discussion doesn't, we want to make sure you're aware of it, that we don't have any jurisdictions over that. Does that make sense?

C. Sharp Yes.

Wolff Very good. Okay. With that, I'll turn it over to my Board members. Are there any questions for the petitioners about the, the first petition we have in front of us tonight? Seeing none, Wayne, we would typically ask for remonstrators at this point. Are there any remonstrators that you see queued up, for or against?

DeLong Certainly if there is any parties here that have interest in this petition, # 2020-12-SE, 7465 South 475 East, please raise your hand and we're happy to promote you to panelist to speak to your points you'd like to share. I am not seeing any hands raised asking for a promotion.

Wolff Okay. Thank you, Wayne. And while we have you, would you please provide the staff report?

DeLong Certainly. Speaking to the petition, the special exception petition that's on file, certainly, Mr. Chairman, you reference two very specific points that are very valid. This is an agricultural area that certainly has activities in it that can, at times, give concern to certain parties and I just want folks to be aware that those activities do happen, and certainly there is a Right to Farm Act, Right to Farm

language that the Town acts upon and has included in all actions if this petition were to be approved this evening. Staff is supportive of the petition as it's filed. The main, one of the main points of this type of action is to consider the location of the home, the preservation of farm land for future productivity. Certainly, the land use pattern in this area shows homes sited on parcels of land along the county road, if you will. It's very typical. Certainly, this project does not render the other remaining land to not be actively farmed in the future. With all that said, staff is supportive of the petition as filed, and I'm happy to answer any questions.

Wolff Thank you, Mr. DeLong. Any questions for staff? Any discussion amongst the group? Mr. and Mrs. Sharp, I would note that I believe it's Exhibit 3 that I'm looking at. It looks like the intent is to place the home pretty much in the center of the parcel. Is that correct?

T. Sharp It's more towards the west end of the parcel, but yes, it's about the middle.

Wolff Yes, let me re-phrase that. So, if you look at the whole parcel, it's on the west side. There is, on Exhibit 3 there is a box that looks like maybe appropriate for development for a home, and inside that box it looks like you've placed it towards the center. Is that correct? So, it's kind of the southwest, or let's see, northwest corner of the property?

T. Sharp Yes. Correct.

Wolff Very good. If there is no discussion amongst the group, or any other questions, I would certainly entertain a motion.

Papa I have a motion. I move that Docket # 2020-12-SE special exception petition in the agricultural district for the property located at 7465 South 475 East be approved based on the staff report and proposed findings as presented. Do we need to make this notation about the right to farm as part of the motion, or is that just understood?

Wolff Yes. Let's go ahead and do it. Include it please.

Papa If approved, if motion is approved, it should be required the petitioner execute the Right to Farm acknowledgement document.

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

Jones Second.

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

DeLong Certainly. Mr. Jones?

Jones Yes.

DeLong Ms. Campins?

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Campins Yes.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Wolff Steve, you're muted.

Mundy Aye.

Wolff Thank you.

DeLong Mr. Wolff?

Wolff Aye. Motion carries. Mr. and Mrs. Sharp, don't go anywhere. We've got one more to discuss. The next item on our agenda is Docket # 2020-15-DSV for the property located at 7465 South 475 East. Okay. So, would you please, in your words, describe your building process, because I believe what your asking for is one for the accessory structure may be completed before the primary structure, and two, there is a little bit of questions regarding the total size of the accessory structure. So, would you please, in your words, describe what you're doing?

T. Sharp It is a simple pole barn, just to house a partial workshop in about a quarter of the space, and the rest is just to be storage for my antique tractor collection.

Wolff And, is the intent to build the two structures at the same time?

T. Sharp If at all possible, yes. That would be correct.

Wolff Okay. And, then, I have another question about that, but I want to move on to the other point, which is the allowable accessory square footage. I note further in the staff's report that we don't believe thats necessary at this time. Is that correct? Because, when we made a more thorough calculation of the total square footage of the home, you are compliant with that ordinance. Is that accurate?

T. Sharp Yes. That's correct.

Wolff Okay. To be specific, you are not asking for an accessory structure to exceed the allowable square footage?

T. Sharp Correct.

Wolff Okay. You are not asking for that. So, we really only have one thing in front of us, which is that the accessory structure may be completed before the primary structure?

C. Sharp Correct.

- Wolff Okay. Very good. And, I think we're appropriate to act on that because typically if you add things to a petition, we can't, we need to notice those, but you have noticed this, but we don't need it, so I think we're okay there. I guess, further on the first point, with the primary structure, would you be amenable if we were to say that the primary structure be complete within, what is your, let me ask this, what is your timeline for starting construction?
- C. Sharp So, the starting of the construction can happen as soon as hopefully our petitions are approved. We received a driveway permit, so they can start as soon as everything takes place.
- T. Sharp And obviously applying for the house permit.
- C. Sharp Yes. The building permit. As soon as the building permit is approved.
- Wolff So, one concern we have is that we end up making an approval here, and that there is an accessory structure or a barn that sits out there without a primary structure for years to come, so would you be amenable if we added a timeline to say that the primary structure be complete within a couple years? Is that agreeable?
- T. Sharp Yes, absolutely.
- C. Sharp Absolutely.
- Wolff Okay.
- C. Sharp And, again, if there is question about the exact timeline and the number of days that that house, the primary structure will be completed, Richardson Home can address that. He is our builder.
- Wolff If you can find a builder that will give you an exact timeline, you have found the right builder.
- C. Sharp We think so.
- Wolff We won't pin you in too much on that, but we just want to make sure that we do get into compliance, and that we do get a primary structure in place.
- T. Sharp Absolutely.
- C. Sharp Absolutely.
- Wolff With that, do any of my other Board members have any questions?
- Jones Just real quick, will you be using the same builder for the accessory building as the house?
- T. Sharp No.

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- Jones Okay. So, hence there is a good reason why the accessory building could get done well before the house, just because of the complex, whatever, the complexity of the work.
- C. Sharp Yes.
- Mundy I could not determine if there is a location for the barn that's been specified. I saw where the house is to be located. The barn, where is it going to be?
- T. Sharp It will be to the northeast of the house, probably roughly 60 feet away from the back, the east end of the house.
- Mundy Thank you.
- Wolff Any other questions for Mr. and Mrs. Sharp? Wayne, are there any other community members that wish to remonstrate for or against this particular petition?
- DeLong Any parties in the audience that have anything to share either for or against related to this specific petition, # 2020-15-DSV, please raise your hand and we'll promote you to panelist. I do not see any, Mr. Chairman.
- Wolff Thank you, Mr. DeLong. Will you please at this time provide the staff report?
- DeLong Certainly. Staff, as well, is supportive of this petition as filed. These are certainly great points that have been raised about the timeline. Certainly, staff in offering a number to focus on a possible two years. At a minimum, your building permits are valid for 18 months. Certainly, that's, and to give a little bit more flexibility with the start and stop, whatever the case may be, with the little bit different world we live in today. But staff is supportive of the petition as it's been filed. Certainly, noting the amendments and certainly noting the recommended motion can strike the second part of the petition simply because it's been indicated that the accessory square footage is not an issue. But, again, simply because the petitioner is pushing forward with a home build, and out here, this is certainly something that staff is supportive of, and happy to answer any questions related to the petition filing.
- Wolff Thank you, Wayne. I noted, just now saw it, that the staff has a recommendation of the primary structure being complete within 6 months. Is staff agreeable to 2 years from, you know, what is your preferred strategy on that?
- DeLong Certainly the way staff structured the comment is it's either timed related to the buildings being finished in proximity, or you know, timing being close together, or just the overall package being 2 years from basically today's hearing date. I think whatever date is easier to manage is what staff would support both for the family and certainly for the Town. I think just, you know, throwing a number, a timeline from today of 2 years, I think, is a broad enough envelope to facilitate the entire project. Certainly, if the Sharps have any other comments or questions on that, that's certainly open for discussion.

Wolff Thank you, Mr. DeLong. So, Mr. and Mrs. Sharp, does that seem appropriate if we, I know that you still have to get some building permits and things like that, but does 2 years seem like an appropriate timeline to wrap this up?

C. Sharp/T. Sharp Yes. Absolutely.

Wolff Okay. Any discussion amongst the group?

Papa Mr. President?

Wolff Yes, sir.

Papa Sorry. I got booted for a couple minutes there. I might have missed something, but I had the same idea that you had about putting a time limit on building the main structure. But, my question about that is how would that be enforced if it wasn't? Nothing against the Sharps, but if someone were to not comply with that, then what's, what would happen as a consequence?

Wolff Mr. DeLong, can you make a comment on that?

DeLong Certainly. We have had that in the past. There is a couple petitions out there where a timeline has been established, and I can think of one particular case where the petitioner had to come back to the Board of Zoning Appeals and request an extension of time. So, uniquely, we manage this simply as setting an Outlook calendar invite to ourselves that in 2 years it reminds us to check in to where this process is at. Certainly, there are permit databases, as well, tracking the progress of the permit. Certainly they'll be reporting back as far as inspections go, but certainly the action would be if no action has been taken to build a home, a single-family dwelling, we would be following up with the petitioner, and honestly, what actually we'll be doing is checking in before the 2-year expiration to give them the opportunity to come in and ask for an adjustment, a new variance, if you will, to remedy the situation. But it would be coming back the Board.

Papa Again, I'm not talking about the Sharps, but if someone was to do that and just never build the house, would they have any consequence to having the barn? I mean, at some point, would they be told they're out of compliance with zoning? Or what happens?

DeLong Yes. Well, they would be asked to come back to the Board to adjust the prior variance, and if they were unable to come back to the Board, ultimately it would be a legal pursuit where the property would be out of compliance and be ordered to come into compliance either to tear down the barn, or build a compliant dwelling to where the barn would become an accessory use. I would suspect the first action would be for the party to pursue an additional variance to deal with the situation.

Papa Okay. Thanks.

DeLong Certainly.

- Mundy Wayne, does this require two separate building permits, and are there any time constraints on the building permit itself?
- DeLong Correct. Two separate building permits would be issued. The time constraints are on the far side of this conversation where the permits are valid for a total of 18 months. Each permit will be, there is a one-year and then a six-month extension, but currently the Town of Zionsville has no regulations related to the minimum time to start your project. You can wait almost the entire time of one year, and then quickly try to wrap things up if you say so.
- Jones I've got a question now we're going down this line. So, currently this is zoned agricultural, correct? One of the variances their asking for is to build a home in an agriculturally-zoned use property. If they don't build the home, they lose the variance. So, you've got a barn on a piece of agricultural land.
- DeLong Correct. I mean, you would have, I mean, a barn as a permissible land use for a farm, or agricultural purposes if the property is 20 acres or over. So, you, without fulfilling, I mean, the two are related, as you're getting at, Mr. Jones. I mean, these two petitions are inter-related. The barn has to be associated with a dwelling, and right now they're asking, this particular case, even though that's not the characteristics, but certainly in this particular case, the party is looking to build the barn. Is asking for relief to do that temporarily. Staff is supportive of that. The Board is focused on seeing that done within a 2-year window, and if it's not done within the 2-year window, there will be a follow-up to allow the petitioner to, any petitioner, to remedy the situation where they will be asked to come into compliance.
- Jones I guess my point was they would lose the variance to build the house. You're talking about what is recourse.
- DeLong Right. Well, the special exception as it's currently structured does not go away, so you're, so in all special exception petitions there is no expiration date. So, what you're talking about potentially is establishing an expiration date on special exceptions if a home is, somebody never follows through on building the house. But, in this particular case, you have that stop-gap established by establishing a time-frame on the variance of the barn. But, in future cases this is a great point.
- Jones What I'm saying is, the, you know, you're looking for what recourse is, is that the variance to build the house in an agricultural-zoned property would expire. It would go away. Is one option we have out there.
- DeLong So, you could establish that as a condition on a special exception, yes. That's very true.
- Jones Okay. Not that we're going to do that. We're just talking. We put people through this all the time.
- Campins I have a question. It was noted that the property is within proximity to a special flood hazard area. Are you aware of any flooding in that area now where the structures are going to be built?

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- T. Sharp Not where the structures will be built. No.
- Campins Okay.
- T. Sharp And, we are planning on building the house above, well-above grade, to not have any issues with flooding.
- Campins Okay. Thank you.
- Jones Just for reference, are there sewers out there, or do you need a septic field?
- T. Sharp No, there will be a septic field.
- Jones Okay. So, at some point, you'll have to go through the process to get, have you gotten approved for the septic field?
- T. Sharp Yes.
- Jones All right. Okay.
- Wolff Any other discussion amongst the group? If not, I would entertain a motion. I would make a note that the second bullet-point in the recommended motion is not valid and doesn't need to be stated, and I'd also make a note that we amended the motion to include a 2-year sunset window on it from today's date.
- Papa I'll make a motion. Is that 2-year window completion?
- Wolff Yes. Occupancy permit.
- Papa I move that Docket # 2020-15-DSV, design standards variance, in order to provide for the construction of a detached barn which is installed before the primary structure provided that the primary structure is completed within two years of today's date for the property located at 7465 South 475 East in the agricultural zoning district be approved based on the staff report and the proposed findings and the time-limit amendment that we included.
- Wolff Thank you, Mr. Papa. Is there a second to that motion?
- Mundy Second.
- Campins I second.
- Wolff Thank you. All those in favor, Wayne, will do a roll call vote. I will never not learn to do that.
- DeLong Very good. Mr. Jones?
- Jones Yea.
- DeLong Ms. Campins?

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Campins Yes.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

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

T. Sharp Thank you very much.

C. Sharp Thank you very much, we appreciate it.

Wolff Okay. The next item on our agenda is Docket # 2020-16-DSV for the property located at 4560 South 975 East. Will the petitioner, we'll work on getting the petitioner brought forward.

M. Walters Did we make it?

Wolff I think you're there.

M. Walters All right.

Wolff Mr. and Mrs. Walters, will you please state your name and address for the record?

M. Walters Mitch and Stephanie Walters. Address is 4560 South 975 East, Zionsville, Indiana 46077.

Wolff Very good. And, in your words, will you please describe what is in front of us tonight?

M. Walters Sure. Jerome Graber is also on this call. He's with Milmar Builders. He's our builder that we'll be using. I know he'd like to talk a little bit, at some point, about the product that he'd be building and all the details that surround that. But, first a little background on us. We lived in Colony Woods for about 8 years, and we had 3 little boys. And, being kind of somewhat across the street from Colony Woods when this property hit the market 3 years ago, we felt it was a perfect opportunity for us to move here with our active 3 children and raise a great family here. So, prior to us buying this property, there was a large field out in front that was used as a horse barn, and I think they did some equestrian out here and things of that nature. So, this property is very unique as it relates to what we have left in Zionsville today. I don't think there is a lot out there that is like this. We have over 5 acres. I think it's 5.18 acres, is what we have. And, so we purchased this 3 years ago, and when we purchased it, we knew the barn that was out there that it stored the horses, was in really bad shape. And, so as we moved

here and as things progressed, we found out that that barn was dangerous. The barn was falling down. I knew our neighbors weren't thrilled about it, and our plan all along was to build something beautiful out there. Something that our boys could use. That our family could use. Something for the kids to burn off energy. And something, honestly, for us to have as storage. Being back down a long lane, we have to take our trash cans down the lane every day. So, we had to get a golf cart in order to drag those down the lane. We have 2 cars, as well. So altogether, you know, that takes up our 3-car garage. And we don't have any room for our mowers or anything of that nature, and so the old horse barn stored that stuff until we came up with this idea that we were ready and we had the funds to build a new barn to improve the quality of what it looks like from Spring Knoll, and things of that nature. So, on April 30, I reached out to all 3 of my neighbors that live on our long lane, and explained to them specifically what Jerome and his builder group was going to do. It was detailed. The size was detailed. The price was detailed. And I had shared with Chrissy all the feedback that I got from all of those folks, and everything was positive from all of my neighbors. Everybody knew exactly what we were doing. Everybody was on board. And, so with that, over the course of probably the last couple months, we've spent about \$6000 tearing down the old barn. There were dumpsters out there. The barn got tore down, out of the way. We had Jerome put plans and specs together, and everything moved forward to get ready for this variance meeting here today.

So, we're looking to build an awesome barn out there. It's, I know pole barn sometimes has the connotation of, oh, that's going to be something that's just, you know, an eye sore, and stuff, and it's anything but that. I know Jerome had shared some pictures of what their work looks like, and I'd like him to detail a little bit, all the details that we're going to put into this barn. I mean, it's going to be anything but that. I think the total price-tag that we're going to be spending on it is like \$115,000 to build this barn. So, by no means is it just a run-of-the-mill, something we're throwing up. We're heating it. We're insulating it. We're doing a patio off of it. It's a wrap-around patio. We're going to build a fire pit. I mean, it's going to be a wonderful addition to this entire lane, and no doubt will add tremendous value to all of our neighbors' property values versus what was sitting out there before. So, right now, I have no barn. I tore the barn down. I was heading full-force into this project. All of our stuff that was out there, our mowers and things, are being stored at Mr. Shafer's property, which is just directly in front of us right now, until we get the new barn built. Where inside of the barn, you know, I mean, to be blunt, like, it's for my kids to run off steam. We're going to store stuff out there. It's going to keep my kids from playing Fortnite. It's for the neighbor kids to come over and play basketball inside of it. Put a gym up. It's going to be something that's, you know, that I'm open to allowing this entire little area around here for kids to come over and enjoy. So, that's kind of what it's going to look like.

The builders can start in 3 weeks, and you know, we're here for a variance, because it's a little bigger than what our property allows based on our house square footage, but I kind of feel like, and I've been back and forth, that you know, we live on over 5 acres. We don't live on 1 acre. So, you know, it's my understanding that the same rules apply for 1 acre as it does for 5+ acres, and I don't think that's really fair. I think with as much land as we have, if you came

out here and looked, I mean, it's a huge, massive field, and a barn of this size would look perfect there.

Wolff Thank you, Mr. Walters. A couple questions, and maybe your builder would be appropriate to answer, but if you want to take a stab at them, we can go there. And, if you want to defer to him, that's fine too. But what is the siding of the barn? What is the walls? The exterior walls of the barn? Is that steel?

M. Walters Yes. It is. You might want to call him in. I mean, he's the expert on that. Can he talk on this?

Wolff Yes. Wayne, is there a way to promote- -

M. Walters Jerome Graber is his name.

DeLong Currently being promoted.

Wolff Thank you.

DeLong Currently being promoted.

Wolff Thank you.

DeLong I've never actually seen this before. We hit the promote button. He still shows as an attendee by number, but he is no longer listed as any part of this webinar.

Wolff Mr. Walters. I'll go a different direction while we see if we can get your builder promoted. We did receive a letter, and I think by all definitions we caught the 11th hour from one of your neighbors that has expressed some concern about this. Do you want, and let me pull that letter up. I believe the - -

M. Walters Yes. I'm aware of it. He sent me an email late last night explaining that he sent something in, which is, I'm aware of it. I'm disappointed in it. I'm disappointed that I've had multiple conversations. I emailed him directly and on April 30 explaining exactly what I was building. You know, his emails back were very supportive of it. Obviously, I had an old barn out there that was falling down. It was an eye sore. I've heard nothing during, even my conversations while the old barn was being tore down, and dumpsters were out there, and people have walked by it. Had nothing but positive conversations about this. So, it absolutely blindsided me that at the last minute they decided to do that, and my frustration was a little bit is that if they would have had a concern, and they would have told me back, you know, on April 30 that they had a concern, I wouldn't have surely knocked my old barn down. I wouldn't have spent \$6,000 on all that stuff, and maybe I would have worked with them to go a different direction, but I'm so far down the path now to come in at the very last minute and try to kibosh what I'm doing after I fully disclosed to them everything I was doing seems a little unfair to me.

Wolff And, do you think - -

M. Walters I will say, sorry, John. Sorry to cut you off. They are not a direct neighbor of mine. So, they are on this lane, but there is 3 ½ acres between my house, of trees, woods, forest, between my house and their house. So, they are at the very, very back of the entire neighborhood. So, besides when they drive down the lane, they absolutely cannot see the barn from their property or anything.

Wolff Yes. There is a common drive, but when they're in their living room.

M. Walters Yes.

Wolff Understood. Do you think there is something you could do to adjust the plan to be accommodating to their concerns?

M. Walters Well, I mean I guess, you know, the verbiage that he sent me seemed like attorney language, to be honest with you. So, I don't know what exactly, I mean, I know they roughly say they feel like the size and the build grade is not up to their standards. I don't really know exactly what that means, and again, I've had lots of conversations with them. So, why we didn't have a face-to-face conversation before I spent a ton of money, and got on this Zoom call tonight, and talked about it, is beyond me why they would do that last minute. I think they're under the impression that this is going to be some run-of-the-mill junky pole barn. Again, to spend \$115,000 on a barn, like, this thing is going to be anything but that. And, I know you talked a little bit about the details. It is a metal siding. It's a 2-toned siding that's going to match our house perfectly. It's going to be the same color as our house, with black trim, as the other part to match all of our shutters in the home. It's going to be fully insulated up and down. We're actually putting, and I don't know what it's called, but it's a water system that goes into the floor of the concrete, that allows us to heat up the barn. All of the windows on the barn are upgraded windows. We're putting cupolas on the top of the barn. The big overhead doors, the 12 x 12 overhead doors, my wife talked me into that. They're going to be upgraded with windows in them. It's going to look like a residential structure, and I know one of the things he said in there is it's going to hurt the value of this property. I just can't absolutely fathom this hurting the value of their property. The house just in front of us sold for \$715,000 and honestly, they have a house that's half the size of ours. They built a barn that doesn't even match what their house looks like. So, I'm a realtor on the side. If somebody builds a \$115,000 barn, I know it will increase the value of not only my property, the property in front of me, the property behind me, the people on the other side. It's only going to add to the value, versus what we even had there before that was actually falling down.

Jones Mr. Walters, can you help me out real quick.

M. Walters Yes.

Jones You talk about 3 houses on your lane. So, I think you're talking about 4570, 4560, and 4550. Correct?

M. Walters So, I don't know. It's a little funny. So, the Crenshaws used to own this, and so there is, I think the house in front of me is 4570?

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- Jones 4570.
- M. Walters Now 4560, and then behind me is 3 acres that the Eckerts own, that there is no house on currently.
- Jones Okay.
- M. Walters And, then at the far back of the lane are the folks that sent the letter, at the end of the cul-de-sac, which was not originally a part of the Crenshaw estate plat. So, they are on my lane, but they're at the very, very back.
- Jones Wait a minute. So, I'm on like Google Earth. I've got like 3 computers. You know, my house is in a brown-out because I've got so many computers going. But there is a house in front of you that is closest to 975, and it looks like they just did a pretty substantial rebuild. Correct? And, they've got an outbuilding, as well.
- M. Walters That's a new build. Yes. They just built it.
- Jones And, then there is your parcel, and then there is one to the west of you that doesn't appear to have anything on it. Is that what you're talking about?
- M. Walters Yes. So, that's woods.
- Jones Okay. And, then there is 2, which I would call to the north of you, that have 2 homes on it.
- M. Walters On the other lane, it must be, is what you're talking about.
- Jones That's what I'm trying to figure out. I can't - -
- M. Walters Yes. There is 2 lanes that run right next to each other, and kind of, if you look at Google Earth, it looks like 1, but there is actually trees in-between those, and one goes to the other side to the north, and then the other one comes down our side.
- Jones Okay, so you have somewhat of a boulevard, basically. In other words, there is your neighbor, closest to 975. There is your parcel, and then it appears that there is a house, or some structure to the west of you. Is that right?
- M. Walters In the woods?
- Jones Yes.
- M. Walters Yes. That's another topic for another day.
- Jones That's all right. But there is something back there?
- M. Walters Yes. There is, but there shouldn't be.
- Jones They all share the same drive.

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- M. Walters Yes.
- Jones All right. They all share the same drive.
- M. Walters Yes.
- Jones And, then the two that are to the north of you actually are serviced off the other drive.
- M. Walters Correct.
- Jones In other words, there is this kind of thin spurt that connects everybody out to 975.
- M. Walters Yes. And, their drive, we can't access their drive, and they can't access our drive.
- Jones Okay.
- M. Walters There is no connection there. And, honestly, I don't know them very well.
- Jones That's fine. So, where are we getting the remonstrance from? In all these parcels? Is it - -
- M. Walters To the west of us is the woods, there is a structure there that shouldn't be there, and then keep going west, all the way to the back of my lane there is house that sits back there. Can you see that? It's in the end of the drive, there is like a circle drive back at their house.
- Jones All right. I hit subdivision. Is anybody else able to figure this out? Is it just me?
- Koenig Larry, I think, are you able to look at the staff report on Exhibit 2, where we're showing the Town's GIS?
- Jones Yes. I'm also clicking back to that.
- Koenig So, if you look at Mr. and Mrs. Walters' property, then the one to the west, I think what they're saying is the 3-acre vacant, it has the address 4550.
- Jones I got that.
- Koenig The one that sent the letter in is the next one west, which is 4540.
- Jones Okay. All right. So, there is a parcel of land in-between them? They've got to drive by the barn, is their complaint. Correct?
- M. Walters Yes, I guess. Apparently, they liked looking at the old one that was falling down. I don't know.
- Jones All right. I'm just trying to make sure everybody is understanding.
- M. Walters Yes. You're correct.

- Jones My bad. John, you want to go back and - -
- Wolff Yes. Certainly. I want to ask, I believe it's Mr. Graber, questions. Are you there?
- Graber I am. Can you hear me?
- Wolff We can. You sound like a robot, but I don't think that's your fault.
- Graber All right. So, Mr. Graber, I just want to start. Can you, one is, can you describe, let me give you a series of questions and then I'll let you answer them. The fit and finish of the structure. Two, is the structure going to have plumbing, HVAC, a bathroom, a kitchenette? The interior finishes of the structure? And three, can you describe the exterior finishes, including the roof, including the steel siding and those types of things?
- Graber Sure. Well, first of all, the structure is going to be a metal-sided, metal-roof building. It's not going to look like what you would think of like a traditional farm barn. It's going to have multi-tone colors on it. It's got a wrap-around porch on it. We use the metal [inaudible] get any other product very effectively. The way we fit them out, they look, they really look very suitable for residential properties. We build these more beside homes for residential purposes than we do agricultural by far, I would say. [inaudible] right beside people's houses as residential buildings. That is actually the most common use they have for them. The building is going to [inaudible] and it's going to have a metal ceiling in it. It's going to be wired for light. It's going to have in-floor hot water heat in it, so it's going to be heated in the winter time. We're putting in plumbing for a kitchenette and a bathroom in it, and it's going to be a, it really is a type of building that's designed to be for year-round use. It's going to be able to be heated just like your house would be in the winter time. We're not putting in the air conditioning. It's designed, it's got like ventilated windows and stuff for that. We're not air conditioning it, but it going to be heated essentially exactly like a house. It is going to be insulated just like a house, as well. Did I answer all your questions? I'm sorry if I missed one.
- Wolff I think you did. It was a little tough to hear some of it, but I think you did. So, I heard that it will be plumbed for a kitchenette and a bathroom. I heard the description of the features of the exterior of the barn. Another question is, one of the reasons that we're here is because, I believe the structure is intended to be 26 feet tall, 26 feet 8 inches. Can you describe why that's necessary? Jerome, Mr. Graber, you're muted. Mr. Graber, you're still muted.
- M. Walters John, you want me to try to answer that?
- Wolff Yes.
- M. Walters Okay. You know, our plan is, I coach Indy Hoops basketball. I coach Zionsville Baseball Club. I have three boys in it. Our plan is to put a, close to half-court basketball court inside of there. So, just from a trajectory standpoint of shooting. I don't know enough. That's where Jerome is going to have to talk about the trusses that go in there, and things like that, but I think just based on the ability to

shoot from the corners and things of that nature, I think that just the measurements played out that it needed to be at that height.

Wolff Fellow Board members, what questions do you have at this time for the petitioner?

Jones Do we have an idea how far back this will sit off of the common drive? I was trying to go through your site plan, and it's, what we've got is a little rough.

M. Walters Sure. So, if you look at Google, or you can see that we have a, so we have a regular drive that comes back to our house where our garage is, but there is also a gravel drive that we have, so you might be able to see that gravel drive on there. That gravel drive was there prior to us buying the property, and went out to the old barn. So, where that gravel drive ends, or maybe on Google Earth, my old barn is still there. I'm not sure if it is or not. But the new barn is going to be exactly where the old barn was, so in that exact same location, that gravel drive is going to go right up to one of the 12 x 12 doors that go up to be able to drive right into the barn. So, it will be the exact same location as it was before.

Jones If I'm looking at your site plan and understanding the property layout, the drive is really basically a shared easement. Is that a correct assumption?

M. Walters That's correct.

Jones Okay. So, the distance to the house to sit off the property line is actually much greater than what it would appear the distance from the road is?

M. Walters Correct.

Jones Okay.

Campins How many overhead doors was this going to have?

M. Walters Two overhead doors. One towards the house, which would be to the west side, and one on the east side. Just simply because, as Jerome explained, we're not putting in air conditioning. So, in the summer we can put those doors up and we'll get the west to east breeze flowing through there.

Campins Okay.

M. Walters But they're very nice. I mean, I know what you picture a garage door to look like, but they are, we upgraded with Jerome to the ones that have all the windows in it. It looks absolutely like a residential garage door you'd put on a million-dollar house.

Campins Okay. Thank you.

Jones What color will it be?

M. Walters So, the barn?

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- Jones The barn.
- M. Walters So, the barn will be, I guess our house is probably like a really, really, really light gray. It's not white, but there is a little bit of a grayish tint to it, and so I think what we decided on, didn't we, is the bottom, I don't know how many feet that is. That's probably the bottom four feet wrapped around will be in black, because our front door is black, our shutters on our house are black. So that bottom part will be black, and then the rest of the barn will be the color that our house is, which is that very light gray.
- Jones Okay. So, there is a lot more detail than what we're seeing in just the drawings we got provided. Well, I see it now.
- M. Walters Sorry to cut in, but Jerome just texted me. He's having problems with his telephone connection, but he says that it's 22 feet to the top of the roof on the barn he's proposed. I think somebody said 24.
- Wolff I think that's different than what we have in our information.
- Jones Yes. We've got a much higher dimension.
- Mundy Is that the inside or the outside?
- M. Walters I don't know the answer to that. I wish he was connected properly.
- Graber Outside.
- M. Walters There he is.
- Wolff Oh, we heard him. So, that changes one particular facet of this conversation.
- M. Walters He says the outside. The outside is 22 feet to the tip of the roof.
- Campins Okay.
- Jones Okay. So, it's, and you're trying to get 16 feet inside clear?
- M. Walters Is that what is says?
- Jones Yes.
- M. Walters I forget if it was 16 or 18.
- Jones I'm just trying to think, because it is a wood-framed pole barn, correct? There is no metal structure to it?
- M. Walters Yes, that's correct.
- Jones So, I'm just thinking to get the 50-foot clear span [inaudible] side to side. Anyway.

- Campins You mentioned a wrap-around porch. Is there an overhang over that? Does it come down?
- M. Walters So, it will be an overhand wrap-around porch with a... So as you enter from the west there will be an entry door on the side there, and that will be underneath the wrap-around porch, and the wrap-around porch will have ceiling fans up underneath the wrap-around porch, so again, we're using this as an opportunity. And, then, there will also be, as a part of the wrap-around porch, there is like a slide-up bar door that's going to be built underneath the porch, so if you were sitting outside. I know Jerome talked about a bathroom and a bar, like, we're going to have it rough-plumbed for that. We're not going to actually do that right now. So, that's going to be a project for the future that we'll actually add those. So, the rough plumbing will be in for it, but our ultimate goal is to have some kind of little kitchenette inside of there and a restroom, and be able to have that bar door, which will be built on it slide-up so you could serve drinks and food to the outside underneath the patio.
- Campins Okay. Thank you.
- Mundy Can you give us a breakdown? How much of this is the basketball court versus storage and other uses inside the barn?
- M. Walters Well, we haven't talked a lot about that. So, we're just going to initially put one basketball hoop in there. We'll probably, it's going to be a concrete floor, so we'll probably paint some lines on the floor for the kids, but in all honesty, there is going to be a lot of overlap, and I'm sure the kids aren't going to love that, but you know, we're going to have tractors in there, and some of those things that I'm storing at the neighbor's house, I'm going to have to put into the barn. So, that stuff will probably get in the way of the basketball court, so there will be times where the basketball court has storage stuff in its place, and things of that nature. We really haven't totally mapped out how that's all going to be, or if eventually we build a room inside there to store the lawn mower, or what have you. But, from day one, there will be one basketball hoop in there at the far east end of the barn, and the rest of it we're just going to store our stuff in there for the time being.
- Mundy Have you considered reducing the size of the barn? I mean, it is a large barn, and since you haven't mapped all that out, I guess it's sure easiest to go big if that's what you want, but you are here asking for a variance largely because of the size of the barn.
- M. Walters Sure. Yes. Honestly, we hadn't considered anything until I knew that a neighbor said something at 11 p.m. last night when something got sent to me. I mean, you know, all of our plans and sketches and everything have been around this size barn that we wanted to put out there. So, to be honest with you, we haven't considered anything smaller to this point. And, again, I don't want to, our old barn that we used to have out there, I don't know how big it was. It wasn't very big at all, and it kind of looked funny out in the middle of that enormous field that we have. You know, back then they had horses that obviously grazed the field, so that made sense for them, but we aren't horse people. We don't have any animals besides one dog. So, it seems a little funny to me to build something

super small out there right now if we're not going to use it for the purpose of animals or anything. It's a lot of wasted space, and you know, there is not really a lot else to do with that. So, that's why we thought that a barn of this size would actually look perfect. It's almost symmetrically in-between the house and barn in front of us, and our house. So, it kind of just flows as you come down the lane.

- Jones Yes, I have a question for Wayne. Probably could dig this up. So, are all these parcels out there all zoned RSF2? I mean, I could go dig it up.
- DeLong Yes. I would say generally speaking this is a predominantly - -
- Jones --I'm asking specifically. So, there is three parcels that share this lane. Are all three of those RSF2?
- DeLong I could pull up a GIS and verify that.
- Jones That's what I was, I mean, I was going to go do that. I didn't know if we just had that handy somewhere.
- DeLong Chrissy, if you want to take a look at that given that my computer is controlling the webinar.
- Jones Yes, sorry.
- DeLong Any challenges.
- Jones I've got a third computer, but the only reason it works is because I've never connected it to the internet, and I don't want to do that.
- Wolff Are there any other questions for the petitioner at this particular time?
- Mundy Yes. I have one other question, Mr. Walters. When you started planning for the barn, and looking at size of the barn, were you aware that there were limitations in the ordinance in terms of what you could put there without requesting a variance?
- M. Walters No. I wasn't, to be honest with you. Never even crossed my mind. Had I known that, I probably would have made sure we got through this meeting before I tore the old barn down. Obviously, I moved forward with taking it down because I figured I could, you know, I've got 5.18 acres, which is a ton of room. I thought it wouldn't be a problem. Or, I thought that maybe, I guess I assumed the rules were that, you know, it didn't, a 1-acre property isn't the same as 5 1/2-acre properties, but obviously that's not the case. The same rules apply. So, no, I wasn't aware of that.
- Wolff Wayne, do you want to look to see if we have any, I know we have an open question about the zoning of the neighboring, adjoining properties. Do you want to look and see if we have any remonstrators for or against who want to share something tonight with us?

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- DeLong I do not see, I mean, I see no other names. I mean, certainly we'll ask the question are there any remonstrators here related to this petition, so we can discuss # 2020-16-DSV, please raise your hand.
- Wolff Okay.
- DeLong Yes, I don't see any other parties raising their hands.
- Wolff Very good. Chrissy, were you able to find anything?
- Koenig Yes. I did find, and I tried to send a screen shot to Wayne, because I don't know how to show it to everybody else. There is RSF2 pretty much around the entire area. The school to the south is SU, and then Cedar Bend would be the closest change in zoning, which goes to RSF3.
- Jones So, Chrissy, there is the three parcels that have this common drive. I'm sorry, there is four parcels that share your drive, correct, Mr. Walters?
- M. Walters Yes.
- Jones There is three residences, and then some other thing.
- M. Walters Yes.
- Jones Okay. So, then the two to the north, are those also RSF2?
- Koenig Yes.
- Jones Okay. So, basically there is six parcels all in through here, and they're all, was that all done at a single, kind of, rezone at some point?
- Koenig I think even the neighborhoods to the north and the south, Spring Knoll and, I just lost my, the two neighborhoods on either side are also RSF2. So, I think this whole area has just all been RSF2. Is that what you're asking, Larry?
- Jones Yes. I'm just trying to see kind of the, I guess, was there an original owner that sold all the parcels that created the other subdivisions, I guess. Is that what I'm seeing? I'm just trying to get a little bit of the history of this thing.
- DeLong I don't think we know off-hand as to, I mean, it was certainly in the 90s where these actions were vehemently contemplated.
- Wolff Wayne, now may be an appropriate time for the staff report?
- DeLong Certainly. This is a very, you know, interesting petition. Certainly, the staff does not disagree with the Walters. You know, the scale of property and its improvements are certainly in a form-based code, are certainly very important features of that type of conversation. Uniquely, however, the Town of Zionsville does not have such an ordinance. The ordinance is based upon a "one-size fits all" approach. The larger your primary structure, the larger your accessory uses may be. That is the ordinance that the Town adopted in the 2000s and maintains

today. The challenge that is presented to the Board of Zoning Appeals is to consider the request based upon the findings of fact, which are outlined in state law as what is peculiar with the property that necessitates the variance or is the hardship in following the Town's ordinances. And, this is made a little bit further complicated because you have a petitioner who, indicating as part-time real estate agent, or maybe a little clarification on, maybe I'm not saying it correctly, is indicating that these improvements will increase property values, and I believe you have a remonstrator indicating that, at least in writing, that they believe that the improvements would de-value the property, which is actually a financial impact to adjacent adjoining properties, is definitely a topic of conversation for the Board of Zoning Appeals.

Specifically, to the height item, that height came from the petitioner's specifications provided by the builder. If those specifications are incorrect, and the building is only 22 feet in height, then that is a non-issue, but certainly I think that's definitely critical to the success of this building that the height itself is very, very clear. Certainly, the height is not considering the cupolas. Those are exemptions in the consideration of heights for accessory structures. But, in this particular case, the Town has the ordinance as it's been outlined tonight.

The challenge of the Town's ordinance is to look to keep accessory uses in scale with the existing primary residence. Those are, you know, of a challenge, and certainly staff, again, appreciates the approach of the forum-based code. However, that is not something the Town has currently in its wheel-house to utilize. Speaking to the features of the structure, staff isn't intimately aware of every property in this particular area, but when trying to find larger accessory structures that are of an all-steel nature that is not something that staff could run across. Certainly, looking for the Board to speak to that item if that's [inaudible] or not. But again, you have an ordinance today that speaks to very specifics as to why the regulations are as such. You have a competing thoughts being presented as to the impact, potential impact of values based upon the improvements. Certainly clarity, as indicated this evening, that you have a 22-foot barn that you're looking at not a, not the number that was listed in the notice, and I think we'll conclude comments from there. I'm certainly happy to answer any questions.

Wolff Thank you, Wayne. Any questions for staff?

Papa Wayne, is the addition of a restroom or plumbing for restroom [inaudible] accessory building?

DeLong It's certainly permissible to have the, any types of features in accessory structures. The challenge is the counter-balance of insuring that the accessory structure maintains its accessory use. Certainly, the challenge is to put the correct amount of features, such as the kitchenette as it's mentioned. It cannot be a full kitchen. If the facility is also plumbed with a full bathroom, or the bathroom has to not be a full bathroom in order to have a full kitchen. So, there is a couple different ways that conversation is managed in terms of the variance. And, equally as important in that conversation is the heating and/or cooling of the barn. Certainly, while it's an awesome feature to have, the building code itself is a bit tricky when it comes to how that's regulated. It's certainly a challenge to

meet the building code standards for heating of a building when it is a primary structure, and it's built of this fashion. I don't believe that's the intent is to not make this a primary structure, but certainly these features and conversation points will be evaluated during the review of the building permit.

Jones I've got a couple items. So, the previous project for the Sharps we just approved was basically a 2400-square foot house with a 2600-foot outbuilding. But because they were zoned agricultural all this stuff doesn't really, none of the requirements come into play, per se. Is that correct?

DeLong Right. When you have a 20-acre farm, yes, the accessory versus primary is - -

Jones --No, no. The Sharps' property was only 2 ½ [inaudible], but their accessory building was like 2600 square feet and their house was going to be a total of like 2400 square feet. The point is that is agriculturally-zoned, so it didn't - -

Koenig Larry, they also had a 1600-square foot basement. That's why.

Jones The basement figured into there? But my point is, because, but the agricultural zoning didn't call into play the 50% limit. Correct?

DeLong No, but it does call into play that in the rural portion of Zionsville, accessory uses must be subordinate to the primary. So, it's a very similar test as in the urban area with a different percentage. In the rural area, your accessory uses must be subordinate. So, if you have a 5000-square foot home, your accessory uses must be no more than 4,999 square feet, plus height limitations, accessory use, other limitations, and that's if you do not qualify as a farm.

Jones I understand. And, I guess the second thing I want to confirm is that these existing parcels, basically the 6 parcels that are anywhere from 2 acres to probably 8 acres, all kind of creates this, the RSF2 zoning and the other development that went on around it.

DeLong Well, I would say that the whole area was brought in when it was annexed. We have not researched. The assumption is when the area was brought in, it came in as RSF2 as the ordinance would stipulate, that all properties when annexed are brought in at RSF2, and so certainly when the Crenshaw property was brought in, it came as RSF2 as a 10-acre farm.

Jones So, they weren't really ever given a, so there wasn't a rezoning per se of the property? Just when it was brought in it got brought in that way?

DeLong Without researching it, it's very, per the ordinance, when a property is annexed, it automatically comes in as RSF2.

Jones Okay. So, they didn't have a choice?

DeLong Most likely, no.

- Jones Okay. And, then if I'm reading through the RSF2 and your number is correct, their existing attached garage and porches and patios all add into the accessory number that their allowed. Is that correct?
- DeLong Correct. All porches are calculated, all porches, patios, you know, that's a part of that accessory use conversation.
- Jones Okay. I guess, like I said, I was kind of running back and forth on the math, and while the building is large, you know, 50 x60, it's 3000+ square feet or whatever, it's when you start adding their attached garage and porches and patios and all that kind of stuff that really throw the numbers out of whack in terms of us granting a variance for an excessively large amount of overage.
- DeLong Correct. There is a challenge [inaudible].
- Jones And that's what makes the ask look so large.
- M. Walters Well, and I will say, if I could say something really quick. So, it does say on there "screened-in porch" for our house. I think it's 240 square feet. Prior to us moving to this property, at some point the Crenshaws had converted that into an actual room, and then we replaced it with windows. So, I had sent some pictures over, I think, that maybe she shared with the Board, but you know, that is no longer a screened-in porch, which helps the numbers to our benefit a little bit. It's actually a part of our house, but I know it doesn't cover it all, but it helps.
- Wolff Mr. Walters, you don't have a basement, correct?
- M. Walters No basement. All crawl space. Which is kind of unusual for, you know, a 5600-square foot house.
- Wolff Any other questions for staff or the petitioners?
- Mundy Mr. Walters, one of the elements that your neighbor mentioned was landscaping. Do you have a landscaping plan, and what do you intend to do in terms of landscaping around the barn?
- M. Walters Of course my wife has a landscaping plan. You know, we don't really have anything obviously drawn up at this time, but landscaping will be a huge part of what we do. We've already talked to our landscaper, who takes care of our house here, about it. We envision a, kind of a paver patio off of that wrap-around porch. Probably a fire pit out there. You know, obviously some vegetation, as well. Some plants and things. You know, this is not, and again, I think we're kind of talking about it over and over. This is not a run-of-the-mill, we're throwing up just a pole barn just so my kids can go out there and play basketball. I mean, this is going to be a beautiful structure. This is going to be something we can entertain with out there. This is something our kids can enjoy. And, it's going to look absolutely beautiful from the road. I'm just afraid that, you know, maybe my neighbors at the back think differently, and they don't understand the whole scope of what we're trying to accomplish here, but I promise you it will look very nice.

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- Jones Is there the ability to add a little more screening along the, even though they don't use the drive, along the drive to maybe break up the view of this?
- M. Walters Well, the interesting thing is we have our entire drive, you probably can't see it from Google Earth, is lined with trees. I don't know what kind of trees they are, but they're scattered. One to the other side, to back and forth across the drive as you drive down the drive. So, honestly, as you're driving down our drive, it's kind of like Augusta National. It seems like, I mean, it's not that nice. But you know what I mean? You drive down this drive with these beautiful trees on each side. I just, you know, I'm sure you're going to see my barn over to the side, but for the most part, 50% of your drive down the lane, all you see is the trees on each side that look gorgeous.
- Jones Yes. Do you have any problem with removing the one other little outbuilding?
- M. Walters We just got that. We use that for storage. I mean, it cost us a couple, probably \$3000 maybe from Recreation Unlimited.
- Jones Right.
- M. Walters I guess I could sell it. I mean, that's not ideal to move it.
- Jones Right.
- M. Walters And, it's painted, it's also painted to match our house. It's the light gray with black shutters on it, and it all ties together.
- Mundy Would you consider meeting with your neighbor and discussing some of the things that he's mentioned and could be altered?
- M. Walters Yes, absolutely. And, I've talked to him. I mean, that's just why I'm kind of mind-boggled by it.
- Wolff Are you aware if your neighbor has, wow. Has your neighbor seen any renderings of the project? Drawings, papers?
- M. Walters No, the stuff I sent them on April 30 just had details of the size and things of that nature. I don't know that we've sent him any actual drawings.
- Wolff So, I'm going to try to put some thoughts around this. As I read through the staff report, I think the staff's view is that, well, there is 2 concerns. One, I think, is addressed which is the height, which I believe that's addressed because what we hear tonight was it's 22 feet, so I think we're within compliance there. The other one is the overall square footage of accessory structures. And, so one of the burdens of the petitioner is to answer three questions. So, I'm going to read you those questions, or approximation. 'The approval will not be injurious to public health.' I think we can probably work our way to that answer. I don't think it will be injurious to public health. 'The use or the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.' I think your point earlier was, if we add a high-end luxury, luxury maybe not, but a nice barn with, you know, potential finishes of a kitchenette and

a bathroom and a porch, a wrap-around porch and those types of things, and you've made an expense to add nicer fixtures, including windows and garage doors, your point would be that it should increase the value of the property and not adversely affect it. Your neighbor said it does. I don't know. My hunch is probably to agree with you, but we probably need to talk to the neighbor. And, then the last one, the one that I think we really need to work our way through is, "The strict application and the terms of the zoning ordinance will result in unnecessary hardship." So, the way I think about this one is, the rule is the rule, and you, if we strictly adhere to the rule, you have an unfair burden. Your property is unique because of this, or it shouldn't apply to you because of this reason. So, you have to have a hardship for us to grant a variance. I think Mr. Jones was driving towards, perhaps that one of the hardships may be the fact that it's not appropriately zoned because of the size. I'm not sure if that's what he was driving to, but Mr. Walters, what do you interpret the hardship being that we should grant this variance?

M. Walters Well, I think one of the things is obviously I have no room to store my mowers and all my equipment and everything, and it was in the old barn out there. So, that's at our neighbor's house right now. I have nowhere to put that for the time-being. And, you know, I mean I think my other, I mean, I don't know if you consider it a hardship, but obviously we bought this property with the intent of doing this, and obviously the question was asked, I wasn't aware of restrictions at the time. And, I just think it's kind of unfair to compare what we have here, which is very unique in Town limits in Zionsville, over 5 acres, with a big pasture field to everything else that's being built in Zionsville on half an acre, one acre, things of that nature. I think that needs to be taken into account. And, you know, I'm just afraid of building something small out there really is going to look out of place, and I would say that building something that they would like us to build at the back that meets that criteria would actually decrease the value. It's not going to be nearly as nice as a barn as what I'm building versus what we have. And, I'll say, you know, I am a realtor. I am a member of MIBOR. I sell real estate all the time. I sell probably 15 to 20 homes in Zionsville every year. I see stuff like this go up on the market for sale all the time. All the properties around it increase in value. I've had a ton of people ask me about the property at the back where the letter came from and wanting to know when they're going to put their house on the market and they want to buy that property. I just, again, you build something as nice as we're going to build, the value is going to keep going up. People that buy their house at the back are going to know that they live on, they have more acreage than us, I think. They have 7 or 8 acres there at the back. Hey, we can build something like that back there. So, again, I just think that's a crazy thing to say, that the value is going to go down based on what we build.

Jones And, John, what I was kinda trying to figure out is, was the reason this property is zoned RSF2 because of request of the property owners, or is what Wayne said, it happened as part of bringing this area into the Town of Zionsville. Is that correct, Wayne? Am I speaking out of turn?

DeLong No. It's my assumption without researching it, that when this property was annexed into the Town, most likely annexed in when other parcels that were intended to be developed at a greater density were brought in, everything was

brought in as RSF2, because that's what the ordinance mandated the district to be, and the property owner - -

Jones --Are you able to keep horses in RSF2 property?

DeLong You can keep horses. The Town's ordinances do not regulate animals. I mean, more than chickens or dogs. But, yes, you could, in theory, have - -

Jones --So if the Walters wanted to restore their existing barn and turn that pasture into a pasture, they could have done that?

DeLong Correct.

M. Walters And, we don't want to do that.

Jones No, but what I'm driving at is - -

M. Walters --I know.

Jones You know, we've talked a lot in the Town of Zionsville about the unique charm, and some of the stuff we have is different than anywhere else, and you know, here we've got in the middle of the subdivision a series of 2, 5, 6-acre, heavily wooded lots served through a series of 2 pair of common drives created by easement. We do not allow that currently. Correct? I guess we have done it in the past. We do make exceptions when people want to divide their lots up. But we shy away from it. Correct?

DeLong Correct. But the ordinance does speak to a property when we have a minimum amount of - -

Jones --And, that's kind of the hardship is that, you know, for all the uniqueness of this, trying to figure out a way to get it to comply to current zoning, zoning they didn't have a choice in is causing a burden. Am I wrong?

DeLong I think that's attempted to be made here, is that the district that the property is within doesn't support the improvements. And this goes back to the whole comment of the form-based code, there is no relief within the Town's ordinances in the urban area for the larger the parcel, the greater the percentage of accessory uses.

Wolff Mr. Mundy, you made a comment earlier about some of the neighbors' concerns. Do you think those concerns warrant some additional conversation with the neighbor, or are you satisfied that we've addressed those?

Mundy Well, I think that, you know, I think we've always tried to have neighbors come to an agreement of acceptability by both parties when we had this sort of thing. Sometimes that happens and sometimes it doesn't, but I don't, I feel uncomfortable that we have really found that there is a hardship involved, at least in terms of size. The storage of tractors and everything else could be done in a facility that fit the current ordinance, so I don't think the, I haven't seen a demonstration of a hardship, and I think that if we could get neighbors to agree,

the one neighbor at least, that would like to see landscaping plans, and some of the detail of the proposed facility itself, we would, I would be much more inclined to be favorable to it.

- Wolff Ms. Campins, I'm going to put you on the spot. Any thoughts about our conversation so far? You're on mute by the way.
- Campins My opinion is I believe that they have supported, I support the Walters. I believe that they have a great package there. I drove by their property today. I even got lost on that little shared drive that went all the way back to the neighbor. But I think looking at their residence there, it's not going to be like right on top of the house, and it's, you know, it's kind of separate. But, again, there is that, the rules. So, I'm not sure how to go about that.
- Wolff Very good. Mr. Papa, any thoughts?
- Papa Is the discrepancy between the height and what we have in all the documentation of any concern? I mean, everything here is just 26'8" and now saying 22, but so are the other measurements correct?
- Wolff Yes. So, Jerome appears to be using sign language, and I appreciate the efforts.
- Graber I can address the height issue.
- Wolff Okay. So, could you speak to the height issue, and also, I'm going to pull up the drawings and make sure we have the other dimensions correct. But, could you speak to the height issue please?
- Graber Yes. The height issue is once I discovered that there was a height limitation, we modified the truss design on the roof to shorten it up enough so that we would get it underneath that. The original plan did have it taller. I didn't realize the height limitation. I did go back to our engineer and discovered that we could modify that design and still have the ceiling height the same, and keep the overall roof height underneath what it needed to be to meet that requirement.
- Jones So, what will be the interior concrete floor to bottom of truss number you guys are working for, towards?
- Graber It would be concrete floor to bottom of truss height?
- Jones Correct.
- Graber Sixteen feet.
- Jones Okay. So, then you'll have a 6-foot tall truss at the center, so you can clear span 50 feet with a 6-foot truss?
- Graber Yes.
- Jones Mr. Walters, are you going to be happy with 16 feet for your basketball court?

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- M. Walters You're not supposed to have too high of an arch anyway.
- Jones Is that how you teach them. Is train them flat?
- M. Walters That's right.
- Jones All right.
- Wolff Mr. Jones, have we adequately addressed your need for a hardship?
- Jones Like I said, when I was trying to work around to figure out is how did this property end up with an RSF2 zoning, and the answer came back is that it was just kind of applied to it, and there wasn't really a specific request, like somebody creating a subdivision. In other words, it just got added in. So, you know, the fact that I think most of the hardship is a situation where you have a lot in probably many ways as non-compliant with current zoning, it's just getting caught up in its limit as to the amount of accessory structure you can have based on the square footage of the house. And the point is that this is, you know, a large lot at 5 acres, and it sits back from the road, and even the neighbor who is remonstrating against it, doesn't even share the access drive to their property.
- Wolff They do.
- Jones What?
- Wolff I think they do share the drive. Is that correct, Mr. Walters?
- Jones No, it's a parallel drive, correct? Am I hearing that?
- M. Walters No, he's on our side of the drive. John's correct.
- Wolff He's on the same drive.
- M. Walters Yes. He's just all the way at the back.
- Jones Oh, I thought there was two drives down there.
- M. Walters There is. There is another one that goes to the north side houses. There is two houses you talked about on the north side.
- Jones I'm sorry. I thought it was one of the two homes to the north. It's the one that's behind the project, special project. I got you. I'm sorry.
- M. Walters Yes.
- Jones So, on your drive, there are four parcels served?
- M. Walters Correct.
- Jones The one up at 975, yours, the middle parcel and then there is another resident in the back. Okay, I'm sorry. I misunderstood that.

- M. Walters Yes.
- Jones But still, they're driving by it. It's 100 feet away.
- Mundy According to the letter from the remonstrator, Larry, it's within 50 feet.
- Jones Really?
- Mundy That's what he said in his letter. I don't know, but that's what he said.
- Wolff I think it's unfortunate that we received that letter, kind of in the 11th hour. I mentioned that earlier. But Mr. Mundy is accurate. We have traditionally always tried to find an amenable solution for all parties. It doesn't always happen, but we have tried. My question for the group, and I generally don't like to, you know, if we can make a decision let's make a decision. My question for the group is, should we seek a continuance. I know it puts a burden on the Walters to store their equipment, and delay construction, but if we can find an agreeable solution for all parties, then it probably is beneficial. Or, do we have enough information to entertain a motion at this time?
- Mundy My preference would be a continuance. You know, I think that it will be best for the Walters if they have a neighbor, however close that neighbor may or may not be, that at least has the ability to look at what the product, what they hope to build, how they hope to landscape it, and answer any questions that might come up. As uncomfortable as that might be, I still think that's the best outcome.
- Wolff Mr. Mundy, if the neighbor is in good faith... Assuming Mr. Walters goes and makes an effort and tries to understand their concerns, makes potentially some changes to landscaping plans, provides details, whatever he can do to address those concerns. If the neighbor is still not supportive of this, would that, would you, is it enough for Mr. Walters and Mrs. Walters to make the effort, or do they need to have a resolution with the neighbor?
- Mundy Well, I think it ought to, I think it should be a good faith effort, and hopefully it provokes, you know, the person who has remonstrated to at least, if it doesn't satisfy them, at least they'll share with us what it is. And, as you know, we've had cases where neighbors have never come to terms, and we've still agreed that it was a worthwhile project and approved it. But I would prefer to see that happen first.
- Jones Yes. Typically, where we've ever stood our ground was, you know, drainage. Drainage, my boys, drainage. But where there is some kind of material action or feature that everyone's concerned about. Currently what we're hearing is somebody's concerned about what it's going to look like, but they are separated by another large wooded parcel, so, once again, I've said it before. You don't own the view. You want to own the view, go buy the view, but if you don't own it, you have a limited amount that you can say about it. And, driving by a structure that's, you know, it's not a reason to deny it. But what Mr. Mundy is saying, if we want to make one more attempt, and if the Walters are interested in trying to see if they can [inaudible], I can support that.

- M. Walters I'm happy to do that. We did send him back an email, and I never heard back from him. And he knows that this was happening tonight. So, I don't know how open he'll be to that discussion.
- Wolff Well, and I'm also challenged by the fact that we don't have necessarily specific information. Generally, when I would go this path, or a path of continuance, I would say that I would like you to address these three things, or these four things, or these specific concerns. I'm not sure I have enough information to do that. With that, Mr. Graber, did you have a comment you were going to make? I think I saw you using sign language.
- Graber Yes. Can you hear me?
- Wolff Yes.
- Graber Am I on? Okay. I didn't have a chance to talk to the Walters about this. I don't know if they'd be on board with this, but an idea I had is if maybe they would propose in the approval that they would agree to a minimum of maybe \$2000 or \$3000 for landscaping and make, and agree they're going to spend a minimum amount to improve the exterior, and make a good-faith effort to talk to the neighbors and make sure that all the neighbors are in agreement that they like the landscaping plan, and commit to a specific amount of money to spend on that by next spring, and also agree to make a good faith effort to get the neighbors on board with whatever sort of screen they're going to do with that money. It's just an idea that I had and maybe that would help address the concern.
- M. Walters Yes. And obviously we're going to be spending money on that, so I'm happy to do that.
- Wolff Okay. Board members? How to we move forward?
- Jones Well, we can always make a motion, and if the motion doesn't go through, there is always the ability for the Walters to ask for a continuance to go address. Is that correct? If nobody wants to support the motion?
- Wolff If there is a motion, and it's seconded, and it's, let's see here, work my way through that one. If we vote on a motion, and it's got a majority vote, then that, and we have a quorum, so we should not have a tie, then it's going to, it's going to be acted on that motion.
- Jones If it gets denied, then it gets denied. Is that correct?
- Wolff If it gets denied, it will be denied. The Walters can't bring a petition of substantial, something substantially similar, for one year. If it gets approved, it gets approved. If it gets continued, we try to get more information to have a clear understanding of the project. Kent, did I have that correct? Okay, yes.
- Minnette Yes.

Wolff I mean, the other thing that I may ask is to the Walters, if you had, you know, maybe there is hesitation amongst the group. I think I have worked my way through the hardship. I think I have found a path that is, that it's a unique RSF2 property. And, I can support that. But the Town isn't supportive of something this substantial in size. Earlier in our conversation, you mentioned that you hadn't considered something smaller because it wasn't, you didn't understand this process and didn't know that there was rules against this. You were operating under the assumption of the size of the property and not the size of the primary structure. So, the other question is, could you come back in a month with a potential agreement, or at least good faith effort to work with your neighbor, and a slightly revised plan that reduces the overall square footage that the Town may be more supportive of?

M. Walters I'm sure I probably could. I don't want that.

Jones One other comment, John. You know, once again, one of the kind of unique features of what we're working around is the fact that they have a house with a crawl space. If the Walters house had a basement, they would have substantially more livable square feet, which wouldn't mean the ratio is so out of whack. I just, it's, you know, Wayne keeps talking about form-based zoning, and yes, form-based zoning is a situation where you get features like size of lot, or you know, view shed and all that kind of stuff added into the equation. We've adopted a set of kind of hard and fast numbers that tie the amount of accessory building to your livable square footage, and what you find is that even the garage you have attached to your home works against you when you start counting new outbuildings. And that's what I keep driving back to how did this property end up RSF2, because, and maybe the hardship is that they weren't given a choice. And it predates the zoning that it's burdened with. That's why I'm like, you know, that and my you don't own the view comments.

M. Walters I will say there has been a lot of talk about talking to the neighbor, and as I mentioned, you know, I emailed them the specs. I've had multiple conversations with them about this. They've even, when I was doing the demo of the old barn, I had dumpsters out there. They were coming down here, throwing things in my dumpsters to throw away and we talked about the barn. So, you know, going to them and talking to them again about something that they sent in last night at 11 p.m. just seems silly to me when I've had discussions with them, and they have never even flinched at the idea of what I was building, or mentioned that it might be of concern to them. And, they emailed me back. I mean, I sent those emails in. They mailed me back when I sent them the specs and were making fun of goats, and you know, one of them was go big or go home. And, I mean.

Mundy Mr. Walters, I can't, you know, I certainly don't dispute that. I don't know, but just reading the letter that he sent, it doesn't appear that he had much detail in terms of what the structure was going to look like. He specifically mentions, you know, there is no landscaping plan, and so again, I don't know what you showed him if it was what we received, I think, from the company. It was very kind of black and white drawing. Almost a generic kind of drawing of the facility, and it evidently, if that's what he got, it didn't have the detail he would like to see knowing that he is going to be driving by it each day.

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- Jones One other item just to consider. So, as far as permitting and starting this project, they don't need a sewer permit. They don't need a drive permit. All they need is this approval to go pull a building permit. Correct, Wayne? And, Chrissy? I'll throw you in this too.
- DeLong I mean, yes. It's a, it would be an improvement location permit to facilitate the construction of an accessory building. There would be a storm water permit as well. With this particular parcel, certainly you mentioned sewer. I don't know off-hand if this is attached to the Town sanitary sewer system, or if this is on septic, but that's certainly, this can be as simple as a building permit.
- Jones It should be, correct?
- DeLong Should be. Correct.
- Jones So, the point is, a month delay to try to vet a little bit of the neighbor's concern isn't a particular burden to you guys getting going. Jerome, is that, are we, make the attempt to appease, I guess, is where I'm grinding away at.
- M. Walters Is that a question for me, or is that Jerome?
- Jones I'm sorry. It was a question for, sorry, Mr. Walters. A question for you and your builder.
- M. Walters I don't know what his schedule looks like. You know, we put money down with him back in April, and the earliest he could get to us just due to their schedule was the third week of July, so my only concern is I don't think that he's sitting around twiddling his thumbs waiting for us, so I think if this gets pushed back, probably our project is going to be pushed back, you know, 4+ months, which gets me into, you know, winter and I don't know what that entails. So, we've been waiting for a while. That's kind of why we tore the old barn down to get going, so we were ready for him after this meeting the third week of July.
- Jones And, then finally if we make a motion that doesn't get seconded, then it just gets automatically continued. Correct, John?
- Wolff No. If we make a motion and it doesn't get seconded, then I can entertain a different motion.
- Jones Okay. So, I'll make a motion then. I move that Docket # 2020-16-DSV, development standards variance in order to provide for the construction of a detached barn, which exceeds the allowable accessory square footage providing for 1890 square feet of additional roofed accessory structure in association with a 5660 square foot dwelling, and exceeding the allowable accessory height, all as illustrated in the exhibits attached to this report, and within the urban single-family residential zoning district RSF2, for the property located at 4560 South 975 East be approved as filed, as presented by the petitioner due to the need, wait a minute, should I read the rest of that? I guess I should. As presented as the petitioner due to the need to encourage social distancing as mailed notice via first-class mail, waiver the rules of procedure regarding notice requirements as necessary to be considered as part of this petition.

- Wolff Okay. Thank you, Mr. Jones. One point, would you be amenable to removing the comment, 'and exceed the allowable accessory height'?
- Jones Let's set the accessible height at 24 feet.
- Wolff I think they said 22 feet, and 22 feet is the ordinance, so they don't need to have that.
- Jones Right. I want to put it in at 24 feet.
- Wolff So, you would be amenable to say exceed the allowable accessory height of up to 24 feet?
- Jones Right. I don't want to put them in the [inaudible] If they are going to do a radiant in-floor heating system, we want to set that above the grade a certain distance, and I don't want to find somebody out there picking it apart because the building is 22 feet tall, but it sits higher than that above the grade. Because we never have a clear definition of what is height. Correct? Wayne?
- DeLong The Town ordinance for height in the urban area is very strict, and so to Larry's point, there would be some level of inflexibility with a change in grade due to, you know, the utilization of the in-floor radiant heat system. The rural area has a much more flexible way to measure height.
- Wolff Very good. Okay, so there is a motion on the floor. Is there a second to that motion?
- Papa Second.
- Wolff Mr. Papa seconded the motion.
- Papa Yes. I seconded because they have more than 5 acres.
- Wolff Thank you, Mr. Papa. So, Wayne, I think we need to turn this over to you for a roll call vote.
- DeLong Certainly. Mr. Jones?
- Jones Yea.
- DeLong Ms. Campins?
- Campins I approve.
- DeLong Mr. Papa?
- Papa Aye.
- DeLong Mr. Mundy?

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- Mundy Nay.
- DeLong Mr. Wolff?
- Wolff Aye. It appears that we have enough votes. The motion carries. Mr. and Mrs. Walters, good luck with your project.
- S. Walters Thank you.
- M. Walters Thank you, so much. Appreciate it.
- Wolff Next item on our agenda is other matters to be considered. Wayne, do you have any updates for us? Or Chrissy?
- DeLong In this case, we'll turn to Chrissy. She's got an update related to the covenants. I'm sorry, the commitments, as mentioned.
- Koenig Yes. David with Wildwood Designs. We did reach out to him, and get an update from him that they are still moving forward. They are in legal disputes and trying to settle that with drainage easements with the neighbors. So, I guess I shouldn't say disputes. They are trying to finalize those, and feel like they are going to be settling in on those very soon. He did not offer a timeline of what soon meant, but point being, as I point-blank asked him if he wanted to remain on the agenda, and knowing that that meant that he was moving forward, and he said yes.
- Wolff Okay. Interesting. Wayne, or Chrissy, any other updates that we need to discuss?
- DeLong No updates that I'm aware of.
- Wolff I would share with my fellow Board members that our Mayor and our President of our Town Council has suggested, let me rephrase that, has given us the discretion to make choices on how we could have meetings going forward, I believe. Wayne, if I don't speak out of turn, this meeting was, the agenda had already been published, so we did it remotely, as we have been the past few months. So, but the note would be that potentially there may be some changes in getting back to our traditional schedule. Maybe in August, but we're just going to try to make the best decisions we can for everyone's safety. So, with that, are there any other matters to be discussed?
- Jones So, are we planning on the next meeting being at the Town Hall?
- Wolff The email that I received said that it was up to the Board's discretion.
- DeLong And, certainly I can expand somewhat on that. I mean, certainly open-door law and other statutory guidance, statutory items and/or guidance will come into play here. Certainly, the Town is taking steps to be prepared for a hybrid virtual meeting process. I can speak to specifically to the Board of Zoning Appeals, or I'm sorry, to the Redevelopment Commission that they have the statutory ability to meet, to allow for call-in participation in their meetings, and we would look to facilitate that process. Let's say we have a live meeting at Town Hall, and then we will set up a portal, if you will, where folks can participate remotely in a live

meeting. Certainly, we'll look to see these tools, as well, be made available. You know, let's say the Governor's executive order is extended an additional amount of time, and that covers over your August BZA meeting. Depending on your agenda and the technology, we may be in a position to host that in a hybrid situation. So, the answer to your question, Larry, Mr. Jones, I don't have an exact answer for you, as to how we do that. It's going to be predicated on the executive orders as they're authored, and certainly the technology, but based upon certain characteristics, the Town will be prepared to maneuver in a few different directions.

Jones Do you think we'll keep getting our packets via email? I mean, I don't know about anybody else, I kind of like it, and maybe you know, if we have, even if when we start having meetings at the Town Hall, maybe just have one packet available, so if there is some document we need to see, pass around, I don't know.

DeLong Yes. There is many, many features that have been discovered during this situation, as complex as it's been, that has allowed government to think outside the box and I would like to think going forward can be more nimble and even smarter, and part of that is moving to a digital format for the staff packets. Certainly, having other features available that are paper driven, but certainly, you know, having the technology available for attendees, as well as the Board members to view those packets electronically at their seat in the room is a great feature. So, yes, definitely there is advances that we can make based upon things that we're discovering on a daily basis.

Jones Cool.

Mundy Wayne, a statement and a question. The statement is, I agree with Larry. I kind of like getting it digitally. I don't have all that stack of paper.

Jones Yes.

Mundy However, I'm sitting here with, you know, on my desktop doing Zoom, and two laptops to look at documents. And, I know Larry's got a dual screen, even a third one if he needs it, but I don't. And, it's maneuvering on iPads is not so simple. So, if we get back to meeting at Town Hall, having really just skeleton of a documents. It's only a few of them we need to look at occasionally during the meeting, but having that skeleton of documents in a live meeting would be helpful from my perspective.

Jones Yes.

Mundy And, the question is, if we make the change back to live meetings at Town Hall, is there a cutoff that that has to be done for noticing purposes, or can it be done at last minute?

DeLong Well, I mean, the technical answer is if we have the petition that's been advertised. They would have already advertised for a public meeting, potentially occurring at Town Hall or occurring virtually. So, I want to say that we've designed the notice that's published on a monthly basis, and we started doing this

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months ago, to be prepared to flex one way or the other, because the Governor's executive orders are rolling out in 30-day increments, and that generally happens at the first, in that first week of every month. So, we'll know here soon, in theory, if there is to be a change in the process, but yes, we want to do what you're describing, which is provide a skeleton of documents, and certainly, you know, stick with more of an electronic format, and certainly, to your specific question, we can go as narrow as 48-hours' notice on a meeting under certain circumstances, but I think we're well-covered with the published notices that are happening based upon the filings that are coming in.

Mundy

Okay.

Wolff

Very good. With no other matters to discuss, this meeting is adjourned, and we'll see you in August. Thank you everyone.

Campins

Thank you.

Jones

See you all.