



**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: September 2, 2020**

*Enclosed for your information and review are the following:*

1. Board of Zoning Appeals Meeting Agenda
2. Petition #2020-19-UF K. Knez – Letters of Interest
3. Petition #2020-23-DSV R. Evans – Letters of Interest
4. Petition #2020-24-DSV J. Marshall – Letters of Interest
5. Petition #2020-25-UV Innovative Partners, LLC – Letters of Interest
6. Staff Reports and Packets for your consideration

**NOTE:**

- **August 5, 2020 Draft Meeting Minutes have not been included in packet.**
- **Staff received additional information for the #2020-14-DSV LRC II, LLC petition on the afternoon of August 28, 2020. Therefore, the staff report was written prior to the receiving this information.**



**MEETING NOTICE & AGENDA**

**ZIONSVILLE BOARD OF ZONING APPEALS SEPTEMBER 2, 2020, 6:30 p.m. (Local Time)**

**MEETING WILL FACILITATE REMOTE ATTENDANCE**

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87918847883>

Or iPhone one-tap :

US: +13126266799,,87918847883# or +16465588656,,87918847883#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

Webinar ID: 879 1884 7883

International numbers available: <https://us02web.zoom.us/j/87918847883>

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

69.174.57.160 (Canada)

207.226.132.110 (Japan)

Meeting ID: 879 1884 7883

SIP: [87918847883@zoomcrc.com](mailto:87918847883@zoomcrc.com)

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](mailto:wdelong@zionsville-in.gov).

August 26, 2020

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the August 5, 2020 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be considered</b>
2020-19-UV	F. Knez	3850 E Whitestown Parkway	Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1). The pediatric therapy services would be provided within the existing structure.

VI. New Business

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be considered</b>
2020-14-DSV	LRC II, LLC	7655 E 550 South	Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single Family Residential Zoning District.
2020-23-DSV	R. Evans	965 W Pine Street	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 yard setback; in the Urban Residential Village Zoning District (R-V).
2020-24-DSV	J. Marshall	6475 S 275 East	Petition for Development Standards variance in order to provide for the construction of a detached barn which: 1) Exceeds the allowable accessory square footage in an Agricultural Zoning District (AG).
2020-25-UV	Innovative Partners LLC	6300 Technology Center Drive	Petition for a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned Findings of Fact

If you need technical assistance in logging into Zoom for this meeting, please contact Chrissy Koenig, [ckoenig@zionsville-in.gov](mailto: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.

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 Chrissy Koenig at 317-995-4471 or [ckoenig@zionsville-in.gov](mailto:ckoenig@zionsville-in.gov).

Respectfully Submitted:

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

Name: Larry and Margaret Martin  
Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow K1ds Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Larry and Margaret Martin



9-18-2020

Date

Name: Dana Sparks

Address: 3870 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,

  
Dana Sparks

8/19/2020  
Date

317-443-9686

barretracingfool@hotmail.com

Name: Anthony and Lynn Connan  
Address: 6556 S SR 267, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Anthony & Lynn Connan

8-19-20

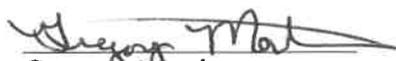
Date

Name: Gregory Martin

Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,

  
Gregory Martin

Aug 19, 2020  
Date

#2020-23-DSV  
R. EVANS

## Petition to the Board of Zoning Appeals

### SITE INFORMATION:

Address of Property:	965 W. Pine Street, Zionsville, IN 46077
Existing Use of Property:	Primary Residence
Proposed Use of Property:	Enhanced usage of our side/back yard
Current Zoning:	Residential

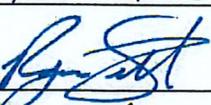
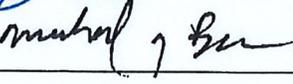
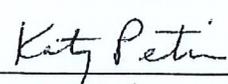
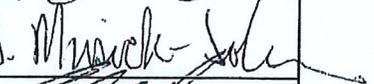
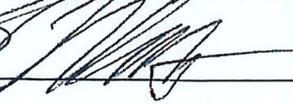
### PETITIONER/PROPERTY OWNER:

Petitioner Name:	Ryan Evans
Petitioner Phone Number:	(602) 460-4865
Petitioner E-Mail Address:	ryan.evans@iea.net

### DETAILED DESCRIPTION OF REQUEST

We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and also add a little more privacy to our yard.

If you are in favor of this request, please sign the petition below:

Name	Address	Signature
TIM NOVAK	20 S 2nd St	
Brian Hummer	3151 Huddersfield Ln.	
Ryan Scott	8825 Sugar Cay Ct.	
Mike Beckner	6120 Stonegate Run	
Katy Petrin	980 W. Pine St.	
Rick Collins	930 W. Pine St	
Janet Musick-Johnson	960 W. Pine St.	
STEPHEN WAPSTON	945 W. PINE ST	

#2020-23-DSV  
R. EVANS

**Chrissy Koenig**

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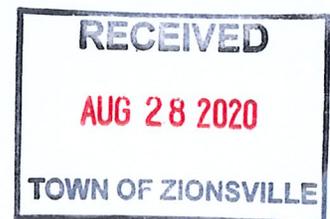
**From:** Thomas W Sullivan <twullivan53@gmail.com>  
**Sent:** Friday, August 21, 2020 4:08 PM  
**To:** Evans, Ryan  
**Subject:** New brick wall

Ryan & Molly,

Just got your letter. Your wall will look great and welcome to the neighborhood!

Tom and Marcy Sullivan  
317-502-5365

Sent from my iPhone



# 2020-23-DSY  
R. EVANS

**Chrissy Koenig**

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**From:** Tammy Hahn <donhahn@earthlink.net>  
**Sent:** Friday, August 28, 2020 11:57 AM  
**To:** Chrissy Koenig  
**Subject:** Fwd: Mail delivery failed: returning message to sender

**From:** Tammy Hahn <[donhahn@earthlink.net](mailto:donhahn@earthlink.net)>  
**Subject:** Zoning variance 965 West Pine Street  
**Date:** August 28, 2020 at 11:51:27 AM EDT  
**To:** [ckoenig@zionsville-in.org](mailto:ckoenig@zionsville-in.org)

To whom it concerns:

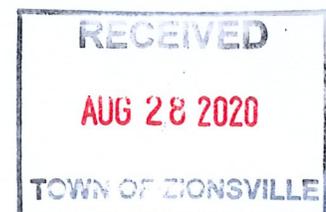
Donald R Hahn 575 West Pine Street and  
Tammy D Hahn 575 West Pine Street

Believe that the town of Zionsville should approve a variance for the requested improvement to the side yard at 965 West Pine Street, Docket # 2020-23

This is the type of small improvement that seems to really be appropriate and will add privacy and function to the current homeowners and those who invest in the home in the future.

Thank you for your consideration.

Thank you Christy for letting us know how to comment! Have a great weekend!



#2020-24-DSV  
J. MARSHALL

South 275 East, Lebanon Residents

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

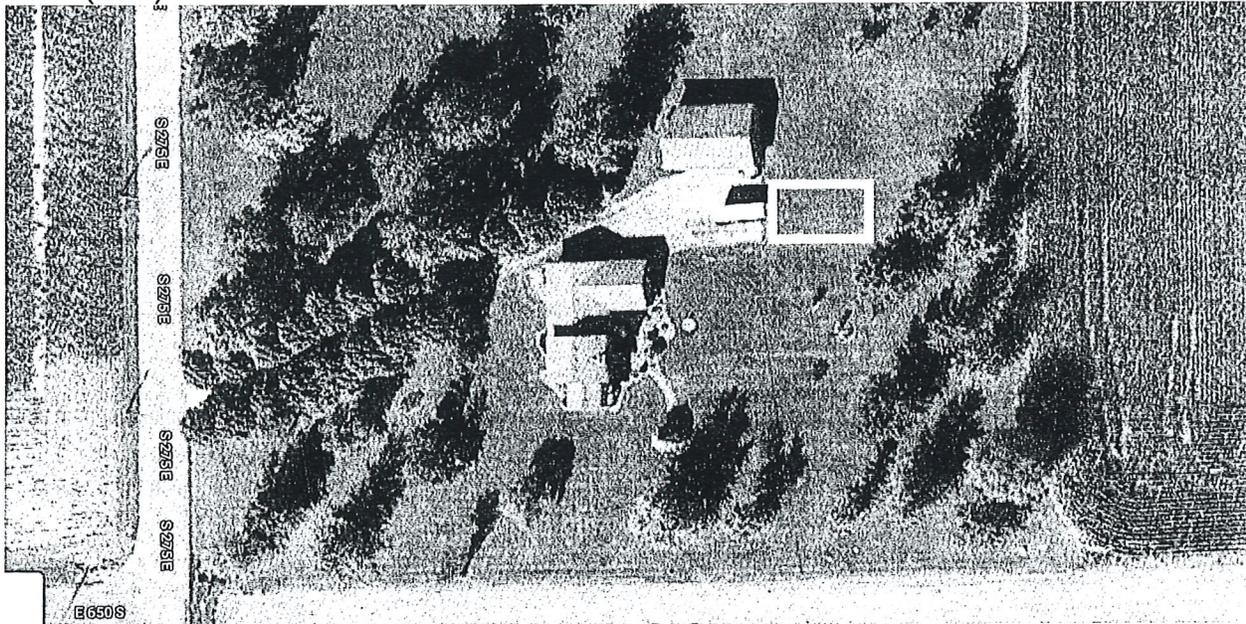
We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

The attached photo helps identify where the barn will sit and should have no impact on neighboring properties.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: Andrew Ayers  
Address: 9775 E 700N / Brownsburg, IN 46112  
Phone: 317-714-6465  
Approval: Andrew Ayers

**South 275 East, Lebanon Residents**

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

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Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: Shawn & Jordan Duckerson

Address: 6325 S. 275 E. Lebanon IN 46052

Phone: (317) 379-6601

Approval: Yes! Shawn Duckerson

**South 275 East, Lebanon Residents**

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

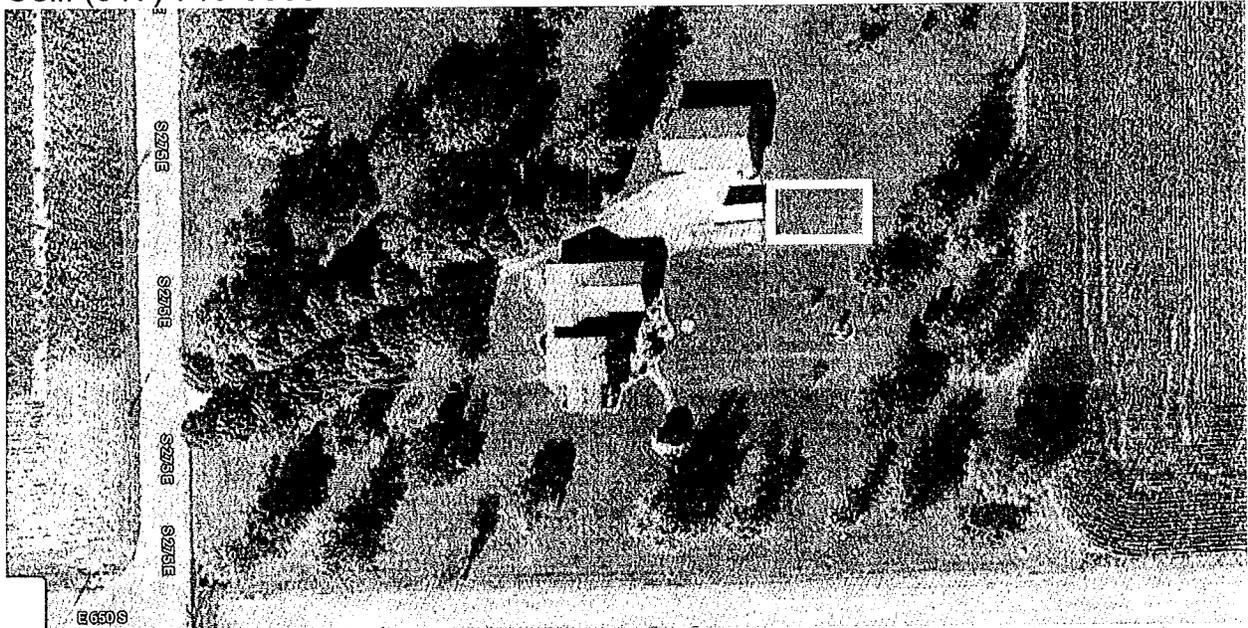
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Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: David R Taylor

Address: 6775 S 300 E Lebanon

Phone: 317-374-7589

Approval: \_\_\_\_\_

**South 275 East, Lebanon Residents**

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

The attached photo helps identify where the barn will sit and should have no impact on neighboring properties.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: David Hen

Address: 2525E 5505 Lebanon, TN 46052

Phone: 317-714-3038

Approval: \_\_\_\_\_



Mark D. Amos  
Property Manager  
6100 West 96th Street, Suite 150  
Indianapolis, IN 46278  
Office (317) 344-7332  
Cell (317) 590-3916  
[browninginvestments.com](http://browninginvestments.com)

August 20, 2020

Zionsville Board of Zoning Appeals  
c/o Zionsville Town Hall  
1100 West Oak Street  
Zionsville, IN 46077

**VIA U.S. MAIL**

Re: Proposed Petition for Use Variance - Docket #2020-25-UV

Dear Board of Zoning Appeals Members:

On behalf of Browning Investments, the developer and declarant of Northwest Technology Center, I am providing to you this letter of support for Innovative Partners, LLC's Petition for a Use Variance to allow for an ambulatory surgery center in our Center which is zoned Industrial One Rural Zoning District (I-1). This Petition is before you under Docket # 2020-25-UV.

The property involved in this Petition is commonly known as 6300 Technology Center Drive, Indianapolis, IN 46278, and is located within Browning's Northwest Technology Center.

I ask for your favorable vote on this Petition at your Wednesday, September 2, 2020 Board of Zoning Appeals Public Hearing.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Mark D. Amos'.

Mark D. Amos  
Property Manager



**Petition Number:** 2020-19-UV

**Subject Site Address:** 3850 E. Whitestown Parkway

**Project Name:** K1ds Count Therapy

**Petitioner:** Frank Knez, Knez Properties, LLC

**Request:** Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1). The pediatric therapy services would be provided within the existing structure.

**Current Land Use:** Religious institution

**Approximate Acreage:** 12.65± acres

**Zoning History:** No previous filings for Board of Zoning Appeals or Plan Commission.

**Exhibits:**  
Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Comprehensive Plan Amendment Land Use Map  
Exhibit 4 – Zoning Map  
Exhibit 5 – Petitioner’s Letter/Narrative of Proposed Improvements  
Exhibit 6 – Petitioner’s Proposed Findings of Fact  
Exhibit 7 – Petitioner’s response letter to issues expressed at the August 5, 2020, BZA Hearing (*New Materials*)  
Exhibit 8 – Projected Traffic Counts (*New Materials*)  
Exhibit 9 – Letters of Support from abutting property owners (*New Materials*)

**Staff Presenter:** Wayne DeLong, AICP, CPM

## **PETITION HISTORY**

This Petition received a public hearing at the August 5, 2020, Meeting of the Board of Zoning Appeals, but the Board continued the Petition to the September 2, 2020, Meeting and asked the Petitioner to provide additional information regarding anticipated traffic counts, light mitigation measures, and to speak with neighbors to understand their concerns. No other petitions for this project have been filed at this time, but should the Use Variance be granted and exterior building renovations be proposed by the Petitioner (not contemplated at this time), approval of a Development Plan would be required from the Plan Commission.

## **SITE LOCATION, ZONING AND PROJECT DESCRIPTION**

The 12.654± acre subject site is classified as Rural and is zoned Residential One Rural Zoning District (R-1). The site is comprised of four lots on the north side of Whitestown Parkway and on the east side of State Road 267 (see Exhibit 2). The subject site has been improved with a primary building of approximately 6,150 square feet and related parking areas. There are also two small outbuildings on the site. The primary building has been used as a church and was constructed prior to the subject site and surrounding portions of Perry and Worth Townships being brought into Zionsville's Zoning jurisdiction. Vehicular access onto the site is from a single access point on Whitestown Parkway. The subject site is owned by the South Boone Church of Christ, Inc. The subject site is bordered (see Exhibit 4):

- on the north by a farmed field with a residence and related barns (zoned R1) having frontage on SR 267;
- to the east, the subject site is bordered by a residential use (zoned R1) having frontage on Whitestown Parkway;
- to the south is farmed field (zoned R1);
- and to the west is a residence and a farmed field (both zoned AG).

The Petitioner proposes to purchase the subject site from the existing owner and convert the use of the building and site into a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy. The hours of operation would be from 8:00 am to 6:00 pm. The Petitioner anticipates serving 25 children with autism and approximately 100-150 children for 1 hour per week for sessions related to speech, occupational or physical therapy. The Petitioner anticipates the creation of 30-35 new jobs (see Exhibit 5).

## **ANALYSIS**

Based upon the description of proposed uses from the Petitioner, Staff determined that the use is best described as a Medical Office use which is identified within the Zionsville Zoning Ordinance Table of Authorized Uses (Table 2). While this use is identified, a specific definition of the term Medical Office Use is not provided.

Medical Office use is not a permitted use at the proposed R1-zoned location. The use of Medical Office is permitted by right in the following Rural zoning districts: LB, GB, UB, PB.

In evaluating the appropriateness of the proposed use at the subject location, the existing surrounding uses and the Town's Comprehensive Plan must be considered. The 2014 Comprehensive Plan Amendment's Land Use Map identifies the future land use for this area to be Residential - Medium Density (Exhibit 3). With increased development activity along SR 267, it should be anticipated that the existing single-family residential and agricultural uses in the SR 267 corridor will, at some point in the future, face pressure to be developed in a manner consistent with the Comprehensive Plan. A

commercial use, such as the proposed Medical Office use, is not considered at the subject site or within the immediate area. In reviewing the location map (Exhibit 2), the conversion of the existing building from a religious use to a Medical Office use would have minimal impact on the surrounding uses.

***Updated information from 2020-08-05 BZA Hearing:***

Petitioner has filed new materials in response to questions raised at the August 5, 2020, BZA Hearing. These materials include:

- A response letter (Exhibit 7) which addresses light pollution, traffic concerns, and the commercialization of the area.
- Projected traffic counts (Exhibit 8) are provided for each day of the week and are broken down by time slots.
- Letters of support (Exhibit 9) from neighboring property owners to the east and southwest of the site.

**Time Line**

Typically, the Board of Zoning Appeals weighs heavily the concept of establishing a “sunset date” (or “check in date” / “renewal date”) for any Use Variance it approves within its jurisdiction. As such, if the Board of Zoning Appeals is inclined to favorably consider the petition, the Board of Zoning Appeals should discuss this topic with the Petitioner during the course of the public hearing while noting the Petitioner’s timeline for investment and improvement to the site.

**PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL**

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Use Variance requests as provided for by the Zionsville Zoning Ordinance. A Use Variance 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 need for the variance arises from some condition peculiar to the property involved; and strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property;*
- (d) The strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property;*
- (e) The approval does not interfere substantially with the Comprehensive Plan*

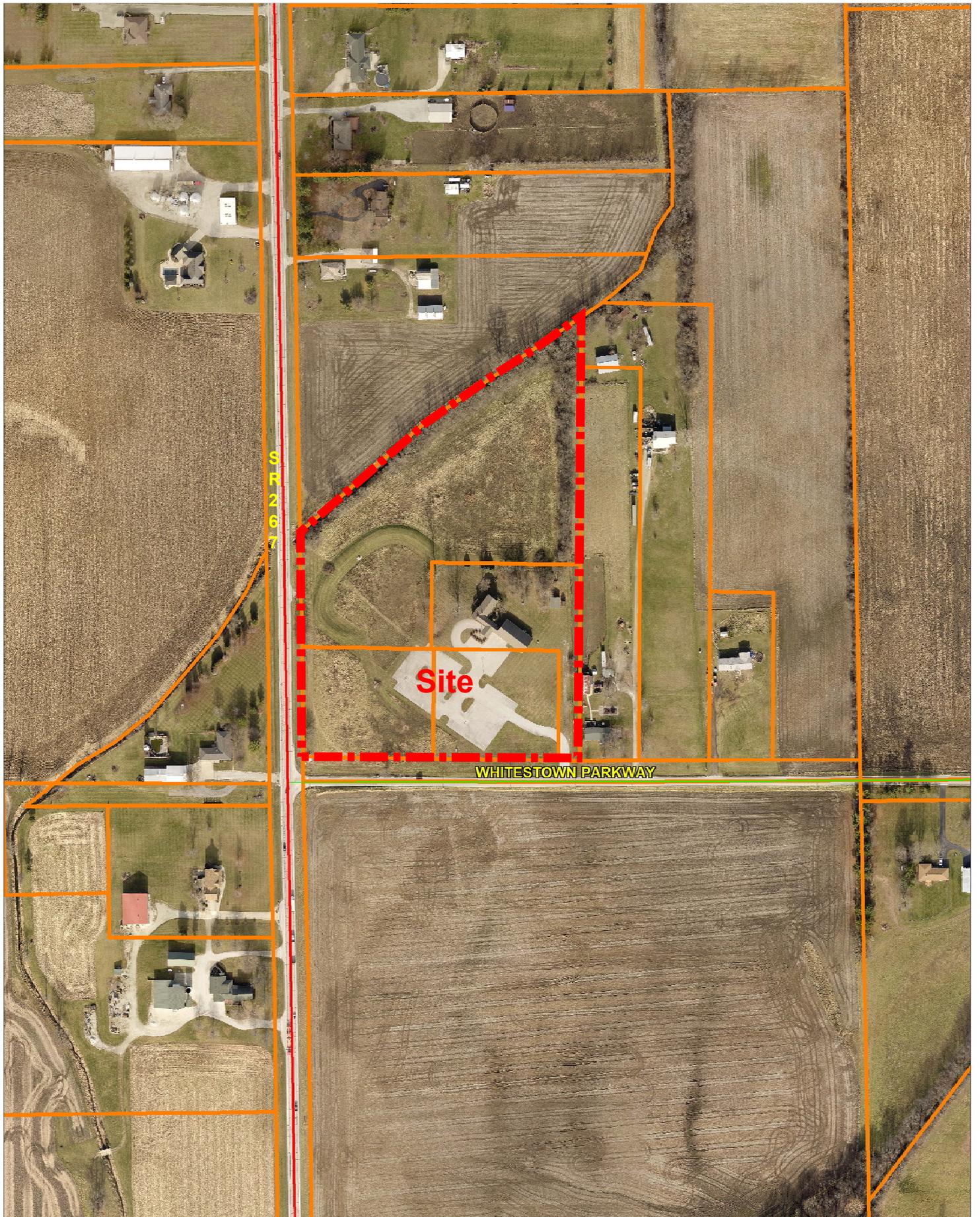
Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal’s consideration (Exhibit 6).

**STAFF RECOMMENDATIONS**

Staff recommends approval of the Use Variance for a Medical Office use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy, as a Primary Use at 3850 Whitestown Parkway as described and depicted in Docket #2020-19-UV with the condition that the existing parking lot light fixtures be replaced and modified as described by the Petitioner in Exhibit 7.

**RECOMMENDATION MOTION**

I move that Docket #2020-19-UV, a Use Variance to permit a Medical Office use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy, as a Primary Use at 3850 Whitestown Parkway be (Approved as filed, based upon the findings of fact / Denied / Continued) as presented, with the condition that the existing parking lot light fixtures be replaced and modified as described by the Petitioner in Exhibit 7.



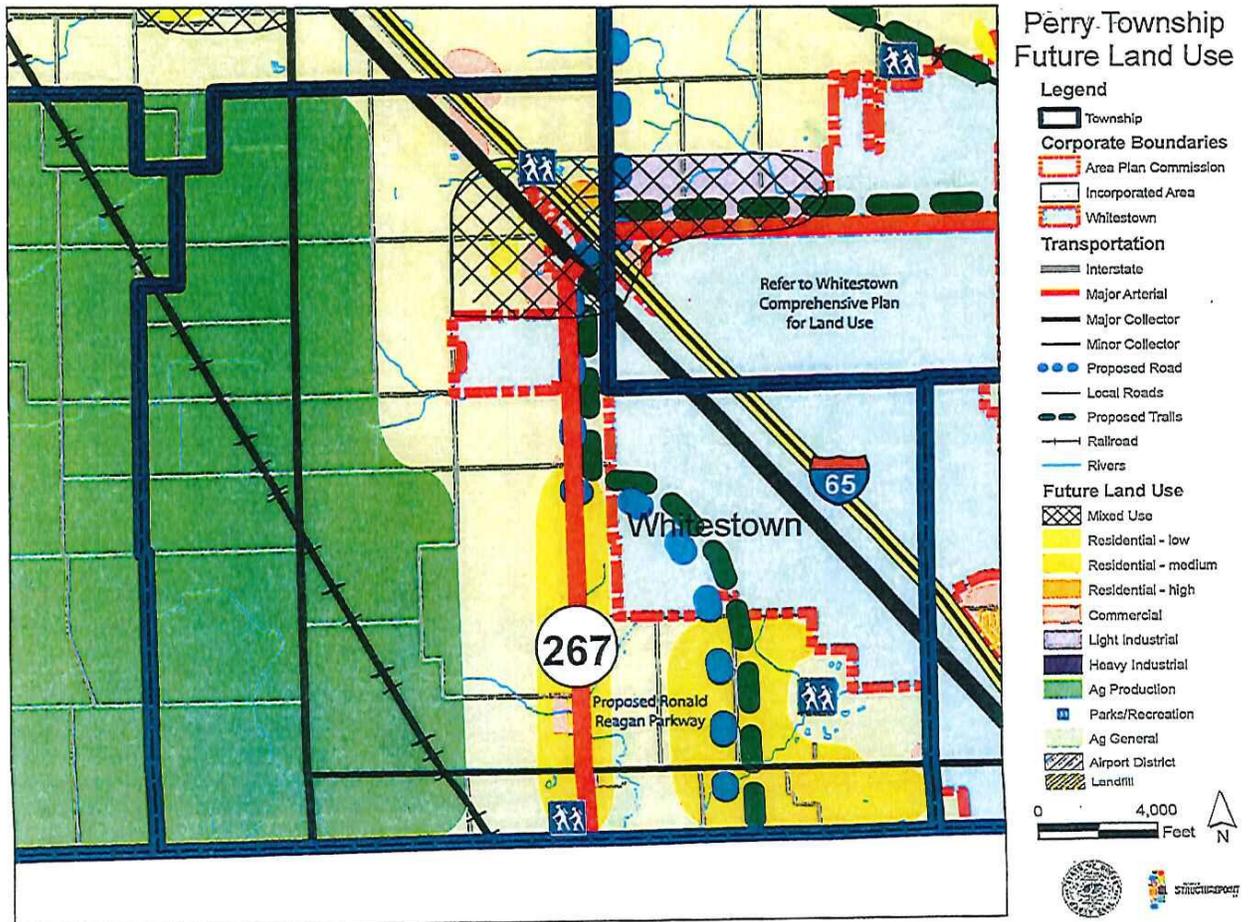
2020-19-UV: Location Map - Exhibit 2

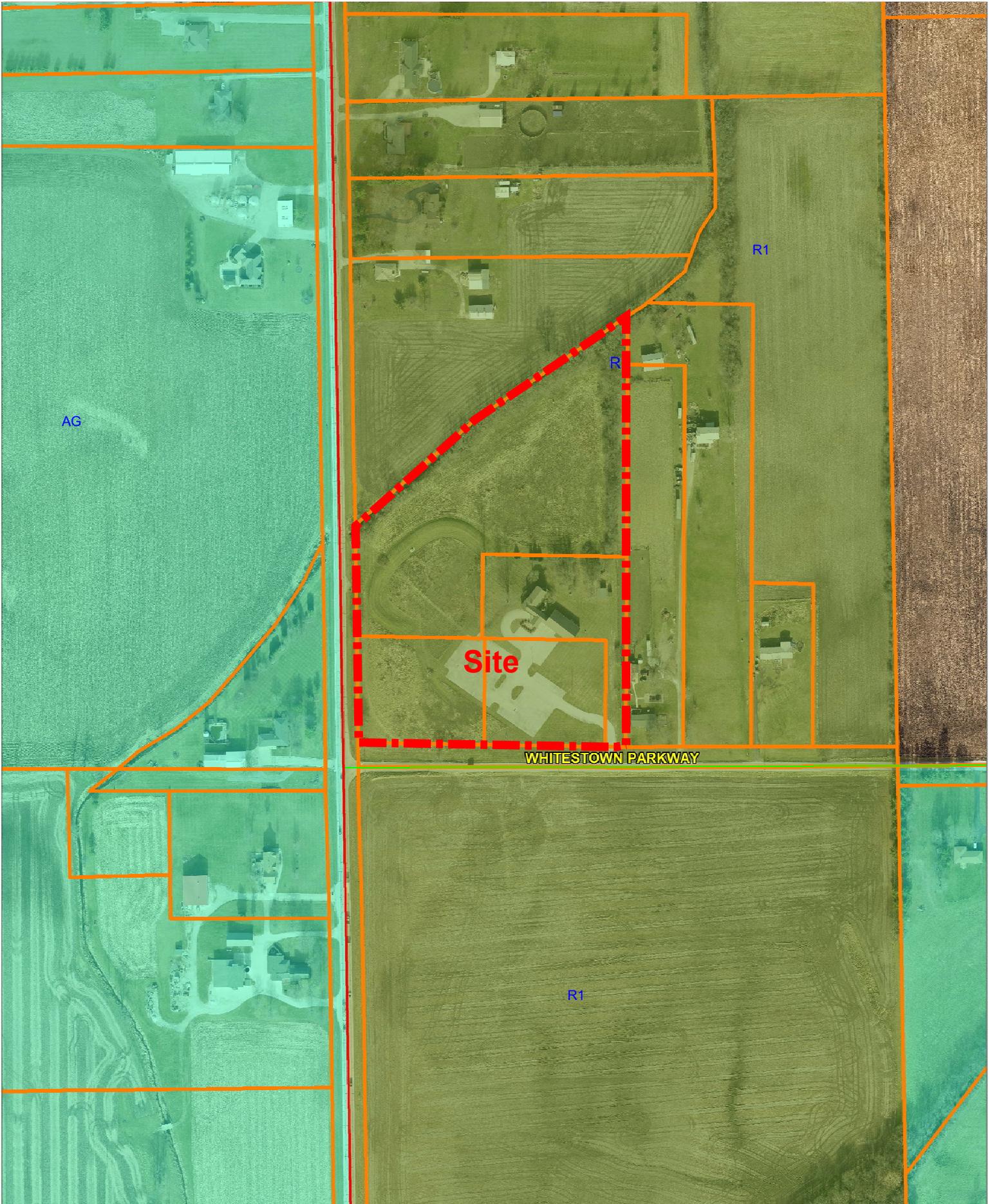
**Land Use Plan**  
**Perry and Worth Townships**

The intersection of Highways 421 and 334 serves as an entry corridor into Zionsville. New commercial and mixed-use development should be restricted to the east side of US 421. New development should follow the US 421 overlay standards.

The Indianapolis Executive Airport (formerly Terry Airport), provides an excellent resource to industrial and commercial uses in and around Boone County. The airport has experienced substantial growth due to the overflow of general aviation uses from Indianapolis International Airport. The capacity of the airport, its proximity to surface transportation to Indianapolis along SR 421 and US 31, and existing area commercial and industrial land uses provide the perfect opportunity for mixed-use development to occur around the airport with focus on additional commercial and industrial opportunities. Specific development standards and land-use requirements that help protect existing property values, promotes the health and safety of the surrounding areas while accommodating future airport expansion should be incorporated into any type of growth and new development in or around the airport

**Perry and Worth Townships**





Site

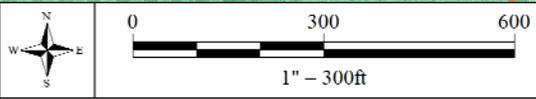
WHITESTOWN PARKWAY

R1

R

R1

AG





Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC seeking your gracious consideration concerning our Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. The intent of this letter is to provide insight into the character of K1ds Count Therapy and the intent of use of the property.

My wife Lindsay Knez and I own and operate K1ds Count Therapy together with a wonderful team of servant leadership focused individuals. Together we are focused on providing the best possible client/ family experience, the best possible employment experience, and positively impacting our local communities. We do this through providing the highest quality therapy, offering comprehensive services that serve the entire family, employing people of high character and skills, building and maintaining beautiful and welcoming clinics, and through partnering with and engaging the local community in service. We are excited to serve the Zionsville community through our direct services at this location as well as through collaborating with the Town and local businesses to meet more specific needs of the community.

Our mission is: We serve TOGETHER! At K1ds Count Therapy, you will find a team that is like family. We could not accomplish our goals without one another. At K1ds Count Therapy, a team of registered behavior technicians (RBTs), board certified behavior analysts (BCBAs), speech therapists, occupational therapists, physical therapists, school counselors, and psychologists collaborate, serve, and positively impact children, families, schools and the Indianapolis, Brownsburg, Crawfordsville, and Zionsville communities together!

All families count! Each, and every, family truly does count at K1ds Count Therapy, especially those children affected by autism and other challenging diagnoses. Autism is a neurological disorder that affects 1 out of 68 children. The disorder presents unique barriers and challenges that each child and family must overcome. We take the time to get to know each child's personality, abilities, and challenges here at K1ds Count Therapy. After building a strong relationship with both the child and family, K1ds Count Therapy develops a unique and comprehensive therapy experience that positively impacts the lives of both the child and family.

The intended use of this property is for outpatient therapy services. More specifically, the therapy services would include speech, occupational, physical, and aba therapy. Parent training fairs as well as community events will also be provided. The hours of operation for the ABA program are 8am to 4:30pm with the hours for speech, occupational, and physical therapy being extended to 6pm. Based upon our Brownsburg and Crawfordsville programs and buildings, we anticipate being able to serve 25 children with autism and serve roughly 100-150 children for 1 hour a week visits for speech, occupational, or physical therapy (these services are for children with any sort of diagnosis, not only autism). In consideration of this projected capacity, we are anticipating the creation of 30-35 new jobs.

Thank you for learning more about K1ds Count Therapy and our intended use of the property located at 3850 E Whitestown Parkway. We are excited and humbled to have the opportunity to more directly serve the Zionsville community! We are confident that the granting of the Variance of Use to allow us to operate as an outpatient therapy clinic in a R-1 zoning will produce positive outcomes for families of children with special needs, neighbors, professionals in the therapy/ education fields, and breathe new life into the intersection of 267 and Whitestown Parkway.

Thank you,

  
Frank Knez

Founder

K1ds Count Therapy, LLC

317-294-5242

K1ds Count Therapy, LLC

1353 E Main Street, Brownsburg, IN 46112 | 317-520-4748

Fax: 888.498.5529

Email: admin@kidscounttherapy.com

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

**PETITION FOR VARIANCE OF USE**

**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 new use of this property will bring speech, occupational, physical, and ABA therapy (one on one therapy for children with autism) services to the community in a family friendly, welcoming, and non-sterile environment. In addition, the property will be beautified, well maintained, and an additional 25-40 jobs will be created over the next 3 years. Lastly, the number of families moving into Town continues to increase leading to even more of a need for the therapy services provided at this location.

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 an increase in the ongoing maintenance and overall aesthetic appearance of the property so there will be no negative impact on adjacent property owners. Furthermore, there are opportunities for collaboration given the adjacent property owner has horses and K1 ds Count Therapy does integrate horses into therapy when appropriate.

3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:

There will be no additional structures or changes to the exterior of the property. The property aligns with the neighboring conditions that include large lots and 1 to 2 structures. The use will continue to uphold the small town atmosphere and hopefully encourage similar investment into the area.

4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The zoning ordinance did not anticipate this uncommon request which would allow us to utilize the existing building, but the zoning doesn't allow this particular type of use.

5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:

The beauty and open nature of the property will be undisturbed and continue to serve as a buffer or transitional area between commercial areas and existing or future residential areas.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_



Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC. Thank you for continuing to consider our case for the Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. We took the BZA meeting recommendations to heart and took immediate action to follow up with future neighbors and provide more detail surrounding traffic and lighting.

Lindsay and I met with four neighbors the following day and have had continued dialogue with others. We enjoyed hearing their excitement about our services and character as well as listening to their thoughts and suggestions on how to improve the site and their living conditions.

The items to be addressed from the August hearing are as follows:

- Light pollution
- Traffic concerns
- Commercialization of area

**Light pollution:**

- K1ds Count Therapy agrees to modify the existing parking lot lights to limit light pollution. This will be accomplished by replacing the head lamp and have the lights parallel the ground with limited to no angle.

**Traffic concerns:**

- Please see attached traffic projections. These are based on future therapists' caseloads and our overall therapy model.
- Lindsay and I visited the address between the times of 8am, 8:30am, and 9am over several days and did not see much, if any, traffic congestion. We have videos available upon request.
- Through speaking with neighbors, observing the site, and analyzing future traffic patterns, we strongly believe there will be no negative impact to neighbors, clients, or employees traveling near this location.

**Commercialization of area concerns:**

- We understand and respect the concerns of two of the neighbors to not want to commercialize the area. Our meeting is set for August 26th to connect in person. It is our view that the commercial building already exists, and we will not be bringing any further commercialization to the area. This will be a property that will be difficult to sell to a residential buyer.
- Per the letters of support (included for your review), four of the neighbors do not feel like our operations will "commercialize" the area or otherwise negatively impact their living experiences or values of their homes. These four neighbors are also the closest in proximity to our proposed location. The other two neighbors are north of the property and have limited views of lot.

Thank you for your continued careful consideration of our Variance of Use request. We are excited, optimistic, and fully prepared to amicably integrate into the Zionsville community and serve families and children!

Thank you,  8/24/20

Frank Knez  
Founder  
K1ds Count Therapy, LLC  
317-294-5242  
[frank@kidscounttherapy.com](mailto:frank@kidscounttherapy.com)

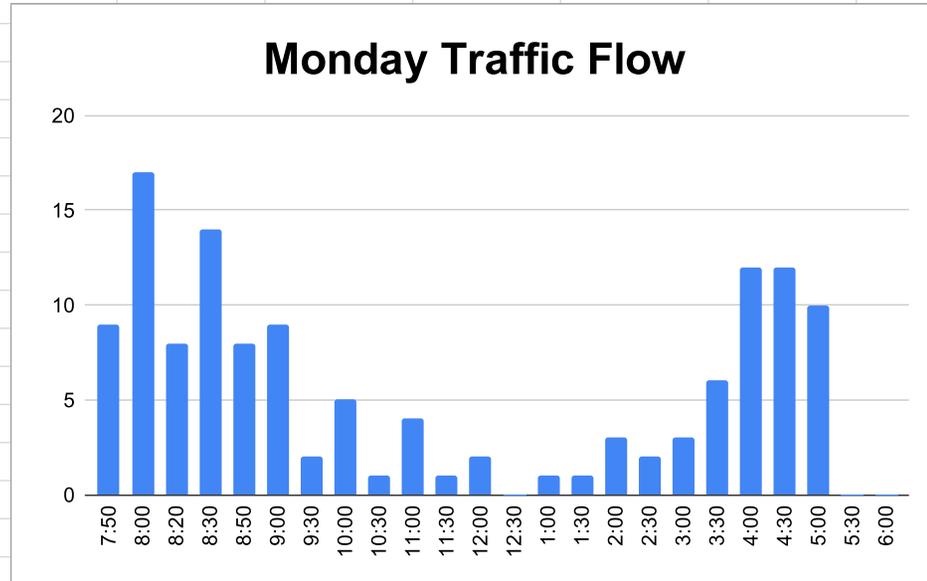
K1ds Count Therapy, LLC  
1353 E Main Street, Brownsburg, IN 46112 | 317-520-4748  
Fax: 888.498.5529 Email: [admin@kidscounttherapy.com](mailto:admin@kidscounttherapy.com)

Exhibit 7

# Projected Monday Traffic Flow

## K1ds Count Therapy, LLC

Monday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	2	17
8:20	8	0	0	8
8:30	1	8	5	14
8:50	8	0	0	8
9:00	0	8	1	9
9:30	0	0	2	2
10:00	0	0	5	5
10:30	0	0	1	1
11:00	0	0	4	4
11:30	0	0	1	1
12:00	0	0	2	2
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	3	3
3:30	0	0	6	6
4:00	0	9	3	12
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	0	0
6:00	0	0	0	0

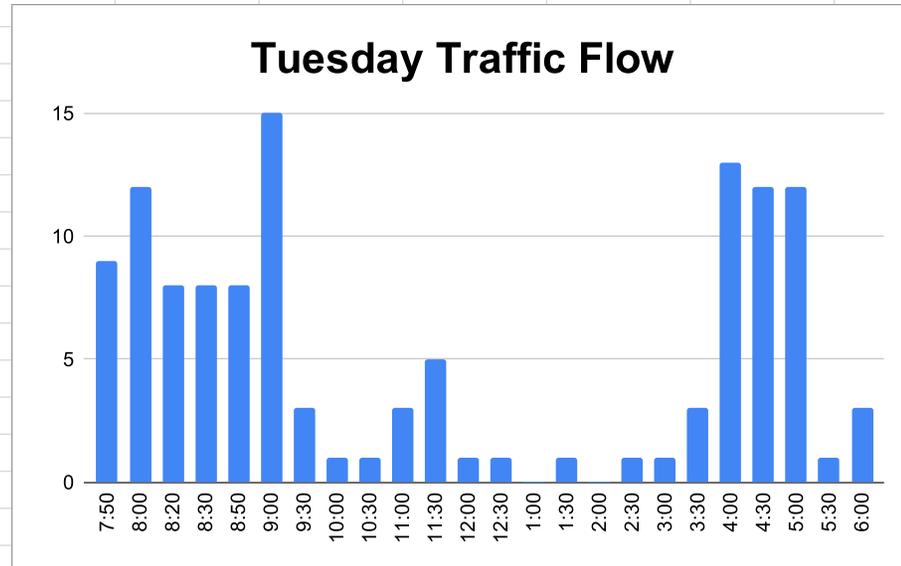


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Tuesday Traffic Flow

## K1ds Count Therapy, LLC

Tuesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	0	8	0	8
8:50	8	0	0	8
9:00	4	8	3	15
9:30	0	0	3	3
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	3	3
11:30	0	0	5	5
12:00	0	0	1	1
12:30	0	0	1	1
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	0	0
2:30	0	0	1	1
3:00	0	0	1	1
3:30	0	0	3	3
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	4	12
5:30	0	0	1	1
6:00	0	0	3	3

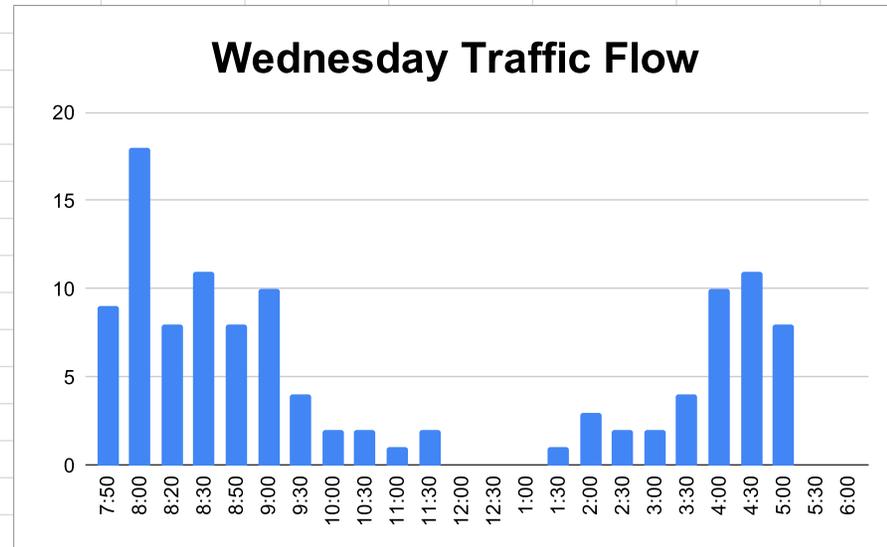


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Wednesday Traffic Flow

## K1ds Count Therapy, LLC

Wednesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	3	18
8:20	8	0	0	8
8:30	1	8	2	11
8:50	8	0	0	8
9:00	0	8	2	10
9:30	0	0	4	4
10:00	0	0	2	2
10:30	0	0	2	2
11:00	0	0	1	1
11:30	0	0	2	2
12:00	0	0	0	0
12:30	0	0	0	0
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	2	2
3:30	0	0	4	4
4:00	0	9	1	10
4:30	0	8	3	11
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0

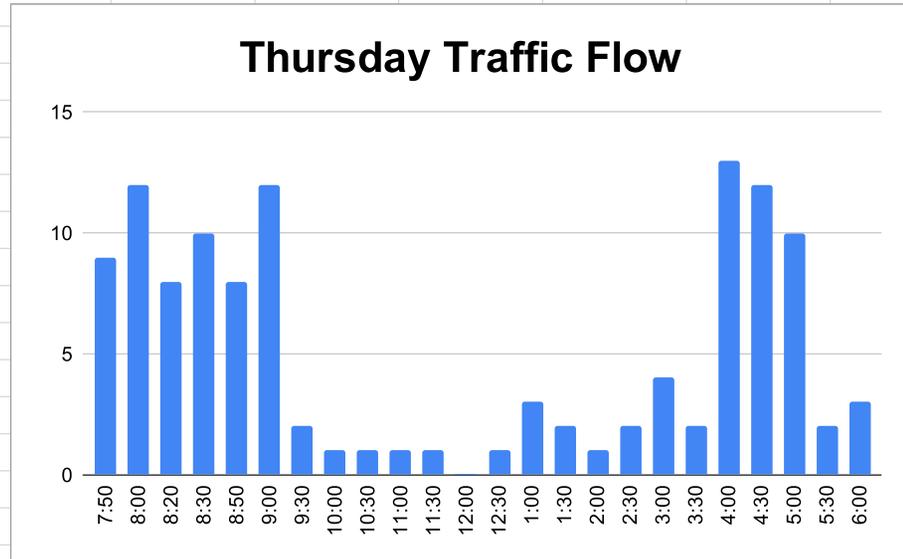


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Thursday Traffic Flow

## K1ds Count Therapy, LLC

Thursday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	1	8	1	10
8:50	8	0	0	8
9:00	2	8	2	12
9:30	1	0	1	2
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	1	1
11:30	0	0	1	1
12:00	0	0	0	0
12:30	0	0	1	1
1:00	0	0	3	3
1:30	0	0	2	2
2:00	0	0	1	1
2:30	0	0	2	2
3:00	0	0	4	4
3:30	0	0	2	2
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	2	2
6:00	0	0	3	3

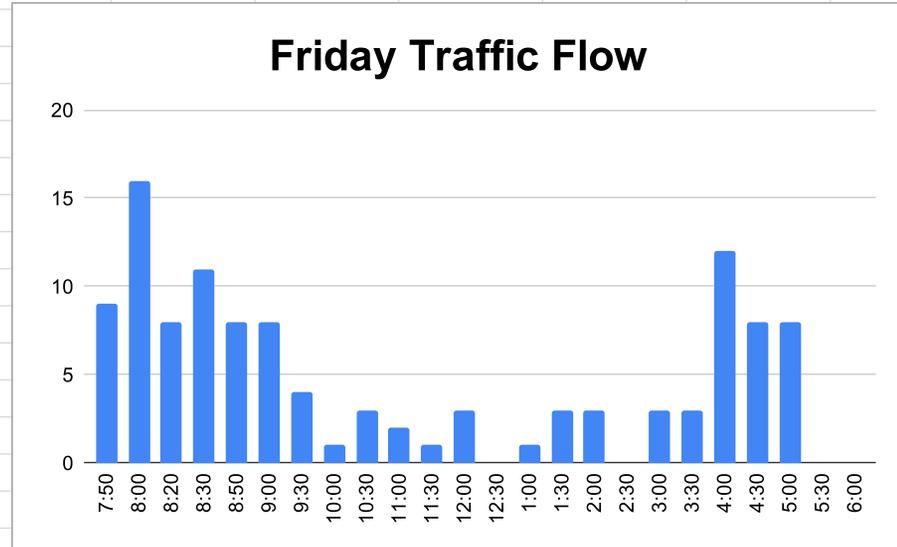


*Please note: Red cells indicate 5 or more cars entering or leaving parking lot.*

# Projected Friday Traffic Flow

## K1ds Count Therapy, LLC

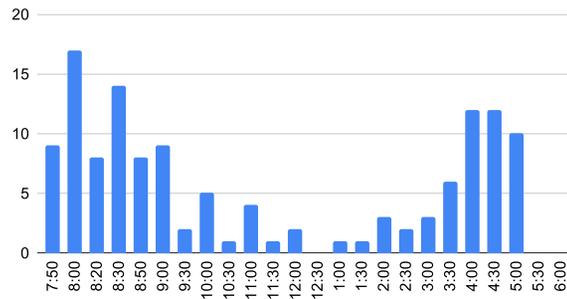
Friday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	1	16
8:20	8	0	0	8
8:30	0	8	3	11
8:50	8	0	0	8
9:00	0	8	0	8
9:30	0	0	4	4
10:00	0	0	1	1
10:30	0	0	3	3
11:00	0	0	2	2
11:30	0	0	1	1
12:00	0	0	3	3
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	3	3
2:00	0	0	3	3
2:30	0	0	0	0
3:00	0	0	3	3
3:30	0	0	3	3
4:00	0	9	3	12
4:30	0	8	0	8
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0



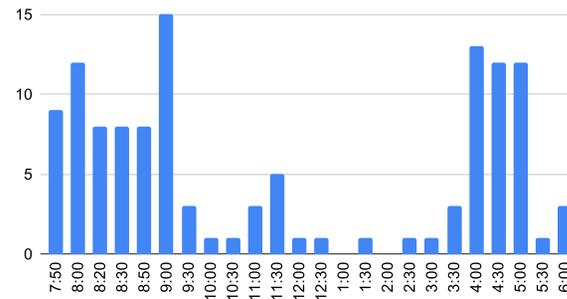
*Please note: Red cells indicate 5 or more cars entering or leaving parking lot.*

# K1ds Count Therapy, LLC Weekly Traffic Flow

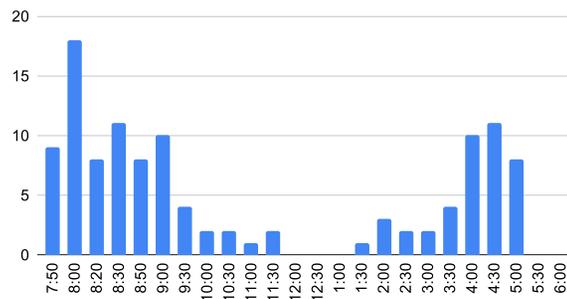
## Monday Traffic Flow



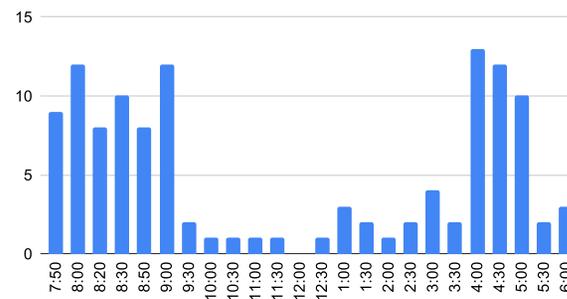
## Tuesday Traffic Flow



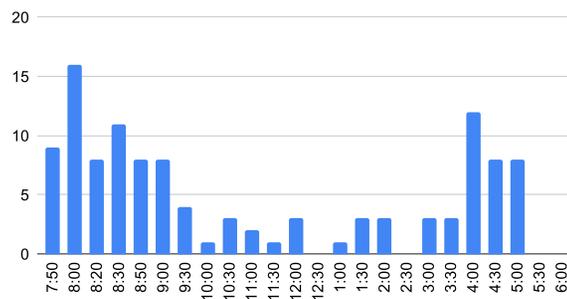
## Wednesday Traffic Flow



## Thursday Traffic Flow



## Friday Traffic Flow



Name: Larry and Margaret Martin  
Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow K1ds Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Larry and Margaret Martin



9-18-2020

Date

Name: Dana Sparks

Address: 3870 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,

  
Dana Sparks

8/19/2020  
Date

317-443-9686

barretracingfool@hotmail.com

Name: Anthony and Lynn Connan  
Address: 6556 S SR 267, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Anthony & Lynn Connan

8-19-20

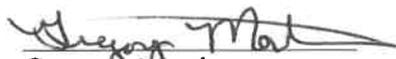
Date

Name: Gregory Martin

Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,

  
Gregory Martin

Aug 19, 2020  
Date

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-19-UV

**1. SITE INFORMATION:**

Address of Property: 3850 E Whitestown Parkway, Lebanon, IN 46052  
Existing Use of Property: Church  
Proposed Use of Property: Office/ Medical (outpatient pediatric therapy)  
Current Zoning: R1 Area in acres: 12.65+/-

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: Frank Knez, Knez Properties, LLC  
Owner Name (if different from Petitioner): South Boone Church of Christ INC  
Petitioner Address: 8641 Fawn Lake Circle, Indianapolis, IN 46278 Owner Address: 3850 E Whitestown Parkway, Lebanon, IN 46052  
Petitioner Phone Number: 317-294-5242 Owner Phone Number: 317-431-5382  
Petitioner E-Mail Address: frank@kidscounttherapy.com  
Owner E-Mail Address: alan.brenda.2006@hotmail.com

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

<b>Attorney/Contact Person:</b>	<b>Project Engineer:</b>
Name: <u>Frank Knez</u>	Name: _____
Address: <u>8641 Fawn Lake Circle, Indianapolis, IN 46278</u>	Address: _____
Phone Number: <u>317-294-5242</u>	Phone Number: _____
E-Mail Address: <u>frank@kidscounttherapy.com</u>	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

**Knez Properties, LLC is purchasing this property to lease to K1ds Count Therapy, LLC. K1ds Count Therapy, LLC provides pediatric outpatient therapy services to children with special needs. The property is currently being used as a church and zoned R-1 and we are respectfully requesting a Variance of Use to keep the R-1 zoning and use as an outpatient therapy clinic.**

**5. ATTACHMENTS:**

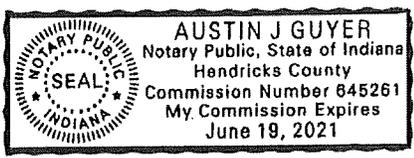
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Legal description of property                          | <input checked="" type="checkbox"/> Proof of Ownership (copy of Warranty Deed) |
| <input checked="" type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner) | <input checked="" type="checkbox"/> Site Plan & Exhibits                       |
| <input checked="" type="checkbox"/> Statement of Commitments (if proposed)                 | <input type="checkbox"/> Draft of Proposed Legal Notice                        |
| <input checked="" type="checkbox"/> Application Fee  | <input checked="" type="checkbox"/> 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: [Handwritten Signature] Date: 6.24.20

Signature of Owner or Attorney for Owner: \_\_\_\_\_ Date: \_\_\_\_\_

State of INDIANA )  
County of HENDRICKS )



Subscribed and sworn to before me this 24<sup>th</sup> day of JUNE, 2020.

[Handwritten Signature]  
Notary Public Signature

AUSTIN J GUYER  
Notary Public Printed

My Commission No: 645261

My Commission Expires: JUNE 19, 2021

My County of Residence is HENDRICKS County



Mail Tax Statements to:  
3850 E. CR 650 S.  
Lebanon, IN 46052

Property Address:  
3850 E. CR 650 S.  
Lebanon, IN 46052

Tax ID No. 008-02590-00  
008-02600-00

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH**

Jess G. Revercomb and Shirley K. Revercomb

**CONVEY(S) AND WARRANT(S) TO**

South Boone Church of Christ, Inc., for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

**SEE ATTACHED LEGAL DESCRIPTION**

Subject to taxes for the year 2004, due and payable in 2005, and taxes for all subsequent years.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 20 day of January, 2005

Jess G. Revercomb  
Jess G. Revercomb

Shirley K. Revercomb  
Shirley K. Revercomb

State of Indiana, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jess G. Revercomb and Shirley K. Revercomb who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

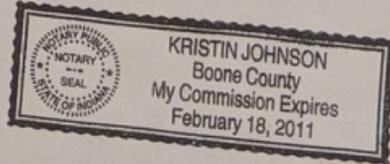
WITNESS, my hand and Seal this 20 day of January, 2005

My Commission Expires: \_\_\_\_\_

Kristin Johnson  
Signature of Notary Public

Printed Name of Notary Public \_\_\_\_\_

Notary Public County and State of Residence \_\_\_\_\_



This instrument was prepared by: Andrew R. Drake, Attorney-at-Law  
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032-4559  
1012bn05 net





## COMMITMENT FOR TITLE INSURANCE

Issued By

## FIDELITY NATIONAL TITLE INSURANCE

### SCHEDULE C

The Land is described as follows:

#### TRACT A:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of the County of Boone, State of Indiana Property recorded as Instrument Number 0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence along the North described line of the County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet; thence North 00 degrees 15 minutes 00 seconds East 260.00 feet; thence North 89 degrees 05 minutes 00 seconds West 301.00 feet; thence North 00 degrees 15 minutes 00 seconds East 205.00 feet; thence South 89 degrees 05 minutes 00 seconds East 351.00 feet; thence along part of the West described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, South 00 degrees 15 minutes 00 seconds West 465.00 feet to the Point of Beginning, containing 1.9502 acres, more or less. Subject to all highways, rights of way and easements.

#### TRACT B:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana, Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 0 minutes' 00 seconds West 344.47 feet to the Point of Beginning; thence continuing along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 334.47 feet: thence along the approximate center line of State Road 267 and the Quarter Quarter Section line, North 00 degrees 00 minutes 00 seconds West 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 335.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.9979 acres, more or less, subject to the right of way for State Road 267 on and along the entire West boundary and leaving 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

#### TRACT C:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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## SCHEDULE C

(Continued)

Type text here

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet to the Point of Beginning; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 294.47 feet; thence North 00 degrees 07 minutes 30 seconds East 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 295.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

### TRACT D:

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section Line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument Number 0102877, and part of the East described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 465.00 feet to the Point of Beginning; thence North 89 degrees 05 minutes 00 seconds West 351.00 feet; thence South 00 degrees 15 minutes 00 seconds West 205.00 feet; thence North 89 degrees 05 minutes 00 seconds West 329.08 feet; thence along the approximate center line of State Road 267 and the quarter-quarter Section line, North 00 degrees 00 minutes 00 seconds West 303.55 feet; thence along part of the South described line of the Clifford W. Belcher and Ann M. Belcher Property recorded in Deed Record 216, Page 151, North 53 degrees 12 minutes 30 seconds East 853.62 feet; thence along the West described line of the Larry K. Martin and Margaret A. Martin Property recorded in Deed Record 241, Page 209 and part of the West described line of said Sparks Property, South 00 degrees 15 minutes 00 seconds West 620.68 feet to the Point of Beginning, containing 7.1751 Acres, more or less. Subject to all highways, rights of way and easements.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC seeking your gracious consideration concerning our Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. The intent of this letter is to provide insight into the character of K1ds Count Therapy and the intent of use of the property.

My wife Lindsay Knez and I own and operate K1ds Count Therapy together with a wonderful team of servant leadership focused individuals. Together we are focused on providing the best possible client/ family experience, the best possible employment experience, and positively impacting our local communities. We do this through providing the highest quality therapy, offering comprehensive services that serve the entire family, employing people of high character and skills, building and maintaining beautiful and welcoming clinics, and through partnering with and engaging the local community in service. We are excited to serve the Zionsville community through our direct services at this location as well as through collaborating with the Town and local businesses to meet more specific needs of the community.

Our mission is: We serve TOGETHER! At K1ds Count Therapy, you will find a team that is like family. We could not accomplish our goals without one another. At K1ds Count Therapy, a team of registered behavior technicians (RBTs), board certified behavior analysts (BCBAs), speech therapists, occupational therapists, physical therapists, school counselors, and psychologists collaborate, serve, and positively impact children, families, schools and the Indianapolis, Brownsburg, Crawfordsville, and Zionsville communities together!

All families count! Each, and every, family truly does count at K1ds Count Therapy, especially those children affected by autism and other challenging diagnoses. Autism is a neurological disorder that affects 1 out of 68 children. The disorder presents unique barriers and challenges that each child and family must overcome. We take the time to get to know each child's personality, abilities, and challenges here at K1ds Count Therapy. After building a strong relationship with both the child and family, K1ds Count Therapy develops a unique and comprehensive therapy experience that positively impacts the lives of both the child and family.

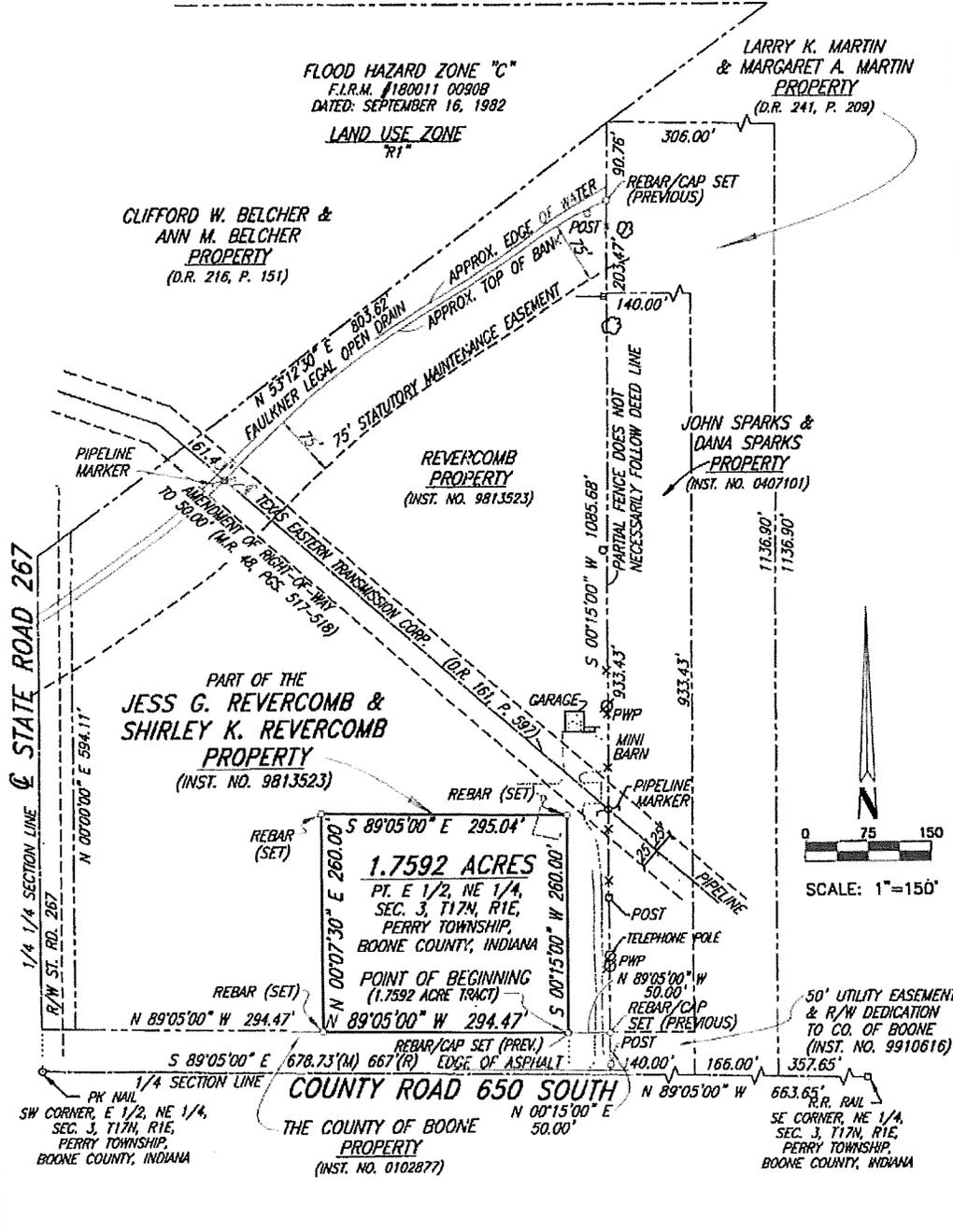
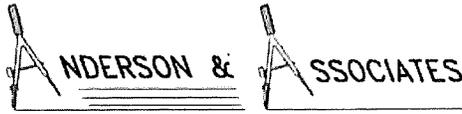
The intended use of this property is for outpatient therapy services. More specifically, the therapy services would include speech, occupational, physical, and aba therapy. Parent training fairs as well as community events will also be provided. The hours of operation for the ABA program are 8am to 4:30pm with the hours for speech, occupational, and physical therapy being extended to 6pm. Based upon our Brownsburg and Crawfordsville programs and buildings, we anticipate being able to serve 25 children with autism and serve roughly 100-150 children for 1 hour a week visits for speech, occupational, or physical therapy (these services are for children with any sort of diagnosis, not only autism). In consideration of this projected capacity, we are anticipating the creation of 30-35 new jobs.

Thank you for learning more about K1ds Count Therapy and our intended use of the property located at 3850 E Whitestown Parkway. We are excited and humbled to have the opportunity to more directly serve the Zionsville community! We are confident that the granting of the Variance of Use to allow us to operate as an outpatient therapy clinic in a R-1 zoning will produce positive outcomes for families of children with special needs, neighbors, professionals in the therapy/ education fields, and breathe new life into the intersection of 267 and Whitestown Parkway.

Thank you,

Frank Knez  
Founder  
K1ds Count Therapy, LLC  
317-294-5242

K1ds Count Therapy, LLC  
1353 E Main Street, Brownsburg, IN 46112 | 317-520-4748  
Fax: 888.498.5529 Email: admin@kidscounttherapy.com



**Purpose:** The purpose of this assignment was to provide an Original Survey of part of the Jess G. Revercomb and Shirley K. Revercomb Property recorded Instrument #9813523, Boone County Recorder's Office.

**Basis of Bearings:** Bearings are in agreement with Record Surveys in the area which appear to be based upon assumed datum.

**Class of Survey:** Class "D" Indiana Survey Standards (Title 865, Article 1, Chapter 12).  
 The Theoretical Uncertainties due to random errors in measurement of the boundary corners with respect to the referenced controlling corners, as stipulated by Indiana Statutes is ±1.00 foot.



**LAND DESCRIPTION (1.7592 ACRES)**  
(Part of Instrument #9813523)

Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89°05'00" West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00°15'00" East 50.00 feet; thence along the North described line of said County of Boone Property, North 89°05'00" West 50.00 feet to the Point of Beginning; thence along the North described line of said County of Boone Property, North 89°05'00" West 294.47 feet; thence North 00°07'30" East 260.00 feet; thence South 89°05'00" East 295.04 feet; thence South 00°15'00" West 260.00 feet to the Point of Beginning, containing 1.7592 Acres, more or less.

I further certify that the subject property does not lie within a Special Flood Hazard Area Zone "A" as said tract plots by graphic scale (subject to the accuracy of the map scale uncertainty) on Community Panel Number 180011 0090B of the Flood Insurance Rate Maps, dated September 16, 1982.

**SURVEY NOTES:**

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report, and is therefore subject to any statement of fact that such documents may disclose.

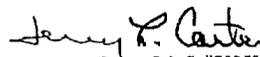
All dimensions computed from electronic measurements.

This tract is subject to all easements and restrictions of record.

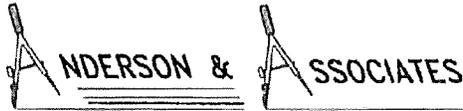
Existing maps in the Office of the Surveyor of Boone County indicate that no Legal Drains exist within 75 feet of the hereon described tract, except as approximately shown.

I do hereby certify that all corners were determined in such a manner as to meet or exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 7th day of January, 2005.

865 IAC 1-12-2, Sec. 2. (d) "Original survey" means a survey that is executed for the purpose of locating and describing real property which has not been previously described in documents conveying an interest in said real property.

  
Jerry L. Carter, R.L.S. #S0350  
Reg. Pro. Land Surveyor  
State of Indiana





**SURVEYOR'S REPORT**

**Client:** Jess Revercomb

**Job #:** 041215

**Field Work Completed:** May 20, 2002.

**Type of Survey:** Retracement Survey, Original Tracts Created.

**Purpose:** The purpose of this assignment was to provide Original Surveys of part of the Jess Revercomb and Shirley K. Revercomb Property recorded as Instrument #9813523, Boone County Recorder's Office.

**Basis of Bearings:** Bearings are in agreement with Record Surveys in the area which appear to be based upon assumed datum.

**Class of Survey:** Class "D" Indiana Survey Standards (Title 865, Article 1, Chapter 12).  
The Theoretical Uncertainties due to random errors in measurement of the boundary corners with respect to the referenced controlling corners, as stipulated by Indiana Statutes is  $\pm 1.00$  foot.

**Location:** Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana.

**Research & Information:** A search of the records within this office, along with those of the Boone County Court House, revealed the following information regarding Section Corners, Quarter Section Corners and the type of monumentation referenced for said Section 3.

- 1.) Southwest Corner, East Half, Northeast Quarter,.....P.K. Nail (found).
- 2.) Southeast Corner, Northeast Quarter,.....Railroad Rail (found).

**Field Investigation & Survey Procedure:** The above monuments were found, tested and accepted as correct. The described Tract is dependent upon the location of the South line of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township. The East and North lines are along the deed lines of the parent tract and/or the adjoiners while the West lines are along the Quarter Quarter Section line and the approximate center line of State Road 267. The interior lines were set at the direction of the client.

**Encroachments:** Fence along the East line does not necessarily follow the deed line.

**Improvements:** Not located this survey.

**Easements:** 1.) Right of way for the Texas Eastern Transmission Corporation Pipeline recorded in Deed Record 161, Page 597 and amended in Miscellaneous Record 48, Pages 517-518, Boone County Recorder's Office.  
2.) Right of way for State Road 267 on and along the West boundary of the 11.1845 Acres tract.

It is this Surveyor's professional opinion that the uncertainties in the lines of the surveyed tracts are as follows:

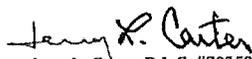
- 1.) Due to variances in the reference monuments:  $\pm 1.00$  foot.
- 2.) Due to discrepancies in the record descriptions: Negligible.
- 3.) Due to inconsistencies in the lines of occupation: A fence lies up to 17.5 feet West and up to 5.3 feet East of the East line as shown on the plat of survey.

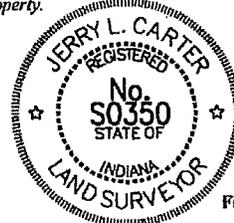
**General Notes -**

- 1.) The Zoning Classification for the surveyed real estate, as established by governmental record is "R-1" Residential 1.
- 2.) This is to certify that the subject property does not lie within a Special Flood Hazard Area Zone "A" as said tract plots by graphic scale (subject to the accuracy of the map scale uncertainty) on Community Panel Number 180011 0090B of the Flood Insurance Rate Maps, dated September 16, 1982.
- 3.) This survey was prepared without the benefit of an up-to-date Abstract or an up-to-date Title Report, and is therefore subject to any statement of fact that such documents may disclose.
- 4.) Unless noted on the attached plat or in this report, there is no evidence of occupation along the boundary lines of the subject tract. When fences or other lines of occupation are shown on the plat, they have been located only at the ends or specific locations noted; therefore, for the purpose of this survey, such lines are assumed to run straight between said locations, but in actuality may vary slightly from such straight line.
- 5.) The described land is part of the Jess G. Revercomb and Shirley K. Revercomb Property recorded as Instrument #9813523, Boone County Recorder's Office.

This instrument prepared by: Anderson & Associates Land Surveyors, Inc.

865 IAC 1-12-2, Sec. 2. (d) "Original survey" means a survey that is executed for the purpose of locating and describing real property which has not been previously described in documents conveying an interest in said real property.

  
Jerry L. Carter, R.L.S. #S0350  
Reg. Prof. Land Surveyor  
State of Indiana



File No. 041215

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

**PETITION FOR VARIANCE OF USE**

**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 new use of this property will bring speech, occupational, physical, and ABA therapy (one on one therapy for children with autism) services to the community in a family friendly, welcoming, and non-sterile environment. In addition, the property will be beautified, well maintained, and an additional 25-40 jobs will be created over the next 3 years. Lastly, the number of families moving into Town continues to increase leading to even more of a need for the therapy services provided at this location.

- 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 an increase in the ongoing maintenance and overall aesthetic appearance of the property so there will be no negative impact on adjacent property owners. Furthermore, there are opportunities for collaboration given the adjacent property owner has horses and Kids Count Therapy does integrate horses into therapy when appropriate.

- 3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:

There will be no additional structures or changes to the exterior of the property. The property aligns with the neighboring conditions that include large lots and 1 to 2 structures. The use will continue to uphold the small town atmosphere and hopefully encourage similar investment into the area.

- 4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The zoning ordinance did not anticipate this uncommon request which would allow us to utilize the existing building, but the zoning doesn't allow this particular type of use.

- 5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:

The beauty and open nature of the property will be undisturbed and continue to serve as a buffer or transitional area between commercial areas and existing or future residential areas.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Attribute report for active ID 1

ID	name	NO VALUE 999	add1	add3
6577	SOUTH BOONE CHURCH OF CHRIST I	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	
6633	SOUTH BOONE CHURCH OF CHRIST I	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	
6637	SOUTH BOONE CHURCH OF CHRIST I	3850 WHITESTOWN PKWY	LEBANON, IN 46052	
6638	SOUTH BOONE CHURCH OF CHRIST I	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	
* 6641	BELCHER CLIFFORD W & ANN M	6255 S SR 267	LEBANON, IN 46052	
* 7069	SPARKS DANA L	3870 WHITESTOWN PARKWAY	LEBANON, IN 46052	
^ 7070	MARTIN LARRY K & MARGARET A	3900 E WHITESTOWN PARKWAY	LEBANON, IN 46052	

Attribute report for active ID 1

ID name	NO VALUE 999	add1	add3
6577 BOONE COUNTY COMMISSIONERS	1955 INDIANAPOLIS AVE	NO VALUE 999	LEBANON, IN 46052
6629 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052
6632 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052
6633 SOUTH BOONE CHURCH OF CHRIST	3850 WHITESTOWN PKWY	LEBANON, IN 46052	LEBANON, IN 46052
6637 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052
6638 SOUTH BOONE CHURCH OF CHRIST	3850 E WHITESTOWN PARKWAY	LEBANON, IN 46052	LEBANON, IN 46052

1st class

pic. each  
on page

(7)

✓ Dennis + Katherine Gily

6250 S SR 267, Lebanon 46052

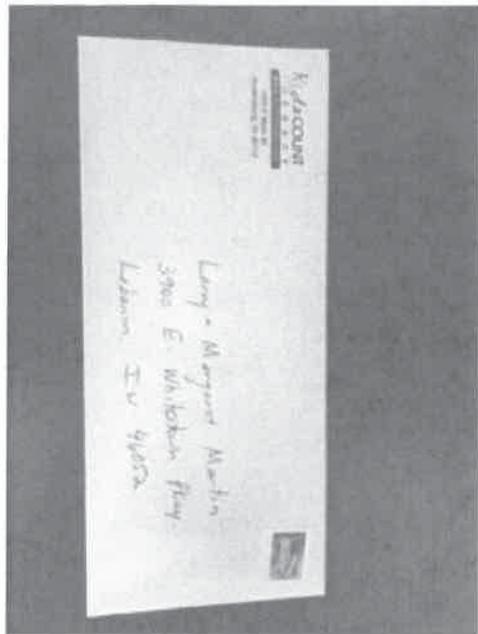
~~3255 E 550 S, Lebanon 46052~~

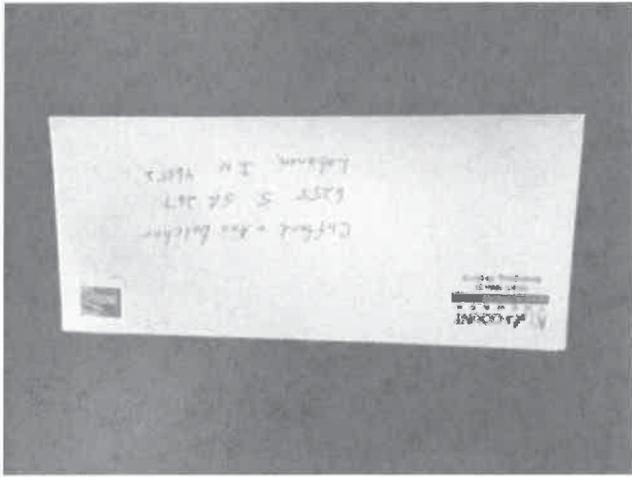
✓ Daniel Gily

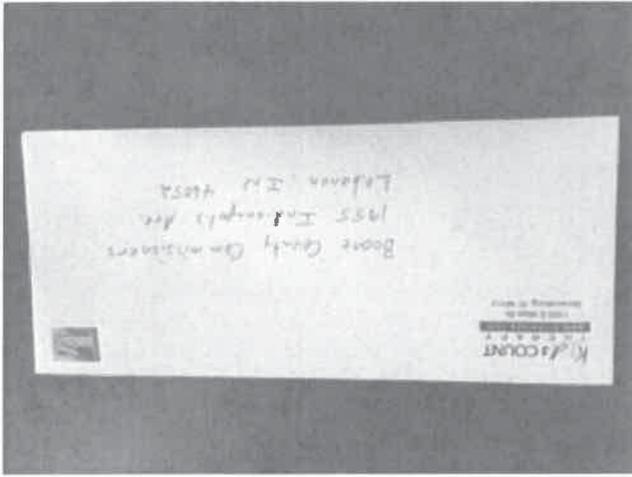
6490 S SR 267, Lebanon, 46052

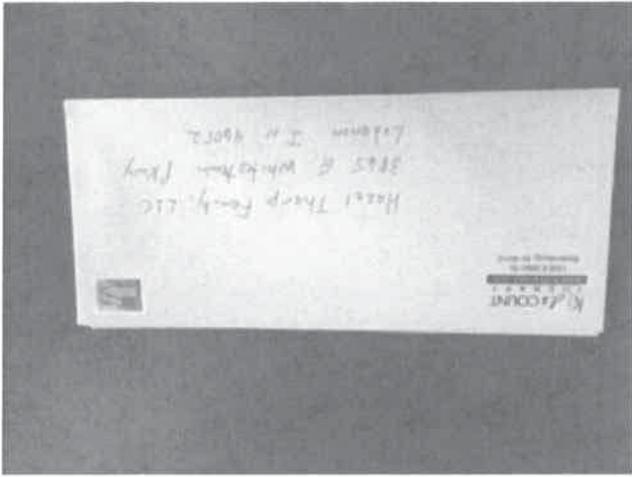
✓ Hazel Sharp Family LLC

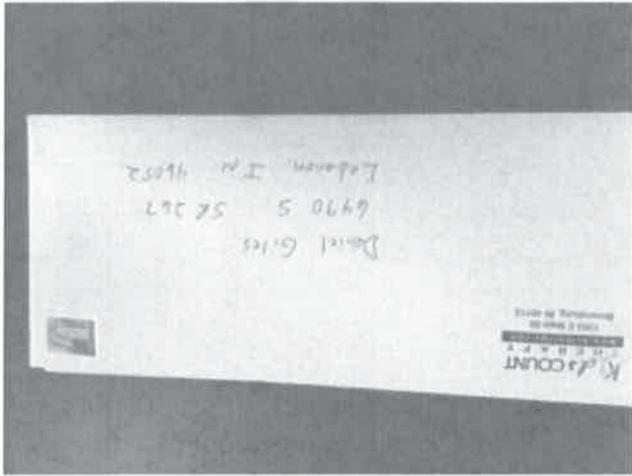
3865 E Whites town Pkwy Lebanon 46052

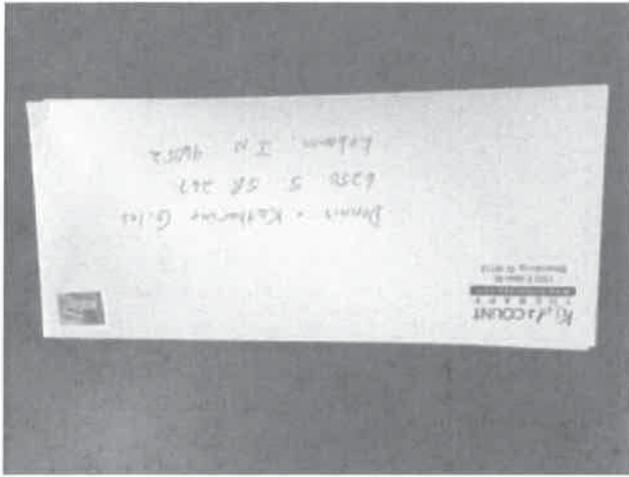


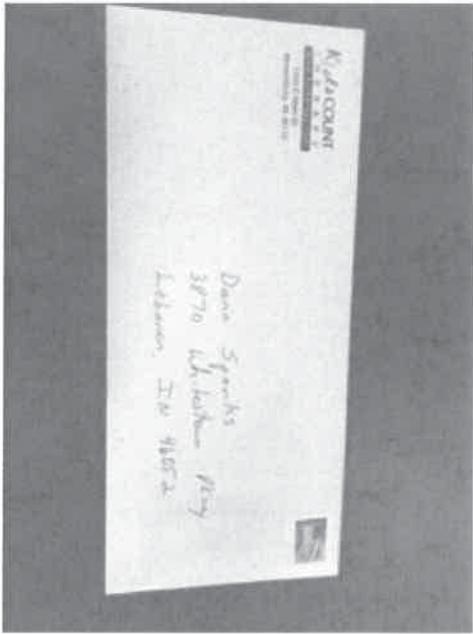












**Public Notices**

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

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

Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-416 7/25 hspaxip 1654851

*continued this column*

Pillay  
STATE OF INDIANA  
SS: COUNTY OF BOONE  
IN THE BOONE CIRCUIT  
COURT  
CAUSE NO.  
06CO1-2007-MI-0811  
IN RE THE NAME CHANGE OF:  
Nanamesevayam Sokalingum Pillay  
Petitioner

**NOTICE OF PETITION FOR CHANGE OF NAME**

Nanamesevayam Sokalingum Pillay, whose mailing address is: 1319 Huntington Woods Rd, Zionsville, IN 46077, in the Boone County, Indiana, hereby gives notice that Namasevayam Sokalingum Pillay has filed a petition in the Boone County Court requesting that his name be changed to Namasevayam Pillay.

Notice is further given that the hearing will be held on said Petition on September 14, 2020 at 8:15 A.M. /s/ Namasevayam Pillay  
Petitioner  
July 13, 2020  
/s/ Lori Schein  
Judicial Officer  
TLR-398 7/18 7/25 8/1 hspaxip

Schrimsher  
STATE OF INDIANA  
SS: COUNTY OF BOONE  
IN THE BOONE SUPERIOR  
COURT #1  
ESTATE #  
06D01-2007-EU-000077  
IN THE MATTER OF THE  
UNSUPERVISED  
ADMINISTRATION OF THE  
ESTATE OF DAVID L.  
SCHRIMSHER, DECEASED.  
**NOTICE OF ADMINISTRATION**

Notice is hereby given that on July 7, 2020, Danielle Sabatini was appointed personal representative of the estate of David L. Schrimsher, deceased, who died on June 15, 2020.

All persons having 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: July 7, 2020.  
/s/ Jessica Fouts  
Clerk, Boone Superior Court #1  
DEBORAH K. SMITH, #1985-06  
ATTORNEY AT LAW  
112 S. MARKET MAIN STREET  
THORNTOWN, IN 46071  
765-436-2441  
Attorney for Estate  
TLR-400 7/18, 25 hspaxip 1654004

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**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, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

**2020-19-UV, Frank Knez of Knez Properties, LLC, requests a Use Variance to provide for or permit: Petition for a Use Variance to allow for a Medical Office Use, specifically providing outpatient pediatric therapy services, including speech, occupational, physical, and applied behavior analysis therapy in the Residential One Rural Zoning District (R-1).** The pediatric therapy services would be provided within the existing structure.

The property involved is more commonly known as: 3850 E. Whitestown Parkway, Lebanon, IN 46052 and is legally described as:

TRACT A:  
Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65 feet; thence along the East described line of the County of Boone, State of Indiana Property recorded as Instrument Number 0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence along the North described line of the County of Boone Property, North 89 degrees 05 minutes 00 seconds West 50.00 feet; thence North 00 degrees 15 minutes 00 seconds East 260.00 feet; thence North 89 degrees 05 minutes 00 seconds West 301.00 feet; thence North 00 degrees 15 minutes 00 seconds East 205.00 feet; thence South 89 degrees 05 minutes 00 seconds East 351.00 feet; thence along part of the West described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, South 00 degrees 15 minutes 00 seconds West 485.00 feet to the Point of Beginning, containing 1.9502 acres, more or less. Subject to all highways, rights of way and easements.

TRACT B:  
Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section line, North 89 degrees 05 minutes 00 seconds West 663.65

**Public Notices**

When governments want to change **environmental ordinances**, 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.

For full public notice listings go to IndianaPublicNotices.com.

feet; thence along the East described line of The County of Boone, State of Indiana, Property recorded as Instrument #0102877, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 50.00 feet; thence along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 344.47 feet to the Point of Beginning; thence continuing along the North described line of said County of Boone Property, North 89 degrees 05 minutes 00 seconds West 334.47 feet; thence along the approximate center line of State Road 267 and the Quarter Quarter Section line, North 00 degrees 00 minutes 00 seconds West 260.00 feet; thence South 89 degrees 05 minutes 00 seconds East 335.04 feet; thence South 00 degrees 15 minutes 00 seconds West 260.00 feet to the Point of Beginning, containing 1.9979 acres, more or less, subject to the right of way for State Road 267 on and along the entire West boundary and leaving 1.7592 Acres, more or less. Subject to all highways, rights of way and easements.

TRACT C:  
Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

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TRACT D:  
Part of the East Half of the Northeast Quarter of Section 3, Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 3; thence along the approximate center line of County Road 650 South and the Quarter Section Line, North 89 degrees 05

**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.

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minutes 00 seconds West 663.65 feet; thence along the East described line of The County of Boone, State of Indiana Property recorded as Instrument Number 0102877, and part of the East described line of the John Sparks and Dana Sparks Property recorded as Instrument Number 0407101, Boone County Recorder's Office, North 00 degrees 15 minutes 00 seconds East 465.00 feet to the Point of Beginning; thence North 89 degrees 05 minutes 00 seconds West 351.00 feet; thence South 00 degrees 15 minutes 00 seconds West 205.00 feet; thence North 89 degrees 05 minutes 00 seconds West 329.08 feet; thence along the approximate center line of State Road 267 and the quarter-quarter Section line, North 00 degrees 00 minutes 00 seconds West 303.55 feet; thence along part of the South described line of the Clifford W. Belcher and Ann M. Belcher Property recorded in Deed Record 216, Page 151, North 53 degrees 12 minutes 30 seconds East 853.62 feet; thence along the West described line of the Larry K. Martin and Margaret A. Martin Property recorded in Deed Record 241, Page 209 and part of the West described line of said Sparks Property, South 00 degrees 15 minutes 00 seconds West 620.68 feet to the Point of Beginning, containing 7.1751 Acres, more or less. Subject to all highways, rights of way and easements.

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

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

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

Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-427 7/25 hspaxip 1655228

**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.

**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, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following Petition:

**2020-18-DSV, Richard E and Carol M Lamb requests a Development Standards Variance in order to provide for the division of a parcel and the continued existence of primary structures which:**

- 1) Deviate from the required minimum front yard setback;
- 2) Exceed the number of allowed primary uses on one parcel; and in which the lot split will cause one lot to
- 3) Exceed the Lot Width to Depth Ratio of 3:1

in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as 11301 East 300 South Zionsville IN 46077 and is legally described as: The North 10 acres fronting on 146th Street from the following described real estate: The West Half of the East Half of the Northwest Quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian. EXCEPT: Beginning at a point on the North line of the Northwest Quarter of Section 24, Township 18 North, Range 2 East, said point being South 89 degrees, 09 minutes 33 seconds West 663.91 feet from the Northeast corner of said Northwest Quarter, and running thence South 00 degrees, 00 minutes and 55 seconds West 657.32 feet, thence South 89 degrees 11 minutes and 22 seconds West 132.6 feet, thence North 00 degrees 00 minutes and 35 seconds East 657.25 feet to said North line of the Northwest Quarter, thence North 89 degrees, 09 minutes 33 seconds East 132.6 feet to the point of beginning. Being part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 18 North, Range 2 East.

ALSO EXCEPT: Part of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian, situated in Eagle Township, Boone County, Indiana, more particularly described as follows: Commencing at the Northeast corner of the Northeast Quarter of the Southwest Quarter aforesaid; thence South 89 degrees 03 minutes 33 seconds West (an assumed bearing) along the North line of said Quarter Quarter Section, 1,195.41 feet to the point of beginning; from said point of beginning thence South 00 degrees 08 minutes 55 seconds West 657.04 feet; thence South 89 degrees 11 minutes 22 seconds West 132.83 feet, thence North 00 degrees 11 minutes 05 seconds East 656.98 feet to the North line of said Quarter Quarter Section; thence North 89 degrees 09 minutes 33 seconds East along said North line 132.42

**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.

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feet to the point of beginning. ALSO EXCEPT: A part of the West Half of the East Half of the Northwest Quarter of Section 24, Township 18 North, Range 2 East, Boone County, Indiana, described as follows: Beginning on the North line of the said Section South 88 degrees 17 minutes 31 seconds West 796.51 feet from the Northeast corner of said Quarter section, designated as point "906" on the Location Control Route Survey Plat recorded in Instrument Number 20060000513 in the Office of the Recorder of said County, which point of beginning is the Northeast corner of the grantors' land; thence South 00 degrees 43 minutes 07 seconds East 59.93 feet along the East line of the grantors' land; thence North 87 degrees 47 minutes 15 seconds West 13.53 feet to point "5239" designated on said Parcel Plat; thence South 88 degrees 17 minutes 34 seconds West 384.13 feet to the West line of the grantors' land; thence North 00 degrees 43 minutes 07 seconds West 58.46 feet along said West line to the North line of said section; thence North 88 degrees 17 minutes 31 seconds East 397.65 feet along said North line to the point of beginning and containing 0.534 acres, more or less, inclusive of the presently existing right-of-way which contains 0.082 acres, more or less, for a net additional taking of 0.452 acres, more or less.

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

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

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

Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-426 7/25 hspaxip 1655144

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1-888-663-1063.

ADDITIONAL REAL ESTATE Auctions can also be found in the Real Estate for Sale section under Real Estate Auctions.

**Community Notes**

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NEED HELP WITH Family Law? Can't Afford a \$5,000 Retainer? [www.familycourtdirect.com/Family/Law-Low-Cost-Legal-Services-Play-As-You-Go](http://www.familycourtdirect.com/Family/Law-Low-Cost-Legal-Services-Play-As-You-Go) - As low as \$750-\$1,500 - Get Legal Help Now! Call 1-888-417-4602 Mon-Fri 7am to 4 pm PCT

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If interested call David @ 765-891-2525 between 8am - 7pm for an interview or more info or send resume to: [david\\_wiltshire@genpet.com](mailto:david_wiltshire@genpet.com) or apply at:

**General Petroleum**  
435 Ransdell Rd.,  
Lebanon, IN 46052

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- ✓ Crew positions, all shifts; ranging from \$9 to \$12 per hour based on experience and availability.
- ✓ Shift Managers, hourly, all shifts; starting at \$12 per hour.
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**Help Wanted**

SAP BUSINESS ANALYSTS, Lebanon, IN: Scoping and Planning, Process Design, Configuration, Testing, Deployment, and Post Go-Live Support. Recommends alterations and enhancements to improve application optimization and availability. Validates recommended approach with Business SMEs. Some travel required. Send res to TTS Tooltechnic Systems North America LP at 400 N. Enterprise Blvd. Lebanon, IN 46052

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**Antiques and Collectibles**

1937 FIREMAN'S CONVENTION Medal in golf leaf issue box. \$15. Call 765-482-1683.

**Furniture**

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**Garage Sale**

**GARAGE SALE - Saturday, 7/25, (10-2) 511 W Noble St., Lebanon**  
Coke collection, microwave, Colts attire, new make up, Clothes, toys, shoes, tools, furniture. Something for everyone. **All money goes to help support House of Grace women in recovery**

LEBANON - MULTI-FAMILY Sale Thu. 7/23 - Sat. 7/25, (8am-7) 3710 N. SR 39, 250+ DVDs, 150 CDs, semi-formal dresses, kitchen, walk art, area rugs, Vera Bradley, Ralikes bear, lamps, southwest décor, linens, Colt's gear, cactus plants, bralettes, brand-name clothing, much more!

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**Sporting Goods**

DARK BROWN VINYL love seat w/glass holders on each end. \$25 765-485-0922

**GUN & KNIFE SHOW - GREENFIELD, INDIANA - July 25<sup>th</sup> and July 26<sup>th</sup>**  
Hancock County Fairgrounds  
620 North Apple St.,  
Greenfield, Indiana  
**Saturday 9-5, Sunday 9-3**  
Collectors & Buyers ready w/cash. All State & Federal Laws Apply. Admission \$5.  
**FREE PARKING**  
765-993-8942  
**BUY -> SELL -> TRADE**

**GUN & KNIFE SHOW - KOKOMO, INDIANA - August 1<sup>st</sup> and August 2<sup>nd</sup>**  
Kokomo Event Center  
1500 North Reed Rd,  
Kokomo, Indiana  
**Saturday 9-5, Sunday 9-3**  
Collectors & Buyers ready w/cash. All State &amp



Dear Town of Zionsville,

I'm writing you on behalf of Knez Properties, LLC and K1ds Count Therapy, LLC. Thank you for continuing to consider our case for the Variance of Use request for the property located at 3850 E Whitestown Parkway, Lebanon, IN 46052. We took the BZA meeting recommendations to heart and took immediate action to follow up with future neighbors and provide more detail surrounding traffic and lighting.

Lindsay and I met with four neighbors the following day and have had continued dialogue with others. We enjoyed hearing their excitement about our services and character as well as listening to their thoughts and suggestions on how to improve the site and their living conditions.

The items to be addressed from the August hearing are as follows:

- Light pollution
- Traffic concerns
- Commercialization of area

**Light pollution:**

- K1ds Count Therapy agrees to modify the existing parking lot lights to limit light pollution. This will be accomplished by replacing the head lamp and have the lights parallel the ground with limited to no angle.

**Traffic concerns:**

- Please see attached traffic projections. These are based on future therapists' caseloads and our overall therapy model.
- Lindsay and I visited the address between the times of 8am, 8:30am, and 9am over several days and did not see much, if any, traffic congestion. We have videos available upon request.
- Through speaking with neighbors, observing the site, and analyzing future traffic patterns, we strongly believe there will be no negative impact to neighbors, clients, or employees traveling near this location.

**Commercialization of area concerns:**

- We understand and respect the concerns of two of the neighbors to not want to commercialize the area. Our meeting is set for August 26th to connect in person. It is our view that the commercial building already exists, and we will not be bringing any further commercialization to the area. This will be a property that will be difficult to sell to a residential buyer.
- Per the letters of support (included for your review), four of the neighbors do not feel like our operations will "commercialize" the area or otherwise negatively impact their living experiences or values of their homes. These four neighbors are also the closest in proximity to our proposed location. The other two neighbors are north of the property and have limited views of lot.

Thank you for your continued careful consideration of our Variance of Use request. We are excited, optimistic, and fully prepared to amicably integrate into the Zionsville community and serve families and children!

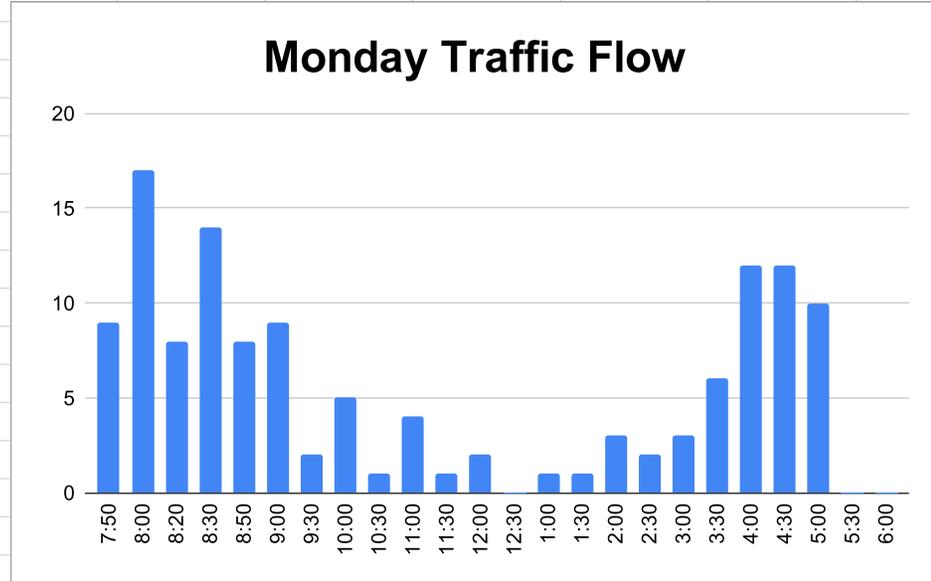
Thank you,  8/24/20

Frank Knez  
Founder  
K1ds Count Therapy, LLC  
317-294-5242  
[frank@kidscounttherapy.com](mailto:frank@kidscounttherapy.com)

# Projected Monday Traffic Flow

## K1ds Count Therapy, LLC

Monday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	2	17
8:20	8	0	0	8
8:30	1	8	5	14
8:50	8	0	0	8
9:00	0	8	1	9
9:30	0	0	2	2
10:00	0	0	5	5
10:30	0	0	1	1
11:00	0	0	4	4
11:30	0	0	1	1
12:00	0	0	2	2
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	3	3
3:30	0	0	6	6
4:00	0	9	3	12
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	0	0
6:00	0	0	0	0

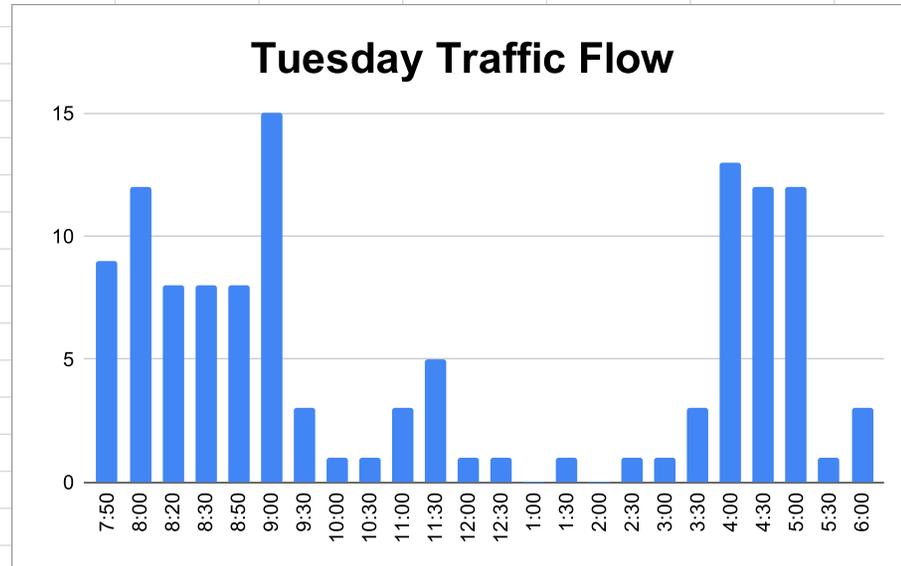


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Tuesday Traffic Flow

## K1ds Count Therapy, LLC

Tuesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	0	8	0	8
8:50	8	0	0	8
9:00	4	8	3	15
9:30	0	0	3	3
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	3	3
11:30	0	0	5	5
12:00	0	0	1	1
12:30	0	0	1	1
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	0	0
2:30	0	0	1	1
3:00	0	0	1	1
3:30	0	0	3	3
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	4	12
5:30	0	0	1	1
6:00	0	0	3	3

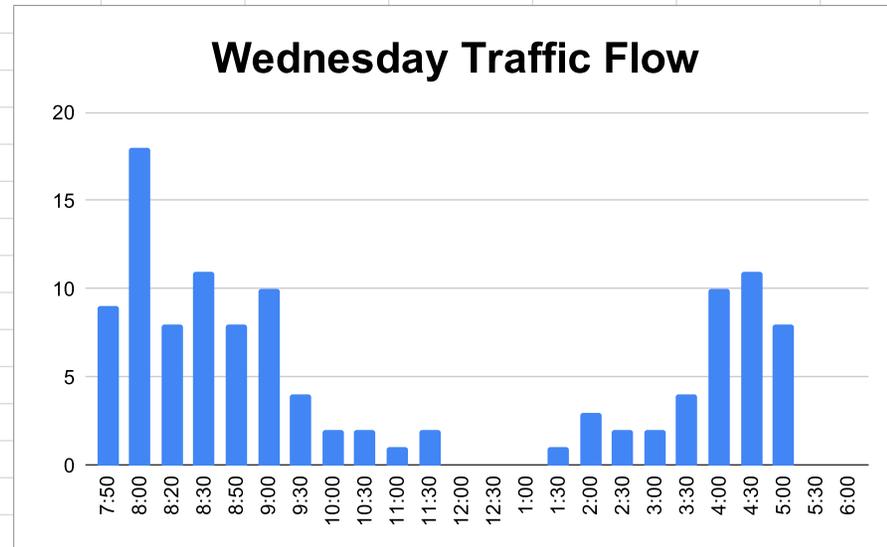


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Wednesday Traffic Flow

## K1ds Count Therapy, LLC

Wednesday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	3	18
8:20	8	0	0	8
8:30	1	8	2	11
8:50	8	0	0	8
9:00	0	8	2	10
9:30	0	0	4	4
10:00	0	0	2	2
10:30	0	0	2	2
11:00	0	0	1	1
11:30	0	0	2	2
12:00	0	0	0	0
12:30	0	0	0	0
1:00	0	0	0	0
1:30	0	0	1	1
2:00	0	0	3	3
2:30	0	0	2	2
3:00	0	0	2	2
3:30	0	0	4	4
4:00	0	9	1	10
4:30	0	8	3	11
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0

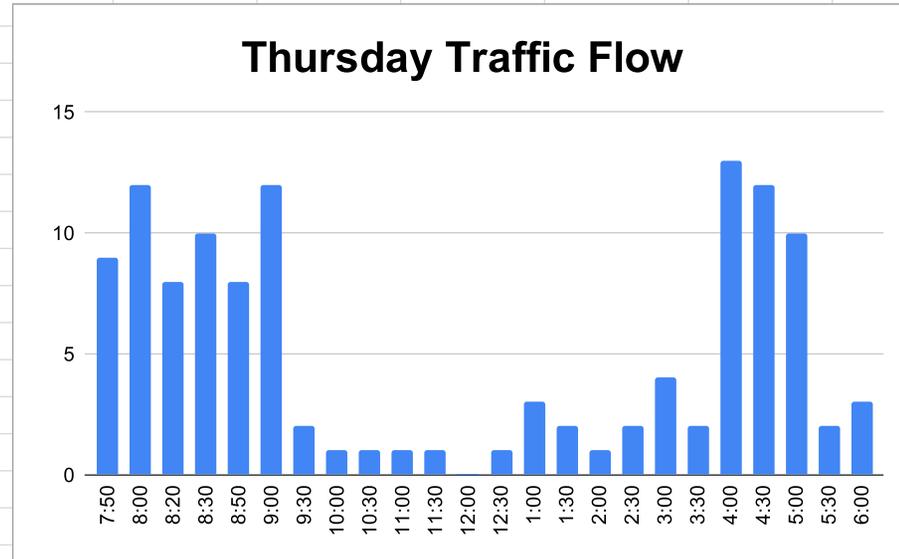


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Thursday Traffic Flow

## K1ds Count Therapy, LLC

Thursday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	3	9	0	12
8:20	8	0	0	8
8:30	1	8	1	10
8:50	8	0	0	8
9:00	2	8	2	12
9:30	1	0	1	2
10:00	0	0	1	1
10:30	0	0	1	1
11:00	0	0	1	1
11:30	0	0	1	1
12:00	0	0	0	0
12:30	0	0	1	1
1:00	0	0	3	3
1:30	0	0	2	2
2:00	0	0	1	1
2:30	0	0	2	2
3:00	0	0	4	4
3:30	0	0	2	2
4:00	0	9	4	13
4:30	0	8	4	12
5:00	0	8	2	10
5:30	0	0	2	2
6:00	0	0	3	3

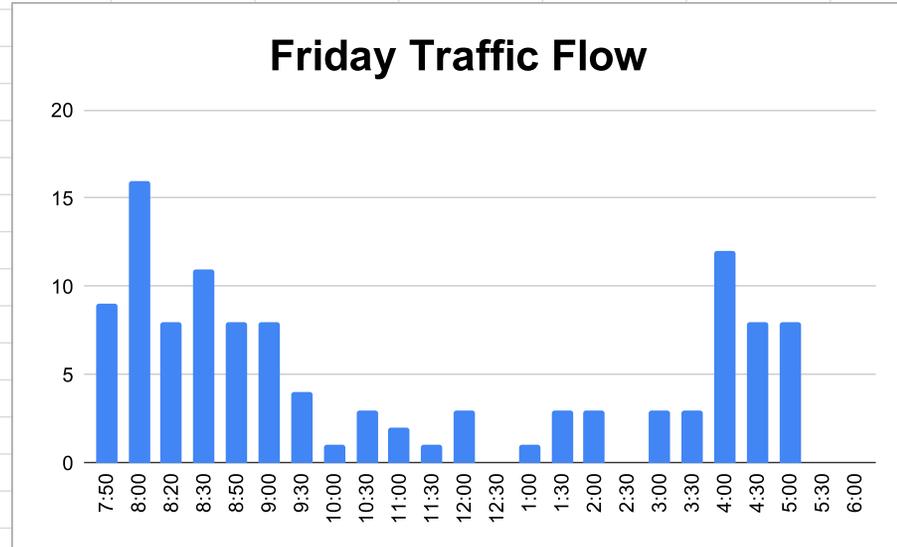


Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# Projected Friday Traffic Flow

## K1ds Count Therapy, LLC

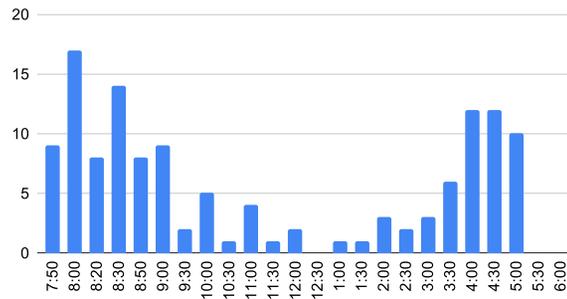
Friday				
Time	Therapists	ABA Clients	Outpatient Clients	Totals
7:50	9	0	0	9
8:00	6	9	1	16
8:20	8	0	0	8
8:30	0	8	3	11
8:50	8	0	0	8
9:00	0	8	0	8
9:30	0	0	4	4
10:00	0	0	1	1
10:30	0	0	3	3
11:00	0	0	2	2
11:30	0	0	1	1
12:00	0	0	3	3
12:30	0	0	0	0
1:00	0	0	1	1
1:30	0	0	3	3
2:00	0	0	3	3
2:30	0	0	0	0
3:00	0	0	3	3
3:30	0	0	3	3
4:00	0	9	3	12
4:30	0	8	0	8
5:00	0	8	0	8
5:30	0	0	0	0
6:00	0	0	0	0



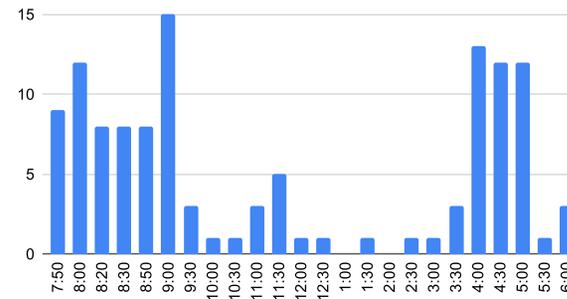
Please note: Red cells indicate 5 or more cars entering or leaving parking lot.

# K1ds Count Therapy, LLC Weekly Traffic Flow

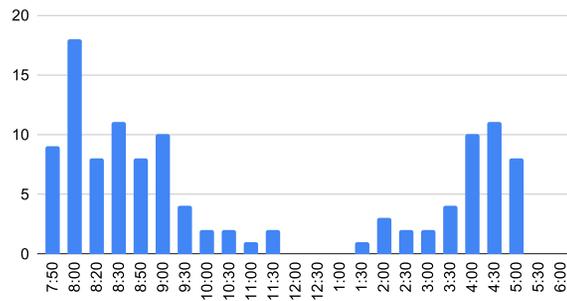
## Monday Traffic Flow



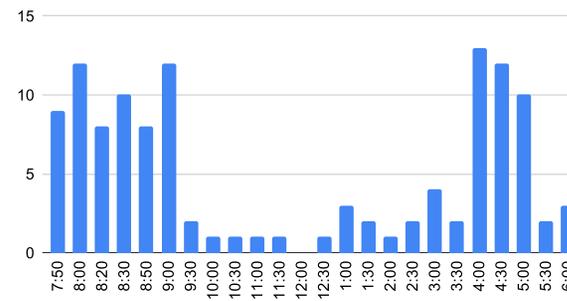
## Tuesday Traffic Flow



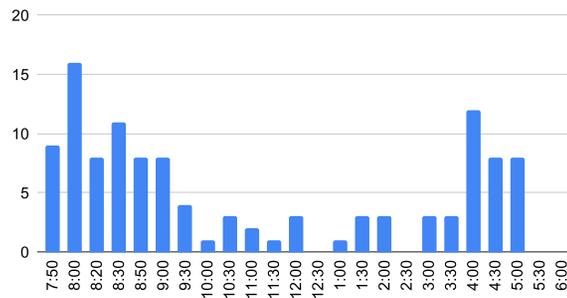
## Wednesday Traffic Flow



## Thursday Traffic Flow



## Friday Traffic Flow



Name: Larry and Margaret Martin  
Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow K1ds Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Larry and Margaret Martin

9-18-2020

Date



Name: Dana Sparks

Address: 3870 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,

  
Dana Sparks

8/19/2020  
Date

317-443-9686

barretracingfool@hotmail.com

Name: Anthony and Lynn Connan  
Address: 6556 S SR 267, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,



Anthony & Lynn Connan

8-19-20

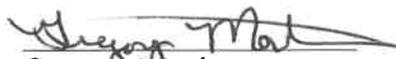
Date

Name: Gregory Martin

Address: 3948 E Whitestown Parkway, Lebanon, IN 46052

I'm writing you to express our support for the use of 3850 E Whitestown Parkway, Lebanon, IN 46052 as an outpatient pediatric therapy clinic. We encourage the BZA board and Town of Zionsville to approve the Variance of Use request to allow Kids Count Therapy to operate their pediatric outpatient clinic at this location. We feel that their operations will lead to a greater maintenance of the property, reduce light pollution, and have an overall positive impact on the surrounding families in close proximity. Lastly, we have no concern about the potential increased traffic.

Thank you,

  
Gregory Martin

Aug 19, 2020  
Date



**Petition Number:** 2020-14-DSV

**Subject Site Address:** 7655 E 550 South

**Petitioner:** LRC II, LLC

**Representative:** Larry Reitz

**Request:** Petition for Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single-Family Residential Zoning District.

**Current Zoning:** Low-Density Single Family Residential (Rural)

**Current Land Use:** Agricultural

**Approximate Acreage:** 7.11 acres

**Zoning History:** Consolidated within Town of Zionsville’s jurisdiction in 2010. No prior petitions are known.

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Petitioners Proposed Location  
Exhibit 4 – Property Record Card  
Exhibit 5 – Petitioners proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

**PETITION HISTORY**

This petition will receive a public hearing at the September 2, 2020 Board of Zoning Appeals meeting.

**PROPERTY HISTORY**

The property is comprised of approximately 7.11 acres and is presently undeveloped vacant land utilized for agricultural purposes. Though the timeline is not clear, Staff is aware that at one time the parcel was improved with one (1) single-family dwelling and associated accessory uses likely under the Boone County Area Planning jurisdiction. In 2010 the area was consolidated into Zionsville's jurisdiction. As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

**PROCEDURAL – 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:*

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

**ANALYSIS - VARIANCE REQUEST – PERMANENT ACCESSORY WITHOUT A PRIMARY**

The 7.11 -acre parcel is currently undeveloped vacant land. The Petitioner has intentions of constructing a 50 x 60 (3,000 sq. ft.) accessory structure (pole barn) primarily to store hay from the surrounding land and to house haying equipment to maintain the land, without the benefit of the property being improved with a primary structure. The proposed pole barn requires approval of a Development Standards Variance as accessory structures may not exist on a parcel without the benefit of a Primary.

By Ordinance the applicable Town development standards (See Section 194.097 Rural Property Development Standards) states:

*Accessory structures shall not be erected prior to the primary structure, except for structures classified as Farm Buildings, as stated in the definition's sections of this Ordinance (See Section 194.097, C, 1).*

*Accessory structures shall be clearly subordinate in height, area, bulk, extent, and purpose to the primary structure (See Section 194.097, C, 2).*

For reference: Farm (by Ordinance definition):

*An area comprising 20 acres or more which is primarily adapted, by reason or nature, for the use of agricultural purposes.*

For reference: Farm Building (by Ordinance definition):

*A structure on a farm which hosts agricultural storage of livestock, poultry, grain, feed, hay, farm machinery, or other similar nonresidential uses.*

The Ordinance does not support the proposed construction of this permanent accessory structure as the primary improvement on property which is located in a residentially zoned district.

The Ordinance attempts to manage the intensity of accessory structures associated with the primary structure, which in this case is to be a single-family residence. While the Board of Zoning Appeals has approved variances for accessory structures which deviated from the Ordinance standard, that support has typically been limited by setting a time within which a dwelling will also be constructed on the property (which, in turn, established the accessory structure as the subordinate building on the property) unless something unique about the property itself precluded a residence. Staff has not identified such uniqueness to this property which necessitates the variance from the applicable development standards nor are stand-alone accessory buildings an established development pattern for the area (unless such area is defined as a farm).

In further reflecting on the Board's prior approvals for accessory structures which deviated from the Ordinance standards, in these recent cases the subject properties were anticipated to be visited by the owners/occupant on an ongoing repetitive basis during the temporary approval period for the accessory structure. These visits, among other things, would elevate awareness about the status of the accessory building (and alert someone to conditions such as storm damage, acts of vandalism, trespass, etc.) With the permanent absence of a residence, a stand-alone accessory building potentially could attract nuisance issues (a concern raised in prior Board of Zoning Appeal's hearing when considering similar requests).

Specific to the current plan for the area, the Comprehensive Plan recommends low density residential development for the site (along the 550 South corridor). While the square footage of the contemplated barn is not beyond what is at times seen as associated with a residential homestead (if one were to be built on the 7.11 acres), the height, currently unknown, may result in a characteristic that is not typical.

Staff would encourage the identification of a height of the contemplated barn, and that it not exceed a height of 24 feet (measured to the peak of the roof, from grade).

By Ordinance, properties in the Low-Density Single Family Residential (Rural) District are permitted by right to be improved with Accessory Structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm.

As the subject site is not 20 acres in size, and therefore is absent compliance with the definition of a Farm, the Ordinance limits accessory uses in a manner which maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property).

**SUMMARY**

Staff, due to the unique nature of the relationship with LRC II, LLC with the immediate area (be it Stonegate Subdivision, maintenance of properties in and adjacent to Stonegate Subdivision, and the larger parcel that is the subject of this filing), and that the parcel could be improved with a single-family dwelling in the future that results in a property being in compliance with the accessory standard, is supportive of the presence of an accessory building without the benefit of a primary. Additionally, the property in question, per the Property Record Card, indicates that the property provides for 5.7 acres as the “measured acreage” (See Exhibit 4). While 3,000 square feet likely would be ample size to adequately store baled hay (string baled or rolled), without a floor plan, Staff finds it impossible to support the request as filed.

Further, Staff, as a part of its review, unfortunately, did not have the benefit of several details regarding the proposed pole barn; such as the location of the proposed barn from the centerline of the county road and/or parcel lines, the proposed height (as previously mentioned), the proposed building material or floor plans of the interior floor(s) (as previously mentioned).

Additionally, as a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site in an attempt to identify similarly situated properties enjoying similar deviations. A review of the development pattern in the immediate area did not find nearby sites absent the benefit of a primary other than parcels defined as a farm.

**STAFF RECOMMENDATIONS**

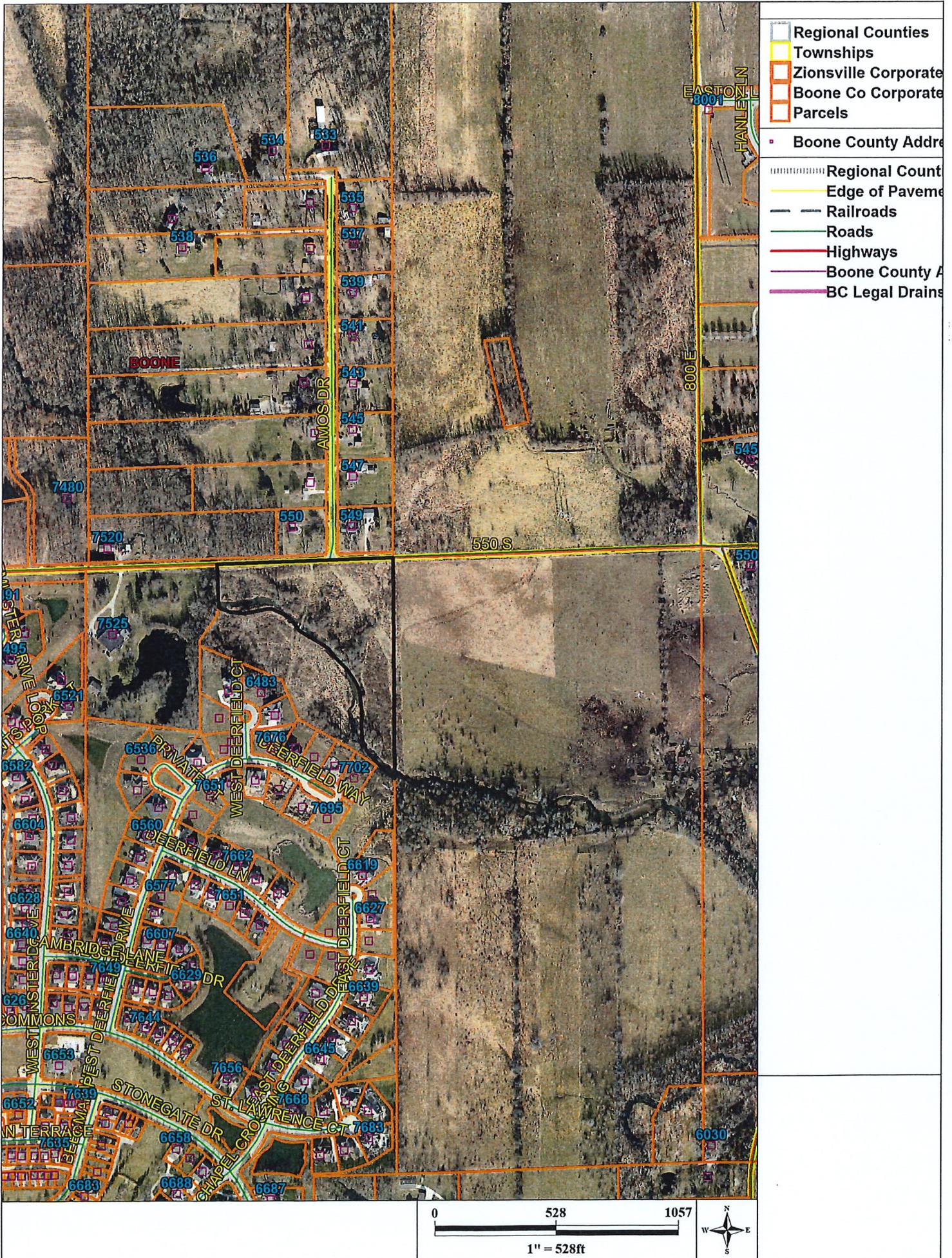
Staff is supportive of an accessory building being constructed on the property (absent a primary structure). At this time, Staff is not supportive of a 3,000 square foot barn described in Docket #2020-14-DSV, seeking to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure, as filed. Staff is suggesting that if the Board is inclined to support the Petition, that limitations be potentially established related to (but not limited to) the occupancy of the property and the duration of the occupancy (and identify both the proposed height and contemplated floor plan).

**RECOMMENDATION MOTION**

I move that Docket # 2020-14-DSV Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low-Density Single Family Residential Zoning District, be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).

**PROCEDURAL NOTE**

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



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

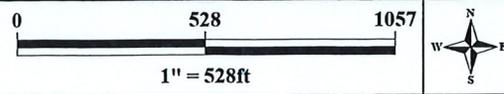


Exhibit 2

NORTH LINE, SW 1/4,  
SEC. 32-T18N-R2E

SITE:  
A PORTION OF THE  
PROPERTY OF LRC II, LLC  
INST. #201100006845

POINT BEGINNING  
309,576.4 SQ. FT. ±  
7.1069 ACRES ±

RED LINE  
FLOOD LINE  
LIMITS OF BUILDABLE  
AREA  
(w/o AN UPDATED LETTER  
OF CORRECTION)

N88°19'29"E - 761.42' (M)



N43°05'28"W - 8.71' (M)

N69°39'13"W - 43.77' (M)

N83°30'16"W - 63.74' (M)

S79°39'20"W - 102.93' (M)

S87°40'59"W - 21.44' (M)

N64°35'21"W - 75.06' (M)

N44°56'19"W - 26.50' (M)

N34°19'06"W - 41.09' (M)

N44°56'19"W - 20.19' (M)

N60°03'04"W - 89.56' (M)

N55°22'32"W - 48.77' (M)

N39°34'58"W - 40.56' (M)

N45°20'06"W - 79.34' (M)

N34°01'59"W - 70.05' (M)

N22°57'44"W - 38.79' (M)

N06°42'52"W - 90.76' (M)

N01°38'17"E - 65.17' (M)

N04°44'30"W - 53.23' (M)

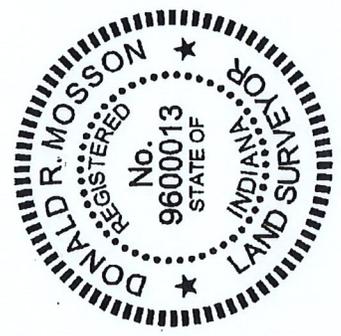
PIPELINE

FISHBACK CREEK

ADJOINER:  
STONEGATE SECTION XII-C  
SECONDARY PLAT  
INST. #201600006812  
PLAT BOOK 24, PAGE 46-48



( IN FEET )  
1 inch = 100 ft.



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

*Donald R. Mosson*

This instrument and description was prepared for LRC II, LLC by Donald R. Mosson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.

<b>Parcel Number</b> 003-13570-00	<b>Ownership Name</b> BOONE, IN EAGLE	<b>Transfer of Ownership Date</b> Aug 16, 2011	<b>Grantor</b> REITZ LAWRENCE A & CAROL - Aug 11, 2011	<b>Year 2020</b>	<b>Card 1 Amount</b>	<b>Type</b> 0.00 Straight
<b>County</b> BOONE, IN	<b>Township</b> EAGLE	<b>Address</b> 6250 STONEGATE LN ZIONSVILLE, IN 46077				
<b>Property Class</b> 100	<b>Map</b> 06-08-32-000-015-000-005					
<b>Tax District</b> 003 Eagle/Zionsville Rural	<b>Plat</b> 3500-eagle res acreage-3500					
<b>Neighborhood</b> 3500-eagle res acreage-3500						
<b>Property Address</b> 7655 E 550 S ZIONSVILLE, IN 46077						

VALUATION RECORD		2020	2019	2018
<b>Account Book</b>	68916			
<b>Reason for Change</b>				
<b>Land</b>		6,600	8,000	8,200
		6,600	8,000	8,200
<b>Improvements</b>		0	0	0
		0	0	0
		0	0	0
		0	0	0
<b>Total Assessed Value:</b>		<b>6,600</b>	<b>8,000</b>	<b>8,200</b>

VACANT AGRICULTURAL-100 PRINTED FROM BOONE COUNTY, INDIANA

LAND DATA AND COMPUTATIONS									
Land Type	Soil I.D.	Measured Acreage	Factor	Base Rate	Adjusted Rate	Estimated Value	Influence Factor	Land Value	Parcel Acreage
4	CudA	0.910	0.89	1280.00	1139.00	1040		1040	81 Legal Drain NV [-] 1.140
4	EdeAW	3.080	0.95	1280.00	1216.00	3750		3750	82 Public Roads NV [-] 0.430
4	MnpD2	1.800	0.77	1280.00	986.00	1770		1770	83 UT Towers NV [-] 0.000
81		1.140	1.00	1280.00	1280.00	1460	0 : 100	0	9 Homesite(s) [-] 0.000
82		0.430	1.00	1280.00	1280.00	550	0 : 100	0	92 Ag Excess [-] 0.000
<b>TOTAL ACRES FARMLAND</b>									5.790
<b>True Tax Value</b>									6560
<b>Measured Acreage</b>									5.790
<b>Average Farmland Value / Acre</b>									1133.00
<b>VALUE OF FARMLAND</b>									6560
<b>Classified Land Total</b>									0
<b>TOTAL FARMLAND/CLASS LAND VALUE</b>									6600
<b>Homesite(s) Value</b>									[+] 0
<b>92 Ag Excess Value</b>									[+] 0
<b>TOTAL TRUE TAX LAND VALUE</b>									6600
<b>LAND TYPE CODES</b>									
F	Front Lot								5 Non-liable Land
R	Rear Lot								6 Woodland
1	Comm. Ind. Land								7 Other Farmland
11	Primary								71 FarmBuildings
12	Secondary								72 Water
13	Undeveloped Usable								73 Wetlands
14	Undeveloped								8 Ag Support Land
2	Classified Land								81 Legal Ditch
3	Undeveloped Land								82 Public Road
4	Tillable Land								83 Utility Trans. Tower
41	Flooded Occasionally								9 Ag Support Land
42	Flooded Severely								91 Res Excess Acres
43	Farmed Wetlands								92 Ag Excess Acres
<b>Measured Acreage</b>									7.36
<b>Total Land Value</b>									6600

**Property Sub Class:**

**Memorandum**

Updated per field review -- Remove grain bin, corn crib, adj util shed for 12p13  
 2014 pay 2015 Update per Field Review - Updated Sketch NC  
 Corr SqFt Bsmt vs Crawl per DH, Eff YB to 1960, Rem Barn  
 2019 pay 2020 checked per pictometry-no change



**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 grant will not be injurious to the public health, safety, morals and general welfare as the requested improvement would not provide an opportunity to create a health, safety or moral injury to the public

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

The adjacent properties will not be adversely affected as the improvement will increase the value of the parcel where the improvement will be located.

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

Construction of an accessory building in conjunction with a house would likely be allowed.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

\_\_\_\_\_

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-14-DSU

### 1. SITE INFORMATION:

Address of Property: 7655 E. 550 SOUTH  
Existing Use of Property: AGRICULTURAL  
Proposed Use of Property: AGRICULTURAL - RESIDENTIAL  
Current Zoning: R-2 Area in acres: ~~7.10~~ 7.10

### 2. PETITIONER/PROPERTY OWNER:

Petitioner Name: LRC II, LLC.  
Owner Name (if different from Petitioner): LAWRENCE A. REITZ  
Petitioner Address: 6250 STONEGATE LANE Owner Address: 6250 STONEGATE LANE  
Petitioner Phone Number: 317.709.6533 Owner Phone Number: 317.709.6533  
Petitioner E-Mail Address: stonegate/larry@aol.com Owner E-Mail Address: stonegate/larry@aol.com

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

#### Attorney/Contact Person:

Name: LARRY REITZ  
Address: 5202 S. US. HWY 421  
Phone Number: 317.709.6533  
E-Mail Address: stonegate/larry@aol.com or reitz\_larry@yahoo.com

#### 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  Variance of Development Standards  Variance of Use  Special Exception  Modification

ACCESSORY BUILDING WITHOUT PRIMARY STRUCTURE IN PLACE.

### 5. ATTACHMENTS:

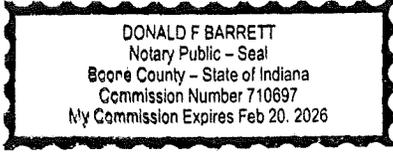
- Legal description of property  Proof of Ownership (copy of Warranty Deed)  
 Owner's Authorization (if Petitioner is not the Owner)  Site Plan & Exhibits  
 Statement of Commitments (if proposed)  Draft of Proposed Legal Notice  
 Application Fee  Draft of Proposed Findings of Fact

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: *Lawrence R. [Signature]* Date: 4/29/20

Signature of Owner or Attorney for Owner: \_\_\_\_\_ Date: \_\_\_\_\_

State of INDIANA )  
County of Boone )  
SS:



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

*[Signature]*  
Notary Public Signature

Donald Barrett  
Notary Public Printed

My Commission No: 710697

My Commission Expires: Feb 20, 2024

My County of Residence is Boone County

④  
22.00  
+ 1.00 Not  
Meridian

201100006845  
Filed for Record in  
BOONE COUNTY, INDIANA  
MARY ALICE "SAM" BALDWIN, RECORDER  
08-16-2011 At 11:49 a.m.  
DEED 23.00

Meridian  
10-653405  
②

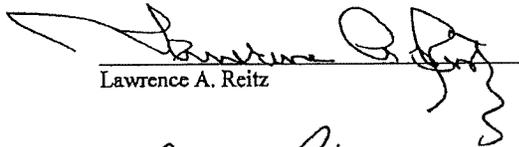
LIMITED WARRANTY DEED

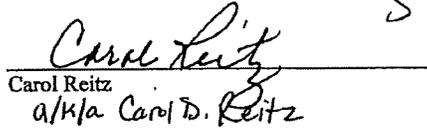
THIS INDENTURE WITNESSETH, that LAWRENCE A. REITZ and CAROL REITZ, husband and wife (collectively, "Grantors"), BARGAIN, SELL AND CONVEY to LRC II, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Grantors' fee simple interest in the real estate located in Boone County, in the State of Indiana and more particularly described in Exhibit A attached hereto and by reference made a part hereof (the "Real Estate").

The conveyance herein described is subject to: (i) current, non-delinquent real estate taxes and assessments; and (ii) all easements, agreements, restrictions, encumbrances and rights-of-way of record; and (iii) the state of facts which would be revealed by an accurate survey of the Real Estate.

Grantors covenant with Grantee, and its successors and assigns, that the Real Estate is free from all encumbrances made or suffered by Grantors except as aforesaid, and that Grantors will warrant and defend the same to Grantee and its successors and assigns against the lawful claims and demands of all persons claiming by, through or under Grantors, but against none other.

IN WITNESS WHEREOF, Grantors has executed this Limited Warranty Deed effective as of the 11<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Lawrence A. Reitz

  
\_\_\_\_\_  
Carol Reitz  
a/k/a Carol D. Reitz

DULY ENTERED FOR TAXATION  
8-16-2011  
Melody Reese  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Madison )

Before me, a Notary Public in and for said County and State, personally appeared Lawrence A. Reitz and Carol Reitz, who, after having been duly sworn, acknowledged the execution of the foregoing Limited Warranty Deed.

WITNESS, my hand and Notarial Seal this 11<sup>th</sup> day of August, 2011.

Rhonda J. Britt  
(Rhonda J. Britt) Notary Public

My Commission Expires:  
12-11-16

My County of Residence:  
Johnson



Rhonda J. Britt  
Notary Public - State of Indiana  
Madison County  
My Commission Expires Dec. 11, 2016

MTC file # 10-653405

This instrument prepared by E. Joseph Kremp, Attorney at Law, Wooden & McLaughlin, LLP, One Indiana Square, Suite 1800, Indianapolis, Indiana 46204-4208. 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. [E. Joseph Kremp]

Send Tax Statements to Grantee's Mailing Address: 6250 Stonegate Lane, Zionsville, IN 46077

Exhibit A

Lots Numbered Sixty-one (61), Sixty-two (62), Sixty-four (64), Sixty-five (65), Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy-one (71) and Seventy-two (72) in Stonegate, Section III as per plat thereof recorded in Plat Book 14, page 53, amended by Surveyor's Certificate of Correction recorded October 22, 2004 as Instrument Number 0413225 and further amended by Surveyor's Certificate of Correction recorded July 11, 2007 as Instrument Number 200700007245 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Six (106), One Hundred Seven (107), One Hundred Eight (108), One Hundred Ten (110), One Hundred Eleven (111) and One Hundred Twelve (112) in Stonegate, Section V as per plat thereof recorded in Plat Book 14, page 57, amended by Certificate of Correction recorded May 30, 2007 as Instrument Number 200700005582 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Twenty-seven (127) and One Hundred Thirty (130) in Stonegate, Section VI as per plat thereof recorded in Plat Book 14, page 51 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered One Hundred Thirty-two (132), One Hundred Forty-six (146), One Hundred Forty-seven (147), One Hundred Forty-eight (148), One Hundred Fifty-four (154) One Hundred Fifty-seven (157), One Hundred Sixty-two (162), One Hundred Sixty-three (163), One Hundred Seventy-three (173), One Hundred eighty-eight (188), One Hundred Eighty-nine (189), One Hundred Ninety-four (194), One Hundred Ninety-five (195) Two Hundred Two (202), Two Hundred Three (203) and Two Hundred Five (205) in Stonegate, Section VII as per plat thereof recorded in Plat Book 15, page 41, amended by Surveyor's Affidavit recorded June 29, 2005 as Instrument Number 0507187 all in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Forty-six (246), Two Hundred Forty-seven (247), Two Hundred Forty-eight (248), Two Hundred Forty-nine (249), Two Hundred Fifty (250), Two Hundred Fifty-one (251) and Two Hundred Fifty-two (252), Two Hundred Fifty-three (253) Two Hundred Fifty-four (254), Two Hundred Fifty-five (255) Two Hundred Fifty-six (256) and Two Hundred Fifty-seven (257) in Stonegate, Section VIII as per plat thereof recorded in Plat Record 17, pages 44 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Twelve (212), Two Hundred Thirteen (213), Two Hundred Eighteen (218), Two Hundred Nineteen (219), Two Hundred Twenty-one (221), Two Hundred Twenty-two (222), Two Hundred Twenty-six (226), Two Hundred Twenty-seven (227) in Stonegate, Section IX as per plat thereof recorded in Plat Record 17, pages 25-27 in the Office of the Recorder of Boone County, Indiana.

ALSO: Lots Numbered Two Hundred Sixty-nine Townhome B (269B) and Two Hundred Sixty-nine Townhome C (269C) in Replat of Lot 63 of Stonegate Section III/ Lots 267A-267D, 268A-268D, & 269A-269C of Replat Lots 265-269 and Common Area G of Stonegate, Section VIII as per replat thereof recorded in Plat Book 19, page 46 in the Office of the Recorder of Boone County, Indiana.

ALSO: A part of the Southwest Quarter and the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian in Eagle Township, Boone County, Indiana more particularly described as follows:

BEGINNING at the northwest corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East; thence South 00 degrees 26 minutes 48 seconds East 639.46 feet along the West Line of said quarter section to the northwestern corner of Tract I as described in Deed Record 206, Page 615 (as recorded in the Office of the Recorder of Boone County, Indiana) with the next six (6) courses being along the boundary of said Tract I; (one) thence South 82 degrees 37 minutes 05 seconds East 499.20 feet; (two) thence North 00 degrees 27 minutes 04 seconds West 384.50 feet; (three) thence North 35 degrees 33 minutes 02 seconds East 141.70 feet; (four) thence North 00 degrees 27 minutes 04 seconds West 220.71 feet; (five) thence North 88 degrees 19 minutes 29 seconds East 761.42 feet; (six) thence South 00 degrees 27 minutes 36 seconds East 1,705.35 feet to the northeastern corner of Stonegate Section VI (as recorded in Plat Book 14, Page 52 in said Recorder's Office) with the next five (5) courses being along the boundary of said Stonegate Section VI; (one) thence North 83 degrees 38 minutes 15 seconds West 165.76 feet to a point on a non-tangent curve concave to the west, said point lying South 83 degrees 40 minutes 07 seconds East 625.00 feet from the radius point thereof; (two) thence southerly 19.64 feet to a point lying South 81 degrees 52 minutes 06 seconds East 625.00 feet from the radius point thereof; (three) thence North 81 degrees 52 minutes 06 seconds West 50.00 feet to a point on a non-tangent curve concave to the west, said point lying South 81 degrees 52 minutes 06 seconds East 575.00 feet from the radius point thereof; (four) thence

southerly 140.31 feet to a point lying South 67 degrees 53 minutes 14 seconds West 575.00 feet from the radius point thereof; (five) thence North 67 degrees 53 minutes 14 seconds West 130.00 feet to the northeastern corner of Stonegate Section III (as recorded in Plat Book 14, Page 56 in said Recorder's Office) with the next nine (9) courses being along the boundary of said Stonegate Section III; (one) thence North 67 degrees 50 minutes 17 seconds West 97.36 feet; (two) thence North 24 degrees 40 minutes 35 seconds East 130.03 feet to a point on a non-tangent curve concave to the northeast, said point lying South 24 degrees 35 minutes 38 seconds West 525.00 feet from the radius point thereof; (three) thence northwesterly 130.32 feet along said curve to a point lying South 38 degrees 48 minutes 59 seconds West 525.00 feet from the radius point thereof; (four) thence South 33 degrees 33 minutes 28 seconds West 130.62 feet; (five) thence North 50 degrees 53 minutes 18 seconds West 170.05 feet; (six) thence North 58 degrees 19 minutes 55 seconds West 73.12 feet; (seven) thence North 64 degrees 51 minutes 15 seconds West 161.33 feet; (eight) thence South 19 degrees 50 minutes 29 seconds West 132.13 feet; (nine) thence North 73 degrees 54 minutes 53 seconds West 130.00 feet to an eastern corner of Stonegate Section VII (as recorded in Plat Book 15, Page 41 in said Recorder's Office) with the next seventeen (17) courses being along the boundary of said Stonegate Section VI; (one) thence North 73 degrees 53 minutes 35 seconds West 50.00 feet; (two) thence South 16 degrees 00 minutes 26 seconds West 7.05 feet; (three) thence North 74 degrees 05 minutes 33 seconds West 132.86 feet; (four) thence North 70 degrees 55 minutes 36 seconds West 88.12 feet; (five) thence North 02 degrees 48 minutes 24 seconds East 359.98 feet; (six) thence North 12 degrees 27 minutes 06 seconds West 143.65 feet; (seven) thence North 22 degrees 40 minutes 32 seconds West 117.18 feet; (eight) thence North 33 degrees 03 minutes 26 seconds West 120.44 feet; (nine) thence North 42 degrees 03 minutes 34 seconds West 32.72 feet; (ten) thence South 48 degrees 31 minutes 57 seconds West 121.84 feet; (eleven) thence North 42 degrees 02 minutes 04 seconds West 64.18 feet; (twelve) thence South 47 degrees 56 minutes 26 seconds West 50.00 feet; (thirteen) thence North 42 degrees 03 minutes 34 seconds West 113.21 feet; (fourteen) thence South 44 degrees 20 minutes 22 seconds West 246.44 feet; (fifteen) thence South 20 degrees 15 minutes 48 seconds West 233.90 feet; (sixteen) thence South 00 degrees 23 minutes 16 seconds East 263.22 feet; (seventeen) thence South 88 degrees 18 minutes 21 seconds West 1.62 feet to the southwestern corner of Tract II as described in said Deed Record 206, Page 615; thence North 00 degrees 29 minutes 08 seconds West 1,322.48 feet along the western line of said Tract II to the North Line of the Southwest Quarter of said Section 32; thence North 88 degrees 19 minutes 29 seconds East 668.83 feet along said North Line to the POINT OF BEGINNING and containing 53.063 acres more or less.

E. Am. Fed. Natl. Tr. & S. Co.  
Att. J. O. Kelly Form No. 3

Note: Use of this form constitutes practice of law and is limited to practicing lawyers.

### WARRANTY DEED

2 fl  
3 2 fl  
4 1 mtg

THIS INDENTURE WITNESSETH, That Robert E. Hanley

("Grantor")

of Kauai County, in the State of Hawaii, CONVEYS  
AND WARRANTS to Lawrence A. Reitz and Carol Reitz, husband  
and wife,

of Marion County, in the State of Indiana, for the sum  
of One Dollars (\$ 1.00 ) and other  
valuable consideration, the receipt of which is hereby acknowledged, the following described real  
estate in Boone County, in the State of Indiana:

The real estate described as Tract I and Tract II on  
Exhibit A attached hereto and made a part hereof.

Subject to taxes and assessments due and payable in  
May, 1978, and thereafter.

Subject to legal highways and to easements, rights of  
way and restrictions of record and subject also to an  
easement to Public Service Company of Indiana, Inc.  
acquired by virtue of Cause No. S75-37 in Boone Superior  
Court, the damages to be awarded thereby are the property  
of Joseph J. Spalding and Dorothy R. Spalding.

This deed is executed by H. Earl Capehart, Jr., attorney-  
in-fact for the Grantor pursuant to that certain Power  
of Attorney dated October 18, 1977, and recorded with  
the Recorder of Boone County, Indiana, on October 24,  
1977, in Misc. Record 72 pages 195-196.

6222  
RECEIVED FOR RECORD  
At 9:45 o'clock A.M. and Recorded in  
Misc. Record 206 Page 615  
NOV 4 1977  
Pauline Heckmann  
Recorder, Boone County, Ind.

11-4-77  
Barbara Gray

IN WITNESS WHEREOF, Grantor has executed this deed this 2nd day of  
November, 1977

Signature \_\_\_\_\_ (SEAL)  
Printed \_\_\_\_\_

ROBERT E. HANLEY  
Signature BY: H. Earl Capehart, Jr. (SEAL)  
Printed H. Earl Capehart, Jr.,  
Attorney-in-Fact

STATE OF INDIANA }  
COUNTY OF MARION } SS:

I, Oberine N. Tinay, a Notary Public in and for said County and State, personally appeared H. Earl  
Capehart, Jr., Attorney-in-Fact for Robert E. Hanley,  
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly  
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 2nd day of November, 1977  
My commission expires December 5, 1980  
Signature Oberine N. Tinay  
Printed Oberine N. Tinay, Notary Public

This instrument was prepared by H. Earl Capehart, Jr., attorney at law.

Return to: \_\_\_\_\_

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Send tax statements to: R R 2  
Genevieve Gadiano Ho 077

Tract I

A part of the west half of the southeast quarter of Section 32, Township 18 North, Range 2 East, and being more particularly described as follows, to-wit:

Beginning at the northeast corner of the west half of the southeast quarter of Section 32, Township and Range aforesaid, proceed thence south 1 degree 34 minutes 29 seconds west for a distance of 2640.70 feet; thence north 89 degrees 33 minutes 08 seconds west for a distance of 1347.70 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 2003.50 feet; thence south 80 degrees 54 minutes 28 seconds east for a distance of 498.90 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 384.50 feet; thence north 37 degrees 48 minutes 38 seconds east for a distance of 141.70 feet; thence north 1 degree 42 minutes 38 seconds east for a distance of 215.95 feet; thence south 89 degrees 34 minutes 06 seconds east for a distance of 762.75 feet to the point of beginning, containing 73.31 acres, more or less.

Located in Eagle Township, Boone County, Indiana.

Tract II

A part of the northeast quarter of the southwest quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, and being more particularly described as follows, to-wit:

Beginning at the northeast corner of the southwest quarter of Section 32, Township and Range aforesaid, thence south 1 degree 42 minutes 38 seconds west along the east line of the southwest quarter for a distance of 1319.54 feet; thence north 89 degrees 33 minutes 38 seconds west for a distance of 668.29 feet; thence north 1 degree 40 minutes 34 seconds east for a distance of 1319.43 feet to the north line of the southwest quarter; thence south 89 degrees 34 minutes 06 seconds east for a distance of 669.09 feet to the point of beginning, containing 20.25 acres, more or less.

Located in Eagle Township, Boone County, Indiana.

RECEIVED FOR EXAMINATION  
11-4-77  
*Barbara Gray*  
Recorder Boone County

RECEIVED FOR RECORD

At \_\_\_\_\_ O'Clock \_\_\_\_\_ M, and Recorded in  
Record 206 Page 616

NOV 4 1977

*Pauline Heckmann*  
Recorder, Boone County, Ind.

EXHIBIT A

212





Attribute report for active ID 1

ID name	add1	add3
✓ 39856 HARMON DEBORAH J ETAL	5690 S 800 E	ZIONSVILLE, IN 46077
✓ 40109 STONEGATE COMMUNITY PROPERTY O	212 W 10TH STE B 300	INDIANAPOLIS, IN 46202
40290 SAMRA SR GURPREET SINGH & SIMR	7702 DEERFIELD WAY	ZIONSVILLE, IN 46077
40308 LRC II LLC	6250 STONEGATE LN	ZIONSVILLE, IN 46077
40313 MORELL JAVIER R	7696 DEERFIELD WAY	ZIONSVILLE, IN 46077
40328 RAYMOND-GUILLEN LUKE AND JACK	7684 DEERFIELD WAY	ZIONSVILLE, IN 46077
40329 DOYLE JAMES SHAWN & DANIELLE S	7690 DEERFIELD WAY	ZIONSVILLE, IN 46077
40344 WALTON JOHN & MEREDITH LAINE	7676 DEERFIELD WAY	ZIONSVILLE, IN 46077
40387 SEILER RUSSELL B & NICOLE A	160 RAINTREE DR	ZIONSVILLE, IN 46077
✓ 40758 BALLARD BRIAN J	550 AMOS DR	ZIONSVILLE, IN 46077
✓ 40759 LANE DERRICK J	7520 E 550 S	ZIONSVILLE, IN 46077
✓ 40760 BUNCH CLAUDE R & EDNA E	549 AMOS DR	ZIONSVILLE, IN 46077
✓ 40761 HARMON ERNEST J ETAL	5690 S 800 E	ZIONSVILLE, IN 46077

✓ JENNIFER L. MILLS 7525 E. 550. S ZIONSVILLE 46077





ZIONSVILLE  
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 ZIONSVILLE, IN 46077-9998  
 (800) 275-8777

08/22/2020 12:53 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157678566			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157678573			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157678559			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157679044			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157679068			
Total			\$4.10
First-Class Mail® Letter	1		\$0.55
Zionsville, IN 46077 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020			
Certified			\$3.55
USPS Certified Mail # 70192970000157679051			
Total			\$4.10

First-Class Mail® Letter	1	\$0.55
Indianapolis, IN 46202 Weight: 0 Lb 0.70 Oz Estimated Delivery Date Tuesday 08/25/2020		
Certified		\$3.55
USPS Certified Mail # 70192970000157679075		
Total		\$4.10
Grand total:		\$28.70

Credit Card Remitd	\$28.70
Card Name: VISA	
Account #: XXXXXXXXXXXX7439	
Approval #: 634732	
Transaction #: 090	
AID: A0000000031010	Chip
AL: VISA CREDIT	
PIN: Not Required	

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CALL OUR CLASSIFIED DEPARTMENT AT 1-888-663-1063 WITH YOUR AD NOW! We want to help you sell the items you no longer use.

Elvitz NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County, Indiana, in Cause No. 06001-1903-MF-000342, wherein Lakeview Loan Servicing, LLC, was Plaintiff, and Herbert D. Elvitz aka Herbert Elvitz was a Defendant, requiring me to make Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10 a.m., or as soon thereafter as is possible, at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.

A part of the NW Quarter, Sec. 24, T20N, R2E, Second P.M., Marion Township, Boone County, Indiana, more particularly described as follows: From the Southwest Corner of said quarter, marked by an iron bar, proceed thence East (assumed bearing) 597.45 feet along the South line of said quarter, also being the approximate centerline of County Road 850 N, to the point of beginning, marked by a railroad spike, thence continue on said line a distance of 150.00 feet to a railroad spike, thence North 1 degree, 17 minutes 50 seconds East a distance of 145.24 feet to an iron bar, thence West a distance of 150.00 feet to an iron bar, thence South 1 degree 17 minutes 50 seconds West a distance of 145.24 feet to the point of beginning, containing 50000 acres and being subject to the rights of way of County Road 850 North.

More commonly known as 7140 E 850 N, Sheridan, IN 46069-8972 Parcel No: 06-16-20-000-006-001-012 Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.

Michael T. Nissen, Sheriff Marion Township The Sheriff's Department does not warrant the accuracy of the street address published herein. Attorney for Plaintiff: J. Dustin Smith ATTORNEY NO: 29493-06 Manley Deas Kochalski LLC P.O. Box 441039 CAUSIS: 06001-1903-MF-000342 TLR-501 822, 29, 9/5 hspaxp

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Smith TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

Waikins 19-026566 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

Public Notices

Waikins 19-026566 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County, Indiana, in Cause No. 06001-1908-MF-001147, wherein Phoenix Corporation was Plaintiff, and William Waikins, AKA William C. Waikins, Rebecca Guerrero-Waikins, AKA Rebecca S. Guerrero, The United States of America, The Secretary of Housing and Urban Development and Green Vista Homeowners Association, Inc. were Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 AM, or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.

Replac a Subdivision in Boone County, Indiana, as per the plat thereof recorded September 25, 2003 in Plat Book 14, page 14, as Instrument Number 0317756, in the Office of the Recorder of Boone County, Indiana.

Parcel No: 06-10-00-005-027-002 Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.

Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause No. 06001-1908-MF-001147 in the Superior Court of the County of Boone, Indiana.

Urban 19-027783 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County, Indiana, in Cause No. 06001-1912-MF-001822, wherein U.S. Bank National Association, as Indenture Trustee, and Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 AM, or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.

Parcel No: 06-10-25-000-027-011-002 Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.

Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause No. 06001-1912-MF-001822 in the Superior Court of the County of Boone, Indiana.

Kneger STATE OF INDIANA, SS. COUNTY OF BOONE THE BOONE SUPERIOR COURT, No. 1 06001-2001-MF-000113, in the Matter of the Unsuccessful Estate of DOLORES MAE KRUEGER, Deceased.

NOTICE OF ADMINISTRATION Notice is hereby given that DONNA KRUEGER-KADEL was on the 29th day of August, 2020, appointed personal representative of the estate of Dolores Mae Krueger, deceased, the above-entitled cause.

All persons having claims against said estate, whether or not due, must file the claim in said Court within Three (3) months from the date of the first publication of this notice, or within Nine (9) months after the date of the filing of this notice, whichever is earlier, or the claims will be forever barred.

Dated at Lebanon, Indiana, this 29th day of July 2020. /s/ Jessica Floyd Clerk of the Boone Superior Court, No. 1 Casey D. Floyd, #4245-02 Attorney at Law, 1060 East 86th Street, Suite 63A Indianapolis, Indiana 46240 (317)352-5304 fax casey@cfloyd.com

Smith TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

Public Notices

lollows: Beginning at a point 229.30 feet west of the northeast corner of the northeast quarter of the southeast quarter of Section 24, Township 19 North, Range 1 East, and run thence south 134.20 feet; thence south 87 degrees 8 minutes east 80 feet; thence north 2.90 feet; thence north 80 degrees 12 minutes east 151.00 feet to the half section line; thence south 16.70 feet following the half section line to an iron pipe; thence west 353.30 feet to an iron pipe; thence north 200 feet to the half section line and center of public road 250-N; thence east 12.4 feet following the half section line and center of public road 250-N to the place of beginning, containing 344 acre, more or less.

TRACT II: A part of the southwest quarter of Section 24, Township 19 North, Range 1 East, in Center Township, Boone County, Indiana, and being more particularly described as follows: Commencing at the northeast corner of said quarter section; thence west along the north line thereof, 22.3 feet; thence east along an existing fence line 134.2 feet; thence south 87 degrees 08 minutes east along an existing fence, 80.0 feet; thence north 12.8 feet; thence north 80 degrees 12 minutes east along an existing fence 151.0 feet to the east line of the southeast quarter of said Section 24; thence north along said east line, 123.3 feet to the place of beginning, containing .878 acre, more or less.

More commonly known as 5445 East 250 North, Lebanon, IN 46052 Parcel No: 06-11-24-000-000-000-001 Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.

Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause No. 06001-1908-MF-001147 in the Superior Court of the County of Boone, Indiana.

Hand 19-045719 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County, Indiana, in Cause No. 06001-2001-MF-000113, wherein The Huntington National Bank was Plaintiff, and Nancy Hand, AKA Nancy Hand and The Huntington National Bank were Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 AM, or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.

Parcel No: 06-10-25-000-011-183-002 Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.

Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause No. 06001-2001-MF-000113 in the Superior Court of the County of Boone, Indiana.

Manley Deas Kochalski LLC P.O. Box 441039 CAUSIS: 06001-2001-MF-000113 TLR-495 822, 29, 9/5 hspaxp

Kneger STATE OF INDIANA, SS. COUNTY OF BOONE THE BOONE SUPERIOR COURT, No. 1 06001-2001-MF-000113, in the Matter of the Unsuccessful Estate of DOLORES MAE KRUEGER, Deceased.

NOTICE OF ADMINISTRATION Notice is hereby given that DONNA KRUEGER-KADEL was on the 29th day of August, 2020, appointed personal representative of the estate of Dolores Mae Krueger, deceased, the above-entitled cause.

All persons having claims against said estate, whether or not due, must file the claim in said Court within Three (3) months from the date of the first publication of this notice, or within Nine (9) months after the date of the filing of this notice, whichever is earlier, or the claims will be forever barred.

Dated at Lebanon, Indiana, this 29th day of July 2020. /s/ Jessica Floyd Clerk of the Boone Superior Court, No. 1 Casey D. Floyd, #4245-02 Attorney at Law, 1060 East 86th Street, Suite 63A Indianapolis, Indiana 46240 (317)352-5304 fax casey@cfloyd.com

Kneger STATE OF INDIANA, SS. COUNTY OF BOONE THE BOONE SUPERIOR COURT, No. 1 06001-2001-MF-000113, in the Matter of the Unsuccessful Estate of DOLORES MAE KRUEGER, Deceased.

Public Notices

Schneider STATE OF INDIANA, SS. COUNTY OF BOONE IN THE BOONE CIRCUIT COURT CAUSE NO 06001-2008-MI-936 IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BUY TO ISSUE REPLACEMENT CERTIFICATE OF TITLE

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

The allegations and statements of fact set forth in the petition are true and accurate. The Petitioner is the legal owner of an automobile described and identified as follows: Year: 1980 Make: Two Wheeler Model: Black w Green Fenders VIN: The Petitioner acquired legal title to the automobile on or about November 2019.

The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

APPROVE THE FOREGOING UNDER PENALTIES OF PERJURY. Date: 8/4/2020 /s/ William Schneider 8045 Oak St, Zionsville IN 46077 TOLB 412/219-3333 Telephone: 858-261-xxxx Driver's License #: xxx-xx-xxxx This petition was filed for hearing on October 8, 2020 at 8:15 a.m. TLR-493 822, 29, 9/5 hspaxp

Auctions

ADDITIONAL REAL ESTATE Auctions can also be found in the Real Estate for Sale section under Real Estate Auctions.

Hand 19-045719 TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES: NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me, directed from the Clerk of Boone County, Indiana, in Cause No. 06001-2001-MF-000113, wherein The Huntington National Bank was Plaintiff, and Nancy Hand, AKA Nancy Hand and The Huntington National Bank were Defendants, requiring me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, on the 1st day of October, 2020, at the hour of 10:00 AM, or as soon thereafter as is possible, at Boone County Jail at 1905 Indianapolis Avenue, Lebanon, IN 46052, the fee simple of the whole body of Real Estate in Boone County, Indiana.

Parcel No: 06-10-25-000-011-183-002 Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws.

Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause No. 06001-2001-MF-000113 in the Superior Court of the County of Boone, Indiana.

Manley Deas Kochalski LLC P.O. Box 441039 CAUSIS: 06001-2001-MF-000113 TLR-495 822, 29, 9/5 hspaxp

Kneger STATE OF INDIANA, SS. COUNTY OF BOONE THE BOONE SUPERIOR COURT, No. 1 06001-2001-MF-000113, in the Matter of the Unsuccessful Estate of DOLORES MAE KRUEGER, Deceased.

NOTICE OF ADMINISTRATION Notice is hereby given that DONNA KRUEGER-KADEL was on the 29th day of August, 2020, appointed personal representative of the estate of Dolores Mae Krueger, deceased, the above-entitled cause.

Help Wanted

WEIGHTS & MEASURES INSPECTOR Boone County is currently accepting applications for a part time Weights & Measures Inspector. This position will be responsible for conducting inspections of weighing and measuring devices in grain elevators, refineries, gravel pits, and stockyards to ensure compliance with established laws and regulations.

In addition, the incumbent will inspect and test, using calibrated weights and measures, commercial and law enforcement liquid measuring devices, packaged commodities, commercial liquid measuring devices, and commercial liquefied petroleum gas measuring devices, to ensure accuracy and compliance with state laws and regulations.

Applicants should possess a High School diploma or GED with a minimum 2.5 GPA. Applicants must pass the Indiana State Board of Health, Division of Weights and Measures, examination.

He or she should have knowledge of various types of weighing and measuring devices in common use and skill in the operation of mechanical testing equipment used in the work. Knowledge of applied mathematics; state weights and measures laws and regulations. Inspection techniques and practices is a plus.

The position reports to the Board of Commissioners. Applications or resumes must be submitted by 4:00 pm, August 31, 2020. Interviews will begin in September.

Please forward your resume and salary history to: Boone County Board of Commissioners, 116 W. Washington Street, Room 103, Lebanon, IN 46052. Attn: Kaylee Jessie

Boone County, Indiana, is an Equal Opportunity Employer.

CLASSIFIED PACKAGES CALL 1-888-663-1063.

Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020, at 7:00 PM, at the Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the following:

2020-14-DSV, LRC II, LLC requests a Development Standards Variance in order to allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District.

The property involved is more commonly known as: 7665 E 550 South and is legally described as: A copy of the Petition for Development Standards Variance, and plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077, or at: http://www.zionsville.org

Slone Seed Company Office: 317-758-0800 FAX: 317-758-0801 EMAIL: jbgabb@slonesteed.com

TOWN OF JAMESTOWN Job Vacancy Announcement Position: Electric Utility Journeyman Lineman

Help Wanted

TOWN OF JAMESTOWN Board Vacancies: Park Board-2 vacancies; Board of Zoning Appeals-2 vacancies. If interested in filling these vacancies please submit a letter of intent to the Jamestown Municipal Building at 421 East Main St., Jamestown IN 46147.



Furniture BRAND NEW QUEEN Pillowtop Mattress w/ Box, Still in Plastic, Never Used, \$195 or 540 Down Fin. Can Deliver 317-480-6463

Misc Merchandise GARAGE SALE - CLEAN Saturday, Aug. 22nd 8am - 3pm 317 Ramble Drive, Anderson Clothing up to 5X - women's, men's, young adult, and boys. Miscellaneous Classified Ads. Call at 1-888-663-1063.



Commercial/Business OFFICE SPACE FOR LEASE Available North 1", 1,200 sqft. Above Jewel Box Jewellers, 102 S. Main St., Zionsville, \$1,600/mo. 317-488-9086

Manufactured Homes NICE 2 & 3 BR, 2 BA 11'x16' LGK Thornton (765) 746-8869

FROM BIRTHDAY WISHERS... To Automotive We can help you with your Classified Ads. Call at 1-888-663-1063.

Public Notices

Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana, thence North 89 degrees 19 minutes 27 seconds East (East-Southwest) Indiana State Plane, West Zone, NAD 83 577.92 feet along the North Line of said Southeast Quarter, 180' northwestern corner of the S50363-acre tract of land granted to LRC II, LLC (LRC II Tract) according to Instrument Number 201100006845 in the Office of the Recorder of Boone County, Indiana, and to the POINT OF BEGINNING of the following two (2) courses along the boundary of said LRC Tract: (one) North 88 degrees 19 minutes 29 seconds East 761.42 feet along said North Line; (two) South 00 degrees 27 minutes 36 seconds East 942.00 feet to the northern corner of Sta. Range Section XII-C Secondary Plat recorded as Plat Book 24, Pages 46-48, Instrument Number 20160006812 in said Recorder's Office; (Stonewall Subdivision) (the following twenty-four (24) courses are along the boundary of 11 Stonewall Subdivisions): (one) North 55 degrees 29 minutes 57 seconds West 35.89 feet; (two) North 17 degrees 25 minutes 41 seconds West 29.06 feet; (three) North 40 degrees 53 minutes 39 seconds West 62.63 feet; (four) North 48 degrees 26 minutes 31 seconds West 30.89 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 42 minutes 57 seconds West 80.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 37.76 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 03 minutes 58 seconds West 73.94 feet; (thirteen) North 39 degrees 34 minutes 58 seconds West 40.05 feet; (fourteen) North 55 degrees 22 minutes 32 seconds West 48.77 feet; (fifteen) North 50 degrees 03 minutes 04 seconds West 89.56 feet; (sixteen) North 44 degrees 55 minutes 19 seconds West 20.19 feet; (seventeen) North West 26.50 feet; (eighteen) North 64 degrees 45 minutes 27 seconds West 75.06 feet; (twenty) South 87 degrees 40 minutes 59 seconds West 122.72 feet; (twenty-one) South 79 degrees 39 minutes 20 seconds West 102.93 feet; (twenty-two) North 63 degrees 59 minutes 23 seconds West 132.77 feet; (twenty-three) North 69 degrees 39 minutes 19 seconds West 43.77 feet; (twenty-four) North 43 degrees 05 minutes 28 seconds West 8.71 feet to a western line of said LRC Tract; thence North 00 degrees 27 minutes 36 seconds East 182.72 feet along said western line to the POINT OF BEGINNING, containing 309,576.4 square feet of land (1,163 acres), more or less.

LAND DESCRIPTION: Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows: Commencing at the Northwest Corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second P.M., containing 317.24 acres, more or less.

Requirements: High School Diploma or GED equivalent. Completion of 4 year electrical lineman apprenticeship. 3-6 years of experience as a journeyman lineman. Any combination of education and experience that provides

Position: Electric Utility Journeyman Lineman The Town of Jamestown, Indiana, seeks applications from qualified candidates for the position of Electric Utility Journeyman Lineman. At the supervision of the Jamestown Municipal Utilities General Manager and Town Council, the position oversees and performs electrical distribution line construction, maintenance and repair tasks for the Town of Jamestown Municipal Electric Utility.

Requirements: High School Diploma or GED equivalent. Completion of 4 year electrical lineman apprenticeship. 3-6 years of experience as a journeyman lineman. Any combination of education and experience that provides

We're here

**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,  
September 2, 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:

2020-14-DSV LRC II, LLC 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 allow the construction of an accessory structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District.

The property involved is more commonly known as: 7655 E 550 South and is legally described as:  
**(COMMON ADDRESS)**

**(INSERT LEGAL DESCRIPTION OF PROPERTY – See Attached Legal Description)**

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](mailto: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: Lebanon Reporter

**LAND DESCRIPTION**  
**LRC II, LLC NORTHEAST REMAINDER**

A portion of the property of LRC II, LLC  
A part of Instrument Number 201100006845  
November 14, 2019

A part of the Southeast Quarter of Section 32, Township 18 North, Range 2 East of the Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of Section 32, Township 18 North, Range 2 East, Second Principal Meridian, Eagle Township, Boone County, Indiana; thence North 88 degrees 19 minutes 27 seconds East (Basis of Bearing: Indiana State Plane, West Zone, NAD 83) 577.92 feet along the North Line of said Southeast Quarter to a northwestern corner of the 53.063-acre tract of land granted to LRC II, LLC ("LRC Tract") (recorded as Instrument Number 201100006845 in the Office of the Recorder of Boone County, Indiana) and the POINT OF BEGINNING of this description (the following two (2) courses are along the boundary of said LRC Tract); (one) North 88 degrees 19 minutes 29 seconds East 761.42 feet along said North Line; (two) South 00 degrees 27 minutes 36 seconds East 942.00 feet to a northeastern corner of Stonegate Section XII-C Secondary Plat (recorded as Plat Book 24, Pages 46-48, Instrument Number 201600006812 in said Recorder's Office) ("Stonegate Subdivision") (the following twenty-four (24) courses are along the boundary of said Stonegate Subdivision); (one) North 55 degrees 29 minutes 57 minutes West 35.88 feet; (two) North 47 degrees 25 minutes 41 seconds West 29.06 feet; (three) North 40 degrees 53 minutes 39 seconds West 62.63 feet; (four) North 48 degrees 26 minutes 31 seconds West 30.98 feet; (five) North 30 degrees 24 minutes 12 seconds West 35.20 feet; (six) North 18 degrees 54 minutes 23 seconds West 30.20 feet; (seven) North 04 degrees 44 minutes 30 seconds West 53.23 feet; (eight) North 01 degrees 38 minutes 17 seconds East 65.17 feet; (nine) North 06 degrees 42 minutes 32 seconds West 90.76 feet; (ten) North 22 degrees 57 minutes 44 seconds West 38.79 feet; (eleven) North 34 degrees 01 minutes 59 seconds West 70.05 feet; (twelve) North 45 degrees 20 minutes 06 seconds West 79.34 feet; (thirteen) North 39 degrees 34 minutes 58 seconds West 40.56 feet; (fourteen) North 55 degrees 22 minutes 32 seconds West 48.77 feet; (fifteen) North 60 degrees 03 minutes 04 seconds West 89.56 feet; (sixteen) North 44 degrees 56 minutes 19 seconds West 20.19 feet; (seventeen) North 34 degrees 19 minutes 06 seconds West 41.09 feet; (eighteen) North 44 degrees 56 seconds 19 seconds West 26.50 feet; (nineteen) North 64 degrees 35 minutes 27 seconds West 75.06 feet; (twenty) South 87 degrees 40 minutes 59 seconds West 21.44 feet; (twenty-one) South 79 degrees 39 minutes 20 seconds West 102.93; (twenty-two) North 83 degrees 30 minutes 16 seconds West 63.77 feet; (twenty-three) North 69 degrees 39 minutes 13 seconds West 43.77 feet; (twenty-four) North 43 degrees 05 minutes 28 seconds West 8.71 feet to a western line of said LRC Tract; thence North 00 degrees 27 minutes 04 seconds 182.72 feet along said western line to the POINT OF BEGINNING, containing 309,576.4 square feet (7.1069 acres), more or less.

NORTH LINE, SW 1/4,  
SEC. 32-T18N-R2E

POINT BEGINNING  
309,576.4 SQ. FT. ±  
7.1069 ACRES ±



SITE:  
A PORTION OF THE  
PROPERTY OF LRC II, LLC  
INST. #201100006845

EXHIBENT 'S'

RED LINE  
FLOOD LINE  
LIMITS OF BUILDABLE  
AREA  
(w/ MAX UPDATED LETTER  
OF CORRECTION)



( IN FEET )  
1 inch = 100 ft.

Note: This drawing is not intended  
to be represented as a retracement  
or original boundary survey, a route  
survey, or a Surveyor Location  
Report.

*Donald R. Mosson*

This instrument and description was  
prepared for LRC II, LLC by Donald  
R. Mosson, Indiana Land Surveyor  
No. 9600013 on the 15th day of  
November, 2019.



ADJOINER:  
STONEGATE SECTION XII-C  
SECONDARY PLAT  
INST. #201600006812  
PLAT BOOK 24, PAGE 46-48

SURVEYOR  
LEGAL  
DRAIN  
LINE

N88°19'29"E - 761.42' (M)

N43°05'28"W - 8.71' (M)

N69°39'13"W - 43.77' (M)

N83°30'16"W - 65.77' (M)

S79°39'20"W - 102.93' (M)

S87°40'59"W - 21.44' (M)

N64°35'21"W - 75.06' (M)

N44°56'09"W - 26.50' (M)

N34°19'06"W - 41.09' (M)

N44°56'19"W - 20.19' (M)

N60°03'04"W - 89.56' (M)

N55°22'32"W - 48.77' (M)

N39°34'58"W - 40.56' (M)

N45°20'06"W - 79.34' (M)

N34°01'59"W - 70.05' (M)

N22°57'44"W - 38.79' (M)

N06°42'52"W - 90.76' (M)

N01°38'17"E - 65.17' (M)

N04°44'30"W - 53.23' (M)

S00°27'36"E - 942.00' (

N00°27'04"W - 182.72' (M)

**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 grant will not be injurious to the public health, safety, morals and general welfare as the requested improvement would not provide an opportunity to create a health, safety or moral injury to the public

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

The adjacent properties will not be adversely affected as the improvement will increase the value of the parcel where the improvement will be located.

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

Construction of an accessory building in conjunction with a house would likely be allowed.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

\_\_\_\_\_

## **2020-14-DSV LRC II, LLC - Barn – Additional Information Received**

Additional information received from the petitioner 8-28-20. Therefore, Staff did not have the opportunity to review this information prior to the completion of the staff report.

**Chrissy Koenig**

---



**From:** Stonegatelarry <stonegatelarry@aol.com>  
**Sent:** Friday, August 28, 2020 12:30 PM  
**To:** Chrissy Koenig  
**Subject:** Re: Front Yard Setback?????????: ITEMS NEEDED: 2020-14-DSV LRC II, LLC  
**Attachments:** Scan\_20200828 (3).pdf

Mrs Koenig,

Good Afternoon,

We are not asking for any waivers of setbacks. What ever the building requirements are at the time that a permit is submitted, assuming a variance has been granted, will be followed.

The final location could easily be adjusted to meet the setback. The drawing is only for a general representation and is not final.

The end doors would be a typical 10' and we expect the overall building height to be 20' tall or less.

I have attached a letter that was mailed yesterday via first class mail to the adjoiners for your records.

Larry  
317.709.6533

-----Original Message-----

**From:** Chrissy Koenig <CKoenig@zionsville-in.gov>  
**To:** Stonegatelarry <stonegatelarry@aol.com>  
**Sent:** Wed, Aug 26, 2020 12:52 pm  
**Subject:** Front Yard Setback?????????: ITEMS NEEDED: 2020-14-DSV LRC II, LLC

Please confirm the proposed front yard setback of the structure +/- . The ordinance requires that it be at least "20 fee from the right-of-way or 70 feet from the center line of the road, whichever is greater"

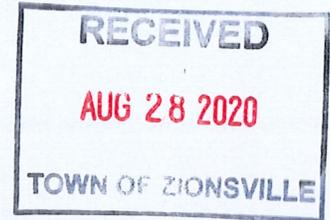
**Chrissy Koenig**  
Planner I – Petitions  
Town of Zionsville

O: (317) 873-1575  
C: (317) 995-4471  
[ckoenig@zionsville-in.gov](mailto:ckoenig@zionsville-in.gov)  
[www.zionsville-in.gov](http://www.zionsville-in.gov)



**From:** Stonegatelarry <stonegatelarry@aol.com>  
**Sent:** Wednesday, August 26, 2020 12:01 PM  
**To:** Chrissy Koenig <CKoenig@zionsville-in.gov>  
**Subject:** Re: ITEMS NEEDED: 2020-14-DSV LRC II, LLC

LRC II, LLC  
6250 Stonegate Lane  
Zionsville, IN. 46077



Neighbors:

You are likely in receipt of a certified letter from LRC, LLC regarding a Legal Notice of a public hearing by the Town of Zionsville regarding a Petition for Development Standards Variance to be heard by the Town of Zionsville Board of Zoning Appeals on September 2, 2020.

LRC II, LLC is an entity that is composed of the Reitz Family. Our family, namely, Dr. Larry and Carol Reitz, have owned the property, known as 7655 East County Road 550 South since 1978.

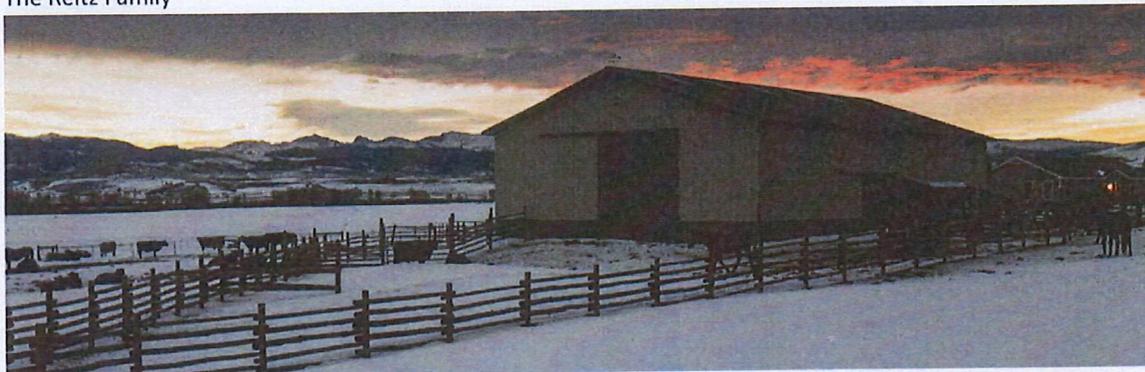
Our request before the Town of Zionsville is for a Variance to allow for the construction of an Accessory Structure to permanently exist without the benefit of a Primary Structure in the Rural Low Density Single Family Residential Zoning District (Rural R1 / Rural R2 Zoning). If a house were already located on this property a Variance would not be needed. It is possible that one single house could be constructed on this location in the future with an approved building permit.

We would like to build a maximum 50'x60' ft. pole barn on this property. Its primary use will be for the Storage of equipment associated with farm type uses (2 wood deck hay wagons, hay mower/conditioner, hay inverter, 2 agricultural use tractors, etc) and Square Bale Hay collected from the property (and possibly other properties from time to time in the Zionsville area). If we are allowed a variance for the pole barn, we would like to place it in the area identified on the attached site plan. It would be a minimum of 30' from the road (550 South). We would also supply the building with Electrical service.

The building would be similar in style and form to the Morton Building pictured here, as they are one of the vendors we are considering for this project. We would like it to have two sliding doors on each end and a service door on the side. The maximum footprint would be 50' x 60' ft. The maximum height would be 20' from grade.

If you have any questions prior to the meeting you can contact us at 317.709.6533

Respectfully,  
The Reitz Family



LANE PROPERTY | BALLARD PROPERTY | Ames | BUNCH PROPERTY | HARMON PROPERTY

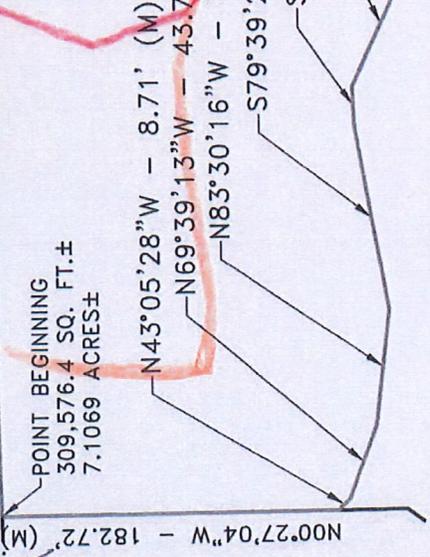
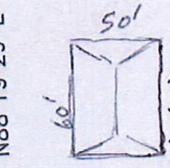
550 SOUTH

NORTH LINE, SW 1/4, SEC. 32-T18N-R2E

HARMON PROPERTY

POINT BEGINNING  
309,576.4 SQ. FT. ±  
7.1069 ACRES ±

SITE:  
A PORTION OF THE  
PROPERTY OF LRC II, LLC  
INST. #201100006845



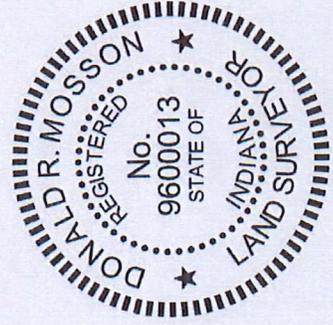
RED LINE  
FLOOD LINE  
LIMITS OF BUILDABLE  
AREA \*  
(W/O AN UPDATED LETTER  
OF CORRECTION)



( IN FEET )  
1 inch = 100 ft.

RECEIVED  
AUG 28 2020  
TOWN OF ZIONSVILLE

ADJOINER:  
STONEGATE SECTION XII-C  
SECONDARY PLAT  
INST. #201600006812  
PLAT BOOK 24, PAGE 46-48



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

*Donald R. Mosson*

This instrument and description was prepared for LRC II, LLC by Donald R. Mosson, Indiana Land Surveyor No. 9600013 on the 15th day of November, 2019.

SURVEYOR  
LEGAL DRAIN LINE

MILLS PROPERTY



**Petition Number:** 2020-23-DSV

**Subject Site Address:** 965 W Pine Street

**Petitioner:** Ryan & Molly Evans

**Representative:** Ryan & Molly Evans

**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 yard setback;  
in the Urban Residential Village Zoning District (R-V).

**Current Zoning:** Residential Village Zoning District (RV)

**Current Land Use:** Single-family Residential

**Approximate Acreage:** 0.19 acre

**Zoning History:** 2015-21-DSV- Petition for Development Standards variance in order to allow Lots 21, 22, and 23 of Schick's Addition of the Town of Zionsville to be improved with a new single-family dwelling, independent of Lot 24, and 25 of Schick's Addition (Lots 21, 22, 23, 24, and 25 of Schick's Addition were under common ownership and constituted a buildable Lot, and as a single buildable Lot was not permitted to be improved with an additional single-family residence). Approved at the August 11, 2015 Board of Zoning Appeals Meeting.

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Petitioners Narrative  
Exhibit 4 – Petitioners Existing Photo & Site Plan  
Exhibit 5 – Petitioners Proposed Site Plan  
Exhibit 6 – Petitioners Exhibits  
Exhibit 7 – Petitioners proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

### PETITION HISTORY

This Petition will receive a public hearing at the September 2, 2020 Board of Zoning Appeals meeting.

### PROPERTY HISTORY

The property is comprised of approximately 0.19 acres of Lots 21, 22 and part of Lot 23 in the Schicks Addition of the Town of Zionsville. This buildable lot was created by a developer/builder after receiving approval from the Board of Zoning Appeals in August of 2015 to allow Lots 21, 22, and 23 to be improved with a new single-family dwelling, independent of Lot 24, and 25 (Lots 21, 22, 23, 24, and 25 were under common ownership and constituted a buildable Lot, and as a single buildable Lot was not permitted to be improved with an additional single-family residence).

### ANALYSIS

The 0.19-acre parcel is currently improved with a 4,300 +/- square foot single-family dwelling built in 2017 with accessory uses. The Petitioners purchased the custom home in 2019 and installed an outdoor deck structure. Per the narrative included, the Petitioner desires to upgrade the existing outdoor living space by installing a brick paver patio from the deck to the existing boulder retaining wall which will be replaced with a masonry retaining wall inclusive of a flush mounted firepit. The proposed upgrade, contemplated to not exceed the lot coverage requirements, would require approval of a Development Standards Variance(s) as it would 1) encroach into the required 5-foot 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 YARD)

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 triangular shaped parcel is located at the western end of Pine Street, culminating into a trail head and connection to the town's Rail Trail with elevated topography, it has the unique circumstance of having its side yard adjoin the town's public trail system.

The site currently enjoys a conforming 17-foot+ side yard setback from the east parcel line and a non-conforming, approximate 1-foot, side yard setback from the west parcel line for the existing boulder

retaining wall structure. The existing aggregate side yard setbacks are likely 18-foot, conforming to the ordinance. As the Petitioners are requesting to place the proposed retaining wall in the same location of the existing boulder retaining wall, the west setback for the upgraded outdoor living space would not change from the existing 1-foot setback, keeping the proposed aggregate side yard setback the same at approximately 18-foot 0-inch.

Staff recognizes the desire to locate a more substantial/robust retaining wall for their outdoor living space to gain as much privacy as possible given the adjoining non-residential, public space along the west parcel line. Additionally, it is understood the Petitioners were not aware the boulders were placed too close to their property line. As retaining walls are exempt from permit requirements and lot coverage calculations, the town's building inspectors did not have the opportunity to review the placement of the boulders prior to their installation.

In summary, the Petitioner is requesting to utilize as much as four feet of encroachment into the required side yard setback. Encroachments into required setbacks within the Residential Village Zoning District are not uncommon. A review of setbacks in the vicinity, shows additional parcels (to the south) which enjoy the benefit of reduced side and/or aggregate side yard setbacks for similar uses. While this may be the case, and while important, this is not a deciding factor in the consideration of this petition in the opinion of Staff.

Uniquely, the Zoning Ordinance supports the presence of lateral encroachments into setbacks. This provision includes eaves and overhangs, fireboxes, bay windows, and other appurtenances. Said another way, if the retaining wall was laterally supported by a dwelling built in compliance with setback standards, it could encroach two (2) feet into the side yard setback. The fact that the retaining wall is freestanding and not laterally supported is the essence of why a variance is needed in this case.

With the above in mind and given the adjoining non-residential public space, Staff is supportive of the non-conforming 1-foot side yard setback from the west parcel line and an aggregate side yard setback of 18-foot 0-inch as illustrated on the Petitioner's site plan and exhibits attached to this staff report.

#### **STAFF RECOMMENDATIONS**

Staff is supportive 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 #2020-23-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 yard setback in the Residential Village Zoning District (RV) for the property located at 965 W Pine Street (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan and concept elevations / Denied/ Continued).



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

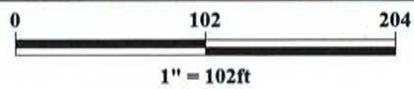


Exhibit 2

Ryan & Molly Evans  
965 W. Pine Street  
Zionsville, IN 46077

August 18, 2020

To our wonderful neighbors,

We have filed with the Town of Zionsville a Petition for Development Standards Variance complete our side/backyard. As part of the petition process we are required to inform you. The Public Hearing will be held on September 2, 2020. We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings attached) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and add a little more privacy to our yard.

If you have any questions or concerns, please feel free to contact us.

Best regards,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right.

Ryan & Molly Evans  
[Ryan.evans@iea.net](mailto:Ryan.evans@iea.net)  
(602) 460-4865



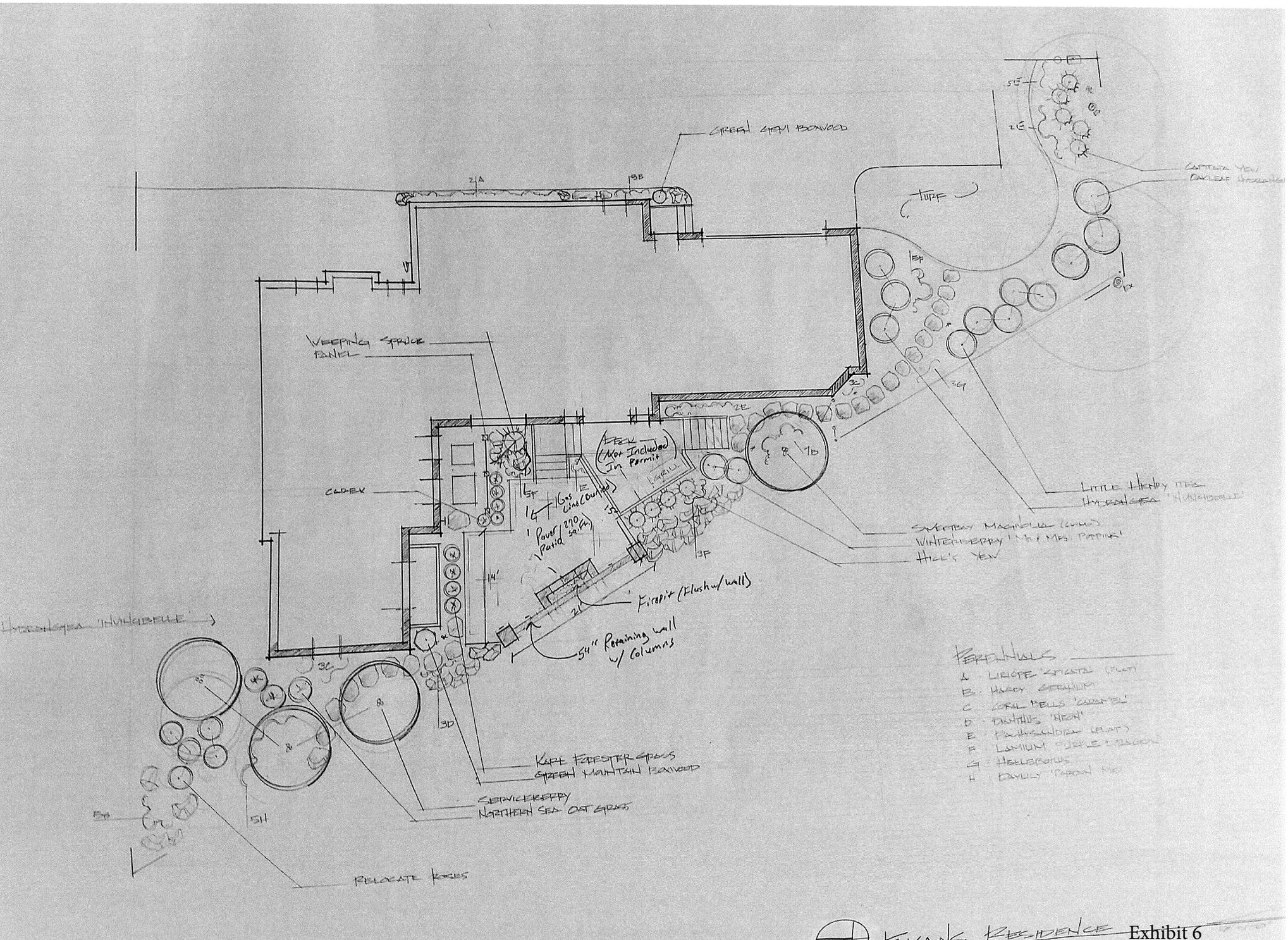


Replace these boulders with masonry wall.

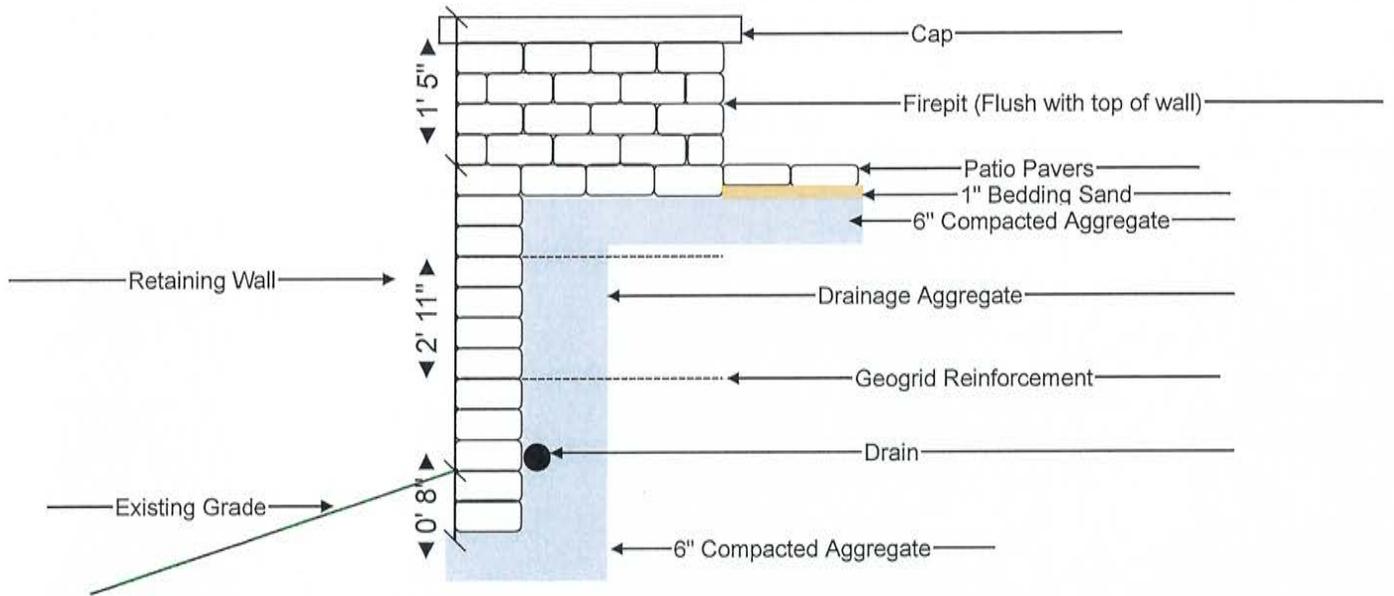
Move boulders here to add more privacy to yard.



Exhibit 5



- PERENNIALS
- A. LILOPE SPICATA (FLW)
  - B. HARDY GERANIUM
  - C. CORAL BELLS 'CASCADIA'
  - D. DIPSACIS 'HEAT'
  - E. PACHYSANDEN (FLW)
  - F. LAMIUM PURPLE BRUSH
  - G. HELIOPSIS
  - H. DANIEL 'PAPER MO'



**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. It will also enhance the Pine Street Rail Trail entrance and give our residence more privacy.*
  
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:  
*We will be removing the current boulder wall and replacing it with a visually appealing masonry wall. We will also move the existing boulders further down our property line to add more privacy from the adjacent property (Rail Trail). Our property is at a higher elevation than the adjacent property which is all "green" space.*
  
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:  
*Without the ability to add a usable outdoor living space the property cannot reach its true potential. Setting the brick patio back 5' from the property line would render the space unusable as it is already a very small space.*

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-23-DSV

### 1. SITE INFORMATION:

Address of Property: 965 W. Pine Street, Zionsville, IN 46077  
Existing Use of Property: Primary Residence  
Proposed Use of Property: Enhanced usage of our side/back yard  
Current Zoning: Residential Area in acres: 0.181

### 2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Ryan Evans  
Owner Name (if different from Petitioner): Same as above  
Petitioner Address: Same as above Owner Address: Same as above  
Petitioner Phone Number: (602) 460-4865 Owner Phone Number: Same  
Petitioner E-Mail Address: ryan.evans@iea.net Owner E-Mail Address: Same

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

#### Attorney/Contact Person:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

#### Project Engineer:

Name: Josh Mosier (Mosier Landscape)  
Address: 8206 Rockville Rd 187, Indianapolis, IN 46214  
Phone Number: (317) 271-8957  
E-Mail Address: josh@mosierlandscape.com

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

Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification

We are requesting to upgrade our side yard with a masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders (see picture). We would like to replace the boulders with a masonry retaining wall (as shown on drawings) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and also add a little more privacy to our yard. There would be no impact to the storm water line running close to our property.



Tax ID Number(s):  
019-04230-01 06-04-02-000-008.073-006

---

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH THAT**

**Everett C. McGriff and Marianne Z. McGriff, Husband and Wife**

**CONVEY(S) AND WARRANT(S) TO**

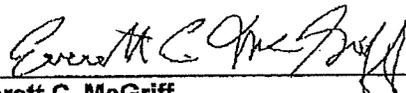
**Ryan R. Evans and Molly L. Evans, Husband and Wife**, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

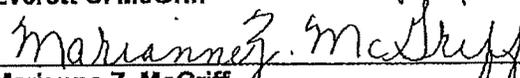
**SEE ATTACHED EXHIBIT "A"**

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 26 day of June, 2019.

  
\_\_\_\_\_  
Everett C. McGriff

  
\_\_\_\_\_  
Marianne Z. McGriff

State of IN, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Everett C. McGriff and Marianne Z. McGriff** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

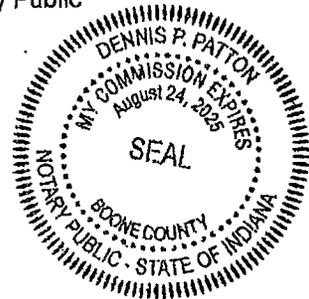
WITNESS, my hand and Seal this 26 day of June, 2019.

My Commission Expires: \_\_\_\_\_

Dennis P. Patton  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

\_\_\_\_\_  
Notary Public County and State of Residence



**This instrument was prepared by:**  
Andrew R. Drake, Attorney-at-Law  
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

**Property Address:**  
965 West Pine Street  
Zionsville, IN 46077

**Grantee's Address and Mail Tax Statements To:**

\_\_\_\_\_  
\_\_\_\_\_

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. Andrew R. Drake

## EXHIBIT A

Lots Numbered 21, 22 and 23, except 4.40' by parallel lines off the entire East side of Lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per plat thereof recorded August 18, 1923, in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.

File No./Escrow No.: 19-15199  
Officer/Escrow Officer: Becky Patton

Meridian Title Corporation  
1490 W. Oak St.  
Zionsville, IN 46077  
(317)733-9705

Property Address: 985 WEST PINE STREET  
ZIONSVILLE, IN 46077 (BOONE)  
(06-04-02-000-008.073-006)

Borrower: RYAN R. EVANS AND MOLLY L. EVANS  
3929 N Vickery Cir  
Bucokeye, AZ 85396

Seller: EVERETT C. MCGRUFF AND MARIANNE Z. MCGRUFF  
985 West Pine Street  
Zionsville, IN 46077

Settlement Date: 6/26/2019  
Disbursement Date: 6/26/2019

Seller		Description	Borrower	
P.O.C.	Debit / Credit		P.O.C.	Debit / Credit
		<b>Deposits, Credits, Debits</b>		
		Sale Price of Property		\$726,000.00
		Deposit		\$7,000.00
		Lender Credit		\$1,641.40
		<b>Prorations</b>		
		County Taxes 1/1/2018 to 6/28/2019 @ \$13,177.72/Year		\$8,354.19
		2018/2019 Fall Property Taxes		\$6,558.86
		<b>Payoffs</b>		
		Payoff of First Mortgage Loan to Horizon Bank, N.A. Payoff Department		
		Principal: \$538,852.52		
		<b>Commissions</b>		
		Real Estate Commission to F.G. Tucker Company		\$20,875.00
		Real Estate Commission to Century 21 Soheatz		\$20,875.00
		<b>New Loans</b>		
		Loan Amount		\$580,000.00
		Our origination charge \$630.00		\$630.00
		Appraisal Fee to Corelogio Valuation Solutions (POC \$505.00 by Ryan R. Evans and Molly L. Evans)	\$505.00	
		Credit Report to Corelogio Credco (POC \$27.31 by Ryan R. Evans and Molly L. Evans)	\$27.31	
		Tax service fee to Corelogio Tax Services		\$84.00
		Flood certification to Corelogio Flood Services LLC		\$5.00
		Life of Loan Flood Monitoring to Corelogio Flood Services, LLC		\$8.00
		Prepaid Interest ( \$3,5800 per day from 6/26/2019 to 7/1/2019 )		\$317.80
		Homeowner's Insurance Premium ( 12 mo.) to State Farm		\$1,176.00
		Homeowner's Insurance \$98.00 per month for 3 mo.		\$294.00
		Property Taxes \$1,008.14 per month for 6 mo.		\$5,400.70
		Aggregate Adjustment		-\$391.98
		<b>Title Charges</b>		
		Title - Lender's Title Insurance to Meridian Title Corporation		\$100.00
		Title - Owner's Title Insurance to Meridian Title Corporation		\$60.00
		Title - ALTA ENDORSEMENT 08-1-08 (Environmental Protection Lien) (LOAN) Paragraph b refo Endorsement(s) to Meridian Title Corporation		\$60.00
		Title - ALTA ENDORSEMENT 09-06 (Restrictions, Encroachments, Minerals) (LOAN) Endorsement(s) to Meridian Title Corporation		\$60.00
		Title - TIEFF to Chicago Title Insurance Company		\$5.00
		Title - CPL - Seller to Chicago Title Insurance Company		\$25.00
		Title - CPL - Lender to Chicago Title Insurance Company		\$35.00
		Title - Buyer/Borrower CPL to Chicago Title Insurance Company		\$25.00
		Title - E-Recording Fee to Simplotle		\$0.00
		Title - Closing Fee to Meridian Title Corporation		\$175.00
		Title - Settlement Services Fee to Meridian Title Corporation		\$100.00
		Title - Title Production - Loan to Meridian Title Corporation		\$75.00
		Title - Title Production - Owners to Meridian Title Corporation		\$300.00
		Title - Deed Preparation - Andrew R. Drake to Meridian Title Corporation		\$75.00
		Title - Delivery/Handling Fee - Mortgage Payoff to Meridian Title Corporation		\$25.00

			Government Recording and Transfer Charges		
			Recording fees: Deed \$25.00		\$25.00
			Mortgage \$55.00		\$55.00
			Additional Settlement Charges		
\$8,688.88			2018/2019 Spring Property Taxes to Boone County Treasurer (POC \$8,688.88 by Everett C. McGriff and Marianne Z. McGin)		
Seller			Borrower		
P.O.C.	Debit	Credit	P.O.C.	Debit	Credit
\$8,688.88	\$695,808.07	\$726,000.00	\$532.31	\$733,316.62	\$801,664.48
			Subtotals		
					\$131,762.07
			Due From Borrower		
	\$129,101.93		Due To Seller		
\$0,688.88	\$725,000.00	\$726,000.00	Totals	\$632.31	\$733,316.62

**Acknowledgement**

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Meridian Title Corporation to cause the funds to be disbursed in accordance with this statement.

BORROWER(S)

RYAN R. EVANS

MOLLY L. EVANS

SELLER(S)

EVERETT C. MCGRIFF

MARIANNE Z. MCGRIFF

SETTLEMENT COORDINATOR

Becky Patton  
Becky Patton

# Petition to the Board of Zoning Appeals

### SITE INFORMATION:

Address of Property:	965 W. Pine Street, Zionsville, IN 46077
Existing Use of Property:	Primary Residence
Proposed Use of Property:	Enhanced usage of our side/back yard
Current Zoning:	Residential

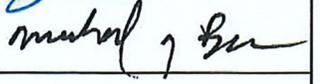
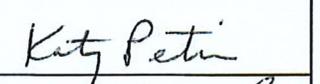
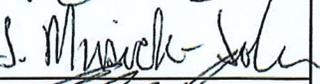
### PETITIONER/PROPERTY OWNER:

Petitioner Name:	Ryan Evans
Petitioner Phone Number:	(602) 460-4865
Petitioner E-Mail Address:	ryan.evans@iea.net

### DETAILED DESCRIPTION OF REQUEST

We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and also add a little more privacy to our yard.

If you are in favor of this request, please sign the petition below:

Name	Address	Signature
TIM NOVAK	20 S 2nd St	
Brian Hummer	3151 Huddersfield Ln.	
Ryan Scott	8825 Sugar Cay Ct.	
Mike Beckner	6120 Stonegate Run	
Katy Petrin	980 W. Pine St.	
Rick Collier	930 W. Pine St	
Janet Musick-Johnson	960 W. Pine St.	
Stephen Warstler	945 W. Pine St	



## Attribute report for active ID 1

ID	name	add1	add3
<del>28553</del>	<del>CIRCLE W LLC</del>	<del>945 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
①	29008 ZIONSVILLE BOARD OF PARKS & RE	410 W OAK ST	ZIONSVILLE, IN 46077
②	29835 SULLIVAN TOM W	250 S 9TH ST	ZIONSVILLE, IN 46077
<del>29836</del>	<del>BERGMANN LOUISE C</del>	<del>280 S 9TH ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29837</del>	<del>SULLIVAN TOM W</del>	<del>250 S 9TH ST</del>	<del>ZIONSVILLE, IN 46077</del>
③	29846 WARSTLER STEPHEN C	PO BOX 241	ZIONSVILLE, IN 46077
<del>29847</del>	<del>EVANS RYAN R &amp; MOLLY L</del>	<del>965 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29848</del>	<del>CIRCLE W LLC</del>	<del>PO BOX 241</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29849</del>	<del>CIRCLE W LLC</del>	<del>PO BOX 241</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29850</del>	<del>WARSTLER STEPHEN C &amp; FARBER WE</del>	<del>612 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29851</del>	<del>WARSTLER STEPHEN C &amp; FARBER WE</del>	<del>612 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29852</del>	<del>EVANS RYAN R &amp; MOLLY L</del>	<del>965 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29862</del>	<del>EVANS RYAN R &amp; MOLLY L</del>	<del>965 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
⑤	29875 TUCKER BRIAN M & DANIELLE B	950 W PINE ST	ZIONSVILLE, IN 46077
⑥	29876 JOHNSON BRADLEY E & JANET E MU	6828 WINDEMERE DR	ZIONSVILLE, IN 46077
④	29877 COLLIER PATRICIA L TRUST	930 W PINE ST	ZIONSVILLE, IN 46077
<del>29878</del>	<del>COLLIER PATRICIA L TRUST</del>	<del>930 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
⑦	29879 PETRIN SCOTT & KATY	980 W PINE ST	ZIONSVILLE, IN 46077
<del>29880</del>	<del>JOHNSON BRADLEY E &amp; JANET E MU</del>	<del>6828 WINDEMERE DR</del>	<del>ZIONSVILLE, IN 46077</del>
<del>29881</del>	<del>PETRIN SCOTT &amp; KATY</del>	<del>980 W PINE ST</del>	<del>ZIONSVILLE, IN 46077</del>
⑧	29882 PARR CHRISTOPHER P &	8791 SPRINGVIOLET PLACE	ZIONSVILLE, IN 46077
<del>29884</del>	<del>PARR CHRISTOPHER P &amp;</del>	<del>8791 SPRINGVIOLET PLACE</del>	<del>ZIONSVILLE, IN 46077</del>
<del>30515</del>	<del>LENNAR HOMES OF INDIANA INC</del>	<del>9025 N RIVER RD SUITE 100</del>	<del>INDIANAPOLIS, IN 46240</del>
<del>30554</del>	<del>BERGMANN LOUISE C</del>	<del>280 S 9TH ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>30555</del>	<del>BERGMANN LOUISE C</del>	<del>280 S 9TH ST</del>	<del>ZIONSVILLE, IN 46077</del>
<del>30557</del>	<del>BERGMANN LOUISE C</del>	<del>280 S 9TH ST</del>	<del>ZIONSVILLE, IN 46077</del>

LOTS 1 LOT DEEP REQUIRE PUBLIC NOTICE



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Brad + Janet Johnson  
6828 Windermere Dr.  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Christopher P Parr  
8791 Springviolet Pl  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Zionsville Board of Parks + Rec  
410 W Oak St.  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Scott and Katy Petrin  
980 W Pine St.  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Tom Sullivan  
250 S. 9th St.  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Steve Warstler  
PO Box 241  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Brian + Danielle Tucker  
950 W Pine St.  
Zionsville, IN 46077



Mr Ryan Evans  
965 W Pine St  
Zionsville, IN 46077



Patricia L Trust Collier  
930 W Pine St  
Zionsville, IN 46077

**AFFIDAVIT OF PUBLICATION**

STATE OF INDIANA  
County of Boone

City of Lebanon

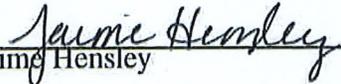
ISSUED:

The subscriber, being duly sworn, deposes and says that  
he (she) is the said Annette Burcharts of THE LEBANON REPORTER  
and that the foregoing notice for  
NOTICE OF PUBLIC HEARING  
was published in said newspaper in one editions  
of said newspaper issued between 08/20/2020 and 08/20/2020

Cost: 62.15

  
\_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME THIS 20th day of August, A.D. 2020

  
\_\_\_\_\_

Notary Public Seal, State of Indiana



## Public Notices

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

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

**2020-23-DSV Ryan & Molly Evans** requests a Development Standards Variance to provide for or permit:

**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 yard setback; in the Urban Residential Village Zoning District (R-V).

The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077, and is legally described as:

**Lots Numbered 21, 22 and 23 except 4.40' by parallel lines of the entire East side of Lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per plat thereof recorded August 18, 1923, in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.**

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

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

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

Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-490 8/20 hspaxlp 1660014

BOONE BEAT

The following people with name, age, address, charge and arresting agency were booked into the Boone County Jail. Charges are preliminary. The Boone County prosecutor may change them.

AUG. 19

10:22 a.m. - Matthew Dillon-Butler Sivley, 23, Silasville, intimidation, Boone County Sheriff's Office

AUG. 18

10:02 a.m. - Eddie London, 55, Chicago, hold for another county, BCSO

AUG. 17

11:57 p.m. - Jocelyn Cooper, 23, Lebanon, battery with minor injury, domestic battery committed in the physical presence of a child less than 16, resisting law enforcement, disorderly conduct, Lebanon Police Department

8:18 p.m. - Hillary R. Williams, 33, Lebanon, probation violation, LPD

2:16 p.m. - Marlon Terrell Coleman, 37, Logansport, failure to appear, BCSO

Area public service agencies responded to the following calls:

AUG. 18

8:23 p.m. - Homeless female squatting in shed near fuel deposit, female said she had a friend who lives in Indy and did not know how to use her phone, officer showed her how to use the phone, female subject has family in Indianapolis who will take care of her, 4100 block of S. Indianapolis Road, Whiteslow, Whiteslow Police Department

8:59 a.m. - Male pointed a firearm at the caller, officers caught up to vehicle and detained two, confessed on camera, case report made for suspected pointing of a firearm during a road rage incident, firearm was seized and submitted to evidence, 140 mile marker of Interstate 65 northbound, Lebanon, Thorn-ton Police Department

7:26 p.m. - Individual is in the store that was in the store a couple of days ago taking photos of female employees, store manager would like them trespassed, Boone Village Center, Zionsville Police Department

7 p.m. - Male driving jeep trying to run people over, case report taken, 700 block of N. County Road 300 E., Lebanon, BCSO

3:55 p.m. - Caller reports individuals are following her in construction zones with radios and explains they say she is speeding, officer shows up at caller's employer and on the phone with her as she left the property, caller explained the truck behind her was following her and had a radio in his car that he was using to talk to others involved, officer pulls the truck over and reported the driver was cooperative, driver said he didn't know who the lady in the car was, officer reports no radio in the truck, 700 block of Edwards Drive, Lebanon, LPD

3:46 p.m. - Caller found a syringe in the bathroom, it fell out of a toilet paper roll, it was disposed of, 2200 block N. Lebanon Street, Lebanon, LPD

10:32 a.m. - Caller is receiving harassing phone calls, officer calls the phone number out of New York, the person who answered spoke with a foreign accent, possibly Russian, not a kind person, officer advised caller to not worry, that this type of person is trying to extort money and has no real knowledge and lives in another county, 600 block of Karen Drive, Zionsville, BCSO

8:59 a.m. - Male pointed a firearm at the caller, officers caught up to vehicle and detained two, confessed on camera, case report made for suspected pointing of a firearm during a road rage incident, firearm was seized and submitted to evidence, 140 mile marker of Interstate 65 northbound, Lebanon, Thorn-ton Police Department

AUG. 17

9:34 p.m. - Semi involved in an accident with a SUV, glass cut a passenger, Ind. 52 and Ind. 75, Jamestown, JPD

8:35 p.m. - Vehicle hit by a semi, 141 mile marker of I-65 northbound, Lebanon, Lebanon Fire Department

4:08 p.m. - Vehicle accident with a rollover, overturned in a field, no injuries were present, C.R. 25 W. and W.C.R. 700 S., Lebanon, Indiana State Police

3:09 p.m. - Individual is threatening the caller that he will jump him after work, officer spoke to both parties and got different stories, 500 block of Northfield Drive, Lebanon, LPD

3:01 p.m. - Vehicle is being keyed daily and tires are slashed in the parking lot in front of the complex, caller explained someone in the apartment complex is making threats but cannot determine who, wants to speak to an officer about what legally can be done, 200 block of Lakeshore Drive, Lebanon, LPD

12:55 p.m. - Wildlife control is doing a massive bat extermination project, 6700 block of S. C.R. 800 E., Zionsville, BCSO



Submitted photo

At a ribbon cutting ceremony to open the new Ravinia State Forest are (from left) DNR Director of Dan Bortner, Director of DNR Forestry Division John Seifert, Senate President Pro Temp Rod Bray, Gov. Eric J. Holcomb, and Rep. Peggy Mayfield.

Gov. Holcomb announces two new state forests

Governor Eric J. Holcomb recently announced the establishment of two new Indiana state forests at a ceremony in Morgan County. Ravinia State Forest, near Paragon, encompasses 1,500 acres of wooded rolling hills, valleys and restored cropland. The area now known as Mountain Tea State Forest consists of more than 1,150 acres east of Nashville. The state's public lands now include 15 officially designated state forests. "We could not be more excited to formally designate land to create these new state forests," Holcomb said. "There's no better way for Hoosiers to get out and get some fresh Indiana air than by exploring our state's parks, recreation areas, fish and wildlife areas, and our

158,000 acres of public state forests." Recreation opportunities at the new state forests include wildlife viewing, hiking, and gathering wild berries, nuts, and mushrooms. "This is the first time in 67 years that we have created new state forests," said Dan Bortner, director of the Department of Natural Resources. "As with all our properties, we know Hoosiers and our guests will be able find solace and inspiration in these woods for generations to come." The new state forests also serve as two locations for the governor's Million Trees program, which is an initiative to plant one million trees by 2025. "This year, our foresters have been hard at work,

planting more than 16,000 new trees at Mountain Tea State Forest and 38,000 trees at Ravinia State Forest," said John Seifert, director of the Department of Natural Resources Division of Forestry. "We look forward to completing this important five-year program." More than 700 acres of Mountain Tea State Forest, formerly managed by The Nature Conservancy, had been acquired by the State of Indiana in 2013 with the assistance of the U.S. Forest Service through the Forest Legacy Program. Additional acreage had been acquired in 2009 through purchases from private land owners. Ravinia State Forest was acquired through the Indiana Department of Transportation's Crossroads 2000 fund.

BOONE COUNTY

Public Notices

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

Public Notices

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

Dallas STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE CIRCUIT COURT CAUSE NO 06C01-2008-M-0949 IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BMW TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE James B. Dallas, Petitioner PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

The above-named Petitioner, James B. Dallas, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title. The allegations and statements of fact set forth in the petition are true and accurate.

The Petitioner is the legal owner of an automobile described and identified as follows: 2013 PTT Tracker VIN 4P507142AD1186338 The Petitioner acquired legal title to the automobile on or about 12/31/12.

The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

I AFFIRM THE FOREGOING UNDER PENALTIES OF PERJURY. Date: 8/10/20 /s/ James B. Dallas 4028 Poplar Dr Whiteslow, IN 46075 DOB 3/14/19xx Telephone # 317-xxxx-xxxx Driver's License #: xxx-xx-xxxx This Petition is assigned for hearing on October 16, 2020 at 8:15 A.M. TLR-480 8/20/27 9/3 hspaxlp Farmwald

SUMMONS - SERVICE BY PUBLICATION STATE OF INDIANA COUNTY OF HAMILTON ss: IN THE HAMILTON COUNTY SUPERIOR COURT CIVIL DIVISION CAUSE NO. V016-2002-CT-001663 MICHAEL MITCHELL, Personal Representative of the Estate of HENRY WRIGHT, Deceased, Plaintiff, vs. FRANCIS FARMWALD, Defendant. NOTICE OF SUIT The State of Indiana, to the Defendants above named, and any other person who may be concerned. You are notified that you have been sued in the Court above

Public Notices

Kamm STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE CIRCUIT COURT CAUSE NO 06C01-2007-M-0765 IN THE MATTER OF AN APPLICATION FOR AN ORDER TO BMW TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE Nicholas Kamm, Petitioner PETITION TO ISSUE A REPLACEMENT CERTIFICATE OF TITLE

The above-named Petitioner, Nicholas Kamm, has filed a verified petition for an order to the Indiana Bureau of Motor Vehicles to issue a Replacement Certificate of Title. The allegations and statements of fact set forth in the petition are true and accurate.

The Petitioner is the legal owner of an automobile described and identified as follows: Year: Unknown Make: Unknown Model: Unknown VIN: Unknown The Petitioner acquired legal title to the automobile on or about 6/24/19.

The original Certificate of Title issued to the Petitioner has been destroyed and no duplicate Certificate of Title exists. I know of no reason why a Replacement Certificate of Title should not be issued to me as the owner of said vehicle.

I AFFIRM THE FOREGOING UNDER PENALTIES OF PERJURY. Date: 7/8/20 /s/ Nicholas Kamm 953 Starkey Rd Zionsville, IN 46077 Telephone # 219-xxxx-xxxx Driver's License #: xxx-xx-xxxx This Petition is assigned for hearing on October 13, 2020 at 8:15 a.m. TLR-476 8/20/27, 9/3 hspaxlp

Kiewit STATE OF INDIANA COUNTY OF BOONE SS: IN THE BOONE COUNTY CIRCUIT SUPERIOR COURTS CAUSE NO. 06C01-2007-EU-00093 IN THE MATTER OF THE UNSUPERVISED ESTATE OF: RICHARD H KIEWIT, Deceased. NOTICE OF ADMINISTRATION Notice is hereby given that Leigh R. Kiewit was, on the July 30, 2020, appointed personal representative of the Estate of Richard H. Kiewit, deceased, who died on the 20th day of June, 2020. All persons who have claims against this estate, whether or not they may be known to the decedent, are notified that they must file their claims 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 this July 30, 2020. /s/ Jessica Fouts, Clerk, Boone Circuit/Superior Courts

Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

Docket # 2020-25-VU. Petitioner, Innovative Partners, LLC, requests a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

The property involved is more commonly known as: 6300 Technology Center Drive, Indianapolis, IN 46278 and is legally described as: Lot Numbered Nine (9) in Replat of Lot 9 and Lot 18 of Lot 2 Northbrook Technology Center, an addition in Boone County, Indiana, as per plat thereof recorded February 2, 2005 in Book 15 Page 46 as Instrument Number 0501312 in the Office of the Recorder of Boone County, Indiana.

TOGETHER with those non-exclusive easements for ingress, egress, utilities, and other uses of signage as created and granted in a Declaration of Covenants and Easements, dated May 6, 1999 and recorded May 6, 1999 as Instrument No. 99-5722 in the Office of the Recorder of Boone County, Indiana. ALSO, TOGETHER with a non-exclusive easement for parking spaces as created and granted in a Parking Easement Agreement, dated March 11, 2005 and recorded August 1, 2005 as Instrument No. 0508908 in the Office of the Recorder of Boone County, Indiana.

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

Oral comments to the Petition for USE VARIANCE will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary. If supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a formal electronic communication if indicated in the Agenda (as amended from time to time). Chairman: John Wolff Secretary: Wayne DeLong TLR-490 8/20 hspaxlp 1660014

Public Notices

NOTICE OF PUBLIC HEARING BY THE TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Board of Zoning Appeals on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

2020-23-DSV Ryan & Molly Evans requests a Development Standards Variance to provide for the addition of an outdoor living space to a Single-Family Home which:

1) Deviates from the required side yard setback. In the Urban Residential Village Zoning District (R-V). The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077, and is legally described as:

2020-23-DSV Ryan & Molly Evans requests a 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 yard setback. In the Urban Residential Village Zoning District (R-V). The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077, and is legally described as:

2) Deviates from the required side yard setback. In the Urban Residential Village Zoning District (R-V). The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077, and is legally described as:

Public Notices

backfill, and concrete curb and walk work. Copies of the Bidding Documents may be obtained electronically by contacting Sarah Craft at sarah@kramercorporation.com or by calling 317.852.2422. Plans are also available at Prego Graphix. Costs associated with printed bid documents obtained from Prego Graphix will be incurred by and at the expense of the contractor and are non-refundable.

A one hundred percent (100%) labor and materials performance bond will be required in the successful bid.

A five percent (5%) bid security in the form of an acceptable bid bond or certified check shall be submitted with all bids. Bonds shall be payable to the City of Lebanon.

Each bidder will be required to comply with all applicable equal employment opportunity laws and regulations of the United States of America and the State of Indiana. All bidders are to follow the Indiana Public Bidding rules including being pre-qualified through the Indiana Department of Administration (IDOA).

All bids shall be executed on the Indiana form 96 bid form which is included in the bidding documents. A non-mandatory pre-bid meeting will take place at project site at 10:00 AM on August 18, 2020. All prospective bidders are encouraged to attend.

Additional bidding requirements are contained in the Project Manual. TLR-489 8/13, 20 hspaxlp NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATIONS Notice is hereby given to the taxpayers of the Town of Jamestown, Boone County, Indiana, that the proper legal officers will consider the following additional appropriations in excess of the budget for the current year at their meeting on August 27, 2020 at the Jamestown Municipal Building, 421 E. Main St., Jamestown, Indiana at 8:00 AM on the 9th of August, 2020. Fund Name: Public Safety LIT \$5,579.99 Fund Number: 9500 Major Budget Classification: 00000000000000000000 Total for Fund: \$5,579.99 Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as approved by the Jamestown Town Council will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within the budget. A copy of the action taken, August 17, 2020. Patricia Cooper, Clerk Treasurer TLR-485 8/20 hspaxlp 1659005 Richardson STATE OF INDIANA COUNTY OF BOONE SS: IN THE BOONE COUNTY SUPERIOR COURT CAUSE NO. 06C01-2007-EU-

Public Notices

Smith IN THE PROBATE COURT OF BOONE COUNTY, INDIANA IN THE MATTER OF THE SUPERVISED ADMINISTRATION OF THE ESTATE OF ROBERT JOSEPH SMITH, Deceased. Cause No. 06C01-2008-ES-00099 NOTICE OF ADMINISTRATION

In the Probate Court of Boone County, Indiana, Notice is hereby given that on August 10, 2020, Nick Smith was appointed the Personal Representative of the Estate of Robert Joseph Smith, deceased, who died on June 20, 2020. Said personal representative was authorized to administer said estate with 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.

August 10, 2020 /s/ Jessica Fouts Clerk, Boone County Attorney for the Personal Representative Matthew E. Dumas HOSSETTER & ASSOCIATES 515 North Green Street, Suite 200 Brownsburg, Indiana 46112 317.852.2422 (Phone) mail@hossetterlegal.com TLR-489 8/20/27 hspaxlp

THORNTON TOWING & RECOVERY, LLC 302 WEST CHURCH STREET THORNTON, IN 46067 AUGUST 25TH 10:00 A.M.

2008 MAZDA 31 JM18K32F28114628 52165.00 TLR-489 8/20 hspaxlp 1660011 Wimmer NOTICE OF ADMINISTRATION 06C01-2007-EU-000864 In the Superior Court of Boone County, Indiana, In the matter of the unsupervised Estate of John R. Wimmer, deceased. Notice is hereby given that James S. Wimmer, on July 23, 2020 was appointed personal representative of the Estate of John R. Wimmer, deceased, who died on the 24th day of June, 2020. 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 nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred. Dated at Lebanon, Indiana, this July 23, 2020. /s/ Jessica Fouts Jessica Fouts, Clerk Boone Superior Court 1 John Gardner (#10823-49) Faegre Drinker Biddle & Reath LLP

Ryan & Molly Evans  
965 W. Pine Street  
Zionsville, IN 46077

August 18, 2020

To our wonderful neighbors,

We have filed with the Town of Zionsville a Petition for Development Standards Variance complete our side/backyard. As part of the petition process we are required to inform you. The Public Hearing will be held on September 2, 2020. We are requesting to upgrade our side yard with an upgraded masonry retaining wall and a patio within the 5' setback from the property line. Our property is at a higher grade than the adjacent property (Rail Trail) and the current retaining wall is constructed of boulders. We would like to replace the boulders with a masonry retaining wall (as shown on drawings attached) that would include a fire pit. We would like to extend brick pavers to the masonry wall. This would enhance the Rail Trail entrance and add a little more privacy to our yard.

If you have any questions or concerns, please feel free to contact us.

Best regards,

Two handwritten signatures in black ink. The first signature is 'R E' with a large flourish. The second signature is 'M E' with a large flourish.

Ryan & Molly Evans  
[Ryan.evans@iea.net](mailto:Ryan.evans@iea.net)  
(602) 460-4865

**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,

September 2, 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:

2020-23-DSV Ryan & Molly Evans requests a  
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for or permit:

(USE VARIANCE / DEVELOPMENT STANDARDS VARIANCE / SPECIAL EXCEPTION)

(INSERT DESCRIPTION OF PROJECT)

**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 yard setback;  
in the Urban Residential Village Zoning District (R-V).**

The property involved is more commonly known as: 965 W. Pine St., Zionsville, IN 46077,  
and is legally described as: \_\_\_\_\_  
(COMMON ADDRESS)

**Lots Numbered 21, 22 and 23, except 4.40' by parallel lines off the entire East side of Lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per plat thereof recorded August 18, 1923, in Plat Book 4, page 26 in the Office of the Recorder of Boone County, Indiana.**

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.

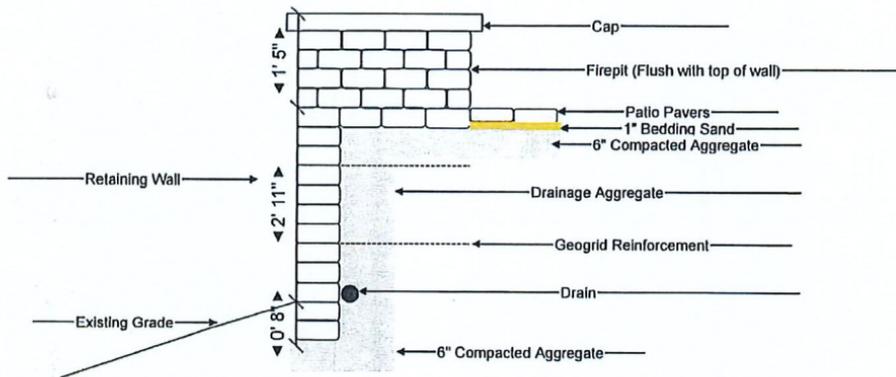
If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the 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](mailto: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: \_\_\_\_\_







494 Gradle Drive Phone: 317.844.3333  
 Carmel, IN 46032 Fax: 317.844.3383  
 www.SEAGroupLLC.com

	PROPOSED GRADE PER PLAN
	GROUND WATER FLOW
	SANITARY SEWER LINE
	STORM SEWER LINE
	WATER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	EXISTING GRADE

Prepared For:  
 Nazareth Building  
 Services, Inc.

Date: Dec. 12, 2016

JOB # B20162298

Residence  
 965 W Pine Street

LAND DESCRIPTION  
 Lots numbered 21, 22 and 23, except 4.40' by parallel lines off the entire east side of lot 23 in Schick's Subdivision, an addition to the Town of Zionsville, as per the Record Plat thereof, being recorded on August 18, 1923 within Plat Book 4, page 26 in the Boone County Recorder's Office, State of Indiana, containing 0.181 acres, more or less

- EROSION CONTROL NOTES:**
1. Builder shall maintain in good repair all existing erosion control measures and provide and install any additional measures necessary to control soil erosion for said site during the construction period. Refer to the erosion control for the home builder publication by IDNR Division of Soil Conservation for additional information.
  2. Finished grades to be in conformance with subdivision grading plan and plot plan; Excess soil to be disposed of in approved fill area.
  3. All sediment tracked onto the public roadway to be removed by scraping at the end of each work day.
  4. All disturbed areas to be permanently seeded after finished grading has occurred.
  5. All sediment control practices to be maintained during construction process to ensure proper functioning.

THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION TAKEN FROM RECORD PLATS, SUBDIVISION PLANS, RECORD DRAWINGS AND PLANS PROVIDED BY CLIENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE S E A GROUP LLC OF ANY DISCREPANCIES.

LOCATION OF UTILITY LATERALS ON PLOT PLAN ARE GENERAL LOCATIONS PER PLAN AND SHOULD BE VERIFIED IN THE FIELD.

NOTE:  
 BUILDER TO ENSURE POSITIVE FLOW AWAY FROM STRUCTURE.

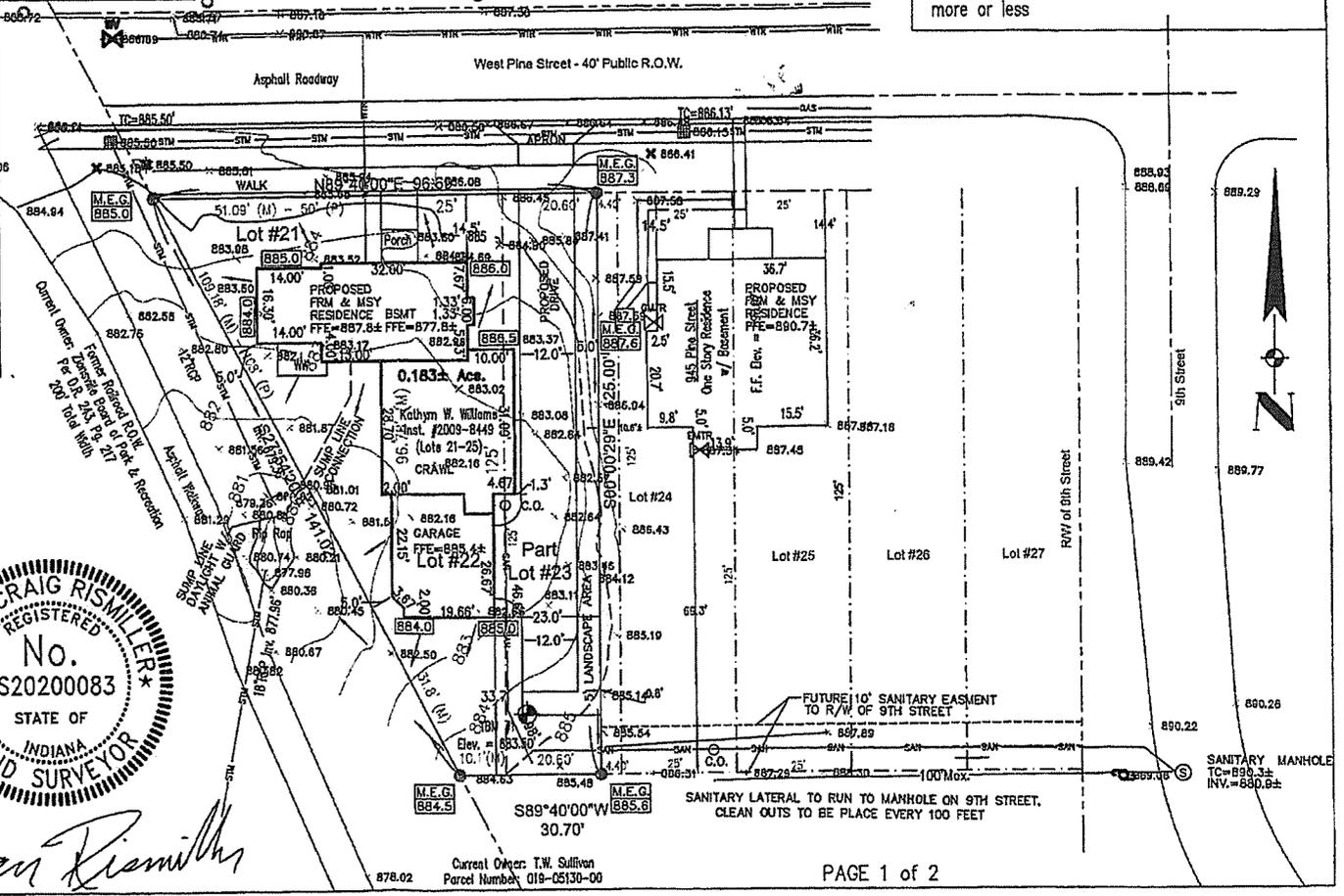
NOTE:  
 SANITARY CLEANOUTS TO BE PLACED NO MORE THAN 100 FEET APART.

NOTE:  
 TOP OF WINDOW WELL SHOWN ON PLANS TO MATCH PROPOSED GRADES AROUND HOUSE AT 884.0±.

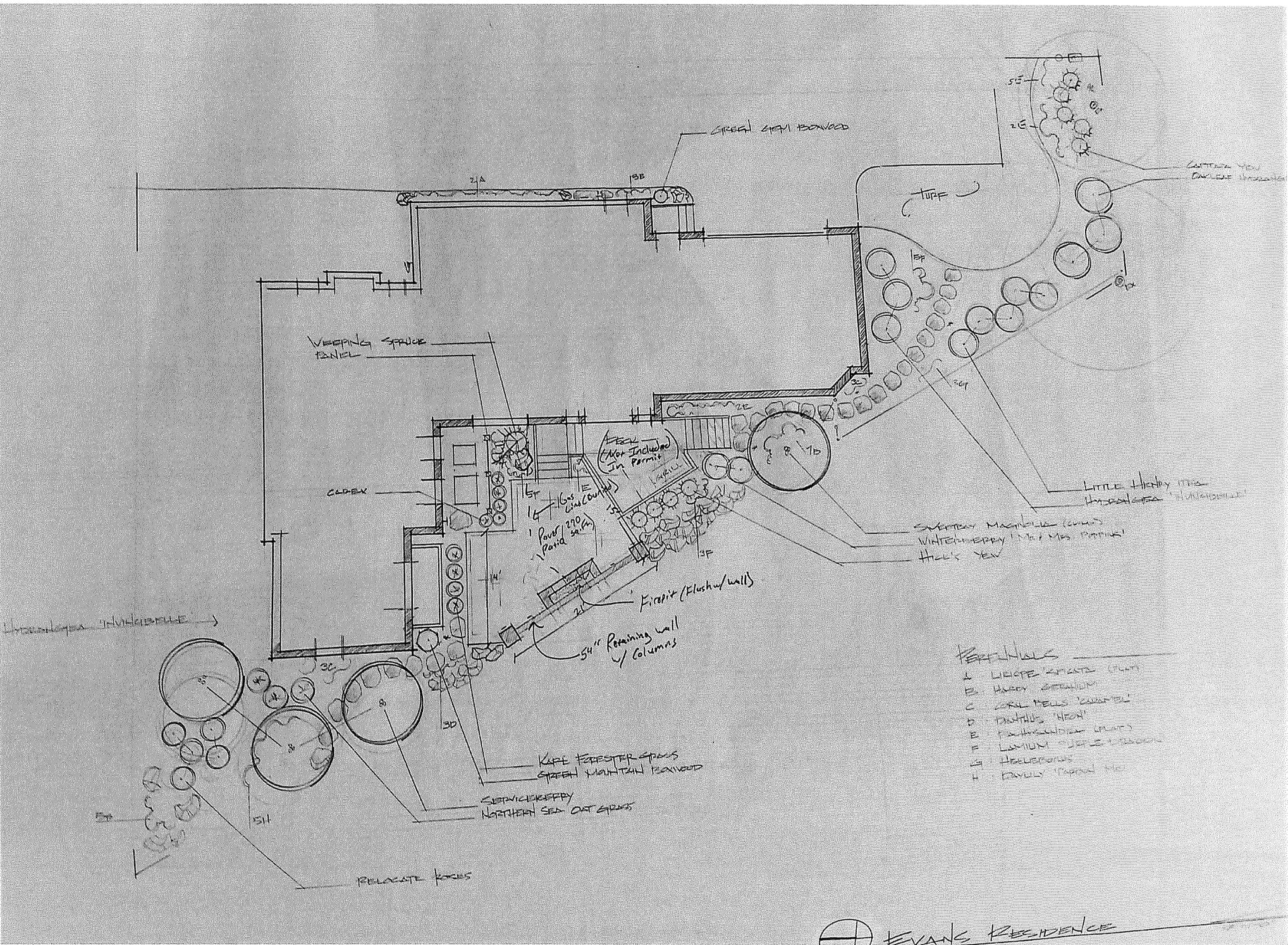
NOTE:  
 SUMP TO BE PLACED BY BUILDER AS NEEDED.



*Brian Rismiller*



Current Owner: T.W. Sullivan  
 Parcel Number: 019-05130-00



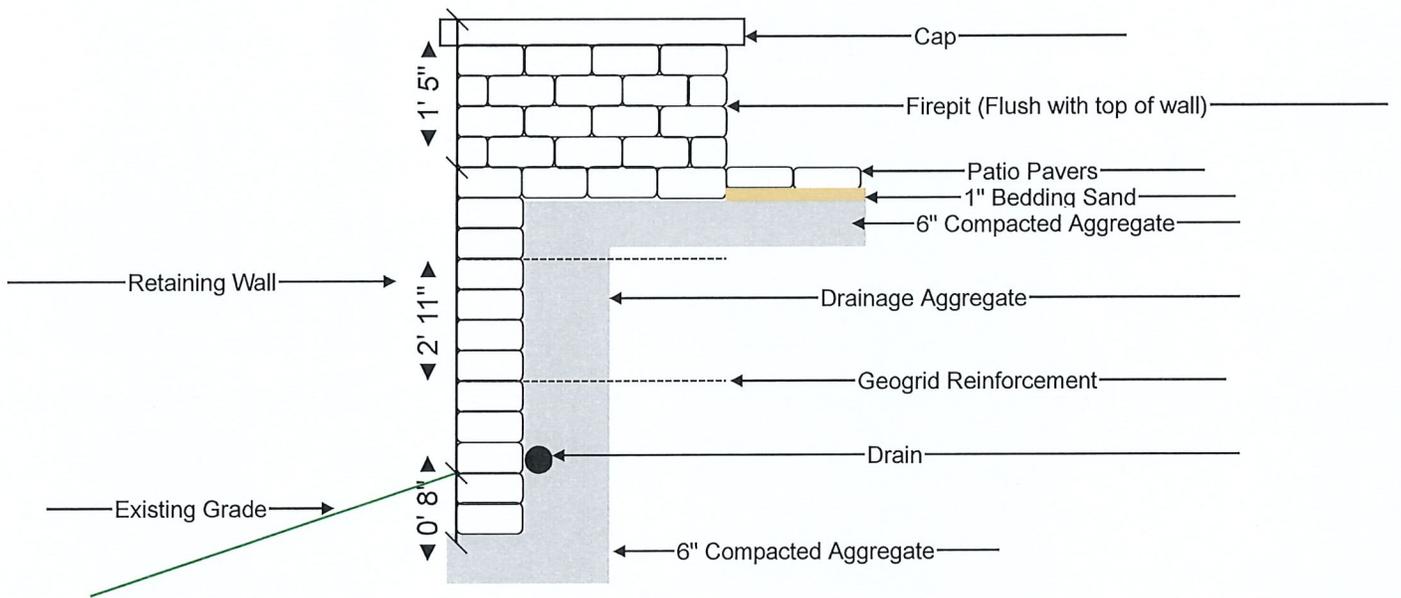
- PLANTINGS**
- A LILOPE SPICE PLANT
  - B RUBY STAMEN
  - C CORAL BELLS 'CORAL'
  - D DENTALS 'HEB'
  - E FATHOMLAND PLANT
  - F LANTERN PLANT
  - G HELEBRONS
  - H PINKY PINKY



Replace these boulders with masonry wall.

Move boulders here to add more privacy to yard.





**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. It will also enhance the Pine Street Rail Trail entrance and give our residence more privacy.*
  
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:  
*We will be removing the current boulder wall and replacing it with a visually appealing masonry wall. We will also move the existing boulders further down our property line to add more privacy from the adjacent property (Rail Trail). Our property is at a higher elevation than the adjacent property which is all "green" space.*
  
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:  
*Without the ability to add a usable outdoor living space the property cannot reach its true potential. Setting the brick patio back 5' from the property line would render the space unusable as it is already a very small space.*

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



**Petition Number:** 2020-24-DSV

**Subject Site Address:** 6475 S 275 East

**Petitioner:** James & Patsy Marshall

**Representative:** Michael Andreoli

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

**Current Zoning:** Agricultural District (Rural)

**Current Land Use:** Single-family Residential

**Approximate Acreage:** 2.96 acres

**Zoning History:** Consolidated within Town of Zionsville's jurisdiction in 2015.  
  
**2018-42-SE & 2018-43-DSV** Petition for Special Exception and Development Standards Variance to allow for a division of land to create a (3) lot residential Minor Plat for the construction of New residential homes and in order to allow existing accessory structures to remain without the benefit of a primary which exceed the allowable accessory square footage & height. Approved December 11, 2018.

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Petitioners Narrative  
Exhibit 4 – Petitioners Proposed Location  
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 September 2, 2020 Board of Zoning Appeals meeting.

**PROPERTY HISTORY**

The property is comprised of approximately 2.96 acres and is presently improved with one (1) single-family dwelling and associated accessory uses. The acreage associated with this petition has been utilized for residential purposes under the Boone County Area Planning jurisdiction. In 2015 the area was consolidated into Zionsville’s jurisdiction. This land was part of an approximate 15 acre parent parcel associated with the approval of Special Exception to allow for a division of land to create a (3) lot residential Minor Plat for the construction of New residential homes; and a Variance of Development Standards in order to allow existing accessory structures to remain without the benefit of a primary which exceed the allowable accessory square footage & height, all of which was approved in 2018.

**PROCEDURAL – 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:*

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

**ANALYSIS**

The 2.96 -acre parcel is currently improved with a 2,732 +/- square foot circa 1977 two-story single-family dwelling and accessory uses. Per the narrative included, the Petitioner has intentions of constructing a 1,792 square foot pole barn primarily to store their motorhome, keeping it out of the elements, as well as additional equipment to maintain the land. The proposed pole barn requires approval of a Development Standards Variance as it would 1) exceed the allowable accessory square footage of the primary structure.

**VARIANCE REQUEST – ACCESSORY ROOFED SQUARE FOOTAGE EXCEEDING PRIMARY**

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

- 1. Existing dwelling living space: 2,732 square feet
- 2. Existing and proposed roofed accessory uses total 4,209 sq. ft. This total includes:

- a) A 240 square foot screened in porch
- b) A 504 square foot attached garage
- c) A 1,350 square foot detached garage
- d) A 186 square foot covered front porch
- e) A 137 square foot covered gazebo
- f) A proposed 1,792 square foot detached pole barn

As per the itemized list above, the addition of the accessory detached pole barn causes the property's allowable roofed accessory uses to exceed the roofed square footage percentage allowed by the Zoning Ordinance by **1,426** square feet.

By Ordinance, properties in the Agricultural AG (Rural) District are permitted by right to be improved with Accessory Structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm.

As the subject site is not 20 acres in size, and therefore is absent compliance with the definition of a Farm, the Ordinance limits accessory uses in a manner which maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property). Hence, a variance must be sought for the amount of the roofed accessory square footage to exceed that of the primary. Specific to the current improvements, securing a variance to allow the roofed accessory square footage to exceed the primary square footage by 1,426 square feet. A variance of development standards will not be needed for height as the primary dwelling exceeds that of the proposed accessory building.

As a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site, in an attempt to identify similarly situated properties enjoying similar deviations. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds nearby home sites and improvements to the home sites which enjoy the use of detached accessory structures (with some in excess of the Zoning Ordinance square footage limitation) as well as several development configurations which are not supported by the current Zoning Ordinance (example: accessory uses with no primary, flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). While the identified development pattern is atypical for the community, a request seeking a reasonable deviation from Ordinance standards in predominate areas of agriculture in the community which contain established non-conformities is not. Additionally, the location of the proposed barn is behind the primary dwelling and in the proximity of an existing barn on the property, minimizing the visual change to the landscape, and will be over 300 + feet from the centerline of the county road, placed amongst front and rear yard tree groves and 80+ feet from the rear adjoining agricultural field. The parcel is currently surrounded by tilled agricultural fields on three sides and a vacant parcel (one planned approved for the construction of a single-family dwelling) on the north side. Currently the closest single-family dwelling to this parcel is over 500-feet to the west.

The request, in the opinion of Staff, constitutes a reasonable deviation from the Zoning Ordinance and, given the location and size of the Lot of Record, the contemplated placement of the improvements, and the presence of non-conformities in the immediate area (North: legal non-conforming accessories without primary; and accessory over primary; West: accessory over primary; South accessory over primary), on its face, appears supportable.

With the above in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance to exceed the primary square footage with 1,426 additional square feet of roofed accessory structure, not being subordinate to the Primary Structure.

**STAFF RECOMMENDATIONS**

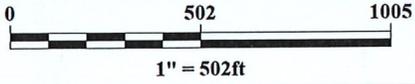
Staff recommends approval of the design standards variance included in Docket #2020-24-DSV seeking to exceed the permissible roofed accessory square footage standard of the primary, as filed.

**RECOMMENDATION MOTION**

I move that Docket # 2020-24-DSV Development Standards Variance in order to provide for the construction of a detached barn which 1) Exceeds the allowable accessory square footage; associated with an accessory structure in the in an Agricultural Zoning District (AG), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).



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



### NARRATIVE

The Applicants, James R. and Patsy J. Marshall, live on 2.96 +/- acres at 6475 S. 275 E., Lebanon, Boone County, Indiana, in Perry Township and are wanting to construct a new Pole Barn to primarily store their motorhome. The proposed new structure will be 1,792 square feet. They currently have existing accessory structures that consists of a detached garage (1,350 square feet); attached garage (50 square feet) and a gazebo (137 square feet). The total of all proposed and existing accessory structures would be 4,209 square feet. The Marshalls' existing primary residential home is 2,732 square feet so they exceed the requirement of Sec. 194.097c(2) by a total of 1,477 square feet. Applicants seeks a Variance from Development Standards per Sec. 194.095c(1) to construct this new accessory structure. Please see for reference Staff Review Notes attached hereto. Applicants have talked with their surrounding neighbors and have obtained their written support as submitted with the Petition.

By way of dimension, the building being proposed is 32' x 56' and will be 16' at its tallest. The Marshall's motor home is 42' long and 13' at its tallest. In contrast to the primary structure, the Marshall's 2 ½ story residence is approximately 21' at the eaves with the roof obviously being much taller.



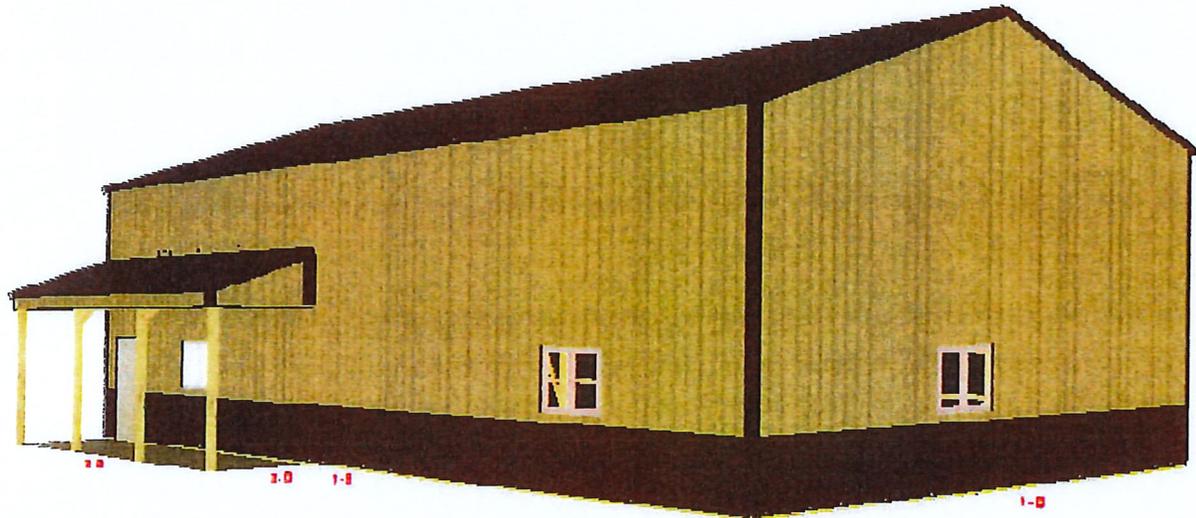
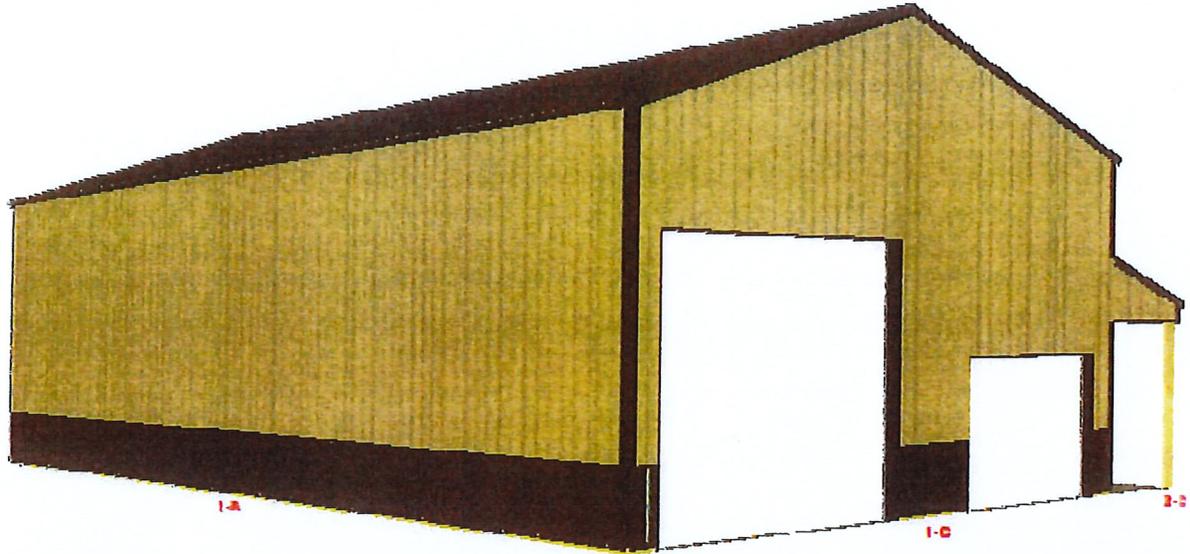
Exhibit 4

Design #: 328353376112  
Estimate #: 57346  
Store: LEBANON



Post Frame Building Estimate  
Date: Apr 21, 2020 1:57:08 PM

Elevation Views





Design #: 328353376112

Estimate #: 57346

Estimated price: \$15,104.76 \*

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

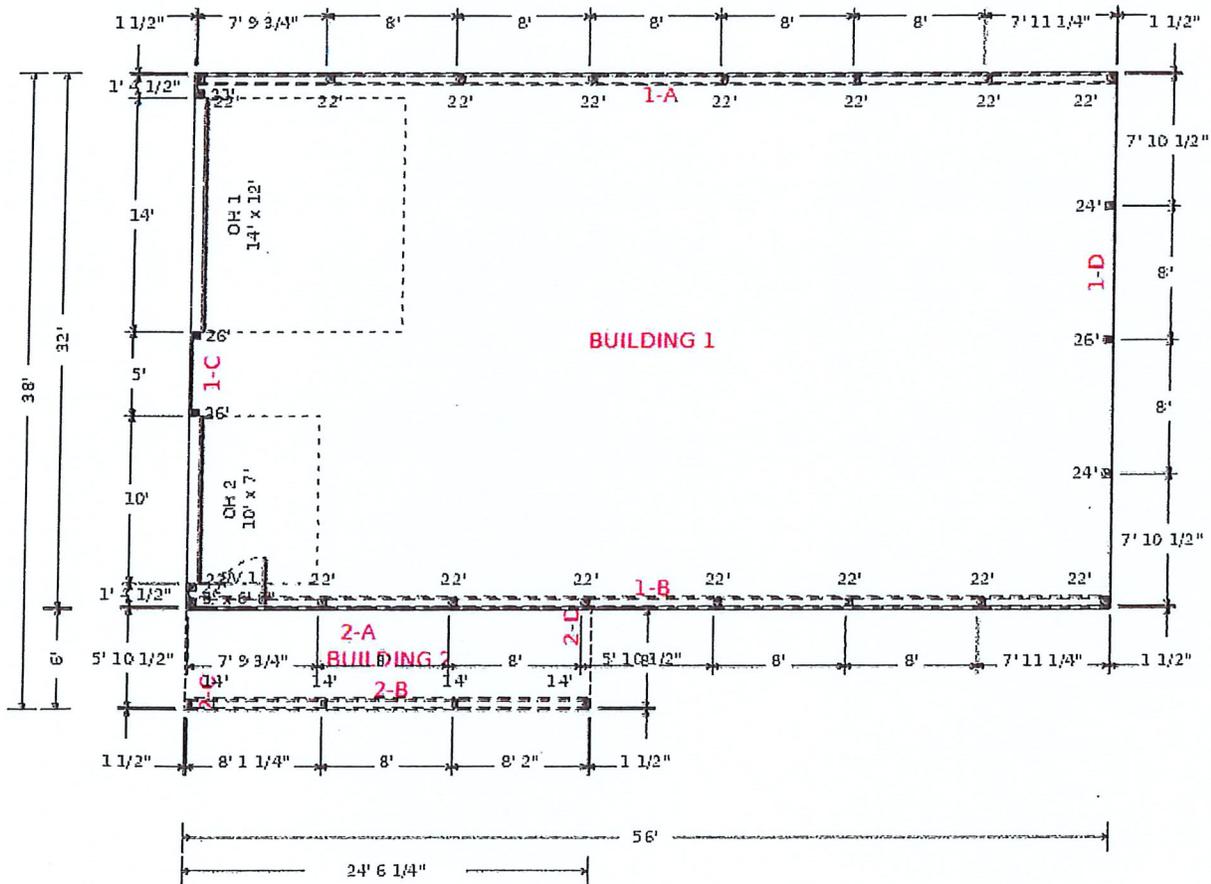
How to purchase at the store

1. Have a building materials team member enter the estimate number into System V to print SOC's.
2. Take the SOC to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

FLOOR PLAN





**Congratulations, you have taken the first step towards making your new post frame building a reality!**

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products select one of the links below or visit us on the web at [www.midwestmanufacturing.com](http://www.midwestmanufacturing.com).

**Premium Steel Panels** - Pro-Rib and Premium Pro-Rib steel panels are your best options for steel panels in the market.

- Steel Panels are Grade 80 (full hard steel).
- Prepaint zinc phosphate coating for superior paint paint adhesion - available in multiple colors.
- Pro-Rib features a limited 40 year paint warranty.
- Premium Pro-Rib has a limited lifetime paint warranty.
- All painted panels are ENERGY STAR rated, using a Cool Chemistry paint system.
- Pro-Rib and Premium Pro-Rib panels are UL Certified for Wind Uplift UL 580, Fire Resistance UL 790, Impact Resistance of Roof UL 2218.
- Pro-Rib and Premium Pro-Rib panels are IRC and IBC compliant.

**Engineered Trusses** - Post frame trusses are specifically engineered to meet your application and geographic location.

- All Midwest Manufacturing trusses can be supplied with engineered sealed prints.
- TPI approved and third party inspected.

**Laminated Columns** - Designed to replace standard treated posts as vertical supports in Post Frame Construction.

- Columns 20' or less are treated full length.
- Lifetime Warranty against rot and decay.
- Columns over 20' in length are reinforced with 20 gauge stainless steel plates at each splice location.
- Lower portion of columns treated for in ground use.
- Rivet Clinch Nails provide superior holding power.
- Columns provide superior truss to pole connection.

**Pressure Treated Lumber** - All treated post and grade board used in your building will safely and effectively resist decay.

- Treated to AWPA compliance.
- Post and grade board offer a lifetime warranty against rotting and decay.

\*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.



### Building Information

1. Building Use:	Code Exempt
2. Width:	32 ft
3. Length:	56 ft
4. Inside Clear Height:	16 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

### Wall Information

1. Post Type:	Posts
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Beige
6. Wainscot Size:	36 in
7. Wainscot Color:	Brown
8. Sidewall B Wainscot:	Yes
9. Sidewall A Wainscot:	Yes
10. Trim Color:	Brown
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	None
14. Sidewall B eave light:	None
15. Wall Fastener Location:	In the Flat
16. Eave Trim:	Yes
17. Gradeboard Type:	2x6 Treated Gradeboard

### Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Insulation:	No

### Roof Information

1. Pitch:	4/12
2. Truss Spacing:	4 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Brown
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	0 ft
8. Sidewall Overhangs:	0 ft
9. Skylight Size:	None
10. Ridge Vent Quantity:	None
11. Ceiling Liner Type:	None
12. Purlin Placement:	Flat
13. Ceiling Insulation Type:	None

### Accessories

1. Outside Closure Strip:	Standard
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Snow Guard:	Yes
8. Mini Print:	Email Only



**Leans**

Building 2	
Attaching wall:	B
Endwall overhang length:	0 ft
Sidewall overhang length:	0 ft
Add snow guards:	Yes
Remove every other post:	No
Length:	24 ft
Depth:	6 ft
Drop Distance From Roof:	5 ft
Position From Left:	0 ft
Approximate Clear Height:	8 ft
Open interior wall:	No
Open exterior walls:	Side And End Walls

**Doors & Windows**

Name	Size	Wall
Service Door	36"x80"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Overhead Door	14' x 12'	1-C
Overhead Door	10' x 7'	1-C
Window	48"x36"	1-D

**Lean Open Walls**

Wall	Every Other Post Removed
2-B	No
2-C	No
2-D	No

J. MARSHALL

TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant **will not** be injurious to the public health, safety, morals and general welfare of the community because: **we have sufficient acreage that this will not appear crowded or cluttered.**
  
2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: **we have checked with our surrounding neighbors and they have no objection to an additional accessory structure.**
  
3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **as we have 2.96 acres, an additional accessory structure will allow for continued appropriate use of our property for storage of personal property.**

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**Town of Zionsville**  
**Petition to the Board of Zoning Appeals**  
**Docket # 2020-24-DSV**

**1. SITE INFORMATION:**

Address of Property: 6475 S. 275 E., Lebanon, IN 46052  
Existing Use of Property: Residential  
Proposed Use of Property: Residential  
Current Zoning: AG - Agricultural Area in acres: 2.96 acres, more or less

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: James R. and Patsy J. Marshall, Husband and Wife  
Owner Name (if different from Petitioner): Same  
Petitioner Address: 6475 S. 275 E. Owner Address: Same  
Lebanon, IN 46052  
Petitioner Phone Number: 317-710-5888 Owner Phone Number: \_\_\_\_\_  
Petitioner E-Mail Address: N/A Owner E-Mail Address: \_\_\_\_\_

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

**Attorney/Contact Person:**

Name: Michael J. Andreoli, Attorney at Law  
Address: 1393 W. Oak St.  
Zionsville, IN 46077  
Phone Number: 317-873-6266  
E-Mail Address: mandreoli@datlaw.com

**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  Variance of Development Standards  Variance of Use  Special Exception  Modification  
From Accessory use exceeding primary use – See Narrative

**5. ATTACHMENTS:**

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

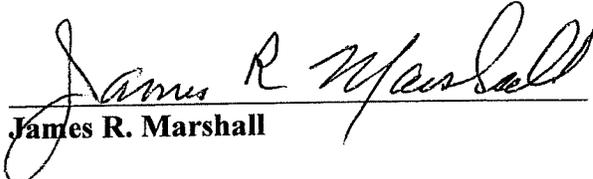
Proof of Ownership (copy of Warranty Deed)  
 Site Plan & Exhibits  
 Draft of Proposed Legal Notice  
 Draft of Proposed Findings of Fact





**OWNER'S AUTHORIZATION**

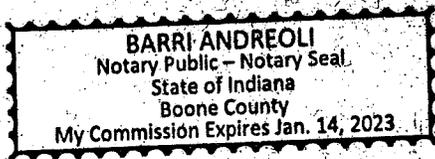
Comes now **James R. and Patsy J. Marshall**, owners of the property located at 6475 S. 275 E. Lebanon, Indiana 46052 consisting of 2.96 acres, and hereby authorizes their attorney, **Michael J. Andreoli**, to file any and all Applications for Variance of Development Standards with the Zionsville Board of Zoning Appeals so to build an accessory structure and building which will exceed the square footage of our main single family residential home.

  
James R. Marshall

  
Patsy J. Marshall

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF BOONE    )

Subscribed and sworn to before me, this 24<sup>th</sup> day of July, 2020.



  
Barri Andreoli, Notary Public

**My Commission Expires:** January 14, 2023

**My County of Residence:** Boone County

WARRANTY DEED

71 - 01: 21-1-66  
04412 Sub-

This Indenture Witnesseth, That

Oren Wing and Evelyn Wing, husband and wife,

of Boone County, in the State of Indiana

CONVEY AND WARRANT to

James Richard Marshall and Patsy J. Marshall, husband and wife,

of Boone County, in the State of Indiana

for the sum of One Dollar and other valuable consideration DOLLARS

the following REAL ESTATE, in Boone County, in the State of Indiana, to wit:

A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:

Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less; subject however to all public highways, legal rights-of way, and easements of record.

Located in Perry Township, Boone County, Indiana.

Grantors assume and agree to pay taxes for the year, 1965, due and payable in the year, 1966, and taxes for the year, 1966 due and payable in the year, 1967.

Grantees assume and agree to pay taxes for the year, 1967, due and payable in the year, 1968 and all subsequent taxes.

2183



1.12

RECEIVED FOR RECORD

At 11:30 O'Clock A. M. and Recorded in Book Record 112 Page 242

JUL 1 1 1966

Emerald Reynolds  
Recorder, Boone County, Ind.

And further states that said grantors do hereby represent and state that they are each citizens of the United States of America, and that said citizenship has existed continuously since prior to April 8, 1940; that they have been domiciled and residing continuously within the United States since prior to April 8, 1940; that they are not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantor(s) who has (have) had any proprietary rights, title or interest in the above described real estate, either directly or indirectly, during grantors ownership, that these representations and statements are made under oath to induce the acceptance of this deed of conveyance.

IN WITNESS WHEREOF, The said

Oren Wing and Evelyn Wing, husband and wife,

do hereby set their hands and seals this 25th day of June, 1966.

x Oren Wing (SEAL)  
Oren Wing

(SEAL)

This deed prepared by

x Evelyn Wing (SEAL)  
Evelyn Wing

Oren Wing (SEAL)

940

M James Marshall PR  
Form No. 3  
R. H. Gibson

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That Oren Wing and Evelyn Wing,  
Husband and Wife, ("Grantor")  
of Boone County, in the State of Indiana, CONVEYS  
AND WARRANTS to James R. Marshall and Patsy Marshall, Husband  
and Wife,  
of Boone County, in the State of Indiana, for the sum  
of One and no/100 Dollars (\$ 1.00 ) and other  
valuable consideration, the receipt of which is hereby acknowledged, the following described real  
estate in Boone County, in the State of Indiana:

A part of the northeast quarter of Section 4, Township 17 North,  
Range 1 East, situated in Perry Township, Indiana; and being more  
particularly described as follows:

From the southwest corner of the east half of the aforesaid north-  
east quarter, proceed thence North 0°48'0" West (the bearing  
assumed from a compass observation) along the quarter-quarter  
section line, 210.00 feet to the point of beginning. From said  
point of beginning, continue thence North 0°48'0" West, along the  
quarter-quarter section line, 60.00 feet; thence North 88°42'35"  
East, 477.75 feet; thence South 0°48'0" East, 60.00 feet; thence  
South 88°42'35" West, 477.75 feet to the point of beginning.

3207

RECEIVED FOR RECORD

At 10:00 O'Clock P.M. and Recorded in  
Deed Record 302 Page 736

JUL 3 1976

Pauline Heckman  
Recorder, Boone County, Ind.

DEED INDEXED FOR TAXATION  
July 6 1976  
C. Taylor  
AUDITOR BOONE COUNTY

IN WITNESS WHEREOF, Grantor has executed this deed this 6th day of  
July, 19 76.  
Signature Oren Wing (SEAL) Signature Evelyn Wing (SEAL)  
Printed Oren Wing Printed Evelyn Wing

STATE OF INDIANA }  
COUNTY OF BOONE } SS:

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_  
Oren Wing and Evelyn Wing, Husband and Wife,  
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly  
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 6th day of July, 19 76.  
My commission expires 5/17/77  
Signature Lowell E. Wing  
Printed LOWELL E. WING, Notary Public

This instrument was prepared by Chris L. Shelby, attorney at law.

## **LEGAL DESCRIPTION**

Exhibit "A"

**A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:**

**Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less; subject however to all public highways, legal rights-of way, and easements of record.**

**Located in Perry Township, Boone County, Indiana.**

**ALSO,**

**A part of the northeast quarter of Section 4, Township 17 North, Range 1 East, situated in Perry Township, Indiana; and being more particularly described as follows:**

**From the southwest corner of the east half of the aforesaid northeast quarter, proceed thence North 0°48'0" West (the bearing assumed from a compass observation) along the quarter-quarter section line, 210.00 feet to the point of beginning. From said point of beginning, continue thence North 0°48'0" West, along the quarter-quarter section line, 60.00 feet; thence North 88°48'0" East, 60 feet; thence South 88°42'35" West, 477.75 feet to the point of beginning.**

## NARRATIVE

The Applicants, James R. and Patsy J. Marshall, live on 2.96 +/- acres at 6475 S. 275 E., Lebanon, Boone County, Indiana, in Perry Township and are wanting to construct a new Pole Barn to primarily store their motorhome. The proposed new structure will be 1,792 square feet. They currently have existing accessory structures that consists of a detached garage (1,350 square feet); attached garage (50 square feet) and a gazebo (137 square feet). The total of all proposed and existing accessory structures would be 4,209 square feet. The Marshalls' existing primary residential home is 2,732 square feet so they exceed the requirement of Sec. 194.097c(2) by a total of 1,477 square feet. Applicants seeks a Variance from Development Standards per Sec. 194.095c(1) to construct this new accessory structure. Please see for reference Staff Review Notes attached hereto. Applicants have talked with their surrounding neighbors and have obtained their written support as submitted with the Petition.

By way of dimension, the building being proposed is 32' x 56' and will be 16' at its tallest. The Marshall's motor home is 42' long and 13' at its tallest. In contrast to the primary structure, the Marshall's 2 ½ story residence is approximately 21' at the eaves with the roof obviously being much taller.



July 9, 2020

## Review Notes

6475 S. 275 East

James Marshall

1) \*Town of Zionsville Zoning Ordinance:  
Section 194.097 Rural Property Development Standards

Specifically, section C (2) which states: Accessory Structures.  
Accessory structures shall be clearly subordinate in height, area, bulk, extent and purpose to the primary structure.

Proposed Pole Barn:	1,792 Sq. Ft.	
Existing Accessory Structures:	SCREEN PORCH	240 SQ. FT.
Detached Garage:		1,350 Sq. Ft. ✓
Attached Garage:		504 Sq. Ft. ✓
Gazebo:		137 Sq. Ft. ✓
FRONT PORCH		186 SQ. FT.
Total Accessory Sq. Ft. (Proposed and Existing) =		<del>3,783</del> Sq. Ft. 4,209

EXISTING  
2,417

Primary Structure = 2,732 Sq. Ft – Information from Boone County Property Record Card.

~~3,783~~ - 2,783 = ~~1,000~~ Sq. Ft. exceeds allowable accessory square footage.

Based on the above information, it is the determination of the Town of Zionsville Planning Department that the proposed project would place the parcel into non-conformity with section 194.097 C (2).

As an alternative to complying with section 194.095 C (1), you may seek a variance from the Board of Zoning Appeals per section 194.202 of the Town of Zionsville Zoning Ordinance. Should you want additional information concerning filing a Board of Zoning Appeals variance, please contact:

Chrissy Koenig Planner I – Petitions  
O: (317) 873-1575  
C: (317) 995-4471  
[ckoenig@zionsville-in.gov](mailto:ckoenig@zionsville-in.gov)

Plan Review completed by:  
Mike Lathrop-Building Inspector  
Town of Zionsville  
[mlathrop@zionsville-in.gov](mailto:mlathrop@zionsville-in.gov)  
(317) 873-8248

**South 275 East, Lebanon Residents**

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

We have submitted an application for variance based off our plans to build a pole barn approximately 30ft by 54ft.

The attached photo helps identify where the barn will sit and should have no impact on neighboring properties.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request in the area below.

Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: Andrew Apers  
Address: 9775 E 700W / Brownsburg, IN 46112  
Phone: 317-714-6865  
Approval: Andrew Apers

**South 275 East, Lebanon Residents**

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

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Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: Shawn & Jordan Dulkerson

Address: 6325 S. 275 E. Lebanon IN 46052

Phone: (317) 379-1601

Approval: Yes! Shawn Dulkerson

**South 275 East, Lebanon Residents**

Dear Neighbor,

This letter is to inform you that we have submitted to the City of Zionsville for an application for building permit of a pole barn at 6475 South 275 East.

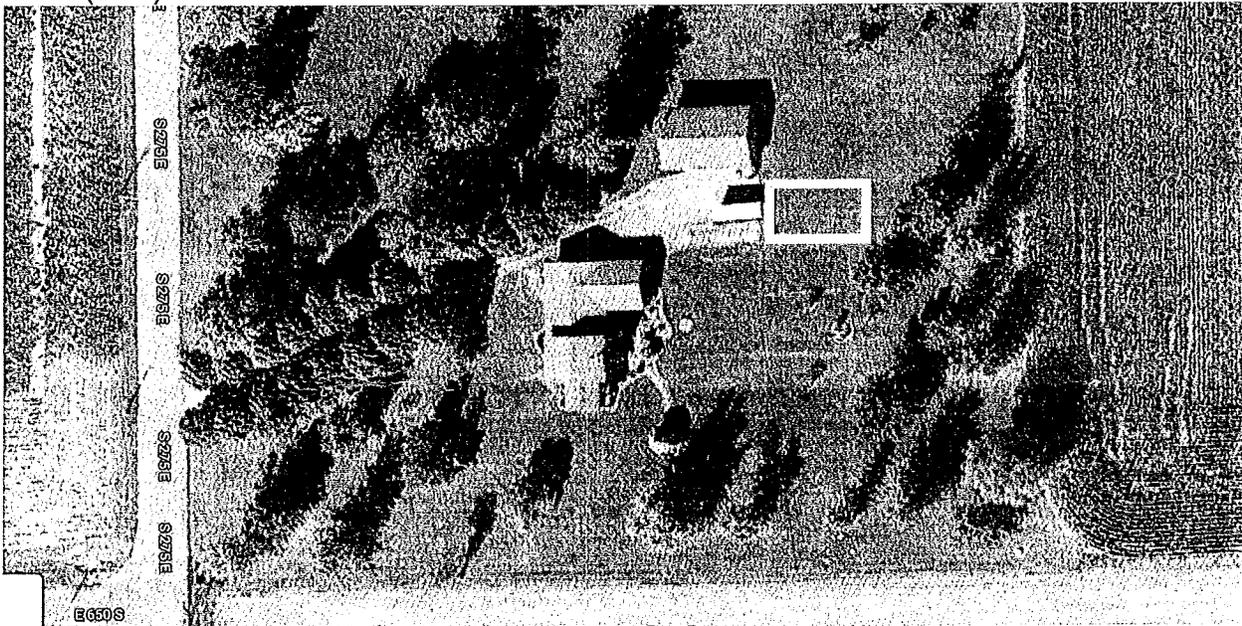
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Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: Daniel R. Juler

Address: 6775 S 300 E Lebanon

Phone: 317-374-7587

Approval: \_\_\_\_\_

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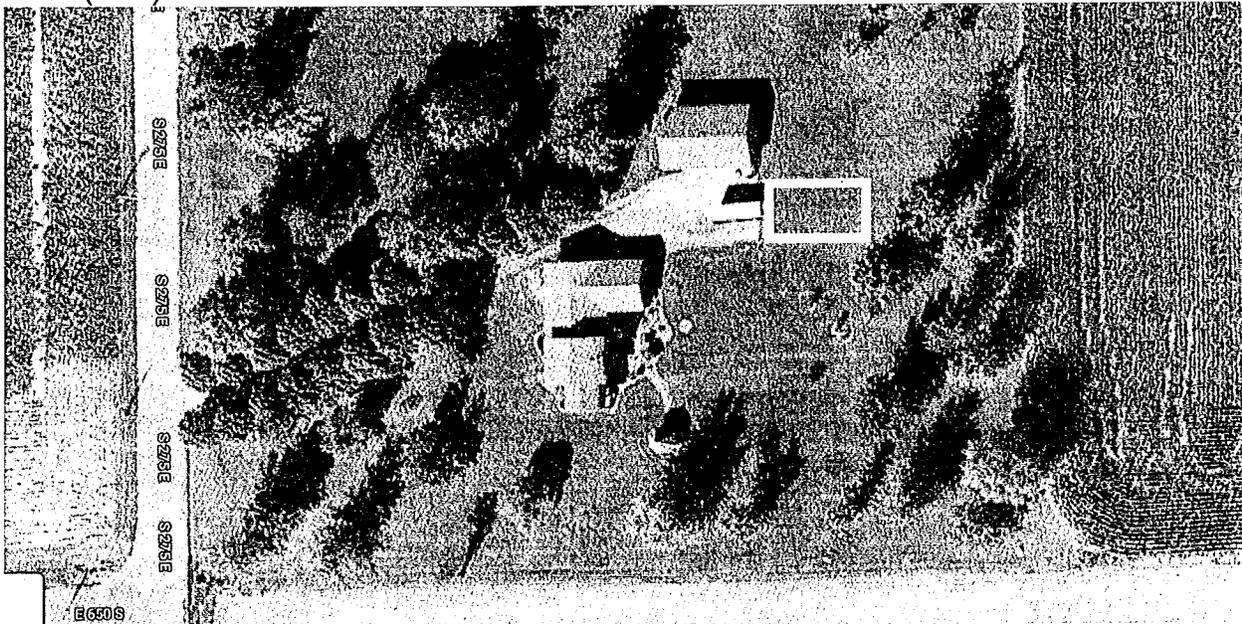
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Thank you.

Sincerely,  
Jim and Patsy Marshall  
Cell: (317) 710-5888



Names: David Hen

Address: 2505E 5505 Lebanon, TN 46052

Phone: 317-714-3038

Approval: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

BEFORE THE ZIONSVILLE  
BOARD OF ZONING APPEALS  
FILE NO. 2020-24-DSV

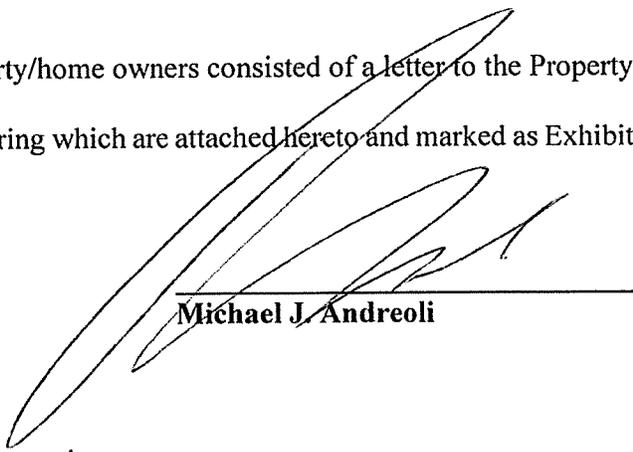
IN RE: THE MATTER OF THE VARIANCE )  
OF DEVELOPMENT STANDARDS )  
 )  
JAMES R. AND PATSY J. MARSHALL, )  
HUSBAND AND WIFE, )  
Petitioner. )

**AFFIDAVIT OF MAILING**

Comes now Michael J. Andreoli, and after first being duly sworn upon his oath, does allege and say as follows:

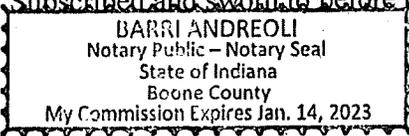
1. That this Affiant did, on or before August 17, 2020, at least ten (10) days prior to September 2, 2020, send a Notice of Public Hearing to the property/home owners adjacent and appurtenant to the boundaries of the property for which Petitioner is seeking approval of a Petition for Special Exception to locate a barn/storage building located at 6475 S. 275 E., Lebanon, Indiana. The list of property/home owners was sent by First Class mail and is attached hereto and marked as Exhibit "A".

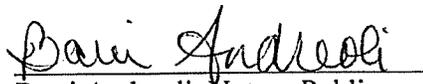
2. That said mailing to the property/home owners consisted of a letter to the Property Owner and a copy of the Notice of Public Hearing which are attached hereto and marked as Exhibit "B".



Michael J. Andreoli

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

Subscribed and sworn to before me this 19<sup>th</sup> day of August, 2020.  


  
Barri Andreoli, Notary Public  
County of Residence:  
Boone

My Commission Expires:  
January 14, 2023

Jordin M & Shuan D Dickerson  
7791 Bluejay Way  
Zionsville, IN 46077

Agri-Resources Capital Corporation  
10910 N. CR 650  
Brownsburg, IN 46112

Michael S. Herr  
2525 E. 550 S.  
Lebanon, IN 46052

Dan Tyler, Trustee  
5725 South 300 East  
Lebanon, IN 46052

Ann Herr Mitchell  
8664 N. 650 E.  
Brownsburg, IN 46112

Boone County Commissioners  
116 W. Washington St., Ste 103  
Lebanon, IN 46052

**EXHIBIT**  
"A"

Attribute report for active ID 1

ID name	add1	add3
6615 TYLER DAN TRUSTEE OF	5725 SOUTH 300 EAST	LEBANON, IN 46052
6622 HERR MICHAEL S	2525 E 550 S	LEBANON, IN 46052
6636 MITCHELL ANN HERR	8664N 650 E	BROWNSBURG, IN 46112
6637 MARSHALL JAMES RICHARD & PATSY	6475 S 275 E	LEBANON, IN 46052
6639 AGRI-RESOURCES CAPITAL CORPORA	10910 N CR 650 E	BROWNSBURG, IN 46112
6646 MARSHALL JAMES R & PATSY J	6475 S 275 E	LEBANON, IN 46052
6647 NO VALUE 999- <i>R-0-W</i>	NO VALUE 999	NO VALUE 999
6648 MARSHALL JAMES R & PATSY J	6475 S 275 E	LEBANON, IN 46052
6651 DICKERSON JORDIN M & SHAUN D	7791 BLUEJAY WAY	ZIONSVILLE, IN 46077

*ft  
600  
Pm  
Pfer*

Michael J. Andreoli  
Attorney at Law  
1393 W. Oak St.  
Zionsville, IN 46077



Jordin M & Shuan D Dickerson  
7791 Bluejay Way  
Zionsville, IN 46077

Michael J. Andreoli  
Attorney at Law  
1393 W. Oak St.  
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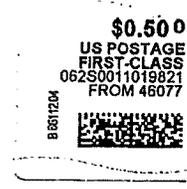
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10910 N. CR 650  
Brownsburg, IN 46112

Michael J. Andreoli  
Attorney at Law  
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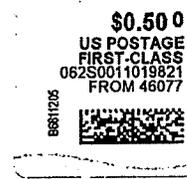
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Lebanon, IN 46077



Boone County Commissioners  
116 W. Washington St., Ste 103  
Lebanon, IN 46052



***MICHAEL J. ANDREOLI***

ATTORNEY AT LAW  
1393 West Oak Street  
Zionsville, Indiana 46077-1839  
(317) 873-6266  
Fax (317) 873-6384  
[mandreoli@datlaw.com](mailto:mandreoli@datlaw.com)

August 17, 2020

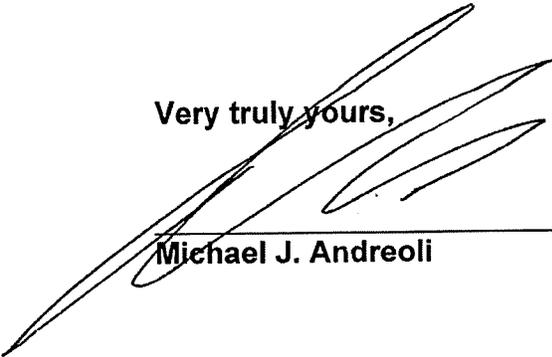
**RE: James R. and Patsy J. Marshall, Petitioners  
Zionsville Board of Zoning Appeals  
File Number 2020-24-DSV  
Date of Meeting: Wednesday, September 2, 2020, at 6:30 p.m.**

Dear Property Owner:

Please find enclosed our Notice of Public Hearing as Jim and Patsy Marshall are seeking a Variance of Development Standards so they can build an accessory structure/pole barn to store their RV which will exceed the square footage of their home. I have enclosed our Narrative that more fully explains our proposed use but feel free to send me an E-mail or give me a call if you have any questions or concerns.

Thank you.

Very truly yours,



---

Michael J. Andreoli

MJA/ba

Enclosures

**EXHIBIT**  
"B"

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Variance of Development Standards, Petition No. 2020-24-DSV, filed by counsel, Michael J. Andreoli, on behalf of the Petitioners, James R. and Patsy J. Marshall. Petitioners are seeking a Variance of Development Standards in order to provide for the construction of a detached barn which exceeds the allowable accessory square footage in an Agricultural Zoning District (AG) in order to store their RV. The property is located at 6475 S. 275 E., Lebanon, Indiana and consists of 2.96 acres, more or less, and is more commonly described as follows:

**A part of the east half of the northeast quarter of Section 4, Township 17 North, Range 1 East of the Second Principal Meridian and being more particularly described as follows:**

**Beginning at the southwest corner of said half quarter section, thence east along the south line thereof 477.75 feet, thence north 210.0 feet, thence west, parallel with the south line of aforesaid half quarter section 477.75 feet to the west line of said half quarter section, thence south along said west line 210.0 feet to the place of beginning, containing 2.303 acres, more or less; subject however to all public highways, legal rights-of way, and easements of record.**

**Located in Perry Township, Boone County, Indiana.**

ALSO,

**A part of the northeast quarter of Section 4, Township 17 North, Range 1 East, situated in Perry Township, Indiana; and being more particularly described as follows:**

**From the southwest corner of the east half of the aforesaid northeast quarter, proceed thence North 0°48'0" West (the bearing assumed from a compass observation) along the quarter-quarter section line, 210.00 feet to the point of beginning. From said point of beginning, continue thence North 0°48'0" West, along the quarter-quarter section line, 60.00 feet; thence North 88°48'0" East, 60 feet; thence South 88°42'35" West, 477.75 feet to the point of beginning.**

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

Further, and 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.

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Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: \_\_\_\_\_

## NARRATIVE

The Applicants, James R. and Patsy J. Marshall, live on 2.96 +/- acres at 6475 S. 275 E., Lebanon, Boone County, Indiana, in Perry Township and are wanting to construct a new Pole Barn to primarily store their motorhome. The proposed new structure will be 1,792 square feet. They currently have existing accessory structures that consists of a detached garage (1,350 square feet); attached garage (50 square feet) and a gazebo (137 square feet). The total of all proposed and existing accessory structures would be 4,209 square feet. The Marshalls' existing primary residential home is 2,732 square feet so they exceed the requirement of Sec. 194.097c(2) by a total of 1,477 square feet. Applicants seeks a Variance from Development Standards per Sec. 194.095c(1) to construct this new accessory structure. Please see for reference Staff Review Notes attached hereto. Applicants have talked with their surrounding neighbors and have obtained their written support as submitted with the Petition.

By way of dimension, the building being proposed is 32' x 56' and will be 16' at its tallest. The Marshall's motor home is 42' long and 13' at its tallest. In contrast to the primary structure, the Marshall's 2 ½ story residence is approximately 21' at the eaves with the roof obviously being much taller.

**AFFIDAVIT OF PUBLICATION**

**STATE OF INDIANA**  
County of Boone

City of Lebanon

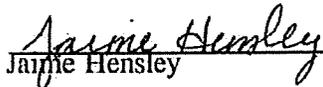
**ISSUED:**

The subscriber, being duly sworn, deposes and says that  
he (she) is the said Annette Burcharts of THE LEBANON REPORTER  
and that the foregoing notice for  
**NOTICE OF PUBLIC HEARING**  
was published in said newspaper in one editions  
of said newspaper issued between 08/18/2020 and 08/18/2020

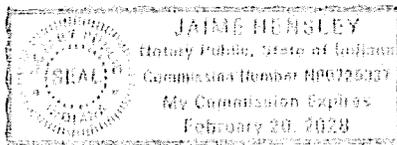
Cost: 62.15

  
\_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME THIS 18th day of August, A.D. 2020

  
\_\_\_\_\_

Notary Public Seal, State of Indiana



**NOTICE OF PUBLIC HEARING**

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Located in Perry Township, Boone County, Indiana.

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Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-486 8/18 hspaxlp 1659867

**Public Notices**

Clark Excavation & Utility (2055 S 125 W, New Castle, IN 47362) is submitting a Notice of Intent (NOI) to the Indiana Department of Environmental Management (IDEM) of our intent to begin construction of a new outfall structure along the East bank of Eagle Creek, as well as a new 24-inch sanitary sewer installed parallel to the existing sewer running along Cemetery Creek from WWTP(Mayflower Dr.) to Eagle Creek.  
TLR-479 8/18 hspaxlp 1659727

Haxton  
STATE OF INDIANA  
SS: COUNTY OF BOONE  
IN THE BOONE CIRCUIT  
COURT  
CAUSE NO.  
06C01-2007-MI-000880  
IN THE MATTER OF THE NAME CHANGE OF DAVID C. HAXTON  
NOTICE OF PETITION FOR CHANGE OF NAME

David C. Haxton has filed a petition before the within Court to change his name.

1. The former name of David C. Haxton is reflected on the Petitioner's birth certificate will be changed to Daihi Macrae Haxton.  
2. A hearing will be held in the Boone Circuit Court with respect to said name change on September 30, 2020 at 8:15 A.M.

3. Any person may appear at the hearing and file objections to said name change.

4. The attorney representing the Petitioner is Chris L. Shelby, SHELBY LAW P.C., 116 N. West Street, PO Box 743, Lebanon, Indiana 46052.  
Dated 7/27/2020.

/s/ Lori Schein  
Judge Boone Circuit Court  
Chris L. Shelby - #123-06  
SHELBY LAW P.C.  
116 N. West Street  
PO Box 743  
Lebanon, IN 46052  
Phone: 765-482-1370  
Fax: 765-482-9065  
TLR-445 8/4, 11, 18 hspaxlp

Kennedy  
STATE OF INDIANA  
IN THE BOONE SUPERIOR  
COURT I  
SS: COUNTY OF BOONE  
CAUSE NO.:  
06D01-2008-MI-000944  
IN RE: PETITION TO AMEND  
BIRTH CERTIFICATE OF  
BARBARA FRANCIS KENNEDY  
Petitioner.

**NOTICE OF PETITION TO AMEND BIRTH CERTIFICATE**

Barbara Francis Kennedy, whose mailing address is 320 S. Vine Street, Thornton, Boone County, IN 46071, hereby gives notice that she has filed a petition in the Boone County Superior Court I requesting that her birth certificate be amended to change her birth name to Barbara Jean Francis.

Notice is further given that a hearing will be held on said Petition on the 21<sup>st</sup> day of September, 2020 at 8:30 a.m.

/s/ Barbara Francis Kennedy  
Barbara Francis Kennedy  
August 12, 2020  
Date

/s/ Jessica Fouts  
Clerk, Boone County Superior  
Court I  
TLR-484 8/18, 8/25, 9/1 hspaxlp

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](http://IndianaPublicNotices.com).

**Public Notices**

MOUNT  
NOTICE OF ADOPTION TO BIRTH FATHER  
STATE OF INDIANA SS:  
COUNTY OF HAMILTON  
IN HAMILTON COUNTY  
SUPERIOR COURT  
CAUSE NO:  
29D01-1912-AD-001913  
IN THE MATTER OF THE ADOPTION OF KELSEY LYNN CLAYTON, Minor Child.

TO: Nathan Scott Mount  
Via Lebanon Reporter

Nathan Scott Mount is notified that a Petition for Adoption of the minor Child, named Kelsey Lynn Clayton, who was born on the August 12, 2008 and is the Child of Nathan Scott Mount and Briana Clayton, was filed in the Office of the Clerk of the Hamilton County Superior Court, One Hamilton County Square, Noblesville, IN 46060, under the title: In the Matter of the Adoption of Kelsey Lynn Clayton. The Petition for Adoption alleges that Nathan Scott Mount is the Biological Father of the minor Child; however, Nathan Scott Mount's consent is not required as *continued next column*

**Alcohol & Tobacco Commission LEGAL NOTICE OF PUBLIC HEARING**

The Alcohol Beverage Board of Boone County, Indiana will hold a public hearing at 9:30 am on September 02, 2020 virtually through Microsoft Teams, to investigate the propriety of holding an alcoholic beverage permit by the applicants listed below.

Information on accessing the virtual meeting can be found at <https://www.in.gov/atc/2855.htm>.

RR0693227 Beer & Wine Retailer Restaurant RENEWAL TOWN OF ZIONSVILLE, INDIANA 10799 E CO RD 550 S Zionsville IN D/B/A ZIONSVILLE GOLF COURSE  
DL0623897 Beer & Wine Dealer Grocery Store RENEWAL JI FOOD MART INC 105 EAST MAIN STREET Jamestown IN D/B/A JI FOOD MART #2 JASWINDER Bhatt 114 N MAIN ST APT 4 Advance, President LAKHWINDER SINGH 932 W GASTON DR APT E Greensburg, Secretary

RR0629770 Beer & Wine Retailer Restaurant RENEWAL MATT & RACHEL LLC 620 S MAIN ST Zionsville IN D/B/A BUB'S BURGERS & ICE CREAM  
RR0303489 Beer Wine & Liquor Restaurant (210 1) RENEWAL THE SCOOP LLC 305 S Main St Zionsville IN D/B/A

RR0635320 Beer Wine & Liquor Restaurant (210 1) RENEWAL SHE DE CULTURE INC. 6124 MILLS DRIVE Whitestown IN REN HUI ALAN YANG 482 ELHORA LANE Westfield President

RR0636652 Beer Wine & Liquor Restaurant (210) NEW JAWBONE BBO LLC 104 NORTH MAIN STREET Advance IN D/B/A JAWBONE BBO MELODY S. THOMAS 7287 WEST 300 SOUTH Jamestown, Secretary Jenna Thomas 7287 West 300 South Jamestown, President

RR0634095 Beer Wine & Liquor Restaurant (210) TRANSFER KLC REALTY, LLC 7151 7153 WHITESTOWN PARKWAY Zionsville IN D/B/A MONTERREY BAR & GRILL  
TLR-483 8/18 hspaxlp 1659774

For full public notice listings go to [IndianaPublicNotices.com](http://IndianaPublicNotices.com).

[IndianaPublicNotices.com](http://IndianaPublicNotices.com).

**Public Notices**

he has failed, without justifiable cause, to have significant contact with the Child; he has knowingly failed, without justifiable cause, to provide for the care and support of the Child when able to do so as required by law or judicial decree for at least one (1) year; and, he is too unfit to parent.  
If Nathan Scott Mount seeks to *continued next column*

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

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

Public notice advertisements – also called legal notices – 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](http://IndianaPublicNotices.com).

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**Public Notices**

contest the adoption of the Child, Nathan Scott Mount must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court not later than thirty (30) days after the date of service of this Notice.

If Nathan Scott Mount does not file a motion to contest the adoption within thirty (30) days after service of this notice, the above named court will hear and determine the Petition for Adoption. The consent to the adoption of Kelsey Lynn Clayton will be irrevocably implied and Nathan Scott Mount will lose the right to contest either the adoption or the validity of Nathan Scott Mount's implied consent to the adoption.

No oral statement made by the Petitioner relieves Nathan Scott Mount of his obligations under this notice.

This notice complies with IC 31-19-4.5-3, but does not exhaustively set forth a person's legal obligations under the Indiana adoption statutes. A person being serviced with this notice should consult the Indiana adoption statutes.

Dated: 7/28/2020  
Kathy Kragg Williams  
Clerk of Hamilton County  
Attorney Information:  
Shelley Haymaker  
Attorney at Law  
124 N. 10th St., Suite A  
Noblesville, IN 46060  
(317) 776.0460  
TLR-441 8/4, 11, 18 hspaxlp

0748'0" West (the bearing assumed from a compass observation) along the quarter-quarter section line, 210.00 feet to the point of beginning. From said point of beginning, continue thence North 0748'0" West, along the quarter-quarter section line, 6.00 feet; thence North 88'748'0" East, 60 feet; thence South 88'742'35" West, 477.75 feet to the point of beginning.

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Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-486 8/18 hspaxlp 1659867

**Public Notices**

**PUBLIC NOTICE TO PROPERTY OWNERS WITHIN AND AROUND THE TOWN OF WHITESTOWN**

At its August 12, 2020 meeting, the Whitestown Town Council adopted Ordinance No. 2020-11, which voluntarily annexes into Whitestown approximately 4.4 acres of land generally located northeast of the intersection of County Road 400 South and County Road 450 East. For more information regarding the Ordinance, please contact Town Manager Jason Lawson, at (317) 769-6557. A copy of the Ordinance with its attachments is available for review at the Whitestown Municipal Complex, 6210 Veterans Drive, Whitestown, Indiana 46075 once the Complex reopens, and is also available online at [www.whitestown.in.gov](http://www.whitestown.in.gov). The Ordinance (without attachments) is as follows:

**ORDINANCE 2020-11 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, ANNEXING TERRITORY TO THE TOWN OF WHITESTOWN, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF WHITESTOWN FISHBACK 3 SUPER-VOLUNTARY ANNEXATION**

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Town" or "Whitestown") received petitions ("Petitions") requesting that certain territory generally located northeast of the intersection of County Road 400 South and County Road 450 East, as hereinafter described ("Annexation Territory"), be annexed by Whitestown; and WHEREAS, the Petitions have been signed by all of the owners (i.e., 100%) of the property within the Annexation Territory; and WHEREAS, the Council deems it desirable and in the best interest of the Town to annex the Annexation Territory; and

WHEREAS, a legal description and drawing of the Annexation Territory are attached hereto as Exhibit A and Exhibit B; and WHEREAS, where the legal description attached as Exhibit A describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing Town limits, the Annexation Territory boundary shall conform to and match the boundary of the existing Town limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit B; and

WHEREAS, the Annexation Territory consists of approximately 4.4 acres, and is contiguous to the existing Town limits; and WHEREAS, prior to adoption of this Ordinance, the Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, the Town has further determined that the Annexation Territory is needed and can be used by Whitestown for its development in the reasonably near future; and WHEREAS, prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

- The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.
- In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
- The Annexation Territory is assigned to Council District No. 1.
- The Annexation Territory shall maintain its current zoning classification (s) and designation(s) until such time the Town updates its respective comprehensive plan, zoning ordinance, or zoning map.
- Some or all of the property within the Annexation Territory is currently classified as agricultural for tax purposes. As may be contemplated by I.C. § 36-4-3-4.1, Whitestown anticipates that the real property will be treated as exempt from property tax liability under I.C. § 6-1.1 for "municipal purposes" unless/until the land is reclassified under assessment rules and guidelines of the DLGF. As fire protection services are not uniquely a municipal service, and Whitestown already provides fire protection service to unincorporated Worth Township, including the Annexation Territory, and as agreed by the property owner, the fire tax levy for the Annexation Territory is not to be considered "property tax liability under I.C. § 6-1.1 for municipal purposes." The Annexation Territory will therefore not be exempt from property tax liability for fire protection purposes (e.g., the fire tax levy) even while the Annexation Territory remains classified as agricultural.
- All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
- The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Dated this 18th day of August, 2020.  
By Matt Sumner, Clerk-Treasurer of the Town of Whitestown, Indiana.  
TLR-482 8/18 hspaxlp 1659777

**Public Notices**





POORS

Date: Apr 21, 2020 1:57:08 PM  
Store: LEBANON  
402 N SAM RALSTON RD  
LEBANON, IN 46052  
Ph: 765-482-7908



Design #: 328353376112

Estimate #: 57346

Estimated price: \$15,104.76 \*

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

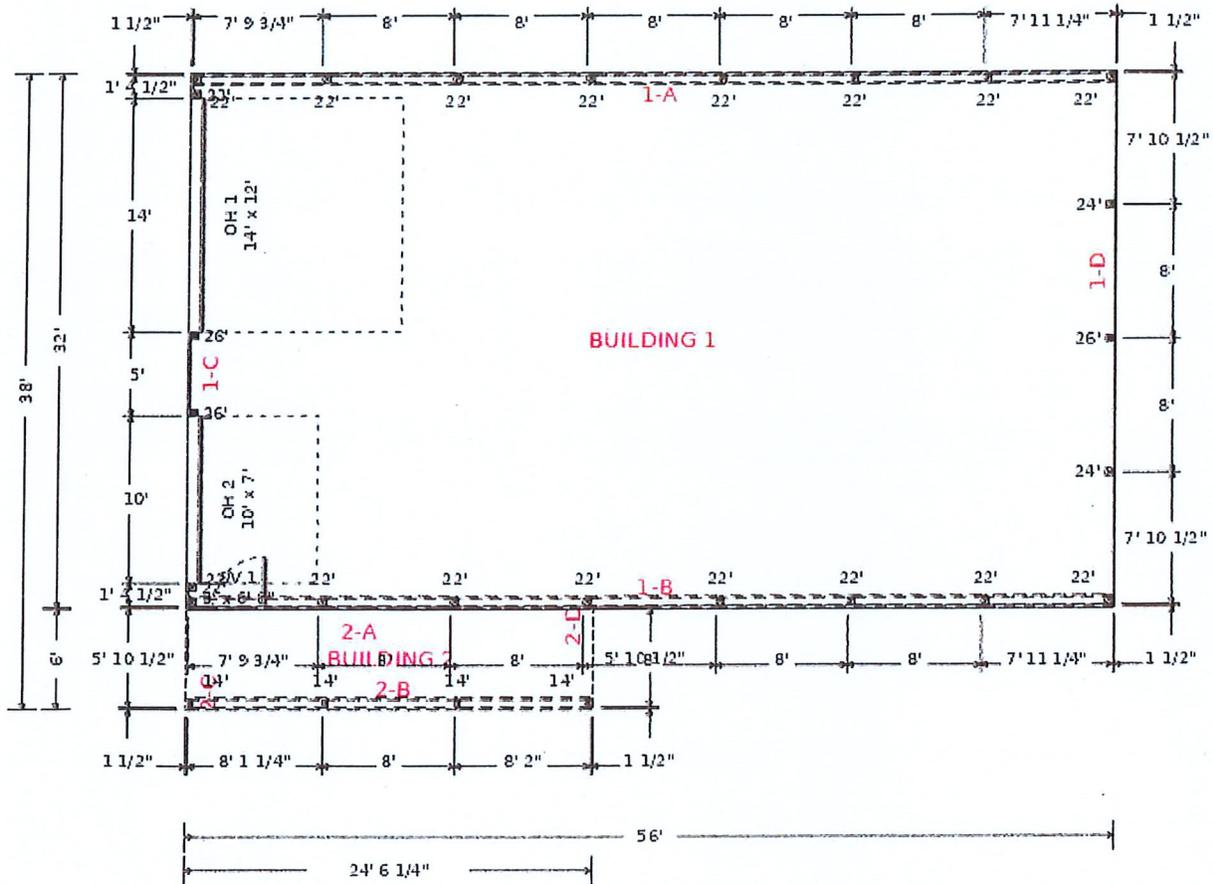
### How to purchase at the store

1. Have a building materials team member enter the estimate number into System V to print SOC's.
2. Take the SOC to the register and pay.

### How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

### FLOOR PLAN

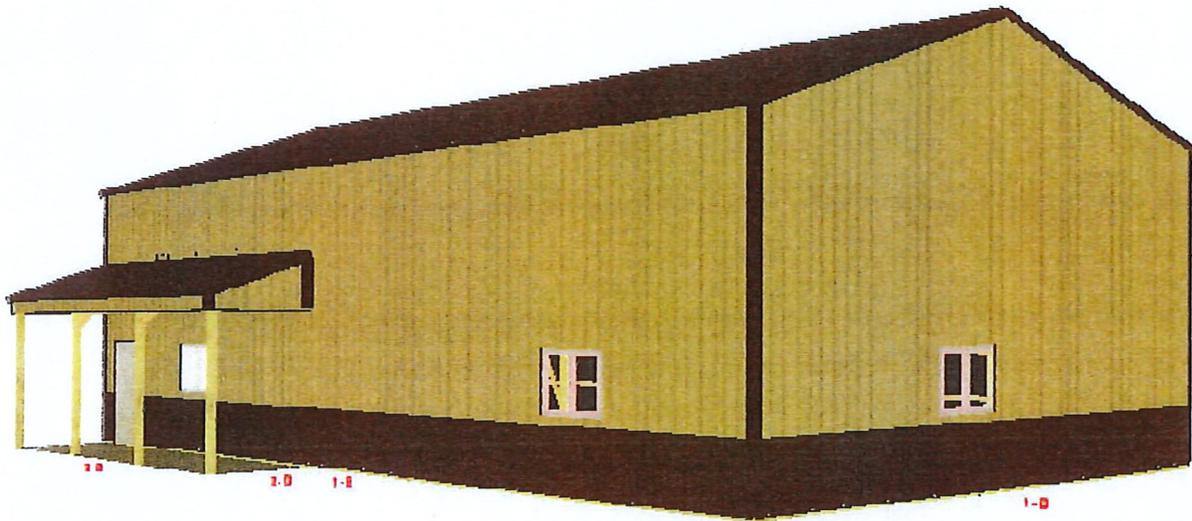
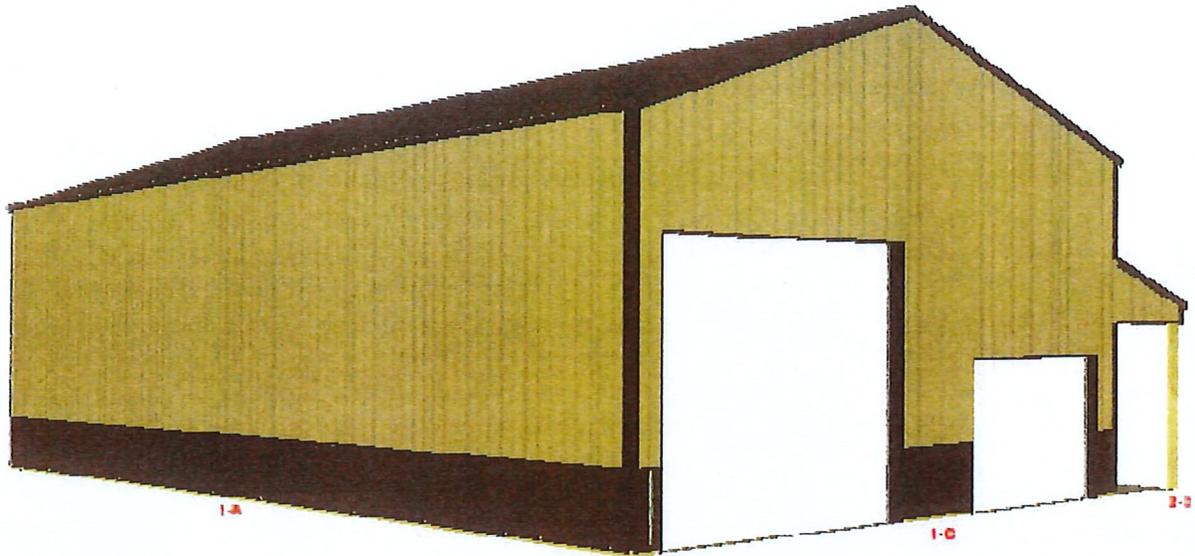


Design #: 328353376112  
Estimate #: 57346  
Store: LEBANON



Post Frame Building Estimate  
Date: Apr 21, 2020 1:57:08 PM

Elevation Views





**Congratulations, you have taken the first step towards making your new post frame building a reality!**

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products select one of the links below or visit us on the web at [www.midwestmanufacturing.com](http://www.midwestmanufacturing.com).

**Premium Steel Panels** - Pro-Rib and Premium Pro-Rib steel panels are your best options for steel panels in the market.

- Steel Panels are Grade 80 (full hard steel).
- Prepaint zinc phosphate coating for superior paint paint adhesion - available in multiple colors.
- Pro-Rib features a limited 40 year paint warranty.
- Premium Pro-Rib has a limited lifetime paint warranty.
- All painted panels are ENERGY STAR rated, using a Cool Chemistry paint system.
- Pro-Rib and Premium Pro-Rib panels are UL Certified for Wind Uplift UL 580, Fire Resistance UL 790, Impact Resistance of Roof UL 2218.
- Pro-Rib and Premium Pro-Rib panels are IRC and IBC compliant.

**Engineered Trusses** - Post frame trusses are specifically engineered to meet your application and geographic location.

- All Midwest Manufacturing trusses can be supplied with engineered sealed prints.
- TPI approved and third party inspected.

**Laminated Columns** - Designed to replace standard treated posts as vertical supports in Post Frame Construction.

- Columns 20' or less are treated full length.
- Lifetime Warranty against rot and decay.
- Columns over 20' in length are reinforced with 20 gauge stainless steel plates at each splice location.
- Lower portion of columns treated for in ground use.
- Rivet Clinch Nails provide superior holding power.
- Columns provide superior truss to pole connection.

**Pressure Treated Lumber** - All treated post and grade board used in your building will safely and effectively resist decay.

- Treated to AWPA compliance.
- Post and grade board offer a lifetime warranty against rotting and decay.

Design #: 328353376112  
Estimate #: 57346  
Store: LEBANON



Post Frame Building Estimate  
Date: Apr 21, 2020 1:57:08 PM

### Building Information

1. Building Use:	Code Exempt
2. Width:	32 ft
3. Length:	56 ft
4. Inside Clear Height:	16 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

### Wall Information

1. Post Type:	Posts
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Beige
6. Wainscot Size:	36 in
7. Wainscot Color:	Brown
8. Sidewall B Wainscot:	Yes
9. Sidewall A Wainscot:	Yes
10. Trim Color:	Brown
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	None
14. Sidewall B eave light:	None
15. Wall Fastener Location:	In the Flat
16. Eave Trim:	Yes
17. Gradeboard Type:	2x6 Treated Gradeboard

### Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Insulation:	No

### Roof Information

1. Pitch:	4/12
2. Truss Spacing:	4 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Brown
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	0 ft
8. Sidewall Overhangs:	0 ft
9. Skylight Size:	None
10. Ridge Vent Quantity:	None
11. Ceiling Liner Type:	None
12. Purlin Placement:	Flat
13. Ceiling Insulation Type:	None

### Accessories

1. Outside Closure Strip:	Standard
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Snow Guard:	Yes
8. Mini Print:	Email Only

Design #: 328353376112  
 Estimate #: 57346  
 Store: LEBANON



Post Frame Building Estimate  
 Date: Apr 21, 2020 1:57:08 PM

**Leans**

Building 2	
Attaching wall:	B
Endwall overhang length:	0 ft
Sidewall overhang length:	0 ft
Add snow guards:	Yes
Remove every other post:	No
Length:	24 ft
Depth:	6 ft
Drop Distance From Roof:	5 ft
Position From Left:	0 ft
Approximate Clear Height:	8 ft
Open interior wall:	No
Open exterior walls:	Side And End Walls

**Doors & Windows**

Name	Size	Wall
Service Door	36"x80"	1-B
Window	48"x36"	1-B
Window	48"x36"	1-B
Overhead Door	14' x 12'	1-C
Overhead Door	10' x 7'	1-C
Window	48"x36"	1-D

**Lean Open Walls**

Wall	Every Other Post Removed
2-B	No
2-C	No
2-D	No

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

- 1. The grant **will not** be injurious to the public health, safety, morals and general welfare of the community because: **we have sufficient acreage that this will not appear crowded or cluttered.**
  
- 2. The use or value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner because: **we have checked with our surrounding neighbors and they have no objection to an additional accessory structure.**
  
- 3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because: **as we have 2.96 acres, an additional accessory structure will allow for continued appropriate use of our property for storage of personal property.**

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**Petition Number:** 2020-25-UV

**Subject Site Address:** 6300 Technology Drive

**Project Name:** Ambulatory Surgery Center

**Petitioner:** Innovative Partners, LLC

**Represented by:** Andrew Buroker and Mark Leach, Faegre Drinker Biddle & Reath LLP

**Request:** Petition for a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

**Current Land Use:** Vacant Office Building; previously Harrison College

**Approximate Acreage:** 2.4± acres

**Zoning History:** No previous filings for Board of Zoning Appeals or Plan Commission.

**Exhibits:**  
Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Comprehensive Plan Land Use Map  
Exhibit 4 – Zoning Map  
Exhibit 5 – Petitioner’s Narrative  
Exhibit 6 – Petitioner’s Proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

## **PETITION HISTORY**

This petition will receive a public hearing at the September 2, 2020, Meeting of the Board of Zoning Appeals. No other petitions for this project have been filed at this time, but should the Use Variance be granted and exterior building renovations be proposed by the Petitioner (not contemplated at this time), approval of a Development Plan would be required from the Plan Commission.

## **SITE LOCATION, ZONING AND PROJECT DESCRIPTION**

The 2.4± acre subject site is classified as Rural and is zoned Industrial One Rural Zoning District (I-1 Rural). The site is located on the north side of Technology Center Drive in the Northwest Technology Park (see Exhibit 2). The subject site has been improved with a primary building of approximately 18,500 square feet and related parking areas. The primary building has been used as the Harrison College, but is now vacant. Vehicular access onto the site is from the existing internal streets of Northwest Technology Park. The subject site is owned by S & H Development, LLC, who has granted authority to the Petitioner for this Use Variance Petition. The subject site is bordered on all sides by parcels also zoned I-1 Rural (see Exhibit 4) and developed as follows:

- on the north by single-story office buildings;
- to the east, parking area supporting the office uses in the business park;
- to the south is an undeveloped lot;
- and to the west is a detention pond serving the business park.

The Petitioner proposes to renovate and re-use the existing building as an ambulatory surgery center for all medical practices. The exterior and footprint of the existing building will not be altered except for signage. The proposed signage has not been submitted for review. The hours of operation would be from 7:00 am to 4:00 pm, Monday through Friday. Details of the Plan of Operation and Facility Employment (Year 3) are provided within the Petitioner's Narrative (see Exhibit 5).

## **ANALYSIS**

Based upon the description of proposed uses from the Petitioner, Staff determined that the use is best described as a "Clinic" use which is identified within the Zionsville Zoning Ordinance Table of Authorized Uses (Table 2). The use of "Clinic" is not a permitted use at the I-1 zoned location. The use of "Clinic" is permitted by right in the following Rural zoning districts: LB, GB, UB, PB.

In evaluating the appropriateness of the proposed use at the subject location, the existing surrounding uses and the Town's Comprehensive Plan must be considered. The 2010 Comprehensive Plan Land Use Map identifies the future land use for entirety of the Northwest Technology Park to be Research - Technology (Exhibit 3). Existing uses within the business park uses include corporate offices for a variety of business types, with some being medically-related.

The proposed renovation and re-use of the existing structure for an Ambulatory Surgery Center, or "Clinic" Use, is consistent with the Comprehensive Plan and should not have any significant adverse impact on existing surrounding land uses.

## **Time Line**

Typically, the Board of Zoning Appeals weighs heavily the concept of establishing a “sunset date” (or “check in date” / “renewal date”) for any Use Variance it approves within its jurisdiction. As such, if the Board of Zoning Appeals is inclined to favorably consider the petition, the Board of Zoning Appeals should discuss this topic with the Petitioner during the course of the public hearing while noting the Petitioner’s timeline for investment and improvement to the site.

## **PROCEDURAL – CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL**

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Use Variance requests as provided for by the Zionsville Zoning Ordinance. A Use Variance 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 need for the variance arises from some condition peculiar to the property involved; and strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property:*
- (d) The strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property:*
- (e) The approval does not interfere substantially with the Comprehensive Plan*

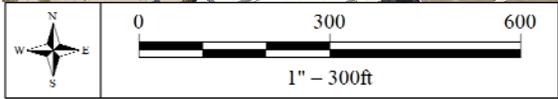
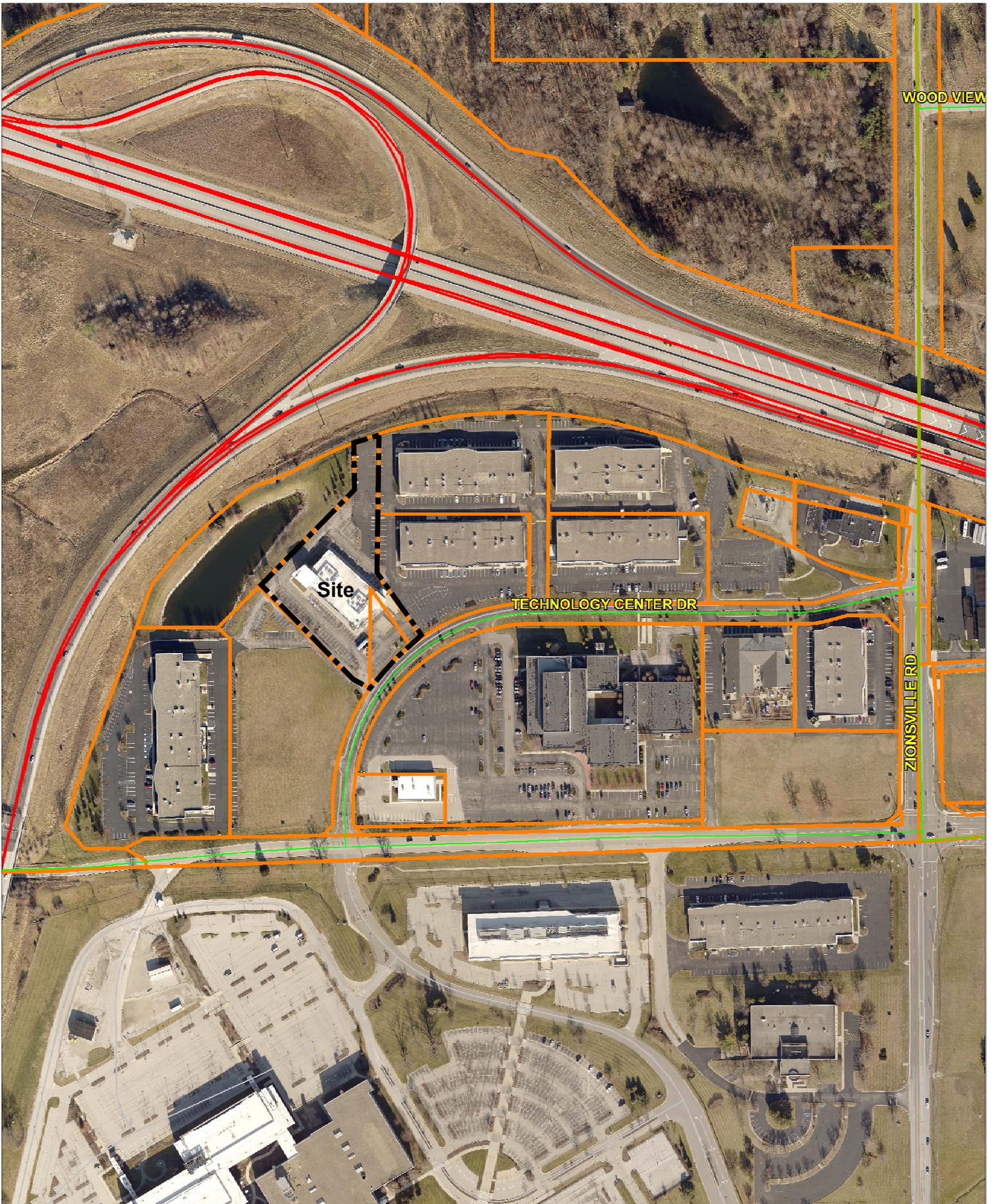
Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal’s consideration (Exhibit 6).

## **STAFF RECOMMENDATIONS**

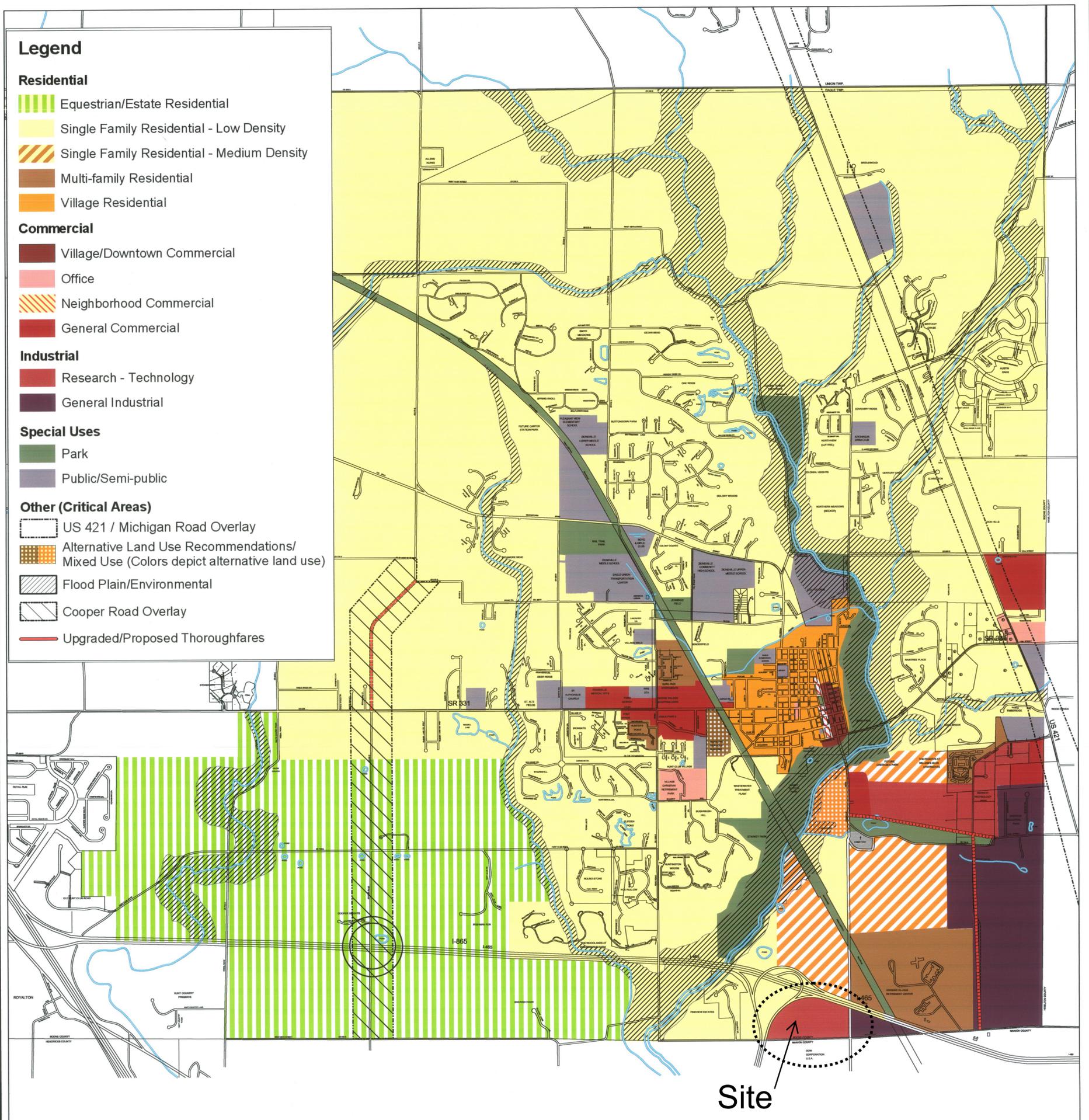
Staff recommends approval of the Use Variance for an Ambulatory Surgery Center Use, providing for most all medical practices, within the existing structure, as a Primary Use at 6300 Technology Drive as described and depicted in Docket #2020-25-UV.

## **RECOMMENDATION MOTION**

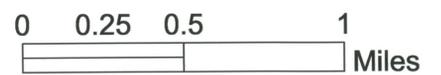
I move that Docket #2020-25-UV, a Use Variance to permit an Ambulatory Surgery Center Use, providing for most all medical practices, within the existing structure, as a Primary Use at 6300 Technology Drive be (Approved as filed, based upon the findings of fact / Denied / Continued) as presented.



**2020-25-UV: Location Map - Exhibit 2**



Note: See Text for Detailed Description of Land Use Classification

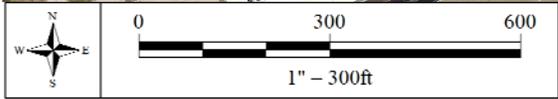
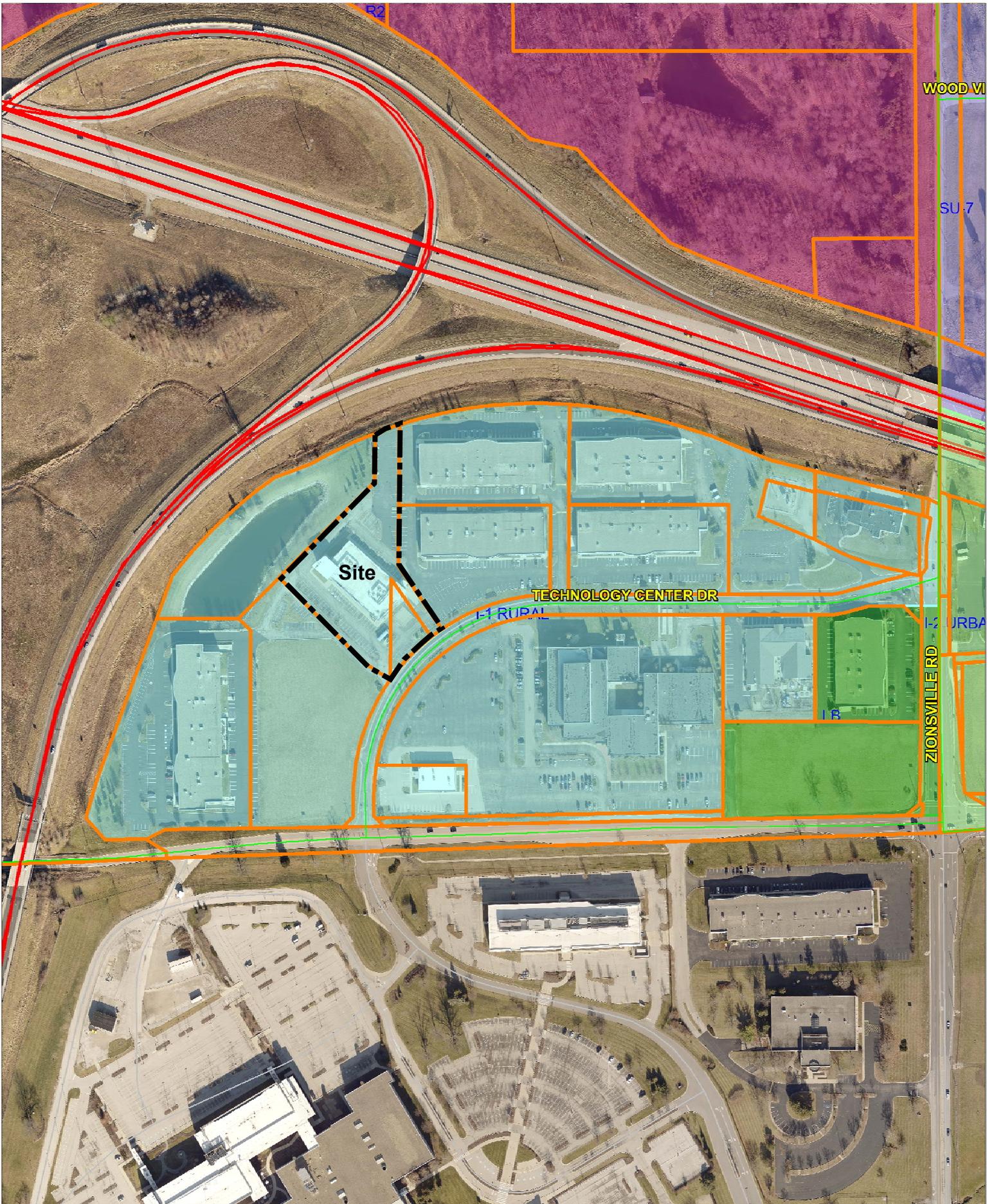


# Zionsville Comprehensive Plan



## Figure 6.2 Proposed Land Use

July 2003



2020-25-UV: Zoning Map - Exhibit 4

**Detailed Description of Petition Request**  
**Plan of Operation**

6300 Technology Center Drive

Innovative Partners, LLC (the “Petitioner”) respectfully requests a Variance of Use to permit an ambulatory surgery center in the Rural I-1 Zoning District. Ambulatory surgery centers are not a permitted use in an I-1 Zoning District per 194.082 - Table 2: Authorized Uses.

This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage. The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use. Other regular office uses that are not Industrial and several medical office uses are located in the Center, and this is an ideal location with good road network connectivity to serve the community.

**Plan of Operation:**

Monday – Friday

Business hours: 7:00 a.m. – 4:00 p.m.

Services include outpatient surgical care across most medical specialties

Normal patient visit time: 1.5 – 3 hours

Estimated patient traffic: 8–10 patients/day in Year 1, increasing to 15-20 patients/day by Year 3

**Facility Employment – Year 3:**

15 Registered Nurse (RN) Positions

7 Certified Surgical Tech (CST) Positions

1 – 2 Patient Care Tech (PST) Positions

4 – 5 Front Office Staff, Billing, Medical Records and Reception Positions

Daily staffing totaling 12 – 15 employees on site

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:  
This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage.
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:  
The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use, and the exterior and footprint of the existing building will not be altered except for signage. This reuse of a current vacant building will add value back to the business park.
3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:  
The property is part of the larger Northwest Technology Center which is zoned I-1 (Rural), but this site used to be a veterinary school and is ideally located to provide medical ambulatory surgery services to the area, and there are already current medical office uses in the Center under use variances, and the variance grant would allow for the reuse of a vacant building that was also not an industrial use.
4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:  
The zoning ordinance would not permit this proposed medical office use in this part of the Town due to it being zoning I-1 (Rural), even though there are other medical office uses in the Center, and this is an ideal location with good road network connectivity to serve the community.
5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:  
The Comprehensive Plan proposes an Industrial Research-Technology land use for this property, which is a compatible land use category for the proposed ambulatory surgery center as a medical office use.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-25-UV

**1. SITE INFORMATION:**

Address of Property: 6300 Technology Center Drive  
Existing Use of Property: Vacant Harrison College  
Proposed Use of Property: Ambulatory Surgery Center  
Current Zoning: Rural I-1 Area in acres: 2.4

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: Innovative Partners, LLC  
Owner Name (if different from Petitioner): S & H Development, LLC  
Petitioner Address: 16333 N. Grey Rd., Noblesville, IN 16062 Owner Address: PO Box 194, Carmel, IN 46082  
Petitioner Phone Number: 317.506.7885 Owner Phone Number: 317.638.2400  
Petitioner E-Mail Address: N/A Owner E-Mail Address: N/A

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

**Attorney/Contact Person:**

Name: Andrew B. Buroker, Faegre Drinker Biddle & Reath LLP  
Address: 600 E. 96th St., Ste 600, Indianapolis, IN 46240  
Phone Number: 317-569-4616  
E-Mail Address: andy.buroker@faegredrinker.com

**Project Engineer:**

Name: Architect - Chris W. Lake, Delv Design  
Address: 212 W. 10th St., Ste. F125, Indianapolis, IN 46202  
Phone Number: 317-296-7400  
E-Mail Address: chris@delvdesign.com

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

Appeal    Variance of Development Standards    Variance of Use    Special Exception    Modification  
Variance of Use to permit an ambulatory surgery center in the Rural I-1 Zoning District.

Ambulatory surgery centers are not a permitted use in an I-1 Zoning District per 194.082 - Table 2: Authorized Uses.

**5. ATTACHMENTS:**

- Legal description of property
- Owner's Authorization (if Petitioner is not the Owner)
- N/A  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





OWNER'S AUTHORIZATION

The undersigned, S & H Development, LLC, being the owner of the property commonly known as 6300 Technology Center Drive, hereby authorizes Andrew B. Buroker, Mark R. Leach and Faegre Drinker Biddle & Reath LLP to file a Petition for (zone map change (variance) special exception / subdivision plat approval / other) for the aforementioned property.

Signature: Susan H Backer, Co Trustee  
Printed: SUSAN H. BACKER, Co-Trustee  
Title: Stephen A. Backer Marital Trust

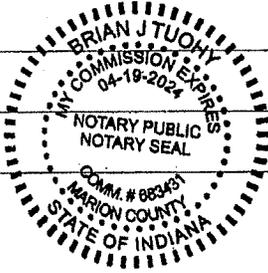
State of Indiana )  
County of Marion )  
SS:

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

Brian J Tuohy  
Notary Public Signature

Brian J. Tuohy  
Notary Public Printed

My Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My County of Residence is \_\_\_\_\_ County



**OWNER'S AUTHORIZATION**

The undersigned, S & H Development, LLC, being the owner of the property commonly known as 6300 Technology Center Drive, hereby authorizes Andrew B. Buroker, Mark R. Leach and Faegre Drinker Biddle & Reath LLP to file a Petition for (zone map change variance) special exception / subdivision plat approval / other) for the aforementioned property.

Signature: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Title: \_\_\_\_\_

*Jeffrey A. Saunders*  
Jeffrey A. Saunders  
Co-Trustee of Stephen A. Baker Marital Trust, Member

State of Indiana )  
County of Hamilton ) SS:

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

Jamie L. Shears.  
Notary Public Signature

Notary Public Printed

My Commission No: 706115



My Commission Expires: \_\_\_\_\_

My County of Residence is \_\_\_\_\_ County

# PETITIONER'S AUTHORIZATION

The undersigned, Innovative Partners, LLC, being the contract purchaser of the property commonly known as 6300 Technology Center Drive, hereby authorizes Andrew B. Buroker, Mark R. Leach and Faegre Drinker Biddle & Reath LLP to file a Petition for (zone map change variance) special exception / subdivision plat approval / other) for the aforementioned property.

Signature:   
Printed: Dr. Ronald Piniecki  
Title: Member

State of Indiana )  
County of Hamilton )  
SS:

Subscribed and sworn to before me this 28<sup>th</sup> day of July, 2020.

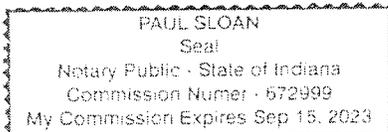
  
Notary Public Signature

Paul Sloan  
Notary Public Printed

My Commission No: 672999

My Commission Expires: 09/15/2023

My County of Residence is Boone County



## LEGAL DESCRIPTION

Lot Numbered Nine (9) in Replat of Lot 9 and Lot B of Lot 2 Northwest Technology Center, an addition in Boone County, Indiana, as per plat thereof recorded February 2, 2005 in Book 15 page 46 as Instrument Number 0501312, in the Office of the Recorder of Boone County, Indiana.

TOGETHER with those non-exclusive easements for ingress, egress, utilities, drainage and signage as created and granted in a Declaration of Covenants and Easements dated May 6, 1999 and recorded May 6, 1999 as Instrument No. 99-5722 in the Office of the Recorder of Boone County, Indiana.

ALSO TOGETHER with a non-exclusive easement for parking spaces as created and granted in a Parking Easement Agreement dated March 11, 2005 and recorded August 1, 2005 as Instrument No. 0508908 in the Office of the Recorder of Boone County, Indiana.



## Detailed Description of Petition Request Plan of Operation

6300 Technology Center Drive

Innovative Partners, LLC (the “Petitioner”) respectfully requests a Variance of Use to permit an ambulatory surgery center in the Rural I-1 Zoning District. Ambulatory surgery centers are not a permitted use in an I-1 Zoning District per 194.082 - Table 2: Authorized Uses.

This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage. The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use. Other regular office uses that are not Industrial and several medical office uses are located in the Center, and this is an ideal location with good road network connectivity to serve the community.

### Plan of Operation:

Monday – Friday

Business hours: 7:00 a.m. – 4:00 p.m.

Services include outpatient surgical care across most medical specialties

Normal patient visit time: 1.5 – 3 hours

Estimated patient traffic: 8–10 patients/day in Year 1, increasing to 15-20 patients/day by Year 3

### Facility Employment – Year 3:

15 Registered Nurse (RN) Positions

7 Certified Surgical Tech (CST) Positions

1 – 2 Patient Care Tech (PST) Positions

4 – 5 Front Office Staff, Billing, Medical Records and Reception Positions

Daily staffing totaling 12 – 15 employees on site

## **Businesses Located in the Northwest Technology Center**

American Cancer Society, offices.

American Heart Association, offices.

Browning is a commercial real estate firm that handles development, construction, property management across a diversified portfolio.

Capstone Administrators eases that administrative burden by reviewing group benefit plans, developing and implementing strategies to help increase productivity, and monitoring compliance.

Compliance Dashboard is dedicated to providing valuable tools to benefit advisers and employee plan sponsors to simplify health and 401(k) benefit regulations and comply with federal mandates.

Corteva Agrisciences (formerly DOW) is a wholly owned subsidiary of the Dow Chemical Company specializing in not only agricultural chemicals such as pesticides, but also seeds and biotechnology solutions.

Hcl.com is the leading cloud-based high-value care platform for healthcare organizations looking to personalize care and reduce waste.

LeadingAge Indiana is an association representing not-for-profit services and providers for the elderly.

Lewellyn Technology offers electrical maintenance training that helps companies comply with new safety regulations.

OneBridge is a business intelligence and data consulting firm serving some of the largest government, manufacturing, healthcare, and financial services entities in the U.S.

Prosolia Inc. is a scientific instrument company engaged in the development, manufacturing and marketing of life sciences tools that enhance and expand the use of mass spectrometers for translational and preclinical research and chemical analysis.

Renaissance LLC offers administrative support services to charitable trusts, donor-advised funds, private foundations, pooled income funds, supporting organizations, and irrevocable life insurance trusts, as well as consulting and legal services.

Siemens Electrification provides automation and digitalization innovative solutions.

Special Olympics of Indiana, offices.

Tangoe is the leading technology solution provider of order, invoice, inventory, and expense management for telecom, mobile, cloud, Internet of Things (IoT).



R=1096.23'  
L= 243.94'  
CH= 243.44'  
CH BRG= N66°06'58"E

LEGEND

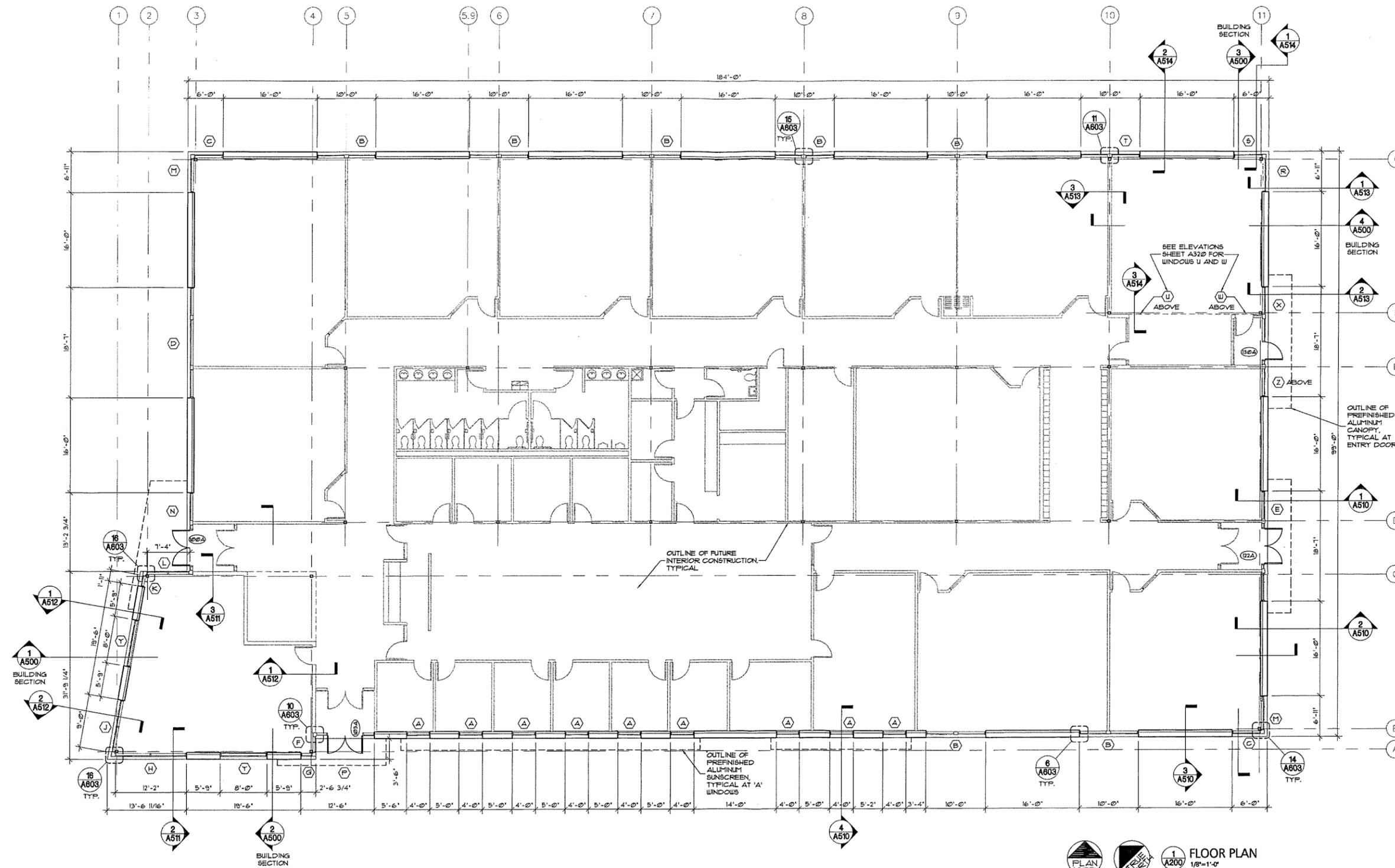
- Curb Inlet
- Square Catch Basin
- Light Pole
- Existing Fence
- Electric Pedestal (1x2)
- Electric Transformer
- Electric Panel
- Power Pole
- Property Corner
- Number of Parking Spaces

SITE DATA

SITE ACREAGE:	2.40 AC
ZONING:	I-1
PROPOSED BUILDING SIZE:	18634 SF
PROVIDED PARKING:	159 REGULAR SPACES 7 DISABLED 150 OFFSITE REGULAR SPACES



DESIGNED BY	CRP	CRP	CRP	MLO	
REVISIONS AND DATES					
<b>SITE PLAN</b>					
<b>INDIANA BUSINESS COLLEGE</b>					
<b>6300 TECHNOLOGY CENTER DRIVE</b>					
<b>INDIANAPOLIS, IN 46278</b>					
PREPARED BY:  Dorow Development Services, Inc. 501 South 9th St., Ste. 100 Indianapolis, Indiana 46202 (317) 770-1221 fax	OWNED BY: Office Building, L.L.C. 701 East New York Street Indianapolis, Indiana 46202 (317) 252-2222				
DATE: FEB 4, 2005					
SCALE: 1" = 30'					
PROJECT NO. 2004-0068					
SHEET NO.					
<b>2</b>					
OF 10					

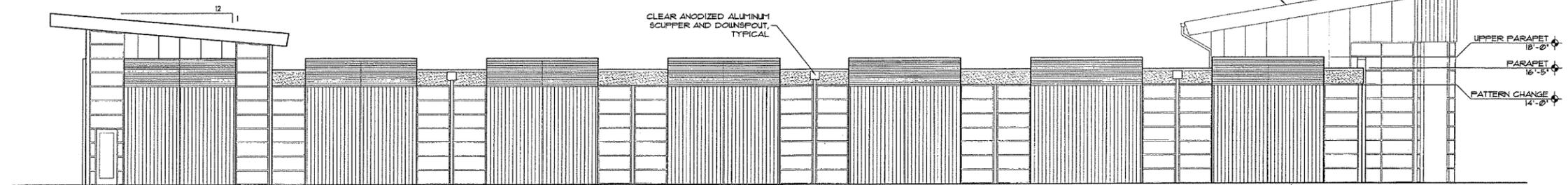
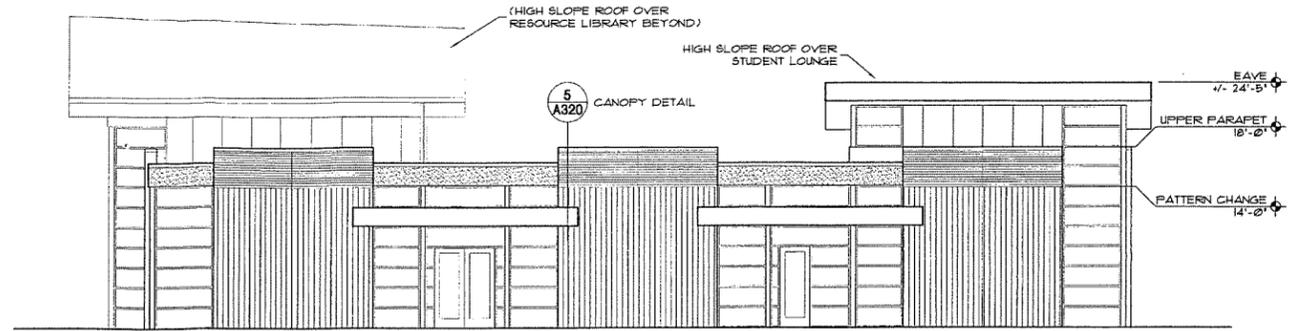
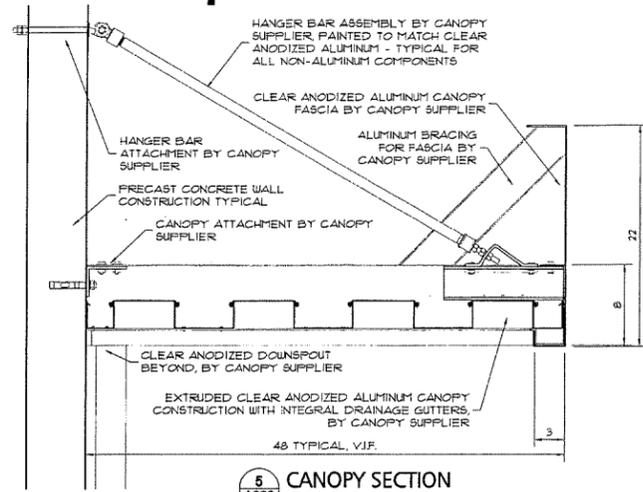


NEW NORTHWEST  
CAMPUS FOR  
**INDIANA  
BUSINESS  
COLLEGE**  
Technology Center Drive  
Indianapolis, Indiana  
**FLOOR PLAN**

Date:	Issue:
12-15-04	PRELIMINARY REVIEW
12-22-04	OWNER REVIEW

**GENERAL NOTES:**

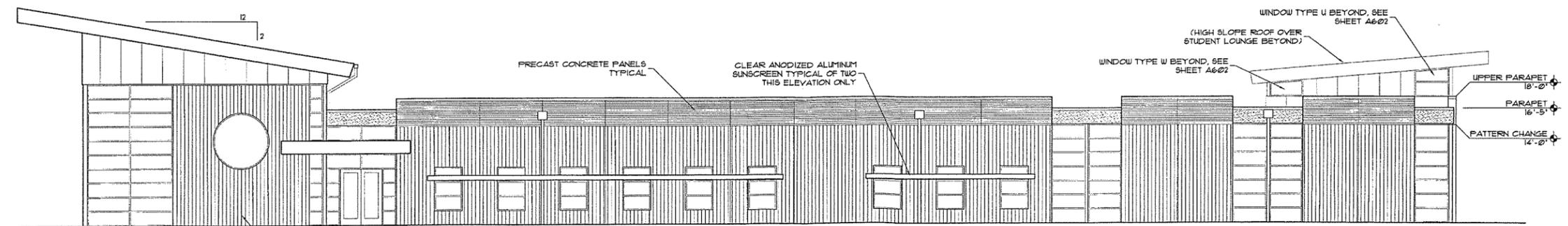
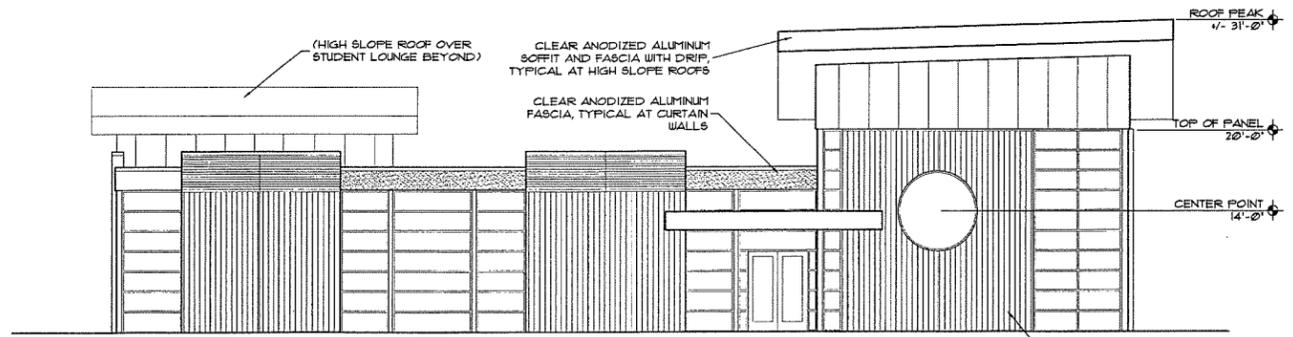
1. ALL WORK IS TO BE COMPLETED IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, RULES, REGULATIONS, AND STANDARDS INCLUDING BUT NOT LIMITED TO THE INDIANA BUILDING CODE, THE INDIANA HANDICAPPED CODE, THE INDIANA PLUMBING, MECHANICAL, AND ELECTRICAL CODES, THE INDIANA FIRE CODE, THE AMERICANS WITH DISABILITIES ACT (ADA), AND APPLICABLE TRADE STANDARDS. ALL APPLICABLE RULES AND REGULATIONS ARE TO BE THE MOST CURRENT ADOPTED EDITION.
2. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL CONDITIONS AND DIMENSIONS PRIOR TO START OF WORK. REPORT ANY DISCREPANCIES TO THE ARCHITECT/DESIGNER IMMEDIATELY.
3. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL STATE AND LOCAL PERMITS REQUIRED FOR THE COMPLETION OF THE PROJECT.
4. ALL WORK IS TO BE COORDINATED BY THE GENERAL CONTRACTOR TO ASSURE ADEQUATE FIT, FINISH, SYSTEM OPERATION, AND FULL COMPLETION OF THE WORK, INCLUDING SERVICE REQUIREMENTS OF THE OWNER'S FIXTURES, FURNISHINGS, AND EQUIPMENT.
5. UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO THE FINISHED FACE OF WALLS.
6. ALL DIMENSIONS REQUIRED ARE SHOWN ON THE DRAWINGS. ANY DIMENSIONS NOT SHOWN OR DEEMED QUESTIONABLE ARE TO BE VERIFIED WITH THE ARCHITECT.



**EXTERIOR ELEVATION TYPICAL MATERIAL NOTES:**

(TYPICAL UNLESS NOTED OTHERWISE)

1. EXTERIOR WALLS: INTEGRALLY COLORED ARCHITECTURAL PRECAST CONCRETE PANELS WITH TWO DIFFERENT FORMLINER PATTERNS, ONE UP TO THE 14'-0" ELEVATION AND THE OTHER ABOVE THE 14'-0" ELEVATION, UNLESS INDICATED OTHERWISE. PATTERNS AND COLOR TO BE SELECTED BY ARCHITECT.
2. CURTAIN WALLS: THERMALLY IMPROVED CLEAR ANODIZED ALUMINUM FRAMES WITH BLUE TINTED LOW-E INSULATED GLAZING.
3. DOORS: CLEAR ANODIZED ALUMINUM FRAMES WITH BLUE TINTED LOW-E INSULATED GLAZING. SEE DOOR SCHEDULE FOR HARDWARE TYPES, LOCATIONS AND FINISHES.
4. WINDOWS: THERMALLY IMPROVED CLEAR ANODIZED ALUMINUM FRAMES WITH BLUE TINTED LOW-E INSULATED GLAZING.
5. LOW-SLOPE ROOFING: FULLY-ADHERED SINGLE-PLY EPDM MEMBRANE ROOFING AND FLASHING OVER EXTRUDED POLYSTYRENE INSULATION ON CORRUGATED METAL ROOF DECK.
6. HIGH-SLOPE ROOFING: FULLY-ADHERED SINGLE-PLY PVC MEMBRANE ROOFING AND FLASHING ON 1/4 INCH SEPARATION BOARD OVER EXTRUDED POLYSTYRENE INSULATION ON CORRUGATED METAL ROOF DECK. ROOFING COLOR: LIGHT GRAY.
7. COPINGS, DRIP EDGES, FLASHINGS, FASCIAS AND SOFFITS: CLEAR ANODIZED ALUMINUM.
8. SCUPPERS AND DOWNSPOUTS: 12" W x 12" H x 8" D CLEAR ANODIZED ALUMINUM SCUPPER BOXES WITH OVERFLOW OPENINGS AND 4" W x 3" D CLEAR ANODIZED ALUMINUM DOWNSPOUTS. PROVIDE PRECAST CONCRETE SPLASHBLOCKS AT ALL DOWNSPOUT OUTLETS AT LANDSCAPED OR UNPAVED AREAS. PROVIDE BELOW GRADE SCHEDULE 40 PVC DRAINAGE PIPING, RUN TO LIGHT THRU CURBING, AT PAVED AREAS.



**ROWLAND DESIGN INC.**  
 Architecture  
 Graphic Design  
 Interior Design

701 East New York Street  
 Indianapolis, Indiana 46202  
 Phone: (317) 636-3980  
 Fax: (317) 263-2073  
 www.rowlanddesign.com

INDIANAPOLIS LOUISVILLE

**NEW NORTHWEST CAMPUS FOR INDIANA BUSINESS COLLEGE**  
 Technology Center Drive  
 Indianapolis, Indiana  
 EXTERIOR ELEVATIONS AND DETAILS

Date:	Issue:
12-15-04	PRELIMINARY REVIEW
12-22-04	OWNER REVIEW

Drawn By: RDI  
 Scale: As Noted  
 Project Number: 4289-02

**A320**

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:  
This use will allow for the productive re-use of an existing vacant building by renovating it into an ambulatory surgery center for most all medical practices, which will serve the medical needs of the community. The exterior and footprint of the existing building will not be altered except for signage.
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:  
The property is located in the Northwest Technology Center and is adjacent to businesses that could potentially benefit from the proposed use, and the exterior and footprint of the existing building will not be altered except for signage. This reuse of a current vacant building will add value back to the business park.
3. The need for the variance arises from some condition peculiar to the property involved and the condition (**is / is not**) due to the general conditions of the neighborhood because:  
The property is part of the larger Northwest Technology Center which is zoned I-1 (Rural), but this site used to be a veterinary school and is ideally located to provide medical ambulatory surgery services to the area, and there are already current medical office uses in the Center under use variances, and the variance grant would allow for the reuse of a vacant building that was also not an industrial use.
4. The strict application of the terms of the zoning ordinance (**does / does not**) constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because:  
The zoning ordinance would not permit this proposed medical office use in this part of the Town due to it being zoning I-1 (Rural), even though there are other medical office uses in the Center, and this is an ideal location with good road network connectivity to serve the community.
5. The grant (**does / does not**) interfere substantially with the Comprehensive Plan because:  
The Comprehensive Plan proposes an Industrial Research-Technology land use for this property, which is a compatible land use category for the proposed ambulatory surgery center as a medical office use.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

\_\_\_\_\_



Mark D. Amos  
Property Manager  
6100 West 96th Street, Suite 150  
Indianapolis, IN 46278  
Office (317) 344-7332  
Cell (317) 590-3916  
[browninginvestments.com](http://browninginvestments.com)

August 20, 2020

Zionsville Board of Zoning Appeals  
c/o Zionsville Town Hall  
1100 West Oak Street  
Zionsville, IN 46077

**VIA U.S. MAIL**

Re: Proposed Petition for Use Variance - Docket #2020-25-UV

Dear Board of Zoning Appeals Members:

On behalf of Browning Investments, the developer and declarant of Northwest Technology Center, I am providing to you this letter of support for Innovative Partners, LLC's Petition for a Use Variance to allow for an ambulatory surgery center in our Center which is zoned Industrial One Rural Zoning District (I-1). This Petition is before you under Docket # 2020-25-UV.

The property involved in this Petition is commonly known as 6300 Technology Center Drive, Indianapolis, IN 46278, and is located within Browning's Northwest Technology Center.

I ask for your favorable vote on this Petition at your Wednesday, September 2, 2020 Board of Zoning Appeals Public Hearing.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Mark D. Amos'.

Mark D. Amos  
Property Manager



**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, September 2, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077, to consider the following Petition:

Docket # 2020-25-UV: Petitioner, Innovative Partners, LLC, requests a Use Variance to allow for an Ambulatory Surgery Center Use, providing for most all medical practices, in an Industrial One Rural Zoning District (I-1). The Ambulatory Surgery Center would be provided within the existing structure.

The property involved is more commonly known as: 6300 Technology Center Drive, Indianapolis, IN 46278 and is legally described as:

Lot Numbered Nine (9) in Replat of Lot 9 and Lot B of Lot 2 Northwest Technology Center, an addition in Boone County, Indiana, as per plat thereof recorded February 2, 2005 in Book 15 Page 46 as Instrument Number 0501312 in the Office of the Recorder of Boone County, Indiana. TOGETHER with those non-exclusive easements for ingress, egress, utilities, drainage and signage as created and granted in a Declaration of Covenants and Easements, dated May 6, 1999 and recorded May 6, 1999 as Instrument No. 99-5722 in the Office of the Recorder of Boone County, Indiana. ALSO, TOGETHER with a non-exclusive easement for parking spaces as created and granted in a Parking Easement Agreement, dated March 11, 2005 and recorded August 1, 2005 as Instrument No. 0508908 in the Office of the Recorder of Boone County, Indiana.

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

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

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form 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](mailto: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



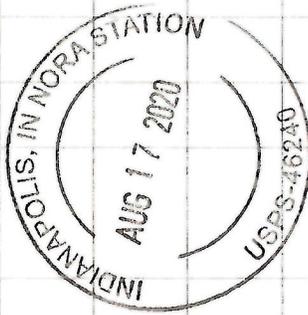
Name and Address of Sender  
 Faegre Drinker Biddle & Reath, LLP  
 600 E. 96<sup>th</sup>, Suite 600  
 Indianapolis, IN 46240

Check type of mail or service:  
 Certified  
 COD  
 Delivery Confirmation  
 Express Mail  
 Insured

Recorded Delivery (International)  
 Registered  
 Return Receipt for Merchandise  
 Signature Confirmation

Affix Stamp Here  
 (If issued as a  
 certificate of mailing,  
 or for additional  
 copies of this bill)  
 Postmark and  
 Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1	Lafayette Investment Partners 6500 Technology Center Dr #300 Indianapolis, IN 46278	0.50	.47									
2	NFA II LLC 6100 W 96TH ST STE 150 Indianapolis, IN 46278	0.50	.47									
3	NTC ASSOCIATES LLC 6100 W 96TH ST SUITE 150 Indianapolis, IN 46278	0.50	.47									
4	S & H DEVELOPMENT LLC C/O BACK PO BOX 194 Carmel, IN 46082	0.50	.47									
5	TCD ASSOCIATES LLC 6100 W 96TH ST SUITE 150 Indianapolis, IN 46278	0.50	.47									
6	TCD ASSOC LLC c/o BROWNING INV 6100 W 96th ST STE 150 Indianapolis, IN 46278	0.50	.47									
7	Clark Packer, Deputy Commissioner INDOT Greenfield District 32 South Broadway Greenfield, IN 46140	0.50	.47									
8	NorthPark Community Credit Union 5965 W Technology Center Drive Indianapolis, IN, 46278	0.50	.47									



Total Number of Pieces Listed by Sender: 8  
 Total Number of Pieces Received at Post Office: 8  
 Postmaster, Per (Name of receiving employee):  
 Complete by Typewriter, Ink, or Ball Point Pen

PS Form 3877, February 2002  
 CLIENT/MATTER: Innovative Partners, LLC - Zionsville Surgery Center  
 DMS US 128946072.1

Attribute report for active ID 1

ID name	add1	add3
36778 LAFAYETTE INVESTMENT PARTNERS	6500 TECHNOLOGY CENTER DR #300	INDIANAPOLIS, IN 46278
36790 NFA II LLC	6100 W 96TH ST STE 150	INDIANAPOLIS, IN 46278
36794 NTC ASSOCIATES LLC	6100 W 96TH ST SUITE 150	INDIANAPOLIS, IN 46278
36968 S & H DEVELOPMENT LLC C/O BACK PO BOX 194		CARMEL, IN 46082
36969 S & H DEVELOPMENT LLC C/O BACK PO BOX 194		CARMEL, IN 46082
37035 NTC ASSOCIATES LLC	6100 W 96TH ST, STE 150	INDIANAPOLIS, IN 46278
37036 TCD ASSOCIATES LLC	6100 W 96TH ST SUITE 150	INDIANAPOLIS, IN 46278
37066 TCD ASSOC LLC C/O BROWNING INV	6100 W 96th ST STE 150	INDIANAPOLIS, IN 46278

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Faegre Drinker Biddle & Reath LLP  
600 E. 96th Street, Suite 600  
Indianapolis, Indiana 46240

519707.1

NorthPark Community Credit Union  
5965 W Technology Center Drive  
Indianapolis, IN, 46278



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600 E. 96th Street, Suite 600  
Indianapolis, Indiana 46240

519707.1

Clark Packer, Deputy Commissioner  
INDOT Greenfield District  
32 South Broadway  
Greenfield, IN 46140



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TCD ASSOCIATES LLC  
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Lafayette Investment Partners  
6500 Technology Center Dr #300  
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600 E. 96th Street, Suite 600  
Indianapolis, Indiana 46240

519707/1

NFA II LLC  
6100 W 96TH ST STE 150  
Indianapolis, IN 46278



**AFFIDAVIT OF PUBLICATION**

**STATE OF INDIANA**  
**County of Boone**

**City of Lebanon**

**ISSUED:**

The subscriber, being duly sworn, deposes and says that  
he (she) is the said Annette Burcharts of THE LEBANON REPORTER  
and that the foregoing notice for

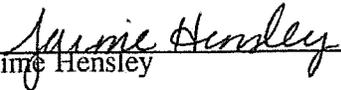
**MARK LEACH**

was published in said newspaper in one editions  
of said newspaper issued between 08/20/2020 and 08/20/2020

Cost: 62.15

  
\_\_\_\_\_

**SUBSCRIBED AND SWORN BEFORE ME THIS 20th day of August, A.D. 2020**

  
\_\_\_\_\_

**Notary Public Seal, State of Indiana**



## Public Notices

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Chairman: John Wolff  
Secretary: Wayne DeLong  
TLR-491 8/20 hspaxlp 1660026