ZIONSVILLE
FOR ALL THE RIGHT REASONS

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: June 3, 2020**

Enclosed for your information and review are the following:

1. Board of Zoning Appeals Meeting Agenda
2. May 6, 2020 Draft Meeting Minutes
3. Petition #2020-10-DSV A. Nester – Letter of Withdrawal
4. Petition #2020-11-DSV S. Greve – Updated Landscape Development Plan 5-29-20 – see note below
5. Staff Reports and Packets for your consideration

NOTE:

Staff received an updated Landscape Development Plan for the #2020-11-DSV S. Greve petition on the afternoon of May 29, 2020. Therefore, the staff report was written prior to the receiving this updated plan.

MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS JUNE 3, 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 December 10, 2019 and May 6, 2020 Meeting Minutes

IV. Withdrawal Requests - #2020-10-DSV A. Nester

V. Continuance Requests

May 21, 2020

VI. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2020-10-DSV	A. Nester	720 W Pine Street	**Continued by Board from May 6, 2020 to June 3, 2020 Meeting (with notice, due to amendment)– 5 in Favor, 0 Opposed** Petition for Development Standards Variance in order to provide for the addition of a carport to a Single-Family Home which: 1) Deviates from the required side yard setback and 2) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).

VII. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-11-DSV	S. Greve	596 Starkey Road	Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 38% in the Urban Residential Village Zoning District (R-V).
2020-13-DSV	M. Lohmeyer	880 Starkey Road	Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which: 1) Deviates from the required side yard setback (new improvement) 2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement) in the Urban Open Land Zoning District (OL).

VIII. 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

JUNE 3, 2020, REGULAR MEETING OF THE ZIONSVILLE BOARD OF ZONING APPEALS

ANNEX TO PUBLIC NOTICE

In his Executive Orders 20-02, 20-04, 20-08, AND 20-26 (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:

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

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   Webinar ID: 870 9567 6942
   International numbers available: https://us02web.zoom.us/u/kcKKYQDUef

2. 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.
3. 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.
4. The BZA will continually revisit and refine the procedures to address public accessibility to BZA Public Meetings during the COVID-19 Public Health Emergency.

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

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

Wolff — Good evening, and welcome to the May 6, 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 say the pledge of allegiance, because that's the only flag I see.

All — Pledge.

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

DeLong — Yes. Mr. Papa?

Papa — Present.

DeLong — Mr. Wolff?

Wolff — Present

DeLong — Mr. Mundy?

Mundy — Present.

DeLong — Mr. Jones?

Jones — Present.

DeLong — Ms. Campins?

Campins — Present.

Wolff — And, if I'm not mistaken, Ms. Campins, welcome to your first BZA meeting. We're very glad to have you here with us, and thank you for serving your community.

Campins — Well, thank you very much. I'm excited to be here.

Wolff — Very good. Next item on our agenda is the approval of the April 1, 2020 meeting minutes. Ms. Campins, you probably will refrain from this, as you were not attending that meeting.

Campins — Okay.

Wolff — For the rest of the group, is there any discussion about the meeting, the minutes that were submitted to you?

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Jones Yes. I just got a notice from Janice earlier today, or something. She needs for me to go review a few items and make some corrections. Can we put it off until next month? Is that a problem?

Wolff I am amenable to that. Any other discussion amongst the group? Any other corrections that need to be made?

DeLong I do want to note, is that focused on - -

Koenig Plan Commission or BZA?

Jones I'm sorry.

Wolff You're a man of many hats.

Jones My bad. It might be Plan Commission.

Koenig Yes.

Jones Is that what it is, Chrissy?

Koenig Yes. I think so.

Jones All right. I'll quit mumbling. Maybe. Never mind.

Wolff Very good. If there is no discussion, I would entertain a motion.

Mundy I move that we delay the approval of the minutes until, oh, sorry. I make a motion to approve the minutes as submitted.

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

Jones Second.

Wolff Thank you, Mr. Jones. We'll do a roll call vote for this, Wayne, if that's okay?

DeLong Yes. We'll take care of that.

Papa Is this for two different months?

Wolff No. Mr. Papa, good question. We have not seen, we've been busy. But we have not seen the December 1 meeting minutes, or the December meeting minutes. So, we're just doing the April, the last month's meeting minutes.

Papa Okay.

DeLong So, ready for the roll call vote.

Wolff Yes, sir.

DeLong Mr. Papa?

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Papa Me?

Wolff Yes.

Papa Sorry. Yes.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Jones?

Jones Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Ms. Campins? Well, actually, she would abstain. So, we're good.

Campins Correct.

Wolff Perfect. Very good. The minutes are approved. Thank you. The next item on our agenda is the withdrawal request for Petition # 2020-04-DSV, by Mr. Donner and Mr. Donner's representative. I would note that because this petition was on the agenda, we need to have a formal motion to accept that withdrawal. Is there any discussion amongst the group about that?

DeLong Mr. Chair, before we jump into that, I do want to pause for a moment.

Wolff Certainly.

DeLong We do, for the purposes of having electronic meeting, we do want to create the opportunity, and fulfill the opportunity of anybody who is in the audience this evening, who would like their attendance known. So, feel free to raise your hand, and we'll read your name for the record, and make a note of it in the minutes.

Wolff Thank you, Mr. DeLong.

DeLong Ballman, Sally Zelonis, Kristen Nestor. I see those three hands raised. Very good. We will note those in the minutes. Mr. Chair? Please continue with your presentation.

Wolff Thank you, Mr. DeLong.

Jones Hey John and Wayne, I discussed this earlier. I had a couple of comments that were kind of basically related to this, but more or less general. I don't know if we should do that now, or what do you want to, there is a couple comments about this process that I wanted to make, and I don't know if that'd be the time now, or later, or never.

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Wolff Wayne, do you have a view of how many attendees we have right now?

DeLong You have a total of 8 attendees.Gwen Doyle and Barry, no last name, also have their hands raised.

Wolff Mr. Jones, I'm of the impression that your comments are directed towards articulating and explaining the process that we go through and the vetting that goes through these things. My concern is that I think your message is probably well-thought out, but I'm not sure we have the appropriate audience here to hear that.

Jones Yes, it might fall on deaf ears at this point.

Wolff Yes.

Jones Not so much deaf ears, a lack of ears.

Wolff Correct.

Jones Okay. I'll pass.

Wolff Thank you, Mr. Jones. So, in front of us we have a withdrawal request for the Docket # 2020-04-DSV for Mr. Donner and his representative. As I mentioned, this was on the agenda, so we do need to have a formal motion to accept the withdrawal request. Is there any discussion, otherwise I'll entertain a motion?

Papa I would move approval of the withdrawal request if there is no discussion.

Mundy Second.

Wolff Thank you. Mr. Mundy, were you the second?

Mundy Yes. I guess. I don't know for what, but I did second it.

Wolff Thank you. So, once again, we are approving the withdrawal request. Wayne, I will turn the, the motion is to approve the withdrawal request. Wayne, I will turn this over to you for a roll call vote.

DeLong Yes. Mr. Papa?

Papa Yes.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Jones?

Jones Yes.

DRAFT

DeLong Mr. Mundy?

Mundy Yes.

DeLong Ms. Campins?

Campins Yes.

Wolff That motion carries. Thank you. Next item on our agenda is continuance requests. As we only have one other item on our agenda, a new business item, I'm assuming Mr. Nestor would like to move forward, but if not, please speak now, or raise your hand to Mr. DeLong. Wayne?

DeLong My next step would be to elevate Kristen Nestor to a panelist when you're ready.

Wolff Okay. Let's move on to new business then, which brings us to Docket # 2020-10-DSV for 720 West Pine Street. Wayne, will you please allow Mr. Nestor to join our conversation?

DeLong Yes. Kristen Nestor is being - -

Wolff Oh, Mrs. Nestor, sorry.

DeLong --repositioned to be a panelist. I think there will be a brief pause here.

K. Nestor Yes. Can you guys hear us?

DeLong Excellent.

Wolff We can.

K. Nestor Myself and my husband, Alex.

Wolff So, in front of us, we have a petition for a required side-yard setback and a rear-yard setback. Would you please, in your words, describe to us what you're doing and why we need these setbacks.

A. Nestor Certainly. Sure. So, behind our house we are trying to put a carport. We have off-street parking, but we're trying to put some covering for our car, and due to the location of it, we would fall underneath the 15-foot minimum aggregate side-yard setback. So, we're requesting a variance for that, as well as a rear-yard setback because we wanted 20-foot length concrete pad for the carport itself.

Wolff Very good. And, why does the carport, the off-street parking you have currently, is this where the carport is going to be located?

A. Nestor Correct.

Wolff And, can you articulate why it needs to be in this particular location? We've got the plans in front of us that you submitted. It looks like you're constrained on

space. But in your words, could you kind of describe why it needs to be in this particular location?

A. Nestor Sure. So, we are constrained on space, as it's a smaller lot. We're trying to put it in this location specifically because, you know, in keeping with like the essentially the flow of the alley-way and the lot itself. So this already is designated as the off-street parking, so we're trying to, you know, make as little changes as possible to the overall arrangement. Additionally, putting it in here will give us better use of the middle part of our rear yard. That way we can use that for more grass, and essentially just improve the aesthetics, and the property itself.

Wolff Very good. And, could you describe the aesthetics of the project? What it's going to look like?

A. Nestor Certainly. So, the rear yard is about 40-foot wide. Where, as it is, there is a concrete, somewhat of like a trapezoid in the middle, and then it's a gravel location on the right-hand side. The previous owner ripped out a garden and put in just gravel in terms of just a parking spot. So, we're trying to remove that gravel since it's, we don't really like it. We don't, you know, we like more of the garden and the grass, and that sort of layout for the back yard. So, removing the trapezoidal concrete. Removing the gravel. Putting in a nice, clean slab, and then a matching carport to the styling of our house, as well as the styling of our neighbors' houses, we think will just be a better arrangement for the back yard and more pleasing for the alley-way.

Wolff What are the dimensions of the carport?

A. Nestor It's going to be 12-foot by 20-foot.

Wolff Okay. So, it's 12 feet. That can only really hold one car? Is that correct?

A. Nestor Correct. If we would do two cars in the back, we'd have to rip out a peach tree that we really love. So, trying to maintain the back yard as much as we can.

K. Nestor Yes. To maximize the function of our back yard, while also increasing green space.

Wolff Very, very good. Fellow Board members, do you have any questions for the petitioner?

Jones I'm kind of just running through the math, getting ready to kind of figure out the actual square footage of the house. Checking the dimensions of the lot, the lot's only 5260 square feet, and if the information in the package is correct, the house is, no, I lost that, 2736.

A. Nestor So that's, you know, the square footage of the house is 1776.

Jones So, what's the 2736 number?

A. Nestor I'm not sure.

Jones Wayne, you got any?

Wolff Wayne, he's referring to in the analysis section, it's the first sentence.

DeLong I would believe that's covering the entire hard surfacing. You have, you know, the property is improved with a patio, the footprint of the home, as well as it's sited as a concrete driveway. It may not be concrete anymore, so to speak, but I think the dimensions of that offering is captured based upon what's on the site plan.

Jones So, I guess that's my first concern, is just the amount of lot coverage, and then second, I tried to drive up that alley this evening, or this afternoon, and I had to back out, and I had to carefully back out. It just doesn't seem like there's, we start reducing setbacks off that rear property line, there is not enough room to maneuver anything into anything.

Mundy I have a similar concern. I did drive the alley, and it's very narrow, and the 12 feet represents a width. Is that correct, Mr. Nestor?

A. Nestor Correct. The 12-foot is the width of the carport.

Mundy And, there will be a post at each of the two rear corners that are 12 feet apart?

A. Nestor No. So, in order to kind of, to both of those points, in terms of like the turning ability, the plan is to off-set those rear fence posts in order to not encroach upon the alley, and ultimately to maximize the setback from the rear for those reasons.

Mundy Well, the distance between the two posts, which you must avoid when you're pulling in, that's, I guess, the distance I was asking about.

A. Nestor Correct. So, the two posts on the outside will be between 11 and 12 feet apart. Correct.

Mundy Okay. And, is it 3-foot off of the property line?

A. Nestor We're requesting a 4-foot rear yard.

Mundy Four feet. Okay. Yes. Well, I noticed you have a neighbor that has a carport, which looks very attractive, but it also has a very small car in it. An SUV, you might as well give up. The turning radius, I don't believe I could drive any of my, well, maybe my old miniature truck I could drive in and make a turn into that space, but it will be very difficult, so I hope you drive a small car, if it's approved.

A. Nestor Correct. My wife and I, we have a, yes, we drive a Toyota Corolla.

Wolff Are you currently using that space to park cars?

K. Nestor We do sometimes. Right now, we're currently using it. We had a fence fall down. We're hoping to update that since we moved in about a year and a half ago, and

the fence was in rough shape. So, right now we are using it for some yard work space, but yes, we normally do.

Jones I'm also looking at your survey report. Once again, this might be a question back to Wayne. It says that there is that Tract 2, out front, which has marked it as being the center line if Pine Street. So, is Pine Street not a dedicated street to the Town?

DeLong Pine Street is a public street. Certainly, when this area was laid out, and I don't have the date of the platting. Certainly, it was very common, and very much occurred with great repetitiveness in county and unincorporated areas for the center line for a property to be platted from the center line of the road, and then the road then conveyed back to the municipality in a different transaction.

Jones So, this gets back to my original question. So, in reality, the lot's only 112 by 40?

DeLong Correct.

Jones I mean, depending on what numbers you use. If you take the 2736 that's in the document, we're like 61% lot coverage.

DeLong I can tell you that the 2700 is the total square foot under roof, so that's both floors.

Jones Okay.

DeLong I don't have the number off-hand. Chrissy is here to look into the file.

Jones That's all right. So, even if we start with the 1776, then there is an outdoor patio of 200 feet, and then they're adding 240 square feet. We're at 50% lot coverage.

DeLong Let's look into the file. I know partly you have the carport going over existing pervious, I'm sorry, impervious surface.

Jones Right.

Wolff So, Mr. Jones, can you repeat what you think the lot size is?

Jones If you look back there on that survey report, it shows the Lot 7 being 112 by 40, which is 4480 square feet. And, then it shows out there in front the Tract 2, that's 19 ½ feet by 40. And, if I'm reading the information correct, and what Wayne just said, when this parcel was originally platted, the plat started at the center line of Pine Street, so that would have made the full lot 131 feet deep. Then the first 19 ½ feet was dedicated back to the city, the start at the beginning of the actual lot, and then it says there is a 50-foot right-of-way for the street. So, there is, if both neighbors dedicated 19 ½ feet, let's say it's 20. There is 40 feet allocated for a 30-foot street. The right-of-way extends back another 5 feet, more or less, which basically provides your area for utilities, etc., and that's fine and good. But the actual lot is only 40 by 112. Then from that you have the square footage of the house, the patio and now we're adding the 240 square feet of covered carport.

Wolff So, I generally have a policy of not doing math in public.

Jones I understand.

Wolff If you take 40 - -

Jones I generally have a habit of checking math that's provided to me in public, so it's, you know.

Wolff If you take 40 times 112, I believe you get 4480.

Jones Right.

Wolff Okay. If you, but earlier in our document, we have the parcel as 0.13 acres, and according to Google, 0.13 acres is 5662 square feet.

Jones Correct.

Wolff So, I'm not sure, which one of those pieces of information is accurate.

Jones I think the survey report would be correct.

DeLong Yes. And the oddity here is the County Assessor assesses this property at 0.13 acres. So, that was the numbers that were run were based upon the property record card.

Wolff That's a difference of approximately 1200 feet.

DeLong Yes. So, it would appear that there is a, we need to look into the lot coverage issue.

Jones Correct. But we have a stamped survey drawing in front of us.

DeLong Yes. So, that should be the - -

Jones You know, God love the County Surveyor, but.

Mundy Larry, is your question here the amount of lot coverage with the carport?

Jones Correct. Just using the standards we've applied consistently, there is the footprint of the house that would count. The patio counts. And, now we're adding a 240-square foot detached garage, or, it doesn't matter, it would still be impervious surface. It's a carport, but from a drainage standpoint, from a lot coverage standpoint, it's still 240 square feet of impervious surface.

Wolff Mr. and Mrs. Nestor, what is on the 12 by 20 square, or rectangle of land right now? Is that paved, or is it gravel? What is there now?

K. Nestor It's partially paved, partially gravel. We are hoping to actually take out a lot of the other paved surfaces that don't make sense in the back yard to add more permeable surfaces, because we want to make our space as green as possible, so

we are hoping to take out some of the other patio space, as well as this kind of oddly-shaped piece of concrete that goes through the entire back yard, or what looks like a fire pit, but it's kind of an oddly-shaped concrete section. So, right now, it's partially concrete, partially gravel, for the area that would be the carport. We're hoping to put in a slab of concrete, but take out concrete from other areas of the back yard to make it more aesthetically pleasing, and more environmentally friendly.

A. Nestor Right. So, in the document that I provided, I believe there is like a computer sketch-up where it shows the area with like the trapezoidal piece removed, and then kind of rounded out on the patio area. Overall, I guess my confusion overall we're, you know, net, we're removing concrete from the back yard, because we're removing the trapezoidal area. So, while we are adding some, and extending the concrete surface to cover the carport area, removing that trapezoidal piece, as well as rounding out the edge on the patio. When I did the math, and measured it out, you know, it was a net loss, I guess, of surface area.

DeLong And, I'll jump in here. I mean, when this petition was first filed, the site plan was not a part of that. It was based, the calculations were run based upon the property record card. It would appear that the property record card is assuming ownership of that Tract 2, and the folks here, petitioner here, may want to have a conversation with the County about maybe some over-assessment. But historically this Board has not - while it may have been supportive of the trading of impervious surfaces for other impervious surfaces, it's only done that in the form of a variance when that variance has been properly noticed and advertised. So, we're going to run the numbers here to see what that lot coverage is, and if it's over the 35% plus the 2% bump, bonus I should say, it would appear that this variance request that's in front of you is not right for processing. I don't know, Darren, if you have anything specific to offer on that point?

Chadd Nothing in addition to that. That was my thought. We need to figure out what that coverage is, and if it needs a variance, then they'll need to request that.

Jones And, as we're discussing that, then the secondary issue of the rear setback, especially when you're coming up to a 12-foot alley. Minimum parking standards is 20 feet for maneuvering vehicles around. We're back into the same issue that we brought up with the house on Fourth Street. We are creating a situation where to maneuver in and out of a structure, a typical-sized vehicle is going to need to, you know, trespass across the other side of that 12-foot alley, and, you know, it requires adjoining, not an adjoining, but a nearby property owner to, I don't know. There is some specific term I'm looking for. I'm just struggling to figure out what it is.

Wolff I drove the alley, as well. And, Mr. Jones, I would agree with you. I'm not interested in approving a petition that would force the property owner to have to trespass or enter some else's property to leave their vehicle. But, as I recall the alley, I'm not even sure they have that opportunity. It was kind of a fence over there, like, I don't even think there is a chance for them to get into the other person's property because of the way the alley was built. But this may be all, I think what I'm hearing is that we don't have the full, no fault to the Nestors. I don't think we have, at no fault to our petitioners, I don't think we have a full

DRAFT

picture of what we're looking at, and I think that it would be more prudent of us to have a better understanding of exactly what the entire ask is before we have too much discussion on it.

Jones That's fine.

Mundy I believe there is a privacy fence directly across the alley, isn't there? The Nestors could certainly answer that. It looked to me like that was directly across.

A. Nestor That's correct.

Mundy Which would prevent you from going any further than the fence.

A. Nestor That's correct. There is that privacy fence there, and you know, with that fence in place, we're still able to maneuver our vehicles into and out of the parking spot.

Wolff Do you back out of the alley?

A. Nestor I'm sorry?

Wolff Do you back out of the alley?

A. Nestor I can do either. I can back into the parking spot, or I can pull front into the parking spot. Both are navigable. And, I marked it out with cones for the location just to make sure I can do that.

Mundy I assume that the alley, I continued on past from the east to the west. It goes up, it looks like someone has improved the alley at the end, and it wraps around their house. Is that still considered alley?

K. Nestor The concrete part?

Mundy Yes.

K. Nestor Yes. It's still considered the alley. It's all shared space. So, we use that to get in and out of the alley, as well.

Mundy Okay.

A. Nestor Yes. So, the house directly to the west, they've got, you know, the rear of their house is a 2-car garage that abuts the alley, roughly the same distance. And, then down the alley-way, there is a carport that you mentioned. We're actually basing our plans off of that in terms of the distance and sizing. And, then there is two other garages along the alley.

DeLong So, based on the calculations, it looks that the petition would be about 2% above the 35% lot coverage cap, depending on how much of that patio is coming out, and with the carport being installed over the existing concrete drive, and over another portion of the patio, so without proper notice dealing with the exchange of pervious surface for other pervious surface, it looks like this petition will need to be re-noticed and heard next month to include and encapsulate a lot coverage

variance request. And, again, I think this goes back to when the petition first came in, the calculations were based on the property record card, the site plan was turned in a little bit later. I'm not sure of exact timing, and it looks like that's just, that new information didn't get screened against what was originally believed to be accurate, which was the property record card provided by the County.

Jones It's still the responsibility. What? I'm sorry.

Wolff I said, good catch.

Jones Well, it's just, Wayne, it's not your job to go vet that stuff. It's still the requirement or the responsibility of the petitioner to provide a full package when they submit this stuff.

Wolff Well, it seems reasonable that you would use, if you're paying taxes on it that it would be accurate.

Jones Really? Sorry. Not the way taxes work.

Wolff Mr. Chadd, we would typically go and ask for remonstration right now, but I'm not sure it's really, if it's appropriate, because I think this needs to get continued so that we can have a better picture of the full petition. Is it okay to entertain a motion to do that now?

Chadd I think it would be. I think, sorry, checking to see if I'm muted.

Wolff You're not. We can hear you.

Chadd If you have anyone who wants to speak now, you can entertain it, or you can ask for the continuance now and address it all when you reconvene. Either way, it would have to be addressed.

Wolff Yes. So, fellow Board members, I certainly want to have a full hearing, but I think we're going to have to hear this again, so I'm not necessarily interested in public comment at this point. We will certainly allow the public to speak on this, but I think it would be better if they could speak to the full petition, which we certainly don't have in front of us right now. Are you okay with that, fellow Board members?

Jones I am.

Papa Sure.

Campins Yes.

Wolff With that. Mr. and Mrs. Nestor, so I think, I don't think there was any ill will here. I think what happened is, between what the County has provided, and then the surveyor has provided, I think what we have is some misinformation between the two of them. It equates out to about 1200 square feet, which certainly is

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significant. So, what we're going to do, and what we need to do, is continue this petition to next month, which will be the June 3 meeting?

DeLong Correct.

Wolff The June 3 meeting. In the meantime, I think we're okay with what, well I think we have the information to address the setbacks. I'm not sure, I think we may end up having a lot coverage issue, as well, in addition to. Wayne, can you facilitate working with the petitioners to getting that included in this petition?

DeLong Yes. We will.

Wolff Thank you. In addition, I also want to make a comment that you will need to re-notice, because the petition is changing. You're going from setbacks to a lot coverage as well as setbacks. I think you are. We have made a special exception to the notification requirements. Wayne, can you address that briefly?

DeLong Yes. We, certainly with this petition tonight, and they have submitted notice, and they did that first class. And the reason staff suggested they think of that as an option, and certainly this is something the Board is, at least the Board leadership, knew about the Plan Commission, has discussed this. During this COVID-19 situation that has presented itself to the world, in order to help facilitate social distancing and cut down on interactions with postal carriers and the public, one of the ways to do that was to not require certified mail, and certainly so tonight's hearing has been advertised via the newspaper, and also provided by first class mail, so a waiver would need to be of your rules of procedure to support the use of first class mail is an appropriate conversation point for you to have this evening.

Wolff Thank you, Mr. DeLong. I'd also note that the petitioner does have a sign in their yard due to some new technology we're using in the Town that states that there is a petition for this particular property. So, any neighbors should be able to see that, as well. Correct?

DeLong Correct.

Wolff With that, Board members, are you amenable to waiving the certified mail and allowing first class mail to continue? I feel it's a safety issue at this particular point, so I'm amenable to it, but I just want to make sure that we all agree on that.

Campins Yes.

Jones I'm fine with that.

Mundy I have no objection.

Jones Before the petitioners leave, can I get just one question of clarity?

Wolff Certainly.

Jones So, looking at the various kind of rendering pieces put together, is the carport attached, or comes up against the house, or not? Does anybody else see what I'm looking at when I look at the following the survey, there is a kind of 3-D renderings.

A. Nestor Certainly.

Jones So, what's going on there?

A. Nestor Yes. So, the initial plan was to have the carport attached to the house.

Jones Okay. Well, my point is, so once again, we don't like doing public math, but what my public math just came up with was that let's assume the house sits 25 ½ feet back from what we are calling the lot line, Lot 7. Even if you take that, let's say the 45-foot. Whatever. You add that all up. From the rear of the house to the rear of the property should be approximately 30 feet. And, if you're setting a carport that's 12 by 20, correct? That should put you 10 foot off the back property line if you so choose. Am I missing something?

A. Nestor So, the rear part of the house in the 3-D rendering, if you're looking at it from the different angles, there is I'd say about a 20-foot wide section of the house that is roughly 30 feet from the alley-way. Then there is a 10-foot section of the house that comes back about 9 feet, which ultimately results in about 20 feet distance to the alley. Maybe 23, 24 feet. Something around there.

Jones I guess, once again, I'm really struggling with your survey then. Because what I'm seeing is, maybe I did this wrong.

A. Nestor I guess, is your question to the rear yard setback or the lot coverage issue?

Jones Correct. We're trying to figure out the distance between the actual home and the rear property line.

A. Nestor It's about, on one edge, it's about 27 feet. The next closest part is about 25 ½ foot, about 25 feet. The lot is at a bit of an angle, so you know, short of me going out there with a lead line, it's kind of tough for me to exactly eyeball.

Wolff Mr. Jones. Do you have any further comments on that?

Jones I'm just doing something here. Okay. Kind of just struggling with the survey.

Wolff Well, I think we're going to need clarification on the survey regardless.

Jones Yes, exactly. Never mind. My point was I was thinking there was some room that they could pull the carport up closer to the house, and get away from the rear setback requirement. So, I don't know. All right.

Wolff Okay. Very good. Mr. Chadd, I think you're muted, but I think all we need is a motion to continue this to the June 3 meeting, correct?

Chadd Yes.

Wolff Okay. Very good. With that in mind, I will entertain a motion to continue this.

Mundy I move that Docket # 2020-10-DSV, a request for a design standard variance for setbacks be continued to the June meeting, and additional information being provided at that time with regard to lot coverage of the improvements on the lot.

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

Papa Second.

Wolff Thank you. All those, actually, Wayne, we'll turn to you. Sorry. Old habits.

DeLong Mr. Papa?

Papa Yes.

DeLong Mr. Wolff?

Wolff Yes.

DeLong Mr. Jones?

Jones Yes.

DeLong Mr. Mundy?

Mundy Yes.

DeLong Ms. Campins?

Campins Yes.

Wolff Thank you. Motion carries. Mr. and Mrs. Nestor, so we just want to make sure we have the full picture of what we're doing before we make an approval. So, I think if you will work with Wayne, I think we can get this all taken care of, and have a better picture and understanding of what you're asking for and what is needed at the June 3 meeting. Thank you.

K. Nestor Thanks.

Wolff The next item on our agenda is other matters to be considered. Mr. DeLong?

DeLong Very briefly, on the # 2019-SE-38. That petitioner actually indicated just today that the drainage easement has been recorded at the County, so they're moving through their different due diligence items in that conversation. As far as Wildwood Designs, I do not have any specific update on that particular matter.

Wolff Very good. I would also like to note that we have some paperwork to sign collectively as a Board. Specifically, I think a negative findings of fact from 2

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months ago. Wayne, how could we use the Town in a social distancing way to facilitate the signing of those documents?

DeLong Yes. What we can do is utilize the Town drop box remote location in our parking lot, which is our Town vehicle, a Town vehicle, and we'll work with different Board members to cycle through to sign the paperwork, while paying attention to social distancing.

Wolff Okay. Is the group amenable to that? I'm just concerned that if we don't get these things signed, they're kind of stuck in limbo land.

Jones Yes, that's fine.

Wolff I think the obligation is that, I think what I'm asking you, is that you'll have to stop by Town Hall some time within the next few weeks.

Jones I'm fine.

Mundy Yes, No objection.

Wolff Ms. Campins, I think you're off the hook. I don't think you have to sign anything just yet, but you will soon.

Campins Okay. Thanks.

Wolff All right. Any other matters?

Mundy I just have a question. Maybe I missed this in some of the communications, but Campins, I don't know, but is this a replacement for Julia Evinger?

Wolff You know, Wayne, do you want to go or do you want me to go?

DeLong Well, I can summarize this. So, Ms. Evinger did resign last month, or actually earlier this month. She moved out of the community, or is moving out of the community here later this month, and resigned from the Board of Zoning Appeals. Ms. Campins was sworn in yesterday by the Mayor via a Zoom event, and bringing her on board as of today for her first meeting.

Mundy Welcome.

Campins Thank you, very much.

Wolff See, I probably should have mentioned that. Unfortunately, we didn't get to say goodbye to Julia in a formal way. She has certainly served our community well, and I'm thankful for her service, and I'm very thankful that Ms. Campins is here to take her place, and so I think we'll keep moving forward with that. And, if you know, Julia had her home for sale for a long time, and so I think it's a good closing of a chapter for her, and so welcome news for her.

Campins And, let me know if you have any questions for me. So, thank you.

Wolff And, Ms. Campins, I'm looking forward to meeting you in person. I'm cautiously optimistic it will be sometime this summer.

Campins Yes. Hopefully soon. Yes.

Wolff Any other matters?

Jones May I just, once again, I'm sitting here doing my math again. When we talked to the previous petitioners, their 3-foot setback, I think it's based on where they're thinking they can set the columns for the carport, and then cantilever the roof out over that. Because, if I'm doing my math correct, in public, they only have 21 feet back there for a 20-foot carport. And, that's off the back of the house. They need to come with some better documentation for their ask. Wayne, can you convey that?

DeLong Yes. We will talk to them about that. I mean, it is challenging for parties to rely on a surveyor's report, which is provided as a part of someone's closing documents typically, and is not a document that is specifically generated for a specific project.

Wolff No other matters? Wayne, please pass our gratitude on to the Town, the IT staff and everyone else for helping us put these meetings together. I know it's not as easy as typically what we're used to, but I certainly appreciate their efforts.

DeLong I will pass along the words.

Mundy Wayne, you will alert us, or Chrissy will, as to when the documents are available for signing?

DeLong Yes. We'll send out emails and work to manage each Board member coming through, probably spacing everybody a day or two apart. Work out all the details in email communications.

Mundy Thank you.

DeLong Thank you.

Wolff Thank you, everyone. This meeting is adjourned.

Jones Thank you much.

DeLong Thank you.

Campins Thank you. It was nice meeting everybody.

Wolff Nice to meet you.

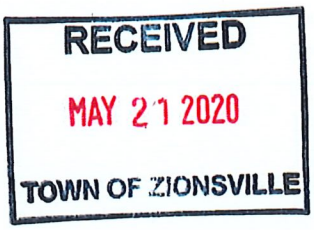
Jones Nice to meet you.

DRAFT

#2020-10-DSV
A. NESTER

Chrissy Koenig

From: Alex Nester <chpt27@gmail.com>
Sent: Thursday, May 21, 2020 12:34 PM
To: Chrissy Koenig
Subject: Withdrawal of variance application



Chrissy,

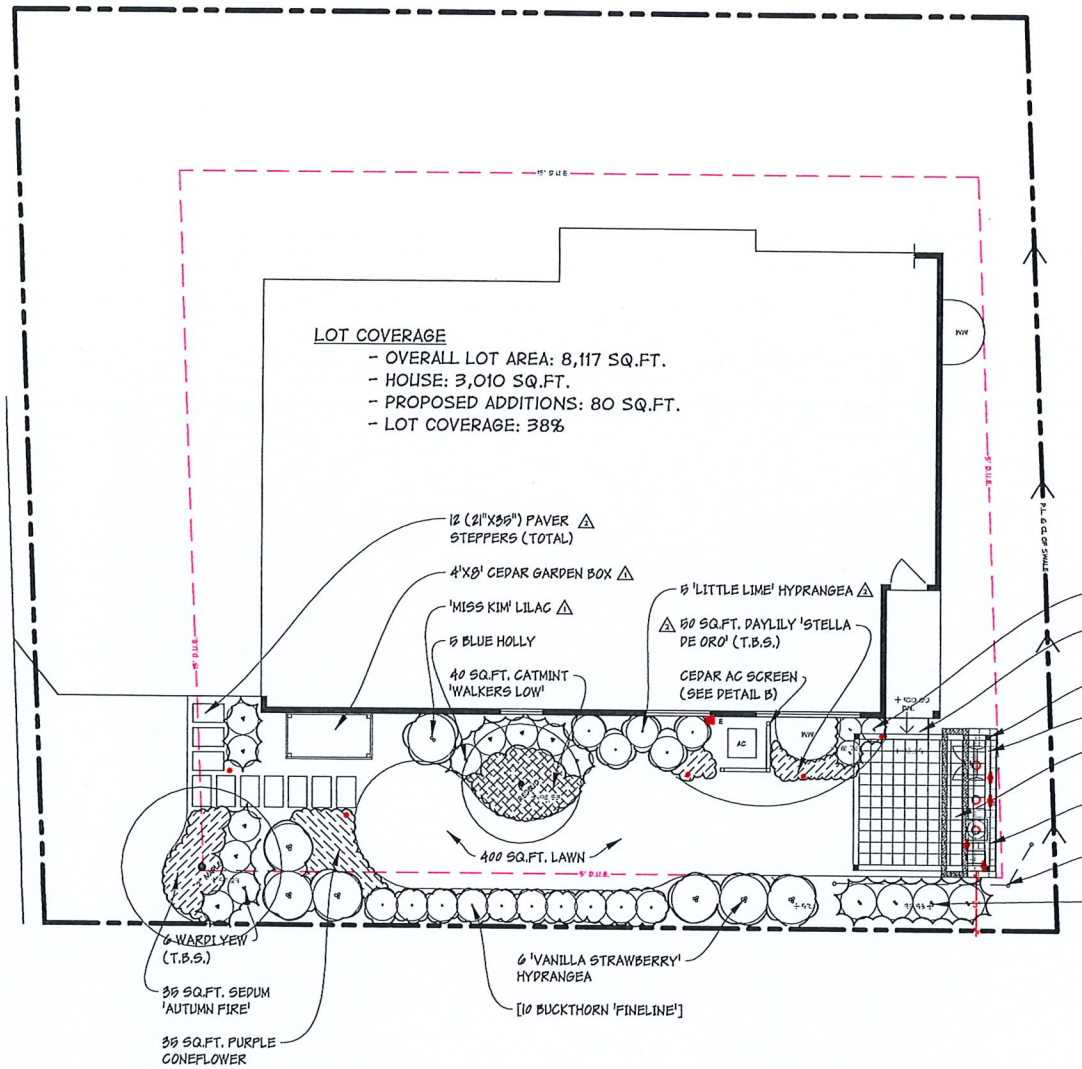
I am formally withdrawing my application for a variance.

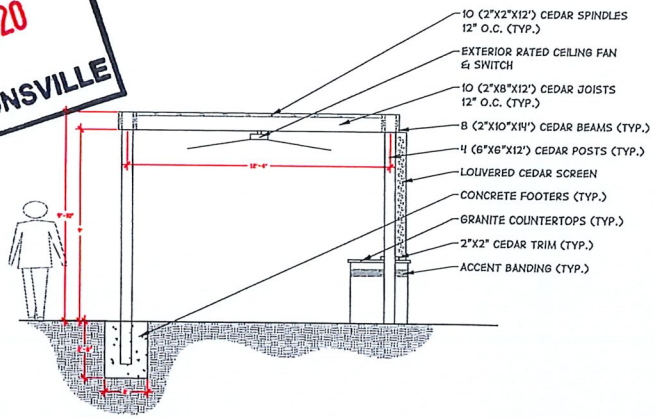
Thank you,

Alex Nester

#2020-11-DSV
S. GREVE

RECEIVED
MAY 29 2020
TOWN OF ZIONSVILLE





A OUTDOOR LIVING SPACE (VIEWING WEST)
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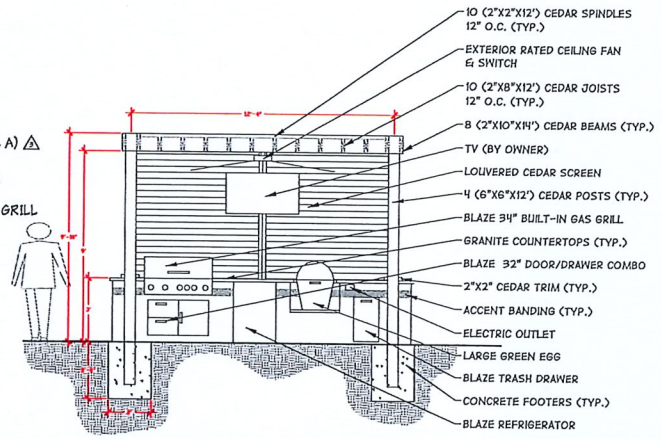
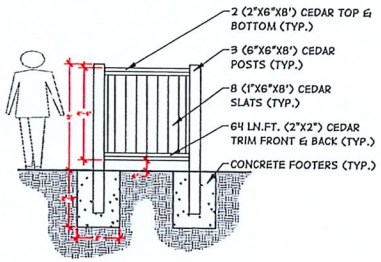
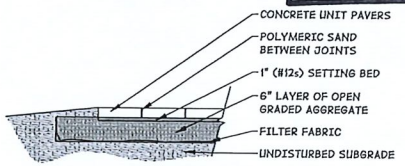


A OUTDOOR LIVING SPACE (VIEWING NORTH)
SCALE: 1/4" = 1'-0"

RECEIVED
MAY 29 2020
TOWN OF ZIONSVILLE



B CEDAR AC SCREEN
SCALE: 1/4" = 1'-0"



C PERMEABLE PAVER SECTION
SCALE: 1/2" = 1'-0"

SCALE : 1/8"= 1'-0"

ASPEN OUTDOOR DESIGNS
Artistic by Nature
ASPEN OUTDOOR DESIGNS, INC.
11010 E. 156TH ST.
NOBLESVILLE, IN 46060
TEL: 317.774.0156
FAX: 317.776.3570
WWW.ASPENOUTDOORDESIGNS.COM

DATE :	JULY 18, 2019
DESIGN :	BLH
DRAWN BY :	BLH
REVISION :	7-30-19
	10-1-19
	1-14-20
	2-11-20
	2-20-20
	5-29-20
	GREVE
	19.157

LANDSCAPE DEVELOPMENT PLAN

GREVE RESIDENCE

596 STARKEY ROAD ZIONSVILLE, INDIANA

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ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2020-11-DSV
Subject Site Address:	596 Starkey Road
Petitioner:	Shawn & Makenzie Greve
Representative:	Shawn & Makenzie Greve
Request:	Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which: 1) Deviates from the required side & aggregate yard setbacks and 2) Exceeds the required lot coverage of 35%, to 38% in the Urban Residential Village Zoning District (R-V).
Current Zoning:	Residential Village Zoning District (RV)
Current Land Use:	Single-family Residential
Approximate Acreage:	0.188 acre
Zoning History:	2015-43-RP - Petition for Replat of three (3) parcels, to be reconfigured into three (3) lots - Approved with Conditions at 3-21-2016 Plan Commission meeting. 2016-29-SP – Petition for Secondary Plat - Approved
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Narrative Exhibit 4 – Petitioners Proposed Site Plan/Exhibit Exhibit 5 – Secondary Plat (2016-29-SP) Exhibit 6 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the June 3, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 0.188 acres of Lot 2 in the Sixth and Sycamore Estates of the Town of Zionsville. This lot is one (1) of three (3) which were created by a developer/builder after receiving approval from the Plan Commission in March of 2016 to replat 3 parcels into a three-lot subdivision.

ANALYSIS

The 0.188-acre parcel is currently improved with a 5,560 +/- square foot single-family dwelling built in 2016 with accessory uses. The Petitioners purchased the custom home, including an outdoor covered patio structure that did not have the benefit of the review of the Town prior to construction, from the builder in 2018. Per the narrative included, the Petitioner desires to upgrade the existing outdoor living space of their property and add an outdoor kitchen. The proposed upgrade, contemplated to not exceed the height of the current home, would require approval of a Development Standards Variance(s) as it would 1) encroach into the required 5-foot side yard setback, 2) would not meet the required 15-foot aggregate side yard setback and 3) would exceed the maximum lot coverage.

As filed, the Petition is requesting a lot coverage of 38 percent. As reviewed by Staff, it as been determined that the Petition is seeking a lot coverage of 40.5 percent (based on a review of the filing). As the Petition has not provided adequate notice for 40.5 percent, procedurally the filing is not in a position to be discussed in full by the Board of Zoning Appeals specific to the lot coverage request (if requesting 40.5 percent). The Petition could proceed at the June meeting specific to the setback request, and, as well, specific to a lot coverage request of 38 percent.

PROCEDURE – VARIANCE TO DEVIATE FROM STANDARDS

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:

LOT COVERAGE (AS PER THE FILING)

The request seeks to exceed the 35 percent lot coverage maximum by 5.5 percent. Per the Residential Village District (RV) regulations, lot coverage standards state the maximum lot coverage is 37 percent

(inclusive of the 2 percent bonus for pervious material use). In this specific case, the Petitioner is anticipating approximately 1% of the lot coverage being pervious material.

The Petitioner is requesting a design standards variance to this requirement for the construction of an approximate 283 square foot covered paver patio which includes a 45 square foot outdoor kitchen (a net gain of 160 sq. ft.) with a total footprint of approximately 3,293 (inclusive of the home, attached garage, covered outdoor patio and kitchen, and porches), which would result in lot coverage of 40.5%. It should be noted that the Petitioner plans to locate the addition in an area already occupied by an outdoor living space, producing a net difference of impervious footprint of +/-1.3% (existing impervious footprint was 39.2% and proposed impervious footprint after constructing the upgraded outdoor living space is proposed to be no more than 40.5%).

The request to occupy the site with improvements associated with an outdoor living space for a Single-Family Dwelling (including both primary and accessory square footage) in excess of lot coverage requirements in the Residential Village District (RV) is not uncommon. However, generally speaking, the preponderance of the prior requests considered by the Board of Zoning Appeals were associated with lots that were platted prior to the adoption of the current Zoning Ordinance. In this specific case, the lot in question was platted in 2016 and is a result of a ministerial division of a parcel of ground. Further, the Zoning Ordinance was modified in 2017 to specifically support the installation of outdoor living space by providing for relief from the 35 percent standard by supporting a two percent increase in lot coverage (to 37 percent) IF the improvement is designed to be pervious. Given these factors, Staff finds it impossible to justify supporting a variance from zoning standards which were both well known in 2016 to the developer of the property and specifically modified by the Town in 2017, as the condition (the size of the lot) is neither peculiar nor unique, and the improvement could be provided for, in part, if the outdoor living space was constructed of pervious materials. In summary, Staff is not supportive of any lot coverage deviation (be it 38% or 40.5%) for the lot in question.

SETBACKS (SIDE YARDS)

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards (side yard minimum: 5 feet with 15-foot aggregate, rear yard minimum). As the site sits on a corner, it has the unique circumstance of having two front yards and two side yards according to the zoning ordinance.

The site currently enjoys a conforming 9-foot 8-inch side yard setback from the north parcel line and a non-conforming, less than 5-foot, side yard setback from the east parcel line for the existing patio structure. The existing aggregate side yard setbacks are likely less than 10-foot, non-conforming to the ordinance. The proposed north and east setbacks for the upgraded outdoor living space and kitchen are 5-foot 0-inches, making the proposed aggregate side yard setback 10-foot 0-inch.

A request to occupy required side yard setbacks in the Residential Village District (RV) is not uncommon. A review of setbacks in the vicinity shows additional parcels that enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. However, much like the variance request seeking approval to deviate from lot coverage requirements, staff finds it impossible to justify supporting a variance request from setback requirements for a lot that was platted subsequent to the adoption of the current Zoning Ordinance, as the condition (the size of the lot) is neither peculiar nor unique.

STAFF RECOMMENDATIONS

Staff recommends denial of the variance request seeking to exceed the permissible lot coverage standard of the RV Residential Village District.

Staff recommends denial of the variance request seeking to reduce the applicable minimum side yard setback requirements of the RV Residential Village District.

RECOMMENDATION 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 & aggregate yard setbacks and exceeds the required lot coverage of 35%, to 38% in the Residential Village Zoning District (RV) for the property located at 596 Starkey Road (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).

Flood Hazard BC 2013
FLD_ZONE:
AE
X
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
HAWTHORNE ST
SYCAMORE ST
STARKEY RD
EAGLEVIEW CT
620
580
715
713
655
320
330
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112
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1" = 112ft
N
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Exhibit 2

ASPEN™
OUTDOOR DESIGNS
"Artistic by Nature"

April 24, 2020

Town of Zionsville
Board of Zoning Appeals
1100 W. Oak Street
Zionsville, IN 46077

Dear Board Members,

Greetings! My name is Blake Herbst and I am the landscape architect for the outdoor living space at the Greve residence: 596 Starkey Rd. Zionsville, IN 46077. This has been a very challenging design for me due to the constraints. Midway through the design process I determined that without any outdoor improvements the lot was already at its maximum 35% lot coverage. This would mean that we would need to apply for a variance to increase the lot coverage. With the addition of the proposed outdoor living space, I calculated that we would need to increase the lot coverage 3%. Another obstacle to contend with is the setback limits. Currently the lot requires an aggregate side yard setback of 15'. We are asking to encroach 5' into the North side yard setback, decreasing the aggregate side yard setback to 10'. I as well as the homeowner have looked at and considered different layout options to avoid encroaching into the setback, but as you can see from the design it would be very difficult, rendering the space unusable. On behalf of the homeowner, I ask that you consider the request to increase the lot coverage 3% and allow us to encroach into the setback.

Thank you for your time and consideration!

Sincerely,

Blake L. Herbst, PLA, ASLA
Landscape Architect
Aspen Outdoor Designs, Inc.

Exhibit 3

Hello Neighbors,

We are under contract with Aspen Outdoor Designs to upgrade our outdoor living space in the rear of our home. We have a hearing with the Town of Zionsville Board of Zoning Appeals in order to obtain the proper permits needed to complete the project. As our property adjoiners, we are required to send you the attached written notice of the hearing.

The project itself will be in the same location as our current patio and include a outdoor kitchen and a covered structure as we have now. It will just be a lot nicer.

Please feel free to call us or stop be if you would like to see the plans.

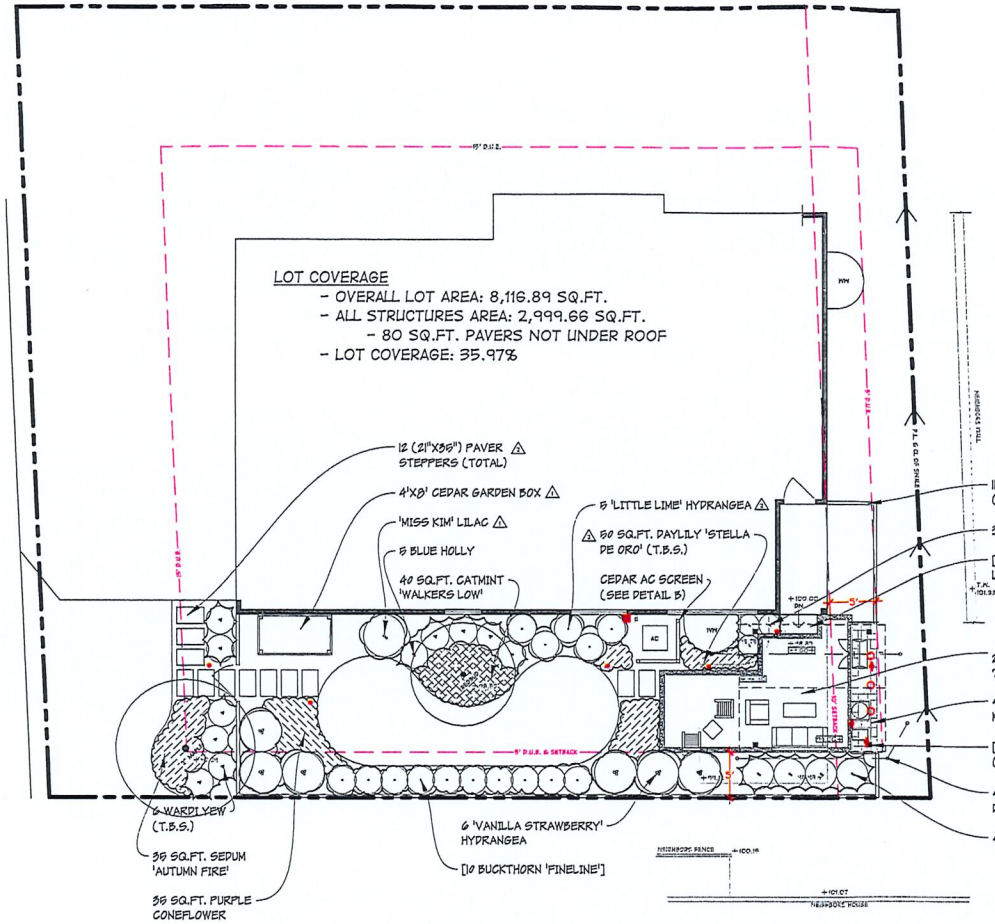
Thanks!

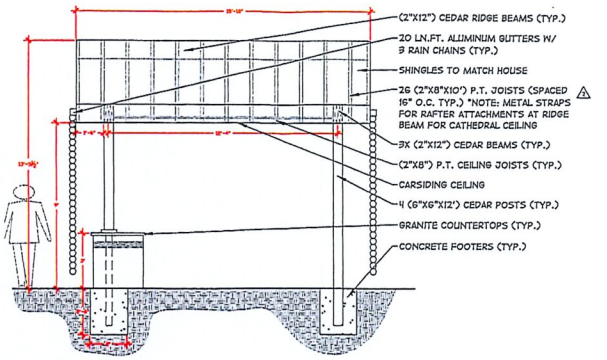
Shawn and Makenzie Greve

596 Starkey Rd, 46077

630 330 2394

Exhibit 3





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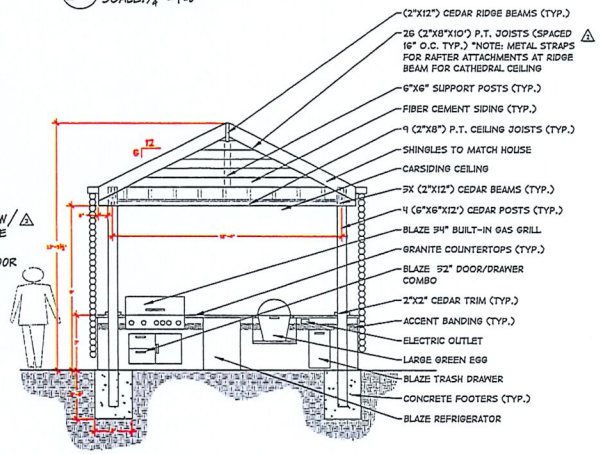

A OUTDOOR LIVING SPACE (VIEWING NORTH)
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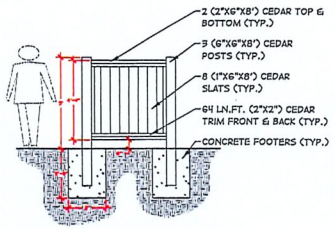

5 CEDAR AC SCREEN
SCALE: 1/4" = 1'-0"

LANDSCAPE DEVELOPMENT PLAN

GREVE RESIDENCE

596 STARKEY ROAD ZIONSVILLE, INDIANA

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ASPEN OUTDOOR DESIGNS, INC.
11010 E. 156TH ST.
NOBLESVILLE, IN 46060
TEL: 317.774.0156
FAX: 317.770.3570
WWW.ASPENOUTDOORDESIGNS.COM

NORTH
SCALE : 1/8"= 1'-0"

OWNER APPROVAL
INITIALS :
DATE :

DATE : JULY 18, 2019
DESIGN : BLH
DRAWN BY : BLH
REVISION : 7-30-19
10-1-19
1-14-20 A
2-11-20 A
GREVE
19.157

Exhibit 4

Docket Number to: 2015-43-RP

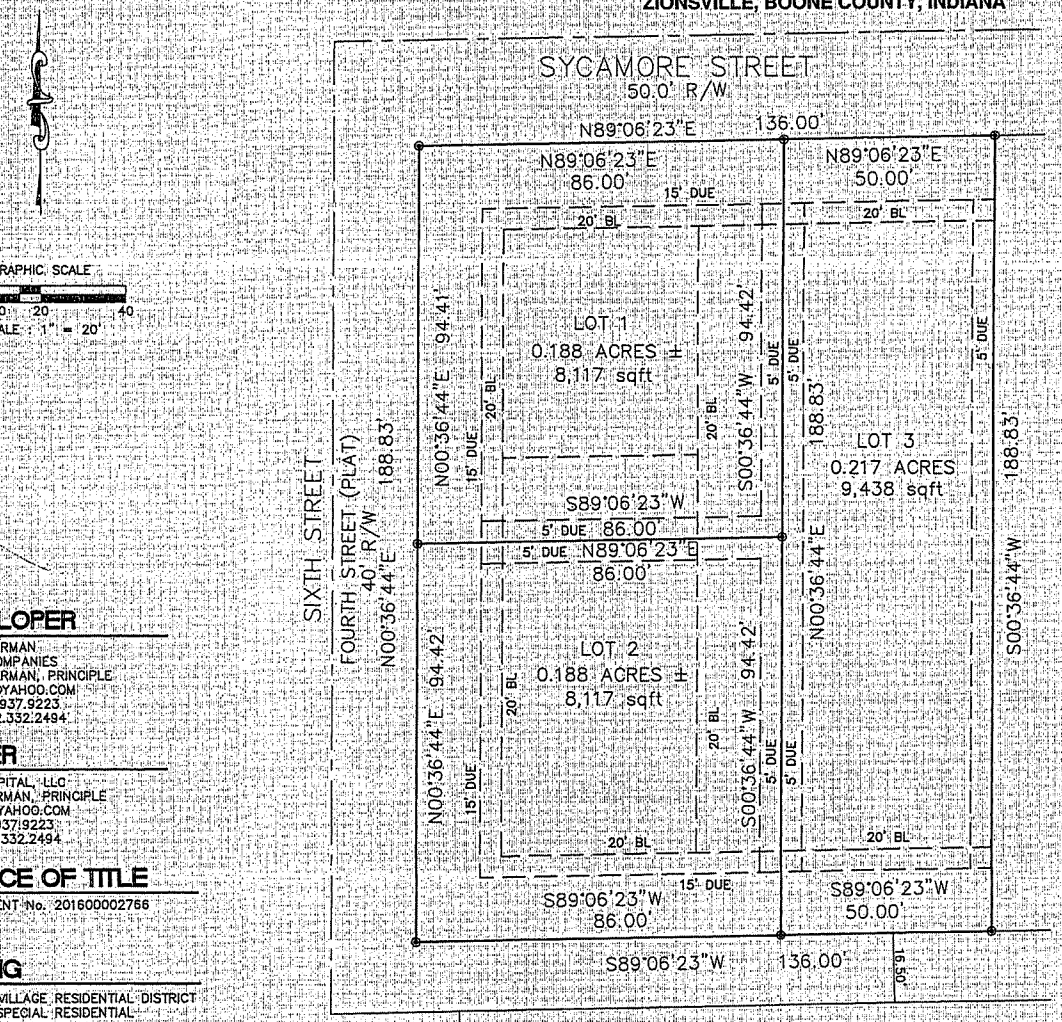
RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA

SIXTH AND SYCAMORE ESTATES

PART OF NORTHEAST QUARTER 2-17-2E
ZIONSVILLE, BOONE COUNTY, INDIANA

Instrument 201600006569 PG 1 OF 2

201600006569
Filed for Record in
BOONE COUNTY, INDIANA
NICOLE K. (NIKKI) BALDWIN
BOONE COUNTY RECORDER
07-15-2016 At 12:50 pm.
PLAT 27.00



GRAPHIC SCALE
0 10 20 40
SCALE : 1" = 20'

DEVELOPER

DAVID BERMAN
SIGMA COMPANIES
DAVID BERMAN, PRINCIPLE
BERMAN@YAHOO.COM
PH# 317.937.9223
FAX# 812.332.2494

OWNER

SIGMA CAPITAL, LLC
DAVID BERMAN, PRINCIPLE
BERMAN@YAHOO.COM
PH# 317.937.9223
FAX# 812.332.2494

SOURCE OF TITLE

INSTRUMENT No. 201600002766

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
URBAN SPECIAL RESIDENTIAL

SURVEYOR

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
Ph 773-2644 Fx 773-2694
DATE: 12-15-15
Job No. 836343

SURVEYOR CERTIFICATION

I, K. NATHAN ALTHOUSE, HEREBY CERTIFY THAT:

THE WITHIN PLAT IS A REPRESENTATION OF THE LANDS SURVEYED, SUBDIVIDED AND PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF;

LEGAL DESCRIPTION OF REAL ESTATE:

LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 1-2, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.

THIS SUBDIVISION CONSISTS OF 3 LOTS, NUMBERED 1, 2, AND 3, TOGETHER WITH EASEMENTS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF THE EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF;

ALL MONUMENTS SHOWN ON THE WITHIN PLAT ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN;

THE BOUNDARY SURVEY OF THIS PLAT IS IN CONFORMITY WITH 865 IAC 1-12; AND, THE WITHIN PLAT COMPLIES WITH THE PROVISIONS OF THE TOWN OF ZIONSVILLE SUBDIVISION CONTROL ORDINANCE.

WITNESS BY SIGNATURE THIS 8TH DAY OF JUNE, 2016.

SIGNATURE K. Nathan Althouse

PRINTED: K. NATHAN ALTHOUSE, PLS
REGISTERED LAND SURVEYOR - INDIANA - # LS20400007

K. NATHAN ALTHOUSE
REGISTERED
No.
LS-20400007
STATE OF
INDIANA
LAND SURVEYOR

LEGEND

B. L.	BUILDING LINE
DUE	DRAINAGE & UTILITY EASEMENT
AC±	ACRES (MORE OR LESS)
R/W	RIGHT-OF-WAY
●	5/8" IRON ROD W/ YELLOW CAP STAMPED MILLER SURVEYING SET
125	PROPERTY ADDRESS NUMBER

AS USED IN THIS SURVEY, CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDING WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

BUILDING SETBACK LINE
THE BUILDING SETBACK LINES SHOWN ON THE PLAT ARE PURSUANT TO THE ZONING CODE OF THE TOWN OF ZIONSVILLE. THE REQUIRED MINIMUM DEPTH OF FRONT YARD SETBACK MAY BE REDUCED PER THE REQUIREMENTS OF ZONING CODE, ARTICLE 2, SECTION 2.13.B.5.i (AS AMENDED).

THE SIDE LOT LINE BUILDING SETBACKS TO THE EFFECT THAT A MINIMUM SIDE YARD SETBACK OF FIVE (5) FEET SHALL BE PLACED ALONG ALL SIDE LOT LINES AND A MINIMUM AGGREGATE SIDE YARD SETBACK OF FIFTEEN (15) FEET SHALL BE PROVIDED ON ALL LOTS

ADDRESS NOTE
Lot 1: 595 Sycamore Street
Lot 2: 596 Starkey Road
Lot 3: 575 Sycamore Street

DULY ENTERED FOR TAXATION
7-15-2016
Carla Newsome
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
K. NATHAN ALTHOUSE.

BOOK 24 PAGE 44

PAGE 1 OF 2

Exhibit 5

Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA

SIXTH AND SYCAMORE ESTATES

PART OF NORTHEAST QUARTER 2-17-2E
ZIONSVILLE, BOONE COUNTY, INDIANA

DEDICATION STATEMENT

WE, SIGMA CAPITAL, LLC, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY LOCATED IN THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, ACCORDING TO DEED RECORDED IN INSTRUMENT No. 201600002766, OF THE OFFICIAL RECORDS OF THE RECORDER OF BOONE COUNTY, INDIANA, AND FURTHER DESCRIBED AS FOLLOWS:

SEE LAND DESCRIPTION

NOW THEREFORE KNOW ALL PERSONS BY THESE PRESENCE THAT WE DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AS **RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA, SIXTH AND SYCAMORE ESTATES**, AN ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA.

ALL STREETS, ALLEYS, WAYS AND PUBLIC OPEN SPACES SHOWN ON THE WITHIN PLAT NOT HERETOFORE DEDICATED TO THE PUBLIC ARE HEREBY DEDICATED TO THE TOWN OF ZIONSVILLE FOR PUBLIC USE AND MAINTENANCE, SAVE AND EXCEPT FOR THOSE STREETS, ALLEYS, WAYS AND OPEN SPACES SPECIFICALLY IDENTIFIED AS PRIVATE ON THE PLAT AND APPROVED BY THE PLAN COMMISSION TO BE PRIVATELY OWNED, OPERATED AND MAINTAINED.

FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE WITHIN PLAT, BETWEEN WHICH LINES AND STREET RIGHT-OF-WAY LINES NO BUILDING OR STRUCTURE (EXCEPT FOR PARKING AREAS, DRIVEWAYS, AND INTERIOR ACCESS DRIVES) SHALL BE ERECTED OR MAINTAINED.

ALL STORM WATER, DRAINAGE, WATER, AND SANITARY SEWER EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE TOWN OF ZIONSVILLE, SAVE AND EXCEPT FOR THOSE STORM WATER, DRAINAGE, WATER, AND SANITARY SEWER EASEMENTS SPECIFICALLY IDENTIFIED AS PRIVATE ON THE PLAT AND APPROVED BY THE PLAN COMMISSION TO BE PRIVATELY OWNED, OPERATED AND MAINTAINED. WITHIN THESE EASEMENTS, NO STRUCTURE, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF UTILITIES. THE EASEMENT AREA OF EACH LOT SHALL BE CONTINUOUSLY MAINTAINED AS A YARD AREA BY THE OWNER OF THE LOT, EXCEPT FOR THOSE IMPROVEMENTS WHICH ARE THE RESPONSIBILITY OF A PUBLIC AUTHORITY OR UTILITY COMPANY TO MAINTAIN.

WITHIN DRAINAGE EASEMENTS, NO STRUCTURE, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY CHANGE THE DIRECTION OF FLOW OR DRAINAGE CHANNELS IN THE EASEMENTS OR WHICH MAY OBSTRUCT OR RETARD THE FLOW OF WATER THROUGH DRAINAGE CHANNELS IN THE EASEMENTS. THE DRAINAGE EASEMENT OF EACH LOT AND ALL IMPROVEMENTS IN THE DRAINAGE EASEMENT, INCLUDING SLOPE AND DRAINAGE PATTERN, SHALL BE CONTINUOUSLY MAINTAINED AS A YARD AREA BY THE OWNER OF THE LOT, EXCEPT FOR THOSE IMPROVEMENTS WHICH ARE THE RESPONSIBILITY OF A PUBLIC AUTHORITY OR UTILITY TO MAINTAIN.

THE FIRST FIVE (5) FEET OF ANY UTILITY EASEMENT WHICH IS LOCATED ALONG A STREET RIGHT-OF-WAY SHALL BE RESERVED FOR USE AS A TOWN OF ZIONSVILLE UTILITY EASEMENT FOR SEWER AND WATER, AND SHALL BE USED FOR THE INSTALLATION AND MAINTENANCE OF FIRE HYDRANTS, METER PITS, AND SIMILAR APPURTENANCES APPROVED BY THE TOWN ENGINEER. ALL OTHER UTILITY COMPANIES SHALL HAVE THE RIGHT TO CROSS THE FIRST FIVE (5) FEET OF SAID UTILITY EASEMENT AT OR NEAR PERPENDICULAR. NO OTHER UTILITIES OR APPURTENANCES THERETO SHALL BE INSTALLED WITHIN THE FIRST FIVE (5) FEET OF SAID UTILITY EASEMENT WITHOUT THE WRITTEN APPROVAL OF THE TOWN ENGINEER.

THE FOREGOING PLAT COVENANTS SHALL RUN WITH THE LAND, AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE 22nd DAY OF June, 2016, AT WHICH TIME SAID PLAT COVENANTS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE BUILDING SITE COVERED BY THESE PLAT COVENANTS IT IS AGREED TO CHANGE SUCH PLAT COVENANTS IN WHOLE OR IN PART.

INVALIDATION OF ANY ONE OF THE FOREGOING PLAT COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PLAT COVENANTS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THE RIGHT TO ENFORCE THESE COVENANTS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL BY DUE PROCESS OF LAW OF ANY STRUCTURE OR PART THEREOF ERECTED OR MAINTAINED IN VIOLATION HEREOF, IS HEREBY DEDICATED TO THE PUBLIC, AND RESERVED TO THE SEVERAL OWNERS OF THE SEVERAL LOTS IN THE SUBDIVISION AND TO THEIR HEIRS AND ASSIGNS.

IN WITNESS WHEREOF, OWNER HAS EXECUTED THIS INSTRUMENT THIS DAY OF

SIGNATURE _____

PRINTED SIGMA CAPITAL, LLC

STATE OF Indiana) SS: COUNTY OF) Marion

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED David Berman OWNER(S) OF THE REAL ESTATE, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AND WHO, HAVING BEEN DULY SWORN, STATED THAT ANY REPRESENTATIONS THEREIN CONTAINED ARE TRUE.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY OF June 22, 2016.

NOTARY SEAL — NOTARY PUBLIC STATE OF INDIANA — SABRINA C. SWINEHART — COMMISSION EXPIRES NOVEMBER 4, 2020

THESE PLAT COVENANTS AND RESTRICTIONS ARE ADOPTED THIS 22nd DAY OF June, 20 16 AS FOLLOWS:

1. THE PLATTED LOTS SHALL CONSIST OF SINGLE FAMILY RESIDENCES ONLY. THE SINGLE FAMILY RESIDENCES TOGETHER WITH ANY ACCESSORY STRUCTURE CONSTRUCTED ON LOTS 1, 2, AND 3 SHALL CONSIST OF BUILDING MATERIALS SUCH AS WOOD, CONCRETE, FIBERBOARD, STONE, BRICK AND OTHER MASONRY APPROVED BY OWNERS. NO VINYL SIDING SHALL BE ALLOWED OR PERMITTED ON THESE SINGLE FAMILY RESIDENCES OR ACCESSORY USES. THE HEIGHT OF THESE SINGLE FAMILY RESIDENCES ON LOTS 1, 2, AND 3 SHALL NOT EXCEED THE MAXIMUM ALLOWED IN THE RV RESIDENTIAL ZONING DISTRICT.
2. AS TO PLATTED LOT NO. 1 AND 2, OWNERS SHALL MAKE EVERY EFFORT TO LOCATE THE DRIVEWAY AWAY FROM SIXTH STREET, BEING ON THE EAST SIDE OF SAID LOTS SO TO PROVIDE MAXIMUM DISTACNES FORM SIXTH STREET. IN THE EVENT THAT IT IS NOT FEASIBLE TO SO LOCATE A RESIDENTIAL DRIVEWAY ON THE EAST SIDE OF SAID LOT, THEN, AND IN THAT EVENT, THE OWNERS SHALL CONSTRUCT A PRIVACY FENCE NOT TO EXCEED FIVE (5) FOOT IN HEIGHT, ALONG THE COMMON BOUNDARY. BUILDING MATERIAL FOR SAID PRIVACY FENCE SHALL CONSIST OF WOOD. IN THE EVENT OTHER MATERIALS ARE PROPOSED,
4. OWNER OF PLATTED LOTS IN SIXTH AND SYCAMORE ESTATES SHALL BE DESIGNATED AS

TOGETHER WITH ANY SUBSEQUENT OWNERS OF LOTS 1, 2 AND 3. THE ARCHITECTURAL CONTROL BOARD IS HEREBY ESTABLISHED FOR THE PLATTED LOTS CONSISTING OF DAVID BERMAN, AS SUCH, THE ARCHITECTURAL CONTROL BOARD SHALL HAVE SOLE AND UNBRIDLED DISCRETION TO APPROVE ARCHITECTURAL AND BUILDING PLANS FOR SINGLE FAMILY RESIDENCES AND ACCESSORY STRUCTURES FOR LOTS 1, 2 AND 3. AS SUCH, SUBSEQUENT LOT PURCHASERS ARE WELL ADVISED TO OBTAIN PRE-APPROVAL OF ARCHITECTURAL AND BUILDING PLANS FOR LOTS 1, 2, AND 3 AT THE TIME PRIOR TO CLOSING ON SAID PURCHASES. THIS COVENANT AND RESTRICTION SHALL AUTOMATICALLY EXPIRE WITHIN ONE (1) YEAR OF A CERTIFICATE OF OCCUPANCY BEING ISSUED FOR THE LAST SINGLE FAMILY RESIDENCE CONSTRUCTED ON LOTS 1, 2, AND 3.

SIGMA CAPITAL, LLC
DAVID BERMAN

STATE OF INDIANA)) SS: COUNTY OF Marion)

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, THIS 22nd DAY OF June 2016.

SIGNATURE Sabrina C. Swinehart
NOTARY PUBLIC

PRINTED Sabrina C. Swinehart

MY COMMISSION EXPIRES: November 4, 2020

COUNTY OF RESIDENCE: Marion

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 PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS OF THE APPLICABLE ORDINANCES AND REQUIREMENTS OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA.

BY: Wayne Delong BY: Mark DeBuler

PRINTED: Wayne Delong PRINTED: Mark DeBuler

BUILDING COMMISSIONNER TOWN OF ZIONSVILLE BOONE COUNTY, INDIANA

TOWN ENGINEER TOWN OF ZIONSVILLE BOONE COUNTY, INDIANA

TOWN OF ZIONSVILLE PLAN COMMISSION

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 21st DAY OF March, 2016

WITNESS BY SIGNATURE THIS 15th DAY OF July, 2016

TOWN OF ZIONSVILLE PLAN COMMISSION

SIGNATURE _____ SIGNATURE Wayne Delong

PRINTED David Berman PRINTED Wayne Delong

TITLE PRESIDENT TITLE SECRETARY

Recorded in Boone County, Indiana
07/15/2016 at 12:50 pm
Instrument 201600006568 - Cross reference to Grant of sewer easement and maintenance agreement.

SURVEYOR

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
Ph 773-2644 Fx 773-2694
DATE: 12-15-15
Job No. B36343

OWNER

SIGMA CAPITAL, LLC
DAVID BERMAN, PRINCIPLE
BERMAN@YAHOO.COM
PH# 317.937.9223
FAX# 812.332.2494

SOURCE OF TITLE

INSTRUMENT No. 201600002766

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
URBAN SPECIAL RESIDENTIAL

DEVELOPER

DAVID BERMAN
SIGMA COMPANIES
DAVE BERMAN, PRINCIPLE
BERMAN@YAHOO.COM
PH# 317.937.9223
FAX# 812.332.2494

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
K NATHAN ALTHOUSE.

BOOK 24 PAGE 45

Exhibit 5

Petition No.: 2020-11-DSV
S. GREVE

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 proposed outdoor living space will be built to industry standards.*

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: *Currently the owner has a less than satisfactory outdoor living space that he inherited when he bought the home. We will be removing this and replacing it with a visually appealing well-built outdoor living space that enhancing the exterior of the home.*

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because: *When the homeowner bought this property, it was already at the max allowable lot coverage without any improvements. Every homeowner should have the ability to add an outdoor living space to their property to enjoy the outdoors. Without the ability to add a usable outdoor living space the property cannot reach its true potential.*

DECISION

It is therefore the decision of this body that this VARIANCE 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 # 2020-11-DSV

1. SITE INFORMATION:

Address of Property: *596 Starkey Rd. Zionsville, IN 46077*

Existing Use of Property: *Primary Residence*

Proposed Use of Property: *Primary Residence*

Current Zoning: *Urban R-V* Area in acres: *.127*

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: *Shawn Greve*

Owner Name (if different from Petitioner):

Petitioner Address: *596 Starkey Rd. Zionsville, IN 46077* Owner Address:

Petitioner Phone Number: *317-664-7121* Owner Phone Number:

Petitioner E-Mail Address: *shawn.greve@royalunitedmortgage.com* Owner E-Mail Address:

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

Contact Person:

Name: *Blake L. Herbst*, Aspen Outdoor Designs, Inc.

Address: *11010 E. 156th. St. Noblesville, IN 46060*

Phone Number: *317-774-0156*

E-Mail Address *blake@aspenoutdoordesigns.com*

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 permission to encroach 5' into the north side yard setback, decreasing the aggregate side yard setback to 10'. We are also requesting a variance to increase the lot coverage from 35% to 38%. The reason for the side yard setback variance is to make the proposed outdoor living space usable. Without any improvements the lot coverage is at its max (35%). We are asking to increase the lot coverage 3% to allow for an outdoor living space.

5. ATTACHMENTS:

☐ Legal description of property
☐ Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
☐ Application Fee
☐ Proof of Ownership (copy of Warranty Deed)
☐ Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
☐ Draft of Proposed Findings of Fact

☐ Statement of Commitments (if proposed)
☒ Application Fee

☐ Draft of Proposed Legal Notice
☐ 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: _____ **Date:** 4/23/2020

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

State of Indiana)
SS:
County of Marion)

Subscribed and sworn to before me this 23rd day of April, 20 20.

Suzanne Daoust
Notary Public Signature

Suzanne Daoust
Notary Public Printed

My Commission No: 690296

My Commission Expires: September 1, 2024

My County of Residence is Hamilton County

SUZANNE DAOUST
Seal
Notary Public - State of Indiana
Hamilton County
My Commission Expires Sep 1, 2024

COMPANY WARRANTY DEED

18-126

Parcel Number(s): 06-04-02-000-222.001-006

THIS INDENTURE WITNESSETH, That **SIGMA CAPITAL, LLC.** ("Grantor") CONVEYS AND WARRANTS to **SHAWN GREVE AND M. MAKENZIE GREVE, HUSBAND AND WIFE** ("Grantee") of County, in the State of Indiana, for the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate commonly known as 596 Starkey ~~Avenue~~ Road, Zionsville, IN 46077 located in County, State of Indiana and legally described as:

LOT NUMBER 2 IN SIXTH AND SYCAMORE ESTATES, AS PER PLAT THEREOF RECORDED JULY 15, 2016 AS INSTRUMENT NUMBER 201600006569 AND IN PLAT BOOK 24, PAGE 44 BEING A REPLAT OF LOTS NUMBERED 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 1 AND 2 ALL IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA. EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is duly authorized by Grantor and has been fully empowered, by proper resolution of Grantor, to execute and deliver this deed; that Grantor has full company capacity to convey the real estate described herein; and that all necessary company action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed and delivered this 20th day of April, 2018.

Sigma Capital, LLC.

By: _____

Peter H. Wang, Member

STATE OF INDIANA
COUNTY OF HAMILTON

I, a Notary Public, hereby certify that Peter H. Wang of Sigma Capital, LLC. whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand this the 20th day of April, 2018.

Signature of notarial officer
Title and rank

MICHELLE RENEE QUINN
Seal
Notary Public - State of Indiana
Hamilton County
My Commission Expires Dec 14, 2024

My commission expires:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (Edward Anania)

THIS INSTRUMENT WAS PREPARED BY: Edward Anania (21479-76).

Send tax bills to: **596 Starkey Avenue, Zionsville, IN 46077**

Grantee's Mailing Address: **596 Starkey Avenue, Zionsville, IN 46077**

INDIANA VENDOR'S LIEN AFFIDAVIT

I/We the undersigned seller(s) hereby acknowledge that all money due in the sale of the property located at 596 Starkey Road, Zionsville, IN 46077 has been received and I/we hereby waive any vendor's lien in connection with this transaction.

Seller

4/20/18
Date

ASPEN™
OUTDOOR DESIGNS
"Artistic by Nature"

April 24, 2020

Town of Zionsville
Board of Zoning Appeals
1100 W. Oak Street
Zionsville, IN 46077

Dear Board Members,

Greetings! My name is Blake Herbst and I am the landscape architect for the outdoor living space at the Greve residence: 596 Starkey Rd. Zionsville, IN 46077. This has been a very challenging design for me due to the constraints. Midway through the design process I determined that without any outdoor improvements the lot was already at its maximum 35% lot coverage. This would mean that we would need to apply for a variance to increase the lot coverage. With the addition of the proposed outdoor living space, I calculated that we would need to increase the lot coverage 3%. Another obstacle to contend with is the setback limits. Currently the lot requires an aggregate side yard setback of 15'. We are asking to encroach 5' into the North side yard setback, decreasing the aggregate side yard setback to 10'. I as well as the homeowner have looked at and considered different layout options to avoid encroaching into the setback, but as you can see from the design it would be very difficult, rendering the space unusable. On behalf of the homeowner, I ask that you consider the request to increase the lot coverage 3% and allow us to encroach into the setback.

Thank you for your time and consideration!

Sincerely,

Blake L. Herbst, PLA, ASLA
Landscape Architect
Aspen Outdoor Designs, Inc.

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

STATE OF Indiana)
COUNTY OF Boone) SS:

I, Shawn Greve, 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: Shawn Greve
(NAME OF PERSON ON PETITION)

Requesting: Development Standards Variance
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 596 Starkey Rd Zionsville, IN 46077

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 19 day of May, 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).

Shawn Greve
Name of person mailing letters

Signature

State of Indiana)
County of Marion) SS:

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

Suzanne Daoust
Notary Public Signature

Suzanne Daoust
Notary Public Printed

My Commission No: 690296

My Commission Expires: September 1, 2024

My County of Residence is Hamilton County

SUZANNE DAOUST
Seal
Notary Public - State of Indiana
Hamilton County
My Commission Expires Sep 1, 2024

Attribute report for active ID 1

ID	name	add1	add3
30926	GURLEY RICHARD N & CATHY L	500 S 6TH ST	ZIONSVILLE, IN 46077
30931	COOPER JEFFREY O	204 MANCHESTER DR	ZIONSVILLE, IN 46077
30958	HUNT LESLEY JANE	605 W SYCAMORE ST	ZIONSVILLE, IN 46077
30962	SIGMA CAPITAL LLC	4630 LISBORN DR	CARMEL, IN 46033
31004	HOHMAN KEVIN & ELIZABETH	4697 RIDGEWOOD DRIVE	ZIONSVILLE, IN 46077

GENAMAP PAGE 1 14/05/20

Attribute report for active ID 1

ID	name	add1	add3
30926	GURLEY RICHARD N & CATHY L	500 S 6TH ST	ZIONSVILLE, IN 46077
30931	COOPER JEFFREY O	204 MANCHESTER DR	ZIONSVILLE, IN 46077
30958	HUNT LESLEY JANE	605 W SYCAMORE ST	ZIONSVILLE, IN 46077
30962	SIGMA CAPITAL LLC	4630 LISBORN DR	CARMEL, IN 46033
31004	HOHMAN KEVIN & ELIZABETH	4697 RIDGEWOOD DRIVE	ZIONSVILLE, IN 46077

Greve
596 Starkey Rd
Zionsville, IN 46077

Kevin + Elizabeth Hohman
4697 Ridgewood Dr.
Zionsville IN 46077

Greve
596 Starkey Rd
Zionsville IN 46077

Sigma Capital, LLC
4630 Lisborn Dr
Carmel IN 46033

Greve
596 Starkey Rd
Zionsville IN 46077

Lesley Jane Hunt
605 W. Sycamore St.
Zionsville, IN 46077

Greve
596 Starkey Rd
Zionsville, IN 46077

Jeffrey Cooper
204 Manchester Dr.
Zionsville IN 46077

Greve
596 Starkey Rd
Zionsville, IN 46077

Richard + Cathy Gurley
500 S. 6th St.
Zionsville, IN 46077

Hello Neighbors,

We are under contract with Aspen Outdoor Designs to upgrade our outdoor living space in the rear of our home. We have a hearing with the Town of Zionsville Board of Zoning Appeals in order to obtain the proper permits needed to complete the project. As our property adjoiners, we are required to send you the attached written notice of the hearing.

The project itself will be in the same location as our current patio and include a outdoor kitchen and a covered structure as we have now. It will just be a lot nicer.

Please feel free to call us or stop be if you would like to see the plans.

Thanks!

Shawn and Makenzie Greve

596 Starkey Rd, 46077

630 330 2394

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, June 3, 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:
2020-11-DVS Shawn Greve
_____, _____ requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for
or permit:
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

Petition for Development Standards Variance in order to provide for the addition of an outdoor living space to a Single-Family Home which:
1) Deviates from the required side & aggregate yard setbacks and
2) Exceeds the required lot coverage of 35%, to 38%
in the Urban Residential Village Zoning District (R-V).

The property involved is more commonly known as: 596 Starkey Rd, Zionsville In 46077
_____,
and is legally described as: (COMMON ADDRESS)

LOT NUMBER 2 IN SIXTH AND SYCAMORE ESTATES, AS PER PLAT THEREOF RECORDED JULY 15, 2016 AS INSTRUMENT NUMBER 201600006569 AND IN PLAT BOOK 24, PAGE 44 BEING A REPLAT OF LOTS NUMBERED 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 1 AND 2 ALL IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA. EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.

A copy of the Petition for 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

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

PUBLISH: _____

Category	Public Notices
Published Date	May 19, 2020

Notice Details

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING A
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SHOWING LISTINGS SIMILAR TO THIS ONE. DRAG AND DROP TO CHANGE

1 date 2 state

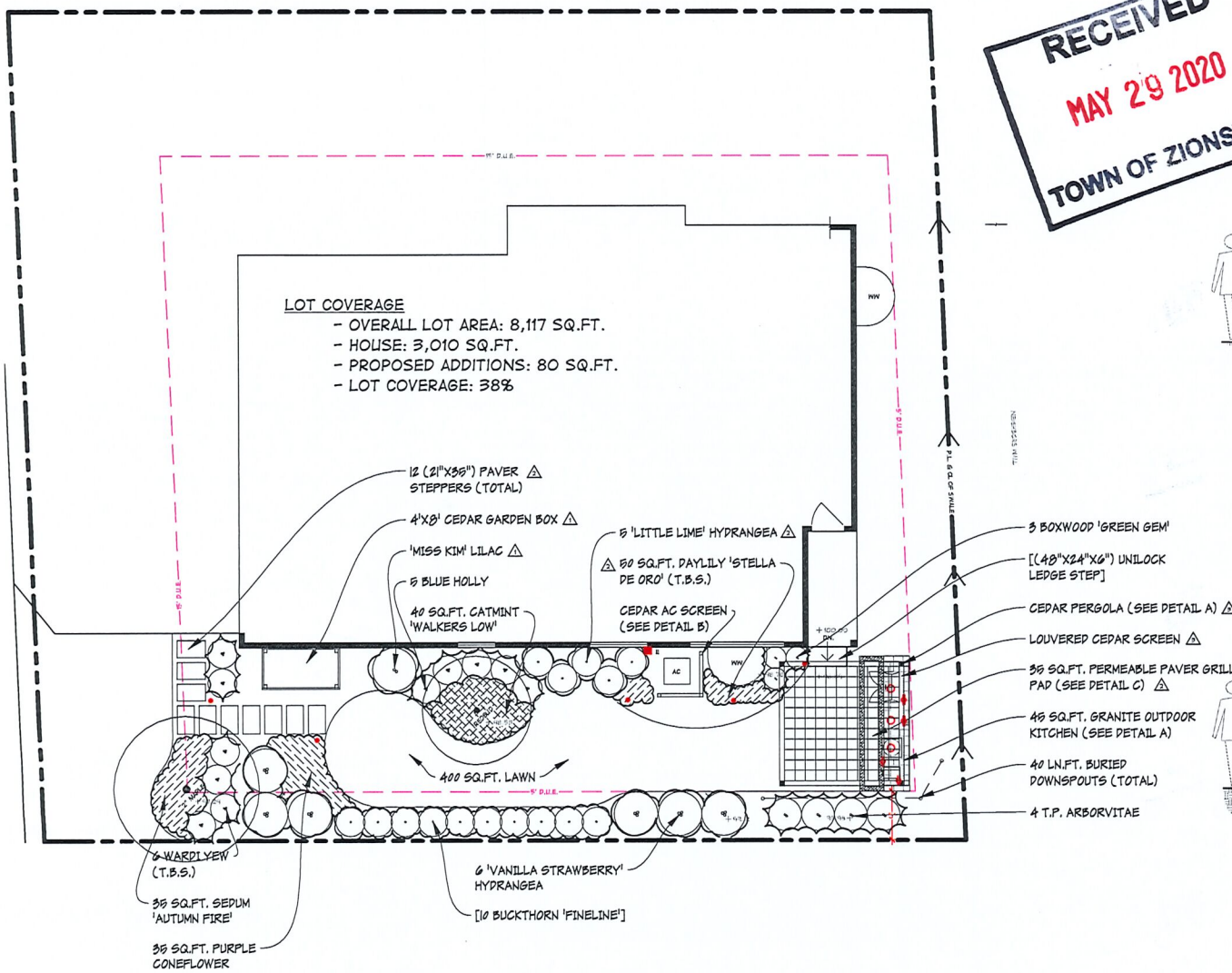
Shawn Greve
Sr. VP of Lending NMLS# 210743
shawn.greve@royalunitedmortgage.com
Office: **(317) 664-7121** | Fax: (317) 520-7415

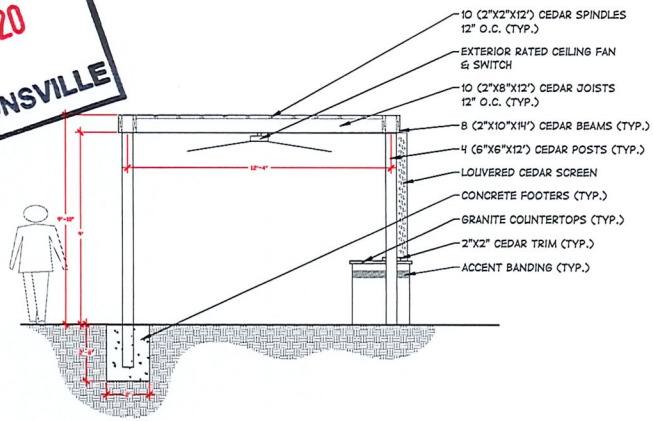
Royal United Mortgage LLC. NMLS #13390
7999 Knue Road Ste 300, | Indianapolis, IN 46250
Equal Housing Opportunity

Read My Reviews!

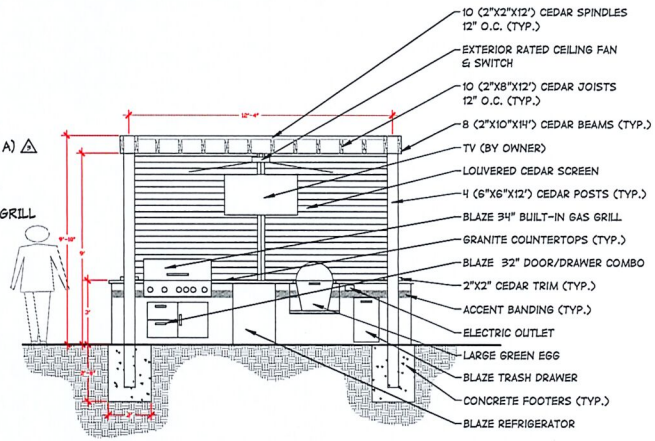
#1 HOME LENDING CUSTOMER SATISFACTION lendingtree Q1 2020

RECEIVED
MAY 29 2020
TOWN OF ZIONSVILLE



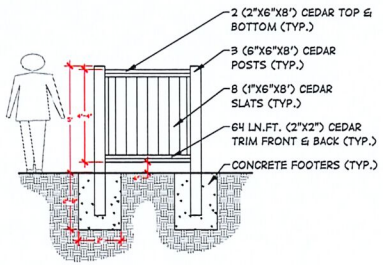


A OUTDOOR LIVING SPACE (VIEWING WEST)
SCALE: 1/4" = 1'-0"

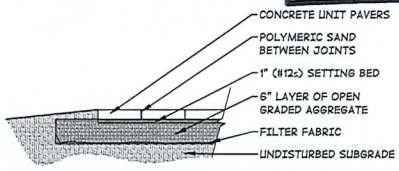


A OUTDOOR LIVING SPACE (VIEWING NORTH)
SCALE: 1/4" = 1'-0"

RECEIVED
MAY 29 2020
TOWN OF ZIONSVILLE



B CEDAR AC SCREEN
SCALE: 1/4" = 1'-0"



C PERMEABLE PAVER SECTION
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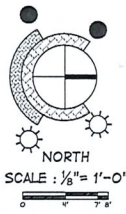


ASPEN OUTDOOR DESIGNS
Artistic by Nature
ASPEN OUTDOOR DESIGNS, INC.
11010 E. 156TH ST.
NOBLESVILLE, IN 46060
TEL: 317.774.0156
FAX: 317.776.9570
WWW.ASPENOUTDOORDESIGNS.COM

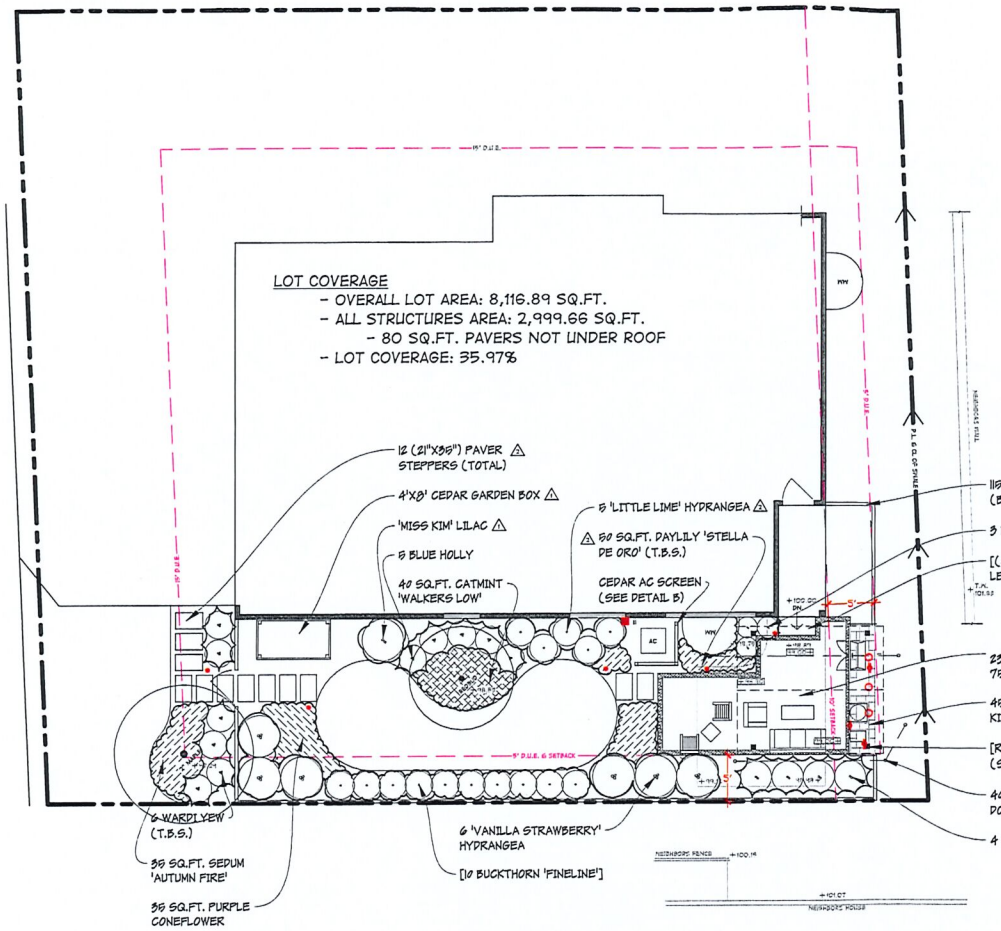
DATE :	JULY 18, 2019
DESIGN :	BLH
DRAWN BY :	BLH
REVISION :	7-30-19
	10-1-19
	1-14-20
	2-11-20
	2-20-20
	5-29-20
	GREVE
	19.157

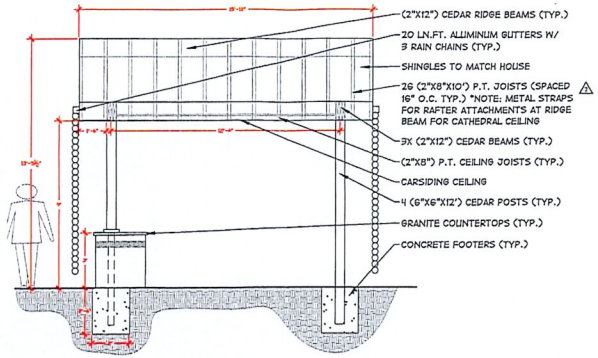
LANDSCAPE DEVELOPMENT PLAN

GREVE RESIDENCE

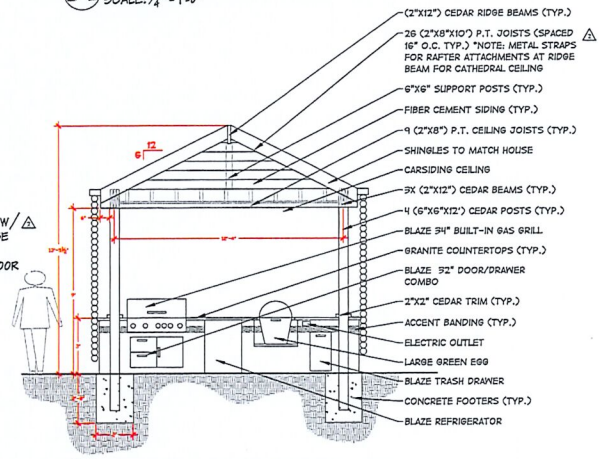
596 STARKEY ROAD ZIONSVILLE, INDIANA

© 2019, ASPEN OUTDOOR DESIGNS, INC.

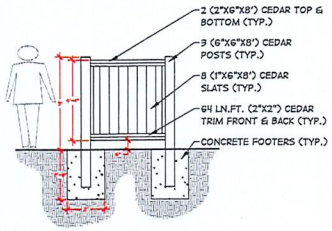




A OUTDOOR LIVING SPACE (VIEWING EAST)
SCALE: 1/4" = 1'-0"



A OUTDOOR LIVING SPACE (VIEWING NORTH)
SCALE: 1/4" = 1'-0"



B CEDAR AC SCREEN
SCALE: 1/4" = 1'-0"

LANDSCAPE DEVELOPMENT PLAN

GREVE RESIDENCE

596 STARKEY ROAD ZIONSVILLE, INDIANA

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FAX: 317.776.3570
WWW.ASPENOUTDOORDESIGNS.COM

NORTH
SCALE : 1/8"= 1'-0"

OWNER APPROVAL
INITIALS :
DATE :

DATE :	JULY 18, 2019
DESIGN :	BLH
DRAWN BY :	BLH
REVISION :	7-30-19
	10-1-19
	1-14-20
	2-11-20
	GREVE
	19.157

Petition No.: 2020-11-DSV
S. GREVE

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 proposed outdoor living space will be built to industry standards.*

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: *Currently the owner has a less than satisfactory outdoor living space that he inherited when he bought the home. We will be removing this and replacing it with a visually appealing well-built outdoor living space that enhancing the exterior of the home.*

3. Strict application of the terms of the zoning ordinance **(will / will not)** result in unnecessary hardships in the use of the property because: *When the homeowner bought this property, it was already at the max allowable lot coverage without any improvements. Every homeowner should have the ability to add an outdoor living space to their property to enjoy the outdoors. Without the ability to add a usable outdoor living space the property cannot reach its true potential.*

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

Petition Number:	2020-13-DSV
Subject Site Address:	880 Starkey Road
Petitioner:	Matt Lohmeyer
Representative:	Matt Lohmeyer
Request:	Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which: 1) Deviates from the required side yard setback (new improvement) 2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement) in the Urban Open Land Zoning District (O-1).
Current Zoning:	Urban Open Land Zoning District (O-1)
Current Land Use:	Single-family Residential
Approximate Acreage:	1.25 acres
Zoning History:	This parcel was annexed into Zionsville's jurisdiction in 1998. No prior petitions are known.
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 – Petitioners Narrative Exhibit 4 – Petitioners Existing/Proposed Site Plan Exhibit 5 – Petitioners Exhibits Exhibit 6 – Petitioners proposed Findings of Fact
Staff Presenter:	Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the June 3, 2020 Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of approximately 1.25, annexed into Zionsville's jurisdiction in 1998, which is utilized for Residential purposes. Staff is not aware of any prior variance requests for this property.

ANALYSIS

The 1.25-acre parcel is currently improved with a 4,340 +/- square foot single-family dwelling built circa 1975 (20+ years prior to being annexed into Zionsville's jurisdiction) and includes accessory uses. The Petitioner recently purchased the property and per the narrative included, desires to renovate the home and replace the existing garage with a larger one which has living space connected to the existing primary above the garage. The proposed improvement, contemplated to not exceed the permissible lot coverage, would require approval of a Development Standards Variance(s) as the new addition would 1) encroach into the required 50-foot side yard setback and 2) due to the existing setback of a non-compliant deck, would not meet the required 100-foot aggregate side yard setback.

PROCEDURE – VARIANCE TO DEVIATE FROM STANDARDS

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:*

SETBACKS (SIDE YARDS)

The site currently enjoys a non-conforming 25-foot side yard setback from the north parcel line and a non-conforming 11-foot 8-1/2-inch side yard setback from the south parcel line for the existing deck. The existing aggregate side yard setbacks therefore are 36-foot 8-1/2-inch, non-conforming to the ordinance. The proposed north setback for the upgraded garage and living space is 11-foot 0-inches, making the proposed aggregate side yard setback 22-foot 8-1/2-inch.

As required by Ordinance, the O-1 Open Land Zoning District regulations, requires that any improvements to the site are required to conform to minimum setback standards (side yard minimum: 50 feet with 100-foot aggregate, rear yard minimum). This standard is unique to the O-1 (Open Land) District with the overall district being:

established to include land being used for agricultural activities, flood plain, and other rural uses, located near the periphery of the jurisdictional boundary, which is not expected to develop for intensive urban or suburban uses within the near future. It is the intent of this district to allow agricultural uses to conserve the desirable characteristics of the land and to protect the open area from the encroachment of scatter urban-type uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan.

While Staff is supportive of the concepts of the O-1 Open Land Zoning District, and while much has changed in the area since it was annexed in 1998, the property remains improved with a circa 1975 single-family dwelling. Many nearby residential single-family homes (to the South) in the O-1 zoning district, built prior to annexation, also enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. Since the time of annexation, much of the area has been improved with residential developments designed to the RSF-2 zoning and R-V zoning districts. Additionally, it should be noted that the parcel's location is across from the town's wastewater treatment plant, is adjacent to the town's parks trailhead and is adjacent to the common area of Manchester Square & Manchester Estates. These conditions present additional unique characteristics not common in Zionsville and are unique to the area.

The purpose of the setback requirement, among other things, is to manage the separation of improvements from adjoining land uses and/or the public way. In this particular case, it appears the distance from the proposed north side yard setback to the nearest neighboring structure (the attached single-family residential developed currently under constructed) will be in excess of 200-feet from the proposed addition (and more than 50 feet from the public use trail system directly to the north of the property). Further, in specific cases, such as with a uniquely shaped lot, restricted topography and unique publicly utilized adjacent uses, the requirements of the ordinance conflict with what can be reasonably achieved by the property in question and in the opinion of Staff represent an undo hardship. As the area is improved with similar uses, which also benefit from these reductions, and the improvements will not be highly visible from neighboring properties, Staff supports the request of the Petitioner for a reduction in, as well as memorialization of side and aggregate side yard setbacks.

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2020-13-DSV related to the side and aggregate side yard setbacks as filed.

RECOMMENDATION 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 (new improvement) and deviates from the required aggregate side yard setbacks (memorializing existing improvement), in the Urban Open Land Zoning District (O-1) for the property located at 880 Starkey Road (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).

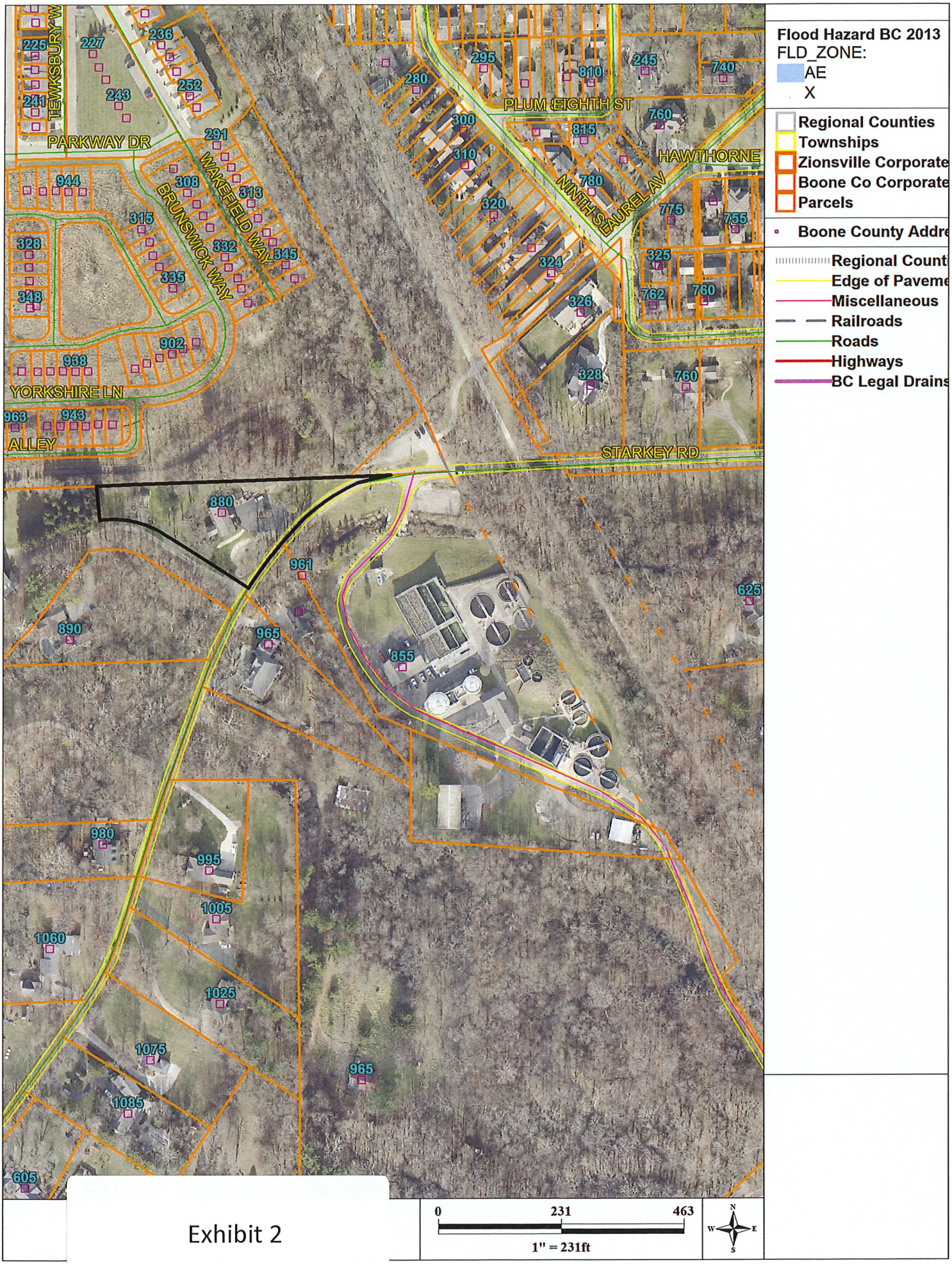

Flood Hazard BC 2013
FLD_ZONE:
AE
X
Regional Counties
Townships
Zionsville Corporate
Boone Co Corporate
Parcels
Boone County Addre
Regional Count
Edge of Paveme
Miscellaneous
Railroads
Roads
Highways
BC Legal Drains
PARKWAY DR
WAKEFIELD WAY
BRUNSWICK WAY
YORKSHIRE LN
ALLEY
PLUM
EIGHTH ST
NINTH ST
LAUREL AV
HAWTHORNE
STARKEY RD
0
231
463
1" = 231ft
N
W
E
S

Exhibit 2

May 19, 2020

RE: 880 Starkey Avenue Improvements

Subject: Zionsville Board of Zoning Appeals Variance Request

Dear Neighbor,

My Name is Matt Lohmeyer and I live at 880 Starkey Avenue (the barn house). I purchased my home in January of this year from Mr. and Mrs. Marshall. It has been my intent to renovate and to update the home that Mr. and Mrs. Marshall enjoyed for the better part of 40 years.

My current plan is to gut the interior of the home and to modernize it while respecting the nature and structure of the hand-hewn beam components. Additionally, I intend to remove the garage structure and to build a new, larger, garage and living space that will allow for better flow from inside the home and for a better overall home for me and my children to live in.

The request for variance that I seek from the BZA is two-pronged. First, I am seeking a variance that allows for a reduction in the side-yard setback for the existing deck location (nothing changes here) as well as the side-yard setback for the new northeast corner of the garage (for the proposed addition). The attached exhibit illustrates these two reduced dimensions. Additionally, I am seeking a variance for the aggregate setback to be reduced. This seems to be a formality, to me, that allows for the first variance request above to be allowed by Town Ordinance.

I am happy to discuss any or all of this with each of you. Under current circumstance, I am offering to chat on the lawn, over the phone (317 281-6787), or to email exchange at matt@tristatefs.com. Additionally, I am happy to share the floor plans with you (can be emailed) so that you can better understand the extent of the investment for the project that I would like to undertake with my home.

I welcome any questions and look forward to meeting each of you as weather and other factors allow.

Best Regards,

Matt Lohmeyer

880 Starkey Avenue

317 281-6787

matt@tristatefs.com

Exhibit 3

Exhibit 4

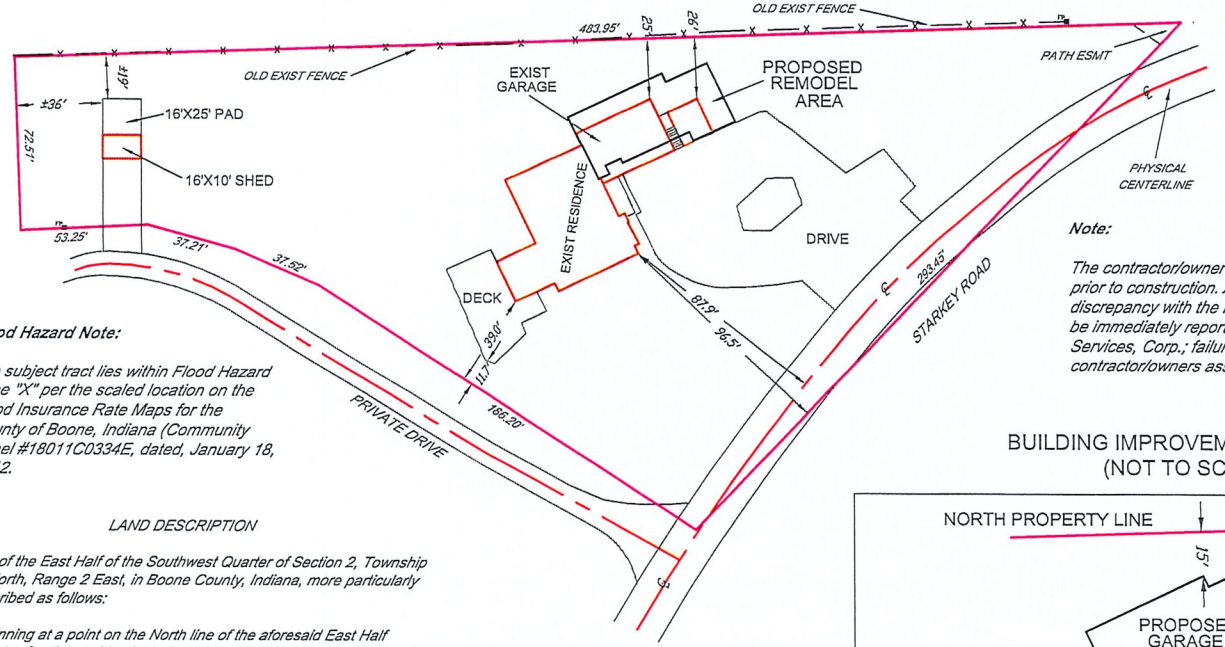
Assumed North
Scale: 1" = 50'

Note:

Unless otherwise stated hereon, no information pertaining to but not limited to, fluctuating water tables elevations, soil types, and conditions within the building areas of this development have been provided and\or referenced on said documents. With the excavation of the proposed structure foundations, certain care and observations should be made in regard to such conditions as soil types and fluctuating water tables. During the excavation process should any unsuitable soils or ground water be witnessed, the builder shall be immediately notified for further examination and consultation. At the builders discretion, additional construction techniques may be necessary to alleviate future problems.

LOT COVERAGE

TOTAL AREA PER DEED = ±54,498 SF (±1.25 AC)
EXISTING STRUCTURE = ±4,201 SF (RESIDENCE, GARAGE, DECK) EXISTING SHED\PAD = ±400 SF EXISTING COVERAGE = ±8.44%
PROPOSED IMPROVMENTS = ±4,786 SF (RESIDENCE, GARAGE, DECK) EXISTING SHED\PAD = ±400 SF PROPOSED COVERAGE = ±9.52%



Note:

The contractor/owner should verify existing conditions prior to construction. Any varying field conditions or any discrepancy with the information contained hereon should be immediately reported to COOR Consulting & Land Services, Corp.; failure to do so would result in the contractor/owners assumption of liability.

Flood Hazard Note:

The subject tract lies within Flood Hazard Zone "X" per the scaled location on the Flood Insurance Rate Maps for the County of Boone, Indiana (Community Panel #18011C0334E, dated, January 18, 2012.

LAND DESCRIPTION

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

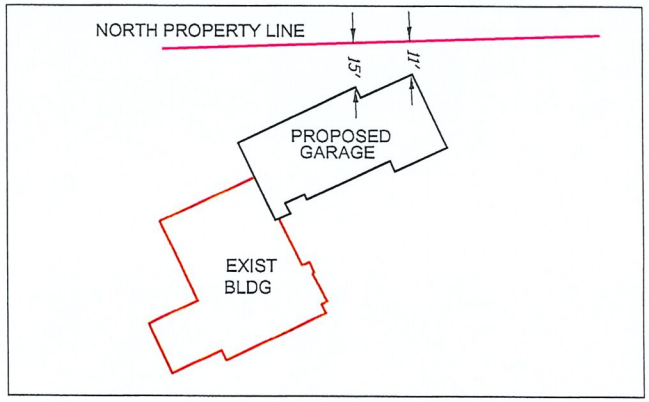
Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

ZONING: *OPEN LAND URBAN (0-1)*

Note:

This document has been prepared for the benefit of the parties indicated hereon, for the express use of obtaining a residential building permit. Reference foundation and or architectural plans for building specifics.

BUILDING IMPROVEMENTS DETAIL
(NOT TO SCALE)



SITE EXHIBIT
Prepared For:

MATT LOHMEYER

PART E 1\2 - SW 1\4
SEC 02-T17N-R02E
±1.25 ACRES

PARCEL
#06-04-02-000-004.014-006

880 STARKEY ROAD
ZIONSVILLE, IN 46077

EAGLE TWP, BOONE CTY

coor consulting & land services, corporation

303 WEST MAIN STREET
(888) 593-2667
DATE: 05/15/20

KNIGHTSTOWN, INDIANA
(765) 345-5943
JOB #2020-004

FAX#: (765) 345-5692
REVISIONS: 5

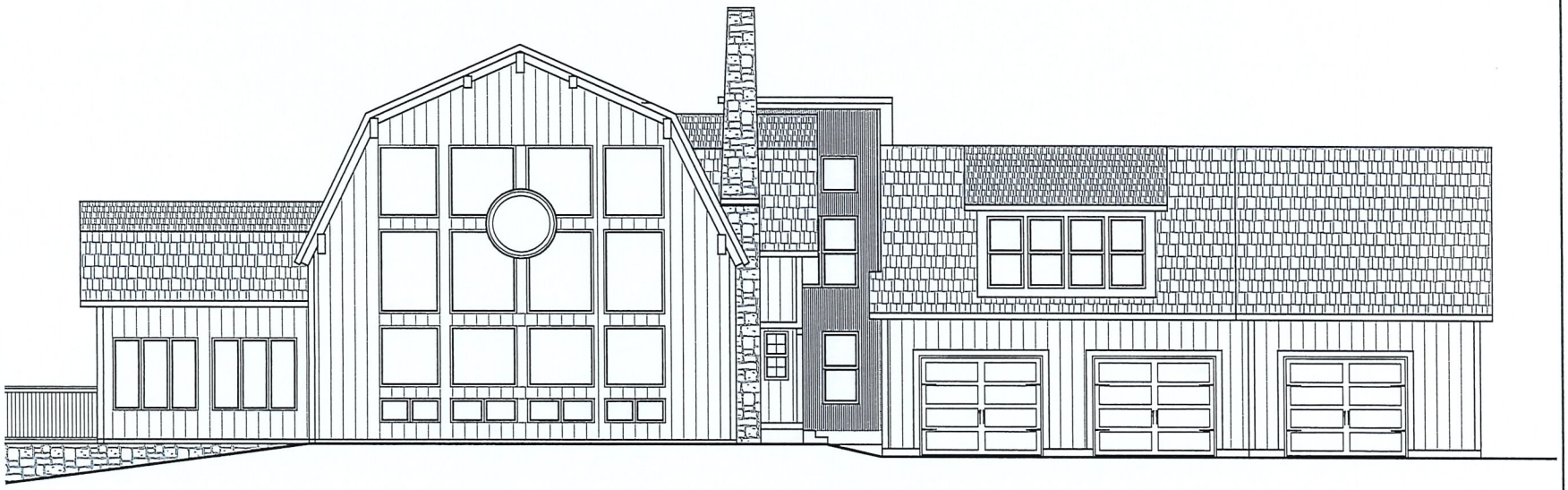
REMODEL OF THE:
LOHMEYER RESIDENCE

880 STARKEY RD. ZIONSVILLE, IN 46077

SHEET INDEX

1. COVER SHEET
2. ELEVATIONS
3. ELEVATIONS
4. FIRST FLOOR DEMO PLAN
5. SECOND FLOOR DEMO PLAN
6. FOUNDATION PLAN
7. FIRST FLOOR PLAN
8. SECOND FLOOR PLAN
9. FLOOR FRAMING PLAN
10. DETAILS
11. FIRST FLOOR ELECTRICAL
12. SECOND FLOOR ELECTRICAL

CONSTRUCTION SHALL COMPLY WITH
ALL STATE AND LOCAL BUILDING CODES
2020 INDIANA RESIDENTIAL CODE



PALLADIAN
CUSTOM CAD DESIGN
Palladian Blue Prints . com
(317) 852-6483

THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES, MANUFACTURERS AND LOCAL CODES WHEN BUILT. CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A QUALIFIED CONSTRUCTION PROFESSIONAL. USERS OF THESE PLANS SHALL VERIFY ALL DIMENSIONS, CONDITIONS, MEASUREMENTS, MATERIALS AND LOCATIONS OF ITEMS PRIOR TO PROCEEDING CONSTRUCTION. PROFESSIONAL ARE SHALL NOT BE HELD LIABLE FOR ANY DEFECTS. PALLADIAN INC. SHALL NOT BE HELD LIABLE FOR ANY COPYRIGHT INFRINGEMENT OF ARCHITECTURAL PROPERTIES FROM DESIGN CONCEPTS PROVIDED IN PURCHASE OF HOME TOWER PLANS. ARE FOR USE ONLY THE ONLY FOR USE OF PROJECTS MADE USING AN FREE BUILD. RE-USE OF THIS PLAN WITHOUT WRITTEN PERMISSION FROM PALLADIAN DRAWING AND DESIGN IS STRICTLY PROHIBITED.

PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

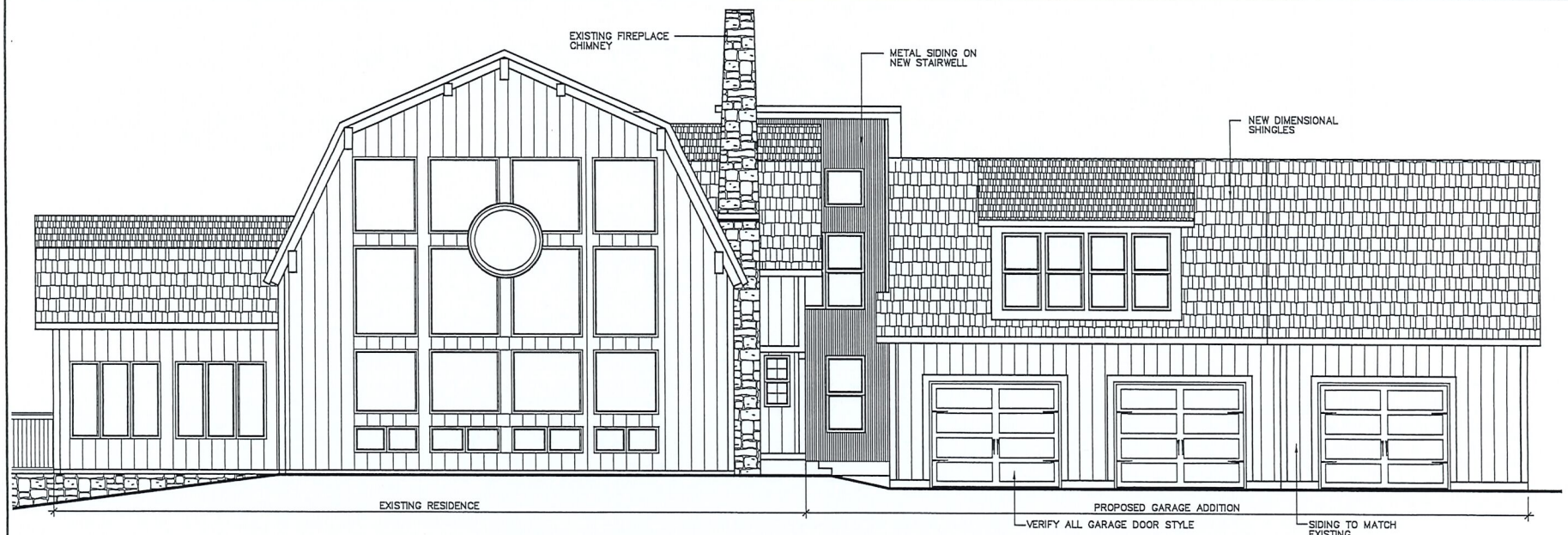
COVER SHEET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

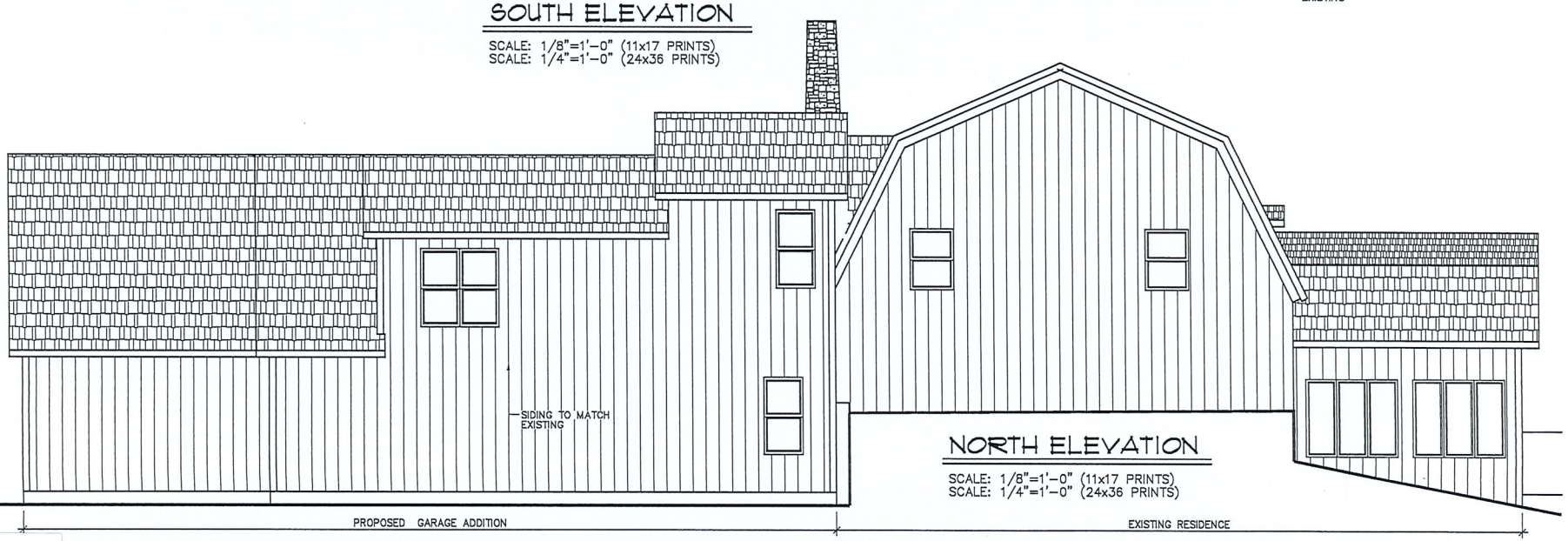
SHEET NO.
1

Exhibit 5



SOUTH ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)



NORTH ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

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THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES, FOREIGN STATE AND LOCAL CODES. MANY MODEL CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A QUALIFIED CONSTRUCTION PROFESSIONAL. USERS OF THESE PLANS SHALL VERIFY ALL DIMENSIONS, STRUCTURAL COMPONENTS, MATERIALS AND LOCATION OF SUCH ITEMS TO BUILDING CONTRACTOR. PALLADIAN, INC. SHALL NOT BE HELD LIABLE FOR ANY ERRORS.
PALLADIAN INC. SHALL NOT BE HELD LIABLE FOR ANY COPYRIGHT INFRINGEMENT OF INTELLECTUAL PROPERTIES FROM SUCH EXHIBITS PROVIDED BY PURCHASER OF HOME OWNER.
PLANS ARE FOR ONE TIME USE ONLY FOR LOT OR OWNER'S NAME LISTED IN TITLE BLOCK. RE-USE OF THIS PLAN WITHOUT WRITTEN PERMISSION FROM PALLADIAN DRAFTING AND DESIGN IS STRICTLY PROHIBITED.

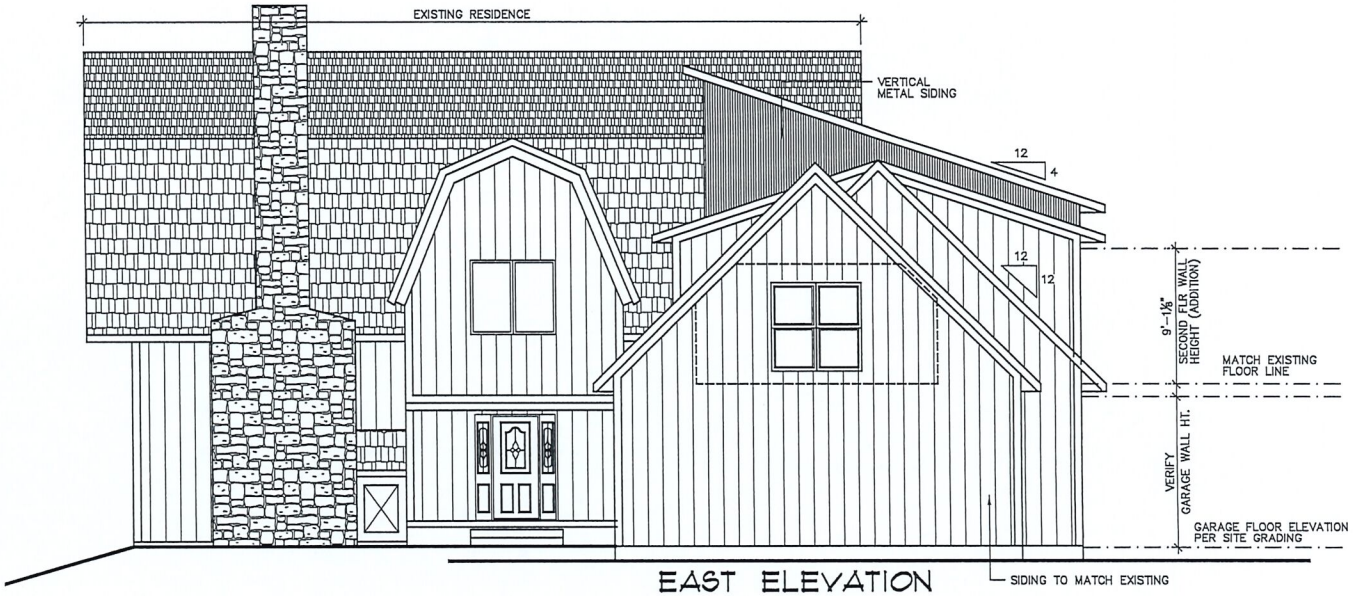
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-2ND DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

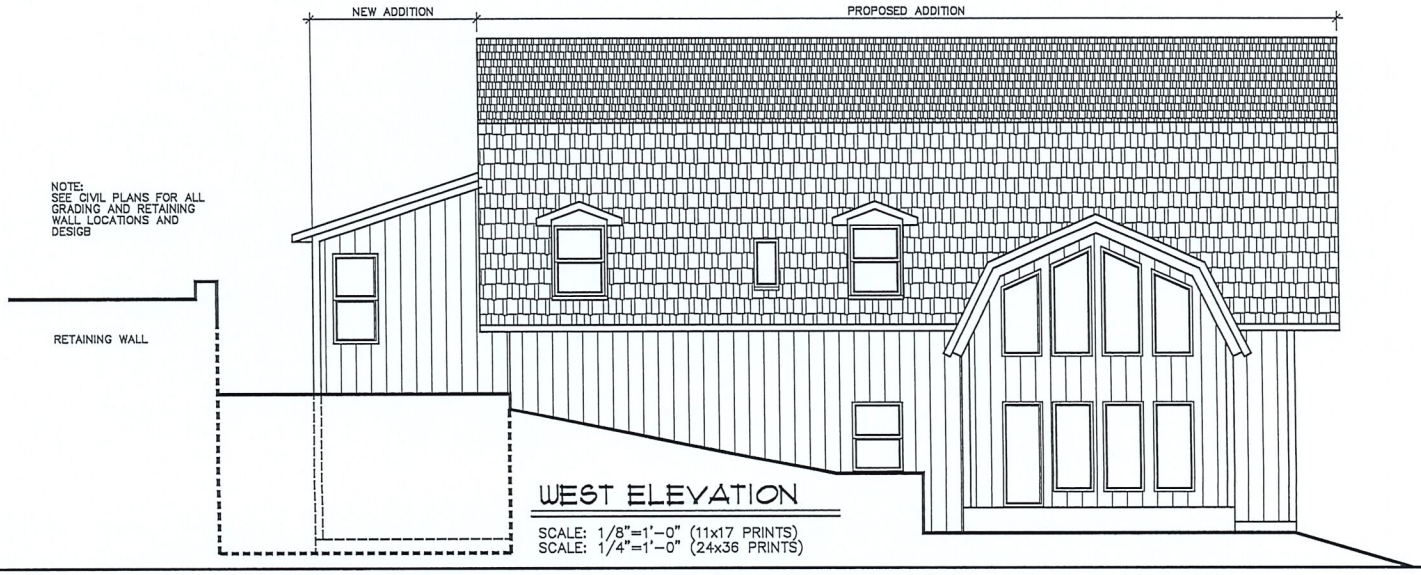
SHEET NO.
2

Exhibit 5



EAST ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)



WEST ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

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THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES, HOMEOWN STATE AND LOCAL CODES MAY VARY. CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE GUIDANCE OF A QUALIFIED CONSTRUCTION PROFESSIONAL. USERS OF THESE PLANS SHALL VERIFY ALL DIMENSIONS, STRUCTURAL COMPONENTS, MATERIALS AND LOCATION OF SUCH PRIOR TO BEGINNING CONSTRUCTION. PALLADIAN, INC. SHALL NOT BE HELD LIABLE FOR ANY ERRORS. PALLADIAN INC. SHALL NOT BE HELD LIABLE FOR ANY COPYRIGHT INFRINGEMENT OF INTELLECTUAL PROPERTIES FROM DESIGN CONCEPTS PROVIDED BY PURCHASER OR HOME OWNER. PLANS ARE FOR ONE TIME USE ONLY FOR LOT OR OWNER'S MAKE LISTED IN TITLE BLOCK. RE-USE OF THIS PLAN WITHOUT WRITTEN PERMISSION FROM PALLADIAN DRAFTING AND DESIGN IS STRICTLY PROHIBITED.

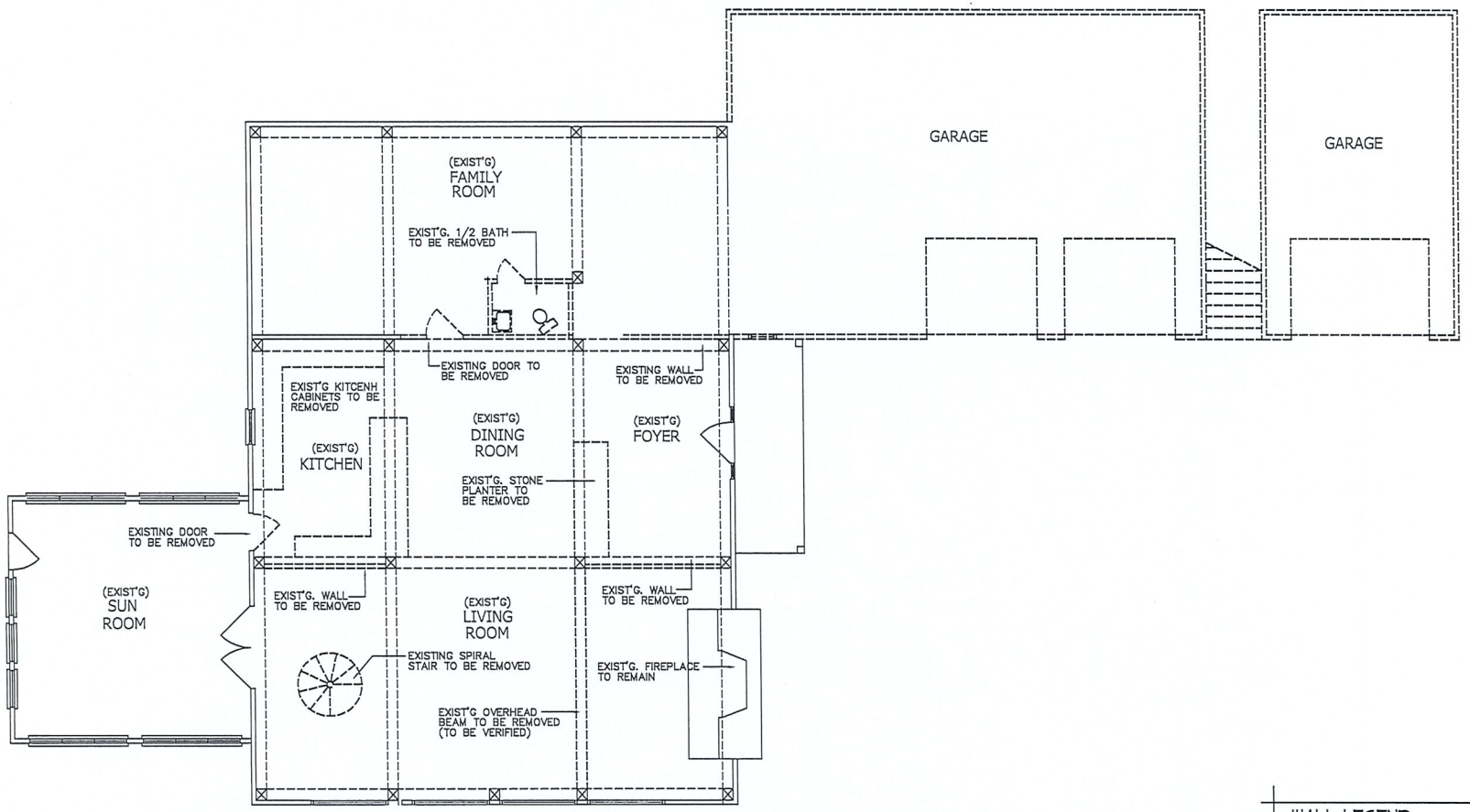
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
3

Exhibit 5



FIRST FLOOR -DEMO PLAN

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTIING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

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THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES, FOREIGN STATE AND LOCAL CODES MAY MODIFY CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A QUALIFIED CONSTRUCTION PROFESSIONAL. USERS OF THESE PLANS SHALL VERIFY ALL DIMENSIONS, STRUCTURAL COMPONENTS, MATERIALS AND LOCATION OF SITES PRIOR TO BEGINNING CONSTRUCTION. PALLADIAN, INC SHALL NOT BE HELD LIABLE FOR ANY ERRORS. PALLADIAN INC. SHALL NOT BE HELD LIABLE FOR ANY COPYRIGHT INFRINGEMENT OF INTELLECTUAL PROPERTIES FROM SUCH CREATED PROVIDED BY PURCHASER OF HOME OWNER. PLANS ARE FOR ONE TIME USE ONLY FOR LOT OF OWNER'S NAME LISTED IN TITLE BLOCK. RE-USE OF THIS PLAN WITHOUT WRITTEN PERMISSION FROM PALLADIAN DRAFTING AND DESIGN IS STRICTLY PROHIBITED.

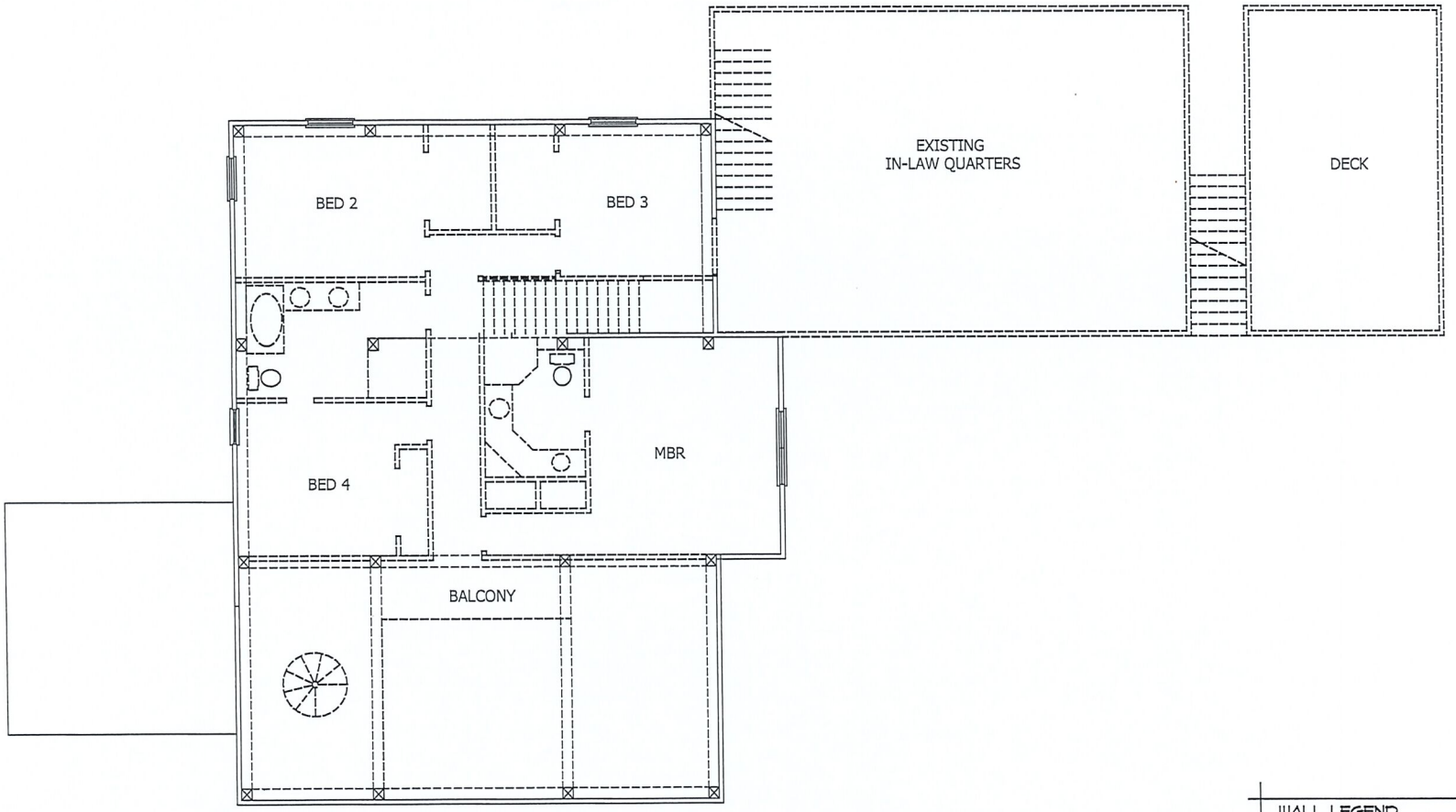
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
4

Exhibit 5



SECOND FLOOR DEMO PLAN

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

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ARTIC DRAWINGS CONTAIN TO REMAINED INTERPRET EXISTING PRACTICES, MINIMUM CODE AND LOCAL ZONES WITH WHICH CONFORMANCE FROM THESE PLANS SHALL NOT BE MAINTAINED WHERE THE MEANINGS OF A CREATED DISTINCTION INTERESTING, USERS OF THESE PLANS SHALL VERIFY ALL DIMENSIONS, EXISTING CONDITIONS, BUILDINGS AND CONCEPTS OF SUCH WITH THE INTENDED CONSTRUCTION. PALLADIAN, INC. SHALL NOT BE HELD LIABLE FOR ANY ERRORS.
PALLADIAN INC. SHALL NOT BE HELD LIABLE FOR ANY CONSTRUCTION MEANS OF EXECUTION, TECHNIQUES SUCH FROM CONCRETE STRENGTH OR PROTECTION OF WALL OPENINGS.
PLANS ARE FOR ONE TIME USE ONLY FOR LOT AT ORDER'S NAME LISTED AT TITLE BLOCK. PC-ACT OF 1990 FOR WORKS PROTECTS FROM UNLAWFUL COPYING AND DESIGN IS STRICTLY FORBIDDEN.

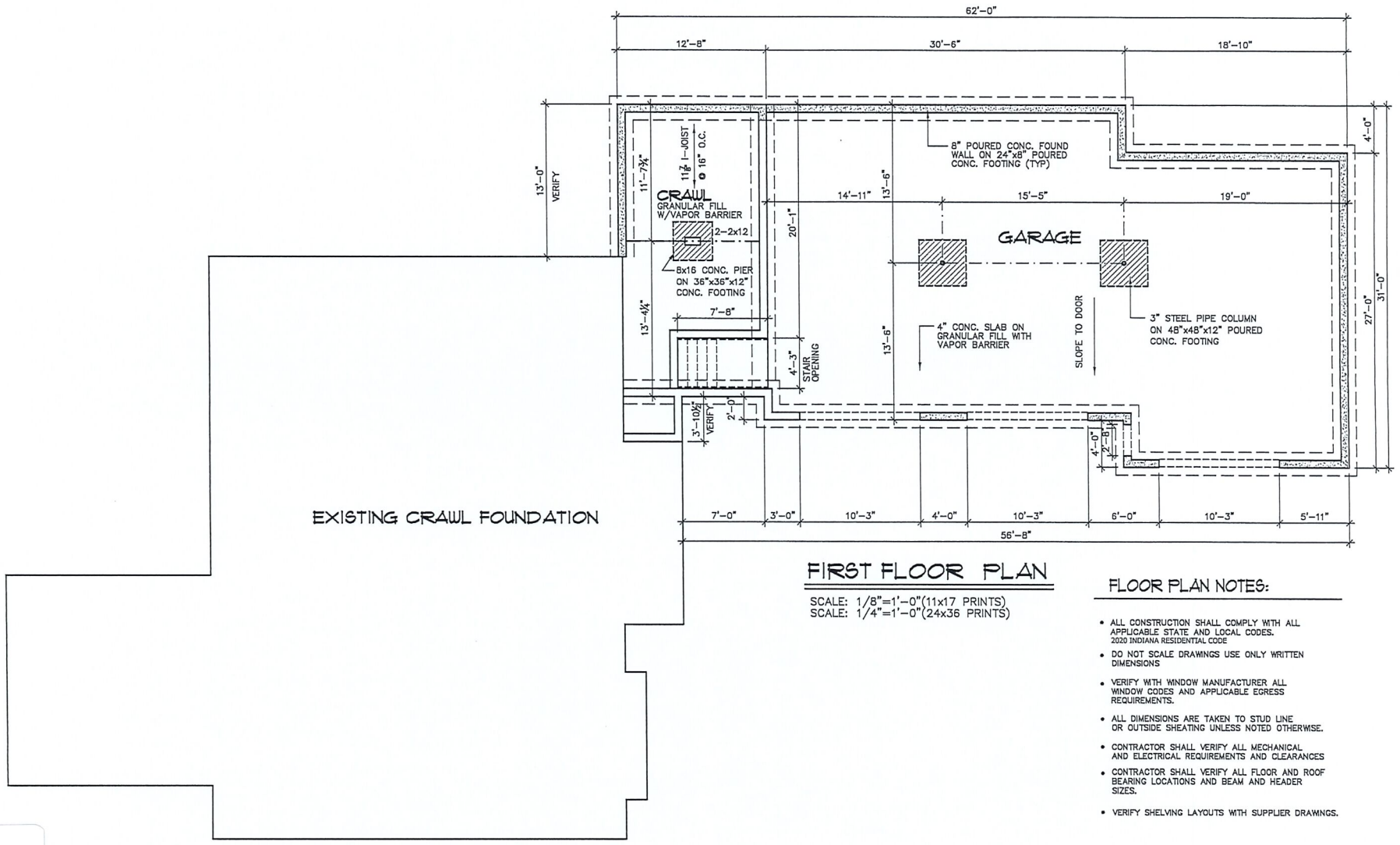
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040820-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
5

Exhibit 5



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

FLOOR PLAN NOTES:

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. 2020 INDIANA RESIDENTIAL CODE
- DO NOT SCALE DRAWINGS USE ONLY WRITTEN DIMENSIONS
- VERIFY WITH WINDOW MANUFACTURER ALL WINDOW CODES AND APPLICABLE EGRESS REQUIREMENTS.
- ALL DIMENSIONS ARE TAKEN TO STUD LINE OR OUTSIDE SHEATING UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
- CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS AND BEAM AND HEADER SIZES.
- VERIFY SHELVING LAYOUTS WITH SUPPLIER DRAWINGS.

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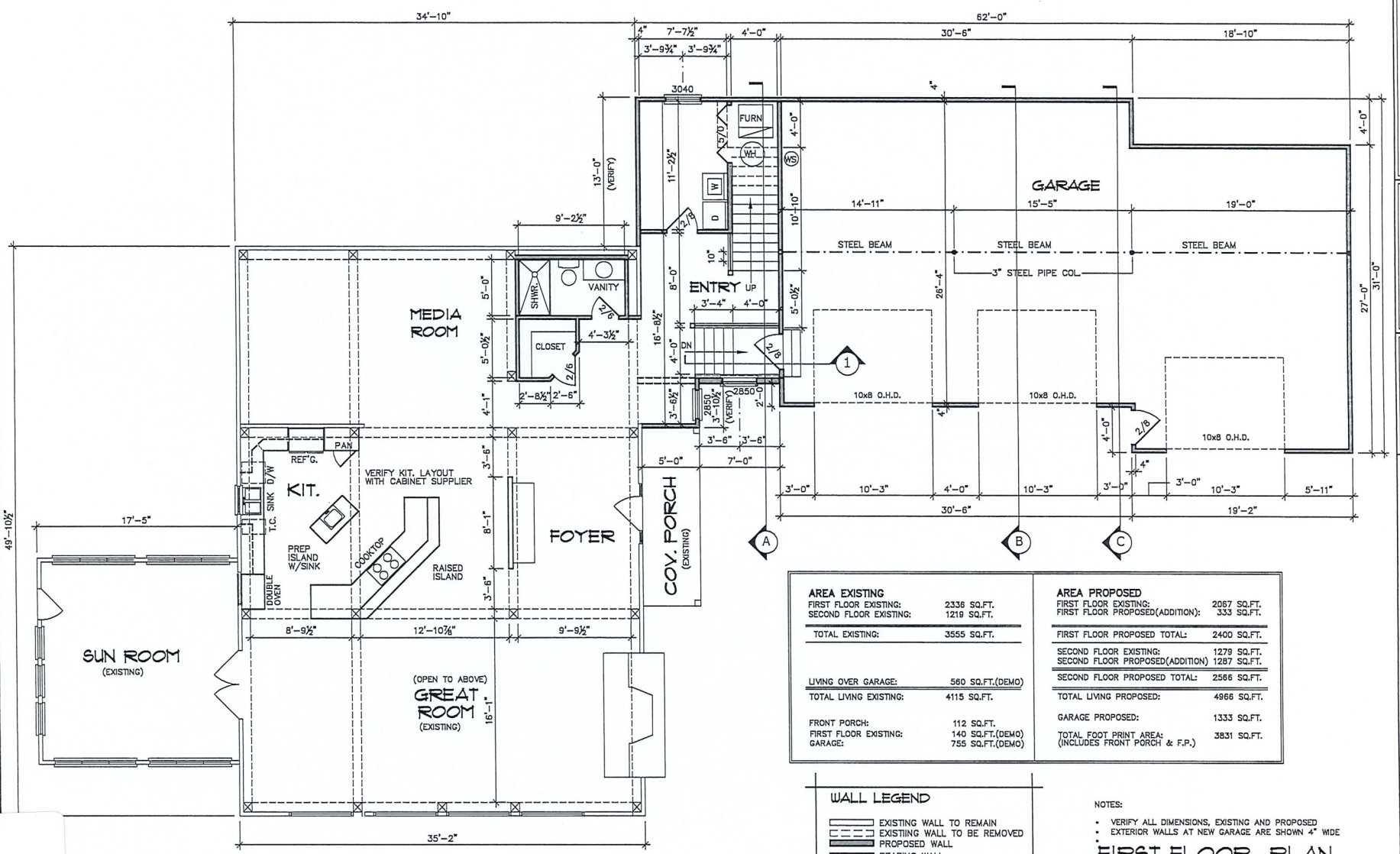
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
6

Exhibit 5



AREA EXISTING	
FIRST FLOOR EXISTING:	2336 SQ.FT.
SECOND FLOOR EXISTING:	1219 SQ.FT.
TOTAL EXISTING:	3555 SQ.FT.
LIVING OVER GARAGE:	560 SQ.FT.(DEMO)
TOTAL LIVING EXISTING:	4115 SQ.FT.
FRONT PORCH:	112 SQ.FT.
FIRST FLOOR EXISTING:	140 SQ.FT.(DEMO)
GARAGE:	755 SQ.FT.(DEMO)

AREA PROPOSED	
FIRST FLOOR EXISTING:	2067 SQ.FT.
FIRST FLOOR PROPOSED(ADDITION):	333 SQ.FT.
FIRST FLOOR PROPOSED TOTAL:	2400 SQ.FT.
SECOND FLOOR EXISTING:	1279 SQ.FT.
SECOND FLOOR PROPOSED(ADDITION)	1287 SQ.FT.
SECOND FLOOR PROPOSED TOTAL:	2566 SQ.FT.
TOTAL LIVING PROPOSED:	4966 SQ.FT.
GARAGE PROPOSED:	1333 SQ.FT.
TOTAL FOOT PRINT AREA: (INCLUDES FRONT PORCH & F.P.)	3831 SQ.FT.

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

NOTES:

- VERIFY ALL DIMENSIONS, EXISTING AND PROPOSED
- EXTERIOR WALLS AT NEW GARAGE ARE SHOWN 4" WIDE

FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

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PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:

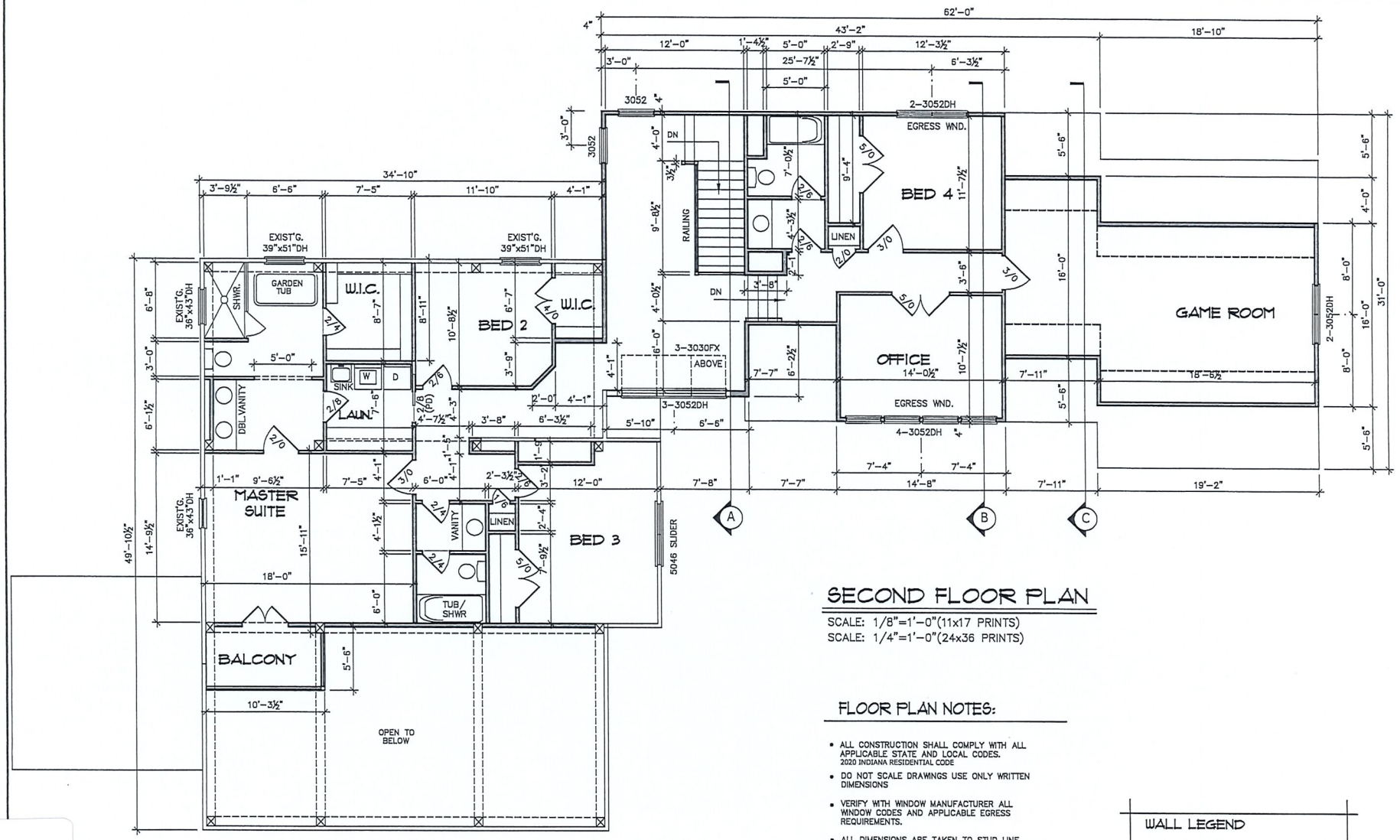
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET
051420-7TH DRAFT-REV SQ FT

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
7

Exhibit 5



SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

FLOOR PLAN NOTES:

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. 2020 INDIANA RESIDENTIAL CODE
- DO NOT SCALE DRAWINGS USE ONLY WRITTEN DIMENSIONS
- VERIFY WITH WINDOW MANUFACTURER ALL WINDOW CODES AND APPLICABLE EGRESS REQUIREMENTS.
- ALL DIMENSIONS ARE TAKEN TO STUD LINE OR OUTSIDE SHEATING UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
- CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS AND BEAM AND HEADER SIZES.
- VERIFY SHELVING LAYOUTS WITH SUPPLIER DRAWINGS.

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

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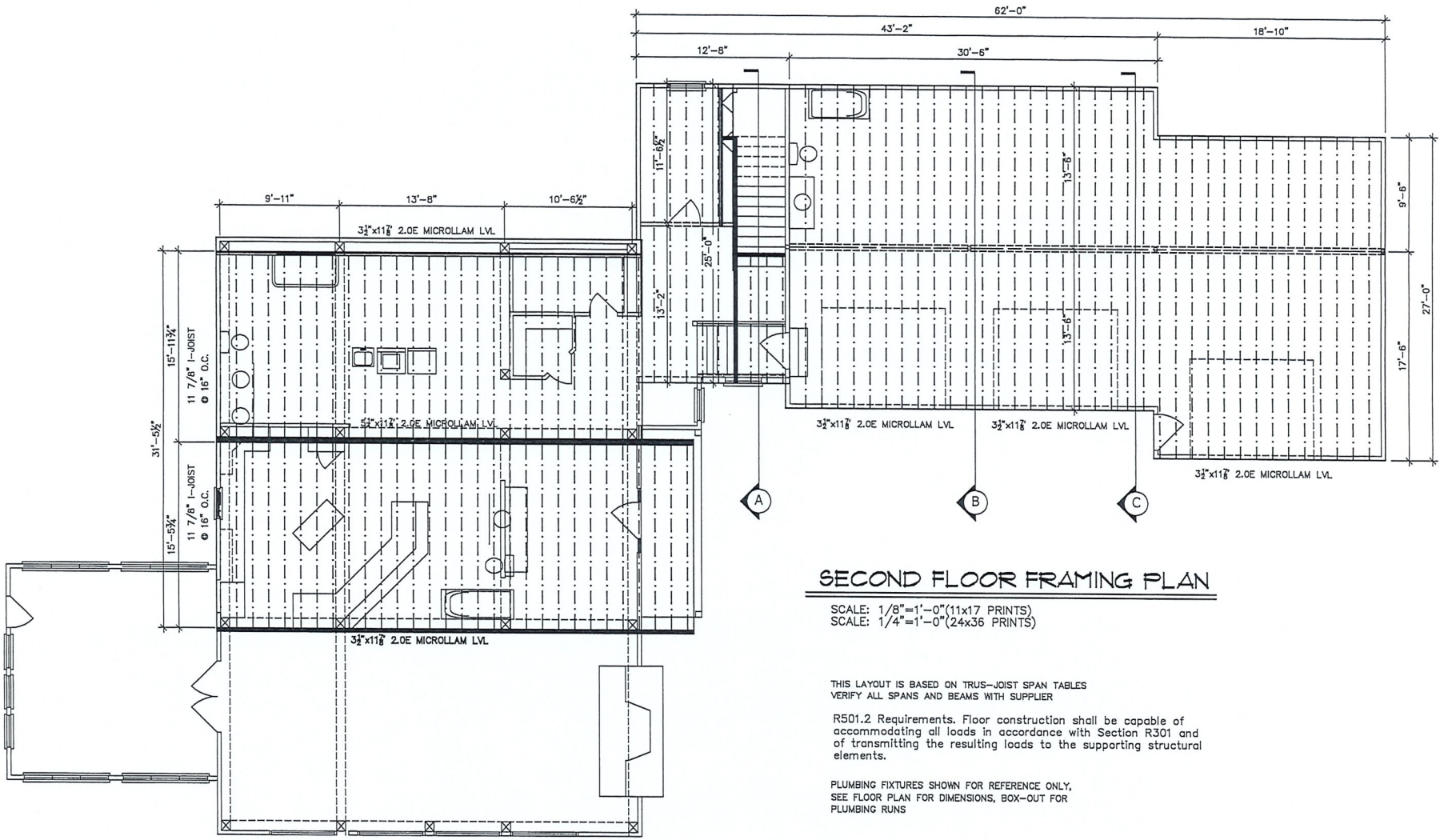
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
8

Exhibit 5



SECOND FLOOR FRAMING PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

THIS LAYOUT IS BASED ON TRUS-JOIST SPAN TABLES
VERIFY ALL SPANS AND BEAMS WITH SUPPLIER

R501.2 Requirements. Floor construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting structural elements.

PLUMBING FIXTURES SHOWN FOR REFERENCE ONLY, SEE FLOOR PLAN FOR DIMENSIONS, BOX-OUT FOR PLUMBING RUNS

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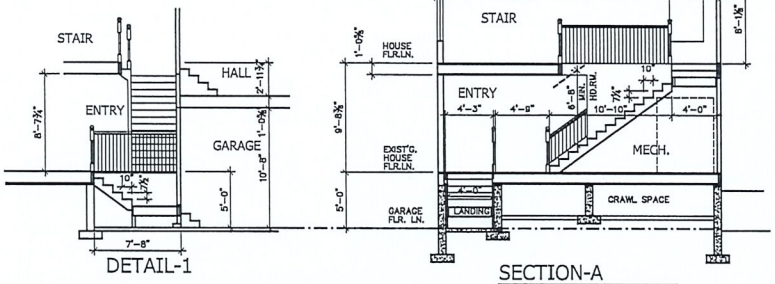
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040520-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
9

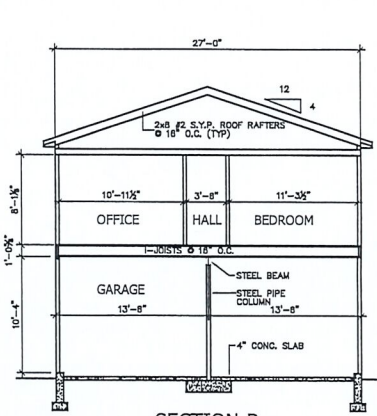
Exhibit 5



DETAIL-1

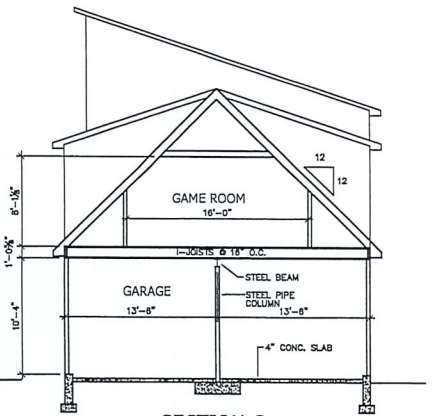
SECTION-A

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)



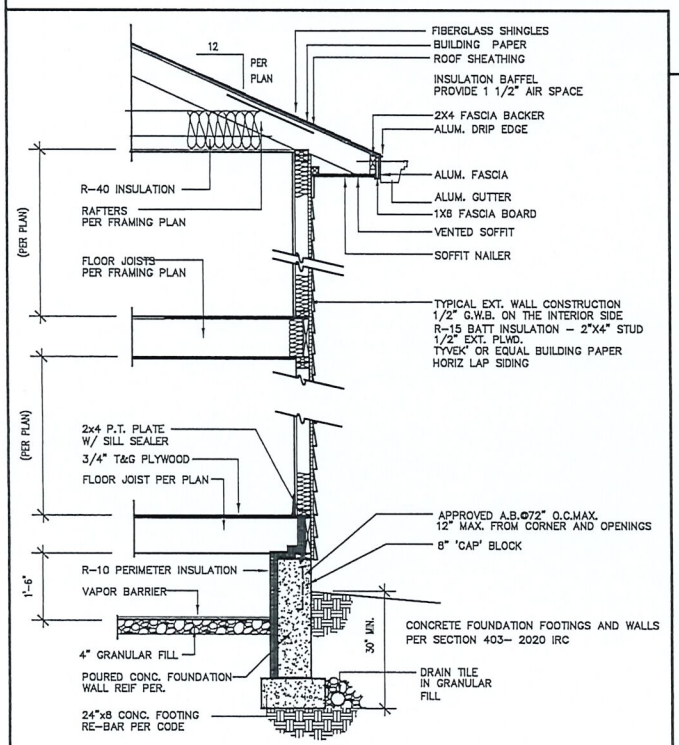
SECTION-B

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)



SECTION-C

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)



TYPICAL WALL SECTION

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)

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USE OF THESE DRAWINGS IS STRICTLY RESTRICTED WITHOUT PERMISSION. ALL RIGHTS RESERVED. THESE PLANS SHOULD NOT BE CONSTRUCTED WITHOUT THE ASSISTANCE OF A LICENSED STRUCTURAL PROFESSIONAL. USE OF THESE PLANS SHALL MEET ALL LANDOWNER, STRUCTURAL CONSTRUCTION, BUILDING AND LOCAL OR STATE CODE REQUIREMENTS. PALLADIAN BLUE PRINTS, INC. SHALL NOT BE HELD LIABLE FOR ANY ERRORS. PALLADIAN BLUE PRINTS, INC. DOES NOT GUARANTEE ANY EXPRESSED REPRESENTATION OF INTERPRETATION STATEMENTS FROM BUILDING OFFICIALS. CONTRACTORS ARE RESPONSIBLE FOR FINAL CHECK OF ALL DIMENSIONS AND SHALL NOTIFY PALLADIAN BLUE PRINTS, INC. OF ANY DISCREPANCIES BEFORE BEGINNING CONSTRUCTION. ALL DIMENSIONS MUST BE VERIFIED BY THE BUILDER BEFORE ANY WORK IS STARTED. BUILDER IS RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE. NOTIFY PALLADIAN BLUE PRINTS, INC. OF ANY DISCREPANCIES BEFORE BEGINNING CONSTRUCTION.

PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:

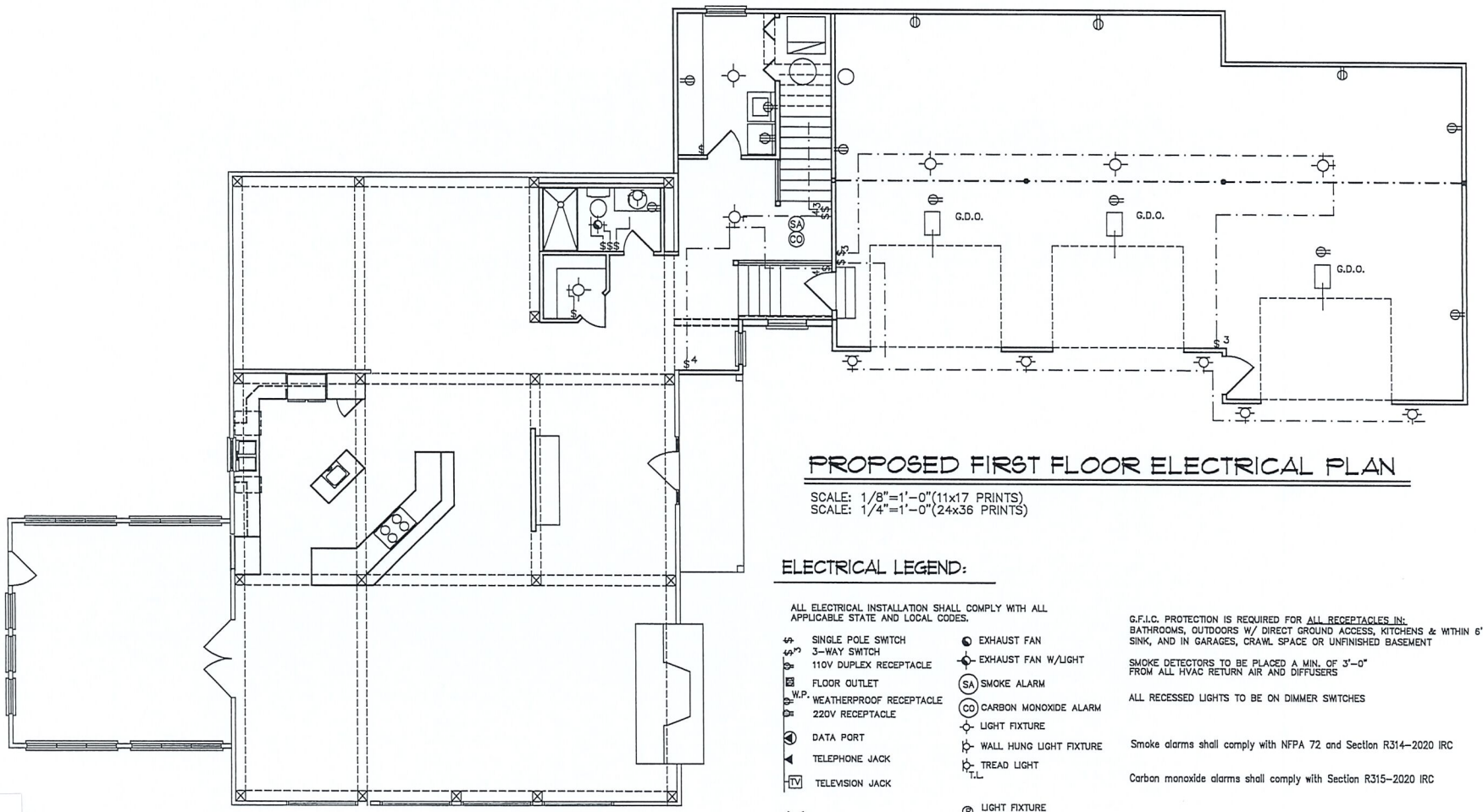
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
10

Exhibit 5



PROPOSED FIRST FLOOR ELECTRICAL PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

ELECTRICAL LEGEND:

ALL ELECTRICAL INSTALLATION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES.

- SINGLE POLE SWITCH
- 3-WAY SWITCH
- 110V DUPLEX RECEPTACLE
- FLOOR OUTLET
- W.P. WEATHERPROOF RECEPTACLE
- 220V RECEPTACLE
- DATA PORT
- TELEPHONE JACK
- TV TELEVISION JACK
- CEILING FAN
- FLOOD LIGHT
- HL HEAT LAMP
- T THERMOSTAT
- EXHAUST FAN
- EXHAUST FAN W/LIGHT
- SA SMOKE ALARM
- CO CARBON MONOXIDE ALARM
- LIGHT FIXTURE
- WALL HUNG LIGHT FIXTURE
- T.L. TREAD LIGHT
- R LIGHT FIXTURE (RECESSED)
- E EYEBALL LIGHT (RECESSED)
- P PENDANT LIGHT (HANGING)
- UC UNDER CABINET LIGHT
- DC DOOR CHIME

G.F.I.C. PROTECTION IS REQUIRED FOR ALL RECEPTACLES IN: BATHROOMS, OUTDOORS W/ DIRECT GROUND ACCESS, KITCHENS & WITHIN 6' OF SINK, AND IN GARAGES, CRAWL SPACE OR UNFINISHED BASEMENT

SMOKE DETECTORS TO BE PLACED A MIN. OF 3'-0" FROM ALL HVAC RETURN AIR AND DIFFUSERS

ALL RECESSED LIGHTS TO BE ON DIMMER SWITCHES

Smoke alarms shall comply with NFPA 72 and Section R314-2020 IRC

Carbon monoxide alarms shall comply with Section R315-2020 IRC

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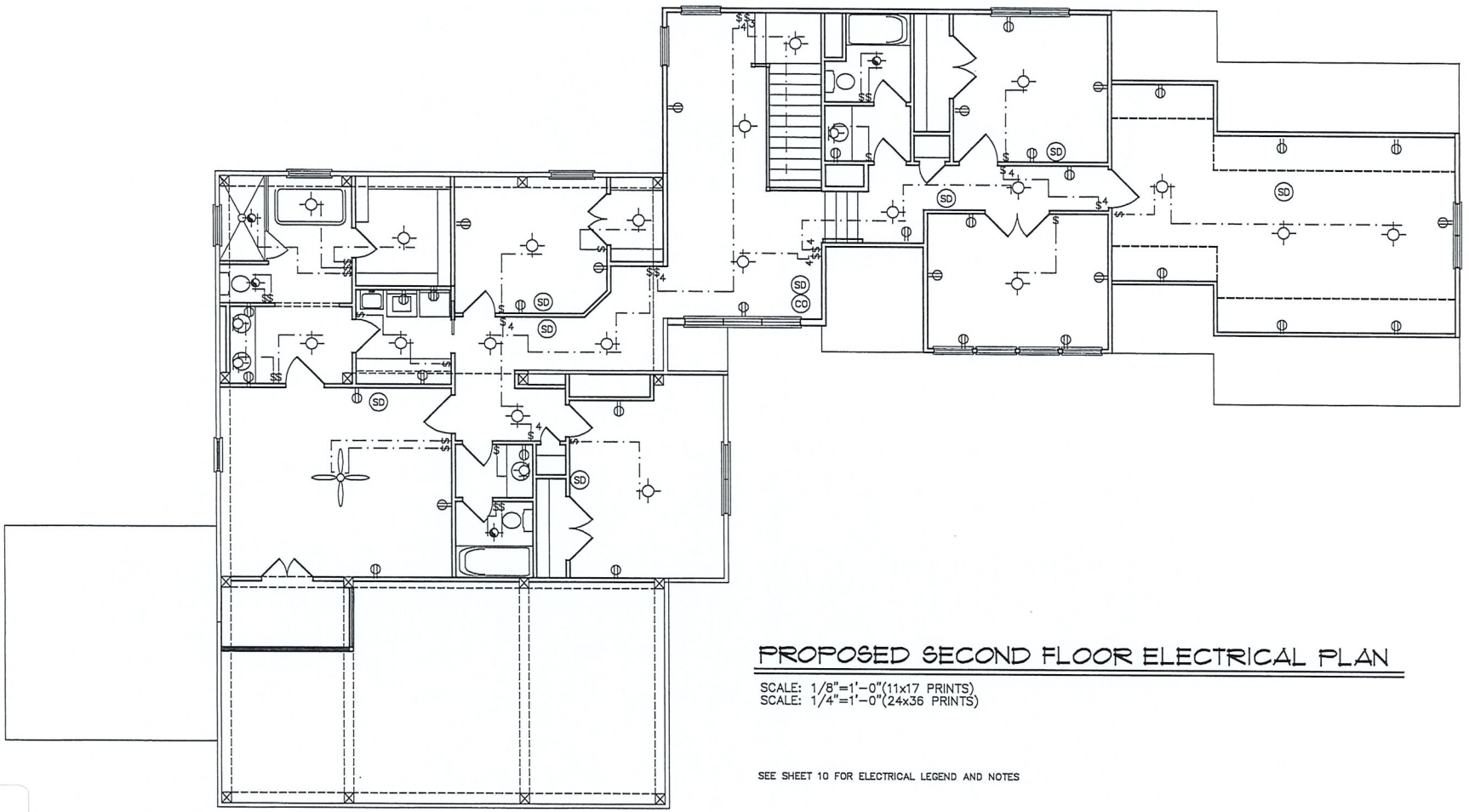
031820-5TH DRAFT
040520-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
11

Exhibit 5



PROPOSED SECOND FLOOR ELECTRICAL PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

SEE SHEET 10 FOR ELECTRICAL LEGEND AND NOTES

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011520-1ST DRAFT
012220-2ND DRAFT
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031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
12

Exhibit 5

Petition No.: 2020-13-DSV

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 request for a minimum side yard set back reduction to 11' does not impact any adjacent property owners because there are no other residential properties adjacent to the affected area on the 880 Starkey Property.

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:
There will be no encroachment to the adjacent property which consists of a 40' wooded buffer and then a public walking trail.

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 current zoning ordinance would preclude the ability to build any meaningful or significant improvements to the property.

DECISION

It is therefore the decision of this body that this VARIANCE 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

Petition to the Board of Zoning Appeals

Docket # 2020-13-DSV

1. SITE INFORMATION:

Address of Property: 880 Starkey Avenue, Zionsville

Existing Use of Property: Single Family Residence

Proposed Use of Property: Single Family Residence

Current Zoning: Open Land Urban Area in acres: 1.25

2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Matthew D Lohmeyer

Owner Name (if different from Petitioner): Same

Petitioner Address: 880 Starkey Avenue, Zionsville Owner Address:

Petitioner Phone Number: 317 281-6787 Owner Phone Number:

Petitioner E-Mail Address: matt@tristatefs.com Owner E-Mail Address:

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: N/A

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** **X Variance of Development Standards** ☐ **Variance of Use** ☐ **Special Exception** ☐ **Modification**

Owner/Petitioner is requesting variance to allow for a reduction of the side yard setback minimum to allow for a garage and living space addition to existing residence. Current Ordinance allowance for Open Land Urban is a 50' Minimum and a 100' Aggregate Side Yard. Owner/Petitioner is requesting a variance to reduce the minimum side yard set back to accommodate an existing deck at 11.7' and a proposed home addition at 11' per the attached exhibit, and to reduce the aggregate side yard allowance to 22.7'.

5. ATTACHMENTS:

☐ Legal description of property
☐ Owner's Authorization (if Petitioner is not the Owner)
☐ Statement of Commitments (if proposed)
☐ Application Fee
☐ Proof of Ownership (copy of Warranty Deed)
☐ Site Plan & Exhibits
☐ Draft of Proposed Legal Notice
☐ 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: _____ **Date:** 4/29/20

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

State of Indiana)
SS:
County of Hamilton)

SARAH E. LAWSON
Notary Public, State of Indiana
Commission Number: NP0720379
My Commission Expires
May 19, 2027

Subscribed and sworn to before me this 29th day of April, 2020

Sarah E Lawson
Notary Public Signature

Sarah E Lawson
Notary Public Printed

My Commission No: NP0720379

My Commission Expires: May 19, 2027

My County of Residence is Hamilton County

2020000747
Electronic Filing
From: Title Services, LLC
Thru: Simplifile

2020000747 DEED $25.00
01/21/2020 10:57:01AM 3 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

COPY

31968

WARRANTY DEED

THIS INDENTURE WITNESSETH, That **James F. Marshall and Shirley J. Marshall, husband and wife** ("Grantor") of Boone County, In the State of Indiana, CONVEYS AND WARRANTS to **Matthew D. Lohmeyer** ("Grantee") of Boone County, in the State of Indiana, for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Boone County, in the State of Indiana:

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

This conveyance is subject to all rights-of-way, easements, agreements, restrictions and limitations of record; and all real estate taxes due and payable after the date of this instrument.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

DULY ENTERED
SUBJECT TO FINAL ACCEPTANCE
AUDITOR
BOONE COUNTY, INDIANA
Heather R. Myers
HEATHER R. MYERS
Jan 21 2020 - NW

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 10 day of January, 2020.

COPY

James F. Marshall

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared **James F. Marshall**, who acknowledged the execution of the foregoing Warranty Deed, and who, being duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 10 day of January, 2020.

Notary Signature Cindy R. Poore
Notary Printed Cindy R. Poore
My Commission Expires: 2/12/26
County of Residence: Boone

Notary Stamp ONLY in this Space

NOTARY PUBLIC SEAL INDIANA
CINDY R. POORE
Notary Public, State of Indiana
Boone County
Commission Number 710416
My Commission Expires
February 12, 2026

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 10 day of January, 2020.

Shirley J. Marshall

Shirley J. Marshall

COPY

STATE OF Indiana)
)SS:
COUNTY OF Boone)

Before me, a Notary Public in and for said County and State, personally appeared **Shirley J. Marshall**, who acknowledged the execution of the foregoing Warranty Deed, and who, being duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 10 day of January, 2020.

Notary Signature Cindy R Poore
Notary Printed Cindy R Poore
My Commission Expires: 2/12/26
County of Residence: Boone

Notary Stamp ONLY in this Space

CINDY R. POORE
Notary Public, State of Indiana
Boone County
Commission Number 710415
My Commission Expires
February 12, 2026

Parcel No.: **019-10210-10 (State # 06-04-02-000-004.014-006)**

☑ Send tax statements to Grantee's address (Common Address of Property): **880 Starkey Road, Zionsville, IN 46077**

☐ Send tax statements to Grantee's Address: Same

This instrument was prepared by: David A. Schmitz, Attorney at Law
9201 N. Meridian Street, Suite 100, Indianapolis, IN 46260 (317) 571-6969

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law Linda S. Cline

LAND DESCRIPTION

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

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

STATE OF INDIANA)
COUNTY OF BOONE) SS:

I, MATTHEW D. LOHMEYER, 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: MATTHEW D. LOHMEYER
(NAME OF PERSON ON PETITION)

Requesting: VARIANCE OF DEVELOPMENT STANDARDS
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

For property located at: 880 STARKEY AVE ZIONSVILLE, IN

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 22ND day of MAY, 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).

MATTHEW D. LOHMEYER
Name of person mailing letters

Signature

State of INDIANA)

County of HAMILTON) **SS:**

Subscribed and sworn to before me this 22 day of MAY, 2020.

Vickie A Kenney
Notary Public Signature

Vickie A. Kenney
Notary Public Printed

My Commission No: 0672742

My Commission Expires: 10-21-2023

My County of Residence is BOONE County

NOTARY PUBLIC SEAL STATE OF INDIANA
Vickie A. Kenney
Notary Public - State of Indiana
Commission Number: 0672742
My Commission Expires: 10/21/2023

Attribute report for active ID 1

ID	name	add1		add3
30714	LENNAR HOMES OF INDIANA INC	9025 N RIVER RD	SUITE 100	INDIANAPOLIS, IN 46240
30908	TOWN OF ZIONSVILLE	1100 W OAK ST		ZIONSVILLE, IN 46077
30911	KAMM NICHOLAS PATRICK & CRYSTA	953 STARKEY RD		ZIONSVILLE, IN 46077
30919	WILSON DANIEL R & KATHRYN	900 STARKEY RD		ZIONSVILLE, IN 46077
30925	LOHMEYER MATTHEW D	880 STARKEY ROAD		ZIONSVILLE, IN 46077
30935	ZIONSVILLE BOARD OF PARKS & RE	410 W OAK ST		ZIONSVILLE, IN 46077

TRI-STATE
15170 River Road
Noblerville, Indiana 46062
LENNAR HOMES OF INDIANA
9025 N. RIVER ROAD SUITE 100
INDIANAPOLIS, IN 46240
TOWN OF ZIONSVILLE
1100 W. OAK ST.
ZIONSVILLE, IN 46077
DANIEL R & KATHRYN WILSON
900 STARKEY RD.
ZIONSVILLE, IN 46077
ZIONSVILLE BOARD OF PARKS & RECREATION
410 W. OAK ST.
ZIONSVILLE, IN 46077
NEW NEIGHBOR
890 STARKEY AVE.
ZIONSVILLE, IN 46077
PATRICIA & CRYSTA KAMM NICHOLS
953 STARKEY RD.
ZIONSVILLE, IN 46077

May 19, 2020

RE: 880 Starkey Avenue Improvements

Subject: Zionsville Board of Zoning Appeals Variance Request

Dear Neighbor,

My Name is Matt Lohmeyer and I live at 880 Starkey Avenue (the barn house). I purchased my home in January of this year from Mr. and Mrs. Marshall. It has been my intent to renovate and to update the home that Mr. and Mrs. Marshall enjoyed for the better part of 40 years.

My current plan is to gut the interior of the home and to modernize it while respecting the nature and structure of the hand-hewn beam components. Additionally, I intend to remove the garage structure and to build a new, larger, garage and living space that will allow for better flow from inside the home and for a better overall home for me and my children to live in.

The request for variance that I seek from the BZA is two-pronged. First, I am seeking a variance that allows for a reduction in the side-yard setback for the existing deck location (nothing changes here) as well as the side-yard setback for the new northeast corner of the garage (for the proposed addition). The attached exhibit illustrates these two reduced dimensions. Additionally, I am seeking a variance for the aggregate setback to be reduced. This seems to be a formality, to me, that allows for the first variance request above to be allowed by Town Ordinance.

I am happy to discuss any or all of this with each of you. Under current circumstance, I am offering to chat on the lawn, over the phone (317 281-6787), or to email exchange at matt@tristatefs.com. Additionally, I am happy to share the floor plans with you (can be emailed) so that you can better understand the extent of the investment for the project that I would like to undertake with my home.

I welcome any questions and look forward to meeting each of you as weather and other factors allow.

Best Regards,

Matt Lohmeyer

880 Starkey Avenue

317 281-6787

matt@tristatefs.com

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,

June 3, 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:

#2020-13-DSV, **Matthew D Lohmeyer** requests a
(PETITION NUMBER) (NAME OF PETITIONER)

Variance of Development Standards to provide for or permit:
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

2020-13-DSV M. Lohmeyer – project description for noticing

Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which:

1) Deviates from the required side yard setback (new improvement)
2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement)

in the Urban Open Land Zoning District (OL).

The property involved is more commonly known as: 880 Starkey Avenue, Zionsville,
(COMMON ADDRESS)
and is legally described as:

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

A copy of the Petition for Variance of Development Standards, and all plans
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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 Variance of Development Standards
(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)
will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff

Secretary: Wayne DeLong

Publish: _____

BOONE COUNTY

public notices

Make sure you're in the know when it comes to your community, city, county, schools and more.

Public Notices

When governments want to change environmental ordinances, the law often requires them to inform you by placing public notice advertisements – also called legals – in your newspaper.

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.

Luckey
STATE OF INDJANA
COUNTY OF BOONE
SS: IN THE BOONE SUPERIOR COURT I
CAUSE NO.
06D01-2005-EU-000059
IN THE MATTER OF THE UNSUPERVISED ESTATE OF VERLIN E. LUCKEY, Deceased.

NOTICE OF UNSUPERVISED ADMINISTRATION

Notice is given that RHONDA DEEM was, on May 5, 2020, appointed Personal Representative of the ESTATE OF VERLIN E. LUCKEY, deceased, who died on the 24th day of April, 2020. The Personal Representative is authorized to administer the estate without Court supervision.

All persons who have claims against this estate, whether or not now due, must file the claim in the office of the Clerk of this 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 the claims will be forever barred.

Dated: May 5, 2020
/s/ Jessica J. Fouts
Clerk,
Boone Superior Court No. 1
Chris L. Shelby, #123-06
SHELBY LAW, PC
116 N. West Street
P.O. Box 743
Lebanon, IN 46052
Telephone: (765) 482-1370
Facsimile: (765) 482-9065
TLR-287 5/23, 6/30 hspaxlp

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.

Eaton
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NUMBER
06C01-2005-JT-000205
IN THE MATTER OF THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP:
TG-DOB 6/24/2015
AND
BRITTANY ANN GOLDEN (MOTHER)
ANTONIO EATON (FATHER)

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF TERMINATION OF PARENTAL RIGHTS HEARING

TO:
ANTONIO EATON
Whereabouts unknown

NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed a Petition for Involuntary Termination of your Parental Rights, and that an adjudication hearing has been 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) Initial Hearing on 6/8/2020 at 8:30 AM, and to answer the Petition for Termination of your Parental Rights of said child.

You are further notified that if the allegations in said petition are true, and/or if you fail to appear at the hearing, the Juvenile Court may terminate your parent-child relationship; and if the Court terminates your parent-child relationship you will lose all parental rights, powers, privileges, immunities, duties and obligations including any rights to custody,

continued next column

Public Notices

control, visitation, or support in said child; and if the Court terminates your parent-child relationship, it will be permanently terminated, and thereafter you may not contest an adoption or other placement of said child.

You are entitled to representation by an attorney, provided by the State if applicable, throughout these proceedings to terminate the parent-child relationship.

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, adjudication on said petition and termination of your parental rights may be entered against you, in your absence, without further notice.

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-262 5/16, 23, 30 hspaxlp

NOTICE OF DISSOLUTION OF BOONE COUNTY ELECTRIC INC. AND NOTICE TO THE CREDITORS OF BOONE COUNTY ELECTRIC INC.

Lebanon, Boone County, Indiana

NOTICE IS HEREBY GIVEN, pursuant to Section 23-1-45-7 of the Indiana Code, that Boone County Electric Inc., an Indiana corporation having its principal place of business at 2607 Viceroy Ln., Lebanon, IN 46052, has been dissolved by resolution adopted by its members, effective April 22, 2020.

All persons who may have a claim against Boone County Electric Inc. are hereby notified to present their claims in writing to Boone County Electric Inc., Attn: William Zimmerman, 2607 Viceroy Ln., Lebanon, IN 46052. the written claim should include the claimant's name, address, telephone number, the amount(s) claimed, the date(s) and any description of services and/or products provided to Boone County Electric Inc.

All claims against Boone County Electric Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

TLR-286 5/23 hspaxlp 1643080

Public Notices

When governments want to change **zoning rules**, the law often requires them to inform you by placing notice advertisements – also called legals – in your newspaper.

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 here IndianaPublicNotices.com.

Huckleberry
STATE OF INDIANA
IN THE BOONE CIRCUIT COURT
SS: COUNTY OF BOONE
CAUSE NUMBER:
06C01-1904-JC-000131
IN THE MATTER OF:
JW - DOB 7/17/2013
A CHILD ALLEGED TO BE A CHILD IN NEED OF SERVICES
AND
CHARLES HUCKLEBERRY (BIOLOGICAL FATHER)
KAYLA WARMOTH (BIOLOGICAL MOTHER)
TO: Charles Huckleberry
Whereabouts unknown

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

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 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) Review Hearing on 8/17/2020 at 9:00 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 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

continued next column

Public Notices

(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: 317232-1803
Office: 765 482-3023
TLR-289 5/23, 30, 6/6 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, June 3, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition: **#2020-13-DSV, Matthew D Lohmeyer** requests a Variance of Development Standards to provide for or permit:

2020-13-DSV M. Lohmeyer - project description for noticing

Petition for Development Standards Variance in order to provide for an addition to a Single-Family Home which:

1) Deviates from the required side yard setback (new improvement)
2) Deviates from the required aggregate side yard setbacks (memorializing existing improvement) in the Urban Open Land Zoning District (OL).

The property involved is more commonly known as: 880 Starkey Avenue, Zionsville, and is legally described as:

Part of the East Half of the Southwest Quarter of Section 2,

continued next column

Public Notices

Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

A copy of the Petition for Variance of Development Standards, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Planning & Economic Development Department in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. 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 Variance of Development Standards will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolff
Secretary: Wayne DeLong
TLR-288 5/23 hspaxlp 1643110

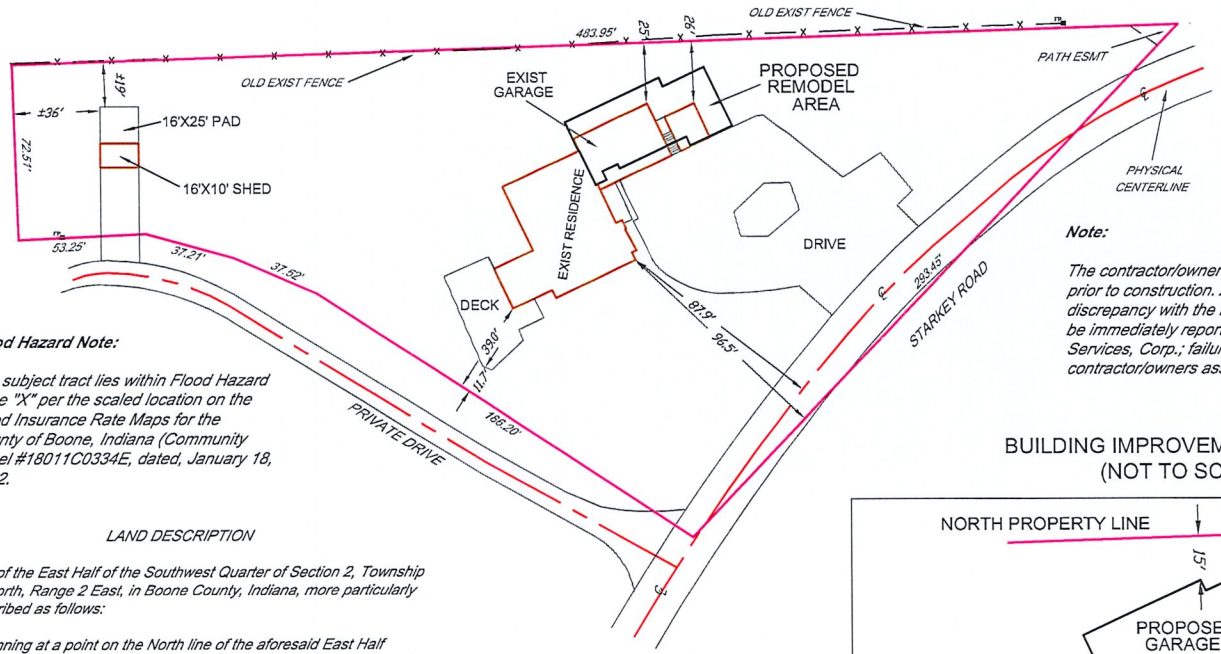
Assumed North
Scale: 1" = 50'

Note:

Unless otherwise stated hereon, no information pertaining to but not limited to, fluctuating water tables elevations, soil types, and conditions within the building areas of this development have been provided and\or referenced on said documents. With the excavation of the proposed structure foundations, certain care and observations should be made in regard to such conditions as soil types and fluctuating water tables. During the excavation process should any unsuitable soils or ground water be witnessed, the builder shall be immediately notified for further examination and consultation. At the builders discretion, additional construction techniques may be necessary to alleviate future problems.

LOT COVERAGE

TOTAL AREA PER DEED = ±54,498 SF (±1.25 AC)
EXISTING STRUCTURE = ±4,201 SF (RESIDENCE, GARAGE, DECK) EXISTING SHED\PAD = ±400 SF EXISTING COVERAGE = ±8.44%
PROPOSED IMPROVMENTS = ±4,786 SF (RESIDENCE, GARAGE, DECK) EXISTING SHED\PAD = ±400 SF PROPOSED COVERAGE = ±9.52%



Note:

The contractor/owner should verify existing conditions prior to construction. Any varying field conditions or any discrepancy with the information contained hereon should be immediately reported to COOR Consulting & Land Services, Corp.; failure to do so would result in the contractor/owners assumption of liability.

Flood Hazard Note:

The subject tract lies within Flood Hazard Zone "X" per the scaled location on the Flood Insurance Rate Maps for the County of Boone, Indiana (Community Panel #18011C0334E, dated, January 18, 2012.

LAND DESCRIPTION

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, in Boone County, Indiana, more particularly described as follows:

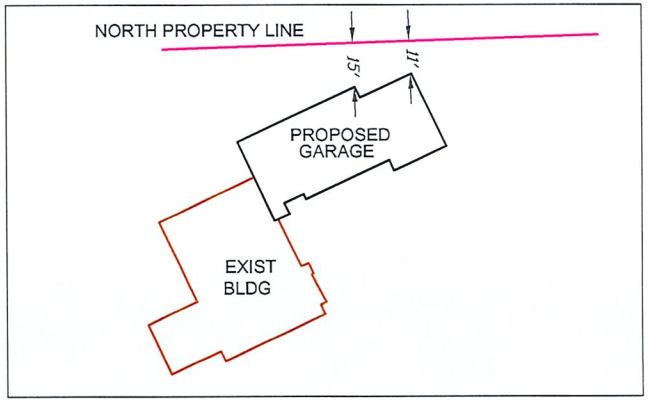
Beginning at a point on the North line of the aforesaid East Half Quarter Section, said point being 341.05 feet East of the Northwest corner thereof; continue thence along said North line North 88 degrees 09 minutes East 483.95 feet to a point in a public highway, now designated as Starkey Road; thence South 43 degrees 30 minutes West along the centerline of said public highway 293.45 feet; thence North 56 degrees 44 minutes West along an existing fence line along an existing private drive a distance of 186.20 feet; thence continue along said existing fence North 66 degrees 41 minutes West 37.52 feet; thence continue along said existing fence North 74 degrees 35 minutes West a distance of 37.21 feet; thence continue along said existing fence South 87 degrees 22 minutes West a distance of 53.25 feet; thence North 1 degree 51 minutes West 72.51 feet to the place of beginning, containing 1.250 acres, more or less.

ZONING: *OPEN LAND URBAN (0-1)*

Note:

This document has been prepared for the benefit of the parties indicated hereon, for the express use of obtaining a residential building permit. Reference foundation and or architectural plans for building specifics.

BUILDING IMPROVEMENTS DETAIL
(NOT TO SCALE)



SITE EXHIBIT
Prepared For:

MATT LOHMEYER

PART E 1\2 - SW 1\4
SEC 02-T17N-R02E
±1.25 ACRES

PARCEL
#06-04-02-000-004.014-006

880 STARKEY ROAD
ZIONSVILLE, IN 46077

EAGLE TWP, BOONE CTY

coor corporation
consulting & land services,

303 WEST MAIN STREET KNIGHTSTOWN, INDIANA
(888) 593-2667 (765) 345-5943 FAX#: (765) 345-5692
DATE: 05/15/20 JOB #2020-004 REVISIONS: 5

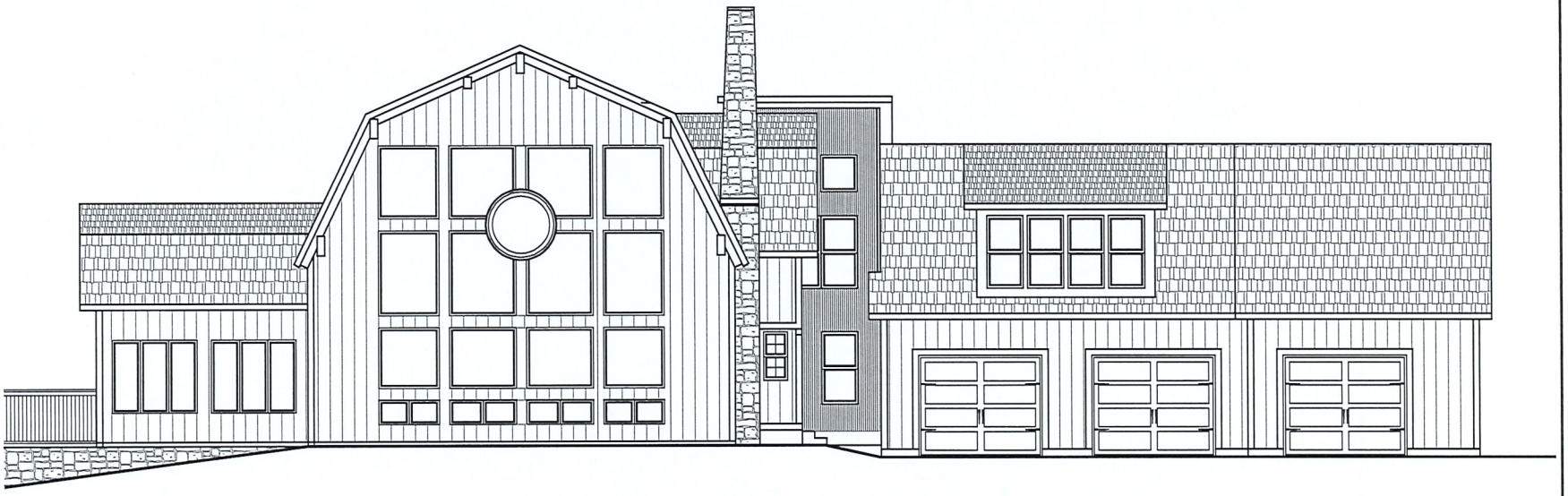
REMODEL OF THE:
LOHMEYER RESIDENCE

880 STARKEY RD. ZIONSVILLE, IN 46077

SHEET INDEX

1. COVER SHEET
2. ELEVATIONS
3. ELEVATIONS
4. FIRST FLOOR DEMO PLAN
5. SECOND FLOOR DEMO PLAN
6. FOUNDATION PLAN
7. FIRST FLOOR PLAN
8. SECOND FLOOR PLAN
9. FLOOR FRAMING PLAN
10. DETAILS
11. FIRST FLOOR ELECTRICAL
12. SECOND FLOOR ELECTRICAL

CONSTRUCTION SHALL COMPLY WITH
ALL STATE AND LOCAL BUILDING CODES
2020 INDIANA RESIDENTIAL CODE



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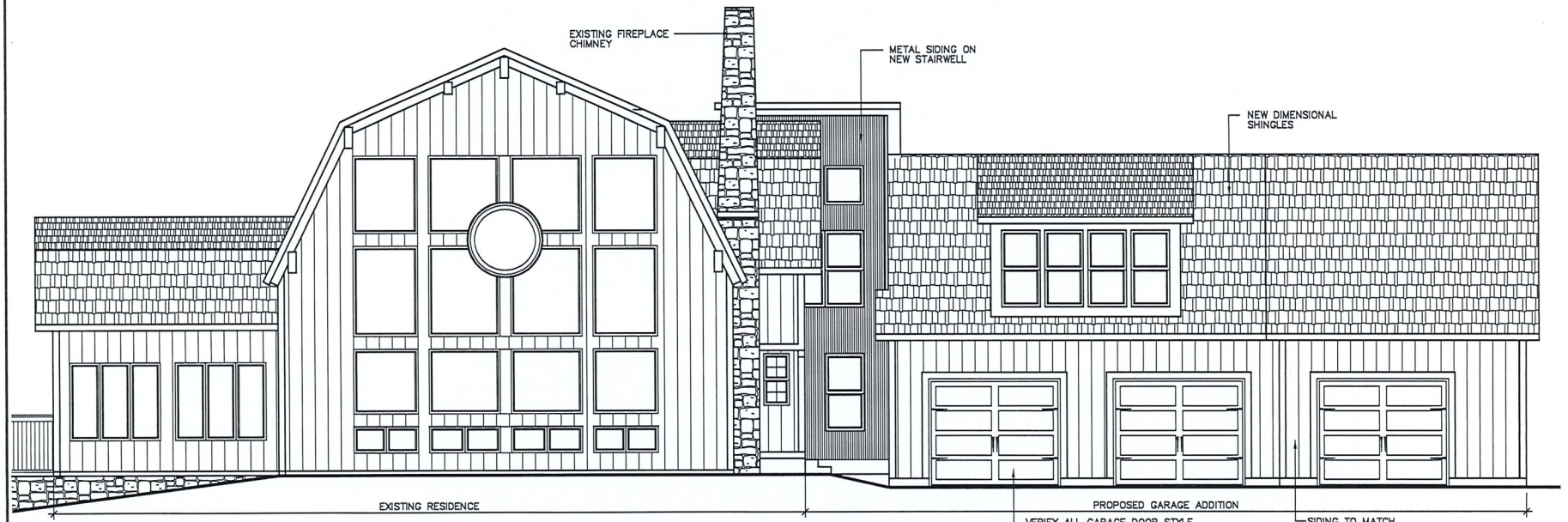
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

COVER SHEET

REMODEL OF:
THE LOHMEYER RESIDENCE

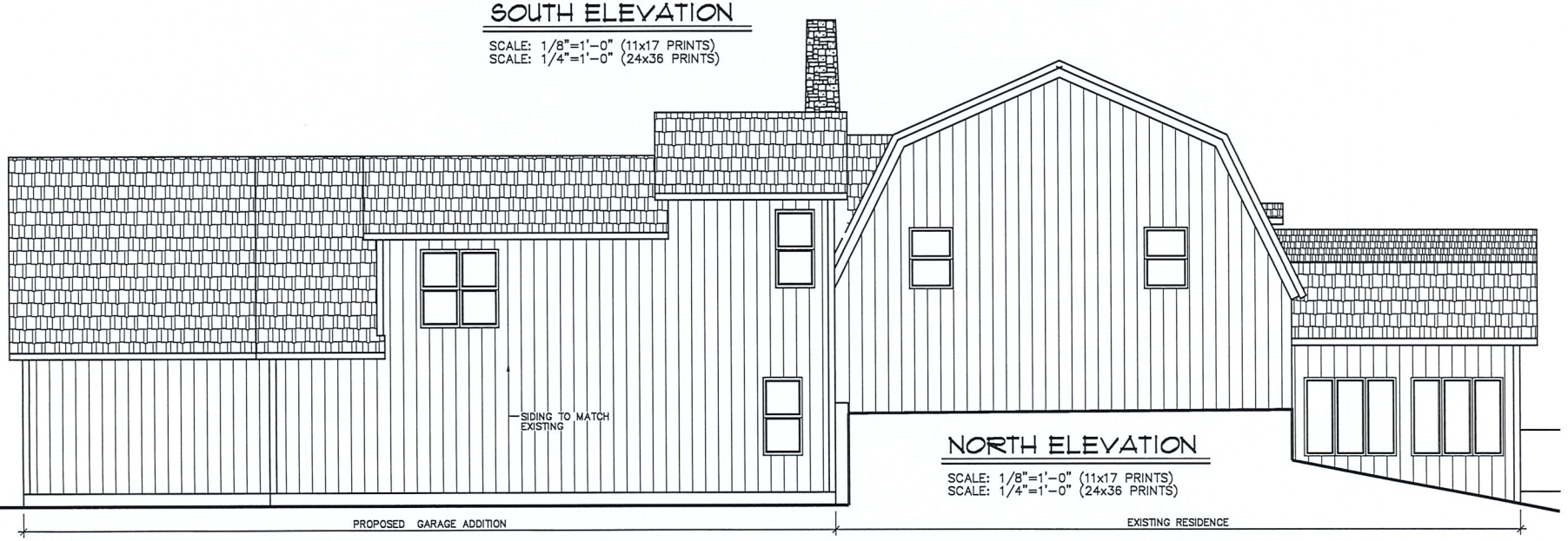
PERMIT SET

SHEET NO.
1



SOUTH ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)



NORTH ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

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PLAN NUMBER 20-001
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DATE:
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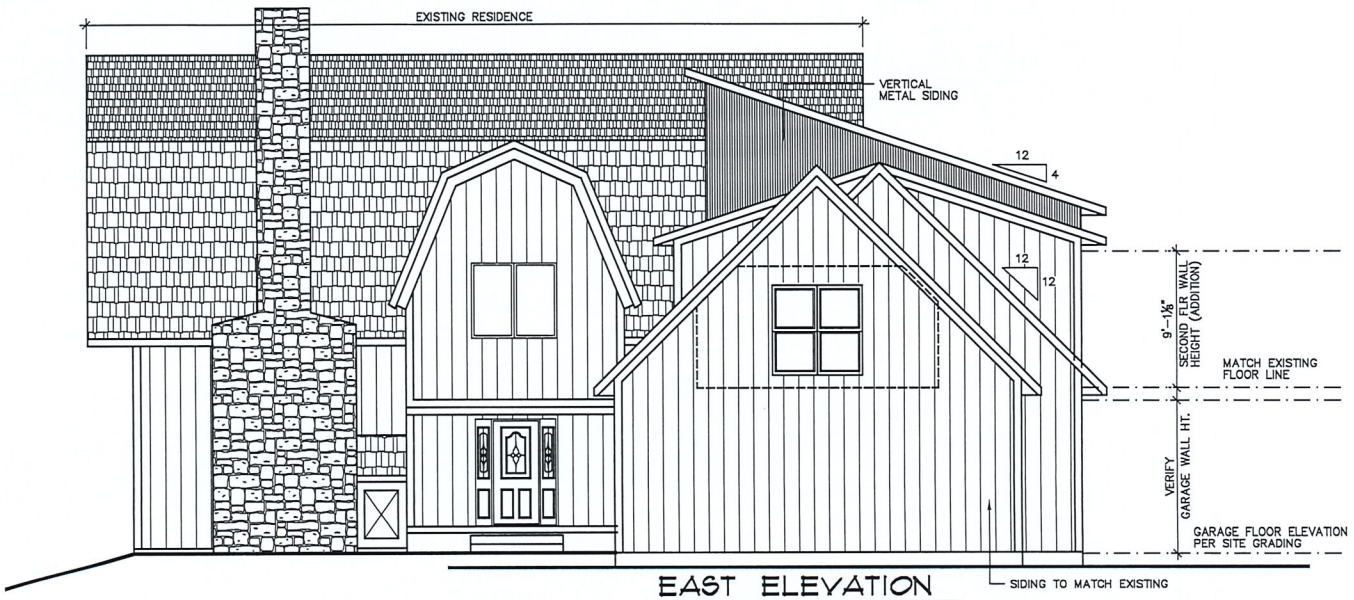
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
2



EAST ELEVATION

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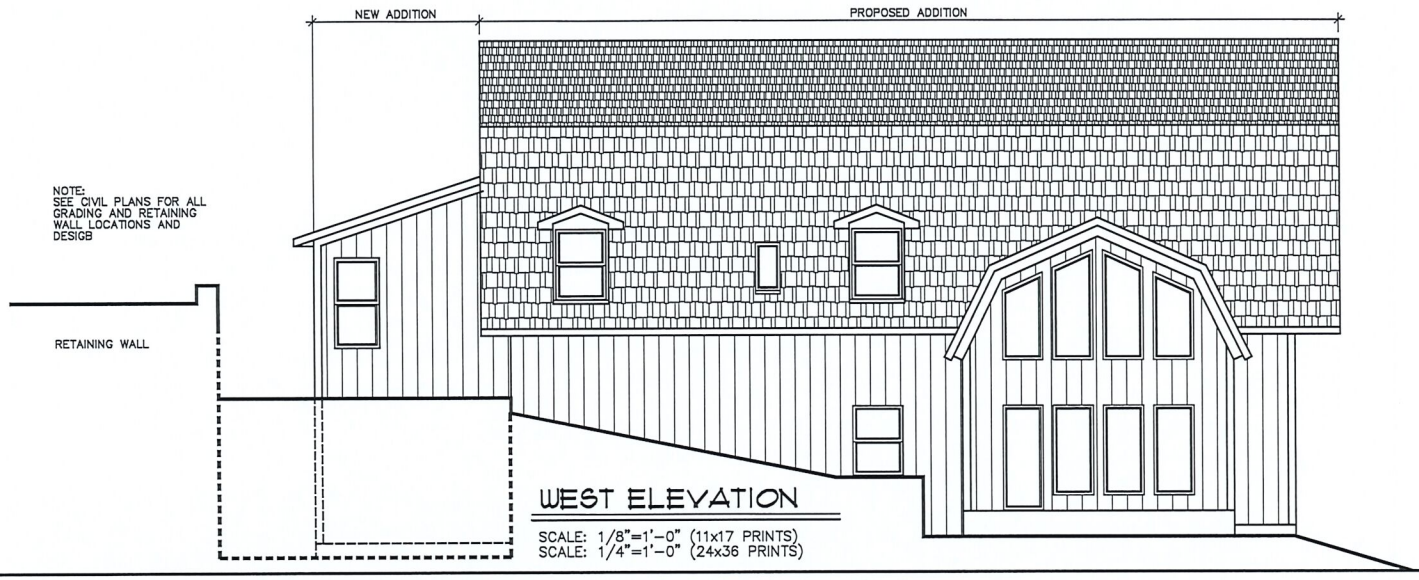
SCALE: 1/4"=1'-0" (24x36 PRINTS)



WEST ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

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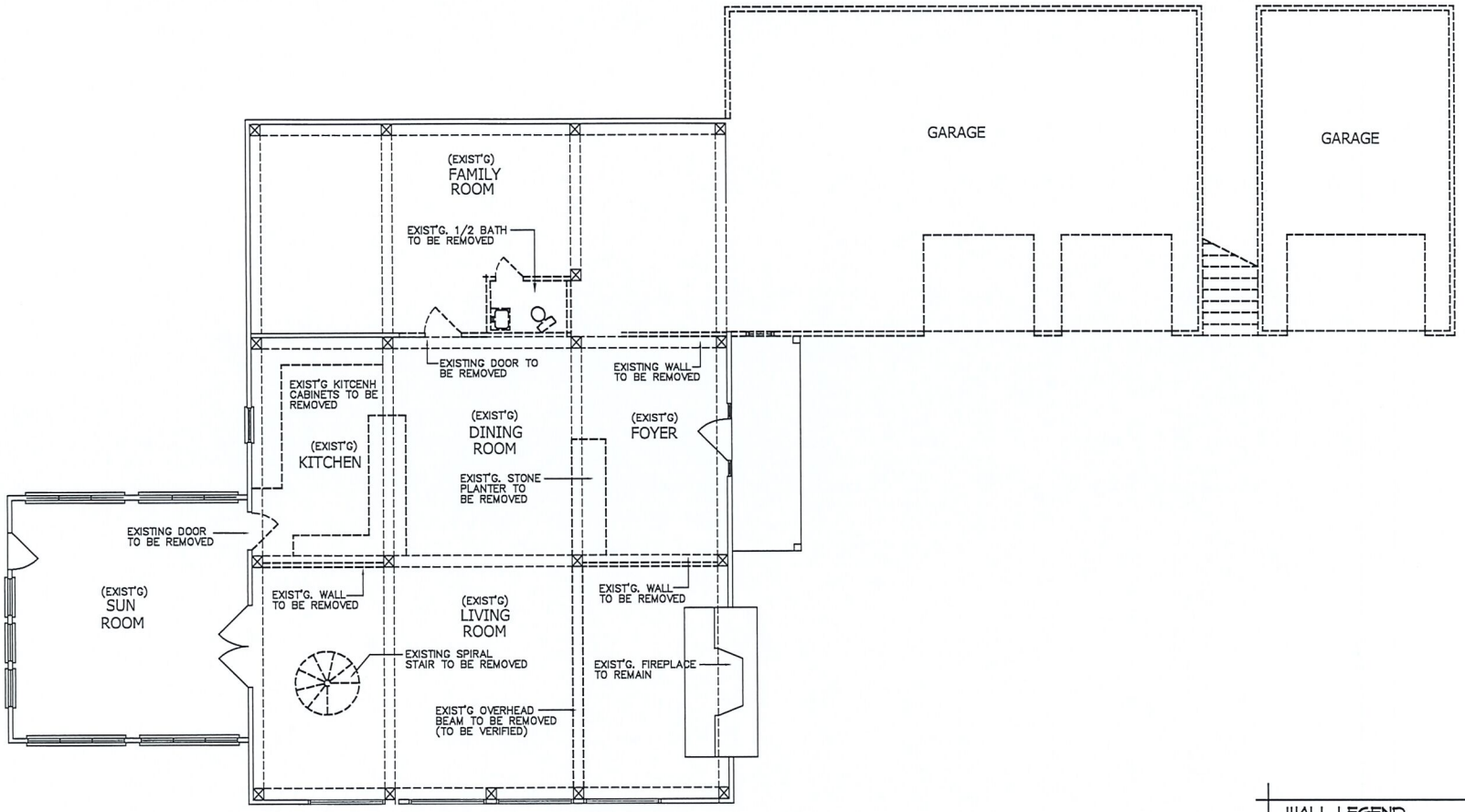
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:

011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
3



FIRST FLOOR -DEMO PLAN

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

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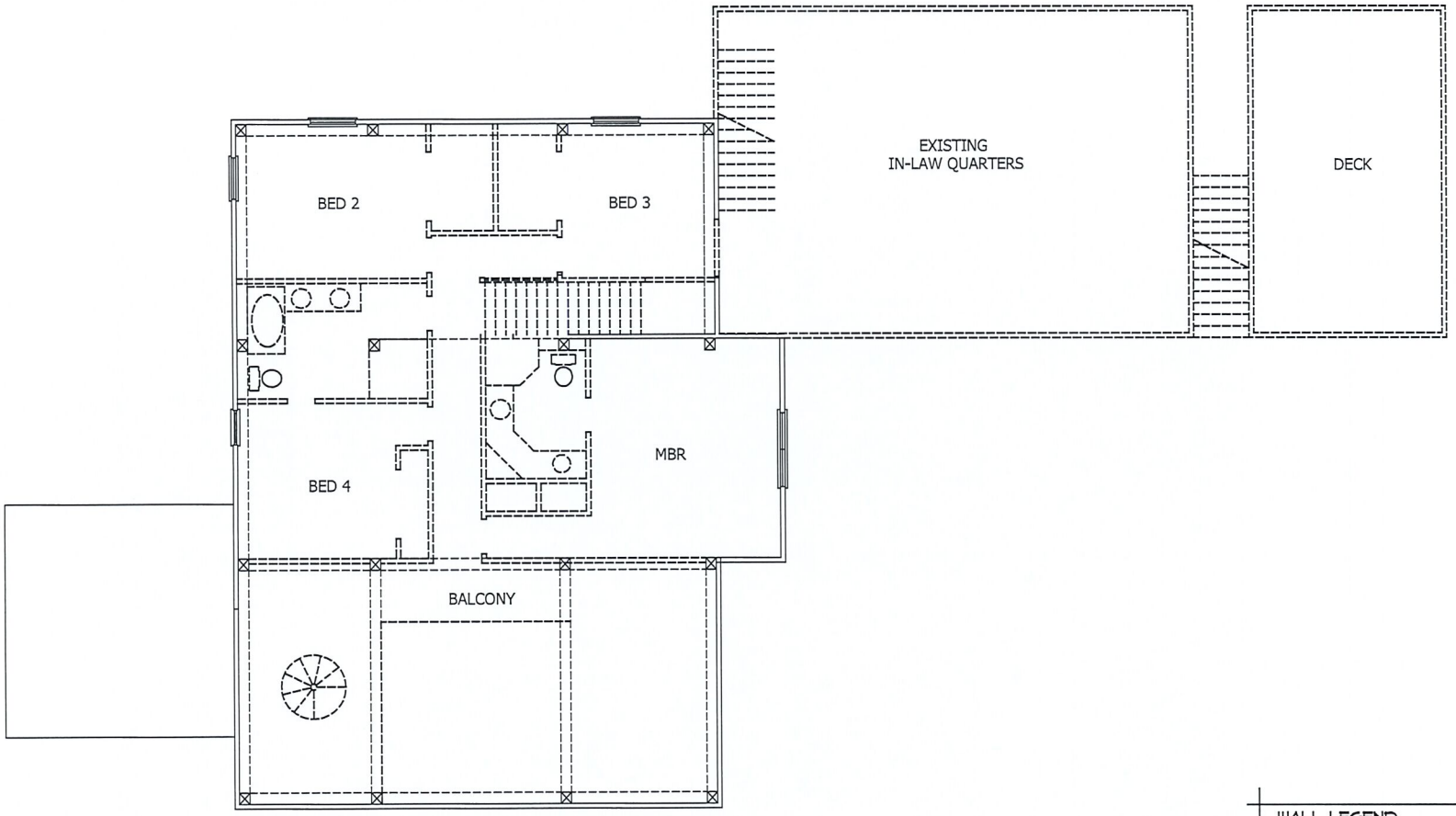
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:

011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040820-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
4



SECOND FLOOR DEMO PLAN

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTIING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

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PLAN NUMBER 20-001
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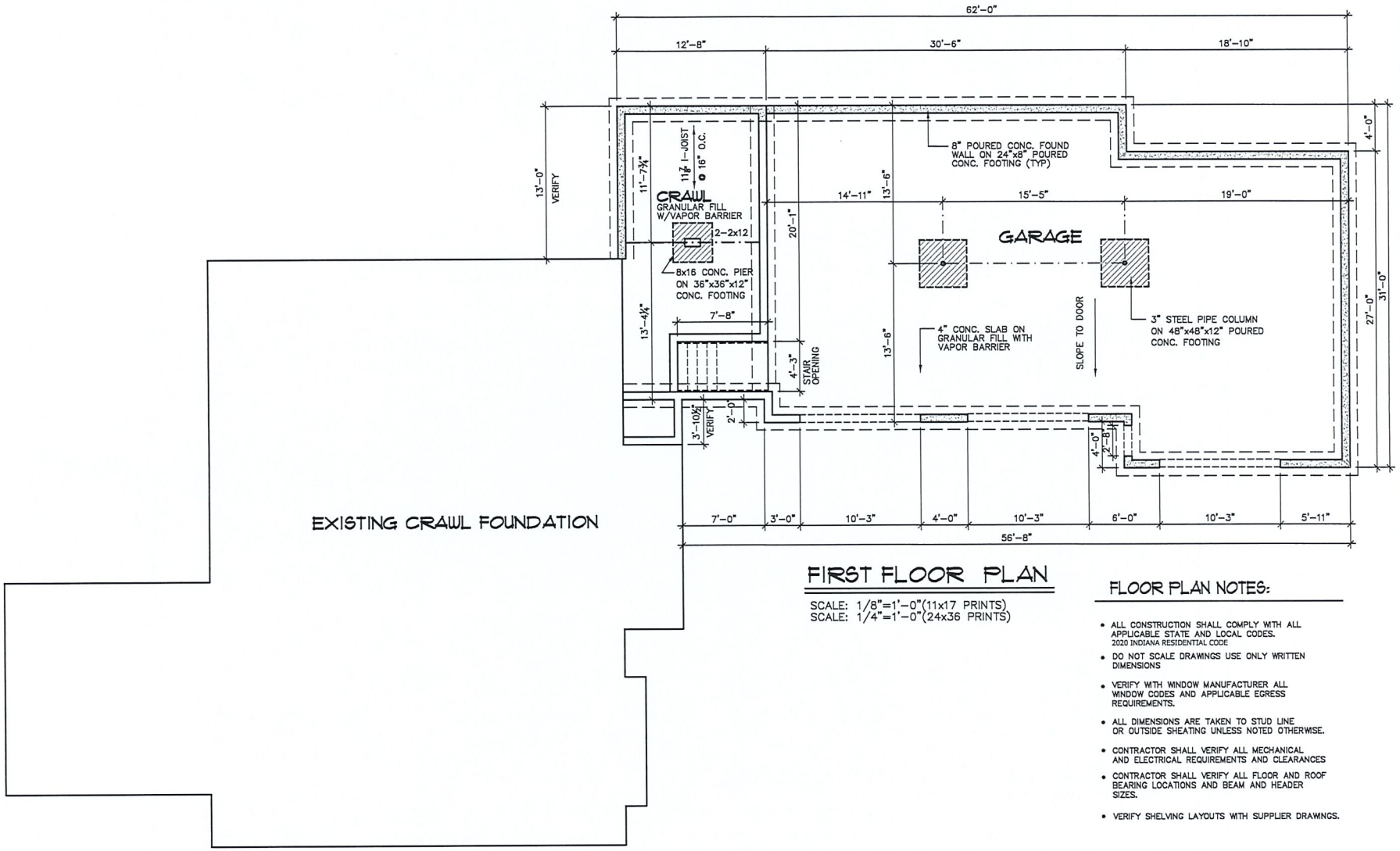
DATE:
011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040820-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
5



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

FLOOR PLAN NOTES:

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. 2020 INDIANA RESIDENTIAL CODE
- DO NOT SCALE DRAWINGS USE ONLY WRITTEN DIMENSIONS
- VERIFY WITH WINDOW MANUFACTURER ALL WINDOW CODES AND APPLICABLE EGRESS REQUIREMENTS.
- ALL DIMENSIONS ARE TAKEN TO STUD LINE OR OUTSIDE SHEATING UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
- CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS AND BEAM AND HEADER SIZES.
- VERIFY SHELVING LAYOUTS WITH SUPPLIER DRAWINGS.

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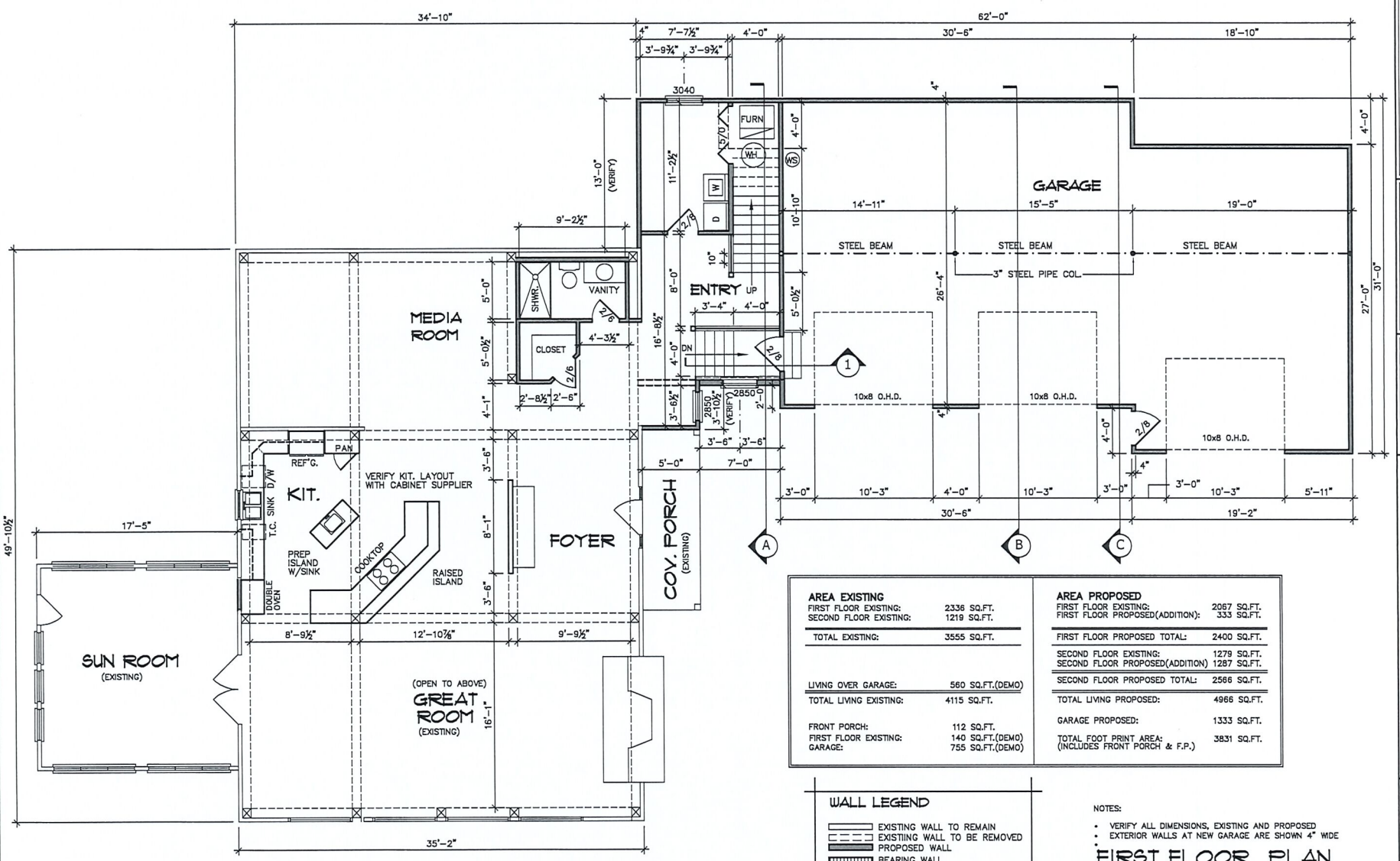
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040520-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
6



AREA EXISTING	
FIRST FLOOR EXISTING:	2336 SQ.FT.
SECOND FLOOR EXISTING:	1219 SQ.FT.
TOTAL EXISTING:	3555 SQ.FT.
LIVING OVER GARAGE:	560 SQ.FT.(DEMO)
TOTAL LIVING EXISTING:	4115 SQ.FT.
FRONT PORCH:	112 SQ.FT.
FIRST FLOOR EXISTING:	140 SQ.FT.(DEMO)
GARAGE:	755 SQ.FT.(DEMO)

AREA PROPOSED	
FIRST FLOOR EXISTING:	2067 SQ.FT.
FIRST FLOOR PROPOSED(ADDITION):	333 SQ.FT.
FIRST FLOOR PROPOSED TOTAL:	2400 SQ.FT.
SECOND FLOOR EXISTING:	1279 SQ.FT.
SECOND FLOOR PROPOSED(ADDITION)	1287 SQ.FT.
SECOND FLOOR PROPOSED TOTAL:	2566 SQ.FT.
TOTAL LIVING PROPOSED:	4966 SQ.FT.
GARAGE PROPOSED:	1333 SQ.FT.
TOTAL FOOT PRINT AREA: (INCLUDES FRONT PORCH & F.P.)	3831 SQ.FT.

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTIING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
- BRICK VENEER
- MASONRY/CONCRETE

NOTES:

- VERIFY ALL DIMENSIONS, EXISTING AND PROPOSED
- EXTERIOR WALLS AT NEW GARAGE ARE SHOWN 4" WIDE

FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

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011520-1ST DRAFT
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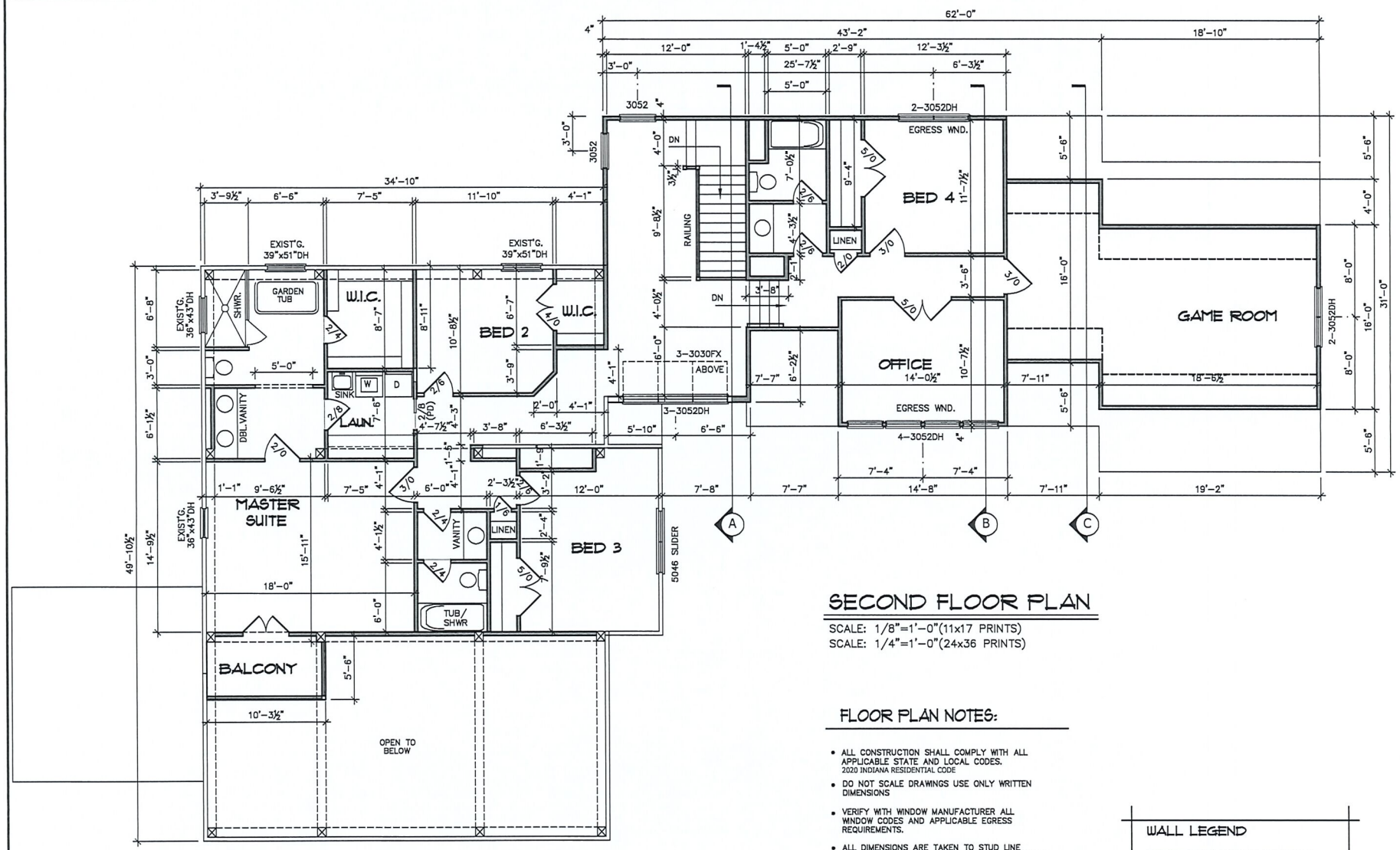
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET
051420-7TH DRAFT-REV SQ FT

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
7



SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

FLOOR PLAN NOTES:

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. 2020 INDIANA RESIDENTIAL CODE
- DO NOT SCALE DRAWINGS USE ONLY WRITTEN DIMENSIONS
- VERIFY WITH WINDOW MANUFACTURER ALL WINDOW CODES AND APPLICABLE EGRESS REQUIREMENTS.
- ALL DIMENSIONS ARE TAKEN TO STUD LINE OR OUTSIDE SHEATING UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
- CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS AND BEAM AND HEADER SIZES.
- VERIFY SHELVING LAYOUTS WITH SUPPLIER DRAWINGS.

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTIING WALL TO BE REMOVED
- PROPOSED WALL
- BEARING WALL
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- MASONRY/CONCRETE

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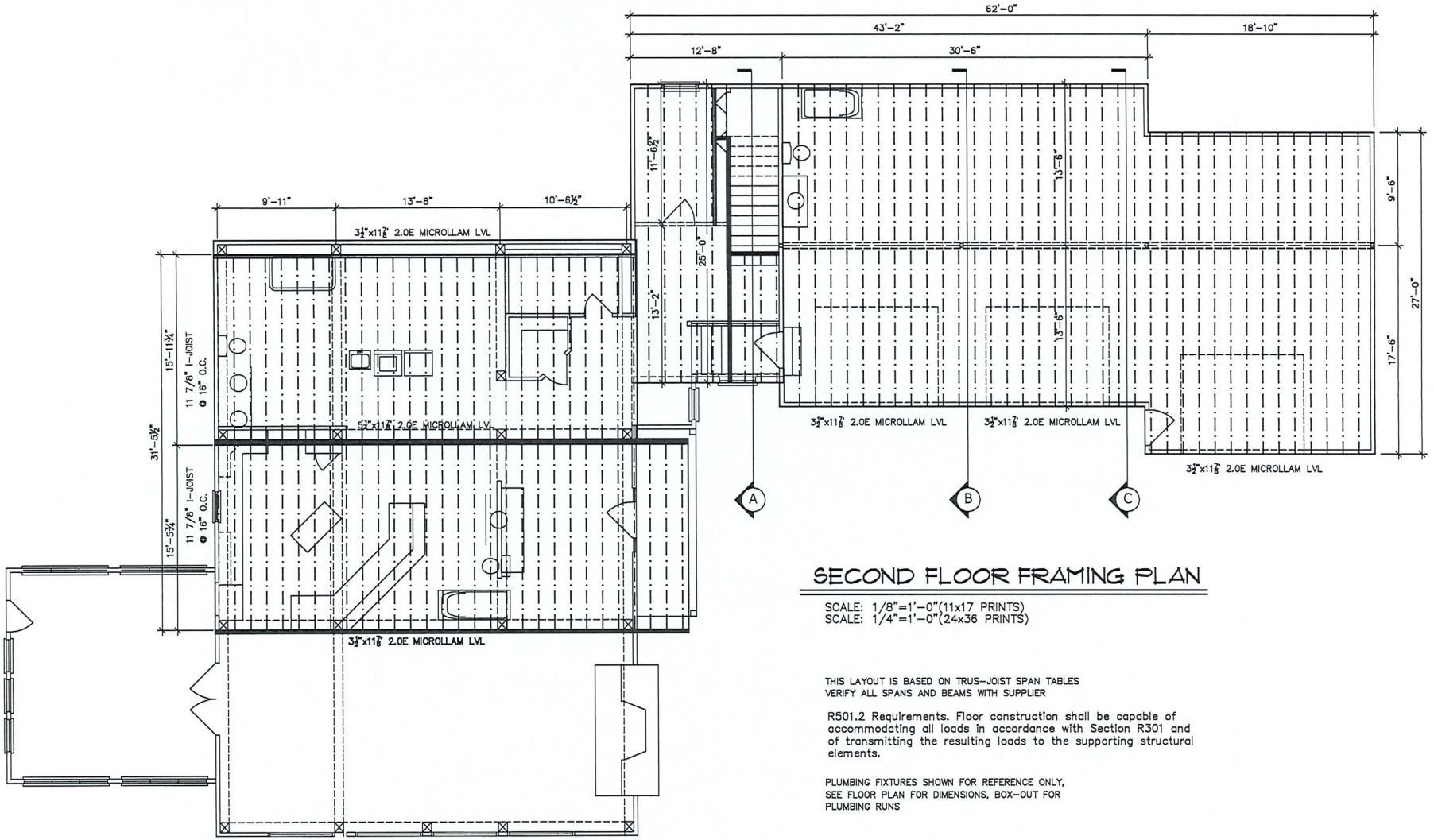
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
8



SECOND FLOOR FRAMING PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

THIS LAYOUT IS BASED ON TRUS-JOIST SPAN TABLES
VERIFY ALL SPANS AND BEAMS WITH SUPPLIER

R501.2 Requirements. Floor construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting structural elements.

PLUMBING FIXTURES SHOWN FOR REFERENCE ONLY, SEE FLOOR PLAN FOR DIMENSIONS, BOX-OUT FOR PLUMBING RUNS

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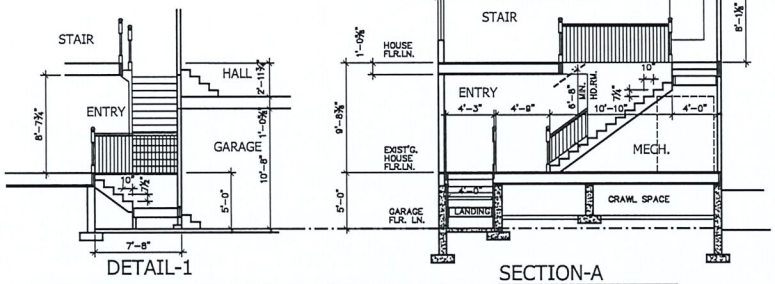
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

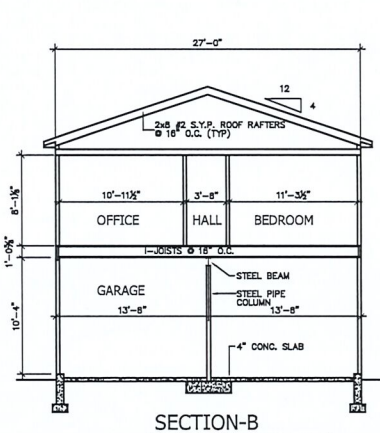
SHEET NO.
9



DETAIL-1

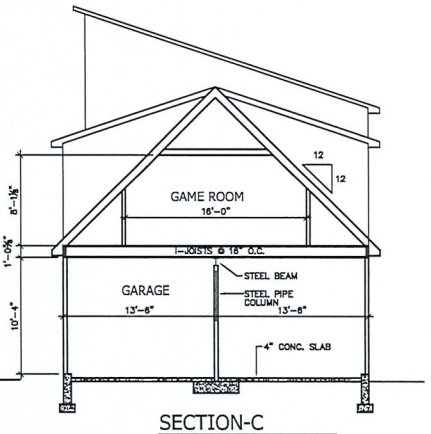
SECTION-A

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)



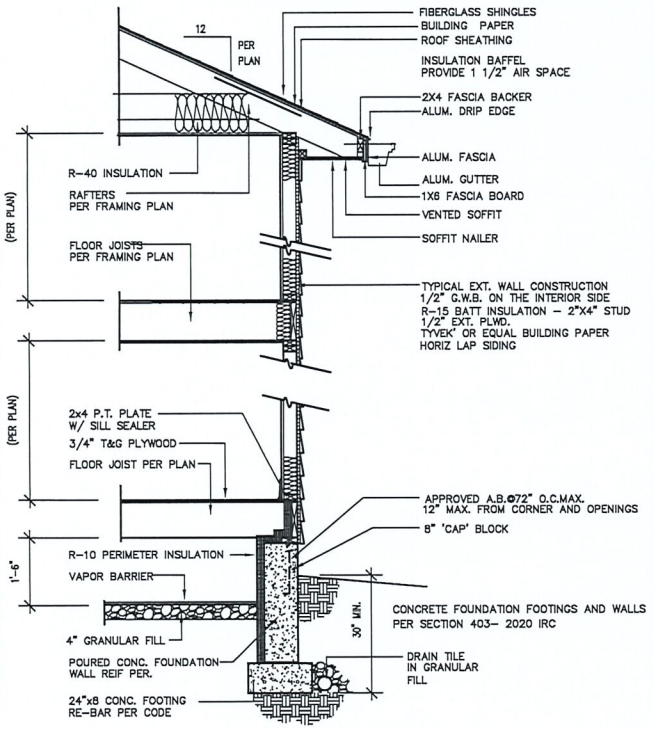
SECTION-B

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)



SECTION-C

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)



TYPICAL WALL SECTION

SCALE: 3/32"=1'-0"(11x17 PRINTS)
SCALE: 3/16"=1'-0"(24x36 PRINTS)

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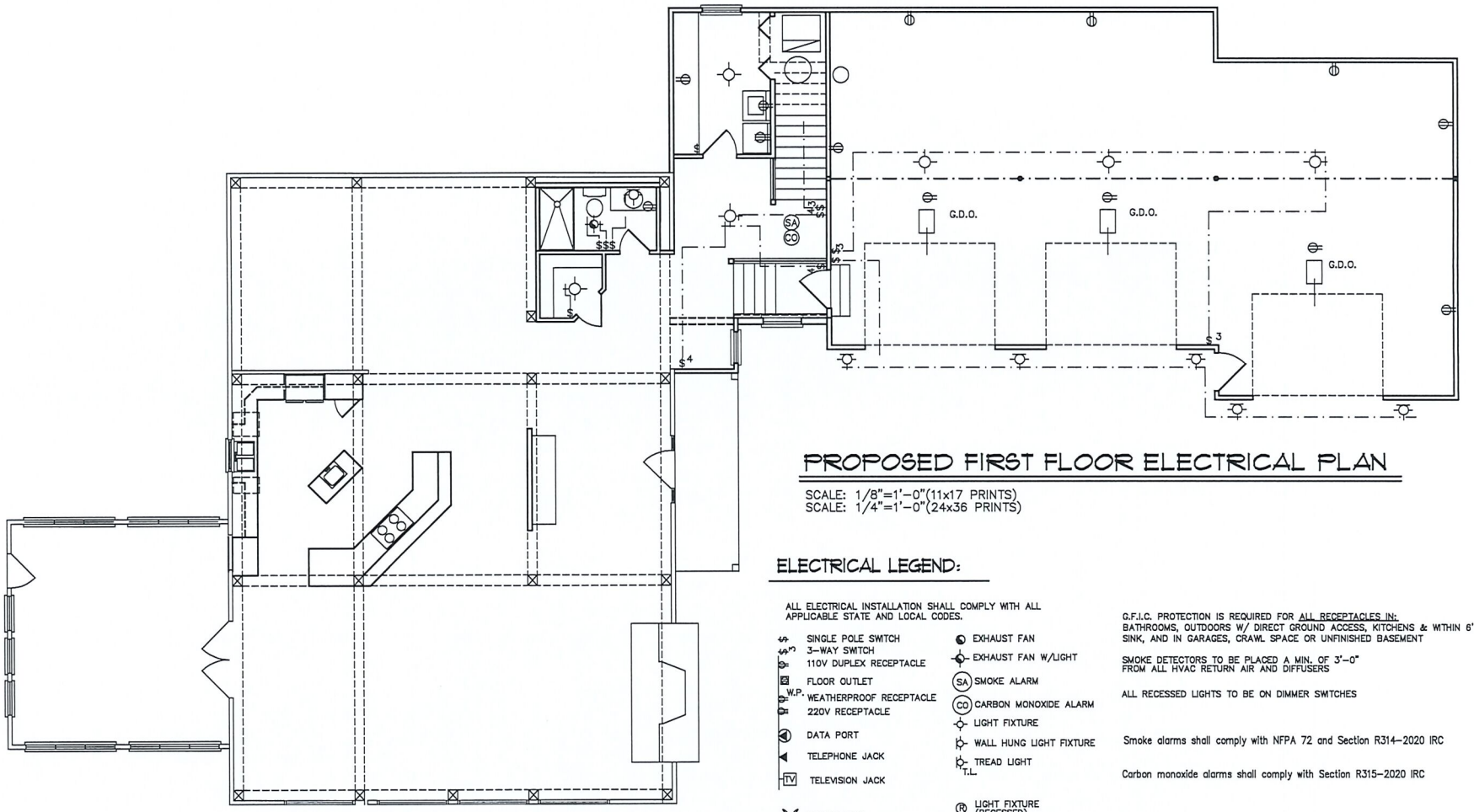
PLAN NUMBER 20-001
DRAWN BY: MRShrader
DATE:

011520-1ST DRAFT
012220-2ND DRAFT
012220-3RD DRAFT-NEW GARAGE
030220-4TH DRAFT-NEW GARAGE
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
10



PROPOSED FIRST FLOOR ELECTRICAL PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

ELECTRICAL LEGEND:

ALL ELECTRICAL INSTALLATION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES.

- SINGLE POLE SWITCH
- 3-WAY SWITCH
- 110V DUPLEX RECEPTACLE
- FLOOR OUTLET
- W.P. WEATHERPROOF RECEPTACLE
- 220V RECEPTACLE
- DATA PORT
- TELEPHONE JACK
- TV TELEVISION JACK
- CEILING FAN
- FLOOD LIGHT
- HL HEAT LAMP
- T THERMOSTAT
- EXHAUST FAN
- EXHAUST FAN W/LIGHT
- SA SMOKE ALARM
- CO CARBON MONOXIDE ALARM
- LIGHT FIXTURE
- WALL HUNG LIGHT FIXTURE
- T.L. TREAD LIGHT
- R LIGHT FIXTURE (RECESSED)
- E EYEBALL LIGHT (RECESSED)
- P PENDANT LIGHT (HANGING)
- UC UNDER CABINET LIGHT
- DC DOOR CHIME

G.F.I.C. PROTECTION IS REQUIRED FOR ALL RECEPTACLES IN: BATHROOMS, OUTDOORS W/ DIRECT GROUND ACCESS, KITCHENS & WITHIN 6' OF SINK, AND IN GARAGES, CRAWL SPACE OR UNFINISHED BASEMENT

SMOKE DETECTORS TO BE PLACED A MIN. OF 3'-0" FROM ALL HVAC RETURN AIR AND DIFFUSERS

ALL RECESSED LIGHTS TO BE ON DIMMER SWITCHES

Smoke alarms shall comply with NFPA 72 and Section R314-2020 IRC

Carbon monoxide alarms shall comply with Section R315-2020 IRC

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THESE DRAWINGS CONTAIN TO GENERALLY ACCEPTED BUILDING PRACTICES, HOWEVER STATE AND LOCAL CODES VARY WHEN CONSTRUCTION FROM THESE PLANS. STEEL MUST BE ENGINEERED WITHOUT THE ASSISTANCE OF A CHARTED CONSTRUCTION PROFESSIONAL. USERS OF THESE PLANS SHALL VERIFY ALL DIMENSIONS, STRUCTURAL COMPONENTS, MATERIALS AND LOCATION IN EACH PHASE OF ASSUMING CONSTRUCTION. PALLADIAN, INC. SHALL NOT BE HELD LIABLE FOR ANY ERRORS.
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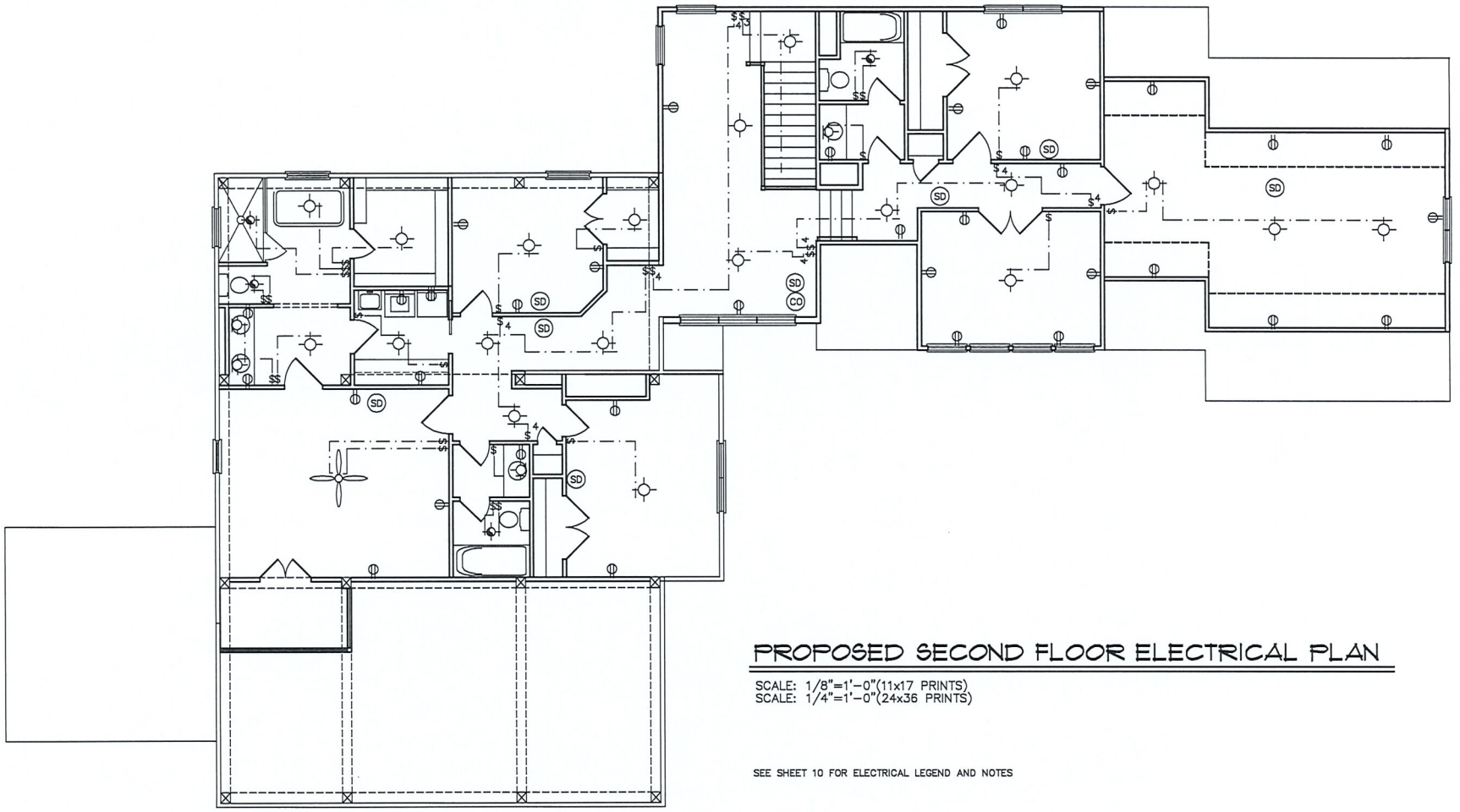
031820-5TH DRAFT
040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
11



PROPOSED SECOND FLOOR ELECTRICAL PLAN

SCALE: 1/8"=1'-0"(11x17 PRINTS)
SCALE: 1/4"=1'-0"(24x36 PRINTS)

SEE SHEET 10 FOR ELECTRICAL LEGEND AND NOTES

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040620-6TH DRAFT-PERMIT SET

REMODEL OF:
THE LOHMEYER RESIDENCE

PERMIT SET

SHEET NO.
12

Petition No.: 2020-13-DSV

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 request for a minimum side yard set back reduction to 11' does not impact any adjacent property owners because there are no other residential properties adjacent to the affected area on the 880 Starkey Property.

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:
   There will be no encroachment to the adjacent property which consists of a 40' wooded buffer and then a public walking trail.

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 current zoning ordinance would preclude the ability to build any meaningful or significant improvements to the property.

DECISION

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

Adopted this _____ day of _____, 20____.

_____ _____ _____

_____ _____